

Ngurtuwarda Layout Plan 1

Background Report

April 2017

Date endorsed by WAPC



Department of
Planning



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Community Representative Organisations

Resident community representative Organisation	:	Ngurtuwarta Aboriginal Corporation
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Acronyms

AHA	:	Aboriginal Heritage Act (WA) 1972
ATSIC	:	Aboriginal and Torres Strait Islander Commission
CR	:	Crown Reserve
HA	:	Housing Authority
DAA	:	Department of Aboriginal Affairs
DoP	:	Department of Planning
EHNS	:	Environmental Health Needs Survey
ILUA	:	Indigenous Land Use Agreement (under the Native Title Act 1993)
KRSP	:	Kimberley Regional Service Providers
LP	:	Layout Plan
MWWAC	:	Marra Worra Worra Aboriginal Corporation
NAC	:	Ngurtuwarta Aboriginal Corporation
NTA	:	Native Title Act (Commonwealth) 1993
NTRB	:	Native Title Representative Body
NCHS	:	Nindilingarri Cultural Health Services
PBC	:	Prescribed Body Corporate (under the NTA, representing native title holders)
RAESP	:	Remote Area Essential Services Program
UCL	:	Unallocated Crown Land
WAPC	:	Western Australian 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.

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, but not be limited to: the landowner; local government; incorporated community council; prescribed body corporate; Aboriginal Cultural Materials Committee; Environmental Protection Authority; Western Australian Planning Commission, and; Department of Water.

EXECUTIVE SUMMARY

The Ngurtuwarta Layout Plan 1 (LP1) has been prepared during 2016 and 2017.

The table below summarises the main issues concerning the planning, development and provision of services within Ngurtuwarta, covered in more detail in the body of this report.

Table 1 – Population Summary

Existing Population	50
Aspirational Population	100
Design Population	95

Table 2 - Place Characterisation Indicators

Indicator	Community Characteristics
Drinking water	Drinking water supply in Ngurtuwarta is not regulated. The RAESP water quality report conducted in April 2016 indicates water quality passes the Australian Drinking Water Guidelines. A Drinking Water Source Protection Plan (DWSPP) does not exist for Ngurtuwarta.
Electricity	Electricity supply in Ngurtuwarta is not regulated. The electricity supply is operated by the community organisation with repair, maintenance and capital works support provided by Marra Worra Worra Aboriginal Corporation.
Flood	The Fitzroy and Cunninghame Rivers are located east of the settlement. The community has advised flooding occurs east of the settlement and that this area is not suitable for development. There is no flood hazard study for Ngurtuwarta.
Land tenure	Lot 233 Crown Reserve 40940.
Wastewater	Wastewater service in Ngurtuwarta is not regulated. All houses are serviced by conventional septic tank and leach drain effluent disposal systems.
Emergency assistance	Emergency services are located in Fitzroy Crossing.
Education	There are no education facilities in Ngurtuwarta. Students travel to Fitzroy Crossing for primary and secondary education.
Health	A full-time health care clinic is located in Fitzroy Crossing.
Food	Fresh food shops, fuel and retail stores are located in Fitzroy Crossing.
Transport	Road access to the community is via Fitzroy Crossing – Jubilee Downs Road. Road access into the community is Four Wheel Drive access only. The nearest airstrip is located in Fitzroy Crossing.
Waste services	Waste is disposed of at the community waste transfer station, an unregulated trench which has been fenced off. Rubbish collection in the community is self-managed, with a fortnightly rubbish collection service conducted by community workers to the Fitzroy tip.
Employment & enterprise	There is an established job market in Fitzroy Crossing.
Governance	Marra Worra Worra Aboriginal Corporation, Ngurtuwarta Aboriginal Corporation.
Aboriginal heritage	No registered Native Title claim or determination.

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

The major purpose of the LP1 is to guide the growth and development of Ngurtuwarta by providing a layout of existing and future land uses in the community. The LP 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.

The LP has been prepared in consultation with the Ngurtuwarta Aboriginal Corporation to ensure that the plan reflects the community's aspirations. Technical input from a number of government and non-government agencies responsible for providing services and infrastructure to the community has also been incorporated into the plan and this report.

This Layout Plan outlines a clear and straightforward way for Ngurtuwarta to grow in a co-ordinated and efficient manner.

DEVELOPMENT PRIORITIES

The following initiatives, development and works are needed to implement LP1:

Within the next year:

1. The refurbishment of the basketball courts.
2. Develop a gravel and sand mining enterprise on Lot 233.
3. Explore tourism enterprise opportunities.

Within the next 5 years:

1. Develop a football oval.
2. Establish an arts centre.
3. Develop tourism enterprise in community with potential camping and fishing tours.
4. Establish a ranger's station.
5. Development of workers accommodation.
6. Further development of gravel and sand mining enterprise through potential leasing of land to outside commercial parties.
7. Establish an office and small community store.
8. Refurbishment of existing housing within the community and the construction of residential dwellings to meet increase in population demand.
9. Investigation of an alternative tip site within the community.
10. Preparation of a Drinking Water Source Protection Plan (DWSPP) for the community.

Within the next 10 years:

1. The construction of residential dwellings to meet increase in population demand.
2. The construction of formal roads.
3. Further establishment of industry and business within the community.
4. The construction of a youth centre within the community.

Within the next 15 years:

1. The construction of residential dwellings to meet increase in population demand
2. Review LP including population growth and trends.

Implementing the LP

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

Ngurtuwarta Aboriginal community is located in the Shire of Derby-West Kimberley approximately 12km south-west of Fitzroy Crossing, the closest regional centre to the community. Access to Fitzroy Crossing from Ngurtuwarta is via an unsealed dirt access road identified as Fitzroy Crossing-Jubilee Downs Road.

The Fitzroy River is located to the east of the community and runs north-east up to Fitzroy Crossing parallel to Fitzroy Crossing-Jubilee Downs Road. Figure 1 illustrates the location of the Ngurtuwarta community proximate to Fitzroy Crossing.

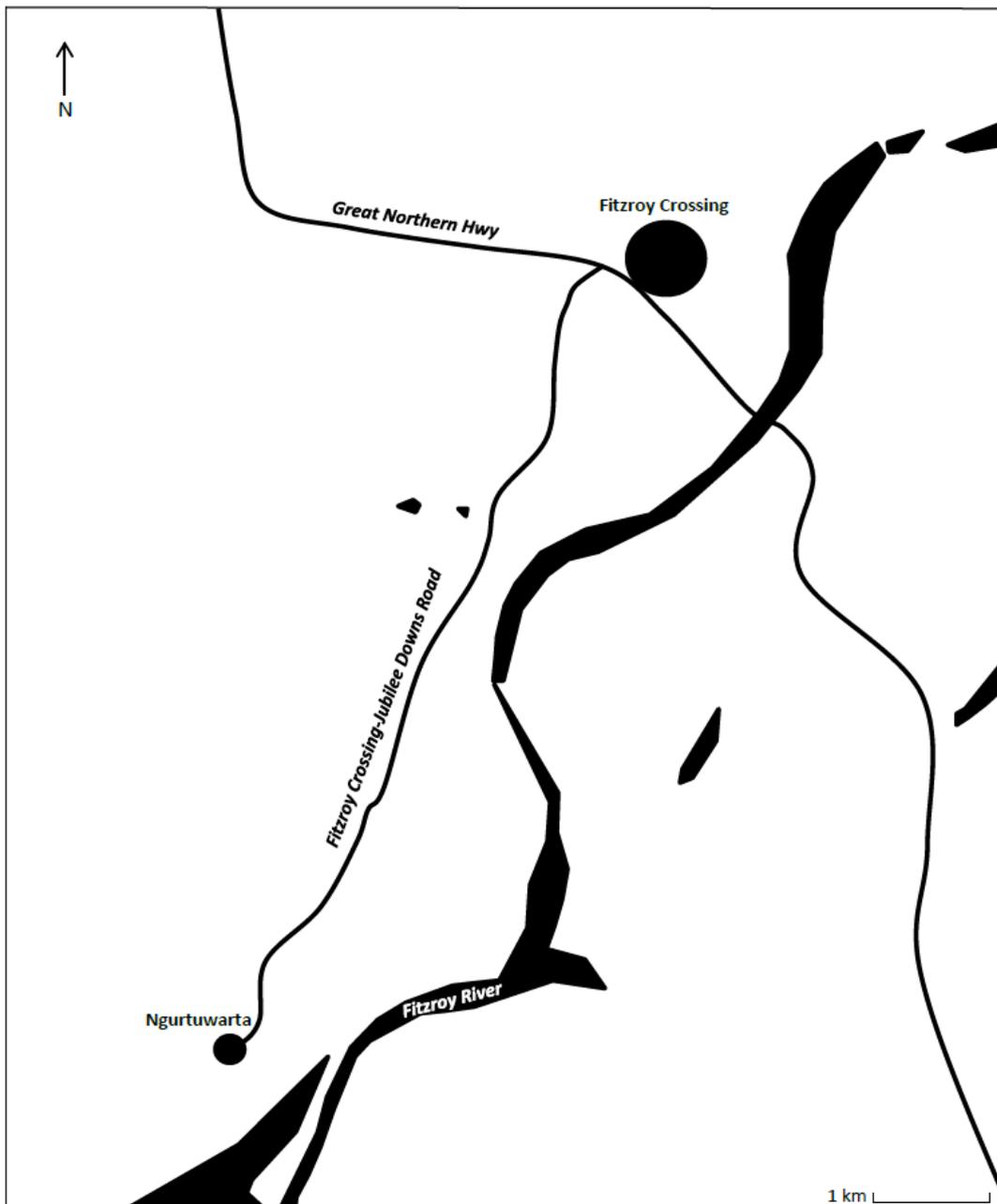


Figure 1 – Location of Ngurtuwarta proximate to Fitzroy Crossing

1.2 Climate

The climate of Fitzroy Crossing is semi-arid to arid monsoonal, with two distinct Seasons. The wet season is from December to March and the dry season is from April to November.

Maximum temperatures exceed 30 degrees Celsius for 316 days of the year and exceed 40 degrees for 74 days. Fitzroy Crossing is the nearest location to Ngurtuwarta that has climatic data available from the Bureau of Meteorology. The mean annual maximum temperature for Fitzroy Crossing is 36.1 degrees Celsius, the mean annual minimum temperature is 20.2 degrees Celsius and the mean annual rainfall is 688.5mm. Figures 2, 3, 4 illustrate the maximum temperature, minimum temperature and mean rainfall.

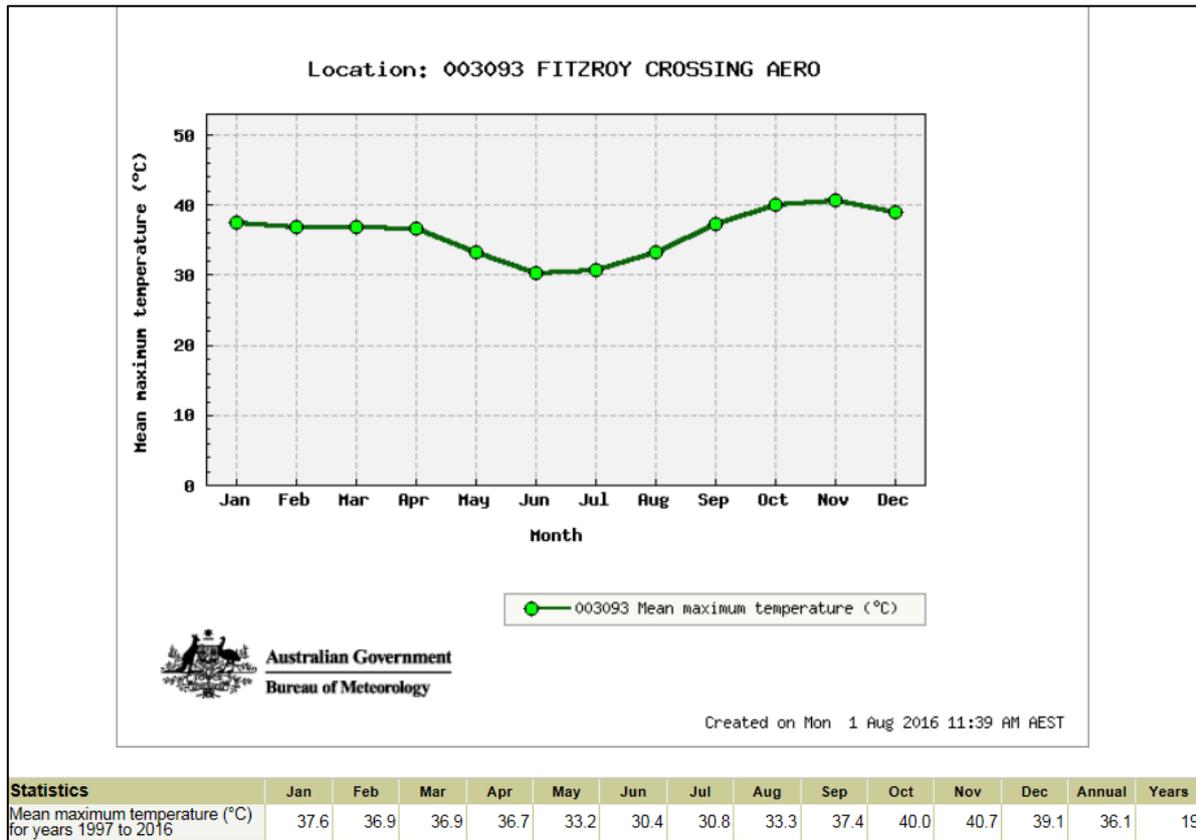


Figure 2 – Mean Maximum temperature Fitzroy Crossing

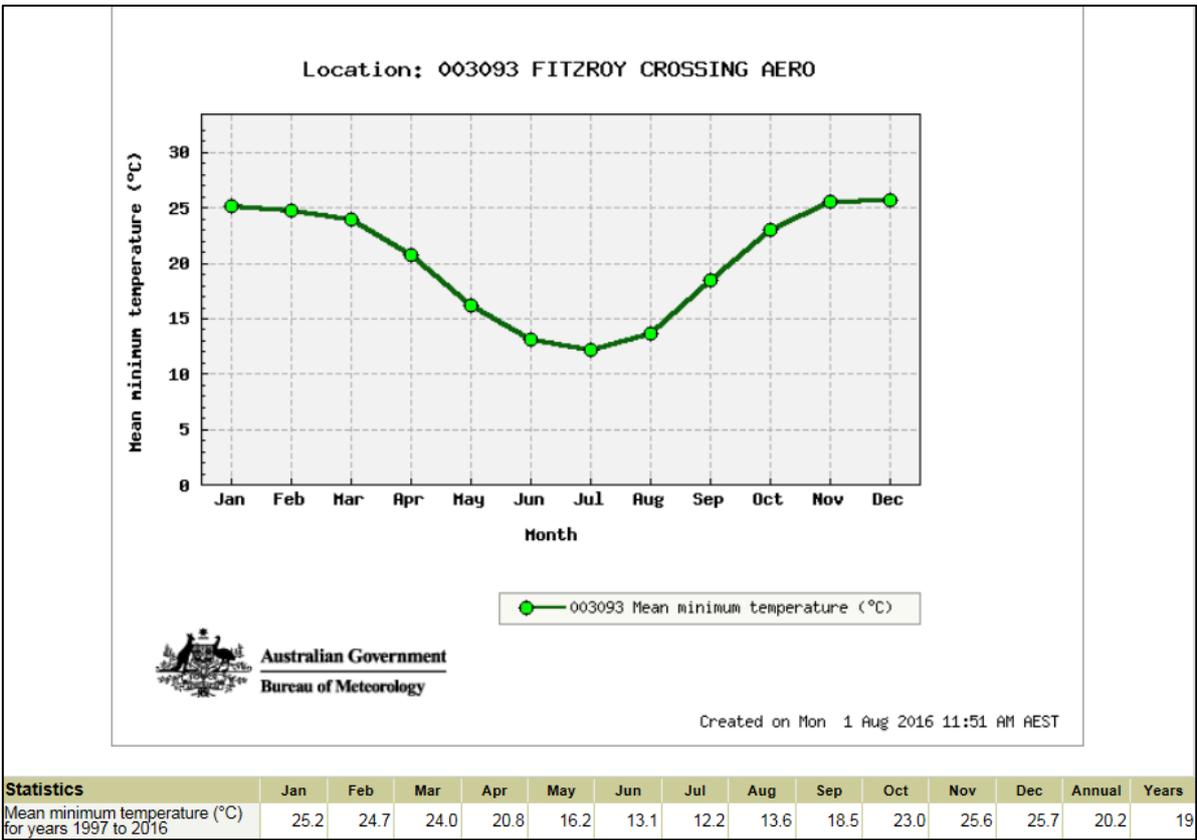


Figure 3 – Mean Minimum Temperature Fitzroy Crossing

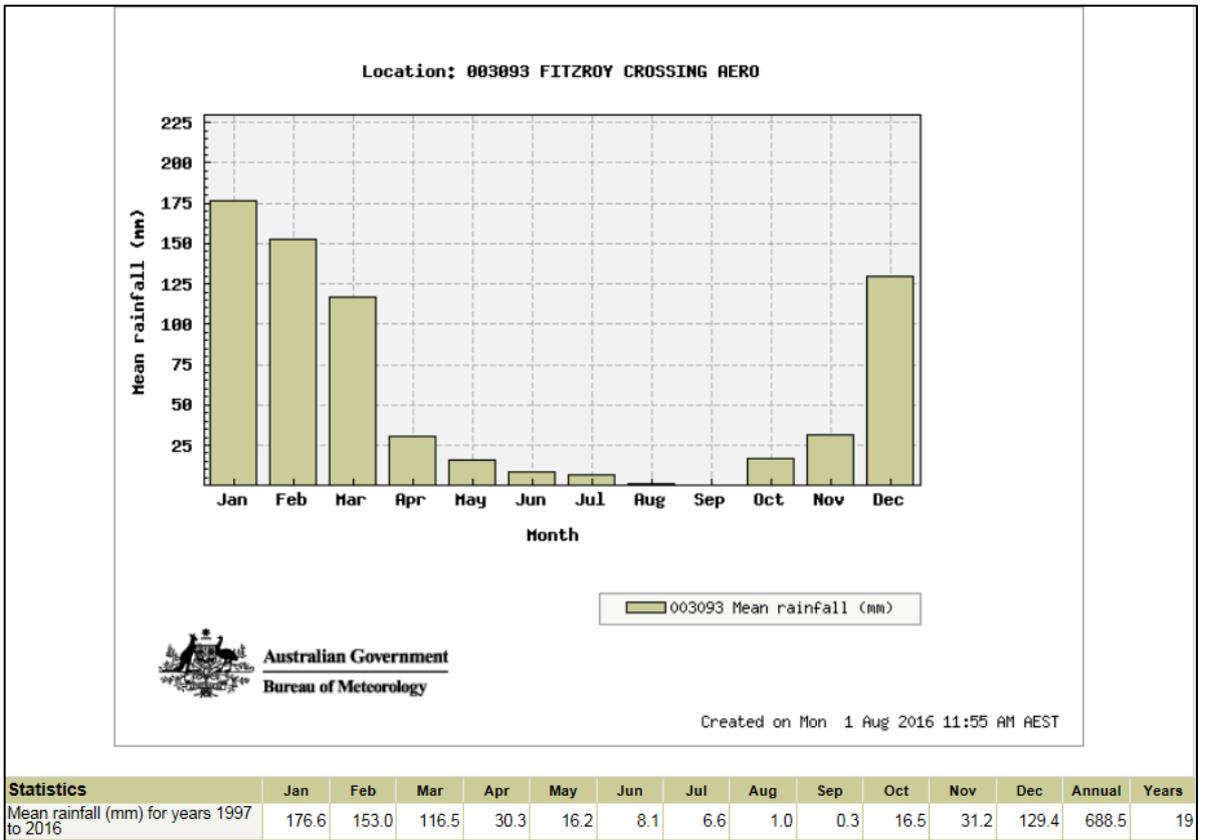


Figure 4 – Mean Rainfall Fitzroy Crossing

1.3 History

Ngurtuwarta was established in 1989 by workers of the Jubilee Downs station. The Ngurtuwarta community is made of up of predominantly Walmajarri people.

A portion of land was excised from a Pastoral lease at Jubilee Downs Station for the establishment of Ngurtuwarta. This lease commenced 1 September 1989 is registered to the Ngurtuwarta Aboriginal Corporation for a period of 99 years.

1.4 Previous LP

There is no previous LP for Ngurtuwarta.

2 COMMUNITY PROFILE

2.1 Population

Table 3 – Population Figures

Existing Population	50
Aspirational Population	100
Design Population	95

Existing Population

Estimating and predicting populations in the Fitzroy Valley 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).

The community members of Ngurtuwarta have close affiliations with other settlements in the region, including the Fitzroy Crossing town based communities, Bayulu and Wangkatjungka.

Population figures also vary depending on the time of year of enumeration, methods and sources by which data are collected. ABS data have been criticised for undercounting populations in remote communities (Memmot et al 2004).

Table 4 – Ngurtuwarta Population figures by source 1997-2008

	1997	2004	2008
Total persons	40	55	40
Source	EHNS	EHNS	EHNS

The above population figures in Table 4 are sourced from the Environmental Health Needs Survey (EHNS) undertaken by the Department of Aboriginal Affairs. These figures illustrate an inconsistent trend in the number of people residing in Ngurtuwarta.

Data sourced from the Housing Authority estimates that the current population of Ngurtuwarta is approximately 40 people. On a site visit to Ngurtuwarta conducted by the Department of Planning in August 2016 the community advised that the current population of Ngurtuwarta was 70.

There are considerable population differences between the data sources which is typical when estimating the population of remote Aboriginal settlements. Based on this information and working on an average of approximately 6 people per dwelling as a measure of current housing population density, it is considered that a more accurate current population of Ngurtuwarta is approximately 50 people.

Aspirational Population

Aspirational population refers to the resident community's expected future population in the settlement within the next 10-15 years. The community has advised that the aspirational population for Ngurtuwarta is 100 people by 2031.

A principal factor cited as a reason for the predicated increase includes Aboriginal people wanting to be on country and migrating from nearby areas such as Fitzroy Crossing, Wangkatjungka and Bayulu. Ngurtuwarta is in close proximity to Fitzroy Crossing and it has the potential for people to live on country and also receive the benefits of a well serviced town. Other reasons for the community aspiring to increase the population include: job opportunities in Fitzroy Crossing; the provision of additional services; industry growth; business opportunities, and; tourism initiatives being developed in Ngurtuwarta.

Design Population

The design population is intended to reflect the number of people the Layout Plan plans for, taking into consideration the community's aspirational population, the estimated population growth rate over the years and the servicing and physical constraints of the community.

With the desired commercial and community initiatives, and the additional housing provided by the current layout plan, it is assumed that Ngurtuwarta will be provided with an appropriate level of services over the 15 year timeframe to support expected growth. The Ngurtuwarta community has advised that there are approximately 30 people who want to move to Ngurtuwarta within the next 15 years and this could likely increase with the provision of more adequate services in the community. It is also estimated Ngurtuwarta is likely to grow by 1 extra person per year over the 15 year timeframe due to births and marriages. With a current population of approximately 50 people, this equates to a design population of 95 people by 2031.

This figure however is a reasonable estimate as it is likely the population will fluctuate due to migration to and from the community as well as natural increase from births and deaths. These figures should be re-evaluated when the LP is next updated (i.e. roughly every five years).

2.2 Governance

Ngurtuwarta is managed by the Ngurtuwarta Aboriginal Corporation (NAC) and receives administrative support from the Marra Worra Worra Aboriginal Corporation (MWWAC) in providing municipal and social services to Ngurtuwarta.

The NAC was registered on the 3/5/1989 with the Office of the Registrar of Indigenous Corporations under the *Aboriginal Councils and Associations Act 1976*.

2.3 Land Tenure

Ngurtuwarta is located on a crown reserve that comprises of a single title. This is considered an appropriate form of tender.

The community living area has one land title:

<i>Crown Land Title</i>	Reserve 40940
<i>Lot Details</i>	Lot 233
<i>Status Order / Interest</i>	Management order to the Aboriginal Lands Trust (F443927) with power to lease the whole or any portion for any term.
<i>Primary Interest Holder</i>	Aboriginal Lands Trust
<i>Area</i>	912.56ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	For the purpose of use and benefit of Aboriginal inhabitants.

There is currently a Management order for Ngurtuwarta to the Aboriginal Lands Trust (F443927) with power to lease the whole or any portion for any term. It is a Registered Lease (J643315) to Ngurtuwarta Aboriginal Corporation, commencing 1 September 1989 for 99 years.

Crown Reserve

All community housing and infrastructure is located on Lot 233. Current infrastructure in the town includes residential housing, a basketball court, a number of sheds and transportable buildings, a laundry building, cemetery, power station, bore and a rubbish tip.

2.4 Native Title

Native title issues affecting Ngurtuwarda

There are no Native Title applications or determinations that exist over Ngurtuwarda. There is however Native Title applications in the surrounding area as displayed in Figure 5.



Figure 5 – Native Title Applications and Determinations (Source: NNTT 2017)

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).

2.5 Aboriginal Heritage

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

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.

No-Go Area

The community has broadly identified one No-Go area in Ngurtuwarta located south east of the community. This area is a No-Go area for unknown cultural reasons; the community advised that no development should be conducted in this area. This was communicated during consultation, however has not been confirmed by an Aboriginal Heritage Survey (AHS) report.

Impact of Aboriginal Heritage on Urban Growth in Remote Aboriginal Communities

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

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

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

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

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 Aboriginal Affairs' (DAA) database.

The Aboriginal Heritage Inquiry System (AHIS) shows no registered heritage sites and no other heritage places in Ngurtuwarta. Consultation with the community also revealed there were no heritage sites located in Ngurtuwarta. However, within close proximity to Ngurtuwarta there are a number of registered heritage sites.

The Cunningham River (12688), the Fitzroy River (12687) Trig Hill (Alligator Hill) (13423) and Alexander Island East (12692) are all registered mythological sites. Trig Hill/Nidja (14925) is an artefacts, scatter, engraving and painting registered site and Malngirri and Maladji (13421) is a ceremonial and mythological registered site. As illustrated in Figure 6, the registered sites are concentrated in country close to the river suggesting a cultural link to water bodies.

Built Heritage

Ngurtuwarta has no built heritage sites registered under the Heritage of Western Australia Act 1990.

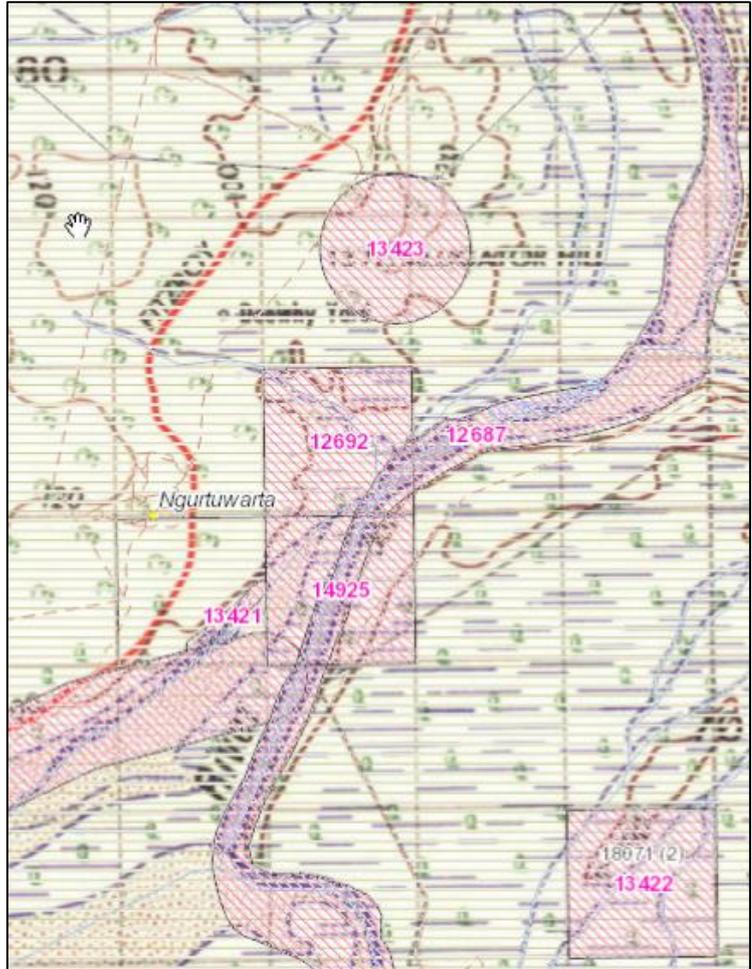


Figure 6 – Registered Heritage Sites (pink) in the Vicinity of Ngurtuwarta (Source: DAA)

2.6 Culture

Data sourced from the Fitzroy Valley Population Project database report in 2009 (Centre for Aboriginal Economic Policy Research) identifies the different language groups present in Ngurtuwarta. The most proximate language group present in the community is the Walmajarri language group but there are also people of the Nyikina, Gooniyandi, Bunuba and Gooniyandi-Walmajarri language groups present in the community. Figure 7 illustrates the language groups present in Ngurtuwarta.

A decrease in population is reported in Ngurtuwarta during the wet season, (January to March) while in the dry season, the population decreases in Gillaroong and increases in Ngurtuwarta, as the population moves back to more isolated areas.

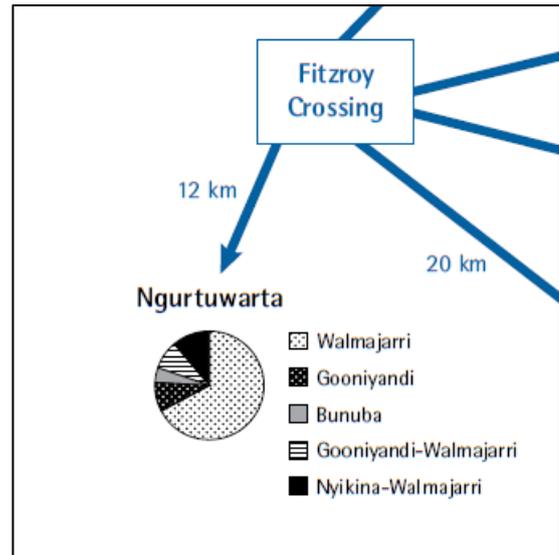


Figure 7– Language Groups Present in Ngurtuwarta (Source: CAEPR 2010)

2.7 Community Aspiration

Providing a sufficient standard of living for the current population of Ngurtuwarta and future residents is dependent on maintaining and improving the existing facilities and making sure that there is the right mix of housing and other uses.

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

The ideas for improvements to the facilities noted by the NAC when developing the Layout Plan are listed below. Not all of these aspirations can be incorporated into a LP, but have been noted as a record of a more general community improvement plan.

1. Refurbishment of the basketball courts and the establishment of a football oval and youth centre.
2. Establishment of an office, shop and day care centre.
3. Establish an arts centre.
4. Develop tourism opportunities such as camping and fishing tours.
5. Development of a mining, gravel and sand enterprise.
6. Development of workers accommodation.
7. Refurbishment of existing housing and the construction of additional housing to cater for the expected population growth.
8. Establishment of a ranger's station.

3 INFRASTRUCTURE & SERVICES

3.1 Electricity Supply

The existing power station is located on the western side of Ngurtuwarta on SL-Lot 20, and consists of two diesel generators with a total generating capacity of 60kw. The fuel is stored in a ground tank as well as a day tank. The Remote Area Essential Services Program (RAESP) Report identifies the power station and associated infrastructure to be in good condition. The power station is shown in figures 8 and 9.



Figure 8 – Ngurtuwarta Power Station

The electricity supply and distribution network is operated by the community organisation with repair, maintenance and capital works support provided by the MWWAC through the RAESP.

All residential dwellings in Ngurtuwarta are located within the 200m exclusion boundary of the power station as prescribed under Guidelines 3 of SPP 3.2 – Aboriginal Settlements. To align with the provisions outlined in Guideline 3, there are future plans to consider relocating the power station to the entry of the community on SL-Lot 53 as it is not suitably separated from incompatible land uses.



Figure 9 – Ngurtuwarta Power Station Interior

3.2 Water Supply

Ngurtuwarta's drinking water is drawn from two bores; No. 1/88 and No. 2/88 located north-west of the community on SL-Lot 10. Groundwater from the bores is pumped into an elevated water tank located on SL-Lot 12 (Figure 10) and disinfection occurs via a UV disinfection system.

The RAESP water quality report conducted in April 2016 indicates water supply infrastructure is in good order and water quality passes the Australian Drinking Water Guidelines. Guideline 3 of SPP 3.2 requires a 500m separation distance from a groundwater drinking source to land uses which could potentially cause contamination. A Drinking Water Source Protection Plan (DWSPP) has not been conducted for Ngurtuwarta. To further analyse potential risk from existing land uses, the preparation of a DWSPP is a development priority for the community within the next 5 years.



Figure 10 – The Elevated Water Tank



Figure 11 – Bore Infrastructure



Figure 12 – Bore Infrastructure

3.3 Wastewater

There is no reticulated wastewater system or wastewater pond in Ngurtuwarta. The community uses a septic tank and leach drain system in place to manage wastewater. Wastewater services repair, maintenance, quality monitoring and capital works support is provided by the MWWAC service provider through the RAESP.

In the future, a new site will be required for future wastewater ponds. Community residents have advised that the area to the east of the settlement is unsuitable for wastewater ponds due to its proximity to the river and in turn flooding issues. It is advised that at such a time as there are funds available to construct new wastewater ponds a feasibility study be carried out to determine the most appropriate site for this purpose.

3.4 Waste Transfer Station

A waste transfer station (WTS) is located west of the community on SL-lot 51, where the community dispose of waste in an unregulated, fenced, trench. The Shire of Derby-West Kimberley has advised rubbish collection for Ngurtuwarta is self-managed. There is a reliable, fortnightly, rubbish collection service conducted by community workers to the Fitzroy tip. Investigation of an alternative site within the community for the WTS within the next 5 years is critical.

3.5 Airstrip

While Ngurtuwarta does not have an airstrip, the community are able to utilise the airstrip at Fitzroy Crossing Airport, located approximately 14km north east of Ngurtuwarta. The airstrip is a 24-hour all weather sealed airstrip.

Fitzroy Crossing airport provides a Regulated Passenger Transport service in and out of Broome and Halls Head airports three times a week. The Royal Flying Doctor Service (RFDS) has used the airstrip at Fitzroy Crossing in the past and are able to utilise the airstrip at present. There is automatic pilot activated lighting to cater to the RFDS.

3.6 Internal Road Layout

There is one dedicated road, Fitzroy Crossing-Jubilee Downs Road which runs horizontal through the community and provides the community with access to Fitzroy Crossing to the north east. The Ngurtuwarta community is built around this main road with residential dwellings on either side within a circular shaped perimeter. Unsealed tracks radiate from the main settlement area to the tip site, bore fields and past the cemetery.



Figure 13 – Internal Road Layout

The informal roads present in the community can be used as a basis for construction of formal roads. Currently the roads are unsealed. During a site visit by the DoP to the community on 24 October 2016, the community residents advised of road names they wanted endorsed for the SL-road reserves, which are depicted on the LP1 map-set.

If future funding is made available, the main street should be given priority to be sealed. The current road layout is considered to adequately allow for the future growth of the community. The road layout is shown in Figure 13.

3.7 Access & Dedicated Roads

Ngurtuwarta is situated 12km south-west of Fitzroy Crossing and is accessible by the Fitzroy Crossing-Jubilee Downs Road. This is an unsealed dirt access road and only suitable for 4WD's.

The road into Ngurtuwarta is known to be seasonally cut off for a period of 2 months during the wet season. Fitzroy Crossing-Jubilee Downs road is a private road and is not maintained by the Shire of Derby-West Kimberley.

3.8 Community and Social Services

Fitzroy Crossing provides the majority of both community and social services to Ngurtuwarta such as retail, fuel, education, health and other commercial facilities.

The community has however also desired specific community and social services to be developed within the settlement. The existing and desired community and social services for Ngurtuwarta are as follows:

Workshop

The workshop is located adjacent to the power house on SL-lot 13. The workshop is used for small scale repairs, maintenance and storage of equipment.

Community Building

There is a community building located in the centre of Ngurtuwarta (SL-lot 21) which is predominately used by the women for activities such as laundry, craft, knitting and cooking. The community building is shown in Figure 14.

Day Care Centre

The community has advised of their desire for a day care centre to be located within the community to assist with employment in the community. SL-lot 22 has been set aside to accommodate this.



Figure 14– Community Building

Football Oval

There is no oval located within the community and the nearest oval is located in Fitzroy Crossing. The community has expressed the desire for an oval to be located in the community in the future and is proposed on SL-lot 36.

Youth Centre

The development of a youth centre is desired within Ngurtuwarta to engage the youth of the community, and has been proposed on SL-lot 35 adjacent to the proposed football oval.

Arts Centre

There is an arts centre in Fitzroy Crossing; however it is generally used by elder people in Ngurtuwarta. The youth of the community have expressed the desire for an art centre to be located within the settlement as such SL-lot 41 has been set aside for that purpose.

Cemetery

A cemetery is located north of the community adjacent to the former workers accommodation on SL-lot 11. The existing cemetery is located within 70m of the underground drinking water production bores on SL-lot 10. A Drinking Water Source Protection Plan will need to be prepared within the next 5 years to investigate any potential adverse health effects of the cemetery on the drinking water source.

Basketball Court

There is an existing basketball court in need of repair in Ngurtuwarta, located on SL-lot 36 within the same lot as the proposed football oval. Refurbishment of the basketball courts is a development priority for community within the next year.

3.9 Commercial Enterprises

The Ngurtuwarta community has expressed the desire to business and industry to grow in the community, and to improve employment and income through the establishment of different commercial enterprises. The following commercial enterprise is desired and has been incorporated into the Ngurtuwarta Layout Plan:

Store

The community does not have a store and have expressed the desire for a small store to be located in the community. As they would also like an office in the same approximate location, two potential sites (SL-lot 23 and 24) have been identified for the location of either use in LP1 to provide flexibility of options to the community.

Tourism Enterprises

The community has expressed the desire to improve income and employment for Ngurtuwarta through tourism initiatives such as camping and fishing tours. SL-lot 52 has been dedicated for potential tourism opportunities.

Rangers Station

The establishment of a ranger's station in Ngurtuwarta is sought to improve employment and maintenance of the community. A vacant building located on SL-lot 9, previously used for workers accommodation has been set aside for this purpose.

Mining Enterprise

The development of a mining, gravel and sand enterprise is desired within Ngurtuwarta to provide a source of employment and generate income for the community. There is an existing site at the end of Pindan Street to the western side of the community which the community have been conducting sand extraction. Expansion of this site or an alternative location is proposed for the community mining enterprise.

Workers Accommodation

There is vacant worker accommodation which is located north of the community on SL-lot 9 and shown in Figure 15. The community has expressed interest to the DoP for the current vacant workers accommodation site to be developed into a ranger's station (SL-lot 9). Existing infrastructure was cited as a key rationale for this site to be considered.

SL-lot 25 has been identified as a potential location for workers accommodation in the future.



Figure 15 – Workers Accommodation

Office

The Ngurtuwarta community has expressed interest for the establishment of an office within their community. As they would also like a store in the same approximate location, two potential sites (SL-lot 23 and 24) have been identified for the location of either use in LP1 to provide flexibility of options to the community.

4 HOUSING

4.1 Residential areas

There are currently 7 residential dwellings located in Ngurtuwarta with an estimated 6 people per dwelling.

The community has one central residential area with service infrastructure located on the perimeter of the settlement. The residential area is shown in Figures 16 and 17. The Housing Authority advises upgrades and refurbishment to existing dwellings are possible.



Figure 16 – Residential area at Ngurtuwarta

4.2 Number & type of dwellings

The Housing Authority's community profile data for Ngurtuwarta indicates the 7 dwellings are managed and funded under the NPARIH program. All dwellings are constructed from timber or steel frame with iron wall cladding. Some dwellings have wide timber verandas at the entry to the dwelling and others have timber lattice and mesh on the external areas of the dwelling.



Figure 17 – Residential dwelling



Figure 18 – Residential area at Ngurtuwarta

4.3 Future residential development

As noted in Section 2.1, the design population for Ngurtuwarta is 95 people by 2031. To achieve this population, up to 9 new houses would be required.

The Layout Plan provides for approximately 27 new residential dwellings over the next 15 years. There are 14 subdivided residential SL-Lots currently on the Layout Plan map-set, whilst a larger un-subdivided parcel of land, SL-lot 14 has been set aside for residential use should more housing be required in the future.

5 CONSTRAINTS AND LIMITATIONS

5.1 Flood Hazard

The Fitzroy River and Cunninghame River tributary is located east of the settlement.

While there is no formal flood hazard study for Ngurtuwarta, at the community meeting held with the DoP in October 2016, the community advised that flooding occurs in the eastern section of the settlement, due to the proximity to the Fitzroy River. This area should be avoided for land uses such as wastewater ponds. As well as this, the road into Ngurtuwarta becomes flooded during the wet season.

In mitigating any flood hazards and defining appropriate land for development in the future, Ngurtuwarta Layout Plan 1 has outlined a waterway in line with land contours adjacent to the Fitzroy River.

5.2 Drainage

Drainage issues following flood have been identified for the eastern portion of Ngurtuwarta, and in this regard more investigation is required. It is considered that the development of sealed roads will assist in drainage of the community living area during heavy rain.

5.3 Culturally Sensitive Areas

The community has identified one No-Go area located south east of the community, heading towards the Fitzroy River and Cunninghame River tributary. This area is a No-Go area for unknown cultural reasons and the community has advised the DoP no development is to be conducted in this area.

It is recommended that an Aboriginal Heritage Survey be carried out in the near future to clarify and formalise No-Go areas in and around the community. The No-Go area is depicted in Figure 19 and was drawn onto an aerial photo by community members during a DoP site visit to Ngurtuwarta in August 2016.



Figure 19 – No-Go Area (Marked-up aerial from a DoP site visit to Ngurtuwarta in August 2016)

5.4 Exclusion Boundaries

The objectives behind the use of exclusion boundaries within remote settlements, as described within SPP 3.2 – Aboriginal Settlements (Aboriginal Settlements Guideline 3: Layout Plan Exclusion Boundaries) are to:

- Improve the health and amenity of people living, visiting and working on Aboriginal settlements by promoting the separation of existing and proposed incompatible land use activities.
- Establish a consistent, appropriate and effective approach to the application of land use separation on layout plans.

The map-set that forms part of the Ngurtuwarta Layout Plan includes exclusion boundaries in accordance with Guideline 3. In many instances, there are incompatible uses with the prescribed exclusion boundaries. This is an indicator that existing infrastructure is poorly located and, in time, should be relocated to more suitable locations to ensure that adequate separation distances are maintained between incompatible uses. Figure 20 illustrates the land use exclusion boundaries in the draft Ngurtuwarta LP1.

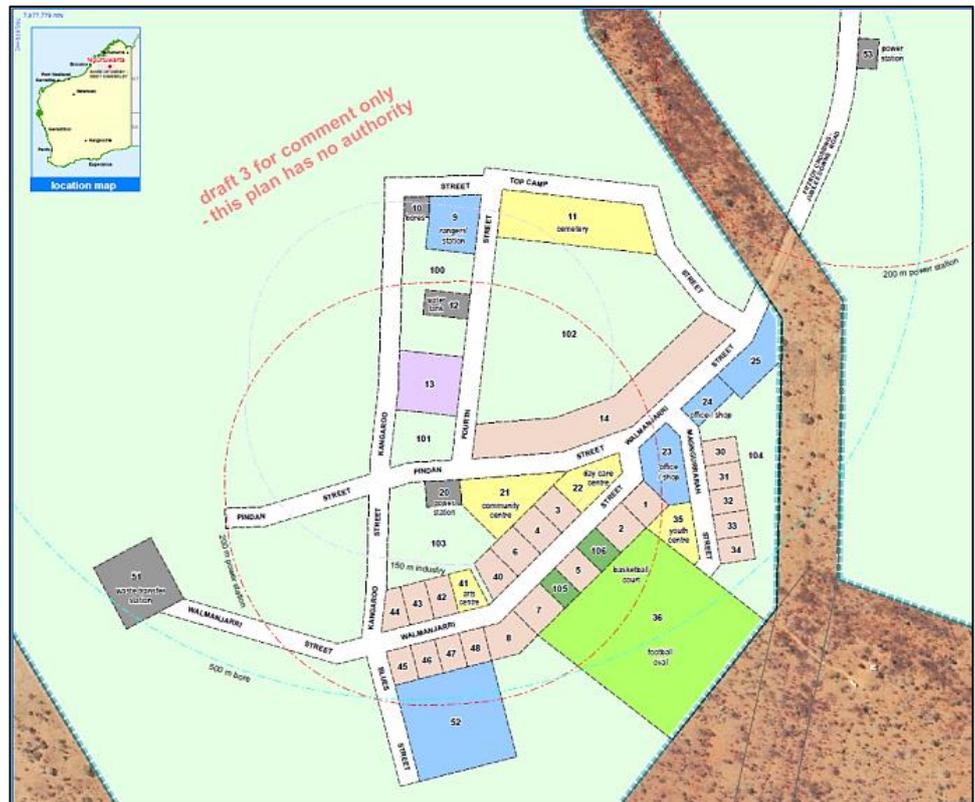


Figure 20 – Land Use Exclusion Boundaries

The table below identifies those land uses at Ngurtuwarta which include houses within the prescribed exclusion boundaries, and rectification recommendations.

Table 5 – Residential within exclusion boundaries

Existing Use	Site description/Issues	Recommendation
Power Station	All 7 houses are located within 200m of the existing power station.	A site at the entry to the community on SL-lot 53 has been identified as an appropriate location for a new power station site.
Bores	There are 7 dwellings located within 500m of the existing bore.	A Drinking Water Source Protection Plan will be required within the next 5 years to further understand the effects of locating housing close to the community drinking water supply (SL-Lot 10).
Workshop	There are 2 dwellings located within 150m of the workshop.	This is considered an appropriate location as the workshop is used for storage, small scale repairs and maintenance, which are generally not considered to have any adverse effects on health or amenity of residential properties located nearby. No changes are required.

6 PLANNING FRAMEWORK

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 account of SPPs 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 Shire of Derby West Kimberley

Shire of Derby-West Kimberley Town Planning Scheme No. 5

Ngurtuwarta is not located within the area covered by the Shire of Derby-West Kimberley Town Planning Scheme No.5.

Shire of Derby-West Kimberley Local Planning Strategy

The Shire of Derby-West Kimberley Local Planning Strategy, adopted by the Shire on the 20th September 2005 and endorsed by the Western Australian Planning Commission in April 2013 provides a vision for the growth and development of the Shire over a 10-15 year time frame.

The Strategy acknowledges the Layout Plans that have been produced for large permanent communities within the Shire. The Strategy also acknowledges that the Shire does not have the capacity to regulate provisions contained in the plans, however the incorporation of LPs into the town planning scheme by expanding the scheme area to incorporate the community areas and appropriately zoning/reserving the land would provide this regulatory capacity.

6.3 Recommended Settlement Zone

State Planning Policy 3.2 – Aboriginal Settlements provides that all Layout Plans are to define and delineate a clear and appropriate area for settlement zone.

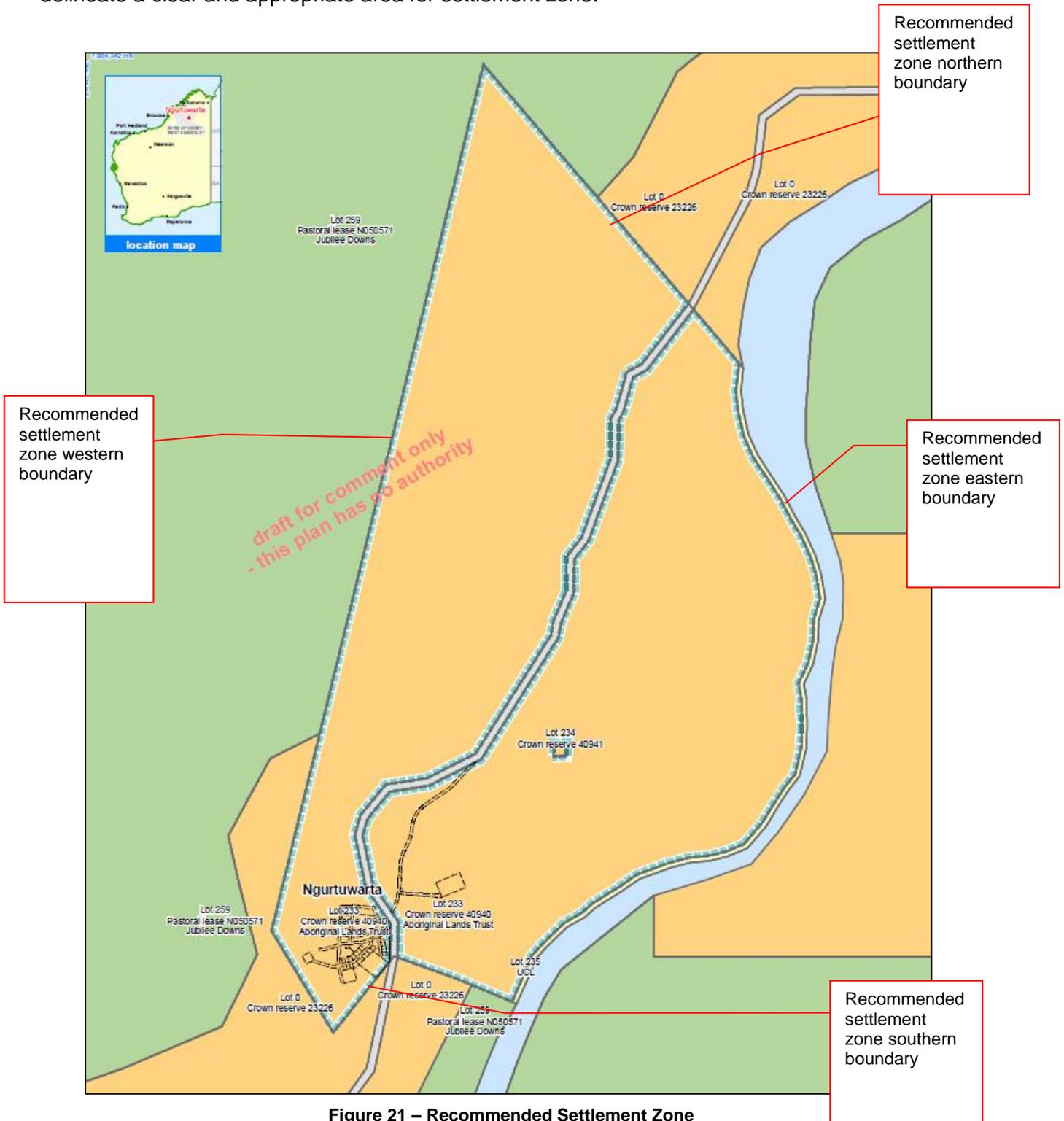


Figure 21 – Recommended Settlement Zone

The 'recommended settlement zone' (RSZ) for Ngurtuwarta as displayed in Figure 21 above is considered an suitable area commensurate with the registered lease of Lot 233, Crown Reserve 40940 to the Ngurtuwarta Aboriginal Corporation for the establishment of the Ngurtuwarta community. The RSZ is also an appropriate size to allow for expansion of the settlement. It should be noted the RSZ does not include Crown Reserve 40941 which is a reserve for a trig station.

7 ENDORSEMENTS

Ngurtuwarta Aboriginal Corporation Endorsement

LAYOUT PLAN MODEL TEXT

[Ngurtuwarta Aboriginal Corporation] Endorsement

Ngurtuwarta Layout Plan No. 1

**C/-Marra Worra Worra Aboriginal Corporation,
PO Box 35,
FITZROY CROSSING WA 6765**

The Ngurtuwarta Aboriginal Corporation (representing the community) hereby adopts the **Ngurtuwarta Layout Plan No. 1 2016** as a guide for future development within its boundaries.

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

The 24th.....Day of October.....2016

Adopted by the Ngurtuwarta Aboriginal Corporation

Anthony McLarhy

Chairperson
[Please print and sign name]

JOSEPHINE FORREST

Councillor

Emma Bear EBear

Beryl Forrest

Kristalyn Judrile

Shire of Derby-West Kimberley Endorsement

Ngurtuwarta Layout Plan No. 1

**30 Loch Street
PO Box 94
Derby 6728**

The Shire of Derby-West Kimberley hereby adopts the Ngurtuwarta Layout Plan No. 1 2016 as a basis for future growth and development within Ngurtuwarta community.

The 5th Day of April 2016

Endorsed by the Shire of Derby-West Kimberley

ELSIA ARCHER

STEPHEN GASH

Elsia Archer

Stephen Gash

Shire President
(Please print and sign name)



(Please print and sign name)

Council
Seal



Ngurtuwarta Layout Plan No. 1

140 William Street
Perth WA 6000

The Western Australian Planning Commission endorsed the Ngurtuwarta Layout Plan No. 1 as a guide for development to ensure proper and orderly planning within the community area on:

The 27 Day of April 2017



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

Authorised Officer



28/07/2017 Date

Witness

8 CONSULTATION, REFERENCES & INFORMATION

CONSULTATION SUMMARY

Preparation of this Layout Plan is the result of consultation with the community representatives and a range of agencies, authorities, non-government organisations during 2016-2017. Whilst there was continuous phone and email communication with stakeholders throughout preparation of LP1, information was obtained in person from the following sources:

Organisation	Date
Department of Sport and Recreation	19 th October 2016
Housing Authority	7 th October 2016
Marra Worra Worra Aboriginal Corporation	25 th October 2016
Ngurtuwarta Community Representatives	8 th August 2016
	24 th October 2016

REFERENCES

Centre for Aboriginal Research. 2009 *Population, People and Place: The Fitzroy Valley Population Project*. ANU College of Arts and Social Sciences.

Available at: <http://caepr.anu.edu.au/sites/default/files/Publications/WP/CAEPRWP70.pdf>

Department of Indigenous Affairs (DIA) 2004 *Environmental Health Needs Survey of Indigenous Communities in Western Australia*. Government of Western Australia. Available at: www.dia.wa.gov.au

Memmot, P. & S. Long & M. Bell & J. Taylor & D. Brown 2004 *Between Places: Indigenous Mobility in Remote and Rural Australia*. Australian Housing & Urban Research Institute, University of Queensland.

Taylor, J. 2006 *Population and Diversity: Policy Implications of Emerging Indigenous Demographic Trends*. CAEPR discussion paper No. 283/2006. ANU: Canberra.

9 AMENDMENTS
