

## LAND USE AND DEVELOPMENT POLICY

Updated May 2009. [www.dia.wa.gov.au/Land/ALT/Policies.aspx](http://www.dia.wa.gov.au/Land/ALT/Policies.aspx)

### BACKGROUND AND CONTEXT

The Aboriginal Lands Trust (ALT) is a statutory body established under the *Aboriginal Affairs Planning Authority Act 1972* (AAPA Act) and is comprised of a board of at least seven people of Aboriginal descent. Members of the board (ALT) are appointed for a fixed term by the Minister for Indigenous Affairs.

The ALT holds 27 million hectares of land in trust for the 'use and benefit of Aboriginal people' in Western Australia. Under the AAPA Act, the ALT must ensure that the use of the land accords with the wishes of the Aboriginal people of the area, and that it is the most beneficial use of the land.

Under the ALT *Strategic Plan 2004-2007*, the ALT must manage the estate in a manner that will achieve the social, cultural and economic advancement of Aboriginal people.

Land use and development must be safe and pose no risk to the health and wellbeing of residents, be developed to a standard that would reasonably be expected by all Western Australians, and comply with all relevant laws, including the *Aboriginal Heritage Act 1972*.

The Department of Indigenous Affairs (DIA), principally through its Land Branch, provides policy and operational support to the ALT, including assessment of land use and development proposals in accordance with this Policy. The Assistant Director, Land, has authorisation from the ALT, and delegation from the Minister for Indigenous Affairs, to approve or refuse development proposals on lands vested with the ALT and the AAPA Act.

### DEFINITION

Land use and development includes, but is not limited to:

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

### POLICY

1. The requirements of this Policy must be met, and approval<sup>1</sup> obtained from the DIA, before undertaking land use and development activities on ALT Estate. Refer to *Key Steps for Development Approval*.
2. A clear and detailed site plan and land use proposal is required for all development applications, as outlined in *Requirements for Site Plan and Land Use Proposal*.

<sup>1</sup> The Department of Housing and Works (DHW) does not need approval provided its developments comply with ALT's *Land Use and Development Policy*, as stated in the Letter of Agreement between the ALT, DIA and DHW. However, some development proposals will need to be sent to DIA if local government approval forms require landowner signature.



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3. Land use and development activities must be consistent with sound planning principles and the latest Community Layout Plan where applicable.
4. Land use and development activities must be consistent with the purpose of the land and contribute to the social, cultural and/or economic advancement of Aboriginal people.
5. Land use and development activities must be negotiated, planned and undertaken in good faith, and with meaningful input from, Indigenous stakeholders<sup>2</sup>.
6. Written agreement for the proposal and the chosen site from Indigenous stakeholders must be obtained.
7. Where applicable, the written agreement should include a statement indicating that the Indigenous stakeholders are satisfied with the negotiated benefits package. The ALT reserves the right to seek validation from those with interests in the land.
8. Land use and development activities must comply with the *Aboriginal Heritage Act 1972*.
9. The proponent must ensure Native Title requirements are met through consultation with Native Title Representative Bodies and other claimant groups.
10. All developments must be connected to essential services (power, water, sewerage etc), where appropriate, and suitable access provided to the site. Proponents will be responsible for any additional head works that may be required to connect services to developments.
11. All developments must be protected from floodwaters, and the emergency management of other natural disasters taken into account where necessary e.g. cyclone, bushfire protection, storm surge.
12. Land use and development activities must comply with relevant statutory authority's regulations, requirements and guidelines, including:
  - Local Government, e.g. planning, building, health, engineering, demolitions, waste disposal, camping. Forms requiring landowner signature must be signed by the ALT.
  - Department of Water, e.g. groundwater licences, drinking water protection, flooding information.
  - Department of Environment and Conservation, e.g. clearing permits, flora and fauna licences.
  - Department of Agriculture, e.g. weed and feral animal control.
  - Department of Fisheries, e.g. aquaculture licences.
  - Pastoral Lands Board, e.g. permits and approvals.
13. Proponents must comply with the *ALT Leasing Policy* if a lease is required.

<sup>2</sup> Indigenous people with an interest in the land - leaseholders, native title holders / claimants, resident communities.



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14. The ALT will not approve land use and development that compromises the health and safety of nearby residents. Proponents must ensure that a suitable buffer between conflicting land uses is established and that buffer distances are consistent with the recommendations of the Departments of Water, Environment and Conservation, and the Western Australian Planning Commission.
15. Anyone undertaking work on ALT Estate must comply with entry permit requirements and relevant community by-laws where applicable.
16. Proponents must respect the natural and cultural values of the land and the privacy and living environment of any nearby residents when undertaking land use and development activities.
17. Developments must be undertaken in an environmentally sound manner. During the course of development proponents must protect drinking water, water bodies and the natural environment, undertake dust suppression measures, minimise earthworks and removal of native vegetation, and clean up the development site. The ALT will not support activities involving proliferation of declared weeds or pests.
18. The ALT encourages developments that are practical, sustainable, innovative, culturally appropriate and will lead to improvements in the community environment and living standards, e.g. local indigenous employment, skills development and governance, retention of natural vegetation, revegetation for shade, dust minimisation and aesthetics, stormwater re-use for irrigation, 'climate sensible' housing.
19. The ALT reserves the right to refer land use proposals to other agencies/authorities for expert advice and assessment as required.
20. From time to time, the ALT may call for Expressions of Interest (EOI) for the commercial use of ALT lands. When it does, the ALT seeks to draw out proposals that will not only provide direct financial return for the use of the land, but also show willingness to invest in longer-term economic, social and cultural development in partnership with the Indigenous community (contact DIA Land Branch for more detail on the EOI process). Land uses/developments identified through this process must also comply with the *ALT Land Use and Development Policy*.

*Nothing in this policy detracts from the obligation of the proponent to comply with any other laws or statutes relating to the development; or requirements, notices or orders of any government agency or local government.*



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(The Aboriginal Lands Trust is supported by the Department of Indigenous Affairs).



## KEY STEPS FOR DEVELOPMENT APPROVAL

*Land Use and Development Policy* [www.dia.wa.gov.au/Land/ALT/Policies.aspx](http://www.dia.wa.gov.au/Land/ALT/Policies.aspx)

1. Determine if the development is on ALT Estate – check with Department of Indigenous Affairs (DIA) Land Branch, ph: 9235 8000 and/or Department of Land Information, ph: 9273 7373.
2. Develop a SITE PLAN and LAND USE PROPOSAL. Refer to *Requirements for Site Plan and Land Use Proposal*. Proposals must be consistent with the latest Community Layout Plan if available, contact the Department for Planning and Infrastructure <http://www.planning.wa.gov.au/Plans+and+policies/Regional+planning/Planning+for+Aboriginal+communities/Community+layout+plans/default.aspx> ; ph: 9264 7685.
3. Discuss the proposal with the relevant Indigenous stakeholders<sup>1</sup>. DIA regional officers can assist with community contact details<sup>2</sup>. For native title claimant / holder contact details, contact the Office of Native Title as a first step, ph: 9222 9613; [www.nativetitle.wa.gov.au](http://www.nativetitle.wa.gov.au).
4. Ensure Aboriginal Heritage Sites will not be impacted. Check the Aboriginal Sites Register [<http://www.dia.wa.gov.au/Heritage--Culture/Heritage-management/Register-of-Aboriginal-sites/>], or contact a DIA heritage information officer, ph: 9235 8000. NB: The Register is not a complete record of Aboriginal heritage sites in WA. Site information should also be checked with the Aboriginal community and other relevant groups. Also see DIA's *Heritage Procedures Manual* and *Advice to Developers*.
5. Contact all relevant statutory authorities to determine their requirements in regard to regulations and guidelines (see Policy statement 12). **Obtain any forms requiring landowner signature.**
6. Obtain written agreement from the community council, lease holder, or other authoritative body in the absence of a council. Agreement must refer to the specific location of the development (include a map of the agreed site), and confirm heritage sites will not be impacted. For major works and commercial activities, the written agreement of the native title holders/claimants and/or their representative body may also be required.
7. If you need to apply for a lease, refer to the *ALT Leasing Policy* and *Key Steps for Lease Approval*, available from DIA, ph: 9235 8000 or <http://www.dia.wa.gov.au/Land/Aboriginal-Lands-Trust/Leasing/>.

<sup>1</sup> Indigenous people with an interest in the land - leaseholders, native title holders / claimants, resident communities.

<sup>2</sup> Albany ph: 08 9842 3000      Geraldton ph: 08 9964 5470      Kununurra ph: 08 9168 2550      South Hedland ph: 08 9140 2577  
Broome ph: 08 9192 2865      Kalgoorlie ph: 08 9021 5666      Midland ph: 08 9274 4288      [www.dia.wa.gov.au/DIA/Regions/](http://www.dia.wa.gov.au/DIA/Regions/)



## 8. Send the following information to DIA:

- A site plan and land use proposal (step 2).
- Written agreement from interested parties (steps 3 & 6).
- Details of Aboriginal Heritage Site investigations (step 4).
- Local government or other approval forms requiring landowner signature (step 5).
- Details of consultation with all relevant statutory bodies (step 5).

Allow 21 days for processing<sup>3</sup>, but applications may take up to 90 days if complex or incomplete.

Applications will be assessed in accordance with the ALT Land Use and Development Policy.

Some may need to be submitted to an ALT meeting or referred to other agencies/authorities.

If approved, written confirmation will be sent to the applicant, with copies to Indigenous stakeholders, relevant statutory authorities and DIA Regional Office. Conditions will apply.

### Address applications and enquiries to:

Manager Land Operations  
Department of Indigenous Affairs  
PO Box 7770 Cloisters Square WA 6850  
Telephone (08) 9235 8000

<sup>3</sup> By DIA Land Branch in accordance with the *ALT Land Use and Development Policy* [www.dia.wa.gov.au/Land/ALT/Policies.aspx](http://www.dia.wa.gov.au/Land/ALT/Policies.aspx)



## REQUIREMENTS FOR SITE PLAN AND LAND USE PROPOSAL<sup>1</sup>

Land Use and Development Policy [www.dia.wa.gov.au/Land/ALT/Policies.aspx](http://www.dia.wa.gov.au/Land/ALT/Policies.aspx)

### SITE PLAN

**Use the Community Layout Plan (CLP) or 'as constructed' plan for established living areas if available.** Most of the site plan requirements (below) will be shown on a CLP. Proposals must be consistent with the latest CLP.

- CLP's are available from the Department for Planning and Infrastructure  
<http://www.planning.wa.gov.au/Plans+and+policies/Regional+planning/Planning+for+Aboriginal+communities/Community+layout+plans/default.aspx> ; ph: 9264 7685.
- If there is no CLP, contact Sinclair Knight Merz for the 'as constructed' plan, ph: 9268 4542.

### REQUIREMENTS

The site plan of the proposed land use or development needs to show its location relative to:

- Major towns, other settlements, major roads, airstrips. Include North point, photos and MGA coordinates or Lat/Long where possible.
- Drinking water supplies/sources, bores, wastewater treatment ponds, fuel stations, power stations / generators, septics, rubbish tips, water chlorinators, industrial areas, no-go areas or heritage sites, flood prone areas.
- Other infrastructure e.g. houses, shops, sheds, swimming pools, clinics, schools, drains.
- Natural features e.g. waterways, wetlands, coastline, dunes, outcrops, remnant vegetation.
- Access for cars, trucks, other vehicles / transport.

### LAND USE PROPOSAL

Depending on the nature of the land use or development, you will need to tell us (where applicable):

#### WHERE

- The ALT reserve number and/or community name.

#### WHAT

- The purpose and description of the land use or development; species to be planted or harvested; type of infrastructure to be built; project timeline. Include any construction drawings and estimated project value.
- Details of improvements: conservation and protection of native flora and fauna, revegetation for shade, dust minimisation and aesthetics, storm water reuse for irrigation, 'climate sensible' housing.

<sup>1</sup> Requirements may vary depending on the nature of the proposal.

## HOW

- ❑ How will essential services (power, water, sewerage) be provided? Is there adequate water supply? Proponents are responsible for additional head works needed to connect services to developments.
- ❑ Will Indigenous stakeholders benefit from the proposal? Will there be employment or other income opportunities? Skills development, improved governance or other social benefits? Provide evidence stakeholders are satisfied with any negotiated benefits package.
- ❑ Will any native vegetation be cleared? Cleared areas should be used before further clearing occurs.

## WHO

- ❑ Who is responsible for its implementation and maintenance?
- ❑ Have Indigenous stakeholders (people with an interest in the land - leaseholders, native title holders / claimants, resident communities) been involved with the development of the proposal? Will they be involved with its implementation? Do they support it?
- ❑ Details of consultation with relevant statutory authorities. Do you need landowner signature on planning and building approvals, licences for flora and fauna, water allocation, aquaculture etc.

## RISKS

- ❑ Is the site is subject to flooding or other natural hazards. Details of emergency mitigation strategies?
- ❑ Are there environmental health risks: vehicles, noise or odour, impacts on drinking water source areas, exposure to chemicals, dangerous goods etc. How will they be managed?
- ❑ Will there be environmental impact: contamination of surface and ground water, loss of native flora and fauna, salinity, erosion, spread of feral animals, weeds or dieback etc.

## RELATED POLICIES AND GUIDELINES

Land Use and Development Policy [www.dia.wa.gov.au/Land/Aboriginal-Lands-Trust/Land-Use-and-Development/](http://www.dia.wa.gov.au/Land/Aboriginal-Lands-Trust/Land-Use-and-Development/)

Aboriginal Lands Trust Leasing Policy <http://www.dia.wa.gov.au/Land/Aboriginal-Lands-Trust/Leasing>

Permit information for entry to Aboriginal lands and communities in WA.

<http://www.dia.wa.gov.au/Land/Entry-Permits/>

Aboriginal Heritage Procedures Manual. Department of Indigenous Affairs.

[www.dia.wa.gov.au/Heritage/HeritageManual/default.aspx](http://www.dia.wa.gov.au/Heritage/HeritageManual/default.aspx)

Aboriginal Heritage and Development in WA. Advice for developers. Department of Indigenous Affairs.

[www.dia.wa.gov.au/Heritage/DetailedInfoForDevelopers.aspx](http://www.dia.wa.gov.au/Heritage/DetailedInfoForDevelopers.aspx)

Consulting Citizens: Engaging with Aboriginal Western Australians. Department of Indigenous Affairs, Aboriginal and Torres Strait Islander Commission and the Department of Premier and Cabinet 2004.

<http://www.dia.wa.gov.au/Documents/ReportsPublications/ConsultingCitizensSept2005.pdf>

Ask first: A guide to respecting Indigenous heritage places and values. Australian Heritage Commission 2002. [www.ahc.gov.au/publications/indigenousheritage/index.html](http://www.ahc.gov.au/publications/indigenousheritage/index.html)

Code of Practice for Housing and Infrastructure Development in Western Australian Indigenous Communities 2006 (revised). Indigenous Environmental Health Coordinating Committee.

<http://www.dia.wa.gov.au/Documents/ReportsPublications/CodeofPractice2006finalproofs.pdf>

National Indigenous Housing Guide 2nd Edition. Commonwealth of Australia 2003.

[www.facs.gov.au/indigenous/housing\\_guide2/intro.htm](http://www.facs.gov.au/indigenous/housing_guide2/intro.htm)

An Agreement for the Provision of Housing, Infrastructure and Essential Services for Indigenous People in Western Australia. November 2005-June 2008. The Australian Government and the Western Australian Government. [http://www.dhw.wa.gov.au/Files/abor\\_agreement\\_06.pdf](http://www.dhw.wa.gov.au/Files/abor_agreement_06.pdf)

Statement of Planning Policy 3.2, Planning for Aboriginal Communities. 2000. Western Australian Planning Commission. <http://www.planning.wa.gov.au/Publications/151.aspx>

## FURTHER INFORMATION

Department of Indigenous Affairs [www.dia.wa.gov.au](http://www.dia.wa.gov.au)

Department of Water - legislation, licensing, regulations, guidelines and policies for, water quality protection, groundwater extraction and allocation, etc. [www.water.wa.gov.au](http://www.water.wa.gov.au)

Department of Environment and Conservation - flora and fauna harvesting licences, clearing native vegetation, waste, contaminated sites, acid sulphate soils. [www.environment.wa.gov.au](http://www.environment.wa.gov.au)

[www.naturebase.net/plants\\_animals/licensing/licensing.html](http://www.naturebase.net/plants_animals/licensing/licensing.html)

[www.naturebase.net/plants\\_animals/licensing/flora\\_licensing.html](http://www.naturebase.net/plants_animals/licensing/flora_licensing.html) ;

[www.naturebase.net/plants\\_animals/licensing/protecting\\_flora.html#dealers](http://www.naturebase.net/plants_animals/licensing/protecting_flora.html#dealers)

Department of Agriculture - guidelines and legislation relating to weed and feral animal control, declared plants and animals, and biosecurity. [www.agric.wa.gov.au](http://www.agric.wa.gov.au)

Department of Health - Environmental Health Directorate – guidelines and legislation relating to Aboriginal environmental health, mosquito-borne disease control, pesticide safety, wastewater management, water quality. [www.health.wa.gov.au/services/detail.cfm?Unit\\_ID=513](http://www.health.wa.gov.au/services/detail.cfm?Unit_ID=513)

Local Government Authorities. [www.dlgrd.wa.gov.au/localGovt/localGovtContacts/localGovtList.asp](http://www.dlgrd.wa.gov.au/localGovt/localGovtContacts/localGovtList.asp)

Department for Planning and Infrastructure - Community Layout Plans

<http://www.planning.wa.gov.au/Plans+and+policies/Regional+planning/Planning+for+Aboriginal+communities/Community+layout+plans/default.aspx>

Department of Land Information. [www.landgate.com.au/foundationr2/publichomemenu](http://www.landgate.com.au/foundationr2/publichomemenu)

Office of Native Title. [www.nativetitle.wa.gov.au](http://www.nativetitle.wa.gov.au)

