

Aboriginal Lands Trust Land Use and Development

Application Information

1.1 Purpose

The purpose of this document is to provide necessary information to assist with progressing land use and development activities on the Aboriginal Lands Trust (ALT) estate.

If you do not have formal pre-existing access to the subject land or don't have an existing lease, you will need to make an application for a lease prior to applying for additional land use and development, by completing a [Lease Application](#) together with this application.

1.2 What is land use and development?

Land use and development may include:

1. Commercial land uses such as timber plantations, flora and fauna harvesting (including sandalwood, gubinge, and wildflowers), aquaculture and tourism.
2. Infrastructure development, such as construction, relocation, major alteration or installation of any building or essential service (e.g. house, school, police station, power station, telecommunications and sewerage ponds) and including demolition.

1.3 Who needs to approve my application?

If applying to develop on land that is controlled by the ALT or vested in the Aboriginal Affairs Planning Authority (AAPA), the approval of the ALT, the Minister for Aboriginal Affairs, and if applicable, the AAPA must be obtained first through the Department of Planning, Lands and Heritage (the Department).

Land use and development proposals on the ALT estate must also comply with entry permit requirements pursuant to the *Aboriginal Affairs Planning Authority Act 1972* (AAPA Act) and community by-laws pursuant to the *Aboriginal Communities Act 1979* where applicable.

Timeframes vary for applications considered to be Low Impact Works, compared to development works in excess of \$250 000.

Low Impact Works includes construction of individual buildings (up to the value of \$250 000), improvements to existing buildings, demolition of structures, consent for flora and fauna harvesting, approving services provided by another government agency on behalf of The Aboriginal Affairs Planning Authority (AAPA).

An application for development considered to be Low Impact Works (under \$250 000) will be assessed by an officer of the Department, authorised by the ALT, and the applicant will be notified of the outcome in writing.

If your application does not meet the definition of Low Impact Works, the matter will be referred to the ALT for approval. If the matter is referred to the ALT, the Department will table the application at the earliest available meeting of the ALT. Resolutions of the ALT are then presented to the Minister for Aboriginal Affairs for approval under the AAPA Act.

The ALT meets every two months, with meeting dates published on the [Department's website](#). Applications are required in advance to allow for sufficient review and consideration prior to presenting to the ALT.

Applicants will be notified of the outcome of the ALT and the Minister for Aboriginal Affairs.

Land use and development proposals should be practical, sustainable, innovative and culturally appropriate and which will lead to improvements in the community environment and living standards.

1.4 Settlement Layout Plan (SLP) or Site Plan

The latest [SLP](#) for established living areas should be used.

Please contact the Department on (08) 6551 8002 or at proposals@dplh.wa.gov.au to request a copy of the SLP if required.

If a SLP is not available, a Site Plan clearly indicating the location of the proposed land use or development should be provided with reference to:

- a. Major towns, other settlements, major roads, airstrips. Include North point, scale and GPS coordinates (and datum) and photos where possible.
- b. Drinking water supplies or sources, bores, wastewater treatment ponds, fuel stations, power stations, generators, septic, rubbish tips, water chlorinators, industrial areas, culturally significant no-go areas or heritage sites, flood prone areas.
- c. Other infrastructure e.g. houses, shops, sheds, swimming pools, clinics, schools, or drains.
- d. Natural features e.g. waterways, wetlands, coastline, dunes, or remnant vegetation.
- e. Access routes for all road transportation.

Legislative Requirements

2.1 *Native Title Act 1993 (Cth)*

Under the *Native Title Act 1993*, any proposed activities or developments (such as the granting of leases or licenses and the construction of buildings or infrastructure) that may affect native title are called 'Future Acts' and a native title process is required.

The applicant must comply with the relevant provisions of the *Native Title Act 1993*.

The applicant must obtain the consent of any parties who have native title interests in the land. For assistance in identifying the relevant native title party/parties, please contact the National Native Title Tribunal (NNTT) freecall 1800 640 501 or visit the NNTT website on www.nntt.gov.au.

The NNTT can assist you in various ways including identifying the claims and determinations that exist over a parcel of land. This is a free service. Applicants can request a search of the NNTT Registers by filling out the search request form found at <http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/Search-Register-of-Native-Title-Claims.aspx>. Once complete, the form should be sent to enquiries@nntt.gov.au.

Note: Land use and development approvals will only be granted following extensive consultation with all interested parties and signed consents from the native title claimant group or traditional owners.

2.2 *Aboriginal Heritage Act 1972*

Section 16

If you are planning to enter and excavate an Aboriginal site (Site) and examine or remove anything on or under the Site, you are required to seek authorisation under section 16 of the *Aboriginal Heritage Act 1972*. To do this you will need to submit a completed [section 16 Authority Application Form](https://www.dplh.wa.gov.au/information-and-services/aboriginal-heritage/land-use-under-the-aha/section-16-authorisation) which can be found at <https://www.dplh.wa.gov.au/information-and-services/aboriginal-heritage/land-use-under-the-aha/section-16-authorisation>.

Refer to the [Department's website](#) for more information.

Section 17

Under Section 17 of the *Aboriginal Heritage Act 1972*, destruction, damage or alteration (impact) to a Site is an offence without the prior consent of the Minister for Aboriginal Affairs.

The Government's [Aboriginal Heritage Due Diligence Guidelines](#) assist land users to understand their obligations under the *Aboriginal Heritage Act 1972* and inform their risk-management decisions.

Refer to the [Department's website](#) for more information on Aboriginal Heritage requirements for Land Use.

Section 18

Where land users conclude that impact to a Site is unavoidable, the Minister's consent may be sought under section 18 of the *Aboriginal Heritage Act 1972* to impact the Site by giving notice to the [Aboriginal Cultural Material Committee](#) to consider at its next meeting. Notice should be given using the [section 18 Notice Form](#) which can be found at <https://www.dplh.wa.gov.au/information-and-services/aboriginal-heritage/land-use-under-the-aha/section-18-notices>.

Refer to the [Department's website](#) for more information.

2.3 Building Act 2011

The relevant Local Government Authority should be contacted to advise of requirements (e.g. building codes) for the proposed buildings. To assist with processing time, attach copies of any planning applications and building permits that may require signing by the landowner (ALT).

2.4 Statutory Authority Requirements

Land use and development activities must comply with the relevant statutory authority's legislation, regulations, requirements and guidelines, including but not limited to:

- a. Local Government, e.g. planning, building, health, engineering, demolitions, waste disposal, camping.
- b. Department of Water and Environmental Regulation (DWER), e.g. groundwater licences, drinking water protection, flooding information, clearing permits, flora and fauna licences.
- c. Department of Primary Industry and Regional Development (DPIRD), e.g. weeds, feral animal control and aquaculture licences.
- d. Pastoral Lands Board (PLB), e.g. diversification permits and approvals.

Submitting your application

1. Complete all details in the Land Use and Development Application Form (Application) included in this package and provide all supporting documentation where requested - an incomplete Application will delay the application.
2. Send the Application and attachments for assessment to:

Aboriginal Lands Trust, care of Department of Planning, Lands and Heritage

Postal Address: Locked Bag 2506, Perth WA 6001

Email: proposals@dplh.wa.gov.au

3. Applicants will be notified of the decision by the ALT and the Minister for Aboriginal Affairs.

Enquiries

For further information, please contact the Department on +61 8 6551 8002 or by email
proposals@dplh.wa.gov.au

Application Form - Aboriginal Lands Trust (ALT) Land Use and Development

Note – only to be completed if you have existing tenure (e.g. already have a lease) or if you are applying for a lease and will be submitting a Lease Application with this Application.

1. Applicant Details

Only complete Sections One and Two if you are **NOT** also submitting a lease application form for the ALT estate at the same time. If you are also submitting a Lease application form **go to question three** as sections one and two would have been completed in the application to lease form.

Full Name of Individual, Business or Corporation Name:		
If applying as a corporation then please supply: ACN <input type="checkbox"/> ARBN <input type="checkbox"/> ABN <input type="checkbox"/>		Registered Number:
Contact Person:		Position (if a corporation):
Address:		
City:	State:	Post Code:
Postal address (if different from above):		
PO Box:	State:	Post Code:
Phone No:	Mobile No:	Fax:
Email:		
Provide detail below of the organisation, its activities, and its interest in the land relating to this proposal. Attach supporting documents if more detail is required.		
Attach a copy of minutes of last meeting from directors' meeting or general meeting, if applicable		<input type="checkbox"/> Yes <input type="checkbox"/> No
Attach copies of the corporation, business or individual financial statements for the last financial year, if applicable		<input type="checkbox"/> Yes <input type="checkbox"/> No
Attach copies of incorporation or registration papers, if a corporation or business		<input type="checkbox"/> Yes <input type="checkbox"/> No
Attach a copy of the entity's constitution, if applicable		<input type="checkbox"/> Yes <input type="checkbox"/> No

Does the Applicant take responsibility for the ongoing management and maintenance of the land and any buildings?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Provide detail below of how the relevant stakeholders and the community benefit from the proposal, e.g. employment and income opportunities, skills development through training opportunities, and improved governance or other social benefits. Attach supporting documents if more detail is required.	

2. Land Details (if available)

Crown Reserve, Lease or Freehold	Reserve No:	Lease No:
Certificate of Title Volume:	Folio:	
Survey, Plan, Diagram or Deposited Plan No:		
Lot No:	Location: (GPS coordinates)	
Street Number & Name:		
City:	Post Code:	
Crown Reserve or Lease	Reserve No:	Lease No:
Does Part III Aboriginal Affairs Planning Authority Act 1972 apply to this land?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Community Name:		
Settlement Layout Plan: (SLP)	SLP Lot No:	
Attach a copy of the SLP	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Attach a map indicating the Lot number as per the SLP, where available, including GPS coordinates and the required area including the size of the block. The map (e.g. a sketch) needs to indicate the exact location of the land and proposed development. If the Applicant requires assistance in preparing a map, please contact the DPLH.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

3. Purpose of Land Use Development

Reason for development: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Historical or Cultural <input type="checkbox"/> Tourism <input type="checkbox"/> Upgrades or Improvements <input type="checkbox"/> Community <input type="checkbox"/> Infrastructure <input type="checkbox"/> Other _____	
Is the purpose of the development commercial? If yes, attach a copy of the Business Plan.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the proposal consistent with the SLP?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the land have the following services (if known)? Water: <input type="checkbox"/> Yes <input type="checkbox"/> No Power: <input type="checkbox"/> Yes <input type="checkbox"/> No Sewerage: <input type="checkbox"/> Yes <input type="checkbox"/> No Does the Applicant have the financial capacity to meet ongoing service costs? <input type="checkbox"/> Yes <input type="checkbox"/> No Applicants are responsible for additional head works needed to connect services to developments. A landowner signature is typically required for water allocation.	
Is the proposal consistent with the purpose of the land?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Provide detail below of the proposed land use or development and type of infrastructure to be built. Provide a Site Plan, construction drawings, estimated project value, project timeline, and details of improvements, upgrades or extensions. Attach supporting documents if more detail is required.	

4. Funding, Insurance and Builder Details for development

Does the Applicant have the required funding for the proposed development?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide name of funding provider(s):	
Provide detail of funding amount(s):	

Does the Applicant have the required Insurances for development?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide name of Insurer(s):	
Attach a copy of Certificate of Currency	
Is a Registered Builder being used for the development?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide name and registration of builder:	

5. Risks

Only complete Sections 5 and 6 if you are NOT also submitting a Lease Application at the same time as these sections would have been completed in the Lease Application.

<p>Is the site subject to flooding or other natural hazards?</p> <p>If yes, provide detail below on the risks and plans to manage them. Attach supporting documents if more detail is required.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Are there environmental health risks and impacts e.g. vehicles, noise or odour, impacts on drinking water source areas, exposure to chemicals or dangerous goods, loss of native flora and fauna, salinity, erosion, spread of feral animals, weeds or dieback?</p> <p>If yes, provide detail below on the risks and plans to manage them. Attach supporting documents if more detail is required.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

6. Consultation and Consent

The Applicant must consult with and obtain written consent from the relevant stakeholders as per the table below.

<p>Have the relevant stakeholders i.e. lessee, native title holders or claimants, community, Aboriginal inhabitants or occupants, and any local government or statutory authorities or other interest holders been involved with the development of the proposal? Will they be involved with its implementation?</p> <p>If yes, provide evidence that the relevant stakeholders have been consulted and written support has been obtained for the proposal from the relevant stakeholders.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Has there been any consultation with the Local Government Authority e.g. for any planning applications and building permits?</p> <p>If yes, provide evidence of any consultation and support of the proposal.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If the land is leased and occupied:</p>	
<ul style="list-style-type: none"> Written consent of the lessee or sublessee 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> Written consent of the community council or corporation 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If the land is unleased and occupied:</p>	
<ul style="list-style-type: none"> Written consent of the community council or corporation 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If the land is subject to a native title determination:</p>	
<ul style="list-style-type: none"> Written consent of the Registered Native Title Body Corporate (RNTBC) 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If the land is subject to a registered native title claim:</p>	
<ul style="list-style-type: none"> Written consent of the native title claimants or the Registered Native Title Claimants 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If the land is not subject to a registered native title claim or determination:</p>	
<ul style="list-style-type: none"> Notify and seek comment from the Representative Aboriginal/Torres Strait Islander Body 	<input type="checkbox"/> Yes <input type="checkbox"/> No

If you have answered yes to any of the above, please attach written consent.