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**WESTERN AUSTRALIAN PLANNING  
COMMISSION**

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**STATEMENT OF PLANNING POLICY No. 13**

**PLANNING FOR ABORIGINAL COMMUNITIES**

PREPARED UNDER SECTION 5AA OF THE TOWN PLANNING AND  
DEVELOPMENT ACT 1928 (AS AMENDED) BY THE WESTERN AUSTRALIAN  
PLANNING COMMISSION AND ISSUED WITH APPROVAL OF THE  
MINISTER FOR PLANNING AND THE ADMINISTRATOR



## PLANNING FOR ABORIGINAL COMMUNITIES

### BACKGROUND

The purpose of this Policy is to provide a framework for the planning of large permanent Aboriginal communities. The Policy will also provide a basis for negotiation between Aboriginal communities and local government about planning control and foster the development of cooperative strategies which aim to minimize the need to use strict regulatory powers.

The uncoordinated approach to the delivery of services in many of these remote communities has led to a number of difficulties. Examples include inappropriate location of housing and inefficient and haphazard provision of services such as water supply, sewerage, power and roads. Improving the standard of planning in Aboriginal communities aims to provide more efficient delivery of services to these communities, improved outcomes for residents and ensure that cultural and social needs are given proper consideration.

The AAD (Aboriginal Affairs Department) and ATSIC (Aboriginal and Torres Strait Islander Commission) have embarked on programs to improve the manner in which services are provided to these communities. The Western Australian Planning Commission's role in the planning process for Aboriginal communities will be limited to the final approval of layout plans. The Western Australian Planning Commission's approval shall be regarded as the State's formal approval to these plans and all future servicing and expansion of these communities should have regard to the approved plans.

The need to improve Aboriginal health is a national environmental health principle agreed to and adopted by Governments across Australia. The Ministerial Council for Aboriginal and Torres Strait Islander Affairs resolved in November 1994 that all levels of government ensure ongoing exchange of information regarding infrastructure development and planning for all communities, including outstations/ homelands, through the appropriate coordinated planning forums.

In response to the "Task Force on Aboriginal Social Justice," the State has agreed to improve the manner in which services are provided to Aboriginal communities. A Working Party of Chief Executive Officers of the major Government agencies was formed and agreed to "normalise" the level of services to large permanent Aboriginal communities.

The Working Group defined 'normalisation' as meaning—

"...providing and maintaining essential services to Aboriginal communities in the same way as they are provided to a non-Aboriginal town or community. It does not result in the 'normalisation' of an Aboriginal community, but the normalisation of the delivery and maintenance of services to that community."

Importantly the Working Group concluded that incorporating Aboriginal communities within town planning schemes will assist in the process of normalisation.

In January 1997 the Aboriginal Affairs Legislative Review Reference Group finalised a report on the "Provision of Services to Aboriginal People in Western Australia". This report also concluded that the town planning processes can assist with the coordination and delivery of housing and services to Aboriginal communities.

Most Aboriginal communities have developed over time with the involvement of many different government agencies. Achieving effective coordination of Government spending has been difficult with Commonwealth and State resources spread between more than 250 discrete Aboriginal communities. The State Government has acknowledged that it has a responsibility to provide services to selected large, permanent Aboriginal communities and that the funding of infrastructure to smaller outstation communities is the responsibility of the Commonwealth.

Public funding is provided for the construction of new dwellings, infrastructure (i.e. water, sewerage etc.) and community buildings. In accordance with the findings of the Social Justice Taskforce, public funding is now contingent on a development strategy or layout plan being prepared. Anecdotal evidence suggests that there is also general acceptance by most Aboriginal communities that some form of planning should take place to coordinate the delivery of services.

Recognising the need to improve the standard of planning in Aboriginal communities, the AAD and ATSIC, have, since 1996 embarked on a joint project to develop layout plans for many communities throughout the State. In lieu of any formal framework for these plans, interim procedures have been developed which involve referral of these plans to local government for endorsement. A number of local governments have embraced the planning project and are taking a pro-active role in communities. Others have been hesitant to become involved because of uncertainty regarding the future role of local government in these communities.

### 1. INTRODUCTION

This policy sets out the planning processes to be followed when considering rezoning and development plans for existing Aboriginal communities.

### 2. APPLICATION OF POLICY

This policy applies to the planning and development of large permanent Aboriginal communities. The principles incorporated in this policy could also apply to other discrete Aboriginal communities throughout the State.

### 3. OBJECTIVES

The objectives of this policy are to improve the standard of living and quality of life of people living in Aboriginal communities by—

- providing a framework to ensure that large permanent Aboriginal communities are afforded a high level of service;
- ensuring that these communities and associated land uses are appropriately identified and zoned within town planning schemes;
- providing a mechanism that will enable both local government and the Western Australian Planning Commission to approve layout plans prepared for Aboriginal communities; and
- providing a framework for negotiation and decision making between Aboriginal communities and local government.

### 4. POLICY MEASURES FOR IMPLEMENTATION

- 4.1 Town planning schemes that include large permanent Aboriginal communities should include such communities within a "Settlement Zone". The scheme provisions relating to the zone should require that all development be in accordance with a layout plan approved by the local government and the Western Australian Planning Commission.
- 4.2 As an interim measure a local government may adopt a planning policy to require the preparation of a layout plan for selected Aboriginal communities. A model planning policy is included in Part I of the Appendix 2 to this Policy.
- 4.3 For those communities which are outside a town planning scheme, local governments are encouraged to participate in the preparation and adoption of layout plans. For these communities, local governments may adopt this framework as a general policy to guide the process of preparing and adopting layout plans.
- 4.4 Local governments are encouraged to consider including all large permanent Aboriginal communities within a town planning scheme.
- 4.5 The Aboriginal Affairs Department, Aboriginal and Torres Straight Islander Commission and Western Australian Planning Commission have developed Guidelines for the Preparation of Preparation of Community Layout Plans for Western Australian Aboriginal Communities. The Guidelines will assist in the preparation and approval of layout plans including the process of consultation. The Policy should be read with the Guidelines

### 5. IMPLEMENTATION

The successful implementation of this policy will be the responsibility of Commonwealth, State and local government. Under this policy, both the State and the relevant local government will be responsible for determining layout plans for Aboriginal communities. The Western Australian Planning Commission is of the opinion that local government through its understanding of local issues, has an important role to play in improving the quality of life for the people living in Aboriginal communities.

The following sections identify the role and responsibilities for the successful implementation of this policy.

#### 5.1 State Government

Implementation measures to meet Policy objectives are—

- AAD will identify and provide local government with a current list of all large permanent Aboriginal Communities within each respective local government area.
- AAD in conjunction with ATSIC will fund the initial preparation of layout plans.
- The AAD and ATSIC shall provide Guidelines for the Preparation of Community Layout Plans for Western Australian Aboriginal Communities to assist in the preparation and assessment of these plans.
- The Western Australian Planning Commission, through the Infrastructure Coordinating Committee, may, where necessary, assist in the coordination and delivery of housing and services to Aboriginal communities.
- The Western Australian Planning Commission through the Statutory Planning Committee will assess and adopt layout plans submitted in accordance with this policy and may seek the advice of the AAD and local government or any other relevant body in this process.
- The Western Australian Planning Commission shall maintain a central registry of approved plans.
- State agencies funding services to Aboriginal communities will require all future buildings, works and structures to be built in accordance with the adopted Community Layout Plans.
- State Agencies should seek comment from the local government prior to proceeding with development in a large Permanent Aboriginal community.
- State agencies should also provide local government with certification that the development building location and use has been constructed in accordance with the Community Layout Plan. (This may include the need to engage an independent surveyor to certify that the proposed building location and use is in accordance with the Community Layout Plan.)

## 5.2 Local Government

Local Government is encouraged wherever possible—

- To adopt a supportive and flexible approach to ensure that planning control and regulation of development in Aboriginal communities complements Aboriginal cultural aspirations and provides for negotiation and agreement.
- To develop appropriate policies to assist with the coordination and delivery of housing and services to Aboriginal communities.
- To provide comment on any development proposed within large permanent Aboriginal communities.
- Maintain a record of development that has taken place within large permanent Aboriginal communities.

Local Government shall—

- Ensure that schemes are consistent with the objectives for large permanent Aboriginal communities and submit these to the Western Australian Planning Commission.
- Ensure that large permanent Aboriginal communities are appropriately identified and zoned within existing or proposed schemes.
- Assess and approve layout plans in accordance with the "Guidelines for the Preparation of Community Layout Plans for Western Australian Aboriginal Communities".
- not approve a layout plan unless satisfied that an appropriate level of community consultation has taken place.

## APPENDIX 1

### Glossary of Terms

**Uses shall have the meanings ascribed to them in the Model Scheme Text unless defined below.**

#### *Large Permanent Aboriginal Communities*

Includes Aboriginal communities that meet the following criteria—

- Maintains a normal population of at least 50 people.
- The community is the principle residence of the normal population for the majority of a 12 month period.
- Communities that include at least 5 domestic dwellings that are connected to power, water, waste water systems acceptable to the respective State regulatory bodies.
- Communities that have secure land tenure.

## APPENDIX 2

### PART I—MODEL TOWN PLANNING POLICY

The following is a model policy for local governments to assist with the planning and development of an Aboriginal community, where those communities are not affected by an operative town planning scheme. The policy can also be used by local government proposing to introduce a planning policy in accordance with existing town planning scheme provisions.

In those instances where the policy is to be adopted without the support of a town planning scheme, local governments should resolve to initiate the policy, invite public submissions and then adopt a final policy taking into consideration any submissions received. Future modifications to the policy should also follow the same initiation, advertising and adoption process.

### **Model Town Planning Policy For The Planning of Aboriginal Communities**

#### PURPOSE

The purpose of this policy is to provide a framework for the planning of communities and also to provide a basis for negotiation between Aboriginal communities and the local government in order to foster the development of cooperative strategies to improve the general health, safety and amenity of these communities.

#### OBJECTIVES

The objectives of this policy are to—

- Encourage the orderly and proper planning of Aboriginal communities through the adoption of layout plans.
- Support the preparation of layout plans for Aboriginal communities.
- Provide planning input and advice on the preparation of layout plans when required.

#### POLICY

Council shall determine and advise on the planning merits of layout plans having regard for the following—

- the purpose of the plan;
- cultural and heritage issues;
- community aspirations;

- regional context;
- the availability and location of services;
- infrastructure provision and funding plan;
- the proximity of any residential development to incompatible activities (i.e. sewerage treatment works, industrial activities etc.);
- the location of floodways, watercourses, unstable or unsuitable soils and other physical constraints etc.

Council shall not consider a layout plan, or any modification to an approved layout plan, unless the affected community has had an opportunity to comment on the contents of the plan or amendments to an approved plan.

Council shall maintain a copy of the approved layout plan for public inspection.

Once approved by Council, the plan shall be forwarded to the Western Australian Planning Commission for approval

An approved layout plan, subject to the approval of the Western Australian Planning Commission, may be amended or revoked by the Council.

#### PART II—MODEL SCHEME PROVISIONS

The following provisions should be included within a town planning scheme that includes large permanent Aboriginal communities as defined by the Western Australian Planning Commission Planning for Aboriginal Communities Policy.

1. Modify the Scheme text by including the following section:

**“Settlement Zone**

**Purpose**

The purpose of the Settlement Zone is to provide a framework for the planning of communities and also to provide a basis for negotiation between Aboriginal communities and the Council in order to foster the development of cooperative strategies to improve the general health, safety and amenity of these communities.

**Layout plans**

Layout plans may be prepared for either the whole or part of any land within the Settlement Zone.

Layout plans should be prepared in accordance with the Guidelines for the Preparation of Community Layout Plans for Western Australian Aboriginal Communities and with any other relevant State or Commonwealth Government policy.

Council shall not consider a layout plan, or any modification to an approved layout plan, unless the affected community has had an opportunity to comment on the contents of the plan or amendments to an approved plan.

Council shall assess the planning merits of the plan and then resolve to either approve, refuse or approve with any modification(s) that Council considers necessary.

After assessing the layout plan, the Council shall submit a copy of the plan to the Western Australian Planning Commission for its approval.

The local government shall maintain a copy of the approved layout plan for public inspection.

An approved layout plan, subject to the approval of the Western Australian Planning Commission, may be amended or revoked by the Council.”

2. Modify the Scheme Maps by rezoning the ..... community from ..... to Settlement Zone.





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