

Bidyadanga Layout Plan 3

Background Report

May 2013

Date endorsed by WAPC



Amendments

Amendment 1 - November 2013

Amendment 2 - July 2015

Amendment 4 - September 2015

Amendment 5 - October 2015

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Amendment 7 - November 2016

Amendment 8 - April 2017

Amendment 9 - July 2017

Amendment 10 - December 2017

Amendment 11 - July 2020



Department of
Planning



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Community Contact Details

Resident Community Organisation	: Bidyadanga Aboriginal Community La Grange Incorporated
Traditional Owner Organisation	: Karajarri Traditional Lands Association (Aboriginal Corporation) RNTBC

Acronyms

ABS	: Australian Bureau of Statistics
AHA	: Aboriginal Heritage Act (WA) 1972
ATSIC	: Aboriginal and Torres Strait Islander Commission
BACLGI	: Bidyadanga Aboriginal Community La Grange Incorporated
BCRC	: Bidyadanga Community Resources Centre
CR	: Crown Reserve
DIA	: Department of Indigenous Affairs
DoC	: Department of Communities
DoH	: Department of Housing
DoP	: Department of Planning
DWSPP	: Drinking Water Source Protection Plan
EHNS	: Environmental Health Needs Survey
ILUA	: Indigenous Land Use Agreement (under the Native Title Act 1993)
KAMSC	: Kimberley Aboriginal Medical Services Council
KLC	: Kimberley Land Council
KRSP	: Kimberley Regional Service Providers
KTLA	: Karajarri Traditional Lands Association (Aboriginal Corporation) RNTBC
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
RSZ	: Recommended Settlement Zone
SL-lot	: Settlement Layout lot
UCL	: Unallocated Crown Land
WAPC	: Western Australia Planning Commission

Layout Plans & the Development Process

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

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

It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on site.

Organisations responsible for such matters may include the landowner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.

EXECUTIVE SUMMARY

The Bidyadanga Layout Plan 3 (LP3) was prepared over a 6 month period from May to October 2012. It replaces draft Bidyadanga Layout Plan 2 (version 14).

The tables below summarise the main issues concerning planning, development and provision of services at Bidyadanga. These issues are covered in more detail in the body of this report.

Table 1 – Population Summary

Existing population	:	617
Aspirational population	:	1250
Design population	:	1250

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

Infrastructure/service Indicator	Community Characteristics
Drinking water	Unregulated. DWSPP in place. Drinking water source at risk of contamination. A new drinking water source that is adequately separated from incompatible land uses is required.
Native title	Karajarri Determination (Areas A and B).
Secure land holding(s)	Highly complex land tenure situation. Majority of settlement located on Crown Reserve sub-leased to BACGLI. Future urban expansion areas are outside sub-lease area.
Flood / storm surge	No recorded issues of flooding, but located in cyclonic area and likely to be prone to inundation from extreme water levels. Localised stormwater pooling occurs after major rains.
Emergency assistance	Multi-Functional Police Facility (MFPF) located at Bidyadanga. CASA code 3 airstrip located at settlement.
Education	La Grange Remote School (pre-school to year 12) located at the settlement.
Health	Full time clinic at the settlement.
Governance	BACGLI (representing the settlement) and KTLA (representing native title holders).
Employment and enterprise opportunities	Some small scale employment enterprises such as art centre, general store, takeaway restaurant, rangers. Broome is the nearest urban job market.
Transport	Road access via Great Northern Highway (sealed, major highway) and Bidyadanga Road (unsealed, ungazetted). Bidyadanga Road can be only accessible by 4WD after major rain events.
Food	General store with takeaway restaurant. Food sources from the land/water.
Electricity	Regulated generation and reticulation provided by Horizon Power.

LP3 established a spatial platform for the future expansion of the settlement and formalises existing infrastructure and land uses. It also provides a layout for existing and future discrete land uses and roads, referred to as 'SL-lots' and 'SL-roads'.

The major purpose of this plan is to guide the growth and development of Bidyadanga by providing a layout of future land uses in the settlement. LP3 addresses future growth issues in the context of constraints to development. Identifying land for future urban expansion is the most challenging aspect facing Bidyadanga, given constraints such as drinking water protection and cultural factors.

LP3 has been prepared in consultation with Bidyadanga La Grange Aboriginal Community Incorporated (BACLGI) and the Karajarri Traditional Lands Association (KTLA), to ensure that the plan reflects the needs, aspirations and concerns of the resident community and Traditional Owners.

Technical input from a number of government and non-government agencies responsible for providing services and infrastructure to the settlement has also been incorporated into the Layout Plan.

Not all necessary technical data was available at the time of the preparation of LP3. Information that would be valuable to the future development at Bidyadanga including; hydro-geological assessment of the location of a future drinking water source and environmental capability analysis. A range of data is required to be developed and integrated into this and/or other planning instruments relevant to Bidyadanga into the future.

LP3 outlines a clear and straightforward way for Bidyadanga to grow in a co-ordinated and efficient manner.

DEVELOPMENT PRIORITIES

The following initiatives, development and works were identified in 2012 as priorities for the development of Bidyadanga:

1. Establishment of a new drinking water source in a location that is appropriately separated from incompatible land uses, in order to secure a safe drinking water supply for Bidyadanga.
2. Construction of housing on an ongoing basis, in order to provide an appropriate level of accommodation for the increasing population of Bidyadanga.
3. Extension of the reticulated sewerage system into the currently non-serviced area and expansion of the wastewater treatment capacity, in order to ensure a high level of public health at Bidyadanga.
4. Construction of roads.
5. Establishment of enterprises such as road house, light industrial area, art centre, horticulture, and camping ground/caravan park.
6. Adjustment of land tenure.

1 REGIONAL CONTEXT

1.1 Location & Setting

Bidyadanga is located 95km south-west of Broome (190km by road) in the Kimberley region of WA. The high water mark of La Grange Bay is approximately 1.5km to the west of the settlement. The coastal area is characterised by aeolian dunes parallel to the shoreline, beach ridges, and extensive intertidal and supratidal mudflats bordering inlets and bays. Bidyadanga and the surrounding area are made up of gently undulating aeolian sand plains rising to over 40m in height.

Vegetation of the dunes is characterised by spinifex grass and scattered shrubs. The coastal strip features grassland with a sparse upper layer of a trees and a dense middle layer of thickets. The mudflats are sparsely covered and the bays and inlets are fringed by mangrove.

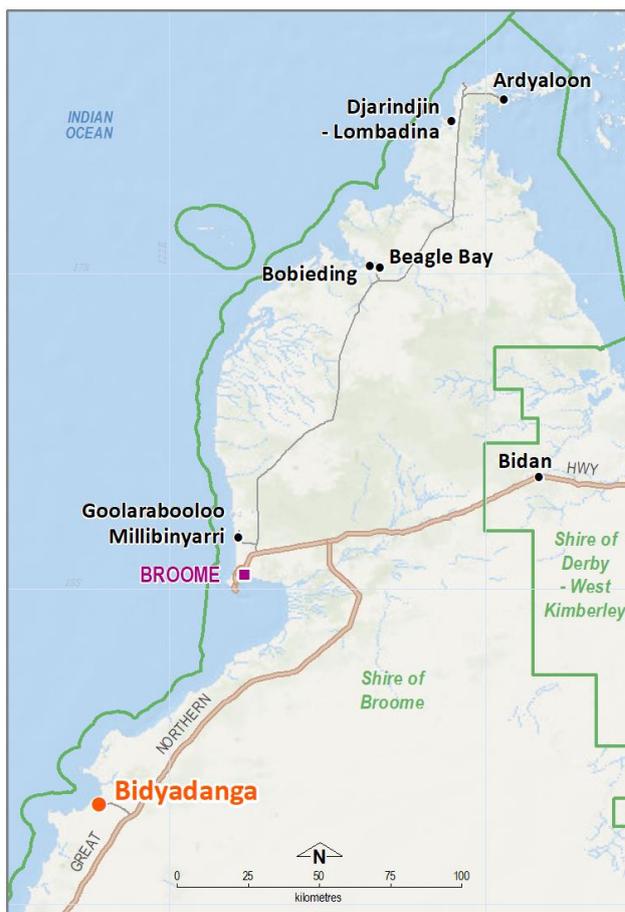


Figure 1 – Regional Context of Bidyadanga

1.2 Climate

The climate at Bidyadanga is classified as coastal semi-arid, with hot humid summers, and hot winter droughts. The mean annual rainfall is **513.5 mm**, of which 70% occurs between January and March (Table 3 and Figure 2).

The annual mean maximum temperature is **33.4°C**, and the annual mean minimum temperature is **20.9°C** (Table 4 and Figure 3).

Westerlies predominate throughout the year.

Table 3 –mean rainfall (1891 to 2020) for Bidyadanga weather station (003030)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Rainfall (mm)	127.6	137.7	94	25.2	25.1	19.1	8.1	2.3	1.3	1.2	7.5	58.4	513.5
Days of rain ≥ 1mm	6.3	6.1	4.5	1.3	1.4	1.1	0.5	0.3	0.1	0.2	0.6	2.6	25

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

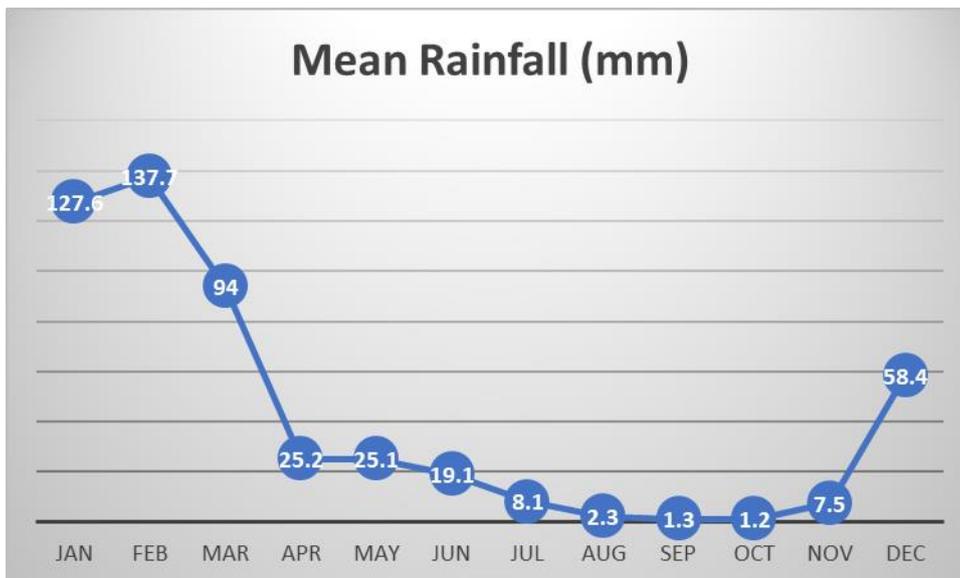


Figure 2 – Bidyadanga mean rainfall (1891 to 2020)

Table 4–mean temperatures (1957 to 2020) Bidyadanga weather station (003030)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Max. temp (°C)	34.4	34.2	35.4	35.8	32.5	29.9	29.7	31.1	33	34.4	35	35
Min. temp (°C)	26	25.7	25	22.2	18.5	15.5	14.1	14.9	17.6	21.2	24.1	25.9

Source: Bureau of Meteorology

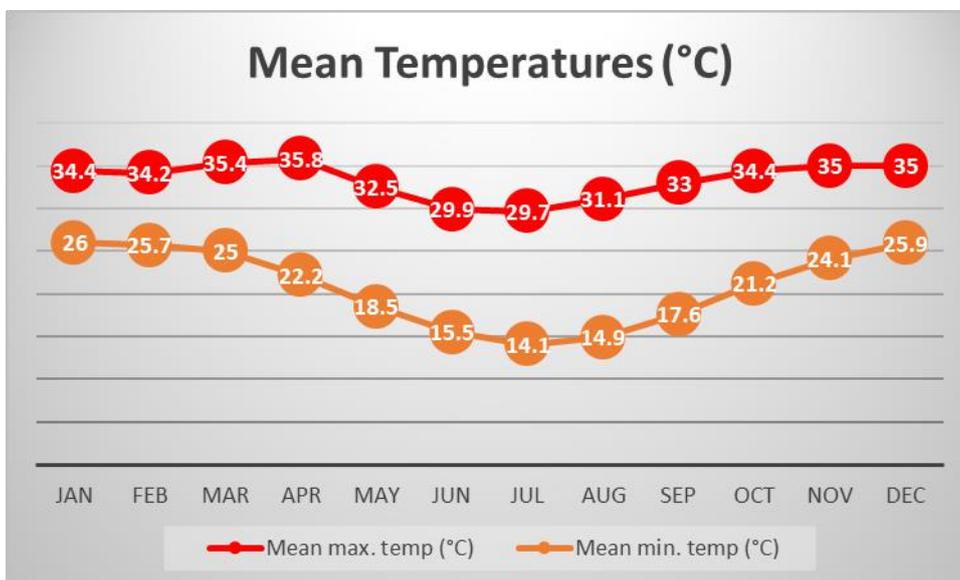


Figure 3 – Bidyadanga mean temperatures (1950 to 2020)

1.3 History

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

Early Contact History

Recent European history records William Dampier landing on the coast in close proximity to 80 Mile Beach in 1699 and clashing with Karajarri people. In 1803, Baudin, a French explorer sailed along the coast and named surrounding coastal bays and headlands including La Grange Bay.

Europeans attempted to settle in the area during 1864 but as a result of conflicts with the Karajarri people over a range of issues including the protection of waterways, no settlement was established.

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.

In 1956 a government transport depot located at Bidyadanga was transferred to the Catholic Church and became the La Grange Mission. The mission operated from 1956 to 1981. The Karajarri, Yulpartja, Juwalinny, Mangala and Nyungamarta peoples were brought to the mission during the 1960s and 70s when they were displaced from their traditional lands due to Government policy of the day.

La Grange Mission managed the Bidyadanga school until 1982, when management was transferred to the State Government. This was part of a gradual hand-over of management of the settlement, with BACLGI being incorporated in 1979. The transfer of functions from the Mission to the community is broadly situated in the 'self-determination' movement occurring at that time.

The 'Homelands' movement – 1970s and 80s

Particular Aboriginal groups sought to return to lands with which they enjoy strong traditional and historical connections. This movement can be seen emerging after policies of indigenous self-determination were introduced in the early 1970s, and after the role of missions and government residential institutions in the lives of Aboriginal people had steadily declined. In many cases, this return to traditional lands was enabled by the transfer of pastoral stations from pastoralists to Aboriginal groups. Frazier Downs Station where Bidyadanga is located, was transferred to the Karajarri Traditional Lands Association Aboriginal Corporation (KTLA) in 2001.

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 Karajarri People gained legal recognition of their native title rights over 24,725 square kilometres of land (Area A) on 12 February 2002. The consent determination found that native title exists in the determination area and is held communally by the Karajarri people.

Bidyadanga has grown very rapidly over the past 30 years and is now identified as being the largest remote Aboriginal settlement in Western Australia. Today Bidyadanga has a strong connection with various permanent and seasonal outstations. The main settlements include: Wanamulnydong, Kalyadan, Malu Pirti, Rollah, Yandarina, Brun Brun Ganjal (Kitty Well), Nygah Nygah, Pelling Pelling and Yardoogarra.

1.4 Previous Layout Plans

Previous Layout Plans for Bidyadanga were prepared in 1999 and 2007-2008. These Layout Plans were not endorsed by any organisation. Layout Plan No.3 has been requested by KTLA and BACLGI to ensure appropriate planning is in place for the provision of future housing and services.

2 COMMUNITY PROFILE

2.1 Population

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

A summary of recent population data is shown in Table 4. The population estimates in Table 5 are sourced from the Environmental Health Needs Survey (EHNS) undertaken by the former Department of Indigenous Affairs (DIA) in 1997, 2004 and 2008, the Australian Bureau of Statistics (ABS) and the Department of Communities (DoC) Property Tenancy Management System (PTMS) from 2019.

Table 5 - Population figures by source 1997-2019

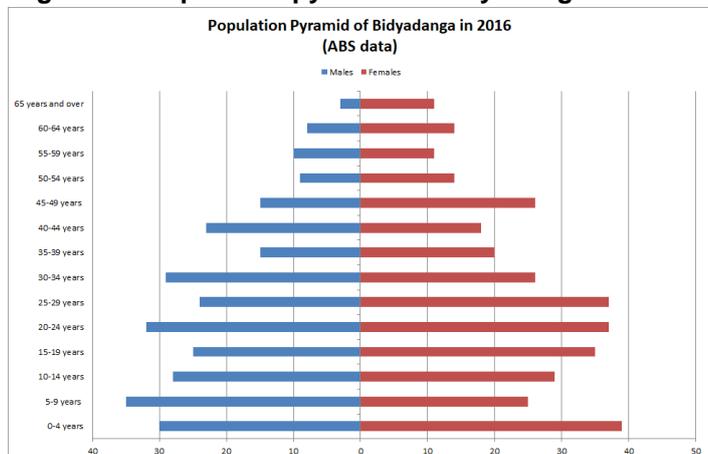
	1997	2001	2004	2006	2008	2011	2016	2019
Total persons	680	512	850	212	800	595	617	617
Source	EHNS	ABS	EHNS	ABS	EHNS	ABS	ABS	PTMS

In May 2012 KTLA estimated the total population of Bidyadanga to be 850 people. In June 2012, BACLGI advised that the permanent population of Bidyadanga is approximately 800 people (excluding staff). Based on those estimates, this Layout Plan assumed a current population of 850 in 2013. However, subsequent population estimates indicate that a lower figure may be more accurate.

The population of Bidyadanga is projected to increase through natural growth (births over deaths) and migration. Both KTLA and BACLGI advised that a large proportion of the Karajarri people and Bidyadanga residents, respectively, are aged under 20 (see population pyramid). It can reasonably be assumed that these people will start their own families over the next 15 years.

BACLGI also advised that overcrowding at Bidyadanga currently forces some families to live elsewhere. Young people from Bidyadanga often leave the settlement for higher education and employment elsewhere. BACLGI stated that many of these people would return to Bidyadanga if suitable housing and infrastructure are provided. KTLA also advised that Karajarri people living in Broome and elsewhere may relocate to Bidyadanga should suitable housing and infrastructure be provided.

Figure 4 – Population pyramid of Bidyadanga



(Source: ABS, 2016 Census)

Aspirational Population

Bidyadanga is projected to experience significant growth pressure over the coming years from natural growth and people wanting to relocate to Bidyadanga. The draft Kimberley Regional Infrastructure Profile recommends an average annual growth rate figure of 2.5% for remote Aboriginal settlements.

Both KTLA and BACLGI acknowledge that Bidyadanga is a settlement with solid foundations that will continue to grow into the future. The aspiration of both KTLA and BACLGI is for suitable housing and infrastructure to be provided at Bidyadanga in order to accommodate this projected population. The aspirational population for Bidyadanga is therefore 1250.

Bidyadanga is the largest Aboriginal settlement in Western Australia, with a population and range of services equal to or greater than a number of gazetted towns throughout the state. On this basis, it is assumed that Bidyadanga will be provided with an appropriate level of services and housing to meet the needs of the growing population. This will require the provision of services and infrastructure to be coordinated with population growth.

The demographic analysis of Bidyadanga establishes an understanding that population growth will continue at Bidyadanga. Given this, the aspirational population of BACLGI and KTLA is considered to be realistic and should therefore be used as the design population for the Layout Plan.

Design Population

For the purposes of LP3, the design population for Bidyadanga is 1250 people.

2.2 Governance

The resident community is represented by its incorporated body - Bidyadanga Aboriginal Community La Grange Incorporated (BACLGI). BACLGI was incorporated under the *Aboriginal Communities Act 1979*.

The corporation structure includes members from each language group including Karajarri, Juwalinny, Mangala, Nyungamarta and Yulpartja language groups.

The traditional owners of the land upon which the settlement of Bidyadanga is located are represented by the Karajarri Traditional Lands Association Aboriginal Corporation (KTLA).

2.3 Land Tenure

The settlement of Bidyadanga is located over a number of land parcels with various forms of tenure.

The main settlement area is predominantly located on Crown Reserve 38399, which extends over Lots 376-379. Crown Reserve 38399 is vested to the Aboriginal Lands Trust (ALT) for the “use and benefit of Aboriginal inhabitants”, with the power to lease the whole reserve or any portion for any term. BACLGI has a sub-lease over a portion of this reserve until 2087. Some houses and community infrastructure are located outside the boundaries of the BACLGI lease.

Bidyadanga La Grange Remote Community School is located on Crown Reserve 36473 (Lot 237), which is vested to the State of Western Australia for the purpose of school site. Adjacent to the school is Crown Reserve 36472 (Lots 137 and 222), which is vested to the Aboriginal Lands Trust for the purpose of health clinic and associated staff housing. The Bidyadanga Community Clinic is not located on Crown Reserve 36472. The fore-mentioned Crown Reserves have been excised out of the Crown Reserve for the Kimberley-De Grey Stock Route.

Approximately 12km north east of the main settlement area, Crown Reserve 11175 (Lot 349) is vested to the Aboriginal Affairs Planning Authority for the “use and benefit of Aboriginal inhabitants”. It is understood that BACLGI holds a sub-lease over this Crown Reserve.

The Roman Catholic Bishop of Broome owns two freehold lots at Bidyadanga (Lot 248 and Lot 65). A church, presbytery, parish hall and staff housing are located on Lot 248. Lot 248 is predominantly surrounded by Crown Reserve 38399 and represents part of the main settlement area, with a number of roads integral to the functioning of the settlement located on this lot. The original mission, now derelict, is located on Lot 65. This lot is non-contiguous with the main settlement area, being located approximately 1500m west of the BACLGI office.

The KTLA also owns a freehold lot (Lot 22) approximately 2km west of the main settlement area.

The main settlement area is broadly surrounded by unallocated crown land (UCL) and pastoral leases held by the KTLA. These pastoral leases, including Frazier Downs Station, were transferred to the KTLA in 2001.

Refer to the Bidyadanga map-set for current tenure details.

2.4 Native Title

Bidayadanga is located within the determination areas of the Karajarri People Area A (Tribunal number WCD2002/001 and Federal court number WAD6100/1998) and Karajarri People Area B (Tribunal number WCD2004/002 and Federal court number WAD6100/1998). The Karajarri Traditional Lands Association (Aboriginal Corporation) RNTBC is the Native Title Representative Body that represents the claimants

The Karajarri People gained legal recognition of their native title rights over 24,725 square kilometres of land (Area A) on 12 February 2002. The consent determination found that native title exists in the determination area and is held communally by the Karajarri people.

The Karajarri people have the right to possess, occupy, use and enjoy the land and waters to the exclusion of all others. The Karajarri people have the right to use and enjoy flowing and subterranean waters. On 8 September 2004, the Karajarri people were recognised as the traditional owners of 5,647 square kilometres of land (Area B).

The majority of their claim, Karajarri Area A (24,725 sq km), was determined by consent in 2002, however, the land comprising the Nita Downs, Shamrock and Anna Plains pastoral leases, some unallocated crown land, various reserves and the inter-tidal zone, were put aside pending a high court appeal (*Ward v Western Australia*).

Under the terms of the consent determination, the Karajarri people hold non-exclusive native title rights over the lands and waters claimed. As the native title holders, the Karajarri people have the right to enter and remain on land, camp, take flora, fauna, natural resources and water, engage in ritual and ceremony and maintain and protect sites of significance. The determination also paved the way for the establishment of a prescribed body corporate under the *Native Title Act 1993*, the KTLA.

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

Background to Native Title in Australia

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

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

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

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

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

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

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

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

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

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

2.5 Aboriginal Heritage

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

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](#) database.

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.

Registered Sites

There are 5 registered sites and 5 lodged heritage place sites in the vicinity of Bidyadanga and surrounding area (as of July 2020). A summary of the registered and lodged sites are listed below in Table 6:

Table 6 – AHIS registered sites in the vicinity of Bidyadanga, July 2020

Place ID	Name	Restrictions	Status	Type
14441	Post Office La Grange	no gender restrictions	registered site	Artefacts / Scatter, Camp
14894	La Grange	no gender restrictions	registered site	Repository / Cache
14440	Blackrock Point 1	no gender restrictions	registered site	Fish Trap, Midden / Scatter, Camp
14438	Blackrock Point 2	no gender restrictions	registered site	Fish Trap, Midden / Scatter, Camp
14442	La Grange	no gender restrictions	registered site	Artefacts / Scatter, Midden / Scatter, Water Source
13734	Lalujada	no gender restrictions	Lodged	Mythological, Other Living Soak
12464	Jungoo Burial Ground	no gender restrictions	Lodged	Skeletal Material / Burial
12463	Gururu Creek	no gender restrictions	Lodged	Mythological, Camp, Water Source
17850	Bamboo Landing	no gender restrictions	Lodged	Other Fish Trap
12436	Bidyadanga Skeletal Find	no gender restrictions	Lodged	Fish Trap, Skeletal Material / Burial

Any future development at the community, including implementing LP3 should therefore be undertaken in consultation with the community and the traditional owners to ensure adequate avoidance of sites.

Culturally Sensitive Areas

Areas of cultural significance proximate to the main settlement area at Bidyadanga have been identified by KTLA. The No-go areas in the community surround the main settlement living area to the north, south and east. "No-go" exclusion boundaries have been included on the layout plan to indicate that future development should not encroach on these areas.

Impact of Aboriginal Heritage on Development of Settlements

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. 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. This applies to the development of Aboriginal settlements as it does any other type of settlement. Investigation whether there is an Aboriginal heritage site on the land must be undertaken prior to development or works, and may require a heritage survey or clearance.

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 this CLAYOUT PLAN. The CLAYOUT PLAN background report and 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 Aspirations

During consultation in 2012 KTLA and BACLGI provided the following aspirations:

KTLA

The KTLA has aspirations to establish and operate a number of enterprises at Bidyadanga, including:

1. A roadhouse on the corner of Bidyadanga Road and Great Northern Highway.
2. A light industrial area adjacent to the roadhouse that can be used for small businesses such as vehicle repairs and car towing.
3. An art centre proximate to the roadhouse.
4. A caravan park and camping ground to the north-west of the main settlement area, adjacent to the coast. The KTLA would operate activities such as tag-along traditional owner tours, bird watching and bush tucker tours.
5. A horticulture enterprise on Frazier Downs Station, east of the Great Northern Highway.
6. An aquaculture enterprise.

The KTLA also expressed some aspirations for the general growth of Bidyadanga, including:

- Future expansion of the settlement to occur in an eastward direction along Bidyadanga Road, rather than further densification of the existing settlement area.
- Relocation of the airstrip closer to Great Northern Highway, to allow for the eastward expansion of the settlement.

The KTLA aspires to see Karajarri outstations that are proximate to Bidyadanga developed as places that are integrated with the provision of services to Bidyadanga.

BACLGI

BACLGI has the following aspirations:

1. A recommended settlement zone that extends from the coast to Great Northern Highway. (complete)
2. Resolution of issues associated with BACLGI's existing sub-lease.
3. Construction of a new rubbish tip with formalised vehicle access.
4. Provision of additional/renovated housing and infrastructure on an ongoing basis so that the growing population of Bidyadanga can be adequately accommodated at the settlement.
5. Development of additional shopping facilities at the settlement.
6. Development of a motel/roadhouse at the junction of Bidyadanga Road and Great Northern Highway.
7. Establish tourism businesses including but not limited to bus tours, boating, fishing and camping holidays.
8. Upgrading of the airstrip to a 24 hour all-weather standard that will allow greater access for up to medium sized aircraft and the Royal Flying Doctors Service.

3 EXISTING INFRASTRUCTURE & SERVICES

Bidyadanga 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 Bidyadanga.

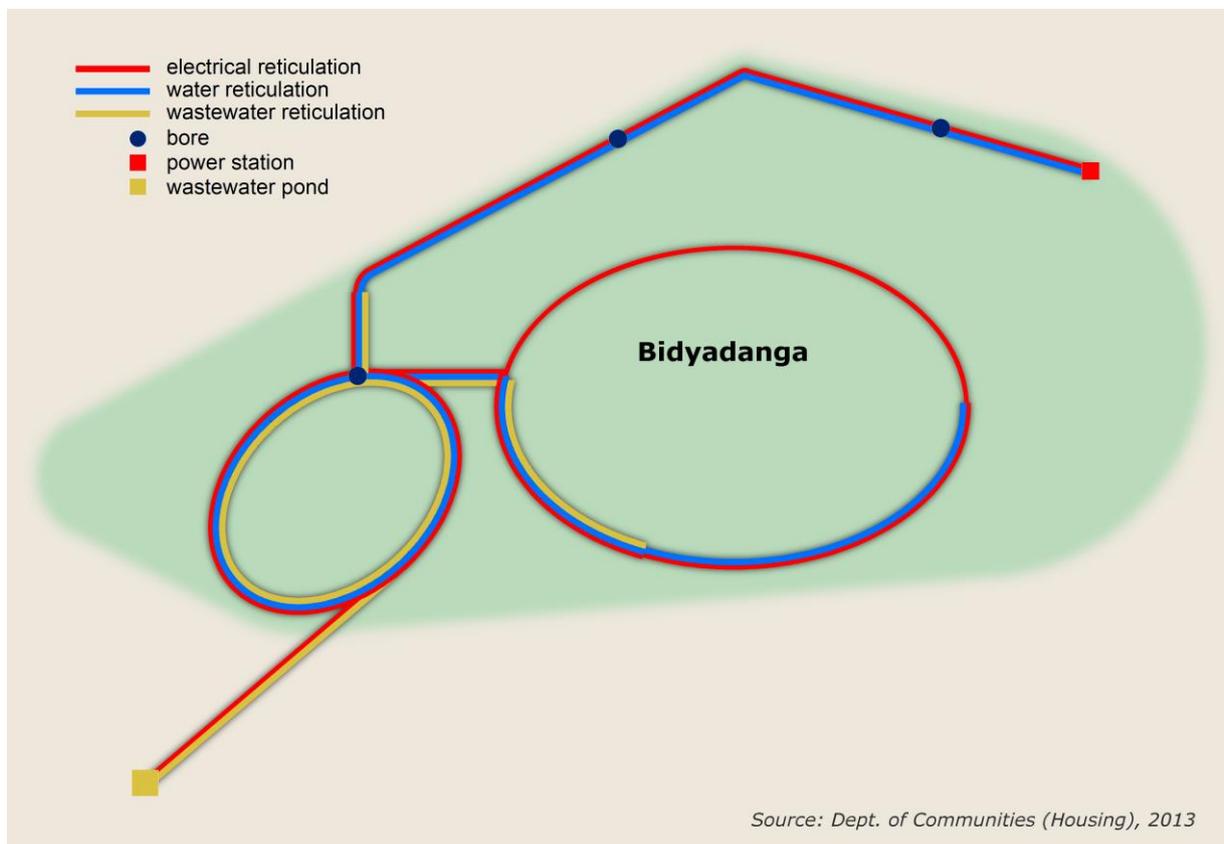


Figure 5 – Essential services in Bidyadanga

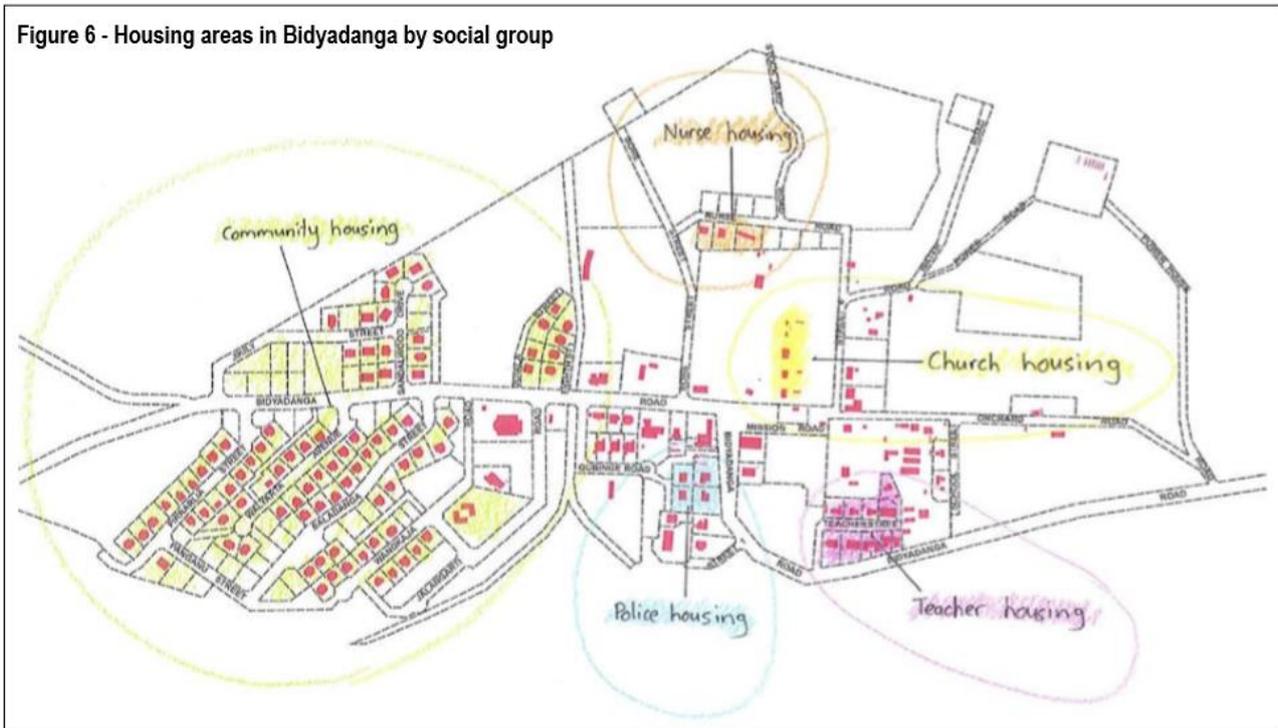
3.1 Residential Areas

The residential dwellings in Bidyadanga are predominately located in the western area of the community. Staff housing is located surrounding the school, clinic and Multi-Functional Police Facility (MFPF). Staff housing is provided through the Government Regional Officers' Housing (GROH) program.

3.2 Number of Dwellings

At present, there are approximately 175 dwellings in Bidyadanga. The Department of Communities (Housing) provides property and tenancy management services under a Housing Management Agreement (HMA) to 137 community houses in the community. Figure 6 illustrates the location of housing within the community.

Figure 6 - Housing areas in Bidyadanga by social group



3.3 Drainage

The majority of roads within Bidyadanga are sealed and have closed roadside drains, which divert stormwater away from the main settlement area. Minor stormwater pooling occurs in some northern portions of the settlement where the roads are not sealed. The construction of sealed and drained roads in these areas will address the issue of stormwater pooling.

3.4 Flooding and Inundation

In June 2016 Cardno WA Pty Ltd completed the 'Coastal Vulnerability Assessments for Localities in the Shire of Broome' on behalf of the former Department of Planning (DoP). This provided the former DoP with flood and coastal vulnerability 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 Bidyadanga community.

The information and mapping contained within the 'Coastal Vulnerability Assessments for Localities in the Shire of Broome' (2016) informed Amendment 7 to Bidyadanga LP3.

All developers at Bidyadanga are to refer to the 'Coastal Vulnerability Assessments for Localities in the Shire of Broome' (2016) before any development or construction takes place.

3.5 Water Supply

Water Supply Infrastructure

Water supply and distribution is managed by the Department of Communities (DoC) under the Remote Essential and Municipal Services (REMS) program.

Drinking water for Bidyadanga is currently drawn from three production bores known as Bore 1 (SL-lot 100), Bore 1/93 (SL-lot 159), and Bore 2/93 (SL-lot 170). Bore 1/93 and Bore 2/93 are the primary producers pumping an average of 163m³/day and 150m³/day respectively.

Bore 1 pumps an average of 97m³/day. Water is pumped into two underground concrete tanks, and then transferred to elevated tanks (all on SL-lot 100). Water which has been disinfected by chlorination is then distributed via gravity into the reticulation system.

The Bidyadanga groundwater resource lies within the Canning-Kimberley groundwater area. At the time of writing, none of the production bores at Bidyadanga are licensed.

Water Quality and Quantity

Water quality is regularly monitored at Bidyadanga for microbiological contamination, health-related and aesthetic characteristics in accordance with the principles of the National Health and Medical Research Council (NHMRC) 2004 guidelines. The groundwater is considered to be “fresh to marginal” in terms of salinity. Water samples collected at Bidyadanga from reticulation after chlorination treatment exceed NHMRC guidelines for some aesthetic and microbiology measures.

The Bidyadanga groundwater resource lies within the Canning-Kimberley groundwater area. Groundwater is recharged from direct infiltration of rainfall and accumulated runoff in the region. There is limited data about the capacity of this groundwater area to meet the future water supply requirements of the Bidyadanga settlement.

Drinking Water Source Protection

A Drinking Water Source Protection Plan (DWSPP) was prepared by Parsons Brinckerhoff on behalf of the former Department of Housing and endorsed by the former Department of Water in January 2010. The DWSPP states that drinking water at Bidyadanga is considered to be at risk due to the following factors and their corresponding risk management priority rating:

- Sewerage system (high risk)
- Power station and fuel storage (medium risk)
- Cemetery (medium risk)
- Orchard (medium risk)
- Rubbish tip (low risk)
- Workshop (low risk)

The DWSPP identifies Priority 1 and Priority 3 protection areas for Bidyadanga. The Layout Plan map-set has incorporated the Priority 1 protection area as a land use category called “Drinking Water Source Protection Area”.

As Bidyadanga continues to grow, it is likely that new bores will need to be drilled an appropriate distance away from incompatible land uses. This will require investigation of the aquifer to determine if there is an adequate quantity and quality of water to meet the settlement’s future drinking water needs.

3.6 Wastewater

Bidyadanga’s effluent disposal system consists of waste water sewages ponds and underground reticulation gravity sewers. A fenced evaporative pond compound is located to the south west of the main settlement area on SL-lot 203. The boundary between Lot 444 (UCL) and Crown Reserve 376 runs through the pond compound.

A 500m prescribed minimum exclusion boundary is required as a minimum separation distance between incompatible land uses as outlined in *Aboriginal Settlements Guideline 3 - Layout Plan Exclusion Boundaries*.

Approximately 30 houses are located within the 500m exclusion boundary of the wastewater ponds, however the direction of prevailing winds at Bidyadanga reduces the potential impact of odours being blown over sensitive land use areas. It is understood that the ponds are operating near to or at their maximum capacity.

The western and central sections of the main settlement area are serviced by reticulated sewerage. The sewerage reticulation does not extend to the eastern section of the main settlement area (including the school, church and their related buildings). A number of on-site effluent disposal systems in this area are located within the 500m exclusion boundary for operational bores 1/93 and 2/93. The lack of reticulated sewerage in the eastern portion of the settlement is a contamination risk for Bidyadanga's drinking water source.

The construction of additional ponds and the extension of the sewerage reticulation are necessary to ensure acceptable levels of public health at Bidyadanga in the future.

3.7 Electricity Supply

The existing power station was constructed at Bidyadanga in 2007 by Horizon Power. The power station is located to the northeast of the living area on SL-lot 151. It is adequately separated from residential land uses, although it is within the 500m exclusion boundary for Bore 2/93.

The station consists of six diesel generators and two banded above ground fuel tanks. The station incorporates an access road for service vehicles and comprehensive underground power feeds throughout the main settlement area. The electricity supply and distribution network are managed by DoC under the REMS program.

Table 7 – Electricity Demand Forecast

Year	Demand (MW)
2012	0.62
2013	0.71
2014	0.72
2015	0.72
2016	0.72
2017	0.73
2018	0.73
2019	0.73
2020	0.73
2021	0.74
2022	0.74
2023	0.74
(Source: Horizon Power 2012)	

The power station's current firm generation supply is 0.815MW. Horizon Power's 10 year forecast is shown in Table 7. This forecast is based on a number of historical values (primarily rate of economic development) as well as known infrastructure projects (such as the former DoH 2012/14 house building program). Horizon Power's forecast indicates that the existing power station has sufficient capacity to meet the settlement's electricity generation needs up to 2023. Based on an extrapolation of Horizon Power's forecast, it is estimated that the firm generation supply of 08.15MW will be sufficient to meet the requirements of the design population of 1250 by 2027.

3.8 Access & Dedicated Roads

Access to Bidyadanga from Great Northern Highway is via 'Bidyadanga Road', a 12km stretch of road that extends from the Highway through the main settlement area. The majority of the road is unsealed, but it is bituminised from where the road enters the main settlement area. Bidyadanga Road is not dedicated, although a gazetted road reserve exists for the sealed portion of the road.

The majority of internal community roads are sealed and named.

A number of internal roads in the eastern portion of the main settlement area are unmade. The Bishop of Broome advised that vehicles travelling on the unsealed roads through Lot 248 cause dust issues. As Bidyadanga grows and land uses are consolidated, it will be necessary to seal additional roads to minimise dust and provide definition to the land uses outlined in the plan.

Unsealed tracks radiate from the main settlement area to the tip site, sewerage ponds, bore fields and through to Fraser Downs Station, outstations and the coastline.

3.9 Rubbish Disposal

The current rubbish tip site is located approximately 4.2km south of the main settlement area on SL-lot 202. This site was chosen involving representatives from KTLA, BACLGI and the former Department of Planning in 2008-2009. The previous tip site located on SL-lot 204 was closed as it was at capacity and located in close proximity to the residential living area and existing drinking water sources.

3.10 Air Strip

The Bidyadanga air strip is located approximately 2km east of the main settlement area on SL-lot 1000. It is classified as a CASA code 3 air strip. The runway is unsealed and is rated as a 24-hour all weather airstrip. Key ancillary infrastructure includes: aircraft parking, run-up and tie-down area, hangar facilities and pilot activated fixed lighting.

The airstrip is controlled and managed by BACLGI and provides access to Broome Regional Aboriginal Medical Service once a week and Royal Flying Doctor Services during emergencies.

KTLA expressed an aspiration to relocate the air strip close to Great Northern Highway.

3.11 Community Services

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

Store	:	The Bidyadanga general store and takeaway food outlet is located on SL-lot 85. The store provides basic supplies such as, tinned foods, fruit and vegetables, frozen meat, ice and cold drinks.
BACLGI Office	:	The BACLGI office is located on SL-lot 74.
Rangers Office	:	The Karajarri Rangers office is located on SL-lot 72.
Art Centre	:	An art centre is located on SL-lot 318. It is understood that this facility is seen as a temporary measure until a new purpose-built art centre can be established on SL-lot 76. A concept plan was drawn up which included studios, a gallery, a café and an outdoor area to be used as the starting point for bush tucker/bush medicine tours. At the time of preparing this report, there were no plans to commence with the development of this facility.
School	:	La Grange Remote School is located on SL-lot 400. The school caters for years K-12. The school has approximately 158 students and 34 staff. The majority of housing for teaching staff is located immediately south of the school on Teacher Street.
Police Station	:	The Bidyadanga Multi - functional Policy Facility (MFPPF) is located on SL-lot 69. The majority of housing for police is located south of the police station along Gubinge Road.
Volunteer Emergency Services	:	A Fire Fighting Depot for volunteer emergency services is located on SL-lot 157. This facility includes garaging for a fire truck, storage and an operations centre.
Clinic	:	The Bidyadanga Community Clinic is located on SL-lot 86. Clinical services are operated by Kimberley Aboriginal Medical Services Council (KAMSC). The majority of housing for clinic staff is located on Nurse Road, with vehicular access via the Church's freehold lot.
Workshop	:	Workshop and industrial land uses are located on SL-lots 77, 157, 158 and 196. These facilities are used for small scale repairs, maintenance and storage of equipment.
Community Services Centre	:	A community services centre is on SL-lot 88, including Centrelink and Bidyadanga Community Resources Centre (BCRC) offices. The BCRC includes a library, telecommunications services, a conference room with video conferencing facilities, and a branch of Rural in Reach (Women's Health and Family Services).
Sport & Recreation Facilities	:	The community oval is located on SL-lot 99. The Bidyadanga swimming pool is located on SL-lot 200 and the basketball court is located on SL-lot 187.
Orchard	:	SL-lots 181 and 90 are on an old orchard. BACLGI expressed an aspiration to get the orchard back to a productive level. SL-lot 90 has been identified as suitable for residential use.
Community Services	:	A women's centre is located on SL-lot 66. A play centre is located on SL-lot 68. A men's drop-in centre is located on SL-lot 78. Bidyadanga's radio station is on SL-lot 67.
Cemetery	:	A cemetery is located on SL-lot 152.
Church	:	La Grange-Bidyadanga Parish located on SL-lot 600 provides catholic church services to the community.

4 RECOMMENDATIONS

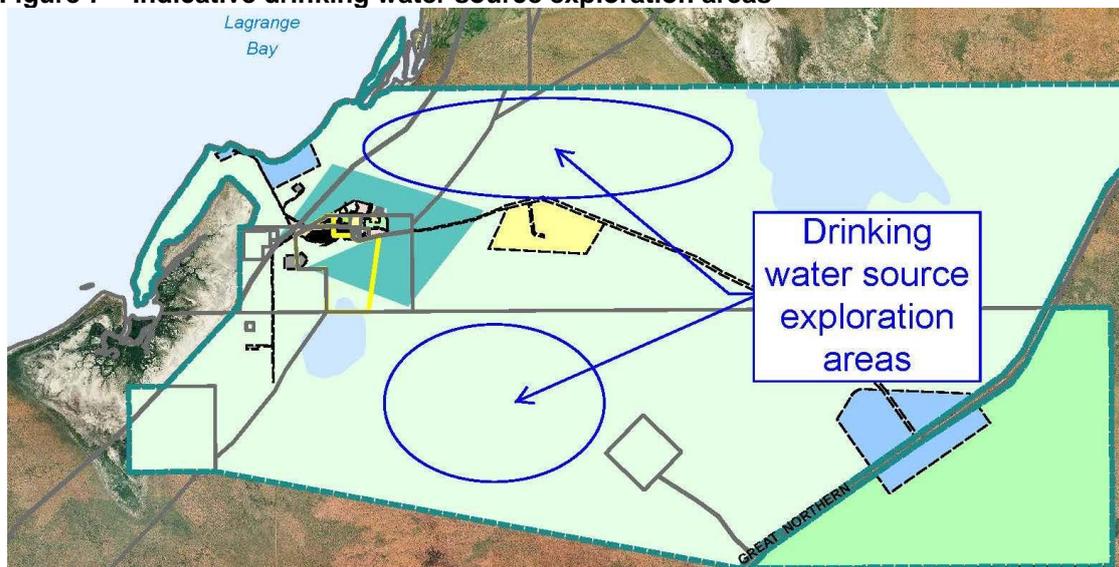
4.1 Drinking Water Supply

The DWSPP for Bidyadanga identifies a number of risk factors to the settlement's drinking water supply. The DWSPP states that the production bores at Bidyadanga "do not have an adequate buffer zone to protect the groundwater from potentially hazardous land uses and community activities". It is therefore recommended that new production bores be established in a suitable location. *Aboriginal Settlements Guideline 3 – Layout Plan Exclusion Boundaries* recommends a minimum separation distance of 500m.

Figure 7 depicts possible drinking water source exploration areas. Further hydrogeological investigation and test drilling are required to identify the location of new production bores.

At present, the Department of Communities (Housing) is responsible for providing drinking water to Bidyadanga through REMS. The establishment of new production bores in a suitable location should be undertaken as part of the regularisation of drinking water provision for Bidyadanga.

Figure 7 – Indicative drinking water source exploration areas



4.2 Wastewater Services

Consolidation of the wastewater services currently installed at Bidyadanga is necessary to permit urban growth to continue to meet demand and to ensure that existing environmental health needs are met. Extending the sewerage network to the eastern portion of the main settlement area will mitigate the risk of groundwater contamination and will allow for the development of SL-lot 90 into a residential area.

Increasing the wastewater treatment capacity that services Bidyadanga is necessary to permit urban growth to continue to meet demand. This may be achieved by expanding the existing wastewater treatment ponds, or by establishing an auxiliary facility in a different location.

It is understood that the existing wastewater treatment ponds are reaching their capacity. Establishing new ponds in an alternative location is not considered a viable option. Expansion of the existing ponds to meet the needs of the future population will therefore be required.

4.3 Roads

The 'Road Reserve' land use shown on the Layout Plan identifies existing roads as well as roads that require construction. The majority of road reserves shown on the layout plan match the location of existing roads. SL-roads that require construction should be prioritised thus:

- 1 Bore Road. This SL-road is to provide direct access to the basketball court/emergency cyclone shelter.
- 2 Sixth Street. This SL-road is to provide access to the nurse housing area
- 3 Water Road.
- 4 Orchard Road.

Road reserves are generally 20 metres in width and a basic system of table drains should be incorporated into the road network as it is formalised to reduce problems associated with stormwater pooling. It is also recommended that all unnamed roads are named in the future by the community.

4.4 Housing

The Layout Plan identifies four broad areas for future residential expansion. These are to be prioritised in the following way:

<i>Priority</i> 1	This site is to be the first area of residential expansion as it has appropriate land tenure, is free from major constraints, and will require minimal extension of essential service networks. SL-lot 149 is within the outer limit of the 500m exclusion boundary for the wastewater treatment ponds, but any potential impacts are mitigated by the direction of prevailing winds and the future expansion of the sewage ponds in a south-west direction. It is estimated that SL-lot 149 has sufficient area to yield up to 25 future houses, including roads and recreation areas.
<i>Priority</i> 2	This site is free from major constraints, however it will require the extension of the reticulated sewerage network to the eastern portion of the main settlement area. Sewerage extension works can be undertaken concurrently with the development of SL-lot 149 into residential. It is estimated that SL-lot 90 has sufficient area to accommodate up to 30 future houses, including roads and recreation areas.
<i>Priority</i> 3	This site has a complex land tenure arrangement which needs to be addressed prior to its residential development. The suitability of this site from a coastal setback perspective also requires investigation. Estimated residential SL-lot yield is up to 25.
<i>Priority</i> 4	This site is located within the exclusion boundaries of the operational bores located on SL-lots 159 and 170. Establishment of new drinking water bores suitably removed from the main settlement area is a prerequisite for residential development of SL-lot 73. The construction of appropriate roads (Sixth Street, Nurse Road, Bore Road) leading to this portion of the main settlement area is also required. Estimated residential SL-lot yield is up to 20.

These residential expansion areas have been depicted on the Layout Plan in a broad-based manner only. More detailed planning is required to address issues such as SL-lot and road layouts, drainage and essential service networks, and recreation areas.

It is estimated that the residential expansion areas have a combined potential yield of up to 90 Residential SL-lots. Based on an average of 5 people per house, the residential expansion areas could accommodate up to 450 people. This is sufficient to accommodate the design population of 1250.

4.5 Enterprises

The Layout Plan identifies the following SL-lots for future enterprises:

- SL-lot 700 (Commercial) for the establishment of a camping ground/caravan park adjacent to the coast.
- SL-lots 800-802 (Commercial) for the establishment of a road house, light industrial area and art centre on the junction of Bidyadanga Road and Great Northern Highway.
- SL-lot 1000 (Rural) for the establishment of a horticulture enterprises on the eastern side of Great Northern Highway.
- SL-lot 76 (Commercial) for the establishment of an art centre and/or shopping area.

These SL-lots have been identified on a broad basis only. Prior to development more detailed planning is required for each of these sites to address issues such as road access, land tenure, provision of essential services and location of infrastructure, and to ensure that any development gives due consideration to cultural factors.

SL-lot 700 is located adjacent to the high water level. Given the vulnerability of this area to storm surge inundation, a detailed investigation into coastal setbacks and development levels for this site (in accordance with State Planning Policy 2.6) should be undertaken prior to commencement of development.

4.6 Land Tenure Reform

The land tenure situation at Bidyadanga includes anomalies such as tenure that does not match land use, and cadastral boundaries that bisect development (such as the wastewater treatment ponds and houses).

A land tenure reform program is recommended in order to address these issues. The divestment of the ALT estate to appropriate Indigenous management or ownership, as recommended by the Report of the Review of the Aboriginal Lands Trust (1996), should be investigated as part of this program. A land tenure reform program for Bidyadanga will likely need to be addressed through an Indigenous Land Use Agreement.

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 SPPs into account when determining appeals.

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

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

5.2 State Planning Policy 3.2 - Aboriginal Settlements

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

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

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

5.3 Shire of Broome

The Shire of Broome Town Planning Scheme No. 6 (LPS 6) was gazetted on 30th January 2015. Bidyadanga is zoned 'Settlement' under LPS 6. 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, ensuring that development accords with a layout plan, providing for a mix of land uses typically found in Aboriginal Settlements and providing for traditional law and culture are requirements of the settlement zoning.

However, a portion of settlement living area is zoned as 'General Agriculture' in LPS 6 and located within Special Control Area (SCA) 8 - Aboriginal Communities.

The objectives of the SCA are to:

- Ensure the orderly and proper development of areas within or in proximity to existing and proposed Aboriginal settlements which may be located outside of the extents of the 'Settlement' zone.
- Proposed development within the Aboriginal Communities SCA is to comply with a Layout Plan prepared in accordance with State Planning Policy 3.2.
- In the instance that development is proposed for a place within the Aboriginal Communities SCA that does not have a Layout Plan prepared in accordance with State Planning Policy 3.2, the local government is to consider the proposal having regard to the aims of this scheme.

SPP3.2 requires that local governments classify land as 'settlement' zone in a local planning scheme where:

- A Layout Plan has been endorsed; and,
- The Layout Plan defines and delineates a clear and appropriate extent to be zoned 'settlement'.

The purpose of the 'settlement' zone is to identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places.

The 'Recommended Settlement Zone' in Bidyadanga Layout Plan 3 will be retained over the 'General Agriculture' zoned land until such a time when the scheme identifies these areas as 'Settlement' zone to reflect the existing 'settlement' development at Bidyadanga.

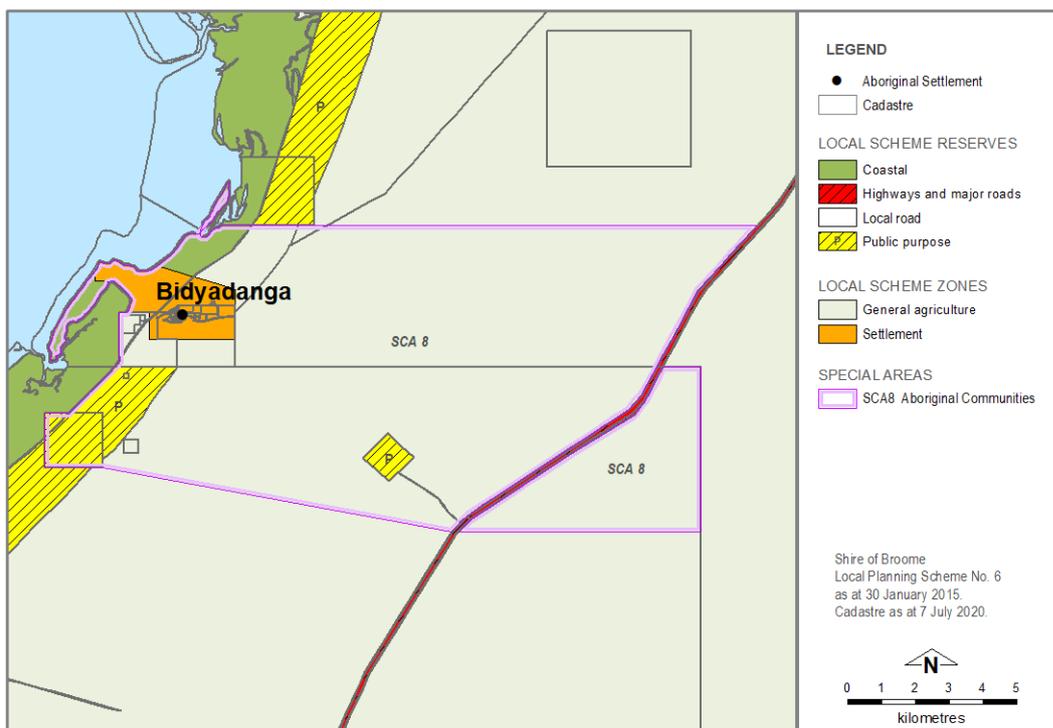


Figure 8 - Land classification under Shire of Broome LPS 6, Bidyadanga

Shire of Broome Strategy

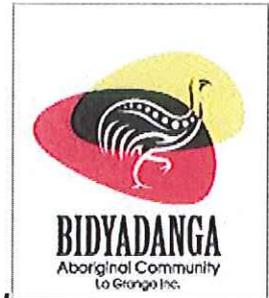
The Shire of Broome Draft Local Planning Strategy (endorsed by the WAPC in August 2014) provides a vision for the growth and development of the Shire over a 10-15 year time frame.

The Strategy acknowledges Aboriginal communities within the Shire of Broome. It notes that service delivery and sustainability issues need to be addressed for many of these communities and that the Commonwealth and the State are engaged in this process.

The Strategy lists a short term Action for Aboriginal communities with the objective to; *“Engage with appropriate agencies to identify plan, develop and service sustainable remote communities.”*

The Shire of Broome can assist in achieving this objective by incorporating LPs into the local planning scheme by expanding the scheme area to incorporate the recommended settlement zones, in order to provide a regulatory capacity.

6 ENDORSEMENTS



Bidyadanga Layout Plan 3

Bidyadanga Aboriginal Community La Grange Incorporated
PO Box 634,
BROOME WA 6725

The Bidyadanga Aboriginal Community La Grange Incorporated (representing the resident community) hereby adopts the **Bidyadanga Layout Plan 3 (2012)** as a guide for future development within its boundaries.

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

The *15th* day of *November* 2012

Adopted by the Bidyadanga Aboriginal Community La Grange Incorporated

[Signature]

CHAIRPERSON

[Signature]

Executive Officer

Director * Director

[Please print and sign name]

Bidyadanga Layout Plan 3

Kimberley Land Council
36 Pembroke Road,
BROOME WA 6725

Karajarri Traditional Lands Association (Aboriginal Corporation) RNTBC hereby adopts the **Bidyadanga Layout Plan 3 (2012)** as a guide for future development within its boundaries.

It is acknowledged that the layout represents community aspirations for future development, and hereby adopts the plan, report and provisions at the meeting held on:

The18..... day ofFEBRUARY.....2013

Adopted by the Karajarri Traditional Lands Association (Aboriginal Corporation) RNTBC:



Joe Edgson



FAYE DEAN

Director
[Please print name]

[Please sign name]

Authorised signatory

Western Australian Planning Commission Endorsement



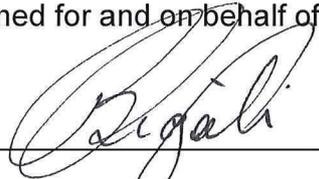
Bidyadanga Layout Plan 3

Locked Bag 2506
PERTH, WA 6001

The Western Australian Planning Commission hereby endorses the **Bidyadanga Layout Plan 3 (2012)** as a guide for development to ensure proper and orderly planning within the community area

The²⁸..... day of^{May}..... 2013

Signed for and on behalf of the Western Australian Planning Commission



Signed by an officer duly authorised by
the Western Australian Planning
Commission pursuant to section 24 of
the *Planning and Development Act 2005*

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


_____ Date ^{30/05/2013}

Witness
RESOLVED & RECORDED IN MINUTES
OF THE STATUTORY PLANNING
COMMITTEE MEETING
28 MAY 2013

7 CONSULTATION & REFERENCES

CONSULTATION

Preparation of the Layout Plan was the result of consultation with the community representatives and a range of agencies, authorities, and non-government organisations over a 6 month timeframe from April-September 2012.

Information was obtained from the following sources:

Karajarri Traditional Lands Association (Aboriginal Corporation) RNTBC	15 May 2012 4 September 2012
Bidyadanga Aboriginal Community La Grange Incorporated	5 June 2012 4 September 2012
Roman Catholic Bishop of Broome	24 May 2012
Shire of Broome	6 June 2012
Kimberley Aboriginal Medical Services Council	25 May 2012
Department of Education	14 May 2012
Horizon Power	18 September 2012
Water Corporation	19 September 2012
Department of Transport	21 June 2012
Department of Housing	21 June 2012
Parsons Brinkerhoff	11 May 2012
Department of Water	24 May 2012
Department of Indigenous Affairs	19 September 2012
FESA	23 May 2012

REFERENCES

Bureau of Meteorology 2020 Halls Creek Monthly Rainfall and Temperatures. Available at <http://www.bom.gov.au/climate/data/>

Department of Communities (Housing) 2020 Property Tenancy Management System (PTMS) database

Department of Indigenous Affairs (DIA) 1997, 2004 and 2008 Environmental Health Needs Survey of Indigenous Communities in Western Australia. Government of Western Australia.

Department of Planning 2012 Aboriginal Settlement Guideline 3: Layout Plan Exclusion Boundaries, Government of Western Australia

Department of Planning, Lands and Heritage 2020 Aboriginal Heritage Inquiry System
<https://www.dplh.wa.gov.au/information-and-services/online-services/aboriginal-heritage-inquiry-system>

National Native Title Tribunal 2020 Native Title Vision
<http://www.nntt.gov.au/assistance/Geospatial/Pages/NTV.aspx>

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 2014 Shire of Broome Local Planning Strategy, <https://www.dplh.wa.gov.au/lps> Government of Western Australia

8 AMENDMENTS

Proponent : Department of Planning
Date : 28 November 2013

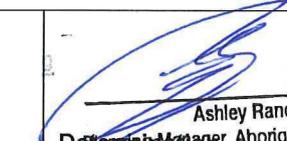
Reason for the Amendment

Lot 395 (Crown Reserve 51518), vested in the Karajarri Traditional Lands Association (KTLA) was recently created. The purpose of that land holding is the establishment of a rubbish tip to service Bidyadanga. The establishment of Lot 395 is the result of enduring negotiations between the State of Western Australia, the KTLA and the Bidyadanga La Grange Aboriginal Community Incorporated. Works to develop and manage the proposed rubbish tip are advanced.

Subject Land		Changes required to LP
1.	SL-lot 202 Lot 395 (Crown Reserve 51518)	Delete SL-lot 202 and access road (shown as 'rubbish tip (future)' Show Lot 395 (Crown Reserve 51518) as per existing cadastre as 'public utility'.

Endorsement:

Given the extensive multi-party negotiations undertaken to achieve the creation of Lot 395, its vesting with KTLA and use as a rubbish tip, it is considered to be consistent with Planning Bulletin 108/2013 to characterise this amendment as 'minor'. 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>	 Ashley Randell Determining Officer, Aboriginal Communities Regional Planning & Strategy PN: 15151.1 date 28/11/2013
	 Authorisation name & date 29/11/2013

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.

Bidyadanga Layout Plan No.3

Amendment No.2

Proponent	: Department of Housing (DoH)
Date	: 06 June 2014

Reason for the Amendment

DoH proposes to build a number of houses at Bidyadanga to meet current demand. To achieve that objective, numerous sites have been identified for residential subdivision.

The DoH proposes to make the following changes at Bidyadanga.

Subject Land		Changes required to CLP
1.	SL-lot 149	Subdivide SL-lot 149 and reconfigure SL road layout to include proposed SL-lots 321 -- 345.
2.	SL-lot 149 change of land use	Change land use of proposed SL-lots 343, 344 and 345 from 'Residential' to 'Recreation'.

Endorsements:

Bidyadanga Aboriginal Community La Grange Inc.	
please sign and print name	<i>[Signature]</i> Deputy Chair, Will-Bye CHURPESON Date: 18/6/2014
Karajarri Traditional Lands Association (Aboriginal Corporation)	
please sign and print name	<i>[Signature]</i> Joe Edgar Date: 24/2/15
Shire of Broome ENDORSED.	
please sign and print name	See Shire of Broome 2 June 2015 Meeting Minutes Date: <i>[Signature]</i> 03/06/2015
Western Australian Planning Commission	
please sign and print name	<i>[Signature]</i> 16/07/2015 Date: <i>[Signature]</i> Ashley Randell Planning Manager, Aboriginal Communities Regional Planning & Strategy

Other Information:

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Proponent	: Department of Planning (DoP)
Date	: 16 September 2015

Reason for the Amendment

The Bidyadanga Layout Plan 3 (LP3) was recently modified to ensure that all houses are on separate SL-lots, to align SL-lot boundaries with existing fence-lines and to ensure that an existing Pedestrian Access Way (PAW) is appropriately defined. In undertaking this revision, it was considered necessary to subdivide two residential SL-lots to create an additional SL-lot to ensure that each house was on a separate SL-lot and vacant land suitable for the development of housing was identified through separate SL-lots also.

Issue / Proposal		Changes required to LP
1.	SL-lots 302, 303, 304 and 306	Realign boundaries of SL-lots 302-304 and 306 to match the alignment of existing fence-lines and subdivide SL-lot 306 to create SL-lots 306 and 351.
2.	SL-lots 171 and 18	Realign eastern boundary of SL-lot 171 to match existing fence-line and subdivide SL-lot 18 to create SL-lots 18 and 352.
3.	Range of spatial upgrades	Range of spatial upgrades to align SL-lot boundaries with existing fence-lines, all houses are on separate SL-lots and area used as PAW is appropriately defined.

Endorsement:

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

<p>Determined on behalf of the Western Australian Planning Commission in accordance with the <i>Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.</i></p>	 <p>Determination Ashley Randell Planning Manager, Aboriginal Communities Regional Planning & Strategy PN: 15151.1</p>
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Other Information:

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Bidyadanga Layout Plan No. 3

Amendment No. 5

Proponent : Housing Authority
Date : 13 October 2015

Reason for the Amendment

A minor subdivision is required to the Bidyadanga Layout Plan for the purposes of Government Regional Officer Housing (GROH).

The Housing Authority proposes the following changes to Bidyadanga LP3:

Issue / Proposal		Changes required to CLP
1.	SL-lot 401	Subdivide SL-lot 401 into 2 residential SL-lots. Create new SL-lot 414.
2.	SL-lot 402	Subdivide SL-lot 402 into 2 residential SL-lots. Create new SL-lot 415

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>	 Ashley Randell Planning Manager, Aboriginal Communities Regional Planning & Strategy PN: 15151.1 date 14/10/2015
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Other Information:

This Layout Plan does not constitute development approval.

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Proponent : Housing Authority (“the Authority”)

Date : 15 January 2016

Reason for the Amendment

The Authority propose to subdivide one SL-lot and change the land use classification of another SL-lot for the purpose of providing additional land that is able to be used for housing. This will ensure that adequate and suitable housing sites are available for the Authority’s 2016-2018 National Partnership on Remote Indigenous Housing (NPARIH) Program.

Land Identification		Amendment description
1.	It is proposed to subdivide SL-lot 160 for the purpose of creating an additional SL-lot to be used for residential purposes.	Subdivide SL-lot 160 to create SL-lot 350.
2.	It is proposed to change the land use classification of SL-lot 139 for the purpose of creating an additional SL-lot to be used for residential purposes.	Change the land use classification of SL- lot 139 from ‘Recreation’ 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 <i>Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.</i>	Determination date	RECOMMENDATION APPROVED
		18 JAN 2016

Planning Manager - Aboriginal Communities

Alexander Petrowski
A Director PN: 15151.1

Other Information:

This Layout Plan does not constitute development approval.

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Bidyadanga Layout Plan No. 3

Amendment No. 7

Proponent	: Department of Planning
Date	: 18 November 2016

Reason for the Amendment

In June 2016 Cardno WA Pty Ltd completed the 'Coastal Vulnerability Assessments for Localities in the Shire of Broome' on behalf of the Department of Planning (DoP). This provided DoP with flood and coastal vulnerability 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 Bidyadanga community.

The Report has identified information that requires changes to the Layout Plan to reflect various Annual Exceedance Probability (AEP) flood extents, and other mitigation measures. This also includes replacing various land uses with '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 derived from the 1% AEP Present Day Flood Risk Assessment, 0.5 metres or greater.
2.	SL-lot 206	Remove SL-lot 206 boundary, retain land use classification 'waterway'.
3.	Open space south of: Jalangarti Road; SL-lot 77; 78; 119; & First St.	Change land use classification from 'residential' to 'open space', to 'waterway', based on 1% AEP Present Day Flood Risk Assessment, 0.5 metres or greater.
4.	SL-lots 115, 208, 224, 225	Amalgamate SL-lots 208, 224 and 225 with SL-lot 115 and change land use classification to 'waterway'.
5.	All	Amend Layout Plan Report to include additional detail to Section '3.3 Flooding and Inundation'. Note: *All construction and developer proponents to refer to the 'Coastal Vulnerability Assessments for Localities in the Shire of Broome – Bidyadanga Final Report'

*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>	28/11/2016 Ashley Randall Director, Regional Planning Policy Determining Regional Planning date PN: 15151
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Other Information:

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Bidyadanga Layout Plan No. 3**Amendment No. 8**

Proponent : Department of Lands / Department of Planning
Date : 4 April 2017

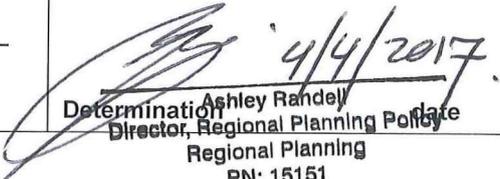
Reason for the Amendment

The Crown land titles at Bidyadanga have been redescribed as part of a joint pilot project with Department of Lands to define access networks in select Aboriginal settlements. Deposited Plan 404943 has been prepared, lodged and dealt on by Landgate. Amendment No. 8 proposes spatial upgrades to the Bidyadanga Layout Plan 3 (LP3) in order to match the cadastral changes from DP 404943.

Land Identification		Amendment description
1.	Bidyadanga SL-lots	Spatial upgrade of SL-lots to match cadastre from Deposited Plan 404943
2.	Ponds Street	Spatial upgrade of Ponds Street to align with existing access track as shown in April 2016.
3.	First Street	Spatial upgrade of First Street to match cadastre from Deposited Plan 404943
4.	SL-lot 90	Portion of SL-lot 90 between School Street and Bidyadanga Road (with land use classification 'Residential') to be changed to land use classification 'Open Space'.
5.	SL-lot 80	Spatially defined as 15 x 25 metres, balance of 'Community' land use classification outside the former SL-lot 80 changed to land use classification 'Road Reserve'.
6.	SL-lot 75	Spatially upgraded so that the southern boundary of SL-lot 75 matches the southern boundary of Lot 137 Crown Reserve 36472.

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>	 Determination Ashley Randle Director, Regional Planning Policy Regional Planning PN: 15151
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Bidyadanga Layout Plan No. 3

Amendment No. 9

Proponent : Department of Planning, Lands and Heritage
Date : 18 July 2017

Reason for the Amendment

Minor administrative modifications to Bidyadanga Layout Plan 3 are required to ensure SL-lot boundaries reflect newly obtained lease and infrastructure data.

Land Identification		Amendment description
1.	SL-lots 69, 70, 185, 68, 67 and 150	Spatial upgrade to align with the lease for the WA Police multi-function police facility.
2.	SL-lot 370	Creation of new SL-lot 370 (with land use classification 'Public Utility') for existing wastewater pumping station.

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>	 Determination Ashley Randell Director, Regional Planning Policy Regional Planning PN: 15151 date 19/07/2017
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Other Information:

This Layout Plan does not constitute development approval.

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Bidyadanga Layout Plan No. 3
Amendment No. 10

Proponent : Department of Planning, Lands and Heritage
Date : 29 November 2017

Reason for the Amendment

Minor administrative modifications to Bidyadanga Layout Plan 3 are required to update existing and future land uses on the map-set.

Land Identification	Amendment description
1. SL-lot 87 Wangkaja Road	Change the land use classification from 'Residential' to 'Community'.
2. SL-lot 205	Create two new SL-lots by subdividing SL-lot 205 along the pastoral lease boundary.
3. SL-lot 204 Old Tip Road	Remove the 500m rubbish tip exclusion boundary surrounding.

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>	 Ashley Randell Director, Regional Planning Policy Determination of Regional Planning date PN: 15151
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Other Information:

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Proponent : Department of Communities
Date : 24 June 2020

Reason for the Amendment

The proposed amendment seeks to facilitate the subdivision of SL-lots 409 and 410 into three new SL-lots for a proposed Government Regional Officer Housing development.

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, infrastructure, services and housing data;
- Editing and reformatting the background report and;
- Removing out of date text and references

Land Identification		Amendment description
1.	SL-lots 409 – 410 Teacher Street	Subdivide SL-lots 409 & 410 into three new residential SL-lots. To be SL-lot numbers 420, 421 and 422.
2.	All	Update the Background Report.

Endorsement:

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

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 July 2020
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Other Information:

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