

KOONGIE PARK LAYOUT PLAN 2

This background report was prepared between 2009 and 2010 by Aurecon in partnership with the Koongie Elvira Aboriginal Corporation (KEAC).

Layout Plan 2 (LP2) was endorsed by KEAC on 30 November 2010. The Western Australian Planning Commission (WAPC) endorsed the LP on 29 September 2011.

During the period September 2011 to February 2019 the WAPC endorsed 6 amendments to LP1. The endorsed amendments are listed in Part 7 of this report. All of the amendments were map-set changes, with no changes made to the background report.

In May 2020 the background report was updated as a part of Amendment 7. The Amendment 7 background report update sought to keep all relevant information, while removing and replacing out-of-date references and data.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.

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.

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Community Representative Organisations

Resident community representative organisation	: Koongie Elvira Aboriginal Corporation
Traditional Owners representative organisation	: Kimberley Land Council
Related organisations	: Koongie Park Pastoral Aboriginal Corporation

Acronyms

ABS	: Australian Bureau of Statistics
AHA	: Aboriginal Heritage Act (WA) 1972
AHIS	: Aboriginal Heritage Information System
BOM	: Bureau of Metrology
DIA	: Department of Indigenous Affairs
DoC	: Department of Communities (Housing)
DoH	: Department of Housing
DPLH	: Department of Planning, Lands and Heritage
EHNS	: Environmental Health Needs Survey
HMA	: Housing Management Agreement
IARE	: Indigenous Area
ILUA	: Indigenous Land Use Agreement (under the Native Title Act 1993)
KEAC	: Koongie Elvira Aboriginal Corporation
LP	: Layout Plan
LPS	: Local Planning Scheme
MRWA	: Main Roads WA
NNTT	: National Native Title Tribunal
NTA	: Native Title Act (Commonwealth) 1993
ORIC	: Office of the Registrar of Indigenous Corporations
PBC	: Prescribed Body Corporate (under the NTA, representing native title holders)
PTMS	: Property Tenancy Management System
REMS	: Remote Essential and Municipal Services
RNTBC	: Registered Native Title Body Corporate
SL-lot	: Settlement Layout Lot
SoHC	: Shire of Halls Creek
SPP	: State Planning Policy
WAPC	: Western Australia Planning Commission

Layout Plans & the Development Process

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

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

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

EXECUTIVE SUMMARY

The Koongie Park Layout Plan No. 2 was prepared between 2009 and 2010. The tables below summarise the main issues concerning the planning, development and provision of services within Koongie Park, covered in more detail in the body of this report.

Table 1 – Population Summary

Existing Population :	40
Aspirational Population :	90
Design Population :	100

Table 2 - Place Characterisation Indicators

Indicator	Community Characteristics
Drinking water	Two electric bores with gas chlorination disinfection and elevated 47kL tank storage. Maintained through the REMS program.
Electricity	Power is provided by Horizon Power as part of its Regional Non-Interconnected System. Internal reticulation responsibility of REMS.
Flood / storm surge	Settlement and infrastructure is not subject to flooding; some inundation experienced from excessive stormwater flows during high rainfall events.
Land tenure	Settlement and infrastructure are located on two titles, Crown lease LAB L284995 (Lot 132 on DP 191020) and part of the Koongie Park pastoral lease LPL N049860 (Lot 109 on DP 194260).
Wastewater	Wastewater is reticulated from all dwellings to wastewater treatment ponds located to the west of the community. Maintained through the REMS program.
Emergency assistance	The nearest police and medical emergency services are located in Halls Creek, approximately 15 minutes travel time by road.
Education	Education facilities to year 12 in Halls Creek, approximately 20 minutes travel time by bus.
Health	Health facilities at Halls Creek, approximately 15 minutes by road.
Food	Retail outlets at Halls Creek, approximately 15 minutes by road.
Transport	Road access from Great Northern Highway. Air access is via Halls Creek Airport.
Waste services	The unregulated refuse tip is located north of the Great Northern Highway on Koongie Park pastoral lease and is approximately 1.3km from the settlement. Access to the rubbish tip can be limited in the wet season.
Employment & enterprise	Some seasonal labour related to pastoral operations, no other formal employment. Employment opportunities at Halls Creek townsite within 15 min drive.
Governance	Koongie Elvira Aboriginal Corporation.
Aboriginal heritage	The community is located on part of the area of the Jaru (WAD45/2012) determination and part of the Koongie-Elvira (WAD45/2019) native title claim.

LP1 plans for future expansion of the community and formalises existing infrastructure and land-uses and provides a settlement layout lot (SL-lot) and settlement layout (SL) road design.

The major purpose of the LP1 is to guide the growth and development of Koongie Park by providing a layout of existing and future land uses in the community. LP1 addresses future growth issues in the context of constraints to development including available land for growth of the living area and the location of essential service infrastructure.

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

DEVELOPMENT PRIORITIES

The following initiatives were developed by the community in 2009 -2010 to implement LP2. The community identified several issues as important in the development of the community. These included:

1. Realignment of boundaries of settlement layout lots (SL-lots) 47 – 50 to match development which had taken place since 2002.
2. Removal of demountables on SL-lot 43 to make way for future housing.
3. New housing to accommodate demand and associated fencing and numbering of house SL-lots.
4. Inclusion of an area for a future school and associated oval/sporting facilities to the east of the current residential area, along with other youth services.
5. Inclusion of a housing SL-lot for teachers' quarters.
6. Change of zoning on SL-lot 1 to Industrial use for workshop/maintenance yard.
7. Reconsideration of options for aged care and other residential and community land identified on LP1 on SL-lots 11 – 16, including a location for a future Community Store and other potential land uses and enterprises near the entry to the community.
8. Landscaping buffer between the residential area and Great Northern Highway.

Implementing the Layout Plan

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

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

1 BACKGROUND

1.1 Location & Setting

Koongie Park (also known as Lamboo Gunian) is in the Shire of Halls Creek, located approximately 18 kilometres south-west of Halls Creek on the Great Northern Highway.

While Halls Creek is an important service centre for Koongie Park residents, the nearest major centre is Kununurra, approximately 380km to the north-north east.

There are no significant watercourses in the close vicinity of Koongie Park, although the basins of the Mary River and the Margaret River are to the immediate south-west and west of Koongie Park respectively. No permanent surface water occurs at Koongie Park and only minor flooding occurs in the creek catchment to the south of the developed area at times of high rainfall.

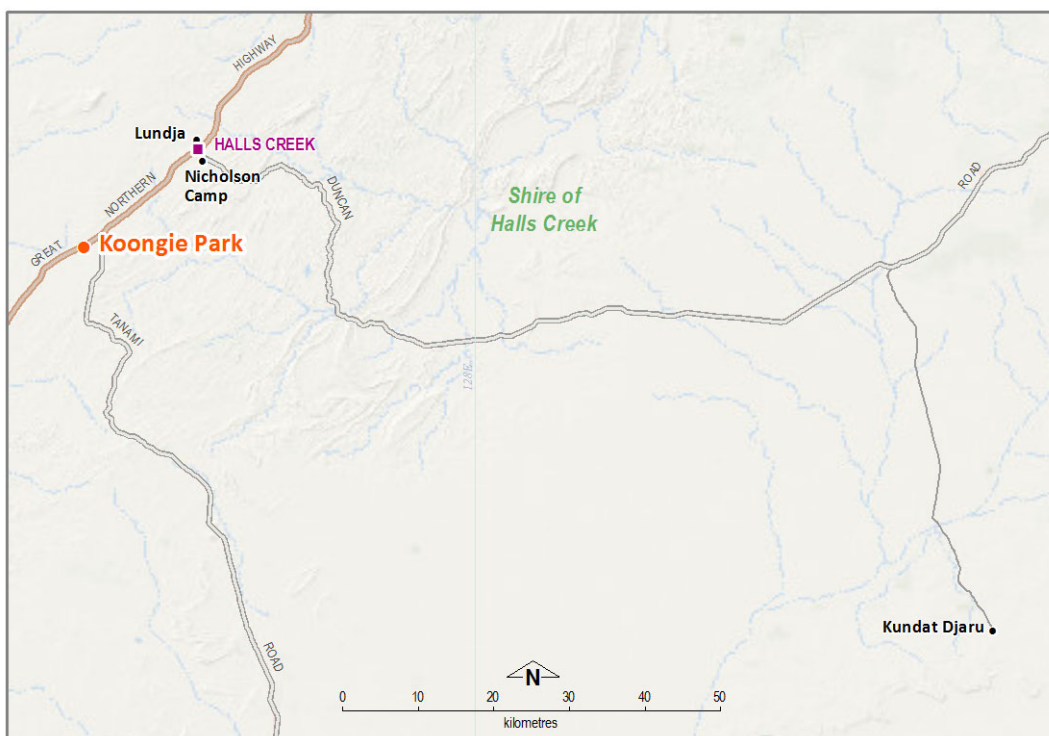


Figure 1 - Location of Koongie Park

1.2 Climate

The climate of the greater Halls Creek region in which Koongie Park is located, is tropical semi-arid. Due to its location near the wetter northern regions, Koongie Park enjoys tropical weather conditions in the wet season, but because of its distance from the coast and proximity to the Great Sandy and Tanami Deserts, it also experiences cool nights with considerable variation in daily minima and maxima during the months May-August.

The result of a sub-tropical ridge to the south of Halls Creek and a low-pressure system active in the Kimberley during the hotter months is a wind pattern where easterly and south-easterly winds prevail for most of the year.

Traditionally, Aboriginal people of the East Kimberley region have observed five seasons, each of which has definite associations with the emergence of particular flora and fauna. The months of Sep/Oct/Nov are associated with dry, new shoots, whilst December, January and February are

traditionally regarded as a time of water. March, April and May is routinely identified as wet and green, and June and July as cold. August and September is regarded as a hot time (Kaberry 1935). The nearest location with recorded climate data is Halls Creek, approximately 18 km to the north-east. There is an easily identifiable wet season in the Halls Creek region, with over 80% of the region's rainfall usually falling in the months of December, January, February and March. Around 52% of the average annual rainfall (576 mm) generally falls in January and February, making these months difficult periods in which to travel. April and May are typically warm to hot, but with moderate rainfall, marking the transition to a 'dry season'. The months of June, July, August and September are typically dry and warm to hot, before becoming hotter and humid from October through March.

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

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

Source: Bureau of Meteorology

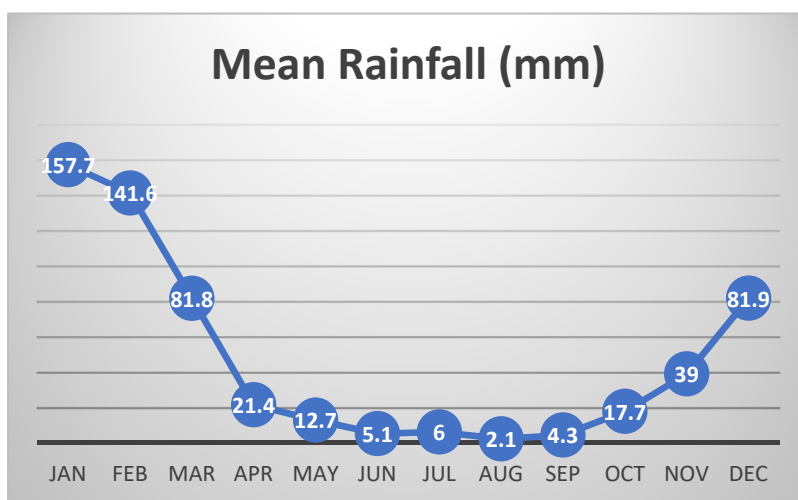
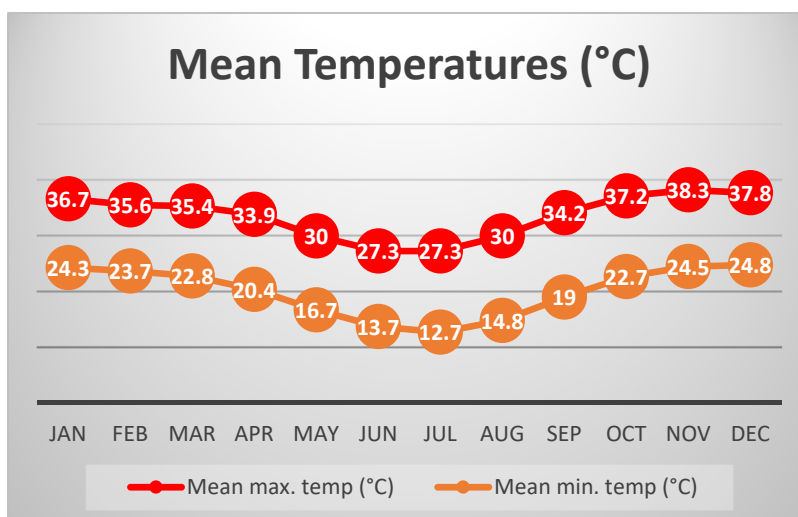


Table 4– Halls Creek mean temperatures (1948 to 2018)

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

Source: Bureau of Meteorology



1.3 History & Culture

Please note that this is a concise summary of the post-settlement history of Koongie Park, and is for the purposes of understanding the settlement.

Early contact history

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

One of the outcomes of this record of violent conflict was a concerted government and mission presence in the East Kimberley, including the Western Australian government's establishment of the Moola Bulla institutions in 1910. Moola Bulla, to the immediate north-west of Koongie Park, was established as a training institution and ration depot for the regional Aboriginal population of around 200 (predominantly Jaru and Kija) Aboriginal people. A mission was established on this site in 1939, and continued until Moola Bulla was abruptly sold to private interests in 1955. This sale meant to dispersal of Jaru and Kija people to different areas, with many people leaving to live and work on pastoral stations (Achoo et al 1996).

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

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

This resulted in a large out-migration from pastoral stations to towns and reserves. Jebb (2002) estimated that by the late 1970s, only 15% of Aboriginal people in the Kimberley remained on Kimberley stations. This also meant that many stations that had depended on cheap skilled Aboriginal labour became unviable. For the Koongie Park, Elvira, Moola Bulla and Lamboo stations, nearby Halls Creek was the most common destination for ex-pastoral workers and their families.

The 'Homelands' movement – 1970s and 80s

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

Koongie Park station was purchased by its traditional owners in 1988, and Louisa Downs, Mt Pierre and Bohemia Downs were acquired in the following year.

These transactions, however, invariably follow a long association of particular groups and families with particular stations and their previous owners. The Gordon family, one of the main families associated with, and living and working on Koongie Park, lived for many years on old Lamboo station, which abuts the Koongie Park lease. Monty Gordon sought the ownership of Koongie Park and Elvira station, and these leases were eventually acquired with the assistance of the Aboriginal Development Commission in 1988. The gaining of these leases preceded the actual development of Koongie Park's community infrastructure.

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

The pursuit of a formal recognition of Aboriginal land rights has gained momentum since the late 1970s, with the founding of the Kimberley Land Council in 1978, and the Seaman Inquiry of 1984. This process was given further impetus with the passage of the Commonwealth *Native Title Act 1993*, which established a framework for the lodging of native title claims. In 1996, a claim was lodged over Moola Bulla pastoral lease, followed in 1999 by the Lamboo claim (over Lamboo station) and Koongie-Elvire claim (over Koongie Park and Elvira pastoral leases).

In 2010, the Koongie-Elvire native claim was registered, thereby giving native title holders the right to negotiate with the proponents of proposed activities on the Koongie Park and Elvira station.

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

Culture

The earliest anthropological records (Kaberry 1935, 1938) of the East Kimberley region identify the Jaru (or Djaru) and Kija groups as having traditional connection to the greater Halls Creek region. It is helpful to think of both Jaru and Kija as 'language locality labels', that is, a label that identifies particular areas with particular languages.

However, it was routinely stressed during consultations with Koongie Park community members, that inter-marriage between Jaru and Kija (and other language group members) people has been taking place for many generations, and was most likely accelerated by the further integration of Jaru and Kija people at Moola Bulla between 1910 and 1955, and subsequently in town settings like Halls Creek. Nevertheless, early anthropological accounts record places named in the Jaru language on areas generally considered to be Kija, and vice versa, suggesting a long and sustained inter-relationship of two groups.

During direct consultations with Koongie Park community members, different people identified themselves with either Jaru or Kija language groups, but were quick to stress that there was a high degree of inter-relationship between these identities. The rules relating to membership of the Koongie Elvira Aboriginal Corporation make no reference to language or cultural groups; rather, they stress normal residence on Koongie Park or Elvire stations as key criteria of admission to membership.

Whilst co-residents of Koongie Park may identify with different languages, all people living at Koongie Park share customs relating to traditional religious understandings, protocols relating to traditional knowledge, and rules of behaviour that relate to respect for the significance of the regional landscape.

1.4 Soils

The soil consists of a mixture of sandy loams, heavy clays underpinned by shale and bedrock of granite. In addition, the soil has poor absorbent capacities for wastewater disposal. To the south of the community on the area identified for Enterprise Development there is significant evidence of blacksoil - highly unstable clays (Practical Management and Development Pty Ltd 2002).

1.5 Previous Layout Plan

Layout Plan 1 was completed for Lamboo Gunian in 2001/2002 and endorsed by the WAPC on 10 September 2003. The LP was identified to be generally consistent with State Planning Policy (SPP) No.13 and the Guidelines for the Preparation of Community Layout Plans and had been endorsed by both the Community Council and the Shire of Halls Creek. It identified the resident population as being approximately 90 - 100 people.

In 2010, Layout Plan 2 was prepared by Aurecon in partnership with the Koongie Elvira Aboriginal Corporation, in response to social / cultural issues and significant changes to the management of the community.

2 COMMUNITY PROFILE

2.1 Population

Table 5 – Population

Existing Population :	40
Aspirational Population :	90
Design Population :	100

Existing Population

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

Population estimates also vary depending on the time of year of enumeration, methods and sources by which data are collected.

As Koongie Park is not listed by the Australian Bureau of Statistics (ABS) as an Indigenous Area (IARE) there are no population estimates available from that source.

The population estimates in Table 6 are sourced from Layout Plan 1 2003, the Environmental Health Needs Survey (EHNS) undertaken by the former Department of Indigenous Affairs in 1997, 2004 and 2008, and the Department of Communities' Property Tenancy Management System (PTMS) from 2009, 2013 and 2019. These are:

Table 6 – Population figures by source 1997-2013

Population figure source	1997 ENHS	2003 LP1	2004 ENHS	2008 ENHS	2009 DoH	2010 LP2	2013 PTMS	2019 PTMS
Total persons	100	90-100	120	31	38	50	31	40

Based on the available data, the population of Koongie Park is estimated to be **40** people.

Aspirational Population

Aspirational population refers to the resident community's expected future population in the settlement within the next 10-15 years. At the time of the 2010 consultation, the population of Koongie Park was expected to increase over the next 15 years to **90**, based on a 2010 population of 50 and an annual growth rate of 4 per cent.

Design Population

The design population is intended to reflect the number of people the LP plans for, taking into consideration the community's aspirational population, the estimated population growth rate over the years and the servicing and physical constraints of the community.

Based on the community's aspirational population, LP2 in 2010 assumed a design population of 100 residents. This figure should be re-evaluated when a new LP is prepared for Koongie Park.

The community would require 7 new houses in total to accommodate a population of **100**.

2.2 Governance

Incorporated Community

The community is managed through its incorporated body - Koongie Elvira Aboriginal Corporation (KEAC). The community was first incorporated in 1980 under the *Aboriginal Councils and Associations Act 1976* as the Lamboo Gunian Aboriginal Corporation, however in 2009 the community registered its change of name to the Koongie Elvira Aboriginal Corporation under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

The objectives of KEAC are:

All objects are charitable and include:

- a) To operate enterprises associated with the Koongie Park and Elvira pastoral leases and other enterprises as appropriate.
- b) To manage the Koongie Park community.
- c) To support the social development of its members in all ways.
- d) To help bring about the self support of its members by the development of economic projects and industries.
- e) To support education, job training, health services, work and housing for its members.
- f) To help and encourage its members to manage their affairs upon their own lands.
- g) To help and encourage its members to keep and renew their traditional culture through appropriate cultural training and mentoring.
- h) To help build trust and friendship between its members and other people.
- i) To participate with other Aboriginal Associations in projects for their mutual benefit.
- j) To receive and spend grants of money from the government of the Commonwealth or of the State or from other sources.

KEAC is registered with the Office of the Registrar of Indigenous Corporations (ORIC). Documents on KEAC can be obtained from www.oric.gov.au

2.3 Land Tenure

Koongie Park is located on the following titles, as of May 2020:

<i>Tenure</i>	Crown lease LAB L284995
<i>Lot Details</i>	Lot 132 on Deposited Plan 191020
<i>Certificate of Title</i>	LR3005/264
<i>Primary Interest Holder</i>	State of WA
<i>Area</i>	172.7 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Leased to Koongie Elvira Aboriginal Corporation
<i>Tenure</i>	Part of pastoral lease LPL N049860 Koongie Park
<i>Lot Details</i>	Lot 109 on Deposited Plan 194260
<i>Parcel Identification Numbers</i>	635908 and 635910
<i>Land IDs</i>	1859234 and 4214993
<i>Primary Interest Holder</i>	State of WA
<i>Area</i>	38,502.2 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Leased to Koongie Elvira Aboriginal Corporation

All community housing is located on Lot 132 while some infrastructure (rubbish tip and wastewater ponds) are located on Lot 109.

2.4 Native Title

There are two native title matters which cover the Koongie Park settlement zone, as May 2020. These are:

Application Name	Federal Court ref.	NNTT ref.	Register	Status	Representative
Koongie-Elvira	WAD45/2019	WC1999/040	Schedule	Active	Kimberley Land Council
Jaru	WAD45/2012	WCD2018/013	Determination	Native title exists in parts of the determination area	Kimberley Land Council

The majority of the Koongie Park community is located on the Koongie-Elvira native title claim, while a portion of the south-east corner of the community is located in the Jaru determination area.

Spatial searches for native title matters can be undertaken using the National Native Title Tribunal's spatial search tool, Native Title Vision, available at:

<http://www.nntt.gov.au/assistance/Geospatial/Pages/NTV.aspx>

Background to Native Title in Australia

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

Native title is defined by section 223 of the NTA as:

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

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

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

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

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

Native title rights and interests are also variously affected by different forms of land tenure. For example, native title rights and interests are generally extinguished by valid grants of freehold tenure (see Division 2B of the NTA and also Ward and Lawson decisions) while native title may co-exist with pastoral leases, but if there is any inconsistency between the two then pastoral interests are likely to prevail (see Wik decision).

Additionally, ILUAs can be entered into so that agreement can be made about instances when the non-extinguishment principle applies.

More information about native title can be obtained from the [National Native Title Tribunal](http://www.nntt.gov.au).

2.5 Aboriginal Heritage

Notwithstanding the previous section, the following discussion of heritage matters was derived from consultation with the community and a desk-top survey of sites registered under the *Aboriginal Heritage Act (WA) 1972* (AHA) using the [Aboriginal Heritage Information System](#) (AHIS).

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.

Registered Sites

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

There are no registered Aboriginal sites and one Other Heritage site in the vicinity of Koongie Park, as of May 2020. A summary of the site is listed below:

- **Site ID 13867** Laura River Tributary 3, Other Heritage Place, Artefacts / Scatter

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

Built Heritage

No built heritage was noted during the preparation of the Layout Plan in 2009-2010.

Impact of Aboriginal Heritage on Urban Growth in Remote Aboriginal Communities

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

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

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

No formal heritage assessment under the *Aboriginal Heritage Act 1972* has been undertaken as part of the preparation of LP2 and the LP Background Report and LP map-set do not represent clearance under that Act in any way. It is expected that any future development of housing and other infrastructure on the community be undertaken in consultation with the community and native title holders and cleared in accordance with the provisions of the AHA.

2.6 Community Aspirations

Koongie Park representatives who attended consultations meetings during 2009-2010 stated their wish to reinstate leadership within the community, and attract funding and services which could be directed towards maintenance and upgrade of existing infrastructure, as well as new housing.

The community identified several issues as important in the development of the community. These included:

1. Realignment of boundaries of settlement layout lots (SL-lots) 47 – 50 to match development which had taken place since 2002.
2. Removal of demountables on SL-lot 43 to make way for future housing.
3. New housing to accommodate demand and associated fencing and numbering of house SL-lots.
4. Inclusion of an area for a future school and associated oval/sporting facilities to the east of the current residential area, along with other youth services.
5. Inclusion of a housing SL-lot for teachers' quarters.
6. Change of zoning on SL-lot 1 to Industrial use for workshop/maintenance yard.
7. Reconsideration of options for aged care and other residential and community land identified on LP1 on SL-lots 11 – 16, including a location for a future Community Store and other potential land uses and enterprises near the entry to the community.
8. Landscaping buffer between the residential area and Great Northern Highway.

3 INFRASTRUCTURE & SERVICES

Infrastructure overseen by the Department of Communities' Remote Essential and Municipal services (REMS) program.

3.1 Electricity Supply

Power is provided by Horizon Power as part of its Regional Non-Interconnected System. Internal reticulation is the responsibility of the REMS program.

3.2 Water Supply

Water is supplied from two bores located to the east of the community on SL-lot 33, and pumped to an elevated tank on SL-lot 54. The bores yield 100L/m and 45L/m respectively. Water is treated with gas chlorination disinfection and pumped to an elevated 47kL storage tank.

The only reported issues occur when lightning strikes trip the power supply to the bore and the tank runs dry. The water tank, bores and sewerage system are maintained through the REMS program.



Figure 2 – Elevated water tank on SL-lot 54

3.3 Wastewater

Wastewater is reticulated from all dwellings to wastewater treatment ponds located to the west of the community on SL-lot 31. It uses gravity-fed sewer lines to feed a pump station which pumps the sewage to three evaporation ponds. The wastewater ponds are within the Koongie Park pastoral lease (lot 109, pastoral lease PL N049860).

In 2010, the community did not report any issues with the proximity of the treatment ponds as the prevailing winds appear to blow in a westerly direction, however this restricts further development to the western end of the living area. There is a wastewater pump station located on SL-lot 27 at the southern end of Freddie Street. The waste water ponds are maintained through the REMS program.



Figure 3 - Location of Koongie Park

Koongie Park Layout Plan No. 2

3.4 Rubbish Disposal

The refuse tip is located north of the Great Northern Highway and is approximately 1.3km from the settlement, on SL-lot 30. It is part of the Koongie Park pastoral lease (lot 109, pastoral lease PL N049860). The access road to the rubbish tip has a driving surface of uncompacted natural pindan sand, which can limit access in the wet season.

All types of rubbish are disposed of here e.g. car bodies, whitegoods, batteries, diesel drums, building materials. At the time of the 2010 consultation, the existing pits were full, and the tip was not being managed by the community due to lack of equipment and machinery. While the area is partly fenced, rubbish became strewn across a large area and not sorted or disposed of appropriately.

The unregulated rubbish tip is in a location that does not comply with government regulations or the WAPC Aboriginal Settlement Guideline 3: Layout Plan Exclusion Boundaries. The prescribed exclusion boundary for a rubbish tip is 2000 metres however, all housing and infrastructure is located within the 2000 metres exclusion boundary.

The most pressing need for the settlement is to secure a suitable new rubbish tip location, subject to constraints including land tenure and location of drinking water sources and creek systems. DPLH advised that this should be undertaken before substantial expansion of the settlement or growth in population. Remediation of the existing rubbish tip site should then follow.



Figure 4 - Koongie Park rubbish tip site, circa 2009

3.5 Airstrip

There is no airstrip located on Koongie Station. Air travel undertaken by the community is via the Halls Creek Airport, which is a 15 minute drive along Great Northern Highway (approximately 18 km). The airport is managed by the Shire of Halls Creek.

3.6 Internal Road Layout

At the time of the 2010 community consultation, internal community roads were unsealed and adequately formed for year-round access into and around the community area in a two wheel drive vehicle. All SL-lots are serviced by the existing settlement layout (SL) road layout. The internal roads

are gravel surfaced, most of the roads were well maintained. Dust was not identified as a significant issue and sealing of roads within the community was not a priority at the time of consultation.

While these SL roads have been named in the LP, signage is not present. The road names are derived in memory of Gordon family members.

3.7 Access & Dedicated Roads

Access to the community is via the sealed Great Northern Highway, approximately 18km from Halls Creek. While the highway crosses some creeks there are no significant flood ways between Halls Creek and Koongie Park. Great Northern Highway is maintained by Main Roads WA (MRWA).

Access roads to the bores and rubbish tip have a driving surface of uncompacted natural pindan sand, which can limit access in the wet season. Access to the sewage treatment ponds is via the highway and a short gravel surfaced track.

3.8 Community & Social Services

There is some dependence on the services provided out of Halls Creek, including the school, hospital and shops. Some services such as a clinic-run used to be provided to the community, but this has stopped.

Office

A large and relatively new Administration Centre is located at the entrance to the community on SL-lot 12 (Figure 5). The main hall is used as a gym. The community would like to use the Administration Centre for youth activities after school and during the holidays and for special events like a disco.



Figure 5 – Administration Centre

While the Administration Centre is a great asset to the community, it is currently underutilised. KEAC undertook to look at options to lease the Centre to run training programs, start up a community garden, and provide landscaping around the community amongst other things to maximise its use and generate employment and income opportunities for community members.

Recreation

A playground and sports area exist near the Administration Centre with some play equipment, however the field is not irrigated and maintained for sports use (Figure 6). In 2010, the community expressed a wish to have basketball and football facilities for use by the children.



Figure 6 - Playground area near the Administration Centre

School

Halls Creek District High School provides education to children from Koongie Park. A few students commute from a number of family communities within 20km of Halls Creek; and a small group travels by bus from Koongie Park Station and Lamboo Station (40km).

While the major emphasis continues to be Literacy and Numeracy for all students, secondary students focus on employment preparation. Horse riding and station skills programs have achieved high employment rates in the pastoral industry across the north of Australia. Further employment comes from Vocational Education programs which work closely with local government, local business and the mining industry. In recent years, a number of students have been successful in winning scholarships to private schools where they have been able to continue their higher academic achievement.

The school collaborates closely with indigenous agencies such as the Kimberley Language Resource Centre, Ngoonjuwah Aboriginal Corporation, Yuri Yungi Aboriginal Medical Centre and the Council of Elders to provide culturally appropriate programs and support.

The community has an aspiration to retain a future site for a School and Training Centre. This is located on SL-lot 28 at the eastern end of Colin Street where there is sufficient land to co-locate an oval/playing field near the site.

Arts Centre

The community has an aspiration to retain a future site for an Arts Centre near the entry to the community on Freddie Street.

Workshop

There are workshops and sheds on SL-lot 9, with vacant land set aside for future industrial land use on SL-lots 51 and 52.

Oval & Recreation

The LP has SL-lot 34 allocated for a future oval.

Cemetery

A cemetery exists to the north-west of the community area on SL-lot 14.

Garden

The community expressed a desire to establish a community garden on SL-lot 10. The garden would produce fruit and vegetables for use by community members.

Stockyards

The stockyards are located to the south of the community as shown in Figure 7. The yards are separated from the community area by the shallow creek making them appropriately located where they do not appear to impact on the nearby residents, however there is anecdotal evidence that dust and odour do cause nuisance.



Figure 7 – Stockyards and rodeo ground

A rodeo ground is located further south in SL-lot 32, which is used for practise in the lead up to the Halls Creek rodeo held in July each year.

4 HOUSING

4.1 Residential Areas

Though the residential area is not discretely defined or separated from community areas or station working areas, this does not prove dysfunctional. The key elements and patterns in the built form of the community include the north-south and east-west spines formed by Freddie Street and Colin Street. The main community areas exist at the junction of these two roads and at the main entry to the community from the Highway.

4.2 Number & Quality of Dwellings

There were 17 dwellings in the community as of 2019 (DoC), with 15 of these managed by the Department of Communities under the Koongie Park Housing Management Agreement (HMA).

Earlier dwellings were made of sandwich panels with a steel frame and concrete floor, while later dwellings were constructed with a steel frame and metal roof and wall sheeting.

4.3 Future Residential Development

LP No.2 allows for thirteen future residential SL-lots. SL-lots along Colin Street, which already have good access to utilities, should be developed first, with SL-lots along Sarah Street developed when the road is constructed and utilities can be extended to service the SL-lots.

Further residential development within or as a direct extension of the existing developed area is constrained by Great Northern Highway to the north, the creek line to the south, the bore fields buffer to the east and the sewerage treatment ponds to the west. Should there be a requirement for further residential development in the long term, the community indicated that this should occur to the south of the creek.

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

- **Priority 1** (short term) – four SL-lots on Colin Street for future housing which are already serviced by sewer, power and water, as well as land for group housing/single persons accommodation on SL-lot 43 which is also serviced;
- **Priority 2** (medium term) – three lots on Colin Street for future housing where service offtakes are required from the existing service alignment;
- **Priority 3** (medium to long term) – four lots on the new loop road for future housing where services are required to be extended along the new road to service the lots.
- **Priority 4** (long term) – there is scope to develop further houses within the existing developed area by decreasing lot sizes and have a layout of greater density.

5 CONSTRAINTS AND LIMITATIONS

5.1 Flood Hazard

Koongie Park floods during the wet season cutting access off along the Victoria Highway, usually for limited periods. Emu Creek flows along the north-western corner of the community, and it is not uncommon for the waters to encroach right up to the base of the northern housing.

The community adjoins the Emu Creek watercourse, which is a intermittent creek bed with little or no flow during the drier winter months. The community water supply is bore water however it is understood that there are permanent freshwater springs in the area. With a high proportion of rainfall occurring over a few months in the wet season, Emu Creek experiences great variability in surface water conditions. Stream flow generally occurs in the summer months of the monsoon season.

Emu Creek forms a minor tributary of the Ord River and the community can be inundated with floodwaters as it is situated within close proximity of the creek channel. Flooding events from Emu Creek in the wet monsoonal seasons have created a significant natural constraint for expansion of the community to the west.

5.2 Drainage

Natural and formed gullies exist through the community to convey stormwater flows from the north to the creek in the south. Two substantial drains and culverts are in place; one near the intersection of Colin and Freddie Streets, and one between SL-lots 40 and 50. Both have adequate land set aside for conveyance of flows.

There is a main dispersal drain from Great Northern Highway that discharges directly in to the community area, cutting off an area suitable for future development. MRWA has previously agreed to move this drain and detour storm water away from the main living areas. It is recommended that the relocation of this drain be undertaken prior to further development to the east.

There is also a formed drain, located east of the main entry road that flows to the creek. The banks of this drain have been damaged from livestock. It is recommended that measures be taken to stop livestock access to this drain.



Figure 8 – Creek crossing on Freddie Street to the south of the community (Nov 2009)



Figure 9 – Creek to the south of the community (March 2010)



Figure 10 – Culvert on Colin Street between SL-Lot 40 and 50

5.3 Drinking Water Source Protection Plan

The 2010 version of LP No. 2 recommended that a Drinking Water Source Protection Plan (DWSPP) be developed and implemented, and/or options be investigated for an alternative water supply source for the community. This was due to the proximity of existing and future development to the groundwater bores which supply drinking water to the community.

5.4 Bushfire

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

5.5 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 (2012)*.

6 PLANNING FRAMEWORK

6.1 State Planning Policies

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

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

The initial version of this background report was prepared prior to the *Planning and Development Act 2005*.

Future versions of this background report will have due regard for the following SPPs:

- SPP 3.0 – Urban Growth and Settlement;
- SPP 3.2 – Aboriginal Settlements; and
- SPP 2.7 – Public Drinking Water Source
- SPP 3.7 – Planning in Bushfire Prone Areas

6.2 State Planning Policy 3.2 - Aboriginal Settlements

SPP 3.2 was published in the Government Gazette on 11 May 2011. The objectives are to:

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

SPP 3.2 defines Layout Plan as the valid planning instrument applicable to Aboriginal settlements and prescribes the manner in which they are to be prepared, authorised and amended. SPP 3.2 requires that local governments classify land as 'settlement' zone in a local planning scheme.

6.3 Shire of Halls Creek

Local Planning Scheme No. 2

The Shire of Halls Creek Local Planning Scheme No.2 (LPS 2) was gazetted on 17th September 2019. Koongie Park is zoned 'Settlement' under LPS 2. The purpose of this zone is to identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places. Under the Scheme, preparation and endorsement of a layout plan in accordance with State Planning Policy 3.2, and ensuring that development accords with a layout plan, are requirements of the settlement zoning (see current Scheme zoning in Figure 11).

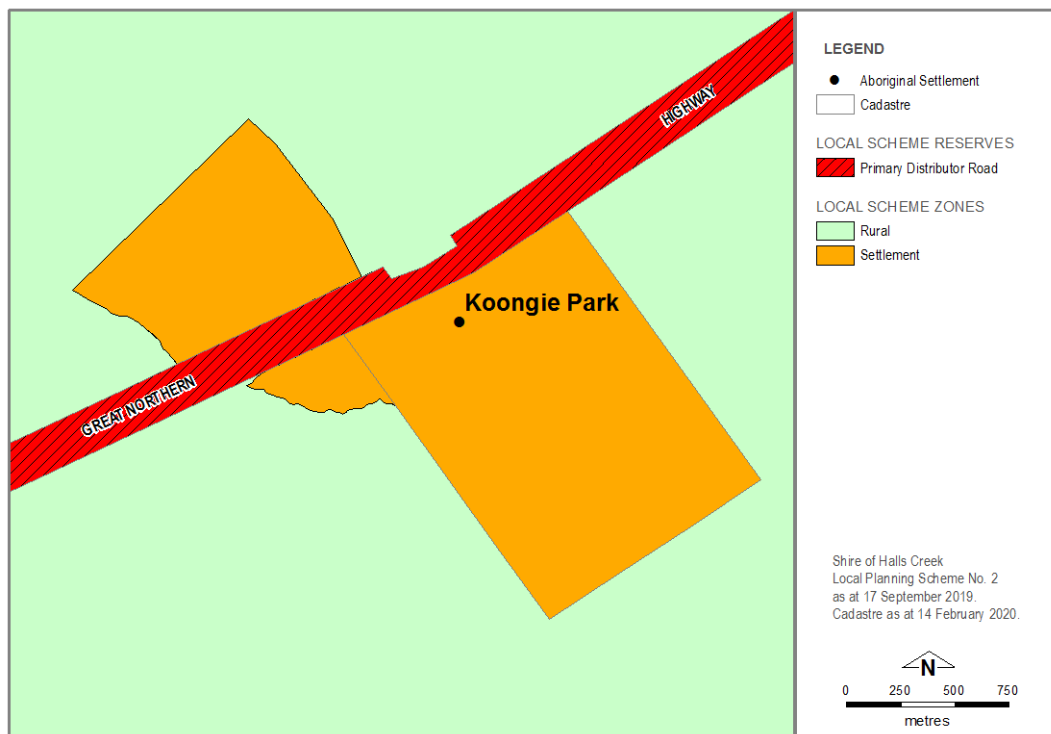


Figure 11 - Land classification under SoHC LPS 2 – Koongie Park

Local Planning Strategy

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

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

7 ENDORSEMENTS

Koongie Park Community Council Endorsement

Traditional Owners Endorsement

Shire of Halls Creek Endorsement

Western Australian Planning Commission Endorsement

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.

Informal and formal meetings and correspondence during this period are listed below.

Organisation	Date
Koongie Elvira Aboriginal Community Incorporated	16 November 2010
	25 - 26 February 2010
	4 – 6 August 2010
Kimberley Land Council	4 December 2010
	26 July 2010
State Land Services, Dept of Regional Development & Lands	20 November 2009
	11 August 2010
Department of Indigenous Affairs	30 March 2010
Department of Housing	26 February 2010
	25 March 2010
	3 - 4 August 2010
Community Development Employment Projects (CDEP)	3 August 2010
Kimberley Regional Service Providers	12 August 2010
	3 November 2010
Horizon Power	12 August 2010
Shire of Halls Creek	7 October 2009
	26 February 2010
	6 August 2010
Anglo Australia Resources	19 July 2010

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- WAPC 2011 State Planning Policy 3.2 - Aboriginal Settlements, Government of Western Australia
- WAPC 2019 Shire of Halls Creek Local Planning Strategy, <https://www.dplh.wa.gov.au/lps> Government of Western Australia

AMENDMENTS
