

Hearing before the Development Consent Authority at Novotel, Darwin

March 7, 2014

12.15pm

The official agenda:*

Subdivision of Lot 5182
Dick Ward Drive, Coconut Grove

An eyewitness account by Rob Inder-Smith (apologies for incomplete transcripts, and for not naming all speakers)

Proceedings were just warming up when Larrakia elder Donna Jackson attacked the lawyer representing the Gwalwa Daraniki Association, and several DCA panel members, shouting from the audience to its chairman Peter McQueen, ‘when was the last time you opposed an application?’

McQueen: We have (rejected) them before.

Donna: When?!

McQueen: I don’t recall. But this meeting is here blah blah . . .

The meeting began almost on time at 12.15pm with about 30 people attending – a huge effort, given the two weeks people had in which to lodge their objections to the proposed subdivision *and* read the voluminous report.

This was the CLP’s Department of Lands and Planning playing dirty pool at the outset and maybe trying to tell us all something.

Only after a protest by Planning Action Network (PLan) convener Margaret ‘the unflinching’ CLinch, did the department graciously extend that period by one week.

The Development Consent Authority panel consisted of Dave Hibbert, former CLP politician Grant Tambling, chairman Peter McQueen, secretary Margaret Macintyre, former deputy mayor Gary Lambert and Darwin City Councillor Robyn Knox.

Planit/Gwala Daraniki/Jape wanted approval for an application to subdivide Lot 5182, which was why we were all there (or so we thought).

Shaven-headed Chris (surname unknown) lawyer for the applicants began his spiel, outlining the grand plan, such that it is, trying to reassure everybody that all concerns involving traffic, noise, pollution etc were baseless.

The phrase, ‘after endorsement of the master plan’ was mentioned. Those words, ‘master plan’, were at the heart of a curious matter raised later by Margaret CLinch.

But first, Cindy (surname unknown) from Darwin City Council approached the bench with breaking news: DCC had ‘changed its position’ on the proposal.

‘(Council now) objects,’ Cindy said, adding that it ‘had several reasons’ for doing so. They pertained to the welfare of the environment, storm surge and the (new) requirement of a 50-metre buffer zone.

Erosion, sediment, storm water, signage, health issues and aircraft noise were mentioned in ensuing exchanges.

When Cindy raised the prospect of increased (motor car) traffic, Chris said: ‘We haven’t done a traffic impact assessment . . . (that) can’t be assessed.’

Cindy: Traffic controls need to be in place.

Cindy said DCC had changed its mind after its February 25 meeting (at which members of the Darwin Greenbelt Group spoke).

DCA member Robyn Knox began grilling Chris, describing the proposal as ‘not legal’ and ‘not responsible management of the land’.

‘More information used to be provided (with such applications) in the past,’ she said, to which Chris responded:

‘I can not speak of the past. I am just working on behalf of the lease holders.’

Ms Knox: I am concerned . . . I have two questions about ownership (of the Ludmilla block). What do you have to say about that?

(Exchanges)

McQueen asked if Chris's applicants were (Larrakia people). Chris produced a letter that he said was signed by 'Mark Motlop'.+

He told the panel the letter had no address.

Up the back, a woman shouted and then another . . . 'he's not Larrakia!'

'You're playing a game!'

The statement came from Larrakia elder Donna Jackson.

Either Donna or Audry Tilmouth: (Motlop) does not have a drop of Larrakia blood (in him)!

McQueen asked for the speaker's name.

Donna mentioned her 'grandmother and great grandmother', and was asked again for her name.

'It is difficult for me to listen to this,' she said.

'You're gonna give our land away *again!* You're the DCA. When was the last time you opposed an application?!'

Eventually, Donna gave her Aboriginal name but said she didn't recognise the authority of the DCA and began walking out of the hearing.

As she went, she told Chris that he would be hearing from her lawyers.

The topic moved on to electronic records which DCA secretary Margaret Macintyre said she had 'concerns' with.

They should be corrected, she said.

Before making her submission, Margaret CLinch told the panel that it had in the past asked why there were no Larrakia people present.

Margaret said that the (forbears) of Donna Jackson, who had been present earlier, were Larrakia.

Gary Lambert told Chris he had two issues with the 'master plan' that involved the word 'preserve' and its meaning (in the master plan). 'Amenity' was also discussed in the context of roads (built).

Chris responded.

Lambert: I think you have forgotten what I said.

Chris: (The development) won't affect the amenity of the area.

(Laughter).

Lambert raised his second point: a 'major problem' with 'road connections' and 'road networks'.

He said he had 'about eight per cent certainty, not 100 per cent certainty (about answers being given)'.

Chris: I'm not sure . . .

Dave Hibbert to Chris: Why at this stage are you going for a subdivision (SD37) rather than seeking a change of zoning?

Chris: I am not quite sure.

At 1.10pm, McQueen officially invited people who lodged submissions to speak.

First up was a New Zealand-born, Soshira/Sosheila Ajani(?): I was really disappointed at the (lack of) assessment services support (for local indigenous people).

'It was not online,' Ms Ajani said, and referred to the 14 days given to respond to the application (before the week's extension).

In a graceful sort of way, Ms Ajani was bitterly scathing of the whole submission and application process.

She compared it to NZ's, which Ms Ajani said was (superior).

'All this (is wrong),' she said.

'(It has) been wrongfully rezoned and is not viable use of the land.'

The long-term Darwinite said she had not met anybody (in the room) and that there was a lack of 'accessibility' for people.

She joked that if land were needed for such a development, why not (dig up) the golf course at the RAAF? ☺ Ms Ajani mentioned greed and pollution.

'You have to build a relationship with the indigenous of this country. Let them keep their dignity,' she said. '(This application) is a load of rubbish.'

Next up was Carolyn Marriett, also from PPlan: this is the site we want protected from development . . . the corner of Totem Road and Dick Ward Drive.

From the audience, Audry Tilmouth told the panel that she was from . . . the Retta Dixon Home and that as a child, she used to go hunting and gathering in the area.

And then along came Jones . . . slow talking Bill slow walking Bill (without his safety glasses ☺ - see 'Once more into the Breach').

Then came Jack Ellis: That's the first time in 30 years I have agreed with Bill.

Ellis said he was 20 years in the airforce and (worried) about the need for ear protection beneath an aeroplane flight path that was (about to become busier). He said that with the US planning to make Darwin a (hub) for its jet aircraft, it would 'not (be) possible for people to work safely in (the proposed industrial) area'.

The F35, which would be taking off regularly from the nearby RAAF base, was the 'noisiest thing that flies'.

He, too, raised concerns about increased traffic density, describing the proposal as 'nonsense'.

Next was Graham Kirby, a member of 'Wildcare' (?) and Charles Darwin University's Animal Ethics Committee (AEC).

He told us that you could not do anything to a tadpole without (consulting) the AEC. He described the proposal from (Halikos) which dumps 'hundreds of thousands of tonnes of waste' (now known as 'Minmarama Heights') as an 'insult'.

'The destruction will be lot by lot, habitat by habitat,' he said.

'We should avoid destruction in the first place. Hardcore . . . industrial development is lunacy.

'To do it in an urban environment is gross disregard for (people's) mental health.'

Simon Scally, an architect, asked that Planit be forced to show 'the people' what exactly was proposed and said the plan was 'almost insulting to this Authority'.

The proponents, he said, were putting the 'cart before the horse' and were 'disrespectful'.

Next came Margaret CLinch, who needs no introduction, other than to say that when it comes to planning matters in Darwin, overt or otherwise, she is the go-to person: the unflinching CLinch.

'I want to make some salient points,' she said and there began her wide-ranging submission.

'I was concerned with reference to amenities . . .'

On this gambit, she took Gary Lambert to task – 'contrary to what (he) said' – informing him that he was mistaken in his (interpretation of the word).

'There is *no housing* on SD 37,' Margaret said, emphasising that 'preserving of amenities' therefore related to adjoining (Ludmilla) residences and homes.

After one half-hearted protest, Lambert fell silent. At no stage did Margaret flinch.

Then came the curious matter of a phone call she made to the Lands and Planning Department and the one-word answer a male staffer had given.

Referring to the proposal, Margaret asked him: 'Is this the master plan?'

The answer was 'yes'.

Margaret said the man was 'a senior staff member'.

This point – about the master plan as opposed to a (mere) subdivision application – was important, and would be raised again later by long-term Ludmilla resident Nicole Kaye who, by the way, spoke at the DCC meeting of February 25.

Margaret said consultation and appropriate studies were 'intrinsically essential' and that it was 'absolutely vital that the lessee (GDA) . . . have the ability to manage the land'.

‘I have major concerns,’ she said, adding that she would ‘endorse Simon’ and recommend that the application be rejected. It would have ‘too big an impact’ and was ‘not of the average standard’.

Margaret, too, cited military aircraft noise and more lights along the existing flight path that would possibly confuse – ‘wrongly inform’ was her term – pilots coming in to land.

She described the plan as ‘absolutely ridiculous’ and an ‘appalling insult’. Of the prospect of Aboriginal bones being excavated, ‘it wouldn’t happen in a European cemetery’.

In conclusion, she said, ‘it beggars belief,’ even though she didn’t like using the term.

But it was the mystery she had laid open with that phone call that probably characterised the entire process to date.

The most succinct of answers has raised the question: what was the DCA really there for yesterday? Was it *acceptance of the master plan* that was on the agenda? Or was it the subordinate plan by a dishevelled group of money-grubbers applying to *subdivide* physically and spiritually precious land?

Even chairman McQueen looked surprised at her testimony.

To him (and the rest of the DCA) it was clearly the subdivision, not the master plan, which was what McQueen told Margaret.

But an air of suspicion lingers because of it, despite what he said.

Margaret recognises a shady deal to bulldoze anything, let alone the plan that would wipe out Lot 5182.

So when she says what she said, we can take it that something stinks in Denmark. Solemnly she told the hearing:

‘I have never had a situation like this before.’

Next, David Percival began with the introduction by (Halikos) of weeds and grasses, such as coffee bush, that would take over the 32ha block.

‘You can make an industrial . . . site without pollution,’ he said.

‘I asked in my submission that (the panel) look at the Youtube (film) of the Fitzer Drive . . . street forum.

‘Are you listening to me sir?’ he asked McQueen, who looked up and said he had not seen it.

‘(In the video) Helen Secretary threatened that she was going to pick up a stick . . . there was swearing.

‘This was the only consultation we ever had. (GDA lawyer Michael) Chin said . . . in the press that there was no swearing. I find this extremely disagreeable.’

Talking directly to McQueen, David said: I have been picking up (junk food) wrappers every morning for 20 years from my nature strip.’

Referring to a photo compendium he had passed to the panel, David said there was a picture of an arrow stuck in the fascia board of his home.

The development, he said, would create alley ways and ‘rat runs’ for criminals in an area where there were already (too many).

He said the boundaries encroached onto (each other) and that (Jape Home-maker Village) had a ‘poor record’ of land care.

‘Do we need it?’ David asked.

He suggested ‘some sort of park with native flora and fauna’.

Adding steel to his unambiguous submission, he said:

‘I think this (matter) has gone far enough.’

Justin Tutty said it should have been rejected ‘outright at the counter’.

‘It would be just wrong to give it approval,’ he said, before criticising ‘piecemeal’ assessments.

For 36 years Heidi Jatis said she had been watching the ‘destruction of the flora and fauna’ which had been ‘shocking and alarming’.

She mentioned the Darwin Greenbelt Group and said the land could be put to a ‘lot better purposes’ such as ecotourism.

‘People have changed,’ Heidi said.

‘They once didn’t oppose development. But now they do.’

‘It would be a crying shame (to destroy 5182).

‘Who wants to be remembered for making a bad decision?,’ she asked the panel.

‘I totally object to the proposal.’

Fiona Douglas spoke authoritatively on the flora, giving a brief history of her land-care group which had ‘stopped the spread of mimosa’.

She criticised the applicants’ plans for regrowth using Poinciana (flame trees).

In her submission Nicole Kaye reminded the hearing of Margaret’s phone call, further preserving the spectre of a dirty done-deal.

She told us she had lived in Europe for 10 years and that Darwin was unique to Australia.

‘All the most popular (European) cities are the ones with green belts,’ she said, adding that security guards had told her that (local) crime was ‘out of control’.

Of the 193 submissions received, she said only one was in favour of the subdivision.

‘The real Larrakia are frightened by GDA members. Can a rezoning be reversed?’

With growing affirmation, Nicole said the matter needed to be put into ‘the public arena’.

‘There are no wildlife corridors for the animals to flee when the bulldozers move in,’ she said.

‘There are a lot of nocturnal animals (living there). The developers have given no consideration to preserving the environment.’

Two more speakers followed. They echoed their comrades.

Then it was over . . . or was it?

The record shows that in a stunning climax, chairman McQueen then revisited the matter in which Bill Day had earlier questioned his authority to hear the application, given that he might well be biased, certainly against Bill, who tendered a damning letter to prove that that could very much be the case.

In an extraordinary twist, almost three hours after proceedings began, McQueen acceded to Bill’s request that he (stand himself down). Thirty-one years on, McQueen’s past had come back to haunt him and Bill Day had racked up one of the greatest victories of his life.

(See ‘Once more into the Breach’).

We were told the DCA would hand down its decision in two weeks.

Then the hearing ended.

* the unofficial agenda is still unknown.

+ If it’s Mark Motlop the footballer, he had an illustrious playing career and went on to coach Wanderers, Nightcliff and Southern Districts - author.

Rob Inder-Smith

Darwin

March, 2014.