

ATTACHMENT A

**PLANNING PROPOSAL: AMENDMENT TO
THE SYDNEY LOCAL ENVIRONMENTAL
PLAN 2012 – 37 TO 61 NICKSON STREET,
SURRY HILLS, 39 PINE STREET,
NEWTOWN AND LAND REQUIRED FOR
CLASSIFIED ROAD PURPOSES IN
ALEXANDRIA, WATERLOO, ZETLAND AND
ROSEBERY**

PLANNING PROPOSAL

37 to 61 Nickson Street, Surry Hills;

39 Pine Street, Newtown; and

Land required for classified road purposes in Alexandria,
Waterloo, Zetland and Rosebery

November 2012

ATTACHMENT A

TABLE OF CONTENTS

INTRODUCTION	3
SITE IDENTIFICATION.....	3
Land at Surry Hills proposed to be zoned R1 General Residential	3
Location of Three Proud People mural	4
Land required for classified road purposes	4
PART 1 – OBJECTIVES / INTENDED OUTCOMES	4
PART 2 – EXPLANATION OF PROVISIONS	5
PART 3 - JUSTIFICATION	5
Section A: Need for a planning proposal	5
Section B: Relationship to Strategic Planning Framework	12
Section C: Environmental, social and economic impact	18
Section D: State and Commonwealth interests	19
PART 4 – MAPPING.....	19
PART 5 – DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL	20
PART 6 – PROJECT TIMELINE	20

APPENDICES:

- A□□□□□□ A: Proposed Zoning Map
- APPENDIX B: Proposed Heritage Map
- APPENDIX C: Proposed Land Reservation Acquisition Map
- APPENDIX D: Council and CSPC Resolutions – March 2012
- APPENDIX E: Heritage assessment of Three Proud People mural

INTRODUCTION

In 2011 the City of Sydney exhibited *Draft Sydney Local Environmental Plan 2011*, a Standard Instrument comprehensive LEP. In considering submissions received in response to that exhibition, the City identified a number of matters which warranted changes to the draft LEP, subject to further community consultation. This planning proposal is intended to allow for community consultation on some of those matters, namely:

- (a) The proposed zoning of land at 37 to 61 Nickson Street, Surry Hills to Zone R1 General Residential;
- (b) Identification of the “Three Proud People” mural at 39 Pine Street, Newtown as a heritage item;
- (c) Identification of five small parcels of land as being required by the Roads and Maritime Authority for classified road purposes.

This planning proposal is intended to amend *Sydney Local Environmental Plan 2012* which is the plan resulting from the 2011 exhibition.

SITE IDENTIFICATION

Land at Surry Hills proposed to be zoned R1 General Residential

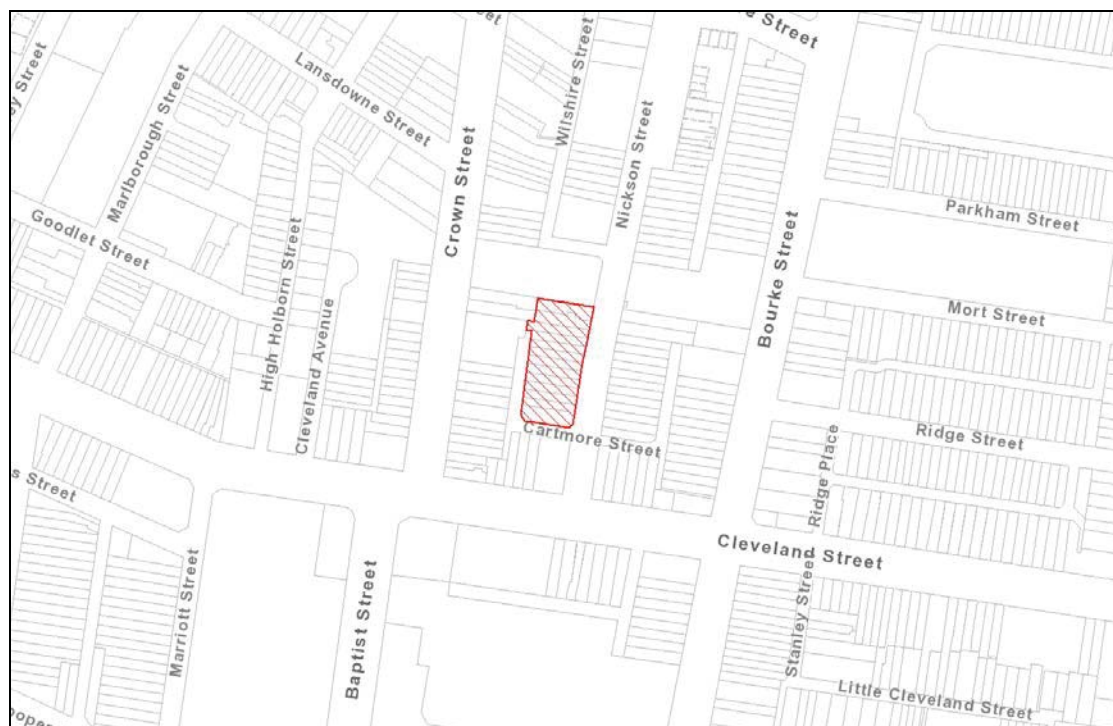


Figure 1: Location of 37 to 61 Nickson Street, Surry Hills (hatched red)

The properties at 37 to 61 Nickson Street, Surry Hills are on the western side of Nickson Street, between Cartmore Street and the site of a residential flat building at 628-634 Crown Street. They are located in a residential area which adjoins business uses to the west on Crown Street and to the south on Cleveland Street.

Location of Three Proud People mural

The “Three Proud People” mural is located on the eastern (Leamington Lane) façade of the terrace house at 39 Pine Street, Newtown. It faces onto Leamington Lane and the main western railway line.



Figure 2: Location of Three Proud People mural (shown as a red line). The Macdonaldtown Station railway platform extends diagonally across the lower section of this photograph.

Land required for classified road purposes

The proposed road reservations comprise portions of the following parcels of land:

- (a) northern side of Henderson Road, corner of Wyndham Street, Alexandria (Lot 1000 DP 1092450, Lots 1-47 SP 78596);
- (b) eastern side of Botany Road, corner of John Street, Waterloo (Lot 1 DP 229389);
- (c) land at McEvoy Street, opposite Harley Street, Alexandria (DP243107 SP 2506);
- (d) land adjoining 377-497 Botany Road, Zetland (Lot 1 DP 628547); and
- (e) 583 Botany Rd, Rosebery (Lot 11 DP 604322);

PART 1 – OBJECTIVES / INTENDED OUTCOMES

The objectives or intended outcomes of the planning proposal are to:

- (a) Maintain the residential character of the Nickson Road, Surry Hills locality;
- (b) Protect the heritage significance of the Three Proud People mural at 39 Pine Street, Newtown;

ATTACHMENT A

- (c) Reserve land for future acquisition by the Roads and Maritime Service (RMS) for the purpose of classified roads and enable affected landowners to require the RMS to acquire that land under the owner-initiated acquisition provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*.

PART 2 – EXPLANATION OF PROVISIONS

Amendment of the Sydney LEP 2012 Land Zoning Map, as shown on sheets LZN_010 and LZN_016 at Appendix A, to adopt

- (a) Zone R1 General Residential for the land at 37 to 61 Nickson Street, Surry Hills; and
- (b) Zone SP2 Infrastructure (Classified Road) for two parcels of land to be reserved for classified road purposes.

Amendment of the Sydney LEP 2012 Heritage Schedule to include the Three Proud People mural on the Leamington Lane façade of the terrace house at 39 Pine Street, Newtown (Lot 117 DP 2070 and Lot 1 DP 103950) as a heritage item of local significance.

Amendment of the Sydney LEP 2012 Heritage Map, as shown on sheet HER_010 at Appendix B, to identify 39 Pine Street, Newtown as the site of a heritage item.

Amendment of the Sydney LEP 2012 Land Reservation Acquisition Map, as shown on sheets LRA_010 and LRA_018 at Appendix C, to identify the following parcels of land as being reserved for classified road purposes:

- (a) northern side of Henderson Road, corner of Wyndham Street (Part of Lot 1000 DP1092450);
- (b) eastern side of Botany Road, corner of John Street (Part of Lot 1 DP229389);
- (c) land at McEvoy Street, opposite Harley Street (Parts of Lots 1 & 5 DP243107 and Lot 1 DP230727);
- (d) land adjoining 377-497 Botany Road, Zetland (Lot 1 DP 628547); and
- (e) land adjoining 583 Botany Road Rosebery (Lot 11 DP 604322).

PART 3 - JUSTIFICATION

This section of the planning proposal provides the rationale for changing the controls and responds to questions set out in the document entitled *A guide to preparing planning proposals*, published by the Department of Planning and Infrastructure in October 2012.

Section A: Need for a planning proposal

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

Partly. The planning proposal arises from consideration of submissions in response to the exhibition of *Draft Sydney Local Environmental Plan 2011* and from a heritage assessment of the Three Proud People mural.

ATTACHMENT A

At meetings on 12 and 8 March 2012 respectively, the Council and Central Sydney Planning Committee adopted the exhibited controls in *Draft Sydney Local Environmental Plan 2011* for the sites that are the subject of this planning proposal. At the same time the Council and CSPC resolved to prepare and exhibit a planning proposal to allow for community consultation on proposed changes to the controls for these sites (see resolutions at Appendix D). This approach, taken with the agreement of the Department of Planning and Infrastructure, enabled *Draft Sydney Local Environmental Plan 2011* to proceed to introduce updated controls for the wider Council area while community consultation is undertaken on the revised controls proposed in this planning proposal.

Zoning of Land at Surry Hills



Figure 3: Zoning of 37-61 Nickson Street Surry Hills (outlined in red) under draft Sydney LEP 2011

The properties at 37-61 Nickson Street, Surry Hills were exhibited with a B4 Mixed Use zoning in Draft Sydney LEP 2011. These sites are currently zoned 2(b) Residential (Medium Density) under South Sydney LEP 1998 and were included in the area of the Surry Hills Urban Design Study undertaken by the City in 2006. Although the study recommended retention of the residential zoning for these properties, an internal review of the land use zoning in this vicinity recommended a B4 Mixed Use zoning given the proximity of the land to the commercial areas of Cleveland and Crown Streets, Surry Hills.

In response to submissions from five landowners, a further review of the appropriateness of the B4 Mixed Use zone was undertaken. It concluded that Zone R1 General Residential should be applied to the properties at 37-61 Nickson Street, Surry Hills given that they comprise terrace houses that are predominantly used for residential purposes.

It is also proposed to rationalise the zoning in this locality by applying the R1 Residential Zone to the Nickson Street roadway adjoining the subject properties.

Heritage Listing of Three Proud People Mural

The Three Proud People mural is a reproduction of a famous photo of the 1968 Olympic Black Power Salute at the Olympic Stadium in Mexico, a noted black power protest and one of the most overtly political statements in the 110-year history of the modern Olympic Games. The mural, which was painted just before the Sydney 2000 Olympics, was originally visible from the platform at Macdonaldtown Railway Station and from trains travelling between the City and Western Metropolitan areas along the Inner West, Bankstown, Cumberland, Northern and Western Lines. It has since been largely obscured by the erection of a sound barrier along Leamington Avenue.

The Three Proud People mural came to the attention of the City in the course of an ultimately successful campaign to save homes in Leamington Avenue and Pine Street, Newtown (including 39 Pine Street) from resumption by RailCorp for the construction of a city “relief line” from Eveleigh to Wynyard. In 2011, the City engaged City Plan Heritage to undertake a heritage assessment of the mural. The assessment, at Appendix E, concluded that the mural warranted heritage listing as an item of local heritage significance.

Land proposed to be reserved for classified road purposes

The City consulted the former Roads and Traffic Authority in the preparation of the Land Reservation Acquisition (LRA) Map in *Draft Sydney Local Environmental Plan 2011*. However, a submission from the Roads and Maritime Authority in response to the exhibition of the draft LEP sought various changes to the LRA map, including the identification of road reservations on the following parcels of land:

- (a) northern side of Henderson Road, corner of Wyndham Street, Redfern (Part of Lot 1000 DP1092450);
- (b) eastern side of Botany Road, corner of John Street, Waterloo (Part of Lot 1 DP229389);
- (c) land at McEvoy Street, opposite Harley Street, Alexandria (Parts of Lots 1 & 5 DP243107 and Lot 1 DP230727);
- (d) land adjoining 377-497 Botany Road, Zetland (Lot 1 DP 628547);
- (e) land adjoining 583 Botany Road, Rosebery (Lot 11 DP 604322).

ATTACHMENT A

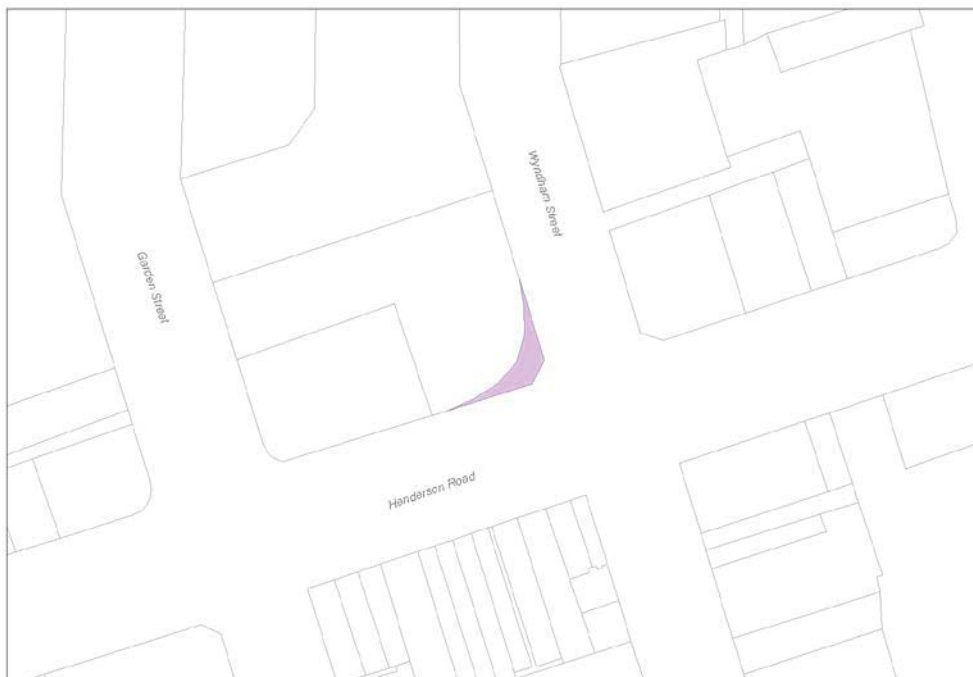


Figure 4: Location of proposed road reservation, cnr Henderson Road and Wyndham Street, Alexandria



Figure 5: Location of proposed road reservation, cnr John Street and Botany Road, Waterloo

ATTACHMENT A

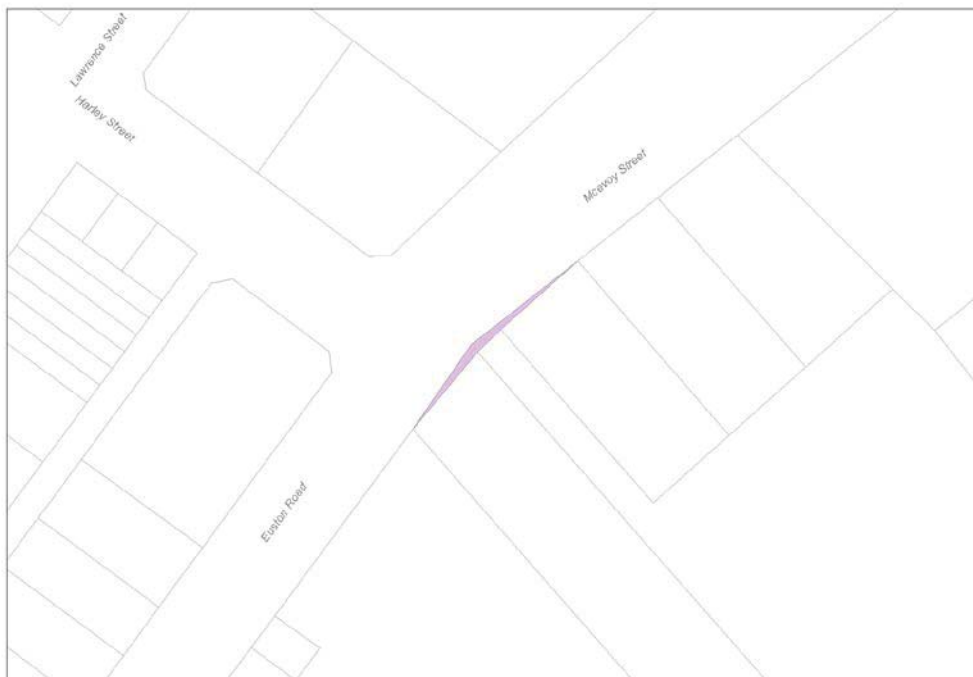


Figure 6: Location of proposed road reservation, McEvoy Street, Alexandria



Figure 7: Location of proposed road reservation adjoining 377-497 Botany Road, Zetland

ATTACHMENT A



Figure 8: Location of proposed road reservation adjoining 583 Botany Road, Rosebery

The five parcels of land identified in Figures 4 to 8 are not reserved under any existing planning instrument and were not identified in the exhibited draft Sydney LEP 2011 LRA Map. The City was of the opinion that it was not appropriate to include them in the revised draft Sydney LEP 2011 LRA Map without appropriate community consultation. Officers of Roads and Maritime Services therefore agreed to these reservations being addressed in a separate planning proposal to allow for consultation with the affected landowners. Subsequent investigation revealed that 4, and possibly all 5, of these road reservations are identified on relevant survey plans / land titles.

In addition to identifying these road reservations on the Sydney LEP 2012 LRA Map in, it is proposed to amend the Land Zoning Map to apply the SP2 Classified Road Zone to two of them (Part of Lot 1000 DP1092450 and Part Lot 1 DP230727). The remaining three are already zoned SP2 Classified Road owing to the City's erroneous belief that they were already part of the roadway.

Two of the parcels of land straddle the boundary of Sydney LEP 2012. Only the land that is within the boundary of Sydney LEP 2012 is to be addressed in this planning proposal. Identification of the remaining portions will need to be separately addressed in future planning proposals applying to the adjoining land.

Table 1 summarises the land description and zoning of each of the proposed road reservations and provides specific comments where relevant.

ATTACHMENT A

Table 1: Details of each of the proposed road reservations.

Site	Land description	Zoning under SLEP 2012	Comment
Cnr Henderson Rd and Wyndham St, Alexandria	Part of Lot 1000 DP1092450	B4 Mixed Use	Road reservation identified on relevant survey plan
Cnr Botany Rd and John St, Waterloo	Part of Lot 1 DP229389	SP2 Classified road.	
McEvoy St, opposite Harley St, Alexandria	Part Lot 1 DP230727	SP2 Sewerage System.	The northern section of this proposed road reservation (ie parts of Lots 1 & 5 DP243107) is outside the area of SLEP2012. It falls within the area that continues to be subject to South Sydney LEP 1998.
377-497 Botany Road, Zetland (5m strip of land adjoining Lot 1 DP 628547)	Unknown. The proposed road reservation is identified as Lot 2 DP 628547 on a relevant survey plan but does not appear to have been registered as such.	SP2 Classified road	The northern section of this proposed road reservation is outside the area of SLEP2012, being within the Green Square Town Centre.
583 Botany Road, Rosebery	Lot 11 DP 604322	SP2 Classified road.	

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

Yes. Rezoning is necessary to limit the use of the Surry Hills sites to uses that are consistent with the residential nature of that area. Appropriate heritage protection for the Three Proud People mural may only be achieved via its identification as a heritage item in an environmental planning instrument.

Reservation of land for classified roads can be achieved by other means, such as notification by the Roads and Maritime Authority. However, the Roads and Maritime Authority has requested that the Council identify the proposed road reservations in a local environmental plan because it is the most transparent means of reserving land and ensures that prospective purchasers of affected land are informed of the road reservation when they obtain a certificate under section 149 of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENT A

Is there a net community benefit?

The matters addressed by the planning proposal represent relatively minor adjustments to the planning controls in the exhibited *Draft Sydney Local Environmental Plan 2011*. The main driver for the preparation of the planning proposal is the need for community consultation on these changes.

It is considered that the planning proposal will provide a net positive community benefit in that it:

- (a) allows for community consultation on matters that affect landowners' property rights;
- (b) will provide appropriate protection to an artwork that has social and cultural significance for the community; and
- (c) reserves land for a public purpose.

Section B: Relationship to Strategic Planning Framework

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

Table 2 – Consistency with draft Sydney City Subregional Strategy Key Directions

Key Direction	Statement of Consistency
Reinforce global competitiveness and strengthen links to the regional economy.	Not inconsistent. The planning proposal will have negligible impact on the regional economy.
Ensure adequate capacity for new office and hotel developments.	Not inconsistent. The planning proposal will have negligible impact on capacity for office and hotel developments.
Plan for sustainable development of major urban renewal projects.	Justifiably inconsistent. The proposed rezoning of land in Surry Hills from B4 Mixed Use to R1 General Residential is not consistent with including potential for commercial development in city fringe areas (SC B3.4.2). However, the loss of capacity for commercial purposes is negligible given that the land proposed to be zoned R1 General Residential is already developed for residential purposes and has long been zoned for residential purposes under South Sydney LEP 1998.
Plan for housing choice	Not inconsistent. The planning proposal will have negligible impact on housing choice, given that the land proposed to be zoned R1 General Residential is already developed for residential uses.
Develop an improved and increasingly integrated transport system that meets the City's multiple transport needs.	Consistent. The planning proposal provides for future upgrading of road infrastructure by reserving land for classified road purposes.

ATTACHMENT A

Improve the quality of the built environment and aim to decrease the subregion’s ecological footprint.	Not inconsistent. The planning proposal will have negligible impact on the quality of the built environment and the subregion’s ecological footprint.
Enhance the City’s prominence as a diverse global & cultural centre.	Consistent. The proposed heritage listing of the Three Proud People mural recognises the cultural significance of this artefact.

Is the planning proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

Sustainable Sydney 2030 (SS2030) outlines the City’s vision for a ‘green’, ‘global’ and ‘connected’ City of Sydney and sets targets, objectives and actions to achieve that vision. Three of the ten strategic directions of SS2030 relate to the planning proposal, namely

- 3 Integrated transport for a connected City
- 9 Sustainable development, renewal and design
- 10 Effective governance and partnerships

The planning proposal is consistent with SS2030 in that it implements the following SS2030 actions:

- 3.4.1 Develop a road hierarchy and management plan for major corridors
- 9.4.1 Regularly review and streamline development controls
- 10.2.1 Maintain and extend community roles in decision-making and in current consultation, engagement, education and information procedures

Is the planning proposal consistent with applicable state environmental planning policies?

Table 3: State Environmental Planning Policies (SEPPs)

Note: Unless stated otherwise, in this table “consistent” means that the planning proposal does not contradict or hinder application of the relevant SEPP

No.	SEPP	Consistency of planning proposal
1	Development Standards	Not applicable
4	Development Without Consent and Miscellaneous Exempt and Complying Development	Consistent
6	Number of Storeys in a Building	Consistent
14	Coastal Wetlands	Not applicable
15	Rural Landsharing Communities	Not applicable
19	Bushland in Urban Areas	Consistent.
21	Caravan Parks	Consistent
22	Shops and Commercial Premises	Consistent
26	Littoral Rainforests	Not applicable
29	Western Sydney Recreation Area	Not applicable
30	Intensive Agriculture	Consistent
32	Urban Consolidation (Redevelopment of Urban Land)	Consistent

ATTACHMENT A

No.	SEPP	Consistency of planning proposal
33	Hazardous and Offensive Development	Consistent
36	Manufactured Home Estates	Not applicable
39	Spit Island Bird Habitat	Not applicable
41	Casino Entertainment Complex	Not applicable – to be repealed by Sydney LEP 2012
44	Koala Habitat Protection	Not applicable
47	Moore Park Showground	Not applicable
50	Canal Estate Development	Consistent
52	Farm Dams and other works in Land and water Management Plan Areas	Not applicable
55	Remediation of Land	Consistent
59	Central Western Sydney Regional Open Space and Residential	Not applicable
60	Exempt and Complying Development	Consistent
62	Sustainable Aquaculture	Consistent
64	Advertising and Signage	Consistent
65	Design Quality of Residential Flat Development	Consistent
70	Affordable Housing (Revised Schemes)	Consistent
71	Coastal Protection	Not applicable
	SEPP (Building Sustainability Index: BASIX) 2004	Consistent.
	SEPP (Housing for Seniors or People with a Disability) 2004	Consistent.
	SEPP (Major Development) 2005	Consistent
	SEPP (Sydney Region Growth Centres) 2006	Not applicable
	SEPP (Infrastructure) 2007	Consistent
	SEPP (Kosciuszko National Park-Alpine Resorts) 2007	Not applicable
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Consistent
	SEPP (Temporary Structures) 2007	Consistent.
	SEPP (Exempt and Complying Development Codes) 2008	Consistent
	SEPP (Rural Lands) 2008	Not applicable
	SEPP (Western Sydney Parklands) 2009	Not applicable
	SEPP (Affordable Rental Housing) 2009	Not applicable
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable
	State Environmental Planning Policy (Kurnell Peninsula) 1989	Not applicable
	State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Not applicable
	State Environmental Planning Policy (Urban Renewal) 2010	Not applicable
	State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	Not applicable
	State Environmental Planning Policy (State and Regional Development) 2011	Consistent
	State Environmental Planning Policy (Sydney	Not applicable

ATTACHMENT A

No.	SEPP	Consistency of planning proposal
	Drinking Water Catchment) 2011	

Table 4: Regional Environmental Plans (REPs) – Deemed SEPPs

Note: Former REPs which have been repealed are not included in this Table.

No.	REP Title	Consistency of LEP
5	Chatswood Town Centre	Not applicable
8	Central Coast Plateau Areas	Not applicable
9	Extractive Industry (No 2-1995)	Not applicable
16	Walsh Bay	Not applicable
18	Public Transport Corridors	Not applicable
19	Rouse Hill Development Area	Not applicable
20	Hawkesbury–Nepean River (No. 2-1997)	Not applicable
24	Homebush Bay Area	Not applicable
25	Orchard Hills	Not applicable
26	City West	Not applicable
28	Parramatta	Not applicable
30	St Marys	Not applicable
33	Cooks Cove	Not applicable
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Consistent. The planning proposal does not contradict or hinder application of Sydney Harbour REP
	Darling Harbour Development Plan No. 1	Not applicable

Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Table 5: Review of consistency of draft Sydney LEP 2011 (Amendment No. 1) with the Ministerial Directions for LEPs under s. 117 of the Environmental Planning & Assessment Act 1979.

1. Employment and Resources

No.	Title	Comment
1.1	Business and Industrial Zones	Justifiably inconsistent. The planning proposal is intended to rezone certain land in Surry Hills from B4 Mixed Uses under Sydney LEP 2012 to R1 General Residential. The land at 37-61 Nickson Street Surry Hills is predominantly developed for terrace housing and was zoned Residential 2(b) under South Sydney LEP 1998.

ATTACHMENT A

No.	Title	Comment
		The proposed rezoning is considered of minor significance given the amount of land involved (0.16ha), its existing residential use and its long-standing residential zoning under South Sydney LEP 1998
1.2	Rural 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. Environment and Heritage

No.	Title	Comment
2.1	Environmental Protection Zones	Consistent. The planning proposal does not apply to land in an environmental protection zone.
2.2	Coastal protection	Not applicable
2.3	Heritage Conservation	Consistent An intended outcome of the planning proposal is to protect the heritage significance of the Three Proud People mural.
2.4	Recreation Vehicle Areas	Consistent. The planning proposal does not include provisions relating to recreation vehicle areas.

3. Housing, Infrastructure and Urban Development

No.	Title	Comment
3.1	Residential Zones	Consistent The planning proposal provides for the rezoning of land at Nickson Street Surry Hills from B4 Mixed Uses to R1 General Residential. This land is in an established area where its continued use for residential development contributes to the efficient use of existing infrastructure and services.
3.2	Caravan parks and Manufactured Home Estates	Consistent. The planning proposal does not include provisions relating to caravan park or manufactured home estates.
3.3	Home Occupations	Consistent.

ATTACHMENT A

		The planning proposal does not contradict or hinder application of the home occupation provisions in Draft Sydney LEP 2011.
3.4	Integrating Land Use and Transport	Consistent The planning proposal does not contradict or hinder achievement of the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable

4. Hazard and Risk

No.	Title	Comment
4.1	Acid Sulfate Soils	Consistent. The planning proposal does not contradict or hinder application of the acid sulfate soils provisions in Draft Sydney LEP 2011.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Consistent. The planning proposal does not contradict or hinder application of the flood prone land provisions in Draft Sydney LEP 2011.
4.4	Planning for Bushfire Protection	Not applicable

5. Regional Planning

No.	Title	Comment
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance - NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway	Not applicable
5.8	Second Sydney Airport – Badgerys Creek	Not applicable

6. Local Plan Making

No.	Title	Comment
6.1	Approval and Referral Requirements	<p>Consistent</p> <p>The planning proposal does not include concurrence, consultation or referral provisions.</p> <p>The planning proposal does not identify any development as designated development.</p>
6.2	Reserving Land for Public Purposes	<p>Consistent.</p> <p>The planning proposal reserves certain land for the purpose of classified roads, in response to a requested by the Roads and Maritime Authority (RMA) in their submission on the exhibited Draft Sydney LEP 2011. Officers of the Department of Planning and Infrastructure have indicated support for the preparation of a planning proposal to reserve the subject land.</p>
6.3	Site Specific Provisions	Not applicable

7. Metropolitan Planning

No.	Title	Comment
7.1	Implementation of the Metropolitan Strategy	<p>Consistent</p> <p>The planning proposal does not contradict or hinder application of the NSW Government's Metropolitan Plan for Sydney 2036, published in December 2010.</p>

Section C: Environmental, social and economic impact.

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?

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

ATTACHMENT A

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 amendments to SLEP 2012 will result in development creating any environmental effects that cannot readily be controlled.

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

Rezoning of the Nickson Street land to R1 General Residential represents a down-zoning and possible loss of land-value. The proposed rezoning arises from representations from the Surry Hills community. Public exhibition of the planning proposal and consultation with affected landowners will allow the views of affected landowners to be considered.

Identification of the proposed road reservations will contribute towards future improvements to the road network which, in turn, will ultimately deliver economic and social benefits to the community. Inclusion of the proposed road reservations in the LEP will also enable an affected landowner to require the RMS to acquire that land under the owner-initiated acquisition provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*. This ensures compensation for an affected landowner if the reservation causes hardship.

Identification of the Three Proud People mural as a heritage item offers social benefits by facilitating the conservation of an item that has social significance for the local community.

Section D: State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Yes. The land proposed to be zoned R1 General Residential is well located in relation to existing public transport infrastructure, utility services, roads and essential services.

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

The Roads and Maritime Services (RMS) requested the City to amend the Sydney LEP 2012 LRA map to identify the proposed road reservations. The RMS has been consulted in the preparation of this planning proposal, particularly in relation to the accurate identification of affected land.

The proposed road reservations include land owned by State public authorities, namely Sydney Water, Landcom and the Minister for Public Works. Their views are to be sought when other affected landowners are consulted.

PART 4 – MAPPING

The map sheets at Appendices A, B and C show the existing controls under SLEP 2012 and the alternative controls set out in this planning proposal. No other substantive changes to SLEP 2012 are proposed.

Rezoning of two of the proposed road reservations may necessitate consequential amendments to other maps (eg Height of Buildings and FSR) to align those controls

ATTACHMENT A

with the boundary of the proposed road reservation. Such changes are considered to be minor refinements which, if necessary, will be prepared following public consultation.

PART 5 – DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL.

It is proposed to exhibit the planning proposal for public comment and to directly invite comments from the owners of the affected land at:

- (a) 37-61 Nickson St, Surry Hills (private landowners);
- (b) 43 Wyndham Street corner of Henderson Road, Alexandria (Owners Corporation, SP 78596);
- (c) 1 John St, Waterloo (private landowner)
- (d) 146 and 148 McEvoy St, Alexandria (jointly owned by a private landowner)
- (e) 6 Euston Rd Alexandria (Sydney Water)
- (f) 377-497 Botany Road, Zetland (Minister for Public Works and Landcom)
- (g) 583 Botany Rd (private landowner)
- (h) 39 Pine Street, Newtown (private landowner)

The planning proposal is considered to be a low impact proposal that would normally warrant only a 14 day exhibition. However, if the exhibition commences during the summer holiday period (mid-December to mid-January), a 28 day exhibition is considered appropriate to allow for proper consultation with the community and affected landowners.

PART 6 – PROJECT TIMELINE

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

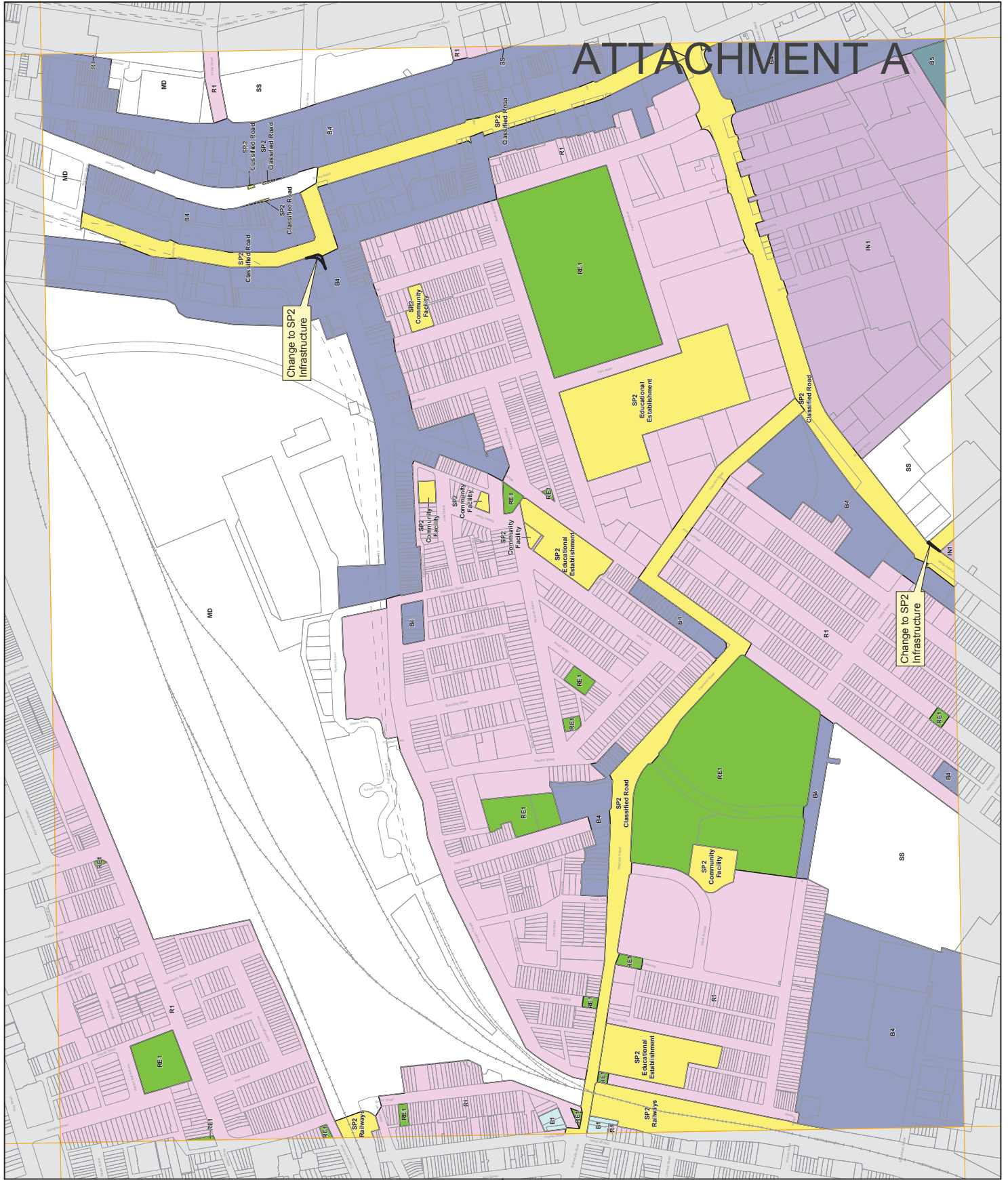
Action	Anticipated Date
Commencement / Gateway determination	8 December 2012
Pre-exhibition government agency consultation	8 December 2012 to 15 January 2013
Public Exhibition	29 January 2013 to 11 February 2013
Consideration of submissions	11 February 2013 to 28 February 2013
Post exhibition consideration of proposal	18 April 2013 (CSPC) 22 April 2013 (Council)
Submission to Department	29 April 2013

ATTACHMENT A

APPENDIX A

CHANGES TO ZONING MAP

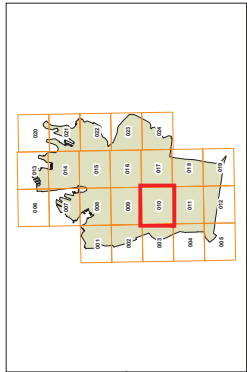
ATTACHMENT A




Sydney Local Environmental Plan 2012

Land Zoning Map - Sheet LZN_010

- Zone**
- B1 Neighbourhood Centre
 - B2 Local Centre
 - B3 Commercial Core
 - B4 Mixed Use
 - B5 Business Development
 - B6 Enterprise Corridor
 - B7 Business Park
 - B8 Metropolitan Centre
 - IN1 General Industrial
 - IN2 Light Industrial
 - R1 General Residential
 - R2 Low Density Residential
 - RE1 Public Recreation
 - SP1 Special Activities
 - SP2 Infrastructure
 - CW SREP 26 City West
 - DH Darling Harbour Development Plan No. 1
 - GAHP Sydney LEP (Glebe Affordable Housing Project) 2011
 - GS1 South Sydney LEP 1998 and City of Sydney Planning Scheme Ordinance
 - GS2 South Sydney LEP 1998 and South Sydney LEP 114
 - HP Sydney LEP (Harold Park) 2011
 - MD Sydney Major Development 2005
 - MPIS SEPP 47 Moore Park Showground
 - SCRA Sydney Cove Redevelopment Authority Scheme
 - SHC SREP Sydney Harbour Catchment 2005
 - SLEP Sydney LEP 2005
 - SS South Sydney LEP 1998
 - WB SREP 16 Welsh Bay
 - UN Unzoned Land
 - Change
- Cadastre**
- Cadastre 21/11/2012 © City of Sydney



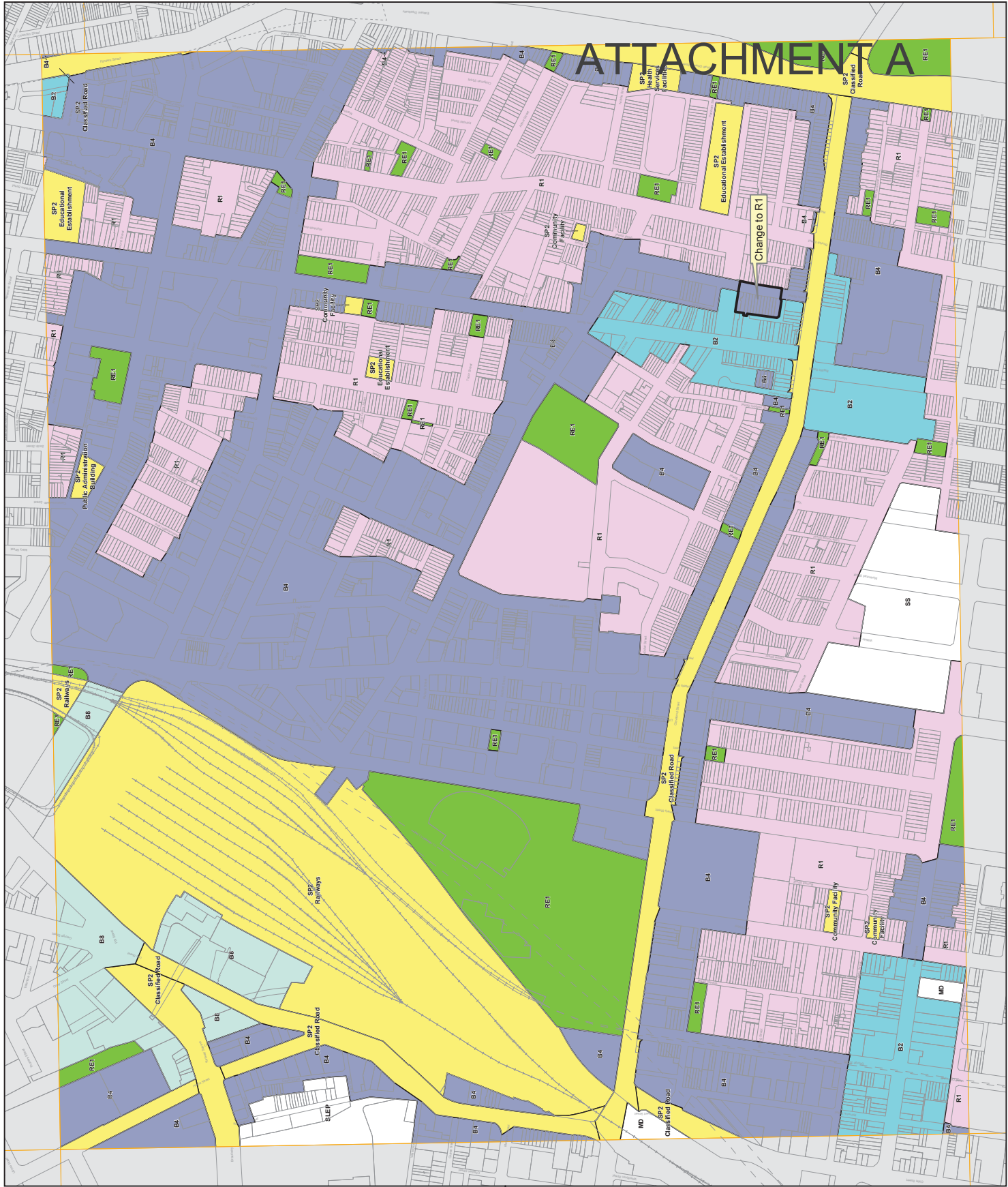


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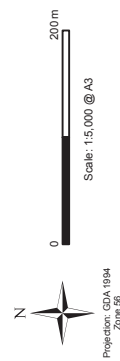
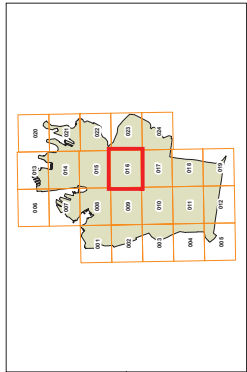
ATTACHMENT A



Sydney Local Environmental Plan 2012

Land Zoning Map - Sheet LZN_016

- Zone**
- B1** Neighbourhood Centre
 - B2** Local Centre
 - B3** Commercial Core
 - B4** Mixed Use
 - B5** Business Development
 - B6** Enterprise Corridor
 - B7** Business Park
 - B8** Metropolitan Centre
 - IN1** General Industrial
 - IN2** Light Industrial
 - R1** General Residential
 - R2** Low Density Residential
 - RE1** Public Recreation
 - SP1** Special Activities
 - SP2** Infrastructure
 - CW** SREP 26 City West
 - DH** Darling Harbour Development Plan No. 1
 - GAMP** Sydney LEP (Glebe Affordable Housing Project) 2011
 - GS1** South Sydney LEP 1998 and City of Sydney Planning Scheme Ordinance
 - GS2** South Sydney LEP 1998 and South Sydney LEP 114
 - HP** Sydney LEP (Harold Park), 2011
 - MD** SEPP Major Development 2005
 - MP** SEPP 47 Moore Park Showground
 - MP2** Sydney Cove Redevelopment Authority Scheme
 - SCRA** SREP Sydney Harbour Catchment 2005
 - SHC** Sydney LEP 2005
 - SLEP** South Sydney LEP 1998
 - SS** SREP 16 Walsh Bay
 - WB** Unzoned Land
 - UN** Unzoned Land
 - Change** Change
- Cadastre**
- Cadastre 21/11/2012 © City of Sydney



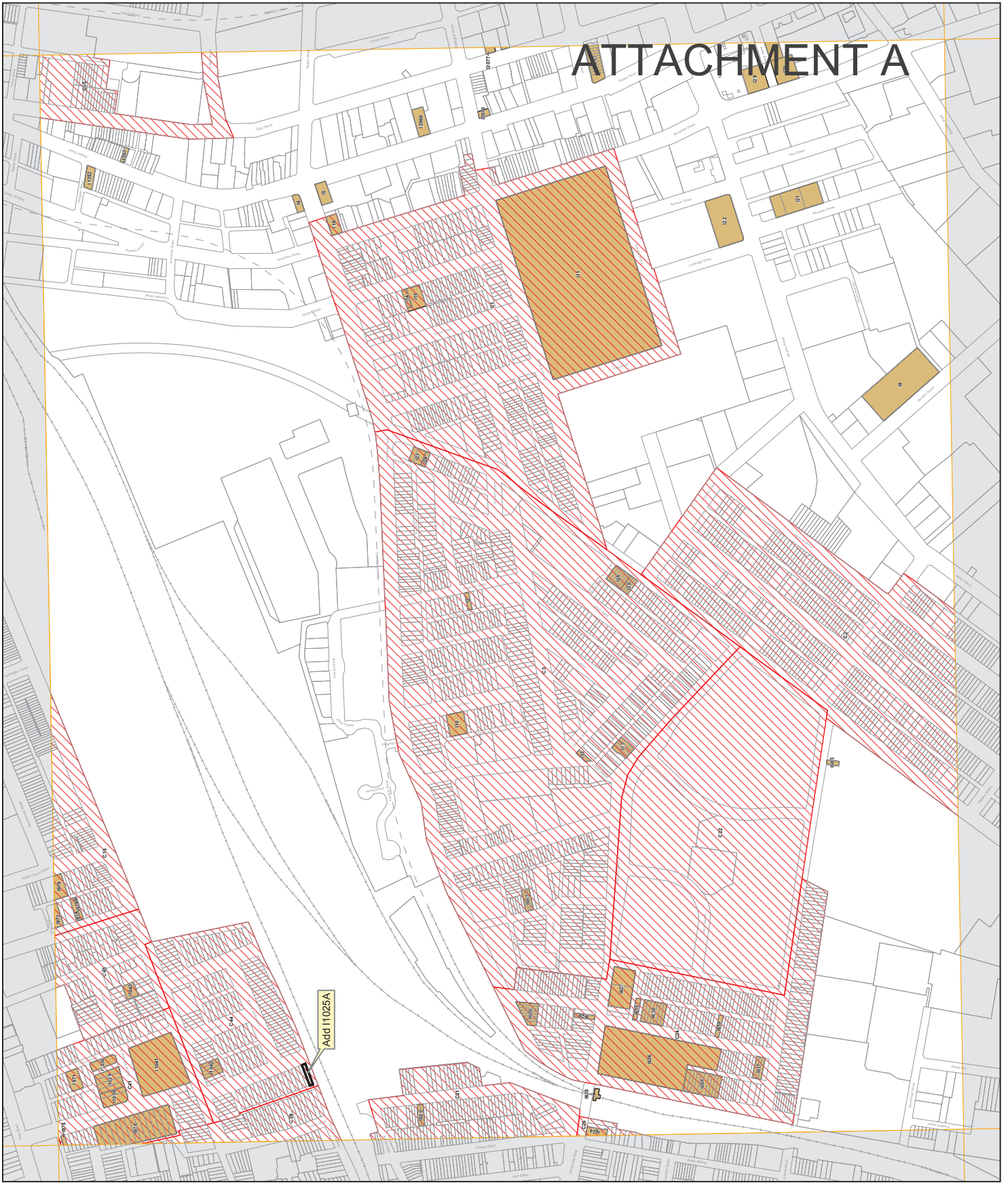
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ATTACHMENT A

APPENDIX B

CHANGES TO HERITAGE MAP

ATTACHMENT A

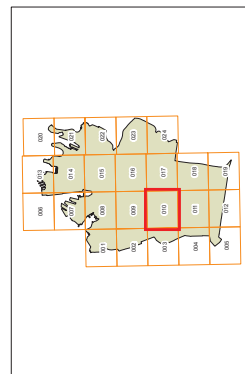


Sydney Local Environmental Plan 2012



Heritage Map - Sheet HER_010

- Heritage**
- Conservation Area - General
 - Item - General
 - Change
- Cadastral**
- Cadastral 21/11/2012 © City of Sydney

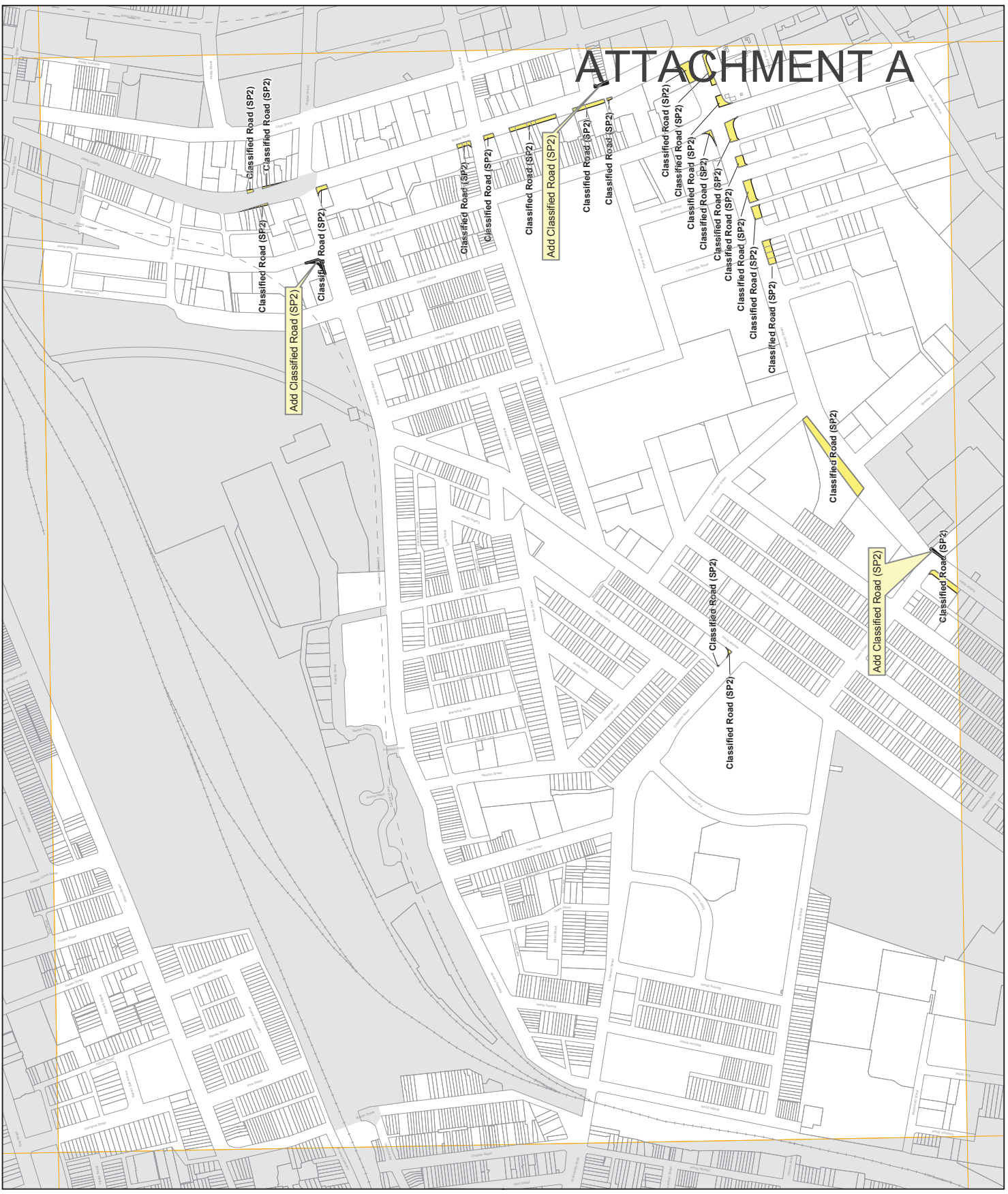


ATTACHMENT A

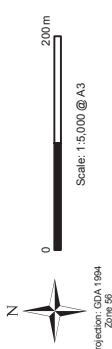
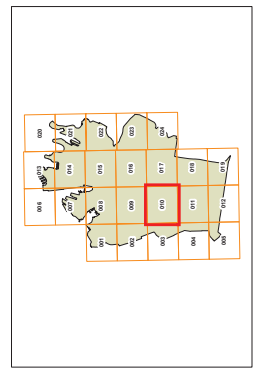
APPENDIX C

**CHANGES TO LAND RESERVATION ACQUISITION
MAP**

ATTACHMENT A



- Land Reservation Acquisition**
- Classified Road (SP2)
 - Change
- Cadastral**
- Cadastre 21/11/2012 © City of Sydney



ATTACHMENT A

RANDWICK LGA

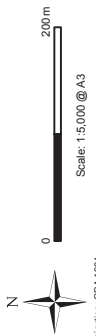
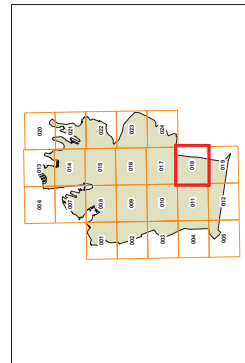


Sydney Local Environmental Plan 2012



Land Reservation Acquisition Map - Sheet LRA_018

- Land Reservation Acquisition**
- Classified Road (SP2)
 - Change
 - Cadastral**
 - Cadastre 21/11/2012 © City of Sydney



Projection: GDA 1984
Zone 56

Map identification number:
2202_COM_LRA_018_005_2012121

ATTACHMENT A

APPENDIX D

COUNCIL AND CSPC RESOLUTIONS - MARCH 2012

Resolution of Council

12 MARCH 2012

ITEM 9.6

POST EXHIBITION - DRAFT SYDNEY LOCAL ENVIRONMENTAL PLAN 2011

(S048243)

The Planning Policy Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 12 March 2012.

The motion, as adopted by Council, is as follows:

It is resolved that:

- (A) Council note the matters raised in submissions received in response to the public exhibition of Draft Sydney Local Environmental Plan 2011, the draft Green Square Affordable Housing Program and the draft City of Sydney Competitive Design Policy;
- (B) Council approve the amendments proposed to *Draft Sydney Local Environmental Plan 2011*, as shown at Attachments A and B to the subject report;
- (C) Council, under section 68(5) of the *Environmental Planning and Assessment Act 1979*, exclude from *Draft Sydney Local Environmental Plan 2011* the following parcels of land (deferred matters):
 - (i) the Goodman site at 57 Ashmore Street and 165-175 Mitchell Road, Erskineville, due to unacceptable impacts, including overshadowing and amenity impacts, insufficient infrastructure to support increased densities and inappropriate urban design outcomes that would result from the exhibited controls;
 - (ii) the Lachlan Precinct in Green Square, to enable further detailed building envelope, height, solar access and amenity testing to establish appropriate floor space ratio controls to be undertaken; and

- (iii) land fronting Gardeners Road, Rosebery between Durdans Avenue and the Southern Cross Drive, to enable further review of the exhibited controls and their impact on the privacy and amenity of adjoining landowners and the Rosebery Estate's low density residential character;
- (D) subject to the provisions of the *City of Sydney Act 1988*, Council submit *Draft Sydney Local Environmental Plan 2011* (as amended) to the Director-General of the Department of Planning and Infrastructure, together with a report prepared in accordance with section 68(4) of the *Environmental Planning and Assessment Act 1979*, that outlines the outcomes of public exhibition, the justification for the proposed alterations to the Plan, and a request that the Minister for Planning and Infrastructure make the Local Environmental Plan;
- (E) authority be delegated to the Chief Executive Officer to make drafting changes to *Draft Sydney Local Environmental Plan 2011*, in order to address issues of an operational nature and other non-substantive matters that may arise from discussions with the Department of Planning and Infrastructure and Parliamentary Counsel;
- (F) Council adopt the draft *Green Square Affordable Housing Program*, as shown at Attachment C to the subject report, to take effect from the date on which *Sydney Local Environmental Plan 2011* takes effect;
- (G) Council adopt the draft *City of Sydney Competitive Design Policy*, as shown at Attachment D to the subject report, to take effect from the date on which *Sydney Local Environmental Plan 2011* takes effect;
- (H) authority be delegated to the Chief Executive Officer to make changes to the draft *Green Square Affordable Housing Program* at Attachment C and the draft *Competitive Design Policy* at Attachment D, in order to address issues of an operational nature and reflect *Sydney Local Environmental Plan 2011* when made;
- (I) subject to the provisions of the *City of Sydney Act 1988*, Council prepare and exhibit one or more planning proposals to:
 - (i) reflect planning controls for the Goodman site arising from consideration of submissions to the exhibition of the *Draft Amendment to South Sydney Development Control Plan 1997: Urban Design – Part G Special Precinct No. 7 – Ashmore Precinct*, in accordance with the Resolution of Council of 5 December 2011;
 - (ii) rezone the following parcels of land at Pymont Point to Zone R1 General Residential reflecting their completed development:
 - (a) 2-8 Point Street, Pymont;
 - (b) 5 Tambua Street, Pymont;
 - (c) 15 Bowman Street Pymont;
 - (d) 25 Bowman Street, Pymont;
 - (e) 45 Bowman Street, Pymont;

- (f) 66 Bowman Street, Pyrmont;
 - (g) 1-3 Distillery Drive, Pyrmont;
 - (h) 3 Harris Street, Pyrmont; and
 - (i) 2-4 and 6-8 Mount Street Walk, Pyrmont;
- (iii) rezone land at 37 to 61 Nickson Street, Surry Hills to Zone R1 General Residential;
- (iv) identify “The Three Proud People” mural at 39 Pine Street, Newtown as a heritage item; and
- (v) identify portions of the following parcels of land as being required by the Roads and Maritime Authority for classified road purposes;
- (a) northern side of Henderson Road, corner of Wyndham Street (Lot 1000 DP 1092450, Lots 1-47 SP 78596);
 - (b) eastern side of Botany Road, corner of John Street (Lot 1 DP 229389);
 - (c) land at McEvoy Street, opposite Harley Street (DP243107 SP 2506);
 - (d) land adjoining 377-497 Botany Road, Zetland (Lot 1 DP 628547); and
 - (e) 583 Botany Rd (Lot 11 DP 604322);
- (J) subject to the provisions of the *City of Sydney Act 1988*, Council prepare planning proposals to determine appropriate planning controls for:
- (i) the Lachlan Precinct in Green Square; and
 - (ii) the land fronting Gardeners Road, Rosebery between Durdans Avenue and the Southern Cross Drive;
- (K) Council note that consideration is being given to whether a planning proposal should be prepared in the future to amend the planning controls for the following sites:
- (i) 263 Broadway, Glebe;
 - (ii) 287-289 Crown Street, Surry Hills;
 - (iii) 4-44 Wentworth Avenue and 9-19 Brisbane Street, Surry Hills;
 - (iv) 2-6 Allen Street, Waterloo;
 - (v) 2-10 Fountain Street, Alexandria;
 - (vi) 1 Hutchinson Walk, Zetland;
 - (vii) 106–116 Epsom Road, Zetland;

- (viii) 26-58 Rothschild Avenue, Rosebery (former RTA site);
 - (ix) 1-3 Rosebery Avenue, Rosebery;
 - (x) Jacksons Landing, Pyrmont, including 21 Harris Street, Pyrmont;
 - (xi) 18 Huntley Street, Alexandria;
 - (xii) 2-32 Junction Street, Forest Lodge; and
 - (xiii) 4, 4A, 6 and 8 Macleay Street, Potts Point;
- (L) Council note that consideration is being given to whether a planning proposal should be prepared in the future to rezone the land in the Alexandria Park and Danks Street localities at Green Square, shown as Zone R1 General Residential on the draft Land Zoning Map at Attachment B;
- (M) Council note that appropriate heritage assessment is to be undertaken to consider whether the following items warrant heritage listing in the future:
- (i) 35 Arundel Street, Forest Lodge;
 - (ii) 96-104 Mitchell Street, Glebe;
 - (iii) 113 Mitchell Street, Glebe (the Old Fire Station);
 - (iv) 127-153 Riley Street, Darlinghurst;
 - (v) 134-140 Riley Street, Darlinghurst;
 - (vi) 56 Watkin Street, Newtown;
 - (vii) 22 Campbell Street, Haymarket;
 - (viii) 398-402 Sussex Street, Haymarket; and
 - (ix) the Glebe foreshore sea walls;
- (N) Council note that the Employment Lands Study for the southern area of the City is under preparation and the recommendations of the Study may inform a future planning proposal to amend controls in this area;
- (O) Council approve the amendment of the Draft Sydney Local Environmental Plan 2011 Height of Buildings Map to show the maximum building height for 21 Harris Street, Pyrmont as 33m and the Floor Space Ratio Map to show the maximum FSR for 21 Harris Street, Pyrmont as 6:1;
- (P) Council request that staff commence work and advise Council on how planning instruments can be used to restrict the development of megabrothels in close proximity to residential developments or student housing; and
- (Q) Council request that urgent consideration be given to whether a planning proposal should be prepared in the future with regard to the appropriate zoning of land zoned mixed use in Chippendale.

Motion carried.

Resolution of Central Sydney Planning Committee

08 MARCH 2012

ITEM 6

POST EXHIBITION - DRAFT SYDNEY LOCAL ENVIRONMENTAL PLAN 2011

(S048243)

Moved by the Chair (the Lord Mayor), seconded by Councillor McInerney -

It is resolved that the Central Sydney Planning Committee:

- (A) note the matters raised in submissions received in response to the public exhibition of Draft Sydney Local Environmental Plan 2011, the draft Green Square Affordable Housing Program and the draft City of Sydney Competitive Design Policy;
- (B) approve the amendments proposed to Draft Sydney Local Environmental Plan 2011, as shown at Attachments A and B to the subject report;
- (C) note the recommendation to the Planning Development and Transport Committee at their meeting on 5 March 2012 and resolve to exclude from Draft Sydney Local Environmental Plan 2011 the following parcels of land (deferred matters):
 - (i) the Goodman site at 57 Ashmore Street and 165-175 Mitchell Road, Erskineville, due to unacceptable impacts including overshadowing and amenity impacts, insufficient infrastructure to support increased densities and inappropriate urban design outcomes that would result from the exhibited controls;
 - (ii) the Lachlan Precinct in Green Square to enable further detailed building envelope, height, solar access and amenity testing to establish appropriate floor space ratio controls to be undertaken; and
 - (iii) land fronting Gardeners Road, Rosebery between Durdans Avenue and the Southern Cross Drive to enable further review of the exhibited controls and their impact on the privacy and amenity of adjoining landowners and the Rosebery Estate's low density residential character;

- (D) under section 39(1) of the City of Sydney Act 1988, approve the submission of Draft Sydney Local Environmental Plan 2011 (as amended) to the Director-General of the Department of Planning and Infrastructure, together with a report prepared in accordance with section 68(4) of the Environmental Planning and Assessment Act 1979, that outlines the outcomes of public exhibition, the justification for the proposed alterations to the Plan, and a request that the Minister for Planning and Infrastructure make the Local Environmental Plan;
- (E) delegate authority to the Chief Executive Officer to make drafting changes to Draft Sydney Local Environmental Plan 2011, in order to address issues of an operational nature and other non-substantive matters that may arise from discussions with the Department of Planning and Infrastructure and Parliamentary Counsel;
- (F) note the recommendation to the Planning Development and Transport Committee at their meeting on 5 March 2012 to adopt the draft Green Square Affordable Housing Program, as shown at Attachment C to the subject report, to take effect from the date on which Sydney Local Environmental Plan 2011 takes effect;
- (G) note the recommendation to the Planning Development and Transport Committee at their meeting on 5 March 2012 to adopt the draft City of Sydney Competitive Design Policy, as shown at Attachment D to the subject report, to take effect from the date on which Sydney Local Environmental Plan 2011 takes effect;
- (H) delegate authority to the Chief Executive Officer to make changes to the draft Green Square Affordable Housing Program at Attachment C and the draft Competitive Design Policy at Attachment D, in order to address issues of an operational nature and reflect Sydney Local Environmental Plan 2011 when made;
- (I) under section 39(1) of the City of Sydney Act 1988, approve the preparation and exhibition of one or more planning proposals to
 - (i) reflect planning controls for the Goodman site arising from consideration of submissions to the exhibition of the Draft Amendment to South Sydney Development Control Plan 1997: Urban Design – Part G Special Precinct No. 7 - Ashmore Precinct, in accordance with the Resolution of Council of 5 December 2011;
 - (ii) rezone the following parcels of land at Pymont Point to Zone R1 General Residential reflecting their completed development:
 - (a) 2-8 Point Street, Pymont;
 - (b) 5 Tambua Street, Pymont;
 - (c) 15 Bowman Street Pymont;
 - (d) 25 Bowman Street, Pymont;
 - (e) 45 Bowman Street, Pymont;
 - (f) 66 Bowman Street, Pymont;

- (g) 1-3 Distillery Drive, Pyrmont;
- (h) 3 Harris Street, Pyrmont; and
- (i) 2-4 and 6-8 Mount Street Walk, Pyrmont;
- (iii) rezone land at 37 to 61 Nickson Street, Surry Hills to Zone R1 General Residential;
- (iv) identify “The Three Proud People” mural at 39 Pine Street, Newtown as a heritage item; and
- (v) identify portions of the following parcels of land as being required by the Roads and Maritime Authority for classified road purposes;
 - (a) northern side of Henderson Road, corner of Wyndham Street (Lot 1000 DP 1092450, Lots 1-47 SP 78596);
 - (b) eastern side of Botany Road, corner of John Street (Lot 1 DP 229389);
 - (c) land at McEvoy Street, opposite Harley Street (DP243107 SP 2506);
 - (d) land adjoining 377-497 Botany Road, Zetland (Lot 1 DP 628547); and
 - (e) 583 Botany Rd (Lot 11 DP 604322);
- (J) under section 39(1) of the City of Sydney Act 1988, approve the preparation of planning proposals to determine appropriate planning controls for:
 - (i) the Lachlan Precinct in Green Square; and
 - (ii) the land fronting Gardeners Road, Rosebery between Durdans Avenue and the Southern Cross Drive;
- (K) note that consideration is being given to whether a planning proposal should be prepared in the future to amend the planning controls for the following sites:
 - (i) 263 Broadway, Glebe;
 - (ii) 287-289 Crown Street, Surry Hills;
 - (iii) 4-44 Wentworth Avenue and 9-19 Brisbane Street, Surry Hills;
 - (iv) 2-6 Allen Street, Waterloo;
 - (v) 2-10 Fountain Street, Alexandria;
 - (vi) 1 Hutchinson Walk, Zetland;
 - (vii) 106–116 Epsom Road, Zetland;
 - (viii) 26-58 Rothschild Avenue, Rosebery (former RTA site);

- (ix) 1-3 Rosebery Avenue, Rosebery;
 - (x) Jacksons Landing, Pyrmont, including 21 Harris Street, Pyrmont;
 - (xi) 18 Huntley Street, Alexandria;
 - (xii) 2-32 Junction Street, Forest Lodge; and
 - (xiii) 4, 4A, 6 and 8 Macleay Street, Potts Point;
- (L) note that consideration is being given to whether a planning proposal should be prepared in the future to rezone the land in the Alexandria Park and Danks Street localities at Green Square, shown as Zone R1 General Residential on the draft Land Zoning Map at Attachment B;
- (M) note that appropriate heritage assessment is to be undertaken to consider whether the following items warrant heritage listing in the future:
- (i) 35 Arundel Street, Forest Lodge;
 - (ii) 96-104 Mitchell Street, Glebe;
 - (iii) 113 Mitchell Street, Glebe (the Old Fire Station);
 - (iv) 127-153 Riley Street, Darlinghurst;
 - (v) 134-140 Riley Street, Darlinghurst;
 - (vi) 56 Watkin Street, Newtown;
 - (vii) 22 Campbell Street, Haymarket;
 - (viii) 398-402 Sussex Street, Haymarket; and
 - (iv) the Glebe foreshore sea walls.
- (N) note that the Employment Lands Study for the southern area of the City is under preparation and the recommendations of the Study may inform a future planning proposal to amend controls in this area; and
- (O) approve the amendment of the Draft Sydney Local Environmental Plan 2011 Height of Buildings Map to show the maximum building height for 21 Harris Street, Pyrmont as 33m and the Floor Space Ratio Map to show the maximum FSR for 21 Harris Street, Pyrmont as 6:1.

Carried unanimously.

ATTACHMENT A

APPENDIX E

**HERITAGE ASSESSMENT OF THREE PROUD PEOPLE
MURAL**

ATTACHMENT A

PLANNING
BUILDING
HERITAGE
URBAN DESIGN

CITY
PLAN
HERITAGE



Three Proud People Mural
39 Pine Street, Newtown
Heritage Assessment

October 2010

TABLE OF CONTENTS

1.0 INTRODUCTION.....	2
1.1 BACKGROUND	2
1.2 SITE LOCATION.....	3
1.3 METHODOLOGY	4
1.4 AUTHOR IDENTIFICATION & ACKNOWLEDGEMENT	5
1.5 LIMITATIONS.....	5
2.0 DESCRIPTION OF THE MURAL AND ITS CONTEXT.....	6
2.1 THE MURAL.....	6
2.2 CONDITION AND INTEGRITY	8
2.3 CONTEXT	10
3.0 HISTORICAL BACKGROUND	12
3.1 1968 MEXICO OLYMPICS: BLACK POWER SALUTE.....	12
3.2 THE 'THREE PROUD PEOPLE' MURAL	13
3.3 PETER GEORGE NORMAN (1942-2006)	14
3.4 SAVE LEAMINGTON AVENUE CAMPAIGN	17
4.0 COMPARATIVE ANALYSIS	18
4.1 MURALS IN SOCIAL CONTEXT	18
4.2 MURALS IN NEWTOWN	19
4.3 HERITAGE LISTED MURALS IN NSW (AS OF OCTOBER 2010)	21
4.4 CONCLUSION.....	27
5.0 ASSESSMENT OF SIGNIFICANCE	27
5.1 ASSESSMENT CRITERIA	27
5.2 STATEMENT OF SIGNIFICANCE.....	31
5.3 LEVEL OF SIGNIFICANCE	32
6.0 CONSERVATION POLICY RECOMMENDATIONS	32
7.0 GUIDELINES FOR MAINTENANCE.....	34

1.0 INTRODUCTION

1.1 BACKGROUND

City Plan Heritage has been engaged by the Council of the City of Sydney to carry out of the following Heritage Assessment of the Mural known as 'The Three Proud People' located on the southern side wall of the terrace house at 39 Pine Street, Newtown. There is no known previous assessment of the subject Mural and has not been identified as having potential significance within the Pines Estate Heritage Conservation Area study. The subject terrace house is also not listed as an individual heritage item but is a contributory item within the Conservation Area. The principal objective of the current study is to prepare an independent Heritage Assessment of the Mural and to include the following:

- *A site assessment including description of the Mural, its setting and an assessment of its condition.*
- *A concise history of the context of the Mural and how it came to be painted on the subject building.*
- *The comparative value of the Mural through a comparative survey, the rarity or representative value of the Mural should be indicated.*
- *Assessment of the significance of the Mural using the standard criteria under the Burra Charter. Of special note is the need to investigate the historical association of the Mural with significant persons and events etc.*
- *Consideration of submissions received suggesting the Mural should be protected/ heritage listed.*
- *Preparation of a succinct statement of significance that summarises the heritage values of the Mural. This should also identify the overall level of significance of the Mural and indicate whether it reaches the threshold to be listed as a heritage item.*
- *Indicate the individual significance of the Mural on a one to five zoned system:*
 - Exceptional 5*
 - High 4*
 - Moderate 3*
 - Little 2*
 - Intrusive 1*
- *Indicate how the ranking has been determined and applied.*
- *Outline the constraints and opportunities that arise as a result of the heritage significance of the Mural and its physical condition.*
- *From all the analysis, recommend whether the Mural has a level of significance to warrant listing in a Local Environmental Plan.*
- *If the Mural is considered to have such significance to warrant listing in a Local Environmental Plan, prepare a succinct statement of conservation policy that includes:*
 - Maintenance and management*
 - Fabric and setting*
 - Interpretation*
 - Controls on intervention*
 - Identify priorities for urgent conservation works*
- *Prepare a Heritage Inventory Form for the Mural.*

In addition to the initial site inspection, which was carried by the author and Helen Davies (an artist and designer with an interest in heritage interpretation) on 23rd September 2010, the author attended the inaugural Peter Norman Day celebrations held by the Save Leamington Avenue committee and residents on 9th October 2010. The celebrations also marked the end of a successful campaign that saved the Leamington Avenue and Pine Street homes

(including 39 Pine Street) from the resumption of the properties along the railway line by the RailCorp for the construction of a city “relief line” from Eveleigh to Wynyard.

1.2 SITE LOCATION

‘The Three Proud People’ Mural is located on the upper part of the southern wall of the terrace house at 39 Pine Street, Newtown. The terrace is located at the intersection of Leamington Avenue and the Mural faces Macdonaldtown Railway Station. For a more detailed description of the site and its context, see Description of the Mural and its Context.

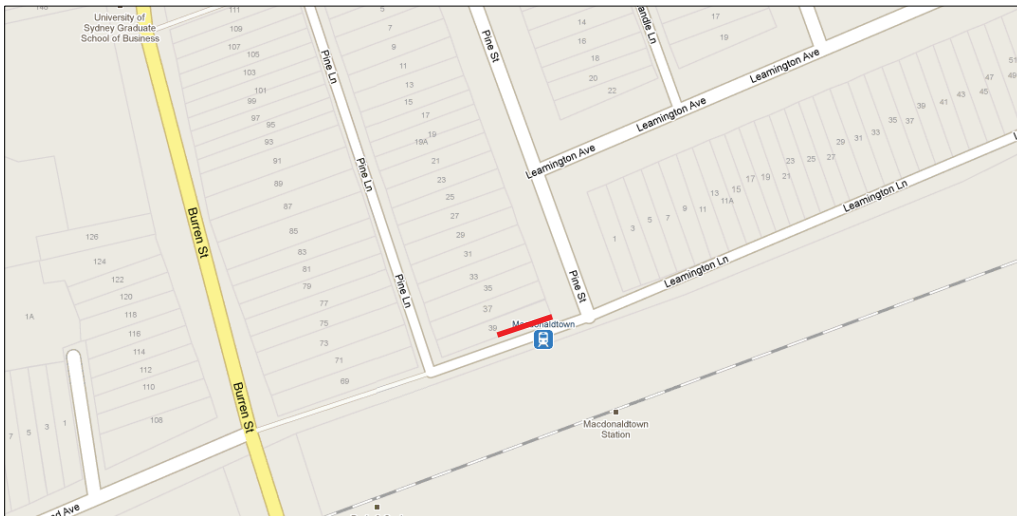


Figure 1: Location of the subject wall where the Mural is painted indicated in red line
(Source: Google maps)



Figure 2: Aerial photograph of the Mural's location and its context adjacent to the railway line
(Source: Google Satellite)

1.3 METHODOLOGY

This Heritage Assessment has been prepared in accordance with the *NSW Heritage Manual* 'Assessing Heritage Significance' guidelines. The philosophy and process adopted is that guided by the Australia ICOMOS *Burra Charter 1999*.

This heritage assessment is based on the requirements of the Project Brief as outlined in Section 1.1 above. The majority of the historical background has been obtained from various readily available online resources as well as a desktop research of the NSW State Heritage Inventory (SHI) provided on the Heritage Branch website has also been made. In preparation of this heritage assessment the following people, studies, documentation and resources have been researched and consulted for historical documentation, background of recent Save Leamington Avenue campaign as well as for comparative purposes:

- *Salute – The Movie*, a documentary that chronicles Peter Norman's involvement in the Black Power salute at the 1968 Olympics Directed and Produced by Matt Norman (DVD was kindly lent by Eloise Murphy)
- Video footage and interview with the artist of the Mural, Donal Urquhart recorded by Eloise Murphy
- City of Sydney Council Meeting minutes between 2007 and 2010
- BBC - BBC Four documentary, *1968 Olympics: Black Power Salute*, last broadcast 17 May 2010
- Heritage Assessment of the Mural *Women on the Edge of Town* by Michael Boggle, Sydney Artefacts Conservation, July 2008 for City of Sydney.
- Condition Assessment and Treatment proposal – *Women On The Edge Of Town* by Andrew Thorn of Artcare, Sydney Artefacts Conservation, April 2008 for City of Sydney
- *Sydney's Political and community Murals of the 1980s: Conservation Issues* a paper by Helen Davies presented at the ICOMOS Unloved Modernism Conference in July 2009
- *Priorities in Conserving Community Murals*, an essay by Timothy W. Drescher presented in 2003 published by The Getty Conservation Institute (2004)
- *The Mural Manual – A Guide to Community Mural painting in Australia* by David Humphries and Rodney Monk, 1982, Art Council of NSW
- *Newtown Area Graffiti and Street Art* available at <http://en.wikipedia.org/>
- Film reviews The Age, at www.theage.com.au
- Articles of Sydney Morning Herald on the Mural between 2008 and 2010
- *100 of Our Finest - Peter Norman Athletics (1942-2006)*, by Australian Olympic Committee accessed on 24 September 2010
- Matt Norman biography at <http://www.innersense.com.au/mif/norman.html>
- *Obituary – Peter Norman* by Michael Carlson, The Guardian, Thursday 5 October 2006 available at <http://www.guardian.co.uk/news/2006/>

- *Norman's act of great value* by Martin Flanagan published in The Age on 14 October 2006
- Various articles and videos on the Mural, the Black Salute, Mexico 1968 Olympics, Civil Rights and save Leamington Avenue campaign published online by The Times, The Age, The Guardian, Sydney Morning Herald, BBC News, Sydney Alternative Media, YouTube, the pod cast network, uprising radio, ABC News
- Personal communications with Silvio Ofria, the owner of 39 Pine Street, and the Save Leamington Avenue Inc committee members
- *The Domain Car Park, Sydney – Addendum to the Heritage Impact Statement* by City Plan Heritage in June 2008
- Heritage Inventory forms for the heritage listed Murals available on the online State Heritage Inventory (SHI) Database of the Heritage Branch, Department of Planning NSW local history resources.
- Picture Australia online database

1.4 AUTHOR IDENTIFICATION & ACKNOWLEDGEMENT

The following report has been prepared by Kerime Danis (Manager of City Plan Heritage). Specialist input has been provided by the artist and designer, Helen Davies (Director of Paintwrights). Unless otherwise stated all photographs are taken by the author.

The author wishes to acknowledge the valuable support of the following individuals and groups:

- Matt Norman, CEO/Director/Producer, Wingman Pictures Pty Ltd
- Save Leamington Ave Inc committee members with particular thanks to Eloise Murphy who lent the DVD of the movie *Salute* by Matt Norman and her video footage of the Mural's artist Donald Urquhart
- Silvio Ofria, the owner of the terrace at 39 Pine Street where the Mural is painted
- Surbjit Bhatti, Heritage Planner, City of Sydney
- Geoffrey Turnbull, Spokesperson REDWatch

1.5 LIMITATIONS

Direct consultation with the artist of the Mural, Donald Urquhart, could not be made in respect to his privacy. The information on the initiation of the Mural was obtained from the video footage of him taken by Eloise Murphy who interviewed him in August 2010 on the day of the Save Leamington Avenue rally.

2.0 DESCRIPTION OF THE MURAL AND ITS CONTEXT

2.1 THE MURAL

Painted on the southern side wall of the terrace house at 39 Pine Street, Newtown, the Mural known as the 'Three Proud People' is a reproduction of a photo that became one of the most recognised images in the world, after that of the first moon landing.¹ The photo marked the 1968 Olympic Black Power Salute at the Olympic Stadium in Mexico, a noted black power protest and one of the most overtly political statements in the 110-year history of the modern Olympic Games. On the morning of October 16, 1968, African American sprinters Tommie Smith and John Carlos became first and third in the men's 200, defiantly raised clenched fist salutes as the American national anthem played. Their stand in support of civil rights and against racism echoed internationally. Australia's Peter Norman became second and supported their protest. All three athletes wore Olympic Project for Human Rights (OPHR) badge at the dais.

The 'Three Proud People' Mural is an airbrush mural and was painted by the activist artist Donald Urquhart six weeks before the Sydney Olympic Games in 2000. The painting is placed on the upper section of the wall facing the railway line adjacent to Macdonaldtown Railway Station. It is captioned as "THREE PROUD PEOPLE MEXICO 68" at the bottom. The paints used would most probably be household acrylics as they are the most readily available and cheapest and fastest drying. Access to the surface was not possible at the time of inspection as such it would allow us to test and establish conclusively the type of paint used. Unfortunately at the time of finalisation of the report, contact with the original artist could not be established to clarify this. It is expected it to be household acrylic paint, possibly with some sprayed enamel paint as small cans are portable and easy to obtain. The mural is brushed, spray painted and sponged in shades of near black, grey and off white. It is untouched by graffiti although the lower section of the wall and the rear of the terrace have been heavily painted with graffiti.

It was originally clearly visible from the Macdonaldtown Railway Station platform and from the trains travelling between the City and Western Metropolitan areas along the inner West, Bankstown, Cumberland, Northern and Western Lines. RailCorp constructed a concrete sound wall at the boundary of rail corridor along Leamington Avenue in 2007, which completely obstructed the views of the Mural with only the fist of Tommie Smith is slightly remain visible at the top. Up until then countless train commuters have seen the Mural.

¹ World Socialist Web Site at <http://www.wsws.org/articles/2006/oct2007/norm-o23.shtml>

ATTACHMENT A

THREE PROUD PEOPLE MURAL
39 PINE STREET, NEWTOWN

HERITAGE ASSESSMENT



Figure 3: The 'Three Proud People' Mural on the wall of 39 Pine Street facing the rail corridor, which is now enclosed by a concrete sound wall.



Figure 4: General views of the terrace house on which the Mural is painted.

Top Left – View from the Macdonaldtown Railway Station platform.

Left – A view taken from the upper section of the train. Fist of Tommie Smith is slightly visible at the top, indicated in red.

Above – Graffiti at the lower section of the wall and rear elevation of the terrace with the Mural remained untouched.



2.2 CONDITION AND INTEGRITY

The inspection of the Three Proud People Mural was carried out from the street level without being able to climb up to get closer to the surface for examination or being able to conduct physical tests on the mural to establish the exact extent of the work required. The condition of the Mural has been considered in line with its age and nature of deterioration and life expectancy of such paintings with exposure to external weather conditions.

The Mural was painted in 2000, six weeks before the Sydney Olympic Games. Exterior paint has a life expectancy of 7 to 10 years, after which deterioration accelerates. The paints used would most probably be household acrylics as they are the most readily available and cheapest and fastest drying. Access to the surface would allow us to test and establish conclusively the type of paint used, and as mentioned earlier, unfortunately at the time of finalisation of the report, contact with the original artist could not be established to clarify this. It would be expected to be household acrylic paint, possibly with some sprayed enamel paint. The Mural is air brushed, spray painted and sponged in shades of near black, grey and off white.

The Mural is generally in good condition owing to its location on the southern side wall of the terrace house. The wall does not receive much, if any, direct sun due to its aspect, facing SSE. The mural therefore has faded much less than would be expected for its age. Air pollution will have faded it somewhat. A gentle, overall clean, without harsh solvents, would help brighten the tone.

There are a few small areas of blistering and lifting of the paint. Fortunately, these are in less important passages, and not on faces. In response to a question of the author, the owner of the house Silvio Ofria, has clarified that there is no wet area such as toilet/bathroom or pipe behind the Mural's wall and indicated that the damage at the centre occurred when repair works to the roof and ceiling were carried out a couple years ago. A brick fell accidentally and created the current damage to the paint near the left elbow of Tommie Smith between him and John Carlos. No doubt, a closer inspection would reveal other small areas of delaminated paint. These can be inspected, cleaned, consolidated and in filled so as to be imperceptible at the time of future restoration and preservation works.

Damaged areas are evident:

- 1- Near the right shoulder of Peter Norman on the left.
- 2- In the background between Tommie Smith (centre) and John Carlos (right), next to the left elbow of Tommie Smith.
- 3- Beneath the word "People".

ATTACHMENT A

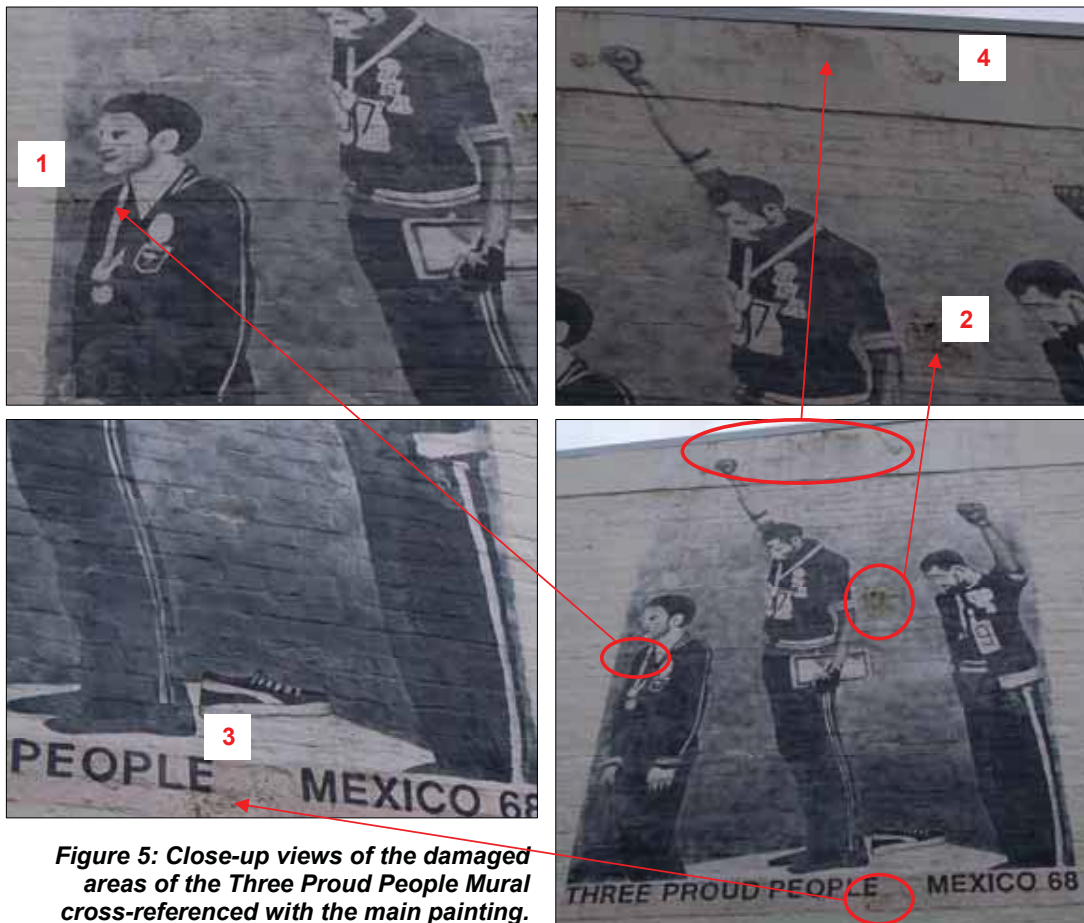


Figure 5: Close-up views of the damaged areas of the Three Proud People Mural cross-referenced with the main painting.

Integrity of the Mural is very high as there is no evidence of graffiti or patch work on any surface of the painting since its first painting in 2000. The area around the Mural is largely free of vandalism with extensive graffiti being made to the lower panel of the wall and the rear upper level elevation of the house.

The side wall of the terrace house, in fact the whole of the house, is structurally sound and in good condition in terms of missing mortar joints, cracks or damp issues. The subject side wall is painted brick wall while the front elevation of the house has a rendered and painted finish. The only visible damp evidence is at the top of the wall and the Mural along the bargeboard of the parapet. Although, the damp does not appear to be fresh, the stain may indicate some leakage or faulty flashing at the junction of the roof and wall. This will require inspection to ensure the cause (if still exists) is rectified prior to carrying out restoration and preservation works on the Mural.

2.3 CONTEXT²

The neighbourhood of the house on which the Three Proud People Mural is painted, largely dominated and characterised by the residential development dating from the 1887 subdivision of The Pines villa estate. The State Heritage Inventory (SHI) form for the Pines Estate Conservation Area describes the locality as being highly intact area featuring wide-tree lined streets, regular allotments and rear lines with rows of one and two-storey Victorian and Federation terrace houses. The immediate neighbourhood of the Mural, Pine Street and Leamington Avenue is representative of the one to two-storey Victorian terraces, which have a high degree of integrity, in the estate with the railway boundary being considered intrusive element. The SHI form rates Pine Street and Leamington Avenue 'A' indicating their importance as the 'Key Period Significant (Contributory) Development'.

The Pines Estate Conservation Area is part of 120 acres land grant made in 1794 to Nicholas Devine who also had further grant of 90 acres in 1799, which together comprised the body of the suburbs of Erskineville and Macdonaldtown.

In 1852 Mr John Devine, a grand nephew and heir to Nicholas Devine claimed title to the whole of Devine's 210 acres. Thirty defendants fought the case and won. Devine appealed and lost a second case in 1857. Again he was unsuccessful but the holders of the property established a fund and paid him compensation, thereby concluding the celebrated Newtown Ejectment Case. Felix Wilson who was one of the main protagonists in the Case purchased 'Lietrim' near Holdsworth Street, designed by John Verge in 1834, and renamed it 'Pine Villa'. The area was formerly owned by John Fairfax who commenced his newspaper publishing career in Leamington Spring, Warwickshire in the 1820s. 'Lietrim' was occupied by Sir Francis Forbes friend to Governor Brisbane and virtual President of the Legislative Council. Wilson's property, 'The Pines' was so named because of the magnificent Norfolk Island Pines on his estate. The pines were removed when properties along Wilson Street were subdivided. The railway line bisected Wilson's property. Leamington Avenue was a creek before the railway was built.

The Pines Estate, also known as 'Randle's Estate', was first subdivided into 146 lots, in 1887 after the death of Felix Wilson. William Randle was Wilson's son-in-law, railway builder. The Estate was offered for sale by Holdsworth & Evans, a development company. They also offered to widen Wilson Street to 66 feet. The original Pine Villa stood near Holdsworth Street until the 1890s. In July 1887, resumption of the Pine Villas Estate for a public park was urged, but did not occur.

² Historical information for the area has been largely compiled from the Pines Estate Heritage Conservation Area SHI form at http://www.heritage.nsw.gov.au/07_subnav_01_2.cfm?itemid=2421494

ATTACHMENT A

THREE PROUD PEOPLE MURAL
39 PINE STREET, NEWTOWN

HERITAGE ASSESSMENT



3.0 HISTORICAL BACKGROUND

3.1 1968 MEXICO OLYMPICS: BLACK POWER SALUTE³

Forty two years ago, on 16th October 1968, the medals ceremony at the Mexico Olympics was converted into a symbolic demonstration of the struggle against oppression. There were a number of unforgettable performances at Mexico City Olympic games and many world records were broken, but the enduring image from the 1968 Games was when African-American athletes Tommie Smith and John Carlos raised their gloved clenched fists in support of the Black Panther movement during the playing of the Star Spangled banner, after receiving gold and bronze medals for the 200m sprint. They have made history at the Mexico Olympics by staging this silent protest against racial discrimination.

The pair both wore black socks and no shoes and Smith wore a black scarf around his neck to represent black pride. They were demonstrating against continuing racial discrimination of black people in the United States. Carlos had his tracksuit top unzipped to show solidarity with all blue collar workers in the US and wore a necklace of beads, which he described "were for those individuals that were lynched, or killed and that no-one said a prayer for, that were hung and tarred. It was for those thrown off the side of the boats in the middle passage." All three athletes wore Olympic project for Human Rights (OPHR) badges, after Norman expressed sympathetic with their ideals. Sociologist Harry Edwards, the founder of the OPHR, had urged black athletes to boycott the games, which inspired the actions of Smith and Carlos. Tommie Smith in a BBC Four documentary '1968 Olympics: Black Power Salute' broadcasted on 17 May 2010 says 'it was cry for freedom' and '...to show that black people are united'.

The photograph of that moment was declared by *LIFE* magazine and *Le Monde* to be one of the 20 most influential images of the 20th century. The origins of the gesture of the Black Power Salute, raised fist traditionally used as salute by left-wingers and radicals, is unknown. Fist symbols adopted by Black Panthers in the 1960s.

Actions of Smith and Carlos caused havoc at the Games, ensuring the pair were ejected from the US Olympic team. But three men won medals in that race, and the consequences for the third athlete on the podium would be every bit as significant. The silver medallist was a laid-back Australian, an up-and-coming runner called Peter Norman who, in the words of his coach, "blossomed like a cactus" when he got to Mexico. While observers expected the Americans to make a clean sweep of the 200m medals, Norman kept them interested by breaking the world record in the heats. The three were waiting for the victory ceremony when Norman discovered what was about to happen. It was Norman who, when John Carlos found he'd forgotten his black gloves, suggested the two runners shared Smith's pair, wearing one

³ This background has been compiled from various articles published in The Age, BBC News, BBC Four, Sydney Morning Herald, The Guardian and Wikipedia.

each on the podium. And when, to the crowd's astonishment, they flung their fists in the air, Norman joined the protest in his own way, wearing a badge from the Olympic Project for Human Rights that they had given him.

Peter Norman's Film Director nephew Matt Norman, wrote, directed and produced the movie *Salute*, which came out in 2008. The Movie is a journey back to the 1960s and beyond, to examine what has now become one of the most famous moments in history. The 1968 Mexico Olympics was notorious for so many reasons. When the Soviet Union invaded Czechoslovakia prior to the games, as well as the mass killings of Mexican Students during the Student protests, Vietnam, the Assassination of Robert Kennedy Junior and Martin Luther King Jr, sports and politics were destined to meet. The American outcry followed by complaints of unfair high-altitude, proved to be just the beginning. Nevertheless, America could never have foreseen the dramatic momentum that has prevailed over 35 years since the event that is "The civil rights movement". The period between 1968 and 1975 saw the mass movements of workers in country after country, including United States and Australia. During the 1960s riots rocked US cities. Six months before the Mexico Olympics, Martin Luther King's assassination provoked further unrest across America. In May-June 1968, French workers staged a general strike that almost brought down the De Gaulle government.

International Olympic Committee (IOC) president, Avery Brundage, deemed it to be a domestic political statement, unfit for the apolitical, international forum the Olympic Games were supposed to be. In an immediate response to their actions, he ordered Smith and Carlos suspended from the US team and banned from the Olympic Village. When the US Olympic Committee refused, Brundage threatened to ban the entire US track team. This threat led to the two athletes being expelled from the Games.

The repercussions for Norman were also immediate. Seen as a troublemaker who had lent a hand to those desecrators of the Olympic flag, he was ostracised by the Australian establishment.

3.2 THE 'THREE PROUD PEOPLE' MURAL

The Mural was painted in 2000 with the permission of the owner of the terrace house, Silvio Ofria, six weeks before the commencement of the Sydney Olympics. The Mural, a monochrome tribute replicating the photograph of the Black Power Salute - most striking images of the 20th Century, shows two African-American athletes with their heads bowed, each of them with an arm raised in the air and a fist clothed in a black leather glove while the third man, Australia's Peter Norman, joined the protest in his own way, wearing a badge from the Olympic Project for Human Rights that they had given him.⁴

⁴ 'The other man on the podium' by Caroline Frost on BBC News / UK / magazine

Mr Ofria remembers the day that the artist came with a pushbike and asked if he could paint the photo of the 1968 Black Power Salute on the subject wall. Nephew of Mr Ofria told the artist that he would need scaffolding and copyright permission of the photo. Then Mr Urquhart left the premises. Mr Ofria thought he would never see the artist again but he came back a couple days later with tools to install the scaffolding and copyright permission authorised by John Carlos.

Donald Urquhart, tells Eloise Murphy on the day of the Save Leamington Avenue rally (14 October 2010) the initiation of the Mural. He says *...in the lead up to the Sydney Olympics he thought there is often another side of the story within such big organisations* and came across with the 1968 articles about the Black Power Salute, a big political action that an Australian athlete who also local to Redfern played a significant role. He found this encouraging and an *opportunity* part of Australian sports history. Donald also learned that Peter was not invited to the Sydney Olympics unlike the other Australian Olympic medallists *...they didn't let go since the Mexico Olympics*. He wanted to give Sydneysiders *...historical significance of it and something that everyone can relate to...*

A Sydney Morning Herald article titled "Newtown's 'Three proud People' Mural To Be Demolished?" by Josephine Tovey (27 July 2010) notes: *Mr Ofria who allowed an artist he knew only as Donald to paint the mural on his house, said Norman had come to Newtown to see the mural before he dies in 2006. "He came and had his photo taken, he was very happy" he said.* Mr Ofria also recalls the media interest to the Mural saying a number of international television crews (including Canadian, Italian, US to name a few) came and filmed the Mural during the Sydney Olympics.

Very little is known about the artist of the Mural, Donald Urquhart, including him being an activist artist from New Zealand. Mr Ofria is currently seeking further information and a biography from him.

3.3 PETER GEORGE NORMAN (1942-2006)

The Australian Olympic Committee website lists the '100 of Our Finest Australian Athletes', a list that was compiled by Official AOC Historian Harry Gordon. Peter Norman is one of these finest athletes and the entry for him notes the following:

When Peter Norman, a Melbourne schoolteacher, split the black American sprinters Tommy Smith and John Carlos in the final of the 200 metres in Mexico City in 1968, he earned himself a niche forever in one of the most controversial moments in Olympic history. Smith, the gold medallist, and Carlos, who won bronze, staged their own racial protest on the victory dais. As the US anthem was played and the flag raised, they stared downwards and held black-gloved fists high in a Black Power

salute --- a gesture of anger and defiance that caused them to be expelled from the Games Village.

Norman, standing beside them, wore a civil rights button, and supported them. He told reporters: "Every man is born equal and should be treated that way." Advised of calls that Norman should be disciplined for his action, the Australian chef de mission, Julius "Judy" Patching, a very wise man, told him: "Consider yourself reprimanded. Now, how many tickets do you want for the hockey?"

So large has the Black Power display loomed in Olympic history that it has overshadowed Norman's own greatness. Few people recognise that his run that day in Mexico City gave him a better Olympic record than any other male Australian sprinter in history (Hec Hogan, 1956, and Stan Rowley, 1900, both won bronze). The time he ran in the final, 20.06 seconds, remains the Australian 200m record today. That time would have won the 200 gold medal at subsequent Olympics in Montreal (1976), Moscow (1980) and Sydney (2000). Norman, a funny and gentle man, died in October 2006 aged 64.

Born on 15 June 1942 in Victoria, Peter Norman grew up in Coburn and began his athletic career with the Collingwood Harries athletics club as a high jumper. But he won his first major title with the Melbourne Harriers in the Victoria junior 200m championship, in 1960. He was Australian Champion for five years from 1966 to 1970, and became known for his fast finishing. Initially an apprentice butcher, Norman later became a teacher, and worked for the Victorian Department of Sport and Recreation towards the end of his life.

After the Mexico Olympics he Norman kept running, but contracted gangrene in 1985 after tearing his Achilles tendon during a training session, which nearly led to his leg being amputated. He avoided amputation only because one doctor argued with his colleagues that "can't cut off the leg of an Olympic silver medallist". Depression and heavy drinking followed. One of the things that kept him going was the hope that he would be welcomed and recognised at the Sydney Olympics. He was to be disappointed as he found himself the only Australian Olympian to be excluded from making a VIP lap of honour at the Games, despite his status as one of the best sprinters in the home country's history.

But the US athletics team were not going to ignore this omission. They invited Norman to stay at their own lodgings during the games, and welcomed him as one of their own. In an extraordinary turn of events, it was hurdling legend Ed Moses who greeted him at the door, and that year's 200m champion Michael Johnson who hugged him, saying: "You are my hero."

In 2004, Peter's nephew Matt started work on *Salute*, a documentary that, for the first time, brought all three athletes together in a room to tell their story of that day in Mexico. Two years later, Peter had just seen the film for the first time and was about to embark on a publicity tour to the US when he had a heart attack and died. Tommie Smith and John Carlos, to whom he had always stayed close, travelled to Melbourne to act as pallbearers at his funeral, and remember their friend.



Figure 7: Peter Norman, a photo published on *BBC News / UK / Magazine* in an article titled 'The other man on the podium' by Caroline Frost.

Salute was featured in the 2008 Sydney Film Festival and at various film festivals around the world. Matt Norman says the Mural held a great significance for his uncle because it is the only thing representing his achievements in Australia. He said "The main problem that we've had is that he's not recognised in his own country for number one still holding the Commonwealth record for his time in the 200 metres". However, the US Track and Field Federation has declared October 9, the day of his funeral, Peter Norman Day.

During the Sydney Olympics, a reporter from *The Washington Post* was amazed to find only one reference to Norman – an image on the side of a house, the 'Three Proud People' Mural. Norman's funeral became a poignant reaffirmation of the significance of that day. The dignified presence of Smith and Carlos underlined the trio's principled stand in 1968. As they led the pallbearers in carrying out his coffin, accompanied by the theme from "Chariots of Fire", Smith and Carlos demonstrated an enduring bond of international friendship and solidarity.

In 2004, a 23ft statue honouring Smith and Carlos was erected in San Jose State University. This huge replica shows each of them with their fists in the air, just as they stood four decades ago in Mexico. The place for the silver medalist is empty. It is where students and tourists stand to have their picture taken, when they want to take their place in sporting history.

3.4 SAVE LEAMINGTON AVENUE CAMPAIGN

When RailCorp confirmed in June that it was considering resuming homes around Leamington Avenue and Pine Street, where the Mural is located, to build a city "relief line" from Eveleigh to Wynyard, the residents of Leamington Avenue and Pine Street launched a campaign to save their homes. They formed the Save Leamington Avenue Inc, a not-for-profit association founded to save their homes, save their community and save the Pines Estate. The 'Three proud People' Mural became the centre of their campaign.

On 26th July 2010 the City of Sydney endorsed a motion by Labor councillor Meredith Burgmann to have the mural placed on the local heritage register. Cr Burgmann said she hoped the mural, and the terraces, could be saved. "It's certainly an iconic part of Newtown," she said.

More than 600 people marched to Leamington Avenue on 14 August 2010 to protest Transport NSW's proposal to resume their homes. A number of guest speakers were present including Carmel Tebbutt, Gladys Berejiklian, Fiona Byrne, Peter Mills, John McInerney, Jack Munday, Silvio Offria, the Artist Donald Urquhart, and Matt Norman. The legendary environmental activist Jack Munday delighted the crowd by saying he would be calling on the CFMEU to implement a temporary green ban on the project. Silvio Offria and Matt Norman told the story of the famous mural painted on the side of Silvio's house and urged the Keneally government to consider the implications of demolishing the mural. Norman read out a letter from Tommie Smith calling for people to defend the mural as a symbol of peace and equality. The mural's artist, Donald, also spoke to the rally about his concerns and motives for painting the work of art.

The campaign was successful and the proposal for resumption was cancelled. The residents of Leamington Avenue, Pine and Holdsworth Streets celebrated their victory on Saturday, 9th October 2010.



Figure 8: One of the photos from the rally held on 14th August 2010.

(Source: Photo by Michael posted at Save Leamington Avenue website)



Figure 9: Photos of the celebrations on 9th August 2010 showing the cakes depicting the 'Three Proud People' Mural on the wall of the house along Leamington Avenue (top right), and on the dais with legos (right).

4.0 COMPARATIVE ANALYSIS

4.1 MURALS IN SOCIAL CONTEXT

According to Michael Bogle, murals have been a popular form of community art since the mid twentieth century for political and social reasons and often sit within an architectural context or relationship to the site it is painted on. However, the 'Three Proud People' Mural partially sits within this context. It has a special status as it is a monochrome tribute to the Black Power Salute of the most controversial moments in Olympic history.

Helen Davies in her paper presented at the ICOMOS UnLoved Modernism Conference in 2009, notes that *mural painting, often as social and political comment, developed as a vibrant and idealistic art movement at the tail end of the 1970s and flourished in the 1980s. It is a movement that developed simultaneously in many countries, in particular in cities such as New York and London. It largely took its inspiration from the work of political artists such as Diego Rivera, and was influenced by the growing community arts movement, that promoted community involvement through community arts centres, community gardens and inner city adventure playgrounds.*

From the late 1970s, mural art appeared on walls in many Australian cities and somewhat later, in country towns. Taken up enthusiastically by community groups, they were generally funded by councils, trade unions and schools. The artists were typically art school trained,

young, idealistic, socially and politically motivated - often committed to the projects on a volunteer basis. With minimal budgets, the artists often took on the role of fundraiser as well. It was integral to the project for the communities to be involved in all aspects, from planning to execution, and such projects in turn enhanced the socio-political dimension of their agendas.

Whereas political and social idealism inspired Australian mural projects in the 1980s, such inspiration had waned by the close of the 20th Century. In line with art trends, mural artists moved towards conceptual, sculptural and interactive art works in their own art practice and in their public commissions.

Although the Three proud People mural was not created as a community project and painted by the artist's own initiation it became part of the community soon after its painting and owned by the local community. This was clearly evident by the recent petition for its heritage listing and rally for saving the Pine Estate homes.

4.2 MURALS IN NEWTOWN⁵

Since the 1980s, the area around the suburbs of Newtown, Enmore, Erskineville, Camperdown and St Peters, has had works of graffiti and "street art" placed on local walls.

These works range across many styles and methods of execution. They include a number of large-scale murals, hand-painted political slogans, hand painted figurative designs, spray-painted semi-abstract designs, and stylistic developments such as stencil art and poster graffiti. "Street art" styles and locations in the greater Newtown area include:

- Murals facing onto King Street and adjoining streets
- Stencil art around the photographic studio in Gladstone Street, near Newtown Railway Station
- Stencils, slogans and murals in and around the pedestrian tunnel under the railway line, linking Bella Street and Bedford Street
- Graffiti works in the area between Enmore Road and the railway line, including Gladstone Street, the Wilford Street industrial area, Wilford Lane, Phillip Lane and Thurnby Lane
- Murals, stencils and graffiti slogans in and around Camperdown Memorial Rest Park
- Wall art in the vicinity of St Peters Station and Applebee St, near Sydney Park the multi-panel spraypaint mural on the rear wall of St Luke's Church, Enmore

One of the most related mural to the 'Three Proud People' Mural is the *Martin Luther King mural*, which was painted over two nights in August 1991, and was created by a team led by New Zealand-born Canadian artist Andrew Aiken. It commemorates American civil rights leader Dr Martin Luther King Jr, and the campaign for civil rights for Aboriginal Australians. It

⁵ Information compiled from the Wikipedia, the free encyclopaedia

is one of the last surviving large-format murals in the area. Similarly, the Newtown's mural's study indicates that the *"Three Proud People"* mural became the subject of significant Australian media coverage at the time of Norman's death. For many years, the mural was a landmark for thousands of commuters who passed it daily on Sydney's western rail line. In 2007, RailCorp erected noise barriers near MacDonaltdown Station, which obscured the mural from train travellers. In 2008, Melbourne filmmaker Matt Norman led a campaign to attempt to force RailCorp to install transparent noise barriers to allow the mural to be seen by commuters.



Figure 10: Martin Luther King Jr mural in King Street, Newtown.

(Source:
http://en.wikipedia.org/wiki/Newtown_area_graffiti_and_street_art)

4.3 HERITAGE LISTED MURALS IN NSW (AS OF OCTOBER 2010)


As noted in the Michael Boggle's July 2008 report, "Women on the Edge of Town", seventeen murals are listed as heritage items on the State Heritage Inventory (SHI) by North Sydney Council, Warrumbungle Council, Waverley Council and Wollongong City Council, although two of them could not be identified as part of our research of the Database. Of the seventeen murals only one deals with political or social activism issues – Waverley Reservoir No.3. This is a graffiti mural. The minimal listing of murals may reflect the general conflict that exists about the permanence of civic murals, particularly those addressing social or political issues as outlined by Michael Bogle. That is, the murals are a moment in time that may last ten years, and may come to be seen as important by some for historical or other reasons. They are also a moment in time and may lose their meaning or ability to be understood by onlookers. In this instance, the mural is understood as representing the social and cultural aspirations of the local community and more importantly as a tribute representing one of the most controversial moments in Olympic history that earned Peter Norman a niche forever in this history. The table below provides information on the subject fifteen murals.


Item Name & SHI Database #	Location & LGA	Relationship to surrounds & image	Statement of Significance
Murals (Waverley Reservoir No.3) 2620438	Council Street, Bondi Junction Waverley	The Mural faces the tennis court of Waverley Park with no visibility from the surrounding three streets. Now it is largely obscured from the views due to trees that have been planted in c2000. The Reservoir No.3 itself is listed on the s170 Sydney Water Heritage and conservation Register with listing number of 4575739. No photo could be located.	<i>The east wall of Waverley No. 3 Water Reservoir is covered at ground level by a series of paintings in 1980's street style, consisting primarily of elaborate (largely indecipherable) lettering neatly arrayed around a cartoon character -- the only figural representation on the wall. Around the major lettering, which is placed in regular panels, are some added inspirational messages: "Peace", "Express yourself and make a mark on society instead of being a shadow and following authoritative (sic) repression". The murals are ordered and are presumably tolerated (even encouraged?) by the Municipality. Young trees have been planted in front of them and will eventually screen them from the view of the adjacent tennis courts. The other walls of the Reservoir are not painted, except for an old municipal notice forbidding ball games on the north west corner.</i>

Item Name & SHI Database #	Location & LGA	Relationship to surrounds & image	Statement of Significance
Mural (Bondi Youth Club) 2620437	Ebley Street, Bondi Junction Waverley	Could not be located on the Google Street view (or Waverley images) and the image on the Database was not accessible.	Set of murals on a late Victorian residence using popular cartoon figures and teenage icons (boy with ghetto-blaster). The paintings are artless but striking and convey the idea that the Youth Club is a fun place to be. The style is part commonplace cartoon, part street style (lettering under window).
Mural (Waverley Community Services) 2620435	5-7 Denison Street, Bondi Junction Waverley	Although the listing notes it as substantially intact it could not be located on the Google Street view (or Waverley images) and the image on the Database was not accessible.	The wall painting read <i>TENANCY ADVICE</i> in the curvilinear polychrome style which is the hallmark of 1980's street painting and occurs elsewhere on municipal buildings. This mural is on the north wall of the Waverley Municipality Community Services building and is clearly intended to be visible and attractive to the younger segment of the community. It is an effective eye-catching sign. Its value lies in the demonstration by the Municipality that it wishes to communicate with all segments of its residents. Waverley has a very high population of tenants (over 35% according to Sydney: A Social Atlas, which is based on the 1986 census figures). The mural draws attention to this in a sympathetic manner.
Mural (Waverley Occasional Child Care) 2620436	Spring Street, Bondi Junction Waverley	Although the listing notes it as substantially intact it could not be located on the Google Street view (or Waverley images) and no image is provided on the Database.	Wall painting on the side of the "Waverley Occasional Childcare Inc.", depicting characters from children's stories: Pooh Bear, a tiger, Pinocchio and Jimmy Cricket. Bambi set against an English village background. It has little aesthetic value but is interesting as an example of the popular culture of childhood. Notably it uses themes which are relatively old-fashioned and may in fact be calculated to appeal more to parents than to children. The imagery is from an Anglo-American context of Walt Disney type.

Item Name & SHI Database #	Location & LGA	Relationship to surrounds & image	Statement of Significance
Luna Park – Coney Island – Wall Mural (Trick Rider) 2180291	1 Olympic Drive, Milsons Point North Sydney	No image could be located. <i>The mural depicts a female trick horse rider astride two horses in the classic position as the horses go one either side of a post. There are at least two other sections of significant wall mural which are not included in this inventory; one removed from Coney Island and one on the north wall which is beyond repair.</i>	<i>The Trick Rider Mural, painted for the opening by Arthur Barton, is a well known item to the people of NSW and is intimately associated with Fun Park Cartoons. See also Group Listing NSHS0269.</i>
Luna Park – Coney Island – Wall Mural (floral) western wall 2181393	1 Olympic Drive, Milsons Point North Sydney	No image could be located. <i>Floral wall mural on the western wall of Coney Island, originally painted by Arthur Barton and refurbished and repainted based on the original design for the reopening of Luna Park by Peter Kingston and his team of artists (in 1995.</i>	<i>The floral wall mural, painted by Arthur Barton, is a well known feature of Coney Island and intimately associated with the rest of Coney Island cartoons and murals.</i>
Luna Park – Coney Island – Wall Mural (floral) western wall 2181399	1 Olympic Drive, Milsons Point North Sydney	No image could be located. <i>Large wall mural located beneath the small slides in Coney Island. The mural, consisting of bright colours, fairies and flowers, was part of the original mural collection of Coney Island</i>	<i>Coney Island's Murals are integral to its significant fabric. They demonstrate Arthur Barton's classic artwork and attest to the fun atmosphere of the Park.</i>
Luna Park – Coney	1 Olympic Drive,	No image could be located.	<i>Coney Island's Murals are integral to its significant fabric. They</i>

Item Name & SHI Database #	Location & LGA	Relationship to surrounds & image	Statement of Significance
Island – Wall Murals (Elephant Band) 2180290	Milsons Point North Sydney	Three clowns and a monkey, with a variety of musical instruments, ride on an elephant, perched variously on the tusks, the head, the tail and on a platform mounted on the elephants back. The whole cartoon is vibrant and sets the tone for the fun fair.	demonstrate Arthur Barton's classic artwork and attest to the fun atmosphere of the park. The Elephant Band Mural, painted for the opening of the park by Arthur Barton is a well known item to the public of NSW and is intimately associated with the Luna Park Cartoons.
Luna Park – Coney Island – Wall Murals (Lion Tamer) 2180292	1 Olympic Drive, Milsons Point North Sydney	No image could be located. This mural depicts a lion tamer caught by his clock (or tails) by the lion. The humour comes from both the predicament and the expression on the tamer's face.	The Lion Tamer Mural, painted for the opening by Arthur Barton is a well known item to the people of NSW and is intimately associated with Fun Park Cartoons.
Luna Park – Coney Island – Wall Murals (Ski Slopes) 2180294	1 Olympic Drive, Milsons Point North Sydney	No image could be located. An extensive painted mural showing active skiers and alpine scenes extends along the side of the larger slippery dip and across the upper north western wall of Coney Island, at the back of the slippery dip landing. Figures are shown skiing down the side of the slippery dip. Face mural subsequently added over walkway entrance by Arthur Barton. The ski slope mural was recently damaged by fire (1990).	An integral element of Coney Island, this mural was the last major mural work of Arthur Barton.
Luna Park – Coney Island – Wall Murals	1 Olympic Drive, Milsons Point	No image could be located.	This mural, painted for the opening of Luna Park, by Arthur Barton is one of the best known murals associated with the Fun

Item Name & SHI Database #	Location & LGA	Relationship to surrounds & image	Statement of Significance
<p>(The Band) 2180293</p>	<p>North Sydney</p>	<p><i>This mural, the largest in Coney Island, is painted on twelve panels. It caricatures a small band which includes a large piccolo player, a diminutive tuba exponent, and an extraordinarily enthusiastic drummer. The overall effect is of a colourful group having fun.</i></p>	<p>Park.</p>
<p>Luna Park – Coney Island Entrance Murals 2180267</p>	<p>1 Olympic Drive, Milsons Point North Sydney</p>	<p>No image could be located.</p> <p><i>The mural, designed by Arthur Barton, consists of four characters, one being to warn persons not to wear thongs or sandals while the other three illustrate three people of gross misproportion, obviously to set the scene for the fun inside. The mural has been restored and the Arthur Barton painting called "Taxikangasaurus" has been included at the top of the entrance stairs.</i></p>	<p><i>The silhouettes at the entrance to Coney Island, are part of the original fabric, are intimately associated with the spirit of the park and are well known to visitors from throughout the state.</i></p>
<p>Mural on north wall of building 2700106</p>	<p>Wentworth Street, Port Kembla Wollongong City</p>	 <p>Photo by Rob Gansi – 2 Oct 1990</p>	<p><i>Mural depicting main street representing local culture and history.</i></p>

Item Name & SHI Database #	Location & LGA	Relationship to surrounds & image	Statement of Significance
<p>Mural on north wall of building 2700594</p>	<p>189-191 Wentworth Street, Port Kembla Wollongong City</p>	<p>Mural of Hill 60, five islands and hang gliders. Complement to mural at western end of Wentworth Street. Restored in 1990</p>  <p>Photo by Rob Gansi – 31 Oct 1990</p>	<p>One of two murals in Port Kembla, representing local culture and history</p>
<p>Mendooran Castreagh Country Stores and Mural Cafe 1390004</p>	<p>Lot 11, Sec 2 Bandulla Street, Mendooran Warrumbungle</p>	<p>No image could be located. ... The whole side rough cast rendered masonry with a long mural depicting the past history of Mendooran, and being part of a series of murals throughout the town. Built 1937 with Mural added in late 20th Century.</p>	<p>Part of an historically important main street with a continuous commercial focus since early settlement. This Federation shop is aesthetically a typical country shop in style, with important and recent artistic murals internally and externally. These murals forms part of a large number of murals, that represent an important cultural endeavour in this town and the work mainly of Karen Duce.</p>

4.4 CONCLUSION

In conclusion, it is evident that the 'Three Proud People' Mural has an important status within the murals in the local area due to its representative values of one of the most significant moments in the history of Olympics as well as its legacy in recognition of the Peter Norman's achievements in Australian athletics. While many of the murals in Newtown and greater Sydney suffer from vandalism and graffiti the 'Three Proud People' Mural remained untouched indicating the respect shown by the graffiti artists to its representative historical importance.

5.0 ASSESSMENT OF SIGNIFICANCE

5.1 ASSESSMENT CRITERIA

The following assessment of significance has been prepared in accordance with the 'Assessing Heritage Significance' guidelines from the *NSW Heritage Manual*.

a) *an item is important in the course, or pattern, of the local area's cultural or natural history*

The 'Three Proud People' Mural is a reproduction of the famous photo taken at the 1968 Mexico City Olympics, when African-American athletes Tommie Smith and John Carlos sparked a storm of controversy by wearing black gloves and giving the Black Power Salute during their medal award ceremony. The third person in the photo was the Australian athlete and Silver Medallist Peter Norman, who died in 2006. All three athletes wore Olympic Project for Human Rights (OPHR) badges, after Norman expressed sympathy with the Americans' ideals.

The Mural is a tribute to one of the most controversial moments in the Olympic history and relates to the Sydney Olympics due to its painting in the lead up to the Games. Since then the Mural became part of the local community as a reminder of the 1968 Mexico City Olympics.

The photograph of that moment was declared by *LIFE* magazine and *Le Monde* to be one of the 20 most influential images of the 20th century.

GUIDELINES FOR INCLUSION	✓/x	GUIDELINES FOR EXCLUSION	✓/x
Shows evidence of a significant human activity	✓	Has incidental or unsubstantiated connections with historically important activities or processes.	x
Is associated with a significant activity or historical phase	✓	Provides evidence of activities of processes that are of dubious historical importance	x

ATTACHMENT A

Maintains or shows the continuity of a historical process or activity	x	Has been so altered that it can no longer provide evidence of a particular association	x
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b) an item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history

Apart from its association with the famous photo, the Mural has a strong association with Australian athlete Peter Norman who is considered by the Australian Olympic Committee (AOC) to be one of the '100 of Our Finest Australian Athletes'. Few people recognise that his run that day in Mexico City gave him a better Olympic record than any other male Australian sprinter in history. As his nephew Matt Norman says the Mural held a great significance for his uncle because it is the only thing representing his achievements in Australia.

GUIDELINES FOR INCLUSION	✓/x	GUIDELINES FOR EXCLUSION	
Shows evidence of a significant human occupation	x	Has incidental or unsubstantiated connections with historically important people or events	x
Is associated with a significant event, person, or group of persons	✓	Provides evidence of people or events that are of dubious historical importance	x
		Has been so altered that it can no longer provide evidence of particular association	x

c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area

The Mural, as a reproduction airbrush painting, has limited aesthetic quality however; its landmark value, as a reminder of the Black Power Salute movement of the 1960s, is recognised and appreciated by countless rail commuters up until the construction of the sound wall in 2007. Its landmark values have been compromised in part although remain high for the local residents through their daily life.

GUIDELINES FOR INCLUSION	✓/x	GUIDELINES FOR EXCLUSION	✓/x
Shows or is associated with, creative or technical innovation or achievement	x	Is not a major work by an important designer or artist	✓
Is the inspiration for a creative or technical innovation or achievement	x	Has lost its design or technical integrity	x
Is aesthetically distinctive	x	Its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded	x
Has landmark qualities	✓	Has only a loose association with a creative or technical achievement	x

ATTACHMENT A

Exemplifies a particular taste, style or technology	x		
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d) an item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons

A specific social significance study, which would include a community consultation process, in order to establish the importance of the Mural to the community, has not been specifically undertaken. However, the submissions by the local residents for its heritage listing and protection as well as being the centre of the recent rally to save their homes, which attracted interest of the media shows a significant importance to the local community. In a general sense the place, in particular the historical elements of the Mural associated with the Black Power Salute and Peter Norman gives the community sense of belonging, encouragement, solidarity and something to relate to.

GUIDELINES FOR INCLUSION	✓/x	GUIDELINES FOR EXCLUSION	✓/x
Is important for its associations with an identifiable group	x	Is only important to the community for amenity reasons	x
Is important to a community's sense of place	✓	Is retained only in preference to a proposed alternative	x

e) an item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history

The Mural does not fulfil this criterion.

GUIDELINES FOR INCLUSION	✓/x	GUIDELINES FOR EXCLUSION	✓/x
Has the potential to yield new or further substantial scientific and/or archaeological information	x	Has little archaeological or research potential	x
Is an important benchmark or reference site or type	x	Only contains information that is readily available from other resources or archaeological sites	x
Provides evidence of past human cultures that is unavailable elsewhere	x	The knowledge gained would be irrelevant to research on science, human history or culture	x

f) an item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history

Although, there are a number of political and activist murals in the area and Sydney in general, the 'Three Proud People Mural' is one of its kind in terms of what it represents and as a reminder of the Norman's achievements in the athletics history of Australia. Of seventeen heritage listed mural only one (Waverley Reservoir No.3 mural) relates to

political matters. Therefore, the 'Three Proud People' Mural is considered rare in this regard.

GUIDELINES FOR INCLUSION	✓/✗	GUIDELINES FOR EXCLUSION	✓/✗
Provides evidence of a defunct custom, way of life or process	✗	Is not rare	✗
Demonstrates a process, custom or other human activity that is in danger of being lost	✗	Is numerous but under threat	✗
Shows unusually accurate evidence of a significant human activity	✗		
Is the only example of its type	✓		
Shows rare evidence of a significant human activity important to a community	✗		

g) an item is important in demonstrating the principal characteristics of a class of the local area's

- **cultural or natural places; or**
- **cultural or natural environments**

The 'Three proud People Mural' represents large airbrushed political murals in the area. It shows the principles of such murals depicting a significant historical moment associated with the 1960s Black Power Salute movement. It was not initiated as a community mural however, it became one and owned by the community. It has not been touched by any graffiti since its painting in 2000 indicating the respect amongst the graffiti artist to its associational importance whether being the Black Power Salute or Peter Norman both are significant in the history of Olympics.

GUIDELINES FOR INCLUSION	✓/✗	GUIDELINES FOR EXCLUSION	✓/✗
Is a fine example of its type	✗	Is a poor example of its type	✗
Has the principal characteristics of an important class or group of items	✗	Does not include or has lost the range of characteristics of a type	✗
Has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity	✓	Does not represent well the characteristics that make up a significant variation of a type	✗
Is a significant variation to a class of items	✗		
Is part of a group which collectively illustrates a representative type	✗		

Is outstanding because of its setting, condition or size	x		
Is outstanding because of its integrity or the esteem in which it is held	x		

5.2 STATEMENT OF SIGNIFICANCE

The 'Three Proud People' Mural is of local historical and cultural significance as a reproduction of the famous photo taken at the 1968 Mexico City Olympics, when African-American athletes Tommie Smith and John Carlos sparked a storm of controversy by wearing black gloves and giving the Black Power Salute during their medal award ceremony. The third person in the photo was the Australian athlete and Silver Medallist Peter Norman, who died in 2006. All three athletes wore Olympic Project for Human Rights (OPHR) badges, after Norman expressed sympathy with the Americans' ideals.

The Mural is a tribute to one of the most controversial moments in the Olympic history and relates to the Sydney Olympics due to its painting in the lead up to the Games. Since then the Mural became part of the local community as a reminder of the 1968 Mexico City Olympics.

The photograph of that moment was declared by *LIFE* magazine and *Le Monde* to be one of the 20 most influential images of the 20th century. The Mural has a strong association with Australian athlete Peter Norman who is considered by the Australian Olympic Committee (AOC) as one of the '100 of Our Finest Australian Athletes'. His run at the Mexico Olympics gave him a better Olympic record than any other male Australian sprinter in history. The Mural held a great significance for Norman because it is the only thing representing his achievements in Australia.

The Mural has a landmark value, as a reminder of the Black Power Salute movement of the 1960s and is recognised by countless rail commuters up until the construction of the sound wall in 2007, which compromised its landmark values although it remains high for the local residents through their daily life.

The Mural's social significance is evident through the submissions of the local residents for its heritage listing and protection as well as being the centre of the recent rally to save their homes. It became part of their daily life and gives them the community sense of belonging, encouragement, solidarity and something to relate to. It has not been touched by any graffiti since its painting in 2000 indicating the respect amongst the graffiti artist to its associational importance whether being the Black Power Salute or Peter Norman both are significant in the history of Olympics. The Mural has a high level of integrity.

5.3 LEVEL OF SIGNIFICANCE

The *NSW Heritage Manual* 'Assessing Heritage Significance' guidelines describe the items or places of state significance as being significant to the people of NSW. Local significance is described as being significant to the people of local area.

Overall the 'Three Proud People' Mural is assessed as having a High degree of historical and cultural significance at Local level, despite the degree of significance ranging from little to high in individual criteria. This overall significance has been applied based on the strength of the historical significance, the associational and representative significance of the Mural and its subject as a reminder of one of the most controversial moments in the Olympic history and achievements of Peter Norman.

LEVELS OF SIGNIFICANCE TABLE:

NSW Heritage Assessment Criteria		Level Of Significance	Degree
Criteria (a)	Historic	Local	High
Criteria (b)	Historic Association	Local	High
Criteria (c)	Aesthetic	Local	Moderate
Criteria (d)	Social	Local	High
Criteria (e)	Scientific/Archaeological	Local	Little
Criteria (f)	Rare	Local	Moderate
Criteria (g)	Representative	Local	High

6.0 CONSERVATION POLICY RECOMMENDATIONS

The research conducted to date clarified that the 'Three Proud People' Mural is significant and reaches the threshold for listing on the local heritage register of the City of Sydney. Given consideration to the assessed significance and its compromised landmark values it is therefore important to identify appropriate level and methods of management for the adequate protection of identified significance and reinstatement of its exposure to the rail commuters. The following are the recommended management to assist in the future decision making for the item:

- 1- Include as an item of heritage significance in the heritage schedule of the new City of Sydney Standard LEP. A State Heritage Inventory form for the item accompanies this report review to assist the City of Sydney in the listing process. The curtilage of listing should be defined as the property boundaries of the terrace House at 39 Pine Street, Newtown with specific note on the southern wall of the property as a Building Element – similar to those listed Central Sydney building elements under Sydney

LEP 2005 [central sydney heritage schedule 8 part 2](#). Visual curtilage should also be established as the relationship with the Macdonaldtown Railway Station platform and side views from the trains.

- 2- Liaise with RailCorp for the reinstatement of the visual curtilage by means of creating a transparent sound wall that can be seen elsewhere in the rail network. This could be achieved by replacement of the ideally the top two horizontal panels of the four main wall panels directly opposite the Mural (see image at the end of this section). There should be no vertical steel mullions as they will block the sideline views. Horizontal mullions, which will create the similar effect as the existing but be transparent is preferable. Although frameless panels would be most preferable they are considered a costly exercise. It is understood that some level of consultation between the City of Sydney and RailCorp and Transport Infrastructure Development Corporation (TIDC) has already been initiated by Councillor Hoff as noted at the Council Meeting minutes held on 6th August 2007. It was noted that *“Both RailCorp and TIDC indicated willingness in working with the City in replicating or making it visible in some way. Some of the issues regarding the mural (ownership of the original mural artist’s moral rights and so on) were discussed. TIDC agreed to investigate these issues and report back to the City. In addition, TIDC agreed to provide drawings of sound barriers to the City.”* The City of Sydney should follow up on the progress of that consultation and continue the process to implement the recommendations of this report in making the Mural visible again in the manner of described above. Mock-up of the preferred options have been provided at the end of this report.
- 3- Repainting of the Mural on the existing sound wall is not recommended as it will diminish the historical values of the original Mural.
- 4- Engage the original artist of the Mural, Donald Urquhart, to undertake through fabric investigation and carry out conservation works to prevent further deterioration.
- 5- The recommended methodology that should be followed during the conservation works is as follows:
 - o Erect scaffold
 - o General gentle clean without cleaning agents or solvents
 - o Document the damage in particular those that are evident including near the right shoulder of Peter Norman on the left, in the background between Tommie Smith (centre) and John Carlos (right), next to the left elbow of Tommie Smith, and beneath the word “People”.
 - o Consolidate paint where possible
 - o Remove paint where impossible to consolidate
 - o Establish and eliminate/minimise sources of damp causing delamination in particular at the parapet level

- o Infill with matching (possibly reversible depending on outdoor longevity) paint – by original artist if traceable and feasible. If not, then suitably experienced and qualified mural artist.
- 6- Programme future preventative measures such as regular checks on the mural condition, occasional gentle cleaning etc. to maintain condition of mural.

7.0 GUIDELINES FOR MAINTENANCE

In order to ensure the adequate and ongoing maintenance of the 'Three Proud People' Mural, it is recommended that the following Guidelines are implemented:

- 1- Establish a committee that will be responsible from the maintenance and protection of the Mural from graffiti and regular inspections. The committee should comprise the original artist, the owner of the terrace, a Council representative and one or two community representative such as a member of the Save Leamington Avenue Inc.
- 2- The 'Three Proud People' Mural committee will be responsible from the identification of requirements for funding, maintenance, cleaning, restoration and repair works in consultation with appropriately qualified conservators as and if necessary.
- 3- The 'Three Proud People' Mural committee should establish a fund for the maintenance, cleaning, restoration and repair expenses. This could be realised as a fundraising event through Peter Norman Day and involvement of the City of Sydney, Australian Olympic Committee and Australian Sports Academy.
- 4- Graffiti management:
 - a. Place or paint a small sign to the bottom right hand side of the Mural (outside of the painting under the 'Mexico 68' wording and above the existing pipe) to request would-be vandals and bill-posters to show respect.
 - b. The Mural should be included within the Council's regular graffiti inspections within the Local Government Area, which are currently undertaken every five days with the removal of any graffiti within 24 hours of identification or when the building owner or resident consent is obtained. Otherwise, owner of the terrace or committee members should report Council any graffiti on the Mural for immediate removal as part of the City of Sydney's "Graffiti Program".
- 5- Inspection:
 - a. Inspections of the Mural should be undertaken every 12 months in order to identify any paint deterioration, blistering, need for surface stabilisation, and paint touch up to prevent any damage. Record the Mural's condition at all inspections to allow for comparison of any deterioration and its impact on the painting. Establish an Inspection Log Book and record the findings of the inspection including date, weather condition, time of the inspection, inspectors, observations, requirements, actions and photographs. The initial inspection should establish what type of paint was used as this will guide

future care and maintenance of the Mural. The assistance and recollections of the artist would be helpful.

- b. Inspection of the brick wall should also be undertaken every 5 years of the above yearly painting inspections for loose, fretted, broken or missing mortar joint and any signs of damp. Brickwork should be checked for crumbling which can indicate a moisture problem. Keeping the wall and the terrace in good order will discourage graffiti and protect the Mural for long term.

6- Re-pointing of brick wall:

- a. If re-pointing is required (identified in the regular inspection): Re-point brickwork only where existing mortar is unsound or where sufficient mortar is missing, match existing sound joints as determined by examination of surrounding areas and approved by a conservation specialist. Unless otherwise specified, the following lime mortar mixes should be used for re-pointing works:

- 1 part lime (use hydrated lime)
- 3 parts sand (clean, sharp, free from impurities and salt)

OR

- 1 part cement (best Portland cement)
- 1 part lime (use hydrated lime)
- 6 parts sand (clean, sharp, free from impurities and salt)

7- Repainting of brick wall:

- a. Repaint the brick wall around the Mural every 5 years as part of the regular maintenance of the terrace using permeable paint allowing the brick to “breathe” and matching the existing colour. Care should be taken not to touch the Mural’s edges. Masking tape should not be used in case it lifts the Mural’s paint surface.
- b. Protective coating is not recommended until further information is available on the type of paint used. In general, protective coating should not be used as it will add to the paint deterioration another layer of issues.

8- Cleaning of the Mural: Clean the Mural every...with gentle method without using agents or solvents.

- a. Dry brush with soft dusting brush
- b. Then clean with clean, soft, damp rag without solvents or abrasives, using gentle action.

EXTENT OF THE RECOMENDED TRANSPARENT SOUND WALL

**REMOVE IDEALLY THREE HORIZONTAL PANELS & REPLACE WITH SINGLE SHEET
GLASS PANEL**



**OR REMOVE AT LEAST TWO HORIZONTAL PANELS & REPLACE WITH SINGLE SHEET
GLASS PANEL**



**OR REMOVE AT LEAST TWO HORIZONTAL PANELS & REPLACE WITH TWO SHEETS
OF GLASS PANELS WITH HORIZONTAL FRAMES**



ATTACHMENT A

Heritage Data Form

ITEM DETAILS						
Name of Item	Three Proud People Mural					
Other Name/s Former Name/s	N/A					
Item type (if known)	Built - Building element					
Item group (if known)	Urban area					
Item category (if known)	Streetscape					
Area, Group, or Collection Name						
Street number	39					
Street name	Pine Street					
Suburb/town	Newtown				Postcode	2042
Local Government Area/s	Sydney					
Property description	Mural is painted on the southern side wall of the terrace described as Lot 117 Deposited Plan of 2070					
Location - Lat/long	Latitude				Longitude	
Location - AMG (if no street address)	Zone		Easting		Northing	
Owner	Silvio Ofria					
Current use	Mural on the wall of a Residence					
Former Use	Mural on the wall of a Residence					
Statement of significance	<p>The 'Three Proud People' Mural is of local historical and cultural significance as a reproduction of the famous photo taken at the 1968 Mexico City Olympics, when African-American athletes Tommie Smith and John Carlos sparked a storm of controversy by wearing black gloves and giving the Black Power Salute during their medal award ceremony. The third person in the photo was the Australian athlete and Silver Medallist Peter Norman, who died in 2006. All three athletes wore Olympic Project for Human Rights (OPHR) badges, after Norman expressed sympathy with the Americans' ideals.</p> <p>The Mural is a tribute to one of the most controversial moments in the Olympic history and relates to the Sydney Olympics due to its painting in the lead up to the Games. Since then the Mural became part of the local community as a reminder of the 1968 Mexico City Olympics.</p> <p>The photograph of that moment was declared by LIFE magazine and Le Monde to be one of the 20 most influential images of the 20th century. The Mural has a strong association with Australian athlete Peter Norman who is considered by the Australian Olympic Committee (AOC) as one of the '100 of Our Finest Australian Athletes'. His run at the Mexico Olympics gave him a better Olympic record than any other male Australian sprinter in history. The Mural held a great significance for Norman because it is the only thing representing his achievements in Australia.</p> <p>The Mural has a landmark value, as a reminder of the Black Power Salute movement of the 1960s and is recognised by countless rail commuters up until the construction of the sound wall in 2007, which</p>					

Heritage Data Form

	<p>compromised its landmark values although it remains high for the local residents through their daily life.</p> <p>The Mural's social significance is evident through the submissions of the local residents for its heritage listing and protection as well as being the centre of the recent rally to save their homes. It became part of their daily life and gives them the community sense of belonging, encouragement, solidarity and something to relate to. It has not been touched by any graffiti since its painting in 2000 indicating the respect amongst the graffiti artist to its associational importance whether being the Black Power Salute or Peter Norman both are significant in the history of Olympics. The Mural has a high level of integrity.</p>	
Level of Significance	State <input type="checkbox"/>	Local <input checked="" type="checkbox"/>

DESCRIPTION	
Designer	Unknown – Replica of a Photo taken at the medal ceremony of 200m men sprint at 1968 Mexico City Olympics
Builder/ maker	Donald Urquhart
Physical Description	<p>Painted on the southern side wall of the terrace house at 39 Pine Street, Newtown, the Mural known as the 'Three Proud People' is a reproduction of a photo that became one of the most recognised images in the world, after that of the first moon landing. The photo marked the 1968 Olympic Black Power Salute at the Olympic Stadium in Mexico, a noted black power protest and one of the most overtly political statements in the 110-year history of the modern Olympic Games. On the morning of October 16, 1968, African American sprinters Tommie Smith and John Carlos became first and third in the men's 200, defiantly raised clenched fist salutes as the American national anthem played. Their stand in support of civil rights and against racism echoed internationally. Australia's Peter Norman became second and supported their protest. All three athletes wore Olympic Project for Human Rights (OPHR) badge at the dais.</p> <p>The 'Three Proud People' Mural is an airbrush mural and was painted by the activist artist Donald Urquhart six weeks before the Sydney Olympic Games in 2000. The painting is placed on the upper section of the wall facing the railway line adjacent to Macdonaldtown Railway Station. It is captioned as 'THREE PROUD PEOPLE MEXICO 68' at the bottom. The paints used would most probably be household acrylics as they are the most readily available and cheapest and fastest drying. Access to the surface was not possible at the time of inspection as such it would allow us to test and establish conclusively the type of paint used. Unfortunately at the time of finalisation of the report, contact with the original artist could not be established to clarify this. It is expected it to be household acrylic paint, possibly with some sprayed enamel paint as small cans are portable and easy to obtain. The mural is brushed, spray painted and sponged in shades of near black, grey and off white. It is untouched by graffiti although the lower section of the wall and the rear of the terrace have been heavily painted with graffiti.</p> <p>It was originally clearly visible from the Macdonaldtown Railway Station platform and from the trains travelling between the City and Western Metropolitan areas along the inner West, Bankstown, Cumberland, Northern and Western Lines. RailCorp constructed a concrete sound wall at the boundary of rail corridor along Leamington Avenue in 2007, which completely obstructed the views of the Mural with only the fist of Tommie Smith is slightly remain visible at the top. Up until then countless train commuters have seen the Mural.</p>
Physical condition and Archaeological potential	The Mural is generally in good condition owing to its location on the southern side wall of the terrace house. The wall does not receive much, if any, direct sun due to its aspect, facing SSE. The mural therefore has faded much less than would be expected for its age. Air pollution will have faded it somewhat. There are a few small areas of blistering and lifting of the paint. Fortunately, these are in less important passages, and not on faces.

Heritage Data Form

Construction years	Start year	2000	Finish year	2000	Circa	<input type="checkbox"/>
Modifications and dates	Integrity of the Mural is very high as there is no evidence of graffiti or patch work on any surface of the painting since its first painting in 2000. The area around the Mural is largely free of vandalism with extensive graffiti being made to the lower panel of the wall and the rear upper level elevation of the house.					
Further comments	Consult the Heritage Assessment for further information on the Mural and its initiation.					

HISTORY

Historical notes	<p>Forty two years ago, on 16th October 1968, the medals ceremony at the Mexico Olympics was converted into a symbolic demonstration of the struggle against oppression. There were a number of unforgettable performances at Mexico City Olympic games and many world records were broken, but the enduring image from the 1968 Games was when African-American athletes Tommie Smith and John Carlos raised their gloved clenched fists in support of the Black Panther movement during the playing of the Star Spangled banner, after receiving gold and bronze medals for the 200m sprint. They have made history at the Mexico Olympics by staging this silent protest against racial discrimination.</p> <p>The pair both wore black socks and no shoes and Smith wore a black scarf around his neck to represent black pride. They were demonstrating against continuing racial discrimination of black people in the United States. Carlos had his tracksuit top unzipped to show solidarity with all blue collar workers in the US and wore a necklace of beads, which he described "were for those individuals that were lynched, or killed and that no-one said a prayer for, that were hung and tarred. It was for those thrown off the side of the boats in the middle passage." All three athletes wore Olympic project for Human Rights (OPHR) badges, after Norman expressed sympathetic with their ideals. Sociologist Harry Edwards, the founder of the OPHR, had urged black athletes to boycott the games, which inspired the actions of Smith and Carlos. Tommie Smith in a BBC Four documentary '1968 Olympics: Black Power Salute' broadcasted on 17 May 2010 says 'it was cry for freedom' and '...to show that black people are united'.</p> <p>Actions of Smith and Carlos caused havoc at the Games, ensuring the pair were ejected from the US Olympic team. But three men won medals in that race, and the consequences for the third athlete on the podium would be every bit as significant. The silver medallist was a laid-back Australian, an up-and-coming runner called Peter Norman who, in the words of his coach, "blossomed like a cactus" when he got to Mexico. While observers expected the Americans to make a clean sweep of the 200m medals, Norman kept them interested by breaking the world record in the heats. The three were waiting for the victory ceremony when Norman discovered what was about to happen. It was Norman who, when John Carlos found he'd forgotten his black gloves, suggested the two runners shared Smith's pair, wearing one each on the podium. And when, to the crowd's astonishment, they flung their fists in the air, Norman joined the protest in his own way, wearing a badge from the Olympic Project for Human Rights that they had given him.</p>
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THEMES

National historical theme	<p>3 Developing local, regional and national economies</p> <p>4 Building settlements, towns and cities</p> <p>8 Developing Australia's cultural life</p> <p>9 Marking the phases of life</p>
State historical theme	<p>Events</p> <p>Towns, suburbs and villages</p> <p>Accommodation</p>

Heritage Data Form

	<p>Creative endeavour Sport Persons</p>
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APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	<p>The 'Three Proud People' Mural is a reproduction of the famous photo taken at the 1968 Mexico City Olympics, when African-American athletes Tommie Smith and John Carlos sparked a storm of controversy by wearing black gloves and giving the Black Power Salute during their medal award ceremony. The third person in the photo was the Australian athlete and Silver Medallist Peter Norman, who died in 2006. All three athletes wore Olympic Project for Human Rights (OPHR) badges, after Norman expressed sympathy with the Americans' ideals.</p> <p>The Mural is a tribute to one of the most controversial moments in the Olympic history and relates to the Sydney Olympics due to its painting in the lead up to the Games. Since then the Mural became part of the local community as a reminder of the 1968 Mexico City Olympics.</p> <p>The photograph of that moment was declared by LIFE magazine and Le Monde to be one of the 20 most influential images of the 20th century.</p>
Historical association significance SHR criteria (b)	<p>Apart from its association with the famous photo, the Mural has a strong association with Australian athlete Peter Norman who is considered by the Australian Olympic Committee (AOC) to be one of the '100 of Our Finest Australian Athletes'. Few people recognise that his run that day in Mexico City gave him a better Olympic record than any other male Australian sprinter in history. As his nephew Matt Norman says the Mural held a great significance for his uncle because it is the only thing representing his achievements in Australia.</p>
Aesthetic significance SHR criteria (c)	<p>The Mural, as a reproduction airbrush painting, has limited aesthetic quality however; its landmark value, as a reminder of the Black Power Salute movement of the 1960s, is recognised and appreciated by countless rail commuters up until the construction of the sound wall in 2007. Its landmark values have been compromised in part although remain high for the local residents through their daily life.</p>
Social significance SHR criteria (d)	<p>A specific social significance study, which would include a community consultation process, in order to establish the importance of the Mural to the community, has not been specifically undertaken. However, the submissions by the local residents for its heritage listing and protection as well as being the centre of the recent rally to save their homes, which attracted interest of the media shows a significant importance to the local community. In a general sense the place, in particular the historical elements of the Mural associated with the Black Power Salute and Peter Norman gives the community sense of belonging, encouragement, solidarity and something to relate to.</p>
Technical/Research significance SHR criteria (e)	<p>The Mural does not fulfil this criterion.</p>
Rarity SHR criteria (f)	<p>Although, there are a number of political and activist murals in the area and Sydney in general, the 'Three Proud People Mural' is one of its kind in terms of what it represents and as a reminder of the Norman's achievements in the athletics history of Australia. Of seventeen heritage listed mural only one (Waverley Reservoir No.3 mural) relates to political matters. Therefore, the 'Three Proud People' Mural is considered rare in this regard.</p>
Representativeness SHR criteria (g)	<p>The 'Three proud People Mural' represents large airbrushed political murals in the area. It shows the principles of such murals depicting a significant historical moment associated with the 1960s Black Power Salute movement. It was not initiated as a community mural however, it became one and owned by the community. It has not been touched by any graffiti since its painting in 2000 indicating the respect amongst the graffiti artist to its associational importance whether being the Black Power</p>

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	Salute or Peter Norman both are significant in the history of Olympics.
Integrity	The Mural has a high level of integrity. It has not been touched or repainted since it was painted on the wall of the terrace in 2000. There is no graffiti on the Mural although the subject wall and rear of the terrace has been subject to vandalism.

HERITAGE LISTINGS

Heritage listing/s	The terrace at 39 Pine Street is listed as part of the Pine Estate Conservation Area

INFORMATION SOURCES

Include conservation and/or management plans and other heritage studies.

Type	Author/Client	Title	Year	Repository
Media	Matt Norman	Salute	2008	Various Video/DVD retailers
Media	Eloise Murphy	Video footage with the Artist	2010	Eloise Murphy
Media	BBC - BBC Four documentary	1968 Olympics: Black Power Salute	2010	BBC archives
Written	Australian Olympic Committee	100 of Our Finest - Peter Norman Athletics (1942-2006)	N/A	AOC
Written	Michael Carlson	Obituary – Peter Norman	5.10.2006	The Guardian
Written	Various	Various articles	1968, 2008 - 2010	Various Newsletters

RECOMMENDATIONS

Recommendations	<p>Include as an item of heritage significance in the heritage schedule of the new City of Sydney Standard LEP.</p> <p>Liaise with RailCorp for the reinstatement of the visual curtilage by means of creating a transparent sound wall that can be seen elsewhere in the rail network.</p> <p>Undertake regular inspections in accordance with the Guidelines for Maintenance provided in the Heritage Assessment. Refer to the Heritage Assessment for detailed recommendations for urgent conservation works and ongoing protection.</p> <p>Clean graffiti as soon as it occurs with appropriate removal methods without using solvents and in consultation with a conservator.</p>
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ATTACHMENT A

Heritage Data Form

SOURCE OF THIS INFORMATION			
Name of study or report	Heritage Assessment	Year of study or report	2010
Item number in study or report	N/A		
Author of study or report	Kerime Danis – City Plan Heritage		
Inspected by	Kerime Danis		
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Kerime Danis	Date	29.10.2010

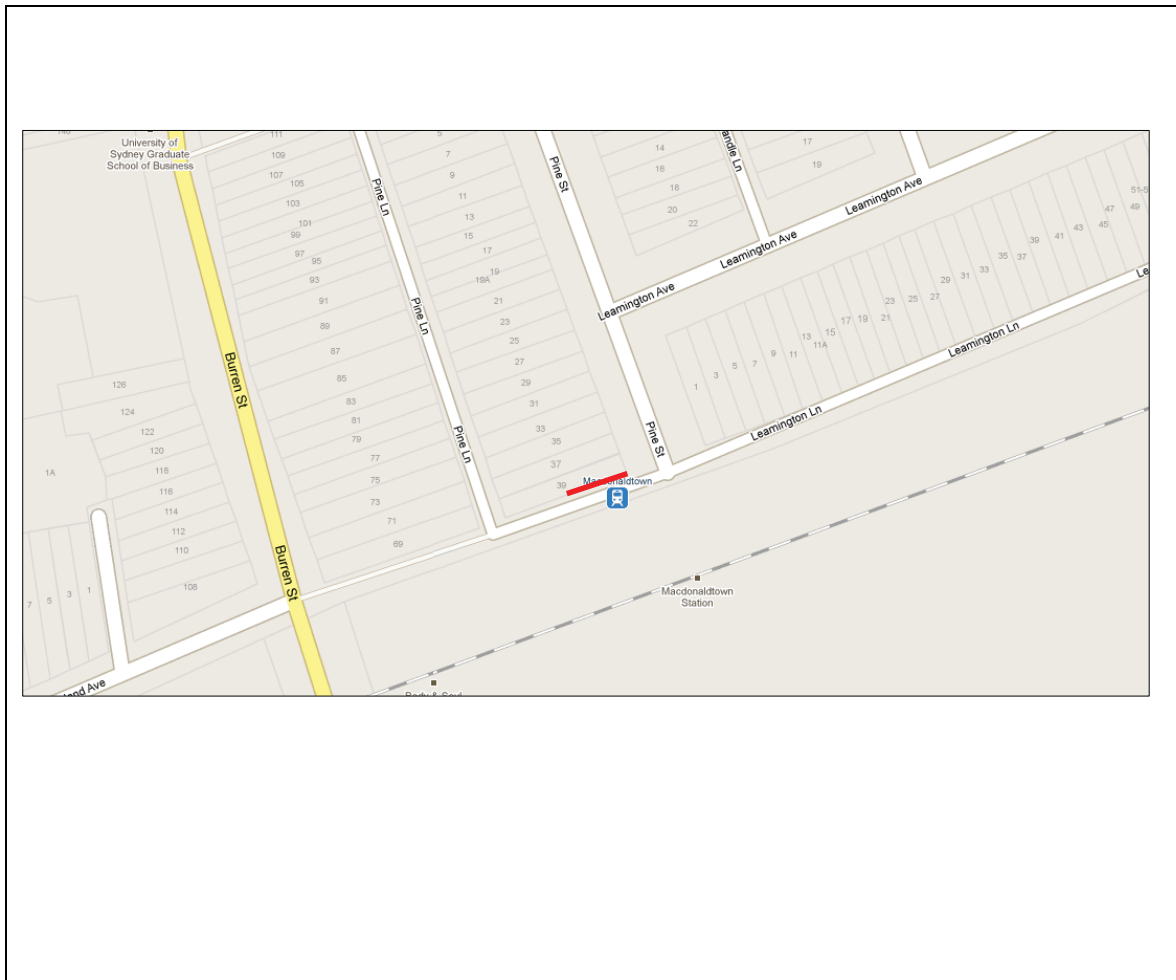
ATTACHMENT A

Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Location plan of the Mural on the southern side wall of the terrace at 39 Pine Street, Newtown				
Image year	2010	Image by	Google	Image copyright holder	Google



ATTACHMENT A

Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	The 'Three Proud People' Mural on the wall of 39 Pine Street facing the rail corridor.				
Image year	2010	Image by	Kerime Danis	Image copyright holder	City Plan Heritage



ATTACHMENT A

Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	View of the terrace and the 'Three proud People' Mural on the upper section of the side wall facing the railway sound wall				
Image year	2010	Image by	Kerime Danis	Image copyright holder	City Plan Heritage



ATTACHMENT A

Heritage Data Form

IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Original photograph of the Mural's subject taken at the time of the medal ceremony at 1968 Mexico City Olympics. From left to right – Peter Norman (silver), Tommie Smith (gold) and John Carlos (bronze).				
Image year	1968 republished in 2006	Image by	Republished in Sydney Morning Herald	Image copyright holder	Unknown / SMH

