

# Juwurlinji Layout Plan 1

## Background Report



## Ratified Draft

Version Control:  
Version 1 - April 2003  
Version 2 - November 2012  
Version 3 - May 2020



Department of  
Planning



# JUWURLINJI LAYOUT PLAN 1

The Layout Plan 1 (LP1) background report was prepared by consultants Practical Management and Development (PMD), in partnership with the Juwurlinji community during 2001 to 2002. Following completion of draft LP1, the Juwurlinji resident community representatives endorsed LP1 on 10 April 2003 (Version 1).

Although Juwurlinji LP1 was endorsed by the resident community in 2003, it was not subsequently endorsed by either the Shire of Wyndham-East Kimberley (SWEK) or the Western Australian Planning Commission (WAPC). Therefore, when Local Planning Scheme 9 (LPS 9) was prepared by SWEK, Juwurlinji was not identified as a place that should be zoned 'settlement'.

State agencies and authorities require a validated spatial framework for Juwurlinji to ensure that services are provided efficiently. To provide this, the WAPC ratified Version 2 of the Juwurlinji Layout Plan 1 (LP1) on 13 November 2012.

In 2019, SWEK LPS 9 was gazetted. Review of Juwurlinji LP1 in response to the gazettal of LPS 9 has confirmed that, as it has 10 houses connected to essential services managed by the State, Juwurlinji is classified as a 'settlement' and is required to have a Layout Plan and to be appropriately zoned in the local planning scheme.

Juwurlinji LP1 was updated as Version 3 in May 2020.

The WAPC endorsed Version 3 of LP1 in May 2020. Version 3 incorporates administrative changes to the map-set and includes the addition of this report. LP1 Version 3 remains a draft until such time as it has been endorsed by the relevant parties, including the WAPC.

As part of the machinery of government (MOG) process, a new department incorporating the portfolios of Planning, Lands, Heritage and Aboriginal lands and heritage was established on 1<sup>st</sup> of July 2017 with a new department title, Department of Planning, Lands and Heritage. Since the majority of this report was finalised before this occurrence, the Department of Planning, Lands and Heritage will be referred to throughout the document. Other government departments mentioned throughout this document will be referred to by their department name prior to the 1<sup>st</sup> of July 2017.

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## Community Representative Organisations

Resident community representative organisation	:	Juwulinypany Community Aboriginal Corporation
Traditional Owners representative organisation	:	Kimberley Land Council
Related organisations	:	Bow River Aboriginal Corporation

## Acronyms

ADC		Aboriginal Development Commission
AHA	:	<i>Aboriginal Heritage Act (WA) 1972</i>
AHIS		Aboriginal Heritage Information System
ALT	:	Aboriginal Lands Trust
BRAC		Bow River Aboriginal Corporation
DIA		Department of Indigenous Affairs
DoC	:	Department of Communities (Housing)
DPLH	:	Department of Planning, Lands and Heritage
EHNS	:	Environmental Health Needs Survey
HMA		Housing Management Agreement
ILUA	:	Indigenous Land Use Agreement (under the <i>Native Title Act 1993</i> )
JCAC		Juwulinypany Community Aboriginal Corporation
KRSP		Kimberley Regional Service Providers
LP	:	Layout Plan
LPS		Local Planning Scheme
NNTT	:	National Native Title Tribunal
NTA	:	<i>Native Title Act (Commonwealth) 1993</i>
NTRB	:	Native Title Representative Body
ORIC		Office of the Registrar of Indigenous Corporations
PBC	:	Prescribed Body Corporate (under the NTA, representing native title holders)
PMD		Practical Management and Development
PTMS		Property Tenancy Management System
RAESP		Remote Area Essential Services Program
REMS	:	Remote Essential and Municipal Services
SL-lot	:	Settlement layout lot
SPP	:	State Planning Policy
SWEK		Shire of Wyndham – East Kimberley
WAPC	:	Western Australia Planning Commission

### Layout Plans & the Development Process

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

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

Organisations responsible for such matters may include the landowner, local government, incorporated community council, native title representative body, native title prescribed body corporate, Aboriginal Cultural Materials Committee, Environmental Protection Authority, state and federal government departments, and other relevant regulatory authorities.

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## EXECUTIVE SUMMARY

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The Juwurlinji Layout Plan No. 1 (LP1) was prepared during 2001 to 2002.

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

**Table 1 – Population Summary**

Existing Population :	<b>35</b>
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**Table 2 - Place Characterisation Indicators**

Indicator	Community Characteristics
Drinking water	The community obtains drinking water from the bore compound on SL-lot 52. No data available on quality or quantity.
Electricity	The electricity facility comprises of two diesel generators with a total generating capacity of 30kW.
Flood	Flooding can occur after heavy rains in the Bow River catchment. The highest flood level known in living memory of current community members was to the floor level of the Bow River homestead (SL-lot 17) in 1966.
Land tenure	All housing and infrastructure is located on the Bow River pastoral lease.
Wastewater	Existing buildings use a local septic style system.
Emergency assistance	Emergency services at Warmun, approximately 30 minutes away by road.
Education	Education facilities at Warmun, approximately 30 minutes away by road.
Health	Health facilities at Warmun, approximately 30 minutes away by road.
Food	The closest shop is located at Warmun, approximately 30 minutes away by road.
Transport	Road access from Great Northern Highway, 10 minutes east.
Waste services	Rubbish tip is located 500 metres south of the community (SL-lot 53) and managed by the community.
Employment & enterprise	No information available.
Governance	Juwulinypany Community Aboriginal Corporation.
Aboriginal heritage	The Juwurlinji community is located within the Yurriyangem Taam determination area

LP1 plans for future expansion of the community and formalises existing infrastructure and land uses and provides a settlement layout lot (SL-lot) and settlement layout (SL) road design.

The major purpose of the LP1 is to guide the growth and development of Juwurlinji by providing a layout of existing and future land uses in the community. LP1 addresses future growth issues in the context of constraints to development including available land for growth of the living area and the location of essential service infrastructure.

This Layout Plan outlines a clear and straightforward way for Juwurlinji to grow in a coordinated and efficient manner.

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## DEVELOPMENT PRIORITIES

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The following initiatives were developed by the community in 2002 to implement LP1. The community identified a number of issues as important in the development of the community. These included:

- Facilities for cultural activities (art gallery, painting studios, dance performance studio, public performance space, museum, office);
- Facilities for cross-cultural training and tourism issues (accommodation, office, classroom);
- Community office with communications, furniture and equipment;
- School;
- Recreational facilities (oval, basketball court, children's playground);
- Upgrade of homestead;
- Improved living conditions with more houses and living areas;
- Staff housing;
- Power supply upgrade;
- Water supply upgrade;
- Roadworks;
- Community landscaping;
- Orchard and vegetable garden at original site;
- Development of depression into a woodlot;
- Improved drainage throughout community;
- Women's centre;
- Clinic;
- Camping area with ablutions facility;
- Relocation of cattle yards;
- Relocation of landfill site;
- Upgrade of airfield;
- Upgrade of access roads and creek crossing.

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# 1 BACKGROUND

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## 1.1 Location & Setting

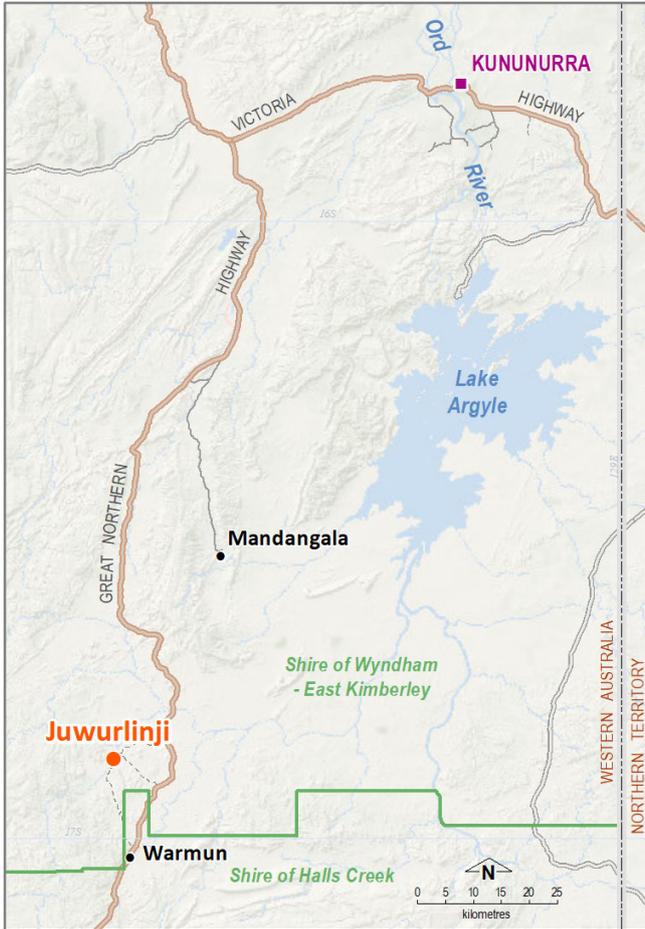


Figure 1 – Regional context of Juwurlinji

Juwurlinji is situated on the eastern bank of the Bow River, in the Shire of Wyndham-East Kimberley. The closest populated town is Kununurra to the north-east, approximately 185 kilometres by road. Figure 1 illustrates the location of Juwurlinji in relation to Kununurra. Halls Creek is approximately 195 kilometres by road to the south-east.

The settlement is 11 kilometres by road south-west of the Great Northern Highway. The nearest other Aboriginal settlements are Warmun (Turkey Creek), approximately 35 kilometres by road south-east of Juwurlinji, and Mandangala, approximately 75 kilometres by road north-east of Juwurlinji.

Juwurlinji is within the Bow River pastoral lease. The extent of the community is bounded by the river to the west.

Juwurlinji is the community's preferred spelling for the linguistically correct Juwulinypany. The word means boulder and specifically refers to the large rocks by the heavy machinery and vehicles shed next to the homestead.

Services available locally in Juwurlinji include a community office and workshop.

## 1.2 Climate

The Shire of Wyndham-East Kimberley has a tropical climate with a wet and dry season. The dry season is from May to October and the wet season is from November to April. The dry season is characterised by sunny blue skies and cold nights, while the wet season is hot and humid with large rainfall quantities and sometimes violent thunderstorms.

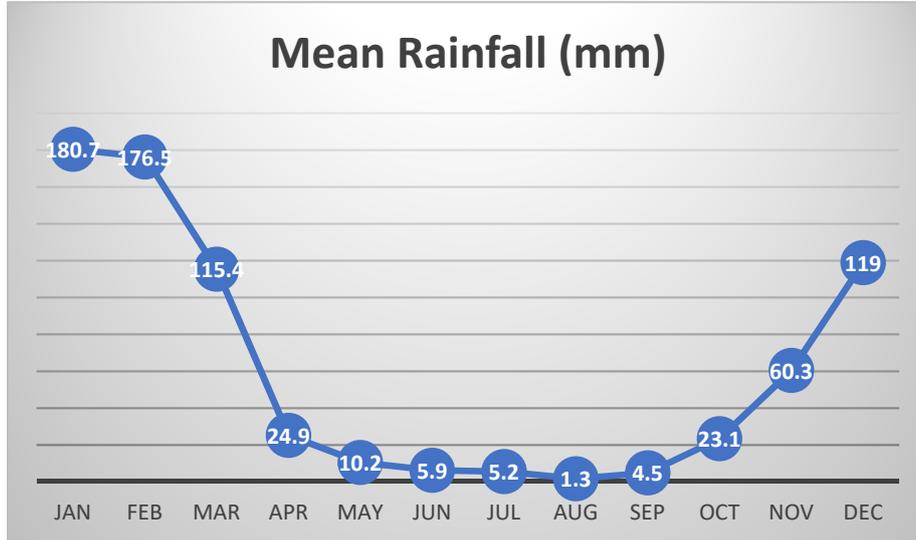
Juwurlinji has a sub-tropical climate characterised by summer rainfall and dry winters. Rainfall in this region is predictable, and in the wet season often associated with thunderstorms. Cyclones can come inland and affect this area with high speed winds and rain. Evaporation is also high, and rainfall only exceeds evaporation in the summer months. The nearest Bureau of Metrology (BOM) weather station for Juwurlinji rainfall, is *Warmun*, located approximately 18 kilometres to the south.

The average annual rainfall for *Warmun* is **722 mm** with the majority of rain falling between December-March. BOM rainfall for *Warmun* is summarised in Table 3:

**Table 3 – Warmun mean rainfall (1898 to 2019)**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Rainfall (mm)	80.7	176.5	115.4	24.9	10.2	5.9	5.2	1.3	4.5	23.1	60.3	119	721.9
Rain days $\geq$ 1mm (no.)	9.6	8.7	6.1	1.7	0.6	0.4	0.4	0.1	0.4	2.2	4.4	7.2	41.8

Source: Bureau of Meteorology



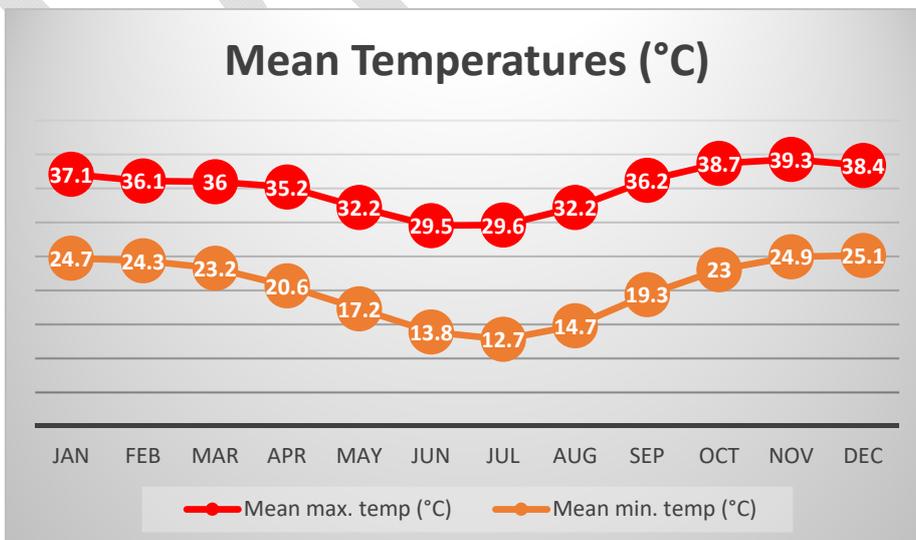
**Figure 2 – Warmun mean rainfall (1898 to 2019)**

Summers are hot, and winter mild to cool. Mean maximum daily temperatures range between 36-39 °C in summer, and between 29-32 °C in winter. The daytime prevailing wind direction is westerly and southerly at night, with some variation throughout the year.

**Table 4 – Warmun mean temperatures (1962 to 2019)**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mean max. temp (°C)	37.1	36.1	36	35.2	32.2	29.5	29.6	32.2	36.2	38.7	39.3	38.4
Mean min. temp (°C)	24.7	24.3	23.2	20.6	17.2	13.8	12.7	14.7	19.3	23	24.9	25.1

Source: Bureau of Meteorology



**Figure 3 – Warmun mean rainfall (1962 to 2019)**

### 1.3 Environment

The 2002 Juwurlinji Community Layout Plan 1 report provided the following environmental assessment of Juwurlinji and surrounding area:

“Gija culture identifies 3 seasons. Each season is defined by particular rainfall, wind and solar path conditions: *jadagun* (hot and wet), *banndup* (cool and dry), *wungun* (hot and dry).

A tropical savannah ecosystem is natural to the region however the area's previous land uses have resulted in degradation of the native flora. A large portion of the ground within the community is covered by annual grass, such as *Sorghum*. The grass provides cover in the *jadagun* (wet) however when rainfall is scarce over the late *banndup* and *wungun* the grass dies off exposing the surface. Dusty conditions are a common occurrence in some parts of the community as a result of southerly winds and vehicles.

Vegetation on the higher ground is known for the presence of numerous species of eucalypts including *E. tetradonta*, *E. miniata* and *E. dichromophloia*. Lower valley areas are classified as a low tree savannah, dominated by *E. terminalis* and *E. argillacea* along with numerous grass species.

Numerous trees still exist around the community and they are not all native. Larger trees are widely used for shade by community members. Exotic shade trees that thrive in the community include *Tamarindus indica* and *Albizia lebbek*. Sun-thriving fruit trees from the previous station days include Mango and Custard Apple

Analysis of the soil within the settlement area away from the river identifies several nutrient deficiencies that may limit plant growth for an orchard. Nitrate and phosphorus levels are primary concerns for a future agricultural land use, however for native woodlot trees, especially legumes, the levels may be adequate. The best all-round soil improvement for these conditions is the addition of compost and manures.

As the settlement is located alongside the Bow River ("guda guda"- Storm bird), the soils are generally sandy loams. Particle size analysis revealed soils to have relatively low clay content, though a high silt content. The soil possesses good physical properties for stable cultivation, especially the old orchard site.

However, the clay content of the soil warrants sufficient attention be paid to considerations of building foundations and on-site wastewater disposal. Evapotranspiration is recommended over standard leach drains and clean sand fill may be necessary for under building slabs and in trench backfill for certain services.”

### 1.4 History and Culture

#### Early contact history

Although the Ord and Margaret Rivers were mapped during Alexander Forrest's expedition of 1879, intensive non-Aboriginal settlement of the East Kimberley region did not begin until the discovery of gold at Halls Creek in 1885. With the arrival of European pastoralists and prospectors, Turkey Creek was established in 1886 as a traveller's inn and police and telegraph station to service a brief but intense gold rush in Halls Creek. Early contact with Europeans was often characterised by violence as competition for water and food sources intensified (Jebb 2002). Police-directed reprisals followed many incidents involving Aboriginal people and miners and pastoralists. Such a pattern of conflict, which featured organised punitive raids on indigenous people, was a regular feature of East Kimberley history right through to the 1920s (Achoo et al 1996).

In 1901 Turkey Creek became a government depot to distribute rations to Aboriginal people forced off their land by pastoralists in the late 1880s. Many were forced onto government cattle stations through government coercion where conditions were little better. Assimilation centres were also established at Moola Bulla in 1910 and Violet Valley in 1911. With the growth of a pastoral industry, Gija people came to form the backbone of the workforce on surrounding cattle stations. Turkey Creek consequently became a tribal and ceremonial gathering place for these workers during the wet season 'walkabout'.

Although Warmun was known as Turkey Creek for most of its life, in recent times it has reverted to the Gija name for the area which is Warmun.

### **1950s to 1970s – Aboriginal contributions to the pastoral industry**

Wages were not introduced for Aboriginal pastoral workers until 1950, but these were not uniform or commensurate with non-Aboriginal wages. The Commonwealth Government Pastoral Industry Award became applicable in the Kimberley in 1968, which entitled Aboriginal workers to equal wages, holiday and sick pay. This introduced a formal equality to the labour market, but also meant that many stations could no longer function as they previously had when they could rely upon much seasonal, skilled, but cheap labour.

This resulted in a large out-migration from pastoral stations to towns and reserves. Jebb (2002) estimated that by the late 1970s, only 15% of Aboriginal people in the Kimberley remained on Kimberley stations. This also meant that many stations that had depended on cheap skilled Aboriginal labour became unviable.

### **The 'Homelands' movement – 1970s and 80s**

The emergence of the Juwurlinji community can be seen in the context of the Homelands movement; whereby particular Aboriginal groups have 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 white pastoralists to Aboriginal groups. In the East Kimberley region, Doon Doon, Lake Gregory, Billiluna and Glen Hill stations were purchased by Aboriginal groups in 1976.

Bow River station was transferred to the Juwulinypany Aboriginal Corporation in 1986.

### **1970s to present day**

The present Juwurlinji Community is based around the old Bow River homestead. The homestead was established in 1949.

The nearby Argyle Diamond Mine was built in 1980 after local Indigenous people signed the Glen Hill Agreement. A 'Good Neighbour' program run by the mine was initiated some 5 years later. The activities of the mine resulted in the destruction of the Barramundi dreaming site, which is important to the Gija people.

The former Aboriginal Development Commission (ADC) purchased Bow River station in 1984. In 1986 the station was transferred from ADC to the Juwulinypany Aboriginal Corporation.

All the traditional arts of painting, dancing and singing are still pursued. Everyone in the community is encouraged to participate in these art forms, although painting in particular is considered to be an acquired skill and therefore only practiced seriously by a few. Painting, dancing and singing are all methods of telling stories, each form tells of the landscape, mythology and significant events. At present the community has a *Joonba* (a specific form

of performance driven by narrative) that tells of the nearby Bedford Downs massacre of Aboriginal people at the hands of white pastoralists around 1920. Dancing and singing nights continue to occur every year but not on specific dates, rather to mark special occasions. These activities are accompanied by the local instruments the didgeridoo and clapping sticks.

Other activities such as hunting are still practiced but are no longer the main source of the Juwurlinji's food resource. All community members participate in these hunts. Some of the traditional foods still eaten today are echidna, crocodile, kangaroo, goanna and bush turkey. The community still practices the use of bush fires for regeneration of vegetation and the control of threatening wildlife such as snakes. Fire is used to protect the cattle from a small worm that is found on some vegetation which when consumed, can cause gut/organ problems to cattle.

Gija culture is still very much alive in the Juwurlinji community. The Kija language is spoken by most community members in addition to English and Kriol (a form of pigeon English). It is taught as a first language to all the children and continues to be used in everyday speech. A complex traditional skin naming system is still used alongside common European names. Each child is assigned one of 16 skin names at birth; this name determines a person's totem, their place in the clan (who they can and cannot speak to) and whom they can marry.

The traditional mythologies and names of landscape features are still passed on to the children. There are also different sites that are viewed as sacred to either the men or women.

## **1.5 Previous Layout Plan**

There is no previous Layout Plan for Juwurlinji.

## 2 COMMUNITY PROFILE

### 2.1 Population

Table 3 – Population

Existing Population :	<b>35</b>
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#### Existing Population

Estimating and predicting populations in Juwurlinji 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 estimates also vary depending on the time of year of enumeration, methods and sources by which data are collected.

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 and 2008, the 2001 figure from the Practical Management and Development (PMD) 2002 background report, the former DIA “Communities” 2013 dataset, and the Department of Communities (DoC) Property Tenancy Management System (PTMS) from 2019.

Table 5 – Population figures of Juwurlinji by source 1997-2019

	1997	2001	2008	2013	2019
<b>Total persons</b>	52	36	21	25	35
<b>Source</b>	<b>EHNS</b>	<b>PMD</b>	<b>EHNS</b>	<b>DIA</b>	<b>PTMS</b>

The community members have close affiliations with other centres and settlements in the region. These include:

- Warmun (Turkey Creek)
- Crocodile Hole (Rugan)
- Wurrenranginy (Frog Hollow)
- Kalungkurriji (Norton Bore)
- Mandangala (Glen Hill)
- Woolah (Doon Doon)
- Halls Creek
- Kununurra

The spread of these settlements essentially reflects the length and breadth of Gija country (see figure 4).

Based on the available data, the population of Juwurlinji is estimated to be **35** people.

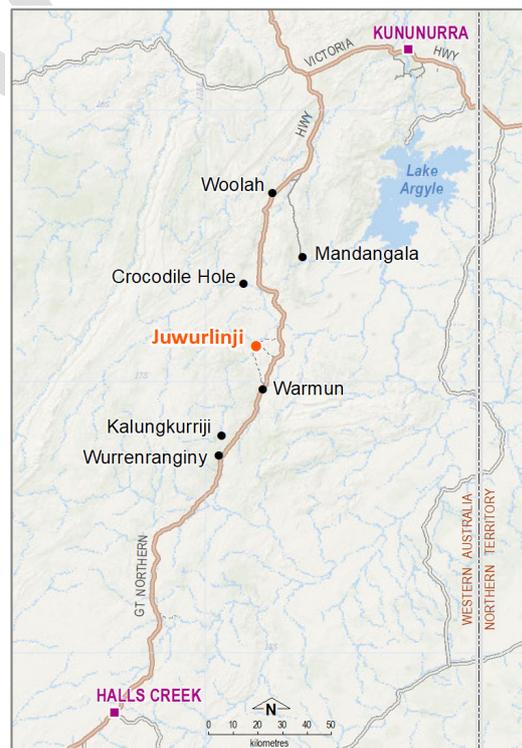


Figure 4 – Juwurlinji community affiliations

## 2.2 Governance

### Incorporated Community

The community is managed through its incorporated body - Juwulinypany Community Aboriginal Corporation (JCAC). JCAC was incorporated under the *Aboriginal Councils and Associations Act 1976* in 1985.

The objectives of JCAC are to:

- a) Support the social development of its members in all ways;
- b) Help bring about the self support of its members by the development of economic projects and industries;
- c) Support education, job training, health services, work, and housing for its members;
- d) Help and encourage its members to manage their affairs upon their own lands;
- e) Help and encourage its members to keep and renew their traditional culture;
- f) Help build trust and friendship between its members and other people;
- g) To participate with other Aboriginal organisations in projects for their mutual benefit;
- h) Receive and spend grants of money from the government of the Commonwealth or of the State or from other sources.

JCAC is registered with the Office of the Registrar of Indigenous Corporations (ORIC). Documents on JCAC can be obtained from [www.oric.gov.au](http://www.oric.gov.au)

## 2.3 Land Tenure

The Juwurlinji community is located on the Bow River pastoral lease comprising of a single title. Details are provided below.

<i>Tenure</i>	Pastoral Lease (PL N049619)
<i>Lot Details</i>	Lot 65 on Deposited Plan 238079
<i>Certificate of Title</i>	LR3014/790
<i>Primary Interest Holder</i>	Juwulinypany Community Aboriginal Corporation
<i>Area</i>	252,993 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	

All community housing and infrastructure is located on Lot 65 on DP 238079.

## 2.4 Native Title

The Juwurlinji community is located within the **Yurriyangem Taam** determination area (Federal Court reference WAD44/2019), determined by consent on 23 May 2019.

For full details of the determination judgement, refer to:

<https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2019/2019fca0696>

As of mid-April 2020, the Registered Native Title Body Corporate had yet to be registered, however the applicant's representative for the native title claim was the Kimberley Land Council.

Further information regarding native title can be found on 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

It should be noted that both registered and unregistered sites of cultural significance to Aboriginal people are protected under the State Government's *Aboriginal Heritage Act 1972*, but only registered sites are recorded on the Department of Planning, Lands and Heritage [Aboriginal Heritage Information System](#) (AHIS) database.

### Registered Sites

There is 1 registered site and no other heritage sites in the vicinity of Juwurlinji (as of mid-April 2020). A summary of the site is listed below:

- Place 14352 – Bow River, Registered site - Artefacts/scatter, Quarry

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

### Culturally Sensitive Areas

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

#### Impact of Aboriginal Heritage on Urban Growth in Remote Aboriginal Communities

The *Aboriginal Heritage Act 1972* (AHA) was introduced in Western Australia to provide automatic protection for all places and objects in the State that are important to Aboriginal people because of connections to their culture. The Department of Planning, Lands and Heritage maintains a Register of Aboriginal Sites as a record of places and objects of significance to which the AHA applies. It should be noted that unregistered sites of cultural significance to Aboriginal people are also protected under the State Government's *Aboriginal Heritage Act 1972*, but only registered sites are recorded on the Department's database and are generally included in the Aboriginal Heritage Inquiry System.

The presence of an Aboriginal site places restrictions on what can be done to the land. Under the AHA it is an offence for anyone to excavate, damage, destroy, conceal or in any way alter an Aboriginal site without obtaining the appropriate approvals. Anyone who wants to use land for development or any other cause must therefore investigate whether there is an Aboriginal heritage site on the land.

Contact should be made with the relevant Native Title Representative Body in the first instance.

No formal heritage assessment under the *Aboriginal Heritage Act 1972* has been undertaken as part of the preparation of LP No. 1 and the LP Background Report and LP map-set do not represent clearance under that Act in any way. It is expected that any future development of housing and other infrastructure on the community be undertaken in consultation with the community and native title holders and cleared in accordance with the provisions of the AHA.

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## 3 INFRASTRUCTURE & SERVICES

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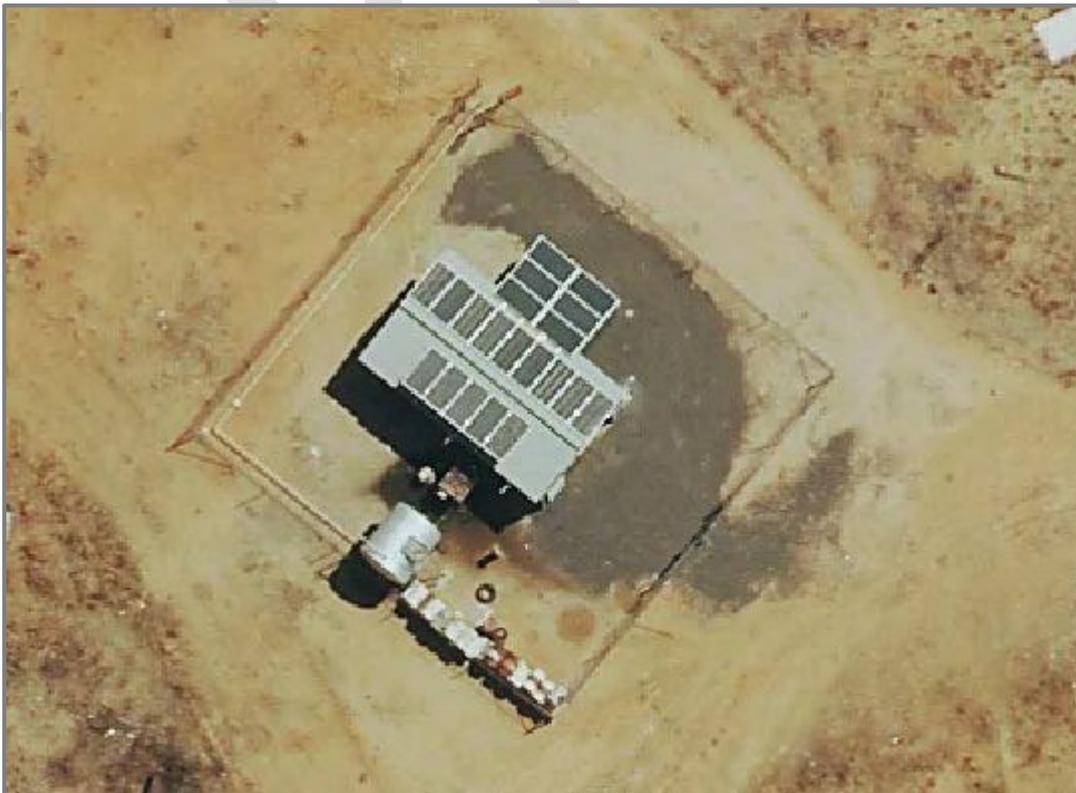
Details of infrastructure and services below are based on the 2007 “Bow River Community Asset Condition Report” prepared by Kimberley Regional Services Providers (KRSP) under the former Remote Area Essential Services Program (RAESP).

### 3.1 Electricity Supply

The power station is located on SL-lot 39. The electricity facility comprises of two diesel generators with a total generating capacity of 30kW (KRSP 2007). The October 2019 Juwurlinji air photo (figure 6) shows an array of solar panels installed on the roof of the generation shed.



**Figure 5 – Juwurlinji power generation shed, circa 2007**



**Figure 6 – Power generation shed with solar panels, 2019**

Juwurlinji Layout Plan No. 1 – Ratified Draft 3

### 3.2 Water Supply

Juwurlinji obtains its drinking water from two fenced bores located in SL-lot 52 (figure 7). Water is pumped to a 100,000 litre elevated storage tank located on SL-lot 40 (figure 8).



Figure 7 – Bore compound on SL-lot 52, circa 2007



Figure 8 – Elevated water tank on SL-lot 40, circa 2007

### 3.3 Wastewater

Wastewater services in Juwurlinji are not regulated. All houses are serviced by conventional septic tank and leach drain effluent disposal systems.

### 3.4 Rubbish Disposal

The rubbish tip is located 500 metres south of the community on SL-lot 53, an unsealed road is used to access the tip.

The unregulated rubbish tip is in a location that does not comply with government regulations or the WAPC *Aboriginal Settlement Guideline 3: Layout Plan Exclusion Boundaries (2012)*.

The prescribed exclusion boundary for a rubbish tip is 2000m, however, all housing and infrastructure is located within the 2000m exclusion boundary. A more appropriate and regulated site could be considered in the future if required.

### 3.5 Airstrip

The nearest operational airstrip is the Turkey Creek Airstrip, located at Warmun, approximately 35 kilometres (30 minutes) by road south-east of Juwurlinji. Alternatively, Argyle Airport is located approximately 50 kilometres (45 minutes) by road north-east of Juwurlinji.

The 2002 PMD report identified an unserviceable airfield with no lighting, approximately 4 km south of the settlement. Coordinates for the airfield are 412069 east, 8131130 north, MGA zone 52 GDA94 (figure 9). The access road to the airfield has several creek crossings which are impassable at times during the wet season. The 2009 air photo appears to confirm that the airfield was not in use.



Figure 9 – Disused airfield 4km south, 2009 air photo

### **3.6 Internal Road Layout**

All internal community settlement layout (SL) roads are unsealed with a natural gravel surface finish. In 2002 there were no road drains, and dust was cited as a problem in all areas of the settlement.

### **3.7 Access & Dedicated Roads**

Juwurlinji is located approximately 11 kilometres by road west of the Great Northern Highway. The turnoff to the community is about 175 kilometres (1 hour, 45 minutes) by road south of Kununurra. The Great Northern Highway is sealed and is normally in good condition, maintained by Main Roads WA.

The 2002 PMD background report stated that the access road was typically damaged in the wet season and would become impassable, requiring re-grading after the wet season. At the entrance to the settlement the access road passes through a creek. The main crossing becomes impassable during the wet season as the creek backs up from its juncture with the Bow River some 100 metres downstream.

In these conditions there is an alternative crossing some 200 metres upstream of the creek, that gives entry to the back-end of the settlement, aka the "wet season access". There are also several other access tracks to the community. One heads east towards the highway, another south to a disused airstrip (approximately 4 kilometres south) and on to Warmun, and another, which crosses the Bow River and heads west.

### **3.8 Community and Social Services**

#### **Office**

An administration centre is located on SL-lot 19.

#### **Store**

There are no education facilities in Juwurlinji. The nearest school is the Catholic education Ngalangangpum school which offers K-10, located in Warmun, approximately 30 minutes away by road.

#### **Clinic**

There is no clinic in Juwurlinji. The nearest clinic is in Warmun, approximately 30 minutes away by road.

#### **Workshop**

A workshop is located on SL-lot 18.

#### **Cemetery**

An informal cemetery is located on SL-lot 54.

According to the 2002 PMD report, this location was previously a burial area for Indigenous workers on the station. The cemetery was built early 2001, and has a secure fence surrounding it. The feet of all the graves point to the hill behind. The Bow River Station also had a cemetery on the land. This was located within the community, directly west of the homestead. There was only one burial on the station; located to the southwest of the community.

## 4 HOUSING

### 4.1 Residential Areas

There are 27 residential SL-lots on the Layout Plan as shown in figure 10.



Figure 10 – Juwurlinji residential SL-lots, October 2019 air photo

### 4.2 Number & Type of Dwellings

As of 2019, there were 10 dwellings in Juwurlinji, none of which are managed under a Housing Management Agreement (HMA) by the Department of Communities (Housing)

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## **5 CONSTRAINTS AND LIMITATIONS**

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### **5.1 Flood Hazard**

The 2002 PMD report stated:

“Flooding of the community can occur after heavy rains in the Bow River catchment. The highest flood level known in living memory of current community members was to the floor level of the homestead (SL-lot 17) and this occurred in 1966. The community members are not worried about any risk of a flood occurring, however, a detailed flood-risk analysis should be undertaken before any further housing and infrastructure upgrade is implemented.

At some time in the past it appears that an earth berm was constructed along the river edge to prevent river water breaching and inundating the depression in the centre of the settlement. It is possible that some breaching still occurs occasionally to add water to the depression. The depression also becomes inundated in the wet season with run-off from the settlement as a road crossing prevents drainage. Mosquitoes and stagnant water are a potential health issue from this area.”

### **5.2 Drainage**

The settlement is generally positioned on a tongue of land bounded by the Bow River and the creek. The land slightly elevates and extends back to the south. Drainage is essentially towards the creek on the north-east side of the settlement and towards the depression in the centre of the settlement on the west side.

### **5.3 Drinking Water Source**

As of May 2020, there is no Drinking Water Source Protection Plan (DWSPP) for Juwurlinji.

### **5.4 Bushfire**

The community is designated as bushfire prone under SPP 3.7 Planning in Bushfire Prone Areas (SPP 3.7). It is unknown whether the community has any bushfire management emergency/evacuation procedures in place.

### **5.5 Exclusion Boundaries**

The exclusion boundaries shown on the map-set are in accordance with the WAPC’s *Aboriginal Settlements Guideline 3: Layout Plan Exclusion Boundaries*.

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## 6 PLANNING FRAMEWORK

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### 6.1 State Planning Policies

State Planning Policies (SPPs) are prepared and adopted by the WAPC under statutory procedures set out in section 26 of the *Planning and Development Act 2005*.

The WAPC and local governments must have 'due regard' to the provisions of State Planning Policies when preparing or amending town planning schemes and when making decisions on planning matters. The State Administrative Tribunal is also required to take SPPs into account when determining appeals.

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

- SPP 3.0 – Urban Growth and Settlement;
- SPP 3.2 – Aboriginal Settlements;
- SPP 2.7 – Public Drinking Water Source; and
- SPP 3.7 – Planning in Bushfire Prone Areas.

### 6.2 State Planning Policy 3.2 - Aboriginal Settlements

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.

## 6.3 Shire of Wyndham-East Kimberley

### Local Planning Scheme No. 9

The Shire of Wyndham-East Kimberley (SWEK) Local Planning Scheme No. 9 (LPS 9) was gazetted on 19 February 2019.

Juwurlinji is zoned 'rural' under LPS 9 as shown in figure 11.

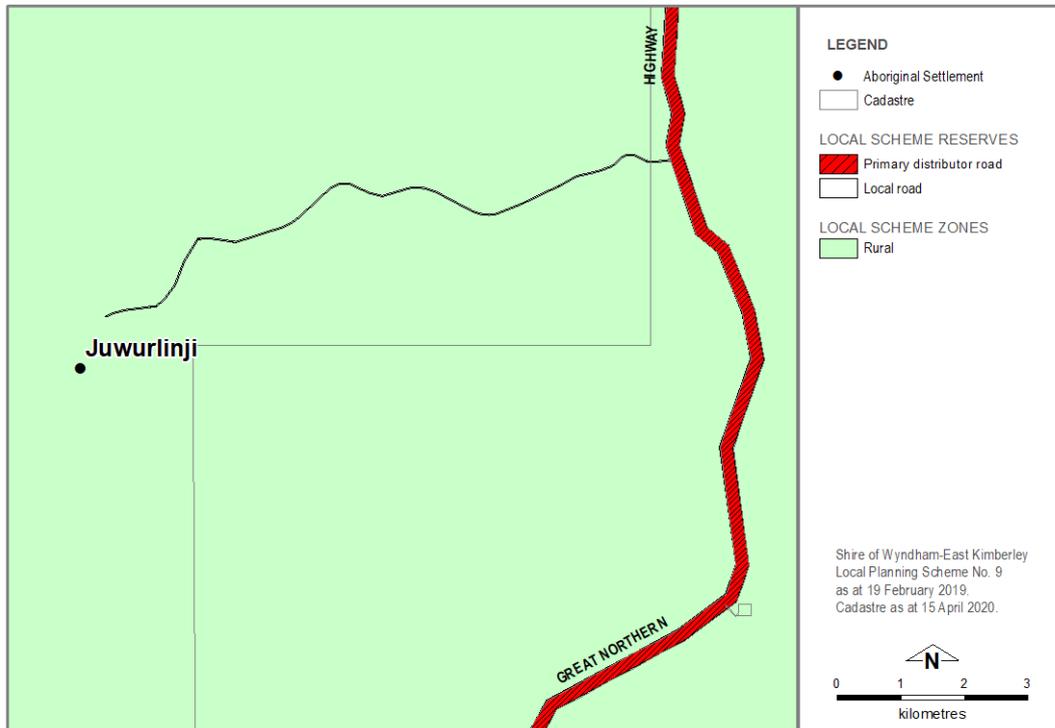


Figure 11 - Land classification under SWEK LPS 9 - Juwurlinji

SPP 3.2 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'.

Although the Juwurlinji Layout Plan 1 was endorsed by the resident community in 2003, it was not subsequently endorsed by either the SWEK or the WAPC. Therefore, when LPS 9 was prepared, Juwurlinji was not identified as a place that should 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.

Review of the Juwurlinji Layout Plan 1 in response to the gazettal of LPS 9 has confirmed that, as it has 10 houses connected to essential services managed by the State, Juwurlinji is classified as a 'settlement' and is required to have a Layout Plan and to be appropriately zoned in the local planning scheme.

Version 3 of this Layout Plan includes the identification of an extent of land that may appropriately be zoned 'settlement', subject to all relevant processes and procedures.

## **Local Planning Strategy**

The Shire of Wyndham-East Kimberley Local Planning Strategy (endorsed by the WAPC, 21 August 2019) provides a vision for the growth and development of the Shire over a 10-15 year timeframe. The strategy notes that Layout Plans should be prepared for all remote settlements, and should incorporate planning for infrastructure within and to these settlements and that existing Layout Plans within the Shire should be reviewed for currency.

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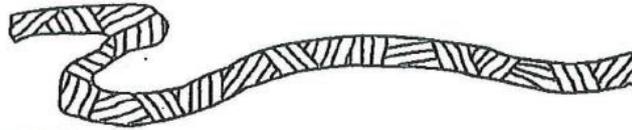
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## 7 ENDORSEMENTS

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# Juwurlinji Community Council Endorsement



## ADOPTION JUWURLINJI

*Name of Community*

The CRO hereby adopts the Community Layout Plan dated October, 2001 (including the provisions), for the purpose of ensuring the proper and orderly planning of the community area, at the meeting of the Council held on the

10<sup>TH</sup> day of APRIL 2003....  
CHOCOLATE THOMAS

MONA RAMSAT

Chairperson *(sign and print name)*

Date

ALAN TIMMS

RONNIE RAMSEY

BARRY ANDERSON

Secretary *(sign and print name)*

Date

Traditional Owners Endorsement

**Not endorsed.**

DRAFT

Shire of Wyndham-East Kimberley Endorsement

**Not endorsed.**

DRAFT

Western Australian Planning Commission Endorsement

**Not endorsed.**

DRAFT

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## REFERENCES

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- Achoo, H. et al. 1996 Moola Bulla, In the Shadow of the Mountain. Broome, Magabala.
- Bureau of Meteorology 2020 Halls Creek Monthly Rainfall and Temperatures. Available at <http://www.bom.gov.au/climate/data/>
- Department of Communities (Housing) 2020 Property Tenancy Management System (PTMS) database
- Department of Indigenous Affairs (DIA) 1997 and 2008 Environmental Health Needs Survey of Indigenous Communities in Western Australia. Government of Western Australia.
- Department of Indigenous Affairs (DIA) 2013 DIA Communities Esri shapefile. 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>
- Jebb, M. 2002 Blood, Sweat and Welfare: A History of White Bosses and Aboriginal Pastoral Workers. UWA Press: Nedlands
- Kimberley Regional Service Providers 2007 Bow River Community Asset Condition Report
- Memmot, P. & S. Long & M. Bell & J. Taylor & D. Brown 2004 Between Places: Indigenous Mobility in Remote and Rural Australia. Australian Housing & Urban Research Institute, University of Queensland.
- National Native Title Tribunal 2020 Native Title Vision <http://www.nntt.gov.au/assistance/Geospatial/Pages/NTV.aspx>
- Office of the Registrar of Indigenous Corporations 2020, <https://www.oric.gov.au/>
- Practical Management & Development Pty Ltd 2002 2002 Jurwurlinji Community Layout Plan 01 Department of Indigenous Affairs
- Taylor, J. 2006 Population and Diversity: Policy Implications of Emerging Indigenous Demographic Trends. CAEPR discussion paper No. 283/2006. ANU: Canberra.
- WAPC 2011 State Planning Policy 3.2 - Aboriginal Settlements, Government of Western Australia
- WAPC 2019 Shire of Halls Creek Local Planning Strategy, <https://www.dplh.wa.gov.au/lps> Government of Western Australia

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**VERSIONS**

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DRAFT

Juwurlinji Layout Plan No.1 was prepared by consultants Practical Management and Development (PMD), in partnership with the Juwurlinji community during 2001 to 2002.

Although Juwurlinji LP1 was endorsed by the resident community in 2003, it was not subsequently endorsed by either the Shire of Wyndham-East Kimberley (SWEK) or the Western Australian Planning Commission (WAPC).

A draft Community Layout Plan map-set was prepared by the former Department for Planning and Infrastructure on behalf of the WAPC in March 2006, based on information from the PMD document.

Version 1 was ratified as a map-set only document.

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**Reason for redrafted version**

The Department of Planning, on behalf of the Western Australian Planning Commission (WAPC), is the custodian for Layout Plans prepared under State Planning Policy 3.2, including the draft Juwurlinji Layout Plan 1.

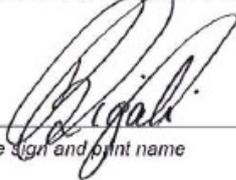
Since the publication of that Policy in August 2000 all Layout Plan map-sets have been prepared using a variety of computer-aided-design (CAD) formats. All Layout Plan map-sets have now been converted to a common user geographic information systems (GIS) format, including the Juwurlinji Layout Plan 1.

This conversion process has required a comprehensive re-development of the map-set and includes a number of data and content upgrades. This may include the establishment of new Settlement Layout lots (SL-lots), the inclusion of recommended settlement zones, modification to ensure land-use areas accord with Aboriginal Settlements Guideline 1, inclusion of drinking water source protection areas, incorporation of updated cadastre, and many other general improvements.

**Ratification**

In some instances, such as Juwurlinji, Layout Plans remain in draft form. This can be for a range of reasons, usually political (failure to secure endorsement from various parties) or empirical (absence of data necessary to permit considered decisions). Delivery of housing and infrastructure by state agencies and authorities relies on Layout Plans for an agreed spatial framework. WAPC ratification of draft Layout Plans ensures that there is an agreed spatial framework for housing and infrastructure development on Aboriginal settlements.

**Western Australian Planning Commission**

  
*please sign and print name*

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

Date: 13 NOV 2012  
RESOLVED & RECORDED IN MINUTES  
OF THE STATUTORY PLANNING  
COMMITTEE MEETING  
13 NOV 2012

**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.