

# Yungngora

## Layout Plan 2

### Background Report

October 2009

Date endorsed by WAPC



### Amendments

- Amendment 1 - September 2011
- Amendment 2 - September 2011
- Amendment 3 - September 2012
- Amendment 4 - September 2012
- Amendment 5 - May 2015
- Amendment 6 - March 2016
- Amendment 7 - August 2017
- Amendment 8 - December 2018
- Amendment 9 - December 2018
- Amendment 10 - January 2019
- Amendment 11 - August 2023



Department of  
Planning



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## List of Acronyms used in this Report

AACAP	ATSIC Army Community Assistance Program
ALT	Aboriginal Lands Trust
ATSIC	Aboriginal and Torres Strait Islander Commission
CDEP	Community Development Employment Program
CLP	Community Layout Plan
DHW	Department of Housing and Works
DIA	Department of Indigenous Affairs
DPI	Department of Planning
EHNS	Environmental Needs Health Survey
ILUA	Indigenous Land Use Agreement (under the Native Title Act)
NNTT	National Native Title Tribunal
NTA	Native Title Act (Commonwealth) 1993
KRSP	Kimberley Regional Service Providers
RAESP	Remote Area Essential Services Program
WAPC	Western Australia Planning Commission

## EXECUTIVE SUMMARY

### Preamble

The Yunggorah (Noonkanbah) Community Layout Plan No. 2 has been prepared over a three year period between 2006 and 2009. It replaces the draft Yunggorah Community Layout Plan No. 1 (2001).

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

**Table 1 - Table 1 - Infrastructure and essential/social service characteristics at Yunggora**

Infrastructure /service Indicator	Community Characteristics
Drinking water	Bore quantity yields 164.6m <sup>3</sup> /day. Water quality is generally hard and salty: sodium and total dissolved solids have exceeded guidelines in all samples since 1998.
Native title	Native title determined to exist over part of community area but excluded/extinguished over freehold part of the community area and community development area.
Secure land holding(s)	Part of community area and development area located on land without appropriate tenure (though it is considered secure).
Flood / storm surge	Mitigation measures in place
Emergency assistance	Police and medical assistance from FX, less than 2 hours travel
Education	School in community (ie no more than 30 mins travel)
Health	Clinic at community with registered nurse 4 days/week.
Governance	Incorporated community, meeting regulatory requirements, has admin support.
Employment and enterprise opportunities	Est job market at FX, less than 2 hours travel.
Transport	CASA code 3 airstrip at community
Food	Store at community with reliable road access.
Electricity	Operated by community at present, but in process of being regularised by Horizon Power.

CLP No. 2 plans for future expansion of the community and formalises existing infrastructure and land-uses and provides a future lot layout and road design.

The major purpose of the CLP is to guide the growth and development of Noonkanbah by providing a layout of future land uses in the community. The CLP addresses future growth issues in the context of constraints to development including determined native title and the interaction with multiple land-tenure arrangements.

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

The greatest community aspiration is to live in a safe environment with sufficient housing.

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

### **Development at Noonkanbah**

The following initiatives, development and works are needed to implement CLP No. 2:

#### Within the next year:

1. Construct five new houses at middle camp (Department of Housing & Yungngora Association Inc).
2. Formalise road network in middle camp (Department of Housing).
3. Reticulate power and sewerage to all future residential lots in middle camp (Horizon Power & Department of Housing).
4. Commence land tenure rationalisation (Yungngorah Association Incorporated, Yungngora Aboriginal Corporation and Department of Regional Development and Lands).
5. Finalise drinking water source area protection plan (Department of Housing & Department of Water).

#### Within the next 5 years:

1. Relocate power station (Horizon Power).
2. Construct 5 additional houses (Department of Housing & Yungngora Association Inc).
3. Pave, drain and seal living area road network (Yungngora Association Inc & responsible agencies).
4. Investigate feasibility of constructing by-pass road between store and river-crossing road (Yungngora Association Inc & State Government)
5. Relocate industrial uses from Lots 58, 59, 60b to Lot 107 (Yungngora Association Incorporated, Yungngorah Aboriginal Corporation & responsible agency).
6. Replace water storage and cooling tower (Department of Housing)
7. Upgrade existing sewerage infrastructure (Department of Housing).

Within the next 10 years:

1. Construct 16 additional houses (Department of Housing & Yungngora Association Inc).

Within the next 15 years:

1. Construct a further 16 houses, subject to relocation of industrial uses (Department of Housing & Yungngora Association Inc).

# 1 BACKGROUND

## 1.1 Location & Physical Geography

The Yungngora community is on Noonkanbah Station in the Fitzroy Valley in the Shire of Derby-West Kimberley. The community lies on the northern side of the Fitzroy River, approximately 165 kilometres south-west of the nearest regional centre, Fitzroy Crossing, by road.

Yungngora is 70km from the Great Northern Highway.

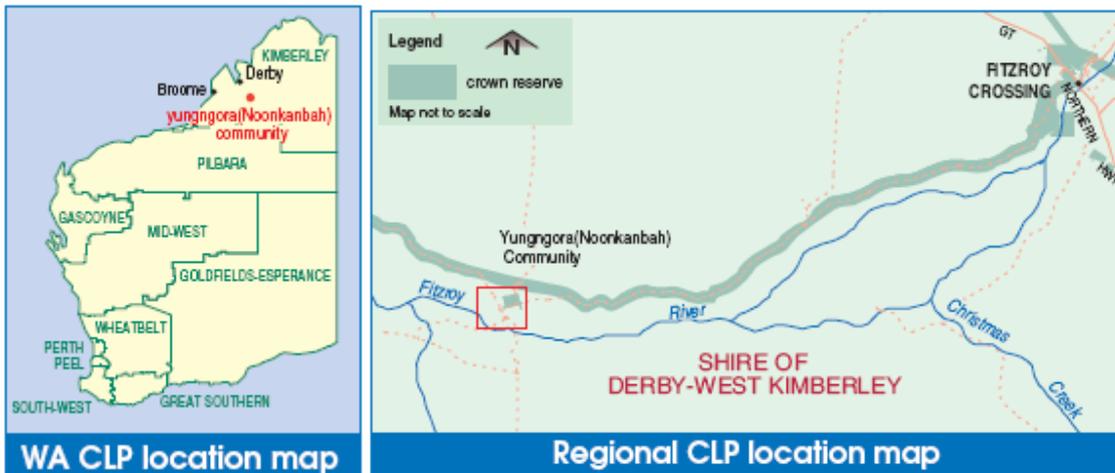


Figure 1 - Location of Noonkanbah proximate to Fitzroy Crossing

The Fitzroy Valley lies in the Dampierland bioregion, which stretches from Pardoo on the Pilbara coast to the south, to east of Fitzroy Crossing, and north to the Dampier Peninsula. The Fitzroy is the main river flowing through the Dampierland bioregion.

Yungngora is situated within the floodplain of the Fitzroy River (see figure 2 below). The Fitzroy Floodplain is characterised as 'plains of heavy cracking clays (black soil) with gilgai and active and relict watercourses ... Pools and braided channels are common where the river traverses black soil plains. Some pools are perennial and are sustained by groundwater' (Lindsay & Commander 2005:7).

A perennial pool lies immediately south of the community, and the area south of the community is generally not suitable for development because of its proximity to the river and floodplain.

The surrounding area to the north of the community in which the wider Noonkanbah lease is situated is categorised as the North Fitzroy Plains. Soils in this area are primarily made up of eolian sand and gravel under which lies a bed of laterised sandstone, mudstone, silstone, claystone and shale (Lindsay & Commander 2005).

The area is vegetated by acacia, boab, eucalypts and wild fig woodlands with areas of grasslands and savanna. Acacia thickets and grasslands are often seasonally destroyed and regenerated by fire.

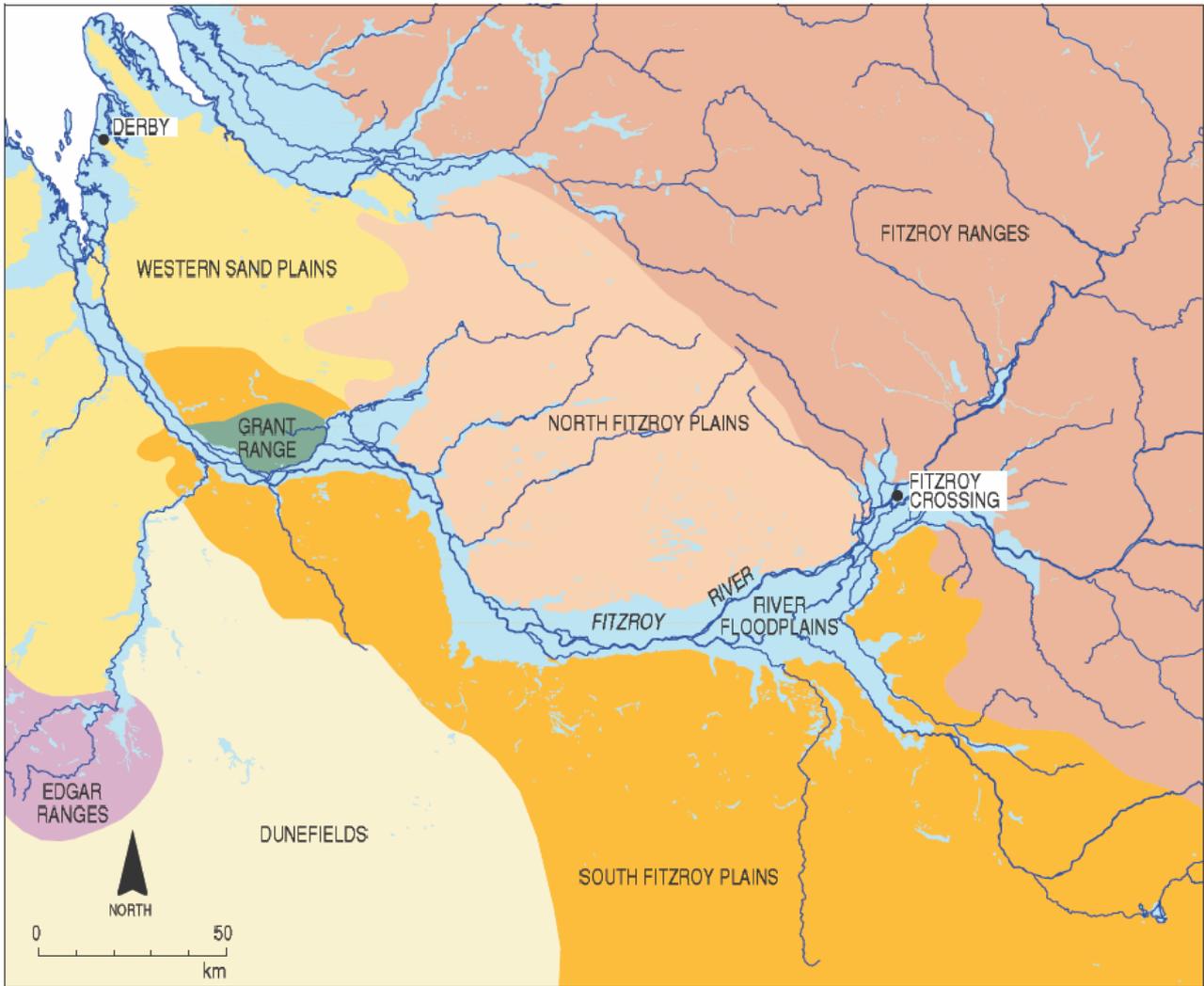


Figure 2 - Physiographic regions of the Fitzroy Valley (Lindsay & Commander 2005: 7)

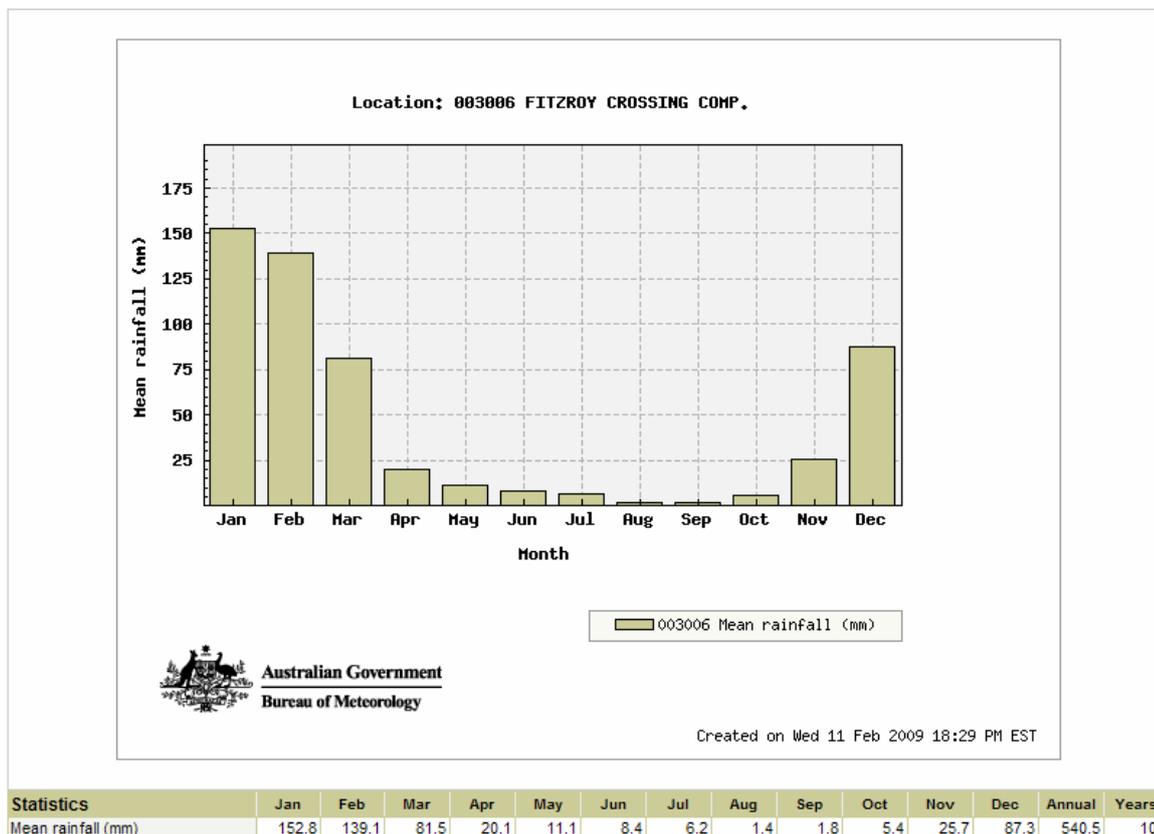
## 1.2 Climate

The Fitzroy Valley climate is characterised as sub-tropical with monsoonal wet and semi-arid dry seasons.

The wet season is usually from November to April and has high humidity and frequent thunderstorms, often resulting in the flooding of river systems in the Fitzroy Valley. The average maximum temperature exceeds 35° C. Summer rainfall accounts for most of the annual rainfall. Prevailing winds during the wet are from the west as moist air is sucked up from the warm ocean before heavy precipitation inland.

The dry season is from approximately May to October. The average maximum temperature during the dry season is 30° C with prevailing winds at this time from the east, which can blow dust from the dry, sandy interior toward the community.

The Bureau of Meteorology tables below illustrate the average temperatures.



**Table 2 - Mean rainfall by month (recorded at Fitzroy Crossing). Source: BoM 2009**

### 1.3 History

#### Pastoral occupation & new land tenure (1880s – 1940s)

European pastoralists began occupying the Kimberley region from the 1880s. As in other parts of the country, the initial encounter between Europeans and local Kimberley peoples was characterised by violence as new and imposed systems of land tenure and economy fundamentally altered local peoples' ability to obtain traditional food sources and access to their drinking water (Kolig 1990; Jebb 2002; Ritter 2002; Reynolds 1996).

Except for those people who were removed to government or church-based institutions located away from country, many Aboriginal people of the Fitzroy Valley were able to remain on their traditional lands after European possession by virtue of adapting to and working on the newly established pastoral stations, including Noonkanbah.

The Emanuel brothers took title of the Noonkanbah lease during this period. Traditional owner rights and interests over this land were not recognised by the State until over one hundred years later.

Aboriginal stockmen and station-hands became skilled and integral to the prosperity of the pastoral economy in the Fitzroy Valley and the Kimberley (Eggington & Skyring 2006; Jebb 2002).

For most of the 1900s Aboriginal station workers were paid in lodging and rations. Until 1950 Aboriginal workers did not receive any wages and when these were introduced they were less than those paid to white stock workers (ALSWA 2006; Eggington & Skyring 2006).

Living conditions on stations were generally not good – dwellings were substandard, often in the form of a tent or humpy with dirt floor and without sanitation.

Living on country, though, enabled the continuation of customary practices and social relations (KLRC 1996; Berndt & Berndt 1996: 509-512; Sullivan 2005; Toussaint 1999).

### Migration to towns (1950s – 1980s)

The Commonwealth Government Pastoral Industry Award became applicable in the Kimberley in December 1968, which meant for the first time the formal legal entitlement of male Aboriginal pastoral workers<sup>1</sup> to equal wages for equal work, holiday pay and sick pay.

Despite good intentions, the legal entitlement to equal wages had unintended consequences as many workers were laid-off, while others walked off in protest against continuing poor living and working conditions. Many stations in the Fitzroy Valley, including those known today as Noonkanbah and Millijiddee, declined during this period with the loss of a productive and cheap workforce (ALSWA 2006; Hawke and Gallagher 1989; Jebb 2002).



Hairpin Marner and Wadgie Thirkall, Fitzroy Crossing, 1979. This dwelling was home for Thirkall and his large family for ten years.

**Figure 3 - Dwelling conditions at Fitzroy Crossing, as late as 1979 (Hawke & Gallagher 1989: 77).**

The combination of these factors resulted in the large scale out-migration of station workers to town camps and reserves. Large numbers of former station workers and their families migrated to the rapidly growing Junjuwa reserve at Fitzroy Crossing and nearby areas along the Fitzroy River. It is estimated that by the late 1970s only around 15 percent of Aboriginal people remained on Kimberley stations (Jebb 2002: 302).

Migration to towns such as Fitzroy Crossing saw the resourceful construction of shelters out of any available materials, especially corrugated iron, tree branches, or timber off cuts, as

<sup>1</sup> It should be noted that women and 'full blood' Aboriginal people and those without a Certificate of Citizenship were not covered by the Pastoral Award (Jebb 2002).

depicted in the figure above. There was no formal town planning. Although resourceful, life in make-shift town camps took place in the context of substandard and culturally inappropriate living conditions and acute poverty, with the result of poor health and social problems (Eggington & Skyring 2006; Hawke & Gallagher 1989).

Camps in Fitzroy Crossing were overcrowded and impoverished, with the added disadvantage of residents not living on traditional country.

It was in the context of poor living conditions and growing social problems in overcrowded town camps that the desire to return to country intensified.

### **Return to country (1970s – present)**

The present-day Noonkanbah community was re-established in 1976 after significant and well-documented struggle and persistence to return to traditional country following a long-standing protest with the former Noonkanbah Pastoral Company against unequal wages and unsatisfactory working conditions. It was in this year that the Noonkanbah pastoral lease was acquired by the State Government and sub-let to the community.

Community members returned to Noonkanbah with no money, very little material wealth and limited resources. Through historical circumstances, community residents were made reliant on government assistance for basic necessities, including housing.

The eventual permanent return to country and foundation of the present-day Noonkanbah community can be seen as spearheading the broader homelands movement in Western Australia.

The re-establishing of Noonkanbah as an Aboriginal community with secure tenure is testament to the community's persistent political will and resourcefulness over a period of many years.

### **Formal recognition of rights to country (1980s – present)**

Noonkanbah Station has also been the site of political resistance against what community members argued was culturally and environmentally inappropriate mining exploration, without their consent, at nearby Pea Hill during the late 1970s and early 1980s. Community protests against drilling demonstrated to an international audience the continuing significance of country to the people of Noonkanbah and the growing demand for recognition of Aboriginal rights to land (Hawke & Gallagher 1989; Ritter 2002).

The lease for the Noonkanbah Pastoral Company was transferred to the Yungngora Association Incorporated in 1986 and freehold title for the community's living area was acquired by the Yungngora Association Inc in 2000 (see land tenure details below).

The community's pre-existing native title rights and interests over an area approximately equivalent to the Noonkanbah pastoral lease were formally recognised by the Federal Court in 2007.

It is within this historical and political context - and reflecting the needs and aspirations of the present generation - that land-use planning for Yungngora's future is situated.

## 1.4 CLP No. 1

Halpern Glick Maunsell prepared a Community Layout Plan on behalf of the former Aboriginal Affairs Department and ATSIC in 2001. This plan was not endorsed by the Western Australian Planning Commission.

A number of developments have occurred since 2001, including the construction of additional housing, the vesting of landholdings by the Aboriginal Lands Trust to the Yungngorah Association Inc and the recognition of the community's pre-existing native title rights and interests.

## 2. EXISTING SITUATION

### 2.1 Governance

There are two governance bodies within the community which, although comprised by largely the same community members, are two separate bodies incorporated under different legislation with different legal responsibilities, decision-making processes and reporting requirements.

#### **Yungngora Association Inc: The Community**

The Yungngora Association Inc (Noonkanbah) was incorporated in 1977 under the *Associations Incorporation Act [1895-1965] 1987 (WA)*.

Yungngora Association Inc represents the community via the community Governing Committee, the primary aim of which is to support development of the community in all ways, including health, education, employment and housing. Yungngora Association Inc is responsible for the management of day-to-day operations of the community including instituting the community's by-laws<sup>2</sup>.

The Noonkanbah pastoral lease and the community's freehold title are held by the Yungngora Association Inc.

Yungngora Association Inc employs an administrator who reports directly to the Community Council and represents community interests to external agencies.

Membership is open to people of Nyikinya and Walmajarri descent and their spouses who are normally resident at the community.

The Governing Committee of the Association comprises 4-7 members and it is required to meet at least every three months, but may do so whenever considered necessary. At the present time, the Governing Committee meets once a month.

The Yungngora community's by-laws are available at [http://www.austlii.edu.au/au/legis/wa/consol\\_reg/yaib418/](http://www.austlii.edu.au/au/legis/wa/consol_reg/yaib418/)

## Yungngora Aboriginal Corporation: Traditional Owners

The Yungngora Aboriginal Corporation was incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)* in 2008. The Corporation's main objectives and statutory functions are to represent traditional owner interests. The Yungngora Aboriginal Corporation is also to act as the registered prescribed body corporate (PBC) under requirements of the Native Title Act, following the positive determination of traditional rights and interests in 2007.

Traditional owner is defined by the Corporation's Rule Book as those persons who identify and are identified by the native title holding group as Yungngora People

## 2.2 Land Tenure

The community living area is divided into three separate land titles:

<i>Tenure</i>	Fee Simple (Freehold)
<i>Lot Details</i>	Lots 4 and 50, Fitzroy Location 4, diagram 15861 (vol. 2201, folio 905)
<i>Status Order / Interest</i>	n/a
<i>Primary Interest Holder</i>	Yungngorah Association Inc
<i>Area</i>	259.2249ha
<i>Limitations/Interests/Encumbrances/Notifications</i>	n/a [nb. Caveat H484200 by the ALT lodged in 2000, withdrawn 2006]
<i>Crown Land Title</i>	Pastoral Lease
<i>Lot Details</i>	Crown Lease 3114/576, Fitzroy Location 255
<i>Status Order / Interest</i>	n.a
<i>Primary Interest Holder</i>	Yungngora Association Inc
<i>Area</i>	172 276.61ha
<i>Limitations/Interests/Encumbrances/Notifications</i>	n.a
<i>Crown Land Title</i>	Crown Reserve 26355
<i>Lot Details</i>	Lot 37 on deposited plan 161313 (vol. LR 3059, folio 339)
<i>Status Order / Interest</i>	State of Western Australia
<i>Area</i>	343.72ha
<i>Limitations/Interests/Encumbrances/Notifications</i>	<ul style="list-style-type: none"> <li>Reserve 26355 for the purposes of aerodrome.</li> <li>H622275 NOIT: Access. Registered 14.12.2000</li> <li>K444607 period of currency increased to 9 years from 14.12.2000. Registered 13.12.2007</li> </ul>

## Freehold

Most of the community's residential area, including the school site, is located on 259ha of freehold. Lots 4 and 50 exist on one title held by the Yungngora Association Incorporated. The freehold land is bisected by a drainage line (creek bed), and the area south of the creek bed is lower-lying ground more susceptible to flooding, largely rendering it unsuitable for development of housing and infrastructure. The bulk of future residential lots have been proposed to the northern side of the creek line, within the freehold lot.

## Pastoral Lease & Crown Reserve

The eastern part of the community is situated on Pastoral Lease 3114/576 (Noonkanbah pastoral station), held by the Yungngora Association Incorporated. Another eastern portion of the community is situated on Crown Reserve 26355 (aerodrome), held by the State of Western Australia. These two forms of land tenure, while considered secure, are inappropriate for community purposes.

The community's sewerage ponds, cemetery and about half of 'top camp' are situated on the Noonkanbah pastoral lease.

Half of top camp, the rubbish tip and the airstrip are located on the aerodrome reserve 26355. A small portion of the runway is on Noonkanbah Station.

Three dedicated road reserves are within Noonkanbah Station. Existing access roads and tracks to the community generally fall outside of these road reserves. These road reserves have been excluded from the Noonkanbah native title determination area.

The land ownership plan includes a future cadastral amendment area, comprising the existing settlement, planned future growth areas, associated infrastructure and buffers. It is recommended that the future cadastral amendment area be in the form of a single land-holding, such as a crown reserve created under the *Land Administration Act 1997*, managed by the Yungngora Association Incorporated.

An Indigenous Land Use Agreement between Yungngorah Association Inc, Yungngorah Aboriginal Corp and the State Government is likely to be necessary to progress the recommended land tenure adjustment.

## 2.3 Native Title

### 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](#).

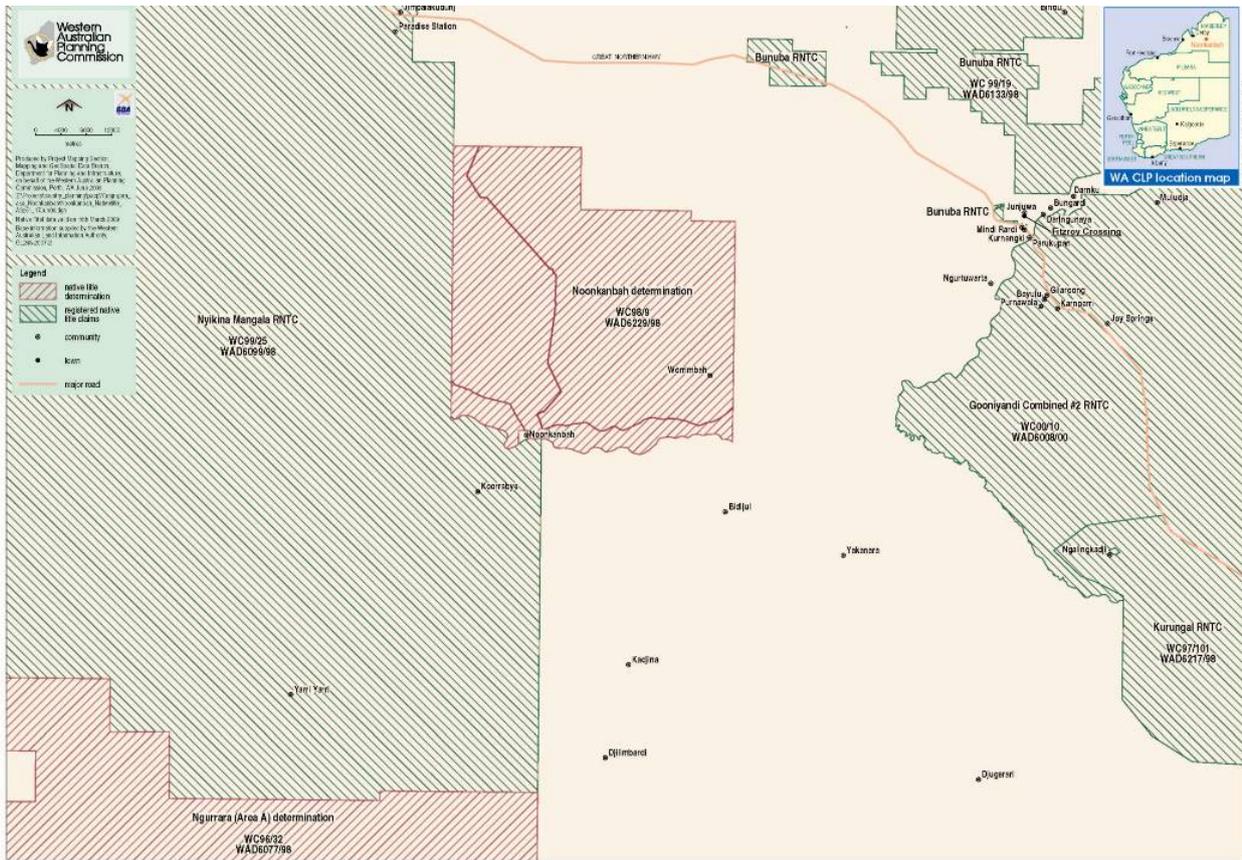
### **Native title issues affecting Yungngora community and Noonkanbah Station.**

Native title was determined by consent between the Yungngora People, the State and the Shire of Derby-West Kimberley in 2007 over an area of 1804.807 sqkm.

The Yungngora People hold exclusive communal rights and interests over Noonkanbah Pastoral Lease 3114/576 and non-exclusive communal rights over Crown Reserve 26355 (the aerodrome).

As noted in paragraph 9 of the determination, other rights and interests within the determination area, such as those of the right to access land by government employees, may co-exist with native title rights and interests and to the extent that there is any incompatibility then the other rights and interests prevail but do not extinguish traditional Yungngora rights and interests.

The freehold lot did not form part of the native title claim or determination area and is therefore not subject to formal native title rights and interests (see appendices for enlarged native title determination map).



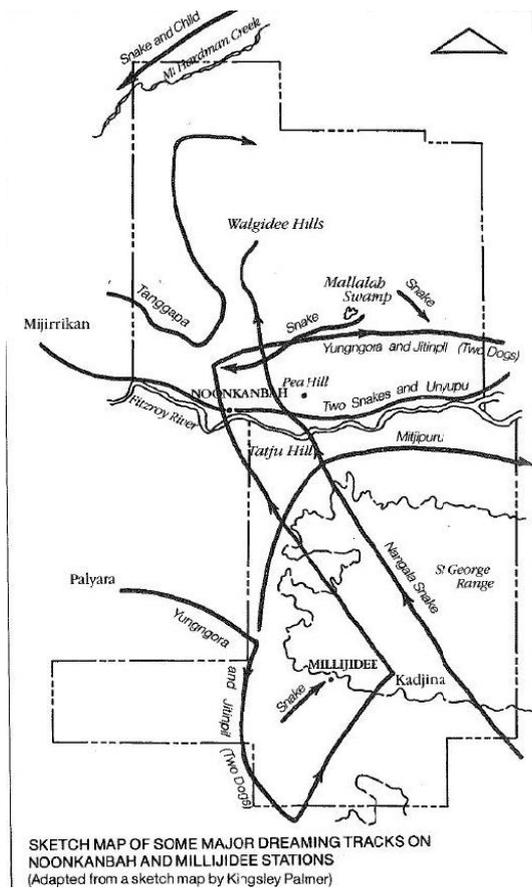
Planning for Aboriginal Communities  
**Noonkanbah native title determination area and surrounds (June 2009)**

## 2.4 Culture

The community is made up of co-residential Walmajarri, Nyikina and Mangala speakers, although most community members speak English or Kriol as their first language at home. Community members are largely related to each other through birth and marriage.

To an extent, the layout of the community reflects differences between language groups with 'top camp' associated with predominantly Nyikina family groups and 'bottom camp' associated with predominantly Walmatjarri speakers.

It has been observed that the co-residential language groups at Noonkanbah share connections to country through a shared understanding of traditional knowledge and customs relating to descent, birth, conception, and of shared knowledge relating to mythical ancestral beings (*Ngarranggan*) who created features in the landscape and set down rules for behavior during their travels in what is commonly referred to as the Dreaming (Kolig 1990).



For example, the Yungngora community takes its name from a mythical ancestral being, who was one of two dogs that traveled through country to the south of the Fitzroy River in the St George Ranges (*Kaljidi*) during the *Ngarranggani* before crossing the river and entering a waterhole near the existing site of the old Noonkanbah homestead. The travels of this mythical ancestor are also related to the journeys and stories of other *Ngarranggani* ancestors including Kadjina (see Kolig 1990 for an expansion of this story).

**Figure 4 - Tracks of mythical ancestors, including Yungngorah, across Noonkanbah and Millijidee Stations (Hawke & Gallagher 1989:114)**

There is a strong correlation between the path of dreaming tracks as shown in the opposite figure and the existence of registered sites of significance, as illustrated in figure 5, which are protected under the *Aboriginal Heritage Act 1972*.

## 2.5 Heritage

No formal heritage assessment under the *Aboriginal Heritage Act 1972* has been undertaken as part of the preparation of CLP No. 2 – and this CLP does not represent clearance under that Act in any way.

It is expected that any future development of housing and other infrastructure be undertaken in consultation with the community and native title holders and cleared in accordance with provisions of that Act.

Notwithstanding the above, the following discussion of heritage matters derives from consultation with the community and a desk-top survey of sites registered under the Act 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 CLP. These constraints to development must be addressed prior to construction of housing and other works.

## No-Go Area

There are two former camp sites within the living area, marked as 'No. 1 and No. 2 Reserve', which are of historical and cultural significance to the community. A No-Go buffer has been included on the plan to indicate that future development should not encroach on these areas.

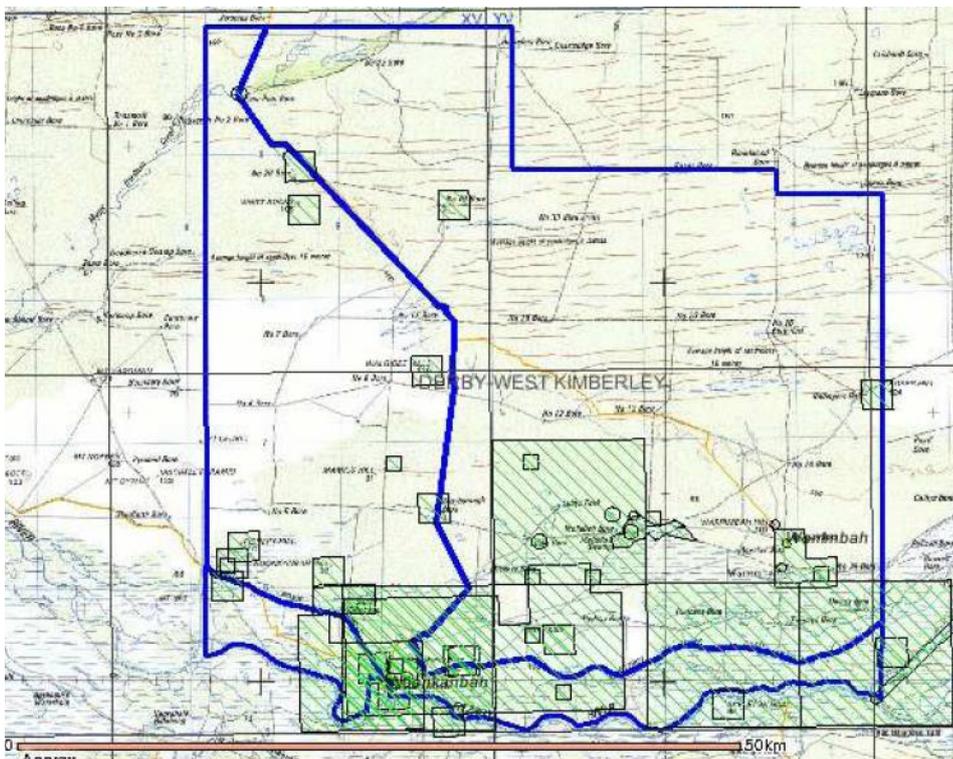
## Registered Sites

It should be noted that both registered and unregistered sites of cultural significance to Aboriginal people are protected under the State Government's *Aboriginal Heritage Act 1972*, but only registered sites are recorded on the Department of Indigenous Affairs' database.

There are numerous registered sites within the living area and also within the broader Noonkanbah native title determination area.

These sites are mythological, ceremonial and archaeological, including burial sites. The sites are variously open and closed sites. Closed sites are often restricted to people who have knowledge of the site because they have undergone a process of initiation or because it would be culturally inappropriate for the site's details to be in the public domain.

As shown on the map below registered sites are scattered throughout the entire Noonkanbah native title determination area, but tend to be concentrated in country closer to the river and living areas including the Yunggora community and outstations (refer to appendices for full heritage report). There is a broad spatial correlation between the map of registered sites below and the map of dreaming tracks as depicted in Figure 4 above.



**Figure 5 - Registered sites (green) in vicinity of Noonkanbah native title determination area (blue). Source: DIA 2009. See appendices for full results from Aboriginal Heritage Inquiry System)**

Sites tend to be concentrated in the vicinity of living areas. With regard to the Yunggora community living area more specifically, there are at least 10 registered sites within the area approximating the suggested cadastral amendment area, as shown in the figure below.

It should be noted that it is likely that there are many more sites that have not been registered and are not depicted on the maps here. Unregistered sites are equally protected under the *Aboriginal Heritage Act 1972*.

The figure below shows a close-up of registered sites within the community living area (and suggested cadastral amendment area). The entire living area falls within the sphere of registered sites.

All registered sites in the community living area, except one, are restricted sites, further underscoring their significance. These sites are both mythological/ethnographic and archaeological.

Given the large number of registered sites in the vicinity of the living area, it is imperative that future development within the living area occur only after consultation with traditional owners. This might also entail formal clearance under the *Aboriginal Heritage Act 1972*.



**Figure 6 - Registered sites (green) in vicinity of living area (blue). Source: DIA 2009. See appendices for full results from Aboriginal Heritage Inquiry System)**

## Built Heritage

In addition to sites protected under the *Aboriginal Heritage Act 1972*, there are two built structures within the living area on Lots 61 and 73 that are designated as heritage land uses on CLP No. 2. These structures are associated with the pastoral era.

They are not listed or registered under the *Heritage of Western Australia Act 1990*.

## 2.6 Population

### *Current Population*

Estimating and predicting populations in the Fitzroy Valley is difficult because Aboriginal people tend to be mobile in terms of housing and living arrangements. Populations can increase and decrease quite rapidly based on family, cultural or administrative factors (see Taylor 2006 for a useful discussion of demographic trends of remote Indigenous populations).

The community members of Yungngora have close affiliations with other settlements in the region, including Jimbalakundj, Kadjina, Koorabye, and Fitzroy Crossing, with regular movements of people between those centres.

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

Current population levels can be estimated from a range of sources, including Census Data from the ABS and the Environmental Health Needs Survey undertaken by the Department of Indigenous Affairs.

Australian Bureau of Statistics (ABS) data from 2001 recorded a total indigenous population of 239, comprising 117 males and 122 females.

In 2004 the Department of Indigenous Affairs Environmental Health Needs Survey (EHNS) recorded 235 inhabitants, excluding non-permanent staff.

ABS data from 2006 recorded a total Indigenous population of 266.

A summary of recent population data from these two sources follows:

**Table 3 - Population figures by source 1997-2006**

	1997	2001	2004	2006
Total persons		256		288
Indigenous people	159	239	235	266
Indigenous males		117		131
Indigenous females		122		135
Source	EHNS	ABS	EHNS	ABS

In addition to the above, a key source of population data is from the community itself. The community manager advised in October 2008 that Yungngora's permanent population is between 220-260 people, with the lower figure more typical during mustering season.

Based on the above, this report assumes that the current permanent population of Yungngora is approximately 260 people, not including non-Indigenous staff members temporarily living in the community. This figure accords with the projected design population estimated for draft CLP No. 1.

### ***Design Population***

The Western Australian Planning Commission's *Fitzroy Futures Town Plan* (WAPC 2005) estimates a five per cent annual growth rate for communities in Fitzroy Crossing.

The estimated design population for Yungngora over a 15-year period, based on a current population of 260 and an annual growth rate of five per cent, is 420 residents by 2018 (10 years) and **510 residents** by 2022 (15 years), which is almost a doubling of the population.

The table below outlines the estimated population growth over the next fifteen years with a constant annual growth of 5% per year. It is likely however that the population growth will not be constant over that period of time, and will be contingent on migration to and from the community as well as natural increase from births and deaths.

Migration to and from the community will be influenced among other things by the employment opportunities, family networks and obligations, services and infrastructure available in the community (including number and type of housing).

All the same, the estimates above can be used as a reasonable though generalised estimate of population growth and the associated demand for housing during the next fifteen years. These figures should be re-evaluated when the CLP is next updated (ie. roughly every five years).

In short, it is estimated that 44 new houses will have to be constructed, requiring 44 new residential lots, and the existing housing stock adequately maintained so that they are habitable during the next fifteen years, in order to maintain the estimated current population density average of 5.7 residents per house.

The actual population density per house will vary depending on a number of factors including extended-family obligations, household composition (number of adults and children living in the same house) and the number of bedrooms in the house. Consequently, it can be expected that a number of existing and future dwellings will have considerably fewer than 5-6 people living in them, while others may have many more, depending on these factors.

**Table 4 - Demand for additional housing assuming 5% population growth 2008-2022**

Year	Population estimate (growth @ 5% p.a)	Housing density based on existing No. of houses (45)	No. additional houses needed to maintain existing housing density (5.7)	Total housing stock needed (excluding staff housing)
2008	260	5.7	0	45
2009	273	6.1	2	47
2010	286	6.4	5	50
2011	300	6.7	7	52
2012	315	7.0	10	55
2013	330	7.3	12	57
2014	346	7.7	15	60
2015	363	8.1	18	63
2016	381	8.5	21	66
2017	400	8.9	25	70
2018	420	9.3	28	73
2019	441	9.8	32	77
2020	463	10.3	36	81
2021	486	10.8	40	85
2022	510	11.3	44	89

## 2.7 Housing

### Residential areas

The community can broadly be divided into four residential areas: 'top camp' comprises Lots 1-17, 18-25 and 56. A second residential area, 'middle camp' comprises Lots 18-25 and 56. A third residential area is opposite the school site and houses more transient non-Indigenous administrative staff including teachers and the community's administrator. A fourth residential area, 'bottom camp', comprises Lots 31-49.



**Figure 7 – Residential areas for the permanent population at Yunggora**

**Number & type of dwellings**

ABS census data from 2006 recorded a total of 45 dwellings, not including non-Indigenous staff housing. This figure accords with the living area plan for CLP No. 2<sup>3</sup>. As stated above, based on an estimated current population of approximately 260 residents, this equates to an average of less than 6 people per dwelling.

All dwellings in the community are rented from the Department of Housing (DoH). That is, no dwellings are privately owned.

Typically, newer houses are constructed from colour-bond corrugated steel, transported from outside the Kimberley and then assembled.

Seven new houses were programmed by the Department of Housing for the 2008/2009 period. At the time of finalising this report in July 2009, the local Shire had approved building licenses for two 144sqm transportable houses to be constructed on future Lots<sup>4</sup> 54 and 55.

<sup>3</sup> Department of Housing database records that there are only 42 community houses at the present time (personal communication 3 July 2009), but this figure does not accord with as-constructed survey data or census data.

<sup>4</sup> These are referred to as ‘future layout and Lot No.’ on the CLP because at the present time the actual existing lot is the larger Freehold Lots 4 and 50 totalling 259ha (as shown on the land tenure plan). ‘Future lots’ are conceptual lots and assume an eventual subdivision or subletting of land such that each future lot would have its own title.

Given that these lots are on freehold title, and excluded from the native title determination area, then it is not expected that the construction of future housing in this area would be subject to ILUA negotiations. However, construction of all housing must be in accordance with the *Aboriginal Heritage Act 1972*.

### Quality of dwellings

The 1997 Environmental Health Needs Survey (EHNS)<sup>5</sup> noted that 20% or 8 of 40 dwellings required major repairs to three or more surfaces. By the 2004 EHNS this figure had increased to 37.5% or 15 out of 40 dwellings that required major repairs to three or more surfaces, indicating a deteriorating housing stock over that seven year period.

Based on advice from the Department of Housing, it is understood that all houses are occupied at the present time.



**Figure 8 - Newer housing in top camp, constructed from colour bond steel (2005).**

As noted above, it is imperative that the existing housing stock be maintained to a habitable standard – in addition to future new housing construction – if Yungngora’s housing density level is to remain at the present average of 5-6 residents per house.

### Future residential development

CLP No. 2 provides for 31 future residential lots within the next ten years. Up to 12 additional residential lots will be available for development within the next fifteen years at the site of the existing power station and industrial areas after those land uses are relocated to Lots 106 and 107 and the existing lots appropriately remediated (see suggested Future CLP No. 2 amendment plan in appendices).

CLP No. 2 therefore plans for up to 43 new residential lots over the next 15 years, subject to overcoming existing constraints.

Of the 31 future residential lots proposed for development within the next ten years, 22 are situated on freehold title (top and middle camps) and outside of the native title determination area and therefore unencumbered by the same native title constraints as the abutting crown lease and crown reserve.

Existing open drainage channels in middle camp will have to be appropriately redesigned along the proposed road network prior to housing construction.

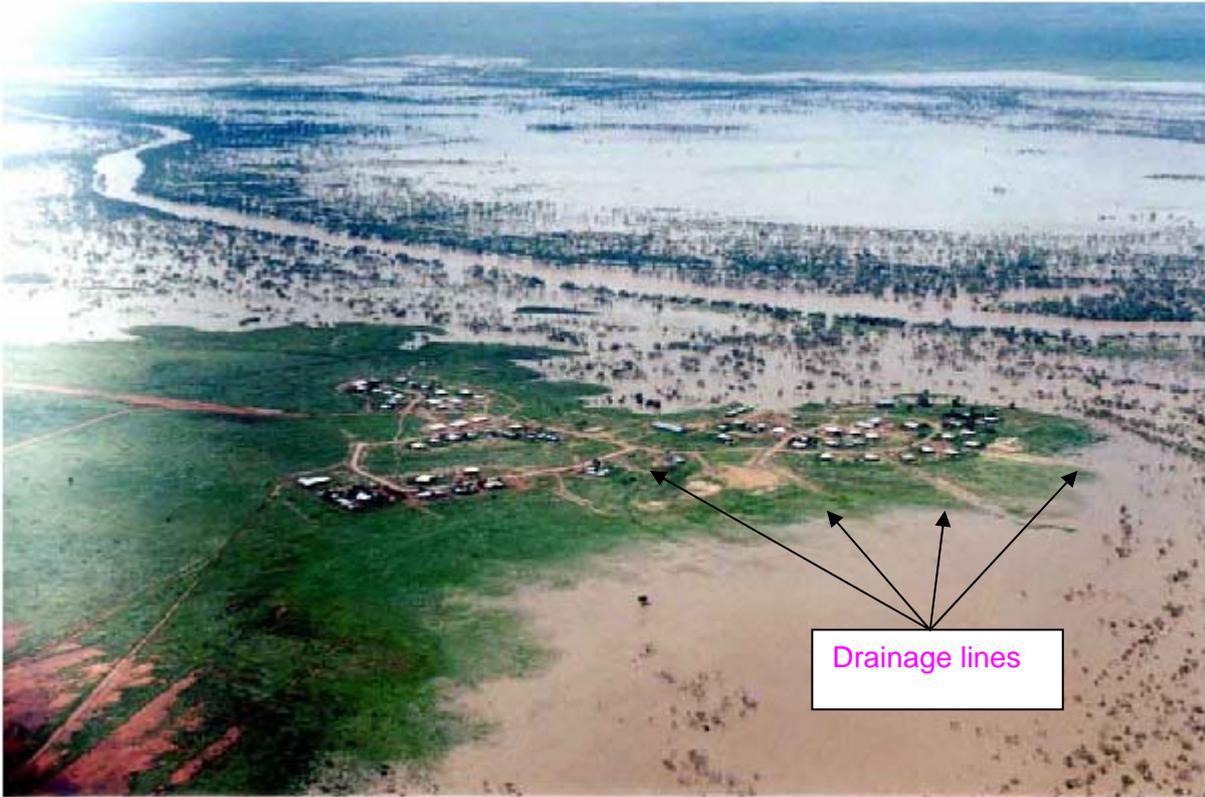
Nine future residential lots fall within Crown Reserve 26355 and therefore within the native title determination area. Construction of houses on these lots may impinge on native title rights and interests. This issue is required to be resolved prior to development of that land.

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<sup>5</sup> The EHNS was a joint initiative between Federal and State Government departments. The accuracy of the EHNS is questioned here given that a number of errors appear throughout the report. For example on p. 70 it is recorded that Noonkanbah has 57 adequate dwellings while on p. 40 it is noted that there are 40 adequate dwellings. The latter is assumed here to be correct.

## 2.8 Flooding & Drainage

As noted at the beginning of this report, Yungngora community and Noonkanbah Station are located within the flood plain of the Fitzroy River.



**Figure 9 - Aerial photo of Yungngora during floods of 2002, with Fitzroy River in background (source: Bureau of Meteorology<sup>6</sup>)**

The close proximity of the Fitzroy River has caused flooding in the close vicinity of the community in the past, effectively rendering it a peninsula. A flood to 73 metres AHD was recorded in 1982/83. This flood level is depicted on CLP No. 2 adjacent to bottom camp. Main Roads WA has previously recommended a 1 in 100 year flood line of 74.6 metres. Development is therefore constrained by potential flooding and existing drainage and mitigation measures in the area surrounding bottom camp.



**Figure 10 - drainage channel between Lts 34 & 36 mitigating high water levels in 2002**



**Figure 11 - levee bank on southern perimeter of living area**

Open roadside drains and levee banks have been constructed as mitigation measures to the south of the community and along the road network in middle camp, as depicted in the photographs on this page. However, inundation of the school access road occurs occasionally.

It is therefore recommended that technical investigation occurs prior to construction of housing on Lots 96-104, and that the drainage channels south of the school site be redesigned in conjunction with the construction of Proposed Road No. 1.

### Access & Dedicated Roads

Road access to Yungngora is via Calwynyardah-Noonkanbah Road (70km). The road is unsealed but graded. The turnoff to the community from the Great Northern Highway is about 90km west of Fitzroy Crossing.



This access road is generally in fair condition. It is an all-season road and access to the community is possible during the wet in four-wheel drive, except after some severe downfalls.

Despite parts of the access road that become corrugated or are pot-holed, it is possible to drive by 2-wheel drive during the dry months, though the trip is more comfortably made by four-wheel drive.

A second access road to Yungngora is along Kalyeeda Road, south of the Fitzroy River crossing, and connects Yungngora with Koorabye community, Kalyeeda Station, Kadjina community and Millijiddee Station and Yakanarra. Kalyeeda Road and the road to Kadjina do not have formal road reserves.

The southern access roads to Koorabye and Kadjina are not accessible from Noonkanbah for periods greater than two weeks during the wet summer months (especially from January – April) when the Fitzroy River crossing is impassable by four-wheel drive at Yungngorah. Notwithstanding this, the access roads to Koorabye and Kadjina are generally in good condition, but have occasional potholes and the road to Kadjina also has creek bed crossings, limiting access to four-wheel drives.

A third access road is the westerly Looma/Camballin-Noonkanbah Road, following the northern side of the Fitzroy River. This road also has a dedicated road reserve, but for the most part the existing track falls outside the road reserve. Travel time to Looma along this road is approximately two hours, however access is seasonal.

A fourth access road is the easterly Fitzroy River Road, following for the most part the northern side of the Fitzroy River. This road connects Noonkanbah to Bayulu community and GoGo Station and is an alternative route to Fitzroy Crossing during the dry.

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<sup>6</sup> Image by Department of Environment, sourced from Bureau of Meteorology website <http://www.bom.gov.au/weather/wa/cyclone/about/derby/index.shtml>

Outstations including Worrimbah are accessed via this road. An existing road reserve follows the Fitzroy Crossing Stock Route (Crown Reserve 23226), but the Fitzroy River Road generally falls well outside the dedicated road reserve. Access along this road is seasonal because the road crosses the Fitzroy River in parts.

The standard of the easterly and westerly access roads is variable as they are not graded. Community members have put forward that they are the most direct routes to Bayulu, Fitzroy Crossing and Looma, when accessible.



**Figure 12 – Eastern access road to Worrimbah during dry season (2005).**

The funding of non-gazetted access roads to remote communities was, until 2007, through the Community Housing and Infrastructure Program (CHIP). Through this program, the Centre for Appropriate Technology (CAT) received funding from the Department of Housing of about \$2 million p.a for the maintenance, reconstruction and sealing of access roads, firebreak maintenance, internal road maintenance, and rubbish tip maintenance throughout the Kimberley.

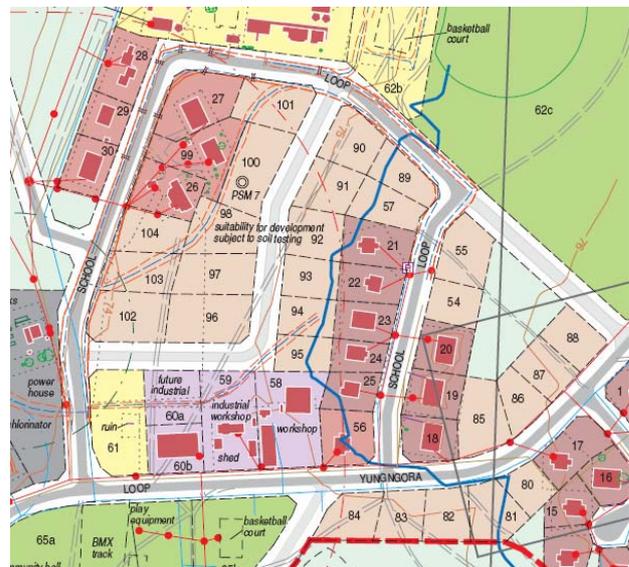
The CHIP program was abolished and replaced on 1 January 2009<sup>7</sup> with the Australian Remote Indigenous Accommodation (ARIA) program.

**Internal Road Layout**

Roads within the Yungngora community consist of a mixture of sealed and unsealed surfaces. The hierarchy of roads is depicted on the CLP as follows:

1. Existing sealed roads – solid dark grey line.
2. Proposed unsealed future road – solid light grey line.
3. Existing unsealed track – dashed grey lines.

There are many informal unsealed tracks that criss-cross the community and in most cases represent the most direct route between two points. Where possible, these informal organic tracks have been used as a basis for the formal road network, such as the road to the river crossing.



**Figure 13 - Internal road layout, showing existing sealed road, proposed future road, and existing unsealed tracks.**

<sup>7</sup> [http://www.fahcsia.gov.au/about/publicationsarticles/corp/Documents/2008%20Annual%20Report/05\\_2.htm](http://www.fahcsia.gov.au/about/publicationsarticles/corp/Documents/2008%20Annual%20Report/05_2.htm)

For the most part, though, it would be inefficient in terms of future lot yield and the provision of services to formalise many existing tracks in the community. Consequently a new road layout is proposed for the residential area opposite the school site and between School Loop and Yungngora Loop, as depicted in the figure above.

At present, trucks servicing the store pass through the centre living area and an alternative route or shop location is desirable. A future amendment to CLP No. 2 might therefore show a service road between the store and the river crossing road, subject to engineering advice and the sealing of both of those roads – which would also be subject to available funding.

The 1997 and 2004 EHNS reports identified dust, primarily arising from unsealed roads, as being of high concern. Yungngora's previous managers have noted that a priority for community infrastructure funding was for road sealing from bottom camp to top camp.

Most of the community's internal roads have been sealed since the 1997 Environmental Health Needs Survey. However Yungngora Loop is not yet fully sealed, neither is the existing track from the community to the river crossing. The internal access road in middle camp will also require sealing once those lots are serviced and ready for development.

## 2.9 Community and Social Services

The following community facilities and social services are located at Yungngora:

### Store

The community's store is on Lot 75. It is trading effectively and supplies fresh fruit and vegetables on a regular basis. Public pay phones are located outside the store and fuel can be purchased at the store and is available on adjacent Lot 67b.

The store is open from 9am until 5pm, with a midday siesta from 11-2:30pm, Monday to Friday.

It is open 8am to 10am on Saturday mornings and is closed on Sundays.

Lots 74a and 74b have been allocated for future commercial uses, which might include any extension of the existing store.

### School

Kulkarriya Community School is an independent school, run by the Yungngora Association Inc, and is located at the northern end of the settlement on Lots 62a-c.

The school has been running since 1978 and



Figure 14 - Community store on Lot 75



Figure 15 - Kulkarriya independent community school at Yungngora

these days teaches students from Kindergarten to Year 12, with 87 students enrolled in 2007.

Most students have English as a second language as Kriol, Nyikinya and Walmajarri languages are usually spoken at home.

In 2007 the school had five full time teachers, a principal and 17 local staff.

### Office

The community office is located in bottom camp on Lot 69. It is run by a full time Manager who is employed by the Yungngora Association Inc and is also assisted with local staff.

The office administers the local CDEP program, unlike many other communities in the Fitzroy Valley which utilise the services of Marra Worra Worra in Fitzroy Crossing. About 165 Yungngora residents are on the CDEP program.

The office has a designated meeting space, email, phone and fax. The contact details are located at the beginning of this report.

### Clinic

Yungngora's clinic is located in bottom camp on Lot 76, adjacent to the community store.

Registered nurses are based in Fitzroy Crossing and do not live in the community. A registered nurse visits the community four days per week for five hours per day. There is no Aboriginal health worker in the community. A doctor visits the community three times per month.



**Figure 16 - Community clinic with community store in background**

Professional health workers from Fitzroy Crossing variously access the community by air and road – however there are times of the year after long and heavy rains when the community is inaccessible by air as it is considered unsafe for the RFDS plane to land on the unsealed airstrip.

The community also has a designated women's centre and workspace and a crèche on Lot 71.

Emergency assistance is about two hour's travel time by road from the community to Fitzroy Crossing – and less by air (see discussion on airstrip).

### Workshop

Community workshops are located on Lots 58, 59, and 60b. The workshops are useful to the community and offer a car repair service.

Unfortunately the workshops are poorly situated in the centre of the community and next to residential housing and opposite a children's play area and basketball court. In accordance with the draft WAPC Guidelines No. 2 on land-use buffers (January 2008),

industrial workshops used for auto repairs and mechanical equipment storage should have a 150 meter buffer from incompatible land uses, to reduce the impact of noise, smells and other environmental health hazards.

It is recommended that the existing workshops be relocated to Lot 107, which is outside of the main living area and would allow easier access by trucks and machinery. The future workshops should be located in the vicinity of the future power station (see discussion below regarding site options).



**Figure 17 - Workshops in centre of community**

It is understood that car maintenance and mechanics training programs are offered at Noonkanbah, which are also undertaken by apprentices in nearby communities including Kadjina to the south. A new site at Lot 107 would better allow for an expansion of such a

program and offer increased economic potential to the community. Lot 107 would also ensure a 150 meter buffer from the nearest house and minimise land-use incompatibility.

### **Recreation Centre**

The former shearing shed used as part of the Noonkanbah Pastoral lease is now used as the community hall on Lot 66b. A range of community activities take place here, including discos and the Federal Court native title determination in 2007.

### **Oval**

The community has two non-reticulated footy ovals. The school football oval is located next to the new indoor basketball court and recreation centre on Lot 62c. The second oval for general use by the community is located adjacent to the power station on Lot 105.

## **2.10 Electricity Supply**

### **Present capacity & location**

At the present time the community's power supply comprises three diesel generators with a total capacity of 730 kilowatts. Genset number 1 had a major overhaul in November 2006 and engine number 3 was newly installed in 2006. Genset number 2 has a very high number of hours attributed to it, but as at 2007 is considered to be in good condition by the regional service provider, Kimberley Regional Service Providers (KRSP) and Parsons Brinckerhoff acting on behalf of the Department of Housing. The power supply is reticulated to the community via overhead cabling. Worrimbah outstation, 30km east, receives reticulated power from Yungngora.

Power generators require a 200 metre buffer from incompatible land uses, such as residential areas, to mitigate the impact of noise and fumes. While top camp, middle camp and bottom camp fall outside of the power station buffer, all of the existing staff houses fall within the buffer.

The location of the power station on Lot 63 is a constraint to the future residential expansion of the community because additional future housing would fall within the required buffer.

The present location of the power station is incompatible with the community's drinking water source.

### **Future location of power supply**

At the time of completing this report, Yungngora is one of several communities being considered for inclusion in Phase 2 of the State and Commonwealth Government's regularisation program, implemented by Horizon Power.

Under the program, Horizon Power builds, owns and operates new power stations in communities where there is an agreed need to significantly improve the quality and reliability of supply. Regularisation also involves rebuilding the distribution system and establishing direct retail relationships at all points of supply.

The Context Plan shows two options for the location of the community's future power station. Lot 106 (option 1) is the preferred site for both the community and Horizon Power as it provides for the required 200m buffer without compromising the eastward expansion of top camp. Option 1 offers the added advantage of obviating the need for trucks travelling through the community to deliver diesel.

Option 2 is included on the Context Plan in the event that Option 1 is considered inappropriate at the time of heritage clearance. Option 1 has the advantage of being closer to the community therefore reducing the cost of reticulation. The associated disadvantage however is that the location of Option 2 would limit the eastward expansion of top camp and would bring diesel delivery trucks closer to the community.

Both Lot 106 options 1 and 2 fall outside of the community's freehold land at the present time and sit on Crown Reserve 26355, which is for the use of aerodrome. A small portion of proposed Lot 106 (option 2) also falls within Crown Lease 3114/576. Native title rights and interests continue to exist on those two land holdings.

Development of the new power station will require resolution of land tenure and native title issues (see Land Ownership plan for suggested cadastral amendment area, which would provide appropriate tenure for the future power station options).

## **2.11 Wastewater**

Sewerage is disposed of via a gravity-operated sewerage system, linking septic tanks to evaporative ponds on Lot 108, approximately 1 kilometre to the north, as indicated on the context plan. A sewerage pump station, containing two pumps, is located on Yungngorah Loop in bottom camp on Lot 108b.



**Figure 18 - Evaporative sewerage ponds (KRSP 2007)**

It is considered that the sewerage system is in poor condition and that capacity of the evaporative treatment ponds is not sufficient.

Aboriginal Settlements Guideline 3: Layout Plan Exclusion Boundaries recommends a 500 metre buffer around wastewater treatment ponds. With the exception of the power station, industrial workshops and part of the school, no part of the community falls within this sewerage buffer.

It is recommended that investigation be undertaken into the recycling of wastewater to irrigate the school and community football ovals.

## **2.12 Water Supply**

Potable water supplies for the community are obtained from two groundwater production bores. The bores are located in the middle of the community on Lot 64, next to the existing power station. The power station and drinking water source are incompatible land uses.

At the time of finalising this report Parsons Brinckerhoff on behalf of the Department of Housing is preparing a public drinking water source protection plan for the community, including a proposed water reserve.

The existing power station falls within the proposed water reserve and within a 300 metre wellhead protection zone. The close proximity of the current power station is therefore considered a high management priority.

The water bores are fenced and in good condition (KRSP 2007). The two bores are very deep at 426 and 490 metres respectively. However, the depth of the bores means that the drinking water is at a relatively high temperature.

The water supply is disinfected through a gas chlorination system and stored in an above ground fibre glass storage and cooling tank, which has a storage capacity of 50kl. In the warmer months this does not cool effectively. The storage tank stands at 12 metres and is in a fenced compound. KRSP recommends that the water storage tank requires replacing.

Bore quantity yields 164.6m<sup>3</sup> per day. Water quality is generally hard and salty: sodium and total dissolved solids have exceeded guidelines in all samples since 1998, as noted in Parsons Brinckerhoff's draft Water Source Protection Assessment for Yungngora (July 2009).

## **2.13 Rubbish Disposal**

The community's rubbish tip is located approximately 1.5km from the main living area, to the north of the community on Lot 109, which is located on Crown Reserve 26355. The Reserve is for the purpose of an aerodrome and the existing land tenure arrangement is therefore considered inappropriate. A cadastral amendment area has been suggested on CLP No. 2 to rectify this situation in the future.

The draft WAPC Guidelines No. 2 (January 2008) recommends a 700 metre buffer from public utilities and a 2000 metre buffer from other land uses, including residential areas. Top and middle camps fall within this buffer but bottom camp and the community's

drinking water source are outside it. Prevailing winds are north-westerly, meaning that the community does not report concerns regarding odours from the existing rubbish tip site.

The rubbish tip is not licensed by the Department of Environment and Conservation. The community has responsibility for managing the tip site.

## 2.14 Airstrip

The community's airstrip is located about 2.5km east of the main living area on Crown Reserve 26366. It is a CASA Code 3 airstrip, suitable for Royal Flying Doctors Services. The runway is maintained by the community.

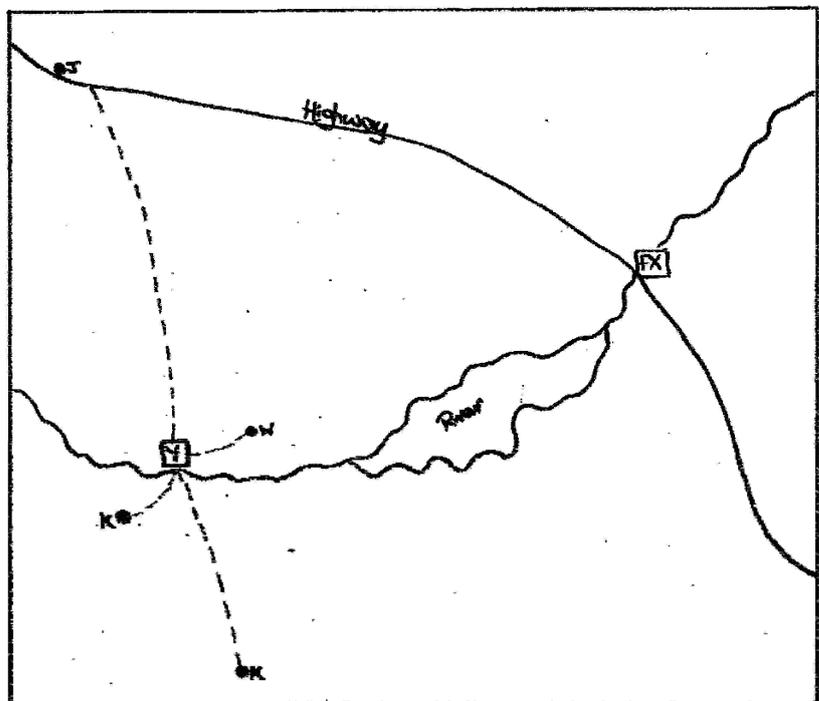
A remote airstrip inspection report written by Aerodrome Management Services in 2002 notes that the airstrip is well constructed and is suitable for night landing. Members of the community are trained to light the runway. The report considers it to be an important district airstrip because it is used by residents from other communities, especially during the wet when members of other communities south of the Fitzroy River often temporarily migrate to Yungngora.

While there is all-weather access between the airstrip and the community, the runway was closed for three weeks during floods in 2001.

## 2.15 Outstations

Outstations are small settlements that rely on a nearby larger community for a range of services. They generally have less than 50 permanent residents.

There is an outstation relationship between Yungngora and several other communities in the region, including Worrimbah (30km east), Koorabye, Yakanarra, Ngalapita and Kadjina (south of the Fitzroy River), and Jimbalakudunj (to the north on the Great Northern Highway). While these are discreet communities in themselves, members often rely on services available at Yungngora, including the store, fuel, medical facility, and housing. As noted above, the power supply to Worrimbah is reticulated via overhead cable from Yungngora.



Yungngora's location on the north side of the river is strategic as it means it is relatively

**Figure 19 - communities proximate to and using services of Yungngora [Y]**

accessible from the regional centres of Derby and Fitzroy Crossing for most of the year, compared to communities on the southern side of the river, which are inaccessible for periods of up to three months. The services and housing that are provided to Yungngora should therefore be seen in this regional context.

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### **3. PLANNING FRAMEWORK**

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#### **State Planning Policies**

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

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

The following SPPs were given due regard in the preparation of CLP No. 2:

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

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

The Shire of Derby-West Kimberley Town Planning Scheme No. 5 was gazetted on 25 September 2001. Yungngora is not located within the area covered by the Scheme Map, meaning that land use and development in the community has historically been unregulated. Under the Scheme, Planning Approval is not required prior to new development or a change in land use, although a Building Licence is generally required.

The Shire does not have an existing Local Planning Strategy.

## **5. ENDORSEMENTS**

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Yungngora Aboriginal Corporation Endorsement

# Yungngora Community Layout Plan No. 2

PO Box 400  
Fitzroy Crossing  
WA 6765

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The Yungngora Aboriginal Corporation (representing the traditional owners, the Yungngora People) hereby adopts the **Yungngora Community Layout Plan No. 2 (2009)** as a guide for future development within its boundaries.

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

The 3rd Day of August 2009

Adopted by the Yungngora Aboriginal Corporation:

Ducky Cox

Chairperson  
[Please print and sign name]

DENNIS BOISE

Director  
[Please print and sign name]

Janet Skinner

Director

Nita Cox

Director

[Signature]

Director

William Cox

Director

Yungngora Aboriginal Corporation Endorsement

## Yungngora Community Layout Plan No. 2

PO Box 400  
Fitzroy Crossing  
WA 6765

---

---

The Yungngora Aboriginal Corporation (representing the traditional owners, the Yungngora People) hereby adopts the **Yungngora Community Layout Plan No. 2 (2009)** as a guide for future development within its boundaries.

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

The 3rd Day of August 2009

Adopted by the Yungngora Aboriginal Corporation:

Durbin Cox

Chairperson  
[Please print and sign name]

DENNIS BOKE

Director  
[Please print and sign name]

Janet Skinner

Director

Neta Cox

Director

JF

Director

William Cox

Director

Shire of Derby-West Kimberley Endorsement

# Yungngora Community Layout Plan No. 2

PO Box 94  
Derby WA 6728



Shire of Derby /  
West Kimberley

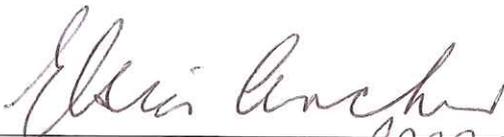
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The Shire of Derby-West Kimberley hereby adopts the **Yungngora Community Layout Plan No. 2 (2009)** as a basis for future growth and development within Yungngora community.

The 10th Day of October 2009

Endorsed by the Shire of Derby-West Kimberley:

  
\_\_\_\_\_  
ELSIE ARCHER . JP8837

Shire President  
(Please print and sign name)

  
\_\_\_\_\_  
KEVIN PETTINGILL .

A/ CEO  
(Please print and sign name)

Council  
Seal



**Western Australian Planning Commission Endorsement**



**Yungngora Community Layout Plan No.2**

**469 Wellington Street  
Perth WA 6000**

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The Western Australian Planning Commission hereby endorses the **Yungngora Community Layout Plan No. 2 (2009)** as a guide for development to ensure proper and orderly planning within the community area

The 27<sup>th</sup> Day of October 2009

Signed for and on behalf of the Western Australian Planning Commission

S. Wood

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

[Signature]

Witness

3/2/09 Date

## REFERENCES & INFORMATION

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## AMENDMENTS

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## Yungngora Community Layout Plan No.2

### Amendment No.1

#### Reason for the Amendment

To show 3 new future residential lots, being 66c, d, & e, as requested by community CEO.

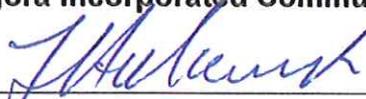
#### Details of the Amendment

The intention is to modify the community layout plan endorsed by the WA Planning Commission on 27 October 2009 as follows:

Development Intention	Changes required to CLP
1. create 3 new residential lots	1. change from existing land-use of 'open space' and 'community' to create new 'future residential' lots 66c, d, e.
Other information	
2. N/A	

#### Approved / Noted:

#### Yungngora Incorporated Community Council



Date 27 / 7 / 2010

please sign and print name

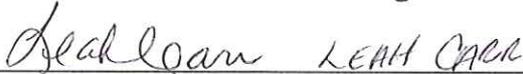
T. HALAMICEK

#### Shire of Derby-West Kimberley

Date / / 2010

please sign and print name

#### Western Australian Planning Commission



Date 29 / 9 / 2010

please sign and print name

#### Other Information:

**This CLP 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.

To update the mapping, please forward details of amendment to

Western Australian Planning Commission, 469 Wellington Street, PERTH WA 6000

Attn: Ashley Randell, fax 9192 5651, e-mail [Ashley.Randell@dpi.wa.gov.au](mailto:Ashley.Randell@dpi.wa.gov.au)

In September 2011 Amendment 2 to the Yungngora Layout Plan 2 was published. That amendment addressed 3 issues at Yungngora:

- Street names
- Drinking water source protection
- Power station site selection

An audit of the Layout Plan has confirmed that Amendment 2 was not authorised in accordance with State Planning Policy 3.2. As such it is not valid.

For clarity and probity, the following actions will be undertaken.

Issue	2011 Amendment	2019 Action
Street names	<p>Yungngora Association Incorporated, Kulkarriya Community School and Horizon Power provided names for SL-roads at Yungngora in 2011.</p> <p>This included a Nyikina / Walmajarri to English translation (attached).</p> <p>Amendment 2 incorporated the names into Layout Plan 2.</p>	<p>For clarity and probity, the incorporation of street names into Layout Plan 2 is to form a part of a future amendment.</p> <p>The SL-road names are used for daily practical purposes by the community and a range of government and non-government service providers.</p> <p>As such, they will remain the de facto SL-road names until such time as they are either duly authorised, or alternatives authorised.</p>
Drinking Water Source Protection Plan	<p>In January 2010 the Department of Water endorsed a Drinking Water Source Protection Plan (DWSPP) for Yungngora.</p> <p>Amendment 2 incorporated relevant data from the DWSPP into Layout Plan 2.</p>	<p>For clarity and probity, the incorporation of relevant data from the DWSPP into Layout Plan 2 is to form a part of Amendment 10.</p>
Future power station	<p>CLP2 shows two possible sites for a future power station.</p> <p>Yungngora Association Incorporated and Horizon Power have agreed on a preferred site.</p> <p>Amendment 2 reflects this decision, but was not duly authorised.</p>	<p>The power station that was proposed to be constructed in 2011 is now constructed and operational.</p> <p>The power station is on SL-lot 106 in Layout Plan 2.</p> <p>For clarity and probity, the creation of SL-lot 106 is to form a part of Amendment 10.</p>

## Attachment

<b>Street Name</b>	<b>Previous Name</b>	<b>Nykina / Walmajarri to English Translation</b>
Lumbee Lumbee Road	School Loop Road	Bush Cockroach
Wargaree Road	Yungnora Loop Road	Pandanus
Warlardee Close	nil	White Gum
Yubarliny Street	nil	Eucalyptus
Marnarjee Close	nil	Konkerberry
Mardardu Close	nil	Gum Tree
Mujarlu Close	nil	Bloodwood
Larlgardee Street	nil	Boab
Barngoo Street	nil	Paperbark

Yungngora Layout Plan No.2

Amendment No.3

Plan Date : 3 August 2009 WAPC : 27 October 2009  
 Endorsed  
 Proponent : Department of Housing Requires : Yes  
 Endorsement

**Reason for the Amendment**

The Department of Housing propose to build a number of houses at Yungngora. To achieve that objective some house sites have been selected that do not comply with the Layout Plan, but are viable in terms of efficient use of existing essential and municipal services. New Settlement Layout lots (SL-lots) are proposed in the house sites identified by the Department of Housing, as follows:

Issue	Changes required to Layout Plan
1. SL-lot 36	Divide SL-lot 36 into two lots, SL-lot 36 and SL-lot 36a.
2. SL-lot 79	Change the land use of SL-lot 79 from recreation to residential.
3. SL-lot 66a	Divide SL-lot 66a into two lots, SL-lot 66a and SL-lot 66f. SL-lot 66a land use – community. SL-lot 66f land use – residential.
4. SL-lot 77	Change the land use of SL-lot 77 from recreation to community.

**Approved**

Yungngora Association Incorporated

*Malcolm Skirrow / Russell Mulligan*  
 please sign and print name

Date 31/5/12

Shire of Derby / West Kimberley

Date / /

please sign and print name

Western Australian Planning Commission

*Rosa Rigali*  
 please sign and print name

Rosa Rigali

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

Date 21/9/2012

**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.

RESOLVED & REQUIRED IN MINUTES  
 OF THE STATUTORY PLANNING  
 COMMITTEE MEETING  
 11 SEP 2012

RESOLVED & REQUIRED IN MINUTES  
 OF THE STATUTORY PLANNING  
 COMMITTEE MEETING  
 11 SEP 2012

**Plan Date** : 3 August 2009      **WAPC** : August 2009  
**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 Yungnora Layout Plan 2.

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 Yungnora Layout Plan 2.

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 12, 9, 2012

RESOLVED & RECORDED IN MINUTES  
OF THE STATUTORY PLANNING  
COM. OFFICE MEETING  
11 SEP 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.

Yungngora Community Layout Plan No.2

Amendment No.5

Proponent	: Department of Housing (DoH)
Date	: 6 November 2014

**Reason for the Amendment**

The Department of Housing propose to build a number of houses at Yungngora to meet current demand. To achieve that objective, new residential Settlement Layout lots (SL-lots) are proposed, as follows:

Issue / Proposal		Changes required to CLP
1.	SL-lot 62C	A portion of SL-lot 62C to be changed from 'Recreation' to 'Residential' land use
2.	Create new residential SL-lots	Create SL-lots 121 – 151. Change land use from 'Open Space' to 'Residential'
3.	Create new SL-road networks	Create new SL-roads
4.	SL-lot 55	Subdivide SL-lot 55 into SL-lot 55 and SL-lot 120

**Endorsements:**

Yungngora Association Incorporated.		
<i>Caroline Mulligan</i>		
please sign and print name	CAROLINE MULLIGAN	Date: 9/12/2014
Yungngora Aboriginal Corporation		
<i>Johnathan Cox</i>		
please sign and print name	JOHNATHAN COX	Date: 9-12-2014
Shire of Derby-West Kimberley		
please sign and print name		Date:
Western Australian Planning Commission		
<i>Ashley Randell</i>		12/05/2015.
please sign and print name	Ashley Randell Planning Manager, Aboriginal Communities Regional Planning & Strategy PH: 15151.1	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.

Yungngora (Nookanbah) Layout Plan No. 2

Amendment No. 6

<b>Proponent</b> : Housing Authority
<b>Date</b> : 9 March 2016

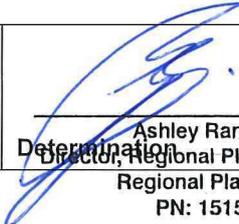
**Reason for the Amendment**

The Housing Authority proposes to demolish the existing dwelling on Settlement Layout-Lot (SL-lot) 12 and subdivide to construct two new dwellings.

Land Identification	Amendment description
SL-lot 12 Yarbarliny Street	Subdivide SL-lot 12 to create SL-lots 12 and 152.

**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>	 15/03/2016 Ashley Randell Director, Regional Planning Policy Regional Planning PN: 15151
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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, Department of Environmental Regulation, Aboriginal Cultural Materials Committee, Environmental Protection Authority and Department of Water.

<b>Proponent</b>	: Department of Planning, Lands and Heritage
<b>Date</b>	: 21 August 2017

### Reason for the Amendment

In May 2017 an air photo image was taken of Yungnora. The Department has reviewed the Layout Plan and drafted changes to ensure that the Plan matches existing development. In addition to the changes described below, this amendment includes a range of very small changes, such as minor shifts to SL-lots to match existing fence-lines.

Land Identification		Amendment description
1.	SL-lot 137	Subdivide into two to match existing house locations, keeping as 'residential' land use. New SL-lots to be SL-lots 137 and 153.
2.	Open space area north of community, west of the Camballin – Noonkanbah Road.	Add SL-lot 110 to match the location and extent of the existing cemetery. The cemetery was previously not shown on the Layout Plan, and is added for accuracy and comprehensiveness.
3.	SL-lot 109	Change land use from 'public utility' to 'open space' to match existing land use. SL-lot 109 was previously the rubbish tip, but has recently been closed.
4.	Open space area proximate to SL-lot 109	Add SL-lot 170 to match the location and extent of the existing rubbish tip. The recently established rubbish tip was previously not shown on the Layout Plan, and is added for accuracy and comprehensiveness.
5.	SL-lot 111	Expand SL-lot 111 to match the location and extent of the existing air strip.

Land Identification		Amendment description
6.	Camballin – Noonkanbah Road and SL-lot 62C	Re-align the Camballin – Noonkanbah Road to match the location and extent of the constructed road.
7.	Majarlu Court and SL-lots 66A, 68 and 69	Re-align Majarlu Court to match the location and extent of the constructed road.
8.	Wargaree Road	Re-align Wargaree Road to match the location and extent of the constructed road.

**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 Director, Regional Planning Policy Regional Planning Determination PN: 15151      date 21/08/2017
---	--

**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.

**Yungngora Layout Plan No. 2**

**Amendment No. 8**

<b>Proponent</b> : Department of Communities, Housing Division
<b>Date</b> : 19 December 2017

**Reason for the Amendment**

The Department of Communities, Housing Division have requested an update to the Yungngora Layout Plan 2 to provide for the proposed expansion of the wastewater treatment ponds to ensure that the wastewater infrastructure is able to adequately service the needs of the community.

Land Identification	Amendment description
1. SL-lot 108	Extend the boundaries of SL-lot 108 to the north and west to enable the expansion of the wastewater ponds.

**Endorsements:**

<b>Yungngora Association Inc.</b>	<i>JUDY MULLIGAN</i>	
<i>please sign and print name</i>	JUDY MULLIGAN	<b>Date:</b> 27.03.2018
<b>Yungngora Aboriginal Corporation</b>		
<i>please sign and print name</i>		<b>Date:</b>
<b>Shire of Derby-West Kimberley</b>	<i>Stephen Gash</i>	
<i>please sign and print name</i>	STEPHEN GASH - CEO	<b>Date:</b> 11/12/18
<b>Western Australian Planning Commission</b>	<i>Ashley Randell</i>	
<i>please sign and print name</i>	Ashley Randell	<b>Date:</b> 21/12/2018

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

**Other Information:**

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

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

Yungngora Layout Plan No. 2

Amendment No. 9

<b>Proponent</b> : Department of Planning, Lands and Heritage
<b>Date</b> : 21 December 2018

**Reason for the Amendment**

Amendment 9 proposes to realign the eastern boundary of SL-lot 110 which currently overlaps the public road cadastre. The amendment will reduce the risk of development or burials encroaching on the land set aside for a public road.

Land Identification		Amendment description
1.	SL-lot 110	Amend the eastern boundary of the cemetery to align with the public road cadastre.

**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>	 21/12/2018 Ashley Randell Director, Regional Planning Policy Regional Planning PN: 15151 Determination <span style="float: right;">date</span>
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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.

<b>Proponent</b> :	<b>Department of Planning, Lands and Heritage</b>
<b>Date</b> :	<b>17 January 2019</b>

### Reason for the Amendment

In September 2011 Amendment 2 to the Yungngora Layout Plan 2 was published. An audit of Layout Plan 2 has confirmed that Amendment 2 was not authorised in accordance with State Planning Policy 3.2. As such it is not valid. Amendment 10 is required to ensure that the power station location and drinking water source protection data validly form a part of Layout Plan 2.

Land Identification	Amendment description
1. SL-lot 106	<p>In 2011 Yungngora Association Incorporated and Horizon Power agreed on a preferred site for a new power station.</p> <p>The power station that was proposed to be constructed in 2011 is now constructed and operational. The power station is on SL-lot 106 in Layout Plan 2.</p> <p>An audit of the Layout Plan has confirmed that Amendment 2 was not authorised in accordance with State Planning Policy 3.2. As such it is not valid.</p> <p>For clarity and probity, the creation of SL-lot 106 forms a part of Amendment 10.</p>
2. All	<p>In January 2010 the Department of Water endorsed a Drinking Water Source Protection Plan (DWSPP) for Yungngora.</p> <p>Amendment 2 incorporated relevant data from the DWSPP into Layout Plan 2.</p> <p>An audit of the Layout Plan has confirmed that Amendment 2 was not authorised in accordance with State Planning Policy 3.2. As such it is not valid.</p> <p>For clarity and probity, the incorporation of relevant data from the DWSPP into Layout Plan 2 forms a part of Amendment 10.</p>

### 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>	 <p>17/01/2019</p> <p>Ashley Randell, Director, Regional Planning Policy Regional Planning Determination PN: 15151      date</p>
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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.

<b>Proponent</b> :	Noonkanbah Aboriginal Corporation
<b>Date</b> :	11 June 2023

**Reason for the Amendment**

Noonkanbah Aboriginal Corporation proposes to change the land use classification of four SL-lots from 'residential' to 'commercial'. The reason for this proposed change is for these lots to be used for the future development of the Yungngora Community Office and Annex and to be set aside as the future location for a new community store. No alterations to the SL-lot boundaries are proposed.

The Noonkanbah Aboriginal Corporation proposes the following changes at Yungngora:

Land Identification		Amendment description
1.	SL-lots 26, 102, 103 and 104	Change land use from 'residential' to 'commercial'.

**Endorsements:**

<b>Yungngora Association Inc.</b>	
	
please sign and print name	JOHNATHAN COX <b>Date:</b> 12-6-23
<b>Yungngora Aboriginal Corporation</b>	
	
please sign and print name	Thomas Skinner <b>Date:</b> 12/06/2023
<b>Shire of Derby-West Kimberley</b>	
	
please sign and print name	Mark Chadwick <b>Date:</b> 5 / 09 / 2023
<b>Western Australian Planning Commission</b>	
	Endorsed under delegated authority 7 August 2023
please sign and print name	<b>Date:</b>

**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 Environmental Regulation, Aboriginal Cultural Materials Committee, Environmental Protection Authority and Department of Water.