

Balgo Layout Plan 3

Background Report

October 2005

Date endorsed by WAPC



Amendments

- Amendment 2 - October 2012
- Amendment 3 - October 2012
- Amendment 4 - January 2013
- Amendment 5 - November 2013
- Amendment 6 - October 2014
- Amendment 7 - November 2014
- Amendment 8 - April 2015
- Amendment 9 - August 2015
- Amendment 10 - June 2020
- Amendment 11 - October 2022



Department of
Planning



BALGO LAYOUT PLAN 3

Layout Plan 3 (LP3) was prepared in 2004 by GHD. LP3 was endorsed by the resident community (30 June 2005), the Shire of Halls Creek (28 July 2005) and the Western Australian Planning Commission (WAPC), 4 October 2005.

During the period October 2012 until August 2015 the WAPC endorsed 8 amendments to LP3. The endorsed amendments are listed in Part 7 of this report. All of the amendments were map-set changes, with no changes made to the background report.

Consequently, the background report has become out-of-date, and in June 2020 it was updated as part of Amendment 10. The Amendment 10 background report update sought to keep all relevant information, while removing and replacing out-of-date references and data. All temporal references in the background report refer to the original date of preparation, unless otherwise specified.

As part of the machinery of government (MOG) process, a new department incorporating the portfolios of Planning, Lands, Heritage and Aboriginal lands and heritage was established on 1st of July 2017 with a new department title, Department of Planning, Lands and Heritage. Since the majority of this report was finalised before this occurrence, the Department of Planning, Lands and Heritage will be referred to throughout the document. Other government departments mentioned throughout this document will be referred to by their department name prior to the 1st of July 2017.

CONTENTS

EXECUTIVE SUMMARY	II
DEVELOPMENT PRIORITIES	III
1 BACKGROUND	1
1.1 LOCATION & SETTING.....	1
1.2 CLIMATE.....	1
1.3 HISTORY AND CULTURE.....	3
1.4 PREVIOUS LAYOUT PLAN.....	6
2 COMMUNITY PROFILE	7
2.1 POPULATION.....	7
2.2 GOVERNANCE.....	8
2.3 LAND TENURE.....	9
2.4 NATIVE TITLE.....	12
2.5 ABORIGINAL HERITAGE.....	14
2.6 COMMUNITY ASPIRATIONS.....	15
3 INFRASTRUCTURE & SERVICES	16
3.1 ELECTRICITY SUPPLY.....	17
3.2 WATER SUPPLY.....	17
3.3 WASTEWATER.....	18
3.4 RUBBISH DISPOSAL.....	18
3.5 TELECOMMUNICATIONS.....	19
3.6 INTERNAL ROAD LAYOUT.....	19
3.7 ACCESS & DEDICATED ROADS.....	19
3.8 AIRSTRIP.....	19
3.9 COMMUNITY AND SOCIAL SERVICES.....	19
4 HOUSING	23
4.1 RESIDENTIAL AREAS.....	23
4.2 NUMBER & TYPE OF DWELLINGS.....	24
4.3 FUTURE RESIDENTIAL DEVELOPMENT.....	24
5 CONSTRAINTS AND LIMITATIONS	25
5.1 FLOOD HAZARD.....	25
5.2 DRAINAGE.....	25
5.3 DRINKING WATER SOURCE PROTECTION PLAN.....	25
5.4 BUSHFIRE.....	25
5.5 EXCLUSION BOUNDARIES.....	25
6 PLANNING FRAMEWORK	26
6.1 STATE PLANNING POLICIES.....	26
6.2 STATE PLANNING POLICY 3.2 - ABORIGINAL SETTLEMENTS.....	26
6.3 SHIRE OF HALLS CREEK.....	27
7 ENDORSEMENTS	28
COMMUNITY COUNCIL ENDORSEMENT.....	A
TRADITIONAL OWNERS ENDORSEMENT.....	B
SHIRE OF HALLS CREEK ENDORSEMENT.....	C
WESTERN AUSTRALIAN PLANNING COMMISSION ENDORSEMENT.....	D
REFERENCES	E
AMENDMENTS	G

Community Representative Organisations

Resident community representative organisation	:	Wirrimanu Aboriginal Corporation
Traditional Owners representative organisations	:	Tjurabalan Native Title Land Aboriginal Corporation RNTBC Kimberley Land Council
Related organisations	:	Warlayirti Artists Aboriginal Corporation Wirrimanu Community Store Aboriginal Corporation

Acronyms

ABS	Australian Bureau of Statistics
AHA	: <i>Aboriginal Heritage Act (WA) 1972</i>
ALT	: Aboriginal Lands Trust
DoC	: Department of Communities (Housing)
DP	Deposited Plan
DPI	Department for Planning and Infrastructure
DPLH	: Department of Planning, Lands and Heritage
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 Ltd
KRSP	Kimberley Regional Service Providers
LP	: Layout Plan
MFPF	Multi-function Police Facility
NNTT	: National Native Title Tribunal
NTA	: <i>Native Title Act (Commonwealth) 1993</i>
NTRB	: Native Title Representative Body
PBC	: Prescribed Body Corporate (under the NTA, representing native title holders)
PTMS	Property Tenancy Management System
RAESP	Remote Area Essential Services Program
RASPP	Remote Aboriginal Swimming Pools Program
REMS	: Remote Essential and Municipal Services
SL	: Settlement Layout
SPP	: State Planning Policy
WAAC	Warlayirti Artists Aboriginal Corporation
WAC	Wirrimanu Aboriginal Corporation
WCSAC	Wirrimanu Community Store Aboriginal Corporation
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 Balgo Layout Plan No. 3 (LP3) was prepared in 2004. It replaced Balgo Layout Plan No. 2 (2002). The tables below summarise the main issues concerning the planning, development and provision of services within Balgo, and these are covered in more detail in the body of this report.

Table 1 – Population Summary

Existing Population :	359
Design Population :	650

Table 2 - Place Characterisation Indicators

Indicator	Community Characteristics
Drinking water	Drinking water is drawn from 3 production bores located at the southern end of Balgo. Water supply and distribution is managed by DoC under the REMS program.
Electricity	Electricity is supplied by a diesel generation facility with a total generating capacity of 1150kW. Electrical generation and distribution infrastructure is managed by DoC under the Remote Essential and Municipal Services (REMS) program.
Flood	Due to its elevation, Balgo is not subject to flooding from nearby watercourses.
Land tenure	Housing and infrastructure is located on multiple freehold and crown reserves.
Wastewater	Balgo is connected to a reticulated deep sewerage system. Wastewater is disposed into evaporative treatment ponds located approximately 1.5km north of Balgo.
Emergency assistance	A multi-function police facility is located in the community. Clinic is on call 24 hours a day for accidents and emergencies. Medical evacuation via the RFDS.
Education	Luurnpa Catholic School located in Balgo, kindergarten to year 10. The school is attended by 127 students (May 2020).
Health	Balgo has a clinic permanently staffed by nurses and visited by doctors on a regular basis. Clinic is available Monday to Friday during normal business hours, as well as being on call 24 hours a day for accidents and emergencies.
Food	The Wirrimanu Supermarket is operated by Outback Stores. The store provides the community with basic goods, including fresh food. Diesel fuel is also available.
Transport	Road access to Halls Creek approximately 3½ hours (280km) away via Tanami Road. The gravel Balgo airstrip is 1610 metres long 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 208, about 2km north of the community. The community undertakes rubbish collection and operates the facility.
Employment & enterprise	Limited employment opportunities at community (art centre, medical clinic, store, school). Nearest job market in Halls Creek.
Governance	The community is managed through its incorporated body, Wirrimanu Aboriginal Corporation.
Aboriginal heritage	Part of Balgo 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 LP3 is to guide the growth and development of Balgo by providing a layout of existing and future land uses in the community. LP3 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 Balgo to grow in a co-ordinated and efficient manner.

DEVELOPMENT PRIORITIES

Due to the length of time since consultation and versions of the Layout Plan, it is considered not possible to summarise the development priorities for Balgo.

Development priorities should be assessed when a new LP is prepared for Balgo.

Implementing the Layout Plan

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

The future growth of Balgo will require community members to find solutions for the provision of services and infrastructure (such as housing and sealed roads). This reinforces the objectives of the Balgo Layout Plan 1 to help bring about the self-support of its members by the development of economic projects and industries, and to encourage members to manage their affairs on their own land.

1 BACKGROUND

1.1 Location & Setting

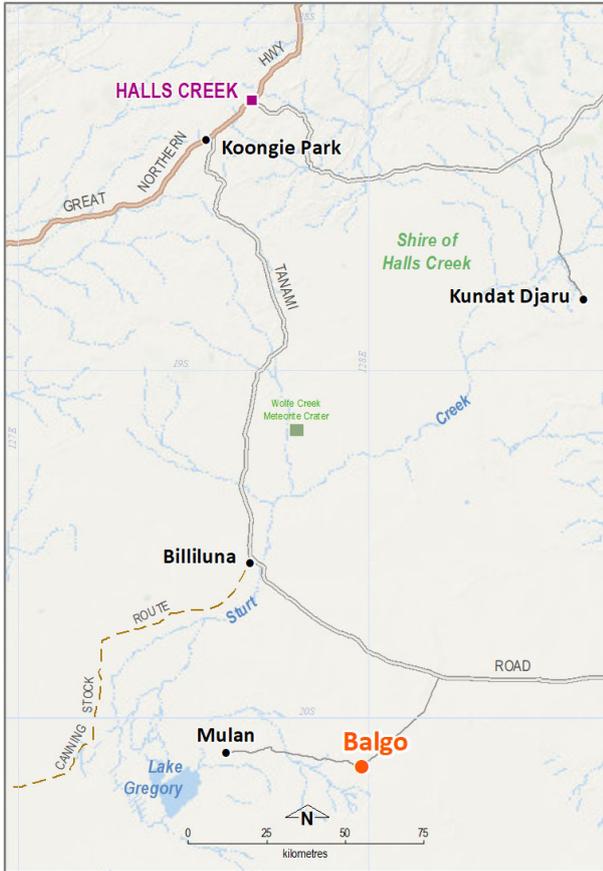


Figure 1 – Regional context of Balgo

Balgo (aka Balgo Hills or Wirrimanu) is in the East Kimberley region of Western Australia within the Shire of Halls Creek, approximately 280km by road south of Halls Creek. The community is approximately 120km from the Northern Territory border, with the nearest Aboriginal settlements being Mulan (50km west) and Billiluna (110km north west by road). The Wolfe Creek Meteorite Crater National Park, a popular tourist attraction in the Kimberley region, is approximately 175km by road to the north.

The area surrounding Balgo is characterised by expansive plains, tabletop hills and ephemeral water courses. Due to low annual rainfall and lack of permanent surface water the community depends on ground water from the Canning Basin for its water service needs (Parsons Brinckerhoff, 2010).

The community 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), located approximately 55km west of Balgo. The lake acts as a drainage basin for stormwater runoff from the extensive plains to the north, west and east, with its main tributary being Sturt Creek. There is also a local catchment area to the east of Lake Gregory towards the community of Balgo, which is drained by Salt Pan Creek.

Vegetation species are predominantly comprised of spinifex and native grasses, with shrubs and eucalyptus trees being found where there is water. The soil type is predominantly a mix of pindan red sand/clay and poor sandy loam.

1.2 Climate

Balgo 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 Balgo receives over 70% of its mean annual rainfall (357 mm), and the dry season in the remaining months (Table 3 and Figure 2). Rainfall is usually received in short intense events associated with thunderstorms or cyclonic activity.

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

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Rainfall (mm)	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
Days of rain ≥ 1mm	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, weather station ID 13007

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

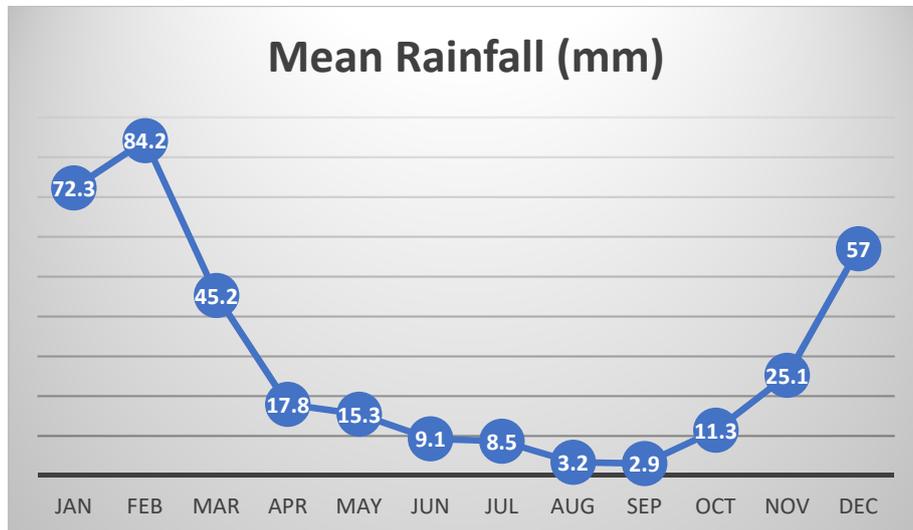


Figure 2 – Balgo Hills mean rainfall (1940 to 2016)

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

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Max. temp (°C)	38.6	37.3	36.7	34.3	29.3	26.1	26.6	29	33.9	37.2	38.7	38.7
Min. temp (°C)	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, weather station ID 13007

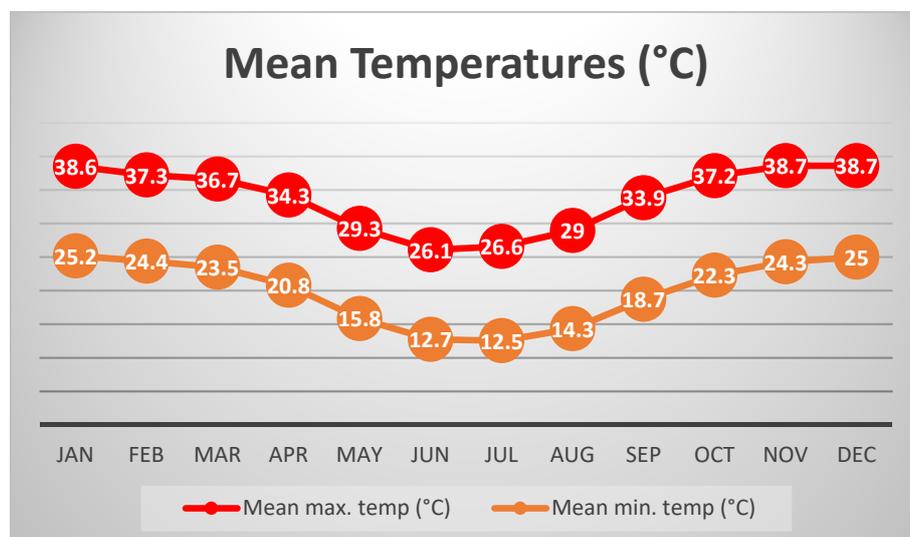


Figure 3 – Balgo Hills mean temperatures (1950 to 2016)

1.3 History and Culture

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

Old Balgo 1942-1965

In 1934 the Catholic Church acquired a cattle station homestead near Halls Creek (Rockhole station) with the intention of establishing a leprosarium. Funds to maintain the project were not forthcoming and in 1939, Bishop Raible, the Prefect Apostolic of the Kimberley Vicariate, directed Father Alphonse Bleischwitz, a member of the Pallotine missionary order, to move further south with the sheep, camels, horses and personnel of the mission outpost.

A succession of camps were set up but subsequently found to be unsuitable until the group found what was thought to be a suitable site near Balgo Hills in 1942. The aim of the settlement was to provide a buffer between the traditional Aboriginal way of life and the new life on the cattle stations where Aboriginal people were under the control of European settlers. Over time, the monks were joined by a small group of Aboriginal people. In 1948 a group of Gugadja people walked in from the Great Sandy Desert, later followed by Walmadjeri and other groups (Gantner 2018).

Several reasons were given for the movement of Aboriginal people to the mission, including that Aboriginal people from the desert were offered food and medical care in exchange for work.

In the following decades the St John of God Sisters joined the Pallotines to further extend the mission, and Aboriginal people from Beagle Bay (the seat of the Catholic Diocese at the time) joined the settlement to act as 'missionaries' for the desert Aboriginal people who would camp nearby.

In 1964, the urgent need to establish an adequate and permanent water supply resulted in the Mission being shifted to a site 17km to the east at what is now known as Balgo or Wirrimanu. A new 'Balwina native reserve' was established in 1965 consisting of 3,000 acres (1201 hectares) of land.

Balgo 1965 onwards

In 1965 the new site of Balgo Mission (aka Balgo Hills) became operational with a primary school starting in the same year. The Aboriginal population of Balgo Mission contained Gugadja, Mandijildjara, Walmadjeri, Wonggadjunggu, Ngavi and Bgadi people (Nailon 2001) and by 1969, there were about 400 residents.

The settlement was planned in an orderly manner from its inception, largely thanks to the vision and hard work of Dick Tax, President of the Balgo Aboriginal Housing Society and Fr Ray Hevern SAC.

In the late 1970s, Aboriginal residents gradually took over the responsibility of managing the Balgo Mission from the Catholic Church, with the name Balgo Mission eventually becoming known as the Balgo Community in 1979. The primary school which had been run by the WA Education Department up until the end of 1983, became a Catholic school and was named Luurnpa Catholic School in 1984 at the request of the local community (Luurnpa 2020).

Also in 1984, the community became an incorporated body - Balgo Hills Community Aboriginal Corporation - under the *Aboriginal Councils and Associations Act 1976*. In 1988, the corporation changed its name to Wirrimanu Aboriginal Corporation.

Language

Balgo 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.

The name 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 Wamatjarri, 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).

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 Kukatja dialect of the Western Desert Language is the first language for many people at Balgo, with the name deriving from the Gugadja people. There is a Kukatja dictionary published by Luurnpa Catholic School, and at the school's Walkala Centre, audio books are created in both Kukatja and English (Wikipedia 2020).

During the 1980s, Balgo became famous for its artists' cooperative which was established when some of the original members of the *Papunya Tula* movement were allowed to leave Papunya, Northern Territory.

One of Australia's leading Indigenous art centres, Warlayirti Artists, is in the community of Balgo. Established in 1987, Warlayirti Artists represents more than 200 artists across the three communities in the Kutjungka region – Billiluna, Mulan and Balgo. The Warlayirti Art Centre accommodates a community of artists diverse in age, culture and life experience – some brought up in the traditional bush manner, others on the Mission and in the modern-day community. The artists use traditional and new media to share and tell their stories. Warlayirti Artists is known for its bright acrylic works on canvas and linen, however artists have also been developing their skills in the areas of printmaking, photography and other medium (Warlayirti Artists 2020).

1.4 Previous Layout Plan

There have been several previous Layout Plans (LPs) for the Balgo community.

LP No. 1 (LP1) was developed in 2001 by consultants Halpern Glick Maunsel and adopted by the Community Council, represented by Wirrimanu Aboriginal Corporation on 22 June 2001.

LP No. 2 (LP2) was completed in January 2002 by consultants Halpern Glick Maunsel, for the Aboriginal and Torres Strait Islander Commission. It was approved by the Shire of Halls Creek (24 April 2002) and endorsed by the Western Australian Planning Commission (WAPC) on 18 June 2002.

In 2003, the WAPC's *Planning for Aboriginal Communities Project* engaged consultants GHD to review LP2. After LP2 was reviewed by GHD in 2004, it was updated and expanded to become Layout Plan No. 3 (LP3), endorsed by the community, local government and the WAPC in 2005.

2 COMMUNITY PROFILE

2.1 Population

Table 5 – Population

Existing Population :	359
Design Population :	650

Existing Population

Estimating and predicting populations in Balgo 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 Balgo have close affiliations with other settlements in the region and there are regular movements of people between Balgo, Halls Creek, other communities in the Tjurabalan lands, Rabbit Flat (Northern Territory) and Yuendumu (Northern Territory).

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 6 – Population figures of Balgo by source 1997-2019

	1997	2001	2004	2006	2008	2011	2016	2019
Total persons	384	448	500	460	460	508	359	289
Indigenous peoples	n/a	388	n/a	n/a	n/a	459	292	n/a
Source	EHNS	ABS	EHNS	ABS	EHNS	ABS	ABS	PTMS

Based on the available data, the population of Balgo is estimated to be **359** 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 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.

In 2005, LP3 assumed a design population of **650** people, based on an annual growth of 2.5% per year. This figure should be re-evaluated when a new LP is prepared for Balgo.

2.2 Governance

Incorporated Community

The community is managed through its incorporated body - Wirrimanu Aboriginal Corporation (WAC). The community was first incorporated in 1984 under the *Aboriginal Councils and Associations Act 1976* as the Balgo Hills Community Aboriginal Corporation, however in 1988 the community registered its change of name to the Wirrimanu Aboriginal Corporation under the *Aboriginal Councils and Associations Act 1976*.

The key objectives of the Corporation are primarily aimed at eliminating poverty, sickness, destitution, helplessness, distress, suffering and misfortune among residents of Balgo Community and surrounding areas by:

- Providing assistance and support for community development through the provision of community support services;
- Caring for each other and our Community;
- Advocating on behalf of the Aboriginal residents of Balgo community and surrounding area for better quality health and other family support services;
- Ensuring there is better housing and accommodation available for Aboriginal people residing in Balgo community and surrounding area;
- Care and support the elderly and those less able to care for themselves;
- Support education, training and improve employment and the economic prospects;
- Receive and spend grants, and money from other individuals, Governments and organisations and account for such monies the proper way;
- To operate and maintain a Gift Fund to be known as “The Wirrimanu Aboriginal Corporation Gift Fund” in accordance with the requirements of the Australian Taxation Office.

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

Related organisations

Warlayirti Artists Aboriginal Corporation (WAAC) manages the Warlayirti Arts and Cultural Centre. WAAC was registered in 1991 under the *Aboriginal Councils and Associations Act 1976*. Documents on WAAC can be obtained from www.oric.gov.au

Wirrimanu Community Store Aboriginal Corporation (WCSAC) sub-leases SL-lot 97 for the Wirrimanu Community Supermarket. WACSC was registered in 2009 under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. Documents on WCSAC can be obtained from www.oric.gov.au

The Kimberley Land Council Aboriginal Corporation was registered on the 27 July 1979 under the *Aboriginal Councils and Associations Act 1976*.

The Corporation’s main objectives and statutory functions are to represent traditional owner interests, strategic development and community assistance to Aboriginal people. It is also to perform the functions of a prescribed body corporate as required by the *Native Title Act 1993*.

2.3 Land Tenure

The community living area of Balgo is located over a number of land titles with varying ownership and forms of tenure, as June 2020. A summary of these follows.

Airservices Australia

A crown land title accommodates air traffic control infrastructure, owned by Airservices Australia, which is located at the community for the purpose of a non-directional beacon and satellite ground station.

<i>Tenure</i>	Lease LGE L592498
<i>Lot Details</i>	Lot 2 on Deposited Plan 173832
<i>Status Order/Interest</i>	Leasehold
<i>Primary Interest Holder</i>	Airservices Australia
<i>Area</i>	4.5521 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Lease for the purposes of non-directional beacon site and satellite ground station site

Minister for Police and Road Safety

The multi-function police facility (MFPF) at Balgo is located on a crown land title that is subject to a crown reserve for police purposes. The MFPF is wholly located on Lot 22, although housing for the police staff is located outside this lot.

<i>Tenure</i>	Crown Reserve 46824
<i>Lot Details</i>	Lot 22 on Deposited Plan 221082
<i>Status Order/Interest</i>	Reserve under Management Order
<i>Primary Interest Holder</i>	Minister for Police and Road Safety
<i>Area</i>	0.4618 ha
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Reserve 46824 for the purposes of police and satellite communications. Management order contains conditions to be observed with power to lease for any term not exceeding 10 years, subject to the consent of the Minister for Lands

Aboriginal Lands Trust

All housing for community members and infrastructure such as the airstrip, rubbish tip, cemetery, sewage treatment ponds, bores, water tanks, power station, clinic, office, store, and arts/cultural centre are located on *parts* of two crown reserves vested to the Aboriginal Lands Trust (ALT). The boundary between these two land parcels bisects the sewage treatment ponds, housing and the arts centre, and therefore does not match existing development on the ground.

<i>Tenure</i>	Crown Reserve 26399
<i>Lot Details</i>	Lot 4 on Deposited Plan 240207
<i>Status Order/Interest</i>	Reserve under Management Order
<i>Primary Interest Holder</i>	Aboriginal Lands Trust
<i>Area</i>	2,057,336.8 ha (entirety of reserve)
<i>Limitations/Interests/ Encumbrances/Notifications</i>	Reserve 26399 for the purpose of use and benefit of Aboriginal Inhabitants. Management order contains conditions to be observed with power to lease for any term.

<i>Tenure</i>	Crown Reserve 46573
<i>Lot Details</i>	Lot 21 on Deposited Plan 219593
<i>Status Order/Interest</i>	Reserve under Management Order
<i>Primary Interest Holder</i>	Aboriginal Lands Trust
<i>Area</i>	1,201.3 ha (entirety of reserve)
<i>Limitations/Interests/ Encumbrances/Notifications</i>	<ol style="list-style-type: none"> 1. Reserve 46573 for the purpose of use and benefit of Aboriginal Inhabitants. Management order contains conditions to be observed with power to lease for any term. 2. Standard lease to Kimberley Aboriginal Medical Services Council Inc. (SL-lot 226), area 0.226 ha, reference M346554, expiry date 31/01/2033 3. Standard lease to Wirrimanu Aboriginal Corporation (SL-lot 97), area 0.4758 ha, reference N065167, expiry date 30/04/2040 4. Sub-lease to Wirrimanu Aboriginal Community Store Corporation (SL-lot 97), area 0.4758 ha, reference N302336, expiry date 30/04/2040, mortgage to Outback Stores Pty Ltd N302337 registered. 5. Standard lease to Wirrimanu Aboriginal Corporation (SL-lot 96), area 0.2714 ha, reference N696723, expiry date 30/07/2042 6. Standard lease to Wirrimanu Aboriginal Corporation (SL-lots 45, 46 & 50), area 1.33 ha, reference N696726, expiry date 30/07/2042 7. Standard lease to Wirrimanu Aboriginal Corporation (SL-lots 41, 42 & 43), area 1.33 ha, reference N696727, expiry date 30/07/2042 8. Standard lease to Wirrimanu Aboriginal Corporation (SL-lot 94), area 0.6477 ha, expiry date 30/07/2042 9. Standard lease to Wirrimanu Aboriginal Corporation (part of SL-lot 101), area 0.0624 ha, expiry date 31/03/2062

Roman Catholic Bishop of Broome

The historic association of the Catholic Church with Balgo, is reflected by their ownership of three freehold lots in the community living area. These freehold lots were alienated from the crown estate and ownership transferred to the Roman Catholic Bishop of Broome in July 2001. Each of these lots encompass a discrete land use, being the adult education centre (Lot 23), the church and associated buildings (Lot 24) and the Luurnpa school and associated buildings (Lot 25). The boundaries of these lots reflect existing development.

<i>Tenure</i>	Fee Simple (Freehold)
<i>Lot details</i>	Lot 23 on Deposited Plan 221082
<i>Certificate of Title</i>	2210/75
<i>Registered Proprietor</i>	The Roman Catholic Bishop of Broome
<i>Area</i>	1.1 ha

<i>Tenure</i>	Fee Simple (Freehold)
<i>Lot details</i>	Lot 24 on Deposited Plan 221082
<i>Certificate of Title</i>	2210/76
<i>Registered Proprietor</i>	The Roman Catholic Bishop of Broome
<i>Area</i>	3.4 ha

<i>Tenure</i>	Fee Simple (Freehold)
<i>Lot details</i>	Lot 25 on Deposited Plan 221082
<i>Certificate of Title</i>	2210/77
<i>Registered Proprietor</i>	The Roman Catholic Bishop of Broome
<i>Area</i>	3.2 ha

2.4 Native Title

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

Table 7 – Tjurabalan People Determination summary

Application Name	Federal Court ref.	NNTT ref.	Register	Status	Representative
Tjurabalan People	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 26,000km² 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 Nyininy language groups.

The Tjurabalan People Determination Area covers the greater area surrounding Balgo, including lot 4 on deposited plan (DP) 240207. However, the following land parcels are not included in the Determination Area, as at June 2020:

- crown reserve 46573 (lot 21 on DP 219593)
- crown reserve 46824 (lot 22 on DP 221082)
- freehold lot 23 on DP 221082 (certificate of title 2210/75)
- freehold lot 24 on DP 221082 (certificate of title 2210/76)
- freehold lot 25 on DP 221082 (certificate of title 2210/77)
- lease LGE L592498 (lot 2 on DP 173832)

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 (NNTT) website, <http://www.nntt.gov.au>

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

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

Background to Native Title in Australia

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

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

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

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

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

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

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

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

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

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

2.5 Aboriginal Heritage

It should be noted that both registered and unregistered sites of cultural significance to Aboriginal people are protected under the State Government's *Aboriginal Heritage Act 1972*, but only registered sites are recorded on the Department of Planning, Lands and Heritage [Aboriginal Heritage Information System](#) 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 **four registered sites** and **no other heritage place sites** within or overlapping the Balgo settlement zone, as of June 2020. A summary of the registered sites is in Table 8:

Table 8 – Registered sites within or overlapping the Balgo settlement zone, June 2020

Site ID	Name	Restrictions	Status	Type
2321	BALGO STORE HOUSE 2	no gender restrictions	registered site	Ceremonial, Man-Made Structure, Mythological, Repository / Cache
2772	BALGO SACRED STORE	no gender restrictions	registered site	Ceremonial, Man-Made Structure, Mythological, Repository / Cache
2773	BALGO HILLS	no gender restrictions	registered site	Painting
17556	NGARILYI	no gender restrictions	registered site	Mythological

Any future development at the community, including implementing LP3 should therefore be undertaken in consultation with the community and the traditional owners to ensure adequate avoidance of sites.

Culturally Sensitive Areas

There are culturally sensitive areas located to the north-west, west and south of the community. Indicative no-go areas have been included on LP3 to reflect their location. Development should not encroach into these areas. Any future development at the community, should be undertaken in consultation with the community and the traditional owners to ensure adequate avoidance of culturally sensitive areas.

Built Heritage

The old Balgo Mission ruins including remnants of a church, bakery, dormitories, convent and a stockyard (Figure 5) are located approximately 17km west of the community.

This complex was abandoned in 1965 due to the unreliability of water.



Figure 5 – Old Balgo Mission ruins

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

Previous versions of the Layout Plan did not expressly identify community aspirations.

3 INFRASTRUCTURE & SERVICES

Balgo 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 Remote Area Essential Services Program (RAESP). Figure 6 illustrates the types of essential services in Balgo.

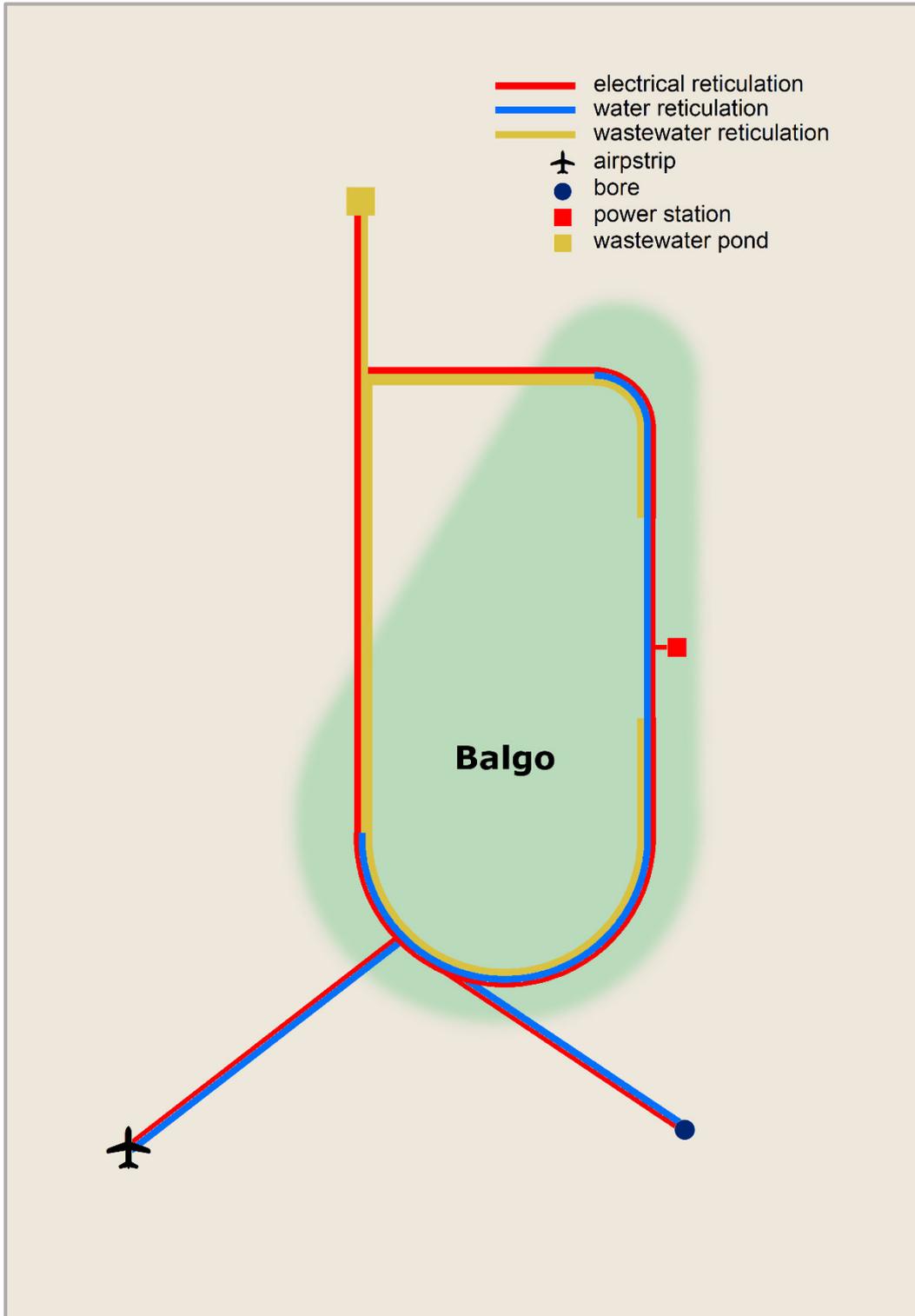


Figure 6 – Essential services in Balgo

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 44. The total generating capacity of the facility is 1150kW. Above ground power reticulation generally follows the alignment of the main community SL roads. The diesel fuel is stored in five ground tanks, with a total capacity of 219,000 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. Nine existing houses are located within the 200m buffer. A new location for the power station has been set aside further to the east in LP3 on SL-lot 54, to minimise the noise impact upon the community.



Figure 7 – Power station on SL-lot 44

3.2 Water Supply

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

- New Chapel Bore, on SL-lot 158
- Bore 1/95, next to the water tanks on SL-lot 177
- Bore 1/04, on SL-lot 204

Groundwater from the production bores is pumped into two ground level tanks, each with a capacity of 255kl and located in the tank compound, SL-lot 177. Water is chlorinated and transferred from the ground level tanks to a 100kl elevated storage tank. 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.

A Drinking Water Source Protection Plan (DWSPP) was prepared for Balgo by Parsons Brinckerhoff in 2010 for the former Department of Housing. Refer to section 5.3.



Figure 8 – Elevated water tank on SL-lot 177

3.3 Wastewater

Balgo has a reticulated deep sewerage system. Wastewater is disposed into evaporative wastewater treatment ponds located on SL-lot 193, approximately 1.5km north of the community office, which are fenced. The cadastral boundary between Lot 4 and Lot 21 dissects the wastewater treatment ponds.

3.4 Rubbish Disposal

A solid waste disposal facility is located on SL-lot 208, about 2km north of the community office. The facility is fenced, and the existing pit is uncovered. The community undertakes rubbish collection and operates the facility.

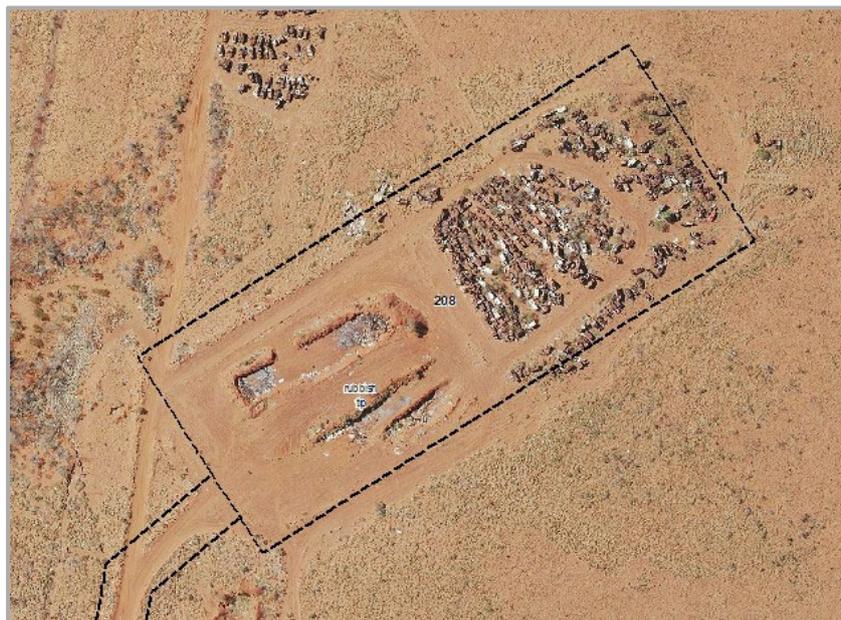


Figure 9 – Rubbish tip on SL-lot 208, April 2019 air photo

3.5 Telecommunications

A Telstra communications compound is located on SL-lot 176, just north of the water tanks and provides phone communication services to the community.

3.6 Internal Road Layout

The internal road system of Balgo is comprised of sealed and unsealed settlement layout (SL) roads and informal gravel tracks. The major SL roads in the community were defined and bituminised as part of a road construction program in the mid 2000s. These constructed roads are not curbed and act as a semi-formal drainage system for the conveyance of storm water out of the main living area.

A road naming system is in place, as a result of previous community consultation.

3.7 Access & Dedicated Roads

The Tanami Road provides vehicular access to Balgo from Halls Creek (approximately 280km) or Alice Springs (approximately 850km). 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. Access is best made by 4WD vehicle.

Balgo is accessed from the Tanami Road by Balgo Road, which runs approximately 38km from the Tanami Road to the Balgo community.

3.8 Airstrip

The community airstrip is located on SL-lot 181, 1km south-west of the community office. The gravel airstrip is 1610 metres long. Aerodrome approach and lighting is for emergency use and Royal Flying Doctor Service (RFDS) and Police night operations only (Airservices Australia 2020). An air navigation facility is located on SL-lot 39

3.9 Community and Social Services

The following community facilities and social services are located at Balgo.

Office

The community office is located to the west of the oval, adjacent to the community store on SL-lot 96.

Store

The Wirrimanu Community Supermarket located on SL-lot 97 is sub-leased to Wirrimanu Aboriginal Community Store Corporation and operated by Outback Stores.

The store provides the community with some basic goods, including fresh food, subject to availability. Diesel 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. If the store is not commercially self-sufficient Outback Stores support the store financially to ensure there is food security.

School

The Luurnpa Catholic School is located on the eastern portion of the community living area on SL-lot 103. The Catholic Education Office operates the school which caters for kindergarten aged children up to Year 10 students.

The school is attended by 127 students (Dept. of Education, May 2020). It is bilingual with an emphasis on the importance of both Kukatja and English languages. There is a Kukatja dictionary published by Luurnpa Catholic School, and at the school's Walkala Centre, audio books are created in both Kukatja and English.

Adult Education Centre

The Kutjungka Trade Training Centre, run by the Luurnpa Catholic School is located on freehold lot 23 (SL-lots 194 and 214). The Centre serves the upper secondary students of the Balgo, Mulan and Billiluna communities as well as providing adult education.

Clinic

The clinic on SL-lot 94 is operated by Kimberley Aboriginal Medical Services Ltd (KAMS) and is known as the Balgo 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.

Balgo 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.

Art Centre

The renowned Warlayirti Art Centre is located on SL-lot 173 in the southern portion of the community living area and is managed by the Warlayirti Artists Aboriginal Corporation (WAAC). The Art Centre is used both as a studio space for artists as well as a gallery for the display and sale of artworks.

Warlayirti Artists represents more than 200 artists across the three communities in the Kutjungka region - Kururrungka (Billiluna), Mulan and Wirrimanu. The Art Centre accommodates a community of artists diverse in age, culture and life experience – some brought up in the traditional bush manner, others on the Mission and in the modern-day community. The artists use traditional and new media to share and tell their stories. Warlayirti Artists is known for its bright acrylic works on canvas and linen, however artists have also been developing their skills in the areas of printmaking, photography and other medium.

The Warlayirti Cultural Centre is located adjacent to the Art Centre.

Parish

The Diocesan Parish of Balgo is located on SL-lot 163 and comprises of the Church of St. Theresa and a parish house. The Sisters of Mercy Convent is also located on SL-lot 163.

Workshop

A number of community workshops are located near the entrance to the community on the east of the main access road on SL-lots 41-43, 45, 46 & 50. Community equipment is kept in these buildings along with other community machinery. Repair and maintenance of vehicles and equipment also occurs at the workshops.

Multi-function Police Facility

Balgo has a permanently staffed and multi-function police facility (MFPF) located on SL-lot 192 at the northern end of the community.

The facility includes a multi-function room with built-in facilities to be used as a courtroom.



Figure 10 – MFPF on SL-lot 101

Recreation Areas

An oval and covered basketball courts are centrally located in the community on SL-lot 101. The oval is red dirt and does not require reticulation. The covered open sided basketball court is used for concerts and community events.



Figure 11 – Covered basketball courts on SL-lot 101

Swimming Pool

The community has a swimming pool which opened in April 2019 and is operated by Royal Life Saving Western Australia, under its Remote Aboriginal Swimming Pools Program (RASPP).

The program works in consultation with communities and each community has a Royal Life Saving Society pool manager living in the community for nine months of the year, maintaining the pool and delivering community programs which includes:

- swimming lessons;
- swimming and lifesaving carnivals;
- after-school, holiday and lap swimming;
- lifesaving training and other activities at the request of the community.

Outstations

Balgo has been for many years the main service centre in the Great Sandy Desert area. There are a number of outstations which are predominantly family-based centres with limited infrastructure (Table 9 and Figure 12, DPLH 2020). These outstations retain links with Balgo and many of their members still live in Balgo and rely on Balgo for services.

Table 9 – Outstations within proximity of Balgo

Common name	Secondary name	Occupancy
Kearney Range	Warlatjunti	Permanent
Killi Killi	Lukarara	Seasonal
Ngulupi	Balgo Homestead	Seasonal
Yarramurral		Seasonal



Figure 12 – Outstations within proximity of Balgo

Cemetery

Balgo has two informal cemeteries located at the southern end of the community on SL-lots 179 and 180.

4 HOUSING

4.1 Residential Areas

Balgo LP3 Amendment 10 has 173 residential SL-lots to cater for the design population of 650 people (Figure 13). Most of the residential housing surrounds the central community area of Balgo. A residential area for support service personnel such as police, nurses and teachers, is located at the northern end of Balgo.



Figure 13 – Residential SL-lots (LP3 Amd10), April 2019 air photo

4.2 Number & Type of Dwellings

Based on the April 2019 air photo, it is estimated that there is a total of 132 residential dwellings within the community. A number of outbuildings and transportable buildings are also present in the community. 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 100 residential houses in the Balgo community (PTMS, 2019).

The type and current condition of the dwellings is unknown.

4.3 Future Residential Development

Approximately 35 residential SL-lots and 2 balance (super) SL-lots are available for future residential development in Balgo. The majority of these future residential SL-lots are located in the northern half of the community.

5 CONSTRAINTS AND LIMITATIONS

5.1 Flood Hazard

Flooding does not pose a major problem in Balgo. Due to its elevation, the settlement is not subject to flooding from nearby watercourses, but during the wet season heavy rainfall can result in stormwater pooling and mobility issues.

5.2 Drainage

The drainage system at the settlement can be described as 'semi-formal'. The SL road network incorporates table drains which convey stormwater to drainage courses to the east and west of the settlement area. Water in the drainage courses is dispelled by evaporation and groundwater infiltration.

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 of the Balgo community (SL-lot 901), which formed part of Amendment 3 in 2012.

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)*.

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 LP3:

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

6.2 State Planning Policy 3.2 - Aboriginal Settlements

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

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

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

6.3 Shire of Halls Creek

Halls Creek Local Planning Scheme No. 2

The Shire of Halls Creek Local Planning Scheme No.2 (LPS 2) was gazetted on 17th September 2019. Balgo 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).

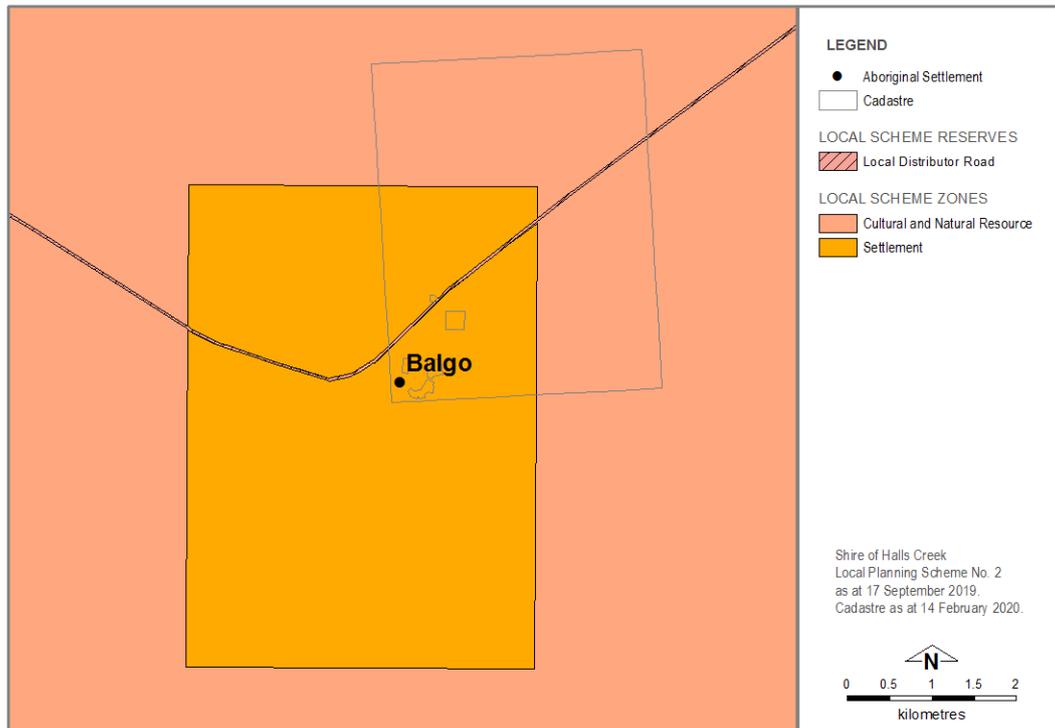


Figure 14 - Land classification under Shire of Halls Creek LPS 2, Balgo

Local Planning Strategy

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

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

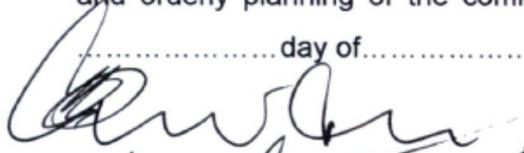
7 ENDORSEMENTS

Community Council Endorsement

ADOPTION OF LAYOUT PLAN

WIRRIMANU ABORIGINAL CORPORATION

The Community Council hereby adopts the Wirrimanu Community Layout Plan No. 2 dated **November 2004** (including the provisions), for the purpose of ensuring the proper and orderly planning of the community area, at the meeting of the Council held on the day of.....20...


.....
Ian G. Swan.
Chairperson (sign and print name)
ADMINISTRATOR.

.....
30/6/05.
Date


.....
Secretary (sign and print name)
CEO

.....
30/6/2005.
Date

Note: Layout Plan No. 3 was signed off by the Community Council as Layout Plan No. 2.

Traditional Owners Endorsement

Shire of Halls Creek Endorsement

ENDORSEMENT

Shire of Halls Creek

The Shire Council hereby endorses the Wirrimanu Community Layout Plan No. 2 dated **November 2004** for the Community as a guide for development within the community area to ensure the proper and orderly planning of the community area, at the meeting of the Council held on the

..... 28th day of July 2005

P. McKay PATRICIA MCKAY
President (sign and print name)

..... 28th July 2005
Date

PJ McConneil PJ McConneil
Chief Executive Officer (sign and print name)

..... 28th July 2005
Date

Note: Layout Plan No. 3 was signed off by the Shire of Halls Creek as Layout Plan No. 2.

Western Australian Planning Commission Endorsement



Our Ref: 057/1/1/25 PT50
Your Ref:
Enquires: Ashley Randell (9264 7613)

Chief Executive Officer
Shire of Halls Creek
PO Box 21
HALLS CREEK WA 6770

Dear Sir/Madam

WIRRIMANU (BALGO) COMMUNITY LAYOUT PLAN NO.3 - SUBMITTED FOR ADOPTION

I refer to correspondence regarding the above matter. In this regard, I wish to advise that the Commission has resolved to:

- adopt the Wirrimanu (Balgo) Community Layout Plan No.3 and endorse the documents accordingly; and
- request that the Kimberley office of the Department for Planning and Infrastructure's Lands Asset Management Services (LAMS) be requested to amend the boundaries between Lot 21 (ALT Reserve 46753) and Lot 4 (ALT Reserve 26399) to ensure that all of the Wirrimanu town ship and associated infrastructure is on one reserve vested in the Aboriginal Lands Trust (ALT).

Yours faithfully

for Ray Stokes
Acting Secretary
Western Australian Planning Commission

6 October 2005

cc. Wirrimanu Aboriginal Corporation
Roman Catholic Bishop of Broome
Land Asset Management Services-DPI
Aboriginal Lands Trust

attach.



Albert Facey House, 469 Wellington Street (cnr Forrest Place), Perth, Western Australia 6000
Tel: (08) 9264 7777; Fax: (08) 9264 7566; TTY: (08) 9264 7535; Infoline: 1800 626 477
e-mail: corporate@wapc.wa.gov.au; web address: <http://www.wapc.wa.gov.au>
ABN 35 482 341 493

REFERENCES

- Achoo, H. et al. 1996 Moola Bulla, In the Shadow of the Mountain. Broome, Magabala.
- Airservices Australia 2020 FAC-YBGO.fm
- Australian Indigenous HealthInfoNet 2020 Web page
<https://healthinfolnet.ecu.edu.au/key-resources/programs-and-projects/?id=2061>
- Bureau of Meteorology 2020 Balgo Hills Monthly Rainfall and Temperatures.
<http://www.bom.gov.au/climate/data/>
- Department of Communities (Housing) 2020 Property Tenancy Management System (PTMS) database
- Department of Education 2020 Western Australian Schools Lists
<https://catalogue.data.wa.gov.au/dataset/western-australian-schools-lists>
- Department of Indigenous Affairs 1997, 2004 and 2008 Environmental Health Needs Survey of Indigenous Communities in Western Australia. Government of Western Australia.
- Department of Planning 2012 Aboriginal Settlement Guideline 3: Layout Plan Exclusion Boundaries, Government of Western Australia
- Department of Planning, Lands and Heritage 2020 Aboriginal Communities and Town Reserves (DPLH-002)
<https://catalogue.data.wa.gov.au/dataset/aboriginal-communities-and-town-reserves>
- Department of Planning, Lands and Heritage 2020 Aboriginal Heritage Inquiry System
<https://www.dplh.wa.gov.au/information-and-services/online-services/aboriginal-heritage-inquiry-system>
- FaHCSIA 2009 Baseline Community Profile: Ringer Soak, Report prepared by Social Compass on behalf of the Department of Families, Housing, Community Services and Indigenous Affairs, Canberra.
- Ganter R. 2018 German Missionaries in Australia - A web-directory of intercultural encounters, Griffith University, <http://missionaries.griffith.edu.au/mission/balgo>
- GHD 2004 Balgo – Review of Community Layout Plan
- Halpern Glick Maunsel 2002 Balgo Community Layout Plan No.2 Aboriginal and Torres Strait Islander Commission, Canberra
- Jebb, M. 2002 Blood, Sweat and Welfare: A History of White Bosses and Aboriginal Pastoral Workers. UWA Press: Nedlands
- Kimberley Aboriginal Medical Services Ltd 2020 Web page <https://kams.org.au/remote/balgo-health-centre/>
- Kimberley Regional Services Providers 2007 Balgo Community Asset Condition Report.
- Luurnpa Catholic School 2020, Luurnpa Catholic School History, <https://www.luurnpa.wa.edu.au/history/>
- Memmot, P. & S. Long & M. Bell & J. Taylor & D. Brown 2004 Between Places: Indigenous Mobility in Remote and Rural Australia. Australian Housing & Urban Research Institute, University of Queensland.
- Nailon B. 2001 Nothing is wasted in the household of God : Vincent Pallotti's vision in Australia, Spectrum Melbourne 2001
- National Native Title Tribunal 2020 Native Title Vision
<http://www.nntt.gov.au/assistance/Geospatial/Pages/NTV.aspx>
- Office of the Registrar of Indigenous Corporations 2020 <https://www.oric.gov.au/>
- Outback Supermarkets 2020 <https://outbackstores.com.au/>

Parsons Brinckerhoff 2010 Balgo (Wirrimanu) Community Drinking Water Source Protection Plan Department of Housing

Royal Life Saving Western Australia 2020 Web page

<https://royallifesavingwa.com.au/programs/remote-pools/community-profiles>

Taylor, J. 2006 Population and Diversity: Policy Implications of Emerging Indigenous Demographic Trends. CAEPR discussion paper No. 383/2006. ANU: Canberra.

Warlayirti Artists 2020 Web page <http://balgoart.org.au/>

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

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

Wikipedia 2020 Balgo, Western Australia https://en.wikipedia.org/wiki/Balgo,_Western_Australia

AMENDMENTS

Amendment No. 1 (September 2011), did not proceed.

Wirrimanu (Balgo) Layout Plan No.3

Amendment No. 2

Plan Date : 30 January 2005 WAPC : 4 October 2005
Endorsed
Proponent : Department of Requires : Yes
Housing Endorsement

Reason for the Amendment

The Department of Housing propose to build a number of houses at Balgo. To achieve that objective some house sites have been selected that do not comply with the Layout Plan, but are viable in terms of efficient use of existing essential and municipal services. New Settlement Layout lots (SL-lots) are proposed in the house sites identified by the Department of Housing, as follows:

Issue	Changes required to CLP
1. SL-lot 79	Divide SL-lot 79 and create SL-lots 279 and 79

Approved

Wirrimanu Aboriginal Corporation

William Mandijarra

please sign and print name

Date 22/06/2012

Shire of Halls Creek

Warren Olsen

please sign and print name

WARREN OLSEN
CHIEF EXECUTIVE OFFICER

Date 23/7/2012

Western Australian Planning Commission

[Signature]

please sign and print name

Date 10/10/2012



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.

Balgo Layout Plan 3

Amendment 3

Plan Date : 30 January 2005 **WAPC Endorsed** : 4 October 2005
Proponent : Department of Planning **Requires** : WAPC only – minor amendment
Endorsement

Reason for the Amendment

The Department of Planning, on behalf of the Western Australian Planning Commission (WAPC), is the custodian for Layout Plans prepared under State Planning Policy 3.2, including the Balgo Layout Plan 3.

Since the publication of that Policy in August 2000 all Layout Plan map-sets have been prepared using a variety of computer-aided-design (CAD) formats. All Layout Plan map-sets have now been converted to a common user geographic information systems (GIS) format, including the Balgo Layout Plan 3.

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

Approved

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

Western Australian Planning Commission



please sign and print name

Date 10/10/2012

RESOLVED & RECORDED IN MINUTES
OF THE STATE PLANNING
COMMISSION

9 OCT 2012

Other Information:

This Layout Plan does not constitute development approval.

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

Proponent :	Kimberley Aboriginal Medical Services Council Incorporated
Date :	11 November 2013

Reason for the Amendment

The Kimberley Aboriginal Medical Services Council Incorporated (KAMSC) proposes to construct 6 single bedroom grouped dwellings on SL-lots 1, 2 and 220. The proposal is based on a shared services arrangement. KAMSC intend to use the grouped dwellings for permanent and temporary accommodation of staff associated with the health clinic.

KAMSC have a 20 year lease from 1 February 2013 over the portion of Lot 21 DP 219593. Vol.3081. folio 361 known as Reserve 46573 that is shown as SL-lots 1, 2 and 220 on LP3.

Issue / Proposal		Changes required to CLP
1.	Construction of 6 single bedroom grouped dwellings	Amalgamate SL-lots 1, 2 and 220 to create SL-lot 226.

Endorsement:

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

Determined on behalf of the Western Australian Planning Commission in accordance with the <i>Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.</i>	 Ashley Randell Planning Manager, Aboriginal Communities Determination Planning & Strategy Region PN: 15151.1 11/11/2013 date
	 Authorisation 15/11/2013 name & 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.

Balgo (Wirrimanu) Community Layout Plan No.3

Amendment No.6

Proponent	: Department of Housing (DoH)
Date	: 4 December 2013

Reason for the Amendment

The Department of Housing propose to build a number of houses at Balgo to meet current demand. To achieve that objective, new residential Settlement Layout lots (SL-lots) are proposed, as follows:

Issue / Proposal		Changes required to CLP
1.	SL-lot 55	Subdivide southern portion of SL-lot 55 and reconfigure SL road layout to include proposed SL-lots 220 – 225 and 227 – 229.

Endorsements:

Wirrimanu Aboriginal Corporation		
<i>George Lee</i> <small>please sign and print name</small>	<i>Tracy Telford</i>	Date: 1.5.2014
Tjurabalan Native Title Land Aboriginal Corporation		
<small>please sign and print name</small>		Date:
Shire of Halls Creek		
<i>[Signature]</i> <small>please sign and print name</small>		Date: 19/09/2014
Western Australian Planning Commission		
<small>please sign and print name</small>	Rodger Kerr-Newell Chief Executive Officer	Date: 28/10/2014

[Signature]
Ashley Randell
Planning Manager, Aboriginal Communities
Regional Planning & Strategy
PN: 15151.1

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.

Balgo (Wirrimanu) Community Layout Plan No. 3

Amendment No. 7

Proponent :	Department of Housing (DoH)
Date :	

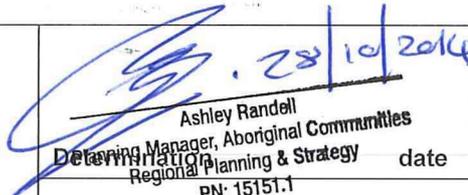
Reason for the Amendment

A residential property managed under the DoH's Housing Management Agreement for Balgo is currently located on a non-complying land use.

Issue / Proposal		Changes required to CLP
1.	SL – lot 141	Change the land use of SL – lot 141 from 'Recreation' to 'Residential'

Endorsement:

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

Determined on behalf of the Western Australian Planning Commission in accordance with the <i>Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.</i>	 Ashley Randell Determining Manager, Aboriginal Communities Regional Planning & Strategy PN: 15151.1 date 28/10/2016
	 Ashley Randell Planning Manager, Aboriginal Communities Regional Planning & Strategy PN: 15151.1 Authorisation name & date 04/11/2016

Other Information:

This Layout Plan does not constitute development approval.

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

Proponent :	Department of Housing
Date :	5 March 2015

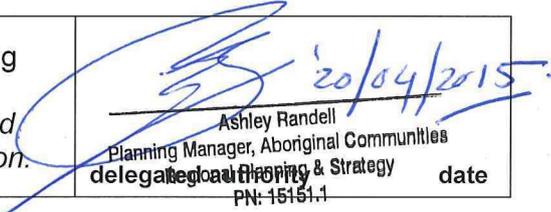
Reason for the Amendment

The Department of Housing proposes to develop a swimming pool at Balgo. To support this proposal a separate SL-lot is required to be created.

Issue / Proposal	Changes required to CLP
1. SL-lot 101 Luurnpa Circle	Subdivide SL-lot 101 to create a new SL-lot (SL-lot 300).

Endorsement:

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

Determined on behalf of the Western Australian Planning Commission in accordance with the <i>Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.</i>	 Ashley Randell Planning Manager, Aboriginal Communities delegated authority & Strategy PN: 15151.1 date 20/04/2015
---	--

Other Information:

This Layout Plan does not constitute development approval.

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

Proponent : Department of Housing

Date : 21 August 2015

Reason for the Amendment

Proposed Amendment 9 to the Balgo Layout Plan 3 (LP3) is for the purpose of ensuring that SL-lots are appropriately sited to minimise drainage impacts and to amend SL-lot numbering to improve the administrative function of LP3 and remove duplication of SL-lot numbering.

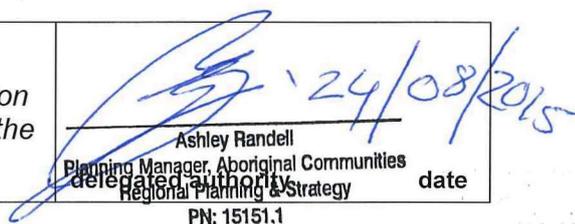
Issue / Proposal	Changes required to CLP
<p>1. SL-lots 220 to 228, inclusive, and Eleventh Street are required to be redesigned in response to drainage requirements.</p>	<p>Delete SL-lot 224 and extend Eleventh Street in that location.</p> <p>Match SL-lot boundaries with abutting SL-lot boundaries.</p> <p>Add SL-lots 231 and 232 addressing Eleventh Street to match.</p>
<p>2. SL-lot 225 is duplicated on the Layout Plan.</p>	<p>Delete SL-lot number 225 Eleventh Street. Replace with SL-lot number 230.</p>
<p>3. SL-lot 226 is duplicated on the Layout Plan.</p>	<p>Delete SL-lot number 226 Eleventh Street. Replace with SL-lot number 229.</p>

NOTE: In April 2015 Landgate completed a high order survey at Balgo. This has significantly improved the accuracy of spatial data. In response, comprehensive spatial upgrade to the Layout Plan data has been completed in conjunction with this amendment.

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 *Instrument of Delegation – Delegation to officers of certain powers and functions of the Western Australian Planning Commission.*

 24/08/2015
 Ashley Randell
 Planning Manager, Aboriginal Communities
 delegated authority
 Regional Planning & Strategy
 date

PN: 15151.1

Other Information:

This Layout Plan does not constitute development approval.

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

Proponent : Department of Planning, Lands and Heritage

Date : June 2020

Reason for the Amendment

The enactment of the Shire of Halls Creek Local Planning Scheme No.2 (LPS 2), gazetted on 17th September 2019, has resulted in the need to delete the majority of the 'Recommended Settlement Zone' and add the 'Settlement' zone to match the LPS 2. There will be a thin portion that will remain 'Recommended Settlement Zone' running from north-east to west. This is due to the Shire of Halls Creek LPS 2 identifying a local road that extends from the north-east boundary to the western boundary. This local road for most part, follows Balgo Road and Lake Gregory Road.

DPLH has also undertaken 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 LPS 2, retaining a long thin portion labelled 'Recommended Settlement Zone' extending from north-east to west.
2.	All	Update the Background Report.

Endorsement:

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

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>	 26 June 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.

Balgo Layout Plan No. 3**Amendment No. 11**

Proponent	: Parna Ngururrpa Aboriginal Corporation
------------------	--

Date	: 26 July 2022
-------------	----------------

Reason for the Amendment

Parna Ngururrpa Aboriginal Corporation propose to build a ranger base for Indigenous Protected Area Rangers at Balgo to meet demand for a workspace. The community of Balgo supports this project via a letter of support. To achieve this objective the Layout Plan requires an amendment to realign 'Community' SL-lot 173 and create new SL-lot 902.

Land Identification		Amendment description
1.	SL-lot 173	Realign western portion of SL-lot 173 to create SL-lot 902. Both SL-lots to retain 'Community' land use classification.

Endorsement:

In accordance with Aboriginal Settlements Guideline 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>



4 October 2022

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.