

**William Bartlett Day**  
**Consulting Anthropologist**  
PO Box 425,  
Maylands WA 6931  
[williambday@bigpond.com](mailto:williambday@bigpond.com)  
Telephone: 08 9371 5010  
Mobile: 0408 946 942

Hon Peter Chandler  
The Minister for Lands, Planning and Environment  
Dept of Lands, Planning and Environment  
GPO Box  
Darwin NT 0801

Dear Mr Chandler

On 7 March 2014 the Minister for Lands, Planning and Environment, Peter Chandler approved the rezoning of Part Lot 5182 Town of Darwin and Part Lot 8630 Town of Nightcliff (95 and 213 Dick Ward Drive, Ludmilla and Coconut Grove) from Conservation to Light Industry. The area at the end of Totem Road is part of the 301 hectare Kulaluk Aboriginal lease held by the Gwalwa Daraniki Association. Mr Chandler gave the following reasons for his decision:

- the proposal SD44 will facilitate a zone that incorporates important measures to ensure that development on the land occurs in a manner that is consistent with Zone LI (Light Industry), however aims to address important development issues such as aircraft noise, public safety and Storm Surge; and
- the proposal is seen to contribute to a built environment supporting the economic development of the Territory promoting commercial, primary production and industrial diversity servicing community needs and export potential.

On 30 November 2010 the Minister for Lands, Planning and Environment, Gerry McCarthy rejected an application to rezone the same Part Lot 5182 Town of Darwin and Part Lot 8630 Town of Nightcliff from Conservation to Light Industry. McCarthy gave the following reasons for his decision:

- the Northern Territory Planning Scheme states that industrial development should not occur within a primary storm surge zone;
- there is no demonstrated need for additional light industrial land in this locality;
- the requirement for a 200 metre native vegetation buffer to the mangroves;
- when developing the land there will be a negative impact on the native vegetation; and

- there is no demonstrated benefit to the community or improved land use planning outcomes by the proposal

What has changed since McCarthy rejected the application after hearing submissions for concerned citizens and the Larrakia Nation Aboriginal Corporation? Could you please explain the process that has led to the overturning of the McCarthy decision?

If the Totem Road development goes ahead the area at the end of Totem Road will be levelled of vegetation and filled, to prepare for an industrial estate similar to that existing in the nearby Coconut Grove light industry area. There will be a narrow laneway between sheds providing access to the lease. It is difficult to see how this alienation of a conservation zone (CN) could benefit the Darwin Aboriginal community, for whom the land is held in trust. I strongly object to the rezoning for the following reasons:

- 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. According to Henderson's map (attached) the proposed industrial estate overlaps a known burial ground and is close to a well-recorded Aboriginal cemetery.
- 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 and educational programs that would employ many Aboriginal people.
- The proposed light industry rezoning would severely inhibit plans for community developments on the Kulaluk lease by continuing the trend of 'picking the eyes out' of the lease.
- Dick Ward 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 severely limit that opportunity.
- Ms Krimhilde Henderson's *Land Use Field Study of the Kulaluk Area* commissioned by the Aboriginal Sacred Sites Protection Authority in 1983 documented access paths to the lease used by Aboriginal people and others, in particular the track from Totem Road. This entrance to the lease is the only remaining all-year-round easy access now that many of these pathways have been blocked by development. To allow light industry development along Dick Ward Drive at the Totem Road entrance would 'strangle the lease' by further restricting access by Aboriginal people and others

to so-called 'core areas' that are environmentally significant, such as the beach and monsoon forest.

- According to the proposal map, the entrance into the lease from Totem Road would be via a laneway between industrial sheds. Instead of a unique bushland entrance, the blast remaining all-season entrance to the lease would be hidden behind industrial sheds – an opportunity lost forever.
- Contradictory to the Planit proposal, the rezoned area contains a healthy stand of native vegetation as well as two large trees beside the track that have heritage value. These trees were planted by Kulaluk residents during the land rights struggle in the 1970s.
- Documents submitted by me previously 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, assisted by their lawyer, Michael Chin, 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 who have an interest in the Kulaluk land. My essay, *Kulaluk and Land Rights*, also documents how the current leaseholders have mismanaged the land leased to them for community purposes. In addition, my 1994 book, *Bunji: a story of the Gwalwa Daraniki Movement*, documents previous development proposals that suggest the present clique of leaseholders are not concerned by the wider community rights and interests in the land or the environmental, historical and cultural reasons for setting aside the land, except to use the lease for financial gain to the exclusion of others.
- 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 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.'

- The report, *Management Objectives for East Point Reserve*, describes the Kulaluk lease as an integral part of the East Point ecology, and suggests that the two areas should be managed conjointly.

I and many concerned citizens have spent the best part of the last five years working to preserve the 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. 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'.

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 this process, however well-intentioned, 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 object strongly to the rezoning and look forward to an opportunity to present a case to the Development Consent Authority in the near future.

Yours sincerely

Dr Bill Day

25 March 2014