

Dodnun Layout Plan 1

Background Report

July 2017

Date endorsed by WAPC



Amendments

Amendment 1 - June 2018

Amendment 2 - January 2020



Department of
Planning



DODNUN LAYOUT PLAN 1

This background report was prepared in 2016 and has been endorsed by the resident community (Dodnun Aboriginal Corporation) on 18 October 2016, the traditional owners (Wanjina-Wunggurr (Native Title) Aboriginal Corporation) on 18 October 2016, the local government (Shire of Wyndham-East Kimberley) on 18 July 2017 and the Western Australian Planning Commission (WAPC) on 28 July 2017.

The WAPC endorsed one amendment in June 2018 to incorporate flood study data from the 'Kimberly Communities - Dodnun Flood Study', no changes were made to the background report. The endorsed amendment is listed in part 7 of this report.

The Amendment 2 background report update sought to keep all relevant information, while removing and replacing out-of-date references and data. All temporal references in the background report refer to the original date of preparation, unless otherwise specified.

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	: Dodnun Aboriginal Corporation
Traditional Owners representative organisation	: Wanjina-Wunggurr (Native Title) Aboriginal Corporation
Related organisations	: Winun Ngari Aboriginal Corporation

Acronyms

ABS	: Australian Bureau of Statistics
AHA	: Aboriginal Heritage Act (WA) 1972
ALT	: Aboriginal Lands Trust
ATSIC	: Aboriginal and Torres Strait Islander Commission
CR	: Crown Reserve
DAHS	: Derby Aboriginal Health Service
DoC	: Department of Communities (Housing)
DIA	: Department of Indigenous Affairs
DPLH	: Department of Planning, Lands and Heritage
DWER	: Department of Water and Environmental Regulation
DWSPP	: Drinking Water Source Protection Plan
DAC	: Dodnun Aboriginal Corporation
EHNS	: Environmental Health Needs Survey
ENAC	: Emama Nguda Aboriginal Corporation
ILUA	: Indigenous Land Use Agreement (under the Native Title Act 1993)
KRSP	: Kimberley Regional Service Providers
LP	: Layout Plan
NNTT	: National Native Title Tribunal
NTA	: Native Title Act (Commonwealth) 1993
NTRB	: Native Title Representative Body
ORIC	: Office of the Registrar of Indigenous Corporations
PBD	: Prescribed Body Corporate (under the NTA, representing Native Title holders)
RAESP	: Remote Area Essential Services Program
RFDS	Royal Flying Doctor Service
SL-lot	: Settlement Layout Lot
WAPC	: Western Australian Planning Commission
WNAC	: Winun Ngari Aboriginal Corporation

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 Dodnun Layout Plan 1 (LP1) was prepared during 2016 and 2017. The tables below summarise the main issues concerning the planning, development and provision of services within Dodnun, covered in more detail in the body of this report.

Table 1 – Population Summary

Existing Population :	50
Aspirational Population :	100
Design Population :	80

Table 2 - Place Characterisation Indicators

Indicator	Community Characteristics
Drinking water	The drinking water supply in Dodnun is not regulated. The RAESP water quality report conducted in April 2016 indicates water quality passes Australian Drinking Water Guidelines but may have aesthetic issues. A DWSPP has been completed for Dodnun.
Electricity	The electricity supply at Dodnun is not regulated. Electricity is supplied by a generator and operated by the community with repair and maintenance conducted by Emama Nguda Aboriginal Corporation (ENAC).
Flood	The settlement area is located on land whereon flood is not expected to risk safety or infrastructure.
Land tenure	Lot 34 Crown Reserve 42999 vested in the Aboriginal Lands Trust.
Wastewater	Wastewater service in Dodnun is not regulated. All houses are serviced by conventional septic tank and leach drain effluent disposal systems and maintained by ENAC.
Emergency assistance	The nearest emergency services are located in Derby, more than 2 hours travel time from Dodnun. RFDS available from Mt Elizabeth Airstrip.
Education	There are no education facilities situated in Dodnun. Students travel by bus to Wanambi Remote Community School, at Kupungarri.
Health	Part time clinic serviced from Kupungarri. Kupungarri is located approximately 50km (1.5 hours) from Dodnun.
Food	A fresh food store is located at Kupungarri and a small community store providing basics is located in Dodnun.
Transport	Road access from the community to Derby is known to be seasonally cut-off for periods of more than 2 consecutive weeks and up to three months intermittently. Unsealed road access into the community is in poor condition and four-wheel drive only. The community utilises the Mt Elizabeth airstrip (approx. 15km away) which has Royal Flying Doctors Service accessibility.
Waste services	The rubbish tip is located south of the community, rubbish is disposed of in an unregulated, fenced trench.
Employment & enterprise	The community is more than 2 hours from an established job market at Derby. Several community members are employed with seasonal work and pastoral station work at Mt Elizabeth Station.
Governance	Winun Ngari Aboriginal Corporation and Dodnun Aboriginal Corporation represent the resident community. The Traditional Owners are represented by the Wanjinawungurr (Native Title) Aboriginal Corporation.
Aboriginal heritage	The community is located within the determination area of the Wanjinawungurr Wilinggin people (WCD2004/001) Native Title Determination No 1 claim.

LP 1 plans for future expansion of the community and formalises existing infrastructure and land-uses and provides a future SL-lot layout and road design.

The major purpose of LP 1 is to guide the growth and development of Dodnun by providing a layout of existing and future land uses in the community. LP 1 addresses future growth issues in the context of constraints to development including available land for growth of the living area and the location of essential service infrastructure.

The Layout Plan has been prepared in consultation with the Dodnun Aboriginal Corporation to ensure that the plan reflects the community's aspirations. Technical input from a number of government and non-government agencies responsible for providing services and infrastructure to the community has also been incorporated into the plan and this report.

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

DEVELOPMENT PRIORITIES

The following initiatives were developed by the community in 2016 and were considered to be needed to implement LP 1:

Within the next year:

1. Electricity to be supplied to the arts centre and the new office/shop building.
2. Investigate the feasibility of the vacant dwellings on SL-lots 1, 2, 3 and 4 for refurbishment, rebuild, demolition or new construction.

Within the next 5 years:

1. Refurbishment of existing housing within the community and the construction of residential dwellings to meet the increase in population demand.
2. Development of basketball courts and a football oval within the community.
3. Develop a naming system for roads.
4. Investigations into developing a recycling centre, located adjacent to the current rubbish tip site (SL-lot 28).

Within the next 10 years:

1. The construction of formal roads.
2. The establishment of a day care and youth centre.
3. The construction of residential dwellings to meet the increase in population demand.
4. Relocate the power station to a more appropriate location if required.

Within the next 15 years:

1. Review LP including population growth and trends.
2. The construction of residential dwellings to meet increase in population demand.
3. If funding is made available or there is the need to construct wastewater ponds, a feasibility study should be carried out to determine the most appropriate site for this purpose.

Implementing the Layout Plan

The implementation of this LP will rely on the energy and endeavour of the community members. The future growth of Dodnun 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 Dodnun Layout Plan 1 to help bring about the self support of its members by the development of economic projects and industries, and to encourage members to manage their affairs on their own land.

1 BACKGROUND

1.1 Location & Setting

The Dodnun Aboriginal Community is located in the Shire of Wyndham-East Kimberley approximately 350 km northeast of Derby. The closest regional centre to Dodnun is Derby. Access is via an unsealed dirt access road off the Derby - Gibb River Road. The community was established in the late 1980s and 1990s, and the current population is approximately 50 people. Snake Creek is located east of the settlement and vast established vegetation surrounding the settlement site. Figure 1 illustrates the location of Dodnun in relation to Derby.

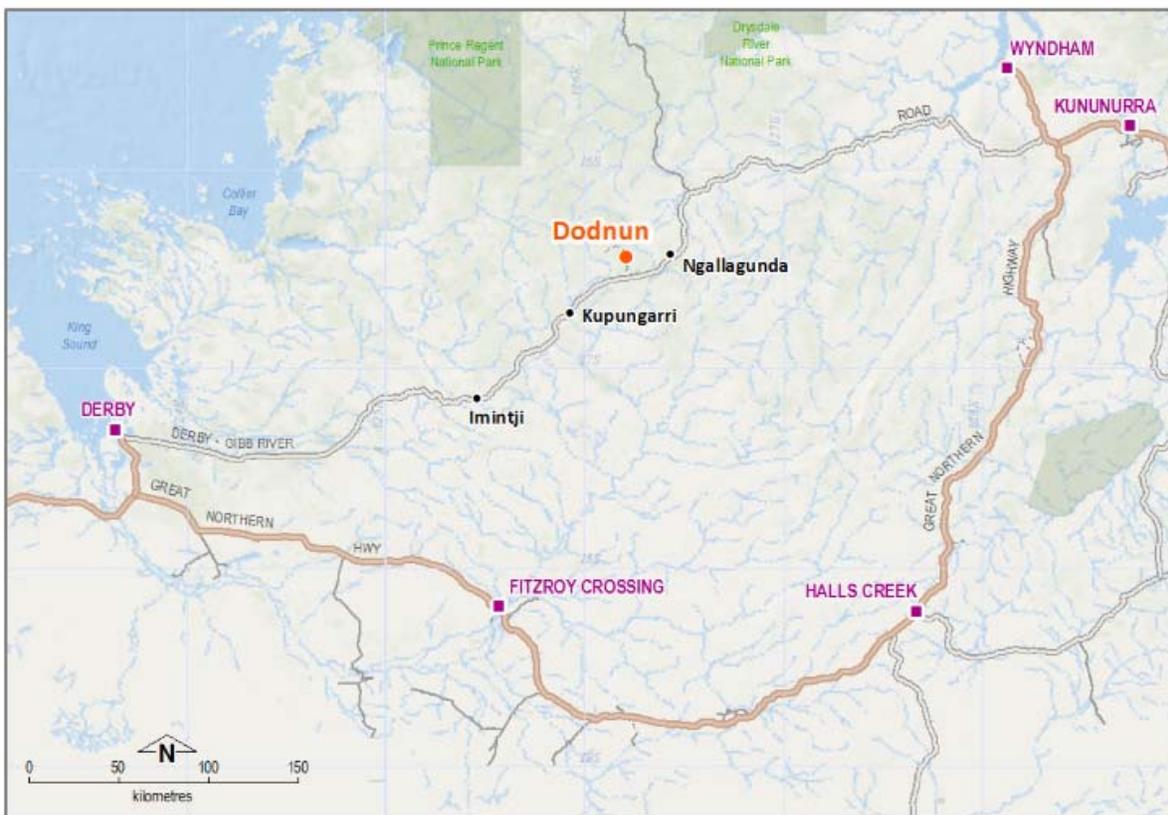


Figure 1 – Regional context of Dodnun

1.2 Climate

The Shire of Wyndham-East Kimberley has a tropical climate with a wet and dry season. 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.

Mt Elizabeth (17km west of Dodnun) is the nearest location to Dodnun that has climatic data available from the Bureau of Meteorology. The mean annual rainfall for Mt Elizabeth is 992.1mm, while the mean maximum temperature is 32.4 degrees Celsius and the mean minimum temperature is 16.5 degrees Celsius.

1.3 History

The history of the establishment of Dodnun was described by the community as follows:

Dodnun was originally established as an outstation for the Mount Elizabeth Station pastoral lease in the late 1980's. Traditional Owners who had been working on Mt Elizabeth station were pushing to have a community away from the station house for a number of years. Funding was not available to the Traditional Owners if they continued to live at the homestead. The Wanjina - Wunggurr people wanted their own place to settle down, which was close to the river and not too far from the homestead. The Traditional Owners picked the site where Dodnun is today and a portion of the land was excised from Mt Elizabeth Station for the Dodnun community.

The Traditional Owners started living in tents for several years until the first permanent housing was built in 1993. Members of the community have worked on the Mount Elizabeth Station since it was established, and were vital to the station's operations.

1.4 Previous Layout Plan

There is no previous Layout Plan for Dodnun.

2 COMMUNITY PROFILE

2.1 Population

Table 3 – Population

Existing Population :	50
Aspirational Population :	100
Design Population :	80

Existing Population

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

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

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

The population estimates in Table 4 are sourced from the Environmental Health Needs Survey (EHNS) undertaken by the former Department of Indigenous Affairs and the Australian Bureau of Statistics (ABS). The EHNS estimates illustrate a steady population increase in Dodnun.

Table 4 - Environmental Health Needs Survey Population estimate

Count	1997	2004	2008
Total persons	26	40	50
Source	EHNS	EHNS	EHNS

Data sourced from the former Department of Housing, estimated that in 2014 the population of Dodnun was 42 people. The Winun Ngari Aboriginal Corporation (WNAC) estimated the current population of Dodnun to be approximately 43 people. On a site visit to Dodnun conducted by the Department of Planning, Lands and Heritage (DPLH) on the 10 August 2016 the community chairperson advised that Dodnun's permanent population was approximately 70 people.

There are considerable population differences between the data sources which is typical when estimating the population of remote Aboriginal settlements. Based on this information and working off an average of approximately 6 people per dwelling with the exception of the duplex where 3 people per dwelling has been estimated, it is considered that the current population of Dodnun is approximately 50 people.

Aspirational Population

Aspirational population refers to the resident community's expected future population in the settlement within the next 10-15 years. The community has advised that the aspirational population for Dodnun is 100 people by 2031, however this forecast was based on an existing population of 70.

The principal factors cited as reasons for the increase in population include Aboriginal people wanting to return to country, job opportunities at Mt Elizabeth Station and surrounding communities, the provision and accessibility of a school and shop in Kupungarri, the future sustainability and cleanliness of the community and the strong sense of culture and tradition present in the community. Aboriginal people migrating from other communities (such as Ngallagunda) to Dodnun was also a factor considered to increase the population. Based on these findings it is reputable to assume the population of Dodnun is increasing.

Design Population

The design population is intended to reflect the number of people the Layout Plan 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.

With the desired commercial and community initiatives, and the additional housing provided by the current layout plan, it is assumed that Dodnun will be provided with an appropriate level of services over the 15 year timeframe to support expected growth. The Dodnun community has advised that there are approximately 30 people who want to move to Dodnun within the next 15 years and this could likely increase with the provision of more adequate services in the community. Based on this information it can be estimated that Dodnun is likely to grow by 2 persons per year with a 4% annual growth rate. With a current population of approximately 50 people, this equates to a design population of 80 people by 2031.

The design population is considered to be a reasonable estimate as it is likely the population will fluctuate due to migration to and from the community as well as natural increase from births and deaths.

2.2 Governance

The community is managed through its incorporated body, the Winun Ngari Aboriginal Corporation (WNAC). Winun Ngari was first incorporated as an Aboriginal Corporation and registered with the former Registrar of Aboriginal Corporations in 1983 under the *Aboriginal Councils and Associations Act 1976*. WNAC is a large corporation and provides enterprise and business development, employment and training, health and wellbeing and governance and administration to Aboriginal communities in the West Kimberley.

The *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (the CATSI Act) prescribe the decision making process for the corporation. WNAC also follows a business model that guides their decision making which includes four business units: Organisation, Service Delivery, Commercial and Advocacy. Documents for the WNAC can be found on the Office of the Registrar of Indigenous Corporations (ORIC) website <https://www.oric.gov.au/>

The objectives of WNAC are to:

- A. Provide accounting/bookkeeping and other community services for its members;
- B. Support the social development of its members in all ways;
- C. Help to bring about the self support of its members by the development of economic projects and industries;
- D. Support education, job training, health services, work and housing for its members;
- E. Help and encourage its members to manage their affairs upon their own lands;
- F. Help and encourage its members to keep and renew their traditional culture;
- G. Help build trust and friendship between its members and other people;
- H. Participate with other Aboriginal Corporations in projects for their mutual benefit; and
- I. Receive and spend grants of money from the Government of the Commonwealth or of the State or from other sources.

Dodnun is also managed by the Dodnun Aboriginal Corporation (DAC), a small Aboriginal corporation with the Indigenous Corporation Number of 1112. DAC receives support and works alongside WNAC. DAC was registered on the 22/10/1990 with the former Registrar of Aboriginal Corporations under the *Aboriginal Councils and Associations Act 1976*. Documents for the DAC can be found on the ORIC website, <https://www.oric.gov.au/>

The corporation provides administrative support in regards to health, community services and housing. The objectives of DAC are to:

- A. Provide adequate housing and sanitation for the people;
- B. Provide the community with a method of transport to attend law and cultural activities and meetings; and
- C. Provide a firm basis for future development and possible establishment of an artefacts business.

Wanjina-Wunggurr (Native Title) Aboriginal Corporation is the native title representative organisation for the Traditional Owners.

2.3 Land Tenure

Dodnun is located on a crown reserve that comprises of a single title. This is considered an appropriate form of tenure.

The community living area has one land title:

<i>Crown Land Title</i>	Reserve 42999
<i>Lot Details</i>	Lot 34
<i>Status Order / Interest</i>	
<i>Primary Interest Holder</i>	Aboriginal Lands Trust
<i>Area</i>	383 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	For the purpose of use and benefit of Aboriginal inhabitants.

All community housing and infrastructure is located on Lot 34. Current infrastructure in the town includes residential housing, an office, clinic and shop, recreation area with playground equipment, a small playing field, workshop shed, power station, bores and a rubbish tip.

2.4 Native Title

The community is located within the Wanjina-Wunggurr Wilinggin (Western Australia) WAD6016/1996, WAD6015/1999 and WAD6006/2002 native title claims, determined by litigation on 27 August 2004.

The Registered Native Title Body Corporate is Wanjina-Wunggurr (Native Title Prescribed Body Corporate) Aboriginal Corporation RNTBC.

For further information refer to the determination on the Federal Court of Australia website link, <http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCA/2004/1092.html>.

The Wanjina-Wunggurr (Native Title) Aboriginal Corporation administers land on behalf of the Wunambal, Worrorra and Ngarinyin language groups. Their ownership over the land was recognised in the *Wanjina-Wunggurr Wilinggin Native Title Determination No 1* of 2004 and subsequently in Unguu Part A, Dambimangari and Unguu Part B. The first determination, Wanjina-Wunggurr Wilinggin, arose from a claim to native title first made in 1995.

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 Aboriginal Heritage

Notwithstanding the previous section, the following discussion of heritage matters derives from consultation with the community and a desk-top survey of sites registered under the *Aboriginal Heritage Act (WA) 1972* (AHA) using the Aboriginal Heritage Inquiry System (AHIS) found at <https://www.dplh.wa.gov.au/>.

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

No-Go Area

The community has broadly identified one No-Go Area in Dodnun located east of the settlement towards the creek. This area is a No-Go area for unknown cultural reasons, communicated during consultation.

Registered Sites

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

There are no registered sites nor other lodged heritage places in the vicinity of the Dodnun settlement, as of December 2019.

Built Heritage

Dodnun has no built heritage sites registered under the *Heritage of Western Australia Act 1990*.

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 Culture

The Ngarinyin people are the most predominate language group present in the community however, some Nyikina and Bunuba people have also married into the community. Dodnun has strong cultural ties with other communities and there is regular movement and visits between people from Dodnun and Mowanjum, Imintji, Kupungarri and Ngallagunda. The community advise that ceremonies are conducted twice a year, which often involve other Gibb River Road and Ngarinyin communities such as Mowanjum and Ngallagunda. These communities commonly practice cultural customs together. Men's and women's' business is often dealt with at the same time and the ceremony is usually held on the land from which most 'inductees' come.

Additionally, the residents of Dodnun are mainly Wilinggin claimants and many have traditional connections to the country around or close to Dodnun. Each dry season people from Dodnun, Mowanjum, Mejerrin and Ngallagunda make the journey to Munja.

The community advise that the Ngarinyin people spiritual belief system includes the recognition of Wanjina; spirit beings resembling men that are responsible for the creation of the landscape and its features in a time removed from historical reach. Wanjina paintings are key representations of these Wanjina actions, and are found right throughout the northern Kimberley, including on the Gibb River pastoral lease. The other key creative being in Ngarinyin cosmology is the Wunggurr, a rainbow serpent type character that is associated with the creation of watercourses and sites like rivers and pools.

2.7 Community Aspirations

The ideas for improvements to the facilities were noted by the Dodnun community when the Layout Plan was developed in 2016, and are listed below. Where possible, these were incorporated into the recommended program of works for the LP. Others that cannot be implemented as part of the LP have been noted as a record of a more general community improvement plan.

A site visit to Dodnun conducted by the DPLH was undertaken in August 2016 to consult with the community, understand the issues and opportunities, and discuss the aspirations of the community.

1. Expansion and improvement of the clinic as the current clinic in the community is too small.
2. The need for additional housing due to population growth and the future growth predicted by the community.
3. Additional recreational facilities such as a basketball court and football oval to engage the youth.
4. A day care and youth centre to care for the young children, provide employment and improve wellbeing within the community.
5. For the arts centre to be completed and connected to power.
6. For the power supply to be connected in the proposed new store and office building. (The building has had no power for the past two years).
7. A recycling centre to be established within in the community.
8. The establishment of waste water ponds within the community once the population expands.

3 INFRASTRUCTURE & SERVICES

Dodnun is a part of the Remote Area Essential Services Program (RAESP) conducted by the Department of Communities (Housing). The remote service provider that manages Dodnun is the Emama Nguda Aboriginal Corporation.

3.1 Electricity Supply

The existing power station is located south of Dodnun on SL-lot 27. The electricity facility comprises of one diesel generator transportable. The fuel is stored in an above ground fuel tank.

The electricity supply and distribution network is operated by the community with repair and maintenance conducted by the Emama Nguda Aboriginal Corporation.

The nearest residential dwellings are located within 200m of the power station which is not considered to be appropriate under the WAPC Aboriginal Settlement Guideline 3: Layout Plan Exclusion Boundaries. There are future plans to consider relocating the power station further south of the community as it is not suitably separated from incompatible land uses and is at risk of causing contamination and pollution to the community. Further rationale for the relocation of the future power station site is that it will provide less outside traffic into the community. The planned future site is located on SL-lot 41. The proposed new location will ensure no current or future residential dwellings are located within the 200m exclusion boundary.

3.2 Water Supply

Dodnun's water is drawn from two bores south east of the settlement on SL-lot 26. There are two operational bores adjacent to the creek, bore No. 2/91 which has a diesel pump and bore No. 1/91 which has a solar pump.

Groundwater from the bores is pumped into two elevated water tanks (60kl and (22kl) located on SL-lot 19 and disinfection occurs via a UV disinfection system. The RAESP water quality report conducted in April 2016 indicates water quality passes Australian Drinking Water Guidelines but may have aesthetic issues.

A Drinking Water Source Protection Plan (DWSP) was completed in February 2017 by Global Groundwater on behalf of the Department of Planning. The proposal identified Priority 1 and Priority 2 water source protection areas in the northern and eastern areas of the community as shown in Figure 4.

Figure 2- Bore infrastructure



Drinking Water Source Protection Areas are needed to prevent the degradation of the drinking water source from harmful activities as outlined in the Aboriginal Settlements Guideline 1: Layout Plan Provisions 2012.

Figure 3- The Elevated Water Tanks



Figure 4- Drinking Water Source Protection Area (teal)



3.3 Wastewater

The community has septic tanks and leach drain systems in place to manage their wastewater, these are maintained by the RAESP. No pumping stations are used in Dodnun.

A site has been identified for future wastewater ponds within the community if required. Community residents have advised of an area south of the settlement to be suitable for the wastewater ponds.

At such a time as there are funds available and demand to construct the wastewater ponds, a feasibility study should be carried out to determine the most appropriate site for this purpose.

3.4 Rubbish Disposal

The rubbish tip is located south of the community on SL-lot 28, an unsealed road is used to access the tip. The community dispose of waste in an unregulated, fenced, trench.

The unregulated rubbish tip is in a location that does not comply with government regulations or the WAPC Aboriginal Settlement Guideline 3: Layout Plan Exclusion Boundaries.

The prescribed exclusion boundary for a rubbish tip is 2000m however, all housing and infrastructure is located within the 2000m exclusion boundary. A more appropriate and regulated site further south could be considered in the future if required.

Figure 5- Rubbish tip



3.5 Airstrip

While Dodnun does not have an airstrip, the community utilises the airstrip at Mount Elizabeth. Mount Elizabeth Airstrip is located approximately 15km from Dodnun. There is also an airstrip at Gibb River (Ngallagunda), however the community doesn't currently utilise this airstrip. Gibb River Airstrip is located approximately 45km east of Dodnun. The Royal Flying Doctor Service is available at both Mt Elizabeth and Ngallagunda.

The Mount Elizabeth private airstrip is 1100m long with a width between markers of 22 meters and a total width of 80 meters. The airstrip is fenced with a formed gravel strip. The community uses the strip predominately for the delivery of mail, essential services maintenance and food supplies.

3.6 Internal Road Layout

The internal settlement layout (SL) road network consists of a 'main street' (Main Street) that provides access to the majority of houses and infrastructure within the community, Figure 6 shows a section of the main street. There are a number of informal tracks within the community that radiate to the power station, bores and the rubbish tip. The informal roads present in the community can be used as a basis for construction of formal roads. Currently the SL roads are unsealed.

During a site visit by the DPLH to the community in October 2016, the community residents advised of road names they wanted endorsed for the SL-road reserves, which are depicted on the LP1 map-set.

If future funding is made available, the main street should be given priority to be sealed.

Figure 6- Portion of Main Street



The current SL road layout is considered to adequately allow for the future growth of the community.

3.7 Access & Dedicated Roads

The Dodnun community is situated approximately 13 km north of the Derby-Gibb River Road, along the Mount Elizabeth Station access road. An unsealed access road extends from the Derby-Gibb River Road to the main settlement. The Shire of Wyndham-East Kimberley grades the road from the Mt Elizabeth Station turn off to Dodnun once a year (13km).

Road access from Dodnun to Derby via the Derby - Gibb River Road is known to be seasonally cut-off for periods of more than 2 consecutive weeks and up to three months intermittently. The access road into the community is in a relatively poor condition and is only suitable for four-wheel drives.

The Derby-Gibb River Road is a bituminized and gravel main road managed by Main Roads WA.

The Derby-Gibb River Road has improved dramatically in recent years due to Main Roads WA upgrades. High clearance robust vehicles (four-wheel drive) are recommended throughout. Depending on the wet season the Derby-Gibb River road is officially opened sometime between mid-April and mid-May. Main Roads only open the road after inspections has occurred.

3.8 Community and Social Services

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

Store

There is a small community store located at Dodnun with essential food items such as bread, milk and frozen meat. The store is located in the current office and clinic on SL-lot 35.

A new building has been constructed on SL-lot 23 for the relocation of the office and shop however at the time of consultation, there was no power supply to the building and hence not in use. The new building is proposed to host a larger shop.

The community also uses the Kupungarri store known as Mt Barnett Roadhouse, where there is a large quantity of fresh food, non-perishable foods, fuel and other essential items. The store is run by the Kupungarri community who also operate tourist accommodation and services for Manning Gorge.

Figure 7- Proposed community store



School

There are no education facilities in Dodnun. There are primary schools in Kupungarri and Ngallagunda that service Dodnun.

- At Kupungarri, approximately 50km by road, the Wananami Remote Community School is managed and run by the WA Department of Education;
- At Ngallagunda, approximately 45km by road, the Wanalirri Catholic School is managed and run by the Catholic Education Commission of WA.

Currently the school aged children in Dodnun travel by bus to school at Kupungarri.

There are no future plans for a school to be established at Dodnun.

Office

Dodnun has a small and compact combined office and clinic for the community's administrative needs. The office is located on SL-lot 35. The office is proposed to be relocated to an adjacent new building once the building receives electricity supply.

Figure 8- Office and clinic



Clinic

A part time health clinic is established at Dodnun currently operated by the Derby Aboriginal Health Service (DAHS) in partnership with the Jurrugk Aboriginal Health Service.

The clinic is located on SL-lot 35. The Jurrugk Aboriginal Health Service provides an outreach service to the communities of Ngallagunda (Gibb River Station), Kupungarri (Mt Barnett), Imintji, Dodnun, Kandiwal, Yulumbu and Teralantji. Currently, the nurse from Kupungarri visits the Dodnun Community twice a week. DAHS also work in conjunction with the Royal Flying Doctor Service (RFDS) to provide monthly doctor visits to both Kupungarri and Ngallagunda, which the Dodnun community members utilise.

Workshop

There is a workshop shed located on SL-lot 7 adjacent to the playground. The workshop is used for small scale repairs, maintenance and storage of equipment.

Figures 9 and 10 - Workshop shed



Recreation Centre and Recreational Activities

There is no recreational centre located at Dodnun. However, there is a playground in the centre of the community located on SL-lot 8.

Community members also run a “Kids Club” on Saturday mornings and church on Sundays using the residence located on SL-lot 24.

Figure 11- Playground



Playing Field

There is currently no oval located at Dodnun, however there is a rectangular playing field located on SL-lot 29 where games can be played such as rugby and soccer. The community would like an oval, so football and other sports can be played in a bigger space.

Arts Centre

Dodnun has an unfinished building located at the entrance to the community on SL-lot 20 which is a proposed arts centre. The building currently has no electricity supply and is not in use. Once the electricity supply is connected the community seeks to open an arts centre which would generate some employment in the community. Currently art work from Dodnun is displayed at Mt Elizabeth Station where tourists can purchase the community’s art work. The Dodnun community wishes to have their own arts centre to sell the communities art work and display it to the public.

Figure 12 - Arts centre



Future Community Land uses

The community has aspirations for basketball courts (SL-lot 39) and a day care and youth centre (SL-lot 40) to care for the young children and engage the youth which will provide employment and improve wellbeing within the community. The community has also expressed interest in the establishment of a recycling centre adjacent to the current rubbish disposal site and the possibility of wastewater ponds constructed in the future if they are required.

4 HOUSING

4.1 Residential Areas

The community has one central residential area surrounding the main services in the community. There are currently 13 residential dwellings located in the community. Nine of the residential dwellings are inhabited equating to an estimated 5-6 people per dwelling.

The Department of Communities (Housing) advises upgrades and refurbishments to the existing dwellings are possible in the future depending on funding arrangements.

Figure 13 - House



4.2 Number & Type of Dwellings

The Department of Communities (Housing) community profile data for Dodnun indicates 9 dwellings are managed and funded under National Partnership Housing Agreements between the Commonwealth and State governments. On the ground, there are 9 households within 8 houses as the house on SL-lot 12 has been informally divided into two dwellings to enable two households to share the residence. This identifies there is an obvious overcrowding issue in Dodnun.

Figure 14 - House



Table 5 summarises the management and use of residential dwellings within the community. The community advise that of the four unfunded houses, three are vacant and used for visitor's accommodation and one dwelling is used for storage. The community advises these four dwellings are uninhabitable for permanent living due to their size and poor condition.

Table 5- Management and use of houses

Management / Use	Total	SL-lot
State Government	8	5,6,9-12,21,22
Private	1	24
Visitors	3	1-3
Storage	1	4

Total 13

All dwellings are constructed from timber or steel frame with iron wall cladding and wide verandas at the entry of the dwelling. The current housing stock is illustrated in the figures within this section.

Figure 15 - House



Figure 16 - House



4.3 Future Residential Development

As noted in Section 2.1, the design population for Dodnun is 80 people. To accommodate for the projected population increase an estimated 7 SL-lots will be incorporated into the Dodnun LP 1 for future residential purposes over the next 10-15 years.

The Layout Plan provides for 7 new residential dwellings over the next 15 years. There are currently 11 potential residential SL-lots on the Layout Plan Map-set if the opportunity arises in the future to refurbish, rebuild, demolish or construct new dwellings on SL-lots 1 to 4.

5 CONSTRAINTS AND LIMITATIONS

5.1 Flood Hazard

Dodnun is located west of the Hann River and Snake Creek.

The Department of Communities (Housing) community profile data for Dodnun indicates that the Dodnun settlement area is located on land whereon flood is not expected to risk safety or infrastructure. The community also indicated in a meeting held with DPLH in August 2016 that no flooding occurs in Dodnun. However, the community stated they are cut off from other nearby communities which flood such as Kupungarri which is accessed through the Gibb River Road. Some community residents swim across the Gibb River Road near Kupungarri to access food and essential items during the wet season.

In November 2017, the 'Kimberley Communities – Dodnun Flood Study' was completed by the Department of Water and Environmental Regulation (DWER) on behalf of the Department of Planning, Lands and Heritage (DPLH). The study identifies two existing bores (No. 1/91 and No. 1/92) as being located within a high flood risk area. As such, a future flood event could result in a malfunctioning bore and the potential loss of a potable water supply to the settlement. The identification of a back-up bore location outside of the high flood risk zone is recommended.

The overall findings from the study indicate that the impacts of riverine flooding on the Dodnun settlement are minimal and therefore present a low risk to key infrastructure and community safety.

All construction and developer proponents are to refer to the 2017 'Kimberley Communities – Dodnun Flood Study' report and updated map-set.

5.2 Drainage

No drainage issues have been identified in Dodnun. However, the development of sealed roads will assist in drainage of the community living area during heavy rain.

5.3 Culturally Sensitive Areas

The community has identified one No-Go Area in Dodnun located east of the settlement towards the creek. This area is a No-Go area for unknown cultural reasons, the community advised DPLH that there should be no development conducted in this area.

It is recommended that an Aboriginal heritage survey (AHS) be carried out to clarify and formalise No-Go areas in and around the community. The No-Go area is depicted in Figure 17 and was drawn onto an aerial photo by community members during a DPLH site visit to Dodnun in August 2016.



Figure 17 No-go Area (marked-ups from a DPLH site visit to Dodnun in August 2016)

5.4 Exclusion Boundaries

The exclusion boundaries shown on the map-set are in accordance with the WAPC's Aboriginal Settlements Guideline 3: Layout Plan Exclusion Boundaries.

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 ; and
- SPP2.7 Public Drinking Water Source
- SPP 3.7 Planning in Bushfire Prone Areas

6.2 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.

Dodnun is zoned settlement under LPS 9. The purpose of this zone is to identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places.

Under the Scheme, preparation and endorsement of a layout plan in accordance with State Planning Policy 3.2, and ensuring that development accords with a layout plan, are requirements of the settlement zoning (see current Scheme zoning in Figure 18 on the following page).

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

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

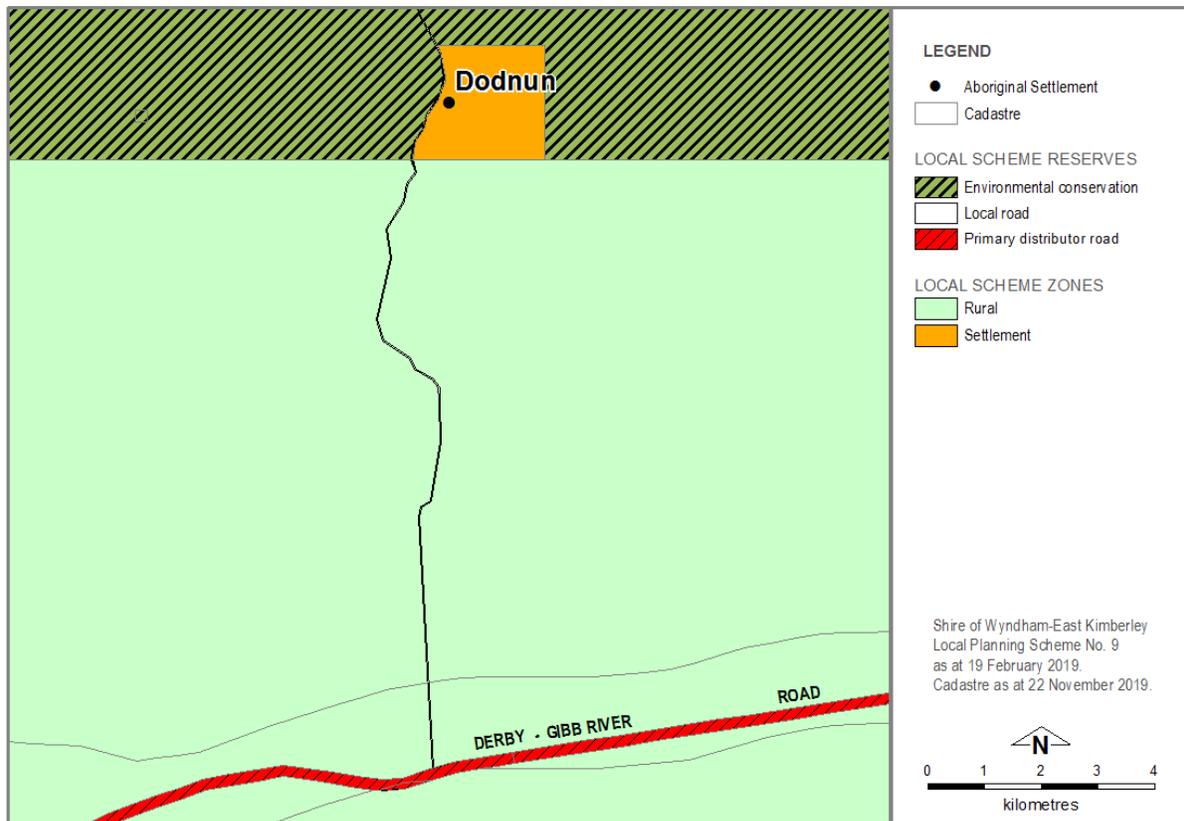


Figure 18 - Land classification under SWEK LPS 9, Dodnun

Local Planning Strategy

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

7 ENDORSEMENTS

Dodnun Layout Plan No. 1

Mailbag 923, via,
Derby WA 6728

The Dodnun Aboriginal Corporation (representing the community) hereby adopts the Dodnun Layout Plan No. 1 2016 as a guide for future development within its boundaries.

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

The 18th Day of October 2016

Adopted by the Dodnun Aboriginal Corporation

NATHAN CLARKE

Chairperson
[Please print and sign name]

Jeffrey Dutchin

Councillor

Dodnun Layout Plan No. 1

PO Box 2145
Broome WA 6725

The [Wanjina-wunggurr (Native Title) Aboriginal Corporation] (representing the traditional owners, the Wanjina - Wunggurr People) hereby adopts the Dodnun Layout Plan No. 1 (2016) as a guide for future development within its boundaries.

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

The 18th Day of October 2016

Adopted by the [Wanjina-wunggurr (Native Title) Aboriginal Corporation]:

Geoffrey Dulebia

Chairperson
[Please print and sign name]

Valma Dutchi

Director
[Please print and sign name]

Shire of Wyndham- East Kimberley Endorsement

Dodnun Layout Plan No. 1

20 Coolibah Drive
PO Box 614
Kununurra WA 6743

The Shire of Wyndham- East Kimberley adopts the Dodnun Layout Plan No. 1
2016 as a basis for future growth and development within Dodnun community.

The^{18th}..... Day of^{JULY}..... 2017

Endorsed by the Shire of Shire of Wyndham- East Kimberley



Ronald Smith

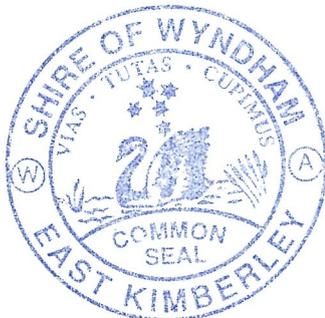
~~Shire President~~ **Commissioner**
(Please print and sign name)



CARL ASKEW

CEO
(Please print and sign name)

Council
Seal





Dodnun Layout Plan No.1

140 William Street
Perth WA 6000

The Western Australian Planning Commission endorsed the Dodnun Layout Plan No. 1 as a guide for development to ensure proper and orderly planning within the community area on:

The 28th Day of July 2017



Ashley Randell
Director, Regional Planning Policy
Regional Planning
PN: 15151

Authorised Officer



Witness

28/07/2017 Date

CONSULTATION & REFERENCES

CONSULTATION SUMMARY

Preparation of this Layout Plan is the result of consultation with the community representatives and a range of agencies, authorities, non-government organisations during 2016-2017. Whilst there was continuous phone and email communication with stakeholders throughout preparation of LP1, information was obtained in person from the following sources:

Organisation	Date
Dodnun Community Representatives	10 August 2016 18 October 2016
Housing Authority	7 October 2016
Department of Sport and Recreation	19 October 2016

REFERENCES

Department of Indigenous Affairs (DIA) 2008 *Environmental Health Needs Survey of Indigenous Communities in Western Australia*. Government of Western Australia. Available at: 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.

AMENDMENTS

Proponent : Department of Planning, Lands and Heritage
Date : 7 June 2018

Reason for the Amendment

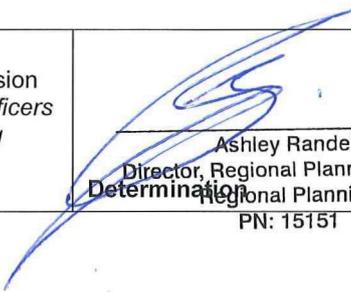
In November 2017 the Department of Water and Environmental Regulation (DWER) completed the ‘Kimberley Communities – Flood Study’ report for the Dodnun community on behalf of the Department of Planning, Lands and Heritage (DPLH). This study provides DPLH with flood extent and behaviour data, to guide land use planning, emergency management and assessment of building and development in flood-prone areas.

The flood study has identified a need to amend LP1 to reflect the various Annual Exceedance Probability flood extents and other mitigation measures addressed in the report. The changes to LP1 include amending portions of ‘residential’ and ‘open space’ designated land that is impacted by flooding to ‘waterway’. The intent of the changes is to ensure future development is located away from areas that are at significant risk of flooding.

	Land Identification	Amendment description
1.	SL-lot 30 and portion of open space area to the north	Change land uses from ‘residential’ and ‘open space’ to ‘waterway’.
2.	Open space north and east of the community living area (Snake Creek)	Add ‘waterbody’.
3.	All	Amend Section 5.1 ‘Flood Hazard’ in the Background Report to accurately reflect the 2017 flood study.

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 Determination Regional Planning PN: 15151 07/06/2018. date
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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, Aboriginal Cultural Materials Committee and Department of Water and Environmental Regulation.

Proponent :	Department of Planning, Lands and Heritage
Date :	17th January 2020

Reason for the Amendment

The enactment of the Shire of Wyndham-East Kimberley (SWEK) Local Planning Scheme 9 (LPS 9), gazetted on 19 February 2019, has resulted in the need to delete the 'Recommended Settlement Zone' and add the 'Settlement' zone to match the LPS 9.

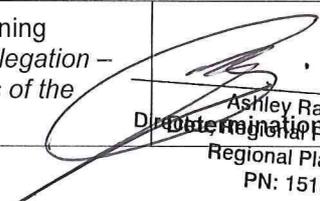
DPLH has also undertaken an update of the Layout Plan background report to ensure that it remains up-to-date, accurate and fit-for-purpose. The update includes:

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

Land Identification		Amendment description
1.	All	Delete the 'Recommended Settlement Zone'. Add 'Settlement' zone to match the SWEK LPS 9.
2.	All	Update the Background Report.

Endorsement:

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

<p>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></p>	 Ashley Randell Director Regional Planning Policy Regional Planning PN: 15151 17/01/2020 date
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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, Aboriginal Cultural Materials Committee, Environmental Protection Authority and Department of Water and Environmental Regulation.