REPORT OF THE ABORIGINAL AFFAIRS PLANNING AUTHORITY

THE ISSUE

Reserves 1834, 20927 and 22615 are located on the Dampier Peninsula (the Reserves). The Reserves are proclaimed under Part III of the Aboriginal Affairs Planning Authority Act 1972 (AAPA Act) for the use and benefit of persons of Aboriginal descent. The Reserves are vested in the Aboriginal Affairs Planning Authority.

The Broome to Cape Leveque Road (Cape Leveque Road) is the main access road to the Dampier Peninsula. The road runs directly through the Reserves.

Since the original proclamation of the Reserves in 1973, the Dampier Peninsula has experienced an increase in tourism and general recreation.

The de-proclamation of the Cape Leveque Road is an important step towards achieving the strategic initiatives outlined in the State Government’s Dampier Peninsula Planning Strategy (DPPS) and broader vision for the Kimberley region under the Kimberley Regional Planning and Infrastructure Framework.

The DPPS reflects the long-term land use, infrastructure provision, access and development aspirations of Traditional Owners, Dampier Peninsula residents and other land holders. The strategy seeks to ensure that future land use and management of the Dampier Peninsula facilitates social and economic development opportunities and enhances the way of life for residents and visitors.

Main Roads Western Australia (MRWA) will be responsible for the process to dedicate the road as a public road. Dedication of the road will require alteration to the boundaries of each proclaimed reserve and removal of the historical vesting order to the Aboriginal Affairs Planning Authority under the AAPA Act.

BACKGROUND

On 15 June 1973, Reserves 1834, 20927 and 22615 were proclaimed for use and benefit of persons of Aboriginal descent under Part III of the AAPA Act.

As the reserves are proclaimed under Part III of the AAPA Act, there can be no changes to boundaries of the reserve or the purpose of the reserve until the proclamation is removed. This needs to occur in order for the road to be recognised as a dedicated road.
The road reserve will be dedicated to 80 metres in width and the access road to One Arm Point to 60 metres. A map showing the proposed area for dedication of the Cape Leveque Road is Attachment A.

The Cape Leveque Road provides vehicle access to:

- the Aboriginal communities of Ardyaloon, Beagle Bay and Djarindjin/Lombadina together with over 50 settlements of varying size and population;
- pastoral stations;
- emergency and service authorities;
- the pearling industry; and
- tourist destinations.

As the Cape Leveque Road is only partially sealed, it is necessary for MRWA to commence work to finalise upgrades to the road. The standard of the unsealed sections of the Cape Leveque Road has deteriorated over the years making the road hazardous for drivers.

When finalised, the Cape Leveque Road project will provide a sealed and all weather road which will improve safety, accessibility and operational efficiencies in the region. The project will be completed in stages working backwards from Beagle Bay towards Broome.

NATIVE TITLE CLAIMS

There are two native title claims and one native title determination over the Reserves.


MRWA has notified the native title parties of their intention to upgrade and dedicate the road in accordance with the Native Title Act 1993.

CONSULTATION AND APPROVALS

The Aboriginal Lands Trust (ALT) has control and management of the Reserves under the AAPA Act. The ALT was consulted about the proposal to de-proclaim portions of the Reserves to allow for the road dedication and upgrade.

The ALT recommended to the Minister for Aboriginal Affairs to de-proclaim those portions of the Reserves that have been set aside for dedication as a road.

Key stakeholders including native title claimants, native title holders and Aboriginal communities in the region have been consulted about the road dedication and upgrade.
RECOMMENDATION

The Minister to recommend to the Governor under section 25(1)(b) and (c) of the AAPA Act that the boundaries of Reserves 1834, 20927 and 22615 be altered by excising that portion of each Reserve required for the dedication of the Broome to Cape Leveque Road and that those excised lands shall cease to be reserved for persons of Aboriginal descent under the AAPA Act.

Attachment A – Overview map of the proposed de-proclamation and road widening
Dampier Peninsula ALT Reserves
Broome-Cape Leveque Road Reserve Excisions
as at August 2014

Legend

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<th>Native Title Determinations</th>
<th>Nature Title Applications</th>
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<tr>
<td>Reserve</td>
<td>Lodged / Filed</td>
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<tr>
<td>Possible future extension</td>
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<tr>
<td>Road to UCL</td>
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</tr>
<tr>
<td>Road widening each side of existing 40m road reserve</td>
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<td>Road widening each side of existing 40m road reserve Ex Lot 597</td>
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<tr>
<td>Road widening each side of existing 40m road reserve Ex Reserve 2007</td>
<td>Land Lease</td>
</tr>
</tbody>
</table>

Areas required for road purposes:
- R2615 30.93ha
- R1834 39.32ha
- R20927 64.17ha
- Lot 297 167.85ha
- UCL 4250m

Location Map

Dampier Peninsula
Broome-Cape Leveque Road Reserve

Legend

- 60m wide road
- Possible future extension
- Road to UCL
- Ex Reserve 2007
- Road widening each side of existing 40m road reserve Ex Lot 597
- 60m wide road to create 60m reserve

Relevant information provided by and with the permission of the Western Australian Land Information Authority (Dampier) (2014).
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[Map Source: Department of Aboriginal Affairs]