

Mingalkala

Layout Plan 1

Background Report

September 2005

Date endorsed by WAPC



Amendments

Amendment 1 - April 2013

Amendment 2 - August 2018

Amendment 3 - July 2020



Department of
Planning



Western
Australian
Planning
Commission

MINGALKALA LAYOUT PLAN 1

Layout Plan 1 (LP1) was prepared during 2005 by Sinclair Knight Merz. LP1 has been endorsed by the resident community (25 July 2005), the Shire of Halls Creek (25 August 2005) and the Western Australian Planning Commission (WAPC) (27 September 2005).

During the period April 2013 until August 2018 the WAPC endorsed 2 amendments to LP1. The endorsed amendments are listed in part 7 of this report. Both amendments were map-set changes, with no changes made to the background report.

Consequently, the background report has become out-of-date, and in June 2020 it was updated as part of Amendment 3. The Amendment 3 background report update sought to keep all relevant information, while removing and replacing out-of-date references and data.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.

<p>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.</p>
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Community Representative Organisations

Resident community representative organisation	:	Mingalkala Aboriginal Corporation
Traditional Owners representative organisation	:	Gooniyandi Aboriginal Corporation RNTBC
Related organisations	:	Mt Pierre Pastoral Aboriginal Corporation Gogo Station Pty Ltd

Acronyms

AHA	:	<i>Aboriginal Heritage Act (WA) 1972</i>
ABS	:	Australian Bureau of Statistics
AHIS	:	Aboriginal Heritage Information System
ALT	:	Aboriginal Lands Trust
BOM	:	Bureau of Meteorology
DIA	:	Department of Indigenous Affairs
DoC	:	Department of Communities (Housing)
DPLH	:	Department of Planning, Lands and Heritage
EHNS	:	Environmental Health Needs Survey
IARE	:	Indigenous Area
ILUA	:	Indigenous Land Use Agreement (<i>under the Native Title Act 1993</i>)
LP	:	Layout Plan
MAC	:	Mingalkala Aboriginal Corporation
NNTT	:	National Native Title Tribunal
NTA	:	<i>Native Title Act (Commonwealth) 1993</i>
NTRB	:	Native Title Representative Body
ORIC	:	Office of the Registrar of Indigenous Corporations
PBC	:	Prescribed Body Corporate (under the NTA, representing native title holders)
PTMS	:	Property Tenancy Management System
REMS	:	Remote Essential and Municipal Services
SL-lot	:	Settlement layout lot
SPP	:	State Planning Policy
WAPC	:	Western Australia Planning Commission

Layout Plans & the Development Process

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

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

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

EXECUTIVE SUMMARY

The Mingalkala Layout Plan No. 1 (LP1) was prepared during 2005. Mingalkala has six dwellings and essential services provided by the State. As such, it is required to have a Layout Plan to guide growth and development.

The tables below summarise the main issues concerning the planning, development and provision of services within Mingalkala, and these are covered in more detail in the body of this report.

Table 1- Place Characterisation Indicators

Indicator	Community Characteristics
Drinking water	The main potable water supply for Mingalkala is obtained from bore MA/04 north of the community. Water is pumped to an elevated storage tank.
Electricity	Mingalkala power station is located in the main settlement area, south of the residential dwellings. The electricity supply and distribution network are managed by DoC under the Remote Essential and Municipal Services (REMS) program.
Flood	Mingalkala is not close to any major creeks or rivers. There is small watercourse located nearby. No flood study has been undertaken.
Land tenure	Mingalkala is located on the Mt Pierre pastoral lease (PL N049790), being the whole of Lot 786 and part of Lot 1564. Both lots are leased to Gogo Station Pty Ltd and Mount Pierre Pastoral Aboriginal Corporation.
Wastewater	The community is serviced by septic tanks and leach drains with the system managed by the community.
Emergency assistance	24/7 emergency assistance is located in Fitzroy Crossing approximately 115km north west of Mingalkala by road (1 hour 25 mins).
Education	There are no education facilities in Mingalkala. The nearest school is Wangkatjungka Remote Community School located approximately 44km south west of Mingalkala. The school caters for years K-7 and has approximately 45 students.
Health	There is currently no clinic at Mingalkala community. The nearest clinic, Wangkatjungka clinic is a fit-for-purpose and culturally secure clinic offering a variety of health services.
Food	There is currently no store located in Mingalkala. The nearest store is located in Wangkatjungka community. The store provides basic supplies.
Transport	Mingalkala community is located approximately 115km south-east of Fitzroy Crossing in the Shire of Halls Creek. A 7km gravel track connects the settlement to the Great Northern Highway.
Waste services	The Mingalkala waste disposal site is located approximately 1km south of the community. It is accessible from the main entrance road, First street.
Governance	The community is managed through its incorporated body the Mingalkala Aboriginal Corporation. Gooniyandi Aboriginal Corporation RNTBC represent the Traditional Owners.
Aboriginal heritage	Mingalkala is located within the Gooniyandi Combined #2 native title determination area (Federal Court ref. WAD6008/2000, NNTT ref. WCD2013/003), determined in 2013.

LP No. 1 plans for future growth of the community, formalises existing infrastructure and land-uses and provides for future lot layout and road design.

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

DEVELOPMENT PRIORITIES

At the time of consultation in 2005 the community identified several development priorities important to the development of Mingalkala and the implementation of LP1. These included:

Within the next year

1. drill and commission new bores (completed)
2. bulk fuel storage (completed)
3. construct new workshop (completed)

Within the next 5 years:

1. provide water reticulation to houses and housing blocks
2. seek funding for new housing [including connection to services
3. redefine land tenure boundaries and secure tenure
4. extend topographic survey to east to capture floodplain and proposed wastewater treatment site
5. permanent powerhouse site
6. permanent tip site (completed)

Within the next 10 years:

1. construct new housing
2. connect housing to water, power and septic
3. new office building
4. clinic building
5. junior oval
6. economic activities

Within the next 15 years:

1. construct deep sewerage system and connect houses and buildings
2. primary school
3. staff housing

Implementing the Layout Plan

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

The future growth of Mingalkala 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 Mingalkala 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

Mingalkala community is located approximately 115km south-east of Fitzroy Crossing in the Shire of Halls Creek. A 7km gravel track connects the settlement to the Great Northern Highway.

Mingalkala sits on a wide open valley floor with grassy plains and dolomite hills rising in the distance. There is small watercourse located nearby.

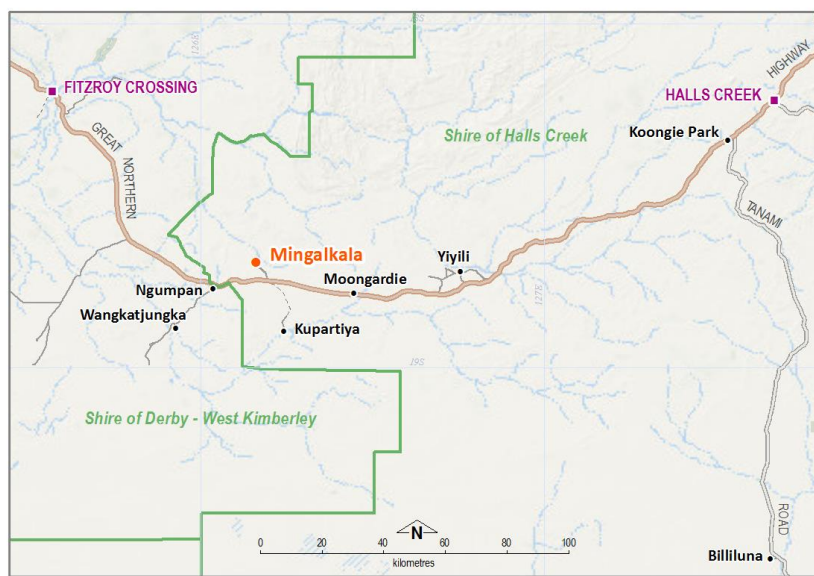


Figure 1 – Regional context of Mingalkala

1.2 Climate

The Shire of Halls Creek 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.

Mingalkala has a sub-tropical climate characterised by summer rainfall and dry winters. Rainfall in this region is predictable, and in the wet season often associated with thunderstorms. Cyclones can come inland and affect this area with high speed winds and rain. Evaporation is also high, and rainfall only exceeds evaporation in the summer months. One of the nearest Bureau of Metrology (BOM) weather stations to Mingalkala, is located in Fitzroy Crossing.

The mean annual rainfall for Fitzroy Crossing Areo weather station is 659.6 mm with the majority of rain falling between December-March. BOM rainfall for Fitzroy Crossing is summarised in Table 3:

Table 3 – Fitzroy Crossing Aero weather station mean rainfall (1997 to 2019)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Rainfall (mm)	175.9	141.4	103.7	26.0	16.5	7.0	5.7	2.9	0.5	14.9	30.6	134.5	659.6

Source: Bureau of Meteorology

Note: The mean annual rainfall is not the sum of the mean monthly rainfall totals. For further data please refer to the Bureau of Meteorology website at www.bom.gov.au

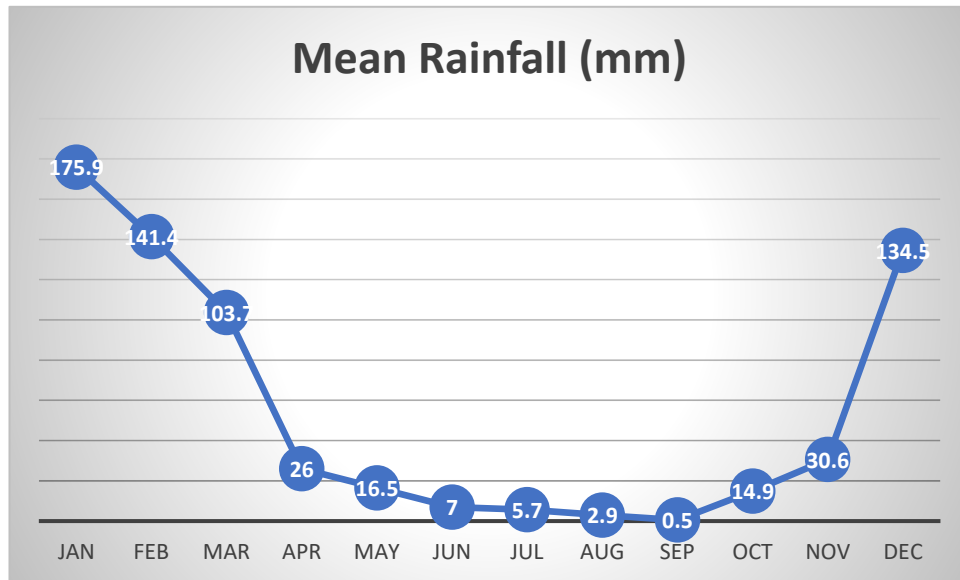


Figure 2 – Fitzroy Crossing mean rainfall (1997 to 2019)

Summers are hot, and winter mild to cool. Mean maximum daily temperatures range between 37- 40 °C in summer, and between 30-33 °C in winter.

Table 4–mean temperatures (1997 to 2019) for Fitzroy Crossing Aero weather station

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mean max. temp (°C)	37.6	37.0	37.2	37.0	33.4	30.5	31.0	33.3	37.4	40.2	40.9	39.4
Mean min. temp (°C)	25.2	24.8	24.0	20.9	16.1	13.0	12.3	13.5	18.4	23.2	25.5	25.8

Source: Bureau of Meteorology

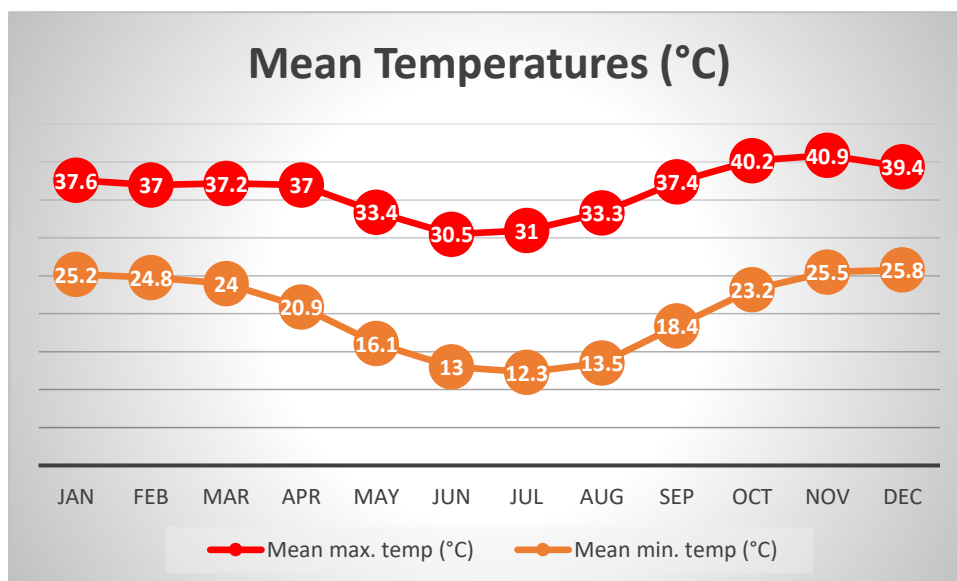


Figure 3 – Fitzroy Crossing mean temperatures (1997 to 2019)

1.3 History and Culture

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

Early contact history

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

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

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

This resulted in a large out-migration from pastoral stations to towns and reserves.

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

The pursuit of a formal recognition of Aboriginal land rights has gained momentum since the late 1970s, with the founding of the Kimberley Land Council in 1978, and the Seaman Inquiry of 1984. This process was given further impetus with the passage of the Commonwealth Native Title Act 1993, which established a framework for the lodging of native title claims.

Mingalkala is located within the Gooniyandi Combined #2 determination area. The native title claim was registered on 27 July 2000 and the Gooniyandi people gained legal recognition of their native title rights over Mingalkala land on the 19 June 2013.

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

Mingalkala community was established in 1995. The community was excised from the Mt Pierre pastoral lease.

1.4 Previous Layout Plan

There is no previous layout plan.

2 COMMUNITY PROFILE

2.1 Population

Existing Population

Estimating and predicting populations in the Kimberley is difficult because Aboriginal people tend to be mobile in terms of housing and living arrangements. Populations can increase and decrease 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 is collected. This is reflected in the available demographic data for Mingalkala.

A summary of recent population data is shown in Table 6. The population estimates in Table 2 are sourced from the Environmental Health Needs Survey (EHNS) undertaken by the former Department of Indigenous Affairs (DIA) in 2004, the former DIA “Communities” 2013 dataset and the Department of Communities (DoC) Property Tenancy Management System (PTMS) from 2019.

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

Table 2 – Population figures of Mingalkala by source 2004-2019

	2004	2013	2019
Total persons	35	47	30
Source	EHNS	DIA	PTMS

Based on the information available, it is considered the estimated population of Mingalkala is approximately 30 people.

2.2 Governance

Incorporated Community

The community is managed through its incorporated body the Mingalkala Aboriginal Corporation (MAC). Mingalkala Aboriginal Corporation was incorporated under the Aboriginal Councils and Associations Act 1976 on 31 July 1995.

The objectives of Corporation are to provide:

- Employment and Training;
- Land Management and;
- Personal and Other Services.

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

Traditional Owners

The Gooniyandi Aboriginal Corporation RNTBC (GAC RNTBC) is a Registered Native Title Body Corporate (RNTBC) representing the Gooniyandi Traditional Owners. GAC RNTBC

was first incorporated as an Aboriginal Corporation and registered with the former Registrar of Aboriginal Corporations in 2013 under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*

The objectives of GAC RNTBC are to:

- To be the Registered Native Title Body Corporate for the area subject to the native title claim filed by the Gooniyandi native title claimants (WAD 6008 of 2000);
- Perform the functions of a Prescribed Body Corporate under s 56 and s 57 of the Native Title Act;
- To act as trustee for the Native Title Holders in respect of any native title determination under s 56 and s 57 of the Native Title Act;
- To exercise all powers necessary and/ or convenient to perform its functions for the benefit of the Common Law Holders of the rights and interests in the Determination Area(s) in all matters relevant to these objects;
- To comply with the terms of any agreements between the Corporation, the State and other parties, to which this Corporation is a party;
- To protect, preserve and advance the traditions, laws, languages, culture and customs of the Gooniyandi People;
- To help build trust and friendship between Gooniyandi People and other Aboriginal and non-Aboriginal people;
- To represent traditional owners in all matters related to the ownership, use, occupation of, and access to the Determination Area(s); and
- To promote the economic, social and cultural aspirations and well-being of the Gooniyandi People. Within this objective to take advantage of the investment and commercial opportunities that arise or relate to native title holders and to exploit those opportunities to generate assets and funds for charitable purpose and employment opportunities for native title holders.

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

Non-native title corporations

There are two non-native title corporations who have an interest in Mingalkala, these being:

- Gogo Station Pty Ltd;
- Mount Pierre Pastoral Aboriginal Corporation.

2.3 Land Tenure

The Mingalkala community is located on the Mt Pierre pastoral lease (PL N049790), being the whole of Lot 786 and part of Lot 1564, as of June 2020. The details are provided below.

<i>Tenure</i>	Pastoral Lease (PL N049790)
<i>Lot Details</i>	Lot 786 on Deposited Plan 76786
<i>Primary Interest Holder</i>	State of WA
<i>Area</i>	97.1 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Mt Pierre Pastoral lease N049790 to Gogo Station Pty Ltd and Mount Pierre Pastoral Aboriginal Corporation.

<i>Tenure</i>	Pastoral Lease (PL N049790)
<i>Lot Details</i>	Lot 1564 on Deposited Plan 403064
<i>Primary Interest Holder</i>	State of WA
<i>Area</i>	217712.7 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Mt Pierre Pastoral lease N049790 to Gogo Station Pty Ltd and Mount Pierre Pastoral Aboriginal Corporation.

2.4 Native Title

Mingalkala is located within the Gooniyandi Combined #2 native title determination area (Federal Court ref. WAD6008/2000, NNTT ref. WCD2013/003), determined by consent on 19 June 2013 (Table 7).

The Registered Native Title Body Corporate is Gooniyandi Aboriginal Corporation RNTBC. The determination established the existence of native title in parts of the determination area. and covers approximately 11,209 kilometers of land within the Shires of Derby-West Kimberley and Halls Creek.

Table 3 – Gooniyandi Combined 2 Determination summary

Name	Federal Court ref.	NNTT ref.	Register	Status	Representative
Gooniyandi Combined #2	WAD6008/2000	WCD2013/003	Determination	Native title exists in parts of the determination area	Gooniyandi Aboriginal Corporation

A copy of the determination can be found at the following website:

http://www.nntt.gov.au/SearchRegApps/NativeTitleClaims/Pages/Determination_details.aspx?NNTT_Fileno=WCD2013/003

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

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

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

Background to Native Title in Australia

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

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

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

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

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

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

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

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

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

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

2.5 Aboriginal Heritage

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

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

Registered Sites

There are no registered sites or other heritage place sites in the vicinity of Mingalkala and surrounding area, as of June 2020.

Culturally Sensitive Areas

No areas of cultural or heritage significance were identified in the immediate vicinity of the settlement during the planning process. Any future development at the community, including implementing LP1 should be undertaken in consultation with the community and the traditional owners to ensure adequate avoidance of any culturally sensitive areas.

Impact of Aboriginal Heritage on Urban Growth in Remote Aboriginal Communities

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

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

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

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

2.6 Community Aspirations

During consultation in 2005 the resident community provided the following aspirations:

- a desire to live at Mingalkala permanently
- for the community to grow to have a school, clinic, staff housing and other facilities similar to other large communities.
- utilise roads for drainage, especially from the hills;
- keep the powerhouse and workshop site removed from housing areas;
- new housing lots to look over central area / hills or rangelands; and
- keep proposed staff housing separate from community housing.
- Site school and children activity areas away from direct contact with other community facilities
- provide water reticulation to houses and housing blocks
- seek funding for new housing [including connection to services
- redefine land tenure boundaries and secure tenure
- extend topographic survey to east to capture floodplain and proposed wastewater treatment site
- permanent powerhouse site
- permanent tip site
- construct new housing
- connect housing to water, power and septic
- new office building
- clinic building
- junior oval
- economic activities
- construct deep sewerage system and connect houses and buildings
- primary school
- staff housing

3 INFRASTRUCTURE & SERVICES

3.1 Electricity Supply

Mingalkala power station is located on SL-lot 1, south of the residential dwellings. The electricity supply and distribution network is managed by Department of Communities (DoC) under the Remote Essential and Municipal Services (REMS) program.

All the dwellings in the community are located inside the 200m buffer prescribed under the *Aboriginal Settlement Guideline 3 Layout Plan Exclusion Boundaries (2012)* for a power station. It would not be feasible to relocate the power station at this time, the layout plan caters for a possible future power station site located on SL-lot 21 located over 200m from the nearest dwellings.

3.2 Water Supply

The main potable water supply for Mingalkala is obtained from bore MA/04 approximately 400 metres north-west of the community. Water is pumped to an elevated storage tank located on SL-lot 7. Approximately two dwellings are located within the recommended 500m buffer to the ground water drinking water source prescribed by the *Aboriginal Settlement Guideline 3 Layout Plan Exclusion Boundaries (2012)*. It is not considered feasible to relocate the drinking water source at this time, a site located over 500m from the nearest dwellings should be considered in future. A Drinking Water Source Protection Plan has not been prepared for Mingalkala.

3.3 Wastewater

The community is serviced by septic tanks and leach drains with the system managed by the community.

3.4 Rubbish Disposal

The fenced Mingalkala waste disposal site is located approximately 1km south of the community on SL-lot 48. It is accessible from the main entrance road, First Street.

All community housing and infrastructure is located within the prescribed 2000m buffer outlined in the *Aboriginal Settlement Guideline 3 Layout Plan Exclusion Boundaries (2012)*. It would not be feasible to relocate the rubbish disposal site at this time, a new rubbish tip site located 2000m from the community should be considered in the future.

3.5 Telecommunications

A Telstra communications compound is located on SL-lot 13 and provides phone communication services to the community.



Figure 4 – Telstra compound

3.6 Internal Road Layout

The main internal settlement layout (SL) road network consists of a grid network with a main street (First street). The roads are unsealed with all dwellings accessible from the network. The majority of services and infrastructure are located on First street. Informal tracks provide access to the rubbish tip and bore.

3.7 Access & Dedicated Roads

Mingalkala is located approximately 115 km north west of Fitzroy Crossing. Ngumpan, the nearest Aboriginal settlement is located approximately 25km south west of Mingalkala.

The community is accessed via a 7km unsealed road from Great Northern Highway.



Figure 5 – Great Northern Highway turn-off to Mingalkala

3.8 Airstrip

The nearest airstrip to Mingalkala is located approximately 90km east at Louisa Downs. The airstrip is in a good condition and maintained by the Louisa Pastoral Corporation to the standard for the Royal Flying Doctor Service. The Airstrip is located on Leasehold Lot 50 owned by the Louisa Downs Pastoral Aboriginal Corporation.

Fitzroy Crossing airport is also located relatively close to Mingalkala, approximately 115km north west by road.

3.9 Community and Social Services

Office

There is no known office in the community. A site is reserved on the map-set on SL-lot 15 for a combined office/shop if the need arises in the future.

Store

There is currently no store located in Mingalkala, it is unknown which store community members attend. The nearest store is located in Wangkatjunga approximately 44km south west of Mingalkala. The store provides basic supplies such as, tinned foods, frozen meat and cold drinks. Community members can also attend stores located in Fitzroy Crossing for additional supplies. A site is reserved on the map-set on SL-lot 15 for a combined office/shop if the need arises in the future.

School

There are no education facilities in Mingalkala. A site is reserved on the map-set on SL-lot 42 for a school in the future if the need arises. It is unknown where school aged students in Mingalkala attend school. The nearest school to Mingalkala is Wangkatjunga Remote Community School located approximately 44km south west of Mingalkala. The school caters for years K-7 and has approximately 45 students as of June 2020 (DoE).

Clinic

There is currently no clinic at Mingalkala community. It is unknown which clinic community members utilise. The nearest clinic to Mingalkala is located in Wangkatjunga community 44km south west of Mingalkala. The Wangkatjunga clinic is a fit-for-purpose and culturally secure clinic with pathology, consulting rooms, a family room and separate men's and women's waiting areas. The clinic employs a registered nurse who is able to provide a comprehensive range of services, with visiting clinicians from Fitzroy Crossing attending the clinic on a regular basis.

Workshop

There is a workshop located on SL-lot 51. The workshop is used for small scale repairs, labour, maintenance and storage of equipment.

There are 4 industrial lots on the map-set for any future industrial needs.

Recreation Areas

There is currently no oval located at Mingalkala, the layout plan provides for a future oval site on SL-lot 47. A future basketball court is proposed on SL-lot 14.

Art Centre

There is currently no known art centre in the community.

Cemetery

There is currently no known informal cemetery in the community.

Home Maker facility

A home maker facility is located on SL-lot 12.

Visitor camping

An area for visitor camping is located on SL-lot 50.

4 HOUSING

4.1 Residential Areas

The residential dwellings in Mingalkala are located along the main street (First Street) in the centre of the community.

4.2 Number & Type of Dwellings

At present there are approximately 6 dwellings within the community including a single men's quarters. A number of these dwellings are transportable buildings.

The Department of Communities (Housing) does not provide property and tenancy management services within the community

4.3 Future Residential Development

There are approximately 24 potential residential lots on the layout plan map-set for future housing needs.

5 CONSTRAINTS AND LIMITATIONS

5.1 Flood Hazard

Mingalkala is not close to any major creeks or rivers. There is small watercourse located nearby. No flood study has been undertaken for Mingalkala.

5.2 Drainage

Natural drainage occurs through the existing road network which directs storm water runoff from the nearby hills.

5.3 Drinking Water Source Protection Plan

There is currently no Drinking Water Source Protection Plan (DWSPP) for Mingalkala.

5.4 Bushfire

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

5.5 Exclusion Boundaries

The exclusion boundaries shown on the map-set are in accordance with the WAPC's *Aboriginal Settlements Guideline 3: Layout Plan Exclusion Boundaries (2012)*.

6 PLANNING FRAMEWORK

6.1 State Planning Policies

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

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

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

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

6.2 State Planning Policy 3.2 - Aboriginal Settlements

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

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

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

6.3 Shire of Halls Creek

Halls Creek Local Planning Scheme No. 2

The Shire of Halls Creek Local Planning Scheme No.2 (LPS 2) was gazetted on 17th September 2019. Mingalkala is zoned 'Settlement' under LPS 2. The purpose of this zone is to identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places. Under the Scheme, preparation and endorsement of a layout plan in accordance with State Planning Policy 3.2, and ensuring that development accords with a layout plan, are requirements of the settlement zoning (see current Scheme zoning in Figure 6).

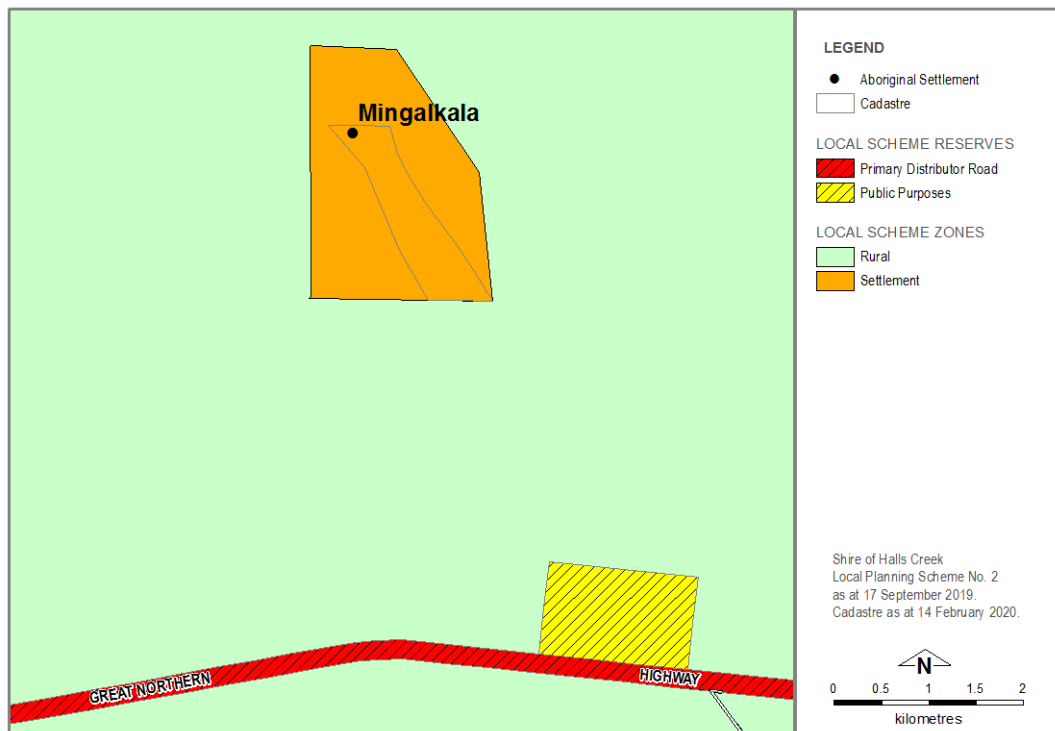


Figure 6 - Land classification under Shire of Halls Creek LPS 2, Mingalkala

Local Planning Strategy

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

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

7 ENDORSEMENTS

Mingalkala Community Council Endorsement

Mingalkala Aboriginal Corporation
PO Box 157
FITZROY CROSSING WA 6765

The Mingalkala Community Council hereby adopts the **Mingalkala Community Layout Plan No. 1** [July 2005] as a guide for future developments within its boundaries.

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

The^{25TH}..... Day of^{JULY}..... 2005

Adopted by the Mingalkala Community Council:



Stanley Till.

Chairperson
[Please print and sign name]

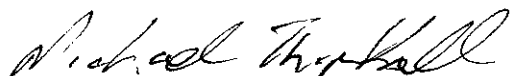
Staff [if required]
[Please print and sign name]

CEDRIC FORREST

Councillor

MAITLAND MIDDLETON

Councillor



Councillor

Councillor

Shire of Halls Creek Endorsement

Shire of Halls Creek
PO Box 44
HALLS CREEK WA 67



The Halls Creek Shire Council hereby adopts the **Mingalkala Community Layout Plan No. 1** [July 2005] as a basis for future growth and development within Mingalkala community.

The Day of 2005

Endorsed by the Halls Creek Shire Council:

PATRICIA MCKAY

Patricia McKay

Shire President
(Please print and sign name)

Peter Mc Connell

Peter Mc Connell

CEO
(Please print and sign name)

Council
Seal



Western Australian Planning Commission Endorsement



Western Australian Planning Commission
469 Wellington St
Perth WA 6000

The Western Australian Planning Commission hereby endorses the **Mingalkala Community Layout Plan No. 1** [July 2005] as a guide for development to ensure proper and orderly planning within the community area

The 28TH 9^W Day of SEPTEMBER 2005

Signed for and on behalf of the Western Australian Planning Commission

an officer of the Commission duly authorised by the Commission pursuant to section 57 of the *Western Australian Planning Commission Act 1985* for that purpose in the presence of

Witness

28 SEP 2005 Date

REFERENCES

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Department of Planning, Lands and Heritage 2020 Aboriginal Heritage Inquiry System <https://www.dplh.wa.gov.au/information-and-services/online-services/aboriginal-heritage-inquiry-system>

Jebb, M. 2002 Blood, Sweat and Welfare: A History of White Bosses and Aboriginal Pastoral Workers. UWA Press: Nedlands

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WAPC 2011 State Planning Policy 3.2 - Aboriginal Settlements, Government of Western Australia

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

AMENDMENTS

Mingalkala Layout Plan 1

Amendment 1

Plan Date : 25 July 2005 **WAPC Endorsed** : 27 September 2005
Proponent : Department of Planning **Requires** : WAPC only – minor amendment
Endorsement

Reason for the Amendment

The Department of Planning, on behalf of the Western Australian Planning Commission (WAPC), is the custodian for Layout Plans prepared under State Planning Policy 3.2, including the Mingalkala Layout Plan 1.

Since the publication of that Policy in August 2000 all Layout Plan map-sets have been prepared using a variety of computer-aided-design (CAD) formats. All Layout Plan map-sets have now been converted to a common user geographic information systems (GIS) format, including the Mingalkala Layout Plan 1.


This conversion process has required a comprehensive re-development of the map-set and includes a number of data and content upgrades. This may include the establishment of new Settlement Layout lots (SL-lots), the inclusion of recommended settlement zones, modification to ensure land-use areas accord with Aboriginal Settlements Guideline 1, inclusion of drinking water source protection areas, incorporation of updated cadastre, and many other general improvements.

Approved

This is a minor amendment as the myriad changes made to content and illustration are of a technical nature. As such, under provision 6.14 the endorsement of the WAPC only is required.

Western Australian Planning Commission

please sign and print name

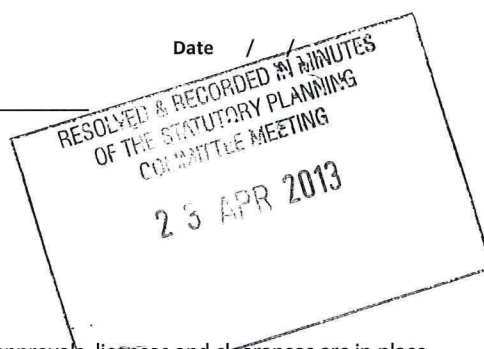
 2/5/2013

Signed by an officer duly authorised by
the Western Australian Planning
Commission pursuant to section 24 of
the *Planning and Development Act 2005*

Other Information:

This Layout Plan does not constitute development approval.

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




Proponent	: Department of Planning, Lands and Heritage
Date	: 30 August 2018

Reason for the Amendment

The Department of Planning Lands and Heritage (DPLH) has prepared Amendment 2 to Layout Plan 1 (LP1) to remove the future waste water treatment plant site from the map-set, as aerial photography has identified it is inappropriately located within a waterway.

Land Identification		Amendment description
1	SL-Lot 49	Remove SL-lot 49 (Public Utility).

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

Determined on behalf of the Western Australian Planning Commission in accordance with the <i>Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.</i>	 Ashley Randell Determination of Regional Planning Policy Regional Planning PN: 15151
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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.

Proponent	: Department of Planning, Lands and Heritage
Date	: July 2020

Reason for the Amendment

The enactment of the Shire of Halls Creek Local Planning Scheme No.2 (LPS 2), gazetted on 17th September 2019, has resulted in the need to delete the 'Recommended Settlement Zone' and add the 'Settlement' zone to match the LPS 2.

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

- Revising the population and housing data;
- Editing and reformatting the background report;
- Removing out of date text and references
- General update to the layout plan map-set

Land Identification		Amendment description
1.	All	Delete the 'Recommended Settlement Zone'. Add 'Settlement' zone to match the Shire of Halls Creek LPS 2.
2.	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>	 22 July 2020
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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.