

J 2020



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1 INTRODUCTION

This Guideline relates to State Planning Policy 3.2 – Aboriginal Settlements (SPP 3.2).

This Guideline replaces the following:

- Aboriginal Settlements Guideline 1 – Layout Plans
- Aboriginal Settlements Guideline 2 – Provision of Housing and Infrastructure
- Aboriginal Settlements Guideline 3 – Exclusion Boundaries
- Planning Bulletin 108/2013 – Layout Plans

SPP 3.2 aims to:

- provide for the recognition of Aboriginal settlements through local planning schemes and strategies.
- collaboratively plan for the orderly and coordinated development of Aboriginal settlements.

A primary outcome of SPP 3.2 is the preparation and validation of Layout Plans for Aboriginal settlements. A Layout Plan comprises a background report, map-set and provisions.

This Guideline does not negate the need to secure all relevant consents, approvals, licences and clearances prior to commencing development. Layout Plans prepared prior to 2011 may include their own unique set of provisions specific to that settlement. If there is any inconsistency between a unique set of provisions and this Guideline, the latter is to prevail.

1.1 Purpose

The purpose of this Guideline is to: provide detailed guidance on a range of matters relevant to SPP 3.2, to assist with the implementation of the policy.

1.2 Policy framework

The State Planning Framework is the basis for coordinating and promoting land use planning, transport planning and land development in a sustainable manner, and for the guidance of public authorities and local governments.

State planning policies provide the highest level of planning policy control and guidance in Western Australia. They are prepared under Part 3 of the *Planning and Development Act 2005*. Guidelines form part of the State Planning Framework and provide detailed guidance on the application of policies.

SPP 3.2 states that Guidelines may be prepared to address a range of matters relevant to the policy, including the preparation and implementation of Layout Plans and the provision of housing and infrastructure on Aboriginal settlements.

2 LAYOUT PLANS

Section 6 of SPP 3.2 prescribes the requirement for all Aboriginal settlements to have a Layout Plan. Provision 6.3 requires that Layout Plans are to comprise:

- provisions.
- map-set.
- background report.

Layout Plans are planning instruments that are prepared and endorsed under SPP 3.2.

SPP 3.2 outlines the background relevant to the establishment and growth of Aboriginal settlements in Western Australia, including defining what Aboriginal settlements are and why Layout Plans are the appropriate planning instrument to guide their development.

State agencies and authorities are the predominant proponent of housing and infrastructure for Aboriginal settlements. Development is required to be in accordance with an endorsed Layout Plan.

SPP 3.2 requires that Layout Plans reflect the aspirations of the resident community and traditional owners based on sound land-use planning principles including consideration of known cultural, environmental, economic, tenure and infrastructure constraints, opportunities and requirements.

2.1 Provisions

The Provisions are used to interpret the Layout Plan map-set and background report.

This Guideline has the effect of being the provisions-by-reference for all Layout Plans.



2.2 Map-set

Layout Plan map-sets are to include a range of relevant supporting data and are to be of a unified standard, and should define:

- land-use categories.
- Settlement layout lots.
- Settlement layout roads.

2.2.1 Settlement layout lots

Layout Plan map-sets include a land administration category called 'Settlement layout lot (SL-lot)'.

Cadastral and land tenure on Aboriginal settlements does not generally match the natural or built environment. Typically, an Aboriginal settlement will be on a number of large inarticulate freehold and/or Crown Reserve Lots.

SL-lots define portions of land that match discrete land-uses. Both existing and future land-uses may be defined in this manner. Every SL-lot is to be provided with a unique identifier, that is an SL-lot number.

SL-lots do not meet the definition for 'Lot' within the *Planning and Development Act 2005*. SL-lots and SL-roads are not defined to survey standards and do not form a part of the State's cadastre.

2.2.2 Settlement layout roads

In the absence of dedicated roads, 'Settlement layout road (SL-road)' is the land administration category that defines the road network on Aboriginal settlements. Every defined SL-road should be provided with a unique identifier that is an SL-road name. See section 2.3 for naming conventions.

SL-roads should be assigned the 'roadway' land-use category.

SL-roads do not meet the definition for 'road' within the *Planning and Development Act 2005*. SL-roads are not defined to survey standards and do not form a part of the State's cadastre.

2.2.3 Land-use categories

Layout Plans define the permissibility of land-use and development. The land-use categories to be referenced on Layout Plans are defined and explained in Table 1 – Land-use Categories.

Table 1 prescribes the objective and permitted development/s for the land-use category. Land-use control is determined by cross-referencing the land-use category allocated to the SL-lot on the map-set with Table 1.

Development may be permitted where it is incidental to the predominant land-use. The list of permitted developments for each land-use category is not exhaustive. If a development is not specifically mentioned and cannot reasonably be determined as falling within a definition within this Guideline, then it may be permitted if it is deemed to be consistent with a land use category objective.

2.3 Background report

Layout Plan background reports are to be of a unified standard, and are to:

- Provide the context.
- Plan strategic directions.
- Record endorsements, amendments and consultation.

The background report profile of an Aboriginal settlement is to broadly describe the existing situation, including population estimates and forecasts.

The background report elements that plan strategic directions should include community aspirations, developer intentions and future infrastructure location.

The background report recording of endorsements and amendments should include the corporation seals, if applicable.

2.4 Process

SPP 3.2 outlines the process for Layout Plan preparation, consultation, endorsement and amendment. SPP 3.2 provides that the resident community has the primary authority over the endorsement of a Layout Plan.

SPP 3.2 outlines the background relevant to the establishment and growth of Aboriginal settlements, including defining what Aboriginal settlements are and why Layout Plans are the appropriate planning instrument to guide their development.

State agencies and authorities are the predominant proponent of housing and infrastructure within Aboriginal settlements.

Development is required to be in accordance with an endorsed Layout Plan. If the proposed development is not in accordance with a Layout Plan, the proponent may apply for the Layout Plan to be amended to match the development proposal.



2.4.1 Endorsement

Layout Plans are a valid planning instrument if endorsed by the resident community, Traditional Owners, local government and Western Australian Planning Commission (WAPC), in accordance with SPP 3.2.

With regard to traditional owners and local governments, SPP 3.2 provides that 'best endeavours' are to be made to secure endorsement. 'Best endeavours' is interpreted as being consistent attempted meaningful engagement in written and personal form for a period up to six months.

2.4.2 Ratification

In some instances, Layout Plans may remain in draft form. Although a Layout Plan may not be endorsed, a draft version is still required for each Aboriginal settlement.

SPP 3.2 provides that the resident community has the primary authority over the endorsement of a Layout Plan. If a resident community declines to endorse a Layout Plan that plan may not be endorsed by any other party, including the WAPC. This can be problematic for state agencies and authorities as the absence of a validated agreed spatial framework can result in uncoordinated delivery of housing and infrastructure development. This can result in inefficient and problematic housing and services delivery.

Where a Layout Plan has been prepared and not endorsed by the resident community, but best endeavours have been made to secure that endorsement the WAPC may determine to ratify the draft Layout Plan as a suitable framework for the coordination of housing and infrastructure development.

A ratified draft Layout Plan may be varied in the same manner as an amendment to an endorsed Layout Plan. However, the change will be recorded as a version, as distinct from an amendment.

Following ratification of a draft Layout Plan best endeavours should continue to be made to consult with the resident community to secure endorsement. This may include substantial revisions to the ratified draft.

2.4.3 Amendments

SPP 3.2 provides that an endorsed Layout Plan may be amended at the request of any interested party, subject to the application of provisions 6.9 to 6.12 of SPP 3.2.

Pre-lodgement discussions are strongly encouraged, to ensure that the proposal is appropriate and compliant with relevant standards and requirements.

2.4.4 Minor amendments

If an amendment is considered to be minor, it may be completed without the application of provisions 6.9 to 6.12 of SPP 3.2, other than the requirement for endorsement by the WAPC.

For the purpose of this provision, a minor amendment is considered to be proposed changes to the Settlement layout lots, settlement layout roads or the land-use categories that:

- do not substantially alter the existing extent and/or locality of the following land-use categories: residential; community; commercial; industrial; recreation; public utility; drinking water source protection area; cultural heritage protection; roadway; or; pedestrian access way.

- do not cause risk to the health and wellbeing of existing and/or future residents.
- do not manifest or create the occurrence of existing and/or future incompatible land-uses.

2.4.5 Review

Layout Plans will generally require review with an expectation of replacement within 15-years of WAPC endorsement. Best endeavours should be made to engage with the resident community to agree to commence preparation of a new Layout Plan within that period.

If a resident community does not want to prepare a new Layout Plan the authorised Layout Plan shall remain valid, and should be thoroughly reviewed and amended.

2.5 Names

Places and infrastructure on Aboriginal settlements are often not named appropriately or legally.

Due to the particular circumstances of remote Aboriginal communities Layout Plans have become an important vehicle to enable resident communities and traditional owners to express their preferences for names of places and infrastructure within communities. Layout Plans may include informal naming of places and infrastructure to best reflect the intentions and desires of the resident community, including naming SL-roads and places such as parks, community facilities and natural features.

All SL-roads should be uniquely identified, ideally with names provided by the resident community. If such names are not provided, SL-roads should be named by number, as an interim measure.

Layout Plans may include the names of places and infrastructure if requested by the resident community.

2.6 Exclusion boundaries

Exclusion boundaries aim to improve the health and amenity of people living, visiting and working on Aboriginal settlements by promoting the separation of existing and proposed incompatible land-use activities.

Government agencies and authorities at commonwealth, state and local levels have employed a range of non-statutory 'separation distances' and 'exclusion boundaries' for land uses in Western Australia. Many existing exclusion boundaries are not relevant to the infrastructure and development needs of Aboriginal settlements.

The exclusion boundary distances prescribed in this Guideline have a high regard to existing relevant policy on this matter, including the 'Guidance for the deSengontries'.

2.5.1 Rationale

Exclusion boundaries provide a practical easily used reference tool that defines minimum separation distances between incompatible land-use activities on Aboriginal settlements.

An objective is to establish a consistent, appropriate and effective approach to the application of land use separation on Layout Plans.

2.5.2 Measurement

For the purpose of this Guideline, two methods of measuring exclusion boundaries have been defined: radius and perimeter. These apply to different use types, dependent upon the characteristics of that use.

A **'perimeter exclusion boundary'** is an irregular shaped exclusion boundary measured from the outer edge of a facility. It applies to spatially large uses such as wastewater treatment ponds and rubbish tips.

A **'radius exclusion boundary'** is a concentric circle centred on either a specified element of facility, or from a point approximating the middle of the facility or use. It applies to easily identified spatially small uses such as water bores, and wastewater pumping stations.

An **'abstract exclusion boundary'** is an open line that defines the general extent of a 'no-go' area. A 'no-go' area is a culturally significant area that is not suitable for land use or development change and which may have access restrictions. Abstract exclusion boundaries are intentionally ill-defined.

2.5.3 Application

The exclusion boundary distances specified in this Guideline are generic and broad. They are based on consideration of the quantifiable adverse effects of land-uses on health and consideration of the amenity requirements of sensitive land-uses.

The exclusion boundaries specified in this Guideline are intended for use only in the absence of place specific analysis. Where there is any inconsistency between this Guideline and a place-specific solution the latter prevails.

Exclusion boundaries are not required to be applied to the following land use categories: rural; open space; visitor camping; roadway, and; pedestrian access way.

A Public Drinking Water Source Area (PDWSA) identified under the *State Planning Policy 2.7 – Public Drinking Water Source framework* is the most appropriate form of drinking water source recognition and protection. The correlation between drinking water source areas and the location of wastewater treatment ponds and rubbish tips is fundamental to the sustainability of Aboriginal settlements. Wastewater treatment ponds and rubbish tips are essential infrastructure, which if poorly sited can irreversibly contaminate ground or surface-based drinking water sources.

2.5.4 No-go exclusion boundaries

A 'no-go' area is a culturally significant area that is not suitable for land use or development change and which may have access restrictions. As with all exclusion boundaries, 'no-go' areas are determined using best available data. In some instances, this may be verbal information provided by the resident community or

3 SUBDIVISION AND DEVELOPMENT



4 HOUSING AND INFRASTRUCTURE PROVISION

The development of Aboriginal settlements has largely occurred outside normal State and local government planning and regulatory requirements. The provision of capital infrastructure has also not always been supported by adequate recurrent funding or access to other government services and technical expertise. As a result, many Aboriginal settlements have developed in inappropriate locations and experience poor physical and social conditions. The lack of access to services and isolation from the mainstream economy has compromised community safety and wellbeing, and inhibited the choices and opportunities available to residents.

Tables 3 and 4 are intended to offer a broad guide when characterising a community, and are not intended to replace comprehensive and meaningful consultation and analysis.

4.1 Assessment

Table 3 - Housing and Infrastructure Assessment - provides a list of indicators for equitably assessing the capacity that an Aboriginal settlement may have. It identifies indicators that can serve to characterise an Aboriginal settlement for the purpose of prioritising and coordinating housing and infrastructure.

Table 3 identifies 15 indicators that have been categorised as either 'development essentials' or 'place and planning characteristics'. The 'development essentials' indicators are those characteristics that determine the level of

complexity likely to be experienced when implementing housing and infrastructure development proposals. The 'place and planning' indicators are those characteristics that determine the basic level of amenity experienced by the residents of a community. Risk, interpreted through the table is quantified as a rating of 0 to 100.

Table 4 – Housing and Infrastructure Characterisation infers a characterisation of the community based on the rating resultant from an assessment under Table 3.

4.2 Application

State agencies and authorities responsible for the provision of housing and infrastructure may have regard to the matrix when determining prioritisation and coordination of service delivery to Aboriginal settlements.

Table 1 – Land-use categories

Land-use		



Table 3 – Housing and infrastructure assessment (cont.)

Place and planning	Indicator	Low risk (10)	Medium risk (5)	High risk (0)
	6. Emergency Services	Emergency services no more than 30 minutes total travel time AND Reliable telecommunications services.	Emergency services greater than 30 minutes but no more than two hours total travel time OR Unreliable telecommunications services.	Emergency services more than two hours total travel time OR No telecommunications service.
	7. Education	School no more than 30 minutes reliable road access OR Alternative school service (such as distance education) available.	School greater than 30 minutes but no more than one hour reliable road access.	School more than one hour reliable road access OR No alternative school service (such as distance education) available.
	8. Health	Full-time clinic within 30 minutes reliable road access	Part-time clinic within 30 minutes reliable road access OR Full-time clinic greater than 30 minutes but no more than one hour reliable road access OR Regular professional outreach service available.	Clinic (full-time or part-time) more than 1 hour reliable road access OR Regular professional outreach service not available.
	9. Food	Shop no more than 30 minutes reliable road access AND/OR Year round alternative food sources proximate to Aboriginal settlement.	Shop greater than 30 minutes but no more than one hour reliable road access AND/OR Seasonal alternative food sources proximate to Aboriginal settlement.	Shop more than one hour reliable road access AND/OR Alternative food sources not proximate to Aboriginal settlement.
	10. Transport	Reliable road access to regional centre OR District airstrip no more than 30 minutes reliable road access. OR Reliable barge service.	Road access to regional centre known to become seasonally cut-o for periods of no more than two consecutive weeks OR District airstrip greater than 30 minutes but no more than 2 hours reliable road access.	Road access to regional centre known to become seasonally cut-o for periods of more than two consecutive weeks OR District airstrip more than 2 hours reliable road access.
	11. Waste Services	Waste is disposed of in regulated rubbish tip AND There is a regular and reliable rubbish service.	Waste is disposed of in an unregulated rubbish tip that is in a location that complies with relevant government policy AND There is a regular and reliable rubbish service.	Waste is disposed of in an unregulated rubbish tip that is in a location that does not comply with relevant government policy.
	12. Employment and enterprise	No more than one hour total travel time from an established job market OR Community organisation or individuals and families have existing enterprises.	Greater than one hour but no more than two hours total travel time from an established job market OR Community organisation or individuals and families have potential enterprises.	More than two hours total travel time from an established job market OR Community organisation or individuals and families have no existing or potential enterprises.



Table 3 – Housing and infrastructure assessment (cont.)

	Indicator	Low risk (10)	Medium risk (5)	High risk (0)
Place and planning	13. Governance	Community organisation incorporated under appropriate legislation AND Community organisation meeting regulatory requirements and has sufficient administrative support.	Community organisation has recent or current management and/or governance difficulties OR Community organisation is under administration and/or other external management intervention.	Community organisation does not meet regulatory requirements OR Community organisation has inadequate administrative support OR Government agencies and service providers are unable to engage effectively with the community organisation to plan and implement service delivery.
	14. Aboriginal heritage	A heritage survey(s) has been completed for the full extent of the settlement area and incorporated into the Layout Plan.	A heritage survey(s) has been completed for the full extent of the settlement area.	A heritage survey has not been completed for the full extent of the settlement area.
	15. Planning	A Layout Plan has been prepared and endorsed under SPP 3.2	A Layout Plan has been prepared under SPP 3.2, but has not been endorsed.	A Layout Plan has not been prepared under SPP 3.2.
Totals		100	50	0



Table 4 – Housing and infrastructure ratings

Rating		Characterisation	Prioritisation and Coordination
100 to 75.1	developed	Housing and infrastructure development has a high probability of: <ul style="list-style-type: none"> • Contributing to the provision of a high standard of living for residents. • Maximising returns on government investment. 	High priority target for government funded housing and infrastructure development. Coordinate housing and infrastructure investment to maximise efficiencies.
75 to 50.1	developing	Housing and infrastructure development has a high to medium probability of: <ul style="list-style-type: none"> • Contributing to the provision of a high standard of living for residents. • Maximising returns on government investment. 	High to medium priority target for government funded housing and infrastructure development. Coordinate housing and infrastructure investment to maximise efficiencies. Prioritise resolving low-rated indicators prior to or as part of any significant housing investment.
50 to 25.1		Housing and infrastructure development has a medium to low probability of: <ul style="list-style-type: none"> • Contributing to the provision of a high standard of living for residents. • Maximising returns on government investment. 	Medium to low priority target for government funded housing and infrastructure development. Limit investment to essential services infrastructure investment that is critical to maintenance of existing provision. Housing and infrastructure investment should not proceed until government and community organisation have an agreed approach* to increase the probability of that investment. Contributing to the provision of a high standard of living for residents. Maximising returns on government investment.
25 to 0	Under-developed	Housing and infrastructure development has a low probability of: <ul style="list-style-type: none"> • Contributing to the provision of a high standard of living for residents. • Maximising returns on government investment. 	Low priority target for government funded housing and infrastructure development. Housing and infrastructure investment should not proceed until government and community organisation have an agreed* approach to increase the probability of that investment. Contributing to the provision of a high standard of living for residents. Maximising returns on government investment.

* Agreed approach options include development prioritisation, alternative accommodation options and innovative service arrangements.

NOTE: Low ratings may also be a result of unknown or unreliable data. If this is the case, data collection and analysis should be prioritised.



Flood	Temporary inundation of land that is not normally under water, including by means of tide, storm surge and river flow, but not including inundation that is caused by an inadequate settlement area drainage system;	Mitigation measures	Strategies, including infrastructure, physical works and management plans, intended to prevent or lower the impact of flooding;
Fuel depot	Premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for personal use of such fuel from the premises;	Motel	Premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles;
Fuel storage	A licenced facility for holding any generally available fossil fuel, including diesel, opal, petrol and liquid petroleum gas;	Motor vehicle repair	Premises used for or in connection with – Electrical and mechanical repairs, or overhauls, to vehicles or Repairs to tyres But does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
Full-time clinic	A primary health service with at least one healthcare professional (such as a doctor or trained nurse) available for at least 5 days every week.	Office	Means premises used for administration, clerical, technical, professional or other like business activities;
Health care centre	Premises by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);	Outreach service	An organisation which provides a primary health service to people who cannot easily access a hospital or general practice, generally due to prohibitive distances, by the transport of a healthcare professional (such as a doctor or a trained nurse for regular clinical visits to remote areas. Examples include Yara Yungi Aboriginal Medical Service and Ord Valley Aboriginal Health Service.
House	Building or portion of a building being used, adapted or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family;	Part-time clinic	A primary health service with at least one healthcare professional (such as a doctor or a trained nurse) available for at least 2 days every week;
Industry	Premise used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land-used for – The storage of goods; The work of administration or accounting; The selling of goods by wholesale or retail; or The provision of amenities for employees, Incidental to any of those industrial operations;	Pedestrian access way	Means a path, track or walkway used by pedestrians to commute from one location to another;
Infrastructure	Any non-housing related assets that are or will be fixed to the land;	Projected future growth	The 'design population' specified in the Layout Plan, or alternatively an agreed estimate of the likely total population of the Aboriginal settlement within the next 5 to 15 years;
		Power station	A compound containing internal combustion engine generators and associated equipment used for generation of electricity and including associated infrastructure such as fuel storage tanks;
		Recreation	Premises used for indoor or outdoor leisure, recreation or sport. Includes park, swimming pool, playground, rodeo ground, sporting facility;

Regional centre	A town or Aboriginal community that has a range of relatively higher order services and facilities, including banking, local government offices, service industries and general shopping. Such places include, but are not limited to: Halls Creek, Fitzroy Crossing, Broome, Derby, Kununurra, Port Headland, Newman, Meekatharra, Carnarvon, Karratha, Wyndham, Warburton and Kalgoorlie;
Regular and reliable rubbish service	A solid waste kerbside collection service that operates no less than 1 pick-up per week, 52 weeks per year;
Regulated rubbish tip	A solid waste disposal site that has all relevant approval(s) and licence(s) to be used for that purpose;
Reliable barge service	A commercial barge company that has the capacity to service the Aboriginal settlement regularly during the wet season and there is suitable barge landing facility;
Reliable road access	A sealed or graded unsealed road that can be driven on all year and in most weather conditions;
Residential quarters	Means a building or portion of a building being used, adapted or designed or intended to be used for the purpose of human habitation. Includes single persons quarters, aged persons quarters;
Road	Road that has been designed and constructed for use by pedestrians and motorised vehicles and is formed by compacted gravel, road base, bitumen or any other durable material. Includes drainage infrastructure such as culverts, causeways, drains;
Rubbish disposal	Means land used to accommodate any part of the infrastructure associate with the disposal of solid waste;
Rubbish tip	A designated area used for the disposal of putrescible waste;

Rural pursuit	Means any premises used for – The rearing or agistment of animals; The stabling, agistment or training of horses; The growing of trees, plants, shrubs or flowers for replanting domestic, commercial or industrial gardens; or The sale of produce grown solely on the lot; But does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;
School	Early childhood and primary school facility(s)
Secure and appropriate land tenure	Fee simple or Crown land title(s) that is held by an individual, organisation or government agency/authority with responsibility for the development and maintenance of the use(s) existing or proposed for that land.

Shop	<p>Premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist); and</p> <p>A community store, service station, supermarket or other trading entity that is judged to be well managed and trading effectively, and has fresh food and vegetables available regularly;</p>
Storage	<p>Means premises used for the storage of goods, equipment, plant or materials;</p>
Telecommunications	<p>Means infrastructure that comprises a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with a telecommunications network;</p>
Tourist	