**Nomination Form Northern Territory Heritage Register**

**Name of place or object:**

Kulaluk Lease Area.

**Location (If in a city or town, provide lot number and/or street address. If outside town boundaries, provide other location details such as land title reference. If possible, attach a map showing the place or object, and provide map coordinates):**

All currently undeveloped land within Crown Perpetual Lease 671, Lot 8603, Town of Nightcliff (plan S77/093A) and Lot 5182, Town of Darwin (plan S 77/093B), particularly the land described as part Lot 8603 and part Lot 5182 where an Aboriginal burial site is highly likely to exist (**subject land**).

Street address: Dick Ward Drive, Darwin NT.

A map is attached.

**Ownership**

**Owner (if relevant):**

The subject land is situated on Gulumirrgin land. The land belongs to the Gulumirrgin (now known as Larrakia) people, their descendants and the native flora and fauna that inhabit the area. All the land in the area known as Darwin, Palmerston, Howard Springs, Berry Springs, Virginia, Noonamah, Gunn Point, Cox Peninsula, Humpty Doo, Darwin River and all the surrounding salt and fresh water areas belong to the direct descendants of the original sovereign Gulumirrgin people, as their birthright.

The Applicant/s have an obligation as sovereign Gulumirrgin (Larrakia) people, to speak for all Gulumirrgin land, including the subject land.

Gwalwa Daraniki Association Inc (**GDA**) is the registered lessee of the subject land. The subject land was issued to the GDA to hold on behalf of ‘Larrakia people’ on 28 May 1979 as a Special Purposes Lease. It was later renamed/reissued as Crown Perpetual Lease 671, in 1987.

**Owner’s Address:**

c/- The Public Officer, Lot 8630 Dick Ward Drive, Nightcliff 0810

PO Box 746 Nightcliff NT 0814

**Does the owner know about this nomination?** No the lessee does not know about this nomination.

**Is the Place or Object currently used?** Yes

**If yes, what is it used for:**  Various parts of the lease area have and remain regularly accessed by Gulumirrigin (Larrakia) people, local Aboriginal people and the wider community, to visit traditional burial grounds, hunting/collecting bush foods and medicines, weed control, recreation and bird watching.

**Brief Description**

**(Describe the essential characteristics of the place or object, including its current condition. Photographs should be attached where possible.):**

The subject land is 3 square kilometres and 1 hectare, or 6900 square metres.

The subject land includes cleared and uncleared areas. The remaining I hectare area of land is rich with native vegetation and wildlife, as it comprises of several key habitats, such as mangroves, tidal mudflats, monsoon vine forest, open woodland and some riparian zones, with seasonal freshwater creeks (including Ludmilla Creek) and small lagoons.

The subject land has a strong and special association with the Gulumirrgin (Larrakia) people for social, cultural and spiritual reasons as it contains a Gulumirrgin burial ground and was traditionally used as a burial site by the Larrakia and other local Aboriginal inhabitants of the area, such as Tiwi (as evidenced by Pukamani Totem poles that used to be in the area, which is a Tiwi, not Larrakia, tradition).

The subject land is significant to the Gulumirrgin (Larrakia) people as part of their historical and ongoing land rights struggle, and for continuing and developing cultural traditions.

The burial grounds are a place of high cultural significance, as it is the resting place for a number of the applicant/s community's ancestors, and those of other local Aboriginal people, some of whom also resided at the community known as Kulaluk.

The subject land is recognised by those families with known historical and contemporary affiliations in the area as part of their traditional lands, and is now generally referred to as Kulaluk.

The existence of Aboriginal burial sites on the subject land have been recognised by the Northern Territory Aboriginal Areas Protection Authority (**AAPA**). The map provided by the AAPA shows the extent of the known burial ground. The subject land also includes a registered sacred site and recorded sacred site under the *Northern Territory Aboriginal Sacred Sites Act.*

In addition to its cultural significance to the Gulumirrgin people, the subject land is also of conservation significance.

Over the years many community groups have well documented the various flora and fauna species (some of which are now listed as threatened) that are known to inhabit the whole lease area. The varied vegetation communities, described above, gives rise to various faunal communities. The whole area is especially rich with native birdlife, including wading birds that often come from overseas, and use the area as a resting/feeding stop.

In more recent years there have been growing incursions of invasive weeds and feral animals. In particular, invasive weeds such as Gamba Grass, Coffee Bush and Mission Grass have raised the risks of hot destructive fires. LNAC would like to help manage the lease area, to reduce habitat destruction, and protect sites.

**History: (Provide a brief history of the place or object, including its association with historical events. State if there are any associations with individuals whose activities might have been significant in the history of the Territory. Attach further information as required.)**

A comprehensive history of land use is included in Appendix 2 of the Land Use Field Study of the Kulaluk Area Report by Krimhilde Henderson.

There is significant documentary evidence that establishes that the subject area has a strong and special historical association with the Gulumirrgin people for social, cultural or spiritual reasons. A selection of documentary evidence is listed in the table under **Bibliography** and either attached to this Nomination Form or can be provided at a later date.

The subject land was initially vacant crown land, with part of the land being held privately. On 28 May 1979, following a report from the Interim Aboriginal Land Commissioner for the Northern Territory Justice RC Ward, the subject land plus another 300 hectares was acquired and then granted to under a Special Purpose Lease.

Documentary evidence from 1971 onwards reveals that the subject land was recognised as containing Aboriginal grave sites. See, for instance:

* A page of the *Kulaluk Land Claim* proceedings transcript was provided by Dr Bill Day. T8B/1/GMC Larrakia and the following statement was made by Mr Wilders: *The Kulaluk land claim is important to the Aboriginals, partly because of the grave sites, which are there, the sites as Your Honour has been – has seen, cover a fairly extensive area between Totem Road and the Beach.*
* The map included in Krimhilde Henderson’s 1983 report *Land Use Field Study of the Kulaluk Area* includes a hand drawn map that indicates a ‘cemetary’ in the vicinity of the Subject Land [see tab X]. At Appendix III of this report, it is noted that “a ceremonial burial area extending from behind the Retta Dixon Homes down along the extension of Old Totem Road. Tiwi Burial poles stood in this area until recent years. A cemetery in which over 100 people may be buried is marked by one remaining cross and a fence".
* In July 1971, Dr Bill Day and the Larrakia people erected a sign at the site of the old Bagot burial grounds down from Totem Road saying, “No Dumping – Burial ground”. At the time, Tiwi pukamani poles and one wooden cross were observed at the burial ground.
* A letter dated 8 October 1973 from the Department of Aboriginal Affairs states "*...Mr Williams believes that there could be as many as two hundred people buried there...He also advised that there may be as many as ten or a dozen other graves between the area shown on the map and Bagot reserve"*.

The original land claim and subsequent granting of the lease, is also historically important, in regards to the development of the land rights movement in Australia, and it was the first negotiated settlement of a land claim in an urban setting.

In addition, the subject land has been used by Aboriginal people for bush food collection, fishing and hunting crabs, recreational activities, and growing vegetables.

The subject land has ongoing significance to the Gulumirrgin people as part of their continuing and developing cultural traditions. Several people recall burials taking place during their lifetimes. Statements can be provided to this effect.

Additional evidence of the ongoing cultural significance of the site is provided by way of a newspaper article that states:

Although the old women will be buried in the Darwin cemetery, the Aboriginals intend for their spirit to remain in Kulaluk. Their clothes will be buried there and special corroborees will be sung and danced.

Until very recently, the significance of the site was reflected in its zoning as a 'Conservation Zone'.

The cultural importance of the subject land has been recognised previously as the Kulaluk Lease Area is included on the Register of the National Estate.

**Current Threats (State whether you think the place or object is under threat and, if so, why).**

On 7 March 2014 the Minister for Lands, Planning and the Environment decided to amend the Planning Scheme and rezone part of the subject land from a Conservation Zone to a Light Industry Zone. This part of the subject land is described as SD44.

During the course of consultations regarding this rezoning, the applicant/s made submissions regarding the presence of burial grounds on the subject land.

Following the rezoning, preparation for development of a light industrial area has commenced. The applicant/s are concerned that these development activities will cause irreparable damage to traditional burial grounds.

All of the SD44 area with the exemption of the registered sacred site on the Subject Land has been cleared of native vegetation using heavy machinery, disturbing the land and potentially exposing and damaging skeletal remains which are of cultural significance.

In addition to the protection of the burial grounds, the Gulumirrgin elders wanted the land protected and kept in its original natural state for their descendants to be able to enjoy the use and/or occupancy of the land and for the flora and fauna to be protected from habitat destruction.

Photos of the land clearing activity are attached to this application.

Current threats to other land within the lease area is evidence by numerous and ongoing applications for rezoning, sub divisions and development made by, or on behalf of the current lessee, the Gwalwa Dariniki Association. These proposed uses of the land are totally contradictory to what our elders who fought for the land wanted, and are clearly against the wishes of the wider Larrakia, local Aboriginal and community groups, who want to uphold the vision of the elders in keeping the area in its natural state..

**Other relevant information**

**Appendix - Evidentiary documents  
Kulaluk Lease Area Heritage Nomination**

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| **Tab** | **Name of document** | **Date** |
|  | Letter from Aboriginal Areas Protection Authority titled 'ABSTRACT OF RECORDS WITHIN THE AREA OF Lot 5182 & Lot 58630 [sic] Town of Nightcliff - Kulaluk Lease Area | 2 May 2014 |
|  | Map from AAPA of lease area | 2 May 2014 |
|  | Statement of William B Day | 14 May 2014 |
|  | Letter from Minister of Lands, Planning and the Environment to Dr William Day | 1 May 2014 |
|  | Map from AAPA of SD44 (issued to Dragon Lady/Plan It Constructions) | 30 January 2014 |
|  | Letter from Donna Jackson of Larrakia Nation Aboriginal Corporation titled 'Objection to an application to amend the nt planning scheme via rezoning of conservation zoned land within the Kulaluk area, referred to as 'perpetual lease 671'. | 20 June 2013 |
|  | Article: Larrakia Family Groups' by Dr Bill Day | 2012 |
|  | Article: 'The Carve Up of Aboriginal Land in Drawin: Behind the Secret Deals and Crazy Schemes: Government implicated' by William Day | 2011 |
|  | ABC Online News: 'Outcry over rezoning of Indigenous leasehold land' by Lucy McNally | 12 July 2011 |
|  | Letter from Donna Jackson of Larrakia Nation Aboriginal Corporation titled 'Objection to the rezoning of part portions of lots 5182 and 8630 (Kulaluk) Town of Nightcliff' | 19 March 2010 |
|  | Extract: Register of the National Estate for Kulaluk Area | 14 May 1991 |
|  | Report on a site avoidance survey of the proposed Nightcliff Bypass by Michael Southon | 19 April 1988 |
|  | Kulaluk Lease Area: Land Development Study by Hollingswood Consultants in consultation with Plant Location International (extract) | 1985 |
|  | The Recent History of Kulaluk by David Cooper (AAPA) | 1985 |
|  | A Report on Sites of Significance in the Kulaluk Area by David Cooper | 20 May 1985 |
|  | Map: Kulaluk Special Purpose Lease (also titled Cooper 1985: Sites of Significance within the area of the Kulaluk Special Purpose Lease') | 1985 (?) |
|  | Letter from Minister for Community Development to Mr Day | 22 Feb 1984 |
|  | Land Use Field Study of the Kulaluk Area by Krimhilde Henderson and T Deveson | 1983 |
|  | Letter from Minister for Lands and Housing to Mr Day | 24 May 1982 |
|  | Handwritten letter from Rosie Bishop to Bill Day | 28 September 1981 |
|  | Newspaper article: 'Out and About' by Diana Plater, Darwin Star | 22 May 1980 |
|  | Article, 'A walk through Kulaluk in Words and Pictures' by Bill Day | March 1978 |
|  | Report for Cabinet titled 'Kulaluk Land Claim, Darwin' | 4 November 1977 |
|  | Letter from Len Muller, Northern Land Council | 19 August 1976 |
|  | Press Release: Kulaluk Land Rights Claim, Darwin (Statement by the Minister for Aboriginal Affairs Mr Lee Johnson) (draft) | 1975 |
|  | Map: 'Kulaluk Plan' from Bunji | July 1975 |
|  | Report of the Interim Aboriginal Land Commissioner on the Kulaluk Claim | 23 June 1975 |
|  | Transcript of Kulaluk Claim pages 150-151 and 170-175 | 28 May 1975 |
|  | Letter from Mr Bostock and Mrs Fejo re Kulaluk Land Claim | 28 May 1975 |
|  | Transcript (extract) from hearing into Kulaluk land claim | 15 May-22 May 1975 |
|  | Newspaper article: 'Kulaluk area wanted for Aboriginal 'sanctuary'' NT News | 12 May 1975 |
|  | Report for Cabinet titled 'Kulaluk Aboriginal Land Rights Claim, Darwin: Proposal to Acquire Part Agricultural Lease No 554' | (possibly 1973-1974?) |
|  | Letter from Mr Day to Director, Department of NT [sic] | 1 November 1974 |
|  | Kulaluk Land Claim: Proposal and Map of land usage from Gwalwa Daraniki Association | 21 October 1974 |
|  | Letter from Mr Day regarding Green Belt Plan for Dump at Ludmilla | 24 September 1974 |
|  | Newspaper article: Songs of Death to Lament a Lost Link from NT News | 20 December 1973 |
|  | Front page: Bunji | December 1973 |
|  | Report: Aboriginal Graves - Off Tote [sic] Road Darwin NT and attached map | 16 October 1973 |
|  | Letter from Department of Aboriginal Affairs re Aboriginal Graves - Off Totem Road | 8 October 1973 |
|  | Aboriginal graves off Totem Road [memorandum by J.K. Doolan] and map | ? September 1973 |
|  | Map: 'Larrakia Country' from Bunji | January 1972 |
|  | Newspaper article, 'Rubbish Dumping on Burial Ground', Northern Territory News | 1 July 1971 |
|  | Report re Larrakeyah - Land Rights Claim by WJ Gray | 26 June 1971 |
|  | Article: Hundreds of Aboriginal Graves in Danger on the Kulaluk Lease in Darwin, Northern Territory' | Undated |
|  | Submission to Justice Ward from GE Tambling re Kulaluk Land Claim | undated |
|  | Map: Kulaluk Land Claim - Attachment A | undated |
|  | Photo: Larrakia Land Claims | Undated |
|  | Photo: Totem poles | undated |
|  | The Larrakia Treaty | undated |
|  | Map: Caption: *Rough map compiled by the AAPA showing the extensive network of Aboriginal sites of significance wihtin the Darwin area* (from Sam Wells Report 'Town camp or homeland? A history of the Kulaluk Aboriginal Community: report to the Australian Heritage Commission) | Undated |
|  | Unknown memo/letter re Gareth Evans and Sabrina Holdings | undated |
|  | Map: by Richard (Rikki) Shields | undated |
|  | Memo: Kulaluk: Compulsory Acquisition of Sabrina Holdings Pty Ltd Lease | undated |
|  | Letter from JK Doolan | undated |
|  | Unsworn statement of Audrey Tilmouth | May 2014 |
|  | Unsworn statement of Linda Hill | May 2104 |
|  | Unsworn statement of Mary Raymond | May 2014 |
|  | Unsworn statement of Sharon McClellan | May 2014 |
|  | Letter of support from Larrakia Nation AC, for nomination of Lease 671 onto to the NT Heritage Register | June 2014 |

**Person/s making nomination**

Ms Donna Jackson on behalf of the Board of Directors and members of the Larrakia Nation Aboriginal Corporation.

76 Dickward Drive, COCONUT GROVE, NT, 0812