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## **TO WHO IT MAY CONCERN**

Re: Proposal to rezone part of Lot 5182, Town of Darwin and part Lot 8630, town of Nightcliff on Dick Ward Drive

As I am unable to attend the Reporting Body hearing to be held on 9<sup>th</sup> April, 2010, I have asked Ms Brigid Oulsnam to read a summary of my submissions opposing the Kulaluk rezoning. Previously I have submitted a number of objections to the rezoning, including copies of relevant histories, reports and other evidence. My understanding was that the objections to the proposed rezoning would become public, but apparently this is not the case. I am informed that the difference between the 'yellow sign' and the 'pink sign' is that in the former case, the hearing is held on behalf of the Minister for Lands and Planning who acts alone as the consent authority.

It was always my contention that the rezoning of Kulaluk land from Crown Lease in Perpetuity is a political matter, and that any change in the intention and purpose of the Kulaluk lease is a political rather than a bureaucratic procedural matter. If the rezoning goes ahead, the area will be levelled of vegetation and filled, in preparation for an industrial estate similar to that existing in Coconut Grove. It is difficult to see how this development could benefit the Darwin Aboriginal community.

As one who has been involved since 1971 I have submitted the following objections:

- Documents submitted by me in 2010 as evidence to the Senior Planner clearly prove that the intentions for creating the Kulaluk lease in negotiations from 1973 to 1979 were: (a) as compensation for the revoking of the old Bagot Aboriginal Reserve which extended from Totem Road to Ludmilla Creek; (b) a goodwill recognition of the Larrakia tribe's prior occupation; (c) preservation of urban bushland and foreshores of heritage, cultural and ecological importance to Aboriginal people and others.
- My essay, *The Carve Up of Aboriginal Land in Darwin* documents how the leaseholders, the Gwalwa Daraniki Association, have amended their constitution to limit membership to a 'minimum of five' in the interests of the small family group who live in the Kulaluk village

in Nightcliff and to the detriment of others with an interest in the Kulaluk land. In addition, my 1994 book, *Bunji: a story of the Gwalwa Daraniki Movement*, documents previous development proposals that suggest the leaseholders are not concerned by the wider community rights and interests in the land, except to use the lease for financial gain to the exclusion of others.

- My 2008 report, *Recommendations for a Kulaluk Wilderness, Heritage and Education Park* details a plan for the use of the Kulaluk lease in accordance with the original intentions. The report argues that the benefits of the social, religious, historical and cultural value of the lease for Aboriginal people and the wider community far outweigh any rent from industrial development. For example, grants are available for land-management programs that would employ many Aboriginal people.
- The *Land Use Field Study of the Kulaluk Area* commissioned by the Aboriginal Sacred Sites Protection Authority in 1983 documents the many ways that Aboriginal people in Darwin use the land and mangroves. A diagram shows access paths, in particular the track from Totem Road. Since 1983, many of these pathways have been blocked by development and signage. To allow light industrial development along Dickward Drive would 'strangle the lease' by further restricting access by Aboriginal people and others to so-called 'core areas'.
- As the rezoning proposal suggests, there are very few parts of the lease suitable for an interpretation centre, parking, staff facilities and similar sympathetically designed infrastructure needed to facilitate community use. The proposed light industry rezoning would severely inhibit plans for community developments on the Kulaluk lease by 'picking the eyes out' of the lease.
- The *Kulaluk Lease Area Land Development Study* by Holingsworth Consultants in 1985 established a continuing and self-fulfilling trend to view the Kulaluk lease as *terra nullius*, unused and unoccupied by indigenous people. The report also noted that: 'Concern was expressed by an officer of the Department of Lands that if this development was to proceed [on the Kulaluk lease], then the Department could expect to receive applications for commercial development from other Aboriginal communities on other lands leased for community or living purposes throughout the Territory.'

- Dickward Drive offers an opportunity for a unique entrance to Darwin, rather than a highway lined by car yards and light industry. The proposed rezoning would put an end to that opportunity.
- Documents submitted record the burial of over 200 Aboriginal people throughout the lease, and not just confined to the burial ground whose *pukamini* poles gave the name to Totem Road. The proposed industrial estate is close to the known burial ground and may contain graves.
- The area proposed contains a healthy stand of native vegetation as well as two large trees beside the track that may have heritage value. These trees were planted by Kulaluk residents during the land rights struggle.
- The report, *Management Objectives for East Point Reserve*, previously submitted, describes the Kulaluk lease as an integral part of the East Point ecology, and suggests that the two areas should be managed conjointly. Further alienation of the Kulaluk lease should not be considered until the above report is considered.
- The *NT News* columnist, Barry Doyle, has taken up the cause and presented three carefully reasoned articles on the Kulaluk rezoning proposal. Doyle's articles in 'The Good Oil' column, submitted as evidence, point out that the land was not granted under native title or the Land Rights Act and question the way that land reserved as a special purpose lease can be rezoned for a incompatible purpose such as light industry.

In conclusion, as the forty or more objections to the rezoning suggest, many concerned voting citizens have spent the best part of 12 months since the Arafura Harbour proposal working to preserve the Kulaluk lease from developments not in keeping with the original intention and purposes of what was originally granted as a 'needs claim' for Larrakia and associated Aboriginal people. For me personally, it has been a thirty-year calling. As in the case of Arafura Harbour, much heart-ache and time-consuming work could be avoided by some political courage to ensure that the Kulaluk lease will be used for all time in accordance with its intentions under a responsibly appointed Lands Trust. This would allow future direction planning and the commencement of genuine long-term employment schemes.

The founders could never envisage the area they fought to preserve being used as an industrial estate. For example they proudly ensured an additional provision in the original lease 'that no tree be destroyed'. As most of the founders have passed on, I and others like Mr Jack Phillips, Mr Rob Wesley-Smith and Mr Brain Manning, as survivors of the struggle, feel it is our responsibility to ensure that the vision of the founders is upheld.

In 1973 the final report of the Aboriginal Land Rights Commissioner, Judge A E Woodward, documented in detail the alienation of Aboriginal land in Darwin as a precautionary tale against the same thing being repeated in the future. I submit that the light industry estate will be of no benefit to the majority of Aboriginal people with an interest in the Kulaluk land, and will accelerate the process of alienation of land set aside for Aboriginal use in Darwin.

I thank Ms Brigid Ousnam who read this submission and pray that the Minister will give the sum total of my submissions the attention I believe that they deserve.

Yours sincerely,

Dr William B Day

Consulting Anthropologist

