

# Nicholson Camp

## Layout Plan 1

### Background Report

April 2003

Date endorsed by WAPC



### Amendments

Amendment 1 - July 2005

Amendment 2 - April 2013

Amendment 3 - December 2013

Amendment 4 - August 2020



Department of  
Planning



Western  
Australian  
Planning  
Commission

# NICHOLSON CAMP LAYOUT PLAN 1

Nicholson Camp Layout Plan 1 was prepared in 2003 by consultants Connell Wagner. The Layout Plan was endorsed by the resident community in February 2003, by the Shire of Halls Creek in February 2003 and by the WAPC in April 2003.

During the period 2005 until December 2013 the WAPC endorsed 3 amendments to LP1. The endorsed amendments are listed in part 7 of this report. All of the amendments were map-set changes, with no changes made to the background report.

Consequently, the background report has become out-of-date, and in August 2020 it was updated as part of Amendment 4. The Amendment 4 background report update sought to keep all relevant information, while removing and replacing out-of-date references and data. All temporal references in the background report refer to the original date of preparation, unless otherwise specified.

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

# CONTENTS

<b>EXECUTIVE SUMMARY</b> .....	<b>II</b>
<b>DEVELOPMENT PRIORITIES</b> .....	<b>III</b>
<b>1 BACKGROUND</b> .....	<b>1</b>
1.1 LOCATION & SETTING .....	1
1.2 CLIMATE .....	1
1.3 HISTORY AND CULTURE .....	3
1.4 PREVIOUS LAYOUT PLAN.....	3
<b>2 COMMUNITY PROFILE</b> .....	<b>4</b>
2.1 POPULATION .....	4
2.2 GOVERNANCE .....	5
2.3 LAND TENURE .....	5
2.4 NATIVE TITLE .....	6
2.5 ABORIGINAL HERITAGE .....	7
2.6 COMMUNITY ASPIRATIONS.....	8
<b>3 INFRASTRUCTURE &amp; SERVICES</b> .....	<b>9</b>
3.1 ELECTRICITY SUPPLY.....	9
3.2 WATER SUPPLY .....	9
3.3 WASTEWATER.....	9
3.4 RUBBISH DISPOSAL .....	9
3.5 TELECOMMUNICATIONS .....	9
3.6 INTERNAL ROAD LAYOUT.....	9
3.7 ACCESS & DEDICATED ROADS .....	9
3.8 AIRSTRIP .....	9
3.9 COMMUNITY AND SOCIAL SERVICES .....	10
<b>4 HOUSING</b> .....	<b>11</b>
4.1 RESIDENTIAL AREAS .....	11
4.2 NUMBER & TYPE OF DWELLINGS.....	11
4.3 FUTURE RESIDENTIAL DEVELOPMENT .....	11
<b>5 CONSTRAINTS AND LIMITATIONS</b> .....	<b>12</b>
5.1 FLOOD HAZARD.....	12
5.2 DRAINAGE.....	12
5.3 BUSHFIRE .....	12
5.4 EXCLUSION BOUNDARIES .....	12
<b>6 PLANNING FRAMEWORK</b> .....	<b>13</b>
6.1 STATE PLANNING POLICIES .....	13
6.2 STATE PLANNING POLICY 3.2 - ABORIGINAL SETTLEMENTS.....	13
6.3 SHIRE OF HALLS CREEK.....	14
<b>7 ENDORSEMENTS</b> .....	<b>15</b>
<b>REFERENCES</b> .....	<b>B</b>
<b>AMENDMENTS</b> .....	<b>C</b>

## Community Representative Organisations

Resident community representative organisation	: Yumali Aboriginal Corporation
Traditional Owners representative organisation	Kimberley Land Council

## Acronyms

ABS	Australian Bureau of Statistics
AHA	: <i>Aboriginal Heritage Act (WA) 1972</i>
AHIS	Aboriginal Heritage Information System
ALT	: Aboriginal Lands Trust
ATSIC	Aboriginal and Torres Strait Islander Commission
BOM	Bureau of Meteorology
DIA	Department of Indigenous Affairs
DoC	: Department of Communities (Housing)
DPLH	: Department of Planning, Lands and Heritage
EHNS	: Environmental Health Needs Survey
ILUA	: Indigenous Land Use Agreement ( <i>under the Native Title Act 1993</i> )
LP	: Layout Plan
NNTT	: National Native Title Tribunal
NTA	: <i>Native Title Act (Commonwealth) 1993</i>
NTRB	: Native Title Representative Body
PBC	: Prescribed Body Corporate (under the NTA, representing native title holders)
REMS	: Remote Essential and Municipal Services
SL-lot	: Settlement layout lot
SPP	: State Planning Policy
WAPC	: Western Australia Planning Commission
YAC	: Yumali Aboriginal Corporation

### Layout Plans & the Development Process

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

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

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

## EXECUTIVE SUMMARY

The Nicholson Camp Layout Plan No. 1 (LP1) was prepared over a one-year period between 2002 and 2003.

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

**Table 1 – Population Summary**

Existing Population :	<b>60</b>
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**Table 2 - Place Characterisation Indicators**

Indicator	Community Characteristics
Drinking water	Water supply at the community is regulated. The reticulated water supply for Nicholson Camp is provided and maintained by the Water Corporation of Western Australia.
Electricity	Electricity supply at the community is regulated. Nicholson Camp is connected to the reticulated electricity service provided by Horizon Power.
Flood	There are no known flood hazards at Nicholson Camp.
Land tenure	The community is located on Crown Reserve 39518 and the primary interest holder is the Aboriginal Lands Trust.
Wastewater	Wastewater at the community is regulated. The reticulated wastewater network for Nicholson Camp is provided and maintained by the Water Corporation of Western Australia.
Emergency assistance	Halls Creek District Hospital is 5 minutes by road from the community, hospital and emergency services, are available 24 hours a day, 7 days a week. The Halls Creek Police Station is approximately 2 kilometres by road in Halls Creek.
Education	Halls Creek District High School provides education to children from Nicholson Camp. Students enrolled range from kindergarten to Year 12.
Health	Health services are available through the Yura Yungi Medical Service, located in Halls Creek. A regular visiting service is conducted to Nicholson Camp.
Food	There is no store in the community. Full shopping facilities are available in Halls Creek, approximately 2 kilometres by road.
Transport	Halls Creek Airport is located approximately 2 kilometres by road from Nicholson Camp with regular flights to Broome, Fitzroy Crossing, Kununurra and Balgo.
Waste services	Rubbish is collected on a regular basis by the Shire of Halls Creek.
Employment & enterprise	No employment opportunities at community. Nearest job market in Halls Creek.
Governance	The community is managed through its incorporated body, Yumali Aboriginal Corporation.
Aboriginal heritage	There are no native title matters over the Nicholson Camp settlement zone, as August 2020.

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

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

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## **DEVELOPMENT PRIORITIES**

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Community representatives raised the following issues in 2002 regarding the planning and development of Nicholson Camp:

- The community would prefer a more curvilinear layout with tree planting for shade and dust control;
- Land to the west of the fence line, south of the entrance gates is reserved for sacred cultural purposes and should be allocated accordingly in the LP;
- A public transport service would be helpful to allow elderly and other residents better access to services in Halls Creek. This could take the form of a community bus such as that provided at Yardgee;
- Despite the distance to shopping in Halls Creek, the community does not wish to establish a shop;
- Single men's quarters may be appropriate and could be shared by old men and young men;
- A playground is needed for young children with a swimming pool or water feature;
- Grandmothers in the community raised concerns about the safety of children around gas appliances and would prefer electric appliances;
- Alcohol abuse is a significant concern in the community and may often occur outside the locked perimeter fence. Elders within the community wish the fence to be maintained for security reasons;
- The community would like to establish accommodation for visitors;
- Recreation facilities are needed in the community;
- The community would like to see the establishment of a football oval.

### **Implementing the Layout Plan**

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

The future growth of Nicholson Camp 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 Nicholson Camp 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.

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# 1 BACKGROUND

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## 1.1 Location & Setting

Nicholson Camp Aboriginal Community is located within the Shire of Halls Creek in the East Kimberley. The community is located approximately 2km south-east of Halls Creek on Duncan Highway, adjacent to the Halls Creek Airport (Figure 1) and Halls Creek townsite boundary. Nicholson Camp is also known as Yumali, the *Djaru* name for the rocky outcrop at the northwest corner of the reserve.

The community is on crown reserve 39518, vested in the Aboriginal Lands Trust (ALT) and 6.4 hectares in area.

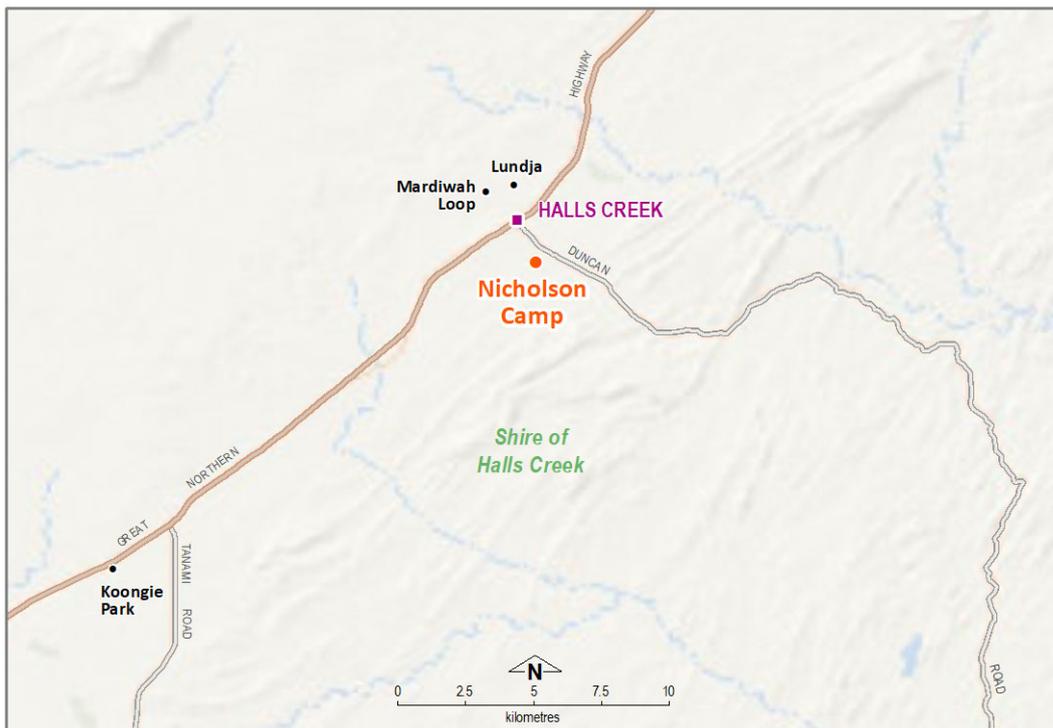


Figure 1 – Regional context of Nicholson Camp

## 1.2 Climate

The climate of Halls Creek region in which Nicholson Camp is located, is tropical semi-arid. Due to its location near the wetter northern regions, Nicholson Camp enjoys tropical weather conditions in the wet season, but because of its distance from the coast and proximity to the Great Sandy and Tanami Deserts, it also experiences cool nights with considerable variation in daily minima and maxima during the months May-August.

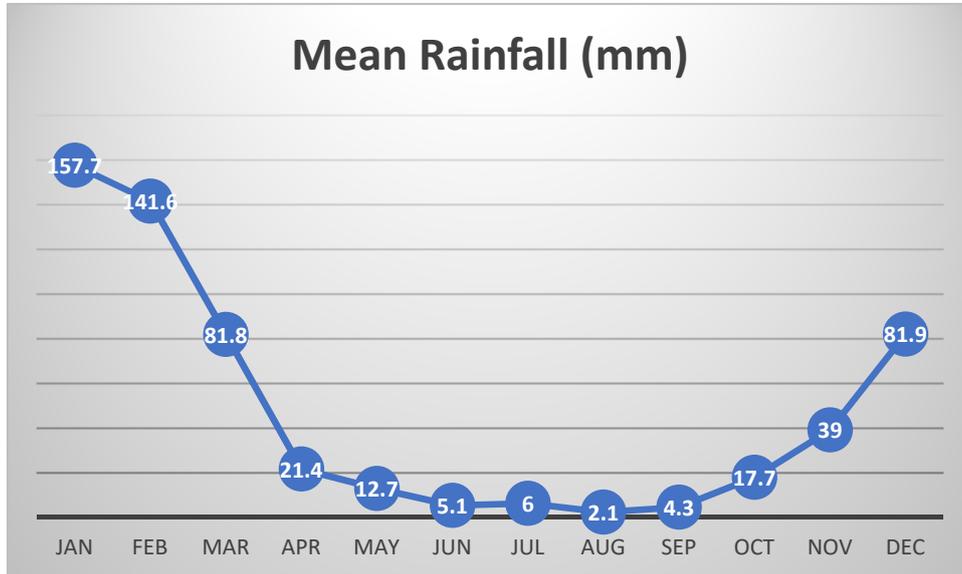
There is an easily identifiable wet season in the Halls Creek region, with over 80% of the region's rainfall usually falling in the months of December, January, February and March. Around 52% of the average annual rainfall (576 mm) generally falls in January and February, making these months difficult periods in which to travel. April and May are typically warm to hot, but with moderate rainfall, marking the transition to a 'dry season' (Table 3 and Figure 2). The months of June, July, August and September are typically dry and warm to hot, before becoming hotter and humid from October through March (Table 4 and Figure 3).

**Table 3 –mean rainfall (1944-2018) for Halls Creek Meteorological Office weather station (002012)**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
<b>Rainfall (mm)</b>	157.7	141.6	81.8	21.4	12.7	5.1	6	2.1	4.3	17.7	39	81.9	575.6
<b>Days of rain ≥ 1mm</b>	10.9	10.3	6.3	1.8	1.3	0.5	0.6	0.3	0.6	2.4	4.5	7.9	47.4

Source: Bureau of Meteorology

Note: The mean annual rainfall is not the sum of the mean monthly rainfall totals. For further data please refer to the Bureau of Meteorology website at [www.bom.gov.au](http://www.bom.gov.au)

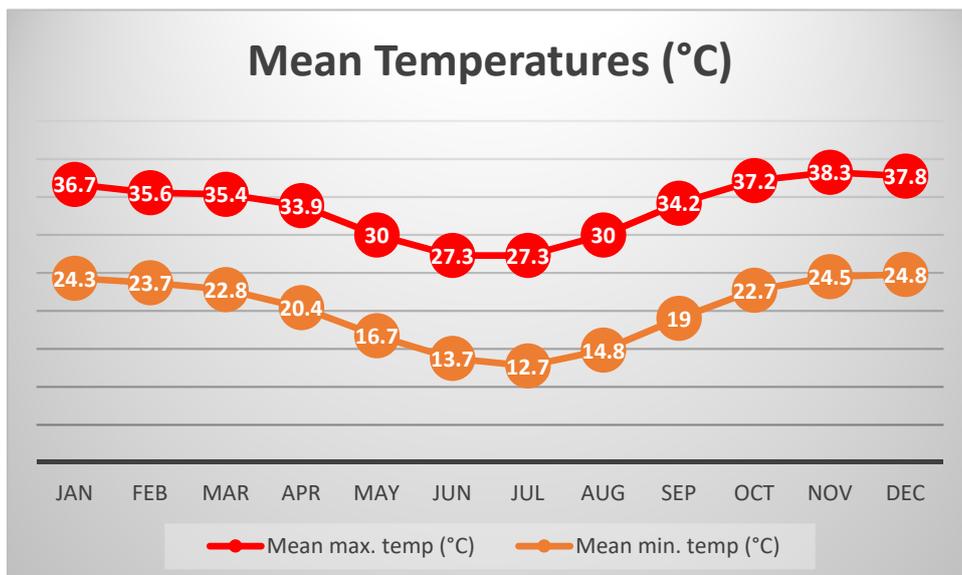


**Figure 2 – Halls Creek mean rainfall (1944 to 2018)**

**Table 4–mean temperatures (1944-2018) for Halls Creek Meteorological Office weather station (002012)**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Max. temp (°C)</b>	36.7	35.6	35.4	33.9	30	27.3	27.3	30	34.2	37.2	38.3	37.8
<b>Min. temp (°C)</b>	24.3	23.7	22.8	20.4	16.7	13.7	12.7	14.8	19	22.7	24.5	24.8

Source: Bureau of Meteorology



**Figure 3 – Halls Creek mean temperatures (1944 to 2018)**

### **1.3 History and Culture**

Please note that this is a concise summary of the post-settlement history of Nicholson Camp, and is for the purposes of understanding the settlement.

#### **Early contact history**

Although the Ord and Margaret Rivers were mapped during Alexander Forrest's expedition of 1879, intensive non-Aboriginal settlement of the Halls Creek region did not begin until the discovery of gold at Halls Creek in 1885. By 1886, 2000 prospectors were living at Halls Creek, and these early encounters were often characterised by violence as competition for water and food sources intensified (Jebb 2002). Police-directed reprisals followed many incidents involving Aboriginal people and miners and pastoralists. Such a pattern of conflict, which featured organised punitive raids on Indigenous people, was a regular feature of East Kimberley history right through to the 1920s (Achoo et al 1996).

One of the outcomes of this record of violent conflict was a concerted government and mission presence in the East Kimberley, including the Western Australian Government's establishment of the Moola Bulla institutions in 1910. Moola Bulla, to the immediate north-west of Halls Creek, was established as a training institution and ration depot for the regional Aboriginal population of around 200 (predominantly Jaru and Kija) Aboriginal people. A mission was established on this site in 1939, and continued until Moola Bulla was abruptly sold to private interests in 1955. This sale led to dispersal of Jaru and Kija people to different areas.

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

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

This resulted in a large out-migration from pastoral stations to towns and reserves. Jebb (2002) estimated that by the late 1970s, only 15% of Aboriginal people in the Kimberley remained on Kimberley stations. This also meant that many stations that had depended on cheap skilled Aboriginal labour became unviable. For the Koongie Park, Elvira, Moola Bulla and Lamboo stations, nearby Halls Creek was the most common destination for ex-pastoral workers and their families.

#### **Formal recognition of rights to country – 1970s to present day**

The pursuit of a formal recognition of Aboriginal land rights has gained momentum since the late 1970s, with the founding of the Kimberley Land Council in 1978, and the Seaman Inquiry of 1984. This process was given further impetus with the passage of the *Commonwealth Native Title Act 1993*, which established a framework for the lodging of native title claims.

This historical context underlines the strong desire of Aboriginal groups in the East Kimberley to build and sustain facilities and enterprises that allow for continued association with traditional lands but that also enable these groups to engage with external economic and government interests through the context of an independent, organised community.

The Nicholson Camp crown reserve was established in 1986.

### **1.4 Previous Layout Plan**

There is no previous Layout Plan for Nicholson Camp.

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## 2 COMMUNITY PROFILE

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### 2.1 Population

Table 5 – Population

Existing Population :	<b>60</b>
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#### Existing Population

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

A summary of population data is shown in Table 6. The population estimates in Table 6 are sourced from the Environmental Health Needs Survey (EHNS) undertaken by the former Department of Indigenous Affairs (DIA) in 1997 and 2008, Australian Bureau of Statistics and Aboriginal and Torres Strait Islander Commission 2001 *Community Housing and Infrastructure Needs Survey* (CHINS), and the DPLH *Aboriginal Communities and Town Reserves (DPLH-002) 2020* dataset, which cites the 2011 Census population figure for Nicholson Camp.

Table 6 – Population figures of Nicholson Camp by source 1997-2011

	1997	2001	2008	2011
<b>Total persons</b>	<b>30</b>	<b>15</b>	<b>30</b>	<b>60</b>
<b>Source</b>	EHNS	CHINS	EHNS	DPLH

Based on the available data, the population of Nicholson Camp is estimated to be **60** people. The WAPC's *Kimberley Regional Planning and Infrastructure Framework (2015)* uses a **2.2%** growth rate for Aboriginal settlements, and a 3% growth rate for Halls Creek.

#### Aspirational Population

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

#### Design Population

The design population is intended to reflect the number of people the LP 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.

Design population is not a forecast population.

When this Layout Plan was prepared in 2003 the design population was not determined. However, based on the design identifying 17 single-house residential SL-lots at a nominal occupancy rate of 5 people per dwelling, the 2003 Layout Plan is interpreted to plan for a design population of **85**.

## 2.2 Governance

### Incorporated Community

The community is managed through its incorporated body - Yumali Aboriginal Corporation (YAC). YAC was incorporated under the *Aboriginal Councils and Associations Act 1976* in 2003.

The objectives of YAC are to:

- a) encourage and enable corporation members to make Community management decisions for themselves;
- b) encourage and enable Corporation members to continue with traditional cultural activities;
- c) encourage and enable Corporation members to train and practise housing maintenance, clerical, financial, mechanical and other trade skills;
- d) encourage and enable sporting, artistic or musical activities by Corporation members;
- e) encourage and enable any appropriate small business enterprises that Corporation members may wish to become involved; and
- f) apply for, receive and spend any appropriate grants of money that may be available to the Corporation.

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

## 2.3 Land Tenure

The Nicholson Camp community is located on Crown Reserve 39518. The details are provided below.

<i>Tenure</i>	<b>Crown Reserve 39518</b>
<i>Lot Details</i>	Lot 506 on Deposited Plan 400197
<i>Certificate of Title</i>	LR3166/750
<i>Status Order/Interest</i>	Reserve under Management Order
<i>Primary Interest Holder</i>	Aboriginal Lands Trust
<i>Area</i>	6.3994 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Reserve 39518 For the purpose of use and benefit of Aboriginal Inhabitants. Registered 4/7/1986. Management order contains conditions to be observed with power to lease for any term.

## 2.4 Native Title

There are no native title matters over the Nicholson Camp settlement zone, as August 2020. Further information regarding native title can be found on the National Native Title Tribunal website <http://www.nntt.gov.au>

Spatial searches for native title matters can be undertaken using the NNTT's spatial search tool, Native Title Vision, available at:

<http://www.nntt.gov.au/assistance/Geospatial/Pages/NTV.aspx>

### Background to Native Title in Australia

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

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

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

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

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

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

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

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

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

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

## 2.5 Aboriginal Heritage

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

The purpose of the following discussion is to foreshadow heritage constraints to development as they relate to the implementation of the LP. These constraints to development must be addressed prior to construction of housing and other works.

### Registered Sites

There is **1** registered site and **no** other heritage place sites in the vicinity of Nicholson Camp and surrounding area, as of August 2020. A summary of the registered site is listed below in Table 7.

**Table 7 – AHIS registered sites in the vicinity of Nicholson Camp, August 2020**

Site ID	Name	Restrictions	Status	Type
14324	HALLS CREEK	No gender restrictions	registered site	Mythological, painting

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

### Culturally Sensitive Areas

A large culturally sensitive area is located to the south-east of the community. A No-Go buffer has been included on LP1 to reflect its location. Development should not encroach into this area and growth of the community should be focused away from the south-east where possible.

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

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

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

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

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

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

## 2.6 Community Aspirations

Community representatives raised the following issues in 2002 regarding the planning and development of Nicholson Camp:

- The community would prefer a more curvilinear layout with tree planting for shade and dust control;
- Land to the west of the fence line, south of the entrance gates is reserved for sacred cultural purposes and should be allocated accordingly in the LP;
- A public transport service would be helpful to allow elderly and other residents better access to services in Halls Creek. This could take the form of a community bus such as that provided at Yardgee;
- Despite the distance to shopping in Halls Creek, the community does not wish to establish a shop;
- Single men's quarters may be appropriate and could be shared by old men and young men;
- A playground is needed for young children with a swimming pool or water feature;
- Grandmothers in the community raised concerns about the safety of children around gas appliances and would prefer electric appliances;
- Alcohol abuse is a significant concern in the community and may often occur outside the locked perimeter fence. Elders within the community wish the fence to be maintained for security reasons;
- The community would like to establish accommodation for visitors;
- Recreation facilities are needed in the community;
- The community would like to see the establishment of a football oval.

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## **3 INFRASTRUCTURE & SERVICES**

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### **3.1 Electricity Supply**

Electricity supply at the community is regulated. Nicholson Camp is connected to the reticulated electricity service provided by Horizon Power.

### **3.2 Water Supply**

Water supply at the community is regulated. The reticulated water supply for Nicholson Camp is provided and maintained by the Water Corporation of Western Australia.

### **3.3 Wastewater**

Wastewater at the community is regulated. The reticulated wastewater network for Nicholson Camp is provided and maintained by the Water Corporation of Western Australia.

### **3.4 Rubbish Disposal**

Nicholson Camp does not have a regulated rubbish tip. Rubbish is collected on a regular basis by the Shire of Halls Creek.

### **3.5 Telecommunications**

Mobile phone coverage is available at Nicholson Camp, provided by Telstra (4G mobile network).

Landline telecommunication services to Nicholson Camp are provided by Telstra, with a public telephone next to SL-lot 4.

### **3.6 Internal Road Layout**

The internal settlement layout (SL) road network in Nicholson Camp is comprised of several semi-constructed roads and informal tracks. The semi-constructed SL roads generally unsealed, have a gravel surface and are periodically compacted, although they lack kerbing and formal drainage. The majority of houses and community infrastructure are serviced by roads of this standard.

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

Access to Nicholson Camp is via the bitumen dedicated road, Yumali Road, 500 metres south-west from Duncan Road. Yumali Road is maintained by the Shire of Halls Creek.

Halls Creek is approximately 2 kilometres by road to the north-west.

### **3.8 Airstrip**

Halls Creek Airport is located approximately 2 kilometres by road from Nicholson Camp. Regular flights to Broome, Fitzroy Crossing, Kununurra and Balgo are available.

### **3.9 Community and Social Services**

#### **Office**

There is no known office in the community.

#### **Store**

There is no store in the community. Full shopping facilities are available in Halls Creek, approximately 2 kilometres by road.

#### **School**

Halls Creek District High School provides education to children from Nicholson Camp. The school is located approximately 2 kilometres by road from Nicholson Camp, catering for all years between kindergarten and Year 12, with approximately 347 students (Department of Education, August 2020).

While the major emphasis is on literacy and numeracy for all students, secondary students focus on employment preparation. Horse riding and station skills programs have achieved high employment rates in the pastoral industry across the north of Australia. Further employment comes from vocational education programs which work closely with local government, local business and the mining industry.

The school collaborates closely with indigenous agencies such as the Kimberley Language Resource Centre, Ngoonjuwah Aboriginal Corporation, Yuri Yungi Aboriginal Medical Centre and the Council of Elders to provide culturally appropriate programs and support.

#### **Clinic**

Halls Creek District Hospital, is a public hospital providing hospital and emergency services, open 24 hours a day, 7 days a week. It is approximately 2 kilometres by road from Nicholson Camp.

The Yura Yungi Medical Service, also located in Halls Creek is a primary health care service. It is an Aboriginal community controlled health service that provides holistic, culturally appropriate curative services with integrated preventative programs. A regular visiting service is conducted to Nicholson Camp.

#### **Workshop**

A community workshop is located on SL-lot 11.

#### **Art Centre**

There is no known art centre in the community.

#### **Police**

The Halls Creek Police Station is approximately 2 kilometres by road in Halls Creek.

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## **4 HOUSING**

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### **4.1 Residential Areas**

Existing residential dwellings in Nicholson Camp are located along the main street (Second Street) in the centre of the community. Future residential SL-lots are available on Third Street and Pavlich Street.

### **4.2 Number & Type of Dwellings**

As of 2020, there are 10 dwellings within the community. These dwellings are managed by the Department of Communities (Housing).

### **4.3 Future Residential Development**

There are 7 individual residential SL-lots and 1 residential settlement layout super-lot on the Layout Plan, set aside for future housing needs.

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## **5 CONSTRAINTS AND LIMITATIONS**

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### **5.1 Flood Hazard**

There are no known flood hazards at Nicholson Camp.

### **5.2 Drainage**

There are no known drainage issues at Nicholson Camp.

### **5.3 Bushfire**

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

### **5.4 Exclusion Boundaries**

The exclusion boundaries shown on the map-set are in accordance with the WAPC's *State Planning Policy 3.2 Aboriginal Settlements Guideline (2020)*.

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## 6 PLANNING FRAMEWORK

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### 6.1 State Planning Policies

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

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

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

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

### 6.2 State Planning Policy 3.2 - Aboriginal Settlements

SPP 3.2 was published in the Government Gazette on 11 May 2011. The objectives are to:

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

SPP 3.2 defines a Layout Plan as the valid planning instrument applicable to Aboriginal settlements and prescribes the manner in which they are to be prepared, authorised and amended. SPP 3.2 requires that local governments classify land as 'settlement' zone in a local planning scheme.

The intent of SPP 3.2 is to provide Layout Plans for places that may be defined as:

*A discrete place that is not contiguous with a gazetted town, is inhabited or intended to be inhabited wholly or principally by persons of Aboriginal descent, as defined under the Aboriginal Affairs Planning Authority Act 1972, and which has no less than 5 domestic dwellings and/or is supported by essential services that are provided by one or more state agency(s)*

Nicholson Camp does not meet this definition, as it abuts the Halls Creek townsite boundary, and thus is contiguous with a gazetted town.

However, SPP 3.2 Section 6.2 provides that:

*Layout Plans may be prepared for Aboriginal communities that exhibit special circumstances, such as native title agreement that confers an undertaking of support by the State for development of a particular place.*

The Shire of Halls Creek Local Planning Scheme and Strategy signal an understanding that the particular circumstances of the place warrant the preparation of a Layout Plan.

## 6.3 Shire of Halls Creek

### Halls Creek Local Planning Scheme No. 1

The Shire of Halls Creek Local Planning Scheme No.2 (LPS 2) was gazetted on 17<sup>th</sup> September 2019. Nicholson Camp is zoned 'Settlement' under LPS 2. The purpose of this zone is to identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places. Under the Scheme, preparation and endorsement of a layout plan in accordance with State Planning Policy 3.2, and ensuring that development accords with a layout plan, are requirements of the settlement zoning (see current Scheme zoning in Figure 4).

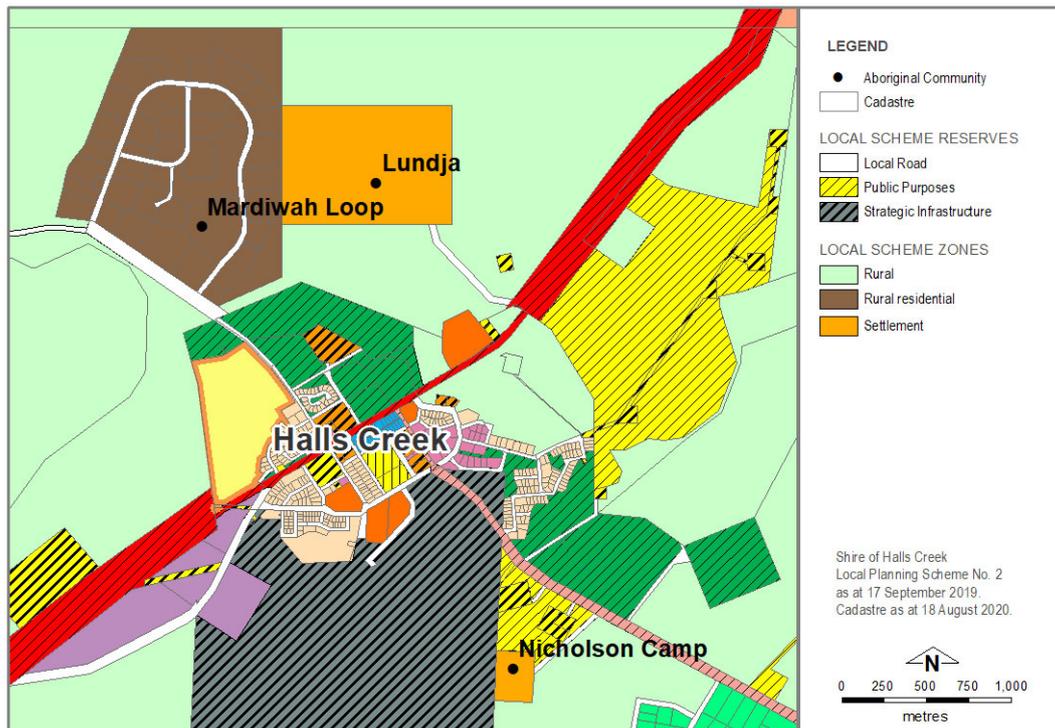


Figure 4 - Land classification under Shire of Halls Creek LPS 2, Nicholson Camp

### Local Planning Strategy

The Shire of Halls Creek Local Planning Strategy (endorsed by the WAPC 25th May 2016) provides a vision for the future planning, growth and development of the Shire over the next 10 years.

The strategy notes that layout plans are required to be prepared for land zoned 'Settlement' within the Local Planning Scheme and that it is recommended that an Economic Development and Service Delivery Strategy be prepared to provide overarching guidance for the medium to long term economic development, and infrastructure provision and services delivery.

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## **7 ENDORSEMENTS**

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8. Endorsement

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

MAGGIE .....  
Chairperson

BDMorke .....  
Secretary

The Shire of Halls Creek hereby endorses the Community Layout Plan dated JAN 2003 (including the Report, the Plan and the Provisions), for the purpose of ensuring the proper and orderly planning of the community area, at the meeting of the Council held on the 27th day of FEBRUARY 2003.

Josephine James .....  
President

[Signature] .....  
Chief Executive Officer

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

[Signature] .....  
Chairman

.....  
Secretary

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## REFERENCES

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- WAPC 2019 Shire of Halls Creek Local Planning Strategy, <https://www.dplh.wa.gov.au/lps> Government of Western Australia
- WAPC 2020 State Planning Policy 3.2 Aboriginal Settlements Guideline  
<https://www.dplh.wa.gov.au/policy-and-legislation/state-planning-framework/fact-sheets,-manuals-and-guidelines/spp-3-2-aboriginal-settlement-guideline>
- Yura Yungi Medical Service 2020 <https://kams.org.au/about-us/our-members/>

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# AMENDMENTS

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**NICHOLSON CAMP (YUMALI BLOCK) COMMUNITY LAYOUT PLAN  
AMENDMENT NO.1 (KNOWN AS CLP No.2)  
EXPLANATORY NOTES**



**LOCATION & TENURE**

Nicholson Camp is located on the south-eastern edge of Halls Creek township adjacent to the airstrip and cemetery.

The community is on Reserve No.39518, vested in the Aboriginal Lands Trust. The Reserve is 7.3 hectares in area. A 1.4 hectare compound area of the land is fenced. The Reserve includes a 20 metre wide accessway to Duncan Highway (approximately 500 metres long).

**BACKGROUND**

The Nicholson Camp (Yumali Block) Community Layout Plan No.1 was finalised by consultants Connell Wagner on January 2003. It was endorsed by the community on 12 February 2003 and subsequently adopted by the Shire of Halls Creek (27 February 2003) and endorsed by the Western Australian Planning Commission (15 April 2003).

In September 2004 representatives from the community directly contacted the Planning for Aboriginal Communities Project (PACP) of the Western Australian Planning Commission requesting that the CLP be amended to accommodate community aspirations. The changes requested by the community included:

- Changing a portion of the "*Community Purposes*" area along the eastern boundary north of the community entrance to "*Residential*" (to accommodate two new proposed houses).

- Changing two of the "*Residential*" lots along the eastern boundary south of the community entrance to "*Industrial*" (to reflect the existing workshop and training rooms).
- Identifying an appropriate location for a proposed shop/house.

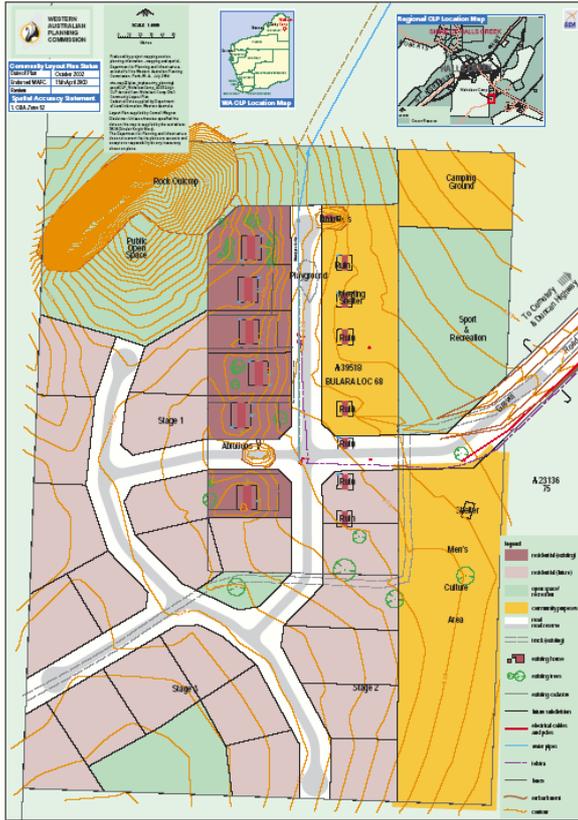
In addition, an industrial use (gas storage) was established abutting a house on the community, which was considered to require attention.

## **AMENDMENTS**

In collaborative engagement with the community and the Shire of Halls Creek the Nicholson Camp CLP No.2 has been prepared by the PACP. The final version is dated June 2005. CLP No.2 is essentially an amended version of CLP No.1, incorporating the following amendments to the CLP:

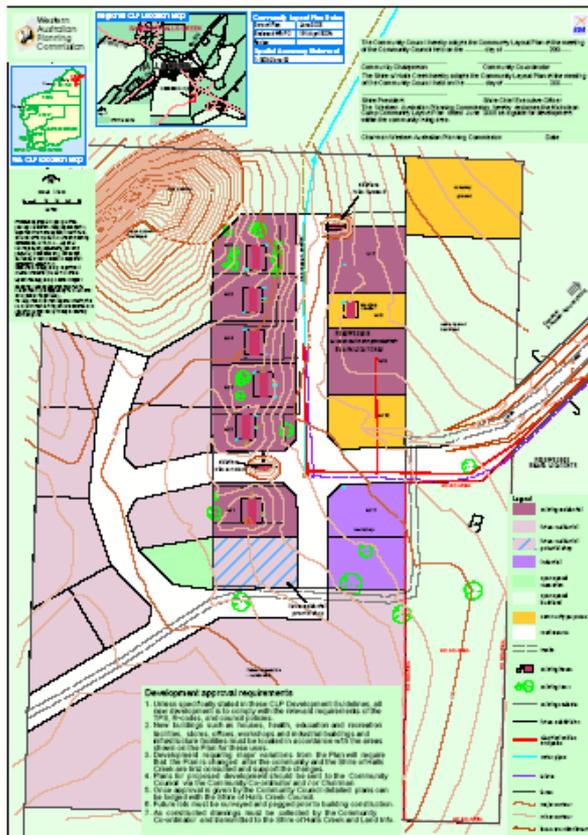
- Identifying two sections of the area along the eastern boundary north of the community entrance to "*Residential*".
- Identifying two lots along the eastern boundary south of the community entrance to "*Industrial*".
- Identifying the lot abutting the southern boundary of Lot 1 as suitable for "*Residential / Potential Shop*" shop/house.
- Realigning the proposed southern road with existing vehicle track.
- Reducing the number of "*Future Residential*" lots from 22 to 12.
- Identifying the area shown in CLP No.1 as "*Community Purposes - Men's Culture Area*" along the southern boundary as "No Go Area".

# Nicholson Camp (Yumali Block) Community Layout Plan No.1



Planning for Aboriginal Communities  
Nicholson Camp (Yumali Block)

# Nicholson Camp (Yumali Block) Community Layout Plan No.2



Planning for Aboriginal Communities  
Nicholson Camp (Yumali Block) community layout plan No.2

## Nicholson Camp Layout Plan No.1

### Amendment No.2

**Plan Date** : 5 July 2005      **WAPC** : 21 August 2005  
**Proponent** : Department of Planning      **Endorsed**  
**Requires** : WAPC only – minor amendment  
**Endorsement**

#### Reason for the Amendment

The Department of Planning, on behalf of the Western Australian Planning Commission (WAPC), is the custodian for Layout Plans prepared under State Planning Policy 3.2, including the Nicholson Camp Layout Plan No.1.

Since the publication of that Policy in August 2000 all Layout Plan map-sets have been prepared using a variety of computer-aided-design (CAD) formats. All Layout Plan map-sets have now been converted to a common user geographic information systems (GIS) format, including the Nicholson Camp Layout Plan No.1.

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

#### Approved

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

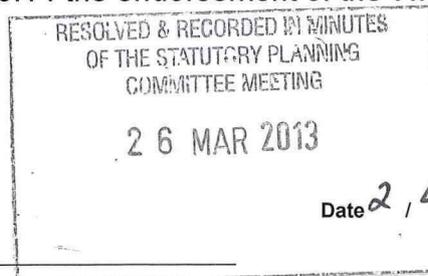
**Western Australian Planning Commission**



*please sign and print name*

Rosa Rigali

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



Date 2, 4, 13

#### 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.

# Nicholson Camp Layout Plan No. 1

## Amendment No. 3

<b>Proponent</b> : Department of Housing (DoH)
<b>Date</b> : 1 November 2013

### Reason for the Amendment

DoH have constructed two houses at Nicholson Camp community at SL-lots 9 and 12 which have a land use category of 'Community' and 'Commercial' respectively. Amendment 3 is required to change the land use at both SL-lots to 'Residential'.

	<b>Issue / Proposal</b>	<b>Changes required to CLP</b>
1.	SL-lot 9	Change land use to 'Residential'
2.	SL-lot 12	Change land use to 'Residential'

### Endorsement:

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

Determined on behalf of the Western Australian Planning Commission in accordance with the <i>Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.</i>	 Ashley Randell Planning Manager, Aboriginal Communities Regional Planning & Strategy PN: 15151.1 5/11/2013 date
	 Authorisation 9/12/2013 name & 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, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.

<b>Proponent</b> : Department of Planning, Lands and Heritage
<b>Date</b> : August 2020

**Reason for the Amendment**

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

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

Land Identification		Amendment description
1.	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.

<p>Determined on behalf of the Western Australian Planning Commission in accordance with the <i>Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.</i></p>	 <b>27 August 2020</b>
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**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.