

# Yirrallelm

## Layout Plan 1

### Background Report

September 2011

Date endorsed by WAPC



### Amendments

Amendment 1 - October 2012

Amendment 2 - January 2020



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



Western  
Australian  
Planning  
Commission

# YIRRALLELM LAYOUT PLAN 1

Yirrall elm Layout Plan No. 1 (LP1) was prepared by the former Department of Planning during 2009-2010 in partnership with Yirrall elm Aboriginal Corporation (YAC), MG Corp and OES. The layout plan was prepared with a number of other Layout Plans prepared at that time in response to the outcomes of the Ord Final Agreement and the desires of the MG Dawang Land Trust and MG Corp. MG Corp (representing the traditional owners) and Yirrall elm Community endorsed the Yirrall elm LP1.

Layout Plan 1 (LP1) was endorsed by the Shire of Wyndham-East Kimberley, on 21 June 2011 and the Western Australian Planning Commission (WAPC) endorsed the LP on 29 September 2011.

The WAPC endorsed one amendment in October 2012 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 6 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The Amendment 2 background report update sought to keep all relevant information, while removing and replacing out-of-date references and data.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.

<p>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.</p>
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## Community Contact Details

Representative Organisation	:	Yirrallalem Aboriginal Corporation
Related Organisations	:	MG Corp, MG Dawang Land Trust Pty Ltd Ord Enhancement Scheme
Community contacts	:	Helen Gerrard Yvonne Gerrard (Yirrallalem 2)

## Acronyms

AHA	:	Aboriginal Heritage Act (WA) 1972
ATSIC	:	Aboriginal and Torres Strait Islander Commission
CR	:	Crown Reserve
DoC	:	Department of Communities (Housing)
DEC	:	Department of Environment and Conservation
DIA	:	Department of Indigenous Affairs
DPLH	:	Department of Planning, Lands and Heritage
EHNS	:	Environmental Health Needs Survey
ILUA	:	Indigenous Land Use Agreement (under the Native Title Act 1993)
KDC	:	Kimberley Development Commission
KRSP	:	Kimberley Regional Service Providers
KWAC	:	Kununurra KWAC Aboriginal Corporation
LP	:	Layout Plan
MG Corp	:	Yawoorong Miriuwung Gajerrong Yirrgab Noong Dawang Aboriginal Corporation
NNTT	:	National Native Title Tribunal
NTA	:	Native Title Act (Commonwealth) 1993
NTRB	:	Native Title Representative Body
OES	:	Ord Enhancement Scheme
OFA	:	Ord Final Agreement (ILUA)
ORIA	:	Ord Irrigation Area
PBC	:	Prescribed Body Corporate (under the NTA, representing native title holders)
RAESP	:	Remote Area Essential Services Program
RDL	:	Department of Regional Development and Lands
SL-lot	:	Settlement Layout Lot
SWEK	:	Shire of Wyndham-East Kimberley
WAPC	:	Western Australia Planning Commission
YAC	:	Yirrallalem Aboriginal Corporation

### Layout Plans & the Development Process

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

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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Yirrallalm LP No. 1 (LP1) was prepared by the former Department of Planning during 2009-2010 in partnership with YAC, MG Corp and OES. LP1 is for Yirrallalm and Yirrallalm 2, as defined under the OFA.

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

**Table 1 – Population**

Design Population	:	125 (Yirrallalm and Yirrallalm 2)
Existing population	:	15
Existing Service Capacity	:	30
Aspirational Population	:	125 (Yirrallalm and Yirrallalm 2)

**Table 2 – Existing Infrastructure and Service Capacity**

Infrastructure/service	Community Characteristics
Drinking water	Yirrallalm water obtained from bore. No data available on quality or quantity. Yirrallalm 2 has no drinking water service.
Native title	The community falls within a determined native title claim (MG #1 - WAD6001/95) and a registered ILUA is in place.
Secure land holding(s)	Housing and infrastructure on Crown Reserve vested to State, but considered secure: OFA ILUA establishes that freehold to be created.
Flood / storm surge	Yirrallalm has some low lying areas that are subject to flooding. No damage to existing infrastructure occurs. Yirrallalm 2 is not subject to flooding.
Emergency assistance	Emergency services at Kununurra, approximately 20 minutes away by road.
Education	Education facilities at Kununurra, approximately 20 minutes away by road.
Health	Health facilities at Kununurra, approximately 20 minutes away by road.
Governance	Yirrallalm Aboriginal Corporation. No designated office at community.
Employment and enterprise opportunities	Potential agricultural enterprise at community and future possibilities to sub-lease. Other employment opportunities in Kununurra.
Transport	Informal unsealed road access from Packsaddle Road, legal access to be created under OFA ILUA. Can be isolated for up to 48 hours when river rises.
Food	Retail outlets at Kununurra, approximately 20 minutes away by road.
Electricity	Yirrallalm has a 35kw on-site diesel generator, with some technical support from Waringarri. Yirrallalm 2 has no electricity service.

LP No.1 plans for future expansion of the community and formalises existing infrastructure and land-uses and provides a future lot layout and road design.

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## DEVELOPMENT PRIORITIES

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The following initiatives, were developed by the community in 2010 and considered to be needed to implement LP No.1:

Within the next year:

1. Prepare a joint essential services strategy (Jimbilum, Yirrallielm and Yirrallielm 2).
2. Complete all required tenure transactions and required access easement/s.
3. As an interim measure, prior to completion of an essential services strategy (see above), install filtration system to drinking water supply.
4. Close and remediate existing rubbish tip site.
5. Classify living area as 'Settlement' in accordance with LP under town planning scheme (Shire of Wyndham-East Kimberley).

Within the next 5 years:

1. Subject to completion of a services strategy (see above), complete an assessment of the existing drinking water source and investigation / protection of future drinking water source options (if required).
2. If a new drinking water source is developed; close existing drinking water source and develop distribution infrastructure (including possible new elevated tank at a new site).
3. Subject to completion of a services strategy (see above), establish an improved level of electricity provision (either improved on-site generation at a new site or connection to the Horizon Power grid).
4. If a new electricity generation source is established, close the existing generator and remediate that site.
5. If electricity and water provision is improved, develop future residential lots (essential services connections, clear, fill and drain) and construct housing as required.
6. Replace houses on SL-lots 1, 2, 3 and 17 (requires removal of existing buildings).
7. Recognise the community in SWEK local planning instruments.

### **Implementing the LP**

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

The future growth of Yirrallielm 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 Yirrallielm Aboriginal Corporation to help bring about self support of its members, and to encourage members to manage their affairs on their own land.

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# 1 REGIONAL CONTEXT

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## 1.1 Location & Setting



Yirrallelm is in the Shire of Wyndham-East Kimberley. It is located next to Packsaddle Creek on the lower Ord River plains, approximately 25 kilometres from Kununurra.

The Ord River, known locally as *Gunanurang*, is one of Western Australia's major river systems. It has an estimated catchment of 50,000km<sup>2</sup> 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 Yirrallelm**

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 2009).

## 1.2 Regional Culture & Demography

The broader Ord River catchment area from the Bow River junction in the south to the Cambridge Gulf in the north is the country that now comprises the Miriuwung Gajerrong native title determination areas and is the traditional country of Miriuwung, Gajerrong, Doolboong, Wardenybeng and Gija peoples (FCAFC 283 [2003] & FCA 1848 [2006]).

This catchment area consists of discrete land-holding units known locally as *Dawang*. Members of a Dawang (ie traditional owners), known as *Dawawang*, are the key decision-makers about their country under customary law. In the present-day situation some decisions about country are shared and jointly managed with agencies such as the former Department of Environment and Conversation, and former Department of Water (Hill et al 2009; DoW 2009).

Traditional rights and interests in country stem from the *Ngarangani*, the creative Dreaming period, when mythical ancestors travelled the country, made the river systems and landscape and its features. During their travels they provided the framework about how the social and physical world should be (Barber & Rumley 2003).

Successive determinations of native title in 2003 and again in 2006 demonstrate the continuing strength of cultural connections to country among traditional owners in the Ord valley and catchment despite impositions associated with European settlement, pastoralism, and the extensive irrigation scheme.

Aboriginal residents comprise about half the total population of the Ord Irrigation Area (ORIA). Aboriginal population growth is largely due to natural increase rather than in-migration. This means that, on a regional level, the Aboriginal population is younger, more permanent, stable, and fairly evenly comprised of males and females. The non-Indigenous population on the other hand is more influenced by in-migration and seasonal employment and disproportionately comprised of working-aged males (KLC 2003; Taylor 2003).

Whereas the non-Indigenous population is concentrated in the Kununurra townsite, the Aboriginal population is more dispersed, with many living in smaller settlements such as Yirrallelm.

### **1.3 Regional History & Economy**

As a population, local Aboriginal peoples have been integral to the historical development of the Ord Valley and East Kimberley. Firstly as integral labour to the pastoral economy, and later by providing a permanent and stable population for the provision of a government service economy. The inundation and irrigation of traditional country for the integration of the region into a market economy was a direct but largely unrecognised cost to Miriung and Gajerrong peoples (see Skyring 2004; Redmond & Skyring 2009).

#### **Station life**

The initial occupation along the Ord River by pastoral interests from the 1880s was characterised by violence (Redmond & Skyring 2009). Aboriginal people at that time however were the only large and permanent population in the Kimberley, so by the 1920s were used as labour on stations such as Argyle Downs, Texas Downs, Lissadell and Ivanhoe. State legislation such as the *Native Administration Act 1936* (WA) bonded Aboriginal labour to pastoral leaseholders. The pastoral economy in the East Kimberley was predominantly made-up of an Aboriginal workforce until the 1970s. While this enabled many people to remain on traditional country, the workforce was paid in rations until equal wages legislation was introduced in the 1960s. This had the effect of marginalising Aboriginal people, over successive generations, from the regional economy even though their labour was integral to it (Skyring 2004; Jebb 2002).

By the mid 1950s serious consideration was being given by Federal and State governments to the development of the Ord River for irrigation purposes. The introduction of Commonwealth legislation in 1958 and 1968 saw the Federal government provide significant funding for the river's development. Construction of the Diversion Dam (ie Lake Kununurra) began in 1961 and was completed in 1963. By 1971 much of Argyle station, and other pastoral leases, had been flooded for the creation of the Ord Dam ('Lake Argyle'). Local Aboriginal people were not consulted in the planning and development of the Dam and broader irrigation area but were the population most affected by the river's development and the ensuing change to the natural environment and associated residential dislocation (Skyring 2004; see also Barber & Rumley 2003).

#### **Town life**

Kununurra townsite was established in 1960 on an excision of Ivanhoe Station on the Ord River, initially as a Water Authority centre for the irrigation project. It was gazetted as a town in 1961 and has since become the region's main administrative centre.

The period from the 1970s until the 1980s can be characterised by the increasing urbanisation of Aboriginal populations in the Ord catchment. During this period, after the introduction of equal wages legislation and the creation of the irrigation scheme, relatively large numbers of former station workers moved into centres such as Kununurra, with an associated shift away from economic engagement in the private sector to an engagement in the government sector in the form of CDEP (Taylor 2003). Nulleywah reserve, on the outskirts of the town centre, was established in the 1980s as accommodation for people who had migrated from surrounding pastoral stations.

Voting rights in local government in Western Australia were restricted until 1985 to owners and occupiers of rateable property. This had the effect of excluding most Aboriginal people in the Shire of Wyndham-East Kimberley from local representation as Aboriginal people have generally lived on non-rateable land (Rumley H. & D. 1988).

There was no formal land-use planning of the Nulleywah reserve in Kununurra until the first layout plan was prepared as late as 1997 (Connell Wagner 2002). Poor living conditions in town spurred some Miriung and Gajerrong family groups in the 1980s to establish camps and living areas at locations away from the town but within proximity to town services.

### **Community life**

The site of the existing Yirrallim settlement began as a seasonal campsite in the 1980s. The first house was built in the 1990s. As with other Miriung Gajerrong settlements, the seasonal campsite offered space away from town life. Yirrallim residents see the location of the community, being both remote but within a 20 minute drive of the services provided by Kununurra, as a strength. Living at the settlement is also cheaper than in Kununurra with regard to rent, and is conducive to maintaining culture.

As is detailed below, the creation of community living areas for most Miriung Gajerrong settlements has been formalised through the native title process under the Ord Final Agreement in 2006. This is the situation with regard to Yirrallim as well.

## **1.4 Native Title**

### **Native title issues affecting Yirrallim**

Yirrallim settlement falls within the Miriung Gajerrong #1 native title determination area and is principally comprised of native title holders.

The application for determination of native title by Miriung Gajerrong peoples comprised two claim areas, Miriung Gajerrong #1 (WAD6001/95) (MG #1) and Miriung Gajerrong #4 (WAD124/04) (MG #4). The two combined determination areas total approximately 14,000 sq km.

The native title holders referred to in this report refer to both determination areas. Separate PBCs exist for MG #1 and MG #4 determinations respectively.

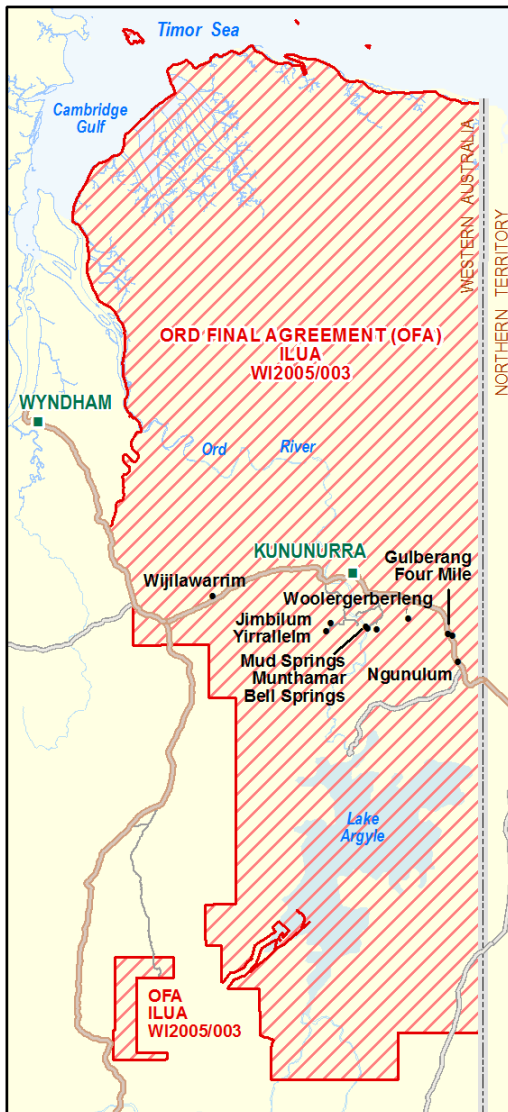
### **Ord Final Agreement**

Yirrallim falls within the Ord Final Agreement area, which is an 'area agreement' ILUA under the NTA and resolves native title issues associated with both the MG #1 MG #4 determination areas. The ILUA, commonly referred to as the 'OFA' or 'Ord Stage 2 Agreement', was registered with the National Native Title Tribunal in August 2006.

The area subject to the OFA is shown in the map on the following page.

Key features of the OFA include:

- Recognition of Miriung and Gajerrong peoples as the traditional owners for Kununurra and surrounding areas;
- The State's acquisition of 65,000ha of land for agricultural, residential and industrial development of Ord Stage 2;
- The creation of six new conservation parks and their joint management with DEC. The parks are held under freehold title by MG Corp and leased to the State;
- Clarification and agreement as to instances where native title is extinguished (including the granting of freehold titles) and where native title is not extinguished;



- The establishment of the Ord Enhancement Scheme (OES), to redress social, cultural and economic impacts that development of Ord Stage 1 has had on Miriung and Gajerrong peoples, including the flooding of traditional country to create Lake Argyle and associated displacement of people;
- The creation of a 50,000ha freehold title (Yardungarrl) and 19 Community Living Areas.

The production of LP No.1 in collaboration with the Yirrallim community is therefore an indirect outcome of the broader native title process and the OFA.

**Figure 2 - Area subject to Ord Final Agreement & location of settlements**

#### 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 rights and interests in land 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 freehold or a crown lease. Rather it is the recognition of pre-existing rights and interests in country. Traditional rights and interests in country may co-exist with other non-Indigenous interests in some instances.

Under the NTA, native title holders and registered claimants are entitled to the right to negotiate regarding proposed future acts which may affect claimed or held native title. Examples of future acts which may affect native title rights and interests include mining exploration, the construction of public works (such as public housing), and the granting of certain forms of land tenure (such as freehold).

Also under the NTA, agreements called ILUAs can be entered into to clarify, eg, future acts that will not extinguish native title or how traditional owners are to be compensated for the extinguishment of traditional rights and interests.

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



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## 2 COMMUNITY PROFILE

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### 2.1 Population

Estimating and predicting populations in Aboriginal communities is difficult because Aboriginal people tend to be mobile in terms of housing and living arrangements. Populations can increase and decrease quite rapidly based on family, cultural or administrative factors (eg. Taylor 2003; Morphy 2010). The residents of Yirrallalm have close affiliations with other settlements in the MG Determination Area and there are regular movements of people throughout the region.

The Australian Bureau of Statistics has advised that recent census data for Yirrallalm is unavailable as the settlement was not included as a discrete collector district in the 2001, 2006, 2011 or 2016 censuses. The only known published population estimate for Yirrallalm is from the Environmental Health Needs Survey (EHNS) undertaken by the former Department of Indigenous Affairs in 1997 and 2008. These are:

Population of Yirrallalm	1997 EHNS	2008 EHNS
Total persons	11	20

A key source of population data is from the community itself. Community members advised that the usual permanent population of Yirrallalm is around 15 people.

Based on the available data, the population of Yirrallalm is estimated to be 15 people.

#### **Aspirational population**

Aspirational population refers to the future population as desired by YAC.

At the time of consultation, YAC representatives advised that approximately 75 people would be the ideal future population of Yirrallalm. There were about 50 members of their extended family who lived in Kununurra and elsewhere, but who would relocate to Yirrallalm if sufficient housing were available. Including the existing population, the aspirational population for Yirrallalm is about 75 people.

YAC representatives advised that Yirrallalm 2 is planned to develop into an independent settlement with up to 10 houses required to accommodate the future population. Based on 10 houses and an average occupancy of 5 people per house, the aspirational population of Yirrallalm 2 is about 50 people.

The total aspirational population for Yirrallalm and Yirrallalm 2 is 125 people.

#### **Existing Service Capacity**

Urban growth at Yirrallalm is constrained by the existing level of essential services available at the settlement. It is estimated that the existing electricity generation capacity could service up to 30 people. (see section 3)

Drinking water quantity and quality is unknown. (see section 3)

The risk of contaminating the existing drinking water source is very high, as all existing houses, a diesel power-house and a rubbish tip at Yirrallalm are very close to the drinking water source. Additional housing will increase the risk of contamination to the settlement's drinking water supply. (see section 3)

The total existing services capacity population for Yirrallalm is 30 people.

### **Design population**

Design population means the number of residents that the LP plans for. The design population takes into consideration the community's aspirational population, available population growth data, and the servicing and physical constraints.

One of the objectives of the LP is to ensure that community residents are provided with an appropriate level of services and housing throughout the 15 year time frame of the LP, by coordinating infrastructure provision with population growth.

It is considered that the population of Yirrallalm is likely to increase through natural growth, and migration to the settlement will remain- regardless of servicing constraints. It is therefore necessary to plan for a degree of urban growth over the 15 year timeframe of the LP. Should the level of essential services provided to residents at Yirrallalm be improved (especially improved drinking water and electricity services), it may be possible for the aspirational population to be accommodated at the settlement with an appropriate level of servicing.

The total design population for Yirrallalm and Yirrallalm 2 is 125 people.

## **2.2 Governance & Representation**

Over time Miriuwung and Gajerrong peoples have developed their own sophisticated formal governance structures, at various spatial scales to assist with the delivery of services and local representation.

The various governance structures that affect the planning and development of Yirrallalm are summarised below.

### **Incorporated Community**

The community is managed through its incorporated body - Yirrallalm Aboriginal Corporation (YAC). YAC was incorporated under the Aboriginal Councils and Associations Act 1976 in 1990.

The aims of YAC are as follows:

- a. establish vegetable, mango and banana orchards at the community;
- b. receive and spend grants of money from the Government of the Commonwealth or of the State or from other source;
- c. establish health living areas on our traditional country;
- d. support the social development of its member in all ways;
- e. help bring about the self support of its members by the development of economic projects and industries;
- f. help and encourage members to manage their affairs on their own land; and
- g. support education, job training, health services, work and housing for its members.

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

### **Dawang Council**

The 16 Dawang that comprise the traditional lands of Miriuwung Gajerrong peoples are represented by an over-arching Dawang Council. Membership of the Dawang Council is regulated under the incorporated rulebook of MG Corp.

## MG Corp

At a broader governance level, MG Corp acts in trust on behalf of all MG native title holders to ensure compliance with its obligations under the Ord Final Agreement including those relating to community living areas.

MG Corp was incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* in 2006 and its constitution was subsequently amended in 2008.

Although membership to MG Corp is limited to native title holders, MG Corp is not a native title prescribed body corporate. However MG Corp has the authority to assist MG peoples in relation to planning, management and use of traditional lands.

MG Corp (or a subsidiary entity of MG Corp such as MG Dawang Land Pty Ltd) may hold titles to land transferred under the OFA, though this is not the situation with regard to land holdings at Yirrallalm.

## Ord Enhancement Scheme

The Ord Enhancement Scheme (OES) is an outcome of the OFA and is a partnership between MG Corp and the State Government through the Kimberley Development Commission. The purpose of the OES is to address the negative social and economic impacts that Stage 1 of the irrigation scheme has had on Miriung and Gajerrong peoples (see KLC 2004).

The OES Management Committee is jointly appointed by the State and MG Corp.

LP No. 1 is prepared for Yirrallalm at the request of the OES and by way of a Memorandum of Understanding between the OES and Western Australian Planning Commission.

## 2.3 Land Tenure

Yirrallalm is located on three land titles. A summary of the details of these land parcel follows:

<i>Tenure</i>	Fee Simple (Freehold)
<i>Lot details</i>	Lot 936 on Deposited Plan 35245
<i>Certificate of Title</i>	2785/829
<i>Registered Proprietor</i>	MG Dawang Land Pty Ltd
<i>Area</i>	25.20 ha

<i>Tenure</i>	Fee Simple (Freehold)
<i>Lot details</i>	Lot 937 on Deposited Plan 35246
<i>Certificate of Title</i>	2785/827
<i>Registered Proprietor</i>	MG Dawang Land Pty Ltd
<i>Area</i>	20.51 ha

<i>Tenure</i>	Fee Simple (Freehold)
<i>Lot details</i>	Lot 5012 on Deposited Plan 406531
<i>Certificate of Title</i>	2924/794
<i>Registered Proprietor</i>	MG Dawang Land Pty Ltd
<i>Area</i>	716.93 ha

Clause 43 of the OFA provided for the creation of Community Living Areas (CLA) for a number of settlements in the MG Determination Area, including Yirrallalm. Clause 43.2(B) required the State to amend Reserve 35289 to excise CLAs for Yirrallalm 1, Yirrallalm 2 and Jimbilum. Upon preparation of suitable deposited plans (and surveys if required), the State agreed to transfer these CLAs as separate freehold titles to MG Corp. Lot 5012 was also transferred to MG Corp.

CLAs for Yirrallalm (Lot 936 on Deposited Plan 35246) and Yirrallalm 2 (Lot 937 on Deposited Plan 35247) were surveyed and lodged with Landgate in 2001. Lot 936 has an area of 25.2ha. Lot 937 has an area of 20.5ha. The size of Lots 936 and 937 and the associated Lot 5012 is sufficient to accommodate current and future infrastructure at Yirrallalm. There is a 20m wide access easement extending from Lot 859 to Packsaddle Road on lot 5012. This access easement provides a legal means of access to the settlement.

## **2.4 Aboriginal Heritage**

Notwithstanding the text box on the following page, the summary of heritage matters derives from discussion with community representatives 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 advised that there are cultural areas in the broad vicinity, but these are not in immediate proximity to proposed residential growth and 'No-Go' areas are not included on the plan.

### **Registered Sites**

There are no registered sites and 2 other lodged heritage places (IDs 12529 and 12577) in the vicinity of the Yirrallalm settlement, as of November 2019.

Both of these heritage places sites are closed and information is restricted to the general public. The sites are mythical in nature, meaning that they relate to the creation of country under customary law.

Any future development at the community, including implementing LP No.1, should therefore be undertaken in consultation with the community and MG Corp on behalf of the native title holders to ensure adequate avoidance of sites.

### **Historic Heritage**

As of November 2019, it does not appear that there are any places of historic heritage that are registered on either the Shire of Wyndham-East Kimberley's heritage list or the State Heritage Register.

An unoccupied and over-grown ruined corrugated iron dwelling exists at the site of a former camp, to the east of the existing settlement. The location of the ruin is in proximity to SL-lots 8 and 9.

A grave and a bough shelter are in fenced enclosures south of Yirrallalm Road.

It has not been ascertained whether this ruin should be retained. The community should be consulted prior to development of future residential lots in this area.

### Impact of Aboriginal Heritage on Development of Settlements

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

The presence of an Aboriginal site places restrictions on what can be done to the land. Under the AHA it is an offence for anyone to excavate, damage, destroy, conceal or in any way alter an Aboriginal site without obtaining the appropriate approvals. This applies to the development of Aboriginal settlements as it does any other type of settlement. Investigation whether there is an Aboriginal heritage site on the land must be undertaken prior to development or works, and may require a heritage survey or clearance.

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

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

## 2.5 Community Aspirations

The ideas for improvements to the facilities were noted by the Yirralllelm community when the Layout Plan was developed in 2010, and are listed below. Where possible, these have been incorporated into the recommended program of works for the LP. Others that cannot be implemented as part of the LP have been noted as a record of a more general community improvement plan.

1. Enough houses at Yirralllelm to house about 75 people.
2. Enough houses at Yirralllelm 2 to house about 50 people.
3. Provide playgrounds and park areas for recreation.
4. Provide vegetable gardens.
5. Seal access roads to community.
6. No tourism at community.

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## 3 EXISTING INFRASTRUCTURE & SERVICES

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### 3.1 Housing

#### Existing Situation



Figure 3 - Burnt shack on SL-lot 3

At the time of consultation, there were two habitable houses at Yirrallelm and three burnt-out shacks, which were destroyed in a bushfire in 2008. Both of the habitable houses were currently occupied.

Based on 2 habitable dwellings at Yirrallelm and a usual permanent population of 15 people, the average number of residents per house is 7.5.

### 3.2 Water Supply



Figure 4 - Settlement's drinking water infrastructure on SL-lot 22

Yirrallelm obtains its drinking water from a bore located 40m west of the nearest dwelling, on SL-lot 22.

Yirrallelm was not included in the audit of water supply infrastructure conducted by the former Department of Water in 2008 for Indigenous communities in the Ord Valley. There is a lack of data on water quality and quantity, and it is not therefore possible to determine whether the existing drinking water supply is adequate for the existing and design population for Yirrallelm.

The bore is not suitably separated from incompatible land uses and is therefore at risk of contamination. The WAPC 'Aboriginal Settlements Guideline 3: Layout Plan Exclusion Boundaries' policy 2012 recommends a 500m buffer for groundwater drinking water sources.

The power station, dwellings and rubbish tip are all located within 500m of the bore at Yirrallelm, and are therefore at risk of contaminating the settlement's drinking water supply.

Notwithstanding its unsuitable location, the drinking water bore and water storage tank are in a fenced compound which appears to be in good condition.



### 3.3 Electricity Supply



**Figure 5 - Yirrallelm's diesel power generator on SL-lot 8**

Yirrallelm is located within the Kununurra Electricity Licence Area, for which Horizon Power is the licenced electricity supplier. The settlement is not connected to the reticulated grid, and residents are responsible for provision of their own electricity.

Yirrallelm obtains its power supply from two diesel generators with a combined capacity of 35kw located approximately 100m north east of the nearest residence. The generators are housed in a lockable shed, within a fenced compound. Distribution is via overhead mains (not shown on plans as no survey data was available), with 4 houses and the water tank being connected (Horizon Power 2008).

The power generator is not suitably separated from sensitive land uses. The WAPC 'Aboriginal Settlements Guideline 3: Layout Plan Exclusion Boundaries' policy 2012 recommends that power stations be separated from sensitive land uses such as residential by at least 200m. In the case of Yirrallelm, two houses are located within this buffer area, with the closest house being 100m away. This has the potential to significantly reduce residential amenity and negatively impact on public health through exposure to excessive noise levels and exhaust plumes.

The existing electricity supply infrastructure appears to be sufficient for a total population of up to 30 people. However, the capacity of the existing generator is unlikely to be sufficient for the settlement's design population.

### 3.4 Wastewater

Yirrallelm disposes of its wastewater via septic tanks and leach drains. Community members raised no major issue with this system. KWAC provides some assistance with maintenance of the sewer disposal systems.

### Municipal Services

### 3.5 Flooding & Drainage

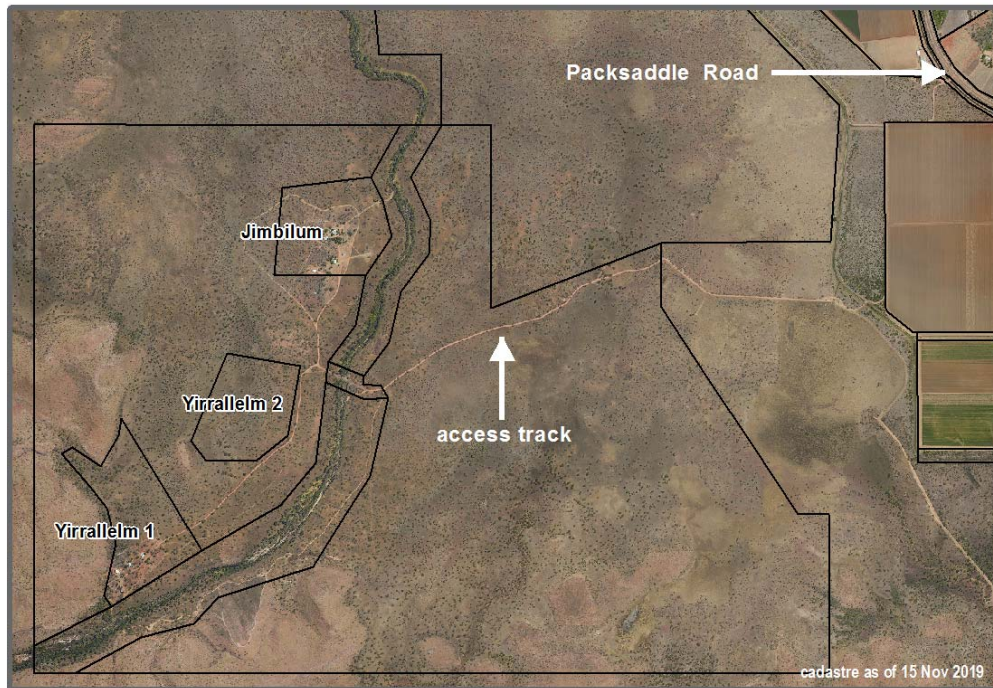
Yirrallelm is located on the edge of the Packsaddle Creek floodplain and is subject to occasional flooding during the wet season. The LP Living Area plan shows the approximate extent of the highwater mark of Packsaddle Creek after prolonged rain.

The houses are located in an elevated area and the community advises of no previous damage to housing or infrastructure. There is no formal drainage infrastructure at the settlement.

### 3.6 Access & Dedicated Roads

Road access to Yirrallelm is via a track which connects the settlement with Packsaddle Road (a gazetted and constructed public road). The access track is not a gazetted public road, however there are a number of 20m wide access easements to facilitate access.

The access track is unsealed and has a compacted gravel surface. As it is not a gazetted public road, the Shire of Wyndham - East Kimberley is not responsible for its maintenance. Residents advised that KWAC has previously provided assistance with the grading of the track.



**Figure 6 - Map showing access track to Yirrallalm and proximity to Packsaddle Creek**

The track is mostly used by residents of Yirrallalm and Jimbilum. Residents advised that the track is also used by the general public to access popular camping areas around Packsaddle Falls.



The track has historically been unpassable at its intersection with Packsaddle Creek, with access being disrupted for periods of up to a few consecutive weeks. A causeway over the creek has recently been constructed which effectively provides year-round access.

**Figure 7 - Drainage culverts and causeway over Packsaddle Creek**

### **3.7 Internal Road Layout**

The internal road layout of Yirrallalm is comprised of the access road into the settlement from Packsaddle Road (compacted gravel) and a number of informal tracks leading to dwellings and community infrastructure.

The layout plan proposes to rationalise the existing tracks into a simple road layout featuring one main east-west running access road to service the future residential area and one north-south running to provide access to the bore and existing housing area.

This road system is based on well-used tracks which can be used as a basis for the construction of future roads. The proposed road network also takes into consideration future service alignments and existing drainage lines.

### **3.8 Rubbish Disposal**

Yirrallelm's rubbish is collected by KWAC on a fortnightly basis. When required, community members also dispose of their own rubbish at the community and in the licensed rubbish tip in Kununurra. The existing rubbish tip should be closed and remediated to reduce risk to the settlement's drinking water supply.

SL-lot 20 on lot 5012 is allocated for a waste transfer station purpose for shared use by Jimbilum and Yirrallelm for bulky and hazardous items to be held, pending transfer to the Kununurra rubbish tip.

### **3.9 Community Services**

Residents of Yirrallelm generally commute to Kununurra for community services such as education and health care, as well as commercial activities such as retail and banking.

There is no designated office at the community but is provided for in the future as SL-lot 18 on the LP.

### **3.10 Commercial Enterprise**

There are no commercial enterprises at the community at present, but there are opportunities for agriculture/horticulture enterprises and sub-leasing arrangements in future.

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## **4 RECOMMENDATIONS**

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### **4.1 Essential & Municipal Service Delivery**

There is a lack of clarity with regard to which agency or agencies are responsible for funding and delivery of essential and municipal services to MG Corp communities.

Implementing the layout plan will be difficult until such time that specific agencies are identified for, for example, the funding of drinking water analysis and protection, sealing of roads, and reticulation of power and wastewater.

In normal circumstances municipal services in townsites (such as the maintenance of access roads and collection of rubbish) would be undertaken by local government. Larger remote Aboriginal communities with a population greater than 50 permanent residents generally fall within the Remote Area Essential Service Program (RAESP) managed by the Department of Communities (Housing). The smaller MG communities fall outside of these two categories.

It is recommended that an implementation plan be prepared by MG Corp to establish which agencies (if any) have current responsibility for the delivery of essential and municipal services.

The implementation plan should address whether agencies such as local government and/or KWAC have the potential to become essential and/or municipal essential service providers to MG communities and identify what the recurrent funding source would be.

Yirrallelm 2 has no existing services and all reference to existing services refers to Yirrallelm only.

SL-lot 20 on lot 5012 is allocated for a waste transfer station purpose for shared use by Jimbilum and Yirrallelm for bulky and hazardous items to be held, pending transfer to the Kununurra rubbish tip.

### **4.2 Joint Essential Service Infrastructure**

The proximity of Yirrallelm 1 & 2 to Jimbilum provides an opportunity for the sharing of essential service infrastructure. The LP identifies sites for a future power station, waste transfer station and drinking water exploration area. All sites are suitably separated from incompatible land uses.

### **4.3 Drinking water source**

The unknown quality and quantity of the existing drinking water supply at Yirrallelm may limit the potential growth of the settlement in the future. It is therefore recommended that appropriate analysis of the settlement's drinking water supply occurs, in order to determine compliance with the Australian Drinking Water Guidelines and whether the sustainable yield meets current and projected usage levels. This should occur prior to any significant investment at Yirrallelm or Yirrallelm 2 in the future.

An assessment of the drinking water supply could be undertaken as part of the preparation of a Drinking Water Source Protection Plan (DWSP) for Yirrallelm. In order to ensure that existing and future drinking water supplies are appropriately protected, a DWSP should be prepared by the appropriate agency. Such a plan would incorporate monitoring and maintenance requirements, estimates of groundwater flow directions, estimation of aquifer resources, likely zones of influence of production bores and an assessment of the potential for contaminants to impact water supplies.

DWSPs also define areas of land within which land uses are restricted in order to protect drinking water that is harvested within that area, and are based on hydrological analysis of the particular circumstances of the water source and the settlement/s it serves.

It is acknowledged that analysis of the existing water supply or the preparation of a DWSPP is unlikely in the immediate future, given that no agency has responsibility for the provision of essential services to Yirrallalm. As an interim measure it is recommended that a functioning water treatment/filtration system be provided at Yirrallalm to address the issue of sediment in the drinking water, and that the bore be connected to the reticulated power to ensure a reliable and year-round drinking water supply.

If a new drinking water source is developed, it is considered appropriate that an additional elevated water tank be developed to improve the holding capacity and pressure of the water supply to Yirrallalm. It is considered appropriate to develop an additional elevated water tank site on lot 5012, between lots 936 and 937. This site is considered to be appropriate because it is separated from residential land and is on an existing road.

#### **4.4 Electricity Supply**

The future growth of Yirrallalm and Yirrallalm 2 is largely contingent on the upgrading of the settlement's power supply. The capacity of the existing 35kw generator is not sufficient for the design population and its proximity to sensitive land uses is considered to represent a public health risk.

Options for upgrading the settlement's power supply are; increase on-site generation capacity, or connect to the Horizon Power grid.

If Yirrallalm is to be connected to the reticulated town grid, the existing generator should be decommissioned and the site remediated.

Should Yirrallalm require an increased on-site generation capacity it is considered appropriate to develop a new power-house site on lot 5012, between lots 936 and 937. This site is considered to be appropriate because it is separated from residential land, on an existing road, away from the existing drinking water bores and is on an existing road.

#### **4.5 Future Housing**

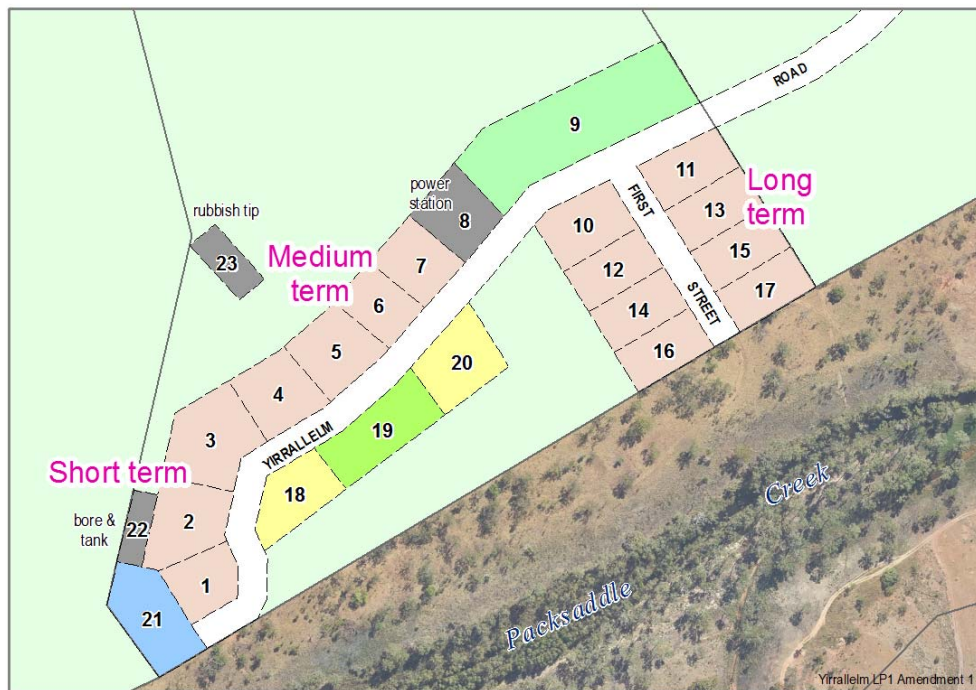
Based on a residential density of five people per house, Yirrallalm would require 15 houses in total to accommodate the *design and aspirational* population of 75 residents. The LP plans for 15 residential SL-lots in total.

There are a limited number of suitable locations for future housing at Yirrallalm due to the existence of numerous physical constraints at the settlement. The southern portion of the settlement is constrained by Packsaddle Creek and associated high water mark, the west is constrained by a hilly incline, the east is constrained by a proposed land tenure boundary, and the north is constrained by the existence of cultural sites.



It is recommended that the provision of housing at Yirrallalm be prioritised in the following manner:

- Short term - SL-lots 1, 2 and 3 are suitable for immediate construction of housing, subject to removal of the burnt shacks;
- Medium term – SL-lots 4, 5, 6 and 7 should be developed only after the settlement is connected to the town's power supply and the existing diesel generator supply on SL-lot 8 is closed and the site is remediated.
- Long term - SL-lots 10-17 can be developed only after the diesel power supply on SL-lot 8 is closed and the site is remediated. The suitability of this area for future housing requires further investigation and may require flood mitigation measures installed to reduce risk associated with the high water mark. The LP should be amended prior to this occurring to accommodate an appropriate lot design.



**Figure 8 - Future Housing Development in immediate, medium and long term**

LP1 includes a plan for Yirrallalm 2, showing the 10 residential SL-lots required to accommodate the aspirational population of 50 people.

#### 4.6 Road layout

The road layout depicted in the LP generally reflects the simple settlement layout (SL) road system that currently exists at the settlement. Yirrallalm Road and other SL roads in the living area have been shown as SL roads because they are generally based on informal, unconstructed tracks that require clearing of vegetation and construction of a trafficable carriageway.

All SL roads should be sealed and bituminised in the future when funds to do so become available to reduce issues of dust generation.

SL roads are generally 20m in width. A simple system of table drains should be incorporated into the road verges as the road network is formalised to assist with stormwater conveyance. The SL road network should also be used as the alignment for essential service infrastructure such as power lines and water pipes.



#### **4.7 Lot numbering**

The LP assigns a settlement layout lot (SL-lot) number to every designated land area at Yirrallalm. A simple road naming system has also been employed. The purpose of this is to provide a unique identifier to each designated land area for administrative purposes and to assist with the delivery of essential/emergency services.

The SL-lot numbers have been adopted as a guide only, and do not exist in any legal sense. SL-lot numbers and road names can change subject to approval from the resident community and endorsement by the Western Australian Planning Commission.

#### **4.8 Wastewater Disposal**

Improvement to the method of wastewater disposal is required to minimise the risk of contamination to the groundwater system. Ideally, wastewater would be disposed of via an evaporative sewage ponds system. However, the small design population for Yirrallalm and high cost of sewage pond construction generally indicate that this is a low infrastructure priority within the next 15 years.

Nevertheless, Yirrallalm is very close to Packsaddle Creek. Disposal of wastewater close to watercourses requires some care to ensure that the surface and groundwater systems are not contaminated.

Therefore, improvements to the current method and/or new methods of on-site effluent disposal should be investigated. Possible improvements to the current method include: the use of filters on the outlet of septic tanks to reduce the amount of solids in the outgoing effluent; an alternating system of two or more leach drains with a diverter box to change the flow of effluent (allowing the unused portion to dry out); and regular de-sludging of septic tanks as part of a systemic maintenance regime by a responsible agency. Alternatively, the site suitability of the various alternative treatment units approved by Department of Health for use in WA should be investigated.

Any effluent disposal system should comply with the specifications of the Department of Health and the Shire's Environmental Health department. It is also recommended that the settlement's drinking water supply be regularly tested in order to identify any potential contamination.

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## 5 PLANNING FRAMEWORK

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### 5.1 State Planning Policies

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

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

The following SPPs were given due regard in the preparation of LP No. 1:

- SPP 3 – Urban Growth and Management;
- SPP3.2 Planning for Aboriginal Communities; and
- SPP2.7 Public Drinking Water Source

### 5.2 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.

### 5.3 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.

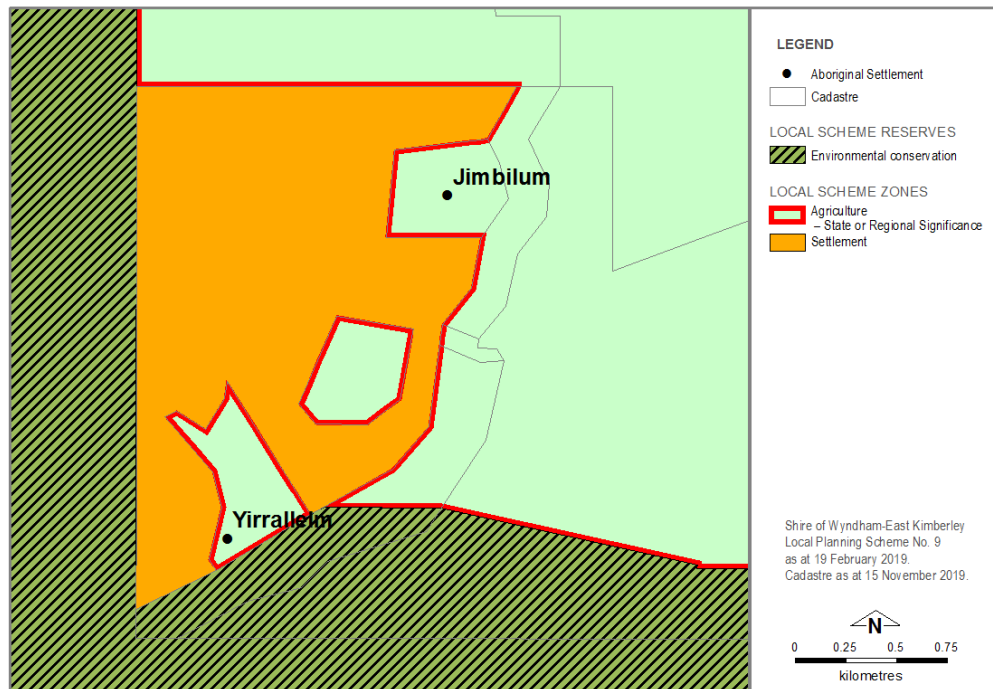
SPP3.2 states that local governments are to classify land as 'Settlement' zone in a local planning scheme where a Layout Plan has been prepared. The LP identifies a 'recommended settlement zone' boundary for this purpose.

LPS 9 classifies the outer areas of Yirrallelm as 'Settlement' zone. However, the settlement living area is inappropriately zoned as 'Agriculture – State or Regional Significance'. This will be required to be corrected by way of a scheme amendment to reflect the existing development at Yirrallelm.

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 4 on the following page).

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 9 - Land classification under SWEK LPS 9, Jimbilum and Yirrallilm**

### 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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## **6 ENDORSEMENTS**

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## Yirrallalem Community Layout Plan No.1

PO Box 162  
Kununurra, WA, 6743

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The Yirrallalem Aboriginal Corporation (representing the community) hereby adopts the **Yirrallalem Community Layout Plan No. 1 (2010)** 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 held on:

The SIXTEENTH Day of NOVEMBER 2010

Adopted by the Yirrallalem Aboriginal Corporation:

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HELEN GERRARD

Director  
[Please print and sign name]

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Helen Gerrard

Director

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Director

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Director

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Director

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Director

## Yirrallelm 2 Dawang Endorsement

# Yirrallelm 2 Outline Plan

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The Yirrallelm 2 Dawang hereby adopts the **Yirrallelm 2 Outline Plan 2010** as a guide for future development within its boundaries.

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

The SIXTEENTH Day of NOVEMBER.....2010

Adopted by Yirrallelm 2 Dawang:

YVONNE GERRARD

Representative  
[Please print and sign name]

affirmed.

Representative

Representative

Representative

Representative

Representative



MG Corporation Endorsement



## Yirrallelm Community Layout Plan No. 1

PO Box 2110  
Kununurra WA 6743

MG Corporation (representing the traditional owners of Miriuwung Gajerrong #1 & #4 native title determinations) hereby adopts the **Yirrallelm Community Layout Plan No. 1 (2010)** as a guide for future development within the native title determination area.

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

The .....17.....Day of .....January.....<sup>2011</sup>2010

Adopted by the MG Corporation Board:

M. Allen  
M. Allen

Ted Carlton  
TED CARLTON

Director  
[Please print and sign name]

Director  
[Please print and sign name]

Ian Summers

Director IAN SUMMERS

Director

Helen Gernard

Director HELEN GERARD

Director

Edna O'Malley  
Director EDNA O'MALLEY

Director



## Yirrallelm Community Layout Plan No. 1

PO Box 614  
Kununurra WA 6743

The Shire of Wyndham-East Kimberley hereby adopts the **Yirrallelm Community Layout Plan No. 1 (2010)** as a basis for future growth and development within Yirrallelm community.

The 21st Day of JUNE 2010

Endorsed by the Shire of Wyndham-East Kimberley:

  
\_\_\_\_\_  
OR FRED MILLS

Shire President  
(Please print and sign name)

  
\_\_\_\_\_  
GARY GAFFNEY

CEO  
(Please print and sign name)

Council  
Seal



## Yirrallelm Community Layout Plan No.1

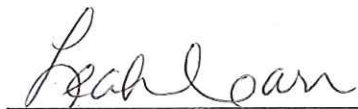
469 Wellington Street  
Perth WA 6000

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The Western Australian Planning Commission hereby endorses the **Yirrallelm Community Layout Plan No. 1 (2010)** as a guide for development to ensure proper and orderly planning within the community area

The .....29<sup>th</sup>..... Day of .....September..... 2011

Signed for and on behalf of the Western Australian Planning Commission



an officer of the Commission duly authorised by the Commission pursuant to section 24 of the *Planning and Development Act 2005* in the presence of

 M. Wieclaw

Witness

29.9.2011 Date

# CONSULTATION & REFERENCES

## 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 2009-2010.

Information was obtained from the following sources.

<b>Organisation</b>	<b>Date</b>
Yirrallelm site visits	Oct 2009 Mar 2010
MG Corp/OES	Oct 2009
Australian Bureau of Statistics	June 2009
State Land Services, Department of Regional Development & Lands	July 2010
Department of Indigenous Affairs	June 2010
Department of Housing	July 2010
Kununurra KWAC Aboriginal Corporation	July 2010
Shire of Wyndham-East Kimberley	Oct 2009 Aug 2010
Landgate	Oct 2009 July 2010
Horizon Power	July 2010
Department of Water	June 2010

The PACP team of the former Department of Planning would like to thank Mr Lawford Benning and Ms Anna Moulton of the Ord Enhancement Scheme for their assistance in co-ordinating and mediating site visits to communities in the Ord Valley.

## REFERENCE

Barber, K. & H. Rumley 2003 'Gunanurang: (Kununurra) Big River. Aboriginal Cultural Values of the Ord River and Wetlands'. Study and report prepared for the Water and Rivers Commission, Perth, WA. Available at [www.water.wa.gov.au](http://www.water.wa.gov.au).

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](http://www.dia.wa.gov.au)

Department of Water (DoW) 2009 *Ord catchment subregion overview and future directions: Kimberley regional water plan working discussion paper*. Department of Water, Perth. Available at: [www.dow.wa.gov.au](http://www.dow.wa.gov.au)

Department of Water (DoW) 2008 'Small indigenous community water supply infrastructure report', unpublished report prepared by Dean Matthews and Kellie Loge from the Department of Water, Kimberley Region.

Hill, R. Miriung-Gajerrong People, D. Hill, D. Moncrieff, S. Goodson, L. Bullen 2009 *Yoorrooyang Dawang Joint Planning Guidelines for the Preparation of Management Plans for Conservation Reserves under the Ord Final Agreement*. Department of Environment and Conservation, Perth, WA.

Jebb, M. 2002 *Blood, Sweat and Welfare: A History of white bosses and Aboriginal pastoral workers*. UWA Press: Crawley, WA.

Kimberley Land Council (KLC) 2004 'Ord Stage 1: Fix the Past, Move to the Future. Aboriginal Social and Economic Impact Assessment of the Ord River Irrigation Project'. Unpublished report by the KLC, Broome.

Lund, M. 2005 'An ecological risk assessment of irrigation in the Ord River catchment, a highly disturbed and poorly understood area in the wet-dry tropics of Australia'. In *Proceedings of the 4th Australian Stream Management Conference 2004*. (Ed. I Rutherford). Launceston, Tasmania. Available at: <http://www.chs.ecu.edu.au/wetlands/mlund/publications/index.htm>

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.

Morphy, F. 2010 *Population, People and Place: The Fitzroy Valley Population Project*. CAEPR working paper no. 70/2010. Centre for Aboriginal Economic Policy Research, Australian National University, Canberra.

Redmond, T. & F. Skyring 2009 'Exchange and appropriation: the *Wurnan* economy and Aboriginal land and labour at Karunjie Station, North-Western Australia', in Ian Keen (ed) [in press] *Indigenous Participation in Australian Economies: Anthropological and Historical Perspectives*. ANU Press: Canberra.

Skyring, F. 2004 'History, development and Ord 1 today', in Kimberley Land Council (KLC) 'Ord Stage 1: Fix the Past, Move to the Future. Aboriginal Social and Economic Impact Assessment of the Ord River Irrigation Project'. Unpublished report by the KLC, Broome.

Taylor, J. 2003 *Aboriginal Population Profiles for Development Planning in the Northern East Kimberley*. Research monograph no. 23. Centre for Aboriginal Economic Policy Research, Australian National University, Canberra.

## AMENDMENTS

## Yirrallelm Layout Plan 1

### Amendment 1

**Plan Date** : 16 November 2010      **WAPC Endorsed** : 29 September 2011  
**Proponent** : Department of Planning      **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 Yirrallelm 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 Yirrallelm 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.

#### 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

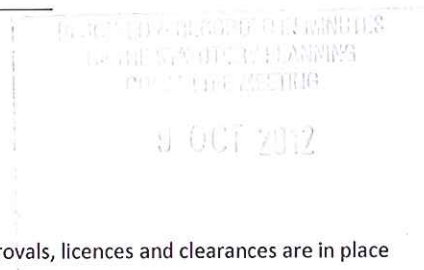
  
please sign and print name

Date 10/10/2012

#### 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.





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

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

### Reason for the Amendment

The Shire of Wyndham-East Kimberley (SWEK) Local Planning Scheme 9 (LPS 9), was gazetted on 19 February 2019, Layout Plan No.1 (LP 1) needs to be amended to match LPS 9. LP 1 includes a 'Recommended Settlement Zone' for the full extent of Yirrallelm (Lots 936 and 937), Jimbilum (Lot 859) and the shared undeveloped residual land (Lot 5012). Yirrallelm (Lots 936 and 937) and Jimbilum (Lot 859) are zoned 'Agriculture- State or Regional Significance' in LPS 9. Lots 5012 is zoned 'settlement in LPS 9.

In response, LP 1 is to be amended to replace the 'recommended settlement zone' with settlement zone over Lot 5012. The 'recommended settlement zone' is to remain over Yirrallelm (Lots 936 and 937) and Jimbilum (Lot 859).

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	<p>Add 'Settlement' zone to match the SWEK LPS 9.</p> <p>Retain the 'Recommended Settlement Zone' for the portion of land zoned 'Agriculture- State or Regional Significance' in LPS 9.</p> <p>Delete the remainder of the 'Recommended Settlement Zone'.</p>
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  
 Director, Regional Planning Policy  
 Regional Planning  
 PN: 15151  
 17/01/2020  
 date

### 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.