

Kulaluk Development Proposal
Development Brief

for

The Development of Part Lot 5182,
Bagot Road Town of Darwin



The Gwalwa Daraniki Association Inc.
&

Vysrose P/L

August 1997

The Kulaluk Development Proposal

Background to the Proposal

The Gwalwa Daraniki Association Inc. (GDA) has had the intention of achieving success in the economic development of their land, with various development proposals submitted to government over a period of the last ten years.

In 1985, the consulting firm Hollingsworth Dames & Moore (HDM) undertook a conceptual pre-feasibility study, funded by the Aboriginal Development Corporation, to assess areas that the community could develop in order to strive for economic self-determination.

At the time of the above consultancy, the community land holding was changed from a Special Purpose Lease to a Crown Lease in Perpetuity and rezoned to R6, allowing for the community to develop their land in a commercial manner.

Since the HDM consultancy was completed in 1985, there have been several initiatives by the GDA to undertake the commercial development of their land.

On 14 May 1992, the President of the GDA at that time, Ms Helen Robertson, wrote to the Chairman of the Town Planning Authority, Mr Jim Robertson, seeking his advice on how to best approach the economic development of their land; Mr Robertson responded that:

"Any request for rezoning should cover the end use of the total site...and whilst it is not for the Authority to suggest an ultimate zone for the land, given the constraints applicable and the diversity of uses that you may wish to include, a *Specific Use Zone* which is tailor made to suit your requirements may be the most appropriate method of approaching the rezoning."

The Gwalwa Daraniki Association Incorporated and Vysrose Pty. Ltd. concluded a development agreement in 1992. Bagot Road, Dick Ward Drive, Totem Road and Fitzner Drive bound the subject land, which the development agreement encompasses.

Community development plans include Joint Venture commercial development proposals, guaranteeing both the GDA and Vysrose's participation as major contributors to the Darwin economy.

Since 1993, the GDA have had a successful lease agreement with the McDonald's Restaurant on Bagot Road in the eastern part of the lease (part lot 5182). This development is intended to become the anchor tenancy for future developments.

The Kulaluk Development Proposal forms a major part of the basis of GDA aspirations for self-determination and socioeconomic growth that will ensure the future well being, independence and stability of their community.

Development in Aircraft Affected Areas

Since the successful development of the McDonald's Restaurant at Ludmilla, both the GDA and Vysrose P/L have made several representations to the Northern Territory Government (NTG) regarding the development of the subject land. This included a submission to the Town Planning Authority concerning the Land Use Objective (LUO) for land in the vicinity of Darwin Airport.

In order to maintain sensible planning objectives, the NTG needed to be convinced that the proposal to develop the Kulaluk land met all the criteria outlined in the Australian Standard 2021(AS2021) for Land Use Compatibility in aircraft affected areas.

AS2021 is the Australian Standard for development in aircraft affected areas. The standard encompasses the Building Site Acceptability Table 2.1 and the Land Use Compatibility Table 2.3, that are utilised by planning authorities to assess development suitability within aircraft affected areas.

The Aircraft Noise Exposure Forecast (ANEF) contours are then used as a guide for planners ie. Commercial buildings are allowed conditionally upon noise attenuation (of the building) in the 25-35 ANEF contour and are prohibited from being developed in the 35-40 ANEF contour, where light industrial development is allowed conditionally upon noise attenuation.

To fully address the technical considerations of planning for development in aircraft affected areas, Vysrose P/L commissioned an authoritative report by a Melbourne airport planning consultant, Airplan.

The terms of reference for the Airplan consultancy was to assess the impact of development upon airport operations and address any technical problems that may have arisen from the proposed development of the site. Both the RAAF and the FAC were consulted and on the basis of these discussions, concessionary modifications to the proposal have been made to exceed the standard.

Vysrose prepared the conceptual development plan in consultation with the Melbourne firm Airplan, in order to fully comply with AS 2021. A copy of the concept plan is attached. In summary the Airplan report states:

"Our study confirms that the issues of building height restrictions, lighting in the vicinity of airports, protection of navigation aids, aircraft noise impacts and bird strike hazards must and can be addressed by incorporating the appropriate measures during detailed design of the proposed facilities." The NTG Land Use Objective (LUO) for Land in the vicinity of Darwin Airport states under the Rezoning 'Application Of The Policy' that "If better than this standard [AS 2021] is reasonably achievable then that option should be given consideration."

Provisions for both Noise and Rezoning within the LUO, "Application of the Policy" also states that:

"The Building Site Acceptability Table Based on ANEF zones taken from Standards Australia Table 2.1 AS 2021- 1994 is adopted as indicative of acceptable development within airport noise impacted areas."

Subject to statutory consents and standard building design procedures, such as noise attenuation of buildings, shielding of lights so as to eliminate upward light emissions and appropriate landscaping that will not attract birds, these forms of development will comply with AS 2021.

In fact on the most restricted part of the land, Airplan have informed the proponents that a building can be built to some 36 metres in height (12 storeys high), although they are hardly proposing to build another Marrakai.

The Kulaluk Development Concept

Development on the site will feature extensive landscaping and will utilise the sites natural drainage characteristics to create several water features.

The development concept has been prepared so that it will enhance the corridors of the major arterial roads that it is bounded by, providing an impressive sight from the air as a first impression for visitors to Darwin.

Aesthetic enhancement of these transport corridors is a recommendation of the Future Directions for Darwin Report, undertaken by the Darwin Design Group in 1990.

A native plant nursery is planned for the area, assisting the Kulaluk community with the regeneration of indigenous plant species on their land, as well as providing for the landscaping requirements of the development and the wider Darwin community.

Preliminary discussions with government representatives have indicated that major road works will need to be undertaken on the Fitzner Drive end of the development site, with the road widened to allow for a service road for residents.

All developments upon the site will take place in accordance with strict noise attenuation within the construction of each building, incorporating design features that are standard principles of development within aircraft affected areas.

An area of 24 hectares, or two-thirds of the 36 hectare site, is proposed to be restricted from commercial development, excepting leisure and recreation facilities. This restriction affords a buffer of some 450 metres by 500 metres in the centre line of the airport flight path.

In order to maximise the development potential of the land, the development proposal comprises several distinct but complementary themes, these are:

Leisure & Recreation

> The majority of the site will be developed for recreational uses that include a 9-hole golf course and driving range; "putt-putt" golf course; cable water-skiing; go-kart track; an in-line skate park and venues for indoor leisure and recreation. Buildings are proposed mostly within the 25-30 ANEF contours, except where they are ancillary to the least intensive uses proposed for the leisure and recreation facilities.

A sporting and social club is proposed for the site at the corner of Dick Ward Drive and Fitzner Drive (ANEF 25-30). The members only social club will be similar in nature to the Casuarina Club, except that it will not be licensed for take-away alcohol sales.

Retail, Service Commercial & Industrial

> The small retail component will be located at the rear of the existing McDonald's development, facing along Fitzner Drive and the existing service Road behind McDonald's (ANEF 25-30). The service commercial component of the development will be located behind the existing BP service station (ANEF 30-35).

A multi purpose showroom sales development will be located on the northern side of the BP service station, including a shopping centre in the commercial area (ANEF 30-35) and the light industrial component of the building developed as showroom sales (ANEF 35-40).

Light Industrial

- An area at the corner of Totem Road and Dick Ward Drive is proposed to be utilised for uses compatible with those already located on Totem Road, such as storage units, light industrial sheds and showroom sales (ANEF 30-35).

Status of the Proposal

A Sub-division and Rezoning application will be made to the Town Planning Authority in the near future.

Sub-division will allow for an overall assessment and subsequent rezoning of the vast 36-hectare site in three parts.

The proposal for sub-division of the site into three parts utilises the ANEF contours, to segment specific uses for the land in separately zoned areas. Each of the three sub-divided portions would then be developed in accordance with the standards outlined in the Land-Use Compatibility Table incorporated in AS 2021.

There are three separate zones that Vysrose proposes as being appropriate for the sub-divided site, these are:

- Special Use (Mixed) (Part 1)
- Restricted development (Part 2)
- Special Use (Light Industrial) (Part 3)

Rezoning of the subject site will take place within the three sub-divided parts, allowing for a service commercial and limited light industrial development on the southern and northern peripheries of the site, with a restricted development zone encompassing a majority of the middle section of the site.

Summary

The development of the Kulaluk communities' land will provide both valuable community amenities for local residents and a means for the Kulaluk community to achieve social and economic prosperity.

The local member for Milliner, Mr Phil Mitchell, is currently canvassing community views on the Kulaluk Development Proposal. Whilst Phil is very supportive of Aboriginal initiatives for economic development in his electorate, he would like to hear the views of his electorate.

The Kulaluk community and Vysrose P/L are hopeful of receiving your support for the continued development of the site, they trust that your support for the future development will be conveyed to Phil. He can be contacted on 8985 4666.

Should you have any questions or positive suggestions for the proponents you may phone Ms Daphne Talbot at the Gwalwa Daraniki Association on 8985 5300 or Mr David Smith of Vysrose Pty. Ltd. on 018 894 185, they will be glad to discuss the proposal with you.

August 1997

Gwalwa Daraniki Association Inc
and Vysrose Pty Ltd

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Bagot Road**

Town of Darwin

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part of Marcia Langton's handout 1995
August

Kulaluk and Minnara Park are coastal Aboriginal communities within the City of Darwin and one of the homelands of Larrakia society. Our traditional and cultural attachments to our land were recognised by the Northern Territory Government in 1978.⁹

We are facing major obstacles to our community development, from the Northern Territory Government, the Commonwealth Department of Defence and the Federal Airports Commission.

Our communities are located under the flight path for domestic and defence aircraft and the aircraft noise and pollution is a major health hazard for our residents and an environmental blight. The Department of Defence has submitted a new draft aircraft noise exposure forecast (ANEF) to the Northern Territory Government. If adopted, the ANEF, with the increases in military flights over our land, may impose even greater restrictions on our communities aspirations for socio-economic development and worsen the health and safety conditions being experienced by our residents.

The Gwalwa Daraniki Association Incorporated, representing the Kulaluk and Minnarama Park communities, is seeking the assistance of Aboriginal and non-Aboriginal members of the Darwin community to lobby for the relocation of the Darwin Airport.

We, a significant group of traditional owners of the Darwin area, are unable to pursue our social, economic and environmental aspirations while the airport restrictions limit development of our land.

We are seeking local employment opportunities through our own economic development and sustainable management of our land and maritime resources.

1. The Gwalwa Daraniki Association Incorporated - representative body of the Kulaluk and Minnamarama Park communities

1.1 The Gwalwa Daraniki Association, established in 1978, is the formal representative body of the Larrakia and other residents of the Kulaluk and Minnamarama Park communities. In 1995, we number about 155 people.

1.2 Core families have traditionally occupied this country and have traditional affiliation to the area. We protect a number of areas and sites of traditional Aboriginal significance within our lease boundaries. Some of these are recorded by the Aboriginal Areas Protection Authority, including a cemetery currently used by our community, a pukamani place (burial site of ancestors) and a guabibi ground (ceremonial area), as well as sacred springs and other important sites.

1.3 Our community is located on Crown Lease No. 671, leased in perpetuity to the Gwalwa Daraniki Association Incorporated. It is located between the suburbs of Ludmilla and Coconut Grove at the western end of the Darwin airport, approximately seven kilometres from the central business district.

2. Our aspirations for our future: sustainable economic development for the social, cultural and environmental well-being of our community and our neighbours

2.1 Our coastal position, overlooking Beagle Gulf, warrants careful planning of our marine and estuarine eco-systems for a sustainable future.

2.2 We are seeking to establish a small-scale, community controlled eco-cultural tourism project which would be located along the coastline to utilise the marine and estuarine environments sustainably. Between low and high water mark, there is a rich diversity of eco-systems: mangroves, beaches, monsoon vine forests, grasslands and open woodlands, salt flats and intertidal mud flats.

2.3 We want to share our small, beautiful homeland with visitors. Guided by Larrakia people, visitors would see and learn about our

eco-system, land and sea scape and their cultural and environmental values through direct experience and interpretation of our culture and customs, history and heritage, and our relationships with our natural environment. These tours would explain the ethnobotanical significance of the local plants, their cultural, medicinal and nutritional values, and the traditional hunting and gathering techniques.

2.4 Our Kulaluk Eco Cultural Tourism Concept Plan documents our aim of establishing employment, educational, environmental and commercial opportunities for the well-being of our community. A major aim of our planning for community development is to provide employment for Larrakia (and other Aboriginal people who live in Larrakia society) to managing our commercial, environmental and cultural resources.

2.5 Through the success of our community initiatives we hope to bring benefits to our neighbours in the vicinity.

3. Regeneration and conservation of the Ludmilla Creek catchment area and surrounding environment

3.1 A major benefit we hope to achieve for our community and our neighbours is the conservation of the flora, fauna and local eco-systems. Environmental regeneration and restitution is a key phase of our development plan through site planning that is sensitive to the natural attributes of the land, waterways and coastal areas. The cultural, environmental and historical interpretation of our community and traditional land would be based on research, both scientific and social.

3.2 We propose to undertake a comprehensive land management plan for the Ludmilla Creek region as well as our immediate land to achieve our plan.

3.3 We have discussed this land management planning proposal with the members of the Ludmilla Creek Landcare group, Ken McFarlane and Ilana Eldridge, both of whom agree that the regeneration and conservation of the Ludmilla Creek catchment area, particularly the headwaters and the mouth of the river, will have a long term benefit for the Larrakia and other residents of the

for Lands and Aboriginal Development, the Hon. Steve Hatton, MLA. Both applications concerned the same block of land and closely associated aspects of the same proposal.

5.2 Gwalwa Daraniki members regard the Minister's interference as unfair and discriminatory.

5.3 A major obstacle in the path of our efforts to achieve socio-economic self determination is the weight of the RAAF lobby to the NT government, in order to impose stricter standards upon the development of our land, than are required under the National Town Planning, Land Use Compatibility guidelines for aircraft affected areas, encompassed within AS 2021.

5.4 The proposed development site at part lot 5182, Bagot Road, experienced noise levels, at that time, in excess of 25 ANEF, (Aircraft Noise Exposure Forecast) therefore making it unsuitable for noise sensitive development, the conceptual development was hence prepared by Vysrose P/L, in consultation with the Gwalwa Daraniki Association, taking this into consideration in order to fully comply with AS 2021.

5.5 At a meeting convened by Steve Hatton MLA, ex Minister for Lands & Aboriginal Development, after the Town Planning Authority had already recommended the exhibition of a Draft SU Planning Instrument, due to the subjective safety concerns raised by the RAAF and the FAC, it was agreed that Vysrose P/L would consult further with both the RAAF and the FAC, in order to fully address their concerns, although these had previously been formally addressed within the SU Rezoning and Consent Use Development Applications Preliminary Environmental Report.

5.6 Vysrose P/L therefore further commissioned an authoritative report by a Melbourne firm, Airplan, to assess the impact from airport operations and address any technical problems that may have arisen from the proposed development. Both the RAAF and the FAC where consulted and on the basis of these discussions, concessionary modifications to the proposed rezoning application where made.

5.7 Unfortunately, when Vysrose P/L wrote to the Minister and the RAAF and FAC, to inform them of the forthcoming Airplan report, the Airplan report, once finalised, could not be considered by the Town Planning Authority, as their recommendation to the

area. They are committed to giving their technical assistance to this project.

4. Proposed commercial and economic plans

4.1 We have planned for our economic future to ensure the well-being and stability of our community. Our community development plan includes other commercial proposals to guarantee our participation in the Darwin economy.

4.2 Since 1993, we have had a successful lease agreement with the McDonald's restaurant on Bagot Road in the eastern part of our lease. (part lot 5182) This development forms the anchor tenancy for future planned developments.

4.3 This part of the lease is comprised of open savannah grassland and woodland on which we propose to develop a range of tourist accommodation facilities, such as a motel, holiday apartments, a restaurant and tourist village. A water theme park, a par three, nine hole golf course and golf driving range are also proposed for the site.

4.4 In order to achieve our goals, Gwalwa Daraniki Association Pty Ltd in 1992. Vystrose Pty Ltd is a local Darwin company whose Incorporated concluded an Development Agreement with Vystrose Pty Ltd in 1992. Vystrose Pty Ltd is a local Darwin company whose work with our community has been of a high standard. Despite the Government's opposition, our association with Vystrose's principal, Mr David Smith, has resulted in the significant success of the McDonald's Agreement with our community association.

5. The Northern Territory Government's opposition to our economic development

5.1 In August 1993, a Consent Use, under the existing R6 zoning for the McDonald's Restaurant, and SU (Special Use) Rezoning applications were submitted to the Town Planning Authority by Vystrose Pty Ltd, in accordance with our development Agreement. The Town Planning Authority gave approval to exhibit the Draft Planning Instrument for a rezoning to SU to allow for the Light Industrial components of the development under the Darwin Town Plan. The Consent Use application for McDonald's restaurant was approved, while the rezoning application for other aspects of our proposed commercial developments was overturned by the Minister

continues

Minister to exhibit a Draft Planning Instrument was overturned to "Maintain the integrity of the airport flight path."

5.8 The Airplan report concluded that "provided the development meets the criteria of land use compatibility in AS 2021 (as it does), planning approval should not normally be withheld," (1993:5) the report went on to state,

Should the airport operators wish to further limit the potential for noise complaints and protect the airport from potential further limitations on airport operations by imposing stricter standards than those incorporated in AS 2021, one would expect that a policy would be in place for land acquisition of those areas of land deemed to be unsuitable for development, and compensate the community for any subsequent 'Planning Blight' that may be imposed by these further protection measures. (1993:6)

5.9 It should be noted that in the Airplan report, the Department of Defence stated that they adopt a policy of development approval within the confines of AS 2021, directly contradicting the RAAF lobby to the NT Govt. The report states,

The Department of Defence have also advised that they would base any assessment on land use compatibility on the guidelines in the Australian Standards. (1993:5.1.)

5.10 The Department of Defence has recently undertaken a review of the noise levels affecting the land surrounding the Darwin airport, and have given a draft aircraft noise exposure forecast (ANEF) to the Northern Territory Government. If adopted by the Government, the ANEF, with the increases in military flights over our land, may impose even greater restrictions on our communities aspirations for socio-economic development and worsen the health and safety conditions being experienced by our residents.

6. The Northern Territory government's proposals for a negotiated settlement to extinguish Larrakia native title

6.1 The second major obstacle to our proposals for socio-economic development is the way in which the Kulumbingin Aboriginal Corporation proposal for an 'Aboriginal Cultural Centre' has been seen by the Northern Territory Government as

↑
unfounded

part of a negotiated settlement in exchange for the extinguishment of Larrakia native title.

6.2 In the first place, any negotiations which purport to represent Larrakia interests do not have the authorisation of the Gwalwa Daraniki Association to do so, nor any instructions from any Larrakia residents. Nor do the members of Gwalwa Daraniki Association have any intention of trading any extant Larrakia native title interests for a dubious "Aboriginal cultural centre" proposal.

6.3 Because of the way in which Kulumbirringin representatives have represented their project, other Larrakia organisations, not including the Gwalwa Daraniki Association, have given written support to that proposal, and given that support without understanding the full proposal. The terms of the full proposal which the NT Government is considering includes, as we understand it, exchanging surviving Larrakia native title for NT Government funding for the Kulumbirringin cultural centre proposal, some jobs, other unspecified land, including the transfer of all existing Aboriginal owned special purpose leases, such as the Gwalwa Daraniki Association's special purpose leases where the Larrakia people live, to the "wider Larrakia group".

6.4 Members of our Association, and the residents of the Kulaluk community, have been misrepresented in the various discussions and negotiations which have taken place in relation to these matters. We reject absolutely that we have in any way given approval or authorisation to these propositions as set out in paragraph 6.2. Nor is it the case that we have been ill-advised in refusal to support the Kulumbirringin proposal for a purported Aboriginal cultural centre.

7. The Kulumbirringin Aboriginal Corporation's proposal examined

7.1 According to a representative of the Kulumbirringin Aboriginal Corporation at a meeting held at Kulaluk this year, and apparently at meetings with other Larrakia corporations, the Northern Territory Government will approve only one cultural centre. We believe that this position taken by the Government is merely a negotiating stance to lure Larrakia people - without our informed

and knowing consent and - into accepting the terms of the exchange of our native title for the cultural centre.

7.2 Moreover, the representatives of the Kulumbirringin Aboriginal Corporation have represented this project as an 'Aboriginal Cultural Centre' to the wider Larrakia community, the Northern Land Council and to government officials as a venture on behalf of all Larrakia and of benefit to all Larrakia. We believe, based on the Kulumbirringin representations to us, and as is made clear in their own publication, that the description of the project as an 'Aboriginal Cultural Centre' is less than accurate and that it is not the actual intention of the Kulumbirringin Aboriginal Corporation that the centre would benefit all Larrakia.

7.3 The Newsletter of the Kulumbirringin Aboriginal Corporation, issued in April 1995, refers to proposed project as a 'World Class Indigenous Multi-Purpose Culture, Tourism, Trade and Convention Centre'. The plan of the "Proposed Aboriginal Cultural Centre, Darwin" shows a series of "villages" - one Malaysian, one Indonesian and one Chinese - laid out around a polo reserve, water fountain, amphitheatre, lake, car parks and an area for "future development". The Aboriginal component of this Culture, Tourism, Trade and Convention Centre is a building in the style of a giant turtle.

7.4 It is difficult to see how this plan constitutes a proposal for a Aboriginal cultural centre nor how it constitutes a proposal for an "Indigenous Multi-Purpose Culture" centre.

7.5 It is in fact a large-scale tourism, trade and convention centre as proposed in the remainder of the title as set out in the Newsletter.

7.6 Moreover, the Kulumbirringin Newsletter makes it clear that Lutz Frankendorf & Associates are the actual proponents and that the proposal is for the development of "indigenous and Asia style village" (see page 3). The Newsletter states:

The land has been chosen to build this centre on is less than one mile from Darwin and already under perpetual Aboriginal lease and in the heart of a multi-million dollar redevelopment plan that will supply the heart of Darwin accommodation for a further 5,000 residents. Our project would enhance this area with lakes, fountains, and the multi-facet buildings. Hotel and

convention centre fronting the future Barneson Street connection as arterial road and main entrance from Tiger Brennan Drive to Cavenagh Street. . . . [sic] (Page 1)

Appointed architect for this redevelopment is Hans Vos from Woodhead Australia and Lutz Frankenfeld & Associates is under contract to the Kulumbirringin Aboriginal Corporation. Lutz has submitted this concept to our government in January 1993 - 1995 and also in 1981 on behalf of the traditional owners and Torres Strait Islander community as an idea [sic] (Page 1)

The development and landscaping of the project would be influenced by the theme of lakes and fountains within a Chinese garden, so that visitors and the local community would have the tranquility of water and the cooling effects that this idea radiates, whilst dining under the stars, while the buildings would be influenced by the indigenous people of Australia architectural visions [sic] (Page 2)

As I have already pointed out the need to secure other land is paramount to the development of the second stage (Page 3)

Darwin's future development is the "front door policy on Asia and Trade" that the present Federal government has with concerning Australia's development both culturally and economically within the South East Asian Region [sic] (Page 3)

Lutz Frankenfeld & Associates have spent many months on this project due to the complexity and benefits to our community. Lutz needs to be compensated so he can finish the feasibility study.

The influence of Asia to the development of Darwin has always been highlighted, but now we must consider all the influences of a multi-ethnic cultural influence while promoting our own indigenous people's culture. [sic] (Page 3)

7.7 The Gwalwa Daraniki Association does not support the Kulumbirringin Aboriginal Corporation's proposal for a cultural centre, because it is not intended as an Aboriginal cultural centre.

