

Attachment A1

**Planning Proposal – Heritage Listing 82-
84 Dixon Street, Haymarket**

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City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

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Introduction

This planning proposal explains the intent of, and justification for, the proposed amendment to Sydney Local Environmental Plan 2012 (SLEP 2012). The amendment will identify the former Kwong War Chong & Co building at 82-84 Dixon Street, Haymarket, as a local heritage item.

The proposal has been prepared in accordance with section 3.3 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning guidelines, including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Background

Site identification

The former Kwong War Chong building is located at 82-84 Dixon Street, Haymarket, as shown below in the aerial photograph at Figure 1. The site is legally described Lot 1 DP 66034 and has a total site area of approximately 342 square metres. The site is privately owned.

The site contains a three-storey brick building in the Edwardian style, divided into two terrace-style tenancies, numbered 82 to north and 84 to south. The building was constructed in 1910. External photographs are included at Figure 2.

Figure 1: Site of 82-84 Dixon Street



Figure 2: Subject building at 82-84 Dixon Street, with 84 Dixon Street shopfront on right.



Planning background

Interim heritage order

An interim heritage order currently applies to 82-84 Dixon Street, Haymarket. The City of Sydney Council made the order on 22 March 2019 using Council's authorisation under section 25 of the Heritage Act 1977. The City of Sydney is authorised to make interim heritage orders when a potential heritage item is likely to be of heritage significance, is under threat of demolition or unsympathetic alteration, and does not already have statutory heritage protection.

The order was made because of the building's likely heritage significance, community representations seeking its protection and owner's advice about plans for demolition. The purpose of an interim heritage order is to enable Council to investigate the significance of a potential heritage item.

Following the order, the City commissioned an independent heritage assessment from Hector Abrahams Architects to commence the listing investigation.

The interim order is in effect for 6 months to 22 September 2019. The order is extended to 12 months to 22 March 2020 if a planning proposal for listing is approved by Council within the first 6 months. No further interim heritage orders can be made for the site once the order lapses.

The building at 82-84 Dixon Street, Haymarket, has no permanent statutory heritage listing as either an item of environmental heritage or as part of a conservation area on Sydney Local Environmental Plan 2012 or under the Heritage Act 1977

The interim heritage order has the same effect as a listing by triggering the need for Council development consent for changes to the potential heritage item, until the order lapses.

Development status

In March 2019, the landowners contacted the City with a pre-development application proposal for demolition and redevelopment of the site, together with the adjoining corner site at 413-415 Sussex Street. When the City notified land owner about the interim heritage order, the owners deferred these development plans to

await the findings of the heritage assessment. Land owners also provided access for City staff and consultants to inspect the building interiors.

The building is currently unused, vacant and secured. It needs to be upgraded for fire safety as it is not currently compliant.

City staff advised the landowners about the recommended listing and will continue to work with the owners on any proposal for the subject site and the adjoining Sussex Street site in a way that takes into account the assessed heritage value of 82-84 Dixon Street.

Prior research

In 1999, the Heritage Office completed a thematic history for NSW, "Chinese Settlement in NSW", prepared by Michael Williams. This provides historic context on the significance of Chinese settlement in NSW. It also identifies potential heritage items in NSW, including 84 Dixon Street. This thematic history did not assess these potential heritage items individually or recommend statutory listing.

In 2007, City of Sydney prepared a preliminary heritage study of Chinatown named "Mapping Sydney's Chinese Heritage Stage 1". For this study, the City consulted a working group to identify sites with Chinese-Australian significance, named the Chinese Australian Cultural Heritage Group. This study also researches the Chinese history of select buildings in Chinatown, including 82-84 Dixon Street. Statutory listing recommendations did not form part of this preliminary study.

Part 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 & Co building at 82-84 Dixon Street, Haymarket.

The intended outcomes to achieve these objectives are to:

- list former Kwong War Chong & Co building including interiors and contents at 82-84 Dixon Street, Haymarket, as a heritage item in Schedule 5 of Sydney Local Environmental Plan 2012 (SLEP2012);
- Enable the land owners of the listed building within central Sydney to be eligible for the conservation incentive of heritage floor space awards within SLEP2012.

Part 2 – Explanation of the provisions

The final clauses in Sydney Local Environmental Plan 2012 would be subject to drafting and agreement by Parliamentary Counsel's Office but may be written as follows to achieve the intended outcomes.

Heritage schedule amendment

The planning proposal seeks to amend the SLEP 2012 Schedule 5 heritage schedule by inserting the text shown below in **Table 1**.

Table 1 – Proposed amendments to Schedule 5, Environmental heritage, Part 1, heritage items

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 asterisk beside the item number identifies buildings that will be eligible for heritage floor space awards, if listed, under Sydney Local Environmental Plan 2012.

The heritage item name is in accordance with the directions contained in the Standard Instrument (Local Environmental Plans) Order 2006, which require the item name to briefly describe significant features, including significant interiors.

The features noted in the above item name are described further in the supporting information contained in the heritage inventory included at **Appendix 2**. The non-statutory heritage inventories can continue to be updated as new information becomes available, such as through completion of a conservation management plan.

Part 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is a result of an independent heritage assessment of 82-84 Dixon Street completed by Hector Abraham Architects in July 2019. The City of Sydney commissioned this assessment to investigate the significance and potential listing of the building, following the making of an Interim Heritage Order under the Heritage Act 1977 for this purpose. The report was prepared by heritage consultants with appropriate expertise in order to establish whether the building meets the Heritage Council criteria for local listing.

The recently completed report assesses the building against the Heritage Council's criteria using the Heritage Office guideline "Assessing heritage significance". The Heritage Council of NSW guidelines outline seven criteria of local heritage significance to determine whether an item warrants local listing. Only one of these seven criteria needs to be satisfied at the local level for local heritage listing.

The heritage assessment concludes that the building of 82-84 Dixon Street warrants listing as a local heritage item on Sydney Local Environmental Plan 2012 for its local heritage significance, as set out as set in the report included at **Appendix 1**.

Hector Abrahams Architect's assessment concludes this 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. The assessment also finds that the building satisfies three criteria at a state level for its historical value, associations and rarity.

The assessment found the building represents a highly intact early twentieth century Chinese-Australian shop, associated store and accommodation. The interior and associated ephemera of 84 Dixon Street is assessed as highly significant for its rarity as a relatively intact early 20th century shop, store and accommodation associated with the Chinese diaspora communities of Sydney and New South Wales. Additionally, the building is assessed as having representative and aesthetic significance as a generally intact early twentieth century shop and store within central Sydney, an Edwardian façade and shopfront, representing the historic Edwardian character of the Haymarket area, and contributing positively to the streetscape.

The building is assessed as highly significant for its strong social association with the Chinese migrant communities of Sydney and New South Wales, and possibly other places, in the early twentieth 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. This included providing accommodation for market gardeners, raising funds for the establishment of an Australia-China shipping line, and to support the Chinese republican rebellion led by Sun Yat-sen (1913). The firm was closely linked to south-east China, with stores in Hong Kong and the Zhongshan county, and provided a connection to this area that encompassed everything from the sending of remittances to the repatriation of bodies of the deceased. 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 county. The use of the building by Chinese Australian-owned and operated retail businesses was continuous from its construction in 1909 until 2017.

This assessed significance is embodied in the Dixon Street façade and shopfront of 82-84 Dixon Street, as well as the interiors and contents of 84 Dixon Street. The interiors of 84 Dixon Street noted include the partitions, doors, stairs, and hand-operated goods lift, as well as the historic ephemera contents including packing-crate furniture, washing machines, bathtubs, calendars, crockery, merchandise, and personal effects. The interiors of 82 Dixon Street are assessed as less significant.

The proposed item name includes the building contents of 84 Dixon Street as recommended by the Hector Abrahams Architects heritage assessment due to the assessed significance of these contents. Where contents, also described as "ephemera", are not physically attached to the building, listing contents is effectively a listing for movable heritage. Other existing examples of movable heritage collections are listed as heritage items as part of the associated building include the Anzac War Memorial's "moveable heritage (artefacts and memorabilia)" and Government Houses "moveable heritage". Relocation of moveable heritage from the subject building requires development consent in the same way as physical changes to listed buildings and fixed contents. The moveable contents could also be relocated or displayed within the building as part of its future adaptive re-use.

The full assessment against each criterion is contained in the heritage assessment appended to the planning proposal in **Appendix 1**.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Appropriate heritage protection and recognition for the local significance of 82-84 Dixon Street may only be achieved through its identification as a local heritage item in an environmental planning instrument.

The interim heritage order made by the City is in effect for 6 months to 22 September 2019. The order is extended to 12 months to 22 March 2020 if a planning proposal for listing is approved by Council within the first 6 months. The purpose of the order is to investigate the significance and listing of this building. No further interim heritage orders can be made for the site once the order lapses.

The building at 82-84 Dixon Street, Haymarket, has no permanent statutory heritage listing as either an item of environmental heritage or part of a conservation area on Sydney Local Environmental Plan 2012 or under the Heritage Act 1977.

Progressing local heritage listing will ensure the local heritage significance of this building is appropriately considered and maintained as part of future plans or redevelopment. If the building is listed as a heritage item as proposed, this will enable landowners to access the conservation incentive of a heritage floor space award. These outcomes are only achieved in the longer term through the proposed listing.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan, completed in March 2018, is the Greater Sydney Commission's vision for a Greater Sydney of three cities where most residents live within 30 minutes of their jobs and services. City of Sydney is situated within the "Eastern City District".

This plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. This sets out how the State Government's 10 directions for a Greater Sydney are to be implemented through integrated planning. These 10 directions, with 40 supporting objectives, address infrastructure, liveability, productivity and sustainability.

This planning proposal is consistent with these high level directions and objectives. In particular it addresses the liveability great places direction objective 13 "Environmental heritage is identified conserved and enhanced". By proposing to consult the community to list 82-84 Dixon Street, and incentivising conservation by enabling landowners to access heritage floor space award, this planning proposal will fulfil this objective.

Eastern City District Plan

The Eastern City District Plan completed by the Greater Sydney Commission in March 2018 is a 20 year plan to manage growth in the context of economic, social and environmental matters. The district plan identifies 22 planning priorities and associated actions that support a liveable, productive and sustainable future for the district. This planning proposal gives effect to the following key planning priority, objectives and actions:

Liveability Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District's heritage.

Objective 12 - Great places that bring people together

Objective 13 - Environmental heritage is identified, conserved and enhanced.

Action 20 - Identify, conserve and enhance environmental heritage by:

- a) engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place;*
- b) applying adaptive re-use and interpreting heritage to foster distinctive local places;*
- c) managing and monitoring the cumulative impact of development on the heritage values and character of places.*

This priority seeks to enhance the district's liveability and foster great places by identifying, conserving and enhancing historical place-makers. The district plan notes that heritage buildings contribute to an area's sense of place, its distinctive character, and diversity of built form and uses, and bring people together. Conserved heritage buildings are some of the attributes of liveable great places acknowledged in this plan, which attract residents, workers, visitors, enterprise and investment into local centres.

By consulting the community to consider listing this building of assessed local heritage significance, this planning proposal will address the district plan by respecting the City's multi-cultural heritage and fostering great places to bring people together. The retention and adaptive reuse of the Edwardian building at 82-84 Dixon Street with strong links to the Chinese-Australian community has potential to enhance the character and distinct sense of place of Chinatown.

Q4. Is the planning proposal consistent with council's local strategy or other local strategic plan?

Yes. The City's Sustainable Sydney 2030 Strategic Plan is the vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This planning proposal is consistent with the key directions of Sustainable Sydney 2030, particular Direction 7 for 'A Cultural and Creative City.

The planning proposal identifies 82-84 Dixon Street, Haymarket, as a local heritage item, allowing the building to be retained and reused for present and future generations to understand Sydney's multi-cultural heritage. The identification will ensure any future development of the site considers the heritage significance of the building and encourage its sympathetic adaptive re-use.

Listing and retention of 82-84 Dixon Street is also compatible with the objectives of Council's draft Central Sydney Planning Strategy which seeks to facilitate growth in a way that maintains central Sydney's identity, including its heritage items. Opportunities under the draft Strategy can be considered, through an amalgamated site development encouraged through the draft Strategy.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Yes. The planning proposal is consistent with, does not contradict or hinder application of the following applicable State Environmental Planning Policies (SEPPs):

- SEPP No 1—Development Standards
- SEPP No 33—Hazardous and Offensive Development
- SEPP No 64—Advertising and Signage
- SEPP No 65—Design Quality of Residential Flat Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Infrastructure) 2007
- SEPP (Miscellaneous Consent Provisions) 2007
- SEPP (State and Regional Development) 2011

The planning proposal is consistent with, does not contradict or hinder application of the following applicable with former Regional Environmental Plan (REP) for the Sydney and Greater Metropolitan Regions, which is deemed to have the weight of SEPPs:

- Sydney REP (Sydney Harbour Catchment) 2005

Q6. Is the planning proposal consistent with applicable ministerial directions (section 9.1, formerly section 117 directions)?

The planning proposal has been assessed against each Section 117 direction. The consistency of the planning proposal with these directions is shown in the table below.

Table 2 – Consistency of the planning proposal with ministerial directions

No	Ministerial direction	Comment
1.1	Business and Industrial Zones	The planning proposal will not reduce the total potential floor space area for employment uses and related public services in business zones, as no change to the development standards are proposed. Listing will also activate the conservation incentive for heritage floor space.
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent. This planning proposal provides for the conservation and re-use of a heritage item.
2.4	Recreation Vehicle Areas	Not applicable
3.1	Residential Zones	Not applicable
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Consistent. This planning proposal does not contradict or hinder application of the land use and transport provisions in Sydney LEP 2012.
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
4.1	Acid Sulfate Soils	Consistent. This planning proposal does not contradict or hinder application of the acid sulphate soils provisions in Sydney LEP 2012.

No	Ministerial direction	Comment
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Consistent. This planning proposal does not contradict or hinder application of flood prone land provisions in Sydney LEP 2012.
4.4	Planning for Bushfire Protection	Not applicable
5.1	Implementation of Regional Strategies	Consistent. This planning proposal is consistent with key strategic goals and directions within Greater Sydney Region Plan: A Metropolis of Three Cities and the Eastern City District Plan, as outlined above.
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8	Second Sydney Airport, Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
5.10	Implementation of Regional Plans	Consistent. As addressed above.
6.1	Approval and Referral Requirements	Consistent. This planning proposal does not include any concurrence, consultation or referral provisions nor does it identify any development as designated development.
6.2	Reserving Land for Public Purposes	Consistent. This planning proposal will not affect any land reserved for public purposes.
6.3	Site Specific Provisions	Consistent. This planning proposal does not introduce unnecessarily restrictive site specific controls.
7.1	Implementation of A Plan for Growing Sydney	Consistent. This planning proposal is consistent with this direction and does not hinder implementation of the Greater Sydney Region Plan: A Metropolis of Three Cities and the Eastern City District Plan, as outlined above.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable

No	Ministerial direction	Comment
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. It is unlikely that the proposed amendment to the heritage schedule of SLEP 2012 will result in development creating any environmental effects that cannot readily be controlled.

Q9. How has the planning proposal adequately addressed any social and economic effects?

Identification of the 82-84 Dixon Street, Haymarket, as a heritage item provides social benefits by facilitating the conservation of an item that has significance for the local community. No changes to the zoning or permissible uses are proposed. The merit-based heritage provisions provide capacity for Council and the proponent to take into account these matters when development is proposed.

Section D: State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Yes. No changes to the permissible uses are proposed. The land to be identified as a heritage item is well located in relation to existing public transport infrastructure, utility services, roads and essential services.

Q11. What are the views of State and Commonwealth public authorities consulted in the gateway determination?

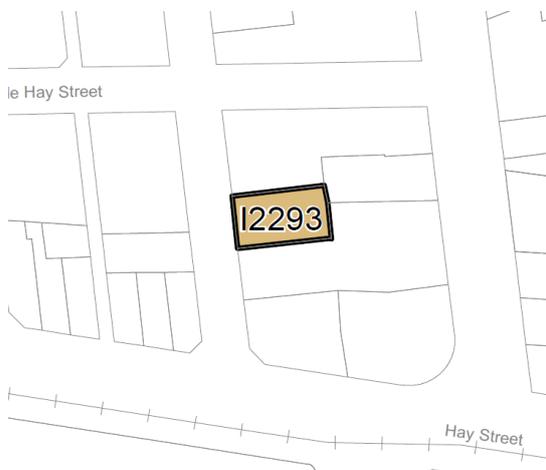
Council notified the Heritage Council of NSW when the interim heritage order was made under the Heritage Act 1977 for the purpose of investigating the significance of 82-84 Dixon Street. No response was received. The Heritage Council will be consulted during the public exhibition.

It is not considered necessary to consult other public authorities as the planning proposal relates to listing a heritage item that is privately owned. Local heritage listing will identify heritage impacts as a consideration if public works are proposed for the identified sites, however will not constrain Crown development.

Part 4 – Mapping

The heritage sheet of Sydney Local Environmental Plan is updated to shade the site of 82-84 Dixon brown as a heritage item, shown in the map extract at Figure 3.

Figure 3 – Sydney LEP 2012 Heritage map extract, sheet number HER_015, shading the site of 82-84 Dixon Street as a heritage item, circled.



Part 5 – Community consultation

Public Exhibition

It is anticipated the gateway determination will require a public exhibition for a period of 14 days in accordance with section 4.5 of 'A Guide to preparing Local Environmental Plans'. This is as a minor planning proposal affecting one property, which needs to be determined before the interim heritage order lapses in March 2020.

Notification of the public exhibition will be via:

- the City of Sydney website; and
- in newspapers that circulate widely in the area; and
- letters to landowner and occupier/s, adjoining landowners, relevant community groups and the surrounding community in the immediate vicinity of the site

Information relating to the Planning Proposal will be on display at the following City of Sydney customer service centre:

- CBD – Level 2, Town Hall House, 456 Kent Street, Sydney NSW 2000

Part 6 – Project timeline

The anticipated timeframe for the completion of the planning proposal is as follows:

Table 3 – Anticipated timeframe for planning proposal

Action	Anticipated date
Commencement / gateway determination	October 2019
Public exhibition & government agency consultation	November 2019
Consideration of submissions	December 2019-January 2020
Post exhibition consideration of proposal	February 2020
Draft and finalise LEP	March 2020
LEP made (if delegated)	March 2020
Plan forwarded to DPIE for notification	March 2020

Appendices

- 1. Heritage assessment, Hector Abrahams Architects, July 2019**
- 2. Heritage inventory, 82-84 Dixon Street, Haymarket**