Quotes from “Living on the edge | Northern Territory Town Camps Review - KULALUK”

P. 872:

**Resident consultation and visioning statement**

**This is a summary of the outcome of the consultation process with local residents about the place, space and interface, including the resident’s vision for the Town Camp. This is a direct community narrative, completed in the Town Camps visioning process which does not necessarily reflect the technical and governance data captured in this report.**

**Place**

Kulaluk retains a unique place in the history of Indigenous land rights within Darwin. In the late 1960s and early 1970s a number of important National events encouraged local Aboriginal people to campaign for greater recognition of their cultural disconnection to country. Kulaluk evolved as the focus of this action.

Born from a combination of dramatic actions comprising; public demonstrations, including a number of violent protests resulting in criminal charges being laid, and road blockages, the Aboriginal people of Darwin and their local supporters demanded that the plight of the Traditional Owners of Darwin be recognised. It is also the story of an Indigenous family group who, by the early 1970’s, were considered the last of the Larrakia people still living on traditional lands in Darwin. Their extended families resided across Darwin harbour, at Belyuen, moving back and forth between the two locations.

The original camp of Kulaluk, located south east of what was then the Paspalis’ drive-in theatre (now redeveloped, separately, as a residential subdivision known as Sunset Cove and a Woolworths anchored shopping centre) was situated on a portion of land approximately 1.7 hectares in size comprising a waterhole of special significance to a small group of Larrakia Aboriginal people. The land was intended for residential and foraging purposes. The land in question was already being accessed by people from Bagot and had several small transient campsites along the small tidal creek that is bridged by Dick Ward Drive, and at the mouth of Ludmilla Creek.

The Kulaluk Special Purpose Lease that was granted to Gwalwa Daraniki Association, stretches along the coastline from Nightcliff to Fannie Bay, bordered by Fitzer Drive, Bagot and Totem Roads, dissected by Dick Ward Drive. Much of the lease was considered to offer little value because of tidal inundation, though it allows the current residents to hunt and fish along the intertidal zone. The majority of the non-tidal affected land was in the flight path for Darwin Airport and as such was considered to have little value. With changing attitudes to development under flight paths some areas, are now considered to have the potential for both residential and commercial development. This is reflected by various commercial ventures and proposed developments which include; several iterations of the Evan Lynn/Hans Voss led mixed use marina; commercial and residential proposals, land fill storage; light industrial subdivision; and prawn or mud crab farms.

There are two groups at Kulaluk: those who live within the original camp site and those who live at Minmarama located within the major portion of the Kulaluk Lease closer to Bagot Community. The residents at Kulaluk are mostly members of the [FAMILY NAME REDACTED] some from the Tiwi Islands where the family has strong family ties. The residents at Minmarama are more diverse. The [FAMILY NAME REDACTED] women central to the early fight for land, has lived on the Kulaluk lease since its [P. 873] creation.[NAME REDACTED] is a strong vocal woman who has worked for the residents through the [NAME REDACTED] for more than [REDACTED]. She has been a strong advocate for economic development on the lease and has come under some criticism for her independent views. There is a strong desire among the members of Gwalwa Daraniki Association to hold their rights against all those people who, over the years, have tried to gain hold of the Kulaluk lease. When the lease was originally granted it had a cultural value, and a historical value, but in the past 40 years it has developed a significant financial value and an opportunity for Gwalwa Daraniki Association to become an independent Aboriginal organisation. Some of those who were involved in the original fight for Kulaluk do not support any development on the land.

P. 888: The water network does not comply with relevant standards as the diameter of the water main is too small. Furthermore, the capacity of the existing water main is insufficient. It is recommended that the network is upgraded to a DN150 PVC water main, to comply with relevant standards. Water usage is proposed to be measured with a bulk water meter located at the community boundary.

Additionally, residential lot water meters should be installed on the connection to each dwelling which will assist with bill distribution to residents and identifying any leaks in the internal network.

It is recommended that the roads are upgraded to two lane roads with footpaths and stormwater drainage, including kerbs and gutters, side entry pits, underground pipes, and culverts where required.

The community structures in Kulaluk consisted of a playground and basketball court, both of which were in good condition and only require minor maintenance and tidying up.

P. 889: Hygiene and cleanliness of the residences were identified as a significant issue in the inspected houses. The conditions are unsanitary and are likely to manifest in any number of health problems.

Smoke alarms

Of the houses surveyed internally in Kulaluk, 4 were identified as having nonserviceable smoke alarms.

P. 892: Yilli Rreung Housing Aboriginal Corporation acts as the property manager and enters into tenancy agreements with Town Camp residents. Yilli Rreung has no authority or legal basis to evict residents for breaches of the tenancy agreements.

Yilli Rreung Housing Aboriginal Corporation issues rental statements to residents on a per house basis every 6 months, on request or when tenant is in arrears.

Payments of rent are made primarily through Centrelink deductions (approximately 80% of tenants pay via this method). In other cases rent can be collected via cash payments, EFT payments, basic card payments and direct deposit.

Yilli Rreung Housing Aboriginal Corporation struggles to get contributions from the Kulaluk Town Camp. Rental arrears are substantially higher for Kulaluk than other Town Camps where Yilli Rreung acts as the service provider.

The Kulaluk Special Purpose Lease that was granted to Gwalwa Daraniki Association, stretches along the coastline from Nightcliff to Fannie Bay, bordered by Fitzer Drive, Bagot and Totem Roads, dissected by Dick Ward Drive. Much of the lease was considered to offer little value due to tidal inundation, cyclone and storm surge zones and the restriction of certain forms of development due to the Darwin airport flight path restrictions though it allows the current residents to hunt and fish along the intertidal zone. The Minmarama Park Community was a signatory to the Kulaluk and Minmarama Park Shared Responsibility Agreement, as at January 2005, for the purpose of ‘Developing a Mud-Crab Business’. Some of the workers on this project lived at Minmarama and worked on the project as CDEP (working for the dole) participants for 2 years. Other areas of the lease, have potential for either residential or commercial development. While Minmarama residents will have the opportunity to participate in any commercial development on the site they are not decision makers. They do not speak for Kulaluk.

P.872: There are two groups at Kulaluk: those who live within the original camp site and those who live at Minmarama located within the major portion of the Kulaluk Lease closer to Bagot Community. The residents at Kulaluk are mostly members of the [FAMILY NAME REDACTED] some from the Tiwi Islands where the family has strong family ties. The residents at Minmarama are more diverse.

The [NAME REDACTED] women central to the early fight for land, has lived on the Kulaluk lease since its [p.873] creation. [NAME REDACTED] is a strong vocal woman who has worked for the residents through the [FAMILY NAME REDACTED] for more than [REDACTED]. She has been a strong advocate for economic development on the lease and has come under some criticism for her independent views. There is a strong desire among the members of Gwalwa Daraniki Association to hold their rights against all those people who, over the years, have tried to gain hold of the Kulaluk lease. When the lease was originally granted it had a cultural value, and a historical value, but in the past 40 years it has developed a significant financial value and an opportunity for Gwalwa Daraniki Association to become an independent Aboriginal organisation. Some of those who were involved in the original fight for Kulaluk do not support any development on the land.

The community has a basketball court that was constructed over 20 years ago and no money has been spent on it since. The fence needs fixing, it needs a shade cloth over it so that people can use it during the day, even for community meetings, and it needs proper lights so that it can be used at night. The community generally needs better lighting. The roads are broken up and it is dangerous walking around at night.

One of the observations from long-term residents is how much the beach has changed over the years. There is almost no sand at all now and the mangroves have taken over making access difficult. People remember walking along the beach “in the old days” but say you can’t do that now.

Space

Given that Kulaluk community, located close to the original fresh water spring, has for a long time been associated with the [FAMILY NAME REDACTED] it is not surprising to currently find that the housing allocation continues to be overseen by them. Priority is given to family members but also to those who have cared for community elders who have resided there over the years. Minmarama Park, also controlled through Gwalwa Daraniki Association, exists to offer the opportunity to eligible Aboriginal people who aren’t otherwise close family relations, the opportunity to access public housing in an alternative living space. This component of the Kulaluk residential portfolio appears to follow the more traditional governance structure of property management, which is undertaken by Yilli Rreung Housing Aboriginal Corporation (Yilli Housing).

The stock of housing at Kulaluk, much of which was constructed in the early 1980’s and added to in the 1990’s, is generally in poor condition throughout. Reflective of an under-resourced repair and maintenance regime; coastal location with years of salt spray driven by wet season storms; and past questionable decision making by Darwin City Council around storm water drainage in which the stormwater flow from higher surrounding suburbs were allowed to discharge across the Kulaluk lease without adequate drainage, has resulted in housing that shows severe signs of subsiding foundations and water inundation during heavy rains resulting in potentially irreparable damage. The major problems were poor water pressure, faulty wiring and ceiling fans not working, leaking roofs, broken fences and out of control weeds. One resident reported a strong chlorine smell in the water with white flakes floating in it. She says she was sick after drinking water from the tap. Some of the houses are in such poor condition that renovation may not be viable. They may need demolition and a rebuild on the lot. Most of the houses though probably structurally sound were internally almost impossible to clean and maintain, and according to residents, made life hard.

P.874: Accordingly, the current housing management organisation, Yilli Housing, are faced with increasingly expensive maintenance costs. Often Yilli Housing are accused of being too slow to respond to requests for maintenance citing lack of funds. A common refrain is “we call Yilli but they say they don’t have the money to fix things”. Our conversations with community members regarding this matter anecdotally indicates rental arrears strongly correlates with the time period taken to address maintenance matters. We do note, however, that dangerous or sanitary matters are dealt with in a timely manner. Current overcrowding appears to be a matter of a lack of appropriate housing options, rather than an issue of unchecked family visitors, and is currently not considered an issue as in recent times family or visitors have regularly been moved on.

Overcrowding due to particular seasonal activities or cultural factors are the exception. [NAME REDACTED] through the force of her personality, seems able to prevent overcrowding issues spiralling out of control. Though she has strong views about what should happen at Kulaluk these views are driven by a very strong emotional and cultural attachment to place and space.

Interface

The opportunities of Kulaluk’s urban location appear to be being squandered from a mainstream perspective. Proximity to amenities and services means that residents can access alcohol and drugs easily, and some do. With a high percentage of residents not employed full-time, and relying on some form of welfare assistance, those who are employed indicate they work for businesses within the immediate locale, and a further limited number are completing short study courses to assist with potential employment opportunities. During community consultations, it has been observed that many of the residents, however, are adept to walking in two worlds.

Over the years,[NAME REDACTED] developed an extensive network of business people that are keen to work with Gwalwa Daraniki Association, and over decades has sought guidance and counsel from politicians of the day and their advisors, with mixed results. She assures us that such representations will continue as she is keenly aware of the dynamics of the major stakeholders which effect positive change, or otherwise, for her community.

Past endeavours, by Gwalwa Daraniki Association, to enhance Indigenous employment opportunities for community members includes commercial ventures with a local Indigenous man to part lease the Kulaluk SPL to develop a prawn farm, and an agreement with Fisheries to trial growing of mud crabs within the inter tidal zone of the lease in partnership with Tropical Aquaculture Australia. Neither venture was successful. The first was a matter of inadequate pond size and poor management. The second also suffered from a lack of room to expand as well as poor funding delivery, the declaration of a Mangrove Conservation Zone over the inter tidal area of the part lease soon after commencement of the businesses, and the requirement by Government funding bodies that local residents from Minmarama and Kulaluk were to be employed on CDEP (working for the dole).

Most residents indicate a variety of shopping is undertaken within the Nightcliff locale, particularly from the Woolworths shopping complex, with some residents indicating Casuarina Shopping Centre and Bunnings as additional destinations.

None of the residents have taken the opportunity the weekly Nightcliff Markets might offer for a small business opportunity and none of the respondents new anyone from Kulaluk that had a legitimate business. One resident Knew an Aboriginal person who had his own business. Shifting patterns of benefit [P.875] payments whether it be ‘work for the dole’ programmes or other welfare arrangements have served to confuse recipients, often leaving them discouraged. This coupled with poor housing options, and the ever-present issue of substance misuse, has resulted in a high degree of collective apathy and mistrust within the community about interaction with the wider mainstream culture. The combined efforts of both vocal and visible leadership efforts over an extended period of time, by the community matriarch, is reflected in the acknowledgement by the community of her leadership.

Vision

Given their perception of the historically unsatisfactory relationships with various NTG and Commonwealth service agencies it is not surprising that there is a strong desire to disconnect from the control of “government” and to go it alone. The current community management does not see Yilli Housing as the solution to their housing problems. The current leadership of the Kulaluk community, sees their future lies in achieving their goals of financial and social sustainability by leveraging the strength of their lease holdings to underpin an income stream for the community and thus reduce its dependency on welfare. This long term strategic business plan appears to be soundly based provided applications for lease variations are granted.

Gwalwa Daraniki Association has Commercial In Confidence plans that they are happy to communicate with the team but not to release for this project.

[SECTION REDACTED]

Given the recent period of its futures’ uncertainty is passing, a myriad of challenges now face the Gwalwa Daraniki Association as it puts in place administrative and governance frameworks in order to secure external stakeholder financial interest. Furthermore, balancing the short-term goal of major investment to increase housing stock, improving housing quality and community amenity with creating sustainable long term employment, cultural and lifestyle opportunities both within the community and beyond its boundaries is going to require the community to understand the vision of the current leadership and support changes by being active contributors.

The primary vision at Kulaluk is for new houses to reduce the overcrowding, but more importantly to relocate people who are currently living in houses that appear to detrimental to their health and well-being. The available space is limited and will need to consider the tidal surges that may occur in a major storm event. Many of the residents asked for elevated homes so this might help deal with issues of temporary inundation. In the current community living space there is room for about 10 houses/dwellings but most of the available space is not serviced. The area under consideration by the community used to be a salt water swamp filled at high tide or during previous flood events.

A rise in sea level may see this area become water logged and unsuitable for housing development.

P.876:

1. Crown Lease in Perpetuity 671

Search certificate lists the following dealings:

·Notice of commencement of proceedings by the Caveator (871757) (Date Registered: 5 October 2016, Dealing No.: 876452)

·Lapsing Caveat ECPH Pty Ltd

-Part expiring 06 October 2016 (Date Registered: 6 July 2016, Dealing No.: 871757)

·Caveat Citiland Corporation Pty Ltd (Date Registered: 1 September 2015, Dealing No.: 855536)

·Caveat Gwelo Investments Pty Ltd (Date Registered: 9 March 2009, Dealing No.: 694568)

·Statutory Notice Prescribed Property (Date Registered: 16 September 1996, Dealing No.: 360053)

·Under lease to McDonalds Properties (Australia) P/l –part expiring 6 July 2094 (345691) (Date Registered: 17 January 1996, Dealing No.: 345692)

·Sub lease to Vysrose Pty. Ltd. Part expiring 7 July 2094 (Date Registered: 17 January 1996, Dealing No.: 345691)

9. Memorandum for Purposes of Statutory Restrictions Notice (Date Lodged: 16 September 1996, Date Registered: 16 September 1996, Dealing No. 360053)

Provides notice of statutory authority restriction per s 26A (Prescribed Property)

Associations Incorporation Act for Lot 5182 Town of Darwin from plan(s) S 77/093B and Lot 8630 Town of Nightcliff from plan(s) S 77/093A Volume 454, Folio 100).

P. 889:

**Housing**

**Introduction**

Kulaluk was surveyed on the 7th and 8th of November 2016. All 19 funded dwellings9 identified by the client were identified on site. 14 houses were surveyed.

**Current state of play**

**Housing summary and condition**

The housing stock varied in age from 5 to over 20 years old. While 43% of the houses were considered a very good standard, 57% were considered average and below. This rating does not take into account the cleanliness of the residences and it doesn’t mean they comply with the residential tenancy act. The 5 of the houses have been constructed in blockwork. The other houses are framed structures on a concrete slab with sheet metal roofing material.

**Urgent and immediate issues**

Refer to the individual housing reports in the appendices for evident WHS or OHS issues and urgent and immediate repair issues. When urgent and immediate issues were identified during an inspection, tenants were advised to raise the issues with the relevant service provider.

Hygiene and cleanliness of the residences were identified as a significant issue in the inspected houses. The conditions are unsanitary and are likely to manifest in any number of health problems.

**Smoke alarms**

Of the houses surveyed internally in Kulaluk, 4 were identified as having non-serviceable smoke alarms.

**Flooding**

Anecdotally none of the houses in Kulaluk are said to flood.

**Visitors**

Of the dwellings to which we were permitted to access, 4 had a range of 1 to 5 visitors. The residence with 5 visitors was a 1-bedroom home with 1 permanent resident, resulting in 6 people per room and 6 people per toilet which would present significant strain on the amenities.

**Overcrowding**

The surveys revealed that overcrowding is a result of transient populations and not the permanent residents that exist within the Town Camp.

**Amenities**

A snap shot of the community shows that on average there is 1.2 residents per bedroom and 2.1 per toilet. The Individual house analysis shows a maximum recorded occupancy of 3 people per room and maximum of 3 people per toilet. These would generally be considered suitable however during periods of high visitation these values would differ.

P.890:

Of the residents recorded, 3 were listed as having disabilities living in 3 separate houses. Only 1 of the houses was recorded as having a ramp and 1 also had grab rails.

**Asbestos**

As some of houses were reported to be over 20 years old the presence of asbestos is likely.

**Security**

Of the houses we gained access to, 4 of the houses did not have serviceable doors and 7 did not have serviceable windows. 7 of the houses at Kulaluk had fences that range from very poor to good condition.

**Recommended Works**

Although 79% of the houses in Kulaluk are of average and very good condition the cleanliness of the properties presents as a serious concern from a health and wellbeing perspective. 21% are considered very poor and poor and it is proposed that all existing housing stock be refurbished or renovated to meet the standards of the Residential Tenancy Act. Once the houses have been brought to standards a maintenance plan needs to be implemented to prevent the standards from dropping below an acceptable limit.

The estimated cost to upgrade the current housing assets in Kalaluk to meet the standards of the Residential Tenancy Act, is $1,894,321. This includes margins, adjustments and GST. Refer to Appendix C for the complete costing report.

**Asbestos recommendations**

We highly recommend that a specific asbestos inspections be performed to ensure the safety of residents.

P. 892:

|  |
| --- |
| There is a strong local governance by the leaseholder Gwalwa Daraniki Association Incorporation who have strong visions for the lease. While the strong governance has assisted in developing commercial connections there are still quite a number of issues with the participation of residents and the quality of housing.  Yilli Rreung Housing Aboriginal Corporation currently provides tenancy management and repairs and maintenance to the Town Camp.  This governance structure is characterised by confusion and unnecessary complication that does not afford residents the ability to control their own space and the assets located within the Town Camp. It is recommended that the leasing structure be simplified by empowering Town Camps residents to take control of their own space through the formulation of a regional body representative of the Town Camps residents. This can enable the design and implementation of sustainable maintenance programs.  It would then be appropriate for this regional body to use the funding to employ service providers that provide tenancy management, repairs, maintenance, municipal services and essential services. All of the governance and service providers need to have a clear connection to the local communities in order for them to be effective.  It is recommended there is the creation of a Central NT Government Division which assists with advice and the distribution of government funding to the regional body. The Central Division would provide support, oversight and governance for the regional body.  For detailed rationale and recommendations see the Governance section of the report. |

P. 896:

MINMARAMA

Resident consultation and visioning statement

This is a summary of the outcome of the consultation process with local residents about the place, space and interface, including the resident’s vision for the Town Camp. This is a direct community narrative, completed in the Town Camps visioning process which does not necessarily reflect the technical and governance data captured in this report.

Place

There are two distinct community groups within the Kulaluk Special Purpose Lease; those who live within the original camp site situated on a portion of land approximately 1.7 hectares in size comprising a waterhole of special significance, located south east of what was then the Paspalis’ drive-in theatre, and those who live at Minmarama Park located within the major portion of the Kulaluk Lease closer to Bagot Community.

Originally the site of the Darwin City Council operated land fill dump during the early 1970’s, subsequent questions of rehabilitation of the old dump were asked during the 1975 Kulaluk land claim hearings by the Interim Aboriginal Land Commissioner Judge Dick Ward. The location of the current Minmarama Park site was initially earmarked as the site for redevelopment of several sporting fields. These plans were abandoned, replaced with the intention to redevelop to a ‘transients’ camp upon remediation of the site in the mid 1980’s. At the time it was used by various groups who had temporary camps in the mangroves and along the saltwater creek that is bridged by Dick Ward Drive. Faced with vocal community opposition based on the grounds of antisocial behaviour, health and litter issues these plans were abandoned. Once remediation was undertaken by way of capping the site with tonnes of clean fill in order to build up the site, construction of the first of three stages of what is now Minmarama Park began. Stage 1 commenced in 1987, Stage 2 in 1998 and the final stage in 2003.

The Kulaluk Special Purpose Lease that was granted to Gwalwa Daraniki Association , stretches along the coastline from Nightcliff to Fannie Bay, bordered by Fitzer Drive, Bagot and Totem Roads, dissected by Dick Ward Drive. Much of the lease was considered to offer little value due to tidal inundation, cyclone and storm surge zones and the restriction of certain forms of development due to the Darwin airport flight path restrictions though it allows the current residents to hunt and fish along the intertidal zone. The Minmarama Park Community was a signatory to the Kulaluk and Minmarama Park Shared Responsibility Agreement, as at January 2005, for the purpose of ‘Developing a Mud-Crab Business’. Some of the workers on this project lived at Minmarama and worked on the project as CDEP (working for the dole) participants for 2 years. Other areas of the lease, have potential for either residential or commercial development. While Minmarama residents will have the opportunity to participate in any commercial development on the site they are not decision makers. They do not speak for Kulaluk.

The [NAME CENSORED] who has lived on the Kulaluk lease since its creation, is the primary decision maker and nothing can happen at Minmarama without approval by Gwalwa Daraniki Association which will be influenced by [NAME REDACTED] opinion. She has been a strong advocate for economic development on the lease and has come under some criticism for her independent views. In the past there have been attempts by Minmarama residents to gain control of Gwalwa Daraniki Association through becoming members and voting as a block to change the current leadership. There is a strong desire among the members of Gwalwa Daraniki Association to hold their

P. 897: rights against all those people who, over the years, have tried to gain hold of the Kulaluk lease. When the lease was originally granted it had a cultural value, and a historical value, but in the past 40 years it has developed a significant financial value and an opportunity for Gwalwa Daraniki Association to become an independent Aboriginal organisation. Some of those who were involved in the original fight for Kulaluk actively agitate against any development on the land. Minmarama residents need to be careful how they express their views while they are tenants of the Gwalwa Dariniki Association.

The current community design seems to be what most people want. There are issues around how the community might be improved that will be discussed in the Visions section. One of the major attractions for the people resident at Minmarama is the access it allows them to the tidal zone, the salt water creek and the mouth of Leanyer Creek. Many of the residents see themselves as Saltwater people and supplement their diet with seafood as well as using fishing and hunting as a recreational activity.

There is a strong desire to improve the place but not lose the current feel of being an Aboriginal place. Many of the aspirations that residents have for Minmarama are probably based on their experiences living in remote communities. There is a strong desire to be more inwardly rather than outwardly focussed. People working at Minmarama for the community on their CDP responsibilities is one aspect of this. Though embedded in Darwin they see themselves as separate and seem to want to stay that way.

Space

Minmarama Park, controlled through Gwalwa Daraniki Association, exists to offer the opportunity to eligible Aboriginal people for public housing. This component of the Kulaluk residential portfolio appears to adhere to the more traditional governance structure of property management, which is undertaken by Yilli Rreung Housing Aboriginal Corporation (Yilli Housing).

The stock of housing at Minmarama Park, much of which was constructed in the late 1980’s and added to in the early 1990’s and finally in the early 2000’s is generally in poor condition throughout. Several houses have been condemned and demolished to date. Reflective of an inadequate repair and maintenance regime, coastal location and past questionable decision making by Darwin City Council around rehabilitation of the site from a land fill, there are instances of subsiding foundations and structural cracks in a number of houses within the community. Accordingly, the current housing management organisation, Yilli Housing, are faced with increasingly expensive maintenance costs. Yilli Housing are accused of being too slow to respond to requests for maintenance citing lack of funds. We do note, however, that dangerous or sanitary matters are dealt with appropriately.

Currently, the instances of overcrowding appear to be a matter of a lack of alternative housing options rather than an issue of unchecked family visitors and is currently not considered an issue. In recent times family or visitors who overstay their welcome are regularly moved on with Yilli Housing being proactive in this community. Overcrowding due to particular seasonal activities or cultural factors are the exception. Festival times, Darwin Show, sporting events and school holidays are peak periods for overcrowding.

Over the years, [NAME CENSORED] has advocated with local businesses particularly the Ludmilla McDonalds franchisee to improve the job opportunities. It was part of the original lease that local Aboriginal people, members of the Gwalwa Dariniki Association, would be offered training and employment at the franchise. The franchisee only paid lip service to this condition until the lease was due for renegotiation when he made more of an effort. During this period some members of Minmarama gained employment at the store but at the moment no one from Minmarama works in the business.

A high percentage of residents indicated that improving the amenity of their community and enhancing their sense of place to be a high priority. Communal and vegetable gardens, a community hall to be used for a local playgroup as

P. 898

well as a youth centre and community activity centre, increased playground facilities and relocating or upgrading the current playground including some form of non-flammable shading, dedicated mini sports oval, improved amenity of basketball court are mentioned often. Infrastructure such as additional street lighting to enhance night-time safety, sealed roads and improved drainage to reduce mosquito breeding collectively support the feedback, from the community engagement, that Minmarama Park is a community which will benefit from upgrades to housing and services/amenities. This is a group of residents who want to feel like a community.

Interface

Given the higher instance of active employment by residents than that observed at the Kulaluk community, Minmarama Park’s urban location appears to support a stronger sense of personal direction for many residents. With a high percentage of residents specifying prevalent mode of transport is by car and active job skills securing current employment opportunities, there are many instances of resident’s adept to walking in two worlds.

Most residents indicate a variety of shopping is undertaken within the Nightcliff Woolworths shopping complex and surrounding northern suburb locales including Casuarina Shopping Centre. Those who lack transport are adept at using public transport to get around town.

Over the years, [NAME REDACTED] has advocated with local businesses particularly the Ludmilla McDonalds franchisee to improve the job opportunities. It was part of the original lease that local Aboriginal people, members of the Gwalwa Dariniki Association, would be offered training and employment at the franchise. The franchisee only paid lip service to this condition until the lease was due for renegotiation when he made more of an effort. During this period some members of Minmarama gained employment at the store but at the moment no-one from Minmarama works in the business.[NAME REDACTED] determined that any future development on the Kulaluk lease will have enforceable training and employment clauses.

Past endeavours, by Gwalwa Daraniki Association, to enhance Indigenous employment opportunities for community members including commercial ventures with a local Indigenous man to sub lease the Kulaluk SPL to develop a prawn farm, and an agreement with Fisheries to trial growing of mud crabs within the inter tidal zone of the lease. Neither venture was successful given a Mangrove Conservation Zone was declared over the intertidal area of the part lease soon after commencement of the businesses, and the local residents from Minmarama and Kulaluk were working for CDEP (the dole). Minmarama residents generally upheld their end of the bargain in this venture despite being the only people on the project not receiving wages.

Shifting patterns of benefit payments whether it be ‘work for the dole’ programmes or other welfare arrangements have served to confuse recipients often leaving them discouraged. This coupled with poor housing options and the ever-present issue of substance misuse continually challenges residents in resisting collective apathy within the community. The leadership efforts, by the community [REDACTED] is not widely recognised by many of the residents, reflecting that most residents are [REDACTED] and the physical disconnect of the two housing community’s results in communication with [NAME REDACTED] to be one of chasing up Yilli Housing regarding repairs and maintenance.

P. 899

Vision

Given the nature of Minmarama Park and Kulaluk housing communities existing on the same lease, the strategic visioning direction as set out in the business plan for the Kulaluk SPL is hard to ignore as consultation with clearly indicates locations for residential and commercial development.

Should the strategy of leveraging lease holdings for commercial development be successful in providing an income stream for Gwalwa Daraniki Association and employment opportunities for Indigenous residents, then Minmarama Park should benefit accordingly. The collective aspirations of community and sense of place appear strong at Minmarama Park and are such that should Gwalwa Daraniki Association be successful in implementing the business model of Indigenous self-determination, consultation responses indicate residents will stay connected to their community.

Most of the aspirations are in regard to the space in which people are living (their houses) and the place in which they are living (Minmarama):

· Better designed, constructed and maintained housing was the major aspiration. As one resident said “I just want a proper house that I can raise my children in”.

· I want a house where the electricity works, the roof doesn’t leak, the toilet works and the white ants don’t eat everything.

· Residents wanted proper internal laundries.

· More taps around the house.

· Proper fences and gates that can be locked.

· Verandas around the house.

· Improved play facilities for children.

· Better roads.

· Better street lighting.

· A proper pedestrian crossing at the entrance so women and children don’t get run over by cars speeding past the community on Dick Ward Drive.

· Expansion and upgrading of the basketball court.

· Development of a mini oval so the kids can play football and have a safe place to play.

· Development of a small community hall to be used for play group activities, youth activities, community events.

· There is some additional un-serviced land within the current community to build another 4 or 5 homes but after that there will need to be some major reclamation work.

p. 900

1. Crown Lease in Perpetuity 671

Search certificate lists the following dealings:

· Notice of commencement of proceedings by the Caveator (871757) (Date Registered: 5 October 2016, Dealing No.: 876452)

· Lapsing Caveat ECPH Pty Ltd - Part - expiring 06 October 2016 (Date Registered: 6 July 2016, Dealing No.: 871757)

· Overriding Statutory Charge City of Darwin - pursuant to Section 170 of the Local Government Act (Date Registered: 13 November 2015, Dealing No.: 859560)

· Caveat Citiland Corporation Pty Ltd (Date Registered: 1 September 2015, Dealing No.: 855536)

· Caveat Gwelo Investments Pty Ltd (Date Registered: 9 March 2009, Dealing No.: 694568)

· Right of Way Easement granted to the proprietor(s) of lot(s) 4940 (Date Registered: 11 July 2008, Dealing No.: 677102)

· Right of Way Easement granted to the proprietor(s) of lot(s) 4940 (Date Registered: 11 July 2008, Dealing No.: 677100)

· Sewerage Easement granted to the proprietor(s) of lot(s) 4940 (Date Registered: 11 July 2008, Dealing No.: 677101)

· Electricity supply Easement to Power and Water Corporation (Date Registered: 10 December 2008, Dealing No.: 661730)

· Statutory Notice - Prescribed Property (Date Registered: 16 September 1996, Dealing No.: 360053)

· Under-lease to McDonalds Properties (Australia) P/l - part - expiring 6 July 2094 (345691) (Date Registered: 17 January 1996, Dealing No.: 345692)

· Sub-lease to Vysrose Pty. Ltd. - part - expiring 7 July 2094 (Date Registered: 17 January 1996, Dealing No.: 345691)

· Electricity supply easement to Power and Water Authority (Date Registered: 23 March 1990, Dealing No.: 229354).

P. 907

Owner – rights and responsibilities

There is a general level of understanding by the SPL/CL holders, but during consultations it was found that in many cases there was inactivity by the SPL/CL holder and/or there was limited capacity of the SPL/CL holder to drive change. This was found to be the main impediment to community development rather than any lack of understanding of rights and responsibilities as a SPL/CL holder.

Residents – understanding of lease arrangement

The level of understanding of residents was disparate – ranging from some having a sound understanding of the leasing arrangements and their rights/responsibilities, to others with a complete lack of understanding (for example, thinking they owned they house they lived in or considered that service providers were landlords with a right to deal with their tenancy of the house).

P.908

Associations Act (NT)

Dealings with prescribed property require Ministerial consent. Recommend a streamlined/fast-track process for consent to ensure minimal delays to land dealings.

Crown Lands Act (NT)

Sections 42 & 44 – Any subdivision would need to comply with the requirements set out in these sections. Recommend review of these sections to ensure references to Planning Act are correct and there is no ambiguity as to the operation of each section.

Section 46 – dealings with the land require the Minister’s consent, which must be applied for in writing to the Minister. Recommend a streamlined/fast-track process for consent to ensure minimal delays to land dealings.

Planning Act (NT)

Any proposed development on the land must comply with the Planning Act, Regulations and NT Planning Scheme.

The zoning rules for Conservation are:

· The primary purpose of Zone CN is to conserve and protect the flora, fauna and character of natural areas.

· Development is to be sensitive to the natural features and habitats of the zone and be so sited and operated as to have minimal impact on the environment.

The zoning rules for Restricted Development are:

· The purpose of Zone RD is to restrict development near an airport.

· The intention is to:

− ensure development does not prejudice the safety and efficiency of an airport;

− limit the number of people who reside or work in the area; and

− retain the non-urban character of the land. The zoning rules for Community Living zone are:

· The primary purpose of Zone CL is to provide for community living.

· Residential accommodation may be temporary or permanent.

· There may be non-residential facilities for the social, cultural and recreational needs of residents.

The zoning rules for Special Use 37 are:

· The purpose of this zone is to provide for development that:

− preserves the amenity of adjoining residential areas;

− minimises the negative impacts of being exposed to aircraft noise; and

− preserves the safety and maintains the curfew free operation of the Darwin International Airport.

− SD37 is divided into areas marked A & B with different rules provided for each area – see Schedule 1 of the NT Planning Scheme for full details.

P. 915:

Economic Aspirations

|  |
| --- |
| The Town Camps economic aspirations are primarily driven by the Gwalwa Daraniki Association Incorporated who are driven to leverage the strength of their lease holdings to underpin an income stream for the community and thus reduce dependency on welfare. The residents believe that should Gwalwa Daraniki Association Incorporated vision become a reality the residents should benefit accordingly. |

P. 916

There is a strong local governance by the leaseholder Gwalwa Daraniki Association Incorporation who have strong visions for the lease. While the strong governance has assisted in developing commercial connections there are still quite a number of issues with the participation of residents and the quality of housing.

Yilli Rreung Housing Aboriginal Corporation currently provides tenancy management and repairs and maintenance to the Town Camp.

This governance structure is characterised by confusion and unnecessary complication that does not afford residents the ability to control their own space and the assets located within the Town Camp. It is recommended that the leasing structure be simplified by empowering Town Camps residents to take control of their own space through the formulation of a regional body representative of the Town Camps residents. This can enable the design and implementation of sustainable maintenance programs.

It would then be appropriate for this regional body to use the funding to employ service providers that provide tenancy management, repairs, maintenance, municipal services and essential services. All of the governance and service providers need to have a clear connection to the local communities in order for them to be effective.

It is recommended there is the creation of a Central NT Government Division which assists with advice and the distribution of government funding to the regional body. The Central Division would provide support, oversight and governance for the regional body.

For detailed rationale and recommendations see the Governance section of the report.

Yilli Rreung Housing Aboriginal Corporation acts as the property manager enters into tenancy agreements with Town Camp residents.14 Yilli Rreung has no authority or legal basis to evict residents for breaches of the tenancy agreements. This authority now vests in the administration.

Yilli Rreung Housing Aboriginal Corporation issues rental statements to residents on a per house basis every 6 months, on request or whenever a tenant is in arrears.

Payments of rent are made primarily through centrelink deductions (approximately 80% of tenants pay via this method). In other cases rent can be collected via cash payments, EFT payments, basic card payments and direct deposit.

Overall approximately 75% of tenants are currently contributing to the fees that are being charged. This is often 5 or 6 people contributing per house.15

All houses serviced by Yilli Rreung Housing Aboriginal Corporation have power card meters that allow residents to pay directly for the power the use.16 Water costs are included in the resident’s fortnightly rental payments. The municipal and essential services grant covers the remainder of water and sewerage costs.