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DRAFT NOTES ON FLAGSTAFF PARK (LOT 5180, TOWN OF DARWIN – CROWN LAND, ZONED (PS) AS A PARK, AND DEDICATED TO THE PEOPLE OF DARWIN IN 2001. (compiled 1/6/2016)

1. Introduction

These notes are compiled in association with the consultation by Michels, Warren, Munday, on a proposal for a new Hotel (six star) by Paspaley Pearls Properties on Lot 6394, Darwin, following a calling of 'tenders' by the Northern Territory Government in mid 2016.

The proposal is part of an EOI tender process being submitted to the NT Government by Nick Hanigan of Paspaley Pearls Properties Pty Ltd.

2. Zoning of Flagstaff Park, and of the proposed hotel site.

Lot 5180 is a high natural promontory at the end of Myilly Point, above Lot 6394. It is zoned PS (Public Open Space) [previous terminology O1 (Open Space]. It is crown land.

Lot 6394 consists of land reclaimed with the construction of Cullen Bay at a low level below Flagstaff Point. It is zoned TC (Tourist Commercial)[previous terminology B5 Tourist Business].

The relevant zoning decision is Darwin Town Plan Amendment No. 188, made on 21 May, 2003, and gazetted in Gazette G22, of 4 June, 2003.

The actual wording of the amendment is:

> 'The amendment rezones Lot 5180, Myilly Terrace (Flagstaff Park) Town of Darwin from B5 (Tourist Business) to O1 (Open Space).'

Coloured map with current zoning is at Attachment A

Copy of page from G22, 4 June, 2003 is at Attachment B

3. Definition of PS(Public Open Space) zoning [previous terminology O1 (Open Space}].

The Northern Territory Planning Scheme at Clause 5.14 defines Zone PS as follows:

> '1. The principle purpose of Zone PS is to provide public areas for recreation activity.
> 2. Development should be limited to that which is for public use and enjoyment consistent with the recreational opportunities of the land and which has minimal adverse impact (if any) on nearby or adjoining property.'

4. Status and Character of Flagstaff Park

Flagstaff Park situated on a high natural headland with panoramic views of Darwin Harbour, including Fannie Bay, is outstanding as a park. In 1999/2000 Darwin people, supported by Clare Martin and Lord Mayor George Brown worked to have it rededicated as a park, after concept bids by Lord McAlpine, and southern developer Moran failed to materialize.

In September, 2001, Clare Martin, as Chief Minister, made the public commitment:

'Myilly's Flagstaff Park will be handed back to the people of Darwin'. (Darwin Sun, 5 September, 2001, page 1.)

5. History and Heritage of Flagstaff Park

The Flagstaff Park headland has associations for the Larrakia people., and later for the Kahlin people. George Goyder defined it as parkland in 1869. In 1912/1913 Gilruth built houses for senior public servants on Myilly Point, but none on the Flagstaff headland. During the early 1930's, Australia's northern defence personnel were moved to Darwin from Cape York.

On 2 December, 1941, RA McInnis working officially in Darwin as a town planner, reported in the Northern Standard newspaper about the Military Officer Commander's formal residence on Flagstaff Point::

> 'A section should be surveyed and the necessary land allocated to this residence, the remainder being retained as a park.

Access should be provided from the road and the cliffs included in the park, which should extend back to Cullen Bay on the one side and Mindil Beach on the other…

The cliffs are covered with tropical vegetation which adds to their beauty, and they are really worth retaining as a natural park.'

Later the residence became official home to Judge Blackburn, having Vice Regal status second only to the Administrator's Residence. The house was blown down in Cyclone Tracy in 1974, and not rebuilt.

The remnants of the large garden are in place, including a tennis court., and tropical flowering trees. There is also a wartime gun emplacement base, and escarpment lookout. The ceremonial flagpole stood at the centre of Flagstaff Point until very recently.

Flagstaff Park also has a related sentimental story. It was from here, after Cyclone Tracy, that members of fishing families looked out to the horizon to see their scattered fishing boats safely home. Sadly, not all of them made it.

6. Approach by Paspaley Pearl Properties Pty Ltd re proposed new Hotel

In May, 2016, our organization received an emailed letter, dated 9 May, 2016, signed by Nick Hanigan, as Development Manager and Director. It briefly stated that the firm was planning to bid in a government tender process to build a luxury hotel. Consultation was for them urgent.

A copy of this Paspaley letter is at Attachment C

We were immediately concerned about the first paragraph of the letter which stated:

'I am writing on behalf of Paspaley to arrange a meeting to discuss with you some of our early thinking for the eventual development of out land, located in Cullen Bay Lot 6394. Our site begins at the roundabout at marina Boulevard below Cullen Bay Beach and extends up onto Flagstaff Park itself.'

The second sentence of the letter must be untrue, as Flagstaff Park occupies the whole of the headland. There can be no building site for any hotel on the top of Flagstaff Park, because the top is all Lot 5180, ie. crown land, zoned public open space.

Other people receiving this letter inviting them to consultation would be seriously misled by this sentence. Knowing no better, they would accept there was Paspaley land to construct a hotel on the top of Flagstaff Park. THIS IS NOT THE CASE. In addition, consultation was held too hurriedly to clarify the truth to other invited stakeholders.

7. Consultation on 13 May, 2016 - Paspaley with PLan

An individual 'consultation' involving Hanigan and myself with the firm's planner and Penny Baxter of MWM present, lasted about 45 minutes. It was quite a restrained meeting in a public café'.

Hanigan introduced his idea with a tower hotel going up in front of the Flagstaff Park. He said there could be only a 'path' access across Flagstaff Park, rather than a roadway entrance.

I indicated my anger about his false statement that there is Paspaley land on the top pf Flagstaff Park. He denied he had made an error of fact. No hotel plans were produced at any stage.

It should be noted that there are two existing Paspaley houses on Myilly Point, but they are outside Flagstaff Park.

I said that in my view the hotel could best be built low and extended, in an attractive way similar to one under the Harbour Bridge in Sydney. This sensible solution in a sensitive location is much admired by luxury visitors, and locals alike.

Mr Hanigan instead envisaged spreading other popular related entertainment facilities on Lot 6394, with the hotel as a tower, against the point. The 'planner', apparently not an architect, seemed to have no 'feel' for Darwin, compared to Melbourne. He focused on a boardwalk to Fannie Bay This would probably need repair after every wet.

When it was pointed out that a tower building would block the magnificent open air natural view from Flagstaff Park,

Hanigan replied that there is no legal reason why a view cannot be blocked by a development.

In the public interest, common sense and for ethical reasons this should not happen with a natural view, like the one from Flagstaff Park. If the bottom site Lot 6394 was too small, perhaps there may be space somewhere else in the huge Old Hospital/ Myilly Point area still undeveloped, after the government demolitions done almost twenty years ago.

When asked, I suggested an alternative site for the proposed hotel between the Myilly Tower, and the Paspaley houses where there is an extensive view.

His response was that he not own that land. Presumably he does own the reclaimed land Lot 6394, but he does not own the top of Flagstaff Park (Lot 5180).

8. Group Workshop at the Casino, 14.5.2016

About 40 people attended this morning workshop.. I was delayed in arriving. However, I was told that proceedings had only just started. Stakeholders appeared to be mostly from the Cullen Bay and Larrakeyah areas.

The focus was on influencing stakeholders by using spinoffs from the hotel idea to support an ailing Cullen Bay precinct, particularly the lack of parking, and a perceived lack of Government investment, compared with the Waterfront Project. The burden was placed on exploiting Flagstaff Park, which is not a part of Cullen Bay. The parks role became just to support the hotel by providing car parking, with an entrance lift in a hotel tower, on the point, forming the linking access. Ownership and zoning of Flagstaff Park was ignored.

On two occasions, I attempted to make the situation clear, emphasizing Flagstaff Park's natural and public values, and legal status. On the second occasion the proponent rudely and wrongly asserted that I was the only one concerned.

Spokespeople from some other tables expressed strong reservations about any real Darwin need for a six star hotel, particularly with the Casino already so close by on the foreshore.

With no independent chairperson guiding there was no way of summarising the overall cumulative impact of each round

of questions as put to the stakeholders, as the morning progressed. The proponents 'assistant' made the notes on a whiteboard. No plans or drawings of the proposed hotel were shown to the group. As we left, a few clustered around what may have been a plan on the wall.

Significantlly no real consideration was given to parking provision for Cullen Bay on the Old Hospital site, still sitting vacant. The proponents reasoned that Paspaley Pearl Properties Pty Ltd do not own land there.

They do not own land on top of Flagstaff Park(Lot 5180) either.

Summary of Workshop Process

It was the proponent's consultation.

I cannot see how the views of the wider community outside the Cullen Bay/Larrakeyah area, in such a rushed fashion, could be adequately understood and appreciated.

In fact, the NT News (15.5.2016) report by Christopher Walsh, who attended, quoted only supporters, and concluded, 'Locals OK with six star proposal'. This followed a scathing editorial attack in the NT News (13.5.2016) on 'NIMBY fringe-dwellers.'

Flagstaff Park is of significance to a much wider population. We, and the wider community have long supported, the natural preservation of Flagstaff Park, as a public headland lookout, with panoramic views of Darwin Harbour, backed by a properly maintained but simple park, excluding cars, and based on the existing garden, and the special heritage elements of the point.

Darwin's Green Escarpment, from Cullen Bay to the George Brown Botanic Gardens,. and beyond, following the natural amphitheatre of the Mindil Precinct should be preserved.

A public pedestrian access up the cliff side, from the Cullen Bay side of Flagstaff Park can link a complete walking circuit for all residents. There is similar pedestrian access at the Dripstone Caves cliffs in the Casuarina Coastal Reserve.

9. Comparisons with outcomes for Flagstaff Park based on the 'Community Consultation Report: Kahlin

Compound/Old Hospital Site and Myilly Point, including Flagstaff Park' prepared by Michels, Warren, Munday for the NT Planning Commission [mid 2015]

Compare the two different consultations, and contrast the results for Flagstaff Park.

This earlier consultation, for the Northern Territory Government was widely advertised, with key stakeholders including:

'Friends of Kahlin, City of Darwin, National Trust, Larrakeyah Action Group, Historical Society of the NT, Property Council of Australia, NT Branch, Urban Development Institute of Australia, Environment Centre NT, Planning Action Network, Australian Institute of Architects, and the Nursing Museum. ' (p3)

There were 25 face to face meetings, and 233 submissions; and participation from Larrakeyah and Cullen Bay residents.
There was a lead up period, media coverage, and open days on Myilly Point, with information exhibits serviced by expert informants.

A copy of the summary table including Flagstaff Park is at Attachment D.

The agreed final outcome of the May, 2015 consultation for Flagstaff Park was:

'Retain Flagstaff Park at the end of Myilly Point as public open space' (page 5)

Most relevant were two backing interview statements (Page 29) as follows:

' ''*Flagstaff Park should be available for all Darwin residents and not only we who reside here. It should be treated like East Point, which is assessed by people from all over Darwin.*'' Larrakeyah Resident.'

and

'Paspaley Pearls Properties Pty Ltd, Speaking as residents on Myilly Point, said any adjoining residential development should be sympathetic to their three family properties, which they wish to preserve as residential.'

10. Conclusion

We believe that this is the legally and ethically proper outcome for Flagstaff Park.

Any proposed hotel, or other structure to be built should be confined to Lot 6394. If it is to be built it should be done in such a way as to not compromise in any way, the open space values of Flagstaff Park, its heritage or its public views from the crown land Lot 5180.

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