

Objections to proposed filling of Totem Road rezoned area Part Lot 8630 & Part Lot 5182 Gwalwa Daraniki Association Pty Ltd Dragon Lady Pty Ltd (Ernie Chin) Kulaluk 10 September 2014

Anthony Brennan

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Arnhemica House,
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Dear Tony

Re: Objections to proposed filling of Totem Road rezoned area Part Lot 8630 & Part Lot 5182 Preliminary plans submitted by “Gwalwa Daraniki Association Pty Ltd” and advertised on the Department of Lands, Planning and Environment website show that the land cleared by Dragon Lady Pty Ltd (Ernie Chin) on the Kulaluk lease opposite Totem Road is proposed to be filled and compacted to a height of almost two metres above the present level.

You state that the final date for objections is September 18th, 2014, but this month the Heritage Council is due to meet to consider an application to register the whole of the Kulaluk lease as a heritage site. No approvals should be considered until the decision of the Heritage Council is known.

The plans of the “Gwalwa Daraniki Association Pty Ltd” also indicate that a 1 in 4 supporting slope of fill extends at least 6 metres beyond what is shown as the “Property boundary”. Presumably this “property” is the area rezoned by Minister Peter Chandler on 7 March 2014. Also presumably the depth of compacted fill is required because the land is below the storm surge contour – which incidentally was the reason Minister Gerry McCarthy refused the application to rezone this land on 30 November 2010.

Please refer to my previous objections to the rezoning of this land, which is part of a lease granted to Larrakia and associated Aboriginal people for community use, zoned CN (Conservation). In my several previous submissions I emphasised that the area adjoins a registered Aboriginal burial ground and that burials are known to extend beyond the known boundaries as far as the old Retta Dixon Home on Totem Road (Totem Road gets its name from the pukamani poles that marked graves).

The significance of this area is confirmed by a map prepared for the Environment Defenders Office by the Aboriginal Areas Protection Authority (AAPA) on 2 May, 2014, showing “extent of burials” within a restricted work area overlapping the land cleared in May 2014, and now proposed to be filled and compacted according to the recent submission by “Gwalwa Daraniki Association Pty Ltd”.

Apparently authority to clear an Aboriginal site was given by a Larrakia person who is also an office bearer of the Gwalwa Daraniki Association. At the time, we objected that this was a conflict of interest. Now that the new maps show the “Gwalwa Daraniki Association Pty Ltd” to be the applicants, this conflict of interest becomes even more blatant.

The filling and compacting of the site adds insult to injury, as do the heaps of woodchips left on the site by Mr Chin. To dump builder's rubble and other fill on top of a burial site is disrespectful, against Aboriginal culture and environmentally destructive, not to mention issues of drainage, access and unanswered questions as to where this fill is going to come from, possibly from the nearby Halikos illegal waste dump on the Kulaluk lease, a dump which contains asbestos and other unknown materials.

The slopes of 1 in 4 will extend the affected area further into the restricted zone marked on the AAPA map. How is it that the boundaries of the area for development have been extended well beyond the rezoned area? Surely there must be an application to disturb this area as well?

There remains a possibility of ground penetrating radar being used to identify the graves, but obviously this will not be possible if the level is raised two metres by dumping and compacting fill. In addition, at present natural regrowth is occurring on the cleared land, but similarly this would not be possible if the level is raised two metres by dumping and compacting fill.

The question as to the identity of “Gwalwa Daraniki Association Pty Ltd” and their relationship to Dragon Lady Pty Ltd is also relevant. As previously pointed out, the constitution of the leaseholders, the Gwalwa Daraniki Association, was changed in 2006 and signed off by Michael Chin to restrict membership to “no less than 5, of which at least half must be Aboriginal” and to have lived in the Kulaluk community for 12 months, as well as being members of a named but undefined clan.

I urge you to reject this application and let it be known that we will be calling for an inquiry into the whole sorry affair.

Yours sincerely

Dr William B Day