

Billiluna Layout Plan 1

Background Report

July 2012

Date endorsed by WAPC



Amendments

Amendment 1 - August 2013

Amendment 2 - October 2016

Amendment 3 - September 2020

BILLILUNA LAYOUT PLAN 1

Layout Plan 1 (LP1) was prepared in 2010/11 by the former Department of Planning (DoP). LP1 has been endorsed by the resident community (22 September 2011), the Shire of Halls Creek (17 November 2011) and the Western Australian Planning Commission (WAPC) (24 July 2012).

During the period August 2013 until October 2016 the WAPC endorsed 2 amendments to LP1. The endorsed amendments are listed in Part 7 of this report. Both of the amendments were primarily map-set changes. Amendment 2 did include a simple text amendment to include reference to the 'Billiluna Flood Study – Flood Risk Assessment'.

Consequently, the background report has become out-of-date, and in August 2020 it was updated as part of Amendment 3. The Amendment 3 background report update sought to keep all relevant information, while removing and replacing out-of-date references and data.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.

<p>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 1st 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 1st of July 2017.</p>
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Community Representative Organisations

Resident community representative organisation	:	Mindibungu Aboriginal Corporation (MAC)
Traditional Owners representative organisation	:	Tjurabalan Native Title Land Aboriginal Corporation RNTBC Kimberley Land Council
Related organisations	:	Billiluna Pastoral Aboriginal Corporation Kururrungku Store Mindibungu Aboriginal Corporation

Acronyms

ABS	:	Australian Bureau of Statistics
AHA	:	<i>Aboriginal Heritage Act (WA) 1972</i>
AHIS		Aboriginal Heritage Information System
AIATSIS	:	Aboriginal and Torres Strait Islander Studies
ALT	:	Aboriginal Lands Trust
CR	:	Crown Reserve
DIA	:	Department of Indigenous Affairs
DoC	:	Department of Communities (Housing)
DPI	:	Department of Planning and Infrastructure
DPLH	:	Department of Planning, Lands and Heritage
DWER	:	Department of Water and Environmental Regulation
DWSP	:	Drinking Water Source Protection Plan
EHNS	:	Environmental Health Needs Survey
FaHCSIA	:	Department of Families, Housing, Community Services and Indigenous Affairs
IARE	:	Indigenous Area
ILUA	:	Indigenous Land Use Agreement (under the <i>Native Title Act 1993</i>)
KAMS	:	Kimberley Aboriginal Medical Services Ltd
KRSP	:	Kimberley Regional Service Providers
LP	:	Layout Plan
MAC	:	Mindibungu Aboriginal Corporation
NNTT	:	National Native Title Tribunal
NTA	:	<i>Native Title Act (Commonwealth) 1993</i>
NTRB	:	Native Title Representative Body
ORIC	:	Office of the Registrar of Indigenous Corporations
PBC	:	Prescribed Body Corporate (under the NTA, representing native title holders)
RADS	:	Regional Airports Development Scheme
RAESP	:	Remote Area Essential Services Program
REMS	:	Remote Essential and Municipal Services
SHC	:	Shire of Halls Creek
SL	:	Settlement Layout
SPP	:	State Planning Policy
UCL	:	Unallocated Crown Land
WAPC	:	Western Australia Planning Commission

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

The Billiluna Layout Plan No. 1 (LP1) was prepared over a two year period between 2011 and 2012.

The tables below summaries the main issues concerning the planning, development and provision of services within Billiluna, which are covered in more detail in the body of this report.

Table 1 – Population Summary

Existing Population :	133
Aspirational Population :	400
Design Population :	200

Table 2 - Place Characterisation Indicators

Indicator	Community Characteristics
Drinking water	The Department of Communities (Housing) (DoC) has operational responsibility for drinking water quality and provision. A Drinking Water Source Protection Plan (DWSP) has been prepared. The plan has designated Priority 1 and Priority 3 protection areas for the community.
Electricity	Electricity provision is unregulated. The DoC has operational responsibility for electricity through the REMS program.
Flood	Billiluna Flood Study – Flood Risk Assessment 2016 identifies south-east portion of the settlement is prone to flooding.
Land tenure	Housing located on one Crown Reserve. The greater area, including infrastructure such as the airstrip and rubbish tip is located on Unallocated Crown Land.
Wastewater	Waste water service is unregulated. Reticulated sewerage system. The DoC has responsibility for wastewater through the REMS program.
Emergency assistance	Police and medical assistance in Balgo, approx. 2 hours away by vehicle and Halls Creek, approx. 3 hours away by vehicle. Billiluna Health Centre is managed by Kimberley Aboriginal Medical Services Ltd and provides a 24hour on-call accident and emergency health services.
Education	Kururrungku Catholic Education Centre located at community, caters for kindergarten to year 9.
Health	Billiluna Health Centre is a comprehensive Primary Health Care Service managed by Kimberley Aboriginal Medical Services Ltd and provides a range of services. The Health Centre is staffed by General Practitioners, Registered Nurses and Aboriginal and Torres Strait Islander Health Workers.
Food	Store at community, stocks fresh and frozen food with a fortnightly truck re-supply.
Transport	Road access to Halls Creek via Tanami Road known to be cut-off for up to 3 months. Functioning airstrip located at community.
Waste services	Rubbish tip located on SL-lot 655.
Employment & enterprise	Employment opportunities at community include municipal services, shop, administration, building maintenance, school, pastoral business and the health centre. Nearest urban job market is Halls Creek.
Governance	Mindibungu Aboriginal Corporation is the resident community representative organisation.
Aboriginal heritage	Billiluna is partly included in the Tjurabalan People Determination Area (Federal Court ref. WAD160/1997, NNTT ref. WCD2001/001), determined in 2001. Native title exists in parts of the determination area.

DEVELOPMENT PRIORITIES

At the time of consultation in 2011 the following initiatives were developed by the community and were considered to be needed to implement LP1:

Within the next year:

1. Clear demarcation of access roads to community to avoid tourist traffic through the community and allow access to workshops without having to pass through residential areas.
2. Demarcate the administration centre, where visitors would be required to check into an office before entering the community.
3. Priority roads to be sealed on highly trafficable routes including entry to community.
4. Community education on water management to improve water sustainability.
5. Create BMX track on SL-Lot 26.

Within the next 5 years:

1. Formalise and construct road network, incorporating drainage system.
2. Relocate rubbish tip to a site removed from sensitive land use.
3. Develop a new power station site further from community and removed from sensitive land use.
4. Caravan Park.
5. Establish heritage centre, including arts and crafts centre as a source of community income.

Within the next 15 years:

1. Continue to provide new houses to meet the ongoing needs of the community as the population grows.
2. Establish new drinking water source area.
3. Relocate fuel outlet.

Implementing the Layout Plan

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

The future growth of Billiluna 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 Billiluna 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.

1 BACKGROUND

1.1 Location & Setting

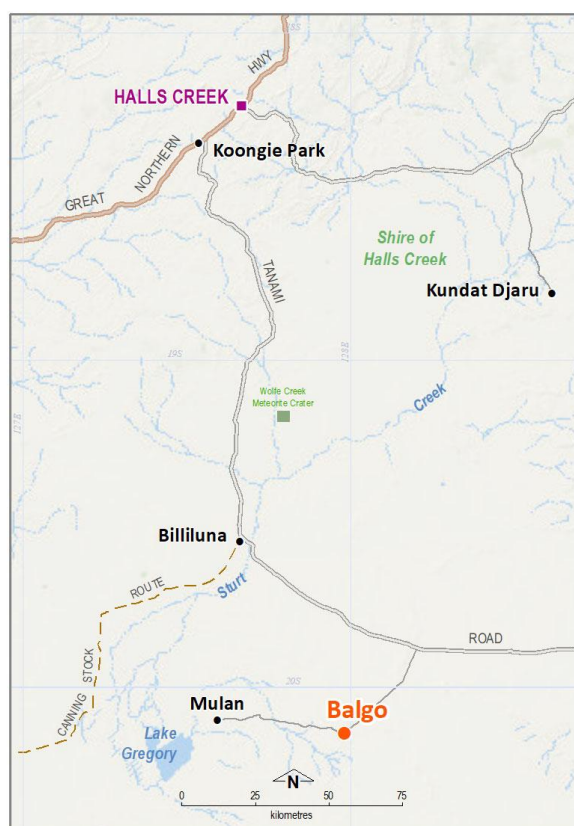


Figure 1 – Regional context of Billiluna

Billiluna is located approximately 147km (170km by road) south of Halls Creek. It is in the Shire of Halls Creek.

Billiluna is located within the Sturt Creek drainage system, which include drainage lines and depressions, alluvial plains and sand rises. The terrain around the community and in the community itself is relatively flat with a slope towards the south east in the direction of the Sturt Creek. There are no significant rocky outcrops or rises within the community. The natural surface levels within the community have been altered.

Vegetation in the area is characterised by open eucalypt forests with shrubby undergrowth. Spinifex scrublands and perennial grass pastures exist throughout the broader area.

The soils of the area may be described as red sandy clay with moderate drainage. There are no significant rocky outcrops or rises.

1.2 Climate

The nearest weather recording station to Billiluna is the Billiluna weather station. Billiluna has records for rainfall and these figures are shown in Table 3 and Figure 2. Around 46% of the mean annual rainfall (218mm) generally falls in January and February, and over 83% of Billiluna's mean annual rainfall usually falls in the months of November to March, making these months difficult periods in which to travel.

Mean monthly maximum and minimum temperatures for Billiluna weather station are shown in Table 4 and Figure 3.

The months of April and May are typically warm to hot, but with moderate rainfall, marking the transition to a 'dry season'. The months of June, July and August are typically dry and warm to hot, before becoming hotter and humid from September through to December, with the 'wet season' usually between December and April.

Table 3 –mean rainfall (1971 to 2001) for Billiluna weather station (002051)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Rainfall (mm)	91.5	126.5	59.2	23.5	12.9	1.9	9.3	2	11.6	16.5	43.1	76.2	488.2
Days of rain \geq 1mm	3	6	2	0	3	0	0	0	1	1	1	1	

Source: Bureau of Meteorology

Note: The mean annual rainfall is not the sum of the mean monthly rainfall totals. For further data please refer to the Bureau of Meteorology website at www.bom.gov.au

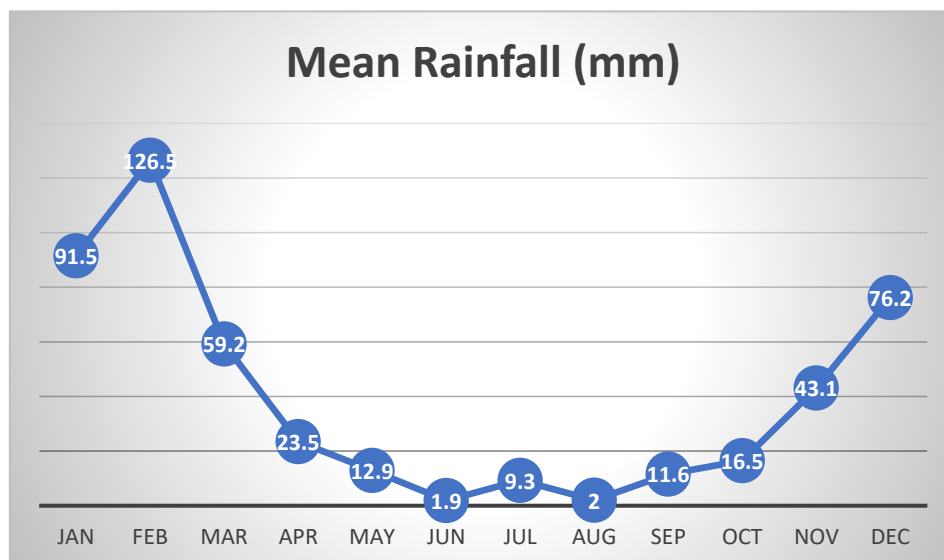


Figure 2-Billiluna mean rainfall (1971 to 2001)

Table 4–mean temperatures (1950 to 2016) for Balgo Hills weather station (13007)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Max. temp (°C)	38.6	37.3	36.7	34.3	29.3	26.1	26.6	29	33.9	37.2	38.7	38.7
Min. temp (°C)	25.2	24.4	23.5	20.8	15.8	12.7	12.5	14.3	18.7	22.3	24.3	25

Source: Bureau of Meteorology

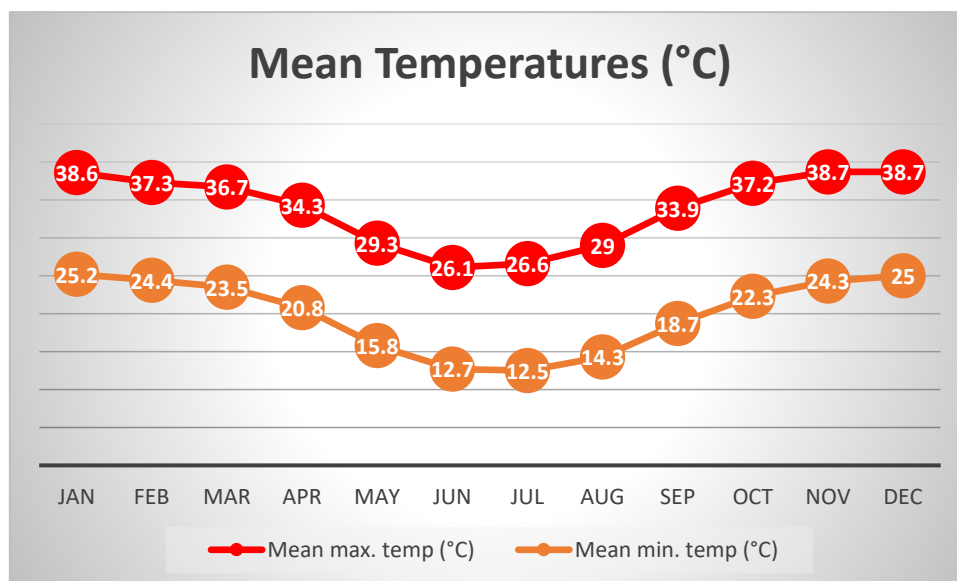


Figure 3-Balgo Hills mean temperature (1950 to 2016)

1.3 History and Culture

Please note that this is a concise summary of the post-settlement history of Billiluna, 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).

One of the outcomes of this record of violent conflict was a concerted government and mission presence in the East Kimberley, including the Western Australian government's establishment of the Moola Bulla institutions in 1910. Moola Bulla, to the west of Halls Creek, was established as a training institution and ration depot for the regional Aboriginal population of around 200 (predominantly Jaru and Kija) Aboriginal people. A mission was established on this site in 1939, and continued until Moola Bulla was abruptly sold to private interests in 1955. This sale meant the dispersal of Jaru and Kija people to different areas, with many people leaving to live and work on pastoral stations (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. Jebb (2002) estimated that by the late 1970s, only 15% of Aboriginal people in the Kimberley remained on Kimberley stations. This also meant that many stations that had depended on cheap skilled Aboriginal labour became unviable.

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.

The Tjurabalan native title claim was registered in 1999, thereby giving native title holders the right to negotiate with the proponents of proposed activities. Two years later in 2001, this was followed by the Tjurabalan People determination (WAD160/1997), which found that native title existed in parts of the determination area.

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.

Billiluna

The establishment of Billiluna can generally be seen as part of the broader 'Homelands' movement that began in Western Australia in the late 1970s, which saw permanent return to traditional country of Aboriginal peoples who had previously migrated to government institutions, missions, ration stations, pastoral stations and town camps.

Billiluna was established as a permanent Aboriginal community in the late 1970s by Indigenous people moving away from the Balgo mission to the Billiluna Pastoral Station. A major factor behind this was the transfer of the pastoral lease from a private company to the Aboriginal Lands Trust in 1978. The community became an incorporated entity in 1979 and the first houses and school were constructed in the same year.

In 1994 a crown land title (along with a corresponding Crown Reserve) was registered and vested to the ALT to provide a community living area for Billiluna. The Crown Reserve was formally leased to the community incorporation in 2001.

An understanding of the historical context of Billiluna is important if the LP is to appropriately reflect the aspirations of present and future generations.

The community is officially named 'Mindibungu' as per Geoscience Australia (Department of Resources, Tourism and Energy 2011) community name search and register. Colloquially, however this name is generally not used as this is the name of the Aboriginal Corporation, not the name of the community itself. The community has requested that 'Billiluna' be used so named after the original Billiluna Station. Subsequently, Billiluna is used within this report.

Language

Billiluna is situated within an area referred to as the Kutjungka (Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) 2009). This area is bounded by the communities of Balgo (Wirrimanu), Mulan, Billiluna (Mindibungu/Kururrungka), Kundat Djaru and Yagga Yagga (Yakka Yakka), 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 dominant Indigenous language groups are the Walmatjarri, Kukatja and Jaru, while Ngarti, Warlpiri, Pintupi are also spoke/used. Other groups are also an important part of the Kutjungka social world (FaHCSIA 2009).

Figure 4 shows the location of these communities within the Kutjungka, with a background of language, social or nation groups of Indigenous Australia based on the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) publication, "The AIATSIS Map of Indigenous Australia" (1996).



Figure 4 – Aboriginal communities within the Kutjungka

One of Australia's leading Indigenous art centres, Warlayirti Artists, is located in the community of Balgo. Established in 1987, Warlayirti Artists represents more than 200 artists across the three communities in the Kutjungka region – Billiluna, Mulan and Balgo. The Warlayirti Art Centre accommodates a community of artists diverse in age, culture and life experience – some brought up in the traditional bush manner, others on the Mission and in the modern-day community. The artists use traditional and new media to share and tell their stories. Warlayirti Artists is known for its bright acrylic works on canvas and linen, however artists have also been developing their skills in the areas of printmaking, photography and other medium (Warlayirti Artists 2020).

1.4 Previous Layout Plan

No prior endorsed Layout Plans.

2 COMMUNITY PROFILE

2.1 Population

Table 5 – Population

Existing Population :	133
Aspirational Population :	400
Design Population :	200

Existing Population

Estimating and predicting populations in Billiluna 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 on remote Indigenous populations).

Population estimates also vary depending on the time of year of enumeration, methods and sources by which data are collected.

As Billiluna is not listed by the Australian Bureau of Statistics (ABS) as an Indigenous Area (IARE) there are no population estimates available from that source.

A summary of 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), data obtained by the Department of Planning, Lands and Heritage (DPLH) and data obtained from the DoC (Housing). The majority of the population data from 2001 to 2019 shows a fairly stable population of between 210 and 220, however the most recent population data obtained from the DoC (Housing) in 2019 shows a reduced population of 133 persons. It should be noted that in 2011 the Community Manager at Billiluna advised DPLH that the population can increase by approximately 100 extra people during law times.

Table 6 – Population figures of Billiluna by source 2001-2019

	2001	2008	2011	2019
Total persons	213	220	210	133
Source	EHNS	EHNS	DPLH	DoC

Based on the available data, the population of Billiluna is estimated to be 133 people. The WAPC's *Kimberley Regional Planning and Infrastructure Framework (2015)* uses a **2.2%** growth rate for Aboriginal settlements, and a 3% growth rate for Halls Creek.

Aspirational Population

Aspirational population refers to the resident community's expected future population in the settlement within the next 10-15 years.

In 2011, residents advised that if community infrastructure was all in order and appropriate housing was provided the community would easily increase to approximately 400 people.

It was estimated that approximately 36 new houses in total would be needed to accommodate the aspirational population. It should be noted that the existing LP1 has 13 vacant residential SL-lots.

No recent information has been provided regarding aspirational population.

Design Population

The design population is intended to reflect the number of people the LP plans for, taking into consideration the community's aspirational population, the estimated population growth rate over the years and the servicing and physical constraints of the community.

Design population is not a forecast population.

The draft Kimberley Regional Infrastructure Profile has recommended an average annual growth rate figure of 2.2% for remote Aboriginal settlements. An annual growth rate of 2.2% has been applied to the existing population of 133 persons over a fifteen year period, as per the table below.

Table 7 – Population forecast

Year	Population (2.2% AGR)
2019	133
2020	136
2021	139
2022	142
2023	145
2024	148
2025	151
2026	155
2027	158
2028	162
2029	165
2030	169
2031	173
2032	176
2033	180
2034	184

For the purpose of LP1, the design population for Billiluna is 200 people, rounding up the forecast figure to a broad estimate, for ease of reference.

LP1 provides 13 vacant residential SL-lots. Assuming an average household size of 5 people per household LP1 provides adequate vacant residential land for approximately 198 people. For ease of reference and to make clear that the design population figure is an estimate the design population is rounded out to 200.

2.2 Governance

Incorporated Community

The community is managed through its incorporated body – Mindibungu Aboriginal Corporation (MAC). The MAC is a registered Aboriginal Corporation. MAC was first incorporated as an Aboriginal Corporation and registered with the former Registrar of Aboriginal Corporations in 1979 under the *Aboriginal Councils and Associations Act 1976*.

The objectives of the MAC are:

- To be the “Voice” of the Billiluna community, to be heard as one voice to make the community strong.
- To improve the life and well being of community members.
- To act as a representative body and an advocate for the community.
- To enter into service and other agreements and partnerships with governments, agencies and other organisations on behalf of the community.
- To support members maintain culture, customs and community land.
- To oversight law and order within the community.
- To develop business and community development.
- To care and support for the elderly.
- To assist with community housing needs, keeping the community clean, maintaining community infrastructure and municipal services.
- To support and improve community education, training, employment, transport, radio broadcasting, recreation activities, and activities for the youth and kids.
- To receive funding from the government to provide the above programs and services.
- To operate and maintain a Gift Fund to be known as “Mindibungu Aboriginal Corporation Gift Fund”.

MAC is registered with the Office of the Registrar of Indigenous Corporations (ORIC). Documents on MAC can be obtained from www.oric.gov.au

There are two non-native title corporations that have interests in Billiluna, being:

- Kururrungku Store mindibungu Aboriginal Corporation.
- Billiluna Pastoral Aboriginal Corporation.

Kururrungka Store mindibungu Aboriginal Corporation supports the development of its members and their families by the development of economic projects including, but not limited to, the operation of a Community Fuel Depot, Auto Spares Shop and Mechanical Repairs Garage.

Billiluna Pastoral Aboriginal Corporation is for the purpose of developing and managing a pastoral business on the area of Billiluna Station.

2.3 Land Tenure

The Billiluna community is primarily located on Crown Reserve 38974. The Settlement Zone encompasses Crown Reserve 38974 and also a small part of Lot 331 (Unallocated Crown Land). This portion of Lot 331 contains infrastructure associated with the community, such as the airstrip and rubbish tip. The details are provided below.

<i>Tenure</i>	Crown Reserve 38974
<i>Lot Details</i>	Lot 7
<i>Status Order/Interest</i>	Reserve under Management Order
<i>Primary Interest Holder</i>	Aboriginal Lands Trust
<i>Area</i>	32.08ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Reserve 38974 For the Purpose of Use and Benefit of Aboriginal Inhabitants. Original gazettal date 28/12/1984. Management order contains conditions to be observed with power to lease for any term.
<i>Tenure</i>	Unallocated Crown Land
<i>Lot Details</i>	Lot 331
<i>Status Order/Interest</i>	Unallocated Crown Land
<i>Primary Interest Holder</i>	State of Western Australia
<i>Area</i>	140,076.32ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	

2.4 Native Title

There is one native title matter which *partially covers* the Billiluna settlement zone, as of August 2020.

Table 8 – Tjurabalan People Determination summary

Application Name	Federal Court ref.	NNTT ref.	Register	Status	Representative
Tjurabalan People	WAD160/1997	WCD2001/001	Determination	Native title exists in parts of the determination area	Tjurabalan Native Title Land Aboriginal Corporation RNTBC

The Tjurabalan People gained legal recognition of their native title rights over approximately 26,000km² of land near the Western Australia/Northern Territory border on 20 August 2001 (Ngalpil v Western Australia [2001] FCA 1140).

The consent determination found that native title exists in the Determination Area and is held communally by the Tjurabalan People. The Tjurabalan People, recognized 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.

The Tjurabalan People Determination Area covers the greater area surrounding Billiluna.

The Tjurabalan Native Title Lands Aboriginal Corporation RNTBC is the prescribed body corporate which holds the native title rights in trust on behalf of the Tjurabalan native title holders. The native title representative body for the area is the Kimberley Land Council.

A copy of the determination can be found at the following website:

<http://www.austlii.edu.au/au/cases/cth/FCA/2001/1140.html>

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

Spatial searches for native title matters can be undertaken using the NNTT's spatial search tool, Native Title Vision, available at:

<http://www.nntt.gov.au/assistance/Geospatial/Pages/NTV.aspx>

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 as 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.

The purpose of the following discussion is to foreshadow heritage constraints to development as they relate to the implementation of the LP1. These constraints to development must be addressed prior to construction of housing and other works.

Registered Sites

There are no registered sites and two other heritage place sites in the vicinity of Billiluna and surrounding area (as of August 2020). A summary of the registered sites is listed below in Table 8.

Table 9 – AHIS registered sites in the vicinity of Billiluna, August 2020

Site ID	Name	Restrictions	Status	Type
13298	CANNING STOCK ROUTE	No gender restrictions	other heritage place	Mythological
13668	MYARRA POOL	No gender restrictions	other heritage place	Not specified

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

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

Built Heritage

A search of the State Heritage Office's *inHerit* database has been carried out and there are no protected built heritage sites in Billiluna.

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

The ideas for improvements to the facilities were noted by the Billiluna community when the Layout Plan was developed in 2012, and are listed below.

Providing a sufficient standard of living for the current population of Billiluna 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 Billiluna is something that has taken time, and will happen over many years.

During consultation the resident community provided the following aspirations:

1. The continued renovation of existing houses in the community, and the provision of new housing (and housing lots) to cater for people to move to Billiluna.
2. Conversion of the power station to solar generation.
3. Existing rubbish tip to be moved further away from community closer to Tanami Road.
4. Provide a new clinic, possibly at a new location.
5. Provide greater education, training and employment opportunities.
6. Increase opportunities for artists groups and tourism.
7. Sealing of the road network and improved reticulation/irrigation for landscaping and dust mitigation.
8. Removal and/or closure of roads bringing through traffic directly into community.
9. Improved water quality and supply.
10. Improved power supply.
11. The identification and protection of no-go areas.
12. The creation of a tourist precinct, including a caravan park, roadhouse and heritage centre, on the old orchard site for commercial gain.
13. Increase in opportunities for social and cultural events.
14. Improved health clinic and available practitioners.
15. The refurbishment of the 'Home and Community Care' centre.
16. Improvement and maintenance of the football oval for recreational pursuits.
17. Provision and installation of appropriate signage in the community.
18. Creation of a community BMX track.

3 INFRASTRUCTURE & SERVICES

Billiluna is a part of the Remote Essential and Municipal Services (REMS) program overseen by the Department of Communities (Housing). The previous program was known as Remote Area Essential Services Program (RAESP). Figure 5 illustrates the types of essential services in Billiluna.

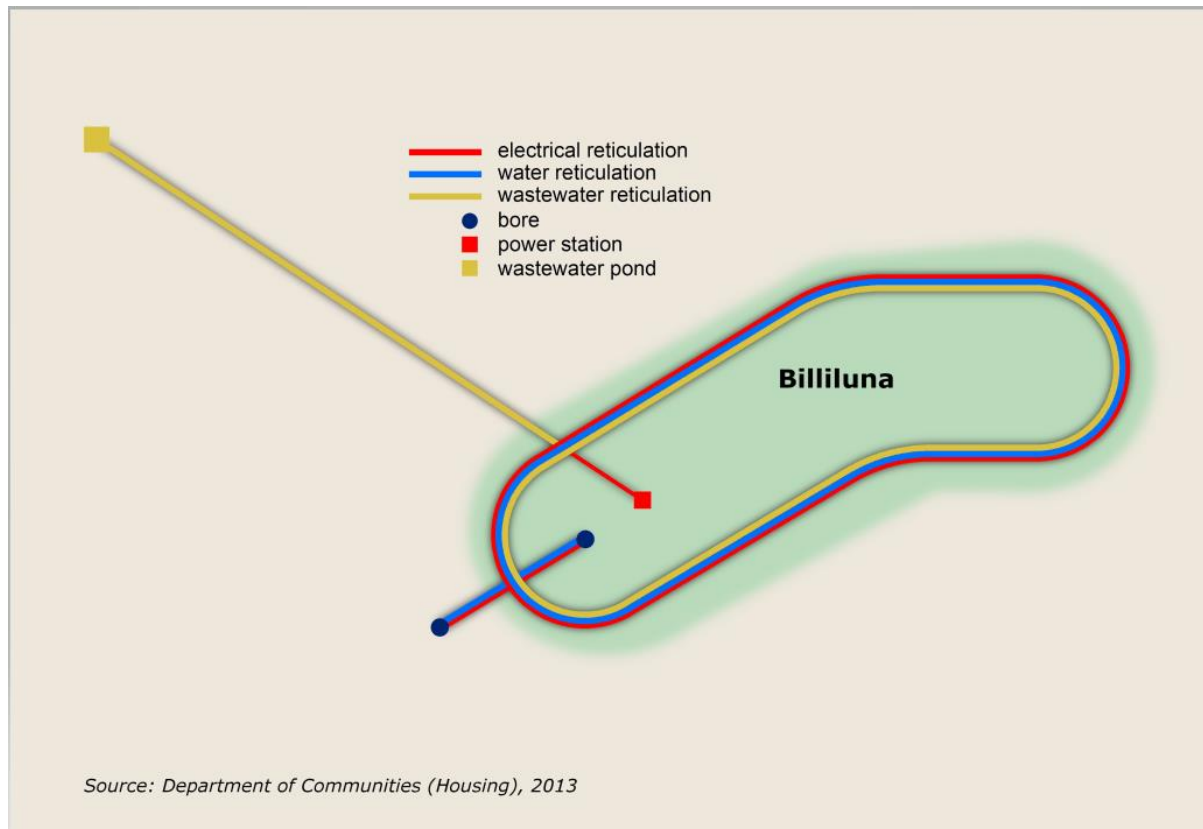


Figure 5 – Essential services in Billiluna

3.1 Electricity Supply

Present capacity and location

The community power station is located at SL-lot 22. Supply is generated from three generators with 70, 100 and 150kw capacity and a new 200kw generator provided under the former RAESP program. Electricity supply is currently the responsibility of the DoC under the REMS program. The community has advised the supply is currently prone to phase imbalance. This is typically associated with significant loading under full air conditioning loads and general overuse.

Power is reticulated overhead and extended to most infrastructure throughout the community.

Future location of power supply

The LP has identified SL-lot 808 as the location for the future power station so that it may be removed from its current position at SL-lot 22 which is in an inappropriate location within the community.

SL-lot 808 has been selected for the following reasons:

- It is roughly 750m north of the community;
- Groundwater runs from west to east so the risk of groundwater contamination is significantly reduced and manageable;
- Public health is significantly protected;
- A degree of visual surveillance is maintained at this site;
- Prevailing winds are from the south-east, therefore fumes are taken away from the community living area.

3.2 Water Supply

Potable water supply for the Billiluna community is drawn from two groundwater bores, known as bore 1/94 and 2/94. Water consumption at the community is considered high. Bore 1/94 is locally known as 'power station bore', and bore 2/94 is locally known as 'Canning bore'. Bore 1/94 is located within the community and approximately 20m south west of the power station. Bore 2/94 is located 200m south west of bore 1/94.

Groundwater from the two community production bores is transferred into two (200m³ and 150m³ respectively) elevated tanks. The tanks operate in series with water pumped from the low level tank, transferred automatically to the elevated tank by a single transfer pump.

Drinking water is treated by a water chlorination injection system. It is activated by bore operation and is injected on the outflow of the low level tank prior to delivery into the elevated tank. Water is then distributed (gravity fed) to the community reticulation system.

The average combined daily abstraction from the bores is 195.5m³/day, which equates to 1.3m³/person/day.

Bore 1/94 and 2/94 are located in the residential area of the community. Due to the close proximity to the community, the aquifer in the vicinity of the bore is susceptible to contamination from daily community activities such as hydrocarbon spills, nutrients and pathogens from human waste.

Experience has shown that water demand in REMS communities generally ranges from 0.3m³/day to 1m³/day per person. This is due mainly to significant waste through leaks in internal plumbing. Water audits completed at Billiluna indicate the presence of internal leaks within the water system. Water supply appears to meet the community's water requirement, however internal wastage should be reduced to ensure sustainability of the water source for future population projections.

The DoC, through the REMS, has operational responsibility for water quality and provision at Billiluna.

A Drinking Water Source Protection Plan has been prepared by Parsons Brinckerhoff on behalf of the DoC and approved by the Department of Water and Environmental Regulation (DWER). The plan has designated Priority 1 and Priority 3 protection areas for the community.

In summary the quality of water at Billiluna is considered to be at risk due to the following factors:

- Inadequate wellhead protection (**high risk**)
- High groundwater extraction (**high risk**)
- Power station and fuel storage (**high risk**);
- Refuelling depot (**high risk**);
- Sewerage system (**medium risk**);
- Airstrip (**low risk**);
- Workshop (**low risk**).

In response to the above water risks the Billiluna LP has incorporated the Drinking Water Source Protection P1 and P3 Areas and identified a new location for the community bore and the relocation of the power station.

3.3 Wastewater

Billiluna has a reticulated sewerage system, which includes fenced evaporation ponds (located at SL-Lot 103) with reticulated piping to each dwelling in the community, and a wastewater pumping station. The ponds are located 0.6km north-west and possibly up-gradient of the production bores.

Billiluna has a standard system with the following operations:

- Septic tanks collect wastewater at each residence;
- Common effluent overflows from tanks to a 150mm PVC gravity sewer;
- Collective outfall of gravity sewers to a pump station located in the centre of the community;
- Rising main transfers effluent to treatment ponds;
- Three pond treatment system.

The Parsons Brinckerhoff Drinking Water Source Protection Report notes that leaks in the reticulated system, flood events or overflows may result in infiltration of sewerage into groundwater. Sewerage can contain many types of contaminants including pathogens and nutrients. Sewerage reticulation contaminating the community drinking water is considered possible and therefore a risk to the quality.

Urgent upgrading and maintenance to the sewerage system is recommended in addition to the relocation of the community bores to minimise the risk of drinking water contamination.

3.4 Rubbish Disposal

The existing rubbish tip is located at SL-Lot 813. Rubbish is disposed in a fenced landfill site.

3.5 Airstrip

The community has a day/night unsealed airstrip located at SL-Lot 104, 1 kilometre to the North West of the community.

The airstrip is located on low-lying ground and is only closed in heavy rainfall. The airstrip has automatic solar lights. The community receives its mail once a week from the mail plane that is contracted through Australia Post.

The majority of visitors come by vehicle. Aircrafts are also a means of transportation to and from the community, especially during the wet season.

In 2003, funding was contributed by the Regional Airports Development Scheme (RADS) to a project to upgrade the runway, replace markers and lights. RADS funding in 2010-2011 enabled further upgrading of lights and windsocks.

3.6 Internal Road Layout

An access road of approximately 1 kilometre leads from the Tanami Road to the centre of the community. The access road has a reasonable horizontal alignment but includes a number of sharp dips for flood crossings. Potholes, dips and the rough surface are common on this road. The approach into Billiluna is currently unsealed and not well defined, creating a number of problems including dust and inappropriate access to particular areas of the community.

A number of community roads have been compacted and provided with a gravel cover which will assist in reducing dust generation, which is a major issue within the community.

Some side table drains have been constructed to promote drainage of the road and the neighbouring surfaces.

The existing tracks are fairly well defined and service most of the existing infrastructure appropriately.

3.7 Access & Dedicated Roads

Road access to Billiluna is via the Great Northern Highway and Tanami Road. The Great Northern Highway is sealed and is predominantly a single carriageway road. The highway provides reliable year round vehicular access to the community and is maintained by Main Roads Western Australia. The Tanami Road is a graded, dirt road and although navigable by two-wheel drive vehicles, a four-wheel drive is preferable. Some parts of the road are prone to severe weather damage and corrugations. The road is maintained by the Shire of Halls Creek.

3.9 Community and Social Services

Office

The MAC office/administration is located on SL-Lot 10 opposite the workshop and store. This is considered the main public entrance to the community.

Store

The Kururrungku community store is located on SL-Lot 3 next to the mechanical workshop. It is managed by the Kururrungku Store Mindibungu Aboriginal Corporation. The store operates Monday to Friday and Saturday.

School

The Kururrungku Catholic Education Centre is located on SL-Lot 69 at the eastern side of the community living area. Currently there are 52 enrolled students between pre-primary to year 9. (Source: Western Australian Schools List 2020, <https://catalogue.data.wa.gov.au/dataset/western-australian-schools-lists>).

Clinic

The Billiluna Health Centre is located on SL-lot 19. Clinical services have been provided by the Kimberley Aboriginal Medical Services Ltd (KAMS) since 2006. Billiluna Health Centre is a comprehensive Primary Health Care service staffed by General Practitioners, Registered Nurses and Aboriginal and Torres Strait Islander Health Workers.

The services available at the clinic are child and maternal health, mens health, womens health, school health, immunisations, chronic disease management, screening and prevention, health promotion programs, 24 hour accident and emergency service, allied and specialist health visits and medication management.

The opening hours are 8am-12pm and 1pm-4.30pm Monday to Thursday and 8am-12pm Friday.

(Source: <https://kams.org.au/remote/billiluna-health-centre/>)

Workshop

The workshop is located on the western side of the community on SL-Lot 2 next to the store. It is used for repairs and maintenance. On the western side of the workshop are two above-ground fuel tanks with a computerised fuel pump system for refuelling.

Recreation Areas

The football oval is located on SL-lot 88, the playground is located on SL-lot 26 and the basketball court is located on SL-lot 21. At the time of LP preparation, the football oval was not grassed and remained a dirt oval. At this time, a new covered basketball and tennis court with a stage and public toilets were being built on SL-lot 21.

Resource Centre and Visitor Accommodation

The community resource centre, including an internet café and library, and a visitor accommodation facility is located on SL-Lot 11.

Cemetery

The community cemetery is located on SL-Lot 105 north of the airstrip.

Youth Centre

The Community youth centre is located on SL-Lot 122. Kutjungka Youth services (through Anglicare) are provided to Billiluna on a weekly basis.

Entertainment Centre

There is an entertainment centre located on SL-Lot 84.

Op-Shop

The op-shop operates out of SL-Lot 121.

4 HOUSING

4.1 Residential Areas

Billiluna is a part of the Remote Essential and Municipal Services (REMS) program conducted by the Department of Communities (Housing).

4.2 Number & Type of Dwellings

There are currently 63 dwellings in the community, 57 of which are managed under a HMA. This information was provided by DoC in February 2020.

4.3 Future Residential Development

LP1 (developed in consultation with the community during 2011 and 2012) was based on the following with regards to housing:

- The community expressed a concern at the lack of available housing to accommodate people wishing to move to Billiluna.
- A number of the existing older houses are in very poor condition, beyond repair and clearly in need of replacement. The recently constructed houses are in a good condition and suitably designed for the climate. They range in size from 2 to 4 bedrooms and generally consist of steel frames with concrete flooring and metal roof and wall sheeting.
- The Billiluna Layout Plan allows for 17 residential SL-lots in the next 5 to 10 years.
- Further residential development within or as a direct expansion of the existing developed area is constrained by cultural no-go areas and potential flooding from the Sturt Creek.

5 CONSTRAINTS AND LIMITATIONS

5.1 Flood Hazard

Worley Parsons Group Advisian prepared a Flood Study for Billiluna on behalf of the former Department of Planning. The Flood Study was delivered in May 2016.

A number of the Flood Study recommendations were incorporated into the Billiluna LP1 map-set and constitute Amendment 2.

5.2 Drainage

Drainage information is as per Section 5.1 of this report. Significant drainage occurs in the south-east portion of the settlement. The affected area has been identified as 'Waterway' on LP1.

5.3 Drinking Water Source Protection Plan

A Drinking Water Source Protection Plan has been prepared by Parsons Brinckerhoff on behalf of the Department of Communities (Housing) and approved by the Department of Water and Environmental Regulation. The plan has designated Priority 1 and Priority 3 protection areas for the community.

In summary the quality of water at Billiluna is considered to be at risk due to the following factors:

- Inadequate wellhead protection (**high risk**);
- High groundwater extraction (**high risk**);
- Power station and fuel storage (**high risk**);
- Refuelling depot (**high risk**);
- Sewerage system (**medium risk**);
- Airstrip (**low risk**);
- Workshop (**low risk**).

In response to the above water risks the Billiluna LP has incorporated the Drinking Water Source Protection P1 and P3 Areas and identified a new location for the community bore and the relocation of the power station.

5.4 Bushfire

The community is designated as bushfire prone under *State Planning Policy 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 *State Planning Policy 3.2 Aboriginal Settlements Guideline* (2020).

6 PLANNING FRAMEWORK

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;
- SPP 3.2 – Aboriginal Settlements ;
- SPP 2.7 – Public Drinking Water Source; and
- SPP 3.7 – Planning in Bushfire Prone Areas.

6.2 State Planning Policy 3.2 - Aboriginal Settlements

SPP 3.2 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.

SPP 3.2 defines 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. SPP 3.2 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 17th September 2019. Billiluna 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 State Planning Policy 3.2, and ensuring that development accords with a layout plan, are requirements of the settlement zoning (see current Scheme zoning in Figure 6).

LPS2 has identified a Settlement zone that is divided into two parts, north-east of Tanami Road and south-west of Tanami Road (Tanami Road is not included in the Settlement zone). A local road from the east has also been included in the area excluded from being in the Settlement zone along with Tanami Road. The local road that has been identified in this way is not in accordance with LP1, is not considered to create a safe intersection with Tanami Road and is discontinued by the limits of the Settlement zone, therefore not creating a through road. For these reasons, a Recommended Settlement Zone has been included in LP1 that includes this local road, thus separating it from the Tanami Road in this way. The images below show the extent of the Settlement zone in LPS2 (Figure 6) and the extent of the Recommended Settlement Zone in LP1 (Figure 7).

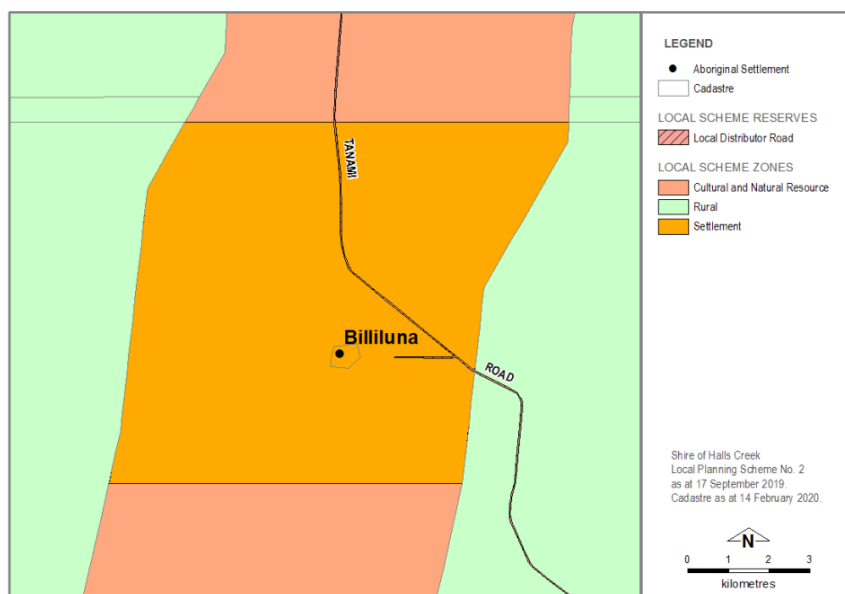


Figure 6 - Land classification under Shire of Halls Creek LPS 2, Billiluna



Figure 7 – Settlement Zone and Recommended Settlement Zone, Billiluna LP1

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, and infrastructure provision and services delivery.

7 ENDORSEMENTS

Billiluna Layout Plan No. 1

The Mindibungu Aboriginal Corporation (representing the community) hereby adopts the Billiluna Layout Plan No. 1 (2011) 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 of Council held on:

The 22nd Day of September 2011

Adopted by the Mindibungu Aboriginal Corporation:

Brian Darkie

Chairperson

[Please print and sign name]

Councillor

KYLICIA LIGHTNING

Justin
Man
Man
Justin
Man

Councillor

Councillor

Councillor

(Kylisia Lightning signed above)

Councillor

Tjurabalan Endorsement

Billiluna Layout Plan No. 1

The Tjurabalan Native Title Lands Aboriginal Corporation (representing the traditional owners, the Tjurabalan People) hereby adopts the **Billiluna Layout Plan No. 1 (2011)** 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 of Council held on:

TheDay of2011

Adopted by the Tjurabalan Native Title Lands Aboriginal Corporation:

Chairperson
[Please print and sign name]

Director
[Please print and sign name]

Director

Director

Director
Shire of Halls Creek Endorsement

Director

Billiluna Layout Plan No. 1

The Shire of Halls Creek hereby adopts the **Billiluna Layout Plan No. 1 (2001)** as a basis for future growth and development within Billiluna community.

The 17th Day of November 2011

Endorsed by the Shire of Halls Creek:



MALCOLM EDWARDS

Deputy
Shire President
(Please print and sign name)



WARREN OLSEN
CHIEF EXECUTIVE OFFICER

CEO
(Please print and sign name)



Western Australian Planning Commission Endorsement



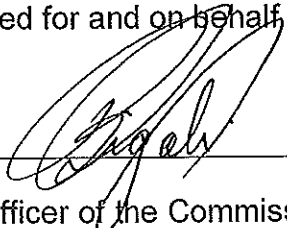
Billiluna Layout Plan No.1

140 William Street
Perth WA 6000

The Western Australian Planning Commission hereby endorses the **Billiluna Layout Plan No. 1 (2011)** as a guide for development to ensure proper and orderly planning within the community area

The 24th.....Day of July.....²⁰¹²
2001

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

B. Schwanke

Witness

25-7-2012 Date

CONSULTATION & REFERENCES

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. Information was obtained from the following sources.

Organisation	Date
Billiluna representative meeting	8 June 2011
Australian Bureau of Statistics	12 April 2011
State Land Services, Department of Regional Development & Lands	
Department of Indigenous Affairs	June 2011
Department of Communities (Housing)	16 / 23 June 2011
Shire of Halls Creek	
Landgate	
Parsons Brinckerhoff	August 2009 April 2011
Department of Water	

REFERENCES

Achoo, H. et al. 1996 Moola Bulla, In the Shadow of the Mountain. Broome, Magabala.

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 Education 2020 Western Australian Schools Lists
<https://catalogue.data.wa.gov.au/dataset/western-australian-schools-lists>

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>

Kimberley Aboriginal Medical Services Ltd 2020 Web page <https://kams.org.au/remote/billiluna-health-centre>

Kurrurungku Catholic Education Centre 2018 Web page <https://kururrungku.wa.edu.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.

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

AMENDMENTS

Billiluna Layout Plan 1 Amendment 1

Proponent	: Department of Planning
Date	: 1 August 2013

Reason for the Amendment

An Aboriginal Heritage Survey Report (AHSR) was prepared for Billiluna in May 2012 by the Kimberley Land Council (KLC) for the Department of Housing. The AHSR was prepared following the completion of a Aboriginal Heritage Survey (AHS) at Billiluna on 1 and 2 May 2012 by the nominated AHS Team assisted by the KLC.

The AHSR recommends that the Layout Plan be amended to include additional no-go area exclusion boundaries and to change land use categories and SL-lot configurations to match.

Planning Bulletin 108/2013 provides that: *If an Aboriginal Heritage Survey has been prepared for part or whole of an Aboriginal settlement and the information held in that survey is pertinent to the identification of a 'no-go' exclusion boundary that is not shown on an endorsed Layout Plan the interpretation of that information in the form of a 'no-go' boundary may be prepared as a Layout Plan amendment. Such an amendment is generally considered to be minor in nature and may be completed without the application of provisions 6.9 to 6.12 of SPP3.2, other than the requirement for endorsement by the WAPC.*

Subject Land	Changes required to Layout Plan
South of SL-lot 104	<p>Delete the existing no-go exclusion boundary that abuts SL-lot 103.</p> <p>Add a no-go exclusion boundary that is: parallel to the southern boundary of SL-lot 104, and; parallel to the western boundary of First Street. Terminating at locations identified in the AHSR.</p>
Proximate to SL-lot 102	<p>Delete the existing no-go exclusion boundary that is proximate to SL-lot 102.</p> <p>Add a no-go exclusion boundary proximate to SL-lot 102 that is: parallel to the northern side of the track from First Street to SL-lot 102, and; parallel to the western boundary of First Street. Terminating at locations identified in the AHSR.</p>
Proximate to SL-lot 810	<p>Delete the existing no-go exclusion boundary that is south of SL-lot 810 and east of First Street.</p> <p>Add a no-go exclusion boundary proximate to SL-lot 810 that is: parallel to the southern side of the track that is generally in alignment with Lot 7 Crown Reserve 38974. Terminating at</p>

Subject Land	Changes required to Layout Plan
	locations identified in the AHSR.
East of Kayili Road	Modify the existing no-go exclusion boundary east of Kayili Road to: extend parallel to the eastern side of Kayili Road north to the community entrance gate; east beyond SL-lot 49, and; delete the northern and eastern sections of the existing no-go exclusion boundary.
SL-lot 810	Subdivide SL-lot 810 to create SL-lot 811 addressing Tjurabalan Road, to be approximately 33m deep (matching SL-lot 86) and 'residential'.
SL-lot 20	Change land use category from 'community' to 'residential'.

Endorsement

In accordance with Planning Bulletin 108/2013, this amendment is minor as it is based on the outcomes of an Aboriginal Heritage Survey. 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> .	1 August 2013 Determination date
	 21/08/2013 Authorisation name & 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.

Billiluna Layout Plan No. 1

Amendment No. 2

Proponent	: Department of Planning
Date	: 30 August 2016

Reason for the Amendment

In May 2016 Worley Parsons Group Advisian completed the 'Billiluna Flood Study – 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 Billiluna 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	Replace the 'open space' areas with 'waterway' on the LP as detailed in the flood report. Other Land Uses to remain as current.
2.	SL-lots 811 and 810	Remove 'Residential' land use and amend to 'Waterway'.
3.	SL-lot 918	Remove 'Public Utility' SL-lot 918 and change to 'Waterway'.
4.	All	Amend Layout Plan Report to include additional detail to Section 3.2 'Flooding'. Note: *All construction and developer proponents to refer to the 'Billiluna Flood Study – Flood Risk Assessment 2016' for site specific FFL*
5.	SL-lot 813	Spatial upgrade of SL-lot 813 to match extent of rubbish tip (public utility land use) shown on April 2016 air photo.
6.	SL-lot 808	Spatial upgrade of SL-lot 808 (future power station) to approximate dimension of 50 x 90 metres, land use remains as public utility.

*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>	<div>24/10/2016</div> <div>Ashley Randell</div> <div>Director Regional Planning Policy</div> <div>Determining Officer</div> <div>Regional Planning</div> <div>PN: 15151</div>
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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.

Proponent : Department of Planning, Lands and Heritage (DPLH)

Date : 3 September 2020

Reason for the Amendment

The proposed amendment seeks to make minor spatial updates to the Billiluna Layout Plan 1 (LP1) map-set.

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

- Revising the population, housing infrastructure and services data;
- Editing and reformatting the background report;
- Removing out of date text and references
- General update to the layout plan map-set

Land Identification		Amendment description
1.	Settlement Zone	Add the Settlement Zone as per the Shire of Halls Creek LPS2.
2.	Recommended Settlement Zone	Amend the Recommended Settlement Zone.
3.	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.

Determined on behalf of the Western Australian Planning Commission in accordance with the *Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission*.

Determination

04/09/2020
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, Aboriginal Cultural Materials Committee, Environmental Protection Authority and Department of Water and Environmental Regulation.