

Warmun Layout Plan 2

Background Report

February 2006

Date endorsed by WAPC



Amendments

Amendment 1 - June 2006

Amendment 2 - August 2009

Amendment 3 - November 2011

Amendment 4 - November 2012

Amendment 5 - November 2012

Amendment 6 - September 2013

Amendment 7 - December 2013

Amendment 8 - December 2013

Amendment 10 - April 2014

Amendment 11 - November 2014

Amendment 13 - September 2016

Amendment 14 - August 2017

Amendment 15 - December 2020

WARMUN LAYOUT PLAN 2

The Warmun Layout Plan 2 (LP2) was prepared during 2005 by consultants Taylor Burrell Barnet in association with Sinclair Knight Merz. LP2 has been endorsed by the resident community (13 July 2005) and the Shire of Halls Creek (25 August 2005). The Western Australian Planning Commission (WAPC) endorsed LP2 on 21 February 2006.

During the period June 2006 to August 2017 the WAPC endorsed 12 amendments to LP2. The endorsed amendments are listed in Part 7 of this report. Note; proposed amendments 9 and 12 did not proceed, and as such are not listed in Part 7.

With the exception of Amendment 3, all of the amendments were map-set changes only, with no changes made to the background report. Amendment 3 was prepared in response to the 2011 flood.

Consequently, the background report has become out-of-date, and in December 2020 it was updated as part of amendment 15. The amendment 15 background report update sought to keep all relevant information, while removing and replacing out-of-date references and data.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.

This layout plan does not include planning provisions for the Warmun Roadhouse and associated infrastructure as the land is zoned in the Shire of Halls Creek Local Planning Scheme No 2.

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	:	Warmun (Turkey Creek) Community Inc
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Acronyms

ABS	:	Australian Bureau of Statistics
AHA	:	<i>Aboriginal Heritage Act (WA) 1972</i>
AHIS	:	Aboriginal Heritage Information System
ALT	:	Aboriginal Lands Trust
AUSLIG	:	Australian Land Information Group
BOM	:	Bureau of Meteorology
DoC	:	Department of Communities (Housing)
DoE	:	Department of Education
DPLH	:	Department of Planning, Lands and Heritage
DWSPP	:	Drinking Water Source Protection Plan
EHNS	:	Environmental Health Needs Survey
HMA	:	Housing Management Agreement
ILUA	:	Indigenous Land Use Agreement (<i>under the Native Title Act 1993</i>)
LP	:	Layout Plan
NNTT	:	National Native Title Tribunal
NPARIH	:	National Partnership Agreement on Remote Indigenous Housing
NTA	:	<i>Native Title Act (Commonwealth) 1993</i>
NTRB	:	Native Title Representative Body
ORIC	:	Office of the Registrar of Indigenous Corporations
PTMS	:	Property Tenancy Management System
PBC	:	Prescribed Body Corporate (under the NTA, representing native title holders)
RASPP	:	Remote Aboriginal Swimming Pools Project
REMS	:	Remote Essential and Municipal Services
RFIP	:	Regional Planning and Infrastructure Framework
RDFS	:	Royal Flying Doctors Service
RNTBC	:	Registered Native Title Body Corporate
SL-lot	:	Settlement layout lot
SPP	:	State Planning Policy
WAPC	:	Western Australia Planning Commission
WCI	:	Warmun (Turkey Creek) Community Inc

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 Warmun Layout Plan 2 (LP2) was prepared during 2005 by consultants Taylor Burrell Barnett in association with Sinclair Knight Merz. It replaces Layout Plan 1 (1997). The tables below summarise the main issues concerning the planning, development and provision of services within Warmun, and these are covered in more detail in the body of this report.

LP No. 2 plans for future growth of the community, formalises existing infrastructure and land-uses and provides for future SL-lot layout and road design. This layout plan does not include planning provisions for the Warmun Roadhouse and associated infrastructure as the land is zoned in the Shire of Halls Creek Local Planning Scheme No 2.

The major purpose of the LP is to guide the growth and development of Warmun by providing a layout of future land uses in the community.

Table 1 – Population Summary

Existing Population :	366
Design Population :	500

Table 2 - Place Characterisation Indicators

Indicator	Community Characteristics
Drinking water	Water supply and distribution managed by DoC and is unregulated. Warmun's water supply is obtained from three operational production bores, two of the bores are used for potable water supplies and one is used for irrigation/filling the swimming pool.
Electricity	Horizon Power is the regulated service provider who manages the power infrastructure in Warmun. The power station is located adjacent to the community and Great Northern Highway. The facility is diesel generated with a rated capacity of 1.3 megawatts.
Flood	Warmun is located adjacent to Turkey Creek and is prone to flooding. A Floodplain Development Strategy is in place that guides land use planning and development to ensure future development has an adequate level of flood protection.
Land tenure	Warmun is made up of multiple tenure arrangements with the majority of the community located on Crown Reserve 34593 vested to the Aboriginal Lands Trust.
Wastewater	Warmun's effluent disposal system is managed by DoC under the REMS program. The system consists of wastewater sewage ponds and underground reticulation gravity sewers. The wastewater ponds are located to the east of the community.
Emergency assistance	The clinic provides a 24/7 emergency, nurse on call service. RFDS evacuations are available from the community airstrip. A Multi - Functional Police Facility is located within Warmun on SL-lot 2.
Education	Ngalangangpum school is a Catholic education school catering from years K-10. Ngalangangpum school is located on SL-lot 72 and has approximately 64 students.
Health	Health services in Warmun are provided by WA Country Health Services (Kimberley Population Health unit). Approximately 9 permanent staff and various visiting doctors and nurses from Kununurra are employed at the clinic.
Food	The Wungkul Store provides basic grocery supplies to Warmun. The nearby Warmun Roadhouse provides a variety of supermarket goods such as milk, bread, fresh fruit and vegetables, frozen foods, various household goods, fuel and takeaway foods.
Transport	The Warmun community is located approximately 160km from Halls Creek and approximately 195km from Kununurra via the Great Northern Highway.
Waste services	The Warmun waste disposal site is located approximately 500m north east of the nearest housing area. The site is unregulated.
Governance	Warmun Community (Turkey Creek) Inc (WCI) is a not for profit organisation and was incorporated under the <i>Associations Incorporation Act, 1895-1969 (WA)</i> in 1977.
Employment & enterprise	WCI is a major employer in the community with up to 50 staff, other employers include East Kimberley Job Pathways, Ngalangangpum School, the Clinic, Warmun Roadhouse, Wungkul Store, D and H Contracting, the Art Centre, Kija Rangers and DJ Rivers Electrical.
Aboriginal heritage	The community is located within the Yurriyangem Taam determination area (Federal Court no. WAD44/2019, NNTT no. WCD2019/006).

Implementing the Layout Plan

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

The future growth of Warmun 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 Warmun 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.

DEVELOPMENT PRIORITIES

Following the flood event that occurred in Warmun in 2011, the community identified several development priorities important to the rebuild of Warmun. These included:

1. A rebuilt community with the functions and character of pre-flood Warmun.
2. A broad range of conveniently located quality recreation facilities.
3. Ability to shop, to do community business, and to work at Warmun.
4. The care and education of children to young adults through childcare, early childhood learning, and quality schooling.
5. Respectful care of disabled and elderly residents.
6. Quality community meeting places for leisure and business.
7. Law and order from policing to the application of special community rules.
8. Health care and quality medical and dental facilities.
9. Recognising religion and traditional Aboriginal culture as core values for living in Warmun.
10. Having reliable and safe power supply and drinking water.
11. Opportunities for training, employment and enterprise.
12. Residential living arrangements that reflect family connections, history and culture.

Additional consultation was undertaken in 2019/2020. The community identified several development priorities important to the development of Warmun. These included:

Within the next year:

1. Interpretative park, recreation spaces and memorial sites.
2. Expansion of the existing basketball courts.
3. Walking paths and increased lighting.
4. Skate park.
5. Motocross track.
6. New rubbish tip.

Within the next 5 years:

1. Eco business park.
2. New residential housing.
3. Secondary football oval.
4. Tourism precinct.
5. Expanding the current health facility and providing additional services.
6. Workers café

Within the next 10 years:

1. Relocation of the water bores.
2. New waste water treatment plant.
3. Dog rescue centre.

Within the next 15 years:

7. New residential housing.

1 BACKGROUND

1.1 Location & Setting

The Warmun community is located approximately 160km from Halls Creek by sealed road and approximately 195km by sealed road from Kununurra. Warmun is located on the eastern side of Great Northern Highway.

The settlement is built on the banks of Turkey Creek, which drains a small, steep catchment before flowing north into the Bow River and eventually into the Ord River / Lake Argyle.

1.2 Environment and Climate

Environment

Warmun is located on the eastern edge of the Fitzgerald botanical district, which consists mainly of siliceous rocks, proterozoic sandstones, archaean granite, shale and acid volcanic. The area has rugged ranges and hills of the Kimberley foreland and a portion of the Kimberley plateau. Vegetation includes curly Spinifex ground layer on the siliceous rocks, tall grass savannah woodland on basic volcanics, short grass savannah on dry calcareous plains and tree steppe on shale.

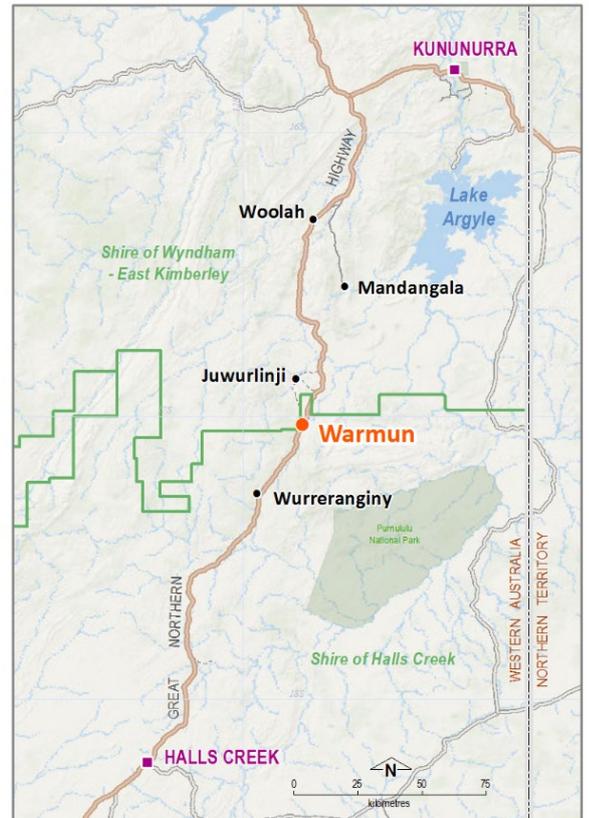


Figure 1 – Regional context of Warmun

Climate

Warmun has a sub-tropical climate characterised by summer rainfall and dry winters. The dry season is from May to October and the wet season is from November to April. The dry season is characterised by sunny blue skies and cold nights, while the wet season is hot and humid with large rainfall quantities and sometimes violent thunderstorms. Cyclones can come inland and affect this area with high speed winds and rain. The nearest Bureau of Metrology (BOM) weather station for Warmun rainfall, is located in Warmun.

The average annual rainfall for Warmun is 722 mm with the majority of rain falling between December-March. BOM rainfall for Warmun is summarised in Table 3:

Table 3 – Warmun Mean Rainfall (1898 to 2019)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Rainfall (mm)	80.7	176.5	115.4	24.9	10.2	5.9	5.2	1.3	4.5	23.1	60.3	119	721.9
Rain days ≥ 1mm (no.)	9.6	8.7	6.1	1.7	0.6	0.4	0.4	0.1	0.4	2.2	4.4	7.2	41.8

Source: Bureau of Meteorology

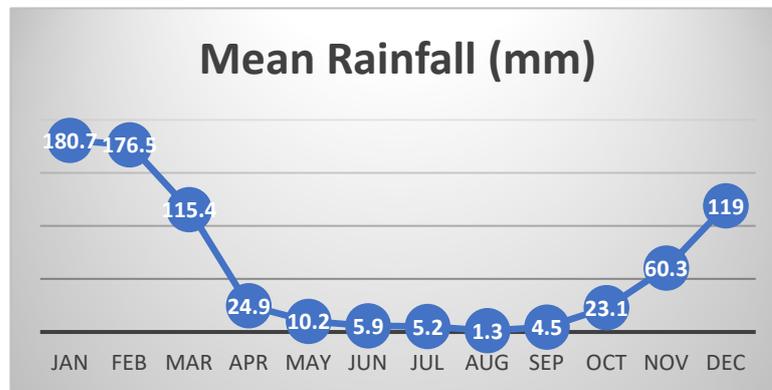


Figure 2 – Warmun Mean Rainfall (1898 to 2019)

Summers are hot, and winter mild to cool. Mean maximum daily temperatures range between 36-39 °C in summer, and between 29-32 °C in winter.

Table 4 – Warmun Mean Temperatures (1962 to 2019)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mean max. temp (°C)	37.1	36.1	36	35.2	32.2	29.5	29.6	32.2	36.2	38.7	39.3	38.4
Mean min. temp (°C)	24.7	24.3	23.2	20.6	17.2	13.8	12.7	14.7	19.3	23	24.9	25.1

Source: Bureau of Meteorology

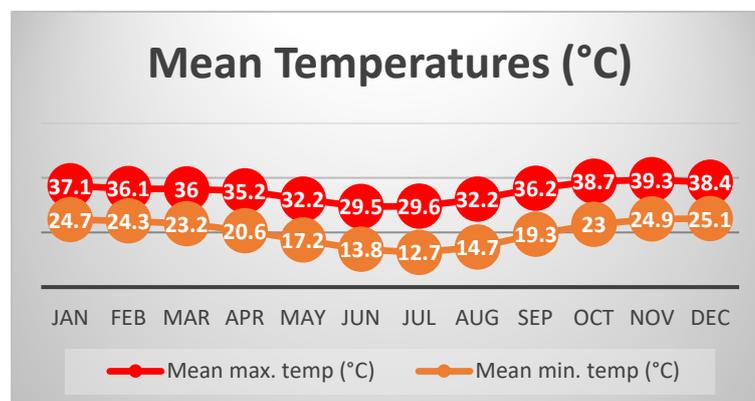


Figure 3 – Warmun Mean Temperatures (1962 to 2019)

1.3 History and Culture

This is a concise summary of post-settlement history of Warmun, 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 East Kimberley region did not begin until the discovery of gold at Halls Creek in 1885. With the arrival of non-Aboriginal pastoralists and prospectors, Turkey Creek was established in 1886 with a traveller's inn, police post and telegraph station to service a brief but intense gold rush in Halls Creek. Early contact was often characterised by violence as competition for water and food sources intensified (Jebb 2002). Police-directed reprisals followed many incidents involving Aboriginal people and the new arrivals. Such a pattern of conflict, which featured organised punitive raids on Aboriginal people, was a regular feature of East Kimberley history right through to the 1920s (Achoo et al 1996).

In 1901 Turkey Creek became a government depot to distribute rations to Aboriginal people forced off their land by pastoralists in the late 1880s. Many were forced onto government cattle stations through government coercion where conditions were little better. Assimilation centres were also established at Moola Bulla in 1910 and Violet Valley in 1911. With the growth of a pastoral industry, Gija people came to form the backbone of the workforce on surrounding cattle stations. Turkey Creek consequently became a tribal and ceremonial gathering place for these workers during law time in the wet season.

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.

The 'Homelands' movement – 1970s and 80s

The emergence of the Warmun 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 non-Aboriginal 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.

Following the Equal Wages Award for Aboriginal stockmen in 1968, most Gija people were forced off the stations and drifted into fringe camps at Turkey Creek, where they set up camps with family and others who had worked on the same nearby stations. In the 1970s, some Gija people, fed up with dispossession and poverty, asked for government assistance

to establish a community at Turkey Creek. Slowly, Gija people related by language gravitated in from the stations and settled into small camps till a permanent settlement was established in 1977.

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.

Warmun is located within the Yurriyngem Taam determination area. The Gija people gained legal recognition of their native title rights on 23rd May 2019.

The 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 traditional owners of the area are the Gija people, also spelt Gidja and Kija and alternatively known as the Lungga.

Gija people have lived in the lands around Warmun since the Ngarranggarni, or creation time, when spiritual beings roamed the land and created everything in it. The stories of Ngarranggarni have been passed down orally from generation to generation for thousands of years, preserving the people's understanding of the country and their relationship to it.

Five distinct camping areas have been established at Warmun. These sites, known in English as Top Camp, Garden Area, Middle Camp, Bottom Camp and Other Side (of the Creek) have continued to define the cultural dynamic of Warmun today.

Non-Indigenous administrative staff live in the community, servicing Warmun Community Inc, Warmun Police Station, Warmun Clinic, Ngalangangpum School and Warmun Roadhouse.

1.4 Previous Layout Plan

In 1997 consultants Halpern Glick Maunsell prepared the Warmun Community Layout Plan No.1.

2 COMMUNITY PROFILE

2.1 Population

Table 5 – Population

Existing Population :	366
Design Population :	500

Existing Population

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

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

The population estimates in Table 6 are sourced from the Environmental Health Needs Survey (EHNS) undertaken by the former Department of Indigenous Affairs (DIA) in 1997, 2004 and 2008, the Australian Bureau of Statistics (ABS) census data and the Department of Communities' Property Tenancy Management System (PTMS) from 2019.

Table 6 – Population figures of Warmun by source 1997-2019

	1997	2001	2004	2006	2008	2011	2016	2019
Total persons	619	319	500	210	359	297	366	311
Source	EHNS	ABS	EHNS	ABS	EHNS	ABS	ABS	DoC

There are considerable population differences between the data sources which is typical when estimating the population of remote Aboriginal settlements. Based on the information available, it is considered the estimated population of Warmun is approximately 366 people.

The WAPC's *Kimberley Regional Planning and Infrastructure Framework (RFIP) (2015)* uses a 2.2% growth rate for Aboriginal settlements. Given that Warmun's existing population is approximately 366 and based on the RPIF 2.2% annual growth rate, the forecast population of Warmun for the next 15 years is approximately 500 people.

Aspirational Population

Aspirational population refers to the resident community's expected future population in the settlement within the next 10-15 years. The aspirational population was not determined when this Layout Plan was prepared in 2005.

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.

Design population is not a forecast population.

When this Layout Plan was revised in 2011 as part of Amendment 3, the design population was estimated to be 430 people by 2015. This was using a 5% growth rate per annum, compounded. Looking towards the next 15 years and based on the 2.2% growth rate outlined in the RPIF the revised design population of Warmun is approximately 500 people.

2.2 Governance

The governance body which supports the Warmun community is the Warmun Community (Turkey Creek) Incorporated (WCI).

Incorporated Community

WCI is a not for profit organisation and was incorporated under the *Aboriginal Councils and Associations Act 1976* in 1977 which has now been replaced by the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. The organisation delivers aged care support, school and youth programs and essential municipal services to Warmun and its outstations.

2.3 Land Tenure

Warmun is made up of multiple tenure arrangements with the majority of the community located predominately on Crown Reserve 34593 vested to the Aboriginal Lands Trust. A summary of the land tenure of the community is shown in the following table:

<i>Tenure</i>	Crown Reserve 34593
<i>Lot Details</i>	Lot 34
<i>Status Order/Interest</i>	Warmun (Turkey Creek) Community Inc
<i>Primary Interest Holder</i>	Aboriginal Lands Trust (ALT)
<i>Area</i>	1500.1 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Reserve 34593 - For the Purpose of Use and Benefit of Aboriginal Inhabitants. Warmun Multi-function Policy Facility (SL-lot 2). ALT lease – Standard lease - 30 years, 2 options of renewal for further terms of 10 years each, expiry 14 th March 2036, leased to the Minister for Works (Land). Ngalangangpum School (SL-lot 72) ALT lease – sub-lease- 50 years - expiry 8th March 2065, leased to the Roman Catholic Bishop of Broome.
<i>Tenure</i>	Crown Reserve 34594
<i>Lot Details</i>	Lot 394
<i>Status Order/Interest</i>	Warmun (Turkey Creek) Community Inc
<i>Primary Interest Holder</i>	Aboriginal Lands Trust
<i>Area</i>	25.6 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Reserve 34594 – Aerial Landing Ground
<i>Tenure</i>	Crown Reserve 39176
<i>Lot Details</i>	Lot 33
<i>Primary Interest Holder</i>	Shire of Halls Creek
<i>Area</i>	5.9 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Reserve 39176 – Rubbish Disposal Site
<i>Tenure</i>	Crown Reserve 1610
<i>Lot Details</i>	Lot 395 and 19
<i>Primary Interest Holder</i>	Department of Planning, Lands and Heritage
<i>Area</i>	654 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Reserve 1610 – Government Requirements

<i>Tenure</i>	Freehold
<i>Lot Details</i>	Lot 9 DP174319
<i>Primary Interest Holder</i>	Warmun Community (Turkey Creek) INC
<i>Area</i>	5586 m2
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Warmun Art Centre

<i>Tenure</i>	Pastoral lease
<i>Lot Details</i>	Lot 65
<i>Primary Interest Holder</i>	East Kimberley Cattle Pty Ltd
<i>Area</i>	252993.3 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	PL N049619 Bow River

<i>Tenure</i>	Pastoral lease
<i>Lot Details</i>	Lot 1523
<i>Primary Interest Holder</i>	Yeeda Pastoral Co Pty Ltd
<i>Area</i>	241422.7 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	PL N050285 Texas Down Mabel Downs

<i>Tenure</i>	General lease
<i>Lot Details</i>	Lot 504 and 114
<i>Primary Interest Holder</i>	Energy Generation PTY LTD and Regional Power Corporation
<i>Area</i>	9999.09m2
<i>Limitations/Interests/ Encumbrances/Notifications</i>	GE J957420

2.4 Native Title

The community is located within the Yurriyangem Taam determination area (Federal Court no. WAD44/2019, NNTT no. WCD2019/006). The native title application was registered in October 2010 and was determined on 23rd May 2019. The Kimberley Land Council (KLC) was the Native Title Representative Body that represented the claimants. The Federal Court of Australia made a determination that native title exists in parts of the application area (Table 7). As of December 2020, no registered native title body corporate (RNTBC) has been recorded.

Table 7 – Yurriyangem Taam Determination Summary

Name	Federal Court ref.	NNTT ref.	Register	Status	RNTBC
Yurriyangem Taam	WAD44/2019	WCD2019/006	Determination	Native title exists in parts of the determination area	Not yet registered.

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

Spatial searches for native title matters can be undertaken using the NNTT'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

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

Registered Sites

There are 2 registered Aboriginal Heritage Places, 2 lodged heritage places and 1 stored data/not a site, in the vicinity of the Warmun settlement area (as of December 2020). A Summary of the registered sites is listed below in Table 6.

Table 8 – AHIS Registered Sites in the Vicinity of Warmun, September 2020

Place ID	Name	Restrictions	Status	Type
13761	Turkey Creek	Male Access Only	registered site	ceremonial, repository/cache
15742	Texas Downs	no gender restrictions	registered site	artefacts/scatter
13766	Telecom 18A OLD	no gender restrictions	lodged site	artefacts/scatter
13744	Telecom Tower 18	no gender restrictions	stored data / not a site	artefacts/scatter
22060	Bilingarin	Female Access Only	lodged site	Warmun Women's Ceremonial Ground Ceremonial, Man-Made Structure, Mythological, Camp, Hunting Place, Meeting Place, Named Place, Plant Resource, Water Source

Culturally Sensitive areas

The community has identified one 'no-go' area adjacent to the art centre on SL-lot 9. A men's law ground is located on SL-lot 818. The Women's law ground is located south of the community outside the settlement zone on the Texas Downs/Mabel Downs pastoral lease. During consultation undertaken in 2019 the community expressed interest for this portion of land to be excised from the pastoral lease.

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

Impact of Aboriginal Heritage on Urban Growth in Remote Aboriginal Communities

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

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

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

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

2.6 Community Aspirations

During consultation in 2019/2020 the resident community provided the following aspirations:

1. New residential areas.
2. Tourism precinct.
3. Eco business park.
4. Motocross track.
5. Secondary football oval.
6. New waste water treatment plant.
7. New rubbish tip.
8. Relocation of the water bores.
9. Expanding the current health facility and providing additional services.
10. Skate park.
11. Interpretative park, recreation spaces and memorial sites.
12. Expansion of the existing basketball courts.
13. Walking paths and increased lighting.
14. Workers café.
15. Dog rescue centre.

3 INFRASTRUCTURE & SERVICES

Warmun is a part of the Remote Essential and Municipal Services (REMS) program overseen by the Department of Communities (Housing). The previous program was known as Remote Area Essential Services Program (RAESP). Figure 4 illustrates the types of essential services in Warmun.

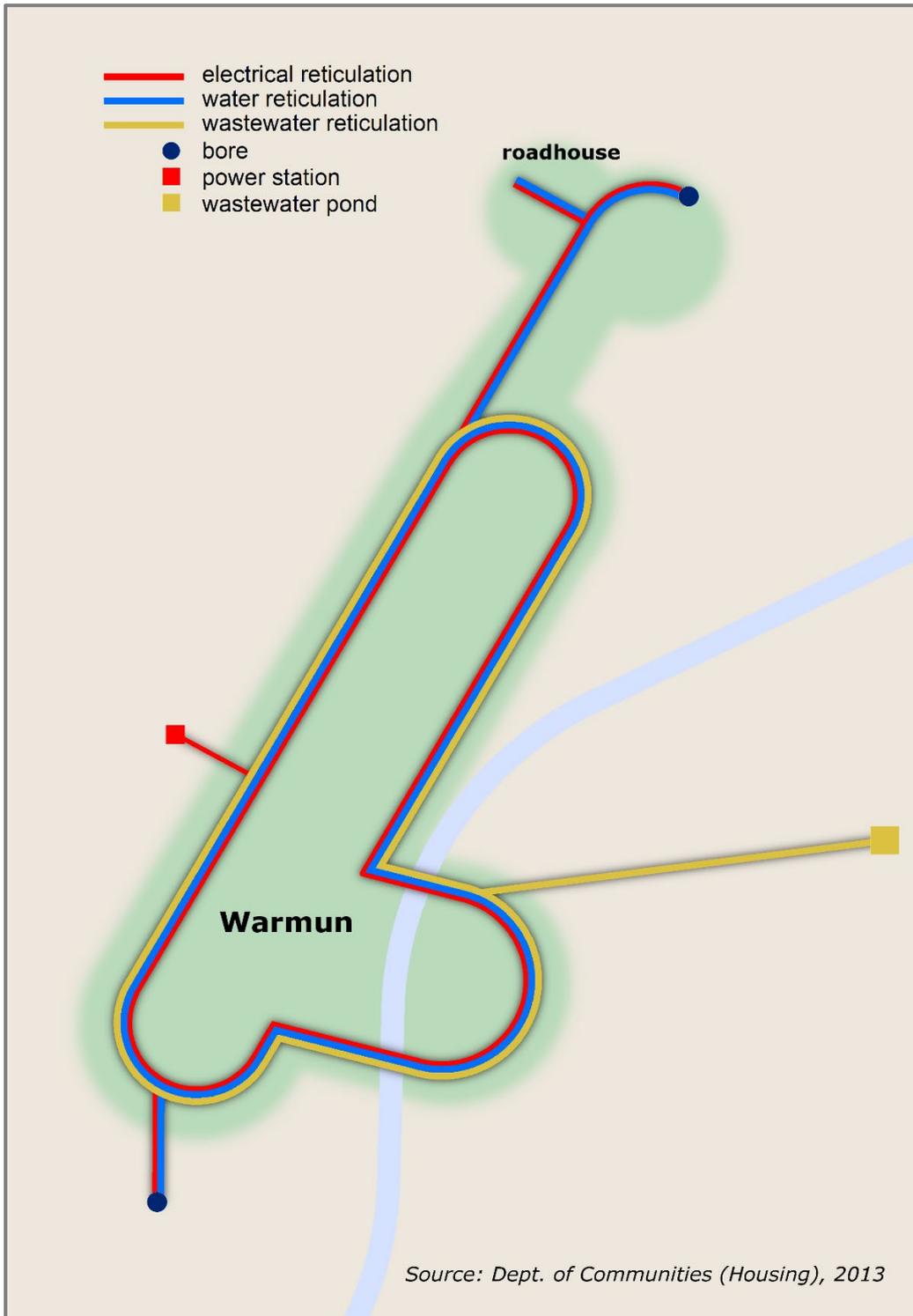


Figure 4 – Essential services in Warmun

3.1 Electricity Supply

Horizon Power is the regulated service provider who manages the power infrastructure in the community. Warmun's power station is located adjacent to the community and Great Northern Highway. The facility is diesel generated with a rated capacity of 1.3 megawatts. Approximately 7 residential dwellings in the community are located within the 200m buffer prescribed under the *State Planning Policy 3.2 Aboriginal Settlements Guideline (2020)* for a power station. However, the dwellings are separated by Great Northern Highway, providing an adequate buffer.

Horizon Power is proposing to undertake the Remote Communities Centralised Solar Project, which includes installing centralised solar farms and energy storage into a number of remote Aboriginal communities. The project is scheduled for construction in Warmun in 2021 and plans to be co-located with the current power station (site leased to Horizon Power). The project is designed to reduce the cost of providing power to Warmun, which is currently diesel fuelled.

3.2 Water Supply

Water supply and distribution is managed by the Department of Communities (DoC) under the Remote Essential and Municipal Services (REMS) program. Based on existing water and sewer infrastructure capacity, future development would need to be carefully planned and managed.

There are three operational production bores at Warmun, two of which are used for potable water supplies and one for irrigation and filling the swimming pool. The potable water supplies for the Warmun are drawn from bore 4/93 and bore 3/93. Bore 4/93 is located approximately 150m south of the community on SL-lot 921 and bore 3/93 is located 200m east of the roadhouse and 700m north of the community on SL-lot 123. Bore no. 4 is currently used for non-potable water supplies and is not connected to the main reticulation system. Water from bore 4 is used to irrigate the oval and fill the community swimming pool. Bore No.4 is located 150m east of bore 4/93. Groundwater from the bores is pumped into a groundwater tank and then an elevated water tank located on SL-lot 44.

3.3 Wastewater

The water and sewage infrastructure are managed by DoC under the REMS program. Warmun's effluent disposal system consists of waste water sewage ponds and underground reticulation gravity sewers providing each dwelling in the community with a sewerage service. The waste water sewage ponds are located on SL-lot 138. Waste water pumping stations are also located on SL-lots 124, 926 and 935.

A 500m prescribed minimum exclusion boundary is required as a minimum separation distance between incompatible land uses as outlined in the *State Planning Policy 3.2 Aboriginal Settlements Guideline (2020)*. The nearest residential dwellings are located over 500m from the wastewater ponds.

Based on existing water and sewer infrastructure capacity, future development would need to be carefully planned and managed.

3.4 Rubbish Disposal

A rubbish disposal site is reserved on the layout plan on SL-lot 915. There is a decommissioned rubbish tip site vested to the Shire of Halls Creek located on Reserve 39176 on SL-lot 33.

All community housing and infrastructure is located within the prescribed 2000m buffer outlined in the *State Planning Policy 3.2 Aboriginal Settlements Guideline (2020)*.

A new rubbish tip site located 2000m from the community should be considered in the future.

3.5 Airstrip

The community is serviced by a 1400m unsealed airstrip, with a perimeter fence, windsock, runway markers and parking. The airstrip is located south west of the community on SL-lot 919 and Reserve 34594 (Reserve purpose 'Aerial Landing Ground'). The airstrip is used by the Royal Flying Doctor Service and air services that deliver freight, pick up passengers, and complete other tasks.

3.6 Internal Road Layout

The internal road network comprises of a combination of dedicated and informal roads. The network consists of a series of bitumen sealed uncurbed roads providing access to a majority of the housing and services within the community. Most of these roads are in good condition. A small proportion of the road network is unsealed. Other minor roads to the airstrip, football oval, pool, rubbish tip and sewage ponds are unsealed and suited to 4WDs.

3.7 Access & Dedicated Roads

The Warmun community is located approximately 160km north east of Halls Creek and approximately 195km south west of Kununurra via the Great Northern Highway. Warmun is accessible by Great Northern Highway (maintained by Main Roads WA). Great Northern Highway separates the Warmun Community from the Warmun Roadhouse and is a major regional connection between Perth, Kununurra and Darwin.

3.8 Outstations

Dolly Hole, Violet Valley, Osmond Valley, Norton Bore, Frog Hollow, Bow River and Crocodile Hole are outstations in close proximity to Warmun that rely on the services provided in Warmun.

3.9 Community and Social Services

Store

The Warmun community store is called the Wungkul Store and is located on SL-lot 109 and operated by Outback Stores Pty Ltd. The Wungkul store provides basic grocery supplies such as, tinned foods, frozen meat, ice, cold drinks and fuel.

The nearby Warmun Roadhouse is also operated by Outback Stores Pty Ltd located on freehold Lot 22 Northern Highway, Warmun. The Warmun Roadhouse provides a variety of supermarket goods such as milk, bread, fresh fruit and vegetables, frozen foods, various household goods, laundry products, some auto essentials and general supplies for the traveller and camper. The roadhouse also provides diesel and unleaded fuel, a restaurant and takeaway foods such as fresh rolls, sandwiches, hotdogs, burgers, fish, chips, pies, cakes, coffee, tea and cool drinks.

Office

The community office is located on SL-lot 107. Warmun Community (Turkey Creek) Inc (WCI) operate the office and service the community's administrative needs through a range of municipal, youth, aged care, health and education services.

The office is also utilised for council meetings and meetings with contractors, government employees and visitors to the community.

School

Ngalangangpum school is a Catholic education school catering from Kindergarten to Year 10 located on SL-lot 72. The school has approximately 64 students as of December 2020 (Department of Education (DoE) 2020). Ngalangangpum (Mother and Child) School was established as a Catholic School in May 1979. The school adopts a 'Two Way' learning process that places equal importance on both Gija Curriculum and the Australian Curriculum.

Clinic

The Warmun Clinic is located on SL-lot 819. Health services in Warmun are provided by WA Country Health Services and specifically through the Kimberley Population Health unit. Approximately 9 permanent staff and various visiting doctors and nurses from Kununurra are employed at the clinic.

The clinic provides a 24/7 emergency, nurse on call service. The main services provided at the clinic include medication management, child and school health, men and women's health, chronic disease management and immunisations. Various visiting specialists also attend the clinic as required and include paediatricians, mid wives and renal specialists.

Workshop

There are two workshops located in the community. A large mechanical workshop is located on SL-119 and a machinery workshop located on SL-lot 11.

The mechanical workshop is used for vehicle repairs and maintenance, however, residential dwellings surround the site. The residential dwellings are located within the prescribed 150m buffer outlined in the *State Planning Policy 3.2 Aboriginal Settlements Guideline (2020)* for industrial land uses. An alternative workshop site away from the residential areas should be considered in the future.

SL-lot 11 comprises of machinery workshops, general storage areas, a nursery and storage of maintenance equipment for the community.

Recreation Areas

Warmun has a recreation centre located on SL-lot 70. The recreation shed provides meals and organised activities for the Gija youth of Warmun including cooking classes, movies, games and sports.

Warmun also has basketball courts located on SL-lot 916 and a swimming pool located on SL-lot 934. Warmun has a contract with Royal Life Saving Society WA to manage the facility. The Remote Aboriginal Swimming Pools Project (RASPP) is managed by the Royal Life Saving Society and is funded primarily through the DoC with additional contribution made through BHP and the Telethon Kids Institute. This program provides recreational and educational swimming programs, to encourage safe aquatic participation to Warmun.

Oval

Warmun community oval is located on SL-126. The oval is irrigated and predominately used for sporting activities such as football and cricket. The oval is the home ground of the Warmun Eagles football team.

Art Centre

The Warmun Art Centre is located on SL-lot 9. Warmun Art Centre was established in 1998 by the founding members of the contemporary painting movement in Warmun. These elders recognised and responded to the need for a community owned and controlled centre through which they could support, maintain and promote Gija art, language and culture. It is owned and governed by Gija people.

Warmun Art Centre has grown to represent approximately 60 established and emerging artists. Gija art is known for its highly unique, aesthetic and graphic depictions of the landscape.

Warmun Multi-Function Police Facility

Warmun has a permanently staffed multi-function police station located on SL-lot 2. The Warmun police coverage area includes Warmun and the outstation communities of Dolly Hole, Violet Valley, Osmond Valley, Norton Bore, Frog Hollow, Bow River and Crocodile Hole. The facility has an interview room, video interview room, a charge room, two holding cells and a multi-function room that has built-in facilities to operate as a courtroom.

Aged Care facility

The 12 bed aged care facility known as Walumba Elder Care Centre is located on SL-lot 54. The facility was built in 2014 as part of the reconstruction effort of the Warmun community following the 2011 flood. Due to operational constraints the facility has not functioned to capacity to this date.

Telecentre

The telecentre located on SL-lot 108 has computer facilities with internet connections, telephones and video conferencing facilities for community members to utilise.

Tourism

Warmun's principal tourism ventures includes arts, culture and retail. The Warmun roadhouse provides camping, accommodation, meals, souvenirs and fuel to tourists and visitors. In Warmun there is also overland four-wheel drive tour operators and scenic flights and helicopter tours departing to visit the Bungle Bungles at Purnululu National Park.

The roadhouse and associated tourism services are located on Lots 11, 22 and 24 Great Northern Highway, Warmun. The tourism overflow area is located on the opposite side of Great Northern Highway on SL-lot 951 adjacent to the roadhouse.

Another tourist attraction in Warmun includes the Warmun Art Centre located on SL-lot 9. The Centre provides Aboriginal artists to share their culture with visitors. Operating as a working studio, the art centre is located in an architect designed purpose-built exhibition centre. Tourists can purchase top quality Aboriginal art.

Economy

WCI is the major employer in Warmun with up to 50 staff, three of whom are non-Indigenous. The next major employer is East Kimberley Job Pathways followed by Ngalangangpum School, the Warmun Clinic, the Warmun Roadhouse and Wungkul Store, D and H Contracting, the Warmun Art Centre, Kija Rangers and DJ Rivers Electrical.

Rangers/Caring for Country

The Gija Rangers are based in Warmun and are responsible for managing their country in the east Kimberley. The Gija Rangers work with and learn from their cultural elders. Together they identify priority conservation and land management targets, while back to country trips assist in the transfer of knowledge and strengthen cultural values and connection to country.

Cemetery

The cemetery is located south of the community on SL-lot 920 adjacent to the airstrip and oval.

4 HOUSING

4.1 Residential Areas

The community has two separate housing areas east and west of Turkey Creek. An all-weather bridge across the creek connects the housing areas. The main services in the community are located in the western housing area.



Figure 5 – Residential areas in Warmun, March 2019 air photo

4.2 Number & Type of Dwellings

At present there are approximately 93 residential dwellings in the community. The Department of Communities (Housing) provides property and tenancy management services under a Housing Management Agreement (HMA) to 85 houses in the community. Community members live in either community housing or staff accommodation. WCI currently has approximately eight staff houses.

Under the National Partnership Agreement on Remote Indigenous Housing (NPARIH) program from 2008-2018, the DoC delivered 23 housing constructions and 15 housing refurbishments.

4.3 Future Residential Development

Approximately 14 residential lots and 1 balance lot are available for future residential development in Warmun. Over the next 5 years as a result of the WCI signing a housing bilateral agreement with the Department of Communities (Housing) approximately 8 new houses are proposed to be constructed.

WCI are proposing to deliver a transitional housing program which would allow full time employees who are currently in community housing to move toward home ownership.

5 CONSTRAINTS AND LIMITATIONS

5.1 Flood Hazard

Warmun is located adjacent to Turkey Creek and subject to flooding.

On 13/14 March 2011 Warmun experienced a severe flood event ('the flood'). The flood was unprecedented in all respects and many houses were significantly damaged. A range of other land uses, including essential services, community uses, enterprises and infrastructure were adversely affected by the flood. As a result of the flood, Warmun residents were temporarily evacuated to Kununurra and Halls Creek and returned in July 2011, after the housing was rebuilt.

In September 2011, the 'Turkey Creek Flood Study Warmun' was completed by the former Department of Water. The report recommended a floodplain development strategy be established and incorporated into the planning for the re-establishment of the community to ensure an adequate level of flood protection is provided to future development.

Amendment 3 to LP2 introduced an update to the layout plan in response to the flood and incorporated the Floodplain Development Strategy prepared by the former Department of Water.

Floodplain Development Strategy

The Floodplain Development Strategy prepared by the former Department of Water in 2011 guides land use planning and development controls to ensure future development in Warmun has an adequate level of flood protection. The provisions of the strategy include:

- Minimum habitable floor levels to be 0.2 m above the relevant March 2011 flood level
- Critical infrastructure (ie. power, water supply/sewerage, health and aged care facilities, evacuation centres etc) should have a higher level of flood protection.
- Consideration should be given to potential erosion and debris loading should new developments be located on pole type structures.
- Flood emergency response planning undertaken.
- Structural measures are not recommended to mitigate flooding for the Warmun Aboriginal Community.

Proposals for developments in flood prone areas should consider floodproofing by raising floor levels of dwellings (future and existing) above the March 2011 flood level and using flood compatible materials and appropriate structural designs to reduce structural flood damage. The most important consideration for existing dwellings is to prevent further flood damage and be designed to withstand high water velocities and forces from debris and flotation.

Developments that propose to adopt flood protection strategies such as earthen pads and or stilts need to be assessed to determine the impacts on adjacent flood levels. The practice of extensively filling flood prone areas is often discouraged as the cumulative impact of a number of these earth pads may result in increased flooding in the general area and hence greater flood damage.

In response to the identified flood hazard, 2 residential neighbourhoods were not redeveloped, but were returned to open space. New land releases were activated on higher areas to allow for relocation of displaced residents.

5.2 Drinking Water Source

A Drinking Water Source Protection Plan (DWSPP) was completed in October 2010 by Parsons Brinkckerhoff on behalf of the former Department of Housing. The proposal identified Priority 1 water source protection areas in the northern and southern areas of the community as well as the western side of Great Northern Highway.

The DWSPP report recommended the current rubbish tip be decommissioned and a new rubbish tip commissioned down-gradient of the bores (which has occurred), wellhead protection zones be established around the bores, install monitoring bores down-gradient of the cemetery to monitor potential contamination and locate the sewage outfall pipe in Turkey Creek further away from the bores.

Drinking water source protection areas are needed to prevent the degradation of the drinking water source and to avoid the development of potentially harmful activities in those areas.

5.3 Drainage

Within Warmun drainage channels are used to divert stormwater away from residential areas.

5.4 Bushfire

The community is designated as bushfire prone under SPP 3.7 Planning in Bushfire Prone Areas (SPP 3.7).

5.5 Exclusion Boundaries

The exclusion boundaries shown on the map-set are in accordance with the WAPC's *State Planning Policy 3.2 Aboriginal Settlements Guideline (2020)*.

6 PLANNING FRAMEWORK

6.1 State Planning Policies

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

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

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

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

6.2 State Planning Policy 3.2 - Aboriginal Settlements

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

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

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

6.3 Shire of Halls Creek

Halls Creek Local Planning Scheme No. 2

The Shire of Halls Creek Local Planning Scheme No.2 (LPS 2) was published in the Government Gazette on 17 September 2019. Warmun is primarily 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.

The residential area of Warmun known locally as Other Side is reserved as 'Public Purposes' in LPS 2. Given that this area is a residential area, it is considered to be inappropriately reserved in the Scheme and it is recommended this be corrected to the 'Settlement' zoning by an amendment to LPS 2.

SPP3.2 requires that local governments classify land as 'Settlement' zone in a local planning scheme where:

1. A Layout Plan has been endorsed; and,
2. The Layout Plan defines and delineates a clear and appropriate extent to be zoned 'Settlement'.

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 6).

Additionally, the power station located on Lot 114 and Lot 504 adjacent to Great Northern Highway is currently reserved 'Primary Distributor Road' in LPS 2. Given that this area is used for a power station, it is considered inappropriately reserved in the scheme and it is recommended this be corrected to a 'Public Purposes' reserve by an amendment to LPS 2.

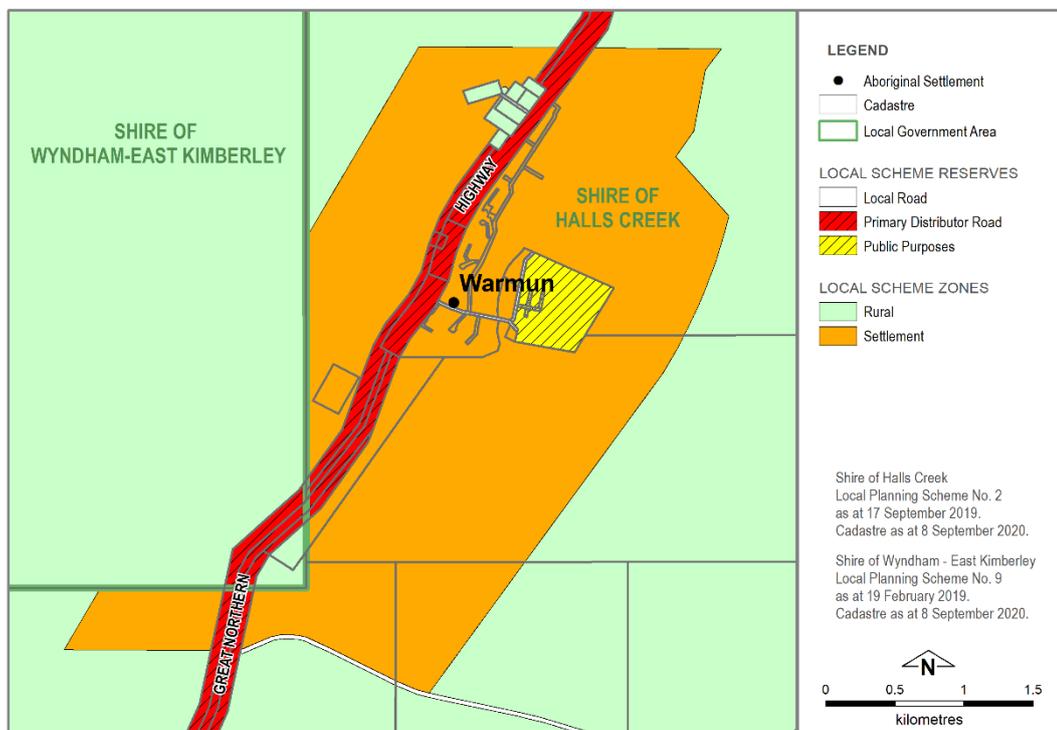


Figure 6- Land classification under Halls Creek LPS 2, Warmun

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. A small portion of the Warmun settlement living area is zoned “Rural” under LPS 9.

SPP3.2 requires that local governments classify land as ‘Settlement’ zone in a local planning scheme where:

1. A Layout Plan has been endorsed; and,
2. The Layout Plan defines and delineates a clear and appropriate extent to be zoned ‘Settlement’.

The purpose of the ‘Settlement’ zone is to identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places. The ‘Rural’ land use zone will be required to be corrected by way of a scheme amendment to reflect the existing ‘Settlement’ development at Warmun.

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 6).

Shire of Halls Creek 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.

Shire of Wyndham- East Kimberley 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 the existing Layout Plans within the Shire should be reviewed for currency.

7 ENDORSEMENTS

8.0 ENDORSEMENT

The **Warmun Community (Turkey Creek)** hereby endorses the Community Layout Plan dated20... (including the Report, the Plan and the Provisions), for the purpose of ensuring the proper and orderly planning of the community area, at the meeting of the Council held on the13th..... day of July..... 2005


.....
Chairperson


.....
Chief Executive Officer

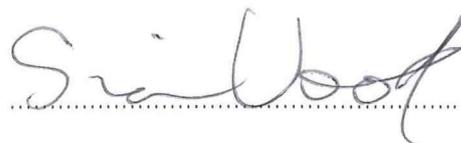
The **Shire of Halls Creek** hereby endorses the Community Layout Plan datedFebruary..... 2005 (including the Report, the Plan and the Provisions), for the purpose of ensuring the proper and orderly planning of the community area, at the meeting of the Council held on the25..... day of August..... 2005


.....
President


.....
Chief Executive Officer

The **Western Australian Planning Commission** hereby endorses the Warmun Community Layout Plan dated January 2005 as a guide for development to ensure proper and orderly planning within the community area.

Signed for and on behalf of the Western Australian Planning Commission


.....

An officer of the Commission duly authorised by the Commission pursuant to section 57 of the Western Australian Planning Commission Act 1985 for that purpose.

26. Adoption is recommended.

RECOMMENDATION

The Commission resolved to:

- 1] Adopt the Warmun Community Layout Plan No.2;
- 2] Endorse the documents accordingly; and
- 3] Advise the Warmun Aboriginal Corporation and the Shire of Halls Creek that the plan has been adopted by the Western Australian Planning Commission.

GLENN MUSTO
COUNTRY PLANNING BRANCH
9 February 2006

Attachments

- 1 Context Plan
- 2 Warmun Community Layout Plan No. 2
- 3 Photographs of Warmun

RECOMMENDATION
ADOPTED AT MEETING
2 1 FEB 2006

RESOLVED & RECORDED IN MINUTES
OF THE STATUTORY PLANNING
COMMITTEE MEETING
2 1 FEB 2006

REFERENCES

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

AMENDMENTS

Warmun Community Layout Plan No. 2 Amendment No. 1

Reason for the Amendment

To show where recently built houses are, give all buildings and uses that need electricity a lot number and give the streets names.

Details of the Amendment

The intention is to modify the community layout plan endorsed by the WA Planning Commission on 21 February 2006 as follows:

Development Intention	Changes required to CLP [endorsed 21 February 2006]
1. Issue individual lot numbers for all existing buildings and uses to facilitate electricity network upgrade by Horizon Power.	Issue lot numbers for the following existing buildings and uses: Rangers office, security yard, existing house east of lot 41, water bore north of lot 41, east water bore, sewerage pumping station east of 61, oval water tank, oval, serviced lot east of Lot 84 has no number and building on the lot surrounded by Lot 62. Divide Lot 113 into Lots 113A and 113B to give each house a number. Divide Lot 103 into Lots 103A and 103B to give each house a number. Amalgamate Lots 66 & 67 and 16 & 17 into single lots, as each pair have a house straddling 2 lots.
2. All unnamed roads to be numbered to facilitate electricity network upgrade by Horizon Power.	All unnamed roads allocated numbers (Roads 1 to 11).
3. Show all recently completed buildings to facilitate electricity network upgrade by Horizon Power.	Show houses built on Lots 35, 59, 87, 116, 27 and north of Lot 91. Define Lot north of lot 91 with an existing house and issue a lot number. Show lot as 'existing residential'.
Other information	
4. Swimming pool location amended to show current community intentions	Delete denotation "potential future swimming pool site" from Lot 62 and place it on the oval (Lot 126).

Approved / Noted:

Spatial upgrade modifications only. No endorsement required.

- 2 June 2006

**To update the mapping, please forward details of amendment to
Western Australian Planning Commission, 469 Wellington Street, PERTH WA 6000**

Attn: Cath Meaghan, fax 9264 7566, e-mail cath.meaghan@dpi.wa.gov.au

Reason for the Amendment

Spatial upgrades to the existing CLP2.

Details of the Amendment

The intention is to modify the community layout plan endorsed by the WA Planning Commission on 21 February 2006 and last amended in June 2006 as follows:

Development Intention	Changes required to CLP
1. Swimming pool built	Lot 119 has been created and shown as 'community' to match existing use.
2. Swimming pool manager's house built.	Lot 121 has been created and shown as 'existing residential' to match existing use.
3. Road to swimming pool.	New road heading south from Warmun Road has been depicted to match existing use.
4. BMX track	Lot 93 now shown as 'open space/recreation' to match existing use.
5. Power station	1. Lot No. 129 has been allocated to new power station lot and shown as 'public utility' to match existing use. 2. Lots 42 and 43 changed to 'open space/bush' to match existing use.
6. Rodeo ground	Lot 67 has been created and shown as 'open space/recreation' to match existing use.
7. Warmun Road	Warmun Road has been extended to rodeo grounds to match existing use.
8. Arts Centre	Lot 125 has been created and shown as 'community' to allow for new arts centre/expansion of existing arts centre to match existing use.
9. Updated survey data	The survey data has been updated and the CLP now uses as-constructed survey data dated January 2007 and supplied by Sinclair Knight Mertz.
10. Car dump	The approximate extent of a car dump opposite Road 8 has been shown. The following text has been added: "car dump (to be removed)" to match existing use.
11. Public phone	Lot 134 has been created and shown as 'community' to match existing use.
12. Pump station	Lot 17 has been created and shown as 'utilities' to match existing use.

Approved / Noted:

Spatial upgrade modifications only. No endorsement required.

- 19 August 2009

Other Information:

This CLP 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.

To update the mapping, please forward details of amendment to

Western Australian Planning Commission, 469 Wellington Street, PERTH WA 6000

Attn: Thomas Della Vedova, fax 9264 7755, e-mail thomas.dellavedova@dpi.wa.gov.au

Warmun Community Layout Plan No.2 Amendment 3

Great Northern Hwy
Warmun
WA 6743

The Warmun Community (Turkey Creek) Incorporated hereby adopts the **Warmun Community Layout Plan No.2 Amendment 3** as a guide for development to ensure proper and orderly planning within the community area.

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

The 27th Day of SEPTEMBER 2011

Adopted by the Warmun Community (Turkey Creek) Incorporated:

KENNETH RIVERS

[Signature]

Kenneth Rivers

DAVID (FENTON RALPH) AODIS

Chairperson
[Please print and sign name]

Staff
[Please print and sign name]

[Signature]

SHIRLEY PURDIE

Councillor MADELENE PURDIE

Councillor SHIRLEY PURDIE

[Signature]

PATRICK

Councillor JOHN MOSQUITO

Councillor PATRICK MUNK

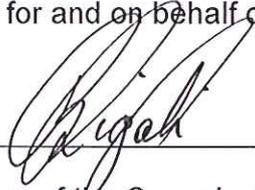
Warmun Community Layout Plan No.2 Amendment 3

140 William Street
Perth
WA 6000

The Western Australian Planning Commission hereby endorses the **Warmun Community Layout Plan No. 2 Amendment 3** as a guide for development to ensure proper and orderly planning within the community area

The 8th Day of November 2011

Signed for and on behalf of the Western Australian Planning Commission

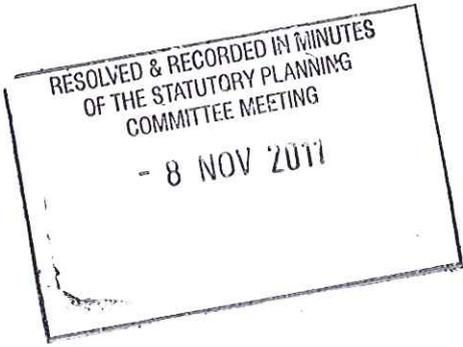


an officer of the Commission duly authorised by the Commission pursuant to section 24 of the *Planning and Development Act 2005* in the presence of

M. Weir

Witness

15.11.2012 Date



Date : 29 May 2012
 WAPC :
 Endorsed
 Proponent : Horizon Power
 Requires : Yes
 Endorsement

Reason for the Amendment

Electrical supply (dome) is required to support a new pumping station (waste water treatment infrastructure) to the north of CLP Lot 122, see attached Horizon Power documentation. The area in question has previously been cleared (heritage) for the construction of a pumping station; particular to this proposal a corridor along the north of Lot 122, also see attached heritage report extract. Horizon Power requires a defined CLP Lot to enable the installation of power, as such the following new CLP Lot is proposed:

Issue	Changes required to CLP
1. Lot 926	New CLP Lot, Utility classification, approximately 20 x 20 metres in width / length and abutting northern boundary of Lot 122.

Approved

Warmun Community Incorporated Council

Kenneth Rivers KENNETH RIVERS - CHAIRMAN
 please sign and print name

Date 20/6/12

Traditional owner organisation

Date / /

please sign and print name

Shire of Halls Creek

please sign and print name

Western Australian Planning Commission



please sign and print name

Rosa Rigali

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

Other Information:

This Layout Plan does not constitute development approval.

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

Warmun Layout Plan 2

Amendment 5

Plan Date : 15 July 2005 **WAPC** : 21 February 2006
Proponent : Department of Planning **Endorsed**
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 Warmun 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 Warmun 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

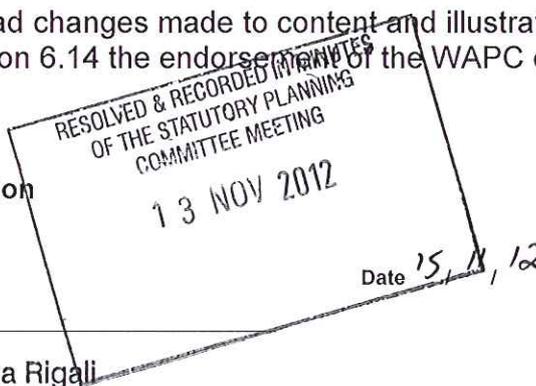


Rosa Rigali

please sign and print name

Rosa Rigali

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



Other Information:

This Layout Plan does not constitute development approval.

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Proponent :	Department of Housing
Date :	23 September 2013

Reason for the Amendment

The Department of Housing propose to construct a house on SL-lots 142 and 143 to replace a house that recently burnt down on SL-lot 141 Road 1. Regulatory demands require that the house be constructed on one single SL-lot. Therefore, the Department of Housing, with the support of the Warmun Community Inc. propose to amalgamate SL-lots 142 and 143 Road 700 at Warmun. The land use category is to remain unaltered.

The proposal is considered to be a minor amendment, as: Planning Bulletin 108/2013 provides that a minor amendment is considered to be proposed changes to the Settlement Layout lots/roads or the land use categories that:

- do not substantially alter the extent and/or locality of land use categories, including; residential.
- do not cause risk to the health and wellbeing of existing and/or future residents.
- do not manifest or create the occurrence of existing and/or future incompatible land uses.

Subject Land	Changes required to Layout Plan
SL-lots 142 and 143.	Amalgamate SL-lots 142 and 143 Road 700

Endorsement

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

Determined on behalf of the Western Australian Planning Commission in accordance with the <i>Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.</i>	 Determination 23/09/2013 date
	 Authorisation 23/09/2013 name & date

Ashley Randell
 Planning Manager, Aboriginal Communities
 Regional Planning & Strategy

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.

Plan Date : 15 July 2005

WAPC : 13 November 2012

Proponent : Department of Housing

Endorsed Requires Endorsement : Yes

Reason for the Amendment

Department of Housing require some changes to the Layout Plan for the purpose of Housing Management Agreement validity. The following SL-lots require land use changes:

Issue	Changes required to Layout Plan
1. SL-lot 65	Land use to be changed from residential to recreation
2. SL-lot 112	Land use to be changed from residential to community
3. SL-lot 116	Land use to be changed from residential to community.
4. SL-lot 145	Land use to be changed from residential to community

✓
✓
✓
✓
4/12/13

Approved

Warmun Community Incorporated

Kenneth Rivers KENNETH RIVERS
please sign and print name

Date 22/5/2013

Kimberley Land Council

n/a

Date / /

please sign and print name

Shire of Halls Creek

n/a

Date / /

please sign and print name

Western Australian Planning Commission

Minor amendment in accordance with Planning Bulletin 108/2013.

Ashley Randell
Ashley Randell
Planning Manager, Aboriginal Communities
Regional Planning & Strategy
PN: 15151.1
Date 04/12/2013

please sign and print name

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.

Warmun Layout Plan No.2

Amendment No. 8

Plan Date : 13.11.12 WAPC : 13.11.12
Endorsed
Proponent : Department of Finance Requires : No
Endorsement

Reason for the Amendment

The Department of Finance propose to build an Aged Care Facility at Warmun. To achieve that objective the site selected does not comply with the Layout Plan, but is viable for a number of reasons previously discussed and agreed upon with Warmun Community. New lots are proposed as follows:

Table with 2 columns: Issue, Changes required to CLP. Row 1: 1. Lots 54 - 58, Change 'Land Use' from 'Residential' to become 'Community'. Row 2: 2. Lots 54 - 58 & 134, Amalgamate all lots to single lot. Lot to become Lot 54.

Handwritten red checkmarks and date 4/12/13.

Approved:

Richard Kelly, Warmun Community CEO

Handwritten signature of Richard Kelly.

please sign and print name

Date 31/04 2013

Kenneth Rivers, Warmun Community Council Chairman

Handwritten signature of Kenneth Rivers.

please sign and print name

Date 29/4 / 2013

Western Australian Planning Commission

Minor amendment in accordance with Planning Bulletin 108/2013.

please sign and print name

Handwritten signature of Ashley Randell and official stamp: Ashley Randell, Planning Manager, Aboriginal Communities, Regional Planning & Strategy, PN: 15151.1

Date 4/12/ 2013



Lots 54-58 +
134
to become
'community'
land use.

AND

Amalgamated
to become
single lot No. 54.

Warmun Layout Plan 2
Amendment 8

Approved:

RICHARD KELLY, Warmun Community CEO

[Signature]

Date 01/05/2013

KENNETH RIVERS, Warmun Community Council Chairman

[Signature]

Date 02/05/2013

Proponent :	Department of Housing (DoH)
Date :	07 April 2014

Reason for the Amendment

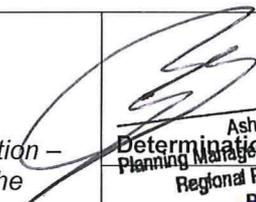
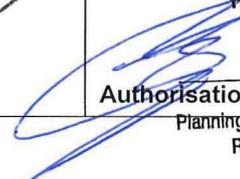
DoH has identified some minor land use changes that will assist in the delivery of housing in the appropriate area, while also meeting the requests of the Warmun Community.

The DoH propose to make the following changes at Warmun.

Issue / Proposal		Changes required to CLP
1.	SL-lot 611	Change the land use of SL-lot 611 from 'Recreation' to 'Residential'.

Endorsement:

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

Determined on behalf of the Western Australian Planning Commission in accordance with the <i>Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.</i>	 Ashley Randell Determination Planning Manager, Aboriginal Communities Regional Planning & Strategy PN: 15151.1 date 07/04/2014
	 Ashley Randell Authorisation Planning Manager, Aboriginal Communities Regional Planning & Strategy PN: 15151.1 date 20/05/2014

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 Housing (DoH)
Date	: 6 December 2013

Reason for the Amendment

DoH has identified a number of housing sites that do not comply with the current layout plan but are viable in terms of efficient use of existing essential and municipal services. Additionally, numerous residential SL-lots have been identified that are not suitable for housing and require a change of land use.

The DoH propose to make the following changes at Warmun.

Subject Land		Changes required to CLP
1.	SL-lot 701	Divide SL-lot 701 to become SL-lots 701 and 236
2.	SL-lot 812	Change SL-lot 812 from 'Recreation' to 'Residential'
3.	SL-lot 609	Change SL-lot 609 from 'Residential' to 'Community'
4.	SL-lot 47	Change SL-lot 47 from 'Residential' to 'Open Space'
5.	SL-lot 117	Change SL-lot 117 from 'Residential' to 'Recreation'
6.	SL-lot 914	Subdivide SL-lot 914 to include SL-lots 200 -- 204 and a proposed new SL-road

Endorsements:

Warmun Community Inc.	
please sign and print name <i>Kenneth Lewis</i>	Date: 29-4-14
Kimberley Land Council Aboriginal Corporation Yurriyangem Taram	
please sign and print name <i>SHIRLEY RIDE</i>	Date:
Shire of Halls Creek	
RODGER KERR-NEWELL CHIEF EXECUTIVE OFFICER	Date: 210814
please sign and print name	
Western Australian Planning Commission	
please sign and print name	Date: 06/11/2014

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

Proponent : Housing Authority
Date : 20 September 2016

Reason for the Amendment

The Housing Authority is proposing to construct new houses in Warmun. It is proposed to do a minor realignment to an existing residential SL-lot to provide adequate land for the provision of essential services infrastructure. This realignment will slightly reduce the size of the existing residential SL-lot, however will not negatively impact the provision of adequate space for the construction of housing.

Land Identification		Amendment description
1.	SL-lot 914	<p>Realign the north-western boundary of SL-lot 914 so that it aligns with the eastern edge of SL-road 902, and amalgamate the remaining portion with the surrounding area classified 'Open Space'.</p> <p>Change land use classification of the amalgamated area from 'Residential' to 'Open Space'.</p>

Endorsement:

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

Determined on behalf of the Western Australian Planning Commission in accordance with the <i>Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.</i>	 Justin Abbott
	Director, Regional Planning Policy Regional Planning PN: 15151 21/9/16 date

Other Information:

This Layout Plan does not constitute development approval.

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Proponent : Department of Planning, Lands and Heritage

Date : 8 August 2017

Reason for the Amendment

An amendment to the Warmun Layout Plan No. 2 (LP2) is required in order to make minor spatial upgrades and land use changes to reflect current air photography and cadastre updates. The proposed changes are generally administrative in nature and do not negatively impact on existing or proposed land uses.

Land Identification		Amendment description
1.	SL-lot 720 (residential)	Amalgamate with Road Reserve (700 Road), lot 509 crown reserve 34593.
2.	SL-lots 922 & 923	combine together to create new SL-lot 951, change land use to "community", based on existing land use from 2016 air photo.
3.	SL-lot 33 (rubbish tip)	align northern & western boundaries with lot 33 crown reserve 39176 (vesting Rubbish Disposal Site, Shire of Halls Creek), extend SL-lot southerly to match extent of tip shown on 2016 air photo.
4.	SL-lots 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518 & 519	Spatially upgrade SL roads to match new SL-lots on crown reserve 24593.
5.	SL-lot 62 (public utility)	Spatially update to match existing land use shown on 2016 air photo.
6.	SL-lots 11, 14, 15, 16, 17, 19, 20, 24, 25, 30, 31, 32, 33, 34, 35, 43, 45, 46, 47, 51, 52, 65, 97, 98, 99, 100, 101, 102, 103A, 103B, 104, 105, 106, 107, 110, 119, 121, 141, 144, 145, 601, 605, 606, 615, 704	Spatially update to match existing fences shown on 2016 air photo.
7.	SL-lot 2	Spatially update to match dimensions described on "Warmun Lease Plans MFPP and GEHA Housing" dated 26/07/2005.
8.	SL-lots 3, 4, 5, 67, 128 & 129	Spatially update to match existing fences shown on 2016 air photo.
9.	SL roads	Update SL road name convention to bring the names in line with current standards.
10.	Recommended settlement zone	Minor realignment.

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

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


 Ashley Randell
 Determinative Regional Planning Policy Unit
 Regional Planning
 PN: 15151

Other Information:

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Proponent	: Warmun (Turkey Creek) Community Inc. Department of Planning, Lands and Heritage
Date	: December 2020

Reason for the Amendment

The Shire of Halls Creek Local Planning Scheme No.2 (LPS 2) was published in the Government Gazette on 17 September 2019. LPS 2 largely zones Warmun Settlement. However, LPS 2 reserves a portion of 'Other Side' residential area for 'Public Purposes – Emergency Services'. The purpose of this amendment is to match LPS 2 and to indicate where LPS 2 could be amended to more properly match existing land uses at Warmun.

A portion of the Warmun settlement area is zoned 'Rural' in the Shire of Wyndham-East Kimberley Local Planning Scheme No. 9 and is to continue to be identified as 'Recommended Settlement Zone' in the Layout Plan.

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

- Revising the population, housing and servicing data;
- Editing and reformatting the background report;
- Removing out of date text and references
- Updating the layout plan map-set

Land Identification		Amendment description
1.	All	Delete the 'Recommended Settlement Zone'. Add 'Settlement' zone to match the Shire of Halls Creek LPS 2.
2.	SL-lots 200-204, 901-907, 910-914, 924, and 928-933.	Land reserved for 'Public Purposes – Emergency Services' (Lots 504, 516, 517 & 519) to be identified as 'Recommended Settlement Zone' (includes SL-lots 200-204, 901-907, 910-914, 924, and 928-933).
3.	SL-lot 140	Delete SL-lot 140.
4.	SL-lot 702 and 703	Realign the lot boundaries of SL-lot 702 and 703 to incorporate the residential dwelling solely on SL-lot 702.
5.	All	Update the Background Report.

Endorsement:

In accordance with State Planning Policy 3.2 Aboriginal Settlements Guideline (June 2020) this amendment is minor in nature. As such, the endorsement of the Western Australian Planning Commission is solely required.

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

07.12.2020

Other Information:

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