

# Mulan Layout Plan 2

## Background Report



## Ratified Draft

Version Control:

Version 1 - June 2009

Version 2 - November 2009

Version 3 - March 2010

Version 4 - April 2013

Version 5 - August 2013

Version 6 - July 2020



Department of  
Planning



## MULAN LAYOUT PLAN 2

Layout Plan 2 (LP2) was prepared during 2008 and 2009 in partnership with the Mulan resident community and in consultation with relevant government agencies and authorities by the former Department of Planning.

Following completion of draft LP2, the Mulan resident community representatives declined to endorse LP2. SPP3.2 provides that if a resident community declines to endorse a Layout Plan, the plan may not be endorsed by any other party.

State agencies and authorities require a validated spatial framework for Mulan to ensure that services are provided efficiently. To provide this, the Western Australian Planning Commission (WAPC) ratified Version 1 of Mulan Layout Plan 2 (LP2) on 9 June 2009. During the period November 2009 until August 2013 the WAPC endorsed 4 further versions of LP2. The endorsed versions are listed in part 7 of this report.

The WAPC endorsed Version 6 of LP2 in July 2020. Version 6 incorporates administrative changes to the map-set and includes the addition of this report.

LP2 remains a draft until such time as it has been endorsed by the resident community and other relevant parties, including the WAPC.

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 1<sup>st</sup> 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 1<sup>st</sup> of July 2017.

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## Community Representative Organisations

Resident community representative organisation	: Mulan Aboriginal Corporation
Traditional Owners representative organisation	: Tjurabalan Native Title Land Aboriginal Corporation RNTBC Kimberley Land Council

## Acronyms

ABS	: Australian Bureau of Statistics
AHA	: <i>Aboriginal Heritage Act (WA) 1972</i>
AHIS	: Aboriginal Heritage Information System
AHS	: Aboriginal Heritage Survey
AIATSIS	: Australian Institute of Aboriginal and Torres Strait Islander Studies
ALT	: Aboriginal Lands Trust
BOM	: Bureau of Meteorology
DoC	: Department of Communities (Housing)
DPLH	: Department of Planning, Lands and Heritage
DWSPP	: Drinking Water Source Protection Plan
EHNS	: Environmental Health Needs Survey
FaHCSIA	: Department of Families, Housing, Community Services and Indigenous Affairs
HMA	: Housing Management Agreement
ILUA	: Indigenous Land Use Agreement ( <i>under the Native Title Act 1993</i> )
KAMS	: Kimberley Aboriginal Medical Services
KRSP	: Kimberley Regional Service Providers
LP	: Layout Plan
MAC	: Mulan Aboriginal Corporation
MFPF	: Multi-function Police Facility
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
PB	: Parsons Brinckerhoff
PBC	: Prescribed Body Corporate (under the NTA, representing native title holders)
PTMS	: Property Tenancy Management System
REMS	: Remote Essential and Municipal Services
RFDS	: Royal Flying Doctor Service
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 Mulan Layout Plan No. 2 (LP2) was prepared over the period between 2008 and 2009. It replaces the Mulan Layout Plan No. 1 (2006). The tables below summarise the main issues concerning the planning, development and provision of services within Mulan. These are covered in detail in the body of this report.

**Table 1 – Population Summary**

Existing Population :	<b>110</b>
Design Population :	<b>185</b>

**Table 2 - Place Characterisation Indicators**

Indicator	Community Characteristics
Drinking water	Drinking water is drawn from 2 production bores, on SL-lots 33 and 121. Water supply and distribution is managed by DoC under the REMS program.
Electricity	Electricity is supplied by a diesel generation facility with a generating capacity of 350kw, just south of the living area on SL-lot 34. Electrical generation and distribution infrastructure is managed by DoC under the REMS program.
Flood	No flood data is available for Mulan. Stormwater runoff from the airstrip is diverted to the community, resulting in localised pooling in the southern portion of the main living area.
Land tenure	Housing and majority of infrastructure located on crown reserve 39102. One production bore, rubbish tip, airstrip and part of the wastewater ponds, are located on Lake Gregory pastoral lease PL N049428.
Wastewater	Mulan is connected to a reticulated deep sewerage system. Wastewater is disposed into evaporative treatment ponds located approximately 0.5km south-west of Mulan.
Emergency assistance	Multi-function police facility located in Balgo, approx. 30 minutes (45km) east. Mulan clinic on call 24 hours a day for emergencies. Medical evacuation via the RFDS.
Education	John Pujajangka-Piyirn Catholic School located in Mulan, kindergarten to year 9. The school is attended by 26 students (May 2020).
Health	Mulan clinic permanently staffed by general practitioners and registered nurses. Clinic is available Monday to Friday, and on call 24 hours a day for emergencies.
Food	The Mulan Community Supermarket is operated by Outback Stores. The store provides the community with basic goods, including fresh food. Fuel is also available.
Transport	Road access to Halls Creek approximately 4 hours (325km) away via Balgo and the Tanami Road. Mulan has a 1200 metre gravel airstrip, and in addition to commercial light aircraft, it is also accessed by RFDS flights.
Waste services	The solid waste disposal facility is located on SL-lot 98, about 1.5km north-east of the community. The community undertakes rubbish collection and operates the facility.
Employment & enterprise	Limited employment opportunities at community (medical clinic, store, school) and Lake Gregory pastoral station. Nearest job market in Halls Creek.
Governance	The community is managed through its incorporated body, Mulan Aboriginal Corporation.
Aboriginal heritage	Mulan is included in the Tjurabalan People Determination Area (Federal Court ref. WAD160/1997, NNTT ref. WCD2001/001), determined in 2001. Native title exists in parts of the determination area.

The major purpose of the LP2 is to guide the growth and development of Mulan by providing a layout of existing and future land uses in the community. LP2 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.

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

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## DEVELOPMENT PRIORITIES

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At the time of consultation between 2008 and 2009, the community identified several issues as important in the development of the community. These included:

### Within the next year

1. Road numbering / naming system.
2. Lot numbering system.
3. Construct deviation road and install barriers to redirect traffic away from northern residences.
4. Convert building opposite office/store into community meeting place.
5. Preparation of a groundwater source protection and management plan, incorporating a Public Drinking Water Source Area, in accordance with State Planning Policy 2.7. (*completed in 2010*).
6. Investigate suitability of constructing diversion drains along the track to the airstrip to address stormwater drainage issues.

### Within the next 5 years

1. Seal the road network.
2. Commission bore M1/04 as the operational bore providing drinking water to the community.
3. Relocate the rubbish tip to a site further removed from sensitive land uses.
4. Relocate power station to new location.
5. Construct serviced houses on vacant lots within existing residential area to cater for community needs.
6. Construct dedicated aged care accommodation.
7. Adjust boundary between Lot 8 DP 186640 and Lot 16 DP 194368, to ensure that all community infrastructure is located on land with secure and appropriate tenure.
8. Relocate stockyards away from main community living area.
9. Upgrade airstrip to Royal Flying Doctor Service minimum standard (*completed*).

### Within the next 10 years

1. Construct serviced house lots in future residential area to meet the ongoing needs of the community as the population grows.
2. Provide an underground power network.
3. New commercial enterprises.

# 1 BACKGROUND

## 1.1 Location & Setting

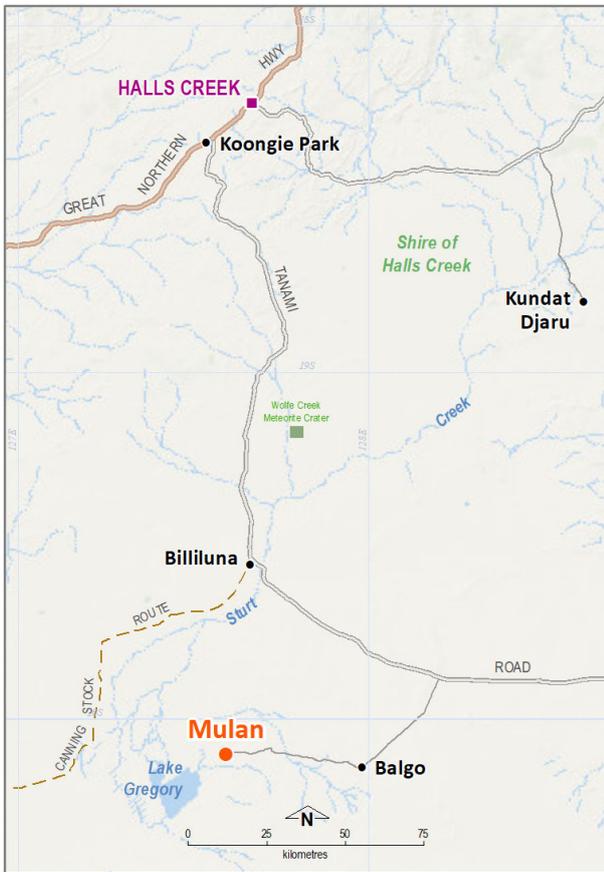


Figure 1 – Regional context of Mulan

Mulan is in the East Kimberley region of Western Australia within the Shire of Halls Creek, approximately 210km south (325km by road) of Halls Creek. The community is 165km from the Northern Territory border, with the nearest Aboriginal settlements being Balgo (45km east by road) and Billiluna (155km north by road).

Mulan is located between two major deserts, being on the northern edge of the Great Sandy Desert and the western edge of the Tanami Desert. The landform is comprised of large areas of red sand plains, scrub vegetation and a few scattered hills.

The dominant watercourse in the area is Lake Gregory (Paruku). The lake is fed by Sturt Creek and acts as a drainage basin for stormwater runoff from the extensive plains to the north, west and east. The surrounding area is typically flat with gradients between 1:200 and 1:400.

The soil type is predominantly a mix of pindan red sand/clay, although there are also areas of reactive 'black soil' clays on the outskirts of the community living area.

There are a number of rock outcrops located throughout the community and a rocky ridge to the north of the main living area.

Vegetation species are predominantly comprised of spinifex and native grasses, with shrubs and eucalyptus trees being found where there is water.

## 1.2 Climate

Mulan has a tropical semi-arid climate due to its location between the wetter northern regions of the Kimberley and the arid regions to the south and east. The Bureau of Meteorology (BOM) classifies the community as falling within the 'Summer Dominant' rainfall zone, and the 'Warm Humid Summer' temperature and humidity climate zone. Such areas are commonly described as having two distinct seasons: the wet season, usually from December to March when approximately 70% of the annual rain falls, and the dry season in the remaining months. Rainfall is usually received in short intense events associated with thunderstorms or cyclonic activity.

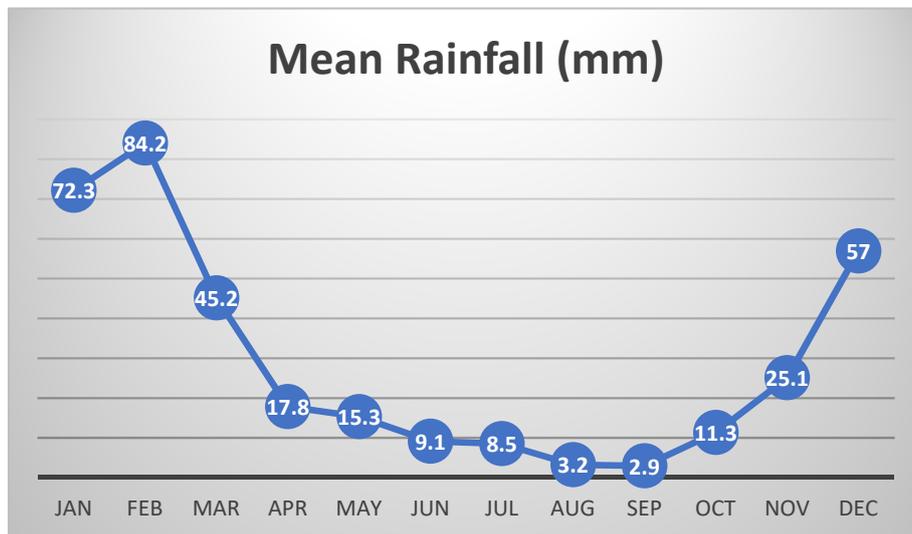
Climate data from the Bureau of Meteorology is not available for Mulan. The nearest location with recorded climate data is the Balgo Hills weather station, approximately 45km to the east of Mulan. Mean monthly rainfall for *Balgo Hills* is shown in Table 3 and Figure 2.

**Table 3 –mean rainfall (1940 to 2016) for Balgo Hills weather station (13007)**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
<b>Rainfall (mm)</b>	72.3	84.2	45.2	17.8	15.3	9.1	8.5	3.2	2.9	11.3	25.1	57.0	356.8
<b>Days of rain ≥ 1mm</b>	6	6	3.2	1.3	1.5	1	0.7	0.3	0.4	1.4	2.9	4.6	29.3

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](http://www.bom.gov.au)



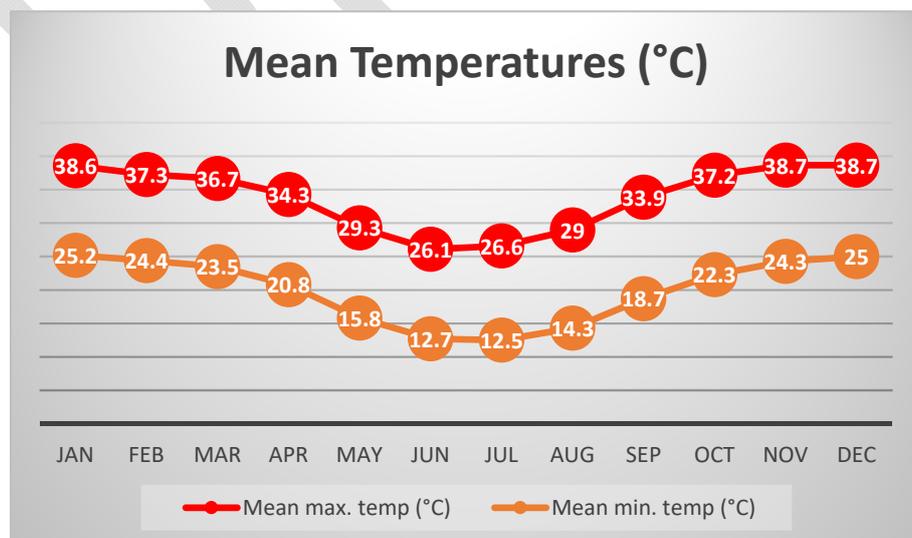
**Figure 2 – Balgo Hills mean rainfall (1940 to 2016)**

The months of April and May are typically hot to warm, but with moderate rainfall, marking the transition to a dry season. The months of June, July, August and September are typically dry and warm, before becoming hotter with maximum temperatures in the high thirties from October through to March (Table 4 and Figure 3).

**Table 4–mean temperatures (1950 to 2016) for Balgo Hills weather station (13007)**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Max. temp (°C)</b>	38.6	37.3	36.7	34.3	29.3	26.1	26.6	29	33.9	37.2	38.7	38.7
<b>Min. temp (°C)</b>	25.2	24.4	23.5	20.8	15.8	12.7	12.5	14.3	18.7	22.3	24.3	25

Source: Bureau of Meteorology



**Figure 3 – Balgo Hills mean temperatures (1950 to 2016)**

### **1.3 History and Culture**

Please note that this is a concise summary of the post-settlement history of Mulan, 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).

One of the outcomes of this record of violent conflict was a concerted government and mission presence in the East Kimberley, including the Western Australian government's establishment of the Moola Bulla institutions in 1910. Moola Bulla, to the west of Halls Creek, was established as a training institution and ration depot for the regional Aboriginal population of around 200 (predominantly Jaru and Kija) Aboriginal people. A mission was established on this site in 1939, and continued until Moola Bulla was abruptly sold to private interests in 1955. This sale meant to dispersal of Jaru and Kija people to different areas, with many people leaving to live and work on pastoral stations (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. Jebb (2002) estimated that by the late 1970s, only 15% of Aboriginal people in the Kimberley remained on Kimberley stations. This also meant that many stations that had depended on cheap skilled Aboriginal labour became unviable.

#### **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. In 1995, the Tjurabalan (WC1995/074) claim was lodged over the Mulan region.

The Tjurabalan native claim was registered in 1999, thereby giving native title holders the right to negotiate with the proponents of proposed activities. Two years later in 2001, this was followed by the Tjurabalan People determination (WAD160/1997), which found that native title existed in parts of the determination area.

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.

## Mulan 1970s onwards

The establishment of Mulan can generally be seen as part of the broader 'Homelands' movement that began in Western Australia in the late 1970s, which saw the permanent return to traditional country of Aboriginal peoples who had previously migrated to government institutions, missions, ration stations, pastoral stations and town camps.

Mulan was established as a permanent Aboriginal community in the late 1970s by Walmajarri people moving away from the Balgo Mission to the Lake Gregory Pastoral Station, near the shores of Lake Gregory. A major factor behind this was the transfer of the pastoral station from Lake Gregory Pty Ltd to the Aboriginal Lands Trust in 1978. The community became incorporated in 1979 and the first houses and school were constructed in the same year. In 1985, Crown Reserve 39102 was excised from the pastoral lease and vested to the ALT for the "use and benefit of Aboriginal inhabitants", with the Reserve being formally leased to Mulan Aboriginal Corporation (MAC) the following year.

## Language

Mulan is situated within an area referred to as the Kutjungka (FaHCSIA 2009). This area is bounded by the communities of Balgo (Wirrimanu), Mulan, Billiluna (Mindibungu/Kururrungku), Kundat Djaru and Yagga Yagga (Yakka Yakka), and rarely identified on official maps.

Figure 4 shows the location of these communities within the Kutjungka, with a background of language, social or nation groups of Indigenous Australia based on the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) publication, "The AIATSIS Map of Indigenous Australia" (1996).



Figure 4 – Aboriginal communities within the Kutjungka

The name Kutjungka means 'together-as-one' and is used by local people to recognise the deep historical, familial and present-day social relations that connect the diverse number of family and linguistic groups in the area.

The dominant Indigenous language groups are the Walmatjarri, Kukatja and Jaru, while Ngarti, Warlpiri, Pintupi are also spoken/used. Other groups are also an important part of the Kutjungka social world (FaHCSIA 2009).

The Mulan community is comprised of people from a number of language/cultural groups. The majority of community members are from the Walmajarri group, with other members from the Jaru and Kukatja groups. Most community members also speak English and/or Kriol.

Ceremonial and cultural practices take place inside both the community and beyond, and the community has advised of the presence of an Aboriginal law site to the south east of the main living area.

#### **1.4 Previous Layout Plan**

LP2 replaces the draft Mulan Layout Plan No. 1 (2006).

DRAFT

## 2 COMMUNITY PROFILE

### 2.1 Population

Table 3 – Population

Existing Population :	<b>110</b>
Design Population :	<b>185</b>

#### Existing Population

Estimating and predicting populations in Mulan 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).

The community members of Mulan have close affiliations with other settlements in the region and there are regular movements of people between Mulan, Balgo, Halls Creek and other communities in the Tjurabalan lands.

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

The population estimates in Table 6 are sourced from the Environmental Health Needs Survey (EHNS) undertaken by the former Department of Indigenous Affairs in 1997, 2004 and 2008, the Australian Bureau of Statistics (ABS) 2001, 2006, 2011 and 2016 Census, and the Department of Communities' Property Tenancy Management System (PTMS) from 2019.

Table 4 – Population figures of Mulan by source 1997-2019

	1997	2001	2004	2006	2008	2011	2016	2019
<b>Total persons</b>	<b>170</b>	<b>168</b>	<b>150</b>	<b>114</b>	<b>140</b>	<b>149</b>	<b>110</b>	<b>91</b>
<b>Indigenous peoples</b>	n/a	<b>149</b>	n/a	<b>99</b>	n/a	<b>136</b>	<b>91</b>	n/a
<b>Source</b>	EHNS	ABS	EHNS	ABS	EHNS	ABS	ABS	PTMS

Based on the available data, the population of Mulan is estimated to be **110** people, excluding staff temporarily living in the community.

#### Aspirational Population

Aspirational population refers to the resident community's expected future population in the settlement within the next 10-15 years. The aspirational population of the community is unknown.

#### Design Population

The design population is intended to reflect the number of people the LP plans for, taking into consideration the community's aspirational population, the estimated population growth rate over the years and the servicing and physical constraints of the community.

The statistical data from the Census and EHNS suggests that the population of Mulan has experienced a moderate rate of decline. However, the community in 2009 advised that the population had stabilised in recent years and a slow growth rate was expected for the medium term.

The 2009 version of LP2 used a population of 140 and an annual growth rate of 2%, and forecast 185 residents after 15 years (2024). Accordingly, the design population used by this report is **185** people, excluding staff temporarily living in the community.

## 2.2 Governance

### Incorporated Community

The community is managed through its incorporated body - Mulan Aboriginal Corporation (MAC). MAC was incorporated under the *Aboriginal Councils and Associations Act 1976* in 1979.

The objectives of the Corporation are to:

- manage and develop our Community as a healthy and happy place and provide Community services to our members;
- provide opportunities for a secure future for our members and their children at Mulan;
- develop our local economy and support the economic development of our members;
- be the voice of the Mulan Community, to be heard as one voice to make our community strong;
- encourage healthy lifestyles and support the health and wellbeing of our members;
- provide and manage housing, shelter and infrastructure;
- care and support the elderly and those less able to care for themselves;
- provide and develop recreation, sporting and occupational facilities and activities for our members and youth;
- care for and develop our country in a sustainable way;
- support education, training and improve employment and the economic prospects of our members and youth;
- enter into service and other agreements and partnerships with government and other organisations on behalf of the corporation;
- act as a representative body and advocate for the community;
- develop businesses, including but not limited to a community store, pastoral, tourism and the arts that are aimed at improving the wellbeing of the community and members;
- support and develop our culture and arts;
- help build trust and friendship between our members and other people and organisations and enter into partnerships that are mutually beneficial;
- receive and spend grants, and money from other individuals, Governments and organisations and account for such monies the proper way;
- operate and maintain a Gift Fund to be known as “The Mulan Aboriginal Corporation Gift Fund” in accordance with the requirements of the Australian Taxation Office”.

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

## 2.3 Land Tenure

The Mulan community is located on the whole of Crown Reserve 39102 and part of the Lake Gregory pastoral lease, PL N049428, as June 2020. The details are provided below.

<i>Tenure</i>	<b>Crown Reserve 39102</b>
<i>Lot Details</i>	Lot 8 on Deposited Plan 186640
<i>Certificate of Title</i>	LR3126/115
<i>Status Order/Interest</i>	Reserve under Management Order
<i>Primary Interest Holder</i>	Aboriginal Lands Trust
<i>Area</i>	96.91 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	<ol style="list-style-type: none"> <li>1. Reserve 39102, for the purpose of use and benefit of Aboriginal Inhabitants. Management order contains conditions to be observed with power to lease for any term.</li> <li>2. Standard lease to Mulan Aboriginal Corporation. Area 96.91 ha, reference H925593, expiry date 30/11/2085.</li> </ol>

<i>Tenure</i>	<b>Pastoral Lease (PL N049428)</b>
<i>Lot Details</i>	Lot 16 on Deposited Plan 194368
<i>Certificate of Title</i>	LR3010/752
<i>Primary Interest Holder</i>	Aboriginal Lands Trust
<i>Area</i>	269,594 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Sub-lease to Yougawalla Services Pty Ltd. Reference O057419, expiry date 30/06/2028.

The main community living area is located on Crown Reserve 39102, which is considered to be a secure and appropriate form of tenure for a remote Aboriginal community. However, essential community infrastructure including the bores, cemetery, rubbish tip, airstrip and part of the wastewater treatment ponds are located outside the boundaries of Crown Reserve 39102 on leasehold land, which is an inappropriate form of tenure for infrastructure associated with an Aboriginal community located on a Reserve under management order, as is the case with Mulan.

## 2.4 Native Title

There is one native title matter which covers the Mulan settlement zone, as June 2020 (Table 7).

**Table 7 – Tjurabalan People Determination summary**

Application Name	Federal Court ref.	NNTT ref.	Register	Status	Representative
<b>Tjurabalan People</b>	WAD160/1997	WCD2001/001	Determination	Native title exists in parts of the determination area	Tjurabalan Native Title Land Aboriginal Corporation RNTBC

The Tjurabalan People gained legal recognition of their native title rights over approximately 26,000km<sup>2</sup> of land near the Western Australia/Northern Territory border on 20 August 2001 (Ngalpil v Western Australia [2001] FCA 1140).

The consent determination found that native title exists in the Determination Area and is held communally by the Tjurabalan People. The Tjurabalan People, recognised as the common law holders over the subject land, are those people who hold in common the body of traditional law and culture governing the Determination Area and who are members of the Walmajarri, Jaru or Nyinyiny language groups.

The Tjurabalan People Determination Area covers the greater area surrounding Mulan, including lot 8 on deposited plan 186640 and lot 16 on Deposited Plan 194368.

The Tjurabalan Native Title Lands Aboriginal Corporation RNTBC is the prescribed body corporate which holds the native title rights in trust on behalf of the Tjurabalan native title holders. The native title representative body for the area is the Kimberley Land Council.

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

<http://www.austlii.edu.au/au/cases/cth/FCA/2001/1140.html>

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 (DPLH) [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 and **no** other heritage place sites within or overlapping the Mulan settlement zone, as of June 2020.

The nearest registered site to Mulan on the Register of Aboriginal Sites, is the Mallan/Lake Gregory registered site, ID 17563. This is a mythological site located approximately 7km south-west of the Mulan community living area. The site encompasses most of the Lake Gregory/Paraku wetland area.

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

### Culturally Sensitive Areas

There are a number of sites within the community that have spiritual and cultural significance and which should be given consideration in the planning process. The hill in the middle of the community living area on settlement layout lot (SL-lot) 53, holds spiritual significance and has been identified as a No-Go area on the LP. Mulan Aboriginal Corporation has also identified land to the east, south and west of the community living area as being culturally sensitive and where access is generally restricted.

An Aboriginal Heritage Survey (AHS) was undertaken at Mulan in April 2012 by representatives selected by the Tjurabalan Native Title Group in partnership with the Kimberley Land Council. The AHS was requested by the former Department of Housing to identify any heritage issues that may arise with respect to the development of land identified as SL-lots on the draft Mulan LP2.

The following areas were included in Mulan Draft LP2 Version 5:

- A No-Go area to the west of the wastewater ponds (SL-lot 51) to protect Men's area;
- Continuation of existing No-Go area to the south of the living area and further east along Lake Gregory Road;
- A No-Go exclusion area to the south of SL-lot 108.

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

### Built Heritage

There are no known sites of built heritage at Mulan. Information about heritage places and listings in Western Australia, is available from the DPLH database, inherit, available at <http://inherit.stateheritage.wa.gov.au/public>.

### **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

At the time of consultation between 2008 and 2009, the community identified several issues as important in the development of the community. These included:

### Within the next year

1. Road numbering / naming system.
2. Lot numbering system.
3. Construct deviation road and install barriers to redirect traffic away from northern residences.
4. Convert building opposite office/store into community meeting place.
5. Preparation of a groundwater source protection and management plan, incorporating a Public Drinking Water Source Area, in accordance with State Planning Policy 2.7. (*completed in 2010*).
6. Investigate suitability of constructing diversion drains along the track to the airstrip to address stormwater drainage issues.

### Within the next 5 years

1. Seal the road network.
2. Commission bore M1/04 as the operational bore providing drinking water to the community.
3. Relocate the rubbish tip to a site further removed from sensitive land uses.
4. Relocate power station to new location.
5. Construct serviced houses on vacant lots within existing residential area to cater for community needs.
6. Construct dedicated aged care accommodation.
7. Adjust boundary between Lot 8 DP 186640 and Lot 16 DP 194368, to ensure that all community infrastructure is located on land with secure and appropriate tenure.
8. Relocate stockyards away from main community living area.
9. Upgrade airstrip to Royal Flying Doctor Service minimum standard (*completed*).

### Within the next 10 years

1. Construct serviced house lots in future residential area to meet the ongoing needs of the community as the population grows.
2. Provide an underground power network.
3. New commercial enterprises.

### 3 INFRASTRUCTURE & SERVICES

Mulan is a part of the Remote Essential and Municipal Services (REMS) program overseen by the Department of Communities (Housing). The previous program was known as the Remote Area Essential Services Program. Figure 5 illustrates the types of essential services in Mulan.

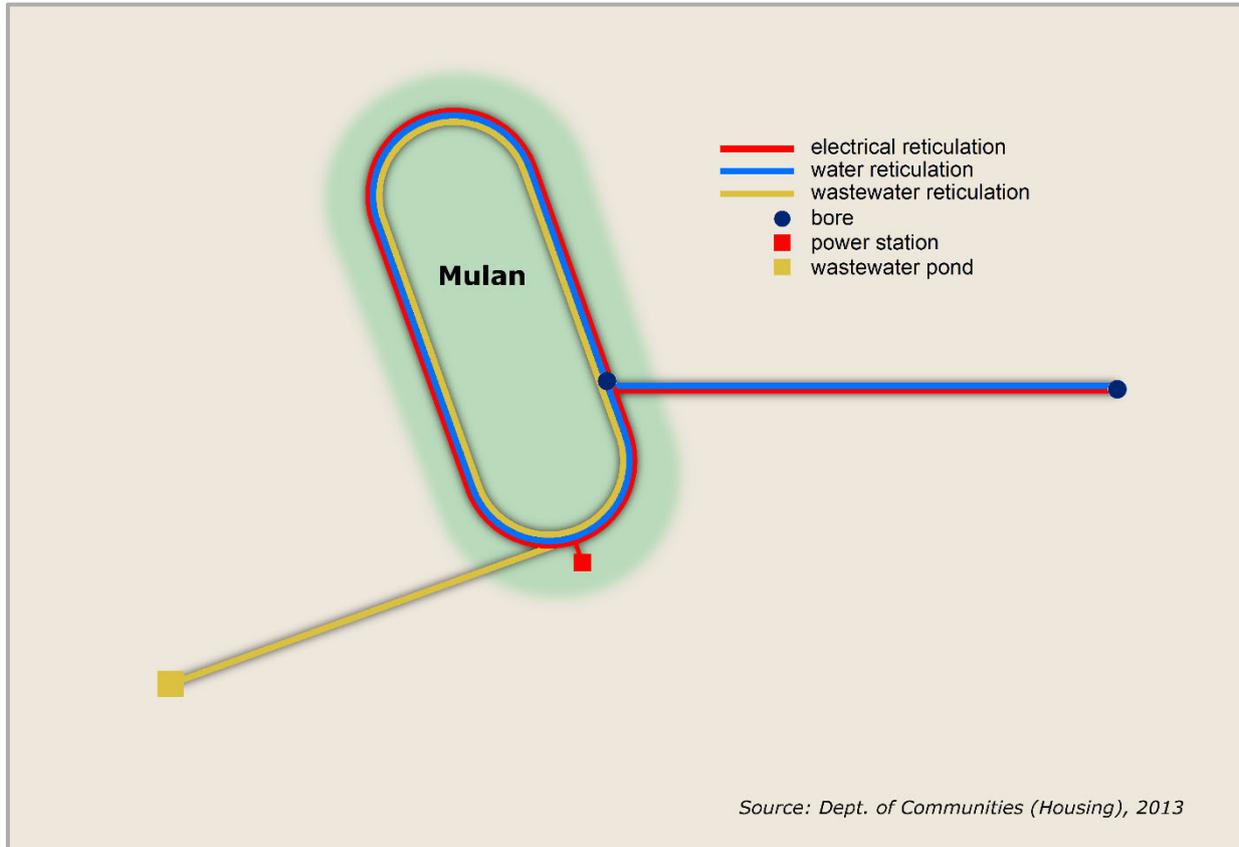


Figure 5 – Essential services in Mulan

#### 3.1 Electricity Supply

Electricity supply at the community is not regulated. The community is supplied with electricity by a diesel operated power generator located on SL-lot 34 (Figure 6), in the south of the community living area. The power station is adequate for the community's current needs, but is ageing and approaching its maximum output capacity of 350kw (KRSP 2007). Above ground power reticulation consists of 2 three phase low voltage feeders. There are no high voltage powerlines. In the southern part of the community, the above-ground power lines generally follow settlement layout (SL) road alignments, whereas in northern parts the power lines are less aligned with the SL road layout.

The diesel fuel is stored in two ground tanks, with a total capacity of 110,000 litres. The power station compound is fenced, and fuel storage is bunded.

A 200m buffer is prescribed under the *Aboriginal Settlement Guideline 3 Layout Plan Exclusion Boundaries (2012)* for a power station. In the case of Mulan, approximately half of the community's houses are located within this buffer area, with the closest house being 50m away. This has the potential to significantly reduce residential amenity and negatively impact on public health through exposure to excessive noise levels and exhaust plumes.

Another issue associated with the location of the current power station is the need for the fuel truck to pass through the centre of the community on route to the power station.



**Figure 6 – Power station on SL-lot 34**

### **Relocation of Power Station**

One of the main priorities for Mulan is the relocation of the existing power station. The existing facility is nearing its operational capacity and is not appropriately separated from incompatible land uses. Locating a new facility away from the main community living area would improve the amenity of nearby residences and also allow for the creation of future residential living areas in the southern portion of the community.

In deciding upon a location for a new power station, the following sites were considered:

- Option 1** West of the main living area, adjacent to the wastewater treatment ponds.
- Option 2** East of the main living area, abutting Lake Gregory Road (approximately 750m east of the community office).
- Option 3** Northeast of the main living area, adjacent to the rubbish tip.
- Option 4** North of the main living area, adjacent to the track leading to Billiluna.

A brief analysis of these sites follows:

- ✘ **Option 1** is in a low-lying area subject to ponding after rain events, which makes it an unsuitable location for a power supply facility.
- ✘ **Option 2** - the community raised security concerns about this option.
- ✘ **Option 3** is within close proximity to bore 1/96 and a power station on this site has the potential to contaminate the groundwater resource through the leaching of diesel plumes into the aquifer.
- ✓ **Option 4** was considered to be the most suitable site, as it is located on higher land, is suitably removed from incompatible land uses and electrical reticulation can use the alignment of the existing track that connects Mulan with Billiluna.

Considering the analysis, any future power station should be located to the north of the community. The current power station should be decommissioned, and the site rehabilitated.

### 3.2 Water Supply

The community water supply is not regulated. Mulan receives its drinking water supply from two groundwater production bores:

- Bore 3, on SL-lot 33
- Bore 1/96, on SL-lot 121

A Drinking Water Source Protection Plan (DWSPP) was prepared for Mulan by Parsons Brinckerhoff (PB) in 2010 for the former Department of Housing.

Groundwater from the production bores is pumped into a ground level tank, with a capacity of 255kl and located in the tank compound, SL-lot 45. Water is chlorinated and transferred from the ground level tanks to a 225kl elevated storage tank (KRSP 2007). The two production bores (Bore 3 and Bore 1/96) have a combined recommended abstraction rate of 284 m<sup>3</sup>/day (PB 2010). Chlorination is required to remove or destroy pathogenic microorganisms, and does not treat chemical contamination. The water is then distributed from the elevated tank to the community.

### 3.3 Wastewater

Mulan has a reticulated, gravity based deep sewerage system. Wastewater is disposed into evaporative wastewater treatment ponds located on SL-lot 51, approximately 500m southwest of the community centre. Two pumping stations are in the north western and south-western parts of the community (SL-lots 94 and 46 respectively) to collect and discharge effluent into the system.

The treatment ponds are located on low lying land which appears to be subject to temporary pooling following major rain events. The community has constructed levee banks around the ponds to prevent their contents from overflowing and spilling into pooled stormwater after heavy rains.

The cadastral boundary between crown reserve 39102 and the surrounding pastoral lease PL N049428 runs through the wastewater treatment ponds.

Approximately 14 dwellings are located within the recommended 500m buffer to the wastewater treatment ponds prescribed by the *Aboriginal Settlement Guideline 3 Layout Plan Exclusion Boundaries (2012)*. Given the prevailing winds in the community are generally easterly (BOM), odour from the wastewater treatment pond is considered not to be a significant constraint to the amenity of residents.

Maintaining a suitable buffer from the wastewater treatment ponds generally constrains the community from expanding in a westerly direction. The ponds are suitably separated from the community's drinking water supply.

### 3.4 Rubbish Disposal

The community disposes of waste in an unregulated rubbish tip located on SL-lot 98, about 1.5km northeast of the community store, on pastoral lease PL N049428. The facility is fenced, and the pit is uncovered. The community undertakes rubbish collection and operates the facility. There can be problems at times if the equipment required to run the facility is not operational, and the access road to the tip can become impassable after rains.

All community housing and infrastructure is located within the prescribed 2000m buffer outlined in the *Aboriginal Settlement Guideline 3 Layout Plan Exclusion Boundaries (2012)*.

The tip is approximately 1.2km from production bores 3 and 1/96, and is therefore at risk of irreversibly contaminating the community's drinking water supply through the release of plumes of pollution into the aquifer.

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 122, just north of the water tanks and provides phone communication services to the community.

### **3.6 Internal Road Layout**

The internal settlement layout (SL) road network in Mulan is comprised of several semi-constructed roads and informal tracks. The semi-constructed SL roads generally have a gravel surface and are periodically compacted, although they lack kerbing and formal drainage. The majority of houses and community infrastructure are serviced by roads of this standard. Numerous informal tracks have also been formed by vehicles driving off these road alignments.

All SL roads and tracks in the community are unsealed, which has resulted in dust related health issues.

At the time of consultation in 2009, the community expressed a desire to name the internal roads in the community in the future.

### **3.7 Access & Dedicated Roads**

The Tanami Road provides vehicular access to Mulan from Halls Creek (approx. 325km) or Alice Springs (approx. 895km). The Aboriginal community of Yuendumu in the Northern Territory is approximately 600km away by road. The Tanami Road is formed from compacted earth and is periodically maintained by the Shire of Halls Creek and local mining companies. The road can be unpassable at certain sections such as at the Sturt Creek crossing, for periods of up to 3 months during the wet season.

Mulan can be accessed from the Tanami Road by several routes. The most reliable way to access the community is via Balgo Road/Lake Gregory Road, which runs from the Tanami Road to Mulan via the community of Balgo (approximately 85km in total). Another track connects Mulan directly with the Tanami Road, however this track is less defined and is believed to be unpassable for long periods of the year.

The mail plane visits the community once a week from Kununurra and Halls Creek. The airstrip at Mulan has been upgraded and allows for Royal Flying Doctor Service emergency flights. People from Mulan travel to the Halls Creek townsite using private vehicles, community vehicles or the mail plane.

### **3.8 Airstrip**

The airstrip is located on SL-lot 107 approximately 2km south-east of the community living area. It can be reached via Lake Gregory Road, or from a separate track connecting to the southern portion of the community.

The airstrip has airport lighting, apron lighting and a windsock. The landing strip is approximately 1200m long and meets the Royal Flying Doctor Service minimum airstrip requirements.

### 3.9 Community and Social Services

The following community facilities and social services, are in Mulan.

#### Office

The community office is located next to the store in the central part of the community, on SL-lot 21. All administrative matters and council meetings occur in the office.

#### Store

The Mulan Community Supermarket located on SL-lot 21 is operated by Outback Stores Pty Ltd. The store provides the community with some basic goods, including fresh food, subject to availability. Fuel is also available for purchase through the community store.

Outback Stores is a wholly owned Commonwealth company that provides fee-for-service management of the store. If the store is commercially self-sufficient, the store owners work with the store committee to decide how to spend the profits for the benefit of the community.



Figure 7 – Mulan Community Store

If the store is not commercially self-sufficient, Outback Stores support the store financially to ensure there is food security.

#### School

The John Pujajangka-Piyirn Catholic School is in the central portion of the community living area on SL-lot 54 (Figure 8). The Catholic Education Office operates the school which caters for kindergarten aged children up to Year 9 students.

The school has approximately 26 students and approximately 6 staff members (Department of Education, May 2020).



Figure 8 – John Pujajangka-Piyirn Catholic School

## Clinic

The clinic on SL-lot 22 is operated by Kimberley Aboriginal Medical Services Ltd (KAMS) and is known as the Mulan Health Centre. It is open Monday to Friday during normal business hours and is also on call 24 hours a day for accidents and emergencies.

Mulan Health Centre is staffed by general practitioners, registered nurses and Aboriginal and Torres Strait Islander health workers. Services available include:

- child and maternal health;
- men's health;
- women's health;
- school health;
- immunisations;
- chronic disease management, screening and prevention;
- health promotion programs;
- 24-hour accident and emergency service;
- allied and specialist health visits;
- medication management.

## Recreation Areas

An ungrassed oval and basketball court are located on SL-lot 99, just west of the community living area.

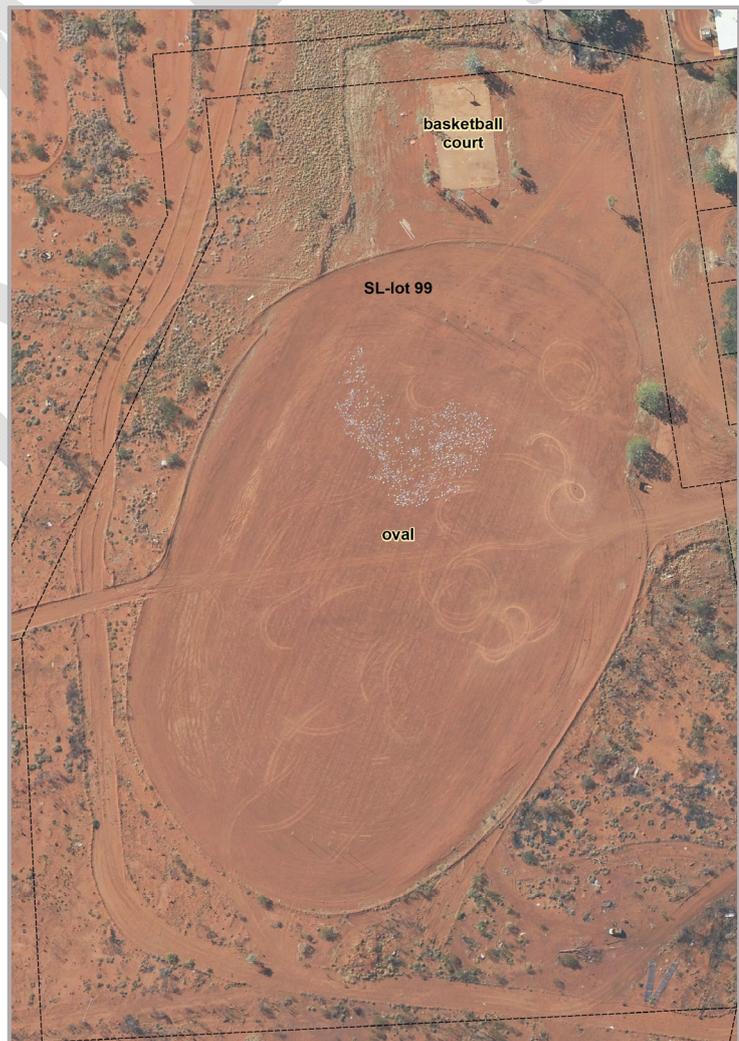


Figure 9 – Oval and basketball court

## Recreation Centre



A large, undercover recreation centre is located on SL-lot 49, near the centre of the community. In 2009 the community completed the renovation and extension of this building into a multipurpose centre to accommodate such uses as a youth centre, a performing area and/or undercover recreation activities.

**Figure 10 – Mulan Recreation Centre**

## Arts Centre

An arts centre is located on SL-lot 28, directly north of the clinic.

## Women's Centre

A women's centre is located on SL-lot 50, to the south of the community in the "no go" area.

## Workshop

A community workshop is located on SL-lot 44, at the entrance to the community on Lake Gregory Road. Community equipment is kept in the building, along with a cement mixer and tip trucks. The workshop is used for the repair and maintenance of vehicles and equipment.



**Figure 11 – Workshop on SL-lot 44**

## Multi-function Police Facility

The nearest multi-function police facility (MFPF) is in Balgo, approximately 30 minutes (45km) east. The MFPF includes a multi-function room with built-in facilities to be used as a courtroom.

## Cemetery

An informal cemetery is located at the northern end of the community on SL-lot 106.

## Outstations

Outstations are small settlements that rely on a nearby larger community for a range of services. They are predominantly family-based centres with limited infrastructure and generally, seasonal occupancy.

Two outstations have a relationship with the Mulan community, these being *Gilungarra* and *Jalyirr*.



Figure 12 – Outstations near Mulan

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## 4 HOUSING

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### 4.1 Residential Areas

Mulan LP2 Draft Version 6 has 87 residential SL-lots to cater for the design population of 185 people. The residential housing SL-lots surround the central community area of Mulan.

### 4.2 Number & Type of Dwellings

Based on the May 2018 air photo, it is estimated that there is a total of 52 residential dwellings within the community, including accommodation for visitors, teachers and other support service personnel. It is unknown how many of these dwellings are occupied.

The Department of Communities (Housing) provides property and tenancy management services under a Housing Management Agreement (HMA) to 39 residential houses in the Mulan community (PTMS, 2019).

The type and current condition of the dwellings is unknown.

### 4.3 Future Residential Development

The identification of suitable land to meet the housing needs of Mulan over a long-term timeframe is physically constrained by the following:

- The existence of a no-go area in the southern portion of the community living area;
- The presence of the sewage treatment ponds and the associated 500m buffer in the south and west of the community.
- A rocky ridge to the north of the community which would significantly increase building and servicing costs.

There are a number of vacant lots within the existing main community living area, which present an opportunity to provide housing in an area that is already serviced and that is proximate to the centre of the community. However, as a number of these vacant lots and ruined houses are within the 200m buffer for the power station, construction of a new dwelling should only occur after the power station has been relocated.

Based on the above, the LP provides for future housing as follows (Figure 13):

- **Priority 1** (short term) - There are 5 vacant residential lots within the existing community centre which are ready for immediate development (SL-lots 68, 69, 71, 72 and 73). These SL-lots are in close proximity to the school, are outside the buffers for the wastewater treatments ponds and the power station, and will require minimal extension of existing service infrastructure. The LP also shows a number of residential lots in the north of the community which can cater for the growth of the two discrete family groups located in that area.
- **Priority 2** (medium term) - The construction of new houses on SL-lots 32, 36 and 38-41 should occur upon the relocation of the power station.
- **Priority 3** (medium to long term) - Should further housing be required, a row of SL-lots (SL-lots 70, 83, 88, 90-93 and 100-104) has been identified in the north-eastern part of the community living area. Reticulated services would need to be extended to these future SL-lots.

- **Priority 4** (long term) - A large portion of land (SL-lot 42) with capacity for up to 26 SL-lots and the community's long-term housing needs.



**Figure 13 – Priority SL-lots for residential development**

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## **5 CONSTRAINTS AND LIMITATIONS**

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### **5.1 Flood Hazard**

There is no flood data available for Mulan.

### **5.2 Drainage**

The community indicated that stormwater runoff from the airstrip is diverted to the community via the access road, resulting in localised pooling in the southern portion of the main living area and damage to community infrastructure.

With regard to the localised pooling issue experienced in the south of the community, the most appropriate way to address this problem is the construction of diversion drains along the track connecting the community with the airstrip. However, this track runs through the "no go" area and the construction of such diversion drains could potentially impact on the drainage of the surrounding area. It is recommended that the Kimberley Regional Service Providers liaise with the Mulan Aboriginal Corporation and the identified Traditional Owners to investigate the suitability of such works.

### **5.3 Drinking Water Source Protection Plan**

A Drinking Water Source Protection Plan (DWSP) was completed in 2010 by Parsons Brinckerhoff. The plan identified a Priority 1 drinking water source protection area to the south-east and north-east of the Mulan community.

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

### **5.4 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)*.

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## 6 PLANNING FRAMEWORK

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### 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 LP2:

- 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 17<sup>th</sup> September 2019. Mulan 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 14).

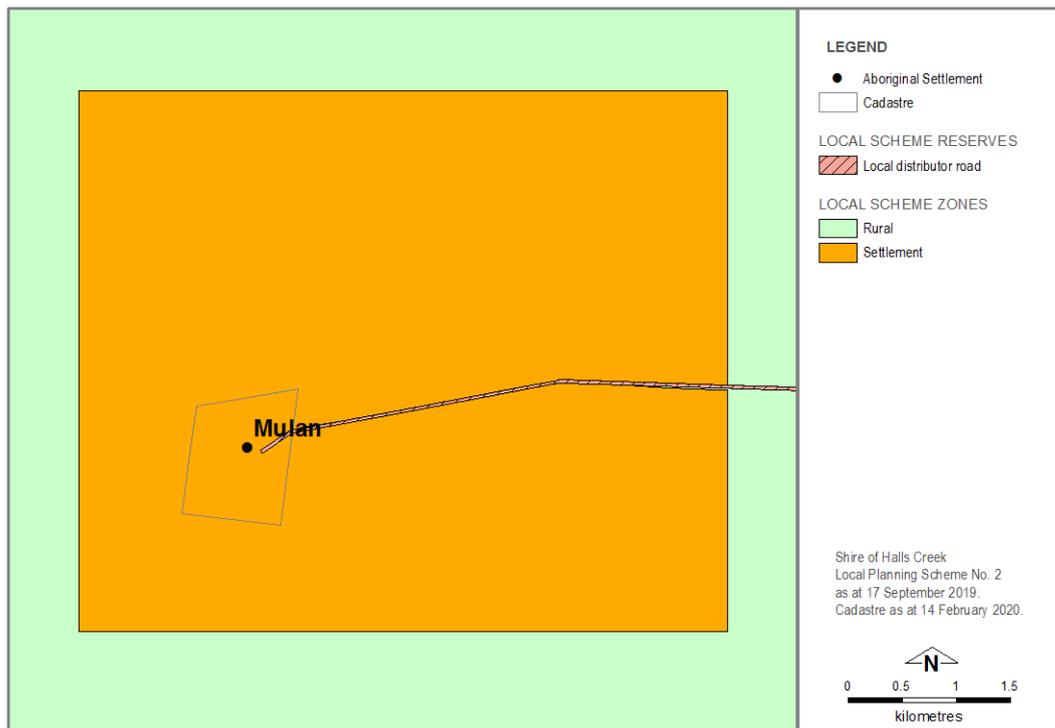


Figure 14 - Land classification under Shire of Halls Creek LPS 2, Mulan

### 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.

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## 7 ENDORSEMENTS

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Not endorsed.

**Mulan Layout Plan 2 requires comprehensive review and consideration by all parties, as per State Planning Policy 3.2.**

DRAFT

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## CONSULTATION & REFERENCES

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### CONSULTATION SUMMARY

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

Formal meetings held during this process, are listed below.

<b>Organisation</b>	<b>Date</b>
Mulan Aboriginal Corporation	15 July 2008
	23 September 2008
Department of Indigenous Affairs	12 March 2009
Shire of Halls Creek	
Catholic Education Office	24 February 2009
Department for Housing & Works	14 July 2008
	18 February 2009
Department of Water	23 February 2009
Kimberley Aboriginal Medical Services Council	
Parsons Brinkerhoff (Remote Area Essential Services Program)	27 February 2009

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[https://en.wikipedia.org/wiki/Mulan\\_Community,\\_Western\\_Australia](https://en.wikipedia.org/wiki/Mulan_Community,_Western_Australia)

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**VERSIONS**

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DRAFT

## Mulan Draft Layout Plan 2

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### Version 1

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 draft Mulan Layout Plan 2.

Proposed Version 1 of the Mulan LP2 (LP2) was prepared by the Department of Planning in consultation with the resident community and relevant government agencies and authorities. However, LP2 was not endorsed by the resident community at that time for a range of reasons, including governance arrangement issues.

LP2 Version 1 (9 June 2009) was not endorsed by any party.

## Mulan Draft Layout Plan 2

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### Version 2

#### **Reason for redrafted version**

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 draft Mulan Layout Plan 2.

Proposed Version 2 to LP2 is primarily the incorporation of the Mulan Drinking Water Source Protection Plan (2009) prepared by Parsons Brinkerhoff on behalf of the Department of Housing. To affect this change the map-set has been expanded to include the addition of context and landownership sheets.

LP2 Version 2 (1 November 2009) was not endorsed by any party.

## Mulan Draft Layout Plan 2

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### Version 3

#### **Reason for redrafted version**

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 draft Mulan Layout Plan 2.

Proposed Version 3 to the Mulan LP2 is primarily the incorporation of the Mulan Drinking Water Source Protection Plan (2009) prepared by Parsons Brinkerhoff on behalf of the Department of Housing. To affect this change the map-set has been expanded to include the addition of context and landownership sheets.

LP2 Version 3 (15 March 2010) was not endorsed by any party.

**Reason for redrafted version**

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 draft Mulan Layout Plan 2 (LP2).

Proposed Version 4 to the Mulan LP2 is consequential to the conversion of the map-set from CAD to GIS. This has resulted in a myriad of technical changes to content and illustration of Layout Plan map-sets, which are effectively an amendment to that plan. Establishing the Layout Plan suite in GIS aims to improve the functionality of the map-set when used by associated agencies and authorities and endorsement of the consequent amendments is recommended.

In the case of amendments, the CAD to GIS changes are considered to be minor amendments 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.

**Ratification**

In some instances, such as Mulan, Layout Plans remain in draft form. This can be for a range of reasons, usually political (failure to secure endorsement from various parties) or empirical (absence of data necessary to permit considered decisions). Delivery of housing and infrastructure by state agencies and authorities relies on Layout Plans for an agreed spatial framework. WAPC ratification of draft Layout Plans ensures that there is an agreed spatial framework for housing and infrastructure development on Aboriginal settlements.

**Western Australian Planning Commission**

*please sign and print name*

  
Ashley Randell  
Planning Manager, Aboriginal Communities  
Regional Planning & Strategy

23/04/2013

Date / /

**Other Information:**

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

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

**Reason for redrafted version**

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 draft Mulan Layout Plan 2 (LP2).

Proposed Version 5 to the Mulan LP2 is consequential to the conversion of the map-set from CAD to GIS. This was initially undertaken and ratified as version 4 (23 April 2013), but further technical refinements were identified following that time. This has resulted in a myriad of technical changes to content and illustration of Layout Plan map-sets, which are effectively an amendment to that plan. Establishing the Layout Plan suite in GIS aims to improve the functionality of the map-set when used by associated agencies and authorities and endorsement of the consequent amendments is recommended.

In the case of amendments, the CAD to GIS changes are considered to be minor amendments 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.

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**Western Australian Planning Commission**

*please sign and print name*

 . 01/08/2013 Date / /  
Ashley Handell  
Planning Manager, Aboriginal Communities  
Regional Planning & Strategy

**Other Information:**

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<b>Proponent</b> : Department of Planning, Lands and Heritage
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<b>Date</b> : July 2020
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### Reason for the Amendment

The Shire of Halls Creek Local Planning Scheme No.2 (the Scheme) was gazetted on 17 September 2019. The Scheme zones the majority of Mulan 'Settlement'. The primary purpose of this change is to update the draft Layout Plan by replacing the 'Recommended Settlement Zone' with the 'Settlement' zone to match the Scheme.

'Lake Gregory Road' is not defined in cadastre. It is an informal road that traverses various land tenures, including Aboriginal Lands Trust holdings; Crown Reserve 39102 and Lake Gregory Pastoral Lease. The Scheme reserves 'Lake Gregory Road' as 'Local distributor road'. This portion of land is to remain shown as 'Recommended Settlement Zone' in the Layout Plan, as it is not cadastral.

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	Add 'Settlement' zone to match the Shire of Halls Creek Local Planning Scheme No.2.
2.	Lake Gregory Road	Portion of land west of the eastern alignment of the 'Settlement' zone that is reserved as 'Local distributor road' in the Shire of Halls Creek Local Planning Scheme No.2 to be categorised as 'Recommended Settlement Zone'.
3.	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.

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>
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22 July 2020

### 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.