

Darwin Development Consent Authority hearing March 7, 2014

<http://www.lands.nt.gov.au/planning/dca/dca-members>

Meeting held at The Novotel Atrium Hotel 100 The Esplanade, Darwin Northern Territory

<http://www.accorhotels.com/gb/hotel-1748-novotel-darwin-atrium/index.shtml>

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A personal commentary of the hearing by Rob Inder-Smith.

Chris presenting for Planit outlined the project. Then the Darwin City Council rep, Cindy, gave a surprise submission outlining reasons for an about face by the DCC who had originally supported the subdivision of Lot 4182. After several submissions, consulting anthropologist Dr Bill Day took his place at the table to outline his opposition to the planned subdivision of Lot 5182, Coconut Grove.

But rather than launching into his reasons, Bill came from left field, stunning the 30-odd people present by saying to chairman McQueen:

‘I would question the propriety of you chairing this meeting.’

Bill produced a letter dated the ninth of February, 1983, saying, ‘You represented the lawyers who wrote (this) letter of eviction against me.’

‘I want to know what authority (you have),’ Bill said.

‘As a result of this notice I asked GDA to produce their minutes. They were not able to show documentation (of the) AGM (that decided I should be evicted).’

He also questioned the authority of those who signed off Lot 5182 to Planit. The signatures were Helen Secretary and her daughter Michelle Nelson whose signatures were also on documents for the failed Kulaluk crab farm in 2006 and the Gwelo Caveat over two thirds of the lease. Bill presumed that the same pair also gave permission for the Halikos dump on Lot 5182.

Bill said that the amended GDA constitution allowed for “a minimum of 5 members” and it was “very convenient that (GDA lawyer) Michael Chin is not here.”

McQueen, who undoubtedly was taken aback by such an audacious request, said he would revisit the matter at the end of the hearing.

Bill continued: Planit says that if (Aboriginal) bones are uncovered . . . work will stop and that when the ground has not been disturbed, no doubt any graves will be covered by bitumen.

‘MacDonalds put in a car park without permission. I totally disagree (with the application). Planit’s statement which says there has been extensive consultation. I work for mining companies and we consult by holding group meetings with all interested groups. Planit has not talked with Larrakia Nation or Bagot community. Also Aboriginal people would not feel comfortable with the *charade* we have here.’

Referring to a letter tendered earlier by Gwalwa Daraniki/Planit lawyer Chris, Bill said: ‘I have done extensive Larrakia genealogies and I have never heard of Mark Motlop who signed the letter from LDC supporting the subdivision.’

Following on from what the Margaret Clinch had told the hearing, Bill said:

‘I totally agree that this is not a system conducive to Aboriginals (participating in the planning process).’

He said that the developers had valued the 32.5 hectares at \$800,000 while a similar sized block at Berrimah was valued at \$12,000,000. The developers would be getting a good deal and the (Abs) are being ‘ripped off big time’.

Bill: The chairman described the various stages of approvals. We lost the rezoning in June 2011 when Minister Gerry McCarthy approved the rezoning from conservation to light industrial. It’s been a war of attrition (and) each time . . . we are being pushed out of it.

I am sure the public would *really* (object) if the facts were known (of this) industrial sprawl from Coconut Grove to Ludmilla and the pollution that goes with it.

Mr McQueen said he would address Bill’s concerns at the end of the meeting, and he did.

As he was about to wrap up proceedings at 3.15pm, he raised Bill’s request that the chairman (stand down) as chair.

Bill: you tabled a letter (in 1983) acting on behalf of the (GDA and) asking me to (move). The GDA requested me to leave the area . . . John Waters (my lawyer) asked you to produce . . . minutes of the GDA AGM.

McQueen: I have no recollection (of the matter) . . . it couldn't have lasted (long).

Bill: It went on for a year.

McQueen: what was the nature (of the matter)?

Bill: Professional but threatening.

McQueen then read the letter he had written 31 years before, some of which follows (Bill has copies):
' . . . asking you to leave number (?) and inform you that you must remove yourself . . . within seven days (or) action will be taken . . . the purpose of this letter is to relocate (you). We don't want to use force and are anxious to avoid unpleasantness.'

McQueen: In view of your comments, I will be happy to stand down for the determination of the application. 'To that extent there is nothing precluding me from chairing the meeting as I have just done. It may be I am incorrect in my determination (to decide to stand myself down but) the meeting having been concluded (and) dealt with, I will (not) chair the DCA (in this matter again).'

He said the decision on Lot 5182 would be made by the rest of the DCA (now down to four voting members).

COMMENT

Having Peter McQueen step down surely was one of the most satisfying victories Bill Day has ever registered.

The tireless champion of Kululuk and Coconut Grove has notched up a few wins, but not many in recent times.

The fight to save what was once his home has gone on for more than 40 long years.

He weeps for the place: the last man standing in a campaign that has been fraught, heart-breaking and soul-destroying for far too long.

One balanda around at the time, one – Jack Phillips – is still alive to empathise.

But all the black comrades have passed on.

Betrayal flared up around Bill like the coffee bush that took over Kululuk after the Gwalwa Daraniki evicted him and took over its management.

Black and white jumped into bed together at the whiff of filthy lucre.

It was once said that Bill scaled a mountain.

That falls well short of the truth.

He has scaled ranges of colossal, rearing mountains of humanity rent and flayed, rejoicing at their peaks, and despairing in their cold, withering shadows.

Bill Day is one of humanity's heroes.

The karma that came back to ensnare the chair, Peter McQueen, yesterday, in the form of a black and white letter type-written and signed by himself 31 years before, was sublime to witness.

The decision by him to take no further part in matters relating to Lot 5182 was the explosive equivalent of a magistrate or judge standing themselves down in a criminal trial for bias or vested interest.

Whether or not the Development Consent Authority head was being honest when he first pleaded forgetfulness of his having evicted Bill all those years ago, it is fair to say that it would all be coming back to him today, given the out and out nasty tone of the letter and how the physical act of writing almost always leaves its indelible script on the memory for mnemonic recall many years later.

It also raises questions about what McQueen's companions on the DCA panel must have thought as Bill handed up the letter.

Talk about a smoking gun being turned back on the shooter!

And what of old soldiers Grant Tambling and Gary Lambert? They might have been mates with McQueen as far back as the 80s. Did they know anything about the letter when it was written?

Even pre-Facebook, the Internet etc, the grapevine would have ensured that Bill's plight, with its attendant ignominy, was no secret around a small town.

But only a few would have known about the act of cold bastardry that was the McQueen letter.

Bill said later that it wasn't the first time he had tried to get McQueen to detach himself from these proceedings. But he had always demanded evidence which at the time Bill never had.

Yesterday, the evidence was the hand-grenade exploding in his adversary's face.

As an occasionally unbiased observer, it was an honour and a pleasure to be present at the hearing for the parade of good and principled people who gave such stirring depositions to save a 10ha block of vacant land.

Dignity and pride radiated every time a speaker took their place at the table.

Passion filled the air.

Nobody was intimidated by the moment.

There was repetition.

But it was never double-up.

Theme and imagery was what recurred and both were used in a myriad different ways with metronomic fluidity to sheet home the message: do not let this happen.

The speakers might not have been Cicero (this was Darwin after all).

But their often simple oratory was powerful.

And succinct, too.

David Percival:

'This has gone far enough.'

Graham Kirby had no trouble with clarity:

'gross disregard for (people's) mental health', and 'destruction will be lot by lot, habitat by habitat'.

No question about the potential dodginess:

'I have never had a situation like this before' (Margaret 'the unflinching' Clinch).

Her statement alone was a bombshell.

With the one that preceded it by an hour or so – Bill's challenge to McQueen – it made the hearing highly newsworthy and in a real journalistic world, would have been given airtime and column centimeters in print.

So, too, Margaret's revelation about The Answer – the one provided by none other than the Department of Lands and Planning, in the curious matter of her phone call (See 'Hearingmarch').

In this respect, yesterday was better entertainment value than the performances of Michael Chin, who called McQueen a dickhead, and Fat Albert, who turned his hand into a giant five-legged spider, at the first hearing at the same place about a year ago.

Almost to a man, the submissions were compelling from start to finish. Not surprisingly, the adjectives flew: insult, nonsense, absolutely ridiculous, disrespectful, appalling, lunacy, shame, load of rubbish.

We've all heard of urban sprawl. Now Bill has introduced industrial sprawl into the lexicon.

What couldn't have been made clearer was the threat that exists and the highly dubious nature of its low-rent origins.

Serious questions hang over the proposal like a black cloud of duplicity and cowardice, the like of which should be anathema to a society professing to be democratic, and for which accountability and openness in such times should be the *de rigueur*.

That only one side new its subject inside out was embarrassing.

That the GDA lawyer left a half-hour before the hearing officially ended was a sign of the arrogance that has characterised the proponents.

His early walk-out raises its own questions: for instance, had he simply had enough ear-bashing and humiliation for one day?

Still others linger about why Michael Chin himself and the rest of the (crew) didn't show.

Before storming out of the hearing, Larrakia elder Donna Jackson cried out something and the angst and sorrow in her voice reverberated around the room:

‘You’re gunna give our land away *again*!

If ever a fight deserved to break the mould, this is the one.

Rob inder-Smith

Darwin

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