

INACTIVE

REPEALED 19/08/2020

1 Introduction

State Planning Policy 1 – State Planning Framework Policy provides for the preparation of operational policies to assist with the implementation of state planning policies. Operational policies supporting *State Planning Policy 3.2 – Aboriginal Settlements* (SPP3.2) are known as guidelines. Guidelines are to be endorsed by the Western Australian Planning Commission (WAPC) to have effect.

2 Purpose

The purpose of this Bulletin is to outline the process steps and operational matters regarding amendments, ratification of drafts and incorporation of 'no-go' areas onto Layout Plans that have been prepared under SPP3.2.

3 Background

Layout Plans are planning instruments that are prepared and endorsed under SPP3.2.

SPP3.2 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, in particular the Housing Authority, are the predominant proponent of housing and infrastructure on Aboriginal settlements.

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

SPP3.2 outlines the process for Layout Plan preparation, consultation, endorsement and amendment.

Land tenure on Aboriginal settlements generally does not match land use. Lots and dedicated roads do not generally exist as an administrative spatial structure supporting existing and proposed development. *Aboriginal Settlements Guideline 1 – Layout Plan Provisions* outlines the background and context to this issue, and should be read in conjunction with this Planning Bulletin. Layout Plans include a land administration construct called 'Settlement Layout lots/roads' ('SL-lots' and 'SL-roads') that identify parcels of land and roadways that match existing and proposed discrete land uses. SL-lots and SL-roads, like cadastre, may change from time to time to facilitate development outcomes, resulting in the need to amend endorsed Layout Plans.

Land use categories shown on Layout Plans identify where various land uses may most appropriately be located. *Aboriginal Settlements Guideline 1 – Layout Plan Provisions* outlines the background and context to this issue. Similar to zoning regimes on local planning schemes, changes to the land use category locations may be required from time to time to facilitate development outcomes. To achieve this, endorsed Layout Plans are required to be amended.

4 Amendment Preparation and Endorsement

SPP3.2 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 SPP3.2.

To commence preparation of an amendment to an endorsed Layout Plan the proponent must:

- Discuss the proposed amendment with the Department of Planning at inception, to ensure that the proposal is appropriate and compliant with relevant standards and requirements.
- Complete the 'Model Layout Plan Amendment Text' (see attachment 1 to this Bulletin).
- Clearly mark-up the proposed amendment on a copy of the relevant Layout Plan map-set, downloaded from the planning website (www.planning.wa.gov.au).

Note: If the proposed amendment is supported by the Department and is too substantial to be illustrated by marking-up the published map-set the proponent should discuss the possibility of a draft map-set being prepared by the Department to relevant standards.

- Seek endorsement from the resident community, traditional owners, local government and WAPC as prescribed in SPP3.2.
- Following endorsement by the WAPC the Department of Planning will administer the integration of the amendment into the endorsed Layout Plan, including updating the report and modifying the map-set.

5 Minor Amendments

SPP3.2 provides that if an amendment is considered to be minor in nature it may be completed without the application of provisions 6.9 to 6.12 of SPP3.2, other than the requirement for endorsement by the WAPC.

For the purposes of this provision, a minor amendment is considered to be proposed changes to the Settlement Layout lots/roads or the land use categories that:

- do not substantially alter the extent and/or locality of the following land use categories: residential; community; commercial; industrial; recreation; public utility; road reserve, 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.

6 Ratification of Draft Layout Plans

In some instances, Layout Plans remain in draft form. This can be for a range of reasons, usually political (failure to secure endorsement from relevant parties) or empirical (absence of data necessary to permit considered decisions). Although a Layout Plan may not be endorsed, a draft version of a Layout Plan is required for each Aboriginal settlement. This establishes the agreed spatial framework used by state agencies and authorities to deliver housing and infrastructure.

In the instance that a Layout Plan has been prepared and not endorsed by the resident community, but best endeavours have been made to secure that endorsement, including appropriate levels of consultation, the WAPC may determine to ratify the draft Layout Plan as a suitable spatial 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 the Department of Planning is to continue to make best endeavours to consult with the resident community to secure endorsement of the Layout Plan. This may include substantial revisions to the ratified draft.

7 No-go Areas

Aboriginal Settlements Guideline 3 – Exclusion Boundaries provides for ‘no-go’ exclusion boundaries, and should be read in conjunction with this Planning Bulletin. 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 Traditional Owners to the town planner preparing the Layout Plan, or it may be provided in the form of Aboriginal Heritage Surveys prepared by anthropologist and/or archaeologists with the relevant Aboriginal informants.

If an Aboriginal Heritage Survey has been prepared for part or whole of an Aboriginal settlement and the information held in that survey is pertinent to the identification of a ‘no-go’ exclusion boundary that is not shown on an endorsed Layout Plan the interpretation of that information in the form of a ‘no-go’ boundary may be prepared as a Layout Plan amendment. Such an amendment is generally considered to be minor in nature and may be completed without the application of provisions 6.9 to 6.12 of SPP3.2, other than the requirement for endorsement by the WAPC.

8 Further Information

Enquiries concerning this planning bulletin should be directed to:

Planning Manager – Aboriginal Communities

Department of Planning
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PERTH WA 6000

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PERTH WA 6001

Information relevant to this Planning Bulletin that is published at www.planning.wa.gov.au includes:

- Layout Plans for Aboriginal settlements*
- State Planning Policy 3.2 – Aboriginal Settlements*
- Aboriginal Settlements Guideline 1 – Layout Plan Provisions*
- Aboriginal Settlements Guideline 2 – Provision of Housing and Infrastructure*
- Aboriginal Settlements Guideline 3 – Layout Plan Layout Plan Exclusion Boundaries*

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This document is available in alternative formats on application to WAPC Communication Services



Planning Bulletin 108/2013 - Attachment 1

Model Layout Plan Amendment Text

When preparing a proposed amendment to a Layout Plan prepared and endorsed in accordance with *State Planning Policy 3.2 – Aboriginal Settlements*, the following text is to be used.

[insert community name] Layout Plan [insert current Layout Plan & amendment numbers]

Proposed Amendment [insert amendment number]

Proponent	:	Text here
Date	:	Text here

Reason for the Amendment

Text here

Subject Land		Changes required to Layout Plan
1.	Text here	Text here
2.	Text here	Text here

Endorsements:

[insert resident community representative organisation name]	
<i>please sign and print name</i>	Date:
[insert traditional owner representative organisation name]	
<i>please sign and print name</i>	Date:
[insert local government name]	
<i>please sign and print name</i>	Date:
Western Australian Planning Commission	
<i>please sign and print name</i>	Date:

Other Information:

This Layout Plan does not constitute development approval.

It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on site. Organisations responsible for such matters may include landowner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.