

# Yiyili

includes Ganinyi, Girriyoowa & Kurinyjarn

## Layout Plan 2

### Background Report

September 2011

Date endorsed by WAPC



## Amendments

Amendment 1 - November 2012

Amendment 2 - July 2017

Amendment 3 - September 2017

Amendment 4 - May 2020



Department of  
Planning



## YIYILI LAYOUT PLAN 2

Yiyili, Ganinyi, Girriyoowa and Kurinyjarn are neighbouring communities along a 7km stretch of the southern bank of the Margaret River. For the purposes of this Layout Plan they are considered to be one place (see figure 1 below).

In this report, when reference is made to 'Yiyili community', this refers to the discrete place. When this report references 'Yiyili and the surrounding communities', this refers to the 4 communities together.

Layout Plan 2 (LP2) was prepared during 2010 by Taylor Burrell Barnett Town Planning and Design. LP2 has been endorsed by the resident community (2 December 2010), the Shire of Halls Creek (19 May 2011) and the Western Australian Planning Commission (WAPC) (29 September 2011).

During the period November 2012 until September 2017 the WAPC endorsed 3 amendments to LP2. The endorsed amendments are listed in part 7 of this report. All of the amendments were map-set changes, with no changes made to the background report.

Consequently, the background report has become out-of-date, and in May 2020 it was updated as part of Amendment 4. The Amendment 4 background report update sought to keep all relevant information, while removing and replacing out-of-date references and data.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



**Figure 1- Context of Yiyili and Surrounding Communities**

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

# CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>II</b>
<b>DEVELOPMENT PRIORITIES .....</b>	<b>III</b>
<b>1 BACKGROUND .....</b>	<b>1</b>
1.1 LOCATION & SETTING .....	1
1.2 CLIMATE .....	1
1.3 HISTORY AND CULTURE .....	3
1.4 PREVIOUS LAYOUT PLAN.....	4
<b>2 COMMUNITY PROFILE .....</b>	<b>5</b>
2.1 POPULATION .....	5
2.2 GOVERNANCE .....	6
2.3 LAND TENURE .....	7
2.4 NATIVE TITLE .....	8
2.5 ABORIGINAL HERITAGE .....	9
2.6 COMMUNITY ASPIRATIONS.....	10
<b>3 INFRASTRUCTURE &amp; SERVICES .....</b>	<b>11</b>
3.1 ELECTRICITY SUPPLY.....	11
3.2 WATER SUPPLY .....	12
3.3 WASTEWATER.....	13
3.4 RUBBISH DISPOSAL .....	13
3.5 AIRSTRIP .....	13
3.6 INTERNAL ROAD LAYOUT.....	14
3.7 ACCESS & DEDICATED ROADS.....	14
3.8 OUTSTATIONS .....	14
3.9 COMMUNITY AND SOCIAL SERVICES .....	15
<b>4 HOUSING .....</b>	<b>19</b>
4.1 RESIDENTIAL AREAS .....	19
4.2 NUMBER & TYPE OF DWELLINGS.....	19
4.3 FUTURE RESIDENTIAL DEVELOPMENT .....	21
<b>5 CONSTRAINTS AND LIMITATIONS .....</b>	<b>22</b>
5.1 FLOOD HAZARD.....	22
5.2 DRINKING WATER SOURCE .....	22
5.3 BUSHFIRE .....	22
5.4 EXCLUSION BOUNDARIES .....	22
<b>6 PLANNING FRAMEWORK.....</b>	<b>23</b>
6.1 STATE PLANNING POLICIES .....	23
6.2 STATE PLANNING POLICY 3.2 - ABORIGINAL SETTLEMENTS.....	23
6.3 SHIRE OF HALLS CREEK.....	24
<b>7 ENDORSEMENTS .....</b>	<b>25</b>
YIYILI, GANINYI, GIRRIYOOWA AND KURINYJARN COMMUNITY COUNCIL ENDORSEMENT .....	A
SHIRE OF HALLS CREEK ENDORSEMENT .....	B
WESTERN AUSTRALIAN PLANNING COMMISSION ENDORSEMENT .....	C
<b>REFERENCES .....</b>	<b>D</b>
<b>AMENDMENTS .....</b>	<b>E</b>

## Community Representative Organisations

Resident community representative organisations	: <b>Yiyili</b> - Yiyili Community Indigenous Corporation <b>Ganinyi</b> - Ganinyi Aboriginal Corporation <b>Kurinyjarn</b> - Kurinyjarn Aboriginal Corporation <b>Girriyoowa</b> - Marralgni (Granite Community) Indigenous Corporation <b>Louisa Downs Station</b> - Louisa Downs Pastoral Aboriginal Corporation
Traditional Owners representative organisation	: Gooniyandi Aboriginal Corporation

## Acronyms

AHA	: Aboriginal Heritage Act (WA) 1972
AHIS	Aboriginal Heritage Information System
ALT	: Aboriginal Lands Trust
DoC	: Department of Communities (Housing)
DPLH	: Department of Planning, Lands and Heritage
EHNS	: Environmental Health Needs Survey
GAC	Ganinyi Aboriginal Corporation
GOC	Gooniyandi Aboriginal Corporation
ILUA	: Indigenous Land Use Agreement (under the Native Title Act 1993)
KAC	Kurinyjarn Aboriginal Corporation
LP	: Layout Plan
MIC	Marralgni (Granite Community) Indigenous Corporation
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)
REMS	: Remote Essential and Municipal Services
SL-lot	: Settlement layout lot
SPP	: State Planning Policy
WAPC	: Western Australia Planning Commission
YCIC	Yiyili Community Indigenous Corporation

### Layout Plans & the Development Process

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

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

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



---

## EXECUTIVE SUMMARY

---

The Yiyili Layout Plan No. 2 (LP No. 2) was prepared over a one year period between August 2009 and August 2010. It replaces the Yiyili Layout Plan No. 1 (1999).

The tables below summaries the main issues concerning the planning, development and provision of services within Yiyili and the surrounding communities, and these are covered in more detail in the body of this report.

**Table 1 – Population Summary**

Existing Population:	<b>190</b>
Design Population:	<b>221</b>

**Table 2 - Place Characterisation Indicators**

Indicator	Community Characteristics
Drinking water	Drinking water for Yiyili and the surrounding communities is drawn from 3 production bores located approximately 750m north of Ganyini community. Water supply and distribution is managed by DoC under the REMS program.
Electricity	The power station is located on SL-lot 18 within the Yiyili community and managed by DoC under the REMS program.
Flood	Yiyili and the surrounding communities are located along a 7km stretch of the Margaret River. There are some areas that experience localised flooding.
Land tenure	Yiyili and the surrounding communities are situated on Lot 31, Crown Reserve 39061, with a Management Order vested in the Aboriginal Lands Trust. The Ganyini community is located on Crown Reserve 42828.
Wastewater	Yiyili, Ganinyi and Girriyoowa communities are connected to a reticulated gravity sewerage system comprising a pump station in each community. The waste water sewage ponds are located approximately 600m southwest of Yiyili community.
Emergency assistance	Nearest police and medical emergency facilities are located in Halls Creek (approx. 1.5 hours travel by road), or Fitzroy Crossing (approx. 2 hours by road).
Education	Yiyili Aboriginal Community School is located on SL-lot 1 in the Yiyili community. The School has 6 teaching staff, 1 principal and approximately 5 Aboriginal education support workers. The school caters for years K-10 and has approximately 65 students.
Health	The Yiyili community has a health clinic which is visited by doctors and nurses from Halls Creek.
Food	The Yiyili Community Store is located on SL-Lot 20.
Transport	All-season road access is available, there is an unsealed airstrip on Louisa Downs Station, 4.5 km west of the Yiyili community, which the Flying Doctor can use.
Waste services	The existing rubbish tip is located approximately 450m east of the Yiyili community and 200m west of Girriyoowa community.
Employment & enterprise	Community members are employed within the Yiyili community at the school, office, clinic, Louisa Downs Pastoral Station, Halls Creek, Laari Art Gallery and store.
Governance	The Yiyili community is managed through its incorporated body, Yiyili Community Indigenous Corporation.
Aboriginal heritage	Yiyili and the surrounding communities lie within the Gooniyandi Combined 2 claim area determined on the 19 June 2013. The determination indicates Native title exists in parts of the determination area.

This Layout Plan outlines a clear and straightforward way for Yiyili and the surrounding communities to grow in a co-ordinated and efficient manner.

---

## DEVELOPMENT PRIORITIES

---

At the time of consultation in 2009/2010, the community identified several priorities as important to the development of Yiyili and the surrounding communities. These included:

### Within the next year:

#### Yiyili

- Provide housing repairs and upgrades
- Extend, or relocate, rubbish tip
- Establish community garden.
- Extend store, install fuel bowsers.
- Establish motor vehicle repair workshop and market 'store' near entrance.
- Repair telemetry to control bore pumps.
- Develop additional housing suitable for families
- Prepare Drinking Water Source Protection Plan

#### Ganinyi

- Provide housing repairs and develop additional housing.
- Repair telemetry to control bore pumps.
- Extend, or relocate, rubbish tip

#### Girriyoowa

- Provide housing repairs and develop additional housing

### Within the next 5 years:

#### Yiyili

- Upgrade and seal entrance road to Yiyili.
- More housing on existing sites.

#### Ganinyi

- Upgrade road linking communities.

#### Girriyoowa

- Upgrade road linking communities.

### Within the next 10 years:

- Relocate power stations when generators reach end of useful life.

### Implementing the Layout Plan

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

The future growth of Yiyili will require community members to find solutions for the provision of services and infrastructure (such as housing and sealed roads). This reinforces the objectives of the Yiyili Layout Plan 2 to help bring about the self-support of its members by the development of economic projects and industries, and to encourage members to manage their affairs on their own land.

# 1 BACKGROUND

## 1.1 Location & Setting

Layout Plan No 2 (LP2) has been prepared for Yiyili and the nearby surrounding communities of Ganinyi, Girriyoowa (Pullout Springs) and Kurinyjarn. Although individually incorporated, these communities share infrastructure and services and together can be considered to represent a single urban cell.

Yiyili and the surrounding communities are located in the East Kimberley Region within the Shire of Halls Creek. Yiyili and the surrounding communities are located approximately 125 km west of Halls Creek and approximately 175 km south east of Fitzroy Crossing. The entry to the Yiyili community is located approximately 5 km north of the Great Northern Highway and 500m south of the Margaret River. The community is easily accessible during the dry season; however during the wet season a 4WD may be required to travel the track into the community.

Yiyili and the surrounding communities are located on the fringe of the Margaret River floodplain and topography is undulating. The soil is typically gravelly, clayey sands or sandy clay.

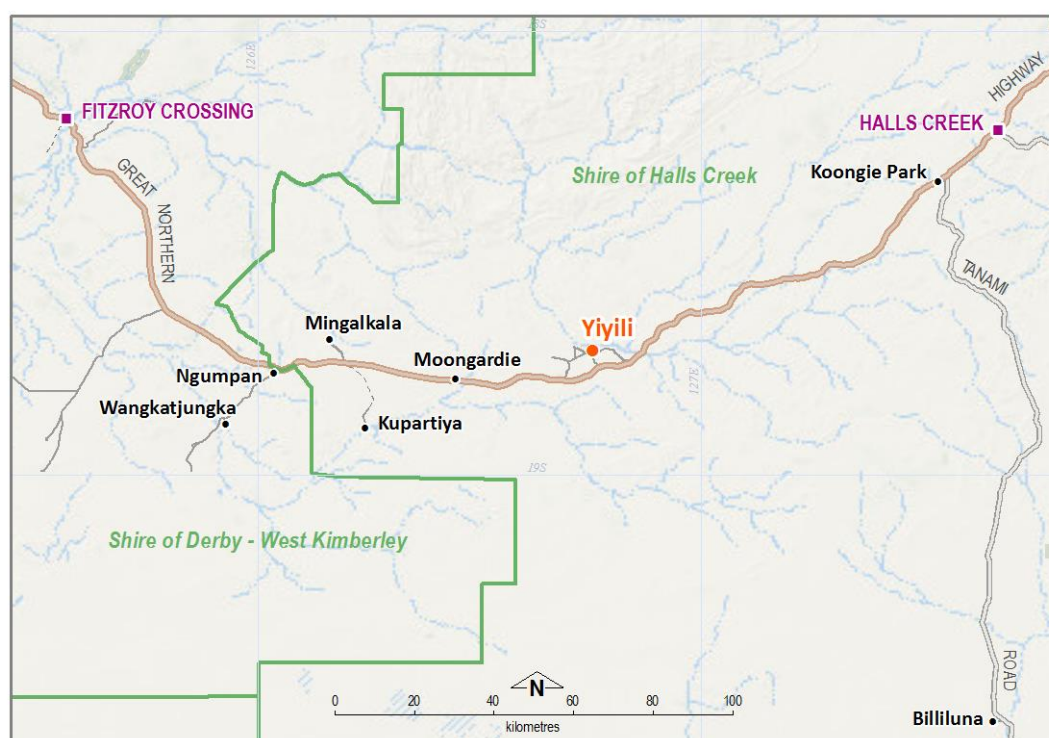


Figure 2 – Regional context of Yiyili Community

## 1.2 Climate

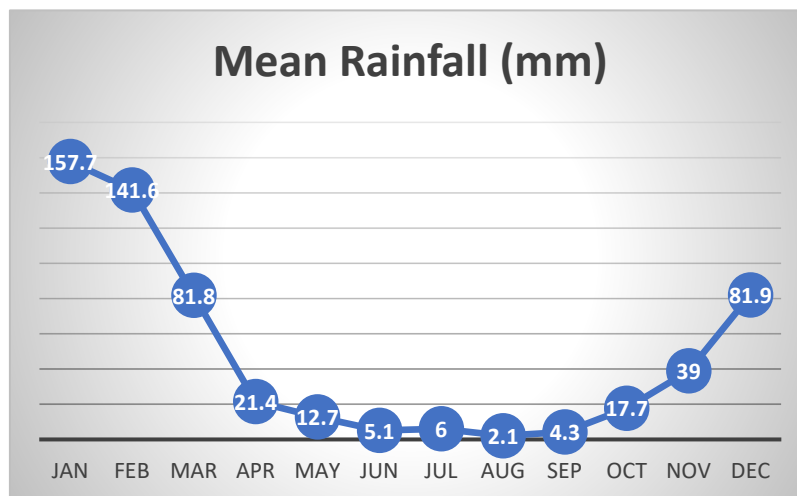
Yiyili and the surrounding communities are situated approximately 125 km west of Halls Creek, one of the nearest weather recording station. Halls Creek has a tropical semi-arid climate with very hot summers and warm dry winters. There are two distinct seasons; the "wet", usually from December to March and characterised by high temperatures and the occasional rain event, and the "dry" for the remainder of the year.

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

**Table 3 – Halls Creek mean rainfall (1948 to 2018)**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Rainfall (mm)	157.7	141.6	81.8	21.4	12.7	5.1	6	2.1	4.3	17.7	39	81.9	575.6
Rain days (no.)	13.5	12.6	8.2	2.6	2	0.9	0.8	0.5	0.9	3.3	6.5	10.8	62.6

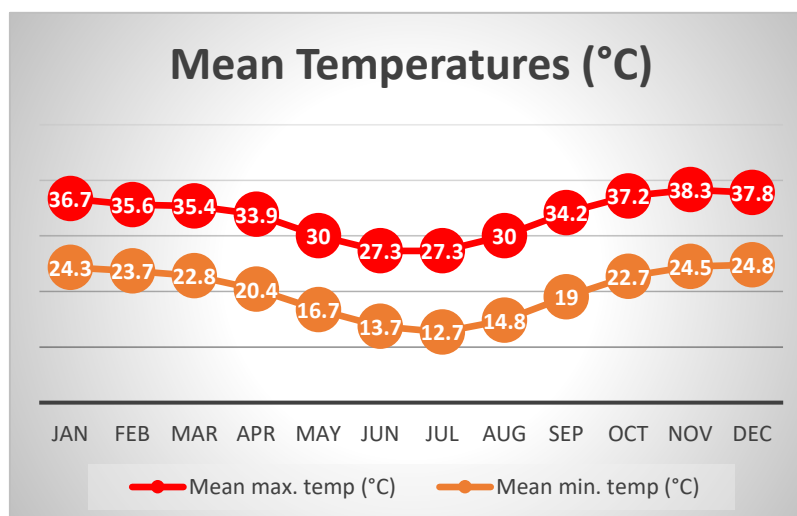
Source: Bureau of Meteorology



**Table 4– Halls Creek mean temperatures (1948 to 2018)**

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

Source: Bureau of Meteorology



## **1.3 History and Culture**

This is a concise summary of post-settlement history of Yiyili and the surrounding communities, and is for the purposes of understanding the settlements.

### **Early contact history**

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

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

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

This resulted in a large out-migration from pastoral stations to towns and reserves.

### **The 'Homelands' movement – 1970s and 80s**

The emergence of the Yiyili community can be seen in the context of the homelands movement; whereby particular Aboriginal groups have sought to return to lands with which they enjoy strong traditional and historical connections. This movement can be seen emerging after policies of indigenous self-determination were introduced in the early 1970s, and after the role of missions and government residential institutions in the lives of Aboriginal people had steadily declined. In many cases, this return to traditional lands was enabled by the transfer of pastoral stations from white pastoralists to Aboriginal groups. In the East Kimberley region, Doon Doon, Lake Gregory, Billiluna and Glen Hill stations were purchased by Aboriginal groups in 1976.

The Yiyili Community was established in 1981 with the purchase of Louisa Downs Station by the Louis Downs Pastoral Aboriginal Corporation. The community was developed on land excised from the Station pastoral lease. Louisa station, is still owned and operated by Yiyili community members under the Louisa Downs Pastoral Aboriginal Corporation. The original Yiyili community has relocated at least three times in the last two decades due to flooding of the Margaret River. The original family group has also been broken up into four distinct communities since establishment of the Yiyili community. Many of the families on Louisa are sixth generation descendants.

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

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

Yiyili and surrounding communities lie within the Gooniyandi Combined 2 claim area. The claim was registered on 27 July 2000 and the Gooniyandi people gained legal recognition of their native title rights over Yiyili land on the 19 June 2013.



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

## **Culture**

The Yiyili community is an important location during Law periods and also hosts rodeos and other events. During these times the population can increase to several times its normal population. Conversely, during vacation time, many people visit relatives in other communities.

The language spoken by the majority of community members is Kriol. Gooniyandi is the traditional language; however there are few that are fluent speakers. The existing community layout does not reflect any differences in culture or language groups. The community groupings at Yiyili and surrounding communities are generally family related.

Non-Indigenous administrative staff live within the Yiyili community, mostly in the northern area, east of the school.

## **1.4 Previous Layout Plan**

In 1999 a LP was prepared for the Aboriginal communities of Yiyili, Ganinyi and Girriyoowa. The LP for Yiyili was endorsed by the community in October 2000 and by WAPC in September 2002. The LP for Ganinyi was endorsed by the community in September 1999 and noted by WAPC in September 2001. The LP for Girriyoowa was endorsed by the community in September 1999 and noted by WAPC in August 2001. These LPs were 'noted' as distinct from 'adopted' by the WAPC because of the total population size of the communities at the time of consideration. A LP was not prepared for Kurinyjarn, located 2.2 km east of Yiyili community, or the further afield outstations of Goolgaradah and Rocky Springs.

---

## 2 COMMUNITY PROFILE

---

### 2.1 Population

Table 3 – Population

Existing Population :	<b>190</b>
Design Population :	<b>221</b>

#### Existing Population

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

The Yiyili community is an important location during Law periods and also hosts rodeos and other events. During these times the population can increase to several times its normal population. Conversely, during vacation time, many people visit relatives in other communities. A summary of recent population data for the Yiyili community is shown in Table 4.

Table 4 – Population figures of Yiyili by source 1997-2016

	<b>1997</b>	<b>2001</b>	<b>2004</b>	<b>2006</b>	<b>2008</b>	<b>2019</b>
<b>Total persons</b>	217	88	50	41	58	101
<b>Source</b>	<b>EHNS</b>	<b>ABS</b>	<b>EHNS</b>	<b>ABS</b>	<b>EHNS</b>	<b>DoC</b>

Current population levels of the Yiyili community and surrounding communities can be estimated from a range of sources, including Census Data from the ABS and the Environmental Health Needs Survey undertaken by the former Department of Indigenous Affairs and the Department of Communities' Property Tenancy Management System (PTMS) from 2019.

The EHNS provides an estimated combined population for Yiyili and the surrounding communities to be approximately 150 people in 2004 and 115 people in 2008. The Department of Communities PTMS estimates the current population of the Yiyili community to be approximately 101 people and the surrounding communities to be approximately 90 people. Based on the above, this report assumes that Yiyili and the surrounding communities are estimated to have an approximate, combined population of 190 people.

#### Design Population

The layout plan version prepared in 2010 by Taylor Burrell Barnett Town Planning and Design indicated the estimated design population of Yiyili and surrounds to be 204 residents by 2019 and 221 residents by 2023.

This was based on the number of houses, the average number of residents per household in 2010, migration to and from the community, employment opportunities, family networks and obligations and services and infrastructure available.

## 2.2 Governance

### Incorporated Communities

The Yiyili community is managed through its incorporated body Yiyili Community Indigenous Corporation (YCIC), which was first registered in 1981 under the Aboriginal Councils and Associations Act 1976 under the former name of Yiyili Community Aboriginal Corporation. The corporation is a not-for-profit.

The surrounding communities have the following Aboriginal corporations:

- **Ganinyi Aboriginal Corporation** was registered in 1988 under the *Aboriginal Councils and Associations Act 1976*.
- **Kurinyjarn Aboriginal Corporation** was registered in 1990 under the *Aboriginal Councils and Associations Act 1976*.
- **Marralgni (Granite Community) Indigenous Corporation** was registered under the name of Girriyoowa Aboriginal Corporation in 1994, under the *Aboriginal Councils and Associations Act 1976* and renamed in 2009 under the *Corporations (Aboriginal and Torres Strait Islanders) Act 2006*.

The objectives of Yiyili, Ganinyi, Kurinyjarn Aboriginal Corporations and the Marralgni Indigenous Corporation are to:

- Support the social development of members in all ways.
- Encourage and enable any appropriate small business enterprises in which members may wish to participate.
- Encourage members to make management decisions for themselves.
- Encourage and enable members to continue with traditional cultural activities.
- Apply for, receive and spend any appropriate grants of money that may be available.

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

## 2.3 Land Tenure

Yiyili community, and the surrounding communities of Girriyoowa and Kurinyjarn are located on Crown Reserve 39061. The details are provided below.

<i>Tenure</i>	<b>Crown Reserve 39061</b>
<i>Lot Details</i>	<b>Lot 31</b>
<i>Status Order/Interest</i>	Reserve under Management Order
<i>Primary Interest Holder</i>	Aboriginal Lands Trust
<i>Area</i>	761.57 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Reserve 39061 For the Purpose of Use and Benefit of Aboriginal Inhabitants. Registered 1/2/1994. Management order contains conditions to be observed with power to lease for any term. Lease to Yiyili Community Indigenous Corporation for entirety of reserve 39061, expiry 1/10/2085.

The Ganinyi Community is located on Crown Reserve 42828. The details are provided below.

<i>Tenure</i>	<b>Crown Reserve 42828</b>
<i>Lot Details</i>	<b>Lot 88</b>
<i>Status Order/Interest</i>	Reserve under Management Order
<i>Primary Interest Holder</i>	Aboriginal Lands Trust
<i>Area</i>	14.75 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Reserve 42828 For the Purpose of Use and Benefit of Aboriginal Inhabitants. Registered 1/2/1994 Management order contains conditions to be observed with power to lease for any term

All infrastructure in the communities are located on these two Crown Reserves, except for the wastewater treatment ponds, water bores and cemetery, which are located on the adjoining Louisa Downs pastoral lease. The details of the leasehold lot are provided below.

<i>Tenure</i>	<b>Pastoral Lease PL N049737</b>
<i>Lot Details</i>	<b>Lot 50</b>
<i>Status Order/Interest</i>	Leasehold
<i>Primary Interest Holder</i>	Louisa Downs Pastoral Aboriginal Corporation
<i>Area</i>	7,8973.56 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Subject to the terms and conditions set out in the said lease.

## 2.4 Native Title

Yiyili and the surrounding communities lie within the Gooniyandi Combined 2 (WCD2013/003 Tribunal No) WAD6008/2000 (Federal Court No)) claim area. The claim covers approximately 11,209 kilometres of land within the Shires of Derby-West Kimberley and Halls Creek. The Gooniyandi Aboriginal Corporation is the Native title representative body that represents the claimants. The claim was registered on 27 July 2000 and determined on the 19 June 2013. The determination indicates Native title exists in parts of the determination area.

Further information regarding native title can be sort from the National Native Title Tribunal website <http://www.nntt.gov.au>

### 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](http://www.nntt.gov.au).



## 2.5 Aboriginal Heritage

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

### Registered Sites

There are two registered sites and 2 lodged heritage sites in the vicinity of Yiyili and the surrounding communities (as of March 2020). A summary of these sites are listed below:

Located in the Yiyili settlement zone:

- Place 13807- Ngowalu/ Kalinta, Registered Site - Mythological

Located in the Ganinyi settlement zone and surrounds:

- Place 13806 – Tjimbila, Registered site - Mythological, quarry
- Place 13755 – Kutjulangka, Lodged - Artefacts/scatter, skeletal material/ burial, camp.
- Place 13754 – Kaninji, Lodged - Artefacts/scatter, camp, water source

Any future development at the communities, including implementing LP2 should therefore be undertaken in consultation with the community and the traditional owners to ensure adequate avoidance of sites.

### Culturally Sensitive Areas

Consultation with community members confirmed that there were no law grounds at or in close proximity to Yiyili and the surrounding communities.

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

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

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

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

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

## **2.6 Community Aspirations**

During consultation the resident community provided the following aspirations:

1. Provide housing repairs and upgrades as soon as possible
2. Extend, or relocate, rubbish tip
3. Establish community garden.
4. Establish motor vehicle repair workshop and market 'store' near entrance.
5. Repair telemetry to control bore pumps.
6. Develop additional housing suitable for families
7. Upgrade and seal entrance road to Yiyili community
8. More housing on existing sites.
9. Possibly re-locate power station when upgrades, or replacement gensets required.

### 3 INFRASTRUCTURE & SERVICES

Details of infrastructure and services in Yiyili and the surrounding communities are provided in this section. Figure 3 illustrates the distribution of services to Yiyili and the surrounding communities.

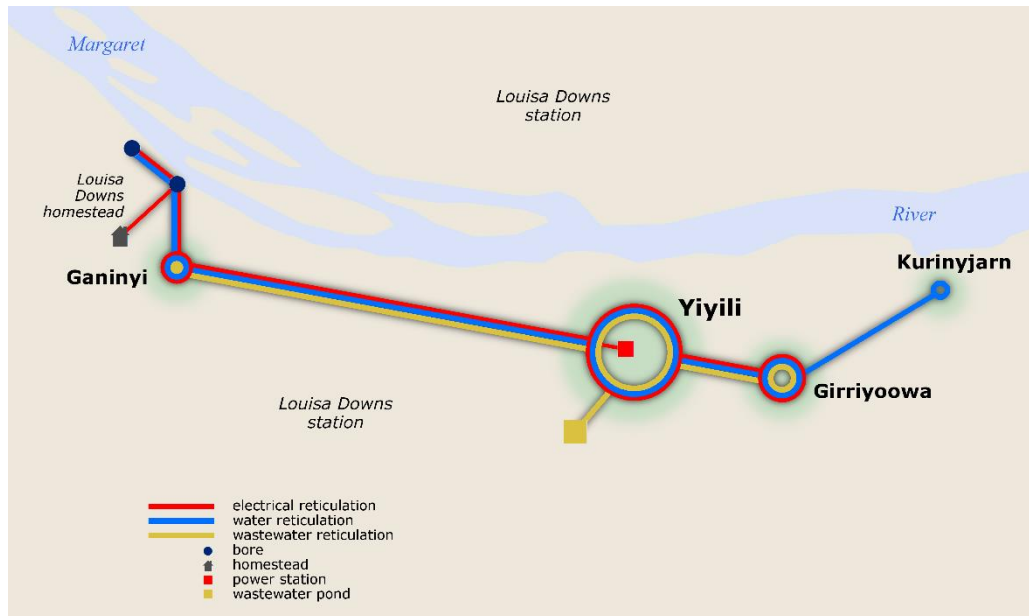


Figure 3 – Infrastructure and Services Distribution Yiyili and the Surrounding Communities

#### 3.1 Electricity Supply

The existing power station in the Yiyili community is located on SL-lot 18 adjacent to the store. The existing facility comprises of three diesel gensets, fully automatic synchronisation and load sharing. The total generating capacity is 370 kW and reticulation is by way of bare aerials. The diesel fuel is stored in two ground tanks with a total capacity 54,000 litres. The power station compound is securely fenced and fuel storage is bunded. The Yiyili power station provides electricity to Yiyili and the surrounding communities including the Louisa Downs homestead. The power station is managed by DoC, under the Remote Essential and Municipal Services (REMS) program.

A 200m buffer is prescribed under the *Aboriginal Settlement Guideline 3 Layout Plan Exclusion Boundaries (2012)* for a power station. Approximately 7 existing houses are located in the 200m buffer. This is considered to be a minor encroachment into the buffer, particularly as the community considers the noise to be acceptable.



**Figure 4 - Yiyili Power Station**

### **Future Power Station**

The existence of 7 dwellings within the 200m buffer to the power station raises the likelihood that noise may be affecting the residential amenity of those residents through constant, elevated noise levels, particularly at night and exhaust fumes. The clinic is also located close to the power station. The current location, however is an advantage in being central to the main power load of the shop (refrigerators), school (air-conditioners), Girriyoowa community to the east and Ganinyi community to the west.

Some preliminary consideration has been given to site options for the future location of the power station, should it be relocated. Any future site needs to be on elevated ground, with a full 200m buffer to residential areas, accessible for fuel deliveries and outside the buffers for production bores, or water source protection areas. The most appropriate location appears to be due east of Yiyili community and the entry road, Cox Drive.

While this matter of the power station location and associated impact has been discussed with some community members, the response has been that it should remain in its current location for security reasons. All of the future housing sites identified are outside the existing power station buffer.

## **3.2 Water Supply**

There is a comprehensive, reticulated water supply system operating at Yiyili and the surrounding communities. It comprises of three potable water production bores, plus one standby bore and electric pumps located 750m north of Ganinyi community adjacent to the Margaret River. The bores are located on lot 50 pastoral lease PL N049737. The bores pump to ground level storage and service tanks at Yiyili and Ganinyi communities. At the Yiyili community, the water is treated with chlorine for disinfection, while at Ganinyi community the water is treated by UV. Water is supplied to Yiyili, Ganinyi and Girriyoowa communities from Yiyili community. The Department of Communities (Housing) has no information on the water supply for Kurinyjarn community and it is not managed through REMS.

### 3.3 Wastewater

Yiyili, Ganinyi and Girriyoowa communities are connected to a reticulated gravity sewerage system comprising a pump station in each community. Pump stations feed into pressure mains to sewerage treatment ponds approximately 500m south west of Yiyili community. The pump stations and ponds are securely fenced.

Ganinyi community's waste water pump station is located on SL-lot 40, Girriyoowa community's waste water pump station is located on SL-lot 26 and the Yiyili community's wastewater sewage ponds are located on SL-lot 67.

The wastewater treatment ponds are located on Lot 50 of the Louisa Downs Pastoral Lease. This situation, while having existed for some time, may need to be rectified to guarantee security for continued operation of the ponds. The ponds are included in the settlement zone for Yiyili in the Shire of Halls Creek Local Planning Scheme.



Figure 5 – Ganinyi Wastewater Pump Station

### 3.4 Rubbish Disposal

The existing rubbish tip is located approximately 450m east of the Yiyili community and 200m west of Girriyoowa community on SL-lot 73. It is a land fill site and accepts all forms of domestic waste. A new rubbish tip site has been established directly adjacent to the old rubbish tip site as the old site has reached the end of its functional life. As a result, the rubbish tip isn't located wholly within SL-lot 73.

The rubbish tip is securely fenced, however does not appear to be managed with no sorting of household rubbish from larger whitegoods type material. The access road to the tip site appears to be all-weather.

All community housing and infrastructure in Yiyili and Girriyoowa communities is located within the prescribed 2000m buffer outlined in the *Aboriginal Settlement Guideline 3 Layout Plan Exclusion Boundaries* (2012). The current location of the rubbish tip is a concern to the water source and there may be a need for it to be relocated in the future to ensure that it does not contaminate the drinking water source.

### 3.5 Airstrip

There is an unsealed airstrip on Louisa Downs Station, 4.5 km west of the Yiyili community and adjacent to Ganinyi community. The airstrip is in a good condition and maintained by the Louisa Pastoral Corporation to the standard for the Royal Flying Doctor Service. The Airstrip is located on Leasehold Lot 50 owned by the Louisa Downs Pastoral Aboriginal Corporation.



The airstrip is located within the prescribed 1000m x 500m perimeter boundary as outline in the *Aboriginal Settlement Guideline 3: Layout Plan Exclusion Boundaries*. It would not be feasible to relocate the airstrip or the community.

### **3.6 Internal Road Layout**

The internal roads for Yiyili and the surrounding communities are informal, un-sealed, undrained or kerbed and appear to follow tracks. Some of the more used roads in Yiyili community connecting the school, art gallery, shop and power station have more formation. Despite this lack of formality, the roads appear in reasonable condition, traffic speeds and volumes are generally low and the dust levels do not appear to be causing problems. All of the existing house sites are serviced by the road layout. The streets have been named by local community members.

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

The Yiyili community access road connecting the community to the Great Northern Highway is not a dedicated road, but traverses the Louisa Downs Pastoral Lease. It is an un-sealed and un-constructed road without the appropriate horizontal or vertical road alignments. It is however maintained at regular intervals by the Shire of Halls Creek. The road provides reliable access for most of the year and apart from seasonal weather events which can flood the one creek crossing, there is little restriction. The road is generally suitable for 2WD vehicles and motorists towing caravans.

### **3.8 Outstations**

LP1 approached the communities of Ganinyi and Girriyoowa as separate outstation communities of Yiyili community. However, these communities are in reality one and are more appropriately described as surrounding settlements of the Yiyili community. Ganinyi, Girriyoowa and Kurinyjarn communities all rely on Yiyili community for their essential services including administration, power, water, grocery shopping and schooling. Residents of these surrounding communities visit Yiyili community on a weekly, if not daily basis and as such are members of the wider Yiyili community.

### 3.9 Community and Social Services

The following community facilities and social services are located at Yiyili and the surrounding communities:

#### Store

Yiyili community has a store situated on the western side of the community, south of the power station on SL-lot 20. The store stocks a good range of grocery items and a variety of fresh foods. The administration office operates in part of the store. A commercial bakery was purchased and installed to bake bread for purchase by residents. This represents a commercial enterprise by the community.

Fuel is not available from the store and must be obtained from either Halls Creek, or Fitzroy Crossing.



Figure 6 – Yiyili Store

#### Office

The administration office operates in part of the Yiyili store located on SL-lot 20. The office is utilised for administrative purposes for the community and as a meeting place and telecentre.

## School

Yiyili Aboriginal Community School is located in the Yiyili community on SL-lot 1. Yiyili Aboriginal Community School has 6 teaching staff, 1 principal and approximately 5 Aboriginal education support workers. The school caters for years K-10 and has approximately 65 students. Students attend Yiyili Aboriginal Community School from Yiyili and the surrounding communities. A daily bus service operated by the school collects students from other nearby communities including Moongardie.



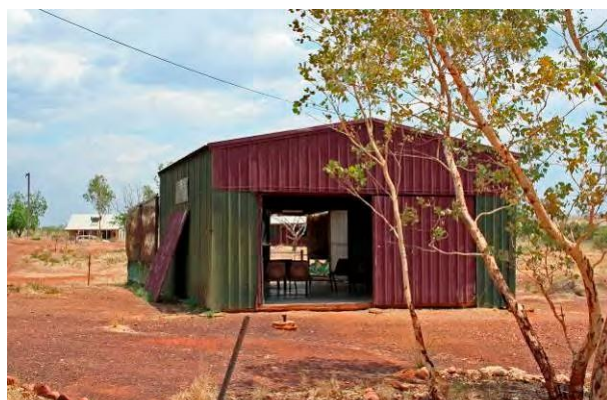
**Figure 7 – Yiyili School Buildings**

## Clinic

The Yiyili clinic is located on SL-lot 17. The local General Practitioner (GP) from Halls Creek hospital travels to the Yiyili community each week with the generalist nurse depending on availability. The generalist nurse provides assistance to the GP with medical services such as immunisations, sexually transmitted infections and rheumatic heart disease. A school health nurse visits the school every 4-6 weeks to provide school entry health assessments, school immunisations and education. A child health nurse visits every fortnight to provide immunisations and child health checks. A Midwife attends every fortnight depending on the client list to provide antenatal and postnatal care. The clinic's location adjacent to the power station is not ideal as trucks deliver diesel to the site. A new site should be considered in the future if possible.



**Figure 8 – Yiyili Clinic**



**Figure 9 – Yiyili Church**



## **Church hall**

A church hall is located in the Yiyili community on SL-lot 35 for church services conducted in the community.

## **Workshop**

There is no current workshop in the Yiyili community, however there are sheds at both Ganinyi and Girriyoowa communities that are used for maintenance purposes. The shed at Ganinyi is located on SL-lot 14. The Girriyoowa shed located at the entry to the settlement on SL-lot 23 does not have electricity, or water supply and so is limited in its ability to be anything other than a storage shed. Services are able to be extended to the sheds at Ganinyi and Girriyoowa communities if required, in order to maximise their utility as operational workshops and training facilities.



**Figure 10 – Community Workshop**

## **Recreation Areas**

An undercover basketball court facility is located in the northern part of the Yiyili community located with the school on SL-lot 1.



**Figure 11 – Undercover Basketball Court**

## **Oval**

An oval is located in the Yiyili community on SL-lot 68 adjacent to the school. The oval is home to the Yiyili 'Tigers' Football Club. The other surrounding communities do not have any existing ovals, but have playgrounds. The Ganinyi community playground is located on SL-lot 23 and the Yiyili community playground is located on SL-lot 70. It is unlikely any additional ovals or playgrounds will be constructed.

## **Art Centre**

The school site in Yiyili community on SL-lot 1 accommodates the Laarri Gallery, a facility for community members to create and sell the unique art of this area, creating an opportunity for learning and enterprise. The gallery has been a great success. The art gallery is promoted and professionally sign posted to encourage passing tourists to visit the community, art gallery and to learn about the history of the community.

## **Garden**

The community garden is located on SL-lot 66 in the Yiyili community and has a vegetable garden and fruit trees.



**Figure 12 – Yiyili Community Garden**

## **Community Stage**

A community stage is located on SL-lot 62 in the Yiyili community. The stage is utilised for community gatherings/meetings and cultural and community events.

## **Cemetery**

The cemetery is located on SL-lot 104, south east of the wastewater ponds.



---

## 4 HOUSING

---

### 4.1 Residential Areas

The dwellings within the Yiyili community are separated by low lying flood prone land into two separate clusters. The northern cluster accommodates the Yiyili Community School and Arts Centre staff and the southern cluster of dwellings accommodates the Indigenous residents. The dwellings in the surrounding communities are clustered around a central community space and face inwards.

### 4.2 Number & Type of Dwellings

There are approximately 35 dwellings in the Yiyili community which are mostly three bedroom homes. Approximately 12 dwellings are located in the northern cluster of the community and are staff housing. It is unknown how many of these dwellings are occupied.

The Department of Communities (Housing) provides property and tenancy management services under a Housing Management Agreement (HMA) to 23 community houses in the Yiyili community. There are approximately 23 dwellings in the southern cluster of the community.



**Figure 13 – Yiyili Dwellings**

The Department of Communities (Housing) provides property and tenancy management services under a HMA to 5 community houses in the Ganinyi community and 8 community houses in the Girriyoowa community.

Ganinyi community has approximately 6 residential dwellings and a further 6 smaller dwellings, possibly used for visitor's accommodation. Girriyoowa community has approximately 10 residential dwellings. Kurinyarn community is classified as seasonal by the Department of Communities, and does not provide property and tenancy management services under a HMA. It is unknown how many dwellings are located at Kurinyarn community.



**Figure 14 – Ganinyi Dwellings**



**Figure 15 – Girriyoowa Dwellings and Infrastructure**

The dwellings in all the communities are mostly constructed of concrete slabs, steel framed, colorbond cladding and roofs, with a number being transportable buildings. Some appear to be small dwellings and these generally appear to be older and in poorer condition.



### **4.3 Future Residential Development**

Approximately 7 residential lots and 3 balance lots are available for future residential development in the Yiyili community. Girriyoowa community has approximately 7 residential lots and 1 balance available for future development. Kurrinyjarn community has approximately 2 residential lots and 2 balance lots for future residential development. There are currently no additional residential lots proposed for Ganinyi community.

---

## **5 CONSTRAINTS AND LIMITATIONS**

---

### **5.1 Flood Hazard**

The Yiyili community is located 500m south of the Margaret River on low lying flood prone land. There are some areas of Yiyili and the surrounding communities that experience localised flooding. No flood study has been completed for Yiyili and the surrounding communities however new development should be located away from the river and creek lines to reduce the impact of potential flooding.

### **5.2 Drinking Water Source**

A Drinking Water Source Protection Plan (DWSPP) was completed in 2017 by Global Groundwater. The plan identifies Priority 1 drinking water source protection areas north of the Ganyini community adjacent to the Margaret River and east and west of the Kurinyjarn community. Drinking water source protection areas are needed to prevent the degradation of the drinking water source and to avoid the development of potentially harmful activities in those areas.

### **5.3 Bushfire**

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

### **5.4 Exclusion Boundaries**

The exclusion boundaries shown on the map-set are in accordance with the WAPC's *Aboriginal Settlements Guideline 3: Layout Plan Exclusion Boundaries*.

---

## 6 PLANNING FRAMEWORK

---

### 6.1 State Planning Policies

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

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

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

- SPP 3.0 – Urban Growth and Settlement;
- SPP3.2 Aboriginal Settlements ; and
- SPP2.7 Public Drinking Water Source
- SPP 3.7 Planning in Bushfire Prone Areas

### 6.2 State Planning Policy 3.2 - Aboriginal Settlements

SPP3.2 was published in the Government Gazette on 11 May 2011. The objectives are to:

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

SPP3.2 defines Layout Plan as the valid planning instrument applicable to Aboriginal settlements and prescribes the manner in which they are to be prepared, authorised and amended. SPP3.2 requires that local governments classify land as 'settlement' zone in a local planning scheme.

## 6.3 Shire of Halls Creek

### Halls Creek Local Planning Scheme No. 2

The Shire of Halls Creek Local Planning Scheme No.2 (LPS 2) was gazetted on 17<sup>th</sup> September 2019. Yiyili and the surrounding communities are zoned 'Settlement' under LPS 2. The purpose of this zone is to identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places. Under the Scheme, preparation and endorsement of a layout plan in accordance with State Planning Policy 3.2, and ensuring that development accords with a layout plan, are requirements of the settlement zoning (see current Scheme zoning in Figure 16).

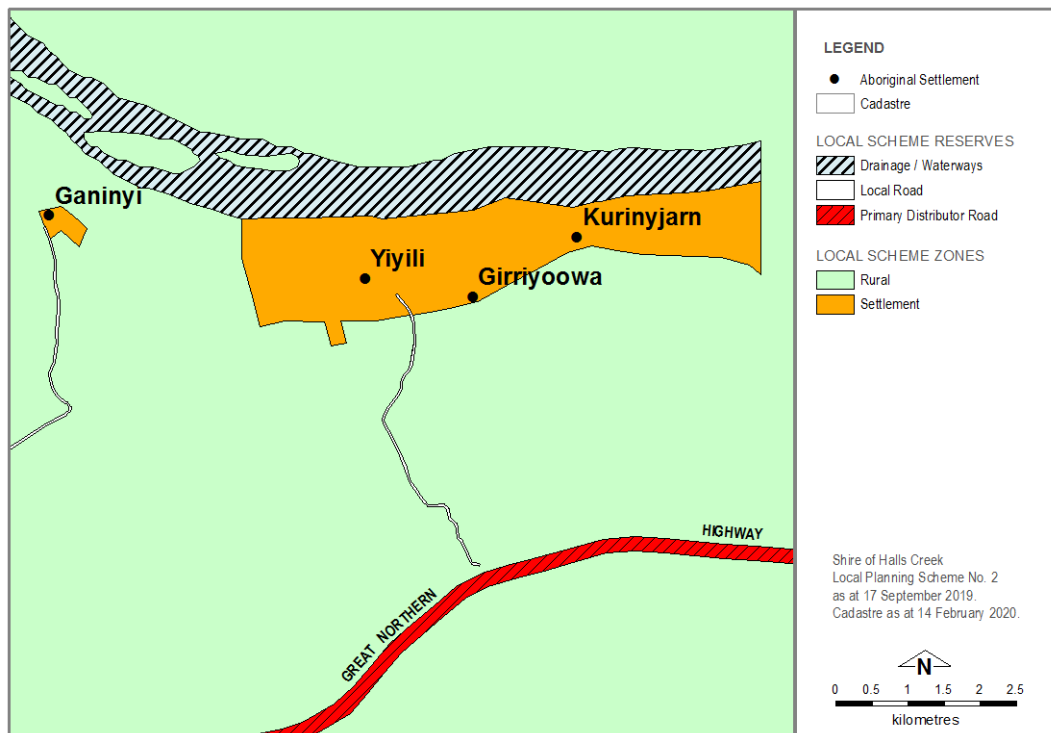


Figure 16 - Land classification under Shire of Halls Creek LPS 2, Yiyili and surrounding communities

### Local Planning Strategy

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

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

---

## **7 ENDORSEMENTS**

---



## 8 ENDORSEMENTS

### 8.1 YIYILI, GANINYI, GIRRIYOOWA AND KURINYJARN

#### Yiyili, Ganinyi, Girriyoowa and Kurinyjarn Community Layout Plan No. 2

Address

Address

Address

The Yiyili Community Indigenous Corporation (representing the community) hereby adopts the Yiyili, Ganinyi, Girriyoowa and Kurinyjarn Community Layout Plan No. 2 (2010) as a guide for future development within its boundaries.

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

The 2ND Day of DECEMBER 2010

Adopted by the Yiyili Community Indigenous Corporation:

NORMAN COX.

Chairperson

[Please print and sign name]

Councillor

The Ganinyi Aboriginal Corporation (representing the community) hereby adopts the Yiyili, Ganinyi, Girriyoowa and Kurinyjarn Community Layout Plan No. 2 (2010) as a guide for future development within its boundaries.

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

The 2ND Day of DECEMBER 2010

Adopted by the Ganinyi Aboriginal Corporation:

FINNIGAN QUILTY

Chairperson

[Please print and sign name]

Councillor

The Girriyoowa/Marralgni (Granite Community) hereby adopts the Yiyili, Ganinyi, Girriyoowa and Kurinyjarn Community Layout Plan No. 2 (2010) as a guide for future development within its boundaries.

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

The 2ND Day of DECEMBER 2010

Adopted by the Girriyoowa Community:

MATT DAWSON.

MATT DAWSON

Chairperson

[Please print and sign name]

Councillor

The Kurinyjarn Community hereby adopts the Yiyili, Ganinyi, Girriyoowa and Kurinyjarn Community Layout Plan No. 2 (2010) as a guide for future development within its boundaries.

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

The ..... Day of ..... 2010

Adopted by the Kurinyjarn Community:

Chairperson

[Please print and sign name]

Councillor

... continued from previous page ...

3. The Town Planning Scheme Amendment be forwarded to the Environmental Protection Authority, requesting that the level of assessment for the amendment be set pursuant to Section 48A of the Environmental Protection Act 1986 (as amended); and
4. Upon receipt of the level of assessment from the Environmental Protection Authority, the amendment be advertised for a period of 42 days via the placement of an advertisement in the Kimberley Echo, erection of a notice in the Shire Offices and the posting of notices to affected parties."

**CARRIED 6/1**

*Resolution no. 2011/47*

**3. Yiyili Ganinyi Girriyoowa and Kurinyjarn Community Layout Plan**

The Council considered the Manager Health & Regulatory Service's report numbered 7.2.1 in the Agenda.

**Moved: Cr Robyn Long**

**Seconded: Cr Trish McKay**

That:

1. The Community Layout Plan for Yiyili that is the subject of this report be noted and endorsed as a guide for future growth and development of Yiyili Community and its outstations; and
2. In doing so, Council does not endorse any certification of accuracy or omission and it does not take any position on issues such as land claims or rights of occupants.

**CARRIED 7/0**

*Resolution no. 2011/48*

**4. Proposed Amalgamation (expansion) Lot 76 DP 189968 Old Halls Creek Area.**

The Council considered the Manager Health & Regulatory Services' report numbered 7.2.2 in the Agenda.

**Moved: Cr Sciona Browne**

**Seconded: Cr Virginia O'Neil**

That the Council indicate that it raises no objection to the proposal provided that:

1. The Station owners/occupiers consent is obtained;
2. The area to the West of Tuckett Rd as shown in the Hatched area not be included in the adjustment;
3. The area shown hatched in Cummins Rd is not part of the adjustment; and
4. The CEO take the necessary steps to have the structures on the Tuckett road reserve removed, including the gate and chain.

**CARRIED 7/0**

*Resolution no. 2011/49*

These minutes were confirmed by Council as a true and accurate record of the meeting

Signed: \_\_\_\_\_

Cr P Tierney, Shire President

Date: \_\_\_\_\_

19.5.2011

8.4 WESTERN AUSTRALIAN PLANNING COMMISSION ENDORSEMENT

**Yiyili, Ganinyi, Girriyoowa and Kurinyjarn  
Community Layout Plan No. 2**



**469 Wellington Street  
Perth WA 6000**

The Western Australian Planning Commission hereby endorses the Yiyili, Ganinyi, Girriyoowa and Kurinyjarn Community Layout Plan No. 2 (2010) as a guide for development to ensure proper and orderly planning within the community area

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

Signed for and on behalf of the Western Australian Planning Commission

Leah Oan

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

M. Wreclan

Witness

29.9.2011 Date

---

## REFERENCES

---

- Bureau of Meteorology 2020 Halls Creek Monthly Rainfall and Temperatures. Available at <http://www.bom.gov.au/climate/data/>
- Department of Communities (Housing) 2020 Property Tenancy Management System (PTMS) database
- Department of Indigenous Affairs (DIA) 1997, 2004 and 2008 Environmental Health Needs Survey of Indigenous Communities in Western Australia. Government of Western Australia.
- Department of Planning 2012 Aboriginal Settlement Guideline 3: Layout Plan Exclusion Boundaries, Government of Western Australia
- Department of Planning, Lands and Heritage 2020 Aboriginal Heritage Inquiry System  
<https://www.dplh.wa.gov.au/information-and-services/online-services/aboriginal-heritage-inquiry-system>
- 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.
- National Native Title Tribunal 2020 Native Title Vision  
<http://www.nntt.gov.au/assistance/Geospatial/Pages/NTV.aspx>
- Office of the Registrar of Indigenous Corporations 2020, <https://www.oric.gov.au/>
- Taylor, J. 2006 Population and Diversity: Policy Implications of Emerging Indigenous Demographic Trends. CAEPR discussion paper No. 283/2006. ANU: Canberra.
- WAPC 2011 State Planning Policy 3.2 - Aboriginal Settlements, Government of Western Australia
- WAPC 2019 Shire of Halls Creek Local Planning Strategy, <https://www.dplh.wa.gov.au/lps> Government of Western Australia

---

# AMENDMENTS

---



## Yiyili Layout Plan 2 (including Ganinyi, Girriyoowa and Kurinyjarn)

### Amendment 1

**Plan Date** : 2 December 2010      **WAPC Endorsed** : 29 September 2011  
**Proponent** : Department of Planning      **Requires** : WAPC only – minor amendment  
**Endorsement**

#### Reason for the Amendment

The Department of Planning, on behalf of the Western Australian Planning Commission (WAPC), is the custodian for Layout Plans prepared under State Planning Policy 3.2, including the Yiyili Layout Plan 2.

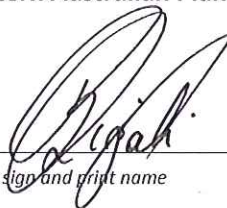
Since the publication of that Policy in August 2000 all Layout Plan map-sets have been prepared using a variety of computer-aided-design (CAD) formats. All Layout Plan map-sets have now been converted to a common user geographic information systems (GIS) format, including the Yiyili Layout Plan 2.

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

#### Other Information:

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

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





<b>Proponent</b>	<b>: Department of Planning</b>
<b>Date</b>	<b>: 30 June 2017</b>

### Reason for the Amendment

An amendment to the Yiyili Layout Plan No. 2 is required to incorporate data from a Drinking Water Source Protection Plan (DWSPP) and as part of a spatial upgrade based on updated aerial imagery.

The Yiyili DWSPP prepared by *Global Groundwater* in May 2017 identifies areas around the settlement's water supply that require protection from contamination and harmful development activity. The amendment seeks to incorporate the Priority 1 Areas identified in the DWSPP by classifying the land use as 'Drinking Water Source Protection Area'.

The amendment also proposes the creation of a new SL-lot (SL-lot 104) for the existing cemetery. This will assist the Department of Local Government authorise burials in the Yiyili cemetery, as is required for burials outside a proclaimed cemetery.

As a Priority 1 area and cemetery are outside the existing Recommended Settlement Zone (RSZ), the amendment includes the extension of the RSZ boundary to encompass these areas.

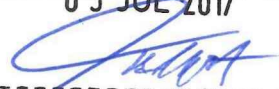
The amendment also proposes spatial upgrades based on updated aerial imagery, and other minor adjustments of SL-lot boundaries to protect utility corridors.

Land Identification		Amendment description
1.	Part of Lot 50 (Pastoral Lease PL N049737), part of Water Isolation Reserve (Margaret River) and part of Lot 31 (Crown Reserve 39061)	Include the Yiyili Water Reserve Priority 1 Areas, as identified in the Yiyili DWSPP (May 2017), by extending the Recommended Settlement Zone to include these areas with land use classification 'Drinking Water Source Protection Area' on the Yiyili Layout Plan No. 2.
2.	Recommended Settlement Zone (RSZ) boundary	Connection of the RSZ between Ganinyi and Yiyili (inclusive of the water main/electrical network to the south); extension of the RSZ to the boundary of Louisa Downs pastoral lease to the north; extension of the RSZ to include Yiyili cemetery.
3.	Yiyili SL-lots	Spatial upgrade of Yiyili SL-lots to match July 2015 air photo.
4.	SL-lot 101	Creation of SL-lot 101 (land use classification 'Residential'), excised from part of SL-lot 16, in response to recently constructed house on SL-lot 101.

5.	SL-lot 102	Creation of SL-lot 102 (land use classification 'Public Utility'), excised from part of SL-lot 32, to recognise location of existing sewer rising main.
6.	SL-lot 103	Creation of SL-lot 103 (land use classification 'Public Utility'), excised from part of SL-lots 50 and 51, to recognise location of existing sewer rising main.
7.	SL-road Louisa Downs Road	Creation of SL-road Louisa Downs Road north of SL-lot 67 (wastewater ponds), to match existing road centreline of Louisa Downs Road.
8.	SL-road (unnamed)	Creation of unnamed SL-road to connect SL-lot 67 to SL-road Louisa Downs Road.
9.	SL-lot 104	Creation of SL-lot 104 (land use classification 'Community') for the purpose of an existing cemetery, on the track connecting Yiyili to Great Northern Highway.

#### 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 not 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> .	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>RECOMMENDATION APPROVED</b>  05 JUL 2017    Director, Regional Planning Policy </div>
--	--

#### 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.



**Yiyli Layout Plan No. 2****Amendment No. 3****Proponent** : Department of Planning**Date** : 1 September 2017**Reason for the Amendment**


An amendment to the Yiyili Layout Plan No. 2 is required to rectify and rationalise the SL-lot and SL-road layouts in Ganinyi. The existing layout includes a number of SL-lots that extend over boundary of Crown Reserve 42828 and into the adjacent pastoral lease. The existing SL-road network is extensive and requires rationalisation and realignment. Additional SL-lots are proposed to secure land with existing infrastructure.

Land Identification		Amendment description
1.	SL-road network within Crown Reserve 42828	Rationalisation of SL-road network to align with existing formed tracks and service corridors, and to remove surplus SL-road alignments.
2.	SL-lot layout within Crown Reserve 42828	Adjustment of SL-lot boundaries to better match existing development and future land use requirements.
3.	SL-lot 40	Creation of SL-lot 40 (Public Utility) for existing wastewater pump station.
4.	Land outside Crown Reserve 42828 (SL-lots 16-26 and SL-road Airstrip Road)	Deletion of SL-lots and SL-roads outside the boundary of Crown Reserve 42828, and realignment of Recommended Settlement Zone boundary
5.	Recommended Settlement Zone boundary	Realignment of Recommended Settlement Zone to match the boundary of Crown Reserve 42828.

**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.*

 01/09/2017  
Ashley Randell  
Director, Regional Planning Policy  
Regional Planning

Determination PN 15151

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 Water and Environmental Regulation, and Aboriginal Cultural Materials Committee.

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

**Date** : May 2020

### Reason for the Amendment

The enactment of the Shire of Halls Creek Local Planning Scheme No.2 (LPS 2), gazetted on 17th September 2019, has resulted in the need to delete the 'Recommended Settlement Zone' and add the 'Settlement' zone to match the LPS 2.

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

- Revising the population and housing data.
- Editing and reformatting the background report.
- Removing out of date text and references.
- General update to the layout plan map-set.

Land Identification		Amendment description
1.	All	Delete the portion of 'Recommended Settlement Zone' superseded by the Shire of Halls Creek LPS 2 'Settlement' zone.  Add 'Settlement' zone to match the Shire of Halls Creek LPS 2.
2.	Girriyoowa unnumbered 'Public Utility' SL-lot between SL-lots 6 and 7	Allocate number 28 to the unnumbered 'Public Utility' SL-lot in the Girriyoowa Community map-set
3.	All	Update the Background Report.

### Endorsement:

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

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

20 May 2020

### 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.