



IRF23/2591

# Gateway Determination Report – PP-2023-1909

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Chinatown Ceremonial Gates

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

## Contents

<b>1</b>	<b>Planning Proposal .....</b>	<b>1</b>
1.1	Overview.....	1
1.2	Objectives of Planning Proposal .....	1
1.3	Explanation of Provisions.....	1
1.4	Site Description and Surrounding Area .....	2
1.5	Mapping.....	5
1.6	Background .....	6
<b>2</b>	<b>Need for the Planning Proposal.....</b>	<b>7</b>
<b>3</b>	<b>Strategic Assessment .....</b>	<b>9</b>
3.1	Region Plan .....	9
3.2	District Plan .....	9
3.3	Local Plans .....	10
3.4	Section 9.1 Ministerial Directions .....	11
3.5	State Environmental Planning Policies (SEPPs) .....	11
<b>4</b>	<b>Site-Specific Assessment .....</b>	<b>12</b>
4.1	Environmental.....	12
4.2	Social and Economic .....	12
4.3	Infrastructure .....	13
<b>5</b>	<b>Consultation.....</b>	<b>13</b>
5.1	Community .....	13
5.2	Agencies.....	13
<b>6</b>	<b>Timeframe .....</b>	<b>13</b>
<b>7</b>	<b>Local Plan-Making Authority.....</b>	<b>13</b>
<b>8</b>	<b>Assessment Summary.....</b>	<b>14</b>
<b>9</b>	<b>Recommendation.....</b>	<b>15</b>

Table 1 Reports and Plans Supporting the Proposal

Relevant Reports and Plans
Attachment A – Planning Proposal (July 2023)
Attachment D – Heritage Assessment (June 2023)
Attachment E – Council Resolution (August 2023)

# 1 Planning Proposal

## 1.1 Overview

**Table 2 Planning Proposal Details**

<b>LGA</b>	City of Sydney
<b>PPA</b>	City of Sydney
<b>NAME</b>	Chinatown Ceremonial Gates
<b>NUMBER</b>	PP-2023-1909
<b>LEP TO BE AMENDED</b>	<i>Sydney Local Environmental Plan 2012</i> (Sydney LEP 2012)
<b>ADDRESS</b>	Dixon Street, Haymarket
<b>DESCRIPTION</b>	Dixon Street road reserve, Haymarket
<b>RECEIVED</b>	31 August 2023
<b>FILE NO.</b>	IRF23/2591
<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

## 1.2 Objectives of Planning Proposal

The objective of the planning proposal is to protect the heritage significance of the two Chinatown Ceremonial Gates and Lions at Dixon Street, Haymarket by listing them as a heritage item.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

## 1.3 Explanation of Provisions

The planning proposal (**Attachment A**) seeks to amend Schedule 5 the Sydney LEP 2012 to list the two Chinatown Ceremonial Gates and Lions at Dixon Street, Haymarket as a local heritage item.

This is to be achieved by:

- Inserting a new Item into Schedule 5 of the Sydney LEP 2012 as follows:

**Table 3: Proposed Heritage Item**

Locality	Item Name	Address	Property Description	Significance	Item No.
Haymarket	Chinatown Ceremonial Gates (including Lions)	Dixon Street, Haymarket	Dixon Street road reserve, Haymarket	Local	I2298

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site Description and Surrounding Area

The planning proposal is located on Council land on Dixon Street, Haymarket. The planning proposal relates to the following:

- The Chinatown ceremonial gate (including Lions) located on the southern end of Dixon Street at the intersection with Hay Street; and
- The Chinatown ceremonial gate (including Lions) located at the corner of Dixon Street and Factory Street, Haymarket.

The site is zoned as RE1 – public recreation under the Sydney LEP 2012.



**Figure 1 – Site photo – South Gate (Source: Planning Proposal Report)**





**Figure 2 – Site photo – North Gate (Source: Planning Proposal Report)**

### **Surrounding Development**

The site is located in Haymarket, a suburb to the south of the Sydney CBD. The surrounding area contains a mix of residential, commercial and retail uses. The scale of buildings in the surrounds range from 3 storeys to 30 storeys.

The site is located on Dixon Street which is a pedestrian only street containing two to three storey commercial buildings. The two gates are located at either end of the pedestrian street.



Figure 2 - Subject Site – North Gate (Source: Planning Proposal Report)



Figure 3 - Subject Site – South Gate (Source: Planning Proposal Report)





**Figure 4 - Site Context (Source: Planning Proposal Report)**

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Heritage Map (**Figure 5**). The mapping is suitable for community consultation.



**Figure 5 - Proposed Heritage Items (Source: Planning Proposal Report)**

## 1.6 Background

In 2023, City of Sydney Council engaged GML Heritage Pty Ltd (GML) to prepare a heritage assessment of the subject site to assess if the Chinatown Gates meet the threshold for listing as a local heritage item. This study concludes that the site warrants its listing as a local heritage item in Sydney LEP 2012. Further discussion regarding the heritage assessment is provided below.

## 2 Need for the Planning Proposal

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

The planning proposal is the result of a heritage assessment completed in June 2023 undertaken by GML Heritage Pty Ltd. The study concluded that the Chinatown Gates meet the threshold for listing as local heritage items in Sydney LEP 2012.

The proposed heritage items were assessed against the seven criteria included in the NSW Heritage Office Guidelines. If an item meets one of the seven listing criteria at a local level and retains the integrity of its key attributes, it can be considered to have local heritage significance.

It should be noted that the former NSW Heritage Office Guidelines have been replaced by *Assessing Heritage Significance*, prepared by the Department of Planning and Environment in June 2023. As the new planning proposal was submitted on the 31 August 2023, and the new guidelines were released before this, the heritage assessment should be updated. A condition requiring assessment of the proposal against the updated guidelines has been included in the Gateway Determination.

#### **Criterion (a) Historical significance**

Council's heritage assessment considers the gates have significance at a local level under this criterion as this locality is the only surviving original Chinatown in the Sydney CBD. The Chinatown Gates form a landmark to the Dixon Street, Haymarket precinct and are recognisable as landmarks to Sydneysiders, and visitors from regional NSW and other states and have cultural significance at a local level.

#### **Criterion (b) Historical associative significance**

Council's heritage assessment considers the Chinatown Gates to have historic associations with arrivals of migrants in the late twentieth and early twenty-first century. The Chinatown Gates form the ceremonial entrance to the Dixon Street precinct of Haymarket Chinatown and have associations with the Dixon Street Chinese Committee.

#### **Criterion (c) Aesthetic significance**

Council's heritage assessment considers the property has significance at a local level under this criterion as the Chinatown Gates have landmark qualities within the context of Haymarket and the southern end of the Sydney CBD and are markers within the urban streetscape that are well recognised by the local community.

#### **Criterion (d) Social significance**

Council's heritage assessment considers the site has significance at a local level under this criterion as the gates have particular importance to the local Chinese and Taiwanese communities, who were involved in their design and construction. While no survey was undertaken as part of the heritage assessment to determine the importance, it is understood the gates form a symbol unity across all Chinese, Australian-Chinese and local communities and are important to the sense of place of Chinatown and are landmarks or place makers for traditional events.

#### **Criterion (e) Technical/Research potential**

None identified. Council's heritage assessment considers the research potential of the site is low.

#### **Criterion (f) Rarity**

Council's heritage assessment considers the gates have significance at a local level under this criterion as they demonstrate rare examples of Chinese gateways within Sydney marking an entrance into Chinatown. While there are other examples of similar style gates, designed using the traditional Chinese style similar to these within Sydney, these gates are unique in that they are the entrance into a Chinatown.

**Criterion (g) Representativeness**

Council's heritage assessment considers the gates have significance at a local level under this criterion as the Chinatown Gates represent a mark of friendship between the Chinese and Australian communities. The gates form a landmark to the Dixon Street precinct, and Chinatown more broadly, and are a place maker for traditional Chinese events. The Dixon Street Haymarket gates form a small group of Chinese gateways found throughout Sydney at Chinese ceremonial and cultural centres, all of which are heritage items.

Overall, it is considered that the heritage assessment that forms part of the planning proposal demonstrates that the Chinatown Gates hold significance at a local level and should be listed as a local heritage item. The objective of the proposal is to recognise and provide the statutory mechanism to protect the heritage significance of the sites. The proposal states that the best means of achieving this objective is through amending Sydney LEP 2012 to list the sites as local heritage items, which is achieved through the planning proposal process.

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

The objective of the proposal is to recognise and provide the statutory mechanism to protect the heritage significance of the sites. The intended outcomes of the proposal cannot be delivered under the current planning framework and a planning proposal is required to amend the Sydney LEP 2012.

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## 3 Strategic Assessment

### 3.1 Region Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018) was prepared by the Greater Sydney Commission. Key objectives of the Region Plan are Infrastructure and Collaboration, Liveability, Productivity and Sustainability. The proposal is consistent with the Region Plan as it ensures environmental heritage has been identified and conserved.

### 3.2 District Plan

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Table 4 assesses the planning proposal against the relevant priorities and actions of the District Plan.

**Table 4 District Plan Assessment**

Planning Priority	Justification
Creating and renewing great places and local centres, and respecting the District's heritage (Planning Priority E6)	<p>The planning proposal is consistent with Planning Priority E6 as it seeks to provide the statutory mechanism to protect and respect the District's heritage.</p> <p>The planning proposal states it is consistent with Action 20 in the District Plan, which is 'Identifying, conserving and enhancing the environmental heritage of the local area.'</p> <p>The heritage assessment considers the Chinatown Gates should be identified as local heritage items under the Sydney LEP 2012 as the thresholds have been met for listing at a local level.</p> <p>The proposal will recognise and provide ongoing protection of the heritage significance of the Chinatown Gates by listing them in the LEP.</p>



### 3.3 Local Plans

The planning proposal states that it is consistent with the following local plans and endorsed strategies:

- City Plan 2036 (Local Strategic Planning Statement)
- Sustainable Sydney 2030-2050 (Community Strategic Plan)

Consistency with these local plans and strategies is considered further in **Table 5** below.

**Table 5 Local Strategic Planning Assessment**

Plan	Justification
Local Strategic Planning Statement (City Plan 2036)	<p>The City Plan 2036 Local Strategic Planning Statement was completed in March 2020 and provides the 20-year vision for land use planning in the city. It aims to link the NSW State Government's strategic plans and the community strategic plans with the city's planning controls. This plan highlights that the unique heritage character of Sydney is a strong focus for local communities.</p> <p>The planning proposal identifies the Chinatown Gates, Dixon Street, as a heritage item, thereby providing for its conservation and allowing future generations to understand the historic development of Haymarket. The planning proposal will ensure future development considers and maintains the heritage significance of this site.</p>
Sustainable Sydney 2030-2050	<p>The City's Sustainable Sydney 2030 Strategic Plan is the vision for the sustainable development of the City to 2050 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 – 2050, particularly Direction 4 'Design excellence and sustainable development.'</p>

### 3.4 Section 9.1 Ministerial Directions

**Table 6** provides an assessment of the planning proposal's consistency with the relevant Ministerial Directions under section 9.1 of the EP&A Act (Section 9.1 Directions).

**Table 6 Section 9.1 Directions**

Directions	Consistency	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The planning proposal gives effect to the objectives of the Region Plan, as discussed in <b>Section 3.1</b> .
3.2 Heritage Conservation		<p>This Direction requires that a planning proposal must contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance, as identified in a study of the environmental heritage of the area.</p> <p>The planning proposal is informed by heritage assessments undertaken in accordance with the NSW Heritage Office Guideline which is discussed in further detail above. It should be noted that the former NSW Heritage Office Guidelines have been replaced by <i>Assessing Heritage Significance</i>, prepared by the Department of Planning and Environment in June 2023. As the new planning proposal was submitted on the 31 August 2023, and the new guidelines were released before this, the heritage assessment should be updated. A condition requiring assessment of the proposal against the updated guidelines has been included in the Gateway Determination.</p> <p>The assessment concluded that the Chinatown Gates satisfy the relevant criteria for local heritage listing and thereby the proposal is warranted. The proposal will facilitate the conservation and protection of these sites. The proposal is consistent with this Direction.</p>

### 3.5 State Environmental Planning Policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs, as discussed in **Table 7** below.

**Table 7 Consistency with relevant SEPPs**

SEPP	Requirement	Consistent	Justification
SEPP (Biodiversity and Conservation) 2021	The SEPP contains provisions to protect the catchment, foreshores, waterways and islands of Sydney Harbour.	Yes	The site is located on land in the Sydney Harbour Catchment Area. However, the site is not zoned or identified as a foreshore and waterway area under the SEPP.

SEPP	Requirement	Consistent	Justification
SEPP (Transport and Infrastructure) 2021	The SEPP aims to allow for flexibility for the development in relation to infrastructure.	Yes	<p>The proposal seeks to amend Schedule 5 of Sydney LEP 2012 to insert a new local heritage listing and group heritage listing.</p> <p>The local heritage item is located on a public road and as such some infrastructure related works may be carried out without consent under this SEPP. The SEPP includes provisions to ensure any works undertaken without consent under this SEPP that may impact on the heritage item are notified to the Council. As such, the provisions ensure the proposed local heritage item is protected.</p>

## 4 Site-Specific Assessment

### 4.1 Environmental

The planning proposal relates only to the listing of the sites as items of local heritage significance and does not propose any changes to the LEP controls that would facilitate intensification of land use.

The planning proposal states there are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject sites. Overall, there are no likely negative environmental impacts that would arise as a result of the planning proposal.

### 4.2 Social and Economic

Table 8 provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 8 Social and Economic Impact Assessment**

Impact	Assessment
Social	<p>The planning proposal is unlikely to result in any significant adverse social impacts. Listing the sites as heritage items will provide the community with greater certainty regarding the heritage significance of the sites and facilitate their ongoing protection.</p> <p>Through the community consultation process, the wider community will have an opportunity to voice their views regarding the values of the sites and whether the proposed listings are warranted.</p>
Economic	<p>The Department acknowledges that there are often economic impacts when heritage listing properties as it may reduce the redevelopment capability of the sites. However, in this circumstance the proposed items are located on Council land and do not impact on private land holdings. Future development on adjoining sites will have to consider their impact on the heritage items, but it is unlikely there will be adverse economic impacts as a result of this.</p>

Impact	Assessment

## 4.3 Infrastructure

There is no significant infrastructure demand resulting from the planning proposal as it would not result in an increase to the development potential of any land and the proposal does not include amendments to planning controls that would facilitate intensified development. The proposed heritage listings are unlikely to generate additional infrastructure requirements.

## 5 Consultation

### 5.1 Community

Council proposes a public exhibition period of no less than 20 working days.

In accordance with the *Local Environmental Plan Making Guide* (the LEP Making Guide), the proposal is considered a 'basic' planning proposal as it involves listing a heritage item and is consistent with the District Plan and the LSPS.

The LEP Making Guide recommends that the exhibition period for a 'basic' planning proposal is 20 working days. The proposed exhibition period is therefore considered appropriate and has been included as a condition of the Gateway determination.

### 5.2 Agencies

Council has nominated the Heritage Council of NSW is to be consulted with on the planning proposal.

The NSW Heritage Council advises the Minister administering the *Heritage Act 1977* on heritage matters in NSW and makes recommendations and decisions to the Minister for the listing of places and objects on the State Heritage Register. As the proposal is for local heritage listing under the Sydney LEP 2012, consultation with the Heritage Council is not deemed necessary and will not form a Gateway condition.

It is recommended that Heritage NSW (Department of Planning and Environment) be consulted on the planning proposal and given at least 30 days to comment.

## 6 Timeframe

Council proposes a 7 month time frame to complete the LEP.

The Department considers a time frame of 7 months to be appropriate. A condition requiring the LEP to be made within this time frame is included in the Gateway determination.

## 7 Local Plan-Making Authority

At its meeting on 21 August 2023, Council resolved to seek authority from the Department to exercise the delegation of all the functions under section 3.36 of the EP&A Act as the Local Planning-Making Authority (LPMA).

Council also resolved to provide delegated authority to Council's Chief Executive Officer to make any minor variations to the planning proposal to correct any drafting errors or to ensure consistency with the Gateway determination.

Given the nature of the planning proposal, the Department recommends that Council be authorised to be the LPMA because the planning proposal is consistent with the District Plan, the endorsed LSPS, applicable SEPPs and has minor and justifiable inconsistencies with Section 9.1 Directions.

## 8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the District Plan and Council's Local Strategic Planning Statement because it will ensure sites that offer historical significance are protected.
- It is consistent the relevant Section 9.1 Directions.
- An amendment to the Sydney LEP 2012 is the best means of achieving the objectives and intended outcomes of the planning proposal.

Based on the assessment outlined in this report, the proposal must be updated before public exhibition to provide reference to *Assessing Heritage Significance*, prepared by the Department of Planning and Environment which replaced the NSW Heritage Office Guidelines in June 2023.



## 9 Recommendation

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

1. The planning proposal is to be updated prior to public exhibition:
  - Reference *Assessing Heritage Significance*, prepared by the Department of Planning and Environment which replaced the NSW Heritage Office Guidelines in June 2023.
2. Council is advised that consultation is required with the following public authority:
  - Heritage NSW (Department of Planning and Environment).
3. The planning proposal should be made available for public exhibition for a minimum of 20 working days.
4. The timeframe for completing the LEP is to be 7 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the LPMA.



26/09/2023

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