

31 August 2009

Mr Brendan Dowd
Chief Executive Officer
Darwin City Council
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DARWIN NT 0801

SKYCITY Darwin Pty Ltd
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Dear Brendan

Car Park Access to Little Mindil – Lot 7651 Town of Darwin

I refer to our letter dated 7 August 2009 and the subsequent meeting between SKYYCITY Darwin (SCD) and Darwin City Council (DCC) representatives on 20 August 2009.

Additional Information

I provide the following supporting information in relation to car park access to Little Mindil:

- Authority Certificate C2007/105 issued by the Aboriginal Areas Protection Authority, showing sacred site 5073-89, being the restricted work area RWA 1 associated with the burial island; and
- Traffic Management Report dated 25 August 2009 from Aurecon in relation to Little Mindil access alternatives.

Amenity

SCD has already identified that its proposed consideration to Council for the grant of an easement facilitating public vehicular and pedestrian access to the Little Mindil site is the landscaping of the Council road reserve between Gilruth Avenue and Little Mindil.

SCD maintains however that the grant of the easement by Council will be consistent with, and promote, general public amenity.

The proposed redevelopment of the site known as Little Mindil will result in a number of significant benefits to the community of Darwin, including:

- Creation of a Little Mindil foreshore walkway (outside SCD's Little Mindil site) along the top of Little Mindil beach and connecting to a new pedestrian bridge across the mouth of the tidal creek. This will provide year round public access from the base of Nurse's Walk (and proposed public facilities to be constructed on Myilly Point) to the Little Mindil beach and to Mindil Beach itself. The path will be a 3m wide shared path and would be lit. The entire facility will be on Crown land and the cost of construction will be borne by the Territory and SCD with SCD undertaking the works.
- Creation of a creek-side walkway along the tidal creek. This will link the Gilruth Avenue pathway with the Little Mindil foreshore walkway. The path will be a 3m wide shared path and would be lit. Seating and interpretive signage is also to be installed. This creek-side pathway, while on SCD's Little Mindil site, will be the subject of a registered access easement providing for public access along the creek-side walkway.



- Creation of an expanded car park of up to 250 car spaces that would be fully lit and would have security cameras. While the car park would be on SCD's Little Mindil site and under the control and direction of SCD, SCD is proposing to operate the car park in a similar way in which it operates the car park on Council land, Lot 7651 Town of Darwin. The Little Mindil car park would be of benefit during major events within the precinct when parking is at a premium. It would also overcome the current problems of dust, security and poor drainage associated with current parking arrangements in this area.
- Repair and rehabilitation of the degraded area within the Gilruth Avenue road reserve associated with access to Little Mindil. Pedestrian access and the landscaping in this area is proposed to be upgraded in consultation with DCC to provide a well landscaped area that provides good access, shade and a well grassed area.
- The Little Mindil site itself would be upgraded to provide a well landscaped area that is primarily irrigated grass with shade trees. Vehicle tracks would be rehabilitated and deficient site drainage would be addressed.
- An identified large grassed area of Little Mindil is remaining development free for at least 10 years, providing an open space environment.
- The natural qualities of the escarpment vegetation and the tidal creek are to be rehabilitated. This will include weed removal and management as well as replanting of native plants to create enhanced native habitats.

Proposal

Given:

1. the lack of suitable alternative access;
2. the requirement that the DCC car park on Lot 5772 remain available as a car park to SCD until 30 June 2030 under the agreement between the DCC and SCD;
3. SCD's proposed compensation to the DCC; and
4. the general community benefit and amenity associated with all elements of the project if it proceeds;

SCD maintains that its proposed request for an easement to provide access to Little Mindil on the terms proposed by SCD is both reasonable and consistent with the public benefit.

If you have any queries or wish to discuss any aspect of the above, please don't hesitate to contact me.

Yours sincerely

Andrew Wilson
General Manager

Encl.

File: D89/199; 89/343

In Reply Please Quote: 59573

Skycity Darwin Pty Ltd
GPO Box 3846
Darwin NT 0801

Attention: Allan Yoeman

**RE: ISSUE OF AUTHORITY CERTIFICATE FOR LANDSCAPE DEVELOPMENT,
LITTLE MINDIL – LOT 5994 AND LOT 4518, TOWN OF DARWIN**

I refer to your application for Authority Certificate received on the 3rd July 2007 for the above location.

Accordingly, under the powers delegated to me under Section 19 of the *Aboriginal Sacred Sites Act 1989* I am pleased to issue the attached Authority Certificate.

Please read carefully the conditions outlined in the Certificate. In particular, you should note that it has been issued for an indefinite period of time, providing that the works covered by the Certificate start within the period stipulated in condition 3.

You should also note that the Authority has issued you with two identical copies of digitised maps attached. One copy should be retained with your original Certificate. The second is supplied for use by contractors to avoid unnecessary photocopying of a colour coded document.

I wish to draw your attention to the following requests made by Larrakia custodians:

- That a single Chinese Plum tree located within the subject land (Coordinates 52L0698714; 8623016) is not removed, disturbed or damaged in any way by the proposed development. A highly visible temporary protective fence is to be erected along the outer perimeter of the works areas in the vicinity of the tree and maintained while the construction works are in progress.
- That Larrakia people continue to have access to the Chinese Plum tree to harvest its fruit.
- That the flow of fresh water from the area of cliffs located northwest of the subject land not be disturbed or in any way affected by the proposed development.

Please refer to the attached photographs and digitised map (Map 2) showing the location of the Chinese Plum Tree and the area of cliffs referred to by custodians.

If you have any further queries regarding this Authority Certificate please contact
Dr Walter Zukowski on 89814700.

Yours faithfully,

J Stead

JEFFERY STEAD

Chief Executive Officer

2nd October 2007

CC: Clouston Associates

GPO Box 1118

DARWIN NT 0801

Attention: Tony Cox

ABORIGINAL AREAS PROTECTION AUTHORITY

AUTHORITY CERTIFICATE

Issued in accordance with Section 22 of the Northern Territory Aboriginal Sacred Sites Act 1989

REFERENCE: D89/199; 89/343 (Doc. 59573) C2007/105

APPLICANT: Skycity Darwin Pty Ltd
GPO Box 3846
DARWIN NT 0801

SUBJECT LAND: Lot 5994 easement identified as Lot 4518, Town of Darwin, and portion of Darwin City Council Road Reserve and portion of adjoining foreshore, as shown on the map which is annexure 'A' hereto. Lot 5994 comprises the area of land generally referred to as Little Mindil, inclusive of the tidal creek and escarpment.

PROPOSED WORK OR USE: Landscape development including the planting of new vegetation, construction and maintenance of paths, bridges and associated services, to support entertainment functions and general recreation.

CONDITIONS:

1. The applicant shall ensure that the conditions of this Certificate are included in any subsequent contract or tender documents for the works or use described herein.
2. The applicant shall ensure any agent, contractor or employee is aware of the conditions of this Certificate and the obligations of all persons (who enter on, or carry out works or use land on which there is a sacred site) under Part IV of the *Northern Territory Aboriginal Sacred Sites Act 1989*.
3. This Certificate shall lapse and be null and void if the works in question or the proposed use is not commenced within 24 months of this Certificate.
4. The applicant shall ensure any agent, contractor or employee is aware of the content of section 40(1) of the *Northern Territory Aboriginal Sacred Sites Act 1989* which provides that this Certificate does not negate the need for consent, approval or permission for the subject works or use of the land which may be required under another statute.
5. Senior Tiwi custodians have given the following instructions in relation to Registered Sacred Site 5073-89 CASINO BURIAL ISLAND, marked as Restricted Work Area 1, as shown on Annexure A (Map 1).
 - i. The CASINO BURIAL ISLAND is to be protected with a pool type barrier fence that is located around the perimeter of the island. Any fencing works involving digging around the perimeter of the island should not disturb the burials.
 - ii. A lockable access gate is to be included in the barrier fence around the CASINO BURIAL ISLAND to ensure Tiwi Islanders have continued access to the CASINO BURIAL ISLAND to conduct Tiwi mortuary rituals, including the erection of Pukamani Burial poles. The key to the lockable gate is to be held by Skycity Casino management.

- iii. The CASINO BURIAL ISLAND is to be cleared of all weeds on an ongoing basis;
 - iv. No digging on, or disturbance of the CASINO BURIAL ISLAND is to occur;
 - v. No planting of new vegetation can occur on the CASINO BURIAL ISLAND;
 - vi. All works within CASINO BURIAL ISLAND are to be undertaken with close involvement of two or more of the following Tiwi Islander custodians: Mr Hyacinth Tungatalum, Mrs Mabel Cincaid, Ms Callista Kantilla and Ms Clementine Puruntatameri;
 - vii. In the event of cultural remains being uncovered within the CASINO BURIAL ISLAND all work is to stop and the Authority is to be notified immediately. The Authority will notify senior Tiwi custodians.
6. The area of sand dune adjacent to the beach within the Subject Land, as shown on Annexure 'A', is believed to possibly contain traditional burial sites. In the event of Indigenous skeletal remains being uncovered during the construction period, all work is to stop and the Authority is to be notified immediately. The Authority will notify senior Larrakia custodians.
 7. All visitors to the Little Mindil Beach area shall be appropriately advised of its cultural sensitivity. All signage and information regarding cultural content of the area should be consulted with Aboriginal custodians and subject to their approval.
 8. Senior Larrakia custodian, Koolpinyah Richard Barnes, must be present when any excavation works occur within Restricted Work Area 2, Registered Sacred Site 5073-5 MINDIL BEACH BURIALS, as shown on Annexure A (Map 1).
 9. Excavation work within Restricted Work Area 2, Registered Sacred Site 5073-5 MINDIL BEACH BURIALS, as shown on Annexure 'A' (Map 1), must not exceed a depth of 300ml.
 10. In the event of Indigenous skeletal remains being uncovered within Restricted Work Area 2, Registered Sacred Site 5073-5 MINDIL BEACH BURIALS, as shown on Annexure 'A' (Map 1), during the construction period, all work is to stop and the Authority is to be notified immediately. The Authority will notify senior Larrakia custodians.
 11. The Applicant shall cover all costs of traditional coastal burials along the Darwin Peninsular of any Indigenous skeletal remains, which may be uncovered as a result of these construction works.

The COMMON SEAL of the
 ABORIGINAL AREAS PROTECTION AUTHORITY
 was hereto affixed on the 2nd day
 of October 2007

J Stead

JEFFERY STEAD
 Chief Executive Officer



Photos of areas associated with Larrakia requests
(as per Authority letter)



Figure 1: Area of sand dune believed to possibly contain traditional burial sites

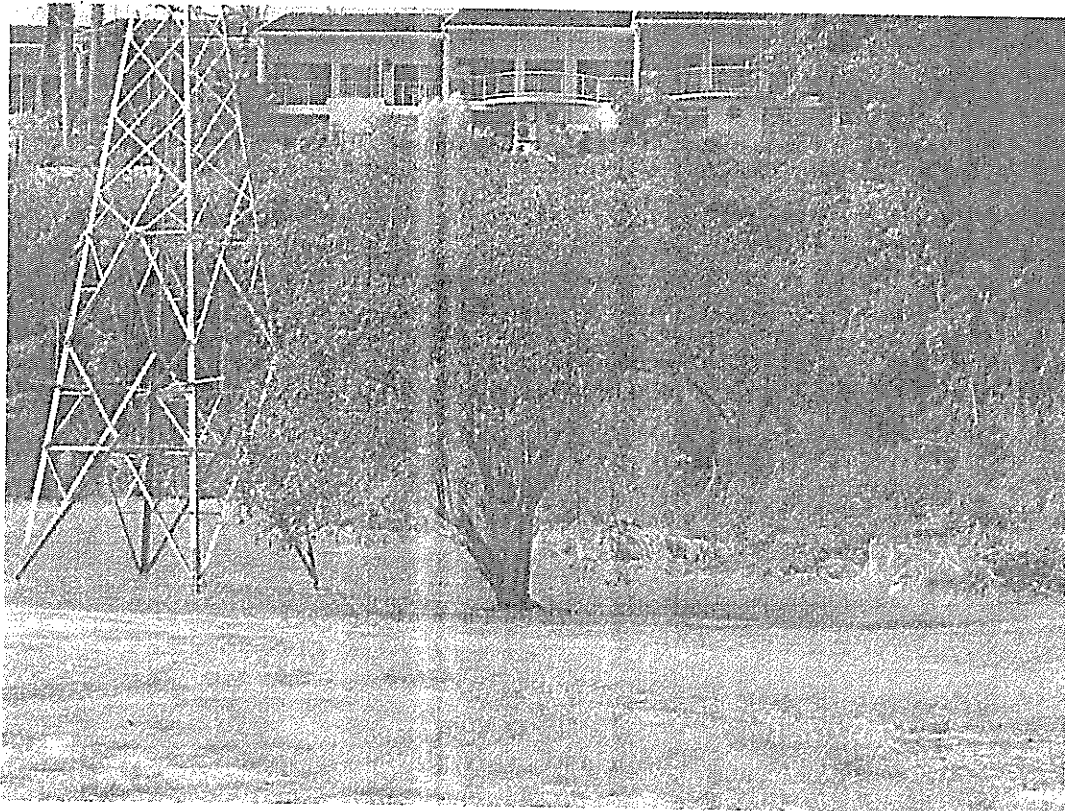


Figure 2: Chinese Plum (Coordinates 52L 0698714; 8623016)

**Photos of areas associated with Larrakia requests
(as per Authority letter)**

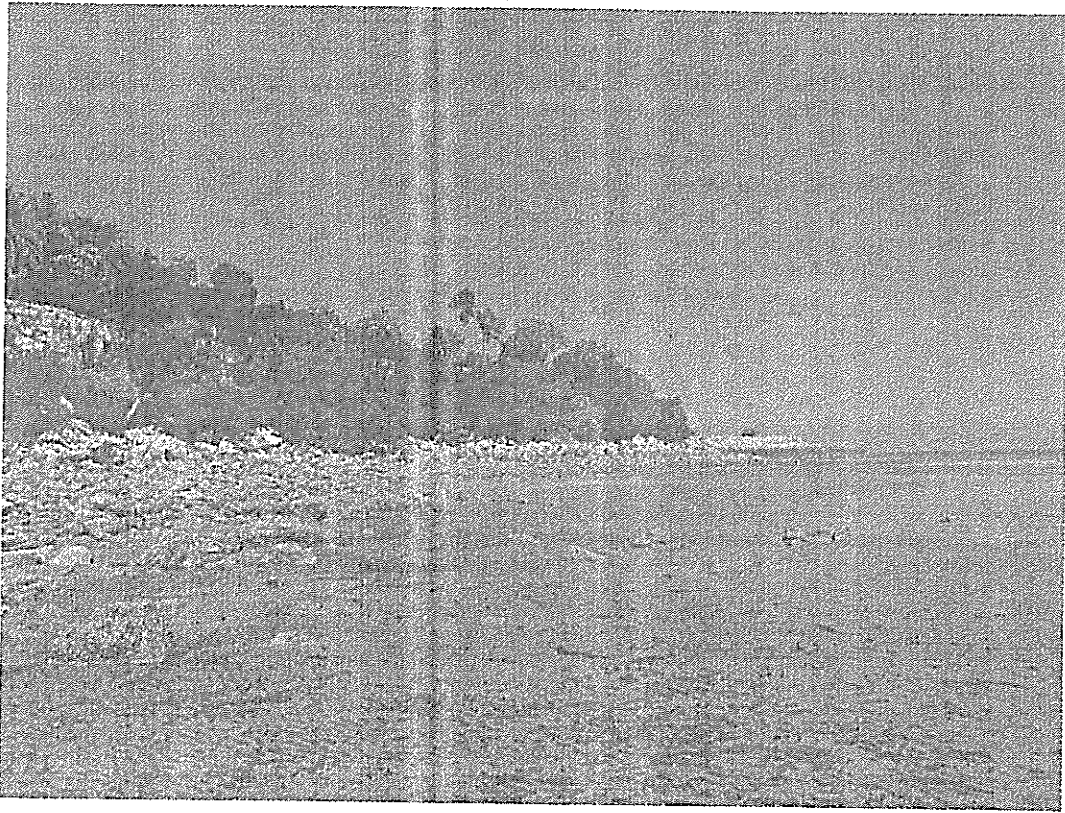


Figure 3: Area of cliff from which fresh water flows



Prepared and published by Aboriginal
Areas Protection Authority (AAPA)
Darwin, Northern Territory of Australia
28/09/2007
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This map forms part of a Certificate issued by the
Authority under section 22 of the Northern Territory
Aboriginal Sacred Sites Act 1989. No reliance should
be put on the accuracy of the information on the map
except as it relates to the land the subject of the
Certificate and the fact that sites are not shown in
other areas shall not be taken as a definitive indication
of the existence or lack of existence of sites.

Little Mindil Landscape Development Map 1

ANNEXURE "A" MAP FORMING PART OF

AUTHORITY CERTIFICATE C2007/105

ISSUED TO: Skycity Darwin Pty Ltd

AUTHORISED COPY: NUMBER 1 OF 5

CHECKED BY: B DATE 28/09/2007

T BYFIELD - LAND INFORMATION OFFICER

SCALE 1 : 3000



Deposited MGA Zone 52
Horizontal Datum: GDA 1984

KEY

- Subject Land
- Extent of Registered Sacred Site
- Restricted Work Area
- Registered Site Centroid



Prepared and published by Aboriginal
Land Management Authority (ALMA)
Darwin, Northern Territory of Australia
21/09/2007
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Little Mindil Landscape Development Map 2

ANNEXURE "B" MAP FORMING PART OF

AUTHORITY CERTIFICATE C2007/105

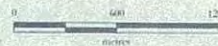
ISSUED TO: Skycity Darwin Pty Ltd

AUTHORISED COPY: NUMBER 1 OF 5

CHECKED BY: *B* DATE 28/09/2007

T BYFIELD - LAND INFORMATION OFFICER

SCALE 1 : 5000



Projection: MGRS Zone 52
Horizontal Datum: GDA94

KEY

- Subject Land
- Extent of Registered Sacred Site
- Restricted Work Area (RWA)
- Registered Site Centroid

J2007/0215map2

25 August 2009

Richard Angove
Manager, Capital Projects
SKYCITY Entertainment Group
GPO Box 3846
Darwin NT 0801

Dear Richard

**Little Mindil Development
Review of Little Mindil access alternatives**

We were advised by Tony Cox who attended a meeting with DCC staff on 20 August 2009 that they would prefer to locate the Little Mindil access against their western boundary. The constraints in this area are the PowerWater sewerage pump station and the existing main drainage outlet into the existing creek. West of the sewerage pump station access is restricted by the sacred burial island. These features are shown on the attached sketch.

Preferred crossing

SKYCITY's preferred crossing point comprises a direct line of travel through the existing car park and across the creek. This route provides the most efficient access to the proposed car park, with minimum conflict between through traffic and other vehicle/pedestrian movements. This route can accommodate a 12.5m long heavy duty rigid truck (such as a fire truck or large service vehicle).

Alternative 1

An alternate crossing point can be physically located between the sewerage pump station and the drainage outlet, however it is in close proximity to the eastern extremity of the sacred burial island. The attached sketch shows three alternative routes to this crossing point (1a, 1b and 1c). Alternative 1a can accommodate a 12.5m long heavy duty rigid truck. Alternatives 1b and 1c can only accommodate an 8.8m long medium duty rigid truck.

Alternatives 1a and 1b would encourage cars to cut corners through the two 90 degree bends immediately prior to the creek crossing due to the close proximity of the two bends. This could be mitigated in part by a traffic island comprising back-to-back layback kerb (100 high). In Alternative 1a the presence of an island would preclude any existing car park spaces being retained immediately adjacent due to the restriction imposed on movement into and out of the parking bays.

The circuitous routes of Alternatives 1a, 1b and 1c will result in additional vehicle movements that could lead to congestion and/or confusion.

As a result of the issues identified above, Alternative 1 is considered to be less user friendly and less safe than the preferred crossing point.

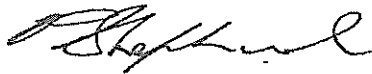
Alternative 2

A second alternative crossing point beyond the sacred site is not feasible due to conflicts with use of the Gala Lawn. As indicated on the attached plan, a crossing at this point would run through the area that is proposed to be used for major events. The impact of this would be that the car park would not be accessible immediately before, during or after major events on the Gala Lawn. Moving the access

road closer to the creek and out of the Gala Lawn area is not an option since this would result in direct conflicts with the walkway easement along the creek.

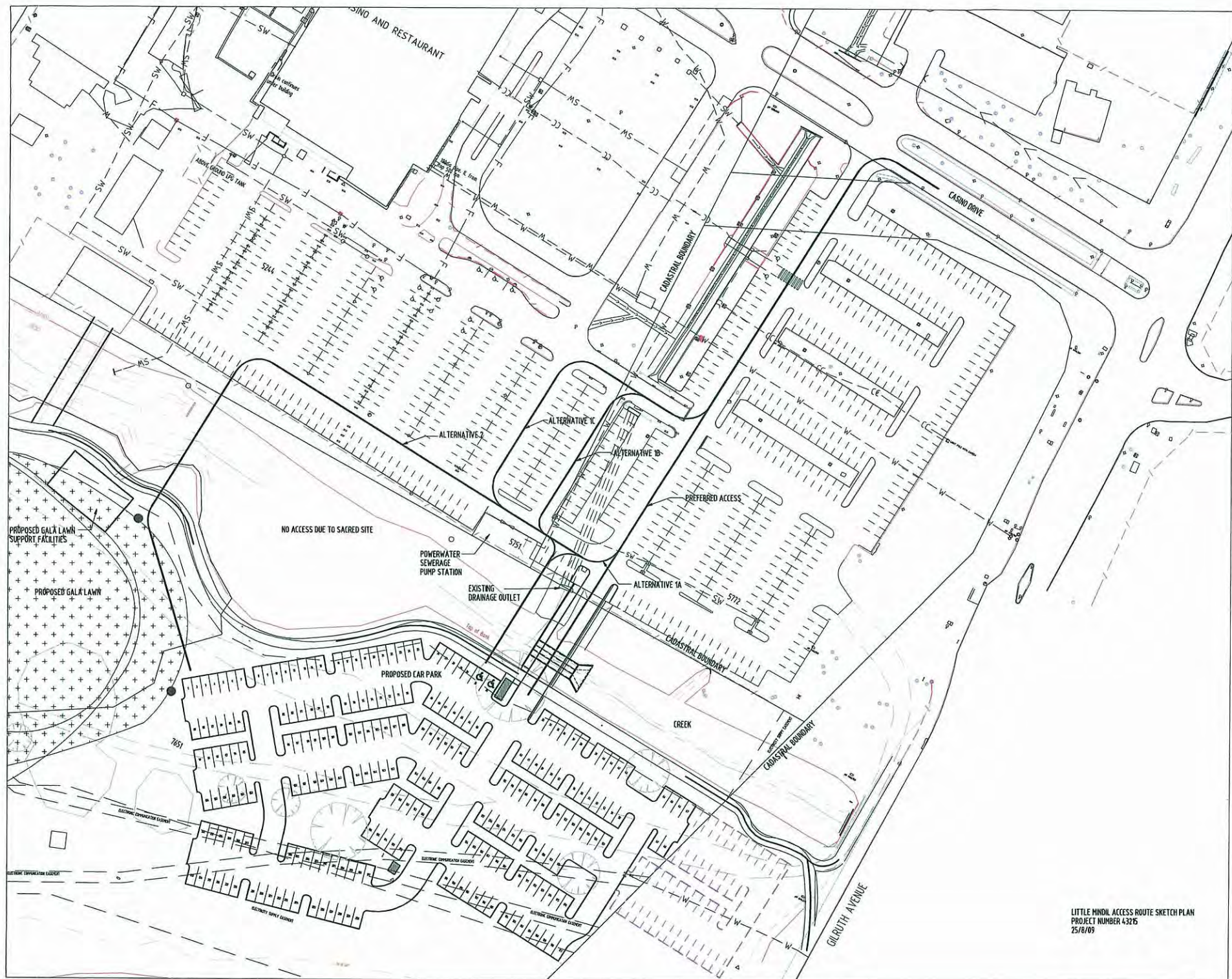
On the basis of the above, SKYCITY's preferred crossing point is the logical outcome in terms of ease of use, vehicle and pedestrian safety, the amenity of Little Mindil, and large vehicle access.

Yours sincerely



Peter Shephard
Civil Engineer

Attachment: Access route sketch plan



LITTLE MINDIL ACCESS ROUTE SKETCH PLAN
PROJECT NUMBER 43215
25/8/09