

Beagle Bay Layout Plan 1

Background Report

May 2013

Date endorsed by WAPC



Amendments

- Amendment 2 - February 2015
- Spatial Upgrade 1 - March 2016
- Amendment 4 - October 2016
- Amendment 5 - November 2016
- Amendment 6 - June 2018
- Amendment 8 - July 2018
- Amendment 9 - October 2018
- Amendment 10 - December 2020
- Amendment 11 - February 2025

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Acronyms

AHA	:	Aboriginal Heritage Act (WA) 1972
ATSIC	:	Aboriginal and Torres Strait Islander Commission
CDEP	:	Community Development Employment Project
CR	:	Crown Reserve
DoH	:	Department of Housing
DIA	:	Department of Indigenous Affairs
DoP	:	Department of Planning
EHNS	:	Environmental Health Needs Survey
FaHCSIA	:	Department of Families Housing Community Services and Community Affairs
BBCAC	:	Beagle Bay Community Aboriginal Corporation
ILUA	:	Indigenous Land Use Agreement (under the Native Title Act 1993)
KLC	:	Kimberley Land Council
KRCC	:	Kullarri Regional Community Corporation
KRSP	:	Kimberley Regional Service Providers
LP	:	Layout Plan
NNTT	:	National Native Title Tribunal
NTA	:	Native Title Act (Commonwealth) 1993
NTRB	:	Native Title Representative Body
PBC	:	Prescribed Body Corporate (under the NTA, representing native title holders)
RAESP	:	Remote Area Essential Services Program
ROC	:	Kimberley Regional Operations Centre
ROC	:	Regional Operations Centre (Broome)
TEC	:	Threatened Ecological Community
UCL	:	Unallocated Crown Land
WAPC	:	Western Australia Planning Commission

Layout Plans & the Development Process

Layout Plans provide a structure for future development. LP preparation includes consultation with a range of relevant government authorities and agencies, but it is not development approval. Prior to commencing development a range of consents, approvals, licenses and clearances may be required.

It is the responsibility of the developer to ensure that all relevant consents, approvals, licences and clearances are in place prior to commencing physical works on site. Organisations responsible for such matters may include the 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.

EXECUTIVE SUMMARY

Preamble

The Beagle Bay LP1 (LP1) has been prepared during 2011 and 2012. Beagle Bay is a COAG “Closing the Gap” National Partnership Agreement Remote Service Delivery site. The Western Australian and Commonwealth Governments have been working with the Beagle Bay community since 2009 to improve the delivery of services through a single government interface. Underpinning Closing the Gap is a new way of working across government and of engaging with Indigenous communities. Governments are cooperating to better coordinate their services and funding. Clear responsibilities, specific targets and rigorous reporting will help to keep governments on track.

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

Table 1 – Population details

Existing Population	250
Aspirational Population	350
Design Population	350

LP1 plans for future expansion of the community, formalises existing infrastructure and land-uses and provides a Settlement Layout Lots (SL-lots) and roads.

The major purpose of LP1 is to guide the growth and development of Beagle Bay by providing a layout of future land uses in the community. LP1 addresses future growth issues in the context of constraints to development, including available land for growth of the living area, protection of the drinking water and location of essential service infrastructure.

LP1 has been prepared in consultation with the Nyul Nyul Native Title Claim Working Group and Beagle Bay community members to ensure that the plan reflects the aspirations of the resident community and Traditional Owners. Technical input from a number of government and non-government agencies responsible for providing services and infrastructure to the community has also been incorporated into the plan and this report.

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

Table 2 - Infrastructure and essential/social service characteristics at Beagle Bay

Indicator	Characteristics
Drinking water	Drinking water is not regulated. Water quality is considered moderate.
Native title	Beagle Bay community is predominantly within the Nyul-Nyul registered claim. Airstrip, rubbish tip, power station, new cemetery are located within the Djabera Djabera registered claim.
Secure land holding(s)	The community is predominantly located on appropriate Land Tenure.
Flood / storm surge	Community subject to flooding. Drainage system in place to divert from living area.
Emergency assistance	Multi Function Police Facility located at Djarindjin Junction (1 hour drive). Emergency medical assistance in Broome (1.5 hour drive) or RFDS evacuation from Djarindjin airstrip.
Education	No-government School (Sacred Heart School) located in community.
Health	Beagle Bay clinic has 7 Aboriginal Health Workers (two trainees), a nurse, two drivers, receptionist and a clinic manager. Additionally, a doctor visits two days a week.
Governance	No functional community representative body. Current governance arrangements provided by RSD program.
Employment and enterprise opportunities	The nearest urban job market is Broome. The Local Implementation Plan (COAG) outlines employment, training and business priorities.
Transport	Road access to Beagle Bay via the Cape Leveque Road, which is mostly unsealed. Road can be inaccessible during wet season.
Food	Store in community owned and operated by Ngarlan Store Incorporated. Fishing and hunting.
Electricity	Regulated generation and reticulation provided by Horizon Power.
Housing	Beagle Bay Community have in place a Housing Management Agreement (HMA) with the Department of Housing. The HMA articulates the housing policies and procedures for Beagle Bay. A local Housing Officer is employed and based in the community.
Law and Order	A Multi-Function Police Facility based at Djarindjin Community provides a response to law and order issues. Community Curfews have been established and supported by the majority of the Beagle Bay Community. The Curfews are framed around loud music and the need for children to be at home at a certain time.

DEVELOPMENT PRIORITIES

The following initiatives, development and works are needed to implement LP No.1:

- House for Doctor
- 2 new community houses.
- Residential area expansion.
- School Crossing.
- Naming of roads and parks.
- New playground.
- Store renovation
- Community hall renovation.
- Family facilities centre.
- Ranger office.
- Footpaths.
- BRACS relocation.
- Aged care facility.
- Men's space/shed.
- Community swimming pool.
- Upgrading or relocation of sewerage ponds.
- Additional community housing, both infill and newly proposed residential sites.

Implementing the LP

The implementation of this LP will rely on the energy and endeavour of the community members. The future growth of Beagle Bay will require community members to find solutions for the provision of services and infrastructure (such as housing and sealed roads).

1 BACKGROUND

1.1 Location & Setting

Beagle Bay is located on the west coast of the Dampier Peninsula adjacent to the Indian Ocean, north of Broome. It is approximately 120km by road from Broome.

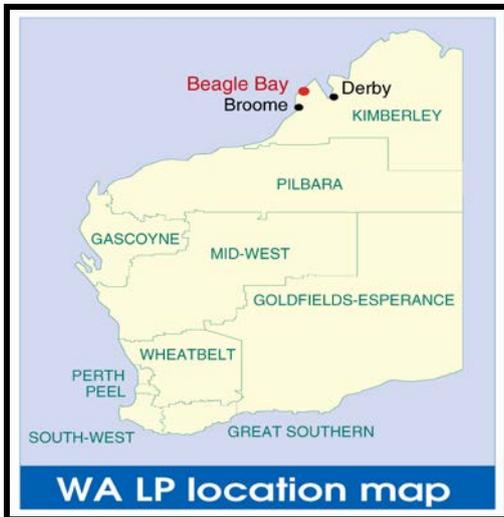


Figure 3



Figure 4

1.2 Climate

Beagle Bay has a climate that is sub-tropical and is characterised by wet-humid and dry-fine times of the year. Generally these seasons are simply referred to as the ‘Wet’ and the ‘Dry’

The following charts outline the recorded annual mean temperature extremes and rainfall.

Table 5 – Mean Climate Conditions

Mean monthly rainfall - mm

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
208	198.9	136.5	47.7	46.2	20	12.6	1.9	1.1	1.7	6	82.3

Mean daily minimum temperature - deg C

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
26.1	26	26	25.2	22.5	20	18.8	19.8	21.9	24.1	25.8	26.6

Mean daily maximum temperature - deg C

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
31.9	31.6	32.2	32.5	30.4	27.9	27.4	28.5	29.9	31.1	32	32.4

1.3 History

Beagle Bay is predominantly the traditional lands of the Nyul-Nyul people, however, is closely associated with the neighbouring lands of Djabera –Djabera people.

The community first started as a Catholic mission established around 1890 by Trappist Monks. The mission ceased to operate in the mid 1970's and the Beagle Bay community has been largely self-determined since this time, governed by the then Beagle Bay Community Incorporation BBCI (the elected community council). However, the community invited the Church to continue to provide priests and a school.

The modern history of Beagle Bay is representative of the experience of the Dampier Peninsula more generally. The broad phases of change to have affected people on the Peninsula in the last 200 years being pearling, missions, autonomy, homeland movement and the present situation.

2 COMMUNITY PROFILE

2.1 Population

Current Population

Estimating and predicting populations in Aboriginal Settlements 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 Beagle Bay have close affiliations with other settlements in the region, including Billard, Bobieding, Burrjuk.

Population figures also vary depending on the time of year, 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.

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

Table 6 - Population figures by source 1997-2006

	1997	2001	2004	2006	2008	2011	2012
Total persons	190	300	250	200	220	270	285
Source	EHNS	ABS	EHNS	ABS	EHNS	Community	ABS

In addition to the above, a key source of population data is from the community itself. The community advised in November 2011 that Beagle Bay's permanent population is between 250 and 270 people, with the lower figure more typical during the wet season.

Based on the above, this report assumes that the current permanent population of Beagle Bay is approximately 250 residents.

Aspirational and Design Population

Aspirational population refers to the future population as desired by the resident community.

Residents have advised that if community infrastructure was in appropriate order and additional housing was provided the community would increase significantly. However, the physical constraints that are confronting the community will limit the amount of additional housing and population increase.

The potential residential area at SL-lot 555, which has been agreed in principle by the community, could accommodate another 100 people depending on final design. Given this opportunity, the aspirational population is 350 people.

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

One of the objectives of LP1 is to ensure that community residents are provided with an appropriate level of services and housing throughout the 15 year time frame of the LP, by coordinating infrastructure provision with provision growth.

The design population for Beagle Bay over a 15 year period is 350 people.

2.2 Governance

Beagle Bay is not represented by an incorporated community council under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* or any similar legislation. However, the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), with support from the Kimberley Regional Operations Centre (ROC) and the Local Operations Centre have assisted and guided the community on decisions and issues affecting Beagle Bay.

Currently the majority of decision making is done via Community Reference Groups based on the COAG Building Blocks (established under the Local Implementation Plan). An interim governance and leadership working group is in place to research and identify different decision making models which will be presented back to the community for robust open and transparent debate and decide on: what they will make decisions on, who they want to make decisions for them and how they want decision making to happen in Beagle Bay Community. The Beagle Bay Women's Group and the Ngarlan Store are both incorporated and make decisions concerning their own businesses. It is planned that a decision making structure for Beagle Bay identified and agreed to by the community will be in place by December 2013.

2.3 Land Tenure

Beagle Bay living area and its associated infrastructure are located on varying land titles:

<i>Crown Land Title</i>	Lot 2
<i>Volume/Folio</i>	1647 / 784
<i>Status Order / Interest</i>	Freehold
<i>Primary Interest Holder</i>	Aboriginal Lands Trust
<i>Area (approximately)</i>	2,148,331square metres
<i>Limitations/Interests/ Encumbrances/Notifications</i>	For the use of Aboriginal people at Beagle Bay

<i>Crown Land Title</i>	Lot 403
<i>Volume/Folio</i>	2210/74
<i>Status Order / Interest</i>	Freehold
<i>Primary Interest Holder</i>	Roman Catholic Bishop of Broome
<i>Area (approximately)</i>	96,264 square metres
<i>Limitations/Interests/ Encumbrances/Notifications</i>	

<i>Crown Land Title</i>	Lot 402
<i>Volume/Folio</i>	2221 / 75
<i>Status Order / Interest</i>	Freehold
<i>Area (approximately)</i>	1000 square metres
<i>Limitations/Interests/ Encumbrances/Notifications</i>	For the use of Aboriginal people at Beagle Bay

<i>Crown Land Title</i>	Lot 212
<i>Volume/Folio</i>	LR3061 / 572
<i>Status Order / Interest</i>	Crown Reserve
<i>Area (approximately)</i>	4124 square metres
<i>Limitations/Interests/ Encumbrances/Notifications</i>	For the purpose of health clinic and associated housing

<i>Crown Land Title</i>	Lot 246
<i>Volume/Folio</i>	
<i>Status Order / Interest</i>	Crown Reserve
<i>Area (approximately)</i>	2,555,416,958 square metres
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Aboriginal Lands Trust

The majority of the community living area is located on 3 Freehold land parcels held by the Aboriginal Land Trust and the Bishop of Broome. The power station, airstrip and rubbish tip are on a Crown Reserve. These land holdings are considered appropriate tenure for the community, however a number of the community facilities are located outside the current Nyul Nyul claim.

2.4 Native Title

The Nyul Nyul people registered a claim on 1195.453km² of land on the 26 March 2010 (Federal Court file no: WAD68/10).

Beagle Bay is predominantly located in the Nyul Nyul people registered claim on 1195.453km² of land on the 26 March 2010 (Federal Court file no: WAD68/10).

Some infrastructure is located in the Djabera-Djabera registered claim immediately to the south of the Nyul-Nyul registered claim. This constitutes 2835km² of land, lodged on the 8 October 1996 (Federal Court file no: WAD6124/98).

The KLC via the Nyul Nyul and Djabera-Djabera Native Title Claim Groups is the native title representative body for these claimants.

It is critical that LP1 respect the knowledge and incorporate the aspirations of the Traditional Owners. It should be noted that the rights of the prescribed under the Native Title Act 1993 to registered native title holders can vary in relation to different forms of land tenure.

The plan below indicates the 2 Native Title registered claims affecting the Beagle Bay community (Nyul Nyul Native Title claim shown hatched).

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).

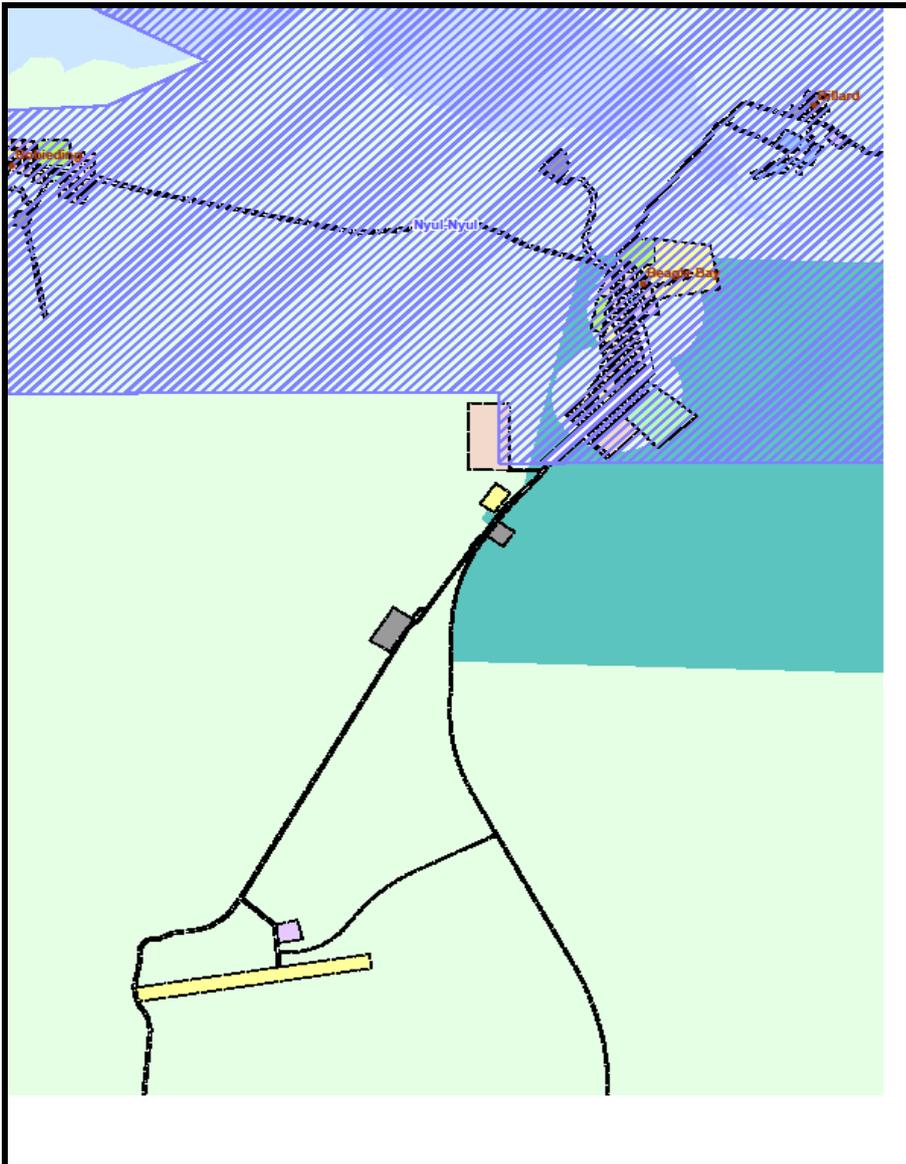
Examples of future acts which may affect native title rights and interests include mining exploration or the construction of public works (such public housing).

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](#).

Figure 7 – Nyul Nyul registered Native Title claim (blue hatch)



2.5 Heritage

The purpose of the following discussion is to foreshadow heritage constraints to development as they relate to the implementation of LP1. These constraints to development must be addressed prior to construction of housing and other works. The heritage matters derive from consultation with the community and a desk-top survey of sites registered under the AHA 1972 using the [Aboriginal Heritage Inquiry System](#).

LP1 identifies three 'no-go areas' in the Beagle Bay community. Effectively all areas to the north and west of the living area is considered no-go territory. There is a more specific location in the form of a culturally significant tree to the south of the community which is also a no-go location.

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 five registered sites in the proposed Beagle Bay 'Settlement' zone. These sites represent artefacts, scatter, mythological, ceremonial and modified tree importance. All of the sites are 'open' and 'no restriction', other than one ceremonial site which is 'closed' with 'no restriction'. 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.

An Aboriginal Heritage Survey was conducted in November 2011 to document any significant sites that may be impacted on by any proposed future works. Although these sites are not depicted on the maps below, unregistered sites are equally protected under the *Aboriginal Heritage Act 1972*.

The Beagle Bay Mission Church on Lot 403 within the community living area has a permanent listing under the *Heritage of Western Australia Act 1990*.

The Heritage Council of Western Australia describes the Beagle Bay Mission Church as:

'an Inter-War Gothic style church of rendered clay brick wall and 'corrugated iron' roof construction. The church is an outstanding example of creative use of local resources for both construction and decorative purposes. The handmade brick construction has a low-pitched gable roof and landmark spire over the entry, with pinnacles on the outer front corners of the building. The windows and openings are gothic arches. The altar is made of mother of pearl inlays in traditional European and Aboriginal motifs'.



Figure 8 – Registered sites (purple)

The church is iconic to the Beagle Bay community.

Impact of Aboriginal Heritage on Urban Growth in Remote Aboriginal Communities

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

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

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

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

2.6 Culture

Nyul Nyul is the traditional language of the Beagle Bay area and spoken to varying degrees within the community.

The people of Beagle Bay maintain strong links to traditional Aboriginal languages, culture, art and practices. The community of Beagle Bay has had a strong association with the Catholic Church through the Catholic mission and school for over 100 years, hence the significance and focus on the Beagle Bay Mission Church. The church is a very popular tourist attraction that brings many visitors into the community.

The function of the 'women's group' is very important to the women at Beagle Bay and allows women to be strongly represented in the community.

2.7 Aspirations

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

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

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

1. Additional staff accommodation on Lot 212;
2. Upgrades and extensions to the health clinic;
3. An aged care facility;
4. Increased residential land;
5. Identification of culturally significant land and no-go areas;
6. Protect big/significant trees from being cut down or bulldozed;
7. Identify industrial land uses;
8. Identify recreational land uses;
9. Increase size of old cemetery;
10. Name the streets;
11. Name the parks;
12. Space for Nyul Nyul Rangers Coordinator's accommodation alongside their office.
13. Community hall renovations;
14. Store renovations;
15. Improved play ground equipment;
16. Family facility centre;
17. Provision of footpaths;
18. Protected school crossings;
19. Location for swimming pool;
20. Location and inclusion of fire hydrants.

2.8 Environmental Protection

Areas of the monsoon vine thickets TEC are environmentally sensitive areas under the Environmental Protection (Environmentally Sensitive Areas) Notice 2005 made under the Environmental Protection Act 1986. Any clearing proposals affecting the monsoon vine thicket TEC must therefore be approved under a clearing permit. Anyone considering vegetation clearing within or near an identified TEC should contact the Native Vegetation Conservation Branch at DEC for more information on the clearing permit application process.

The monsoon vine thicket of coastal dunes of the Dampier Peninsula ('monsoon vine thickets') is currently ranked vulnerable in WA, and is under consideration for listing under the Environment Protection and Biodiversity Conservation Act 1999.

The vine thickets occur as discontinuous but discrete pockets of dense vegetation, ranging from a few trees to patches around 500 ha in size. Patches of the vine thickets tend to be larger with increasing dune system size, and are generally better developed in structure and higher in species diversity at the northern end of the peninsula.

The vine thickets are threatened due to the following:

- Vegetation clearing;
- Inappropriate fire regimes, (too frequent, too hot);
- Weed invasion;
- Hydrological change including groundwater drawdown and altered drainage;
- Disturbance due to recreational activities;
- Impacts of stock and feral animals;
- Climate change and rising sea levels

It is estimated that about 95% of the vine thickets remain, however, land clearing is a relatively new and escalating threat.

Future development in Beagle Bay and surrounding outstations that have potential to impact areas of the monsoon vine thicket TEC will require referral and consultation with Native Vegetation Conservation Branch at DEC.

The Beagle Bay Local Implementation Plan identifies a need to develop a Land Management Plan under its Land, Language and Culture Building Blocks.

3 EXISTING INFRASTRUCTURE & SERVICES

3.1 Housing

The residential areas in Beagle Bay follow the constructed roads and exist in a situation referred to as an 'island' pattern where the community living area is restricted to higher land that generally does not flood.

Housing follows a relatively narrow formation from the north adjacent to the school down to the entrance of the community in the south over 1km. This corridor of development ranges from as little as 150m to 300m wide, such is the extent of flooding around the community and limited nature of appropriate land.

There are currently 75 houses in Beagle Bay.

All of the houses are new, replaced or refurbished between 2009 and 2012 financial years and therefore housing is generally in a good condition and well maintained.

DoH has advised that no new housing is proposed in the 2012 – 2014 program.

The LP has identified SL-lots 106, 212, 455 and 555 as potential future residential areas.

SL-lot 106 was previously the community nursery site, however, is since unused and available as suitable residential land.

SL-lot 212 was originally a 'Community' land use, but has now been designated as possible residential for medical staff housing.

SL-lot 455 is to the south-east of the existing residential areas (SL-lots 80 – 86). This area was originally protected by No-Go zones but as a result of the heritage survey in November 2011 they were deemed unnecessary as there was nothing of significance in this area. Consequently the land can now be used for residential purposes.

SL-lot 555 was identified in November 2011 with the community as an area of land which is visually higher than surrounding flood prone areas and noted as rare location that remains dry during the wet season. This area is capable of providing at least another 20 SL-lots, depending on final design, which could accommodate the aspirational and design population. However, further investigation and research will need to take place to ensure this land is appropriate for future housing.

3.2 Flooding & Drainage

In June 2016 Cardno WA Pty Ltd completed the 'Coastal Vulnerability Assessments for Localities in the Shire of Broome' on behalf of the Department of Planning (DoP). This provided DOP with flood and coastal vulnerability mapping and information on flood behaviour to guide land use planning, emergency management and assessment of building and development in flood-prone areas for the Beagle Bay community.

The information and mapping contained within the Bindunbur Final Report was used to initiate Amendment 5 to Beagle Bay LP1.

During times of flooding at Beagle Bay the entire community living area is encompassed, to the point that the current living area is referred to as an 'island'. This means that during the wet season flooding can occur that completely surrounds the living area and most community infrastructure.

The opportunity for expansion is seriously constrained with minimal to non-existent opportunity to expand the existing living area, as confirmed in the 2016 Bindunbur Final Report.

The 'residential' SL-lot 555 that was identified during site visits by DoP and the community in 2011 was also confirmed to be capable of avoiding flood waters.

Most of the roads within the living area are sealed and therefore drainage is greatly improved. The community advised that water drains mainly to the eastern side of the living area where the land is lower and generally clears without creating long term pooling.

It is recommended that an investigation of required coastal setbacks and development levels a Beagle Bay be undertaken in accordance with State Planning Policy 2.6.

3.3 Water Supply

Drinking water in Beagle Bay is not provided by a regulated provider. The Department of Housing, through RAESP, has operational responsibility for drinking water supply at Beagle Bay.

Beagle Bay receives potable water supplies from two production bores located in the southern portion of the community at SL-lot 79 known as bore 1 and bore 2, both equipped with electrical pumps.

Groundwater from these two production bores are pumped to two 225,000 litre groundwater storage tanks before being transferred via an aeration tank into a 10,000 litre elevated tank using electrically operated transfer pumps. Water is then distributed via gravity into the reticulation system.

Groundwater is treated using aeration and gas chlorination before entering the reticulation lines that supply the community with drinking water.

Bore 2 is the primary contributor to Beagle Bay's water supply, pumping an average of 125,000 litres a day, while bore 1 pumps an average of 100,000 litres a day. The maximum recommended pumping volumes are currently unknown for Beagle Bay.

Experience has shown that water demand in RAESP communities generally ranges from 300 litres to 1000 litres per person per day. The high usage in communities is mainly due to significant wastage through leaks in internal plumbing. Water audits completed at Beagle Bay indicate internal leaks within the water system. Water supply appears to meet the community's water requirements, however, internal wastage should be reduced to minimise potential adverse impacts on the water resource.

A Drinking Water Source Protection Plan has been prepared by Parsons Brinckerhoff on behalf of the Department of Housing and approved by the Department of Water. The plan has designated Priority 1 and Priority 3 protection areas for the community.

In summary the quality of water at Beagle Bay is considered to be at risk due to the following factors and their corresponding risk management priority rating:

- Inadequate wellhead protection (high risk);
- Service Station [current fuel bowsers] (high risk);
- Workshop (high risk);
- High groundwater abstraction (medium risk)
- Inadequate bore security (medium risk)
- Fauna (medium risk)
- Sewerage system (medium risk)
- Rubbish tip (medium risk)
- Southern cemetery (medium risk)
- Power station and fuel storage (medium risk)
- Former power station (low risk)
- Central cemetery (low risk)
- Airstrip (low risk)

In response to the above risks the Beagle Bay LP has incorporated the Drinking Water Source Protection P1 area as a minimum to identify the water source and aid protection.

It is recommended (to KRSP/RAESP) that, as part of a short term action plan, the water supply and sewerage systems be repaired of any leaks and adequately maintained.

The following initiatives are also recommended to protect the water source in Beagle Bay:

- Locate future ground water production bores 500 metres outside of the living area and away from any potential land use hazard;
- Monitor and test bores 1 and 2 to determine the sustainable abstraction rates;
- Improve security (fencing) around operational bores;
- Further investigation into any potential contamination from power station, fuel bowsers and workshop;
- Monitor and test groundwater near tip to identify any contamination potential.

3.4 Access & Dedicated Roads

Road access to Beagle Bay is via the Great Northern Highway and Cape Leveque Road.

The Great Northern Highway is reliable, sealed road and predominantly a single carriageway. The Cape Leveque Road is a graded, pindan road, and although navigable by a two-wheel drive vehicle, a four-wheel drive is more appropriate. Some parts of the road are prone to severe weather damage and corrugations. At certain times during the wet season the road can be subject to temporary closure. The road is maintained on a monthly basis by the Shire of Broome. Discussions and planning are ongoing with regard to sealing the remaining un-sealed portion of Cape Leveque road in the future.

3.5 Internal Road Layout

A sealed access road of approximately 3 kilometres leads from the Cape Leveque Road to the centre of the community. The majority of roads in Beagle Bay are sealed and well defined and form the basis of the layout plan configuration and drainage.

3.6 Community and Social Services

The following community facilities and social services are located at Beagle Bay:

Store	<p>The 'Ngarlan Store' is located on SL-lot 14 and is run by Ngarlan Store Inc.</p> <p>It is open Monday to Friday from 8am to 12pm – 1:30pm to 4pm, and Saturday 9am to 11pm. Fuel is available.</p> <p>The Ngarlan Store is considered to be in poor condition.</p>
School	<p>The Beagle Bay community Sacred Heart School is located on the church Lot 403.</p> <p>The school caters for students from ages kindergarten to year 10. The school was established in 1892 by the Trappist Monks.</p> <p>FaHCSIA has reported that the classrooms across all levels of the school are considered too small for optimal use and a number of the primary classrooms have outstanding maintenance issues.</p> <p>Through the Building the Education Revolution, funding of \$850,000 has been allocated to Beagle Bay for a new school library and general upgrades.</p>
Women's Centre	<p>The women's centre is located on SL-lot 13.</p> <p>This centre is regularly used and well maintained by the community. Most meetings, information sessions and presentations occur in the building on a fee for service basis. The Women's Group have a strategic plan and are exploring strategies to become self-sufficient. Funding from FaHCSIA through the ROC has provided refurbishments to the centre.</p>
Office	<p>The Beagle Bay Administration Office is located on SL-lot 54.</p> <p>The Kullarri Regional Community Incorporation (KRCI) are the current Landlords. The following organisations have officers working from the office;</p> <ul style="list-style-type: none">• KRCI• DoH• Centrelink• Local Operations Centre <p>The office will also be used by visiting agencies such as Job Service Providers.</p> <p>Funding from the ROC has provided an internal facelift to the Beagle Bay office.</p>
Clinic	<p>The community clinic is located on SL-lot 53C.</p> <p>Beagle Bay Health Service managed by Kimberley Aboriginal Medical Service Centre is an accredited clinic providing a comprehensive primary health care service. The clinic employs 80% Aboriginal staff, 1 Manager, 1 Registered Nurse, 2 Senior Aboriginal Health Workers (SAHW), 3 AHW and supports 2 Trainee AHW, 1 Receptionist and 2 Drivers. The clinic has 2 doctors that visit Tuesday and Thursday weekly. The Clinic also has a fully equipped new ambulance for evacuations and two vehicles used for transporting clients to appointments and clinic appointments.</p> <p>The Beagle Bay team provides a comprehensive primary health care service, including 24 hour emergency cover, and has a strong focus on preventative and population health programs, enhanced screening, early detection and management of chronic illnesses, and on community-centred maternal and child health care.</p>

Workshops	<p>The main community workshop is located on SL-lot.31 and is used as the KRCC mechanical workshop, primarily used as a garage to repair and maintain local and work vehicles. It is also used for training purposes.</p> <p>A vacant community workshop is located on SL-lot 30.</p> <p>SL-lot 30 has the potential to be used as a secondary workshop, and more often storage for equipment and materials. This site is subject to some flooding in heavy rainfall.</p> <p>The community has advised that this site could be used for future re-location of the community store, due to its central location and size. Appropriate remediation and clean up would be required if this is to occur in the future.</p> <p>SL-lot 4 is the Municipal Services depot managed by KRSP. This area will remain as an industrial land use.</p>
Training Centre	<p>SL-lot 17 is provided by KRCC for the provision of training to their clients. Visiting agencies use this as a site to engage with their clients. The training room also provides general office activities in connection to the industrial land uses at SL-lot 30, 31 and 4.</p>
Oval	<p>The community football oval is located next to the school at SL-lot 15.</p> <p>The Draft Dampier Peninsula Sport and Recreation Strategic Plan commissioned by the Department for Sport and Recreation states that the Oval is in poor condition, lacks lawn, is uneven and requires maintenance and perimeter fencing. The upgrading and maintenance has been identified as an action in the Strategic Plan.</p>

3.7 Electricity Supply

Horizon Power is the regulated service provider to Beagle Bay and electricity is generated by the new power station located on SL-lot 108.

The power station is 500 metres to the south of the community and within the extent of the Drinking Water Source Protection Area. Although ordinarily the location would be considered relatively appropriate, it remains a medium risk to the drinking water. It is considered that when a new bore is adequately located outside of the community living area the Power Station will become a low risk to the drinking water and as such is supported in its current location.

The power station comprises the Australian standard three phase 415/240 volts system 24 hours a day.

The community has advised of occasional power surges and interruptions.

The power station has a current firm generation/supply of 0.38 MW and the community uses a peak load of 0.31 MW. Although there is additional power available, any significant residential increase to the community will require power upgrades.

3.8 Wastewater

The community sewerage ponds are located approximately 500 metres to the north of the community living area at SL-lot 110.

The sewerage ponds consist of three pump stations and treatments ponds.

The community has advised that the sewerage ponds were due to be upgraded due to ongoing maintenance issues, however this had yet to occur.

The sewerage ponds are located 500 metres away from the community living area and in that regard is considered appropriate. However, the proximity to Beagle Bay waterway may have some implications to the ongoing viability of this location.

3.9 Rubbish Disposal

The community rubbish tip is located on SL-lot 109. KRSP are responsible for providing municipal services including management of the tip.

The tip is 1.3km south of the community and all community rubbish is disposed at the site. The community is responsible for rubbish collection. The rubbish tip is fenced and well maintained, with a short gravel road leading to the site from the main sealed road into Beagle Bay.

The 2km exclusion boundary required for the rubbish tip land use, to protect drinking water and public health, extends into the community living area. The DWSPP states that this is a land use hazard with a medium level management priority due to the potential risk leaking contaminants into the ground water.

The DWSPP has recommended that continued ground water sampling should be carried out to identify any impact the rubbish tip has on the water source quality. In addition any new rubbish tip should be located outside the 2km exclusion boundary.

The rubbish tip is also located outside of the current Nyul Nyul claim area, within the Djabera Djabera claim area on a Crown Reserve to the Aboriginal Affairs Planning Authority.

A new rubbish tip location should be identified in the future that is 2 kilometres away from the community living area and of less risk to the quality of drinking water.

3.10 Airstrip

The Beagle Bay airstrip is located on SL-lot 112.

The airstrip is roughly 1 kilometre in length, unsealed, consists of pindan soil and dirt and has no lighting. The airstrip is not connected to power.

The airstrip is currently located in the Djabera-Djabera Registered Native Title Claim. The location is considered appropriate.

3.11 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.

Approximately 40 Outstations have been established in the Beagle Bay area. Outstations access the community for the Clinic, School and Store and are encouraged to participate in community meetings and Reference Groups to have a say on how these services should be delivered.

3.12 Cemetery

The community cemetery is at SL-lot 105. The community have identified SL-lot 55 as a potential site for cemetery purposes.

A new community cemetery location is also located on SL-lot 102.

The Shire of Broome Health Regulations stipulate that bodies must be buried at least six feet below ground level, however, this cannot be achieved at the Beagle Bay cemetery due to the high ground water level. The ROC has invested in a heavy duty water pump for the community to assist with emptying water that tends to fill when burial graves are being dug.

4 RECOMMENDATIONS

4.1 Design Summary

The future plans for Beagle Bay are based on visits to the community and advice from relevant government agencies, including the Remote Area Essential Services Program (RAESP) managers Parson Brinkerhoff, the Shire of Broome, Aboriginal Lands Trust, Main Roads WA, Global Groundwater, and the Departments for Housing, Environment and Conservation, Water and Indigenous Affairs.

The general design principles of the plan are:

1. Maintain adequate separation between incompatible uses (e.g. Move the power station away from houses).
2. Define a road network that is suitable for all uses, including water, electricity and other services.
3. Plan for future growth by developing new residential lots.
4. Allocate land for a range of land uses that may be needed in the future.

The Beagle Bay Layout Plan No. 1 shows all proposed improvements to Beagle Bay, as well as a layout for current and future land uses. The following provides a brief explanation of the design principles and required improvements that are shown on the plan.

4.2 Upgrading / Repair of Infrastructure

The community sewerage ponds at Beagle Bay will be maintained and upgraded by KRSP.

The current location of the sewerage ponds are considered appropriate.

4.3 Housing

Locating new residential areas in Beagle Bay is a challenging task due to the constraints affecting the availability of suitable land. However, there are opportunities for some infill and re-alignment of existing residential SL-lots to accommodate additional housing.

SL-lots 20, 68A, 68B, 78, 106, 212 and 455 are all within the existing community living area and available to be developed for residential purposes. However, SL-lot 20 can not be developed until negotiations over ownership are resolved.

SL-lot 212 has been set aside by the community for staff accommodation.

SL-lot 555 is a new residential area that has been identified in consultation with the community. It will require further investigation into its suitability and should be a longer term development priority.

Based on the above, the LP provides for future housing land as follows:

- Priority 1 (short term) Infill within SL-lots 68A, 68B, 78, 212.
- Priority 2 (medium term) Development within SL-lots 106 and 455.
- Priority 4 (long term) Development within SL-lot 555.

4.4 Road Layout

The roads in Beagle Bay are well defined and mostly paved, sealed and drained allowing for appropriate vehicular movement through the community and stormwater drainage.

New access roads will be required to service the future residential areas at SL-lot 455 and 555.

4.5 Community Swimming Pool

The Department of Sports and Recreation have advised that funding for a community swimming pool is likely and a suitable site would be required.

The most likely location for the community swimming pool would be within the current disused community building on the oval site within SL-lot 15. This site is centrally located with appropriate surveillance, whilst remaining in a higher location within the community to safeguard against flooding or storm water issues.

4.6 No-go Area

There are two 'no-go' areas identified on LP No.1 to the west and south of the community as discussed in Section 2.5. Development is not to take place in these areas, and if the areas are to be traversed it is recommended that it is first discussed with the community and the Nyul Nyul Working Group through the Kimberley Land Council.

4.7 Land Tenure Reform

The land tenure situation at Beagle Bay includes anomalies such as tenure that does not match land use, and community infrastructure on varying land tenure.

A land tenure reform program is recommended in order to address these issues. The divestment of the ALT estate to appropriate Indigenous management or ownership, as recommended by the Report of the Review of the Aboriginal Lands Trust (1996), should be investigated as part of this program. A land tenure reform program for Beagle Bay will likely need to be addressed through an Indigenous Land Use Agreement. Any subdivision of lots from freehold will require WAPC approval.

5 PLANNING FRAMEWORK

5.1 State Planning Policies

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

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

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

- SPP 3 – Urban Growth and Settlement;
- SPP3.2 – Aboriginal Settlements; and
- SPP2.7 - Public Drinking Water Source; and
- SPP2.6 – State Coastal Planning.

5.2 Aboriginal Settlements Guidelines

State Planning Policy 3.2 Aboriginal Settlements provides that operational policies described as guidelines may be prepared to address a range of relevant matters. The following Aboriginal Settlements Guidelines are relevant to Beagle Bay Layout Plan 1.

Aboriginal Settlements Guideline 1- Layout Plan Provisions

Aboriginal Settlements Guideline 1 – Layout Plan Provisions was endorsed by the WAPC on 24 July 2012. This Guideline provides a textual reference that interprets the Layout Plan map-set, and provides guidance on the development of land. It also explains elements of the 'Settlement Layout' category on the map-set, such as SL-lot and SL-road. Development of SL-lots within the Beagle Bay recommended settlement zone is to be in accordance with the Layout Plan Provisions.

Aboriginal Settlements Guideline 3- Layout Plan Exclusion Boundaries

Aboriginal Settlements Guideline 3 – Layout Plan Exclusion Boundaries was endorsed by the WAPC on 24 July 2012. This Guideline defines minimum separation distances between incompatible land uses on Aboriginal settlements in WA. It also explains the 'Exclusion Boundary' category on the map-set. The recommendations of Guideline 3 have been incorporated into the Beagle Bay Layout Plan map-set.

5.3 Shire of Broome

Town Planning Scheme No.4

Beagle Bay is located in the Shire of Broome. The Shire of Broome Town Planning Scheme No. 4 was gazetted on 21 December 1999. Beagle Bay is not currently covered by the Scheme Map, meaning that land use and development in the community has generally been unregulated.

Local Interim Development Order No. 4

The Shire of Broome Interim Development Order No. 4 applies to all land on the Dampier Peninsula and including Beagle Bay.

This order requires that;

- a) *No person shall carry out development on land within the scope of this Order until he/she has applied for approval from the local government and has received the written approval*

or conditional approval of the local government in accordance with the provisions of the ACT and this Order.

- b) Application shall be made by or on behalf of the owner of the land and shall be accompanied by three copies of a plan or plans drawn to scale illustrating the proposed development and its location and indicating the type and construction or any buildings or works proposed.
- c) The application shall be dealt with by the local government in accordance with the terms of this Order and the approval, conditional, conditional approval, or refusal of the local government shall be issued to the applicant together with one copy of the plan or plans.

Local Planning Strategy

The Shire of Broome Draft Local Planning Strategy provides a vision for the growth and development of the Shire over a 10-15 year time frame.

The Strategy acknowledges Aboriginal communities within the Shire of Broome. It notes that service delivery and sustainability issues need to be addressed for many of these communities and that the Commonwealth and the State are engaged in this process.

The Strategy lists a short term Action for Aboriginal communities with the objective to;

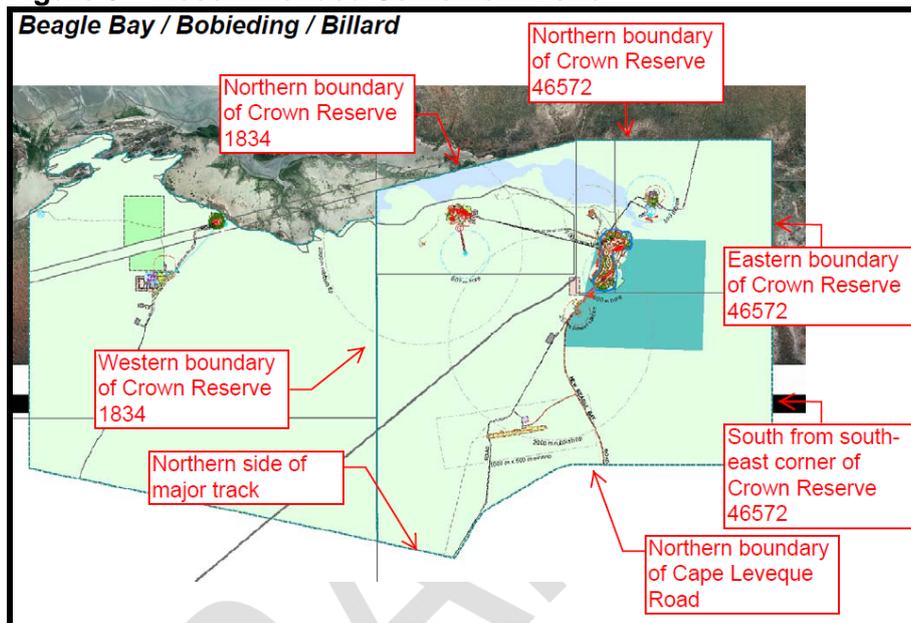
- Engage with appropriate agencies to identify plan, develop and service sustainable remote communities.

The Shire of Broome can assist in achieving this objective by incorporating LPs into the town planning scheme by expanding the scheme area to incorporate the community areas and appropriately zoning/reserving the land to provide a regulatory capacity.

5.4 Recommended Settlement Zone

State Planning Policy 3.2 – Aboriginal Settlements provides that all Layout Plans are to define and delineate a clear and appropriate area for settlement zone. Beagle Bay Layout Plan No.1 Land Ownership Plan shows an area defined as a ‘recommended settlement zone’ for inclusion within the Scheme. The intention of this proposed zone is to provide the Shire with a basis for future classification in the Scheme as a ‘Settlement’ zone. The recommended settlement zone has been based on the rationale provided in Figure 9.

Figure 9 – Recommended Settlement Zone



6 ENDORSEMENTS

Beagle Bay Community Endorsement

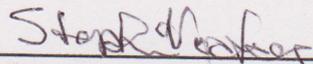
Beagle Bay Layout Plan No. 1

The Beagle Bay community hereby adopts the **Beagle Bay Layout Plan No. 1** as a guide for future developments within its boundaries.

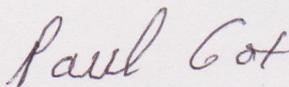
Beagle Bay is not represented by an incorporated community council under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* or any similar legislation. The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), with support from the Kimberley Land Council (KLC) and the Kimberley Regional Operations Centre (ROC) have assisted and guided consultation with the resident community at Beagle Bay to develop Layout Plan No.1, and acknowledge that the layout plan represents the community aspirations for future developments, and hereby adopts the plan, report and provisions at the meeting of community members and assisting agencies held on:

The15..... Day ofNovember.....2012.

Adopted by Beagle Bay Community Elders Stephen Victor Nyul Nyul Traditional Owner and Paul Cox representing the resident community of Beagle Bay:



Stephen Victor



Paul Cox

Western Australian Planning Commission Endorsement

Beagle Bay Layout Plan No.1



Locked Bag 2506
Perth
WA 6001

The Western Australian Planning Commission hereby endorses the **Beagle Bay Layout Plan No.1** as a guide for development to ensure proper and orderly planning within Beagle Bay.

The 28 Day of May 2013

Signed for and on behalf of the Western Australian Planning Commission

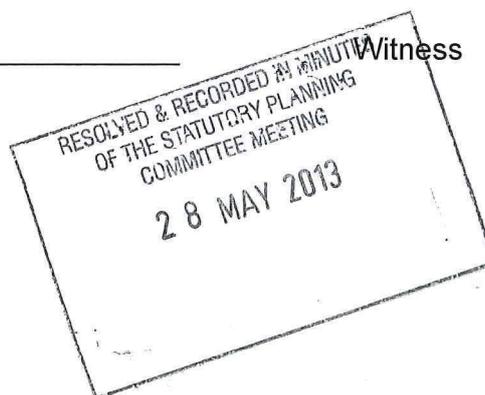


Signed by an officer duly authorised by
the Western Australian Planning
Commission pursuant to section 24 of
the *Planning and Development Act 2005*

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



30/5/2013 Date



7 CONSULTATION, REFERENCES & INFORMATION

CONSULTATION SUMMARY

Preparation of this Layout Plan is the result of consultation with the community representatives and a range of agencies, authorities and non-government organisations during 2011 – 2012. Information was obtained from the following sources:

Organisation	Date
Beagle Bay resident community	11 November 2011
	12 November 2011
	13 November 2011
	15 December 2012
	24 July 2012
	28 August 2012
Nyul Nyul Native Title Claim Working Group	22 March 2012
	21 October 2011
	12 November 2011
	21 March 2012
Kimberley Land Council	22 March 2012
	21 October 2011
	20 March 2012
Army Aboriginal Community Assistance Program	25 June 2012
	12 November 2011
	15 December 2011
Australian Bureau of Statistics	21 February 2012
	January 2012
Department of Regional Development & Lands	June 2012
Department of Indigenous Affairs	19 March 2012
Department of Housing	20 March 2012
Department of Environment	16 January 2012
Shire of Broome	18 January 2012
	4 April 2012
Landgate	28 March 2012
	4 May 2012
Horizon Power	15 January 2012
	9 December 2011
Department of Water	8 February 2012
	20 February 2012
Water Corporation	1 December 2011
	28 February 2012
	26 June 2012
Roman Catholic Bishop of Broome	24 May 2012
Parsons Brinckerhoff	11 May 2012
Department of Families, Housing, Community Services and Indigenous Affairs	22 November 2011
	3 May 2012
	25 June 2012

Organisation	Date
Kimberley Remote Service Providers	4 May 2012
Department of Education	14 May 2012
Department of Transport	21 June 2012
Royal Flying Doctors Service	26 June 2012
Department of Sports & Recreation	15 March 2012
Western Australian Police	24 May 2012
Mamabulanjin Aboriginal Corporation	5 June 2012

REFERENCE

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

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

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

Parsons Brinkerhoff, 2010 *High Level Assessment of Current Infrastructure in Beagle Bay Community*.

Parsons Brinkerhoff, 2009 *Beagle Bay Drinking Water Source Protection Plan*.

Council of Australian Governments (COAG) 2010 *Local Implementation Plan – Beagle Bay*. Commonwealth of Australia & Government of Western Australia. Available at: www.broome.wa.gov.au

8 AMENDMENTS

Proponent	: Department of Housing (DoH)
Date	: 18 June 2014

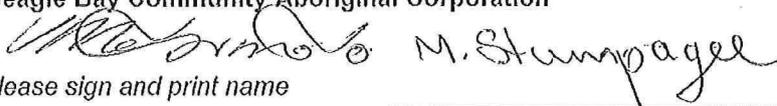
Reason for the Amendment

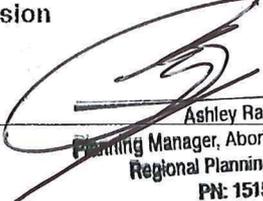
DoH proposes to build a number of houses at Beagle Bay. To achieve this, DoH have identified a number of locations for new residential Settlement Layout lots (SL-lots), which do not comply with the current layout plan, but are viable in terms of efficient use of existing essential and municipal services. As well as this, the actual location of the rural pursuit of mango farming has been identified and it is proposed to change the SL-lot boundaries of SL-lots 455 and 801 to make them more appropriate.

The DoH proposes to make the following changes at Beagle Bay.

Subject Land		Changes required to CLP
1.	SL-lot 106	Subdivide SL-lot 106 to create new SL-lots 106 and 120 – 124.
2.	No-go area to the east of SL-lot 106	Move the no-go boundary in line with the rear of proposed SL-lots 106 and 120-124
3.	SL-lot 801	Extend the southern boundary further to the south, make the eastern boundary in line with that of SL-lot 455 and ensure northern boundary follows the existing cadastre.
4.	SL-lot 455	Reduce the size by moving the northern boundary to the south, to be in line with the boundary between SL-lots 83 and 84.

Endorsements:

Beagle Bay Community Aboriginal Corporation	
 please sign and print name	Date: 19/6/14
Nominated Representatives of Bindunbur Native Title Application	
please sign and print name	Date:
Shire of Broome	
please sign and print name	Date:
Western Australian Planning Commission	
please sign and print name	Date: 17/02/2015


Ashley Randell
Planning Manager, Aboriginal Communities
Regional Planning & Strategy
PN: 15151.1

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

Reason for Spatial Upgrade

Landgate has spatially upgraded its data covering Beagle Bay by: a) subdividing Lot 2, and; b) approving road names. This spatial upgrade to the Beagle Bay Layout Plan 1 reflects those changes made by Landgate. As these changes are in response to Landgate upgrades, they do not constitute an amendment, but rather a spatial upgrade, which reflects the current cadastre and recognition of road names by the Geographic Names Committee. Some further detail regarding those changes is included below, for information and clarity.

Road Names

In November 2013 the Minister for Lands approved the recommendation of the Geographic Names Committee to name the dedicated roads and settlement layout roads (SL-roads) in Beagle Bay, on the request of the Shire of Broome. The approved road names and SL-road names that they are replacing are as follows:

LP1 SL-Road Name	Approved Road Name
Old Beagle Bay Road	Beagle Bay Road
Billard Road	Billard Road
Bishop Place	Bishop Place
Eighth Street	Gubinge Place
Eleventh Street	Wungid Street
Fifth Street	Makabala Lane
First Street	Felix Avenue
Fourth Street	Marool Loop
Ninth Street	Goolayi Road
Phillip Road	Phillip Road
Second Street	Gunburrd Place
Seventh Street	Goowal Street
Sixth Street	Munbung Cove
Third Street	Goonorrd Place
Twelfth Street	Wungai Place

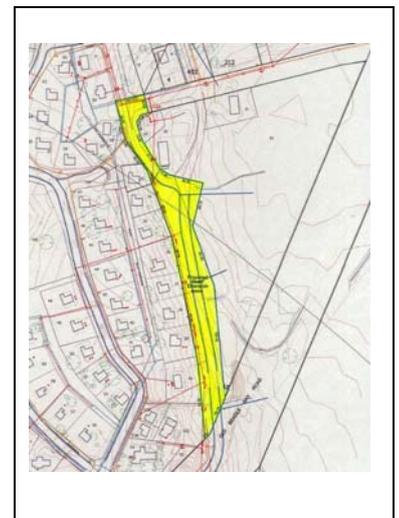
Creation of Lot 33 Makabala Lane (Freehold)

Beagle Bay is primarily freehold. Lot 2 is around 214 hectares of freehold land held by the Aboriginal Lands Trust (ALT).

In December 2010 the Western Australian Planning Commission approved subdivision 142950, submitted by the ALT. As illustrated on the drawing adjacent, the proposal was to subdivide Lot 2 to create Lot 33 and an extension to the existing dedicated road reserve at Beagle Bay.

In November 2013 Deposited Plan 73719 was lodged.

Lot 33 Makabala Lane is the same location and dimensions as the land previously identified on the Layout Plan as SL-lot 33 Fifth Street, which it supersedes on the Layout Plan.



Beagle Bay Layout Plan No. 1
Amendment No. 4

Proponent : Department of Planning.
Date : 25 October 2016

Reason for the Amendment

The purpose of Amendment 4 is to ensure that the houses on SL-lots 74, 75 and 63 are all on separate SL-lots. In effect, this means subdividing each of those SL-lots into two.

	Land Identification	Amendment description
1.	SL-lot 74	Subdivide SL-lot 74 into 2; SL-lot 74 and SL-lot 174.
2.	SL-lot 75	Subdivide SL-lot 75 into 2; SL-lot 75 and SL-lot 175.
3.	SL-lot 63	Subdivide SL-lot 75 into 2; SL-lot 63 and SL-lot 163.

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>	 date 25/10/2016
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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.

Beagle Bay Layout Plan No. 1

Amendment No. 5

Proponent : Department of Planning

Date : 18 November 2016

Reason for the Amendment

In June 2016 Cardno WA Pty Ltd completed the 'Coastal Vulnerability Assessments for Localities in the Shire of Broome' on behalf of the Department of Planning (DoP). This provided DOP with flood and coastal vulnerability mapping and information on flood behaviour to guide land use planning, emergency management and assessment of building and development in flood-prone areas for the Beagle Bay community.

The Report has identified information that requires changes to the Layout Plan to reflect various Annual Exceedance Probability (AEP) flood extents, and other mitigation measures. This also includes replacing an amount of 'open space' land use to 'waterway'. The general intent is to avoid future development anywhere that is at significant risk to flooding and identify areas which are more appropriate for community expansion into the future.

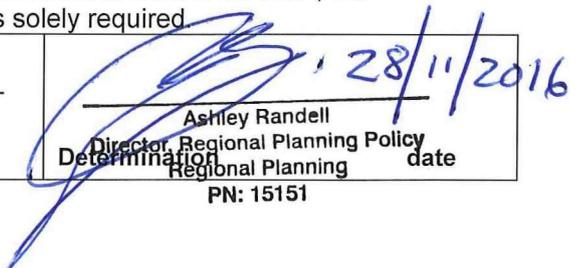
Land Identification		Amendment description
1.	All	Replace the 'open space' areas with 'waterway' on the LP as derived from the Final Report. Other Land Uses to remain as current.
2.	All	Amend Layout Plan Report to include additional detail to Section 3.2 'Flooding and Drainage'. Note: *All construction and developer proponents to refer to the 'Coastal Vulnerability Assessments for Localities in the Shire of Broome – Bindunbur Final Report'

*A copy of the Report to be obtained from the Department of Planning prior to any endorsed Layout Plan construction/development.

Endorsement:

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

Determined on behalf of the Western Australian Planning Commission in accordance with the *Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.*


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

Other Information:

This Layout Plan does not constitute development approval.

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Proponent :	Department of Planning, Lands and Heritage
Date :	22 June 2018

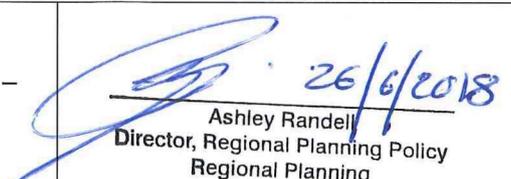
Reason for the Amendment

The Department of Planning, Lands and Heritage (DPLH) proposes Amendment 6 to Beagle Bay Layout Plan 1. Amendment 6 is in response to two proposed Aboriginal Lands Trust leases over SL-lots 18 and 31. Amendment 6 proposes minor spatial changes to the SL-lot framework to be consistent with the proposed ALT leases. These proposed changes will improve the accuracy of the layout plan for future planning and development in Beagle Bay.

Land Identification		Amendment description
1.	SL-lot 18; Makabala Lane	Update spatial boundary of SL-lot 18 and Makabala Lane to match the proposed lease by the Aboriginal Lands Trust (ALT) to Kullarri Regional Communities Indigenous Corporation. Create new SL-lot 180 south of new SL-lot 18, from the balance of former SL-lot 18, and assign land use classification 'open space'.
2.	SL-lot 4	Extend SL-lot 4 to be bounded by proposed lease and SL-lot 180.
3.	SL-lot 31	Spatially upgrade SL-lot 31 to be consistent with the re-issued ALT sub-lease.

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>Ashley Randell Director, Regional Planning Policy Regional Planning PN: 15151</p>
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Other Information:

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Beagle Bay Layout Plan No. 1

Amendment No. 8

Proponent : Department of Planning, Lands and Heritage

Date : 11 July 2018

Reason for the Amendment

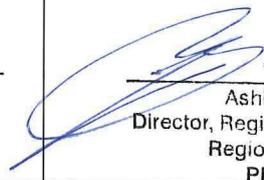
The Department of Planning, Lands and Heritage (DPLH) proposes Amendment 8 to Beagle Bay Layout Plan 1. Amendment 8 is in response to the latest air photo captured in May 2018 by Landgate at the request of the Department of Planning, Lands and Heritage (DPLH). Amendment 8 proposes minor modifications to the SL-lot framework and Background Report to align with the existing pattern of development. These proposed changes will improve the accuracy of the layout plan for future planning and development in Beagle Bay.

Land Identification		Amendment description
1.	SL-lot 847	Create a new SL-lot 181 from the balance of SL-lot 847, and assign 'public utility' land use classification.
2.	Lot 78	Amend the land use classification of SL-lot 78 from 'residential' to 'open space'.
3.	All	Amend Section 3.3 'Water Supply' of the Background Report to accurately reflect the locations of Bore 1 and 2.
4.	All	Amend Section 4.3 'Housing' of the Background Report to remove original text identifying SL-lot 78 for residential purposes.

Endorsement:

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

Determined on behalf of the Western Australian Planning Commission in accordance with the *Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission*.

 12/07/2018
Ashley Randell
Director, Regional Planning Policy
Regional Planning
PN: 15151

Other Information:

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Proponent :	Department of Communities (Housing Authority)
Date :	18 December 2017

Reason for the Amendment

Department of Communities (Housing Authority) propose to expand the existing site for wastewater infrastructure in Beagle Bay, to enable them to ensure that wastewater infrastructure is able to adequately service the needs of the community.

The Department of Communities (Housing Authority) propose the following changes at Beagle Bay:

Land Identification		Amendment description
1.	SL-lot 110	Extend the boundaries of SL-lot 110 on all sides to enable the expansion of the wastewater ponds.

Endorsements:

Beagle Bay Community Aboriginal Corporation	
<i>x</i>  please sign and print name TRISTAN SARAH	Date: 14/3/18
Nominated Representatives of Bindunbur Native Title Application	
please sign and print name	Date:
Shire of Broome	
please sign and print name	Date:
Western Australian Planning Commission	
please sign and print name	 Ashley Randell Director, Regional Planning Regional Planning PN: 15151 Date: 12/10/2018

Other Information:

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Proponent	: Iredale Pederson Hook Architects on behalf of Beagle Bay Community
Date	: 16 December 2020

Reason for the Amendment

Iredale Pederson Hook Architects on behalf of the Beagle Bay Community, and in consultation with the Shire of Broome, require a change to the Layout Plan 1 to support the proposal to construct new ablution blocks at Beagle Bay. Amendment 10 will support this proposal.

Land Identification		Amendment description
1.	SL-lot 212 (corner of Felix Avenue and Bishop Place) Beagle Bay	Change the land use classification of SL-lot 212 from 'Residential' to 'Community'.

Endorsement:

In accordance with State Planning Policy 3.2 Aboriginal Settlements Guideline (June 2020) 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>	 18 December 2020
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Other Information:

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Proponent :	Horizon Power
Date :	20 December 2023

Reason for the Amendment

Regional Power Corporation trading as Horizon Power proposes to enter into a Lease with the Aboriginal Lands Trust for the construction, operation and maintenance of a Renewable Energy System (RES) to provide reliable, renewable energy to the Beagle Bay community.

Land Identification		Amendment description
1.	SL-Lot 108.	Construct, operate and maintain Future Energy System (power generation) on portion of land directly adjacent to the existing power station located on SL-Lot 108. Extend SL-lot 108 and change the land use classification from 'drinking water source protection area' to 'public utility'.

Endorsements:

Beagle Bay Futures  HENRY AUGUSTINE <i>please sign and print name</i>		Date: 29/04/24
Nyul Nyul PBC  please sign and print name	DAVID FRANCIS	Date: 20.3.24
Shire of Broome  please sign and print name	Kirsten Wood	Date: 21.05.24
Western Australian Planning Commission  please sign and print name	A. Randell	Date: 03.02.2025

Other Information:

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