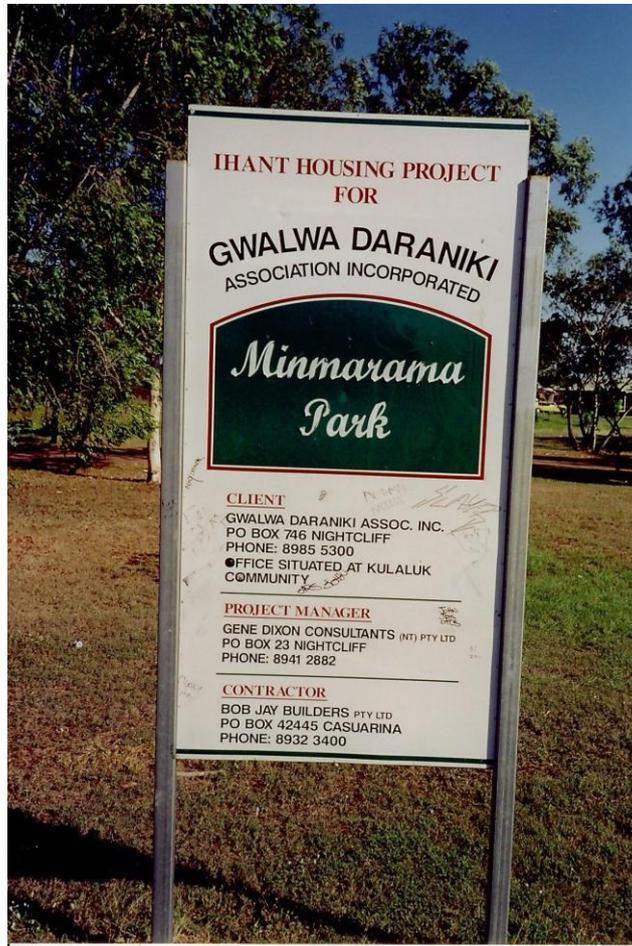


Minmarama

“Village of the Damned!”

The plight of the neglected tenants of the Gwalwa Daraniki Association living on the Kulaluk lease in Darwin.



Above: Signs at the entrance to Minmarama Village on Dick Ward Drive, Ludmilla, on the Kulaluk lease in suburban Darwin, Northern Territory of Australia.

A report by Dr Bill Day, Consulting Anthropologist
Darwin 2011

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Figure 6: Map showing a section of the Kulaluk lease included in a caveat held by Gwelo Investments Pty Ltd since March, 2009. The caveat includes all the mangrove areas of the Ludmilla Creek system to the southern boundary and west to the seaward side of the coast, including the abandoned Gwalwa Daraniki crab-farm ponds. Minmarama Village is in the excluded section to the east (top) of the map, along Dick Ward Drive.

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Figures 12-13: In the heart of a modern city. Left: Unmown grass around Minmarama community playground. Right: Minmarama unsealed access road which runs through the village used by heavy vehicles dumping building rubble and removing material on the ‘Ludmilla Heights’ earth stockpile and ‘opencut mine’ site.

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Figure 15: A letter from Bill Day to the *NT News* published on 19 October, 2007.

MINMARAMA

“VILLAGE OF THE DAMNED!”

- ❖ built on a toxic waste dump in 1986
- ❖ built in a cyclone surge zone
- ❖ built beside a sewerage outlet
- ❖ overshadowed by an illegal earth dump since 2007
- ❖ a thoroughfare for heavy earthmoving vehicles
- ❖ few amenities or sealed roads
- ❖ sold out by their landlords for a marina in 2009
- ❖ health risks from all of the above
- ❖ declared a ‘Prescribed Area’ in 2007
- ❖ rights taken away by Federal Intervention law
- ❖ controlled by an absentee landlord (the Gwalwa Daraniki Association)

The plight of Minmarama Aboriginal Villagers in Darwin: living in a Prescribed Area under the Northern Territory Emergency Response Act and as neglected tenants of the Gwalwa Daraniki Association.

Despite much opposition from Ludmilla residents, in the early 1970s a suburban rubbish dump was opened by the Darwin City Council to serve as land fill into the mangroves of Ludmilla Creek behind Namarluk Drive in Ludmilla (Figure 1). Later the dump was extended by the Council by digging a series of trenches to the north of Fitzer Drive, under the airport flight path (Figure 2). After Cyclone Tracy, the site was extended to accommodate whole suburbs of wrecked houses scooped up by front end loaders and tipped into the mangroves to the seaward side of the old dump. Hundreds of refrigerators and household goods created a potential toxic mixture of chemicals buried in the haste to clear the devastated city. Even a ship's cargo of beer cans, written off by insurance, was carted direct from the wharf and buried in the landfill trenches. More seriously, eyewitnesses saw dozens of Army-issue cans of the harmful and long-lasting insecticide, Dieldrin, dumped at Ludmilla. Over the years these containers and white goods will corrode and will release their deadly gasses and chemicals into the soil, air and ground water.

In 1975 questions had been raised in the Kulaluk land claim hearings before the Interim Aboriginal land Commissioner, Judge Dick Ward, as to who would be responsible for the rehabilitation of the dump site if the land was granted to Aborigines. Despite these misgivings, in 1979 the abandoned Ludmilla dump was included in land granted as a Special Purpose Lease to the Larrakia Gwalwa Daraniki Association, incorporating most of the old Bagot Aboriginal Reserve between Totem Road and Ludmilla Creek (see *Bunji: a story of the Gwalwa Daraniki Movement*). By this time the dump had been burning underground for years and was in a dangerous state; however, plans had been submitted for the old dump to be converted to sports fields (Figure 4). Others had put the dump to good use – between 1975 and 1976 Fred Fogarty and his wife Violet Adams had constructed a magnificent house on an island in the mangroves, built from material salvaged from the discarded ruins of Darwin in 1975. The house stood proudly on the Kulaluk lease until Fred's death in 1985 as a model of Aboriginal initiative (see Figure 2).

In 1986, after considerable opposition, development began on a proposed village to house homeless Aboriginal people, then known as 'transients' (see *The Darwin Advertiser* April 1983, 'Kulaluk controversy continues'). At great expense, the old dump site was capped and compressed by dumping tonnes of fill to build up foundation pads for the new Minmarama houses on the Kulaluk lease, making the housing blocks undoubtedly the most expensive in Darwin. This housing development was done despite the fact that Minmarama is inside the 'cyclone surge zone' designated after the tragedy of Cyclone Tracy (see inside cover map). In the event of a cyclone warning, all Minmarama residents must seek shelter because their homes could be inundated by a cyclonic rise in sea levels, should a cyclone occur on a high tide (the tides rise and fall up to 8 metres in Darwin). While Minmarama residents flee, other Darwin residents may remain safely in their cyclone-proof homes. Belatedly, after the subdivision of low-lying land in nearby Coconut Grove, rezoning permits are now being refused in the Kulaluk Primary Storm Surge Zone.

In 2006, in a private financial arrangement between a Darwin construction company and the Gwalwa Daraniki Association, heavy trucks began to bring in truck loads of fill excavated from major building sites in the Darwin CBD. The dumped fill quickly grew into an artificial mountain. The resulting monstrosity, overgrown with weeds, became known locally as 'Ludmilla Heights'. However, the mountain of building rubble with dumped concrete mixes running down the slopes like lavaflows was no joke for the residents of Minmarama who had to live alongside heavy trucks driving through the village, churning up the unsealed access roads and endangering the lives of their children. In addition the clouds of dirt from the dumping caused dust and possible health problems. For example, not only were householders' vehicles and washing coated in dust but there was also the possibility that the dumped material was contaminated from historical activities on the excavation sites, as occurred at the oil tank storage farms in Stuart Park.

By 2010, after many complaints to the NT Government, it was disclosed in a letter from Dr David Ritchie that the earth dump was in contravention of the lease and the material would have to be removed (Department of Lands and Planning to Margaret Clinch, 31 March 2010 [Figure 7]). Although Dr Ritchie's letter was a victory for the Minmarama residents, they now have to endure the return of heavy vehicles and the dust clouds, noise, damage to roads and danger to children caused by what has become a virtual urban **open-cut mine site** next to Minmarama (see Figures 8-11, Photographs of earth stockpile works, 2011). No other Darwin suburb would be expected to tolerate such an inconvenience.

As well as the earth dump to the north, Minmarama Village residents are concerned that a private dump was negotiated in a 'sweetheart deal' between another Darwin building company and the Gwalwa Daraniki Association, to allow the certain company to dump undisclosed building waste directly into the mangroves behind the village. Ironically, the main concern expressed by villagers was the locked gate erected by the builders around the dump site which had until then been used by residents as the village rubbish dump.

Although Minmarama Village residents see themselves as regular citizens of Darwin, in 2007, under the federal government's *Northern Territory Emergency Response Act, 2007* (NTER), also known as 'The Intervention', a large sign was erected at the entrance to the village stating that the area was forthwith a 'Prescribed Area' with heavy fines for possession of alcohol and pornography, even within the homes of the residents. The sign standing beside the busy arterial road of Dick Ward Drive states in big letters, 'No Pornography', publicly humiliating the residents by suggesting the village is a den of vice. In addition, the restrictions are unenforceable without unacceptable surveillance. Alcohol may indeed be a problem, but it has proven to be difficult to enforce the bans in the city of Darwin. Under the NTER Intervention the residents of Minmarama have been set apart from the rest of Darwin and have lost what little rights they may have possessed.

As a final gesture of contempt for the residents' rights, in March, 2009 the Gwalwa Daraniki Association signed a caveat with Even Lynne of Gwelo Investments Pty Ltd to surrender the land surrounding the village to construct a huge marina known as 'Arafura Harbour'. The billion-dollar project would cause years of disturbance and

destruction of the mangroves and Ludmilla Creek ecology (see Figure 3). The *NT News* later reported that money had already changed hands in the deal ('Landowners already cashing in on marina', April 6th, 2009). The GDA lawyer, Michael Chin, told the newspaper: 'A developer doesn't go on and prepare detailed plans unless they can get some commitment from the landowners.'

Considering the above list of concerns of the Minmarama residents, the remaining grievances appear minor. They include a smelly neighbouring sewerage treatment plant and sewerage outlet into the creek, and sandfly and mosquito plagues. In addition, the residents have an ongoing list of complaints regarding the administration of the village by their landlords, the Gwalwa Daraniki Association. The state of the internal roads is a disgrace, while long grass in the wet season provides a hiding place for snakes and mosquitoes and gives a neglected appearance to the village. It is no wonder the residents ask, 'Where does our rent money go?'

William B Day, October 2011



Figure 1 (above): The Ludmilla dump site in the 1974 before it was extended further into the mangroves after Cyclone Tracy.



Figure 2 (above): The Ludmilla Dump site in 1984 after rapid expansion in 1975, before the construction of Minmarama Village in 1986-7 and aquaculture ponds in 1997. The original Kulaluk plans were for community sports fields on the land-fill dumps.

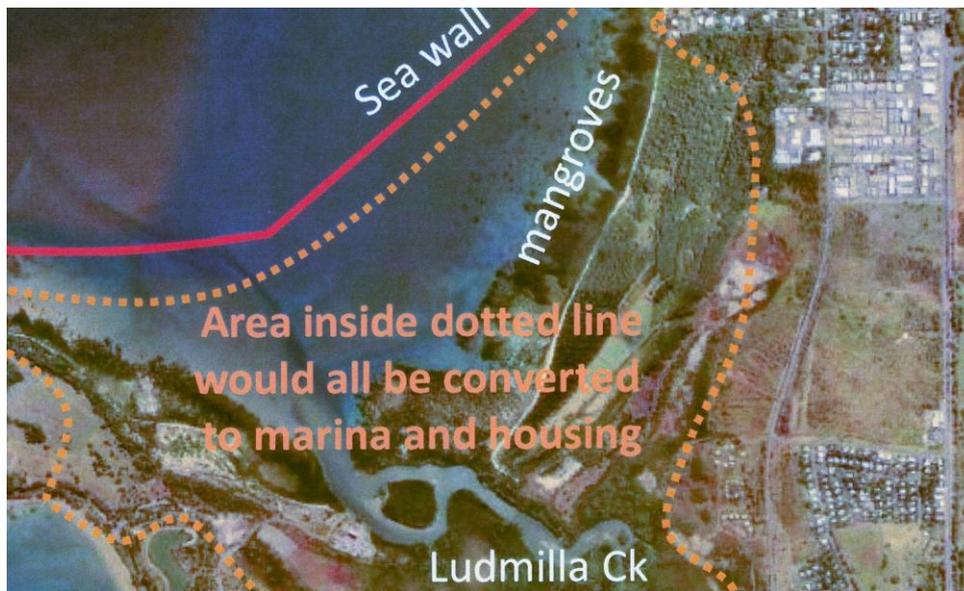


Figure 3 (above): Minmarama Village (pictured) would be affected by the construction of a marina and canal housing estate on the Kulaluk lease under a caveat signed between the Gwalwa Daraniki Association Inc as leaseholders and the developers, Gwelo Investments Pty Ltd.

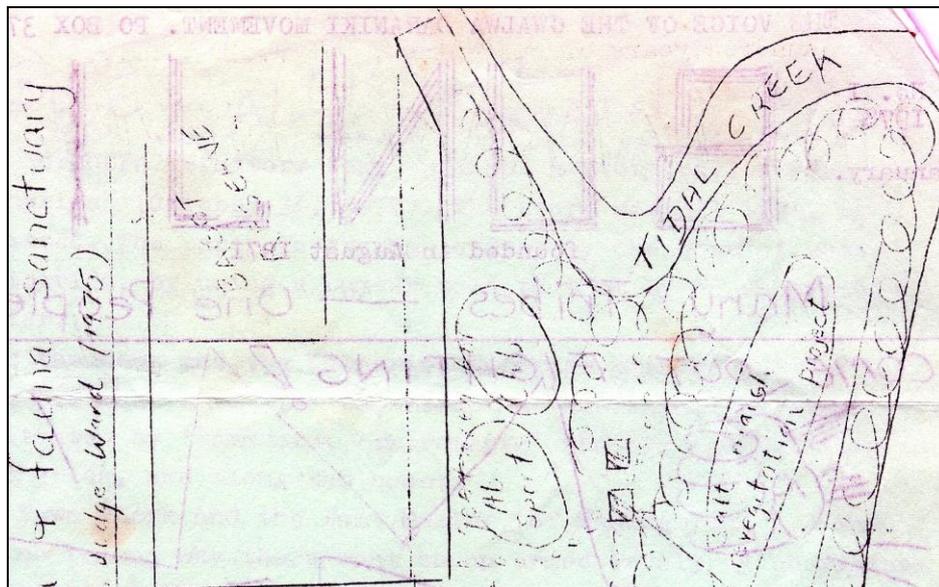


Figure 4 (above): A section of the sketch plans for the Kulaluk lease prepared by the Gwalwa Daraniki Association in 1978 showing 'Bagot Reserve', Ludmilla Creek and two sports fields on the Ludmilla Dump area.

Form 93

Land Title Act
REGISTRAR-GENERAL'S DIRECTIONS


NORTHERN TERRITORY OF AUSTRALIA

G	C	No:
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IMPORTANT NOTICE

Please Note Privacy Statement Overleaf

GENERAL CONSENT

Register	Volume	Folio	Location	Lot Description	Plan	Unit
CT	727	022	Town of Darwin Town of Nightcliff	Lot 5182 Lot 8630	S 77/093B S 77/093A	

(NOTE 1 - 2)

INSTRUMENT BEING CONSENTED TO (Item 1)	Instrument Type: Non Lapsing Caveat Dated: 9.3.09 Names of Parties: Gwalwa Daraniki Association Inc and East Point Property Developments Pty Ltd as Trustee for The East Point Unit Trust
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(NOTE 3)

INSTRUMENT UNDER WHICH CONSENT REQUIRED (Item 2)	Dealing Type: Dealing No: Name of consenting party: Gwalwa Daraniki Association Inc
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(NOTE 4)

EXECUTION BY CONSENTING PARTY	The party identified in item 2 consents to the registration of the instrument identified in item 1 in respect of the above land.
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(NOTE 5)

The Common Seal of
Gwalwa Daraniki Association Inc
Was affixed on (Date) 6.3.09

In the presence of:

Helen Secretary
Signature
HELEN SECRETARY

Print name and position

Michelle Nelson
Signature
MICHELLE NELSON SECRETARY

Print name and position

(NOTE 6)

Registered on At

Figure 5 (above): Helen Secretary and her daughter Michelle Nelson's signatures on the caveat signed between Even Lynne of Gwelo Investments Pty Ltd and the Gwalwa Daraniki Association in March 2009, before the Arafura Harbour deal became public on 1st April 2009 (see *NT News*, 1st April 2009, page 1).

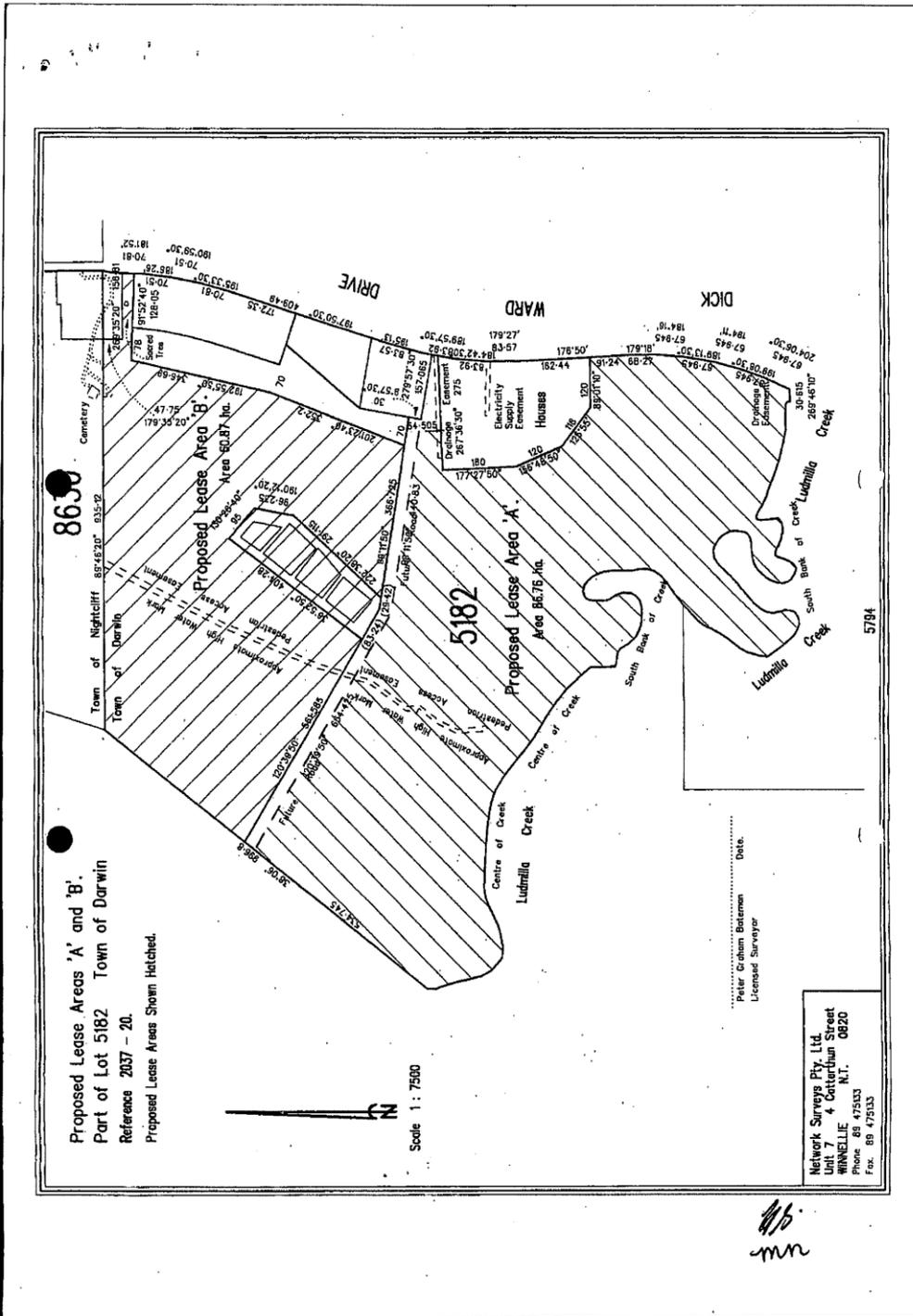


Figure 6 (above): Map showing a section of the Kulaluk lease which is included in a caveat held by Gwelo Investments Pty Ltd since March 2009. The caveat includes all the mangrove areas of the Ludmilla Creek system to the southern boundary and west to the seaward side of the coast, including the abandoned crab-farm ponds. Minmarama Village is in the excluded section to the east (top) of the map, along Dick Ward Drive. Questions need to be asked how a caveat can be granted over a community lease extending beyond the beach and mangroves and beyond high tide level as shown on the map above (*double dotted lines show the narrow beach right-of-way excluded from the lease granted in 1979, as recommended by Judge Ward in 1975*).

QUESTIONS FROM MS CLINCH ABOUT LOT 5182 DICK WARD DRIVE

1. How long has the stockpile been in place?

The stockpile of fill located at Lot 5182 Dick Ward Drive, Town of Darwin (Minmarama Estate) commenced in approximately November 2006. The placement of fill is understood to have originated through a private arrangement between the lessees (Gwalwa Daraniki) and a private construction company.

2. Is it there for the construction of an extension to Aboriginal housing in Minmarama?

The Department is not aware of any plans by the Gwalwa Daraniki to construct additional housing at Minmarama. You may wish to contact Gwalwa Daraniki direct in relation to this matter.

3. Has government permission been given for this stockpile, given that it is semi-permanent?

Clause 6.16 (Excavation and Fill) of the NT Planning Scheme requires the consent of the Development Consent Authority (DCA) for the stockpiling of fill and the Department has sought legal advice in relation to whether existing use rights apply for the stockpiling that occurred prior to 1 February 2007. This advice has now confirmed that the stockpiling is not protected by existing use rights and the Department and DCA are actively seeking to have this use ceased and the site rehabilitated.

4. Under what specific legislative device has permission been given?

As previously outlined no specific approval was initially required for the placement of fill.

5. Is payment being made to landholders for this use?

The use of this site is subject to a private arrangement between the lessees and a private construction firm and the Department is not aware and is unable to comment on this matter.

6. For how long has permission been granted?

No specific permission has been granted by the Department.

7. Given the land is zoned Conservation, how is this permission compatible with land use?

The DCA has recently issued a 'Notice to Cease' under the *Planning Act* for the stockpiling of fill and has requested that the owners provide a written response outlining a timetable for remediation. Given the extent of fill on the site it is not anticipated that this can be achieved within a short time frame and the DCA is keen to establish a reasonable process and timetable for this to occur.

Figure 7 (above): A page from a reply from David Ritchie of NT Department of Lands and Planning to Margaret Clinch of PLAN on 31 March 2010, confirming the illegal nature of the Kulaluk earth stockpile.



Figures 8-11 (above): Photos taken in 2011 of continuing work on the earth stockpile situated on the Kulaluk lease along Dick Ward Drive near Minmarama. Despite the dumping of building waste being found to be illegal under the terms of the lease, the site has become a virtual open-cut mine-site condoned by the NT Government under a private deal between the Gwalwa Daraniki Association and a large Darwin building company.



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 Right: Minmarama unsealed access road which runs through the village used by heavy vehicles dumping building rubble and removing material on the ‘Ludmilla Heights’ earth stockpile and ‘opencut mine’ site.

Kulaluk controversy continues

Interested parties are still haggling over plans to set up transient facilities for Aboriginals within the Kulaluk lease off Dick Ward Drive.

The former long-time secretary of the Gwalwa Daraniki Association at Kulaluk Mr Bill Day has written to Minister for Community Development Ian Tuxworth setting out 12 reasons why the proposed transient area should be dropped.

But Kulaluk manager Mr Richard Baugh and officers within the department say the association has now approved plans for full-scale development of a transient area within the lease.

And Lord Mayor Cec Black who wants to see the transient and "town camp" situation centralised, also wants to see liaison between Aboriginal Affairs and the Town Council on the issue.

Mayor Black says it's essential to ascertain the wishes of the Kulaluk people and a wider community.

"It may be that the Council will have to re-think its plan" said Mr Black "it may take years to find the best solution but if no start is made now it could drag on for 50 years."

Mr Tuxworth said yesterday that the Department of Community Development had held protracted negotiations with the Gwalwa Daraniki Association over a suitable site for transients.

He said that in anticipation of agreement the Government had set aside considerable funds to provide the infrastructure for the development: water, power, sewerage and good roads into the selected site or sites.

It is understood that the development will cost an estimated \$200,000 and perhaps considerably more.

Although he has just resigned his position as secretary to the GDA, Mr Bill Day still has considerable influence on Kulaluk affairs and because of his years of experience among the people may influence the Government.

Among the 12 objections listed by Mr Day in his letter to Mr Tuxworth are claims that:



Bobby Secretary, the ageing but still lively traditional owner of most of Kulaluk. The area involves 3000 hectares but much of it is tidal swampland and a great deal more very low ground. Mr Secretary is not disturbed about the likely setting up of established camps for transients on part of Kulaluk.

- Transients would seriously hinder the traditional family/community oriented use of Kulaluk lease by urban people. Mr Day told Mr Tuxworth that most transients were single drinking men.
- The plan for transients could be compared with South Africa's Bantustans and black townships. The camps could become odious, implanted institutions more reminiscent of the old compound.
- Transients behave much like anyone away from restraining influences — e.g. Australians in Bali or Munich). They behave badly and offend the locals.
- Control of the camps would be beyond the resources of the Gwalwa Daraniki Association and was not practicable for cultural reasons.
- "Illegal camps" around town average about 10 members and these are made up of compatible people. Planned camps for Kulaluk envisage 30 to 40 in each. They would not hold together for a week. Campers would

then establish dozens of small unscrupulous groups throughout the bush, particularly for drinking sessions. Lack of access means litter problems.

- Centralised camps, no matter what facilities are provided, will be a health risk.
- Darwin is growing into a sophisticated city in which transient camps will be increasingly unacceptable to black and white residents.
- Kulaluk is an area of great value and potential to Darwin as a whole but generally not suited to residential use. Considerations are: low lying swampy ground; flightpaths of an increasingly busy airport; unique untouched monsoon rain forest and traffic engineering re-entry to Dick Ward drive.
- The camps could be seen to encourage drunkenness or evolve into a home base for the hard-core of Aboriginal drunks who are not true transients and whose needs can better be served elsewhere.

Lease ideals lost in dust

AFTER a long struggle in the 1970s, Aboriginal people in Darwin were successful in saving for future generations 301ha of coastal land from Ludmilla Creek to Coconut Grove, known as the Kulaluk special-purpose lease.

Since the hand-over in 1978, the leaseholders have been offered many proposals, including a canal housing estate around Ludmilla Creek, a transient camp in Fitzer Drive, a Disneyland-type development between Bagot Rd and Dick Ward Drive and a 5ha "prawn farm".

I have described similar madcap proposals in my book, *Bunji: a story of the Gwalwa Daraniki Movement*.

Thank god for the airport flightpath that has prevented planning approval of many of these schemes.

For some unfathomable reason, Darwin has never appreciated this unique and varied urban environment.

The struggle to preserve the ideals of the founders has depended on a few lonely but persistent voices.

The latest monstrosity to be inflicted upon even the most apathetic passerby has been the earth stockpile on the seaward side of Dick Ward Drive. Only the broadest of interpretation could describe this mountain of rubble as being for "Aboriginal community use", as required by the original lease.

The lease is too valuable as a social, environmental and cultural asset to be exploited for the short-term financial

gain of a few Kulaluk residents — not to mention the hazards of vehicles and dust to Minmarama residents.

Surely such a visible act of irresponsibility will now arouse the Aboriginal community and the general public of Darwin to act.

Dr Bill Day, Howard Springs

Figure 14 (above): An article from *The Darwin Advertiser* in April 1983, concerning proposals to build a 'Transient camp' on the Ludmilla Dump site.

Figure 15: (right) A letter to the *NT News* published on 19 October, 2007.