

Jimbilum

Layout Plan 1

Background Report

September 2011

Date endorsed by WAPC



Amendments

Amendment 1 - October 2012

Amendment 2 - January 2020



Department of **Planning,**
Lands and Heritage



JIMBILUM LAYOUT PLAN 1

Jimbilum Layout Plan No. 1 (LP1) was prepared by the former Department of Planning during 2009-2010 in partnership with MG Corp and OES. The layout plan was prepared with a number of other Layout Plans prepared at that time in response to the outcomes of the Ord Final Agreement and the desires of the MG Dawang Land Trust and MG Corp. MG Corp (representing the traditional owners) endorsed the Jimbilum LP1.

Layout Plan 1 (LP1) was endorsed by the Shire of Wyndham-East Kimberley, on 21 June 2011 and the Western Australian Planning Commission (WAPC) endorsed the LP on 29 September 2011.

The WAPC endorsed one amendment in October 2012 to incorporate administrative changes to the layout plan map-set, no changes were made to the background report. The endorsed amendment is listed in part 6 of this report.

The Amendment 2 background report update sought to keep all relevant information, while removing and replacing out-of-date references and data.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.

<p>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 1st 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 1st of July 2017.</p>
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Community Contact Details

Representative Organisation	:	Deregistered Corporation
Related Organisations	:	MG Corp, MG Dawang Land Trust Pty Ltd Ord Enhancement Scheme
Community contacts	:	Mrs Carol Hapke

Acronyms

AHA	:	Aboriginal Heritage Act (WA) 1972
ATSIC	:	Aboriginal and Torres Strait Islander Commission
CR	:	Crown Reserve
DoC	:	Department of Communities (Housing)
DEC		Department of Environment and Conservation
DIA	:	Department of Indigenous Affairs
DPLH	:	Department of Planning, Lands and Heritage
EHNS	:	Environmental Health Needs Survey
ILUA	:	Indigenous Land Use Agreement (under the Native Title Act 1993)
KDC	:	Kimberley Development Commission
KRSP	:	Kimberley Regional Service Providers
KWAC		Kununurra KWAC Aboriginal Corporation
LP	:	Layout Plan
MG Corp	:	Yawoorong Miriung Gajerrong Yirrgab Noong Dawang Aboriginal Corporation
NNTT	:	National Native Title Tribunal
NTA	:	Native Title Act (Commonwealth) 1993
NTRB	:	Native Title Representative Body
OES	:	Ord Enhancement Scheme
OFA	:	Ord Final Agreement (ILUA)
ORIA	:	Ord Irrigation Area
PBC	:	Prescribed Body Corporate (under the NTA, representing native title holders)
RAESP	:	Remote Area Essential Services Program
RDL		Department of Regional Development and Lands
SL-lot	:	Settlement Layout Lot
SWEK	:	Shire of Wyndham-East Kimberley
UCL	:	Unallocated Crown Land
WAPC	:	Western Australia Planning Commission

Layout Plans & the Development Process

Layout Plans provide a structure for future development. LP preparation includes with 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

Jimbilum LP No. 1 (LP1) was prepared by the former Department of Planning during 2009-2010 in partnership with MG Corp and OES. LP1 is for Jimbilum, as defined under the OFA.

The tables below summarise the main issues concerning planning, development and provision of services at Jimbilum. These issues are covered in more detail in the body of this report.

Table 1 – Population

Design Population	:	30/45
Existing population	:	15
Existing Service Capacity	:	30
Aspirational Population	:	45

Table 2 – Existing Infrastructure and Service Capacity

Infrastructure/service	Community Characteristics
Drinking water	Community self supply water obtained from bore. No data available on quality or quantity.
Native title	The community falls within a determined native title claim (MG #1 - WAD6001/95) and a registered ILUA is in place.
Secure land holding(s)	Housing and infrastructure on Crown Reserve vested to State, but considered secure: OFA ILUA establishes that freehold to be created.
Flood / storm surge	Low lying areas are subject to inundation. No significant damage to existing infrastructure is believed to occur.
Emergency assistance	Emergency services at Kununurra, approximately 20 minutes away by road.
Education	Education facilities at Kununurra, approximately 20 minutes away by road.
Health	Health facilities at Kununurra, approximately 20 minutes away by road.
Governance	De-registered corporation. No designated office at community.
Employment and enterprise opportunities	Future opportunities to sub-lease. Employment opportunities in Kununurra, approximately 20 minutes by road.
Transport	Informal unsealed road access from Packsaddle Road, legal access to be created under OFA ILUA. Can be isolated for 48 hours when river rises.
Food	Retail outlets at Kununurra, approximately 20 minutes away by road.
Electricity	Community self supply diesel/solar generator with support from Bushlight and KWAC.

LP 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.

DEVELOPMENT PRIORITIES - JIMBILUM

The following initiatives, were developed by the community in 2010 and considered to be needed to implement LP No.1:

Within the next year:

1. Prepare an essential services strategy (Jimbilum and Yirrallielm).
2. Execute access easement on Deposited Plan 236369.
3. Subject to 2 above, request endorsement of Deposited Plan 26369 by WAPC.
4. As an interim measure, prior to completion of an essential services strategy (see above), install filtration system to drinking water supply.
5. Close and remediate existing rubbish tip site.
6. Classify living area as 'Settlement' in accordance with LP under town planning scheme (completed 2019).

Within the next 5 years:

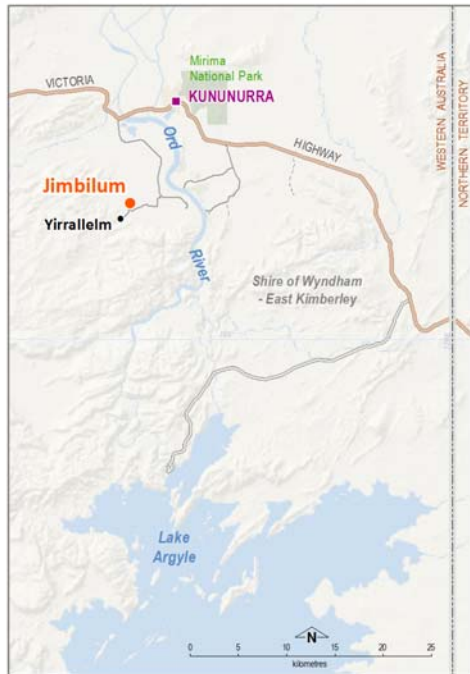
1. Subject to completion of a services strategy (see above), complete an assessment of the existing drinking water source and investigation / protection of future drinking water source options (if required).
2. If a new drinking water source is developed; close existing drinking water source and develop distribution infrastructure (including possible new elevated tank at a new site).
3. Subject to completion of a services strategy (see above), establish an improved level of electricity provision (either improved on-site generation at a new site or connection to the Horizon Power grid).
4. Improve settlement's on-site effluent disposal systems to Shire and Department of Health specifications.
5. Close and remediate existing in-fill waste disposal area.
6. Clear, fill, drain and service SL-lots 7, 8 & 9.
7. Construct housing on SL-lots 7 & 8, as required.
8. Seal and formalise main internal road (Jimbilum Road).

Within the next 10 years:

1. Clear, fill and grade northern internal road to future residential area (Third Street).
2. Clear, fill, drain and service SL-lots 10 - 13, subject to provision of adequate power supply.
3. Construct housing on SL-lots 10 - 13, as required.

1 REGIONAL CONTEXT

1.1 Location & Setting



Jimbilum is in the Shire of Wyndham-East Kimberley. It is located next to Packsaddle Creek on the lower Ord River plains, approximately 23 kilometres from Kununurra.

The Ord River, known locally as *Gunanurang*, is one of Western Australia's major river systems. It has an estimated catchment of 50,000km² and flows from near Halls Creek in the south to the Cambridge Gulf in the north. This catchment is generally characterised by fertile soils and rich riparian systems.

The geography of the Ord River has significantly changed since the damming of the Ord in the 1970s. The Dam splits the river into the upper and lower Ord River systems. Whereas the river used to flow only seasonally, the dam has created a year-round flow of water suitable for irrigation purposes.

Figure 1 - Location of Jimbilum

The settlement and river system lie in the wet-dry tropics, which is characterised by an extended dry season with most rainfall occurring during December-March. Rainfall is highly variable (Lund 2009).

1.2 Regional Culture & Demography

The broader Ord River catchment area from the Bow River junction in the south to the Cambridge Gulf in the north is the country that now comprises the Miriuwung Gajerrong native title determination areas and is the traditional country of Miriuwung, Gajerrong, Doolboong, Wardenybeng and Gija peoples (FCAFC 283 [2003] & FCA 1848 [2006]).

This catchment area consists of discrete land-holding units known locally as *Dawang*. Members of a Dawang (ie traditional owners), known as *Dawawang*, are the key decision-makers about their country under customary law. In the present-day situation some decisions about country are shared and jointly managed with agencies such as the former Department of Environment and Conversation, and former Department of Water (Hill et al 2009; DoW 2009).

Traditional rights and interests in country stem from the *Ngarangani*, the creative Dreaming period, when mythical ancestors travelled the country, made the river systems and landscape and its features. During their travels they provided the framework about how the social and physical world should be (Barber & Rumley 2003).

Successive determinations of native title in 2003 and again in 2006 demonstrate the continuing strength of cultural connections to country among traditional owners in the Ord valley and catchment despite impositions associated with European settlement, pastoralism, and the extensive irrigation scheme.

Aboriginal residents comprise about half the total population of the Ord Irrigation Area (ORIA). Aboriginal population growth is largely due to natural increase rather than in-migration. This means that, on a regional level, the Aboriginal population is younger, more permanent, stable, and fairly evenly comprised of males and females. The non-Indigenous population on the other hand is more influenced by in-migration and seasonal employment and disproportionately comprised of working-aged males (KLC 2003; Taylor 2003).

Whereas the non-Indigenous population is concentrated in the Kununurra townsite, the Aboriginal population is more dispersed, with many living in smaller settlements such as Jimbilum.

1.3 Regional History & Economy

As a population, local Aboriginal peoples have been integral to the historical development of the Ord Valley and East Kimberley. Firstly as integral labour to the pastoral economy, and later by providing a permanent and stable population for the provision of a government service economy. The inundation and irrigation of traditional country for the integration of the region into a market economy was at a direct but largely unrecognised cost to Miriung and Gajerrong peoples (see Skyring 2004; Redmond & Skyring 2009).

Station life

The initial occupation along the Ord River by pastoral interests from the 1880s was characterised by violence (Redmond & Skyring 2009). Aboriginal people at that time however were the only large and permanent population in the Kimberley, so by the 1920s were used as labour on stations such as Argyle Downs, Texas Downs, Lissadell and Ivanhoe. State legislation such as the *Native Administration Act 1936* (WA) bonded Aboriginal labour to pastoral leaseholders. The pastoral economy in the East Kimberley was predominantly made-up of an Aboriginal workforce until the 1970s. While this enabled many people to remain on traditional country, the workforce was paid in rations until equal wages legislation was introduced in the 1960s. This had the effect of marginalising Aboriginal people, over successive generations, from the regional economy even though their labour was integral to it (Skyring 2004; Jebb 2002).

By the mid 1950s serious consideration was being given by Federal and State governments to the development of the Ord River for irrigation purposes. The introduction of Commonwealth legislation in 1958 and 1968 saw the Federal government provide significant funding for the river's development. Construction of the Diversion Dam (ie Lake Kununurra) began in 1961 and was completed in 1963. By 1971 much of Argyle station, and other pastoral leases, had been flooded for the creation of the Ord Dam ('Lake Argyle'). Local Aboriginal people were not consulted in the planning and development of the Dam and broader irrigation area but were the population most affected by the river's development and the ensuing change to the natural environment and associated residential dislocation (Skyring 2004; see also Barber & Rumley 2003).

Town life

Kununurra townsite was established in 1960 on an excision of Ivanhoe Station on the Ord River, initially as a Water Authority centre for the irrigation project. It was gazetted as a town in 1961 and has since become the region's main administrative centre.

The period from the 1970s until the 1980s can be characterised by the increasing urbanisation of Aboriginal populations in the Ord catchment. During this period, after the introduction of equal wages legislation and the creation of the irrigation scheme, relatively large numbers of former station workers moved into centres such as Kununurra, with an associated shift away from economic engagement in the private sector to an engagement in the government sector in the form of CDEP (Taylor 2003). Nulleywah reserve, on the outskirts of the town centre, was established in the 1980s as accommodation for people who had migrated from surrounding pastoral stations.

Voting rights in local government in Western Australia were restricted until 1985 to owners and occupiers of rateable property. This had the effect of excluding most Aboriginal people in the Shire of Wyndham-East Kimberley from local representation as Aboriginal people have generally lived on non-rateable land (Rumley H. & D. 1988).

There was no formal land-use planning of the Nulleywah reserve in Kununurra until the first layout plan was prepared as late as 1997 (Connell Wagner 2002). Poor living conditions in town spurred some Miriung and Gajerrong family groups in the 1980s to establish camps and living areas at locations away from the town but within proximity to town services.

Community life

The site of the existing Jimbilum settlement began as a seasonal campsite in the 1980s. The first house was built in the 1990s. As with other Miriung Gajerrong settlements, the seasonal campsite offered space away from town life. Jimbilum residents see the location of the community, being both remote but within a 20 minute drive of the services provided by Kununurra, as a strength. Living at the settlement is also cheaper than in Kununurra with regard to rent, and is conducive to maintaining culture.

As is detailed below, the creation of community living areas for most Miriung Gajerrong settlements has been formalised through the native title process under the Ord Final Agreement in 2006. This is the situation with regard to Jimbilum as well.

1.4 Native Title

Native title issues affecting Jimbilum

Jimbilum settlement falls within the Miriung Gajerrong #1 native title determination area and is principally comprised of native title holders.

The application for determination of native title by Miriung Gajerrong peoples comprised two claim areas, Miriung Gajerrong #1 (WAD6001/95) (MG #1) and Miriung Gajerrong #4 (WAD124/04) (MG #4). The two combined determination areas total approximately 14,000 sq km.

The native title holders referred to in this report refer to both determination areas. Separate PBCs exist for MG #1 and MG #4 determinations respectively.

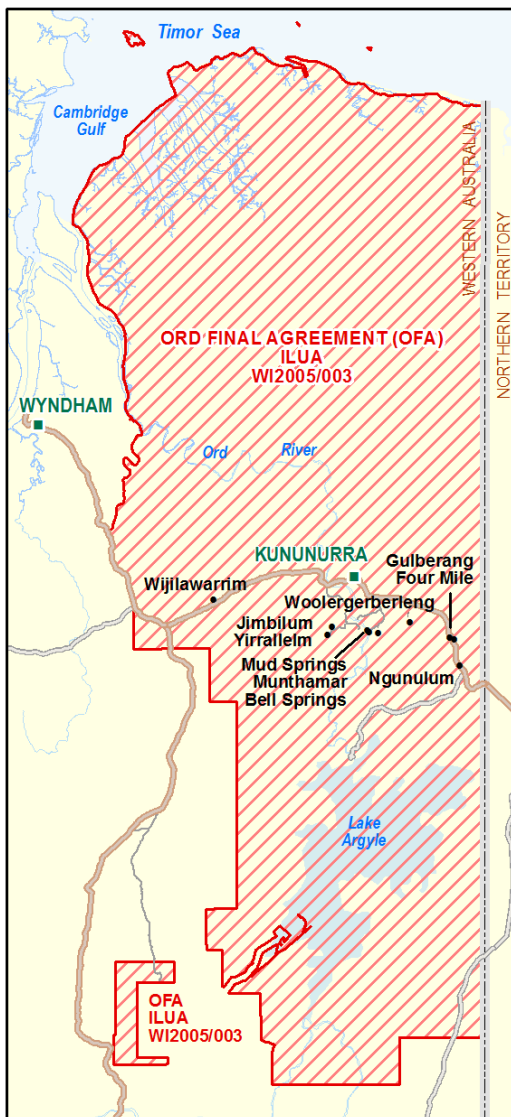
Ord Final Agreement

Jimbilum falls within the Ord Final Agreement area, which is an 'area agreement' ILUA under the NTA and resolves native title issues associated with both the MG #1 MG #4 determination areas. The ILUA, commonly referred to as the 'OFA' or 'Ord Stage 2 Agreement', was registered with the National Native Title Tribunal in August 2006.

The area subject to the OFA is shown in the map on the following page.

Key features of the OFA include:

- Recognition of Miriung and Gajerrong peoples as the traditional owners for Kununurra and surrounding areas;
- The State's acquisition of 65,000ha of land for agricultural, residential and industrial development of Ord Stage 2;
- The creation of six new conservation parks and their joint management with DEC. The parks are held under freehold title by MG Corp and leased to the State;
- Clarification and agreement as to instances where native title is extinguished (including the granting of freehold titles) and where native title is not extinguished;



- The establishment of the Ord Enhancement Scheme (OES), to redress social, cultural and economic impacts that development of Ord Stage 1 has had on Miriwung and Gajerrong peoples, including the flooding of traditional country to create Lake Argyle and associated displacement of people;
- The creation of a 50,000ha freehold title (Yardungarrl) and 19 Community Living Areas.

The production of LP No.1 in collaboration with the Jumbilum community is therefore an indirect outcome of the broader native title process and the OFA.

Figure 2 - Area subject to Ord Final Agreement & location of settlements

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 rights and interests in land 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 freehold or a crown lease. Rather it is the recognition of pre-existing rights and interests in country. Traditional rights and interests in country may co-exist with other non-Indigenous interests in some instances.

Under the NTA, native title holders and registered claimants are entitled to the right to negotiate regarding proposed future acts which may affect claimed or held native title. Examples of future acts which may affect native title rights and interests include mining exploration, the construction of public works (such as public housing), and the granting of certain forms of land tenure (such as freehold).

Also under the NTA, agreements called ILUAs can be entered into to clarify, eg, future acts that will not extinguish native title or how traditional owners are to be compensated for the extinguishment of traditional rights and interests.

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

2 COMMUNITY PROFILE

2.1 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 (eg. Taylor 2003; Morphy 2010). The residents of Jimbilum have close affiliations with other settlements in the MG Determination Area and there are regular movements of people throughout the region.

The Australian Bureau of Statistics has advised that recent census data for Jimbilum is unavailable as the settlement was not included as a discrete collector district in the 2001, 2006, 2011 or 2016 censuses. The only known published population estimate for Jimbilum is from the Environmental Health Needs Survey (EHNS) undertaken by the former Department of Indigenous Affairs in 2008, which gave the population of Jimbilum as 12 people.

A key source of population data is from the community itself. Residents advised that the usual permanent population of Jimbilum is around 15 people. In previous years, this number would go down during the wet season as residents would relocate to Kununurra due to a lack of year round vehicular access to and from Jimbilum. However, the population of Jimbilum has become more stable since the construction of the causeway over Packsaddle Creek.

Based on the available data, the population of Jimbilum is estimated to be 15 people.

Aspirational population

Aspirational population refers to the future population as desired by the existing residents.

At the time of consultation, residents advised that up to 7 new houses would be required to accommodate family members who live in Kununurra and elsewhere, but who would relocate to Jimbilum if sufficient housing were available. Based on a total of 9 houses and an average occupancy of 5 people per house, the aspirational population of Jimbilum is 45 people.

Residents advised that, in the past, a lack of year round access to Jimbilum acted as an impediment to family members wanting to migrate to the settlement. In light of the construction of the causeway over Packsaddle Creek, it is expected that permanent and temporary relocation to Jimbilum may increase.

Existing Service Capacity

Urban growth at Jimbilum is constrained by the existing level of essential services available at the settlement. It is estimated that the existing electricity generation capacity could service up to 30 people. (see section 3)

Drinking water quantity and quality is unknown. (see section 3)

The risk of contaminating the existing drinking water source is very high, as all existing houses, a diesel power-house and a rubbish tip at Jimbilum are very close to the drinking water source. Additional housing will increase the risk of contamination to the settlement's drinking water supply. (see section 3)

The total existing services capacity population for Jimbilum is 30 people.

Design population

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

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

It is considered that the population of Jimbilum is likely to increase through natural growth, and migration to the settlement will remain- regardless of servicing constraints. It is therefore necessary to plan for a degree of urban growth over the 15 year timeframe of the LP. Should the level of essential services provided to residents at Jimbilum be improved (especially improved drinking water and electricity services), it may be possible for the aspirational population to be accommodated at the settlement with an appropriate level of servicing.

The design population for Jimbilum is 30/45 people.

2.2 Governance & Representation

Over time Miriuwung and Gajerrong peoples have developed their own sophisticated formal governance structures, at various spatial scales to assist with the delivery of services and local representation.

The various governance structures that affect the planning and development of Jimbilum are summarised below.

Incorporated Community

The community was previously managed through its incorporated body - Jimbilum Aboriginal Corporation (JAC). JAC was incorporated under the *Aboriginal Councils and Associations Act 1976* in 1997.

JAC was deregistered from the Office of the Registrar of Indigenous Corporations (ORIC). JAC documents can be obtained from www.oric.gov.au

Dawang Council

The 16 Dawang that comprise the traditional lands of Miriuwung Gajerrong peoples are represented by an over-arching Dawang Council. Membership of the Dawang Council is regulated under the incorporated rulebook of MG Corp.

MG Corp

At a broader governance level, MG Corp acts in trust on behalf of all MG native title holders to ensure compliance with its obligations under the Ord Final Agreement including those relating to community living areas.

MG Corp was incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* in 2006 and its constitution was subsequently amended in 2008.

Although membership to MG Corp is limited to native title holders, MG Corp is not a native title prescribed body corporate. However MG Corp has the authority to assist MG peoples in relation to planning, management and use of traditional lands.

MG Corp (or a subsidiary entity of MG Corp such as MG Dawang Land Pty Ltd) may hold titles to land transferred under the OFA, though this is not the situation with regard to land holdings at Jimbilum.

Ord Enhancement Scheme

The Ord Enhancement Scheme (OES) is an outcome of the OFA and is a partnership between MG Corp and the State Government through the Kimberley Development Commission. The purpose of the OES is to address the negative social and economic impacts that Stage 1 of the irrigation scheme has had on Miriuwung and Gajerrong peoples (see KLC 2004).

The OES Management Committee is jointly appointed by the State and MG Corp.

LP No. 1 is prepared for Jimbilum at the request of the OES and by way of a Memorandum of Understanding between the OES and Western Australian Planning Commission.

2.3 Land Tenure

Jimbilum is located on two land titles. A summary of the details of these land parcel follows:

<i>Tenure</i>	Fee Simple (Freehold)
<i>Lot details</i>	Lot 859 on Deposited Plan 26369
<i>Certificate of Title</i>	2785/830
<i>Registered Proprietor</i>	MG Dawang Land Pty Ltd
<i>Area</i>	23.29 ha

<i>Tenure</i>	Fee Simple (Freehold)
<i>Lot details</i>	Lot 5012 on Deposited Plan 406531
<i>Certificate of Title</i>	2924/794
<i>Registered Proprietor</i>	MG Dawang Land Pty Ltd
<i>Area</i>	716.93 ha

Clause 43 of the OFA provided for the creation of Community Living Areas (CLA) for a number of settlements in the MG Determination Area, including Jimbilum. Clause 43.2(B) required the State to amend Reserve 35289 to excise CLAs for Jimbilum, Yirrallelm 1 and Yirrallelm 2. Upon preparation of suitable deposited plans (and surveys if required), the State agreed to transfer these CLAs as separate freehold titles to MG Corp.

A CLA for Jimbilum (Lot 859 on Deposited Plan 26369) was surveyed and lodged with Landgate in 2001. Lot 859 has an area of 23.29ha and is sufficient in size to accommodate current and future infrastructure for the settlement. There is a 20m wide access easement extending from Lot 859 to Packsaddle Road on lot 5012. This access easement provides a legal means of access to the settlement.

2.4 Aboriginal Heritage

Notwithstanding the text box on the following page, the summary of heritage matters derives from discussion with community representatives 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 LP. These constraints to development must be addressed prior to construction of housing and other works.

No-Go Area

The LP depicts a 'no-go' area in the centre of the settlement, abutting the boundaries of SL-lots 1, 11, 19 and First Street. There should be no future development within this area.

Registered Sites

There are no registered sites and 2 other heritage places (IDs 12529 and 12577) in the vicinity of the Jimbilum settlement, as of November 2019.

Both of these heritage places sites are closed and information is restricted to the general public. The sites are mythical in nature, meaning that they relate to the creation of country under customary law.

Any future development at the community, including implementing LP No.1, should therefore be undertaken in consultation with the community and MG Corp on behalf of the native title holders to ensure adequate avoidance of sites.

Impact of Aboriginal Heritage on Development of Settlements

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. 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. This applies to the development of Aboriginal settlements as it does any other type of settlement. Investigation whether there is an Aboriginal heritage site on the land must be undertaken prior to development or works, and may require a heritage survey or clearance.

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 this LP. The LP background report and 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.

2.5 Community Aspirations

The ideas for improvements to the facilities were noted by the Jimbilum community when the Layout Plan was developed in 2010 and are listed below. Where possible, these have been incorporated into the recommended program of works for the LP. Others that cannot be implemented as part of the LP have been noted as a record of a more general community improvement plan.

1. Provision of additional housing, including separate housing for single women.
2. Connect settlement to town's power supply.
3. Install Bushlight solar hybrid power facility as an interim measure.

3 EXISTING INFRASTRUCTURE & SERVICES

3.1 Housing

At the time of consultation, there were two houses at Jimbilum. Both houses were occupied.

Based on the usual permanent population of 15 people, the average number of residents per house is 7.5.

3.2 Water Supply

The former Department of Water conducted an audit of water supply infrastructure at Jimbilum in 2008. A summary of the findings follows:

In 2008, the Shire of Wyndham-East Kimberley advised that testing of Jimbilum's drinking water had not been conducted for over three years (Shire of Wyndham - East Kimberley, cited in Department of Water 2008).

Due to the lack of data available on water quality and quantity, it is not possible to determine whether the existing drinking water supply is adequate for either the existing or design population for Jimbilum.

The bore is not suitably separated from incompatible land uses and is therefore at risk of contamination. The WAPC 'Aboriginal Settlements Guideline 3: Layout Plan Exclusion Boundaries' policy 2012 recommends a 500m buffer for groundwater drinking water sources. The power station and two dwellings are located within 200m of the bore at Jimbilum, and are therefore at risk of contaminating the settlement's drinking water supply.

Table 3 - Summary of water supply infrastructure at Jimbilum. (Department of Water 2008)

Bore	<ul style="list-style-type: none">- 1 bore approximately 180m east of nearest house- Bore compound is not fenced- Solar powered- Bore infrastructure is in good condition, surrounding vegetation is to be cleared for fire break purposes
Water tank	<ul style="list-style-type: none">- 1 fibreglass tank approximately 20m north east of nearest house- Tank on 10m elevated stand- 3000L capacity- Water tank compound is not fenced- Water tank has a small leak which has been patched up a few times
Water distribution	<ul style="list-style-type: none">- No pressure pump- Condition of pipe work is ok- Water pressure is adequate, no water pressure problems
Water treatment and testing	<ul style="list-style-type: none">- No water treatment or disinfection- No water testing
Other comments	<ul style="list-style-type: none">- Residents would like bigger tank and stand.- Existing tank is old and replacement is necessary.

3.3 Electricity Supply

Jimbilum is located within the Kununurra Electricity Licence Area, for which Horizon Power is the licenced electricity supplier. The settlement is not connected to the reticulated grid, and residents are responsible for provision of their own electricity.

Jimbilum obtains its power supply from a solar/diesel system located approximately 50m south west of the nearest residence. The generator is on a concrete pad with no covering, while the solar panels and batteries are in a non-lockable shed. Distribution is via overhead mains and underground lines, with connections to the two houses and the storage shed (Horizon Power, 2008).



Figure 3 & 4 Solar powered bore (left) and solar/diesel hybrid power generator (right).

The power generator is not suitably separated from sensitive land uses. The WAPC 'Aboriginal Settlements Guideline 3: Layout Plan Exclusion Boundaries' policy 2012 recommends that power stations be separated from sensitive land uses such as residential by at least 200m. In the case of Jimbilum, both houses are located within this buffer area, with the closest house being 50m away. This has the potential to significantly reduce residential amenity and negatively impact on public health through exposure to excessive noise levels and exhaust plumes.

The existing electricity supply infrastructure appears to be sufficient for the settlement's current population. However, the capacity of the existing generator is unlikely to be sufficient for the settlement's design population, and substantial upgrades will be required in the future.

The Centre for Appropriate Technology (CAT) has committed to providing a Bushlight solar power system at Jimbilum. The system will have an annual average of 24kWh/day, which is anticipated to meet the power needs of the existing two houses and the workshop. At the time of design CAT was not able to ascertain whether there would be additional housing provided at Jimbilum in the short term, and therefore the system cannot be relied upon to provide enough power for a significant increase in new infrastructure at the settlement.

3.4 Wastewater

The houses at Jimbilum have plumbing connections to septic tanks and dispose of wastewater via leach drains. KWAC assists with the maintenance of sewer disposal systems.

Residents advised that the water table is high during the wet season. The groundwater system is therefore at risk of contamination from effluent disposal.

Municipal Services

3.5 Flooding & Drainage

Jimbilum is located on the edge of the Packsaddle Creek floodplain and is subject to regular flooding during the wet season. Extensive areas of low lying land in and around the settlement can be inundated for up to a few weeks after major rain events.

The houses are located in elevated areas, although residents advised that the southernmost house has previously been damaged by floodwaters. There is no formal drainage infrastructure at the settlement.

3.6 Access & Dedicated Roads

Road access to Jimbilum is via a track which connects the settlement with Packsaddle Road (a gazetted and constructed public road). The access track is not a gazetted public road, however there are a number of 20m wide access easements to facilitate access.

The access track is unsealed and has a compacted gravel surface. As it is not a gazetted public road, the Shire of Wyndham - East Kimberley is not responsible for its maintenance. Residents advised that KWAC has previously provided assistance with the grading of the track.

The track is mostly used by residents of Jimbilum and Yirrallelm. Residents advised that the track is also used by the general public to access popular camping areas around Packsaddle Falls.

The track has historically been unpassable at its intersection with Packsaddle Creek, with access being disrupted for periods of up to a few consecutive weeks. A causeway over the creek has recently been constructed which effectively provides year-round access.

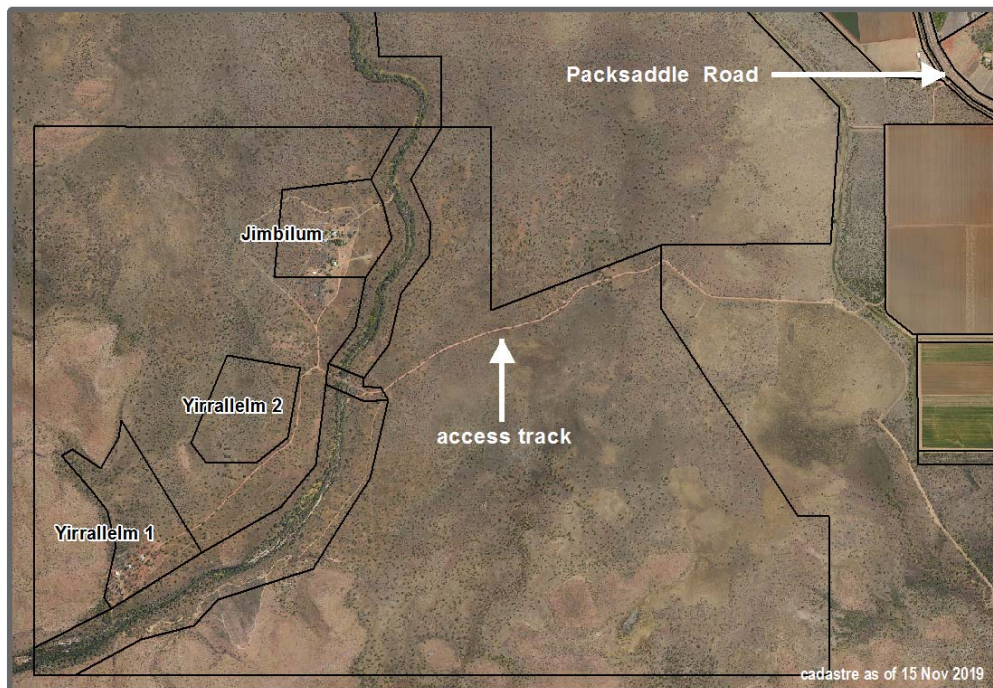


Figure 5 - Map showing access track to Jimbilum and proximity to Packsaddle Creek

3.7 Internal Road Layout

The internal road layout of Jimbilum is comprised of the access road into the settlement from Victoria Highway and a number of informal tracks leading to dwellings and community infrastructure. A firebreak extends westward around the housing area and the rock outcrop before connecting back with the main access road.

3.8 Rubbish Disposal



Figure 6 - Rubbish pit used to dispose of burnt household rubbish, with other potentially hazardous waste also evident.

Residents dispose of household rubbish by burning it and burying it in an unfenced pit located between the two dwellings. Items such as whitegoods, car batteries, diesel drums and building materials were also evident in the rubbish pit during a site visit in October 2009. The WAPC 'Aboriginal Settlements Guideline 3: Layout Plan Exclusion Boundaries' policy 2012 recommends that rubbish tips be separated from sensitive land uses such as residential by at least 2km. The existing rubbish pit is located approximately 100m from both houses and is public health risk due to odour and dust emissions. The proximity to the drinking water bore of potentially hazardous pollutants is also a threat to public health.

Residents also advised that KWAC collects rubbish from Jimbilum. This previously occurred on an irregular basis, resulting in the need for residents to dispose of their own rubbish. It is understood that in recent times KWAC has been collecting rubbish on a more regular, fortnightly basis.

3.9 Community Services

Residents of Jimbilum commute to Kununurra for community services such as education and health care, as well as commercial activities such as retail and banking.

There is no designated office at the community.

3.10 Commercial Enterprise

There are no commercial enterprises at the community at present, but there are opportunities for agriculture/horticulture enterprises and sub-leasing arrangements in future.

4 RECOMMENDATIONS

4.1 Essential & Municipal Service Delivery

There is a lack of clarity with regard to which agency or agencies are responsible for funding and delivery of essential and municipal services to MG Corp communities.

Implementing the layout plan will be difficult until such time that specific agencies are identified for, for example, the funding of drinking water analysis and protection, sealing of roads, and reticulation of power and wastewater.

In normal circumstances municipal services in townsites (such as the maintenance of access roads and collection of rubbish) would be undertaken by local government. Larger remote Aboriginal communities with a population greater than 50 permanent residents generally fall within the Remote Area Essential Service Program (RAESP) managed by the Department of Communities (Housing). The smaller MG communities fall outside of these two categories.

It is recommended that an implementation plan be prepared by MG Corp to establish which agencies (if any) have current responsibility for the delivery of essential and municipal services.

The implementation plan should address whether agencies such as local government and/or KWAC have the potential to become essential and/or municipal essential service providers to MG communities and identify what the recurrent funding source would be.

4.2 Joint Essential Service Infrastructure

The proximity of Yirrallelm 1 & 2 to Jimbilum provides an opportunity for the sharing of essential service infrastructure. The LP identifies sites for a future power station, waste transfer station and drinking water exploration area. All sites are suitably separated from incompatible land uses.

4.3 Drinking water analysis and protection

The unknown quality and quantity of the existing drinking water supply at Jimbilum may limit the potential growth of the settlement in the future. It is therefore recommended that appropriate analysis of the settlement's drinking water supply occurs, in order to determine compliance with the Australian Drinking Water Guidelines and whether the sustainable yield meets current and projected usage levels. This should occur prior to any significant investment at Jimbilum in the future.

An assessment of the drinking water supply could be undertaken as part of the preparation of a Drinking Water Source Protection Plan (DWSPP) for Jimbilum. In order to ensure that existing and future drinking water supplies are appropriately protected, a DWSPP should be prepared by the appropriate agency. 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. DWSPPs also define areas of land within which land uses are restricted in order to protect drinking water that is harvested within that area, and are based on hydrological analysis of the particular circumstances of the water source and the settlement/s it serves.

It is acknowledged that analysis of the existing water supply or the preparation of a DWSPP is unlikely in the immediate future, given that no agency has responsibility for the provision of essential services to Jimbilum.

As an interim measure it is recommended that a functioning water treatment/filtration system be provided at Jimbilum to address the issue of sediment in the drinking water, and that the bore be connected to the reticulated power to ensure a reliable and year-round drinking water supply.

4.4 Bushlight Facility

At the time of preparation of the LP, the Centre for Appropriate Technology (CAT) had already engaged a contractor to construct the proposed Bushlight facility at a location approximately 120m west of the bore. The WAPC 'Aboriginal Settlements Guideline 3: Layout Plan Exclusion Boundaries' policy 2012 recommends a 500m buffer for groundwater sources, and CAT were consulted in relation to finding an alternative site further away from the bore. CAT advised that relocation of the proposed facility would require re-tendering of the works, which would place the entire project at risk due to funding constraints.

A number of design features of the proposed Bushlight facility mitigate any potential impacts on the nearby drinking water supply. CAT advised that the proposed facility is to be a stand alone solar energy powerhouse that has a diesel generator as a back up only. CAT have also previously installed Bushlight solar power systems in significant environmentally sensitive areas in the Northern Territory, with the environmental impact deemed to be minimal.

In addition, identifying a site for the proposed Bushlight facility is constrained by the size of the CLA for Jimbilum. The western portion of Lot 859 contains numerous soaks and is therefore unsuitable for urban development. The remainder of Lot 859 contains urban development that should generally be protected from the impacts of a diesel generator.

4.5 Electricity Supply Upgrade

The proposed Bushlight facility is designed to provide sufficient power for the existing dwellings at the settlement only. The future growth of Jimbilum is therefore largely contingent on the upgrading of the settlement's power supply.

Options for upgrading Jimbilum's power supply include connecting to the reticulated town grid and increasing the solar array of the Bushlight facility. Should Jimbilum be provided with reticulated electricity, it is recommended that the Bushlight facility be relocated to another settlement without a connection to the town grid.

4.6 Future housing

Based on a residential density of five people per house, Jimbilum would require 9 houses in total to accommodate the *design and aspirational* population of 45. The LP plans for 9 residential SL-lots in total.

There are a limited number of suitable locations for future housing at Jimbilum due to the existence of numerous physical constraints at the settlement. The eastern portion of the settlement is constrained by Packsaddle Creek and the settlement's drinking water bore, the southern portion of the living area is constrained by a proposed cadastral boundary, and development is constrained by the no-go area in the centre of the settlement.

It is recommended that the provision of housing at Jimbilum be prioritised in the following manner:

- Short-medium term - SL-lots 7, 8 & 9 are relatively cleared of vegetation and close to existing essential services.
- Long term - SL-lots 10-13 require vegetation clearing, filling and draining, and connection to essential services. The access road to these future residential lots requires grading and compacting prior to residential development.

4.7 Road layout

The road layout depicted in the LP generally reflects the simple settlement layout (SL) road system that currently exists at the settlement. All of the settlement's SL roads are generally based on informal, unconstructed tracks that require clearing of vegetation and construction of a trafficable carriageway.

SL roads are generally 20m in width. A simple system of table drains should be incorporated into the road verges as the SL road network is formalised to assist with stormwater conveyance. The SL road network should also be used as the alignment for essential service infrastructure such as power lines and water pipes.

4.8 Lot numbering

The LP assigns a settlement layout lot (SL-lot) number to every designated land area at Jimbilum., A simple road naming system has also been employed. The purpose of this is to provide a unique identifier to each designated land area for administrative purposes and to assist with the delivery of essential/emergency services.

The SL-lot numbers have been adopted as a guide only, and do not exist in any legal sense. SL-lot numbers and road names can change subject to approval from the resident community and endorsement by the Western Australian Planning Commission.

4.9 Wastewater Disposal

Improvement to the method of wastewater disposal is required to minimise the risk of contamination to the groundwater system. The long-term solution is to provide a reticulated sewerage service, although it is acknowledged that there is a lack of funds to do so and no agency is assigned the responsibility for the construction and ongoing maintenance of such infrastructure at Jimbilum.

It is therefore recommended that improvements to the current method and/or new methods of on-site effluent disposal be investigated. Possible improvements to the current method include: the use of filters on the outlet of septic tanks to reduce the amount of solids in the outgoing effluent; an alternating system of two or more leach drains with a diverter box to change the flow of effluent (allowing the unused portion to dry out); and regular desludging of septic tanks as part of a systemic maintenance regime by a responsible agency. Alternatively, the site suitability of the various alternative treatment units approved by Department of Health for use in WA should be investigated.

Any effluent disposal system should comply with the specifications of the Department of Health and the Shire's Environmental Health department. It is also recommended that the settlement's drinking water supply be regularly tested in order to identify any potential contamination.

5 PLANNING FRAMEWORK

5.1 State Planning Policies

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

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

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

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

5.2 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.

5.3 Shire of Wyndham-East Kimberley

Local Planning Scheme No. 9

The Shire of Wyndham-East Kimberley Local Planning Scheme No. 9 (LPS 9) was gazetted on 19 February 2019.

The outer area of Jimbilum is zoned settlement under LPS 9 which identifies existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places.

However, the settlement living area is inappropriately zoned in LPS 9 as 'Agriculture- State or Regional Significance'. This will be required to be corrected by way of a scheme amendment to reflect the existing development at Jimbilum.

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 is a requirement of the settlement zoning (see current Scheme zoning in Figure 4 on the following page).

LPS 9 states development in the Settlement Zone is to accord with an endorsed Layout Plan and provide for:

- (a) a mix of land uses typically found in Aboriginal Settlements, including light industrial, tourism, residential, commercial, community, recreation and public utility; protecting sensitive areas such as No Go areas and drinking water source protection areas from inappropriate development.
- (b) traditional law and culture.

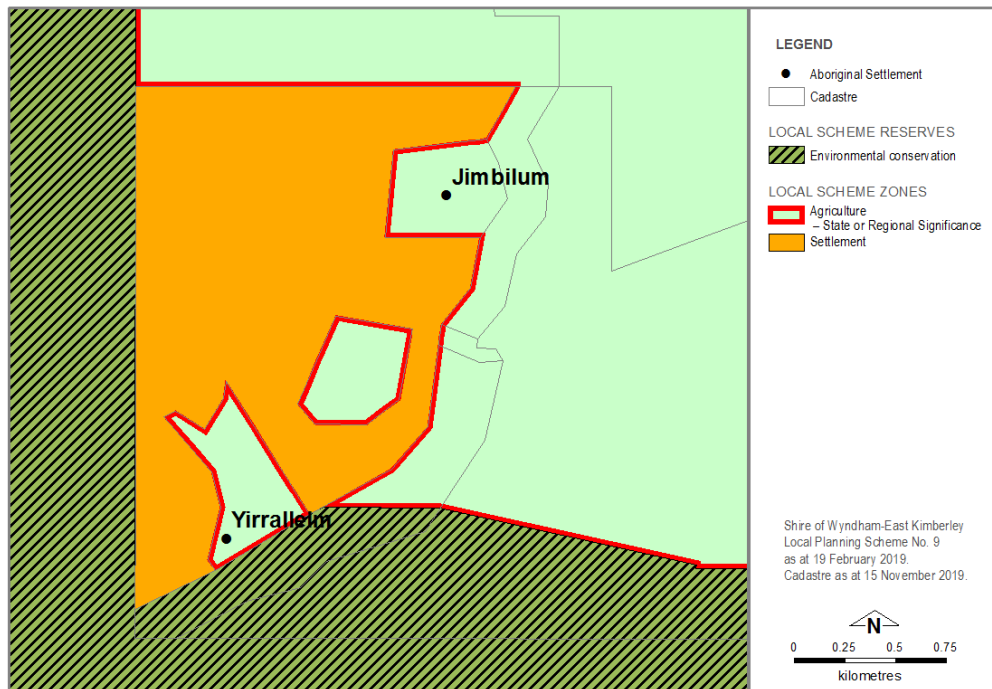


Figure 7 - Land classification under SWEK LPS 9, Jimbilum and Yirrallilm

Local Planning Strategy

The Shire of Wyndham-East Kimberley Local Planning Strategy (endorsed by the WAPC 21 August 2019) provides a vision for the growth and development of the Shire over a 10-15 year time frame. The strategy notes that Layout Plans should be prepared for all remote settlements, and should incorporate planning for infrastructure within and to these settlements and that existing Layout Plans within the Shire should be reviewed for currency.

6 ENDORSEMENTS

Jimbilum Dawang Endorsement

Jimbilum Community Layout Plan No.1

The Jimbilum Dawang hereby adopts the **Jimbilum Community Layout Plan No. 1 (2010)** as a guide for future development within its boundaries.

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

The 26 Day of NOVEMBER 2010

Adopted by Jimbilum Dawang:

B. Hapke

Representative
[Please print and sign name]

Representative

Representative

Representative

Representative

Representative

MG Corporation Endorsement



Jimbilum Community Layout Plan No.1

PO Box 2110
Kununurra WA 6743

MG Corporation (representing the traditional owners of Miriuwung Gajerrong #1 & #4 native title determinations) hereby adopts the **Jimbilum Community Layout Plan No. 1 (2010)** as a guide for future development within the native title determination area.

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

The 17 Day of January 2010

Adopted by the MG Corporation Board:

M. Ull

Ted Carlton

M. Ull

TED CARLTON

Director
[Please print and sign name]

Director
[Please print and sign name]

Ian Summers

Director IAN SUMMERS

Director

Helen Gerrard

Director HELEN GERRARD

Director

Edna O'Malley

Director EDNA O'MALLEY

Director



Jimbilum Community Layout Plan No.1

PO Box 614
Kununurra WA 6743

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

The 21ST Day of JUNE 2010

Endorsed by the Shire of Wyndham-East Kimberley:



OR FRED MILLS

Shire President
(Please print and sign name)



GARY GAFFNEY

CEO
(Please print and sign name)

Council
Seal



Jimbilum Community Layout Plan No.1

469 Wellington Street
Perth WA 6000

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

The 29th Day of September 2011

Signed for and on behalf of the Western Australian Planning Commission

Deah Loan

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. Wrecla

Witness

29. 9. 2011 Date

CONSULTATION & REFERENCES

CONSULTATION SUMMARY

Preparation of this Layout Plan is the result of consultation with the community representatives and a range of agencies, authorities, non-government organisations during 2009-2010.

Information was obtained from the following sources.

Organisation	Date
Jimbilum site visits	Oct 2009 Mar 2010
MG Corp/OES	Oct 2009
Australian Bureau of Statistics	June 2009
State Land Services, Department of Regional Development & Lands	July 2010
Department of Indigenous Affairs	June 2010
Department of Housing	July 2010
Kununurra KWAC Aboriginal Corporation	July 2010
Shire of Wyndham-East Kimberley	Oct 2009 Aug 2010
Landgate	Oct 2009 July 2010
Horizon Power	July 2010
Department of Water	June 2010

The PACP team of the former Department of Planning would like to thank Mr Lawford Benning and Ms Anna Moulton of the Ord Enhancement Scheme for their assistance in co-ordinating and mediating site visits to communities in the Ord Valley.

REFERENCE

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Skyring, F. 2004 'History, development and Ord 1 today', in Kimberley Land Council (KLC) 'Ord Stage 1: Fix the Past, Move to the Future. Aboriginal Social and Economic Impact Assessment of the Ord River Irrigation Project'. Unpublished report by the KLC, Broome.

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AMENDMENTS

Jimbilum Layout Plan 1

Amendment 1

Plan Date : 26 November 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 Jimbilum 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 Jimbilum 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

Date 10/10/ 2012

RECEIVED & RECORDED IN RECORDS
OF THE STATE OF WEST AUSTRALIA
COMMUNICATIONS

9 OCT 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.

Proponent : Department of Planning, Lands and Heritage

Date : 17th January 2020

Reason for the Amendment

The Shire of Wyndham-East Kimberley (SWEK) Local Planning Scheme 9 (LPS 9), was gazetted on 19 February 2019, Layout Plan No.1 (LP 1) needs to be amended to match LPS 9. LP 1 includes a 'Recommended Settlement Zone' for the full extent of Yirrallelm (Lots 936 and 937), Jimbilum (Lot 859) and the shared undeveloped residual land (Lot 5012). Yirrallelm (Lots 936 and 937) and Jimbilum (Lot 859) are zoned 'Agriculture- State or Regional Significance' in LPS 9. Lots 5012 is zoned 'settlement in LPS 9.

In response, LP 1 is to be amended to replace the 'recommended settlement zone' with settlement zone over Lot 5012. The 'recommended settlement zone' is to remain over Yirrallelm (Lots 936 and 937) and Jimbilum (Lot 859).

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

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

Land Identification		Amendment description
1.	All	<p>Add 'Settlement' zone to match the SWEK LPS 9.</p> <p>Retain the 'Recommended Settlement Zone' for the portion of land zoned 'Agriculture- State or Regional Significance' in LPS 9.</p> <p>Delete the remainder of the 'Recommended Settlement Zone'.</p>
2.	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*.

Determination

Ashley Randell

Director, Regional Planning Policy
Regional Planning
PN: 15151

date

17/01/2020

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.