

BACKGROUND BRIEF 14a

TABLED DOCUMENT

Committee: EstimatesDate: 6.10Date: 12.6.14Submission No. 1Signed: [Signature]

TITLE:

LAND CLEARING AT KULALUK

OUTPUT GROUP: LAND DEVELOPMENT

KEY ISSUES

- In March 2013 the Gwalwa Daraniki Association, as holders of the Crown Lease in Perpetuity 671 over Lots 5182 and 8630 Town of Darwin, applied to rezone a portion of the land from CN – Conservation to Specific Use.
- Following formal public exhibition and consultation required under the *Planning Act*, the land was rezoned to SD 44 – Specific Use Darwin No. 44 on 26 March 2014.
- The purpose of the SD44 zone is to provide for light industrial development that addresses the effects of primary storm surge, and preserves the safety and maintains the operation of the Darwin International Airport.
- As part of the rezoning process, the Developer obtained a Certificate from the Aboriginal Areas Protection Authority (AAPA) which identified a small area within the site as a registered sacred site, and a larger area where AAPA advised there was a “strong likelihood” of the existence of Aboriginal burials.
- The Developer was advised of the possible existence of areas of Aboriginal burials within the subject land, and the need to take into account the presence of these areas, as it is an offence under the *Heritage Act* to disturb these areas without authorisation.
- On Thursday 1 May 2014, clearing commenced on the land. A development permit was not required for this work.
- The Planning Action Network, the Environmental Defenders Office, and several Traditional Owners not associated with the Gwalwa Daraniki Association contacted the Department of Lands, Planning and the Environment to express their concern about the land clearing.
- Departmental officers inspected the site on Friday 2 May 2014 and noted that the sacred site had not been disturbed by the land clearing.
- The Developer did not, as required, refer the land clearing action to the NT Environment Protection Authority (EPA) for consideration under the *Environmental Assessment Act*.

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- Development of the site will require referral of a Notice of Intent as defined in the NT EPA's Environmental Assessment Guidelines.
- An application seeking to fill the land to facilitate future development of the site for light industrial purposes was recently lodged with the Development Consent Authority (DCA) for consideration.
- The fill application is on exhibition for two weeks from 6 June - 20 June 2014 seeking public comment in relation to the proposal.
- The issue of the possible existence of burial sites on the land will be taken into account as part of the application process.
- No approval can be granted by the DCA until all required assessments under the Environmental Assessment Act are completed.

ADDITIONAL INFORMATION

- On 1 May 2014, the Director of Development Assessment Services advised the developer that he should confirm with the EPA that the clearing would not trigger any type of assessment under the Environmental Assessment Act.
- On Saturday 3 May 2014, Larrakia families and supporters staged a protest on the land against the land clearing and future development of the site.