

## Planning and Assessment

IRF19/6111

### Gateway determination report

<b>LGA</b>	City of Sydney
<b>PPA</b>	City of Sydney
<b>NAME</b>	82-84 Dixon Street, Haymarket
<b>NUMBER</b>	PP 2019_SYDNE_006_00
<b>LEP TO BE AMENDED</b>	Sydney Local Environmental Plan 2012
<b>ADDRESS</b>	82-84 Dixon Street, Haymarket
<b>DESCRIPTION</b>	Lot 1 DP 66034
<b>RECEIVED</b>	12 September 2019
<b>FILE NO.</b>	IRF18/6111
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal seeks to amend Sydney Local Environmental Plan 2012 (Sydney LEP 2012) to list the former Kwong War Chong and Co building at 82-84 Dixon Street, Haymarket and interiors and contents of 84 Dixon Street as a local heritage item.

### 1.2 Site description and history

The site is located at 82-84 Dixon Street, Haymarket, also known as the former Kwong War Chong Building (**Figure 1**). The legal description of the site is Lot 1 DP 66034 and site has a total area of approximately 342m<sup>2</sup> with a primary street frontage to Dixon Street.

The site currently contains a three-storey brick building divided into two terrace style tenancies. The building has two retail tenancies on the ground floor with office uses above (**Figure 2**).

The building was constructed in 1910 and is described as 'Edwardian Style'. The building is historically significant as a highly intact early 20<sup>th</sup> century Chinese Australian shop and accommodation. It is one of the earliest Chinese owned buildings in Dixon Street, and is located in the centre of Sydney's Chinatown.



**Figure 1:** Site Map (site outlined in red) (source: nearmaps)



**Figure 2:** Photograph of 82-84 Dixon Street (source: Hector Abrahams Architects)

### 1.3 Existing planning controls

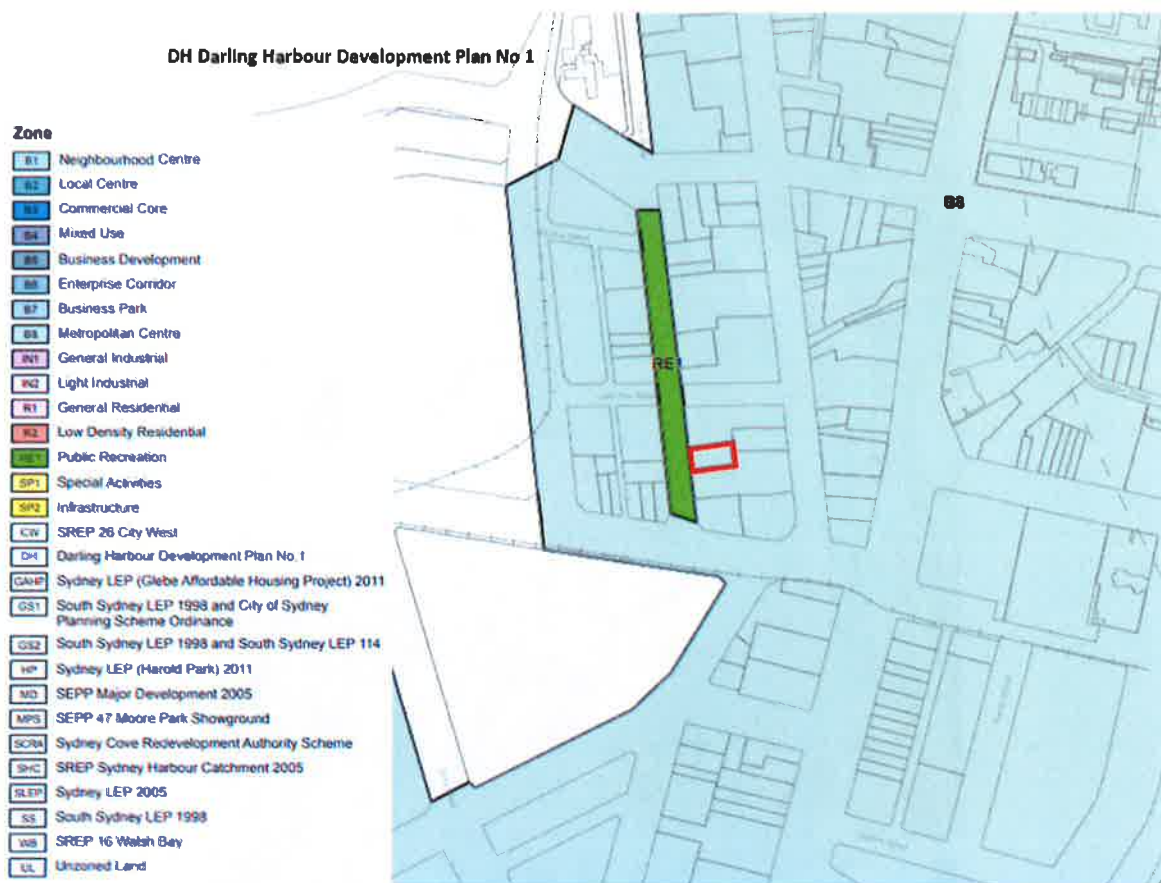
The site is subject to the following local controls under the Sydney LEP 2012:

- B8 Metropolitan Land Use Zone (**Figure 3**);
- Maximum Floor Space Ratio of 7.5:1 (**Figure 4**); and
- Maximum Building Height of 50m (**Figure 5**).

The site is not located within a heritage conservation area but is in the vicinity of other heritage items (**Figure 6**).

It is noted that the planning proposal does not identify the existing controls for the site. For the purpose of public exhibition, the Department recommends that as a condition of Gateway that the planning proposal be updated to include the existing planning controls for the site.





**Figure 3: Land Use Zone Map (site outlined in red) (Sydney LEP 2012)**



**Figure 4: Maximum Floor Space Ratio Map (site outlined in yellow) (Sydney LEP 2012)**

# DH Darling Harbour Development Plan No 1

## Maximum Building Height (m)

A	3	W2	42
E	6	X	45
H	7.5	Y	50
L	8	Z	55
I	9	AA1	60
L	11	AA2	65
M	12	AA3	70
O	15	AB1	80
P	18	AR2	85
R	22	AC	110
S	24	AD	130
TA	25	AE	150
T2	27	AF	235
T2	28	Area 1	
TA	29	Area 2	
TA	30	Area 3	
TA	33	Area 4	
TA	35	Area 5	
TA	40	Area 6	

## Maximum Building Height (m) Heights shown on map in RL (m)

10 - 20	60 - 70
20 - 30	70 - 80
30 - 40	80 - 100
40 - 50	110 - 120
50 - 60	

Area 7



Figure 5: Maximum Building Height Map (site outlined in red) (Sydney LEP 2012)

## Heritage

Item - General
Conservation Area - General

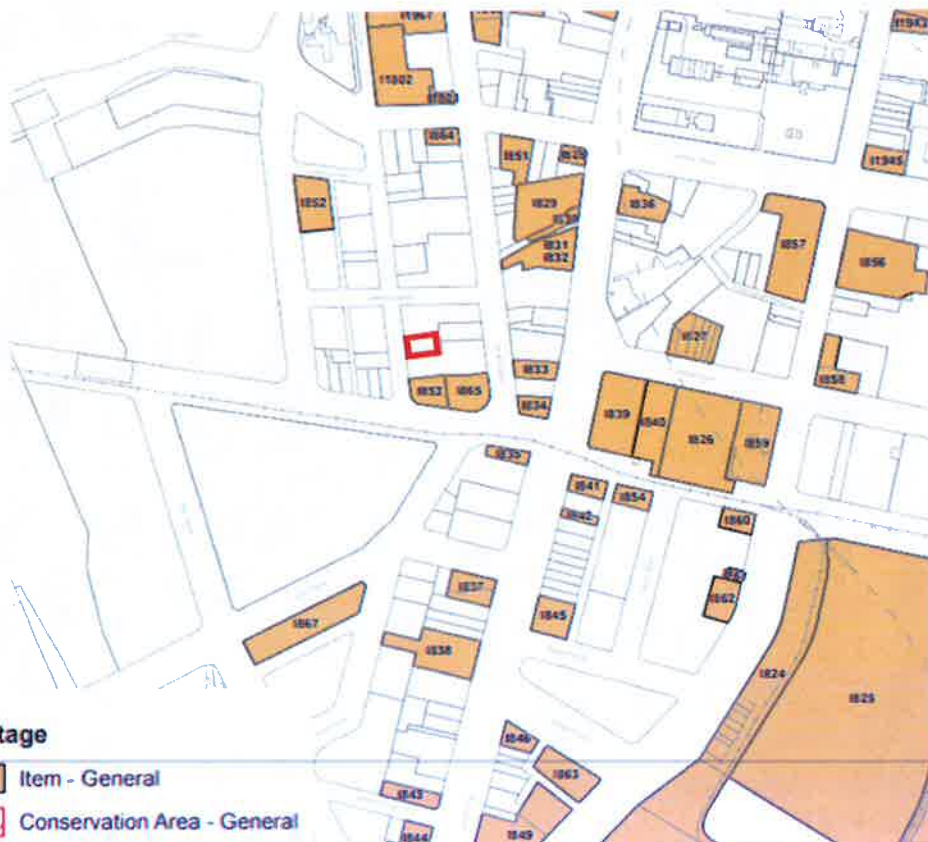


Figure 6: Heritage map (site outlined in red) (Sydney LEP 2012)



#### 1.4 Surrounding area

The site is located in the pedestrian street of Chinatown within Central Sydney and adjoins mostly retail shops and restaurants.

The site is approximately 290m walking distance to the Paddy's Market light rail stop and 160m walking distance to the Capital Square light rail stop. Central station is the closest train station to the site being within 550m walking distance.

In the vicinity of the site are two local heritage items to the south, being the Covent Garden Hotel 1853 and Former Burlington Hotel 1865.

The planning proposal does not include a description of the surrounding area. The Department recommends as a condition of Gateway that the planning proposal be updated to include a description of the surrounding area.

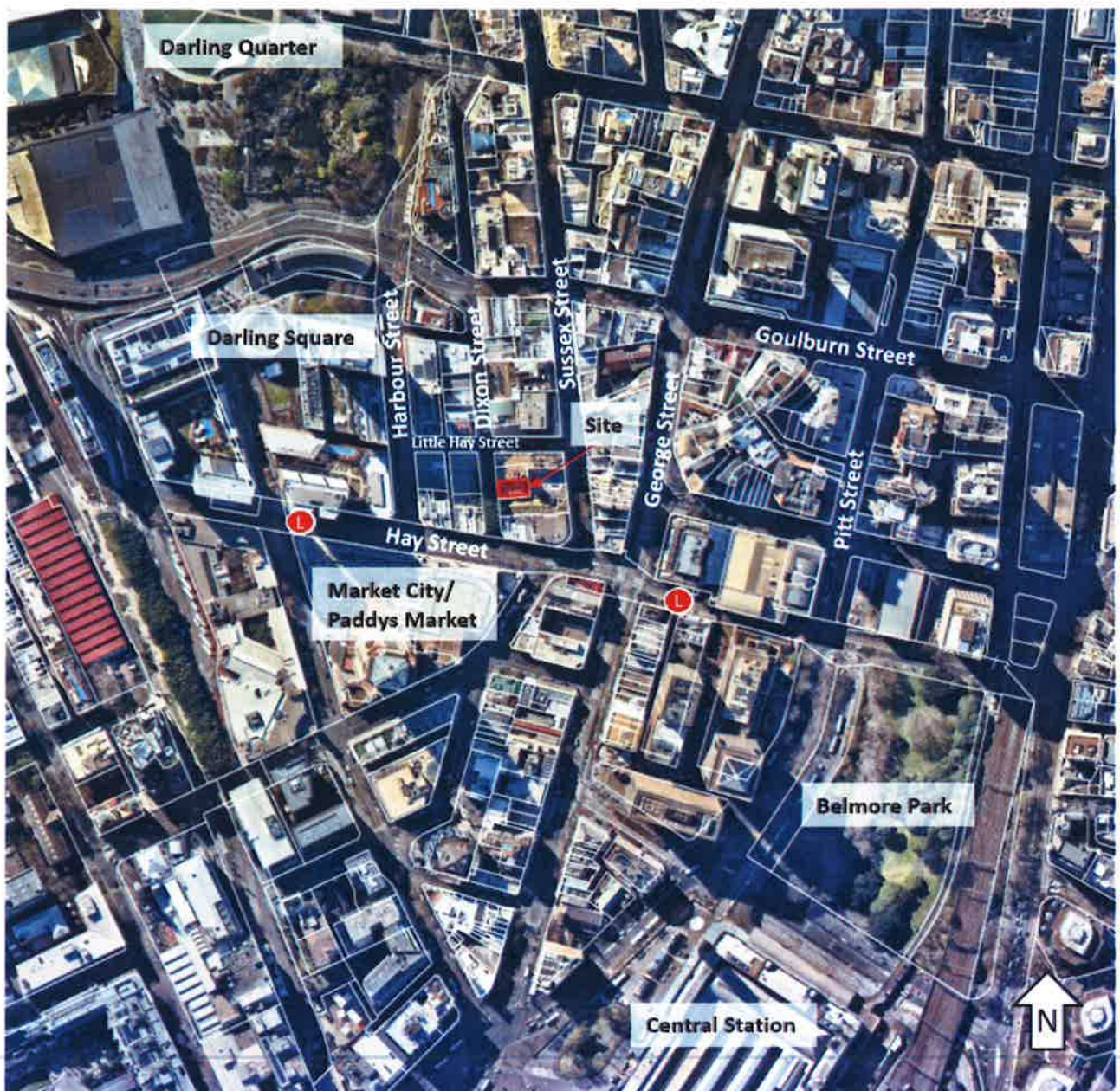


Figure 7: Surrounding Area Map

## 2. PROPOSAL

### 2.1 Objectives or intended outcomes

The objective of the planning proposal is to recognise and protect the heritage significance of the former Kwong War Chong building at 82-84 Dixon Street, Haymarket.

The intended outcome is to:

- list former Kwong War Chong building including interiors and contents at 82-84 Dixon Street, Haymarket, as a heritage item in Schedule 5 of Sydney LEP 2012; and
- enable the land owners of the listed building within central Sydney to be eligible for the conservation incentive of heritage floor space awards within Sydney LEP 2012.

The Department considers the objective and intended outcome to be appropriate.

### 2.2 Explanation of provisions

The planning proposal seeks to list the former Kwong War Chong building at 82-84 Dixon Street, including interiors and contents of 84 Dixon Street as a local heritage item in Schedule 5 of the Sydney LEP 2012.

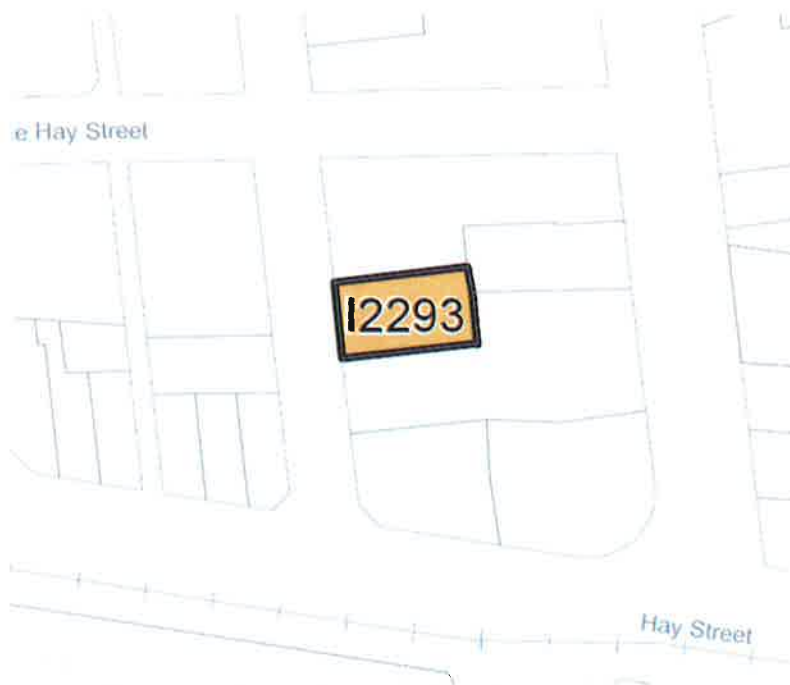
The site will be eligible for heritage floor space awards under clause 6.10 of the Sydney LEP 2012, if listed under Sydney LEP 2012.

Locality	Item Name	Address	Property Description	Significance	Item no.
Haymarket	Former Kwong War Chong & Co building, including interiors and contents of 84 Dixon Street	82-84 Dixon Street	Lot 1 DP 66034	Local	I2293*

The asterix beside the item number identifies buildings that will be eligible for heritage floor space awards, if listed, under Sydney LEP 2012.

### 2.3 Mapping

The planning proposal seeks to amend heritage sheet HER \_015 of Sydney LEP 2012 to identify the site as a local heritage item. The Department considers the mapping to be inadequate for public exhibition. The draft map does not identify the existing heritage items to the south and east of the site. The planning proposal is to be updated to include mapping that includes the existing heritage items.



**Figure 8:** Proposed mapping amendment

### 3. NEED FOR THE PLANNING PROPOSAL

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The planning proposal is a result of an independent heritage assessment undertaken in July 2019 by Hector Abraham Architects for the subject site.

Council commissioned the independent heritage assessment in response to an Interim Heritage Order (IHO) made on 22 March 2019. Councils have authorisation to issue an IHO for unlisted buildings under the *Heritage Act 1977*. The IHO was made because of the building's likely heritage significance and in response to community representation seeking protection of the site as the land owner had a pre-development application discussion with Council with the intent to demolish and redevelop the site, together with the adjoining corner site at 413-415 Sussex Street. Council notified the land owner about the IHO and the land owner deferred the development plans to await the findings of the heritage assessment.

The IHO is in effect until 22 March 2020. No further IHOs can be made for the site once the order lapses. The building will not have any statutory heritage protection after the 22 March 2020 unless listed on schedule 5 in Sydney LEP 2012.

A planning proposal is the only means to alter Schedule 5 of Sydney LEP 2012 to reflect the heritage significance of the property.

A detailed assessment of the site's heritage significance is discussed in section 5.2 of this report.

### 4. STRATEGIC ASSESSMENT

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#### 4.1 District

##### Eastern District Plan

The planning proposal is considered consistent with the Eastern District Plan. The proposal will give effect to Planning Priority E6 '*Creating and renewing great places and local centres, and respecting the District's heritage*'.



The objective of the planning priority is to ensure environmental heritage is identified, conserved and enhanced. The proposed heritage listing of the site will act to conserve the heritage significance of the building.

The Plan notes that heritage buildings contribute to an area's sense of place, its distinctive character, and diversity of built form and uses. The retention and potential adaptive reuse of the Edwardian building at 82-84 Dixon Street will maintain links to the Chinese-Australian community and has the potential to enhance the character by contributing to the distinct sense of place of Chinatown.

The Department considers that the proposal to list the site as a local heritage item is consistent with the Plan's planning priority and actions to identify, conserve and enhance the District's environmental heritage.

## 4.2 Local

### Sustainable Sydney 2030 Strategic Plan

The planning proposal is considered consistent with Council's Sustainable Sydney 2030 Strategic Plan's key direction for 'A Cultural and Creative City'. The proposal to list the site as a local heritage item, will allow the building to be retained and adaptively re-used for present and future generations to understand Sydney's multicultural heritage.

The proposed amendment will ensure any future development of the site considers the heritage significance of the building and encourage its sympathetic adaptive re-use.

## 4.3 Section 9.1 Ministerial Directions

The Planning Proposal's consistency with applicable Ministerial (Section 9.1) Directions is set out below in **Table 1**.

Table 1: Ministerial Direction

Section 9.1 Direction	Consistent	Comment
<b>1.</b>		
1.1 Business and Industrial Zones	Yes	This Direction applies to planning proposals that will affect land within an existing or proposed business or industrial zone. The planning proposal will not reduce the potential floor space area for employment uses, as there is no change to the zone or development standards. The Department considers the proposal to be consistent with this Direction.
<b>2. Environment and Heritage</b>		
2.3 Heritage Conservation	Yes	The objective of this Direction is to conserve items, areas, objects and places of environmental significance and indigenous heritage significance. The planning proposal is considered consistent with this Direction as it will facilitate the conservation the building. The Department is satisfied that the proposal adequately addresses consistency with this Direction. The heritage significance of the site is assessed in Section 5.2 of this report.

#### 4.4 State environmental planning policies (SEPPs)

The proposal is considered consistent with and is not expected to hinder the application of any relevant State Environmental Planning Policies (SEPPs) as outlined in **Table 2**.

**Table 2:** Assessment of proposal against relevant SEPPs and deemed SEPPs

SEPP	Requirement	Proposal	Complies
SEPP 55 – Remediation of Land	Clause 6 of SEPP 55 requires that the planning authority to be satisfied that the land is suitable or can be rehabilitated for all permissible uses in the zone.	This planning proposal does not seek to amend the zoning or the land use. Therefore, the site is suitable for its intended use. Future DA's will need to consider SEPP No 55.	Yes

### 5. SITE-SPECIFIC ASSESSMENT

#### 5.1 Social

The planning proposal will provide for social benefits as it facilitates the conservation of a building that has significance for the local community.

#### 5.2 Environmental

The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

#### Heritage

The planning proposal is supported by an independent heritage assessment prepared Hector Abraham Architects in July 2019. Council commissioned the heritage assessment to investigate the significance and potential listing of the building, following the making of an IHO under the Heritage Act 1977 in response to the landowner's proposal to demolish the building and redevelop the site.

The building was assessed against the Heritage Council's guideline which outlines seven criteria to determine whether an item warrants local listing. Only one of these seven criteria need to be satisfied at a local level for local heritage listing. The assessment against the criteria is discussed below.

#### *Psychical description*

Currently at 82-84 Dixon Street is a three-storey brick building described to be in the Edwardian style. The building is considered to be in generally fair/good condition. The upper floors of the façade incorporate rendered detailing including window sills, cornice and parapets. The front windows on the first floor of 82 Dixon Street have been replaced, as has the surrounding brick replaced with new brick of mismatched colour. On the ground floor, the timber shop front of 84 Dixon Street is original, with detailing in the corner of the window frames that is possibly Chinese-inspired. The stone-clad and rendered shop front of 82 Dixon Street, which incorporates tri-fold doors, likely dates from the 1970s.

#### *Historical Significance*

The site is historically significant as a largely intact example of an early twentieth century Chinese Australian Shop, associated store and accommodation as is known as the Kwong War Chong building. In particular, it is highly significant as one of the

earliest Chinese-owned buildings in Dixon Street, which developed into a Chinese precinct and is now the centre of Sydney's Chinatown. This significance is embodied in the intact exterior of the whole building and in the interior architecture of 84 Dixon Street – including original façade, shop front, partitions, doors, stairs, and hand-operated goods lift.

The heritage assessment finds that the historical significance meets the criterion at a local and state level.

#### *Historical association significance*

The building is highly significant for its strong association with the Chinese diaspora communities of Sydney and New South Wales in the early 20th century. The Kwong War Chong company, which commissioned and was headquartered in the building, formed part of an extensive network of business, industrial and social relations among Chinese Australians in this period. The building at 82 Dixon Street also served as the meeting place for the Xiangyi Long Du Tong Sen Tong a mutual benevolent society for people from Zhongshan province.

The heritage assessment finds that the historical association meets the criterion at a local and state level

#### *Aesthetic technical significance*

The building at 82-84 Dixon Street has some local aesthetic significance as it possesses a generally intact Edwardian façade and shopfront, which are representative of the historic Edwardian character of the Haymarket area. It contributes positively to the streetscape.

The heritage assessment finds that the aesthetic technical significance meets the criterion at a local level.

#### *Social/Cultural Significance*

It was one of the earliest buildings in Dixon Street, now known as Chinatown to be commissioned, owned and operated by people of Chinese descent. It provided accommodation, goods, and numerous vital social and commercial services to Chinese Australian people in Sydney through New South Wales during the twentieth century.

The heritage assessment finds that the social and cultural significance meets the criterion at a local level.

#### *Research significance*

The building at 82-84 Dixon Street has some significance for its archaeological research potential as it was constructed on the site of a series of 1870s cottages, which were demolished between 1900 and 1907, before the construction of the current building.

The heritage assessment finds that the research significance meets the criterion at a local level.

#### *Rarity*

The interior and associated ephemera of 84 Dixon Street is particularly significant for its rarity as a generally intact example of an early 20th century shop, store and accommodation associated with the Chinese diaspora communities of Sydney and New South Wales.



The heritage assessment finds that the rarity meets the criterion at a local and state level.

#### *Representative*

The building at 82-84 Dixon Street is significant for its representative value as a generally intact early 20<sup>th</sup> century shop, store and accommodation in central Sydney.

The heritage assessment finds that the representative meets the criterion at a local level.

The independent heritage assessment undertaken by Hector Abrahams Architect's concludes the building satisfies all seven of the Heritage Council's listing criteria for historical, associations, aesthetic, research, social, rarity and representative values at a local level.

#### Contents

The planning proposal seeks to list the contents of 84 Dixon Street as recommended by the heritage assessment. A contents catalogue accompanies the heritage inventory sheet. Listing the contents of a building is equivalent to listing it as movable heritage. Movable heritage items are expected to be conserved the same way as the listed building and its interiors. Relocation of moveable heritage from the subject building will require development consent. The heritage assessment finds there is a level of tolerance for the contents to be relocated or displayed within the building as part of its future adaptive re-use.

The Department considers the heritage significance of the building meets the criteria for local heritage listing. It is recommended that as a condition of Gateway that Council as the planning proposal authority consult with the Heritage Department for Premier and Cabinet.

### **5.3 Economic**

The planning proposal does not seek to make any amendments to development standards or the zoning. As a result, the Department considers there are no economic impacts associated with the planning proposal. However, should the proposal proceed to list the site as an item of heritage significance, Clause 5.10 of the Sydney LEP 2012 will additionally apply to any development on the site.

Under Clause 5.10 of Sydney LEP 2012, the relevant consent authority may require a heritage management document and/or a heritage conservation management plan to be prepared prior to development being granted.

## **6. CONSULTATION**

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### **6.1 Community**

The planning proposal recommends for a public exhibition timeframe of 14 days as Council considers it to be a minor amendment.

However, the Department considers a 28 day exhibition timeframe to be appropriate. This will allow sufficient time for the landowner/s, adjoining neighbours and community to prepare any submissions to the proposed heritage listing.

### **6.2 Agencies**

Council proposes to consult with the Heritage Department for Premier and Cabinet during the public exhibition period. The Department considers this to be appropriate.

## 7. TIME FRAME

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Council has provided a project timeline as part of the planning proposal anticipating a timeframe for completion of six months. Considering the nature of the proposal, a nine month timeframe for completion is considered appropriate. This does not preclude Council from finalising the planning proposal within its projected timeframe.

## 8. LOCAL PLAN-MAKING AUTHORITY

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Council has requested authorisation to act as the local plan-making authority. The Department recommends issuing an authorisation for Council to exercise delegation to make this plan.

## 9. CONCLUSION

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The planning proposal is supported to proceed subject to conditions as it demonstrates strategic and site-specific merit and is consistent with the Eastern City District Plan, relevant 9.1 Directions and SEPPs.

## 10. RECOMMENDATION

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It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to:
  - (a) provide accurate mapping of the proposed amendment which identifies existing heritage items;
  - (b) include a description of the surrounding area; and
  - (c) include details of the existing planning controls applicable to the site.
2. Written consultation with the landowner is required during public exhibition.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. Consultation is required with the Heritage Council of NSW and its supporting Department.
5. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should be the local plan-making authority

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