

# Cosmo Newbery

## Layout Plan 1

### Background Report

August 2001

Date endorsed by WAPC



### Amendments

Amendment 2 - September 2012

Amendment 3 - August 2014

Amendment 4 - May 2016

Amendment 5 - February 2019



Department of  
Planning



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## **COSMO NEWBERY LAYOUT PLAN 1**

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Cosmo Newbery Layout Plan 1 was prepared in 2000 by Gutteridge Haskins & Davey (GHD).

The background report prepared at that time is now significantly out-of-date and has been effectively superseded by the Amendment 2 report prepared during 2011/12, and subsequent further amendments

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**COSMO NEWBERY LAYOUT PLAN 1  
AMENDMENT 2**

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## EXECUTIVE SUMMARY

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Cosmo Newbery Layout Plan No.1 (LP1) was prepared in 2000 by Gutteridge Haskins & Davey. It was endorsed by the Cosmo Newbery Aboriginal Corporation (May 2000), Shire of Laverton (August 2000) and the Western Australian Planning Commission (August 2001).

Cosmo Newbery LP1 Amendment 2 report has been prepared by the Department of Planning with assistance from consultant anthropologist David Raftery during 2011 and 2012.

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

**Table 1: Population details.**

Existing Population	100
Design Population	130

**Table 2: Infrastructure and essential/social service characteristics at Cosmo Newbery.**

Infrastructure/service Indicator	Community Characteristics
Drinking water	Water supply is unregulated. Water quality and quantity understood to be sufficient to meet the needs of the design population.
Native title	Community is located within claim area of the Yilka Registered Native Title Claim (WAD 297/2008, WC08/5).
Secure land holding(s)	Community housing and infrastructure located on land with secure and appropriate tenure.
Flood / storm surge	The community has a low risk of flooding.
Emergency assistance	Police Station located in Laverton (90 minutes by road).
Education	School located within the community servicing year's K to 10.
Health	Health Clinic located within the community attended by full time Nurse Practitioner.
Governance	Incorporated community council Cosmo Newbery Aboriginal Corporation meeting regulatory requirements.
Employment and enterprise opportunities	Job opportunities exist within the community. Established job markets in surrounding mining operations.
Transport	Generally reliable road access via the Great Central Desert Road to Laverton (90 minutes by road).
Food	Store located at community functioning reliably.
Electricity	Electricity supply is unregulated. Generation capacity understood to be sufficient to meet the needs of the design population.

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## DEVELOPMENT PRIORITIES

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The following initiatives, development and works are needed to implement Cosmo Newbery LP No. 1 Amendment 2:

Within the next year:

1. Pave, drain and seal roads.
2. Clear and reticulate oval.

Within the next 5 years:

1. New houses (including a house for a health worker).

### **Implementing the Layout Plan**

The implementation of this LP will rely on the energy and endeavour of the community members. The future growth of Cosmo Newbery 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 Cosmo Newbery Aboriginal Corporation 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.

### **Layout Plans & the Development Process**

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

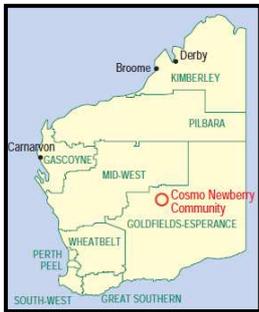
Prior to commencing development a range of consents, approvals, licenses and clearances may be required.

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

Organisations responsible for such matters may include the landowner, local government, incorporated community council, native title representative body, Department of Environment & Conservation, Aboriginal Cultural Materials Committee, Environmental Protection Authority, Department of Consumer & Employment Protection and Department of Water.

# 1 BACKGROUND

## 1.1 Location & Setting



Cosmo Newbery is located off of the Great Central Road, 83km from Laverton.

It is located in the Murchison bioregion. The vegetation in the bioregion is closely linked with the geology, soils and climate. Areas of outcropping rock with poor soils support mulga low woodlands. Hummock grasslands grow predominately on the saltbush shrub-land on calcareous soils (Thackway, & Cresswell, 1995).

## 1.2 Climate

Cosmo Newbery has a sub-tropical climate characterised by hot wet summers and dry mild winters. Mean Daily temperatures range from 18 - 36°C in summer and 4 - 20° in winter with an average annual rainfall of 208mm.

## 1.3 History

Aboriginal occupation and use of the Cosmo-Newbery has repeatedly been documented by explorers, prospectors, and early anthropologists since 1892. Its location on the western edge of the Western Desert Cultural Bloc has meant that this area has long been an intersection of people from the areas now known as the Ngaanyatjarra Lands, and Aboriginal people from the northern and eastern Goldfields. Resource scarcity has long prompted the movement of Aboriginal people from Central Desert regions west towards Laverton.

Following rapid expansion of the Aboriginal population in Laverton and Mt Margaret, the Western Australian Government established a ration depot on the site of present-day Cosmo-Newbery in 1930, intending to centralise Aboriginal people from the wider district, thus providing a buffer to the movement of Aboriginal people westward from the Warburton Ranges into Laverton. From 1930 Cosmo-Newbery has either been in the control of the state government or the United Aborigines Mission and has played different roles, including a rehabilitation centre for juvenile males. It has retained a strong connection to Mt Margaret as school age children were sent there progressively from 1941.

Nonetheless, it has remained a centre for traditional cultural activities including ceremonial business. These activities would often flourish during periods of low seasonal employment in the pastoral industry. Control of the community passed from the UAM to WA government's Aboriginal Affairs Planning Authority in 1972, with the Mission ceasing involvement with the community in 1979. By 1987 many people had left Cosmo Newbery, and it was considered that it may cease to exist as a permanent settlement. In 1989, the Murray family returned to live permanently at Cosmo Newbery. They were later followed by other families, returned to re-establish the community.

Whilst Laverton, Leonora and Kalgoorlie are key service centres for Cosmo Newbery, many kin and cultural ties are maintained with *yarnangu* from the Ngaanyatjarra Lands. Since 1993, Cosmo Newbery has been a member community of Ngaanyatjarra Council. Most of the residents are members of the Yilka native title claim that encompasses the wider Cosmo Newbery area. Traditional activities such as hunting are widely practiced, and relatives from the Ngaanyatjarra Lands constantly visit the community.

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## 2 COMMUNITY PROFILE

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### 2.1 Population

Estimating and predicting populations on remote aboriginal communities can be 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 figures also vary depending on the time of year of enumeration, methods and sources by which data are collected. Australian Bureau of Statistics (ABS) data has been criticised for undercounting populations in remote communities (Memmot et al 2004).

Current population levels can be estimated from a range of sources, including Census Data from the Australian Bureau of Statistics (ABS) and the Environmental Health Needs Survey undertaken by the Department of Indigenous Affairs. ABS data from 2001 recorded a total indigenous population of 84 with a total of 47 people recorded in 2006. The population data provided by the ABS for 2006 appears to be undercounting the population with the 2008 Department of Indigenous Affairs Environmental Health Needs Survey (EHNS) recording 87 inhabitants, excluding non-permanent staff.

A key source of population data is from the community itself. The community advise that Cosmo Newbery has a permanent population of approximately 100 people. A summary of recent population data from these two sources follows:

**Table 3 - Population figures by source 1997-2011**

	1997	2001	2004	2006	2008	2011
Total persons	120	84	120	47	87	100
Source	EHNS	ABS	EHNS	ABS	EHNS	Community

Aspirational population refers to the future population as desired by the existing community. Within its context, Cosmo Newbery is a desirable place to live, with a well functioning school, store, employment opportunities and sufficient housing. In addition, residents have advised that there are a number of young adults who are likely to start their own families during the 10 year time-frame of the LP. The aspirational population for Cosmo Newbery is 150 people by 2021.

Migration to and from the community will be influenced among other things by employment opportunities, family networks and obligations, services and infrastructure available in the community (including number and type of housing). All the same, the estimates above can be used as a reasonable though generalised estimate of population growth and aspired growth during the next ten years. These figures should be re-evaluated when the LP is next updated (ie. roughly every five years).

Given that the population counts since 1997 have been somewhat erratic, it is difficult to project how the population of Cosmo Newbery might grow in the next 10 years. However, the population projections for the Shire of Laverton outlined in Western Australia Tomorrow (WAPC 2005) indicates a 1 per cent annual growth rate. As such a 1 per cent annual growth rate has been estimated for Cosmo Newbery. Based on a current population of 100 and an annual growth rate of 1 per cent, it is estimated that the population of Cosmo Newbery could be approximately 110 by the year 2021.

The design population has been developed taking the aspirational and estimated population numbers into consideration. The design population of Cosmo Newbery LP1 Amendment 2 is 130 people by 2021.

## 2.2 Governance

The community is managed through its incorporated body, Cosmo Newbery Aboriginal Corporation (CNAC). CNAC was incorporated under the *Aboriginal Councils and Associations Act 1976* on 31 January 1991.

The Registrar Initiated Rulebook for the CNAC prepared under *Corporations (Aboriginal and Torres Strait Islander) Act 2006* establishes the following objectives for the corporation:

- *Help create employment and opportunities for its members.*
- *Ongoing support the social development of its members in all ways.*
- *Help bring about the social development of its members by the development of economic projects and industries.*
- *Support education, job training, health services, work and housing for its members.*
- *Help and encourage its members to manage their affairs upon their own lands.*
- *Help and encourage its members to keep and renew their traditional culture.*
- *Help build trust and friendship between its members and other people.*
- *Participate with other Aboriginal Associations in projects for their mutual benefit.*
- *Receive and spend grants of money from the Government of the Commonwealth or of the State or from other sources.*
- *Engage in profitable undertakings to provide an income for the Association to fund its activities and foster its financial independence from Government and other agencies.*

## 2.3 Land Tenure

All housing and infrastructure at Cosmo Newbery is located on land with secure and appropriate tenure.

The community living area is located on one land title with 2 adjacent reserves for the purpose of the use and benefit of Aboriginal inhabitants:

<i>Crown Land Title Register No.</i>	55/DP240377
<i>Lot Details</i>	Lot 55 on Crown Reserve 22032
<i>Status Order / Interest</i>	Reserve Vested Under Statute
<i>Primary Interest Holder</i>	The Aboriginal Affairs Planning Authority
<i>Area</i>	450654.16 ha
<i>Limitations/Interests/Encumbrances/Notifications</i>	For the purpose of use and benefit of aboriginal inhabitants

<i>Crown Land Title Register No.</i>	6/DP92244
<i>Lot Details</i>	Lot 6 Crown Reserve 25051
<i>Status Order / Interest</i>	Reserve Vested Under Statute
<i>Primary Interest Holder</i>	The Aboriginal Affairs Planning Authority
<i>Area</i>	188819.45 ha
<i>Limitations/Interests/Encumbrances/Notifications</i>	For the purpose of use and benefit of aboriginal inhabitants

<i>Crown Land Title Register No.</i>	58/DP92243
<i>Lot Details</i>	Lot 58 Crown Reserve 25050
<i>Status Order / Interest</i>	Reserve Vested Under Statute
<i>Primary Interest Holder</i>	The Aboriginal Affairs Planning Authority
<i>Area</i>	213551.08 ha
<i>Limitations/Interests/Encumbrances/Notifications</i>	For the purpose of use and benefit of aboriginal inhabitants

## 2.4 Native Title

Cosmo Newbery is located within the Registered Yilka native title claim (WAD 297/2008, WC08/5). The Yilka claim covers an area of 12, 260 km<sup>2</sup>.

The Yilka claim is managed by the Central Desert Native Title Services.

This claim attracts the right to negotiate under the Native Title Act 1993. Prior to development contact must be made with the Central Desert Native Title Services.

### 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.

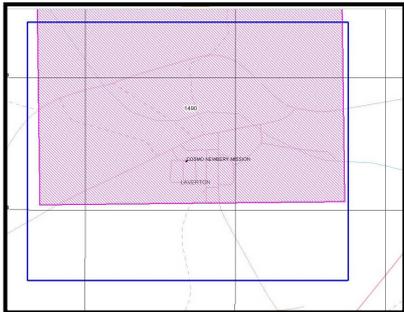
More information about native title can be obtained from the [National Native Title Tribunal](#).

## 2.5 Heritage

An Aboriginal Heritage Survey was not conducted in conjunction with the preparation of this Layout Plan.

The following discussion of heritage matters derives from consultation with the community and a desk-top survey of sites registered under the AHA 1972.

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.



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

One registered Aboriginal heritage site exists in close proximity to the Cosmo Newbery (id 1490). This site is identified as closed access for males only and is classified as a repository cache.

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

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

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

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

No formal heritage assessment under the *Aboriginal Heritage Act 1972* has been undertaken as part of the preparation of 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**

Providing a sufficient standard of living for the current population of Cosmo Newbery and future residents is dependent on maintaining and improving the existing facilities and making sure that there is the right mix of housing and other uses.

There is an understanding that development of Cosmo Newbery is something that has taken time, and will happen over many years.

The ideas for improvements to the facilities noted by the Cosmo Newbery Aboriginal Corporation when developing the Layout Plan are listed below. Not all of these aspirations can be incorporated into a LP, but have been noted as a record of a more general community improvement plan.

1. Arrange short term accommodation / housing for visiting health care workers.
2. Continue to develop vegetable garden on SL-lot 58.

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## 3 EXISTING INFRASTRUCTURE & SERVICES

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### 3.1 Housing

There are 31 houses in Cosmo Newbery.

Housing development and rent is currently managed by the Ngaanyatjarra Council. The houses are generally stud frame and light-weight cladding construction.

To house the 2021 design population of 130, and to meet a population density 4 people per house it is estimated that 2 new houses will need to be constructed (with the existing housing stock to be adequately maintained) over the next 10 years. To cater for any unexpected growth, LP1 Amendment 2 has provided 23 vacant 'residential' SL-lots. Although it is unlikely that the community will require this many residential SL-lots over the next 20 to 30 years they have been included as part of LP1 Amendment 2 as all vacant 'residential' SL-lots are currently fully serviced and planned for.



The actual population density per house will vary depending on a number of factors including extended-family obligations, household composition (number of adults and children living in the same house), housing condition (some houses currently require refurbishment to be brought up to a habitable standard) and the number of bedrooms in the house. It is likely that this population density figure may be higher in reality due to extended family obligations, with many families housing relatives during school holidays and lore and culture times. Consequently, it can be expected that a number of existing and future dwellings will have considerably more than 4 people living in them, while others may have less, depending on these factors.

### 3.2 Flooding & Drainage

There are no major rivers proximate to Cosmo Newbery. It is understood that no flood study has been completed or endorsed for Cosmo Newbery. The community advised that Cosmo Newbery is not generally affected by flood. However, the absence of a comprehensive drainage network in the town has resulted in the school becoming inundated on occasion.

## ESSENTIAL SERVICES

### 3.3 Water Supply

Cosmo Newbery's drinking water service is unregulated and there is no drinking water source protection plan.

Drinking water is sourced from bores located on SL-lots 102 and 103. It is understood that the bore on SL-lot 102 is the primary production bore.

Water quality is sampled monthly by Ngaanyatjarra Essential Services. Test results indicate the water quality is satisfactory.

The primary bore is suitably separated from incompatible land uses and is therefore has a low risk of contamination. Aboriginal Settlements Guideline 1 - Layout Plans (2011) recommends a 500m exclusion zone for inappropriate land uses around groundwater drinking water sources. All housing, the rubbish tip and the sewage ponds are located outside this boundary.

### 3.4 Electricity Supply

The electricity supply at Cosmo Newbery is unregulated. Ngaanyatjarra Essential Services is responsible for power supply and service. The power station is a diesel fuelled semi automated 226kw unit.



The current electricity supply is considered to be sufficient for the current population however as the population grows it is recommended that the electricity requirement be reviewed and potentially upgraded.

The power station is not suitably separated from sensitive land uses. Aboriginal Settlements Guideline 1 - Layout Plans (2011) recommends that power stations be separated from

sensitive land uses such as residential by at least 200m. In the case of Cosmo Newbery, there are several houses located within the exclusion boundary, with the closest house being less than 50m away. This has the potential to reduce residential amenity through exposure to excessive noise levels and exhaust fumes. The potential for noise pollution is mitigated by the generators being housed in a cement based lockable shed. The water bores are suitably separated from the power station reducing the risk of contamination of the water source. The relocation of the power station is not considered an immediate priority for the community. However when the power station is upgraded its relocation away from sensitive land uses should be considered.

## **MUNICIPAL SERVICES**

### **3.5 Access & Dedicated Roads**

Cosmo Newbery is accessible via an old section of the Great Central Road. The new alignment of the Great Central Road by-passes the community. The Great Central road is maintained by the Shire of Laverton and is generally in good condition. It is an all-season road and access to the community is possible during the wet in four-wheel drive, except after severe downfalls.

The Great Central Road can often be corrugated and pot-holed; it is possible to drive by 2-wheel drive during the dry months, though the trip is more comfortably made by four-wheel drive.

### **3.6 Internal Road Layout**

The internal road system follows an orderly structure and is constructed with gravel sheeted tracks that are maintained by the community. Paving, draining and sealing the internal; road network is a key aspiration of the community. Dust is not considered a significant problem in the community. Kerbing and sealing the road will improve the suppression of dust, drainage and reduce water pooling.

### **3.7 Wastewater**

All houses in the community are connected to a reticulated sewer system. The sewer system comprises gravity mains which connect to a single pump station located (SL-lot 29) to the east of the central living area. The sewerage collection system loosely follows the internal road system. Sewage is pumped to the wastewater treatment plant located approximately 800m east of the community on SL-lot 92. Engineering advice regards the capacity and design limitations of the wastewater treatment plant was unavailable at the time of preparation of this Amendment. However, the community advised that the sewerage system operates satisfactorily.

### **3.8 Rubbish Disposal**

The community manages the disposes of its own solid waste. Generally waste is collected and transported to a fenced and lockable rubbish tip on SL-lot 101 located 1km south of the central living area. Waste at the tip facility is predominantly comprised of household rubbish and would generally be consistent with the Department of Environment and Conservation's Landfill Class II classification (putrescible, nonhazardous and nonbiodegradable inert waste). The rubbish tip is not licensed by the Department of Environment and Conservation.

### 3.9 Community and Social Services

The following community facilities and social services are located at Cosmo Newbery:



**Store**

The Cosmo Newbery store is located on SL-lot 32. It is currently trading effectively and supplies fresh fruit and vegetables on a regular basis. The store gives away fruit and vegetables that are grown in the vegetable garden located on SL-lot 58.



**School**

The Cosmo Newbery Remote Community School is an annexe of Laverton Remote Community School.



**Office**

Cosmo Newbery community office is located on SL-lot 32. It is run by a full time manager who is employed by the Cosmo Newbery Aboriginal Corporation and is also assisted with local staff. The office is responsible for administering the local CDEP/Centrelink program. The office has a designated meeting space, email, phone, fax and wireless internet.



**Clinic**

The Cosmo Newbery clinic is a full-time service attended by a nurse-practitioner and an enrolled nurse. The royal flying doctor service complete fortnightly visits, with Allied Health providing further Specialist visits (Podiatrist, Paediatrician etc) every 2 months.

Emergency assistance is about one hour's travel time by road from the community to Laverton.



**Workshop**

The community workshop is located on SL-lot 4. The workshop is equipped with three phase power and acts as a storage location for all community plant equipment.

#### **Recreation Centre**

The community recreation centre is located on SL-lot 34.

#### **Youth Centre**

There is no youth centre currently located on Cosmo Newbery. SL-lot 33 has been reserved for use as a future youth centre site.

#### **Oval**

The community has one non-reticulated football oval located adjacent to the school on SL-lot 56.

#### **Airstrip**

The community's airstrip is located about 1km northeast of the central living area on SL-lot 94 located within Lot 55 Crown Reserve 22032. The airstrip is suitable for Royal Flying Doctors Services and regularly services commercial enterprises in the surrounding area. The airstrip is constructed in an 'X' formation and is surfaced with compacted gravel.

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## 4 RECOMMENDATIONS

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### 4.1 Design Summary

The future plans for Cosmo Newbery are based on visits to the community and advice from relevant government agencies, including the Remote Area Essential Services Program (RAESP) managers Parson Brinkerhoff (Ngaanyatjarra Essential Services), the Shire of Laverton, Aboriginal Lands Trust, and the Departments for Housing, Water and Indigenous Affairs.

The general design principles of the plan are:

1. Maintain adequate separation between incompatible uses.
2. Define a road network that is suitable for all uses, including water, electricity and other services.
3. Plan for adequate residential SL-lots to house the design population.
4. Allocate land for a range of land uses that may be needed in the future.

The Cosmo Newbery LP No.1 Amendment 1 shows all proposed improvements to Cosmo Newbery, as well as a layout for current and future land uses. The following provides a brief explanation of the design principles and required improvements that are shown on the plan.

### 4.2 Housing

To house the 2021 design population of 130, and to meet a population density 4 people per house it is estimated that 2 new houses will need to be constructed (with the existing housing stock to be adequately maintained) over the next 10 years. To cater for any unexpected growth, LP No.1 Amendment 2 has provided 23 vacant 'residential' SL-lots. Although it is unlikely that the community will require this many residential SL-lots over the next 20 - 30 years they have been included as part of LP No.1 Amendment 2 as all vacant 'residential' SL-lots are fully serviced and planned for.

LP No.1 Amendment 1 has reduced the number of residential SL-lots currently available at the community. However it still retains 23 vacant residential SL-lots for future housing needs. While this is an oversupply of residential SL-lots it was considered appropriate to retain all residential SL-lot that were currently connected to essential services. The intention of the Layout Plan is that it provides a reasonable outlook for growth over the next 10 years. It is intended that the plan be reviewed at an interval of 5 years. If prior to review the community requires more residential lots to be provided for, the CNAC is required to contact the WAPC to prepare an amendment.

The following SL-lots are to be reserved for the assigned purposes;

- Older persons accommodation - SL-lot 11
- Visitors accommodation - SL-lot 18
- Single persons accommodation - SL-lot 64

### 4.3 Road Layout

The road layout depicted in LP No.1 Amendment 1 generally reflects the road system that currently exists at the settlement. The majority of the internal road system has been shown as 'Existing Road' because the extent of the road reserve is well defined and constructed with compacted gravel. Other roads have been shown as 'Future Roads' as they are generally based on informal, unconstructed tracks that require clearing of vegetation and construction of a trafficable carriageway.

All roads should be sealed and bituminised in the future when funds to do so become available to reduce issues of dust generation and to improve drainage. Negotiations are currently underway with the Shire of Laverton to carry out an upgrade to the internal road system.

Road reserves are generally 20m in width, allowing for a carriageway of 8m and road verges of 6m. A simple system of table drains should be incorporated into the road verges as the road network is formalised to assist with stormwater conveyance. The road network should also be used as the alignment for essential service infrastructure such as power lines and water pipes.

#### **4.4 Clinic**

The Cosmo Newbery Clinic is attended full time by a nurse practitioner and an enrolled nurse. The community is also frequently visited by a doctor and specialists supported by the Royal Flying Doctor Service and Allied Health respectively. The Lead Clinic Nurse has proposed that housing be provided for visiting health care workers as health care workers must fly to Laverton if accommodation is required for the night. There are sufficient vacant 'residential' lots provided on LP No.1 Amendment 2.0 to cater for future health care workers.

#### **4.5 Drinking water analysis and protection**

To date there has been no Drinking Water Source Protection Plan (DWSP) prepared for Cosmo Newbery. The unknown supply of the existing drinking water supply at Cosmo Newbery may limit the potential growth of the settlement in the future. It is therefore recommended that appropriate analysis of the settlement's drinking water supply occurs, in order to determine compliance with the Australian Drinking Water Guidelines and whether the sustainable yield meets current and projected usage levels.

An assessment of the drinking water supply could be undertaken as part of the preparation of a DWSP for Cosmo Newbery. In order to ensure that existing and future drinking water supplies are appropriately protected, a DWSP should be prepared by the appropriate agency. Such a plan would incorporate monitoring and maintenance requirements, estimates of groundwater flow directions, estimation of aquifer resources, likely zones of influence of production bores and an assessment of the potential for contaminants to impact water supplies. DWSPs also define areas of land within which land uses are restricted in order to protect drinking water that is harvested within that area, and are based on hydrological analysis of the particular circumstances of the water source and the settlement/s it serves.

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## **5 PLANNING FRAMEWORK**

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### **5.1 State Planning Policies**

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

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

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

- SPP 3 – Urban Growth and Settlement;
- SPP3.2 Aboriginal Settlements; and
- SPP2.7 Public Drinking Water Source Policy

### **5.2 Aboriginal Settlements Guideline 1**

Aboriginal Settlements Guideline 1: Layout Plans, provides guidance in regards to Layout Plan preparation, consultation, endorsement and amendment. Guideline 1 has four attachments, including provisions and exclusion boundaries. The exclusion boundaries section includes defined minimum separation distance buffers specifically suited to the range, scale and type of infrastructure typical of remote Aboriginal communities. All exclusion boundaries specified in LP No.1 Amendment 1 are based on Aboriginal Settlements Guideline 1: Layout Plans.

### **5.3 Shire of Laverton**

The Shire of Laverton Town Planning Scheme No. 2 was gazetted on 29 March 2004. Cosmo Newbery is located within the scheme area and is zoned as 'Settlement'.

The current settlement zone does not incorporate all housing and community infrastructure. As such, a 'recommended settlement zone' has also been proposed on the Land Ownership plan. The recommended settlement zone contains all community housing and infrastructure and the relevant exclusion boundaries.

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## 6 CONSULTATION, REFERENCES & INFORMATION

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### CONSULTATION SUMMARY

Preparation of this Layout Plan is the result of consultation with the community representatives and a range of agencies, authorities, non-government organisations during 2011 - 2012.

Information was obtained from the following sources.

Organisation	Date
Cosmo Newbery representative meeting	24 November 2011
	15 March 2012
Department of Housing	1 March 2012
Department of Indigenous Affairs	29 February 2012
Shire of Laverton	16 March 2012
Ngaanyatjarra Essential Services	22 February 2012
Department of Water	23 February 2012

### REFERENCE

Department of Indigenous Affairs (DIA) 2004 *Environmental Health Needs Survey of Indigenous Communities in Western Australia*. Government of Western Australia. Available at: [www.dia.wa.gov.au](http://www.dia.wa.gov.au)

Memmot, P. & S. Long & M. Bell & J. Taylor & D. Brown 2004 *Between Places: Indigenous Mobility in Remote and Rural Australia*. Australian Housing & Urban Research Institute, University of Queensland.

Taylor, J. 2006 *Population and Diversity: Policy Implications of Emerging Indigenous Demographic Trends*. CAEPR discussion paper No. 283/2006. ANU: Canberra.

Miller [http://www.wiluna.wa.gov.au/about\\_us/vegetation.html](http://www.wiluna.wa.gov.au/about_us/vegetation.html)

## Cosmo Newberry Layout Plan No.1

### Amendment No.2

**Date** : **WAPC** : 21 August 2001  
**Officer** : Brianna Sharp **Endorsed**  
**Requires** : Yes  
**Endorsement**

#### Details of the Amendment

The intention is to modify Cosmo Newberry Layout Plan No.1 in accordance with requests made from the community (24 November 2011)

<b>Development Intention</b>	<b>Changes required to LP</b>
<b>1.</b> Remove lots	1. Remove 'residential' SL-lots 43, 44, 46, 47, 49, 51-53, 65-68. 2. Remove 'community' SL-lot 19.
<b>2.</b> Add lots	1. Add 'rural' SL-lot 17. 2. Add 'industrial' SL-lot 59. 3. Add 'public utility' SL-lot 29.
<b>3.</b> Change Land Use	1. Change SL-lot 58 from 'recreation' to 'rural'. 2. Change SL-lot 31 from 'community' to 'recreation'.
<b>4.</b> Adjust SL-lot boundaries	1. Amend 'residential' SL-lot boundaries for SL-lots 5-9, 11, 15, 16, 18, 35, 43, 48, 50, 54, 57 & 64. 2. Amend 'recreation' SL-lot boundaries for SL-lots 31, 34 & 45. 3. Amend 'industrial' SL-lot boundaries for SL-lots 4 & 59. 4. Amend 'community' SL-lot boundaries for SL-lots 10, 12, 14 & 33. 5. Amend 'rural' SL-lot boundaries for SL-lot 58. 6. Amend 'commercial' SL-lot boundaries for SL-lot 32.
<b>5.</b> Road Layout	1. Realign road layout adjacent SL-lots 43 & 54 to reflect current road design. 2. Add road adjacent to SL-lot 56 to access sewage ponds. 3. Add road adjacent to SL-lot 35 to reflect current road design.
<b>6.</b> Specifications	1. Update specifications according to requirement.

Development Intention	Changes required to LP
7. Modify 'recreation' SL-lots to match community aspirations.	1. Change SL-lot 58 from 'recreation' to 'rural'. 2. Modify 'recreation' SL-lots 31, 34 & 45.
8. Modify 'commercial' SL-lots to match community aspirations.	1. Modify 'commercial' SL-lot 32.
9. Community road network	Modify to match community aspirations and revised data.
10. Recommended settlement zone	Include recommended settlement zone to match land-use.

**Approved / Noted:**

**Cosmo Newberry Aboriginal Corporation**

\_\_\_\_\_ *please sign and print name*

*Community endorsed 14  
March 2012.*

Date / / 2012

**Shire of Laverton**

\_\_\_\_\_ *please sign and print name*

*[Signature]*

STEVEN JOHN DECKERT

Date 26 / 7 / 2012

**Western Australian Planning Commission**

\_\_\_\_\_ *please sign and print name*

*[Signature]*

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

Date 12 / 9 / 2012

**Other Information:**

This LP 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.

RESOLVED & RECORDED IN MINUTES  
OF THE STATUTORY PLANNING  
COMMITTEE MEETING  
11 SEP 2012

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## **FURTHER AMENDMENTS**

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**Cosmo Newberry Layout Plan No.1**

**Amendment No.3**

<b>Proponent</b> :	<b>Department of Housing (DoH) Ngaanyatjarra Services</b>
<b>Date</b> :	<b>31 July 2014</b>

**Reason for the Amendment**

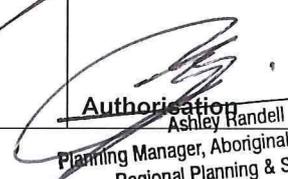
DoH and Ngaanyatjarra Council manage numerous houses in Cosmo Newberry. House numbers used by Ngaanyatjarra Services are not in alignment with the SL-lot numbers shown on the Layout Plan. This amendment is to harmonise both numbering systems.

Ngaanyatjarra Services and DoH propose to make the following changes at Cosmo Newberry.

<b>Subject Land</b>		<b>Changes required to CLP</b>
<b>1.</b>	Residential SL-lot 18	Residential SL-lot 18 to be changed to residential SL-lot 17
<b>2.</b>	Recreation SL-lot 17	Recreation SL-lot 17 to be changed to recreation SL-lot 100

**Endorsements:**

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 Planning Manager, Aboriginal Communities Regional Planning & Strategy PN: 15151.1 date <b>31 July 2014</b>
	 Ashley Randell Planning Manager, Aboriginal Communities Regional Planning & Strategy PN: 15151.1 name & date <b>11 August 2014</b>

**Other Information:**

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

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

<b>Proponent</b> :	Department of Planning
<b>Date</b> :	17 May 2016

**Reason for the Amendment**

On 3 May 2016 Amendment 2 to the Shire of Laverton Local Planning Scheme No.2 was published in the Government Gazette. In summary, Amendment 2 changed the extent of land zoned 'Settlement' in the Scheme, to match existing land use and tenure at Cosmo Newberry.

The purpose of this amendment to the Cosmo Newberry Layout Plan is to ensure that the 'settlement' zone matches the Shire of Laverton Local Planning Scheme no.2.

Land Identification	Amendment description
All	Modify the map-set to: a) Delete the 'recommend settlement zone', and; b) Modify the 'settlement' zone to match the Shire of Laverton Local Planning Scheme No.2.

**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 Director, Regional Planning Policy Regional Planning PN: 15151 Date: 17/05/2016
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**Other Information:**

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

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

**Proponent** : Department of Planning, Lands and Heritage (DPLH)

**Date** : 19 February 2019

### Reason for the Amendment

The Department of Planning, Lands and Heritage, on behalf of the Western Australian Planning Commission, is the custodian for Layout Plans prepared under State Planning Policy 3.2, including the Cosmo Newbery Layout Plan 1.

Proposed Amendment 5 to Layout Plan 1 is to facilitate improvements to Layout Plan accuracy through spatial upgrades to the map-set, based on the December 2018 aerial photo.

In addition, the spelling of the word 'Newberry' has been amended throughout the Layout Plan to match the name of the respective Aboriginal Corporation and locality, ie. with one 'r', rather than two 'r's.

Land Identification		Amendment description
A	SL-lot 102	This SL-lot number is a duplicate. Renumbering it to SL-lot 112. Will improve legibility and clarity.
B	All SL-lots and SL-roads	Spatially upgraded to match December 2018 air photo.
C	SL-lot 103 (bore)	SL-lot 103 relocated from south-east to south-west corner of SL-road intersection, to match air photo.
D	Unnamed east-west SL-road, north of Cosmo Newbery	Unnamed east-west SL-road, north of Cosmo Newbery named as SL-road "Second Street" to improve legibility and clarity.

### 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  
Director, Regional Planning Policy  
Regional Planning  
Determination  
date

### Other Information:

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

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