

# Aboriginal Settlements Guideline 1: Layout Plan Provisions

July 2012



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# Aboriginal Settlements Guideline 1: Layout Plan Provisions

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# Aboriginal Settlements Guideline 1: Layout Plan Provisions



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## 1 Introduction

- 1.1 These Layout Plan Provisions (hereinafter called “the Provisions”) apply to Layout Plans prepared under State Planning Policy 3.2 Aboriginal Settlements (SPP 3.2). SPP 3.2 states that a Layout Plan is comprised of a background report, map-set and provisions. The Provisions should be read in conjunction with the background report and map-set which also comprise a Layout Plan.

## 2 Purpose

- 2.1 The purpose of the Provisions is to establish a textual reference that interprets the Layout Plan map-set, and provides guidance on the development of land.

## 3 Application

- 3.1 The Provisions apply to all Layout Plans (also known as “Community Layout Plans”) prepared under SPP 3.2.
- 3.2 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 the Provisions contained in this document, the former is to prevail.
- 3.3 Layout Plans map-sets prepared prior to 2011 may also contain land use categories that are not included in the Provisions. These Layout Plans will be reviewed and standardised in due course.

## 4 Settlement Layout Lots

- 4.1 Layout Plans map-sets include a land administration category called ‘Settlement Layout’. The purpose of this category is to provide a layer of land administration at a scale that matches the discrete land uses that together comprise an Aboriginal settlement.
- 4.2 Under the ‘Settlement Layout’ category, portions of land are defined that match discrete land uses. Both existing and future land uses are defined. These defined portions are referred to as ‘Settlement Layout Lots’ (SL-lots). Every SL-lot is provided with a unique identifier, being an SL-lot number.
- 4.3 In the absence of dedicated roads, ‘Settlement Layout’ is the land administration category that defines the road network on Aboriginal settlements. Every defined ‘Settlement Layout Road’ (SL-road) is provided with a unique identifier, being an SL-road name.
- 4.4 SL-lots and SL-roads do not meet the respective definitions for ‘lot’ and ‘road’ contained within the *Planning and Development Act 2005*.

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## 5 Development of Land

5.1 Development of SL-lots is to be in accordance with these Provisions.

5.2 If approval to commence development is required, approval may only be granted where it accords with the Provisions. The permissibility of development is determined by cross-referencing the land use category allocated to the SL-lot on the map-set with the objective and permitted development/s for the corresponding land use category in Part 6 of the Provisions. Development may also be permitted where it is incidental to the predominant land use category of the SL-lot.

5.3 The list of permitted developments for each land use category is not exhaustive. If a development is not specifically mentioned in Part 6 and cannot reasonably be determined as falling within a definition in Part 7, then it may be permitted in a land use category that has an objective that the development is deemed to be consistent with.

5.4 All terms, including 'development' and 'development application', have the same meaning as prescribed in the *Planning and Development Act 2005* unless a specific definition is provided in Part 7. Standard definitions from commonly used land use planning instruments have been used where possible.



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## 6 Land Use Categories

6.1 The land use categories included in the Layout Plan map-set are:

Residential		Tawny
Objective	To provide land that meets the existing and future housing demand of the settlement.	
Permitted Development	House, Residential Quarters.	

Community		Yellow
Objective	To provide land for public places and facilities that have broad community benefit of a health care, educational, cultural or civic nature.	
Permitted Development	Child Care Premises, Civic Use, Corrective Institution, Educational Establishment, Health Care Centre, Worship Building.	

Commercial		Blue
Objective	To provide land for the operation of commercial enterprises of an administrative, retail or tourism nature.	
Permitted Development	Art Centre, Caravan Park, Motel, Office, Service Station, Shop, Tourism Accommodation.	

Industrial		Purple
Objective	To provide land for industrial activities in areas that do not adversely impact on sensitive land uses.	
Permitted Development	Fuel Depot, Industry, Motor Vehicle Repair, Storage, Vehicle Wrecking.	

Recreation		Green
Objective	To provide areas for leisure, sport and informal gathering that provide the public with active and passive recreation opportunities.	
Permitted Development	Essential Service Distribution Network, Recreation.	

Public Utility		Grey
Objective	To set aside land for services and infrastructure that are integral to the functioning of the settlement.	
Permitted Development	Electricity Supply, Essential Service Distribution Network, Drinking Water Supply, Wastewater Disposal, Telecommunications, Rubbish Disposal.	

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Rural		Jungle Green
Objective	To provide land for rural activities undertaken at the settlement.	
Permitted Development	Agriculture - Extensive, Agriculture - Intensive, Animal Husbandry - Intensive, Essential Service Distribution Network, Rural Pursuit.	

Open Space		Light Green
Objective	To identify land that is in its natural state and is not used for purposes that require significant modification of the landscape.	
Permitted Development	Agriculture - Extensive, Essential Service Distribution Network, Traditional Law and Culture.	

Drinking Water Source Protection Area		Aqua
Objective	To prevent degradation of the drinking water source from harmful activities.	
Permitted Development	Any use permitted under the Drinking Water Source Protection Plan.	

Visitor Camping		Orange
Objective	To provide land for visitors to camp on a non-commercial basis.	
Permitted Development	Camping Ground, Traditional Law and Culture.	

Waterway		Light Blue
Objective	To identify areas where the existence of surface water affects the possible use of land. Includes areas where surface water permanently or seasonally accumulates (such as oceans, lakes, rivers and creeks) but does not include wetlands. Wetlands are characterised as areas that have a water table at or near the land surface.	
Permitted Development	Agriculture – Extensive, Agriculture – Intensive, Traditional Law and Culture.	

Road Reserve		White
Objective	To provide an alignment for existing and future roads, essential service distribution networks and drainage networks.	
Permitted Development	Essential Service Distribution Network, Road.	

Pedestrian Access Way		Dark Green
Objective	To identify pedestrian access ways.	
Permitted Development	Essential Service Distribution Network, Pedestrian Access Way.	

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## 7 Definitions

In the Provisions, unless the context otherwise requires –

**“agriculture - extensive”** means premises used for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive;

**“agriculture - intensive”** means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following –

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
- (d) aquaculture;

**“animal husbandry - intensive”** means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;

**“art centre”** means premises used for the production and display or sale of materials of an artistic, cultural or historical nature. Includes art gallery.

**“camping ground”** means land used for the temporary accommodation of people in tents, swags and other forms of transportable personal sleeping equipment.

**“caravan park”** has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

**“child care premises”** has the same meaning as in the *Community Services (Child Care) Regulations 1988*;

**“civic use”** means a facility used by a government department, a non-government organisation or a community corporation for purposes of general community benefit. Includes police station, airstrip, cemetery, community meeting area, cultural centre, heritage buildings.

**“corrective institution”** means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

**“drinking water supply”** means infrastructure associated with the provision, storage, treatment and distribution of drinking water. Includes bore, water pump, water tank, water treatment equipment;

**“educational establishment”** means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;

**“electricity supply”** means infrastructure associated with the generation and distribution of electricity.

**“essential service distribution network”** means any infrastructure associated with the distribution of electricity, drinking water, wastewater or telecommunications. Includes electrical cable, power pole, drinking water pipe, water pipe, water hydrant, water pump, sewer pipe, telecommunications cable.

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**“fuel depot”** means 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 final use of such fuel from the premises;

**“health care centre”** means premises used 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);

**“house”** means a 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.

**“industry”** means premises 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 –

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail; or
- (d) the provision of amenities for employees,

incidental to any of those industrial operations;

**“motel”** means 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.

**“motor vehicle repair”** means premises used for or in connection with –

- (a) electrical and mechanical repairs, or overhauls, to vehicles; or
- (b) repairs to tyres,

but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

**“office”** means premises used for administration, clerical, technical, professional or other like business activities;

**“pedestrian access way”** means a path, track or walkway used by pedestrians to commute from one location to another;

**“recreation”** means premises used for indoor or outdoor leisure, recreation or sport. Includes park, swimming pool, playground, rodeo ground, sporting facility.

**“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:

- temporarily by two or more persons; or
- permanently by seven or more persons who do not comprise a single family.

Includes single persons quarters, aged persons quarters.

**“road”** means a 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;

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**“rubbish disposal”** means land used to accommodate any part of the infrastructure associated with the disposal of solid waste;

**“rural pursuit”** means any premises used for –

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) the sale of produce grown solely on the lot,

but does not include agriculture – extensive or agriculture – intensive;

**“service station”** means premises used for–

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

**“shop”** means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist).

**“storage”** means premises used for the storage of goods, equipment, plant or materials;

**“telecommunications”** 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;

**“tourist accommodation”** means accommodation comprising two or more cabins, apartments, chalets, cottages, or flats which, by way of trade or business, or for the purpose of any trade or business, is held out as being available or is made available for tourism purposes for occupation by persons other than the proprietor;

**“traditional law and culture”** means structures and/or activities associated with traditional Australian Aboriginal law and culture;

**“vehicle wrecking”** means any land or buildings used for the breaking up, dismantling or storage of vehicles, and includes the sale of second hand parts and accessories;

**“wastewater disposal”** means land used to accommodate any part of the infrastructure associated with a reticulated wastewater disposal system. Includes sewage ponds.

**“worship building”** means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;

