

Kutkabubba

Layout Plan 1

Background Report

October 2012

Date endorsed by WAPC



Department of
Planning



CONTENTS

EXECUTIVE SUMMARY	ii
DEVELOPMENT PRIORITIES.....	iii
1 BACKGROUND.....	1
1.1 LOCATION & SETTING	1
1.2 CLIMATE	1
1.3 HISTORY.....	2
2 COMMUNITY PROFILE.....	3
2.1 POPULATION.....	3
2.2 GOVERNANCE.....	4
2.3 LAND TENURE.....	4
2.4 NATIVE TITLE	5
2.5 HERITAGE.....	6
2.6 COMMUNITY ASPIRATIONS	7
3 EXISTING INFRASTRUCTURE & SERVICES.....	8
3.1 HOUSING	8
3.2 FLOODING & DRAINAGE	8
3.3 WATER SUPPLY	8
3.4 ELECTRICITY SUPPLY	9
3.5 ACCESS & DEDICATED ROADS	9
3.6 INTERNAL ROAD LAYOUT	9
3.7 COMMUNITY AND SOCIAL SERVICES	9
3.8 WASTEWATER.....	10
3.9 RUBBISH DISPOSAL.....	10
4 RECOMMENDATIONS.....	11
4.1 DESIGN SUMMARY	11
4.2 RUBBISH TIP.....	11
4.3 HOUSING	11
5 PLANNING FRAMEWORK.....	12
5.1 STATE PLANNING POLICIES.....	12
5.2 ABORIGINAL SETTLEMENTS GUIDELINES 1 AND 3	12
5.3 SHIRE OF WILUNA	12
6 CONSULTATION, REFERENCES & INFORMATION	13
7 ENDORSEMENTS.....	14
KUTKABUBBA ABORIGINAL CORPORATION ENDORSEMENT	15
WILUNA REGISTERED NATIVE TITLE CLAIM WORKING GROUP ENDORSEMENT.....	16
SHIRE OF WILUNA ENDORSEMENT	17
WESTERN AUSTRALIAN PLANNING COMMISSION ENDORSEMENT	18
8 AMENDMENTS.....	19

Community Contact Details

Representative Organisation	:	Kutkabubba Aboriginal Corporation
Related Organisations	:	Ngangganawili Aboriginal Community Controlled Health and Medical Services Aboriginal Corporation
Community contacts	:	Clinton Farmer
Email	:	
Telephone	:	
Postal Address	:	PO Box 27, Wiluna WA 6646

Acronyms

AHA	:	Aboriginal Heritage Act (WA) 1972
CR	:	Crown Reserve
DoH	:	Department of Housing
DIA	:	Department of Indigenous Affairs
DoP	:	Department of Planning
EHNS	:	Environmental Health Needs Survey
KAC	:	Kutkabubba 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)
PMM	:	Pilbara Meta Maya
RAESP	:	Remote Area Essential Services Program
WAPC	:	Western Australia Planning Commission

Layout Plans & the Development Process

Layout Plans provide a structure for future development. LP preparation includes with consultation with a range of relevant government authorities and agencies, but it is not development approval.

Prior to commencing development a range of consents, approvals, licenses and clearances may be required.

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, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.

EXECUTIVE SUMMARY

The Kutkabubba Layout Plan No.1 has been prepared by the Department of Planning with assistance from consultant anthropologist David Raftery during 2011 and 2012.

The tables below summarises the main issues concerning the planning, development and provision of services within Kutkabubba, covered in more detail in the body of this report.

Table 1: Population details

Existing Population	40
Design Population	50

Table 2 - Infrastructure and essential/social service characteristics at Kutkabubba

Infrastructure/service Indicator	Community Characteristics
Drinking water	Water supply is unregulated. Water quality and quantity understood to be sufficient to meet the needs of the design population.
Native title	Kutkabubba is located within claim area of Wiluna Registered NT claim (WC99/24, WAD6164/98).
Secure land holding(s)	All community housing and infrastructure located on land with secure and appropriate tenure.
Flood / storm surge	Community subject to periodic flooding in the area north west of the central community living space.
Emergency assistance	Police and medical assistance in Wiluna (30 minutes by road).
Education	Wiluna Remote Community School in Wiluna (30 minutes by road).
Health	Health services (Ngangganawili Aboriginal Health Service Community) in Wiluna (30 minutes by road).
Governance	Incorporated community Kutkabubba Aboriginal Corporation, meeting regulatory requirements.
Employment and enterprise opportunities	Employment opportunities available in Desert Gold. Community runs large scale Sandalwood operation run by community and established mining job markets in the region.
Transport	Generally reliable road access to Wiluna via Wiluna North Rd. Community can be cut off for up to 1 week in the wet season.
Food	Store in Wiluna (30 minutes by road).
Electricity	Electricity supply is unregulated. Generation capacity understood to be sufficient to meet the needs of the design population.

DEVELOPMENT PRIORITIES

Kutkabubba Layout Plan No. 1 (LP1) plans for future expansion of the community and formalises existing infrastructure and land-uses and provides a future lot layout and road design.

The primary purpose of amendments is to guide the growth and development of Kutkabubba by providing a layout of future land uses in the community.

LP1 has been prepared in consultation with the Kutkabubba Aboriginal Corporation to ensure that the plan reflects the community's aspirations. Technical input from a number of government and non-government agencies responsible for providing services and infrastructure to the community has also been incorporated into the plan and this report.

LP1 outlines a clear and straightforward way for Kutkabubba to grow in a co-ordinated and efficient manner.

The following initiatives, development and works are needed to implement LP1:

Within the next year:

1. Cover and fill rubbish tip pit and fix gate to the area.
2. Remove derelict vehicles from the SL-lots 31 & 32.
3. Seal and kerb internal road system.
4. Fence house on SL-lot 16.

Within the next 5 years:

1. Investigate development of part time health clinic to be located on SL-lot 5.
2. Investigate, secure tenure, clear, fence and prepare future rubbish tip site (site to be determined)
3. Clear, fill & drain SL-lots 7 - 10.
4. Construct shelter on SL-lot 21 for community uses.

Within the next 10 years:

1. Close and remediate former rubbish tip located on SL-lot 31.

Implementing the Layout Plan

The implementation of this LP will rely on the energy and endeavour of the community members. The future growth of Kutkabubba 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 Kutkabubba Aboriginal Corporation 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.

1 BACKGROUND

1.1 Location & Setting

Kutkabubba is located 30kms north west of Wiluna via Wiluna North Rd. The area surrounding Wiluna is classified as desert primarily due to the low rainfall but also due to the vast sand plains and poor soil conditions.

The lands surrounding the community are characterised by the vast sand plains covered with spinifex and interspersed with tracts of slow growing mulga. The two vegetation types are imperative to the fire regimes of the area which act to regenerate the land. Whilst the spinifex burns readily and with great heat the mulga is resistant to fire and provides an ancient barrier to fires that burn across the sand plains (Miller 2007). The land is further divided by large rocky outcrops which are often identified as having the greatest diversity of shrubs and trees.



Figure 2 & 3: Examples of sand plains and mulga country. (Photos care of, Miller 2007)

1.2 Climate

The Shire of Wiluna is an area of low rainfall and extreme temperatures. The mean rainfall for Wiluna is 250mm (10 inches) per annum, although high rainfall is possible at any given time. The daily temperature can vary from highs of well over 40 degrees in the summer months to nightly lows in the winter months below zero.

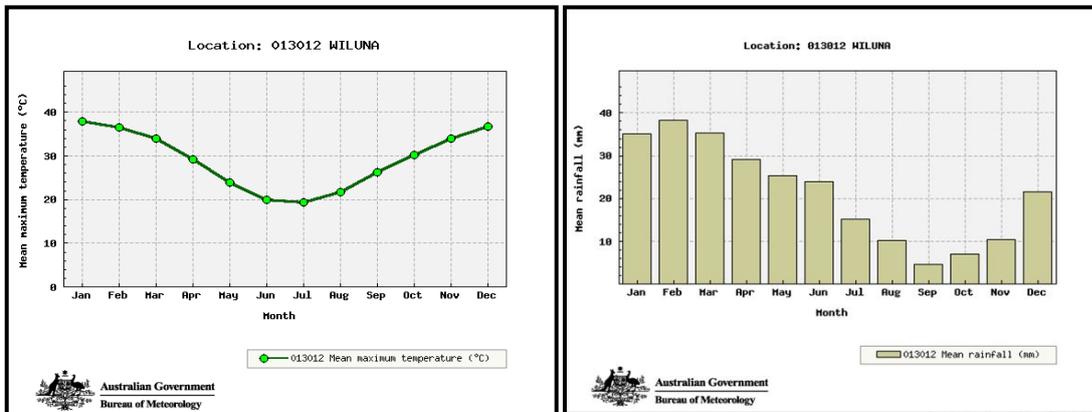


Table 3 & 4: Climatic averages for temperature and rainfall at Wiluna. (Graphs care of BOM <http://req.bom.gov.au/climate/data/>)

1.3 History

Kutkabubba was established in the mid-1980s by a small group of families who had typically held long associations with the Wiluna region, and most of whom were committed to the Seventh Day Adventist church. After the withdrawal of the Seventh Day Adventist church from its former mission site at Nganngawali, Kutkabubba was set up near the No.2 Well of the Canning Stock Route. Hence the community often refers to Kutkabubba as 'No. 2'.

The residents of Kutkabubba have strong traditional connections to the regions of the Gibson Desert far east of Wiluna, in particular, the area around Mungili claypan, east of Carnegie Station. Many of the people that initially established Kutkabubba in the mid-1980s migrated directly from their traditional country in this area, and converted to Seventh Day Adventism. Today, a regular association with the Mungili area is carried on with different community members running a sandalwood harvesting enterprise from their traditional lands.

Despite its geographic proximity, it retains a strong sense of independence from Wiluna. Alcohol is banned, and strong associations are maintained with outside institutions, in particular Karalundi and the Seventh Day Adventist church. The community maintains a small office. No non-local staff or other residents stay there on a permanent basis.

2 COMMUNITY PROFILE

2.1 Population

Estimating and predicting populations on remote aboriginal communities is difficult because Aboriginal people tend to be mobile in terms of housing and living arrangements. Populations can increase and decrease quite 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 are collected. Australian Bureau of Statistics (ABS) data has been criticised for undercounting populations in remote communities (Memmot et al 2004). In the case of Kutkabubba in 2006, the community was included in the Wiluna census count and as such has no individual census population data for that year.

Current population levels can be estimated from a range of sources, including Census Data from the ABS and the Environmental Health Needs Survey undertaken by the Department of Indigenous Affairs. Australian Bureau of Statistics (ABS) data from 2001 recorded a total population of 57. In 2008 the Department of Indigenous Affairs Environmental Health Needs Survey (EHNS) recorded 47 inhabitants.

In addition to the formal population data sources, a key source of population information is from the community itself. The community advised on 2nd November 2011 that Kutkabubba's permanent population is approximately 40 people. During the cultural and sporting events the population of Kutkabubba can fluctuate. This can increase the usual permanent population up to 60 residents.

In accordance with the community's advice this report presumes the current permanent population of Kutkabubba to be 40 residents.

A summary of recent population data from these two sources follows:

	1997	2001	2004	2008	2011
Total persons	80	57	50	47	40
Source	EHNS	ABS	EHNS	EHNS	Community

Table 5 - Population figures by source 1997-2011

Despite the population counts for the last 15 years suggesting a downward trend, the community advised that there is interest from several families to relocate to the community. Kutkabubba forms a desirable location within the Wiluna district, offering a positive and safe community environment.

Migration to and from the community will be influenced among other things by employment opportunities, family networks and obligations, services and infrastructure available in the community (including number and type of housing).

The community has advised that the aspirational population in 2021 is 50 residents.

Given the positive social and essential services characteristics evident at Kutkabubba, it is not unreasonable to expect that it may grow over the next 10 years. Therefore, a design population of 50 people has been identified as appropriate for Kutkabubba.

2.2 Governance

The community is managed through its incorporated body, Kutkabubba Aboriginal Corporation (KAC). The KAC was incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* on 16 November 1994 under the name Kukabubba Aboriginal Community. On 24 November 2011 the Kukabubba Aboriginal Corporation amended its name to Kutkabubba Aboriginal Corporation. The objectives of Kutkabubba Aboriginal Corporation are to;

- (a) Promote the welfare and development of the community.
- (b) To train and educate the members of the community in primary production, marketing and basic secondary skills, including maintenance of bank and business accounts and keeping of basic records.
- (c) To arrange for the provision of education, educational training, employment, housing, health and other services for the members of the community.
- (d) To foster the preservation and development of traditional and other cultural and recreational activities.

2.3 Land Tenure

All housing and most community infrastructure associated with Kutkabubba is located on one crown a land title that is vested in the Kutkabubba Aboriginal Corporation. The current tenure of Kutkabubba is considered appropriate and secure.

The community living area is located on one land title that crosses Wiluna North Road Reserve:

<i>Register Number</i>	Lot 48 on Deposited Plan 217851
<i>Volume / Folio</i>	CR 41801
<i>Status Order / Interest</i>	Reserve Under Management Order
<i>Primary Interest Holder</i>	Kukabubba Aboriginal Corporation
<i>Area</i>	100.00ha

2.4 Native Title

Kutkabubba is located on land subject to the Wiluna Registered Native Title Claim (WAD 6164/98, WC 99/24). The claim area is approximately 47,594 km². The Wiluna native title claim was filed in September 1998 and is currently in mediation. Central Desert Native Title Services is working towards the finalisation of a determination of native title.

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](#).

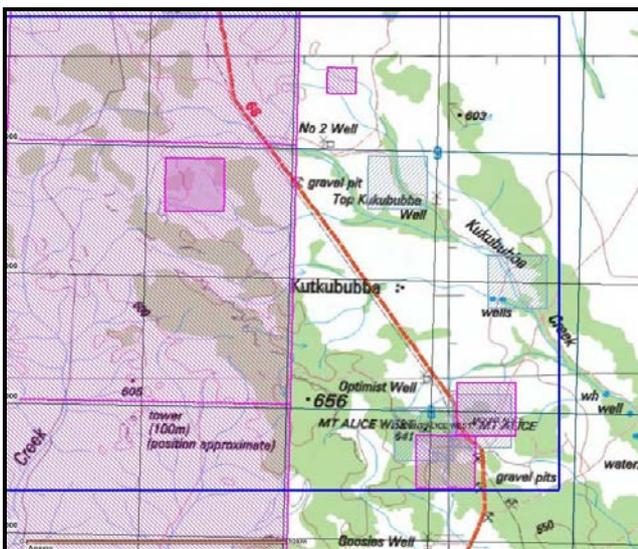
2.5 Heritage

An Aboriginal Heritage Survey was not conducted in conjunction with the preparation of this Layout Plan.

The following discussion of heritage matters derives from consultation with the community and a desk-top survey of sites registered under the AHA 1972.

The purpose of the following discussion is to foreshadow heritage constraints to development as they relate to the implementation of the LP. These constraints to development must be addressed prior to construction of housing and other works.

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 Indigenous Affairs' database.



A number of registered Aboriginal heritage sites exist in close proximity to the Kutkabubba settlement. These sites are variously mythological, artefacts / scatter, ceremonial, repository/cache, man-made structures and paintings. The sites are both open and closed sites. Closed sites are often restricted to people who have knowledge of the site because they have undergone a process of initiation or because it would be culturally inappropriate for the site's details to be in the public domain.

Details of these sites can be accessed by searching the DIA Aboriginal Heritage Inquiry System.

Figure 4 - Registered sites (purple) in vicinity of Kutkabubba Community living area. Source: DIA 2011.

There are no sites at Kutkabubba listed under the Heritage of Western Australia Act 1990.

There are no identified no-go areas in Kutkabubba.

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 Indigenous Affairs 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

Providing a sufficient standard of living for the current population of Kutkabubba and future residents is dependent on maintaining and improving the existing facilities and making sure that there is the right mix of housing and other uses. There is an understanding that development of Kutkabubba is something that has taken time, and will happen over many years.

The ideas for improvements to the facilities noted by the Kutkabubba Aboriginal Corporation when developing the Layout Plan are listed below. Not all of these aspirations can be incorporated into a LP, but have been noted as a record of a more general community improvement plan.

1. Secure storerooms / sheds to be included when housing is constructed.
2. Raised vegetable gardens to be constructed to provide additional fruit and vegetables.
3. Grow more trees on 'recreation' SL-lot 22.

3 EXISTING INFRASTRUCTURE & SERVICES

3.1 Housing



There are currently 8 houses located at Kutkabubba.

Construction of housing and rent service is managed by Goldfields Indigenous Housing Organisation. The houses are generally stud frame and light-weight cladding construction.

Kutkabubba LP1 provides 5 vacant residential SL-lots, 3 are partially or fully connected to existing servicing. There is sufficient allocation of vacant lots to house the design population of 50 with no major constraints to residential development in the foreseeable future.

It is estimated that approximately 2 new houses will have to be constructed over the next ten years, and the existing housing stock adequately maintained in order to maintain the estimated housing density of 5 persons per house.

The actual population density per house will vary depending on a number of factors including extended-family obligations, household composition (number of adults and children living in the same house) and the number of bedrooms in the house. Consequently, it can be expected that a number of existing and future dwellings will have considerably fewer than 5 people living in them, while others may have many more, depending on these factors.

3.2 Flooding & Drainage

There are no major rivers proximate to Kutkabubba, however there is a creek to the north-west of the community. It is understood that no flood study has been completed or endorsed for Kutkabubba. The community advised that historically, flood waters have not affected housing or infrastructure; however some pooling of storm waters is known to occur in and about Kutkabubba.

3.3 Water Supply

Kutkabubba's drinking water service is unregulated and there is no drinking water source protection plan.

Drinking water is sourced from a bore (No. 2 Well) located on SL-lot 27, and is located on land with secure and appropriate tenure. The bore is located in a fenced and locked compound with electricity supplied via a solar photo voltaic system with backup provided via overhead reticulation.

The drinking water supply is managed by PMM, however they were not able to provide advice on pumping rates or bore descriptions. However, it is understood that the quantity and quality of water at Kutkabubba is sufficient for current and future (design population) need. No.2 Well is connected to an elevated water tank located on SL-lot 24. water is distributed to the community via a gravity fed system.



Figure 6, 7 & 8 – Drinking water bore compound. No.2 Well respectively. Elevated water tank on SL-lot 24.

3.4 Electricity Supply

The electricity supply at Kutkabubba is unregulated. PMM is responsible for power supply and service. The power station is a diesel fuelled fully automated 120kwh unit.

The power station is in a fenced and lockable compound. The accompanying fuel is located adjacent to the power station on a fenced cement based block and is included in the power station compound. Distribution to the community is via overhead reticulation.

The electricity generation capacity is understood to be sufficient for the current and for the design population of 50 residents.

The power station is not suitably separated from sensitive land uses. Aboriginal Settlements Guideline 3 - Layout Plan Exclusion Boundaries recommends that power stations be separated from sensitive land uses such as residential housing by at least 200m. In the case of Kutkabubba, there are 3 houses and located within this exclusion zone, with the closest house being 100m away. The community has advised that due to the insulation of the power station shed (2nd November 2011) the noise emitted from the shed does not have a negative impact on amenity. As such the LP No.1 has not provided a land use area for a future power station.



Figure 9 & 10 – Power station compound located on SL-lot 1.

3.5 Access & Dedicated Roads

Road access to Kutkabubba is via Wiluna North Rd. By road, the community is approximately 30km from Wiluna. The road is graded and managed by the local government and provides year round vehicular access to the settlement. The access road to the community is also maintained by the local government. It is recommended that a 4wd is used to access the community as the road, when ungraded can become rough to travel on. During winter the road can become unpassable for up to 1 week.

3.6 Internal Road Layout

The internal road layout loosely follows a loop format. The roads are constructed with compacted gravel and follow the road layout pattern outlined on LP1. To suppress dust pollution and to improve drainage in the community has made plans to pave, drain and seal the current road layout. In discussion with the Community it was agreed to name the roads in Martu Wangka, as shown on the map-set.

3.7 Community and Social Services

The following community facilities and social services are located at Kutkabubba:

The office is located on SL-lot 19. It is partially equipped but not attended to full time.

The community workshop is located on SL-lot 2 in close proximity to the office and power station. Aboriginal Settlements Guideline 3 - Layout Plans Exclusion Boundaries recommends a 150m exclusion boundary around industrial based land uses. The community advised on 2nd November 2011 that the noise pollution from the workshop is minimal as the workshop is not regularly in use. Although not ideally located, the immediate risk to amenity is minimal and as such no alternative site has been proposed in LP No.1.

3.8 Wastewater

Wastewater is disposed of via leach drains and septic traps. The local government is responsible for pumping and maintenance. The community is satisfied with the current arrangement.

3.9 Rubbish Disposal

The community disposes of its waste in a fenced and locked rubbish tip located 300m northwest of the community living area on SL-lot 31. The tip is managed by the community. Waste at the tip facility is predominantly comprised of household rubbish and would generally be consistent with the Department of Environment and Conservation's Landfill Class II classification (putrescible, nonhazardous and non-biodegradable inert waste). The rubbish tip is not licensed by the Department of Environment and Conservation. Immediately east of the rubbish tip is in an area with a large number of derelict cars.

Aboriginal Settlements Guideline 3 - Layout Plan Exclusion Boundaries recommends an exclusion zone of 2000m for rubbish tips from other general land uses, including residential areas. All existing houses and infrastructure in the community are located within the 2000m exclusion zone, meaning that amenity and public health are at risk due to odour, dust impacts and potential contamination of the drinking water source (the primary drinking water bore is located 850m southwest of the rubbish tip).

4 RECOMMENDATIONS

4.1 Design Summary

The future plans for Kutkabubba are based on visits to the community and advice from relevant government agencies, including Pilbara Meta Maya, the Shire of Wiluna and the Departments for Housing, Environment and Conservation, Water and Indigenous Affairs.

The general design principles of the plan are:

1. Maintain adequate separation between incompatible uses (eg. Relocate rubbish tip away from houses and drinking water bore).
2. Plan for future growth by clearing and developing long term residential lots.
3. Provide community spaces to allow for meeting areas and health clinic.

Kutkabubba LP1 shows all proposed improvements to Kutkabubba, as well as a layout for current and future land uses. The following provides a brief explanation of the design principles and required improvements that are shown on the plan.

4.2 Rubbish Tip

The current rubbish tip located on SL-lot 31 does not comply with the recommended exclusion boundary of 2000m prescribed in the Aboriginal Settlements Guideline 3 - Layout Plan Exclusion Boundaries. All housing, drinking water bores and multiple community based services and areas are located within 2000m of the rubbish tip. Given the sensitivity of some of these land uses to noise, ground water contamination and particulate and odour pollution it is recommended that a new rubbish tip site is identified and secured.

The current location of the rubbish tip is a risk to the drinking water source. There are no sites on Lot 48 that will satisfy the 2000m separation distance recommended between rubbish tips and drinking water sources.

A range of options may be possible, including: transferring waste to the Shire of Wiluna municipal waste disposal site, and; developing a new rubbish tip in an appropriate location. Given the unsuitability of any sites on Lot 48 for the development of an alternative rubbish tip site, it is beyond the scope of this Layout Plan to resolve this issue. Therefore the existing rubbish tip is shown on the Layout Plan map-set. If waste is transferred off site in the future, the existing rubbish tip site may be converted to use as a waste transfer station.

4.3 Housing

Based on a residential density of 5 people per house, Kutkabubba would require 2 new houses in total to accommodate the estimated 2021 population of 50. LP No.1 allows for a total of 5 vacant settlement layout residential lots (3 currently partially / fully serviced) which is sufficient for the design population of 50.

Over the next 10 years SL-lots 7 & 10 are ideal for potential housing as they are currently, cleared, connected to water and proximate to overhead reticulation. However there is also a surplus of vacant SL-lots provided for on LP No.1 as the community requested a choice for future housing locations. A heritage survey must also be undertaken on all housing areas prior to any development.

5 PLANNING FRAMEWORK

5.1 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 account of SPPs when determining appeals.

The following SPPs were given due regard in the preparation of LP1:

- SPP 3 – Urban Growth and Settlement;
- SPP3.2 Aboriginal Settlements; and
- SPP2.7 Public Drinking Water Source Policy

5.2 Aboriginal Settlements Guidelines 1 and 3

Aboriginal Settlements Guidelines 1 - Layout Plans, and 2 – Layout Plan Exclusion Boundaries provide guidance in regards to Layout Plan preparation, consultation, endorsement and amendment. All exclusion boundaries specified in LP1 are based on Aboriginal Settlements Guideline 3: Layout Plan Exclusion Boundaries.

5.3 Shire of Wiluna

Town Planning Scheme No. 1

The Shire of Wiluna Town Planning Scheme No. 1 was gazetted on 28 September 2001. Kutkabubba is zoned 'rural' in the Scheme.

It is recommended that the full extent of Lot 48 be zoned 'settlement zone' in the local planning scheme.

6 CONSULTATION, REFERENCES & INFORMATION

CONSULTATION SUMMARY

Preparation of this Layout Plan is the result of consultation with the community representatives and a range of agencies, authorities, non-government organisations during 2011-2012.

Information was obtained from the following sources.

Organisation	Date
Kutkabubba representative meeting	23 November 2011
	14 March 2012
	9 August 2012
Ngaanyatjarra Essential Services	22 February 2012
Department of Indigenous Affairs	29 February 2012
Department of Housing	1 March 2012
Department of Water	23 February 2012

REFERENCE

Department of Indigenous Affairs (DIA) 2004 *Environmental Health Needs Survey of Indigenous Communities in Western Australia*. Government of Western Australia. Available at: www.dia.wa.gov.au

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.

Taylor, J. 2006 *Population and Diversity: Policy Implications of Emerging Indigenous Demographic Trends*. CAEPR discussion paper No. 283/2006. ANU: Canberra.

Miller http://www.wiluna.wa.gov.au/about_us/vegetation.html

7 ENDORSEMENTS

Kutkabubba Aboriginal Corporation Endorsement

Kutkabubba Layout Plan No.1

The Kutkabubba Aboriginal Corporation (representing the community) hereby adopts the **Kutkabubba Layout Plan No. 1 (2012)** as a guide for future development within its boundaries.

The elected council acknowledges that the layout represents community aspirations for future development, and hereby adopts the plan, report and provisions at the meeting held on:

The 9th Day of August 2012

Adopted by the Kutkabubba Aboriginal Corporation:

CLINTON FARMER

Clinton Farmer

Director
[Please print and sign name]

Director

TIANIE FARMER

Tianie Farmer

Director

Director

Wiluna Registered Native Title Claim Working Group Endorsement
Kutkabubba Layout Plan No.1

The Wiluna Registered Native Title Claim Working Group (representing the traditional owners) hereby adopts the **Kutkabubba Layout Plan No. 1 (2012)** as a basis for future growth and development within Kutkabubba community.

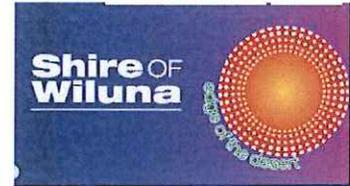
TheDay of2012

Adopted by the Kutkabubba Aboriginal Corporation:

Endorsed by the Wiluna Registered Native Title Claim Working Group:

Representative 1
(Please print and sign name)

Representative 2
(Please print and sign name)

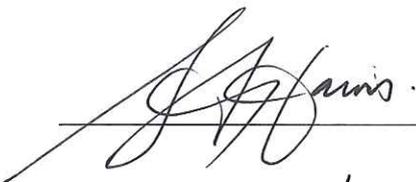


Kutkabubba Layout Plan No.1

The Shire of Wiluna hereby adopts the **Kutkabubba Layout Plan No. 1 (2012)** as a basis for future growth and development within Kutkabubba community.

The 19th Day of SEPTEMBER 2012

Endorsed by the Shire of Wiluna:



GRAHAM HARRIS.

Shire President
(Please print and sign name)



ANTHONY FOSTER RAYMOND DOUS

CEO
(Please print and sign name)

Council
Seal





Kutkabubba Layout Plan No.1

The Western Australian Planning Commission hereby endorses the **Kutkabubba Layout Plan No. 1 (2012)** as a guide for development to ensure proper and orderly planning within the community area.

The 25th Day of October 2012

Signed for and on behalf of the Western Australian Planning Commission



an officer of the Commission duly authorised by the Commission pursuant to section 24 of the *Planning and Development Act 2005* in the presence of

M. Wrecha

Witness

25.10.2012 Date

8 AMENDMENTS
