

Djugerari Layout Plan 1

Background Report

December 2010

Date endorsed by WAPC



Amendments

Amendment 1 - September 2012

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List of Acronyms used in this Report

AACAP	ATSIC Army Community Assistance Program
ALT	Aboriginal Lands Trust
AHA	Aboriginal Heritage Act (WA) 1972
ATSIC	Aboriginal and Torres Strait Islander Commission
BOM	Bureau of Meteorology
CAT	Centre for Appropriate Technology
CDEP	Community Development Employment Program
CLP	Community Layout Plan
DCC	Djugerari Community Council
DHW	Department of Housing and Works
DIA	Department of Indigenous Affairs
DoP	Department of Planning
DRDL	Dept. of Regional Development and Lands
EHNS	Environmental Needs Health Survey
ILUA	Indigenous Land Use Agreement (under the Native Title Act)
KLC	Kimberley Land Council
KRSP	Kimberley Regional Service Providers
MWW	Marra Worra Worra
NNTT	National Native Title Tribunal
NTA	Native Title Act (Commonwealth) 1993
NTRB	Native Title Representative Body
PBC	Prescribed Body Corporate (under the NTA, representing traditional owners)
RAESP	Remote Area Essential Services Program
SDWK	Shire of Derby West Kimberley
WAPC	Western Australia Planning Commission

Community Layout Plans & the Development Process

Community Layout Plans are a plan for future growth and development. Even though a CLP is prepared with consultation with a range of relevant government authorities and agencies, it does not constitute 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 (DEC), Aboriginal Cultural Materials Committee (ACMC), Environmental Protection Authority (EPA), Department of Consumer & Employment Protection (DOCEP) and Department of Water (DoW).

EXECUTIVE SUMMARY

Preamble

The Djugerari Community Layout Plan No. 1 (CLP1) has been prepared over a 12 month period during 2009 and 2010; it is the first CLP prepared for the community.

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

Infrastructure/service Indicator	Community Characteristics
Drinking water	Bore quantity yields 103.2M3/day. Water quality is good.
Native title	The Ngurrara NT claim to the south of the community has been determined. Djugerari to be included in Part B of the Ngurrara claim which is yet to be registered. Traditional Owners are represented by the Kimberley Land Council (KLC).
Secure land holding(s)	The community is located on Lot 89 Crown Reserve 39060.
Emergency assistance	Emergency assistance (police and medical) is available from Fitzroy Crossing - approximately 1.5hrs by road. An airstrip is available for emergency RFS evacuations.
Education	The community has a primary school and preschool. High school students board in Broome.
Health	A doctor visits the community once a month. The community has a medical facility but no trained health workers.
Governance	The community is managed through its incorporated body, the Djugerari Community Council (DCC).
Employment and enterprise opportunities	Employment opportunities exist in Fitzroy Crossing and locally through CDEP initiatives and the KLC ranger program.
Transport	Access to the Gt. Northern Highway is unsealed and can be cut for up to a week during the wet season. CASA categorises the airstrip as being Code 3.
Food	The community store stocks basic essentials; it operates 1-2 hours per day. Regular grocery purchases are made at Fitzroy Crossing.
Electricity	Three diesel gensets provide power they are fully automatic with synchronisation and load sharing and have 210kW generating capacity. Maintained through KRSP with monitoring by Community Infrastructure Officer. Cut outs occur under peak loads.

Table 1 - Infrastructure and essential/social service characteristics at Djugerari

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

The major purpose of the CLP is to guide the growth and development of Djugerari by providing a layout of future land uses in the community. The CLP addresses future growth issues in the context of constraints to development including the close proximity of the power station to housing and other facilities, the existence of only one operating water bore, problems with dust and location of part of the airstrip and the cemetery outside the Crown Reserve containing the community.

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

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

Development at Djugerari

The following initiatives, development and works are needed to implement CLP1:

Within the next year:

1. Complete new community meeting place on Lot 34 (DCC).
2. Upgrade landscaping and fencing of the central public open space area (Lot 33) (DCC).
3. Relocate and commence works on football oval (Lot 51) to the west of the community (DCC).
4. Landscape along the route of the main access road into the community to reduce dust (DCC).
5. Undertake Drinking Water Source Protection Assessment and Plan, and investigate options for alternative water bore (DoH).
6. Upgrade all dwellings, including new kitchens and painting (DoH).
7. Convert disused shed at Lot 24 to a multi-purpose structure to be used for homemaker / youth centre (DCC).
8. Convert the old office at Lot 30 to a child care centre. (DCC).
9. Facilities for rangers to be established on Lot 50 adjoining the existing workshop at Lot 3 (DCC & MWW).

Within the next 5 years:

1. Undertake a survey of wastewater infrastructure (DoH).
2. Build a new teachers' house on Lots 40 once ILUA finalised (DHW).
3. Establish new water bore, subject to DWSPP (MWW on behalf of DoH).
4. Upgrade existing water tanks (MWW on behalf of DoH).
5. Extend road network and essential services to all 'future residential' lots (MWW & DoH).
6. Construct five new housing on Lots 35-39 (DoH).
7. Extend Crown lease southward in accordance with suggested cadastre amendment area to incorporate the entire airstrip and cemetery (DRDL and DoP).

8. Rationalise the road layout and seal roads to control the movement of vehicles and reduce dust (MWW and DCC).
9. Improve access road to Gt. Northern Highway to reduce the potential for the road to be impassable after heavy rains (SDWK).
10. Establish new drinking water bore, subject to DWSPP (DoH).
11. Upgrade fencing around the community to prevent stock from accessing the living area (DCC).
12. Upgrade airstrip to an all weather standard to provide emergency access during the wet season (ICC/FaHCSIA).

Within the next 10 years:

1. Upgrade and relocated power station to Lot 57 outside the 200m housing buffer area (DoH).
2. Establish Community Arts / Visitors Centre on Lot 2 (DCC & MWW - funding source to be determined).

Within the next 15 years:

1. Establish new commercial enterprises on Lot 31 (DCC & MWW - funding source to be determined).

1 BACKGROUND

1.1 Location & Physical Geography

Djugerari is located within the Kimberley area of Western Australia, 108kms (1.5hrs travel) by road from Fitzroy Crossing. Access is via the Great Northern Highway (54kms) and then by the unsealed Cherrabun Road. During the wet season Christmas Creek floods making the road impassable for up to a week; vehicles may also become bogged on other sections of the road.

The community is located within the Shire of Derby -West Kimberley; the administrative centre of the Shire is located in Derby which is approximately 4 hours by road from the community.

Djugerari is within the South Fitzroy Floodplain physiographic region. The South Fitzroy Plains include the dissected anticlinal highlands of the St George Ranges and Poole Range (up to 190 m above plain level) and are largely rubble covered (Lindsay and Commander, 2006).

The principle watercourse in the area is Christmas Creek which feeds into the Fitzroy River. A number of smaller watercourses in close proximity to the community are fed by the Shore Ranges which form a distinctive rocky backdrop to the community. The areas at the base of the ranges are gently undulating and contain the pindan soils which are typical of the Kimberley. Low lying areas outside the community contain reactive black soils.

The vegetation in this transitional zone between desert to the south and the wetter monsoon forests of the north Kimberley comprises mainly grasslands and savannah.

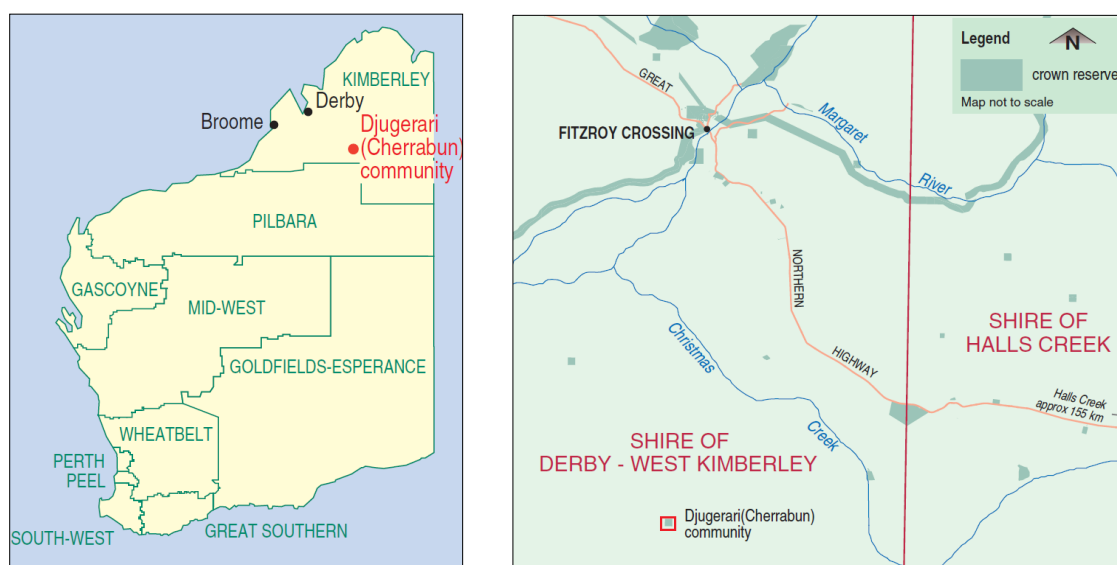


Figure 1 - Location of Djugerari, approx 108 km by road from Fitzroy Crossing.

1.2 Djugerari Climate

The Bureau of Meteorology identifies Djugerari as being within a subtropical climate region, being arid with mainly summer rains. The wet season is usually from November to April and has high humidity and frequent thunderstorms often resulting in the flooding of river systems of the Fitzroy Valley and its tributaries.

The average maximum temperature exceeds 35° C. The dry season is from approximately May to October. The average maximum temperature during the dry season is 30° C with prevailing winds at this time from the east, which can blow dust from the dry, sandy interior toward the community.

High-intensity rainfall resulting from cyclonic activity from the north and northwest and localised thunderstorms usually occurs between November and April, followed by winters with little or no rainfall. Rainfall is highly variable, ranging from less than 180mm/mth in the wet to less than 5mm/mth in the dry.

The BOM does not have specific climate data for Djugerari. The nearest location with recorded climate data is Cadjebut, a field data station located on the Great Northern Highway approximately 80kms north of Djugerari. Figures 2 and 3 chart average maximum temperature and rainfall for Cadjebut in 2009.

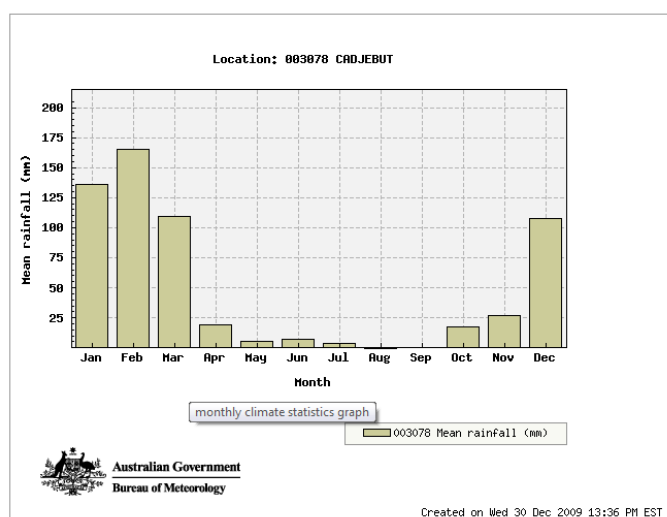
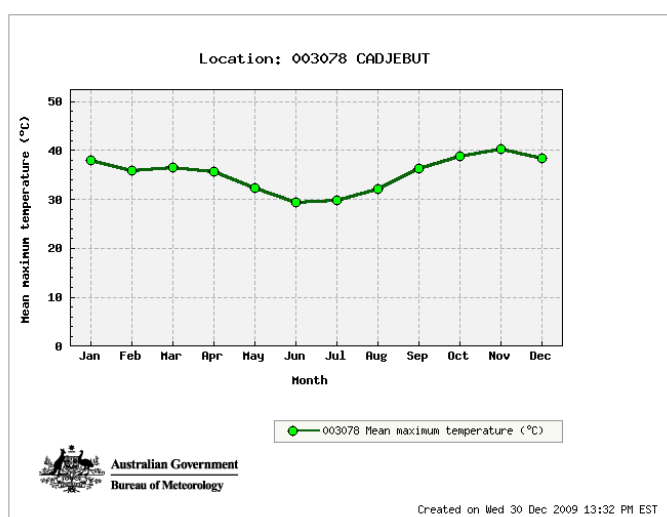


Figure 2 – Mean Maximum Temperature

Figure 3 – Mean Rainfall

1.3 History

Most of the people from the community are part of the Walmajarri language group from the northern Great Sandy Desert region. The community was established approximately 25 years ago.

The establishment of Djugerari can generally be seen as part of the broader 'Homelands' movement that began in Western Australia in the late 1970s, which saw the permanent return to traditional country of Aboriginal peoples who had previously migrated to government institutions, missions, ration stations, pastoral stations and town camps.

Djugerari was established as a permanent Aboriginal community in the early 1980s by Walmajarri people moving from Cherrabun Pastoral Station where many of the men had worked as stockmen. The community became incorporated in 1983.

1.4 CLP Status

This is the first CLP to be prepared for the Djugerari Community. An as constructed 'as con' survey plan exists which was prepared by Sinclair Knight Merz in 1985. It included details of existing infrastructure and community buildings including dwellings, workshops, offices and school buildings.

The 'as con' plan also included future housing sites to the west of the community in a layout that is poorly integrated with the existing pattern of development. It is understood that the community was not involved with the planning for this future housing area and subsequently none of the sites have been developed.

CLP No. 1 extends the original survey plan, in consultation with the community and other stakeholders.

2. EXISTING SITUATION

2.1 Governance

The community is managed through its incorporated body, the Djugerari Community Council (DCC). The DCC was incorporated in January 1983 under the *Aboriginal Councils and Associations Act 1976*, (ACA Act).

The ACA Act was replaced in 2007 by the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

Community members elect a Community Council each year. A Chairperson is elected at the Council's Annual General Meeting. The Council meets once a month and as matters arise that require attention.

Documents for the Djugerari Aboriginal Corporation can be found on the website for the Office of the Register of Indigenous Corporations (www.oric.gov.au).

2.2 Land Tenure

Lot 89 Crown Reserve 39060, containing an area of 256ha., was created on 8 March 1996. The Lot was excised from the Gogo pastoral lease contained within Lot 78 Crown Reserve 398/818. Lot 89 is vested to the ALT for the 'use and benefit of Aboriginal inhabitants', with the Reserve being formally leased to Djugerari Aboriginal Corporation.

Details of the land title containing the community and adjoining land titles are set out below:

<i>Crown Land Title</i>	Reserve 39060
<i>Lot Details</i>	Lot 89
<i>Status Order / Interest</i>	State of Western Australia
<i>Primary Interest Holder</i>	Aboriginal Lands Trust
<i>Area</i>	256ha.
<i>Limitations/Interests/Encumbrances/Notifications</i>	i) Reserve 39060 for the purposes of use and benefit of Aboriginal inhabitants ii) Lease to Djugerari Aboriginal Corporation.

<i>Crown Land Title</i>	Pastoral Lease
<i>Lot Details</i>	Lot 78
<i>Status Order / Interest</i>	n.a.
<i>Primary Interest Holder</i>	Gogo Station Pty Ltd, in the name of Bruce Maylon and Malcolm David Harris.
<i>Area</i>	215,182.25 ha
<i>Limitations/Interests/Encumbrances/Notifications</i>	n.a.

<i>Crown Land Title</i>	Unallocated
<i>Lot Details</i>	n.a.

Status Order / Interest	n.a.
Primary Interest Holder	n.a.
Area	241.21ha
Limitations/Interests/ Encumbrances/Notifications	n.a,

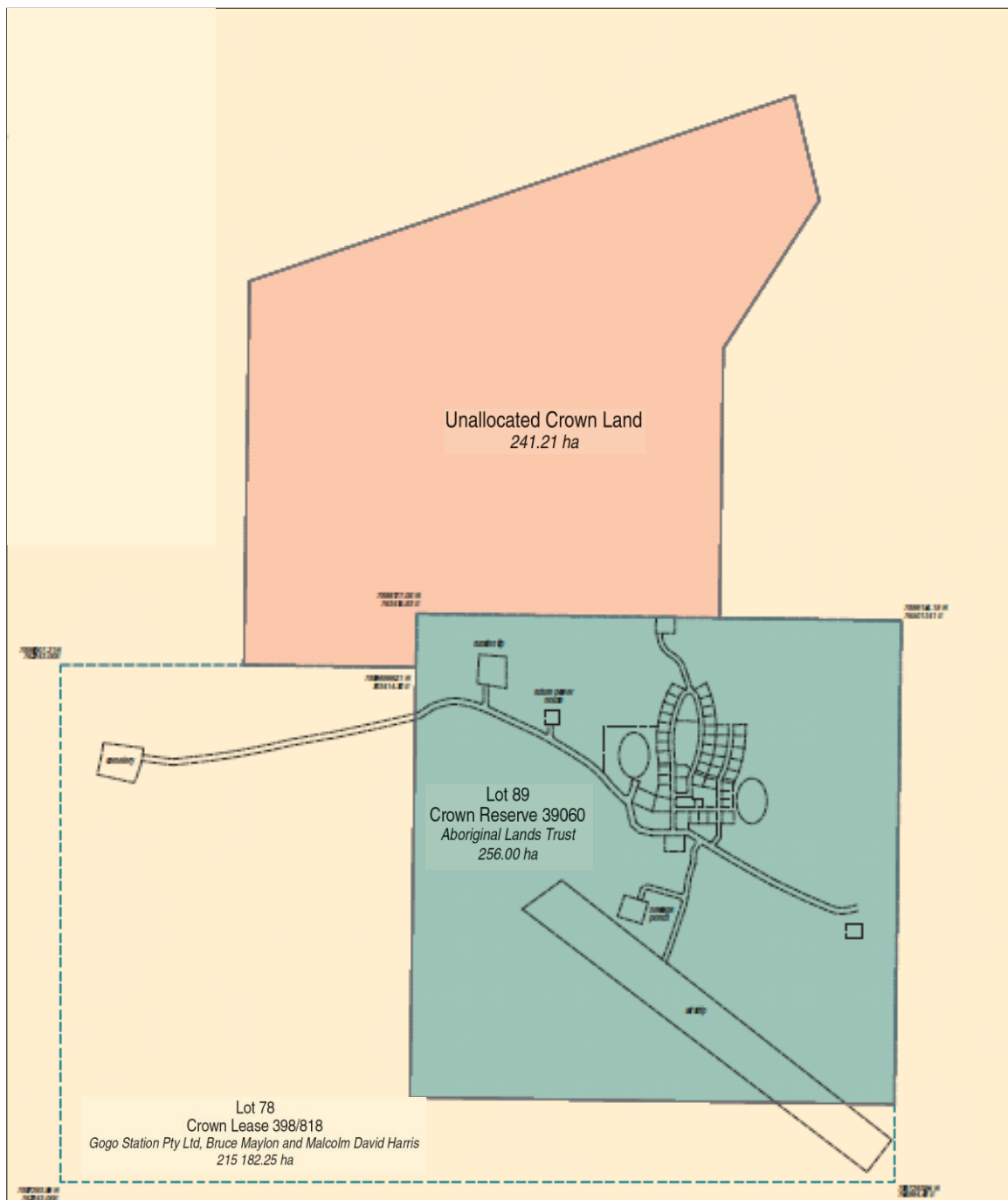


Figure 4. - Land Tenure

Pastoral Lease

Crown Reserve 39060 is surrounded by a 215,182.25 ha pastoral lease; Lot 78 Crown Lease 398/818 which is leased to Gogo Station Pty Ltd. A small portion of the community's existing infrastructure, including part of the airstrip, falls on this lease.

Unallocated Crown Land

Unallocated Crown Land with an area of 241.21ha is located immediately to the north of Crown Reserve 39060. This area contains a number of lightly vegetated rocky hills which rise to the immediate north of the community. There is no community infrastructure within this area.

Crown Reserve

The main community living area is located on Crown Reserve 39060, which is considered to be a secure and appropriate form of tenure for a remote Aboriginal community. However the cemetery and a section of the airstrip are located outside the boundaries of Crown Reserve on the adjoining pastoral land - Crown Lease 398/818.

This arrangement is inappropriate; it is important that the community and its associated infrastructure has secure and appropriate tenure which matches existing and proposed development. Section 6 of this report addresses this matter, recommending a community living area which encompasses the main living area and all associated infrastructure on a single land title with secure and appropriate tenure. The Record of Certificate for the Crown Land Titles is included in **Appendix 2**.

2.3 Native Title

Background to Native Title in Australia

The *Native Title Act 1993* (NTA) enshrines in legislation the High Court Mabo decision, in which the common law of Australia formally recognised Indigenous land ownership through the continuing observance of traditional law and custom. Native title is defined by section 223 of the NTA as:

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

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

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

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

Native title rights and interests are also variously affected by different forms of land tenure. For example, native title rights and interests are generally extinguished by valid grants of freehold tenure (see Division 2B of the NTA and also Ward and Lawson decisions) while native title may co-exist with pastoral leases, but if there is any inconsistency between the two then pastoral interests are likely to prevail (see Wik decision). Additionally, ILUAs can be entered into so that agreement can be made about instances when the non-extinguishment principle applies. More information about native title can be obtained from the [National Native Title Tribunal](#).

At the time of preparing CLP No.1 Djugerari does not fall within a registered native title claim.

The Traditional Owners of the land within which the community is located are represented by the Kimberley Land Council (KLC). The Nurrara NT claim to the south of the community was determined in 2007. The KLC advises that Djugerari is to be included in an extension of the Nurrara claim. For further details see <http://klc.org.au/native-title/nurrara/>

There is no registered Indigenous Land Use Agreement covering this area.

2.4 Culture

The majority of the members of the Djugerari community are part of the Walmajarri cultural/language group. There are no separate living areas within community for different language groups.

The people who originally established the community were previously living at Cherrabun Station. A number of the traditional owners of the area live at the community; others have relocated to Fitzroy crossing to be closer to medical and other services.

Community administration and infrastructure maintenance are undertaken by members of the Djugerari Community Council. There are three non Indigenous teachers living at the community.

2.5 Aboriginal Heritage

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 CLP No. 1 and the CLP Background Report and CLP 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.

Notwithstanding the above, the following discussion of heritage matters derives from consultation with the community and a desk-top survey of sites registered under the AHA 1972 using the [Aboriginal Heritage Inquiry System](#).

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

Heritage / No-Go Area

There are no places of spiritual or cultural significance or 'no go' areas within the community.

Registered Sites

The community living area of Djugerari does not contain any sites on the Register of Aboriginal Sites for Western Australia. 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.

In terms of formally identified sites on the Register of Aboriginal Sites for Western Australia, the nearest registered site is Shore range (Site ID 13426). This is a site containing painting, engraving and artefacts/scatter; it is located approximately 2kms north of the community over the Shore Range, the access road to the community passes to the east of the site. See **Appendix 3** for details.

Traditional Owners should be consulted with as part of standard heritage clearances under the *Aboriginal Heritage Act 1972*, prior to the commencement of any housing or infrastructure development at the community. It is beyond the scope of this CLP to identify the relevant traditional owners for such consultation. Government agencies should contact Kimberley Land Council in this regard.

2.6 Population

Current Population

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

The community members of Djugerari have close affiliations with other settlements in the region, including Broome, Fitzroy Crossing, Wangkatjungka, Yakanarra and Ngalingkadji.

Population figures also vary depending on the time of year of enumeration, methods and sources by which data are collected. The population of the community is under the minimum size for which the Australian Bureau of Statistic (ABS) collects data, as such population information has been collected directly from the community and from the

Environmental Health Needs Surveys undertaken by the Department of Indigenous Affairs. A summary of recent population data from these two sources follows:

Table 2 - Population figures by source 1997-2010

	1997	2004	2009	2010
Total persons	52	60	74	40-75
Non Indigenous people				3
Indigenous males				20-35
Indigenous females				20-35
Source	EHNS	EHNS	EHNS	Community

The community chairperson advised in September 2009 that permanent population is between 40 - 75 people, the lower figure more typical during the wet season with up to 75 people can be staying at the community.

Based on the above, this report assumes that the current permanent population of the community is up to 75 residents, not including non-Indigenous staff members temporarily living in the community.

Design Population & Estimated Housing Demand

It is noted that the population of the community is relatively stable and community members have stated that there is no overcrowding in the existing houses. However a desire has been expressed for additional housing on the basis that a number of Walmajarri people currently living in Fitzroy Crossing would relocate to Djugerari if housing was available. Part of the attraction of Djugerari is the strong family ties, good standard of facilities, strong community spirit, proximity to Fitzroy Crossing and the traditional country location.

The factors attracting people to Djugerari must be considered alongside other factors which act to contain the growth in the population of the community. These include the lack of a fully stocked store, lack of a high school, no permanent medical staff or facilities, limited employment opportunities and road access that is cut for periods during the wet season.

The *Fitzroy Futures Town Plan* (WAPC 2005) estimates a five per cent annual growth rate for communities in Fitzroy Crossing while the population projections for the Shire of Derby/West Kimberley indicate a 5-6 per cent growth rate to 2016, and a five per cent annual growth rate has been estimated for Fitzroy Crossing.

The estimated design population over a 15-year period, based on a current population of 74 and an annual growth rate of 5 per cent, is 95 by 2014 (5 years), 121 residents by 2019 (10 years) and 147 residents by 2023 (15 years).

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

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

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

There are currently 17 dwellings occupied by Indigenous people within the community. It is estimated that to maintain the average current household density of 4.4 people that around 15 new houses are likely to have to be constructed by 2023, each requiring a new residential lot.

The actual population density per house will vary depending on a number of factors including extended-family obligations, household composition (number of adults and children living in the same house) and the number of bedrooms in the house.

Table 3 - Demand for additional housing assuming 5% population growth 2009-2023

Year	Population estimate (growth @ 5% p.a)	Housing density based on 17 existing houses (ie no additional houses)	No. additional houses needed to maintain existing housing density (4.4 persons /house)	Total housing stock needed (excluding staff housing)
2009	74	4.4	0	17
2010	78	4.5	1	18
2011	82	4.8	2	19
2012	86	5.1	3	20
2013	90	5.3	3	20
2014	95	5.6	5	22
2015	99	5.8	6	23
2016	104	6.1	7	24
2017	109	6.4	8	25
2018	115	6.8	8	26
2019	121	7.1	10	28
2020	127	7.5	11	29
2021	133	7.8	12	30
2022	140	8.2	14	32
2023	147	8.6	15	33
2024	154	9.1	15	35

2.7 Housing

Residential Areas

All of the housing is located within a single loop road layout which incorporates a central open space area. The housing area rises from south to the north with the ground becoming rocky towards the Shore Range above the community. The teachers' dwellings and the visitors/contractors dwelling are located at the south east of the community close to Cherrabun Road.

All dwellings occupied by Indigenous people in the community are rented from the Department of Housing (DoH).

The Dept. of Education has allocated funding for an additional teacher's house. The site for the house has yet to be finalised however it is to be located in close proximity to the school. Construction of the dwelling is on hold pending the finalisation of an ILUA.

Number, Type and Quality of Dwellings

There are 17 houses occupied by permanent residents, 2 dwellings occupied by teachers and one dwelling available for visitors / contractors at the community. The dwellings are constructed of corrugated iron with steel frames and are built on concrete pads.



Figure 5 – Housing Examples

All the dwellings appear to be in good condition. The DoH undertook Stage 1 of a housing upgrade program in 2009; this involved the replacement of the ablution facilities in all the dwellings. Stage 2, is to be undertaken in 2010, this will involve upgrades to kitchens and repainting of dwelling interiors.

Future Residential Development

The CLP provides for a total of 11 future residential lots. It is anticipated that the construction of 11 new dwellings over the next ten years and a total of 16 dwellings in 15 years will be required to house the growing population.

At present, construction of future housing is subject to Indigenous Land Use Agreement (ILUA) negotiations. Furthermore, construction of all housing and works must be in accordance with the *Aboriginal Heritage Act 1972*.

The CLP provides for future housing in a relatively unconstrained area to the south east of the existing dwellings. The CLP road pattern and lot layout provides a framework for the orderly expansion of the community in a manner which avoids future constraints; it also builds on the current layout pattern and infrastructure network.

It is proposed that a pedestrian accessway will be provided between the existing store and the future housing area. This accessway will be located between the homemaker centre and the dwelling to the immediate north. In accordance with preferences of the community this accessway provides a physical separation between community housing and housing occupied by school teachers and other non-Indigenous residents.

Infrastructure at Djugerari is currently adequate and although there are some interruptions to the power supply during peak periods there are no major problems with capacity. Infrastructure will require ongoing maintenance and upgrades will be required to address the increased demands on capacity as part of future programs for addition housing.

2.8 Flooding & Drainage

The community does not experience flooding however after heavy rains there is a considerable amount of the runoff from the hills behind the community. Drainage trenches have been constructed to channel runoff to the west and east of the community. The site containing the community slopes gently from north to the south and as such stormwater tends to drain away without significant pooling.



Figure 6 – Drainage channel to the west of the community

To the south of the community the land slopes more steeply and water runoff collects and is channelled parallel to the airstrip. The trench that is in place to channel the water has been insufficient on occasions to avoid runoff from causing damage to the airstrip. Funds have been available and work is to be undertaken by KRSP after the end of the wet season early in 2010 to establish a trench under the airstrip for floodwater diversion.

2.9 Water Supply

Water for community use is obtained from bore (DJ2/02). Four other bores are in close vicinity of the community but none of these are in regular use. Asset condition reports and water quality assessments are prepared by Kimberley Regional Service Provider (KRSP). Details of these bores are as follows:

- Bore DJ 2/02. This is community's principle water bore. Located 1,180m south east of the water storage tanks and 500m east of the closest community buildings which complies with buffer requirements for groundwater drinking sources. It has a 2.2 kW electric pump.
- Bore 1/85. Located 200m north west of the community. Identified as redundant, no other information available.
- Bore 2/85. Located 120m south of the office. Identified as being decommissioned but on manual standby. It has a 1.5 kW electric pump.
- Bore 2/86. Located immediately adjacent to Bore 2/85. Identified as being decommissioned. It has a 1.5 kW electric pump.
- Bore DJ 1/02. It is located 900m east of the water storage tanks within the adjoining pastoral lease. It has been identified as having relatively high salinity levels.

KRSP (2007) identifies that Bore DJ 2/02 occasionally runs dry as a result of iron bacteria build up. The community's housing/essential services officer advises that the water storage tanks have sufficient capacity to supply the community until the problem is rectified. The KRSP Asset Condition report of 2007 found that the community needs another bore.

In 2002 Global Groundwater Pty Ltd undertook a drilling program on behalf of Marra Worra Worra Aboriginal Corporation to establish new bores; it also carried out down hole videoing of some of the existing bores.

These investigations found that salinity in the aquifer of bore DJ 1/02 is 2200 mg/L and in bore DJ 2/02 drilled further south is 960 mg/L. For this reason Bore 2/02 was commissioned and is now the main productive bore for the community.

The water storage tanks consist of a 225kL concrete ground tank and a 47kL elevated tank on a 15m stand. After water is pumped to the water storage tanks and treated it is distributed to the community by a gravity feed system. Chlorine gas is used for the water treatment. The KRSP Asset Condition report of 2007 identifies the need for a tank upgrade, stating that the compound, chlorinator and fencing are in good repair.

KRSP have identified water quality concerns reporting that in the last 31 months sampled (Dec 07 – Aug 09) there have been 11 months with non-compliant results. It recorded 6 coliform fails and 5 Naegleria fails.

The above issues highlight the need for a Drinking Water Source Protection Assessment and Plan (DWSP) to be undertaken as a matter of priority.

A drilling program to locate and establish a new water source for the community should follow the DWSPP. These should be undertaken before any significant expansion of housing at the community.

2.10 Access & Dedicated Roads

Access to the community is via the Great Northern Highway to a turn off 68kms south east of Fitzroy Crossing and then 54kms along Cherrabun Road which is unsealed. The road is graded by the Shire approximately three times per year with the last 10km section of the road after the turn off to Cherrabun Station graded less regularly; the community uses its own earthmoving equipment to maintain this section of road.

Cherrabun Road can be accessed by 2WD vehicles except after heavy rains when access is only possible by 4WD vehicles. Although the section of road which crosses Christmas Creek has a concrete base it is often impassable for up to a week during the wet season. There a number of other smaller creek crossings which can also cause the road to become impassable or vehicles to become bogged during the wet.

The Shire advises that preliminary investigations are being carried out on the possibility of upgrading Cherrabun Road through to Geegully Road and then on to Great Northern Highway to establish an alternative route for when the highway is cut off after heavy rains.



Figure 7 – Cherrabun Road at the Christmas Creek Crossing

2.11 Internal Road Layout

The houses and other buildings within the community are adjacent to an unnamed single internal loop road. This road is graded but has not been formally constructed and has no drainage network. The community is located on a gently sloping site and this assists with stormwater runoff without significant damage to the road.

The internal road and access roads not being sealed are a source of dust, however, they are not heavily trafficked and the community has not identified this as a significant concern.



Figure 8 – An internal access road

A secondary track, located adjacent to the school teachers' dwellings, has direct access from the main road into the community. Through traffic on Cherrabun Road passes the office but does not enter the housing area; this road also provides access to the rubbish tip and cemetery approximately 500m and 1,500m respectively west of the community.

The existing road layout pattern provides for the future orderly expansion of the community through the provision of additional roads to the immediate east of the community.

2.12 Community and Social Services

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

Store

The store is located towards the centre of the community on Lot 32. It contains a freezer/storeroom and provides a small amount of basic foodstuffs and is open one to two hours per day. Community members must travel to Fitzroy Crossing for regular grocery supplies.

The staff are employed through the CDEP program and it is run on a not for profit basis. The community desires to enlarge the store and hours of operation and obtain an EFTPOS machine. Supplies for the store are sourced from Tarunda Supermarket in Fitzroy Crossing.



Figure 9 – The Store

School

The government run school is located near the main entrance to the community on Lot 26 and includes a primary school and a newly constructed preschool. The primary school has between 12-20 students, two permanent teachers and a temporary teacher. The school buildings are in good condition and include an office/ teachers rooms, two classrooms and store rooms. The grounds include a reticulated grassed area and an undercover basketball court. The school is not overcrowded and has the capacity for an increased number of students.

The preschool was constructed in 2009. Secondary school students travel to a boarding school in Broome to continue their studies.

One permanent teacher's dwelling at Lot 27 and a smaller temporary teachers dwelling at Lot 25 are located adjacent to the school. The Department of Education has funding available for the construction of a second permanent teachers dwelling however construction has been delayed pending the sign off of an Indigenous Land Use Agreement (ILUA).



Figure 10 – Djugerari School & covered basketball court

Office

The community's administrative buildings on Lot 1 were constructed in 2006. They were originally intended to provide local administrative facilities as well as being the administrative headquarters for Walmajarri Inc. which is the Aboriginal Corporation representing the Walmajarri people of the Great Sandy Desert.

The community members organise the administration of Djugerari and with the exception of three teaching staff there are no external personnel employed in the community. Administrative responsibilities are shared by the Community chairman and Community Council members. There is a full time Marra Worra Worra Housing and Essential Services Officer based in the administration centre.

The administration buildings include a general community office, an Essential Services office, a large meeting room and teaching/ activity rooms.



Figure 11 – Djugerari Administration Centre

Clinic

There are no formally qualified health personnel in the community. The Royal Flying Doctor Service (RFDS) makes monthly visits; alternatively community members must travel 1.5hrs to Fitzroy Crossing for medical services. One of rooms in the administration centre is used as a health clinic for the monthly visit of the RFDS. There is an airstrip at the community for emergency evacuations.

Nindilingarri cultural health services has a facility located on Lot 5. This facility has in the past been operated by Marra Worra Worra however it has not been in operation for some time and there are no current plans for it to be reopened.

Workshop

A workshop is located on Lot 3 adjacent to the power house on Lot 4 approximately 50m north west of the office and 70m from the nearest house. It appears to be well provided with mechanical equipment and is used for the maintenance and repair of community vehicles. The Marra Worra Worra Essential Services officer is responsible for equipment in

the workshop. The workshop is well managed and does not adversely affect the community in terms of noise.

The community has a number of vehicles and earthmoving equipment which are serviced at the workshop. The equipment includes the following:

- Weed slasher;
- Grader;
- Front end loader;
- Cantor truck;
- Toyota Landcruiser trayback.

It may be desirable for the workshop to be relocated further from housing areas at some future time. However the community members advise that they are not adversely affected by the activities undertaken at the workshop and as such its present location is considered to be appropriate.

Recreation Facilities

There is no recreation centre in the community. Public recreation facilities are limited to a basketball court with lighting and swings with a shade structure which are located in the central area on Lot 33 north of the shop.

Within the school grounds there is an undercover basketball court and a grassed and reticulated recreation area.

Oval

Currently the football oval is located to the south east of the community however it is not in use as it generates dust when it is graded and levelled. An alternative site for the oval has been identified to the immediate west of the community. The local football team travels to Yakanarra (50 mins drive) for training and competition games.

The community has chosen a site for the relocated oval on Lot 51 west of the community to avoid dust problems associated with the prevailing easterly winds.

Cemetery

The cemetery is located on Lot 59 within a fenced area approximately 1.5kms west of the community outside the boundaries of Crown Reserve on the adjoining pastoral land - Crown Lease 398/818.

2.13 Electricity Supply

Present Capacity & Location

The three diesel power generators contained within Nomad containers are located on Lot 4 which is 50m from the nearest house. The Department of Planning's draft Land Use Buffers guideline recommends a 200m generic buffer be provided from power stations to residential areas. The generators are located within a fenced compound which also accommodates a 27,000 litre fuel tank. The community advises that noise and fumes from the generators are adversely affecting their amenity.

Refuelling trucks have adequate access to the diesel tank however there are safety implications as access requires the truck to manoeuvre and transfer the fuel within close proximity to housing and the administration centre.

KRSP is responsible for servicing and fuelling of the power station and carries out inspections once a month. The Marra Worra Worra Essential Services officer is responsible for day to day maintenance and monitoring. The KRSP Asset Condition Report from its inspection of 2006/2007 identifies power Genset 3 (75kW) as being in good condition. Genset 1 (70kW) is near the end of its economic life and that it will need replacement shortly. Genset 2 (70kW) is in good condition. Above ground power reticulation consists of 2 low voltage power lines.



Figure 12 – Power generators

KRSP is currently in the process of installing a new control board for the generators which is to be housed in an air-conditioned room next to the generators. It is anticipated that this will improve the operation of the generators.

The Essential Services officer reports that the generators are at times struggling to meet demand and there are power failures on occasions. Any increase in housing stock would require a review and possibly an upgrade to the power station.

Future location of power supply

This CLP identifies an alternative site for the power station to the west of the community at Lot 57 to minimise noise intrusion and remove the need for truck circulation within the community for refuelling; it is envisaged that this site may be utilised when the generators require replacement or upgrading as the community expands.

2.14 Wastewater

A gravity feed waste water system is in place with three sewerage ponds located on Lot 54 which is 200m south of the office, just north of the airstrip. Connected to this system are septic tanks attached to each dwelling. The septic tanks are emptied once a year.

It is recommended that a 500m generic buffer be provided for wastewater treatment ponds. The closest sewerage pond is located 400m from the nearest dwelling (the school

teachers house) with the community dwellings all outside the buffer area. The sewerage ponds are south of the community and the prevailing winds blow odours away from Djugerari. They are not considered to have an adverse impact on the amenity of the community.

The ponds are downstream of the community's water bores, however, the Department of Water indicates that the water bore 2/85 (decommissioned but on manual standby) and water bore 2/86 (decommissioned) are close enough that they could be within the cone of influence for the bores and pose water quality risk from contaminants that leach out of the ponds, particularly pathogens. The main production water bore for the community, DJ2/02, is located 750m east of the sewerage ponds. While the bore itself is located outside of the recommended 500m sewerage pond buffer, there is an overlap between the drinking water bore and sewerage pond buffers, further underscoring the need for a Drinking Water Source Protection Assessment and Plan.

The sewerage ponds appear to be in good condition with water located in two of the three ponds. The ponds are located within a fenced but unlocked compound. The embankments to the ponds are sound and the essential services officer advises that they have adequate capacity for the wastewater.

It is noted that the location of the gravity feed pipe network is not indicated on the 'As Con' plans although inspection manholes are indicated, KRSP have advised that they do not have a plan identifying the location of the pipes. Prior to the construction of future housing and other buildings on site investigations will be required to confirm the location of the sewer pipes.

2.15 Rubbish Disposal

The rubbish disposal site is located within Lot 59, located 500m west of the nearest dwellings. Access is via a graded track which is unaffected by wet weather water runoff. No sorting of rubbish is undertaken; all domestic waste is disposed of in an open pit which is approximately 3.5m deep. The rubbish pit is contained within an unlocked fenced compound.



Figure 13 – Rubbish disposal site

Rubbish collection and disposal is organised by the Marra Worra Worra Essential Services Officer. The rubbish tip is maintained by the Centre for Appropriate Technology (CAT)

which is based in Derby. The tip was recently upgraded, however, the work was unsatisfactory and a team is due to undertake further work.

Draft Guideline No. 3 recommends a generic buffer of 2000m for rubbish tips for 'Class 2' putrescible tips. The existing tip site is not registered with DEC, however it is likely that it would be classified as a Class 2 site if it were registered. The tip is located 750m from water bore 2/85 (decommissioned but on manual standby) and bore 2/86 (decommissioned).

The standby bore is currently compromised by its proximity to power station's fuel storage facilities and the risk of contamination is further increased by its location within the buffer area to the rubbish pit.

2.16 Airstrip

The airstrip is located 400m south of the office. It is largely within Lot 89 Crown Reserve 39060 except the southern 250m extends outside the Lot into the adjoining Gogo Station pastoral lease. The extension of the lease to accommodate the airstrip is addressed in this report.

The airstrip is unsealed and has no lighting and is only used during the daytime. It is used on a monthly basis by the RFDS and also for emergency evacuations, it is categorised by CASA as a Code 3 airstrip. The Djugerari community is the only regular user of the airstrip. Work to improve drainage in the vicinity of the airstrip was undertaken by KRSP after the end of the wet season early in 2010. The project will involve the construction of a trench under the runway for floodwater diversion.

2.17 Outstations

There are no outstations associated with Djugerari.

3. PLANNING FRAMEWORK

3.1 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 the CLP:

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

3.2 Land Use Buffers for Aboriginal Communities

In 2007, consultants Arup prepared the draft 'Land Use Buffers for Aboriginal Communities in Western Australia' report on behalf of the Department for Planning & Infrastructure (DPI). The report defines minimum separation distance buffers specifically suited to the range, scale and type of infrastructure typical of remote Aboriginal communities. All buffers specified in this CLP are based on that report.

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

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

Settlement Zone

TPS5 includes provision for a Settlement Zone to accommodate remote Aboriginal communities. At the present time the land containing Djugerari is not zoned under TPS5.

The objectives of the Settlement Zone are:

- (a) To achieve the orderly and proper planning of Aboriginal Communities through the preparation and adoption of Community Layout Plans.*
- (b) To provide a framework for the planning of Communities and also to provide a basis for negotiation between the Council and Aboriginal Communities on the development of co-operative strategies to improve the general health, safety and amenity of these communities.*

The Settlement Zone also includes the following policies:

- (i) To require development to be consistent with a Community Layout plan endorsed by the Community and Council;*
- (ii) To provide in the Community Layout Plan for a mix of land uses on the one lot which may include residential, community, administration, rural, and health, and small business activities for the support of the community, where these are consistent with the enhancement of the residential amenity in the locality;*
- (iii) To ensure that services and community infrastructure is provided in conjunction with development of land within the zone and consistent with an adopted Layout Plan.*

The Djugerari CLP provides for all community buildings, facilities and infrastructure to be included within a Settlement Zone which is identified on the CLP plans. Currently the cemetery and part of the airstrip are located outside the Lot 89, the Crown Reserve which is vested in the ALT. As such it will be necessary to provide for the extension of Lot 89 to incorporate these facilities as part of the establishment of the Settlement Zone over the site of Djugerari community.

4. COMMUNITY ASPIRATIONS

Providing a sufficient standard of living for the current population of Djugerari 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 the community is something that has taken time, and will happen over many years.

The ideas for improvements to the facilities noted by the Djugerari Community Council when developing the Community Layout Plan are listed below, please note that the matters included in the list have not been prioritised. Not all of these aspirations can be incorporated into a CLP, but have been noted as a record of a more general community improvement plan.

It should also be recognised that this plan looks ahead 10 to 15 years and as such a number of these aspirations will need a significant amount of further discussion and investigation before they can be realised.

1. Upgrade Cherrabun Road to all weather standard to enable access during the wet season.
2. Upgrade the airstrip to a standard which allows emergency wet season and night landings.
3. Rationalise the internal road layout and seal roads to control the movement of vehicles and reduce dust.
4. Provide landscaping along the route of the main access road into the community to reduce dust.
5. Make provision for additional housing to allow relatives from Fitzroy Crossing and elsewhere to be accommodated in the Community.
6. Relocate the power station away from housing areas to address concerns regarding noise and fumes.
7. New community meeting place to be completed.
8. Football oval to be relocated to the west of the community and the existing oval to be replanted to reduce dust.
9. Upgrade landscaping and fence the central public open space area to prevent access by stock, improve the amenity of the area and reduce dust.
10. New water bore to be put in place to ensure security of the community's drinking water supply.
11. Conversion of disused shed to a multi-purpose structure to be used for homemaker / youth centre.
12. Facilities for rangers to be established at a site adjoining the workshop.
13. Modify the lease containing the community to include the cemetery and the airstrip.
14. Expand the store to provide a wider range goods and longer operating hours.
15. Establish an arts centre for local artists and provide for tourist visits. The Ngurrara Canvas is to be the centrepiece of the arts centre.

5. TRADITIONAL OWNER ASPIRATIONS

A number of Traditional Owners live at Djugerari and were involved with the preparation of the Community Layout Plan. The Kimberley Land Council, on behalf of the Traditional Owners, supports the aspirations of Djugerari Community Council in the development of the Community Layout Plan. The KLC recognises the importance of the CLP as a guide for the growth and development of Djugerari by providing a layout of future land uses in the community.

6. DEVELOPMENT PROJECTS & REQUIRED IMPROVEMENTS

6.1 Design Summary

The future plans for the Djugerari 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 Derby West Kimberley, Aboriginal Lands Trust, Main Roads WA, Global Groundwater, and the Departments for Planning, Housing, Environment and Conservation, Water and Indigenous Affairs.

The general design principles of the plan are:

1. Maintain adequate separation between incompatible uses.
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 Djugerari Community Layout Plan No. 1. shows all proposed improvements to Djugerari, 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.

6.2 Water Supply

The security of the community's water supply is compromised by only having a single reliable source of potable water (bore DJ 2/02), the buffer of which overlaps with the sewerage ponds buffer. The other bores in the community have either been decommissioned, affected by bacteria build up or salinity or are located within close proximity to potential sources of pollution.

The preparation of a Drinking Water Source Protection Assessment and Plan, in accordance with State Planning Policy 2.7 'Public Drinking Water Source' is considered a priority for Djugerari community, as discussed below.

Subject to the DWSP, the initiation of a drilling program to locate and establish a new water source for the community is a key priority and should be undertaken before any significant expansion of housing at the community.

Investigations should build on the drilling program undertaken in 2002 by Global Groundwater Pty Ltd. Investigations for future sources to the east of the community within the lease boundary may, if a source is identified, enable existing infrastructure to be utilised.

6.3 Public Drinking Water Source Area

In order to ensure that the drinking water supply is appropriately protected, a groundwater source protection and management plan should be prepared by an appropriate agency such as Parsons Brinckerhoff on behalf of the Department of Housing.

Such a plan would incorporate monitoring and maintenance requirements, estimates of groundwater flow directions, estimation of aquifer resources, likely zones of influence of production bores and an assessment of the potential for contaminants to impact water supplies.

A Public Drinking Water Source Area (PDWSA), as prescribed by State Planning Policy 2.7 – *Public Drinking Water Source*, is considered the most effective way of identifying and protecting a drinking water source. PDWSAs are defined areas of land within which land uses are restricted to protect drinking water that is harvested within that area. They are based on hydrological analysis of the particular circumstances of the water source and the settlement/s it serves. PDWSAs are enforced through a range of statutory implements.

Preparation of a PDWSA is a priority for the community to ensure appropriate protection of the community's drinking water supply.

6.4 Relocation of the Power Station

This CLP identifies an alternative site for the power station to the west of the community on Lot 57 to minimise noise intrusion and remove the need for truck circulation within the community for refuelling; it is envisaged that this site may be utilised when the generators require replacement or upgrading as the community expands.

Limited alternative sites are available for the relocation of the power station. The proposed site has the following benefits:

- It is on the opposite side of the community to the prevailing winds;
- It adjoins the main access track into through the community;
- Sufficient land is available for truck turning movements;
- It provides co-location with the rubbish pits;
- The site is level and not subject to stormwater flows;
- The site is contained within the existing lease boundary.

6.5 Housing

The identification of suitable land to meet the housing needs of the community over a long-term timeframe is physically constrained by the following:

- The proximity of sewerage ponds and the airstrip and the associated buffers to the south of the community;
- The location of the power station and workshop and the need to avoid noise and fumes;
- The steeply rising rocky land to the north of the community and steeply sloping land to the south of the community;
- Relocating the football oval to the west of the community and the revegetation of the site will reduce the impact of dust for existing and proposed housing areas.

The provision of additional housing sites will require the extension of power and water infrastructure to the proposed new housing area to the immediate east of the community.

It will also be necessary to clear low scrub, level the area and extend access roads into this area.

No provision has been made for aged persons housing or other associated facilities; the community members are relatively youthful and there has been no indication of a need for such facilities at this time.

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

- Priority 1 (short term) – Currently there is only a single vacant serviced lot available within the community at Lot 12. Provision has been made at Lot 40 for an additional teacher's house to the east of the existing teachers dwelling; power, water and sewer infrastructure is in close proximity.
- Priority 2 (medium term) – The proposed provision of additional housing to the immediate south east of the existing dwellings will require the extension of power and water lines to this locality. A sewer line runs along the rear of the existing dwellings.

The CLP plan provides for the clustering of non indigenous administrative staff housing in close proximity to the school. A pedestrian access way provides both a demarcation line between these areas and access to the shop and alternative football oval site.

- Priority 3 (medium to long term) – The CLP plan provides for approximately twenty future house sites to be established in an orderly layout on the current eastern boundary of the community. An additional four housing sites for administrative staff is also provided.

6.6 Road Layout

The road layout set out in the CLP builds on the established oval shaped road pattern and formalises access around the school, office, store and community facilities. Road access to the future housing areas abutting the school and existing housing allows for future progressive expansion to the north and east.

Internal roads only provide for local traffic and service a small number of dwellings and the school and power station (until it's relocation); as such road reserves are 15 metres in width. The road reserve for the access road into the community which passes the office and provides access to the rubbish tip, the cemetery and adjoining pastoral station has a width of 20m.

With regards to prioritising the sealing of roads, the section of the community access road which provides for through traffic and passes close to the community should be upgraded initially with the internal local road following.

The existing route of the community access road has been realigned to slow traffic as it passes the entrance to the community and to provide for site for future arts/visitors centre. The CLP makes provision for the road network to be extended and formalise to provide connections to the IPA Ranger facilities site, football oval, future power station, rubbish tip, cemetery, airstrip, sewer ponds and water storage tanks.

6.7 Stormwater Drainage

The community does not experience significant problems with stormwater drainage. Existing drainage channels adequately divert water away from the community. Problems previously experienced with drainage around the airstrip are expected to be resolved with the additional drainage infrastructure that has recently been put in place.

The relocation of the football oval to the west of the community will require the relocation of an existing drainage channel.

6.8 Landscaping Buffer

The community is keen to landscape the central open space which currently provides rudimentary play equipment and recreation facilities and a community meeting space but lacks shade trees or other smaller plantings. Upgrading the landscaping of this area should be a priority as it will be highly visible and have an immediate positive effect on amenity and provide long term benefits for children and the community as a whole.

The football oval has been a significant source of dust and is no longer used because of this problem. While native vegetation is encroaching on the oval it is recommended that the area be ripped and seeded to speed the process.

Landscaping along community access road as it passes the community will assist with the control of dust.

6.9 Future Arts / Visitors Centre

A site with an area of approximately 4,000m² has been identified near the entrance to the community adjoining the office for an arts/ visitors centre. The site would provide for a centre of a similar size that that of the Tjulyuru Cultural and Civic Centre at Warburton in the Ngaanyatjarra Lands. It is proposed that the future centre would have the Ngurrara Canvas as the centrepiece of the collection.

The site abuts the main access road and is in close proximity to the airstrip. An arts/visitors centre in this location will help control access by visitors and provide an adequate separation from housing areas and protect the privacy of community members. At this stage the community does not propose that there would be any accommodation for tourists/visitors.

The raised location of the site provides for extensive views over the savannah and the hill formations to the south and east and views to sunsets.

6.10 Community Meeting Place

A community meeting place incorporating a bow shelter has been relocated to the northern end of the central area of open space at Lot 34. This site has been chosen by the community as a place for cultural activities and as an informal meeting space.

6.11 Recommended Community Living Area

The existing land tenure arrangements are inappropriate in that the airstrip extends over the southern boundary of the community's landholding (Lot 89 Crown Reserve 39060) into the Gogo Station pastoral landholding (Lot 78 Crown Lease 398/818). Also requiring attention is the cemetery which is located approximately 1.0 kilometre west of boundary of Lot 89. The cemetery used solely by the community and not by Gogo station.

Finally, the buffer area of the community's only operating water bore (DJ2/02) extends into Lot 78. Given the importance of this bore to the existence of the community and the active pastoral operations in the immediate vicinity of the community it is recommended that the boundary of Lot 89 is extended to encompass the water bore buffer area to ensure the protection of this water source.

In regards to the airstrip it is recommended that the boundary of the Lot 89 is extended to encompass the airstrip.

The State Land Services section of the Department of Regional Development and Lands is responsible for administering modifications to the Crown estate. Any such actions in this instance will require referral to the ALT as the management body for the subject land titles. As Native Title rights may be affected by a land tenure adjustment, any amendment to the reserve boundaries will also require consultation with the Traditional Owners (via the native title representative body or PBC).

A review of the ALT in 1996 (Bonner Report) recommended that all ALT land be transferred back to Indigenous ownership. Since that time, the ALT has a program of divesting its estate. This process will require negotiation with community incorporations, traditional owners, native title representative bodies, State and Federal government agencies and other relevant parties. Therefore, the readjustment of boundaries can be dealt with as part of the negotiation process for the possible divestment from the ALT estate of the subject land parcel/s or within an ILUA framework under the NTA 1993.

7. DESIGN PRINCIPLES AND LAND USES

7.1 Lot Numbering and Street Names

Numbering the lots so that they match the existing house numbers and naming the streets, including proposed new streets is an important part of providing services to every house and building. Because the existing land tenure and ownership arrangements at Djugerari do not always match the location of buildings and roads, the lots and numbers on the CLP are defined as "future layout and lot number".

To facilitate easy identification of places for administrative purposes and in case of emergency, the CLP has assigned lot numbers to every designated land area in Djugerari. One set of numbers has been used to avoid duplication. It should be noted that the future lot numbers and street names are not formal in a land tenure or gazettal sense - they have been adopted to provide guidance only.

7.2 Residential

The plan shows the existing houses as "existing residential" and required houses as "future residential".

The CLP plans for:

- 17 existing community houses plus 2 teachers houses and 1 contractors house;
- 1 available vacant serviced lot;
- An unserviced area to accommodate 11 residential lots and future residential expansion; and
- An unserviced area to accommodate 4 future teachers/staff housing lots.

7.3 Business / Commercial

The plan shows the store and other non-industrial commercial uses as "business/commercial".

The CLP plans for:

- The corporate office (Lot 1);
- The old office / Future child care centre (Lot 30);
- The store (Lot 32); and
- The future art/visitors centre (Lot 2).

7.4 Industrial

The plan shows all existing and proposed industrial uses as "industrial".

The CLP plans for:

- The workshop (Lot 3);

- The site for the relocated power station (Lot 57).

7.5 Open Space / Recreation

The plan shows existing and proposed sports facilities and community open space (playground, basketball court, football oval and so on) as "open space / recreation".

The CLP plans for:

- The site for the future football oval (Lot 51); and
- Open space and basketball court (Lot 33).

7.6 Community Purposes

The plan shows existing community type uses as "*community purposes*".

The CLP plans for:

- The school and associated facilities (Lot 26);
- Nindilingarri Cultural Health Services facility (Lot 5);
- The homemakers centre (Lot 24);
- A community meeting area (Lot 34);
- The cemetery (Lot 59); and
- The airstrip (Lot 55).

7.7 Public Utility

A "public utility" is anything that provides an essential physical service to the community, things such as water bores, sewerage ponds, power station, and so on.

The CLP plans for:

- The sewage treatment ponds (Lot 54);
- The water tanks adjacent on the northern boundary of Crown Reserve 39060 (Lot 53);
- The current water bore DJ 2/02 (Lot 56);
- The disused bores 1/85 and 2/85 (Lot 52);
- The rubbish tip (Lot 58); and
- The site for the IPA Ranger facilities (Lot 50).

7.8 Open Space / Bush

The areas of the community that are not intended to be used for any specific purpose are shown on the plan as "open space / bush". If development proposals should arise on this land, development could be considered subject to an amendment to the CLP.

7.9 No-go Areas

There are no areas identified within the community as being culturally sensitive "no-go" areas.

9. ENDORSEMENTS

Djugerari Council Endorsement

Djugerari Community Layout Plan No. 1

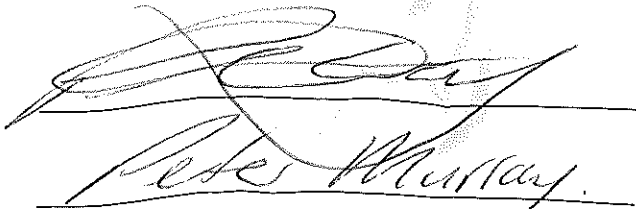
Djugerari Aboriginal Corporation
PO Box 35
Fitzroy Cro WA 6765

The Djugerari Aboriginal Corporation hereby adopts the **Djugerari Community Layout Plan. 1 (2010)** as a guide for future development within its boundaries.

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

The 20th Day of October 2010

Adopted by the Djugerari Aboriginal Corporation:


Peter Murray

Chairperson *Councillor*
[Please print and sign name]

Councillor

Councillor

Councillor

Councillor

Councillor

Kimberley Land Council Endorsement

Djugerari Community Layout Plan No. 1

**Kimberley Land Council
PO Box 2145
Broome WA 6725**

The Kimberley Land Council (representing the traditional owners, the Walmajarri People) hereby adopts the **Djugerari Community Layout Plan No. 1 (2010)** as a guide for future development within its boundaries.

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

The Day of2010

Adopted by the Kimberley Land Council:

Chairperson
[Please print and sign name]

Director
[Please print and sign name]

Director

Director

Director

Director

Shire of Derby-West Kimberley Endorsement

Djugerari Community Layout Plan No. 1.

PO Box 94
Derby WA 6728



Shire of Derby /
West Kimberley

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

The 26th Day of August 2010

Endorsed by the Shire of Derby-West Kimberley:

ELSA ARCHER

Elsa Archer

Shire President
(Please print and sign name)

408837

Shane Burge

Shane Burge

CEO
(Please print and sign name)

Council
Seal



Western Australian Planning Commission Endorsement



Djugerari Community Layout Plan No.1.

**46 Wellington Street
Perth WA 6000**

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

The 14TH Day of December 2010

Signed for and on behalf of the Western Australian Planning Commission

A handwritten signature in black ink, appearing to be "A. H. B.", written over a horizontal line.

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

A handwritten signature in black ink, appearing to be "V. E. S.", written over a horizontal line.

Witness

17/12/10 Date

REFERENCES & INFORMATION

Australian Bureau of Meteorology (BOM) 2009 *Climate Statistics for Australian Locations (Cadjebut)*. Available http://www.bom.gov.au/climate/averages/tables/cw_013007.shtml

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

Department of Indigenous Affairs (DIA), *Aboriginal Heritage Inquiry System*. Available at <http://www.dia.wa.gov.au/AHIS/>

Department for Planning and Infrastructure 2009 *Fitzroy Futures Town Plan*. Government of Western Australia.

Global Groundwater Australian Bore Consultants Pty. Ltd., 2002, *Djugerari Community 2002 Bore Completion Report*.

Kimberley Regional Service Providers (KRSP), *Djugerari Asset Condition Report 2007*.

Lindsay, R. P. & D. P Commander 2005 *Hydrological Assessment of the Fitzroy Alluvium*. Hydrological Report Series No. 238. Department of Environment, Western Australia.

Morphy, F. 2010 *Population, People and Place: The Fitzroy Valley Population Project* Centre for Aboriginal Economic Policy Research. CAEPR Working Paper No. 70/2010. ANU: Canberra.

AMENDMENTS

Djugerari Layout Plan 1

Amendment 1

Plan Date : 20 October 2010 **WAPC Endorsed** : 14 December 2010
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 Djugerari Layout Plan 1.

Since the publication of that Policy in August 2000 all Layout Plan map-sets have been prepared using a variety of computer-aided-design (CAD) formats. All Layout Plan map-sets have now been converted to a common user geographic information systems (GIS) format, including the Djugerari Layout Plan 1.

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

Approved

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

Western Australian Planning Commission



please sign and print name

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

Date 12/9/2012

RESOLVED & RECORDED IN MINUTES
OF THE STATUTORY PLANNING
COMMITTEE MEETING

11 SEP 2012

Other Information:

This Layout Plan does not constitute development approval.

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