



PARLIAMENT OF AUSTRALIA • THE SENATE

TRISH CROSSIN

LABOR SENATOR FOR THE NORTHERN TERRITORY

Dr William Day,
PO Box 425,
Maylands,
WA 6931

Dear Dr Day,

Thank you for the documentation that you sent to me on 11th September regarding Kulaluk.
I apologise for the delay in replying.

I can appreciate your concern over this matter, you having spent time with the people and knowing them as you do.

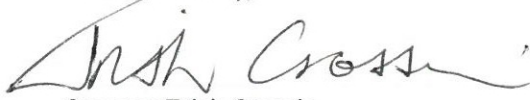
As you clearly know the land title comprises a Crown Lease in Perpetuity held under NT law, so the major responsibility does lie with the NT Government.

However, the Federal Government is committed to improving the standard of living and closing the gap for all Aboriginal people, so certainly cannot and will not forget about Kulaluk.

I have followed the matter up as far as I am able at this stage. Advice from the NT Government is that the lease *"...is a strong title which gives exclusive perpetual rights, but it is constrained by the fact that it is a Crown lease, and there is statutory restriction and other caveats on any dealings; its status as a town camp and Commonwealth management further limit autonomy."*

There is therefore limited scope only for any further or wider Aboriginal involvement beyond the present Gwala Daranika Association. However you can rest assured that from a Commonwealth viewpoint any future developments on the lease will only occur after proper consultation with the residents and will depend on them delivering sound benefits to the people.

Yours sincerely,


Senator Trish Crossin
6.11.09.

MINISTER FOR NATURAL RESOURCES,
ENVIRONMENT, AND HERITAGE



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minister.hampton@nt.gov.au

Dr William Day
PO Box 425
MAYLANDS WA 6931

Dear Dr Day

I refer to your letter dated 7 October 2009 outlining your concerns about concrete being poured into the earth dump at Minnamarama Park adjacent to the Kulaluk community.

I also note the concerns you raised about the leasing terms and arrangements for the area and that you have written to the Honourable Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs regarding these matters. Northern Territory Crown leases are considered by the Minister for Planning and Lands and I have therefore taken the liberty of referring your letter to the Hon Delia Lawrie, MLA for investigation by her Department.

In relation to your concerns about the dumping of cement (concrete), the stockpile is the result of a commercial arrangement between the developer and the Minnamarama Park community for the stockpiling of inert waste material from residential and commercial (hotel) development sites in the Darwin CBD. I am advised by the Department of Natural Resources, Environment, the Arts and Sport that mixed concrete does not pose a threat to the environment once dry.

The Department also advises that the stockpile contains soils / subsoils typical of the Darwin area, intermixed with some clay, sand and demolition waste, together with some cement pours. This is consistent with inert fill which is not considered to have an adverse effect on the environment. The stockpile area is considered to be stable and public access is restricted.

Yours sincerely

KARL HAMPTON

18 NOV 2009

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MINISTER FOR PLANNING AND LANDS



0 4 MAY 2006

Mr Bill Day
PO Box 419
TOM PRICE WA 6751

Dear Mr Day

B.D.

Thank you for your letter received on 7 April 2006, regarding the application by Gwalwa Daraniki Association for an exceptional development permit (EDP) to develop part Lot 5182, Town of Darwin for aquaculture (mud crab farm) within existing ponds.

On 9 March 2006, I approved the application by signing Exceptional Development Permit EDP05/0011, which was published in the NT Government Gazette on 22 March 2006.

While I respect your views, I can assure you that due process was followed in the approval of the application and that environmental issues were carefully considered. Notwithstanding your concerns, the project is an appropriate use of existing ponds which will contribute to the economic development of the local community. I wish the Gwalwa Daraniki Association every success in this venture.

Yours sincerely

CHRIS BURNS

For Wastes!



The applicant is receiving assistance from government agencies, the Charles Darwin University and the Darwin Aquaculture Centre in addressing the environmental and industry standards required for an aquaculture development.

The current application for an Exceptional Development Permit under the Act has been made on behalf of the Gwalwa Dariniki Association Inc as opposed to a private developer. The mud crab farm proposal involves the rehabilitation and upgrade of the existing ponds that were constructed as part of the now abandoned prawn farming venture.

With regard to the lease being excluded from the Larrakia Native Title claim, the issue of Crown Lease Perpetual No. 671 predates the application for a determination of native title. As such it is considered a previous exclusive possession act which has extinguished native title.

I would first point out that the purpose of the Kulaluk lease, Crown Lease Perpetual No. 671, is for the purposes consistent with the zoning of the land. The land within the lease is covered by several zones and most development requires consent under the *Planning Act* (the Act).

Your comments with regard to the development of Kulaluk have been noted and in particular your concern with the proposed mud crab farm venture.

Thank you for your letter of 26 August 2005, regarding the establishment of a mud crab business at Kulaluk.

Dear Dr Day

bcw

Dr Bill Day
PO Box 419
TOM PRICE WA 6751

15 NOV 2005

MINISTER FOR PLANNING AND LANDS



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The business venture for the mud crab farm is an initiative of the Kulaluk community and a progressive step towards establishing a potentially long term sustainable enterprise that could bring real opportunities for cross-cultural education, training and employment to the Kulaluk community.

If you require any further assistance please contact Ms Rebecca Fuller of the Department of Planning and Infrastructure on telephone 8999 7094.

Yours sincerely


CHRIS BURNS
15/11/2005



Terry Mills MLA

Leader of the Opposition



Postal: GPO Box 3700, Darwin NT 0801 Tel: 08 - 8901 4188 Fax: 08 - 8901 4192 Email: opposition.leader@nt.gov.au

Mr Bill Day
PO Box 425
MAYLANDS WA 6931

Dear Mr Day,

Thank you for your letter dated 9 October 2009, concerning the cement discarded at the back of the Halikos earth dump.

Can I say at the outset that the Country Liberals are interested in the long term beautification of the city of Darwin and the main approaches into the city – the Stuart Highway, Tiger Brennan Drive and of course Dick Ward Drive. It is our intention to launch a public conversation in an effort to better understand what it is that the residents of Darwin want in their city approaches.

I'm aware of the Halikos earth dump on Dick Ward Drive and acknowledge that there are aesthetic issues with the site. The onus is the leaseholders to maintain this area; however, it isn't unreasonable to assume that land such as this won't be used as an unsightly dumping ground.

I also note you point out the dump is designed to earn extra income for the leaseholders, which in my view is not a bad thing. While I would like to know precisely what will happen with the dump in the long term, I have no problem with the leaseholders exercising their right to earn revenue from their land within the terms of their lease.

If you have concerns about the nature of material being dumped at Minmarama, may I suggest you speak with the leaseholders and Halikos in an effort to determine what it contains.

You mention the Arafura Harbour project; I note there are some involved with the Gwalwa Daraniki Association who supported that development.

The Country Liberals gave conditional support to the project provided the proposal is subject to a wide rigorous assessment process. The Labor Government didn't allow this process to take place.

I thank you once again for your correspondence.

Yours sincerely,

TERRY MILLS

4 November 2009



Cult Sign / aha

26 May 2008

NICKY D'ANTOINE
Director, Land Administration



Yours sincerely

Should you require further information, please contact the Department's representative Mrs Janette Steele on telephone 8999 6499.

Daraniki Association.
Kulaluk, (Lot 8630 Town of Nightcliff), is held as a Crown Lease in Perpetuity by Gwalwa Daraniki Association Inc and therefore any proposals for future development will be required to be negotiated and agreed by the Lessee. For this purpose, you should contact Ms Helen Secretary who is the registered Public Officer of Gwalwa Daraniki Association.

I refer to your letter to the Minister for Planning and Lands dated 11th April 2008, together with the report detailing recommendation for a Kulaluk Wilderness, Heritage and Education Park. The Minister has requested me to respond.

Dear Mr. Day

Mr. William Day
Consulting Anthropologist
PO Box 425
MAYLANDS WA 6931

Your Ref: CLP671-5
Our Ref:

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38 Cavenagh Street
Darwin NT 0800
Postal GPO Box 1680
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Tel (08) 8999 6173
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Email nicky.d'antoinne@nt.gov.au

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DEPARTMENT OF
PLANNING AND INFRASTRUCTURE



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Your ref CLP1857

Dr William Day PhD
Consulting Anthropologist
PO Box 425
MAYLANDS WA 6931

Dear Dr Day

The Minister for Planning and Lands has forward to me your correspondence dated 11 July 2009, in which you raised concerns regarding the future of the Gwalwa Daraniki (Kulakuk) Crown lease and protection of the environment within the lease area.

Kulaluk (Lot 8630 Town of Nightcliff) is held as a Crown Lease in Perpetuity by Gwalwa Daraniki Association Inc. and any proposals for future development will be required to be negotiated and agreed to by the Minister for Planning and Lands.

Should you wish to discuss your concerns with the Association directly, you should contact Mrs Helen Secretary who is the registered Public Officer of Gwalwa Daraniki Association.

If you require further information from this Department please do not hesitate to contact Mrs Janette Steele, Senior Project Officer on 8999 6499.

Yours sincerely



Kirrily Chambers
Director Land Administration

12 August 2009

MINISTER FOR LANDS AND PLANNING



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Dr William Day
Consulting Anthropologist
PO Box 425
MAYLANDS WA 6931

Dear Dr Day

I refer to your letter dated 7 October 2009, to the Minister for Natural Resources, Environment and Heritage relating to concerns regarding the stockpiling occurring on land held by the Gwalwa Dariniki Association under a Crown Lease in Perpetuity. Your correspondence was subsequently referred to my predecessor for further investigation in relation to the Crown lease.

As you may be aware, the Crown Lease in Perpetuity is issued for purposes consistent with the zoning of the land. The area of the land which currently accommodates the stockpile of fill is within Zone CN (Conservation).

The Development Consent Authority (DCA) has resolved that it considers the stockpiling of fill is contrary to the purposes of Zone CN (Conservation) under the NT Planning Scheme and is progressing the issue of a Notice to Cease pursuant to the *Planning Act*.

As consistency with the zoning requirements is the test for compliance with the Crown lease, it is appropriate for the matter to be fully explored and determined under the *Planning Act* before any actions under the *Crown Lands Act* are considered.

If you require further information in relation to actions of the DCA, please contact Mr Doug Lesh, Manager Urban Planning of the Department of Lands and Planning on telephone 8999 7937.

Yours sincerely

GERRY MCCARTHY

- 1 APR 2010

PARLIAMENT HOUSE
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DARWIN NT 0800

MINISTER FOR LANDS AND PLANNING



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Dr Bill Day
PO BOX 425
MAYLANDS WA 6931

Dear Dr Day

Thank you for the copy of your letter of 7 October 2009 to the editor of the Northern Territory News.

Let me begin by saying that no land within the Kulaluk lease has been rezoned for light industrial purposes.

The Government is generally supportive of community based organisations being able to realise the economic value of their land to the best advantage of their members. To this end the Department of Lands and Planning is working with the Gwalwa Daraniki Association to review the land uses that could be undertaken within the Kulaluk lease. However, as you would be aware the lease is significantly constrained by tidal inundation and its proximity to the Darwin International Airport limits the area available and the types of activities that could be undertaken on the land.

I am cognizant of the need to balance development with the ongoing enhancement of the beauty of our tropical city and I thank you for your remarks.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Gerry McCarthy'.

GERRY MCCARTHY

17 DEC 2009



Kulaluk and Minmarama Park 'Developing a Mud-Crab Business' Shared Responsibility Agreement

Related Entries Published Resources Additional

Type: Shared Responsibility Agreement

Location: Darwin Harbour, Northern Territory, Australia

Summary Information: The Kulaluk and Minmarama Park 'Developing a Mud-Crab Business' Shared Responsibility Agreement (SRA) provides the foundations for a mud-crab business that can employ young people and develop business skills amongst Indigenous communities in Darwin Harbour. The business venture has commenced, with the purchase of crabs, the development of hatchery facilities and the preparation of a business plan. The SRA outlines the measures involved in ensuring the mud-crab business is sustainable.

Shared Responsibility Agreements are agreements between governments and Indigenous communities to provide discretionary funding in return for community obligations. The new arrangements developed from an initiative of the Council of Australian Governments and replace the previous ATSI system of funding. For more information see 'Shared Responsibility Agreement' below.

Subject Matter: Aquaculture | Collaboration / Partnership | Economic Development | Employment and Training

Details

URL: The home page for this entity is located at http://www.indigenous.gov.au/sra/nt/fact_sheets/nt06.pdf

Detailed Information: Purpose

The SRA focuses on the economic self-sufficiency of the Kulaluk and Minmarama Park communities. As part of this aim, the SRA will provide an employment future for young people in these communities. The technical support and facilities in the SRA are essential to fulfilling these purposes.

Shared Responsibilities

The Commonwealth government will provide both infrastructure and training for the SRA. With a contribution of \$450,000, the government will upgrade infrastructure and the mud-crab hatchery. Business, finance and training programs for the communities will be provided alongside job, training and work experience opportunities. There will be specialist aquaculture support, as well as a project officer to coordinate business development.



NORTHERN TERRITORY OF AUSTRALIA

Office of the Coroner

Our ref: D0195/2018
D0196/2018
D0197/2018

Dr William B Day
Consulting Anthropologist
PO Box 425
MAYLANDS WA 6931

Dear Dr Day

Re: Triple fatality House fire at the Kulaluk Community

I thank you for your interest and acknowledge receipt of your letter dated 22 November 2018.

Yours sincerely

Kate Proctor
Coroner's Clerk

27 November 2018

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From: Benedict Scambary <Benedict.Scambary@nt.gov.au>
Date: Mon, Nov 26, 2018 at 11:15 AM
Subject: Kulaluk lease
To: david percival <davidpercival51@gmail.com>
Dear David

My apologies for not acknowledging receipt of your initial correspondence. I can assure you that the Authority has looked into this matter in response to your complaint and other similar complaints about the same incident. I appreciate your concerns in relation to the clearing of fire breaks on the allotment and the impact that this may have had on flora and fauna.

However, I advise that in this instance the Authority has insufficient evidence to pursue any legal action under the Northern Territory Aboriginal Sacred Sites Act. The Authority does have a record of a sacred site in the vicinity of this allotment, however there are a number of interpretations of the features of this sacred site that constrain the ability of the Authority to progress the matter. In addition the likelihood that the works you highlight have been undertaken by the Gwalwa Daraniki Association whose members include custodians of the area is a limiting factor in any potential legal action.

Notwithstanding, the Authority is of the view that whilst the Gwalwa Daraniki Association is responsible for management of the area, continued dialogue between the GDA, Ludmilla Land Care group and the Northern Territory Government and the AAPA will result in better land management outcomes for the area.

I appreciate your raising this issue with the Authority, and if further information comes to light I will let you know.

Yours sincerely,

Dr Ben Scambary

Chief Executive Officer (CEO)

Aboriginal Areas Protection Authority

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