

Mr [REDACTED]

Sent via email: [REDACTED]

Dear [REDACTED]

Thank you for sharing your concerns regarding the provisional heritage declaration of the Esplanade.

I would take this opportunity to share some additional information which may be useful, as follows:

Background

The land area encompassing the Esplanade is owned, managed and maintained by City of Darwin.

On 14 April 2023, City of Darwin was advised – at the same time as the broader public – that the Heritage Council had commenced the process to permanently list the Esplanade as a heritage place, and there was a 28-day period to make a submission.

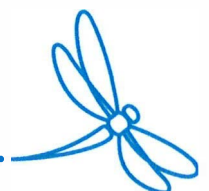
It is prudent to authentic consultation and reasonable that City of Darwin's Council – as the governing board of the landowning entity – be provided sufficient time to discuss and debate the matter prior to coming to a resolution regarding the content of an official submission on the proposed declaration, which was not possible within the 28-day submissions timeframe imposed by the Heritage Council.

Further, in line with the Heritage Act, the Heritage Council is required to undertake an assessment of the heritage significance of a place within six months of the original application being received.

We understand the declaration, made in April 2023, followed an initial application that was made in November 2021, meaning it was more than 18 months since the application was lodged and therefore, according to the Heritage Act, the application was not valid.

In the initial stages, City of Darwin attempted to engage with the Heritage Council and NTG on this matter through non-legal avenues, but were advised we had no recourse and were required to make a submission within the 28-day notification period.

The invalidity of the process the Heritage Council took was confirmed by legal advice received by City of Darwin.



As a result, it was recommended that City of Darwin seek a declaration in the Supreme Court to recognise that the nomination had lapsed and should be discontinued, as well as to seek an order to prevent or postpone a future listing of this site.

Due to the legal nature of the case, it was also recommended that the accompanying documents and decision remained confidential.

Ramifications

A heritage listing over the entire Esplanade area means any uses of the site would require approval from the NT Government-appointed Heritage Council.

This means ongoing and accepted uses of the land, including those that the community would expect of parkland and open space, could be subject to an additional layer of review and approval from the NT Government (NTG).

Ensuring that due process is followed is crucial to City of Darwin because responding to a listing of this size, with a broad range of existing uses, would take time to research and compile, as would informing Council and seeking a Council resolution on the contents and direction of an official submission.

The proposed heritage declaration applies to the entire length of the Esplanade from Doctor's Gully to before the Deckchair Cinema, including some parcels of crown land and private property.

We are concerned that the proposed heritage declaration could potentially impact future activation of the Esplanade.

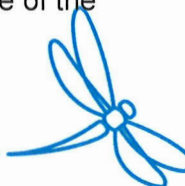
Activation of the site would improve the amenity of this much-valued community space.

We have reviewed the area under the proposed declaration, and it is largely City of Darwin land.

The application also ignores numerous other sites of cultural and heritage significance along the harbour. This includes a significant Larrakia women's site near the Deckchair Cinema, on NTG land, is not captured in the land subject to the proposed declaration. Further, sites of military history significance, including the wharf area where 45 people died during the first Japanese air raid of World War II, also on NTG land, are not included under the declaration.

We remain committed to implementing our 2030 Greening Darwin strategy, which aims to create a cool, clean and green city. The Greening Darwin strategy provides a framework for enhancing, preserving and protecting the natural environment of Darwin city centre through sensible, steady and continuous improvements. In line with this strategy, we will continue to work with all levels of government, the non-government sector and the community, to maintain and improve our public spaces, including the Esplanade.

The Esplanade is a valued public space in the heart of the Darwin city centre. City of Darwin acknowledges the significant cultural, historical, military, social and environmental value of the



Esplanade, and we want to make sure this valued space remains accessible to the community and supports community use.

I hope this helps alleviate some of your concerns.

Yours sincerely,



KON VATSKALIS
LORD MAYOR

19 March 2024

