

# Kundat Djaru

## Layout Plan 1

### Background Report

October 2003

Date endorsed by WAPC



### Amendments

Amendment 1 - December 2007

Amendment 2 - December 2007

Amendment 3 - December 2007

Amendment 4 - December 2012

Amendment 5 - July 2016

Amendment 6 - October 2016

Amendment 7 - May 2020



Department of  
Planning



# KUNDAT DJARU LAYOUT PLAN 1

Layout Plan 1 (LP1) was prepared during 2001-2002 by consultant Halpern Glick Maunsell Pty Ltd.

LP1 has been endorsed by the resident community (15<sup>th</sup> March 2002) and the Shire of Halls Creek (28<sup>th</sup> November 2002). The Western Australian Planning Commission (WAPC) endorsed LP1 on 28<sup>th</sup> October 2003.

During the period 1 January 2006 to 31 December 2019 the WAPC endorsed 6 amendments to LP1. The endorsed amendments are listed in Part 7 of this report. All of the amendments were map-set changes, with no changes made to the background report except for amendment 6 which included adding a new flood hazard section in the background report as a result of a flood study undertaken in 2016.

Consequently, the background report has become out-of-date, and in April 2020 it was updated as part of amendment 7. The amendment 7 background report update sought to keep all relevant information, while removing and replacing out-of-date references and data. All temporal references in the background report refer to the original date of preparation, unless otherwise specified.

As part of the machinery of government (MOG) process, a new department incorporating the portfolios of Planning, Lands, Heritage and Aboriginal lands and heritage was established on 1<sup>st</sup> of July 2017 with a new department title, Department of Planning, Lands and Heritage. Since the majority of this report was finalised before this occurrence, the Department of Planning, Lands and Heritage will be referred to throughout the document. Other government departments mentioned throughout this document will be referred to by their department name prior to the 1<sup>st</sup> of July 2017.

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## Community Representative Organisations

|  |   |   |
|--|---|---|
| Resident community representative organisation | : | Kundat Djaru Aboriginal Corporation                 |
| Traditional Owners representative organisation | : | Tjurabalan Native Title Land Aboriginal Corporation |
| Related organisation(s)                        | : | Yaruman Art and Culture Aboriginal Corporation      |

## Acronyms

|         |   |  |
|---------|---|--|
| AHA     | : | <i>Aboriginal Heritage Act (WA) 1972</i>                                     |
| AHIS    | : | Aboriginal Heritage Information System                                       |
| ALT     | : | Aboriginal Lands Trust   |
| CEO     | : | Catholic Education Office  |
| DoC     | : | Department of Communities (Housing)  |
| DPLH    | : | Department of Planning, Lands and Heritage                                   |
| EHNS    | : | Environmental Health Needs Survey  |
| FaHCSIA | : | Department of Families, Housing, Community, Services and Indigenous Affairs  |
| HACC    | : | Home and Community Care  |
| ILUA    | : | Indigenous Land Use Agreement (under the <i>Native Title Act 1993</i> )      |
| KAMSC   | : | Kimberley Aboriginal Medical Service Council                                 |
| KDAC    | : | Kundat Djaru Aboriginal Corporation  |
| LP      | : | Layout Plan  |
| NNTT    | : | National Native Title Tribunal   |
| NTA     | : | Native Title Act (Commonwealth) 1993   |
| NTRB    | : | Native Title Representative Body   |
| PBC     | : | Prescribed Body Corporate (under the NTA, representing native title holders) |
| REMS    | : | Remote Essential and Municipal Services                                      |
| SL-lot  | : | Settlement layout lot  |
| SPP     | : | State Planning Policy  |
| WACHS   | : | Western Australian Country Health Service                                    |
| WAPC    | : | Western Australia Planning Commission  |
| YYMS    | : | Yura Yungi Medical Service   |

### Layout Plans & the Development Process

Layout Plans provide a structure for future development. LP preparation includes consultation with a range of relevant government authorities and agencies, but it is not 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 the landowner, local government, incorporated community council, native title representative body, native title prescribed body corporate, Aboriginal Cultural Materials Committee, Environmental Protection Authority, state and federal government departments, and other relevant regulatory authorities.

## EXECUTIVE SUMMARY

Kundat Djaru Layout Plan 1 (LP1) was prepared during 2001-2002 by consultant Halpern Glick Maunsell Pty Ltd. The tables below summarise the main issues concerning the planning, development and provision of services within Kundat Djaru and these are covered in more detail in the body of this report.

**Table 1 – Population Summary**

|                       |     |
|-----------------------|-----|
| Existing Population : | 179 |
| Design Population :   | 200 |

**Table 2 - Place Characterisation Indicators**

| Indicator               | Community Characteristics   |
|-------------------------|---|
| Drinking water          | The main potable water supply for Kundat Djaru is obtained from two bores. Water is pumped to an elevated storage tank. A DWSPP was prepared in 2016.   |
| Electricity             | The power station is located south of the community and is powered by three diesel generators. The power station is managed by the Department of Communities (DoC), under the Remote Essential and Municipal Services (REMS) program.           |
| Flood                   | Kundat Djaru is located on the western edge of a floodplain. The community is subject to occasional flooding. Kundat Djaru Flood Risk Assessment was completed in 2016.   |
| Land tenure             | Kundat Djaru is located on Crown Reserve 37670. The reserve is for the purposes of use and benefit of the Aboriginal Inhabitants.   |
| Wastewater              | The community is serviced by a reticulated sewer system. Wastewater is then pumped to the treatment ponds located approximately 400m northwest of the community.  |
| Emergency assistance    | Nearest police and medical emergency facilities are in Halls Creek approximately 165km from Kundat Djaru (approximately 3 hours travel time by road)  |
| Education               | Birlirr Ngawiyiwu Catholic School caters for years K-6. Approximately fourteen staff are employed at the school and the school has approximately 35 students.   |
| Health                  | Health services in Kundat Djaru are provided through the Kimberley Aboriginal Medical Service Council (KAMSC) and the Yura Yungi Medical Service (YYMS) located in Halls Creek. The community clinic is located centrally within the community. |
| Food                    | Kundat Djaru store is located in the centre of the community. The store stocks a good range of grocery items and a variety of fresh foods. Fuel is available for purchase.  |
| Transport               | Kundat Djaru is located approximately 165 kilometres south - east of Halls Creek within the SoHC.   |
| Waste services          | The Kundat Djaru waste disposal site is located approximately 1km north-west of the community. Waste disposal is managed by DoC, under the REMS program.  |
| Employment & enterprise | Community members are employed at the school, office, shop, and clinic.   |
| Governance              | The community is managed through its incorporated body, the Kundat Djaru Aboriginal Corporation and the Traditional Owners are the Tjurabalan Native Title Land Aboriginal Corporation  |
| Aboriginal heritage     | Kundat Djaru is located within the determination area of the Tjurabalan People (Tribunal number WCD2001/001 and Federal court number WAD160/1997).  |

LP No. 1 plans for future growth of the community, formalises existing infrastructure and land-uses and provides for future lot layout and road design.

The major purpose of the LP is to guide the growth and development of Kundat Djaru by providing a layout of future land uses in the community.

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## **DEVELOPMENT PRIORITIES**

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The following initiatives, development and works were developed in 2010 to implement LP1 and were an update to the original 2002 development priorities.

### **Within the next year:**

1. Preparation of a DWSP, in accordance with SPP 2.7 (completed).
2. Refurbish/ replace dwellings located on SL-lots 23 and 24
3. The tip being re-fenced
4. Construct one dwelling for teacher accommodation

### **Within the next 5 years:**

1. Prepare a Housing Delivery Strategy
2. Install petrol/diesel fuel pump and decommission existing diesel pump including contamination remediation to land as required
3. Maintenance upgrade to wastewater pond access road
4. Construct four additional dwellings
5. Construct two dwellings for teacher accommodation and medical accommodation
6. Install new school play equipment and remove existing equipment
7. Decommission/re-locate camp ground ablutions
8. Refurbish and convert old office into additional medical consulting room
9. Extend the existing Art Centre to accommodate a formal gallery and administration area

### **Within the next 10 years:**

1. Formalise a community meeting place
2. Construct eight additional dwellings one dwelling for teacher accommodation
3. Construct an indoor recreation centre on SL-lot 16
4. Construct a service road linking Warlu Road and Burnuana Road
5. Provide new school classroom and staff room
6. Review LP 1 and include consideration regarding re-location of the wastewater ponds

### **Within the next 15 years:**

1. Construct eight additional dwellings
2. Construct a swimming pool
3. Construct a new medical centre

### **Implementing the Layout Plan**

The implementation of this LP will rely on the energy and endeavour of the community members.

The future growth of Kundat Djaru will require community members to find solutions for the provision of services and infrastructure (such as housing and sealed roads). This reinforces the objectives of the Kundat Djaru Layout Plan 1 to help bring about the self-support of its members by the development of economic projects and industries, and to encourage members to manage their affairs on their own land.

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# 1 BACKGROUND

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## 1.1 Location & Setting

Kundat Djaru is located approximately 165 kilometres south-east of Halls Creek within the Shire of Halls Creek. The community is built on land that was excised from Gordon Downs Station in 1982 and is close to the Northern Territory border on the northern edge of the Great Sandy Desert.

Kundat Djaru is commonly referred to as 'Ringer Soak' or 'Yaruman' and is located in 'the Kutjungka' area. This area is constituted and bounded by the communities of Balgo (Wirrimanu), Billiluna (Mindibungu/Kururrungku), Mulan, Yakka Yakka and Kundat Djaru.

Kundat Djaru is located approximately 45km south of Duncan Road along Gordon Downs Road, 5km past the old Gordon Downs Homestead.

Sturt Creek is the largest watercourse feature near Kundat Djaru. Sturt Creek is a main drainage channel for the expansive plains in the area. It drains into Lake Gregory, located several hundred kilometres south-west of the Community.

Kundat Djaru is located on land that slopes downwards in an easterly direction. The soil is poor sandy loam. Vegetation in the area includes spinifex and native grasses. Acacia and eucalypts are prevalent where there is water.

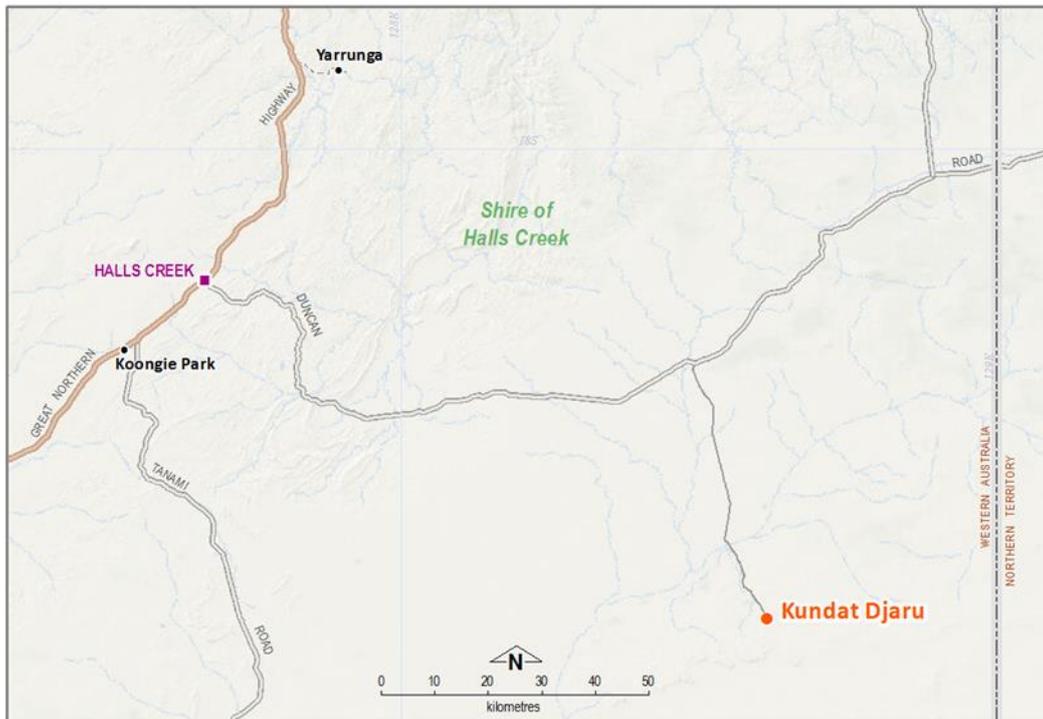


Figure 1 – Regional Context of Kundat Djaru

## 1.2 Climate

The Shire of Wyndham-East Kimberley has a tropical semi-arid climate with very hot summers and warm dry winters. There are two distinct seasons; the "wet", usually from December to March and characterised by high temperatures and the occasional rain event, and the "dry" for the remainder of the year.

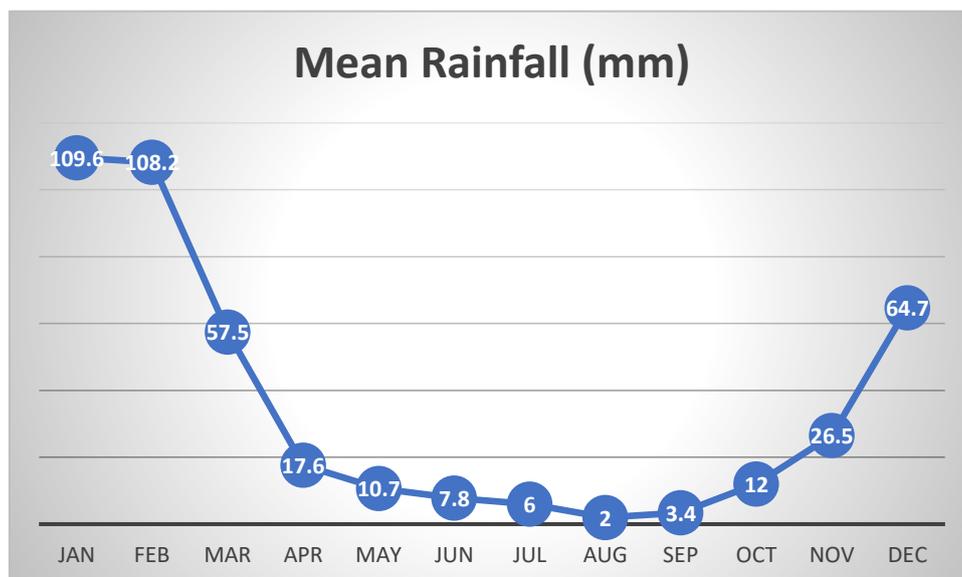
Kundat Djaru has a sub-tropical climate characterised by summer rainfall and dry winters. Rainfall in this region is predictable, and in the wet season often associated with thunderstorms. Cyclones can come inland and affect this area with high speed winds and rain. Evaporation is also high, and rainfall only exceeds evaporation in the summer months. The nearest Bureau of Metrology (BOM) weather station for Kundat Djaru rainfall, is Sturt Creek, located approximately 60 kilometres to the west.

The average annual rainfall for Sturt Creek is 412.2mm with the majority of rain falling between December-March. BOM rainfall for Sturt Creek is summarised in Table 3:

**Table 3 – Sturt Creek mean rainfall (1899 to 2019)**

|                      | Jan          | Feb          | Mar         | Apr         | May         | Jun        | Jul        | Aug        | Sep        | Oct         | Nov         | Dec         | Annual       |
|----------------------|--------------|--------------|-------------|-------------|-------------|------------|------------|------------|------------|-------------|-------------|-------------|--------------|
| <b>Rainfall (mm)</b> | <b>109.6</b> | <b>108.2</b> | <b>57.5</b> | <b>17.6</b> | <b>10.7</b> | <b>7.8</b> | <b>6.0</b> | <b>2.0</b> | <b>3.4</b> | <b>12.0</b> | <b>26.5</b> | <b>64.7</b> | <b>412.2</b> |

Source: Bureau of Meteorology

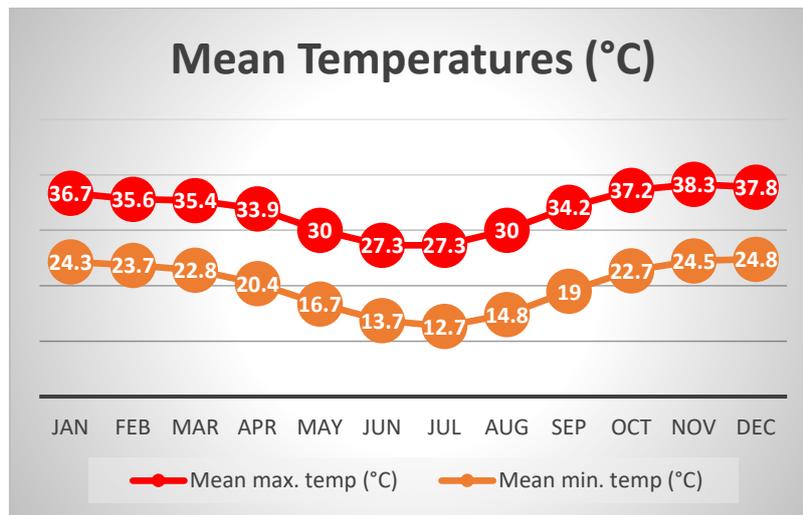


The nearest location with temperature data is Halls Creek. Summers are hot, and winter mild to cool. Mean maximum daily temperatures range between 36-38 °C in summer, and between 29-32 °C in winter. The daytime prevailing wind direction is westerly and southerly at night, with some variation throughout the year.

**Table 4– Halls Creek mean temperatures (1948 to 2018)**

|                     | Jan  | Feb  | Mar  | Apr  | May  | Jun  | Jul  | Aug  | Sep  | Oct  | Nov  | Dec  |
|---------------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Mean max. temp (°C) | 36.7 | 35.6 | 35.4 | 33.9 | 30   | 27.3 | 27.3 | 30   | 34.2 | 37.2 | 38.3 | 37.8 |
| Mean min. temp (°C) | 24.3 | 23.7 | 22.8 | 20.4 | 16.7 | 13.7 | 12.7 | 14.8 | 19   | 22.7 | 24.5 | 24.8 |

Source: Bureau of Meteorology



## 1.3 History and Culture

This is a concise summary of post-settlement history of Kundat Djaru, and is for the purposes of understanding the settlement.

### Early contact history

Although the Ord and Margaret Rivers were mapped during Alexander Forrest's expedition of 1879, intensive non-Aboriginal settlement of the Halls Creek region did not begin until the discovery of gold at Halls Creek in 1885. By 1886, 2000 prospectors were living at Halls Creek, and these early encounters were often characterised by violence as competition for water and food sources intensified (Jebb 2002). Police-directed reprisals followed many incidents involving Aboriginal people and miners and pastoralists. Such a pattern of conflict, which featured organised punitive raids on indigenous people, was a regular feature of East Kimberley history right through to the 1920s (Achoo et al 1996).

### 1950s to 1970s – Aboriginal contributions to the pastoral industry

Wages were not introduced for Aboriginal pastoral workers until 1950, but these were not uniform or commensurate with non-Aboriginal wages. The Commonwealth Government Pastoral Industry Award became applicable in the Kimberley in 1968, which entitled Aboriginal workers to equal wages, holiday and sick pay. This introduced a formal equality to the labour market, but also meant that many stations could no longer function as they previously had when they could rely upon much seasonal, skilled, but cheap labour.

This resulted in a large out-migration from pastoral stations to towns and reserves.

### The 'Homelands' movement – 1970s and 80s

The emergence of the Kundat Djaru community can be seen in the context of the homelands movement; whereby particular Aboriginal groups have sought to return to lands with which they enjoy strong traditional and historical connections. This movement can be seen emerging after policies of indigenous self-determination were introduced in the early 1970s, and after the role of missions and government residential institutions in the lives of Aboriginal people had steadily declined. In many cases, this return to traditional lands was enabled by the transfer of pastoral stations from white pastoralists to Aboriginal groups. In the East Kimberley region, Doon Doon, Lake Gregory, Billiluna and Glen Hill stations were purchased by Aboriginal groups in 1976.

The Kundat Djaru community consists of people displaced from the surrounding pastoral leases in 1967. These people were evicted from Gordon Downs Station between 1978 and 1981. The people then camped in Halls Creek and were given State Government assistance to move to Kundat Djaru which was made a permanent reserve in 1982 (Catholic Education Office N.D.). The community was excised from Gordon Downs Station in 1982.

### **Formal recognition of rights to country – 1970s to present day**

The pursuit of a formal recognition of Aboriginal land rights has gained momentum since the late 1970s, with the founding of the Kimberley Land Council in 1978, and the Seaman Inquiry of 1984. This process was given further impetus with the passage of the Commonwealth Native Title Act 1993, which established a framework for the lodging of native title claims.

Kundat Djaru is located within the determination area of the Tjurabalan People. The Tjurabalan People gained legal recognition of their native title rights over Kundat Djaru land on 20 August 2001.

This historical context underlines the strong desire of Aboriginal groups in the East Kimberley to build and sustain facilities and enterprises that allow for continued association with traditional lands but that also enable these groups to engage with external economic and government interests through the context of an independent, organised community

### **Culture**

Kundat Djaru is located within an area referred to as the Kutjungka (FaHCSIA 2009). This area is bounded by the communities of Balgo (Wirrimanu), Billiluna (Mindibungu/Kururrungku), Mulan, Yakka Yakka and Kundat Djaru and rarely identified on official maps.

The name means 'together-as-one' and is used by local people to recognise the deep historical, familial and present-day social relations that connect the diverse number of family and linguistic groups in the area. The main language used in Kundat Djaru is Jaru, other dominant Indigenous language groups are the Walmatjarri and Kukatja, while Ngarti, Warlpiri, Pintupi are also spoken/used. Other groups are also an important part of the Kutjungka social world (FAHSCIA 2009).

The community maintains strong ties to its cultural heritage. The local school embraces a bi-lingual curriculum with children being taught in both Jaru and English.

## **1.4 Previous Layout Plan**

No previous layout Plan.

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## 2 COMMUNITY PROFILE

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### 2.1 Population

Table 5 – Population

|                       |     |
|-----------------------|-----|
| Existing Population : | 179 |
| Design Population :   | 200 |

#### Existing Population

Estimating and predicting populations in the Kimberley is difficult because Aboriginal people tend to be mobile in terms of housing and living arrangements. Populations can increase and decrease rapidly based on family, cultural or administrative factors (see Taylor 2006 for a useful discussion of demographic trends of remote Indigenous populations). Population figures also vary depending on the time of year of enumeration, methods and sources by which data is collected. This is reflected in the available demographic data for Kundat Djaru.

A summary of recent population data is shown in Table 6. The population estimates in Table 6 are sourced from the Environmental Health Needs Survey (EHNS) undertaken by the former Department of Indigenous Affairs (DIA) in 1997, 2004 and 2008 and the Australian Bureau of Statistics (ABS).

Table 6 – Population figures of Kundat Djaru by source 1997-2016

|                      | 1997        | 2001       | 2004        | 2006       | 2011       | 2008        | 2016       |
|----------------------|-------------|------------|-------------|------------|------------|-------------|------------|
| <b>Total persons</b> | 120         | 117        | 130         | 119        | 188        | 161         | 179        |
| <b>Source</b>        | <b>EHNS</b> | <b>ABS</b> | <b>EHNS</b> | <b>ABS</b> | <b>ABS</b> | <b>EHNS</b> | <b>ABS</b> |

A 'Baseline Community Profile' of Kundat Djaru was prepared for the former Department of Families, Housing, Community, Services and Indigenous Affairs (FaHCSIA 2009). It included anecdotal evidence from the local community which highlighted the transient nature of the population. The Chief Executive Officer of the Kundat Djaru Aboriginal Corporation (KDAC) advised in September 2008 that on an average day there would be 130 people; however the population could be as low as 20 during 'Law' time and exceed 300 if the right circumstances occurred.

The community also includes non-indigenous residents who work in the school, the health clinic and art centre, the total non-indigenous population is approximately 14.

It is assumed that the total resident population of Kundat Djaru is approximately 179 people.

#### Design Population

The layout plan prepared in 2002 by Halpern Glick Maunsell Pty Ltd indicated the estimated design population of Kundat Djaru to be 200, this was based on the current usual population, allowance for percentage of visitors who use the community services and facilities, increases in number of staff and increases in housing stock over time.

## 2.2 Governance

There are two governance bodies which support the Kundat Djaru Aboriginal Community; one comprising of members of the community itself and the other representing traditional owners recognised under the *Native Title Act 1993*.

### Incorporated Community

The Kundat Djaru Aboriginal Corporation (KDAC) was incorporated under the *Aboriginal Councils and Associations Act 1976* on 4 August 1980. The objectives of the KDAC include the management of infrastructure, community and economic development in addition to supporting the ongoing safety and education of the community children and support of the elderly. Specifically, the KDAC is responsible for community municipal services including;

- maintaining the airstrip;
- community environmental health;
- delivering Home and Community Care (HACC) services; and
- the day-to-day management of the community.

KDAC is registered with the Office of the Registrar of Indigenous Corporations (ORIC). Documents on KDAC can be obtained from [www.oric.gov.au](http://www.oric.gov.au)

### Traditional Owners

The Tjurabalan Native Title Land Aboriginal Corporation RNTBC was registered on the 19 March 2009 under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. It was previously known as the Tjurabalan Native Title Land Aboriginal Corporation which was registered on 7 January 2002.

The Corporation's main objectives and statutory functions are to represent traditional owner interests. It is also to perform the functions of a prescribed body corporate as required by the *Native Title Act 1993*.

## 2.3 Land Tenure

Kundat Djaru is located on Crown Reserve 37670. The details are provided below.

|  |   |
|--|---|
| <i>Tenure</i>  | Crown Reserve 37670   |
| <i>Lot Details</i>   | Lot 62  |
| <i>Status Order/Interest</i>                                 | State of Western Australia  |
| <i>Primary Interest Holder</i>                               | Aboriginal Affairs Planning Authority   |
| <i>Area</i>  | 3,500 ha  |
| <i>Limitations/Interests/<br/>Encumbrances/Notifications</i> | <ul style="list-style-type: none"> <li>• Reserve for the purpose of use and benefit of the Aboriginal Inhabitants</li> <li>• Control and Management to Aboriginal Lands Trust</li> <li>• Standard Lease - Kundat Djaru Aboriginal Corporation (part SL-lot 73)</li> <li>• Standard Lease - Yura Yungi Medical Service Aboriginal Corporation (SL-lot 71)</li> </ul> |

The Kundat Djaru community and all its associated infrastructure is located within the crown reserve area. There is sufficient area around the existing community living area to accommodate expansion and it is not necessary to pursue changes to the existing land tenure arrangement.

## 2.4 Native Title

Kundat Djaru is located within the determination area of the Tjurabalan People (Tribunal number WCD2001/001 and Federal court number WAD160/1997).

The Tjurabalan People gained legal recognition of their native title rights over approximately 26,000 km<sup>2</sup> of land near the Western Australia/Northern Territory border on 20 August 2001 (Ngalpil v Western Australia). The consent determination found that native title exists in the determination area and is held communally by the Tjurabalan People. The Tjurabalan People, recognised as the common law holders over the subject land, are those people who hold in common the body of traditional law and culture governing the determination area and who are members of the Walmajarri, Jaru or Nyininy language groups.

There is no registered Indigenous Land Use Agreement in the vicinity of Kundat Djaru or within the native title determination area.

Further information regarding native title can be sort from the National Native Title Tribunal website <http://www.nntt.gov.au>

### Background to Native Title in Australia

The *Native Title Act 1993* (NTA) enshrines in legislation the High Court Mabo decision, in which the common law of Australia formally recognised Indigenous land ownership through the continuing observance of traditional law and custom.

Native title is defined by section 223 of the NTA as:

*the communal, group or individual rights and interests of Aboriginal people or Torres Strait Islanders in relation to land or waters where:*

*the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal people or Torres Strait Islanders; and b) the Aboriginal people or Torres Strait Islanders, by those laws and customs, have a connection with the land and waters; and c) the rights and interests are recognised by the common law of Australia.*

Native title is therefore not a form of land tenure, such as a freehold estate or pastoral lease, but is the recognition of pre-existing rights and interests in country.

Under the NTA, registered native title claimants and registered native title bodies corporate (often referred to as PBCs) are entitled to the right to negotiate regarding proposed future acts which may affect native title rights and interests. Procedures for negotiation can either be in accordance with Subdivision J of the NTA or in accordance with alternative procedures agreed by both parties in the form of an Indigenous Land Use Agreement (ILUA).

Examples of future acts which may affect native title rights and interests include mining exploration or the construction of public works (such public housing).

Native title rights and interests are also variously affected by different forms of land tenure. For example, native title rights and interests are generally extinguished by valid grants of freehold tenure (see Division 2B of the NTA and also Ward and Lawson decisions) while native title may co-exist with pastoral leases, but if there is any inconsistency between the two then pastoral interests are likely to prevail (see Wik decision).

Additionally, ILUAs can be entered into so that agreement can be made about instances when the non-extinguishment principle applies.

More information about native title can be obtained from the [National Native Title Tribunal](http://www.nntt.gov.au).

## 2.5 Aboriginal Heritage

It should be noted that both registered and unregistered sites of cultural significance to Aboriginal people are protected under the State Government's *Aboriginal Heritage Act 1972*, but only registered sites are recorded on the Department of Planning, Lands and Heritage [Aboriginal Heritage Information System](#) (AHIS) database.

### Registered Sites

There are no registered sites within the Kundat Djaru settlement zone, however there is one registered site within close proximity to the community (as of April 2020). The site is listed below:

- Place 1309 - Liralyan, Registered Site - Mythological

Any future development at the community, including implementing LP1 should therefore be undertaken in consultation with the community and the traditional owners to ensure adequate avoidance of sites.

### Culturally Sensitive Areas

A large culturally sensitive area is located to the south-west of the community. A No-Go buffer has been included on LP1 to reflect its location. Development should not encroach into this area and growth of the community should be focused away from the south where possible.

#### Impact of Aboriginal Heritage on Urban Growth in Remote Aboriginal Communities

The *Aboriginal Heritage Act 1972* (AHA) was introduced in Western Australia to provide automatic protection for all places and objects in the State that are important to Aboriginal people because of connections to their culture. The Department of Planning, Lands and Heritage maintains a Register of Aboriginal Sites as a record of places and objects of significance to which the AHA applies. It should be noted that unregistered sites of cultural significance to Aboriginal people are also protected under the State Government's *Aboriginal Heritage Act 1972*, but only registered sites are recorded on the Department's database and are generally included in the Aboriginal Heritage Inquiry System.

The presence of an Aboriginal site places restrictions on what can be done to the land. Under the AHA it is an offence for anyone to excavate, damage, destroy, conceal or in any way alter an Aboriginal site without obtaining the appropriate approvals. Anyone who wants to use land for development or any other cause must therefore investigate whether there is an Aboriginal heritage site on the land.

Contact should be made with the relevant Native Title Representative Body in the first instance.

No formal heritage assessment under the *Aboriginal Heritage Act 1972* has been undertaken as part of the preparation of LP No. 1 and the LP Background Report and LP map-set do not represent clearance under that Act in any way. It is expected that any future development of housing and other infrastructure on the community be undertaken in consultation with the community and native title holders and cleared in accordance with the provisions of the AHA.

## **2.6 Community Aspirations**

During consultation with the community in 2010 the resident community provided the following aspirations:

1. Ensure the Community continues to grow
2. Additional Housing
3. Provide for future fuel pumps near community store
4. Provide alternative route for fuel delivery to the power station
5. Upgrade to the existing undercover community playground
6. Provide for new undercover basketball and recreational facility
7. Provide larger play areas for the school and additional space for growth of the school
8. Ensure housing is planned to accommodate family growth
9. Improve economic development through the workshop and the art centre

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## 3 INFRASTRUCTURE & SERVICES

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### 3.1 Electricity Supply

Kundat Djaru's power station is located south of the community on SL-lot 51. It is powered by three diesel generators with a total capacity of 337 Kw. The power station is managed by the Department of Communities (DoC), under the Remote Essential and Municipal Services (REMS) program.

All dwellings in the community are located outside the 200m buffer prescribed under the *Aboriginal Settlement Guideline 3 Layout Plan Exclusion Boundaries (2012)* for a power station.



Figure 2 - Power Station

### 3.2 Water Supply

The main potable water supply for Kundat Djaru is obtained from a single operational electric bore (bore 1/81) located on SL-lot 90, approximately 320m east of the power station. A second backup bore (bore 3/81) is located on SL-lot 69. Both bores are fenced and in good condition. Water is pumped to an elevated storage tank located on SL-lot 50.

### 3.3 Wastewater

The community is serviced by a reticulated wastewater system. Wastewater is reticulated from dwellings to a pumping station located on the north-eastern edge of the community on SL-lot 49. Wastewater is then pumped to the wastewater treatment ponds located approximately 400m northwest of the community on SL-lot 13.

Approximately 5 dwellings are located within the recommended 500m buffer to the wastewater treatment ponds prescribed by the *Aboriginal Settlement Guideline 3 Layout Plan Exclusion Boundaries (2012)*. Given the prevailing winds in the community are generally easterly, odour from the wastewater treatment pond is considered not to be a significant constraint to the amenity of residents.

### 3.4 Rubbish Disposal

The Kundat Djaru waste disposal site is located approximately 1km north-west of the community on SL-lot 83. It is accessible from the main entrance road off Gordon Downs Road. The fencing around the site is in poor condition and requires repair.

Waste disposal is managed by DoC, under the REMS program. All community housing and infrastructure is located within the prescribed 2000m buffer outlined in the *Aboriginal Settlement Guideline 3 Layout Plan Exclusion Boundaries (2012)*. It would not be feasible to relocate the rubbish disposal site at this time, a new rubbish tip site located 2000m from the community should be considered in the future.



Figure 3 - Rubbish tip

### 3.5 Airstrip

The community is serviced by an 1200m all weather sealed airstrip located north-east of the community on SL-lot 84. The airstrip is accessed from a graded gravel road that is in good condition and is managed by the KDAC complete with lighting and a windsock.

### 3.6 Internal Road Layout

The main internal settlement layout (SL) road network is fully sealed with all dwellings accessible from a constructed and sealed road. Speed bumps and signs are also present in the road network.

The rubbish tip, water tank, bores and airstrip are all accessible from graded gravel SL roads. Informal and ungraded tracks provide access to the sewerage treatment ponds and the community cemetery located to the west. An informal track traverses the western edge of the community linking the SL roads, Warlu Road, Burnuana Road and Yaruman Road. All SL roads providing access to dwellings or community services are named.

### 3.7 Access & Dedicated Roads

Kundat Djaru is located approximately 165km south-east of Halls Creek. Kundat Djaru is accessed via travelling east from Halls Creek along Duncan Road before turning south and travelling 45km along Gordon Downs Road. Both roads are graded and generally in good condition.

Gordon Downs Road has a number of floodway's which are seasonally inundated. The major floodway crossing is Sturt Creek. The community has advised that during the wet season, the community can be cut-off from Halls Creek for several weeks and occasionally months during which time food and supplies are flown in. The airstrip used during this period to reach the community is not affected by seasonal flooding.

Yaruman Road turns off Gordon Downs Road and leads directly to the community. The road is constructed of compacted gravel and becomes fully constructed and sealed at the intersection with Gulbi Road, in Kundat Djaru.

### **3.8 Community and Social Services**

#### **Store**

Kundat Djaru store is located on SL-lot 73 in the centre of the community. The store stocks a good range of grocery items and a variety of fresh foods. Fuel is available for purchase and alcohol is not sold in the community. The store is operated by Outback Stores Pty Ltd.

#### **Office**

The community office is co-located with the store on SL-lot 73 and is used for the day-to day operations of the KDAC. It also acts as Centrelink office for the community and is utilised for general administration purposes.

#### **School**

Birlirr Ngawiyiwu Catholic School is located on SL-lot 67 and caters for years K-6. High school aged children attend Kununurra High school or boarding schools in Perth. Approximately fourteen staff are employed at the school comprising a principal; three teachers; five assistant teachers, three maintenance/cleaners and one admin officer. The school has approximately 35 students. There is a strong focus in the school on two-way learning incorporating the Jaru and English languages. Teacher housing in the community is funded by the Catholic Education Office.



**Figure 4 - Birlirr Ngawiyiwu Catholic School**

## **Clinic**

Health services in Kundat Djaru are provided through the Kimberley Aboriginal Medical Service Council (KAMSC) and specifically through the Yura Yungi Medical Service (YYMS) located in Halls Creek. The community clinic is located centrally on SL-lot 71.

YYMS manage specialist appointment notification and transport needs to facilitate access to specialist services, a regular visiting service is conducted to Kundat Djaru. A general practitioner and other various health workers attend Kundat Djaru on a regular basis to cater for health needs. YYMS It is a controlled health service that provides holistic, culturally appropriate curative services with integrated preventative programs. This includes maternal and child health, women's health, chronic disease and sexual health.

## **Workshop**

Kundat Djaru has a work shed located on SL-lot 44. The workshop is used for repairs, maintenance and storage of equipment.

## **Recreation Areas**

An uncovered basketball court and covered playground area are located centrally in the community on SL-lot 70. A future site for a recreation centre is set aside on SL-lot 16.

## **Oval**

Kundat Djaru's football oval is located northwest of the community on SL-lot 5. It is a dirt oval and it is not reticulated. The oval is home to the 'Kundat Djaru Cats' football team.

## **Art Centre**

Yaruman Art Centre is located on SL-lot 15 on the corner of Linga and Yaruman Roads. The art centre's focus is cultural maintenance and provides support for all cultural activities. The art centre is administrated by Yaruman Art and Culture Aboriginal Corporation and is a not-for-profit organisation, owned and operated by the artists themselves. The Yaruman art centre is one of the few employment sources in the community.



**Figure 5 – Art Centre**

## **Cemetery**

The cemetery is located on SL-lot 93, west of the community on Burnuana road.

## 4 HOUSING

### 4.1 Residential Areas

The dwellings in Kundat Djaru are clustered around a central community space. Staff accommodation is located in the south and north of the community.



Figure 6 - Residential SL-lots, April 2016, Air Photo

### 4.2 Number & Type of Dwellings

At present, there are approximately 57 residential lots in the community including men's and women's quarters. The Department of Communities (Housing) provides property and

tenancy management services under a Housing Management Agreement (HMA) to 44 community houses in the community.

The majority of dwellings are in fair to good condition and are constructed out of colorbond or weatherboard material.

### **4.3 Future Residential Development**

Approximately 20 residential lots and 1 balance lot are available for future residential development in Kundat Djaru.

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## 5 CONSTRAINTS AND LIMITATIONS

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### 5.1 Flood Hazard

Kundat Djaru is located on the western edge of a floodplain, the Sturt Creek catchment. The community is subject to occasional flooding. The 'Kundat Djaru Flood Risk Assessment' report was completed in 2016 by the Worley Parsons group, Advisian on behalf of the former Department of Planning. The report outlines a Floodplain Development Strategy which manages flood risk and guides land use planning and development controls to ensure future development has an adequate level of flood protection. For proposed future residential developments within and outside the 1% AEP floodplain, the report recommends a minimum finished floor level of 0.5 m above the adjacent 1% AEP flood level.

All construction and developer proponents are to refer to the 2016 'Kundat Djaru Flood Risk Assessment' report and updated map-set when undertaking development.

### 5.2 Drainage

An open drainage channel has been constructed along Yaruman Road (the entrance road into the community) to capture and direct water run-off from roads southwards into the floodplain. Culverts have also been constructed in order to maintain access to housing.



Figure 7 - Yaruman Road Drainage Channel



Figure 8 - Constructed Culverts over drainage channels

### 5.3 Drinking Water Source

A Drinking Water Source Protection Plan (DWSP) was prepared in 2016 by Global Groundwater. The plan identifies a Priority 1 drinking water source protection area east of the community, surrounding the current bores. The report indicated there was currently inadequate bore security and wellhead protection around the bores. Kundat Djaru has a history of water source contamination, which suggests that the existing bores may be located too close to potential contaminants in the area. The report recommended fencing the bores (which has subsequently been undertaken) and in the future moving the bores further from the community or potential land use hazards.

Drinking water source protection areas are needed to prevent the degradation of the drinking water source and to avoid the development of potentially harmful activities in those areas.

## **5.4 Bushfire**

The community is designated as bushfire prone under *SPP 3.7 Planning in Bushfire Prone Areas* (SPP 3.7). It is unknown whether the community has any bushfire management emergency/evacuation procedures in place.

## **5.5 Exclusion Boundaries**

The exclusion boundaries shown on the map-set are in accordance with the WAPC's *Aboriginal Settlements Guideline 3: Layout Plan Exclusion Boundaries*.

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## **6 PLANNING FRAMEWORK**

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### **6.1 State Planning Policies**

State Planning Policies (SPPs) are prepared and adopted by the WAPC under statutory procedures set out in section 26 of the *Planning and Development Act 2005*.

The WAPC and local governments must have 'due regard' to the provisions of State Planning Policies when preparing or amending town planning schemes and when making decisions on planning matters. The State Administrative Tribunal is also required to take SPPs into account when determining appeals.

The following SPPs were given due regard in the preparation of LP 1:

- SPP 3.0 – Urban Growth and Settlement;
- SPP3.2 Aboriginal Settlements; and
- SPP2.7 Public Drinking Water Source
- SPP 3.7 Planning in Bushfire Prone Areas

### **6.2 State Planning Policy 3.2 - Aboriginal Settlements**

SPP3.2 was published in the Government Gazette on 11 May 2011. The objectives are to:

- Provide for the recognition of Aboriginal settlements through local planning schemes and strategies; and,
- Collaboratively plan for the orderly and coordinated development of Aboriginal settlements.

SPP3.2 defines a Layout Plan as the valid planning instrument applicable to Aboriginal settlements and prescribes the manner in which they are to be prepared, authorised and amended. SPP3.2 requires that local governments classify land as 'settlement' zone in a local planning scheme.

## 6.3 Shire of Halls Creek

### Halls Creek Local Planning Scheme No. 2

The Shire of Halls Creek Local Planning Scheme No.2 (LPS 2) was gazetted on 17<sup>th</sup> September 2019. Kundat Djaru is zoned 'Settlement' under LPS 2. The purpose of this zone is to identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places. Under the Scheme, preparation and endorsement of a layout plan in accordance with SPP3.2, and ensuring that development accords with a layout plan, are requirements of the settlement zoning (see current Scheme zoning in Figure 9).

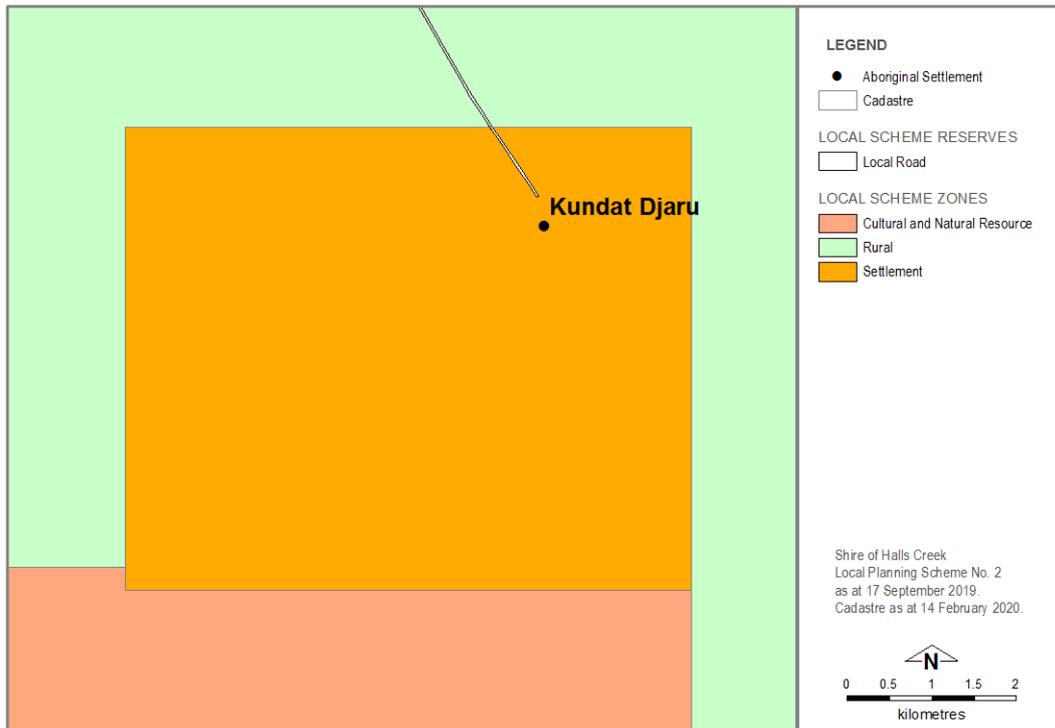


Figure 9 - Land classification under Shire of Halls Creek LPS 2, Kundat Djaru

### Local Planning Strategy

The Shire of Halls Creek Local Planning Strategy (endorsed by the WAPC 25th May 2016) provides a vision for the future planning, growth and development of the Shire over the next 10 years.

The strategy notes that layout plans are required to be prepared for land zoned 'Settlement' within the Local Planning Scheme and that it is recommended that an Economic Development and Service Delivery Strategy be prepared to provide overarching guidance for the medium to long term economic development, infrastructure provision and services delivery.

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## **7 ENDORSEMENTS**

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**ADOPTION**

**KUNDAT DJARU  
ABORIGINAL CORPORATION**

The Community council hereby adopts the Layout Plan dated.....8/10/2002..... (including the provisions), for the purpose of ensuring the proper and orderly planning of the community area, at the meeting of the Council held on the .....15.3.2002..... day of.....20.....

ALBERT V  
.....  
Chairperson (sign and print name)

15.3.2002  
.....  
Date

Julie Yoo Yoo  
.....  
Secretary (sign and print name)

15.3.2002  
.....  
Date

**APPROVAL**

**SHIRE OF HALLS CREEK**

The Shire council hereby approves the Layout Plan dated..... (including the provisions), for the Community as a guide for development within the community area to ensure the proper and orderly planning of the community area, at the.....ORDINARY..... meeting of the Council held on the .....28th..... day of...NOVEMBER 2002.....

Josephine Farrer  
JOSEPHINE FARRER  
.....  
President (sign and print name)

28th November 2002  
.....  
Date

Peter John McConnell  
PETER JOHN McCONNELL  
.....  
Shire Clerk (sign and print name)

28th November 2002  
.....  
Date

## STATUTORY PLANNING COMMITTEE

**AGENDA:** G  
**FILE No.:** 057/1/1/25 Pt. 74  
**REPORTING OFFICER:** C MEAGHAN  
**AUTHORISING OFFICER:** P WOODWARD 

---

### KUNDAT DJARU COMMUNITY LAYOUT PLAN SUBMITTED FOR ADOPTION

#### SUMMARY AND RECOMMENDATION

*The Kundat Djaru Community Layout Plan has been submitted for adoption in accordance with Statement of Planning Policy No.3.2 - Planning for Aboriginal Communities.*

*The Community Layout Plan is generally consistent with SPP No.3.2 and the Guidelines for the Preparation of Community Layout Plans and has been endorsed by both the Community Council and the Local Government.*

*Adoption is recommended.*

#### BACKGROUND

1. Kundat Djaru [Ringer Soak or Yaruman] is a community built on Crown Reserve 37670 [3,500ha], which was excised from Gordon Downs Station in 1996. The nearest town is Halls Creek, 170 km to the north-west. Access is via a 45km gravel road off the Duncan Highway [**Attachment 1**].
2. Kundat Djaru is close to the Northern Territory border and on the northern edge of the Great Sandy Desert. The terrain is characterised by spinifex grass and sparse shrubs, usually of the acacia variety.
3. This Community Layout Plan was prepared by Halpern Glick Maunsell in 1999/2000, and contracted by Parsons Brinkerhoff [on behalf of ATSIC]. The plan was submitted to DPI in August 2003. As such, there is no scope to seek modification of the plan. The plan has been undertaken in accordance with SPP No.3.2 and the *Guidelines for the Preparation of Community Layout Plans*.
4. The Community Layout Plan area does not fall within the boundaries of an existing Town Planning Scheme (Halls Creek Townsite only), and although a Local Planning Strategy is being prepared to address wider issues, there is no proposal to extend the scheme outside the townsite area.

#### POPULATION AND HUMAN SERVICES

5. Kundat Djaru was established in 1986 and supports a population of approximately 120-140 people, with a permanent core resident group of 90. The permanent population is expected to be relatively stable over the next 5 years.

- Existing development in the community includes 26 dwellings, including 5 staff dwellings, 2 ablution blocks, a store, school, office and youth shed. The Birlirr Ngawiyiwu Catholic School is operated by the Catholic Education Office, and provides education at pre-primary, primary and limited secondary level. **Attachment 2** provides photographs of key community buildings.

## **INFRASTRUCTURE**

### Power

- Power is provided via three generator sets, located 300m from the nearest residence. There is adequate power supply to accommodate the present population. Future growth may require an update to the system, and this may be provided under the Remote Area Essential Services Program [RAESP], which is operated by Arup on behalf of Aboriginal and Torres Strait Islander Services and the Department of Housing and Works.

### Water

- Water supply is provided from two bores located 300 and 600m south-east of the community. This system presently provides an adequate level and quality of water and has capacity to accommodate growth. However, there are reported deficiencies in water pressure to staff housing in the northern end of the community.

### Waste Water

- Waste water is disposed of via a reticulated sewerage system constructed in 1988 constructed to Water Corporate standards. There is adequate capacity to accommodate increased population and a suitable 500m buffer exists between the sewer ponds and residential uses.

### Access

- External access to the community is via a 45km gravel track. This track is often unpassable up to several months at a time in the wet season. This road requires upgrading, particularly in locations where drainage is poor.
- Internal roads consist of unsealed tracks, and dust creates a potential health hazard. It is recommended that these roads be sealed or provided with a gravel surface.

### Drainage and Flooding

- Kundat Djaru is located on broad, near flat land with no visible creek systems. Within and around the community are signs of significant flood erosion, indicating that large volumes of floodwater flow past and through the area after a heavy rainfall. In these events, it is likely that short term inundation occurs on the lower lying land immediately to the north east.

## Refuse Disposal

13. The refuse tip is located 800m north-east of the community with prevailing wind directions ensuring no adverse impact on community amenity.

## **LAYOUT PLAN DESIGN**

14. The Community Layout Plan [**Attachment 2**] is generally consistent with SPP No. 3.2 and the Guidelines and has been adopted by the Community Council and Shire of Halls Creek.
15. The design acknowledges the key aspirations of the community and reflects the objectives of orderly and proper planning by:
  - a. providing centrally located community purposes and open space areas;
  - b. providing appropriate buffers between residential uses and sewer ponds and water chlorination units.
  - c. acknowledging "no-go" areas
  - d. ensuring that no development occurs on low lying or flood prone land to the south and east.

## **PROVISIONS AND BACKGROUND REPORT**

16. The background report provides clear details on the issues facing the community and the provisions provide direction the orderly development of the community.

## **CONCLUSION**

17. It is believed that the Kundat Djaru Community Layout Plan represents the aspirations of the community, and provides a sound basis for future development. Adoption is recommended.

## **RECOMMENDATION**

The Commission resolved to:

- 1) Adopt the Community Layout Plan;
- 2) Advise the Community and the Shire of Halls Creek that the Community Layout Plan has been adopted by the Western Australian Planning Commission; and
- 3) Endorse the documents accordingly, and send a copy to the Community and the Shire of Halls Creek.

CATH MEAGHAN  
COUNTRY PLANNING BRANCH



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## REFERENCES

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- Bureau of Meteorology 2020 Halls Creek Monthly Rainfall and Temperatures. Available at <http://www.bom.gov.au/climate/data/>
- Department of Communities (Housing) 2020 Property Tenancy Management System (PTMS) database
- Department of Indigenous Affairs (DIA) 1997, 2004 and 2008 Environmental Health Needs Survey of Indigenous Communities in Western Australia. Government of Western Australia.
- Department of Planning 2012 Aboriginal Settlement Guideline 3: Layout Plan Exclusion Boundaries, Government of Western Australia
- Department of Planning, Lands and Heritage 2020 Aboriginal Heritage Inquiry System  
<https://www.dplh.wa.gov.au/information-and-services/online-services/aboriginal-heritage-inquiry-system>
- FaHCSIA 2009, Baseline Community Profile: Ringer Soak, Report prepared by Social Compass on behalf of the Department of Families, Housing, Community Services and Indigenous Affairs, Canberra.
- Memmot, P. & S. Long & M. Bell & J. Taylor & D. Brown 2004 Between Places: Indigenous Mobility in Remote and Rural Australia. Australian Housing & Urban Research Institute, University of Queensland.
- National Native Title Tribunal 2020 Native Title Vision  
<http://www.nntt.gov.au/assistance/Geospatial/Pages/NTV.aspx>
- Office of the Registrar of Indigenous Corporations 2020, <https://www.oric.gov.au/>
- Taylor, J. 2006 Population and Diversity: Policy Implications of Emerging Indigenous Demographic Trends. CAEPR discussion paper No. 283/2006. ANU: Canberra.
- WAPC 2011 State Planning Policy 3.2 - Aboriginal Settlements, Government of Western Australia
- WAPC 2019 Shire of Halls Creek Local Planning Strategy, <https://www.dplh.wa.gov.au/lps> Government of Western Australia

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# AMENDMENTS

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0891686235

### Kundat Djaru Community Layout Plan No. 1 Amendment No. 1

#### Reason for the Amendment

The Existing Community Store is to be extended to the north, towards the School site. This extension encroaches into an area currently allocated to Green Space.

When the CLP was being prepared it was discovered that the Store was very close to an existing Sewer Line. In order to protect this line from future encroachment the Green Space was inserted as a reminder about the Sewer. Since that time it has been advised to us that the existing store already sits over the sewer line and approval has been obtained (see attached) to extend the current store over the sewer with the project incorporating a requirement to provide Inspection Openings at either end of the sewer line where it clears the building.

#### Details of the Amendment

The intention is to modify the community layout plan endorsed by the WA Planning Commission on date ..... [attached] as follows:

| Development Intention     | Changes required to CLP [endorsed 15/2/05]            |
|---------------------------|---|
| 1. Modify the Green Space | To allow Store Extension along its northern boundary. |
| 2.                        |   |
| 3.                        |   |
| Other information         |   |
| 4.                        |   |
| 5.                        |   |

#### Approved / Noted:

Kundat Djaru Aboriginal Corporation

TOMATO  
please sign and print name

Date / / 2006

Shire of Halls Creek

Tony Morley - TONY MORLEY  
please sign and print name  
EXECUTIVE MANAGER, REGULATORY SERVICES

Date 9 / 11 / 2006

To update the mapping, please forward details of amendment to Western Australian Planning Commission, 469 Wellington Street, PERTH WA 6000

Attn: Cath Meaghan, fax 9264 7566, e-mail [cath.meaghan@wapa.wa.gov.au](mailto:cath.meaghan@wapa.wa.gov.au)

RESOLVED & APPROVED IN MINUTES  
OF THE STATUTORY PLANNING  
COMMITTEE MEETING  
18 DEC 2007

## Kundat Djaru Community Layout Plan No. 1 Amendment No. 2

### Reason for the Amendment

1. Realignment of the road network and associated lot configuration
2. Annotation of lot numbers
3. Amalgamation of 'staff residential' lots into 'residential' land use category
4. Minor land use changes
5. Recognition of roads to bores and air strip

### Details of the Amendment

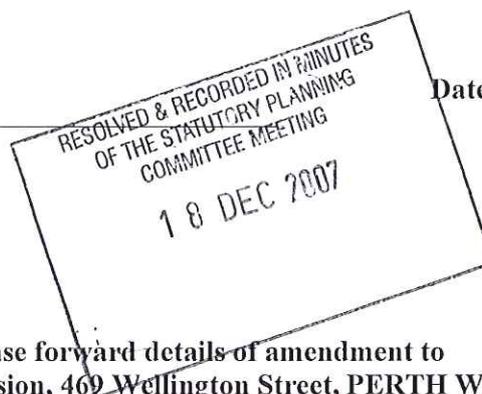
The intention is to amend the community layout plan endorsed by the Western Australian Planning Commission on 28<sup>th</sup> October 2003 and the subsequent Amendment No. 1 is as follows:

| Detail   | Changes required to CLP [endorsed 28/10/03]   |
|--|---|
| 1. Ensure that the plan reflects the configuration of the recently constructed road network.                             | Annotation of northern road names<br>Slight westerly deviation of Yaraman Road toward the north<br>Extension of the northern cul-de-sac to connect with Yaraman Road<br>West boundary extension of Lots 7 and 11 to meet new road reserve |
| 2. Annotate every lot with a sequential lot number, yet reflecting previous numbers recognised by the community.         | Annotate every lot a number from 1 – 80.<br>Note: Lot numbers not yet used – 55, 69, 72   |
| 3. Remove reference to 'staff residential' housing and amalgamate these houses into the 'residential' land use category. | Lots 76 to 79 changed from 'staff residential' to 'residential'<br>The "teachers housing" annotation to remain.   |
| 4. Ensure that the caretakers dwelling, developed alongside the proposed arts centre, is reflected appropriately.        | Change the land use category of Lot 15 from 'community' to 'community residential'  |
| 5. Show the proposed roads to the bore and air strip   | Extend the northern exit roads to the extend of the CLP boundary<br>Recognise the eastern road to the water supply bores  |

### Approved / Noted:

Western Australian Planning Commission

*please sign and print name*



Date / / 2007

**To update the mapping, please forward details of amendment to  
Western Australian Planning Commission, 469 Wellington Street, PERTH WA 6000**

## Kundat Djaru Community Layout Plan No.1

### Amendment No.3

#### Reason for the Amendment

To show the location of proposed single men's quarters.

#### Details of the Amendment

The intention is to modify the community layout plan endorsed by the WA Planning Commission on 28 October 2003 as follows:

| Development Intention                             | Changes required to CLP   |
|---|---|
| 1. Develop Single men's Quarters north of Lot 15. | Create lot 72 for the purposes of 'future residential' and suitable for the development of single men's quarters. |
| <b>Other information</b>                          |   |
| 2. Lot number duplication.                        | It was noted in review of the plan that there were two lot 57s. One has been renumbered Lot 80.                   |

#### Approved / Noted:

#### Kundat Djaru Incorporated Community Council

Date / / 2007

\_\_\_\_\_

*please sign and print name*

#### Shire of Halls Creek

Date / / 2007

\_\_\_\_\_

*please sign and print name*

#### Other Information:

#### **This CLP 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.

To update the mapping, please forward details of amendment to

Western Australian Planning Commission, 469 Wellington Street, PERTH WA 6000

Attn: Ashley Randell, fax 9192 5651, e-mail [Ashley.Randell@dpi.wa.gov.au](mailto:Ashley.Randell@dpi.wa.gov.au)



Plan Date : 2000 WAPC Endorsed : 28 October 2003  
 Proponent : Department of Planning Requires : WAPC only – minor amendment  
 Endorsement

### Reason for the Amendment

The Department of Planning, on behalf of the Western Australian Planning Commission (WAPC), is the custodian for Layout Plans prepared under State Planning Policy 3.2, including the Kundat Djaru Layout Plan 1.

Since the publication of that Policy in August 2000 all Layout Plan map-sets have been prepared using a variety of computer-aided-design (CAD) formats. All Layout Plan map-sets have now been converted to a common user geographic information systems (GIS) format, including the Kundat Djaru Layout Plan 1.

This conversion process has required a comprehensive re-development of the map-set and includes a number of data and content upgrades. This may include the establishment of new Settlement Layout lots (SL-lots), the inclusion of recommended settlement zones, modification to ensure land-use areas accord with Aboriginal Settlements Guideline 1, inclusion of drinking water source protection areas, incorporation of updated cadastre, and many other general improvements.

### Approved

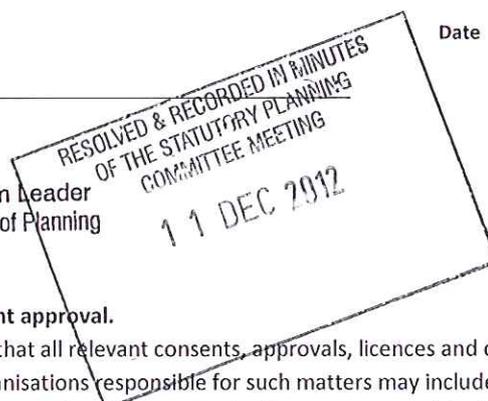
This is a minor amendment as the myriad changes made to content and illustration are of a technical nature. As such, under provision 6.14 the endorsement of the WAPC only is required.

### Western Australian Planning Commission



*please sign and print name*

Rosa Rigali  
 Planning Administration Team Leader  
 Perth, Peel Planning - Department of Planning



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.

|   |
|---|
| <b>Proponent</b> : Department of Planning |
|---|

|  |
|--|
| <b>Date</b> : 22 <sup>nd</sup> July 2016 |
|--|

### Reason for the Amendment

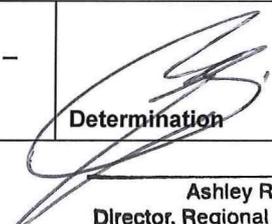
The Department of Planning proposes to make changes to the Kundat Djaru Layout Plan 1 to include data from the recent Drinking Water Source Protection Plan (June 2016) undertaken to show a Priority 1 Drinking Water Source Protection Area.

The Department of Planning Propose to make the following changes at Kundat Djaru:

| Land Identification |                                       | Amendment description  |
|---------------------|---------------------------------------|--|
| 1.                  | <b>Lot 62 Crown Reserve<br/>37670</b> | <p>Include the Priority 1 Drinking Water Source Protection Area in Layout Plan 1.</p> <p>Change the land use from 'Open Space' to 'Drinking Water Source Protection Area' as per the Priority 1 area documented in the Kundat Djaru Water Source Protection Plan (June 2016) for a portion of Lot 62 Crown Reserve 37670 within the current recommended settlement zone.</p> |

### Endorsement:

In accordance with Planning Bulletin 108/2013 this amendment is minor in nature. As such, the endorsement of the Western Australian Planning Commission is solely required.

|  |   |
|--|---|
| <p>Determined on behalf of the Western Australian Planning Commission in accordance with the <i>Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.</i></p> |  <p><b>Determination</b>      26/07/2016<br/>date</p> |
|--|---|

Ashley Randell  
Director, Regional Planning Policy  
Regional Planning  
PN: 15151

### 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 Environmental Regulation, Aboriginal Cultural Materials Committee, Environmental Protection Authority and Department of Water.

# Kundat Djaru Layout Plan No. 1

## Amendment No. 6

**Proponent** : Department of Planning

**Date** : 10 October 2016

### Reason for the Amendment

In May 2016 Worley Parsons Group Advisian completed the 'Kundat Djaru Flood Risk Assessment' on behalf of the Department of Planning (DoP). This provided DOP with flood mapping and information on flood behaviour to guide land use planning, emergency management and assessment of building and development in flood-prone areas for the Kundat Djaru community.

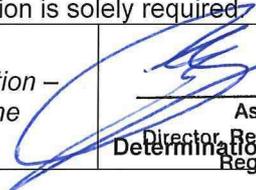
The Report has identified changes to the Layout Plan to reflect various Annual Exceedance Probability (AEP) flood extents, which includes prescribed Finished Floor Levels (FFL) and other mitigation measures. This also includes replacing an amount of 'open space' land use to 'waterway'. The general intent is to avoid future development anywhere that is at significant risk to flooding and identify areas which are more appropriate for community expansion into the future.

| Land Identification |                                 | Amendment description   |
|---------------------|---------------------------------|---|
| 1.                  | All                             | Amend the map-set to replace the 'open space' areas with 'waterway' on the LP as detailed in the flood report. Other Land Uses to remain as current.  |
| 2.                  | All                             | Amend Layout Plan Report to include Section 4.4.7 'Flooding'.<br><b>Note: *All construction and developer proponents to refer to the 'Kundat Djaru Flood Risk Assessment 2016' for site specific FFL*</b> |
| 3.                  | Open Space west of living area. | Show cemetery and road to match existing development.   |

\*A copy of the Report to be obtained from the Department of Planning prior to any endorsed Layout Plan construction/development.

### Endorsement:

In accordance with Planning Bulletin 108/2013 this amendment is minor in nature. As such, the endorsement of the Western Australian Planning Commission is solely required.

|   |  |
|---|--|
| Determined on behalf of the Western Australian Planning Commission in accordance with the <i>Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.</i> | <br>Ashley Randell<br>Director, Regional Planning Policy<br>Regional Planning<br>PN: 15151<br>17/10/2016<br>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 Environmental Regulation, Aboriginal Cultural Materials Committee, Environmental Protection Authority and Department of Water.

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|---|
| <b>Proponent</b> : Department of Planning, Lands and Heritage |
| <b>Date</b> : May 2020  |

**Reason for the Amendment**

The enactment of the Shire of Halls Creek Local Planning Scheme No.2 (LPS 2), gazetted on 17th September 2019, has resulted in the need to delete the ‘Recommended Settlement Zone’ and add the ‘Settlement’ zone to match the LPS 2.

DPLH has also undertaken an update of the Layout Plan background report to ensure that it remains up-to-date, accurate and fit-for-purpose. The update includes:

- Revising the population and housing data.
- Editing and reformatting the background report.
- Removing out of date text and references.

| Land Identification |     | Amendment description   |
|---------------------|-----|---|
| 1.                  | All | Delete the ‘Recommended Settlement Zone’.<br>Add ‘Settlement’ zone to match the Shire of Halls Creek LPS 2. |
| 2.                  | All | Update the Background Report.   |

**Endorsement:**

In accordance with Planning Bulletin 108/2013 this amendment is minor in nature. As such, the endorsement of the Western Australian Planning Commission is solely required.

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| Determined on behalf of the Western Australian Planning Commission in accordance with the <i>Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.</i> | <br>20 May 2020 |
|---|--|

**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, Aboriginal Cultural Materials Committee, Environmental Protection Authority and Department of Water and Environmental Regulation.