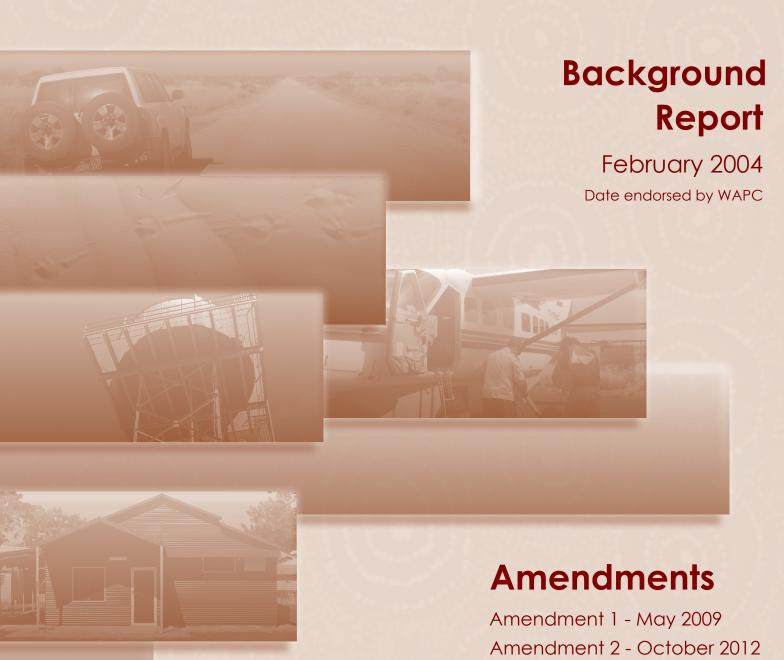
Bondini Layout Plan 1







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Community Contact Details

Representative Organisation : MEEDAC

Community contacts : Art Donaldson (MEEDAC)

Telephone : 9981 7701

Fax : 9981 7702

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

MEEDAC : Mid-West Employment Education Development Aboriginal Corporation

NNTT : National Native Title Tribunal

NTA : Native Title Act (Commonwealth) 1993

NTRB : Native Title Representative Body

PBC : Prescribed Body Corporate (under the NTA, representing native title holders)

PMM : Pilbara Meta Maya

RAESP : Remote Area Essential Services Program

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 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

Bondini Layout Plan No.1 (LP1) was prepared in 2002 by consultants GHD and endorsed by the WAPC 24 February 2004. Bondini LP1 Amendment 2 report has been prepared has been prepared as part of a periodic review. The table below summarises the main issues concerning the planning, development and provision of services at Bondini, covered in more detail in the body of this report.

Table 1: Population details

Existing Population	90
Design Population	100

Table 2: Infrastructure and essential/social service characteristics at Bondini

Infrastructure/service Indicator	Community Characteristics		
Drinking water	Water supply is regulated by the Economic Regulation Authority and is provided by Water Corporation.		
Native title	Community is located within the claim area of the Wiluna registered native title claim (WC99/24, WAD6164/98).		
Secure land holding(s)	All community housing and infrastructure located on land with secure and appropriate tenure.		
Flood / storm surge	Community subject to periodic flooding. Mitigation measures in place		
Emergency assistance Police and medical assistance in Wiluna (10 minutes by road).			
Education	Wiluna Remote Community School located in Wiluna (10 minutes by road).		
Health	Health services (Ngangganawili Aboriginal Health Service Community) in Wiluna (10 minutes by road).		
Governance	Bondini is not represented by a community corporation.		
Employment and enterprise opportunities	Established job market at Wiluna (10 minutes by road).		
Transport	Reliable road access to Wiluna via Wongawol Rd.		
Food	Store located in Wiluna (10 minutes by road).		
Electricity	Electricity generation and distribution is regulated by the Economic Regulation Authority and is provided by Horizon Power.		

DEVELOPMENT PRIORITIES

Bondini LP1 Amendment 2 plans for the formalisation of existing infrastructure, road design and land-uses, and provides a SL-lot layout.

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

LP1 Amendment 2 has been prepared in consultation with the Bondini Community to ensure that the plan reflects the community's aspirations. Technical input from a number of government and non-government agencies responsible for providing services and infrastructure to the community has also been incorporated into the plan and this report.

The following initiatives, development and works are needed to implement Bondini LP No.1 Amendment 2:

Within the next 5 years:

1. Relocate shelter to the east of SL-lot 42 adjacent to Milarngarr Road to SL-lot 15.

Within the next 10 years:

- 1. Construct a workshop on SL-lot 2.
- 2. Reinstate the use of the elevated water tank on SL-lot 48 for use in greening and landscaping verges

Implementing Bondini LP1 Amendment 2

The implementation of this LP will rely on the energy and endeavour of the community members. The future growth of Bondini will require community members to find solutions for the provision of services and infrastructure (such as housing and sealed roads).

1 BACKGROUND

1.1 Location & Setting

Bondini is, in effect, a part of the Wiluna townsite. It is located 4kms east of Wiluna via Wongawol Rd. The area surrounding Wiluna is classified as desert primarily due to the low rainfall but also due to the vast sand plains and poor soil conditions.

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



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

1.2 Climate

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

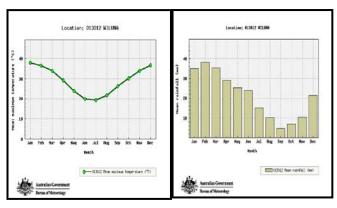


Figure 4 & 5: Climatic averages for temperature and rainfall at Wiluna. (Graphs care of BOM http://reg.bom.gov.au/climate/data/)

1.3 History

Bondini serves as a base for several different Aboriginal family groups. Family groups that live there maintain traditional connections to country in the Western Desert, as well as long-term associations with the Wiluna area.

For most Aboriginal people in the Wiluna region, first contact with colonial society was through either the Canning Stock Route, pastoral activities to the east of Wiluna (in particular the Wongawol, Windidda, Lorna Glen, Earaheedy and Carnegie stations) or intensive mining and prospecting activity around Wiluna. These activities all had the effect of displacing Aboriginal people from their traditional lands, and drawing more people into the Wiluna region.

The town of Wiluna experienced intensive growth from gold mining activity from the 1930s, but little infrastructure was provided for Aboriginal residents of the region. The establishment of Bondini as an Aboriginal reserve, on a former garden and orchard site, and the formation of a Seventh Day Adventist (SDA) Mission at the Ngannghawali site to the immediate east of Bondini, created specific Aboriginal domains in the Wiluna area. The mission activity did not last, with the SDA withdrawing in 1974. Other Aboriginal projects; the Desert Farm (a horticultural project) and the Emu Farm were formed in the mid-1970s, but these programs also were discontinued.

Bondini survived throughout this period, and has progressively become a permanent home for different Aboriginal family groups. Inclusivity is a strong imperative for residents of Bondini, and there is a desire to maintain the community so that it can accommodate people from the Ngaanyatjarra lands or *Martu* communities elsewhere that regularly visit. This can be observed in the camping areas that have been set aside in LP No.1 Amendment 2. Residents have a keen awareness of the cultural sites within and around Bondini. Particular areas include places where deceased people ('old people') are buried, hunting grounds and ceremonial sites. These places are routinely avoided with access regulated, and have been identified in LP No.1 Amendment 2 as 'no go' areas.

Currently, Bondini has approximately 90 residents. Given its social links to the Ngaanyatjarra lands and *Martu* communities elsewhere, the number of people staying at Bondini can swell during ceremonial activities, mourning rituals (sorry business) or during sports carnivals. Overwhelmingly, residents at Bondini identify as *Martu*, with some identifying as *yarnangu*. No non-Aboriginal people live at Bondini, and no buildings other than residential accommodation exists there.

2 COMMUNITY PROFILE

2.1 Population

Estimating and predicting populations on remote aboriginal communities is difficult because Aboriginal people tend to be mobile in terms of housing and living arrangements. Populations can increase and decrease quite rapidly based on family, cultural or administrative factors (see Taylor 2006 for a useful discussion of demographic trends of remote Indigenous populations). Population figures also vary depending on the time of year of enumeration, methods and sources by which data are collected. Australian Bureau of Statistics (ABS) data has been criticised for undercounting populations in remote communities (Memmot et al 2004). In the case of Bondini in 2006, the community was included in the Wiluna census count and as such has no individual census population data for that year.

Current population levels can be estimated from a range of sources, including Census Data from the ABS and the Environmental Health Needs Survey undertaken by the Department of Indigenous Affairs. Australian Bureau of Statistics (ABS) data from 2001 recorded a total population of indigenous population of 102, comprising of 57 males and 45 females. In 2008 the Department of Indigenous Affairs Environmental Health Needs Survey (EHNS) recorded 100 inhabitants.

In addition to the formal population data sources, a key source of population information is from the community itself. The community advised on 1st November 2011 that Bondini's permanent population is approximately 90 people. During the cultural and sporting events the population of Bondini can fluctuate. This can increase the usual permanent population up to 130 residents.

In accordance with the community's advice this report presumes the current permanent population of Bondini to be 90 residents.

	1997	2001	2004	2008	2011
Total persons	15	102	75	100	90
Source	EHNS	ABS	EHNS	EHNS	Community

Table 3: Population figures from a variety of sources

Given that the population counts for the last 15 years have been somewhat erratic, it is difficult to project how the population of Bondini might grow in the next 10 years. However, the population projections for the Shire of Wiluna 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 Bondini. Based on a current population of 90 and an annual growth rate of 1 per cent, is it estimated that the population of Bondini could be approximately 100 by the year 2021.

Given the locational and social characteristics evident at Bondini, it is not unreasonable to expect that it may grow slightly over the next 10 years. Therefore, a design population of 100 people has been identified as appropriate for Bondini.

2.2 Governance

Bondini does not have a representative organisation, such as an incorporated community council.

Bondini is informally represented by the Mid-West Employment Education Development Aboriginal Corporation (MEEDAC). MEEDAC is a not for profit CDEP service provider located in the Midwest of Western Australia with offices in Mullewa, Morawa, Yalgoo, Wiluna and Geraldton. The organisation supports the delivery of a variety of programs for Indigenous people, community services, training, employment and economic development programs.

2.3 Land Tenure

All housing and most community infrastructure associated with Bondini is located on two crown land titles that are vested in the Aboriginal Lands Trust. The current tenure of Bondini is considered appropriate and secure.

Register Number	Lot 10 on Deposited Plan 183533
Volume / Folio	CR 23985
Status Order / Interest	Reserve Under Management Order
Primary Interest Holder	Aboriginal Lands Trust

Crown Land Title	Lot 13 on Deposited Plan 183533
Lot Details	CR 23985
Status Order / Interest	Reserve Under Management Order
Primary Interest Holder	Aboriginal Lands Trust

2.4 Native Title

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

Background to Native Title in Australia

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

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

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

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

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

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

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

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

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

More information about native title can be obtained from the National Native Title Tribunal.

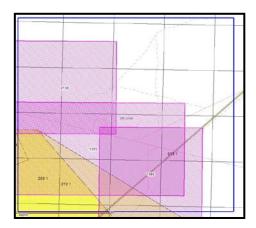
2.5 Aboriginal Heritage

Notwithstanding the discussion below, the following discussion of heritage matters derives from consultation with the community and a desk-top survey of sites registered under the AHA 1972 using the <u>Aboriginal Heritage Inquiry System</u>. 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.

LP No.1 Amendment 2 identifies two 'no go' areas as seen on. The significance of the northern site has been identified as a hunting ground and men's business area. The 'no go area' to the east has been linked to a ceremonial and dancing ground.

Development in 'no go areas' is restricted; if works need to be undertaken in these areas consultation with the community and Central Desert Native Title Services is required.

It should be noted that both registered and unregistered sites of cultural significance to Aboriginal people are protected under the State Government's *Aboriginal Heritage Act 1972*, but only registered sites are recorded on the Department of Indigenous Affairs' database.



A number of registered Aboriginal heritage sites exist in close proximity to the Bondini settlement. These sites are variously mythological, and ceremonial. The sites are all closed. Closed sites are often restricted to people who have knowledge of the site because they have undergone a process of initiation or because it would be culturally inappropriate for the site's details to be in the public domain.

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

Figure 6 - Registered sites (purple) in vicinity of Bondini community living area. Source: DIA 2011.

A bough shelter is constructed to the east of SL-lot 42. The shelter is

used as a meeting area for men's business. The community has advised that it is not an ideal site due to its central location in the community and proximity to the road. The community has advised that it would the shelter relocated to a more appropriate private area on SL-lot 15.

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

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 Bondini 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. The ideas for improvements to the facilities noted by the residents of Bondini when developing LP No.1 Amendment 2 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. Create more 'green' areas to assist with dust suppression.
- 2. Construct a playground for children on SL-lot 43.

A bough shelter is constructed to the east of SL-lot 42. The shelter is used as a meeting area for men's business. The community has advised that it is not an ideal site due to its central location in the community and proximity to the road. The community has advised that it would the shelter relocated to a more appropriate private area on SL-lot 15.

3 EXISTING INFRASTRUCTURE & SERVICES

3.1 Housing

There are currently 18 houses located at Bondini.

Construction of housing and rent service is managed by Goldfields Indigenous Housing Organisation. The houses are generally constructed from corrugated iron. The majority of houses are either 3 or 4 bedrooms with 1 two bedroom house.

Bondini LP1 Amendment 2 plans for 4 vacant residential SL-lots, all are connected to existing servicing. There are no immediate constraints to residential development in the foreseeable future.

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

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

3.2 Water Supply

Table 4: Demand for additional housing assuming 1% population growth 2011 - 2021

Year	Population estimate (growth @ 1% p.a)	No. additional houses needed to maintain existing housing density (5 persons per house)	Total housing stock needed (excluding staff housing)
2011	90	0	18
2012	91	0	18
2013	92	0	18
2014	93	1	19
2015	94	1	19
2016	95	1	19
2017	96	1	19
2018	97	1	19
2019	98	2	20
2020	98	2	20
2021	100	2	20

Water supply is regulated by the Economic Regulation Authority and is provided by Water Corporation.

3.3 Electricity Supply

Electricity generation and distribution is regulated by the Economic Regulation Authority and is provided by Horizon Power.

3.4 Flooding & Drainage

Bondini is subject to periodic flooding. The mitigation measures in place include swales and drainage systems that direct waters away from the community to SL-lot 28. Community representatives advised during consultation that flood was not an issue.

3.5 Access & Dedicated Roads

Road access to Bondini is via Wongawol Rd. By road, the community is approximately 4km from Wiluna. The road provides reliable year round vehicular access to the settlement and is maintained by Main Roads Western Australia.

3.6 Internal Road Layout

Bondini is currently serviced by an internal ring road (Mlarngarr Rd, Gaylee St and Kurrgurda st) which is kerbed and sealed. LP No.1 Amendment 2 proposes one new road (Claypan Rd). This road is yet to be graded or prepared for use. The internal road system is managed by the local government.

3.7 Community and Social Services

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

Office

There is no office located at the community. Office enquiries for Bondini are to be directed to the MEEDAC office located in Wiluna [office details on Page 2].

Workshop

There is currently no workshop located at the community; however the community has expressed a wish to develop a workshop to assist with the maintenance of resident's vehicles. The proposed workshop is to be located on SL-lot 2.

3.8 Wastewater

Waste water service provision at Bondini is regulated by the Economic Regulation Authority and is provided by Water Corporation.

Wastewater is disposed of via leach drains and septic traps.

3.9 Rubbish Disposal

The Shire of Wiluna provides a weekly rubbish collection service.

4 PLANNING FRAMEWORK

4.1 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

4.2 Aboriginal Settlements Guideline 1

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

4.3 Shire of Wiluna

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

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

5 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
Bondini representative meeting	2 November 2011
	8 August 2012
Department of Indigenous Affairs	29 February 2012
Department of Housing	1 March 2012
Pilbara Meta Maya	18 January 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, D. 2007 *Trees and Shrubs in the Wiluna Region.* Wiluna Shire. Wiluna http://www.wiluna.wa.gov.au/about_us/a

ENDORSEMENT 6



Bondini Community Layout Plan No.1

Amendment No.2

Date

.

Community

Only endorsed by WAPC

.

Officer

Brianna Sharp

Endorsed Requires

Yes

Endorsement

Details of the Amendment

The intention is to modify the Bondini Layout Plan No.1 endorsed by the WA Planning Commission on 24 February 2004 in accordance with requests made from the community.

Amendments made to LP			
1.	Merge SL-lots	 'industrial' SL-lots 2 & 3 into SL-lot 2 'community' SL-lots 44 & 43 into SL-lot 43 	
3.	Add residential SL-lots	 'public utility' SL-lot 48 'residential' SL-lots 3, 16, 45 & 47 	
3.	Amend boundaries	 'industrial' SL-lot 1 'recreation' SL-lot 42 'residential' SL-lot 6 	
4.	Remove residential SL-lots	1. Delete SL-lots 7, 16, 17-20, 32-36, 39, 41, 44 & 46	
2.	Modify road network	1. Remove Bunnuga Road & truncate Yaporda Road.	
2.	No Go Areas	Amend no go areas as described on LP1 Amendment 2	

Approved / Noted:

Bondini Community Representative

Bondini does not have a representative community organisation. Glenys Williams and Robert Stevens were identified as holding appropriate knowledge and standing within the community to informally endorse Amendment 2 on behalf of the community. Both Glenys and Robert signed the Living Area map-sheet (see attached).

Shire of Wiluna

ANTHONY John Norman Down Date /9/ 9/ 2012

Please sign and print name

Western Australian Planning Commission

Please sign and print name

Please sign and print name

RESOLVED & RECORDED IN MINUTES

OF THE STATUTORY PLANNING

COMMITTEE MEETING

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

7	FURTHER AMENDMENTS