

Mount Margaret

Layout Plan 1

Background Report

October 2001

Date endorsed by WAPC



Amendments

Amendment 1 - September 2012

Amendment 2 - February 2013

Amendment 3 - November 2014

Amendment 4 - November 2015

Amendment 5 - May 2016

MOUNT MARGARET LAYOUT PLAN 1

Mount Margaret Layout Plan 1 was prepared in 2001 by consultants Hames Sharley.

The background report prepared at that time is now significantly out-of-date and has been effectively superseded by the Amendment 1 report prepared during 2011/12 (attached).

Mount Margaret Layout Plan No. 1 Amendment 1 Report

March 2012

Prepared by the Department of Planning in partnership with the
Aboriginal Movement for Outback Survival Aboriginal Corporation



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Acronyms

AHA	:	Aboriginal Heritage Act (WA) 1972
ATSIC	:	Aboriginal and Torres Strait Islander Commission
CR	:	Crown Reserve
DoH	:	Department of Housing
DIA	:	Department of Indigenous Affairs
DoP	:	Department of Planning
EHNS	:	Environmental Health Needs Survey
ILUA	:	Indigenous Land Use Agreement (under the Native Title Act 1993)
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)
RAESP	:	Remote Area Essential Services Program
SL-lot	:	Settlement layout lot
UCL	:	Unallocated Crown Land
WAPC	:	Western Australia Planning Commission
UAM	:	United Aborigines Mission

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

Mount Margaret Layout Plan No.1 (LP1) was prepared in 2001 by consultants Hames Sharley. It was endorsed by the Aboriginal Mission for Outback Survival (August 2001), Shire of Laverton (August 2001) and the Western Australian Planning Commission (October 2001).

LP1 Amendment 1 report 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 Cosmo Newberry, covered in more detail in the body of this report.

Table 1: Population details of Mount Margaret

Existing Population	85
Design Population	100

Table 2: Infrastructure and essential/social service characteristics at Mount Margaret

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	The community reserve is not covered by a registered Native Title claim. However the area immediately surrounded the reserve is covered by the Kurrku (WC10/18) registered native title claim.
Secure land holding(s)	All community housing and the majority of infrastructure is located on land with secure tenure.
Flood / storm surge	Some flooding. Mitigation measures in place, no immediate risk to housing and infrastructure present.
Emergency assistance	Police Station located in Laverton (30 minutes by road).
Education	Mount Margaret Remote Community School located in the community servicing year's K to 7.
Health	Hospital located in Laverton (30 minutes by road). Clinic building located in community not currently in use.
Governance	Incorporated community council (Aboriginal Movement for Outback Survival) meeting regulatory requirements.
Employment and enterprise opportunities	Limited employment opportunities within the community. Established job markets in surrounding mining operations.
Transport	Generally reliable road access to Laverton (30 minutes by road). Community can get cut off during the wet season.
Food	Store in located in community. Further supplies available in Laverton (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

The following development and works are needed to implement Mount Margaret LP1 Amendment 1:

Within the next year:

1. Prepare new rubbish tip pit
2. Repair street lighting.

Within the next 5 years:

1. Construct youth centre on SL-lot 7
2. Reinstate the community store located on SL-lot 40.

Implementing the LP

The implementation of this LP will rely on the energy and endeavour of the community members. The future growth of Mount Margaret 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 Aboriginal Movement for Outback Survival 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

Mount Margaret is located in the Goldfields-Esperance region, 30km south-west of Laverton. The topography of the region is slightly undulating with small granite outcrops located across the landscape. Vegetation is dominated by Mulga woodlands and spinifex grasslands situated on broad plains of red-brown soils interspersed with salt lake systems (Envt Aust 2000).

1.2 Climate

Mount Margaret has an arid climate, with hot dry summers and mild to cool winters.

1.3 History

Mount Margaret is located on the south-western extent of the Western Desert Cultural Bloc, and thus the area has long been a key intersection for Aboriginal people as far east as the Warburton Ranges, as well as people from the Wiluna and Leonora areas to the north. The displacement caused by the discovery of gold in 1893, and persistent resource scarcity, has long prompted the movement of Aboriginal people from Central Desert regions west towards Laverton and Mount Margaret.

The site of the community that is now Mount Margaret was founded as a mission by the United Aborigines Mission (UAM) in 1921, and soon drew Aboriginal people from surrounding areas. By 1928, after the mission became the central rationing station for the whole district.

Given its strategic location, and the influence of the UAM in establishing Mount Margaret, the community has for long accommodated Aboriginal people who have embraced Christianity and others who have remained committed to traditional beliefs and customs. Mount Margaret has played a key role as an evangelical centre in the Goldfields region, hosting many Christian conventions.

Mission records report the attempts to replace traditional Aboriginal practices with conversion to new religious and social customs, however, this goal was never fully realised as the majority of children were discharged from mission dormitories during the holidays and participated in what was referred to as “walkabout”— periods when Aboriginal families maintained hunting and ceremonial practices.

The process of establishing formal independence from the UAM was concluded in 1976, with the Aboriginal Movement for Outback Survival (AMOS), an association formed by past and present Mount Margaret residents taking over responsibility for the community.

Mount Margaret today has a young population of around 85 permanent residents, with 25 of these people enrolled at the local primary school. Mount Margaret continues an accommodation of traditional and Christian beliefs and practices, with many of its residents involved in regular Christian fellowship with Aboriginal communities from beyond the region. Larger Goldfields centres, mining companies with nearby interests, and Perth remain key centres for educational and employment opportunities. Residents maintain kin ties with relatives in other Goldfields centres and communities on the Ngaanyatjarra lands.

2 COMMUNITY PROFILE

2.1 Population

Estimating and predicting populations on remote aboriginal communities can be 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).

Current population levels can be estimated from a range of sources, including Census Data from the Australian Bureau of Statistics (ABS) and the Environmental Health Needs Survey undertaken by the Department of Indigenous Affairs. ABS data from 2001 recorded a total indigenous population of 86. In 2008 the Department of Indigenous Affairs Environmental Health Needs Survey (EHNS) recorded 76 inhabitants, excluding non-permanent staff. A summary of recent population data from these two sources follows:

Table 4: Population figures by source 1997-2011

	1997	2001	2004	2006	2008	2011
Total persons	100	86	NA	NA	76	85
Source	EHNS	ABS	EHNS	ABS	EHNS	Community

The community advised that Mount Margaret's permanent population is approximately 85 people.

Given that the population counts since 1997 have been somewhat erratic and showing a general downward trend, it is difficult to project how the population of Mount Margaret might grow in the next 10 years. However, the population projections for the Shire of Laverton outlined in Western Australia Tomorrow (WAPC 2005) indicates a 1 per cent annual growth rate. As such a 1 per cent annual growth rate has been estimated for Mount Margaret. Based on a current population of 85 and an annual growth rate of 1 per cent, it is estimated that the population of Mount Margaret could be approximately 93 by the year 2021.

Aspirational population refers to the future population as desired by the existing community. Residents have advised that Mount Margaret represents a desirable location with a well functioning school, store and sufficient housing to offer families wanting to relocate from town centres. In addition, residents have advised that there are a number of children and teenagers who are likely to start their own families during the 10 year time-frame of the LP. The aspirational population for Mount Margaret is 100 people by 2021.

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). All the same, the estimates above can be used as a reasonable though generalised estimate of population growth and aspired growth during the next ten years. These figures should be re-evaluated when the LP is next updated (ie. roughly every five years). The design population has been developed taking the aspirational and estimated population numbers into consideration. The design population of Mount Margaret is 100 people by 2021.

2.2 Governance

The community is managed through its incorporated body, the Aboriginal Movement for Outback Survival Aboriginal Corporation (AMOSAC). The AMOSAC was incorporated under the *Aboriginal Councils and Associations Act 1976* on 12 September 1997. The Registrar Initiated Rulebook for the AMOSAC (registered on 23 June 2009) establishes the following objectives for the corporation:

The corporation aims to:

- (a) Maintain the Christian Traditions upon which Mount Margaret was founded.*
- (b) Support the social development of its members in all ways.*
- (c) Help bring about the self-support of its members by development of economic projects.*
- (d) Help and encourage its members to manage their own affairs.*
- (e) Use the Mount Margaret Mission Common as a Christian Convention site and use as a holiday home and retirement place for the ex-Mount Margaret people.*
- (f) Christian educational charitable or benevolent purposes.*
- (g) Receive and spend grants of money from the Government of the Commonwealth or State or from any other source.*
- (h) Protect and maintain the environment and surrounding areas.*
- (i) Restore and rehabilitate the degradation and misuse of land.*
- (j) Maintain the Mount Margaret common 5157 and the original mission site 19837 (totalling approximately 6850 acres/2272.099) in the State of Western Australia, hereafter come under the binding legal control of the Aboriginal Movement for Outback Survival Aboriginal Corporation.*
- (k) Assist and encourage the Community to develop a co-operative and effectual system of self-government at Mount Margaret.*
- (l) Ensure the provision of adequate housing, educational facilities, health services, power and water supply, and other services as required to ensure adequate care of the sick, aged and needy, and to provide the necessary equipment for the effective administration, maintenance and development of Mount Margaret.*
- (m) Promote employment vocational and other training programmes at Mount Margaret.*
- (n) The property and income of the Corporation shall be applied solely towards the promotion of the objects of the Corporation and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects, including payments of proper remuneration to any Corporation member, servant, agent or employees of the Corporation in return for services actually rendered to the Corporation.*
- (o) Institute By-Laws for the maintenance of Law and Order within the community living at Mount Margaret Mission and to support the Manager in his/her efforts to ensure the By-Laws are adhered to.*

2.3 Land Tenure

All community housing and the majority of infrastructure is located on Lot 21 (Crown Reserve 19837). The sewage ponds are located on Lot 47 (Crown Lease 332/1997 / Crown Reserve 5175), however as this land is currently managed by the Aboriginal Lands Trust for the use and benefit of Aboriginal inhabitants, it is considered secure and appropriate tenure.

The Mount Margaret Community is located on 4 separate land titles:

Crown Land Title	<i>Lot 21 on Deposited Plan 2400</i>
Lot Details	<i>Lot 21 on Crown Reserve 19837</i>
Status Order / Interest	<i>Reserve vested under statute</i>
Primary Interest Holder	<i>The Aboriginal Affairs Planning Authority</i>
Leased	<i>Aboriginal Movement for Outback Survival Aboriginal Corporation</i>
Area	<i>80.94 ha</i>
Limitations/Interests/ Encumbrances/Notifications	<i>For the purpose of use and benefit of Aboriginal inhabitants</i>

Crown Land Title	<i>Lot 16 on Deposited Plan 182100</i>
Lot Details	<i>Lot 16 Crown Reserve 19837</i>
Status Order / Interest	<i>Reserve vested under statute</i>
Primary Interest Holder	<i>The Aboriginal Affairs Planning Authority</i>
Area	<i>4502.2m²</i>
Limitations/Interests/ Encumbrances/Notifications	<i>For the purpose of use and benefit of Aboriginal inhabitants</i>

Crown Land Title	<i>Lot 47 on Deposited Plan 30881</i>
Lot Details	<i>Lot 47 on Crown Reserve 5175</i>
Status Order / Interest	<i>Reserve subject to lease</i>
Primary Interest Holder	<i>The Aboriginal Affairs Planning Authority</i>
Leased	<i>Aboriginal Movement for Outback Survival Aboriginal Corporation</i>
Area	<i>2885.23 ha</i>
Limitations/Interests/ Encumbrances/Notifications	<i>Reserve for the purpose of common</i>

Crown Land Title	<i>Lot 37 on Deposited Plan 238200</i>
Lot Details	<i>Lot 37 on Pastoral Lease CL 108/1972</i>
Status Order / Interest	<i>Leasehold</i>
Primary Interest Holder	<i>Sturic Pty Ltd</i>
Area	<i>37185.87 ha</i>

2.4 Native Title

The central living area of Mount Margaret (CR 19837) is not covered by a registered Native Title claim.

However the land around the community living area is subject to the the Kurrku (WC10/18) registered native title claim. The land subject to the Kurra claim proximate to Mount Margaret includes the wastewater ponds, rubbish tip and drinking water source with associated infrastructure.

The Kurrku claim covers an area 115.83 sq km and is managed by the Goldfields Land & Sea Council.

This claim attracts the right to negotiate under the Native Title Act 1993. Prior to development contact must be made with the Goldfields Land and Sea Council.



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.

There are no identified 'no go areas' on LP No.1 Amendment 1.

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.

One lodged Aboriginal heritage site exists in close proximity to the Mount Margaret settlement (id 18197). This site is identified as the R.M Williams Water Tank. The open site has no restrictions of access and is classified as a historical site.

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 Mount Margaret and future residents is dependent on maintaining and improving the existing facilities and making sure that there is the right mix of housing and infrastructure.

There is an understanding that development of Mount Margaret is something that has taken time, and will happen over many years.

The ideas for improvements to the facilities noted by the Aboriginal Movement for Outback Survival 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. Reinstate health clinic located on SL-lot 41.
2. Prepare plan for skate park on SL-lot 7.
3. Prepare plan for youth centre on SL-lot 43.

3 EXISTING INFRASTRUCTURE & SERVICES

3.1 Housing

There are 30 houses in Mount Margaret.

Housing management and rent is currently managed by the Goldfields Indigenous Housing Organisation. The houses are generally stud frame and light-weight cladding construction.

To house the 2021 design population of 100, and to meet a population density 4 people per house it is estimated that no new houses will need to be constructed (with the existing housing stock to be adequately maintained) over the next 10 years. To cater for any unexpected growth, LP1 Amendment 1 has provided 13 vacant 'residential' SL-lots. Although it is unlikely that the community will require this many residential SL-lots over the next 20 to 30 years they have been included as part of LP1 Amendment 2 as all vacant 'residential' SL-lots are currently fully or partially serviced and planned for.



Typical house at Mount Margaret.

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), housing condition (some houses currently require refurbishment to be brought up to a habitable standard) and the number of bedrooms in the house. It is likely that this population density figure may be higher in reality due to extended family obligations, with many families housing relatives during school holidays and lore and culture times. Consequently, it can be expected that a number of existing and future dwellings will have considerably more than 4 people living in them, while others may have less, depending on these factors.

3.2 Flooding & Drainage

Mount Margaret is transacted by a seasonal creek. The creek is parallel to the Mt Margaret-Mt Morgans Road, running east to west. Drainage networks throughout the town are largely informal and are based on the creek. It is understood that no flood study has been completed or endorsed for Cosmo Newberry. During the preparation of this Amendment the extent of flood was discussed at length with community representatives. Community representatives confirmed that when the creek is in-flow no housing or infrastructure is generally affected by flood. It was noted, however, that SL-lots 15 and 32 are subject to pooling, it considered that this is largely due to the incapacity of the existing drainage network.

3.3 Water Supply

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

Drinking water is sourced from two bores located approximately 4km north east of the central living area. This land is not shown on the extent of the Layout Plan map-set due to the distance from the living area and the form of land tenure.

The bores electrical supply is derived from a diesel generator. Water is pumped via reverse osmosis chlorinator and is sampled monthly by the Regional Service Provider (RSP) to ensure quality. Test results indicate water supplied to the Mount Margaret community meets water quality standards as prescribed by the Department of Water.

There are two water tanks in Mount Margaret located on SL-lot16. There is one ground storage tank, and one elevated water tank. The tanks are housed in a secure, fenced and locked compound that also contains a Telstra communications tower.

The bores are suitably separated from incompatible land uses and therefore has a low risk of contamination. Aboriginal Settlements Guideline 1 - Layout Plans (2011) recommends a 500m exclusion zone for inappropriate land uses around groundwater drinking water sources. All housing, the rubbish tip and the sewage ponds are located outside this boundary.

3.4 Electricity Supply

The electricity supply at Mount Margaret is unregulated. Ngaanyatjarra Essential Services is responsible for power supply and service. The power station is a diesel fuelled semi automated 220kw unit.

The current electricity supply is considered to be sufficient for the current population however as the population grows it is recommended that the electricity requirement be reviewed and potentially upgraded.

The power station is not suitably separated from sensitive land uses. Aboriginal Settlements Guideline 1 - Layout Plans (2011) recommends that power stations be separated from sensitive land uses such as residential by at least 200m. In the case of Mount Margaret, there are 5 houses located within the exclusion boundary, with the closest house being 100m. This has the potential to reduce residential amenity through exposure to excessive noise levels and exhaust fumes. The potential for noise pollution is mitigated by the generators being housed in a cement based lockable shed. The relocation of the power station is not considered an immediate priority for the community. However when the power station is upgraded its relocation away from sensitive land uses should be considered.

3.5 Access & Dedicated Roads

Mount Margaret is accessible via Old Laverton Road off the Leonora Laverton Road. Old Laverton Road is constructed with compacted gravel and is managed by the Shire of Laverton.

The Mount Margaret community road (off the Old Laverton Road) is constructed with compacted gravel. The community road is also used by several mining companies located in the area. The road is managed by the Shire of Laverton.

Due to the heavy mining vehicles that generally use the roads out to the Mount Margaret settlement some sections can become rutted. Despite this access to the community is generally suitable for 2wd vehicles; however in the case of heavy rainfall the road is only accessible by 4wd only.

3.6 Internal Road Layout

The internal road system at Mount Margaret is kerbed and sealed. In places, the road surface is in poor condition, this is due to water erosion caused by the pooling of water in the lower areas of the community.

3.7 Wastewater

All houses in the community are connected to a deep sewer system. The sewer system comprises gravity mains which connect to a single pump station located on SL-lot 30 to the east of the central living area. The sewerage collection system loosely follows the internal road system. Sewage is pumped to the treatment ponds located approx 1km east of the community on SL-lot 23. The community advised (24 November 2011) that the sewerage system operates satisfactorily.

3.8 Rubbish Disposal

The community manages the disposal of its own solid waste. Generally waste is collected and transported to a rubbish tip on SL-lot 22 located south of the central living area. 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 nonbiodegradable inert waste). The rubbish tip is not licensed by the Department of Environment and Conservation. The current waste tip site is not of a sufficient size to contain the community's waste. As a result rubbish has been distributed alongside the road uncontained. This has the potential to become an environmental and health issue with the potential for winds to push rubbish into the community. The current uncontained nature of the disposal of rubbish is unsatisfactory.

Aboriginal Settlements Guideline 1 - Layout Plans (2011) recommends a 2000m exclusion zone around rubbish tip sites to reduce potential for groundwater contamination, air pollution and decreasing amenity. All housing is within the 2000m exclusion boundary however due to the topography of the area the rubbish tip is effectively hidden behind the hillside. The community has not reported any disturbance due to the proximity of the rubbish tip. The drinking water bores are located over 4km from the community and as such are not considered to be at risk from the location of the rubbish tip. Although the rubbish tip is not ideally located its relocation is not considered an immediate priority.

3.9 Community Services

The following community facilities and social services are located at Mount Margaret:

- school** : The Department of Education runs the Mount Margaret Remote Community school (SL-lot 11). The primary school (K to 7) has approximately 25 children and 4 staff.
- store** : The store (SL-lot 38) is not operational. The community aspire to reopen the store.
- office** : The community office (SL-lot 39) is functional and staffed.
- clinic** : The clinic (SL-lot 41) is not operational. The community aspire to reopen the clinic.
- workshop** : The community workshop (SL-lot 8) is not operational. The community aspire to re-establish the workshop.
- Recreation** : There is a playground and an undercover play area located on SL-lots 32 & 15 respectively. The football oval (SL-lot 330) is un-reticulated.
- church** : There is a community church (SL-lot 28).

4 RECOMMENDATIONS

4.1 Design Summary

The future plans Mount Margaret are based on visits to the community and advice from relevant government agencies, including the Remote Area Essential Services Program (RAESP) managers Parson Brinkerhoff, the Shire of Laverton, Aboriginal Lands Trust and the Departments for Housing, Water and Indigenous Affairs.

The general design principles of the plan are:

1. Maintain adequate separation between incompatible uses.
2. Define a road network.
3. Allocate land for a range of land uses that may be needed in the future.

4.2 Housing

To house the 2021 design population of 100, and to meet a population density 4 people per house it is estimated that no new houses will need to be constructed (with the existing housing stock to be adequately maintained) over the next 10 years. To cater for any unexpected growth, LP No.1 Amendment 1 provides 13 vacant 'residential' SL-lots, with 10 currently fully / partially serviced.

LP No.1 Amendment 1 has reduced the number of residential SL-lots available at the community. The intention of the Layout Plan is that it provides a reasonable outlook for growth over the next 10 years. It is intended that the plan be reviewed at an interval of 5 years. If prior to review the community requires more residential lots to be provided for, the AMOSAC is required to contact the WAPC to prepare an amendment.

4.3 Rubbish Tip

The current rubbish tip located on SL-lot 22 does not comply with the recommended exclusion boundary of 2000m outlined in the Aboriginal Settlements Guideline 1 - Layout Plans (2011). 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 community has advised that investigations for an alternative rubbish tip site are currently underway in the area south west of the community. When a site is chosen the community is to advise the WAPC (via the Planning for Aboriginal Communities Project) so the layout plan can be amended to reflect the changes.

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 LP No.1 Amendment 1:

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

5.2 Aboriginal Settlements Guideline 1

Aboriginal Settlements Guideline 1: Layout Plans, provides guidance in regards to Layout Plan preparation, consultation, endorsement and amendment. Guideline 1 has four attachments, including provisions and exclusion boundaries. The exclusion boundaries section includes defined minimum separation distance buffers specifically suited to the range, scale and type of infrastructure typical of remote Aboriginal communities. All exclusion boundaries specified in LP No.1 Amendment 1 are based on Aboriginal Settlements Guideline 1: Layout Plans.

5.3 Shire of Laverton

The Shire of Laverton Town Planning Scheme No. 2 was gazetted on 29 March 2004. Cosmo Newberry is located within the scheme area and is zoned as 'Settlement'.

The current settlement zone does not incorporate all housing and community infrastructure. As such, a 'recommended settlement zone' has also been proposed on the Land Ownership plan. The recommended settlement zone contains all community housing and infrastructure and the relevant exclusion boundaries.

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
Mount Margaret representative meeting	4 November 2011
	24 November 2011
	15 March 2012
Department of Indigenous Affairs	29 February 2012
Department of Housing	1 March 2012
Shire of Laverton	16 March 2012
Ngaanyatjarra Essential Services	22 February 2012
WA Country Health	22 February 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

Date : **March 2012** **WAPC Endorsed** : **9 October 2001**
Proponent : **Department of Planning** **Requires Endorsement** : **Yes**

Reason for the Amendment

Mount Margaret Layout Plan No.1 (LP No.1) was prepared in 2000 by consultants Hames Sharley. LP1 was endorsed by the Community Council, Shire of Laverton and the WAPC. In 2011/12 the Department of Planning reviewed LP1. In summary, the findings of that review confirmed that the basic structures outlined in LP1 remain sound, but that an amendment updating and refining data would be beneficial. The table below outlines the changes required to LP1.

Development Intention	Changes required to LP
1. Outdated background report	Draft Layout Plan 1 Amendment 1 Background Report.
2. Modify 'residential' SL-lots that do not match population projections	1. Remove 'residential' SL-lots 1-6, 17, 20-23, 29, 30. 2. Change Lot 43 from 'residential' to 'industrial'.
3. Add necessary utilities SL-lots.	1. Add 'public utility' SL-lot 22, 23 & 28.
4. Community road network	Modify to match community aspirations and revised data.
5. Recommended settlement zone	Include recommended settlement zone to match land-use.
6. Modify 'recreation' SL-lots to match community aspirations.	1. Modify 'recreation' SL-lots 7 & 33. 2. Modify 'recreation' SL-lots 32 & 31 boundaries. 3. Modify 'residential' SL-lot 18 boundaries.
7. Modify 'community' SL-lots to match community aspirations.	1. Modify 'community' SL-lot 15 boundaries. 2. Change Lot 39 from 'community' to 'commercial'.

Approved / Noted:

Aboriginal Movement for Outback Survival Aboriginal Corporation

please sign and print name

Date / / 2012

Shire of Laverton

please sign and print name

STEVEN JOHN DECKERT

Date 26 / 7 / 2012

Western Australian Planning Commission

please sign and print name

Rosa Rigali

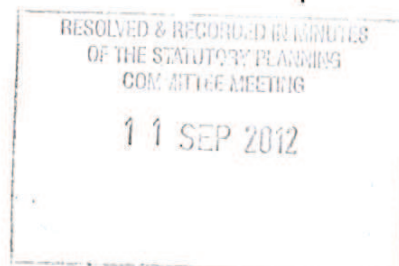
Planning Administration Team Leader
Perth, Peel Planning - Department of Planning

Date 12 / 9 / 2012

Other Information:

This LP 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.



Further Amendments

Mount Margaret Layout Plan 1

Amendment 2 (version 2)

Initiation : 3 October 2012

Date

Proponent : Department of
Housing

WAPC

: 9 October 2001

Endorsed

Requires

: Yes

Endorsement

Reason for the Amendment

The Department of Housing proposes to refurbish a number of houses at Mount Margaret. To achieve that objective some modifications are required to the land-use and SL-lot number for a number of SL-lots. Mount Margaret Aboriginal Corporation has requested the following changes to the layout plan:

Issue	Changes required to CLP
1. SL-lot 43	Land use to be changed to residential
2. SL-lot 38	Land use to be changed to commercial
3. SL-lot 45	To be changed to SL-lot 72
4. SL-lot 71 & SL-lot 72	To be SL-lot 74

Approved

Aboriginal Movement for Outback Survival Aboriginal Corporation

A. J. E. McLeod CHAIRPERSON
please sign and print name

Date 8/10/2012

Shire of Laverton

please sign and print name

Western Australian Planning Commission

please sign and print name



Date



Other Information:

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Mount Margaret Layout Plan No.1

Amendment No.3

Proponent	: Department of Housing (DoH)
Date	: 2 December 2013

Reason for the Amendment

DoH, along with the community have identified a number of locations for new residential Settlement Layout lots (SL-lots), which do not comply with the current layout plan

The following changes are required to the Layout Plan:

Issue / Proposal		Changes required to CLP
1.	SL-lots 53 & 54	Amalgamate lots 53 and 54 to become SL-lot 53
2.	SL-lot 44	Realign northern boundary of SL-lot 44
3.	SL-lot 46	Realign northern and southern boundary of SL-lot 46 and change lot number to SL-lot 45
4.	SL-lot 69	Realign northern and southern boundary of SL-lot 69 and change lot number to SL-lot 46
5.	Create new residential lot	Create new residential SL-lot 69 and change land use from 'open space' to 'residential'

Endorsements:

Aboriginal Movement for Outback Survival Aboriginal Corporation	
please sign and print name	REX NELSON <i>[Signature]</i> Date: 6.5.2014.
Goldfields Land and Sea Council	
please sign and print name	<i>[Signature]</i> Date: <i>[Signature]</i>
Shire of East Laverton	
please sign and print name	<i>[Signature]</i> STEVEN JOHN DECKERT CHIEF EXECUTIVE OFFICER. Date: 25/11/2014.
Western Australian Planning Commission	
please sign and print name	<i>[Signature]</i> Ashley Randell Planning Manager, Aboriginal Communities Regional Planning & Strategy PN: 15151.1 Date: 25/11/2014.



Other Information:

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Mount Margaret Layout Plan No. 1

Amendment No. 4

Proponent : Department of Housing (DoH)

Date : 16 November 2015

Reason for the Amendment

DoH are proposing changes to the Mount Margaret Layout Plan 1 (LP1) for the purpose of subdividing the existing school site to create two SL-lots for residential purposes. These SL-lots are proposed for the construction of Government Regional Officers Housing (GROH).

Land Identification		Amendment description
1.	SL-lot 11	Subdivide the north-eastern portion of SL-lot 11 to create SL-lots 80 and 81. Change the land use classification of newly created SL-lots 80 and 81 from 'Community' to 'Residential'.

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*.

**RECOMMENDATION
APPROVED**

17 NOV 2015

Determination _____ date _____
Planning Manager - Aboriginal Communities

Other Information:

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Proponent : Department of Planning
Date : 17 May 2016

Reason for the Amendment

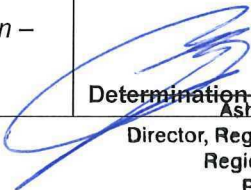
On 3 May 2016 Amendment 2 to the Shire of Laverton Local Planning Scheme No.2 was published in the Government Gazette. In summary, Amendment 2 changed the extent of land zoned 'Settlement' in the Scheme, to match existing land use and tenure at Mount Margaret.

The purpose of this amendment to the Mount Margaret Layout Plan is to ensure that the 'settlement' zone matches the Shire of Laverton Local Planning Scheme No.2.

Land Identification	Amendment description
All	Modify the map-set to: a) Delete the 'recommend settlement zone', and; b) Modify the 'settlement' zone to match the Shire of Laverton Local Planning Scheme No.2.

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>	 17/05/2016 Determination _____ date _____ Ashley Randell Director, Regional Planning Policy Regional Planning PN: 15151
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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.