

# Gulgagulganeng

## Layout Plan 1

### Background Report

April 2003

Date endorsed by WAPC



### Amendments

Amendment 1 - April 2013

Amendment 2 - January 2020



Department of **Planning,  
Lands and Heritage**



# GULGAGULGAGENG LAYOUT PLAN 1

This background report was prepared between 2002 and 2003 by Connell Wagner, on behalf of the former Department of Housing and Works.

Layout Plan 1 (LP1) was endorsed by the Gulgagulgageng Aboriginal Corporation (GAC) on 27 January 2003 and the Shire of Wyndham-East Kimberley, on 26 February 2003. The Western Australian Planning Commission (WAPC) endorsed the LP on 16 April 2003.

The WAPC endorsed one amendment in April 2013 to incorporate administrative changes to the layout plan map-set, no changes were made to the background report. The endorsed amendment is listed in part 7 of this report.

The Amendment 2 background report update sought to keep all relevant information, while removing and replacing out-of-date references and data. All temporal references in the background report refer to the original date of preparation, unless otherwise specified.

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.

# CONTENTS

<b>EXECUTIVE SUMMARY</b> .....	<b>II</b>
<b>DEVELOPMENT PRIORITIES</b> .....	<b>III</b>
<b>1 BACKGROUND</b> .....	<b>1</b>
1.1 LOCATION & SETTING .....	1
1.2 CLIMATE .....	1
1.3 HISTORY .....	2
1.4 FLORA AND FAUNA .....	2
1.5 SOILS AND TOPOGRAPHY .....	2
1.6 PREVIOUS LAYOUT PLAN .....	2
<b>2 COMMUNITY PROFILE</b> .....	<b>3</b>
2.1 POPULATION .....	3
2.2 GOVERNANCE .....	4
2.3 LAND TENURE .....	4
2.4 NATIVE TITLE .....	5
2.5 ABORIGINAL HERITAGE .....	6
2.6 COMMUNITY ASPIRATIONS .....	6
<b>3 INFRASTRUCTURE &amp; SERVICES</b> .....	<b>7</b>
3.1 ELECTRICITY SUPPLY .....	7
3.2 WATER SUPPLY .....	7
3.3 WASTEWATER .....	7
3.4 RUBBISH DISPOSAL .....	7
3.5 INTERNAL ROAD LAYOUT .....	7
3.6 ACCESS & DEDICATED ROADS .....	7
3.7 COMMUNITY & SOCIAL SERVICES .....	8
<b>4 HOUSING</b> .....	<b>9</b>
4.1 RESIDENTIAL AREAS .....	9
4.2 NUMBER & QUALITY OF DWELLINGS .....	9
4.3 FUTURE RESIDENTIAL DEVELOPMENT .....	9
<b>5 CONSTRAINTS AND LIMITATIONS</b> .....	<b>10</b>
5.1 FLOOD HAZARD .....	10
5.2 DRAINAGE .....	10
<b>6 PLANNING FRAMEWORK</b> .....	<b>11</b>
6.1 STATE PLANNING POLICIES .....	11
6.2 EXCLUSION BOUNDARIES .....	11
6.3 SHIRE OF WYNDHAM-EAST KIMBERLEY .....	11
<b>7 ENDORSEMENTS</b> .....	<b>13</b>
GULGAGULGAGENG COMMUNITY COUNCIL ENDORSEMENT .....	A
SHIRE OF WYNDHAM- EAST KIMBERLEY ENDORSEMENT .....	A
WESTERN AUSTRALIAN PLANNING COMMISSION ENDORSEMENT .....	A
<b>CONSULTATION &amp; REFERENCES</b> .....	<b>C</b>
<b>AMENDMENTS</b> .....	<b>E</b>

## Community Representative Organisations

Resident community representative organisation	:	Gulgagulgagneng Aboriginal Corporation
Traditional Owners representative organisation	:	Miriuwung and Gajerrong #1 (Native Title Prescribed Body Corporate) Aboriginal Corporation RNTBC

## Acronyms

ABS	:	Australian Bureau of Statistics
AHA	:	Aboriginal Heritage Act (WA) 1972
AHIS		Aboriginal Heritage Information System
ALT		Aboriginal Lands Trust
ATSIC	:	Aboriginal and Torres Strait Islander Commission
BOM		Bureau of Metrology
CHINS		Community Housing and Infrastructure Needs Survey
DIA	:	Department of Indigenous Affairs
DoC	:	Department of Communities (Housing)
DPLH	:	Department of Planning, Lands and Heritage
DWER		Department of Water and Environmental Regulation
EHNS	:	Environmental Health Needs Survey
IARE		Indigenous Area
ILUA	:	Indigenous Land Use Agreement (under the Native Title Act 1993)
LP	:	Layout Plan
GAC		Gulgagulgageng Aboriginal Corporation
NNTT	:	National Native Title Tribunal
NTA	:	Native Title Act (Commonwealth) 1993
ORIC		Office of the Registrar of Indigenous Corporations
PBC	:	Prescribed Body Corporate (under the NTA, representing native title holders)
PTMS		Property Tenancy Management System
RNTBC		Registered Native Title Body Corporate
SL-lot		Settlement layout lot
SLIP		Shared Land Information Platform
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.

## EXECUTIVE SUMMARY

The Gulgagulgageng Layout Plan No. 1 was prepared between 2002 and 2003. The tables below summarise the main issues concerning the planning, development and provision of services within Gulgagulgageng, covered in more detail in the body of this report.

**Table 1 – Population Summary**

Existing Population :	<b>16</b>
Aspirational Population :	<b>50</b>

**Table 2 - Place Characterisation Indicators**

Indicator	Community Characteristics
Drinking water	Water quality does not meet regulatory standards but not a health risk. Water quality and quantity is monitored through DoC's Property Management regime.
Electricity	Regulated electricity supply with reliable generation, distribution and retailing [Town supply].
Flood / storm surge	Community area and community development area(s) located on land where flood or storm surge is known to be experienced but mitigation measures in place.
Land tenure	Gulgagulgageng is on Crown reserve 40260, Lot 2238 on Deposited Plan 187011, vested in the Aboriginal Lands Trust and subleased to Gulgagulgagneng Aboriginal Corporation.
Wastewater	Individual septic tanks leading to constructed below-ground lined reed beds.
Emergency assistance	Emergency services at Kununurra, approximately 10 minutes away by road.
Education	School at Kununurra, approximately 10 minutes away by road.
Health	Full-time clinic at Kununurra, approximately 10 minutes away by road.
Food	Shops at Kununurra, approximately 10 minutes away by road.
Transport	Reliable road access from the community to regional centre (Kununurra).
Waste services	Metal 44-gallon drums are collected by the community and taken to the local Shire refuse site.
Employment & enterprise	Community is no more than 1 hour travel time from an established job market.
Governance	The community is managed through its incorporated body - Gulgagulgagneng Aboriginal Corporation (GAC). GAC was incorporated under the <i>Aboriginal Councils and Associations Act 1976</i> in 1986.
Aboriginal heritage	The community is located within the Miriuwung-Gajerrong (Western Australia) WAD6001/1995 claim, determined by consent on 9 December 2003. The Registered Native Title Body Corporate is Miriuwung and Gajerrong #1 (Native Title Prescribed Body Corporate) Aboriginal Corporation RNTBC.

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 Gulgagulgageng 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 Gulgagulgageng to grow in a coordinated and efficient manner.

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## **DEVELOPMENT PRIORITIES**

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At the time of consultation in 2002, the community identified several issues as important in the development of the community. These included:

- The central area within the community should be maintained as public open space free of buildings;
- Waste water gardens should be fenced to prevent access by children;
- A bus service to transport residents to and from Kununurra for shopping; and,
- The community water tank should be fenced to prevent access.

### **Implementing the Layout Plan**

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

The future growth of Gulgagulgageng will require community members to find solutions for the provision of services and infrastructure (such as housing and sealed roads). This reinforces the objectives of the Gulgagulgageng Layout Plan 1 to help bring about the self-support of its members by the development of economic projects and industries, and to encourage members to manage their affairs on their own land.

# 1 BACKGROUND

## 1.1 Location & Setting



Gulgagulgageng (also known as Emu Creek) is in the Shire of Wyndham-East Kimberley, located approximately 8 kilometres from Kununurra and a short distance from the Ord River.

The Ord River, known locally as *Gunanurang*, is one of Western Australia's major river systems. It has an estimated catchment of 50,000 sq. km and flows from near Halls Creek in the south to the Cambridge Gulf in the north. This catchment is generally characterised by fertile soils and rich riparian systems.

The geography of the Ord River has significantly changed since the damming of the Ord in the 1970s. The Dam splits the river into the upper and lower Ord River systems. Whereas the river used to flow only seasonally, the dam has created a year-round flow of water suitable for irrigation purposes.

**Figure 1 - Location of Gulgagulgageng**

The settlement and river system lie in the wet-dry tropics, which is characterised by an extended dry season with most rainfall occurring during December-March. Rainfall is highly variable (Lund 2005).

## 1.2 Climate

The Gulgagulgageng community is in the tropical climate belt and the region experiences high summer rainfall associated with monsoonal climate. Winter months are relatively dry.

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 average annual for the Kununurra Township and surrounds is 832.7mm with the majority of rain falling between December-March. The Bureau of Metrology rainfall and temperature data for Kununurra aerodrome is summarised below:

**Table 3 – Mean rainfall and mean rain days (1971 to 2019)**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Rainfall (mm)	208.4	215	145	30.3	6.9	3.1	1.4	0.1	4	21.9	59.1	139.3
Rain days (no.)	15.6	15.1	11.1	3.1	1.2	0.5	0.3	0.1	0.6	3.7	7.1	12.2

**Table 4– Mean temperature (1989 to 2019)**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mean max. temp (C)	35.8	35.1	35.8	35.4	33	30.4	30.8	32.7	36.7	38.8	39.1	37.2
Mean min. temp (C)	25.1	24.7	24.3	21.8	18.7	15.7	14.9	15.5	19.8	23.4	25.1	25.5

Source: Bureau of Meteorology

### 1.3 History

Gulgagulgageng was established in the early 1980s by a local aboriginal community who were relocated to this site from their original camp site at Lily Creek Lagoon in Kununurra.

Until the late 1980's, there were three Aboriginal camps in Kununurra namely *Mirima*, *Nulleywah* and *Lilly Creek* camp. The latter had approximately one hundred people, which included *Gurranji* from Wave Hill, Timber Creek and Bulla. The Lakeside subdivision prompted the Shire to move the Lilly Creek camp people to either *Mirima* or *Nulleywah* Communities. Residents at these communities protested the proposed influx of people from Lilly Creek. In response Lilly Creek camp people chose Emu Creek as the place they wanted to settle.

Snowy and his wife Nancy Nunjul from Fitzroy Crossing and Harold Bidwee, who was married to Freda Wilson's sister Nita, started the Gulgagulgageng community. The Gulgagulgageng community was established in 1986. It was originally intended as an 'old peoples' camp or a 'pensioners village'.

Ancestors of the Wilson family currently living at Gulgagulgageng have their homelands at Ivanhoe Station where they lived until the referendum of 1967 when they moved to Kununurra. Other residents of Gulgagulgageng have different origins in the region such as Wave Hill, Fitzroy Crossing and Kildare country. There are regular visits with prolonged stays from people from these areas to Gulgagulgageng.

Generally, Gulgagulgageng community gets many visitors and transients (probably because of its location on the highway linking the Northern Territory to Kununurra) who stay from a few days to a few months. It is in the wet season that people from remote communities stay at Gulgagulgageng community.

Most of the people speak *Mirriwung* at Gulgagulgageng however; some have intermarried in the community and speak other languages such as *Ngariman*. There is some interaction between Gulgagulgageng and *Mirima*. These interactions are sustained by family connections, shared histories, and cultural and linguistic similarities.

Descendants of the people who originally came from different areas in the region and who grew up at Gulgagulgageng developed a sense of belonging to the community and are relatively permanent at the community.

### 1.4 Flora and Fauna

The Gulgagulgageng reserve has been developed as an Aboriginal community for a significant period and the area has been disturbed in association with this development. Subsequently, it can be expected that there has been the establishment of invasive plant species often associated with human settlements.

Near Gulgagulgageng which is situated on a sandy, undulating plain, understorey species include a range of grasses and shrubs. In the northern areas of the community, adjacent to the creek, understorey vegetation is dense and is dominated by introduced grasses. In the centre of the community, large eucalypt and melaleuca trees form an open canopy. Understorey species have essentially been cleared from this area.

Fauna species which are common to the area and likely to frequent the fringes of the community include frill necked lizards (*Chlamydosaurus kingii*), Agile (*Macropus agilis*) and northern tailed wallabies (*Onychogalea unguifera*) (World Wildlife website 2002).

### 1.5 Soils and Topography

Gulgagulgageng community is situated on the south bank of Emu Creek watercourse. The soil in this area is a fine silty sand. The community site is within the gently undulating floodplain of the Emu Creek which is situated in an expansive flood plain area between the rocky outcrops and ranges of *Mirima* National Park, Matheson Ridge and the Burt Range.

### 1.6 Previous Layout Plan

There is no previous Layout Plan for Gulgagulgageng.

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## 2 COMMUNITY PROFILE

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### 2.1 Population

Table 5 – Population

Existing Population : <b>16</b>
Aspirational Population : <b>50</b>

#### Existing Population

Estimating and predicting populations in Gulgagulgageng 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.

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

The ABS Community Housing and Infrastructure Needs Survey (CHINS) data from 2001 reported the population for Gulgagulgageng to be 20.

The population estimates in Table 6 are sourced from CHINS 2001, the Environmental Health Needs Survey (EHNS) undertaken by the former Department of Indigenous Affairs in 2008, and the former Department of Housing Property Tenancy Management System (PTMS) from 2013. These are:

Table 6 – Population figures by source 2001-2013

Population of Gulgagulgageng	2001 CHINS	2008 ENHS	2013 PTMS
Total persons	20	18	16

Based on the available data, the population of Gulgagulgageng is estimated to be 16 people.

#### Aspirational Population

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

At the time of the 2002 consultation, the population of Gulgagulgageng was expected to fluctuate over the next 15 years due to residential mobility, with growth to a maximum of population of 50.

## 2.2 Governance

### Incorporated Community

The community is managed through its incorporated body - Gulgagulgagneng Aboriginal Corporation (GAC). GAC was incorporated under the *Aboriginal Councils and Associations Act 1976* in 1986.

The objectives of GAC are:

- Support the social development of its members in all ways;
- Help to bring about the self-support of its members by the development of economic projects and industries;
- Support education, job training, health services, work and housing for its members;
- Help and encourage its members to manage their affairs upon their own lands;
- Help and encourage its members to keep and renew their traditional culture;
- Help to build trust and friendship between its members and other people;
- Participate with other Aboriginal Corporations in projects for their mutual benefit;
- Receive and spend grants of money from the Government or of the Commonwealth or of the State or from other sources.

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

## 2.3 Land Tenure

Gulgagulgageng is located on the following title as of December 2019:

<i>Tenure</i>	Crown reserve 40260
<i>Lot Details</i>	Lot 2238 on Deposited Plan 187011
<i>Certificate of Title</i>	LR3052/173
<i>Primary Interest Holder</i>	Aboriginal Lands Trust
<i>Area</i>	23.9 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Sub-leased to Gulgagulgagneng Aboriginal Corporation

All community housing and infrastructure is located on Lot 2238.

## 2.4 Native Title

The community is located within the Miriwung-Gajerrong (Western Australia) WAD6001/1995 claim, determined by consent on 9 December 2003.

The Registered Native Title Body Corporate is Miriwung and Gajerrong #1 (Native Title Prescribed Body Corporate) Aboriginal Corporation RNTBC

For further information refer to the determination on the Federal Court of Australia website link, <http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCAFC/2003/283.html>.

### Background to Native Title in Australia

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

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

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

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

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

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

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

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

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

More information about native title can be obtained from the [National Native Title Tribunal](#).

## 2.5 Aboriginal Heritage

Notwithstanding the previous section, the following discussion of heritage matters was derived from consultation with the community and a desk-top survey of sites registered under the *Aboriginal Heritage Act (WA) 1972* (AHA) using the [Aboriginal Heritage Information System](#) (AHIS).

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

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 AHIS database.

There are no registered Aboriginal sites and no other heritage sites in the vicinity of Gulgagulgageng, as of December 2019.

Any future development at the community, including implementing LP No1, should be undertaken in consultation with the community and the Miriwung and Gajerrong #1 (Native Title Prescribed Body Corporate) Aboriginal Corporation RNTBC, who represent the native title holders, to ensure adequate avoidance of sites.

### Built Heritage

No built heritage was noted during the preparation of the Layout Plan in 2002.

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

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

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

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

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

## 2.6 Community Aspirations

At the time of consultation in 2002, the community identified several issues as important in the development of the community. These included:

- The central area within the community should be maintained as public open space free of buildings;
- Waste water gardens should be fenced to prevent access by children;
- A bus service to transport residents to and from Kununurra for shopping; and,
- The community water tank should be fenced to prevent access.

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## **3 INFRASTRUCTURE & SERVICES**

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Gulgagulgageng is classified as a self-managed community. Infrastructure overseen by the Department of Communities with site visits every 3 months.

### **3.1 Electricity Supply**

Horizon Power overhead three phase electrical lines run along the Victoria Highway road reserve, with a branch off to Gulgagulgageng. Horizon Power has installed power meters and charges for usage, however the community maintains the reticulation assets.

Gulgagulgageng's internal reticulation is via overhead three phase power with overhead connections and electrical meters on some houses.

### **3.2 Water Supply**

The community obtains its water from a fenced bore located at the south-east corner of the existing loop road. Water is pumped from the bore to a 20 kl storage tank elevated approximately 9 m, located on SL-lot 16. A UV treatment plant is situated at the base of the tank stand.

The internal water reticulation was installed in the first half of 2002 and consisted of 100mm PVC pipe, with the layout basically following the outside of the existing circular track.

### **3.3 Wastewater**

Four houses have individual septic tanks leading to below-ground lined reed beds. The two houses to the north share a reed bed. The house in the centre of the Community and other buildings, some of which are used as residences, do not have wet areas. The reed beds were installed during the 2002 dry season.

### **3.4 Rubbish Disposal**

Metal 44-gallon drums are collected by the community and taken to the local Shire refuse site.

### **3.5 Internal Road Layout**

A central loop road has been maintained to provide access to the existing dwellings. A secondary access to the highway may be formed in future along the alignment of the existing power lines.

An internal road reserve is also provided on the south side of the community, following the alignment of the community's power supply.

### **3.6 Access & Dedicated Roads**

Access to the community is via Victoria Highway, which is maintained by Main Roads. Gulgagulgageng floods during the wet season cutting access off along the Victoria Highway, usually for limited periods.

The short access track between the Victoria Highway and Gulgagulgageng is accessible all year.

### **3.7 Community & Social Services**

The majority of community facilities and services are provided off-site in Kununurra. Gulgagulgageng does however, form a separate community and should be expected to develop facilities to serve the primary needs of residents and for administrative purposes. The LP provides a centrally located site that will accommodate a range of future community facilities to be developed in accordance with community needs and priorities over time. It is envisaged that these facilities may be developed either as standalone or co-located facilities, depending on the compatibility of particular uses. Such facilities will potentially include the following:

- Women's centre
- Childcare centre
- Arts / cultural centre
- Training centre
- Health clinic
- Recreation centre
- Meeting hall
- Local shop

#### **Store**

Shops at Kununurra, approximately 10 minutes away by road.

#### **School**

School at Kununurra, approximately 10 minutes away by road.

#### **Clinic**

Full-time clinic at Kununurra, approximately 10 minutes away by road.

#### **Recreation and Open Space**

The LP retains and provides for expansion of the existing central open space area.

This area will comfortably accommodate an upgrade of the existing playground equipment. Recreation facilities are available for the use of the community in Kununurra.

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## **4 HOUSING**

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### **4.1 Residential Areas**

Existing residential development is situated around a central loop road.

### **4.2 Number & Quality of Dwellings**

As of December 2019, the Department of Communities (Housing) managed 9 residential properties in Gulgagulgageng. There is no formal housing management agreement (HMA) for Gulgagulgageng.

### **4.3 Future Residential Development**

The LP has 8 SL-lots available for residential development.

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## **5 CONSTRAINTS AND LIMITATIONS**

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### **5.1 Flood Hazard**

Gulgagulgageng floods during the wet season cutting access off along the Victoria Highway, usually for limited periods. Emu Creek flows along the north-western corner of the community, and it is not uncommon for the waters to encroach right up to the base of the northern housing.

The community adjoins the Emu Creek watercourse, which is a intermittent creek bed with little or no flow during the drier winter months. The community water supply is bore water however it is understood that there are permanent freshwater springs in the area. With a high proportion of rainfall occurring over a few months in the wet season, Emu Creek experiences great variability in surface water conditions. Stream flow generally occurs in the summer months of the monsoon season.

Emu Creek forms a minor tributary of the Ord River and the community can be inundated with floodwaters as it is situated within close proximity of the creek channel. Flooding events from Emu Creek in the wet monsoonal seasons have created a significant natural constraint for expansion of the community to the west.

### **5.2 Drainage**

Connell Wagner stated in its report that “formalisation of stormwater drainage to be considered with the road upgrades, including drainage reserves would be required from the end of cul-de-sacs towards Emu Creek”.

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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 initial version of this background report was prepared prior to the *Planning and Development Act 2005*.

Future versions of this background report will have due regard for the following SPPs:

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

### 6.2 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.

### 6.3 Shire of Wyndham-East Kimberley

#### Local Planning Scheme No. 9

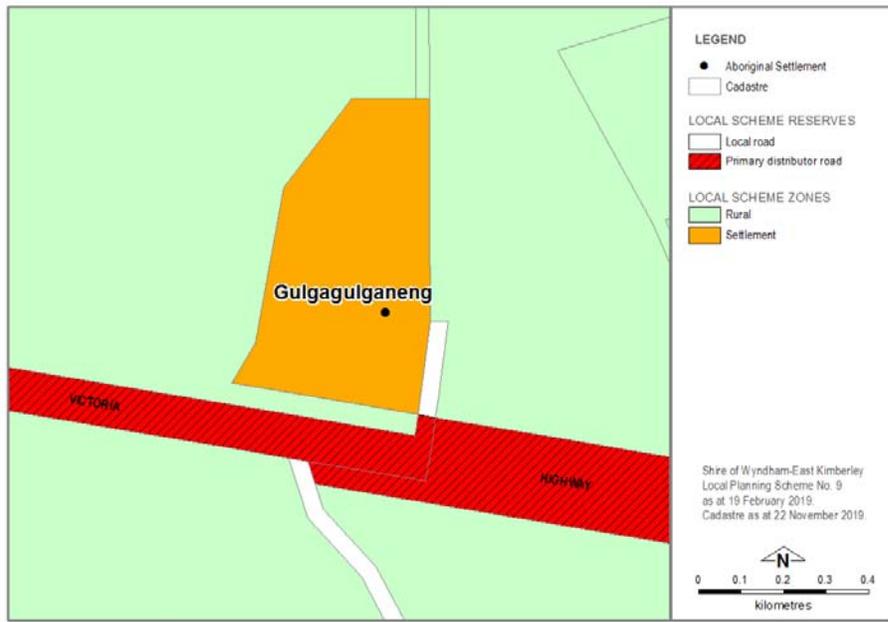
The Shire of Wyndham-East Kimberley Local Planning Scheme No. 9 (LPS 9) was gazetted on 19 February 2019.

Gulgagulgageng is zoned settlement under LPS 9 which identifies existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places.

Under the Scheme, preparation and endorsement of a layout plan in accordance with State Planning Policy 3.2; and ensuring that development accords with a layout plan is a requirement of the settlement zoning (see current Scheme zoning in Figure 2).

LPS 9 states development in the Settlement Zone is to accord with an endorsed Layout Plan and provide for:

- (a) a mix of land uses typically found in Aboriginal Settlements, including light industrial, tourism, residential, commercial, community, recreation and public utility; protecting sensitive areas such as No Go areas and drinking water source protection areas from inappropriate development.
- (b) traditional law and culture.



**Figure 2 - Land classification under SWEK LPS 9 – Gulgagulgageng**

### **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 time frame. 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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## **7 ENDORSEMENTS**

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8. Endorsement

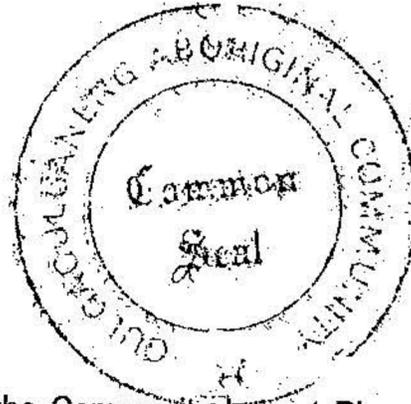
The Gulgagulaneng Aboriginal Corporation hereby endorses the Community Layout Plan dated 10/01 2003 (including the Report, the Plan and the Provisions), for the purpose of ensuring the proper and orderly planning of the community area, at the meeting of the Council held on the 27 day of JANUARY 2003.

FRED AWILSON

Chairperson

NED JOHN

Secretary



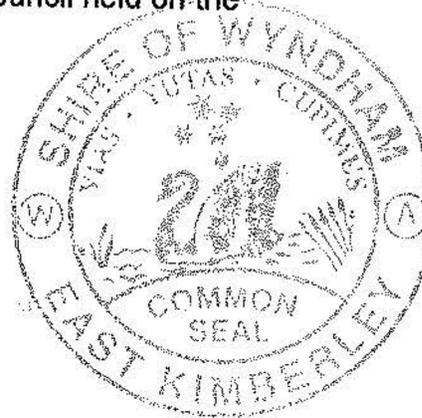
The Shire of Wyndham-East Kimberley hereby endorses the Community Layout Plan dated 10/01 2003 (including the Report, the Plan and the Provisions), for the purpose of ensuring the proper and orderly planning of the community area, at the meeting of the Council held on the 26 day of FEBRUARY 2003.

[Signature]

President

[Signature]

Chief Executive Officer



The Western Australian Planning Commission hereby endorses the Community Layout Plan dated 10/01 2003 (including the Report, the Plan and the Provisions), for the purpose of ensuring the proper and orderly planning of the community area, on this 16 day of April 2003.

[Signature]

Chairman

Secretary

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## CONSULTATION & REFERENCES

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### CONSULTATION SUMMARY

Preparation of this Layout Plan is the result of consultation with the community representatives and a range of agencies, authorities, and non-government organisations during 2002 - 2003.

Organisation
Gulgagulgageng Aboriginal Community representatives
Department of Indigenous Affairs
Kimberley Public Health Unit
Monsoon Architects Pty Ltd
Shire of Wyndham-East Kimberley
Waringarri Aboriginal Resource Agency

## REFERENCES

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- Bureau of Meteorology 2019 Kununurra Aerodrome Monthly Rainfall and Temperatures. Available at <http://www.bom.gov.au/climate/data/>
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- Department of Planning, Lands and Heritage 2019 State Planning Policy 3.2 - Aboriginal Settlements
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- Environmental Health Needs Coordinating Committee 1997 Environmental Health Needs Survey of Aboriginal Communities in Western Australia
- Kimberley Development Commission 2001 <http://www.kdc.wa.gov.au/>
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- Ministry for Housing 2001 Report on the Regularisation of Essential Services to 26 Town Reserve Communities
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- Office of the Registrar of Indigenous Corporations 2019, Gulgagulgaganeng certificate of incorporation <https://www.oric.gov.au/>
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- WAPC 2011 State Planning Policy 3.2 - Aboriginal Settlements, Government of Western Australia
- WAPC 2019 Shire of Wyndham-East Kimberley Local Planning Strategy, Government of Western Australia
- Water and Rivers Commission 2000 Kununurra Water Reserve Draft Water Source Protection Plan
- World Wildlife Fund 2002 <https://www.worldwildlife.org/>

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# AMENDMENTS

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# Gulgagulgageng Layout Plan No.1

## Amendment No.1

**Plan Date** : 26 February 2003      **WAPC** : 15 April 2003  
**Proponent** : Department of Planning      **Endorsed**  
**Requires** : WAPC only – minor amendment  
**Endorsement**

### Reason for the Amendment

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 Gulgagulgageng Layout Plan No.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 Gulgagulgageng Layout Plan No.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.

### Approved

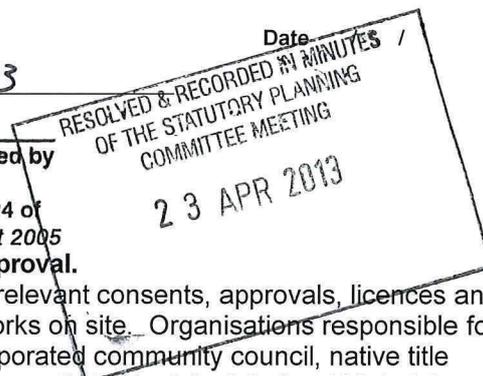
This is a minor amendment as the myriad changes made to content and illustration are of a technical nature. As such, under provision 6.14 the endorsement of the WAPC only is required.

### Western Australian Planning Commission

*please sign and print name*

 2/5/2013

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



### 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.

# Gulgagulganeng Layout Plan No. 1

## Amendment No. 2

**Proponent** : Department of Planning, Lands and Heritage

**Date** : 17<sup>th</sup> January 2020

### Reason for the Amendment

The enactment of the Shire of Wyndham-East Kimberley (SWEK) Local Planning Scheme 9 (LPS 9), gazetted on 19 February 2019, has resulted in the need to delete the 'Recommended Settlement Zone' and add the 'Settlement' zone to match the LPS 9.

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

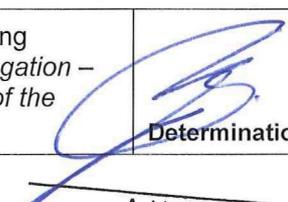
- Revising the population and housing data;
- Editing and reformatting the background report;
- Removing out of date text and references

Land Identification		Amendment description
1.	All	Delete the 'Recommended Settlement Zone'. Add 'Settlement' zone to match the SWEK LPS 9.
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 *Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.*

  
Determination

17/01/2020  
date

Ashley Randell  
Director, Regional Planning Policy  
Regional Planning  
PN: 15151

### Other Information:

**This Layout Plan does not constitute development approval.**

It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on site. Organisations responsible for such matters may include landowner, local government, incorporated community council, native title representative body, Aboriginal Cultural Materials Committee, Environmental Protection Authority and Department of Water and Environmental Regulation.