Stone Houses: The only remnant of Darwin’s Chinatown

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Abstract

One of Darwin’s most treasured buildings was given heritage protection this year before being sold to private developers for a reported $3 million. Stone Houses are the only remnant in the Darwin CBD of what was Chinatown during the 1890s and beyond. Whilst the developers are keen to restore the building to its 1888 grandeur, it is open to them to demolish it lawfully under the terms of the Northern Territory’s bizarre so-called Heritage Conservation Act. A review of the Act was announced by the Martin Labor Government in 2002 and was expected to take 18 months. Six-and-a-half years on, the heritage community is still waiting for a bill to materialise. Can heritage protection and development really be such a difficult issue?

Introduction

When Clare Martin’s Labor government was elected in 2001, it honoured an election commitment to amend legislation to provide for the declaration of ‘drug houses’ and for the seizure and forfeiture of property and equipment associated with the production, supply and distribution of drugs. The legislation was immediately used to shut down known ‘drug houses’ in Darwin, and the government hailed its legislative reform a success.

If the truth be told, though, one of Darwin’s first drug houses was constructed some 113 years earlier by Cantonese merchant Kwong Sue Duk, whose trading name was Sun Mow Loong and who intended the building to be well secured for a commercial operation of packaging opium from Queensland for export to China. His venture was reported in the North Australian of 10 March 1888:

> We hear that it is the intention of some of our well-to-do Chinese to erect a large stone building in Chinatown, probably for a bonded store. Arrangements for carting 300 tons of stone are being made.

(Welke and Wilson 1993: 175)

Known as the ‘stone houses’, the building was designed in five discrete parts of equal width. Folklore has it that Kwong had five wives and, therefore, the discrete design of the building was intended to facilitate polygamous harmony. There is no evidence to support this somewhat romantic mythology, although Kwong had at least four wives and possibly one or more concubines who produced 24 children. In fact, Kwong held one section and sold the remaining four at a handsome profit in 1894 or 1895. He left the Northern Territory all together in 1902 and later established successful business ventures in Queensland.

Stone Houses were ‘grand’ on any scale in Palmerston (Darwin’s then name) at the time. Similar buildings constructed at the same time included Government House (1871), the Palmerston Town Hall (1882-3), the Court House and Police Station (1884), Solomon’s Emporium (1885 – now known as Brown’s Mart) and the Overland Telegraph Office and Station (1887). They shared construction style of locally quarried porcellanite stone, with quoins, stringcourses and sills being rendered, and they featured hipped rooves.

In 1895 Lauritz Helleman purchased four of the five leases and secured the remaining portion in 1910. By 1920, he owned the entire property. In 1921, he sold it to Chin Sam and Chin Toy and in 1926, the property was transferred to the name of Chin Toy alone. The building, which was damaged during a cyclone in 1897, was re-roofed by Chin Toy in 1926.

During World War II, outhouses on the property sustained bomb damage, but the stone houses structure was substantially intact. In May 1943, the building was compulsorily acquired by the military, as were all buildings in Darwin, and was occupied by the Royal Australian Navy until January 1946. Chin Toy died in 1947, after which his son, Chin Gong, re-acquired the building in July 1952 under a system that discriminated in favour of former owners. In December of that year, title was transferred to Stone Houses Ltd. Present Directors of Stone Houses Pty Ltd are seven of the 11 children of Mr Chin Ack Sam and Mrs Sue Wah Chin. The building then became known as the Sue Wah Chin building, which was the company’s trading name, and that remains the case.

The roof of the building suffered significant damage in Cyclone Tracy and was re-roofed for a second time in 1975. It was at this time that the hipped rooves were replaced by the existing skillion roof. With the exception of the military’s acquisition of the building, Stone Houses has been in the Chin family since 1921 and has Chinese heritage dating back to its construction as an opium distribution factory in 1888.

Stone Houses are the single remnant of Chinatown in Darwin and one of only a handful of 1880s porcellanite structures that remain.

Heritage status

The former owners, Stone Houses Pty Ltd, resisted repeated attempts by the National Trust of Australia (Northern Territory) to have the building heritage listed. The National Trust, however, entered the building on its Register of Significant

Entered as an ‘indicative place’, the Statement of Significance on the Register of the National Estate is:

Chinese people were numerically dominant in Darwin until 1911, and they dominated the commerce of the town until World War Two. The site is of outstanding significance as the most intact and visible reminder of the antiquity and importance of the Chinese presence in Darwin. The building has close associations with the Chin family, the most numerous Chinese family in Darwin today. The building makes a positive contribution to the Cavenagh Street streetscape, and it is held in high esteem by the Darwin community for its historic and other social values.

(National Trust (NT) File 6/348)

The National Trust nominated Stone Houses for the Northern Territory Heritage Register, which carries limited legislative protection, in 1993. The Trust's nomination contained this Statement of Significance:

This building has considerable architectural and social significance. It is the only remaining building of the Chinatown area of Darwin. Its structure is still in near original condition. It has great importance to the Chinese community. The walls, doors and windows are substantially original. The elevated footpath with its canopy is the last example of a style previously common in Darwin.

(Ibid)

The Trust identified ‘threats’ to the building as development:

The family company (Chins) which owns the building is unwilling to explore heritage activity.

(Op cit)

Further, the Trust’s Statement of Heritage Value was:

This building represents a phase in the development of the Territory which saw the establishment and expansion of the Chinese community as a significant component of the Darwin community. It is the only surviving example from Darwin’s nineteenth century Chinatown and is a rare example of a Chinese building constructed of stone.

(Heritage Assessment Report, 2004: 12)

The Trust’s action drew a swift rebuke from the Directors of Stone Houses Pty Ltd who implored the Trust to:

…abandon your proposal to include our property on the heritage list, thus enabling our family to pursue plans to develop our land in the best interest of Darwin and to our family.

(National Trust (NT) File 6/348)

The Heritage Advisory Council recommended to the Minister that the building be listed. The Minister, however, rejected the recommendation. Carment (1996) noted:

…the Trust was advised that ‘following discussions between Government Ministers and representatives of the owners, the Minister has put other arrangements in place’

(Carment 1996: 104).

The Legislative Assembly was petitioned on behalf of the Chin family and others with prime development sites in the inner city, urging it not to enter their buildings on the Northern Territory Heritage Register. That petition contained 1705 signatures representing a number of prominent Darwin families, a significant portion of which were from members of the Chinese community.

At the same time, there was division along generational lines within the Chin families, with the “younger” generation placing more emphasis on the heritage value of the building whilst deferring to their elders’ more commercial interests.

In 2004, a Heritage Assessment Report undertaken by Heritage Conservation Services concluded that the building met criteria (h), (k) and (q) of the Northern Territory Heritage Conservation Act 1993, which are:

(h) by virtue of its association with events, developments or cultural phases in human occupation and evolution;

(k) in demonstrating a way of life, custom, process, land use, function or design no longer practised, in danger of being lost or of exceptional interest; and

(q) through its close association with individuals whose activities have been significant in the history of the Territory [Kwong Sue Duk and the Chin families being cited in this instance].

(Heritage Assessment Report 2004: 15)

A tense stand-off ensued for some years, with the future of the building uncertain. In February 2007, the Minister for Environment and Heritage, Marion Scrymgour, granted an Interim Conservation Order over the building at the recommendation of the Heritage Advisory Council (Gazettal G6, 07 February 2007). That Interim order was extended once before the building was finally declared a Heritage Place by the Minister in April (Gazettal G16, 18 April 2007). Announcing the declaration, the Minister said:

…the NT Government had worked closely with the owners of the building and would continue to do so to achieve a balanced approach towards any potential development of the property.

‘There is considerable scope for both development and heritage conservation on this site,’ Ms Scrymgour said.

(NT Government Media Release, 9 April 2007.)

By ‘considerable scope’, the Minister was referring to the size of the block on which the building stands. There is considerable vacant land behind the building – certainly with good potential for development – which is not covered by the Heritage declaration affecting the building.

The Northern Territory Heritage Register’s Statement of Heritage Significance of the building is:

This stone building, built in the 1880s, is the only building associated with Darwin’s nineteenth century ‘Chinatown’ which still survives. It is also one of only a handful of nineteenth century buildings of any sort that survive in the Darwin City Centre. The building represents a phase in the development of the Northern Territory which saw the establishment and expansion of the Chinese community as a significant component of the Darwin community. It has close associations with the well-known Chin family, who have owned the building since the 1920s.

(Northern Territory Heritage Register)

After 14 years of wrangling, the future of one of Darwin’s architectural, historic and social treasures was assured.

In June 2008, the Directors of Stone Houses Pty Ltd sold the
Sue Wah Chin building to Gwelo Developments Pty Ltd, a local Darwin company, for a reported $3m. The new owners are keen to restore the building to its 1888 grandeur, including the hipped roof, officially calling it Stone Houses, and have commissioned a variety of reports to facilitate that goal. Gwelo's ultimate intention for use of the building and any development on the land behind it is not yet clear.

Gwelo Developments acceded to a request by the Heritage Conservation Branch to undertake an archaeological dig on the vacant land at the rear of the building. That dig is expected to be completed by December 2008 and has yielded a number of artefacts, including ‘a Chinese coin that’s likely to originate from the Chi’ing Dynasty (1644-1911), a well, medicine vials and some WWII relics such as belt buckles.

It is fortunate that Gwelo Developments has a reputation as a good corporate citizen because the Northern Territory Heritage Conservation Act 1993 in its current form provides for:

39J. Application for approval to perform works, &c., on heritage place or heritage object

(1) The owner of a heritage place or heritage object may apply to the Minister or the Minister’s delegate for approval to –

(a) carry out work of a sort specified in the application on the heritage place or heritage object;
(b) damage, desecrate or alter the heritage place;
(c) damage, destroy, demolish, desecrate or alter the heritage object;
(d) remove from a heritage place a heritage object or an object associated with a place declared under section 26(1)(a) to be part of the Northern Territory heritage; or
(e) remove a heritage object from the Territory.

(Northern Territory Heritage Conservation Act 1993 – emphasis added)

Put simply, this means that Gwelo Developments may make application to the Minister to carry out work that would ‘damage, desecrate or alter’ the Stone Houses. We must assume that damage, desecration and/or alteration might also contemplate demolition, the reasons for which should soon become apparent.

This extraordinary section of the act came about after the National Trust successfully injunction the Northern Territory government from demolishing the Old Alice Springs Gaol in November 1997. In the landmark case National Trust of Australia (NT) v Minister for Lands, Planning and Environment ([1997] 7 NTLR 20), Justice Dean Mildren of the Northern Territory Supreme Court found that the Minister’s order for demolition was unlawful and fell outside of the intention of the act, which is to conserve rather than demolish heritage.

The government’s response, in March 1998, was to amend the Act to include clauses (b) and (c). Successive Country Liberal Party governments have held an unimpressive heritage record, but this amendment, introduced by Minister Mick Palmer who was the Minister in question during the legal battle, was breathtakingly brutal. Tasmanian heritage lawyer Peter James (James and Mora 1999) said the amendment was a ‘complete emasculation’ of the Heritage Conservation Act and, as such, ‘challengeable in the courts – as was the Minister’s decision in the Alice Springs Gaol case’.

The Act has not been challenged in the courts – how many heritage organisations have a spare $500,000 to run a test case? – but was recognised by the Martin Labor Government as being deficient. In March 2002, the then Minister for Lands, Planning and Environment, Kon Vatskalis, announced a review of the Northern Territory Heritage Conservation Act 1993. The Minister said he expected the Heritage Advisory Council to report back to him ‘within 18 months’.

Heritage Consultant Richard Woolfe was appointed to undertake the review. Mr Woolfe’s review was both extensive and impressive, and was completed in mid-2003. Since then, the heritage community has waited.

Two General Elections later, in 2008, legislation has yet to materialise. Is it the case that heritage and development are such difficult issues for governments? Annual Reports from the Department of Infrastructure, Planning and Environment (DPE) state that they ‘started a comprehensive public review of the Heritage Conservation Act to ensure a best practice approach to conservation and the protection of the Territory’s heritage assets’ (2002-03); ‘undertook an extensive public review of the Heritage Conservation Act and identified amendments that will provide the Territory with best practice towards the protection and conservation of our heritage places’ (2003-04); and ‘finalised an extensive public review of the Heritage Conservation Act and obtained Cabinet approval to develop drafting instructions for a new Act which will provide the Territory with the best practice towards the protection and conservation of our heritage places’ (2004-05).

DPE’s successor, the Department of Natural Resources, Environment and the Arts (NRETA), produced an annual report in 2005-06 that was silent on the issue other than identifying the Heritage Conservation Act as a ‘future priority’. The NRETA report said that it would ‘finalise review of the Heritage Conservation Act’, which is what DPE claimed it had done the year before. In its 2007-08 annual report, the same department listed as its highest priority in the area of Heritage Conservation Services to ‘Finalise the new Heritage Act to go before the Legislative Assembly’. Successive Heritage Ministers, when questioned about the status of the Act during Estimates Committee hearings, reported that it was with ‘Parliamentary Counsel’ for drafting. This answer, apparently by rote, has no credibility. Heritage legislation is not as complicated as, for example, criminal law, amendments to which are presented very quickly in response to any crisis that befalls a government as, indeed, was the case with the Martin Government’s ‘drug house’ legislation.
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Endnotes

1 Opium dens existed in Darwin’s Chinatown in 1888 and were widely reported on in the NT Times and Gazette. These ‘dens’, however, were rough and temporary structures often described as ‘hovels’ and made primarily of corrugated iron.