

Moongardie

Layout Plan 2

Background Report



Amendments

MOONGARDIE LAYOUT PLAN 2

Moongardie Layout Plan 2 (LP2) was prepared from 2019 to 2021 by the Department of Planning, Lands and Heritage. LP2 has been endorsed by the resident community on the 11th January 2021.

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Community Representative Organisations

Resident community representative organisation	:	Moongardie Indigenous Corporation
Traditional Owners representative organisation	:	Gooniyandi Aboriginal Corporation RNTBC

Acronyms

ABS	:	Australian Bureau of Statistics
AHA	:	Aboriginal Heritage Act (WA) 1972
AHIS	:	Aboriginal Heritage Information System
ALT	:	Aboriginal Lands Trust
BAL	:	Bushfire Attack Level
BOM	:	Bureau of Meteorology
DoC	:	Department of Communities (Housing)
DoE	:	Department of Education
DPLH	:	Department of Planning, Lands and Heritage
EHNS	:	Environmental Health Needs Survey
HMA	:	Housing Management Agreement
ILUA	:	Indigenous Land Use Agreement (under the Native Title Act 1993)
LP	:	Layout Plan
MIC	:	Moongardie Indigenous Corporation
NNTT	:	National Native Title Tribunal
NTA	:	Native Title Act (Commonwealth) 1993
NTRB	:	Native Title Representative Body
PBC	:	Prescribed Body Corporate (under the NTA, representing native title holders)
REMS	:	Remote Essential and Municipal Services
RFIP	:	Regional Planning and Infrastructure Framework
RDFS	:	Royal Flying Doctors Service
RNTBC	:	Registered Native Title Body Corporate
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 Moongardie Layout Plan No. 2 (LP No. 2) was prepared from 2019 to 2021. It replaces the Moongardie Layout Plan No. 1 (1999).

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

Table 1 – Population Summary

Existing	30
Design	45

Table 2 - Place Characterisation Indicators

Indicator	Community Characteristics
Drinking water	Water supply and distribution is managed by DoC under the REMS program. The community is serviced by two bores located on SL- lot 31.
Electricity	The electricity supply and distribution network is managed by DoC under the REMS program. Moongardie is serviced by a diesel power station located on SL-lot 32.
Land tenure	Moongardie is located on crown land that comprises of a single title. The land is leased to Mount Pierre Pastoral Aboriginal Corporation and Gogo Station Pty Ltd.
Wastewater	The community is serviced by septic tanks and leach drains with the system managed by the community.
Emergency assistance	The nearest emergency services are located in Yiyili (50km), Fitzroy Crossing (135km) and Halls Creek (160km).
Education	There are no education facilities in Moongardie. The children attend Yiyili Aboriginal Community School. The school caters for years K-10 and has approximately 65 students.
Health	There is no clinic in the community, members utilise the clinic located in Yiyili. Doctors and nurses from Halls Creek travel to Yiyili to attend the clinic.
Food	There is currently no store located in Moongardie, the community utilises the store in Yiyili for basic supplies and Halls Creek and Fitzroy Crossing for additional supplies.
Transport	The Moongardie community is located within the Fitzroy Valley in the Shire of Halls Creek. The community is located approximately 135km by sealed road from Fitzroy Crossing and approximately 160km by sealed road from Halls Creek.
Waste services	The rubbish tip is located west of the community on SL-lot 33. The community dispose of their waste in an unregulated, fenced trench.
Governance	The community is managed through its incorporated body, Moongardie Indigenous Corporation (MIC).
Aboriginal heritage	Moongardie is located within the Gooniyandi Combined 2 (WAD6008/2000 (Federal Court No and WCD2013/003 NNTT No) claim area. The claim was determined on 19/06/2013 and established the existence of native title in parts of the determination area.

LP2 plans for future expansion of the community and formalises existing infrastructure and land-uses and provides a future settlement layout lot and road design.

The major purpose of the LP2 is to guide the growth and development of Moongardie 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.

DEVELOPMENT PRIORITIES

Consultation with the community was undertaken in 2019/2020. The community identified several development priorities important to the development of Moongardie. These included:

Within the next year:

1. Moving the current workshop.
2. Establish a homemaker facility.
3. Establishing a new cemetery.

Within the next 5 years:

1. Establish a recreation and oval precinct.
2. Radio station upgrade.
3. Establish a ranger facility.
4. Speed bumps and Street signs within the community
5. Sealed roads and footpaths throughout the community.
6. Rubbish tip and power supply upgrade (solar).
7. Upgrade the road side stall to a commercial precinct to sell products, artefacts, art, fuel, tours and multipurpose tourism activities.

Within the next 10 years:

1. A church site.
2. School and administration precinct, including a school, basketball courts, small oval, playground, clinic, office, hall and training facilities.
3. New residential housing area.

1 BACKGROUND

1.1 Location & Setting

The Moongardie community is located within the Fitzroy Valley in the Shire of Halls Creek. The community is located approximately 135km by sealed road from Fitzroy Crossing and approximately 160km by sealed road from Halls Creek.

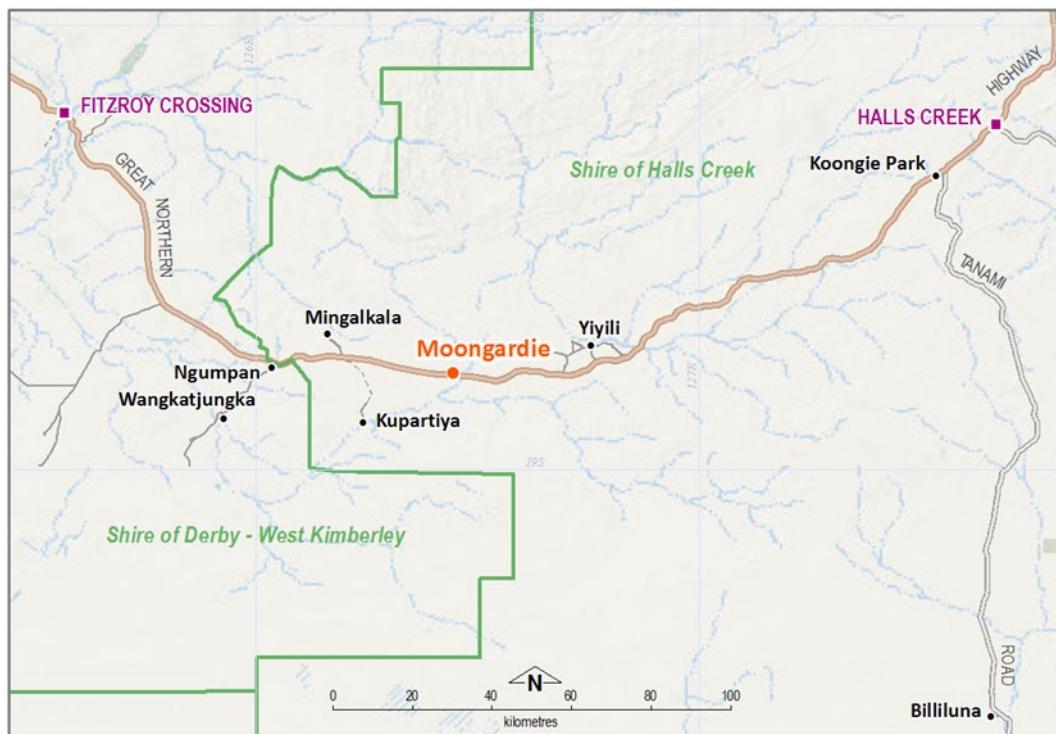


Figure 1 – Regional Context of Moongardie

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. One of the nearest Bureau of Meteorology (BOM) weather stations to Moongardie, is located in Fitzroy Crossing.

The Gija people recognise five seasons with the 3 main seasons known as Jadagen (wet season), Warnkan (cold time) and Barnden (hot time).

The mean annual rainfall for Fitzroy Crossing Area Weather Station is 662 mm with the majority of rain falling between December-March. BOM rainfall for Fitzroy Crossing is summarised in Table 3 below:

Table 3 – Fitzroy Crossing Aero Weather Station Mean Rainfall (1997 to 2020)

	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	6.6	5.5	2.7	0.4	14.3	30.9	138.1	662

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

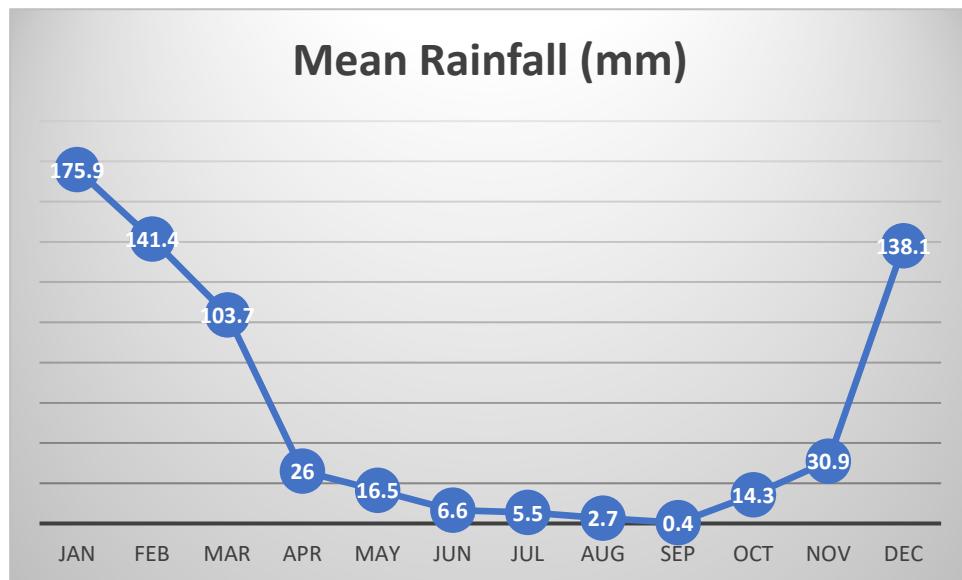


Figure 2 – Fitzroy Crossing Mean Rainfall (1997 to 2020)

Summers are hot, and winters mild to cool. Mean maximum daily temperatures range between 37- 41 °C in summer, and between 30-33 °C in winter.

Table 4–Mean Temperatures (1997 to 2020) 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	33.3	30.6	31.0	33.4	37.5	40.2	41.0	39.2
Mean min. temp (°C)	25.2	24.8	24.0	20.9	16.1	13.0	12.2	13.6	18.5	23.2	25.6	25.8

Source: Bureau of Meteorology

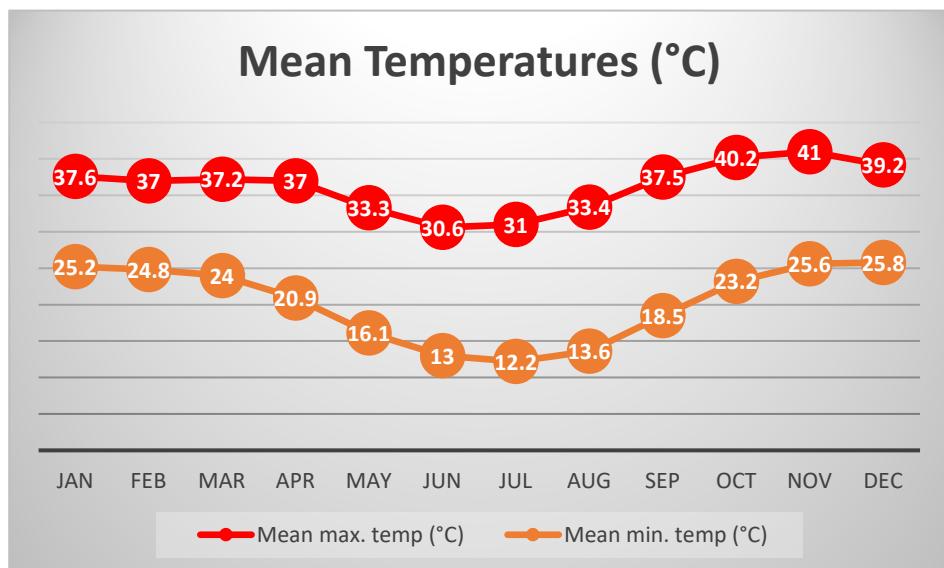


Figure 3 – Fitzroy Crossing Mean Temperatures (1997 to 2020)

1.3 History and Culture

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

The ‘Homelands’ movement – 1970s and 80s

The homelands movement occurred in the 1970s and 1980's; whereby particular Aboriginal groups sought to return to lands with which they enjoyed strong traditional and historical connections. This movement can be seen emerging after policies of indigenous self-determination were introduced in the early 1970s, and after the role of missions and government residential institutions in the lives of Aboriginal people had steadily declined. In many cases, this return to traditional lands was enabled by the transfer of pastoral stations from pastoralists to Aboriginal groups. In the East Kimberley region, Doon Doon, Lake Gregory, Billiluna and Glen Hill stations were purchased by Aboriginal groups in 1976.

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.

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

This historical context underlines the strong desire of Aboriginal groups in the 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.

The Moongardie community was established in the late 1990's by people who had formerly lived at Yiyili. As such Moongardie has close links with Yiyili and is relies on Yiyili for a number of services. Yiyili was established in 1981.

Culture

The Traditional Owners of the area are the Gooniyandi people. Marra Worra Worra advises Moongardie is named after a spring in a cave close by. In the Dreaming the Kangaroo and Emu would drink at this spring and get too full. This made light work for the hunters who had good luck hunting at the bottom of the hill (Marra Worra Worra Aboriginal Corporation 2020).

1.4 Previous Layout Plan

In January 2001 Moongardie Layout Plan 1 was endorsed by the WAPC. The layout Plan was produced by GHD and identified development guidelines, planning issues and considerations and procedure changes to the plan.

2 COMMUNITY PROFILE

2.1 Population

Table 5 – Population

Existing Population :	30
Aspirational Population :	50
Design Population :	45

Existing Population

Estimating and predicting populations in Moongardie is difficult because Aboriginal people tend to be mobile in terms of housing and living arrangements. Populations can increase and decrease quite rapidly based on family, cultural or administrative factors (see Taylor 2006 for a useful discussion of demographic trends of remote Indigenous populations). Population estimates also vary depending on the time of year of enumeration, methods and sources by which data are collected.

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

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

Table 6 – Population Figures of Moongardie by Source 1997-2019

	1997	2004	2008	2019
Total persons	50	30	20	30
Source	EHNS	EHNS	EHNS	PTMS

Based on the information available it is considered the estimated population of Moongardie to be approximately 30.

The WAPC's Kimberley Regional Planning and Infrastructure Framework (RFIP) (2015) uses a 2.2% growth rate for Aboriginal settlements. Given that Moongardie's existing population is approximately 30 and based on the RPIF 2.2% annual growth rate, the forecast population of Moongardie for the next 15 years is approximately 45 people.

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 50.

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.

Design population is not a forecast population.

Looking towards the next 15 years and based on the 2.2% growth rate outlined in the RPIF the revised design population of Moongardie is approximately 45 people.

2.2 Governance

Incorporated Community

The community is managed through its incorporated body, Moongardie Indigenous Corporation (MIC) (formally Moongardie Aboriginal Corporation), incorporated under the *Aboriginal Councils and Associations Act 1976* on 11 February 1992.

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

2.3 Land Tenure

Moongardie is located on crown land that comprises of a single title. The details are provided below:

<i>Crown Land Title details</i>	LR3163/91
<i>Lot Details</i>	Lot 787 on DP 76787
<i>Primary Interest Holder</i>	State of Western Australia
<i>Area</i>	196.3768 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	<ol style="list-style-type: none">1. Lease to Mount Pierre Pastoral Aboriginal Corporation (PL-N049790)2. Lease to Gogo Station PTY LTD (PL-N049790)

All community housing and infrastructure is located on Lot 787. Current infrastructure in the town includes residential housing, a recreation area with playground equipment, workshop shed, power station, bores and a rubbish tip.

2.4 Native Title

Moongardie is located within the Gooniyandi Combined 2 (WAD6008/2000 (Federal Court No) WCD2013/003 (NNTT No)) claim area registered with the National Native Title Tribunal (NNTT). The claim was determined on 19 June 2013 and established the existence of native title in parts of the determination area (Table 7). The claim covers approximately 11,209 kilometres of land within the Shires of Derby-West Kimberley and Halls Creek. The prescribed body corporate is the Gooniyandi Aboriginal Corporation RNTBC.

Table 7 – 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

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

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.

Registered Sites

There are No Aboriginal Heritages Places located within the Moongardie settlement area, however there is one registered Aboriginal Heritage Place located in the vicinity of Moongardie (as of May 2021) as listed below in table 8.

Table 8 – AHIS Registered Sites in the Vicinity of Moongardie, May 2021

Place ID	Name	Restrictions	Status	Type
12610	Kawaruwaru Plain	No Gender restrictions	Registered site	Mythological

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 sites.

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. 2 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

Consultation with the community was undertaken in 2019/2020. The community identified several community aspirations important to the development of Moongardie. These included:

1. Upgrade the road side stall to a fuel tank facility, store/supermarket selling products such as artefacts, art and craft, tours and establish a multipurpose tourism area including caravan park.
2. A new residential housing area.
3. Basketball court and oval, clubrooms, showers and toilets and a canteen.
4. Establishing a school and administration precinct, including a school, basketball courts, small oval, playground, clinic, office, Government services, hall, adult education facility, numeracy centre and money management and a training centre.
5. Ranger facility.
6. Sealed roads and footpaths throughout the community.
7. Speed bumps and Street signs within the community.
8. Moving the current workshop
9. Establishing a new cemetery.
10. Rubbish tip and power supply upgrade (solar).
11. Radio station upgrade.
12. A family/cultural block outside the community to the West.
13. Establishing a homemaker facility.
14. Establishing a church site.

3 INFRASTRUCTURE & SERVICES

3.1 Electricity Supply

Electricity supply and distribution is managed by the Department of Communities (DoC) under the Remote Essential and Municipal Services (REMS) program. Moongardie is serviced by a diesel power station located on SL-lot 32.

Approximately two dwellings in the community are located within the 200m buffer prescribed under the *State Planning Policy 3.2 Aboriginal Settlements Guideline (2020)* for a power station. It would not be feasible to relocate the power station at this time, a power station site located over 200m from the nearest dwelling should be considered in the future.

3.2 Water Supply

Water supply and distribution is managed by DoC under the REMS program. The community is serviced by two bores located on SL-lot 31. The water is pumped into an elevated water tank also located on SL-lot 31. All community housing and infrastructure is located within the prescribed 500m exclusion boundary outlined in the *State Planning Policy 3.2 Aboriginal Settlements Guideline (2020)*. A new bore site located over 500m from the community should be considered in the future.



Figure 4 Water Tank

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 rubbish disposal site is located west of the community on SL-lot 33. The community dispose of their waste in an unregulated, fenced, trench.

All community housing and infrastructure is located within the prescribed 2000m exclusion boundary outlined in the *State Planning Policy 3.2 Aboriginal Settlements Guideline (2020)*.

The community have identified a new rubbish disposal site located on SL-lot 35.



Figure 5 Rubbish Tip

3.5 Airstrip

There is an unsealed airstrip on Louisa Downs Station, 25km north east of Moongardie. 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.

3.6 Telecommunications

A Telstra telecommunications compound is located on SL-lot 29.

3.7 Internal Road Layout

The main access into the community (Marroowa Road) is via Great Northern Highway. The internal roads within the community are unsealed dirt roads.

The internal road network consists of a ring road that provides access to all community houses and infrastructure. There are also some informal tracks that radiate around the community.

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

3.8 Access & Dedicated Roads

The community is located approximately 135km by sealed road from Fitzroy Crossing and approximately 160km by sealed road from Halls Creek. Access to nearby Aboriginal communities is via Great Northern Highway with the nearest community Yiyili located approximately 50km from Moongardie. Moongardie utilises services in Yiyili, Fitzroy Crossing and Halls Creek.

3.9 Community and Social Services

Store

There is currently no store located in Moongardie, the community utilises the store located in Yiyili for basic supplies and Halls Creek and Fitzroy Crossing for additional supplies.

Office

There is currently no office in the community. A site is reserved on the Map-set on SL-lot 112 for an office if the need arises in the future.

School

There are no education facilities in Moongardie, with none currently proposed (DoE). School aged students in Moongardie attend Yiyili Aboriginal Community School. Yiyili Aboriginal Community School has approximately 6 teaching staff, 1 principal and 5 Aboriginal education support workers. The school caters to students from Kindergarten to Year 10 and has approximately 65 students as of May 2021 (DoE). A site is reserved on the map-set on SL-lot 100 for a school in the future if the need arises.

Church Site

A site is reserved on the Map-set on SL-lot 25 for a church if the need arises in the future.

Community Hall

A site is reserved on the Map-set on SL-lot 113 for a community hall if the need arises in the future.

Clinic

There is currently no clinic at Moongradie with none currently proposed (WACH), community members utilise the clinic located in Yiyili. A local General Practitioner (GP) from Halls Creek hospital travels to Yiyili with the generalist nurse depending on availability. The generalist nurse provides assistance to the GP with medical services such as immunisations, sexually transmitted infections and rheumatic heart disease. A school health nurse visits the school regularly to provide school entry health assessments, school immunisations and education services. A Midwife attends the community regularly to provide antenatal and postnatal care. A site is reserved on the Map-set on SL-lot 114 for a clinic if the need arises in the future.

Workshop

There is a workshop shed located on SL-lot 30. The workshop is used for small scale repairs, maintenance and storage of equipment. The workshop is currently located adjacent to the drinking water bores and located within the prescribed 500m exclusion boundary for Drinking Water Source – Ground Water outlined in the *State Planning Policy 3.2 Aboriginal Settlements Guideline (2020)*.

As such, the community has requested the workshop site be relocated to SL-lot 116.

Recreation Areas

There is currently no oval located at Moongradie, the layout plan provides for a future oval and recreation precinct on SL-lot 100. A playground is currently located on SL-lot 34.

Art Centre

The community currently has no designed art centre, however has a roadside art stall adjacent to the Great Northern Highway for passing tourists to purchase community art.

Cemetery

The Cemetery is located on SL-lot 106 north west of the community. An additional cemetery site is located on SL-lot 115 if required in the future.

Women's Centre and Community Gather Space

The women's centre and community gather space are located on SL-lot 27. The women's centre is located in the smaller building on the western side of SL-lot 27. The community gather space is located on the eastern side in the undercover shed and is used for community and visitor meetings.

Visitor Camping

The layout plan provides for visitor camping on SL-lot 102.

Commercial

The layout plan caters for a proposed future commercial area at the entry to the community on SL-lot 110. This includes a store and an expansion to the current roadside stall to sell products, artefacts, art, tours and multipurpose tourism activities.

4 HOUSING

4.1 Residential Areas

The community has one central residential area surrounding the main services in the community.

4.2 Number & Type of Dwellings

At present there are approximately 10 residential dwellings in the community. The Department of Communities (Housing) provides property and tenancy management services under a Housing Management Agreement (HMA) to 8 community houses in Moongardie. Two of the residential dwellings in the community are transportable dwellings.

4.3 Future Residential Development

Assuming continued population growth at Moongardie, the community may need to accommodate up to an additional 15 permanent residents over the next 15 years. Based on a household of 5 people per dwelling, this means up to an additional 3 dwellings may be needed at Moongardie over the next 15 years. There are approximately 12 potential residential lots and one open space balance lot on the layout plan map-set for future housing needs if required.



Figure 6 Community Housing

5 CONSTRAINTS AND LIMITATIONS

5.1 Flood Hazard

Moongardie is not located near a river bank or watercourse. No information regarding flood waters or hazards is available for Moongardie.

5.2 Drainage

No drainage issues or water management plan have been identified for Moongardie. The existing drainage system at Moongardie is based on simple swales and open drains that channel water way from buildings and into the surrounding hinterland for on-surface dispersal. Defining and upgrading the road network will necessarily include upgrading of this system.

5.3 Bushfire

The community is designated as bushfire prone under SPP 3.7 Planning in Bushfire Prone Areas (SPP 3.7). SPP 3.7 states, all development applications in bushfire prone areas are to be accompanied by a Bushfire Attack Level (BAL) assessment. A BAL assessment completed by an individual other than an accredited person in accordance with AS 3959, may be approved if the development is for a single house or ancillary dwelling on land that is located more than 50 kilometres from a gazetted town site or in accordance with section 3.2.1, at the discretion of the decision-maker.

It is unknown whether the community has any bushfire management emergency/evacuation procedures in place.

5.4 Exclusion Boundaries

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

6 PLANNING FRAMEWORK

6.1 State Planning Policies

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

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

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

- SPP 3.0 – Urban Growth and Settlement;
- SPP3.2 Aboriginal Settlements ; and
- SPP2.7 Public Drinking Water Source
- SPP 3.7 Planning in Bushfire Prone Areas

6.2 State Planning Policy 3.2 - Aboriginal Settlements

SPP3.2 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.

SPP3.2 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. SPP3.2 requires that local governments classify land as 'settlement' zone in a local planning scheme.

An Aboriginal settlement is defined as a discrete place that is not contiguous with a gazetted town, is inhabited or intended to be inhabited wholly or principally by persons of Aboriginal descent, as defined under the Aboriginal Affairs Planning Authority Act 1972, and which has no less than 5 domestic dwellings and/or is supported by essential services that are provided by one or more state agency(s).

Moongardie meets the criteria of an Aboriginal settlement as it has approximately 10 residential dwellings and essential services are provided within the community by DoC.

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. Moongardie is reserved ‘Public Purpose’ under LPS 2.

SPP3.2 requires that local governments classify land as ‘settlement’ zone in a local planning scheme where:

- A Layout Plan has been endorsed; and,
- The Layout Plan defines and delineates a clear and appropriate extent to be zoned ‘settlement’.

The purpose of the ‘settlement’ zone is to identify existing and proposed Aboriginal settlements and to collaboratively plan for the orderly and proper development of those places.

Given that Moongardie is defined as an Aboriginal settlement, it is considered to be inappropriately reserved in the Scheme and it is recommended this be corrected by an amendment to LPS 2 to reflect the existing ‘settlement’ development at Moongardie (see current Scheme zoning in Figure 7).

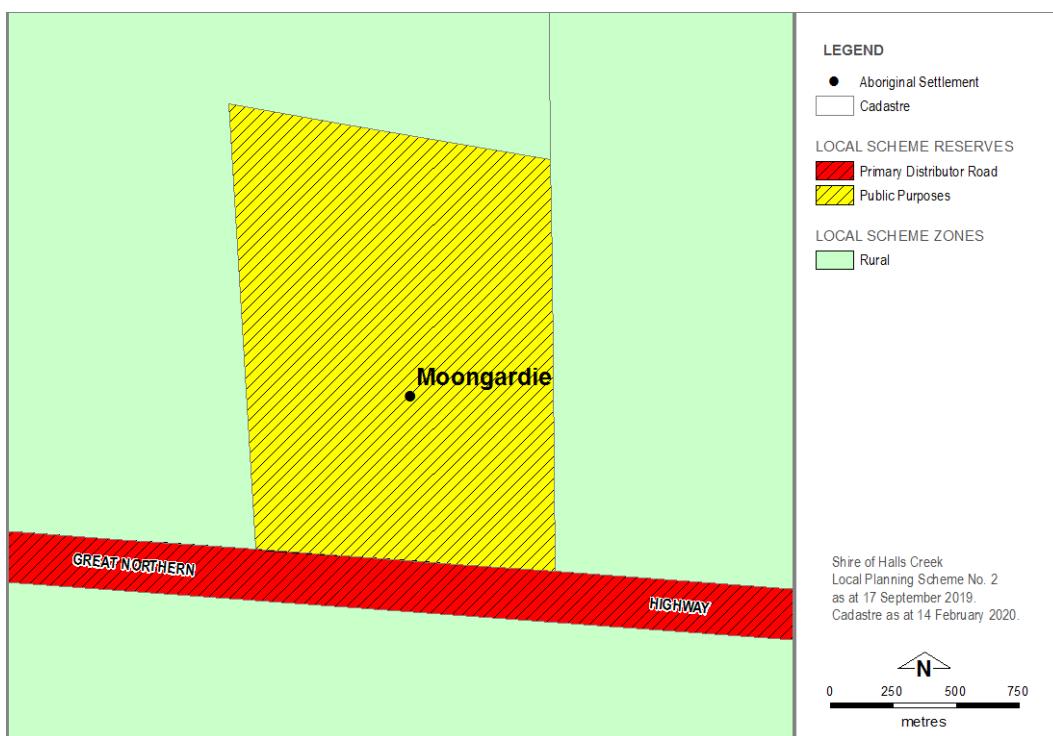


Figure 7 - Land classification under Shire of Halls Creek LPS 2, Moongardie

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.

CONSULTATION & REFERENCES

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7 ENDORSEMENTS

Moongardie Indigenous Corporation Endorsement

Moongardie Layout Plan No. 2

Moongardie Indigenous Corporation
52 Great Northern Highway
Fitzroy Crossing WA 6765

The Moongardie Indigenous Corporation (representing the community) hereby adopts the **Moongardie Layout Plan No. 2 (2021)** as a guide for future development within its boundaries.

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

The 11/01/2022 day of January, 2022

Adopted by the Moongardie Indigenous Corporation:

Alison Cox

Elizabeth Gilligan

Chairperson

Councillor

[Please print and sign name]

[Please print and sign name]



Alison Cox
Chairperson – Moongardie Community

Justin Abbott – Senior Planning Officer | Land Use Planning
DLPH

Monday 14th March, 2022

re: Moongardie Layout Plan 2

Dear Alison and Justin,

The Gooniyandi Aboriginal Corporation (GAC) endorse the Moongardie Layout Plan 2.

Kind regards,

A handwritten signature in black ink that appears to read "Claude Carter".

Claude Carter
Chairperson
Gooniyandi Aboriginal Corporation RNTBC

A handwritten signature in black ink that appears to read "Tania Smith".

Tania Smith
Operations Manager
Gooniyandi Aboriginal Corporation RNTBC

Shire of Halls Creek Endorsement

Moongardie Layout Plan No.2

Shire of Halls Creek
7 Thomas St
Halls Creek WA 6770

The Shire of Halls Creek hereby adopts the **Moongardie Layout Plan No. 2 (2022)** as a basis for future growth and development within the Moongardie community.

The 22nd day of February 2022

Endorsed by the Shire of Halls Creek:

MAHCCIM T-AWADDC


Shire President

[Please print and sign name]

NOEL MASON


CEO

[Please print and sign name]

[Council Seal]



**Western Australian Planning Commission
Endorsement**



Moongardie Layout Plan No.2

**140 William Street
Perth WA 6000**

The **Moongardie Layout Plan No. 2 (2022)** was endorsed, under delegation, by the Western Australian Planning Commission as a guide for development to ensure proper and orderly planning within the community area on:

The 18th day of March 2022

A handwritten signature in black ink, appearing to read "A. Randell".

A. Randell
Director, Regional Planning Policy
Department of Planning, Lands and Heritage

AMENDMENTS
