

13 April 2017

Minister for Environment and Natural Resources  
Hon Lauren J Moss MLA  
PO Box 40175  
Casuarina, NT 0811

Dear Ms Moss

**Re: The urgent need for an Inquiry into the administration of the Kulaluk Lease Area.**

It is regretful that the Northern Territory Labor Government has deferred their promise to set up an Independent Commission Against Corruption (ICAC). The need is urgent, as illustrated by the following pages listing the secret deals between developers and the incorporated association which holds the Crown Lease in Perpetuity for the 301ha Kulaluk Lease Area in suburban Darwin.

In my previous letters dated 22 March, 26 March and 4 April, 2017, I urged you to endorse the NT Heritage Council's recommendation to register the Kulaluk Lease Area. I suggested that the ex-Minister for Lands and Planning, David Tollner, held a conflict of interest when he vetoed the decision of his Council. My letters further produced evidence that questioned the internal affairs of the lease holding body, the Gwalwa Daraniki Association (GDA). My most recent letter of 4<sup>th</sup> April listed some possible health hazards at Minmarama Village on the Kulaluk Lease Area, including a land-fill dump and a construction-waste stockpile.

The Kulaluk lease was granted to the Gwalwa Daraniki Association in August, 1979, by the Everingham Government following the report and recommendations of the Interim Aboriginal Land Commissioner, Justice Dick Ward in 1975 and the Aboriginal Land Rights Commissioner, Justice A E Woodward in 1974.<sup>1</sup> Both Judges recommended that a Larrakia Trust be established to hold the lease, but in the haste to get approvals for the new connector road bisecting the proposed lease, the title was granted to the Gwalwa Daraniki Association Incorporated using the association's 1973 inclusive constitution. A copy of this original constitution is still held by the NT Incorporated Associations registry; however, the GDA constitution was amended in 2006 to severely limit membership of the lease holding association to members of an undefined clan, in a membership of "a minimum of 5, of

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<sup>1</sup> Ward, R 1975 *Kulaluk Land Claim: findings and report of the Interim Aboriginal Land Commissioner*. Darwin: IALC. Woodward A E 1974 *Final report of the Aboriginal Land Rights Commission*. Canberra: Australian Publishing Service. For more information see Day, W B 2010 *Kulaluk and Land Rights: how the spearhead of the land rights movement was appropriated*. Unpublished essay.

which half must be Aboriginal”.

The Kulaluk land is in a town area, so the claim did not come under the Land Rights Act (NT) 1976, although a Special Purpose Lease offered some safeguards. However, since the land was granted, there have been successions of secret financial deals made with developers which are not in keeping with the intentions of the land claim, as stated in the above Commissioners' reports and expressed by the Larrakia claimants, the majority of whose descendants strongly support the proposed heritage listing.

Very few details are known about the many secret deals now covering almost all the lease area, although the secret agreements (if found to be legal) would result in the alienation of the land indefinitely - in the case of the McDonald's lease, for 99 years. The sums of money offered to the leaseholders are publically known in only **two cases** – Roche Bros in 1980 and Redco Real Estate in 1981. Both are discussed below in some detail, including a copy of the letter from Roche Bros, offering 12 cents a metre for fill taken from the conservation lease granted to Aboriginal people. A transcript of a Special General Meeting of the Association called in 1981, attended by 70 people, reveals that Redco offered \$78,000 on condition of an agreement to construct a marina and canal housing estate on a section of the lease. In both these cases, the agreements were nullified after the payments were revealed. Since the 1980s nothing further is known of payments made to leaseholders for the alienation of community conservation land.<sup>2</sup>

The letters, transcripts and brief summary below raise serious questions about underhand payments made to the leaseholders of 301ha of community land that only a full and open inquiry can answer. If the Northern Territory cannot comply, I urge Federal action to protect the interests of the Larrakia people and the wider community in acknowledgement of the proven heritage values of this land won in the land rights struggle of the 1970s.

Yours sincerely

Dr William B Day

Consulting Anthropologist

Mobile 0472768654

CC: Nigel Scullion, NT News, ABC Darwin.

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<sup>2</sup> Alternative plans exist which would provide employment and educational opportunities to the benefit of the whole community and the conservation of a unique and priceless urban green belt. See Day, W B 2008 *Recommendations for a Kulaluk Wilderness, Heritage and Education Park: A last opportunity to be true to the vision of its founders?* Report to Larrakia Nation Aboriginal Corporation.

- 1980 **Roche Bros (SA) Pty Ltd** – a deal made to remove fill from the lease for 25c a metre.
- 1981 **Redco Real Estate** – an offer of \$78,000 to GDA to approve a canal housing estate and marina on part of the lease.
- 1996 **Vysrose AKA Citiland AKA Jape** – GDA sign a 99-year sublease to Vysrose
- 1996 **McDonald's Restaurants** – GDA sign a 99-year “under-lease” to McDonald's.
- 1998 **Planning Authority Development Permit DP97/0077**. Gwalwa Daraniki Association signs a 10-year sublease for a 5ha “Prawn farm” aquaculture project on the lease.
- 2005 **Gwalwa Daraniki Enterprises Mudla Crabs** “shared responsibility agreement” with Commonwealth and NT Government for an aquaculture project on site of failed prawn farm. Total approx \$2million.
- 2006 **GDA and Halikos** secret agreement to stockpile construction waste on the lease. Waste includes concrete pours and asbestos rubble. Deal brokered by Ernie Chin. Labor Minister in 2009 says “The stockpile is the result of a commercial arrangement...”
- 2006 December **GDA sign agreement with Planit Consulting** to act on leaseholders' behalf.
- 2009 **GDA sign a “non lapsing caveat” with the Director of Gwelo Investments Pty Ltd** for “Arafura Harbour” marina, canal housing, sea wall, rowing course and other proposals. “[On] 62 per cent of the land, the lease is held in perpetuity by the Aboriginal community,” Mr Voss said. “They are very much part of this as well” Undisclosed payments made.
- 2010 **Jape family** 'in partnership with the Gwalwa Daraniki Association' applies to rezone 23ha of the lease between Bagot Road and Dick Ward Drive.
- 2012 **Planit Consulting** applies for permit to store Halikos rubble stockpile for 15 years. Halikos managing director, Shane Dignan said Halikos would be using the rubble.
- 2010 & 2014 **Larrakia Development Corporation (LDC)** officers Greg Constantine and Mark Motlop make submissions in support of Kulaluk developments.
- 2014 **Ernie Chin's Dragon Lady Pty Ltd** commences clearing an area on the lease opposite Totem Road for a light industry subdivision.
- 2014 November. **Three die in unexplained Kulaluk house fire**. No coronial investigation has been sighted. One deceased's rings returned to her daughter in a sealed bag labelled, “Serious Crime Squad”.
- 2016 **Axiom Properties Limited** Media release, 15 February 2016, announces a 50/50 Joint Venture Agreement with Jape to develop a major retail project on the Kulaluk Lease. Statement says, “The Project is expected to commence in approximately 3 months.”
- 2015 **Report to Heritage Council by Dr David Ritchie** supports Larrakia Nation’s nomination of Kulaluk Lease Area for heritage register. NT News reports “ Lawyers representing property developers Axiom Group and the Jape family will prepare submissions arguing for the heritage declaration to be rescinded.”
- 2016 David Tollner vetoes decision by his Heritage Council to register Kulaluk Lease Area.

ROCHE BROS (S.A.) PTY. LTD.  
Excavation and Engineering  
Registered Office  
827 Port Road, Woodville, S.A. 5011  
Telephone  
45 7865

12 March 1980

President,  
Gwala [sic] Daraniki Association Inc.,  
Kulaluk,  
DARWIN, N.T. 5790

Attention : Bobby Secretary  
Albert Treeves [sic]

Dear Sirs,

Re : STOCKPILE KULALUK

We confirm your agreement to our request to provide filling from your land west of the new Fannie Bay – Nightcliff Connector Road and approximately opposite Fitzer Drive (chainage 2,300M to 2,700M on the new road).

It is understood we will leave the area excavated in a clean and tidy manner, free draining graded towards the sea.

We will pay your Association 25 cents per cubic metre for all material removed.  
Before commencing work we will have the area surveyed and again after completion so that quantities can be calculated.

This agreement is conditional on the Department of Transport & Works giving approval for the material to be used in the new road and allowing us to take it from your property.

We will pay a deposit of \$250 into your association Account before we commence work and the balance when the work is completed.

Approximately 6,000 to 8,000 cubic metres is expected to be required.

We trust this agreement will be to our mutual benefit.

Yours faithfully, ROCHE BROS (S.A.) PTY LTD  
(signed) R.F.BACON  
GENERAL MANAGER

# Roadmaker offers 25 cents a metre for Kulaluk

By Diana Plater

The STAR 27-03-1980 p.5

The people at Kulaluk are up in arms and this time it's about 'mining' on their land.

Two weeks ago some of the children saw machines owned by Roche Bros (SA) Pty. Ltd. digging up dirt on Kulaluk, near where the Fannie Bay-Nightcliff connector road is being built.

"They came down and said the machines were digging up our land."

tween the community and the government the government retained all rights to the minerals

He could not assure them he could not give them the right to stop the company taking filling from their land.

"We never realised dirt was minerals," another spokesman, for the association, Mr Fred Fogarty, said. "But I suppose these days gravel is valuable."

"We have spoken to Legal Aid who told us Roche Bros' agreement is illegal," Mr Day said.

licence last week but it had since been told it would not be granted one unless it could demonstrate that the application had the wholehearted support of the Kulaluk people.

So far the company had not come back to the government about the licence. But it had told the roads division of the Department of Transport that it was carrying out research as to where it could obtain other filling.



Bill Day and Fred Fogarty walk on the road that cuts across Kulaluk

## ROADMAKER OFFERS 25 CENTS A METRE FOR KULALUK.

*The Darwin Star*, 27 March 1980, page 5.

By Diana Plater (her article has been abbreviated)

The people of Kulaluk are up in arms and this time it's about 'mining' on their land.

Two weeks ago some of the children saw machines owned by Roche Bros (SA) Pty Ltd digging up dirt on Kulaluk, near where the Fannie Bay-Nightcliff connector road is being built.

"They came down and said the machines were digging up our land," a spokesman for the Gwalwa Daraniki Association, Mr Bill Day, said.

The contracting company had approached two members of the Association and asked them to sign an agreement. The agreement said the company would pay the Association 25 cents a metre for all material removed from land on Kulaluk west of the new road...

"Roche Brothers took the easy course," Mr Day said. "They would be paying 25 cents a metre whereas it would have cost them \$5 to cart it from somewhere else... When we heard we went back to all the people. Only two people signed the agreement. [Roche Bros] were working for two days before we got the Mines Branch to stop it... We have spoken to Legal Aid who told us Roche Brothers' agreement is illegal... They give land and then they come in and take it back," Mr Day said. "We're saying get your hands off Kulaluk once and for all."

In the meantime, according to the manager of Roche Bros, Mr M. Johnson, the company was "waiting for the gods."

"We approached the association and made a request," he said. "We entered into an agreement which other people have got involved in. If we don't get the filling from Kulaluk goodness knows where we'll get it from. We're only the contractors doing the job," Mr Johnson said.

A spokesman for the Minister for Transport and Works, Mr [Roger] Steele, said Roche Bros had been told to stop using filling from Kulaluk and to try to find filling somewhere else in the Darwin area. The spokesman said for the company to take filling from Kulaluk it would have needed an extraction license. The company applied for a licence last week but it had since been told it would not be granted one unless it could demonstrate that the application had the wholehearted support of the Kulaluk people.

## **CONNECTOR ROAD STARTING**

NT News, 18 July 1979.

Work is to start soon on the \$1.5 million Nightcliff-Fannie Bay connector road. Mr Steele said the 32-week contract had been awarded to Roche Bros (SA) Pty Ltd... The five kilometre two-lane road would have intersections at Fitzner Dr and Nadpur St and Bagot, and Douglas St at Ludmilla... The Minister said Larrakia people at Kulaluk had negotiated a deal with Roche Bros. And a project office and plant storage area would be leased from the community. He said there would be direct cash benefits to Larrakia from work like fencing and tree-planting.

## **EAST POINT SITE FOR CANAL ESTATE.**

The Darwin Star, Thursday, 26 March 1981, page 1 & 2.

Plans for a \$30 million canal housing estate have been announced in Darwin. The development, based around a huge saltwater lake, is planned on mangrove swamps around Ludmilla Creek and would stretch from East Point to the Fannie Bay racecourse.

Mr Gamble admits problems and costs involved in converting the mangrove swamps would be immense...

Some of the development area covers land now held by the East Point Reserve and the Gwalwa Daraniki Association's Kulaluk. Mr Gamble said close consultation was being kept with both groups as well as community groups... The main lake would cover 52 hectares (130 acres) and would be bordered on the seaward and northerly side by a landscaped bund wall.

## **Part-Transcript of a Special General Meeting of the Gwalwa Daraniki Association held at Kulaluk on 11<sup>th</sup> September 1981.**

Albert Treves: "I would like to welcome everybody. It is good to see everybody... it's amazing what you can do when you put it in the paper, everybody can hear what's going on here.

Now I'll just outline some of the things we will be talking about this morning. The important one is the Redco Real Estate development that's down the south end of the Kulaluk SPL – that's why we are all here mainly to talk about...

Right, now I am going to start off with Redco Real Estate development.

Just to put you a little bit into the picture of what has happened up to date, about 9 months ago Redco approached us about a development which they wanted to take place down on the south side of Ludmilla Creek - all that area of land belongs to the Government. The creek runs through that area of land [that] separates the Kulaluk SPL. Now I will just tell you how this SPL has been designed, or pegged out. The boundary of Kulaluk separates half the creek [mid-stream], half the creek belongs to Kulaluk and the other half belongs to the Government, anyway that's just ridiculous anyway.

Anyway Redco approached us about the creek which was important to their development they are talking about - they are talking about a canal development.

Now I think some people here have been down south, I've been there myself to Brisbane, if you have ever been down there you will find that they have got what they call canal developments. It's little creeks that run around houses and out to the ocean and so on. You can put your dinghy; you can hop out of your house backdoor you can jump into your boat and go to work virtually. That's what it is more or less. Now during this period of time Redco have changed their ideas about the whole creek about the development and everything, because the mud is about 50 metres deep it would cost them a fortune to do it like that.

Now they have turned around and they have said to us they would like to make a huge lake out of it and have houses, residential homes around this lake. Now we still get back to the fact the Redco asked us if we would like to be in this development, still taking about the creek, I've given some blokes a diagram

or map showing where this part of the creek they want to use is. Part of the creek is near the Dick Ward Drive...

Now I don't know, we have been struggling over this issue, it's pretty important, and I think there are lots of people here who want it to go ahead, and some people don't. Now, that's probably everybody here, people with brains we are talking about, we have been talking about doing something on the Aboriginal land, separating it, giving some of it to the Redco Real Estate to develop.

Everybody is going to be asking us what are we going to get out of it. I'll just give you a figure of what Redco have offered us and what, part of this area. It is around about one eighth of the SPL, an eighth of the whole of the land. In other words there is 850 odd acres, so that is taking an eighth, anybody who can understand figures, well that's it.

They have offered us \$78,000 compensation for this land, I suppose you can call it land, we can call it swamp. We can call it mangroves or whatever, it's not prime land we are talking about here, it's mangroves and part of the creek water, still Aboriginal land....

Now Doug Gamble comes up to me and says \$78,000. I worked that out, multiply that by how many residential blocks ... Now what would they pay for a block of land down there? Now that's just what I have been trying to point out to Redco Real Estate. Doug Gamble turns around and said to me, well you can either take this offer now of \$78,000 or wait till five until 10 years' time when we have finished development, and whatever we sell the blocks for they'll deduct the cost of developing the area for that block and whatever the profit is to Kulaluk in 10 years' time. But 10 years' time what is a block going to be worth? \$300,000? I saw on TV one time there was a block of land offered for \$1 million for one block. What's it going to be worth down here, anybody got any ideas about that?

Questioner: What would the government say if we began selling off or renting land like that, would they turn around and say, "Oi, look aboriginals don't want this land therefore we will take it back? What authority do you have to make these agreements?"

Albert Treves: Well I have no authority at all. We went ahead and talked to them, yes. Well, I think it's right, in a way, I think in those nine months everybody had heard what's going on down the other end anyway. You should know yourself, Bill. You put a lot of things in the paper yourself. [Note: this was the first time that members had heard that Redco was offering \$78, 000 for part of the lease adjoining Ludmilla Creek, an area widely used by Aboriginal people for fishing, crabbing and recreation – and a reason given for the original land claim. See report in "Bunji", October 1981].

### **CREEK DEVELOPMENT CONTROVERSY CONTINUES.**

NT News [?], mid-October, 1981.

Redco Real Estate's proposed canal housing estate near Kalalak [sic] is sure to be one of the main topics at the Gwalwa Daraniki Association's AGM in two weeks. The controversial plan was first put forward more than a year ago when an original development application was put into the Lands Department. Since there has been questions over whether the plan would take in Kalalak land or destroy the Kalalak Ludmilla Creek that plays a great part in the people's livelihood...

Redco Manager, Mr Doug Gamble said yesterday the company's plan did not include one square metre of Kalalak land. But he did say he had been having discussions with traditional owners from Kalalak for the past 18 months. "At no stage has there been any discussion of purchasing land off Kalalak: there were discussions of leasing land."

The June issue of local Aboriginal newspaper, "Bunji" carried an article titled "Kalalak Creek in Danger" and said Redco wanted to smash down mangroves and dig up the creek.

"Mr Gamble the manager of Redco says that some Kalalak people agreed to sell the creek. Our land is not for sale," the article concluded.

One Kalalak resident, Mr Bill Day said the Redco proposal had been discussed at an Association meeting in September. "The general theme was Aboriginal land for Aboriginal people," he said. Mr Day said the meeting

had been told that the company had offered \$78,000 for the land they wanted. Mr Gamble did not deny this figure, but said there had never been any discussion of buying land from the Kalalak people.

Loizou, John 1993 **“Big Theme Park planned for Darwin”** NT News 22 August 1993. “A huge commercial, tourism and leisure park is planned for Darwin. The site earmarked is at Kulaluk, vacant Aboriginal land bounded by Bagot Road and Dick Ward Drive ... the international food chain McDonalds has agreed to become a tenant and negotiations were being held with several other enterprises... It was lodged following the signing of an option for a long-term lease with the owner of the land, the Gwalwa Daraniki Association.”

Scott, Jason 1993 **“Second Big Mac gets Govt OK”** NT News 3 December, 1993. “A \$3 million McDonalds restaurant, the second for Darwin, was given the go-ahead yesterday. The restaurant will be built on Aboriginal land starting next year ... Vysrose has an agreement with landowners the Gwalwa Daraniki Association to develop the land.”

Beach, Cherie 1993 **“Developer in air war over theme park”** NT News 12 December 1993. “In a letter to [Industries and Development Minister] Mr Hatton, association president Helen Secretary said: 'It is rather evident that the uses of the land under the proposed rezoning will be far more suited to the site than the current uses permitted for development.' The approval of MacDonalods [sic] should set a precedent for the development of the Kululuk [sic] land, she said.”

January 1996 Gwalwa Daraniki Association signs a **99-year sublease to Vysrose Pty Ltd.**

February 1996, Gwalwa Daraniki Association signs a **Caveat (part only) to Citiland**. The directors of Citiland were listed in February 2006 as Tony Fu Chin Jape, Alan Fu Kung Jape, Kong Su Jape and Ernest Sue Wah Chin.

January 1996, Gwalwa Daraniki Association (GDA) sign a **99-year “Under-lease” to McDonald Properties (Australia)** expiring on July 6, 2094.

January 1998 **Planning Authority Development Permit DP97/0077**. Gwalwa Daraniki Association signs a 10-year sublease for the purpose of a 5ha “Prawn farm” on the lease. Item ten of a Schedule of Conditions states: “Upon cessation of the use, the area used for ponds shall be rehabilitated to the requirements and satisfaction of the Secretary, Department of Lands, Planning and Environment.”

2005. Commonwealth Government **Shared Responsibility Agreement (SRA)**. “...the foundations for a mud crab business that can employ young people and develop business skills amongst indigenous communities in Darwin harbour. The SRA provides \$450,000 for the conversion of the failed prawn farm to a crab farm by providing specialist aquaculture support as well as a project officer to coordinate business development... The SRA funding will be coordinated through Community Development Employment Projects (CDEP) and Structured Training and Employment Projects (STEP), for six aquaculture trainees and two administration trainees. Meanwhile, a steering committee made up of representatives from the Gwalwa Daraniki Association, Northern Territory and Federal Government agencies and the Charles Darwin University will oversee operation of the new development.”

2005 **“Kulaluk crab farm”** *Common Ground* July 2005, page 11. “Following years of negotiations with NT Government’s Department of Business, Industry and Resources Development (DBIRD), a new Indigenous owned and operated mud crab aquaculture venture is to be set up by the Gwalwa Daraniki Association (GDA) in Darwin. DBIRD plans to use the Kulaluk crab farm to create appropriate models for the commercial farming of mud crabs on Indigenous lands in regional and remote communities.”

Tlozek, Eric 2006 **“Aboriginal crab farm claws at own future”** NT News, 5 April 2006, page 5. “People from the Kulaluk community have developed a mud crab farm business on their land at Coconut Grove. The farm

using ponds from a failed prawn venture will produce its first sale-sized crabs in three weeks. Workers from the community have been developing the venture since August. The farm worth \$1.5 million is a joint venture between the NT Government and the Gwalwa Daraniki Association.”

**Exceptional Development Permit EDP05/0011 2006.** Labor NT Minister for Planning and Lands, Dr Chris Burns wrote “regarding the application by the 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.”

Costello, Peter 2006 **“Doorstop Interview, Kulaluk Mudla Farms”** Media Release, Darwin, Tuesday, 16 May 2006. Treasurer Peter Costello: “It is great to be here at the Mudla Crab Farm, to try what were the most delicious crabs I have ever eaten in my life and to see a project like this which is a real commercial project giving training, giving jobs, making a profit and providing for the local people an economic base and that is what I think indigenous affairs is going to be about in the future, real economic opportunity, real jobs, real investment and real businesses.”

2006 **Halikos stockpile.** Ritchie, David 2010 Letter to Margaret Clinch. “The stockpile of fill located at Lot 5182 Dick Ward Drive, Town of Darwin (Minmarama Estate) commenced in approximately November 2006. The placement of fill is understood to have originated through a private arrangement between the lessees (Gwalwa Daraniki) and a private construction company...” [Halikos].

Heasman, Michael P & H M Heasman and Associates 2007 **“Review of the Gwalwa Daraniki Enterprise (GDE) mud crab (Scylla serrata) pond farming project at Kulaluk, Darwin.”** “In November 2004, a two-year agreement was signed by the GDA and DPIFM’s Fisheries Group to jointly progress the project. It was intended that after this two year establishment phase, GDA would continue the operation as a fully commercial venture through the Gwalwa Daraniki Enterprises P/L (GDE) acting as Trustee for Mudla Farms Charitable & Benevolent Trust (ACN 114 704 666)... GDE wishes to establish a long-term sustainable aquaculture venture using a failed prawn farm facility located on their land at Kulaluk... The establishment and early operating costs of the project have been funded by a combination of monies and resources derived from the Northern Territory Government, the Federal Government, and the Gwalwa Daraniki people.”

9 March 2009, **Helen Secretary and Michelle Nelson sign a “non lapsing caveat” with the Director of Gwelo Investments Pty Ltd, Even Lynne.** The caveat is “the grantee of exclusive rights pursuant to an agreement between the Caveator [Gwelo] and the Registered Proprietor [Gwalwa Daraniki Association Inc, PO Box 746, Nightcliff, NT 0814] dated 15 December 2008.” The document states: “The caveator claims the estate or interest specified in the land described on the grounds set out and forbids the registration of any dealing affecting that estate or interest to the extent of the prohibition as specified during the period in which the caveat remains in force.”

Langford, Ben 2009 **“Landowners already cashing in on marina”** NT News 6 April 2009. “The Aboriginal association on whose property Darwin’s proposed new marina would be built has already begun receiving money for the use of their land. The Gwalwa Daraniki Association owns about 261ha [301ha] of land between east Point and Coconut Grove, of which 76ha is included in the development plans... The GDA’s lawyer Michael Chin advised on the deal but would not say how much money had changed hands... Mr Chin said the payments started this year. ‘A developer doesn’t go and prepare detailed plans unless they can get some commitment from the landowners,’ he said.” The Northern Territory News understands that if the development plan falls through the royalty payments will stop.”

Hampton, Karl 2009 **Letter from Minister for Natural Resources, Environment and Heritage, Karl Hampton to Bill Day**, 18 November 2009. “The stockpile is the result of a commercial arrangement between the developer and the Minmarama Park community [sic] for the stockpiling of inert waste material from residential and commercial (hotel) development sites in the Darwin CBD.”

ABC News, 2009, “**Marina could still float: developer**” ABC News Monday 25 May, 2009. “The developers behind the proposed Arafura Harbour mega marina in Darwin says the project could still go ahead. The developers had wanted to construct 1000 houses and a marina for 300 boats between East Point and Nightcliff, but the Territory Government has decided not to support the development... **'[On] 62 per cent of the land, the lease is held in perpetuity by the Aboriginal community,' Mr Voss said. 'They are very much part of this as well.'**”

Doyle, Barry 2010a “**Land Rights, Wrongs**” NT News, Thursday 4 February 2010, page 10. “Gwelo Developments still holds a caveat that it signed in early 2009 with the holders of the Kulaluk lease, the Gwalwa Daraniki Association. This caveat effectively gives Gwelo exclusive rights to future development of the Kulaluk land. [Bill] Day writes that a map filed with the caveat document shows that Gwelo's 'equitable interest in the land' applies to almost all the vacant land on the Kulaluk lease.”

Langford, Ben 2010a “**Aboriginal corp wants industry on their land**” NT News 22 February 2010. “An Aboriginal corporation wants a large proportion of conservation land rezoned for industrial development...The Gwalwa Daraniki Association, which has a perpetual lease over the land, has lodged the application to have the land rezoned from conservation to light industrial... The Northern Territory News understands the land is not part of the area under caveat from the failed Arafura Harbour development ... The application says the profits will be managed on trust. 'The Gwalwa Daraniki Association ... will co-ordinate an independent committee which will manage all proceeds in the form of a trust,' it says.”

Doyle, Barry 2010b “**Twisted laws of land**” NT News, Thursday, 8 April 2010. “So we have an indigenous association on land granted for specific uses decades ago, in effect excising part of that land for other uses and for commercial benefit.”

Langford, Ben 2010b “**DCA orders molehill made of dirt mountain**” NT News 15 April, page 3. “The NT News has seen a letter from Planning Minister Gerry McCarthy confirming the Development Consent Authority is issuing an order to stop the dumping. 'The DCA has resolved that it considers the stockpiling of fill is contrary to the purposes of Zone CN (conservation),' the minister wrote.”

Langford, Ben 2010c “**No one claiming big heap of rubble**” NT News 21 April 2010, page 7. “Mr [Ernie] Chin said developers Halikos had an agreement for depositing fill but did not think they would have to move it. 'I very much doubt it,' he said. 'They put it there under license from the Aboriginal people who were told they could do it.'”

Doyle, Barry 2010c “**Mugged in darkness**” NT News, Thursday, 22 April 2010, page 10. “The deal was reportedly brokered by real estate agent Ernie Chin. He would be well advised to consult with a lawyer who has done extensive *pro bono* work with the [GDA], one Michael Chin.”

Langford, Ben 2010d “**Rezoning on cards: developers target 51ha of prime suburban land**” NT News 10 May 2010, page 4. “A large area of Aboriginal land may be rezoned to build an industrial estate and several blocks of units...The application is likely to spark a battle, as the Kulaluk lease was granted to Aboriginal people after a long land rights battle more than three decades ago.”

Langford, Ben 2010e “**Rezoning bid from Jape clan: 23ha prime land up for grabs**” NT News 11 May 2010, page 4. “One of Darwin's best-known developer families is behind a proposal to develop bush land near the city... It concerns 23ha of land between Ludmilla and Coconut Grove, between Bagot Road and Dick Ward Drive. The Jape family is involved through their company Citiland. They are **in partnership with the Gwalwa Daraniki Association** – which holds the perpetual lease over the Kulaluk land.”

Doyle, Barry 2010c “**Rich stench spreads**” NT News, Thursday 13 May 2010, page 16. “Recently, the GDA – with the help of some pretty smart lawyers – rewrote its constitution to fundamentally change its role from

guardians of the land to managers. To over-simplify, this gives the association room to take part in the commercial development of the land, via partnerships or sub-leases, and pocket the gains. The GDA's role is now more that of landlords or joint property developer than trustees of the land for various property developers.”

22 July, 2010, **DCA hearing for rezoning of Gunabibi ceremony site** on Kulaluk lease. James Gaykamangu opposed the rezoning. Greg Constantine, the CEO of the Larrakia Development Corporation, who presented a late submission in favour of the rezoning suggested that Mr Gaykamangu’s evidence was irrelevant because he is a Yolngu man, and not Larrakia or a member of the Gwalwa Daraniki Association.

Byrne, Connor 2012a **“Shops planned for scrub”** NT News 1 August, 2012, page 23. “An Aboriginal organisation wants to build an industrial and commercial park for sports, furniture, hardware and electrical stores on bushland on the outskirts of Darwin city. The rezoned land, behind McDonald's in Ludmilla, is held under a long-term Crown lease by the Gwalwa Daraniki Association, who want to build with developers, Citiland.”

Byrne, Connor 2012b **“Industry in the park: Residents fight Ludmilla plan”** NT News, 1 October 2012, page 7. “Residents of Ludmilla are outraged over the plan ... The project aims to provide 'sustainable employment and income for members of the Gwalwa Daraniki Association', the development master plan states.”

Byrne, Connor 2012c **“Heat around the bush: anger at community meeting”** NT News 4 October, 2012, page 4. “Residents say they felt threatened after a community meeting – intended to oppose an industrial development on suburban Darwin bushland - got heated. The gathering turned when the development's supporters turned up, they said. But the Gwalwa Daraniki Association, which holds a peppercorn lease on the land, wants to capitalise on the land and provide money and jobs for its 160 members.”

Bevege, Alison 2013 **“Trouble with the rubble”** NT News 17 April 2013, page 23. “Approval has been sought for a series of outlaw rubble hills more than six years after they were installed in a Darwin suburb ... The Gwalwa Daraniki Association has a perpetual lease over the Conservation zoned land. Spokesman Michael Chin said they asked for approval in 2006 and were told there was no need to ask for permission ... Gwalwa [Daraniki] wants the fill to stay and Planit [Consulting] has applied for permit to store the piles for 15 years. But it is the builders Halikos Group that own the fill. Managing director, Shane Dignan said they would be using the rubble.”

Vangopoulos, Katina 2014 **“Asbestos found at Darwin dump”** NT News 6 March 2014, page 7. “Anthropologist Dr Bill Day – who took a sample for testings – said chrysotile asbestos, which is found in insulation, was evident at the Ludmilla Heights dumping site on Dick Ward Drive ... 'The stockpile was established on land granted to Aboriginal people as a conservation zone,' he said.”

**7 March 2014, DCA Hearing**, Mr Chris Cheung of Planit Consulting reads a letter from Mark Motlop of the Larrakia Development Corporation supporting the Citiland/Jape application to create 6 Lots.

Hansard, **Question in Parliament by Ken Vowles MLA**, Wednesday 14 May 2014: “Darwin residents woke on the morning of 4 May this year to read a NT News report of the clearing of this land and Larrakia action to protest that work. The clearing of land that has long been regarded as land set aside for conservation. Clearing of land denied by the then Minister in in 2010 because of the status of the land as a conservation zone and storm surge constraints on land development. Clearing of land that is known to include the burials of Larrakia and other Aboriginal people, potentially hundreds of burials ... The land in question is held by the Gwalwa Daraniki Association, a local Aboriginal Association representing the residents of Kulaluk and Minmarama Park. It is important that people remember that this land grant, via a lease in perpetuity, was intended as land grant to the Larrakia in recognition of their long standing traditional ownership and occupation of land and seas in the Darwin region...”

Sinclair, Corey 2014 **“Protesters slam clearing of sacred land as money grab”** NT News, 4 May 2014, page 5. “Larrakia families and supporters have taken to the streets to protest against the development of a suspected burial site and conservation area in Ludmilla...The land is part of the 301-hectare Kululuk Crown Lease handed back to the Larrakia people ... in 1979... It has been revealed the plans for the land are to subdivide it into 13 different lots for light industry.”

Walsh, Christopher 2014 **“Double duty under fire”** NT News Thursday 31 July 2014. “The new head of the Territory's land development approval body, former chief minister Denis Burke, is registered as a lobbyist for major Darwin developer the Halikos Group... Mr Burke was announced as the chair of the Development Consent Authority yesterday with an annual salary of \$136,000. He will have final say over which development projects get approval across the NT.”

Sunday Territorian 2014 **“Two dead, one hurt in Kululuk house fire”** Sunday Territorian, 2 November 2014, pages 1 and 2.

Palin, Megan 2014 **“A third body in burnt out house”** NT News, 3 November 2014, page 3. “A third person has been found dead after a fire engulfed a home in the Kululuk [sic] community in Coconut Grove on Saturday night. Two people – one aged 29 and the other 50 – were pronounced dead at the site on Saturday night with a third body found yesterday morning, according to police. Another person, 33, is critically injured and has been transported to Royal Adelaide Hospital for treatment.”

Butt, Phillipa 2016 **“Darwin will be home for me always”** Sunday Territorian 28 February 2016, page 5. “He lost three family members in a house fire, suffered burns to 40 per cent of his body, and was in Royal Adelaide Hospital for more than a year, but Tim Turtell is determined to keep Darwin his home. The 35-year-old was sleeping in a house in the Kululuk community in Coconut Grove when it caught fire in late 2014... 'I get angry all the time, especially when I think about the fire and why wasn't there any help,' Mr Thurtell said.”

Day, Bill 2016 **“Answers needed”** Letter to NT News, 17 March 2016. “Letters to the NT News by Howard Young (14/03/16) and others have queried how it was that three people died in a Nightcliff house fire, while a fourth person received horrific burns. Following the publication of my letter (NT News, 22/01/16), I received a heartfelt plea for help from a grieving family. Until recently they knew little more than their mother's rings were returned by police forensics in a plastic sealed bag labelled 'Biological hazard – Serious Crime Squad.’”

Axiom Properties Limited 2016 **“ASX Announcement”** Media release, 15 February 2016. “Axiom Properties Ltd is pleased to announce it has entered into a 50/50 Joint Venture Agreement with a prominent local Northern Territory family to develop a major retail project on Bagot Rd, Ludmilla. Under the terms of the deal announced today, Axiom will be responsible for delivering on the expected 4100 million, multi-stage project that will incorporate a sub-regional, supermarket-based shopping centre and specialty tenancies as well as associated fast-food pad sites and convenience retail outlets...the 17.1 hectares of land is zoned SD37 (Specific Use Zone Darwin No. 37) and is capable of incorporating in excess of 50,000 sq.m of retail areas. The land is secured under a long term lease structure with the NT Government, administered through the Gwalwa Daraniki Association... The Project is expected to commence following satisfaction of Axiom's Due Diligence in approximately 3 months.”

Dunlop, Craig 2016a **“Dismay over burial site fate”** Darwin Sun, Tuesday 23 February, 2016, page 3. “A proposed \$100 million shopping centre in Ludmilla is 'deeply offensive' and would be built on top of an unknown number of buried bodies, critics say... The Gwalwa Daraniki Association holds a Crown Lease in Perpetuity on the land, but subleased it to the Jape family after changes were made to the association's constitution, allowing just five of the association's members to make the land deal... In a release to the Australian Securities Exchange, Axiom said a development would likely resemble their Churchill Centre shopping precinct in Adelaide, which features a Coles, Costco and Kmart.”

Dunlop, Craig 2016b **“Heritage decision looms for Kululuk”** Sunday Territorian, 6 March 2016, page 10.

“The Sunday Territorian understands lawyers representing property developers Axiom Group and the Jape family will prepare submissions arguing for the heritage declaration to be rescinded, in a last-ditch attempt to allow development on the land...Environment Defender's Office NT senior lawyer David Morris, who has been advising indigenous support agency Larrakia Nation on the issue, said his clients were concerned the Crown Lease holders – Gwalwa Daraniki Association – had not administered the lease how it was originally intended.

**BELOW: Supporting documents:**

Register	Volume	Folio	Location	Lot Description	Plan	Unit
CT	727	022	Town of Darwin Town of Nightcliff	Lot 5182 Lot 8630	S 77/093B S 77/093A	

CAVEATOR (PERSON LODGING CAVEAT)	Name:	Gwelo Investments Pty Ltd
	Address for the service of Notices:	PO Box 2816 Darwin NT 0801 <i>hatched PP.</i>
ESTATE OR INTEREST CLAIMED	An equitable interest in the land in respect of that part of the land <del>delineated</del> in black on the attached plan and comprising Areas A, B and C	
GROUND'S OF CLAIM	As the grantee of exclusive rights pursuant to an agreement between the Caveator and the Registered Proprietor dated 15 December 2008	
REGISTERED INTERESTS AFFECTED	Instrument No:	
EXTENT OF PROHIBITION	Absolutely	
OWNERS	Name:	Gwalwa Daraniki Association Inc
	Address:	PO Box 746 NIGHTCLIFF NT 0810
OTHER PARTIES	Name:	
	Address:	

BASIS OF LODGEMENT (tick one)	BY REGISTERED OWNER	WITH THE CONSENT OF THE REGISTERED OWNER	COPY OF COURT ORDER DEPOSITED	OTHER THAN PURSUANT TO PART 7 DIVISION 2 OF THE LAND TITLES ACT.
	<input checked="" type="checkbox"/> <i>PP.</i>	<input checked="" type="checkbox"/> <i>PP.</i>	<input type="checkbox"/>	<input type="checkbox"/>

The Common Seal of Gwalwa Daraniki Association Inc Was affixed on (Date) <i>6.3.09</i>	SIGNED by the Caveator in accordance with s.127 Corporations Act on (Date) <i>9.3.09</i>
In the presence of: <i>Helen Secretan</i> Signature HELEN SECRETAN Print name and position <i>Michelle Nelson</i> Signature MICHELLE NELSON, SECRETARY Print name and position	By: <i>Even Lynne</i> Even Lynne

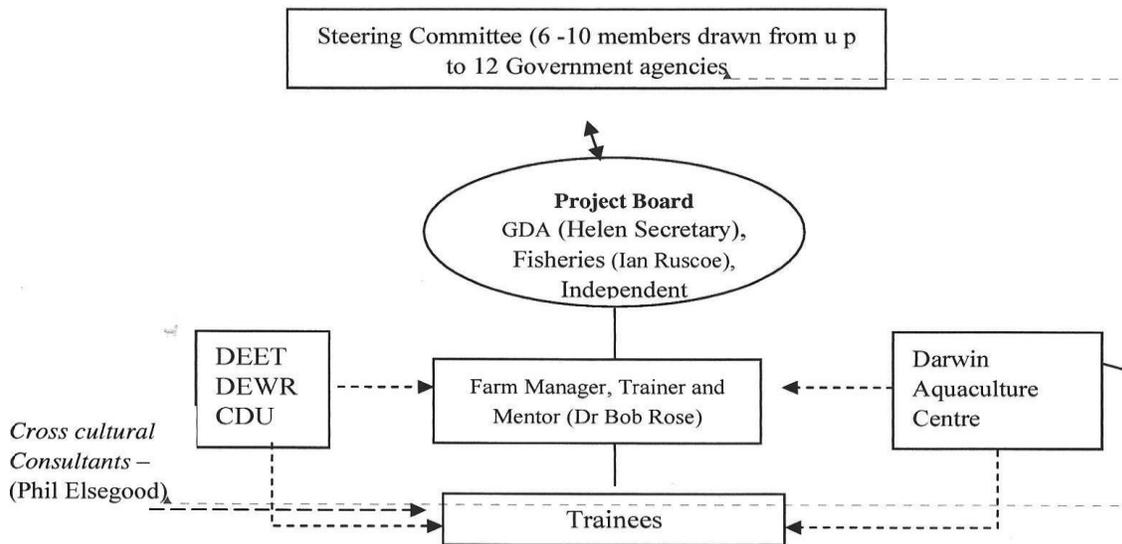
**Below: A signed agreement with Dragon Lady Pty Ltd and Planit Consulting for a light industry subdivision on the lease and a diagram of agencies involved in the failed crab farm on the lease:**

We also understand that, as a result of this application, stormwater from the Specific Use Zone (SD44) subdivided land will be discharged onto the adjoining Lots which are in our ownership. This letter is to confirm that we, the Gwalwa Daraniki Association, as legal owners of the adjoining land have no objection to stormwater being discharged onto land at Part 5182 (213) Dick ward Drive, Town of Darwin and Part Lot 8630 (95) Dick Ward Drive, Town of Nightcliff.

*Helen Secretary*

*16/2/15*

Helen Secretary (Director)  
Gwalwa Daraniki Association



**Figure 3** Organisational structure of the Mudla Mud crab farming project at Kulaluk (Source – adapted from chart provided in Business plan, Appendix 1)

*Gwalwa Daraniki Association Inc*  
PO Box 746, Nightcliff NT 0814  
Phone: 08 89855399  
Facsimile: 08 89485429  
gwalwadaraniki@bigpond.com

12 December 2006

PLANIT Consulting  
PO Box 1623  
Kingscliff NSW 2487

Attention: Mr Adam Smith

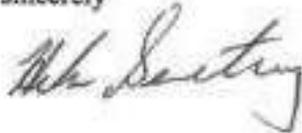
Dear Mr Smith

**Lot 5182 Town of Darwin & Lot 8630 Town of Nightcliff – Development Applications**

The purpose of this letter is to confirm that PLANIT Consulting is hereby authorised by the Gwalwa Daraniki Association Inc, to lodge development applications and to obtain information and negotiate on behalf of the Association with relevant Northern Territory Government authorities in relation to development of the Association's land at Lot 5182 Town of Darwin and Lot 8630 Town of Nightcliff.

This authority is granted until such time as the authority is withdrawn by notice in writing to PLANIT Consulting or to relevant Northern Territory Government authorities.

Yours sincerely



Helen Secretary  
Chairperson