

Partners:

Kevin Stephens
Leon Loganathan
Ashley Heath
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Our ref: 20180493:BST

6 March 2018

Consultants:

Carolyn Walter
Markus Spazzapan
Tony Whitelum
Charlie Martel

By email: AboriginalLandCommissioner@network.pmc.gov.au

Aboriginal Land Commissioner
Office of the Aboriginal Land Commissioner
GPO 9932
Darwin NT 0801
Attention: The Hon John Mansfield AM QC

Senior Associates:

Emma Farnell
Tessa Czislowski

Conveyancing Manager:

Theresa Cocks

Dear Commissioner Mansfield

Re: Review of detriment issues – Lorella Region Land Claim No 199

Dear Commissioner Mansfield

We act for Maximus No 82 Pty Ltd (ACN 010 026 070) and Landmark Development Pty Ltd (ACN 008 649 732), owners of the Lorella pastoral lease (**Lorella**). On their behalf, we wish to provide these comments in response to your invitation to participate in a review of detriment issues for the Lorella Region Claim No 199 (**Land Claim**), as contained in Report No 63 of the Aboriginal Land Commissioner's Report dated June 2002. This correspondence provides our initial detriment concerns. We will provide a more detailed response and evidentiary material by 6 April 2018 as you have allowed for in your invitation.

Darwin

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Palmerston

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6 Woodlake Boulevard
T 08 8931 3388

Casuarina

Unit 3
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T 08 8942 2333

No negotiations or agreement on detriment. First, before discussing detriment, your correspondence also invited the owners of Lorella to comment on current relationships with the claimants and/or local Aboriginal communities. There has not been and there are no active or ongoing negotiations between the Lorella owners and local Aboriginal communities or the Northern Land Council regarding mitigation of detriment to Lorella should the Land Claim be granted.

Alice Springs

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Mbantua Offices
64 Todd Street
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New construction and maintenance of fence lines. Cattle at Lorella do graze in and move through the Land Claim area. If the Land Claim becomes Aboriginal land there will be a need to prevent the movement of livestock into that area. It is thus reasonable to believe that new fences lines will need to be installed along some or all of the nearly 25 km border between Lorella Station and the Land Claim area, an area in which there is currently no fencing.

Tourism. Lorella has significant tourism operations through its Lorella Springs Wilderness Park. These operations include camping, fishing, bird watching, and helicopter tours that are highly dependent on access to the inter-tidal zone and the seas below the low water mark. A loss of access would be a significant and serious detriment to Lorella.

It is my understanding that two additional letters have been sent to the Aboriginal Land Commissioner in regards to detriment to tourism activities at Lorella, one from Four Wheel Drive Australia and one from Tourism Top End. While they both address detriment to Lorella, they both also raise additional detriment issues that should be considered by the Commissioner in his report and recommendations to the Minister. The correspondence from Four Wheel Drive Australia notes the detriment to its members and members of the 4WD community generally who may lose access to the inter-tidal zone at Lorella. Tourism Top End, the peak body for the tourism industry in the Top End of the Northern Territory, points out the cumulative detriment to coastal tourism that may result from all of the inter-tidal zone land claims currently under consideration or review by the Aboriginal Land Commissioner. For your convenience, I have attached copies of the correspondence I believe have already been sent by those organizations.

Recreational access. Recreational fishing and boating are significant amenities at Lorella Springs and important to the quality of life for Lorella's owners, employees, and the families and guests. Loss of access to the inter-tidal zone and through the inter-tidal zone to the sea beyond would a significant detriment and harm to the quality of life at Lorella Springs.

Thank you for your consideration in this matter. We will have further correspondence to you by 6 April 2018.

Yours faithfully
WARD KELLER



BRADLY TORGAN
Senior Lawyer

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Attachments



Trademark of Australian National
Four Wheel Drive Council Inc.

Four Wheel Drive Australia

GPO Box 79
Canberra ACT 2601

Website: www.4wda.org.au

AUSTRALIAN NATIONAL FOUR WHEEL DRIVE COUNCIL INC.

ABN 40 672 552 892

Representing drivers in all states and territories

2 March 2018

The Honorable John Mansfield AM QC.
Aboriginal Land Commissioner.

Submission in support of Mr. Rhet Walker, Lorella Springs Station, Northern Territory.

Dear Commissioner,

I am writing to you as President of the Australian National Four Wheel Drive Council, trading as Four Wheel Drive Australia (4WDA). We are the national body representing four wheel drive clubs based in all Australian States and Territories.

Our membership base is around 15,000 individuals, couples or families who choose to join our clubs and through our 4WD Code of Conduct, on-ground actions, support and training programs, we ultimately represent the interests of the several million 4WD users throughout the country. Four Wheel Driving and its associated activities have become an 'Aussie tradition' with individuals, groups, families and 'grey nomads' spending millions of dollars in local communities as they explore all regions of our great country.

From time-to-time, we are approached by a State/Territory association, a 4WD club or a land manager when they believe an issue is emerging that may impact that great Australian 4WD touring and camping tradition. Recently I was made aware of the impending land claim decision in the Lorella region of NT and our Council feels we must provide a submission to make our concerns known to you.

Lorella Springs Station has become an iconic destination for outback tourers, 4WD enthusiasts and fisher people alike. The coast and costal creeks play a very large part in Lorella's appeal. It is a very remote destination and is increasingly popular because it offers the whole range of remote experiences. The inter-tidal zone is used for fishing, exploring, and travelling along at low tide.

As our membership is made up of a combination of all these groups, the Lorella experience has become a regular feature in various club magazines and trip reports right across Australia. We would hate to see that the freedom to venture into this popular and remote area may be lost as others have over recent times. Typically, when similar access issues have arisen, it has led to a drop in visitor numbers and, in some cases, to parks closing their gates. If this were to happen to Lorella, it would be a great loss to the 4WD community and all Australians as a whole.

Our members will and do travel from thousands of kilometres away to enjoy these experiences and any changes will most certainly be a consideration when we (and other adventurous people) are choosing their holiday destination.

We strongly and respectfully request that the traditional visitation rights of our 4WD community and other visitors to the area, be upheld.

Thank you for the opportunity to raise our concerns for your consideration. Please contact us if you would like any further discussion or input.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'B J Hevey', written in a cursive style.

Brian Hevey
President
Australian National Four Wheel Drive Council - 4WD Australia.
Ph: 0418 121 373
president@4wda.org.au



Aboriginal Land Commissioner John Mansfield AM QC
Office of Aboriginal Land Commissioner
GPO Box 9932
Darwin NT 0801
By Email: AboriginalLandCommissioner@network.pmc.gov.au

Monday 5 March, 2018

Dear Commissioner Mansfield,

RE: Detriment Concerns – Lorella Region Land Claim No 199

I have recently become aware of a detriment review to update the aboriginal land claim report for Lorella Region Land Claim No 199. On behalf of Tourism Top End, I would like to make these initial comments on detriment to both Lorella Springs, located on the Lorella Pastoral Lease, and on cumulative detriment to coastal Tourism.

Tourism Top End which is the peak Tourism Association in the Top End of Australia's Northern Territory and has been representing the interests of the Tourism Industry since 1973. Tourism Top End is a non-profit Incorporated Association committed to the growth of Tourism in the Northern Territory.

Lorella Springs has been an active member of Tourism Top End for many years, contributing to the development of our Tourism industry, through active participation in policy development, marketing and working with like-minded businesses to promote the Savannah Way Drive Tourism route. They have significant Tourism operations including camping areas, accommodation, scenic flights, bird watching, bush walking and fishing. All of these activities represent the Lorella Springs experience, but are highly dependent on access to the inter-tidal zone and seas below the low water mark.

If the Land Claim becomes aboriginal land and this access is denied, a cumulative detriment to coastal Tourism in the Top End will arise. It is my understanding that this Land Claim is one of many that could affect the inter-tidal zone, with the cumulative effect of potentially closing most of the inter-tidal zone in the Northern Territory to coastal Tourism – impacting not only on the experiences being offered, but on our global reputation as a Tourism destination. Reputation is crucial in today's consumer driven environment, in particular as the Northern Territory Government focus on opening up Tourism markets to our North across SE Asia, China and India. Globally, there are in excess of 175 Tourism review sites that provide an unbiased platform for consumers to rate, or comment on a destination's reputation – poor ratings have a cumulative detriment effect to visitation.

I understand from Lorella Springs that parties are being until 6 March 2018 to express initial concerns, and until 6 April 2018 to provide a more detailed response. I will have an additional response for you by 6 April 2018. I thank you for your consideration to our concerns.

Yours Faithfully,

Trevor Cox
General Manager
gm@tourismtopend.com.au

Ward Keller

A legal practice conducted by Ward Keller Pty Ltd
ACN 009 628 157, ABN 83 867 405 190

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Attention: The Hon John Mansfield AM QC

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Theresa Cocks

Dear Commissioner Mansfield

Darwin
Level 7, NT House,
22 Mitchell Street
T 08 8946 2999

Re: Detriment Review - Lorella Region Land Claim (No 199) and part of Maria Island Region Land Claim (No 198) (Land Claim Report No 63)

Palmerston
Suite 2
6 Woodlake Boulevard
T 08 8931 3388

We act for Maximus No 82 Pty Ltd (ACN 010 026 070) and Landmark Development Pty Ltd (ACN 008 649 732), owners of the Lorella pastoral lease in the above-mentioned matter. On their behalf, please find attached the statement of Rhett Peter Walker with regard to a review of detriment for the Lorella Region Land Claim and Land Claim Report No 63.

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Yours faithfully
WARD KELLER



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Statement of Rhett Peter Walker

1. My name is Rhett Peter Walker. I am a director of Maximus No. 82 Pty Ltd ("Maximus") (ACN 010 026 070), one of the owners of the Lorella pastoral lease, PL 757 ("Lorella"). I have been a director of Maximus since 1987, when Maximus first took an ownership interest in Lorella.
2. This statement is based on my personal knowledge, except as to that which is based on information and belief. As to those matters, I believe them true based on that information and belief.
3. I am also the operator of Lorella and refer to myself as the owner/operator.
4. I am also the director of Lorella Spring Wilderness Pty Ltd (ACN 616 238 218), which own Lorella Springs Wilderness Park ("Lorella Springs"), a tourist facility at Lorella about which I will discuss further below.
5. I also refer to myself as owner/operator of Lorella Springs.
6. I have lived at Lorella since 1986, well before the Land Claim that is the subject of this detriment review was lodged, which I understand to have occurred in May 1997.
7. Before that I lived on the adjacent Nathan River pastoral lease from 1984 to 1986. I moved to Lorella with my immediate family during that wet season. There had been a caretaker at Lorella for ten years prior. There was only one road into Lorella and during the first couple of years we were unaware of any other human presence on the property. The police would visit us about once a year to check on us, but that was about it.
8. When we moved to Lorella, we lived under a tarpaulin in the bush for the first six months, before moving into a shed on the property and turning it into more liveable premises.
9. Although Lorella Spring Wilderness Pty Ltd was only registered in 2016, tourist activity has been occurring at Lorella since approximately 1988. My family began tourism activity after realizing that we needed to supplement income derived from Lorella. We received support from the Northern Territory government and Lorella was even identified as a location for recreational fishing opportunity on a map produced in 1990 by the Northern Territory Department of Primary Fishing and Industries. I have attached true and correct copies of photographs of that map as **Annexure 1** to my statement.
10. The Northern Territory government also identified Lorella as a location that could be used for recreational purposes in a 1991 report by the Northern Territory Department of Lands and Housing entitled 'Gulf Region Land Use and Development Study'. I have attached a true and correct copy of an excerpt of that report as **Annexure 2** that describes Lorella. The number in the lower left hand corner of the cover page is the call number in the Northern Territory Library.

RW

11. Over the past thirty years, I estimate we have invested over \$4,000,000 in Lorella's tourism and recreational activity infrastructure, along with thousands of hours of labour by me and my family.
12. Every year our operations have expanded and grown. In 2017 alone we re-invested \$500,000 of our revenue into the tourism development and \$150,000 back into developing our cattle operations.
13. Over the past 30 years some of the improvements we have made to Lorella include, but are not limited to:
 - a. The development and upgrade of nearly 1,000 kilometres of internal property roads, including a track to the coast opening access to the Gulf of Carpentaria. The track can accommodate both tour groups and our cattle operations;
 - b. Remote campgrounds around the property along rivers and at the coast;
 - c. All weather airstrip;
 - d. Accommodations for up to sixty guests, as well as staff accommodations;
 - e. Showers and flushing toilets across 8 amenity blocks on the homestead campground;
 - f. A maintenance workshop primarily for station vehicles;
 - g. Catering and accommodation support facilities including a commercial kitchen, bar area, 200 square metre outside deck dining area;
 - h. Fuel facilities;
 - i. and a helicopter base from which remote coastal fishing tours along the Lorella coastline and rivers are offered during the dry season.
14. I take great pride in the recreational offerings at Lorella and the manner in which we provide them. We have been publicly recognised for our efforts, receiving the a Tourism NT Brolga Award in 2005 for the second best caravan park in the Northern Territory and a nomination for a 2018 Telstra Business Award.
15. I am of the understanding that the inter-tidal zone, the land between the high water mark and the low water mark, of the Gulf of Carpentaria adjacent to Lorella is the subject of the Lorella Region Land Claim No 199 ("Land Claim"), filed in 1997 pursuant to the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) ("Land Rights Act"). I further understand that a Land Claim report did issue in 2002 but no final action was taken on the report; the proceeding for which I am providing this information is essentially a review and update of the detriment section of that report.

RW

16. As relevant to Lorella, I understand that the legal effect of a grant of Aboriginal land is:
 - a. to make it an offence under section 70 of the Land Rights Act for any person to enter or remain on that land without permission from the relevant land council; and
 - b. to make it an offence under section 4 of *the Aboriginal Land Act* (NT) for any person to enter or remain on that land without a permit granted by the relevant land council.
17. The inter-tidal zone along Lorella is not uniform in width. In some locations it is as wide as two kilometres.
18. Cattle at Lorella do move through the inter-tidal-zone. If there is a grant of the Land Claim area as Aboriginal land pursuant to the Land Rights Act, then there may be a need to fence above the inter-tidal zone to prevent the movement of cattle into that area. I understand that unless permission is given by the Northern Land Council, attempts to retrieve cattle in the inter-tidal zone by Lorella employees and contractors could result in violations of the Land Rights Act and the Aboriginal Land Act.
19. Lorella has approximately 25 kilometres of coastline. I estimate fencing to cost approximately \$ 3,000 per kilometre, plus another \$ 1,000 per year per kilometre. As a worst case scenario, fencing would cost Lorella \$ 75,000 plus another \$ 25,000 per year in repair and maintenance costs. There are currently no fences along the inter-tidal zone.
20. Although fencing would be necessary to keep cattle out of the intertidal-zone, I believe fencing would seriously detract from the coastal tourist experience at Lorella:
21. Lorella Springs offers significant tourist activities at Lorella. These activities include camping, bird watching, fishing, four wheel driving, helicopter scenic flights, and swimming at spots in the interior of the property. Guests don't swim in the Gulf, but they do hike and wade in the inter-tidal zone, and engage in other activities in the inter-tidal zone such as crabbing. Overnight accommodations at Lorella include single rooms, cabins, remote camping, and camping/caravanning at the homestead campground.
22. I estimate that Lorella Springs hosts approximately 12,000 visitors annually, representing 30,000 bed nights. This number has steadily increased over the last several years and I expect this to increase as a result of recent improvements that have been made at Lorella. A rough, single-track route from the homestead to the coast was first cut in about 1988 using a rubber-wheeled bulldozer. It has since been upgraded to a 9 metre-wide partially gravelled road using a scraper I acquired for approximately \$65,000 in 2015. An all-weather 12,000-metre-long airstrip was also completed in 2016. We have numerous machines to maintain and upgrade our tracks on the property and for future developments, including a bulldozer, a grader, a backhoe and a loader.

23. Tourist visitations occur during the seven-month dry season. Lorella Springs is closed during the wet season, with Lorella and Lorella Springs maintained by wet season caretakers. Cattle operations, though, continue past the seasonal closure of Lorella Springs until about December of each year.
24. A grant of the Land Claim area as Aboriginal land pursuant to the Land Rights Act would have an immediate and detrimental impact on the current operations at Lorella. I base this on the following:
- a. The majority of the tourist and recreational activity at Lorella Springs is dependent on access to and movement through the inter-tidal zone. Even the helicopter scenic flights land on the inter-tidal zone as part of the tours.
 - b. I estimate that about 80% of the guests to Lorella Springs make use of the inter-tidal zone for tourist activities during their stay.
 - c. Much of Lorella Springs' marketing efforts tout its pristine coastline and the tourist activities that are dependent on access on or through the inter-tidal zone.
 - d. A loss of access to the inter-tidal zone would significantly detract from the tourist experience at Lorella Springs as a coastal property for which our guests come, and would make Lorella Springs a less desirable tourist destination.
 - e. The tourist experience would be further marred by the presence of any fencing above the inter-tidal zone; fencing that may be necessary to control cattle movement.
 - f. We already have bookings as far out as 2020. I am concerned these bookings would be negatively affected if access to and through the inter-tidal zone is lost.
 - g. There are up to forty staff members on Lorella at the peak of the dry season. Anything that negatively affects operations at Lorella, tourist or pastoral, will negatively affect opportunities for work at Lorella. Many of the people who seek this opportunity do so because it comes with the ability to enjoy to attractions of Lorella, including remote camping and coastal fishing. A grant of the Land Claim would eliminate or substantially reduce that incentive.
 - h. Cattle operations would also suffer. The majority of income derived from Lorella comes from Lorella Springs. Much of that revenue is used to support the station's cattle operations.
25. A grant of the Land Claim area as Aboriginal land pursuant to the Land Rights Act would detrimentally impact future plans we have for Lorella:
- a. A coastal fishing lodge at the mouth of the Wuraliwuntya Creek, which could include an airstrip;
 - b. additional remote coastal camping;

- c. Guided fishing expeditions;
 - d. coastal quad tours along remote parts of the coastline; and
 - e. aquaculture.
26. What makes these future plans now possible in a way that was not even a few years ago is the recent upgrades to infrastructure and coastal access of which I spoke earlier.
27. With respect to aquaculture in particular, the environmental conditions are good for prawn and fish farming along the coast, and a diversification effort that we have been trying to develop many years. One of the biggest obstacles, though, has been the remoteness of the coast and relative lack of access. About six years ago, however, a mining company constructed a bitumen haul road through the middle of the property to the Bing Bong port to the south-east. This, combined, with the access to the coast we have built, reduces this logistic hurdle.
28. I am informed, and on that information believe, that pastoral diversification in the Gulf of Carpentaria region has been a long-standing goal of the Northern Territory government. The excerpts of the 1991 report identified in paragraph 8 of this statement and attached as Annexure 2 recommended that Lorella be examined 'with the option in mind that the pastoral lease be replaced by a multi-purpose Crown lease'. It is also worth noting that the report even then identified aquaculture as a possible area of diversification, but one that was hindered because 'the area lacks access'.
29. In short, existing and future operations at Lorella would be compromised if access onto the inter-tidal zone is made subject to third-party control and agreement. If Lorella Springs' operations are prevented, hindered, or made more costly, the financial return for Lorella as a whole is reduced, along with the benefit of a diversified operation
30. The ability to access the inter-tidal zone for recreational activities is a benefit enjoyed and accessed by Lorella's owners, staff, and their families and guests. The loss of this benefit would also be a detriment to Lorella.

I declare that I have read this statement carefully before signing it and that I believe it to be true and correct.

Signed: _____



Rhett Peter Walker

Date: Thursday 5th April 2018

ANNEXURE 1

Production : Department of Primary Industry and Fisheries
Darwin, Northern Territory, 1992.
Cartography / Design : Mapping Branch, Dept. of Lands and Housing
Darwin, Northern Territory.
Front Cover : Artist Gavin Ryan
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LEGEND

- Arterial Road
- Secondary Road, Sealed
- Unsealed
- Vehicular Track
- Road distance
- Boat Ramp
- Fishing Spot
- Land subject to inundation
- Park / Reserve
- Aboriginal Land
- Participating Pastoral Property
- Health Centre
- Police
- Ranger Station
- Information
- Licensed Airship
- Homestead
- Town / Settlement
- Roadhouse
- Fuel
- Accommodation (Advance Booking may be required)
- Caravan Park

DISCLAIMER

Every effort has been made by the Department of Primary Industry and Fisheries and the Department of Lands and Housing to ensure that the information provided in this publication is accurate at the time of printing. No responsibility will be accepted by the Northern Territory of Australia, however, for any errors or omissions. Access arrangements and fees are subject to change without notice. The depiction of a road or track on this publication does not necessarily indicate a public right of way.

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To assist in correcting future editions of this map, users wishing errors or comments are invited to write to:

The Secretary,
Department of Primary Industry and Fisheries,
G.P.O. Box 999,
Darwin N.T. 0601
Australia.

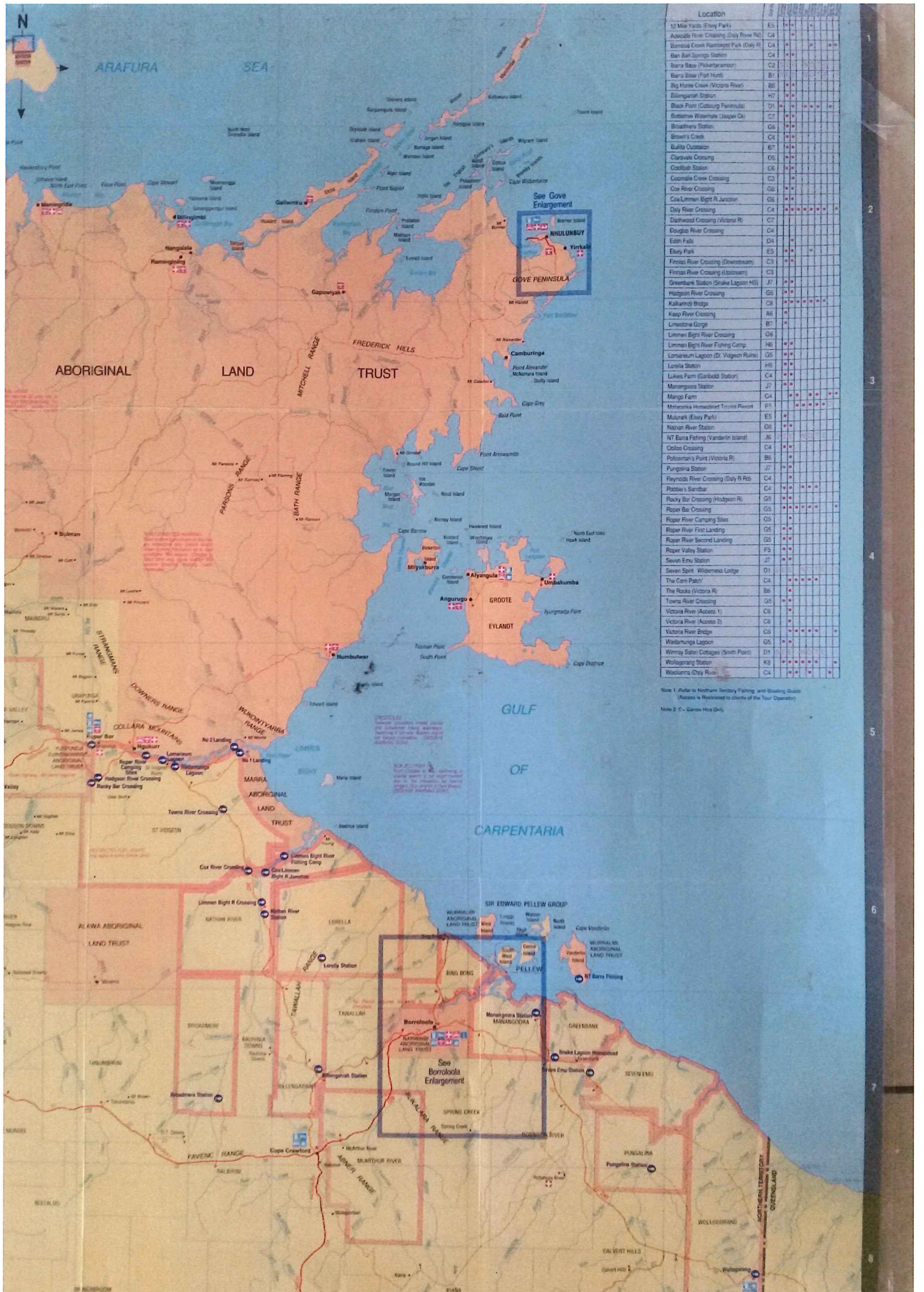
Some portions of the Northern Territory Fishing Map (the Pastoral Land Act) have been included which are subject to the Pastoral Land Act. The Act requires the provisions which are subject to the Pastoral Land Act to be included in this map. The provisions which are subject to the Pastoral Land Act will be removed when the provisions are removed from the map.

It is the policy of the Northern Territory of Australia to encourage the development of the Northern Territory of Australia through the development of the Northern Territory of Australia. The provisions which are subject to the Pastoral Land Act will be removed when the provisions are removed from the map.



See Darwin / I

2
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4
5
6
7



Location	Access	Boating	Quads	4WD	4x4	4x2	2WD
12 Mile Yards (Essey Park)	E5
Adequella River Crossing (Daily River Rd)	C4	..	..	..	..	..	..
Barraba Creek Ramoong Park (Daily R)	C4	..	..	..	..	..	..
Ban Bah Springs Station	C4	..	..	..	..	..	..
Barraba State (Parkerhamoor)	C2	..	..	..	..	..	..
Barraba State (Part Hurd)	B1	..	..	..	..	..	..
Big Horse Creek (Victoria River)	B6	..	..	..	..	..	..
Bilgerah Station	H7	..	..	..	..	..	..
Black Point (Cotswold Peninsula)	D1	..	..	..	..	..	..
Boomerang Waterhole (Lapeer Cr)	C7	..	..	..	..	..	..
Broadmeads Station	G6	..	..	..	..	..	..
Brown's Creek	C4	..	..	..	..	..	..
Bullita Outstation	B7	..	..	..	..	..	..
Carrawe Crossing	D6	..	..	..	..	..	..
Coastal Station	C6	..	..	..	..	..	..
Cooma Creek Crossing	C7	..	..	..	..	..	..
Cox River Crossing	G6	..	..	..	..	..	..
Cox Linnem Bight R Junction	G6	..	..	..	..	..	..
Daily River Crossing	C4	..	..	..	..	..	..
Dashedwood Crossing (Victoria R)	C7	..	..	..	..	..	..
Douglas River Crossing	C4	..	..	..	..	..	..
Edin Falls	D4	..	..	..	..	..	..
Essey Park	E5	..	..	..	..	..	..
Finniss River Crossing (Downstream)	C3	..	..	..	..	..	..
Finniss River Crossing (Upstream)	C3	..	..	..	..	..	..
Greenbank Station (Snake Lagoon HS)	J7	..	..	..	..	..	..
Hodgson River Crossing	G5	..	..	..	..	..	..
Kalkamady Bridge	C8	..	..	..	..	..	..
Koop River Crossing	A6	..	..	..	..	..	..
Limestone Gorge	B7	..	..	..	..	..	..
Linnem Bight River Crossing	G6	..	..	..	..	..	..
Linnem Bight River Fishing Camp	H6	..	..	..	..	..	..
Lornear Lagoon (St. Valgeon Ruins)	G5	..	..	..	..	..	..
Lorella Station	H5	..	..	..	..	..	..
Lukas Farm (Garbald Station)	C4	..	..	..	..	..	..
Manungah Station	J7	..	..	..	..	..	..
Manga Farm	C4	..	..	..	..	..	..
Morvenna Homestead Tourist Retreat	E5	..	..	..	..	..	..
Mulnuk (Essey Park)	E5	..	..	..	..	..	..
Naxian River Station	G6	..	..	..	..	..	..
NT Barraba Fishing (Vanderlin Island)	J6	..	..	..	..	..	..
Colloo Crossing	C4	..	..	..	..	..	..
Polkeman's Point (Victoria R)	B6	..	..	..	..	..	..
Pungahna Station	J7	..	..	..	..	..	..
Reynolds River Crossing (Daily R Rd)	C4	..	..	..	..	..	..
Roddie's Sandbar	C4	..	..	..	..	..	..
Rocky Bar Crossing (Hodgson R)	G5	..	..	..	..	..	..
Roper Bar Crossing	G5	..	..	..	..	..	..
Roper River Camping Site	G5	..	..	..	..	..	..
Roper River First Landing	G5	..	..	..	..	..	..
Roper River Second Landing	G5	..	..	..	..	..	..
Roper Valley Station	F5	..	..	..	..	..	..
Seven Emu Station	J7	..	..	..	..	..	..
Seven Spirit Wilderness Lodge	D1	..	..	..	..	..	..
The Corn Patch	C4	..	..	..	..	..	..
The Rocks (Victoria R)	B6	..	..	..	..	..	..
Thomas River Crossing	G5	..	..	..	..	..	..
Victoria River (Access 1)	C6	..	..	..	..	..	..
Victoria River (Access 2)	C6	..	..	..	..	..	..
Victoria River Bridge	C6	..	..	..	..	..	..
Wardmunga Lagoon	G5	..	..	..	..	..	..
Wimpy Station Cottages (Smith Point)	D1	..	..	..	..	..	..
Woolgang Station	K8	..	..	..	..	..	..
Woolkarras (Daily River)	C4	..	..	..	..	..	..

Note 1: Refer to Northern Territory Fishing and Boating Guide (Access is Restricted to clients of the Tour Operator)

Note 2: C - Game Hire Only

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See Darwin / Kakadu Enlargement



ARNHEM LAND

See Katherine Enlargement

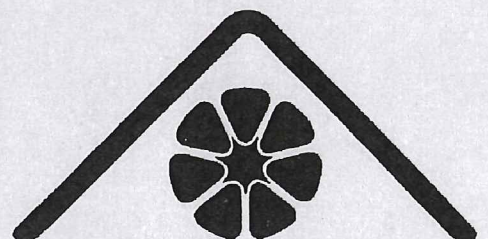
Top Springs

KARANTILPA NORTH

ANNEXURE 2

GULF REGION LAND USE AND DEVELOPMENT STUDY 1991

NTLI
333.
730994295
NORT



Northern Territory Department
of Lands and Housing

Tanumbirini

This property contains very similar country to Nutwood Downs but has restricted access to the north east portion. The *pastoral* areas require careful management of highly erodable country. The operation of the pastoral lease should continue within the existing boundaries but more development is required within marginal areas to ease grazing pressure on more productive country. The property has tourism prospects which could be based on natural features as well as traditional station activity.

GULF ZONE

Billengarra

A very marginal property with low inherent carrying capacity. The northern half has been identified for recreation/conservation purposes for addition to the proposed Limmen Gate National Park. The addition of land from adjacent Tawallah Station along Batten Creek would increase the pastoral potential. It is considered appropriate that the option be examined whether the existing term pastoral lease should be replaced by a Crown lease specially designed to cater for multi purpose uses.

Bing Bong

Together with Tawallah and McArthur River Station, this property forms part of the McArthur River aggregation. It has a small developed *pastoral* area for cattle management but tourist/fishing related usage competes with grazing in the Batten Point area. Some adjoining pastoral support country is also used for controlled cattle grazing. Possible aquaculture areas have been identified along the coast and adjacent to the McArthur River. However, feasibility studies will be required.

Broadmere

The headwaters of October and Lansing Creeks contain small areas of *pastoral* land, but are isolated from the balance of controllable country. The north east corner has been identified for conservation/recreation purposes for addition to a proposed park.

Calvert Hills

Just under half of the lease is comprised of *pastoral* land. A rugged lease where cattle control is difficult but not impossible, with most readily accessible country controlled. Potentially, the most productive of the Gulf Zone properties. A small area identified for conservation and/recreation is suitable for addition to an adjoining area of Wollgorang, together with points of recreational interest along the Calvert River and the lower reaches of Bluey Creek. There is tourism potential in conjunction with traditional station activities.

Greenbank

Limited usable *pastoral* land because of the presence of *Zamia* (*Cycad*) palms reduces productivity substantially even though some management areas are identified. Eradication of *Zamia* in certain areas is the only way that a profitable cattle operation could be considered. The coastal zone is identified for a marine conservation/recreation area.

The option of examining whether the issue of an appropriate multi-purpose Crown lease to replace the existing pastoral tenure is recommended. Grazing rights over the coastal zone should be continued where not detrimental to the conservation values identified, as productivity is dependant on access to this zone for livestock.

Lorella

Principally *pastoral support* land with a small area in the south west of this property identified for conservation/recreation purposes for addition to a proposed park. There is a possibility of some form of aquaculture along the coast but the area lacks access. Lorella is a very poor pastoral property that should be examined with the option in mind that the pastoral lease be replaced by a multi purpose Crown lease.

Manangoora

This pastoral lease has the same problems with cattle grazing as has Greenbank. The coastal strip is identified for a marine conservation/recreation area

with aquaculture a possibility in the north west corner along the McArthur River and between McArthur River and the Fletcher Creek. The Wearyan River provides access to the Pellets. Salt extraction was once carried out in the Manangoora homestead area and could possibly be re-introduced on a commercial scale. Consideration of the issue of an appropriate multi purpose Crown lease to replace the existing pastoral tenure is recommended. Grazing rights over the coastal zone should be continued where not detrimental to the conservation values identified, as productivity is dependant on access to this zone for livestock.

Nathan River

The central *pastoral* area along the Limmen Bight River valley is mostly controlled for cattle grazing. Generally inferior country restricts large scale cattle development over the remainder of the lease.

The southern section of the property is identified for conservation/recreation, for addition to the proposed Limmen Gate National park. The Cox and Limmen Bight Rivers within tidal limits have been identified for conservation and/or recreation. Aquaculture potential is also identified on the coast and lower Limmen Bight River. The station homestead could provide a base for tourism pursuits as well as with traditional station activities in conjunction with the adjacent proposed park. Consideration of the issue of an appropriate multi purpose Crown lease to replace the existing pastoral tenure is recommended.

Pungalina

This is possibly the most inferior body of *pastoral support* land in the Gulf for cattle raising. No areas are identified for an alternative use except for a frontage reserve on the Calvert River. A low key tourist venture based on the homestead area should be encouraged and consideration of the issue of an appropriate multi purpose Crown lease to replace the existing pastoral tenure is recommended.

Our ref: 20180493:BST

11 September 2018

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By Email: AboriginalLandCommissioner@network.pmc.gov.au

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Dear Commissioner Mansfield

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RESPONSE TO SUBMISSION ON BEHALF OF CLAIMANTS: LORELLA REGION LAND CLAIM (NO 199)

Pursuant to your correspondence to Mr Rhett Peter Walker of 28 August 2018 please find the following responses provided on behalf of Maximus No 82 Pty Ltd and Lorella Springs Wilderness Pty Ltd (collectively **Lorella**). The paragraphs of the NLC submission of 18 August 2018 to which the responses apply are noted in the headings.

Darwin
Level 7, NT House,
22 Mitchell Street
T 08 8946 2999

Paragraph [15]

Palmerston
Suite 2
6 Woodlake Boulevard
T 08 8931 3388

To avoid any confusion that may be caused by the NLC submission, there has been no consultation with Mr Walker or anyone representing Lorella and there has been no contact from NLC to Mr Walker. We have no information as to what consultations and agreement the NLC is referring to in its submission.

Casuarina
Unit 3
293B Trower Road
T 08 8942 2333

Paragraph [16]

The only communication ever made to Lorella regarding sacred sites occurred approximately twenty years ago when Mr Walker was informed of a sacred site near the mouth of Rosie Creek. Lorella has taken steps to ensure that its guests respect and avoid that site.

Alice Springs
Level 2, NT House
44 Bath Street
T 08 8952 4200

Recently, Lorella sought and has received from the Aboriginal Areas Protection Authority information about registered and recorded sacred sites in the claim area and throughout the pastoral leasehold. With this information now in hand Lorella is undertaking steps to ensure that its guests respect and avoid those sites.

If the claimants have expressed to NLC "certain misgivings about damage to sacred sites on Lorella and intrusion into significant sites and burial places," those misgivings have never been communicated to Mr Walker. To the extent any of those significant sites and burial places are outside of the inter-tidal zone, they are not relevant to this Land Claim.

Paragraph [17]

You have asked Mr Walker to comment on whether a licensing arrangement like that suggested by NLC is a workable and reasonable arrangement to address

the detriment that would be caused by a grant of the Land Claim. While the devil is always in the details, the arrangement as suggested by NLC in its submission is not a workable and reasonable arrangement for several reasons:

- It only refers to current usage of the claim area, failing to provide for future activity that may legally be undertaken within the inter-tidal zone.
- It only addresses current pastoral uses, specifically access for mustering. Please note, however, that we consider feral animal control and obligations under the *Weed Management Act* to be pastoral activities.
- It does not address future pastoral activities that may not be occurring at this time. That would include fencing. Mr Walker's statement of 5 April 2018 noted there is currently no fencing in or along the inter-tidal zone.
- There are no provisions for non-pastoral uses, either current or future.

The most problematic component of NLC's suggestion is the license fee that would be demanded by NLC. There is no indication whatsoever that an NLC license fee would deliver a commercial advantage to Lorella, as NLC claims in its submission.

The camping fee (which NLC mistakenly refers to as a station access fee) is by far the largest portion of Lorella's revenue from accommodation. It is Lorella's experience that the camping fee is also the most price sensitive. When Lorella increased its overnight camping fee by 25% to \$20 per night in 2014, Mr Walker notice a significant decline in guest stays. Using past history as an example, any increase in the camping fee that might be caused by the imposition of a NLC license fee would result in a decreased number of guests and decreased revenue. This would create an additional economic detriment to Lorella.

The economic detriment would not be just strictly a revenue issue. It would also negative impact Lorella's ability to maintain the property improvements identified in Mr Walker's 5 April 2018 statement.

Paragraph [20]

We refer you to [24] of Mr Walker's statement of 5 April 2018, in particular subsections (a) and (b), noting that the majority of tourist and recreational activity at Lorella Springs is dependent on the intertidal zone and that an estimated 80% of guests at Lorella Springs make use of the inter-tidal zone for tourist and recreational activities during their stay.

Moreover, boat access to much of the water to which NLC refers is from a boat launch at the coast. The lack of access for vehicles, combined with the shallow rock bars and sand flats that make up many of the creeks and rivers at Lorella Springs, prevents most boat launching elsewhere.

Yours faithfully
WARD KELLER



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Rhett Peter Walker