CITY OF SYDNEY

14 November 2024

At 5.00 pm

Central Sydney Planning Committee

Agenda

1. Disclosures of Interest
2. Confirmation of Minutes
3. Matters Arising from the Minutes
4. Section 4.55 Application: 338 Botany Road, Alexandria - D/2019/87/C
5. Development Application: 338 Botany Road, Alexandria - D/2024/273
6. Development Application: 265-273 George Street, Sydney - D/2024/367
7. Development Application: 27-31 Doody Street, Alexandria - D/2024/238
8. Post Exhibition - Planning Proposal - Dwelling Retention - Sydney Local Environmental Plan 2012 Amendment
9. Public Exhibition - Planning Proposal - Chinatown Heritage Items - Sydney Local Environmental Plan 2012 Amendment
10. Proposed Schedule of Central Sydney Planning Committee Meetings and Briefings for 2025
11. Summary of Applications to be Reported to the Central Sydney Planning Committee

Disclaimer, Terms and Guidelines for Speakers at the Central Sydney Planning Committee

As part of our democratic process, the City invites members of the community to speak directly to committee members during Central Sydney Planning Committee meetings about items on the agenda.

Webcast

In accordance with the *City of Sydney Code of Meeting Practice,* Central Sydney Planning Committee meetings are recorded and webcast live on the City of Sydney website at www.cityofsydney.nsw.gov.au.

Members of the public attending a Central Sydney Planning Committee meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived for up to 12 months.

Consent

By attending a Central Sydney Planning Committee meeting, members of the public consent to this use of their image, voice and personal information.

Disclaimer

Statements made by individuals at a Central Sydney Planning Committee meeting, and which may be contained in a live stream or recording of the meeting are those of the individuals making them, and not of the City. To be clear, unless set out in a resolution of council, the City does not endorse or support such statements.

The City does not accept any liability for statements made or actions taken by individuals during a Central Sydney Planning Committee meeting that may be contrary to law, including discriminatory, defamatory or offensive comments. Such statements or actions are not protected by privilege and may be the subject of legal proceedings and potential liability, for which the City takes no responsibility.

Guidelines

To enable the committee to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at the Central Sydney Planning Committee to:

1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

At the start of each Central Sydney Planning Committee meeting, the Chair may reorder agenda items so that those items with speakers can be dealt with first.

Central Sydney Planning Committee reports are available at www.cityofsydney.nsw.gov.au

Item 1.

Disclosures of Interest

Pursuant to the provisions of the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Members of the Central Sydney Planning Committee are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

In both cases, the nature of the interest must be disclosed.

This includes receipt of reportable political donations over the previous four years.

Item 2.

Confirmation of Minutes

Minutes of the following meeting of the Central Sydney Planning Committee are submitted for confirmation:

Meeting of 15 August 2024

Item 3.

Matters arising from the Minutes

Matters arising from the minutes of the Central Sydney Planning Committee of 15 August 2024.

Item 4.

Section 4.55(2) Application: 338 Botany Road, Alexandria - D/2019/87/C

File No.: D/2019/87/C

Summary

Date of Submission:	15 April 2024
Amended plans/ Additional Information:	Amended plans and additional information were submitted on 25 September 2024
Applicant/ Developer:	St George Community Housing Portfolio Limited
Architect:	DKO
Owner:	The Council of the City of Sydney
Planning Consultant:	Keylan
Design Advisory Panel:	13 June 2024
Cost of Works:	$72,339,256
Zoning:	The site is zoned E3 Productivity Support. The proposal is permissible in accordance with Clause 7.13A of the Sydney LEP 2012.
Proposal Summary:	This Section 4.55(2) modification application seeks to modify the concept mixed use building envelope incorporating commercial uses and residential uses for the purposes of affordable housing. The application also seeks to amend Condition 2 (Approved Development), Condition 8 (Detailed Design of Buildings), Condition 13 (Floor Space Ratio) and Condition 14 (Building Height). The modifications principally involve altering the approved building envelope to align with the detailed design development application (D/2024/273) that is concurrently reported to the CSPC and is recommended for approval.

The proposed modifications to Concept Approval D/2019/87 include:

- departure to the building envelope on the western elevation (a) at ground level to facilitate accessible car parking spaces and loading dock, reducing the western setback at ground level from 4.5m to 0m and (b) at Levels 8 and 9 partly reducing the setback from 9m to 7.967m.,

- alterations to the building height, with a maximum exceedance beyond the building envelope height of 33m by 3.2m resulting in a maximum height of 36.2m,

- increase in the permissible FSR to allow for a maximum FSR of 4.09:1 where 4:1 currently applies due to the inclusion of the area of the east facing balconies given the increased wall height proposed to provide for noise attenuation, and

- changes to facilitate blade wall encroachments within footpath areas above ground level.

The application has been assessed by an independent external planning consultant (as the City of Sydney is the landowner) to address any perceived conflicts of interest and in accordance with the City's protocol for the external assessment of Development Applications.

The independent assessment report is provided at Attachment A.

Both the concept modification and the detailed design development application are referred to the CSPC for determination as the cost of works of D/2024/273 exceeds $50 million.

The assessment of the application by the independent planner concludes that as amended and subject to conditions, the proposal is substantially the same as previously approved and contextually appropriate and is recommended for approval.

Summary Recommendation:	It is recommended that the assessment report prepared by the independent external planning consultant, shown at Attachment A and recommended conditions shown at Attachment B to the subject report, be considered for approval by the Central Sydney Planning Committee.
Development Controls:	(i) Sydney Local Environmental Plan 2012 (ii) Sydney Development Control Plan 2012 (iii) SEPP (Resilience and Hazards) 2021 (iv) SEPP (Housing) 2021 (v) SEPP (Sustainable Buildings) 2022 (vi) SEPP (Transport and Infrastructure) 2021
Attachments:	A. Independent Assessment Report B. Recommended Conditions of Consent C. Selected Drawings

Recommendation

It is resolved that consent be granted to Section 4.55(2) Application Number D/2019/87/C subject to the amendment of the following conditions (with modifications shown in bold italics (additions) and strikethrough (deletions) as follows:

(2) APPROVED STAGE 1 DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2019/87 dated 12 December 2017 and the following drawings prepared by DKO Architecture (NSW) Pty Ltd:

Drawing Number	Drawing Name	Date
~~**Stage 1 Envelope**~~ Envelope Plan	Project Number 11942 ~~**Page 37**~~ **DA100 C**	~~**16.10.2019**~~ **24/09/2024**
~~**Stage 1 Envelope**~~ Envelope Plan	Project Number 11942 ~~**Page 38**~~ **DA101 B**	~~**16.10.2019**~~ **24/09/2024**
Envelope Plan - Overall	**Project Number 11942** **DA102 B**	**24/09/2024**
~~**Stage 1 Envelope**~~ ~~**Stage 1**~~ Envelope Elevations	Project Number 11942 ~~**Page 39**~~ **DA200 B**	~~**16.10.2019**~~ **24/09/2024**
~~**Stage 1 Envelope**~~ ~~**Stage 1**~~ Envelope Elevations	Project Number 11942 ~~**Page 40**~~ **DA201 B**	~~**16.10.2019**~~ **24/09/2024**

as amended by plans other conditions of this consent.

(b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Condition amended via Section 4.55(2) on 14 November 2024

(8) DETAILED DESIGN OF BUILDINGS

The competitive design process brief and subsequent detailed design development application must incorporate the following requirements:

a) Minimise overshadowing on adjoining properties in accordance with ADG objective 3B-2.

~~**b) Ensure no overshadowing of approved residential apartments at 499 and 501 – 509 Botany Road, Alexandria**~~

c) Provide a compliant amount of communal open space in accordance with the ADG that receives adequate solar in accordance with the ADG.

d) If roof top communal open space is proposed it must provide equitable access, be designed to prevent overlooking and noise impacts ~~**and all structures (including but not limited to plant and lift overruns) must be within the 33m height limit.**~~

e) Acoustic and ventilation treatments to the east and northern frontages in accordance with the requirements of the Sydney DCP and ADG.

f) Waste management facilities in accordance with Section 4.2.6 of the Sydney DCP 2012.

g) An awning is to be provided over any building entries on Botany Road in accordance with Section 3.2.4 of the Sydney DCP 2012.

Condition amended via Section 4.55(2) on 14 November 2024

(13) FLOOR SPACE RATIO

The Floor Space Ratio for all detailed development applications on the site must not exceed 4**.09**:1 calculated in accordance with Clauses 4.4 and 6.14 of the Sydney Local Environmental Plan 2012.

~~**Notwithstanding (a) above, the proposal may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process in accordance with the requirements of the Sydney Local Environmental Plan 2012.**~~

Precise calculations and details of the distribution of floor space must be provided with any subsequent detailed design development application or applications.

Condition amended via Section 4.55(2) on 14 November 2024

(14) BUILDING HEIGHT

The maximum height of the buildings must not exceed ~~**33**~~ **36.2** metres in accordance with the Sydney LEP 2012 **as provided for under D/2024/273**. No structures are to exceed the ~~**33**~~ **36.2** metres height limit.

Condition amended via Section 4.55(2) on 14 November 2024

Reasons for Recommendation

The application is recommended for approval for the following reasons:

(A) The development as modified is substantially the same as was originally approved and is consistent with the requirements of Section 4.55(2) of the Environmental Planning and Assessment Act, 1979.

(B) The development has been considered against the reasons given by the Central Sydney Planning Committee for the grant of consent that is to be modified, and the proposal is consistent and acceptable, as per Section 4.55(3) of the Environmental Planning and Assessment Act, 1979.

(C) The proposed modifications ensure that the detailed design development application is consistent with the concept approval to satisfy Section 4.24 of the Environmental Planning and Assessment Act, 1979.

(D) The changes to the building envelope are in keeping with the desired future character of the area and will not adversely impact the amenity of the surrounding area. These variations are reasonable and justified with regard to the detailed design development application D/2024/273.

(E) The proposed building envelope is capable of accommodating a future building design which is capable of exhibiting design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Matthew Girvan, Area Planning Coordinator

Attachment A

Independent Assessment Report

Section 4.55(2) Application: 338 Botany Road, Alexandria - D/2019/87/C

File No.: D/2019/87/C

Summary

Date of Submission:	15 April 2024
Amended plans/ Additional Information:	Amended plans received 25 September 2024
Applicant/ Developer:	St George Community Housing Portfolio Limited
Architect:	DKO
Owner:	The Council of the City of Sydney
Planning Consultant:	Keylan
Design Advisory Panel:	4 May 2024 and 13 June 2024 (Detailed DA - D/2024/273)
Cost of Works:	$72, 339,256
Zoning:	E3 (Productivity Support) - Affordable housing is permissible with consent in the zone by virtue of Clause 7.13A which operates to allow affordable housing in a business area
Proposal Summary:	This section 4.55(2) application seeks to modify the concept approval for a mixed use building envelope incorporating commercial uses and residential uses for the purposes of affordable housing at 338 Botany Road, Alexandria. Specifically, the modification seeks to provide for changes to the approved building envelope in line with the detailed design following submission of a separate but concurrent detailed development application (D/2024/273). The detailed DA provides for the development of the site for a new 10 storey mixed use development comprising 111 dwellings for affordable housing, ground floor retail/commercial, ground floor car and bicycle parking, waste room, services, signage, landscaping, civil works and remediation

The proposed modifications to Concept Approval D/2019/87 include:

- departure to the building envelope on the western elevation (a) at ground level to facilitate disabled car parking spaces and loading dock, reducing the western setback at ground level from 4.5m to 0m and (b) at Levels 8 and 9 partly reducing the setback from 9m to 7.967m.,

- alterations to the building height, with a maximum exceedance beyond the building envelope height of 33m by 3.2m resulting in a maximum height of 36.2m,

- increase in the permissible FSR to allow for a maximum FSR of 4.09:1 where 4:1 currently applies due to the inclusion of the area of the proposed east facing balconies given the increased wall height proposed to provide for noise attenuation, and

- changes to facilitate blade wall encroachments within footpath areas above ground level.

Both the concept modification and the detailed design development application (D/2024/273) are referred to the CSPC as the detailed DA has a cost of works of more than $50 million.

The applications were notified concurrently between 4 May 2024 November and 13 June 2024. The amended plans received on 25 September 2024 were not re-notified as the proposed changes resulted in less impact compared to the original application. No submissions were received for either the concept modification or detailed design development application.

As amended, the proposed building envelope is considered to be substantially the same as previously approved and contextually appropriate.

The detailed design application will be considered concurrently by the CSPC under D/2024/273, demonstrating that a generally compliant scheme can be provided within the amended envelope. Consequently, the amendment is recommended for approval.

The subject application has been independently assessed by Helena Miller, Director of MG Planning Pty Ltd on behalf of Council as Council is the owner of the land.

Summary Recommendation: The Section 4.55(2) modification application is recommended for approval, subject to conditions.

Development Controls:

(i) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)

(ii) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)

(iii) SEPP (Resilience and Hazards) 2021

(iv) SEPP (Housing) 2021

(v) SEPP (Sustainable Buildings) 2022

(vi) SEPP (Transport and Infrastructure 2021

Attachments:

B. Recommended Conditions of Consent

C. Selected Drawings

Recommendation

It is resolved that consent be granted to Section 4.55(2) Application Number D/2019/87/C subject to the amendment of the following conditions (with modifications shown in bold italics (additions) and strikethrough (deletions) as follows:

(2) APPROVED STAGE 1 DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2019/87 dated 12 December 2017 and the following drawings prepared by DKO Architecture (NSW) Pty Ltd:

Drawing Number	Drawing Name	Date
~~**Stage 1 Envelope**~~ Envelope Plan	Project Number 11942 ~~**Page 37**~~ **DA100 C**	~~**16.10.2019**~~ **24/09/2024**
~~**Stage 1 Envelope**~~ Envelope Plan	Project Number 11942 ~~**Page 38**~~ **DA101 B**	~~**16.10.2019**~~ **24/09/2024**
Envelope Plan - Overall	**Project Number 11942** **DA102 B**	**24/09/2024**
~~**Stage 1 Envelope**~~ ~~**Stage 1**~~ Envelope Elevations	Project Number 11942 ~~**Page 39**~~ **DA200 B**	~~**16.10.2019**~~ **24/09/2024**
~~**Stage 1 Envelope**~~ ~~**Stage 1**~~ Envelope Elevations	Project Number 11942 ~~**Page 40**~~ **DA201 B**	~~**16.10.2019**~~ **24/09/2024**

as amended by plans other conditions of this consent.

(b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Condition amended via Section 4.55(2) on 14 November 2024

(8) DETAILED DESIGN OF BUILDINGS

The competitive design process brief and subsequent detailed design development application must incorporate the following requirements:

a) Minimise overshadowing on adjoining properties in accordance with ADG objective 3B-2.

~~**b) Ensure no overshadowing of approved residential apartments at 499 and 501 – 509 Botany Road, Alexandria**~~

c) Provide a compliant amount of communal open space in accordance with the ADG that receives adequate solar in accordance with the ADG.

d) If roof top communal open space is proposed it must provide equitable access, be designed to prevent overlooking and noise impacts ~~**and all structures (including but not limited to plant and lift overruns) must be within the 33m height limit.**~~

e) Acoustic and ventilation treatments to the east and northern frontages in accordance with the requirements of the Sydney DCP and ADG.

f) Waste management facilities in accordance with Section 4.2.6 of the Sydney DCP 2012.

g) An awning is to be provided over any building entries on Botany Road in accordance with Section 3.2.4 of the Sydney DCP 2012.

Condition amended via Section 4.55(2) on 14 November 2024

(13) FLOOR SPACE RATIO

The Floor Space Ratio for all detailed development applications on the site must not exceed 4**.09**:1 calculated in accordance with Clauses 4.4 and 6.14 of the Sydney Local Environmental Plan 2012.

~~**Notwithstanding (a) above, the proposal may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process in accordance with the requirements of the Sydney Local Environmental Plan 2012.**~~

Precise calculations and details of the distribution of floor space must be provided with any subsequent detailed design development application or applications.

Condition amended via Section 4.55(2) on 14 November 2024

(14) BUILDING HEIGHT

The maximum height of the buildings must not exceed ~~**33**~~ **36.2** metres in accordance with the Sydney LEP 2012 **as provided for under D/2024/273**. No structures are to exceed the ~~**33**~~ **36.2** metres height limit.

Condition amended via Section 4.55(2) on 14 November 2024

Reasons for Recommendation

The application is recommended for approval for the following reasons:

(A) The development as modified is substantially the same as was originally approved and is consistent with the requirements of Section 4.55(2) of the Environmental Planning and Assessment Act, 1979.

(B) The development has been considered against the reasons given by the Central Sydney Planning Committee for the grant of consent that is to be modified, and the proposal is consistent and acceptable, as per Section 4.55(3) of the Environmental Planning and Assessment Act, 1979.

(C) The proposed modifications ensure that the detailed design development application is consistent with the concept approval to satisfy Section 4.24 of the Environmental Planning and Assessment Act, 1979.

(D) The changes to the building envelope are in keeping with the desired future character of the area and will not adversely impact the amenity of the surrounding area. These variations are reasonable and justified with regard to the detailed design development application D/2024/273.

(E) The proposed building envelope is capable of accommodating a future building design which is capable of exhibiting design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.

Background

The Site and Surrounding Development

1. The subject site is located at 338 Botany Road, Alexandria and is legally described as Lot 13 in the proposed plan of subdivision of Lot 101 in Deposited Plan 569709.

2. The site is located within the Green Square urban renewal precinct which is currently being transformed from light industrial uses to a mixed use precinct comprising commercial, industrial and high density residential development.

3. The site is located approximately 180m to the south of Green Square Station and the Town Centre which includes world-class community facilities to support the development of the area including a new library and associated plaza (180m to the north) and Gunyama Park Aquatic and Recreation Centre approximately 420m to the east.

4. The subject site was created by the City of Sydney following the consolidation and subdivision of land known as 20 O'Riordan Street, 330-332 Botany Road, 334-336 Botany Road and 338 Botany Road, Alexandria. The subdivision application was approved by the Local Planning Panel on 13 June 2018 (D/2017/1341). The approval created four new lots comprising one lot for the east/west connector road (as part of the Green Square to Ashmore Connector Road project), two lots to be sold to community housing providers (to facilitate delivery of affordable housing developments including the subject lot) and one residual lot to be transferred to an adjacent property.

5. Council is the current owner of the land however the land is to be purchased by St George Community Housing for the purpose of affordable housing following development consent for the purposes of affordable housing.

6. The subject Concept Development Application (DA/2019/87) was approved on 5 December 2019. The current approval provides for the future use of the site for commercial use and affordable housing with a building envelope with a maximum height of 33m (or 9 storeys) and maximum FSR of 4:1 with potential for an additional 10% (within an additional storey) subject to a future design excellence process.

7. As Council is the owner of the land the subject application has been independently assessed by Helena Miller, Director of MG Planning Pty Ltd on behalf of Council.

8. The proposed lot is irregularly rectangular in shape, with a total area of 2,252 square metres and boundary dimensions of 83 metres to the new Green Square to Ashmore Connector Road to the north, 23 metres to Botany Road to the east, 29m to the west and 90 metres to the south.

9. The site is located at the junction of the new Green Square to Ashmore Connector Road to the north and Botany Road to the east. O'Riordan Street is located one lot to the west.

10. The gradient of the site is relatively gentle, with a gradual fall from east to west. It has a level of approximately RL15.33 at the eastern boundary (Botany Road), grading up to RL15.4 in the middle of the site then back down to RL14.66 at the north western boundary.

11. The site is identified on the plan at Figure 1 and aerial photographs at Figures 2 and 3 below.



Figure 1: Subject site location and surrounding area (site shown in red) (Source: Nearmap, Image capture 22 July 2024)



Figure 2: Plan image of site and surrounding area (Source: Nearmap, Image capture 22 July 2024)



Figure 3: Close up of new Green Square to Ashmore Connector Road (Source: Nearmap, Image capture 22 July 2024)

12. The site is currently vacant and fenced during the current construction of the new Green Square to Ashmore Connector Road project (refer Figure 3 above). It formerly accommodated outdoor storage areas on a concrete slab partly covered by an awning and some retaining walls and storage enclosures. No vegetation currently exists on site.

13. The site immediately to the north across the Ashmore Connector Road at 330 Botany Road (refer Figure 3 above) is similarly identified for redevelopment for affordable housing and is the subject of detailed D/2024/581 by the City West Housing Corporation currently under assessment. The detailed development application seeks consent for two mixed use buildings 10 storeys to 12 storeys in height, with 1 level of basement, for the purpose of 255 affordable housing units and ground floor commercial/retail uses. A modification (D/2021/1484A) is also concurrently sought to the existing concept approval for the site. The modification seeks to accommodate changes to the concept approval to reflect the detailed DA including:

    (a) Amendments to the maximum building envelope to accommodate lift overruns, parapets, roof slab and minor portion of walls, and

    (b) Amendments to conditions of consent to reference the amended building envelope drawings and to correct the indicative tree removal.



Figure 4: Photomontage of Detailed DA for 330 Botany Road to the north across Ashmore Connector Road viewed from Botany Road looking north west (Source: Ethos Urban, SEE, 10 July 2024)

14. Land immediately to the east on the eastern side of Botany Road (499 and 501-509 Botany Road) is currently under construction in accordance with D/2015/688 which provides for development of a 16 storey mixed use development containing 130 dwellings, five retail tenancies and two levels of basement car.

15. Land to the north east at 411 Botany Road and 6 Geddes Avenue is being developed by Mirvac as part of Stage 3 and 4 of the Green Square Town Centre. The site has concept approval for mixed use buildings ranging in height from 4 to 24 storeys, containing a mixture of residential, retail and commercial floor space.

16. Immediately adjoining the site to the south is a construction equipment hire business (Coates Hire) and further to the south is a mix of light industrial, commercial and residential developments.

17. Immediately to the west at 22 O'Riordan Street, the site is currently adjoined by a two-storey building formerly a Mercedes motor vehicle showroom and vehicle repair premises however a development application (D/2021/529) was approved for the site in November 2021 for a commercial development 5 storey in height (maximum 22m) with one level of basement parking. The site is currently for sale.

18. Further to the west of the site are various light industrial and commercial land uses extending along O'Riordan Street and further west, Bourke Street.

19. The site is not a heritage item nor is it located in a heritage conservation area.

20. A site visit was carried out on 19 July 2024. Photos of the site and surrounds are provided below:



Figure 5: Site viewed from intersection of Botany Road and Geddes Ave looking west



Figure 6: Site looking west towards 22 O'Riordan Street



Figure 7: View from site frontage looking east along Geddes Ave (Note: 499 and 501-509 Botany Road to right of frame)



Figur**e 8**: Green Square to Ashmore Connector Road adjacent to site looking north west



Figure 9: Green Square to Ashmore Connector Road from western site boundary looking west to O'Riordan Street



Figure 10: View looking south along Botany Road



Figure 11: View looking north west from intersection of Botany Road and Geddes Avenue

History Relevant to the Development Application

Development Applications

21. As noted above the subject Concept Development Application (D/2019/87) was approved on 5 December 2019 and provides for:

    - A building envelope with a maximum height of 33m (or 9 storeys) and maximum FSR of 4:1 with potential for an additional 10% (within an additional storey) subject to a future design excellence process

- Indicative future commercial and residential uses for the purposes of affordable housing, and

- Minimum building setbacks of 1.4 metres (footpath widening) to Botany Road and 1.5 metres (0.5m footpath widening plus 1.0m landscape zone) to the new Green Square to Ashmore Connector Road and variable setbacks to the south and west boundaries.

- A public benefit offer and draft voluntary planning agreement (VPA) also accompanied the application.

22. The Concept DA has previously been modified on two occasions: D/2019/87A (approved 20 March 2020) to: amend the deferred commencement condition to be consistent with the VPA and activate the consent following registration of the VPA on title; and D/2019/87B (approved on 1 July 2020) to refer to an amended design excellence strategy which allowed the minimum number of competitors required to take part in the Design Competition to be reduced.

Amendments

23. The subject 4.55(2) modification application is submitted concurrent with a detailed development application for the site (D/2024/273). Following a preliminary assessment of the detailed development application by the independent assessment planner and Council Officers, a request for additional information was sent to the applicant on 7 August 2024. The applicant was advised that the 4.55(2) modification application should be amended to reflect any proposed changes to the detailed development application. Of note to the subject 4.55(2) modification application, the RFI raised concerns regarding the proposed Floor Space Ratio (FSR) and blade wall encroachments within footpath areas.

24. The applicant responded to the RFI request on 25 September 2024, and submitted the following information**:**

- revised building envelope plans, and

- clause 4.6 variation request in respect of the floor space ratio development standard clause 4.4 under SLEP 2012.

25. The submitted clause 4.6 variation is not relevant in this case as the application seeks to modify an existing development approval in accordance with section 4.55(2) which provides for a modification to a consent notwithstanding a development standard that would otherwise result in a prohibition. Rather the key threshold test as outlined below is whether the development is substantially the same as the development for which consent was originally granted.

Proposed Development

26. The section 4.55(2) modification seeks to amend the concept approval to bring it in line with the subsequent detailed design development application.

27. The application modifies the existing concept envelope as follows:

- Amend the building envelope on the western elevation at (a) ground level to facilitate the required disabled car parking spaces and loading dock, reducing the western setback at ground level from 4.5m to 0m and (b) partly at Levels 8 and 9 to reduce the setback from 9m to 7.967m,

- Increase the building height to a maximum height of 36.2m from approved building envelope height of 33m (i.e. increase of 3.2m or 9.69%),

- increase in permissible FSR to 4.1:1 to allow for the detailed design FSR of 4.09:1 where a maximum of 4:1 applies (i.e. increase of 0.09:1 or 2.25%) due to the inclusion of the area of the proposed east facing balconies as a result of the increased wall height proposed (greater than 1.4m) to provide for noise attenuation, and

- changes to facilitate blade wall encroachments within footpath areas above ground level.

28. It is noted that the applicant proposed in the application that the existing approval be amended to allow for a maximum FSR of 4.1:1 where a maximum FSR of 4.09:1 is proposed in the detailed design development application (D/2024/273). This would allow for an additional approx. 203m2 above what is proposed in D/2024/273 which is not considered appropriate. Accordingly, this report recommends a maximum FSR of 4.09:1 in accordance with the D/2024/273.

29. The modification to the height as outlined by the applicant is required to:

    - facilitate the provision of mechanical servicing and access

    - accommodate the minimum required floor to floor heights under the new Building Code of Australia (BCA) provisions since the approval of the original concept, and

    - achieve Council's requirement for the loading bay to provide for a 4.5m clearance height (Condition 20)

30. The modification also seeks amendments to Conditions 2(a), 8(d) and 14 relating to the approved building envelope plans, rooftop plan and lift overrun and maximum height.

31. Further the proposed modification seeks to delete Condition 8(b) which currently requires ''no overshadowing of the approved residential apartments at 499 and 501 – 509 Botany Road, Alexandria''. This condition is to be deleted with the application seeking rather to 'minimise' overshadowing to 499 and 501-509 Botany Road, Alexandria, and adjoining properties, in accordance with objective 3B-2 of the Apartment Design Guide. Condition 14 is also proposed to be amended in respect of the maximum permissible FSR.

32. Plans and elevations of the proposed envelope are provided below.

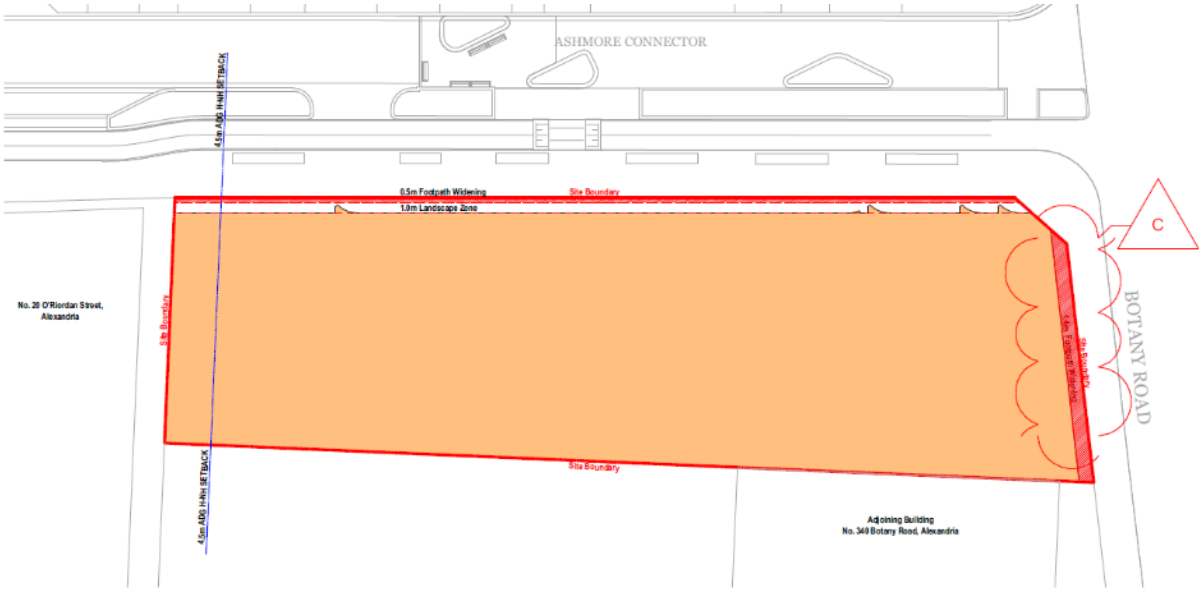


Figure 1**:** Proposed envelope plans - Ground (Note: existing approval provides for 4.5m western setback)

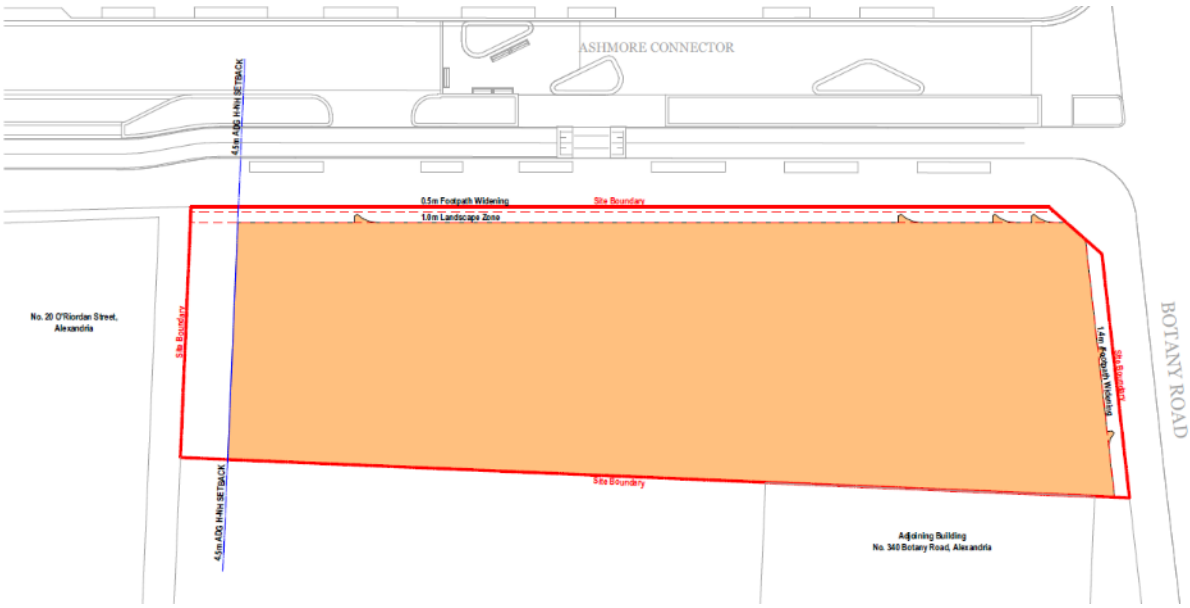


Figure 2: Proposed envelope plans - Levels 1 - 3 (Note: proposed blade projections above ground level over setbacks)

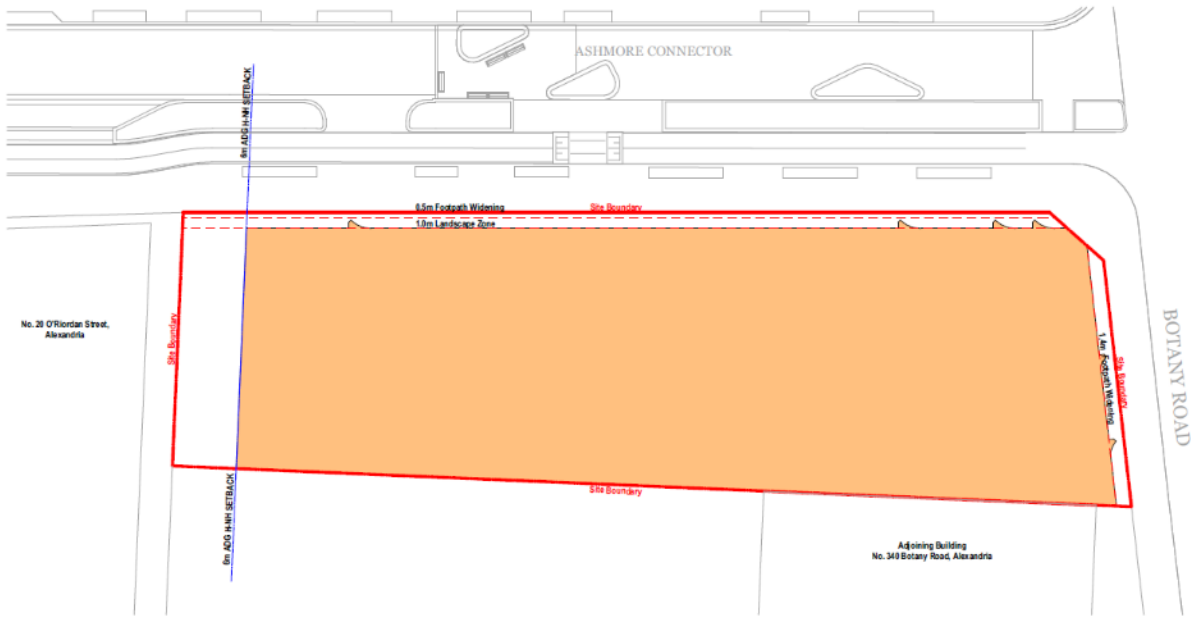


Figure 3: Proposed envelope plans - Levels 4 - 7 (Note: proposed blade projections above ground level over setbacks)

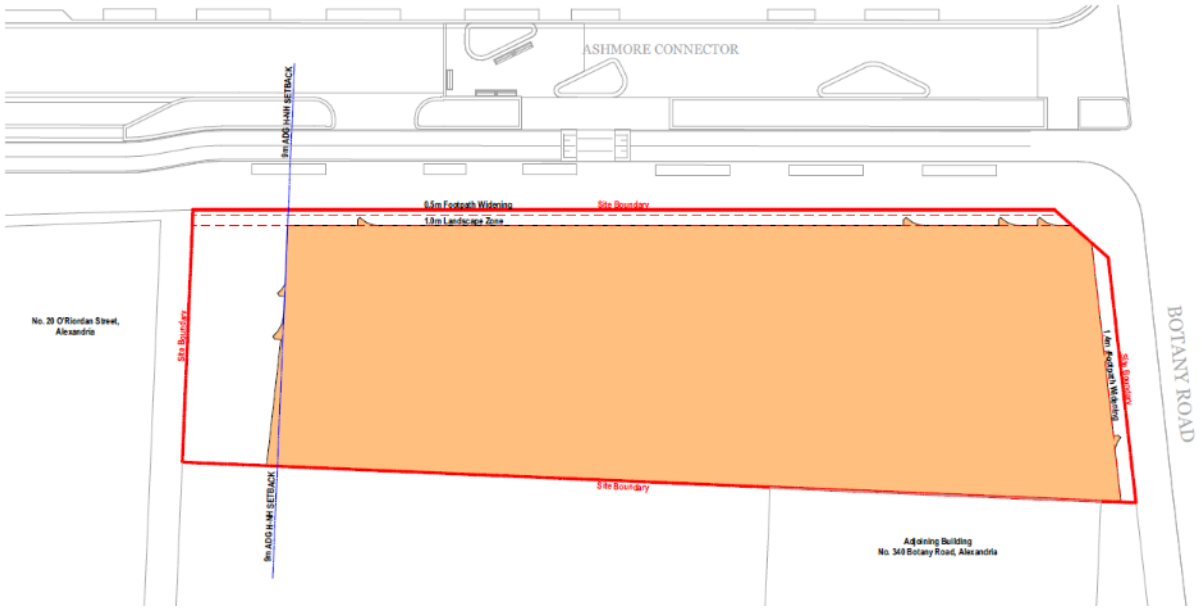


Figure 4: Proposed envelope plans - Levels 8 - 9 (Note: existing approval provides for full 9m western setback. Proposed blade projections above ground level over setbacks)

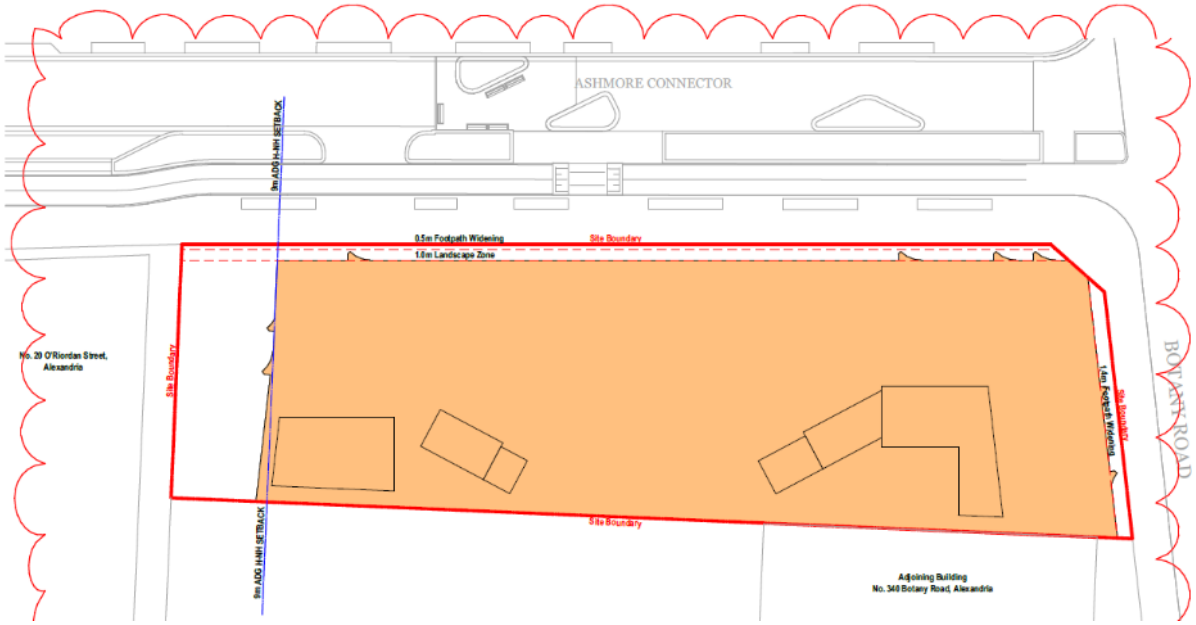


Figure 5: Proposed envelope plan - Level 10 (Note: This plan relates to the additional height within the envelope at the upper extent of Level 9)

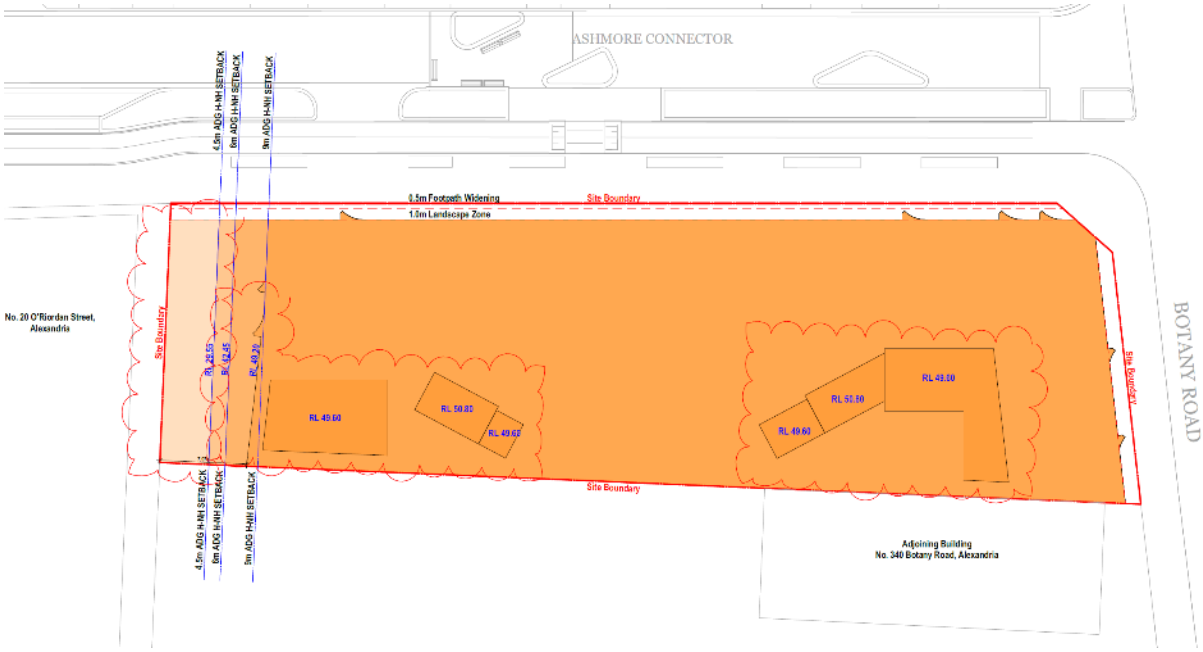


Figure 6: Proposed Overall Envelope Plan (Note: changes as above and shows maximum height of plant)

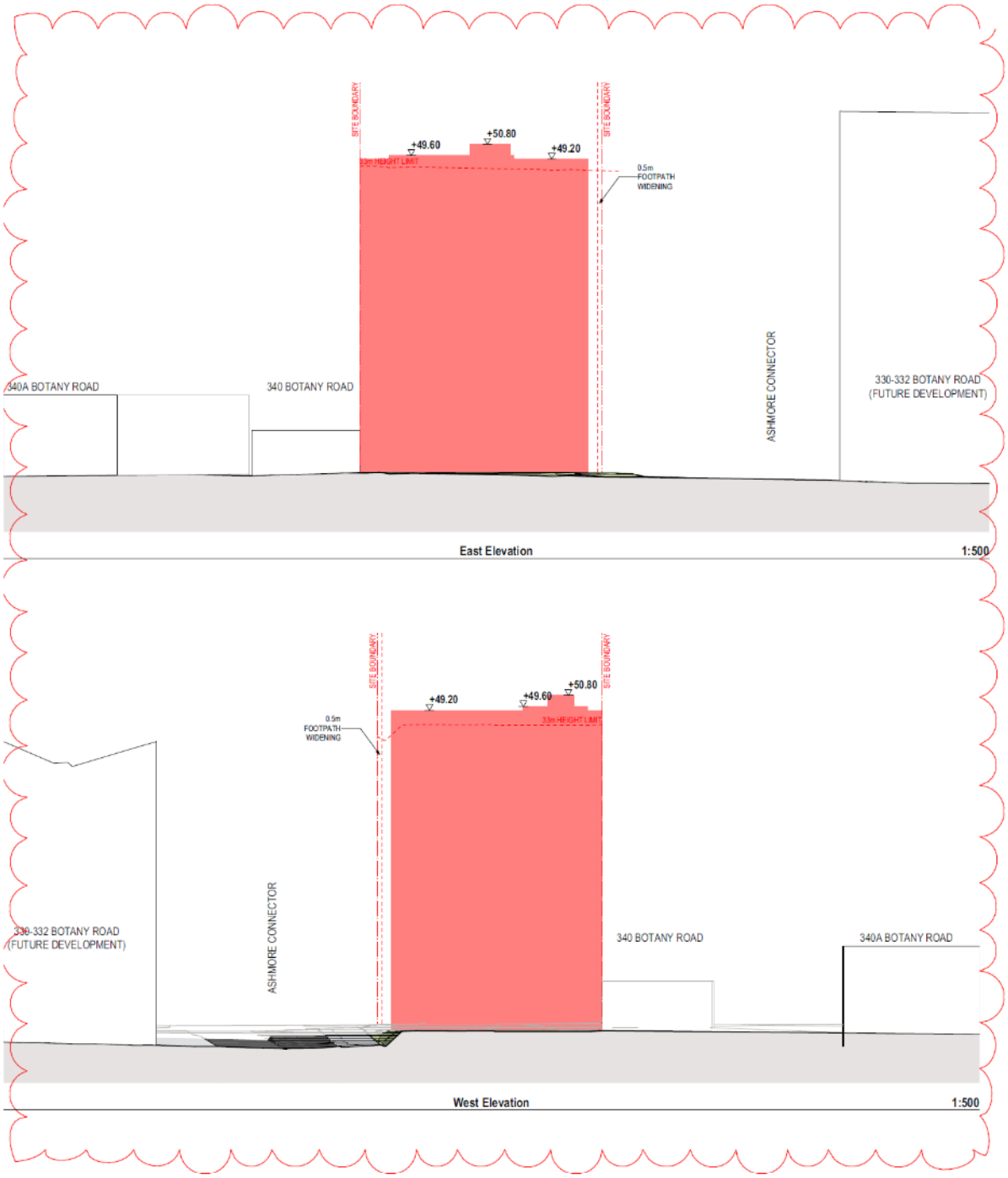


Figure 7: Proposed east and west elevations

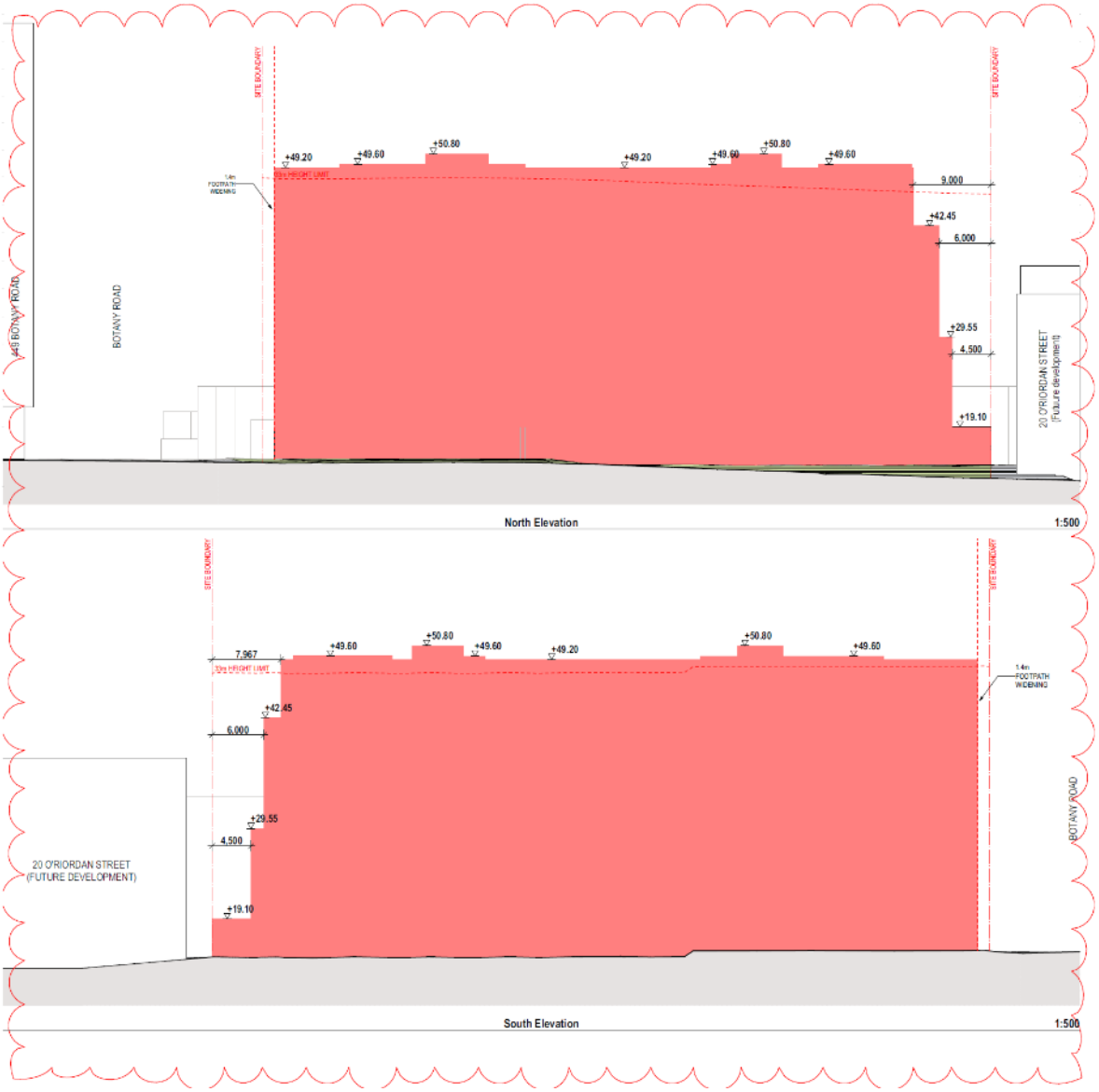


Figure 8**:** Proposed north and south elevations

Assessment

33. As required by section 4.55(3) of the Environmental Planning and Assessment Act 1979 (EP&A Act) the proposed development has been assessed under Section 4.15 of the EP&A Act and against the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Threshold Test - substantially the same

34. The development as proposed to be modified is considered to be substantially the same as that originally approved. The location and overall form of the building envelope is consistent with the intent of the approved concept. The proposed modifications will deliver a 10 storey building envelope similar to that which was envisaged by D/2019/87. The proposed modifications primarily relate to building height and setbacks and to a lesser extent floor space ratio (as a result inclusion of areas of east facing balconies and GFA due to noise attenuation measures).

35. The height, setback and footprint changes are supported as they do not result in unacceptable overshadowing or privacy impacts and will deliver an envelope that is capable of achieving an acceptable level of amenity for future occupants and adjoining properties.

36. In accordance with Section 4.55(2), an assessment against the relevant provisions of Section 4.15(1) of the Environmental Planning and Assessment Act 1979 is provided under headings in the Discussion section below.

Original reasons for the consent

37. The subject modification application has been assessed against the original reasons given by the consent authority for the granting of the consent and is considered to be consistent with these as outlined below:

No.	Reason	Comment
A	The proposed development is consistent with Section 4.15 of the Environmental Planning and Assessment Act 1979, in that, subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.	Consistent - the proposed modifications have been assessed herein against s.4.15 and found to be appropriate and consistent with the objectives of the planning controls for the site.
B	The proposed development complies with the permitted height for the site under the Sydney Local Environmental Plan 2012 and has a height and form which is considered to be generally suitable for the condition of the site and its context.	Consistent - the proposed height is suitable to the site and its context and will not result in any adverse impacts**.**
C	The proposed building envelope is capable of accommodating a future building which can exhibit design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012.	Consistent - the concurrent detailed design development application (D/2024/273) demonstrates that the proposed envelope can achieve design excellence.

No.	Reason	Comment
D	The proposed envelope is capable of being consistent with the provisions of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the Apartment Design Guide in that, subject to the recommended conditions it will provide a building envelope which is capable of accommodating a future building which can achieve high amenity for future residents with regard to communal open space, solar access, natural ventilation, private open space, building separation and privacy.	Consistent - the concurrent detailed design development application (D/2024/273) demonstrates that the proposed envelope is capable of complying with the requirements of the Housing SEPP (formerly SEPP 65) and ADG and providing a high level of amenity.
E	The public interest is served by the approval of the proposal, subject to recommended conditions imposed.	Consistent - the proposed modification has been assessed as being in the public interest consistent with the existing approval.
F	Conditions have been amended in line with requests made by the applicant, to refer to correct documentation and to clarify permitted uses under the Sydney Local Environmental Plan 2012.	N/A

Environmental Planning and Assessment Act, 1979

38. The 'development' as proposed to be modified is considered to be substantially the same as that originally approved, satisfying Section 4.55(2)(a) of the EP&A Act, because:

    (a) It remains a concept envelope for the redevelopment of the site for affordable housing allowing for a 10 storey development

    (b) It continues to facilitate to the approved mixed-use of the site

    (c) It generally maintains the relationship between the concept envelope, adjoining properties, and the public domain with only minor variations which will not result in any adverse impact

    (d) It remains generally consistent with the objectives of the relevant environmental planning instruments

    (e) It presents acceptable environmental impacts when compared to those previously assessed and considered acceptable by the original concept consent D/2019/87

(f) It is modified to allow for consistency with the concurrent Detailed Design DA (D/2024/273), which is based on a scheme submitted to competitive design process that the Chair considers to be capable of achieving design excellence

(g) It continues to deliver an envelope that is capable of achieving an acceptable level of amenity for future occupants and adjoining properties, as demonstrated in the assessment of the Detailed Design DA (D/2024/273), and

(h) It is consistent with the intent of the original approved concept development, in that the location and overall form of the building envelope is maintained.

State Environmental Planning Policies

State Environmental Planning Policy (Housing) 2021

Chapter 4 - Design of Residential Apartment Development

39. The aim of Chapter 4 of the SEPP (Housing) 2021 is to improve the design quality of residential apartment development in New South Wales.

40. When determining an application for a residential flat development of three or more floors and containing four or more apartments, the SEPP requires the consent authority take into consideration a number of matters relating to design quality, including the design quality principles as set out in Schedule 9.

41. The applicant has submitted a design verification statement and design report prepared by Nicholas Byrne of DKO (Registration No. NSW ARB #7806) with the detailed design development application (D/2024/273), addressing the design quality principles and the objectives of Parts 3 and 4 of the Apartment Design Guide (ADG). The statement is deemed to satisfy Section 29 of the Environmental Planning and Assessment Regulation 2021.

42. An assessment of the proposed amended envelope against the design quality is provided as follows:

(a) Principle 1: Context and Neighbourhood Character

The amended building envelope allows for a development that is contextually appropriate and consistent with the existing and desired future character of the area as demonstrated by the detailed design development application (D/2024/273).

(b) Principle 2: Built Form and Scale

The amended envelope is capable of providing a built form that has appropriate massing and scale as demonstrated by the detailed design development application (D/2024/273).

(c) Principle 3: Density

The proposed building envelope enables the site to achieve the maximum FSR available under the Sydney LEP 2012 without adverse or unacceptable amenity impacts to neighbouring properties.

In addition to the above, the proposed modifications allow the development to achieve a reasonable level of amenity for residential occupants under the Apartment Design Guide and in particular to address the noise constraints of the site as demonstrated by the detailed design development application (D/2024/273).

(d) Principle 4: Sustainability

Detailed design applications are required to comply with BASIX requirements. The detailed design development application (D/2024/273) has demonstrated that sustainability targets can be met by the amended envelope.

(e) Principle 5: Landscape

The amended envelope allows for ample landscaping to be provided on the ground level at the front of site and at rooftop within the communal open space area as demonstrated by the detailed design development application (D/2024/273). The development is also capable of providing compliant deep soil zones

(f) Principle 6: Amenity

The amended envelope can accommodate a development with a reasonable level of amenity for future occupants of the development, as well as adjoining properties as demonstrated by the detailed design development application (D/2024/273).

(g) Principle 7: Safety

The amended envelope allows for a development that can achieve the principles of Crime Prevention Through Environmental Design (CPTED) as demonstrated by the detailed design development application (D/2024/273).

(h) Principle 8: Housing Diversity and Social Interaction

The amended envelope allows for a development that can provide a suitable mix of dwelling types as demonstrated by the detailed design development application (D/2024/273).

(i) Principle 9: Aesthetics

The amended envelope is generally consistent with the design competition scheme which was considered by the Chair of the Jury as the non-winning scheme most capable of demonstrating design excellence. In this regard it is noted that the detailed design development application (D/2024/273) has been assessed as achieving design excellence and does not seek to utilise a design excellence bonus.

43. The amended envelope is acceptable when assessed against the SEPP including the above stated principles and the associated Apartment Design Guide (ADG). These controls are generally replicated within the apartment design controls under the Sydney Development Control Plan 2012. Consequently, compliance with the SEPP generally implies compliance with Council's own controls. A detailed assessment of the proposal against the ADG is provided below.

2E Building Depth	**Compliance**	**Comment**
12-18m (glass to glass)	Yes	The concurrent detailed design development application D/2024/273 demonstrates a building depth that is relatively narrow with units are generally less than 10m in depth.

2F Building Separation	**Compliance**	**Comment**
Up to four storeys (approximately 12 metres): • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms	Yes	The amended envelope generally complies with the recommended building separation distances and is capable of delivering a development that can provide for an acceptable level of privacy for future occupants and adjoining properties. See discussion section.
Five to eight storeys (approximately 25 metres): • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms	Yes	As above
Nine storeys and above (over 25m): • 24m between habitable rooms / balconies	Yes	As above

2F Building Separation	Compliance	Comment
• 18m between habitable and non-habitable rooms • 12m between non-habitable rooms		

3D Communal and Public Open Space	Compliance	Comment
Communal open space has a minimum area equal to 25% of the site.	Yes	The envelope modifications do not preclude the required amount of communal open space from being delivered at detailed design stage.

3E Deep Soil Zones	Compliance	Comment
Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6m	Yes	The envelope modifications do not preclude the required amount of deep soil zones from being provided for the site.

4C Ceiling Heights	Compliance	Comment
Habitable rooms: 2.7m Non-habitable rooms: 2.4m If located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use.	Yes	The envelope modifications for not affect the development's ability deliver minimum floor to floor heights.

Local Environmental Plans

Sydney Local Environmental Plan 2012

44. An assessment of the proposed modifications against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the E3 Productivity Support zone. The proposed development is defined as a mixed use development comprising residential accommodation development (affordable housing) and commercial and is permissible with consent in the zone. The proposal meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	A maximum building height of 33m is permitted. A height of 36.2m (RL50.8) is proposed. The proposed development does not comply with the maximum height of buildings development standard however section 4.55 allows for modification of the existing approval notwithstanding this provision. See further details in the 'Discussion' section below.
4.4 Floor space ratio	No	A maximum floor space ratio of 4:1 (including a base FSR of 3:1 plus 1:1 community infrastructure floor space under clause 6.14 of SLEP 2012) or 9,000sqm is permitted. A floor space ratio of 4.09:1 or 9,198sqm is proposed. The proposed development does not comply with the maximum floor space ratio development standard however section 4.55 allows for modification of the existing approval notwithstanding this provision. See further details in the 'Discussion' section below.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 2 Additional floor space outside Central Sydney		
6.14 Community infrastructure floor space at Green Square	Partial compliance	The proposed development is eligible for an additional floor space ratio of 1.1 for community infrastructure being within Area 8 as shown on the FSR Map. The Concept DA (D/2019/87) and associated VPA include a public benefit in the form of community infrastructure through: • dedication of land along the Botany Road and the Green Square to Ashmore Connector Road • footpath construction, and • a monetary contribution towards community infrastructure. • The Concept DA approved a maximum FSR of 4:1 for the subject site on this basis. The proposal provides for a maximum FSR of 4.09:1 given that balcony areas are required to be included in GFA given the proposed wall height required to provide noise attenuation. See further details in the 'Discussion' section below.
Division 4 Design excellence		
6.21C Design excellence	Yes	The amended building envelope and concept development consent D/2019/87 satisfactorily sets expectations for the form, massing, scale, environmental impacts, ESD outcomes, access outcomes, interface with ground level and landscaping outcomes of the development.

Development Control Plans

Sydney Development Control Plan 2012

45. The proposed building envelope modifications do not alter the development's compliance with the relevant provisions within the Sydney Development Control Plan 2012.

Discussion

Building Height

46. Clause 4.3 of the Sydney LEP 2012 sets out a maximum building height of 33m for the subject land. The current concept approval permits an overall height of 33m within the building envelope.



Figure 22: Extract of Sydney LEP 2012 Height of Buildings Map

47. The application proposes to exceed the maximum 33m height of buildings development standard by 3.2m to a maximum of 36.2m (RL 50.8) (14.3% variation), as depicted in the building envelope diagrams above. As noted above, the applicant has indicated that the increase in height is required to:

- facilitate the provision of mechanical servicing and access
- accommodate the minimum required floor to floor heights under the new Building Code of Australia (BCA) provisions since the approval of the original concept, and
- achieve Council's requirement for the loading bay to provide for a 4.5m clearance height (Condition 20).

48. The additional height is limited to the parapet, lift overrun, fire stair, hot water services and solar panels as shown on Figure 23 below which is extracted from the detailed design development application (D/2024/273). These elements are relatively minor and will generally not be visible or discernible from the street. As such, they do not contribute to the bulk and scale of the building.



Figure 23: Detailed Design DA Compliance with max height

49. As a Section 4.55(2) modification application, Clause 4.6 of the Sydney LEP 2012 with regard to requesting a variation to the 'Height of Buildings' development standard does not apply. It is noted however, that a Clause 4.6 variation request in respect of height has been submitted as part of D/2024/273 and a detailed assessment carried out. The variation request has been assessed to be well-founded in this instance.

50. The applicant has submitted shadow diagrams in order to assess the potential impact of the proposed height on surrounding development (refer below). The majority of the shadow cast by the proposed amended envelope will fall on the commercial development to the south which is not sensitive to shadow impacts.



Figure 23: Shadow diagrams June 21

51. In respect of the existing approved developments at 499 and 501-509 Botany Road, the shadow impact is limited to after 2pm in midwinter as shown. Detailed solar access diagrams submitted with the detailed design development application (D/2024/273) show that the proposal will ensure that all units within the development at 499 and 501-509 Botany Road will continue to achieve a minimum of 2 hours of sunlight in midwinter. Shadows from the proposal do not extend over the subject site until after 2pm in midwinter. This is assisted by the stepping of the built form down toward the Botany Road frontage.

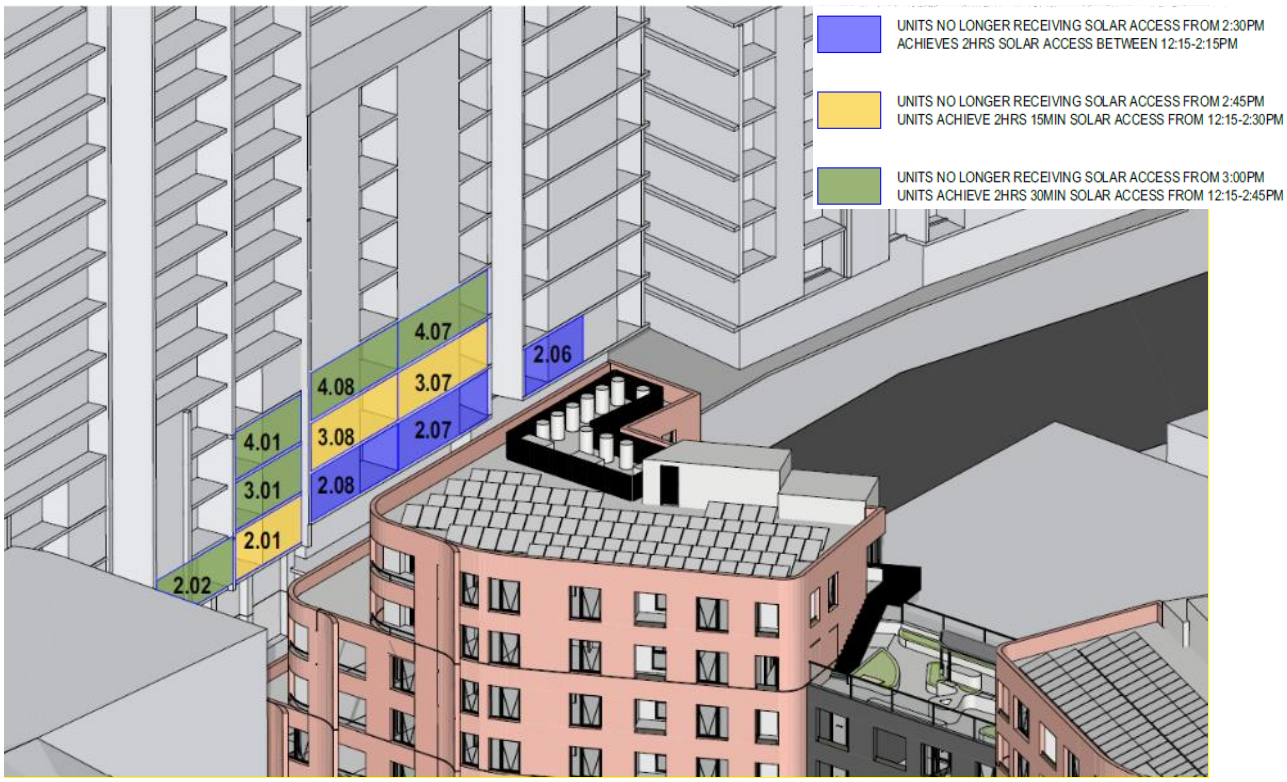


Figure 31: Solar impact of detailed design DA (D/2024/273) on 499 and 501-509 Botany Road

52. Other shadow impacts caused by the amended envelope are generally consistent with the shadow impacts of the approved building envelope. The additional height will provide for some minor additional shadowing however this is largely over commercial developments to the south and west. Some additional shadowing will occur to a terrace and its courtyard at 1 Queen Street to the south however this will be limited to between 9 - 10am in midwinter and solar access will not be affected after this time. Accordingly, this impact is considered to be acceptable.

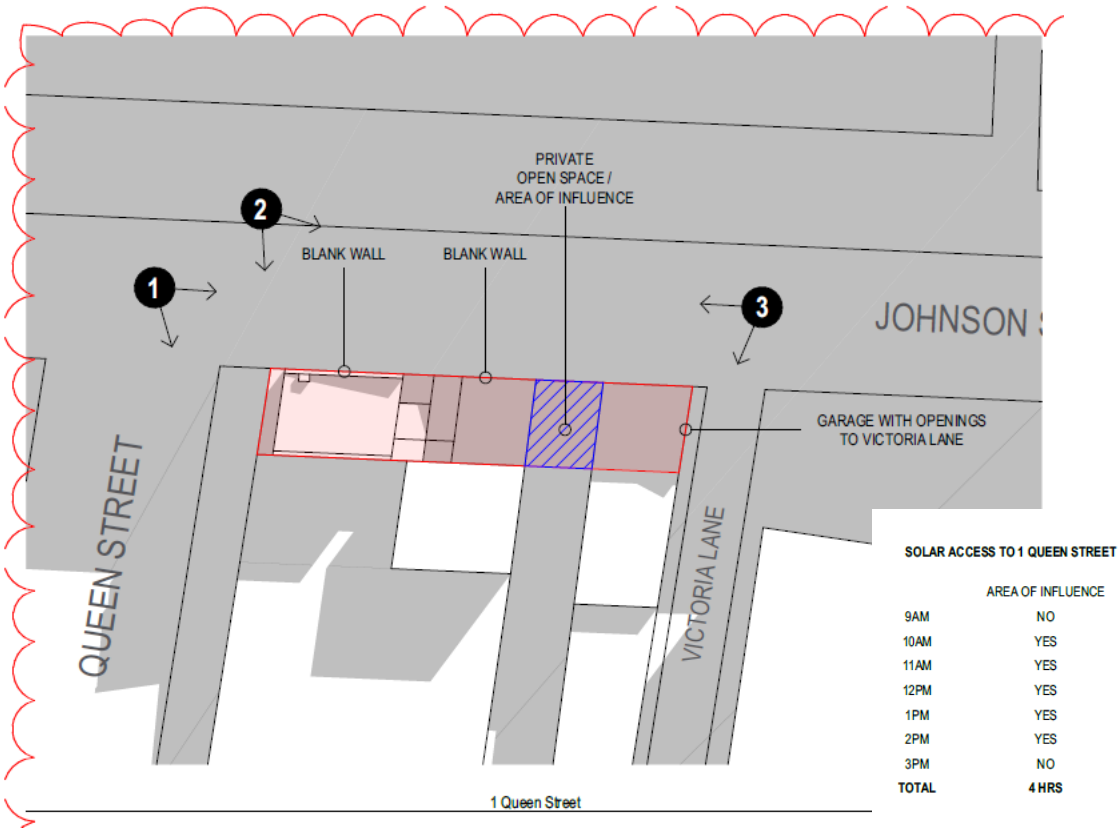


Figure 31: Solar access to 1 Queen Street

Floor Space Ratio

53. Clause 4.4 of the Sydney LEP 2012 sets out a maximum floor space ratio for the subject site of 3:1. In addition Clause 6.14 (Community Infrastructure floor space at Green Square) provides for an additional FSR of 1:1 above the mapped FSR in 'Area 8' (in which the site is located). The Concept Approval therefore provides for a maximum FSR of 4:1.

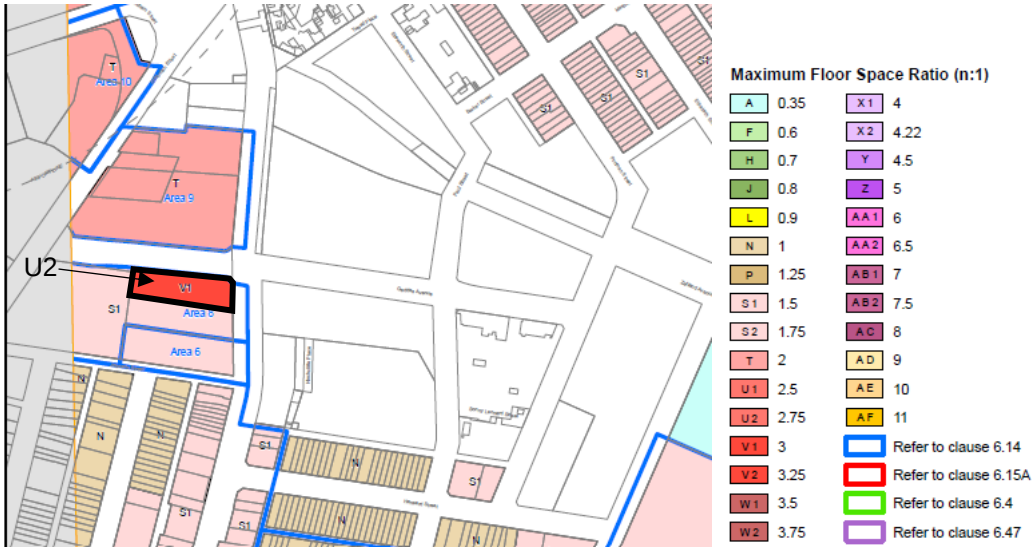


Figure 22: Extract of Sydney LEP 2012 Floor Space Ratio Map

54. The detailed design development application (D/2024/273) however provides for a total floor space ratio of 4.09:1. The exceedance is the result of the need to include the area of the balconies on the Botany Road frontage as GFA given that high screens (greater than 1.4m in height) are to be provided for acoustic attenuation. The definition of GFA contained in SLEP 2012 provides:

> *gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—*
>
> *(a) the area of a mezzanine, and*
>
> *(b) habitable rooms in a basement or an attic, and*
>
> *(c) any shop, auditorium, cinema, and the like, in a basement or attic,*
>
> **but excludes—**
>
> *(d) any area for common vertical circulation, such as lifts and stairs, and*
>
> *(e) any basement—*
>
> *(i) storage, and*
>
> *(ii) vehicular access, loading areas, garbage and services, and*
>
> *(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
>
> *(g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
>
> *(h) any space used for the loading or unloading of goods (including access to it), and*
>
> *(i)* ***terraces and balconies with outer walls less than 1.4 metres high, and***
>
> *(j) voids above a floor at the level of a storey or storey above.*

55. Therefore, as the walls to the east facing balconies have a height greater than 1.4m the area of the balconies must therefore be included as GFA. The modification application therefore seeks to modify condition 14 of the Concept Approval to provide for a maximum floor space ratio of 4.09:1 rather than the currently approved 4:1.

56. Figure 26 below provide a typical floor level showing balcony areas included as GFA on the Botany Road frontage:

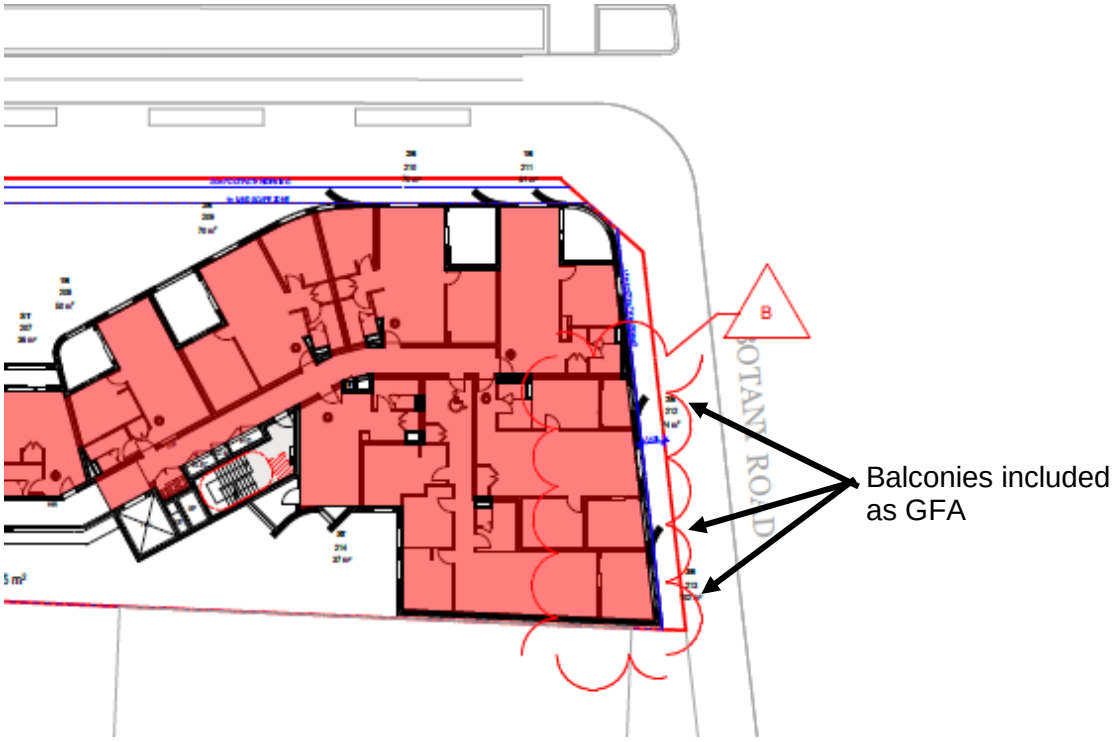


Figure 26: Balconies including as GFA due to wall height - typical floor level

57. Consistent with the height discussion above, as a Section 4.55(2) modification application, Clause 4.6 of the Sydney LEP 2012 with regard to requesting a variation to the 'Floor Space Ratio' development standard does not apply. A Clause 4.6 variation request in respect of floor space ratio has been submitted as part of D/2024/273 and a detailed assessment carried out. The variation request has been assessed to be well-founded in this instance.

58. The proposed additional GFA will not result in any increase to the bulk of the building and is largely considered to be a technicality. Further it will not result in a change that would affect the proposal being substantially the same as originally approval. Accordingly, it is considered that the proposed increase to the FSR is acceptable.

Building separation

59. The proposed modification also seeks to amend the approved building envelope adjacent to the western boundary at the ground level to provide for a nil setback where previously a 4.5m setback was approved. The proposed nil setback is intended to be to an open but screened car park / loading area as outlined in the detailed design development application (D/2024/273). This change will not give rise to any privacy or other impacts and accordingly is considered appropriate in the circumstances.

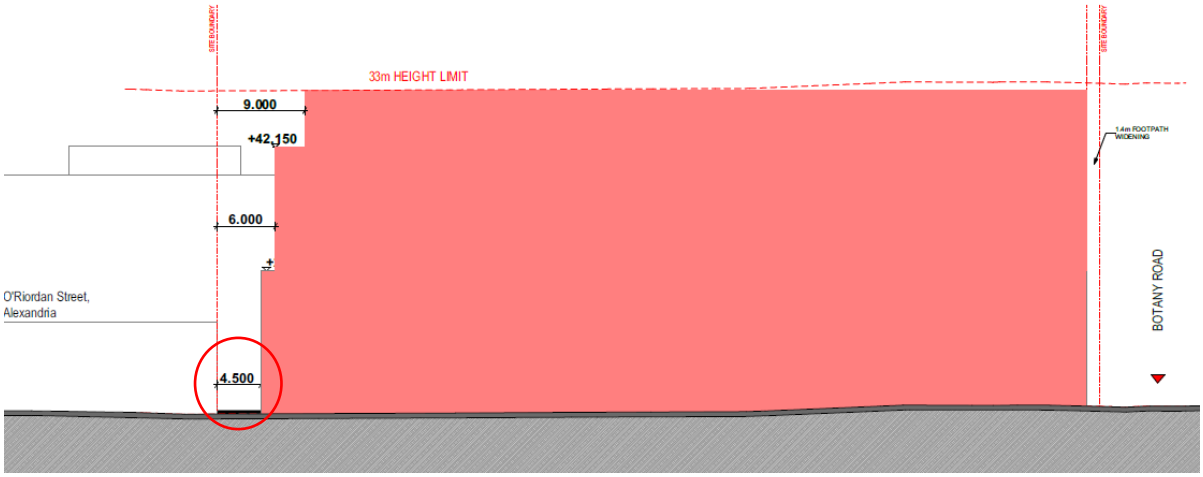


Figure 26: Approved envelope (southern elevation)

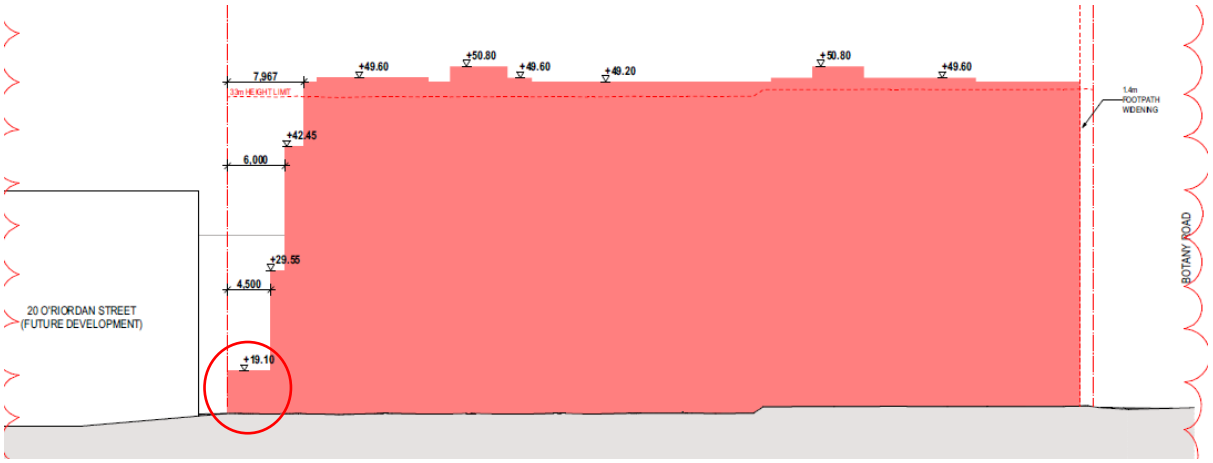


Figure 26: Proposed envelope (southern elevation)

60. A change is also proposed at Levels 8 and 9 (and 10) which previously had a western boundary setback of 9m (in accordance with the ADG) but which is now proposed to be setback a minimum of 7.967m in the south western corner of the site increasing to 9m approximately 50% along the frontage as shown below. This is considered to be acceptable in the circumstances given that the development to the west as approved is commercial and 5 storeys in height. No privacy impacts will therefore result from the non-compliance.

61. Further as shown below where the Concept Approval provided for an approved building envelope with 4.5m and 6m setbacks along this boundary at various levels in accordance with the ADG, the detailed design development application (D/2024/273) provides for the full frontage to have a setback of 7.967m - 9m thus increasing the separation beyond the requirements at the lower levels with the exception of at ground level where only parking is proposed.



Figure 28: Western boundary setback

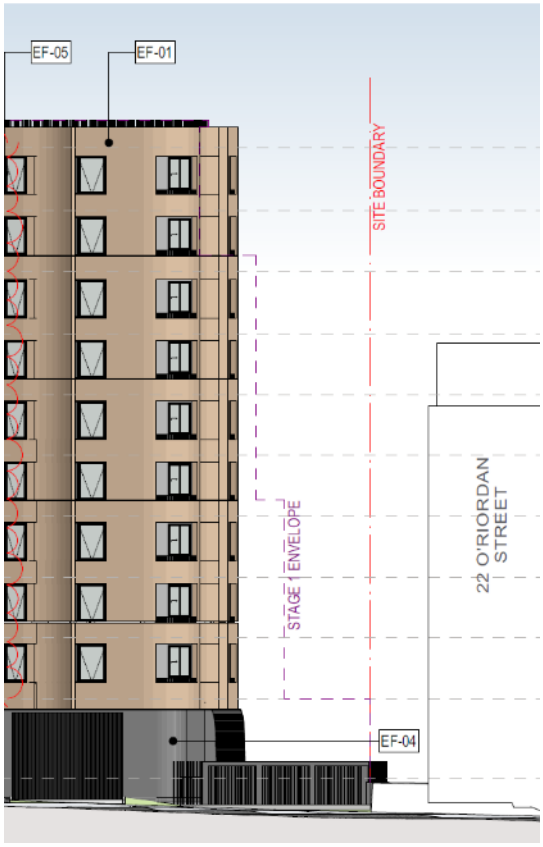


Figure 29: Western interface (Note: greater than allowable setback provided at lower levels)

62. Overall, the reduced setbacks will not result in an increase to the bulk of the building or any privacy or other adverse impacts. Accordingly, it is considered that the proposed setback changes are appropriate in the circumstances.

Street setback encroachments

63. The proposed modification seeks to amend the approved building envelope adjacent to the northern and eastern boundaries to provide for architectural blade walls that project into the setbacks and footpath widening dedications above ground level (refer below). Originally these encroachments were proposed to extend to ground level however have been amended in response to Council's RFI comments. The proposed encroachments are approximately 800mm wide and will project above the landscape zone to the north and the footpath widening to the east. Generally, Council allows projections above footpaths of a maximum of 450mm however Council's specialist surveyor and public domain officer have advised that the proposed encroachment is acceptable in the circumstances.

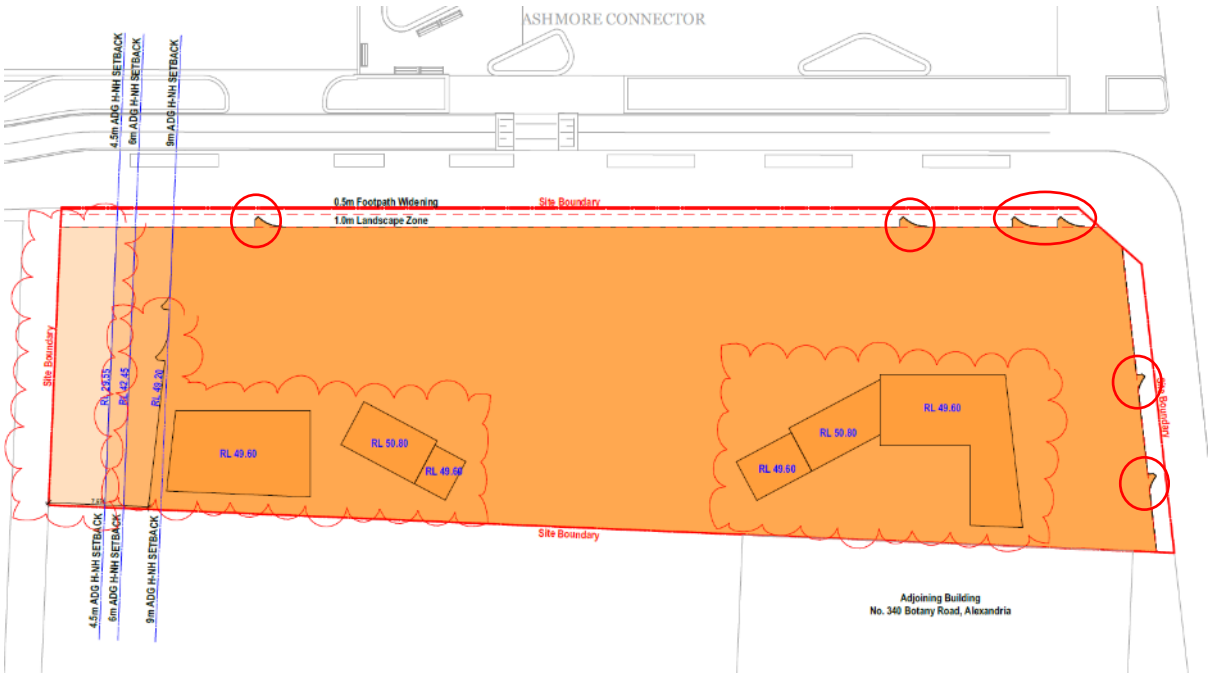


Figure 29: Blade wall setback encroachments shown with red circle

Other condition modifications

Condition 2

64. Condition 2 is proposed to be amended to reflect the revised building envelope plans as outlined above. This is considered appropriate having regard to the above assessment.

Condition 8

65. As outlined above the modification application also seeks to amend Condition (8)b) which currently requires "no overshadowing of the approved residential apartments at 499 and 501 – 509 Botany Road, Alexandria". This condition is proposed to be deleted as the application has indicated that compliance with this requirement would result in the loss of approximately 14 affordable housing units. Additionally, condition (8)a) requires that the subsequent detailed design development application "Minimise overshadowing on adjoining properties in accordance with ADG objective 3B-2". While the detailed design development application (D/2024/273) does result in some additional overshadowing of apartments within 499 and 501 – 509 Botany Road, Alexandria it minimises this overshadowing and demonstrate that notwithstanding the additional impact, a minimum of 2 hours of solar access will be retained to these units in midwinter between the hours of 9am and 3pm as required. Accordingly, it is considered that deletion of condition (8)b) is appropriate as it will provide for 14 additional affordable housing units whilst still minimising overshadowing impacts on neighbouring properties in accordance with condition (8)a).

66. Condition (8)d) is also proposed to be amended to reflect the new maximum height of 36.2m rather than the existing approved 33m as outlined above. This is considered appropriate having regard to the above assessment.

Condition 14

67. The applicant has requested that condition 14 be amended to reflect the increased maximum height limit as follows:

    (14) BUILDING HEIGHT

    The maximum height of the buildings must not exceed 33 metres in accordance with the Sydney LEP 2012 ***except where supported by a Clause 4.6 Variation request. Any Clause 4.6 Variation request will be assessed by Council in accordance with Clause 4.6(4) of the Sydney LEP 2012. No structures are to exceed the 33 metres height limit.***

68. To ensure simplicity and certainty it is however recommended that the condition be amended to merely update the maximum height as follows:

    (14) BUILDING HEIGHT

    The maximum height of the buildings must not exceed ~~33~~ **36.2** *metres in accordance with the Sydney LEP 2012. No structures are to exceed the ~~33~~* **36.2** *metres height limit.*

Consultation

Internal Referrals

69. The application was discussed with internal units within Council. The proposal is acceptable subject to conditions.

Advertising and Notification

70. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 28 days between 16 May 2024 and 14 June 2024. A total of 375 properties were notified and nil submissions were received.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

71. The City of Sydney Development Contributions Plan 2015 applies to the site. Affordable housing provided by a community housing provider is however excluded from the need to pay a contribution in accordance with section 1.3 of the Plan. A social housing provider is defined under the Housing SEPP and includes St George Community Housing, the Applicant. Accordingly, no contribution is required in this instance.

Housing and Productivity Contribution

72. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

73. While the site is located with the Greater Sydney region, the development is of a type listed in Schedule 2 of the Order as being exempt from the Housing and Productivity Contribution.

Relevant Legislation

74. Environmental Planning and Assessment Act 1979.

75. Environmental Planning and Assessment Regulations 2021

Conclusion

76. This Section 4.55(2) modification application proposes to alter the approved building envelope to align with the detailed design development application D/2024/273. The detailed design development application is presented to the CSPC concurrently for approval.

77. The proposed modifications to the approved building envelope will deliver consistency between staged development applications for the site, as required under Section 4.24 of the Environmental Planning and Assessment Act, 1979.

78. The development as proposed to be modified is substantially the same as that originally approved. The location and overall form of the building envelope is consistent with the intent of the approved concept. As per the originally approved concept application, the proposed modifications will deliver a single building envelope suitable for a mixed use development comprising predominantly affordable housing and ground floor retail / commercial use. The proposed modifications primarily relate to building height, FSR and changes to the ground and upper level setbacks on the western frontage.

79. The modifications to the envelope are supported as they do not result in unacceptable amenity impacts and deliver an envelope that is capable of achieving an acceptable level of amenity for future occupants and adjoining properties.

80. The proposed building envelope is capable of accommodating a future building that exhibits design excellence in accordance with Clause 6.21C of the Sydney LEP 2012. The detailed design application D/2024/273 being considered concurrently by the CSPC demonstrates that a generally compliant scheme can be provided within the amended envelope that delivers design excellence in accordance with Clause 6.21C of the Sydney LEP 2012.

81. The proposed modifications are therefore in the public interest and recommended for approval.

GRAHAM JAHN AM

Chief Planner / Executive Director Planning, Development and Transport

Helena Miller, Director, MG Planning Pty Ltd (Independent Assessment Officer)

Attachment B

Recommended Conditions of Consent

SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

(A) PART A - DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination:

(1) VOLUNTARY PLANNING AGREEMENT

(a) A Voluntary Planning Agreement, made in accordance with the public benefit offer made by St George Community Housing dated 17 October 2019 must be exhibited and executed.

(b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

~~*(c) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement.*~~

~~*(d) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement*~~

(2~~3~~) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.

(3~~4~~) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

(4~~5~~) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation).

Condition amended and satisfied via Section 4.55(1a) on 17 March 2020

PART B – CONDITIONS OF CONSENT

SCHEDULE 1A

APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) CONCEPT DEVELOPMENT APPLICATION

Pursuant to Division 4.4 of the *Environmental Planning and Assessment Act, 1979* and Clause 100 of the *Environmental Planning and Assessment Regulation, 2000*, this Notice of Determination relates to a concept development application, and a subsequent development application (detailed design and use) or applications are required for the determination of any further development on the site.

(2) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2019/87 dated 12 December 2017 and the following drawings prepared by DKO Architecture (NSW) Pty Ltd:

Drawing Number	Drawing Name	Date
~~***Stage 1 Envelope***~~ Envelope Plan	Project Number 11942 ~~***Page 37***~~ ***DA100 C***	~~***16.10.2019***~~ ***24/09/2024***
~~***Stage 1 Envelope***~~ Envelope Plan	Project Number 11942 ~~***Page 38***~~ ***DA101 B***	~~***16.10.2019***~~ ***24/09/2024***
Envelope Plan - Overall	***Project Number 11942*** ***DA102 B***	***24/09/2024***
~~***Stage 1 Envelope***~~ ~~***Stage 1***~~ Envelope Elevation***s***	Project Number 11942 ~~***Page 39***~~ ***DA200 B***	~~***16.10.2019***~~ ***24/09/2024***
~~***Stage 1 Envelope***~~ ~~***Stage 1***~~ Envelope Elevation***s***	Project Number 11942 ~~***Page 40***~~ ***DA201 B***	~~***16.10.2019***~~ ***24/09/2024***

as amended by plans other conditions of this consent.

(b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Condition amended via Section 4.55(2) on 14 November 2024

(3) MATTERS NOT APPROVED IN CONCEPT PROPOSAL DEVELOPMENT CONSENT

The following matters are **not** approved and do not form part of this concept development consent:

(a) any demolition, excavation and/or construction;

(b) any tree removal;

(c) the layout and number of residential apartments and commercial tenancies;

(d) the number of car parking spaces, bicycle spaces, car share, service vehicle or loading spaces/zones;

(e) the number of storeys contained within the envelope;

(f) the precise quantum of floor space; and

(g) a 10% design excellence uplift in floor space ratio; and

(h) the location of the vehicular access point to the site

(4) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

A competitive design process in accordance with the provisions of the Sydney Local Environmental Plan 2012 shall be:

(a) Conducted in accordance with 'Design Excellence Strategy for 338 Botany Road, Alexandria, dated ~~*November 2019*~~ *15 June 2020*, prepared by BBC Consulting Planners on behalf of St George Community Housing.

(b) Conducted prior to the lodgement of any subsequent detailed development application for the site.

(c) Address in particular air quality, noise mitigation and ventilation requirements to maximise residential amenity for all apartments.

The detailed design of the building/s must exhibit design excellence, in accordance with Clause 6.21 of Sydney Local Environmental Plan 2012.

Condition amended via Section 4.55(1) on 1 July 2020

(5) VOLUNTARY PLANNING AGREEMENT

This consent is subject to a Voluntary Planning Agreement (VPA) in accordance with Section 7.4 of the *Environmental Planning and Assessment Act, 1979*, between the Council of the City of Sydney Council and St George Community Housing referred to in Deferred Commencement Condition (1) in Schedule 1 of this development consent.

The terms of the VPA must be complied with in any subsequent detailed design development application or applications.

(6) RESIDENTIAL LAND USE

The residential component of the development must be designed to address with the principles of State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development, the provisions of the Apartment Design Guide (ADG), and the provisions of Sydney DCP 2012.

(7) GROUND FLOOR USE

The ground floor component of the development must not be used for retail premises except those retail uses permitted in accordance with the Sydney LEP 2012.

(8) DETAILED DESIGN OF BUILDINGS

The competitive design process brief and subsequent detailed design development application must incorporate the following requirements:

a) Minimise overshadowing on adjoining properties in accordance with ADG objective 3B-2.

~~***b) Ensure no overshadowing of approved residential apartments at 499 and 501 – 509 Botany Road, Alexandria***~~

c) Provide a compliant amount of communal open space in accordance with the ADG that receives adequate solar in accordance with the ADG.

d) If roof top communal open space is proposed it must provide equitable access, be designed to prevent overlooking and noise impacts and all structures (including but not limited to plant and lift overruns) must be within the ~~33~~ **36.2**m height limit.

e) Acoustic and ventilation treatments to the east and northern frontages in accordance with the requirements of the Sydney DCP and ADG.

f) Waste management facilities in accordance with Section 4.2.6 of the Sydney DCP 2012.

g) An awning is to be provided over any building entries on Botany Road in accordance with Section 3.2.4 of the Sydney DCP 2012.

Condition amended via Section 4.55(2) on 14 November 2024

(9) LAND CONTAMINATION

(a) As part of any future detailed development application, an amended Remediation Action Plan must be submitted and approved by the City. The Remediation Action Plan must amended to address the requirements in the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor Melissa Porter, Senversa dated 5 September 2019.

(b) A further letter of Interim Advice from the site auditor must be provided at the detailed development application stage.

(10) LAND DEDICATION – CAPPING LAYER

If the remediation of any land to be dedicated to the City includes a 'capping layer', that capping layer must be a minimum of 1.5m below the top most surface of the future footpath.

Land to be dedicated to the City cannot be subject to onerous environmental management requirements.

(11) PUBLIC ART

(a) A detailed public art plan must be submitted with any subsequent development application for detailed design and construction of the development

(b) The detailed public art plan referred to in (a) above must be prepared in accordance with Section 3.1.5 of the Sydney Development Control Plan 2012, the City of Sydney Public Art Strategy and Policy and Interim Guidelines for Public Art in Private Development, and include:

(i) A rationale for the selection of artists.

(ii) A rationale for each artist's concept relevant to the site.

(iii) An indication of how each artwork concept is commensurate with the scale of the development.

(iv) Provision of public art concepts, including the form, dimensions, materials and locations of the artworks.

(v) A program for documentation, fabrication and installation and integration with the construction program for the development.

(vi) Engineer's drawings, expected maintenance requirements and deaccessioning agreements.

(d) Neither street furniture nor interpretation strategies must be considered as part of the public art component.

(12) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Details are to be provided with the subsequent development application for the detailed design of the buildings to confirm that the buildings have adopted the ESD targets specified in the Design Excellence Strategy prepared by BBC Consulting Planners dated ~~*November 2019*~~ *15 June 2020*. The ESD targets must be carried through the competitive process phase, design development, construction, and through to completion of the project.

Condition amended via Section 4.55(1a) on 1 July 2020

(13) FLOOR SPACE RATIO

(a) The Floor Space Ratio for all detailed development applications on the site must not exceed 4***.09***:1 calculated in accordance with Clauses 4.4 and 6.14 of the Sydney Local Environmental Plan 2012.

(b) Notwithstanding (a) above, the proposal may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process in accordance with the requirements of the Sydney Local Environmental Plan 2012.

(c) Precise calculations and details of the distribution of floor space must be provided with any subsequent detailed design development application or applications.

Condition amended via Section 4.55(2) on 14 November 2024

(14) BUILDING HEIGHT

The maximum height of the buildings must not exceed ~~*33*~~ **36.2** metres in accordance with the Sydney LEP 2012 **as provided for under D/2024/273**. No structures are to exceed the ~~33~~ **36.2** metres height limit.

Condition amended via Section 4.55(2) on 14 November 2024

(15) DETAILED DESIGN TO BE CONTAINED WITHIN APPROVED ENVELOPE

Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate detailed design development application for the buildings on the site, including articulation, balconies, terraces, services, privacy treatments and other projections will be entirely contained within the approved building footprint and envelope, and comply with the relevant planning controls.

(16) RESIDENTIAL ACOUSTIC AMENITY

An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with any subsequent development application for detailed design and construction of the development, in accordance with the requirements of Section 4.2.3.11 of the Sydney Development Control Plan 2012.

(17) SERVICE VEHICLE SIZE LIMIT AND SWEPT PATHS

Any subsequent detailed design development application must include evidence to demonstrate adequate swept paths for the largest service vehicle to access the proposed loading area(s).

(18) STREET TREES AND DETAILED DESIGN DEVELOPMENT APPLICATION

(a) All street trees surrounding the site must be included for retention with any future detailed design Development Application/s.

(b) Any design elements (awnings, street furniture, footpath upgrades etc.) within the public domain must ensure appropriate setbacks are provided from the street tree to allow maturity of the tree to be achieved.

(c) The location of any new driveway shall ensure it does not require the removal of any existing street tree. The driveway shall be appropriately setback so as it does not adversely impact on any existing street tree both below and above ground.

(19) WASTE COLLECTION AND SERVICING

Any subsequent detailed design development application is to provide details of the location, construction and on-site servicing of the waste collection facilities for the proposed building in a Waste Management Plan (WMP). The design of the facilities is to be in accordance with Sections 3.11.13 and 4.2.6 of the Sydney Control Plan 2012, including the following requirements:

(a) Dedicated spaces for residential bulky waste storage must be provided. These spaces should be separated by a caged area (or similar) if included within nominated waste holding rooms for storage or collection bins.

(b) Clearance height for access by collection vehicles must be no less than 4 metres at any point where Council vehicles are required to enter site to service bins;

(c) Collection vehicles to enter and exit in a forward direction; and

(d) Unimpeded access must be provided for Council collection from the residential waste and recycling storage location(s) at all times.

(20) LOADING DOCK MANAGEMENT PLAN

Any subsequent detailed design development application must include a loading dock design and draft Loading Dock Management Plan, including the following:

(a) Service vehicle parking spaces provided in accordance with Section 3.11.6 and Schedule 7.8.1 of the Sydney Development Control Plan 2012.

(b) Compliance with the minimum requirements of Australian Standard AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities including that vehicle access will provide for:

(i) A 9.25 metre truck (such as a removalist vehicle); and

(ii) Minimum vertical clearance of 4.5 metres.

(21) AUSGRID

Consultation is required with Ausgrid as part of the detailed design development application to confirm whether a substation is required and whether the future development will impact existing overhead powerlines.

Details of the consultation undertaken are to be provided to Council with any subsequent detailed design development application.

(22) FLOODING

A flood assessment report to determine the detailed design flood planning level (FPL) requirements for the subject site is to be submitted with any subsequent detailed development application for the detailed design and construction of the development.

(23) ACID SULPHATE SOILS

As part of any detailed development application, one of the following must be provided:

(a) Evidence that an acid sulphate soils management plan is not required; or

(b) An acid sulphate soils management plan.

(24) TRANSPORT IMPACT STUDY

A transport impact study is required to be submitted as a part of detailed development application to demonstrate that the traffic generation from the proposed development will not impact adversely to the adjacent road network. In estimating trip generation Sydney average value from the RMS technical direction TDT 2013/ 04a should not be used. Trip generation coefficient from comparable sites (such as Rockdale in the RMS document) or survey data from similar site should be used in the assessment.

(25) GREEN TRAVEL PLAN

A Green Travel Plan is to be submitted as part of any detailed design development application.

(26) ON SITE LOADING AREAS AND OPERATION

(a) The detailed development application must ensure all loading and unloading operations associated with servicing the site, including garage collection, can be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

(27) RMS CONDITIONS:

(a) Any new buildings or structures, together with any improvements integral to the future use of the site are erected clear of the land required for road (unlimited in height or depth) and wholly within the freehold property (unlimited in height or depth), along the Botany Road boundary.

(b) The redundant driveways on the Botany Road boundary shall be removed and replaced with kerb and gutter to match the existing. The design and construction of the kerb and gutter on Botany Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained by email to: development.sydney@rms.nsw.gov.au

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

(c) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

(d) The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. Please send all documentation to: development.sydney@rms.nsw.gov.au

(e) If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

(f) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Please send all documentation to: development.sydney@rms.nsw.gov.au

(g) A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.

(h) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

(i) In accordance with AS 2890.1- 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 5.5 metres in width for a minimum distance of 6 metres from the property boundary.

(j) Roads and Maritime is currently undertaking a program to implement "Clearways" on State roads within Sydney. If not already in place, "Clearway" restrictions will be implemented along the full Botany Road frontage of the development site.

(28) SYDNEY AIRPORTS CONDITIONS:

(i) The building must not exceed a maximum height of 52.65 metres AHD, this includes all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden planting, exhaust flues etc.

(ii) The proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA_165.

(iii) Separate approval must be sought under the Regulations for any equipment (i.e. cranes required to construct the building. Construction

cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.

(iv) On completion of construction of the building, the Proponent must provide SACL with a written report from a certified surveyor on the finished height of the building.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*

Clause 98A Erection of signs

Clause 98B Notification of *Home Building Act 1989* requirements

Clause 98C Conditions relating to entertainment venues

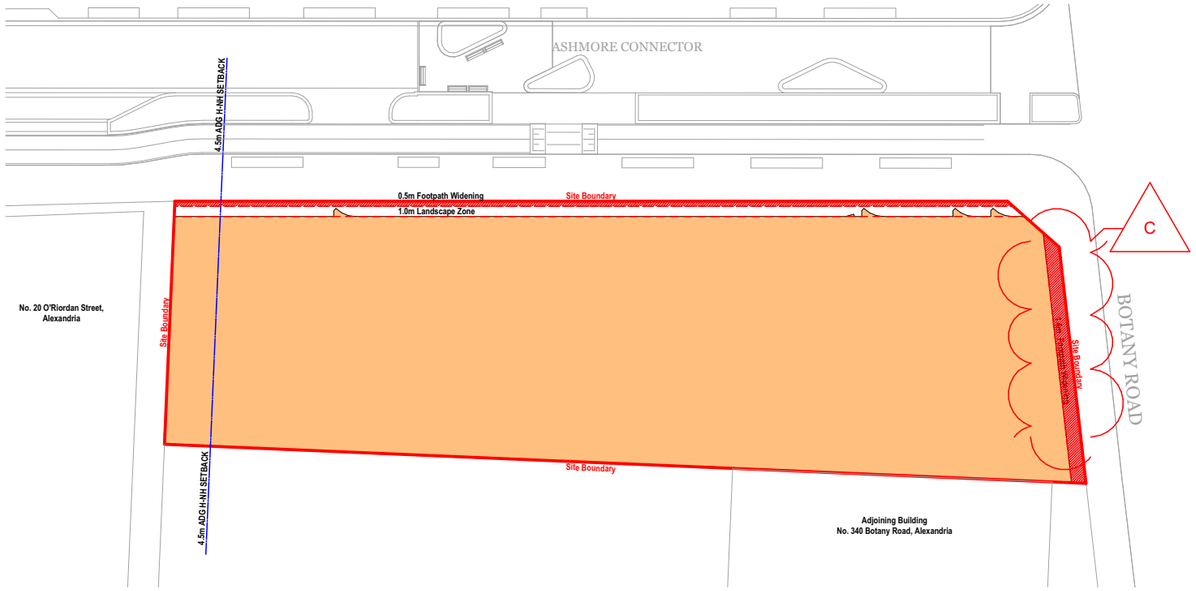
Clause 98D Conditions relating to maximum capacity signage

Clause 98E Conditions relating to shoring and adequacy of adjoining property

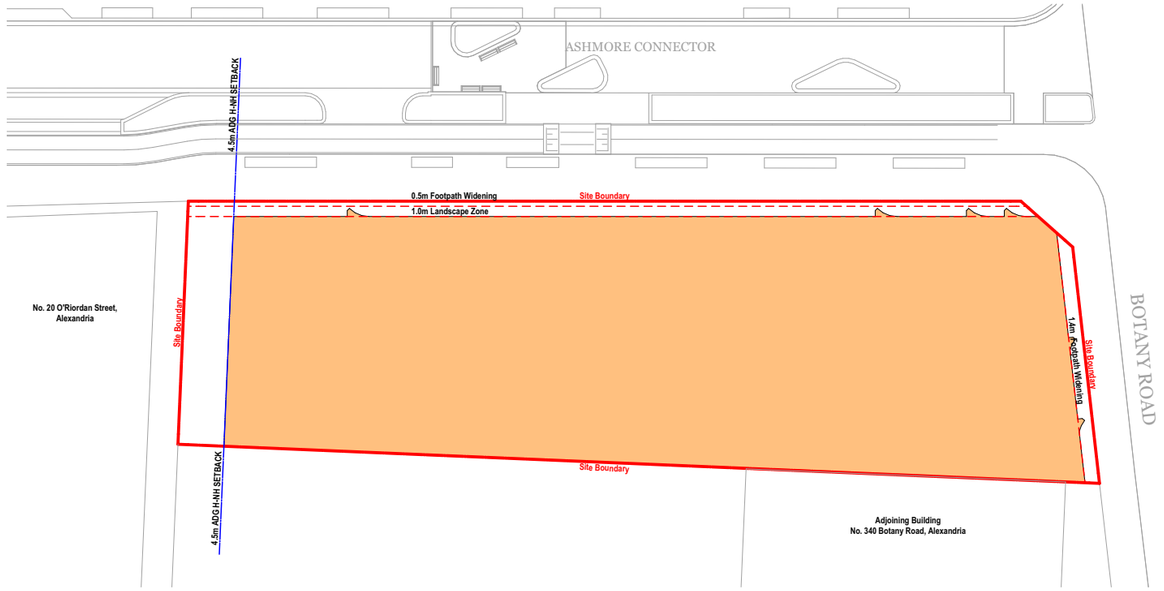
Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: http://www.legislation.nsw.gov.au

Attachment C

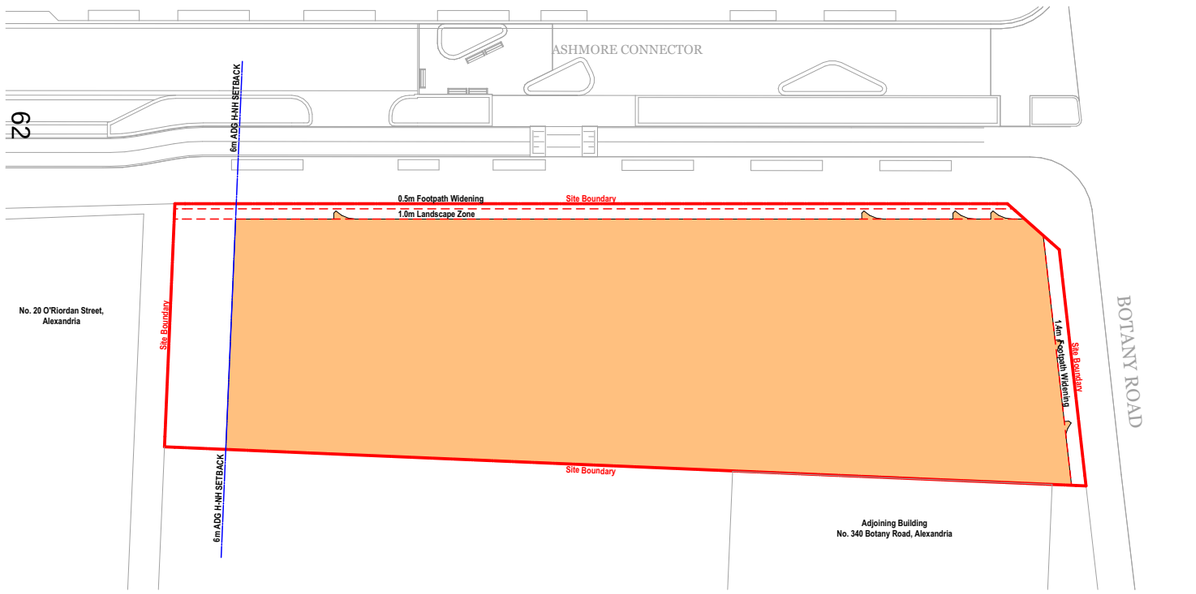
Amended Building Envelope Drawings



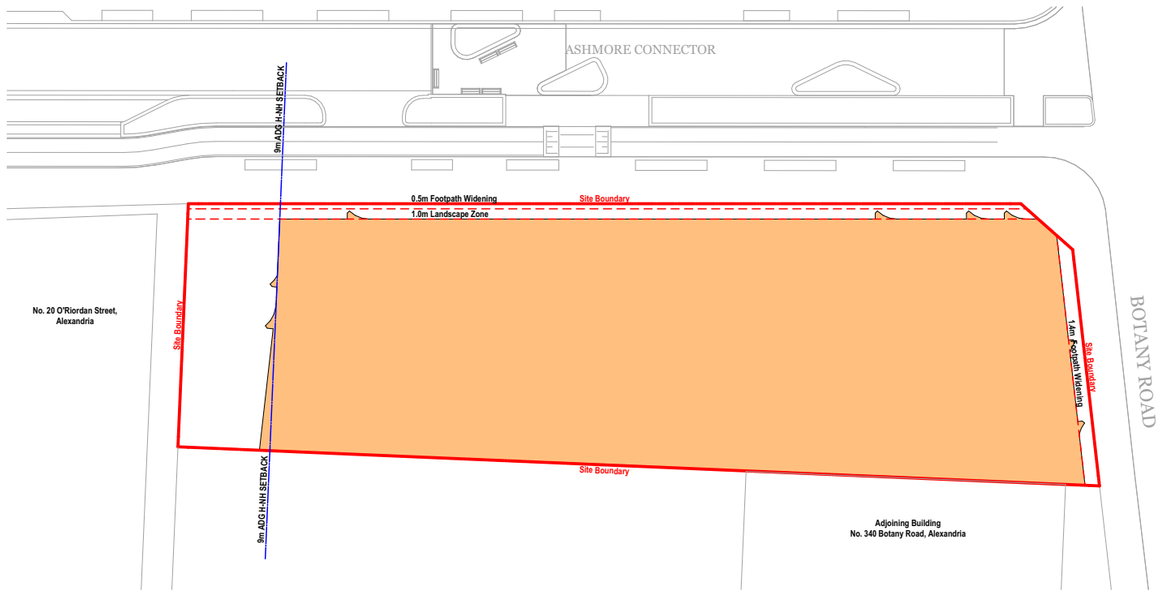
Ground Floor



Level 1-3 Floor



Level 4-7 Floor



Level 8-9 Floor

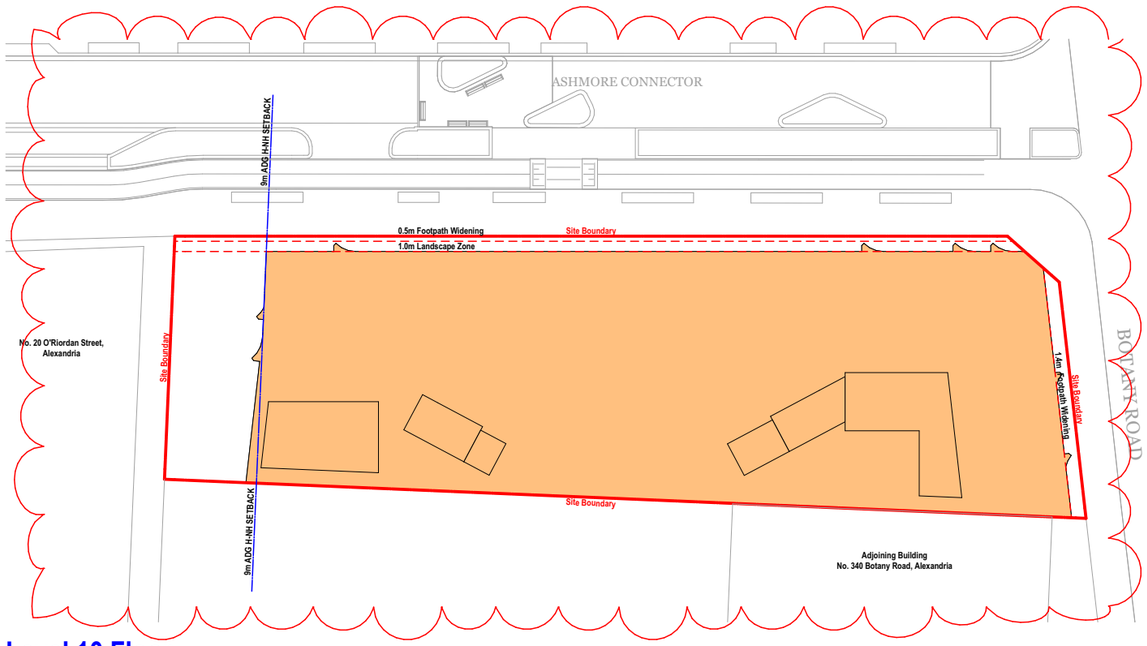
DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
ABN: 81956706590

T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

Rev	Date	By	Chk	Description
B	2/02/2024	JC	DF	Issue for DA

Project Name	Botany Road, Alexandria
Project Number	11942
Date	24/09/2024
Scale	1:600@A3
Drawing Name	Envelope Plan
Drawing Number	**DA100**
Revision	**C**



Level 10 Floor

63

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
ABN: 81956706590

T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

Rev	Date	By	Chk	Description
B	2/02/2024	JC	DF	Issue for DA

Project Name	Botany Road, Alexandria
Project Number	11942
Date	24/09/2024
Scale	1:600@A3
Drawing Name	Envelope Plan
Drawing Number	**DA101**
Revision	**B**



64

Envelope Plan

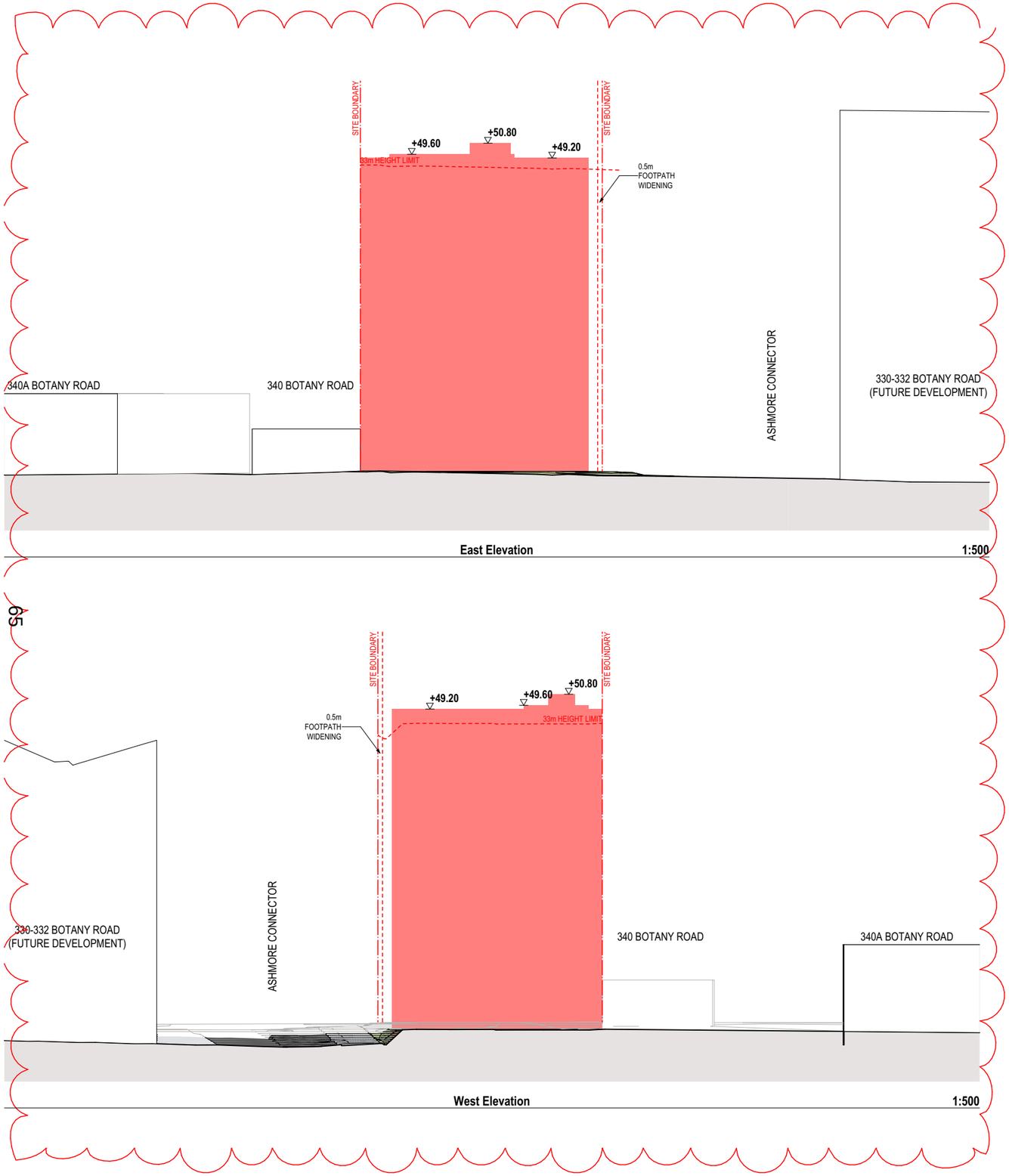
DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
ABN: 81956706590

T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

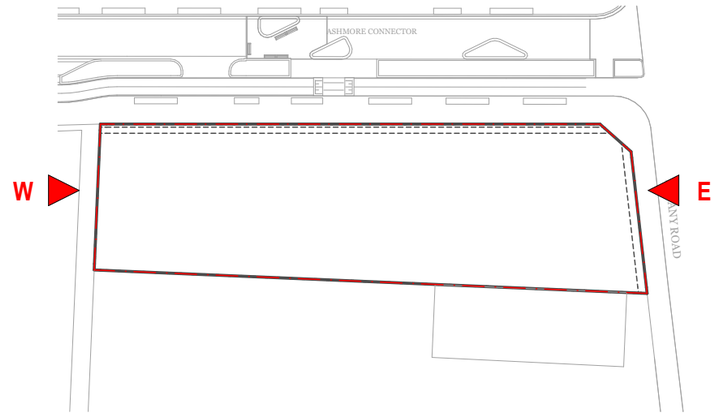
Rev	Date	By	Chk	Description
B	2/02/2024	JC	DF	Issue for DA

Project Name	Botany Road, Alexandria
Project Number	11942
Date	24/09/2024
Scale	1:300@A3
Drawing Name	Envelope Plan - Overall
Drawing Number	**DA102**
Revision	**B**



East Elevation 1:500

West Elevation 1:500



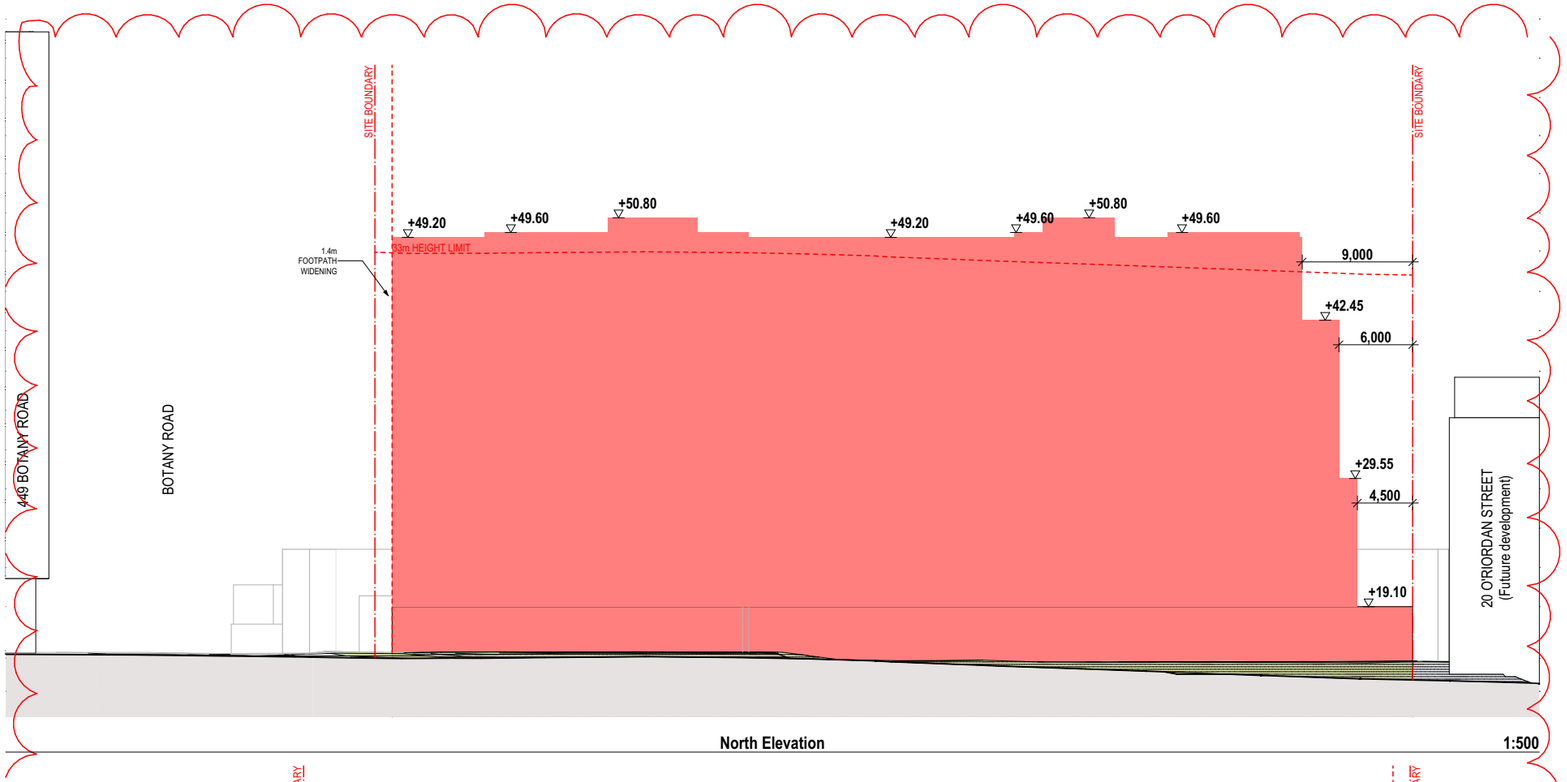
DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
ABN: 81956706590

T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au

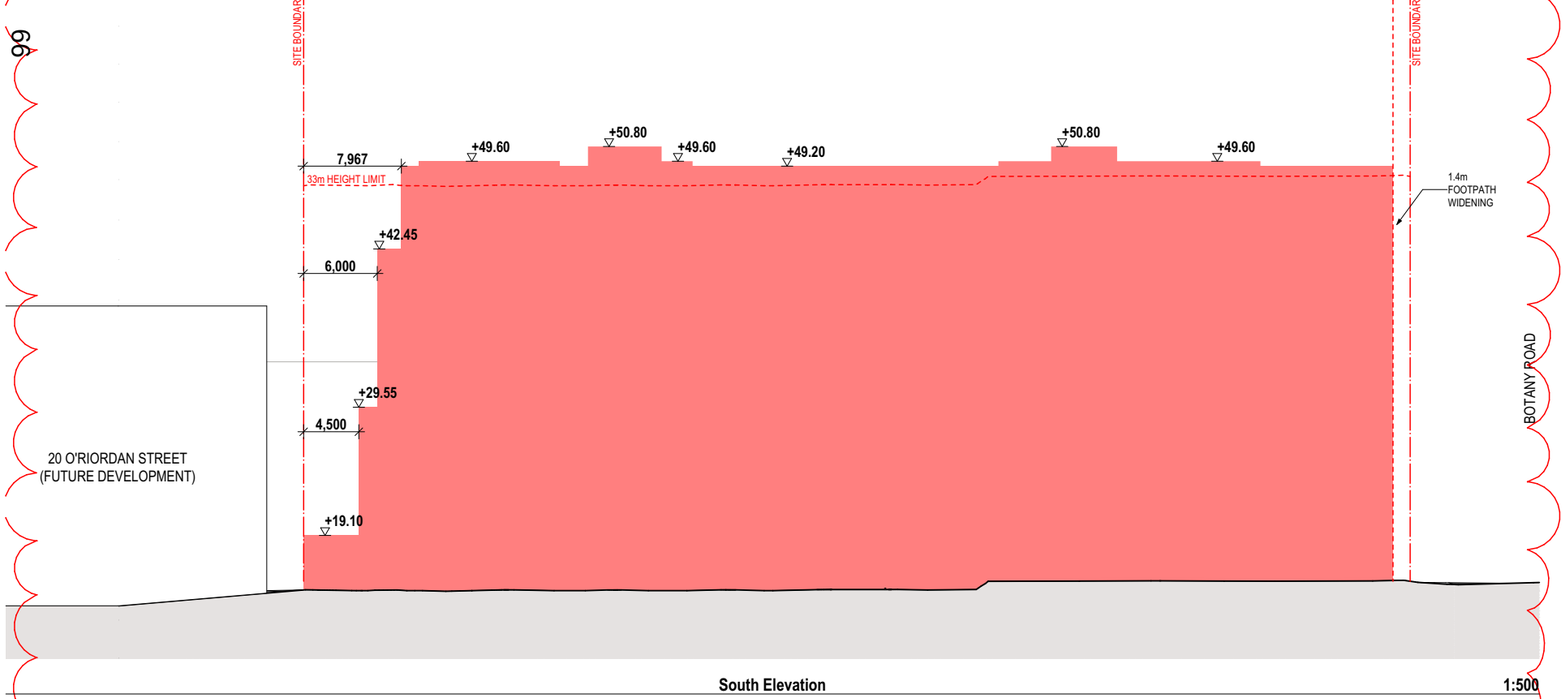
© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

Rev	Date	By	Chk	Description
B	2/02/2024	JC	DF	Issue for DA

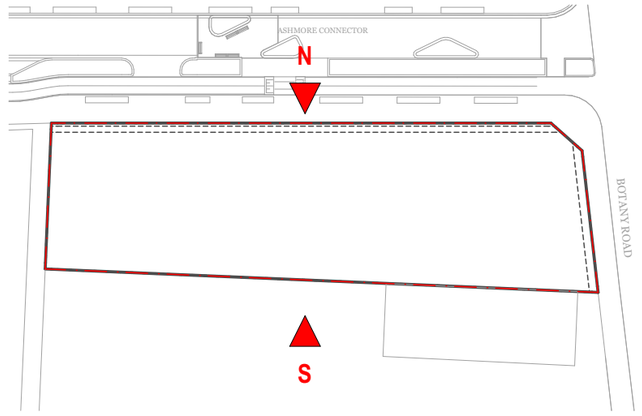
Project Name	Botany Road, Alexandria
Project Number	11942
Date	24/09/2024
Scale	1:500@A3
Drawing Name	Envelope Elevations
Drawing Number	DA200
Revision	B



North Elevation 1:500



South Elevation 1:500



DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
ABN: 81956706590

T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

Rev	Date	By	Chk	Description
B	2/02/2024	JC	DF	Issue for DA

Project Name	Botany Road, Alexandria
Project Number	11942
Date	24/09/2024
Scale	1:500@A3
Drawing Name	Envelope Elevations
Drawing Number	DA201
Revision	B

Item 5.

Development Application: 338 Botany Road, Alexandria - D/2024/273

File No.: D/2024/273

Summary

Date of Submission:	12 April 2024
Amended Plans/ Additional Information:	Amended plans and additional information were submitted on 25 September 2024
Applicant/ Developer:	St George Community Housing Portfolio Limited
Architect:	DKO
Owner:	The Council of the City of Sydney
Planning Consultant:	Keylan
Design Advisory Panel	13 June 2024
Cost of Works:	$72,339,256
Zoning:	The site is zoned E3 Productivity Support. The proposal is permissible in accordance with Clause 7.13A of the Sydney LEP 2012.
Proposal Summary:	Approval is sought for the construction of a 10 storey mixed use development including 111 dwellings for affordable housing and ground floor retail/commercial use. A separate and concurrent section 4.55 modification application (D/2019/87/C) has been submitted to align the approved concept consent with this detailed design development application. The section 4.55 modification application is concurrently reported to the CSPC and is recommended for approval. The application has been assessed by an independent external planning consultant (as the City of Sydney is the landowner) to address any perceived conflicts of interest and in accordance with the City's protocol for the external assessment of Development Applications.

The independent assessment report is provided at Attachment A.

The Development application is referred to the CSPC for determination as the cost of works exceeds $50 million.

The assessment of the application by the independent planner concludes that as amended and subject to conditions, the proposal exhibits design excellence and is recommended for approval.

Summary Recommendation: It is recommended that the assessment report prepared by the independent external planning consultant, shown at Attachment A and recommended conditions shown at Attachment B to the subject report, be considered for approval by the Central Sydney Planning Committee.

Development Controls:

(i) Sydney Local Environmental Plan 2012

(ii) Sydney Development Control Plan 2012

(iii) SEPP (Resilience and Hazards) 2021

(iv) SEPP (Housing) 2021

(v) SEPP (Transport and Infrastructure) 2021

Attachments:

A. Independent Assessment Report

B. Recommended Conditions of Consent

C. Selected Drawings

D. Clause 4.6 Variation Request - Height of Buildings

E. Clause 4.6 Variation Request - Floor Space Ratio

Recommendation

It is resolved that:

(A) the variation requested to Height of Buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;

(B) the variation requested to Floor Space Ratio development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and

(C) consent be granted to Development Application Number D/2024/273 subject to the conditions set out in Attachment B to the subject report:

Reasons for Recommendation

The application is recommended for approval for the following reasons:

(A) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the height of buildings development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney LEP 2012;

(ii) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the floor space ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012; and

(iii) the proposal is in the public interest because it is consistent with the objectives of the E3 (Productivity support) zone and the 'height of buildings' and 'floor space ratio development standards.

(iv) The proposal has been assessed against the aims and objectives of the relevant planning controls, including the State Environmental Planning Policy (Housing) 2021, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.

(v) The development achieves a high standard of architectural design, materials and detailing, and will contribute positively to the public domain. The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore exhibits design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.

(vi) The proposal is consistent with the amended concept approval for the site, being DA/2019/87, and is consistent with the design intent of the winning scheme of a competitive design process albeit that is not the winner of the process.

(vii) The proposal is appropriate within its setting and is a development comprising a compatible use that will support the vitality of the area, consistent with the desired future character for the locality.

(viii) The proposal provides for much needed affordable housing in a location which is highly accessible from a range of transport options and will have excellent access to facilities and services.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Matthew Girvan, Area Planning Coordinator

Attachment A

Independent Assessment Report

Development Application: 338 Botany Road, Alexandria - D/2024/273

File No.: D/2024/273

Summary

Date of Submission:	12 April 2024
Amended Plans/ Additional Information:	Amended plans and additional information were submitted on 30 April and 25 September 2024.
Applicant/ Developer:	St George Community Housing Portfolio Limited
Architect:	DKO
Owner:	The Council of the City of Sydney
Planning Consultant:	Keylan
Design Advisory Panel	4 May 2024 and 13 June 2024
Cost of Works:	$72,339,256
Zoning:	E3 (Productivity Support) - Affordable housing is permissible with consent in the zone by virtue of Clause 7.13A which operates to allow affordable housing in a business area
Proposal Summary:	A detailed development application (in accordance with a concept approval) for a new 10 storey mixed use development comprising 111 dwellings for affordable housing, ground floor retail/commercial, ground floor car and bicycle parking, waste room, services, signage, landscaping, civil works and remediation. The application is referred to the CSPC having an estimated development cost greater than $50 million. The subject application has been independently assessed by Helena Miller, Director of MG Planning Pty Ltd on behalf of Council as Council is the owner of the land.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

(i) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)

(ii) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)

(iii) SEPP (Resilience and Hazards) 2021

(iv) SEPP (Housing) 2021

(v) SEPP (Sustainable Buildings) 2022

(vi) SEPP (Transport and Infrastructure 2021

Attachments:

B. Recommended Conditions of Consent

C. Selected Drawings

D. Clause 4.6 Variation Request - Height of Buildings

E. Clause 4.6 Variation Request - Floor Space Ratio

Recommendation

It is resolved that:

(A) the variation requested to the clause 4.3 height of buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;

(B) the variation requested to the clause 4.4 floor space ratio development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;

(C) consent be granted to Development Application Number DA/2024/273 subject to the conditions set out in Attachment B to the subject report:

Reasons for Recommendation

The application is recommended for approval for the following reasons:

(A) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the height of buildings development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney LEP 2012;

(ii) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the floor space ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012; and

(iii) the proposal is in the public interest because it is consistent with the objectives of the E3 (Productivity support) zone and the 'height of buildings' and 'floor space ratio development standards.

(iv) The proposal has been assessed against the aims and objectives of the relevant planning controls, including the State Environmental Planning Policy (Housing) 2021, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.

(v) The development achieves a high standard of architectural design, materials and detailing, and will contribute positively to the public domain. The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore exhibits design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.

(vi) The proposal is consistent with the amended concept approval for the site, being DA/2019/87, and is consistent with the design intent of the winning scheme of a competitive design process albeit that is not the winner of the process.

(vii) The proposal is appropriate within its setting and is a development comprising a compatible use that will support the vitality of the area, consistent with the desired future character for the locality.

(viii) The proposal provides for much needed affordable housing in a location which is highly accessible from a range of transport options and will have excellent access to facilities and services.

Background

The Site and Surrounding Development

1. The subject site is located at 338 Botany Road, Alexandria and is legally described as Lot 13 in the proposed plan of subdivision of Lot 101 in Deposited Plan 569709.

2. The site is located within the Green Square urban renewal precinct which is currently being transformed from light industrial uses to a mixed use precinct comprising commercial, industrial and high density residential development.

3. The site is located approximately 180m to the south of Green Square Station and the Town Centre which includes world-class community facilities to support the development of the area including a new library and associated plaza (180m to the north) and Gunyama Park Aquatic and Recreation Centre approximately 420m to the east.

4. The subject site was created by the City of Sydney following the consolidation and subdivision of land known as 20 O'Riordan Street, 330-332 Botany Road, 334-336 Botany Road and 338 Botany Road, Alexandria. The subdivision application was approved by the Local Planning Panel on 13 June 2018 (D/2017/1341). The approval created four new lots comprising one lot for the east/west connector road (as part of the Green Square to Ashmore Connector Road project), two lots to be sold to community housing providers (to facilitate delivery of affordable housing developments including the subject lot) and one residual lot to be transferred to an adjacent property.

5. Council is the current owner of the land however the land is to be purchased by St George Community Housing for the purpose of affordable housing following development consent for the purposes of affordable housing.

6. A Concept Development Application (DA/2019/87) was approved for the subject site on 5 December 2019. The approval provides for the future use of the site for commercial use and affordable housing with a building envelope with a maximum height of 33m (or 9 storeys) and maximum FSR of 4:1 with potential for an additional 10% (within an additional storey) subject to a future design excellence process.

7. As Council is the owner of the land the subject application has been independently assessed by Helena Miller, Director of MG Planning Pty Ltd on behalf of Council.

8. The proposed lot is irregularly rectangular in shape, with a total area of 2,252 square metres and boundary dimensions of 83 metres to the new Green Square to Ashmore Connector Road to the north, 23 metres to Botany Road to the east, 29m to the west and 90 metres to the south.

9. The site is located at the junction of the new Green Square to Ashmore Connector Road to the north and Botany Road to the east. O'Riordan Street is located one lot to the west.

10. The gradient of the site is relatively gentle, with a gradual fall from east to west. It has a level of approximately RL15.33 at the eastern boundary (Botany Road), grading up to RL15.4 in the middle of the site then back down to RL14.66 at the north western boundary.

11. The site is identified on the plan at Figure 1 and aerial photographs at Figures 2 and 3 below.



Figure 1: Subject site location and surrounding area (site shown in red) (Source: Nearmap, Image capture 22 July 2024)



Figure 2: Plan image of site and surrounding area (Source: Nearmap, Image capture 22 July 2024)



Figure 3: Close up of new Green Square to Ashmore Connector Road (Source: Nearmap, Image capture 22 July 2024)

12. The site is currently vacant and fenced during the current construction of the new Green Square to Ashmore Connector Road project (refer Figure 3 above). It formerly accommodated outdoor storage areas on a concrete slab partly covered by an awning and some retaining walls and storage enclosures. No vegetation currently exists on site.

13. The site immediately to the north across the Ashmore Connector Road at 330 Botany Road (refer Figure 3 above) is similarly identified for redevelopment for affordable housing and is the subject of detailed D/2024/581 by the City West Housing Corporation currently under assessment. The detailed development application seeks consent for two mixed use buildings 10 storeys to 12 storeys in height, with 1 level of basement, for the purpose of 255 affordable housing units and ground floor commercial/retail uses. A modification (D/2021/1484A) is also concurrently sought to the existing concept approval for the site. The modification seeks to accommodate changes to the concept approval to reflect the detailed DA including:

    (a) Amendments to the maximum building envelope to accommodate lift overruns, parapets, roof slab and minor portion of walls, and

    (b) Amendments to conditions of consent to reference the amended building envelope drawings and to correct the indicative tree removal.



Figure 4: Photomontage of **the future** Detailed DA for 330 Botany Road to the north across Ashmore Connector Road viewed from Botany Road looking north west (Source: Ethos Urban, SEE, 10 July 2024)

14. Land immediately to the east on the eastern side of Botany Road (499 and 501-509 Botany Road) is currently under construction in accordance with D/2015/688 which provides for development of a 16 storey mixed use development containing 130 dwellings, five retail tenancies and two levels of basement car.

15. Land to the north east at 411 Botany Road and 6 Geddes Avenue is being developed by Mirvac as part of Stage 3 and 4 of the Green Square Town Centre. The site has concept approval for mixed use buildings ranging in height from 4 to 24 storeys, containing a mixture of residential, retail and commercial floor space.

16. Immediately adjoining the site to the south is a construction equipment hire business (Coates Hire) and further to the south is a mix of light industrial, commercial and residential developments.

17. Immediately to the west at 22 O'Riordan Street, the site is currently adjoined by a two-storey building formerly a Mercedes motor vehicle showroom and vehicle repair premises however a development application (D/2021/529) was approved for the site in November 2021 for a commercial development 5 storey in height (maximum 22m) with one level of basement parking. The site is currently for sale.

18. Further to the west of the site are various light industrial and commercial land uses extending along O'Riordan Street and further west, Bourke Street.

19. The site is not a heritage item nor is it located in a heritage conservation area.

20. A site visit was carried out on 19 July 2024. Photos of the site and surrounds are provided below:



Figure 5: Site viewed from intersection of Botany Road and Geddes Ave looking west



Figure 6: Site looking west towards 22 O'Riordan Street



Figure 7: View from site frontage looking east along Geddes Ave (Note: 499 and 501-509 Botany Road to right of frame)



Figure 8: Green Square to Ashmore Connector Road adjacent to site looking north west



Figure 9: Green Square to Ashmore Connector Road from western site boundary looking west to O'Riordan Street



Figure 10: View looking south along Botany Road



Figure 11: View looking north west from intersection of Botany Road and Geddes Avenue

History Relevant to the Development Application

Development Applications

21. A Concept Development Application (D/2019/87) was approved for the subject site on 5 December 2019 which provides for:

    - a building envelope with a maximum height of 33m (or 9 storeys) and maximum FSR of 4:1 with potential for an additional 10% (within an additional storey) subject to a future design excellence process

- indicative future commercial and residential uses for the purposes of affordable housing, and

- minimum building setbacks of 1.4 metres (footpath widening) to Botany Road and 1.5 metres (0.5m footpath widening plus 1.0m landscape zone) to the new Green Square to Ashmore Connector Road and variable setbacks to the south and west boundaries.

A public benefit offer and draft voluntary planning agreement (VPA) also accompanied the application.

22. The Concept DA has been modified on two occasions: D/2019/87A (approved 20 March 2020) to: amend the deferred commencement condition to be consistent with the VPA and activate the consent following registration of the VPA on title; and D/2019/87B (approved on 1 July 2020) to refer to an amended design excellence strategy which allowed the minimum number of competitors required to take part in the Design Competition to be reduced.

23. Concurrent with the subject application a further modification has been submitted (D/2019/87C) to modify the Concept Approval to provide for changes to the approved building envelope in line with the subject detailed design. In summary the proposed changes to the concept approval include:

- departure to the building envelope on the western elevation at ground level to facilitate the required disabled car parking spaces and loading dock, reducing the western setback at ground level from 4.5m to 0m

- alterations to the building height, with a maximum exceedance beyond the building envelope height of 33m by 3.2m,

- increase in permissible FSR to allow for 4.09:1 where a maximum of 4:1 applies due to the inclusion of the area of the proposed east facing balconies due to wall height proposed for noise attenuation, and

- changes to facilitate blade wall encroachments within footpath areas above ground level.

24. The modification also seeks amendments to Conditions 2(a), 8(d) and 14 relating to the approved building envelope plans, rooftop plan and lift overrun and maximum height. Further the proposed modification seeks to delete Condition 8(b) which currently requires ''no overshadowing of the approved residential apartments at 499 and 501 – 509 Botany Road, Alexandria''. This condition is to be deleted with the application seeking to minimise overshadowing to 499 and 501-509 Botany Road, Alexandria, and adjoining properties, in accordance with objective 3B-2 of the Apartment Design Guide. Condition 13 is also proposed to be amended in respect of the maximum permissible FSR.

25. The Concept Development Application modification is the subject of a separate concurrent report to the Committee.

Design Excellence Competition

26. The Concept Approval (D/2019/87) provided a maximum FSR for the site of 4:1 plus a potential 10% design excellence bonus subject to a future competitive design process.

27. From August to October 2020 a Competitive Design Alternatives Process was undertaken in accordance with Condition 4 of the Concept Approval and the approved Design Excellence Strategy.

28. Three design teams were invited to submit a design comprising DKO Architects, Smith & Tzannes and Chenchow Little Architects. Ultimately the Chenchow Little Architects scheme was selected as the winning design.

29. Following the competitive design process, it is understood that the winning design went through detailed design review and that ultimately it was found to be unfeasible. Further relations between the applicant and Chenchow Little Architects are understood to have broken down. The applicant then approached the City who requested advice from the Chair of the Competitive Design Alternatives Process as to whether any other design entry demonstrated high merit and was deemed to be capable of achieving design excellence rather than restarting the competitive design process. Advice was provided from the Chair (Olivia Hyde, Director of Design Excellence, Government Architect NSW) that "the second placed proposal (by DKO Architects) demonstrated high merit and would, in my view, be capable of achieving design excellence. In the circumstances and noting the specific nature of this project as 100% social and affordable housing, I would support submission of this scheme."

30. Accordingly, the applicant determined to proceed with the DKO scheme however not to resubmit to the design excellence panel and therefore not to seek approval for the additional potential 10% design excellence bonus (under clause 6.21D of SLEP 2012) given that the final scheme was not the winner of the competitive design process. Notwithstanding the subject scheme was developed having regard to the approved design excellence strategy. Aspects of the competitive design process that have been included in the current scheme are:

    - retaining the two individual tower form presentation
    - utilising concrete and prefabrication materials which reflect the historic character of the locality
    - inflections in the design to respond to solar access and therefore maximise amenity for future residents
    - providing public open space at ground floor and presenting to the new Ashmore Connector Road to assist in streetscape activation, and
    - ensuring equity of access.

Design Advisory Panel (4 May 2023)

31. The proposal was first considered by Council's Design Advisory Panel (DAP) at its meeting on 4 May 2023. Comments provided by the DAP in respect of the proposal as lodged included:

    (a) Three building options were presented to the Panel. One with a single core, another with a split core and the third, more developed option, which appeared to be a composite of the first two.

    (b) All options comply with the approved building envelope for the site.

    (c) There are some legibility and wayfinding issues with the first two schemes, with poor connections from the car park to the main lobby space.

(d) Having only having one lift per core is problematic for a building of this height. The Panel prefers the centralised core option with two lifts.

(e) The Panel believed that the composite option is the best option and offers greater solar amenity to living rooms.

(f) All landscape areas need to be developed further and ADG requirements need to be addressed.

(g) The Panel noted that St George Community Housing does not generally provide air conditioning units in its apartments due to cost, and so natural ventilation will need to be a key consideration moving forward.

(h) The Panel suggested that the proponents learn from Nightingale community housing if they provide open gallery circulation spaces. Those spaces can be used as shared community space.

(i) The Panel requested that this project return to the Panel when it is further developed.

Design Advisory Panel (13 June 2024)

32. The DAP further considered the concept and design development application comprising a new 10-storey mixed use building with 111 affordable housing dwellings post DA lodgement on 13 June 2024. The Panel noted the applications and made the following recommendations:

(i) The Panel commended the scheme for not including air-conditioning and noted the subsequent criticality of solar protection and cross ventilation for amenity.

(ii) The effectiveness of cross ventilation should be demonstrated as there is unlikely to be much wind pressure. Refinements to apartments to improve openings for cross ventilation is recommended.

(iii) While the strategy to reduce the bulk by varying the finish to the recessed central form, use of paint finish is not supported. This expression should be achieved by an inherent finish.

(iv) The limited size of openings to balconies behind the masonry facades reduces the amenity and limits sun access to apartments.

(v) Detailed design of precast concrete is important. Ribbing is generally supported.

(vi) Consider small balconies to the northern frontage to improve solar protection, for noise attenuation, and to reduce the bulk of forms.

(vii) Further refinement to the northern landscape area is recommended to maximise useable green space, reduce excess pathways, and to connect to the Ashmore connector.

(viii) Consider refinement of ground floor storage spaces to ensure that they are useful.

(ix) Consider refinement of kitchen islands, as they may not be the most efficient arrangement of internal space.

(x) The Panel sought further updates on the project as it progresses.

Amendments

33. Following a preliminary assessment of the proposed development by the independent planner and Council Officers and having regard to the DAP's comments, a request for additional information and amendments was sent to the applicant on 7 August 2024. Issues raised in the RFI letter included: FSR, natural ventilation, apartment amenity, building form and articulation, design and materiality, ground plane layout and circulation, public domain, site survey, quantity and quality of communal open space (including rooftop communal open space), deep soil, canopy coverage, design coordination, waste and servicing arrangements, noise and VPA and land dedications.

34. A meeting was held with the applicant, independent planner and council officers on 23 September 2024 to discuss the RFI issues and the proposed response.

35. The applicant formally responded to the RFI request on 25 September 2024, and submitted the following additional / amended information**:**

(a) RFI Response Letter

(b) Clause 4.6 variation request in respect of FSR

(c) Amended architectural plans

(d) Amended landscape plans

(e) Revised landscape report

(f) Amended civil plans

(g) Noise, Vibration & Natural Ventilation Impact Assessment

(h) Site survey

(i) Loading dock management plan

(j) Revised Transport Impact Assessment, and

(k) Green Travel Plan.

36. Notably following the above discussions, the proposed scheme was amended to**:**

- Include alternative infill panels on the northern elevation to accentuate the horizontal projection on the facades and provide additional texture. The infill panels are in the form of brick inlay precast panels which improves the materiality and articulation of the building, breaking down its overall bulk and scale.

- Provide further details on the proposed buildings materials and finishes.

- Redesign the loading dock to cater for a 9.9m waste vehicle as agreed with Council's waste officers.

- Consolidate the proposed ground level paths into a single path to prioritise access and usability of the ground level open space by residents.
- Update the landscaping plans to provide improved areas of communal open space, deep soil planting and tree canopy coverage.
- Amend the ground floor residential lobby to improve accessibility and wayfinding.
- Updated architectural plans to provide further details on the natural ventilation of apartments supported by an updated Noise, Vibration & Natural Ventilation Impact Assessment.
- Provide a Clause 4.6 request to vary the Floor Space Ratio (FSR) development standard due to the inclusion of balconies with higher glass balustrades.
- Update the civil plans to demonstrate that engineering and infrastructure matters are appropriately resolved.
- Provide an updated site survey which includes 'As Built' documentation of the Ashmore Connector Road.

Proposed Development

37. The application, as amended, therefore seeks consent for the following:

- 111 apartments;
    - 13 studios
    - 30 x 1 bed apartments
    - 58 x 2 bed apartments
    - 10 x 3 bed apartments
- Total GFA of 9,198m2 (FSR of 4.09:1) including 1 ground floor commercial/retail tenancy providing a total of 294m2 commercial floorspace;
- communal areas including open space and a resident community hub;
- 4 on-site accessible parking spaces;
- landscaping;
- civil works;
- earthworks; and
- remediation.

38. The application purports to include signage zones for the future ground floor tenancy however no information is provided on this aspect of the development. Accordingly, it is not included in this assessment. Any signage (other than exempt or complying signs) will be required to be the subject of a future separate development application.

39. Plans and elevations of the proposed development are provided below.

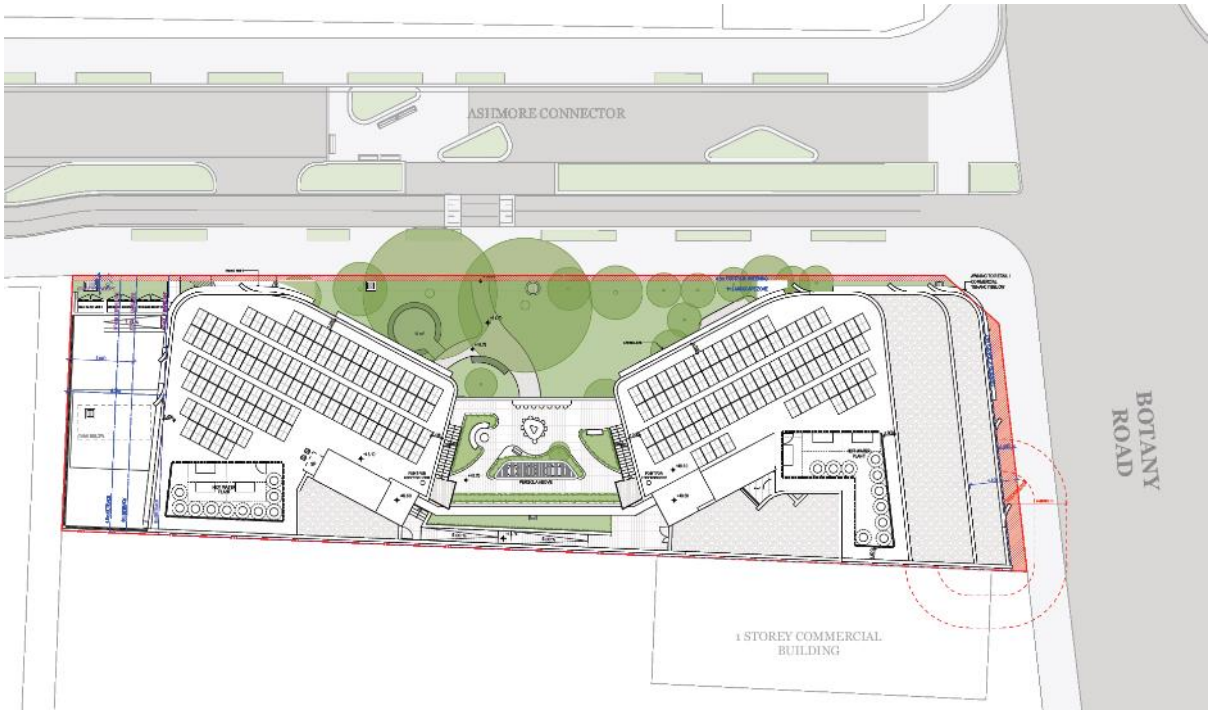


Figure 12: Site plan

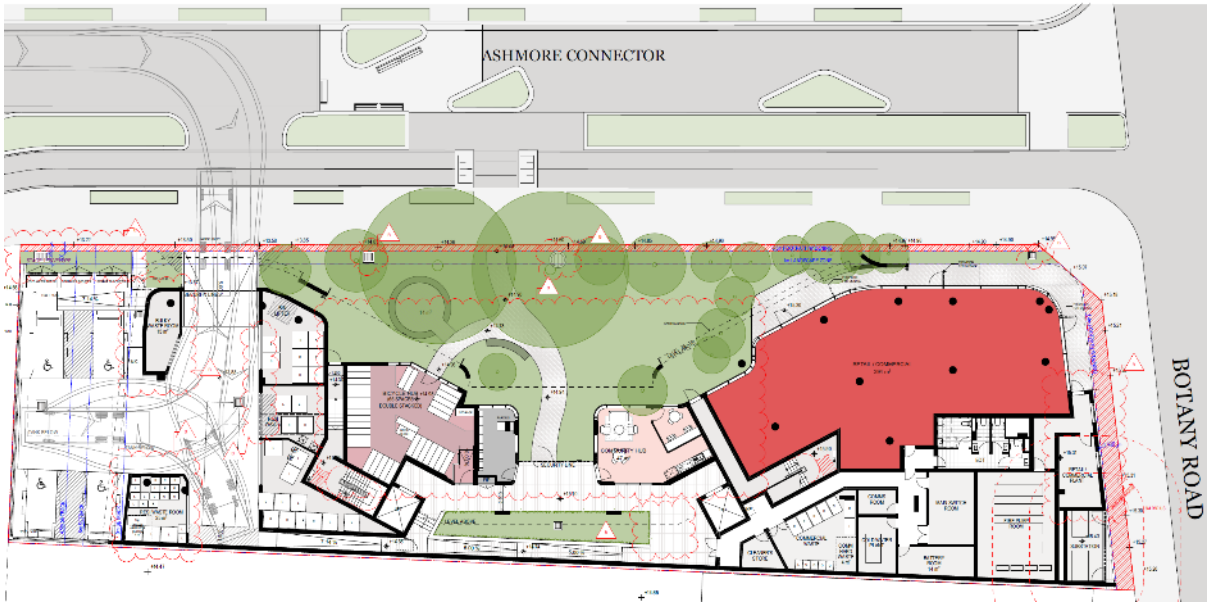


Figure 13: Proposed ground floor plan

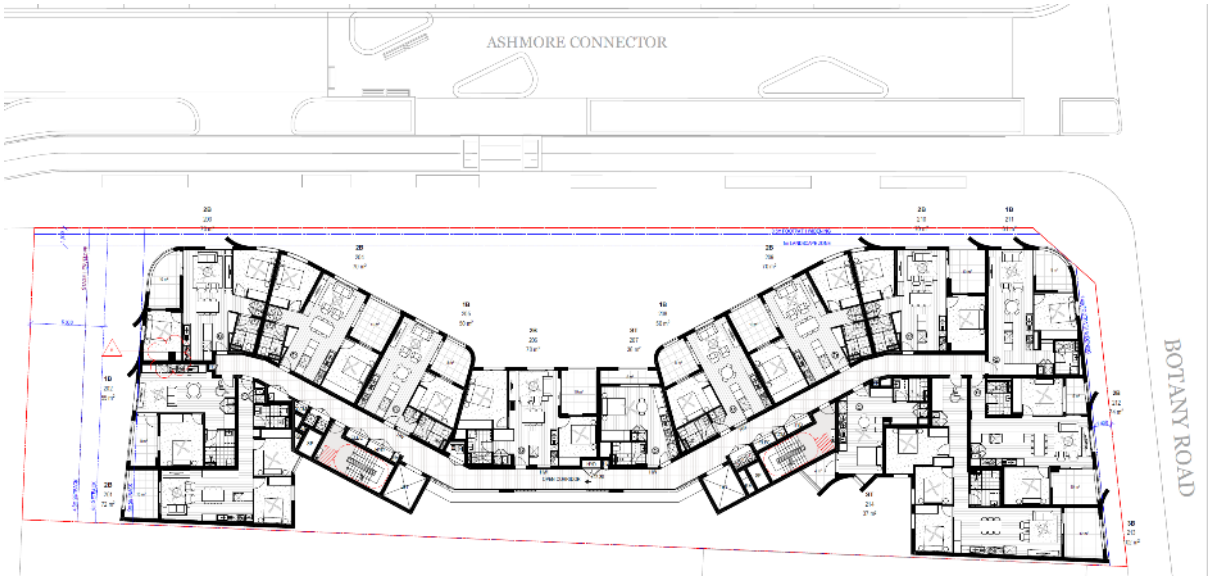


Figure 14: Proposed Level 2 - 5 plan

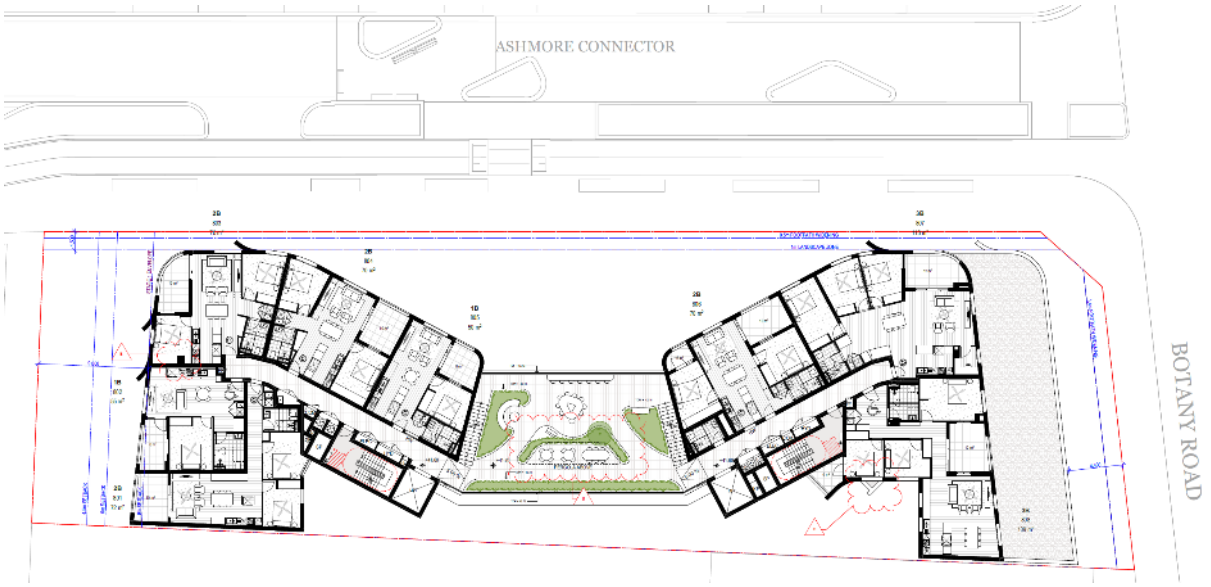


Figure 15: Proposed Level 8 plan

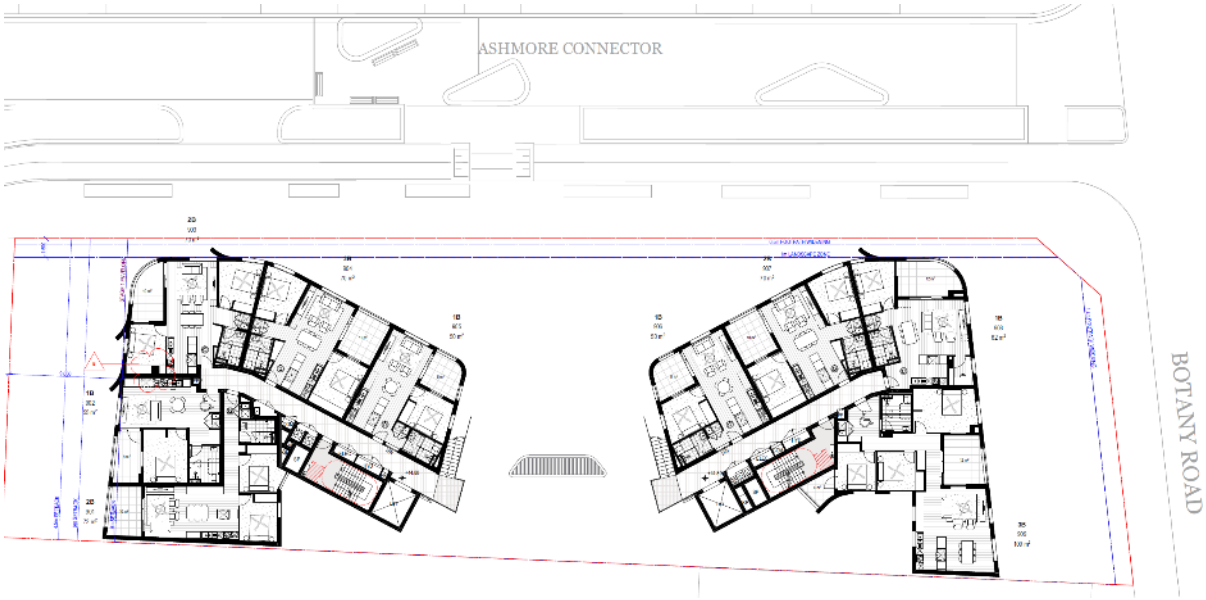


Figure 16: Proposed Level 9 plan



Figure 17: Proposed north (Ashmore Connector) elevation



Figure 18: Proposed east (Botany Road) elevation

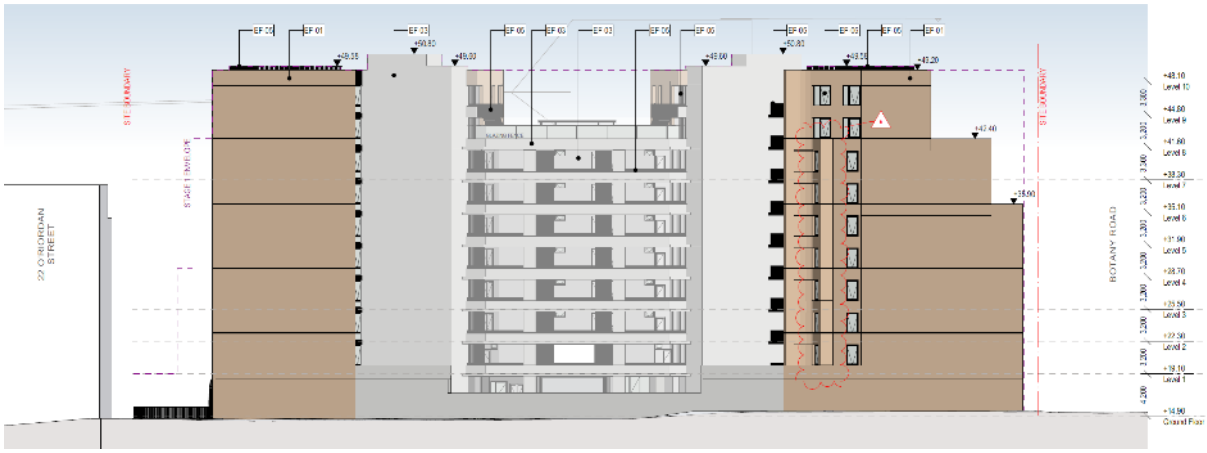


Figure 19: Proposed south elevation



Figure 20: Proposed west elevation

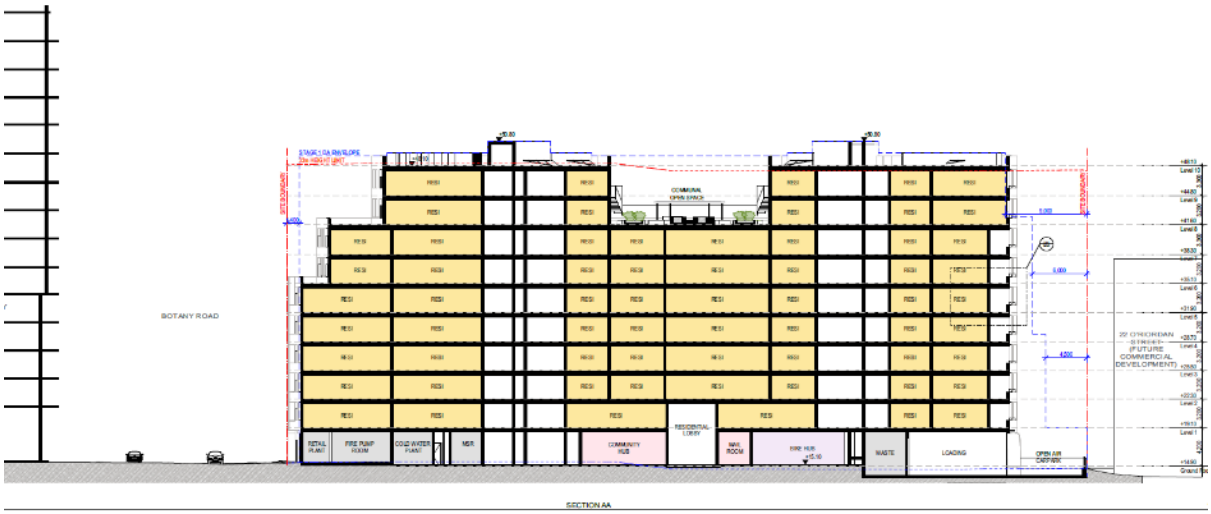


Figure 21: Proposed long section

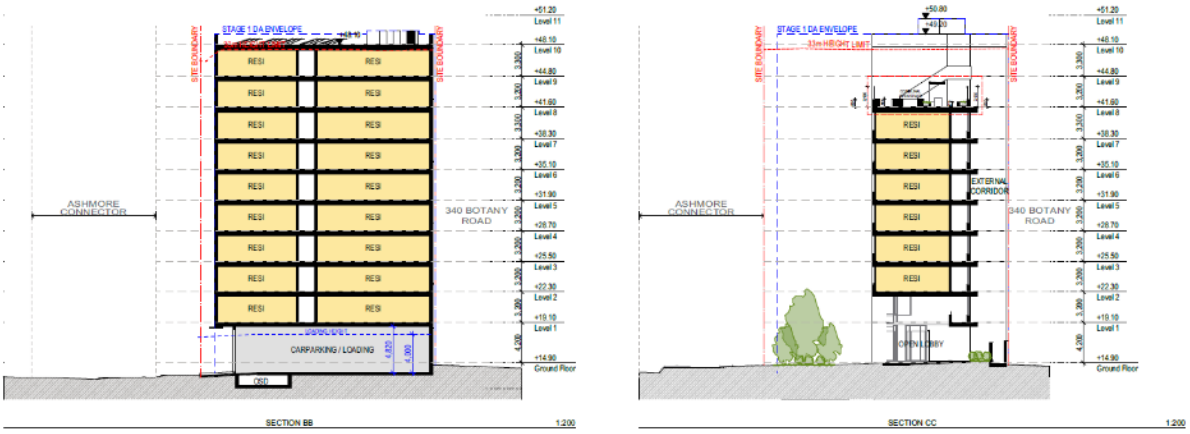


Figure 22: Proposed short sections



Figure 23: Proposed photomontage looking south west from Botany Road



Figure 24: Proposed photomontage looking south east

Assessment

40. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

32. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.

33. A Remediation Action Plan (RAP) was submitted with the Stage 1 development application and identified the following area of concern:

- underground storage tanks
- site fill material impacted with lead and hydrocarbon contamination
- groundwater requiring remediation/management.

34. The underground storage tanks have since been removed as part of new Ashmore Connector Road works.

35. Condition 9 of the Concept Approval (D/2019/87) required that an amended RAP be submitted as part of the Stage 2 development application. Accordingly, a letter comprising a review of the development plans and confirmation of remedial strategy was prepared by JBS&G and accompanies the subject detailed development application. In addition, an Interim Site Audit Advice including a review of the Remedial Action Plan prepared by the site auditor has been submitted.

36. Council's Health Unit has reviewed the submitted documentation and has noted that the NSW EPA Accredited Site Auditor has confirmed that the site can be made suitable for the proposed use subject to the successful implementation of the RAP and validation. The preferred remedial strategy is to excavate lead and hydrocarbon impacted soils and treat offsite or if that is not possible then to treat onsite with a cap and contain strategy and submission of an LTEMP.

37. The Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Housing) 2021

38. One of the aims of SEPP (Housing) 2021 is to provide a consistent planning regime for the provision and maintenance of affordable rental housing and to facilitate the delivery of new affordable rental housing. Notwithstanding that the proposal is for the purposes of affordable housing, clause 1.9(2A) of the Sydney Local Environmental Plan 2012 provides that Chapter 2, Part 2, Divisions 1, 2, 3 and 5 and Chapter 3, Part 3 of SEPP (Housing) 2021 do not apply to land at Green Square.

39. Section 7.32 of the EP&A Act states that where the consent authority is satisfied that the development meets certain criteria, and a Local Environmental Plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created. Clause 7.13 (Contribution for purpose of affordable housing) of the Sydney Local Environmental Plan 2012 also allows for circumstances where an affordable housing contribution may be levied for development of land in Green Square. However, in determining whether a development meets the criteria for the application of an affordable housing contribution GFA used for the provision of affordable housing is excluded, and the proposal does not meet the criteria to impose an affordable housing contribution under Section 7.32(1) of the Act. Accordingly, a contribution is not applied in this instance.

Chapter 4 - Design of Residential Apartment Development

40. The aim of Chapter 4 of the SEPP (Housing) 2021 is to improve the design quality of residential apartment development in New South Wales.

41. When determining an application for a residential flat development of three or more floors and containing four or more apartments, the SEPP requires the consent authority take into consideration a number of matters relating to design quality, including the design quality principles as set out in Schedule 9.

42. The applicant has submitted a design verification statement and design report prepared by Nicholas Byrne of DKO (Registration No. NSW ARB #7806) with the application, addressing the design quality principles and the objectives of Parts 3 and 4 of the Apartment Design Guide (ADG). The statement is deemed to satisfy Section 29 of the Environmental Planning and Assessment Regulation 2021.

43. An assessment of the proposal against the design quality is provided as follows:

(a) Principle 1: Context and Neighbourhood Character

The site is located within the Green Square urban renewal precinct which is in a state of transition. The proposed design responds to the planned future character of the precinct, recently approved developments and the existing industrial character of the area particularly along Botany Road. It will contribute to the vitality of the area through the introduction of a significant new development with direct frontage to the new Ashmore Connector Road which is car free adjacent to the site. Adjoining the site the new road provides shaded pedestrian and cycle amenity broadly to the precinct and more immediately to the site with large planters providing shaded seating areas for public gatherings and public art for the community.

The site is within 200m of the Green Square train station and 5m from a bus stop providing future residents with a high level of accessibility via a range of public and active transport options. The form of the building is consistent with the scale of development envisaged in the locality and with recently approved development particularly to the north and east.

The development is proposed within the E3 'Productivity Support' zone and is broadly in accordance with the aims and objectives of the Sydney LEP 2012, the Sydney DCP 2012, and the Concept Approval (as proposed to be modified).

(b) Principle 2: Built Form and Scale

The Green Square precinct is currently in a state of transition from former industrial and warehousing uses to a mixed use local centre. The built form and scale of this proposal is compatible with that envisaged in the Concept Approval (as amended) and with the applicable planning controls with the exception of minor variations to the maximum height and FSR. The proposed variations are addressed under the Discussion heading below. It is also consistent with the scale of envisaged and recently approved development in the immediate vicinity particular to the north and east and responds appropriately to the lower scale existing and approved development to the south and west as discussed in detail below. Key strategies that have been adopted in the proposal to ensure an appropriate form and scale include:

(i) sculpting the form to provide for acoustic attenuation, solar amenity and to reduce the perceived building length;
(ii) stepping the massing toward Botany Road to retain solar access to neighbouring developments;
(iii) provision of a green spine along the Ashmore Connector Road frontage, and
(iv) Breaking the built form by recessing the centre and increasing permeability to the sky and ground level.

(c) Principle 3: Density

The development provides a suitable number and variety of affordable housing apartment types, with appropriate amenity for occupants. The proposed overall density of development is generally consistent with that envisaged under the relevant planning controls and the Concept Approval and is acceptable given the context. While the proposal does result in a marginal exceedance of the maximum permissible GFA (and hence FSR) this is the result of a technicality being the requirement to include the area of the east facing balconies as GFA due to height of the balcony balustrades which provide noise attenuation and do not impact density.

The development will accommodate 111 dwellings, which is an appropriate level of residential density for the site given the site opportunities and constraints and its proximity to established infrastructure, public transport, and community and recreation facilities.

The proposed density of the new building does not result in unacceptable levels of amenity impact for neighbouring properties or the future residents within the development. The proposal responds to the future context and does not result in unacceptable levels of amenity impact for neighbouring properties or future residents.

(d) Principle 4: Sustainability

The proposal is compliant with the requirements of BASIX in terms of thermal comfort and meets the required water and energy targets. An appropriate condition is recommended to ensure that the development complies with the commitments contained on its BASIX certificate.

An ESD report has also been submitted which identifies the ESD targets for the project which include:

(i) Design to target the equivalent of a minimum 4 Star Green rating in principle only through self-assessment;

(ii) BASIX Energy score 35 minimum;

(iii) Average 7 Stars NatHERS;

(iv) Compliance with NCC Section J provisions for Energy Efficiency;

(v) Minimum 25kW roof top solar PV system;

(vi) Develop place making and community gathering opportunity in the design;

(vii) Increase opportunities for bio-diversity value on site;

(viii) Investigate smart technology applications for the project and empower the end users through education and training; and

(ix) Proactively seek connections to Green Square precinct Recycled Water Scheme, including via designing in pipework to receive recycled water for toilet flushing and laundry use.

Further BASIX certification, NatHERs stamped plans and Section J report have all been provided. Council's ESD Advisor has indicated that the measures outlined in the ESD report, BASIX Certificate, NatHERS stamped plans and Section J report are all appropriate and meet or exceed relevant requirements. Condition of consent have also been recommended.

(e) Principle 5: Landscape

A mix of hard and soft landscaping is provided, with opportunities for passive and active recreation. Landscaping has been employed adjacent to the Ashmore Connector Road to appropriately delineate the public and private (communal) areas of the site, to soften the built form and to enhance amenity. As stated in the design report:

> "Forming an urban sanctuary; lush greenery, flowing water features, and serene gardens break up the surrounding urban environment. Natural elements and carefully curated design elements create a space where groups and individuals can rest, recover, and interact with the natural surroundings.
>
> The site envisions an open space that features secluded nooks, quiet corners, and cozy seating areas. The strategic use of lighting, sound, and scent further enhances the ambience, creating an immersive experience."

In terms of the rooftop communal area the design report states:

> "Residents are provided with a variety of amenity including social, dining, cooking and entertainment that cater for varied group sizes and individual use.
>
> A pergola provides shelter to dining spaces, while the sunlounge and deck is open and surrounded by lush planting. The central bench has facilities for cooking, dining and entertaining while leading out to the bar top that takes advantage of the views out to the city."

The proposed design, as amended, exceeds the 7% deep soil area required under the ADG providing 11% deep soil area. It also complies with the required 25% communal open space area (with minimum dimension of 6m) providing a total of 25.5% communal open space.

Council's landscape officer has advised that the revised proposal is acceptable subject to recommended conditions of consent.

(f) Principle 6: Amenity

The proposal incorporates apartment planning that can deliver a high level of amenity for future occupants having regard to the site's east west alignment. Floor plans have been configured to, as far as possible, orient to the north, east and west to maximise solar access and ventilation (subject to the site constraints). The number of units facing south is minimised. Further noise attenuation is built in to units facing east (to Botany Road) to optimise amenity. Compliant apartment and room sizes are also provided.

Compliance with amenity controls regarding the relevant provisions of the ADG is detailed in the table below.

(g) Principle 7: Safety

The proposal is broadly in line with the principles for Crime Prevention Through Environmental Design (CPTED).

The development provides new opportunities for passive surveillance of existing streets and the new Ashmore Connector Road and will increase street activity. The proposed communal open space and commercial tenancy which front the Connector Road at ground level will ensure a high level of activity to the new pedestrianised roadway and thereby promote safety and security. Further the design provides for territorial reinforcement and does not create any areas of safety risk.

(h) Principle 8: Housing Diversity and Social Interaction

The proposal includes a mix of dual and single apartments, offering an appropriate variety of apartment types across the development.

The development will accommodate 111 affordable housing dwellings, providing the following mix:

13 x Studio apartments (11.7%)

30 x 1 bedroom apartments (27%)

58 x 2 bedrooms apartments (52.3%)

10 x 3 bedroom apartments (9%).

The proposed unit mix is broadly consistent with that envisaged under the Sydney DCP 2012.

The proposal provides 15 (17.3%) adaptable apartments and 111 (100%) liveable units complying with the Sydney DCP 2012 requirement.

(i) Principle 9: Aesthetics

The proposed built form presents a contemporary, well-modulated and articulated development, using a variety of architectural elements and materials to provide visual interest. The proposed materials are supported, and the overall design will positively contribute to the aesthetic qualities of the streetscape.

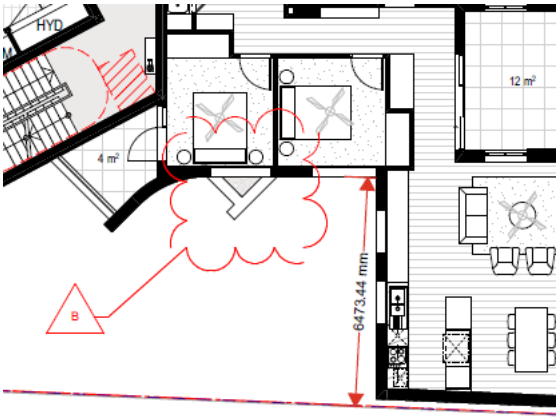
The amended design is generally consistent with the competition scheme, which was considered by the Chair of the selection panel to be capable of exhibiting design excellence with regard to materiality and architectural expression. The proposal has been supported by the DAP and Council's urban design advisor subject to recommended conditions.

44. The development is acceptable when assessed against the SEPP including the above stated principles and the associated ADG. These controls are generally replicated within the apartment design controls under the Sydney Development Control Plan 2012. Consequently, compliance with the SEPP generally implies compliance with Council's own controls. A detailed assessment of the proposal against the ADG is provided below.

2E Building Depth	**Compliance**	**Comment**
12-18m (glass to glass)	Yes	The building depth is relatively narrow given the narrowness of the site and the east west orientation. Units are generally less than 10m in depth.

2F Building Separation	**Compliance**	**Comment**
Up to four storeys (approximately 12 metres): • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms	Yes	The proposal complies with the 6m habitable to habitable setback adjacent to the western boundary for the first 4 storeys. To the south the majority of the frontage has no windows facing the boundary however two windows on each level are setback approx. 4.6m. This is consistent with the habitable to non-habitable interface on this frontage.
Five to eight storeys (approximately 25 metres): • 18m between habitable rooms / balconies	Partial compliance	A minor non compliance is proposed on levels 4-7 (storeys 5-8) along the western site boundary where a 9m setback is required and 7.967 - 9m is proposed. This is considered acceptable in the circumstance as only 2 windows on each level are non compliant and given the existing approval on the site to the west which provides for a habitable to non

2F Building Separation	Compliance	Comment
• 12m between habitable and non-habitable rooms • 9m between non-habitable rooms		habitable interface and a development of 5 storeys in height. Accordingly, the non compliant windows will be above the adjacent development and will not result in any privacy impacts. To the south an angled (oriel) window is setback 5.5m and angled balcony setback 5.0m from the boundary on levels 4-7 which does not comply with the habitable to non habitable requirements of 6m (as shown below). Notwithstanding it is considered that the proposed setback is acceptable given the angling and privacy fin wall which directs views to the south west rather than directly across the boundary. Further the adjacent development is commercial and is not therefore a sensitive use. 
Nine storeys and above (over 25m): • 24m between habitable rooms / balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms	Partial compliance	As above a minor non compliance exists for Levels 8 and 9 (9th and 10th storeys) adjacent to the western and southern boundaries. On Levels 8 and 9 a 9m setback is technically required to the west where 7.967 -9m is proposed. This is considered acceptable in the circumstance as only 2 windows on each level are non compliant and given the existing approval on the site to the west which provides for a habitable to non habitable interface and a development of 5 storeys in height. Accordingly, the non compliant windows will be above the adjacent development and will not result in any privacy impacts. To the south an angled (oriel) window is setback 5.5m and angled balcony setback 4.9m from the boundary on levels 8-9

2F Building Separation	Compliance	Comment
		which does not comply with the habitable to non habitable requirements of 9m (as shown above). Notwithstanding it is considered that the proposed setback is acceptable given the angling and privacy fin wall which directs views to the south west rather than directly across the boundary. Further the adjacent development is commercial and is not therefore a sensitive use. An additional bedroom window on each level (on the south eastern corner of the site) has a setback of approx. 6.5m where 9m is required. This is however acceptable given that these levels are above the adjacent development and bedroom windows only. 

3D Communal and Public Open Space	Compliance	Comment
Communal open space has a minimum area equal to 25% of the site.	Yes	574m2 of communal open space is proposed on the ground and Level 8 resulting in 25.5% of the site (574m2/2250m2).
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).	Yes	It is acknowledged that the ground floor communal open space is constrained by overshadowing from the surrounding built form throughout the day at the winter solstice. The proposal, however, provides a good standard of solar access to the Level 8 rooftop communal open space. More

3D Communal and Public Open Space	Compliance	Comment
		than 50% of the principal usable part of the rooftop communal open space will receive a minimum of 2 hours between 9am and 3pm on 21 June.

3E Deep Soil Zones	Compliance	Comment
Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6m	Yes	The amended proposal is measured to provide 248m2 of deep soil (11% of site area).

3F Visual Privacy	Compliance	Comment
Up to four storeys (12 metres): • 6m between habitable rooms / balconies • 3m between non-habitable rooms	Partial compliance	As outlined above there is a minor non compliance adjacent to the western boundary however this is considered acceptable in the circumstance. Refer above.
Five to eight storeys (25 metres): • 9m between habitable rooms / balconies • 4.5m between non-habitable rooms	Partial compliance	As outlined above there is a minor non compliance adjacent to the western boundary however this is considered acceptable in the circumstance. Refer above.
Nine storeys and above (over 25m): • 12m between habitable rooms / balconies • 6m between non-habitable rooms	Partial compliance	As outlined above there is a minor non compliance adjacent to the western boundary however this is considered acceptable in the circumstance. Refer above.
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open	Yes	Apartment layouts are generally designed to locate sensitive rooms and

3F Visual Privacy	Compliance	Comment
circulation space by the apartment's service areas.		spaces away from internal communal corridors and spaces.

4A Solar and Daylight Access	Compliance	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Yes	78 out of 111 dwellings achieve solar access in accordance with the objective, which is 70.3%.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	10 out of 111 apartments receive no direct sunlight at the winter solstice, which equals 9%.

4B Natural Ventilation	Compliance	Comment
All habitable rooms are naturally ventilated.	Yes	All habitable rooms are naturally ventilated.
Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.	No	60 out of 102 apartments (first 9 storeys) are naturally cross ventilated, equalling 58.8%. This does not comply with the minimum requirement however is considered to be acceptable in the circumstance. Refer to the assessment under the Discussion heading.

4C Ceiling Heights	Compliance	Comment
Habitable rooms: 2.7m	Yes	Floor to floor heights of at least 3.2 metres are provided, achieving 2.7m floor to ceiling heights for habitable rooms and 2.4m minimum ceiling heights for non-habitable rooms or greater. A standard condition of consent is recommended, requiring a registered
Non-habitable rooms: 2.4m	Yes	

4C Ceiling Heights	Compliance	Comment
		surveyor to confirm a 2.7m floor to ceiling height is achieved in living areas and bedrooms, and 2.4m is achieved in kitchens, bathrooms, laundries and hallways.
If located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use.	Partial compliance	A ground floor floor to floor height of 4.2m is proposed. Given the proposed residential use a floor to floor height of 3.3m is not proposed for Level 1 which is considered acceptable given that the proposal is for affordable housing.

4D Apartment Size and Layout	Compliance	Comment
Minimum unit sizes: • Studio: 35m2 • 1 bed: 50m2 • 2 bed: 70m2 • 3 bed: 90m2 The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2 each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each.	Yes	All apartment sizes comply with the minimum area requirements. (Note: all units only have one bathroom)
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Yes	All bedroom and living rooms comply with the requirement.
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	Apartment depths comply.

4D Apartment Size and Layout	**Compliance**	**Comment**
8m maximum depth for open plan layouts.	Yes	
Minimum area for bedrooms (excluding wardrobes): • master bedroom: 10m2 • all other bedrooms: 9m2 Minimum dimension of any bedroom is 3m (excluding wardrobes).	Yes	The bedroom areas and minimum dimensions comply.
Living and living/dining rooms minimum widths: • Studio and one-bedroom: 3.6m • Two-bedroom or more: 4m	Yes	The living and living/dining room minimum widths comply.

4E Private Open Space and Balconies	**Compliance**	**Comment**
Studio apartments are to have a minimum balcony area of 4m2 with a minimum depth of 1m. One bed apartments are to have a minimum balcony area of 8m2 with a minimum depth of 2m. Two bed apartments are to have a minimum balcony area of 10m2 with a minimum depth of 2m. Three bed apartments are to have a minimum balcony area of 12m2 with a minimum depth of 2.4m.	Yes	All apartments are provided with balconies which comply with the minimum dimension and area.

4F Common Circulation and Spaces	Compliance	Comment
The maximum number of apartments off a circulation core on a single level is eight (8).	Yes	Maximum of 13 units per floor serviced by 2 lifts
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	No	2 lifts provided to service 111 units in 10 storey building. Notwithstanding it is considered that the proposal is acceptable given the proposed affordable housing use and the building layout.
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Yes	No living room or bedroom windows open directly onto circulation spaces with doors being generally offset or screened within units.
Daylight and natural ventilation are provided to all common circulation spaces.	Yes	The proposed central circulation corridor is an open corridor with openings to the south.

4G Storage	Compliance	Comment
Minimum storage provision facilities: • Studio: 4m3 • 1 bed: 6m3 • 2 bed: 8m3 • 3 bed: 10m3 (Minimum 50% storage area located within unit)	Yes	Adequate storage is provided within each apartment in accordance with ADG requirements.

4J Noise and Pollution	Compliance	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Yes	The design groups similar uses and services together to ensure the acoustic privacy of the dwellings are maintained. This includes locating waste facilities within the ground level. In addition, given the location adjacent to Botany Road noise attenuation is incorporated into the balcony design to provide for natural ventilation while ensuring acoustic attenuation. Noise attenuation will also be incorporated into the ground floor commercial use to protect the amenity of residences above.

State Environmental Planning Policy (Sustainable Buildings) 2022

45. The aims of this Policy are as follows—

    (a) to encourage the design and delivery of sustainable buildings,

    (b) to ensure consistent assessment of the sustainability of buildings,

    (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,

    (d) to monitor the embodied emissions of materials used in construction of buildings,

    (e) to minimise the consumption of energy,

    (f) to reduce greenhouse gas emissions,

    (g) to minimise the consumption of mains-supplied potable water,

    (h) to ensure good thermal performance of buildings.

Chapter 2 Standards for residential development - BASIX

46. A BASIX Certificate has been submitted with the development application 1739395M

47. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A condition of consent is recommended ensuring the measures detailed in the BASIX certificate are implemented and that the BASIX certificate and NatHERS stamped plans are updated in accordance with the plan amendments.

State Environmental Planning Policy (Transport and Infrastructure) 2021

48. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations

Section 2.119 – Development with frontage to classified road

49. The application is subject to Section 2.119 of the SEPP as the site has frontage to Botany Road which is a classified road.

50. The proposed development satisfies the provisions of Section 2.119 subject to conditions of consent, as access to the site is not provided from the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development. Further the development is appropriately located and designed and includes measures to ameliorate potential traffic noise or vehicle emissions within the site.

51. TfNSW has provided advice that it has no objection to the proposal subject to recommended conditions of consent.

Section 2.120 – Impact of road noise or vibration on non-road development

52. The application is subject to Section 2.120 of the SEPP as the site is adjacent to Botany Road which has an annual average daily traffic volume of more than 20,000 vehicles and the development is likely to be adversely affected by road noise or vibration.

53. The proposal is accompanied by a Noise Impact Assessment prepared by E-Lab Consulting, which recommends appropriate noise mitigation treatments to ensure that future residential apartments achieve an acceptable noise environment and residential amenity. The design includes increased wall heights to balconies fronting Botany Road to provide noise attenuation. Council's environmental health officer (noise) has advised that the proposal is acceptable noting that where exceedances to the project specific noise criteria have been predicted ‘tall wind screening (designed to 75% in total height for Sydney Wintergarden compliance) and Acoustic treatment to underside of soffits’ are proposed.

54. Further TfNSW has also provided advice that it has no objection to the proposal subject to recommended conditions of consent.

55. The application satisfies Section 2.120 subject to conditions of consent.

Section 2.122 – Impact of road noise or vibration on non-road development

56. Section 2.122 requires that development applications for certain traffic generating development, as set out in Schedule 3 of the policy, be referred to TfNSW and that any submission from the TfNSW be considered prior to the determination of the application. The Proposal seeks approval for residential accommodation with 75 or more dwellings with access to a road that connects to a classified road, within 90m of the connection. Accordingly, the proposal is required to be referred to TfNSW.

57. As noted above TfNSW has provided advice that it has no objection to the proposal subject to recommended conditions of consent.

Local Environmental Plans

Sydney Local Environmental Plan 2012

58. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the E3 Productivity Support zone. The proposed development is defined as a mixed use development comprising residential accommodation development (affordable housing) and commercial and is permissible with consent in the zone. The proposal meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	A maximum building height of 33m is permitted. A height of 36.2m is proposed. The proposed development does not comply with the maximum height of buildings development standard. A request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.
4.4 Floor space ratio	No	A maximum floor space ratio of 4:1 (including a base FSR of 3:1 plus 1:1 community infrastructure floor space under clause 6.14 of SLEP 2012) or 9,000sqm is permitted. A floor space ratio of 4.09:1 or 9,198sqm is proposed. The proposed development does not comply with the maximum floor space ratio development standard. A request to vary the floor space ratio development standard in accordance with Clause 4.6 has been submitted.

Provision	Compliance	Comment
		See further details in the 'Discussion' section below.
4.6 Exceptions to development standards	Yes	The proposed development seeks to vary the development standard prescribed under Clauses 4.3 Height of Buildings and 4.4 Floor space ratio. A Clause 4.6 variation request for each has been submitted with the application. See further details in the 'Discussion' section below.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.21 Flood planning	Yes	Council's flood engineer has provided advice that 338 Botany Road includes the road reserve (proposed Ngamuru Avenue) which is flood affected and hence the entire lot is identified as flood affected with a flood notation on the section 10.7 certificate. However, as shown in 1% AEP flood extent map in Geocortex, the part of the land parcel at the corner of new road and Botany Road (subject site) is not significantly affected. Notwithstanding the site is located within the Alexandra Canal catchment. Development at the site is required to comply with Council's flood-related development controls. A Flood Assessment was submitted with the application which determined that all entry locations satisfy Council's Flood Planning Level (FPL). The application has been reviewed by Council's Flooding Engineers and has been found to be acceptable. The development is able to comply with the City's Interim Floodplain Management Policy and satisfies the provisions of the standard.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 2 Additional floor space outside Central Sydney		
6.14 Community infrastructure floor space at Green Square	Partial compliance	The proposed development is eligible for an additional floor space ratio of 1.1 for community infrastructure being within Area 8 as shown on the FSR Map. The Concept DA (D/2019/87) and associated VPA include a public benefit in the form of community infrastructure through: • dedication of land along the Botany Road and the Green Square to Ashmore Connector Road • footpath construction, and • a monetary contribution towards community infrastructure. The Concept DA approved a maximum FSR of 4:1 for the subject site on this basis. The proposal provides for a maximum FSR of 4.09:1 given that balcony areas are required to be included in GFA given the proposed wall height required to provide noise attenuation. Accordingly, a clause 4.6 variation has been submitted. Further as noted above the Concept DA is proposed to be concurrently amended to reflect the updated FSR,
Division 4 Design excellence		
6.21C Design excellence	Yes	The proposed development is of a high standard and uses materials and detailing which are compatible with the existing development along the street and will contribute positively to the character of the area. The development achieves the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the

Provision	Compliance	Comment
		surrounding area and future occupants. The development therefore achieves design excellence.
6.21D Competitive Design Process	N/A	As noted above, the subject design was not the winner of the competitive design process undertaken for the site. The winning design was found to be unviable. Accordingly, an alternative competition scheme has been proceeded with which the Chair of the Competition Panel has confirmed has the ability to achieve design excellence. Notwithstanding the bonus available under this clause is not proposed to be used in this case.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.5 Residential flat buildings, dual occupancies and multi dwelling housing	Yes	A maximum of 83 car parking spaces are permitted on the site for the residential component of the development. The proposed development includes 4 accessible car parking spaces and therefore complies with the relevant development standards.
7.7 Retail premises	Yes	A maximum of 5 spaces are permitted for the retail/commercial component of the development (Note: the retail rate has been applied as it is higher than the commercial rate although the ground floor tenancy is shown as retail / commercial space). The proposed development includes a total of 4 accessible car parking spaces and complies with the relevant development standards.
Division 3 Affordable housing		

Provision	Compliance	Comment
7.13 Affordable Housing	Yes	This provision allows for circumstances where an affordable housing contribution may be levied for development of land in Green Square. However, GFA used for the provision of affordable housing is excluded. The proposal also includes a retail / commercial component which has an area of 294m2 to which an affordable housing contribution could be applied. However, given that this is minor and ancillary to the main affordable housing use, and that the development is by a community housing provider, it is considered that a contribution is not warranted in this instance. As discussed above, the proposal does not meet the criteria to impose an affordable housing contribution under Section 7.32(1) of the Act.
7.13A Affordable Housing in Business Area	Yes	The proposed affordable housing development is consistent with this provision being located in a business (E3 Productivity) zone.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land identified as containing class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.
7.20 Development requiring or authorising preparation of a development control plan	Yes	A development control plan is not considered to be required for the proposed development as it will not cause significant adverse impacts on non-residential uses and further a Concept development application has been approved for the site.
7.25 Sustainable transport of southern employment land	Yes	A Green Travel Plan and Transport Impact Assessment has been submitted with the application and are both considered acceptable. The proposal includes minimal car parking and is considered to promote sustainable transport modes and minimise traffic congestion.

Development Control Plans

Sydney Development Control Plan 2012

59. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

60. The site is located within the North Alexandria locality. The proposed development is in keeping with the unique character and the design principles of the locality. Specifically subject to the recommended conditions of consent, the proposal is consistent with the following design principles outlined for the locality:

(d) Provide a range of day-to-day services like childcare, retail and food and drink.

(e) Provide higher amenity in the public domain and better urban outcomes, with defined streets, new connections where required, positive landscape spaces, and improved relationships between buildings and the public domain.

(g) Achieve a sensitivity to scale, fine grain character and materiality in the north-block and surrounding buildings

(h) Balance maximised street activation and street/building interface with the industrial character of buildings in the north-block of limited doors and windows.

(i) Present high-quality frontages to the Liveable Green Network and public open spaces.

(j) A high-quality public domain is to be realised through the careful design of frontages, through-site links, setbacks, loading and access, and through the screening of warehouses and industrial uses with active uses in the mid-block.

(k) Harness the place-making opportunities which are presented by the canals and Liveable Green Network.

(n) Improve way finding, amenity and legibility with more connections and better arranged streets, and

(o) Increase permeability through the precinct with more crossing points along major roads, well-designed streets and through-site connections to facilitate comfortable walking both within and around the precinct.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed development will make a positive contribution to the public domain. The proposal relates positively to the new east west Ashmore Connector Road and provides for 0.5m of footpath widening and 1m landscape zone on this frontage. Further it provides for 1.4m of

Provision	Compliance	Comment
		footpath widening on the Botany Road frontage. This is consistent with the DCP public domain setback requirements. The design of the ground level with communal open space fronting the Ashmore Connector Road will further enhance that character of the public domain providing a green interface to the new east west connector which is currently pedestrian only. The site is identified in the DCP as requiring an active frontage. Given the proposed use it is considered that the landscape treatment and proposed retail tenancy that is oriented to the connector road (albeit setback) will provide an appropriate level of activation. The DCP also identifies a 5 storey street wall on the subject site. This development guideline is considered to have been superseded by the Concept DA approval. A 3m upper level setback is also specified under the DCP. This development guideline is similarly considered to have been superseded by the Concept DA approval. Further a proposed through site link is shown on the DCP Through site link map along the western boundary of the site running north south, half on the subject site and half on the adjacent site to the west. This development guideline is similarly considered to have been superseded by the Concept DA approval which did not incorporate a through site link in this location. A public art strategy has been submitted with the application which provides for two artworks by a local indigenous artist in the form of a coloured glass artwork in front of the bicycle hub and laser cut metal entry gate however it is noted that the artist is now deceased. The art strategy has a $150,000 budget for fabrication and installation in addition to artist fees. This budget is considered reasonable given the proposed

Provision	Compliance	Comment
		affordable housing use. Council's art advisor has raised some concerns regarding the public art strategy. A condition of consent is therefore recommended requiring that the finalised plan, to the City's satisfaction, be submitted to the City prior to the issue of the Construction Certificate.
3.2. Defining the Public Domain	Yes	As noted above the proposal has been designed to address and activate the new Ashmore Connector Road. A wide awning is proposed in front of the retail tenancy wrapping around the Botany Road frontage. Car parking and service areas are screened from view. The proposal will not overshadow any public open space. A reflectivity report has been submitted with the application which illustrates that reflectivity is kept to a minimum with the building materials comprising predominantly pre-cast concrete. The application indicates that external lighting is to be contained to building entries, recessed below the cantilevered building to ensures no significant contribution to light pollution whilst also increasing safety. All external lighting is also proposed will comply with the relevant Australian Standard. No lighting plans have been provided however it is considered that this matter can be addressed via standard conditions of consent.
3.3 Design Excellence and Competitive Design Processes	Yes	The proposal is considered to represent design excellence and is consistent with the design excellence strategy approved as part of the Concept DA. As noted above a competitive design process was undertaken however the proposal does not seek to rely on any design excellence bonus. The public art provision is considered acceptable subject to finalisation and conditions of consent as outlined above.
3.4 Hierarchy of Centres, City South	Yes	The site is located within the Green Square Primary Trade Area but not within the Green Square Town Centre or

Provision	Compliance	Comment
		other identified villages and neighbourhood centres. The proposed commercial / retail tenancy having an area of 294m2 would not negatively impact the viability or economic role of the planned centres within the southern areas of the City being minor only.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements. Refer to SEPP (Sustainable Buildings) above.
3.7 Water and Flood Management	Yes	The site is not flood affected as outlined above however is located within the Alexandra Canal catchment. A Flood Assessment was submitted with the application which determined that all entry locations satisfy Council's Flood Planning Level (FPL). The application has been reviewed by Council's Flooding Engineers and has been found to be acceptable. The development is able to comply with the City's Interim Floodplain Management Policy and satisfies the provisions of the standard.
3.11 Transport and Parking	Yes	The traffic assessment submitted with the application is supported by Council's Senior Transport Planner subject to recommended conditions of consent. In particular the provision of 4 x visitor bicycle parking spaces is recommended. Access and loading arrangements have been determined to be acceptable. The provision of 4 accessible parking spaces only is supported given the proposed affordable housing use and

Provision	Compliance	Comment
		site accessibility via public and active transport. Green Travel Plan A Green Travel Plan has been submitted and is supported. Car share scheme parking spaces Given the proposed affordable housing use and proximity to public transport, the provision of car share spaces is not required. Bicycle parking The proposal includes provision for 66 bicycle parking spaces in the bicycle hub. This is considered acceptable. As noted above 4 additional visitor bicycle parking spaces will be required via condition. Vehicle parking Provision is made for 4 x accessible parking spaces only. This is considered acceptable given the proposed use and site accessibility via public and active transport. Service vehicle parking Loading has been provided for a 9.9m vehicle as agreed by Council's traffic and waste management teams. A Loading Dock Management Plan has been provided and is considered acceptable.
3.12 Accessible Design	Yes	An access report has been submitted with the application which concludes that the proposal has a high level of compliance with the Disability (Access to Premises – Buildings) 2010, the National Construction Code 2022 addressing Access & Egress, Lift services, Sanitary facilities and the Australian Standards referenced by the National Construction Code. Some areas of further assessment have been identified.

Provision	Compliance	Comment
		A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the NCC. The amended plans include 17 adaptable apartments (15.3%) which is consistent with DCP requirements.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.17 Contamination	Yes	The NSW EPA Accredited Site Auditor has confirmed that the site can be made suitable subject to the successful implementation of the RAP and validation. The preferred remedial strategy is to excavate lead and hydrocarbon impacted soils and treat offsite or if that is not possible then to treat onsite with a cap and contain strategy and submission of an LTEMP. Council's Senior Environment Health Officer (Contamination) has confirmed that the submitted documentation is acceptable and that the site can and will be made suitable for the proposed use subject to recommended conditions of consent.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	Yes	The DCP building heights are superseded by the Concept Approval (as amended).
4.2.2 Building setbacks	Yes	The DCP setbacks are superseded by the Concept Approval (as amended).
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	The DCP requires development applications to demonstrate the shadow impact on neighbouring development between 9:00am and 3:00pm at the winter solstice. New development should not create additional overshadowing onto a neighbouring dwelling (unless very minor) where that dwelling currently receives less than 2 hours' direct sunlight to habitable rooms and 50% of the private open space. The proposal is accompanied by a shadow analysis prepared in accordance with the control. The analysis identifies some additional overshadowing of residential apartments in the lower levels of 499 and 501-509 Botany Road. Notwithstanding the additional impact all affected apartments will continue to achieve the minimum 2 hours solar access in midwinter as shown below. Solar impact therefore complies with the DCP control. This is discussed in further detail under the heading 'Overshadowing'. The proposal has acceptable amenity regarding solar access, overshadowing, open space and ventilation and noise as outlined in the Housing SEPP and ADG assessment above.
4.2.3.3 Internal common areas	Yes	The internal circulation corridor has access to natural light along the southern façade of the building.

Provision	Compliance	Comment
		Corridors in front of the lifts are 2m wide as required.
4.2.3.4 Design features to manage solar access	Yes	No fixed shading structures are proposed that reduce solar access.
4.2.3.5 Landscaping	Yes	The landscaping design is acceptable, subject to the landscape conditions recommended in Attachment B.
4.2.3.6 Deep Soil	Yes	The amended proposal complies with the ADG (7%) and DCP (10%) minimum requirements for deep soil providing 11% of the site area including minimum width of 3m
4.2.3.7 Private open space and balconies	Yes	All units comply with the ADG private open space requirements and minimum balcony area and dimensions.
4.2.3.8 Common open space	Yes	25.5% of the site area (including minimum dimension of 6m) is provided in the form of communal open space in compliance with the minimum 25% requirement. Good solar access is provided to the rooftop communal open space.
4.2.3.9 Ventilation	Yes	60 units (58.8%) achieve natural cross ventilation which is considered acceptable given the site orientation, noise affectation and proposed affordable housing use notwithstanding that it does not comply with the minimum 60% for first 9 storeys. Further it has been demonstrated that the proposed 16 units (identified as complying) on the Botany Road frontage comply with the ADG requirement. In this regard it is noted that high screens (2.15m) are proposed to the balconies to provide noise attenuation. Information has been submitted that demonstrates that the proposed openings meet the ADG natural ventilation requirement (4B-1) that “the area of unobstructed window

Provision	Compliance	Comment
		openings should be equal to at least 5% of the floor area served". The additional information submitted was referred to Council's Senior Environmental Health Officer (Noise) who has confirmed that it is acceptable.
4.2.3.10 Outlook	Partial compliance	The majority of units have appropriate outlooks oriented to the north, east or west. Studio units 112, 214, 314, 414, 514, 613 and 713 are however oriented to the south west. The upper level units will have reasonable outlook being above the adjacent industrial development however the lower units will not have a great outlook. This is however considered acceptable in the circumstance given the small number of units so affected and the proposed affordable housing use. The outlook from affected units was raised with the applicant who considers that the units are significant in terms of maximising the number of affordable housing units and the provision of a good unit mix.
4.2.3.11 Acoustic privacy	Yes	The proposed units are well designed to achieve an appropriate level of acoustic privacy. In respect of the ground floor retail / commercial unit, a wide awning is proposed and acoustic treatment to the underside of the soffits to ensure the acoustic privacy of upper level units. This is considered appropriate in addition to the acoustic attenuation proposed on the Botany Road frontage in the form of high balcony screens. The acoustic report has been referred to Council's Senior Environmental Health Officer (Noise) who has confirmed that it is acceptable.
4.2.3.12 Flexible housing and dwelling mix	Partial compliance	The proposed mix of apartments is generally consistent with the DCP requirements with the exception of the proposed studio units comprising:

Provision	Compliance	Comment
		Studio - 13 / 11.7% proposed (5-10% maximum allowed) 1 bedroom - 30 / 27% proposed (10-30% maximum allowed) 2 bedroom - 58 / 52.3% proposed (40-75% maximum allowed) 3 bedroom - 10 / 9% proposed (10% maximum allowed) The proposed mix is however considered acceptable in this instance given the proposed affordable housing use.
4.2.3.14 Apartments with setback bedrooms	Yes	As noted above the proposal has demonstrated compliance with ADG natural ventilation requirements.
4.2.4 Fine grain, architectural diversity and articulation	Yes	The detailed proposal whilst not technically complying with maximum street frontage length as per the DCP succeeds in breaking the form by providing a high level of articulation and surface modulation. The building is successfully sculpted to create a recessed central park and landscaped area effectively breaking down the building wall length and height along the northern frontage to the Ashmore Connector. It breaks the form in the centre with a double height communal open space on Level 8 and a permeable Ground Plane, creating a break and relief in the built form. It also steps the massing down to the east to the Botany Road frontage to preserve solar access to residential apartments to the east.
4.2.5.3 Development on busy roads and active frontages	Yes	The proposal has frontage to a busy road being Botany Road and accordingly has been designed to mitigate the noise impact whilst maximising the opportunity for cross ventilation as outlined above.
4.2.6 Waste and recycling Management	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of

Provision	Compliance	Comment
		the City of Sydney Guidelines for Waste Management in New Development. The proposal has been reviewed by the City's Waste Services Unit and is found to be acceptable, subject to conditions.
4.2.7 Heating and cooling infrastructure	Yes	Heating and cooling plant is located on the roof and is not visible from the public domain.
4.2.8 Letterboxes	Yes	The letterboxes are provided within a parcel room off the lobby of the building.

Section 5 – Specific Areas: Green Square

Note: These provisions are largely superseded by the Concept Approval D/2019/87 (as amended) and are only addressed where relevant.

Provision	Compliance	Comment
5.2.3 Community infrastructure 5.2.10 Setbacks	Yes	The Concept DA (D/2019/87) and associated VPA include a public benefit in the form of community infrastructure through: • dedication of land along the Botany Road and the Green Square to Ashmore Connector Road • footpath construction • a monetary contribution towards community infrastructure. In accordance with section 5.2.3 of the DCP, a 1.4m wide public domain setback for footpath widening is provided for along the Botany Road frontage and 0.5m wide footpath widening setback along the new Green Square to Ashmore Connector Road frontage. Council's Senior Project Manager Planning Agreements has advised that the proposed land dedications, public domain works and monetary contribution are considered acceptable.

Provision	Compliance	Comment
5.2.4 Local infrastructure 5.2.4.1 Street network	Yes	The proposal provides for footpath widening on both the Ashmore Connector and Botany Roads as required.
5.2.7 Stormwater management and waterways	Yes	Council's Water Assets team has advised that the proposal is acceptable in respect of stormwater management subject to recommended conditions of consent. A flood report has been submitted and is acceptable.
5.2.9 Building design	Yes	The proposal building design is considered to comply with the relevant provisions and will provide for a high quality built form that addresses the street frontages, is responsive to the site context and will utilise appropriate materials and finishes. Further appropriate landscaping is provided and building entries both pedestrian and vehicular are clearly identified. Council's urban design officer has advised that the design is appropriate having regard to the amended plans and additional information submitted.
5.2.10 Setbacks	Yes	The public domain setbacks map provides for 1.4m footpath widening on Botany Road. This is provided for in proposed building envelope. A 1m landscape setback is also required to new streets (5.2.10(2)). This is provided for with a 0.5m footpath widening setback and 1m landscape setback proposed to the new connector road.

5.8 Southern Enterprise Area	**Compliance**	**Comment**
5.8.2.3 Affordable housing	Yes	The proposal generally complies with the provisions of the DCP providing affordable housing on land earmarked for this use and with existing Concept approval. The proposal generally complies with, or is appropriate not withstanding non-compliance with, relevant ADG requirements which prevail over the DCP as outlined herein.

5.8 Southern Enterprise Area	**Compliance**	**Comment**
5.8.2.4 Addressing Land Use Conflict	Yes	The proposal will not give rise to any land use conflict and is accompanied by adequate information which demonstrates that future residents will have appropriate amenity.
5.8.3 Development		
5.8.3.2 Building height	Partial non compliance	The DCP height in storeys map identifies a 5 storey street wall on the subject site but not maximum height in storeys. The proposal does not provide for a 5 storey street wall height however is consistent with the Concept DA approval as amended. Accordingly, this non-compliance is justified in the circumstance.
5.8.3.3 Building alignment and setbacks	Partial non compliance	As above
5.8.3.4 Active frontages and street level design	No	The proposal does not provide for an arcade along the Ashmore Connector as required under this provision however is consistent with the Concept DA approval as amended. Accordingly, this non-compliance is justified in the circumstance.
5.8.3.5 Building layout and design	Yes	The proposal is considered to be appropriate in terms of building layout and design and will provide a high quality building form and amenity in accordance with the Concept DA approval as amended.
5.8.3.6 Landscape and fencing	Partial non compliance	The proposed landscape design is supported as amended by Council's landscape officer subject to recommended conditions of consent in respect of: • the stormwater alignment along the Ashmore Connector and potential conflict with the large trees proposed • inconsistency between the landscape drawings in respect of the proposed swale on the ground floor and the civil drawings, and • the soil volume for the rooftop trees.

5.8 Southern Enterprise Area	Compliance	Comment
		Deep soil complies with the minimum 10% requirement providing 11%. No fencing is proposed. Communal open space is of an appropriate size, quality and location.
5.8.3.7 Parking, access and loading and servicing	Yes	The proposed parking and servicing arrangements have been reviewed by Council's traffic and waste officers and found to be acceptable. The site is proposed to be serviced by a 9.9m waste vehicle as agreed by Council and vehicles are able to enter and exit in a forward direction. Further only 4 accessible parking spaces are provided which are appropriately located and screened from the public domain.
5.8.3.8 Storage areas	Yes	All units are provided with storage areas in accordance with Council's requirements.
5.8.5 Managing Transport Demand	Yes	A traffic assessment and green travel plan have been submitted with the application and have been determined to be acceptable by Council's Transport Planner subject to recommended conditions of consent.
5.8.7 Environment	Yes	Council's Water assets team has advised that the proposal is acceptable in respect of stormwater management and waterways (including flood impacts). Appropriate Landscape details have also been provided which address species, canopy coverage, deep soil zones and other ecology related details.

Discussion

Clause 4.6 Request to Vary a Development - Building Height

61. The site is subject to a maximum height of building control of 33m in accordance with clause 4.3 of SLEP 2012. The proposed development has a maximum building height of 36.2m. The extent of the variation is shown in Figure 25 below:

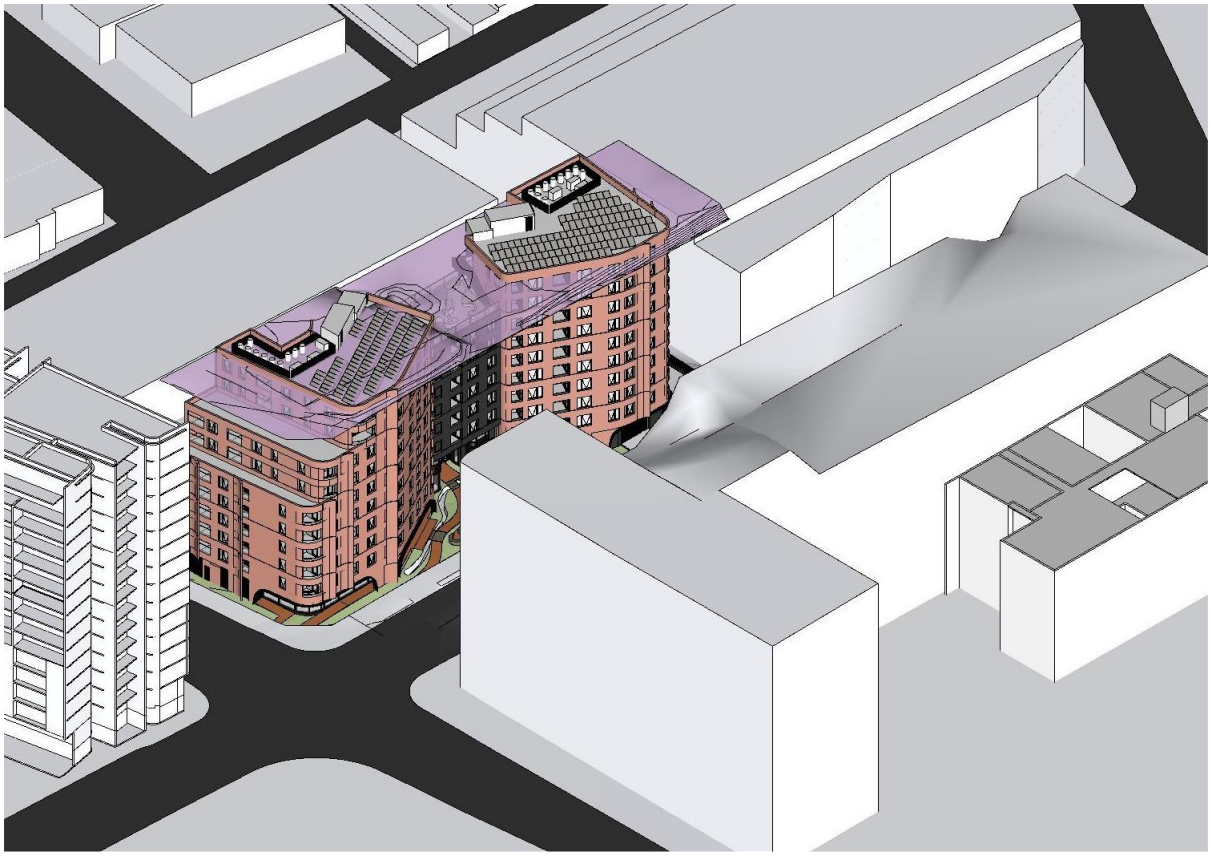


Figure 25: 33m height blanket diagram

62. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

    (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

    (b) That there are sufficient environmental planning grounds to justify contravening the standard;

Applicant's Written Request - Clause 4.6(3)(a) and (b)

63. The applicant seeks to justify the contravention of the height of building development standard on the following basis:

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

(i) The objectives of the height of buildings development standard will be achieved notwithstanding the non compliance with the development standard as:

(i) The proposed height exceedance is limited to the parapet, lift overrun, fire stair, hot water services and solar panels. These elements are relatively minor and will generally not be visible from the street. As such, they do not contribute to the bulk and scale of the building.
(ii) The site is not located in a heritage conservation area and is not in proximity to any heritage items.
(iii) The proposed minor variation will generally not impact view sharing when compared to a height compliant scheme. No significant views or view corridors are identified over the site
(iv) The minor height variation, which is limited to mechanical services, with the exception of the parapet, does not hinder the appropriate height transition to surrounding development and areas.
(v) It is noted that neighbouring developments range from 5 to 16 storeys as detailed below:

i. North – concept approval for a mixed use development comprising retail and commercial uses with shop top housing for the purposes of affordable housing with a height ranging from 9 to 12 storeys to the north at 330 Botany Road (D/2021/1484);
ii. East – a 16-storey residential flat building to the east currently under construction at 499 Botany Road, Zetland (D/2015/688); and
iii. West – an approved five-storey commercial development adjoining the western boundary of the site at 22 O'Riordan Street (D/2019/686 and D/2021/529).

It is considered that the 10 storey building height will provide an appropriate transition between the above properties and ensure an appropriate urban design outcome for the broader area.

(vi) As demonstrated by the shadow diagrams provided in the Architectural package, the proposal does not result in undue shadows to the public domain. Additionally, the articulation of the building provides physical definition to the street and public domain

(ii) The underlying object or purpose would be defeated of thwarted if compliance was required as:

(i) The height of the proposal is appropriate to the condition of the site and its context and the desired future character of the area having regard to the applicable environmental planning instruments, surrounding development and the specific nature of the site. In this regard the request notes that the proposed and existing surrounding developments illustrate the emerging character of the area which include buildings that achieve a higher density when compared to the existing built form in the locality. On this basis, it is clear that the locality is undergoing a process of urban transition towards greater height and density.

(b) That there are sufficient environmental planning grounds to justify contravention of the standard:

(i) the proposed built form and localised height increase will present a significantly superior urban design outcome for the site for the following reasons:

(i) The non-compliant component of the building height is located centrally to the rooftop, recessed behind parapet walls and consequently will not contribute to any perceivable bulk or scale of the building.
(ii) The areas of non-compliance (above the 33m height plane) are concentrated towards the centre of the building, minimising overshadowing and visual impacts of the exceedance on surrounding residential properties and the public domain.
(iii) The exceedance in height results in minimal additional overshadowing when compared to a height compliant scheme. Importantly, the proposal complies with the solar access requirements under the ADG, maintaining 2 hours of solar access to neighbouring properties between 9am – 3pm.
(iv) Only a small portion of the proposed development is non-compliant with the height control. However, to ensure a favourable urban design outcome, the two tower forms incorporate substantial articulation and are stepped to respond to the natural topography of the site, and lower density development to the west.
(v) The proposed height will allow for a building with landmark qualities - an instantly recognisable development, which is desirable for a site of this size, location and importance.

(ii) the proposed development is consistent with the objectives of the E3 zone as:

(i) The proposed commercial tenancy will contribute to the variety of facilities and services within the area.
(ii) Given the scale of the proposed mixed use development, it is considered that it will not compete with land uses in the surrounding local and commercial centres.
(iii) The proposal will contribute to the vitality of the nearby Green Square Town Centre and the broader Green Square redevelopment area.

(iv) The proposed development will provide 111 apartments that will solely be for the purposes of affordable housing in perpetuity, providing for the needs of the community. Future residents will also support local businesses. It is noted that the subject site has been deemed as a suitable location for the proposed mixed use development through the approval of the Concept DA
(v) The proposal will not preclude opportunities for new and emerging light industries.
(vi) The proposed commercial tenancy will be capable of providing services that meet the day to day needs of both workers and residents in the area.
(vii) The proposed commercial tenancy will provide employment generating floor space while the residential units will support the delivery of employment opportunities in the local area.
(viii) The ground floor commercial tenancy has been designed to provide access from both frontages it presents to, ensuring an active frontage. A colonnade built form, in lieu of an awning, has been provided above the main entry point fronting Botany Road as required under the Sydney DCP and relevant active frontages requirements
(ix) The proposal will not preclude the delivery of viability of industrial uses within the wider area.

(iii) the proposed development is consistent with the relevant strategic state and regional plan including.

(i) Greater Sydney Region Plan & Eastern City District Plan
(ii) City Plan 2036: Local Strategic Planning Statement (LSPS)

Consideration of Applicant's Written Request - Clause 4.6 (3)

64. Development consent must not be granted unless the consent authority is satisfied that that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.

Does the written request adequately address those issues at Clause 4.6(3) (a)?

65. In demonstrating that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, the applicant has specifically demonstrated that the development meets the objectives of Clause 4.3, notwithstanding non-compliance with the numerical standard.

66. A detailed discussion of the applicant's submission with regard to the objectives of the height of buildings development standard has been provided and satisfies the test under Clause 4.6(3)(a), in that compliance with the standard is both unreasonable and unnecessary, to the extent of the variation proposed.

Does the written request adequately address those issues at clause 4.6(3)(b)?

67. The statement provides environmental planning grounds specific to the circumstances to justify the extent of non-compliance with the Height of Buildings development standard.

68. The applicant has referenced the constraints of the site, the desired built form of the site and the minimal environmental impacts caused by the extent of the non-compliance to demonstrate that there are sufficient environmental planning grounds to justify contravening the height of buildings development standard.

69. The area of non-compliance is relatively minor as it is confined to the parapet, lift overrun, fire stair, hot water services and solar panels. These elements are relatively minor and will generally not be visible from the street and do not unreasonably add to the bulk and scale of the building when viewed from the public domain and surrounding buildings.

70. The proposal will not create unacceptable impacts on the amenity of surrounding properties with regard to views, solar access and visual privacy.

71. The applicant has therefore demonstrated that there are sufficient environmental planning grounds to support the extent of the variation proposed.

Conclusion

72. For the reasons provided above the requested variation to the height of buildings is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012.

Clause 4.6 Request to Vary a Development - Floor Space Ratio

73. The site is subject to a maximum floor space ratio control of 4:1 in accordance with clause 4.4 and Clause 6.14 (Community Infrastructure floor space at Green Square) of SLEP 2012. The proposed development has a floor space ratio of 4.09:1. The exceedance is due to the inclusion of balconies on the Botany Road frontage as GFA given the need for high screens to provide acoustic attenuation. Figure 26 below provide a typical floor level showing balcony areas included as GFA on the Botany Road frontage:

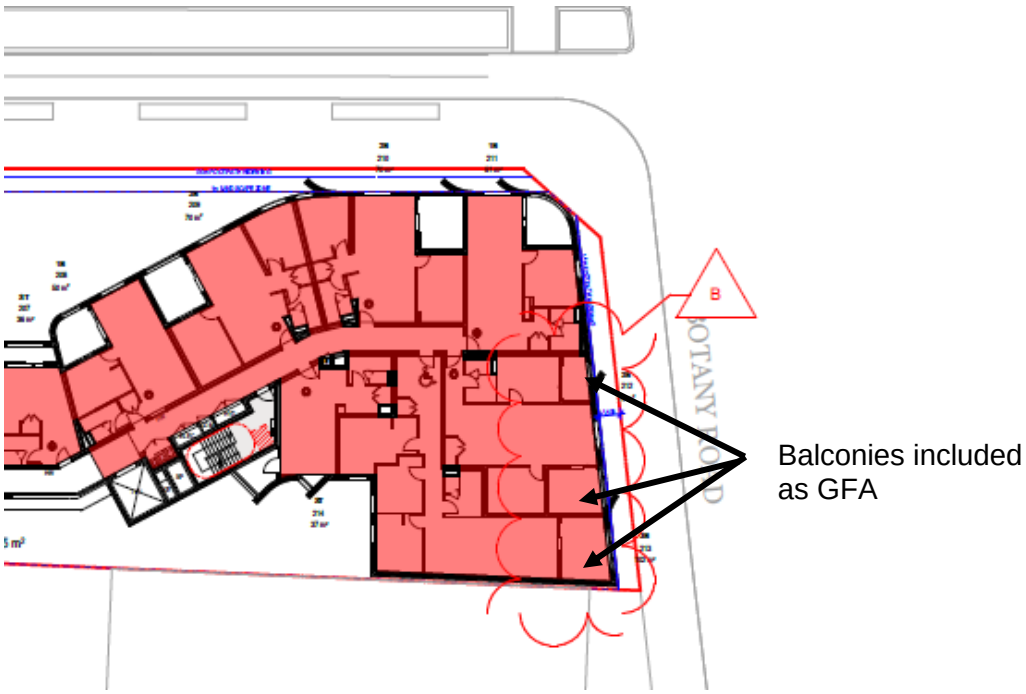


Figure 26: Balconies including as GFA due to wall height - typical floor level

74. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

    (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

    (b) That there are sufficient environmental planning grounds to justify contravening the standard;

Applicant's Written Request - Clause 4.6(3)(a) and (b)

75. The applicant seeks to justify the contravention of the floor space ratio development standard on the following basis:

    (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

        (i) The objectives of the floor space ratio development standard will be achieved notwithstanding the non compliance with the development standard as:

            (i) The variation to the FSR standard correlates to the inclusion of certain balconies within the GFA calculations. This is due to the increased balustrade heights provided to balconies to ameliorate acoustic impacts which result in balconies being defined as GFA under the definitions of the SLEP 2012. The balconies are required to provide future residents with suitable private outdoor space, which are also appropriately treated to reduce potential acoustic amenity impacts.
            (ii) Given the FSR variation directly relates to the inclusion of balconies as GFA, it is considered that the proposed density at the site is appropriate and results in negligible impacts on vehicle or pedestrian traffic.
            (iii) The proposed density of the development is completely suited to this highly accessible area where:

                i. Green Square Station is located 190m to the north;
                ii. Green Square Bus Interchange is located 190m to the north;
                iii. A bus stop is located to the south-eastern corner of the site which provides services to Redfern, Glebe Point, and Prince of Wales Hospital; and
                iv. The new Ashmore Connector Road adjoins the northern boundary of the site which is a dedicated public transport corridor (bus lanes). The road also features an on-road 2-way cycle path connecting to other existing cycle paths to the east and west.

            (iv) A number of developments have been approved with FSR variations located within the vicinity of site. Notwithstanding, the bulk and scale of the development remains suitable for the site, noting the exceedance in FSR is due to the increase balustrade heights required for certain balconies. On this basis, the proposed development reflects the desired character of the area for higher density buildings with consideration to the areas highly accessible nature.

(ii) The underlying object or purpose would be defeated of thwarted if compliance was required as:

(i) The variation to the FSR standard has been a result of increased balcony balustrades to mitigate effects of noise from Botany Road. This has resulted in the gross floor area of some balconies now being included in FSR calculations given the balustrades are higher than 1.4m.
(ii) If strict compliance with the FSR control was required, it results in:

i. development which is unable to appropriately mitigate acoustic impacts due to the site's frontage to Botany Road
ii. overall loss in resultant residential yield for affordable housing

(iii) The proposal provides for a development that is an intensity that is commensurate with the capacity of existing and planned infrastructure being a site that is highly accessible and ensuring that residents will not be reliant on private vehicle travel having access to a number of public transport services.
(iv) The GFA attributable to the minor FSR exceedance is the result of the inclusion of balcony areas, due to higher balustrades required for noise attenuation purposes. These glass balustrades will be largely indiscernible when viewed from the street and therefore ensure the bulk and scale of the development is suitable and aligns Concept DA approval and emerging character of the area.

(iii) Compliance with the standard is unnecessary and unreasonable as Council has granted a number of consents within the Green Square locality in recent years, which demonstrate that Council is open to supporting well found variations to the FSR development standard

(b) That there are sufficient environmental planning grounds to justify contravention of the standard:

(i) The development, including the FSR non-compliances, will provide for a high quality mixed use affordable housing development in a highly accessible location. The proposed variation is the result of the provision of increased balustrade heights to balconies of certain apartments to mitigate noise impacts. This has resulted in balconies being included as gross floor area, as per the gross floor area definition under the SLEP 2012, and subsequently included in FSR calculations.

(ii) the proposed development is consistent with the objectives of the E3 zone as:

(i) The proposed commercial tenancy will contribute to the variety of facilities and services within the area.
(ii) Given the scale of the proposed mixed use development, it is considered that it will not compete with land uses in the surrounding local and commercial centres.
(iii) The proposal will contribute to the vitality of the nearby Green Square Town Centre and the broader Green Square redevelopment area.

(iv) The proposed development will provide 111 apartments that will solely be for the purposes of affordable housing in perpetuity, providing for the needs of the community. Future residents will also support local businesses. It is noted that the subject site has been deemed as a suitable location for the proposed mixed use development through the approval of the Concept DA
(v) The proposal will not preclude opportunities for new and emerging light industries.
(vi) The proposed commercial tenancy will be capable of providing services that meet the day to day needs of both workers and residents in the area.
(vii) The proposed commercial tenancy will provide employment generating floor space while the residential units will support the delivery of employment opportunities in the local area.
(viii) The ground floor commercial tenancy has been designed to provide access from both frontages it presents to, ensuring an active frontage. A colonnade built form, in lieu of an awning, has been provided above the main entry point fronting Botany Road as required under the Sydney DCP and relevant active frontages requirements
(ix) The proposal will not preclude the delivery of viability of industrial uses within the wider area.

(iii) The proposed development will provide for an improved urban design outcome being designed in accordance with the planned capacity for the site, which is essential in providing affordable housing to assist in meeting housing targets under the Employment Lands Affordable Housing Strategy. It is important to reiterate that the departure from the FSR development standard is directly related to the inclusion of some balconies within GFA calculations given increased balustrade heights to ameliorate acoustic impacts. On this basis, the additional FSR does not contribute to any perceivable bulk or scale of the building. In summary, the proposed FSR variation is considered acceptable in regard to its urban design and responsiveness to the local context for the following reasons:

(i) The non-compliant component of the FSR is limited to areas of private open space and consequently does not contribute to any perceivable bulk or scale of the building, as balconies are recessed behind higher glass balustrades.
(ii) The exceedance in FSR does not give rise to any additional amenity impacts.
(iii) The exceedance is minor in nature and comparable to those approved in the locality.
(iv) The proposed FSR will allow for a building with landmark qualities - an instantly recognisable development, which is desirable for a site of this location and importance.

(iv) the proposed development is consistent with the relevant strategic state and regional plan including.

(i) Greater Sydney Region Plan & Eastern City District Plan
(ii) City Plan 2036: Local Strategic Planning Statement (LSPS)
(i) Employment Lands Affordable Housing Program

Consideration of Applicant's Written Request - Clause 4.6 (3)

76. Development consent must not be granted unless the consent authority is satisfied that that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.

Does the written request adequately address those issues at Clause 4.6(3) (a)?

77. In demonstrating that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, the applicant has specifically demonstrated that the development meets the objectives of Clause 4.4, notwithstanding non-compliance with the numerical standard.

78. A detailed discussion of the applicant's submission with regard to the objectives of the floor space ratio development standard has been provided and satisfies the test under Clause 4.6(3)(a), in that compliance with the standard is both unreasonable and unnecessary, to the extent of the variation proposed.

Does the written request adequately address those issues at clause 4.6(3)(b)?

79. The statement provides environmental planning grounds specific to the circumstances to justify the extent of non-compliance with the floor space ratio development standard.

80. The applicant has referenced the constraints of the site, the desired built form of the site and the minimal environmental impacts caused by the extent of the non-compliance to demonstrate that there are sufficient environmental planning grounds to justify contravening the floor space ratio development standard.

81. The area of non-compliance is relatively minor and is solely the result of the inclusion on some balcony areas in the GFA calculation due to the height of the balustrade walls required to provide acoustic attenuation. The additional FSR is therefore a technicality and will not add to the bulk of the building.

82. The proposal will not create unacceptable impacts on the amenity of surrounding properties with regard to views, solar access and visual privacy.

83. The applicant has therefore demonstrated that there are sufficient environmental planning grounds to support the extent of the variation proposed.

Conclusion

84. For the reasons provided above the requested variation to the floor space ratio is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012.

Consistency with Concept Approval D/2019/87 (as amended)

85. Pursuant to Section 4.24(2) of the Environmental Planning and Assessment Act 1979, where a concept development application for a site remains in force, a determination of any further development application in respect to that site cannot be inconsistent with the concept development consent.

86. The concept approval relating to this proposal is D/2019/87/B. A Section 4.55(2) modification has been submitted to modify the concept approval to ensure consistency with the subject detailed design application. These modifications largely relate to height and building envelope and have been assessed as acceptable, as outlined in the assessment report for D/2015/87/C submitted concurrently with this application and as discussed above. The subject application is assessed on the basis that the modification application has been approved.

87. As outlined below, the detailed design proposal is consistent with the conditions imposed on the Concept Development Consent as modified, and the consent authority is satisfied that the development is substantially the same.

<table>
<tr><th>Condition No.</th><th>Concept Approval Condition</th><th>Compliance</th></tr>
<tr><td>(1)</td><td>CONCEPT DEVELOPMENT APPLICATION

Pursuant to Division 4.4 of the Environmental Planning and Assessment Act, 1979 and Clause 100 of the Environmental Planning and Assessment Regulation, 2000, this Notice of Determination relates to a concept development application, and a subsequent development application (detailed design and use) or applications are required for the determination of any further development on the site.</td><td>Complies - detailed DA submitted and the subject of this report</td></tr>
<tr><td>(2)</td><td>APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2019/87 dated 12 December 2017 and the following drawings prepared by DKO Architecture (NSW) Pty Ltd:

<table>
<tr><th>Drawing Number</th><th>Drawing Name</th><th>Date</th></tr>
<tr><td>Stage 1 Envelope

Envelope Plan</td><td>Project Number 11942

Page 37</td><td>16.10.2019</td></tr>
<tr><td>Stage 1 Envelope

Envelope Plan</td><td>Project Number 11942

Page 38</td><td>16.10.2019</td></tr>
<tr><td>Stage 1 Envelope

Stage 1 Envelope Elevation</td><td>Project Number 11942

Page 39</td><td>16.10.2019</td></tr>
<tr><td>Stage 1 Envelope

Stage 1 Envelope Elevation</td><td>Project Number 11942

Page 40</td><td>16.10.2019</td></tr>
</table>
</td><td>Complies - Detailed design consistent with amended envelope plans the subject of D/2019/87C which amends the approval as follows:

• Minor departure to the building envelope on the western elevation at ground level to facilitate the required disabled car parking spaces and loading dock, reducing the western setback at ground level from 4.5m to 0m and at Levels 8 and 9 from a 9.0m to a</td></tr>
</table>

Condition No.	Concept Approval Condition	Compliance
	as amended by plans other conditions of this consent. (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.	minimum of 7.967m in the SW corner of the site. • minor alterations to the building height, with a maximum exceedance beyond the building envelope height of 33m by 3.2m. • Minor changes to northern, eastern and western elevations to facilitate building articulation facets in the form of blades
(3)	MATTERS NOT APPROVED IN CONCEPT PROPOSAL DEVELOPMENT CONSENT The following matters are not approved and do not form part of this concept development consent: (a) any demolition, excavation and/or construction; (b) any tree removal; (c) the layout and number of residential apartments and commercial tenancies; (d) the number of car parking spaces, bicycle spaces, car share, service vehicle or loading spaces/zones; (e) the number of storeys contained within the envelope; (f) the precise quantum of floor space; and (g) a 10% design excellence uplift in floor space ratio; and (h) the location of the vehicular access point to the site	N/A - matters subject to detailed DA

Condition No.	Concept Approval Condition	Compliance
(4)	DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS A competitive design process in accordance with the provisions of the Sydney Local Environmental Plan 2012 shall be: (a) Conducted in accordance with 'Design Excellence Strategy for 338 Botany Road, Alexandria, dated November 2019 15 June 2020, prepared by BBC Consulting Planners on behalf of St George Community Housing. (b) Conducted prior to the lodgement of any subsequent detailed development application for the site. (c) Address in particular air quality, noise mitigation and ventilation requirements to maximise residential amenity for all apartments. The detailed design of the building/s must exhibit design excellence, in accordance with Clause 6.21 of Sydney Local Environmental Plan 2012. Condition amended via Section 4.55(1) on 1 July 2020	Complies - a competitive design process has been undertaken in accordance with the approved Design Excellence Strategy notwithstanding that it is not the subject of the DA. Refer further discussion above. Complies - the proposal exhibits design excellence in accordance with clause 6.21.
(5)	VOLUNTARY PLANNING AGREEMENT This consent is subject to a Voluntary Planning Agreement (VPA) in accordance with Section 7.4 of the Environmental Planning and Assessment Act, 1979, between the Council of the City of Sydney Council and St George Community Housing referred to in Deferred Commencement Condition (1) in Schedule 1 of this development consent. The terms of the VPA must be complied with in any subsequent detailed design development application or applications.	Complies - VPA has been prepared and the DA is consistent with this as amended.
(6)	RESIDENTIAL LAND USE	Complies - an assessment against the Housing SEPP 2021

Condition No.	Concept Approval Condition	Compliance
	The residential component of the development must be designed to address with the principles of State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development, the provisions of the Apartment Design Guide (ADG), and the provisions of Sydney DCP 2012.	(formerly SEPP 65) and the ADG is included herein.
(7)	GROUND FLOOR USE The ground floor component of the development must not be used for retail premises except those retail uses permitted in accordance with the Sydney LEP 2012.	Complies - no consent is sought for the proposed ground floor use which is identified as retail / commercial. This will be the subject of a future DA.
(8)	DETAILED DESIGN OF BUILDINGS The competitive design process brief and subsequent detailed design development application must incorporate the following requirements: a) Minimise overshadowing on adjoining properties in accordance with ADG objective 3B-2. b) Ensure no overshadowing of approved residential apartments at 499 and 501 – 509 Botany Road, Alexandria c) Provide a compliant amount of communal open space in accordance with the ADG that receives adequate solar in accordance with the ADG. d) If roof top communal open space is proposed it must provide equitable access, be designed to prevent overlooking and noise impacts and all structures (including but not limited to plant and lift overruns) must be within the 33m height limit. e) Acoustic and ventilation treatments to the east and northern frontages in accordance with the requirements of the Sydney DCP and ADG.	Complies - the proposal: • Minimises overshadowing on adjoining properties and maintains a minimum of 2 hours in midwinter • Achieves required area and quality of communal open space in accordance with the ADG and DCP • Rooftop communal open space is equitable, does not result in overlooking and is within the 33m height limit • Meets acoustic and ventilation requirements as assessed herein • Coimplies with waste management requirements

Condition No.	Concept Approval Condition	Compliance
	f) Waste management facilities in accordance with Section 4.2.6 of the Sydney DCP 2012. g) An awning is to be provided over any building entries on Botany Road in accordance with Section 3.2.4 of the Sydney DCP 2012.	• Does not provide a building entry on Botany Road. Note: requirement for no overshadowing of approved residential apartments at 499 and 501 – 509 Botany Road, Alexandria is amended as part of D/2019/87C.
(9)	LAND CONTAMINATION (a) As part of any future detailed development application, an amended Remediation Action Plan must be submitted and approved by the City. The Remediation Action Plan must be amended to address the requirements in the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor Melissa Porter, Senversa dated 5 September 2019. (b) A further letter of Interim Advice from the site auditor must be provided at the detailed development application stage.	Complies - appropriate contamination information has been submitted to Council's satisfaction.
(10)	LAND DEDICATION – CAPPING LAYER If the remediation of any land to be dedicated to the City includes a 'capping layer', that capping layer must be a minimum of 1.5m below the top most surface of the future footpath. Land to be dedicated to the City cannot be subject to onerous environmental management requirements.	N/A
(11)	PUBLIC ART (a) A detailed public art plan must be submitted with any subsequent development application for detailed design and construction of the development (b) The detailed public art plan referred to in (a) above must be prepared in accordance	Complies subject to condition - a detailed public art plan has been submitted however a condition of consent is recommended requiring finalisation and further

Condition No.	Concept Approval Condition	Compliance
	with Section 3.1.5 of the Sydney Development Control Plan 2012, the City of Sydney Public Art Strategy and Policy and Interim Guidelines for Public Art in Private Development, and include: (i) A rationale for the selection of artists. (ii) A rationale for each artist's concept relevant to the site. (iii) An indication of how each artwork concept is commensurate with the scale of the development. (iv) Provision of public art concepts, including the form, dimensions, materials and locations of the artworks. (v) A program for documentation, fabrication and installation and integration with the construction program for the development. (vi) Engineer's drawings, expected maintenance requirements and deaccessioning agreements. (d) Neither street furniture nor interpretation strategies must be considered as part of the public art component.	detail to Council's satisfaction.
(12)	ECOLOGICALLY SUSTAINABLE DEVELOPMENT Details are to be provided with the subsequent development application for the detailed design of the buildings to confirm that the buildings have adopted the ESD targets specified in the Design Excellence Strategy prepared by BBC Consulting Planners dated November 2019 15 June 2020. The ESD targets must be carried through the competitive process phase, design development, construction, and through to completion of the project. Condition amended via Section 4.55(1a) on 1 July 2020	Complies - ESD report submitted and considered to be satisfactory subject to recommended conditions of consent
(13)	FLOOR SPACE RATIO	Complies - maximum FSR amended via

Condition No.	Concept Approval Condition	Compliance
	(a) The Floor Space Ratio for all detailed development applications on the site must not exceed 4:1 calculated in accordance with Clauses 4.4 and 6.14 of the Sydney Local Environmental Plan 2012. (b) Notwithstanding (a) above, the proposal may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process in accordance with the requirements of the Sydney Local Environmental Plan 2012. (c) Precise calculations and details of the distribution of floor space must be provided with any subsequent detailed design development application or applications.	D/2019/87C to provide for maximum of 4.09:1 consistent with DA. No design excellence bonus is sought.
(14)	BUILDING HEIGHT The maximum height of the buildings must not exceed 33 metres in accordance with the Sydney LEP 2012. No structures are to exceed the 33 metres height limit.	Complies - maximum height amended via D/2019/87C to provide for maximum of 36.2m consistent with DA.
(15)	DETAILED DESIGN TO BE CONTAINED WITHIN APPROVED ENVELOPE Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate detailed design development application for the buildings on the site, including articulation, balconies, terraces, services, privacy treatments and other projections will be entirely contained within the approved building footprint and envelope, and comply with the relevant planning controls.	Complies - detailed design wholly contained within the envelope which is approved via D/2019/87C.
(16)	RESIDENTIAL ACOUSTIC AMENITY An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with any subsequent development application for	Complies - Acoustic report submitted to Council's satisfaction.

Condition No.	Concept Approval Condition	Compliance
	detailed design and construction of the development, in accordance with the requirements of Section 4.2.3.11 of the Sydney Development Control Plan 2012.	
(17)	SERVICE VEHICLE SIZE LIMIT AND SWEPT PATHS Any subsequent detailed design development application must include evidence to demonstrate adequate swept paths for the largest service vehicle to access the proposed loading area(s).	Complies - Adequate swept paths have been demonstrated for a 9.9m service vehicle as agreed with Council.
(18)	STREET TREES AND DETAILED DESIGN DEVELOPMENT APPLICATION (a) All street trees surrounding the site must be included for retention with any future detailed design Development Application/s. (b) Any design elements (awnings, street furniture, footpath upgrades etc.) within the public domain must ensure appropriate setbacks are provided from the street tree to allow maturity of the tree to be achieved. (c) The location of any new driveway shall ensure it does not require the removal of any existing street tree. The driveway shall be appropriately setback so as it does not adversely impact on any existing street tree both below and above ground.	Complies - no street trees will be impacted by the proposal.
(19)	WASTE COLLECTION AND SERVICING Any subsequent detailed design development application is to provide details of the location, construction and on-site servicing of the waste collection facilities for the proposed building in a Waste Management Plan (WMP). The design of the facilities is to be in accordance with Sections 3.11.13 and 4.2.6 of the Sydney Control Plan 2012, including the following requirements: (a) Dedicated spaces for residential bulky waste storage must be provided. These spaces should be separated by a caged	Complies - WMP submitted to Council's satisfaction. Appropriate dedicated waste storage areas are provided and access arrangements are suitable.

Condition No.	Concept Approval Condition	Compliance
	area (or similar) if included within nominated waste holding rooms for storage or collection bins. (b) Clearance height for access by collection vehicles must be no less than 4 metres at any point where Council vehicles are required to enter site to service bins; (c) Collection vehicles to enter and exit in a forward direction; and (d) Unimpeded access must be provided for Council collection from the residential waste and recycling storage location(s) at all times.	
(20)	LOADING DOCK MANAGEMENT PLAN Any subsequent detailed design development application must include a loading dock design and draft Loading Dock Management Plan, including the following: (a) Service vehicle parking spaces provided in accordance with Section 3.11.6 and Schedule 7.8.1 of the Sydney Development Control Plan 2012. (b) Compliance with the minimum requirements of Australian Standard AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities including that vehicle access will provide for: (i) A 9.25 metre truck (such as a removalist vehicle); and (ii) Minimum vertical clearance of 4.5 metres.	Complies - Loading Dock Management Plan to Council's satisfaction has been provided. Service and parking arrangements are also considered acceptable.
(21)	AUSGRID Consultation is required with Ausgrid as part of the detailed design development application to confirm whether a substation is required and whether the future development will impact existing overhead powerlines.	Complies - Ausgrid consultation has been undertaken and Ausgrid has provided its approval subject to recommended conditions of consent.

Condition No.	Concept Approval Condition	Compliance
	Details of the consultation undertaken are to be provided to Council with any subsequent detailed design development application.	
(22)	FLOODING A flood assessment report to determine the detailed design flood planning level (FPL) requirements for the subject site is to be submitted with any subsequent detailed development application for the detailed design and construction of the development.	Complies - a flood assessment to Council's satisfaction has been submitted.
(23)	ACID SULPHATE SOILS As part of any detailed development application, one of the following must be provided: (a) Evidence that an acid sulphate soils management plan is not required; or (b) An acid sulphate soils management plan.	Complies - A Geotechnical report prepared by PSM Consult Pty Ltd (8 March 2024) which indicates that the site is not subject to Acid Sulfate Soils.
(24)	TRANSPORT IMPACT STUDY A transport impact study is required to be submitted as a part of detailed development application to demonstrate that the traffic generation from the proposed development will not impact adversely to the adjacent road network. In estimating trip generation Sydney average value from the RMS technical direction TDT 2013/ 04a should not be used. Trip generation coefficient from comparable sites (such as Rockdale in the RMS document) or survey data from similar site should be used in the assessment.	Complies - a transport impact study (PTC, 8/3/2024) has been submitted (to Council's satisfaction) which indicates that the proposal will not adversely impact the adjacent road network.
(25)	GREEN TRAVEL PLAN A Green Travel Plan is to be submitted as part of any detailed design development application.	Complies - a green travel plan (PTC, 8/3/2024) has been submitted (to Council's satisfaction).

Condition No.	Concept Approval Condition	Compliance
(26)	ON SITE LOADING AREAS AND OPERATION (a) The detailed development application must ensure all loading and unloading operations associated with servicing the site, including garage collection, can be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way. At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.	Complies - all loading and unloading is within the site
(27)	RMS CONDITIONS: (a) Any new buildings or structures, together with any improvements integral to the future use of the site are erected clear of the land required for road (unlimited in height or depth) and wholly within the freehold property (unlimited in height or depth), along the Botany Road boundary. (b) The redundant driveways on the Botany Road boundary shall be removed and replaced with kerb and gutter to match the existing. The design and construction of the kerb and gutter on Botany Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained by email to: development.sydney@rms.nsw.gov.au A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime. (c) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.	Noted - applicant to comply

Condition No.	Concept Approval Condition	Compliance
	(d) The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. Please send all documentation to: development.sydney@rms.nsw.gov.au (e) If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work. (f) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Please send all documentation to: development.sydney@rms.nsw.gov.au (g) A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. (h) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement. (i) In accordance with AS 2890.1- 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 5.5 metres in width for a minimum distance of 6 metres from the property boundary. (j) Roads and Maritime is currently undertaking a program to implement “Clearways” on State roads within Sydney. If not already in place, “Clearway”	

Condition No.	Concept Approval Condition	Compliance
	restrictions will be implemented along the full Botany Road frontage of the development site.	
(28)	SYDNEY AIRPORTS CONDITIONS: (i) The building must not exceed a maximum height of 52.65 metres AHD, this includes all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden planting, exhaust flues etc. (ii) The proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA_165. (iii) Separate approval must be sought under the Regulations for any equipment (i.e. cranes required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct. (iv) On completion of construction of the building, the Proponent must provide SACL with a written report from a certified surveyor on the finished height of the building.	Complies - maximum height proposed 50.8 AHD Noted - applicant to comply

88. The proposal is consistent with the approved plans in the concept approval (as amended). The changes to the envelope have been assessed in this report and as part of D/2019/87/C and are considered to be acceptable.

Height, Scale and Bulk

89. Proposed changes to the approved building envelope are minor and relate specifically to an increase of 3.2m in the maximum height (33m to 36.2m) and the western setback (reduced to nil at ground level and reduced from 9m to 7.9676m in the south western corner of the site at Levels 8 and 9). As outlined above a clause 4.6 variation to the maximum height is considered to be well founded with the height exceedance being contained to the parapet, lift overrun, fire stair, hot water services and solar panels. These elements are relatively minor and will generally not be visible from the street. As such, they do not contribute to the bulk and scale of the building.

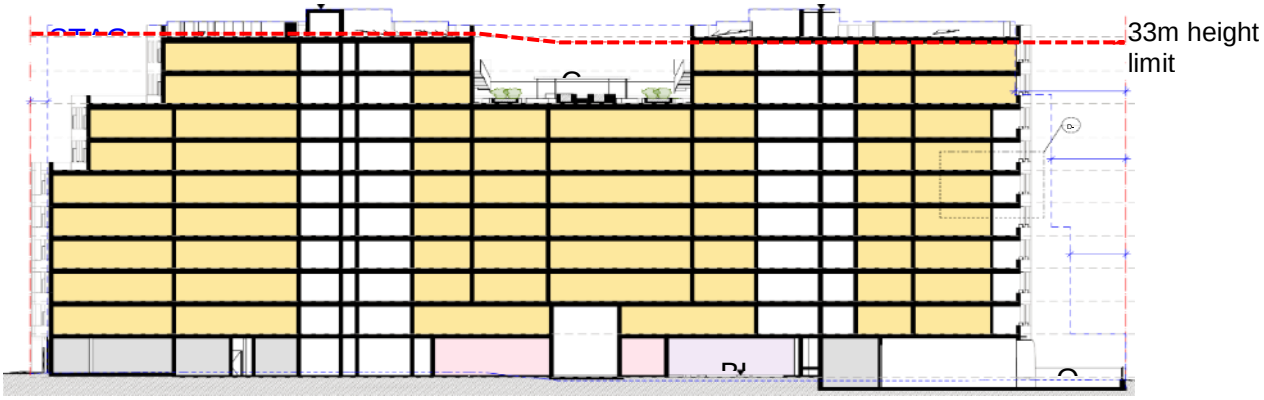


Figure 27: Compliance with max height

90. The proposed bulk and scale of the proposal is considered to be consistent with recent approvals within the locality and the location on the intersection of two busy roads and within walking distance of the Green Square Town Centre and railway station.

91. It is therefore considered that the proposed height, bulk and scale is acceptable.

Building separation

92. The proposal generally complies with the ADG building separation requirements with the exception a section of the western building wall at Levels 8 and 9 which is required to have a setback of 9m but where a setback of 7.967m is proposed increasing to 9m approximately 50% along the frontage as shown below. This is considered to be acceptable in the circumstances given that the development to the west as approved is commercial and 5 storeys in height. No privacy impacts will therefore result from the non-compliance. Further as shown below where the Concept Approval provided for an approved building envelope with 4.5m and 6m setbacks along this boundary at various levels in accordance with the ADG, the proposal provides for the full frontage to have a setback of 7.967m - 9m thus increasing the separation beyond the requirements at the lower levels. However, an open parking area is proposed immediately adjacent to the ground level screened from view at the ground level.



Figure 28: Western boundary setback

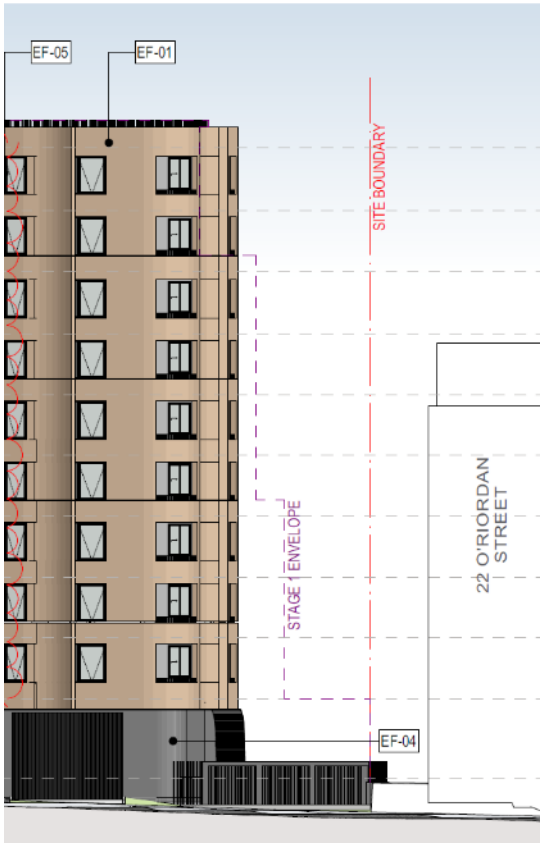


Figure 29: Western interface

Southern setback

93. The proposal provides for a nil setback adjacent to the southern boundary consistent with the Concept Approval generally with blank walls fronting the boundary. Centrally within the site a number of windows and a balcony are located on each level with proximity to the boundary (min. approx. 2.4 - 6.4m) however are either splayed to prevent overlooking or are sufficient distance and orientation from the boundary to prevent adverse privacy impacts (refer below). Further the adjacent development to the south is currently commercial (and is understood is likely to continue as such given the E3 Productivity Support zoning) and therefore is not sensitive to privacy impacts.

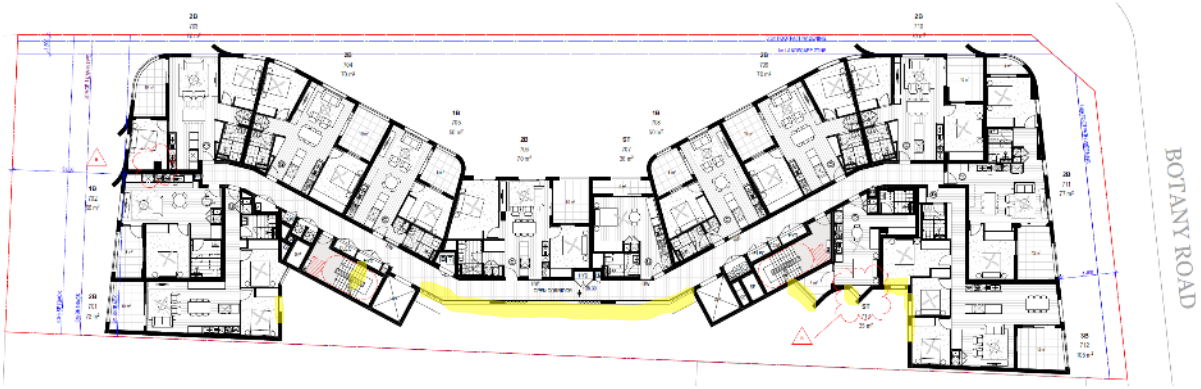


Figure 30: Southern Western interface

94. It is therefore considered that the setbacks provided are appropriate in the circumstances and provide for a reasonable level of compliance with the ADG.

Solar Access and Overshadowing

95. The submitted solar diagrams illustrate that 70.3% (78 / 111 units) of the apartments will receive 2 hours or more of sun at midwinter to both living areas and balconies. This is consistent with the 70% required by the design criteria in section 4A of the ADG. 9% (10/111 units) will receive no direct sunlight in midwinter which similarly complies with the maximum of 15% allowed under the ADG.

96. In respect of the existing approved developments at 499 and 501-509 Botany Road the submitted solar access diagrams show that the proposal will ensure that all units continue to achieve a minimum of 2 hours of sunlight in midwinter. Shadows from the proposal do not extend over the subject site until after 2pm in midwinter. This is assisted by the stepping of the built form down toward the Botany Road frontage.

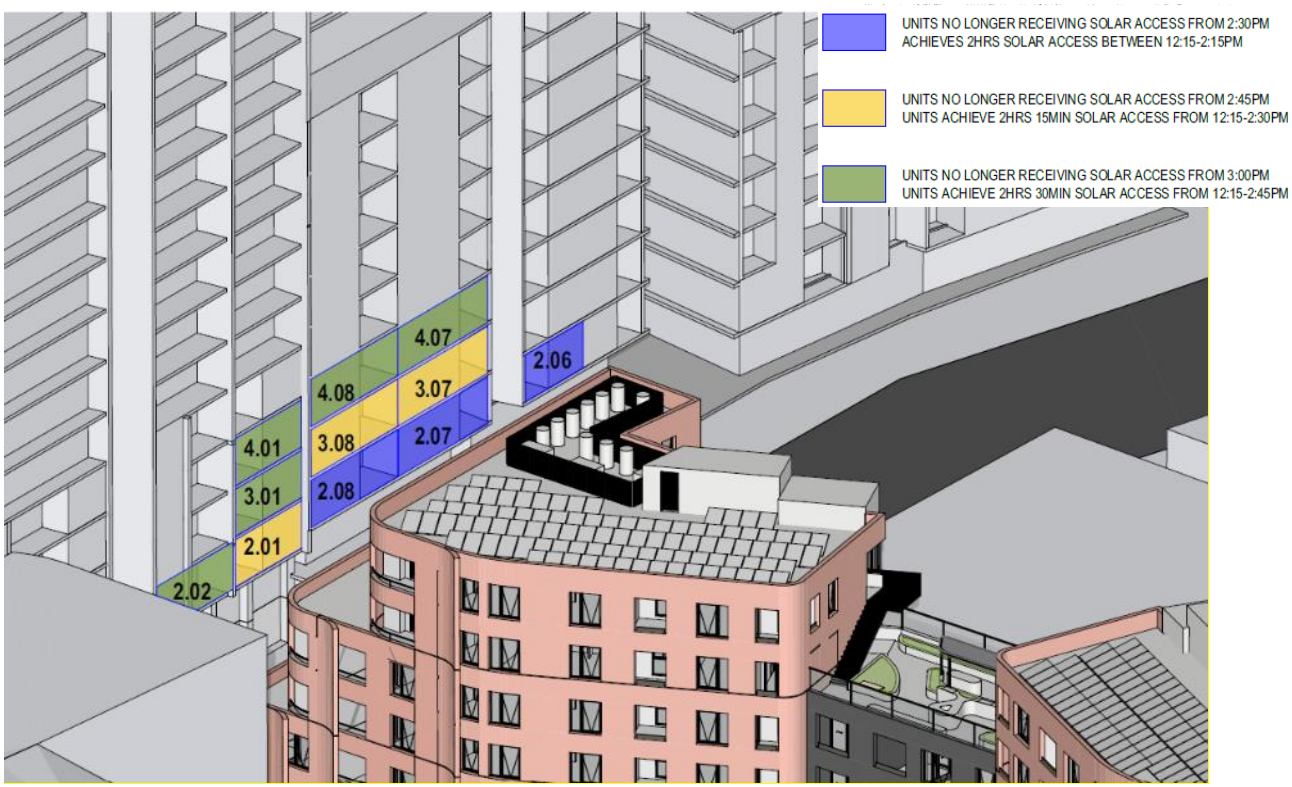


Figure 31: Solar impact to 499 and 501-509 Botany Road

97. Other shadow impacts caused by the proposal are generally consistent with the shadow impacts of the approved building envelope. The additional height will provide for some minor additional shadowing however this is largely over commercial developments to the south and west. Some additional shadowing will occur to a terrace and its courtyard at 1 Victora Street to the south however this will be limited to between 9 - 10am in midwinter and will not be affected after this time.

98. Having regard to the above it is considered that the proposal is appropriate in respect of solar access and overshadowing and will not result in any unreasonable adverse impacts.

Cross ventilation

99. As outlined above the subject site is located at the intersection of Botany Road and the new Ashmore Connector Road accordingly the provision of natural ventilation to the proposed affordable housing units presents a significant challenge.

100. The proposal has been designed such that 60/102 units (58.8%) in the first 9 storeys are able to be naturally cross ventilated although following a request from Council ceiling fans have been shown on the plans for all units to assist with ventilation. Part 4B of the ADG specifies that a minimum of 60% of apartments are to be naturally cross ventilated within the first 9 storeys of a building. Accordingly, the proposal results in a minor non-compliance with the ADG requirement. The proposal provides for 100% of units to be naturally ventilated (with no air-conditioning specified). This is considered acceptable in the circumstance given the site orientation, the proposed ceiling fans and the fact that the site is highly constrained and exposed to significant noise on two frontages.

Noise intrusion

101. Related to the discussion above on natural ventilation, the site has significant challenges in relation to the ability of units to meet the internal noise criteria given adjacent noise sources (roads). To address this the design includes high screens to the balconies on the Botany Road frontage. An acoustic assessment has been provided and Council's Environmental Health Officer has confirmed that the proposal is acceptable from a noise perspective and will achieve the site specific noise criteria. The report also recommends the following mitigation measures:

    - increased glass thickness to those apartments facing Botany Road, i.e. Apartments 109, 110, 211 and 212;
    - non-glazed façade elements to those apartments mentioned in the point above should also have acoustic performance measures;
    - provision of ceiling build-ups; and
    - provision of minimum absorption coefficients.

102. In respect of mechanical plant it also recommends:

    - positioning plant away from residential receivers;
    - fitting acoustic attenuators to duct work;
    - screening mechanical plant; and
    - providing acoustic insulation within duct work.

103. Conditions of consent are recommended to implement the recommendations of the acoustic report as outlined above.

104. Further appropriate information has been provided to demonstrate that notwithstanding the screens window openings are sufficient to provide for natural ventilation and to comply with ADG natural ventilation requirement (4B-1) that “the area of unobstructed window openings should be equal to at least 5% of the floor area served”.

Design excellence

105. Clause 6.21C provides that consent cannot be granted to a development to the erection of a new building unless the consent authority considers that the proposed development exhibits design excellence having regard to the matters outlined at cl 6.21C(2). As outlined above it is considered that the proposed building represents design excellence notably having regard to the various considerations including suitability for site, the proposed use, the bulk, massing and modulation of the building, environmental impacts, amenity, landscape design and the achievement of ESD etc. The proposed development will provide 111 new affordable housing dwellings in a highly accessible location, will provide good amenity to the future residents and will be in character with the emerging character of the area. It will also provide a landmark building that is of an appropriate height, bulk and scale having regard to development in the locality and will incorporate high quality materials and finishes. Accordingly, it is considered that the proposal represents design excellence in accordance with the provision.

Suitability of the site for the Development

106. The site is situated within the Green Square Urban Renewal Area and is located within proximity to the Green Square Town Centre, amongst similar uses to that proposed and is considered to be suitable for the proposed development

107. The proposal is consistent with the height and scale of development approved and envisaged for both the Ashmore Connector and Botany Road and accordingly will not be overbearing or bulky in the streetscape. Further it provides a high quality interface with the public domain at ground level on both frontages. It is therefore considered that the site is suitable for the proposed development.

Public Interest

108. It is considered that the proposal is in the public interest providing a high quality development that will deliver 111 new affordable housing units in a highly accessible area. As assessed it will not have any detrimental effect on the public interest.

Consultation

Internal Referrals

109. The application was discussed with Council's;

(a) Building Services Unit;

(b) Environmental Health Unit;

(c) Heritage and Urban Design Unit;

(d) Public Domain Unit;

(e) Safe City Unit;

(f) Surveyors;

(g) Sustainability Officer

(h) Transport and Access Unit;

(i) Landscape Unit;

(j) Planning Agreement Unit;

(k) Public Art Unit

(l) Social Strategy,

(m) Tree Management Unit, and

(n) Waste Management Unit.

110. The above advised that the proposal, and amended, generally addresses the matters raised through the assessment and is acceptable subject to conditions. Where appropriate, these conditions are included in Attachment B.

External Referrals

Ausgrid

111. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.

112. A response was received raising no objections to the proposed development. Conditions of consent were recommended which are included in Attachment B.

Transport for NSW

113. Pursuant to Section 2.119 and 2.122 of the SEPP (Transport and infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment.

114. Comments were received on 11 October 2024. Conditions of consent were recommended which are included in Attachment B.

Advertising and Notification

115. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 28 days between 16 May 2024 and 14 June 2024. A total of 345 properties were notified and nil (0) submissions were received.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

116. The City of Sydney Development Contributions Plan 2015 applies to the site. Affordable housing provided by a community housing provider is however excluded from the need to pay a contribution in accordance with section 1.3 of the Plan. A social housing provider is defined under the Housing SEPP and includes St George Community Housing, the Applicant. Accordingly, no contribution is required in this instance.

Housing and Productivity Contribution

117. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

118. While the site is located with the Greater Sydney region, the development is of a type listed in Schedule 2 of the Order as being exempt from the Housing and Productivity Contribution.

Relevant Legislation

119. Environmental Planning and Assessment Act 1979.

120. Environmental Planning and Assessment Regulations 2021.

121. City of Sydney Act 1988.

122. Roads Act 1993.

Conclusion

123. The application proposes construction of a new 10 storey mixed use development comprising 111 dwellings for affordable housing, ground floor retail/commercial, ground floor car and bicycle parking, waste room, services, signage, landscaping, civil works and remediation. The proposal also provides for 0.5m of footpath widening on the Ashmore Connector Road frontage and 1.4m of footpath widening on the Botany Road frontage to be dedicated to Council under an approved and executed Voluntary Planning Agreement.

124. The development exceeds the maximum 33m building height development standard by 3.2m (maximum height 36.2m) with the exceedance being limited to the parapet, lift overrun, fire stair, hot water services and solar panels. These elements are relatively minor and will generally not be visible from the street. As such, they do not contribute to the bulk and scale of the building. A request to vary Clause 4.3 'Height of buildings' development standard has been received in accordance with Clause 4.6 of the Sydney LEP 2012. The statement demonstrates that compliance with the standard is unreasonable and unnecessary, and there are sufficient environmental planning grounds to justify contravening the standard. The proposal is consistent with the objectives of the land use zone and height of buildings development standard and the proposed departure to building height is supported in this instance.

125. The development also exceeds the maximum 4:1 floor space ratio applicable to the land having a floor space ratio of 4.09:1. The exceedance is due to the inclusion of balconies on the Botany Road frontage as GFA given the need for high screens to provide acoustic attenuation. The additional floor space does not therefore contribute to the bulk and scale of the building and is merely a technicality as a result of the GFA definition which includes area with a wall height greater than 1.4m. A request to vary Clause 4.4 'Floor Space Ratio' development standard has been received in accordance with Clause 4.6 of the Sydney LEP 2012. The statement demonstrates that compliance with the standard is unreasonable and unnecessary, and there are sufficient environmental planning grounds to justify contravening the standard. The proposal is consistent with the objectives of the land use zone and floor space ratio development standard and the proposed departure to FSR is supported in this instance.

126. Subject to conditions, the proposal is generally consistent with the applicable planning provisions including the Housing SEPP 2021, Sydney LEP 2012 and Sydney DCP 2012. Proposed non-compliances have been assessed as having merit in this case and are addressed in the report. Conditions are recommended to address non-compliances where appropriate.

127. The proposal represents design excellence, with a high standard of architectural design, materials and detailing and a built form that is consistent with the existing and future desired character of the area. It will also provide 111 much needed affordable housing dwellings to be delivered by a social housing provider in a highly accessible location.

128. This is a detailed design development application following the approval of a concept development application (D/2019/87, as amended). The development is consistent with the Concept DA Approval (D/2019/87/C) as amended which is proposed to be modified concurrent application with the subject application. The subject application therefore relies on approval of the concurrent Concept DA Approval modification.

129. The development is in the public interest and is recommended for approval subject to the conditions in Attachment B.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Helena Miller, Director, MG Planning Pty Ltd (Independent Assessment Officer)

Attachment B

Recommended Conditions of Consent

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2024/273 dated 12/04/2024 and the following drawings prepared by DKO:

Drawing Number	Drawing Name	Date
DA103 Rev A	Demolition Plan	02/02/2024
DA104 Rev B	Site Plan	24/09/2024
DA200 Rev B	Ground Floor Plan	24/09/2024
DA201 Rev B	Level 1 Plan	24/09/2024
DA202 Rev B	Level 2-5 Plan	24/09/2024
DA203 Rev B	Level 6 Plan	24/09/2024
DA204 Rev B	Level 7 Plan	24/09/2024
DA205 Rev B	Level 8 Plan	24/09/2024
DA206 Rev B	Level 9 Plan	24/09/2024
DA207 Rev B	Level 10 Plan	24/09/2024
DA208 Rev B	Roof Plan	24/09/2024
DA300 Rev B	Elevations – Sheet 1	24/09/2024
DA301 Rev B	Elevations – Sheet 2	24/09/2024
DA302 Rev B	Elevations – Sheet 3	24/09/2024
DA303 Rev B	Elevations – Sheet 4	24/09/2024
DA304 Rev A	Section	02/02/2024
DA305 Rev B	Section	24/09/2024
DA422 Rev A	Adaptable Units	02/02/2024
DA423 Rev A	Adaptable Unit Layouts	02/02/2024
DA424 Rev A	Adaptable Unit Layouts	02/02/2024
DA425 Rev A	Adaptable Unit Layouts	02/02/2024
DA426 Rev A	Adaptable Unit Layouts	02/02/2024

and as amended by the conditions of this consent.

(b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(2) SUN SHADING

Additional internal blockout blinds are required to north and west facing living room windows in accordance with Objective 4A3 of the Apartment Design Guide.

Reason

To ensure appropriate sun shading to north facing windows.

(3) BEDROOM DAYLIGHT

At a minimum, the following list of apartments bedrooms must have a full height sliding door set consisting of one fixed and one sliding door the inboard balcony in order to gain additional daylight across the depth of the balcony.

104 (2nd bdrm), 107 (2nd bdrm), 108 (2nd bdrm),110 (2nd bdrm),

204 (Main bdrm), 205 (Main bdrm), 206 (2nd bdrm), 209 (Main bdrm), 210 (Main bdrm), 212 (2nd bdrm)

304 (Main bdrm), 305 (Main bdrm), 306 (2nd bdrm), 309 (Main bdrm), 310 (Main bdrm), 312 (2nd bdrm)

404 (Main bdrm), 405 (Main bdrm), 406 (2nd bdrm), 409 (Main bdrm), 410 (Main bdrm), 412 (2nd bdrm)

504 (Main bdrm), 505 (Main bdrm), 506 (2nd bdrm), 509 (Main bdrm), 510 (Main bdrm), 512 (2nd bdrm)

604 (2nd bdrm), 605 (Main bdrm), 606 (2nd bdrm), 608 (2nd bdrm), 609 (2nd bdrm), 610 (2nd bdrm), 611 (Main bdrm)

704 (Main bdrm), 705 (Main bdrm), 706 (2nd bdrm), 708 (Main), 509 (Main bdrm), 710 (Main bdrm), 711 (Main bdrm)

804 (Main bdrm), 805 (Main bdrm), 806 (2nd bdrm)

904 (Main bdrm), 907(Main bdrm)

In addition, further bedrooms can replace the window to an inboard balcony shown on the plans, with the same sliding door set at the owners discretion.

Reason

To improve daylight penetration to bedrooms setback from the façade across inboard balconies.

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement between The Council of the City of Sydney and SGCH Portfolio Limited dated 26 February 2020 are to be complied with.

Reason

To ensure the development complies with all terms of the planning agreement.

(5) DEDICATION FOR ROAD WIDENING

The owner must dedicate for road purposes, the parcels of land adjoining:

(a) the western alignment of Botany Road and

(b) the northern boundary of the site,

as detailed in the Voluntary Planning Agreement for the site. The widening is to be detailed in a plan of subdivision of the land. This plan is to be registered at NSW Land Registry Services prior to any Occupation Certificate being issued. The area to be dedicated must be shown as a separate lot or lots and numbered as such.

Reason

To ensure road widening is dedicated for road purposes.

(6) BOTANY ROAD STREET TREES

The owner must work with the City of Sydney to determine the positioning and potential installation of streets trees along the Botany Road frontage to the satisfaction of the Executive Director City Planning Development & Transport prior to the issuing of the any construction certificate. This may ultimately entail the undergrounding of overhead power lines, the cost of which will not be required of the owner.

(7) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule on the DA drawings and sample board.

Reason

To ensure all parties are aware of the approved materials and finishes that apply to the development.

(8) BUILDING HEIGHT

(a) The height of the building must not exceed RL 50.80 (AHD) to the top of the building and RL 49.20 (AHD) to the parapet of the building.

(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(9) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

(a) The Floor Space Ratio for the business use must not exceed 4.09:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area is 9,198sqm.

Reason

To ensure the constructed development complies with the approved floor space ratio.

(10) USE - SEPARATE DA REQUIRED

No consent is granted or implied for the fitout or specific use of the ground floor retail/commercial tenancy.

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fitout and use of the ground floor retail/commercial tenancy prior to that fitout or use commencing.

Reason

To require separate consent to be obtained for a use.

(11) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated to adaptable units.

Reason

To ensure accessible vehicle parking spaces are allocated to adaptable units.

(12) SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the point of vehicle egress:

(a) Compelling drivers to stop before proceeding onto the public way.

(b) Compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

Reason

To ensure the safety of surrounding pedestrians and cyclists.

(13) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

Reason

To ensure the public domain is kept free from physical obstructions.

(14) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 9.9m.

Reason

To maintain the orderly operation of vehicle parking and loading areas.

(15) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

Reason

To ensure all roadway works are designed and constructed in accordance with Council requirements.

(16) COST OF SIGNPOSTING

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

Reason

To ensure all associated roadway works costs are borne by the developer.

(17) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for any changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Note: As parking in the LGA is at a premium, it is recommended that the applicant should approach the Area Traffic Engineer to discuss the proposal before making a submission.

Reason

To require separate consent to be obtained for changes to kerb side parking arrangements.

(18) SWINGING DOORS OVER PUBLIC WAY

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

Reason

To ensure no element of the development obstructs the use of the public way.

(19) NO OBSTRUCTIONS

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any Occupation Certificate.

Reason

To ensure there are no obstructions on public footways and paths of travel.

(20) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

Reason

To require separate consent to be obtained for any additional signs.

(21) WASTE ROOM ALLOCATION

The 'resi waste room' and 'bulky waste room' on ground floor level are to be swapped, so that the residential bin store remains adjacent to the site entrance and the bulky waste room is at the rear of the site. The room sizes must stay the same.

Reason

To ensure the most efficient waste collection layout.

(22) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.

Reason

To ensure that waste and recycling is appropriately managed throughout all phases of the development.

(23) TREES THAT MUST BE RETAINED

The existing trees detailed in Table 1 below be retained and protected in accordance with the conditions throughout construction and development.

Table 1 – Tree Retention:

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

Tree No	**Species:**	**Location**
1 to 10	*Elaeocarpus eumundii* (Eumundi quandong)	Ashmore Connector (Street trees)
11 to 16	*Fraxinus pennsylvanica* (Green Ash)	
17	*Lophostemon confertus* (Brush Box)	Botany Road (Street trees)

Reason

To identify the trees that cannot be removed, must be retained and protected.

(24) TREE PLANTING CONSIDERATIONS

The design should include the use of continuous trenches for tree pits and the installation of all services to be underground.

Special consideration must be given to soil depth and quality for tree planting. The City considers the following soil volume requirements must be included in the design for successful long-term tree establishment:

(a) Large Trees (canopy diameter of up to 16 metres at maturity) require a minimum soil volume of 150 cubic metres, minimum soil depth of 1.5 metres and minimum soil area 10 metres x 10 metres.

(b) Medium Trees (canopy diameter of up to 8 metres at maturity) require a minimum soil volume of 35 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 6 metres x 6 metres.

(c) Small Trees (canopy diameter of up to 4 metres at maturity) require a minimum soil volume of 9 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 4 metres x 4 metres.

Reason

To ensure the development is appropriately designed to accommodate adequate tree planting.

(25) LAND SUBDIVISION

Any proposal for land subdivision including any stratum subdivision of the building to separate the commercial component from the residential component will require a separate application to Council to obtain a Subdivision Certificate under Section 6.15 of the *Environmental Planning and Assessment Act 1979*.

Reason

To ensure consent is sought for land subdivision.

(26) PROJECTIONS OVER FOOTWAYS

The architectural embellishments attached to the building, shown as overhanging the alignment of Botany Road (as widened, and it's adjoining splayed corner), must comply with either the provisions of Schedule 4 ("Projections over or into public roads") or Section 3.2.4 ("Footpath Awnings") of the Sydney Development Control Plan 2012.

Reason

To ensure any projections over the public way are appropriately managed.

(27) PUBLIC ART

Public art must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.

(a) The Detailed Public Art Plan by DKO dated March 2024 Public Art Strategy 338 Botany Road Alexandria PAN-425298 is not supported.

(b) A Detailed Public Art Plan must be submitted to and approved by Council's Area Planning Manager prior to issue of any Construction Certificate for above ground works.

(c) The Detailed Public Art Plan must be in accordance with be in accordance with the Sydney DCP 2012, the Public Art Policy, the Interim Guidelines: Public art in private developments and include:

(i) The process and rationale for selecting the artist

(ii) Rationale for the proposed locations;

(iii) The budget for the artwork including artists fees and all associated costs with the artwork.

(d) Public art must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate.

Note: Public Art plans must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission for Council approval. Further information is available online at http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art Please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

Reason

To ensure public art is installed to the City's satisfaction.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(28) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

(a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by E-LAB Consulting, dated 20 September 2024, ref P00688 and revision number 002, titled 338 Botany Road, Alexandria Noise, Vibration & Natural Ventilation Impact Assessment, Council Ref 2024/55396 must be implemented in the development prior to the commencement of its use.

(b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the Registered Certifier.

(c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

(d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

Reason

To ensure all parties are aware of the supporting documentation that applies to the development.

(29) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate.The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm).The plan must include but not be limited to the following:

(a) Identification of noise sensitive receivers near to the site.

(b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.(c) A representative background noise measurement ($L_{A90,\ 15\ minute}$) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.(d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.(e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.(f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.(g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.(h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

Reason

To ensure an adequate construction noise and vibration management plan is prepared.

(30) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

Reason

To ensure parking facilities are designed in accordance with the Australian Standards.

(31) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces	0
Accessible residential spaces	4
Residential visitor spaces	0
Accessible residential visitor spaces	0
Motorcycle parking	1
Service vehicle spaces	1
Total	6

Reason

To ensure the allocation of parking is in accordance with the Council's DCP.

(32) BICYCLE PARKING AND END OF TRIP FACILITIES

(a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	64	Spaces must be a class 1 bicycle locker or Class 2 bicycle facility
Non-residential	2	Spaces must be Class 2 bicycle facilities
Visitor	4	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	1	
Personal lockers	2	

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

Notes:

(i) Australian Standard AS 2890.3:2015 refers to class 1 as security level 'A', class 2 as security level "B', and class 3 as security level 'C'.

(b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

Reason

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

(33) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

(a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

(b) The approved plan must be complied with during any demolition and/or construction work.

Reason

To ensure that the impacts of construction traffic is appropriately managed.

(34) SITE AUDIT STATEMENT

Prior to the issue of a construction certificate associated with the built form of the development (excluding building work directly related to remediation), a Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor and submitted to the Council's Area Planning Manager at email address:-

hbapplications@cityofsydney.nsw.gov.au

The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that site is suitable for the proposed use.

(a) In circumstances where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council, these must be reviewed and must be approved by the Council's Health and Building Unit in writing through the Area Planning Manager before the Site Audit Statement is issued.

(b) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a S4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).

(c) **No Occupation Certificate is to be issued** by the Principal Certifier unless a Site Audit Statement has been submitted to and approved by Council in accordance with this condition.

Reason

To ensure that the site is appropriately remediated.

(35) LANDSCAPING OF THE SITE

(a) The Landscape Plan prepared by Arcadia dated 26 February 2024 is not approved. A landscape design package and technical specification suitable for construction by a registered landscape architect must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:

(i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.

(ii) Location and details of existing and proposed structures on the site including, but not limited to, paving walls, services, furniture, shade structures, lighting and other features.

(iii) Details of earthworks, soil depths and volume including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.

(iv) Planting details, and location, numbers, type and supply of plant species, with reference to the relevant Australian Standard and preference for drought resistant species that contribute to habitat creation and biodiversity.

(v) The design must provide a minimum 15% canopy cover across the site. This must be provided by 30% of the species having a mature height of 6-8 metres, 30% mature heights of 10-15 metres and 40% mature heights of 20-30 metres.

(vi) Soil volume for tree plantings must be in accordance with the Sydney Landscape Code Volume 2.

(vii) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction.

(viii) Details of drainage, waterproofing and watering systems.

(b) Landscape maintenance plan. This plan is to be complied with during occupation of the property. Relevant drawings cross referenced in the landscape package, such as architectural details, civil, stormwater and hydraulic plans etc, should be submitted with the landscape package.

(c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

Reason

To ensure that the development is supported by a good quality, buildable landscape scheme that meets the City's controls.

(36) BASIX PLAN MARKINGS

Prior to the issue of a Construction Certificate, a final architectural plan set is to be submitted with mark-ups, annotations or other detail which clearly identifies all details required for BASIX and NatHERS modelling. Plan markings are to be in line with BASIX certificate, NatHERS Thermal Comfort Protocol and NatHERS Assessor Handbooks Section 1.2 - Documentation requirements.

Reason

To ensure the accuracy of provided modelling data.

(37) BASIX STAMPED PLAN SET

Upon finalisation of condition “BASIX Plan Markings” and prior to the issue of a Construction Certificate, the finalised set of architectural plans are to be stamped with the NatHERS stamp for the assessment. No details are to be added to the plan set in addition to the NatHERS assessors stamp. All required modelling details are to be included in the final unstamped drawing set.

Reason

To ensure the consistency of architectural plans with BASIX and NatHERS modelling.

(38) SOLAR PV CAPACITY

Prior to the issue of a Construction Certificate, architectural plans are to be updated to include clear markups and annotations around output capacity for PV systems. To maintain consistency with sustainability reporting in the development application; annotations are required to clearly identify all photovoltaic systems, totalling a minimum peak capacity in line with previously reported 58kWp.

Reason

Compliance with BASIX plan marking requirements.

(39) WATER STORAGE

Prior to the issue of a Construction Certificate, architectural plans are to be updated to include clear markups and annotations around storage capacity for water storage and reuse systems. To maintain consistency with sustainability reporting in the development application; annotations are required to clearly identify a storage capacity of at least 5000L.

Reason

Compliance with BASIX plan marking requirements.

(40) PUBLIC DOMAIN DAMAGE BOND

(a) A Public Domain Damage Deposit calculated on the basis of 498 square metres of concrete unit paver site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.

(b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.

(c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

Reason

To allow for the appropriate management and rectification of damage to the public domain.

(41) PROTECTION OF STONE KERBS

(a) The existing stone kerbs on the Green Square to Ashmore Connector Road frontage of the site are to be retained and properly protected during demolition, excavation and construction works.

(b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.

(c) Note the following:

(i) All costs associated with the works are to be borne by the developer.

(ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.

(iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.

(iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.

(v) Council approval is required before kerbs are removed.

(vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

Reason

To ensure the protection of stone kerbs.

(42) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include either:

(a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or

(b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

Reason

To ensure the preservation of existing survey infrastructure.

(43) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

Prior to the issue of any Construction Certificate, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: Public Domain Levels and Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.

Reason

To ensure public domain levels and gradients comply with Council's requirements.

(44) STORMWATER DRAINAGE DESIGN

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professional must be submitted to and approved by the City's Public Domain Unit and must include:

(a) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;

(b) Council's Sydney Streets Technical Specifications, Standard Drawings;

(c) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;

(d) Council's Stormwater Drainage Manual; and

(e) All relevant Australian Standards.

This information is available for download from the City's website at https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works.

Note: A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.

Reason

To ensure stormwater drainage design complies with Council's requirements.

(45) STORMWATER ON-SITE DETENTION

The requirements of Sydney Water with regard to the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of the approval must be submitted to Council prior to issue of any Construction Certificate other than demolition.

Where an OSD is not required by Sydney Water one may still be required by the City.

Reason

To ensure the requirements of Sydney Water are complied with.

(46) STORMWATER QUALITY ASSESSMENT

The development must comply with Civil Engineering Report dated 8 March 2024 approved with this development application.

Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer (NPER) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit.

The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

Reason

To ensure appropriate stormwater quality on the site.

(47) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 3 of the report titled Site Flood Assessment for Development Application prepared by insert WMA Water dated 31 January 2024.

Details must be submitted to the Registered Certifier prior to the issue of any Construction Certificate demonstrating that the development will comply with the recommended flood planning levels.

Reason

To ensure the development complies with the recommended flood planning levels.

(48) DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at https://www.cityofsydney.nsw.gov.au/

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Reason

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

(49) TEMPORARY DEWATERING DURING CONSTRUCTION

Prior to discharging any water collected during excavation and construction into the City's stormwater drainage system, approval must be sought from the City's Public Domain Unit. A dewatering management plan must be submitted with an *Application for Temporary Dewatering* available to download on the City's website.

Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason

To ensure dewatering is managed appropriately.

(50) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

The Operational Waste Management Plan accompanying this Development Application has not been approved by this consent. An Operational Waste Management Plan is to be submitted to and reviewed by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan must comply with Council's Development Control Plan and Guidelines for Waste Management in New Developments. The plan must address:

(a) the transfer and management of 240L bins including procedure for decanting into 1,100L bins

(b) inclusion of updated architectural drawings

(c) inclusion of updated Council waste collection vehicle specifications

Reason

To document agreed waste management facilities and arrangements and ensure good waste management outcomes.

(51) WASTE INFRASTRUCTURE - RESIDENTIAL

Prior to a **Construction Certificate** being issued, detailed plans, and specifications for the construction of waste management facilities must be submitted for review by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager. The waste management facilities to be provided responsive to Council's controls, policies, and guidelines, including but not limited to:

(a) Waste and recycling stream(s) storage area(s) to be designed and constructed in accordance with Reference D of Council's Guidelines for Waste Management in New Developments. Floors to be waterproofed across all intersections that extend a minimum 1200mm high on the walls.

(b) Waste chute system to be designed in accordance with Section B and Reference E of the City of Sydney Guidelines for Waste Management in New Developments.

(c) Proposed linear track system configuration, wholly enclosed within the chute discharge room (including supporting elevations).

(d) Integrated on-site waste collection and loading infrastructure to accommodate Councils standard 9.9m waste collection vehicle.

Reason

To allow for the safe and hygienic storage of waste and recycling and support provision of a safe and efficient waste collection service.

(52) ADAPTABLE HOUSING

Prior to a Construction Certificate being issued, information from an appropriately qualified access consultant is to be submitted to the Registered Certifier:

(a) Confirming that the required number of residential units are able to be adapted for people with a disability in accordance with the *Building Code of Australia.*

(b) Demonstrating (in a checklist) compliance with Australian Standard AS4299.

Reason

To ensure the provision of adaptable housing.

(53) FLOOR TO CEILING HEIGHT

Prior to a Construction Certificate being issued, the Registered Certifier must ensure that all living rooms and bedrooms in sole occupancy units must have a minimum finished floor to ceiling height of not less than 2.7 metres.

Reason

To ensure an adequate minimum floor to ceiling height to provide an acceptable level of amenity.

(54) REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL AND SERVICED APARTMENTS)

(a) Prior to a Construction Certificate being issued, an acoustic assessment report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Registered Certifier demonstrating compliance with the requirements of the *Sydney DCP 2012* in relation to acoustic privacy. The approved drawings and specifications for construction are to be in accordance with the requirements of the DCP.

(b) In the preparation of the report:

(i) The environmental noise monitoring at the site of the proposed development must be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;

(ii) The repeatable maximum LAeq (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and

(iii) The LAeq (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed must be shown.

(c) Prior to any Occupation Certificate being issued, a Compliance Certificate from a qualified, practising acoustic engineer must be submitted to the satisfaction of the Principal Certifier, certifying compliance with the condition.

Reason

To ensure an appropriate level of acoustic amenity inside apartments.

(55) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

(a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

(b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

Reason

To ensure that utility authorities are advised of the development and their approval is obtained in connection with the relocation and/or adjustment of services affected by the development.

BEFORE BUILDING WORK COMMENCES

(56) ROAD OPENING APPLICATION

A separate road opening application under Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council prior to the commencement of any:

(a) Excavation in or disturbance of a public way, or

(b) Excavation on land that, if shoring were not provided, may disturb the surface of a public road (including footpath).

Reason

To ensure that approval under the Roads Act is obtained.

(57) HAZARDOUS MATERIALS SURVEY REQUIRED

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

Reason

To ensure that hazardous materials on the site are identified and appropriately managed.

(58) DECOMMISSIONING OF UNDERGROUND PETROLEUM STORAGE TANKS

The removal of underground petroleum storage tanks must be undertaken in accordance with Safework NSW requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed and all relevant NSW Environmental Protection Authority/Office of the Environment and Heritage Guidelines and Australian Standards including following;

NSW EPA Technical Note: *Decommissioning, Abandonment and Removal of UPSS* (January 2010),

NSW EPA Technical Note: *Investigation of Service Station Sites* (April 2014),

AS 1940 –2004: Storage and handling of flammable and combustible liquids,

AS 4976 – 2008: The removal and disposal of underground petroleum storage tanks.

A site contamination assessment must be conducted in accordance with the *Guidelines for Consultants Reporting on Contaminated Sites* (NSW Office of the Environment and Heritage 2011) and the *Sampling Design Guidelines* (*NSW Environmental Protection Authority September 1995*) to determine whether petroleum has contaminated soil and groundwater in the vicinity of the storage system and whether remediation is required to ensure the land remains suitable for the continued approved land use.

Subsequent remediation of the site must be undertaken in accordance with the *Managing Land Contamination – Planning Guidelines (Department of Urban Affairs and Planning 1998) and the State Environmental Planning Policy (Resilience and Hazards 2021)* including notification to Council's Area Planning Manager at the start and completion of land remediation.

The removal or in-situ decommissioning of the underground petroleum storage system and any subsequent contamination assessment, preparation of a remediation strategy and final decommissioning reporting must be carried out by a duly qualified person, who has competencies and experience in relation to this area of work that are recognised as appropriate by the relevant industry and the NSW Environmental Protection Authority.

Reason

To ensure the removal of underground petroleum storage tanks is appropriately managed.

(59) TREE PROTECTION BEFORE AND DURING CONSTRUCTION

All trees that will be affected by the development within the property and on any adjoining land, must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and as follows:

(a) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within three metres of the trunk of any tree to be retained (including trees within adjoining properties).

(b) Excavation must not occur within three metres of the trunk of any tree (including trees within adjoining properties). If excavation is proposed within this zone, Council's Tree Management Officer must be contacted immediately, and the excavation must be carried out in accordance with Council's direction.

(c) Excavations where they are within four metres of any tree (including trees in adjoining properties) must be undertaken using non-destructive methods (such as by hand) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.

(d) Footings must be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance must be provided between the tree root and footing.

(e) Tree trunk and major branch protection must be undertaken prior to the commencement of any works. The protection must be by a qualified Arborist with a minimum AQF Level 3 qualification in arboriculture and must include:

(i) Tree trunk/s and/or major branches must be protected by wrapped thick carpet underlay or similar padding material to limit damage;

(ii) Timber planks (50mm x 100mm must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion;

(iii) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.

(f) The protection must be certified by an arborist with a minimum AQF Level 5 qualification in arboriculture.

(g) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 40mm in diameter. Only minor pruning works will be approved by Council.

Reason

To ensure the protection and ongoing health of trees.

(60) PUBLIC DOMAIN WORK – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993

Prior to the construction of any public domain works, approval under Section 138 / 139 of the Roads Act 1993 must be issued by the City's Public Domain Unit.

Reason

To ensure relevant approvals for public domain work are obtained.

(61) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

(a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:

(i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.

(ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)

(iii) An Excavation Work Method Statement prepared by an appropriately qualified person.

(iv) A Waste and Recycling Management Plan – Demolition and Construction for the demolition and or excavation of the proposed development. The plan is to include details of materials that will be excavated and their proposed destination or reuse.

(v) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

Note: Temporary structures, including hoardings and scaffolding, proposed for erection on City-owned and controlled land (footways and roadways), must comply with Council's *Guidelines for Hoardings and Scaffolding* and be approved by Council under the provisions of the Local Government Act 1993 and the Roads Act 1993 prior to installation.

(b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:

(i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.

(ii) The name and address of the company/contractor undertaking demolition/excavation works.

(iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.

(iv) The name and address of the transport contractor.

(v) The type and quantity of material to be removed from site.

(vi) Location and method of waste disposal and recycling.

(vii) Proposed truck routes, in accordance with this development consent.

(viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).

(ix) Measures to control noise emissions from the site.

(x) Measures to suppress odours.

(xi) Enclosing and making the site safe.

(xii) Induction training for on-site personnel.

(xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.

(xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.

(xv) Disconnection of utilities.

(xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).

(xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).

(xviii) Waterproofing of any exposed surfaces of adjoining buildings.

(xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).

(xx) Working hours, in accordance with this development consent.

(xxi) Any SafeWork NSW requirements.

(c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

(d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

Reason

To ensure that impacts arising from demolition, excavation and construction are appropriately managed.

(62) DILAPIDATION REPORT

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Registered Certifier prior to the issue of a construction certification.

Reason

To ensure that dilapidation reports are prepared and to identify damage to for adjoining/nearby properties resulting from building work on the development site.

(63) EROSION AND SEDIMENT CONTROL - BETWEEN 250 AND 2,500SQM

Prior to the commencement of demolition/excavation/construction work, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifier. The ESCP must:

(a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act 1997*.

(b) Include a drawing(s) that clearly shows:

(i) location of site boundaries and adjoining roads

(ii) approximate grades and indications of direction(s) of fall

(iii) approximate location of trees and other vegetation, showing items for removal or retention

(iv) location of site access, proposed roads and other impervious areas

(v) existing and proposed drainage patterns with stormwater discharge points

(vi) north point and scale

(c) Specify how soil conservation measures will be conducted on site including:

(i) timing of works

(ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained

(iii) access protection measures

(iv) nature and extent of earthworks, including the amount of any cut and fill

(v) where applicable, the diversion of runoff from upslope lands around the disturbed areas

(vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology

(vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)

(viii) frequency and nature of any maintenance program

(ix) other site-specific soil or water conservation structures.

Reason

To ensure that appropriate erosion and sediment control measures are put in place during construction to protect the environment.

(64) SURVEY SET-OUT

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

Reason

To ensure the development does not encroach onto neighbouring properties.

(65) SUPPLY OF ELECTRICITY/PROPOSED SUBSTATION

The developer is to engage Ausgrid's Contestability group with regards to the new proposed substation.

Please visit https://www.ausgrid.com.au/Connections/Need-help-to-plan

(66) PROXIMITY TO EXISTING NETWORK ASSETS – UNDERGROUND CABLES

There are existing underground electricity network assets in Botany Road.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

(67) TRANSPORT FOR NSW CONDITIONS

(a) All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property unlimited in height or depth along the Botany Road boundary.

(b) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Botany Road are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

(c) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Botany Road during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.

(d) Any proposed public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

(e) For the life of the completed development no service vehicles (e.g. garbage trucks, vehicles delivering and/or collecting material for the retail/commercial premises, etc) are permitted to service the site from the Botany Road frontage.

DURING BUILDING WORK

(68) ASBESTOS REMOVAL WORKS

(a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

(b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

(c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines.*

(d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.

(e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.

(f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.

(g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).

(h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.

(i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

(i) contact person for the site;

(ii) telephone and facsimile numbers and email address; and

(iii) site activities and time frames.

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

(69) COMPLIANCE WITH NATIONAL CONSTRUCTION CODE

All proposed work must comply with the *National Construction Code (previously known as Building Code of Australia*).

Reason

(Prescribed condition - EP&A Regulation 2021 clause 69(1)).

(70) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

(a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.

(b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

(c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Reason

To protect the amenity of the surrounding area.

(71) LAND REMEDIATION

The site is to be remediated and validated in accordance with the Remedial Action Plan, 338 Botany Road Alexandria NSW by JBS&G Australia Pty Ltd dated 20 January 2021 referenced 54628/119784, Council Ref: 2024/232406 and Interim Site Audit Advice No. 6: Review of Remedial Action Plan 338 Botany Road, Alexandria, NSW, by NSW Environment Protection Authority accredited Site Auditor Melissa Porter dated 27th January 2021, referenced S16785_LET06_Rev0, Council Ref: 2024/232405. All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Area Planning Manager, the Site Auditor and the Principal Certifier.

Any variations to the approved Remediation Action Plan must be approved in writing by the Site Auditor and Council's Area Planning Manager prior to the commencement of such work.

Reason

To ensure that the site is appropriately remediated.

(72) IMPORTED FILL MATERIALS

All fill imported onto the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

(a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or

(b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (2022) Sampling Design Guidelines.

Reason

To ensure that imported fill is not contaminated.

(73) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW EPA Waste Classification Guidelines, Part1: Classifying Waste (November 2014)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for a particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

Reason

To ensure that waste from site is classified and disposed of appropriately.

(74) DISCHARGE OF CONTAMINATED GROUNDWATER

Contaminated groundwater must not be discharged into the City’s stormwater drainage system.

Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason

To ensure that the discharge of ground water is appropriately managed.

(75) STOCKPILES

(a) No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team.

(b) All stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets.

(c) All stockpiles of soil or other materials likely to generate dust or odours must be covered.

(d) All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours.

Reason

To ensure that stockpiles of soil ort other materials are appropriately managed.

(76) STREET TREE PROTECTION

All street trees located directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

(a) Tree trunk and major branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture and must include:

(i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.

(ii) Tree trunk/s and/or major branches to a height of two metres must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and

(iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.

(iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.

(b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.

(c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.

(d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.

(e) Materials or goods, including site sheds, must not be stored or placed:

(i) around or under the tree canopy; or

(ii) within two (2) metres of tree trunks or branches of any street trees.

(f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.

(g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within three metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.

(h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.

(i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Reason

To ensure the protection and ongoing health of the street trees.

(77) TREE PRUNING – FURTHER APPROVAL REQUIRED

Consent from Council's Tree Management Officer must be obtained prior to any tree pruning work being undertaken, including tree roots greater than 40mm in diameter, for any trees located within or adjacent to the site. Only minor pruning works will be approved by Council.

Reason

To ensure that pruning works to trees are carried out in an appropriate manner.

(78) PUBLIC DOMAIN WORKS SECURITY BOND

A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.

The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the City prior to an approval being issued for the approval of the Public Domain Plan.

The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

Reason

To ensure public domain works are completed and any damage to the public domain is rectified.

(79) DRAINAGE AND SERVICE PIT LIDS

All existing or proposed drainage and service pit lids throughout the public domain must be to City of Sydney specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

Reason

To ensure drainage and service pit lids within the public domain are appropriately designed and installed.

(80) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's *Public Domain Manual*, *Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights: Public Domain Design Code and Sydney Streets Technical Specification*. The documentation must be *checked, accurate, and comply with specified requirement*s. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be for Construction issue and will be approved under Section 138 of the Roads Act.

The Public Domain Manual and all other relevant documents are available for download from Council's website at https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works.

The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, details must be submitted for approval with the public domain plan and additional fees may apply.

Reason

To ensure the public domain complies with Council's requirements.

(81) HOLD POINTS

A set of hold point inspections will be included in the Public Domain works approval letter for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works.

These hold point inspections must be adhered to during construction works. Prior to the issue of any Occupation Certificate, confirmation from the City's Public Domain Unit, that hold point inspections have been completed and works have been accepted by the City must be provided to the Principal Certifier.

Reason

To ensure hold points are adhered to during construction works.

(82) STORMWATER DRAINAGE CONNECTION

For approval of a connection into the City of Sydney's drainage system an "*Application for Approval of Stormwater Drainage Connections*" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to approval being issued for the construction of public domain work.

Reason

To ensure approval of connection into the Council's drainage system is sought.

(83) FOOTPATH AWNINGS

Footpath Awnings which are proposed to be constructed above the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the Local Government Act 1993 and/or Section 138/139 of the Roads Act 1993 prior to any Construction Certificate for the building.

Documentation must be submitted to the City's Construction and Building Certification Services Unit with the application demonstrating that the awning height complies with Development Control Plan 2012. Plans are to include dimensions confirming the awning width and setback from the kerb. Awning gutters are to be concealed from the public domain and plans are to confirm downpipes are located within or recessed into the ground floor frontage of the building.

Reason

To ensure approval of the awning.

(84) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

(a) All loading and unloading associated with construction activity must be accommodated on site, where possible.

(b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.

(c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

(d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

Reason

To protect the amenity of the public domain.

(85) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

Reason

To protect the amenity of the public domain.

(86) ACCESS DRIVEWAYS TO BE CONSTRUCTED

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

Reason

To allow adequate vehicular access to the site.

(87) USE OF MOBILE CRANES

The following requirements apply:

(a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

(b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

(c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Reason

To ensure mobile cranes are used appropriately.

(88) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(89) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Reason

To ensure sediment is not tracked onto the roadway.

(90) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to any Occupation Certificate or subdivision/strata certificate being issued.

Reason

To ensure the requirements of Sydney Water are met.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(91) WASTE AND RECYCLING COLLECTION CONTRACT - COMMERCIAL

Prior to the issue of an **Occupation Certificate** or commencement of the use, whichever is earlier, the building owner/tenant is to enter into a contract with a licensed waste service provider for the removal of all waste and recycling stream(s) associated with the non-residential tenancies. A copy of the commercial waste and recycling contract and invoices are to be made available upon request by an authorised Council officer at any time.

Reason

To ensure arrangements are in place to manage commercial waste without reliance on public place or residential waste bins.

(92) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL

(a) Prior to the issue of an **Occupation Certificate**, Council's review and written approval of the as-built waste infrastructure, facilities, and vehicle access is required. The City Cleansing & Resource Recovery Unit of Council must be satisfied that:

(i) All waste management facilities, storage, and collection infrastructure comply with the stamped plans, approved Operational Waste Management Plan and Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.

(ii) All waste rooms, corridors, doors, and gates to be accessed by Councils collection contractor(s) are to be fitted and accessible via Council's master key system. Specifications of locks, barrels, and supporting infrastructure are to be submitted to Council's City Cleansing & Resource Recovery Unit.

(iii) All waste room roller doors to be automated and self closing and accessed by Council's master key system.

(b) Site inspections are to be conducted by Council's City Cleansing & Resource Recovery Unit to review the site on-site waste collection, storage and loading bay infrastructure prior to the issue of an **Occupation Certificate**. The inspections are to be conducted a minimum 6-months prior to projects anticipated construction completion. Prior to the inspection an electronic copy of the latest architectural plans are to be submitted.

(c) An updated Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery Unit that aligns with the latest version of architectural plans and waste related updates identified during the site inspections. The plan is to be reviewed by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to the issue of an **Occupation Certificate**.

(d) The developer is to enter into a formal agreement with the City of Sydney Council for the utilisation of Councils Waste Collection Service. A signed agreement is to be submitted to Council's City Cleansing & Resource Recovery unit prior to the issue of an **Occupation Certificate**.

(e) The assigned strata manager for the development and direct contact details are to be provided to Council's City Cleansing & Resource Recovery Unit prior to the issue of an **Occupation Certificate**.

Reason

To ensure that facilities and arrangements are in place to enable the provision of a safe and efficient waste collection service responsive to Council's policies and contractual service provisions.

(93) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

Prior to the issue of an **Occupation Certificate**, the Principal Certifier is to ensure all commercial waste management, collection, loading and supporting infrastructure is provided in accordance with the stamped plans, approved Operational Waste Management Plan and specifications approved at the Construction Certificate.

Reason

To ensure all on-site infrastructure has been provided to support scheduled collections responsive to the Council endorsed OWMP and requirements of the Guidelines for waste management in new developments 2018.

(94) COMPLIANCE WITH HAZARDOUS MATERIALS SURVEY REPORT

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report, as approved must be complied with.

Prior to the issue of any Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report and that the site is safe for future occupation in accordance with the approved use.

Reason

To ensure that hazardous materials on the site are appropriately managed.

(95) PUBLIC DOMAIN WORKS COMPLETION

The Public Domain works are to be constructed in accordance with the Public Domain Works Approval letter, stamped plans for Public Domain Levels and Gradients, Stormwater, Public Domain Lighting, the City's *Public Domain Manual,* Stormwater *Drainage Manual, Sydney Lights Design Code* and *Sydney Streets Technical Specification.*

The public domain work must be inspected and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

Reason

To ensure the public domain works are completed in accordance with the approved documents and Council's requirements.

(96) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION

Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

Reason

To ensure Council receives works-as-executed documentation for public domain works.

(97) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate:

(a) The Owner is required to enter into a Deed of Agreement (Stormwater Deed) with the City of Sydney and obtain registration of Title of a Positive Covenant for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.

(b) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

Reason

To protect underground drainage system.

(98) SURVEY INFRASTRUCTURE – PRE-SUBDIVISION CERTIFICATE WORKS

(a) Pursuant to Section 38 of the Surveying and Spatial Information Act 2002, if it is likely that any new survey mark will be disturbed by associated works (for example, footpath or kerb and gutter construction), a surveyor may defer the placement of those marks.

(b) Prior to any the issue of any Subdivision Certificate, documentary evidence in accordance with Section B11 – *Survey Infrastructure of the Technical Specification* must be prepared by a Registered Surveyor and submitted to and approved by the City. This evidence must include:

(i) A copy of any Surveyor-General's Approval for Deferment of Survey Marks granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the draft deposited plan) or

(ii) A certificate of Practical Completion obtained from the City's Public Domain team, together with a letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all survey marks shown on their Deposited Plan remain at the date of practical completion.

Reason

To allow for deferment of survey marks.

(99) SURVEY INFRASTRUCTURE – RESTORATION

(a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:

(i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;

(ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;

(iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

Reason

To ensure all requirements for survey mark removal are complied with.

(100) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the report titled Site Flood Assessment for Development Application prepared by WMA dated 31 January 2024.

Reason

To ensure the development achieves the required floor levels.

(101) PHYSICAL MODELS

(a) Prior to the issue of any Occupation Certificate an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the City Model in Town Hall House.

Note:

(i) The models must be constructed in accordance with the Model Specifications available online at http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements Council's modellers must be consulted prior to construction of the model.

(ii) The models are to comply with all of the conditions of the Development Consent.

(iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

Reason

To ensure the provision of an appropriate physical model of the development.

(102) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

(a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager for the electronic Visualisation City Model.

(b) The data required to be submitted within the surveyed location must include and identify:

(i) building design above and below ground in accordance with the development consent;

(ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;

(iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

(c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

Reason

To ensure the provision of an appropriate electronic model of the development.

(103) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted to the Principal Certifier at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

Reason

To ensure the development does not encroach onto neighbouring properties.

OCCUPATION AND ONGOING USE

(104) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

(105) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE RESIDENTIAL PREMISE

(a) Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate residential accommodation:

(i) $L_{A1,\ Slow\ 15\ minute} \leq L_{A90,\ 15\ minute}$ dB(A).

Reason

To protect the acoustic amenity of surrounding properties.

(106) NOISE - ENTERTAINMENT

(a) The $L_{Aeq,\ 15\ minute}$ noise level from the use must not exceed the background noise level ($L_{A90,\ 15minute}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.

(b) The $L_{Aeq,\ 15\ minute}$ noise level from the use must not exceed the background noise level ($L_{A90,\ 15\ minute}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.

(c) Notwithstanding (a) above, the $L_{Aeq,\ 15\ minute}$ noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:

(i) The existing internal $L_{A90,\ 15\ minute}$ (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,

(ii) If the $L_{Z90,\ 15\ minute}$ background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's $L_{Zeq\ 15\ minute}$ noise criteria level.

(d) Notwithstanding (b) above, the $L_{A1\ 15\ minute}$ noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:

(i) The existing internal $L_{A90,\ 15\ minute}$ (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,

(ii) If the $L_{Z90,\ 15\ minute}$ minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's $L_{Z1\ 15\ minute}$ noise criteria level.

Note: L_{eq}, $L_{01,}$ and $L_{90,}$ metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal L_{A90} level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External L_{A90} levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.

Reason

To protect the acoustic amenity of surrounding properties.

(107) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

(a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA *Noise Policy for Industry* 2017 (NPfI) unless agreed to by the City's Area Planning Manager. Further:

(i) Background noise monitoring must be carried out in accordance with the long-term methodology in *Fact Sheet B* of the NPfI unless otherwise agreed by the City's Area Planning Manager.

(ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.

(b) An $L_{Aeq,15\ minute}$ (noise level) emitted from the development must not exceed the $L_{A90,\ 15\ minute}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:

(i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.

(ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.

(c) Corrections in *Fact Sheet C* of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reason

To protect the acoustic amenity of surrounding properties.

(108) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Reason

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

(109) TRANSPORT ACCESS GUIDE

A Transport Access Guide must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times.

The following information shall be submitted to and approved by Council's Area Planning Manager prior to the issue of an Occupation Certificate for the site/use:

(a) A Transport Access Guide detailing sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes.

(b) Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

Reason

To ensure that sustainable transport options are considered and communicated effectively.

(110) LOADING DOCK MANAGEMENT PLAN

A Loading Dock Management Plan is to be prepared for distribution to relevant tenants outlining how the loading dock will be managed and used by all relevant tenants. The Plan must include, but is not limited to,

(a) management of deliveries to ensure vehicles are not waiting on public streets to enter the site.

(b) unimpeded access shall be provided for collection vehicles to set down within 10 meters of waste storage area(s) between 6am and 6pm on collection day(s) or until all scheduled residential waste collections have been completed for the day.

(c) address any safety concerns related to residents entering or exiting the site while a service vehicle is parked in the loading bay.

The plan is to be prepared and submitted to and approved by Council's Area Planning Manager prior to issue of an Occupation Certificate.

Once approved, this management plan is to be provided to all relevant tenants and external users of the loading area.

Reason

To ensure that the loading dock is appropriately managed.

(111) SCHEDULED COLLECTIONS – COMMERCIAL

(a) Commercial waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for *Managing Waste in Public Places.*

(b) In accordance with the approved waste management plan, waste and recycling stream(s) bins must not be placed on the street for collection. The waste contractor must wheel the bins from the waste storage area of the property to the waste collection vehicle upon arrival and return them to the waste storage area following collection. Unimpeded access must be provided to the waste and recycling storage area(s) at all times.

(c) Unobstructed access is to be provided for waste collection vehicles to set down within 10m of the waste storage and collection area(s) during zone collection times on collection days.

Reason

To minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(112) ONGOING WASTE MANAGEMENT – COMMERCIAL

(a) The ongoing use of development/tenancy must be in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.

(b) All general waste and recycling materials emanating from the premises must be stored in the designated waste storage area(s), must not be stored outside the premises (including the public domain) at any time.

(c) All waste and recycling stream(s) storage area(s) are to only be used for the purposes of storing waste and recycling from the premises in accordance with the original consent and approved Operational Waste Management Plan and not be converted to a different use.

(d) Scheduled collections and waste management arrangements of the development/tenancy is the responsibility of the business owner or property manager and are to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan and this consent. These arrangements include:

(i) arranging an adequate number of bins and the servicing regime matched to the needs of the premises.

(ii) actively managing waste streams and supporting infrastructure to ensure bins are not overflowing, damaged or leaking and lids are fully closed at all times.

(iii) routine cleaning and maintenance of waste storage area(s) to inhibit the permeation of odour and prevent litter and pests.

(iv) the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney.

(e) Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection arrangements, identifying clear roles and responsibilities outlined within the approved Operational Waste Management Plan.

Reason

To promote good waste management arrangements and minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

(113) ONGOING WASTE MANAGEMENT – RESIDENTIAL

(a) The ongoing use of development must be in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.

(b) All general waste and recycling stream(s) materials emanating from the premises must be stored in the designated waste storage area(s) integrated within the built form and must not be stored outside the premises (including any public place) at any time.

(c) The property manager is responsible for lodging requests for damaged/broken bins, managing the rotation of bins, ensuring the full allocation of relevant bins are available for scheduled collections, management of odour and the routine cleaning and maintenance of all waste storage areas.

(d) Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection arrangements, identifying clear roles and responsibilities outlined within the approved Operational Waste Management Plan.

(e) The property manager is responsible for the installation and maintenance of all education signage for the respective waste stream(s) as requested by the City of Sydney Council responsive to the approved Operational Waste Management plan.

(f) Commercial waste and recycling stream(s) and supporting infrastructure to be stored in a separate lockable, enclosed, and walled area free from the residential waste and recycling stream(s) rooms. The residential rooms to have relevant locks to inhibit commercial tenants access to Councils residential waste streams.

Reason

To support the safe and efficient scheduled Council waste collection service and ensure the impacts of waste management on the public domain and public health are minimised.

(114) SCHEDULED COLLECTIONS - RESIDENTIAL

(a) Scheduled collections and waste management arrangements of Council's residential waste stream(s) is to be conducted in accordance with the stamped plans, approved Operational Waste Management Plan, the developments Conditions of Consent and the City's Local Approvals Policy Managing Waste in Public Spaces.

(b) Council's Domestic Waste Charge is applied to all residential rate accommodation properties in accordance with section 496 of the *Local Government Act 1993.* Residential accommodation is defined in accordance with the *Sydney Local Environmental Plan 2012* dictionary.

(c) Unobstructed access to be provided for Councils standard waste collection vehicles to access the waste collection day(s) to support the provision of a safe and efficient waste collection service to the site.

Reason

To support the safe and efficient scheduled residential waste collection service and minimise the impacts on public amenity and safety.

(115) MAINTENANCE OF TREES ON SITE

(a) Tree maintenance must be implemented and complied with immediately following the tree planting, and until the tree reaches the required minimum height limit of six metres in height and five metres canopy width.

(b) The newly planted tree on site must be appropriately maintained on an on-going basis.

(c) Maintenance includes watering, weeding, removal of rubbish from tree bases, pruning (in accordance with AS4373-2007), fertilizing, pest and disease control and any other operations required to maintain a healthy robust tree.

(d) If the newly planted tree fails to establish or does not reach a height of six metres and canopy width of five metres it must be replaced with a tree of comparable qualities and container size of 200 litres.

(e) The conditions of this consent will apply to all replacement trees, including the maintenance and reporting which re-starts at each replanting event.

Reason

To ensure the ongoing maintenance of trees planted on the site.

(116) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

Reason

To ensure all works to the City's public domain are protected under a liability period.

(117) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

Reason

To protect the public way.

(118) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed structure shall encroach onto the adjoining properties.

Reason

To protect neighbouring properties.

(119) AWNING MAINTENANCE

The awning must be inspected and regular maintenance be carried out to ensure the awning's structural integrity, aesthetic and functional qualities are maintained.

Reason

To ensure that awnings are appropriately maintained.

(120) UNDER AWNING LIGHTING

Under awning lighting must be fitted with LED lighting technology (or other technology with an improved lighting power density – watts per square metre). Batten type fluorescent lighting is not approved. Illumination from the under awning lighting, when measured from any place in the public domain, must be designed and certified to comply with the following:

(a) the maximum horizontal luminance level must not exceed 200 lux including light spill from shop windows;

(b) the horizontal illuminance uniformity ratio (Eavg/Emin) must not exceed 4:1 to ensure safe movement of pedestrians;

(c) the intensity, colour, period of intermittency and hours of illumination must be varied if adverse impact or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 *Control of the obtrusive effects of outdoor lighting* is being caused to the amenity of the area;

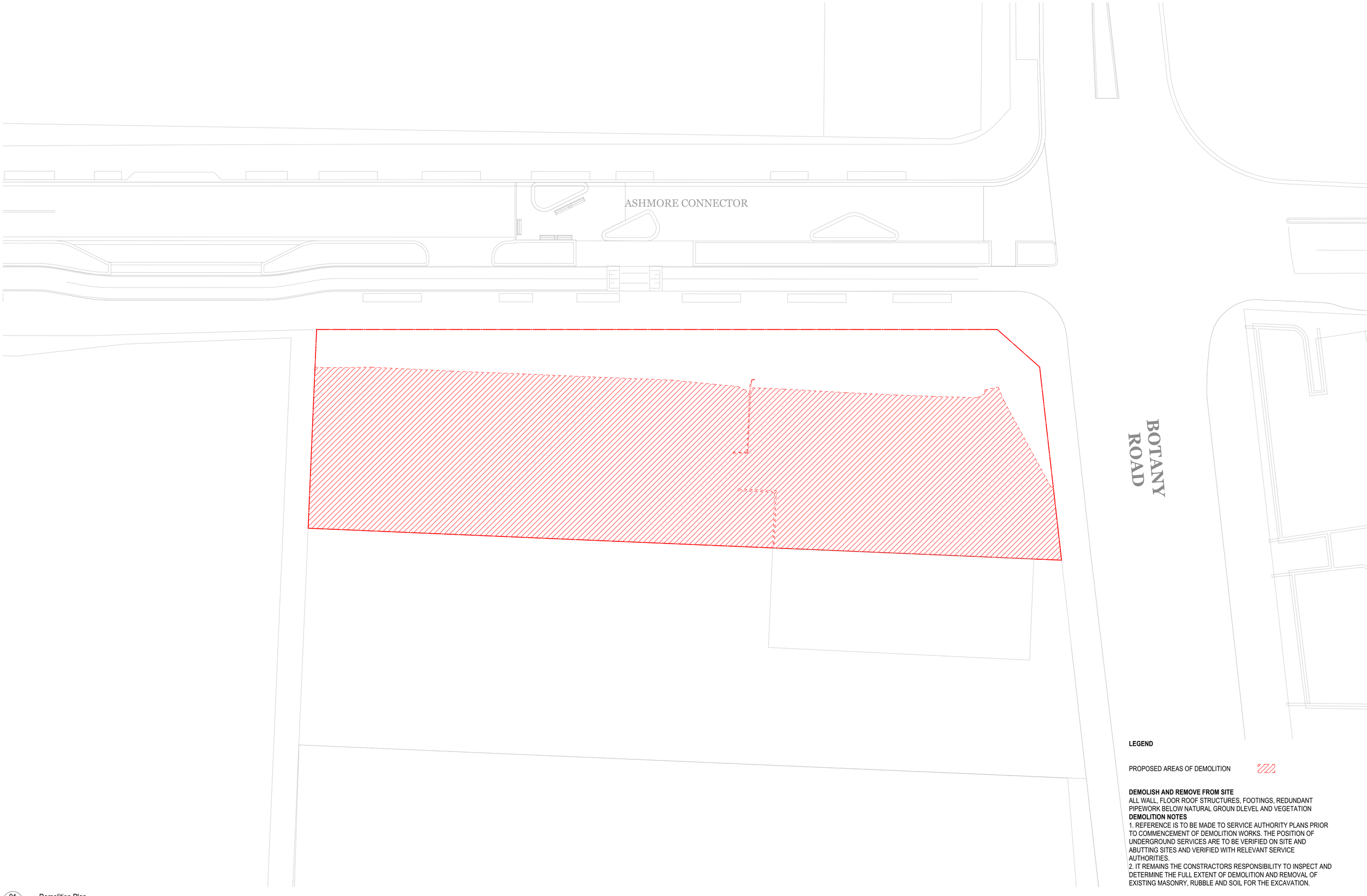
(d) where nearby residents are located above the level of the under awning lighting, details are to be provided to show that light is not directed upwards toward such residences.

Reason

To ensure the provision of an appropriate level of illumination and to protect the amenity of the public domain.

Attachment C

Selected Drawings



01
-
Demolition Plan
1:200

LEGEND

PROPOSED AREAS OF DEMOLITION

DEMOLISH AND REMOVE FROM SITE
ALL WALL, FLOOR ROOF STRUCTURES, FOOTINGS, REDUNDANT PIPEWORK BELOW NATURAL GROUN DLEVEL AND VEGETATION
DEMOLITION NOTES
1. REFERENCE IS TO BE MADE TO SERVICE AUTHORITY PLANS PRIOR TO COMMENCEMENT OF DEMOLITION WORKS. THE POSITION OF UNDERGROUND SERVICES ARE TO BE VERIFIED ON SITE AND ABUTTING SITES AND VERIFIED WITH RELEVANT SERVICE AUTHORITIES.
2. IT REMAINS THE CONSTRACTORS RESPONSIBILITY TO INSPECT AND DETERMINE THE FULL EXTENT OF DEMOLITION AND REMOVAL OF EXISTING MASONRY, RUBBLE AND SOIL FOR THE EXCAVATION.

Notes
ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

Rev	Date	By	Chk	Description
A	2/02/2024	ZZ	DF	Issue for DA

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Demolition Plan
		Scale	1:200@A1
		Date	24/09/2024
Client	SGCH	Drawing Number	DA103
		Revision	A

330-332 BOTANY ROAD
(FUTURE 11 STOREY MIXED USE DEVELOPMENT)

377-495 BOTANY ROAD &
960A BOURKE STREET
(24 STOREY DEVELOPMENT)

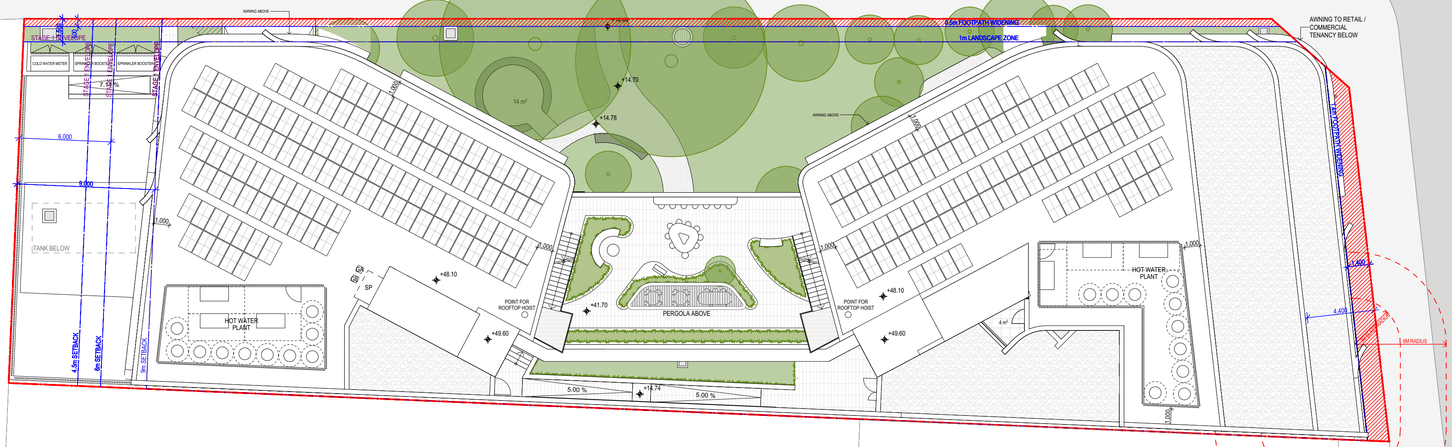
ASHMORE CONNECTOR

BOTANY ROAD

22 O'RIORDAN STREET
(FUTURE 7 STOREY
COMMERCIAL DEVELOPMENT)

1 STOREY COMMERCIAL
BUILDING

3 STOREY COMMERCIAL
BUILDING





150

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

Notes
ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

Rev	Date	By	Chk	Description
A	2/02/2024	ZZ	DF	Issue for DA
B	24/09/2024	ZZ	DF	RFI Response Issue

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Site Plan
		Scale	1:200@A1
		Date	25/09/2024
Client	SGCH	Drawing Number	DA104
		Revision	B



01 - Ground Floor 1:125

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

Notes

ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

LEGEND

Adaptable apartment

Livable apartment - Silver Level

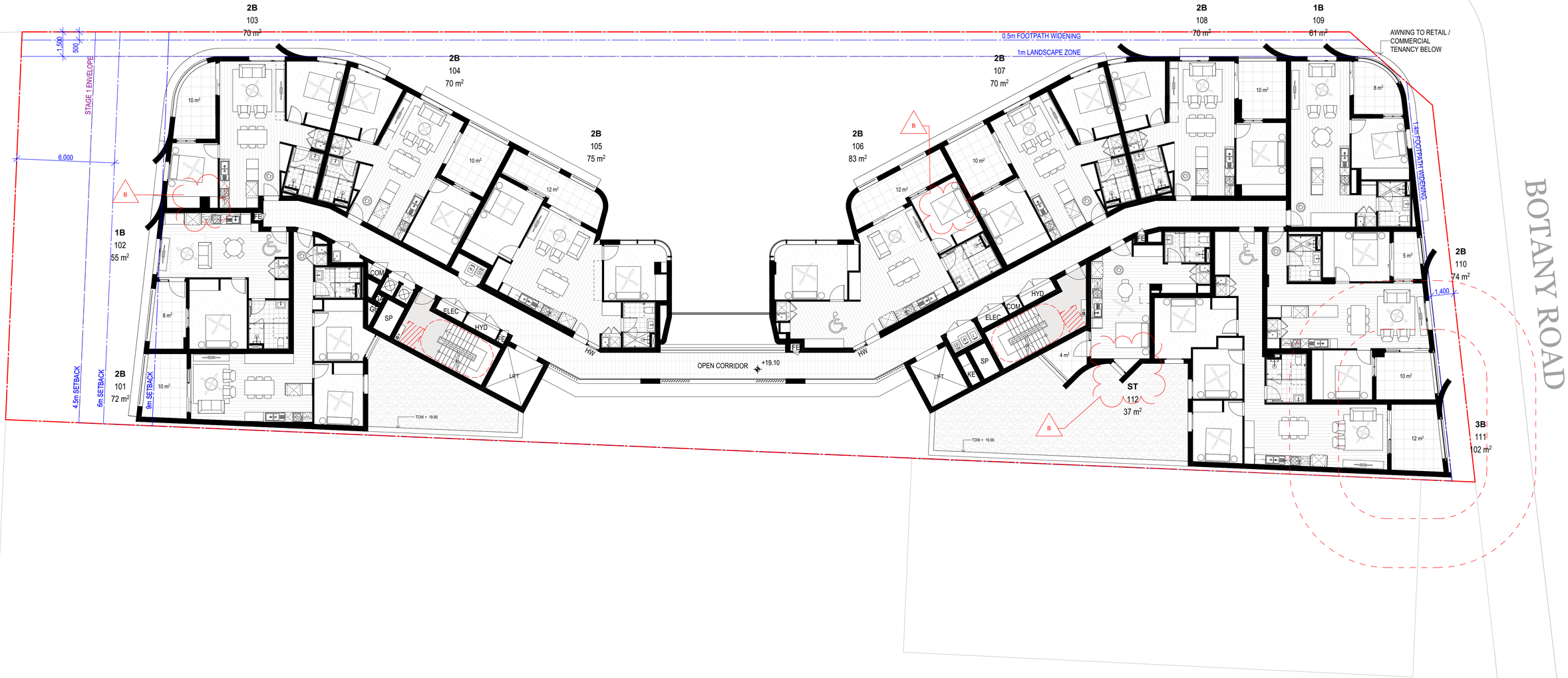
Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA
B	24/09/2024	JC	DF	RFI Response Issue

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Ground Floor Plan
		Scale	1:125@A1
		Date	25/09/2024
Client	SGCH	Drawing Number	DA200
		Revision	B

ASHMORE CONNECTOR



BOTANY ROAD

152

* CEILING FANS SHOWN IN ALL APARTMENTS

01 - Level 1 1:125

Notes

ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

LEGEND

Adaptable apartment

Livable apartment - Silver Level

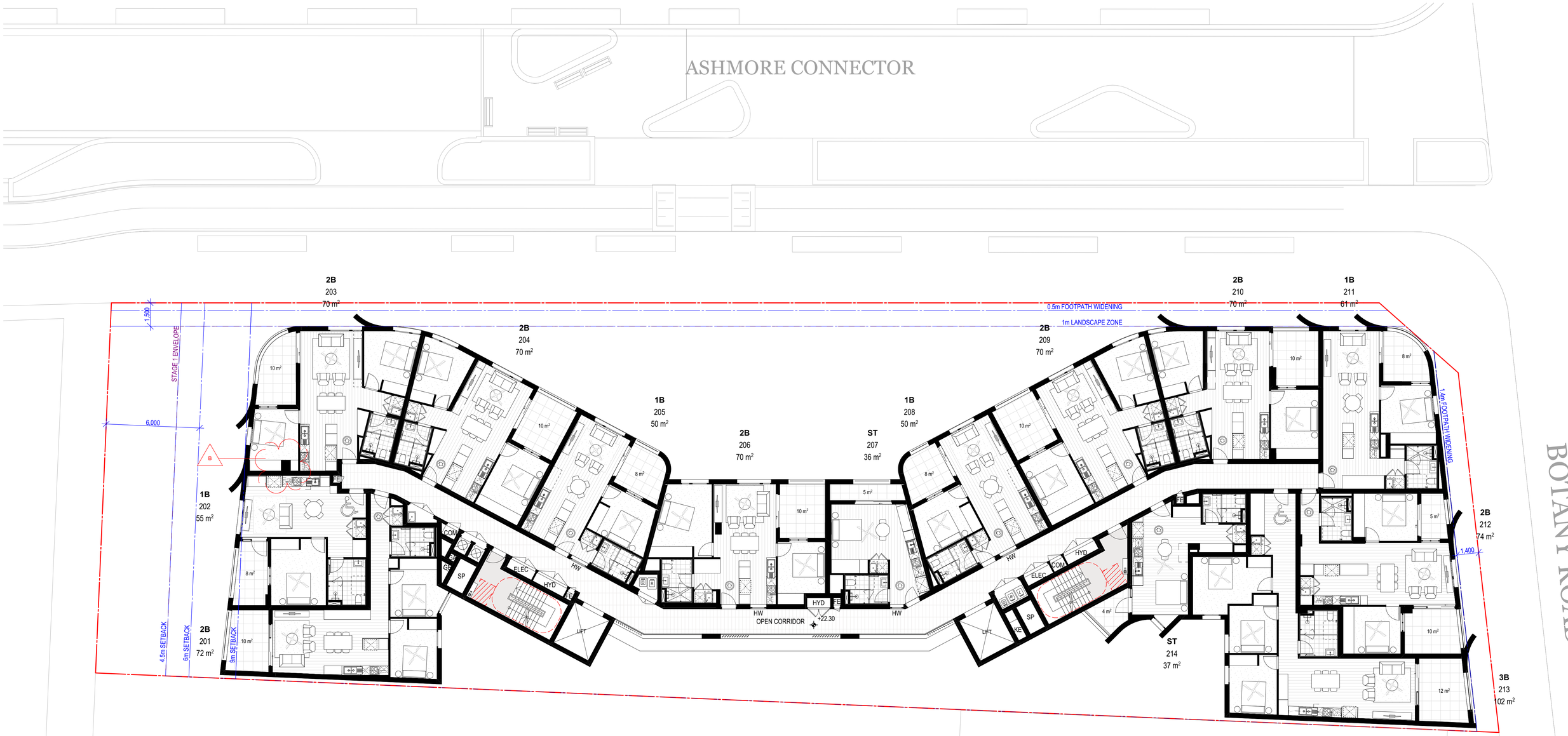
Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA
B	24/09/2024	JC	DF	RFI Response Issue

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Level 1 Plan
		Scale	1:125@A1
		Date	24/09/2024
Client	SGCH	Drawing Number	DA201
		Revision	B

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.



153

* CEILING FANS SHOWN IN ALL APARTMENTS

01 - Level 2 1:125

Notes

ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

LEGEND

Adaptable apartment

Livable apartment - Silver Level

Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA
B	24/09/2024	JC	DF	RFI Response Issue

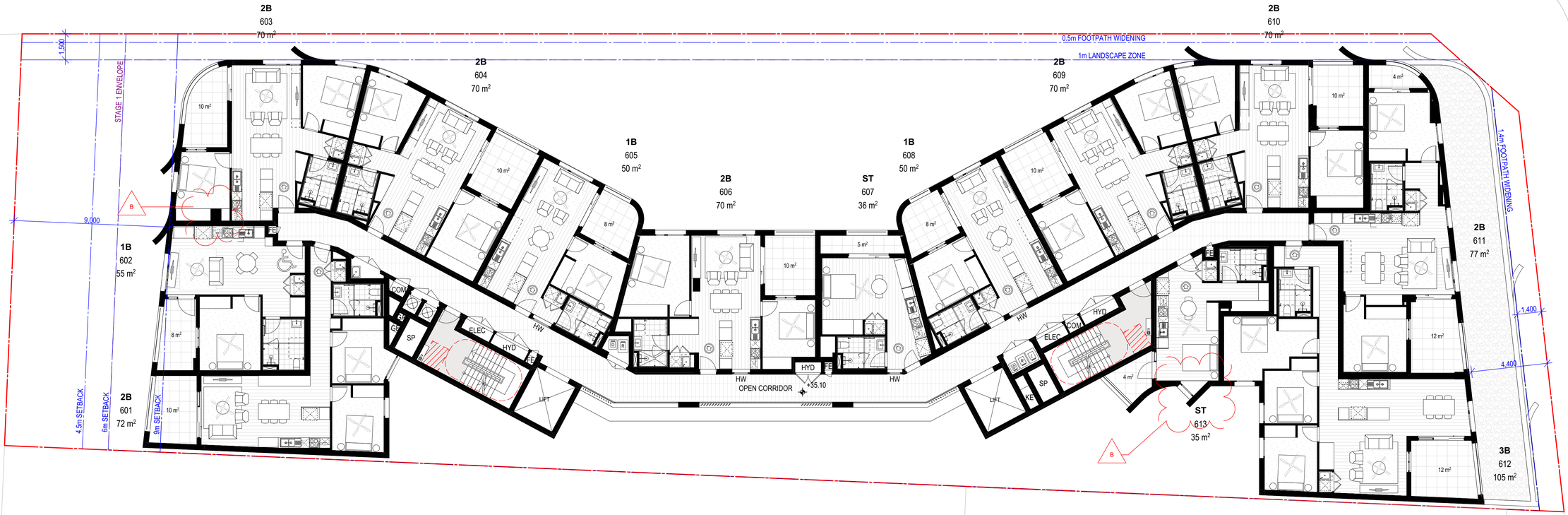
© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Level 2-5 Plan
		Scale	1:125@A1
		Date	24/09/2024
Client	SGCH	Drawing Number	DA202
		Revision	B

ASHMORE CONNECTOR



BOTANY ROAD

* CEILING FANS SHOWN IN ALL APARTMENTS

01 - Level 6 1:125

Notes

ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

LEGEND

Adaptable apartment

Livable apartment - Silver Level

Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA
B	24/09/2024	JC	DF	RFI Response Issue

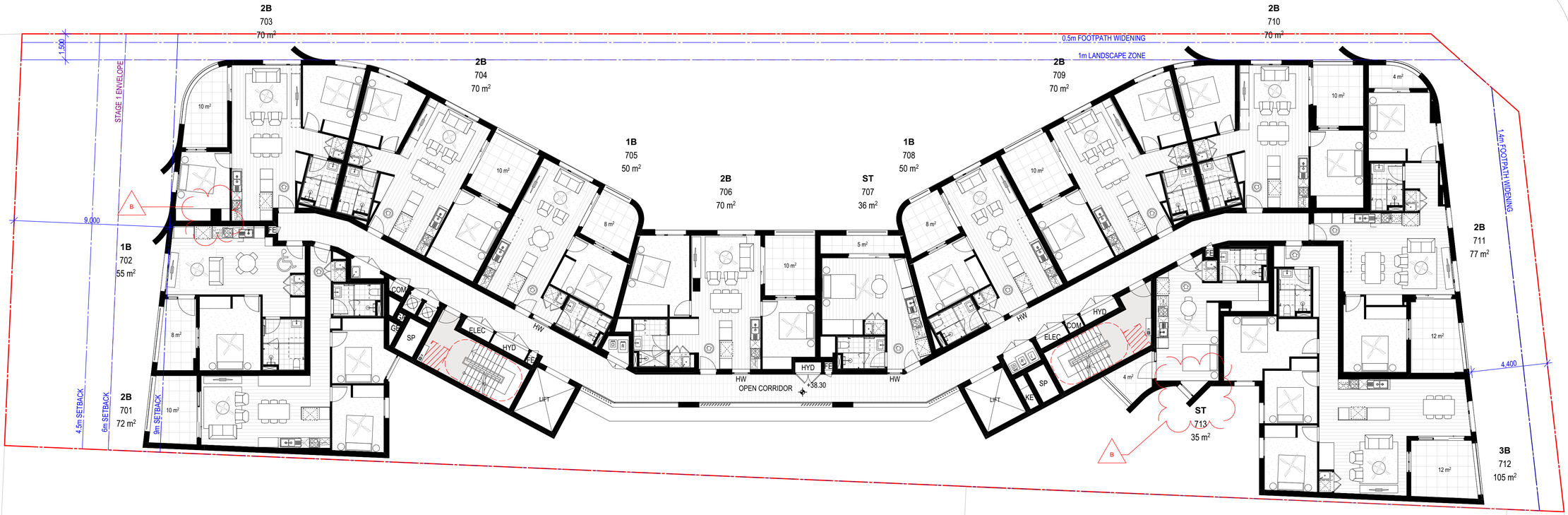
© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Level 6 Plan
		Scale	1:125@A1
		Date	24/09/2024
Client	SGCH	Drawing Number	DA203
		Revision	B

ASHMORE CONNECTOR



BOTANY ROAD

* CEILING FANS SHOWN IN ALL APARTMENTS

01 Level 7
\- 1:125

Notes

ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

LEGEND

Adaptable apartment

Livable apartment - Silver Level

Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA
B	24/09/2024	JC	DF	RFI Response Issue

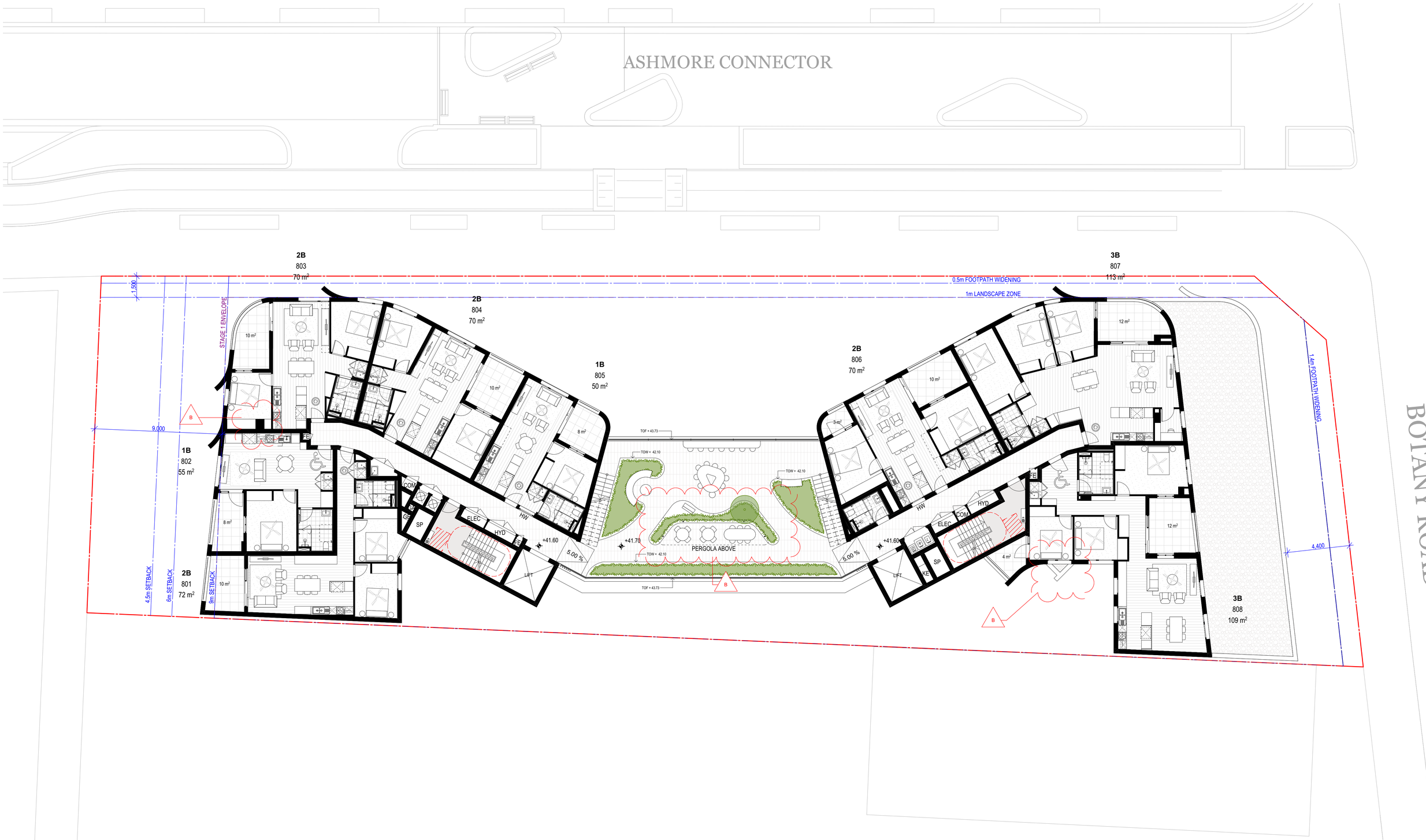
© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Level 7 Plan
		Scale	1:125@A1
		Date	24/09/2024
Client	SGCH	Drawing Number	DA204
		Revision	B

155



* CEILING FANS SHOWN IN ALL APARTMENTS

01 - Level 8 1:125

Notes
ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

LEGEND
Adaptable apartment
Livable apartment - Silver Level

Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA
B	24/09/2024	JC	DF	RFI Response Issue

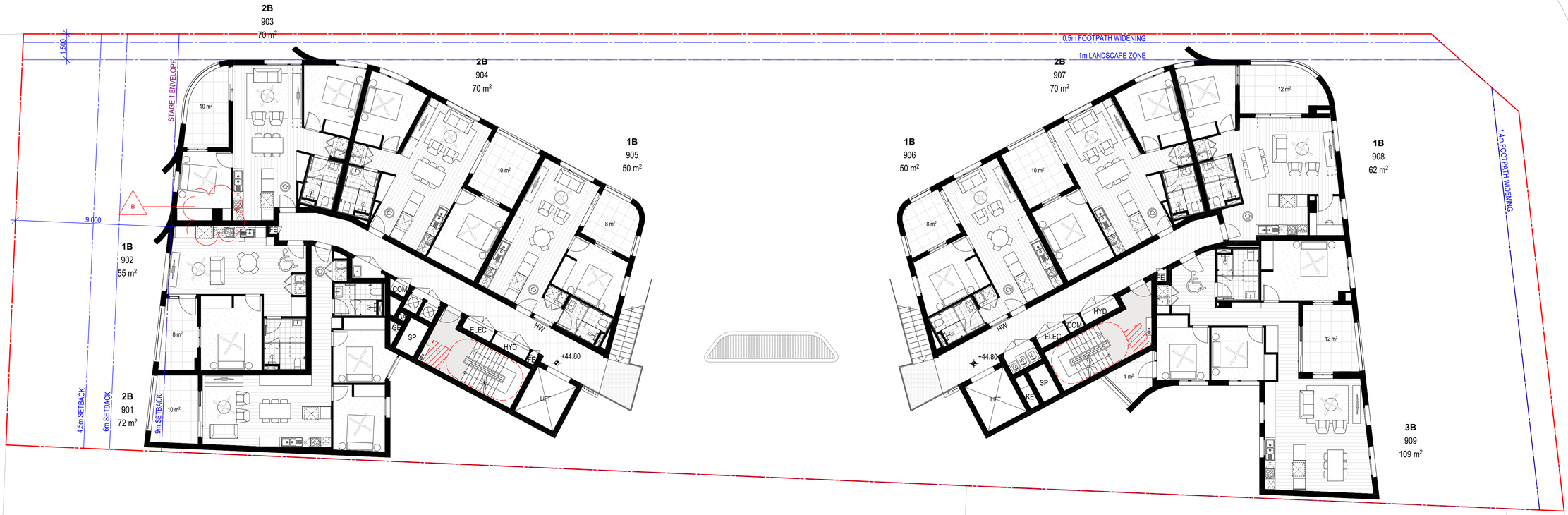
© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Level 8 Plan
		Scale	1:125@A1
		Date	25/09/2024
Client	SGCH	Drawing Number	DA205
		Revision	B

ASHMORE CONNECTOR



BOTANY ROAD

157

* CEILING FANS SHOWN IN ALL APARTMENTS

01 - Level 9 1:125

Notes

ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

LEGEND

Adaptable apartment

Livable apartment - Silver Level

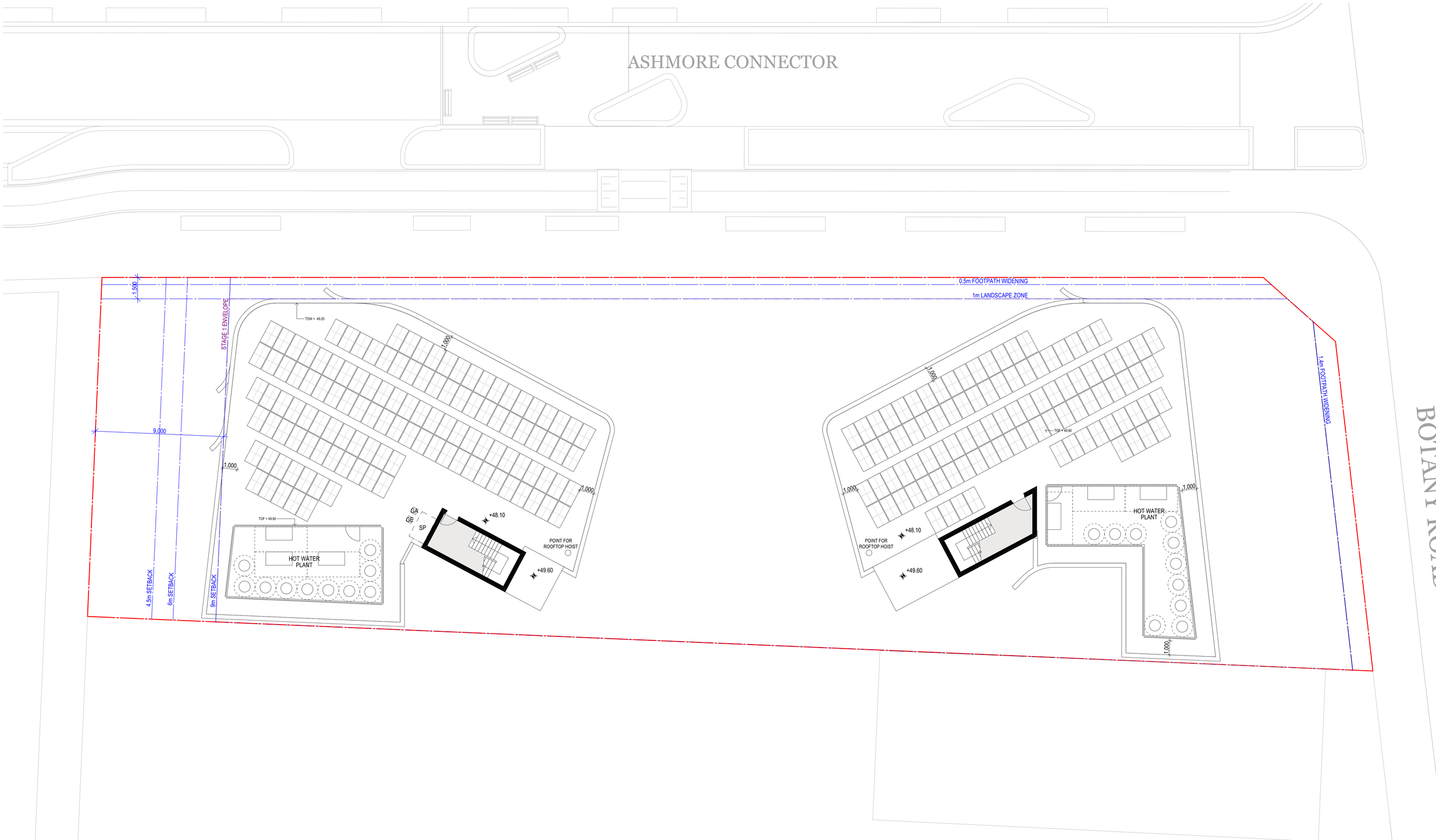
Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA
B	24/09/2024	JC	DF	RFI Response Issue

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Level 9 Plan
		Scale	1:125@A1
		Date	24/09/2024
Client	SGCH	Drawing Number	DA206
		Revision	B



158

01 - Level 10 1:125

Notes
ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

LEGEND
Adaptable apartment
Livable apartment - Silver Level

Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA
B	24/09/2024	JC	DF	RFI Response Issue

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Level 10 Plan
		Scale	1:125@A1
		Date	24/09/2024
Client	SGCH	Drawing Number	DA207
		Revision	B

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.



159

01 - Roof 1:125

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

Notes

ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

LEGEND

Adaptable apartment

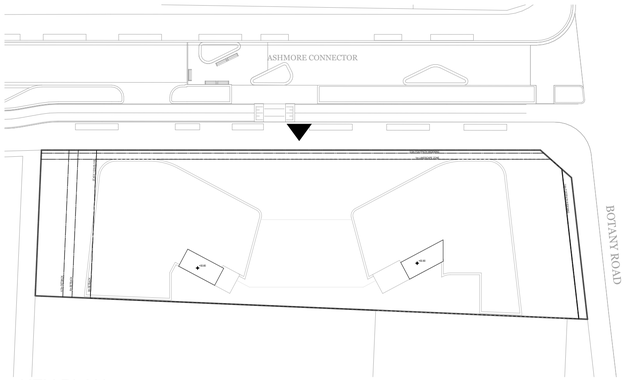
Livable apartment - Silver Level

Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA
B	24/09/2024	JC	DF	RFI Response Issue

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Roof Plan
		Scale	1:125@A1
		Date	24/09/2024
Client	SGCH	Drawing Number	DA208
		Revision	B



KEY PLAN



01 NORTH ELEVATION
1:150

LEGEND

EF-01
FINISH CONCRETE OXIDE MIX
MATERIAL PRECAST CONCRETE
COLOUR TO MATCH DULUX MANILA S10

EF-02
FINISH CONCRETE OXIDE MIX
MATERIAL PRECAST CONCRETE
COLOUR TO MATCH DULUX MANILA S10
RIBBING RECKLI 1/32 RIPPE TYPE D

EF-03
FINISH CLASS 2 OFF FORM CONCRETE
MATERIAL CONCRETE
COLOUR NATURAL

EF-04
FINISH STAINED CONCRETE
MATERIAL PRECAST CONCRETE
COLOUR TO MATCH DULUX ANCIENT RUIN M6

EF-05
FINISH POWDERCOAT
MATERIAL ALUMINIUM
COLOUR DULUX COLORBOND MONUMENT C29

EF-06
FINISH GLASS
MATERIAL GLASS
COLOUR CLEAR

EF-07
FINISH BRICK LOOK INFILL
MATERIAL BRICK OR BRICK INLAY PRECAST PANEL
COLOUR TO MATCH BOWRAL BLUE

EF-08
FINISH POWDERCOAT
MATERIAL STEEL
COLOUR DULUX COLORBOND MONUMENT C29

EF-09 [INTERNAL BALCONIES]
FINISH PAINTED
MATERIAL FC CLADDING
COLOUR DULUX NATURAL WHITE 15W

Notes
ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES;
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

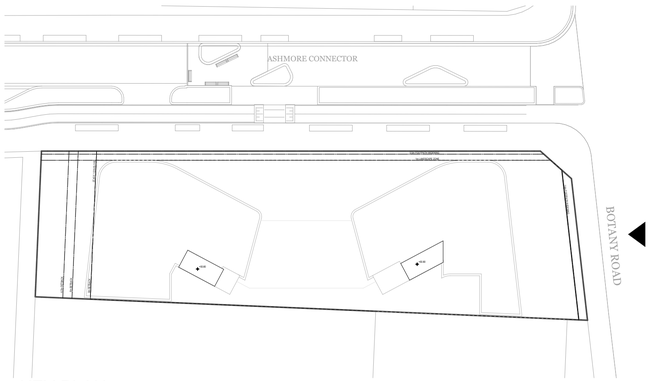
Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA
B	24/09/2024	JC	DF	RFI Response Issue

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Elevations - Sheet 1
		Scale	1:150@A1
		Date	25/09/2024
Client	SGCH	Drawing Number	DA300
		Revision	B

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.



KEY PLAN



01 EAST ELEVATION
1:150

LEGEND

EF-01
FINISH CONCRETE OXIDE MIX
MATERIAL PRECAST CONCRETE
COLOUR TO MATCH DULUX MANILA S10

EF-02
FINISH CONCRETE OXIDE MIX
MATERIAL PRECAST CONCRETE
COLOUR TO MATCH DULUX MANILA S10
RIBBING RECKLI 1/32 RIPPE TYPE D

EF-03
FINISH CLASS 2 OFF FORM CONCRETE
MATERIAL CONCRETE
COLOUR NATURAL

EF-04
FINISH STAINED CONCRETE
MATERIAL PRECAST CONCRETE
COLOUR TO MATCH DULUX ANCIENT RUIN M6

EF-05
FINISH POWDERCOAT
MATERIAL ALUMINIUM
COLOUR DULUX COLORBOND MONUMENT C29

EF-06
FINISH GLASS
MATERIAL GLASS
COLOUR CLEAR

EF-07
FINISH BRICK LOOK INFILL
MATERIAL BRICK OR BRICK INLAY PRECAST PANEL
COLOUR TO MATCH BOWRAL BLUE

EF-08
FINISH POWDERCOAT
MATERIAL STEEL
COLOUR DULUX COLORBOND MONUMENT C29

EF-09 [INTERNAL BALCONIES]
FINISH PAINTED
MATERIAL FC CLADDING
COLOUR DULUX NATURAL WHITE 15W

Notes
ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

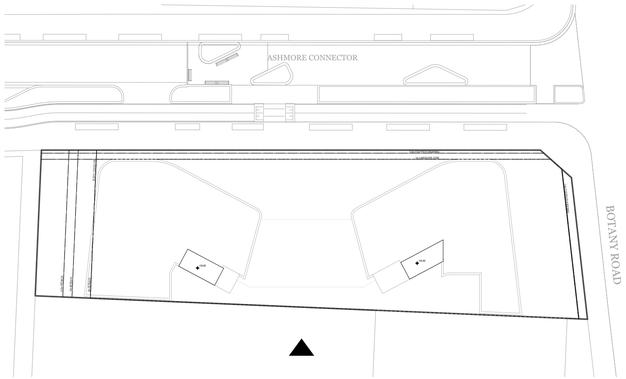
Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA
B	24/09/2024	JC	DF	RFI Response Issue

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

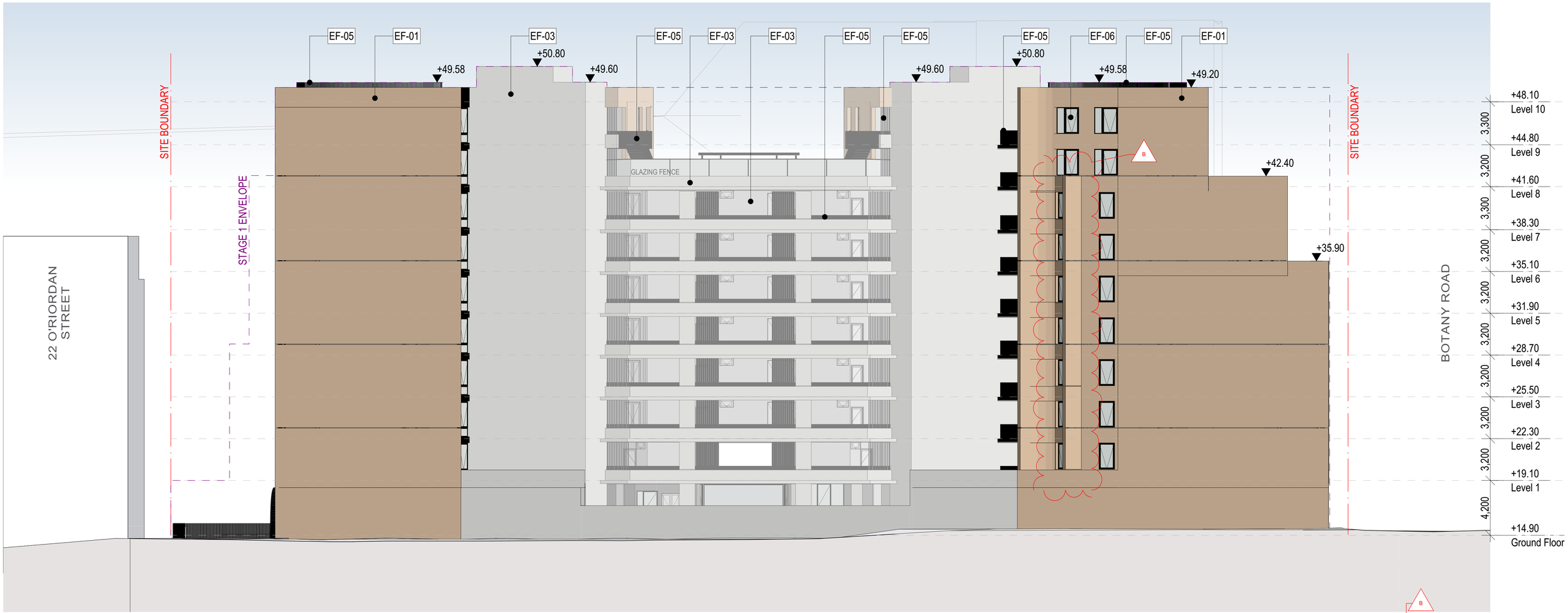
DKO

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Elevations - Sheet 2
		Scale	1:150@A1
		Date	25/09/2024
Client	SGCH	Drawing Number	DA301
		Revision	B

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.



KEY PLAN



01 SOUTH ELEVATION
1:150

LEGEND

EF-01
FINISH CONCRETE OXIDE MIX
MATERIAL PRECAST CONCRETE
COLOUR TO MATCH DULUX MANILA S10

EF-02
FINISH CONCRETE OXIDE MIX
MATERIAL PRECAST CONCRETE
COLOUR TO MATCH DULUX MANILA S10
RIBBING RECKLI 1/32 RIPPE TYPE D

EF-03
FINISH CLASS 2 OFF FORM CONCRETE
MATERIAL CONCRETE
COLOUR NATURAL

EF-04
FINISH STAINED CONCRETE
MATERIAL PRECAST CONCRETE
COLOUR TO MATCH DULUX ANCIENT RUIN M6

EF-05
FINISH POWDERCOAT
MATERIAL ALUMINIUM
COLOUR DULUX COLORBOND MONUMENT C29

EF-06
FINISH GLASS
MATERIAL GLASS
COLOUR CLEAR

EF-07
FINISH BRICK LOOK INFILL
MATERIAL BRICK OR BRICK INLAY PRECAST PANEL
COLOUR TO MATCH BOWRAL BLUE

EF-08
FINISH POWDERCOAT
MATERIAL STEEL
COLOUR DULUX COLORBOND MONUMENT C29

EF-09 [INTERNAL BALCONIES]
FINISH PAINTED
MATERIAL FC CLADDING
COLOUR DULUX NATURAL WHITE 15W

Notes
ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

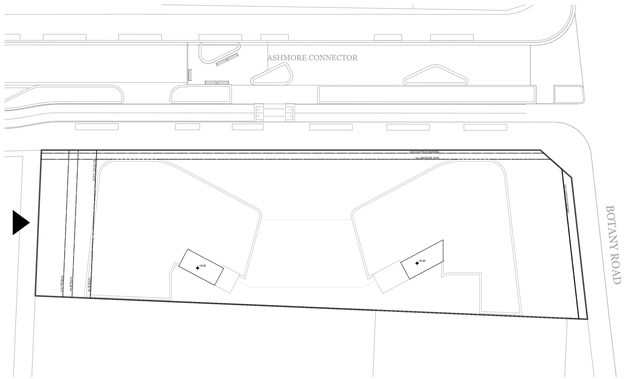
© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA
B	24/09/2024	JC	DF	RFI Response Issue

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Elevations - Sheet 3
		Scale	1:150@A1
		Date	25/09/2024
Client	SGCH	Drawing Number	DA302
		Revision	B



KEY PLAN



02 WEST ELEVATION
1:150

LEGEND

EF-01
FINISH CONCRETE OXIDE MIX
MATERIAL PRECAST CONCRETE
COLOUR TO MATCH DULUX MANILA S10

EF-02
FINISH CONCRETE OXIDE MIX
MATERIAL PRECAST CONCRETE
COLOUR TO MATCH DULUX MANILA S10
RIBBING RECKLI 1/32 RIPPE TYPE D

EF-03
FINISH CLASS 2 OFF FORM CONCRETE
MATERIAL CONCRETE
COLOUR NATURAL

EF-04
FINISH STAINED CONCRETE
MATERIAL PRECAST CONCRETE
COLOUR TO MATCH DULUX ANCIENT RUIN M6

EF-05
FINISH POWDERCOAT
MATERIAL ALUMINIUM
COLOUR DULUX COLORBOND MONUMENT C29

EF-06
FINISH GLASS
MATERIAL GLASS
COLOUR CLEAR

EF-07
FINISH BRICK LOOK INFILL
MATERIAL BRICK OR BRICK INLAY PRECAST PANEL
COLOUR TO MATCH BOWRAL BLUE

EF-08
FINISH POWDERCOAT
MATERIAL STEEL
COLOUR DULUX COLORBOND MONUMENT C29

EF-09 [INTERNAL BALCONIES]
FINISH PAINTED
MATERIAL FC CLADDING
COLOUR DULUX NATURAL WHITE 15W

Notes
ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

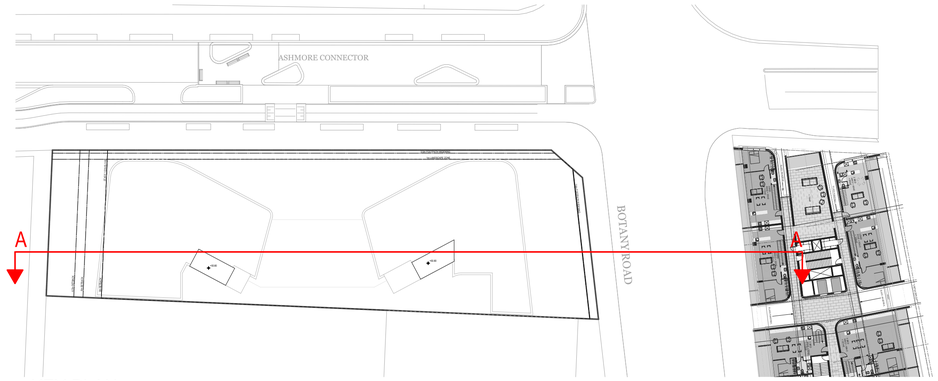
Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA
B	24/09/2024	JC	DF	RFI Response Issue

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Elevations - Sheet 4
		Scale	1:150@A1
		Date	25/09/2024
Client	SGCH	Drawing Number	DA303
		Revision	B

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.



KEY PLAN



SECTION AA 1:200

164

Notes
ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

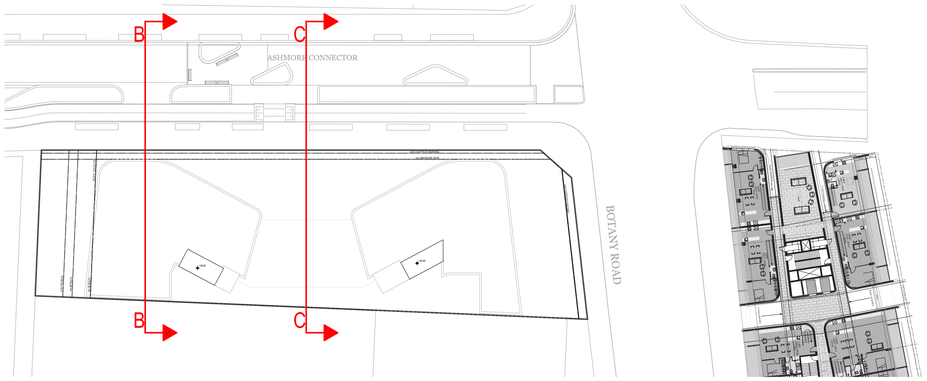
© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA

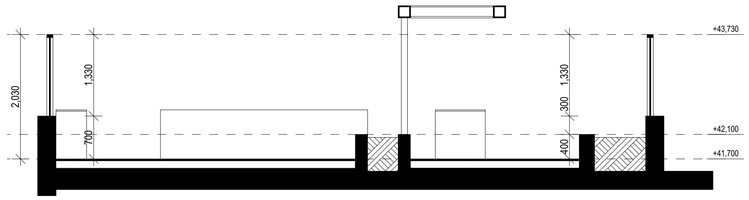
DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

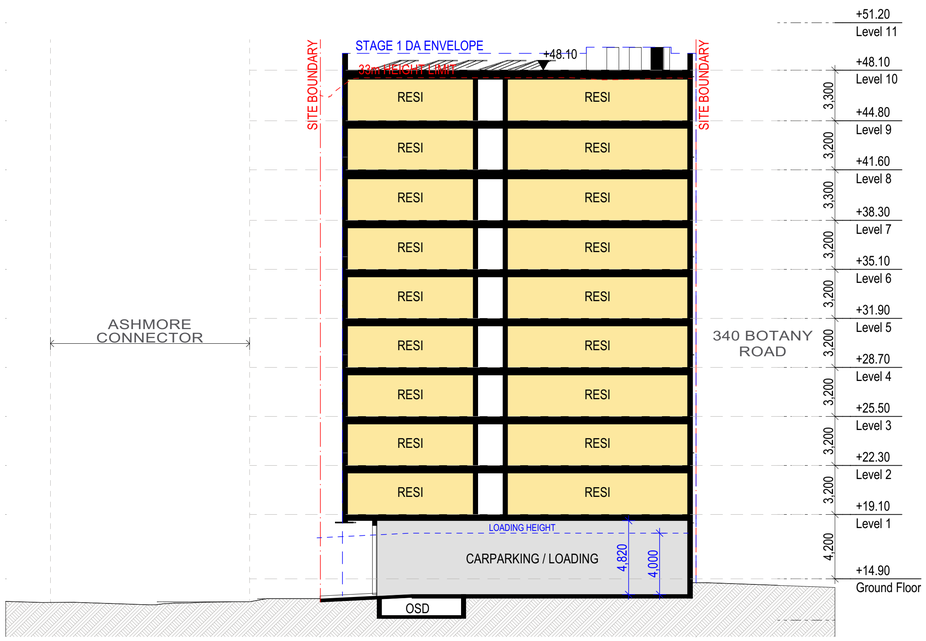
Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Section
		Scale	@A1
		Date	24/09/2024
Client	SGCH	Drawing Number	DA304
		Revision	A



KEY PLAN



ROOF COS SECTION 1:50



SECTION BB 1:200



SECTION CC 1:200

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

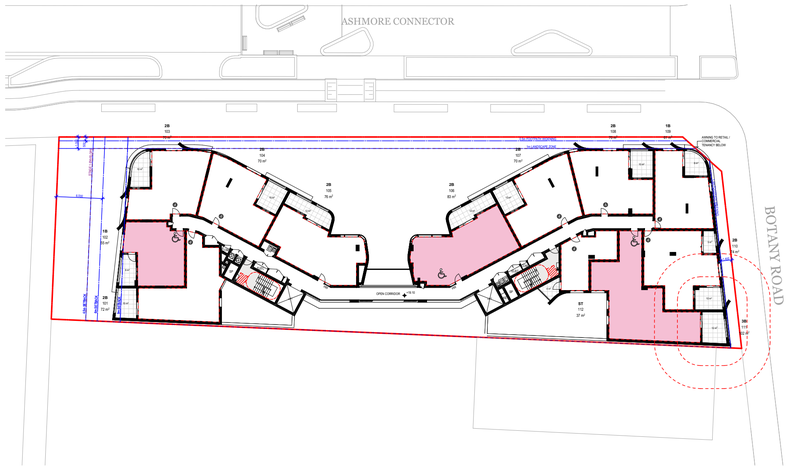
Notes
ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA
B	24/09/2024	JC	DF	RFI Response Issue

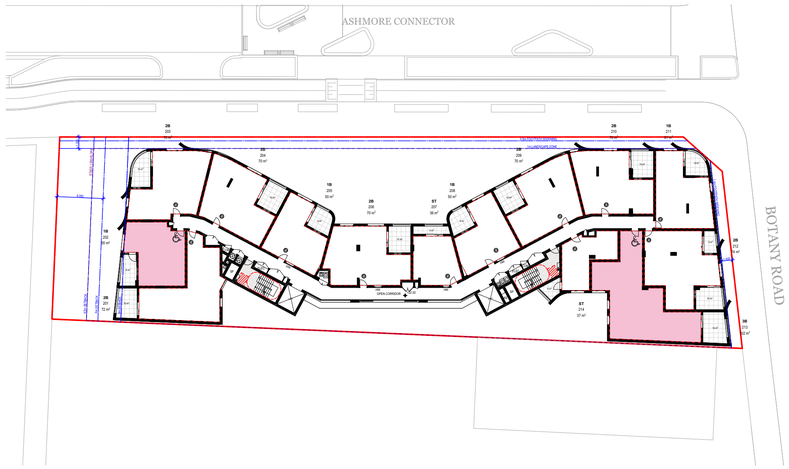
DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

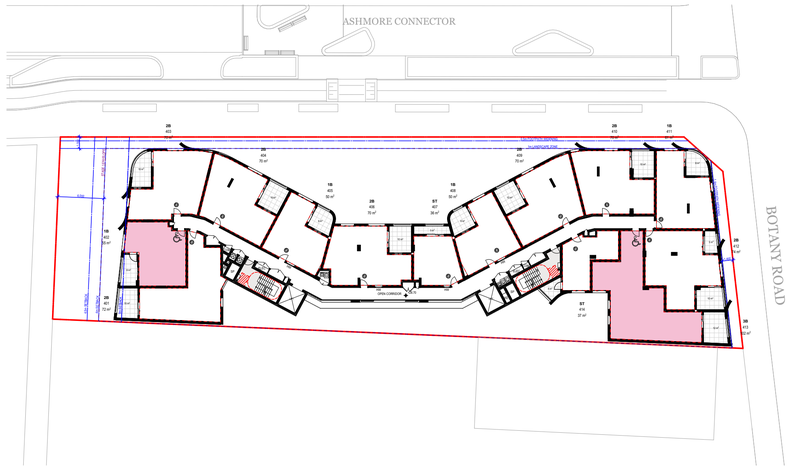
Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Section
		Scale	@A1
		Date	24/09/2024
Client	SGCH	Drawing Number	DA305
		Revision	B



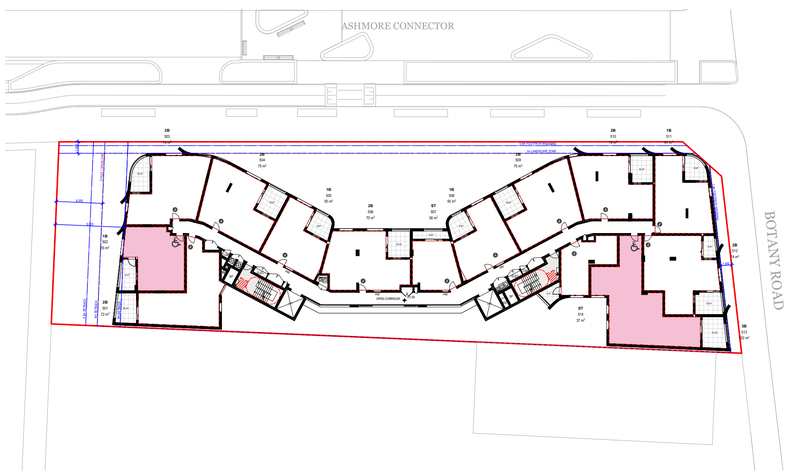
01 - Level 1 1:400



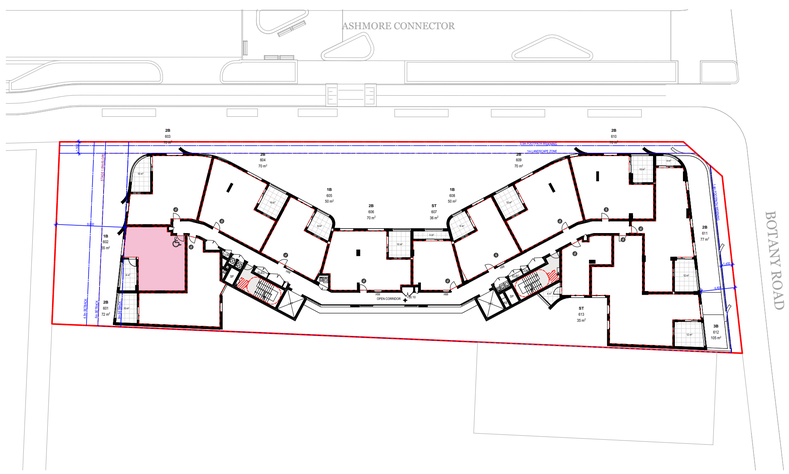
01 - Level 2-3 1:400



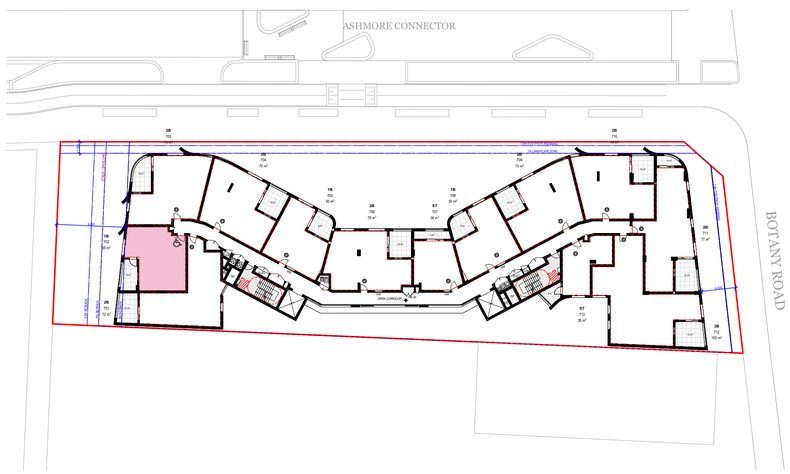
01 - Level 4 1:400



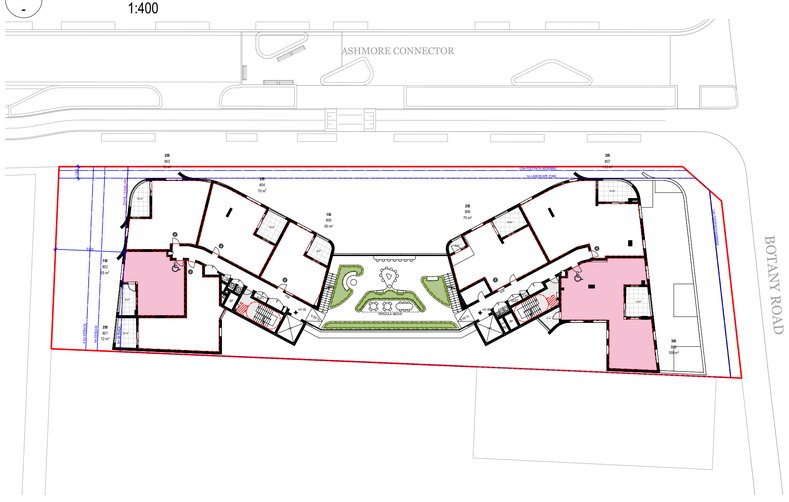
01 - Level 5 1:400



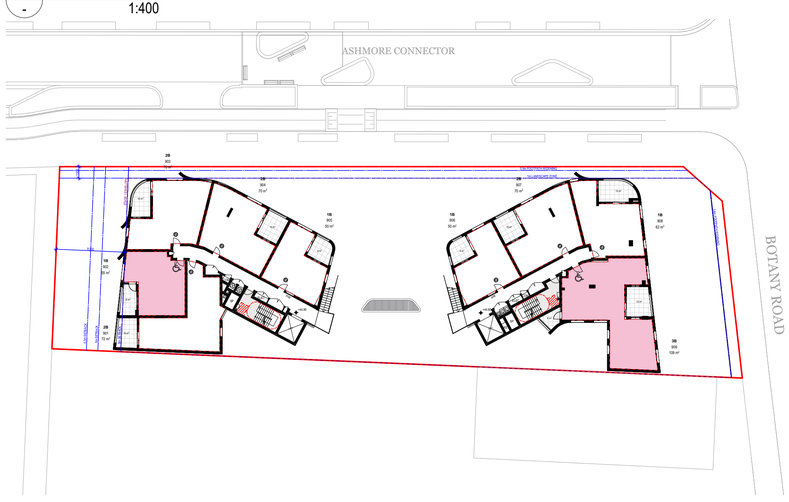
01 - Level 6 1:400



01 - Level 7 1:400



01 - Level 8 1:400



01 - Level 9 1:400

ADAPTABLE UNIT CALCULATIONS

adaptable units (15% required per DCP)

	Quantity
Level 1	3
Level 2	2
Level 3	2
Level 4	2
Level 5	2
Level 6	1
Level 7	1
Level 8	2
Level 9	2
	17 /111 (15%)

Notes
ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

LEGEND
Adaptable apartment
Livable apartment - Silver Level

Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

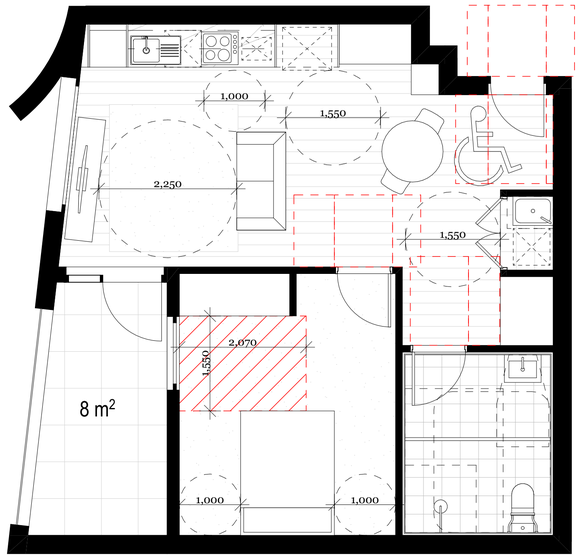
Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Adaptable Units
		Scale	1:400@A1
		Date	24/09/2024
Client	SGCH	Drawing Number	DA422
		Revision	A



KEY PLAN LEVEL 1-9



1BED PRE-ADAPTABLE



1BED POST-ADAPTABLE

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

Notes

ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

LEGEND

Adaptable apartment

Livable apartment - Silver Level

Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706599
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

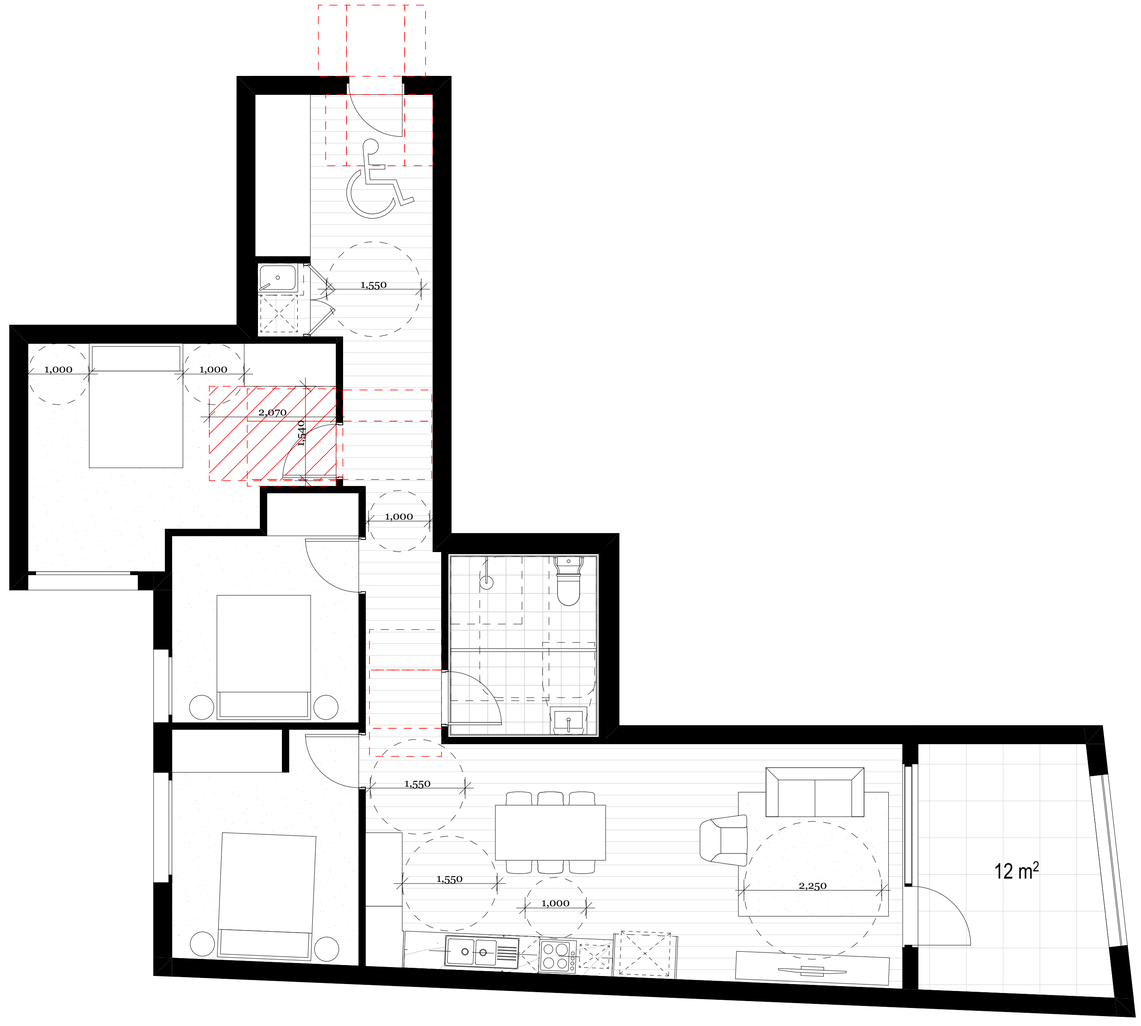
Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Adaptable Unit Layouts
		Scale	1:500@A1
		Date	24/09/2024
Client	SGCH	Drawing Number	DA423
		Revision	A



KEY PLAN LEVEL 1-5



3BED PRE-ADAPTABLE



3BED POST-ADAPTABLE

168

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

Notes
ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

LEGEND
Adaptable apartment
Livable apartment - Silver Level

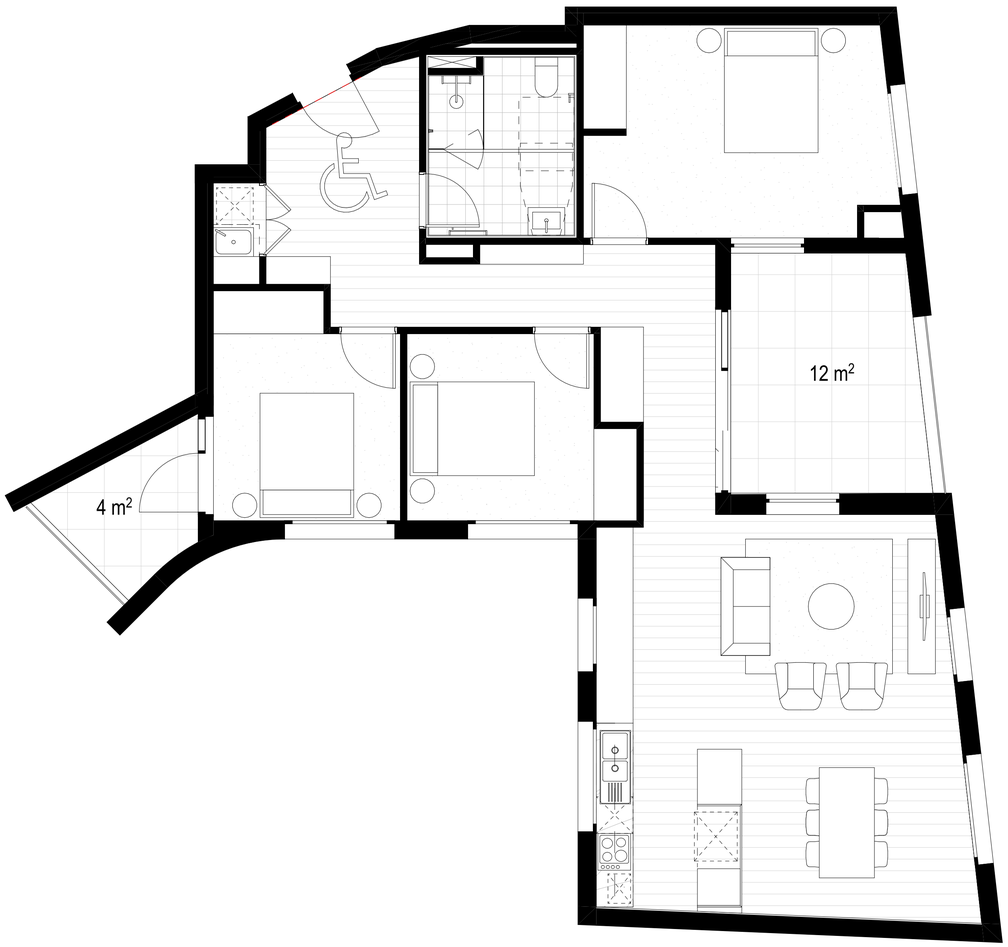
Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

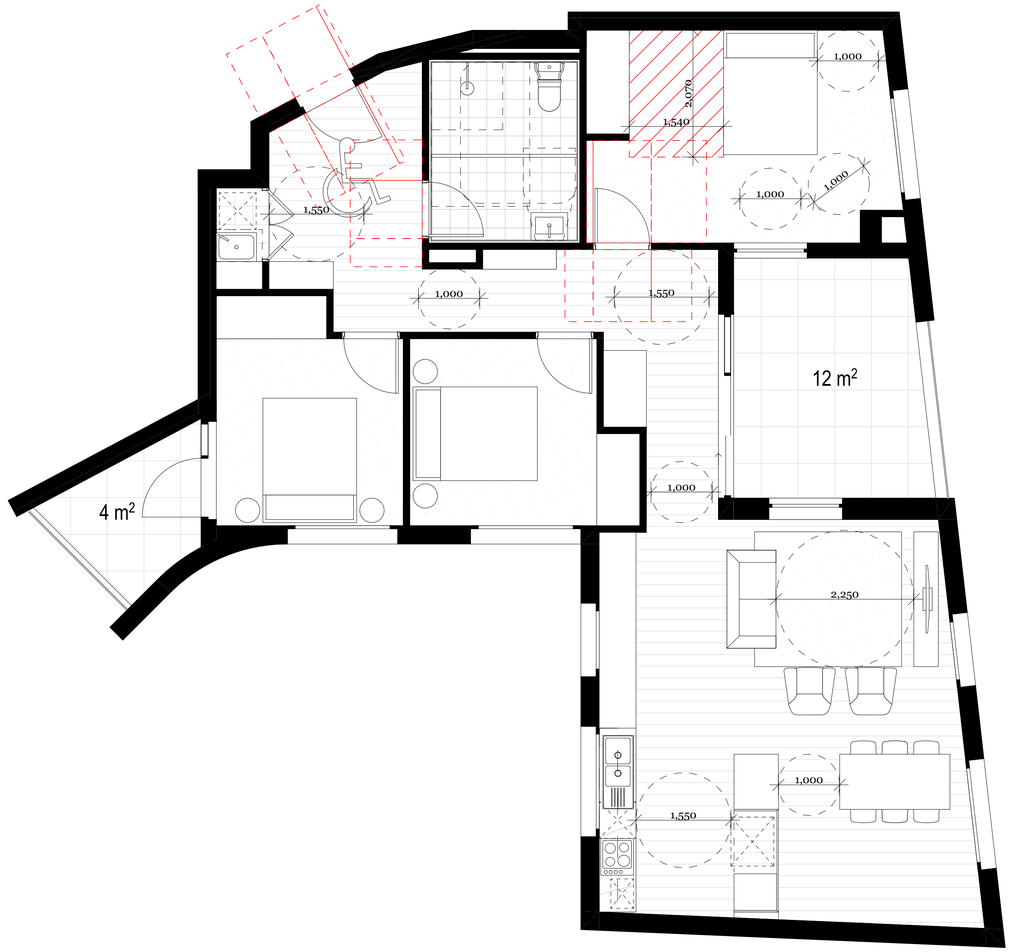
Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Adaptable Unit Layouts
		Scale	1:500@A1
		Date	24/09/2024
Client	SGCH	Drawing Number	DA425
		Revision	A



KEY PLAN LEVEL 8-9



3BED PRE-ADAPTABLE



3BED POST-ADAPTABLE

169

© DKO Architecture (NSW) Pty Ltd
Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of DKO Architecture.

Notes

ALL WORKS TO BE IN ACCORDANCE WITH AUTHORITY AND STATUTORY APPROVALS.
REFER TO SITE SURVEY FOR ALL INFORMATION RELATING TO EXISTING SITE CONDITIONS.
ALL BOUNDARY INFORMATION TO BE CONFIRMED BY REGISTERED SURVEYOR BEFORE COMMENCING WORKS ON SITE.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION & ARBORIST REPORTS FOR ALL INFORMATION RELATING TO TREES AND THEIR RETENTION/REMOVAL AND NEW LANDSCAPE WORKS.
ALL DRAWINGS TO BE READ IN CONJUNCTION WITH:
- ALL SPECIFICATIONS & SCHEDULES
- ALL SPECIALIST CONSULTANTS DOCUMENTATION
- BASIX, NATHERS & SECTION J CERTIFICATES
ALL CEILING PENETRATIONS SUCH AS CEILING EXHAUST FANS, DOWN LIGHTS & CHIMNEYS TO BE SEALED

LEGEND

Adaptable apartment

Livable apartment - Silver Level

Rev	Date	By	Chk	Description
A	2/02/2024	JC	DF	Issue for DA

DKO Architecture (NSW) Pty Ltd
42 Davies Street
Surry Hills, NSW 2010
T +61 2 8346 4500
info@DKO.com.au
www.DKO.com.au
ABN: 81956706590
NSW: Nominated Architects
Koos de Keijzer 5767
David Randerson 8542

DKO

Project Name	Botany Road, Alexandria	Project Number	11942
Project Address	338 Botany Road, Alexandria, NSW 2015	Drawing Name	Adaptable Unit Layouts
		Scale	1:500@A1
		Date	24/09/2024
Client	SGCH	Drawing Number	DA426
		Revision	A

Attachment D

Clause 4.6 Variation Request – Height of Buildings

Clause 4.6
Request to vary a Development Standard

338 Botany Road, Alexandria
Mixed Use Development including Affordable Housing



Submitted to the City of Sydney Council
on behalf of St George Community Housing

April 2024

KEYLAN
43A The Corso
Manly NSW 2095

This report has been prepared by:



Sammy Hamilton BP
Senior Planner
E: sammy@keylan.com.au



Padraig Scollard BA MRUP
Associate
E: padraig@keylan.com.au

This report has been reviewed by:



Michael Woodland BTP MPIA
Director
E: michael@keylan.com.au

Cover image: the site (Source: DKO Architects)

All Rights Reserved. No material may be reproduced without prior permission of KEYLAN Consulting Pty Ltd. While KEYLAN Consulting Pty Ltd working on this project has tried to ensure the accuracy of the information in this publication, it accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in the information in this report. This report has relied on information provided by the client in good faith and accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in the information in this report.

Revision	Prepared by	Reviewed by	Date	Revision Type
1	SH/PS	MW	13/03/2024	Draft
2	SH/PS	MW	05/04/2024	Final

Table of Contents

1. Introduction 4

2. Planning Overview 5

3. Proposed Development 8

4. Legislative Context 9

4.1. Clause 4.6 Exceptions to Development Standards 9

4.1.1. Clause 4.6(3) 9

4.2. Relevant Judgements - NSW Land and Environment Court 9

4.2.1. Winten Property Group Limited v North Sydney Council (2001) 10

4.2.2. Wehbe v Pittwater Council (2007) 10

4.2.3. Four2Five Pty Ltd v Ashfield Council (2015) 10

4.2.4. Initial Action Pty Ltd v Woollahra Municipal Council [2018] 11

4.2.5. Linfield Developments Pty Ltd v Cumberland Council (2019) 11

4.2.6. SJD DB2 Pty Ltd v Woollahra Council (2020) 11

4.2.7. Big Property Pty Ltd v Randwick City Council (2021) 12

4.2.8. HPG Mosman Projects Pty Ltd v Mosman Municipal Council (2021) 12

5. Assessment of the Variation to Height of buildings development standard 13

5.1. Clause 4.6(3)(a) – Compliance is Unreasonable or Unnecessary 13

5.1.1. Wehbe Test 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard 13

5.1.2. Wehbe Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable 15

5.2. Clause 4.6(3)(b) – Environmental Planning Grounds to Justify Contravening the Development Standard 16

5.2.1. Improved Urban Design outcomes 17

5.2.2. The proposed development is consistent with the objectives of the zone 17

5.2.3. The proposed development is consistent with the relevant strategic state and regional plans 19

6. Conclusion 20

Figures

Figure 1: Zoning map excerpt (Source: SLEP 2012) 6

Figure 2: Height of buildings development standard map excerpt (Source: SLEP 2012) 7

Figure 3: Section showing proposed maximum height (Source: DKO) 7

Figure 4: Height Plane Plan (Source DKO) 15

Tables

Table 1: DPHI Guide recommended planning information and numeric overview 6

Table 2: Consistency with Height of buildings development standard objectives 14

Table 3: Consistency with E3 zone objectives 19

Table 4: Consistency with strategic plans 19

1. Introduction

This is a written request (the Request) to seek a variation to a development standard in accordance with the provisions of Clause 4.6 Exception to Development Standards of the *Sydney Local Environmental Plan 2012* (SLEP 2012).

This Request relates to Clause 4.3 Height of Buildings of the SLEP 2012.

This Request has considered the detailed guidance within the NSW Department of Planning and Environment (DP&E) guideline *Varying Development Standards: A Guide, August 2011* (DP&E Guide) and planning system circular PS 20-002 *Varying Development Standards, May 2020,* and addresses the findings and established principles (as relevant) of the following judgements of the Land and Environment Court:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46*
- *Wehbe v Pittwater Council [2007] NSWLEC 827*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 and [2015] NSWCA 248*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*
- *Linfield Developments Pty Ltd v Cumberland Council [2019] NSWLEC 131*
- *SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112*
- *Big Property Pty Ltd v Randwick City Council [2021] NSWLEC 1161*
- *HPG Mosman Projects Pty Ltd v Mosman Municipal Council [2021] NSWLEC 1243*

The following sections of this Request critically analyse the proposed variation to the maximum 33m height of building standard applying to the site, its impact and reasonableness.

This analysis demonstrates that an exception to the height of buildings development standard is warranted in this instance.

The following sections of this Request critically analyse the proposed height variation, its impact and reasonableness. This analysis demonstrates that an exception to the height of buildings development standard is warranted in this instance and will provide for a significantly better urban outcome than a compliant development.

2. Planning Overview

The *Standard Instrument (Local Environmental Plans) Order 2006* was introduced to create a common format for local environmental plans across NSW and all councils have now adopted local environmental plans based on the Standard Instrument (SI).

The SI includes various development standards as a means to achieving environmental planning objectives and these standards can be numerical or performance based.

Clause 4.6 of the SI allows a consent authority to consider and grant consent to a development even in the circumstance where that development would contravene a development standard.

The DPE Guide confirms that the NSW planning system allows for flexibility in planning controls, in certain circumstances, through the provisions of Clause 4.6 of the SI.

The DPE Guide recommends that any Request to vary a development standard should confirm the planning context and relevant controls to assist the consent authority's assessment. Table 1 provides a summary of the relevant planning context and provides a key numerical overview of the proposed variation.

Information Requirement	Comment
Relevant Applicable Planning Instrument	*Sydney Local Environmental Plan 2012* (SLEP 2012)
Zoning of the Land	E3 Productivity Support
Objectives of the Zone	The objectives of the E3 zone are: • *To provide a range of facilities and services, light industries, warehouses and offices.* • *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.* • *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.* • *To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.* • *To provide opportunities for new and emerging light industries.* • *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.* • *To encourage employment opportunities.* • *To promote land uses with active street frontages.* • *To provide for land uses that support the viability of adjoining industrial land uses*
Development Standard to be Varied	Height of buildings
Nature of the Development Standard	A numerical height control (33m).

Information Requirement	Comment
Relevant Development Standard Clause	Clause 4.3 of the SLEP 2012
Objectives of the Development standard	The objectives of Clause 4.3 Height of buildings development standard are: (a) to ensure the height of development is appropriate to the condition of the site and its context, (b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas, (c) to promote the sharing of views outside Central Sydney, (d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas, (e) in respect of Green Square— (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and (ii) to ensure the built form contributes to the physical definition of the street network and public spaces.
Development Standard Numeric Control for the Site	Maximum height of 33m metres (refer to Figure 2).
Proposed Numeric Control	Maximum height of 36.2 metres (refer to Figure 3).
Percentage Variation Between the Proposal and the Planning Instrument	An increase of 3.2 metres represents an 9.7% increase over the SLEP 2012 height of buildings development standard of 33m.

Table 1: DPHI Guide recommended planning information and numeric overview

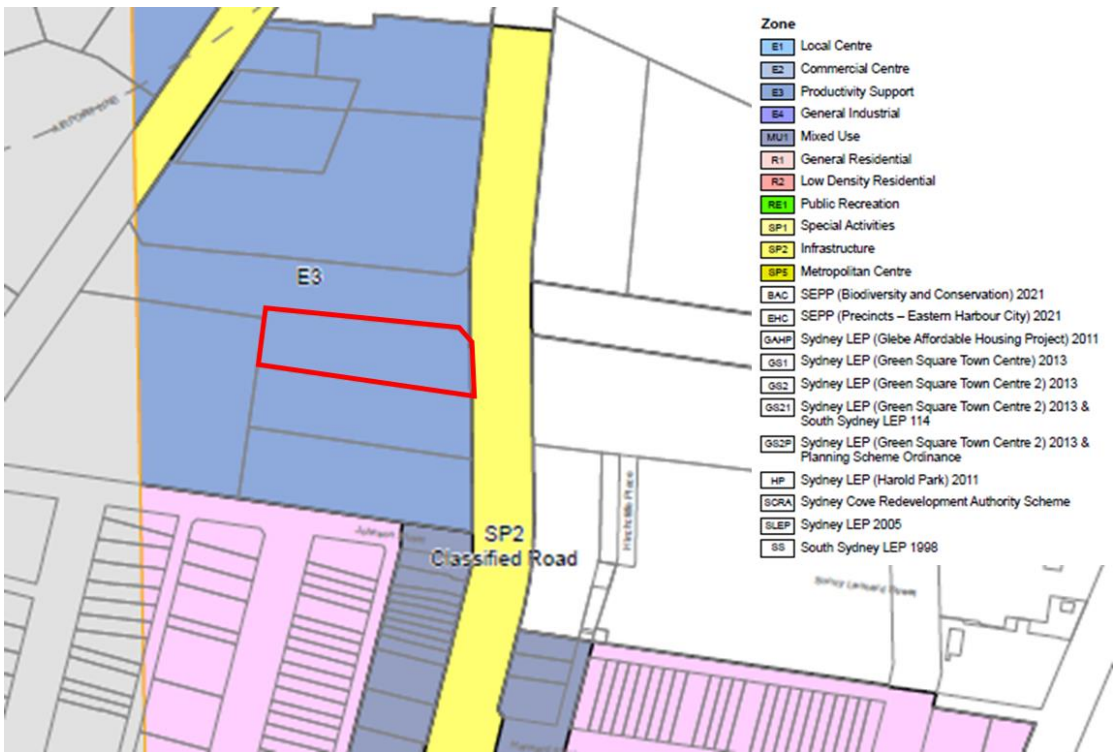


Figure 1: Zoning map excerpt (Source: SLEP 2012)

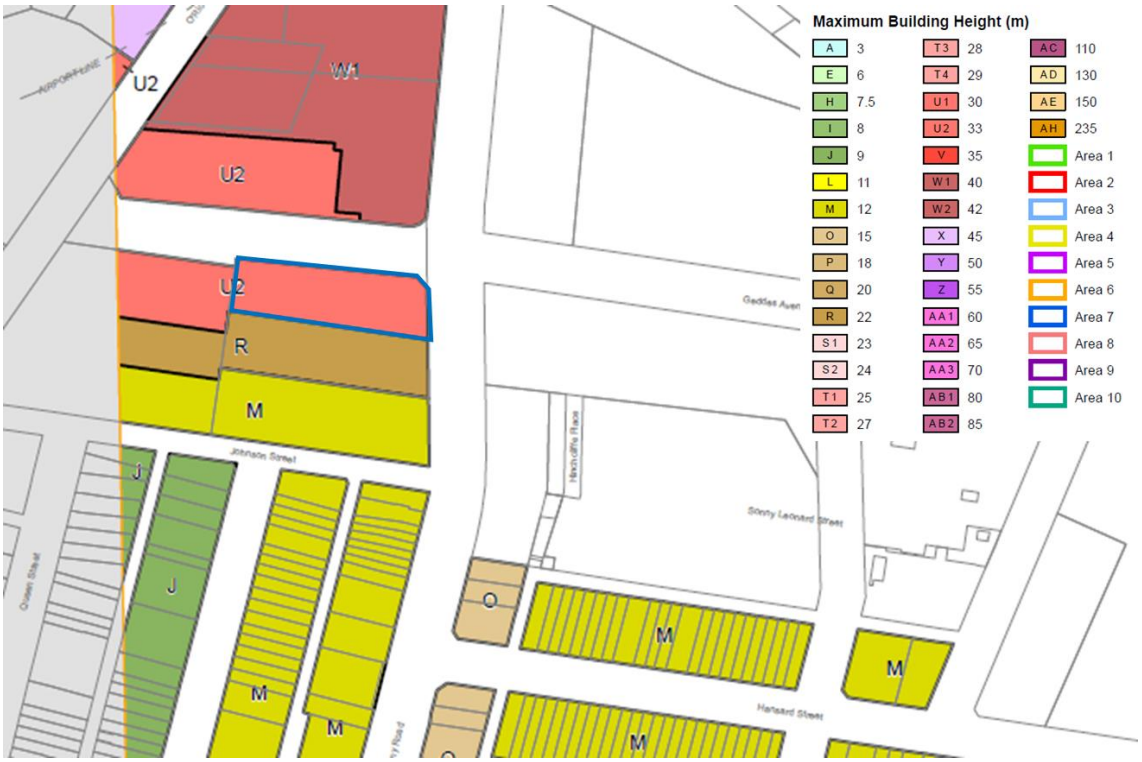


Figure 2: Height of buildings development standard map excerpt (Source: SLEP 2012)



Figure 3: Section showing proposed maximum height (Source: DKO)

3. Proposed Development

The Applicant is seeking approval for a detailed DA, in accordance with Section 4.22 of the EP&A Act.

As detailed in the associated Statement of Environmental Effects, the proposed development comprises:

- construction of a 10-storey mixed use development;
- a built form broken up into 2 distinct tower forms connected via a recessed central element;
- provision of affordable rental housing units comprising 111 apartments including:
  - 13 x studios;
  - 30 x 1 bed;
  - 58 x 2 bed;
  - 10 x 3 bed;
- 303m^2 ground floor commercial/retail floorspace;
- communal areas including rooftop open space and a resident community hub;
- 4 on-site disabled car parking spaces and 1 drop off car space at ground level;
- on-site loading bay;
- landscaping;
- civil works;
- earthworks; and
- remediation.

4. Legislative Context

4.1. Clause 4.6 Exceptions to Development Standards

Clause 4.6 of the SLEP 2012 sets out key assessment criteria which enables Council to consider and grant development consent for a development that contravenes a development standard. The overarching objectives of this clause are contained in subclause (1) as detailed below:

> *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
> *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Subclause (3) of Clause 4.6 is relevant and development consent can only be granted subject to its consideration.

4.1.1. Clause 4.6(3)

Clause 4.6(3) requires that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

> *(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
> *(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

4.2. Relevant Judgements - NSW Land and Environment Court

The following key Land and Environment Court (NSW LEC) judgements provide guidance on key considerations in the assessment of a Clause 4.6 variation Request. These judgements focus on the degree to which a consent authority may be satisfied about the matters in Clause 4.6 and therefore further refine the requirements for variation Requests:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46*
- *Wehbe v Pittwater Council [2007] NSWLEC 827*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 and [2015] NSWCA 248*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*
- *Linfield Developments Pty Ltd v Cumberland Council [2019] NSWLEC 131*
- *SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112*
- *Big Property Pty Ltd v Randwick City Council [2021] NSWLEC 1161*
- *HPG Mosman Projects Pty Ltd v Mosman Municipal Council [2021] NSWLEC 1243*

The key findings and established principles (as relevant) of the above judgements of the Land and Environment Court are summarised below.

4.2.1. Winten Property Group Limited v North Sydney Council (2001)

The *Winten Property Group Ltd v North Sydney Council (2001)* case posed the following questions to be addressed when considering objections to development standards:

- Is the planning control in question a development standard?
- If so, what is the underlying object or purpose of the standard?
- Is compliance with the standard consistent with the aims of the policy, and in particular, does compliance with the standard tend to hinder the attainment of the objects specified in Section 1.3 of the *Environmental Planning & Assessment Act 1979*
- Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case? (A related question is: would a development which complies with the standard be unreasonable or unnecessary?)
- Is the objection well founded?

4.2.2. Wehbe v Pittwater Council (2007)

This case expands on the findings of *Winten Property Group Limited v North Sydney Council (2001)* case and establishes a five-part test 'Wehbe tests' to ascertain whether strict compliance with a development standard is unreasonable or unnecessary, as follows:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; or
5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

It is noted that the DP&E Guide was formulated on the basis of the findings of the *Winten Property Group Limited v North Sydney Council (2001)* case and the Wehbe Tests.

4.2.3. Four2Five Pty Ltd v Ashfield Council (2015)

The outcome of these cases (initially heard and then upheld at appeal) concluded that in addition to considering the Wehbe Tests, Requests must also demonstrate that:

- the grounds for departing from the development standard must be particular to the circumstances of the proposed development on the subject site; and
- compliance with the development standard is unreasonable or unnecessary, in addition to demonstrating that the proposal was consistent with the objectives of the development standard and/or land use zone.

4.2.4. Initial Action Pty Ltd v Woollahra Municipal Council [2018]

Initial Action Pty Ltd v Woollahra Municipal Council [2018] (Initial Action) further clarifies the correct approach for the consideration of clause 4.6 requests. Clause 4.6 does not require that a development that contravenes a development standard to have a *neutral or better* environmental planning outcome than a fully compliant development.

The legal consequence of the decision in *Initial Action* is that Clause 4.6(1) is not an operational provision and that the remaining clauses of clause 4.6 constitute the operational provisions.

In *Initial Action*, the Court also confirmed that the five common ways of establishing that compliance with a development standard is unreasonable and unnecessary as identified in *Wehbe v Pittwater Council (2007)* continue to apply.

4.2.5. Linfield Developments Pty Ltd v Cumberland Council (2019)

The 'third' Wehbe test is concerned with the underlying object or purpose of the development standard and that it would be defeated, thwarted or undermined if strict compliance was required. The reference to 'undermined' is an extension of Wehbe which was applied in Linfield Developments Pty Ltd v Cumberland Council [2019] NSWLEC 131 (at [24]) (Linfield). In Linfield, the court found that:

> *"…requiring compliance would thwart or undermine at least one of the objectives of the height control development standard…"*

4.2.6. SJD DB2 Pty Ltd v Woollahra Council (2020)

The *SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112* established greater flexibility in applying clause 4.6 to vary development standards where a better outcome would be achieved in the context of the site. The outcome of this case concluded the following questions should be asked in relation to the request to vary a development standard:

1. what was the desired future character?
2. is the proposal consistent/compatible with that desired future character?
3. has any visual intrusion been minimised?
4. have the controls been previously abandoned?

4.2.7. Big Property Pty Ltd v Randwick City Council (2021)

Big Property Pty Ltd v Randwick City Council [2021] NSWLEC 1161 (Big Property) is also a relevant case associated with a clause 4.6 request in the context of the desired future character of an area. This judgement established that the desired future character should not solely be determined by the development standards that control building envelopes, stating:

> *"…As generic standards, they do not necessarily account for existing and approved development, site amalgamations, the location of heritage items or the nuances of an individual site. Nor can they account for provisions under other EPIs that incentivise particular development with GFA bonuses or other mechanisms that intensify development…"*

4.2.8. HPG Mosman Projects Pty Ltd v Mosman Municipal Council (2021)

Similar to the *Big Property* case, in *HPG Mosman Projects Pty Ltd v Mosman Municipal Council [2021] NSWLEC 1243* (HPG) a clause 4.6 request was considered in the context of desired future character. This case determined that desired future character of an area can be evaluated by reference to matters other than the controls and objectives of the development standard.

> *"…The desired future character of an area is not determined and fixed by the applicable development standards for height and FSR, because they do not, alone, fix the realised building envelope for a site".*

5. Assessment of the Variation to Height of buildings development standard

The maximum height of buildings development standard constitutes the built form baseline from which any variation request is measured and assessed.

The SLEP 2012 sets a standard height development control of 33m for the entire site.

The proposal seeks to increase the maximum height of buildings development standard development control by 3.2m (9.7%) to accommodate a built form that is appropriate for the conditions of the site and its context, both physically and strategically, and which is envisaged for the site under the Employment Lands Affordable Housing Strategy and SLEP 2012.

The following assessment comprehensively considers the provisions of Cl 4.6 which has also been informed by an analysis of the relevant case law.

5.1. Clause 4.6(3)(a) – Compliance is Unreasonable or Unnecessary

Wehbe establishes a five-part test 'Wehbe tests' to ascertain whether strict compliance with a development standard is unreasonable or unnecessary. An assessment against the relevant tests are provided below to outline how compliance with the height of buildings development standard is unreasonable and unnecessary.

5.1.1. Wehbe Test 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard

The objectives of the height of buildings development standard will be achieved notwithstanding the non-compliance with the standard as outlined below.

Clause 4.3 Height of buildings development standard	
Objectives	Achievement of Objectives
(a) to ensure the height of development is appropriate to the condition of the site and its context,	The proposed height exceedance is limited to the parapet, lift overrun, fire stair, hot water services and solar panels. These elements are relatively minor and will generally not be visible from the street. As such, they do not contribute to the bulk and scale of the building. Refer to figure 5. As discussed within the Statement of Environmental Effects (SEE), surrounding development has resulted in significant uplift in the locality and examples of other height variations, including under D/2021/700 at 326 Botany Road. On this basis, the proposal will suitably integrate with the emerging character of the area and its surrounding context.

Clause 4.3 Height of buildings development standard	
(b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,	The site is not located in a heritage conservation area and is not in proximity to any heritage items.
(c) to promote the sharing of views outside Central Sydney	The proposed minor variation will generally not impact view sharing when compared to a height compliant scheme. No significant views or view corridors are identified over the site.
(d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,	The minor height variation, which is limited to mechanical services, with the exception of the parapet, does not hinder the appropriate height transition to surrounding development and areas. It is noted that neighbouring developments range from 5 to 16 storeys as detailed below: • **North** – concept approval for a mixed use development comprising retail and commercial uses with shop top housing for the purposes of affordable housing with a height ranging from 9 to 12 storeys, to the north at 330 Botany Road (D/2021/1484); • **East** – a 16-storey residential flat building to the east currently under construction at 499 Botany Road, Zetland (D/2015/688); and • **West** – an approved five-storey commercial development adjoining the western boundary of the site at 22 O'Riordan Street (D/2019/686 and D/2021/529). It is considered that the 10 storey building height will provide an appropriate transition between the above properties and ensure an appropriate urban design outcome for the broader area.
(e) in respect of Green Square— (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and (ii) to ensure the built form contributes to the physical definition of the street network and public spaces.	As demonstrated by the shadow diagrams provided in the Architectural package, the proposal does not result in undue shadows to the public domain. Additionally, the articulation of the building provides physical definition to the street and public domain.

Table 2: Consistency with Height of buildings development standard objectives

The proposed development has therefore demonstrated to be consistent with the objectives of the height of buildings development standard, as outlined in Table 2.

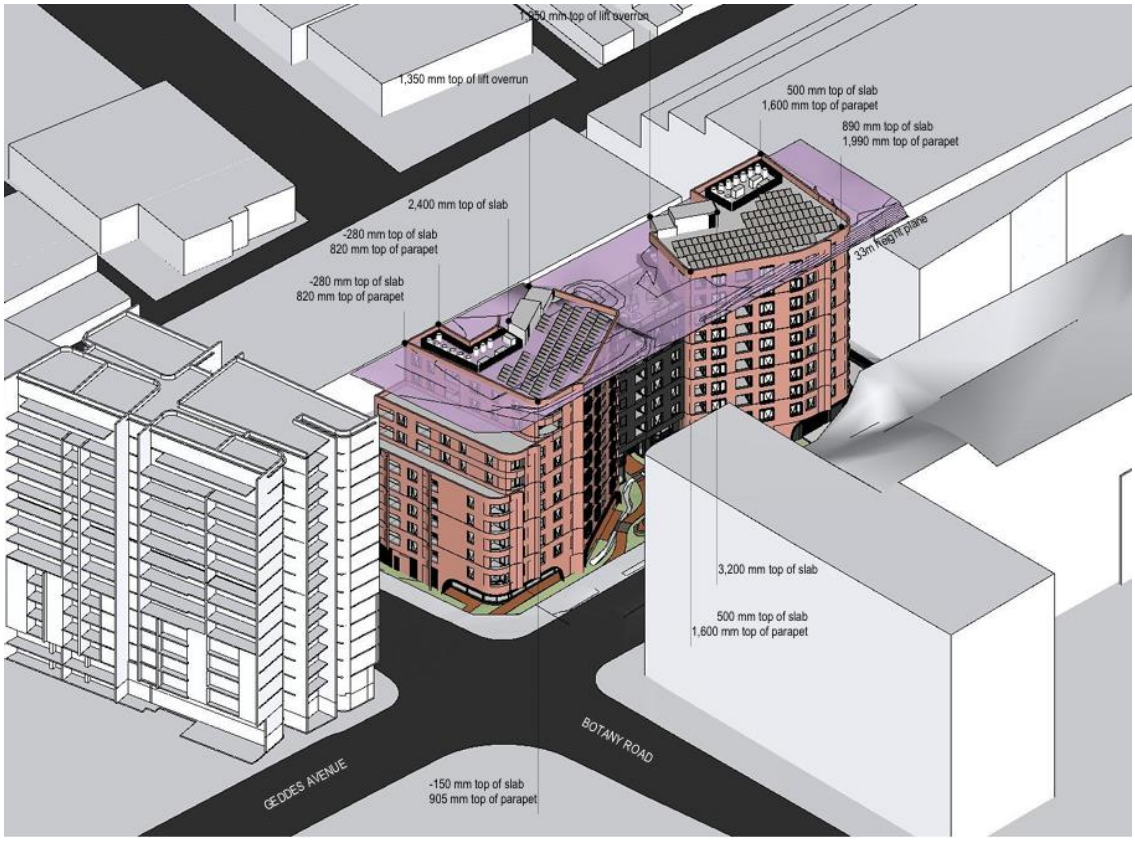


Figure 4: Height Plane Plan (Source DKO)

5.1.2. Wehbe Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable

Strict compliance with the height of buildings development standard would defeat, thwart and undermine the underlying object or purpose of the height of buildings development standard. This was applied in *Linfield Developments Pty Ltd v Cumberland Council* [2019] NSWLEC 131 (at [24]).

The objects that would be defeated, thwarted or undermined if strict compliance was required in this case are clause 4.3(1)(a) of the SLEP 2012, as detailed below.

Clause 4.3(1)(a) states:

> *to ensure the height of development is appropriate to the condition of the site and its context,*

The height exceedance ensures the proposal aligns with objective (a).

The desired future character of an area is set by a range of factors, other than a specific objective of a development standard, as outlined in recent court cases. Specifically, SJD, Big Property and HPG determined that the desired future character of an area should be evaluated by reference to matters such as other applicable environmental planning instruments, surrounding development and the specific nature of the site.

In the context of the site, development nearby should be considered. This is discussed in greater detail below.

Surrounding development

Surrounding development is a clear indicator of future character of an area. Nearby developments include:

- 499 Botany Road, Alexandria - Construction of a 16 storey mixed use development containing 130 dwellings and five retail tenancies. Excavation of the site for two levels of basement car parking connected with the approved basement of Site 9B.
- 501-509 and part 511-515 Botany Road, Zetland - Demolition of existing structures, tree removal, remediation, excavation, shoring and piling works and construction of a mixed use development on sites 10A, 10B and 11C within the Green Square Town Centre incorporating 133 apartments and 1,074sqm of commercial and retail space. The development includes landscaping and open space works, construction of part of Hinchliffe Street, road widening and land subdivision.
- 320-324 Botany Road, Alexandria - Demolition, excavation, remediation and construction of a mixed-use building up to 16 storeys containing office and retail with basement level car parking.
- 326-328 Botany Road, Alexandria - Demolition of existing structures, excavation, remediation and construction of a 10-storey commercial building. This includes basement car-parking, vehicle access from Botany Road, co-working space at ground and commercial offices above.
- 330 Botany Road – Concept approval for a mixed use development comprising retail and commercial uses with shop top housing for the purposes of affordable housing with a height ranging from 9 to 12 storeys.

These proposed and existing surrounding developments illustrate the emerging character of the area which include buildings that achieve a higher density when compared to the existing built form in the locality. On this basis, it is clear that the locality is undergoing a process of urban transition towards greater height and density.

In summary, a strictly compliant scheme would fail to deliver a development that aligns the desired future character of the site as determined by the matters outlined in the *SJD*, *Big Property* and *HPG* court cases.

5.2. Clause 4.6(3)(b) – Environmental Planning Grounds to Justify Contravening the Development Standard

The development, including the building height non-compliances, will provide for a high quality mixed-use development with a residential aspect consisting entirely of affordable housing in a highly accessible location.

In this context there are sound planning grounds and significant benefits to justify contravening the height of buildings development standard. In particular:

- the proposed built form and localised height increase will present a significantly superior urban design outcome for the site
- the proposed development is consistent with the objectives of the E3 zone
- the proposed development is consistent with the relevant strategic state and regional plans

These matters are discussed in further detail below.

5.2.1. Improved Urban Design outcomes

The proposed development has been designed in accordance with the planned capacity for the site, which is essential in providing affordable housing to assist in meeting housing targets under the Employment Lands Affordable Housing Strategy. It is important to reiterate that the departure from the height development standard is limited to the parapet, lift overrun, fire stairs, solar panels and other mechanical services. On this basis, the additional height will not be readily sighted from the public domain given its location behind parapet walls and will not contribute to any perceivable bulk or scale of the building.

In summary, the proposed height variation is considered acceptable in regard to its urban design and responsiveness to the topography and local context for the following reasons:

- The non-compliant component of the building height is located centrally to the rooftop, recessed behind parapet walls and consequently will not contribute to any perceivable bulk or scale of the building.
- The areas of non-compliance (above the 33m height plane) are concentrated towards the centre of the building, minimising overshadowing and visual impacts of the exceedance on surrounding residential properties and the public domain.
- The exceedance in height results in minimal additional overshadowing when compared to a height compliant scheme. Importantly, the proposal complies with the solar access requirements under the ADG, maintaining 2 hours of solar access to neighbouring properties between 9am – 3pm.
- Only a small portion of the proposed development is non-compliant with the height control. However, to ensure a favourable urban design outcome, the two tower forms incorporate substantial articulation and are stepped to respond to the natural topography of the site, and lower density development to the west.
- The proposed height will allow for a building with landmark qualities - an instantly recognisable development, which is desirable for a site of this size, location and importance.

5.2.2. The proposed development is consistent with the objectives of the zone

The site is within the E3 Productivity Support zone in which affordable housing is explicitly permitted with consent under clause 7.13A of SLEP 2012. The concept approval also establishes that the provision of affordable housing is suitable at the site.

The proposal seeks approval for shop top housing, with the residential component being wholly provided as affordable housing. The site is located within the Green Square Urban Renewal Area, within close proximity of the Green Square Town Centre, the Green Square railway station and bus routes along Botany Road and O'Riordan Street. The

proposal will contribute to the vitality of the nearby centre and the broader Green Square redevelopment area.

The proposed development is consistent with the objectives of the E3 zone as outlined in the below table.

More generally the proposal is in accordance with the objectives of the SLEP 2012 as it will support businesses within the zone and locality and will provide employment generating uses at ground floor.

E3 Productivity Support zone	
Objectives	Achievement of Objectives
To provide a range of facilities and services, light industries, warehouses and offices.	The proposed commercial tenancy will contribute to the variety of facilities and services within the area.
To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.	Given the scale of the proposed mixed use development, it is considered that it will not compete with land uses in the surrounding local and commercial centres.
To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity	The proposal will contribute to the vitality of the nearby Green Square Town Centre and the broader Green Square redevelopment area.
To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.	The proposed development will provide 111 apartments that will solely be for the purposes of affordable housing in perpetuity, providing for the needs of the community. Future residents will also support local businesses. It is noted that the subject site has been deemed as a suitable location for the proposed mixed use development through the approval of the Concept DA.
To provide opportunities for new and emerging light industries	The proposal will not preclude opportunities for new and emerging light industries.
To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.	The proposed commercial tenancy will be capable of providing services that meet the day to day needs of both workers and residents in the area.
To encourage employment opportunities.	The proposed commercial tenancy will provide employment generating floor space while the residential units will support the delivery of employment opportunities in the local area.
To promote land uses with active street frontages.	The ground floor commercial tenancy has been designed to provide access from both frontages it presents to, ensuring an active frontage. A colonnade built form, in lieu of an awning, has been provided above the main entry point fronting Botany Road as required under the Sydney DCP and relevant active frontages requirements.

E3 Productivity Support zone	
To provide for land uses that support the viability of adjoining industrial land uses.	The proposal will not preclude the delivery of viability of industrial uses within the wider area.

Table 3: Consistency with E3 zone objectives

5.2.3. The proposed development is consistent with the relevant strategic state and regional plans

The proposal is consistent with the relevant strategic state and regional plans as outlined at in the below table.

Document	Comment
Greater Sydney Region Plan & Eastern City District Plan	• The proposed development will ensure additional housing within an area identified for growth given its' proximity to transport infrastructure. The site presents an urban renewal opportunity close to a transport centre where links for walking and cycling are constantly being upgraded aligning with the objective. It will also aid in contributing to the housing supply targets for the Eastern City District. • The proposal includes the provision of affordable housing to meet the challenges across the housing continuum. This will allow for a range of income levels to afford housing within close proximity to central Sydney. • The proposal nurtures quality lifestyles through well-designed housing in neighbourhoods close to transport and other infrastructure • The development aligns growth with infrastructure, including transport, social and green infrastructure, and delivering sustainable, smart and adaptable solutions
City Plan 2036: Local Strategic Planning Statement (LSPS)	The proposal directly aligns with the following priorities under the LSPS: • Priority 2: Align development and growth with supporting infrastructure • Priority 6: New homes for a diverse community • Priority 12: Open, accountable and collaborative planning

Table 4: Consistency with strategic plans

6. Conclusion

Clause 4.6 allows for flexibility in the application of development standards in appropriate circumstance and this Request has been shown to satisfy the provisions of 4.6(3) of the SLEP 2012.

It has been demonstrated that compliance with the height of buildings development standard is unnecessary and unreasonable given the specific circumstances of the proposal. In addition, clear planning grounds have been provided that justify contravening the development standard. The proposal is consistent with the objectives of the development standard and the E3 Productivity Support zone.

The variation to the height of buildings development standard would not result in a breach of any other development standards for the site and the additional population would support future and existing retail units and commercial centres.

The proposed development is considered to better satisfy the objectives of the height of buildings development standard and the E3 zone by delivering a more appropriate development outcome for the site and the broader area.

Overall, and for the reasons set out above, the proposed development represents a superior outcome for the site and it is therefore justified and appropriate that the development standard be varied as proposed.

Attachment E

Clause 4.6 Variation Request – Floor Space Ratio

Clause 4.6
Request to vary a Development Standard

Mixed Use Affordable Housing Development
338 Botany Road, Alexandria
D/2024/273



Submitted to City of Sydney
on behalf of SGCH

September 2024

This report has been prepared by:		This report has been reviewed by:
	Padraig Scollard	Michael Woodland
Sammy Hamilton BPlan Senior Planner E: sammy@keylan.com.au	Padraig Scollard BA MRUP Associate E: padraig@keylan.com.au	Michael Woodland BTP MPIA Director E: michael@keylan.com.au

Cover image: Photomontage (Source: DKO)

This report is dated 25 September 2024 and includes information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Keylan Consulting Pty Ltd (Keylan) opinion in this report.

This advice is limited to general town planning advice and does not constitute legal advice. Separate advice should be sought if you require a legal opinion on the above matters. Keylan disclaim all responsibility for any harm, loss, cost or damage resulting from use of, or reliance upon, the whole or any part of the information by any prospective purchaser, lender or other person if any part of the information provided within this report is inaccurate or incomplete.

Keylan has prepared this report on the instructions and for the benefit only, of SGCH (client) for the purpose of a Clause 4.6 Variation Request relating to FSR for the proposal at 338 Botany Road, Alexandria (purpose) and not for any other purpose or use. To the extent permitted by applicable law, Keylan expressly disclaims all liability, whether direct or indirect, to the Client which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

Achievement of the outcomes, recommendations, assessment and budget set out in this report will depend on the actions of others over which Keylan has no control. Whilst Keylan has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Keylan (including its Directors and all staff) is not liable for any errors or omissions, including in information provided by the Client or another person or upon which Keylan relies, provided that such errors or omissions are not made by Keylan recklessly or in bad faith.

In preparing this report, Keylan was required to make professional judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of town planning assessment. All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Keylan at the date of this report, and upon which Keylan relied.

This advice does not guarantee development approval and/or the request for additional information form the relevant consent authority or other relevant body of the subject works. This report has been prepared with due care and diligence by Keylan and the statements and opinions given by Keylan in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

Table of Contents

1. Introduction 4

2. Planning Overview 5

3. Proposed Development 7
   3.1. Proposed variation 8

4. Legislative Context 9
   4.1. Clause 4.6 Exceptions to Development Standards 9
      4.1.1. Clause 4.6(3) 9
      4.1.2. Clause 4.6(4) 9
   4.2. Relevant Judgements - NSW Land and Environment Court 9
      4.2.1. Wehbe v Pittwater Council (2007) 10
      4.2.2. Initial Action Pty Ltd v Woollahra Municipal Council (2018) 10
      4.2.3. Linfield Developments Pty Ltd v Cumberland Council (2019) 10
      4.2.4. SJD DB2 Pty Ltd v Woollahra Council (2020) 11
      4.2.5. Big Property Pty Ltd v Randwick City Council (2021) 11
      4.2.6. HPG Mosman Projects Pty Ltd v Mosman Municipal Council (2021) 11

5. Assessment of the Variation to FSR development standard 12
   5.1. Clause 4.6(3)(a) – Compliance is Unreasonable or Unnecessary 12
      5.1.1. Wehbe Test 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard 12
      5.1.2. Wehbe Test 3: The underlying object or purpose would be defeated, thwarted or undermined if compliance was required and therefore compliance is unreasonable 14
      5.1.3. Wehbe Test 4: The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable 15
   5.2. Clause 4.6(3)(b) – Environmental Planning Grounds to Justify Contravening the Development Standard 16
      5.2.1. The proposed development is consistent with the objectives of the zone 16
      5.2.2. Improved Urban Design outcomes 17
      5.2.3. The proposed development is consistent with the relevant strategic state and regional plans 19

6. Conclusion 20

Figures

Figure 1: Applicable FSR map with site outlined black (Base source: SLEP 2012) 6
Figure 2: Site locality plan (Base source: Nearmap) 7
Figure 3: Montage of northern elevation (Source: DHO) 18

Tables

Table 1: DPE Guide recommended planning information and numeric overview 6
Table 2: Consistency with Clause 4.3 height of buildings development standards objectives 13
Table 3: Consistency with E3 zone objectives 17
Table 4: Consistency with strategic plans 19

Appendices

Appendix 1 Concept Approval – D/2019/87
Appendix 2 Architectural Plans

1. Introduction

This is a written request (the Request) to seek a variation to a development standard in accordance with the provisions of Clause 4.6 Exception to Development Standards of the *Sydney Local Environmental Plan 2012* (SLEP 2012).

This Request relates to Clause 4.4 *Floor space ratio* of the SLEP 2012.

This Request has considered the detailed guidance within the NSW Department of Planning and Environment (DPE) guideline *Varying Development Standards: A Guide, August 2011* (DPE Guide) and planning system circular PS 20-002 *Varying Development Standards, May 2020,* and addresses the findings and established principles (as relevant) in the following judgements of the NSW Land and Environment Court (the Court):

- *Bettar v Council of the City of Sydney* [2014] NSWLEC 1070
- *Stamford Property Services Pty Ltd v City of Sydney & Anor* [2015] NSWLEC 1189
- *Wehbe v Pittwater Council* [2007] NSWLEC 827
- *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118
- *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112
- *Big Property Pty Ltd v Randwick City Council* [2021] NSWLEC 1161
- *HPG Mosman Projects Pty Ltd v Mosman Municipal Council* [2021] NSWLEC 1243

The following sections of this Request critically analyse the proposed floor space ratio (FSR) variation to facilitate the mixed use affordable housing development, its impact and reasonableness.

This analysis demonstrates that an exception to the FSR development standard is warranted in this instance.

2. Planning Overview

The *Standard Instrument (Local Environmental Plans) Order 2006* (Standard Instrument) includes various development standards as a means of achieving environmental planning objectives.

Clause 4.6 of the Standard Instrument allows a consent authority to consider and grant consent to a development even in the circumstance where that development would contravene a development standard.

The DPE Guide recommends that any request to vary a development standard should confirm the planning context and relevant controls to assist the consent authority's assessment. Table 1 below provides a summary of the relevant planning context and provides an overview of the proposed variation.

Information Requirement	Comment
Relevant Applicable Planning Instrument	*Sydney Local Environmental Plan 2012* (SLEP 2012)
Zoning of the Land	E3 Productivity Support
Objectives of the Zone	The objectives of the E3 Productivity Support zone are: • *To provide a range of facilities and services, light industries, warehouses and offices.* • *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.* • *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.* • *To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.* • *To provide opportunities for new and emerging light industries.* • *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.* • *To encourage employment opportunities.* • *To promote land uses with active street frontages.* • *To provide for land uses that support the viability of adjoining industrial land uses.*
Development Standard to be Varied	Clause 4.4 Floor space ratio
Nature of the Development Standard	A numerical floor space ratio control.
Objectives of the Development standard	The objectives of Clause 4.4 Floor space ratio development standard are: • to provide sufficient floor space to meet anticipated development needs for the foreseeable future,

Information Requirement	Comment
	• to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic, • to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure, • to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.
Development Standard Numeric Control for the Site	Base: 3:1 Incentive: 1.1 (Clause 6.14) Total: 4:1 Approved under Concept DA – 4:1 (see Appendix 1)
Proposed Numeric Control	4.09:1
Percentage Variation Between the Proposal and the Planning Instrument	The exceedance of the 0.09:1 represents a 2.25% variation.

Table 1: DPE Guide recommended planning information and numeric overview

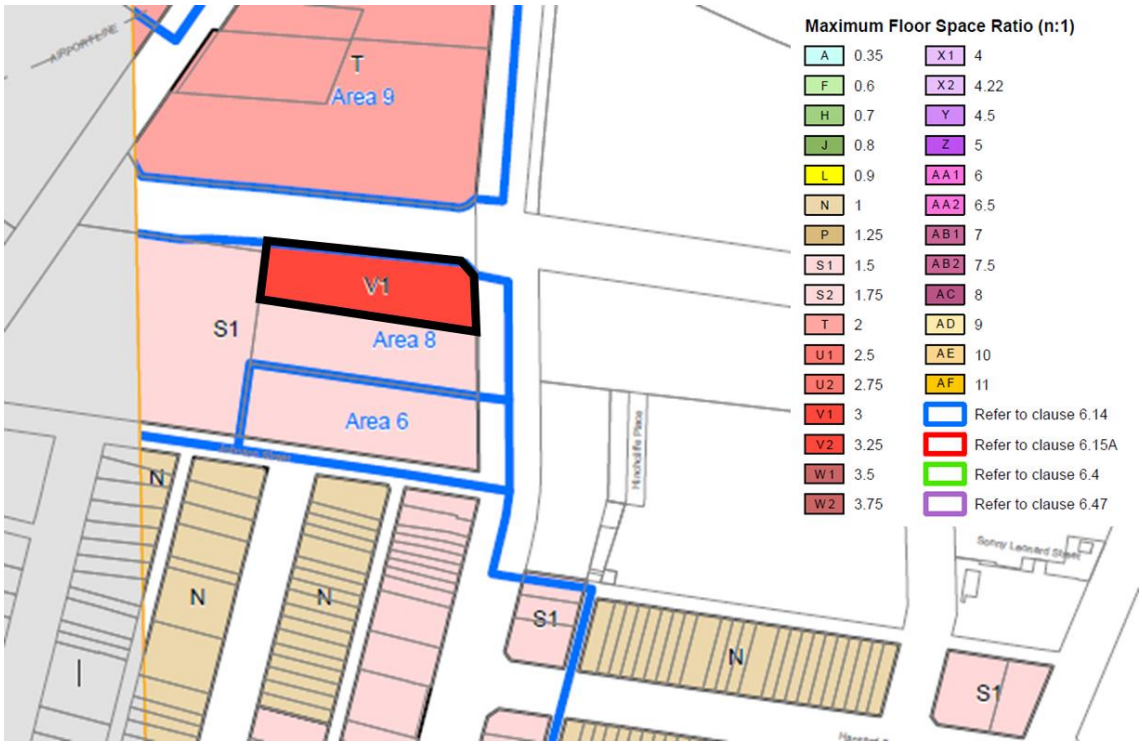


Figure 1: Applicable FSR map with site outlined black (Base source: SLEP 2012)

3. Proposed Development

This Request supports a Stage 2 Development Application for the construction of a 10-storey mixed use building including affordable rental housing at 338 Botany Road, Alexandria. The subject site has an area of 2,250m^2. The site location is shown at the figure below.



Figure 2: Site locality plan (Base source: Nearmap)

The proposed development comprises the following:

- 10 storey built form
- 111 apartments;
  - 13 studios
  - 30 x 1 bed apartments
  - 58 x 2 bed apartments
  - 10 x 3 bed apartments
- 1 ground floor commercial/retail tenancy providing a total of 294m^2 commercial floorspace;
- communal areas including open space and a resident community hub;
- 4 on-site accessible parking spaces;
- signage zones for the future ground floor tenant;
- landscaping;
- civil works;
- earthworks; and
- remediation.

3.1. Proposed variation

The proposed FSR is 4.09:1, exceeding the applicable FSR for the site under the SLEP 2012 by 0.09:1 or 2.25%.

Clause 4.4 of the SLEP 2012 refers to the floor space ration map. This map establises a base FSR of 3:1 for the site, but also refers to Clause 6.14 of the SLEP 2012, which provides a incentive FSR of 1:1 subject to development including community infrastructure for Green Square. Specifically, Clause 6.14(2) states

> *(2) The consent authority may consent to development that results in additional floor space in accordance with subclause (4) if the development includes Green Square community infrastructure.*

Under the Concept DA approval for the site (DA/2019/87), it was determined that the development would facilitate the dedication of land for the Ashmore Connector Road and widening of Botany Road.

On this basis, the applicable FSR for the site under the SLEP 2012 is 4:1.

It is noted that Condition 13 of the Concept DA (DA/2019/87) also establises an FSR of 4:1 for the site.

4. Legislative Context

4.1. Clause 4.6 Exceptions to Development Standards

Clause 4.6 of the SLEP 2012 sets out key assessment criteria which enables Council to consider and grant development consent for a development that contravenes a development standard. The overarching objectives of this clause are contained in subclause (1) as detailed below:

> *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
> *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Subclauses (3) and (4) of Clause 4.6 are relevant and development consent can only be granted subject to their consideration.

4.1.1. Clause 4.6(3)

Clause 4.6(3) requires that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

> *(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
> *(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

4.1.2. Clause 4.6(4)

Clause 4.6(4) requires that the consent authority to keep a record of its assessment carried out under subclause (3).

4.2. Relevant Judgements - NSW Land and Environment Court

The following key Land and Environment Court (NSW LEC) judgements provide guidance on key considerations in the assessment of a Clause 4.6 variation Request. These judgements focus on the degree to which a consent authority may be satisfied about the matters in Clause 4.6 and therefore further refine the requirements for variation Requests:

- *Wehbe v Pittwater Council* [2007] NSWLEC 827
- *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118
- *Linfield Developments Pty Ltd v Cumberland Council* [2019] NSWLEC 131
- *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112
- *Big Property Pty Ltd v Randwick City Council* [2021] NSWLEC 1161
- *HPG Mosman Projects Pty Ltd v Mosman Municipal Council* [2021] NSWLEC 1243

The key findings and established principles (as relevant) of the above judgements of the Land and Environment Court are summarised below.

4.2.1. Wehbe v Pittwater Council (2007)

This case establishes five potential grounds 'Wehbe tests' to ascertain whether strict compliance with a development standard is unreasonable or unnecessary, as follows:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; or
5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

4.2.2. Initial Action Pty Ltd v Woollahra Municipal Council (2018)

Initial Action Pty Ltd v Woollahra Municipal Council [2018] (Initial Action) further clarifies the correct approach for the consideration of clause 4.6 requests. Clause 4.6 does not require that a development that contravenes a development standard to have a *neutral or better* environmental planning outcome than a fully compliant development.

A legal consequence of the decision in *Initial Action* is that Clause 4.6(1) is not an operational provision and that the remaining clauses of clause 4.6 constitute the operational provisions.

In *Initial Action*, the Court also confirmed that the five common ways of establishing that compliance with a development standard is unreasonable and unnecessary as identified in *Wehbe v Pittwater Council (2007)* continue to apply.

4.2.3. Linfield Developments Pty Ltd v Cumberland Council (2019)

The 'third' Wehbe test is concerned with the underlying object or purpose of the development standard and that it would be defeated, thwarted or undermined if strict compliance was required. The reference to 'undermined' is an extension of Wehbe which was applied in Linfield Developments Pty Ltd v Cumberland Council [2019] NSWLEC 131 (at [24]) (Linfield). In Linfield, the court found that:

> *"…requiring compliance would thwart or undermine at least one of the objectives of the height control development standard…"*

4.2.4. SJD DB2 Pty Ltd v Woollahra Council (2020)

The *SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112* (SJD) established greater flexibility in applying clause 4.6 to vary development standards where a better outcome would be achieved in the context of the site.

This case concluded that the numerical controls and objectives associated with development standards should not be used to strictly define desired future character. One relevant outcome of the case was that other provisions of the local environmental plan as well as development in the area that contravenes the development standard can indicate the desired future character of an area.

4.2.5. Big Property Pty Ltd v Randwick City Council (2021)

Big Property Pty Ltd v Randwick City Council [2021] NSWLEC 1161 (Big Property) is also a relevant case associated with a clause 4.6 request in the context of the desired future character of an area.

This judgement followed *SJD DB2* and affirmed that the desired future character should not solely be determined by the development standards that control building envelopes, stating:

> *"…As generic standards, they do not necessarily account for existing and approved development, site amalgamations, the location of heritage items or the nuances of an individual site. Nor can they account for provisions under other EPIs that incentivise particular development with GFA bonuses or other mechanisms that intensify development…"*

4.2.6. HPG Mosman Projects Pty Ltd v Mosman Municipal Council (2021)

Similar to the *Big Property* case, in *HPG Mosman Projects Pty Ltd v Mosman Municipal Council [2021] NSWLEC 1243* (HPG) a clause 4.6 request was considered in the context of desired future character.

This case determined that desired future character of an area can be evaluated by reference to matters other than the controls and objectives of the development standard.

> *"…The desired future character of an area is not determined and fixed by the applicable development standards for height and FSR, because they do not, alone, fix the realised building envelope for a site".*

5. Assessment of the Variation to FSR development standard

The SLEP 2012 sets a standard FSR development control of 4:1 for the entire site.

The proposal seeks to increase the maximum FSR development control by 0.09:1 or 2.25% (4.09:1 vs approved FSR of 4:1) to accommodate an appropriate built form for the site. This results in a future building that also responds to the local context as envisaged under the SLEP 2012 and the Employment Lands Affordable Housing Program.

The proposed FSR variation, directly relates to balconies provided with increased balustrade heights to ameliorate acoustic impacts, that are necessary to ensure residents are provided with adequate and usable private open space.

The following assessment comprehensively considers the provisions of Clause 4.6 with regard to the relevant case law.

5.1. Clause 4.6(3)(a) – Compliance is Unreasonable or Unnecessary

Wehbe establishes at least five potential alternative grounds to ascertain whether strict compliance with a development standard is unreasonable or unnecessary. An assessment against the relevant tests is provided below to outline how compliance with the FSR development standard is unreasonable and unnecessary.

5.1.1. Wehbe Test 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard

The objectives of the FSR development standard will be achieved notwithstanding the non-compliance with the standard as outlined at Table 2.

Clause 4.4 Floor space ratio Development Standard	
Objectives	Achievement of Objectives
to provide sufficient floor space to meet anticipated development needs for the foreseeable future,	The variation to the FSR standard correlates to the inclusion of certain balconies within the GFA calculations. This is due to the increased balustrade heights provided to balconies to ameliorate acoustic impacts which result in balconies being defined as GFA under the definitions of the SLEP 2012. The balconies are required to provide future residents with suitable private outdoor space, which are also appropriately treated to reduce potential acoustic amenity impacts.
to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic,	Given the FSR variation directly relates to the inclusion of balconies as GFA, it is considered that the proposed density at the site is appropriate and results in negligible impacts on vehicle or pedestrian traffic.

Clause 4.4 Floor space ratio Development Standard	
to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,	The proposed density of the development is completely suited to this highly accessible area where: • Green Square Station is located 190m to the north; • Green Square Bus Interchange is located 190m to the north; • A bus stop is located to the south-eastern corner of the site which provides services to Redfern, Glebe Point, and Prince of Wales Hospital; and • The new Ashmore Connector Road adjoins the northern boundary of the site which is a dedicated public transport corridor (bus lanes). The road also features an on-road 2-way cycle path connecting to other existing cycle paths to the east and west.
to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.	As detailed in Section 5.1.3, a number of developments have been approved with FSR variations located within the vicinity of site. Notwithstanding, the bulk and scale of the development remains suitable for the site, noting the exceedance in FSR is due to the increase balustrade heights required for certain balconies. On this basis, the proposed development reflects the desired character of the area for higher density buildings with consideration to the areas highly accessible nature.

Table 2: Consistency with Clause 4.3 height of buildings development standards objectives

In *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7, the Chief Judge said (at [34]) that:

> *establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary*.

In this matter it has been demonstrated that the contravention does not cause any material environmental harm (of a kind that the objectives seek to avoid).

5.1.2. Wehbe Test 3: The underlying object or purpose would be defeated, thwarted or undermined if compliance was required and therefore compliance is unreasonable

Strict compliance with the FSR development standard would defeat, thwart and undermine the underlying object or purpose of the FSR development standard. This was applied in *Linfield Developments Pty Ltd v Cumberland Council* [2019] NSWLEC 131 (at [24]).

The objects that would be defeated, thwarted or undermined if strict compliance was required in this case are clause 4.4(1)(a). clause 4.4(1)(c) and clause 4.4(1)(d) of the SLEP 2012, as detailed below.

Clause 4.4(1)(a) states:

> *to provide sufficient floor space to meet anticipated development needs for the foreseeable future,*

Objective (1)(a) would be undermined if strict compliance was required.

The variation to the FSR standard has been a result of increased balcony balustrades to mitigate effects of noise from Botany Road. This has resulted in the gross floor area of some balconies now being included in FSR calculations given the balustrades are higher than 1.4m.

If strict compliance with the FSR control was required, it results in:

- development which is unable to appropriately mitigate acoustic impacts due to the site's frontage to Botany Road
- overall loss in resultant residential yield for affordable housing

Clause 4.4(1)(c) states:

> *to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,*

The proposed FSR ensures the proposal aligns with objective (c) — and is superior, in this respect, to a strictly FSR-compliant proposal.

As outlined in Table 2, the site is considered to be highly accessible noting its connections to transport options including:

- Green Square Station located 190m to the north;
- Green Square Bus Interchange located 190m to the north;
- A bus stop located to the south-eastern corner of the site which provides services to Redfern, Glebe Point, and Prince of Wales Hospital; and
- The new Ashmore Connector Road which adjoins the northern boundary of the site is a dedicated public transport corridor (bus lanes). The road also features an on-road 2-way cycle path connecting to other existing cycle paths to the east and west.

The highly accessible nature of the site aligns with the proposed density of development and ensures residents will not be reliant on private vehicle travel having access to a number of public transport services.

Clause 4.4(1)(d) states:

> *to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.*

The GFA attributable to the minor FSR exceedance is the result of the inclusion of balcony areas, due to higher balustrades required for noise attenuation purposes.

These glass balustrades will be largely indiscernible when viewed from the street and therefore ensure the bulk and scale of the development is suitable and aligns Concept DA approval and emerging character of the area.

5.1.3. Wehbe Test 4: The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable

Council has granted a number of consents within the Green Square locality in recent years, which demonstrate that Council is open to supporting well found variations to the FSR development standard. These consents include:

- D/2021/894 at 6-12 O'Riordan St, 320-322 Botany Road, Alexandria – Demolition, excavation, remediation and construction of a mixed-use building up to 16 storeys containing office and retail with basement level car parking. – approved an FSR of 8.77:1 whereby approved FSR pursuant to design excellence clause was 8.62:1 (representing a 1.7% variation).
- D/2015/688/H at 499 Botany Road, Zetland – original DA approved for construction of a 16 storey mixed use development containing 130 dwellings and five retail tenancies. Excavation of the site for two levels of basement car parking connected with the approved basement of Site 9B. Relevant modification related to enclosure of corridors – approved an FSR of 9.165:1 whereby approved FSR pursuant to design excellence clause was 8.788:1 (representing a 4.29% variation).
- D/2019/976 at 94 Epsom Road, Zetland – Tree removal, excavation, remediation, and construction of a mixed use development of three buildings up to 14 storeys in height, comprising 271 residential apartments, retail and commercial tenancies, public domain and staged subdivision works, 184 car parking spaces and landscaping. – approved an FSR of 2.48:1 whereby the base FSR was 2.25:1 (representing a 10.2% variation).

Noting the above approvals in the immediate locality, strict compliance with the FSR standard is considered unnecessary and unreasonable.

5.2. Clause 4.6(3)(b) – Environmental Planning Grounds to Justify Contravening the Development Standard

The development, including the FSR non-compliances, will provide for a high quality mixed use affordable housing development in a highly accessible location.

The proposed variation is the result of the provision of increased balustrade heights to balconies of certain apartments to mitigate noise impacts. This has resulted in balconies being included as gross floor area, as per the gross floor area definition under the SLEP 2012, and subsequently included in FSR calculations.

There are sound planning grounds and significant benefits to justify contravening the FSR development standard of which are outlined in the following sections.

5.2.1. The proposed development is consistent with the objectives of the zone

The site is within the *E3 Productivity Support* zone in which affordable housing is explicitly permitted with consent under clause 7.13A of SLEP 2012. The Concept DA approval also establishes that the provision of affordable housing is suitable at the site.

The proposal seeks approval for shop top housing, with the residential component wholly provided as affordable housing. The site is located within the Green Square Urban Renewal Area, within close proximity of the Green Square Town Centre, the Green Square railway station and bus routes along Botany Road and O'Riordan Street. The proposal will contribute to the vitality of the nearby centre and the broader Green Square redevelopment area.

The proposed development is consistent with the objectives of the E3 zone as outlined in the below table.

The proposal is also in accordance with the objectives of the SLEP 2012 as it will support businesses within the zone and locality and will provide employment generating uses at ground floor.

E3 Productivity Support	
Objective	**Achievement of objective**
To provide a range of facilities and services, light industries, warehouses and offices	The proposed commercial tenancy will contribute to the variety of facilities and services within the area.
To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.	Given the scale of the proposed mixed use development, it is considered that it will not compete with land uses in the surrounding local and commercial centres.
To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.	The proposal will contribute to the vitality of the nearby Green Square Town Centre and the broader Green Square redevelopment area.
To provide for land uses that meet the needs of the community, businesses and industries	The proposed development will provide 111 apartments that will solely be for the purposes of affordable housing in perpetuity,

E3 Productivity Support	
but that are not suited to locations in other employment zones	providing for the needs of the community. Future residents will also support local businesses. It is noted that the subject site has been deemed as a suitable location for the proposed mixed use development through the approval of the Concept DA.
To provide opportunities for new and emerging light industries	The proposal will not preclude opportunities for new and emerging light industries.
To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.	The proposed commercial tenancy will be capable of providing services that meet the day to day needs of both workers and residents in the area.
To encourage employment opportunities.	The proposed commercial tenancy will provide employment generating floor space while the residential units will support the delivery of employment opportunities in the local area.
To promote land uses with active street frontages.	The ground floor commercial tenancy has been designed to provide access from both frontages it presents to, ensuring an active frontage. A colonnade built form, in lieu of an awning, has been provided above the main entry point fronting Botany Road as required under the Sydney DCP and relevant active frontages requirements.
To provide for land uses that support the viability of adjoining industrial land uses.	The proposal will not preclude the delivery of viability of industrial uses within the wider area.

Table 3: Consistency with E3 zone objectives

5.2.2. Improved Urban Design outcomes

Section 1.3(g) of the EP&A Act provides that it is an objective of the Act to:

> *to promote good design and amenity of the built environment …*

The proposed development has been designed in accordance with the planned capacity for the site, which is essential in providing affordable housing to assist in meeting housing targets under the Employment Lands Affordable Housing Strategy.

It is important to reiterate that the departure from the FSR development standard is directly related to the inclusion of some balconies within GFA calculations given increased balustrade heights to ameliorate acoustic impacts. On this basis, the additional FSR does not contribute to any perceivable bulk or scale of the building.

In summary, the proposed FSR variation is considered acceptable in regard to its urban design and responsiveness to the local context for the following reasons:

- The non-compliant component of the FSR is limited to areas of private open space and consequently does not contribute to any perceivable bulk or scale of the building, as balconies are recessed behind higher glass balustrades.
- The exceedance in FSR does not give rise to any additional amenity impacts.
- The exceedance is minor in nature and comparable to those approved in the locality as detailed in Section 5.1.3.
- The proposed FSR will allow for a building with landmark qualities - an instantly recognisable development, which is desirable for a site of this location and importance.



Figure 3: Montage of northern elevation (Source: DHO)

5.2.3. The proposed development is consistent with the relevant strategic state and regional plans

The proposal is consistent with the relevant strategic state and regional plans as outlined at in the below table.

Document	Comment
Greater Sydney Region Plan & Eastern City District Plan	• The proposed development will ensure additional housing within an area identified for growth given its' proximity to transport infrastructure. • The site presents an urban renewal opportunity close to a transport centre where links for walking and cycling are constantly being upgraded aligning with the objective. It will also aid in contributing to the housing supply targets for the *Eastern City District.* • The proposal includes the provision of affordable housing to meet the challenges of delivering a diversity of housing types. This will allow for a range of income levels to afford housing within close proximity to central Sydney. • The proposal nurtures quality lifestyles through well-designed housing in neighbourhoods close to transport and other infrastructure • The development aligns growth with infrastructure, including transport, social and green infrastructure, and delivering sustainable, smart and adaptable solutions
City Plan 2036: Local Strategic Planning Statement (LSPS)	The proposal directly aligns with the following priorities under the LSPS: • Priority 2: Align development and growth with supporting infrastructure • Priority 6: New homes for a diverse community • Priority 12: Open, accountable and collaborative planning
Employment Lands Affordable Housing Program	• The objectives of this program recognise affordable housing as critical social infrastructure necessary to support sustainable employment growth and efficient business in the City of Sydney LGA. • The proposal will delivery 111 affordable housing units in accordance with the objectives of this program

Table 4: Consistency with strategic plans

6. Conclusion

Clause 4.6 allows for flexibility in the application of development standards in appropriate circumstance and this Request has been shown to satisfy the provisions of 4.6(3) and 4.6(4) of the SLEP 2012.

The proposed FSR variation is justified for the following reasons:

- The departure from the FSR development standard is only due to the increased balustrade height provided to balconies for acoustic amelioration of apartments adjacent the Botany Road frontage. As per the definition of GFA under the SLEP 2012, these balconies are therefore required to be included in FSR calculations.
- The balconies utilise a glass screen for noise attenuation purposes which are largely indiscernible when viewed from the street. This ensures the bulk and scale of the development remains suitable and is consistent with both the Concept DA approval and emerging character of the area.
- The proposed development remains consistent with the applicable strategic planning framework as it aligns within the planning capacity envisioned for the site under the *Employment Lands Affordable Housing Program and City Plan 2036*.
- The technical FSR increase allows for additional floor space to facilitate affordable housing to align with the strategic planning for the locality.
- The proposal is consistent with the future character of the area, noting recent approved developments in proximity to the site.
- The proposed development achieves the objectives of the E3 zone and the Floor space ratio development standard despite the non-compliance.
- The FSR increase does not restrict the ability for the proposed development from providing a high quality urban design outcome that is considerate of adjoining land uses and built form as:
    - It incorporates substantial articulation and a stepped built form that responds to the noise impacts experienced at the Botany Road frontage.
    - It provides a curved built form at the Ashmore Connector Road frontage that reduces perceived bulk and scale at the pedestrian scale.
    - The proposed FSR variation does not give rise to any additional amenity impacts for surrounding development.

Overall, and for the reasons set out above, the proposed development represents a superior outcome for the site that is justified. Therefore, it is appropriate that the development standard be varied as proposed in this application.

Item 6.

Development Application: 265-273 George Street, Sydney - D/2024/367

File No.: D/2024/367

Summary

Date of Submission:	15 May 2024, amended on 25 September, 11, 24 and 29 October 2024
Applicant:	The Trustee for 60 Margaret Street Sydney Property Trust No. 1
Developer:	Ashe Morgan
Owner:	60 Margaret Street Sydney Property No. 1 Pty Ltd 60 Margaret Street Sydney Property No. 2 Pty Ltd
Architect:	Grimshaw
Planning Consultant:	Ethos Urban
DAP:	1 August 2024
Cost of Works:	$74,967,889.00
Zoning:	The site is zoned SP5 Metropolitan Centre under the Sydney Local Environmental Plan 2012. The proposed development maintains the existing use of the site, which is defined as a 'mixed-use development', comprising business premises, retail premises, food and drink premises, and indoor recreation facilities (gym), all of which are permissible with consent.
Proposal Summary:	Development consent is sought for the demolition and construction of a new podium, reconfiguration of the existing plaza on Margaret Street, alterations to level 3 (basement) loading and end of trip facilities, and the provisions of new awnings. The new podium will accommodate retail tenancies, food and drink premises, office tenancies and a gym.

The application is referred to the Central Sydney Planning Committee (CSPC) for determination as the proposed development is defined as a "major development" for the purposes of the City of Sydney Act 1988.

The application is not required to undergo a competitive design process in accordance with clause 6.21D of the Sydney Local Environmental Plan 2012. Notwithstanding, the proposal has been reviewed by the City's Design Advisory Panel, and subsequently amended to incorporate the necessary design refinements to positively address the panel's comments.

The application has also been amended, and additional information submitted, to address issues identified by City staff during assessment. The key issues relate to:

- design amendments to better respond to the datum height of the former Telford Trust Building (261 George Street); and the more solid facade in the immediate surrounds;

- modifications to increase the provision of on-site loading and servicing facilities and end of trip facilities; and

- additional information to demonstrate acceptable external passive shading, stormwater management, and traffic management.

The application was notified and advertised for a period of 28 days between 16 May and 14 June 2024. One (1) submission was received, which requests conditions be imposed to manage construction-related impacts to neighbouring properties. The issues raised in the submission are addressed in the report and appropriate conditions of consent are recommended in Attachment A to address these issues.

As a result of the site area and the scope of works, the proposal triggers the following requirements of the Sydney Local Environmental Plan 2012:

- the preparation of the site-specific development control plan (or Stage 1 DA) under the provisions of Clause 7.20; and

- that a competitive design process be undertaken pursuant to Clause 6.21D.

It is recommended that the consent authority consider both these requirements to be unreasonable and unnecessary in this instance as the scope of works is limited to alterations and additions to the basement and podium of the existing tower building. The works themselves are not of a scale that would trigger a competitive design process on their own. The technical trigger is that the works are on a 1500 sqm site associated with an existing tower over 55m. Waiver for podium upgrades has been granted in previous circumstances. It is considered that the undertaking of both a site-specific DCP (exploration of built form options) and competitive design process (for major buildings) would have limited or no value on this site due to the scope of works, the existing built form and the quality of the design.

Subject to conditions, the proposal is generally compliant with the relevant planning provisions contained in the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012. Any non-compliances have been assessed as having merit in the context of the site and are addressed in this report.

The proposed development is considered to exhibit a high standard of architectural design, materials and detailing. The proposed development presents a high-quality outcome, comprises an appropriate response to the site conditions and locality and will result in a podium that better respond to the desired future character of the area.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

(i) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021

(ii) City of Sydney Act 1988 and City of Sydney Regulation 2016

(iii) SEPP (Transport and Infrastructure) 2021

(iv) SEPP (Biodiversity and Conservation) 2021

(v) SEPP (Sustainable Buildings) 2022

(vi) Sydney Local Environmental Plan 2012

(vii) Sydney Development Control Plan 2012

(viii) Sydney Landscape Code 2016 - Volume 2

(ix) City of Sydney Guidelines for Waste Management in New Developments

(x) City of Sydney Guidelines for Public Art in Private Developments 2006

(xi) Central Sydney Development Contribution Plan 2020

(xii) City of Sydney Affordable Housing Program 2023

(xiii) City of Sydney Community Engagement Strategy and Community Participation Plan 2023

Attachments:

A. Recommended Conditions of Consent

B. Selected Drawings

C. Submission

Recommendation

It is resolved that:

(A) the requirement under clause 7.20(3) of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable and unnecessary in the circumstances;

(B) the requirement under clause 6.21D(2) of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable and unnecessary in the circumstances; and

(C) consent be granted to Development Application D/2024/367 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

(A) The proposed development satisfies the objectives of the Environmental Planning and Assessment Act 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.

(B) The proposed development generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.

(C) The proposal complies with the maximum floor space ratio development standard in Clauses 4.4, 6.4, 6.6 and 6.9 of the Sydney Local Environmental Plan 2012, and an appropriate condition is recommended to require the allocation of heritage floor space in accordance with Clause 6.11 of the Sydney Local Environmental Plan 2012.

(D) The proposed development complies with the maximum height of building development standard and the Wynyard Park sun access plane in accordance with Clauses 4.3 and 6.17 of the Sydney Local Environmental Plan 2012.

(E) The architectural design, facade articulation, and materiality of the proposal combine to achieve a high-quality design outcome to satisfy the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.

(F) The proposed development has a height, scale and form suitable for the site and its context, and subject to conditions, satisfactorily respond to the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the broader locality.

(G) Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites.

(H) The public interest is served by the approval of the proposed development subject to recommended conditions imposed relating to the appropriate management of associated potential environmental impacts.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 100 DP597228, and has a street address of 265-273 George Street, Sydney. The site is irregular in shape with area of approximately 4,464m². It has a street frontage to Jamison Street to the north, George Street to the east, and Margaret Street to the south.

2. The site contains a 36 storey development comprising a triangular tower, a 3 storey podium, and 3 levels of basement. The podium is commonly referred to as the 'MetCentre', and can be accessed from all three frontages. The main lobby for the commercial tower is located on Margaret Street; while vehicular access to the basement is located on Jamison Street.

3. The site also contains a private plaza in the southwestern corner and a through-site link connecting Margaret Street and Jamison Street along the western edge of the tower. The existing building onsite is connected to the Wynyard train station by a tunnel that runs under Margaret Street, and the site is approximately 80m south of the Bridge Street light rail stop.

4. The existing triangular tower was designed as a response to the T-shape of the site, and the podium originally designed as an elevated 3-storey banking chamber accessed via escalators at the corner of George Street and Margaret Street (Figure 8). The podium, however, has been substantially altered over time, resulting in irregular street setbacks and various steps and terraces along Margaret Street.

5. The surrounding area is characterised by a mixture of land uses, primarily being commercial in nature, including to the:

   (a) north, at 255 and 259 George Street, two commercial towers with a shared retail plaza on the ground floor;

   (b) northeast, at 263 George Street, a 4-storey commercial building with ground floor retail, and at 261 George Street, a heritage-listed 9-storey former Telford Trust Building;

   (c) northwest, at 11-19 Jamison Street, is a 36-storey hotel;

   (d) east, the heritage-listed Australia Square, with its forecourt and its circular tower recessed from George Street;

   (e) south, at 275 George Street is a 15-storey commercial development with ground floor retail, and the heritage-listed 'Shell House' building at 2 Carrington Street; and,

   (f) southwest, is the heritage-listed Wynyard Park, which is an important public space and a major public transport node.

6. The site itself is not a heritage item, nor located within a heritage conservation area. It is, however, located within the Wynyard Park/Lang Park special character area. As demonstrated by a site-specific flood report, the site is not affected by flooding.

7. A site visit was carried out on 17 July 2024. Photos of the site and surrounds are provided below:

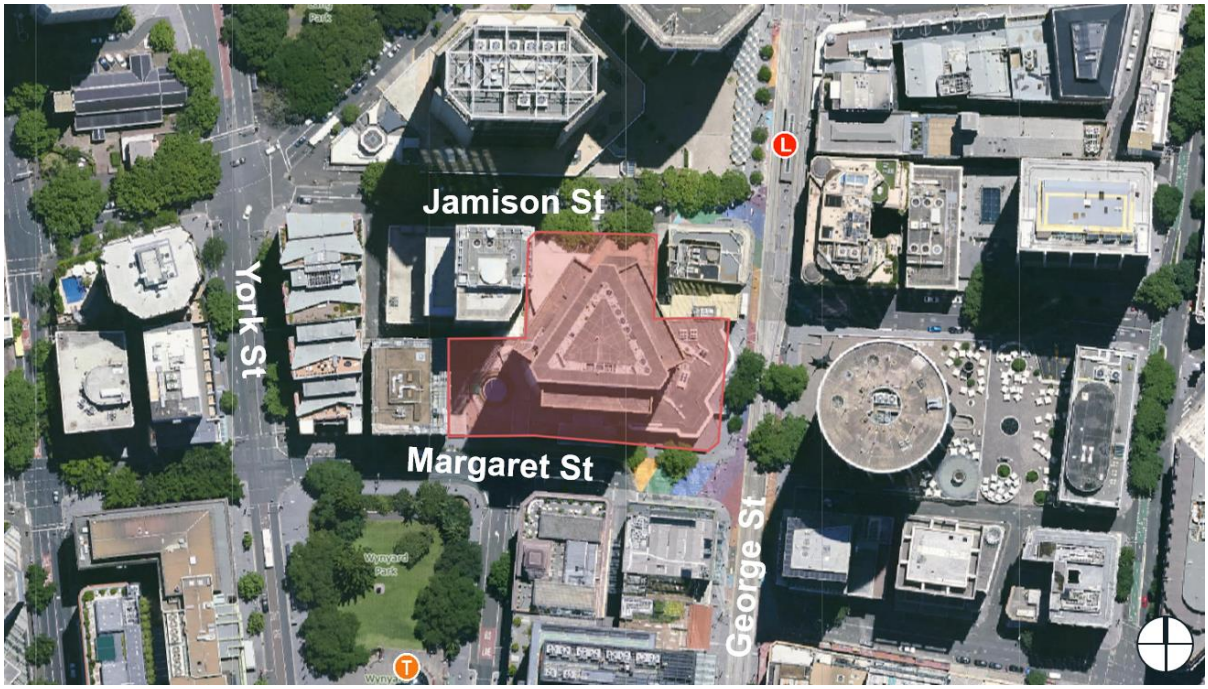


Figure 1: Aerial view of site and surrounds

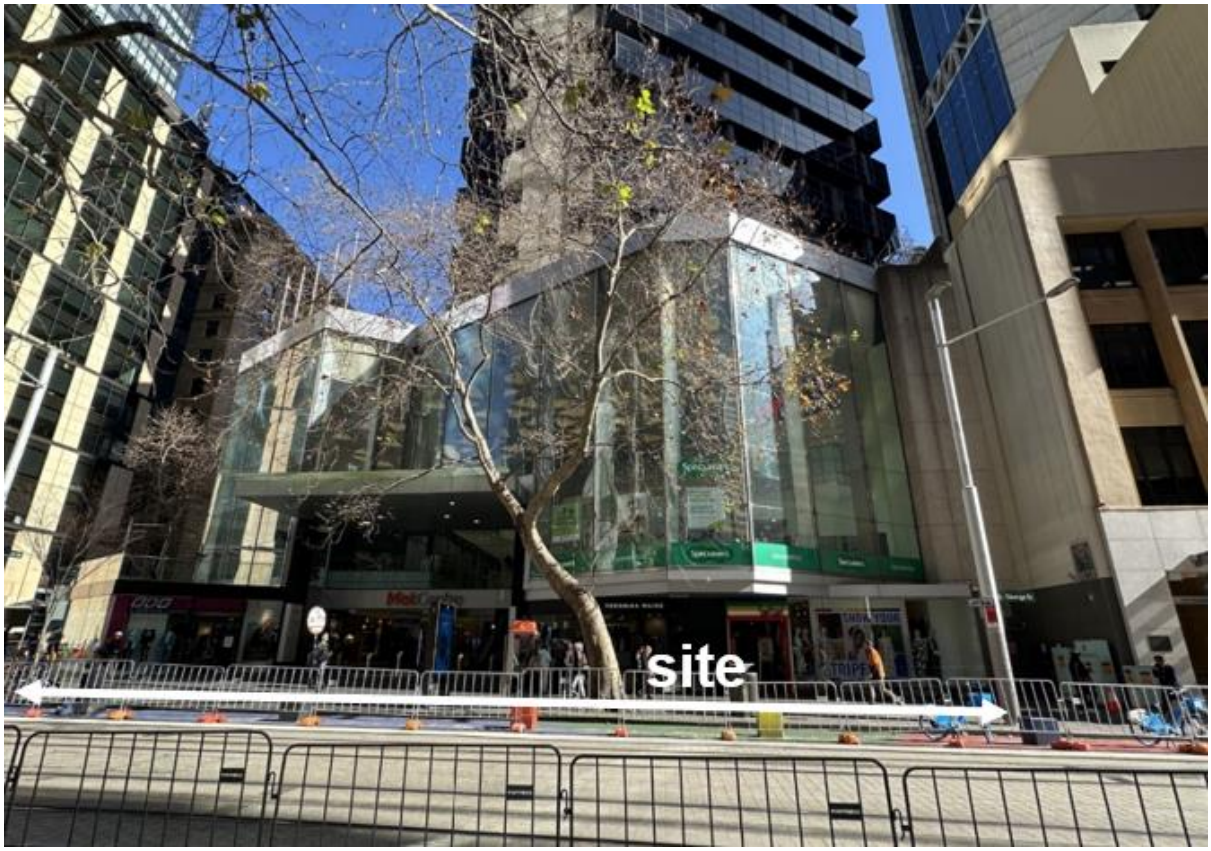


Figure 2: Site viewed from George Street

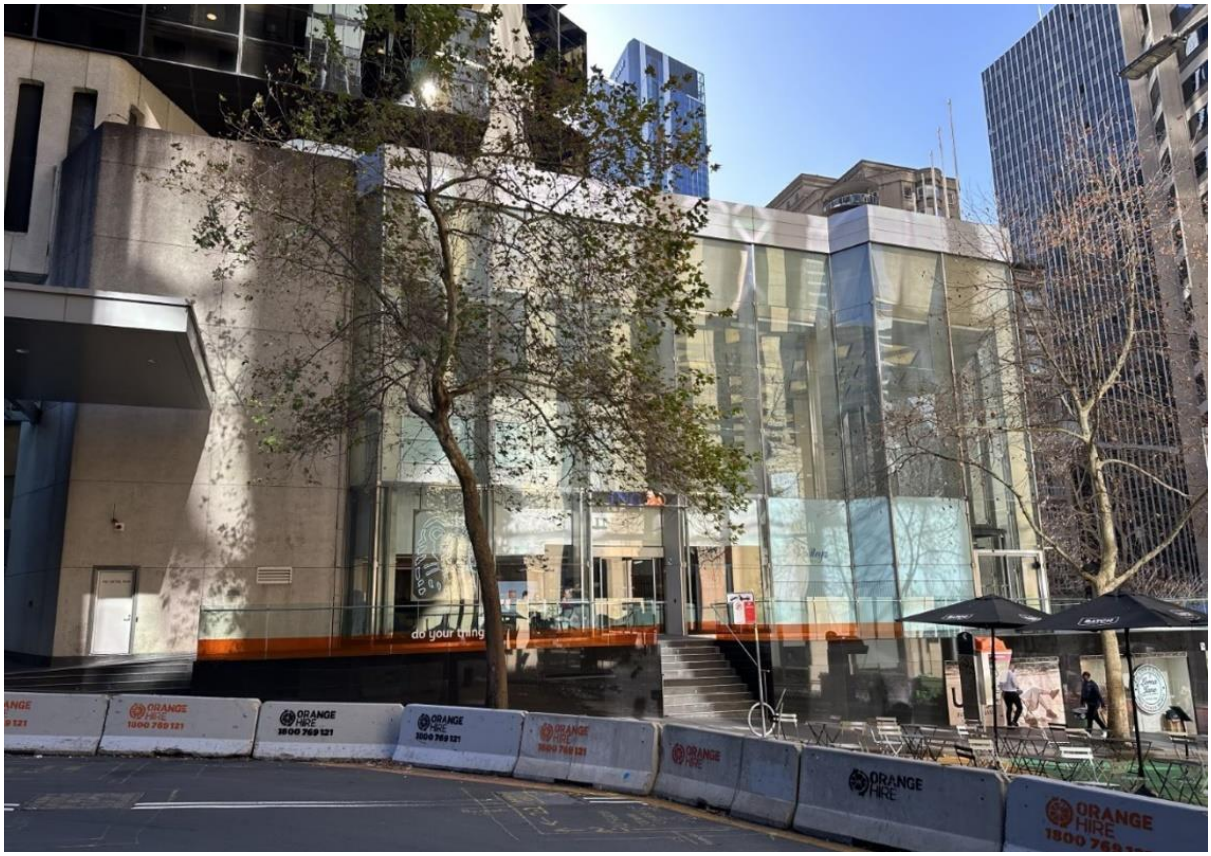


Figure 3: Site viewed from Margaret Street



Figure 4: Site viewed from Margaret Street



Figure 5: Existing plaza viewed from Margaret Street



Figure 6: Site viewed from Jamison Street

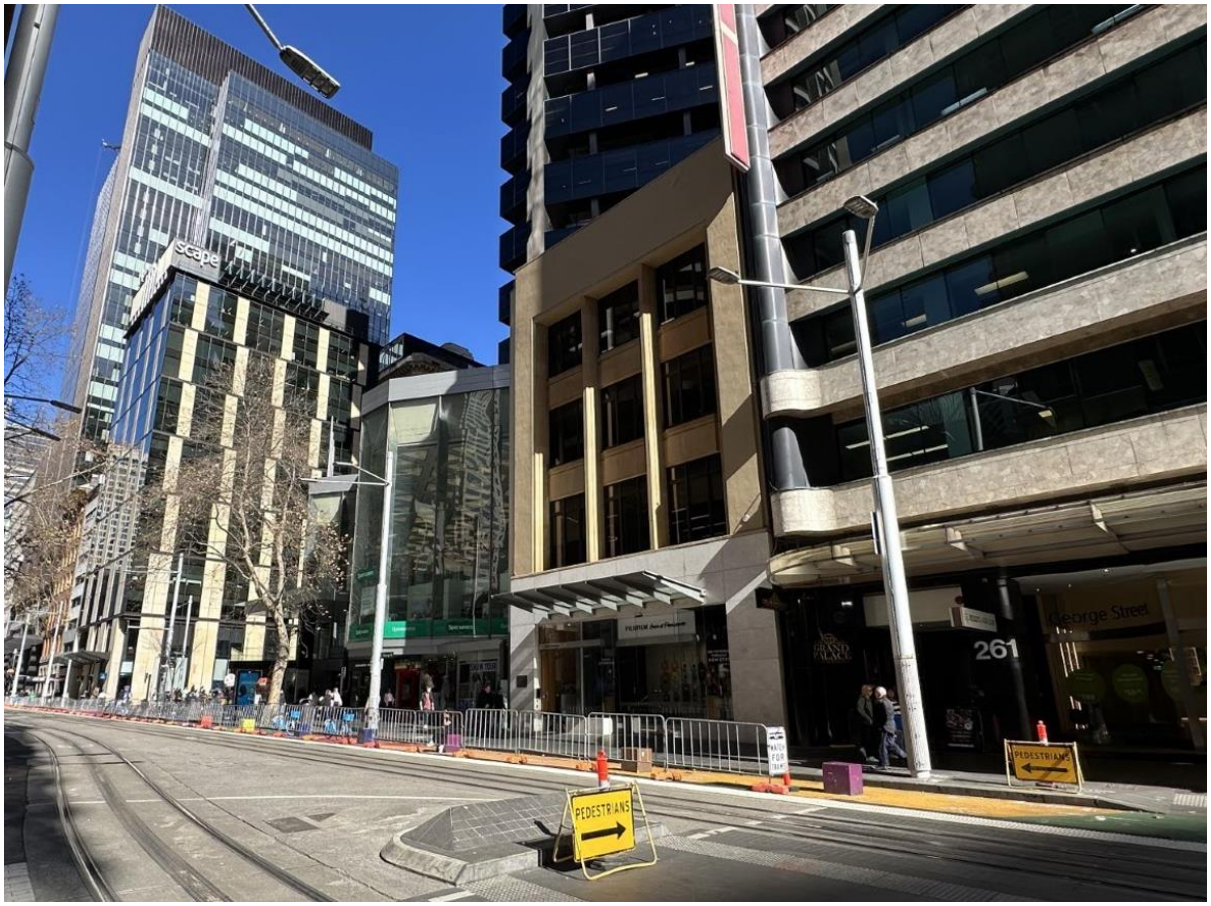


Figure 7: Site viewed from George Street, and neighbouring properties



Figure 8: The original podium shortly after its completion in circa 1980

History Relevant to the Development Application

Development Applications

8. The following applications are relevant to the current proposal:

- **D/2017/1068** – Development consent was granted on 12 September 2017 for demolition of existing shower areas and store room, removal of 11 car parking spaces and relocation of 2 car spaces; and construction of new end of journey facilities on level 3 (basement).

  A restriction of title has been registered on 23 May 2018 to limit the use of the end of journey facilities as such facilities benefit from the end of journey floor space under clause 6.6 of the Sydney LEP 2012.

George Street North Pedestrianisation

9. The George Street North Pedestrianisation project was approved by the Council on 12 December 2022 to extend the George Street pedestrian boulevard between Hunter Street and Alfred Street. The project includes, as relevant to the subject application, footpath widening, traffic changes, permanent road closure of Margaret Street and Jamison Street, and the creation of a shared zone on Margaret Street (Figure 9).

10. As part of the George Street North Pedestrianisation project, additional drainage, including the need for an underground onsite detention tank underground in Margaret Street public domain is currently being explored. The project is being designed to ensure no adverse impacts to properties downstream, including the property frontage of the subject site and Sydney Light Rail.

11. The proposed development has been coordinated with the design of the George Street North Pedestrianisation project, and the applicant has been liaising with the City's Construction Regulation Unit to coordinate the delivery of the proposed development concurrently with the George Street North Pedestrianisation project.

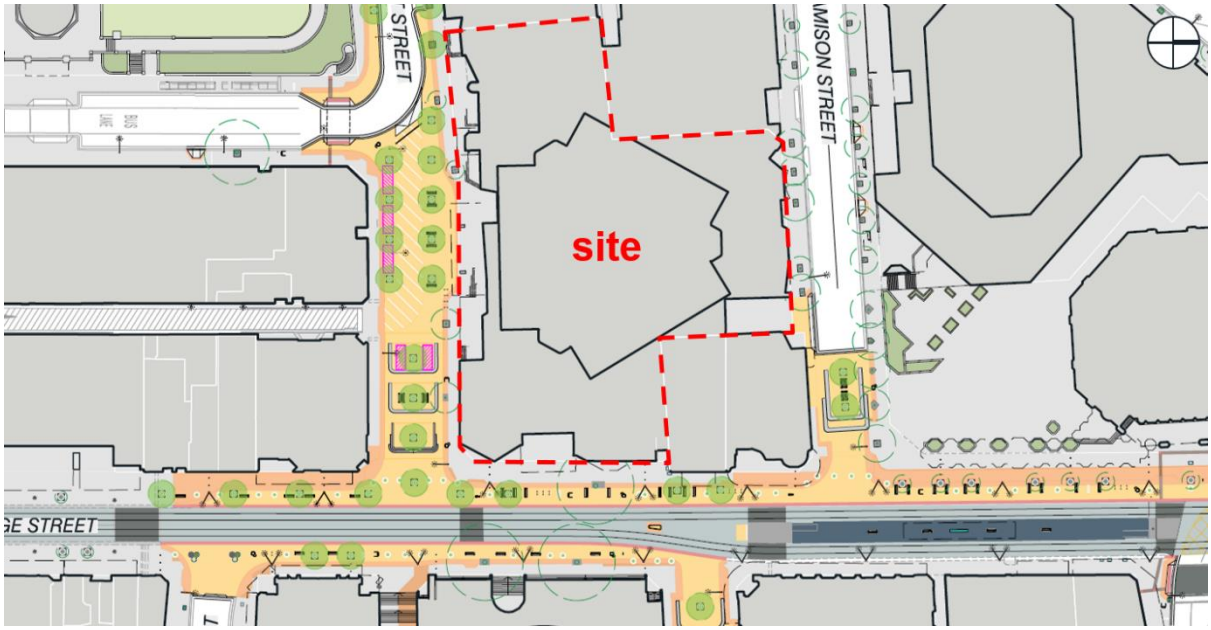


Figure 9: Planned public domain upgrades on Margaret Street, George Street, and Jamison Street

Amendments

12. Following an assessment of the proposed development by City staff, a request for additional information and amendments was sent to the applicant on 22 August 2024. The following were requested:

    (a) amend the design of the Margaret Street and George Street corner to better respond to the street wall height of the former Telford Trust Building at 261 George Street, and to provide greater solidity to the podium facade to better response to the more solid street walls in the immediate surrounds;

    (b) additional details to demonstrate the efficacy of the proposed horizontal shading to the Jamison Street elevation;

    (c) evidence of consultation with the original architect to address the moral rights provisions of the NSW Architects Code of Professional Conduct;

    (d) additional loading and servicing facilities and end of trip facilities to support the proposed additional retail and commercial floor space;

    (e) updated waste management plan; public art plan, wind assessment report, and floor space calculations to support any amended design; and

    (f) updated stormwater concept plan and water sensitive urban design assessment.

13. The applicant responded to the request on 25 September, 11, 24 and 29 October 2024, and submitted the requested information.

Proposed Development

14. The application, as amended, seeks consent for the following:

    - demolition and construction of a new 5-7 storey podium, with a sandstone 'base' and a uniform parapet height across all frontages
    - reconfiguration of the plaza, including new access ramp, stairs, and food and drink tenancies
    - provision of new awnings along George Street, and at the entrances on Margaret Street and Jamison Street
    - reconfiguration of existing retail and food court tenancies on levels 4 and 5 and the gym on levels 6 and 7
    - provision of new office tenancies within the upper levels of the podium
    - alterations to level 3 (basement) to provide 2 additional loading bays, and modify the existing end of trip facilities to include additional bicycle parking spaces, showers, and lockers.

15. Selected drawings of the proposed development are provided below.



Figure 10: Proposed level 3 (basement) plan



Figure 11: Proposed level 4 plan



Figure 12: Proposed level 5 plan



Figure 13: Proposed level 6 plan



Figure 14: Proposed level 7 plan



Figure 15: Proposed level 8 plan

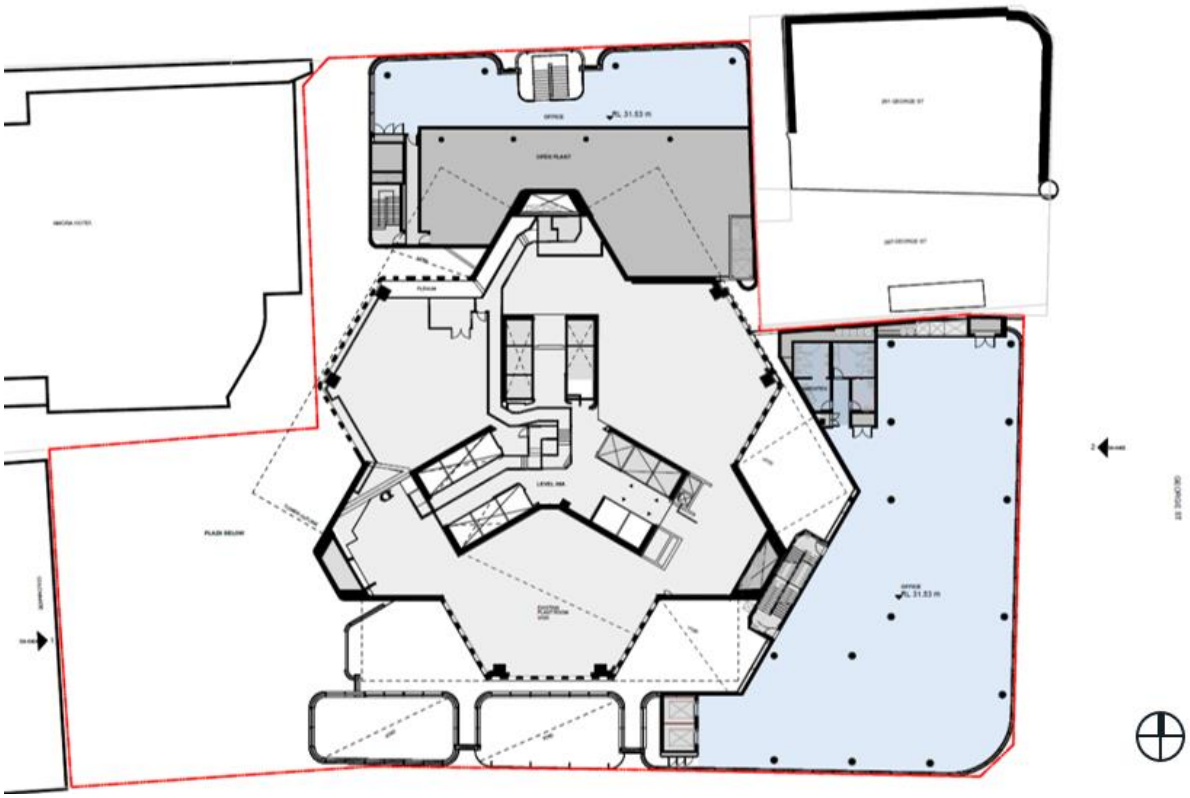


Figure 16: Proposed level 8A plan

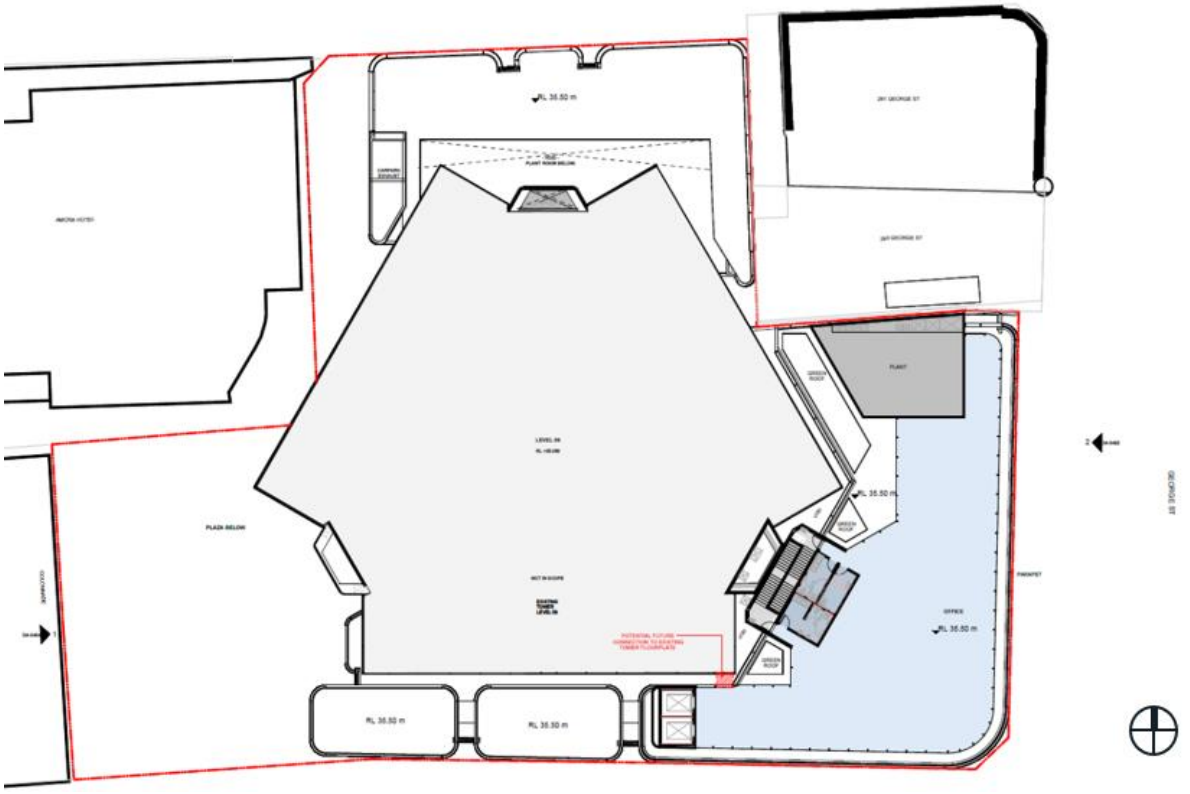


Figure 17: Proposed level 9 plan

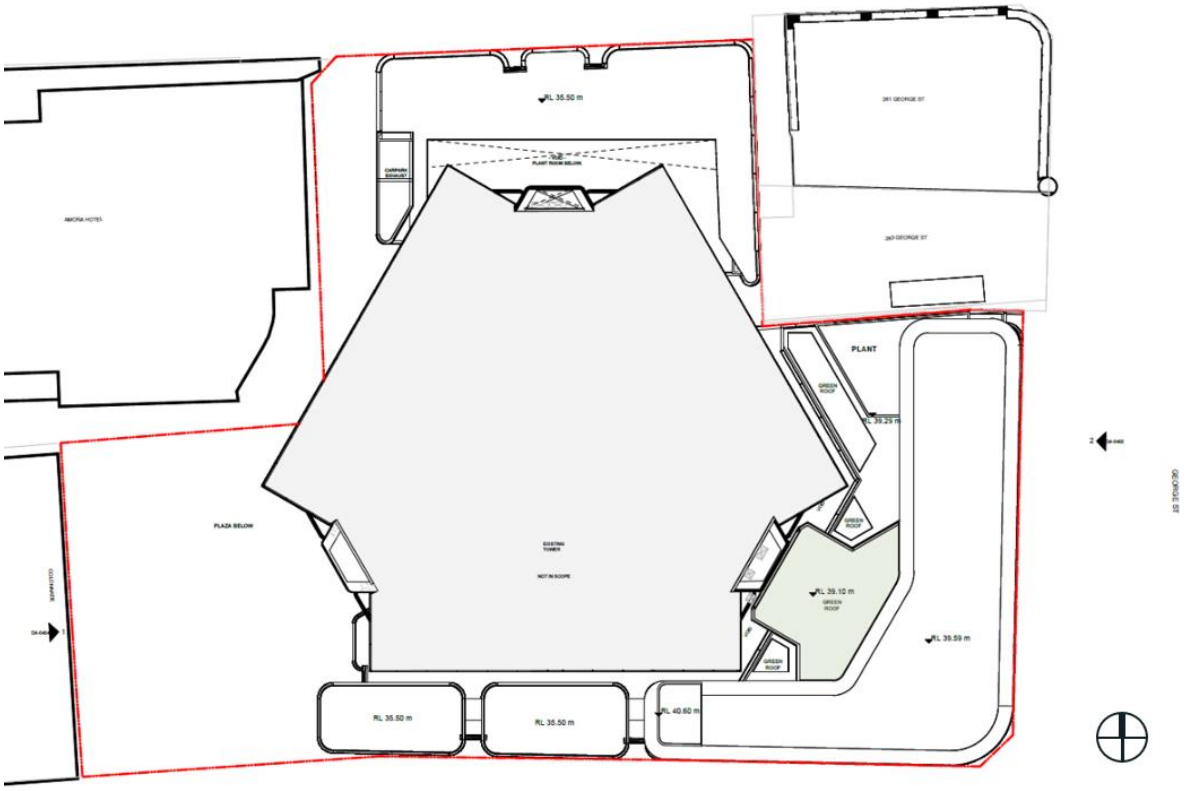


Figure 18: Proposed roof plan

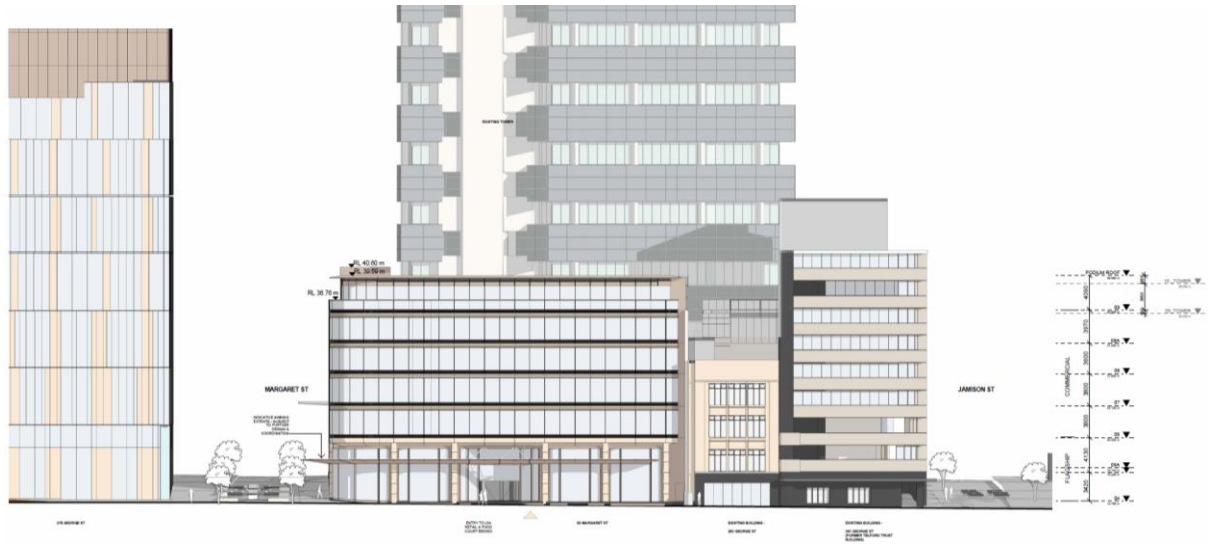


Figure 19: Proposed east elevation - George Street



Figure 20: Proposed south elevation - Margaret Street

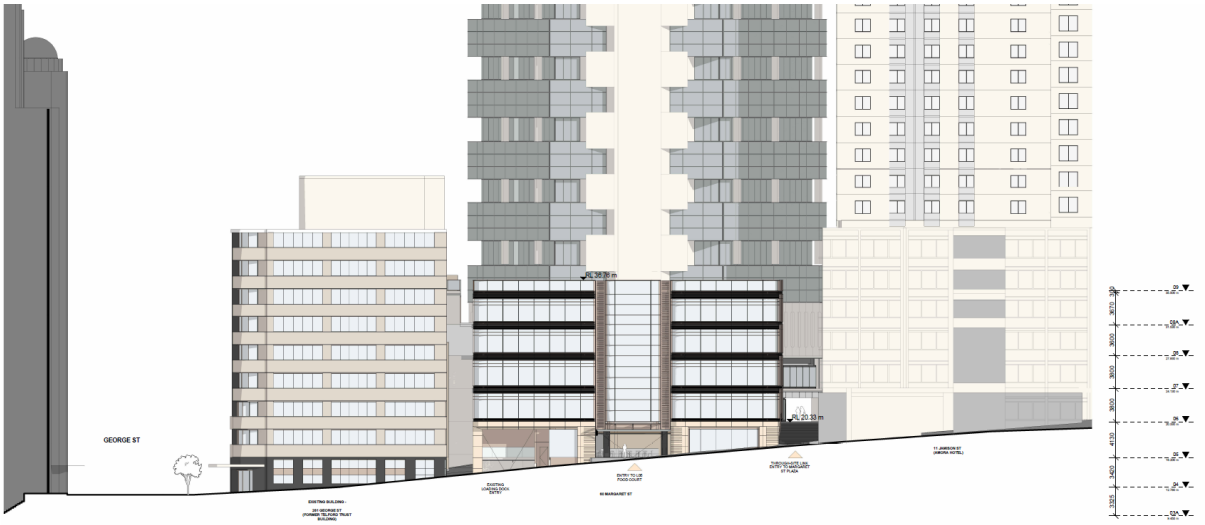


Figure 21: Proposed north elevation - Jamison Street

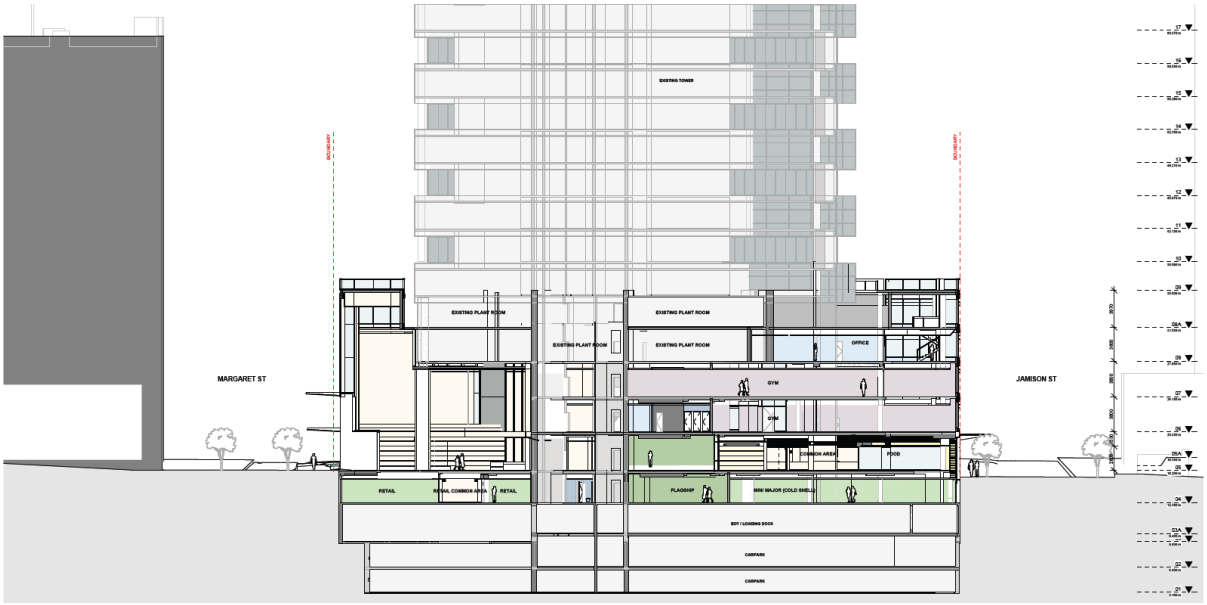


Figure 22: Proposed north-south section through the centre of the site



Figure 23: Proposed north-south section through the George Street podium

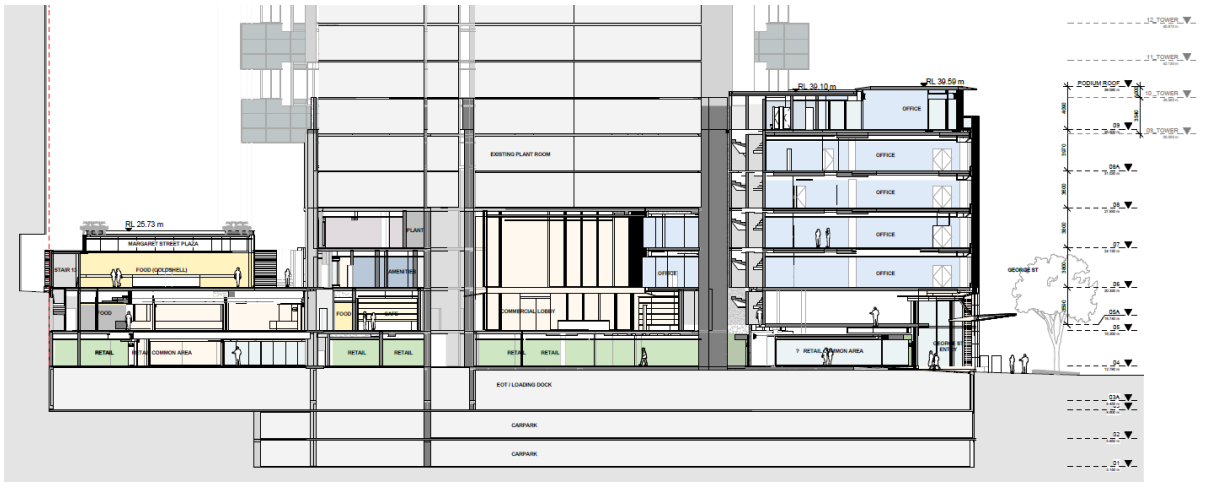


Figure 24: Proposed east-west long section

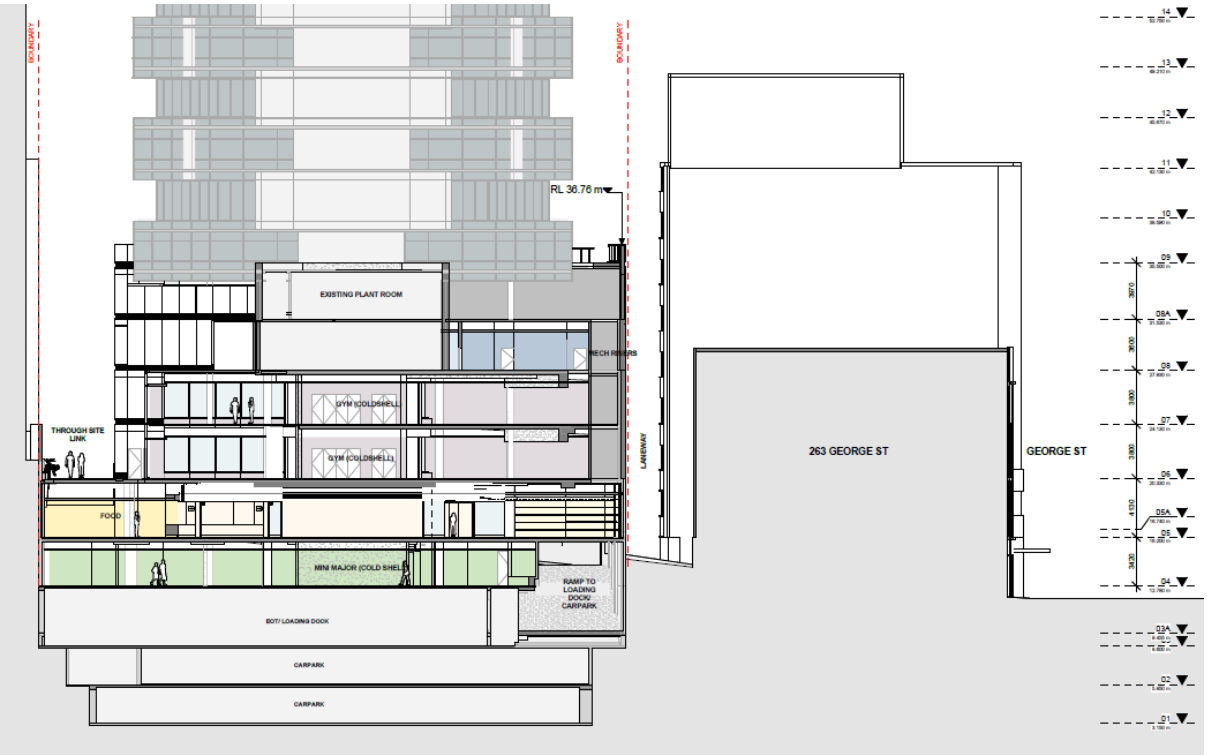


Figure 25: Proposed east-west section through the Jamison Street podium



Figure 26: Artistic impression - viewed from the corner of Margaret Street and George Street

Assessment

16. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Sustainable Buildings) 2022

17. The proposed development is subject to Chapter 3 of the Sustainable Buildings SEPP as it is a non-residential development that involves the alterations of an existing building with an estimated development cost of more than $10 million, and is defined as a 'large commercial development.

18. Appropriate documentation has been submitted to adequately address the relevant considerations and to demonstrate that the proposed development can achieve the relevant energy and water use standards. Conditions of consent are recommended to ensure that the development achieves the required standards. Refer to the 'Discussion' section below for details.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.97 – Excavation in, above, below or adjacent to rail corridors

19. The subject site is adjacent to the George Street light rail corridor. In accordance with section 2.97 of the Transport and Infrastructure SEPP, the subject DA was referred to Transport for NSW (TfNSW) for comment.

20. TfNSW provided comments on 5 August 2024 raising no objections to the proposed development subject to recommended conditions to protect light rail infrastructure and operation and to manage any likely traffic and pedestrian impacts.

21. The recommended conditions have been included in Attachment A.

Clause 2.102 – Excavation in, above, below or adjacent to rail corridors

22. The subject site is located within the Interim Metro Corridor. In accordance with section 2.102 of the Transport and Infrastructure SEPP, the subject DA was referred to Sydney Metro for comment.

23. Sydney Metro provided comments on 6 November 2024 raising no objections to the proposed development and recommending no conditions.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 (Vegetation in Non Rural Areas) 2017

24. The proposal includes the clearing of vegetation in a non-rural area and is subject to Chapter 2 of the Biodiversity and Conservation SEPP, which states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.

25. The subject DA proposes to remove 1 existing street trees, being a London Plane on Margaret Street. The street tree is not within of the curtilage of a heritage item, separately identified as heritage items, or located within a heritage conservation area. Therefore, development consent can be granted for the removal of the street tree, and the proposed removal is considered acceptable as discussed under Section 3.5 of the DCP below.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 10 Sydney Harbour Catchment

26. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to Chapter 10 of the Biodiversity and Conservation SEPP, which requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.

27. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

28. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the SP5 Metropolitan Centre zone. The proposed development is defined as a mixed-use development, comprising office premises, retail premises, and indoor recreational facilities (gym), which are all permissible with consent in the zone. The proposed development is also consistent with the zone objectives.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	A maximum building height of 30m-235m is permitted. The proposed development will not alter the existing height of the tower, and the

Provision	Compliance	Comment
		new podium has a compliant maximum height of 27.51m.
4.4 Floor space ratio (FSR) 6.4 Accommodation floor space 6.6 End of journey floor space 6.9 Opportunity site floor space	Yes	A maximum FSR of 13.6:1 (60,710.4m²) is permitted by the following: • base FSR of 8:1 under clause 4.4; • accommodation floor space of up to 4.5:1 under clause 6.4; • end of journey floor space of up to 0.3: 1 under clause 6.6; and • opportunity site floor space of up to 0.8:1 under clause 6.9. The site has an existing FSR of 12.14:1 (54,172m²), which include the gross floor area contributed by the 54 car parking spaces beyond the maximum 89 car parking spaces permitted under Part 7 Division 1 of this LEP; and the existing 404m² of end of journey floor space. The proposed development results in an increase of 5,404m² of additional floor space (including 5m² of additional end of journey floor space). Thus, a compliant FSR of 13.35:1 (59,576m²) is proposed.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	While the site is not a heritage item nor located within a heritage conservation area, it is located adjacent to several heritage items, including the former Telford Trust Building at 261 George Street to the northeast, Australia Square to the east, and 'Shell House' and Wynyard Park to the south. The proposed development is not considered to adversely affect the setting, aesthetic value, or heritage significance of the neighbouring heritage items, and is considered acceptable from a heritage perspective.

Provision	Compliance	Comment
5.21 Flood planning	Yes	The subject site was initially identified to be affected by the Probable Maximum Flood. A site-specific flood assessment report has been submitted and reviewed by the City's Water Asset Unit, confirming that the proposed development is not flood affected, and therefore compliance with the City's Interim Floodplain Management Policy is not necessary.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
6.6 End of journey floor space	Yes	The proposed development will increase the size of the existing end of journey facilities on level 3 (basement) from 404m² to 409m². A condition is recommended in Attachment A to require the existing restrictive covenant on title to be modified/replaced to ensure the proposed larger end of journey facilities will be maintained for that use at all times, and excluded from the overall calculation of FSR.
6.9 Opportunity site floor space	Yes	The proposed development is eligible for up to 0.8:1 of 'opportunity site floor space' as it satisfies the requirements of: • clause 6.9(2) as it involves the infilling of existing setback areas adjoining a public road, and the reconfiguration of access between the street and the existing building; and, • clause 6.9(3) as it improves the amenity of the area immediately around the site, improves weather protection to pedestrians with new awnings, improves the podium's built form response to neighbouring buildings; and together with the George Street North Pedestrianisation project, improves traffic safety and pedestrian movement around the site.

Provision	Compliance	Comment
6.11 Allocation of heritage floor space (**HFS**)	Yes	Subclause (1) states that HFS is required to be allocated to the site equal to 50% of the accommodation floor space and/or opportunity site floor space utilised. Subclause (2) allows the required HFS to be reduced by 250m², considering the development maintains covered pedestrian routes connecting Margaret Street, George Street and Jamison Street. In accordance with subclause (3), the required HFS is calculated solely on the additional floor space created by the proposed development, being 5,399m² (utilising 2,032m² of accommodation floor space, and 3,367m² of opportunity site floor space). After applying a 250m² reduction under subclause (2), a total of 2,449.5m² of HFS is required and a condition is included in Attachment A to require the HFS to be purchased and allocated. *Note: The 409m² of end of journey floor space allowable under clause 6.6 have been excluded in the above calculations.*
6.17 Sun access planes	Yes	The proposed development only affects the podium component of the existing building. It does not alter the existing tower. It complies with the sun access plane for Wynyard Park.
6.21C Design excellence	Yes	The proposed development is underpinned by sound design principles to deliver a new podium that harmonises the various elevations and diverse site conditions between the site and its surrounds, including the use of a sandstone 'base' and a consistent podium height as two unifying height datums. The proposed development also adopts a strong horizontal emphasis as a contextual response to the heritage-listed former Telford Trust Building and the existing tower. The proposed development has also been amended to positively address the

Provision	Compliance	Comment
		recommendations provided by City's Design Advisory Panel, as detailed in the 'Discussion' section below. The amended proposal is considered to be of a high standard and uses materials and detailing which are both compatible with the existing developments along the street and will contribute positively to the character of the area. It achieves the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The proposed development is therefore considered to exhibit design excellence.
6.21D Competitive design process	Yes	While the existing tower on site exceeds 55m in height, and that the entire site area is greater than 1,500m², triggering the requirement of clause 7.20 for a site-specific development control plan, it is recommended that the requirement of undergoing a competitive design process be waived as it is unreasonable and unnecessary in this instances as detailed in the 'Discussion' section below.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development 7.1 Objectives and application of Division 7.6 Office premises and business premises 7.7 Retail Premises Other land uses	Yes	A maximum of 89 parking spaces are permitted for the site. The applicant submits that the site currently accommodates 143 parking spaces, and while the proposed development results in additional retail and office floor space, no additional car parking spaces are proposed. In accordance with clause 7.1(3), no reduction in the number of car parking spaces is required for an existing building. As such, the pre-existing numerical exceedance is considered acceptable, but the additional car

Provision	Compliance	Comment
		parking spaces would contribute to additional gross floor area, which have been included in the FSR assessment above.
7.13 Contribution of the purposes of affordable housing	Yes	The proposed development is subject to affordable housing contribution. See 'Financial contributions' section below.
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.
7.20 Development requiring or authorising preparation of a development control plan	Yes	This clause applies as the proposed development will increase the gross floor area of an existing building. While the site area is greater than 1,500m² and the existing tower on site exceeds 55m in height, a development control plan is not required to be prepared in this instance as it would be unreasonable and unnecessary in this instances as detailed in the 'Discussion' section below.
7.33 Sustainability requirements for certain large commercial development	Yes	The development satisfies the requirements of the sustainability requirements for large commercial development. Refer to the 'Discussion' section below.

Development Control Plans

Sydney Development Control Plan 2012

29. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

30. The site is located within the Wynyard Park/Lang Park Special Character Area. The proposed development is in keeping with the unique character and the design principles of the special character area in that:

    (a) it will uniform the street wall heights across the three street frontages, and improve the site's response to varying street wall heights along George Street; and

    (b) it will not result in any additional impact on the mid-winter lunchtime sun access to Wynyard Park and Lang Park.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements		
3.1.4 Public Open Space	Yes	The proposed development will preserve solar access to the Wynyard Park.
3.1.5 Public Art	Yes	A preliminary public art plan has been reviewed by the City's Public Art Unit and is considered acceptable. A condition is recommended requiring a detailed public art plan to be submitted for approval, and the installation of public art to the City's satisfactory.
3.1.6 Sites greater than 5,000m²	Yes	The proposed development will maintain the existing through-site link connecting Margaret Street and Jamison Street, and the reconfiguration of the plaza will activate the plaza and improve the legibility of the through-site link.
3.2.1 Improving the Public Domain 3.2.2 Addressing the street and public domain 3.2.3 Active frontage	Yes	The proposed development will preserve solar access to Wynyard Park while improving the site's address to Margaret Street, George Street and Jamison Street by reducing the extent of blank wall to Margaret Street; maximising entries and windows to shops, food and drink premises and lobbies, and improving the standard of finishes and architectural detail at street level.
3.2.7 Reflectivity	Yes	A Reflectivity Report has been submitted to demonstrate the proposed development can comply with the maximum light reflectivity of 20%, and verification prior to occupation is

Provision	Compliance	Comment
		required by a condition recommended in Attachment A.
3.2.8 External Lighting	Yes	A condition is recommended in Attachment A to require the lodgement of a separate application for any external floodlighting or illumination of the building or site landscaping.
3.3 Design Excellence and Competitive Design Processes	N/A	A competitive design process is not required for the proposed development as discussed against clause 6.21D of the LEP above.
3.5 Urban Ecology	Yes	The proposed development includes the removal of 1 existing street tree, being a London Plane on Margaret Street. The London Plane is identified to have a poorly developed form, and that replacement street trees will be provided along Margaret Street as part of the George Street North Pedestrianisation. As such, its removal is considered acceptable. Appropriate conditions are recommended to require the retention and protection of other existing street trees adjoining the site during construction of the proposed development.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies the relevant sustainability requirements. Please refer to the 'Discussion' section below.
3.7 Water and Flood Management	Yes	A site-specific floor report has been submitted to confirm that the proposed development is not affected by flooding. Adequate information has also been submitted to demonstrate an acceptable stormwater management solution and the achievement of improved stormwater quality to reduce the effects of stormwater pollution on receiving waterways.
3.9 Heritage	Yes	As discussed under Section 5.10 of the LEP above, the proposed development

Provision	Compliance	Comment
		is considered acceptable from a heritage perspective.
3.11 Transport and Parking	Acceptable	The proposed development will expand the existing end of trip facilities on level 3 (basement) to provide 12 additional bicycle parking spaces, 10 lockers, and a shower. The increased provision of end of journey facilities is anticipated to meet both existing and projected growth in demand for such facilities. The proposed development will also provide 4 additional loading spaces on level 3. While the overall number of loading spaces provided would represent a shortfall compared to the number of loading spaces recommended by the DCP, a condition of consent is recommended in Attachment A to require the preparation of a management plan to maximise efficiency and to avoid impact on the surrounding road networks.
3.12 Accessible Design	Yes	An accessibility report is submitted to confirm the proposed development is capable of complying with the accessibility requirements of the NCC and DDA standards.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.16 Signage and Advertising	N/A	No signage is included as part of this application. Notwithstanding, a condition of consent is recommended to require a signage strategy for the new podium in accordance with provision 3.16.1(1) as the new podium will contain more than 4 business premises.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed-Use Developments

Provision	Compliance	Comment
4.2.1 Building height 4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The proposed development maintains the existing floor-to-floor heights of the podium, including the 3.9m height on the ground floor and 3.59m height on the first floor. While these represents a variation to the recommended 4.5m and 3.6m floor to floor height, respectively, the proposed floor to floor heights are acceptable as the proposed development will allow high level of daylight access into the interiors and contribute to the flexible use of the podium.
4.2.4 Fine grain, architectural diversity and articulation	Yes	The proposed development has been designed to achieve fine-grain frontages on the ground levels, and an articulated upper storey facade that is appropriate in the context of the site.
4.2.6 Waste and recycling Management	Yes	A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Section 5 – Specific Areas

Section 5.1 Central Sydney

Provision	Compliance	Comment
5.1.1.2 Street frontage height and street setbacks in Special Character Areas	Yes	The site is located within the Wynyard Park /Lang Park special character area. The proposed development realigns the podium with the street boundaries to better reinforce the street alignment and define of the street corner. The proposed frontage heights are also compliant with the maximum frontage heights recommended for the site, and the inclusion of a rooftop pavilion at the corner of Margaret Street and George Street reflects the desired taller street wall height at that corner and along George Street.

Provision	Compliance	Comment
5.1.1.3 Side and rear setbacks and building form separations	N/A	The proposed development does not alter the siting of the existing triangular tower, which is designed to appear 'in the round' as desired by the relevant provisions.
5.1.3 Heritage items, warehouses and special character areas	Yes	The proposed development appropriately responds to the horizontal expression, splayed corner, and street wall height of the heritage-listed former Telford Trust Building at 261 George Street, bookending the street block when viewed along George Street while providing a more subservient height on Jamison Street when it is directly adjacent to the heritage building.
5.1.4 Building exteriors	Yes	The proposed development will significantly reinforce the street alignment on all 3 street frontages. It also appropriately responds to the horizontal emphasis of the heritage-listed former Telford Trust Building, and the existing triangular tower. The proposed development provides a predominantly glazed facade similar to the original podium, but with an increased solidity and masonry character through the masonry spandrels in the upper levels and the use of sandstone at the street levels to establish a masonry 'base'.
5.1.6 Heritage floor space	Yes	The proposed development relies on additional floor space. Therefore, heritage floor space is required to be allocated to the site. Appropriate conditions are recommended in Attachment A.
5.1.7 Sun protection of public parks and places	Yes	The proposed development will preserve solar access to Wynyard Park, compliant with the relevant sun access plane.
5.1.8 Views from public places	N/A	The subject site is not located within or near any of the views nominated on the Public Views Protection Maps.

Provision	Compliance	Comment
5.1.9 Managing wind impacts	Yes	A wind report based on the amended proposed development has been submitted. The report demonstrates that the surrounding public domain would achieve at least the wind comfort standard for standing while the plaza on Margaret Street will achieve the wind comfort standard for sitting, which are considered appropriate. The report also demonstrates that plaza and the surrounding public domain will comply with the relevant wind safety standard.

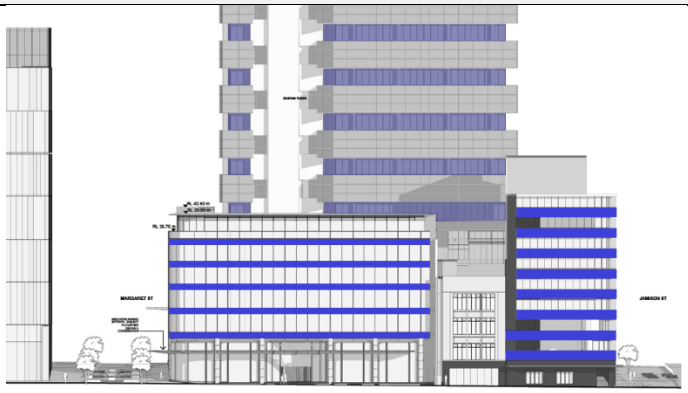
Discussion

Design Advisory Panel

31. The proposed development was considered by the City's Design Advisory Panel on 1 August 2024.

32. The proposed development has been subsequently amended to positively address the Panel's recommendations as detailed in the table below.

Recommendations	Response
More solidity in the proposed podium facade would reinforce the street wall and provide a better contextual response. Increasing the proportion of masonry (stone) in the podium facade would create a better contextual fit, which would also create opportunities for better integration with the existing tower, by referencing the tower's horizontal elements into the podium design for example.	The proposed development has been amended to increase the thickness of, and incorporate masonry elements into, the spandrels of the curtainwall facade to increase the solidity and masonry character of the facade. Consistent with the Panel's assessment, the curtainwall facade continues to have a strong horizontal emphasis as a contextual response to the heritage-listed former Telford Trust Building at 261 George Street and the existing triangular tower behind, as illustrated below:

Recommendations	Response
	 **Figure 27:** Horizontal expression diagram
The proposed podium height does not align with the dominant street wall height set by the former Telford Trust Building at 261 George Street. It appears that the proposed podium height has been set to not obscure views from the tower behind. Nevertheless, it would be good to express the street wall in some way.	The podium height was proposed as a unifying datum for the site, and was indeed set originally to avoid obscuring views from the existing tower behind (Figures 28 and 29). The parapet height of the former Telford Trust Building is also some 5.8m above the proposed podium height. As such, it is difficult to fully express the parapet height of the former Telford Trust Building without compromising the integrity of the proposed podium design. Notwithstanding, a pavilion addition that is setback from the podium's curtainwall facade is added to express a taller height datum as a response to the parapet height of the former Telford Trust Building while preserving the proposed podium height and the unifying datum that is presents. This is considered to be a sensitive and acceptable response.
Wind safety and comfort in the plaza on Margaret Street should be improved from standing to sitting if possible.	A wind report has been submitted to confirm that the plaza on Margaret Street will achieve the wind comfort standard for sitting as recommended.
Any glazing on corners must be curved and not facetted.	The updated design report prepared by the project architect, Grimshaw, has confirmed the use of curved glass on corners.

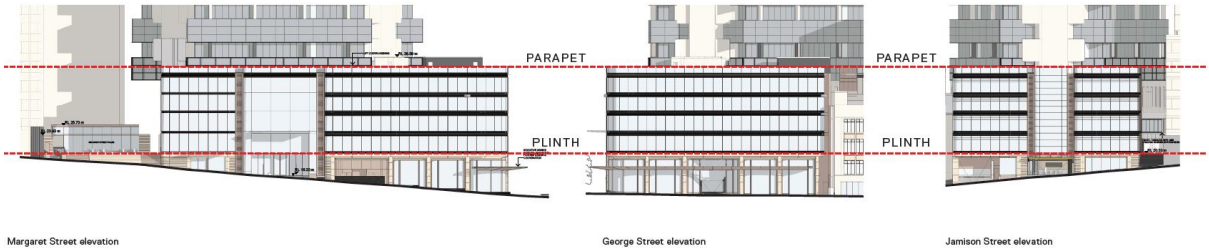


Figure 28: Unifying datum diagram of the original proposal

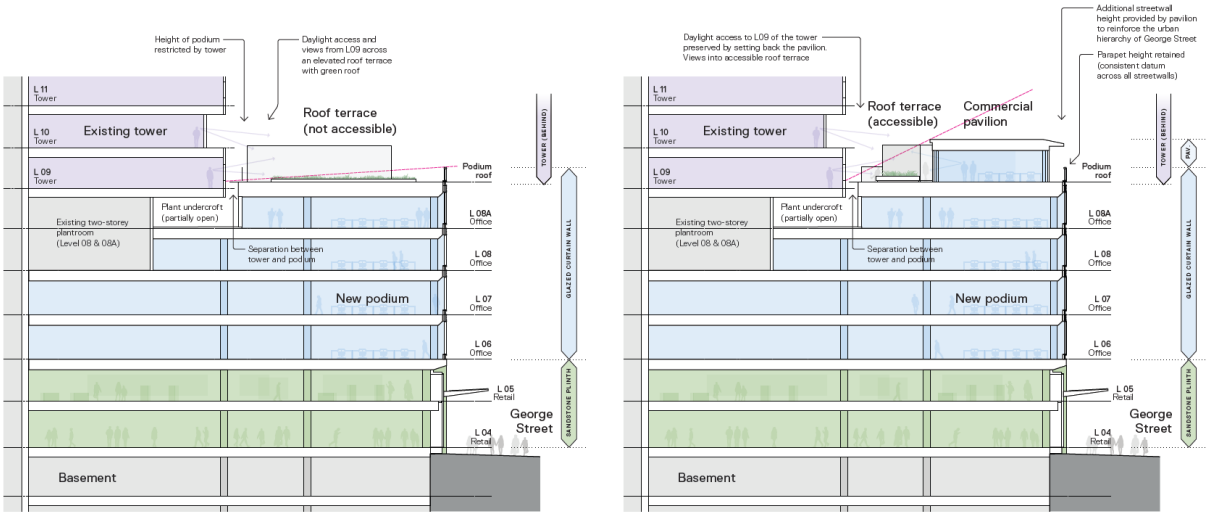


Figure 29: Diagrammatic section comparison of the George Street and Margaret Street podium design, original proposal on the left and amended proposal on the right

Waiver of requirement to prepare a Development Control Plan and for a competitive design process

33. As the site is located in Central Sydney, and has an area that exceeds 1,500m², clause 7.20(2) and clause 6.21D(2) of Sydney LEP 2012 requires the preparation of a site-specific development control plan and the undertaking of a competitive design process, respectively.

34. As the proposed development is limited to alterations and additions to the existing building on site, the applicant has formally requested that the requirements of clauses 7.20 and 6.21D of Sydney LEP 2012 to be waived by the consent authority.

35. Under the provisions of clauses 7.20 and 6.21D of Sydney LEP 2012, the consent authority may waive the requirement to prepare a development control plan and undertaking a design competition where it is unreasonable or unnecessary in the circumstances or that the development:

    (a) involves only alterations and additions to an existing building;

    (b) does not significantly increase the height or gross floor area of the building;

    (c) does not have significant adverse impacts on adjoining buildings or the public domain; and

(d) does not significantly alter any aspect of the building when viewed from public places.

36. The request to waive the requirement for the preparation of a development control plan and a competitive design process is supported in this instance and it is considered that these provisions are unreasonable and unnecessary in the circumstances of the development. The scale of the proposal itself would not normally trigger these requirements - it is due to the association with the tower. The requirement to undertake the preparation of site-specific development control plan and a competitive design process are unreasonable and unnecessary as :

(a) the subject application is limited to alterations and additions to the podium and level 3 (basement) of the existing building on site, with no works proposed to the existing tower, which represents the majority of the existing building;

(b) the proposed podium design has been referred to the original architect, being PTW, to address moral rights and to respect the original architecture and architectural concept;

(c) the proposed additions are marginal increases in height compared to the existing podium, and do not alter the existing height of the tower;

(d) the proposed additions (delivered as part of the new podium) will only result in the creation of an additional 5,404m² of gross floor area, being an increase of approximately 10%, which is not considered to be a significant increase and within the permitted FSR for the site;

(e) the proposed development is considered to enhance the public domain by reinforcing the street alignments, improving the activation of the site and its immediate surrounds, and improving the quality of the public plaza and the visibility of the existing through-site link; and the proposed development is not considered to result in adverse impacts to adjoining properties, thus, would not significantly benefit from a site-specific development control plan or a competitive design process; and,

(f) whilst the proposed development will be visible from public places, the proposed design is generally consistent with the key design intent of the original development, including the location of entrance points, and the interface with, and the view from, the public domain.

37. Based on the above and the individual circumstances of the proposed development, it is considered that the requirement to prepare a development control plan or undertake a competitive design process would be unreasonable and unnecessary. On this basis, it is recommended that these requirements of clauses 7.20 and 6.21D of Sydney LEP 2012 be waived.

Sustainability

38. The proposed development is categorised as a 'large commercial development' as it involves alterations and additions to office/retail premises with an estimated cost of more than $10 million. As such, it is subject to the sustainable buildings provisions of the Sustainable Buildings SEPP, Sydney LEP 2012, and Section 3.6.1 of the Sydney DCP 2012.

39. The submitted ESD Report and attached City of Sydney Design for Environmental Performance template adequately address the requirements of section 3.2(1) of the Sustainable Buildings SEPP by demonstrating that the proposed development:

    (a) will minimise waste from associated demolition and construction by retaining the existing tower and basements, and only replace the podium to improve the building's long-term resilience and adaptability; and the use of materials that are certified under a credible Environmental Certification and/or Environmental Product Disclosure scheme,

    (b) will reduce peak electricity demand through the use of energy efficient technology,

    (c) has been designed to reduce the reliance on artificial lighting and mechanical heating and cooling through passive design;

    (d) will install sub-metering for primary heating and cooling facilities in accordance with Section J of the NCC, and energy meters will be interlinked by a communication system that collates the time-of-use data to a single interface monitoring system for further analysis and review; and

    (e) will minimise of the consumption of potable water through sub-metering major water end-users and the use of a building management control system for water efficiency, and the installation of all water supply fixtures within 1 star of the highest WELS star rating commercially available.

40. A NABERS embodied energy form prepared by an appropriately qualified person as required by the regulations has also been submitted to adequately quantified the embodied emissions attributable to the development, satisfying section 3.2(2) of the Sustainable Buildings SEPP.

41. A net zero statement has been submitted to outline a strategy for the development to operate as fossil fuel-free by 2035, satisfying section 3.3(1) of the Sustainable Buildings SEPP.

42. In relation to water use standards, the submitted ESD Report establishes that the existing building achieves 4-star NABERS Water Raing, and that the proposed development will commit to attaining a minimum 3 star NABERS Water Rating as required by Section 3.3(2) of the Sustainable Buildings SEPP.

43. In relation to energy use standards, Section 3.3(4) of the Sustainable Buildings SEPP defers to clause 7.33 of the Sydney LEP 2012, which requires the proposed development to be designed to optimise energy efficiency and the use of renewable energy generated on-site; while Section 3.6.1 of Sydnye DCP 2012 establishes the requirements.

44. The ESD report stated that given the office floorspace within the podium accounts for approximately 10% of the overall net lettable office floorspace onsite, the proposed development cannot improve the overall development's current performance at 4.5 star to achieve the City's requirement for a 5.5-star NABERS energy commitment agreement + 25%. Instead, a 5-star NABERS energy commitment, along with the reduction of fossil fuel use on site, is proposed, which is consistent with the alternative pathway provided by section 3.6.1(8)(b) of Sydney DCP 2012, and is considered acceptable.

45. Conditions of consent are recommended to ensure that the proposed development will achieve the relevant water and energy use standards as outlined above.

Consultation

Internal Referrals

46. The application was discussed with the City's Design Advisory Panel; Heritage and Urban Design Unit; Access and Transport Unit; Traffic Operations Unit; Public Domain Unit; City Design; Construction Regulation Unit; Tree Management Unit; Environmental Health Unit; and Cleansing and Waste Unit.

47. Relevant referral comments have been included in the assessment above, and where appropriate, recommended conditions are included in Attachment A.

External Referrals

Transport for NSW

48. Pursuant to Section 2.97 of the Transport and Infrastructure SEPP, the application was referred to TfNSW for comment. TfNSW has raised no objections to the proposed development, and recommended conditions are included in Attachment A.

Sydney Metro

49. Pursuant to Section 2.102 of the Transport and Infrastructure SEPP, the application was referred to Sydney Metro for comment. Sydney Metro has raised no objections to the proposed development and did not recommend any conditions.

Advertising and Notification

50. In accordance with the City's Community Engagement Strategy and Community Participation Plan 2023, the proposed development was notified and advertised for a period of 28 days between 16 May and 14 June 2024. A total of 686 properties were notified and 1 submission was received.

51. The submission raised the following issues:

    (a) **Issue:** Potential structural impacts on 50 Margaret Street should be considered, and a condition should be imposed to require a site-specific dilapidation report.

        Response: A condition is recommended in Attachment A requiring pre-construction dilapidation reports.

    (b) **Issue:** Potential impacts on pedestrian traffic between 50 Margaret Street and George Street should be considered and appropriately managed.

        Response: The George Street North Pedestrianisation project is currently being delivered by the City to improve the pedestrian environment on Margaret Street. The proposed development has been coordinated with the design of the George Street North Pedestrianisation project, and the applicant has been liaising with

the City's Construction Regulation Unit to coordinate the delivery of the proposed development concurrently with the George Street North Pedestrianisation project to minimise the duration of impact on pedestrian traffic on Margaret Street. A condition is also recommended in Attachment A to require a construction pedestrian and traffic management plan to be prepared in consultation with the City and TfNSW.

(c) **Issue:** Construction noise and disruptions on weekdays should be considered and appropriately managed.

Response: A condition is recommended in Attachment A requiring works to comply with the standard construction hours and noise criteria for the CBD.

Financial Contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

52. The cost of the development is greater than $250,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2020.

53. A condition relating to this levy has been included in the recommended conditions of consent. The condition requires the contribution to be paid prior to the issue of a construction certificate.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

54. The site is located within the Central Sydney affordable housing contribution area. The proposed development involves the demolition of existing floor area and the subsequent creation of more than 100m² of gross floor area. Therefore, it is subject to affordable housing contribution pursuant to clause 7.13(1)(d)(ii) of the LEP.

55. The contribution amount payable is calculated based on the 'total floor area' of the proposed development. Total floor area calculation plans have been provided to identify the total floor area of 5160.8m² created by the proposed development, and the contribution amount is calculated at a rate of $11,176.22 per square metre on 1% of that total floor area, totalling $576,782.48.

56. Section 7.32 of the Act outlines that the consent authority may grant consent to a development application subject to a condition requiring dedication of part of the land for the purpose of providing affordable housing, or payment of a monetary contribution to be used for the purpose of providing affordable housing where the section of the Act applies. The Act applies with respect to a development application for consent to carry out development within an area if a State environmental planning policy identifies that there is a need for affordable housing within the area and:

(a) the consent authority is satisfied that the proposed development will or is likely to reduce the availability of affordable housing within the area, or

(b) the consent authority is satisfied that the proposed development will create a need for affordable housing within the area, or

(c) the proposed development is allowed only because of the initial zoning of a site, or the rezoning of a site, or

(d) the regulations provide for this section to apply to the application.

57. The proposal is consistent with the criteria under parts (a) and (b) above.

58. An affordable housing condition may be reasonably imposed under Section 7.32(3) of the Act subject to consideration of the following:

(a) the condition complies with all relevant requirements made by a State environmental planning policy with respect to the imposition of conditions under this section, and

(b) the condition is authorised to be imposed by a local environmental plan, and is in accordance with a scheme for dedications or contributions set out in or adopted by such a plan, and

(c) the condition requires a reasonable dedication or contribution, having regard to the following -

(i) the extent of the need in the area for affordable housing,

(ii) the scale of the proposed development,

(iii) any other dedication or contribution required to be made by the applicant under this section or section 7.11.

59. Having regard to the provisions of Section 7.32 of the Act, the imposition of an affordable housing contribution is reasonable.

60. A condition is therefore recommended in Attachment A requiring the payment of an affordable housing contribution prior to the issue of any construction certificate.

Housing and Productivity Contribution

61. The development is subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

62. The site is located with the Greater Sydney region, the development is a type of commercial development to which the Housing and Productivity Contribution applies, and the development is not of a type that is exempt from paying a contribution.

63. A condition relating to the Housing and Productivity Contribution has been included in the recommended conditions of consent.

Relevant Legislation

64. Environmental Planning and Assessment Act 1979.

65. City of Sydney Act 1988.

Conclusion

66. The application for the demolition and construction of a new podium, reconfiguration of the existing plaza on Margaret Street, alterations to level 3 (basement) loading and end of trip facilities, and the provisions of new awnings has been assessed in accordance with the relevant planning controls.

67. The proposed development complies with the key development standards applicable to the site, including the maximum floor space ratio, and sun access to Wynyard Park, under Clauses 4.4, 6.4, 6.9 and 6.18 of Sydney Local Environmental Plan 2012.

68. The scale, form, articulation, materiality, and environmental performance of the proposal is consistent with the desired future character of the locality and exhibits design excellence to satisfy Clause 6.21C of Sydney Local Environmental Plan 2012.

69. The requirements for the preparation of a site-specific development control plan and for a competitive design process in accordance with Clauses 7.20 and 6.21D of Sydney Local Environmental Plan 2012 are recommended to be waived as the proposed development is limited to alterations and additions and these requirements would be unreasonable and unnecessary in this instance.

70. The proposed development is generally consistent with other applicable planning provisions, including the relevant State Environmental Planning Policies, Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012. Where non-compliances arise, they have either been considered as having merit in the circumstances of the site, or addressed by conditions recommended in Attachment A.

71. The proposed development will improve the retail floorspace currently provided onsite and increase the provision of office floorspace at a location that is highly accessible to existing and planned employment, services, public transport infrastructure, and community facilities.

72. The proposed development will not result in any unreasonable impacts on existing or likely future developments surrounding the site. Subject to the conditions recommended in Attachment A, the proposed development responds appropriately to the site's constraints and contributes positively to the existing and desired future character of the locality.

73. The proposed development is therefore in the public interest and is recommended for approval by the Central Sydney Planning Committee.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Bryan Li, Senior Planner

Attachment A

Recommended Conditions of Consent

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2024/367 dated 15 May 2024 and the following drawings prepared by Grimshaw:

Drawing No.	Rev	Drawing Name	Date
MRG-GRM-DR-AR-DA-0203	C	Floorplan Level 3	24.09.24
MRG-GRM-DR-AR-DA-0204	C	Floorplan Level 4	24.09.24
MRG-GRM-DR-AR-DA-0205	C	Floorplan Level 5	24.09.24
MRG-GRM-DR-AR-DA-0206	D	Floorplan Level 6	09.10.24
MRG-GRM-DR-AR-DA-0207	D	Floorplan Level 7	09.10.24
MRG-GRM-DR-AR-DA-0208	D	Floorplan Level 8	09.10.24
MRG-GRM-DR-AR-DA-0208A	D	Floorplan Level 8A	09.10.24
MRG-GRM-DR-AR-DA-0209	D	Floorplan Level 9	09.10.24
MRG-GRM-DR-AR-DA-0210	B	Floorplan Roof	09.10.24
DA-0303	B	Demolition Plan Level 3	10.05.24
DA-0304	B	Demolition Plan Level 4	10.05.24
DA-0305	B	Demolition Plan Level 5	10.05.24
DA-0306	B	Demolition Plan Level 6	10.05.24
DA-0307	B	Demolition Plan Level 7	10.05.24
DA-0308	B	Demolition Plan Level 8	10.05.24
DA-0308A	B	Demolition Plan Level 8A	10.05.24
MRG-GRM-DR-AR-DA-0401	C	Building Elevation South	24.09.24
MRG-GRM-DR-AR-DA-0402	D	Building Elevation East	09.10.24
MRG-GRM-DR-AR-DA-0403	C	Building Elevation North	24.09.24
MRG-GRM-DR-AR-DA-0404	C	Building Elevation Plaza	24.09.24

Drawing No.	Rev	Drawing Name	Date
MRG-GRM-DR-AR-DA-0501	D	Building Section AA	09.10.24
MRG-GRM-DR-AR-DA-0502	C	Building Section BB	24.09.24
MRG-GRM-DR-AR-DA-0503	C	Building Section 11	24.09.24
MRG-GRM-DR-AR-DA-0504	C	Building Section 22	24.09.24
MRG-GRM-DR-AR-DA-0601	D	Podium Facade Details	09.10.24

and as amended by the conditions of this consent.

(b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(2) RESTRICTION OF END OF JOURNEY – CENTRAL SYDNEY

Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the existing documentary restrictive covenant (Dealing AN375396) must either be modified or replaced to the effect that 409sqm of the building has been approved as end of journey. The required documentary restrictive covenant must be registered on the Title of the development site pursuant to section 88E of the *Conveyancing Act 1919*, and be created appurtenant to Council and at no cost to Council.

Reason

To ensure the bonus floor space approved as part of the consent continuously used for the approved purpose.

(3) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

(a) The Floor Space Ratio of the proposal must not exceed 13.2:1 calculated in accordance with the Sydney Local Environmental Plan 2012. For the purpose of the calculation of FSR, the Gross Floor Area of the approved development is 59,167sqm. (For clarify, the gross floor area excludes 409sqm of end of journey floor space as per Condition (2) above).

(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012 applicable at the time of development consent, to the satisfaction of the Principal Certifier.

(c) Prior to any Construction Certificate being issued, Council's written verification must be obtained, confirming that 2,449.5sqm of heritage floor space was allocated (purchased, transferred and registered by Council as an allocation) to the development, being that additional gross floor area in excess of 8:1 as specified in the Sydney Local Environmental Plan 2012.

Reason

To ensure the constructed development complies with the approved floor space ratio.

(4) APPROVED DESIGN ROOF - TOP PLANT

All roof-top plant and associated equipment must be located within the approved building envelope.

Reason

To ensure the constructed development complies with the approved height.

(5) BUILDING HEIGHT

(a) The height of the new podium must not exceed RL39.59 (AHD) to the top of the podium RL40.60 (AHD) to the life overrun.

(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(6) MATERIALS AND SAMPLES BOARD

A physical material sample board, generally consistent with the materials shown on the approved *Podium Facade Details* specified in Condition (1) above, which specifies all proposed materials, finishes and colours, (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's Director City Planning Development & Transport prior to the issue of a Construction Certificate for above ground works.

The materials and samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

Reason

To require the submission of a detailed materials and samples board following assessment of the development.

(7) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the approved physical material sample board.

Reason

To ensure all parties are aware of the approved materials and finishes that apply to the development.

(8) FITOUT/USE - SEPARATE CONSENT REQUIRED

No consent is granted or implied for the fitout or specific use of the individual retail, gymnasium and office tenancies. A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fitout and/or use of the induvial tenancies prior to that fitout and/or use commencing.

Reason

To clarify that separate consent is required for a fitout and/or use.

(9) SIGNAGE STRATEGY

Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a separate development application is to be submitted seeking approval of a signage strategy for the building. The signage strategy development application must include information and scale drawings of the location, type, construction, materials and total number of signs appropriate for the building.

Reason

To require separate consent to be obtained for a signage strategy.

(10) EXTERNAL LIGHTING

A development consent or Complying Development Certificate (as appropriate) is required to be obtained prior to any external floodlighting or illumination of the building or site landscaping.

Reason

To clarify that consent has not been granted for the external floodlighting or illumination of the development.

(11) SECTION 7.12 CONTRIBUTIONS

A monetary contribution is payable to the City of Sydney pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Central Sydney Development Contributions Plan 2020*.

The Section 7.12 levy is determined by the development cost, as per the following table:

Development cost * * Refer to Section 2.3 of the *Central Sydney Development Contributions Plan 2020* for information on determining the development cost.	Levy
Up to and including $250,000	NIL
More than $250,000, up to and including $500,000	1%
More than $500,000, up to and including $1,000,000	2%
More than $1,000,000	3%

The Section 7.12 levy is payable to the City of Sydney in accordance with the following:

(a) Prior to any Construction Certificate being issued, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.

(b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, one of the following must be submitted:

(i) **For development between $250,000 and $3,000,000 –** the City of Sydney *Cost Summary Report* must be completed by a suitably qualified person such as the Project Architect or Project Manager and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Cost Summary Report* is available from the City's website at www.cityofsydney.nsw.gov.au; or

(ii) **For development more than $3,000,000** – The City of Sydney *Registered Quantity Surveyor's Detailed Cost Report* must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Registered Quantity Surveyor's Detailed Cost Report* is available from the City's website at www.cityofsydney.nsw.gov.au.

(c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Registered Certifier accordingly.

(d) The development cost is to be determined in accordance with Section 2.3 of the Central Sydney Development Contributions Plan 2020, located in the version in force at the date of the grant of this consent.

Please contact Council's Planning Administration staff at Planningsystemsadmin@cityofsydney.nsw.gov.au to request a written Statement of Contributions Owing, prior to payment.

Reason

To ensure development contributions are paid to support the provision of public facilities, amenities, and services in Central Sydney.

(12) AFFORDABLE HOUSING CONTRIBUTION – CENTRAL SYDNEY

(a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of any Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council.

(b) The contribution is $576,782.48 (indexed on 14 November 2024). This is calculated by establishing the equivalent monetary contribution $11,176.22 multiplied by 1% of the total floor area for non-residential development (5160.8sqm).

(c) If the contribution is paid after the indexation period in which the consent is granted, being 1 March 2024 to 28 February 2025, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.

(d) Contribution payable at Time of Payment = C x MDP2 / MDP1, where:

(i) C is the original total contribution amount payable to the City of Sydney as shown above;

(ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA taken from the most recent NSW Government Rent and Sales Report at the time of indexation of the equivalent monetary contribution rate; and

(iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Report used to establish the current equivalent monetary contribution rate, being 1 March 2024 to 28 February 2025.

Contact Council's Planning Assessment Unit at planningsystemsadmin@cityofsydney.nsw.gov.au for written confirmation of the amount payable, with indexation as necessary, prior to payment.

Reason

To ensure development contributions are paid to contribute to the provision of essential affordable rental housing infrastructure.

(13) HOUSING AND PRODUCTIVITY CONTRIBUTION

Before the issue of any Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution	$170,661.63
Total housing and productivity contribution	**$170,661.63**

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering *the Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

Reason

To require contributions towards the provision of regional infrastructure.

(14) SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

(a) Compelling drivers to stop before proceeding onto the public way

(b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway.

Reason

To ensure the safety of surrounding pedestrians and cyclists.

(15) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 8.8m

Reason

To maintain the orderly operation of vehicle parking and loading areas.

(16) VEHICLE ACCESS

All vehicles are to enter and exit the site travelling in a forward direction.

Reason

To increase pedestrian safety at the site access.

(17) LOADING DOCK MANAGEMENT PLAN

(a) A Loading Dock Management Plan is to be prepared for distribution to relevant tenants outlining how the loading dock will be managed and used by all relevant tenants. The Plan must include, but is not limited to, management of all the deliveries for the entire building to ensure vehicles are not waiting on public streets to enter the site.

(b) The plan is to be prepared and submitted to and approved by Council's Area Planning Manager prior to issue of an Occupation Certificate.

(c) The plan must include 8.8m MRV vehicle parking arrangement and a vehicle swept analysis demonstrating that a forward in and forward out safe manoeuvring can be achieved in the loading dock area.

(d) Once approved, this management plan is to be provided to all relevant tenants and external users of the loading area.

Reason

To ensure that the loading dock is appropriately managed.

(18) BICYCLE PARKING SIGNAGE AND WAYFINDING PLAN

Signage directing users to the bicycle parking facilities are to be installed from the street level, between the bicycle riders entry point/s at the site boundary and the entry point to the bike parking and End of Trip facilities. Signage is to be generally in accordance with signage shown in Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities. The signage plan must be submitted to and approved by the Registered Certifier, and the signage installed prior to the issue of an Occupation Certificate.

Reason

To maximise the usage of the end of trip facilities.

(19) ASSOCIATED ROADWAY COSTS

All costs associated with the construction and rectification of any road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The public domain must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification and Standard Drawings" including amendments and "Sydney Streets Design Code".

Reason

To ensure all roadway works are designed and constructed in accordance with Council requirements.

(20) COST OF SIGNPOSTING

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

Reason

To ensure all associated roadway works costs are borne by the developer.

(21) SWINGING DOORS OVER PUBLIC WAY

Any access doors to enclosures housing building services and facilities, such as hydrant and sprinkler booster assemblies or the like, must not open over the footway/roadway.

Reason

To ensure no element of the development obstructs the use of the public way.

(22) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

Reason

To ensure ground surface indicators, handrails and other elements required to provide access into the building/property are appropriately located.

(23) NO OBSTRUCTIONS

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any Occupation Certificate.

Reason

To ensure there are no obstructions on public footways and paths of travel.

(24) PAVING MATERIALS

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

Reason

To ensure appropriate and safe paving materials are used.

(25) TREES APPROVED FOR REMOVAL

(a) All trees detailed in the table below are approved for removal. Tree removal must not occur until a Construction Certificate has been issued.

Tree No	Species:	Location
1	*Platanus x hybrida (London Plane)*	Margaret Street

(b) All tree removal works must be carried out by a qualified Arborist, with a minimum AQF Level 3 and in accordance with SafeWork's Code of Practice – Amenity Tree Industry.

Reason

To identify the trees that can be removed.

(26) TREES THAT MUST BE RETAINED

The existing trees detailed in the table below must be retained and protected in accordance with the conditions throughout construction and development.

Tree No	Species:	Location
2, 3, 11	*Platanus x hybrida (London Plane)*	Margaret Street street tree
5		George Street street tree
6 7, 8, 9, 10		Jamison Street street tree
4	*Flindersia australia* (Crows Ash)	George Street street tree

Reason

To identify the trees that cannot be removed, must be retained and protected.

(27) LANDSCAPING OF THE SITE

This condition relates to greening in the through site link and the Margaret Street plaza.

(a) A detailed landscape design including plans and details drawn to scale, and technical specification by a choose registered landscape architect must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground works. The plan must include:

(i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure;

(ii) Location and details of existing and proposed structures on the site including, but not limited to, paving, walls, green walls, planters, services, furniture, shade structures, lighting and other features;

(iii) Details of earthworks and soil depths including finished levels and any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers;

(iv) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity;

(v) Details of drainage, waterproofing and watering systems;

(vi) Landscape maintenance plan. This plan is to be complied with during occupation of the property.

(b) All landscaping in the approved plan is to be complete prior to any Occupation Certificate being issued.

Reason:

To ensure that the development is supported by a good quality, buildable landscape scheme that meets the City's controls.

(28) INACCESSIBLE GREEN ROOFS

This condition applies to the green roof on level 9 of the George St podium, and the rooftop planting over the food pavilion on the Margaret Street plaza.

(a) A detailed green roof plan including plans and details drawn to scale, and technical specification, by a registered landscape architect must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate for above ground works. These documents must include:

(i) Location and details of existing and proposed services, walls, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.

(ii) Engineers report confirming structural capacity of building for proposed green roof loads.

(iii) Details of soil types and depth including any mounding.

(iv) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.

(v) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation for pollinators and biodiversity.

(vi) Green roof maintenance plan. This plan is to be complied with during occupation of the property, and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates and transport of materials and green waste.

(vii) A plan outlining the intended strategy for decommissioning if planting works fail. This is to ensure that the green roof is maintained throughout its life.

(b) Prior to the issue of a Construction Certificate for above ground works, structural and waterproofing certifications for the green roof are to be submitted to and approved by the Principal Certifying Authority.

(c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

(d) Inaccessible green roofs must be complete prior to the issue of an Occupation Certificate.

Reason:

To ensure that the inaccessible green roof is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

(29) PUBLIC ART

Public art must be installed to the City's satisfaction prior to the issue of any Occupation Certificate.

(a) The public artwork must be in accordance with the Art Strategy, Revision B dated 28 October 2024, prepared by iAM (Council's reference: 2024/612141), the *Sydney DCP 2012*, the *Public Art Policy*, and the *Interim Guidelines: Public art in private developments*.

(b) Should First Nations artist(s) be engaged, a public art curator experienced working with First Nation's artists and projects be engaged to support the artist(s).

(c) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Executive Director City Planning Development and Transport prior to issue of any Construction Certificate for above ground works.

(d) Public artwork must be installed to the City's satisfaction, inspected and approved and the Final Public Art Report submitted and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate.

Note: Public Art must be reviewed and endorsed by the City's Public Art Team and/or the Public Art Advisory Panel prior to submission to Executive Director City Planning Development and Transport for approval. Further information is available online at http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art Please contact the Public Art Team at publicartreferrals@cityofsydney.nsw.gov.au for further information.

Reason

To ensure public art is installed to the City's satisfaction.

(30) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

Reason

To ensure that waste and recycling is appropriately managed throughout all phases of the development.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(31) DILAPIDATION REPORT

Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 50 Margaret Street, and other adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Registered Certifier prior to the issue of a construction certification or the commencement of works, whichever is earlier.

Reason

To ensure that dilapidation reports are prepared and to identify damage to for adjoining/nearby properties resulting from building work on the development site.

(32) REFLECTIVITY

Prior to issue of a Construction Certificate for above ground works, the Registered Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%.

Reason

To ensure the development does not result in adverse reflectivity impacts and to protect the amenity of the public domain.

(33) INSTALLATION OF WATER EFFICIENT FIXTURES

The details must be submitted for the approval of the Registered Certifier, prior to any Construction Certificate for above ground works being issued, confirming the following:

(a) All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme;

(b) All taps installed must be water efficient with at least a 5-star rating under the Water Efficiency and Labelling Scheme.

(c) All shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme; and

(d) New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme. Systems must include "smart controls" to reduce unnecessary flushing

Reason

To ensure the provision of water efficient fixtures.

(34) DESIGN FOR ENVIRONMENTAL PERFORMANCE

(a) Prior to the issue of any Construction Certificate for above ground works, the Registered Certifier must be satisfied that those matters listed in the following sections of the approved Design for Environmental Performance report prepared by Matt Williams and dated 8 April 2024 (Council Ref: 2024/294559) are incorporated into the relevant construction plans and accompanying documentation:

(i) Section 4 – Energy Efficiency and Greenhouse Gas Emissions Abatement

(ii) Section 5 – Passive Design for Thermal Performance – Building Envelope Design

(iii) Section 6 – On site Renewable Energy Generation and Storage

(iv) Section 7 – Design for Resilience to Climate Change

(v) Section 8 – Designing for mains potable water savings and water efficiency

(vi) Section 9 – Storm water quality

(vii) Section 10 - City Greening

(viii) Section 11 - Promoting Active Transport and Reducing Transport Emissions

(ix) Section 12 - Materials, Embodied Carbon and Circularity

(x) Section 13 - Waste Management and Resource Recovery

(xi) Section 14 - Third Party Certification and Design, Construction or Technology Innovations

(b) Changes to any commitments as listed in the approved Design for Environmental Performance report must be submitted to and approved by Council's Area Planning Manager prior to the issue of any relevant Construction Certificate.

Reason

To ensure the environmental performance of the development

(35) ENERGY PERFORMANCE - NABERS

The design of the building and its services must achieve a National Australian Built Environment Rating System (NABERS) Energy rating of 5 Star in operation for the base building. This is to be demonstrated by:

(a) Entering into a Commitment Agreement with the NABERS National Administrator, to deliver this star rating for the base building. A copy of the signed Commitment Agreement contract is required; and

(b) Providing a copy of the Estimator's report and Independent Design Review report to the NABERS National Administration and submitting the same reporting with the Construction Certificate application. The reporting must demonstrate the developments capacity to meet the NABERS star rating and the overperformance requirement mandated by the City.

The required documents specified above are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground works.

Note: Definitions referred to above are as follows:

(i) Commitment Agreement means an agreement that is set out in accordance with the NABERS National Administrator. The NABERS Commitment Agreement, which is signed between a NABERS authorised signatory and the applicant/building owner/building manager, is a commitment to design, build and commission the premises to achieve an agreed star rating.

(ii) Star rating refers to the benchmarking system applied by the NABERS National Administrator for measuring the energy efficiency of a building.

(iii) Base building means central services and common areas of a building, as defined under NABERS.

(iv) Whole building refers to the base building and tenant occupied spaces, as defined under NABERS.

(v) Estimate report refers to the report created by the Estimator which sets out a realistic estimate of the operational performance of the project determined:

a. In accordance with the NABERS Handbook; and

b. Without reference, calculation or consideration to GreenPower or other offsite renewable energy.

(vi) Independent Design Review report is a report prepared in respect to the Independent Design Review by the Reviewer.

Reason

To ensure the building achieves the stated energy use performance rating and to reduce greenhouse gas emissions.

(36) NABERS WATER RATING

The design of the building and its services must achieve a National Australian Built Environment Rating System (NABERS) Water rating of 3 Stars in operation. This is to be demonstrated by:

(a) Submitting a signed NABERS Agreement to Rate for the required star rating; and

(b) Providing a Water Use Assessment Report prepared by a suitably qualified person, demonstrating the building is capable of achieving a NABERS water rating of 3 Stars. The Water Use Assessment Report should include calculations in line with the Green Building Council of Australia's (GBCA) Water Use calculator, or other equivalent methodology.

The report and NABERS Agreement to Rate are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate for above ground works.

Reason

To ensure that the building complies with the 3 Star NABERS water rating required under the State Environmental Planning Policy (Sustainable Buildings) 2022.

(37) ENERGY USE

The development is to install no new base building natural gas appliances, service and supply. All new or replacement installations are to be confirmed as not requiring gas use in operation, prior to the issue of a relevant construction certificate. The development is to achieve net zero emissions from energy used on-site, as defined in Section 3.6 of the City of Sydney DCP.

Reason

To ensure the reduction of long-term building emissions.

(38) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all new off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to a relevant Construction Certificate being issued.

Reason

To ensure parking facilities are designed in accordance with the Australian Standards.

(39) ALLOCATION OF SERVICING AND LOADING FACILITIES

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of a relevant Construction Certificate (see note below).

Parking Type	Number
Small rigid vehicle loading bays	2
Service vehicle spaces / courier spaces	6
Compactor loading bay	1
Loading Dock	1
Total	**10**

Note:

(a) No parking spaces are permitted in front of the ramp access or protruding into vehicle circulation and ramp areas.

(b) The design must include a MRV-compatible loading bay to be accommodated into the loading dock under management and special arrangement that allows forward entry and exit manoeuvring to be achieved.

Reason

To ensure the allocation of parking is in accordance with the Council's DCP**.**

(40) BICYCLE PARKING AND END OF TRIP FACILITIES

(a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Non-residential	92	Spaces must be Class 2 bicycle facilities
End of Trip Facility Type	Number	
Showers with change area	18	
Personal lockers	160	

Notes:

(i) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

Reason

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

(41) PUBLIC DOMAIN DAMAGE BOND

(a) A Public Domain Damage Deposit calculated on the basis of 500sqm of granite site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.

(b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.

(c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

Reason

To allow for the appropriate management and rectification of damage to the public domain.

(42) PROTECTION OF STONE KERBS

(a) The existing stone kerbs on the Margaret Street, George Street and Jamison Street frontages of the site are to be retained and properly protected during demolition, excavation and construction works.

(b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled.

(c) Note the following:

(i) all costs associated with the works are to be borne by the developer.

(ii) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.

(iii) Where new vehicle crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.

(iv) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers.

(v) Council approval is required before kerbs are removed.

(vi) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(vii) Stone kerbs and gutters may be bonded in accordance with the City of Sydney's adopted Schedule of Fees and Charges. If so, this will be included with the Public Domain Damage Bond.

Reason

To ensure the protection of stone kerbs.

(43) SURVEY INFRASTRUCTURE – IDENTIFICATION AND RECOVERY

Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager. This evidence must include either:

(a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or

(b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

Reason

To ensure the preservation of existing survey infrastructure.

(44) PUBLIC DOMAIN CONCEPT PLAN

A public domain concept plan, showing all the site frontages and extending a minimum of 5m past the boundary and to the road centreline, must be prepared in accordance with the City's *Public Domain Manual* and *Sydney Streets* Code. The plans must include the scope of Margaret Street closure works as agreed to, with the City. It must be submitted to and approved by the City's Public Domain Unit prior to the issue of any Construction Certificate for the development other than for demolition or excavation.

Prior to any Construction Certificate, the land owner must enter into a Deed of Agreement with the City of Sydney for the public domain works fronting Margaret Street. The Deed will confirm agreed scope, as well as terms for staging and handover of works undertaken by the City and the developer.

Note: A detailed Public Domain Plan will be required prior to construction (refer to Public Domain Plan Detailed Documentation for Construction condition).

Reason

To ensure public domain works comply with Council's requirements.

(45) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

Prior to the issue of any Construction Certificate other than for demolition or excavation, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: Public Domain Levels and Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.

Reason

To ensure public domain levels and gradients comply with Council's requirements.

(46) STORMWATER DRAINAGE DESIGN

Prior to issue of any Construction Certificate other than for demolition or excavation, a detailed stormwater management plan prepared by suitable qualified and experienced professional must be submitted to and approved by the City's Public Domain Unit. The plan must be submitted with an Application for Approval of Stormwater Drainage, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The submission must include:

(i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;

(ii) Council's Sydney Streets Technical Specifications, Standard Drawings;

(iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;

(iv) Council's Stormwater Drainage Manual; and

(v) All relevant Australian Standards.

This information is available for download from the City's website at https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works.

Reason

To ensure stormwater drainage design complies with Council's requirements.

(47) DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to the issue of any Construction Certificate or the commencement of works, whichever is earlier, a photographic recording of the public domain site frontages, including the CCTV of the adjacent drainage pipeline/s, is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's Public Domain Manual is available for download from the City's website at https://www.cityofsydney.nsw.gov.au/

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Reason

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

(48) FUTURE FOOD USE - MECHANICAL VENTILATION PROVISION

Prior to the issue of a Construction Certificate for above ground works, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with *AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings,* and *AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings.*

Reason

To ensure the mechanical ventilation complies with relevant standards.

(49) MECHANICAL VENTILATION

(a) The premises must be ventilated in accordance with the *Building Code of Australia* and *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings.*

(b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *Building Code of Australia* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate for above ground works.

(c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *Building Code of Australia*, must be submitted to the Principal Certifier.

Reason

To ensure the ventilation complies with relevant standards.

(50) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

(a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Assessment, reference 20240237.1/0805A/R2/WY prepared by Acoustic Logic, dated 8 May 2024 (Council's reference 2024/294551) must be implemented in the development prior to the commencement of its use.

(b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the Registered Certifier.

(c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

(d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

Reason

To ensure all parties are aware of the supporting documentation that applies to the development.

(51) DEMOLITION/SITE RECTIFICATION

The following conditions apply to the development:

(a) Demolition must not commence until a Construction Certificate has been issued.

(b) Prior to any Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.

(c) Without limiting the generality of paragraph (b), the Deed must provide for:

(i) A bank guarantee to be provided in the sum of $1,116,000 as security for the costs of such works provided that:

a. the maximum liability under the Deed must not exceed $1,116,000; and

b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.

(ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:

a. demolition of the existing building has commenced but not been completed;

b. the existing building has been demolished; or

c. the site has been excavated; or

d. the erection of the structure has commenced.

(iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the Consent Authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:

a. make the building safe and of an appearance acceptable to Council at ground level;

b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or

c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or

d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenantable stage.

AND to call on such bank guarantee to cover the cost thereof.

(d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

(i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (iii) to take place on the site; and

(ii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

(e) The Deed may, if the Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:

(i) Stage 1 – Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.

(ii) Stage 2 – Completion of all construction works necessary to complete the structure of the Development to the roof level.

(iii) Stage 3 – Issue of the Occupation Certificate.

(f) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:

(i) Certification (from the principal certifier) that the relevant stage is complete;

(ii) Detailed schedule of completed works carried out in the relevant stage;

(iii) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

Reason

To allow for the appropriate management of sites where development (demolition//construction) has commenced and there is a suspension in activity resulting in a building site which has an unacceptable appearance.

(52) INSTALLATION OF ARTWORK AND IMAGES ON SCAFFOLDING (DEMOLITION / CONSTRUCTION WRAPS)

(a) Where scaffolding is to be installed to undertake the proposed development an approved artwork / historic image installation must be provided on the scaffolding system to screen the development from the public place, minimise adverse visual impacts on the locality and add visual and public art in the streetscape.

(b) The artwork installation must be printed, installed and maintained in accordance with Council's *Guidelines for Hoardings and Scaffolding*. Details of the proposed installation must be submitted to and approved by Council prior to the issue of a construction certificate or work commencing.

Note: The scaffolding system on which a required artwork wrap is to be installed must be designed to safely and adequately accommodate and support the wrap mesh material on which the artwork is printed/displayed. This includes designing the scaffold to address potential increased wind loads that may be encountered in the locality.

Reason

To minimise adverse visual impacts on the locality.

(53) ELECTRICITY SUBSTATION

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Ausgrid, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

Reason

To ensure that the provision of a substation to service the development is appropriately incorporated into the design of the building in a manner that minimises streetscape impacts.

BEFORE BUILDING WORK COMMENCES

(54) SURVEY

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

Reason

To ensure the development does not encroach onto neighbouring properties.

(55) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

(a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to any Construction Certificate being issued.

(b) The approved plan must be complied with during any demolition and/or construction work.

Reason

To ensure that the impacts of construction traffic is appropriately managed.

(56) PUBLIC DOMAIN WORKS - CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993

Prior to the construction of any public domain works, including stormwater drainage works, approval under Section 138 / 139 of the Roads Act 1993 must be issued by the City's Public Domain Unit.

Reason

To ensure relevant approvals for public domain work are obtained.

(57) EROSION AND SEDIMENT CONTROL

Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) must be submitted to and be approved by the Principal Certifier. The ESCP must:

(a) Conform to the specifications and standards contained in Managing Urban Stormwater: Soils and Construction (Landcom, 2004); the Guidelines for Erosion and Sediment Control on Building Sites (City of Sydney, 2004); and the *NSW Protection of the Environment Operations Act 1997*.

(b) Include a drawing(s) that clearly shows:

(i) location of site boundaries and adjoining roads

(ii) approximate grades and indications of direction(s) of fall

(iii) approximate location of trees and other vegetation, showing items for removal or retention

(iv) location of site access, proposed roads and other impervious areas

(v) existing and proposed drainage patterns with stormwater discharge points

(vi) north point and scale

(c) Specify how soil conservation measures will be conducted on site including:

(i) timing of works

(ii) locations of lands where a protective ground cover will, as far as is practicable, be maintained

(iii) access protection measures

(iv) nature and extent of earthworks, including the amount of any cut and fill

(v) where applicable, the diversion of runoff from upslope lands around the disturbed areas

(vi) location of all soil and other material stockpiles including topsoil storage, protection and reuse methodology

(vii) procedures by which stormwater is to be collected and treated prior to discharge including details of any proposed pollution control device(s)

(viii) frequency and nature of any maintenance program

(ix) other site-specific soil or water conservation structures.

Reason

To ensure that appropriate erosion and sediment control measures are put in place during construction to protect the environment.

(58) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

(a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council for such structures.

(b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding;* and the conditions of approval (Permit) granted including:

(i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;

(ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);

(iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);

(iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);

(v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);

(vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);

(vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);

(viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and

(ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2017*).

Reason

To ensure the necessary approval is obtained for temporary structures over a public road.

(59) DEMOLITION AND CONSTRUCTION MANAGEMENT

(a) Prior to the commencement of demolition works the following details must be submitted to and be approved by the Principal Certifier:

(i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.

(ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)

(iii) A Waste and Recycling Management Plan – Demolition and Construction for the demolition and or excavation of the proposed development. The plan is to include details of materials that will be excavated and their proposed destination or reuse.

(iv) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

Note: Temporary structures, including hoardings and scaffolding, proposed for erection on City-owned and controlled land (footways and roadways), must comply with Council's *Guidelines for Hoardings and Scaffolding* and be approved by Council under the provisions of the Local Government Act 1993 and the Roads Act 1993 prior to installation.

(b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:

(i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.

(ii) The name and address of the company/contractor undertaking demolition works.

(iii) The name and address of the transport contractor.

(iv) The type and quantity of material to be removed from site.

(v) Location and method of waste disposal and recycling.

(vi) Proposed truck routes, in accordance with this development consent.

(vii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).

(ix) Measures to control noise emissions from the site.

(x) Measures to suppress odours.

(xi) Enclosing and making the site safe.

(xii) Induction training for on-site personnel.

(xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.

(xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.

(xv) Disconnection of utilities.

(xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).

(xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).

(xviii) Waterproofing of any exposed surfaces of adjoining buildings.

(xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).

(xx) Working hours, in accordance with this development consent.

(xxi) Any SafeWork NSW requirements.

(c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

(d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

Reason

To ensure that impacts arising from demolition, excavation and construction are appropriately managed.

DURING BUILDING WORK

(60) HOURS OF WORK AND NOISE – CBD

The hours of construction and work on the development must be as follows:

(a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.

(b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

(c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Reason

To protect the amenity of the surrounding area.

(61) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

(a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

(b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period.

(c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing.

(d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice.

(e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.

(f) All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

Reason

(Prescribed condition EP&A Regulation, clauses 98A (2) and (3)).

(62) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

(a) All loading and unloading associated with construction activity must be accommodated on site, where possible.

(b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.

(c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

(d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

Reason

To protect the amenity of the public domain.

(63) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(64) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Reason

To ensure sediment is not tracked onto the roadway.

(65) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

Reason

To protect the amenity of the public domain.

(66) USE OF MOBILE CRANES

The following requirements apply:

(a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

(b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

(c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Reason

To ensure mobile cranes are used appropriately.

(67) ASBESTOS REMOVAL WORKS

(a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

(b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

(c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines.*

(d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.

(e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.

(f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.

(g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).

(h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.

(i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

(i) contact person for the site;

(ii) telephone and facsimile numbers and email address; and

(iii) site activities and time frames.

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

(68) STREET TREE PROTECTION

All street trees located directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

(a) Tree trunk and major limb protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by a qualified Arborist (AQR Level 3) and must include:

(i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.

(ii) Tree trunk/s and/or major branches, must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and

(iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.

(iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.

(b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.

(c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.

(d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.

(e) Materials or goods, including site sheds, must not be stored or placed:

(i) around or under the tree canopy; or

(ii) within two (2) metres of tree trunks or branches of any street trees.

(f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.

(g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within [specify] metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.

(h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.

(i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Reason

To ensure the protection and ongoing health of the street trees.

(69) PUBLIC DOMAIN WORKS SECURITY BOND

A Public Domain Works Security Bond will be required for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual.

The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The bond must be lodged with the City prior to an approval being issued for the approval of the Public Domain Plan.

The bond will be retained in full until all public domain works, including rectification of damage to the public domain, are completed to City's standards and approval and the required works-as-executed documentation are approved. On satisfying the above requirements, and the issue of the Public Domain Works Letter of Completion Operational Acceptance by the City, 90% of the bond will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

Reason

To ensure public domain works are completed and any damage to the public domain is rectified.

(70) DRAINAGE AND SERVICE PIT LIDS

All existing or proposed drainage and service pit lids throughout the public domain must be to City of Sydney specifications and heel/bicycle safe, slip resistant, infill with material to match surrounding surface, finished flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Infill pit lids are to be detailed where specified by Council's Public Domain Officer. Private pits are not permitted within the public domain. All details of pit lids must be shown on the public domain plan and must be approved by the City's Public Domain Unit prior to the issue of an approval for public domain works.

Reason

To ensure drainage and service pit lids within the public domain are appropriately designed and installed.

(71) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

A detailed public domain plan and all relevant documentation must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all public domain works including the scope of Margaret Street closure works as agreed to with the City and ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's Public Domain Manual, Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights: Public Domain Design Code and Sydney Streets Technical Specification. The documentation must be checked, accurate, and comply with specified requirements. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be for Construction issue and will be approved under Section 138 of the Roads Act.

The Public Domain Manual and all other relevant documents are available for download from Council's website at https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works.

The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients documentation. If the proposed detailed design of the public domain requires changes to any previously approved levels, details must be submitted for approval with the public domain plan and additional fees may apply.

Reason

To ensure the public domain complies with Council's requirements.

(72) HOLD POINTS

A set of hold point inspections will be included in the Public Domain works approval letter for the construction of public domain and / or planning agreement works, including civil, drainage and subsurface works.

These hold point inspections must be adhered to during construction works. Prior to the issue of any Occupation Certificate, confirmation from the City's Public Domain Unit, that hold point inspections have been completed and works have been accepted by the City must be provided to the Principal Certifier.

Reason

To ensure hold points are adhered to during construction works.

(73) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifier prior to any Occupation Certificate or subdivision/strata certificate being issued.

Reason

To ensure the requirements of Sydney Water are met.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(74) PUBLIC DOMAIN WORKS COMPLETION

The Public Domain works are to be constructed in accordance with the Public Domain Works Approval letter, stamped plans for Public Domain Levels and Gradients, Stormwater, Public Domain Lighting, the City's *Public Domain Manual,* Stormwater *Drainage Manual, Sydney Lights Design Code* and *Sydney Streets Technical Specification.*

The public domain work must be inspected and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

Reason

To ensure the public domain works are completed in accordance with the approved documents and Council's requirements.

(75) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION

Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

Reason

To ensure Council receives works-as-executed documentation for public domain works.

(76) SURVEY INFRASTRUCTURE – RESTORATION

(a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:

(i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;

(ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;

(iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

Reason

To ensure all requirements for survey mark removal are complied with.

(77) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted to the Principal Certifier at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

Reason

To ensure the development does not encroach onto neighbouring properties.

(78) PHYSICAL MODELS

(a) Prior to the issue of any Occupation Certificate an accurate 1:500 scale model of the development as constructed must be submitted to and approved by Council's Area Planning Coordinator / Area Planning Manager for the City Model in Town Hall House.

Note:

(i) The models must be constructed in accordance with the Model Specifications available online at http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements Council's modellers must be consulted prior to construction of the model.

(ii) The models are to comply with all of the conditions of the Development Consent.

(iii) The models must be amended to reflect any further modifications to the approval (under Section 4.55 of the *Environmental Planning and Assessment Act*) that affect the external appearance of the building.

Reason

To ensure the provision of an appropriate physical model of the development.

(79) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO OCCUPATION CERTIFICATE

(a) Prior to any Occupation Certificate being issued, an accurate 1:1 electronic CAD model of the completed development must be submitted to and approved by Council's Area Planning Coordinator / Area Planning Manager for the electronic Visualisation City Model.

(b) The data required to be submitted within the surveyed location must include and identify:

(i) building design above and below ground in accordance with the development consent;

(ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;

(iii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

(c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

Reason

To ensure the provision of an appropriate electronic model of the development.

(80) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to any Occupation Certificate being issued, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. Waste is to be stored and collected from within the curtilage of the site at all times.

Reason

To ensure that waste and recycling is appropriately managed.

OCCUPATION AND ONGOING USE

(81) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

(82) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Reason

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

(83) WASTE/RECYCLING COLLECTION - COMMERCIAL

(a) Waste storage and the collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.

(b) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.

(c) Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days.

Reason

To ensure that waste and recycling is appropriately managed.

(84) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

Reason

To ensure all works to the City's public domain are protected under a liability period.

(85) AWNING MAINTENANCE

The awning must be inspected and regular maintenance be carried out to ensure the awning's structural integrity, aesthetic and functional qualities are maintained.

Reason

To ensure that awnings are appropriately maintained.

(86) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

(a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA *Noise Policy for Industry* 2017 (NPfI) unless agreed to by the City's Area Planning Manager. Further:

(i) Background noise monitoring must be carried out in accordance with the long-term methodology in *Fact Sheet B* of the NPfI unless otherwise agreed by the City's Area Planning Manager.

(ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.

(b) An $L_{Aeq,15\ minute}$ (noise level) emitted from the development must not exceed the $L_{A90,\ 15\ minute}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:

(i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.

(ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.

(c) Corrections in *Fact Sheet C* of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reason

To protect the acoustic amenity of surrounding properties.

TRANSPORT FOR NSW (TFNSW) CONDITIONS

PROTECTION OF SYDNEY LIGHT RAIL INFRASTRUCTURE AND OPERATION

(87) GENERAL CONDITIONS

(a) The applicant must comply with all Altrac Light Rail Partnership (Altrac) or any subsequent operator of Sydney Light Rail (Sydney Light Rail Operator) policies, rules and procedures when working in and about the Sydney Light Rail corridor;

(b) The applicant must comply with the requirements of ASA standards T HR CI 12090 ST Airspace and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines;

(c) Activities of the applicant must not affect and/or restrict Sydney Light Rail operations without prior written agreement between the applicant, Transport for NSW (TfNSW), Altrac, and the Sydney Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Sydney Light Rail Operator;

(d) The applicant must apply to Altrac and the Sydney Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Sydney Light Rail Operator. The Sydney Light Rail Operator may grant or refuse a request for network shutdown at its discretion;

(e) The applicant shall provide safe and unimpeded access for Sydney Light Rail patrons traversing to and from the Sydney Light Rail stops at all times;

(f) TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought; and

(g) All TfNSW, Altrac and Sydney Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.

(88) REVIEW AND ENDORSEMENT OF DOCUMENTS

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the following documentation shall be provided for the review and endorsement of TfNSW:

(a) Details of cranage including Cranage Swing (Radius) Plans and Cranage Collapse Plans;

(b) Demolition plans; and

(c) Construction methodology and construction program.

(89) PRE-CONSTRUCTION WORK DILAPIDATION REPORT

Prior to the issue of the Construction Certificate, a pre-construction work Dilapidation Report of the Sydney Light Rail and its assets shall be prepared by a qualified structural engineer and submitted to TfNSW. The dilapidation survey shall be undertaken via a joint site inspection by the representatives of the Sydney Light Rail Operator, TfNSW and the applicant. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed.

(90) REFLECTIVITY REPORT

Prior to the issue of the relevant Construction Certificate, the applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of Altrac, TfNSW and the Sydney Light Rail Operator.

(91) BALCONIES AND WINDOWS

Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the light rail corridor, the development must have mitigation measures (e.g., awning windows, louvres, enclosed balconies, window restrictors etc) installed to prevent throwing of objects onto the rail corridor or as otherwise agreed by TfNSW as per Technical Direction TD 00015:2023. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied.

(92) INSURANCE REQUIREMENTS

Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. TfNSW's standard public liability insurance requirement for this type of development adjacent to a rail corridor is minimum of $250M. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

(93) WORKS DEED / AGREEMENTS

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, if required by TfNSW, Works Deed (s) between the applicant, TfNSW and/or Altrac and the Sydney Light Rail Operator must be agreed and executed by the parties. These agreements may deal with matters including, but not limited to, the following:

(a) Sydney Light Rail Operational requirements;

(b) Sydney Light Rail access requirements;

(c) Altrac and Sydney Light Rail Operator policies, rules and procedures compliance requirements;

(d) Indemnities and releases;

(e) Security of costs;

(f) Insurance requirements and conditions;

(g) TfNSW, Altrac and the Sydney Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs and reports, legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;

(h) Interface coordination between the Sydney Light Rail Operator and the subject development construction works, including safety interface;

(i) Interface Assess Deed Poll and Safety Interface Agreement between the applicant and the Sydney Light Rail Operator must be agreed and executed by the parties. This agreement may deal with matters including, but not limited to, the following:

a. Pre and post construction dilapidation reports;

b. The need for track possessions;

c. Review of the machinery to be used during excavation/ground penetration / construction works;

d. The need for track monitoring;

e. Design and installation of lights, signs and reflective material;

f. Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);

g. Endorsement of plans regarding proposed craneage and other aerial operations;

h. Erection of scaffolding/hoarding;

i. Light Rail Operator's rules and procedures; and

j. Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.

(i) Altrac and the Sydney Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Sydney Light Rail Operations and assets;

(j) Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Sydney Light Rail Corridor;

(k) Arrangements for shutdowns and Sydney Light Rail restricted operations related costs attributed to the applicant; and

(l) Sydney Light Rail site works access approval and access permit to work.

(94) GENERAL CONDITIONS – DURING CONSTRUCTION

(a) Construction vehicles shall not be stopped or parked adjacent to the site on George Street at any time without prior approval of TfNSW;

(b) No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;

(c) During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant;

(d) Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Sydney Light Rail Operator (or the delegated authority); and

(e) No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Sydney Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

(95) POST-CONSTRUCTION DILAPIDATION REPORT

Prior to the Issue of the Occupation Certificate, a post-construction dilapidation survey shall be undertaken via a joint inspection with representatives from TfNSW, Altrac, the Sydney Light Rail Operator and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Sydney Light Rail Operator will be required unless otherwise notified by TfNSW. The applicant needs to undertake rectification of any damage to the satisfaction of TfNSW and the Sydney Light Rail Operator and if applicable the local council.

(96) REFLECTIVITY REPORT

Prior to the Issue of the Occupation Certificate, the applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW, Altrac and the Sydney Light Rail Operator.

NON – LIGHT RAIL RELATED ITEMS

(97) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT

Prior to the issue of any construction certificate, the applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSWr and submit a copy of the final plan to TfNSW for endorsement via development.CTMP.CJP@transport.nsw.gov.au. The CPTMP needs to specify matters including, but not limited to, the following:

(a) Site information and building construction plan

(i) A description of the development;

(ii) Proposed Construction program and construction methodology;

(iii) Construction hours;

(iv) A detailed plan of any proposed hoarding and/or scaffolding;

(v) Details of crane arrangements including location of any crane(s);

(vi) Location(s) where it is proposed to park construction vehicle;

(vii) Location of any proposed work zone(s);

(b) Access and movement

(i) Pedestrian, cyclists and traffic management measures;

(ii) Haulage routes;

(iii) Predicted number of construction vehicle movements and detail of vehicle types;

(c) Impacts

(i) Identify any potential impacts to general traffic, cyclists, pedestrians and light rail and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;

(ii) Cumulative construction impacts of projects. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the surrounding road network;

(d) Mitigation

(i) Measures to minimise movement delays. i.e. Vehicle movements are to be minimised during peak network demand periods;

(ii) Details of specific measures to ensure the arrival of construction vehicles to the site do not cause additional queuing on public roads;

(iii) Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP;

(iv) Measures to avoid construction worker vehicle movements;

(e) Ongoing activities

(i) Details of the monitoring regime for maintaining the simultaneous operation of buses, light rail and construction vehicles on roads surrounding the site;

(ii) Consultation strategy for liaison with surrounding stakeholders, including other developments under construction; and

(iii) Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Transport for NSW (via development.CTMP.CJP@transport.nsw.gov.au) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

(98) DELIVERY AND SERVICING PLAN

Prior to the issue of any Construction Certificate, the applicant shall prepare a detailed Delivery and Servicing Plan in consultation with TfNSW. This plan shall ensure that any potential traffic and safety impacts associated with the delivery and servicing operation are mitigated. The applicant shall submit a copy of the final plan for TfNSW endorsement. The Plan needs to specify, but not be limited to, the following:

(a) Details of the development's delivery and servicing profile, including the forecast delivery and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;

(b) Details of measures to manage any potential traffic and safety impacts of the delivery and servicing operation in particular potential queuing on public roads; and

(c) Details of measures to mitigate any potential impacts to the pedestrians and cyclists safety during the delivery and servicing operation.

The Delivery and Servicing Plan shall be implemented by the applicant following the issue of the Occupation Certificate.

(99) OPERATIONAL PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

Prior to the issue of the Occupation Certificate, the applicant shall prepare a Operational Pedestrian and Traffic Management Plan (OPTMP) in consultation with TfNSW and submit a copy of the final plan to TfNSW for endorsement via development.CTMP.CJP@transport.nsw.gov.au.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the *Conditions of development consent: advisory notes*. https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf The consent should be read together with the *Conditions of development consent advisory notes* to ensure the development is carried out lawfully.

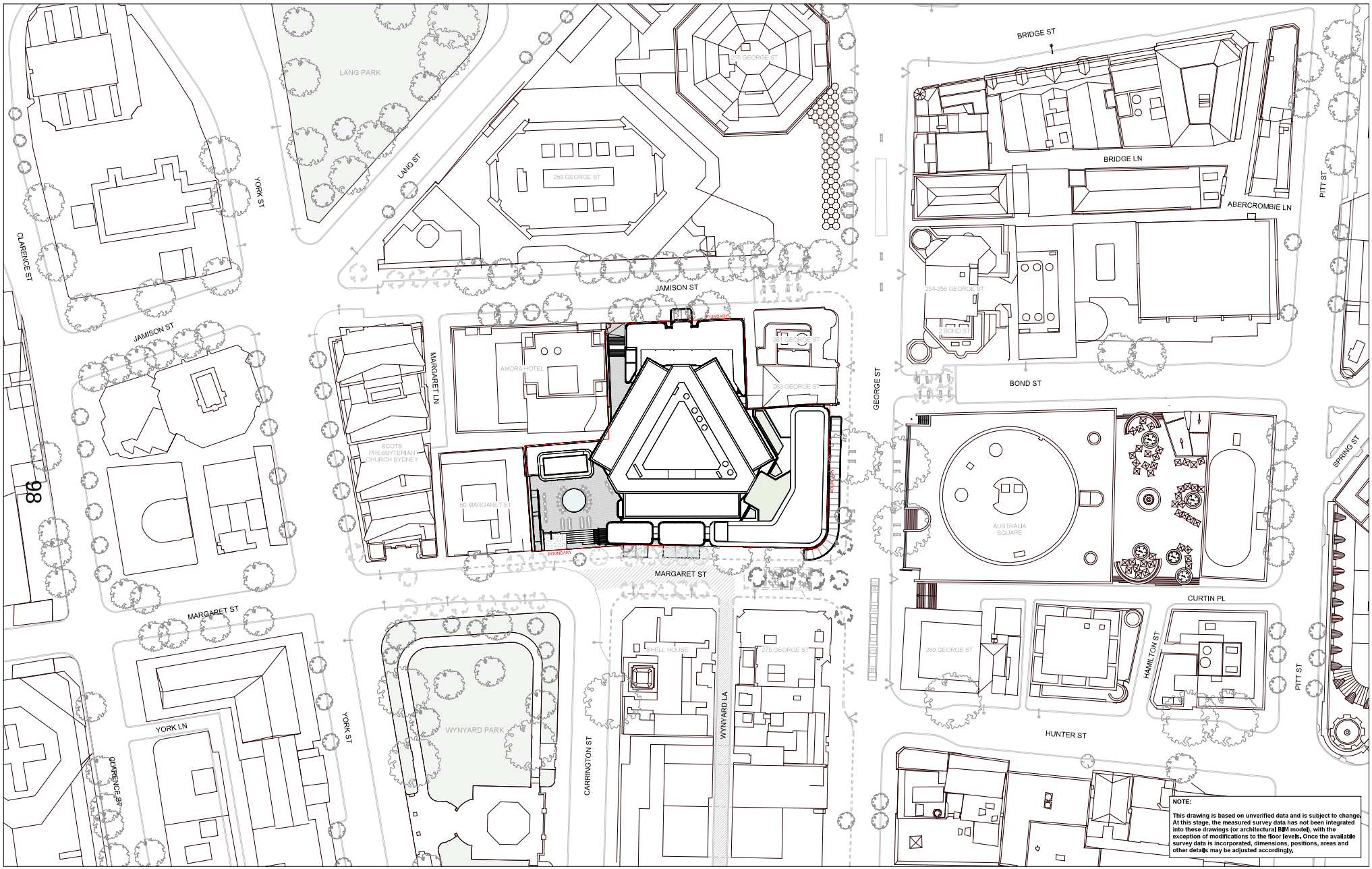
The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Attachment B

Selected Drawings



NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP

T +61 2 9253 0200
www.grimshaw.global

Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects. Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

PROPOSED SHARED ZONE
EXISTING SHARED ZONE
FUTURE PEDESTRIANISATION WORKS
EXISTING TREES
PROPOSED TREES

1 CONTOUR LINE INDICATES 0.2m CHANGE IN ELEVATION

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning FSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from services engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST, SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update
D		09/10/2024	Development Application Update

KEY PLAN

NORTH

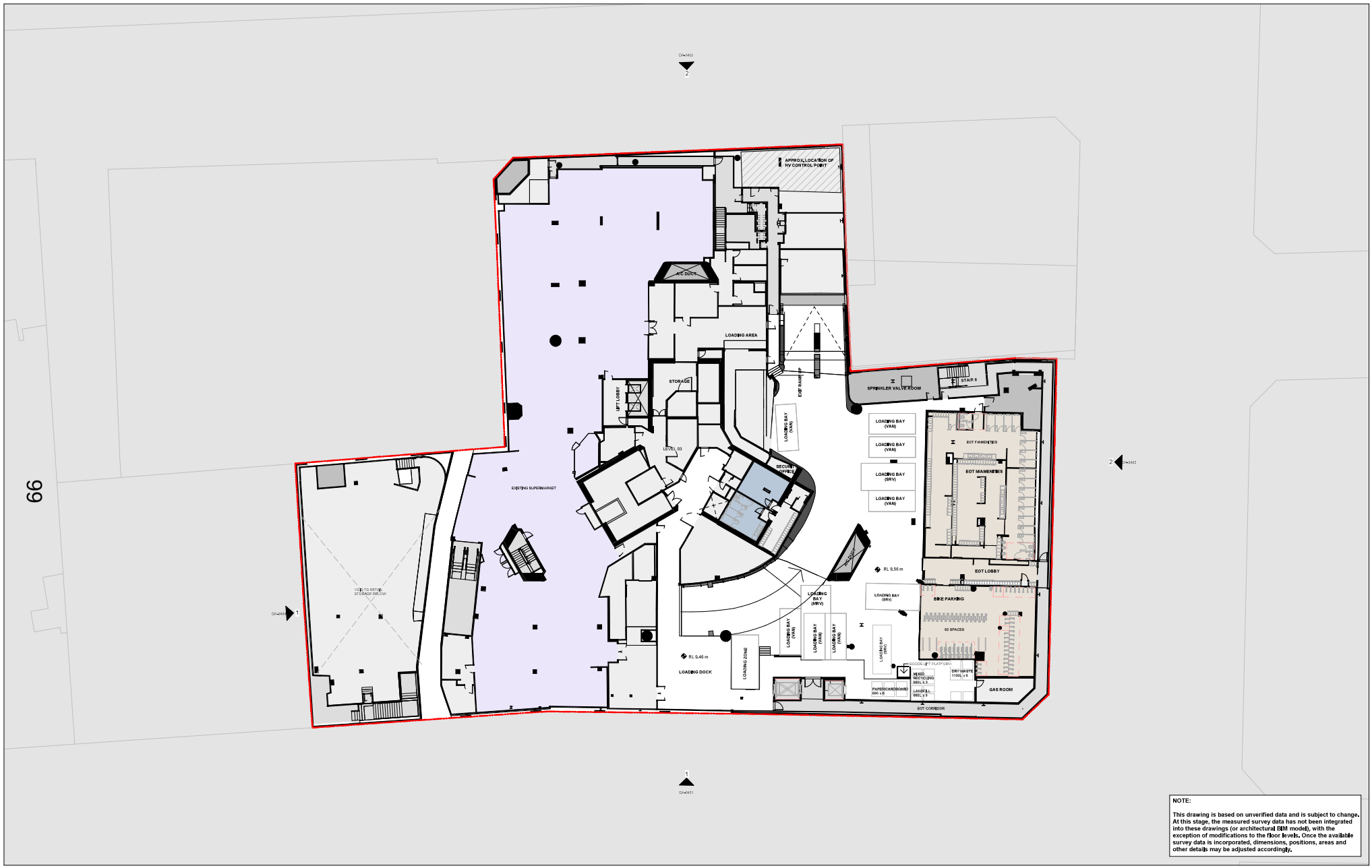
DRAWING TITLE
Site Plan

SCALE
1 : 500 @A1

STATUS
Design Development

DRN	CH	APPR	DRN DATE	REV
MM	MC	MJ	09/10/2024	D

DRAWING NO.
MRG-GRM-DR-AR-DA-0102



NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP
T +61 2 9253 0200
www.grimshaw.global
Level 2, 333 George Street, Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects, Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

- COMMERCIAL
- FLAGSHIP
- RETAIL
- FOOD
- FOOD SEATING
- LOBBY
- GYM
- CIRCULATION
- FIRE EGRESS
- BACK OF HOUSE

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning FSR.
- Extent of demolition & new/adjt works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from servies engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST, SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update

KEY PLAN

NORTH

DRAWING TITLE
Floorplan Level 3

SCALE
1 : 200 @A1

STATUS
Design Development

DRW	CH	APPR	DRW DATE	REV
JS	MC	MJ	24/09/2024	C

DRAWING NO.
MRG-GRM-DR-AR-DA-0203



NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP

T +61 2 9253 0200
www.grimshaw.global

Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects, Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

- COMMERCIAL
- FLAGSHIP
- RETAIL
- FOOD
- FOOD SEATING
- LOBBY
- GYM
- CIRCULATION
- FIRE EGRESS
- BACK OF HOUSE

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning FSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from servies engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST, SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update

KEY PLAN

NORTH

DRAWING TITLE
Floorplan Level 4

SCALE
1 : 200 @A1

STATUS
Design Development

DRW	CH	APPR	DRW DATE	REV
JS	MC	MJ	24/09/2024	C

DRAWING NO.
MRG-GRM-DR-AR-DA-0204



NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP
T +61 2 9253 0200
www.grimshaw.global
Level 2, 333 George Street, Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects, Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

- COMMERCIAL
- FLAGSHIP
- RETAIL
- FOOD
- FOOD SEATING
- LOBBY
- GYM
- CIRCULATION
- FIRE EGRESS
- BACK OF HOUSE

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning FSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from servies engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST,
SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update

KEY PLAN

NORTH

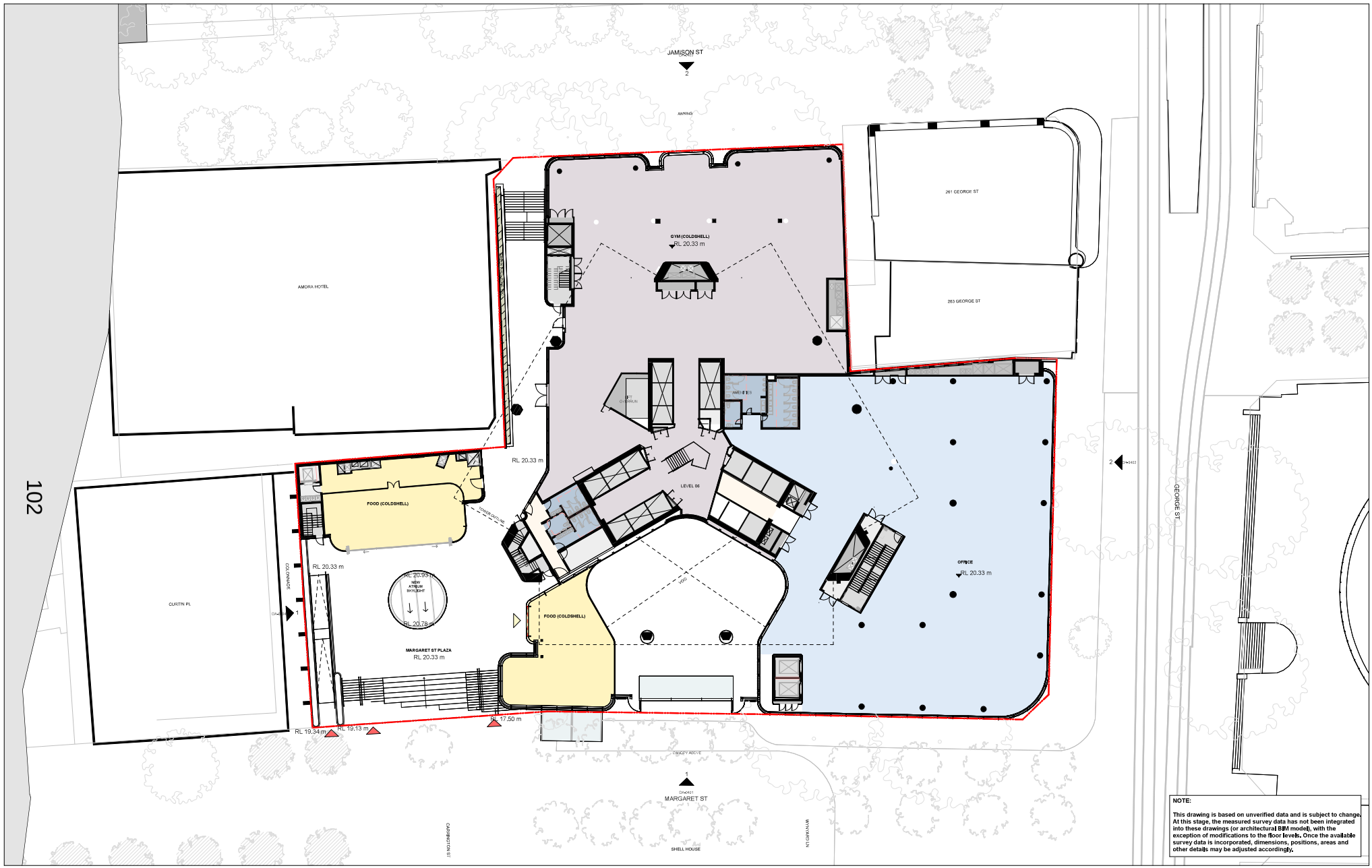
DRAWING TITLE
Floorplan Level 5

SCALE
1 : 200 @A1

STATUS
Design Development

DRW	CH	APPR	DRW DATE	REV
JS	MC	MJ	24/09/2024	C

DRAWING NO.
MRG-GRM-DR-AR-DA-0205



NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP

T +61 2 9253 0200
www.grimshaw.global

Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects. Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

- COMMERCIAL
- FLAGSHIP
- RETAIL
- FOOD
- FOOD SEATING
- LOBBY
- GYM
- CIRCULATION
- FIRE EGRESS
- BACK OF HOUSE

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning FSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from services engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST, SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update
D		09/10/2024	Development Application Update

KEY PLAN

NORTH

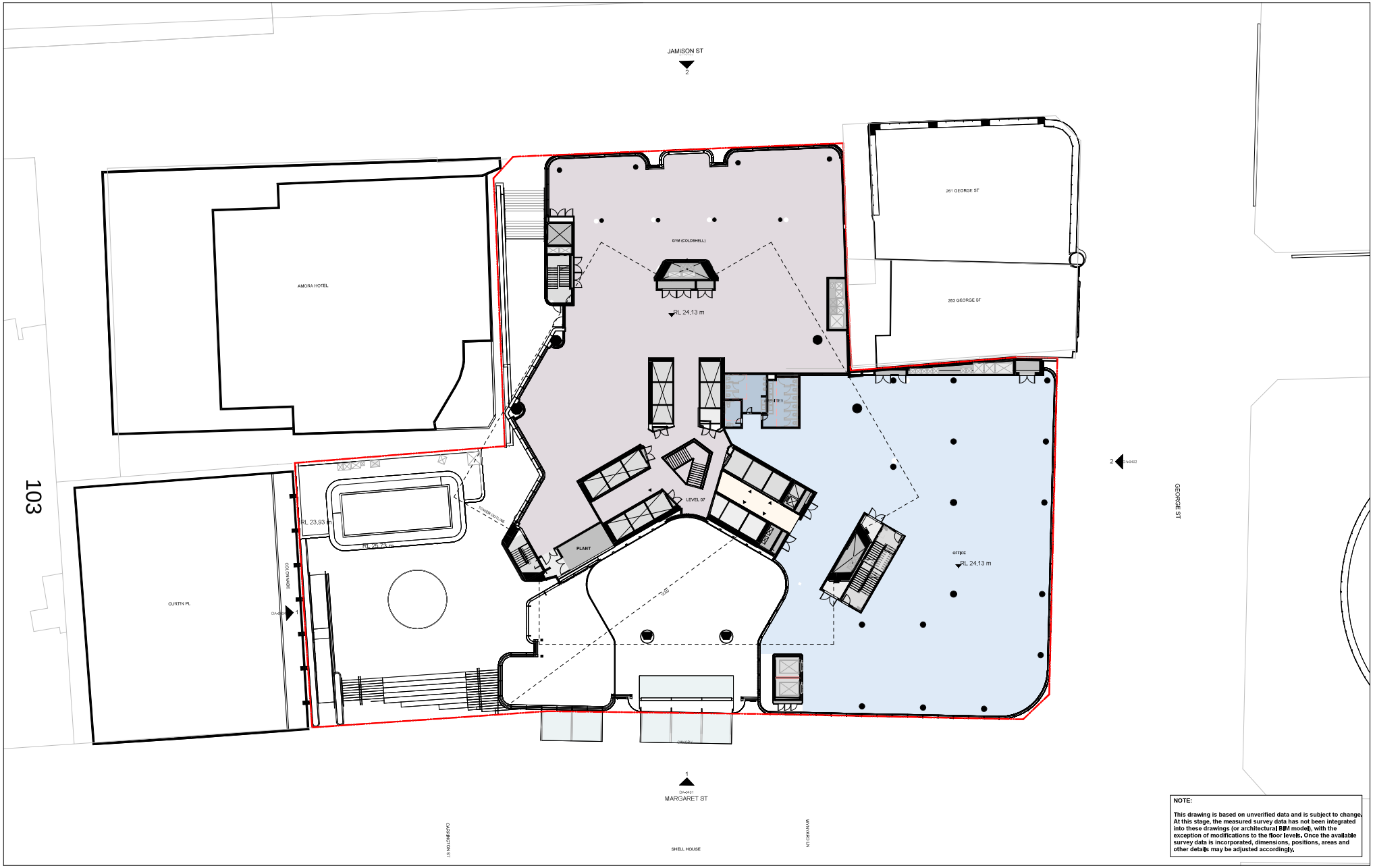
DRAWING TITLE
Floorplan Level 6

SCALE
1 : 200 @A1

STATUS
Design Development

DRN	CH	APPR	DRN DATE	REV
JS	MC	MJ	09/10/2024	D

DRAWING NO.
MRG-GRM-DR-AR-DA-0206



NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP

T +61 2 9253 0200
www.grimshaw.global

Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects. Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

- COMMERCIAL
- FLAGSHIP
- RETAIL
- FOOD
- FOOD SEATING
- LOBBY
- GYM
- CIRCULATION
- FIRE EGRESS
- BACK OF HOUSE

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning FSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from services engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST, SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update
D		09/10/2024	Development Application Update

KEY PLAN

NORTH

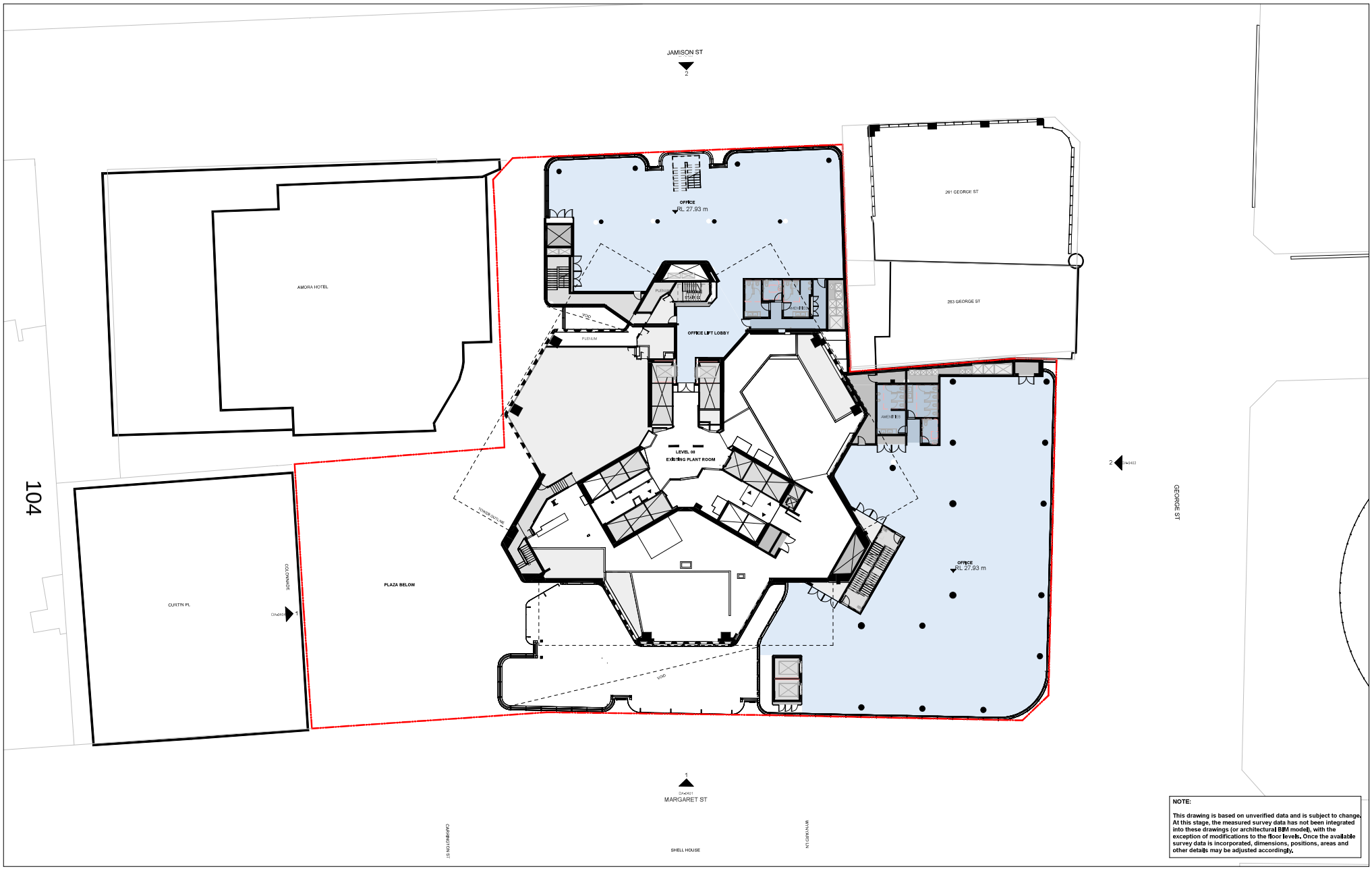
DRAWING TITLE
Floorplan Level 7

SCALE
1 : 200 @A1

STATUS
Design Development

DRN	CH	APPR	DRN DATE	REV
JS	MC	MJ	09/10/2024	D

DRAWING NO.
MRG-GRM-DR-AR-DA-0207



NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP

T +61 2 9253 0200
www.grimshaw.global

Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects. Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

- COMMERCIAL
- FLAGSHIP
- RETAIL
- FOOD
- FOOD SEATING
- LOBBY
- GYM
- CIRCULATION
- FIRE EGRESS
- BACK OF HOUSE

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning FSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from services engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST, SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update
D		09/10/2024	Development Application Update

KEY PLAN

NORTH

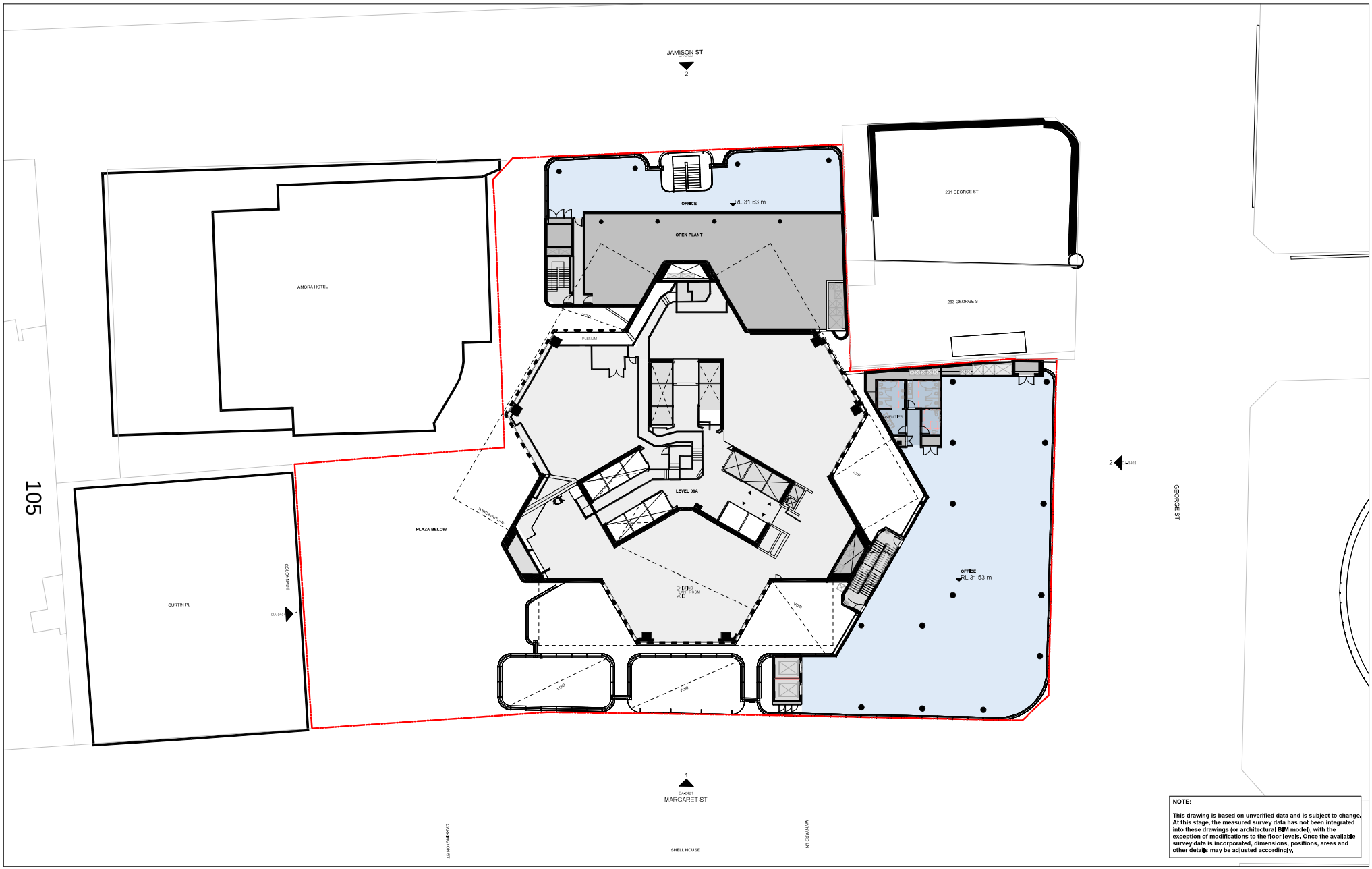
DRAWING TITLE
Floorplan Level 8

SCALE
1 : 200 @A1

STATUS
Design Development

DRN	CH	APPR	DRN DATE	REV
JS	MC	MJ	09/10/2024	D

DRAWING NO.
MRG-GRM-DR-AR-DA-0208



NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP

T +61 2 9253 0200
www.grimshaw.global

Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects. Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

- COMMERCIAL
- FLAGSHIP
- RETAIL
- FOOD
- FOOD SEATING
- LOBBY
- GYM
- CIRCULATION
- FIRE EGRESS
- BACK OF HOUSE

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning FSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from services engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST, SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update
D		09/10/2024	Development Application Update

KEY PLAN

NORTH

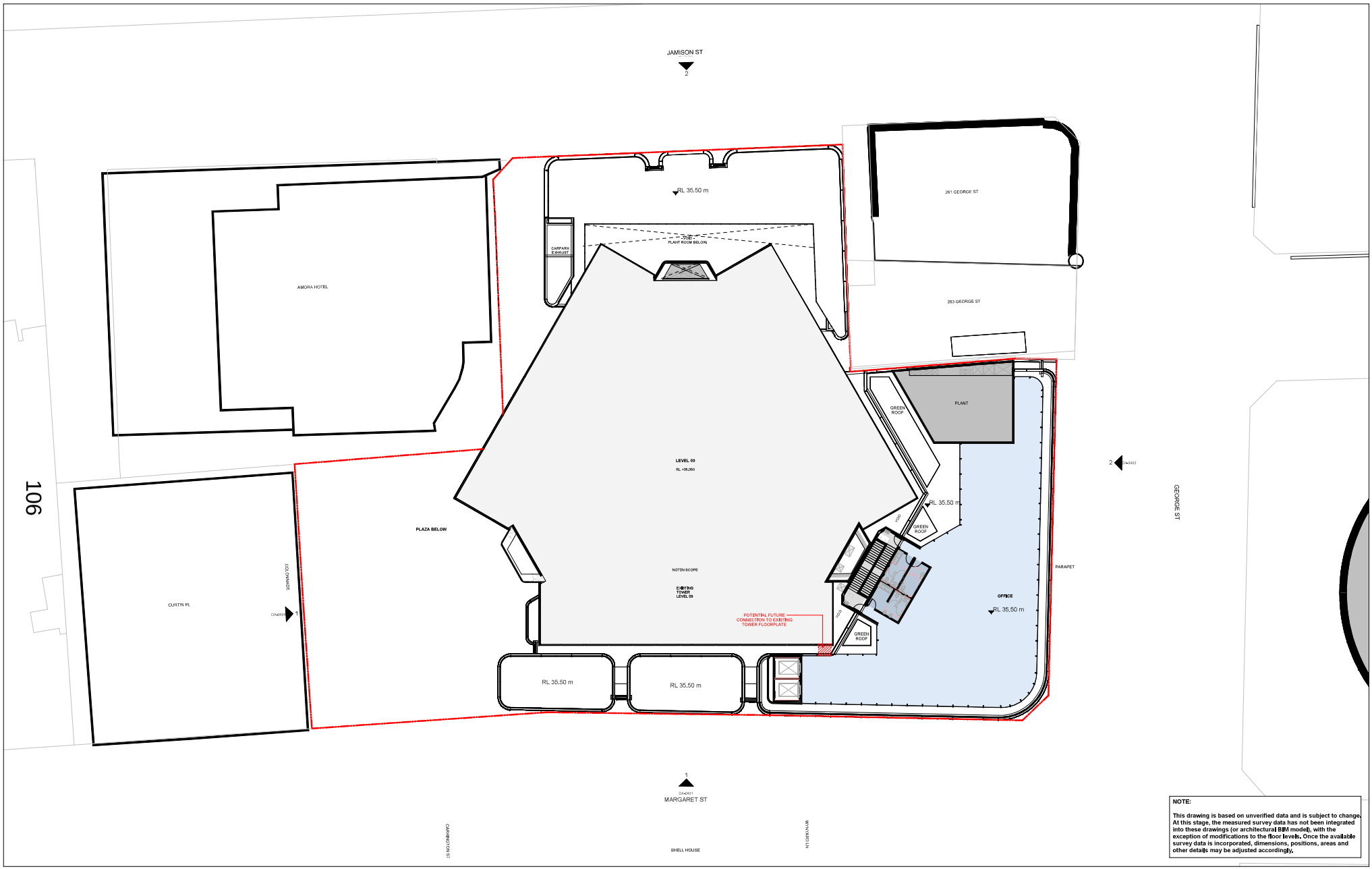
DRAWING TITLE
Floorplan Level 8A

SCALE
1 : 200 @A1

STATUS
Design Development

DRN	CH	APPR	DRN DATE	REV
JS	MC	MJ	09/10/2024	D

DRAWING NO.
MRG-GRM-DR-AR-DA-0208A



NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP

T +61 2 9253 0200
www.grimshaw.global

Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects. Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

- COMMERCIAL
- FLAGSHIP
- RETAIL
- FOOD
- FOOD SEATING
- LOBBY
- GYM
- CIRCULATION
- FIRE EGRESS
- BACK OF HOUSE

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning FSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from services engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST, SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update
D		09/10/2024	Development Application Update

KEY PLAN

NORTH

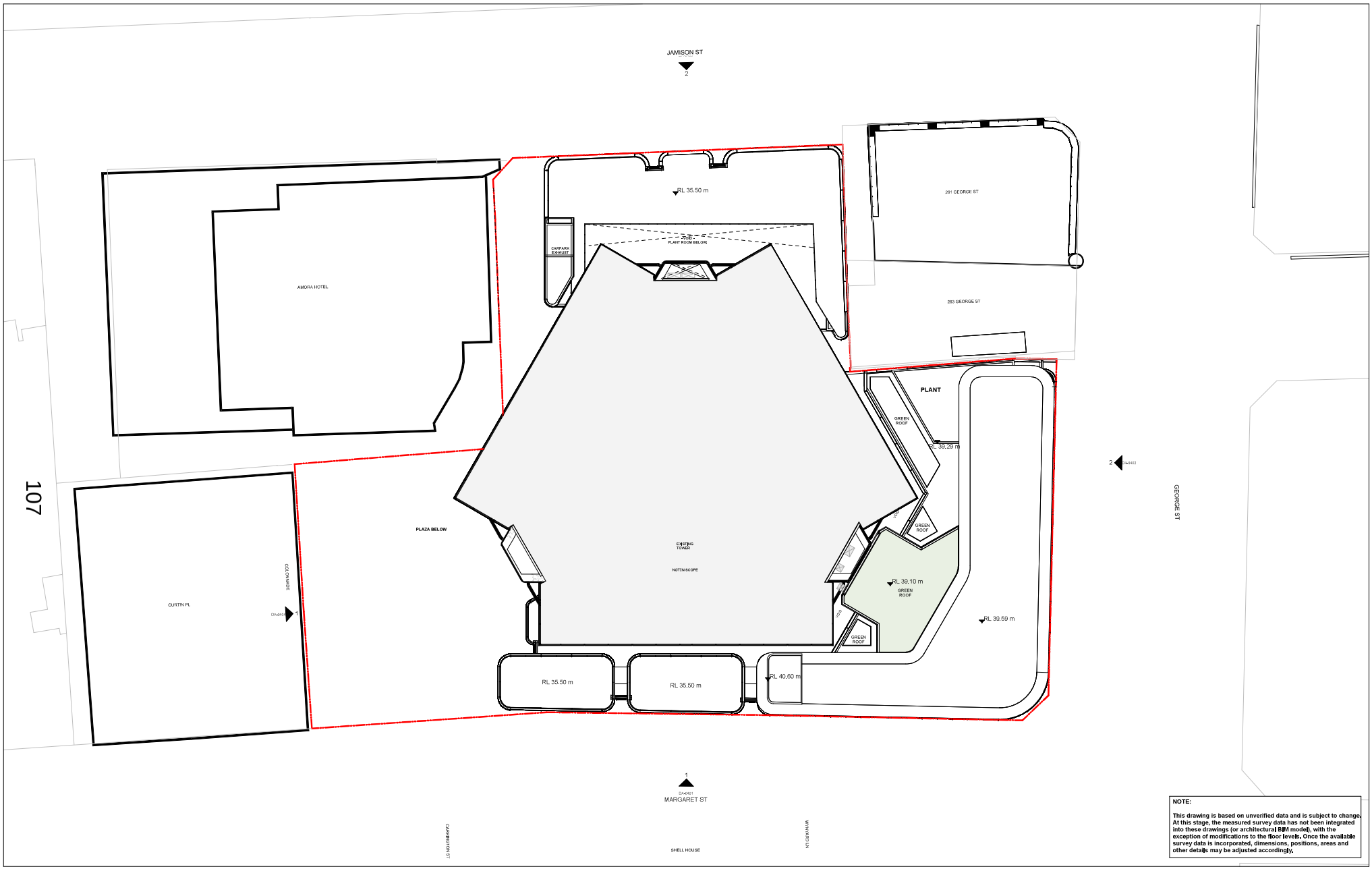
DRAWING TITLE
Floorplan Level 9

SCALE
1 : 200 @A1

STATUS
Design Development

DRN	CH	APPR	DRN DATE	REV
JS	MC	MJ	09/10/2024	D

DRAWING NO.
MRG-GRM-DR-AR-DA-0209



NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP

T +61 2 9253 0200
www.grimshaw.global

Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects. Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

COMMERCIAL	LOBBY
FLAGSHIP	GYM
RETAIL	CIRCULATION
FOOD	FIRE EGRESS
FOOD SEATING	BACK OF HOUSE

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning FSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from services engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
**60 MARGARET ST,
SYDNEY 2000 NSW**

REV	BY	DATE	DESCRIPTION
A		24/09/2024	Development Application Update
B		09/10/2024	Development Application Update

KEY PLAN

NORTH

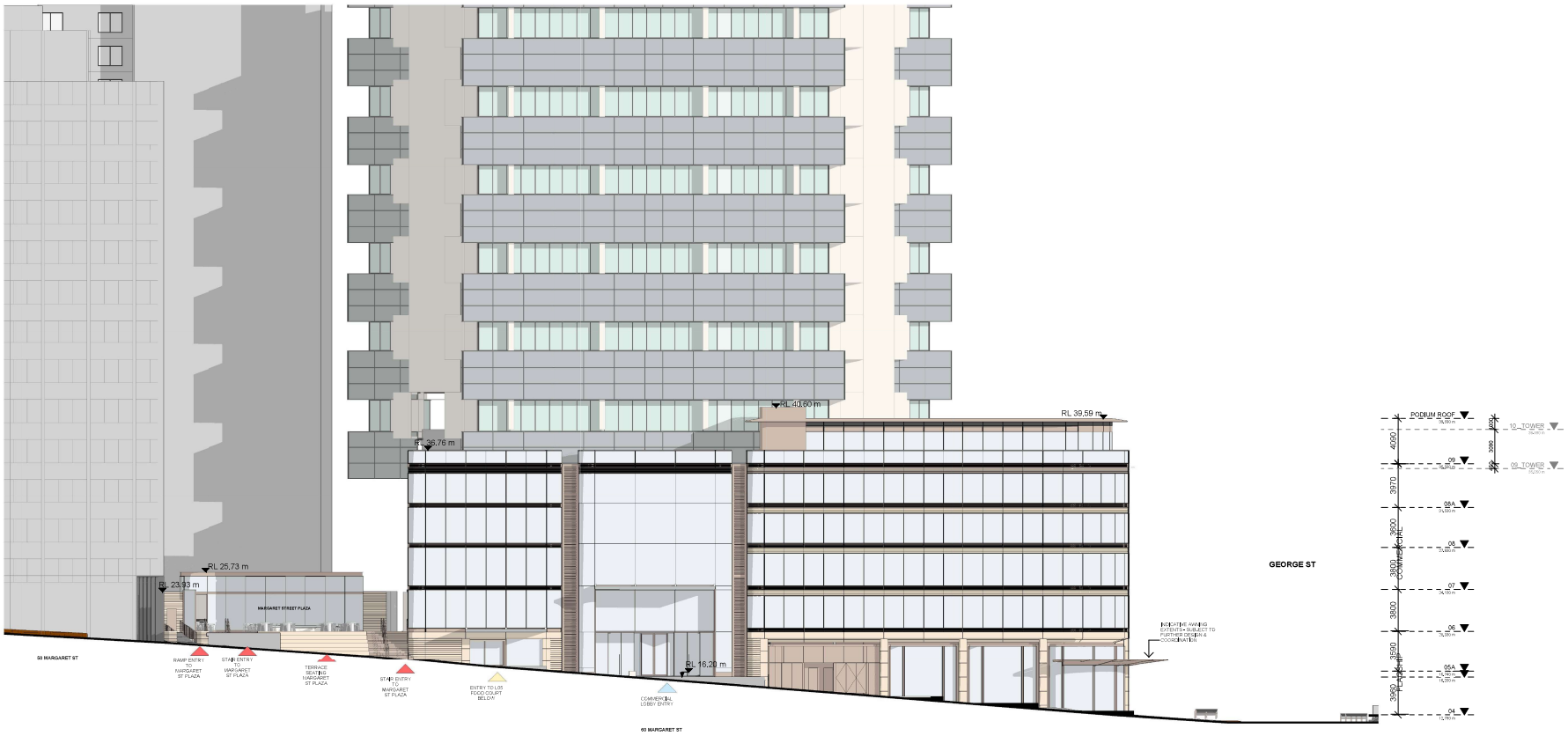
DRAWING TITLE
Floorplan Roof

SCALE
1 : 200 @A1

STATUS
Design Development

DRN	CH	APPR	DRN DATE	REV
JS	MC	MJ	09/10/2024	B

DRAWING NO.
MRG-GRM-DR-AR-DA-0210



NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP

T +61 2 9253 0200
www.grimshaw.global

Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects. Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications, Drawings to be read in conjunction with mike, structural, fire and acoustic information.

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning PSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from services engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
**60 MARGARET ST,
SYDNEY 2000 NSW**

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update

KEY PLAN

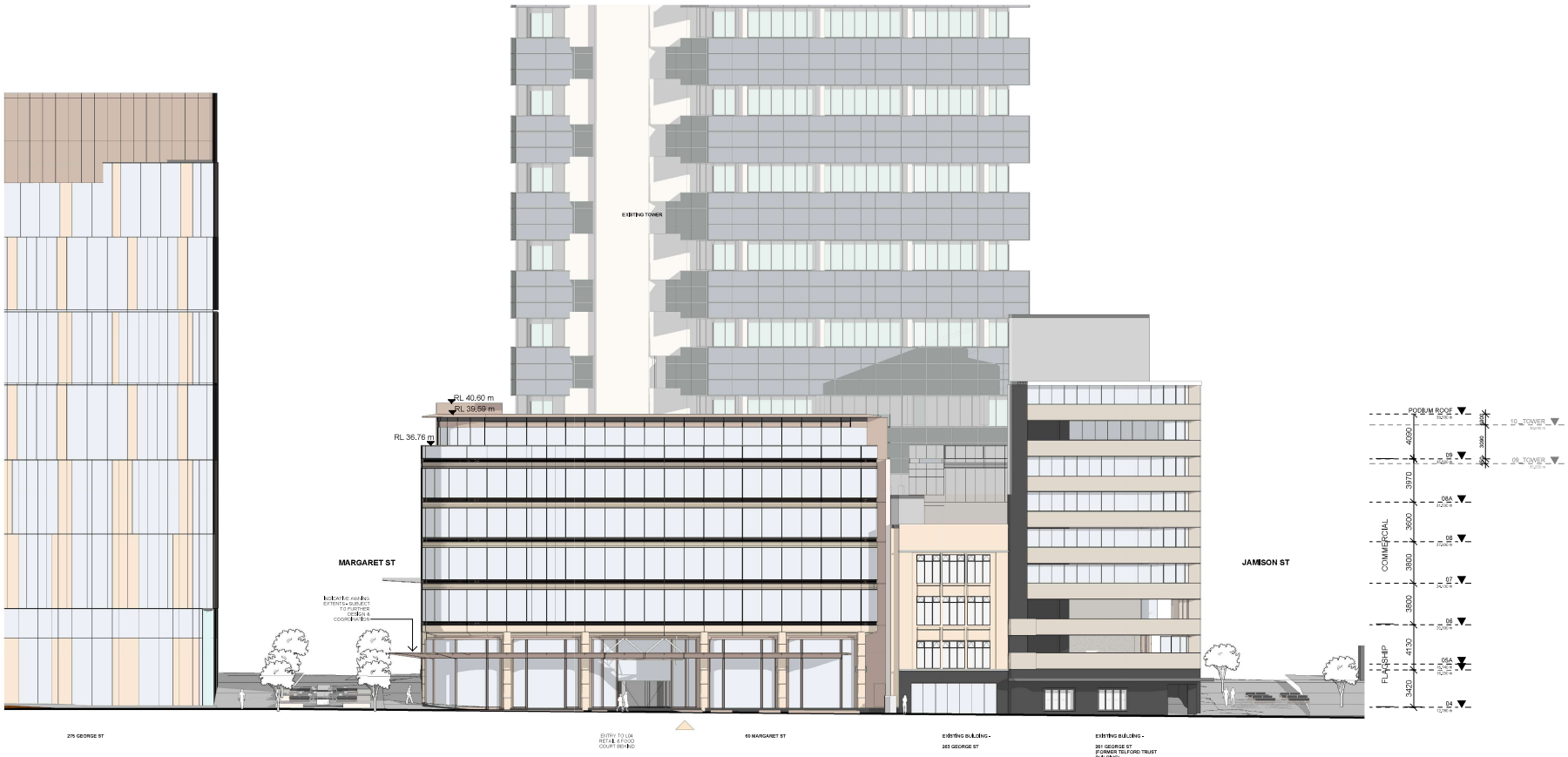
DRAWING TITLE
Building Elevation South

SCALE
1 : 200 @A1

STATUS
Design Development

DRN	CH	APPR	DRN DATE	REV
SC	MC	MJ	24/09/2024	C

DRAWING NO.
MRG-GRM-DR-AR-DA-0401



NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT
GRIMSHAW

GRIMSHAW ARCHITECTS LLP
T +61 2 9253 0200
www.grimshaw.global
Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY
© Copyright Grimshaw Architects. Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES
Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

DISCLAIMER:
- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning FSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from services engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST,
SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update
D		09/10/2024	Development Application Update

KEY PLAN

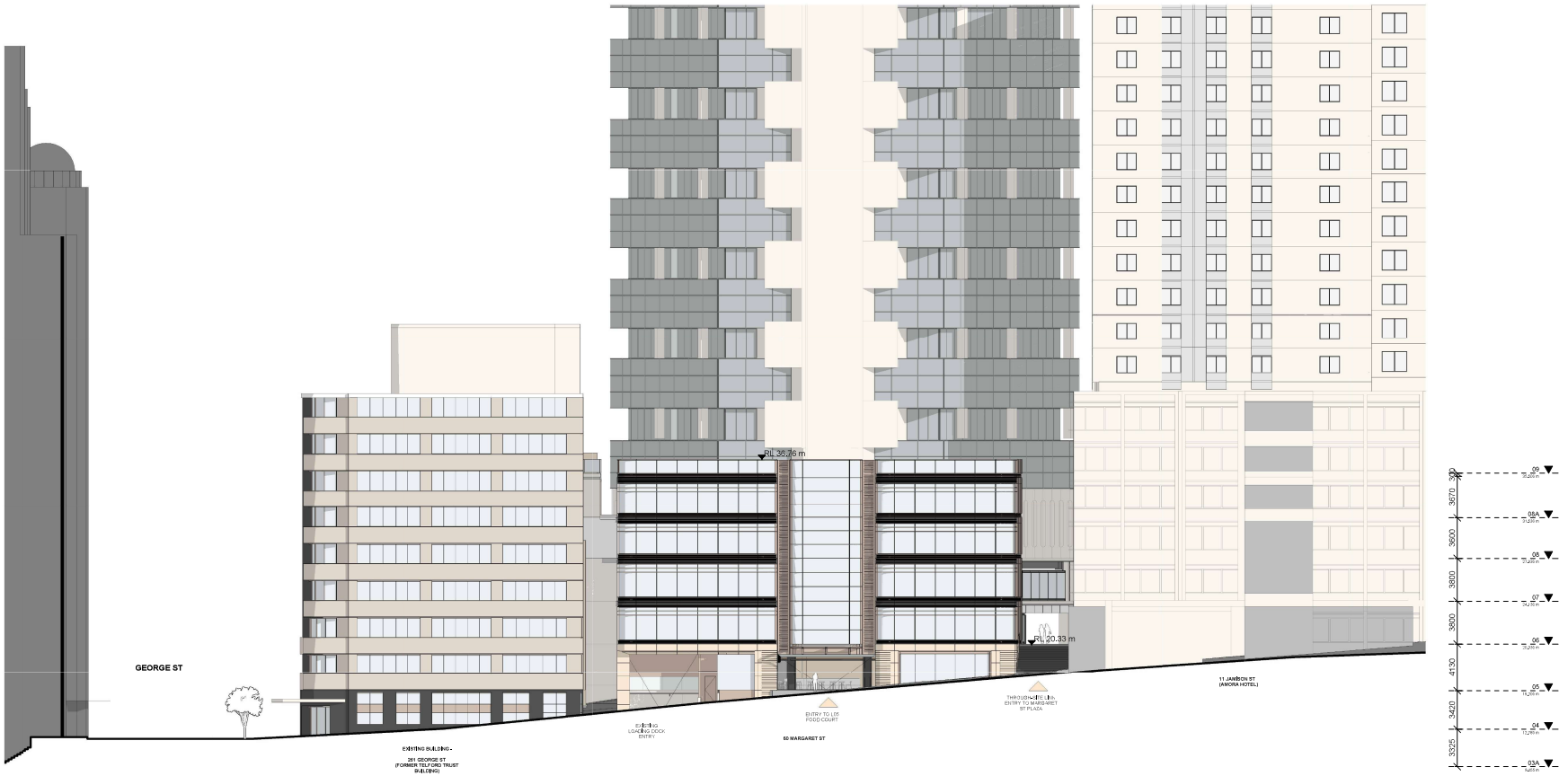
DRAWING TITLE
Building Elevation East

SCALE
1 : 200 @A1

STATUS
Design Development

DRN	CH	APPR	DRN DATE	REV
SC	MC	MJ	09/10/2024	D

DRAWING NO.
MRG-GRM-DR-AR-DA-0402



110

NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP

T +61 2 9283 0200
www.grimshaw.global

Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects. Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning FSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from services engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
**60 MARGARET ST,
SYDNEY 2000 NSW**

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update

KEY PLAN

DRAWING TITLE
Building Elevation North

SCALE
1 : 200 @A1

STATUS
Design Development

DRW	CH	APPR	DRN DATE	REV
SC	MC	MJ	24/09/2024	C

DRAWING NO.
MRG-GRM-DR-AR-DA-0403



NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP

T +61 2 9263 0200
www.grimshaw.global

Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects, Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site, Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with m&e, structural, fire and acoustic information.

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning PSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from services engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST, SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update

KEY PLAN

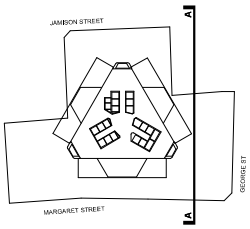
DRAWING TITLE
Building Elevation Plaza

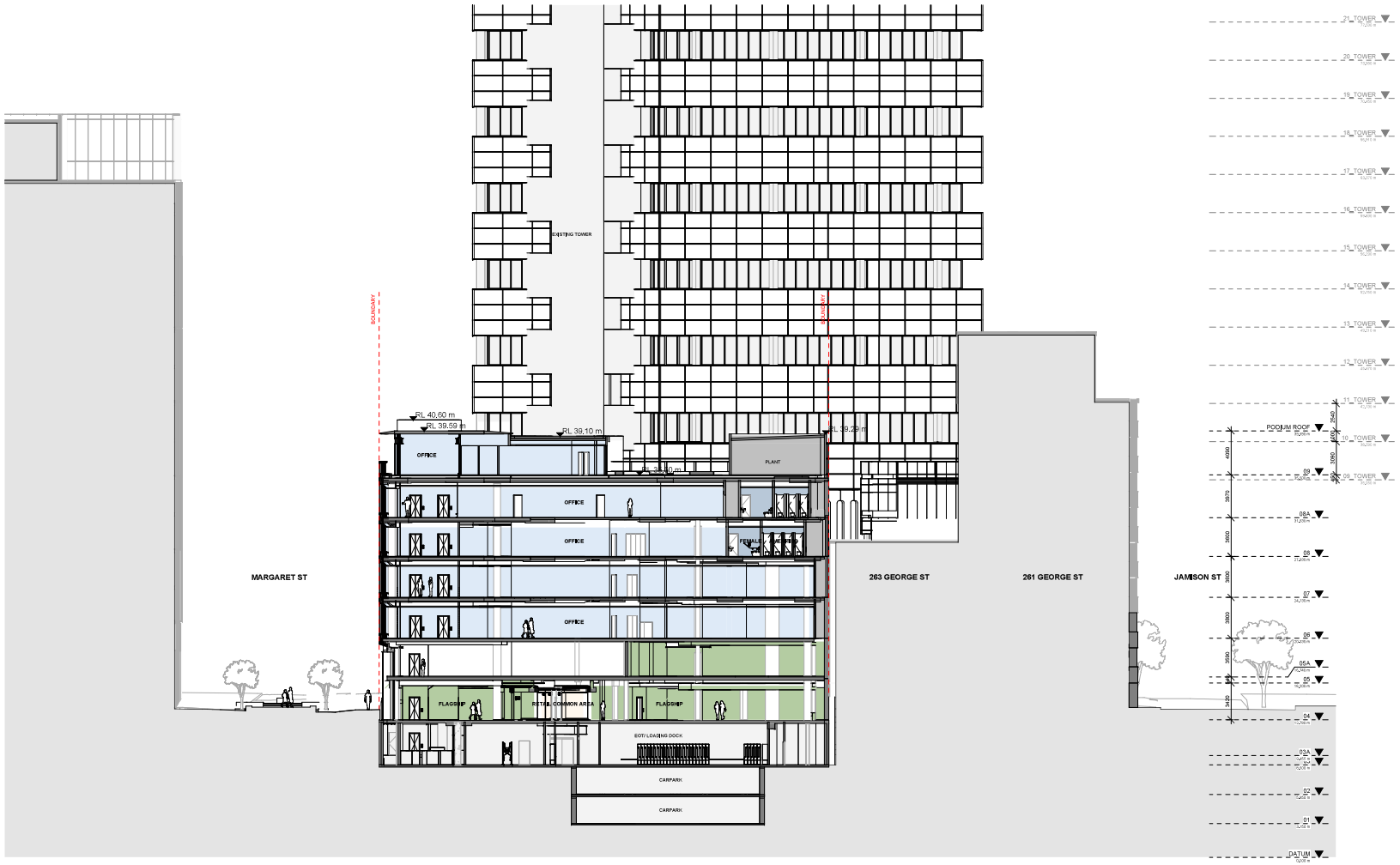
SCALE
1 : 200 @A1

STATUS
Design Development

DRW	CH	APPR	DRW DATE	REV
SC	MC	MJ	24/09/2024	C

DRAWING NO.
MRG-GRM-DR-AR-DA-0404





NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP
T +61 2 9253 0200
www.grimshaw.global
Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects. Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

- COMMERCIAL
- FLAGSHIP
- RETAIL
- FOOD
- FOOD SEATING
- LOBBY
- GYM
- CIRCULATION
- FIRE EGRESS
- BACK OF HOUSE

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning FSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from services engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST, SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update
D		09/10/2024	Development Application Update

KEY PLAN

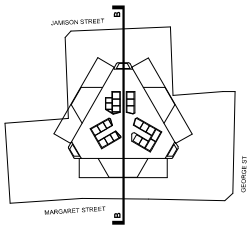
DRAWING TITLE
Building Section AA

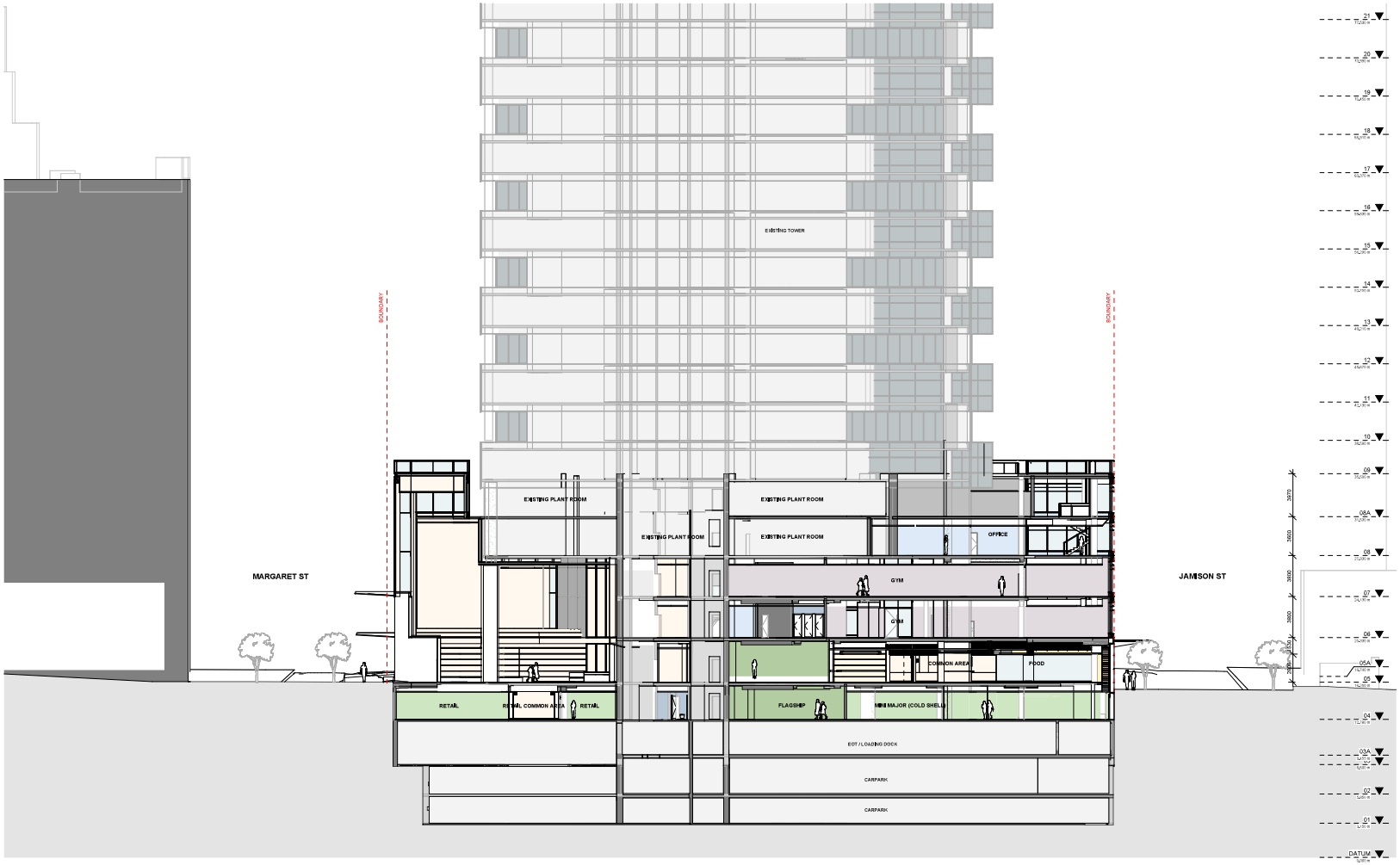
SCALE
1 : 200 @A1

STATUS
Design Development

DRN	CH	APPR	DRN DATE	REV
MM	MC	MJ	09/10/2024	D

DRAWING NO.
MRG-GRM-DR-AR-DA-0501





NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP

T +61 2 9283 0200
www.grimshaw.global

Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects. Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

- COMMERCIAL
- FLAGSHIP
- RETAIL
- FOOD
- FOOD SEATING
- LOBBY
- GYM
- CIRCULATION
- FIRE EGRESS
- BACK OF HOUSE

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning PSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from services engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST, SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update

KEY PLAN

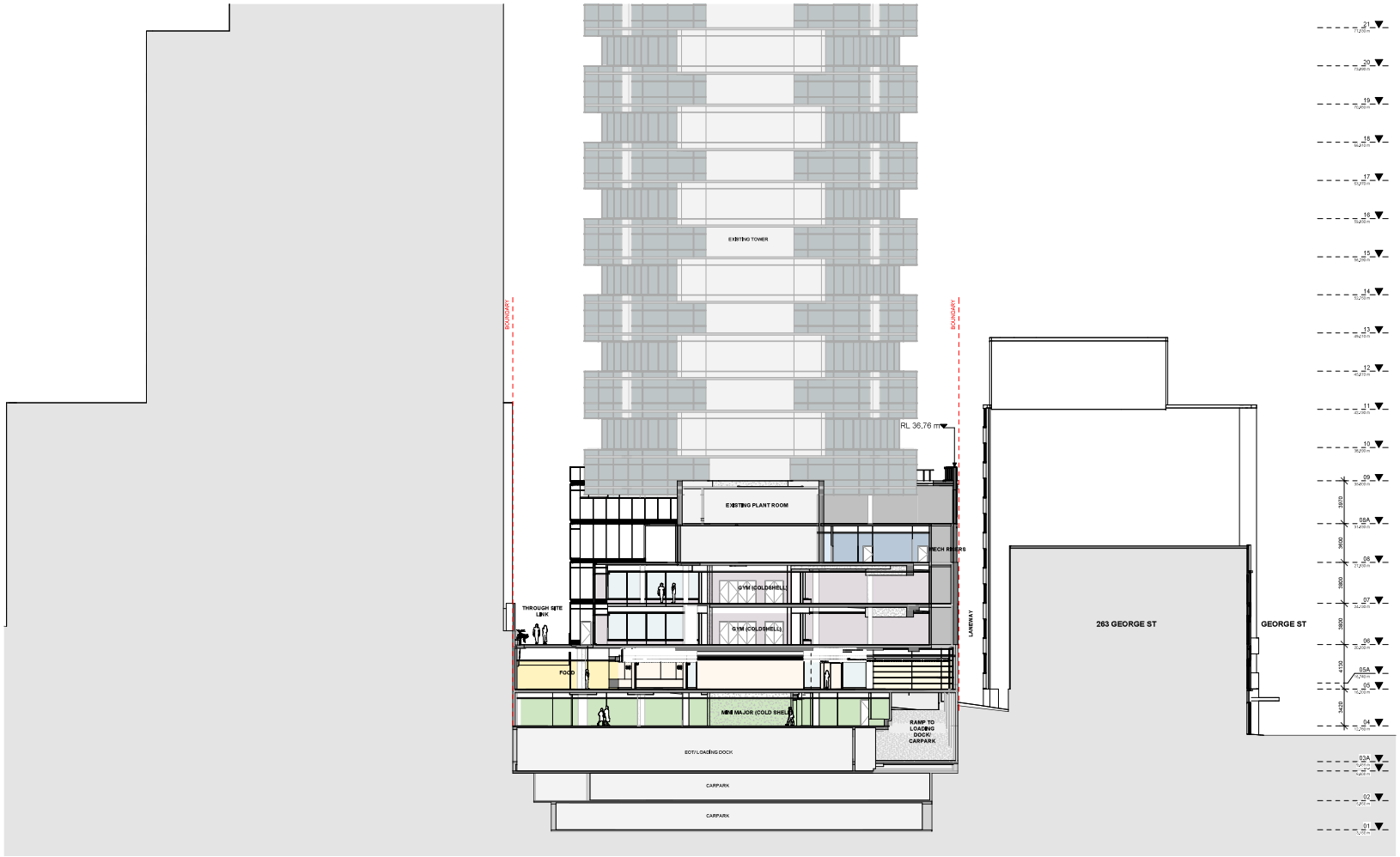
DRAWING TITLE
Building Section BB

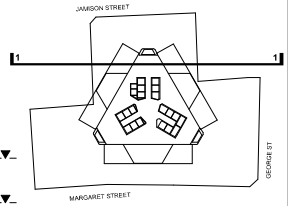
SCALE
1 : 200 @A1

STATUS
Design Development

DRN	CH	APPR	DRN DATE	REV
MM	MC	MJ	24/09/2024	C

DRAWING NO.
MRG-GRM-DR-AR-DA-0502





NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT
GRIMSHAW

GRIMSHAW ARCHITECTS LLP
T +61 2 9283 0200
www.grimshaw.global
Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY
© Copyright Grimshaw Architects. Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES
Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

- COMMERCIAL
- FLAGSHIP
- RETAIL
- FOOD
- FOOD SEATING
- LOBBY
- GYM
- CIRCULATION
- FIRE EGRESS
- BACK OF HOUSE

DISCLAIMER:
- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning PSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from services engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST, SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update

KEY PLAN

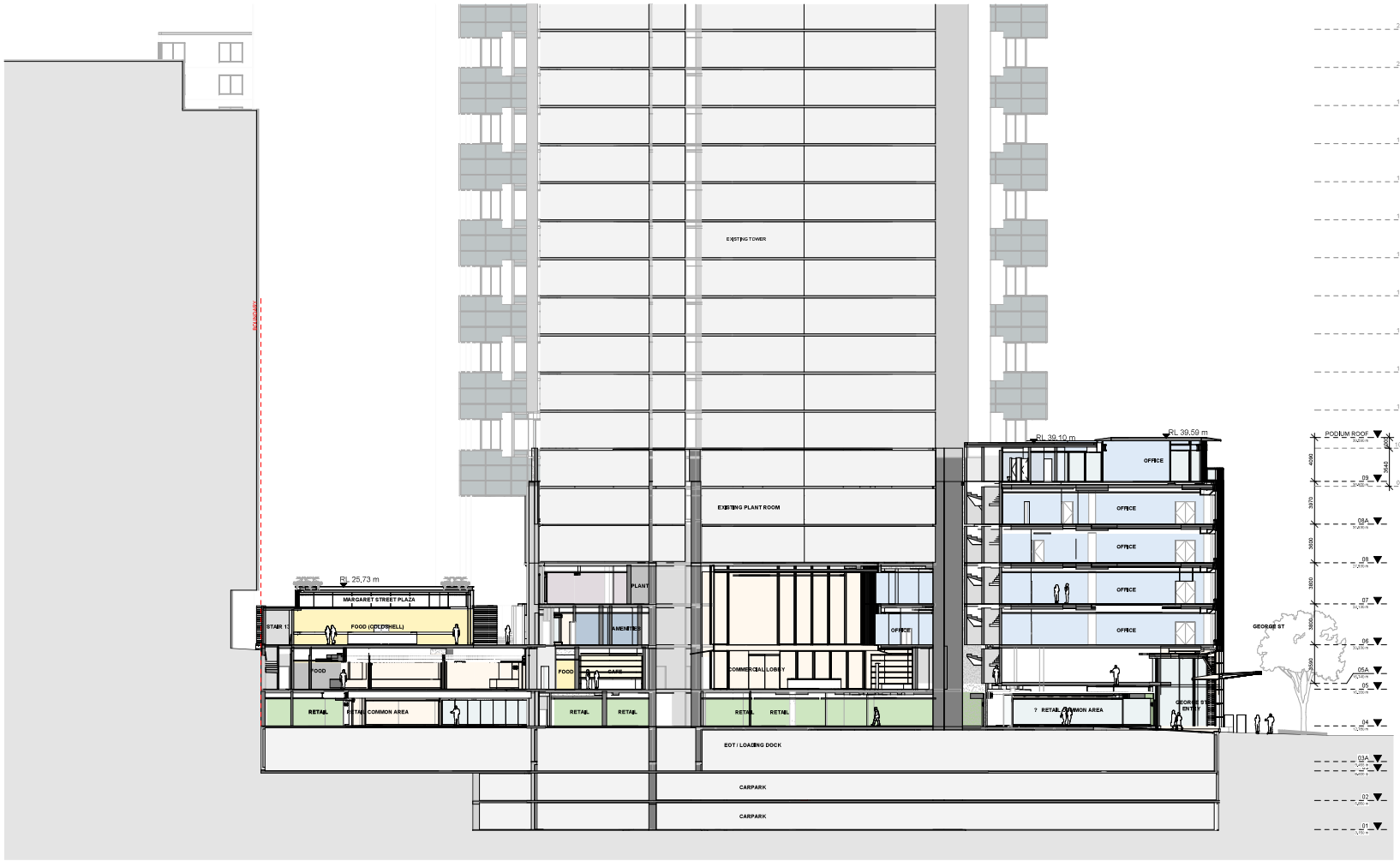
DRAWING TITLE
Building Section 11

SCALE
1 : 200 @A1

STATUS
Design Development

DRN	CH	APPR	DRN DATE	REV
MM	MC	MJ	24/09/2024	C

DRAWING NO.
MRG-GRM-DR-AR-DA-0503



NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT

GRIMSHAW

GRIMSHAW ARCHITECTS LLP

T +61 2 9253 0200
www.grimshaw.global

Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY

© Copyright Grimshaw Architects. Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES

Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

- COMMERCIAL
- FLAGSHIP
- RETAIL
- FOOD
- FOOD SEATING
- LOBBY
- GYM
- CIRCULATION
- FIRE EGRESS
- BACK OF HOUSE

DISCLAIMER:

- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning FSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from services engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST, SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update

KEY PLAN

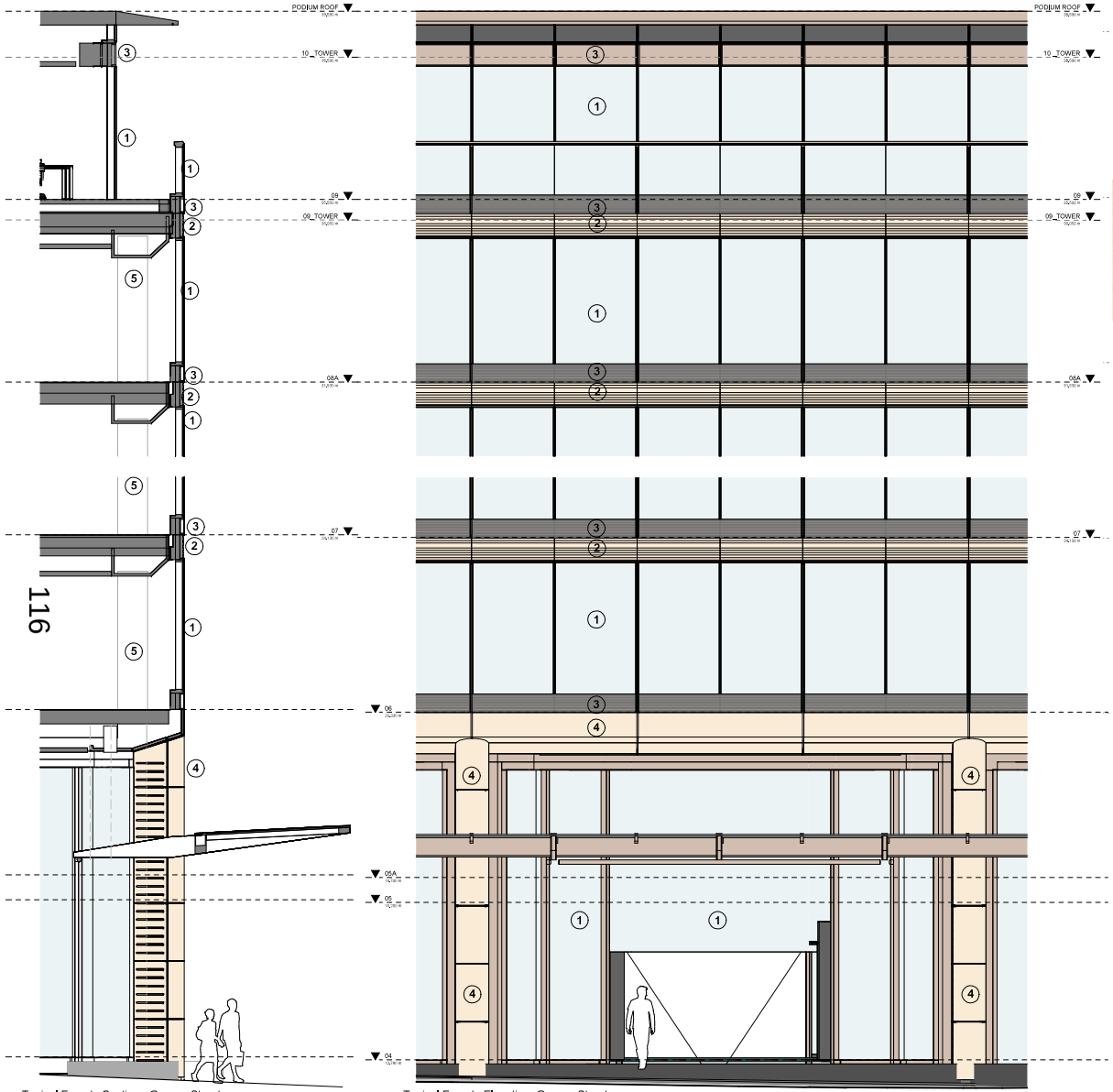
DRAWING TITLE
Building Section 22

SCALE
1 : 200 @A1

STATUS
Design Development

DRN	CH	APPR	DRN DATE	REV
MM	MC	MJ	24/09/2024	C

DRAWING NO.
MRG-GRM-DR-AR-DA-0504



3 Typical Facade Section_George Street
1 : 50

2 Typical Facade Elevation_George Street
1 : 50

1. Glass (Facade)

2. Spandrel Panel

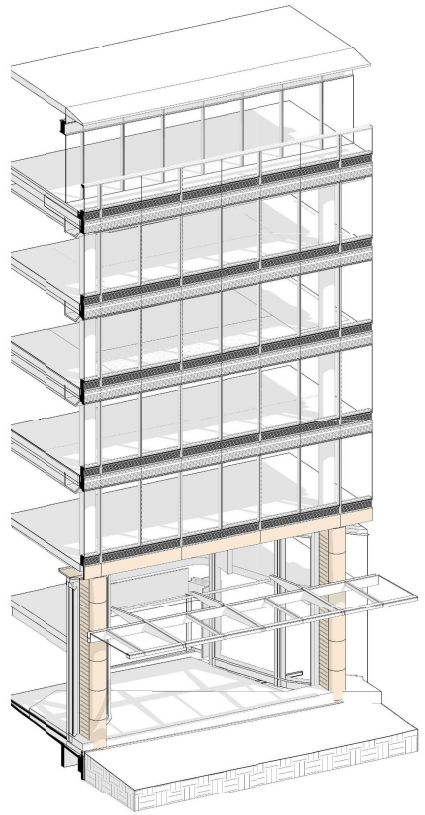
Light Masonry- Sandstone Appearence (George Street)
(Image indicative of material intent only - detail to be developed on following stages)

Profiled Aluminium (Jamison Street)

3. Bronze (Roof Canopy, Recessed Spandrel Channel and framing)

4. Sandstone (Podium)

5. Concrete (structure)



1 Typical Facade Bay Axo_George Street

NOTE:

This drawing is based on unverified data and is subject to change. At this stage, the measured survey data has not been integrated into these drawings (or architectural BIM model), with the exception of modifications to the floor levels. Once the available survey data is incorporated, dimensions, positions, areas and other details may be adjusted accordingly.

ARCHITECT
GRIMSHAW

GRIMSHAW ARCHITECTS LLP
T +61 2 9253 0200
www.grimshaw.global
Level 2, 333 George Street,
Sydney, NSW 2000, AUS

INTELLECTUAL PROPERTY
© Copyright Grimshaw Architects. Unless otherwise agreed in writing, all rights to use this document are subject to payment in full of all Grimshaw charges. This document may only be used for the express purpose and project for which it has been created and delivered, as notified in writing by Grimshaw. This document may not be otherwise used, or copied. Any unauthorised use of this document is at the user's sole risk and without limiting Grimshaw's rights the user releases and indemnifies Grimshaw from and against all loss so arising.

DRAWING NOTICES
Do not scale - all dimensions to be checked on site. Grimshaw drawings to be read in conjunction with Grimshaw and specialist specifications. Drawings to be read in conjunction with mike, structural, fire and acoustic information.

DISCLAIMER:
- Drawings and figures are indicative only and are subject to further design & coordination with client & consultants.
- Areas measured and reported are approximations of GFA & are subject to change with further input from consultants (structure, services, fire, etc.). Final reported areas are subject to scrutiny of Planning FSR.
- Extent of demolition & new-build works subject to further design & coordination with wider design team (structure, services, fire, etc.)
- Height levels are require further verification and coordination.
- Egress routes and locations are subject to further design & coordination with fire engineers.
- Extent of plant & MEP services require further coordination & input from servies engineering consultant.
- Amenities zones and sizes are indicative only and require further coordination with BCA consultant.

CLIENT
ASHEMORGAN

CONSULTANTS

PROJECT NAME
60 MARGARET ST

MAIN

PROJECT NO.
MRG

ADDRESS
60 MARGARET ST, SYDNEY 2000 NSW

REV	BY	DATE	DESCRIPTION
A		26/04/24	Issue for Development Application
B		10/05/2024	Issue for Development Application
C		24/09/2024	Development Application Update
D		09/10/2024	Development Application Update

KEY PLAN

DRAWING TITLE
Podium Facade Details

SCALE
As indicated @A1

STATUS
Design Development

DRN	CH	APPR	DRN DATE	REV
EL	MC	MJ	09/10/2024	D

DRAWING NO.
MRG-GRM-DR-AR-DA-0601

Attachment C

Submission

21 June 2024

Bryan Li
City of Sydney
GPO Box 1591
Sydney NSW 2001

Reference Number: D/2024/367 ***Via Email:*** *bli@cityofsydney.nsw.gov.au*

Dear Bryan,

RE: FEEDBACK ON THE PROPOSED DEVELOPMENT
265-273 GEORGE STREET SYDNEY NSW 2000 "60 MARGARET STREET"

We refer to your letter, dated 16 May 2024, concerning the above-mentioned development and we would like to provide our feedback concerning this proposed development.

Being the owners of 50 Maragaret Street Sydney, we value the character and history of Margaret Street & Sydney CBD and we believe it is essential to consider these aspects when making decisions about development.

While we understand the need for the proposed development, we are concerned that the proposed project may have adverse effects on our tenants. Specifically, we are concerned about

(1) structural assessment of 50 Maragaret St being 40+ years old building; we will require a site-specific dilapidation report for 50 Maragaret Street
(2) the foot traffic management between 50 Maragaret Street and George Street
(3) level of noises & disruptions on weekdays

I urge the Council to carefully evaluate the potential consequences of this proposed development and to prioritize the well-being of the tenants of 50 Margaret Street & surrounding neighbours. It is crucial that any changes made align with the values and needs of the community as a whole.

I appreciate the Council's dedication to serving our city and trust that you will take these concerns into consideration when making decisions about the proposed development. Please keep us informed about any updates or opportunities for community input on this matter.

Should you wish to discuss the above further, please do not hesitate to contact the undersigned.

SLMC Property Australia Pty Ltd
ACN no: 167 174 030
Mezzanine Level, Suite 02, 50 Margaret St, Sydney NSW 2000

Sincerely Yours,

SLMC (Australia) Pty Ltd
For and on behalf of **SLMC Property Australia Pty Ltd.** *(The Trust Company (Australia) Limited (ACN 000 000 993) as trustee for the SLG 50 Margaret Trust (ABN 98 217 073 849)*

[redacted]

Ronnie Roni
Manager (Asset Management)
M [redacted]
E [redacted]

Item 7.

Development Application: 27-31 Doody Street, Alexandria - D/2024/238

File No.: D/2024/238

Summary

Date of Submission:	18 March 2024 Amended plans and supporting documentation submitted 3 June 2024, 30 August 2024 and 29 October 2024.
Applicant:	The Trustee for Vivid Asset Trust
Architect:	Rothelowman Architects
Owner:	Sunway United Holdings Pty Ltd
Planning Consultant:	Sutherland and Associates Planning
DAP:	13 June 2024
Cost of Works:	$75,183,088
Zoning:	The site is located in the E3 Productivity Support zone under the Sydney Local Environmental Plan 2012. The proposal seeks consent for a mixed-use development comprising commercial, light industrial, warehouse, shops, food and drink premises, specialised retail premises and self-storage units. The proposed uses are permissible with consent.
Proposal Summary:	**Proposal:** The proposal seeks consent for demolition, site excavation and the construction of a 5 storey mixed-use commercial and warehouse development with associated basement car parking, a through-site link and land dedication and the construction of a 4-storey rear office building. The application constitutes Integrated development requiring approval from Water NSW under Section 90(2) of the Water Management Act 2000. General terms of approval were issued by Water NSW on 17 June 2024.

Consent Authority:

The application is referred to the Central Sydney Planning Committee (CSPC) as the cost of works exceeds $50 million and constitutes as "major development" for the purposes of the City of Sydney Act 1988.

Assessment:

The proposed development is subject to the site-specific provisions in accordance with clause 6.28 of the Sydney Local Environmental Plan 2012 (SLEP 2012). Clause 6.28 states that development consent must not be granted for the maximum permissible height unless the consent authority is satisfied there is a need for public domain in the area of land on which the development is to be carried out.

The Sydney Development Control Plan 2012 (SDCP 2012) identifies a through-site link along the eastern boundary and the 'Liveable Green Network' along the Alexandra stormwater channel which traverses the rear of the site. The proposal provides for the delivery of these public domain works and dedication of the land to Council. Accordingly, the application benefits from the additional height permitted under clause 6.28(2)(a) of SLEP 2012.

The proposal complies with the maximum building height, floor space ratio and car parking controls. The development demonstrates design excellence in accordance with Division 4 Subdivision 2 of SLEP 2012.

Notification:

The application was publicly exhibited between 20 April 2024 and 29 May 2024. One submission was received and raised concerns car parking availability during the construction phase. This issue is addressed within the report and by a recommended condition of consent.

Voluntary Planning Agreement:

The owner of the site has made a formal offer to enter into a Voluntary Planning Agreement (VPA) with the City. The VPA will provide:

- Construction and dedication of a 6 metre wide through-site link along the eastern boundary of the site (total area of 1,175.4 sqm)

- Dedication of the stormwater channel with Sydney Water easement which runs through the southern end of the site from the eastern boundary to the western boundary.

- Construction and dedication of a 10 metre landscape strip on either side of the channel which traverses the southern end of the site, from the eastern boundary to the western boundary.

The draft VPA is required to be publicly exhibited for 28 days in accordance with the requirements of the Environmental Planning and Assessment Act 1979. The exhibition of the VPA has not yet commenced.

Summary:

Subject to conditions, the proposal is generally consistent with the applicable planning provisions, including those within the SLEP 2012 and the SDCP 2012. Proposed non-compliances have been assessed and are addressed in the report and supported.

Summary Recommendation: It is recommended that authority be delegated to the Chief Executive Officer to determine the application following the conclusion of the public exhibition of the VPA and considering any public submissions received in response.

Consideration should be given to granting deferred commencement consent requiring the VPA to be executed prior to the consent becoming operative and subject to the recommended conditions contained in this report.

Development Controls:

(i) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021

(ii) City of Sydney Act 1988 and City of Sydney Regulation 2016

(iii) Water Management Act 2000 and Water Management (General) Regulation 2018

(iv) SEPP (Resilience and Hazards) 2021

(v) SEPP (Industry and Employment) 2021

(vi) SEPP (Transport and Infrastructure) 2021

(vii) SEPP (Sustainable Buildings) 2022

(viii) Sydney Local Environmental Plan 2012

(ix) Sydney Development Control Plan 2012

(x) City of Sydney Development Contributions Plan 2015

Attachments:

A. Recommended Conditions of Consent

B. Selected Drawings

C. Public Benefit Offer

D. Submissions

Recommendation

It is resolved that:

(A) authority be delegated to the Chief Executive Officer to determine Development Application No. D/2024/238 following the completion of the public exhibition of the draft Voluntary Planning Agreement in accordance with the public benefit offer dated 3 September 2024 and after considering any public submissions received and

(B) if the Chief Executive Officer determines to approve Development Application No. D/2024/238, then consideration be given to imposing the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

(A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report.

(B) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.

(C) The proposal exhibits design excellence in accordance with the relevant provisions and matters for consideration in Section 6.21C of the Sydney Local Environmental Plan 2012.

(D) The proposed development has a height, scale and form suitable for the site and the emerging context of the Southern Enterprise Area and Alexandria.

(E) The proposed mix of compatible land uses will support the vitality of the wider area and do not result in any significant adverse environmental or amenity impacts on the subject site or surrounding properties.

(F) The proposal will support substantial employment floor space within a location identified for this purpose. The ground floor retail tenancies along Doody Street will provide amenity to the community and activate the street.

(G) The proposal will make a significant contribution to the public domain through the public domain works and land dedication of the eastern boundary through-site link and the Liveable Green Network, in accordance with the Sydney Development Control Plan (SDCP 2012) requirements.

(H) The proposal is Integrated Development under the Water Management Act 2000, requiring approval from WaterNSW. General Terms of Approval were received from WaterNSW on 17 June 2024.

(I) The public interest is served by the development, as amendments to the development application have addressed the matters raised by the City. Conditions of consent are recommended to manage potential environmental impacts associated with the development.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 1 in DP 664689, known as 27-31 Doody Street, Alexandria. It is irregular in shape with area of approximately 12,148.2 sqm. The site is relatively flat and has a primary street frontage of 64 metres to Doody Street.

2. The site contains several buildings including a part three and four storey commercial building with a frontage to Doody Street, a two storey warehouse at the centre of the site and several outbuildings and tanks to the rear of the site. The site is currently unoccupied.

3. A stormwater channel (subject to a Sydney Water easement) traverses the rear of the site from east to west. An existing bridge provides access to the southern portion of the site. As envisioned in Section 2.10.3 of SDCP 2012, a pedestrian and cycling connection and green link along the alignment of the stormwater channel will form part of the 'Liveable Green Network', linking Alexandra Canal and future open space shown in the DCP on the corner of Doody and Ralph Streets (presently used and occupied by Australia Post).

4. The surrounding area is characterised by a mixture of land uses, primarily being industrial and commercial developments. Directly to the east of the site at 15-21 Doody Street is a four storey commercial development, to the west of the site is an industrial unit complex at 37 Doody Street. To the south of the site is a two storey industrial warehouse complex. To the north of the site opposite Doody Street is an Australia Post facility.

5. The site is not identified as a heritage item or within a heritage conservation area.

6. The site is located within the Enterprise Corridor locality and is identified as being subject to flooding.

7. A site visit was carried out on 8 May 2024 and 25 September 2024. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from Doody Street looking south



Figure 3: View within the site facing west



Figure 4: View of the bridge over the stormwater channel looking south towards the southern boundary



Figure 5: View of the open channel looking east towards the eastern boundary

History Relevant to the Development Application

Development Applications

8. The following applications are relevant to the current proposal:

- **D/2011/1589** – Development consent was granted on 30 July 2012 for the demolition of the central and southern warehouse buildings and construction of new buildings for use as hardware and building supplies and ancillary offices, alterations and additions to the northern building for high technology use and 136 car parking spaces and landscaping.

  City of Sydney received internal legal advice to confirm that this consent (which lapsed on 30 July 2017) has been physical commencement of works including survey marking, dewatering and asbestos removal. The landowner has recently removed trees approved for removal under D/2011/1589.

Amendments

9. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information and amendments was sent to the applicant on 8 July 2024 relating to the following matters:

   (a) Location of the office building

   (b) Dedication of the land along the Liveable Green Network to ensure compliance with the terms of Clause 6.28 of SLEP 2012.

   (c) Active frontages and setback width of the Liveable Green Network**.**

   (d) Roof structure and sun shading to Northern façade

   (e) Provision of gross floor area and total floor area plans

   (f) Tree removal, landscaping and public domain plans

   (g) Stormwater and flooding impacts

   (h) Contaminated land

   (i) Transport and access

   (j) Sustainability

   (k) 3D model and physical model requirements.

10. The applicant responded to the request on 2 September 2024. Several design amendments were proposed directly in response to Council's feedback. In summary, the design amendments to the proposed development are as follows:

    (a) The land for the length of the Liveable Green Network and through-site-link have been proposed to be dedicated to City of Sydney.

(b) The rear office has been redesigned to increase setbacks to the Liveable Green Network.

(c) Amendments to the ground floor public domain area to increase activation along the Liveable Green Network.

(d) Further façade vertical articulation to reduce bulk and scale impacts.

(e) Awnings included on the roof at industrial unit entries for weather protection.

(f) The northern façade is designed to have 50% solid wall and 50% glazing with screening, as coordinated with the ESD consultant.

11. In addition to the above design amendments, the following additional information was submitted:

(a) Amended landscape package

(b) Net Zero Energy Assessment

(c) NABERS Report

(d) Design for Environmental Performance.

(e) Amended Stormwater concept plan

(f) Amended Flood Report

(g) Amended Arborist Report

(h) Public Benefit Offer

(i) Detailed Site Investigation.

12. Following a review of the updated information, a subsequent request for additional information was sent to the applicant on 1 October 2024 relating to the following matters:

(a) Minor amendments to the architectural plan package for consistency.

(b) Confirmation of proposed hours of operation

(c) An updated Flood Impact Assessment that uses the 'Alexandra Canal catchment flood study 2023 current day model'.

(d) Additional landscape plans including cross sections of the 'Liveable Green Network ' stormwater channel curtilage and coordination with the stormwater concept plans.

(e) An updated site survey plan that shows the Sydney Water easement on the survey.

13. The applicant responded to the request on 28 October 2024 with the following updated information:

(a) Amended final architectural plans.

(b) Confirmed the proposed hours of operation of 7am to 9pm Monday to Sunday.

(c) An updated Flood Report that has utilised the Alexandra Canal catchment flood study 2023 current day model.

(d) Driveway ramp adjusted to crest at RL12.25 at the entry to the building in response to the updated flood advice.

(e) Soffit level of the existing bridge surveyed and shown on the updated site survey drawings.

(f) Additional landscape plans including cross sections of the Liveable Green Network canal area.

(g) Relocation of the stormwater drainage from the existing TPZ encroachment.

Proposed Development

14. The application seeks consent for the following:

(a) Demolition of all existing structures

(b) Excavation up to 3.9m for one basement level containing carparking, end of trip facilities and plant equipment

(c) Construction and use of a five storey mixed-use building containing 17,469.9 sqm of commercial, industrial, warehouse and retail gross floor area including:

(i) 96 light industrial maker spaces and warehouse units

(ii) 4 retail tenancies at the ground floor facing Doody Street

(iii) 12 commercial office tenancies facing Doody Street

(iv) 158 car parking spaces spread across each storey

(v) 142 bicycle spaces.

(vi) A maximum building height of 20.7m.

(d) Construction of a separate four storey office building at the rear of site with 752.4 sqm of GFA.

(e) Vehicle access via a centrally located driveway along the Doody Street frontage.

(f) Removal of 15 trees and site wide landscaping including planting of 119 new trees.

(g) Proposed hours of operation of 7.00am to 6.00pm Monday to Sunday.

(h) The owner of the site has made a written offer to Council to enter into a Voluntary Planning Agreement (VPA) that is consistent with the infrastructure requirements as specified in the SDCP 2012. The draft VPA that has been prepared in association with the subject development application provides for the following public benefits:

(i) Construction and dedication of a 6 metre wide through-site link along the eastern boundary of the site (total area of 1,175.4 sqm)

(ii) Dedication of the canal which runs through the southern end of the site from the eastern boundary to the western boundary.

(iii) Construction and dedication of a 10 metre landscape strip on either side of the Canal which runs through the southern end of the site, from the eastern boundary to the western boundary.

15. Plans and elevations of the proposed development are provided below from Figures 6 to 21.



Figure 6: Proposed render of Doody Street frontage



Figure 7: Proposed render of Liveable Green Network and rear office looking east

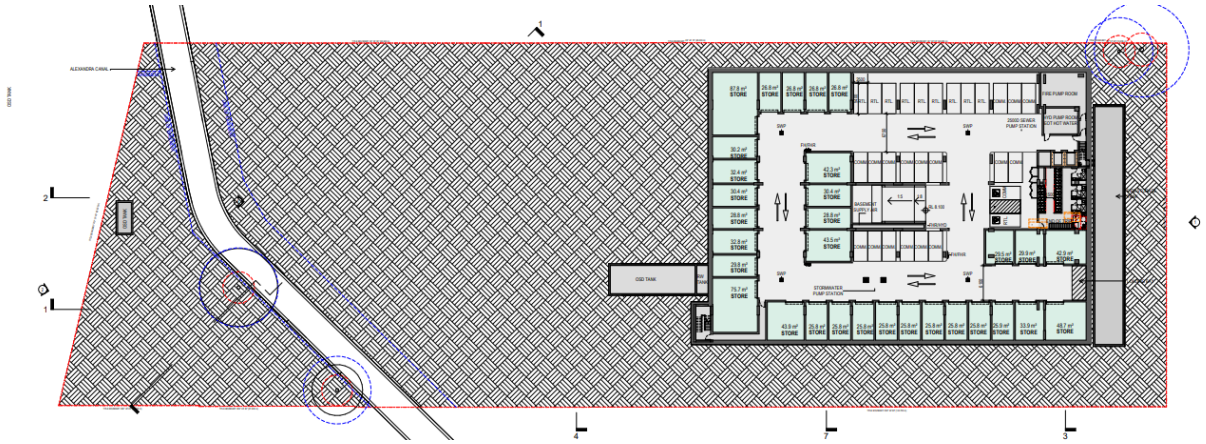


Figure 8: Proposed basement plan

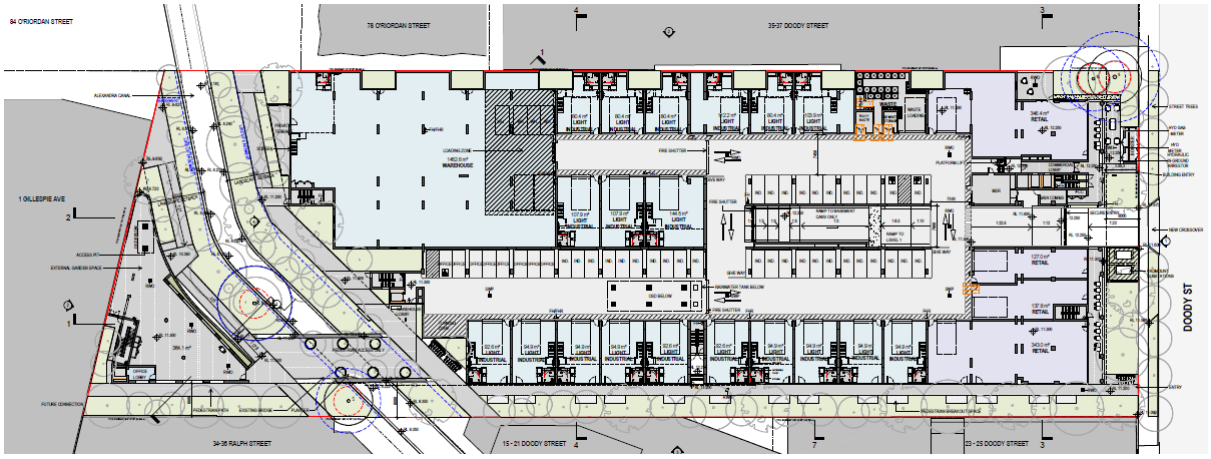


Figure 9: Proposed ground floor plan



Figure 10: Proposed ground mezzanine plan



Figure 11: Proposed level 1 plan

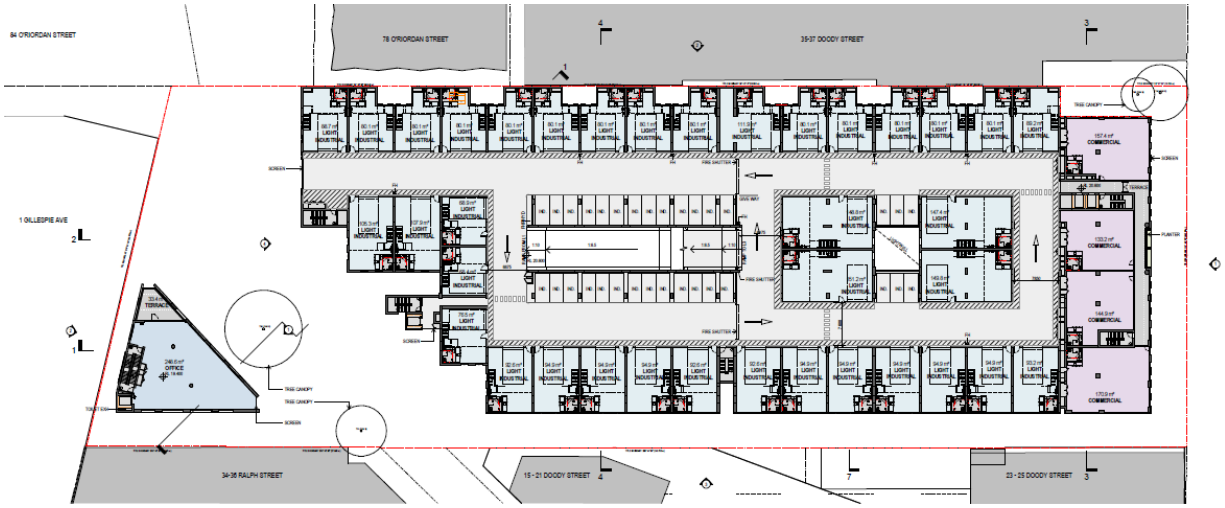


Figure 12: Proposed level 2 plan



Figure 13: Proposed level 2 mezzanine plan

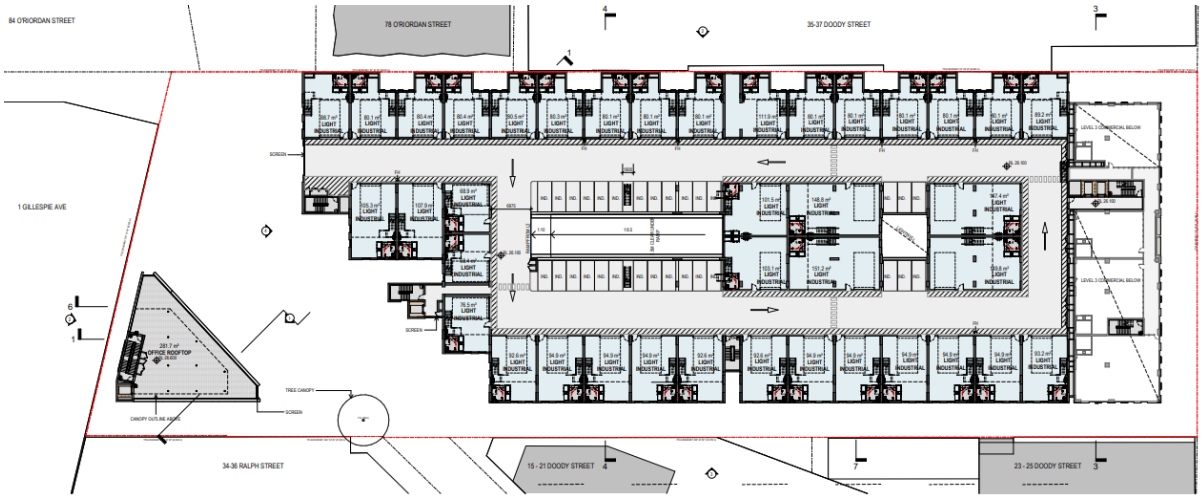


Figure 14: Proposed level 3 plan



Figure 15: Proposed level 3 mezzanine/ level 4 commercial plan

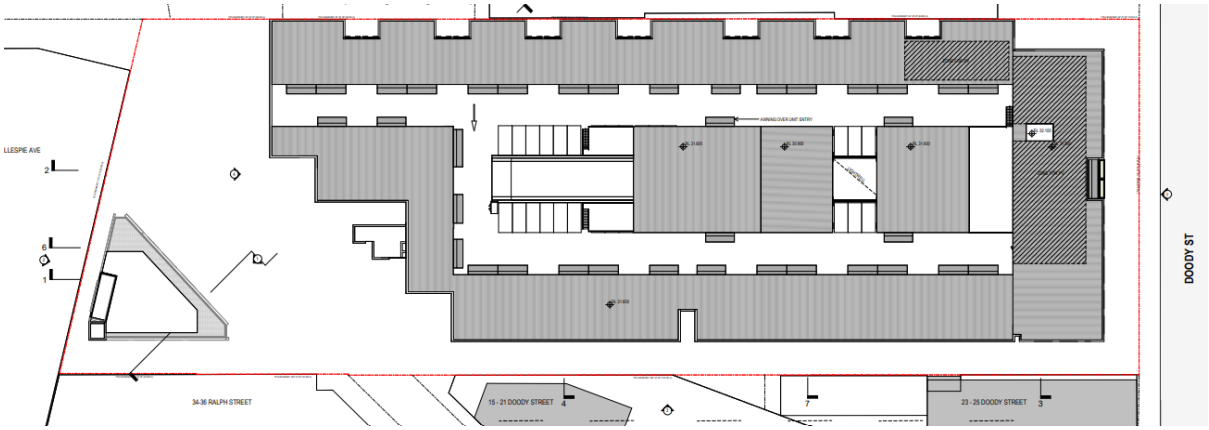


Figure 16: Proposed roof plan



Figure 17: Proposed northern elevation plan

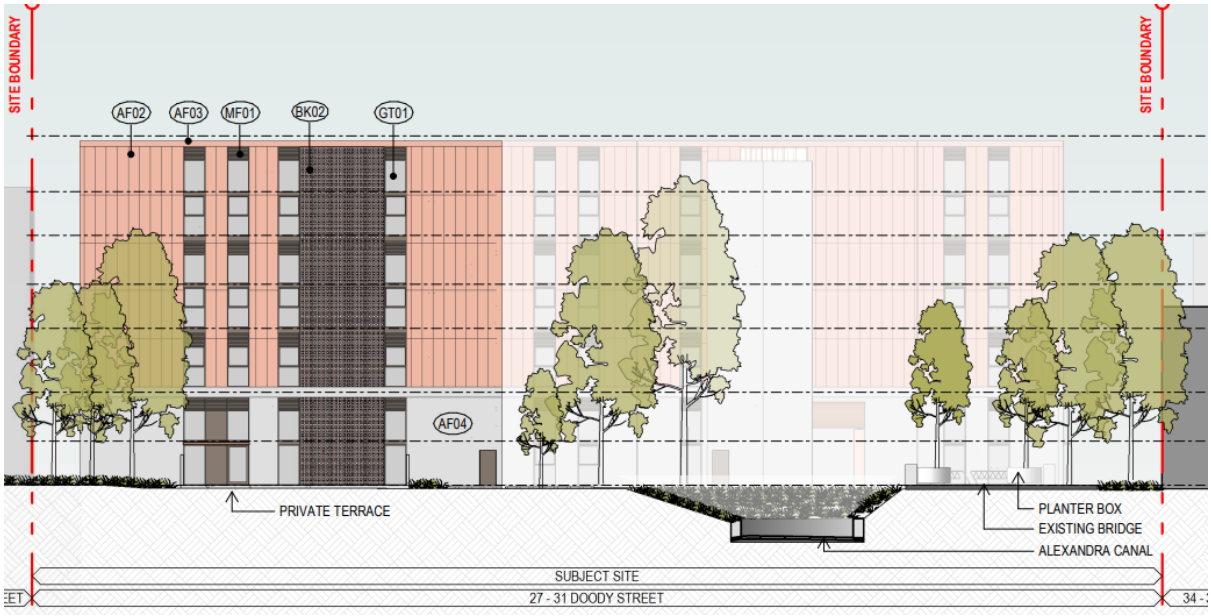


Figure 18: Proposed southern elevation plan

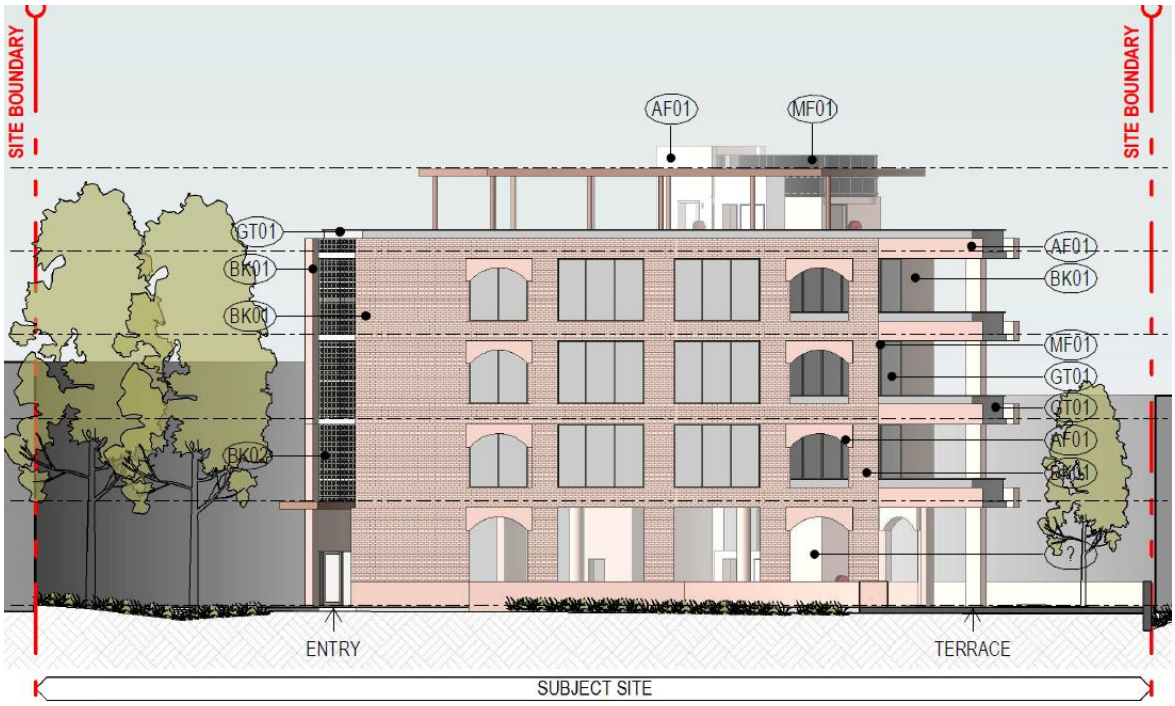


Figure 19: Proposed northern elevation plan of rear office building

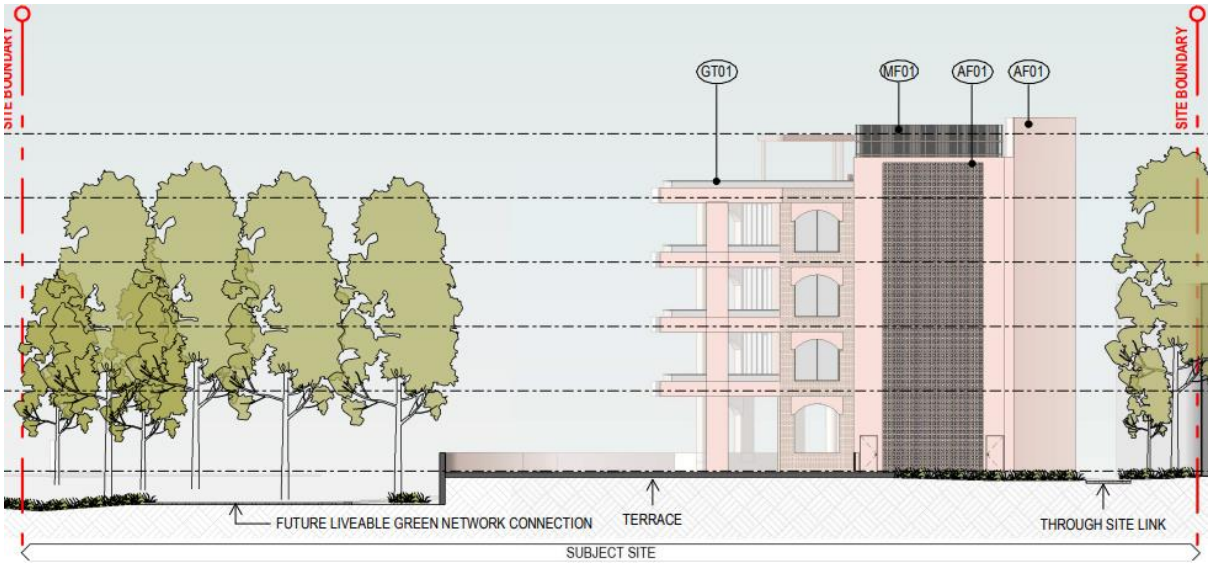


Figure 20: Proposed southern elevation plan of rear office building

Assessment

16. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Water Management Act 2000

17. The application has been identified as Integrated Development requiring an approval under Water Management Act 2000.

18. The proposal was referred to WaterNSW who have determined that the proposal will encounter groundwater during the works and will require an approval for dewatering.

19. General Terms of Approval issued by WaterNSW on 17 June 2024 are included in the recommended conditions of consent in Attachment A.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

32. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.

33. The submitted Detailed Site Investigation has identified the following contaminants as present on the site:

- There are localised areas of lead and asbestos impacted soils above the adopted human health criteria that potentially post human health risks.

- There are localised areas of copper and lead impacted soils above the adopted ecological guidelines that pose ecological risks.

- Groundwater quality across the site is a data gap, which requires further assessment. The testing is to include all potential contaminants during the dewatering process.

34. The Detailed Site Investigation concludes that the site can be made suitable for the proposed use if the recommendations within Section 10 of the report are carried out, which include:

    - A groundwater investigation to characterise groundwater quality of the site is carried out to support a Dewatering Management Plan to be implemented during any off-site dewatering.

    - Prior to construction works, a Construction Environmental Management (CEMP) is to be prepared and implemented during construction. The CEMP is to include:

        - Detailed inspection of exposed soils following demolition.

        - Remedial excavation and removal of impacted soils.

        - Preparation of a sampling and analysis quality plan for a post-remedial validation assessment.

    - Preparation of a validation letter by a suitably qualified consulting to confirm site suitability for the proposed use.

    - An Asbestos Clearance Inspection following demolition and removal of debris.

    - Implementation of an Unexpected Finds Protocol.

35. The Council's Health Unit has reviewed the information provided and has recommended conditions of consent to ensure compliance with the recommendations listed in the Detailed Site Investigation prepared by EI Australia summarised above.

36. The Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Transport and Infrastructure) 2021

37. Clause 2.122 of the SEPP states that before determining a development application for traffic generating development, the consent authority must give written notice of the application to the TfNSW and take into consideration any submission that the TfNSW provides in response to that notice.

38. The proposal is for warehouse development with more than 8,000 square metres of floor area and therefore as traffic generating development.

39. The proposal was referred to TfNSW on 30 April 2024. Comments were received on 21 May 2024 confirming that TfNSW raises no objection given the proposed development is unlikely to have a significant impact on the classified road network.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 Standards for non-residential development

40. Chapter 3 of the SEPP applies to development, other than development for the purposes of residential accommodation, that involves:

    (a) The erection of a new building, or

    (b) Alterations, enlargement or extension of an existing building, if the development has a capital investment value of $10 million or more.

Section 3.2 Development Consent for non-residential development

41. Section 3.2 Development consent for non-residential development provides that:

    (1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—

    (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,

    (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,

    (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,

    (d) the generation and storage of renewable energy,

    (e) the metering and monitoring of energy consumption,

    (f) the minimisation of the consumption of potable water.

    (2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.

42. With regards to the above matters the applicant has submitted a City of Sydney Design for Environmental Performance report template. The template identifies design and technology responses for environmental performance that the applicant proposes to be incorporated in the development. In summary:

- The building can achieve a 5.5 Star NABERS Energy rating plus an additional 25% for the Base Building. This is equivalent to a 5.95 Star NABERS Energy performance considering contingency buffers based on off-axis scenarios.
- A Net Zero Statement has been submitted that confirms the building will be capable of satisfying Net Zero requirements.
- The peak electricity reduction will be achieved though:
    - Roof mounted solar photovoltaic system of a minimum 70kW capacity.
    - High-efficiency lighting systems equipped with efficient lighting control

- High-efficiency heating, ventilation and air-conditioning systems equipped with efficient HVAC control

- High-efficiency hot water system.

43. With regards to section (2) above the applicant has adequately quantified the embodied emissions attributable to the development. Section 35B of the Environmental Planning and Assessment Regulation 2021 determines the form in which embodied emissions are to be quantified. The embodied emissions attributable to the development have been appropriately quantified using the NABERS embodied energy form published on the NSW Planning Portal and certified by an appropriately qualified person as required by the regulations.

Section 3.3 Other Considerations for Large Commercial Development

44. Section 3.3 Other considerations for large commercial development applies to development defined as prescribed office premises, prescribed service apartments and prescribed hotel or motel accommodation.

45. Section 3.3 provides that:

(1) In deciding whether to grant development consent to large commercial development, the consent authority must consider whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.

(2) Development consent must not be granted to large commercial development unless the consent authority is satisfied the development is capable of achieving the standards for energy and water use specified in Schedule 3.

(3) For the purposes of subsection (2), development is capable of achieving a standard specified in Schedule 3 if there is a NABERS commitment agreement in place to achieve the standard.

46. The above, to the extent it relates to energy use, does not apply to large commercial development, except serviced apartments, on land to which the following local environmental plans apply—

(a) Sydney Local Environmental Plan 2012,

(b) Sydney Local Environmental Plan (Green Square Town Centre) 2013,

(c) Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013.

47. The proposed development is subject to the SSLEP 2012 and is for a prescribed office premises. The proposal satisfies the standards for water use being subject of a 3 star NABERS water rating. Refer to energy use provisions in the LEP and DCP compliance tables below.

48. Conditions of consent are recommended to ensure that the development achieves the required energy and water use standards.

Local Environmental Plans

Sydney Local Environmental Plan 2012

49. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the E3 Productivity Support zone. The proposed development is defined as 'warehouse and distribution centre'; 'office premises'; 'storage premises'; 'shops'; 'food and drink premises'; and 'specialised retail premises'. These uses are permissible with consent in the zone. The proposal generally meets the objectives of the zone, in that it will provide a range of facilities and services, light industries, maker spaces, creative industries, warehouses and offices to support the local economy.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings 6.28 Development in Enterprise Area	Yes	A maximum building height of 18m is permitted under clause 4.3 of the SLEP 2012. In accordance with the site-specific clause 6.28 of the SLEP 2012, the site is also subject to an additional 15% of building height. Overall, the site is subject to a maximum building height of 20.7m. A maximum building height of 20.7m is proposed. The proposed development complies with the maximum building height development standard and is discussed further under the site-specific provisions.
4.4 Floor space ratio	Yes	A maximum floor space ratio of 1.5:1 or 18,222.3sqm is permitted.

Provision	Compliance	Comment
		A floor space ratio of 1.5:1 or 18,222.3 sqm is proposed. The proposed development complies with the maximum floor space ratio development standard.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is not identified as a heritage item or located within a heritage conservation area.
5.21 Flood planning	Yes	The site is identified as being subject to flooding. All ground floor levels, pedestrian and vehicular entry comply with the identified flood planning levels. A flood report accompanies the application demonstrating the development is able to comply with the City's Interim Floodplain Management Policy and satisfies the provisions of the standard.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	The proposed development is of a high standard and uses materials that are compatible with the existing development along the street. The design responds to the emerging character of Doody Street and the Southern Enterprise area. The ground floor retail tenancies along Doody Street will provide amenity to the community and activate the street. The bulk, massing and modulation of the proposed development complies with the incentivised height of buildings and floor space ratio development standards. The design of the development provides visual interest with differing built form

Provision	Compliance	Comment
		elements which provide visual interest to the site. The proposed development will achieve a high level of environmental performance. The design allows for natural light penetration across the development which will ensure a high level of amenity for the occupants and achieves the principles of ecologically sustainable development. The proposal will not result in any significant adverse impacts to adjacent properties. The development is therefore considered to exhibit design excellence in accordance with the provisions and matters for consideration in Section 6.21C of the SLEP 2012.
Division 5 Site specific provisions		
6.28 Development in Enterprise Area	Yes	The proposed development is subject to the site-specific provisions in accordance with clause 6.28 of the SLEP 2012. Clause 6.28 states that development consent must not be granted for the maximum permissible height unless the consent authority is satisfied there is a need for public domain in the area of land on which the development is to be carried out. The DCP identifies a through-site link along the eastern boundary and the 'Liveable Green Network' along the stormwater channel which crosses the rear of the site. The proposal provides for the delivery of these public domain works and dedication of the land to Council. Accordingly, the application benefits from the additional height permitted under clause 6.28(2)(a), as addressed in Clause 4.3 above.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.6 Office premises and business premises 7.7 Retail premises 7.8 Industry and warehouse or distribution centres	Yes	The maximum car parking spaces permitted per land use are: • Industrial: 98 spaces • Warehouse: 4 spaces • Commercial/ office: 43 spaces • Retail: 18 spaces • Total: 163 spaces The application proposes the following: • Light Industrial: 99 spaces • Warehouse: 4 spaces • Commercial/ office: 35 spaces • Retail: 10 spaces • Storage: 10 spaces • Total: 158 spaces. The proposal exceeds the permitted industrial car parking spaces by 1 space. A condition is recommended to reallocate this space. Self-storage premises are not a prescribed land use under the Division 1 car parking ancillary to development. The proposal provides 10 spaces for the self-storage premises. The submitted Transport Assessment notes this rate aligns with the 'Parking and Traffic Study' for Self-Storage Association of Australia. The proposal complies with the total maximum car parking spaces permitted at the site. The proposed 10 car parking spaces for self-storage premises is considered suitable for the site.

Provision	Compliance	Comment
		The proposal therefore complies with the requirement.
Division 3 Affordable housing		
7.13 Contribution for the purpose of affordable housing	Yes	A contribution for the purpose of affordable housing applies to the development, as the proposal involves the erection of a new building with more than 200 sqm of gross floor area. A condition of consent is recommended to reflect this.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The majority of the site is identified as Class 5 land on the Acid Sulfate Soils Map. A small portion of the rear of the site is identified as Class 3 land. No works within the Class 3 land more than 1m below the ground level are proposed. The proposal is unlikely to lower the water table in the adjacent class below 1 metres AHD. Accordingly, an acid sulfate soils management plan is not required.
7.16 Airspace operations	Yes	The proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport. The application was referred to Sydney Airport and an authority of the Civil Aviation Safety Authority provided approval for the controlled activity on 1 May 2024. Refer to 'External Referrals' section below.
7.20 Development requiring or authorising preparation of a development control plan	Yes	The proposed building is located outside of Central Sydney, with a site area that exceeds 5,000sqm. The proposal is not primarily for commercial premises, therefore the preparation of a development control plan is not required.
7.23 Large retail development outside of Green Square Town	Yes	Development consent must not be granted to development on land to which

Provision	Compliance	Comment
Centre and other planned centres		this clause applies for the purposes of shops or markets with a gross floor area greater than 1,000 square metres. The proposal includes 'shops'; 'food and drink premises'; and 'specialised retail premises' tenancies along the Doody Street frontage with a maximum gross floor area of 879.7 sqm and complies.
7.25 Sustainable transport of southern employment land	Yes	The site is located in close proximity to numerous public transport services and is well located in relation to the growing local employment centres. Provision is made for bicycle parking and end of trip facilities for workers and visitors at the site. The proposed development appropriately promotes sustainable transport use. The submitted Transport Impact Assessment prepared by JMT Consulting accompanies the subject application and has examined the impact of the traffic generation associated with the proposed development. Following an assessment of the traffic generation that will be generated by the proposal as well as the performance of the local road network, the traffic assessment concludes that the proposal will not result in any unreasonable impact to the performance of the surrounding road network.
7.33 Sustainability requirements for certain large commercial development	Yes	Notwithstanding 7.20 above, the proposal meets the trigger in the controls for large commercial development as the total area of offices will equate to approximately 3100sqm across the site. The development satisfies the requirements of the sustainability requirements for large commercial development. Refer to SEPP (Sustainable Buildings) and discussion section.

Development Control Plans

Sydney Development Control Plan 2012

50. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

51. The site is located within the Enterprise Corridor locality. The proposed development is in keeping with the unique character and the design principles of the Enterprise Corridor locality. Specifically, the proposal:

    (a) The commercial, light industrial, maker spaces, self-storage premises and warehouse uses will provide a range of employment opportunities and amenity to the wider community.

    (b) The ground floor retail tenancies will create an active street frontage to Doody Street.

    (c) The proposal also provides land dedications which will form part of the Liveable Green Network along the canal area to increase permeability and encourage walking and cycling.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed development will make a positive contribution to the public domain. The proposal will deliver a through- site link along the eastern side boundary and will contribute to the Liveable Green Network along the Alexandra canal tributary at the rear of the site.
3.2. Defining the Public Domain	Yes	The proposed development will contribute positively to the streetscape, as the proposal will replace a vacant and overgrown site with a high quality architecturally designed development and substantial landscaping. The design of the proposed development responds to the emerging character of Doody Street and the Southern Enterprise area. The ground floor retail tenancies along Doody Street will provide amenity to the community and activate the street.

Provision	Compliance	Comment
		The proposal was referred to the City's Public Domain Unit who have recommended appropriate conditions.
3.4 Hierarchy of Centres, City South	Yes	The proposed retail tenancies along Doody Street will activate the public domain and provide for convenient shopping opportunities within walking distance of homes and workplaces.
3.5 Urban Ecology	Yes	The proposed development seeks to remove 15 trees to accommodate the new development. The proposal will provide site wide landscaping including planting of 119 new trees which will support the urban ecology. The proposal was referred to the City's Tree Management Unit who have recommended appropriate conditions to protect the trees to be retained.
3.6 Ecologically Sustainable Development	Yes	The development satisfies the requirements of the sustainability requirements for large commercial development. Refer to SEPP (Sustainable Buildings) and discussion section.
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. The proposal has been designed to the flood planning level and is acceptable in terms of flood planning. A condition of consent is recommended that requires connection to Council's stormwater drainage system.
3.11 Transport and Parking	Yes	The proposed 158 car parking spaces complies with the SLEP 2012 requirements. The submitted Transport Assessment Report concludes that the proposed development would not result in any unreasonable impact to the performance of the surrounding road network. Five accessible car parking spaces are provided on the site, which exceeds the NCC requirements under Part D4 for

Provision	Compliance	Comment
		one accessible parking space for every 100 regular spaces. The DCP requires the 48 staff bicycle spaces and 17 visitor bicycle spaces. The proposal provides a bicycle space within each warehouse unit (96 total), 26 spaces for office and retail staff and 20 bicycle spaces at ground level for visitors at the site, which exceeds the DCP requirements. The proposal also provides an end of trip facility within the Basement Level 1. The proposal maintains a singular crossover at Doody Street which reflects the existing site conditions. Schedule 7 of the DCP requires 1 service vehicle space to be provided per 3,300sqm of commercial GFA, and 1 space per 700sqm industry and warehouse GFA, which equates to 20 service vehicle spaces. The proposal provides four loading zones across three levels and is considered sufficient for the servicing requirements for the development. No motorcycle parking is provided on site.
3.12 Accessible Design	Yes	A condition is recommended to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the NCC.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	The submitted Waste Management Plan and architectural plans show a waste room located at the northern end of the site which will accommodate general waste, bulky waste and industrial waste storage. Waste collection will be undertaken via a private contractor utilising a vehicle

Provision	Compliance	Comment
		similar to an 8.8m long Medium Rigid Vehicle (MRV). Swept paths for a MRV accessing the loading area are shown in the Transport Assessment Report, confirming an acceptable arrangement for waste collection. A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.17 Contamination	Yes	The submitted Detailed Site Investigation concludes the site can be made suitable for the proposed use subject to the recommendations in Section 10 of the report. Council's Health Unit have reviewed the information provided and recommend conditions of to ensure compliance with the recommendations.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed-Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	No	The site is subject to a 4 storey building height control The proposed development is 5 storeys. The amended proposal has provided vertical articulation to reduce the visual bulk of the development. There is no additional adverse amenity impact arising from the additional fifth storey, and the building height complies within the 20.7m SLEP 2012 height control. See further details under the sub-heading Built Form and Urban Design in the 'Discussion' section below.
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The DCP requires the following minimum floor to ceiling heights for the proposed development:

Provision	Compliance	Comment
		• Ground level – 4.5m • First floor and above commercial – 3.6m The proposal provides a 5.5m floor to floor height at the ground level, and 3.8m floor to floor heights at the storeys above and complies with the requirement.
4.2.2 Building setbacks	Yes	The building setback and alignment map does not specify setbacks at the site. The DCP requires setbacks consistent with the adjoining buildings. The two adjoining buildings are built to the front boundary. The proposal provides a 6m landscaped front setback to Doody Street. This setback is considered appropriate considering the scale of the site and the proposed development.
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	There are no residential dwellings in proximity to the site.
4.2.3.5 Landscaping	Yes	The submitted landscape plans show substantial landscaping across the site, including trees and native species.
4.2.3.6 Deep Soil	Yes	The proposal provides 1,859.3 sqm of deep soil area, which equates to 15.3% of the site area and exceeds the requirements.
4.2.6 Waste and recycling Management	Yes	The submitted Waste Management Plan and architectural plans show a common bin storage area within the basement and sufficient space within each tenancy to store waste. A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Provision	Compliance	Comment
4.2.7 Heating and cooling infrastructure	Yes	The submitted Net Zero Statement confirms the building will be capable of satisfying Net Zero requirements including high-efficiency heating, ventilation and air-conditioning systems equipped with efficient HVAC control.

Section 5 – Specific Areas

Section 5.8 Southern Enterprise Area

Provision	Compliance	Comment
5.8.3.2 Building height	No	The site is subject to a 4 storey building height control. The proposed development is 5 storeys As noted in Section 4.2.1 above, the amended proposal has provided vertical articulation to reduce the visual bulk of the development. There is no additional adverse amenity impact arising from the additional fifth storey, and the height complies with the 20.7m Sydney LEP 2012 height control. See further details under the sub-heading Built Form and Urban Design in the 'Discussion' section below.
5.8.3.3 Building alignment and setbacks	Yes	The building setback and alignment map does not specify setbacks at the site. The DCP requires a landscape setback open to the sky of 6m between the building and the street boundary. The proposal provides a 6m landscaped front setback to Doody Street. A 6m wide setback is proposed along the eastern side boundary to accommodate the through-site link. A nil setback with landscaped pop outs is proposed along the western side boundary. No fences are proposed within the front setback areas. The proposal complies with the requirements.

Provision	Compliance	Comment
5.8.2.4 Active frontages and street level design	Yes	The site is not identified on the Active Frontage Map. The proposal provides ground floor retail tenancies that will activate Doody Street. The amended landscape design along the Liveable Green Network design provides activation and passive surveillance at the rear of the site.
5.8.2.5 Building layout and design	Yes	The proposed design incorporates masonry to reflect the historical character of Alexandria. The glazing will provide amenity to future occupants of the building and breaks down the massing of the building. The building design achieves high levels of natural lighting and ventilation due to the positioning of the building and the scale of the site and development. The rooftop solar panels are generally concealed within the roof form.
5.8.3.6 Landscape and fencing	Yes	The proposal provides 1,859.3 sqm of deep soil area, which equates to 15.3% of the site area and meets the 15% deep soil requirement. Deep soil planting is provided along the Doody Street frontage and will accommodate substantial tree planting. No fences are proposed along the Doody Street frontage. The proposal provides communal open space along the Liveable Green Network and through-site link including tables and chairs, landscaped areas and paving.
5.8.3.7 Parking, access and loading and servicing	Yes	The proposed car parking is integrated within the form of the principal building and will not be visible from the primary street frontage. All vehicular access is via a single driveway on Doody Street and all vehicles are able to enter and exit the site in a forward direction. All servicing including garbage collection will be carried out within the site. The

Provision	Compliance	Comment
		submitted Transport Assessment Report confirms that the car parking design provides for circulation and manoeuvring of vehicles in accordance with the relevant Australian Standards.
5.8.3.9 Storage areas	Yes	All storage areas are proposed within the building and will not create additional visual or environmental impacts.
5.8.4.1 Public open space	Yes	The public open space map does not specify a requirement for the provision of public open space on the site.
5.8.4.2 Street, pedestrian and cycle network	Yes	The through-site link map identifies the requirement for a through-site link along the eastern side boundary. The proposal provides a 6m wide through-site link along this boundary to be dedicated to Council. The through-site link is level with the adjoining footpath and provides 450mm wide awnings along the industrial unit openings. This complies with Schedule 4(1) of the DCP which allows a maximum projection of 450mm over the footpath.
5.8.4.3 Liveable Green Network	Yes	The stormwater channel (subject to Sydney Water Easement) that traverses the southern portion of the site forms part of the 'Liveable Green Network'. A 10m setback is required measured from the edge of the open channel on both sides of the channel. The proposal provides a 10m setback from the canal edge and will deliver this component of the 'Liveable Green Network' as envisaged by the DCP. The proposed land uses along the 'Liveable Green Network' achieve 50% active frontages which exceeds the 25% requirement.
5.8.4.4 Public domain in the Enterprise corridor	Yes	As outlined above, the proposal seeks to dedicate the eastern side boundary

Provision	Compliance	Comment
		through-site link and the 'Liveable Green Network' area to Council. Accordingly, the development may utilise the additional building height in accordance with Clause 6.28 of the Sydney LEP 2012.
5.8.5 Managing transport demand	Yes	The submitted Transport Assessment concludes the proposed development will not create unreasonable impacts to the performance of the surrounding road network. The site is in close proximity to numerous public transport services. End of trip facilities with bicycle parking are provided within Basement Level 1. Visitor bicycle parking is provided along the Doody Street frontage at the through-site link entry and at the rear of the site along the 'Liveable Green Network', to encourage active transportation options. The proposed development appropriately promotes sustainable transport use.
5.8.6.1 Stormwater management and waterways	Yes	All ground floor levels, pedestrian and vehicular entry comply with the identified flood planning levels. A flood report accompanies the application demonstrating the development is able to comply with the City's Interim Floodplain Management Policy and satisfies the provisions of the standard. A condition of consent is recommended requiring the compliance with the flood planning levels.
5.8.7.2 Urban ecology	Yes	The proposal retains 10 trees identified as high retention value and proposes significant tree planting along the Doody Street frontage, the through-site link and the 'Liveable Green Network'.

Discussion

Built Form and Urban Design

52. The site is permitted a maximum building height of four storeys under the Section 5.8 Southern Enterprise Area controls in the SDCP 2012.

53. A majority of the principal warehouse form is four storeys. However, due to lower floor to floor heights required for the office component, the proposal is able to provide five commercial storeys facing Doody Street. The proposal is supported by Council for the following reasons:

    (a) The proposal complies with the 20.7m maximum height the site-specific clause 6.28 of the Sydney LEP 2012.

    (b) The amended proposal has provided vertical articulation to the façade to reduce the visual bulk of the development and make it appear from Doody Street as a 4-storey building.

    (c) There are no additional adverse amenity impact arising from the additional fifth storey, in terms of overshadowing or privacy impacts.

    (d) There is no established four storey character within the visual catchment of the site which would warrant strict compliance with the four storey control.

Voluntary Planning Agreement

54. The applicant has made a written offer to Council to enter into a Voluntary Planning Agreement (VPA). The public benefits in the draft VPA include:

    (a) Construction and dedication of a 6 metre wide through-site link along the eastern boundary of the site (total area of 1,175.4 sqm).

    (b) Dedication of the stormwater channel (maintaining the Sydney Water Easement) which runs through the southern end of the site from the eastern boundary to the western boundary.

    (c) Construction and dedication of a 10 metre landscape strip on either side of the Canal which runs through the southern end of the site, from the eastern boundary to the western boundary, as illustrated in the Proposed Dedication Plan extracted below.

55. The Public Benefit Offer is set out in Attachment C to this report. The proposed dedication plan is extracted below (with 2,840.9 sqm of land to be dedicated indicated in red hatching).

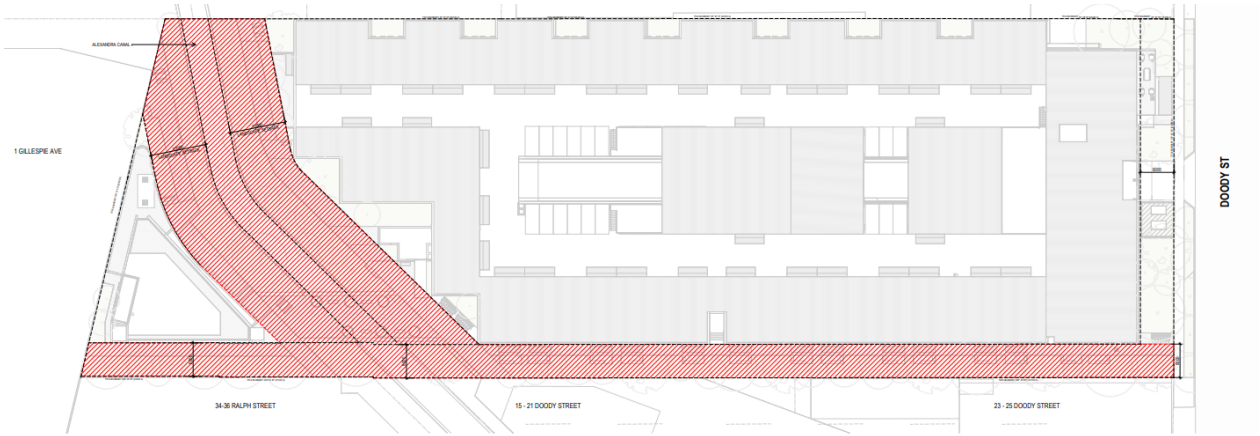


Figure 21: Land Dedication Plan

56. The application is recommended for deferred commencement approval to require the draft VPA to be publicly exhibited, for submissions to be considered and for the owner of the site to execute the planning agreement and register it on title before the consent becomes operative.

57. This will ensure that the consent cannot be acted upon without assurance that the public benefits will be delivered in accordance with the provisions of this agreement.

Sustainability

58. The proposal meets the ecologically sustainable development requirements in the Sustainable Buildings SEPP and SDCP 2012.

59. The building can achieve a 5.5 Star NABERS Energy rating plus an additional 25% for the Base Building. This is equivalent to a 5.95 Star NABERS Energy performance considering contingency buffers based on off-axis scenarios.

60. A Net Zero Statement has been submitted that confirms the building will be capable of satisfying Net Zero requirements.

61. The peak electricity reduction will be achieved though:

    (a) Roof mounted solar photovoltaic system of a minimum 70kW capacity.

    (b) High-efficiency lighting systems equipped with efficient lighting control

    (c) High-efficiency heating, ventilation and air-conditioning systems equipped with efficient HVAC control

    (d) High-efficiency hot water system.

Consultation

Internal Referrals

62. The application was discussed with Council's;

    (a) Building Services Unit;

(b) Environmental Health Unit;

(c) Environmental Projects Unit;

(d) Landscaping;

(e) Planning Agreements;

(f) Public Domain Unit;

(g) Surveyors;

(h) Transport and Access Unit;

(i) Tree Management Unit; and

(j) Urban Design Unit;

(k) Waste Management Unit.

63. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in Attachment A.

External Referrals

Ausgrid

64. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.

65. A response was received raising no objections to the proposed development.

Sydney Airport

66. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.

67. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).

68. The Sydney Airport Airfield Design Manager, as an authorised person of the CASA, provided approval for the controlled activity on 1 May 2024.

Transport for NSW

69. Pursuant to Section 2.122 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment.

70. Comments were received on 21 May 2024. TfNSW notes the site fronts Doody Street which is a local road under the care and control of Council. TfNSW raises no objections to the proposed development as it is unlikely to have a significant impact on the classified road network.

Water NSW

71. Pursuant to the Water Management Act 2000, the application was referred to Water NSW for concurrence.

72. General Terms of Approval were issued by Water NSW on 17 June 2024 and have been included in the schedules within the recommended conditions of consent.

Sydney Water

73. The application was referred to Sydney Water for comment. Comments were received on 17 June 2024.

74. A response was received raising no objections to the proposed development. Conditions have been included in the Schedule 4 of the recommended conditions of consent.

Advertising and Notification

75. In accordance with the City of Sydney Community Participation Plan 2024, the proposed development was notified for a period of 28 days between 30 April 2024 and 29 May 2024. A total of 125 properties were notified and one submission was received.

76. The submission raised the following issue:

    (a) **Issue**: The submitter supported the development in principle but raised concerns about car parking availability during the construction phase and the potential for construction workers to park within their site.

    (b) **Response**: A condition has been included in the recommended conditions of consent requiring the preparation of a Construction Traffic Management Plan to be prepared and submitted to Council for approval prior to the Construction Certificate. The Construction Traffic Management Plan will outline car parking arrangements for workers to manage any potential car parking impacts during the construction phase.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

77. The City of Sydney Development Contributions Plan 2015 applies to the site. The development is subject to a section 7.11 local infrastructure contribution under this Plan.

78. A condition relating to this local infrastructure contribution has been included in the recommended conditions of consent. The condition requires the contribution to be paid prior to the issue of a construction certificate.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

79. The City have reviewed Section 7.32 of the Environmental Planning and Assessment Act 1979 and are satisfied the proposal meets the requirements of Section 7.32(1).

80. The site is located within the the Southern Employment Lands affordable housing contribution area. As the proposed development includes additional floor space, a contribution is required at a rate of $11,176.22 per square metre of total non-residential floor area 21,511.2 sqm, totalling $2,404,139.51.

81. A condition of consent is recommended requiring payment prior to the issue of a construction certificate.

Housing and Productivity Contribution

82. The development is subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

83. The site is located with the Greater Sydney region, the development is a type of commercial and industrial development to which the Housing and Productivity Contribution applies, and the development is not of a type that is exempt from paying a contribution.

84. A condition relating to the Housing and Productivity Contribution has been included in the recommended conditions of consent.

Relevant Legislation

85. Environmental Planning and Assessment Act 1979.

86. Water Management Act 2000.

Conclusion

87. The application for the construction of a 5 storey mixed-use development comprising commercial, light industrial, maker spaces, warehouse and self-storage units has been assessed in accordance with the relevant planning controls.

88. The proposal is generally consistent with the applicable planning provisions including the Sydney LEP 2012 and Sydney DCP 2012. Proposed non-compliances have been assessed as having merit in this case and are addressed in the report.

89. As a result of the design modifications made to the scheme, the amended proposal is of a high standard of architectural design, materials and detailing. The built form is consistent with the existing and future desired character of the Southern Enterprise Area and Alexandria area.

90. The proposal will support a significant increase in employment floor space within a location identified for this purpose. The ground floor retail tenancies along Doody Street will provide amenity to the community and activate the street.

91. The proposal will contribute to the activity, safety and amenity of new and existing streets and the public domain. The proposal will make a significant contribution to the public domain through the public domain works and a total land dedication of 2,840.9 sqm for the through-site link and the Liveable Green network, in accordance with the Sydney DCP 2012 requirements.

92. The proposal is Integrated Development under the Water Management Act 2000, requiring approval from WaterNSW. General Terms of Approval were received from WaterNSW on 17 June 2024.

93. For these reasons it is recommended that authority be delegated to the CEO to determine the application, following the conclusion of the public exhibition of the draft VPA and considering any public submissions received in response. It is recommended that the CEO consider granting deferred commencement development consent subject to the recommended conditions requiring the VPA to be executed and registered on title prior to the consent becoming operative.

GRAHAM JAHN, AM

Chief Planner / Executive Director City Planning, Development and Transport

Georgia McKenzie, Senior Planner

Attachment A

Recommended Conditions of Consent

DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination:

(1) VOLUNTARY PLANNING AGREEMENT

(a) The Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and the TRUST COMPANY (AUSTRLIA) LIMITED ATF VIVID ASSET TRUST shall be exhibited, executed and submitted to Council; and

(b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

(2) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.

(3) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.

(4) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation).

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

SCHEDULE 1

CONDITIONS OF CONSENT

PART B - GENERAL

(1) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2024/238 and the following drawings prepared by Rothelowman Architects:

Drawing Number	Drawing Name	Revision	Date
DA00.02	Demolition Plan	C	25.10.24
DA00.03	Site Plan	C	25.10.24
DA00.04	Infrastructure Plan	C	25.10.24
DA00.05	Proposed Dedication Plan	B	25.10.24
DA01.00	Basement 1	D	25.10.24
DA01.01	Ground	E	25.10.24
DA01.02	Ground Mezzanine	C	25.10.24
DA01.03	Level 1	D	25.10.24
DA01.04	Level 2	D	25.10.24
DA01.05	Level 2 Mezzanine	C	25.10.24
DA01.06	Level 3	C	25.10.24
DA01.07	Level 3 Mezz/ 4 Comm	C	25.10.24
DA01.08	Roof	C	25.10.24
DA02.01	Elevations	C	25.10.24
DA02.02	Elevations	C	25.10.24
DA03.01	Sections	C	25.10.24
DA06.01	GFA	C	25.10.24
DA06.02	Total Floor Area	A	25.10.24
DA06.11	Deep Soil	C	25.10.24
DA06.21	Height Plane	C	25.10.24
DA07.01	Material Schedule 1	A	25.10.24
DA07.02	Material Schedule 2	A	25.10.24
DA07.03	Material Schedule 3	A	25.10.24

and as amended by the conditions of this consent.

(b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(2) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

(a) The Floor Space Ratio (FSR) must not exceed 1.5:1. For the purposes of the calculation of FSR, the maximum Gross Floor Area permitted at the site is 18,222.3 sqm.

(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Area, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved floor space ratio.

(3) BUILDING HEIGHT

(a) The height of the building must not exceed RL 31.75.

(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(4) COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT

The terms of the planning agreement entered into in accordance with the Voluntary Planning Agreement Condition contained in the Deferred Commencement Conditions at Part A of this consent must be complied with.

Reason

To ensure the development complies with all terms of the planning agreement.

(5) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – SOUTH PRECINCT

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

Contribution Category	Amount
Open Space	$887,219.09
Community Facilities	$137,933.93
Traffic and Transport	$1,126,265.61
Stormwater Drainage	$445,362.94
Total	$2,596,781.57

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

Cpayment = Cconsent x (CPIpayment ÷ CPIconsent)

Where:

Cpayment = Is the contribution at time of payment;

Cconsent = Is the contribution at the time of consent, as shown above;

CPIpayment = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI1consent = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 139.1 for the June 2024 quarter.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

Reason

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

(6) AFFORDABLE HOUSING CONTRIBUTION - EMPLOYMENT LANDS - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION - PRIOR TO CONSTRUCTION CERTIFICATE

(a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council in accordance with this condition.

(b) The contribution is $2,404,139.51 (indexed as at October 2024). This is calculated by establishing the sum of the equivalent monetary contribution 11,176.22 multiplied by 1% of the total floor area for non-residential development (21,511.2 sqm).

(c) If the contribution is paid after the indexation period in which the consent is granted, being March 2024 to March 2025, the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.

(d) Contribution payable at Time of Payment = C x MDP2 / MDP1, where:

(i) C is the original total contribution amount payable to the City of Sydney as shown above;

(ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA applicable at the time of indexation of the equivalent monetary contribution rate, established by averaging the four most recently published NSW Government Rent and Sales Reports for the current period; and

(iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Reports used to establish the currently applicable equivalent monetary contribution rate, being March 2024 to March 2025.

Contact Council's Planning Assessment Unit at planningsystemsadmin@cityofsydney.nsw.gov.au for written confirmation of the amount payable, with indexation as necessary, prior to payment.

Reason

To ensure development contributions are paid to contribute to the provision of essential affordable rental housing infrastructure.

(7) HOUSING AND PRODUCTIVITY CONTRIBUTION

Before the issue of any Construction the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	**Amount**
Housing and productivity contribution (base component)	$286,227

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering *the Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

Reason

To require contributions towards the provision of regional infrastructure.

(8) USE - SEPARATE DA REQUIRED

No consent is granted for the fit out of individual tenancies. A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fit out of each individual tenancy prior to that fit out commencing.

Reason

To require separate consent to be obtained for a use.

(9) TREES APPROVED FOR REMOVAL

(a) All trees detailed in Table 1 below are approved for removal. Tree removal must not occur until the Construction Certificate has been issued.

Table 1 – Tree Removal:

Tree Number	Species	Location
3	*Robinia pseudoacacia 'Frisia'* (Golden Robinia)	Doody Street (street tree)
19, 31, 26, 29, 75, 77- 80	*Acacia spp* (Wattle)	27-31 Doody Street
30, 32	*Olea europaea subsp* (African Olive)	
39	*Thuja occidentalis* (Thuja) 2 trees growing as on group	
73	*Eucalyptus spp (Eucalyptus)*	
76	*Eucalyptus sideroxylon (Red ironbark)*	

(b) All tree removal works must be carried out by a qualified Arborist, with a minimum AQF Level 3 and in accordance with SafeWork's Code of Practice – Amenity Tree Industry.

Reason

To identify the trees that can be removed.

(10) TREES THAT MUST BE RETAINED

The existing trees detailed in the table below are to be retained and protected in accordance with the conditions throughout construction and development.

Tree Retention:

Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.

Tree No	Species:	Location
1	*Eucalyptus microcorys* (Tallowwood)	Doody Street (street tree)
2, 4- 7,	*Robinia pseudoacacia 'Frisia'* (Golden Robinia)	
10	*Corymbia maculata* (Spotted Gum) wrongly identified as *C, ficifolia* in the AIA	
20	*Eucalyptus pilularis* (Black Butt)	
44, 45	*Corymbia maculata* (Spotted Gum)	

Reason

To identify the trees that cannot be removed, must be retained and protected.

(11) TREE PLANTING CONSIDERATIONS

The design should include the use of continuous trenches for tree pits and the installation of all services to be underground.

Special consideration must be given to soil depth and quality for tree planting. The City considers the following soil volume requirements must be included in the design for successful long-term tree establishment:

(a) Large Trees (canopy diameter of up to 16 metres at maturity) require a minimum soil volume of 150 cubic metres, minimum soil depth of 1.5 metres and minimum soil area 10 metres x 10 metres.

(b) Medium Trees (canopy diameter of up to 8 metres at maturity) require a minimum soil volume of 35 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 6 metres x 6 metres.

(c) Small Trees (canopy diameter of up to 4 metres at maturity) require a minimum soil volume of 9 cubic metres, minimum soil depth of 1.2 metre and minimum soil area 4 metres x 4 metres.

Reason

To ensure the development is appropriately designed to accommodate adequate tree planting.

(12) TELECOMMUNICATIONS PROVISIONS

(a) Appropriate space and access for ducting and cabling is to be provided within the plant area and to each apartment within the building within for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery. The details must be submitted for the approval of the Registered Certifier prior to a Construction Certificate being issued.

(b) A separate DA must be submitted prior to the installation of any external telecommunication apparatus, or the like.

Reason

To ensure the development adequately provides for telecommunications.

(13) SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the point(s) of vehicle egress:

(a) Compelling drivers to stop before proceeding onto the public way

(b) Compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

Reason

To ensure the safety of surrounding pedestrians and cyclists.

(14) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

Reason

To ensure the public domain is kept free from physical obstructions.

(15) VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of any Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

Reason

To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.

(16) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 8.8m MRV.

Reason

To maintain the orderly operation of vehicle parking and loading areas.

(17) ASSOSCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

Reason

To ensure all roadway works are designed and constructed in accordance with Council requirements.

(18) COST OF SIGNPOSTING

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

Reason

To ensure all associated roadway works costs are borne by the developer.

(19) VEHICLE ACCESS

All vehicles are to enter and depart the site travelling in a forward direction.

Reason

To increase pedestrian safety at the site access.

(20) TACTILE GROUND SURFACE INDICATORS AND HAND RAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

Reason

To ensure ground surface indicators, handrails and other elements required to provide access into the building/property are appropriately located.

(21) PAVING MATERIALS

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

Reason

To ensure appropriate and safe paving materials are used.

(22) LAND DEDICATION – NO LONG TERM ENVIRONMENTAL MANAGEMENT PLAN

Any land that is to be dedicated to the City as part of the associated Voluntary Planning Agreement must not be encumbered by a Long Term Environmental Management Plan.

Reason

To ensure land to be dedicated to the City is not encumbered by an environmental management plan.

(23) NO OBSTRUCTIONS

All public footways and paths of travel must be free from obstructions. If services are required to be relocated to clear paths of travel then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any Occupation Certificate.

Reason

To ensure there are no obstructions on public footways and paths of travel.

(24) FLOOD EMERGENCY RESPONSE PLAN

(a) A Flood Emergency response Plan is to be prepared by a suitably qualified flood engineer. The Flood Emergency Response Plan is to be implemented and operated by the building owner and/or Owners Corporation at all times.

(b) The Flood Emergency Response Plan must include all measures required to be implemented to ensure the ongoing management of flooding risk in relation to the building, including (but not limited to) the following:

(i) Describe the flood conditions in the vicinity of the site.

(ii) If appropriate, direct persons on the site to seek refuge above the Probable Maximum Flood level for all levels of the building that are flood affected. Shelters in place for flood affected parts of the building is not permissible.

(iii) Include a map directing residents and visitors to a refuge via a flood free pathway within the building.

(iv) Describe the audible and visual alarm system for the basement area, including the linkage of this system to the building management system, details of failsafe operations and alternate power arrangements.

(v) Provide details (as an appendix) of all proposed flood sensors, their purpose, operation and maintenance (including the frequency of maintenance).

(vi) Provide details of lift design and operation in the event of a flood and specify how the lift will be deactivated in the event of a flood.

(vii) Provide details of access to flood free areas for disabled persons.

(viii) Provide details of all flood protection design features of the building (flood doors and the like) and describe their operation, maintenance, repair and replacement arrangements. Repairs are to be completed to ensure that the flood doors/gates/barriers remain operational and effective at all times.

(ix) A pumping option needs to be shown, along with the location of pumps (in case mechanical failures of flood barriers occur). The pumps must be designed to pump out the full range of flood volumes within 6 hours after floodwaters have receded.

(x) Details of the operations and maintenance of the pumps are to be included. Any pumping equipment used to disperse flood waters should have the same maintenance schedule as the flood doors; and

(xi) Make provision for three monthly testing by the building owner and/or Owners Corporation.

(c) The building owner and/or Owners' Corporation must enter into a service arrangement by which all identified faults or defects to all flood designed features of the building must be repaired within 24 hours.

(d) No toxic or other hazardous materials are to be stored below the Flood Planning Level or in the basement levels.

Prior to the issue of any Stage 1 Construction Certificate for the basement, the Flood Emergency Response Plan (FERP) is to be submitted to and approved by Principal Certifying Authority (PCA).

Reason

To ensure flood risk management measures are complied with.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(25) REDEFINITION PLAN

(a) Prior to the issue of any approval for demolition or Construction Certificate, the initial boundary definition survey work necessary for the preparation of a Redefinition Plan redefining the boundaries of the subject site shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The registered surveyor shall provide a letter or email to the Principal Certifier certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate.

(b) Where the registered surveyor has provided an opinion in writing or by email that it is necessary to register the Redefinition Plan first, due to variations in the title dimensions, the potential for disagreement with the boundary fixation, and the risk that NSW Land Registry Services will require the boundary definition to be altered after completion of the building, a copy of the new title issued after registration of the Redefinition Plan must be provided to the Principal certifier prior to the issue of the Construction Certificate.

(c) The Redefinition Plan must show offsets to the completed external walls of the buildings where the setback is within 1 metre of the boundary and include the Easement for Public Access referred to elsewhere in this Determination.

(d) Prior to the issue of any staged Occupation Certificate or Final Occupation Certificate for any building on the site, the Redefinition Plan must be registered with the office of NSW Land Registry Services. A copy of the new title must be provided to the principal Certifier prior to the issue of any Occupation Certificate.

Advisory note: It is recommended that the Construction Certificate plans provide for the external walls of the building to be set back a minimum of 20 millimetres from the boundaries to allow for construction tolerances and minimise risk of encroachment and consequent delays and expenses.

Reason

The subject boundaries are based upon a compiled plan, where the boundaries are not based upon a survey. As the proposal shows walls with no setback to these poorly defined boundaries, it is necessary for a Redefinition Plan to be registered to redefine the boundaries & place these on public record. This will also satisfy NSW Land Registry requirements for the lodgement of a future strata plan and minimise any risk of boundary dispute.

(26) SURVEY SETOUT PRIOR TO COMMENCEMENT

All footings and walls adjacent to a boundary or setback line must be set out by a surveyor registered under the Surveying & Spatial Information Act, 2002, and a copy of the survey report provided to the Principal Certifier. The buildings shall be sufficiently set back to ensure that no component of the roof, guttering, or downpipes encroach upon or overhang the road reserve or side boundaries.

Advisory note: It is recommended that proposed walls on boundaries are set back a minimum of 20 millimetres to allow for construction tolerances and minimise the risk of encroachment and subsequent costs and delays

Reason

To ensure that the building does not encroach.

(27) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

(a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by E-Lab Consulting, dated 14 March 2024, Revision 002, Council Reference 2024/245065, titled 27-31 Doody Street, Alexandria must be implemented in the development prior to the commencement of its use.

(b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the Registered Certifier.

(c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above. Note: *Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).*

(d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

Reason

To ensure all parties are aware of the supporting documentation that applies to the development.

(28) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

A site-specific noise management plan must be submitted to the Council for comment and approval prior to issue of any Construction Certificate. The Plan must be prepared by a suitably qualified acoustic consultant who is a person who possesses the qualifications to join the Australian Acoustic Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustic Consultants (grade of member firm).The plan must include but not be limited to the following:

(a) identification of noise sensitive receivers near to the site.

(b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the City of Sydney Construction Hours /Noise Code of Practice 1992 for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.

(c) A representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997.

(d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.

(e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.

(f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.

(g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

(h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

Reason

To ensure an adequate construction noise and vibration management plan is prepared.

(29) PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Registered Certifier prior to a Construction Certificate being issued.

Reason

To ensure parking facilities are designed in accordance with the Australian Standards.

(30) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Office and commercial parking	33
Accessible office and business parking	2
Retail parking	9
Accessible retail parking	1
Industrial parking	96
Accessible industrial parking	2
Warehouse parking	4
Self-storage parking	10

Reason

To ensure the allocation of parking is in accordance with the Council's DCP.

(31) BICYCLE PARKING AND END OF TRIP FACILITIES

(a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Non-residential	122	Spaces must be Class 2 bicycle facilities
Non-residential visitor	20	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	4	
Personal lockers	26	

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

Notes:

(i) If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.

(b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

Reason

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

(32) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

(a) The Waste and Recycling Management Plan prepared by Salt and dated 13 March 2024 accompanying this Development Application has been approved by this consent.

(b) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:

(i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.

(ii) Collection points for waste and recycling must be wholly located within the boundary of the development.

(iii) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's *Guidelines for Waste Management in New Developments* 2018.

(iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.

(v) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading.

(vi) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

Note: The building manager/strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's policies, and best practice waste and recycling source separation.

UPON COMPLETION OF THE DEVELOPMENT

(c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's *Guidelines for Waste Management in New Developments 2018*.

Reason

To ensure that waste and recycling is appropriately managed.

(33) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

(a) A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued.

(b) The approved plan must be complied with during any demolition and/or construction work.

Reason

To ensure that the impacts of construction traffic is appropriately managed.

(34) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the issue of a Construction Certificate a Construction Environmental Management Plan (CEMP) must be prepared by appropriately qualified person for the site and submitted to Council's Area Planning Coordinator/Area Planning Manager for written approval. The CEMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions.

All works must be undertaken onsite in accordance with the approved Construction Environmental Management Plan.

Reason

To ensure that construction is appropriately managed.

(35) PUBLIC DOMAIN TREE PLANTING AND MAINTENANCE

(a) A Tree Planting Plan must be submitted and approved by the City's Public Domain Unit prior to the issuing of any Construction Certificate. The plan must include and be consistent with the following requirements:

(i) Tree species shall be consistent with the City's Street Tree Master Plan (refer to relevant precinct plans) or other relevant guidance document. Species substitutes will not be accepted.

(ii) Tree pits must be located and constructed in accordance with the City's Street Tree Master Plan (Technical Guidelines) or other relevant guidance document.

(iii) The tree pit design must include structural soils or structural cells to support pavements in accordance with the Street Tree Master Plan (Technical Guidelines).

(iv) Indicate the chosen tree planting arrangement, being a choice of one of two options, being:

(v) Undertake all tree supply, planting, and maintenance requirements to the required standards and to the satisfaction of the City's Tree Management.

OR

Pay a fee for the City to supply, plant, and maintain each required tree on the applicant's behalf. The fee is consistent with the City's Schedule of Fees and Charges.

(b) If opting to undertake all tree supply, planting, and maintenance requirements, the following requirement must be met:

(i) The trees must be a minimum container size of 200 litres at the time of planting.

(ii) All new trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' and meet the requirements of this standard at the time of planting.

(iii) Certification from the tree supplier must be submitted to the City's Tree Management Officer and Public Domain Officer, prior to the trees being planted. The certification must confirm the tree(s) have been grown and comply with the requirements of AS2302. Any new trees that do not conform will be rejected by the City.

(iv) The trees must be planted by an Arborist or Horticulturist with a minimum AQF Level 3 qualification and be planted before the issuing of the final Occupation Certificate.

(v) All new trees must be inspected and approved by the City's Tree Management Officer (or their representative) at the following milestones: before planting with planting pits excavated; after planting; and at the end of the maintenance period.

(vi) All trees planted in accordance with the approved Tree Planting Plan must be maintained by an Arborist or Horticulturist with a minimum AQF Level 3 for a minimum period of twelve (12) months, commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.

(vii) At the end of the twelve (12) month maintenance period, written acceptance of the tree/s must be obtained from the City before release of the public domain bond.

(viii) If a tree fails to thrive and successfully establish during the maintenance period, then City will request payment for a replacement tree and establishment period according to the City's Schedule of Fees and Charges.

Reason

To ensure that details of street trees to be planted are approved, the works are carried out in an appropriate manner and the trees are maintained following installation.

(36) SITE SUPERVISION AND REPORTING

(a) An Arborist with a minimum AQF Level 5 qualification in Arboriculture must oversee various stages of work within the Tree Protection Zone of any tree listed for retention. The Arborist must certify compliance with each key milestone detailed below:

(i) Monthly reporting for the duration of construction;

(ii) The installation of tree protection measures prior to the commencement of any construction works;

(iii) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;

(iv) During construction of the pavers and footing within the Tree Protection Zone (TPZ) of any tree to be retained;

(v) During any excavation and trenching within the Tree Protection Zone;

(vi) During any landscape works within the TPZ which has been approved by Council.

(b) An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and approved by Council's Area Planning Coordinator or Area Planning Manager at each hold-point listed below:

(i) Certification that tree protection measures have been installed in accordance with these consent conditions;

(ii) Certification of compliance with each key milestone listed above within 48 hours of completion;

(iii) Monthly reporting for the duration of construction and development works within the site;

(iv) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.

(v) A final compliance report confirming tree protection measures have been removed from all trees and details of the health and condition of the trees at the completion of the works.

(c) Evidence demonstrating that all tree compliance reports have been submitted at each key milestone listed above must be submitted to and approved by Council's Area Planning Coordinator or Area Planning Manager prior to the issue of any Occupation Certificate.

(37) LANDSCAPING OF THE SITE (TREES)

(a) The Landscape Plan prepared by Distinctive dated 23 October 2024 is not approved. A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:

(i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;

(ii) Details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;

(iii) Location, numbers, type and supply of plant species, with reference to the relevant Australian Standard;

(iv) The design must provide a minimum 15% canopy cover across the site. This must be provided by 30% of the species having a mature height of 6-8 metres, 30% mature heights of 10-15 metres and 40% mature heights of 20-30 metres;

(v) Tree selection shall include a diverse range of species which must be consistent with the expected mature heights and growth within the Sydney area (mature heights must not solely rely on plant literature);

(vi) New trees must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting;

(vii) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;

(viii) Details of planting procedure and maintenance;

(ix) Details of drainage, waterproofing and watering systems;

(x) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.

(xi) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

Reason:

To ensure sufficient canopy cover is provided and healthy trees are established and maintained on the site.

(38) DEWATERING – APPROVAL OF NSW OFFICE OF WATER

If any dewatering of the site is to be undertaken, a bore licence may be required from the NSW Office of Water under the provisions of Part V of the Water Act 1912. The NSW Office of Water licences dewatering to allow excavation for construction for a temporary period, usually 12 months.

Reason

To ensure dewatering is undertaken appropriately.

(39) TEMPORARY DEWATERING DURING CONSTRUCTION

Prior to discharging any water collected during excavation and construction into the City's stormwater drainage system, approval must be sought from the City's Public Domain Unit. A dewatering management plan must be submitted with an Application for Temporary Dewatering available to download on the City's website.

Other options for dewatering include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason

To ensure dewatering is managed appropriately.

(40) UTILITY SERVICES

To ensure that utility authorities are advised of the development:

(a) Prior to the issue of a Construction Certificate a survey is to be carried out of all utility services within and adjacent to the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.

(b) Prior to the commencement of work the applicant is to obtain written approval from the utility authorities (e.g. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

Reason

To ensure that utility authorities are advised of the development and their approval is obtained in connection with the relocation and/or adjustment of services affected by the development.

(41) ENERGY EFFICIENCY OF BUILDINGS

The design of the building and its services must achieve a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 5.5 stars as per the Department of Planning, Housing and Infrastructure (DPHI). This is to be demonstrated by:

(a) Entering into a Commitment Agreement with DPHI, to deliver this star rating for the base building:

The applicant must provide a copy of the signed Commitment Agreement contract with their Construction Certificate application; and

(b) Providing a copy of the independent energy assessment report to NABERS administration and submitting the same report with the Construction Certificate application. This report must be based on the same documents as those submitted with the Construction Certificate.

(42) INSTALLATION OF DUAL-FLUSH TOILETS

All toilets installed within the development must be of water efficient dual-flush or other water-saving capacity with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted for the approval of the Registered Certifier, prior to a Construction Certificate being issued.

Reason

To ensure the provision of water efficient toilets.

(43) INSTALLATION OF WATER EFFICIENT TAPS

All taps and shower heads installed must be water efficient with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details are to be submitted for the approval of the Principal Certifier, prior to any Occupation Certificate being issued.

Reason

To ensure the provision of water efficient taps.

(44) INSTALLATION OF WATER EFFICIENT URINALS

New urinal suites, urinals and urinal flushing control mechanisms must use waterless technology. Where it is submitted that this is not feasible, it must be demonstrated that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Systems must include "smart controls" to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to and approved by the Registered Certifier, prior to a Construction Certificate being issued.

Reason

To ensure the provision of water efficient urinals.

(45) PUBLIC DOMAIN DAMAGE BOND

(a) A Public Domain Damage Deposit calculated on the basis of 80 square metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.

(b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.

(c) The bond in this condition will be released in full when the Public Domain Works Security Bond is lodged with the City.

Reason

To allow for the appropriate management and rectification of damage to the public domain.

(46) PUBLIC DOMAIN CONCEPT PLAN

A public domain concept plan, showing all the site frontages and extending a minimum of 5m past the boundary and to the road centreline, and the future public domain, must be prepared in accordance with the City's *Public Domain Manual* and *Sydney Streets* Code. It must be submitted to and approved by the City's Public Domain Unit prior to the issue of any Construction Certificate for the development other than for demolition or excavation.

Note: A detailed Public Domain Plan will be required prior to construction (refer to Public Domain Plan Detailed Documentation for Construction condition).

Reason

To ensure public domain works comply with Council's requirements.

(47) PUBLIC DOMAIN LEVELS AND GRADIENTS - MAJOR

Prior to the issue of any Construction Certificate, a Public Domain Levels and Gradients submission for the building and site frontages must be submitted to and approved by the City's Public Domain Unit. The submission must be prepared in accordance with the City's *Public Domain Manual* and submitted with a completed Application for *Public Domain Levels and Gradients*. Information on how to complete the submission can be downloaded from the City's website at https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works.

Any requirements to comply with Disability Discrimination Act at the entrance to a building or publicly accessible space must be resolved inside the site boundary.

Note: Public Domain Levels and Gradient plans are to be included with the Public Domain Plan – Detailed Documentation for Construction condition submission.

Reason

To ensure public domain levels and gradients comply with Council's requirements.

(48) SURVEY INFRASTRUCTURE – IDENTIIFCATION AND RECOVERY

Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Prior to the issue of any Construction Certificate, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include either:

(a) A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or

(b) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.

Council's Principal Surveyor may request further information and/or add conditions to any Surveyor-General's Approval at their discretion.

Reason

To ensure the preservation of existing survey infrastructure.

(49) STORMWATER DRAINAGE DESIGN

Prior to issue of any Construction Certificate a detailed stormwater management plan prepared by suitable qualified and experienced professional must be submitted to and approved by the City's Public Domain Unit and must include:

(i) Council's Sydney Streets Technical Specifications, Part A4 Drainage Design;

(ii) Council's Sydney Streets Technical Specifications, Standard Drawings;

(iii) Council's Sydney Streets Technical Specifications, Part B10: Stormwater Drainage Construction;

(iv) Council's Stormwater Drainage Manual; and

(v) All relevant Australian Standards.

This information is available for download from the City's website at https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works.

Note: A Deed of Agreement (Stormwater Deed) for all proposed connections to the City's drainage system, and a Positive Covenant for all OSD systems may be required prior to issue of any Occupation Certificate.

Reason

To ensure stormwater drainage design complies with Council's requirements.

(50) STORMWATER ON-SITE DETENTION

The requirements of Sydney Water with regard to the on-site detention (OSD) of stormwater must be ascertained and complied with. Evidence of the approval must be submitted to Council prior to issue of any Construction Certificate other than demolition.

Where an OSD is not required by Sydney Water one may still be required by the City.

Reason

To ensure the requirements of Sydney Water are complied with.

(51) STORMWATER QUALITY ASSESSMENT

The submitted MUSIC report has not been approved at the DA stage. An updated MUSIC report and link shall be submitted prior to any Construction Certificate approval.

Prior to issue of any Construction Certificate a design certification report prepared by a suitably qualified practitioner engineer (NPER) demonstrating compliance with approved music link targets and parameters must be submitted to and approved by the City's Public Domain Unit. The report must include a response to all stormwater quality improvement devices structural integrity, treatment train and their treatment properties demonstrating compliance with the approved MUSIC link reports.

Reason

To ensure appropriate stormwater quality on the site.

(52) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 3.2 of the report titled Flood Advice Report prepared by Integrated Group Services dated 25 October 2024, summarised below:

Description	**Minimum FPL Required (m AHD)**	**Proposed Finished Floor Level (m AHD)**
Building Entry 1	12.25	12.25
Building Entry 2	12.25	12.25
Building Entry 3	12.02	12.21

Details must be submitted to the Registered Certifier prior to the issue of any Construction Certificate demonstrating that the development will comply with the recommended flood planning levels.

Reason

To ensure the development complies with the recommended flood planning levels.

(53) PUBLIC DOMAIN LIGHTING UPGRADE

Prior to issue of any Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier), a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the Sydney Streets Technical Specifications A5 and B8, Sydney Lights Design Code and Public Domain Manual. This information is available for download from the City's website at https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works.

The lighting upgrade plan must cover all adjacent street frontages, being Doody Street and the new cycle and pedestrian paths and shall be designed to include the following requirements; designed and certified by a suitably qualified practicing lighting Engineer and lighting standards compliance of AS1158.3.1 Category V3 on the roadway and AS1158.3.1:2020 Category P2 on the cycle and pedestrian paths, and a new electrical supply for this lighting.

Advice on site specific lighting requirements must be obtained from City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

Reason

To ensure pedestrian and street lighting in the public domain complies with Council's requirements.

(54) DILAPIDATION REPORT – PUBLIC DOMAIN

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's Public Domain Manual is available for download from the City's website at https://www.cityofsydney.nsw.gov.au/

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Reason

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

(55) STORMWATER DRAINAGE DESIGN FOR STATE ROADS/ OTHER AUTHORITIES

A detailed stormwater management plan prepared by suitably qualified and experienced professional and complying with Council's Sydney Streets Technical Specifications, Part A4 Stormwater Drainage Design must be submitted to and approved by Sydney Water prior to issue of any Construction Certificate other than demolition. Evidence of this approval must be submitted to Council.

Reason:

To ensure stormwater drainage design complies with owner's requirements.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

(56) PUBLIC DOMAIN WORKS – CONSTRUCTION APPROVAL UNDER SECTION 138 ROADS ACT 1993

Prior to the construction of any public domain works, approval under Section 138 / 139 of the Roads Act 1993 must be issued by the City's Public Domain Unit.

Reason

To ensure relevant approvals for public domain work are obtained.

(57) PUBLIC DOMAIN PLAN DETAILED DOCUMENTATION FOR CONSTRUCTION

A detailed public domain plan and all relevant documentation including the future public domain, must be submitted to and approved by City's Public Domain Unit prior to the construction of any public domain works. This Plan must document all works required to ensure that the public domain upgrade work complies with the City's specifications and requirements, as outlined in documents such as City of Sydney's Public Domain Manual, Sydney Streets Code, Sydney Street Tree Masterplan, Sydney Lights: Public Domain Design Code and Sydney Streets Technical Specification.

The documentation must be checked, accurate, and comply with specified requirements. Plans must be based on an accurate survey, to scale and fully coordinated across all disciplines and submissions. The supplied documentation must be For Construction issue and will be approved under Section 138 of the Roads Act.

The Public Domain Manual and all other relevant documents are available for download from Council's website at:

https://www.cityofsydney.nsw.gov.au/development/public-domain-works/da-associated-works.

The Public Domain Plan documentation must be submitted with an Application for Public Domain Plan Assessment and include the approved Public Domain Levels and Gradients documentation.

(58) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

(a) Prior to the commencement of demolition and/or excavation work the following details must be submitted to and be approved by the Principal Certifier:

(i) Plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of facade retention.

(ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)

(iii) An Excavation Work Method Statement prepared by an appropriately qualified person.

(iv) A Waste and Recycling Management Plan – Demolition and Construction for the demolition and or excavation of the proposed development. The plan is to include details of materials that will be excavated and their proposed destination or reuse.

(v) Plans and elevations showing the location, construction and installation of temporary site fencing and any temporary structures used in connection with the construction of the development.

Note: Temporary structures, including hoardings and scaffolding, proposed for erection on City-owned and controlled land (footways and roadways), must comply with Council's *Guidelines for Hoardings and Scaffolding* and be approved by Council under the provisions of the Local Government Act 1993 and the Roads Act 1993 prior to installation.

(b) Such statements must, where applicable, be in compliance with AS2601-2001 Demolition of Structures, the *Work, Health and Safety Act 2011* and Regulation; Council's *Guidelines for Waste Management in New Developments 2018*, the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations and must include provisions for:

(i) A Materials Handling Statement for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.

(ii) The name and address of the company/contractor undertaking demolition/excavation works.

(iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.

(iv) The name and address of the transport contractor.

(v) The type and quantity of material to be removed from site.

(vi) Location and method of waste disposal and recycling.

(vii) Proposed truck routes, in accordance with this development consent.

(viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).

(ix) Measures to control noise emissions from the site.

(x) Measures to suppress odours.

(xi) Enclosing and making the site safe.

(xii) Induction training for on-site personnel.

(xiii) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to SafeWork NSW.

(xiv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the SafeWork NSW.

(xv) Disconnection of utilities.

(xvi) Fire Fighting. (Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).

(xvii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).

(xviii) Waterproofing of any exposed surfaces of adjoining buildings.

(xix) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).

(xx) Working hours, in accordance with this development consent.

(xxi) Any SafeWork NSW requirements.

(c) The approved work method statements and a waste management plan as required by this condition must be implemented in full during the period of construction.

(d) All waste records from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site. These records must be available for sighting on request by an authorised Council officer.

Reason

To ensure that impacts arising from demolition, excavation and construction are appropriately managed.

(59) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM

Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by the Principal Certifier.

(a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:

(i) existing site contours;

(ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;

(iii) location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

Reason

To ensure that appropriate erosion and sediment control measures are put in place during construction to protect the environment.

(60) DILAPIDATION REPORT – MAJOR EXCAVATION/ DEMOLITION

Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 70-74 O'Riordan Street, 78 O'Riordan Street, and 80 O'Riordan Street (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of a Construction Certificate.

UPON COMPLETION OF EXCAVATION/DEMOLITION

A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

Reason

To ensure that dilapidation reports are prepared and to identify damage to adjoining/nearby properties resulting from building work on the development site.

(61) HAZARDOUS MATERIALS SURVEY REQUIRED

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Area Coordinator Planning Assessments / Area Planning Manager prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

Reason

To ensure that hazardous materials on the site are identified and appropriately managed.

(62) TREE PROTECTION ZONE

(a) Before the commencement of works, Tree Protection Zone/s (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below.

(b) Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and with the following schedule:

TPZ Schedule

Tree No.	Species Name	Location	Radius (m) From Trunk
1	*Eucalyptus microcorys* (Tallow wood)	Doody Street (street trees)	2
2, 4- 7	*Robinia pseudoacacia 'Frisia' (Golden Robinia)*		2.5
10	*Corymbia maculata (Spotted Gum)* wrongly identified as *C, ficifolia* in the Arborist report	27-31 Doody Street	6
20	*Eucalyptus pilularis (Black Butt)*		7
44	*Corymbia maculata (Spotted Gum)*		8.5
45			6

Note: Only applies to the TPZ within the subject development site and the public domain.

(c) Tree protection fencing must be installed and maintained within the subject development site prior to the commencement of works and in accordance with the following:

(i) A 1.8m high fully supported chainmesh protective fencing. The fencing, secured and fastened to prevent movement, must be installed around (Tree Management to specify – TPZ distance / edge of garden / garden area surrounding trees / canopy dripline). Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing;

(ii) The area within the fencing must be mulched to a depth of 75mm and kept free of weeds and grass for the duration of works;

(iii) Tree Protection Signage must be attached facing outwards in a visible position identifying the name and contact details of the site Arborist. All signs must remain in place throughout all work on site;

(iv) Tree protection fencing must not be moved or relocated unless written approval is obtained from the Site Arborist and a copy is provided to Council's Tree Management Officer which outlines alternate protection measures and that the relocated fencing will not impact the viability and retention of the tree/s.

(d) Ground surface protection must be installed if construction access is required through any TPZ of this condition where hard surface / paving is not existing. The ground protection must be:

(i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;

(ii) The protective boarding must be left in place for the duration of the construction and development.

(e) The following works must be excluded from within any TPZs:

(i) Excavation except for the localised siting of piers / demolition of the concrete slab

(ii) Soil cut or fill including trenching;

(iii) Soil cultivation, disturbance or compaction;

(iv) Stockpiling, storage or mixing of materials;

(v) The parking (except existing on street parking), storing, washing and repairing of tools, equipment and machinery;

(vi) The disposal of liquids and refuelling;

(vii) The disposal of building materials;

(viii) The siting of offices or sheds;

(ix) Any action leading to the impact on tree health or structure.

(f) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any TPZ. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed.

(g) All work undertaken within or above the TPZ must be:

(i) Carried out in accordance with a work methodology statement prepared by an Arborist (minimum AQF Level 5) and written approval is obtained from Council's Tree Management Officer before its implementation; and

(ii) Supervised by a Project Arborist (minimum AQF Level 5).

Reason

To ensure the protection and ongoing health of trees.

(63) CONNECTION TO SEWERS OF SYDNEY WATER CORPORATION

Wastewater arising from the use must be directed to the sewers of the Sydney Water Corporation (SWC) under a Trade Waste License Agreement. The pre-treatment of wastewater may be a requirement of the Corporation prior to discharge to the sewer. Details of the Corporation's requirements should be obtained prior to the commencement of construction work.

Reason

To ensure wastewater is managed appropriately.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

(64) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

(a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.

(b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

(c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Reason

To protect the amenity of the surrounding area.

(65) COMPLIANCE WITH DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

(a) All works conducted on site which form part of this development must be carried out in accordance with the submitted Demolition, Excavation and Construction Management Plan.

(b) Where all such control measures have been implemented and the resultant noise and/ or vibration levels at any sensitive receiver still exceed the council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building unit. Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels. (Use where respite periods not specified under the approved DEC NMP)
Such periods must be set and agreed to by Council's Health and Building Unit.

Reason

To ensure all parties are aware of the supporting documentation that applies to the development.

(66) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

The immediately adjoining neighbours must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

Reason

To protect the amenity of the surrounding area.

(67) CHECK SURVEY DURING CONSTRUCTION

During construction of the walls of the building a survey and report prepared by a registered surveyor shall submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment, and the setbacks.

(a) Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work.

Reason:

To ensure that the building either does not encroach, or alternatively that any encroachments are formalised on title.

(68) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

(a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.

(b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974.*

(c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.

(d) If the discovery is on Council's land, Council must be informed.

Reason

To ensure that the archaeology of the site is appropriately managed and protected.

(69) ASBESTOS REMOVAL WORKS

(a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

(b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.

(c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines.*

(d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.

(e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.

(f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.

(g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).

(h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.

(i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

(i) contact person for the site;

(ii) telephone and facsimile numbers and email address; and

(iii) site activities and time frames.

Reason

To ensure that the handling and removal of asbestos from the site is appropriately managed.

(70) LAND REMEDIATION

The site is to be remediated and validated in accordance with the recommendations set out within the Detailed Site Investigation, prepared by EI Australia dated 29 August 2024 reference: E23591.E02_Rev1 and in particular Section 10 of the Detailed Site Investigation report, including but not limited to:

(a) A groundwater investigation to characterise groundwater quality of the site is carried out to support a Dewatering Management Plan to be implemented during any off-site dewatering.

(b) Prior to construction works, a Construction Environmental Management (CEMP) is to be prepared and implemented during construction. The CEMP is to include:

(i) Detailed inspection of exposed soils following demolition.

(ii) Remedial excavation and removal of impacted soils

(iii) Preparation of a sampling and analysis quality plan for a post-remedial validation assessment.

(c) Preparation of a validation letter by a suitably qualified consulting to confirm site suitability for the proposed use.

(d) An Asbestos Clearance Inspection following demolition and removal of debris.

(e) Implementation of an Unexpected Finds Protocol.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifier.

Reason

To ensure that the site is appropriately remediated.

(71) NOTIFICATION – NEW CONTAMINATION EVIDENCE

Council's Area Planning Manager and the Principal Certifier must be notified of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.

Reason

To ensure that the site is appropriately remediated.

(72) IMPORTED FILL MATERIALS

All fill imported onto the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

The City may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

(a) Imported fill must be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or

(b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (2022) Sampling Design Guidelines.

Reason

To ensure that imported fill is not contaminated.

(73) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

Reason

To ensure that waste from site is classified and disposed of appropriately.

(74) DISCHARGE OF CONTAMINATED GROUNDWATER

Contaminated groundwater must not be discharged into the City's stormwater drainage system.

Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason

To ensure that the discharge of ground water is appropriately managed.

(75) STOCKPILES

(a) No stockpiles of soil or other materials must be placed on footpaths or nature strips unless prior approval has been obtained from the City's Construction Regulation Team.

(b) All stockpiles of soil or other materials must be placed away from drainage lines, gutters or stormwater pits or inlets.

(c) All stockpiles of soil or other materials likely to generate dust or odours must be covered.

(d) All stockpiles of contaminated soil must be stored in a secure area and be covered if remaining more than 24 hours.

Reason

To ensure that stockpiles of soil ort other materials are appropriately managed.

(76) SITE VALIDATION REPORT

Prior to the issue of any Occupation Certificate, a Site Validation Report is to be forwarded to Council's Area Coordinator Planning Assessments / Area Planning Manager for written approval. The validation report is to be prepared by a suitably qualified environmental consultant with experience in land contamination and New South Wales EPA contaminated land legislation and guidelines including the Contaminated Land Management Act 1997. The report is to satisfactorily document the following.

(a) The extent of validation sampling, and the results of the validation testing.

(b) That the remediation and validation of the site has been undertaken in accordance with the Detailed Site Investigation reference E23491.E02_Rev1 dated 29 August 2024.

(c) That the site is suitable for the proposed use.

Reason

To ensure that the site is appropriately remediated.

(77) TREE SENSITIVE EXCAVATION

Excavation undertaken with the specified distance/s from the trunks of the following trees shall be hand dug.

Tree (Root) Protection Zone Schedule:

Tree No	**Species**	**Tree Location**	**SRZ (m) from Trunk**
1	*Eucalyptus microcorys* (Tallowwood)	Doody Street (street trees)	1.5
2, 4-7	*Robinia pseudoacacia 'Frisia'* (Golden Robinia)		2.2
10	*Corymbia maculata* (Spotted Gum) wrongly identified as *C, ficifolia* in the AIA	27-31 Doody Street	3
20	*Eucalyptus pilularis* (Black Butt)		3
44, 45	*Corymbia maculata* (Spotted Gum)		3

(a) Within the SRZ;

(i) Excavation must not occur within the SRZ. If excavation is proposed within this zone, the Council's Tree Management Officer must be contacted immediately, and the excavation must be carried out in accordance with Council's direction.

(b) Within the TPZ;

(i) Tree sensitive excavation, such as small hand tools compressed air or water jetting only must be used. Roots with a diameter equal to or greater than 40mm shall not be severed or damaged unless approved in writing by Council's Tree Management Officer.

Mechanical excavation is permitted beyond this radius when root pruning by hand along the perimeter line is completed. Exposed roots to be retained shall be covered with mulch or a geotextile fabric and kept in a moist condition and prevented from drying out.

(ii) All excavations must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

(c) Footings must be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance must be provided between the tree root and footing.

(d) All excavations located within the TPZ must be supervised by a Project Arborist with a minimum AQF Level 5 qualification in arboriculture.

(e) All root pruning must be undertaken in accordance with the Australian Standard 4373 'Pruning of Amenity Trees' and by an arborist with a minimum AQF Level 3 qualification in arboriculture.

Reason

To ensure the protection and ongoing health of trees.

(78) STREET TREE PROTECTION

All street trees located directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

(a) Tree trunk and major branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture and must include:

(i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.

(ii) Tree trunk/s and/or major branches to a height of two metres, must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and

(iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.

(iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.

(b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.

(c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.

(d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.

(e) Materials or goods, including site sheds, must not be stored or placed:

(i) around or under the tree canopy; or

(ii) within two (2) metres of tree trunks or branches of any street trees.

(f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.

(g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within 3 metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.

(h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.

(i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

Reason

To ensure the protection and ongoing health of the street trees.

(79) TREE PRUNING – FURTHER APPROVAL REQUIRED

Consent from Council's Tree Management Officer must be obtained prior to any tree pruning work being undertaken, including tree roots greater than 40mm in diameter, for any trees located within or adjacent to the site. Only minor pruning works will be approved by Council.

Reason

To ensure that pruning works to trees are carried out in an appropriate manner.

(80) PROTECTION OF NATIVE WILDLIFE

(a) In the event that wildlife is found during the course of tree removal works, work must stop until a trained wildlife handler attends the site or the animal relocates itself. In regards to tree pruning, works may only proceed if the animals will not come into direct harm.

(b) In the event that the tree has nesting birds or native animals, works must be delayed until after the nesting period has been completed, unless in the event of an emergency.

Reason

To ensure that wildlife is adequately protected during tree removal/pruning works.

(81) STORMWATER DRAINAGE CONNECTION

For approval of a connection into the City of Sydney's drainage system an "*Application for Approval of Stormwater Drainage Connections*" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges. This must be approved prior to approval being issued for the construction of public domain work.

Reason

To ensure approval of connection into the Council's drainage system is sought.

(82) EROSION AND SEDIMENT CONTROL

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifier must be implemented in full during the construction period.

During the construction period:

(a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;

(b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and

(c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

Reason

To ensure no substance other than rainwater enters the stormwater system and waterways.

(83) SITE NOTICE OF PROJECT DETAILS AND APPROVALS

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

(a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;

(b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;

(c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;

(d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;

(e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.

(f) All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

Reason

Prescribed condition EP&A Regulation, clauses 98A (2) and (3)

(84) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

Reason

To ensure loads are managed appropriately and do not impact local amenity.

(85) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

Reason

To ensure sediment is not tracked onto the roadway.

(86) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

(a) All loading and unloading associated with construction activity must be accommodated on site, where possible.

(b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.

(c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

(d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

Reason

To protect the amenity of the public domain.

(87) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

Reason

To protect the amenity of the public domain.

(88) USE OF MOBILE CRANES

The following requirements apply:

(a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.

(b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

(c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Reason

To ensure mobile cranes are used appropriately.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

(89) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to any Occupation Certificate being issued, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. Waste is to be stored and collected from within the curtilage of the site at all times.

Reason

To ensure that waste and recycling is appropriately managed.

(90) RESTRICTION ON USE OF CAR SPACES – COMMERCIAL

The following conditions apply to car parking:

(a) The on-site car parking spaces, exclusive of service car spaces and visitor spaces, are not to be used other than by an occupant or tenant of the subject building.

(b) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, a documentary restrictive covenant, is to be registered on the Title of the development site pursuant to section 88B of the Conveyancing Act 1919, to the effect of (a) above. The covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

(c) Any future strata subdivision of the site is to include a restriction on User pursuant to section 39 of the Strata Titles (Freehold Development) Act, 1973 as amended, so burdening all utility car parking allotments in the Strata Plan and/or an appropriate restrictive covenant pursuant to section 88B of the Conveyancing Act 1919 burdening all car parking part - lots in the Strata Scheme.

(d) All parking spaces other than visitor parking or service spaces must form part of a strata unit in any future strata subdivision. No parking spaces or storage spaces are to have their own individual strata title.

Reason

To ensure the on-site car parking spaces, exclusive of service car spaces are not to be used other than by an occupant or tenant of the building.

(91) SURVEY CERTIFICATION PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Prior to the issue of any staged Occupation Certificate or Final Occupation Certificate for any of the buildings, a Final Identification Survey prepared and signed by a Surveyor registered under the *Surveying & Spatial Information Act, 2002* must be submitted at the completion of the building work certifying the location of the building and showing offsets in relation to the boundaries of the allotment.

Any encroachments of the building including gutters and downpipes over the side boundaries or rear lane must be removed

Reason

To ensure that either the building does not encroach.

(92) PUBLIC DOMAIN WORKS COMPLETION

The Public Domain works are to be constructed in accordance with the Public Domain Works Approval letter, stamped plans for Public Domain Levels and Gradients, Stormwater, Public Domain Lighting, the City's *Public Domain Manual,* Stormwater *Drainage Manual, Sydney Lights Design Code* and *Sydney Streets Technical Specification.*

The public domain work must be inspected and a Public Domain Work Letter of Completion Operational Acceptance must be issued by Council's Public Domain Officer prior to the issue of any Occupation Certificate or before the commencement of use, whichever is earlier.

Reason

To ensure the public domain works are completed in accordance with the approved documents and Council's requirements.

(93) PUBLIC DOMAIN COMPLETION – WORK AS EXECUTED DOCUMENTATION

Prior to a Public Domain Works Letter of Completion Operational Acceptance being issued for public domain works, works-as-executed (As-Built) plans and documentation, must be submitted to and accepted by the City of Sydney for all public domain works, including where required Stormwater, Public Domain Lighting and road construction. These works must be certified by a suitably qualified, independent professional. Details of the documentation required for approval will be advised by the City's Public Domain Unit.

Reason

To ensure Council receives works-as-executed documentation for public domain works.

(94) STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT

Prior to the issue of any Occupation Certificate:

(a) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.

Reason

To protect underground drainage systems.

(95) SURVEY INFRASTRUCTURE – PRE-SUBDIVISION CERTIFICATE WORKS

(a) Pursuant to Section 38 of the Surveying and Spatial Information Act 2002, if it is likely that any new survey mark will be disturbed by associated works (for example, footpath or kerb and gutter construction), a surveyor may defer the placement of those marks.

(b) Prior to any the issue of any Subdivision Certificate, documentary evidence in accordance with Section B11 – Survey Infrastructure of the Technical Specification must be prepared by a Registered Surveyor and submitted to and approved by the City. This evidence must include:

(i) A copy of any Surveyor-General's Approval for Deferment of Survey Marks granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the draft deposited plan) or

(ii) A certificate of Practical Completion obtained from the City's Public Domain team, together with a letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all survey marks shown on their Deposited Plan remain at the date of practical completion.

Reason

To allow for deferment of survey marks.

(96) SURVEY INFRASTRUCTURE – RESTORATION

(a) Prior to any Occupation Certificate being issued for the development, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by Council's Area Planning Manager / Coordinator. This evidence must include:

(i) Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with

(ii) Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and

(iii) Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.

Reason

To ensure all requirements for survey mark removal are complied with.

(97) CONSTRUCTED FLOOR LEVELS

A certification report prepared by a suitably qualified practitioner engineer (NPER) must be submitted to the Principal Certifier prior to issue of any Occupation certificate stating that the development has been constructed and the required levels achieved in accordance with the recommendations of the report titled Flood Advice Report prepared by Prabeg Sharma from IGS dated 25 October 2024.

Reason

To ensure the development achieves the required floor levels.

PART F – OCCUPATION AND ONGOING USE

(98) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

(99) WASTE/RECYCLING COLLECTION - COMMERCIAL

(a) Waste storage and the collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.

(b) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.

(c) Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days.

Reason

To ensure that waste and recycling is appropriately managed.

(100) NOISE – STRUCTURE BORNE IMPACT ON SEPARATE COMMERICAL PREMISE

(a) Structure borne noise emanating from the premises is not to exceed the following criterion when measured within any separate commercial premise:

(i) LA1, Slow 15 minute ≤ LA90, 15 minute +3 dB(A)

Reason

To protect the acoustic amenity of surrounding properties.

(101) VIBRATION

Operation of the use is not to result in the transmission of any perceptible vibration to an occupiable area within a separate premises.

Reason

To protect the amenity of surrounding properties.

(102) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

(a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA *Noise Policy for Industry* 2017 (NPfI) unless agreed to by the City's Area Planning Manager. Further:

(i) Background noise monitoring must be carried out in accordance with the long-term methodology in *Fact Sheet B* of the NPfI unless otherwise agreed by the City's Area Planning Manager.

(ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.

(b) An $L_{Aeq,15\ minute}$ (noise level) emitted from the development must not exceed the $L_{A90,\ 15\ minute}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:

(i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.

(ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.

(c) Corrections in *Fact Sheet C* of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reason

To protect the acoustic amenity of surrounding properties.

(103) VENTILATION – CONTROL OF NOXIOUS FUMES

Any proposed activities, such as welding or soldering, that give rise to noxious fumes, gases, mists or odours must;

(a) be undertaken at a facility that suitable exhausts them in accordance with the *Local Exhaust* and *Effluent Removal* requirements of *Australia Standard AS1668.2 – The Use of Ventilation and Air-Conditioning in Buildings – Mechanical Ventilation in Buildings* (or any standard that supersedes this edition); and/or

(b) be undertaken in a manner that complies with SafeWork NSW requirements.

Reason

To protect the amenity of the surrounding area.

(104) LOADING AND SERVICING MANAGEMENT PLAN

A Loading and Servicing Management Plan is to be prepared for distribution to relevant tenants outlining how the loading areas will be managed and used by all relevant tenants.

The Plan must include, but is not limited to, details on:

(a) Safety measures for protecting pedestrian and vehicles within the servicing and parking areas

(b) Management of waste collection and deliveries for all uses on site

(c) Ensuring vehicles are not waiting on public streets to enter the site.

The plan is to be prepared and submitted to and approved by Council's Area Planning Manager prior to issue of an Occupation Certificate.

Once approved, this management plan is to be provided to all relevant tenants and external users of the loading area.

Reason

To ensure that the on-site servicing is safety and appropriately managed.

(105) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 6 month defects liability period from the date of Completion. The date of Completion will be nominated by Council on the Public Domain Works – Letter of Completion Operational Acceptance.

Reason

To ensure all works to the City's public domain are protected under a liability period.

(106) ANNUAL FIRE SAFETY STATEMENT FORM

An annual Fire Safety Statement must be given to Council and Rescue NSW commencing within 12 months after the date on which the Fire Safety Certificate is issued or the use commencing, whichever is earlier.

Reason

To ensure annual checks on fire safety measures.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2021* apply:

Clause 69	Compliance with *National Construction Code (previously known as Building Code of Australia)* and insurance requirements under the *Home Building Act 1989*
Clause 70	Erection of signs
Clause 71	Notification of *Home Building Act 1989* requirements
Clause 72	Conditions relating to entertainment venues
Clause 73	Conditions relating to maximum capacity signage
Clause 74	Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 2 conditions of development consent of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: http://www.legislation.nsw.gov.au

SCHEDULE 3

GENERAL TERMS OF APPROVAL - WATERNSW

(107) The GTA issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

(108) Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

(109) Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

(110) A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement – see paragraph17A, Schedule 4 of the Water Management (General) Regulation 2018.

(111) If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

(112) All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

(113) The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b)obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c)any elevated water table from rising to within 1.0 m below the natural ground surface.

(114) Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.

(115) Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

(116) (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/waterlicensing/dewatering

(117) The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site – Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

(118) Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

(119) This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001 above. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

(120) The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report.

SCHEDULE 4

SYDNEY WATER CONDITIONS OF CONSENT

Prior to the issue of a Construction Certificate/Complying Development Certificate:

(121) BUILDING PLAN APPROVAL (INCLUDING TREE PLANTING GUIDELINES)

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

(122) TREE PLANTING

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

Prior to the issue of an Occupation/Subdivision Certificate:

(123) SECTION 73 COMPLIANCE CERTIFICATE

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

IMPORTANT ADDITIONAL INFORMATION

Advisory notes:

1. It is advised that the City of Sydney Neighbourhood Parking Policy may apply to this development. Eligibility for parking permits for residents or users of the development will be determined by the terms of this policy or subsequent future policies.

The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a ***Construction Certificate*** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.

2. ***It is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to Council's website for any further information about digital requirements and electronic files.***

   Note: All applications must be lodged via the NSW Planning Portal.

3. Nominate a ***Principal Certifier*** which may be either Council or a registered certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement. Appointment must be made through the Planning Portal https://www.planningportal.nsw.gov.au/.

4. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.

5. Obtain an ***Occupation Certificate*** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

You may also need to:

6. Obtain approval through the lodgement of an application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* for an activity which is proposed to be undertaken in, on or above a road reservation (including footways). Such activities include:

   (a) building elements/façade features;
   (b) installation of hoardings/scaffolding;
   (c) installation and/or alterations to advertising/business signs and street awnings;
   (d) crane operation and other hoisting activities;
   (e) temporary works (e.g.: barricading, road openings, mobile hoisting devices);
   (f) works zone (for loading and unloading from the roadway); and
   (g) temporary ground anchoring and shoring to support a roadway when excavating.

   Application forms are available on the City's website.

7. Lodge an ***Application for Subdivision*** to obtain a ***Subdivision Certificate*** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain ***Strata Title Subdivision*** under the relevant Strata Titles Act if strata title of the development is proposed.

8. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.

9. Contact Sydney Water regarding the water and sewerage services to this development. For further information go to www.sydneywater.com.au.

10. Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 61, 63 and 65 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation.

Attachment B1

Selected Drawings

NO.	TITLE	REV.
DA00.00	COVER SHEET	D
DA00.02	DEMOLITION PLAN	C
DA00.03	SITE PLAN	C
DA00.04	INFRASTRUCTURE PLAN	C
DA00.05	PROPOSED DEDICATION PLAN	B
DA01.00	BASEMENT 1	D
DA01.01	GROUND	E
DA01.02	GROUND MEZZANINE	C
DA01.03	LEVEL 1	D
DA01.04	LEVEL 2	D
DA01.05	LEVEL 2 MEZZANINE	C
DA01.06	LEVEL 3	C
DA01.07	LEVEL 3 MEZZ / 4 COMM	C
DA01.08	ROOF	C
DA02.01	ELEVATIONS	C
DA02.02	ELEVATIONS	C
DA03.01	SECTIONS	C
DA05.01	SHADOW DIAGRAM	C
DA05.11	SOLAR POV	C
DA06.01	GFA	C
DA06.02	TOTAL FLOOR AREA	A
DA06.11	DEEP SOIL	C
DA06.21	HEIGHT PLANE	C
DA07.01	MATERIAL SCHEDULE 1	A
DA07.02	MATERIAL SCHEDULE 2	A
DA07.03	MATERIAL SCHEDULE 3	A

Development Summary Building 1

LEVEL	WAREHOUSE/INDUSTRIAL	STORAGE	COMMERCIAL	RETAIL
BASEMENT 1	0.0 m²	1061.2 m²	0.0 m²	0.0 m²
GROUND	3292.3 m²	0.0 m²	0.0 m²	954.2 m²
GROUND MEZZANINE	578.3 m²	0.0 m²	0.0 m²	0.0 m²
LEVEL 1	0.0 m²	3437.6 m²	606.4 m²	0.0 m²
LEVEL 2	3484.7 m²	0.0 m²	606.4 m²	0.0 m²
LEVEL 2 MEZZANINE	962.2 m²	0.0 m²	0.0 m²	0.0 m²
LEVEL 3 COMM	0.0 m²	0.0 m²	575.4 m²	0.0 m²
LEVEL 3	3690.6 m²	0.0 m²	0.0 m²	0.0 m²
LEVEL 4 COMM	0.0 m²	0.0 m²	573.8 m²	0.0 m²
LEVEL 3 MEZZANINE	1060.2 m²	0.0 m²	0.0 m²	0.0 m²
	13068.3 m²	4498.8 m²	2362.0 m²	954.2 m²

Development Summary Building 2

LEVEL	OFFICE INTERNAL	OFFICE TERRACES
GROUND	12.2 m²	364.1 m²
B - LEVEL 1	247.8 m²	33.4 m²
B - LEVEL 2	248.6 m²	33.4 m²
B - LEVEL 3	248.6 m²	33.4 m²
B - LEVEL 4	0.0 m²	281.7 m²
	757.2 m²	746.0 m²

Carparking Summary

LEVEL	CARPARKS						
	INDUSTRIAL	WAREHOUSE	STORAGE	COMMERCIAL	RETAIL	OFFICE	TOTAL
BASEMENT 1	0	0	0	17	11	0	28
GROUND	33	4	0	0	0	8	45
LEVEL 1	4	0	10	9	0	0	23
LEVEL 2	32	0	0	0	0	0	32
LEVEL 3	30	0	0	0	0	0	30
	99	4	10	26	11	8	158

Deep Soil Summary

AREA	PERCENTAGE
1859.3 m²	15.3%

Deep soil requirement (15%) - 1822.23 m²

Gross Floor Area

AREA CATEGORY	LEVEL	GFA
Commercial	LEVEL 1	626.5 m²
Commercial	LEVEL 2	626.7 m²
Commercial	LEVEL 2 MEZZANINE	595.5 m²
Commercial	LEVEL 3	27.2 m²
Commercial	LEVEL 3 MEZZANINE	601.5 m²
		2477.3 m²
Industrial	GROUND	1436.1 m²
Industrial	GROUND MEZZANINE	572.9 m²
Industrial	LEVEL 2	2770.8 m²
Industrial	LEVEL 2 MEZZANINE	960.0 m²
Industrial	LEVEL 3	2937.8 m²
Industrial	LEVEL 3 MEZZANINE	1060.4 m²
		9737.9 m²
Warehouse	GROUND	1125.1 m²
		1125.1 m²
Office	GROUND	12.2 m²
Office	B - LEVEL 1	246.7 m²
Office	B - LEVEL 2	246.7 m²
Office	B - LEVEL 3	246.7 m²
		752.4 m²
Retail	GROUND	879.7 m²
		879.7 m²
Services	GROUND	115.3 m²
		115.3 m²
Store	LEVEL 1	3134.7 m²
		3134.7 m²
		18222.3 m²

SITE AREA	PERMISSIBLE FSR	PERMISSIBLE GFA
12148.2 m²	1.5	18222.3 m²



DEVELOPMENT APPLICATION

Revisions

A	08.03.24	Development Application	AT
B	31.05.24	RFI Response	JC
C	28.08.24	RFI Response	JC
D	25.10.24	RFI Response	JC

28/10/2024 10:08:23 AM

Project: **27-31 Doody Street**

Alexandria NSW 2015

Drawing: **COVER SHEET**

Project No: **223226**

Author: **AT**

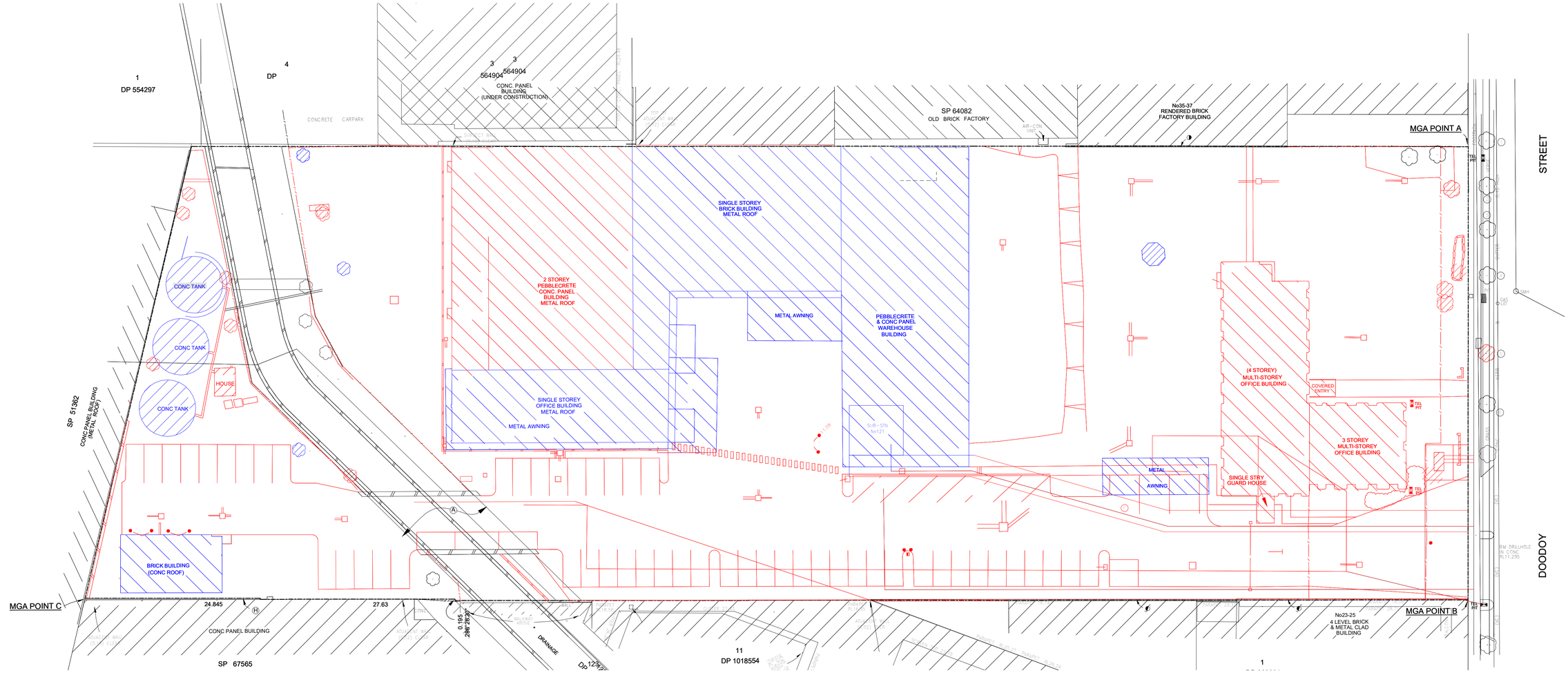
Scale: @ A1

Drawing No: **DA00.00** **D**

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

25/10/2024 12:17:23 PM

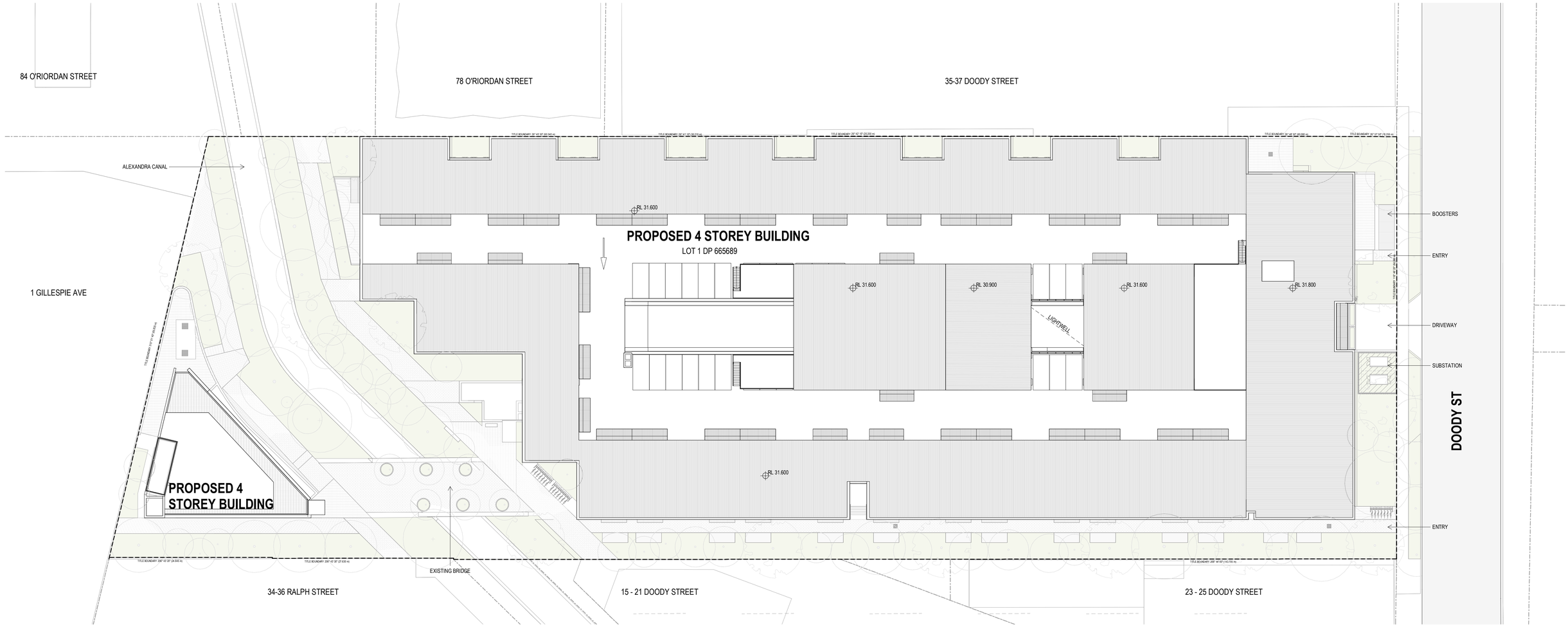
DEMOLISHED IN PROPOSED DA
RETAINED IN PROPOSED DA
DEMOLISHED IN PREVIOUS DA

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **DEMOLITION PLAN**
Project No: **223226**
Author: **JC**
Scale: @ A1 **1 : 300**
Drawing No: **DA00.02**
C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



110

DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

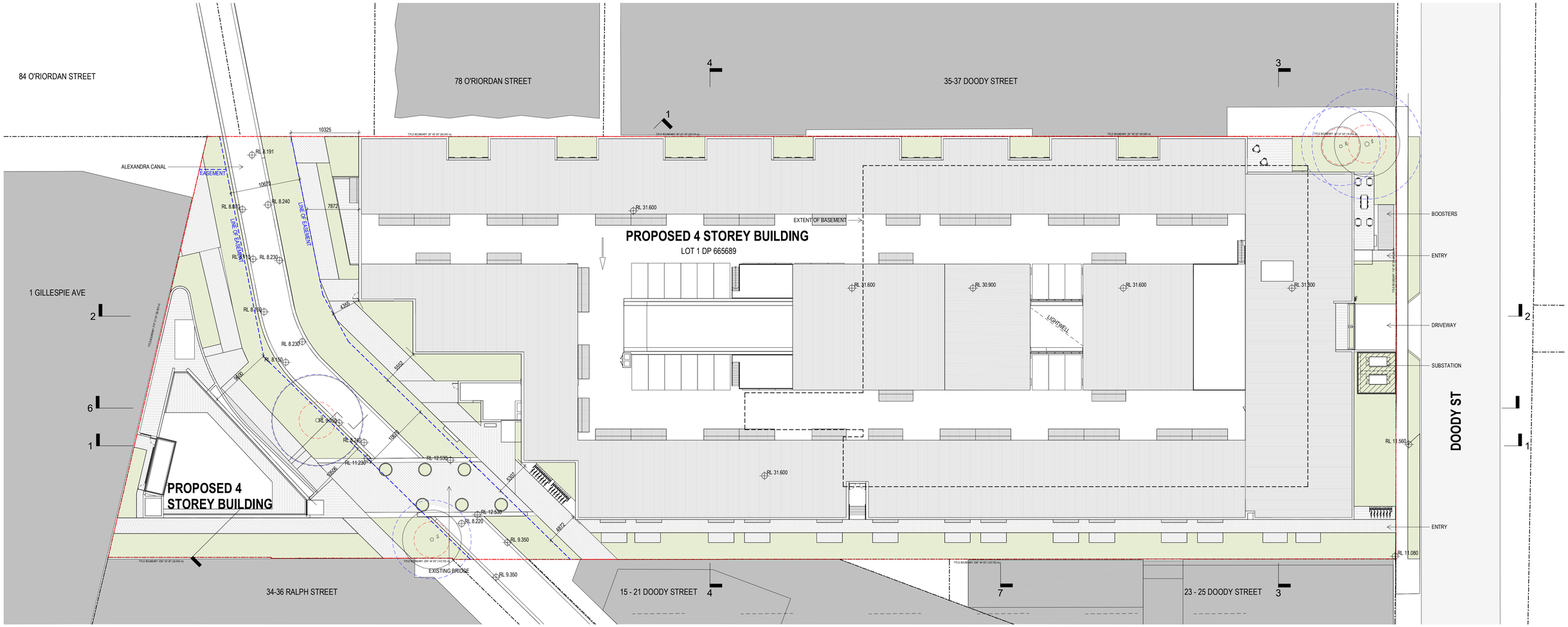
25/10/2024 12:17:33 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **SITE PLAN**
Project No: **223226**
Author: **JC**
Scale: @ A1 **1 : 300**
Drawing No.: **DA00.03**
C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



111

DEVELOPMENT APPLICATION

Revisions			
A	31.05.24	RFI Response	JC
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

25/10/2024 12:17:43 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **INFRASTRUCTURE PLAN**

Project No: **223226**

Author: **JC**

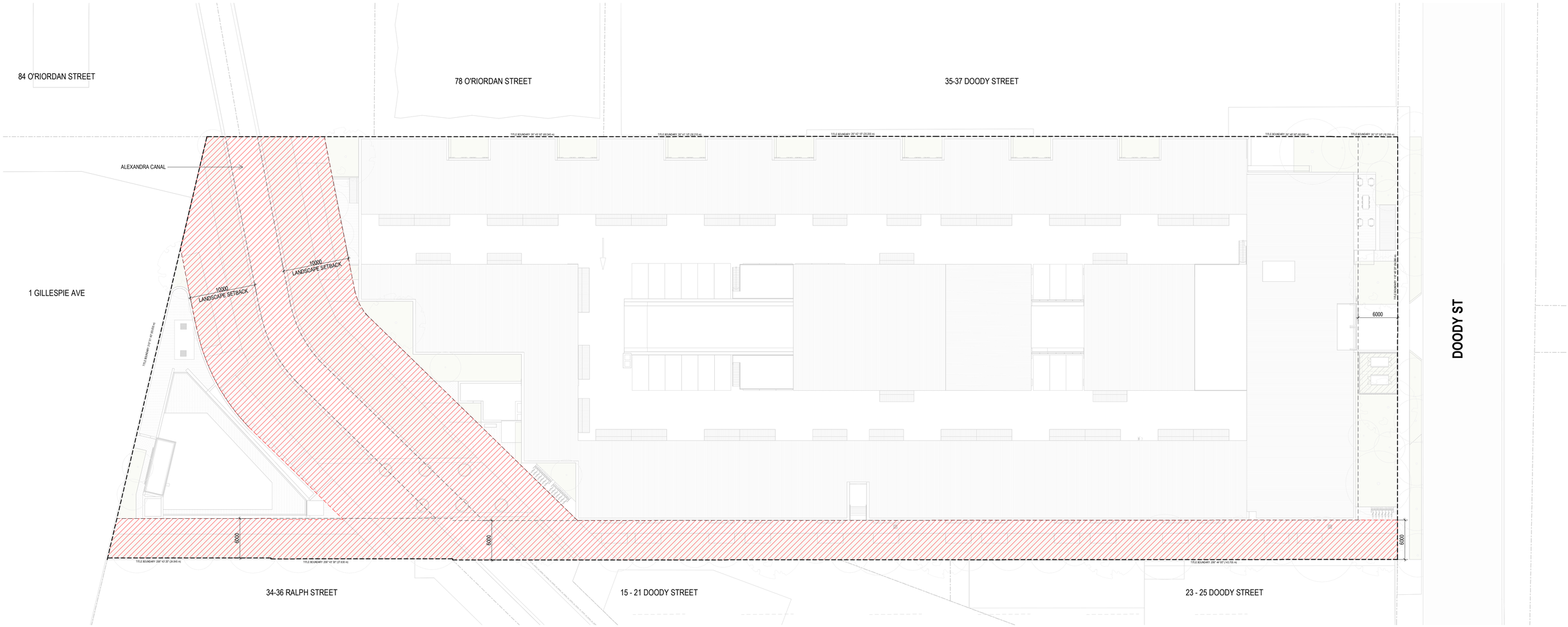
Scale: @ A1 **1 : 300**

Drawing No.: **DA00.04**

C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast, Melbourne, Perth, Sydney
www.rothelowman.com.au



112

DEVELOPMENT APPLICATION

Revisions				
	A	28.08.24	RFI Response	JC
	B	25.10.24	RFI Response	JC

25/10/2024 12:17:53 PM

PROPOSED DEDICATED AREA

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **PROPOSED DEDICATION PLAN**

Project No: **223226**

Author: **JC**

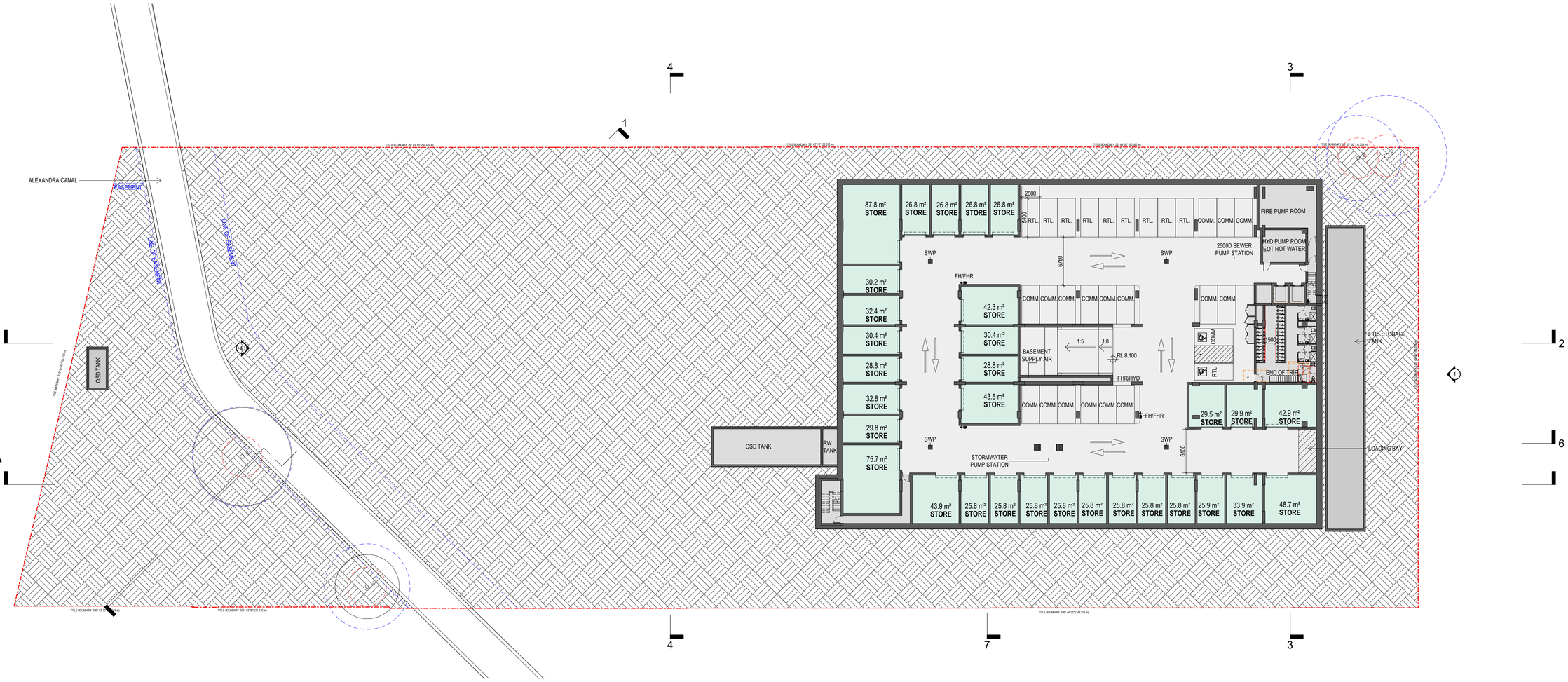
Scale: @ A1 **1 : 300**

Drawing No: **DA00.05**

B

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	31.05.24	RFI Response	JC
C	28.08.24	RFI Response	JC
D	25.10.24	RFI Response	JC

25/10/2024 12:23:37 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **BASEMENT 1**

Project No: **223226**

Author: **JC**

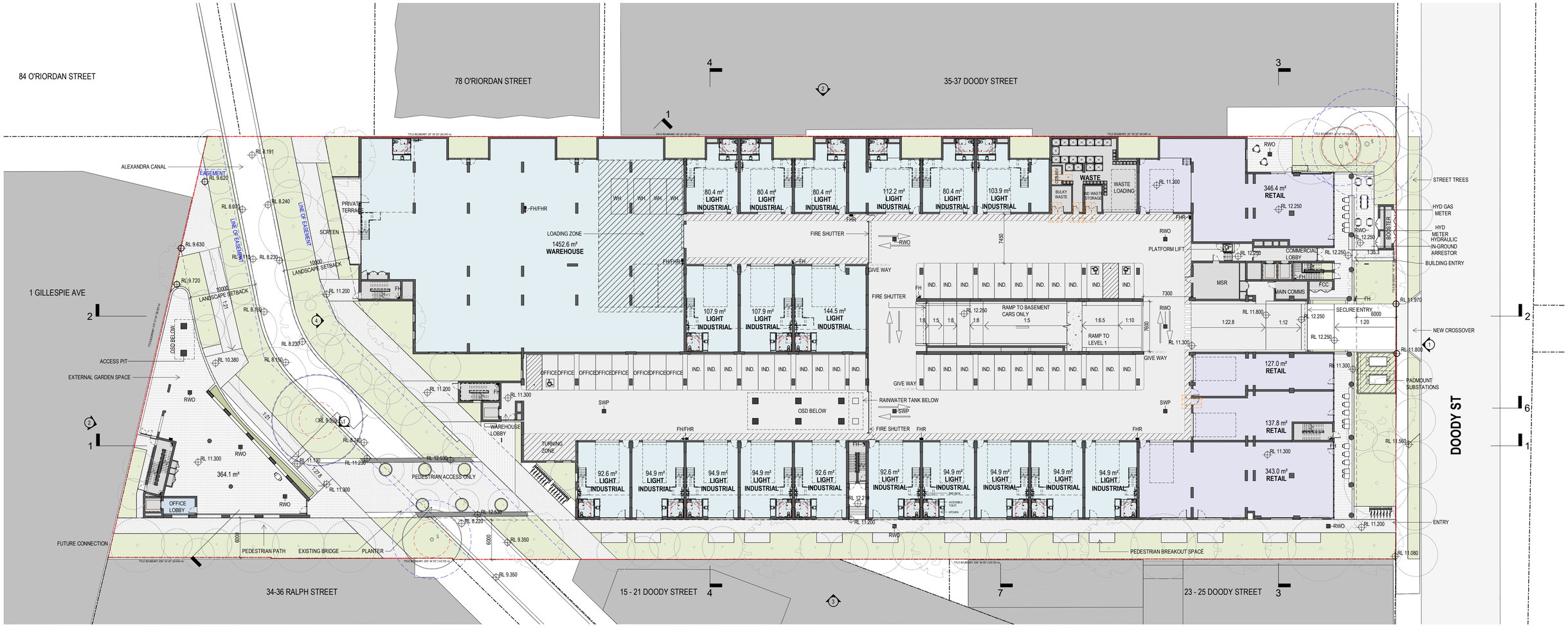
Scale: @ A1 **1 : 300**

Drawing No: **DA01.00**

D

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	31.05.24	RFI Response	JC
C	28.08.24	RFI Response	JC
D	04.09.24	Traffic RFI Response	JC
E	25.10.24	RFI Response	JC

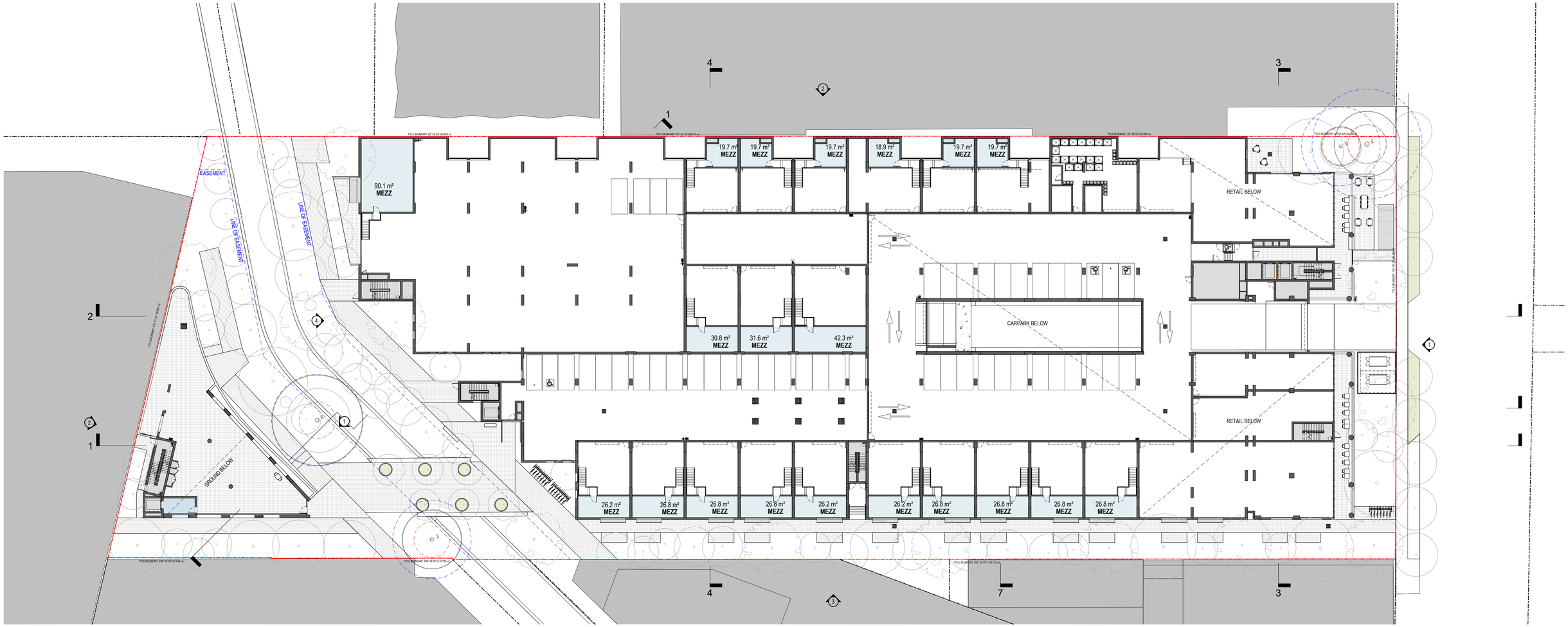
25/10/2024 12:18:00 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **GROUND**
Project No: **223226**
Author: **MG**
Scale: @ A1 **1 : 300**
Drawing No.: **DA01.01**
E

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	25.10.24	RFI Response	JC

25/10/2024 12:18:09 PM

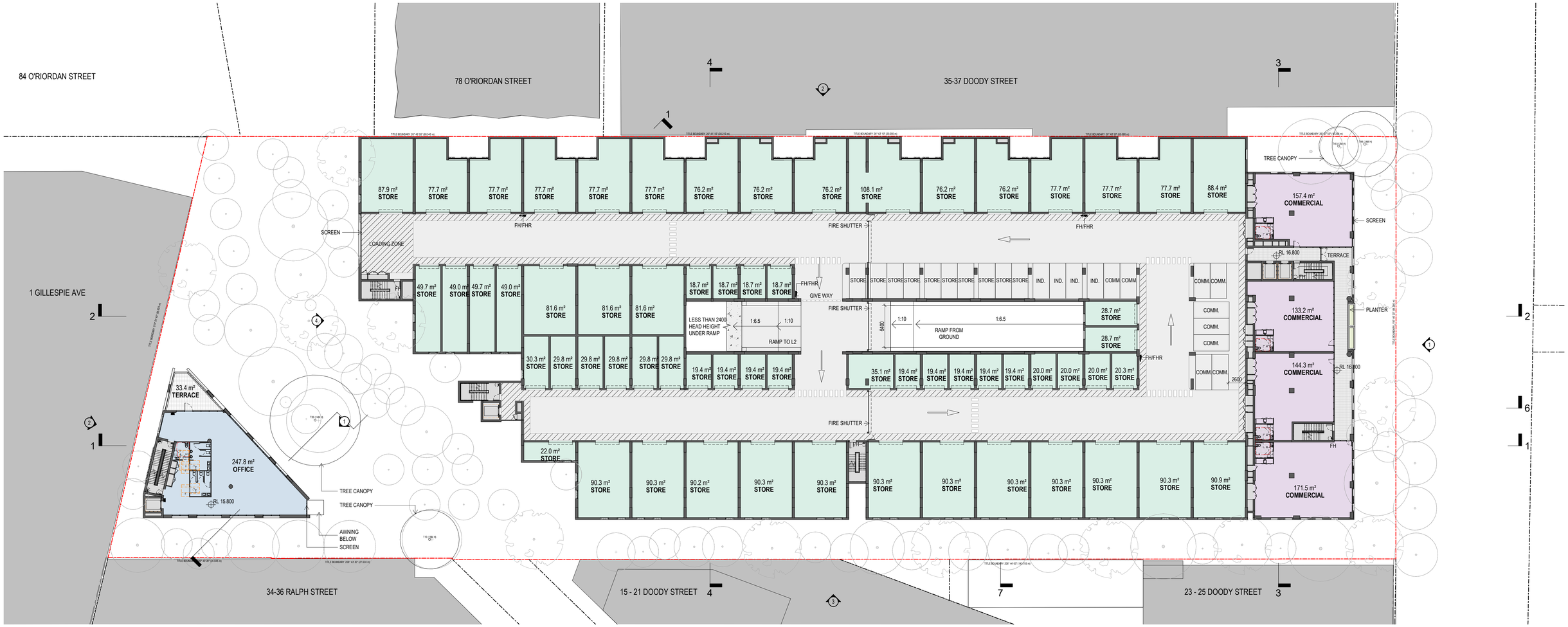
Project: **27-31 Doody Street**

Alexandria NSW 2015

Drawing: **GROUND MEZZANINE** | Project No: **223226** | Author: **MG** | Scale: @ A1 **1 : 300** | Drawing No.: **DA01.02** | **C**

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	04.09.24	Traffic RFI Response	JC
	D	25.10.24	RFI Response	JC

25/10/2024 12:18:17 PM

Project: **27-31 Doody Street**

Drawing: **LEVEL 1**

Project No: **223226**

Author: **MG**

Scale: @ A1 **1 : 300**

Drawing No.: **DA01.03**

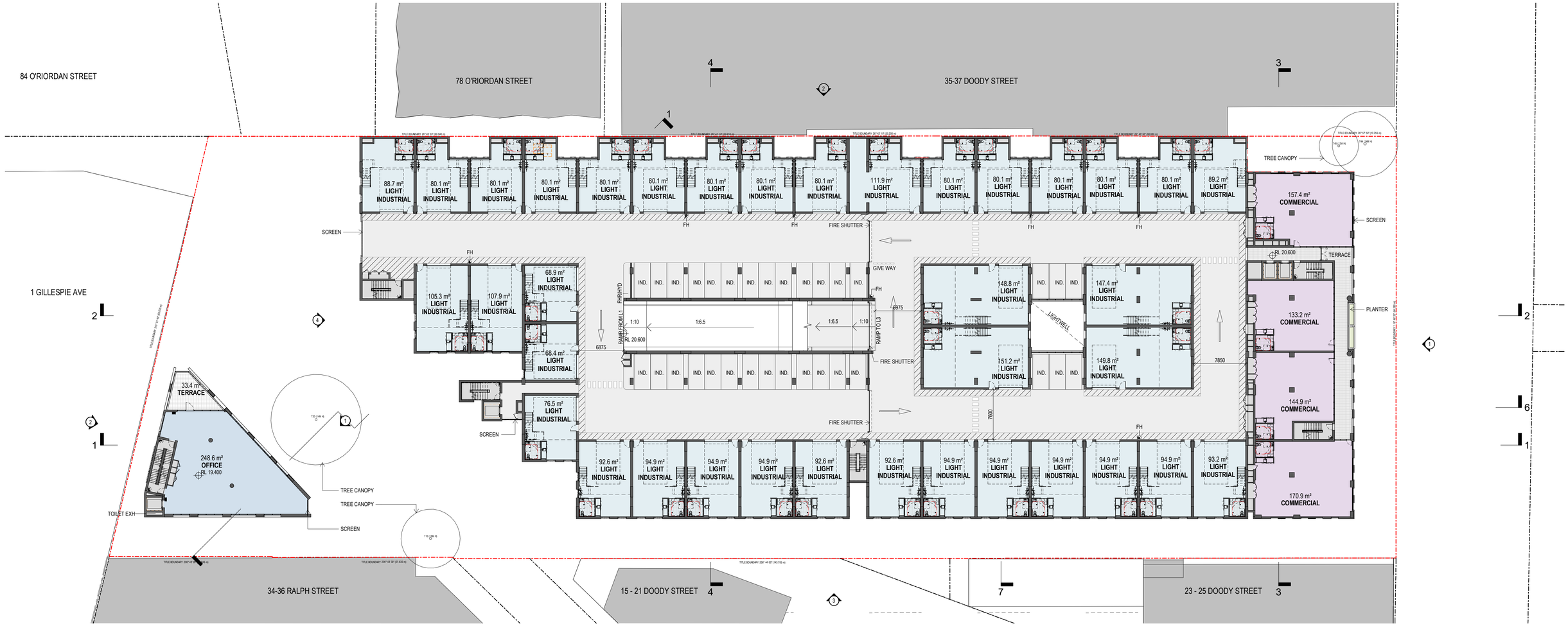
D

Alexandria NSW 2015

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



117

DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	04.09.24	Traffic RFI Response	JC
	D	25.10.24	RFI Response	JC

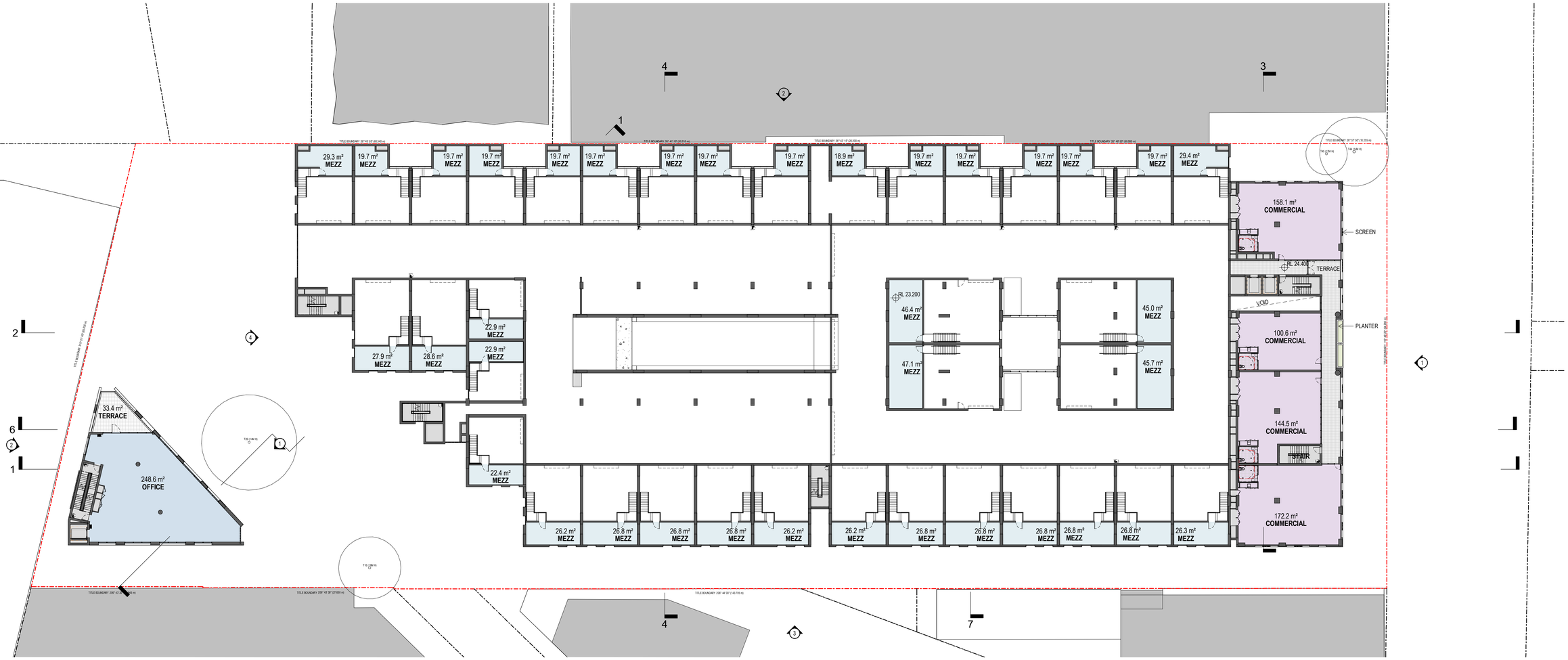
25/10/2024 12:18:26 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **LEVEL 2**
Project No: **223226**
Author: **MG**
Scale: @ A1 **1 : 300**
Drawing No: **DA01.04**
D

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	25.10.24	RFI Response	JC

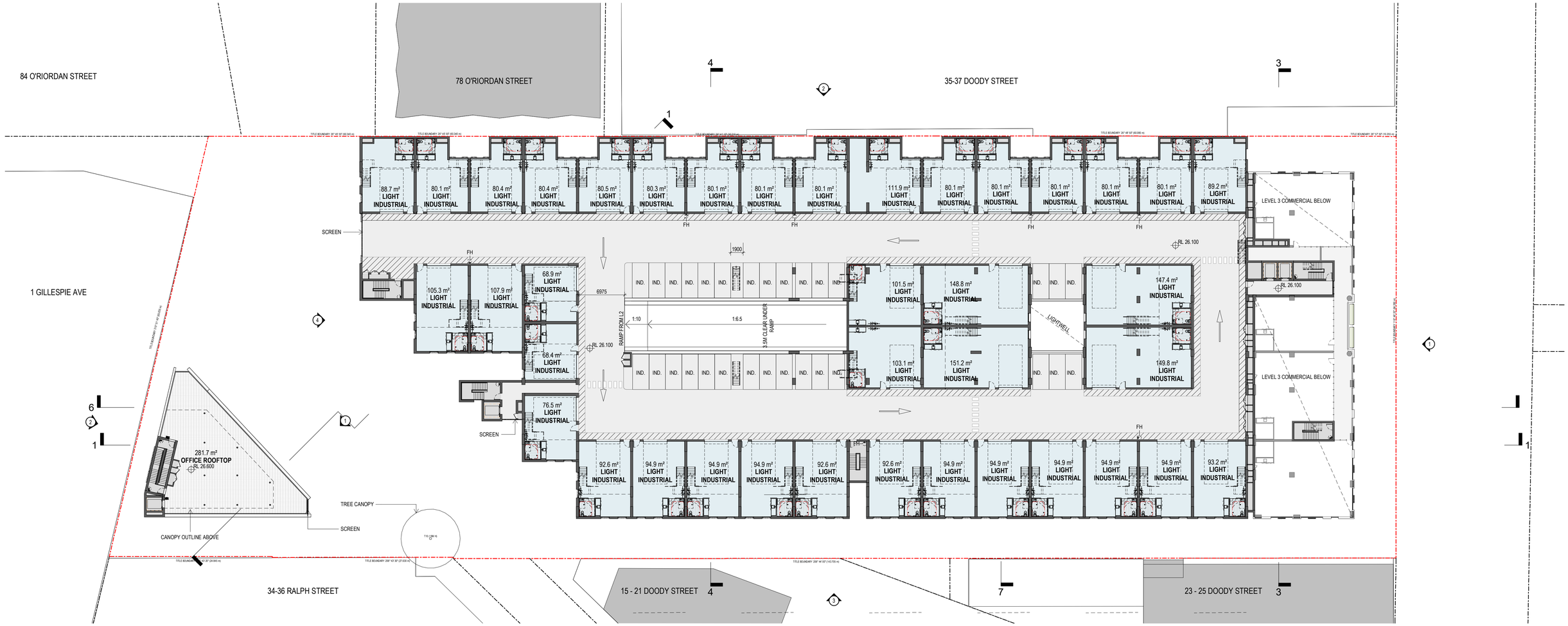
25/10/2024 12:18:34 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **LEVEL 2 MEZZANINE**
Project No: **223226**
Author: **MG**
Scale: @ A1 **1 : 300**
Drawing No.: **DA01.05**
C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	25.10.24	RFI Response	JC

25/10/2024 12:18:43 PM

Project: **27-31 Doody Street**

Drawing: **LEVEL 3**

Project No: **223226**

Author: **MG**

Scale: @ A1 **1 : 300**

Drawing No.: **DA01.06**

C

Alexandria NSW 2015

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



120

DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	25.10.24	RFI Response	JC

25/10/2024 12:18:51 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **LEVEL 3 MEZZ / 4 COMM**

Project No: **223226**

Author: **MG**

Scale: @ A1 **1 : 300**

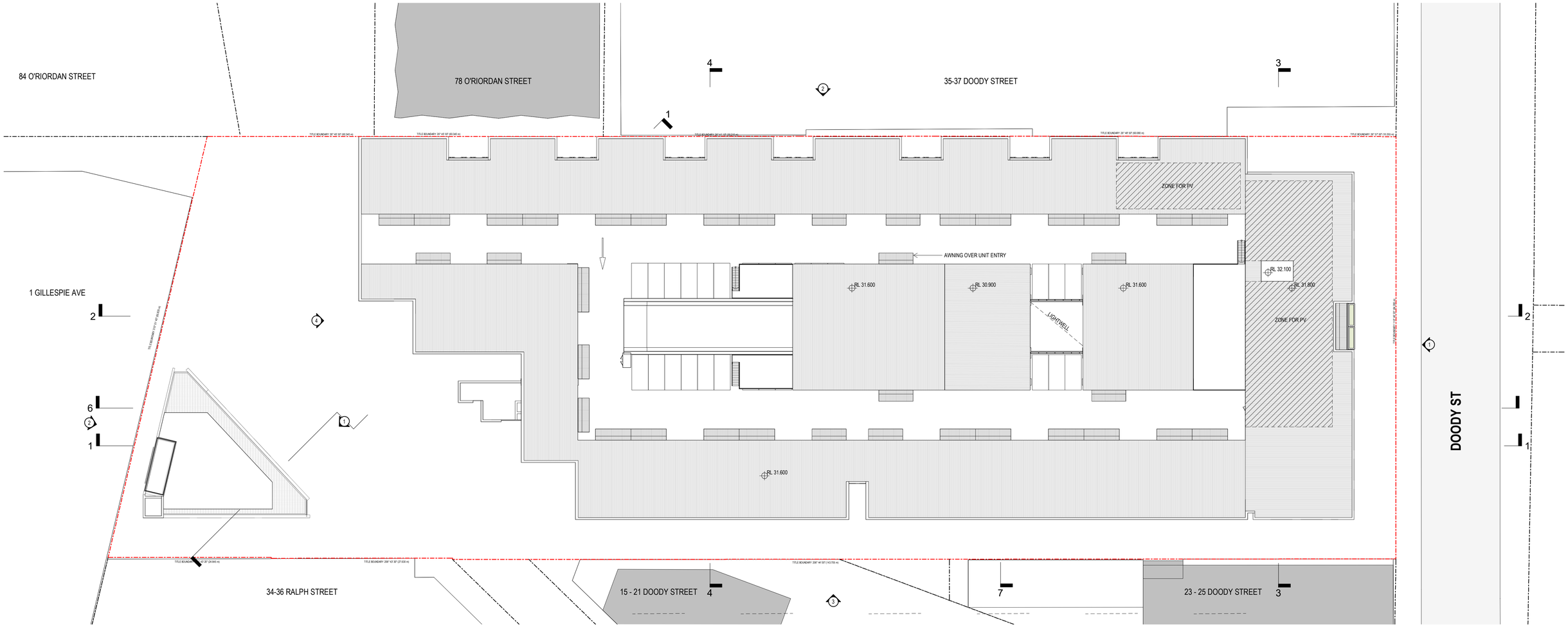
Drawing No.: **DA01.07**

C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

25/10/2024 12:18:56 PM

Project: **27-31 Doody Street**
Drawing: **ROOF**
Project No: **223226**
Author: **JC**
Scale: @ A1 **1 : 300**
Drawing No.: **DA01.08**
C

Alexandria NSW 2015

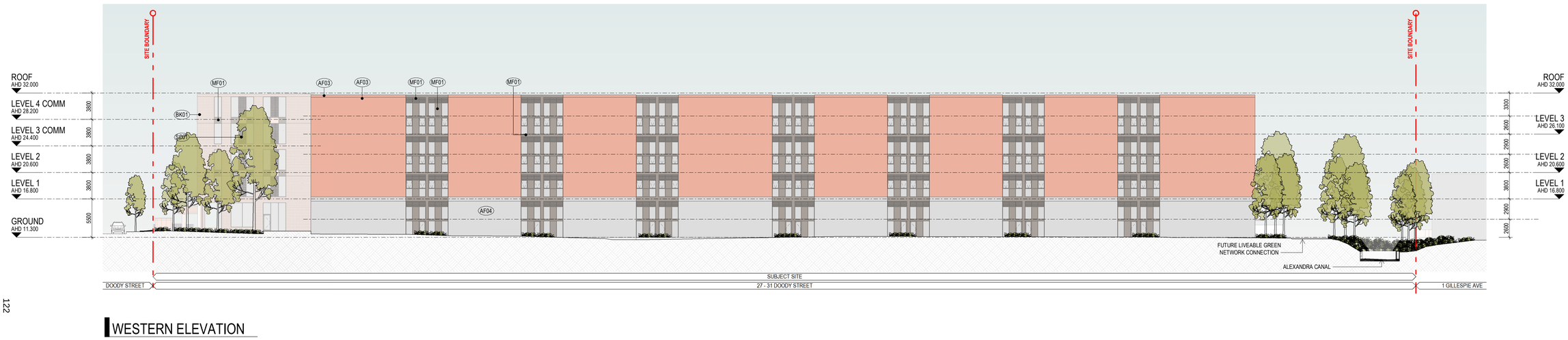
Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

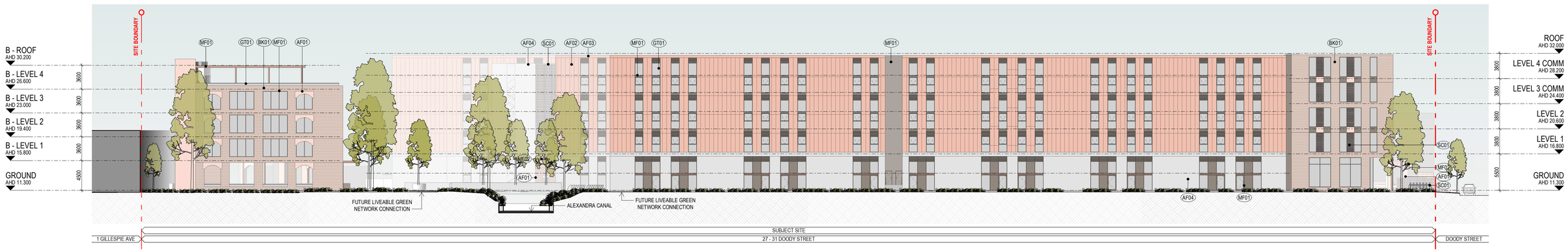
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



NORTHERN ELEVATION



WESTERN ELEVATION



EASTERN ELEVATION

NOTE : BOUNDARY FENCES OMITTED FOR CLARITY

DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

25/10/2024 12:19:18 PM

- AF01 APPLIED FINISH 01 - LIGHT CLAY FINISH
- AF02 APPLIED FINISH 02 - CLAY FINISH WITH GROOVES
- AF03 APPLIED FINISH 03 - CLAY FINISH WITH NO GROOVES
- AF04 APPLIED FINISH 04 - GREY FINISH
- BK01 BRICK 01
- GT01 GLAZING TYPE 01 - GLASS
- MF01 METAL FINISH 01 - LIGHT BRONZE
- MF02 METAL FINISH 02 - TERRACOTTA
- SC01 SCREEN 01

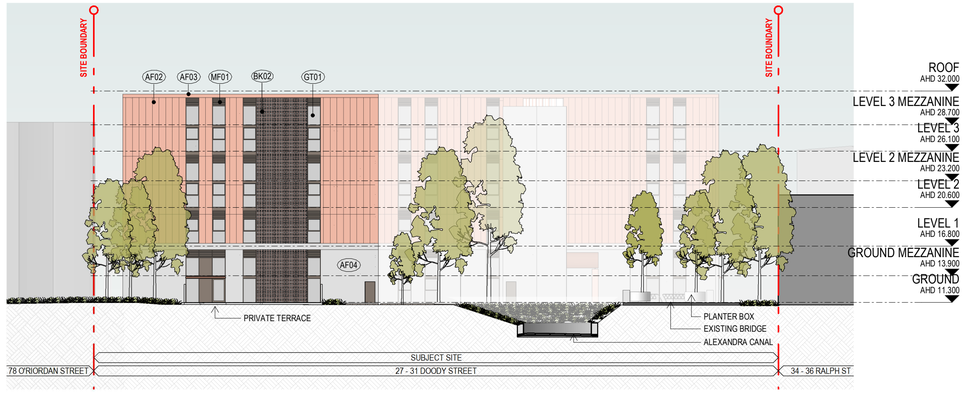
Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **ELEVATIONS**
Project No: **223226**
Author: **AC**
Scale: @ A1 **1 : 300**
Drawing No.: **DA02.01** **C**

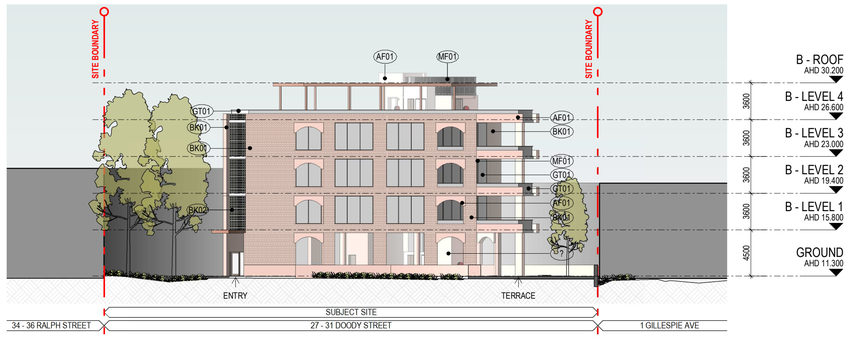
Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

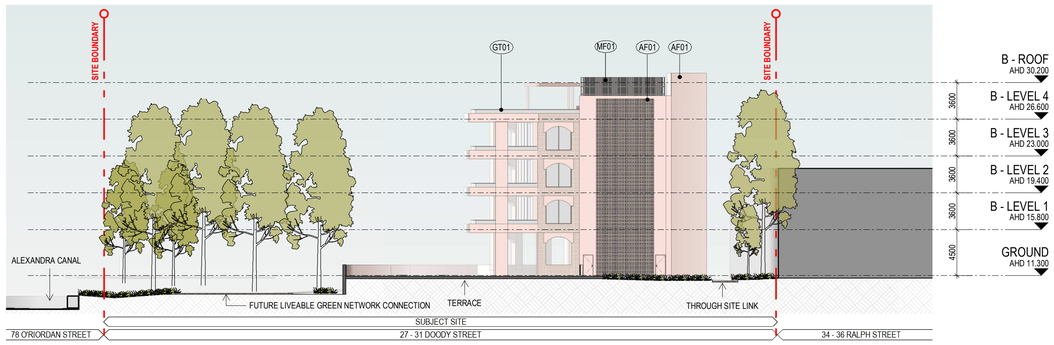
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



SOUTHERN ELEVATION



BUILDING B - NORTHERN ELEVATION



BUILDING B - SOUTHERN ELEVATION

NOTE : BOUNDARY FENCES OMITTED FOR CLARITY

DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

25/10/2024 12:19:38 PM

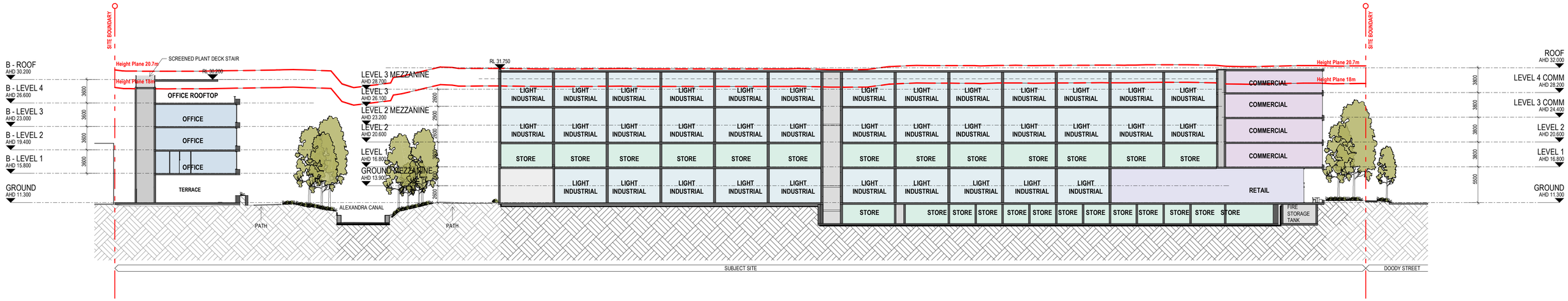
AF01 APPLIED FINISH 01 - LIGHT CLAY FINISH
AF02 APPLIED FINISH 02 - CLAY FINISH WITH GROOVES
AF03 APPLIED FINISH 03 - CLAY FINISH WITH NO GROOVES
AF04 APPLIED FINISH 04 - GREY FINISH
BK01 BRICK 01
GT01 GLAZING TYPE 01 - GLASS
MF01 METAL FINISH 01 - LIGHT BRONZE
MF02 METAL FINISH 02 - TERRACOTTA
SC01 SCREEN 01

Project: 27-31 Doody Street
Alexandria NSW 2015

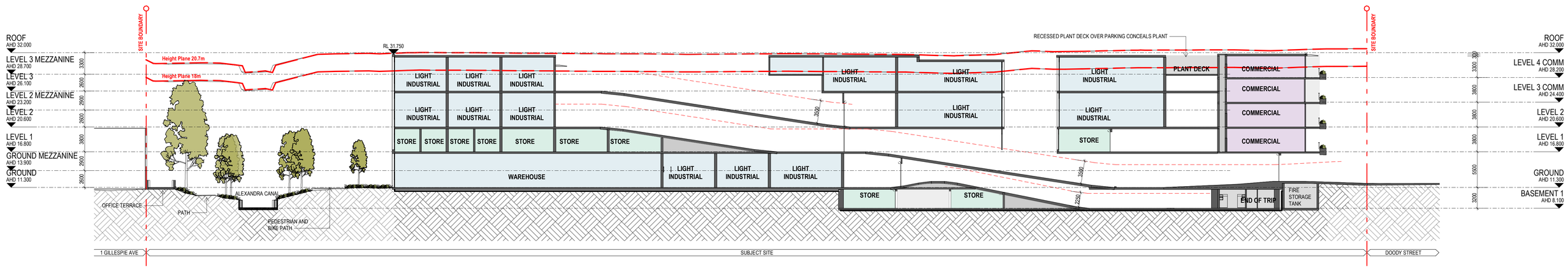
Drawing: ELEVATIONS
Project No: 223226
Author: AC
Scale: @ A1 1 : 300
Drawing No.: DA02.02 C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

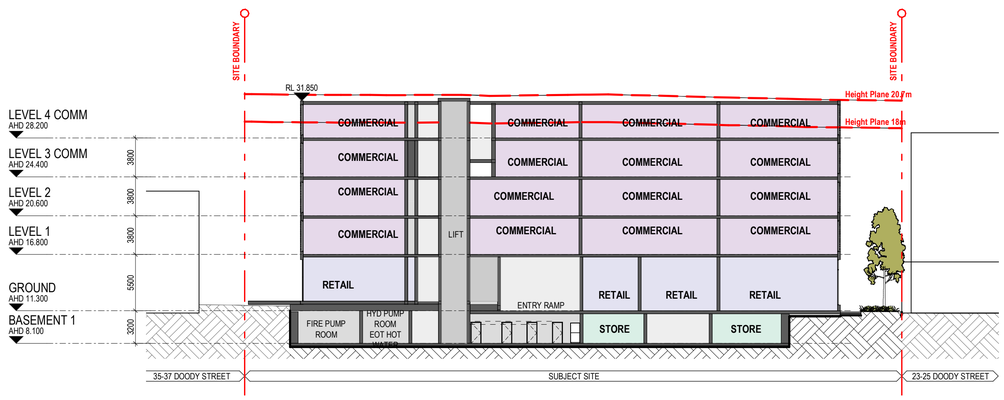
rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



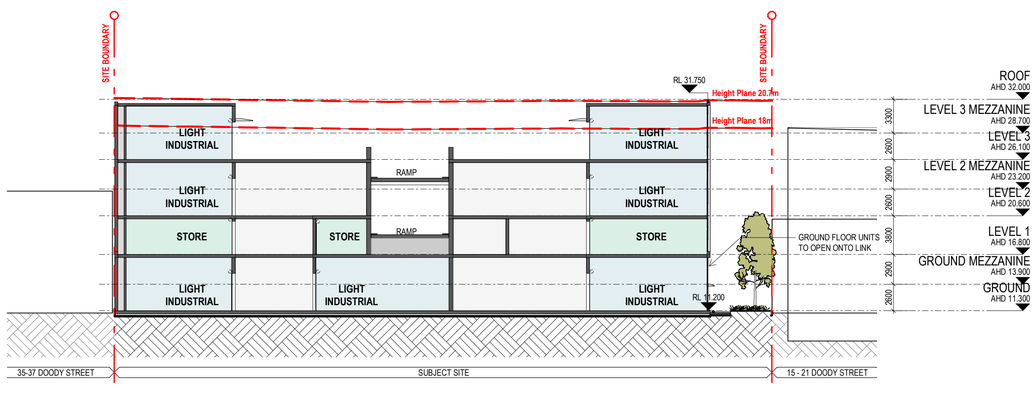
SECTION 1



SECTION 2



SECTION 3



SECTION 4

DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	25.10.24	RFI Response	JC

28/10/2024 10:05:09 AM

Project: **27-31 Doody Street**

Drawing: **SECTIONS**

Project No: **223226**

Author: **MG**

Scale: @ A1 **1 : 300**

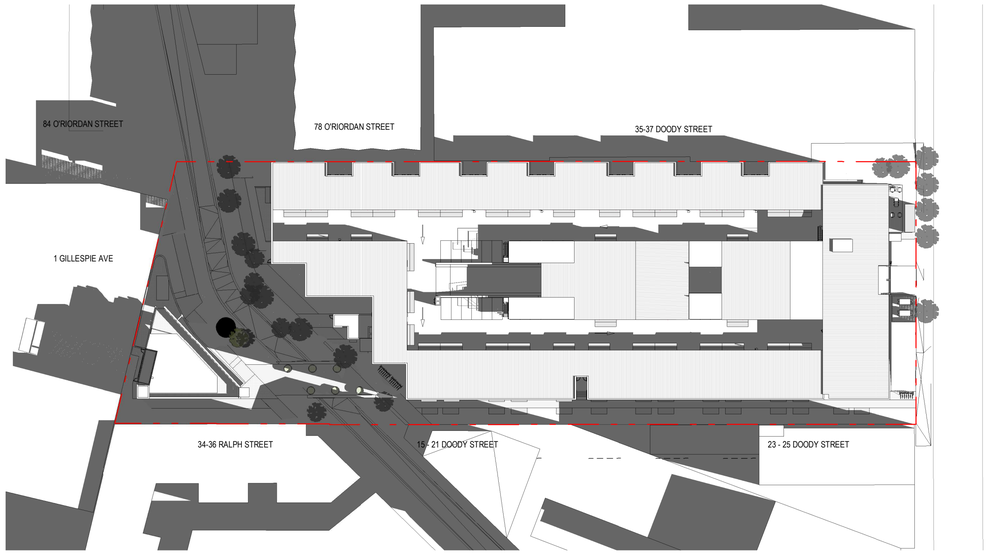
Drawing No.: **DA03.01** **C**

Alexandria NSW 2015

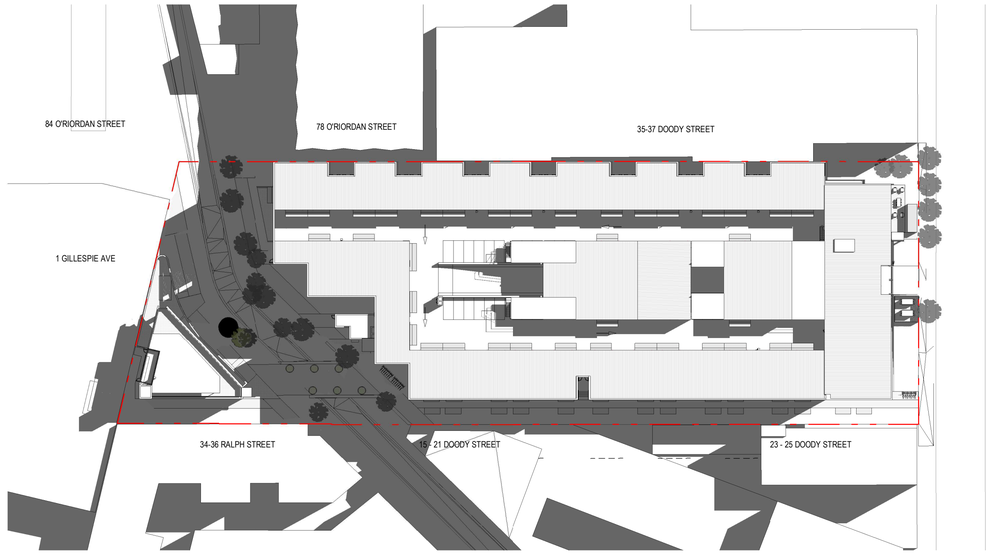
Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

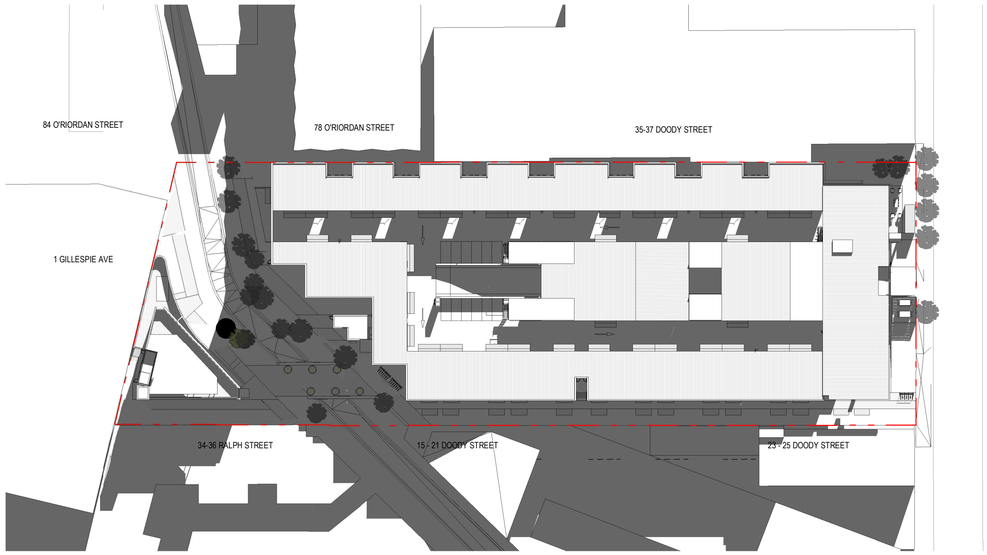
Brisbane, Gold Coast, Melbourne, Perth, Sydney
www.rothelowman.com.au



0900 WINTER SOLSTICE SHADOW



1200 WINTER SOLSTICE SHADOW



1500 WINTER SOLSTICE SHADOW

DEVELOPMENT APPLICATION

Revisions

A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

25/10/2024 12:20:38 PM

SHADOW CASTED BY PROPOSAL

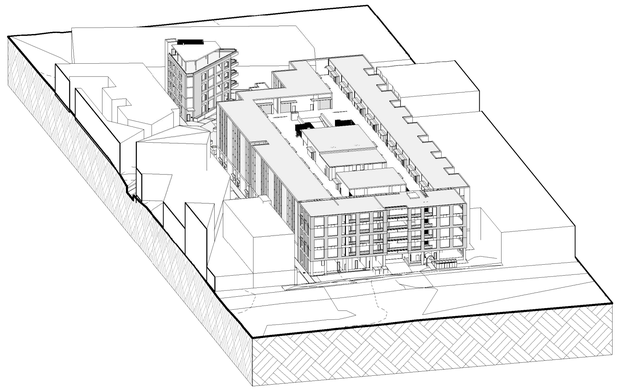
Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **SHADOW DIAGRAM**
Project No: **223226**
Author: **AT**
Scale: @ A1: **As indicated**
Drawing No.: **DA05.01**
C

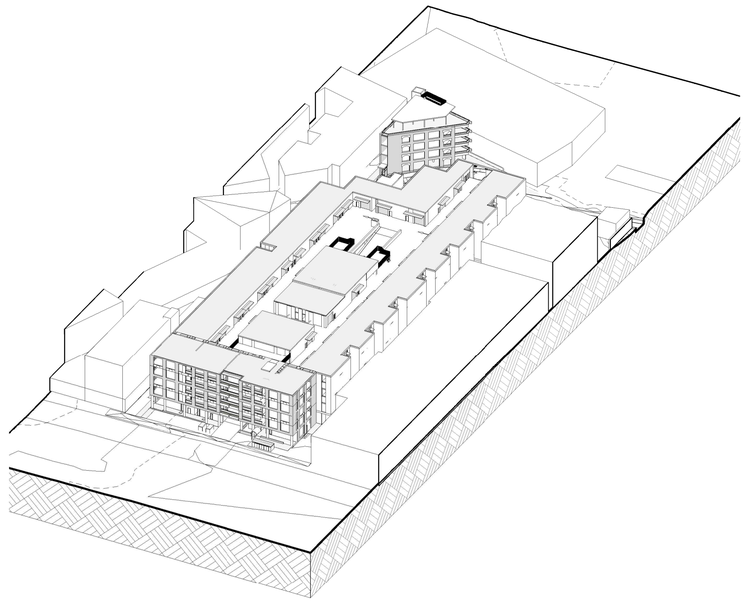
Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

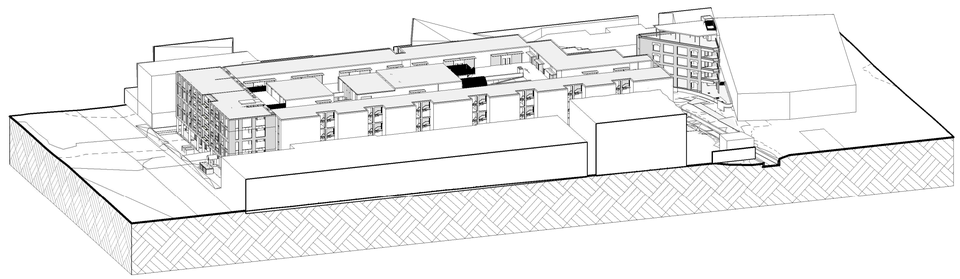
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



0900 SOLAR POV WINTER SOLSTICE



1200 SOLAR POV WINTER SOLSTICE



1500 SOLAR POV WINTER SOLSTICE

DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	25.10.24	RFI Response	JC

25/10/2024 12:20:56 PM

Project **27-31 Doody Street**

Alexandria NSW 2015

Drawing **SOLAR POV**

Project No **223226**

Author **AT**

Scale: @ A1

Drawing No. **DA05.11** **C**

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

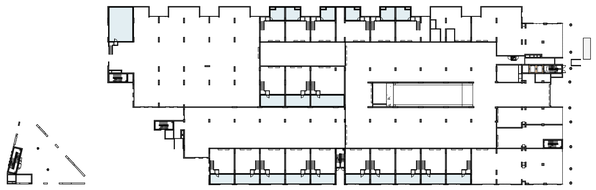
rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au

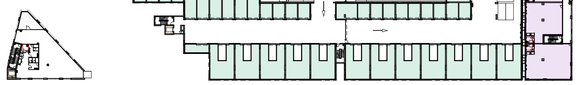
BUILDING 1 GFA



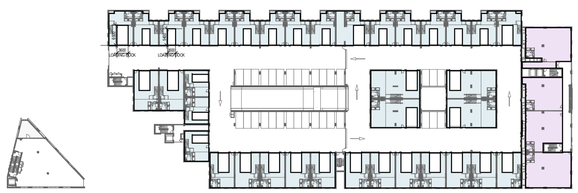
GROUND



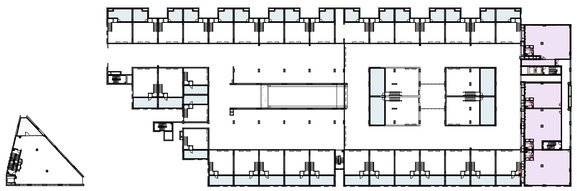
GROUND MEZZANINE



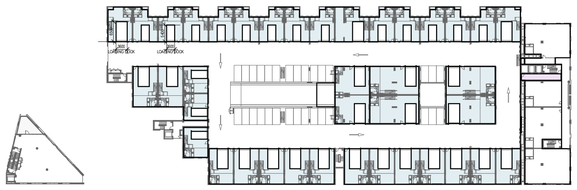
LEVEL 1



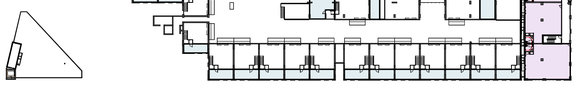
LEVEL 2



LEVEL 2 MEZZANINE



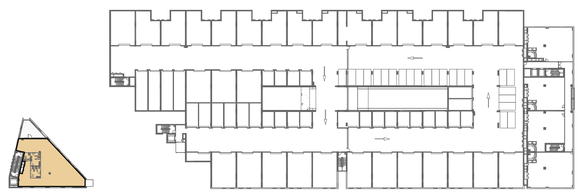
LEVEL 3



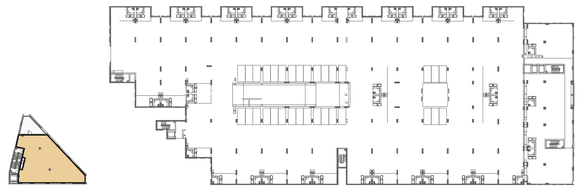
LEVEL 3 MEZZANINE

LEVEL 4

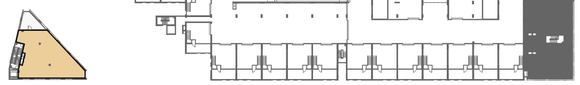
BUILDING 2 GFA



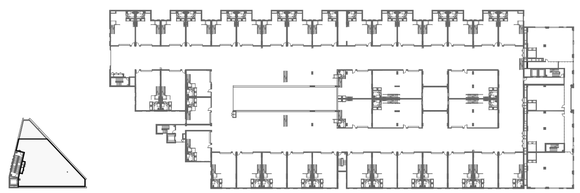
B - LEVEL 1



B - LEVEL 2



B - LEVEL 3



B - LEVEL 4

Gross Floor Area

AREA CATEGORY	LEVEL	GFA
Commercial	LEVEL 1	626.5 m²
Commercial	LEVEL 2	626.7 m²
Commercial	LEVEL 2 MEZZANINE	595.5 m²
Commercial	LEVEL 3	27.2 m²
Commercial	LEVEL 3 MEZZANINE	601.5 m²
		2477.3 m²
Industrial	GROUND	1436.1 m²
Industrial	GROUND MEZZANINE	572.9 m²
Industrial	LEVEL 2	2770.8 m²
Industrial	LEVEL 2 MEZZANINE	960.0 m²
Industrial	LEVEL 3	2937.8 m²
Industrial	LEVEL 3 MEZZANINE	1060.4 m²
		9737.9 m²
Warehouse	GROUND	1125.1 m²
		1125.1 m²
Office	GROUND	12.2 m²
Office	B - LEVEL 1	246.7 m²
Office	B - LEVEL 2	246.7 m²
Office	B - LEVEL 3	246.7 m²
		752.4 m²
Retail	GROUND	879.7 m²
		879.7 m²
Services	GROUND	115.3 m²
		115.3 m²
Store	LEVEL 1	3134.7 m²
		3134.7 m²
		18222.3 m²

SITE AREA	PERMISSIBLE FSR	PERMISSIBLE GFA
12148.2 m²	1.5	18222.3 m²

DEVELOPMENT APPLICATION

Revisions

A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

28/10/2024 9:49:26 AM

Project **27-31 Doody Street**

Alexandria NSW 2015

Drawing **GFA**

Project No. **223226**

Author **MG**

Scale: @ A1 **1 : 1000**

Drawing No. **DA06.01**

C

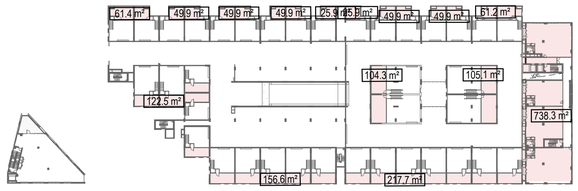
Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

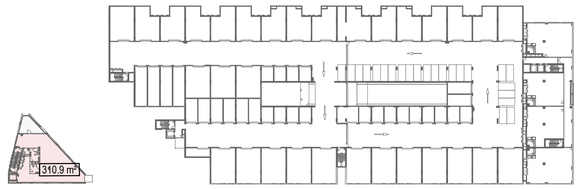
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



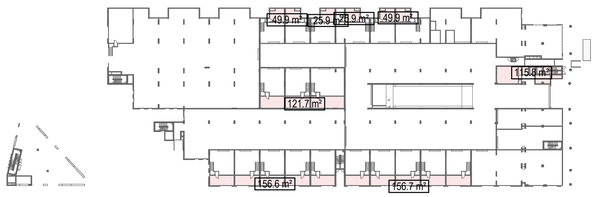
GROUND



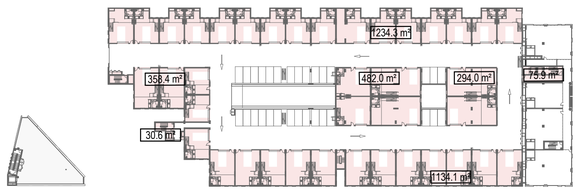
LEVEL 2 MEZZANINE



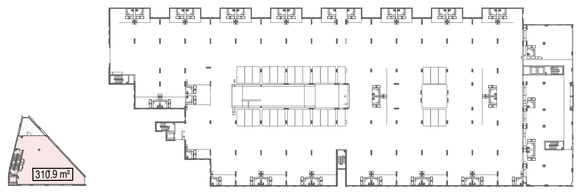
B - LEVEL 1



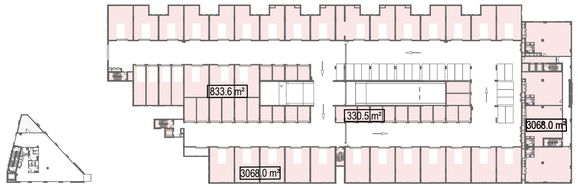
GROUND MEZZANINE



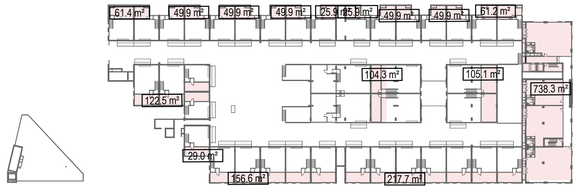
LEVEL 3



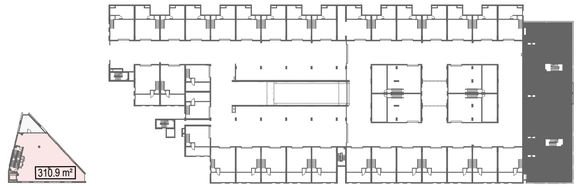
B - LEVEL 2



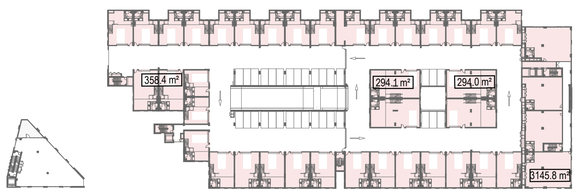
LEVEL 1



LEVEL 3 MEZZANINE

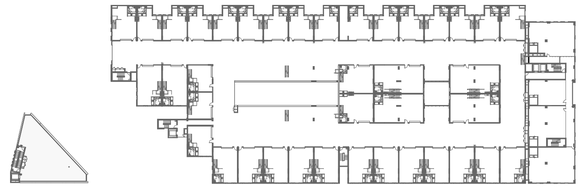


B - LEVEL 3



LEVEL 2

Total Floor Area	
Level	**Area**
GROUND	4082.7 m²
GROUND MEZZANINE	702.5 m²
B - LEVEL 1	310.9 m²
LEVEL 1	4266.5 m²
B - LEVEL 2	310.9 m²
LEVEL 2	4122.9 m²
B - LEVEL 3	310.9 m²
LEVEL 2 MEZZANINE	1897.5 m²
LEVEL 3	3609.2 m²
LEVEL 3 MEZZANINE	1897.5 m²
	21511.2 m²



B - LEVEL 4

DEVELOPMENT APPLICATION

Revisions

A	25.10.24	RFI Response	JC

25/10/2024 12:36:16 PM

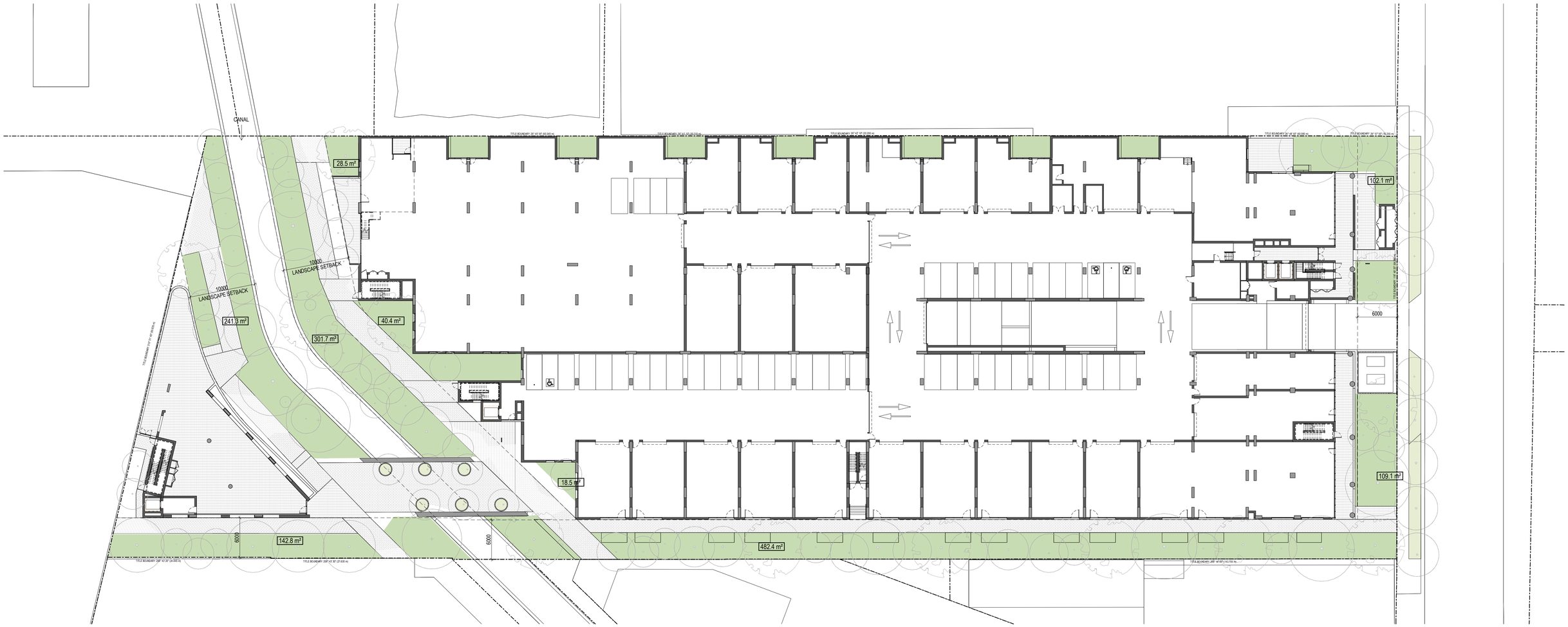
Project **27-31 Doody Street**
Alexandria NSW 2015

Drawing **TOTAL FLOOR AREA**
Project No **223226**
Author **AC**
Scale: @ A1 **1 : 1000**
Drawing No. **DA06.02**
A

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au

128



Deep Soil Summary

AREA	PERCENTAGE
1859.3 m²	15.3%

Deep soil requirement (15%) - 1822.23 m²
Minimum dimension - 3m

DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

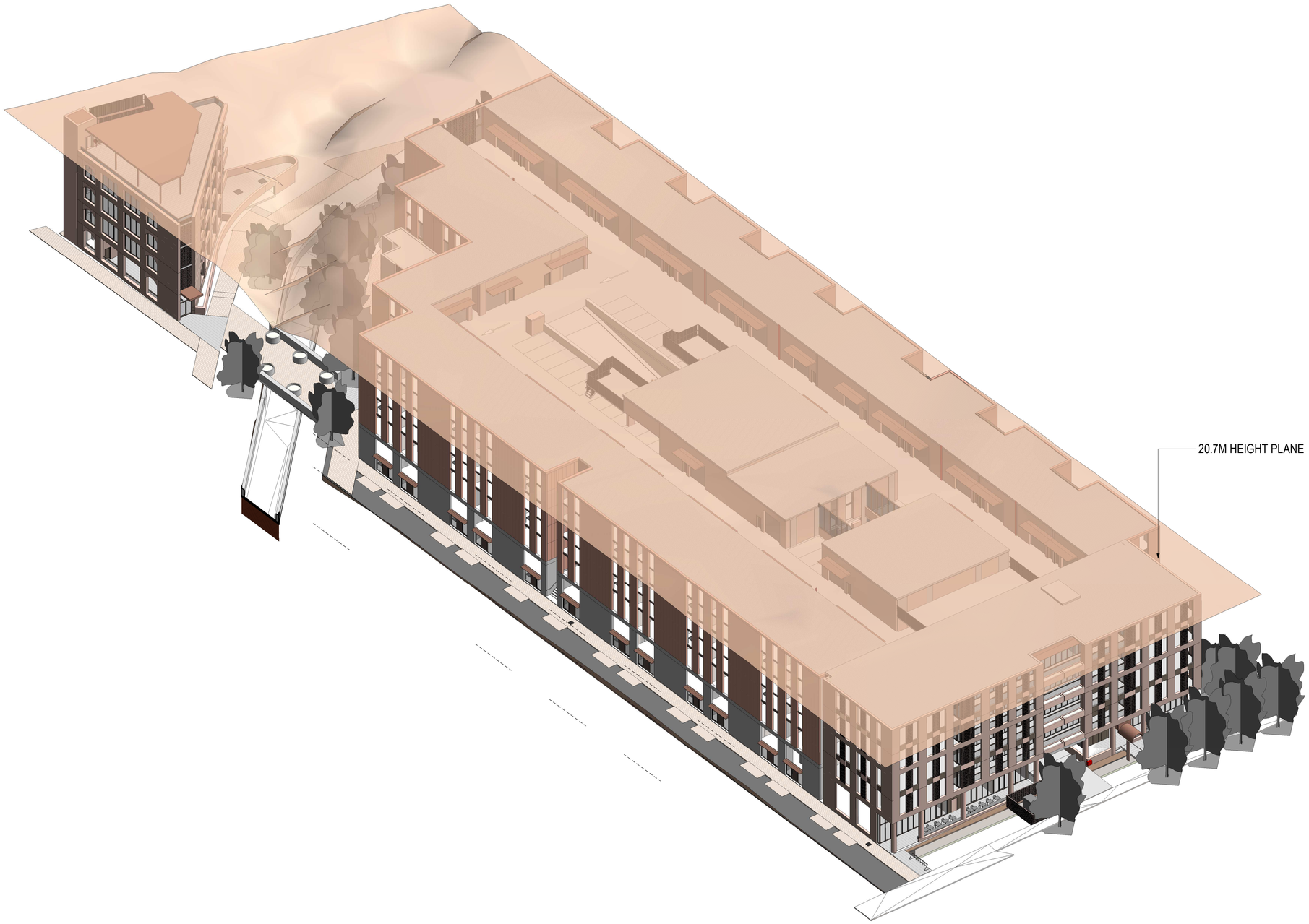
25/10/2024 12:21:34 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **DEEP SOIL**
Project No: **223226**
Author: **AT**
Scale: @ A1 **1 : 300**
Drawing No: **DA06.11**
C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

25/10/2024 12:21:50 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **HEIGHT PLANE**

Project No: **223226**

Author: **AT**

Scale: @ A1

Drawing No.: **DA06.21** **C**

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au

EXTERNAL FINISHES





AF04

Finish Applied Finish Grey
Location Commercial Slab Edge



AF01

Finish Applied Finish Light Clay
Location Planter Boxes, Circular Columns, Office Rooftop Awning, Office Balcony Spandrel, Office External Wall



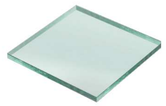
BK01

Finish Brick
Location Commercial & Office External Walls



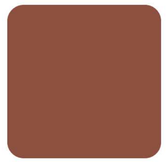
SC01

Finish Patterned Screen
Location External Screen



GT01

Finish Clear Glazing
Location Windows & Sliding Doors



MF02

Finish Terracotta Powdercoat
Location Entry Awnings



MF01

Finish Medium Bronze Powdercoat
Location Balustrades, Mullions, Window Frames, Louvres, Awning

DEVELOPMENT APPLICATION

Revisions / A 25.10.24 RFI Response JC

25/10/2024 12:22:00 PM

Project / **27-31 Doody Street**
Alexandria NSW 2015

Drawing / **MATERIAL SCHEDULE 1**

Project No / **223226**

Author / **JC**

Scale: @ A1

Drawing No. / **DA07.01** **A**

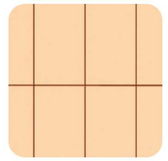
Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au

EXTERNAL FINISHES





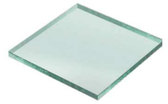
AF02

Finish Applied Finish Clay Grooved
Location Warehouse External Walls



MF01

Finish Medium Bronze
Location Balustrades, Mullions, Window Frames, Mech Louvres, Warehouse Awnings, Office Rooftop Awning



GT01

Finish Clear Glazing
Location Windows & Sliding Doors



AF03

Finish Applied Finish Grey
Location Warehouse External Walls & Slab Edges

DEVELOPMENT APPLICATION

Revisions
A 25.10.24 RFI Response JC

25/10/2024 12:24:07 PM

Project **27-31 Doody Street**
Alexandria NSW 2015

Drawing **MATERIAL SCHEDULE 2**
Project No **223226**
Author **JC**
Scale: @ A1
Drawing No **DA07.02** **A**

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au

Attachment B2

Selected Drawings

EXTERNAL FINISHES





AF01

Finish Applied Finish Clay
Location Planter Boxes, Circular Columns, Office Rooftop Awning, Office Balcony Spandrel, Office External Wall



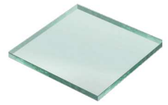
MF01

Finish Medium Bronze
Location Balustrades, Mullions, Window Frames, Mech Louvres, Warehouse Awnings, Office Rooftop Awning



BK01

Finish Brick
Location Commercial & Office External Walls



GT01

Finish Clear Glazing
Location Windows & Sliding Doors

DEVELOPMENT APPLICATION

Revisions / A 25.10.24 RFI Response JC

25/10/2024 12:22:06 PM

Project / **27-31 Doody Street**
Alexandria NSW 2015

Drawing / **MATERIAL SCHEDULE 3**

Project No / **223226**

Author / **JC**

Scale: @ A1

Drawing No. / **DA07.03** **A**

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au

NO.	TITLE	REV.
DA00.00	COVER SHEET	D
DA00.02	DEMOLITION PLAN	C
DA00.03	SITE PLAN	C
DA00.04	INFRASTRUCTURE PLAN	C
DA00.05	PROPOSED DEDICATION PLAN	B
DA01.00	BASEMENT 1	D
DA01.01	GROUND	E
DA01.02	GROUND MEZZANINE	C
DA01.03	LEVEL 1	D
DA01.04	LEVEL 2	D
DA01.05	LEVEL 2 MEZZANINE	C
DA01.06	LEVEL 3	C
DA01.07	LEVEL 3 MEZZ / 4 COMM	C
DA01.08	ROOF	C
DA02.01	ELEVATIONS	C
DA02.02	ELEVATIONS	C
DA03.01	SECTIONS	C
DA05.01	SHADOW DIAGRAM	C
DA05.11	SOLAR POV	C
DA06.01	GFA	C
DA06.02	TOTAL FLOOR AREA	A
DA06.11	DEEP SOIL	C
DA06.21	HEIGHT PLANE	C
DA07.01	MATERIAL SCHEDULE 1	A
DA07.02	MATERIAL SCHEDULE 2	A
DA07.03	MATERIAL SCHEDULE 3	A

Development Summary Building 1

LEVEL	WAREHOUSE/INDUSTRIAL	STORAGE	COMMERCIAL	RETAIL
BASEMENT 1	0.0 m²	1061.2 m²	0.0 m²	0.0 m²
GROUND	3292.3 m²	0.0 m²	0.0 m²	954.2 m²
GROUND MEZZANINE	578.3 m²	0.0 m²	0.0 m²	0.0 m²
LEVEL 1	0.0 m²	3437.6 m²	606.4 m²	0.0 m²
LEVEL 2	3484.7 m²	0.0 m²	606.4 m²	0.0 m²
LEVEL 2 MEZZANINE	962.2 m²	0.0 m²	0.0 m²	0.0 m²
LEVEL 3 COMM	0.0 m²	0.0 m²	575.4 m²	0.0 m²
LEVEL 3	3690.6 m²	0.0 m²	0.0 m²	0.0 m²
LEVEL 4 COMM	0.0 m²	0.0 m²	573.8 m²	0.0 m²
LEVEL 3 MEZZANINE	1060.2 m²	0.0 m²	0.0 m²	0.0 m²
	13068.3 m²	4498.8 m²	2362.0 m²	954.2 m²

Development Summary Building 2

LEVEL	OFFICE INTERNAL	OFFICE TERRACES
GROUND	12.2 m²	364.1 m²
B - LEVEL 1	247.8 m²	33.4 m²
B - LEVEL 2	248.6 m²	33.4 m²
B - LEVEL 3	248.6 m²	33.4 m²
B - LEVEL 4	0.0 m²	281.7 m²
	757.2 m²	746.0 m²

Carparking Summary

LEVEL	CARPARKS						
	INDUSTRIAL	WAREHOUSE	STORAGE	COMMERCIAL	RETAIL	OFFICE	TOTAL
BASEMENT 1	0	0	0	17	11	0	28
GROUND	33	4	0	0	0	8	45
LEVEL 1	4	0	10	9	0	0	23
LEVEL 2	32	0	0	0	0	0	32
LEVEL 3	30	0	0	0	0	0	30
	99	4	10	26	11	8	158

Deep Soil Summary

AREA	PERCENTAGE
1859.3 m²	15.3%

Deep soil requirement (15%) - 1822.23 m²

Gross Floor Area

AREA CATEGORY	LEVEL	GFA
Commercial	LEVEL 1	626.5 m²
Commercial	LEVEL 2	626.7 m²
Commercial	LEVEL 2 MEZZANINE	595.5 m²
Commercial	LEVEL 3	27.2 m²
Commercial	LEVEL 3 MEZZANINE	601.5 m²
		2477.3 m²
Industrial	GROUND	1436.1 m²
Industrial	GROUND MEZZANINE	572.9 m²
Industrial	LEVEL 2	2770.8 m²
Industrial	LEVEL 2 MEZZANINE	960.0 m²
Industrial	LEVEL 3	2937.8 m²
Industrial	LEVEL 3 MEZZANINE	1060.4 m²
		9737.9 m²
Warehouse	GROUND	1125.1 m²
		1125.1 m²
Office	GROUND	12.2 m²
Office	B - LEVEL 1	246.7 m²
Office	B - LEVEL 2	246.7 m²
Office	B - LEVEL 3	246.7 m²
		752.4 m²
Retail	GROUND	879.7 m²
		879.7 m²
Services	GROUND	115.3 m²
		115.3 m²
Store	LEVEL 1	3134.7 m²
		3134.7 m²
		18222.3 m²

SITE AREA	PERMISSIBLE FSR	PERMISSIBLE GFA
12148.2 m²	1.5	18222.3 m²



DEVELOPMENT APPLICATION

Revisions

A	08.03.24	Development Application	AT
B	31.05.24	RFI Response	JC
C	28.08.24	RFI Response	JC
D	25.10.24	RFI Response	JC

28/10/2024 10:08:23 AM

Project: **27-31 Doody Street**

Alexandria NSW 2015

Drawing: **COVER SHEET**

Project No: **223226**

Author: **AT**

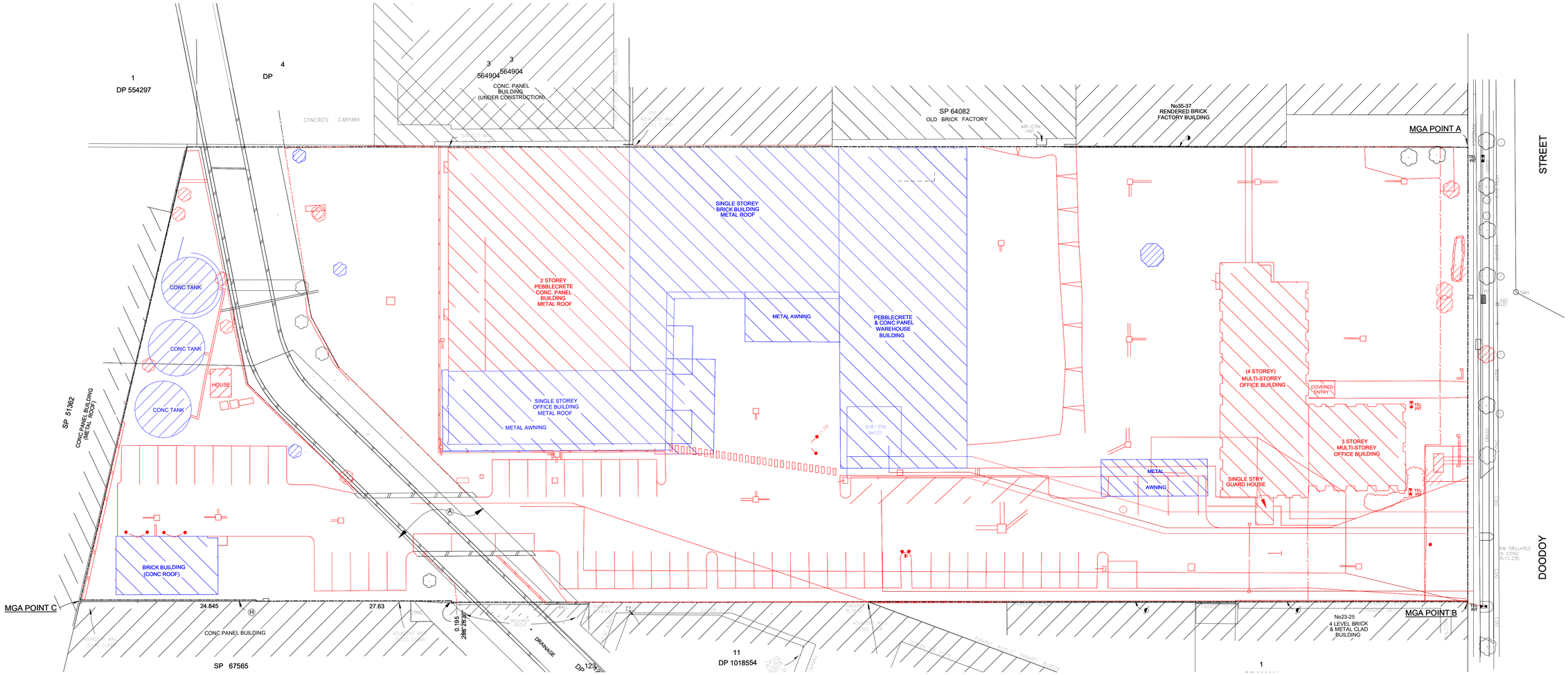
Scale: @ A1

Drawing No: **DA00.00** **D**

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

25/10/2024 12:17:23 PM

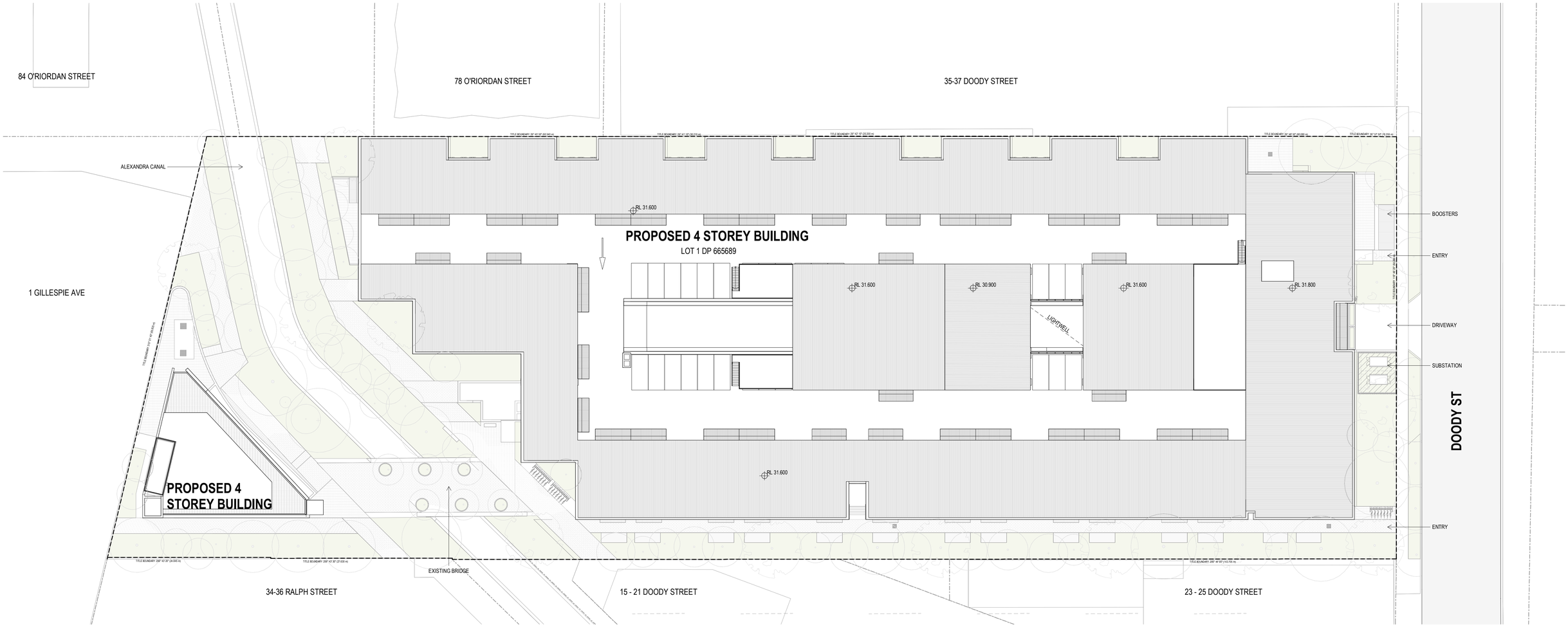
DEMOLISHED IN PROPOSED DA
RETAINED IN PROPOSED DA
DEMOLISHED IN PREVIOUS DA

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **DEMOLITION PLAN**
Project No: **223226**
Author: **JC**
Scale: @ A1 **1 : 300**
Drawing No: **DA00.02**
C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

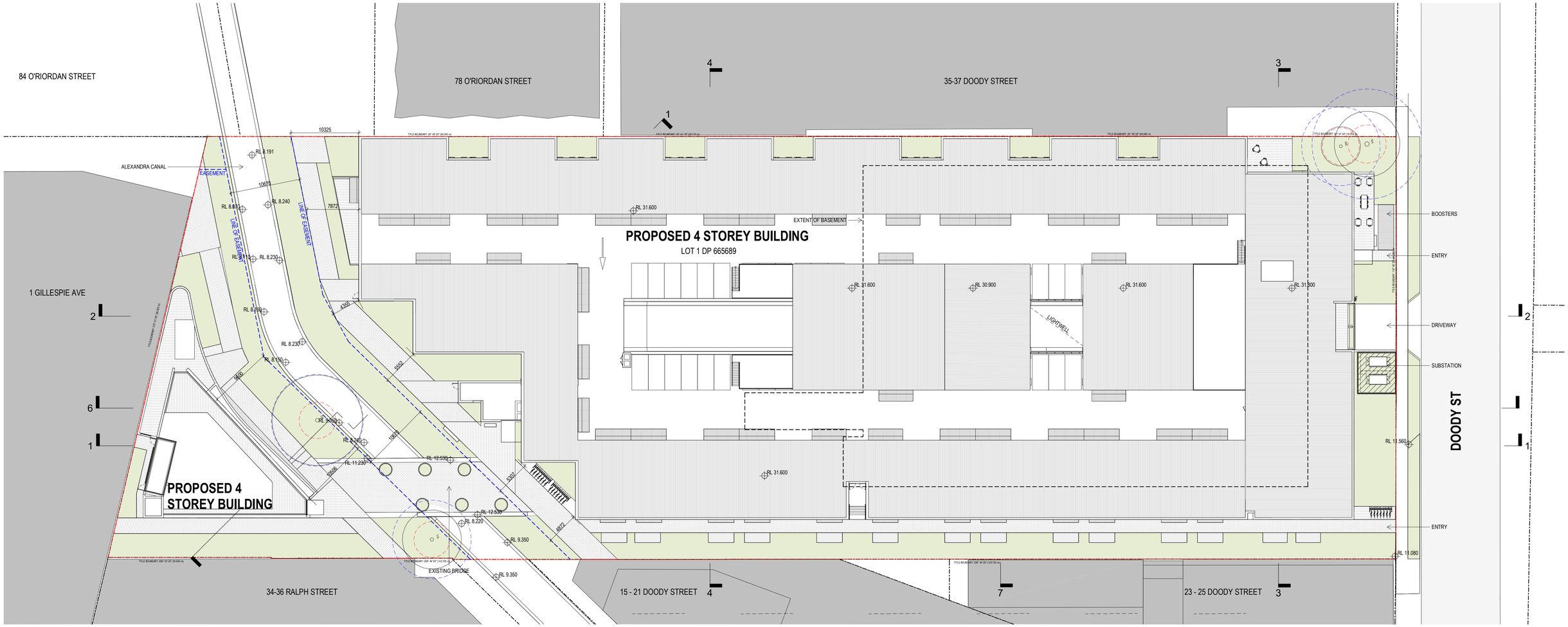
25/10/2024 12:17:33 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **SITE PLAN**
Project No: **223226**
Author: **JC**
Scale: @ A1 **1 : 300**
Drawing No.: **DA00.03**
C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions			
A	31.05.24	RFI Response	JC
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

25/10/2024 12:17:43 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **INFRASTRUCTURE PLAN**

Project No: **223226**

Author: **JC**

Scale: @ A1 **1 : 300**

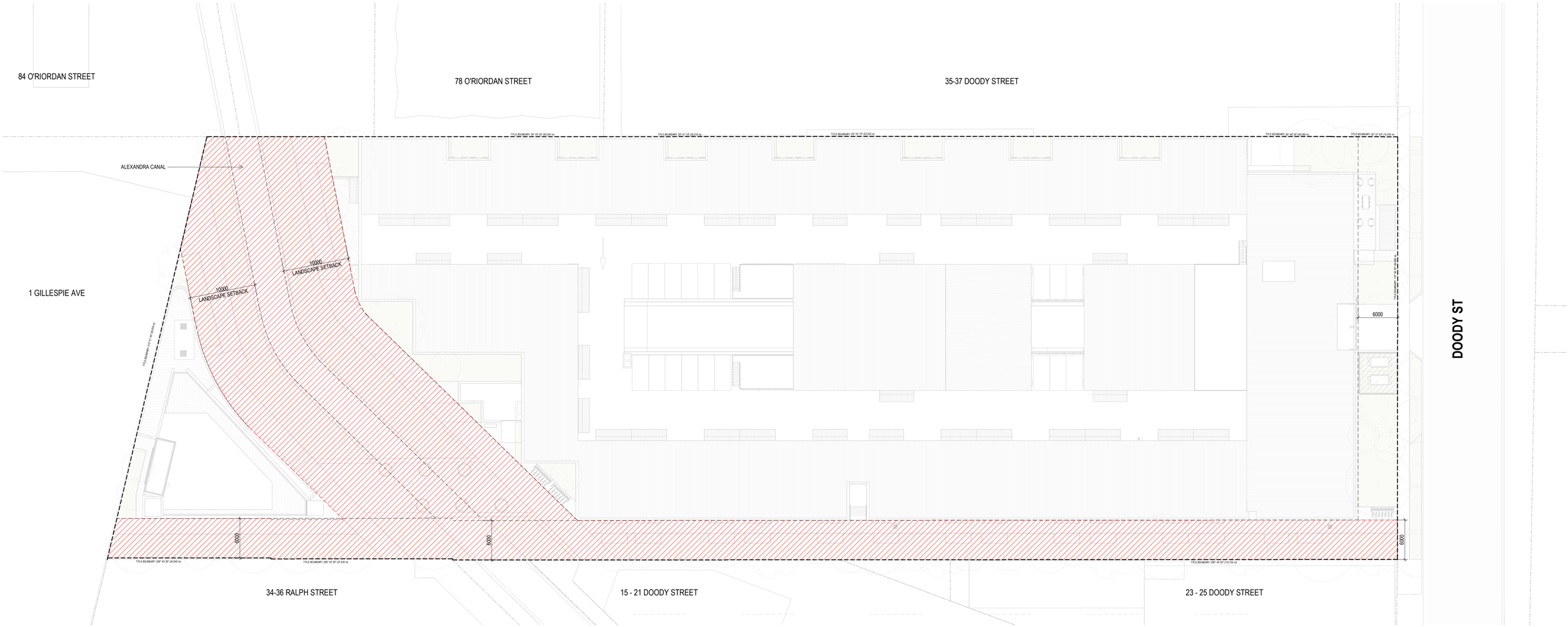
Drawing No.: **DA00.04**

C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast, Melbourne, Perth, Sydney
www.rothelowman.com.au



139

DEVELOPMENT APPLICATION

Revisions				
	A	28.08.24	RFI Response	JC
	B	25.10.24	RFI Response	JC

25/10/2024 12:17:53 PM

PROPOSED DEDICATED AREA

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **PROPOSED DEDICATION PLAN**

Project No: **223226**

Author: **JC**

Scale: @ A1 **1 : 300**

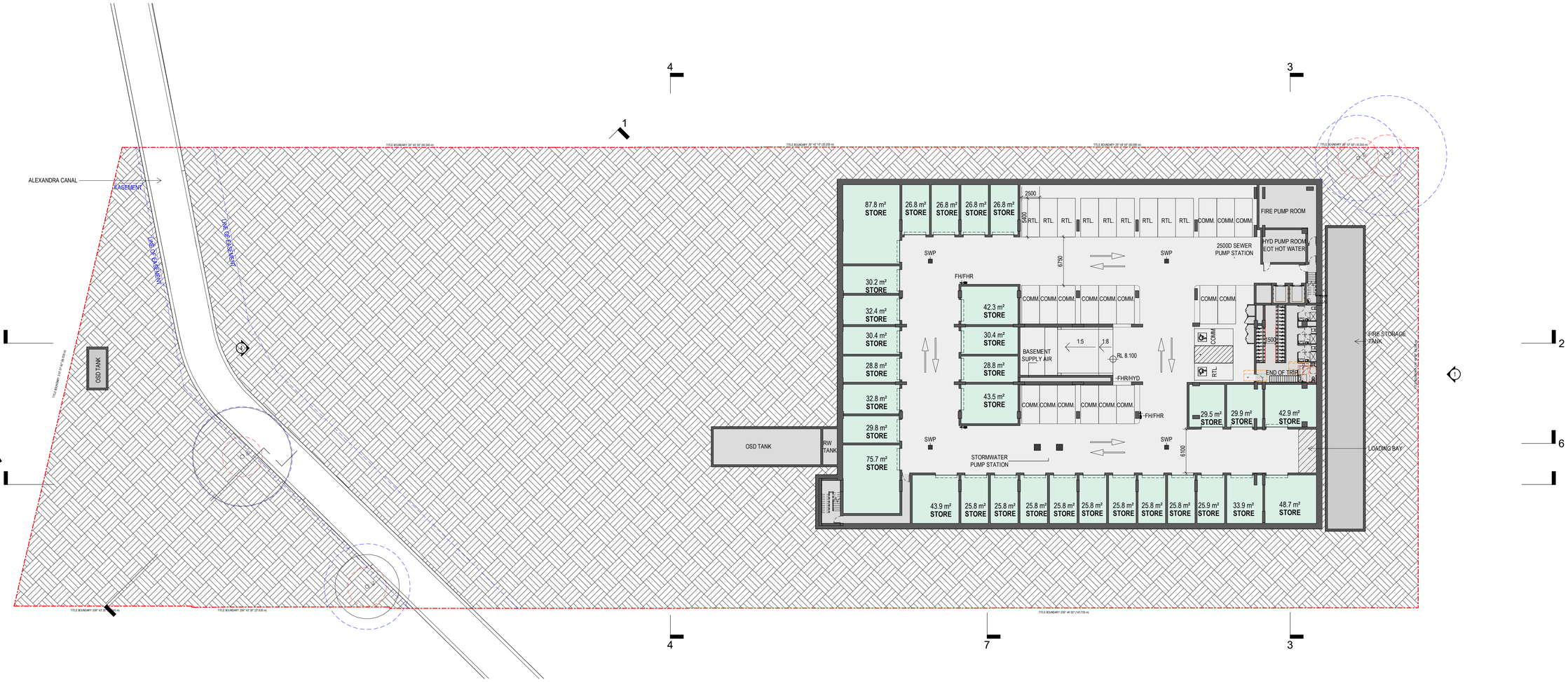
Drawing No: **DA00.05**

B

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	31.05.24	RFI Response	JC
C	28.08.24	RFI Response	JC
D	25.10.24	RFI Response	JC

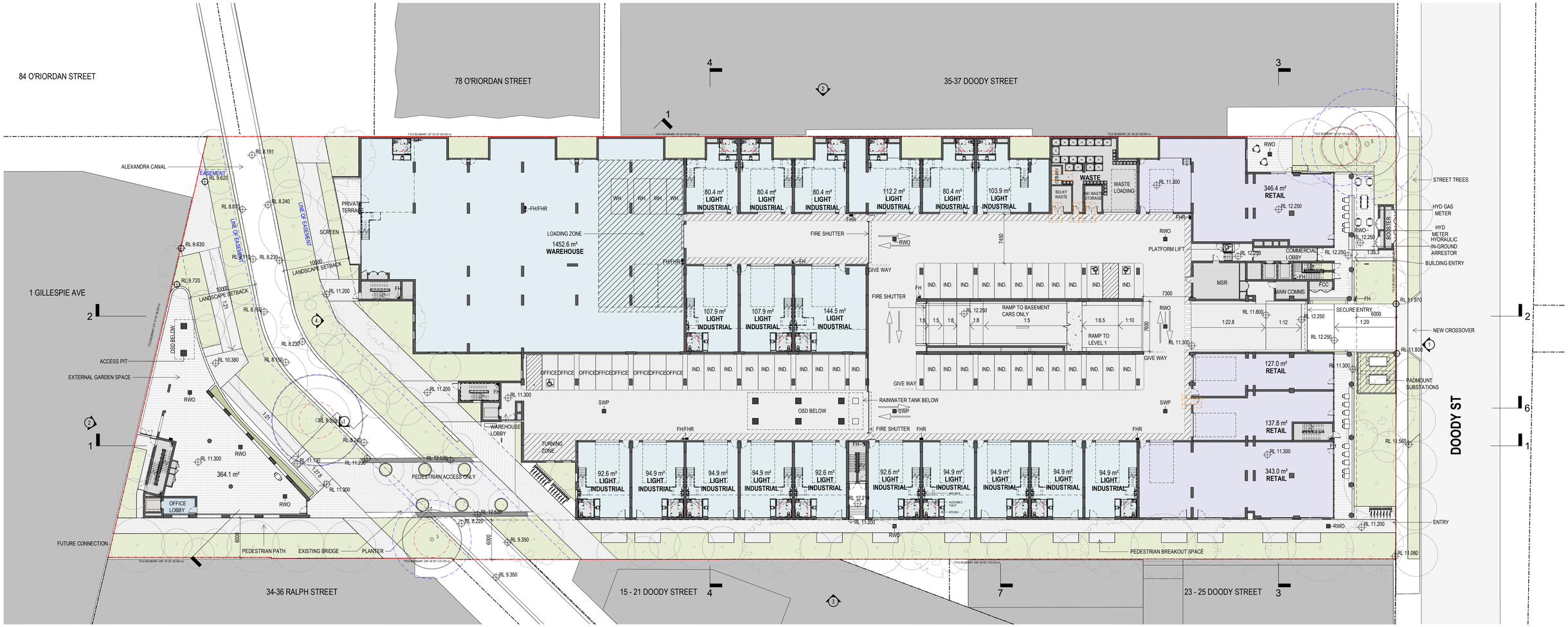
25/10/2024 12:23:37 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **BASEMENT 1**
Project No: **223226**
Author: **JC**
Scale: @ A1 **1 : 300**
Drawing No: **DA01.00**
D

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	31.05.24	RFI Response	JC
C	28.08.24	RFI Response	JC
D	04.09.24	Traffic RFI Response	JC
E	25.10.24	RFI Response	JC

25/10/2024 12:18:00 PM

Project: **27-31 Doody Street**

Alexandria NSW 2015

Drawing: **GROUND**

Project No: **223226**

Author: **MG**

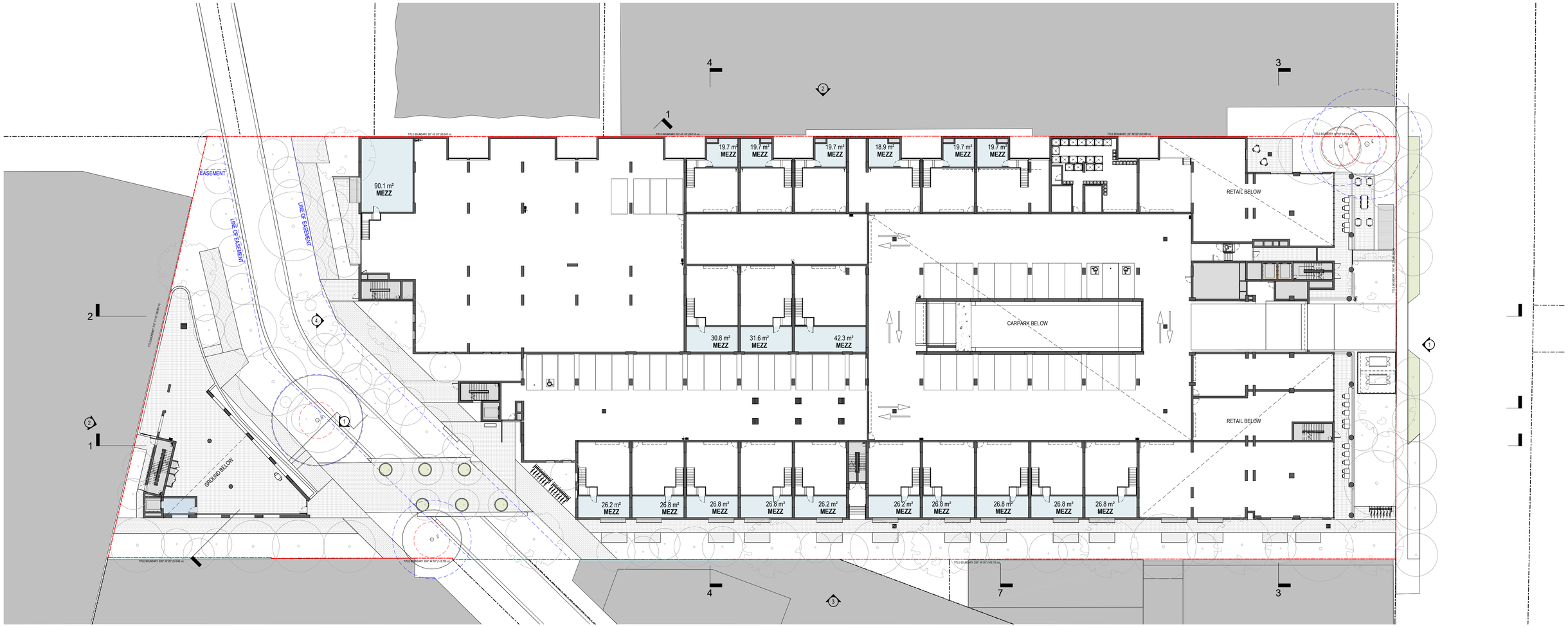
Scale: @ A1 **1 : 300**

Drawing No.: **DA01.01**

E

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	25.10.24	RFI Response	JC

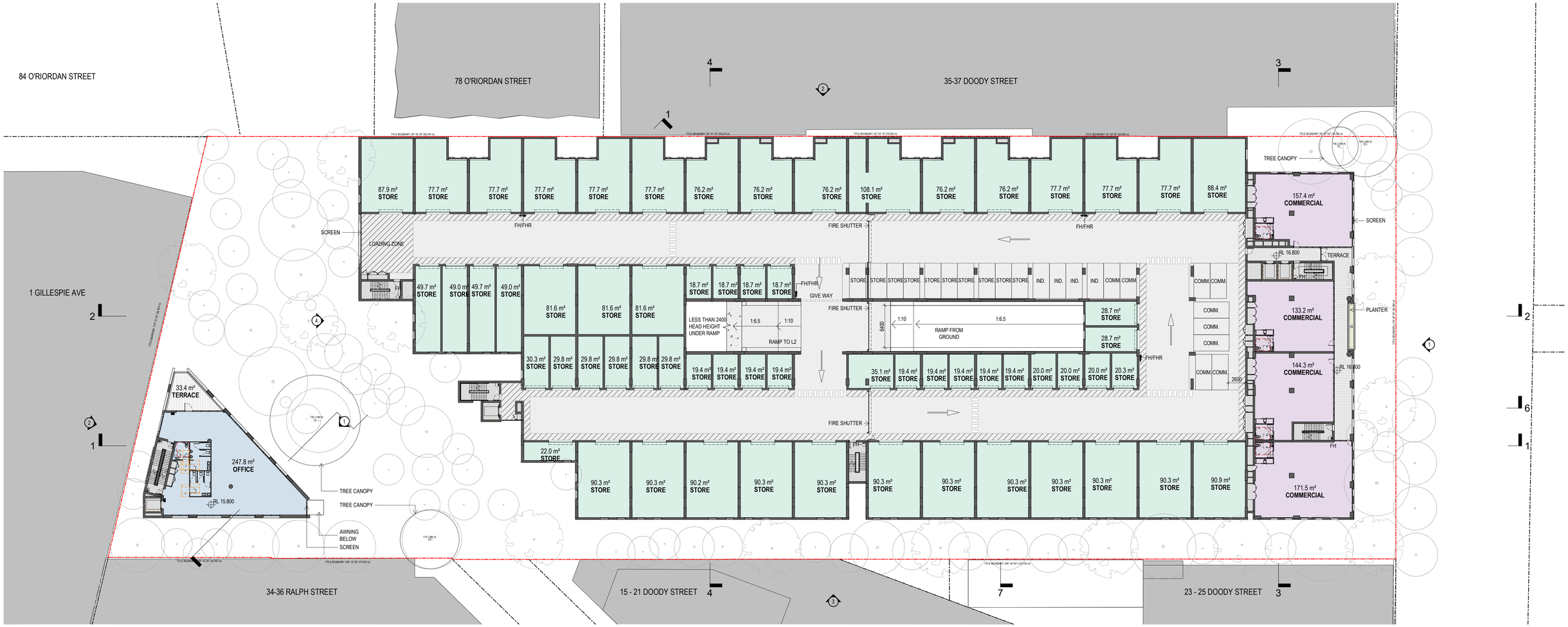
25/10/2024 12:18:09 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **GROUND MEZZANINE**
Project No: **223226**
Author: **MG**
Scale: @ A1 **1 : 300**
Drawing No.: **DA01.02**
C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	04.09.24	Traffic RFI Response	JC
	D	25.10.24	RFI Response	JC

25/10/2024 12:18:17 PM

Project: **27-31 Doody Street**

Drawing: **LEVEL 1**

Project No: **223226**

Author: **MG**

Scale: @ A1 **1 : 300**

Drawing No.: **DA01.03**

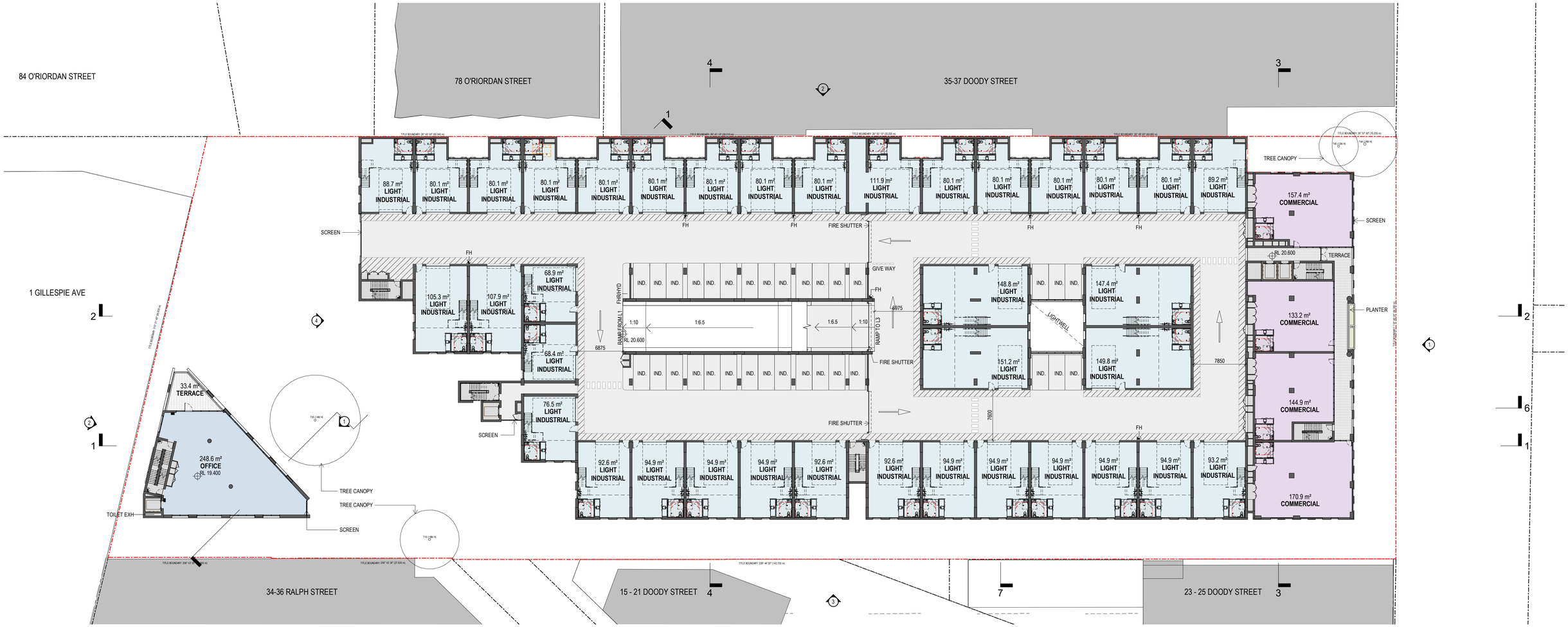
D

Alexandria NSW 2015

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	04.09.24	Traffic RFI Response	JC
	D	25.10.24	RFI Response	JC

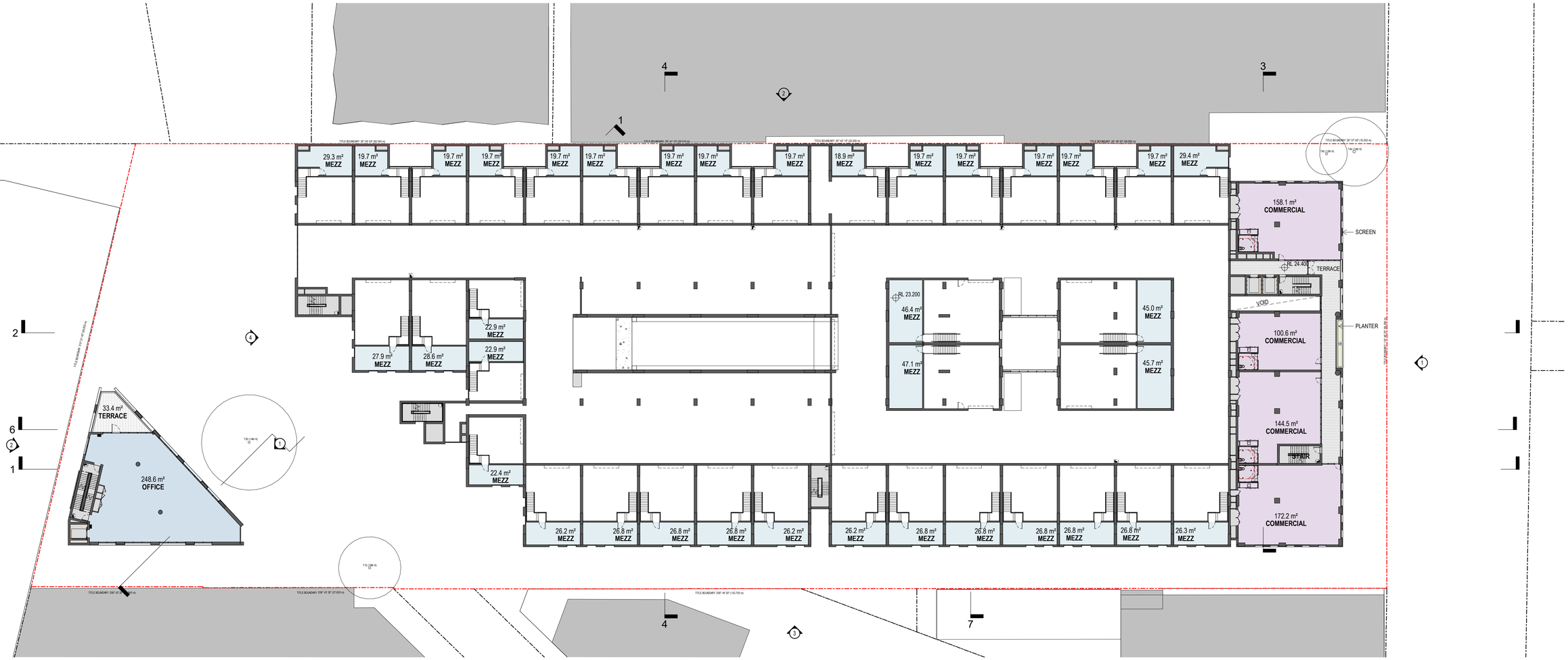
25/10/2024 12:18:26 PM

Project: **27-31 Doody Street**
Drawing: **LEVEL 2**
Project No: **223226**
Author: **MG**
Scale: @ A1 **1 : 300**
Drawing No: **DA01.04**
D

Alexandria NSW 2015

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	25.10.24	RFI Response	JC

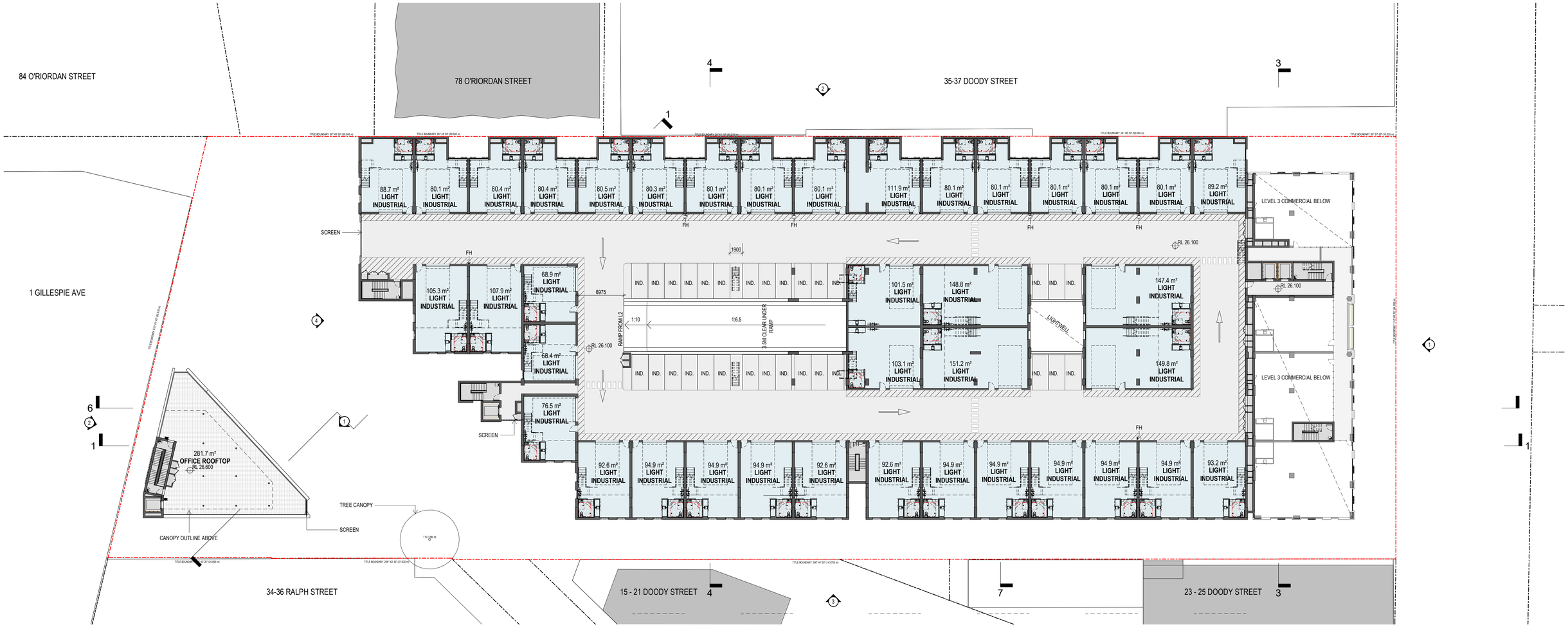
25/10/2024 12:18:34 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **LEVEL 2 MEZZANINE**
Project No: **223226**
Author: **MG**
Scale: @ A1 **1 : 300**
Drawing No.: **DA01.05**
C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	25.10.24	RFI Response	JC

25/10/2024 12:18:43 PM

Project: **27-31 Doody Street**

Drawing: **LEVEL 3**

Project No: **223226**

Author: **MG**

Scale: @ A1 **1 : 300**

Drawing No.: **DA01.06**

C

Alexandria NSW 2015

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	25.10.24	RFI Response	JC

25/10/2024 12:18:51 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **LEVEL 3 MEZZ / 4 COMM**

Project No: **223226**

Author: **MG**

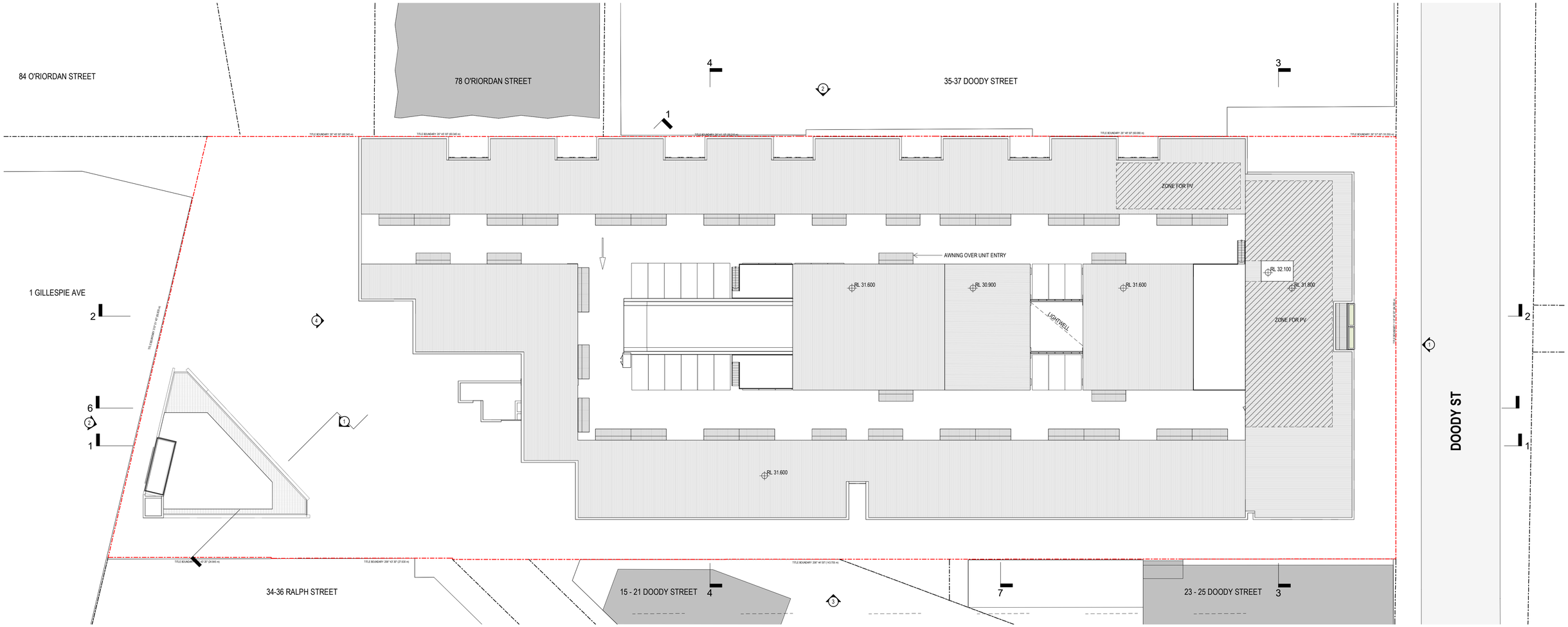
Scale: @ A1 **1 : 300**

Drawing No.: **DA01.07**

C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions

A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

25/10/2024 12:18:56 PM

Project: **27-31 Doody Street**

Drawing: **ROOF**

Project No: **223226**

Author: **JC**

Scale: @ A1 **1 : 300**

Drawing No.: **DA01.08**

C

Alexandria NSW 2015

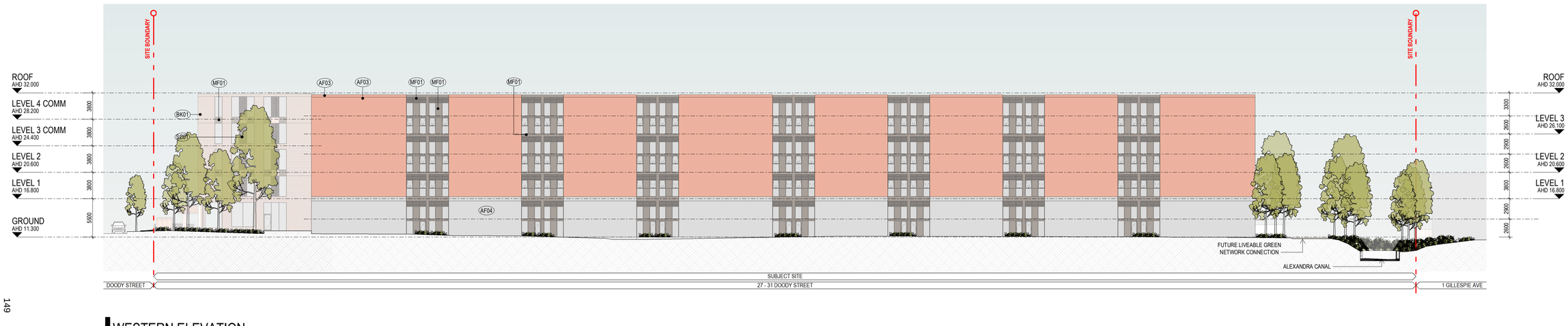
Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

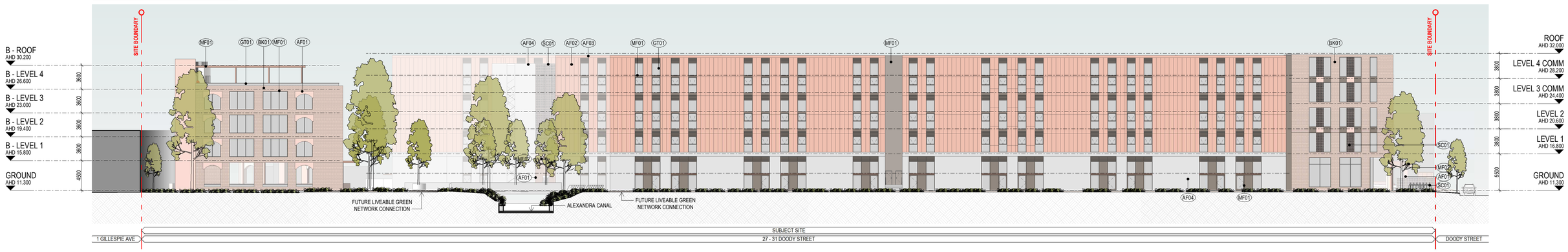
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



NORTHERN ELEVATION



WESTERN ELEVATION



EASTERN ELEVATION

NOTE : BOUNDARY FENCES OMITTED FOR CLARITY

DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

25/10/2024 12:19:18 PM

AF01 APPLIED FINISH 01 - LIGHT CLAY FINISH
AF02 APPLIED FINISH 02 - CLAY FINISH WITH GROOVES
AF03 APPLIED FINISH 03 - CLAY FINISH WITH NO GROOVES
AF04 APPLIED FINISH 04 - GREY FINISH
BK01 BRICK 01
GT01 GLAZING TYPE 01 - GLASS
MF01 METAL FINISH 01 - LIGHT BRONZE
MF02 METAL FINISH 02 - TERRACOTTA
SC01 SCREEN 01

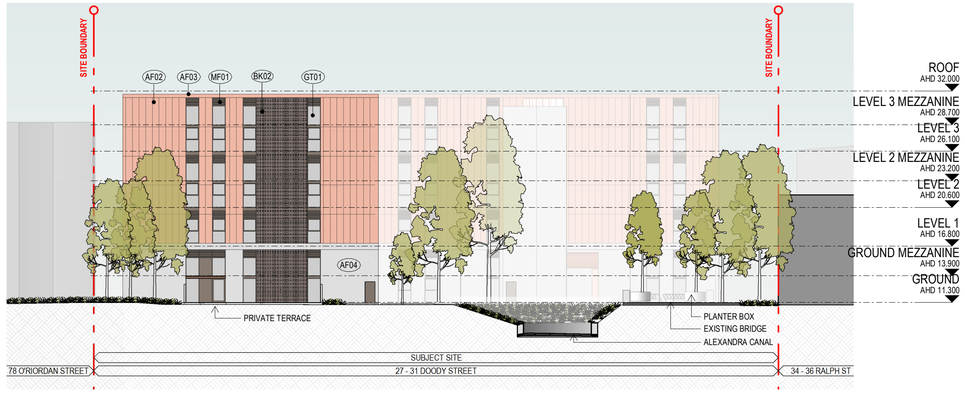
Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **ELEVATIONS**
Project No: **223226**
Author: **AC**
Scale: @ A1 **1 : 300**
Drawing No. **DA02.01** **C**

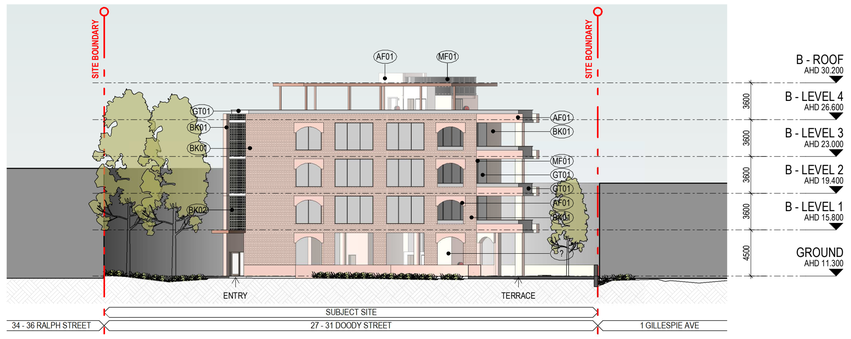
Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au

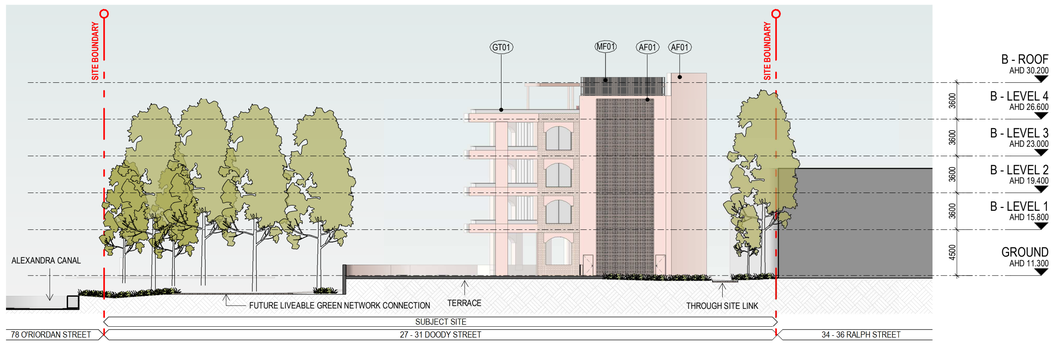
149



SOUTHERN ELEVATION



BUILDING B - NORTHERN ELEVATION



BUILDING B - SOUTHERN ELEVATION

NOTE : BOUNDARY FENCES OMITTED FOR CLARITY

DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

25/10/2024 12:19:38 PM

AF01 APPLIED FINISH 01 - LIGHT CLAY FINISH
AF02 APPLIED FINISH 02 - CLAY FINISH WITH GROOVES
AF03 APPLIED FINISH 03 - CLAY FINISH WITH NO GROOVES
AF04 APPLIED FINISH 04 - GREY FINISH
BK01 BRICK 01
GT01 GLAZING TYPE 01 - GLASS
MF01 METAL FINISH 01 - LIGHT BRONZE
MF02 METAL FINISH 02 - TERRACOTTA
SC01 SCREEN 01

Project: 27-31 Doody Street
Alexandria NSW 2015

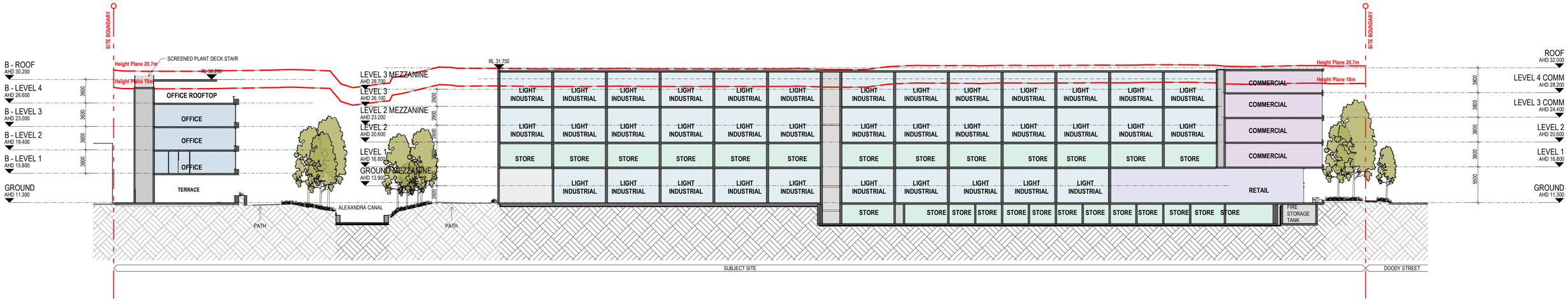
Drawing: ELEVATIONS
Project No: 223226
Author: AC
Scale: @ A1 1 : 300
Drawing No.: DA02.02 C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

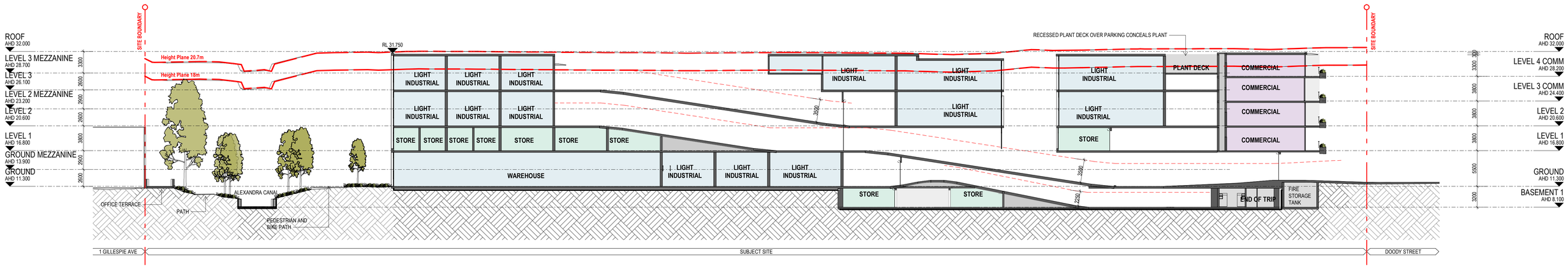
rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au

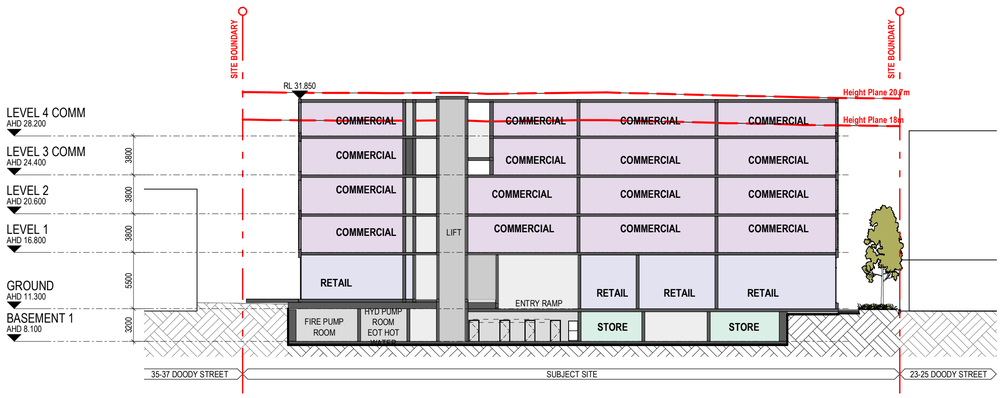
150



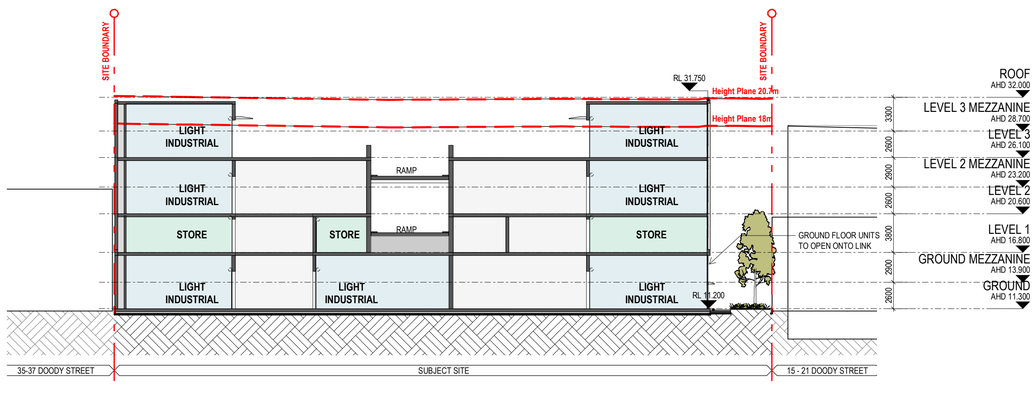
SECTION 1



SECTION 2



SECTION 3



SECTION 4

DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	25.10.24	RFI Response	JC

28/10/2024 10:05:09 AM

Project: **27-31 Doody Street**

Drawing: **SECTIONS**

Project No: **223226**

Author: **MG**

Scale: @ A1 **1 : 300**

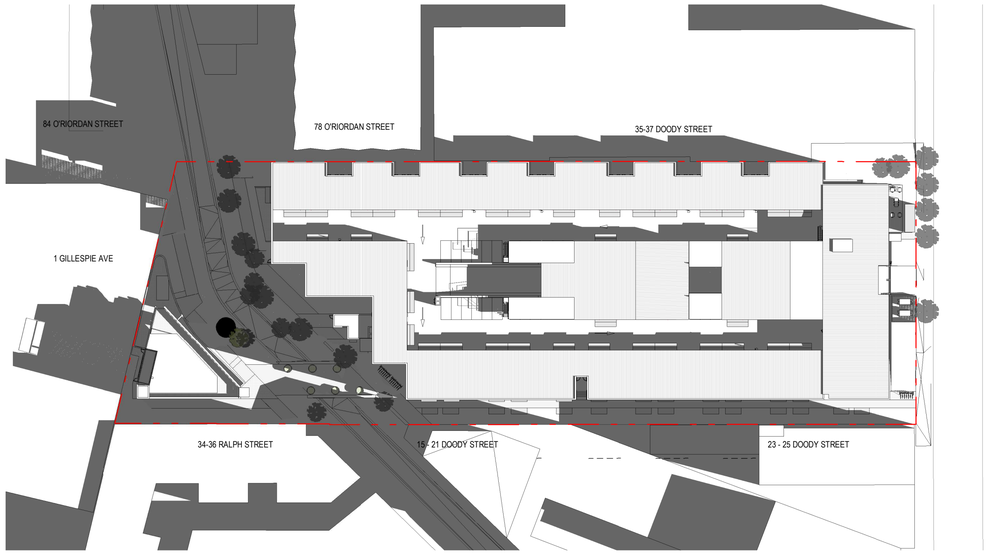
Drawing No.: **DA03.01** **C**

Alexandria NSW 2015

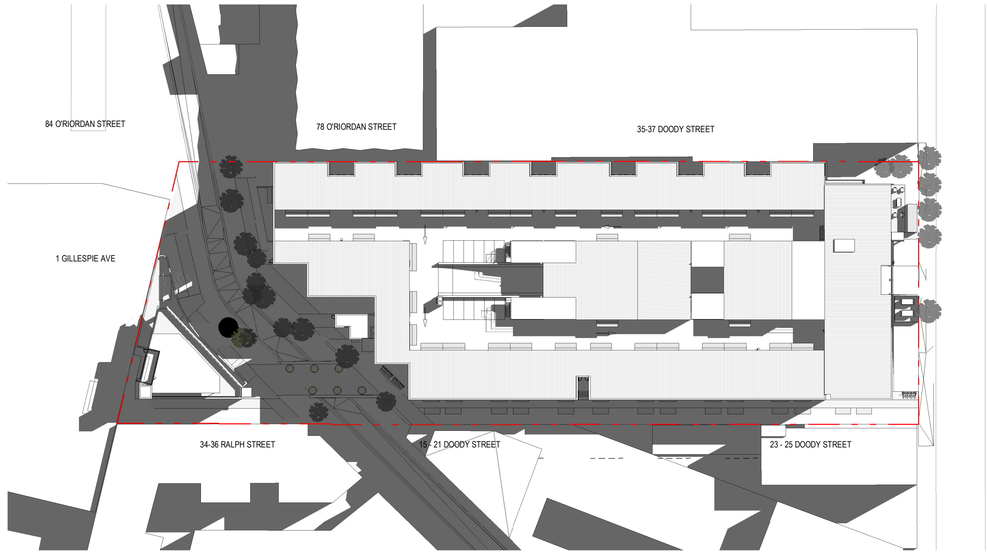
Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

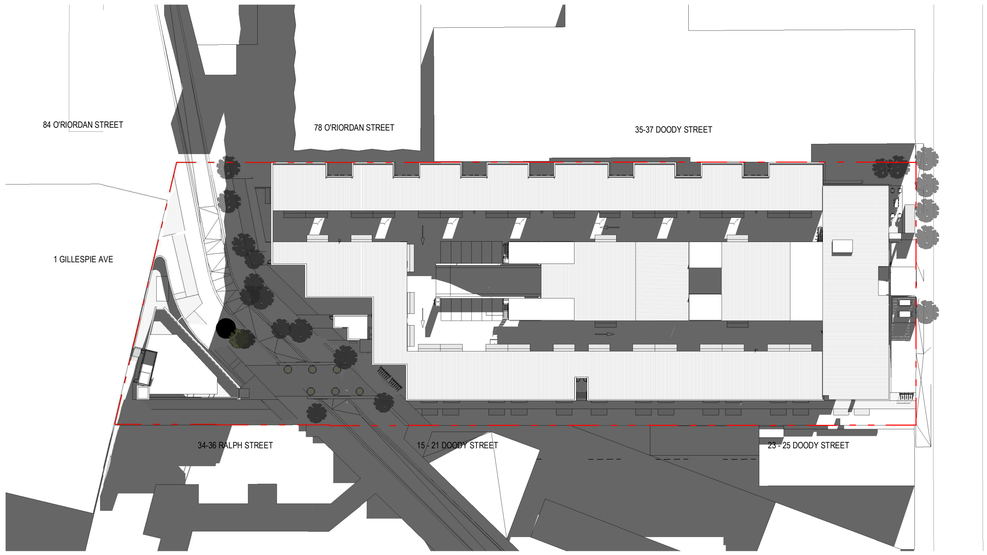
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



0900 WINTER SOLSTICE SHADOW



1200 WINTER SOLSTICE SHADOW



1500 WINTER SOLSTICE SHADOW

DEVELOPMENT APPLICATION

Revisions

A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

25/10/2024 12:20:38 PM

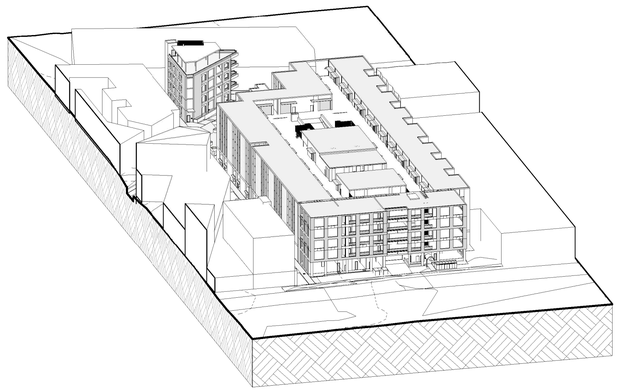
SHADOW CASTED BY PROPOSAL

Project: **27-31 Doody Street**
Alexandria NSW 2015

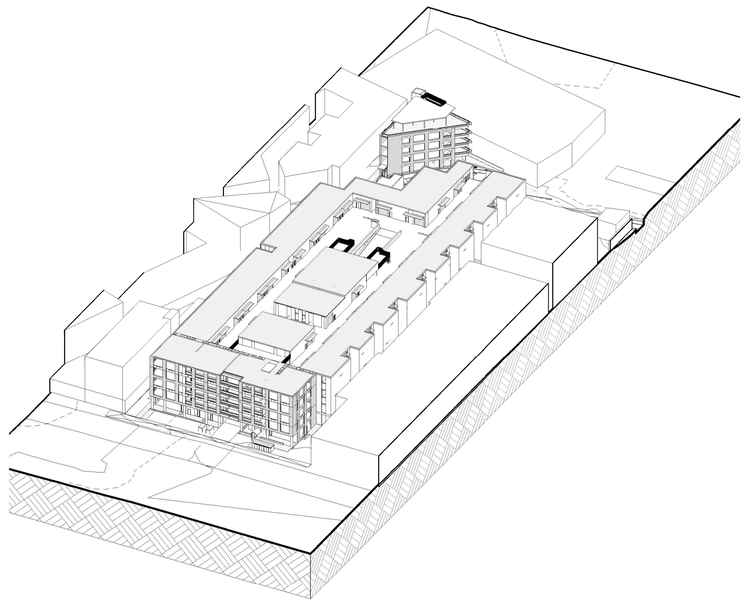
Drawing: **SHADOW DIAGRAM**
Project No: **223226**
Author: **AT**
Scale: @ A1: **As indicated**
Drawing No.: **DA05.01**
C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

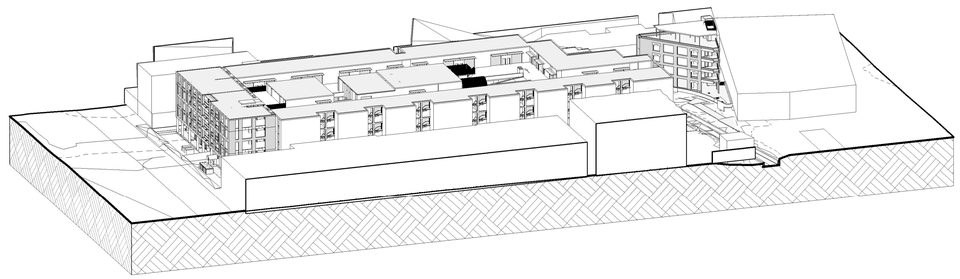
rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



0900 SOLAR POV WINTER SOLSTICE



1200 SOLAR POV WINTER SOLSTICE



1500 SOLAR POV WINTER SOLSTICE

DEVELOPMENT APPLICATION

Revisions				
	A	08.03.24	Development Application	AT
	B	28.08.24	RFI Response	JC
	C	25.10.24	RFI Response	JC

25/10/2024 12:20:56 PM

Project **27-31 Doody Street**

Alexandria NSW 2015

Drawing **SOLAR POV**

Project No **223226**

Author **AT**

Scale: @ A1

Drawing No. **DA05.11** **C**

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

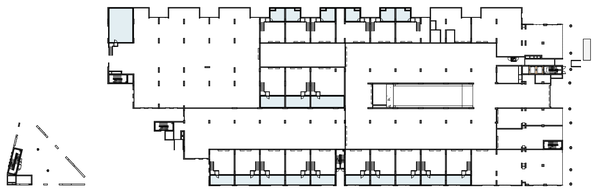
rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au

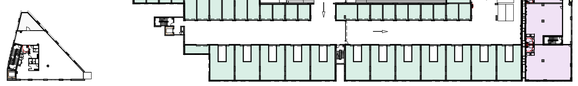
BUILDING 1 GFA



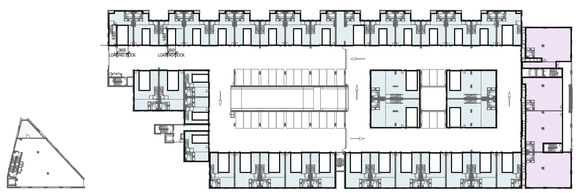
GROUND



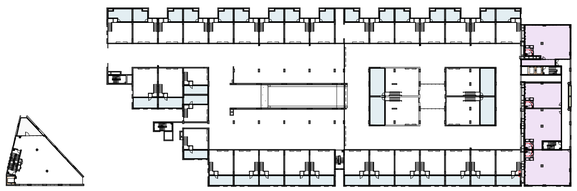
GROUND MEZZANINE



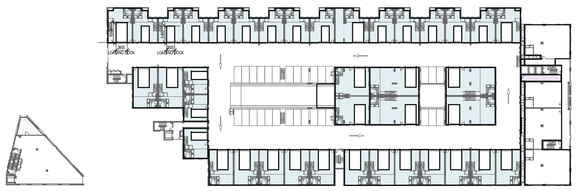
LEVEL 1



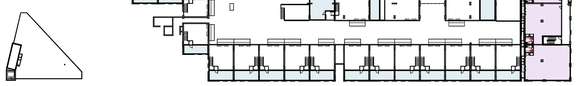
LEVEL 2



LEVEL 2 MEZZANINE

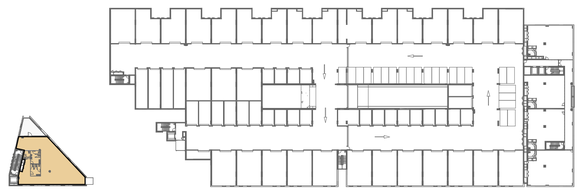


LEVEL 3

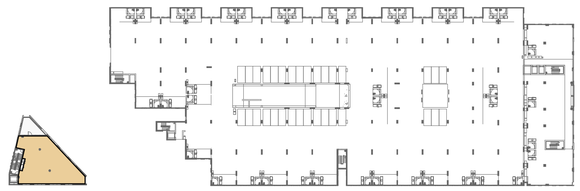


LEVEL 3 MEZZANINE

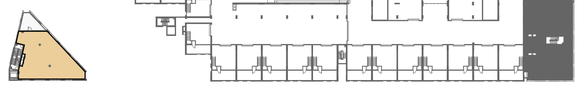
BUILDING 2 GFA



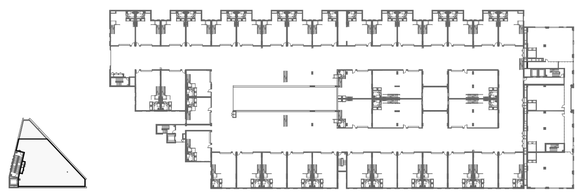
B - LEVEL 1



B - LEVEL 2



B - LEVEL 3



B - LEVEL 4

Gross Floor Area

AREA CATEGORY	LEVEL	GFA
Commercial	LEVEL 1	626.5 m²
Commercial	LEVEL 2	626.7 m²
Commercial	LEVEL 2 MEZZANINE	595.5 m²
Commercial	LEVEL 3	27.2 m²
Commercial	LEVEL 3 MEZZANINE	601.5 m²
		2477.3 m²
Industrial	GROUND	1436.1 m²
Industrial	GROUND MEZZANINE	572.9 m²
Industrial	LEVEL 2	2770.8 m²
Industrial	LEVEL 2 MEZZANINE	960.0 m²
Industrial	LEVEL 3	2937.8 m²
Industrial	LEVEL 3 MEZZANINE	1060.4 m²
		9737.9 m²
Warehouse	GROUND	1125.1 m²
		1125.1 m²
Office	GROUND	12.2 m²
Office	B - LEVEL 1	246.7 m²
Office	B - LEVEL 2	246.7 m²
Office	B - LEVEL 3	246.7 m²
		752.4 m²
Retail	GROUND	879.7 m²
		879.7 m²
Services	GROUND	115.3 m²
		115.3 m²
Store	LEVEL 1	3134.7 m²
		3134.7 m²
		18222.3 m²

SITE AREA	PERMISSIBLE FSR	PERMISSIBLE GFA
12148.2 m²	1.5	18222.3 m²

DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

28/10/2024 9:49:26 AM

Project: **27-31 Doody Street**

Alexandria NSW 2015

Drawing: **GFA**

Project No: **223226**

Author: **MG**

Scale: @ A1 **1 : 1000**

Drawing No.: **DA06.01**

C

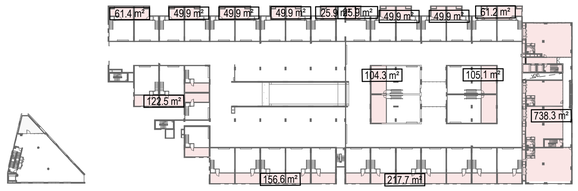
Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

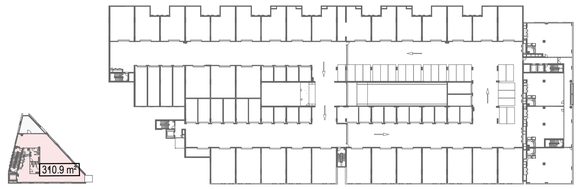
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



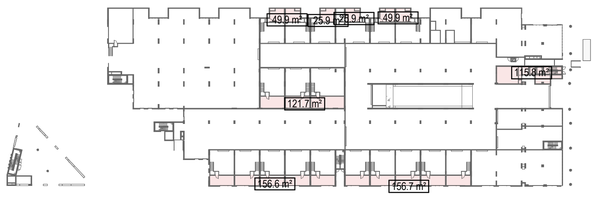
GROUND



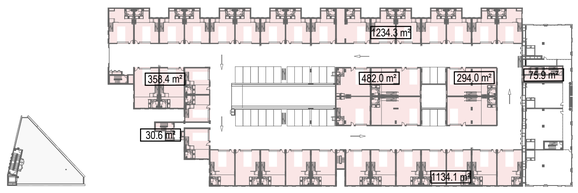
LEVEL 2 MEZZANINE



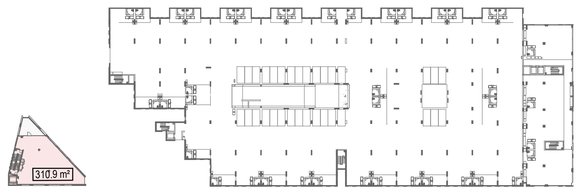
B - LEVEL 1



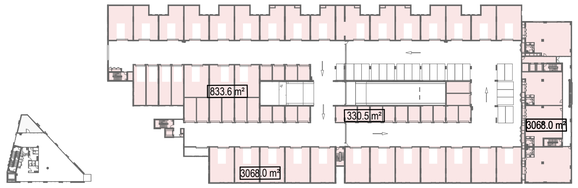
GROUND MEZZANINE



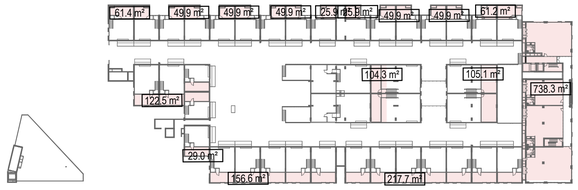
LEVEL 3



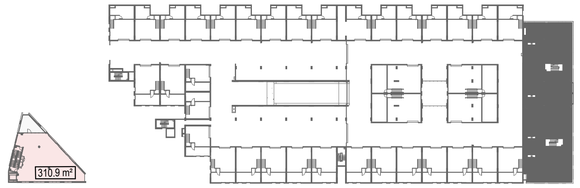
B - LEVEL 2



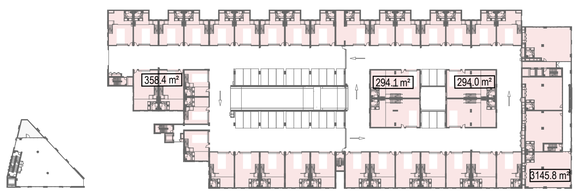
LEVEL 1



LEVEL 3 MEZZANINE

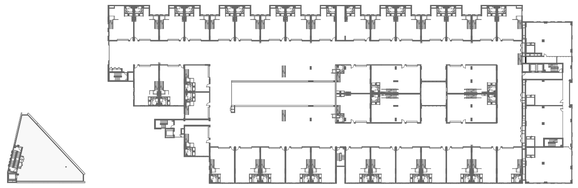


B - LEVEL 3



LEVEL 2

Total Floor Area	
Level	**Area**
GROUND	4082.7 m²
GROUND MEZZANINE	702.5 m²
B - LEVEL 1	310.9 m²
LEVEL 1	4266.5 m²
B - LEVEL 2	310.9 m²
LEVEL 2	4122.9 m²
B - LEVEL 3	310.9 m²
LEVEL 2 MEZZANINE	1897.5 m²
LEVEL 3	3609.2 m²
LEVEL 3 MEZZANINE	1897.5 m²
	21511.2 m²



B - LEVEL 4

DEVELOPMENT APPLICATION

Revisions				
A	25.10.24	RFI Response		JC

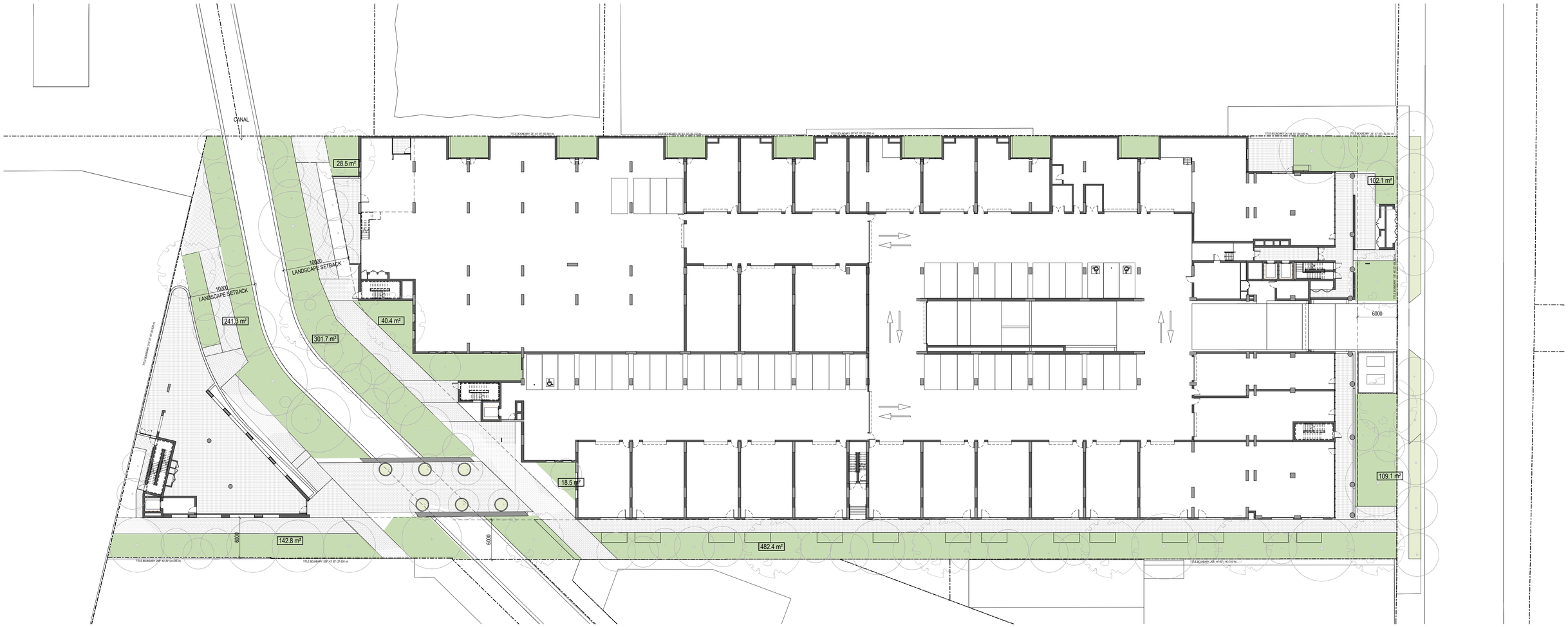
25/10/2024 12:36:16 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **TOTAL FLOOR AREA**
Project No: **223226**
Author: **AC**
Scale: @ A1 **1 : 1000**
Drawing No.: **DA06.02**
A

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman
Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



Deep Soil Summary

AREA	PERCENTAGE
1859.3 m²	15.3%

Deep soil requirement (15%) - 1822.23 m²
Minimum dimension - 3m

DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

25/10/2024 12:21:34 PM

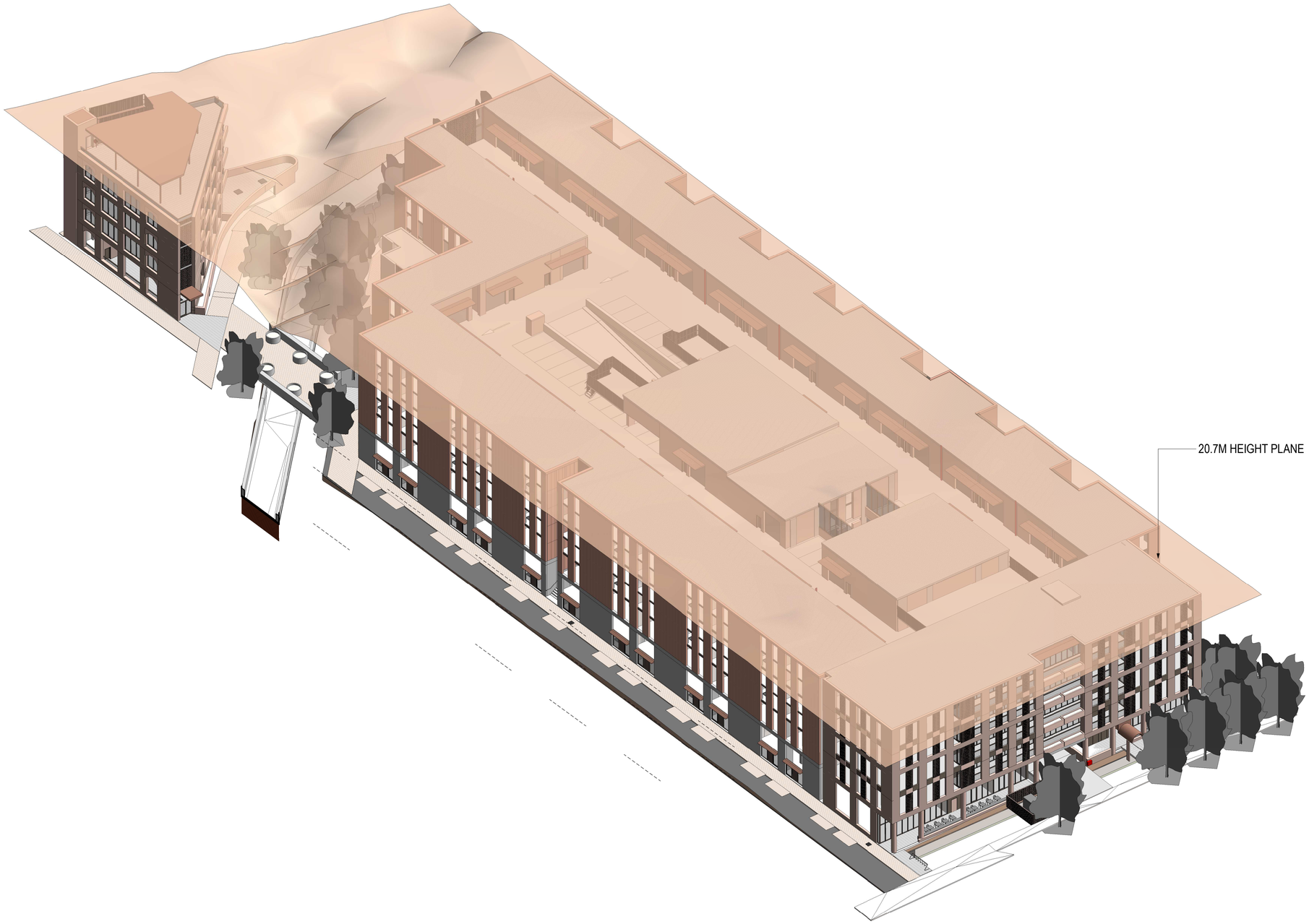
Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **DEEP SOIL**
Project No: **223226**
Author: **AT**
Scale: @ A1 **1 : 300**
Drawing No: **DA06.11**
C

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions			
A	08.03.24	Development Application	AT
B	28.08.24	RFI Response	JC
C	25.10.24	RFI Response	JC

25/10/2024 12:21:50 PM

Project: **27-31 Doody Street**
Alexandria NSW 2015

Drawing: **HEIGHT PLANE**

Project No: **223226**

Author: **AT**

Scale: @ A1

Drawing No.: **DA06.21** **C**

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au

EXTERNAL FINISHES





AF04

Finish Applied Finish Grey
Location Commercial Slab Edge



AF01

Finish Applied Finish Light Clay
Location Planter Boxes, Circular Columns, Office Rooftop Awning, Office Balcony Spandrel, Office External Wall



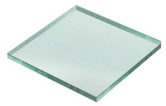
BK01

Finish Brick
Location Commercial & Office External Walls



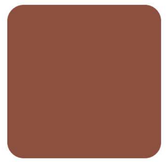
SC01

Finish Patterned Screen
Location External Screen



GT01

Finish Clear Glazing
Location Windows & Sliding Doors



MF02

Finish Terracotta Powdercoat
Location Entry Awnings



MF01

Finish Medium Bronze Powdercoat
Location Balustrades, Mullions, Window Frames, Louvres, Awning

DEVELOPMENT APPLICATION

Revisions / A 25.10.24 RFI Response JC

25/10/2024 12:22:00 PM

Project / **27-31 Doody Street**
Alexandria NSW 2015

Drawing / **MATERIAL SCHEDULE 1**

Project No / **223226**

Author / **JC**

Scale: @ A1

Drawing No. / **DA07.01** **A**

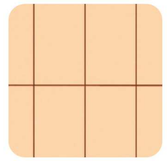
Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au

EXTERNAL FINISHES





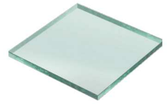
AF02

Finish Applied Finish Clay Grooved
Location Warehouse External Walls



MF01

Finish Medium Bronze
Location Balustrades, Mullions, Window Frames, Mech Louvres, Warehouse Awnings, Office Rooftop Awning



GT01

Finish Clear Glazing
Location Windows & Sliding Doors



AF03

Finish Applied Finish Grey
Location Warehouse External Walls & Slab Edges

DEVELOPMENT APPLICATION

Revisions
A 25.10.24 RFI Response JC

25/10/2024 12:24:07 PM

Project **27-31 Doody Street**
Alexandria NSW 2015

Drawing **MATERIAL SCHEDULE 2**
Project No **223226**
Author **JC**
Scale: @ A1
Drawing No **DA07.02** **A**

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au

EXTERNAL FINISHES





AF01

Finish Applied Finish Clay
Location Planter Boxes, Circular Columns, Office Rooftop Awning, Office Balcony Spandrel, Office External Wall



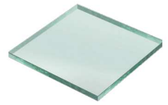
MF01

Finish Medium Bronze
Location Balustrades, Mullions, Window Frames, Mech Louvres, Warehouse Awnings, Office Rooftop Awning



BK01

Finish Brick
Location Commercial & Office External Walls



GT01

Finish Clear Glazing
Location Windows & Sliding Doors

DEVELOPMENT APPLICATION

Revisions / A 25.10.24 RFI Response JC

25/10/2024 12:22:06 PM

Project / **27-31 Doody Street**
Alexandria NSW 2015

Drawing / **MATERIAL SCHEDULE 3**

Project No / **223226**

Author / **JC**

Scale: @ A1

Drawing No. / **DA07.03** **A**

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document.The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorized changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstance shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Gold Coast,
Melbourne, Perth, Sydney
www.rothelowman.com.au

Attachment C

Public Benefit Offer

Docusign Envelope ID: E6A0F9C2-C94C-4A2B-8280-913802F3B1B0

APPLICANT'S PUBLIC BENEFIT OFFER IN CONNECTION WITH A DEVELOPMENT APPLICATION

This is an offer by: The Trust Company (Australia) Limited ATF Vivid Asset Trust

For: Demolition of existing structures and erection of a 5 storey mixed use development which includes retail, office, light industrial and self storage

At: 27 - 31 Doody Street, Alexandria

This offer has been made with the consent of the registered owner(s) of the land.

The general nature and extent of the provision to be made under the offer, the time or times and the manner by which the provision is to be made are as follows:

- Construction and dedication of a 6m wide through site link along the eastern boundary of the site as illustrated in Drawing No. DA00.05 Rev A 'Proposed Dedication Plan' prepared by Rothelowman Architects, at Appendix A.
- Dedication of the Alexandria Canal which runs through the southern end of the site, from the eastern boundary to the western boundary, as illustrated in Drawing No. DA00.05 Rev A 'Proposed Dedication Plan' prepared by Rothelowman Architects, at Appendix A
- Construction and dedication of a 10 metre landscape strip on either side of the Alexandria Canal which runs through the southern end of the site, from the eastern boundary to the western boundary, as illustrated in Drawing No. DA00.05 Rev A 'Proposed Dedication Plan' prepared by Rothelowman Architects, at Appendix A.

It is intended that the benefits under the offer do not include development contribution under section 7.11 of the Environmental Planning and Assessment Act 1979.

It is intended that should development consent be granted, this offer will be consolidated and crystallised into a voluntary Planning Agreement with the Council. The agreement will comply with the requirements of the Environmental Planning and Assessment Act and Regulations, and contain mechanisms for completion of any works and / or land dedication. The Planning Agreement may be registered by the Registrar-General.

Executed on behalf of The Trust Company (Australia) Limited ATF Vivid Asset Trust under power of attorney dated 16th September 2014.

DocuSigned by:
6CF8FAD0877C456...

Alexander Gray
Manager

Attorney

Date: 03 September 2024 | 3:30 PM AEST

DocuSigned by:
C7F2AAA14E3444E...

KERRIE ANN BILAL
Senior Associate

Attorney

Date: 03 September 2024 | 3:33 PM AEST

Docusign Envelope ID: E6A0F9C2-C94C-4A2B-8280-913802F3B1B0

APPENDIX A

Drawing No. DA00.05 Rev A ‘Proposed Dedication Plan’ prepared by Rothelowman Architects

Attachment D

Submissions

From: Harry Kimpton [redacted] on behalf of Harry Kimpton [redacted]

Sent on: Wednesday, May 29, 2024 9:08:55 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2024/238 - 27-31 Doody Street ALEXANDRIA NSW 2015 - Attention Harry Choi

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi Harry,

I wish to make comment on the above application as a representative of an owner of a lot in the neighbouring strata plan 98561.

While we have no issues with the development in principle we ask that parking during construction please be a consideration. Parking is already a challenge for our tenants and other SP members (we often find cars wrongly parked in our tenant's spaces) and will only become worse if tradespeople from this neighbouring development are allowed to park in our complex with little to no consequences.

Thank you for your consideration.

Kind Regards,

Harry Kimpton
Manager, Real Estate

MARKHAM

[redacted]

Level 9 | Challis House | 4 Martin Place Sydney NSW 2000
GPO Box 1573 | Sydney NSW 2001| Australia

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.
If you have received this email in error please notify the sender immediately. This message contains confidential information.

Item 8.

Post Exhibition - Planning Proposal - Dwelling Retention - Sydney Local Environmental Plan 2012 Amendment

File No: X101840

Summary

The City of Sydney's long term housing target under Sustainable Sydney 2030-2050: Continuing the Vision is for 156,000 private dwellings in the City by 2036. In addition to the City's target, in May 2024 the NSW Government issued 5-year private dwelling completion targets to councils, requiring 18,900 dwellings be provided in the City between 1 July 2024 to 30 June 2029.

Development applications in the local area have resulted in the redevelopment of existing apartment buildings, particularly in the eastern suburbs, that have or will, result in a net loss of dwellings in those buildings. This occurs through consolidation of 2 or more apartments, or in some cases the conversion of an entire apartment building into a single dwelling. The resulting housing is larger and significantly more expensive to rent or buy than the existing dwellings. Ultimately, the loss of smaller, older and relatively low-cost housing stock from the local area presents a challenge for maintaining community diversity by pricing many people out of the local housing market.

The City has proposed changes to its planning controls to support housing diversity and affordability by discouraging the replacement of smaller apartments with fewer larger apartments when a site is redeveloped. This is critical to maintaining the City's housing supply, ensuring dwellings are increased and not reduced.

The City’s Planning Proposal - Dwelling Retention (the planning proposal) proposes to amend Sydney Local Environmental Plan 2012 (the LEP) to introduce a maximum dwelling reduction rate of 15% in any redevelopment of multi-unit residential or mixed-use buildings. The 15% maximum dwelling reduction rate allows some flexibility for redevelopment, to ensure it can occur where it is appropriate or necessary.

On 7 December and 11 December 2023, the Central Sydney Planning Committee and Council respectively endorsed the planning proposal to be submitted to the Minister for Planning and Public Spaces with a request for gateway determination and to be placed on public exhibition.

A gateway determination was issued in April 2024 and the planning proposal was amended in accordance with its conditions before it was publicly exhibited from 11 July 2024 to 23 August 2024 (32 days). A total of 390 submissions have been received.

About 64% of submissions supported the proposal or supported the proposal with some changes being suggested to further reduce the loss of dwellings. These submissions generally offered support for the objective and intended outcomes of the proposal and consider it to be an appropriate response to the housing crisis.

About 23% of submissions opposed the proposal, predominantly citing concerns about the impacts on development viability, the lack of flexibility and the potential limitations it would place on redeveloping older buildings. They requested exemptions, particularly for seniors housing, and suggested increasing building height and floor space ratios to incentivise the retention of the same number of dwellings in any redevelopment.

The remaining submissions (13%) either did not express a position or supported a modified version of the proposal which enabled greater dwelling loss.

Following consideration of submissions, no amendment to the planning proposal, as publicly exhibited, is proposed.

It is recommended that the Central Sydney Planning Committee approve the planning proposal, shown at Attachment B, to be sent to the Department of Planning, Housing and Infrastructure with a request to make the changes to the LEP.

Recommendation

It is resolved that:

(A) the Central Sydney Planning Committee note the issues raised during the public exhibition of Planning Proposal -Dwelling Retention as provided in the Summary of Submissions, shown at Attachment A to the subject report;

(B) the Central Sydney Planning Committee approve the Planning Proposal - Dwelling Retention, as amended following public exhibition, shown at Attachment B to the subject report, to be sent to the Department of Planning, Housing and Infrastructure to be made as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979; and

(C) authority be delegated to the Chief Executive Officer to make minor amendments to the Planning Proposal - Dwelling Retention to correct any minor errors prior to finalisation by the Department of Planning, Housing and Infrastructure.

Attachments

Attachment A. Summary of Submissions

Attachment B. Planning Proposal - Dwelling Retention (post exhibition amendments in red)

Attachment C. Resolutions of Council and the Central Sydney Planning Committee

Attachment D. Gateway Determination - Dated 5 April 2024

Background

1. Sustainable Sydney 2030-2050: Continuing the Vision incorporates the housing target in the City of Sydney Local Housing Strategy: Housing for All that by 2036 there will be 156,000 private dwellings in the City of Sydney (the 'City'). In addition to the City's target, in May 2024 the NSW Government issued 5-year private dwelling completion targets to councils, requiring 18,900 dwellings be provided in the City between 1 July 2024 and 30 June 2029.

2. While the City generally expects to meet its housing targets, given its current development pipeline, the loss of dwellings resulting from redevelopment of existing apartment dwellings, particularly in suburbs such as Potts Point, Rushcutters Bay, and Elizabeth Bay, is making it more difficult to grow our housing supply and provide the diversity of housing needed for the community. Most of this dwelling loss is the result of demolition/redevelopment of existing apartment buildings with relatively affordable studios and one-bedroom apartments, which are being effectively consolidated to provide larger luxury apartments. There are also examples of small but entire apartment building being converted into a single dwelling.

3. The housing resulting from redevelopment is generally larger and more expensive to rent or buy. Ultimately, the net loss of smaller and relatively low-cost housing stock from the local area presents a challenge for maintaining community diversity by pricing many people out of the local housing market.

4. Since 2018, a loss of at least 91 dwellings from the City's housing supply has occurred because of this type of redevelopment, and there are a further 6 development applications currently under consideration (as at October 2024) that, if approved, could result in the further loss of 132 existing dwellings.

5. As this type of redevelopment is permitted under planning controls, it is difficult for the City to successfully refuse development applications on the grounds that it reduces the number of dwellings in our LGA.

6. On 7 December and 11 December 2023, the Central Sydney Planning Committee (CSPC) and Council respectively approved Planning Proposal - Dwelling Retention (the planning proposal) to be submitted to the Minister for Planning and Public Spaces with a request for gateway determination and to be placed on public exhibition. The Council and CSPC resolutions are provided at Attachment C.

7. The planning proposal seeks to amend Sydney Local Environmental Plan 2012 (the LEP) to:

   (a) introduce a new development standard into the LEP, limiting the reduction of dwellings in any redevelopment of a residential or mixed-use building to 15% (rounded to the nearest whole number). For example, if a block of 22 units is redeveloped, the minimum number of units required in the new development is 19. The 15% maximum dwelling reduction rates allows some flexibility for redevelopment, to ensure it can occur where it is appropriate or necessary, while also acting to prevent significant loss of current dwelling numbers.

   (b) include a 'savings provision' that exempts development applications (DAs) or concept DAs made but not finally determined, as well as DAs lodged after these amendments come into effect that relate to a concept DA approved before the commencement of these amendments.

(c) include a subclause that exempts any residential floor space that is to be converted to a non-residential use. This is to provide flexibility for the ongoing provision of services and businesses, particularly in mixed-use and local centre zones, and to avoid those zones transforming into residential-only precincts over time.

The proposal has been updated to meet gateway conditions prior to public exhibition

8. The Department of Planning, Housing and Infrastructure (Department) issued a gateway determination for the planning proposal on 5 April 2024, provided at Attachment D. It determined the City will not be the local plan-making authority and set a timeframe for the LEP amendment to be completed by 28 March 2025.

9. The Department also required some changes to the planning proposal prior to it being publicly exhibited, specifically inclusion of:

   (a) a provision for savings and transitional arrangements for applications lodged prior to the provision coming into effect

   (b) further explanation of how the 15% rate of maximum dwelling reduction was identified rather than another rate and how it is the most appropriate standard to achieve the proposal objectives

   (c) multiple worked examples to demonstrate its application in various scenarios and development types

   (d) further explanation on how the proposed provision allows a mix of dwelling sizes for a range of households can be achieved, and

   (e) discussion of how the proposed provision will apply to zones predominately characterised by employment or mixed-use.

10. The City amended the planning proposal in accordance with the gateway determination prior to public exhibition.

The City exhibited the planning proposal and received 390 submissions

11. The planning proposal was placed on public exhibition from 11 July 2024 to 23 August 2024. Over 30,500 letters were sent to property owners in Pyrmont, Ultimo, Potts Point, Woolloomooloo, Elizabeth Bay, Rushcutters Bay, Kings Cross and Darlinghurst. These areas were issued letters because they have the highest concentration of units closest to the city centre and/or currently experience the most dwelling loss.

12. Other public consultation included:

   (a) the Sydney Your Say webpage with a copy of the planning proposal and other key information about the consultation

   (b) inclusion in the Sydney Your Say e-newsletters in July and August 2024 which was sent to 6,650 subscribers

(c) directly notifying 23 community groups and five key development industry stakeholders by email

(d) posting directly on the City's Instagram, LinkedIn and Facebook pages including a video promoting the consultation

(e) advertising on Instagram, LinkedIn and Facebook with a combined reach of 90,000 people, and

(f) advertising on 36 QMS community panels throughout the City.

13. The City has received a total of 390 submissions to the planning proposal, including:

(a) 374 from individuals

(b) 7 from industry

(c) 4 from community groups

(d) 4 from building management bodies, and

(e) one from a government agency.

14. A detailed summary of submissions and responses to matters raised is provided at Attachment A. The numbers of submissions in support of, or in objection to the proposal are as follows:

(a) 186 (48%) of submissions support the proposal without changes

(b) 61 (16%) of submissions support the proposal, but with greater restrictions

(c) 12 (3%) of submissions support the proposal, but with reduced restrictions

(d) 91 (23%) of submissions oppose the proposal, and

(e) 40 (10%) of submissions provided comment but did not have a clear position.

15. Following consideration of submissions, no change to the publicly exhibited planning proposal is recommended.

16. A detailed response to the key issues arising from the submissions is provided below.

Support for the planning proposal

17. Two hundred and forty seven (64%) submissions supported the proposal or supported the proposal with some numeric changes (such as reducing the 15%). These submissions generally offered support for the objective and intended outcomes of the proposal and consider it to be an appropriate response to the housing crisis.

18. Key reasons for support included how the proposal would benefit key workers, students, and long-term residents, while preserving the dynamic atmosphere of neighbourhoods, with Potts Point frequently mentioned. Many submissions also emphasised that the loss of housing diversity poses a threat to this balance. Retaining dwellings is seen as essential for maintaining affordability and diversity, which are distinctive features of the area. The proposed control is viewed as crucial for achieving the planning proposal's goals.

19. Support for the planning proposal was closely tied to concerns about the housing affordability crisis, with 42 submissions specifically referencing this issue. Housing was widely regarded as a fundamental right. Submissions emphasised that development reducing housing stock exacerbates the crisis and displaces long-term residents. Many viewed this as part of a broader debate on whether the city should serve only the wealthy or remain inclusive for all.

20. **Response:** The reasons provided in support of the planning proposal are noted. It is noted the objective in the detailed drafting appended to the planning proposal has been further refined to provide clarity that the clause is intended to ensure redevelopment does not lead to a significant reduction in dwelling numbers.

Opposition to the planning proposal

21. Thirty-one individuals, 3 industry and one submission from a community group raised concerns the proposal would have a negative impact on development feasibility.

22. **Response:** The planning proposal supports housing diversity and affordability by discouraging the replacement of smaller apartments with fewer large apartments. Limiting the loss of smaller, lower cost apartments, in favour of larger, higher value apartments, may have some impact on the relative profit that can be achieved in any redevelopment. Notwithstanding the above, it does not mean that redevelopment is unfeasible.

23. The planning proposal provides adequate flexibility to allow for redevelopment. While opportunities and constraints differ across sites, redevelopment will be most attractive where there is potential for unrealised capacity in existing planning controls to be used to provide larger apartments. Where buildings are already close to or exceed existing built form controls, further intensification of built form on the site is limited in general, but this is not due to this planning proposal.

24. Thirty-three submissions from individuals and 2 submissions from industry groups raised concerns the proposal requires the retention of apartments that no longer meet contemporary design requirements.

25. **Response:** The proposal does not require the retention of existing apartments, only that the new development does not significantly reduce the number of apartments. A new development under the proposed controls will be expected to meet current amenity standards.

26. The same submissions raised similar concerns that the proposal requires the retention of apartments that require significant investment in upkeep or repairs, which is an unfair financial burden on current owners and strata corporations who should be free to redevelop their buildings.

27. **Response:** The planning proposal does not require the retention of existing apartments. It provides flexibility to ensure owners can refurbish, maintain or redevelop their properties. The intention and effect of the planning proposal is only to ensure that this does not lead to a significant reduction in dwelling numbers.

28. Twenty-nine individual, 3 industry and one submission from a building management body raised concerns the proposal limit the future supply apartments for families, seniors and group households.

29. **Response:** The planning proposal provides adequate flexibility to ensure that any redevelopment can provide some larger apartments as part of its overall dwelling size mix. Sydney Development Control Plan 2012 (DCP) requires 10% of apartments to have 3 or more bedrooms and soon to be exhibited controls proposed increasing this 20%. Testing of the proposed controls demonstrated that the current and draft dwelling mix controls can be achieved.

30. Seventeen submissions from individuals and one from industry raised concerns the proposal will unduly interfere with the market, going against consumer demand.

31. **Response:** The proposal addresses a negative effect of the market, being the loss of dwellings and loss of smaller more affordable dwellings, which contribute to housing diversity. New larger dwellings favoured by the market can still be developed under the proposed controls.

32. Five individual and one submission from a building management body raised concerns the proposal would have a negative impact on innovation and design flexibility.

33. **Response:** The planning proposal does not restrict innovation and design flexibility.

Requested changes to the planning proposal

34. Around 58 submissions from individuals and one from a community group called for amendments to the planning proposal, seeking stricter limits on housing loss, including reducing the maximum 15% loss standard, while others recommended stricter limits in specific zones or geographic areas.

35. **Response:** Lower rates of dwelling loss are not supported. The tipping point analysis undertaken in the planning proposal demonstrates that the proposed maximum 15% reduction rate best balances the need to ensure that buildings are not completely prevented from redevelopment with the intention to protect the stock of smaller dwellings. This ensures any redevelopment will be able to meet contemporary design standards, such as those set out in the NSW Government's Apartment Design Guide, and also achieve minimum requirements for larger apartments as proposed in the draft Sydney DCP amendment.

36. Eight submissions from individuals, one each from a community group and a building management body, called for the removal of the draft savings and transitional provisions from the proposal.

37. **Response:** The removal of the transitional provisions is not possible as it would be in contradiction of the gateway determination by the Department that specifically requested that the City update the planning proposal prior to exhibition to include provisions for savings and transitional arrangements for applications lodged before the new provisions come into effect. The City does have the power to make the LEP amendment as it must go back to the Department.

38. A submission from Pyrmont Action opposes the proposal's allowance for the conversion of residential buildings to non-residential buildings, with reference to a specific site affected by the Pyrmont Peninsula Strategy.

39. **Response:** The conversion of the residential building to a non-residential building can already occur under the mixed-use zoning of the site. The planning proposal only excludes the proposed requirement to limit the loss of residential dwellings when the building is redeveloped for residential dwellings.

40. Some submissions called for a relaxation of the draft control, particularly from those opposing the planning proposal. Twenty-two submissions from individuals requested changes to permit additional housing loss, with some advocating for the provision to address 'net-bedroom loss' rather than 'net-dwelling loss.' submissions from individuals, one submission from a community group and one submission from an industry group sought exemptions for older buildings, smaller developments, buildings that do not meet modern design standards, or those with lower than average apartment sizes.

41. **Response:** The proposed maximum 15% rate of dwelling loss is considered the most balanced solution. It meets the objectives and intended outcomes of the planning proposal while allowing for sufficient development flexibility and the ability to meet other controls for a mix of dwelling types. A detailed justification is provided within the planning proposal.

Renewal challenges for older apartment buildings

42. Submissions were received from and on behalf of residents in existing residential flat buildings on the impacts of the proposal on owners considering a collective sale of their building to a developer. Those opposed to the planning proposal, highlighted the financial impact that it may have due to reduced developer interest in their buildings. Those supporting the planning proposal prefer not to collectively sell their buildings and would like owners to prioritise maintenance and upkeep instead of seeking or being forced into collective sales.

43. **Response:** The planning proposal aims to protect against the significant loss of dwellings and help maintain a diversity of dwellings. It still enables buildings to be redeveloped. The sharing of value between owners and developers when buildings are redeveloped is a matter for those parties.

44. Eight submissions were received from individuals, one from industry and one from a building management body requesting an exemption for seniors housing development. A senior housing operator is currently considering the option of purchasing and redeveloping a residential flat building at 51-59 Roslyn Gardens, Elizabeth Bay (the Tor Building), for seniors housing. They argue that retirement living, aged care, and over-55s housing require more space for mobility, carers and communal areas. The submissions propose an amendment to exempt seniors housing developments would require that the building is owned and controlled by one entity and operated by a single managing agent, ensuring these exemptions cannot be used for private market dwellings.

45. **Response:** The planning proposal does not prevent the redevelopment of residential flat buildings or shop-top housing for seniors housing, as long as the loss of dwellings does not exceed 15%. Introducing an exemption for seniors housing would be inconsistent with the objectives of this proposal, as it could lead to significant dwelling loss through redevelopment for residential purposes. While there are acknowledged strategic and social benefits in providing certain forms of seniors housing, these can still be achieved should the planning proposal be implemented. The proposal's aim is to maintain housing diversity and availability, and exempting seniors housing would undermine that objective.

46. A specific concern was raised that Council might consider heritage listing of the Tor Building and that this may further impact on its redevelopment potential.

47. **Response:** The City is currently undertaking a heritage assessment of post war residential flat buildings in the Potts Point area. The City has met with owners of the Tor Building about the assessment. A planning proposal for any future heritage listings is planned to be reported to Council and the Central Sydney Planning Committee in the near future. Owners will be notified if the building is proposed to be listed and will have further opportunity to provide feedback.

Requests for other measures to make housing more affordable

48. Submissions requested changes to planning controls in the City's planning framework as well as other measures at a local, state and federal government level to respond to the ongoing housing crisis. This includes 44 submissions from individuals, five submissions from industry groups and one from a building management body specifically requesting increased density within the City's planning controls.

49. **Response:** These submissions are noted but are outside the scope of this planning proposal. The City has a number of current and recently completed planning proposals to boost housing supply. This includes adding incentives for build-to-rent housing in Central Sydney, adjustments to floor space and height limits to encourage affordable housing in the Botany Road Corridor and North Alexandria and capacity for another 4,000 homes under the Pyrmont Peninsula Review. In addition, the City makes significant contributions to the delivery of affordable housing for lower income earners in the local area. This includes using its planning levers to levy contributions and provide incentives, selling land to community housing providers below cost, and providing grants to increase the amount of affordable housing in the City. The response to submissions table provides more information on the City's response to housing issues.

Consistency with gateway determination

50. Two industry submissions raised concerns that the planning proposal is inconsistent with the gateway determination issued by the Department. They say the planning proposal lacks a clear evidence base, includes insufficient justification for the 15% standard and fails to explore alternative options. Additionally, the submissions argued the proposal is misaligned with Council's draft 20% minimum requirement for 3-bedroom units and did not account for scenarios with already low average apartment sizes or provide detailed worked examples.

51. **Response:** The changes made to the planning proposal prior to public exhibition thoroughly address the requirements of the gateway determination. The changes include:

(a) A comprehensive explanation of how the 15% maximum dwelling reduction rate was recommended. This included further detailed analysis on alternative maximum dwelling reduction rates to test the sensitivity of the proposed dwelling standard. The analysis showed future redevelopment of buildings could still be achieved while maintaining compliance with current minimum dwelling size requirements, as well as draft Sydney DCP requirements to provide 3-bedroom apartments in any new development. The testing included 5%, 10% and 15% options. It found:

(i) the 5% and 10% maximum dwelling reduction rate was demonstrated as too low as it was unable to achieve the required dwelling mix while ensuring that 20% of the units were 3-bedroom apartments; and

(ii) the 15% maximum dwelling reduction rate successfully balanced both objectives, aligning with dwelling size and mix requirements while minimising the loss of apartments.

(b) Dwelling reduction rates beyond 15% would meet dwelling size and mix requirements, but it is considered that they would result in an increasingly unacceptable negative housing supply, undermining the proposal’s intended outcomes.

52. Multiple worked examples to illustrate how the maximum dwelling reduction rate applies across various development scenarios, including buildings with mixed residential and non-residential uses are included in the planning proposal.

Consistency with the Housing SEPP

53. Two industry submissions are concerned about the planning proposal's alignment with the Housing SEPP. They argue that the proposal does not adequately consider its interface with provisions in the Housing SEPP for the retention of existing affordable rental housing. Additionally, the proposal’s limited reference to the Housing SEPP and its inflexibility are seen as inconsistent with the Housing SEPP aims to promote housing diversity and prevent the loss of affordable housing.

54. **Response:** There are very limited instances where both the retention of existing affordable rental housing provisions in the Housing SEPP and the dwelling retention controls would apply, specifically on buildings held in single title that are not strata or company title. In such cases, there is no conflict as the Housing SEPP focuses on retaining affordable rental housing, while the planning proposal addresses overall housing supply, irrespective of affordability. The gateway determination confirms the planning proposal's consistency with the Housing SEPP, as demonstrated in the determination report prepared by the Department.

55. The submissions were also concerned that the dwelling retention control could reduce opportunities for using the in-fill affordable housing provisions in the Housing SEPP, which allows up to 30% additional floor space and height if 10% to 15% of apartments are used for affordable housing for 15 years. The submissions suggest development be exempt from the proposed dwelling retention requirements should the Housing SEPP's infill provisions be applied to the development.

56. **Response:** The planning proposal does not impede the use of the in-fill affordable housing provision in the SEPP. Rather, this provision can assist developers in maintaining existing dwelling numbers while offering more flexibility in redevelopment.

Concerns about the engagement process

57. Nineteen submissions from individuals and 2 submissions from industry groups raised concerns about the engagement process, stating there has not been enough industry engagement. One submission from an individual raised that developers' employees were lodging submissions without disclosing their interests and that a pro-forma in support of the proposal was also being circulated. It was implied that these strategies would interfere with the transparency of the engagement process.

58. **Response:** The planning proposal was exhibited in line with the gateway determination requirements. It was accessible on the City of Sydney website, in accordance with the City's Community Engagement Strategy and Participation Plan 2023. The opportunity to make submissions was open to all. The City has reviewed all submissions and addressed the relevant issues.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

59. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This planning policy is aligned with the following strategic directions and objectives:

    (a) Direction 1 - Responsible governance and stewardship - this planning proposal will ensure the City of Sydney's planning framework reflects current policies and strategies and delivers on balancing the needs of a global city.

    (b) Direction 5 - A city for walking, cycling and public transport - this planning proposal will protect existing housing in the City that is well connected and encouraged the use of public transport and walking and cycling.

    (c) Direction 6 - An equitable and inclusive city - this planning proposal maintains the diversity of housing available in the City of Sydney, ensuring a range of different housing types that to meet the needs of a diverse community.

(d) Direction 7 - Resilient and diverse communities - this planning proposal includes provisions to support and strengthen our community and maintain its diversity.

(e) Direction 9 - A transformed and innovative economy - this planning proposal supports Central Sydney as a global business centre by supporting the retention of housing for a diverse workforce close to the city centre.

(f) Direction 10 - Housing for all - this planning proposal directly responds to the current housing crisis. It ensures that housing supply is not being reduced by redevelopment and maintains the limited availability of smaller, relatively low cost, dwellings to meet the needs of a diverse community and workforce.

Relevant Legislation

60. Environmental Planning and Assessment Act 1979.

61. Environmental Planning and Assessment Regulation 2021.

Critical Dates / Time Frames

62. The gateway determination requires the planning proposal be made by 28 March 2025.

63. The amendment to the Sydney Local Environmental Plan 2012 will come into effect when published on the NSW Legislation website.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Gibran Khouri, Specialist Planner

Kristina Argiropoulos, Cadet Planner

Attachment A

Summary of Submissions

Introduction

This submissions table provides a summary of the 390 submissions received during the public exhibition period of Planning Proposal – Sydney Local Environmental Plan 2012 – Dwelling Retention.

Submissions were received from a range of stakeholders including residents, community groups, industry peak bodies, planning consultants representing landowners, strata schemes and a state agency. Over 66% of submissions stated overall support for the planning proposal. The community groups, industry, government agencies and owners' corporations or company title who made submissions are listed below.

Individuals (374)	
Community groups (4)	
Pyrmont Action (2 submissions)	Glebe Society
2011 Residents' Association	Potts Point Preservation Group
Industry (7)	
National Trust of Australia	Planning & Co
Australia Institute of Architects	Thirdi Group
Renato D'Ettore Architects	Time & Place
Keyton	
Government agencies (1)	
Sydney Water	
Building management bodies (4)	
Strata Plan No 31174, 137-147 Forbes Street, Woolloomooloo	Strata Plan No 2130, 51-59 Roslyn Gardens, Elizabeth Bay
Chair of the Board of Directors, The Gateway Pty Limited, 3 Wylde Street, Potts Point	Board of Directors, 17 Wylde Street, Potts Point

Submission Position	**Number**	**Proportion (%)**
Support – no changes	186	48
Support – with greater restrictions	61	16
Support – with less restrictions	12	3
Oppose	91	23
Comment (do not support or oppose)	40	10
Total	390	100

Summary of submission	Response
Support and opposition to planning proposal	
1) Reasons for support	
a) Support for 15% control *Submissions from 5 individuals* A balanced, logical, principled and fair response to addressing the community's housing issues.	**a) Response** Support for the proposal is noted.
b) Support for objective and intended outcomes *Submissions from 116 individuals* The proposal supports key workers, students and long-term locals, and the dynamic atmosphere of neighborhoods with Potts Point area frequently mentioned. Loss of housing diversity is seen as a threat to this balance. *Submissions from 2 community groups* Supported by Pyrmont Action. Potts Point Preservation Group notes that retaining dwellings is crucial for maintaining affordability and diversity, which are unique features of the area. *Submission from an industry group* Australian Institute of Architects outlines how the proposed control will help achieve the planning proposal's goals. It ensures that development aligns with infrastructure, improves access to essential services for lower-income residents, and supports living near workplaces, which reduces car use and promotes healthier lifestyles. Additionally, it stabilises housing supply and costs, fosters community stability, and supports the local economy by sustaining demand for retail and services. *Submission from a building management body* Supported by board of directors for 17 Wylde Street.	**b) Response** Support for the proposal is noted.
c) Supported as a response to housing crisis *Submissions from 42 individuals* Housing is regarded as a fundamental right for everyone, especially vulnerable populations. Development reducing housing stock further contributes to the crisis and displaces long-term residents. This issue is part of a larger discussion about whether the city should cater solely to the wealthy or strive to remain inclusive for all.	**c) Response** Support for the proposal is noted.

Summary of submission	Response
Submission from 2 community groups Pyrmont Action and Potts Point Preservation groups highlight the ongoing housing crisis in Australia. *Submission from a building management body* The board of directors at 17 Wylde Street Potts Point support the proposal as it would protect housing stock during a housing crisis.	
d) Loss of housing impacting local economy *Submissions from 7 individuals* Loss of dwellings is harming the local economy in Potts Point area with decreased foot traffic, lower business patronage. Demographic change with fewer, wealthier residents is diminishing demand for services and public transport. *Submission from a building management body* The board of directors at 17 Wylde Street Potts Point are concerned about the impact of recent development on vibrancy, social and cultural characteristics of the area.	**d) Response** Support for the proposal is noted.
e) Embodied carbon impacts of redevelopment *Submissions from 3 individuals* Replacing buildings long before their end of life has an embodied carbon impact. *Submission from an industry group* National Trust notes that in many instances, the 'greenest' building is the one that already exists.	**e) Response** Support for the proposal is noted.
f) Encourages investment in maintenance *Submission from an individual* The proposal encourages owners to invest in maintenance and upgrades in favour of selling to developers in future.	**f) Response** Support for the proposal is noted.
g) Reduced heritage impacts *Submission from an individual* The proposal could preserve the unique and diverse heritage architecture of an area.	**g) Response** Support for the proposal is noted.
2) Reasons for opposition	
a) General opposition *Submissions from 11 individuals* The planning proposal is overly restrictive, reactive and flawed. Development complying	**a) Response** The planning proposal protects against the loss of dwelling numbers and allows redevelopment to occur. It ensures that existing supply is not

Summary of submission	Response
with the control will still produce unaffordable housing, won't achieve its intended outcome for the retention of dwellings and won't increase housing supply.	lost in favour of larger and more expensive housing. **Action**: None required.
b) Impact on development feasibility *Submissions from 35 individuals* The planning proposal, in limiting the number of larger apartments that can be provided, will decrease development feasibility. This is owing to the high demand for larger apartments, particularly in and around Potts Point, that underpins strong feasibility. The control will cause a stagnation in development in the City of Sydney (the City), with investment shifting elsewhere. *Submission from a community group* Pyrmont Action express similar concerns about feasibility impacts and the flow-on effects. *Submissions from 3 industry groups* Thirdi Group, Keyton and Planning & Co also have similar concerns. Planning & Co adds feasibility is restricted further where existing buildings already exceed the floor space ratio (FSR) and height of building (HOB) controls.	**b) Response** The planning proposal supports housing diversity and affordability by discouraging the replacement of smaller apartments with fewer large apartments. Limiting the loss of smaller, lower cost apartments, in favour of larger, higher value apartments, may have some impact on the relative profit that can be achieved in any redevelopment. Notwithstanding the above, it does not mean that redevelopment is unfeasible. The planning proposal provides adequate flexibility to allow for redevelopment. While opportunities and constraints differ across sites, redevelopment will be most attractive where there is potential for unrealised capacity in existing planning controls to be used to provide larger apartments. Where buildings are already close to or exceed existing built form controls, further intensification of the site is limited in general, but this is not due to this planning proposal. **Action**: None required.
c) Opposed to retaining buildings with superseded design standards or where investment in repairs is required *Submissions from 33 individuals* These submissions relate to two separate issues: • buildings in deteriorating condition – e.g. waterproofing issues, requiring window replacement, asbestos removal. • buildings built to superseded design standards – e.g. no balconies, low ceiling height and size less than 35sqm. They are opposed to the controls because it will mean these types of buildings won't be redeveloped. These buildings are considered inconsistent with modern building requirements, have lower amenity, can be unsafe, may have limited accessibility, and poor environmental standards. This results in poor amenity for residents and exposure to health and safety	**c) Response** The proposal does not require the retention of existing apartments, only that the new development does not significantly reduce the number of apartments. A new development under the proposed controls will be expected to meet current amenity standards. It provides flexibility to ensure owners can refurbish, maintain or redevelop their properties. The intention and effect of the planning proposal is only to ensure that this does not lead to a significant reduction in dwelling numbers. **Action**: None required.

Summary of submission	Response
risks where a building is in deteriorating condition. Owners may not be able to fund repairs, leading to further deterioration and reducing property values further, with re-sales becoming difficult. This situation is seen as contrary to objective (h) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) "to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants." *Submissions from 3 industry groups* Thirdi Group and Time & Place raise the same concerns. Planning & Co claim the planning proposal fails to consider these circumstances, and that poorer amenity may make these older dwellings relatively more affordable, but that affordable housing should not be 'worse housing'.	
d) Impact on larger apartments for families, seniors and group households *Submissions from 29 individuals* The proposal will limit new supply of larger apartments and does not account for the growing demand for larger apartments in Potts Point. This negatively impacts families including intergenerational households, empty nesters seeking to downsize and group households, potentially displacing long-term residents. The impact on population hasn't been explored. Larger apartments often enable rent-sharing, making housing more affordable than sole occupancy units. *Submissions from a building management body* The owner's corporation at 137-147 Forbes Street, Woolloomooloo share these concerns. *Submissions from 3 industry groups* Planning & Co share these concerns. Time & Place specifically refer to a significant undersupply of larger apartments in the Potts Point area, with data from the Australian Bureau of Statistics to support this claim. They cite, lower than average numbers of 3- and 4-bedroom apartments compared to the rest of the state, largely due to the high-density nature of the area.	**d) Response** The planning proposal provides adequate flexibility to ensure that any redevelopment can provide some larger apartments as part of its overall dwelling size mix. Sydney Development Control Plan 2012 (DCP) requires 10 per cent of apartments to have 3 or more bedrooms and soon to be exhibited controls proposed increasing this 20 per cent. Testing of the proposed controls demonstrated that the current and draft dwelling mix controls can be achieved. **Action**: None required.

Summary of submission	Response
Keyton state that the proposal will negatively impact the delivery and ability to address the current shortage of seniors housing in the City, particularly to their larger space requirements.	
e) Opposed to market intervention by government *Submissions from 17 individuals* The proposal unnecessarily interferes in the housing market removing flexibility to respond to market demand and undermines property owners' rights. Fewer rules are believed to enhance housing supply and stimulate economic growth, allowing the market to dictate development needs. *Submission from an industry group* Time & Place refers to this proposed change as a very direct market intervention that could have serious, unintended consequences.	**e) Response** The proposal addresses the effect of the market, being the loss of dwellings and loss of smaller more affordable dwellings, which contribute to housing diversity. New larger dwellings favoured by the market can still be developed under the proposed controls. **Action**: None required.
f) Negative impact on innovation and design flexibility *Submissions from 5 individuals* Proposal limits developers' ability to have flexibility and innovation in redeveloping residential buildings. *Submission from a building management body* Submission from the owner's corporation for 137-147 Forbes Street, Woolloomooloo share these concerns.	**f) Response** The planning proposal ensures a balance between innovation and the need to retain housing stock, without unduly restricting creative design solutions. **Action**: None required.
g) Reduced developer contributions for council *Submissions from 3 individuals* The proposed control would reduce opportunities for redevelopment, reducing the amount of 7.11 developer contributions that the Council receives. *Submission from an industry group* Thirdi shares these concerns.	**g) Response** The concern the planning proposal would limit the City's receipt of developer contributions is noted, however, minimising the loss of housing supply through the redevelopment of existing dwellings the City's primary concern. **Action**: None required.
h) Proposal does not prevent displacement *Submission from an individual* Even if housing is retained through development because of this control, there will still be a displacement of existing residents and some loss of housing.	**h) Response** This planning proposal effectively reduces the loss of housing supply. However, it is acknowledged it cannot prevent evictions or displacement during redevelopment or for other reasons. **Action**: None required

Summary of submission	Response
i) Loss of housing minimal compared as a percentage of overall housing stock *Submission from an individual* The reduction of units by 15% is prohibitive and may only address current short-term problems. The loss of only 65 dwellings since 2018 and proposed reduction of 143 dwellings is minimal and does not justify the proposed restrictions.	**i) Response** The City has been tasked by the NSW Government to grow supply and meet a local housing target of 18,900 dwellings over the next 5 years. While the reduction in numbers may seem small, any loss in supply is to the detriment of housing supply for the community. Moreover, as a percentage of overall housing stock, their impact is amplified by their concentration in relatively affordable apartments in the Potts Point area. **Action**: None required.
j) New housing and infrastructure elsewhere *Submissions from 2 individuals* New metro lines and housing uplift close to these stations means more people will have quick access to the Sydney CBD. This reduces the urgency of retaining dwellings in the City. The planning proposal does not consider this.	**j) Response** Even with the changes described, it does not diminish the importance of this planning proposal in supporting housing supply in the City. **Action**: None required.
k) Benefits of gentrification *Submissions from 2 individuals* Gentrification could deliver positive change by revitalising the area with new developments creating a safer, family friendlier area. Retaining more affordable housing in the Kings Cross/Potts Point area exacerbates issues like drugs, crime and homelessness.	**k) Response** There is no evidence that retaining housing in the Potts Point area will worsen crime, drugs, or homelessness. Dwelling retention is crucial for diversity, relative affordability, and proximity of workers to lower-paid jobs. **Action**: None required.
l) Need to balance housing affordability goals with supporting new development *Submission from an industry group* Thirdi Group do not support restricting development to maintain housing affordability. Development plays a crucial role in economic growth, employment and livability.	**l) Response** It is agreed development plays a crucial role in economic growth, employment and livability. The stated objective of the planning proposal is to minimise the loss of housing diversity and supply through the redevelopment of existing dwellings. Supporting housing affordability is stated objective of the planning proposal, given the current housing crisis. The planning proposal provides adequate flexibility to facilitate development and does not restrict development from occurring. There are other developments that can occur on these sites, including redevelopment that does not reduce housing and/or refurbishments. **Action**: None required.

Summary of submission	Response
m) Interface with Housing SEPP *Submissions from 2 industry groups* Planning & Co raises concern that the planning proposal does not adequately consider its interface with *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) Chapter 2, Part 3. The SEPP already imposes conditions to reduce the loss of affordable housing, and not just the retention of existing dwellings, which are not affordable dwellings. Further, the SEPP part allows a consent authority to impose an affordable housing condition requiring a monetary contribution on development that reduces affordable housing. Victorian developer Time & Place goes further to state that the planning proposal is inconsistent with the Housing SEPP for the following reasons: • The planning proposal makes limited reference to the Housing SEPP and the Department's Gateway Determination Report flags the general issue of older buildings not being able to be consistent with the amenity provisions in the Housing SEPP. • The inflexible nature of the proposed control in the planning proposal is inconsistent with the affordable housing provisions and overall aims in the Housing SEPP to promote diversity and mitigate the loss of affordable housing. • A flow-on impact of less development due to the proposed dwelling control is that there will be fewer opportunities for the recently introduced in-fill affordable housing provision under the Housing SEPP. This provision in the Housing SEPP allows for 30% additional FSR if 15% of apartments are provided as affordable housing for 15 years. It requests that the Department should exempt the application of the dwelling retention control where the in-fill affordable housing provision of the Housing SEPP is applied.	**m) Response** With regards to the interface with the retention of existing affordable rental housing provisions in the Housing SEPP, there are very limited instances where both the SEPP and the dwelling retention controls would apply, specifically on buildings held in single title that are not strata or company sub-divided. In such cases, there is no conflict as the Housing SEPP focuses on retaining affordable rental housing, while the planning proposal addresses overall housing supply, irrespective of affordability. The gateway determination confirms the planning proposal's consistency with the Housing SEPP, as demonstrated in the determination report prepared by the Department. The Gateway Determination is satisfied by the Planning Proposal's consideration of Housing SEPP 2021, and the accompanying determination report clearly demonstrates this to be the case. The Department's Gateway Determination Report states that "*the planning proposal is consistent with the SEPP as it considers the need to provide apartments with good amenity for future residents that meet the Apartment Design Guide*." The planning proposal supports the objectives of the Housing SEPP "enabling the development of diverse housing types" and "mitigating the loss of existing affordable rental housing." This is also addressed in the Justification section (pp.15) of the Planning Proposal. Concerns about the impact on development feasibility as a result of this planning proposal was addressed in Section 2(b). In addition, where redevelopment of a residential flat building is proposed, a proponent can utilise the in-fill affordable housing provision under the Housing SEPP which enables additional FSR and height where 10%-15% of the development is provided as affordable housing for 15 years. The planning proposal does not impede the use of the infill affordable housing provision in the Housing SEPP. The use of this provision can help to provide a developer with additional FSR in any redevelopment and assist in maintaining the number of existing dwellings. **Action**: None required.

Summary of submission	Response
n) Inconsistent with the conditions of the Gateway Determination due to lack of justification *Submissions from 2 industry groups* Planning & Co is concerned that the tipping point analysis in the planning proposal is based on a small sample and does not sufficiently justify the 15% standard or its potential impacts. It does not demonstrate that a diverse mix of dwelling sizes can be achieved and the Gateway determination, by requesting more analysis, validates these concerns. Time & Place states that the proposal is inconsistent with the conditions of the gateway determination for the following reasons: • no clear evidence base and analysis explaining how the proposed control was chosen • does not explore options or alternatives that could have been applied to balance a wide range of views • misaligned with Council's draft 20% minimum requirement for 3 bedroom units • does not analyse scenarios where average apartment size in existing building is already very low • absence of detailed 'worked examples' and the implications of these.	**n) Response** The changes made to the planning proposal prior to public exhibition thoroughly address the requirements of the gateway determination specifically: • A comprehensive explanation of how the 15% maximum dwelling reduction rate was determined (Gateway requirement 1(a)(i)). This included further detailed tipping point analysis that explores a range of alternative maximum dwelling reduction rates to test the sensitivity of the proposed dwelling standard. The aim of the tipping point analysis is to ensure future redevelopment of buildings could still be achieved while maintaining compliance with current minimum dwelling size requirements, as well as draft Sydney DCP requirements to provide 3-bedroom apartments in any new development. The testing included 5%, 10% and 15% options. It found the 5% and 10% maximum dwelling reduction rate was demonstrated as too low as it was unable to achieve the required dwelling mix while ensuring that 20% of the units were 3-bedroom apartments; and the 15% maximum dwelling reduction rate successfully balanced both objectives, aligning with dwelling size and mix requirements while minimising the loss of apartments. Dwelling reduction rates beyond 15% would meet dwelling size and mix requirements, but it is considered that they would result in an increasingly unacceptable reduction on housing supply, undermining the proposal's intended outcomes. This explanation is provided on pages 7-8 of the planning proposal. • Discussion regarding how the proposal ensures a diverse mix of dwelling sizes for various household types and its application to employment and mixed-use zones (Gateway requirement 1(a)(ii) and (iii)) is provided on pages 7, 9 and 10 of the planning proposal. The planning proposal also addressed the requirement (1)(b) and (1)(c) of the Gateway determination to update Section 9.1 Ministerial Direction 4.2 – Coastal Management and to include a transitional provision, respectively. **Action**: None required.

Summary of submission	Response
o) Inconsistent with objects of the Environmental Planning and Assessment Act 1979 *Submission from an industry group* Planning & Co argues that the proposal is inconsistent with the objects of the EP&A Act, specifically: • To promote the orderly and economic use and development of land (at s 1.3(c)) as it restricts development of uses that are legally permitted within a zone such as single dwellings. • To promote the delivery and maintenance of affordable housing (at s 1.3(d)) as it may prevent the replacement of aging, low-amenity housing with affordable rental options if the redevelopment reduces existing dwelling numbers by more than 15%. • To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants (at s 1.3(h)) as the proposal restricts the redevelopment of a site to meet modern building standards.	**o) Response** The planning proposal balances opportunity to redevelop while preserving existing housing. It aligns with the Act by integrating environmental and economic considerations, supporting orderly land use while allowing redevelopment that respects the objectives of land use zones. The planning proposal does not restrict dwelling houses, which remains a use permitted with consent and it also does not prevent the combining of two dwellings into one. It also does not prevent broader redevelopment from occurring, where there is a reduction in dwellings provided that no more than 15% of dwellings are lost. The planning proposal does not restrict the provision of affordable housing and development may still use the infill affordable housing provisions in the Housing SEPP. The proposal does not restrict the redevelopment of a site. **Action**: None required.
Requested changes to planning proposal	
3) Requested changes to further restrict loss of dwellings	
a) Reduction in the allowable percentage loss *Submissions from 57 individuals* 57 submissions request stricter limits on dwelling loss. Specifically: • 22 request no loss of dwellings; • 6 request an unspecified lower percentage; • 5 suggest a maximum loss of 10%; • 5 request an increase in dwellings; • 1 requests a 5% maximum; and • 1 requests no loss, but allows up to 10% on a case-by-case basis. The remaining submissions request an alternative stronger approach. This includes having no reduction in certain zones or for buildings with larger units. One submission argues that because there is additional FSR available from the Housing SEPP in-fill affordable housing incentives means there should be no reason to justify any dwelling loss.	**a) Response:** The City notes the requests to introduce stricter limits for dwelling loss. As explained in the planning proposal, the proposed 15% reduction rate is based on finding a reduction rate that best balances the need to ensure that buildings are not completely prevented from redevelopment with the intention to protect the stock of smaller dwellings.. Further restrictions on dwelling loss is not supported, as redevelopment must meet current amenity and spatial requirements, including larger apartments and modern layouts. The 15% maximum dwelling reduction rate is preferred over lower percentages, such as 5% or 10%, because these lower rates were found to be too restrictive. They would not allow for the necessary dwelling mix, particularly the proposed minimum 20% provision of 3-bedroom units. The 15% rate strikes the right balance, enabling redevelopment to occur while

Summary of submission	Response
Submission from a community group Pyrmont Action requests no loss at all, even the merging of two apartments into one.	maintaining housing diversity and ensuring compliance with current standards. **Action**: None required.
b) Apply control to non-residential uses *Submission from an individual* The conversion of residential buildings to office should be banned. *Submission from a community group* Pyrmont Action oppose conversion of residential buildings to non-residential buildings as it reduces the supply of housing and undermines the objectives of this planning proposal. They request amendments to prevent any dwelling loss when residential is converted to non-residential.	**b) Response** The conversion of the residential building to a non-residential building can already occur under the mixed-use zoning of the site. The planning proposal only excludes the proposed requirement to limit the loss of dwellings when the building is redeveloped for residential purposes. Reference was made in the submission to a specific matter that relates to the Pyrmont Peninsula Strategy. This will be on public exhibition from 1 October 2024 to 13 November 2024 providing opportunity to comment. This matter is not relevant to this planning proposal. **Action**: None required
c) Opposed to Council not being nominated as plan-making authority *Submissions from 7 individuals* Local council is better suited to handle local housing issues. Council has the planning expertise and a stronger understanding of community concerns. *Submission from a community group* Potts Point Preservation Group share this view. *Submissions from 2 building management bodies* The board of directors at 17 Wylde Street and 3 Wylde Street, Potts Point share this view.	**c) Response** These concerns are noted, however the Act empowers the Minister to make an LEP, and delegation to a state government representative, or to a Council, is at their discretion. In this instance, the authority has not been delegated to Council and it is not within the powers of Council to alter this decision. **Action**: None required
d) Remove savings and traditional provisions *Submissions from 8 individuals* The savings provisions may encourage developers to fast-track proposals before the new rules take effect. There has been a surge in applications to demolish older buildings to bypass the proposal. To prevent this, the proposal should apply to already lodged development applications (DAs). *Submission from a community group* Potts Point Preservation Group share this view. *Submission from a building management body*	**d) Response** The Department required as part of their Gateway Determination that the City update the planning proposal prior to exhibition to include a provision for savings and transitional arrangements for applications lodged prior to the provision coming into effect. **Action**: None required

Summary of submission	Response
The board of directors at 3 Wylde Street, Potts Point share this view. **e) Requests post-exhibition report back to Council in October** *Submissions from 3 individuals* The planning proposal is requested to be reported to Council in October to ensure quick implementation of changes. *Submission from a building management body* Board of directors at 3 Wylde Street, Potts Point share this view. **f) Mandate net increase in dwellings for upzoned land** *Submission from an individual* If the state government's 'low and mid-rise housing reform' is implemented, the City should include a clause in its LEP requiring any new development in these areas to result in a net increase in dwellings. **g) Apply additional restrictions on larger units** *Submission from an individual* Limits on 3 bedroom apartments in the postcode 2011 should apply and a minimum net increase in dwellings (e.g. 125%) instead of the maximum loss of 15%. This is because the current control is insufficient for the 2011 postcode. The City needs to recover lost housing, increase demand near infrastructure, re-introduce affordable housing and a mixed population and contribute to unmet housing needs. *Submission from a community group* Pyrmont Action requests measures to keep a mix of apartments to maintain affordability. This includes requiring one bedroom and 2 bedroom apartments to only have one bathroom.	**e) Response** Planning proposals are reported back to Council following public exhibition as soon as possible. A significant number of submissions were received about this planning proposal that required due consideration and response. **Action**: None required **f) Response** At this stage, there is no indication of the timing and final form of the 'low and mid-rise housing reform.' Planning responses to these reforms will be considered once it is in place. **Action**: None required **g) Response** The City does not support the restriction on providing larger apartments as they are also needed for larger households in the local area. Limiting the number of bathrooms is not supported as it's unlikely to influence housing supply and diversity. **Action**: None required
4) Requested changes to allow exceptions to the rule and/or to allow for greater loss of dwellings	
a) Change provision to 'net-bedroom loss' rather than 'net-dwelling loss' *Submissions from 22 individuals* Instead of a net dwelling loss, replace this with 'net bedroom loss.' This would mitigate the	**a) Response** The proposal to shift from 'net-dwelling loss' to 'net-bedroom loss' has been considered. However, since the lost units are generally smaller, this change would likely diminish

Summary of submission	Response
impact of reduced dwelling numbers by potentially maintaining or increasing the total bedroom count. Larger units can house more people, provide accommodation for families and extended groups and support co-living arrangements compared with studios.	housing choice by forcing smaller households into share households. Recent redevelopments typically result in new, less affordable apartments for group households, meaning the net loss of dwellings persists and doesn't solve affordability concerns or housing needs for smaller households. **Action**: None required
b) Requests for exemptions and variations *Submissions from 19 individuals* Request exemptions from or variations to the proposed maximum dwelling loss of 15% contained in the planning proposal as summarised below: *Older buildings* • exempt buildings older than 50 years. • further reduction to meet modern standard. • reduction to meet broader objectives - housing diversity, sustainable development, safety and accessibility. • increase FSR, HOB, reduce parking to support no loss of dwellings in redevelopment while for newer buildings have a no net loss provision (0%). *Allow greater than 15% loss* • 20% • 25% • 'more than 15%' • only restrict merging of apartment buildings into one dwelling. *Exempt smaller developments* • only apply to more than 20 units • only apply to more than 6 units • allow merging of 2 units. • Allow incremental merging of apartments. *Other exemptions where existing building:* • already exceeds the current FSR and HOB controls; • are non-compliant with the current Apartment Design Guide and Building Code of Australia (BCA); or • has an average apartment size too low to facilitate a minimum of 20% 3-bedroom apartments in a redevelopment. • provides contributions to an affordable housing fund if it isn't feasible to retain dwellings.	**b) Response** The planning proposal allows the merging of two apartments into one. It also allows the incremental merging of units within the rule. For example, if in a block of 7 units, two apartments on the top floor were merged and a subsequent DA was submitted to merge the two ground floor units, the proposed dwelling retention control would not prevent this. In relation to older buildings, the age of buildings is unrelated to the supply and diversity of housing. The exemptions proposed contradict the objectives and intended outcomes. In relation to allowances for greater than 15% loss, the planning proposal used a tipping point analysis, to consider the lowest rate that can be applied while also meeting the objectives of a minimum 20% 3-bedroom apartments in the new development and meeting modern apartment size standards. Unlike the 15% rate which is justified by the planning proposal, rates higher than 15% are not supported as they allow an even higher rate of housing loss. The planning proposal has already considered that some existing residential buildings have smaller units than current standards, while others meet or exceed existing FSR or HOB, limiting redevelopment opportunities. The 15% loss rate is seen as the best balance to minimise housing loss while still allowing redevelopment, based on testing across six scenarios that considered these issues. There is also no evidence in recent dwelling loss examples where the existing building already met or exceeded the FSR or HOB control. The Housing SEPP facilitates contributions for the loss of affordable rental housing, but only in very limited scenarios and it does not apply to strata or company title residential flat buildings.

Summary of submission	Response
Submission from a community group The Glebe Society requests an amended limit of dwelling loss to 2 or 15%, whichever is the greater. This could be limited to apply only where it is the owner's principal residence. They also request an exemption for heritage items and contributory items where the development would reinstate its original layout. Their rationale is that many buildings that are originally dwelling houses have been unsympathetically divided into separate units, often as substandard accommodation. It should be noted that this does not necessarily mean the loss of all the flats in an old house and instead focus on reinstating principal parts of the original plan. *Submission from an industry group* Time & Place requested an exception clause for applications that include in-fill affordable housing in accordance with Part 2, Division 1 of the Housing SEPP 2021. It was also requested that where an existing residential flat building is subject to redevelopment, through significant investment well in advance of the proposed policy, the subject site is excluded from its application.	This is not an option that can be applied to dwelling loss of this nature. The proposal does not prevent merging two apartments through consecutive DAs, as suggested by the Glebe Society. The option of losing 2 or 15% is not supported as an owner with 3 adjacent apartments are able merge them with two DAs. However, merging more than two units is not expected to be common, and the provision applies regardless of single or multiple ownership. **Action**: None required
c) Exclude seniors housing *Submissions from 8 individuals* Request exemption for retirement living, aged care and over-55s living as aged care needs more space for mobility, carers, and communal areas. *Submission from a building management body* A submission on behalf of the owners of 51-59 Roslyn Gardens Elizabeth Bay requests an amendment to the draft clause to exempt seniors housing if the building will not be subdivided into separate strata lots; and will be owned and controlled by one entity; and will be operated by one managing agent, who provides on-site management. They are concerned that the Planning Proposal may preclude seniors housing development as a redevelopment for seniors housing would reduce the number of dwellings at 51-59 Roslyn Gardens by more than 15% (noting the small	**c) Response** The planning proposal does not prevent the redevelopment of residential flat buildings or shop-top housing for seniors housing, as long as the loss of dwellings does not exceed 15%. Introducing an exemption for seniors housing would be inconsistent with the objectives of this proposal, as it could lead to significant dwelling loss through redevelopment for residential purposes. While there are acknowledged strategic and social benefits in providing seniors housing, these benefits can still be achieved should the planning proposal be implemented. The proposal's aim is to maintain housing diversity and availability, and exempting seniors housing would undermine that objective. Also refer to 4(d) Concerns about lack of flexibility with Clause 4.6.

Summary of submission	Response
existing unit sizes in the building which cannot meet the accessibility standards required to meet the needs of older and disabled people with mobility restrictions and the need to provide communal facilities for a managed seniors housing community). It also explains that their proposed amendment won't have unintended consequences as it cannot be applied to strata subdivided private dwellings and instead, promotes the development of managed seniors housing buildings that are owned and controlled by one entity and operated by one manager. This will ensure that only non-private dwellings are promoted and that the provision cannot be utilised to provide private dwellings built by market housing developers. Submission provided a strategic justification for this change identifying consistencies with local and state strategic plans. *Submission from an industry group* Keyton request an amendment to the draft clause to exempt seniors housing, similar to the request made by the owners of 51-59 Roslyn Gardens Elizabeth Bay.	**Action**: No change required
d) Concerns about lack of flexibility with Clause 4.6 *Submission from an individual* The use of exceptional circumstances via only a Clause 4.6 variation is onerous, and a greater flexibility is required to allow for scenarios that must be contained in the drafting of the new Local Provision in Part 6 of the Sydney Local Environmental Plan 2012 (Sydney LEP). *Submissions from 2 industry groups* Planning & Co is concerned that the clause objective negates the use of Clause 4.6 as any loss of housing would ultimately be inconsistent with the objectives of the clause. It is also concerned that it would make consideration of environmental and economic impacts under s4.15 of the EP&A Act secondary considerations compared to the social impacts. It recommends that amendments to the Sydney LEP should balance considerations of the environmental and economic impacts of	**d) Response** Clause 4.6 provides flexibility on a case-by-case basis and is not solely dependent on proposed dwelling numbers. It does not prioritise social impacts over environmental or economic considerations, all of which remain essential consideration under s4.15 of the Environmental Planning and Assessment Act 1979. There are scenarios where Clause 4.6 would be applicable. For instance, if a building exceeds the 15% dwelling loss threshold but requires redevelopment due to deterioration, Clause 4.6 offers the necessary flexibility, provided the proponent can justify the variation. The clause is intended to allow justified exceptions, not restrict its application. **Action**: No change required

Summary of submission	Response
development or restrictions on development per the EP&A Act. Time & Place share similar concerns, believing that Clause 4.6 will be rarely used, providing limited flexibility, due to the focus on the quantitative impact on dwelling numbers.	
e) Savings provisions are inadequate and unclear *Submission from an industry group* Time & Place are concerned that the savings provisions proposed will not safeguard Concept DAs, where the detailed design DA stage has not yet commenced. Requests refinement to ensure that applications and subsequent applications will not the subject of this policy.	**e) Response** The draft savings provision in the planning proposal applies to subsequent DAs, following the initial concept DAs for the site. **Action**: No change required
5) Other	
a) Contiguous development provisions *Submission from an individual* Suggests development subject to this clause could be required to be contiguous or within a specified distance, such as "not more than 200 meters apart," to ensure effective implementation of the control.	**a) Response** This is not supported as it places unnecessary restrictions on the flexibility of development sites and could hinder the efficient use of land. The primary objective of the planning proposal is to manage dwelling retention on a site-by-site basis, and introducing a distance requirement could inadvertently limit opportunities for appropriate redevelopment while adding unnecessary complexity to the assessment process. **Action**: No change required
b) Monitoring and review of controls *Submission from an industry group* Australian Institute of Architects seeks effective monitoring, review and enforcement of the control once in force. This is crucial for transparency, public trust and making sure the controls continue to meet their objectives.	**b) Response** The City monitors and reviews all planning controls regularly to ensure they are functioning effectively. This will also apply to the dwelling retention controls should they be implemented. **Action**: No change required
Renewal challenges for older apartment buildings	
6) Impacts of proposed control on existing owners who would like to sell their building	
a) Negative impact on apartment values *Submissions from 2 individuals* Submissions say the planning proposal will have a negative impact on apartment values. This is most significant for buildings that require significant levies to meet safety and compliance standards.	**a) Response** The objective and intended outcomes of this planning proposal are to maintain housing diversity and availability by minimising the loss of housing supply.

Summary of submission	Response
Submission from a building management body The Owners Corporation at 137-147 Forbes Street, Woolloomooloo are concerned the control will artificially lower apartment values due to its impact on feasibility.	The value of a dwelling is affected by many factors including building condition, financial state of owners corporations and amount invested in the maintenance and upgrade of buildings over time. Also refer to 2(b) Impact on development feasibility. **Action:** No change required.
b) Reduced willingness to invest and maintain existing apartment buildings *Submissions from 37 individuals* Owners show reduced willingness to invest in maintaining and upgrading older buildings due to cost-prohibitive repairs. This reluctance results in further deterioration, as seen in avoided fire safety audits, neglected property maintenance inquiries, and postponed repairs. Despite ongoing maintenance, these buildings often require comprehensive redevelopment. Maintenance costs for owners are becoming even more challenging as building regulations become stricter, requiring upgrades and retrofitting to buildings to address issues such as fire safety. *Submission from a building management body* The Owners Corporation at 137-147 Forbes Street, Woolloomooloo are concerned that the negative impacts on property values will reduce willingness of landlords to invest in and maintain units. *Submission from a community organisation* Pyrmont Action is concerned that the proposal will lead to buildings becoming increasingly run down and eventually unfit for any occupancy due to lack of renewal. *Submission from an industry group* Planning & Co highlights that remedial works to make older buildings compliant with current National Construction Code requirements is increasingly unfeasible.	**b) Response** The planning proposal provides adequate flexibility to facilitate the redevelopment of a building where it reaches the end of its economic life. Also refer to response to 2(b) Impact on development feasibility and 6(a) Negative impact on apartment values. **Action**: No change required
c) Owners unable to afford the levies to maintain/repair buildings *Submissions from 8 individuals* The proposed planning changes fail to address the economic realities of maintaining or renewing aging buildings, leaving many owners	**c) Response** Decisions regarding maintenance levies, repairs, or potential sales are long-term responsibilities of individual owners.

Summary of submission	Response
in difficult financial situations. Owners of older strata buildings face a financial burden, especially with funding essential maintenance and repairs. Many buildings nearing the end of their life see owners unable to afford high levies, leading to disrepair and forced sales. Buildings designed under outdated regulations face substantial upgrade costs that owners cannot afford, risking becoming uninhabitable or uninsurable. *Submission from an industry group* Time & Place shares similar concerns, stating that the planning proposal will financially burden owners' corporations. They are concerned that this will create pockets of inequality and segregation.	Also refer to response to 2(b) Impact on development feasibility and 6(a) Negative impact on apartment values and 6(b) Reduced willingness to invest and maintain existing apartment buildings. **Action:** No change required.
d) Maintenance costs increase housing costs *Submission from an individual* The cost of repairs and maintenance of existing buildings impacts the rental market and housing affordability as these costs are passed onto tenants.	**d) Response** The planning proposal does not affect maintenance costs. **Action**: No change required.
7) Role of proposed control in reducing impacts on apartment owners who do not want to sell	
a) Security of tenure for owners/tenants *Submissions from 21 individuals* Developer interest in residential flat buildings has created housing insecurity for owners and tenants as the Strata Schemes Development Act 2015 allows a building to be sold for redevelopment if 75% of owners agree. While facilitating site acquisition, it is not resulting in the creation of more housing, leading to market failure and further exacerbating Sydney's housing affordability crisis. The acquisition process adds considerable financial strain due to legal costs and mental health strain on residents due to the uncertainty and conflict between owners. It is having a disproportionate impact on older residents who tend to be asset rich but cash poor, who if forced to sell, are unable to afford to stay within the community or alternatively, cannot afford the rising levies for building repairs. Displacement risks social isolation and loss of community connections. The current	**a) Response** The planning proposal is not intended to stop acquisition or renewal and redevelopment of strata schemes. Strata renewal is permitted under NSW Government legislation. **Action**: No change required

Summary of submission	Response
shortage of aged care accommodation and affordable housing exacerbates this issue. *Submission from a community group* 2011 Resident Association focuses on the current trend of displacement as a result of redevelopment and the impact on, long-term, low-income and older residents, with a lack of options to stay within the same area. It highlights that this is a vulnerable stage of a person's life, and familiar surroundings are important for their wellbeing.	
b) Inflated estimated costs for building repairs *Submissions from 3 individuals* There are concerns that the estimated cost of bringing existing buildings up to standard are being exaggerated to justify selling to developers, and to justify its eventual redevelopment. Request for Council to advocate for solutions to issues around repair deficiencies and bias towards encouraging collective sale of buildings.	**b) Response** The submissions raising these concerns are noted, however fall outside of the scope of this planning proposal to address. **Action:** No change required.
c) Strata governance issues *Submissions from 5 individuals* Strata managers have allowed older buildings to deteriorate despite legal responsibilities to keep buildings to standard. There are concerns that this has occurred to encourage owners to sell to developers for redevelopment. The risk that this is due to a conflict of interest between developers, strata managers and real estate agents should be examined. There are broader concerns about governance issues within strata schemes, with accusations of developers using misleading tactics and pressure to reach required sales percentages. The current system allows individuals to exploit the laws, bullying owners into selling their homes, even when they don't want to, which underscores the need for reform.	**c) Response** Strata governance issues, including the potential conflicts of interest among strata managers, developers, and real estate agents, fall under the jurisdiction of the state government. Also see response to 7(a) Security of tenure for owners/tenants. **Action**: No change required.

Summary of submission	Response
8) Impact of proposal on redevelopment of 51-59 Roslyn Gardens, Elizabeth Bay "ToR building"	
a) Impact of proposal on redevelopment of 51-59 Roslyn Gardens, Elizabeth Bay "ToR building" *Submissions from 13 individuals and a building management body* Three submissions support the planning proposal as it stands, while the other 11 (including the Owners Corporation) either oppose it or request an exemption for their site to allow redevelopment for seniors housing. The Owners Corporation submission for "The Tor," a 10-storey, 70-unit building from 1966, notes that the building is at the end of its design life. Owners face two options: a collective sale for redevelopment or retaining ownership and funding a refurbishment. The submissions note that an adjacent seniors living provider is considering buying the site, but the proposed planning changes would block redevelopment for retirement living. There are also concerned that Council might consider heritage listing the site. Some are concerned that redevelopment is a less viable option if the planning proposal comes into effect, leaving refurbishment as the only option. Despite significant repairs since 2010, further structural and safety upgrades are needed, costing an estimated $7.5 to $8 million. This requires a special levy of over $100,000 per unit, and residents may need to vacate for 12 to 24 months during the work. The reasons that owners do not support refurbishment include the existing design's inability to meet modern apartment standards, such as size, balconies, solar access, ventilation, and energy efficiency. Owners also cite poor construction, lack of outdoor space, small apartment sizes, and high maintenance demands due to the building's deteriorating condition and inefficient use of space. There would also be a need for significant levies, with some unable to secure financing due to lending restrictions for smaller apartments. Repairs would require the building to be vacated for up to two years, forcing owners who can't afford the levies to sell at a	**a) Response** Exemption of the ToR building from the proposed planning controls, if implemented, is not supported. The planning proposal provides adequate flexibility for the redevelopment of the site. The City is currently undertaking a heritage assessment of post war residential flat buildings in the Potts Point area. The City has met with owners of the Tor Building about the assessment. A planning proposal for any future heritage listings is planned to be reported to Council later in 2024. Owners will be notified if the building is proposed to be listed and will have further opportunity to provide feedback. Also see response to 4(c) Exclude seniors housing/non-private dwellings and response to Renewable challenges for older apartment buildings. **Action**: No change required.

Summary of submission	Response
discount. Those who can afford it would raise rents to cover costs, while renters would need to move out. In contrast, three submissions support the planning proposal and do not wish to sell the building. They are frustrated by the owners corporation's refusal to invest in repairs and fear being forced to sell, which would leave them unable to afford to stay in the area.	
9) Other issues or suggestions	
a) Clause for Remedial Works Incentive *Submission from an individual* A remedial works incentive clause should form part of the planning proposal to make it more financially appealing to renovate the existing building than selling to a developer. The FSR and height of HOB would be allowed to exceed existing controls if it is strictly for the purpose of remediating buildings that are not structurally sound and/or to achieve compliance with the BCA. It would not require increased parking but it would need to retain the existing number of dwellings.	**a) Response** The planning system is not able to equitably fund maintenance works for all building owners. **Action**: No change required.
Request for other measures to make housing more affordable	
10) Request to amend the City's planning controls to incentivise development	
a) Increased density *Submissions from 44 individuals* Asks Council to explore FSR and HOB controls to boost housing supply and prevent dwelling loss through redevelopment. Suggestions include: • focus on CBD, Woolloomooloo, Potts Point • requiring development of buildings with five or more units to increase housing by at least 20% • minimum 25% increase in dwellings in the 2011 postcode by allowing extra height on existing buildings and limiting larger and more expensive units. *Submission from a building management body* The owners corporation at 137-147 Forbes Street, Woolloomooloo requests that Council allow a higher percentage of studio apartments in a development to increase the total number of units, achieving the desired density without compromising the liveability and quality of larger apartments.	**a) Response:** The City has sufficient zoned capacity to meet long term housing targets and is rezoning Pyrmont and providing increased floor space for build to rent housing in Central Sydney. The planning proposal will make sure that the loss of existing dwellings does not make it more difficult to achieve the targets. Incentives are not suppoted as they are better used to encourage better performance and outcomes rather guard against poor outcomes. **Action**: No change required.

Summary of submission	Response
Submissions from 5 industry groups Thirdi suggests exploring opportunities to allow higher FSR controls on strategically located residential sites to facilitate the creation of diverse and affordable housing options. Increasing the FSR can help preserve existing homes while also enabling new development. Planning & Co propose that the City could prepare a scheme similar to the Heritage Floorspace scheme, which offers financial incentives for retaining dwellings. They also suggest considering HOB or FSR incentives to allow the retention of dwelling numbers. The Australian Institute of Architects emphasises the importance of balancing the retention of smaller units with the economic viability of redevelopment projects. They advocate for exploring potential incentives such as density bonuses or expedited approval processes for developments that maintain or increase the number of smaller, affordable units. This approach is seen as a way to engage developers more effectively and align with the policy's social objectives. Time & Place suggested that the focus should shift away from dwelling numbers towards development incentives to encourage the delivery of housing and policy initiatives to encourage affordable housing. Keyton requests higher FSR and HOB controls, informed by economic and building envelope analysis so that dwelling retention can be achieved while also allowing for feasible and compliant redevelopment.	
b) Reduce costs of development *Submissions from 2 individuals* Suggestions include reducing regulations on ventilation, solar access, and deep soil, and simplifying energy efficiency requirements to lower development costs and improve housing affordability. *Submission from an industry group* Renato D'Ettore Architects are concerned that there is a lack of housing supply due to inflation, overregulation of the DA and complying development process, the cost of	**b) Response** Residential feasibility is currently affected by macro issues such as construction, labour and financing costs, rather than the planning framework. The City's planning controls and state government planning requirements, such as the Apartment Design Guide, provide minimum requirements to ensure development meets amenity standards, is socially and environmentally sustainable and responsive to their context. The City does not support reducing amenity standards that set basic

Summary of submission	Response
construction, the cost and land and real estate, the lack of incentives in the LEP/DCP planning framework and the lack of tax settings to encourage the construction of more housing supply. *Submission from a community group* Pyrmont Action suggests that housing costs could be reduced through streamlining development processes.	requirements for healthy and comfortable homes. **Action**: No change required.
c) Support change of use to residential *Submissions from 8 individuals* Support for change of use for carparks to residential to improve housing supply with 2 submissions making specific reference to a site in Pyrmont. Refurbished warehouses could be converted to larger apartments. Council should incentivise commercial office buildings being converted to residential. Examples include wharves at Walsh Bay and Pyrmont. Submissions also request the removal of affordable housing levies for change of use from commercial to residential.	**c) Response** There are no impediments in the planning controls to these changes of use, rather it is the practical implications on the built form that prove to make this form of conversion challenging for developers. Affordable housing levies are one of the most successful measures on delivering affordable housing in Sydney. No change to the levies is recommended. **Action**: No change required.
d) Remove heritage controls *Submissions from 2 individuals* Request for heritage controls to be removed from Sydney LEP and DCPs.	**d) Response** Submissions about heritage controls are noted however are beyond the scope of the planning proposal to address. **Action**: No change required.
e) Encourage student housing *Submission from an individual* Universities should be encouraged to build more affordable student accommodation for their students to keep them out of the domestic rental market.	**e) Response** Submissions about the provision of student housing (co-living development) are noted however are outside the scope of this planning proposal. A significant amount of student housing development are in the City's development pipeline and expected to be delivered over the next 5 years. **Action**: No change required.
f) Encourage boarding houses *Submission from an individual* Council should introduce incentives for boarding houses and other home-shared schemes.	**f) Response** Submissions about the provision of more boarding houses being provided in the City are noted however are outside the scope of this planning proposal. The City is currently undertaking a separate investigation into the loss of boarding houses. In July 2024, Council resolved to implement a series of actions to protect and retain structurally sound boarding

Summary of submission	Response
	houses, ensuring that their capacity is not reduced during redevelopment. **Action**: No change required.
g) Remove minimum apartment sizes *Submissions from 4 individuals* Minimum apartment sizes should be removed to reduce barriers to development.	**g) Response** Submissions seeking the removal of minimum apartment sizes in planning controls are noted however are outside the scope of this planning proposal. The minimum dwelling sizes are established in the state government's Apartment Design Guide. **Action**: No change required.
h) Incentivise larger apartments *Submissions from 5 individuals* Council should introduce incentives to support the development of larger apartments.	**h) Response** Refer to response to 2(d) Impact on larger apartments for families, seniors and group households. **Action**: No change required.
i) Controls to support retrofitted additions to flat buildings *Submission from an individual* Council should be encouraging an emerging construction method, known as airspace development which allows additional development above a building without distrusting existing occupants. There should be exceptions to height, floor space and other controls so that owners are able to fund building upgrades through additions to their buildings. An owner's corporation considered retrofitting a penthouse but did not proceed due to uncertainty about Council's support of this method. *Submission from community group* Pyrmont Action suggests the above strategy to prevent disruption and displacement of owners/tenants.	**i) Response** Owners interested in preliminary concepts can seek pre-DA advice from the City to better understand potential outcomes and requirements for this development type. Planning controls do not expressly prevent the addition of penthouses on existing buildings provided they comply with existing planning controls including FSR and height. **Action**: No change required.
11) Request for state government level planning related changes to improve affordability	
a) Concerns about Housing SEPP *Submission from an individual* The affordable housing covenant should last longer than 15 years. *Submission from a community group* The Potts Point Preservation Group are concerned that a recent amendment to the Housing SEPP provides up to 30% uplift in FSR in exchange for a minimum 15% of gross floor	**a) Response** Submissions about concerns about the Housing SEPP are noted however are outside the scope of this planning proposal. The recently introduced provisions of the Housing SEPP are governed by the state government. The City shares concerns regarding these provisions, particularly the limited 15-year timeframe for which the affordable housing covenant applies. Many stakeholders, including community groups and owners' corporations, have

Summary of submission	Response
area (GFA) allocated to affordable housing. However, the additional density is producing negative amenity impacts and the covenant only applies for 15 years and then the units can be sold. *Submission from a building management body* The Board of Directors for 17 Wylde Street are concerned that a new Housing SEPP amendment provides floor space uplift of 15% GFA if allocated to affordable housing. However, the covenant only applies for 15 years making it an ineffective method to address housing affordability	expressed that this timeframe may be inadequate for addressing long-term housing affordability issues. The potential for increased density in exchange for affordable housing must also be carefully evaluated to ensure it does not negatively impact amenity. The Council will continue to advocate for more sustainable and effective measures that result in affordable housing that is provided in perpetuity. **Action**: No change required.
b) Impact on boarding houses *Submissions from 2 individuals* Request for greater measures to protect local boarding houses, particularly in Paddington. It was suggested that the proposal will result in empty unmaintained boarding houses. *Submission from a community group* Pyrmont Action request existing boarding houses must be retained if not structurally unsound and capacity should not be reduced when redeveloped.	**b) Response** The planning proposal affects residential flat buildings and shop-top housing. It does not affect boarding houses and will not result in empty and unmaintained boarding houses. The City is currently undertaking a separate review focused on the loss of boarding houses. In July 2024, Council resolved to implement a range of actions to address this issue, ensuring that existing boarding houses are retained where structurally sound and that their capacity is not reduced during redevelopment. Further information on this initiative can be found in the Council meeting resolution here. **Action**: No change required.
c) Request a change to short-term rental accommodation rules *Submissions from 11 individuals* Submissions requested the introduction of new legislation and controls to limit short-term rentals like AirBnB through measures like levies or restrictions on the numbers of day units can be rented out and fines for non-compliance. Submissions discussed concerns that short-term rentals are reducing housing stock, negatively impacting the availability of housing that is affordable for young professionals and working families. The increase in short-term rentals has led to disturbances and security concerns.	**c) Response** Submissions about concerns about the regulation of short-term rental accommodation (STRA), such as AirBnBs' are noted however are outside the scope of this planning proposal. The NSW Government is undertaking a review of STRA regulation and the City is awaiting the outcomes of the review. The City's recent study into STRA found that STRA is not currently a driver of housing affordability issues but it could exacerbate problems if STRA returns to pre-covid settings To find out more about our submission and the state government's review: https://www.cityofsydney.nsw.gov.au/city-of-sydney-submissions/discussion-paper-short-long-term-rental-accommodation To read about the findings of our study: https://www.cityofsydney.nsw.gov.au/research-reports/short-term-rental-accommodation-review **Action**: No change required.

Summary of submission	Response
12) Other measures to improve affordability	
a) Solutions to address vacant dwellings *Submissions from 4 individuals* Submissions suggested solutions to address the issue of vacant dwellings. Two submissions requested for council and state government to tax landlords on vacant properties. It was noted that commercial properties on Oxford St have empty accommodation above street level. Another submission suggested that council should focus efforts on completed but unoccupied dwellings particularly in the Green Square area. It was also suggested that Council undertake an audit of all long-term unoccupied premises.	**a) Response** Submissions about how the issue of vacant dwellings might be addressed are noted however are outside the scope of this planning proposal. **Action**: No change required.
b) Overseas buyer restrictions *Submission from an individual* One submission requested restrictions on overseas buyers.	**b) Response** The submissions about restrictions on overseas buyers is noted however is outside the scope of this planning proposal and is a matter for the federal government. **Action**: No change required.
c) Fees for net dwelling loss *Submission from an individual* Submission suggested that projects that amalgamate sites and result in a net dwelling loss should attract higher fees and rates.	**c) Response** It is preferred that dwelling loss is managed through prevention rather than seeking contributions to mitigate dwelling loss. **Action**: No change required.
d) Support for displaced residents *Submission from a community group* The 2011 Residents' Association request that developers should be responsible for providing alternative local accommodation for displaced residents or ensure residents are rehoused in new developments at affordable rates. This approach would promote diversity, equity and the provision of affordable housing. The Association also suggested that developers be required to allocate a portion of revenue to re-housing residents.	**d) Response** The submission is noted however is outside the scope of this planning proposal. In certain circumstances where a residential flat building is in single ownership and is proposed for redevelopment and involves the loss of affordable rental housing, the Housing SEPP may require developers to pay a financial contribution and demonstrate that it has provided assistance for displaced residents, such as additional notice periods for vacating, financial assistance for moving and assistance in finding alternative accommodation.
e) Maintain social and affordable housing *Submissions from 12 individuals* There should be an increase in the supply of public, social and affordable housing and there should be greater investment in upgrades and maintenance. Suggestion that council should develop and maintain ownership of affordable and community housing units.	**e) Response** The City provides substantial support to promote the delivery of affordable housing in the local area. To date the City has collected about $400 million in levies and provided about $24 million in discounted land and about $10 million in grants.

Summary of submission	Response
Suggestion that there should be an increase of 1-bedroom units in public housing to allow residents to downsize. Council should acquire affected boarding houses and residential flat buildings to maintain supply of affordable rents. *Submission from an industry group* Planning & Co suggested that affordable housing contributions under Chapter 2, Part 3 of the Housing SEPP for reduction in affordable rental housing should be used to fund building upgrades or the retention of low-or-poor quality buildings. *Submission from community group* Pyrmont Action requests a prohibition on the sale of social and affordable housing.	As at July 2023, the City has 1,464 built affordable housing units in the local area, 565 dwellings in the development pipeline and over 1,100 dwellings that we expect to be built in the future. The City's contribution scheme, which covers all of the local area, is projected to deliver up to 1,950 additional affordable dwellings to 2036 (some already accounted for in the above figures). All together, the known built, pipeline, expected and projected affordable housing dwellings equal around 5,100 affordable rental dwellings and affordable diverse dwellings to 2036. The state government administers contributions under the Housing SEPP for reduction in affordable rental housing. Social housing is provided by the state government, who are responsible for its management over time. **Action**: None required.
f) Reforms to bank lending restrictions on smaller apartments less than 40sqm *Submissions from 7 individuals* Community submissions both for and against the planning proposal raised issue with current bank lending restrictions for smaller apartments which are having a range of impacts. One submission requested that the City of Sydney work with the state government to direct financial institutions to remove lending restrictions.	**f) Response** The submissions about restrictions on lending are noted however are outside the scope of this planning proposal, and local government, to address. **Action**: No change required.
g) Built-to-rent housing *Submission from an individual* Request for greater investment in build-to-rent housing and changing dwellings from an investment class to a citizen right.	**g) Response** The submission about investing in build-to-rent development is noted however is outside the scope of this planning proposal, and local government, to address. The City recently endorsed changes to SLEP 2012 to introduce incentive controls for build-to-rent (BTR) housing in the Sydney CBD. This information can be found here. **Action**: No change required.

Summary of submission	Response
h) Tax incentives *Submission from an individual* Suggestion that tax and other forms of incentives should be introduced to encourage developers to provide more housing than they demolish. All new developments should incorporate a percentage of affordable or social housing.	**h) Response** The submission about taxation and financial incentives is noted however is outside the scope of this planning proposal, and local government, to address. **Action**: No change required.
i) Premium amenities in luxury apartments *Submission from an individual* Premium amenities and facilities in strata schemes are contributing to affordability issues and recommend that these should be reduced to lower the cost per metre of new housing.	**i) Response** The planning proposal does not seek to control layout, design and amenities provided in residential flat buildings and only seeks to limit the loss of housing. **Action**: No change required.
j) Rent caps *Submission from an individual* Suggestion to introduce rent caps.	**j) Response** The submission about rent caps is noted however is outside the scope of this planning proposal, and local government, to address. **Action**: No change required.
k) Alternative housing solutions *Submissions from 2 individuals* Compact housing solutions should be encouraged. Small portable houses should be introduced for homeless people on disused land.	**k) Response** The submission about providing small portable housing for people who are homeless is noted however is outside the scope of this planning proposal to address. **Action**: No change required.
Miscellaneous	
13) Council and Court processes	
a) Land and Environment Court *Submissions from 7 individuals* There is a risk that developers will be able to bypass the proposal by challenging decisions in the Land and Environment court. Alternatively, it was suggested that this proposal will help strengthen Council's case to refuse applications. *Submission from a building management body* The owner's corporation for 17 Wylde Street, Potts Point raised concerns that DA determinations in the Land and Environment Court favour developers.	**a) Response** If the proposed planning changes are implemented, developers will need to demonstrate compliance with the new dwelling retention controls, just as they must with FSR and HOB controls. While developers may still challenge decisions in the Land and Environment Court, the clear dwelling retention requirements will strengthen Council's ability to defend its decisions and refuse non-compliant proposals in line with the updated planning framework. **Action**: None required
b) Concerns with engagement process *Submissions from 19 individuals* Some individuals who oppose the planning proposal are concerned it is rapidly progressing without independent analysis or industry consultation. They are concerned that residents	**b) Response** The planning proposal was exhibited for 32 working days. This is consistent with the requirements of the Gateway determination issued by the Department.

Summary of submission	Response
have been encouraged to submit pro-forma submissions. Some submissions say the engagement process is inconsistent with the City's Community Engagement Strategy and Community Participation Plan 2024. A submission in support of the planning proposal raised that developers' employees were lodging submissions to complain about the proposal without disclosing their interests. *Submissions from 2 industry groups* Time & Place have concerns about the lack of development industry engagement and the fact that the proposal is in response to a Councilor notice of motion. The Australian Institute of Architects advocated for a robust public engagement process that is reinforced by detailed analysis and transparently integrates community and stakeholder feedback into the decision-making process.	The planning proposal was made available on the City of Sydney website, in accordable with the City's Community Engagement Strategy and Participation Plan 2023. When a planning proposal is publicly exhibited, all individuals, interest groups and industry representatives are free to make submissions. Employees of a company are free to also make submissions as individuals, just as residents are free to make use of a pro-forma that has been referred to them. The City is required to accept and consider submissions that are made to them about a planning proposal. In preparing a response to submissions, all effort is made by the City to accurately represent from where submissions have been received and what they say. The City's consideration of submissions focuses on qualitative issues, not on the quantity of support or opposition. Each submission is assessed equally to ensure a thorough review. **Action**: None required.
14) Heritage and amenity	
a) Amenity Impacts *Submissions from 7 individuals* Concern about the amenity impacts of new developments in general. There is specific concerns about redevelopment increasing the building envelopes, particular in the 2011 postcode area.	**a) Response** The amenity impact of development is managed through the Sydney LEP and Sydney DCP 2012 which include controls for setbacks and overshading to ensure impacts such as wind and daylight are appropriately managed. The planning proposal does not impact on consideration of amenity issues in the DA process. **Action**: None required.
b) Construction impacts *Submissions from 4 individuals* Concerns about construction impacts on neighbouring residents during redevelopments, particularly structural risks caused by deep excavation.	**b) Response** Construction impacts are managed at the DA stage to minimise negative impacts for neighboring properties. **Action**: None required.
c) Heritage *Submissions from 15 individuals* Concerns that new developments are inconsistent with local architectural heritage and diversity. Recommend buildings in Potts Point area be retained and refurbished instead of demolition. Additional heritage protections are	**c) Response** The City recently commissioned a heritage study of post-war residential flat buildings in the Potts Point, Elizabeth Bay and Rushcutters Bay areas. In addition, the City has recently revised the statements of significance and physical

Summary of submission	Response
required for buildings in the Potts Point area, specifically Art Deco and Modernist buildings. One submission commented that the proposal does not go far enough to protect heritage. One submission provided an article documenting the history and contributions of European migrant architects in the Potts Point/Elizabeth Bay areas *Submissions from 2 industry groups* The Potts Point Preservation Group are concerned Council and state government are not recognising 20th century architecture, particularly inter-war Art Deco and post-war modernist apartment buildings. City should explore measures to protect heritage by increasing the number of contributory art deco and post-war buildings, reduce demolition and create a single heritage conservation area for 2011 postcode area. The National Trust is concerned that dwelling loss proposals in Potts Point undermine the cultural significance and social value of the area due to the reduced diversity of residents and people participating in the local economy and community. *Submission from a building management body* The owner's corporation for 17 Wylde Street, Potts Point is concerned the proposal does not protect heritage, community, social and cultural characteristics.	descriptions for the Elizabeth and Rushcutters Bays and Potts Point areas to ensure they adequately acknowledge the importance of post-war architecture in the area. This planning proposal is to ensure that housing supply is not reduced by redevelopment and that diverse housing options are maintained. The planning proposal does not impact on consideration of heritage issues in the DA process. **Action**: None required
d) Traffic and Parking *Submissions from 6 individuals* There are differing views on the amount of onsite parking in developments.	**d) Response** The Sydney LEP 2012 sets maximum car parking provisions which will continue to apply. The planning proposal does not impact on parking rates as set out in the Sydney LEP. **Action**: None required.
15) Other	
a) Opposed to population growth *Submissions from 2 individuals* Unsustainable population growth and immigration is causing the housing crisis.	**a) Response** The submission is noted. However, population levels and immigrations levels are beyond the scope of the planning proposal to address. **Action**: None required.

Summary of submission	Response
b) Opposed to low-rent housing (boarding houses and public housing) *Submissions from 2 individuals* Support for allowing loss of boarding houses and reducing the concentration of social and affordable housing in the city.	**b) Response** The planning proposal is not intended to facilitate the loss of boarding houses. The City encourage the increase of social and affordable housing I the local area, and the retention of low cost rental accommodation, such as boarding houses, to ensure there is a range of housing choice to support a diverse community. **Action**: None required.
c) Terrace housing *Submissions from 2 individuals* Request to return to Paddington-style terraces with narrow streets rather than strata development. Planning restrictions on terraces restrict housing capacity.	**c) Response** The submission is noted however it is beyond the scope of the planning proposal to address. The planning proposal applies to existing residential flat building or an existing mixed-used development. **Action**: None required.
d) Focus on functional efficiencies *Submission from an individual* The functional efficiencies and quality of apartments needs to be improved including double glazed windows, internal courtyards and insulation.	**d) Response** The submission is noted however it is beyond the scope of the planning proposal to address. These standards are set by the state government in the Apartment Design Guide. **Action**: None required.
e) Concern council is anti-development *Submission from an individual* Council is opposed to density and supports developer and NIMBY interests.	**e) Response** The City supports the delivery of high quality density in the local area where it is adequately supported by infrastructure. The planning proposal will prevent the loss of housing stock. **Action:** None required.
f) Housing diversity *Submission from an individual* Questions the meaning of 'housing diversity' in the context of cultural considerations and acceptable living standards for all.	**f) Response** The reference to "retaining diversity" in the context of the planning proposal is a reference to the need to maintain a mix of housing types in the local area to accommodate a diverse population. The planning proposal acts to retain smaller and relatively low cost apartments, while also ensuring some larger apartments can be provided as part of refurbishment / redevelopment, so that the City can continue to accommodate different housing needs for students, key workers, young households etc. **Action:** None required.
g) Impact of state government housing reforms on heritage *Submission from an individual* The National Trust of Australia raised concerns that development pressures in centrally located areas, exacerbated by the implementation of	**g) Response** The timing and final form of the state housing reforms are not yet known, and Council will monitor and respond when they become available. Council prepared a detailed submission in response to the reforms in April 2024.

Summary of submission	Response
state government housing reforms will affect heritage sites.	Notwithstanding the above, the planning proposal does not impact on consideration of heritage issues in the DA process. **Action:** None required.
h) Infrastructure issues *Submissions from 4 individuals* There has been an increase in dwelling density without the necessary supporting infrastructure. Request for more trams and active transport infrastructure.	**h) Response** The City of Sydney is well-serviced by existing infrastructure including transport such as trains, light rail, bus and Metro and by existing utilities. The City supports the development of active transport through projects delivering pedestrianisation. It is outside the scope of this planning proposal to deliver further transport infrastructure. **Action**: None required.
i) Councillor powers *Submission from a community group* Potts Point Preservation Society are concerned that City Councillors 'powers' are being eroded and that their access to senior staff has been reduced and they are now limited to just 5 questions per week and any contact with senior staff is only permitted after request to, and approval by, the General Manager.	**i) Response** The submission is noted however it is beyond the scope of the planning proposal to address. **Action**: None required.
j) Quality and safety of mid-high-rise buildings *Submission from an individual* Council's electrification plans will increase the use of firepits and liquefied petroleum gas appliances which council does not have current safety regulations for.	**j) Response** The submission is noted however it is beyond the scope of the planning proposal to address. In December 2023, Council resolved to insert provisions for indoor air quality for new residential development into the draft DCP to go on public exhibition. There is currently an investigation of these provisions being undertaken where these issues, including safety will be thoroughly considered. **Action**: None required.
k) Request for planning changes in Burwood *Submission from an individual* Query about general controls in Burwood LGA.	**k) Response** Relates to outside of City of Sydney LGA. **Action**: None required.
16) Questions and clarifications	
a) Concern that owners will need to pay for social housing *Submission from an individual* Concerns that residents would be required to pay for social housing occupants.	**a) Response** The planning proposal does not introduce additional requirements for social housing or require residents to finance social housing. **Action**: None required.
b) Clarification of controls *Submissions from 6 individuals* Clarification required on;	**b) Response** The following responses are provided:

Summary of submission	Response
• Calculation rounding of controls • Application of proposal to boarding houses being converted to apartments • Where the policy applies in the city • Whether this applies to any legal entity or business, in addition to an 'individual'. • Whether developers can merge adjacent apartments to develop a single luxury apartment. *Submission from a community group* The 2011 Residents' Association questioned: • If developers would be able to exchange or 'buy back' the 15% through an exchange for other additions like extra parking or green space. • If the 15% was fixed or negotiable.	• The calculation of percentage rounds to the nearest whole number below .5 or .5 and above. • The proposal does not apply to boarding houses, it applies to existing residential flat buildings and an existing mixed-use building. • The planning proposal applies across all parts of the local government area. • The planning proposal applies to all types of development owners, including but not limited to individuals, legal entities and businesses. • The proposal provision does not prevent the merging of adjacent buildings. • The 15% cap on dwelling loss is fixed and is would not be available to 'buy back'. **Action**: None required.
c) Other requests beyond the scope of the proposal *Submissions from 3 individuals* Suggestions include: • No residential units on main roads • Retain International House at the University of Sydney. • Specify minimum apartment sizes.	**c) Response** The submission is noted however it is beyond the scope of the planning proposal to address. It is noted minimum apartment sizes are specified through the Apartment Design Guide. **Action**: None required.
d) Request for guidelines for strata committees *Submission from an individual* Request for guidelines on how multiple DAs in the same building for dwelling loss will be handled.	**d) Response** These guidelines are not required. The planning proposal allows for multiple DAs to merge apartments within the same building. The past loss of dwellings in a building are not considered when a new DA is proposed i.e. to merge 2 apartments into 1. **Action**: None required.

Attachment B

Planning Proposal – Dwelling Retention
(post exhibition amendments in red)

Planning Proposal – Dwelling Retention



The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

Contents

Executive summary 34
Objectives and intended outcomes 45
Explanation of provisions 56
Justification 101
1
Community consultation 212
2
Project timeline 222
3
Appendix 232
4

Executive summary

The City of Sydney Local Housing Strategy adopted in February 2020 anticipates an additional 56,000 dwellings to be built by 2036. The housing affordability challenges being experienced across Australia is placing increased pressure on local government to find ways to increase housing supply. It is anticipated that housing targets will be increased further as part of reviews of the Greater Cities Commission's strategic plans.

The City of Sydney (the City) has seen some reduction of dwellings due to the redevelopment of existing residential flat buildings, particularly towards the eastern suburbs. This occurs through the consolidation of two apartments into one, replacement of residential flat buildings with a single dwelling house or the speculative redevelopment of a large residential flat building containing smaller apartments into a development containing significantly fewer, larger apartments. This is leading to a reduction in the diversity of housing in parts of the local government area.

A review of dwelling loss was initiated in response to Council resolution on 18 September 2023. The resolution acknowledged that despite housing supply issues, there have been reports that developers are redeveloping multi-dwelling apartment buildings that have traditionally been affordable due to their age and size to make way for fewer apartments. It also noted that Waverley and Woollahra Councils are currently experiencing similar issues and are considering new planning controls to respond to this issue. The resolution requires the City to investigate preparing a planning proposal to protect against the net reduction of dwellings on a development site.

~~Over six years, s~~Since the start of 2018, there have been ~~25~~ 29 development applications (DAs) in the City approved by either Council or the Land and Environment Court, resulting in the loss of ~~65~~ 91 dwellings (as at ~~May~~ October 2024). They vary in nature and scale with:

– ~~17~~ 18 DAs merging two apartments into one;

– one DA merging three apartments into one;

– ~~two~~ 3 DAs consolidating residential flat buildings into dwelling houses; and

– ~~four~~ 7 DAs redeveloping residential flat buildings, reducing the number of dwellings.

Currently (as at ~~May~~ October 2024), there are 6 ~~eight~~ development applications under assessment, or subject to Land and Environment Court appeal that propose a reduction of a total of ~~143~~ 132 dwellings. Notably these all involve large-scale redevelopment of residential flat buildings of between 15 ~~7~~ and 80 apartments and continue to be concentrated in the City's east.

In response to this ongoing loss of dwellings and diversity of housing supply, this planning proposal introduces a new development standard to be inserted into the Sydney Local Environmental Plan 2012 (LEP) that limits the reduction in the number of dwellings through redevelopment of buildings that contain dwellings. This is to ensure that development does not significantly reduce the diversity of dwellings available particularly for smaller and more affordable apartment sizes.

Objectives and intended outcomes

The objective of this planning proposal is to amend Sydney LEP 2012 to minimise the loss of housing diversity through the redevelopment of existing dwellings. It will be applied across the City by introducing a 'Local Provision' in Part 6 of Sydney Local Environmental Plan 2012. The intended outcomes are to:

– Support housing diversity and affordability by discouraging the replacement of smaller apartments with fewer large apartments.

– Maintain and grow housing supply in the City, and

– Maintain residential densities close to amenities and public transport.

Explanation of provisions

The proposed provision:

– Is a new 'Local Provision' in Part 6 of Sydney LEP 2012 that applies across the entire City of Sydney LGA

– Applies to both development applications and applications to modify development consent, for alterations and additions or demolition of a residential flat building or a mixed use building that contains three or more dwellings.

– Has an objective that seeks to minimise the loss of dwelling diversity resulting from the consolidation of existing dwellings or the demolition of existing dwellings for the construction of new dwellings.

– Does not allow the consent authority to approve development which results in a reduction in the number of dwellings unless that reduction does not exceed the greater of one dwelling or 15 per cent of dwellings in the existing development.

– Does not apply to the conversion of residential floor space to a non-residential floor space. However, the provision is to apply to any residential floor space that will continue to be used for residential purposes in the development.

– Clause 4.6 will apply to this clause.

Savings and transitional provisions are proposed to be introduced by applying a new subclause in Clause 1.8A of Sydney LEP 2012 to the proposed provision. The subclause is to replicate Clause 1.8A(5), but apply to this new local provision. The effect of the subclause is to ensure this local provision would not apply to:

– development applications or concept development applications made but not finally determined and;

– development applications lodged after these amendments come into effect, that relate to a concept development application approved before the commencement of these amendments.

The drafting instructions to amend the Sydney LEP 2012 are provided as an appendix to this planning proposal.

A detailed explanation of provisions is also provided as an appendix to this planning proposal.

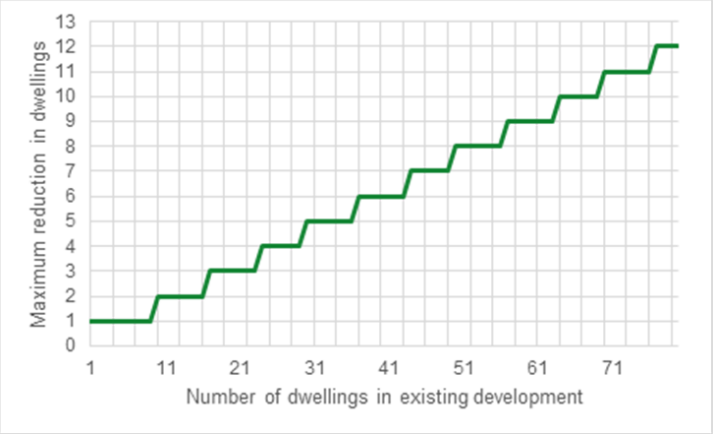
2.1. Introduce a development standard to minimise the loss of housing stock

The proposed LEP clause will minimise the loss of diverse housing stock resulting from the consolidation of existing dwellings, or the demolition of existing dwellings for the construction of new dwellings, across the City.

The clause includes a development standard which limits the loss of housing stock through redevelopment of existing residential flat buildings or mixed-use developments to one dwelling or 15 per cent of dwellings, whichever is the greater. The 15 per cent is rounded to the nearest whole number.

The figure below illustrates the maximum loss of dwellings through redevelopment of existing buildings under the proposed clause. In practice, loss of dwellings through redevelopment of existing buildings containing up to nine dwellings would be capped to one dwelling. This minimises the cumulative impact of loss of housing diversity through smaller-scale redevelopments while also maintaining flexibility by allowing for the occasional merging of two dwellings into one.

Figure 1. Maximum loss of dwellings under the proposed clause



2.2 Rationale for applying a 15% maximum rate of dwelling reduction

A tipping point analysis was undertaken to determine the appropriate maximum rate of dwelling reduction that should be permitted under the clause. The analysis applies rates of five, 10, and 15 per cent against recent development application examples. Figure 2 below illustrates how these rates influence the maximum allowable loss of dwellings.

Figure 2. Impact of applying different maximum rates

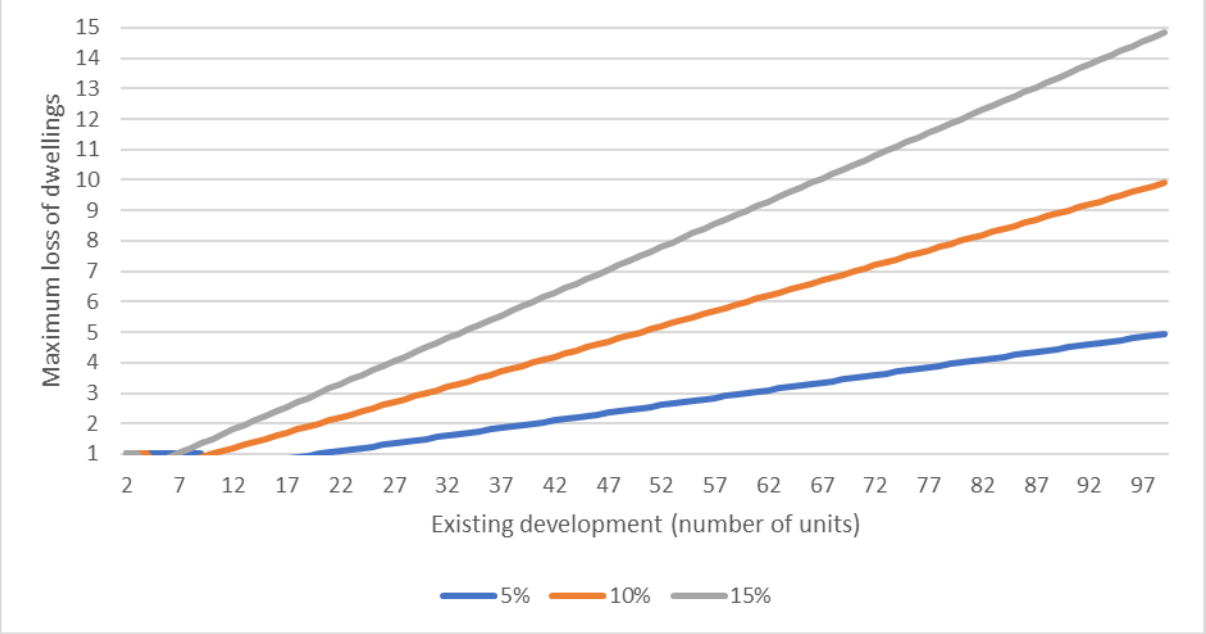


Figure 2 shows that where a five percent maximum would be applied, dwelling loss is limited to one dwelling for existing developments with up to 29 dwellings. Where a 15 per cent maximum is applied, dwelling loss is limited to one dwelling for existing developments with up to 10 units. This minimum allowance supports limited circumstances where an owner of two apartments may seek to combine them.

Considerations that formed part of the tipping point analysis are outlined below:

- *Minimum of 20 per cent 3 bedroom units:* The tipping point analysis also tested whether a development can achieve a 20 per cent minimum dwelling mix for three or more bedroom apartments. The 20 per cent minimum dwelling mix is proposed to be introduced into Sydney DCP 2012 as part of the City's Policy and Housekeeping Planning Proposal and draft DCP, that is expected to be publicly exhibited later in 2024. This requirement aligns with broader goals for housing diversity by ensuring adequate provision for different household sizes. If it comes into effect, a development application would need to comply with this requirement as well as any future dwelling retention rate.

- *Six real scenarios tested*: The tipping point analysis was applied to six scenarios based on real development applications in the City of Sydney. The characteristics of these scenarios are summarised below:
    - proposed loss of dwellings ranged from 18 to 70 per cent;
    - three scenarios comprised entirely of studio apartments; and
    - average apartment size increased from around 300 to 450 per cent.
- *Examples involved creation of new floor space*: Usually, the redevelopment of existing unit blocks occur where the floor space ratio control has not been fully utilised. This is reflected in the six scenarios, where each development application proposed to increase gross floor area by 18 to 166 per cent. Generally, it's easier to minimise dwelling loss when there's a bigger increase in gross floor area.
- *New units meet minimum apartment size:* It is more difficult to maintain a mix of dwelling sizes while minimising dwelling loss when the average apartment size in the existing development is lower. As part of this analysis, apartments had to meet minimum internal area standards: 35 square metres for studios, 50 square metres for 1-bedroom units, 70 square metres for 2-bedroom units, and 90 square metres for 3-bedroom units.

The tipping point analysis started with the most restrictive dwelling retention rule of 5 per cent and gradually relaxed it until all six development scenarios could meet the rule while still providing a mix of dwelling sizes for different households. The results are summarised below:

- Applying a maximum reduction of dwellings of five and 10 per cent was unable to achieve the required dwelling mix in two of the six scenarios. This was due to the average apartment size of the existing developments being between 32 and 34 sqm, which is below the minimum apartment size of 35 square metres, a minimum requirement for the tipping point analysis.
- Applying a maximum reduction of dwellings of 15 per cent was able to achieve the required dwelling mix across all scenarios.

The intention of the tipping point analysis is to reach a percentage that maximises retention of dwellings while also achieving a diverse mix of dwelling sizes. At 15 per cent, this has been achieved. By going beyond 15 per cent, while this can achieve a diverse mix of dwelling sizes it leads to an increasingly unacceptable reduction on housing supply.

2.3. Does zoning trigger consideration of the provision?

Zoning of a site does not affect the applicability of the provision. Applicability of the provision is triggered by existing land-use. The provision applies to sites currently containing residential floor space, irrespective of whether it is stand-alone residential or mixed-use, or is proposed to contain a mix of residential and non-residential uses. In such cases, the resulting development would be required to retain a specific number of dwellings, determined by the number of dwellings in the existing development. This ensures that regardless of zoning, developments must maintain a certain level of residential housing, reflecting the existing composition of the site.

2.4. Allow flexibility for non-residential development

The development standard will not apply to any residential floor space that is to be converted to a non-residential use. This is to provide flexibility for the ongoing provision of services and businesses, particularly in mixed use and local centre zones, and to avoid those zones transforming to residential only precincts over time.

Where a mixed use development is proposed, the restriction on the loss of dwellings will apply to the residential floor space that is not being converted to a non-residential use.

For example, a proposal to halve the number of dwellings in a residential flat building containing 20 dwellings just because a ground floor unit is being converted to a shop would not be approved. The number of dwellings in the remaining residential floor space could not be reduced by more than one or 15 per cent of the dwellings occupying that floor space.

2.5. Allow for exceptional circumstances

The drafting of this clause as a numerical development standard enables the use of Clause 4.6 where the proponent can demonstrate sufficient planning grounds to justify contravening the development standard. One example of where this may be required is where a heritage item is being reinstated to its original layout for form.

There may also be scenarios where constraints around the built form mean application of this clause would conflict with the need to align with other planning controls in Sydney LEP 2012 and Sydney DCP 2012 and the apartment design guide in general.

2.6. No impact on floor space

This clause does not have an impact on permissible floor space for residential development. If a redevelopment of a residential flat building is able to achieve a higher gross floor area than the existing built form on the site, the clause only applies to the existing number of units, meaning that the developer has the option of building to the minimum number of units allowed under this clause, while also building within a much larger building envelope.

In such a circumstance it would still be possible to increase the average apartment size within the new development while maintaining or increasing the number of dwellings.

2.7. Application of dwelling retention provision: different scenarios and development types

The following worked examples show how the provision described in the planning proposal would apply to different scenarios and development types including:

- residential flat buildings;
- where there is a non-residential component; and
- where residential floor space is converted to non-residential floor space.

The proposed provision is easy to apply to scenarios where residential floor space is proposed to stay the same or increase irrespective of its composition with non-residential uses. This is where the 15 per cent rule is used to determine maximum dwelling loss. In all examples below, regardless of the composition of residential to non-residential uses, the residential floor space stays the same or increases.

Example 1: Conversion of residential flat building to residential flat building

Existing Situation: 100 apartments within 4000 sqm.

Proposed Conversion: Reduction to 85 units with an increased gross floor area of 5,000 sqm.

Compliance Assessment: The proposed conversion meets the requirement, ensuring that the reduction in dwellings does not exceed the allowable 15 per cent under the provision.

Example 2: Conversion from residential flat building to mixed-use development

Existing Situation: 100 apartments within 4000 sqm.

Proposed Conversion: 4500 sqm residential containing 85 units plus 500 sqm ground floor retail.

Compliance Assessment: The reduction to 85 units complies with the provision. The addition of retail does not affect the allowable reduction in dwellings.

Example 3: Conversion of mixed-use development to residential flat building

Existing Situation: 2500 sqm residential containing 50 apartments and 500 sqm retail.

Proposed Conversion: 43 units within 5000 sqm, no non-residential floor space.

Compliance Assessment: The reduction to 43 units complies with the provision. No new non-residential components are introduced.

Example 4: Conversion of mixed-use development to mixed-use development (reduced units)

Existing Situation: Mixed-use development with 50 units, comprising residential and retail space. Residential area: 2500 sqm. Retail area: 500 sqm.

Proposed Conversion: Reduction to 43 units with 4500 sqm residential area and 500 sqm retail.

Compliance Assessment: The reduction to 43 units complies with the provision, ensuring that the reduction in dwellings does not exceed the allowable 15%.

Example 5: Conversion of Mixed-Use with reduced residential floor space

Example 5 illustrates a mixed-use development with 50 units, consisting of 2,000 sqm residential area and 1,000 sqm retail space. As a result of the proposed redevelopment, there is no change to floor space, however 2,000 sqm will be allocated to retail and residential floor space will be halved to 1,000 sqm. The proposed number of units is also proposed to fall to 22 units.

The proposed clause allows the loss of dwellings up to a maximum of 15% of existing units, but exceptions allow conversion of residential space to non-residential use. Despite exceeding the 15% limit, due to reallocating residential space for retail, development consent can still be granted under this provision.

The method of calculating maximum loss of dwellings is shown below:

- Step 1: Adjust the number of units affected by the provision based on the loss in residential floor space. As the residential floor space is halved (1000/2000 = 50%), the dwelling retention rule applies to 25 units.
- Step 2: Apply the dwelling retention rule to the 25 units. The maximum allowable loss is 4 units.
- Step 3: Determine if the maximum loss exceeds the number of units below 25. With proposed units reduced to 22 (3 lower than 25), the proposal complies.

Justification

Evidence base behind development standard

The City is meeting its housing targets set out by the Department of Planning and Environment. The need to provide additional housing is exacerbated by the current housing supply shortage. The loss of dwellings in the eastern part of the City is making it more challenging to deliver additional housing supply.

Nine development applications are currently under consideration as at November 2023 involving the loss of 124 dwellings, concentrated in the eastern area of the LGA. In addition to this, at least 63 dwellings have been lost since the start of 2018, across the City due to this type of development again, mostly concentrated in the east.

The majority of these lost dwellings involve the redevelopment of residential flat buildings containing relatively affordable studios and one-bedroom apartments with larger apartments.

The City aims to ensure that the overall supply of housing will not be compromised by developments involving a net loss while also allowing for renewal of older building stock.

A detailed justification for the development standard is provided as an appendix to this planning proposal.

Background

Based on recent development applications received, the City's eastern suburbs, including Potts Point, Rushcutters Bay and Elizabeth Bay, have seen the development of larger apartments developments have been at the expense of smaller and more affordable studio and one bedroom apartments.

The area has historically been popular to live in, given its proximity to Central Sydney, the harbour and to amenities and public transport. The housing stock has been dominated by less-expensive smaller studios or one bedroom apartments which has allowed the area to remain relatively affordable to those on lower incomes.

Due to the attractiveness of the area and the lack of larger apartments, there has been increased speculative activity in the area, with existing residential flat buildings being targeted for redevelopment, often replacing affordable smaller apartments with fewer, larger apartments. This has a detrimental impact on the availability of smaller and more affordable dwellings.

Scenario analysis – with and without the proposed clause

A scenario analysis was developed, using six development applications, recently approved or currently under assessment in the eastern part of the City. They contain between 12 and 80 apartments with average apartment sizes of 32 to 95 square metres.

Table 1. Recent development applications

Example	1	2	3	4	5	6
Existing residential floor area (m2)	2592	2928	804	432	1306	1938
Proposed residential floor area	3717	3456	1331	1149	1580	3758

Example	1	2	3	4	5	6
Existing average apartment size (m2)	32	95	34	36	82	42
Average dwelling size without net dwelling loss clause (m2)	133	384	133	192	122	171
Average dwelling size with dwelling loss clause (m2)	55	133	67	115	113	96
Existing number of dwellings	80	31	24	12	16	46
Proposed number of dwellings without net dwelling loss clause	28	9	10	6	13	22
Proportion of dwellings lost (%)	65	71	58	50	19	52
Proposed minimum number of dwellings with net dwelling loss clause	68	26	20	10	14	39

Table 1 shows six recent examples of development applications received by the City relating to the redevelopment of residential flat buildings that result in a net reduction in the number of dwellings. They propose increases in the total residential floor area of between 18 and 166 per cent, and a reduction in the number of dwellings of between 19 and 71 per cent. Across these examples, it is a net dwelling loss of 121 dwellings.

The types of apartments currently being lost are smaller, unlikely to be replaced and are relatively affordable. Average existing apartment sizes in four of the above examples range from 32 to 42 square metres and are being replaced with apartments averaging 133 to 192 square metres. In contrast, developments under this proposed clause would result in average apartment sizes that are larger than existing but smaller than proposed in the example development applications. This will ensure that dwelling diversity can be maintained and that redevelopment of apartment buildings maintains smaller apartments while still offering the opportunity to provide some larger dwellings in a redeveloped building.

The potential for additional gross floor area and the ability to reduce the number of dwellings by 15 per cent means diversity and minimum amenity standards can still be achieved. This is particularly important where existing buildings exclusively consist of studio apartments, sometimes with average apartment sizes below 35 square metres.

Allowing flexibility

The drafting of the clause as a numerical development standard enables the use of Clause 4.6 variations.

The nature of development that this clause applies to may require some flexibility. There may be rare instances where a residential flat building may be proposed for redevelopment where the

apartment sizes are too small to enable a redevelopment that is appropriate for current minimum design standards.

Matters for consideration

This section provides a response to the 'matters for consideration' described in Table 3 of the Local Environmental Plan Making Guideline, published by the Department of Planning and Environment in August 2023, that are to be taken into account when describing, evaluating and justifying a planning proposal.

Section A – Need for the planning proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes, this planning proposal aims to give effect to Priority L3 of the City of Sydney Local Strategic Planning Statement. The LSPS acknowledges that as infill development opportunities shrink, and urban renewal areas are built out, there is less opportunity to build more homes in the area. It acknowledged the need to retain and attract residents on lower incomes. This is more difficult when well-located, smaller and relatively affordable dwellings are lost in redevelopment.

Specifically, it gives effect to Action L3.2 to ensure that the dwelling mix supports a diverse community.

The planning proposal gives effect to the LSPS by ensuring that development does not reduce housing stock while also responding to the need to retain and attract residents on lower incomes.

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

Without a change to the planning controls the market is expected to continue reducing the number of dwellings on sites with a continuing loss of smaller and relatively affordable well-located dwelling units.

Section B - Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and action of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

A Metropolis of Three Cities – the Greater Sydney Region Plan

A Metropolis of Three Cities – the Greater Sydney Region Plan is the NSW Government's overarching strategic document for growth and change in Sydney. The 20 year plan with a 40 year vision seeks to transform Sydney into a metropolis of three cities being the Western Parkland City, the Central River City and the Eastern Harbour City. The City of Sydney LGA is positioned within the Eastern Harbour City.

The plan identifies key challenges facing Sydney including a population increase to eight million by 2056, 817,000 new jobs by 2036 and a requirement for 725,000 new homes.

The plan aspires to deliver the following outcomes:

– liveability – enhancing cultural and housing diversity and designing places for people;
– productivity – developing a more accessible and walkable city and creating conditions for a stronger economy;
– sustainability – valuing green spaces and landscape, improving efficiency of resources and creating a resilient City; and
– infrastructure – ensuring infrastructure supports new developments and governments, community and businesses collaborate to realise the benefits of growth.

To achieve the vision, the plan proposes 10 directions, 40 objectives and associated strategies. This planning proposal is consistent with the following objectives of the Greater Sydney Region Plan:

– Objective 10: Greater Housing Supply – the Plan identifies housing targets for the Eastern City, which the City forms part of. The planning proposal directly responds to this by ensuring that development does not result in a reduction in housing supply.

– Objective 11: Housing is more diverse and affordable – this planning proposal directly responds to the rental and purchasing affordability challenges identified in the Plan including the limited availability of smaller dwellings to meet the growing proportion of small households as well as the growing distance between areas where housing is affordable and the location of employment and education opportunities.

Eastern City District Plan

The Greater Sydney Commission released the District Plans for the Greater Sydney Metropolitan Region in March 2018. The District Plans set out how A Metropolis of Three Cities – the Greater Sydney Region Plan applies to local areas. The City of Sydney is in the Eastern City District.

The district plan has set a 20-year strategic target for housing and employment growth within the district, including a 2036 target of 157,500 dwellings and a short-term (5 years) housing target of 46,550 new dwellings. In the City of Sydney LGA, 18,300 dwellings are to be delivered.

This planning proposal is consistent with the following planning priorities of the Eastern City District Plan

– Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport This planning proposal gives effect to this priority by ensuring that development does not result in a reduction in housing supply and diversity.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Sustainable Sydney 2030-2050 "Continuing the Vision"

Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the City to 2050. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This planning proposal is aligned with the following relevant strategic directions and objectives:

Direction 10 – Housing for all, including:

– Objective 10.4 Every neighbourhood has a mix of housing accommodating diverse and growing communities. It sets the goal that by 2036 there will be 156,000 private dwellings and 17,500 non-private dwellings.

City Plan 2036 - Local Strategic Planning Statement

The City of Sydney Local Strategic Planning Statement (planning statement), adopted by Council in February 2020, sets out the land use planning context, 20-year vision and planning priorities to positively guide change towards the City's vision for a green, global and connected city. The planning statement explains how the planning system will manage that change to achieve the desired outcomes and guides future changes to controls.

In giving effect to the planning statement, this planning proposal delivers on Priority L3 - New homes for a diverse community and Action L3.2 to increase the mix of dwelling types.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Not applicable

Is the planning proposal consistent with the applicable State Environmental Planning Policies?

This planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (REPs), as summarised in Table 1.

State Environmental Planning Policy	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Consistent – no amendment contained in this planning proposal will hinder the application of this SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Consistent – no amendment contained in this planning proposal will hinder the application of this SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Consistent – no amendment contained in this planning proposal will hinder the application of this SEPP.
State Environmental Planning Policy (Housing) 2021	Consistent – the amendments in this planning proposal will continue to support the delivery of diverse housing types, consistent with the principles of this SEPP.
State Environmental Planning Policy (Industry and Employment) 2021	Consistent – no amendment contained in this planning proposal will hinder the application of this SEPP.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Not applicable.
State Environmental Planning Policy (Planning Systems) 2021	Consistent – no amendment contained in this planning proposal will hinder the application of this SEPP.
State Environmental Planning Policy (Precincts—Central River City) 2021	Not applicable to this proposal
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Consistent – no amendment contained in this planning proposal will hinder the application of this SEPP.
State Environmental Planning Policy (Precincts—Regional) 2021	Not applicable to this proposal
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	Not applicable to this proposal
State Environmental Planning Policy (Primary Production) 2021	Not applicable to this proposal
State Environmental Planning Policy (Resilience and Hazards) 2021	Consistent – no amendment contained in this planning proposal will hinder the application of this SEPP.

State Environmental Planning Policy	Comment
State Environmental Planning Policy (Resources and Energy) 2021	Not applicable.
State Environmental Planning Policy (Sustainable Buildings) 2022	Consistent – no amendment contained in this planning proposal will hinder the application of this SEPP.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Consistent – no amendment contained in this planning proposal will hinder the application of this SEPP.

Table 2 Consistency with Ministerial Directions

Is the planning proposal consistent with applicable Section 9.1 Ministerial Directions?

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the Environmental Planning and Assessment Act 1979, as summarised in Table 2.

Ministerial Direction	Comment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent. This planning proposal supports the Region Plan, as discussed in detail under question 3 (above) of this planning proposal.
1.2 Development of Aboriginal Land Council land	Not applicable
1.3 Approval and Referral Requirements	Consistent. This planning proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development.
1.4 Site Specific Provisions	Not applicable as the planning proposal does not apply to a particular development to be carried out.
1.4A Exclusion of Development Standards from Variation	Consistent. This planning proposal does not propose to exclude the development standard from the operation of clause 4.6.
Focus area 1: Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable

Ministerial Direction	Comment
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.14 Implementation of Greater Macarthur 2040	Not applicable
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Consistent. This Planning proposal does not hinder the application of the Pyrmont Peninsula Place Strategy.
1.16 North West Rail Link Corridor Strategy	Not applicable
1.17 Implementation of the Bays West Place Strategy	Not applicable
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable
1.19 Implementation of the Westmead Place Strategy	Not applicable
1.20 Implementation of the Camellia-Rosehill Place Strategy	Not applicable
1.21 Implementation of South West Growth Area Structure Plan	Not applicable
1.22 Implementation of the Cherrybrook Station Place Strategy	Not applicable
Focus area 2: Design and Place	No directions in place
Focus area 3: Biodiversity and Conservation	

Ministerial Direction	Comment
3.1 Conservation Zones	This planning proposal is consistent
3.2 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This planning proposal is consistent with this direction because it does not change existing provisions that facilitate conservation.
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
3.6 Strategic Conservation Planning	Not applicable
3.7 Public Bushland	Consistent. This planning proposal does not affect public bushland.
3.8 Willandra Lakes Region	Not applicable
3.9 Sydney Harbour Foreshores and Waterways Area	Consistent. The proposed amendments do not affect the Sydney Harbour Foreshores and Waterways Area.
3.10 Water Catchment Protection	Not applicable.
Focus area 4: Resilience and Hazards	
4.1 Flooding	Consistent. The proposed amendments does not rezone any land within a flood planning area.
4.2 Coastal Management	Consistent. The planning proposal applies to land within the coastal zone, however this change does not rezone land nor does it enable increased development or more intense land-use. It is consistent with all relevant Acts, manuals, guidelines and plans identified in Ministerial Direction 4.2.
4.3 Planning for Bushfire Protection	Not applicable
4.4 Remediation of Contaminated Land	Consistent. The proposed amendments do not change the zoning of any land.

Ministerial Direction	Comment
4.5 Acid Sulfate Soils	Consistent. The proposed amendments do not hinder the acid sulfate soil provisions in Sydney LEP 2012
4.6 Mine Subsidence and Unstable Land	Not applicable
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent. This planning proposal supports this direction by ensuring dwelling density is maintained in areas well serviced by public transport and within close walking distance to services.
5.2 Reserving Land for Public Purposes	Not applicable
5.3 Development Near Regulated Airports and Defence Airfields	Consistent. The proposed amendments will not adversely impact the safe and effective operation of nearby airports nor constitute an obstruction and potential hazard to aircraft flying in the vicinity.
5.4 Shooting Ranges	Not applicable
Focus area 6: Housing	
6.1 Residential Zones	Consistent. See discussion below.
6.2 Caravan Parks and Manufactured Home Estates	Not applicable.
Focus area 7: Industry and Employment	
7.1 Employment Zones	This planning proposal is consistent. It does not make changes to zoning or reduce the total potential floor space area for employment uses and related public services.
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
Focus area 9: Primary Production	

Ministerial Direction	Comment
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Table 2 Consistency with Ministerial Directions

Housing Diversity

This Direction seeks to encourage housing diversity to address future needs that minimises adverse environmental impacts and makes efficient use of existing infrastructure. It lists matters that the planning proposal must include. Matters relevant to this planning proposal include:

- broaden the choice of building types and locations available in the housing market;
- make more efficient use of existing infrastructure and services;
- reduce the consumption of land for housing and associated urban development on the urban fringe; and
- not contain provisions which will reduce the permissible residential density of land.

This planning proposal contains provisions to ensure that the number of dwellings and residential diversity is not reduced where sites containing dwellings are proposed for redevelopment. This directly supports the ministerial direction by maintaining dwelling diversity in the City.

Importantly, it protects the availability of relatively affordable, smaller apartments close to the Sydney CBD, an area which has the highest rents and housing demand.

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 because of the proposal?

No. it is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of this planning proposal.

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

No.

Has the planning proposal adequately addressed any social and economic effects?

This planning proposal will result in positive social and economic effects through the maintenance of relatively affordable housing supply close to infrastructure and public transport in an area that has a limited supply of housing.

Section D - Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The planning proposal does not increase the density of development in the area. Local infrastructure will be delivered in accordance with the City of Sydney Development Contributions Plan 2015 and 2020, community infrastructure provisions of the LEP and Council's long term capital works program.

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

To be determined in further consultation with public authorities following Gateway determination.

Community consultation

~~This planning proposal shall be exhibited in accordance with the requirements of the gateway determination once issued by the Department of Planning and Environment.~~

~~It is anticipated that public exhibition of the planning proposal will be for a period of at least 20 working days, which is consistent with the Environmental Planning and Assessment Act 1979 and the Local Environmental Plan Making Guideline dated August 2023.~~

~~The public exhibition documentation will be available on the City of Sydney website, in accordance with the City's Community Engagement Strategy and Participation Plan 2023.~~

~~Consultation with the necessary state and federal agencies, authorities and other relevant organisations will be undertaken in accordance with the conditions contained in the gateway determination.~~

This planning proposal was updated in accordance with the gateway determination issued by the Department prior to public exhibition.

Community consultation was undertaken in accordance with the requirements of the gateway determination.

The planning proposal was publicly exhibited from 11 July 2024 to 23 August 2024, meeting the requirements for a complex planning proposal under the Department's Local Environmental Plan Making Guideline.

Notification of the public exhibition of this planning proposal was made by letter to over 30,000 property owners, on the City of Sydney website, by direct email, QMS screen billboards and via advertisement on social media platforms. All exhibition material was made available on the City of Sydney website.

Consultation with public authorities or government agencies was not required by the gateway determination.

Project timeline

This planning proposal is categorised as a Complex planning proposal as per the Local Environmental Plan Making Guidelines dated August 2023, the anticipated timeframe for the completion of the planning proposal is as follows:

Stage	Timeframe
Gateway Request	**December 2023**
Commencement / gateway determination	~~**February 2024**~~ **April 2024**
~~Government agency consultation~~	~~**March – April 2024**~~
Public exhibition	~~**March – April 2024**~~ **July-August 2024**
Review of issues raised in submissions	~~**April – June 2024**~~ **August-October 2024**
Post-exhibition reporting	~~**August 2024**~~ **November 2024**
LEP drafting	~~**September – October 2024**~~ **November 2024 – January 2025**~~-~~
LEP made	~~**November 2024**~~ **February 2025**
LEP notification	~~**November 2024**~~ **February 2025**

Appendix

Drafting instructions

Introduce clause 6.XX of Sydney LEP 2012 as follows:

6.XX Dwelling retention

(1) The objective of this clause is to minimise the loss of housing ~~diversity~~ resulting from the consolidation of existing dwellings or the demolition of existing housing for the construction of fewer new dwellings.

(2) Subject to subsection (3) below, development consent or consent to an application to modify a development consent must not be granted for development (including demolition) to an existing residential flat building, or an existing mixed-use development that contains three or more dwellings, unless the consent authority is satisfied that the number of dwellings will not be reduced by the greater of:

(a) 1 dwelling; or

(b) 15% of dwellings in the development (rounded to the nearest whole number).

(3) Despite subsection (2) above, development consent or consent to an application to modify a development consent may be granted for development (including demolition) to an existing residential flat building or a mixed-use development that contains shop top housing where the decrease in dwellings will occur as a result of a change of use of residential floor space to a non-residential use.

Amend Clause 1.8A (X) Savings provisions relating to development applications as follows (changes shown in **bold**):

1.8A (X) The amendments made to this plan by Sydney Local Environmental Plan 2012 **Sydney Local Environmental Plan 2012 (Amendment No XX)** do not apply to—

(a) a concept development application or a development application made but not finally determined before the commencement of the amendments, or

(b) a development application made after the commencement of the amendments, if the development application is subsequent to, and made in reliance on, a concept development application in relation to the same development that was—

(i) made but not finally determined before the commencement of the amendments, or

(ii) granted development consent before the commencement of the amendments.

Attachment C

Resolutions of Council and the Central Sydney Planning Committee

Resolution of Council

11 December 2023

Item 9.7

Public Exhibition - Planning Proposal - Sydney Local Environmental Plan and Development Control Plan - Policy and Housekeeping Amendments (LEP/DCP Update)

It is resolved that:

(A) Council approve Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023, shown at Attachments A, A1 and A2 to the subject report for submission to the Department of Planning and Environment with a request for a Gateway Determination and public consultation and exhibition in accordance with any conditions imposed under the Gateway Determination;

(B) Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023;

(C) Council approve Planning Proposal - Sydney Local Environmental Plans – Dwelling Retention shown at Attachment B to the subject report for submission to the Department of Planning and Environment with a request for Gateway Determination and public consultation and exhibition in accordance with any conditions imposed under the Gateway Determination;

(D) Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal – Sydney Local Environmental Plan 2012 - Dwelling Retention;

(E) Council approve draft Sydney Development Control Plan 2012 - Policy and Housekeeping Amendments 2023 at Attachments C, C1 and C2 to the subject report for public exhibition with the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023 subject to the following insertion:

Indoor air quality in new residential development

Objectives

(a) Reduce indoor air pollutants associated with the onsite combustion of gas to improve air quality.

Provisions

(1) Gas cooktops, gas ovens or gas internal space heating systems are not permitted in new residential development; instead, electric systems should be installed;

(F) Council approve updates to City of Sydney Competitive Design Policy, Guidelines for Waste Management in New Developments, and Landscape Code shown at Attachments D, E and F to the subject report for public exhibition with the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023 and draft development control plan;

(G) Council rescind the Green Roofs and Wall Policy as shown at Attachment G to the subject report;

(H) authority be delegated to the Chief Executive Officer to make any minor amendments to Planning Proposal – Policy and Housekeeping Amendments 2023 shown at Attachments A, A1 and A2 to the subject report prior to public exhibition to correct any drafting errors or to ensure consistency with the Gateway Determination;

(I) authority be delegated to the Chief Executive Officer to make any minor amendments to Planning Proposal – Dwelling Retention shown at Attachment B to the subject report prior to public exhibition to correct any drafting errors or to ensure consistency with the Gateway Determination; and

(J) authority be delegated to the Chief Executive Officer to make any minor amendments to the draft Sydney Development Control Plan 2012 - Policy and Housekeeping Amendments 2023 and other development guidelines, codes and policies shown at Attachments C - F to the subject report, prior to public exhibition to correct any drafting errors or ensure consistency with the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023.

Carried unanimously.

X039444

Resolution of Central Sydney Planning Committee

7 December 2023

Item 9

Public Exhibition – Planning Proposal – Sydney Local Environmental Plan and Development Control Plan – Policy and Housekeeping Amendments (LEP/DCP Update)

Moved by the Chair (the Lord Mayor), seconded by Councillor Worling –

It is resolved that:

(A) the Central Sydney Planning Committee approve Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023, shown at Attachments A, A1 and A2 to the subject report for submission to the Department of Planning and Environment with a request for a Gateway Determination and public consultation and exhibition in accordance with any conditions imposed under the Gateway Determination;

(B) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 4 December 2023, that Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023;

(C) the Central Sydney Planning Committee approve Planning Proposal - Sydney Local Environmental Plans - Dwelling Retention shown at Attachment B to the subject report for submission to the Department of Planning and Environment with a request for Gateway Determination and public consultation and exhibition in accordance with any conditions imposed under the Gateway Determination;

(D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 4 December 2023, that Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal – Sydney Local Environmental Plan 2012 - Dwelling Retention;

(E) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 4 December 2023, that Council approve draft Sydney Development Control Plan 2012 - Policy and Housekeeping Amendments 2023 at Attachments C, C1 and C2 to the subject report for public exhibition with the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023;

(F) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 4 December 2023, that Council approve updates to City of Sydney Competitive Design Policy, Guidelines for Waste Management in New Developments, and Landscape Code shown at Attachments D, E and F to the subject report for public exhibition with the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023 and draft development control plan;

(G) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 4 December 2023, that Council rescind the Green Roofs and Wall Policy as shown at Attachment G to the subject report;

(H) authority be delegated to the Chief Executive Officer to make any minor amendments to Planning Proposal – Policy and Housekeeping Amendments 2023 shown at Attachments A, A1 and A2 to the subject report prior to public exhibition to correct any drafting errors or to ensure consistency with the Gateway Determination;

(I) authority be delegated to the Chief Executive Officer to make any minor amendments to Planning Proposal – Dwelling Retention shown at Attachment B to the subject report prior to public exhibition to correct any drafting errors or to ensure consistency with the Gateway Determination; and

(J) authority be delegated to the Chief Executive Officer to make any minor amendments to the draft Sydney Development Control Plan 2012 - Policy and Housekeeping Amendments 2023 and other development guidelines, codes and policies shown at Attachments C - F to the subject report, prior to public exhibition to correct any drafting errors or ensure consistency with the Planning Proposal – Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023.

Carried unanimously.

X039444

Attachment D

Gateway Determination
Dated 5 April 2024

Gateway Determination

Planning proposal (Department Ref: PP-2024-27): Introduce a new local provision into the Sydney Local Environmental Plan 2012 to minimise the loss of diverse housing stock resulting from the consolidation of existing dwellings, or the demolition of existing dwellings for the construction of new dwellings.

I, the A/Executive Director, Metro East and South at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sydney Local Environmental Plan 2012 to Introduce a new local provision in Part 6 of Sydney Local Environmental Plan 2012 to minimise the loss of diverse housing stock should proceed subject to the following conditions.

The Council as planning proposal authority is not authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act.

The LEP should be completed on or before 28 March 2025.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be updated to include the following:

    (a) Additional evidence and analysis for clarity and transparency explaining how the proposed numerical standard was selected and why it is the best mechanism to address this housing trend. This should include:

        i. Further explanation of how the 15% rate of maximum dwelling reduction was identified rather than another rate and how it is the most appropriate to achieve the proposal objectives.

        ii. Multiple worked examples showing how the provision will apply in different scenarios and development types. This should include:

            - the methodology for how the reduction in overall dwellings on the site would be calculated when there is a non-residential component.

            - scenarios where mixed-use buildings reducing the number of dwellings and some dwellings are converted to non-residential uses, and

            - scenarios for residential flat buildings.

        iii. Further explanation of how the proposed provision of how a mix of dwelling sizes for a range of households can be achieved.

        iv. Discussion of how the proposed provision will apply to zones predominately characterised by employment or mixes uses.

    (b) Address Section 9.1 Ministerial Direction 4.2 – Coastal Management and provide justification to demonstrate how the planning proposal is consistent with the terms of the direction; and

(c) A proposed provision for savings and transitional arrangements for applications lodged prior to the provision coming into effect.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

   (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 working days; and

   (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

3. Consultation is not required with public authorities or government agencies under section 3.34(2)(d) of the Act.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 5 April 2024



Laura Locke
A/Executive Director, Metro East and South
Planning, Land Use Strategy and Housing
Department of Planning, Housing and Infrastructure

Delegate of the Minister for Planning and Public Spaces

Item 9.

Public Exhibition - Planning Proposal - Chinatown Heritage Items - Sydney Local Environmental Plan 2012 Amendment

File No: X099927

Summary

The Haymarket and Chinatown Revitalisation Strategy was adopted by Council on 11 December 2023, including an action to recognise the cultural heritage of Chinatown through investigating 3 buildings (50-54 Dixon Steet, 90-100 Hay Street and 75-77 Ultimo Road, Haymarket) to better understand their history and heritage significance.

The heritage assessments prepared by Hector Abrahams Architects and Dr Juanita Kwok provide detailed information on the history of each building and conclude that all three have local significance for varying reasons. The assessments conclude:

(a) The building at 50-54 Dixon Street was jointly funded and purpose-built in 1916 by the leaders of the Tsang Shing (Zengcheng) and Tung Koon (Dongguan) counties as clubhouses for 3 Tongs. The Tongs played a vital role in the Chinese Australian community by offering services to assist with settling in Sydney or returning to China. The building has local significance for its historic significance, historical association, aesthetic / creative / technical achievement, social, cultural and spiritual, rare, and representative attributes.

(b) The building at 90-100 Hay Street was constructed as municipal stores for the markets and were occupied by Chinese Australian firms which played a role in pioneering the processes of the banana and commercial vegetable growing industries in Australia. It meets the threshold for local significance in terms of its historic significance, historical association, aesthetic / creative / technical achievement, social, cultural and spiritual, research potential and rare attributes.

(c) The building at 75-77 Ultimo Road was constructed for and has served continuously as the headquarters of the Chinese Nationalist Party of Australasia (Kuo Min Tang or KMT) since 1921. It meets the threshold for local significance in terms of its historic significance, historical association, aesthetic / creative / technical achievement, social, cultural and spiritual, research potential and rare attributes.

A planning proposal to amend the City's local environmental plan (LEP) has been prepared to list the 3 buildings as heritage items.

This report recommends the planning proposal be approved to seek a gateway determination and carry out public authority consultation and public exhibition.

Recommendation

It is resolved that:

(A) the Central Sydney Planning Committee approve the Planning Proposal - Chinatown Heritage Items, Haymarket as shown at Attachment A to the subject report for submission to the Department of Planning, Housing and Infrastructure with a request for gateway determination;

(B) the Central Sydney Planning Committee approve the Planning Proposal - Chinatown Heritage Items, Haymarket as shown at Attachment A for public authority consultation and public exhibition in accordance with any conditions imposed under the gateway determination;

(C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 11 November 2024 that Council seek authority from the Department of Planning, Housing and Infrastructure to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect the planning proposal; and

(D) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Heritage Items - Chinatown to correct any drafting errors or to ensure consistency with the gateway determination.

Attachments

Attachment A. Planning Proposal - Chinatown Heritage Items, Haymarket

Attachment B. Hector Abrahams Architects - Heritage Assessment Report - 50-54 Dixon Street

Attachment C. Hector Abrahams Architects - Heritage Assessment Report - 90-100 Hay Street

Attachment D. Hector Abrahams Architects - Heritage Assessment Report - 75-77 Ultimo Road

Attachment E. Hector Abrahams Architects - Draft Inventory Sheet - 50-54 Dixon Street

Attachment F. Hector Abrahams Architects - Draft Inventory Sheet - 90-100 Hay Street

Attachment G. Hector Abrahams Architects - Draft Inventory Sheet - 75-77 Ultimo Road

Background

1. The Haymarket and Chinatown Revitalisation Strategy (the Strategy) was adopted by Council on 11 December 2023.

2. The Strategy provides a coordinated response to the community vision and evidence-based studies. It identifies actions in 5 areas:

   (a) renewal of the heart

   (b) planning and heritage

   (c) public domain and public art

   (d) culture, events, and activations, and

   (e) collaboration and partnerships.

3. The Strategy includes an action to recognise the cultural heritage of Chinatown through investigating three buildings to better understand their history and significance:

   (a) 75-77 Ultimo Road, Kuo Min Tang building

   (b) 90-100 Hay Street, Former Municipal Stores

   (c) 50-54 Dixon Steet, Goon Yee, Loong Yee and Loon Fook Tongs building.

4. Hector Abrahams Architects and Dr Juanita Kwok were commissioned to undertake the project. The first stages were to undertake historic research of the 3 sites and engagement with community and landowners.

5. A community workshop was held on 5 April 2024 to discuss the draft historic research and get feedback. The workshop was attended by 20 attendees including academics, historians, community representatives and former residents or people with connections to the buildings.

6. The landowners were also invited via letter and email for a meeting to hear about the draft historic research and to discuss their building. Of the 8 landowners, 6 attended, one declined the meeting, and one did not respond.

7. The feedback from both the community workshop and the landowner meetings helped to inform the historic research and the initial assessment of significance.

8. With the City's instruction, Hector Abrahams Architects then carried out heritage assessments for each of the three buildings, which are summarised below.

50-54 Dixon Street, Goon Yee, Loong Yee and Loon Fook Tongs building

9. The building at 50-54 Dixon Street was jointly funded and purpose-built in 1916 by the leaders of the Tsang Shing (Zengcheng) and Tung Koon (Dongguan) counties as clubhouses for 3 Tongs. The Tongs played a vital role in the Chinese Australian community by offering services to assist with settling in Sydney or returning to China.

10. The heritage assessment concluded that the building meets the threshold for local significance in terms of:

    (a) Criterion (a) Historic significance: The building at 50-54 Dixon Street is a purpose-built 3-storey building for the Tung Koon (Dongguan) and Tsang Shing (Zengcheng) associations, which are key social organisations for the Chinese Australian community in Sydney. The role of the associations was significant in maintaining the Chinese Australian community's links with their hometown and facilitated the settlement of Chinese immigrants in Australia. The building also housed several other historically significant Chinese Australian organisations, The Tung Wah Times Newspaper, the NSW Chinese Chamber of Commerce, and a number of restaurants which were instrumental in developing the restaurant culture of Dixon Street.

    (b) Criterion (b) Historical association: The 3-storey building at 50-54 Dixon Street has historical association with the "Loon Fook Tong", "Loong Yee Tong" and "Goon Yee Tong" District Associations of the Tsang Shing and Tung Koon Counties. The place is also associated with the Chinese newspaper 'Tung Wah Times' (publishing address at 52 Dixon Street from 1918 until at least 1933 but likely until 1936) and the Chinese Chamber of Commerce (headquartered at 52 Dixon Street from 1918 to 1965). The place is associated with a number of prominent figures in the Chinese Australian community, particularly Ping Nam and Gilbert Yet Ting Quoy.

    (c) Criterion (c) Aesthetic / creative / technical achievement: The building at 50-54 Dixon Street is aesthetically significant in providing an understanding of the historical streetscape of Dixon Street. It is a good example of a late Federation building and it is this style that represents the founding architectural character of Dixon Street.

    (d) Criterion (d) Social, cultural and spiritual: The Loon Fook Tong, Goon Yee Tong and Loong Yee Tong district associations have owned and/or used 50-54 Dixon Street for over 100 years and has ongoing social significance for members of the Tsang Shing County and Tung Koon districts. Although many of the historical functions of the district associations have ceased, such as bone repatriation, the district associations continue to hold sociable and charitable activities at the place.

    The place is symbolic of Chinese migration and settlement in Australia and is also evidence of the Chinese diaspora's practice of maintaining, over many generations, strong ties to their home country. The building contributes to the local identity of the 2 communities within Sydney.

    (e) Criterion (f) Rare: A small number of purpose-built district association buildings are known to have been erected in several parts of Australia since the late 19th century. The building at 50-54 Dixon Street is one of a handful of buildings in the country that continue to exist and function as district associations and have done so for over 100 years.

    (f) Criterion (g) Representative: The late Federation building at 50-54 Dixon Street is one of a handful of buildings on Dixon Street that is representative of the historical scale, materiality and composition of the old Chinatown streetscape.

11. The heritage assessment concluded that the building at 50-54 Dixon Street, Haymarket meets the threshold for local heritage significance and warrants potential listing as a heritage item on the local environmental plan.

12. In terms of future development, the report advised that vertical additions and alterations to 50-54 Dixon Street are acceptable but must incorporate appropriate setbacks and scale, be sympathetic to the existing building in terms of style, colour and materiality and ensure retention of the façade and any significant interiors (if existing).

13. The full heritage assessment report is at Attachment B.

90-100 Hay Street, Former Municipal Stores

14. The buildings at 90-100 Hay Street were constructed as municipal stores for the markets and were occupied by Chinese Australian firms which played a role in pioneering the processes of the banana and commercial vegetable growing industries in Australia.

15. The heritage assessment concluded that the building meets the threshold for local significance in terms of:

    (a) Criterion (a) Historic significance: The banana industry was a major industry developed by Chinese Australian entrepreneurs in Australia and Fiji in the 1880s and 1890s, and firms such as Wing Sang based their headquarters in Sydney's Haymarket area. When the new Municipal markets opened at Haymarket in 1912, firms such as Wing Sang and its subsidiaries, leased stores at 90-100 Hay Street. Their businesses and premises are distinct places in NSW for understanding the banana industry and key destinations on this trade route. They provide a cultural history of the role of Chinese Australians in the fruit and vegetable industries, and their adaptation over time, particularly in the face of challenges posed under White Australia legislation.

    (b) Criterion (b) Historical association: The former municipal stores at 90-100 Hay Street are associated with the Chinese merchant community who leased the buildings and operated out of them successful businesses such as Wing Sang & Co., Lee Sang & Co., Wing Tiy & Co., and Gee Ick & Co. These businesses were significant in development of the banana and vegetable produce industries of NSW and Australia. The buildings are also associated with notable individuals including Gilbert Yet Ting Quoy, the Lee family and Stanley Yee who were influential figures amongst the Chinese Australian community

    (c) Criterion (c) Aesthetic/creative/technical achievement: The municipal stores at 90-100 Hay Street contribute to the townscape of Haymarket, particularly along Hay Street and the southern entrance to Dixon Street which is marked by its chamfered corner. The former Municipal Markets are located opposite and were once both part of the market's daily operation. Now the buildings, both of which are contemporaries of each other and designed by the City Architect, form a contextual relationship that defines the area's market character.

    (d) Criterion (d) Social, cultural and spiritual: Members of the Chinese Australian community who were born and grew up in 90-100 Hay Street, whose parents, grandparents or great-grandparents worked in the stores hold deep connections to the buildings. For this community, the buildings are well remembered as stores which are symbolic of the hard work of the producers and the adaptability, resilience and achievements of the Chinese Australian firms.

(e) Criterion (e) Research potential: There is some potential for evidence of the processes and operations of the banana and produce stores.

(f) Criterion (f) Rare: The place is a rare surviving example of stores occupied by multiple major Chinese Australian firms including Wing Sang and Co., Lee Sang and Co., Wing Tiy and Co., and Gee Ick and Co.

16. The heritage assessment concluded that the Former Municipal Stores at 90-100 Hay Street, Haymarket meet the threshold for local heritage significance and potential listing as a heritage item on the local environmental plan.

17. In terms of future development, the report advised that vertical additions and alterations to 90-100 Hay Street are appropriate but must ensure retention of the whole form and original detailing of the exterior of the principal building. Any future development is to be of a sympathetic design.

18. The full heritage assessment report is at Attachment C.

75-77 Ultimo Road, Kuo Min Tang building

19. The building at 75-77 Ultimo Road was constructed for and served continuously as the headquarters of the Chinese Nationalist Party of Australasia (Kuo Min Tang or KMT) since 1921.

20. The building and its archival collection are a key site of Chinese history in NSW and Australia, directly related to the 20th century political history of China and Taiwan, and the social and economic affairs of Chinese Australians during the operation of the white Australia policy.

21. The heritage assessment concluded that the threshold is met for local significance for:

(a) Criterion (a) Historic significance: The KMT was globally a major political party in the 20th century and 75-77 Ultimo Road was the headquarters of the KMT in Australasia for over 100 years. It has been the locus of the Chinese Nationalist Party political activity since it was built in 1921. The building was also the publishing office for the Chinese Times newspaper (1925-1949) which was an organ of the Australasian KMT.

(b) Criterion (b) Historical association: 75-77 Ultimo Road is associated with the Australasian KMT who have owned and occupied the purpose-built building for over 100 years. Prominent individuals from the Chinese Australian community affiliated with the building include Charles (Peter) Yee Wing, Samuel Wong, Mar Leong Wah and Eugene Seeto. The place is also associated with the notable architect Francis Ernest Stowe and Robert Wall & Sons, a significant building company in the 19th and 20th centuries in Sydney

(c) Criterion (c) Aesthetic/creative/technical achievement: The composition and detailing including arch, fenestration, brick mullions, pilasters, parapet and Chinese Characters make a notable contribution to the streetscape and demonstrates aesthetic characteristics associated with Haymarket's redevelopment in the early 20th century.

(d) Criterion (d) Social, cultural and spiritual: As a community hub where political, social and educational activities were located, 75-77 Ultimo Road continues to be highly valued by the Chinese Australian community. It is one of the major political venues of Chinatown and represents the political and social lives of the Chinese Australian community in Chinatown and NSW during the 20th century.

(e) Criterion (e) Research potential: 75-77 Ultimo Road is home to what is probably the largest collection of documents on the activities of the overseas KMT branches outside of China and Taiwan. The collection is an invaluable record of administrative records, publications and photographs not only of the Sydney branch but of those throughout Australia, New Zealand and the Pacific Islands. The archival collection has extensive interpretive value and potential to further our understanding of the history of the KMT.

(f) Criterion (f) Rare: 75-77 Ultimo Road is a rare surviving example of early Chinese Australian commissioned buildings and it is a rare example of a building purpose built for the KMT. The archival collection of the Sydney branch housed on-site, is likely a rare collection on the activities of the KMT's overseas branches.

22. The heritage assessment concluded that the headquarters of the Chinese Nationalist Party of Australasia at 75-77 Ultimo Road meets the threshold for local heritage significance and potential listing as a heritage item on the local environmental plan.

23. In terms of future management, much of the building's significance lies with its direct relationship with the KMT and associated archival and movable heritage collection. It is recommended that future use of the building maintain these ties and continues to ensure the retention of significant internal and external features and appropriate conservation of its archival collection.

24. The full heritage assessment report is at Attachment D.

Proposal for heritage listing

A planning proposal to amend the City of Sydney's Local Environmental Plan (LEP) is required to list the 3 buildings on Schedule 5 of the LEP. The planning proposal is at Attachment A to the report. The planning proposal is supported by the 3 heritage assessments prepared by Hector Abrahams Architects and Dr Juanita Kwok (Attachments B, C and D) as well as the draft Inventory Sheets for the site (Attachments E, F and G).

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

25. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:

(a) Direction 8 - A thriving cultural and creative life - the acknowledgement of the importance of the 3 Chinatown buildings contributes to the City's culture and creative life, with the protection of the heritage fabric and promoting the history of the site and its value to the community.

Relevant Legislation

26. Environmental Planning and Assessment Act 1979.

Public Consultation

27. Should the planning proposal at Attachment A be approved, it will be forwarded to the Department of Planning, Housing and Infrastructure with a request for a gateway determination to allow public exhibition.

28. The public consultation process for the planning proposal will be subject to the conditions of the gateway determination issued by the Department of Planning, Housing and Infrastructure. Exhibition documents will be made available for viewing and comment on the City's Have Your Say website.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Laura Dodds-Hebron, Senior Specialist Planner

Adele Zubrzycka, Senior Specialist Planner Heritage

Attachment A

Planning Proposal – Chinatown Heritage Items, Haymarket

CITY OF SYDNEY

Planning Proposal – Chinatown Heritage Items, Haymarket



The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

Contents

Introduction	2
Objectives and intended outcomes	13
Explanation of provisions	13
Justification	14
Mapping	29
Community consultation	29
Project timeline	30
Appendices	31

Introduction

This planning proposal explains the intent of, and justification for, proposed amendments to Sydney Local Environmental Plan 2012 (SLEP 2012). The planning proposal identifies the following three buildings for inclusion as individual heritage items under Schedule 5 (Environmental heritage), Part 1 (Heritage items), of the LEP:

- 50-54 Dixon Street, Haymarket
- 90-100 Hay Street, Haymarket
- 75-77 Ultimo Road, Haymarket

The proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and relevant Department of Planning guidelines.

Background

Site identification

This planning proposal relates to the following land and structures within Haymarket:

1. 50-54 Dixon Street, Haymarket - Lot A−C DP 958137
2. 90-100 Hay Street, Haymarket - Lots 1−6 DP 261942
3. 75-77 Ultimo Road, Haymarket - Lot 1 DP 79765

The relevant structures, Lot and DP boundaries are outlined in red in Figure 1.



Figure 1: Location of buildings and Lot and DP boundaries for 50-54 Dixon Street (1), 90-100 Hay Street (2) and 75-77 Ultimo Road (3), Haymarket.

50-54 Dixon Street, Haymarket – Goon Yee, Loong Yee and Loon Fook Tongs building

The building at 50-54 Dixon Street, Haymarket is located towards the northern end of Dixon Street and adjacent the northern Chinatown Gate. It is a three-storey masonry structure which incorporates a number of architectural styles including a classical pediment and some Greek detailing completed in 1916. Its construction was jointly funded by the leaders of the Tsang Shing (Zengcheng) and Tung Koon (Dongguan) counties as clubhouses for the Goon Yee Tong, the Loong Yee Tong and the Loon Fook Tong. The Tongs played a vital role in the Chinese Australian community by offering services to assist with settling in Sydney or returning to China. It has been owned and used by the Tongs for over 100 years.

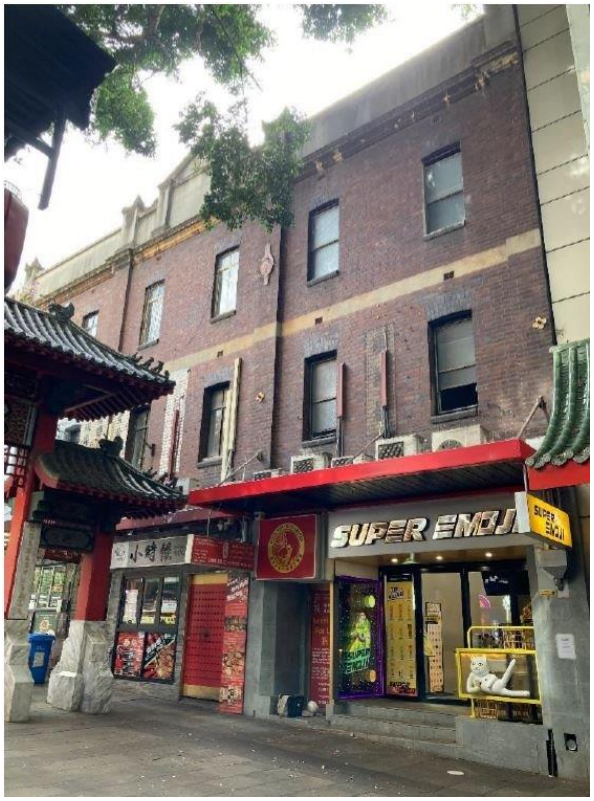


Figure 2: The Goon Yee, Loong Yee and Loon Fook Tongs building at 50-54 Dixon Street, Haymarket

90-100 Hay Street, Haymarket - Former Municipal Stores

The building at 90-100 Hay Street, Haymarket is situated between Harbour Street and Dixon Street with Kimber Lane traversing between 94 and 96 Hay Street. The building itself is characterised by two, three-storey masonry structures and was designed and built as Municipal stores for the neighbouring Municipal markets as a single block in 1911. It was historically occupied by Chinese Australian firms who played a role in pioneering the processes of the banana and commercial vegetable growing industries in Australia. Today, the buildings are used for a variety of food, retail and entertainment purposes.

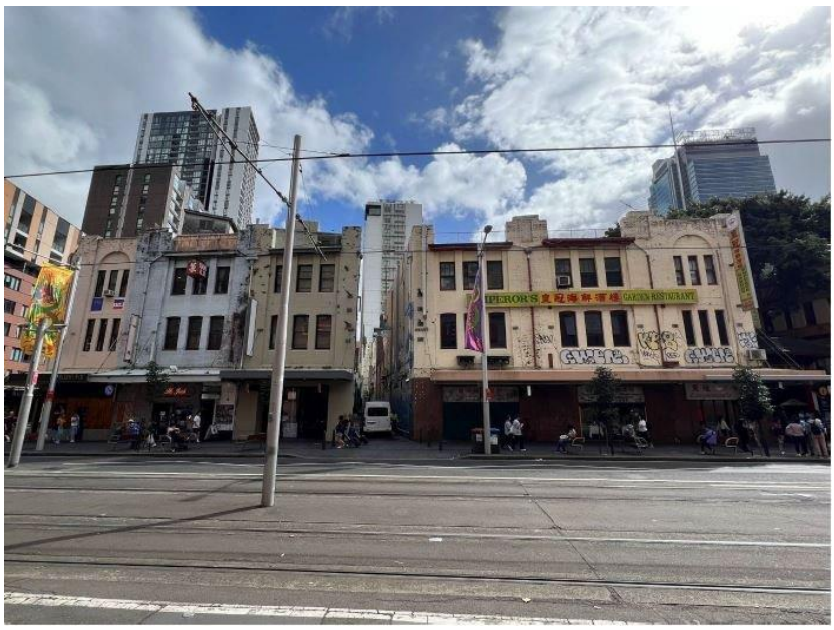


Figure 3: The Former Municipal Stores at 90-100 Hay Street, Haymarket

75-77 Ultimo Road, Haymarket - Kuo Min Tang building

The building at 75-77 Ultimo Road, Haymarket is located in the centre of Haymarket between Thomas and George Streets. Hay Street and Dixon Street are situated to the north. The Kuo Min Tang building is a four-storey masonry structure with distinctive fenestration under a single arch. It was constructed in 1921 as the headquarters for the Chinese Nationalist Party (Kuo Min Tang). The Kuo Min Tang continue to occupy the 1st, 2nd and 3rd floors and lease the ground floor for retail purposes.



Figure 4: The Kuo Min Tang Building at 75-77 Ultimo Road, Haymarket

Planning context

The three proposed heritage items occupy land zoned SP5, Metropolitan Centre. Two of the buildings – 50-54 Dixon Street and 90-100 Hay Street - are abutted by land zoned RE1, Public Recreation.

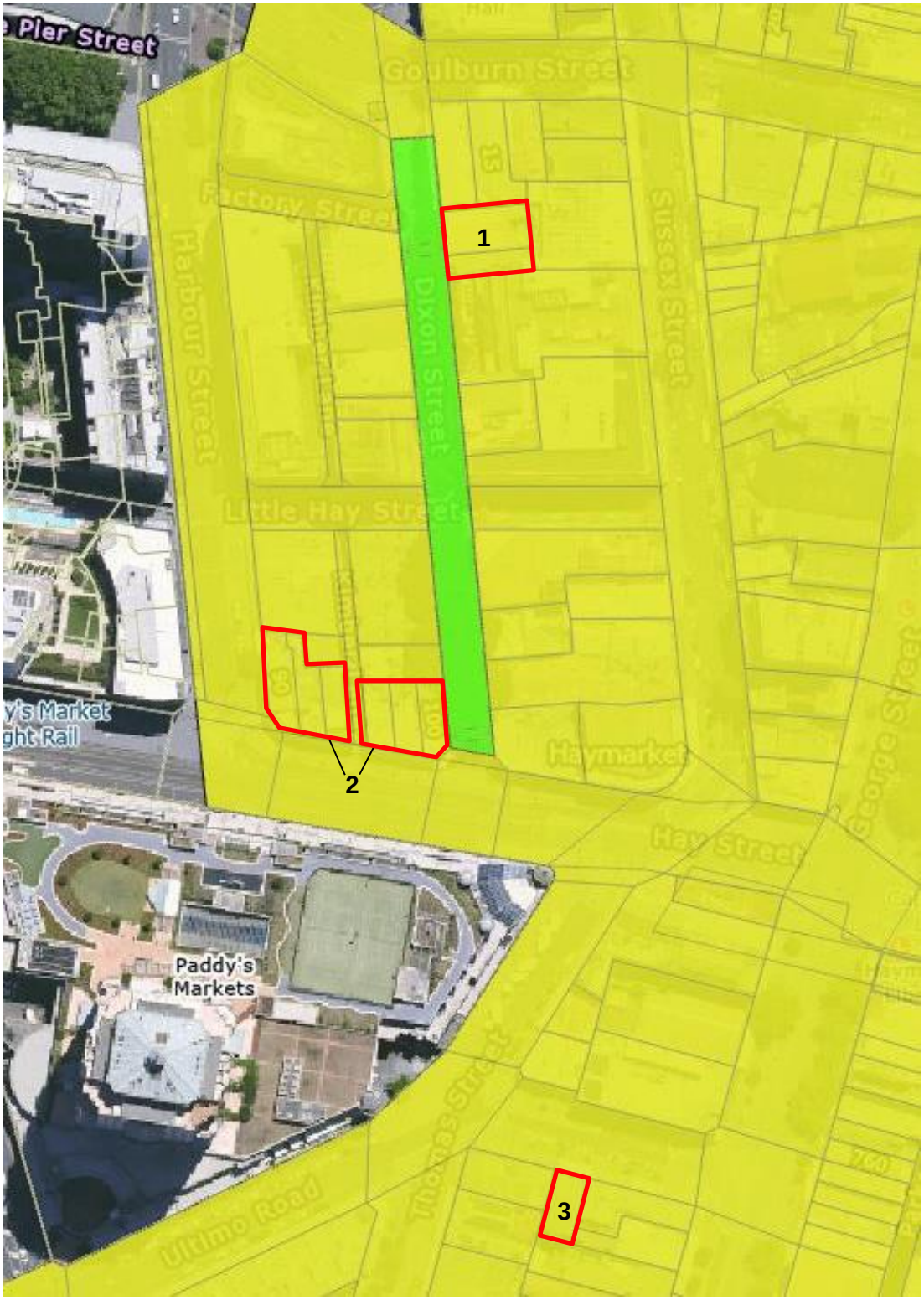


Figure 5: Extract from Zoning map in the SLEP 2012 showing zoning controls.

The three proposed heritage items are located in the vicinity of several individually items listed on the SLEP 2012:

50-54 Dixon Street, Haymarket – Goon Yee, Loong Yee and Loon Fook Tongs building

The nearest existing heritage items within the vicinity are the *Chinatown ceremonial gates and lion statues* on Dixon Street (I2301), are the Former Kwong War Chong & Co building at 82-84 Dixon Street (I2293) and the *Star Hotel including interior* at 385–387 Sussex Street (I864*). These are shown in Figure 6.

90-100 Hay Street, Haymarket - Former Municipal Stores

The nearest existing heritage items within the vicinity are the *Chinatown ceremonial gates and lion statues* on Dixon Street (I2301), *Former Kwong War Chong & Co building, including interiors and contents of 84 Dixon Street* at 82–84 Dixon Street (I2293*), the *Convent Garden Hotel including interior* at 102-108 Hay Street (I853) and the *Former Burlington Hotel including interior* at 431-439 Sussex Street (I865*). These are shown in Figure 6. In addition, on the opposite side of Hay Street, *Market City (Paddy's Market) Market Buildings 1 & 2* are listed on Place Management NSW's Heritage Conservation Register (s170 Register) as an item of local significance.

75-77 Ultimo Road, Haymarket - Kuo Min Tang building

The nearest existing heritage items within the vicinity are the *Mountbatten Hotel including interior* at 701–705 George Street, Haymarket (I837*) and the *Great Southern Hotel including interior* at 715–723 George Street (I838*). These are shown in Figure 6.



Figure 6: Extract from the SLEP 2012 Heritage Map (HER_15) showing heritage items adjacent to 50-54 Dixon Street (1), 90-100 Hay Street (2) and 75-77 Ultimo Road (3), Haymarket.

Heritage assessments

In 2023, as part of a coordinated response to the Chinatown Revitalisation Strategy, the City of Sydney Council engaged Hector Abrahams Architects (HAA) and Dr Juanita Kwok to prepare historic research reports and heritage assessments for the buildings at 50-54 Dixon Street, 90-100 Hay Street and 75-77 Ultimo Road, Haymarket. Each heritage assessment was prepared to determine whether the buildings met the threshold for local significance as individual heritage items on Schedule 5, Part 1 of the SLEP 2012. The historical research reports were prepared to inform each heritage assessment.

Heritage assessments prepared by HAA and Dr Juanita Kwok are included in **Appendix B, Appendix C** and **Appendix D**. Draft inventory sheets for each building, also prepared by HAA and Dr Juanita Kwok, are included in **Appendix E, Appendix F** and **Appendix G**.

Heritage assessment findings

50-54 Dixon Street, Haymarket - Goon Yee, Loong Yee and Loon Fook Tongs building

The heritage assessment concluded that the building meets the threshold for local significance in terms of:

- Criterion (a) Historic significance: The building at 50-54 Dixon Street is a purpose-built three-storey building for the Tung Koon (Dongguan) and Tsang Shing (Zengcheng) associations, which are key social organisations for the Chinese Australian community in Sydney. The role of the associations was significant in maintaining the Chinese Australian community's links with their hometown and facilitated the settlement of Chinese immigrants in Australia. The building also housed several other historically significant Chinese Australian organisations, The Tung Wah Times Newspaper, the NSW Chinese Chamber of Commerce, and a number of restaurants which were instrumental in developing the restaurant culture of Dixon Street.

- Criterion (b) Historical association: The three-storey building at 50-54 Dixon Street has historical association with the "Loon Fook Tong", "Loong Yee Tong" and "Goon Yee Tong" District Associations of the Tsang Shing and Tung Koon Counties. The place is also associated with the Chinese newspaper 'Tung Wah Times' (publishing address at 52 Dixon Street from 1918 until at least 1933 but likely until 1936) and the Chinese Chamber of Commerce (headquartered at 52 Dixon Street from 1918 to 1965). The place is associated with a number of prominent figures in the Chinese Australian community, particularly Ping Nam and Gilbert Yet Ting Quoy.

- Criterion (c) Aesthetic / creative / technical achievement: The building at 50-54 Dixon Street is aesthetically significant in providing an understanding of the historical streetscape of Dixon Street It is a good example of a late Federation building and it is this style that represents the founding architectural character of Dixon Street.

- Criterion (d) Social, cultural and spiritual: The Loon Fook Tong, Goon Yee Tong and Loong Yee Tong district associations have owned and/or used 50-54 Dixon Street for over 100 years and has ongoing social significance for members of the Tsang Shing County and Tung Koon districts. Although many of the historical functions of the district associations have ceased, such a bone repatriation, the district associations continue to hold sociable and charitable activities at the place.

  The place is symbolic of Chinese migration and settlement in Australia and is also evident of the Chinese diaspora's practice of maintaining, over many generations, strong ties to their home country. The building contributes to the local identity of the two communities within Sydney.

- Criterion (f) Rare: A small number of purpose-built district association buildings are known to have been erected in several parts of Australia since the late 19th century. The building at 50-54 Dixon Street is one of a handful of buildings in the country that continue to exist and function as district associations and have done so for over 100 years.

- Criterion (g) Representative: The late Federation building at 50-54 Dixon Street is one of a handful of buildings on Dixon Street that is representative of the historical scale, materiality and composition of the old Chinatown streetscape.

The heritage study concluded that the building at 50-54 Dixon Street, Haymarket meets the threshold for local heritage significance and warrants potential listing as a heritage item on the SLEP 2012.

In terms of future development, the report advised that vertical additions and alterations to 50-54 Dixon Street are acceptable but must incorporate appropriate setbacks and scale, be sympathetic to the existing building in terms of style, colour and materiality and ensure retention of the façade and any significant interiors (if existing).

<u>90-100 Hay Street, Haymarket - Former Municipal Stores</u>

The heritage assessment concluded that the building meets the threshold for local significance in terms of:

- Criterion (a) Historic significance: The banana industry was a major industry developed by Chinese Australian entrepreneurs in Australia and Fiji in the 1880s and 1890s, and firms such as Wing Sang based their headquarters in Sydney's Haymarket area. When the new Municipal markets opened at Haymarket in 1912, firms such as Wing Sang and its subsidiaries, leased stores at 90-100 Hay Street. Their businesses and premises are distinct places in NSW for understanding the banana industry and key destinations on this trade route. They provide a cultural history of the role of Chinese Australians in the fruit and vegetable industries, and their adaptation over time, particularly in the face of challenges posed under White Australia legislation.

- Criterion (b) Historical association: 90-100 Hay Street are associated with the Chinese merchant community who leased the buildings and operated out of them successful businesses such as Wing Sang & Co., Lee Sang & Co., Wing Tiy & Co., and Gee Ick & Co. These businesses were significant in development of the banana and vegetable produce industries of NSW and Australia. The buildings are also associated with notable individuals including Gilbert Yet Ting Quoy, the Lee family and Stanley Yee who were influential figures amongst the Chinese Australian community

- Criterion (c) Aesthetic/creative/technical achievement: The municipal stores at 90-100 Hay Street contribute to the townscape of Haymarket, particularly along Hay Street and the southern entrance to Dixon Street which is marked by its chamfered corner. The former Municipal Markets are located opposite and were once both part of the market's daily operation. Now the buildings, both of which are contemporaries of each other and designed by the City Architect, form a contextual relationship that defines the areas market character.

- Criterion (d) Social, cultural and spiritual: Members of the Chinese Australian community who were born and grew up in 90-100 Hay Street, whose parents, grandparents or great-grandparents worked in the stores hold deep connections to the buildings. For this community, the buildings are well remembered as stores which are symbolic of the hard work of the producers and the adaptability, resilience and achievements of the Chinese Australian firms.

- Criterion (e) Research potential: There is some potential for evidence of the processes and operations of the banana and produce stores.

- Criterion (f) Rare: The place is a rare surviving example of stores occupied by multiple major Chinese Australian firms including Wing Sang & Co., Lee Sang & Co., Wing Tiy & Co., and Gee Ick & Co.

The heritage assessment concluded that the Former Municipal Stores at 90-100 Hay Street, Haymarket meet the threshold for local heritage significance warrants potential listing as a heritage item on the SLEP 2012.

In terms of future development, the report advised that vertical additions and alterations to 90-100 Hay Street are appropriate but must ensure retention of the whole form and original detailing of the exterior of the principal building. Any future development is to be of a sympathetic design.

75-77 Ultimo Road, Haymarket - Kuo Min Tang building, moveable heritage and archival collection

The heritage assessment concluded that the building meets the threshold for local significance in terms of:

- Criterion (a) Historic significance: The KMT was globally a major political party in the 20th century and 75-77 Ultimo Road was the headquarters of the KMT in Australasia for over 100 years. It has been the locus of the Chinese Nationalist Party political activity since it was built in 1921. The building was also the publishing office for the Chinese Times newspaper (1925-1949) which was an organ of the Australasian KMT.

- Criterion (b) Historical association: 75-77 Ultimo Road is associated with the Australasian KMT who have owned and occupied the purpose-built building for over 100 years. Prominent individuals from the Chinese Australian community affiliated with the building include: Charles (Peter) Yee Wing, Samuel Wong, Mar Leong Wah and Eugene Seeto. The place is also associated with the notable architect Francis Ernest Stowe and Robert Wall & Sons, a significant building company in the 19th and 20th centuries in Sydney

- Criterion (c) Aesthetic/creative/technical achievement: The composition and detailing including arch, fenestration, brick mullions, pilasters, parapet and Chinese Characters make a notable contribution to the streetscape and demonstrates aesthetic characteristics associated with Haymarket's redevelopment in the early 20th century.

- Criterion (d) Social, cultural and spiritual: As a community hub where political, social and educational activities were located, 75-77 Ultimo Road continues to be highly valued by the Chinese Australian community. It is one of the major political venues of Chinatown and represents the political and social lives of the Chinese Australian community in Chinatown and NSW during the 20th century.

- Criterion (e) Research potential: 75-77 Ultimo Road is home to what is probably the largest collection of documents on the activities of the overseas KMT branches outside of China and Taiwan. The collection is an invaluable record of administrative records, publications and photographs not only of the Sydney branch but of those throughout Australia, New Zealand and the Pacific Islands. The archival collection has extensive interpretive value and potential to further our understanding of the history of the KMT.

- Criterion (f) Rare: 75-77 Ultimo Road is a rare surviving example of early Chinese Australian commissioned buildings and it is a rare example of a building purpose built for the KMT. The archival collection of the Sydney branch housed on-site, is likely a rare collection on the activities of the KMT's overseas branches.

The heritage assessment for 75-77 Ultimo Road, Haymarket concluded that the building meets the threshold for local heritage significance and warrants potential listing as a heritage item on the SLEP 2012.

Based on these conclusions, progressing local heritage listing for each proposed heritage item will ensure the local heritage significance of each building is appropriately considered and conserved as part of future plans or redevelopment.

Objectives and intended outcomes

The objective of the planning proposal is to recognise and conserve the significance of the three buildings at 50-54 Dixon Street, 90-100 Hay Street and 75-77 Ultimo Road by listing them as individual heritage items under Part 1, Schedule 5 of SLEP 2012.

Explanation of provisions

SLEP 2012 Heritage Schedule Amendments

The planning proposal seeks to amend the SLEP 2012 Schedule 5 Environmental Heritage by inserting the following item as shown below in **Table 1.** Text to insert is shown as **bold underline**.

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

Locality	Item Name	Address	Property Description	Significance	Item no.
Haymarket	**Goon Yee, Loong Yee and Loon Fook Tongs building**	**50−54 Dixon Street**	**Lots A−C, DP 958137**	**Local**	**I2304**
Haymarket	**Former Municipal Stores**	**90−100 Hay Street**	**Lots 1−6 DP 261942**	**Local**	**I2303**
Haymarket	**Kuo Min Tang building, moveable heritage and archival collection**	**75−77 Ultimo Road**	**Lot 1, DP 79765**	**Local**	**I2302**

The name of each heritage item has been developed in accordance with the directions contained in the *Standard Instrument (Local Environmental Plans) Order 2006*, which require that an item name briefly describe those things that are part of its heritage significance.

The items are described further in the supporting information contained in the heritage inventory sheets included at **Appendix E, Appendix F** and **Appendix G**. The non-statutory heritage inventory sheets can continue to be updated as new information becomes available.

Justification

Section A – Need for the planning proposal

Q.1 Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is a result of three heritage assessments prepared by HAA and Juanita Kwok completed in July 2024. Preparation of the reports was an action in the Haymarket and Chinatown Revitalisation Strategy (the Strategy) prepared by the City of Sydney in 2023 and endorsed by Council on 11 December 2023. The Revitalisation Strategy and heritage assessments drew on the findings of a Thematic History of Chinatown prepared by Godden Mackay Logan (GML) in 2023.

The Strategy provides a coordinated response to the community vision and evidence based studies. It identifies actions in five areas:

a. renewal of the heart;
b. planning and heritage;
c. public domain and public art;
d. culture, events, and activations; and
e. collaboration and partnerships.

The Strategy includes an action to recognise the cultural heritage of Chinatown through investigating three buildings to better understand their history and significance:

a. 50-54 Dixon Steet, Goon Yee, Loong Yee and Loon Fook Tongs building
b. 90-100 Hay Street, Former Municipal Stores
c. 75-77 Ultimo Road, Kuo Min Tang building

The proposed items identified in this planning proposal were recommended for listing in the HAA heritage assessments as they met one or more of the NSW Heritage Council's (2023) criteria for local significance. A summary of each building's significance as assessed by HAA and Dr Juanita Kwok are presented below:

50-54 Dixon Street, Haymarket – Goon Yee, Loong Yee and Loon Fook Tongs building

Criteria (a) – An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

> *The building at 50-54 Dixon Street is a purpose-built three-storey building for the Tung Koon (Dongguan) and Tsang Shing (Zengcheng) associations, which are key social organisations for the Chinese Australian community in Sydney. The building also housed several other historically significant Chinese Australian organisations, The Tung Wah Times Newspaper, the NSW Chinese Chamber of Commerce, and a number of restaurants which were instrumental in developing the restaurant culture of Dixon Street. A plaque on the building and the painted Chinese characters are evidence of these historical uses.*
>
> ***District Associations***
>
> *The building at 50-54 Dixon Street is associated with the following district associations, the "Loon Fook Tong" at 50 Dixon Street, for people from Tsang Shing County, the "Goon Yee Tong" at 54 Dixon Street for people from Tung Koon County; and between 50 and 54 Dixon Street, a joint clubhouse at 52 Dixon Street, the "Loong Yee Tong". These clubs have occupied this address for over 100 years.*

Funding was raised by members of these district associations for the purchase of land at 50-54 Dixon Street and construction of the building which was completed in 1916. The historical role of the district associations was to provide funds for the sick, assist the aged in returning to China, raise funds for charity, both in Australia and China, provide accommodation and assist with the settlement of new persons arriving from their districts and those returning. The associations also most likely arranged the transfer of members remittances to China. The district associations also arranged bone-repatriation, donated money to hospitals and ensured the purchase of coffins for deceased Chinamen at sea. The place thus demonstrates the strong links between members in Australia and their native places.

The role of the association is significant in maintaining the Chinese Australian community's links with their hometown and facilitated the settlement of Chinese immigrants in Australia. Historian Mei-Fen Kuo has characterised Sydney in the late 19th to early twentieth century as "a hub of Chinese mobility" and "a centre of community mobilisation and identity formation".97 The building at 50-54 Dixon Street was central to this phenomenon.

NSW Chinese Chamber of Commerce, 52 Dixon Street, Haymarket

52 Dixon Street was the long-term (over two decades) headquarters of the NSW Chinese Chamber of Commerce which was significant for its role in promoting trade and defending the commercial interests of Chinese Australians from anti-Chinese movements and organisations such as the Anti-Chinese League and the Retail Grocers and Storekeepers Association, which ran public campaigns in the early nineteenth century to dissuade the public from patronising Chinese stores.

Members of the Chamber established the first Chinese Australian shipping line, the China-Australia Mail Steamship Line, which operated from 1917 to 1924 between Shanghai, Canton, Hong Kong and Australia.

Eastern Restaurant, 52 Dixon Street, Haymarket (1953-66)

As the first Chinese restaurant to obtain a liquor licence until 10pm, the Eastern Restaurant is significant as one of the earliest Chinese restaurants to popularise Chinese food in Sydney. Its English menu made Chinese food accessible to non-Chinese customers, demonstrating the adaptation of Chinese culture and community within the Australian context. Together the restaurants including the Eastern Restaurant and Lean Sun Low helped to develop the restaurant culture of Dixon Street.

The subject site meets this threshold at a local level

Criterion (b) An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

The three-storey building at 50-54 Dixon Street has historical association with the "Loon Fook Tong", "Loong Yee Tong" and "Goon Yee Tong" District Associations of the Tsang Shing and Tung Koon Counties. The place is also associated with the following organisations:

Notable Figures

The place is associated with a number of prominent figures in the Chinese Australian community, particularly Ping Nam and Gilbert Yet Ting Quoy.

Ping Nam was a well-known merchant, one of the founding members, and the first president of the NSW Chinese Chamber of Commerce. He was also the publisher of the Tung Wah Times, as well as an office bearer of the CERA.

Gilbert Yet Ting Quoy, a Sydney Chinese merchant, along with Ping Nam, campaigned for the establishment of the Sydney Chinese school which existed at 52 Dixon Street for over half a century.

Tung Wah Times, 52 Dixon Street

52 Dixon Street was the publishing address for the Chinese newspaper 'Tung Wah Times' from 1918 until at least 1933 but likely until 1936. The newspaper is significant for being the second Chinese newspaper in Sydney and for having had the largest circulation of any Chinese newspaper in the Commonwealth, New Zealand and Pacific Islands. It is demonstrative of the diverse political affiliations of the Chinese Australian community. Chinese newspapers promoted political interests of different factions within the community. The Tung Wah Times operated as an organ of the Chinese Empire Reform Association (CERA) which advocated reform of the imperial system and later the establishment of a constitutional monarchy in China.

NSW Chinese Chamber of Commerce, 52 Dixon Street

Formed in 1913, the Chinese Chamber of Commerce had its headquarters at 52 Dixon Street from 1918 to 1965. The place is also associated with a number of prominent figures in the Chinese Australian community, particularly Ping Nam and Gilbert Yet Ting Quoy.

Salvation Army Women's Home, 50 Dixon Street

There is potential for the place to have historical association with the Salvation Army Women's Home which was present in the building between 1919 and 1921. It could have significance as one of the earliest women's refuges. However, further research is needed to substantiate this.

The subject site meets this threshold at a local level

Criterion (c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

The building at 50-54 Dixon Street is aesthetically significant in providing an understanding of the historical streetscape of Dixon Street It is a good example of a late Federation building and it is this style that represents the founding architectural character of Dixon Street.

The Chinese signage on the façade is a distinctive characteristic of the Chinatown area.

The subject site meets this threshold at a local level

Criterion (d) An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

The Loon Fook Tong, Goon Yee Tong and Loong Yee Tong district associations have owned and/or used 50-54 Dixon Street for over 100 years and has ongoing social significance for members of the Tsang Shing County and Tung Koon districts. Although many of the historical functions of the district associations have ceased, such a bone repatriation, the district associations continue to hold sociable and charitable activities at the place.

The place is symbolic of Chinese migration and settlement in Australia and is also evident of the Chinese diaspora's practice of maintaining, over many generations, strong ties to their home country. The building contributes to the local identity of the two communities within Sydney.

A number of moveable heritage items at the upper floors of 50 Dixon Street were identified in the 2016 photographs (figures 14 and 15), and may be held in the premises today. This is unconfirmed and needs further investigation. Items including photographs of members of the NSW Chinese Chamber of Commerce and presidents of Loong Fook Tong and other ephemera are apparent in the photographs. The display and safe keeping of these items are integral to the continued social significance of the place, should they be found upon further investigation.

The restaurants located at 50-54 Dixon Street including the Eastern Restaurant and Lean Sun Low, were popular places for eating and socialising amongst the local community and are remember fondly by older members of the Chinese Australia community.

The subject site meets this threshold at a local level.

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

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

Lack of access to the interiors of 50-54 Dixon Street poses a limitation to the understating its research potential. Photographs of interiors taken in 2016 indicate that there were a number of moveable heritage items in the building, particularly photographs of members of the NSW Chinese Chamber of Commerce and presidents of Loong Fook Tong association, however their current location is unsubstantiated. These photographs and other records of the district associations membership and activities hold high research potential.

As the location of the moveable heritage items remains unsubstantiated, they cannot be assessed under this criterion. The subject site does not meet this threshold at a local level.

Criterion (f) An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

A small number of purpose-built district association buildings are known to have been erected in several parts of Australia since the late 19th century. The building at 50-54 Dixon Street is one of a handful of buildings in the country that continue to exist and function as district associations and have done so for over 100 years. Within Sydney or NSW, there is potential that the building at 50-54 Dixon Street is one of the last remaining original purpose-built district association buildings from the early 20th century.

Moveable heritage items, such as framed photographs of members of the organisations that operated at 50-54 Dixon Street, may be located within the building. This collection is likely rare as no other collection has been identified. They have the potential to provide an understanding of the cultural history of the area, particularly, the membership and operation of the NSW Chinese Chamber of Commerce, the Tung Wah Times and the district associations. It is important that the location of the photographs and any other records or ephemera pertaining to these organisations is ascertained and that the contents are documented and preserved.

The subject site meets this threshold at a local level.

Criterion (g) An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).

The late Federation building at 50-54 Dixon Street is one of a handful of buildings on Dixon Street that is representative of the historical scale, materiality and composition of the old Chinatown streetscape.

The subject site meets this threshold at a local level.

90-100 Hay Street, Haymarket - Former Municipal Stores

Criteria (a) – An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

> *The banana industry was a major industry developed by Chinese Australian entrepreneurs in Australia and Fiji in the 1880s and 1890s, and firms such as Wing Sang based their headquarters in Sydney's Haymarket area. When the new Municipal markets opened at Haymarket in 1912, firms such as Wing Sang and its subsidiaries, leased stores at 90-100 Hay Street. Their businesses and premises are distinct places in NSW for understanding the banana industry and key destinations on this trade route. They provide a cultural history of the role of Chinese Australians in the fruit and vegetable industries, and their adaptation over time, particularly in the face of challenges posed under White Australia legislation.*
>
> *Profits from this industry were invested in commercial enterprises in China. Before Wing Sang and its subsidiaries leased 90-100 Hay Street, they established the first department stores in Shanghai, Canton and Hong Kong. These investments demonstrated the success of the Chinese diaspora in Australia and their continued connections to their native places. Although these department stores were established prior to the leasing of 90-100 Hay Street by Chinese Australian businesses, the stores serve as a marker of the achievements of Chinese Australian businesses recognised abroad by the Chinese diaspora.*
>
> *The Municipal Stores at 90-100 Hay Street are also a location marker of the role of Chinese market gardeners in the vegetable industry in New South Wales. In particular, Lee Sang & Co. were agents for produce grown not only in Sydney but in the market gardens of regional New South Wales, brought to Sydney by rail and delivered to the stores where they were repacked and then sold at the Municipal Markets across the road. The importance of the Markets to the commercial interests of Chinese Australians is evident in the relocation of their businesses to be close to the new market buildings, which then facilitated the evolution of the Haymarket Chinatown. Family histories connected to the stores at 90-100 Hay Street demonstrate how the White Australia legislation restricted entry to Australia and impacted Chinese Australian commercial interests, affecting the lives of those employed by firms leasing premises at 90-100 Hay Street. Merchants with status and business turnover, such as Gilbert Yet Ting Quoy and Henry Won Yep Lum, were able to sponsor family and clan members to enter Australia, but they were the exception during the White Australia years. The histories associated with the stores demonstrate some of the difficulties faced by Chinese Australians in the early to mid 20th century.*
>
> *The buildings at 90-100 Hay Street are part of the historical market landscape of the last operational fruit and vegetable markets in the city. The markets were relocated to Flemington in 1975. Markets were an important aspect of city life and 90-100 Hay Street together with the market buildings are demonstrative of this period when produce markets were prominent in Sydney.*

The subject site meets this threshold at a local level.

Criterion (b) An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

> *Nos. 90-100 Hay Street are associated with the Chinese merchant community who leased the buildings and operated out of them successful businesses such as Wing Sang & Co., Lee Sang & Co., Wing Tiy & Co., and Gee Ick & Co. These businesses were significant in development of the banana and vegetable produce industries of NSW and Australia.*

Nos. 90-100 Hay Street are associated with a number of notable individuals including Gilbert Yet Ting Quoy, the Lee family and Stanley Yee who were influential figures amongst the Chinese Australian community and fruit and produce industries.

- *Ting Quoy was a prominent and influential member of the Chinese Australian community. A successful merchant, his business Lee Sang & Co., occupied 90 Hay Street for up to 20 years with his family continuing to have businesses there until after the war. He was a leader of the China Emperor Reform Association (CERA), President of the Chinese Chamber of Commerce and founding member of China-Australia Mail Steamship Line. He also campaigned to establish a Chinese school at which he taught, and he sponsored the entry of family and clan members to Australia.*
- *The Lee family - Lee Gee Ick was a successful merchant whose business Gee Ick & Co., occupied 100 Hay Street from 1913-1919. His son, Lee Kee Chong, continued to occupy the address with his business, Hop Chong Co., until 1948. Gee Ick was a member of CERA, the NSW Chinese Chamber of Commerce and the Lin Yik Tong (the Chinese Commercial Association).*
- *Stanley Yee, born in Chuen Luk Village in Chungshan, came to Sydney as a high school student in the early 1960s and worked at one of the banana wholesale companies in the Haymarket and at Lean Sun Low café. In the late 1970s Yee bought property at 96-100 Hay Street where he established the now landmark Emperor's Garden Restaurant. Yee also established a number of other businesses in the Chinatown areas including a Chinese bakery, a butchery and a tofu factory. Yee was a member of the Dixon Street Beautification Committee, which in the early 1970s pushed for the regeneration of Dixon Street as a centrepiece to the broader Chinatown area. His philanthropic contributions are recognised in both his hometown in China and in Australia.*

The subject site meets this threshold at a local level.

Criterion (c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

The municipal stores at 90-100 Hay Street contribute to the townscape of Haymarket, particularly along Hay Street and the southern entrance to Dixon Street which is marked by its chamfered corner. Its unified design defines the end of the city block on which it is located.

The former Municipal Markets are located opposite and were once both part of the market's daily operation. Now the buildings, both of which are contemporaries of each other and designed by the City Architect, form a contextual relationship that defines the areas market character.

The subject site meets this threshold at a local level.

Criterion (d) An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons.

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

Members of the Chinese Australian community who were born and grew up in 90-100 Hay Street, whose parents, grandparents or great-grandparents worked in the stores hold deep connections to the buildings. For this community, the buildings are well remembered as stores which are symbolic of the hard work of the producers and the adaptability, resilience and achievements of the Chinese Australian firms.

The Emperors Garden Restaurant is also a place with a strong and special association to the Chinese Australian community as it is celebrated as one of the oldest, family-run Chinese restaurants in Chinatown and continues to operate.

The subject site meets this threshold at a local level

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

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

There is some potential for evidence of the processes and operations of the banana and produce stores. 90 and 92 have not been inspected and therefore it is unknown if there is any evidence of these operations. There is some potential for evidence of the operations of these stores under false ceilings and floors in 94-100 but these were not inspected and cannot be confirmed.

The subject site meets this threshold at a local level.

Criterion (f) An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

The place is a rare surviving example of stores occupied by multiple major Chinese Australian firms including Wing Sang & Co., Lee Sang & Co., Wing Tiy & Co., and Gee Ick & Co. Though some stores formerly occupied Chinese Australian firms survive, such as 20-22 Campbell Street and 35-39 Ultimo Road, many of the earlier stores occupied by firms such as Gee Ick & Co. and Wing Sang & Co. were demolished in resumptions that destroyed earlier Chinatown areas in the Rocks, around Belmore Markets in the Haymarket and in land resumed for the building of Darling Harbour. Within this context rarity is a valuable criterion.

The subject site meets this threshold at a local level.

75-77 Ultimo Road, Haymarket - Kuo Min Tang building

Criteria (a) – An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

75-77 Ultimo Road was purpose built in 1921 for the Sydney branch of the Chinese Nationalist Party (its Chinese name being Kuo Min Tang or KMT). It continues to be the home of the Sydney branch of the party and an invaluable archival collection of the party's activities outside China. For a significant period of its history, it was the party's Australasian headquarters and the location of the Chinese Times newspaper. It demonstrates three historical processes: the political processes of the KMT, the social processes of the KMT and the operation of the Chinese Times.

Political processes of the KMT
The KMT was globally a major political party in the 20th century and 75-77 Ultimo Road was the headquarters of the KMT in Australasia for over 100 years. It has been the locus of the Chinese Nationalist Party political activity since it was built in 1921.

Throughout the 1920s Australasian branches of the KMT were establishing their headquarters and the construction of the headquarters of the Sydney branch in 1921 is an early example of this activity. The Sydney branch was purpose built and funded by donations from members across Australasia. The establishment of global branches,

purpose built and leased, is testament to the power and influence of the Chinese nationalist movement in the 20th century. The network of branches across Australia is representative of the contribution of Chinese Australians to the political revolution in China and the important part that the Australasian KMT played in a global network of Party branches.

The location of an Australasian headquarters in Sydney is demonstrative of the mobility and inter-connectedness of the Chinese communities across Australia and the Pacific through trade, communications and political affiliations which intersected in Sydney.

As the Australasian headquarters between 1922 and 1964, the Sydney branch is not only locally but also state, nationally and transnationally significant, as it oversaw branches in rural Australia and in capital cities, in New Zealand and in the South Pacific Islands. The Sydney office was the hub of KMT activity in the region and the site of a number of Australasian conventions over the years. Funds raised by members were remitted to support Sun Yat-Sen and then Chiang Kai-Shek Nationalist government which ruled China from 1927-1949.

The Chinese Nationalist Party of Australasia not only contributed crucial funding for the Nationalist cause and for the war effort during the Sino-Japanese War, but it was also a transmitter of ideas and technology to China. It was progressive in comparison to the KMT in China, leading the way in allowing female members to join the Party and it played a role in advocating for the rights of Chinese Australians during the White Australia years. The third floor of the building which is set up as a museum of KMT history contains a number of artefacts which show how technology was adopted and adapted over the years to share communications with China and other branches in Australia, New Zealand and the Pacific. These artefacts include cinematic projectors, audio tape records, old Gestetner machines, typewriters and printing and typographical equipment.

The building itself houses a large collection of records, documents, publications, photographs and artefacts related the history of the KMT's overseas activities.

The building is evidence of the keen interest in political reform in China maintained by Chinese Australians and how this carried over into their lives in Australia.

Social processes of the KMT

75-77 Ultimo Road was also the centre of many social activities and fundraisers for the Chinese Australian community of Sydney, particularly the annual Dragon Ball which began in 1938 and remained the major event on the social calendar for the Chinese Australian community until the early 1970s. It was also a place for people new to Sydney to connect through social activities.

Operation of the Chinese Times

75-77 Ultimo Road was the publishing office for the Chinese Times newspaper (1925-1949) which was an organ of the Australasian KMT.

The subject site meets this threshold at a local level.

Criterion (b) An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

75-77 Ultimo Road is associated with the Australasian KMT who have owned and occupied the purpose-built building for over 100 years.

Prominent individuals from the Chinese Australian community affiliated with the KMT at 75-77 Ultimo Road include:

- *Charles (Peter) Yee Wing, the merchant and managing director of Tiy Sang & Co., who served as president of the KMT from 1919-1930. He helped establish the Australasian KMT Canton Liaison Office and was a co-founder of the China-Australia Mail Steamship Line.*
- *Samuel Wong, the merchant of Tiy Sang & Co. who was Vice President of the Australasian KMT. His membership, was revoked for objecting to Chiang Kai-Shek's leadership and the Communist purges of the Party, but in 1945 he re-joined, the party and proposed a plan for the relief of the refugees which resulted in the establishment of the Chinese Youth League.*
- *Mar Leong Wah, merchant and manager of Wing Sang & Co., was leader of the KMT for over 20 years and a founding member of the Society of Chinese Residents in Australia supporting Chinese resistance during the Sino Japanese War.*
- *Eugene Seeto, a wartime refugee who came to Australia and was later elected to the executive of the Australasian KMT. Seeto instigated the preservation of the KMT's historical collection.*

The place is also associated with Robert Wall & Sons, a significant building company in the 19th and 20th centuries in Sydney who built 75-77 Ultimo Road and a number of other significant buildings such as Culwulla Chambers.

75-77 Ultimo Road is associated with the architect Francis Ernest Stowe. A notable architect and engineer of the late 19th and early 20th centuries, Stowe was a prominent Freemason who was the Grand Architect of the Grand Lodge. Besides designing 75-77 Ultimo Road, he designed a number of masonic buildings, as well as the Ball's Head Coal Loading Depot. He also founded the Sydney Marine Engineer College where students such as Florence Taylor attended.

The subject site meets this threshold at a local level.

Criterion (c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

Architecturally, 75-77 Ultimo Road is an early example of an office building in Sydney. It is of some architectural interest for its unusual composition where the fenestration is arranged under a single arch and reads as a single window. The composition and detailing including arch, fenestration, brick mullions, pilasters, parapet and Chinese Characters make a notable contribution to the streetscape and demonstrates aesthetic characteristics associated with Haymarket's redevelopment in the early 20th century.

The subject site meets this threshold at a local level

Criterion (d) An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons.

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

75-77 Ultimo Road has a strong association with the Australasian KMT and its members who have occupied the place for over 100 years. The place continues to be actively used and is the hub of the KMTs political activity in Sydney. As a community hub where political, social and educational activities were located, 75-77 Ultimo Road continues to be highly valued by the Chinese Australian community as it evidence of one of the major political venues of Chinatown, and represents the political and social lives of the Chinese Australian community in Chinatown during the 20th century. As the headquarters of a network of branches across Australasia it also represents the political activities of the Chinese in NSW.

The subject site meets this threshold at a local level.

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

The heritage assessment prepared by HAA and Dr Juanita Kwok notes:

> *75-77 Ultimo Road is home to what is probably the largest collection of documents on the activities of the overseas KMT branches outside of China and Taiwan. The collection is an invaluable record of administrative records, publications and photographs not only of the Sydney branch but of those throughout Australia, New Zealand and the Pacific Islands. The archival collection has extensive interpretive value for not only the Sydney branches but those across Australasia including those in regional NSW. The collection has great potential in furthering our understanding of the history of the KMT and the Chinese Australian community in NSW and beyond. The collection was crucial in the development of the Mei-Fen Kuo and Judith Buttler's book Unlocking the History of the Australasian Kuo Min Tang 1911-2013 though it is unclear to what extent the collection has been analysed. There is also further research potential in the activities of the KMT across Australasia, such as the establishment of other headquarters and their links to 75-77 Ultimo Road.*

The subject site meets this threshold at a local level.

Criterion (f) An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

> *The archival collection of the Sydney branch of the KMT, housed at 75-77 Ultimo Road, is likely a rare collection on the activities of the KMT's overseas branches. It is also likely the largest of its kind outside of China and Taiwan. Rarity is a valuable criterion in the context of the Chinese in Australia as there is a history of resumptions and even later development demolishing places associated with the early Chinese settlement in Australia. 75-77 Ultimo Road is a particularly significant building. 75-77 Ultimo Road is a rare surviving example of early Chinese Australian commissioned buildings and it is a rare example of a building purpose built for the KMT.*

The subject site meets this threshold at a local level.

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

Yes. Appropriate heritage protection for this site is best achieved through their identification as local heritage items in an environmental planning instrument.

The buildings at 50-54 Dixon Street (Goon Yee, Loong Yee and Loon Fook Tongs building), 90-100 Hay Street (Former Municipal Stores) and 75-77 Ultimo Road (Kuo Min Tang building), currently have no statutory protection as individually listed heritage items or a heritage conservation area on the SLEP 2012 or under the *NSW Heritage Act 1977*.

Progressing local heritage listing for each proposed heritage item will ensure that their local heritage significance is appropriately considered and conserved. It will also ensure formal consultation with the landowners and broader community prior to any future change or development to the items. These outcomes are only achieved in the longer term through protection under Part 1, Schedule 5 of the SLEP 2012.

Section B – Relationship to strategic planning framework

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

Yes. See comments below.

Greater Sydney Region Plan: A Metropolis of Three Cities

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

This plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. This sets out how the State Government's 10 directions for a Greater Sydney are to be implemented through integrated planning. These 10 directions, with 40 supporting objectives, address infrastructure, liveability, productivity and sustainability. This planning proposal is consistent with these high level directions and objectives. In particular it addresses the liveability great places direction objective:

Objective 13: Environmental heritage is identified conserved and enhanced

By listing each building on the SLEP 2012, this planning proposal will fulfill this objective.

Eastern City District Plan

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

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

Action 26 - Identify, conserve and enhance environmental heritage by:

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

This priority seeks to enhance the district's liveability by identifying, conserving and enhancing the heritage of local centres and neighbourhoods. It notes that built heritage contributes to an area's sense of place, its distinctive character and diversity of built form and uses and brings people together.

By consulting the community to consider listing this item as having local heritage significance, this planning proposal will address the district plan by respecting the City's multi-cultural heritage and fostering great places to bring people together. The retention and conservation of the Chinatown Gates on Dixon Street, with strong links to the Chinese-Australian community, has potential to enhance the character and distinct sense of place of Chinatown.

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

Yes.

Sustainable Sydney 2030 – 2050 Community Strategic Plan

The City's Sustainable Sydney 2030 Strategic Plan is the vision for the sustainable development of the City to 2050 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This planning proposal is consistent with the key directions of Sustainable Sydney 2030 – 2050, particularly Direction 4 'Design excellence and sustainable development.'

Local strategic planning statement

The City Plan 2036 Local Strategic Planning Statement was completed in March 2020. This statement is the 20-year vision for land use planning in the city. It aims to link the NSW State Government's strategic plans and the community strategic plans with the city's planning controls. This plan highlights that the unique heritage character of Sydney is a strong focus for local communities.

The planning proposal identifies 50-54 Dixon Street (Goon Yee, Loong Yee and Loon Fook Tongs building), 75-77 Ultimo Road (Kuo Min Tang building, moveable heritage and archival collection), 90-100 Hay Street (Former Municipal Stores) as heritage items, thereby facilitating their conservation and allowing future generations to understand Haymarket's historical development. The heritage listing will ensure future development considers and maintains the heritage significance of each building.

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

This planning proposal is consistent with applicable State Environmental Planning Policies (SEPPs) as summarised in Table 2 and detailed in the following section. In this table, consistent means that the planning proposal does not contradict of hinder the application of the relevant state environmental planning policy.

Table 2: Consistency with State Environmental Planning Policies.

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	This planning proposal is consistent
SEPP (Building Sustainability Index: BASIX) 2004	This planning proposal is consistent
SEPP (Exempt and Complying Development Codes) 2008	This planning proposal is consistent
SEPP (Housing) 2021	This planning proposal is consistent
SEPP (Industry and Employment) 2021	This planning proposal is consistent
SEPP (Planning Systems) 2021	This planning proposal is consistent
SEPP (Precincts–Central River City) 2021	This planning proposal is consistent
SEPP (Precincts–Eastern Harbour City) 2021	This planning proposal is consistent
SEPP (Precincts–Regional) 2021	This planning proposal is consistent
SEPP (Precincts–Western Parkland City) 2021	This planning proposal is consistent
SEPP (Primary Production) 2021	This planning proposal is consistent
SEPP (Resilience and Hazards) 2021	This planning proposal is consistent
SEPP (Resources and Energy) 2021	This planning proposal is consistent

State Environmental Planning Policy	Comment
SEPP No 65 - Design Quality of Residential Flat Development	This planning proposal is consistent
SEPP (Transport and Infrastructure) 2021	This planning proposal is consistent
SEPP (Housing) Amendment (Transport Oriented Development) 2024	This planning proposal is consistent

Q6. Is the planning proposal consistent with applicable ministerial directions?

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the *Environmental Planning and Assessment Act 1979*, as summarised in Table 2.

Table 3: Consistency of the planning proposal with ministerial directions**.**

Ministerial Direction	Comment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	This planning proposal is consistent
1.2 Development of Aboriginal Land Council land	Not applicable
1.3 Approval and Referral Requirements	This planning proposal is consistent
1.4 Site Specific Provisions	This planning proposal is consistent
Focus area 1: Planning Systems – Place-based	
1.6 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.11 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.12 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.13 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.14 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.15 Implementation of Greater Macarthur 2040	Not applicable
1.16 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.17 North West Rail Link Corridor Strategy	Not applicable
Focus area 2: Design and Place	No directions in place

Ministerial Direction	Comment
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	This planning proposal is consistent
3.2 Heritage Conservation	This planning proposal is consistent
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
Focus area 4: Resilience and Hazards	
4.1 Flooding	This planning proposal is consistent
4.2 Coastal Management	This planning proposal is consistent
4.3 Planning for Bushfire Protection	This planning proposal is consistent
4.4 Remediation of Contaminated Land	This planning proposal is consistent
4.5 Acid Sulfate Soils	This planning proposal is consistent
4.6 Mine Subsidence and Unstable Land	Not applicable
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	This planning proposal is consistent
5.2 Reserving Land for Public Purposes	This planning proposal is consistent
5.3 Development Near Regulated Airports and Defence Airfields	This planning proposal is consistent.
5.4 Shooting Ranges	Not applicable
Focus area 6: Housing	
6.1 Residential Zones	Not applicable
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
Focus area 7: Industry and Employment	
7.1 Business and Industrial Zones	This planning proposal is consistent
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
Focus area 9: Primary Production	
9.1 Rural Zones	Not applicable

Ministerial Direction	Comment
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Section C – Environmental, social and economic impact

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

No. The planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

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

No. It is unlikely that the proposed amendment to Part 1, Schedule 5 of SLEP 2012 will result in development creating any environmental effects that cannot be readily controlled.

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

Identification and recognition of each heritage item and its significance will facilitate retention of physical, social, cultural and historic values that may have significance to the community. No changes to current zoning controls are proposed. The merit-based heritage provisions provide capacity for Council and any proponent to take into account these matters when development is proposed.

Section D – State and Commonwealth interests

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

Yes. The proposed listing does not generate demand for infrastructure.

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

If required by the Gateway Determination, the Heritage Council of NSW will be consulted during the public exhibition period. The identification of this heritage item, based on a comprehensive heritage assessment, is consistent with Heritage Council of NSW standards.

Mapping

The Heritage Map tile HER_015 will be updated to shade in brown the location of the three new heritage items. The heritage map extract at **Figure 7** shows the new heritage item.



Figure 7: Proposed heritage boundary for each item, Heritage Map tile HER_015.

Community consultation

Public Exhibition

This planning proposal shall be exhibited in accordance with the requirements of gateway determination once issued by the Department of Planning, Housing and Infrastructure.

It is anticipated that public exhibition will be for a period of at least 20 working days, which is consistent with the Environmental Planning and Assessment Act 1979 and the Local Environmental Plan Making Guideline prepared by the Department dated August 2023.

The public exhibition of the documents will be on the City of Sydney website and carried out in accordance with the City's Community Participation Plan.

Consultation with the necessary NSW agencies, authorities and other relevant organisations will be undertaken as required by the conditions contained within the gateway determination.

Project timeline

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

Stage	Timeframe
Gateway request	November 2024
Public exhibition & government agency consultation	March 2025
Consideration of submissions	May 2025
Post exhibition consideration of proposal	June 2025
Draft and finalise LEP	August 2025

Appendices

Appendix B - Heritage Assessment, 50-54 Dixon Street, Haymarket
Appendix C - Heritage Assessment, 90-100 Hay Street, Haymarket
Appendix D - Heritage Assessment, 75-77 Ultimo Road, Haymarket
Appendix E - Heritage Inventory Sheet, 50-54 Dixon Street, Haymarket
Appendix F - Heritage Inventory Sheet, 90-100 Hay Street, Haymarket
Appendix G - Heritage Inventory Sheet, 75-77 Ultimo Road, Haymarket



Attachment B

Hector Abrahams Architects - Heritage Assessment Report - 50-54 Dixon Street

HECTOR
ABRAHAMS
ARCHITECTS

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

50-54 Dixon Street, Haymarket

Heritage Assessment

FINAL Version 1.2
19 July 2024



For City of Sydney
By Hector Abrahams Architects

Level 2, 1 Barrack Street
Sydney NSW 2000

Hector Abrahams Architects Pty. Ltd.
ABN: 95 160 116 030
Nominated Architect:
Hector Abrahams, Reg No. 5245

Acknowledgment of Country

We acknowledge the Gadigal and Wiradjuri, the original inhabitants of the land on which we work. Nos 50-54 Dixon Street is located on the land of the Gadigal.

Aboriginal and Torres Strait Islander peoples have a connection to place, land, water and community, established over many thousands of years. We recognise the cultural significance inherent in these connections, that sovereignty over this land was never ceded and that it continues to be sacred to its rightful owners.

We pay respect to Elders past and present, and stand with all First Peoples in their quest for justice, truth telling, and reconciliation.

CONTENTS

1. Introduction 4
2. Site Description 6
3. History (written by Dr Juanita Kwok) 7
3.1. Contextual Background 7
3.1. 50 Dixon Street 19
3.1. 52 Dixon Street 22
3.1. 54 Dixon Street 28
4. Physical Analysis 34
5. Comparative analysis 42
6. Assessment of Significance 48
6.1. Ability to demonstrate 48
6.2. Assessment against NSW Heritage Assessment Criteria 52
6.3. Statement of Significance 63
7. Listing Recommendations 64
8. Management Recommendations 65
8.1. Obligations arising from significance 65
8.2. Tolerance for change 65
8.3. Conservation of fabric 65
8.4. Interpretation 66
8.5. Future development 66
8.6. Future use 66

Version	Authors	Status	Date
Version 1.0	Hector Abrahams Architects and Dr Juanita Kwok	Draft for internal review	18 June 2024
Version 1.1	Hector Abrahams Architects and Dr Juanita Kwok	Draft for review by City of Sydney	24 June 2024
Version 1.2	Hector Abrahams Architects and Dr Juanita Kwok	Final for City of Sydney	19 July 2024

1. Introduction

This report has been prepared in response to actions developed in the Haymarket and Chinatown Revitalisation Strategy. The past few years have been challenging for Haymarket and the City heard from the community that it is in need of revitalisation. The City adopted the Haymarket and Chinatown Revitalisation Strategy in December 2023 to outline actions in five priority areas to deliver on the community's vision for the area. The Strategy includes an action to strengthen recognition of cultural heritage, identifying three sites as potentially having cultural significance, linked to the Chinese Australian community. In order to provide a foundational understanding of the key themes from Chinatown's history, the City commissioned GML Heritage in 2022 to provide a Thematic History of Chinatown.

Hector Abrahams Architects (HAA) were engaged by the City of Sydney to investigate the significance of the place. The first stage was to examine the history and potential significance of three places at 90-100 Hay Street, 75-77 Ultimo Road and 50-54 Dixon Street, Haymarket. The findings of the first stage were compiled into standalone historical research reports which informs the second stage. Following the development of the Historical Research reports, HAA was engaged to undertake a heritage assessment of all three sites. HAA's approach to these reports is to work in co-authorship with the Chinese Australian Historian, Dr Juanita Kwok. Dr Kwok was engaged to conduct research and provide a contextual written history for the place and to advise on the place's significance and management.

This report assesses the heritage significance of 50-54 Dixon Street. The purpose of this report is to advise the City of any significance, to make a recommendation on heritage listing as well as management recommendations to conserve significance. This assessment will only make a recommendation on heritage listing within the Sydney LEP 2012.

This report briefly outlines the acquisition of the land and construction of the place by the Goon Yee Tong (the district association for migrants from Tung Koon) and the Loon Fook Tong (the district association for migrants from Tsang Shing). It then discusses these buildings as the meeting place, not only for members of the district associations, but for members of the NSW Chinese Chamber of Commerce and as the publishing address of the early Chinese newspaper, the *Tung Wah Times*. The report identifies other uses of the place and notable figures associated with the building.

A physical description of the place's current external condition is then provided and a comparative analysis investigates other district associations in Australia. The history and comparative analysis inform the assessment of significance which is based on Heritage NSW's *Assessing Heritage Significance Guidelines* (2023) and from which a recommendation is made on whether or not the place should be listed under Schedule 5, part 1 of the Sydney LEP 2012. The report concludes with management recommendations for the place.

This report was prepared by Hector Abrahams, Sioned Lavery and Sherly Robert of Hector Abrahams Architects, and Dr Juanita Kwok, historian. Research using Chinese language sources and Chinese-to-English translations were carried out by historical translator and consultant linguist, Ely Finch. The authors acknowledge Paul Macgregor for his input in section 5. The authors acknowledge and thank descendants and those who lived or worked in Chinatown for sharing their family stories and memories.

Note on romanisations

There is a distinction between historical and contemporary names for the district associations and districts in China. When known, the historical names for associations and districts have been used. Where the reference is contemporary, the contemporary name has been used.

Historical name	Contemporary pinyin romanisation
Loon Fook Tong	Luen Fook Tong
Tsang Shing	Zengcheng
Tung Koon	Dongguan

2. Site Description

The building at Nos. 50-54 Dixon Street, Haymarket is located towards the northern end of Dixon Street and adjacent the northern Chinatown gate. Its land title is Lot A DP 958137, lot B DP 958137 and lot C DP958137. Constructed in 1916, the place is a three-storey masonry building which incorporates a number of architectural styles including a classical pediment and some Greek detailing.

50-54 Dixon Street has been owned and used by the Goon Yee Tong, the Loong Yee Tong and the Loon Fook Tong associations for over 100 years. Besides its use as a meeting place and residential accommodation for members, particularly those newly arriving from or departing to the home district in China, the building was home to two significant Chinese Australian institutions – the NSW Chinese Chamber of Commerce and the *Tung Wah Times* newspaper. The building is also distinguished for housing early restaurants, the *Eastern Restaurant* and *Lean Sun Low Cafe*, both of which opened in the 1950s and were instrumental in the development of the restaurant culture of Dixon Street. Today the building continues to be owned by the district associations and the ground floors are leased to restaurants.



Figure 1. Aerial view showing 50-54 Dixon Street, Haymarket indicated in red. Source: Nearmap. Annotated by HAA.

3. History (written by Dr Juanita Kwok)

3.1. Contextual Background

The great majority of Chinese migrants who came to the Australian colonies for the goldrushes in the early 1850s came from counties in the Pearl River Delta, in the vicinity of the provincial capital of Canton. As Dr Michael Williams' research shows, they maintained strong ties to their villages.[1] People tied by native place, languages and kinship established associations to support and sponsor others from the same place or of the same surname. These associations included the Goon Yee Tong, for people from Tung Koon (Dongguan) County, and the Loon Fook Tong (Luen Fook Tong), for people from the Tsang Shing (Zengcheng) County.

The Goon Yee Tong was established by at least 1857, as the influential merchant Way Kee is known to have been Treasurer of the association from 1857 to 1889.[2] In the late 19th century, after the goldrushes had ended, the Chinese population in the Australian colonies was still largely a rural-based population. In NSW, people from Tung Koon were concentrated in rural towns such as Tamworth, Newcastle, Bathurst, Camden and Liverpool, where they mainly worked as market gardeners or storekeepers. A notice published in the *Chinese Australian Herald* in December 1902 indicates that the Goon Yee Tong association was established by Tung Koon natives to organise bone repatriation and engage in charitable endeavours.[3] A 1906 article in the *Tung Wah Times* named N. Lean Fore as the director of the organisation with responsibility for bone repatriation.[4]

People from Tsang Shing were concentrated in towns such as Wellington and Newcastle, and in Victoria and New Zealand, where they were also largely engaged in market gardening and storekeeping. The district association for people from Tsang Shing was called the Loon Fook Tong. These two district associations merged to create a joint Tung Koon-Tsang Shing association called the Loong Yee Tong.

Evidence given in the 1891 *Report on the Royal Commission on alleged Chinese gambling and immorality and charges of bribery against members of the police force* shows that the Loong Yee Tong was in existence from at least 1891. Way Shong, Treasurer of the Loong Yee Tong, who was amongst the many Chinese community members interviewed for the 1891 Commission, stated he knew of two Chinese societies in Sydney – the Goon Yee Tong and the Loong Yee Tong. [5] Way Shong stated that the objects of the Loong Yee Tong are to "provide a fund for sick people and people who are unable to pay their passages home". He also spoke of funds donated to the hospital and sent to Hong Kong for buying coffins to put on board the boats so that if any Chinaman died at sea his body would not be thrown overboard.[6] Another interviewee, Pow Chee stated that "the Loong Yee Tong belongs to two districts, and I think about 80 or 90 percent of [the migrants from] those districts belong to the Society".[7]

Early development of the area

The buildings which occupy 50-54 Dixon Street are part of 15 acres of Gadigal land at the head of Cockle Bay, granted to John Dickson in 1813. The grant was subsequently sub-divided and in 1830 and 1833 allotments were sold in Sussex, Goulburn and Dickson (sic) Streets (see figure 2).

[1] See WILLIAMS, M. 2018. *Returning Home With Glory: Chinese Villagers around the Pacific, 1849 to 1949*, Hong Kong University Press.
[2] People from Tung Koon were concentrated in rural NSW in towns such as Tamworth, Newcastle, Orange, Bathurst, Camden and Liverpool. Their district association, t
[3] The *Chinese Australian Herald*, 27 December, 1902, 5, https://trove.nla.gov.au/newspaper/article/169055770
[4] 1906 '敬 告 本 邑 梓 友', *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 30 June, 5. , viewed 21 Feb 2024, http://nla.gov.au/nla.news-article247428605
[5] *Report of the Royal Commission on alleged Chinese gambling and immorality and charges of bribery against members of the police force*, appointed August 20, 1891, presented to Parliament by command, Hathi Trust, accessed 6 December 2023, https://babel.hathitrust.org/cgi/pt?id=coo1.ark:/13960/t59c7hk45&seq=49
[6] Way Shong, 22 September 1891, *Report of the Royal Commission on alleged Chinese gambling.*
[7] Pow Chee, 12 October 1891, *Report of the Royal Commission on alleged Chinese gambling.*

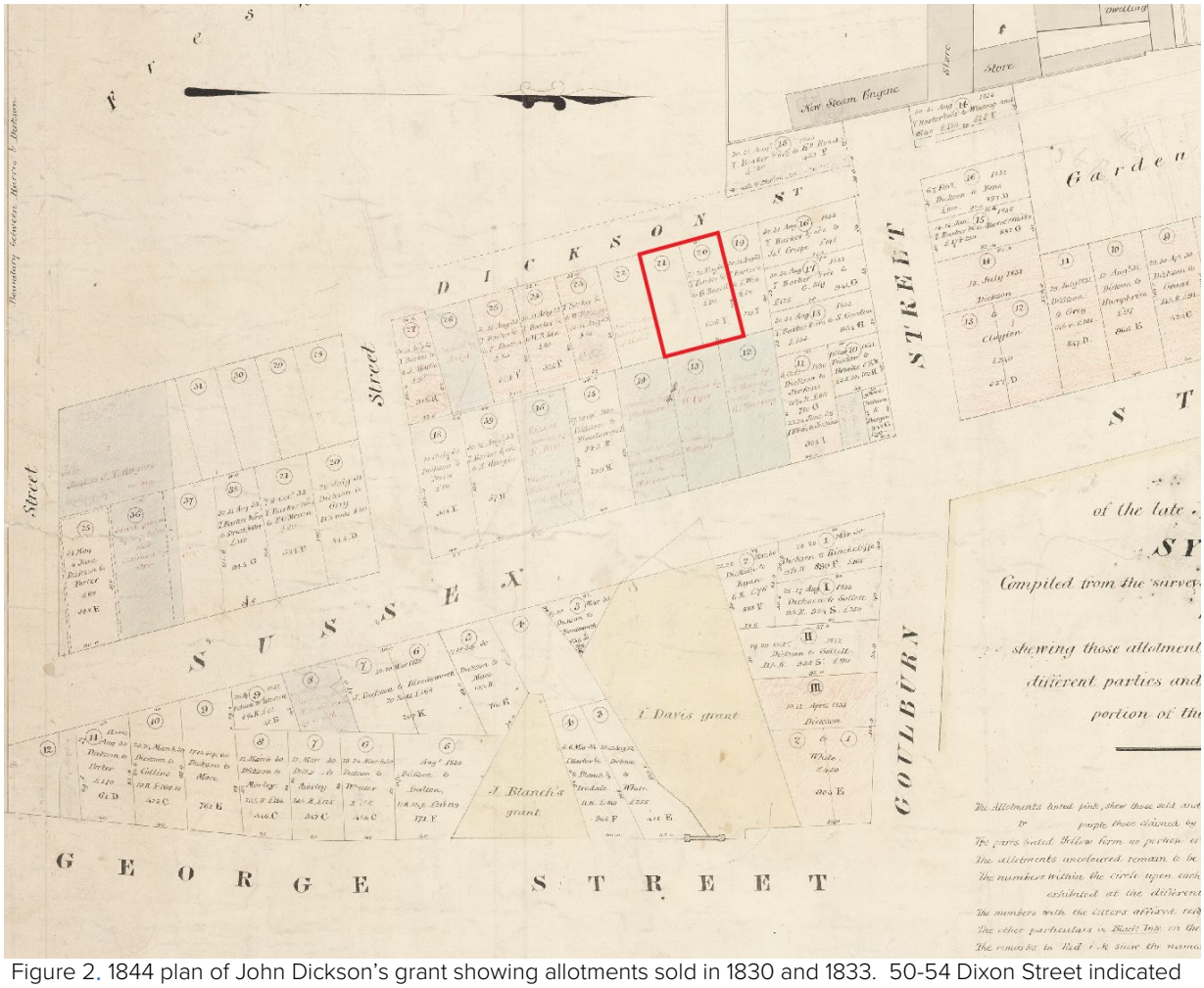


Figure 2. 1844 plan of John Dickson's grant showing allotments sold in 1830 and 1833. 50-54 Dixon Street indicated in red at lots 20 and 21. The former has been sold but the later yet to be sold. Source: Mitchell Library [SLNSW_FL3710912]. Annotated by HAA.

Dove's Plan 1880 plan shows two plots where 50-54 Dixon Street stands today. The northern plot was a yard with two single-storey wooden buildings with shingle roofs at the west entrance, three two-storey brick or stone buildings with shingle roofs to the south, and one single-storey wooden structure with a slate or metal roof in the eastern corner (figure 3).

The southern plot was a timber yard with a wood and iron shed along the northern edge of the plot, as well as a single-storey wooden structure with slate or metal roof in the north east corner (figure 3). It is unknown when these structures were demolished.

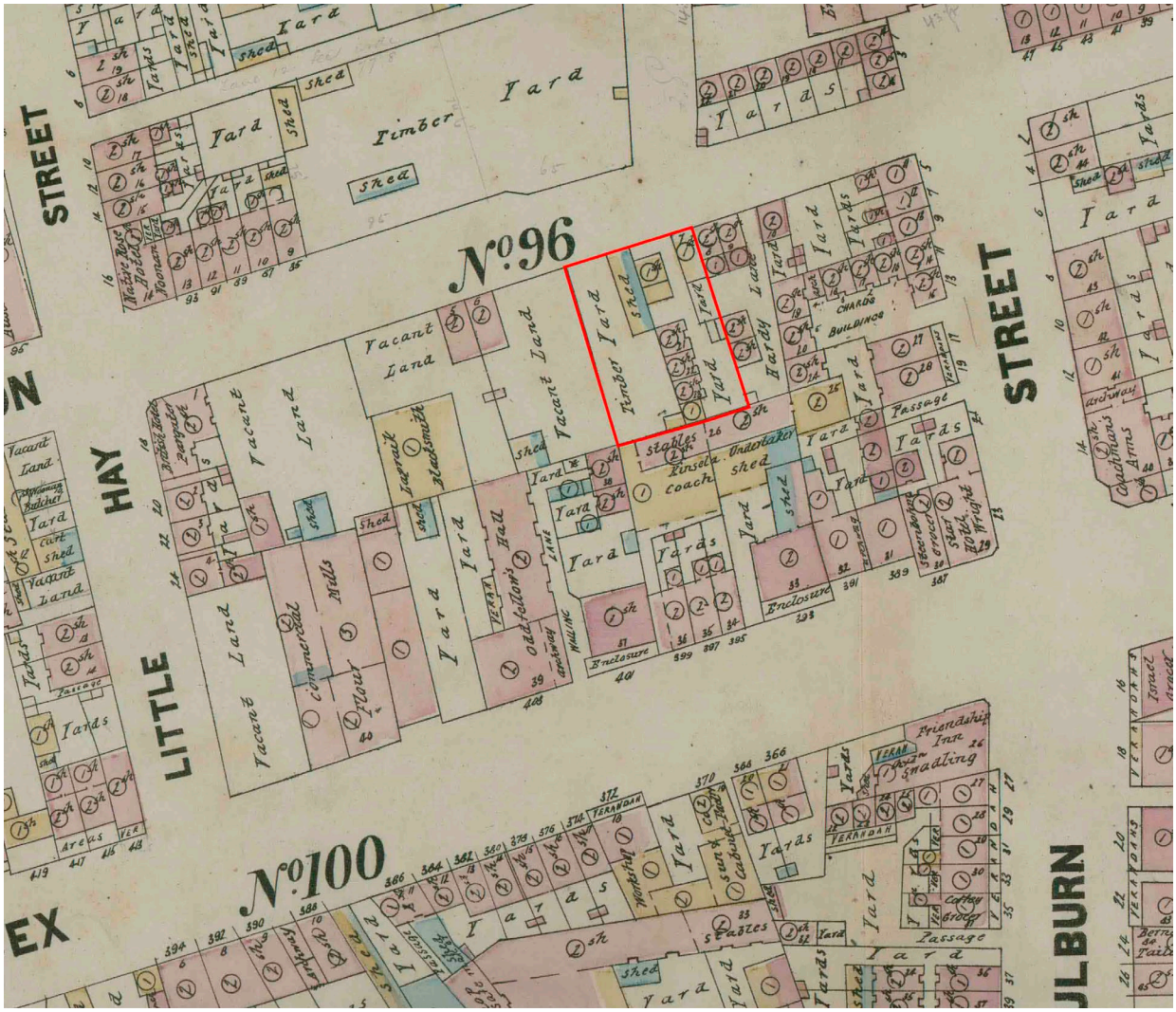


Figure 3. 1880 Dove's Plans of Sydney with the location of 50-54 Dixon Street highlighted in red. Source: City of Sydney Archives (A-00880144). Annotated by HAA.

In 1900, the title for 50-54 Dixon Street was transferred to Dugald Thomson.[8] By that time, buildings on Dixon Street were run-down. A photograph showing the rear view of a row of conjoined brick cottages at 37-47 Dixon Street, Haymarket, reveals the state of nearby buildings on Dixon Street at the turn of the century (see figure 4).

[8] (Assessment book, Lang ward 1914, 88)



Figure 4. City of Sydney, Print - Dixon Street Haymarket, circa 1901 (01/01/1901 - 31/12/1901). Source: City of Sydney Archives [A-00040934].

In 1908, Sydney Municipal Council resumed terrace houses, mills and workshops spread over four acres bounded by Ultimo, Thomas, Hay, Quay and Engine Streets to make way for new market buildings designed by the City Architect. The first Municipal Market building opened in

1909 and the second in 1910.[9] These developments were reported in the *Chinese Australian Herald* in March 1909, with the comment that numerous Chinese firms were expected to move in light of the market's relocation.[10] From 1910, Chinese firms which had previously been centred around Campbell Street, Haymarket in proximity to the Belmore Markets, began to open stores in Hay, Dixon, Quay, Harbour Streets and Ultimo Road close to the new Municipal Markets.

50-54 Dixon Street – clubhouses for the Tung Koon "Goon Yee Tong", Tung-Jaang "Loong Yee Tong", and Tsang Shing "Loon Fook Tong"

In an oral history interview conducted sometime around 1991, businessman Leslie Chang, whose family were from Tung Koon recalled:

> *When the Tung Koon people came to Sydney, there were so many of them, they decided to join forces with people from the neighbouring county of Jaang Sheng [sic].. They put their money together and bought three shops in Dixon Street, the rent from which was to be used for charitable and educational purposes.*[11]

Maxwell Yip, Secretary of the Goon Yee Tong stated:

> *I was told by my late Uncle Henry Lum Yip that money was raised by donations from businessmen, market gardeners and anyone willing to contribute towards the purchasing of 50-52-54 Dixon Street. Goon Yee Tong and Ling Fook Tong [sic] formed a combined association called Ling Yee Tong [sic].*[12]

50-54 Dixon Street was in fact purpose-built on purchased land using funds raised from members of the associations. In 1907, nine rounds of donations for the Loong Yee Tong were published in the *Tung Wah Times* newspaper.[13] By early 1916, sufficient funds had been raised for the Goon Yee Tong and the Loon Fook Tong to purchase land in Dixon Street. On 11 February 1916, land title for two blocks of land at 50-54 Dixon Street was transferred from Dugald Thomson to Goon Yee Tong representatives, Chee Sung and Gilbert Yet Ting Quoy and Loon Fook Tong representatives Fung Nam and James Kwong Sing.[14] That same year, a building application was made to the Council and a plan submitted by G. L. Quoy (likely Gilbert Yet Ting Quoy), for a three-storey building at 50-54 Dixon Street to house three stores and dwellings (see Figure 5).[15] Gilbert Yet Ting Quoy was a leader of the Tung Koon community. He was the lessee of produce business, Lee Sang & Co. which occupied the Municipal building at 90 Hay Street. The pediment of the building at 50-54 Dixon Street shows the date of its completion as 1916. See Figure 6.

[9] Description, City of Sydney, *Glass Negative - Fruit and vegetable markets, Haymarket, circa 1920* (01/01/1920 - 31/12/1920), [A-01001328]. City of Sydney Archives, accessed 11 Jan 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1726756

[10] 1909 '决 議 改 建 街 市', *Guang yi hua bao = The Chinese Australian Herald (Sydney, NSW: 1894 - 1923)*, 13 March,2. viewed 21 Feb 2024, http://nla.gov.au/nla.news-article168080171

[11] CHANG, THELMA AND LESLIE, "In a Nutshell" in, Gock Yen, Mavis, Yen Siaoman, and Richard Horsburgh. *South Flows the Pearl.* Sydney: Sydney University Press, 2022, 47.

[12] Chinese Community of Sydney in the Past, facebook group. Post by Anthony Ah Kee, 22 May 2022. Accessed 21 February 2024, https://www.facebook.com/groups/1535721703222852

[13] For example, 1907 '東增聯 義 堂 第 一次捐**欵芳名**', *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 27 July, 7. , viewed 21 Feb 2024, http://nla.gov.au/nla.news-article246930263.

[14] Land Titles, Vol. Fol. 1323-162; 1830, 1900, 1916.

[15] *Dixon St (50-54) G L Quoy three stores* (01/01/1916 - 31/12/1916), [A-00580341]. City of Sydney Archives, accessed 08 Feb 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1449673

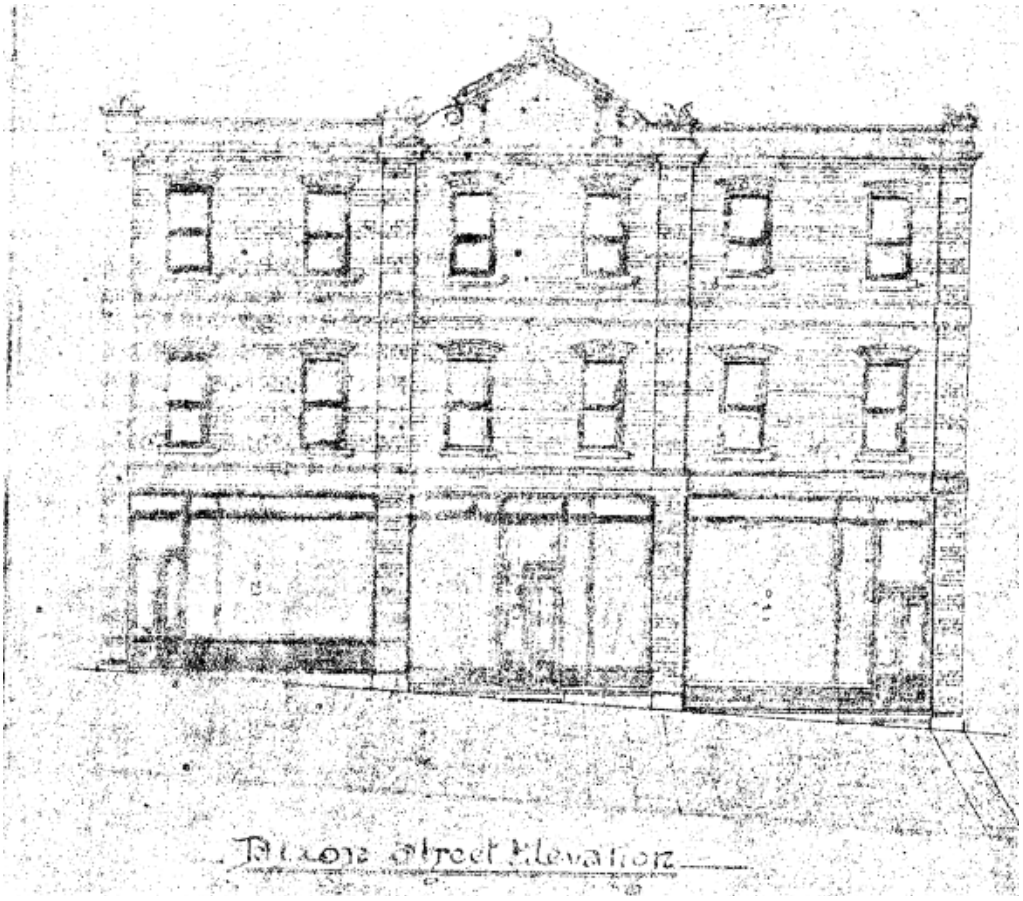


Figure 5. Part of Plan showing front of Dixon Street (50-54) G L Quoy three stores (01/01/1916 - 31/12/1916), Source: City of Sydney Archives [A-00580341].



Figure 6. Pediment of 50-54 Dixon Street showing the date 1916. Source: Juanita Kwok, January 2024.

A plaque at the entrance to the building at 50-54 Dixon Street reads in English *Loong Yee Tong Inc*. See Figure 7.

The Chinese characters read:

增城聯福堂
東增聯義堂會所
東莞公義堂

In translation:
Tsang Shing “Loon Fook Tong”,
Tung Koon Goon Yee Tong, and
Tung-Jaang Loong Yee Tong clubhouse.”
[“Quotation marks indicate a coined romanisation”]



Figure 7. Loong Yee Tong plaque, 50-54 Dixon Street. Source: Juanita Kwok, January 2024.

According to Daphne Lowe Kelley, former President of the Luen Fook Tong and the Loong Yee Tong:

> The original access to the upper floors of 50-52 Dixon St was internally through each building. However, as this was not always convenient to the lessee shop-owners, a decision was made to build a separate stairway to access the upper floors to LFT and GYT. I can't remember the exact year but it was after 1995 when Loong Fook Tong Inc was registered. The street plaque was added at that time.[16]

Signs are painted in Chinese on the exterior of 50-54 Dixon Street. See Figure 8.

The signs read from right to left:

東莞公義堂
東增聯義堂
增城聯福堂

They translate, respectively, to:
Tung Koon Goon Yee Tong,
Tung-Jaang Loong Yee Tong, and
Tsang Shing "Loon Fook Tong"



Figure **8.** Chinese signs on the exterior of 50-52 Dixon Street. Source: Juanita Kwok, January 2024.

[16] Daphne Lowe Kelley, pers. comm. 18 June 2024.

There are two additional faded painted signs on the exterior of the building. A sign above 52 Dixon Street (see Figure 9) appears to read:

中華總商會

This translates as *Chinese Chamber of Commerce*, though the third and fourth characters are not clear.[17]



Figure **9.** Photograph of faded calligraphy on upper floor of 52 Dixon Street. Source: Juanita Kwok, January 2024.

[17] Translation by Ely Finch.

A sign above 54 Dixon Street (see Figure 10) reads:

"聯新樓" [18]

This translates as *Lean Sun Low*.

The Chinese Chamber of Commerce at 52 Dixon Street and the Lean Sun Low restaurant at 54 Dixon Street are discussed later in this report.

Earlier photographs of 50-54 Dixon Street show that the signs on the exterior of buildings at 50, 52 and 54 Dixon Street have been repainted over the years. See Figures 11 and 12.



Figure 10. Chinese sign on the exterior of 54 Dixon Street reads “Lean Sun Low”. Source: HAA, March 2024.

[18] Translation by Ely Finch.



Figure 11. 1979 View of 50-54 Dixon Street showing Chinese signs on the façade indicated in red. Source: City of Sydney Archives [A-00008201]. Annotated by HAA.



Figure 12. 1984 photograph showing part of 50-54 Dixon Street and the Chinese characters on 50 Dixon Street that have since been painted over. Source: City of Sydney Archives [A-00058682]

There has been a change to the joint ownership of the three buildings between the two associations. According to Daphne Lowe Kelley "the land on which the buildings known as 50, 52 and 54 Dixon Street are located was purchased in the name of four trustees, two of whom were from Dongguan [sic] and two from Jung Seng [sic]. A short while after the three adjoining buildings were completed, 54 had a change of trustees when Charlie Young replaced the two Jung Seng trustees."[19]

The land title record confirms that in August 1917, the title for 54 Dixon Street was transferred from Chee Sung, Gilbert Yet Ting Quoy, Fung Nam and James Kwong Sing to Chee Sung, Gilbert Yet Ting Quoy and Charlie Young.[20] With this transfer, joint trusteeship of 54 Dixon Street ceased and trustees were exclusively from Tung Koon. Upon the death of Chee Sung in 1927, 54 Dixon Street was transferred to Gilbert Yet Ting Quoy and Charlie Young, the remaining trustees.[21] In 1930, it was further transferred to Yet Quork Yan, Chung Lun, Charley Foo On and Noble Lean Fore as joint tenants.[22] The loss of joint trusteeship of 54 Dixon Street has, since 1917, disadvantaged the members of the Luen Fook Tong.[23]

According to Lowe Kelley, the societies were only registered as incorporated associations in 1995. When they registered, 50 and 52 Dixon Street were registered as belonging to the joint association. No.50 and 52 Dixon Street are still owned by the joint association of the Loong Yee Tong. The Goon Yee Tong is no longer an incorporated association, but a company limited by guarantee.[24]

[19] Chinese Community of Sydney in the Past, facebook group. Post by Anthony Ah Kee, 22 May 2022, comment by Daphne Lowe Kelley.
[20] Land Titles, Vol. Fol. 2782-50, 1917.
[21] Land Titles, Vol. Fol. 2782-50, 1927.
[22] Land Titles, Vol. Fol. 2782-50, 1930.
[23] Daphne Lowe Kelley, pers. comm. 27 April 2024.
[24] Daphne Lowe Kelley, pers. comm. 27 April 2024.

3.1. 50 Dixon Street



Figure 13. 50 Dixon Street, with Canton Restaurant on the ground floor. Source: Juanita Kwok, 2024.

Although 50 Dixon Street was built as a clubhouse for the Tsang Shing Loon Fook Tong Association, the earliest land title for 50 Dixon Street lists Salvation Army (General) William Bramwell Booth as leasing the building in 1918.[25] 50 Dixon Street is listed in the 1919 Sands Directory as the Salvation Army Women's Home.[26] The Assessment Books do not stipulate which floor/s was leased for this purpose. While it is established that the Salvation Army worked and recruited amongst the Chinese community, particularly on the tin fields of Northern NSW in the 1870s - early 1920s, there appears to be little written on this early history of the Salvation Army Women's Home and any relationship between the Chinese Australian owners of the building and the Salvation Army. The Salvation Army Women's Hostel was not established at its long-term address at 471 South Dowling Street, Surry Hills until 1924.

The Sands Directory of 1922 lists 50 Dixon Street as occupied by W. & G. Ping, Manufacturers agents.[27] William and George Ping dissolved their partnership in 1925 when George Ping retired and William Ping carried on the business until 1933.[28] In 1923, Ho Hing & Co. Importers was also listed at 50 Dixon Street.[29] Upon the death of Chee Sung in 1927, land at 50 Dixon Street was

[25] Land Titles, Vol. Fol. 2782-51, 1918.
[26] *1919 Part 1 - City Street Directory - A-Gou* (01/01/1919 - 31/12/1919), [A-01136885]. City of Sydney Archives, accessed 09 May 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1899634;
[27] *Sands Directory*, 1922 part 1 City St Directory, Call No. A-01136237, (50)
[28] Advertising (1925, December 4). *The Daily Telegraph (Sydney, NSW : 1883 - 1930)*, 11. Retrieved February 20, 2024, from http://nla.gov.au/nla.news-article245063064; Sands Directory, 1932-33 Part 1 City Street Directory - A-Mar (39)
[29] *Sands Directory*, 1923a part 1 City St Directory, Call No. A-01136236, (49)

transferred to surviving joint trustees Gilbert Yet Ting Quoy, James Kwong Sing and Ping Nam.[30]

Between 1920 and 1928, the ground floor of 50 Dixon Street was occupied by the Eastern Residential House, advertising accommodation "for Eastern tourists, merchants, travellers and students, both interstate and country".[31] An advertisement from 1920 names the proprietors (葉秉樑 and 葉秉棟). They share the same surname ("Yip/Yet"), and first character of their given name, suggesting that they are brothers or cousins.[32]

A building survey of 50-54 Dixon Street conducted in 1945 recorded 4 to 6 persons in residence in each building. The type of business was described as Chinese stores, bulk stores, Chinese Club with 30-40 at Club meetings.[33] It is not clear which club this referred to.

The district association in recent times

Today the Loon Fook Tong is named the Zengcheng Association of Australia. According to Lowe Kelley, in the last 40 years or so, as a result of the committees conducting meetings in Chinese, the membership has few English-speaking descendants from the older families. In recent years, there are now some committee members who have both Chinese and English.[34]

In 2016, King Fong conducted a walking tour of Chinatown which included a visit to 50 Dixon Street. Photos taken upstairs at 50 Dixon Street (see Figures 14 and 15) and posted on Facebook show framed photographs hanging on a wall. According to Daphne Lowe Kelley, these are photographs of the members of the NSW Chinese Chamber of Commerce for different years.[35]

The photographs on display, along with any other records, documents and ephemera, are an integral part of the history of this building and are a rich source of information about the associations, their members and activities.

[30] Land Titles, Vol. Fol. 2782-51, 1927.
[31] Advertising (1922, May 20). *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 6. Retrieved February 20, 2024, from http://nla.gov.au/nla.news-article227656590;
Advertising (1928, October 6). *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 1. Retrieved February 20, 2024, from http://nla.gov.au/nla.news-article224803806.
[32] 1920 'Advertising', *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 25 December, 6. , viewed 21 Feb 2024, http://nla.gov.au/nla.news-article227013534.
[33] *Building Survey Card - Chinese stores and club, 50-54 Dixon Street Haymarket, 1945* (01/01/1945), [A-00508333]. City of Sydney Archives, accessed 08 Feb 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/959411
[34] Daphne Lowe Kelley, pers. comm. 27 April 2024.
[35] Pers. comm. Daphne Lowe Kelley, 2 March 2024.



Figure 14. “Inside the native place of the Duan Guan [sic] people”, posted by Michael Williams, 10 September 2016 on the Chinese Australian History Facebook page, accessed 20 March 2024, (3) Chinese Australian History | Inside the native place association of the Duan Guan people. | Facebook



Figure 15. Photos of former Presidents of the Loong Fook Tong, courtesy of Daphne Lowe Kelley

3.1. 52 Dixon Street



Figure 16. Photo showing 50 and 52 Dixon Street. Source: Juanita Kwok 2024.

52 Dixon Street was the address of the joint Tung Koon-Tsang Shing association, the Loong Yee Tong. Contemporary newspaper accounts shed little light on the purpose of the association. Historian Mei-Fen Kuo writes that "the Loong Yee Tong's main objective was to collect money "to put coffins on board ships passing to and from China."[36] The Sands Directory shows that the earliest tenants of the building were the *Tung Wah Times* newspaper and the NSW Chinese Chamber of Commerce. Members of the Goon Yee Tong and the Loon Fook Tong were associated with both the *Tung Wah Times* and the NSW Chinese Chamber of Commerce.

The *Tung Wah Times* (1902-1936)

From 1918, the address of the *Tung Wah Times* newspaper was given as 52 Dixon Street.[37] Its publisher was J. Young of Dixon Street, Haymarket.[38] Published from 1898–1902 as the *Tung Wah News*, then as the *Tung Wah Times,* it was the second Chinese newspaper to be established in Sydney after the *Chinese Australian Herald*, which began publication in 1894.[39] Mei-Fen Kuo argues that the Chinese press has special distinction as:

[36] KUO, M.-F. 2018. Jinxin: The remittance trade and enterprising Chinese Australians, 1850–1916. In: BENTON, G., LIU, H. & ZHANG, H. (eds.) The Qiaopi Trade and Transnational Networks in the Chinese Diaspora. Abingdon, Oxon and New York: Routledge.
[37] *Sands Directory*, 1918 part 1 City St Directory, Call No. A-01136241, (49)
[38] Advertising (1918, May 4). *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 8. Retrieved February 8, 2024, from http://nla.gov.au/nla.news-article227019117; "Advertising", Tung Wah Times, 28 June 1919, 1, https://trove.nla.gov.au/newspaper/article/227015723
[39] YONG, C. F. 1977, *The New Gold Mountain*, 117.

> *The only foreign-language press in Sydney to publish without interruption over three decades from the 1890s to the 1920s … no foreign-language newspapers of any stamp could match the record of continuous circulation of Chinese-language newspapers in Sydney from the 1890s into the 1950s.*[40]

Besides associations based on native place or lineage, Chinese people established organisations which were aligned to their social, commercial and political ideals. Chinese diaspora migrants in Australia sought to modernise China, but had different ideas on how this might be achieved. For example, the Yee Hing Society, active from the gold rush times, sought the overthrow of imperial rule in China. The *Tung Wah News* encouraged Chinese in Australia to set up the Chinese Empire Reform Association (CERA), which promoted Chinese intellectuals Kang Youwei and Liang Qichao's advocacy of reform of the imperial system and later the establishment of a constitutional monarchy in China. In 1900, supported by the NSW Chinese Chamber of Commerce, the *Tung Wah Times* became the official organ of the Chinese Empire Reform Association.[41] Gilbert Yet Ting Quoy was an office bearer of the CERA along with other well-known merchants in the Sydney Chinese community, including Thomas Yee Hing, Ping Nam, C. Leanfore, Henry Fine Cheong, Goon Ick, W.R.G. Lee and George Bew.[42]

Ting Quoy also launched a campaign through the *Tung Wah Times* newspaper in 1908 and 1909 advocating the need to establish schools to teach Chinese language. Along with Ping Nam, Leong Cheong, Lee Chun, John Hoe and Lean Fore, Ting Quoy taught at the first Sydney Chinese School which was established at the Loong Yee Tong clubhouse at 52 Dixon Street in the early twentieth century. The school lasted for more than half a century.[43]

In 1914, the *Tung Wah Times* boasted the largest circulation of any Chinese newspaper in the Commonwealth, New Zealand and the Pacific Islands.[44] The *Tung Wah Times* ceased publishing in 1936, but it is unclear why. The *Tung Wah Times* was located in 52 Dixon Street until at least 1933.[45]

The NSW Chinese Chamber of Commerce

In 1917, 52 Dixon Street was also the headquarters of the NSW Chinese Chamber of Commerce[46], which was a successor to earlier merchants' associations, the Lin Yik Tong (Chinese Commercial Association, 1892-1903) and the Chinese Merchants Society (1903-1912), established by Tsang Shing merchants Thomas Yee Hing and Ping Nam. According to historian C.F. Yong, the NSW Chinese Chamber of Commerce was formed in 1913 in order to send a representative to Peking for the election of the first Parliament. The first President of the NSW Chinese Chamber of Commerce was Ping Nam, a merchant in the firm of On Chong & Co. [47] Ping Nam was publisher of the *Tung Wah Times* in 1912, and one of the joint title-holders to 50-52 Dixon Street in 1927.[48] The constitution of the NSW Chinese Chamber of Commerce, which stated that the sole aim of the Chamber was to maintain and promote trade, prevented Chinese labouring and farming classes from joining.[49] The Chamber defended the commercial interests of Chinese merchants against organisations such as the *Anti-Chinese League* and the *Retail Grocers and Storekeepers Association* which ran public campaigns in the early nineteenth century to dissuade the public from patronising Chinese stores. Amongst the influential

[40] KUO, M. F. 2013, *Making Chinese Australia,* 1.
[41] Fitzgerald, J. (2007). *Big white lie: Chinese Australians in white Australia*. University of New South Wales Press.
[42] YONG, C. F. 1977, *The New Gold Mountain,* 120-121.
[43] YONG, C. F. 1977, 214; KUO, *Making Chinese Australia*, 229; Pers. comm. with Mei-Fen Kuo, 1 May 2024.
[44] Advertising (1914, September 19). *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 1. Retrieved February 20, 2024, from http://nla.gov.au/nla.news-article227973558
[45] *Sands Directory*, 1932-33 part 1 City St Directory, Call No. A-01136227, (39).
[46] *Sands Directory*, 1918 part 1 City St Directory, Call No. A-01136241, (49)
[47] Yong, C.F., 1977,,86-88.
[48] Land Titles, Vol. Fol. 2782-51, 1927.
[49] Yong, C.F., 1977, 90-2.

businessmen who were members of the Chinese Chamber of Commerce was Gilbert Yet Ting Quoy, who was President of the Chamber in 1924.

According to Yong, "five round-table meetings were held in the headquarters of the NSW Chinese Chamber of Commerce at 52 Dixon Street which culminated in the formation in 1917 of the first Chinese Australian shipping line, the China-Australia Mail Steamship Line."[50] With funds raised from shares sold to Chinese in Australia and the Pacific, the Line purchased three passenger ships to sail between Shanghai, Canton, Hong Kong and Australia. According to Yong, there was aggressive competition from established British and Japanese shipping companies, coupled with losses resulting from the Australian government requisitioning the ships for the war effort. He writes,

> "Amidst accusations of poor administration and the disintegration of the entente between rival factions, the line suffered irrecoverable losses and the business was wound up in 1924".[51]

The NSW Chinese Chamber of Commerce was dissolved in 1965.[52]



Figure 17. (1928, October 13). "New South Wales Chinese Chamber of Commerce Anniversary Picnic Committee", Tung Wah Times (Sydney, NSW : 1901 - 1936), 5. Source: http://nla.gov.au/nla.news-page24098979 Reproduction by NSW State Library, courtesy of Ely Finch.

[50] Yong, C. F., 97-109.
[51] YONG, C. F. 1977, *The New Gold Mountain,* 106-9.
[52] Dictionary of Sydney, NSW Chinese Chamber of Commerce, accessed 13 May 2024, https://dictionaryofsydney.org/organisation/new_south_wales_chinese_chamber_of_commerce

The Eastern Restaurant

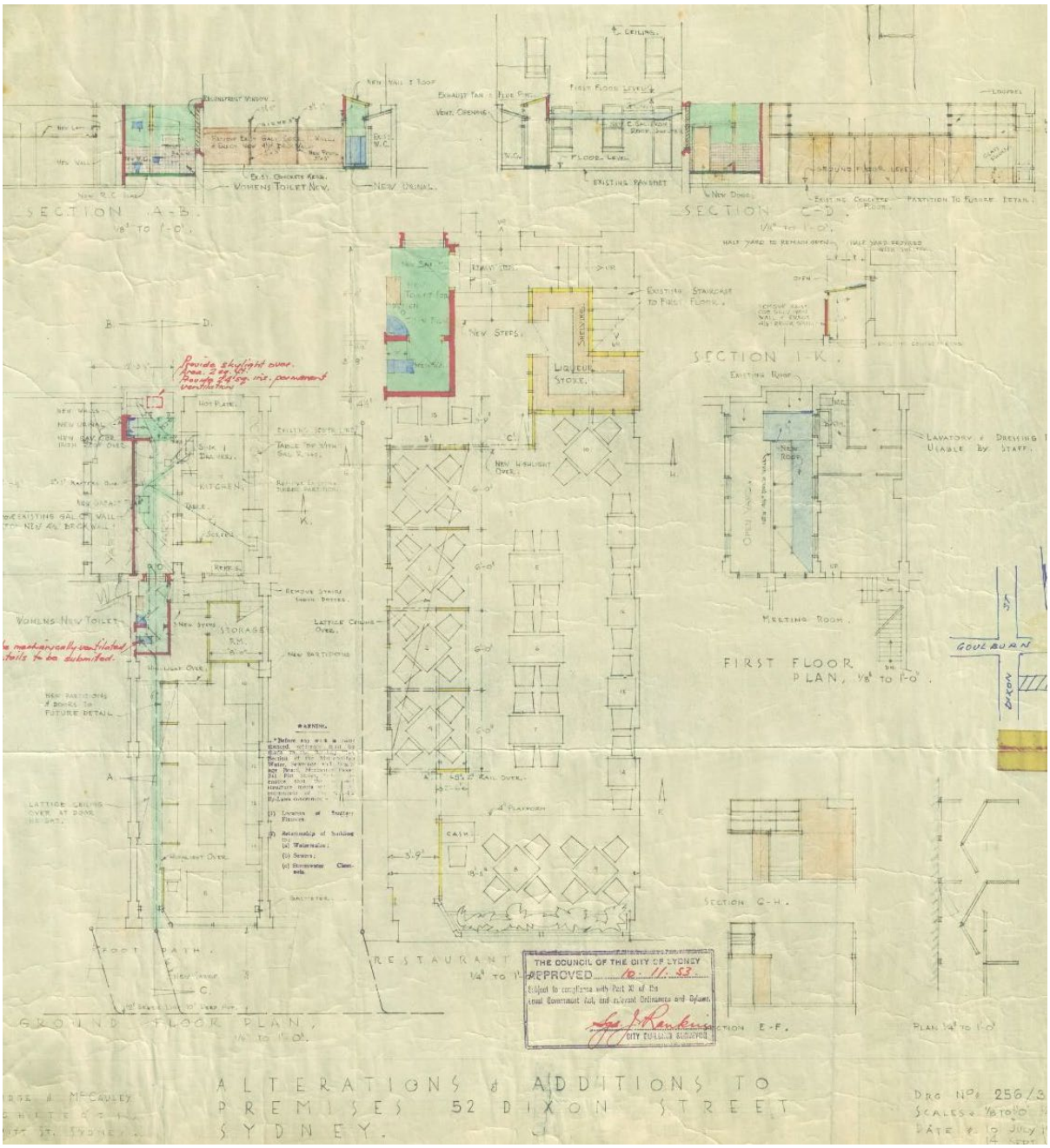


Figure 18. 1953 Plans for Alterations and Additions to 52 Dixon Street, Haymarket. Source: City of Sydney Archives [A-00558224].

In 1950 and 1952, applications were made to make alterations to the shopfront of 52 Dixon Street and in 1953 Council approved the conversion of 52 Dixon Street into a restaurant.[53] The City Archives contains plans of 52 Dixon Street in 1953 showing the restaurant layout on the ground and first floor of the building. See Figure 18.[54]

The Eastern Restaurant (in Chinese “Doong Shan”) on the ground floor of 52 Dixon Street. was run by Victor Peter Googan (Lowe Hing Choy, born in Coonamble) and his wife Louie Lee

[53] City Council Applications (1953, September 30). *Construction (Sydney, NSW : 1938 - 1954)*, 24. Retrieved February 8, 2024, from http://nla.gov.au/nla.news-article222898664
[54] *Dixon St (52)* (01/01/1953 - 31/12/1953), [A-00558224]. City of Sydney Archives, accessed 21 Feb 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1414776

(Wong Loy Day, born in Stuart Town, NSW). The story behind the Googan name is that the name of Peter's father, Lowe Goo Gun (born in Tong Mei village, Tsang Shing), was recorded as Googan. Peter Googan was bilingual, which allowed him to deal easily both with his Australian suppliers and customers and with Chinese businesses. The chefs brought out from Hong Kong to work in his restaurant lived upstairs from the restaurant. Peter had an import/export licence which allowed him to import such items as crockery, various foodstuffs and a noodle machine to make wonton wrappers.

The restaurant had modern, square, coloured linoleum tiles on the floor, but also had a feature wall decorated with antique carved wooden decorative panels from Quong Tart's tearoom in the Queen Victoria Building, given to the Googans by the McEvoy family, descendants of Quong Tart. Peter's eldest daughter Gwenda recalls waitressing at the restaurant still wearing her school uniform. There were around 16 tables in the restaurant, though if there were banquets, guests could go upstairs to dine.

The Eastern was the first Chinese restaurant to obtain a liquor licence until 10pm, at a time when liquor service in hotels ended at 6pm (see Figure 19). The liquor licence and the English menu attracted non-Chinese customers. Gwenda recalls that at the time of the big flood in Maitland in the mid1-950s, customers queued up to support a flood relief fundraiser held at the Eastern. The restaurant's signature dish was "Doong Shan Faan" a rice lined bowl filled with a combination of chicken, pork and prawn tipped onto a plate and served with an egg-white and milk sauce.[55]

The Eastern Restaurant was in business from the mid-50s to the late 60s.

In the 1960s at least, the upper floors of 52 Dixon Street provided dormitory accommodation. In an interview with Lance Lai conducted by Christopher Cheng for the Australians with Chinese Heritage Oral History Project, Lance discussed how he and his family lived on the top floor of 52 Dixon Street before moving to 54 Dixon Street, above their family-run restaurant Lean Sun Low. Lance described the first and second floors of 52 and 54 Dixon Street as a "commune" for people from Tung Koon.[56]

In 1988, the Luen Fook Tong made a building application for internal fit-out for a shop and office at 50-52 Dixon Street.[57] In the 1990s, the Eastern August Moon Restaurant operated across both 52 and 54 Dixon Street.[58]

Today, the Luen Fook Tong have their office at 52 Dixon Street and committee meetings are still held there, but the three flights of stairs make it difficult for older members. Functions are now held off-site, such as the recent Chinese New Year celebrations at Fitzroy Hall and Woodstock Community Centre and Park in Burwood.[59] The current arrangement is that Goon Yee Tong has a sub-lease from Loong Yee Tong for 50 Dixon Street and Luen Fook Tong has a similar arrangement for 52 Dixon Street.[60] The ground floor of 52 Dixon Street is currently leased as a Chinese BBQ restaurant.

[55] Author's interview with Gwenda Bau, 20 January 2024.
[56] "Lance Lai Interviewed by Christopher Cheng for the Australians with Chinese Heritage Oral History Project." By Christopher Cheng, 2023, https://nla.gov.au/nla.obj-3183559394/listen.
[57] *BA (Building Applications) 50 - 52 Dixon St Sydney Eastern Restaurant - Internal Fitout Shop & Office - $30000 - 12 05 88 LUEN FOOK TONG SOCIETY* (12/05/1988 - 25/02/1993), [A-00661100]. City of Sydney Archives, accessed 21 Feb 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1478464
[58] *DEVELOPMENT APPLICATION - 50 - 52 Dixon St Sydney - Erect Top Hamper & Under Awning Signs - $133 80 - 29 04 96 - Eastern August Moon Chinese* (11/06/1996 - 27/01/2000), [A-00672244]. City of Sydney Archives, accessed 21 Feb 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1489726
[59] Pers. comm with Daphne Lowe Kelley, 2 March 2024.
[60] Pers. comm. Daphne Lowe Kelley, 2 March 2024.



Figure 19. Dixon Street Chinatown, circa 1960, photographer unknown, Facebook post by Chinese Heritage Association of Australia, posted 23 June 2020, accessed 23 February 2024, https://www.facebook.com/photo/?fbid=2872483332873777

3.1. 54 Dixon Street



Figure 20. 50-54 Dixon Street, foregrounding 54 Dixon Street. Source: Juanita Kwok, January 2024.

54 Dixon Street was built as the clubhouse of the Tung Koon Association. Over the more than 100 years that the Goon Yee Tong has owned the building, it has also fulfilled an important role in providing accommodation for people from Tung Koon, who were either arriving or returning to China. In 1918, a building application was approved to make alterations to 54 Dixon Street, to build partitions to create six rooms on the first and second floor of 54 Dixon Street by Council.[61]

As Leslie Chang recalled:

> *In the early days there were also dormitories in the upstairs of the Dixon Street buildings for Tung Koon and Tsang Shing people passing through Sydney. Under the constitution of the society the shops can only be leased to a Tung Koon person at a very reasonable rental.*[62]

On the ground floor of 54 Dixon Street in 1920 was the China Trading Co., which was advertised as "Importers, exporters, Eastern Merchants and indent agents".[63] As indent agents, the company distributed goods on receipt of purchasing orders. An advertisement from 1921 showed the company sold imported rice, ginger, sauce, peanuts, silks and teas and sought to buy shark fins and beche-de-mer.[64]

A Chinese restaurant called Lean Sun Low which had opened on the ground floor of 54 Dixon Street by December 1922, advertised banquets, meals, Chinese cakes, barbequed meats and welcomed birthday, marriage and other celebrations.[65] In the 1950s, the Lean Sun Low Café was run by the Lai family. Historian Shirley Fitzgerald wrote:

> *Alan Lai, who had arrived in Sydney as a teenager in 1951 and lived in Dixon Street, was at the time running Lean Sun Low... He recalled that in the 50s, girls would walk past holding their noses, and the only Aussies who came in were often drunk and reluctant to pay the bill."*[66]

[61] *Dixon St (54) Jim Le Ling partition* (01/01/1918 - 31/12/1918), [A-00551744]. City of Sydney Archives, accessed 09 Feb 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1417942
[62] CHANG, THELMA AND LESLIE, "In a Nutshell" in, Gock Yen, Mavis, Yen Siaoman, and Richard Horsburgh. *South Flows the Pearl.* Sydney: Sydney University Press, 2022, 47.
[63] Advertising (1920, October 23). *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 7. Retrieved February 19, 2024, from http://nla.gov.au/nla.news-article227018088
[64] Advertising (1921, July 13). *Daily Commercial News and Shipping List (Sydney, NSW : 1891 - 1954)*, 2 (Weekly Summary). Retrieved February 9, 2024, from http://nla.gov.au/nla.news-article159593337
[65] Advertising (1922, December 9). *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 4. Retrieved February 19, 2024, from http://nla.gov.au/nla.news-article227655088
[66] Fitzgerald, S. (1997). Red tape gold scissors: The story of Sydney's Chinese. Sydney, State Library of New South Wales Press, 149, citing Graham Shirley.



Figure 21. 1979 Street view showing Lean Sun Low Café and Eastern Restaurant on the ground floor of 50-54 Dixon Street, Haymarket to the left. Source: City of Sydney Archives [A-00011720].

Amongst the Chinese community, however, Lean Sun Low was very popular for its wonton (short soup). Irene Moss, born in Dixon Street in 1948, recalled her childhood:

> *Mum and Dad used to work quite hard packing tomatoes. And sometimes when Mum didn't have time to cook a meal, she would give me a couple of bob and, because she knew the people at Lean Sun Low pretty well, I'd go in there and they'd know what to get me - a little bowl of wonton soup. I used to do that quite a lot.*[67]

Fashion designer Jenny Kee, whose father was a produce agent at the markets, also recalled going to the Lean Sun Low Café after visiting her father's office upstairs at the markets in the early 1950s. "On the way home, we always stopped by the Lin [sic] Sun Low Café to have our billy cans filled with a savoury rice porridge called juk."[68] A 1959 photograph titled "Chinese in Sydney" shows the street number 54 at the top of the glass door. The restaurant in the photograph is Lean Sun Low. See Figure 22.

According to Lance Lai's recollections, his father Lai Kum Hung was in his early twenties when he was sponsored to come Australia around 1954. Lance's mother Eileen Hung Wah Lai arrived in Australia when she was fourteen. There were many people like the Lai family, who moved from their villages to Hong Kong and then to Australia, and on arrival lived for cheap rent at 52 and 54 Dixon Street until finding a place to rent in the suburbs. According to Lance, his father Lai Kum Hung became an elder in the community and was President of the Goon Yee Tong in

[67] Shun Wah, Annette and Aitken, Greg, Banquet: Ten Courses to Harmony, Sydney, Doubleday, 1999, 130.
[68] Chinese Community of Sydney in the Past, Facebook post by Anthony Ah Kee, 29 May 2018, accessed 9 February 2024, (1) Chinese Community of Sydney in the past | Jenny Kee describes her childhood impressions of Haymarket Chinatown in the early 1950s: | Facebook

the 1980s. Along with others such as Henry Tsang, King Fong, Bernard Chan and Stanley Wong, Lai Kum Hung was one of the founders of the Chinatown Mall and his name is inscribed on the northern archway.[69]

The Lean Sun Low Café continued operating into the early 1990s when an application was made to build a new shop front for the restaurant.[70] In 2000, the restaurant operating across both 52 and 54 Dixon Street, was called the Eastern August Moon (see Figure 23).



Figure 22. Chinese in Sydney, October 1959/ Photographs by Ivan. Source: Mitchell Library [ON 388/Box 085/Item 047]

[69] "Lance Lai Interviewed by Christopher Cheng for the Australians with Chinese Heritage Oral History Project." By Christopher Cheng, 2023, https://nla.gov.au/nla.obj-3183559394/listen.
[70] *BUILDING APPLICATION - 54 Dixon St Sydney - New Shopfront To Restaurant Lean Sun Low - $8000 - 28 12 90 - Jackson Design* (28/12/1990 - 19/10/1993), [A-00661361]. City of Sydney Archives, accessed 09 Feb 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1478725



Figure 23. c.2000 View of 50-54 Dixon Street showing Eastern August Moon Chinese Restaurant on the ground floor. Source: City of Sydney Archives [A-01129462].

The ground floor of 54 Dixon Street is currently leased for retail and dining whilst the Goon Yee Tong Ltd occupies Level 1 of 50 Dixon Street, Haymarket. Its website describes the association as:

> *A registered non-profit Chinese society based in Sydney, Australia. It was founded over a century ago by Chinese migrants from the district of Dongguan, Guangdong province in southern China.*[71]

The current arrangement is that Goon Yee Tong has a sublease from Loong Yee Tong for 50 Dixon Street and Luen Fook Tong has a similar arrangement for 52 Dixon Street.[72]

[71] Goon Yee Tong Ltd website, accessed 21 February 2024, https://goonyeetong.org.au/en/about/
[72] Pers. comm. Daphne Lowe Kelley, 2 March 2024.

Community appreciation

A discussion about the buildings at 50-54 Dixon Street took place amongst participants of the Chinatown Heritage Study Stakeholder Workshop, hosted by the City of Sydney on 5 April 2024. Daniel Ma, who also spent his childhood growing up in Chinatown, would like to see the building at 50-54 Dixon Street preserved. Making reference to 58 Hay Street [the Wing Sang Headquarters Building] which was lost to redevelopment and can no longer communicate its stories in the same way, Daniel commented, "*Buildings are stories in themselves*". Daniel expressed the opinion that without the building and its internal fabric, its history is meaningless. However, some participants of the workshop did not believe that the buildings needed to be retained and that their significance could be interpreted in other ways.

The participants expressed that the building is important as it is the only building where clan societies have operated continually for over 100 years. More recently the composition of the association has changed leading to different appreciations of the place. For instance:

> *More recent arrivals (post-Tiananmen) from China have little appreciation of the history of the district, and the racism and exclusion experienced by 19th and early 20th Century migrants. The White Australia legislation reduced the Cantonese population. The mainland Chinese (who settled in large numbers from the late 1980s) did not experience the racism and the feeling of being in an isolated minority. Different waves experienced Chinatown differently, and many have no sentimental attachment to the building let alone a historical one.*[73]

Notwithstanding recent changes, the associations remain very strong. For instance, Man-Yee Leanfore, who has a family connection to the building both through her own (Ho) family and her late-husband's family, would like for the story of the place to be told and the history to be recognised.

[73] Brad Powe, Chinatown Heritage Study Stakeholder Workshop, hosted by the City of Sydney on 5 April 2024.

4. Physical Analysis



Figure 24. External view of 50-54 Dixon Street. Source: HAA, 2024.

The physical analysis of the building at nos.50-54 Dixon Street is limited to the external façade of the building's Dixon Street frontage. Internal access to the building was not provided.

The building at nos.50-54 Dixon Street is a three-storey masonry building. Two brick pilasters divide the façade into three vertical bays. Each bay corresponds to the three individual lot boundaries upon which the single building was built. The ground floor awning, a painted cement band at the second floor level and a cornice and parapet at the roof level creates a visual division indicating each floor. Atop the building is a parapet with a central pediment and inscription 'AD 1916' indicating the date of completion of the building (figure 25).



Figure 25. Pediment and architrave detailing on 50-54 Dixon Street. Source: HAA, 2024.

The ground floor of the building has been significantly altered by the introduction of contemporary food and retail premises with contemporary fit outs.

The façade of the upper floors consists of 12 equidistant windows. A noteworthy feature of the façade are the Chinese characters written across the first floor exterior. The Lean Sun Low sign painted in Chinese characters on the exterior of 54 Dixon Street appears to be original, as does the very faded Chinese Chamber of Commerce sign on 52 Dixon Street. The signs painted on the exterior of the building between 50 and 52 Dixon Street appears in later photographs dating from 1984 (see figures 8 to 12).

The ground floor is sublet to eateries, the above floors are believed to be owned and occupied by the district associations. Internal configurations, surviving fabric and contemporary use are unknown. Signage on the ground floor door of 54 Dixon Street indicates that the above floors are available for commercial office or retail shop lease, with street level advertising allowed.

50 Dixon Street



Figure 26. View of 50 Dixon Street. Source: HAA, 2024.

The ground floor of 50 Dixon Street hosts the *Canton* restaurant and is characterised by contemporary glazed maroon tiles, kitchen window and main entrance. A plaque with Chinese characters is located at the edge of the tiled façade.

The first floor brick façade has been painted grey, covering the original Chinese writing shown in figure 12, while the second floor retains its original brick finish.

Each floor comprises of two window openings with exposed arched brick lintels and bullnose brick sills. The first floor comprises of two double hung windows with opaque glazing and metal framing, and the second floor has four-panel transparent glazed sliding windows with metal frames. The top left window on the second floor is fitted with an external grill mesh. Air conditioning units sit above the awning (figure 27).



Figure 27. View of the upper floors of 50 Dixon Street. Source: HAA, 2024.

52 Dixon Steet



Figure 28. View of 52 Dixon Street. Source: HAA, 2024.

No.52 Dixon Street's ground floor facade is embellished with contemporary grey stone cladding and shopfront windows for the *Skewer BBQ* restaurant. A stairway installed in circa 1995 leading to the first floor, is located on the northern side of the shop. A plaque indicating the names of the district associations is positioned on the wall to the left of the stairway on the ground floor, and was mounted in circa 1995.

The awning at 52 Dixon Street has been set back to accommodate the Chinatown gates abutting the building (figure 29). On the first and second storeys, the building is a face brick finish with two window openings with arched brick lintels and bullnose brick sills per floor. These four-panel glazed sliding windows have metal frames and are modern additions to the building, dating to some time after 1979 (figure 11). The first floor windows have internal metal grills. The northern window on the second floor is fitted with an external grill mesh (figure 28).

The Chinese characters on 52 Dixon Street are obstructed by the addition of electrical conduits (figure 29). Air conditioning units sit above the awning. Metal embellishments with Chinese motifs can be seen on the pilaster between 52 and 54 Dixon Street (figure 29).



Figure 29. View of 52 Dixon Street. Source: HAA, 2024.

54 Dixon Street



Figure 30. View of 54 Dixon Street. Source: HAA, 2024.

On the ground floor, 54 Dixon Street is currently occupied by *Super Emoji* juice shop. A door identifying the district associations is located north of the juice shop. Signage over the door shows the logo of the *Goon Yee Tong Limited* association (figure 30). It is assumed that the doorway leads to a stairwell to the above floors.

The ground floor façade is clad with grey tiles and contains three steps leading to a setback glazed shopfront. On the first and second floor, the façade comprises of four window openings with arched brick lintels and bullnose brick sills, two at each floor. The windows are double hung with frosted glass panels and metal frames. The old Lean Sun Low sign painted on the exterior of 54 Dixon Street is obstructed by the addition of electrical conduits (figure 30). Air conditioning units are located above the awnings.

5. Comparative analysis

The creation of district associations across Australia is a historic process which continues today with a number of new associations being created in the late 20th century and early 21st century.[74] This comparative analysis focuses on the district associations founded in the 19th and early 20th century, in order to understand the historical significance, rarity and representativeness of 50-54 Dixon Street.

Image	Address	Description
New South Wales		
	Sydney, NSW	**Chin Wah Benevolent Association**[75] It is unclear when this Association was established, but it has existed since at least 1913. Information on the functions of the association and its address is unknown.
	158 George Street, Redfern	**Chung Hwa National Association**[76] It is unclear when this Association was established, but it has existed since at least 1913. Information on the functions of the association and whether it is extant is unknown. Historical aerials indicate that the building had been demolished by 1975.
 Figure 31. Dixon House building. Source: Google Street view, October 2015.	417 Sussex Street, Haymarket	**Yiu Ming Hung Fook Tong** The Yiu Ming Hung Fook Tong was founded in 1880 for the Ko Yiu people in Sydney.[77] Today, the place is known as Dixon House. It is unclear if the building was purpose-built for the District Association or if it leased space within the building. The exact functions of the Tong or whether the Tong continues to use the building is unknown.

[74] Alexandra Wong, Kay Anderson, Ien Ang and Donal McNeill, "Sydney's Chinatown in the Asian Century: From ethnic enclave to global hub", Western Sydney University, July 2016, p.47,
[75] "International Chinese Business Directory of the world for the year 1913", International Chinese Business Directory Co.,Inc., San Francisco, California, USA, p.1225, https://babel.hathitrust.org/cgi/pt?id=uc1.$b440600&seq=9
[76] "International Chinese Business Directory of the world for the year 1913", p.1225
[77] "Sydney's Chinatown in the Asian Century: From ethnic enclave to global hub", p.47.

Image	Address	Description
 Figure 32. Chinese Youth League building. Source: Google Street view, September 2020.	10 Dixon Street, Haymarket	**Chinese Youth League of Australia** The Chinese Youth League was founded in 1939 in an attempt to gather patriotic Chinese youth to form an association to fight the Japanese invasion in China. The league assisted in providing jobs, meals and accommodation to stranded Chinese seamen who jumped ship or came to Sydney as refugees during WWII. The league is also known for its efforts in fighting the white Australian policy. The building is extant and the league conducts activities and sports events for Chinese youth in Sydney.[78]
 Figure 33. Kwong War Chong building at 84 Dixon Street. Source: HAA, 2019.	84 Dixon Street, Haymarket	**Kwong War Chong Building** The Kwong War Chong building was erected in 1909 for Philip Lum Chun Lee's company 'Kwong War Chong & Co.' The ground floor of the building was a general store. The above floors served as an early community centre for the Zhongshan (Chungshan) people in Sydney, and as a meeting place for the 'Tong Sen Tong', a society for the Long Du people. [79] The place is no longer used by the associations. The place is listed on the NSW State Heritage Register (Listing No. 02089) and on the Sydney LEP (Item no. I2293)[80]

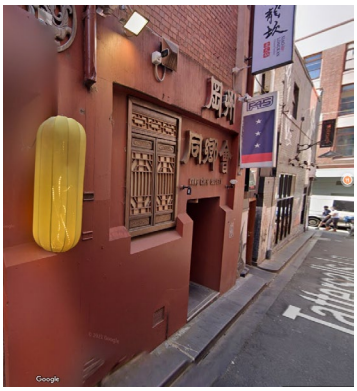
[78] Chinese Youth League of Australia website, https://www.cyl.org.au/
[79] "Former Kwong War Chong Building received heritage listing", The China-Australia heritage corridor, https://www.heritagecorridor.org.au/news-and-blogs/former-kwong-war-chong-building-received-heritage-listing
[80] "Kwong War Chong", State Heritage Inventory, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5067050

Image	Address	Description
 Figure 34. Chungshan Society at 50 Albion Street, Sydney. Source: Google Street view, 2024.	50 Albion Street, Surry Hills	**Chungshan Society of Australia Inc.** Founded in 1983, the Chungshan society offers migration services for Chinese immigrants from Zhongshan. The society also conducts tours to attend winter camps and cultural exchanges in Zhongshan, particularly for the descendants of the Zhongshanese in Sydney.[81] The organisation continues to operate out of this address. This building is located within the Reservoir Street & Fosterville Heritage Conservation Area.[82]
 Figure 35. Sze Yup Temple in c.2005. Source: City of Sydney Archives [A-01154329].	2 Edward Street, Glebe	**Sze Yup Temple** The Sze Yup Temple was funded and built by Chinese immigrants from the four Sze Yup districts of Kwangtung in 1898, as a place of worship and as a cultural centre. The place provided accommodation for Chinese travellers and migrants, material assistance, and conducted bone repatriation for deceased Chinese people in Sydney.[83] The place is listed on the NSW State Heritage Register (Listing No. 00267) and on the Sydney LEP (Item no. I680)[84]
 Figure 36. Yiu Ming Temple. Source: State Heritage Inventory [#01297].	16-22 Retreat Street, Alexandria	**Yiu Ming Temple** Construction of the Yiu Ming Temple began in 1908. It functioned as a temple as well as a cultural and social centre for the community. The place assisted new arrivals with funding, provided accommodation and employment opportunities for the people from Gaoyao and Gaoming districts. The temple also organised

[81] "Xiao Yu RUAN", The China-Australia Heritage Corridor website, https://www.heritagecorridor.org.au/people/xiao-yu-ruan
[82] E-Planning Spatial Viewer website, https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address
[83] "Sze Yup Temple", The Glebe Society website, https://glebesociety.org.au/buildings/sze-yup-temple/
[84] "Sze Yup Temple", State Heritage Inventory, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5045668

Image	Address	Description
		bone repatriation of deceased society members. The place is listed on the NSW State Heritage Register (Listing No. 01297) and on the Sydney LEP (Item no. I28) [85]
Victoria		
 Figure 37 Num Pon Soon Society Building at 200-202 Little Bourke Street, Melbourne. Source: Victorian Heritage Database.	200-202 Little Bourke Street, Melbourne	**Num Pon Soon Society Building** The place was purpose-built in 1861 for Sam Yup Society (later the Num Pon Soon Society) the district association for people from the three Sam Yup districts. It is the earliest surviving Chinese community building in Victoria. It is significant for its historical and social association with Chinese immigrants, their customs and traditions. The place is listed on the Victorian Heritage Register (Listing No. H0485). [86]
 Figure 38. Ning Yang Society building. Source: Google Street view, 2024.	208 Little Bourke Street, Melbourne	**Ning Yang Society** The Ning Yang Society (also known as Taishan Society) was formed in c.1909.[87] The place was built for the people of the Ning Yang (Sim Hing) district of Canton.[88] The district association is located in the upper floors.

[85] "Yiu Ming Temple", State Heritage Inventory, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5044695
[86] Victorian Heritage database report, 'Num Pon Soon Society Building' https://vhd.heritagecouncil.vic.gov.au/places/780
[87] "Ning Yang Society", Chinese-Australian Historical Images in Australia, https://www.chia.chinesemuseum.com.au/biogs/CH01855b.htm
[88] "Ning Yang Woikwon- New Chinese Society", The Herald (Melbourne, Vic. :1861-1954, 16 June 1909, p.1, https://trove.nla.gov.au/newspaper/article/242065980?searchTerm=Ning%20Yang%20Society#

Image	Address	Description
 Figure 39. Kong Chew Society building at 4 Tattersalls Lane, Melbourne. Source: Google Street view, 2024.	4 Tattersalls Lane, Melbourne	**Kong Chew Society** Founded in c.1850, the Kong Chew Society functioned as a welfare and mutual aid organisation for the people of the Guangdong province of China. The society still exists as a registered organisation.[89] It is the earliest See Yup (now known as Siyi) association in Australia. People from the Siyi region migrated overseas and created district associations known as "Kong Chew" to illustrate their ancestry and ties to their home region.[90]
 Figure 40. See Yup Temple at 76 Raglan Street, Melbourne. Source: Victorian Heritage Database.	76 Raglan Street, South Melbourne	**See Yup Society Temple** The See Yup Society Temple was constructed in 1866 to support the Chinese people of four See Yup districts[91] who arrived in Melbourne in the late 19th century.[92] The place is the principal centre of worship and death registry of the Cantonese in Victoria. The place is listed on the Victorian Heritage Register (Listing No. H0219). [93]

[89] Australian National University Archives, 'Kong Chew Society', https://archivescollection.anu.edu.au/index.php/kong-chew-society
[90] Kong Chew Society website, https://www.kongchewsociety.com.au/about-us/
[91] Paul Macgregor, in email to authors, June 2024.
[92] "The search for Ah Loong: A Chinese Grandfather Rediscovered", My China Roots Traceable, https://www.mychinaroots.com/blog/stories/the-search-for-ah-loong-a-chinese-grandfather-rediscovered/
[93] Victorian Heritage Database report, 'See Yup Temple', http://vhd.heritage.vic.gov.au/search/nattrust_result_detail/66652

Image	Address	Description
Perth		
 Figure 41. Chung Wah Association building. Source: Chung Wah Association website.	128 James Street, Northbridge	**Chung Wah Association** Established in 1909, the Chung Wah Association is the largest and oldest surviving non-profit organisation in WA. The association was formed to support the social welfare of the Chinese migrants in Perth and continues to operate at the same location.[94] The place is listed on the WA State Register (Place No. 02027)[95]
Darwin		
 Figure 42. Chung Wah Society building. Source: Google Street view, November 2021.	6 Litchfield Street, Darwin City	**Chung Wah Society** Established in 1911, the Chung Wah Society was built as a social and sporting club for the Chinese population in Darwin. The place promotes cultural education, social interests and welfare of the members. It also functions as a Chinese temple. The place continues to operate at the same location. [96]

Comparative analysis conclusion

Since the 1850s, Chinese migrants in Australia have built both temples and association buildings as a way of providing a meeting place for the local community and for offering services and assistance in various aspects of life. The majority of purpose-built district association buildings still in use today are located in Victoria. Within NSW, there is a mix of purpose built, leased and multi-use buildings including temples. The building at nos. 50-54 Dixon Street is a rare example in NSW of a purpose-built building constructed primarily for the use of the district associations and continues to be owned and used by these associations.

[94] Chung Wah Association website, https://www.chungwah.org.au/en/about-us/
[95] "Chung Wah Association Hall", Govt. of Western Australia Heritage Council, https://inherit.dplh.wa.gov.au/Public/Inventory/Details/26f3e0a6-c7d9-4642-8e8c-640d7cedef06
[96] Chung Wah Society website, https://www.chungwahnt.asn.au/

6. Assessment of Significance

6.1. Ability to demonstrate

Guidelines from the NSW Heritage Office emphasise the role of history in the heritage assessment process. A list of state historical themes has been developed by the NSW Heritage Council, in *New South Wales Historical Themes Table showing correlation of national, state and local themes, with annotations dated 4 October 2001.*

The table below identifies fabric, spaces and visual relationships that demonstrate the relevant historic themes in evidence at 50-54 Dixon Street.

Australian Theme	NSW Theme	Notes	Discussion
2 Peopling Australia	Ethnic influences	Activities associated with common cultural traditions and peoples of shared descent, and with exchanges between such traditions and peoples	The building at 50-54 Dixon Street is evidence of cultural traditions of the Chinese diaspora, specifically the establishment of district associations by migrants in their place of settlement.
2 Peopling Australia	Migration	Activities and processes associated with the resettling of people from one place to another (international, interstate, intrastate) and the impacts of such movements	The Goon Yee Tong, the Loong Yee Tong and the Loon Fook Tong facilitated the migration of people from the Zengchen and Dongguan district of Guandong to Australia throughout the 20th century. These associations assisted newly arrived members by providing temporary accommodation and services. Assistance was also provided to those making return trips back to China. The associations were also responsible for making arrangements for deceased members.
3 Developing local, regional and national economies	Communication	Activities relating to the creation and conveyance of information	52 Dixon Street is associated with the influential Chinese '*Tung Wah Times* newspaper'. Its circulation extended throughout the Commonwealth, New Zealand and Pacific Islands.

Australian Theme	NSW Theme	Notes	Discussion
3 Developing local, regional and national economies	Transport	Activities associated with the moving of people and goods from one place to another, and systems for the provision of such movements	The district associations at 50-54 Dixon Street arranged bone repatriation of deceased Chinese migrants to China. In 1920, the China Trading Co., at 54 Dixon Street imported and distributed goods from China.
4 Building settlements, towns and cities	Land tenure	Activities and processes for identifying forms of ownership and occupancy of land and water, both Aboriginal and non-Aboriginal	Historical occupancy of the building at 50-54 Dixon Street by the Chinese Chamber of Commerce, and the continued use and ownership by each district associations, is indicated by painted signage on the façade.
4 Building settlements, towns and cities	Accommodation	Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	The upper floor of 50-54 Dixon Street provided accommodation for members of the Associations and boarders. Some specific examples cited in the Report are: 50 Dixon Street briefly provided residential housing for tourists, merchants, travellers and students, between 1920 and 1928. 52 Dixon Street provided dormitory accommodation for the people of the Tung Koon districts during the 1960s. 54 Dixon Street provided temporary accommodation for people who were arriving at Sydney from the Tung Koon and Tsang Shing district, and those returning to China.

Australian Theme	NSW Theme	Notes	Discussion
6 Educating	Education	Activities associated with teaching and learning by children and adults, formally and informally.	52 Dixon Street was the location of the Sydney Chinese School, at which at which Cantonese was taught for over half a century.
7 Governing	Welfare	Activities and process associated with the provision of social services by the state or philanthropic organisations	In 1919, 50 Dixon Street was leased by the Salvation Army and opened as the Salvation Army Women's Home. It pre-dates the the Salvation Army Women's Hostel at 471 South Dowling Street, Surry Hills which opened in 1924. The district associations at 50-54 Dixon Street provided support for newly arrived migrants such as temporary accommodation, provided services for members, most likely arranging remittances and assisted with bone repatriation of deceased members.
8 Developing Australia's cultural life	Social institutions	Activities and organisational arrangements for the provision of social activities	The restaurants at 50-54 Dixon Street such as the Eastern Restaurant and the Lean Sun Low café were dining hubs, not only for members of the district associations, but for the broader Chinese Australian community and for non-Chinese diners. These two restaurants played a key part in pioneering the restaurant culture of Dixon Street for which it became famous.
9 Marking the phases of life	Birth and Death	Activities associated with the initial stages of human life and the bearing of children, and with the final stages of human life and disposal of the dead.	The district associations arranged the bone-repatriation and also provided funds for the purchase of coffins for deceased Chinamen at sea.

GML's *Chinatown Thematic History* (2023) was developed to provide key historical themes to guide understanding of the development of Chinatown. The following table identifies the relevant themes from GML's report.

GML main theme	GML sub-theme	Discussion
Theme 1: Evolving Chinatown	Creating 'Chinatown'	The restaurants on the ground floor of 50-54 Dixon Street played a key role in popularising the Chinese food culture of Dixon Street.
Theme 2: Living and working in Chinatown	Burgeoning businesses	The restaurants at the ground floor of 50-54 Dixon Street were family-run Chinese restaurants. The ground floor premises have a long history of being leased as restaurants and continue to operate as restaurants today. In the 1920s, 54 Dixon Street was also the location of the China Trading Co., a company that imported and distributed a variety of food items from China.
	Return to the flowery land	The district associations at 50-54 Dixon Street provided funds for their members travelling back to their home countries and likely assisted with sending remittances to their hometowns. Bone repatriation was also arranged by the district associations.
Theme 3: Belief, Culture and Community	Clan houses, clubs and associations	The building at nos. 50-54 Dixon Street was purpose-built to function as two individual and one joint clubhouse for the people of the Tung Koon and Tsang Shing districts.
	The taste of Chinatown	The restaurants on the ground floor of 50-54 Dixon Street played an important role in the popularisation of Chinese food culture in Dixon Street.

6.2. Assessment against NSW Heritage Assessment Criteria

Criterion A Historic Significance

An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The building at nos.50-54 Dixon Street is a purpose-built three-storey building for the Tung Koon (Dongguan) and Tsang Shing (Zengcheng) associations, which are key social organisations for the Chinese Australian community in Sydney. The building also housed several other historically significant Chinese Australian organisations, The *Tung Wah Times* Newspaper, the NSW Chinese Chamber of Commerce, and a number of restaurants which were instrumental in developing the restaurant culture of Dixon Street. A plaque on the building and the painted Chinese characters are evidence of these historical uses.

District Associations

The building at nos. 50-54 Dixon Street is associated with the following district associations, the "Loon Fook Tong" at 50 Dixon Street, for people from Tsang Shing County, the "Goon Yee Tong" at 54 Dixon Street for people from Tung Koon County; and between 50 and 54 Dixon Street, a joint clubhouse at 52 Dixon Street, the "Loong Yee Tong". These clubs have occupied this address for over 100 years.

Funding was raised by members of these district associations for the purchase of land at 50-54 Dixon Street and construction of the building which was completed in 1916. The historical role of the district associations was to provide funds for the sick, assist the aged in returning to China, raise funds for charity, both in Australia and China, provide accommodation and assist with the settlement of new persons arriving from their districts and those returning. The associations also most likely arranged the transfer of members remittances to China. The district associations also arranged bone-repatriation, donated money to hospitals and ensured the purchase of coffins for deceased Chinamen at sea. The place thus demonstrates the strong links between members in Australia and their native places.

The role of the association is significant in maintaining the Chinese Australian community's links with their hometown and facilitated the settlement of Chinese immigrants in Australia. Historian Mei-Fen Kuo has characterised Sydney in the late 19th to early twentieth century as "a hub of Chinese mobility" and "a centre of community mobilisation and identity formation".[97] The building at nos. 50-54 Dixon Street was central to this phenomenon.

NSW Chinese Chamber of Commerce, 52 Dixon Street, Haymarket

52 Dixon Street was the long-term (over two decades) headquarters of the NSW Chinese Chamber of Commerce which was significant for its role in promoting trade and defending the commercial interests of Chinese Australians from anti-Chinese movements and organisations such as the Anti-Chinese League and the Retail Grocers and Storekeepers Association, which ran public campaigns in the early nineteenth century to dissuade the public from patronising Chinese stores.

Members of the Chamber established the first Chinese Australian shipping line, the China-Australia Mail Steamship Line, which operated from 1917 to 1924 between Shanghai, Canton, Hong Kong and Australia.

Eastern Restaurant, 52 Dixon Street, Haymarket (1953-66)

As the first Chinese restaurant to obtain a liquor licence until 10pm, the Eastern Restaurant is significant as one of the earliest Chinese restaurants to popularise Chinese food in Sydney. Its English menu made Chinese food accessible to non-Chinese customers, demonstrating the

[97] KUO, M. F. 2013, Making Chinese Australia : Urban elites, newspapers and the formation of Chinese Australian Identity, Melbourne, Monash University Publishing.

adaptation of Chinese culture and community within the Australian context. Together the restaurants including the Eastern Restaurant and Lean Sun Low helped to develop the restaurant culture of Dixon Street.

Significance indicator	Assessment
Association with an event, or series of events, of historical, cultural or natural significance	Not applicable.
Demonstration of important periods or phases in history	The district associations are directly associated with and facilitated the settlement of Chinese migrants from the Tsang Shing and Tung Koon districts. The raising of funds to have a purpose-built district association building demonstrates the increasing number of Chinese migrants in the area during the early 20th century Restaurants of 50-54 Dixon Street helped develop the restaurant culture of Dixon Street. The Chinese Chamber of Commerce evidences the success of Chinese owned business in the early 20th century. It played a key role in maintaining and promoting trade and defended the rights of Chinese merchants during the early 20th century.
Association with important cultural phases or movements	The building at 50-54 Dixon Street played a key role in facilitating the migration of people from the Tsang Shing and Tung Koon districts and the establishment of Chinatown in proximity to the municipal markets. The *Tung Wah Times*, at 52 Dixon Street, operated as an organ of the Chinese Empire Reform Association (CERA) which advocated reform of the imperial system and later the establishment of a constitutional monarchy in China. The *Tung Wah Times* had a wide circulation across NSW and Sydney.

Significance indicator	Assessment
Demonstration of important historical, natural or cultural processes or activities	The China Trading Co., on the ground floor of 54 Dixon Street is demonstrative of historical trading processes as it operated as an import export company, selling imported rice, ginger, sauce, peanuts, silks and teas and buying shark fins and beche-de-mer. The district associations provided community services such as bone-repatriation, accommodation for new arrivals and charitable events in the local area. The associations also most likely arranged remittances to China. The upper floors of 50-54 Dixon Street were intended as temporary accommodation for association members moving between China and Australia, however, in some cases, they accommodated individuals, or families for years. This pattern of domestic life can be seen in other buildings in Dixon Street, such as the Kwong War Chong Building which at times housed the Lee and Pang families, and 96 Hay Street which housed members of the Ma family.
Symbolism and influence of place for its association with an important historical, natural or cultural event, period, phase or movement	The place is symbolic to the local Chinese Australian community, of the historical process of establishing district associations by the Chinese diaspora in Australia. The district associations at 50-54 Dixon Street, the Eastern Restaurant and Lean Sun Low café supported employment and migration into Chinatown and the development of the dining culture centred on Dixon Street.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion B Historical Association

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

The three-storey building at nos. 50-54 Dixon Street has historical association with the "Loon Fook Tong", "Loong Yee Tong" and "Goon Yee Tong" District Associations of the Tsang Shing and Tung Koon Counties. The place is also associated with the following organisations:

Notable Figures

The place is associated with a number of prominent figures in the Chinese Australian community, particularly Ping Nam and Gilbert Yet Ting Quoy.

Ping Nam was a well-known merchant, one of the founding members, and the first president of the NSW Chinese Chamber of Commerce. He was also the publisher of the Tung Wah Times, as well as an office bearer of the CERA.

Gilbert Yet Ting Quoy, a Sydney Chinese merchant, along with Ping Nam, campaigned for the establishment of the Sydney Chinese school which existed at 52 Dixon Street for over half a century.

Tung Wah Times, 52 Dixon Street

52 Dixon Street was the publishing address for the Chinese newspaper '*Tung Wah Times'* from 1918 until at least 1933 but likely until 1936. The newspaper is significant for being the second Chinese newspaper in Sydney and for having had the largest circulation of any Chinese newspaper in the Commonwealth, New Zealand and Pacific Islands. It is demonstrative of the diverse political affiliations of the Chinese Australian community. Chinese newspapers promoted political interests of different factions within the community. The *Tung Wah Times* operated as an organ of the Chinese Empire Reform Association (CERA) which advocated reform of the imperial system and later the establishment of a constitutional monarchy in China.

NSW Chinese Chamber of Commerce, 52 Dixon Street

Formed in 1913, the Chinese Chamber of Commerce had its headquarters at 52 Dixon Street from 1918 to 1965. The place is also associated with a number of prominent figures in the Chinese Australian community, particularly Ping Nam and Gilbert Yet Ting Quoy.

Salvation Army Women's Home, 50 Dixon Street

There is potential for the place to have historical association with the Salvation Army Women's Home which was present in the building between 1919 and 1921. It could have significance as one of the earliest women's refuges. However, further research is needed to substantiate this.

Significance indicator	Assessment
A key phase(s) in the establishment or subsequent development at the place or object was undertaken by, or directly influenced by, the important person(s) or organisation	The presence of the district associations at 50-54 Dixon Street has assisted the local community for over 100 years. The NSW Chinese Chamber of Commerce played a key role in maintaining and promoting trade in NSW and the local area, and defended the rights of Chinese merchants during the early 20th century. Ping Nam and Gilbert Yet Ting Quoy played significant roles in the functioning of the *Tung Wah Times,* the Chinese Empire Reform Association, the NSW Chinese Chamber of Commerce and the Sydney Chinese School. The Lean Sun Low Café and Eastern Restaurant were popular Chinese family-run restaurants that served the area in the 20th century.
An event or series of events of historical importance occurring at the place or object were undertaken by, or directly influenced by, the important person(s) or organisation	The NSW Chinese Chamber of Commerce and *Tung Wah Times* were important organisations located at 52 Dixon Street, with influence across NSW and beyond.
One or more achievements for which the person(s) or organisation are considered important are directly linked to the place or object	The ***Tung Wah Times*** is significant for having had in 1914, the largest circulation within Sydney, the Commonwealth and Australasian region of any Chinese newspaper. Ping Nam and Gilbert Yet Ting Quoy played significant roles in establishing the Sydney Chinese School at 52 Dixon Street.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion C Aesthetic /Creative/technical achievement

An item is important in demonstrating aesthetic characteristics and/ or a high degree of creative or technical achievement in NSW (or the local area).

The building at nos. 50-54 Dixon Street is aesthetically significant in providing an understanding of the historical streetscape of Dixon Street It is a good example of a late Federation building and it is this style that represents the founding architectural character of Dixon Street

The Chinese signage on the façade is a distinctive characteristic of the Chinatown area.

Significance indicator	Assessment
Recognition as a landmark or distinctive aesthetic natural environment	The late Federation aesthetic is distinctive to this building and is a defining character of Dixon Street.
Recognition of artistic or design excellence	Not applicable.
Represents a breakthrough or innovation in design, fabrication or construction technique, including design/technological responses to changing social conditions	Not applicable.
Distinctiveness as a design solution, treatment or use of technology	Not applicable.
Adapts technology in a creative manner or extends the limits of available technology	Not applicable.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion D Social, cultural and spiritual

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons.

The Loon Fook Tong, Goon Yee Tong and Loong Yee Tong district associations have owned and/or used 50-54 Dixon Street for over 100 years and has ongoing social significance for members of the Tsang Shing County and Tung Koon districts. Although many of the historical functions of the district associations have ceased, such a bone repatriation, the district associations continue to hold sociable and charitable activities at the place.

The place is symbolic of Chinese migration and settlement in Australia and is also evident of the Chinese diaspora's practice of maintaining, over many generations, strong ties to their home country. The building contributes to the local identity of the two communities within Sydney.

A number of moveable heritage items at the upper floors of 50 Dixon Street were identified in the 2016 photographs (figures 14 and 15), and may be held in the premises today. This is unconfirmed and needs further investigation. Items including photographs of members of the NSW Chinese Chamber of Commerce and presidents of Loong Fook Tong and other ephemera are apparent in the photographs. The display and safe keeping of these items are integral to the continued social significance of the place, should they be found upon further investigation.

The restaurants located at 50-54 Dixon Street including the Eastern Restaurant and Lean Sun Low, were popular places for eating and socialising amongst the local community and are remember fondly by older members of the Chinese Australia community.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Significance indicator	Assessment
Highly regarded by a community as a key landmark (built feature, landscape or streetscape) within the physical environment	Not applicable.
Important to the community as a landmark within social and political history	Not applicable.
Important as a place of symbolic meaning and community identity	As the meeting place of the district associations, the place symbolically represents the historic migration of Chinese people to Australia and their contributions to the development of Chinatown around the Haymarket area. It is also evidence of the support provided by the district associations to their members through various services and social activities.
Important as a place of public socialisation	Properties 50-54 Dixon Street have continually functioned as clubhouses for the district associations, where the communities have gathered for over 100 years.
Important as a place of community service (including health, education, worship, pastoral care, communications, emergency services, museums)	Not applicable.
Important in linking the past affectionately to the present	The building at nos.50-54 Dixon Street continues to be owned by the district associations. There may be moveable heritage items, in particular photos of past committee members, located in the upper floors of 50 Dixon Street. There is photographic evidence of these items from 2016 but due to limitations in the inspections it is unsubstantiated if they remain at the place. These items are demonstrative of the continual link between the past and present by the local community.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion E Research potential

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

Lack of access to the interiors of 50-54 Dixon Street poses a limitation to the understating its research potential. Photographs of interiors taken in 2016 indicate that there were a number of moveable heritage items in the building, particularly photographs of members of the NSW Chinese Chamber of Commerce and presidents of Loong Fook Tong association, however their current location is unsubstantiated. These photographs and other records of the district associations membership and activities hold high research potential.

As the location of the moveable heritage items remains unsubstantiated, they cannot be assessed under this criterion.

Significance indicator	Assessment
Comparative analysis	Not applicable.
Potential to improve knowledge of a little-recorded aspect of an area's past or to fill gaps in our existing knowledge of the past	The site may have some archaeological potential.
Potential to inform/confirm unproven historical concepts or research questions relevant to our past	Not applicable.
Potential to provide information about single or multiple periods of occupation or use	There may be moveable heritage items at 50 Dixon Street, which may possess research potential for furthering understanding of the historical occupation by the district associations, the NSW Chinese Chamber of Commerce and other functions. However, their current location is unconfirmed.
Potential to yield site-specific information that would contribute to an understanding of significance against other criteria	Not applicable.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion F Rare

An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

A small number of purpose-built district association buildings are known to have been erected in several parts of Australia since the late 19th century. The building at nos.50-54 Dixon Street is one of a handful of buildings in the country that continue to exist and function as district associations and have done so for over 100 years. Within Sydney or NSW, there is potential that the building at nos.50-54 Dixon Street is one of the last remaining original purpose-built district association buildings from the early 20th century.

Moveable heritage items, such as framed photographs of members of the organisations that operated at 50-54 Dixon Street, may be located within the building. This collection is likely rare as no other collection has been identified. They have the potential to provide an understanding of the cultural history of the area, particularly, the membership and operation of the NSW Chinese Chamber of Commerce, the *Tung Wah Times* and the district associations. It is important that the location of the photographs and any other records or ephemera pertaining to these organisations is ascertained and that the contents are documented and preserved.

Significance indicator	Assessment
Rare surviving evidence of an event, phase, period, process, function, movement, custom or way of life in an area's history that continues to be practised or is no longer practised	Within NSW, the building at nos. 50-54 Dixon Street has potential to be one of the last remaining purpose-built district association building that is still owned and used by the associations.
Evidence of a rare historical activity that was considered distinctive, uncommon or unusual at the time it occurred	Not applicable
Distinctiveness in demonstrating an unusual historical, natural, architectural, archaeological, scientific, social or technical attribute(s) that is of special interest.	Not applicable
Demonstrates an unusual composition of historical, natural, architectural, archaeological, scientific, social or technical attributes that are of greater importance or interest as a composition/collection	Not applicable

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion G Representative

An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).

The late Federation building at nos.50-54 Dixon Street is one of a handful of buildings on Dixon Street that is representative of the historical scale, materiality and composition of the old Chinatown streetscape.

Significance indicator	Assessment
A class of places or objects that demonstrate an aesthetic composition, design, architectural style, applied finish or decoration of historical importance.	The late Federation building at 50-54 Dixon Street is representative of the historical streetscape of Dixon Street particularly its composition scale and architectural style.
Representative of a class of places that demonstrate a construction method, engineering design, technology, or use of materials, of historical importance	Not applicable.
Representative of a class of places that demonstrate an historical land use, environment, function, or process, of historical importance	Not applicable.
Representative of a class of places that demonstrates an ideology, custom or way of life of historical importance	Not applicable.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

6.3. Statement of Significance

The building at 50-54 Dixon Street has historical significance as key social organisations for the Chinese Australian community, and for enabling its members to maintain links to their hometowns. The three-storey building at 50-54 Dixon Street was jointly funded and purpose-built in 1916 by leaders of the Tsang Shing (Zengcheng) and Tung Koon (Dongguan) counties. It was built to house the Loon Fook Tong (Luen Fook Tong) clubhouse at 50 Dixon Street for people from the Tsang Shing County; the "Goon Yee Tong" clubhouse at 54 Dixon Street for people from Tung Koon County; and between the two clubhouses, at 52 Dixon Street, a joint clubhouse, the "Loong Yee Tong". The three district associations have occupied 50-54 Dixon Street for over 100 years. The associations played a vital role in the Chinese Australian community by offering services to assist with settling in Sydney or returning to China, arranged bone-repatriation, provided accommodation, conducted charitable events and most likely arranged the transfer of members' remittances to China.

52 Dixon Street has historical association with the *Tung Wah Times* newspaper (1902–1936), the second Chinese newspaper to be established in Sydney. In 1914, the *Tung Wah Times* boasted the largest circulation of any Chinese newspaper in Australasia. The coexistence of a number of different Chinese newspapers indicates the diverse political affiliations of Chinese diaspora and the newspapers' role in shaping Chinese Australian identity. 52 Dixon Street was also the meeting place for members of the NSW Chinese Chamber of Commerce (1913-1965), which promoted overseas trade and defended Chinese Australian commercial interests from anti-Chinese campaigns. Historian Mei-Fen Kuo has characterised Sydney in the late 19th to early twentieth century as "a hub of Chinese mobility" and "a centre of community mobilisation and identity formation".[98] 50-54 Dixon Street was central to this development.

The form and aesthetics of the building are consistent with those of early 20th century buildings pertaining to Chinatown and thereby contribute to the understanding of the historical streetscape of Dixon Street. The Chinese signage on the façade is significant as markers of the historical uses of the building.

The district associations continue to play a social role amongst their respective communities. The historical uses of the place such as the popular restaurants which occupied the ground floors are remembered fondly by the local Chinese Australian community.

The place is representative of early purpose-built district association buildings built across the country to serve the increasing Chinese diaspora in Australia. The building at nos. 50-54 Dixon Street is likely to be the last surviving example of a purpose-built district association building in Sydney or NSW, continually owned by the associations for over 100 years.

[98] KUO, M. F. (2013). Making Chinese Australia : Urban elites, newspapers and the formation of Chinese-Australian Identity. Melbourne, Monash University Publishing.

7. Listing Recommendations

Under its Local Environmental Plan (2012), the City of Sydney is required under 5.10(a) to "conserve the environmental heritage of the City of Sydney". For a place to be heritage listed it needs to substantially meet at least one of NSW Heritage's criteria (2023) for assessing significance. The significance assessment of 50-54 Dixon Street has found that the place meets six criteria at least at a local level, and therefore warrants protection under the Local Environmental Plan. The significance assessment has demonstrated that the place has importance to Sydney with its distinct history in the Haymarket precinct, its representing of the significant role of Chinese in Australia and the current regard held for the buildings by the community. Therefore, the place should be listed under Schedule 5, Part 1 of the City of Sydney LEP 2012.

.

8. Management Recommendations

The following recommendations are drawn solely from a consideration of the significance of the place and good heritage practice.

Given that the historical and social significance of the place is particularly important, these recommendations are framed with an understanding that heritage conservation is a social contract, requiring responsibility to be shared by the owners and consent authorities for the mutual benefit of all stakeholders, including the Chinese community.

As such, these recommendations are written with consideration of possible future ambitions of the owners, while striving to achieve the best heritage outcome for the place, and with an expectation that the consent authority, in representing the community's interest, will assist/support the owners in managing and conserving the significance of the place, where possible.

8.1. Obligations arising from significance

The high cultural significance of the place identified in the statement of significance obliges its conservation and good management (Burra Charter Article 2).

In the Burra Charter, significance is embodied in the place, where place means site, area, land, landscape, building of other work, group of buildings or other works, and may include components, contents, spaces and views. Place also includes fabric, setting, use, associations, meanings, records, related places, and related objects. (Burra Charter Article 1).

This place has been in continual ownership by the district associations for over 100 years and should, where practicable, continue to do so.

Markers of historical use such as the painted Chinese signage on the façade, should be conserved.

8.2. Tolerance for change

There is limited tolerance for change to original fabric on the first and second floors of the building façade. The internal layout and extent of original internal fabric is unknown.

There is a greater tolerance for change to non-original fabric particularly on the ground floors which are currently occupied by food retail stores. Retail signage should not be located above the awning.

Internal changes to the building for service upgrades and access, including lifts and reconfiguration of any original staircases is appropriate, but should consider impacts to any significant fabric or floor plans (if applicable).

8.3. Conservation of fabric

The façade contributes to understanding the historical streetscape of Dixon Street. The Chinese characters painted on the façade communicate historical association with the district associations. It is recommended that the following fabric be conserved to support these significances:

- All original fabric on the façade including face brick finish, lintels and sills, cornices, and pediment, entablature and associated embellishments.
- The plaque on the ground floor facade of the building denoting the names "Loon Fook Tong", "Goon Yee Tong", and "Loong Yee Tong".
- The Chinese characters painted onto the façade of the upper floors, indicating the names of the district associations, the NSW Chinese Chamber of Commerce and Lean Sun Low restaurant.

8.4. Interpretation

Where the opportunity arises, the paint to 50 Dixon Street should ideally be removed to restore the original face brick finish. The Chinese characters should also be repainted by a calligrapher, with careful attention to retaining the calligraphic style, and intrusive elements such as electrical conduits on the facade removed.

There may be movable heritage items in the upper floors of 50 Dixon Street. It is recommended that further investigation of the interiors be carried out in order to confirm the existence of this collection. If confirmed, the moveable heritage items have high interpretative value and therefore it is advised that the collection be professionally photographed, catalogued and made accessible to professionals for research.

The significance of the place is not independent of the history and development of Chinatown in the Haymarket area, and as such, interpretive strategies for 50-54 Dixon Street should be considered within an overall interpretation strategy for Chinatown.

It is recommended that the City of Sydney and the owners work together in considering additional interpretive strategies for the place such as:

- Setting up a plaque(s) identifying the history and significance of the place.
- Creation of digital archives/ websites showcasing the history and significance of Chinatown, identifying 50-54 Dixon Street as a place of significance in the area.

A heritage interpretation plan must be provided in the event of altering the building for change of use and/or major developments.

8.5. Future development

Additions and alterations to 50-54 Dixon Street is acceptable but must ensure retention of the façade and any significant interiors (if existing), and be sympathetic to the existing building in terms of style, colour and materiality. Future development must also be sympathetic to the overall Dixon Street streetscape, nearby heritage items, and locality statements for the area.

The setback and scale of any vertical additions to the place must be sufficient to maintain the readability of the existing form and scale of the principal building.

8.6. Future use

As much as practicable, it is recommended that the place continues to be used and accessed by the district associations and their members. Where necessary, development/ upgrading of the place to support this use is acceptable.

Other appropriate uses include but may not necessarily be limited to office, retail and commercial use, but these should not preclude use of the place as clubhouses by the district associations and their members.

Prior to any proposed major development including change of use, respectful and purposeful engagement with members of the district associations and with the Chinese Australian community, including descendants of early committee members is recommended.

Attachment C

Hector Abrahams Architects - Heritage Assessment Report - 90-100 Hay Street

HECTOR
ABRAHAMS
ARCHITECTS

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

90-100 Hay Street, Haymarket

Heritage Assessment

Final Version 1.2
19 July 2024



for City of Sydney
by Hector Abrahams Architects

Acknowledgment of Country

We acknowledge the Gadigal and Wiradjuri, the original inhabitants of the land on which we work. Nos 75-77 Ultimo Road is also located on the land of the Gadigal.

Aboriginal and Torres Strait Islander peoples have a connection to place, land, water and community, established over many thousands of years. We recognise the cultural significance inherent in these connections, that sovereignty over this land was never ceded and that it continues to be sacred to its rightful owners.

We pay respect to Elders past and present, and stand with all First Peoples in their quest for justice, truth telling, and reconciliation.

CONTENTS

1. Introduction 4
1.1. Limitations *4*
2. Description of Site 5
3. History 6
3.1. Preface *6*
3.2. Contextual Background *7*
3.3. 90-100 Hay Street: The Municipal Stores *15*
3.4. No. 90 Hay St *18*
3.5. No. 92 Hay St. *24*
3.6. No. 94 Hay Street *27*
3.7. No. 96 Hay St *31*
3.8. No. 98 Hay St. *38*
3.9. No. 100 Hay St *40*
4. Physical Analysis 44
5. Comparative analysis 52
6. Assessment of Significance 58
6.1. Ability to demonstrate *58*
6.2. Assessment against NSW heritage assessment criteria *61*
6.3. Statement of Significance *71*
7. Listing Recommendations 72
8. Management Recommendations 73
8.1. Obligations arising from significance *73*
8.2. Tolerance for change to fabric, form and layout *73*
8.3. Future development *73*
8.4. Interpretation *74*
8.5. Future use *74*

Version	Authors	Status	Date
Version 1.0	Hector Abrahams Architects and Dr Juanita Kwok	Draft for internal review	26/06/2024
Version 1.1	Hector Abrahams Architects and Dr Juanita Kwok	Final daft for City of Sydney review	27/06/2024
Version 1.2	Hector Abrahams Architects and Dr Juanita Kwok	Final version for issue to City of Sydney	19/07/2024

1. Introduction

This report has been prepared in response to the Haymarket and Chinatown Revitalisation Strategy. The past few years have been challenging for Haymarket and the City heard from the community that the area needs revitalisation. The City adopted the Haymarket and Chinatown Revitalisation Strategy in December 2023 to outline actions in five priority areas to deliver on the community's vision for the area. The Strategy includes an action to strengthen recognition of cultural heritage, identifying three sites as potentially having cultural significance, linked to the Chinese Australian community. To provide a foundational understanding of the key themes from Chinatown's history the City commissioned GML Heritage in 2022 to provide a Thematic History of Chinatown.

Hector Abrahams Architects (HAA) have been asked by the City of Sydney to investigate the significance of three places identified in the strategy: 90-100 Hay Street, 75-77 Ultimo Road and 50-54 Dixon Street, Haymarket. Our first stage was to examine the history and potential significance of these places. The findings were compiled in standalone historical research reports. Following the development of the Historical Research reports, HAA was then asked to undertake a heritage assessment of 90-100 Hay Street, Haymarket. Our approach to all of these reports is to work in co-authorship with the Chinese Australian historian, Dr Juanita Kwok. Dr Kwok was asked to conduct research and provide a contextual written history for the place and to advise on the place's significance and management.

This report assesses the heritage significance of 90-100 Hay Street, Haymarket. Its purpose is to advise the City of any significance, to make a recommendation on heritage listing and provide management recommendations. This assessment will only make a recommendation on heritage listing within the Sydney Local Environmental Plan 2012.

The history of 90-100 Hay Street has been put in context by providing a brief discussion of the pioneering role of Chinese migrants in the commercial vegetable and banana industries as well as how White Australia legislation impacted on their family and business lives. It goes on to outline the development of Chinatown in the Haymarket and the establishment of the Municipal Markets and Stores. The report details the Chinese Australian firms which leased the Municipal Stores, identifying people and uses associated with the buildings at 90-100 Hay Street.

A detailed description of the place in its current condition follows the history, along with a detailed comparative analysis of other banana and produce stores owned and run by Chinese Australian firms. Our history and comparative analysis then inform the assessment of significance which is based on Heritage NSW's *Assessing Heritage Significance Guidelines* (2023) and from which a recommendation on whether or not the place should be listed. The report concludes with management recommendations to conserve significance.

This report was prepared by Hector Abrahams and Sioned Lavery of Hector Abrahams Architects, and Dr Juanita Kwok, historian. Research using Chinese language sources and Chinese-to-English translations and research were done by historical translator and consultant linguist, Ely Finch.

The authors acknowledge and sincerely thank descendants and those who lived or worked in Chinatown for sharing their family stories and memories.

1.1. Limitations

The authors were not able to gain internal access to all premises. Therefore for some premises, specifically 90-22 Hay Street, inspections were external only.

2. Description of Site

The place is located at 90-100 Hay Street in the centre of Haymarket between Harbour Street and Dixon Street with Kimber Lane traversing between nos. 94 and 96 Hay Street. Its land title reference is Lot 1 DP261942, Lot 2 DP261942, Lot 3 DP261942, Lot 4 DP261942, Lot 5 DP261942 and Lot 6 DP261942.

Designed and built as a single block in 1911, nos. 90-100 Hay Street are three-storey masonry buildings historically occupied by fruit and produce stores with residences upstairs. Today the buildings have a variety of restaurants and entertainment uses.



Figure 1 Aerial of 90-100 Hay Steet indicated in red. Source Sixmaps with HAA overlay.

3. History

3.1. Preface

The history of the buildings at 90-100 Hay Street might be divided into a market period and a post market period. In the market period, from the 1910s to the 1970s, the buildings functioned as Municipal Stores, leased from the City Council, for the most part by Chinese Australian fruit and vegetable merchants. At this time, the majority of the Chinese originated from the Pearl River Delta, in the vicinity of the provincial capital of Canton, and Cantonese or district languages were the main Chinese languages spoken in Sydney. It was also a time when the Chinese Australian population was a minority population, owing to White Australia legislation which virtually prohibited the entry of new migrants from China or Hong Kong and restricted the family life, occupations and industries of resident Chinese Australians. The end of this period in the mid-late 1970s coincides with the abolition of White Australia legislation and the relocation of the Municipal Market to Flemington.

The later period dates from around the late 1970s, by which time migration was increasing with the relaxation of restrictions and Chinatown evolved as a dining destination. From this time and up to the current day, the buildings at 90-100 Hay Street, which were no longer owned by the City of Sydney, were primarily used as restaurants. As the authors of *China Unbound* write:

> *By the 1980s, when these Western societies had largely given up their racially discriminatory immigration policies and opened up to Asian immigration, the dominant conception of Chinatown was no longer that of an abject ethnic ghetto: rather, Chinatown was now seen as a positive expression of multicultural heritage and difference.*[1]

This report on 90-100 Hay Street focuses on the market period as the most historically significant period in the history of the buildings. According to Major General (retd) Darryl Low Choy, President of the Chinese Australian Historical Society, the connections of 90-100 Hay Street with the banana trade tells the story of Chinatown and demonstrates the adaptability of Chinese Australians to changing economic and political conditions in order to survive. Low Choy believes Chinese Australian migrants are misrepresented only as sojourners who eventually left Australia, but the history of 90-100 Hay Street (and also 75-77 Ultimo Road and 50-54 Dixon Street) tells a different story of the many unrecognised contributions which Chinese migrants settlers made to Australia. He argues that the buildings must be understood in their political context as businesses adapted to the changing laws and policies of Australia.[2]

More information on the second period of Chinatown from the 1970s can be found in *Chinatown Unbound* and in the Chinatown Gates, Haymarket Heritage Assessment Report, Prepared by GML for City of Sydney, June 2023.

In preparing this historical report, the authors acknowledge the assistance of Dr Michael Willams and Paul Macgregor and extend special thanks to Ely Finch who did all the Chinese-to-English translations and research. The authors would also like to thank descendants and those who lived or worked in Chinatown for sharing their family stories and memories.

[1] Anderson, Kay, Ien Ang, Andrea Del Bono, Donald McNeill, and Alexandra Wong. *Chinatown Unbound: Trans-Asian Urbanism in the Age of China,* Rowman & Littlefield Publishers, 2019.
[2] Major General Darryl Low Choy, in conversation during Chinatown Heritage Study Stakeholder Workshop held April 5, 2024 by City of Sydney.

3.2. Contextual Background

Chinese Australians in the fruit and vegetable industries

The great majority of Chinese migrants who arrived in the Australian colonies from the early 1850s came from counties in the Pearl River Delta, in the vicinity of the provincial capital of Canton. Initially they were drawn by the goldrushes, but later came to work in a variety of other occupations, including as tin miners, market gardeners, scrub clearers and cabinet makers. They maintained strong ties to their villages.[3]

Chinese immigrants to the goldfields brought horticultural skills with them, which not only included water management skills and age-old knowledge of growing vegetables and fruit, but capital sharing and marketing strategies."[4] In Australia, they adapted to different climates and market needs to develop successful commercial growing and wholesale businesses. In the latter decades of the 19th century, fruit and vegetable production, distribution and sales became major occupations of Chinese people in the Australian colonies. The 1885 Sands Directory listed 54 gardens in Sydney, largely in Alexandria and Botany.[5] The extension of rail networks enabled regional producers to send their produce to the market in Sydney. As historian C.F. Yong writes, "the extensive cultivation of vegetables by Chinese growers gave Chinese greengrocers in cities and towns a large share in the wholesale and retail vegetable trade, for Chinese market gardeners often supplied their produce to Chinese greengrocers."[6]

Besides growing vegetables, Chinese migrants also developed fruit industries, in particular the banana industry. Chinese who had arrived in North Queensland to work on the Palmer and Hodgkinson gold fields turned to agriculture in the mid-1870s. The *Cairns Post* of 28 May 1887 declared, "The Chinese farmers and fruit growers of the North may almost be regarded as the fathers of agriculture in the Cairns district".[7] Chinese fruit merchant firms were involved in all aspects of the banana industry from land-clearing, cultivation, and developing the means of transport. Chinese banana growers, particularly along the Johnstone River would alter water courses to accommodate their banana laden sampans.[8] Bananas were freighted to southern cities for sale by wholesale fruit merchant firms. One of the most successful of the Sydney-based Chinese fruit merchants was Wing Sang & Co. founded in 1890. Wing Sang & Co. invested capital gained from its banana wholesale business into ventures in Hong Kong and China, founding the Sincere Co. which opened the first department store in Hong Kong in 1900 (see Figure 2).

Another banana wholesale firm, Wing On & Co. followed suit, opening a department store in Hong Kong in 1907, then in Shanghai (see Figure 3), and diversifying into banking, insurance and textile milling. Wing Sang and Wing On developed business networks which extended throughout Asia and the Pacific and in Hong Kong and China. The decision to invest capital earned from Australian ventures into Hong Kong and China was due in no small part to colonial and Commonwealth legislations which obstructed business opportunities for Chinese people in Australia and the Pacific.

Wing Sang & Co. and other Chinese Australian firms had begun establishing these department stores and transnational business networks a decade before the Municipal markets were

[3] See WILLIAMS, M. 2018. *Returning Home With Glory: Chinese Villagers around the Pacific, 1849 to 1949*, Hong Kong University Press.
[4] Boileau, Joanna. *Chinese Market Gardening in Australia and New Zealand.* Cham, Switzerland: Palgrave, 2017, pp 2-7.
[5] FITZGERALD, S. 1997, *Red tape gold scissors: The story of Sydney's Chinese,* Sydney, State Library of New South Wales Press, 95.
[6] YONG, C. F. 1977, *The New Gold Mountain*, 36.
[7] Johnston, Connor. "The Chinese Contribution to Agriculture in the Cairns District.
[8] Johnston, Connor. "The Chinese Contribution to Agriculture in the Cairns District from 1870 to 1920" , p. 23, https://www.academia.edu/18059032/The_Chinese_Contribution_to_Agriculture_in_the_Cairns_District_from_1870_to_1920, accessed 24 April 2024.

completed, Wing Sang & Co. and its subsidiaries leased 94 and 96 Hay Street and a Chinatown area centred on Dixon Street evolved.



Figure 2. The first Sincere Department store in Hong Kong. Source from the China-Australia Heritage Corridor Project website, https://www.heritagecorridor.org.au/places/sincere-department-stores-hong-kong accessed 8 March 2024.

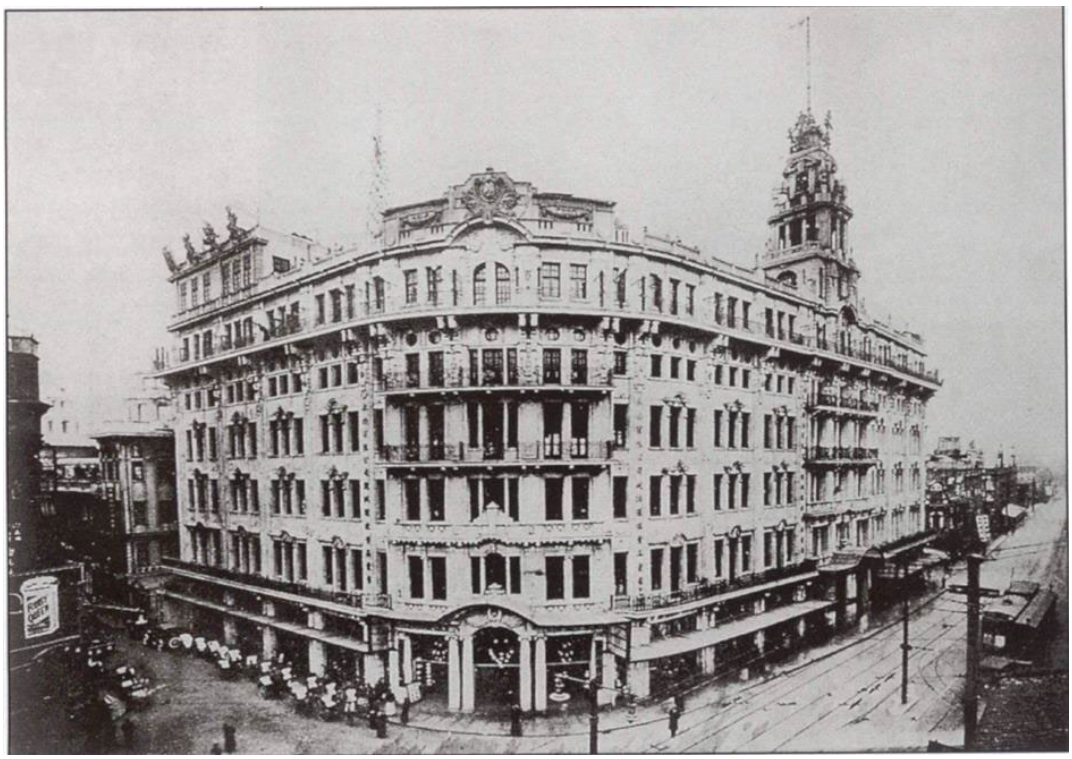


Figure 3. Wing On in the 1920s at the corner of Nanking and Chekiang roads, Shanghai. Source: Shanghai Daily online, 6 June 2019, accessed 8 March 2024, https://www.shine.cn/feature/art-culture/1906066204/

White Australia legislation

Australian colonies had already introduced legislation to restrict the entry of Chinese people to Australia in the late 19th century, but the *1901 Immigration Restriction Act* introduced a dictation test designed to prevent entry of non-whites into the Commonwealth. Chinese people already resident in Australia who wished to travel could apply to be exempted from the Dictation Test. Certain categories of Chinese people had some exemptions from the restrictions, such as students and merchants. Import/export merchants with a certain business turnover were allowed to bring in assistants and special clerks to assist them in their businesses, with extensions renewable on an annual basis. As Alexandra Wong and Ien Ang write, "the system of exemptions was a complicated bureaucratic process and required the active sponsorship of a merchant or employer already in Australia, which reinforced the entry of people from the same hometowns or lineages".[9] The effect of these policies can be seen very much in the lives of the Yip families at 90 Hay Street and the Ma families at 94 and 96 Hay Street.

The merchant class represented 15.6 percent of the whole Chinese population in NSW in 1901.[10] After 1905, only wives of well-established merchants were admitted, and for short periods only, usually six months."[11] No such privileges were extended to the labouring class of market gardeners, carters, packers, stall-holders and storemen associated with the markets. Chinese were prohibited from becoming naturalised between 1903 and 1957. They could not bring their wives or families to Australia, and could only apply for exemption from the dictation test to return to their villages, marry and to visit their families.

Towards the end of the 19th century, the Chinese population in the Australian colonies began to transition from a rural to an urban population. In 1880 there were 1014 Chinese people in Sydney as against 9000 others in the rest of the State, but in 1888, Sydney had 4,202 Chinese people.[12] The 1901 Census of NSW recorded 3276 males and only 56 females born in China.[13] The gender imbalance, owing to migration preferences in the first place and then restrictive legislation, decreased with the birth of females born of Chinese or Chinese-European parents in Australia. However, NSW Census figures for women born in China remained low until naturalisation restrictions were relaxed in 1957.[14]

The Development of Chinatown in the Haymarket district

The Chinatown centred on Dixon Street came about as a result of the construction of the Municipal Markets, but the markets which preceded them are an important part of the history. Hay Street traces its origins to 1829, when a site was designated for cattle and corn markets. The Haymarket, as it became known, was a convenient stopping place for farmers' bullock carts before the long haul up the Brickfield Hill to the city's early market buildings, on the site of what is now the Queen Victoria Building.[15]

In 1869, the City Council established produce markets, known as the Belmore Markets on Campbell Street on a block to the east of the Capitol Theatre (see Figure 4).[16] Chinese businesses, previously located in the Rocks area of Sydney near the overseas shipping wharves, re-located their businesses to Pitt, Campbell and Goulburn Streets and adjoining

[9] ANG, I. & WONG, A. 2023, Zhongshan in Sydney's Chinatown, 221.
[10] YONG, C. F. 1977, *The New Gold Mountain*, 45.
[11] CHOI, C. Y. 1975, *Chinese migration and settlement in Australia,* Sydney, Sydney University Press.
[12] YONG, C. F. 1977, *The New Gold Mountain : the Chinese in Australia, 1901-1921,* Richmond, Australia, Raphael Arts.
[13] FITZGERALD, S. 1997, *Red tape gold scissors: The story of Sydney's Chinese,* Sydney, State Library of New South Wales Press, 93.
[14] ANG, I. & WONG, A. 2023, Zhongshan in Sydney's Chinatown. *In:* BYRNE, D., ANG, I. & MAR, P. (eds.) *The China-Australia Migration Corridor: History and Heritage*. Hong Kong: HK University Press, 220
[15] Fitzgerald, Shirley, Haymarket, Dictionary of Sydney, 2009, https://dictionaryofsydney.org/entry/haymarket, viewed 25 Jun 2024.
[16] ELLMOOS, LAILA, Capitol Theatre building, Dictionary of Sydney, 2008, https://dictionaryofsydney.org/entry/capitol_theatre_building, viewed 05 Feb 2024.

laneways to be near to the Belmore Markets. The (old) Belmore Markets were replaced by the (new) Belmore Markets built on the present site of the Capitol Theatre between 1892 and 1893.[17]

Historian C.F. Yong writes, "In Sydney Belmore Market was the vegetable emporium. There Chinese and Australian growers sold their vegetables from the carts which were backed into stalls and the horses remained in the vehicles until the stock was sold out." (see Figure 5).[18]



Figure 4. City of Sydney, Print - Old Belmore Markets Haymarket, circa 1909 (01/01/1909 - 31/12/1909), [A-00038649]. Source City of Sydney Archives, accessed 12 Jan 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/674048

[17] ELLMOOS, LAILA, Capitol Theatre building.
[18] YONG, C. F. 1977, *The New Gold Mountain*, 37.



Figure 5 New Belmore Markets building, Hay Street Haymarket, 1901 (01/01/1901 - 31/12/1901), [A-00008397]. Source City of Sydney Archives, accessed 12 Jan 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/569042

The City of Sydney Local Environment Plan 2012 has listed highly significant buildings which relate to the Chinese Australian history of the Belmore Markets era, in particular, the Wing Sang building at 20 Campbell Street - Terrace Group (Listing Number I827) and the Chinese Masonic Hall including interiors at 18 Mary Street (Sydney LEP 2012 Item No. I1571).[19]

By the turn of the century, the new Belmore Markets could no longer accommodate the 350 local vegetable growers and nearly 200 fruit-growers who brought their produce into the market to sell and so a special market committee was set up to examine new sites.[20] The committee came up with a plan, approved by the public and the press, whereby the Wexford Street area would be resumed, cleared of slum dwellings and re-developed as a market. As City historian Shirley Fitzgerald wrote, while Wexford Street, Exeter Place, Foster, Mary, Stephen and Elizabeth Streets in Surry Hills were home to Chinese Australian families, "to the wider community this area was a slum…" [21] Historian of the Sydney markets, Michael Christie observed, "The advantage of the scheme from the Council point of view, was that local business would be placated and the 'Chinese problem' dealt with".[22] The City Council was granted authority to resume land under the *Sydney Corporation Amendment Act*, 1905.[23] In 1906, Council began a process of land resumption and demolition beginning with Wexford Street which was replaced by Wentworth Avenue. Two Chinese churches were destroyed in the resumption – the Chinese Presbyterian Church in Foster Street (1893-1910) and the Chinese

[19] The China-Australia Heritage Corridor website, https://www.heritagecorridor.org.au/places/the-wing-sang-co-buildings-sydney, accessed 24 April 2024; NSW State Heritage Inventory, Terrace Group including interiors, 12-20 Campbell St, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2435698; Chinese Masonic Hall including interior https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2420970
[20] CHRISTIE, M. 1988, *The Sydney Markets,* Sydney, Sydney Marketing Authority, 87.
[21] FITZGERALD, S. 1997, 90.
[22] CHRISTIE, M. 1988, 87.
[23] ELLMOOS, LAILA, Capitol Theatre building, Dictionary of Sydney, 2008, https://dictionaryofsydney.org/entry/capitol_theatre_building, viewed 05 Feb 2024

Mission's St Luke's Church in Wexford Street, demolished only ten years after the foundation stone was laid. An estimated 724 people had their houses demolished.[24] This resumption and demolition was unnecessary as the chosen market site was located west of George Street near Darling Harbour and the Railway."[25]

In 1908, Sydney Municipal Council resumed terrace houses, mills and workshops spread over four acres bounded by Ultimo, Thomas, Hay, Quay and Engine Streets to make way for two new market buildings, including the Municipal Stores at 90-100 Hay Street, designed by the City Architect. The first market building on Hay Street opened in 1909 and the second in 1910 (see Figure 6).[26] These developments were reported in the *Chinese Australian Herald* in March 1909, with the comment that numerous Chinese firms were expected to move in light of the market's relocation.[27] From 1910, Chinese firms which had previously been centred around Campbell Street, Haymarket in proximity to the Belmore Markets began to open stores in Hay, Dixon, Quay, Harbour Streets and Ultimo Road, close to the new Municipal Markets. First amongst these was Chungshan (Zhongshan) merchant Phillip Lee Chun, who in 1909 purchased land at 82-84 Dixon Street and had a building constructed on that land for his business, Kwong War Chong, which for sixty years afterwards provided a remittance service to NSW's Loong Tu community.[28]



Figure 6. City of Sydney, Glass Negative - Fruit and vegetable markets, Haymarket, circa 1920 (01/01/1920 - 31/12/1920), [A-01001328]. Source City of Sydney Archives, accessed 11 Jan 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1726756

[24] FITZGERALD, S. (1997) 123.
[25] CHRISTIE, M. 1988, 87.
[26] The City of Sydney Archives have a large number of photos of the demolitions and resumptions and the construction of the markets in the Demolition Series of photographs.
[27] 1909 '决 議 改 建 街 市', *Guang yi hua bao = The Chinese Australian Herald (Sydney, NSW: 1894 - 1923)*, 13 March,2. , viewed 21 Feb 2024, http://nla.gov.au/nla.news-article168080171
[28] HECTOR ABRAHAMS ARCHITECTS, 82-84 Dixon Street, Haymarket, Heritage Assessment Version 1.1 Final for City of Sydney Council, 4.

Occupants of prior buildings at 90-100 Hay Street

Dove's 1880 plan of Sydney (see Figure 7) shows four one to two storey masonry buildings between Harbour Street and Kimber Lane and a single two storey timber building between Kimber Lane and Dixon Street. Prior to the building of the Municipal Stores at 90-100 Hay Street, the buildings on Hay Street from Harbour Street to Kimber Lane were numbered 92-98 Hay Street and those from Kimber Lane to Dixon Street were 100-106 Hay Street.

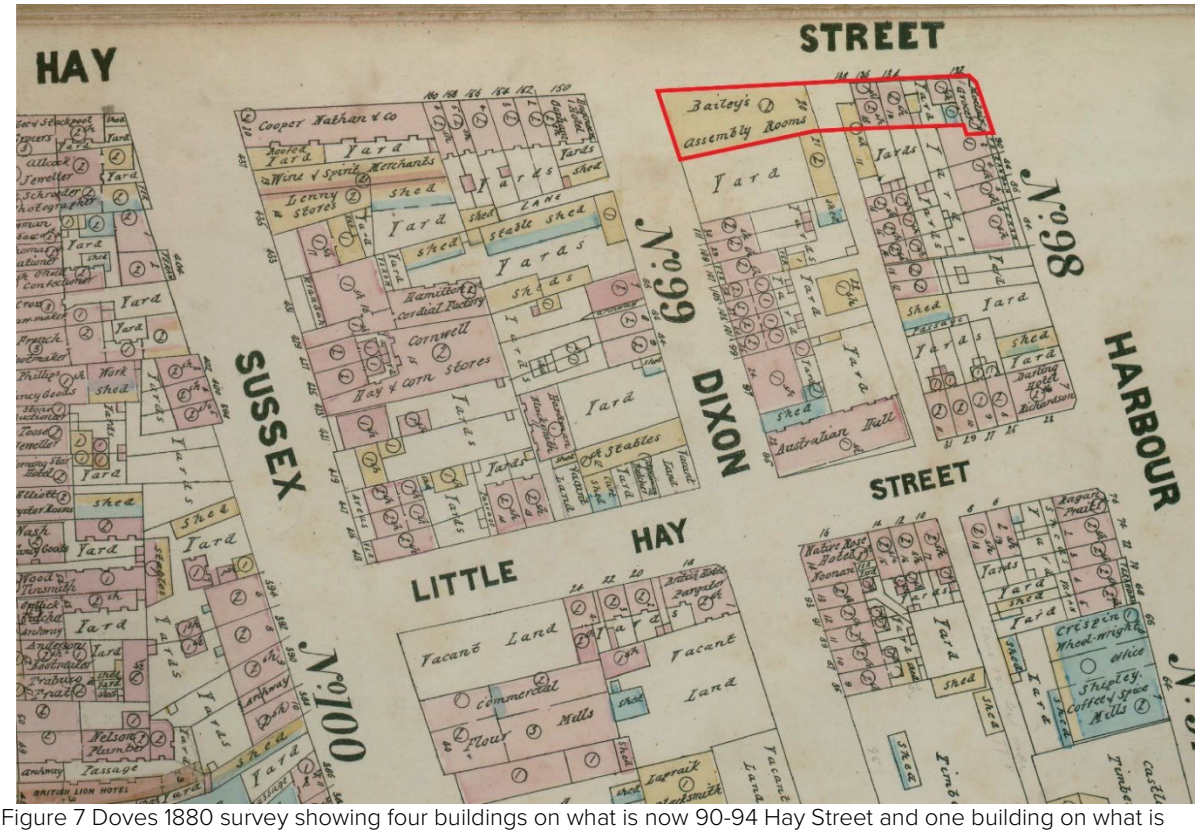


Figure 7 Doves 1880 survey showing four buildings on what is now 90-94 Hay Street and one building on what is now 100 Hay Street. Source: City of Sydney Archives with HAA overlay.

The owner of 92 Hay Street in 1907 (now 90 Hay Street) was Samuel Hordern, of the successful Anthony Hordern and Sons firm. No. 92 Hay Street was used as a Hordern and Sons store and stables before the land was purchased and cleared for the construction of the Municipal Stores.[29] A photograph of the corner of Harbour and Hay Streets taken in 1910 (see Figure 8) shows that 92 Hay Street had been demolished by then.

The City Assessment books and Sands Directory show that occupants of 94 Hay Street prior to its demolition were Mrs Mary Doherty, fruiterer and Mr George Doherty, pattern maker from 1900 to 1904; Peter Peterson in 1905 and George Hanna hairdresser from 1906 to 1910.[30] Lee & Co. occupied 94 Hay Street in 1911.[31]

Businesses which occupied 96 Hay Street (now 92/94 Hay Street) were Daniel S. Ford, printer, 1903-1905; Ross Frederick William 1909-10; and Mrs Elizabeth Shea, Refreshment Rooms in 1911.[32] At 98 Hay Street was Yee Sang, pork butcher.[33]

Figure 9 shows a photograph of 94-98 Hay Street to the corner of Kimber Lane. S. Lee, House and Land Agent and Estate and General Agent is on the left at 94 Hay Street, The Haymarket

[29] Assessment Books A-01136253- A-01136244.
[30]Assessment Books, City of Sydney Archives 1903- 1910, (A-01136249 - A-01136256)
[31] Assessment Books, City of Sydney Archives, 1911, (A-01136248)
[32] *Assessment Books,* 1903 – 1911, (A-01136256 - A-01136248)
[33] *Assessment Books* 1911 (A-01136248).

Refreshment Room sign can be seen at 96 Hay Street and displayed in the window of 98 Hay Street is a sign which reads Yee Sang pork butcher.

From 1900 to 1910, 100-106 Hay Street, the block from Kimber Lane to Dixon Street (now 96-100 Hay Street) was occupied by West's Patent Tyre Co Ltd and by J.E. Bishop, Secretary.[34]



Figure 8 City of Sydney, Print - Vacant block and buildings corner of Hay and Harbour Streets Haymarket, 1910 (28/09/1910), [A-00038777]. Source: City of Sydney Archives, accessed 04 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/675332



Figure 9 Photographer: Hall and Company, Print - Streetscape commercial businesses, Hay Street Haymarket, 1910 (28/09/1910), [A-00038778]. City of Sydney Archives, accessed 25 Jun 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/675347

[34] City of Sydney Archives Assessment Books, 1910 (A-01136249); 1911 (A-01136248).

3.3.90-100 Hay Street: The Municipal Stores

In 1911, the Municipal Council put out a tender for the construction of Municipal Stores at 90-100 Hay Street, opposite the new Municipal Markets. The tender stipulated that the contractor was to complete the whole of the works in six months or in default, to pay £5 per day for every day until the work was completed.[35] The successful tenderer was Charles C. Coleman who signed a contract with the City on 21 July 1911.(See Figures 10 and 11)

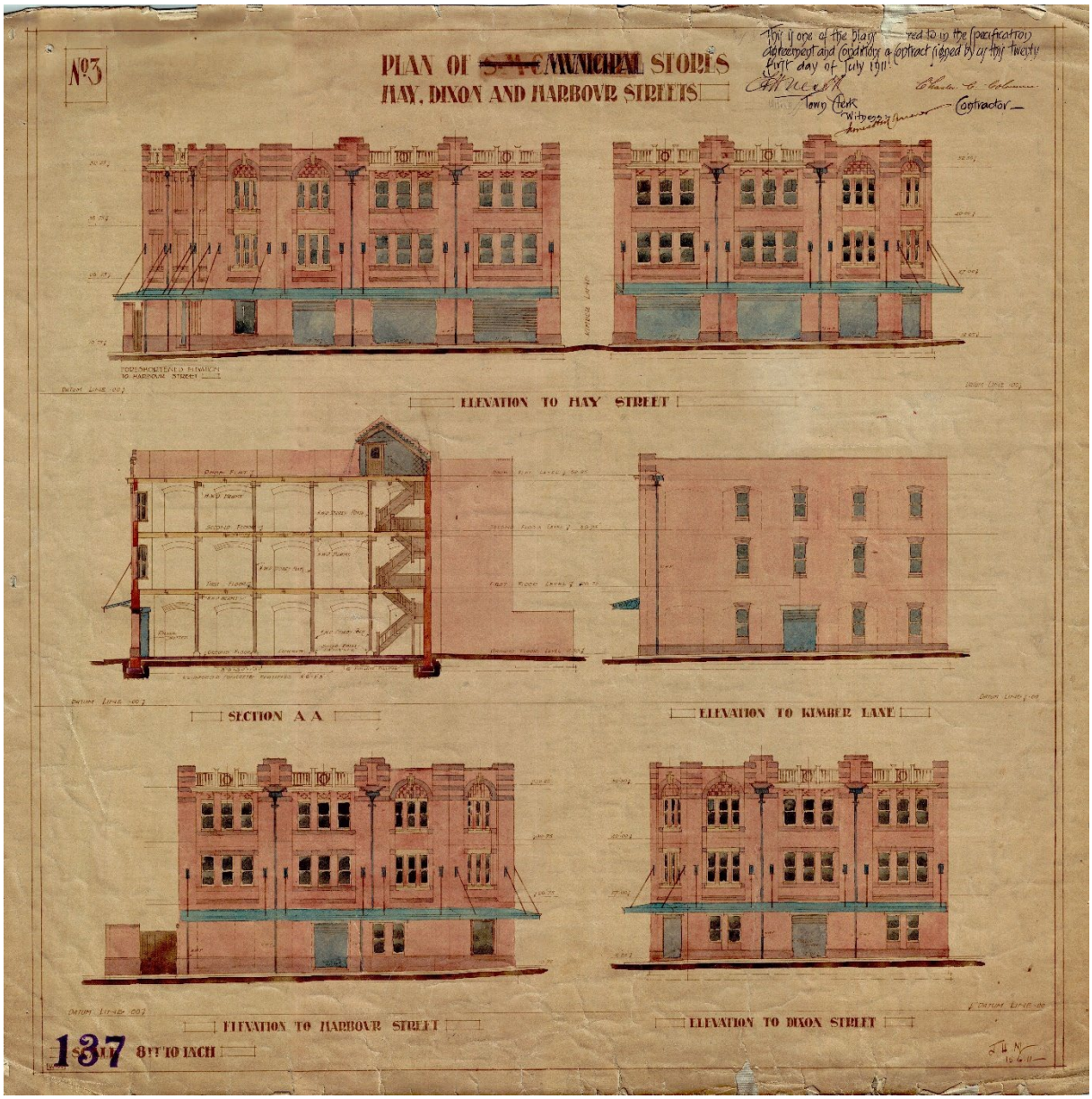


Figure 10 Plan – Elevations Municipal Stores, Hay, Dixon and Harbour Streets Haymarket, 1911 (15/06/1911 – 21/07/1911), [A-00543602]. Source City of Sydney Archives, accessed 04 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1714326

[35] *Erection and completion of market stores in Hay, Dixon and Harbour Streets Haymarket, 1911* (21/07/1911), [A-00455910]. City of Sydney Archives, accessed 28 Feb 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/992532

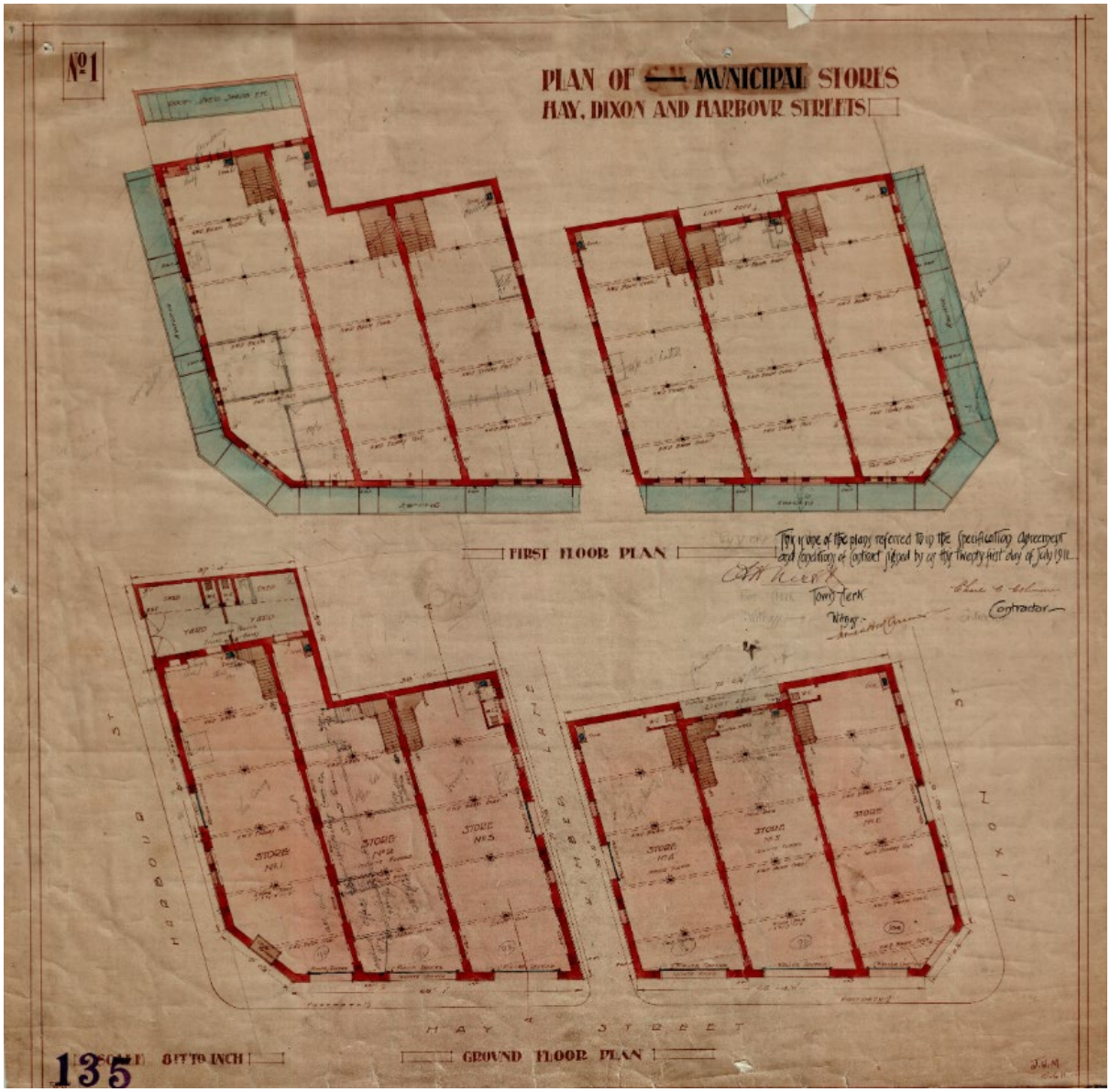


Figure 11 Plan - Municipal Stores, Hay, Dixon and Harbour Streets Haymarket, 1911 (15/06/1911 - 21/07/1911), [A-00543600]. Source City of Sydney Archives, accessed 04 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1714324

The buildings which had previously existed at 92–106 Hay Street were demolished in 1911 and replaced by the current three storey buildings. Buildings at 92-98 Hay Street were re-numbered as 90-94 Hay Street and buildings from 100-106 Hay Street became 96-100 Hay Street. Figure 12 shows the new Municipal Stores looking from 100 Hay Street on the corner of Dixon Street.



Figure 12 City of Sydney, Glass Negative - Hay Street Haymarket, circa 1919 (01/01/1919 - 31/12/1919), [A-01001358]. Source City of Sydney Archives, accessed 09 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1726786

The City Council owned, leased and managed the Municipal Stores until 1969, when the newly established Sydney Farm Produce Market Authority took over running of the stores on 1 January, 1969.[36] The new Sydney Markets at Flemington were opened in 1975 and trading ceased at the Municipal Markets in the Haymarket.

After the markets moved to Flemington, the Municipal Stores were vacant for some time before investors such as Alan Seeto, Bernard Chan and Stanley Wong and family bought up real estate in Chinatown. Alan Seeto, who came to Australian in 1973 from Papua New Guinea owned a building with three restaurants on the corner of Hay and Harbour Streets.[37] Nos. 90-100 Hay Street was the site of a number of restaurants, but the evolution of Chinatown's restaurant culture is better demonstrated by earlier restaurants such as the Eastern Restaurant and Lean Sun Low at 50-54 Dixon Street. An exception to this is the standout example of longevity of the restaurants owned and operated by the family of Stanley Yee at 96-100 Hay Street since 1979.

[36] 1968 'SYDNEY FARM PRODUCE MARKET AUTHORITY ACT, 1968.—PROCLAMATION', *Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001)*, 20 December, p. 5000. , viewed 09 Mar 2024, http://nla.gov.au/nla.news-article220039190

[37] 1986 'THE LORDS OF CHINATOWN', *The Canberra Times (ACT : 1926 - 1995)*, 2 February, p. 50. , viewed 30 Apr 2024, http://nla.gov.au/nla.news-article118202202

3.4.No. 90 Hay St



Figure 13 90 Hay Street, on the corner of Harbour Street Haymarket, Source: Juanita Kwok, January 2024.

Lee Sang & Co. and Gilbert Yet Ting Quoy

The first tenant in the newly constructed building at 90 Hay Street was Lee Sang & Co. Produce Merchants and Importers, who leased the building from 1919.[38] In June 1920 Lee Sang & Co. advertised a new shipment of fireworks to celebrate the visit of the Prince of Wales.[39] Lee Sang & Co. was a well-established produce business, registered in 1903 at 28A Campbell Street. The firm may have existed earlier, as the Registration of Firms Act, No. 100 only came into being in 1902. Lee Sang & Co. was registered by Won Chum, Gilbert Yet Ting Quoy and Ah Sing. Additional people in the business were listed as Cecil Gilbert Quoy [the son of Edith and Gilbert Yet Ting Quoy, born in 1900], Sydney Lee, See Wah and Hoon Wing.[40] Lee Sang & Co. replaced Hop War and Co. as representative of Tung Koon natives in the Lin Yik Tong (Chinese Commercial Association, 1892-1903).[41] Hop War had previously replaced influential Tung Koon merchant Way Kee.

To ensure a steady supply of vegetables, Ting Quoy and other partners established stores and market gardens in the NSW country towns such as Bathurst in 1909 and Aberdeen in 1919, trading as Tong Sing & Co.[42] Produce would be transported by rail to Sydney and delivered to the store where it was sorted before being sold by at the markets across the road. An advertisement from 1925 stated that the Lee Sang & Co. at 90 Hay Street sold potatoes, horse

[38] Assessment Books, A-01136240.
[39] 1920 'Advertising', *The Sun (Sydney, NSW : 1910 - 1954)*, 5 June, 6, viewed 04 Mar 2024, http://nla.gov.au/nla.news-article222409306
[40] Register of Firms Index, State Archives New South Wales: NRS 12961, Index No.48, Item No. [2/8526] 497 https://search.records.nsw.gov.au/permalink/f/1e5kcq1/INDEX1809797
[41] KUO, M. F. 2013, *Making Chinese Australia : Urban elites, newspapers and the formation of Chinese Australian Identity,* Melbourne, Monash University Publishing, 120.
[42] Tong Sing & Co. Bathurst, NRS 12961 , Index No. 48, Item No. [2/8541], File No. 18272; Tong Sing & Co. Aberdeen, Index No. 48, Item No. [2/8548], File No. 32521.

feed, Chinese groceries, fruit and vegetables, bone ash, tobacco, peanuts, cigarettes, matches, and Chinese and Western fireworks, forwarded remittances and acted as a selling agent for local produce. It also named two other Lee Sang & Co. stores in Hong Kong and Thursday Island.[43]

Through the 1920s and 1930s, Gilbert Yet Ting Quoy's name was on the lease for 90 Hay Street. Born circa 1874 in Tung Koon, China, Gilbert Yet Ting Quoy arrived in Australia in 1885, and by 1903, when he obtained a Certificate of Domicile to travel to China, he was 29 years old.[44] He married Australian-born Edith Ginn and the couple had at least ten children.[45]

By the time Gilbert Yet Ting Quoy and partners registered Lee Sang & Co. at 90 Hay Street, Ting Quoy was already a successful, well-established merchant. He had registered Ting Quoy & Co. Produce Merchants at 43 Lane Cove Road North Sydney in 1903.[46] Quoy was a conservative political leader in the Chinese community, an office bearer of the China Empire Reform Association (CERA) The CERA was a political organisation which advocated political reform in China through a system of modernisation while maintaining the Emperor system. They would later advocate for a constitutional monarchy. Other well-known merchants in the Sydney Chinese community who were members of the CERA included Thomas Yee Hing, Ping Nam, C. Leanfore, Henry Fine Cheong, Goon Ick, W.R.G. Lee and George Bew.[47]

Quoy was also a member of the NSW Chinese Chamber of Commerce and its President in 1924.[48] Formed in 1913, the NSW Chinese Chamber of Commerce was an organisation which defended the trade and commercial interest of Chinese Australians from anti-Chinese movements and organisations and promoted the Sino-Australian import and export trade. Quoy was amongst Sydney Chinese merchants who launched a campaign through the *Tung Wah Times* newspaper in 1908 and 1909 advocating the need to establish Chinese schools. Along with Ping Nam, Leong Cheong, Lee Chun, John Hoe and Lean Fore, Quoy taught at the Sydney Chinese School at the Loong Yee Tong clubhouse at 50-54 Dixon Street.[49]

Quoy was one of the founders of the first Chinese Australian owned shipping line, the China-Australia Steamship Line in 1917, and was on the Advisory Board of the Line.[50] C.F. Yong argues this shipping line, established to break up the Japanese shipping monopoly and extend the Sino-Australian import and export trade, "expressed the unity and co-operation achieved for the first time by Chinese in Australia over a single issue of common interest."[51] When the shipping line collapsed in 1924, Quoy came under criticism by other factions for poor administration and undue influence, as William Liu, the appointed proprietor of the China-Australia Mail Steamship Line, was married to Quoy's daughter Mabel.[52]

Family sponsored by Gilbert Yet Ting Quoy

Gilbert Yet Ting Quoy actively sponsored the entry of relatives and clan members to Australia. Amongst those he sponsored was his nephew, Henry Won Yeh Lum (later known as Henry Lum Yip), who arrived in 1922 as a student and lived with the Quoy family.[53] In 1924, the Chinese Consul applied on behalf of Henry Won Yep Lum [sic] for an extension of stay and to be transferred to the firm of Lee Sang & Co. Permission was granted for transfer to Lee Sang on

[43] 1925 'Advertising', *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 21 November, 4 , viewed 09 Mar 2024, http://nla.gov.au/nla.news-article227458718
[44] NAA: ST 84/1, 1903/1-10, 26.
[45] FITZGERALD, S. 1997, *Red tape gold scissors*, 26.
[46] Ting Quoy & Co. NRS 12961 Index No. 48, Item No [2/8530], File No. 5857, 529.
[47] YONG, C. F. 1977, *The New Gold Mountain,* 120-121.
[48] YONG, C. F. 1977, *The New Gold Mountain,* 121; Henry Lum YIP, National Archives of Australia, NAA:SP1122/1, N1961/3364, 330.
[49] YONG, C. F. 1977, *The New Gold Mountain,* 214; KUO, *Making Chinese Australia*, 229.
[50] Yong, C.F., 264.
[51] YONG,C.F.,97.
[52] YONG, C. F. 1977, *The New Gold Mountain,* 101; NSW BDM Marriage Cert 41597/1907.
[53] Henry Lum YIP, National Archives of Australia, NAA:SP1122/1, N1961/3364, 345.

payment of a bond, and Henry was engaged in a clerical capacity in the firm of Lee Sang & Co. at 90 Hay Street.[54]

As early as 1926, the 90 Hay Street building had a lift. City of Sydney historian Shirley Fitzgerald cites a letter Mabel Quoy wrote to Henry Lum Yip, who took a return visit to China in 1926. Mabel wrote:

> "*Dear Lum … I have been to Lee Sangs twice since you left. Bo and Winsom said hullo as we passed up the lift. Choong was in the peanut room…"* [55]

Another relative sponsored by Gilbert Yet Ting Quoy was Harry Hornung Yip, who arrived in July 1926.[56] In 1930, the Chinese Consul General F.T. Sung applied successfully for extension for Henry Won Lep Yum and Harry Hornung Yip, both in the service of Lee Sang & Co., 90 Hay St. "Hornung Yeh is the export clerk and Won Yep Lum is studying business there", he wrote.[57] Harry Yip went on to become a partner in Yep Lum & Co., was President of the NSW Chinese Chamber of Commerce for about six years from 1958, and had a family of whom there are many descendants still working in the produce industry.

Henry Lum Yip and family

In 1932, the Department of the Interior approved an application made by Gilbert Yet Ting Quoy for Henry Won Yep Lum's wife, Yee Yip Sue, to be admitted to Australia for a visit.[58] Throughout the 1930s, applications were made to extend her stay and by 1940, five children had been born to the couple.[59] According to the family of Henry Lum Yip, "six of his children were born above his Haymarket store".[60]



Figure 14. Henry Lum Yip. Source courtesy of the Yip family

[54] NAA:SP1122/1, N1961/3364, 323-330.
[55] FITZGERALD, S. 1997, *Red tape gold scissors,* 170.
[56] NAA:SP11/2, Chinese/Yip Harry Hornung.
[57] NAA:SP1122/1, N1961/3364, 256.
[58] NAA:SP1122/1, N1961/3364, 235.
[59] NAA:SP1122/1, N1961/3364, 145.
[60] *SBS News* online, 30 August 2020.

Yip See Syndicate

In 1936, Lee Sang & Co. were unable to pay their creditors, but eventually an arrangement was made with creditors who accepted five shillings in the pound in full discharge of their debts. A new company, Sino Australian Pty Ltd was formed with Gilbert Quoy as General Manager, sons Cecil and Alwyn Quoy as Assistant Manager and Secretary and Henry Won Yep Lum as Director and Buyer.[61] In 1940 a partnership comprised of Mr E. L. Quoy, Mrs E. B. Quoy, Henry Yep Lum, Walter Don Hoy, Harry Yip and W.H. Lo, all equal partners and all domiciled in Australia, bought the business of Chien Sang & Co and established Yep Lum & Co. (10 Hay Street).[62]

In the 1940s, 90 Hay Street was alternately leased by the Sydney Banana Company, "Licensed Farm Produce Agents, Wholesale Fruit, Produce and Vegetable Merchants" and the Yip See syndicate.[63] The Sydney Banana Company may have been a part of the Yip See syndicate as the business was managed by Charles Liu, the brother-in-law of Mabel Liu, Gilbert Yet Ting Quoy's daughter. In 1941, the Sydney Banana Company advertised for banana growers on the North Coast of NSW to consign their bananas to the firm, boasting a store "equipped with the most modern scientific banana ripening plant" (see Figure 15).[64] The Sydney Banana Company also leased 90 Hay Street in 1948. [65]

The Yip See syndicate made application to the City Council erect an additional banana ripening room on the first floor of 90 Hay Street in 1943.[66] In 1948, the Yip See syndicate made an application to erect a banana elevator at 90 Hay Street.[67] A building survey of 90 Hay Street in 1949 recorded a shop and office on the ground floor, a banana storage room on the first floor, additional storage on the second and five rooms for residence on the third floor. [68]

Such banana ripening rooms were not unique to Chinese Australian fruit merchants. Documents in the collection of the City of Sydney Archives show that in the late 1950s, many banana commission agents with stores in the markets and in Hay, Quay and Thomas Streets and Ultimo Road applied to install banana ripening rooms, however, the Chinese fruit merchants appear to have been the first to do so.

[61] NAA: SP1122/1, N1961/3364, 182.
[62] NAA: SP1122/1, N1961/3364, 182.
[63] Assessment Book -Phillip Ward, 1945 (01/01/1945 -31/12/1945), [A-01089048]
[64] 1941 'Advertising', *Tweed Daily (Murwillumbah, NSW : 1914 - 1949)*, 23 August, 6. , viewed 05 Mar 2024, http://nla.gov.au/nla.news-article192794046
[65] City of Sydney Assessment Book -Phillip Ward, 1948 (01/01/1948 -31/12/1948), [A-01089047]
[66] *Building Inspectors Card: 90 Hay Street. Application to erect additional banana ripening rooms 1st* (23/08/1943 - 05/10/1943), [A-00338781]. City of Sydney Archives, accessed 02 May 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1568535
[67] 1948 'TENDERS ACCEPTED OR RECEIVED', *Construction (Sydney, NSW : 1938 - 1954)*, 22 September, 15, viewed 05 Mar 2024, http://nla.gov.au/nla.news-article222880549
[68] *Building Survey Card. 90-94 Hay St. Commercial and residence. Plan attached, Kimber lane on one* (01/10/1949), [A-00508810]. City of Sydney Archives, accessed 05 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/961319



Figure 15. Advertisement in the Tweed Daily (Murwillumbah, NSW : 1914 - 1949), 23 August 1941, p. 6. Sourcehttps://trove.nla.gov.au/newspaper/article/192794046

Like Gilbert Yet Ting Quoy, before him, Henry Won Yep Lum sponsored the entry of members of the Yip clan to Australia. According to his family, over the years, he continued to reunite families, sponsoring around 70 Chinese migrants. Many arrived as students from China and Hong Kong after World War II.[69] Henry's immigration file shows that in 1961, Yep Lum & Co. was owned by six equal partners – Harry H. Yip, Walter Donhoy Yip, Henry Lum Yip, Wellington Hong Lo, Mrs C. G. Quoy and Mrs G.Y. T. Quoy.[70]

In 1948, Henry Lum Yip applied for permanent residence but his application was refused by Arthur Calwell, the then Minister for Immigration, though he was granted approval to remain in Australia without applying for extensions.[71] It was not until 1957 that Chinese-born people were allowed to apply for naturalisation and citizenship could be granted to anyone who had been 15 years in the country.[72] In 1961, Henry applied for naturalisation and on 7 December 1961, he was granted Australian citizenship.[73]

90 Hay Street not only serves as a tangible reminder of the activities of the Yip clan produce merchants, but also of the labouring class of packers and carters who packed and transported the produce and to the market gardeners who grew the vegetables. In an interview with Mavis Gock Yen, Leung Pui (1914-1996) spoke about his father, who worked at the Haymarket produce markets. His family had remained in the village of Lung Hooey in Lungdu. On a return visit to see them Leung Pui recalled:

> *The first thing Dad took out was a leather apron. This leather apron had a hole in the chest. Dad said the money he earned came from packing tomatoes for the vegetable market in Sydney in Haymarket. He had to get up before dawn every morning and start carrying cases and cases of tomatoes, repack them and then carry them into the*

[69] *SBS News* online, 30 August 2020.
[70] NAA:SP1122/1, N1961/3364, 46
[71] NAA:SP1122/1, N1961/3364, 99.
[72] ANG, I. & WONG, A. 2023, Zhongshan in Sydney's Chinatown, 220.
[73] NAA:SP1122/1, N1961/3364, 23, 13.

storeroom. He was doing that every day. That's why he and the other partners wore leather aprons… He told us the market gardeners had to get up in the dark and carry hundreds of loads of water on their shoulder poles every day… 'There's no gold!' he said. 'It's all muscle power.' [74]

The post-market period

After the markets closed, this area of Hay Street was deserted. Douglas Lam, who migrated to Sydney from Hong Kong in the early 1960s and spent much of his spare time in Haymarket, recalls the stores were empty in 1975.[75] In the late 1970s, real estate was bought up by investors such as Alan Seeto who had come to Australia from Papua New Guinea. Seeto owned three restaurants on the corner of Hay and Harbour Streets.[76] Entrepreneur and investor Dominic Choy who emigrated to Australia in 1962 refitted the building and in 1981 opened a restaurant called Choys AD 1000 at 90-92 Hay Street.(See Figure 16).



Figure 16 Commercial buildings, Hay Street Haymarket, 1979 (01/01/1979 - 31/12/1979), [A-00008121]. City of Sydney Archives, accessed 25 Jun 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/568766

By the 1980s Dominic Choy had established the Howin Group of companies and a chain of six Choys restaurants. In 1990 the Howin Group took a 49 percent interest in Rockvale Pty Ltd and partnered with Japan's Kajima Construction Group to develop Market City as a $600 million major commercial and residential development on the old Paddy's Market Site adjacent to Sydney's Chinatown.[77]

No. 90 Hay Street has been tenanted by a number of restaurants since then and as of January 2024, was occupied by a Japanese restaurant called Sushi Rio.

[74] Gock Yen, Mavis (author) Yen Siaoman, Horsburgh, Richard (eds), South Flows the Pearl: Chinese Australian Voices, Sydney University Press, 2022, 137
[75] Pers. comm. Douglas Lam, 24 April 2024.
[76] 1986 'THE LORDS OF CHINATOWN', *The Canberra Times (ACT : 1926 - 1995)*, 2 February, p. 50. , viewed 01 May 2024, http://nla.gov.au/nla.news-article118202202
[77] Translation from *Guangdong-Hong Kong Information Daily*, 29 August 1993, on website Dominic Choy.com, https://www.dominicchoy.com/forbes, accessed 30 April 2024.

3.5. No. 92 Hay St



Figure 17 92 Hay Street, (centre building). Source Juanita Kwok, 2024.

Hie Lee & Co.

The first tenant in the new Municipal building at 92 Hay Street was the firm of Hie Lee & Co. which occupied the building from 1912. The Hie Lee & Co firm had previously registered as wholesale fruit merchants at 28 Campbell Street in 1903. In the *Tung Wah Times* of 14 December 1912, the firm advertised themselves as fruit and produce merchants, and the head office as 92 Hay Street.[78] More specifically, Hie Lee & Co. were banana commission agents, advertising “best prices for growers” in the *Tweed Daily* in May 1920.[79]

When Hie Lee & Co. registered their business at the 92 Hay Street address on 2 January 1919, those carrying on business were Ah Loy, Ah Hue Loong, Hing Loong, Yick Man, Willie Hee, George Low, Tee Wing and Ah Sum.[80] In May 1919, a notice in the *Chinese Republic News* announced the withdrawal of four of the partners from the firm.[81] In October 1921, the firm advertised in the *Tung Wah Times*, under the name of Tie Lee & Co.[82] The "Hie Lee" romanisation reflects See Yip pronunciation whilst the romanisation "Tie Lee" reflects

[78] 1912 'Advertising', *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 14 December, 4, viewed 05 Mar 2024, http://nla.gov.au/nla.news-article227970741
[79] 1920 'Advertising', *Tweed Daily (Murwillumbah, NSW : 1914 - 1949)*, 15 May, 2, viewed 05 Mar 2024, http://nla.gov.au/nla.news-article191373534
[80] Register of Firms Index, State Archives New South Wales: NRS 12961: Index no. 48. File No 31883, Item No.[2/8548].
[81] 1919 '生 意 聲 明', *Chinese Republic News (Sydney, NSW : 1914 - 1937)*, 31 May, 6. , viewed 06 Mar 2024, http://nla.gov.au/nla.news-article226018680
[82] 1921 'Advertising', *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 1 October, 4. , viewed 06 Mar 2024, http://nla.gov.au/nla.news-article227658363

Cantonese pronunciation. The Cantonese romanisation in this advertisement might reflect a change in joint ownership from See Yip speakers to Cantonese speakers, or merely the language of the person who was tasked with listing or designing the advertisement.[83]

Quong Wing Chong

On 29 August 1922, Hie Lee & Co. was purchased by the firm of Quong Wing Chong.[84] In 1902, William Quing was listed as an owner of Quong Wing Chong. Quing was associated with the Tsang Shing district.[85] In 1923, the Tsang Shing firm of Quong Wing Chong & Co. (92 Hay Street), the Tung Koon firm of Lee Sang & Co. (90 Hay Street) and the Chungshan firm of Kwong War Chong (84 Dixon Street) were amongst the founders of a new organisation that represented Chinese Christians from three different Christian denominations. Called the "Neutral Alliance", the organisation aimed to quell tensions in the community following months of written warfare between Sydney's three Chinese newspapers.[86] This is but one initiative that sought to rise above district loyalties and political differences to seek cohesiveness in the community.

By 1932, Quong Wing Chong firm appears to have come under the ownership of people from the Sam Yap district, as a Sam Yap organisation called the "Sam Yap Hang Shin Tong" advertised that it would be holding a meeting upstairs at Quong Wing Chong, Hay Street.[87] In 1910 the same organisation conducted a Sam Yap bone repatriation drive in 1910 with addresses for correspondence given as Kwong Wing Chong and Y. C. Hong On Jang.[88]

In 1924 Quong Wing Chong & Co. moved into the building at 92 Hay Street and shared the premises with Hie Lee & Co. with the former supplying fruit and vegetables while Quong Wing Chong sold Chinese goods and offered a remittance service.

Besides growing and selling bananas, Hie Lee & Co. were exporters of Australian produce. In February 1934, for example, Hie Lee & Co. exported 1021 bags of flour (22 tons) to Hong Kong.[89] This volume of exports is likely to have earned the management of Hie Lee & Co. (as merchants with a certain export turnover), privileges of allowing the entry of wives and employees for the company. In 1936, Hie Lee & Co. along with ten other Chinese banana agents including Sun Lee & Co. and Wing Sang & Co. (96 Hay Street), were amongst 27 agents appointed to join the Banana Marketing Board, a newly created Australian authority.[90] The lease alternated between Hie Lee & Co. and Quong Wing Chong between 1913 and 1948.[91]

A building survey of 92 Hay Street in 1949 recorded a shop and office on the ground floor, a banana storage room on the first floor and storage on the second. No use was recorded for the

[83] Ely Finch, pers. comm. 10 January 2024.
[84] 1922 '承買生意聲明', *Chinese Republic News (Sydney, NSW : 1914 - 1937)*, 19 August, 6. , viewed 06 Mar 2024, http://nla.gov.au/nla.news-article225212493
[85] 1902 '判審華人案情', *Guang yi hua bao = The Chinese Australian Herald (Sydney, NSW : 1894 -1923)*, 21 June, 5. , viewed 06 Mar 2024, http://nla.gov.au/nla.news-article170084032; 1907 '修橋捐欵', *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 2 March, 7. , viewed 06 Mar 2024. http://nla.gov.au/nla.news-article246933577
[86] 1923 '聯合會啓事', *Chinese Republic News (Sydney, NSW : 1914 - 1937)*, 14 April, 8 , viewed 06 Mar 2024, http://nla.gov.au/nla.news-article226001286
[87] 1932 '三邑恒善堂啓事', *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 27 February, 8 , viewed 06 Mar 2024, http://nla.gov.au/nla.news-article227426967
[88] 1910 'Advertising', *Guang yi hua bao = The Chinese Australian Herald (Sydney, NSW : 1894 - 1923)*, 21 May, 6. , viewed 06 Mar 2024, http://nla.gov.au/nla.news-article168079659
[89] 1934 'NEW SOUTH WALES EXPORT MANIFESTS.', *Daily Commercial News and Shipping List (Sydney, NSW : 1891 - 1954)*, 7 February, 6. , viewed 06 Mar 2024, http://nla.gov.au/nla.news-article161062193
[90] 1936 'PUBLIC WILL SLIP ON BANANA BOARD', *Truth (Sydney, NSW : 1894 - 1954)*, 22 March, 12. , viewed 06 Mar 2024, http://nla.gov.au/nla.news-article169580768
[91] *Sands Directory,* 1913-1933; *Assessment Book Phillip Ward,* 1934-1948.

third floor.[92] In 1950, an application was made to the City Council for construction of a banana ripening room on the ground floor of 92 Hay Street.[93]



Figure 18 Paddy's Fruit and Vegetable Markets, Quay Street Haymarket, circa 1930 (01/01/1930 - 31/12/1930), [A-00018781]. Source City of Sydney Archives, accessed 06 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/578000

[92] *Building Survey Card. 90-94 Hay St. Commercial and residence. Plan attached, Kimber lane on one* (01/10/1949), [A-00508810]. City of Sydney Archives, accessed 05 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/961319

[93] 1950 'TENDERS CALLED', *Construction (Sydney, NSW : 1938 - 1954)*, 13 December, 15. , viewed 06 Mar 2024, http://nla.gov.au/nla.news-article222891270

3.6. No. 94 Hay Street



Figure 19 Nos. 90-94 Hay Street with Harbour Street on the left and Kimber Lane on the right. Source Juanita Kwok 2024.

Wing Tiy & Co.

From 1913 to at least 1948, Wing Tiy & Co. occupied 94 Hay Street.[94] Wing Tiy & Co. relocated from 34 Campbell Street where the firm registered as fruit merchants and commission agents in 1903. Persons carrying on the business were listed as Mark Kew, Char Rin, Lee Loy and Wing Sang.[95] Wing Tiy & Co. was one of the biggest and longest-lasting banana merchants in Australia. In 1902, Wing Tiy & Co. had amalgamated with Wing Sang and Wing On to form Sang On Tiy & Company to expand its operations into Fiji. This firm had 350 acres under cultivation in Fiji and in the first season, were bringing 10,000 bunches of bananas a fortnight into Sydney.[96]

In 1913, when Wing Qui [sic] & Co. was registered at 94 Hay Street, the persons carrying on the business were Chan York, Loy Leong, Fay Chang, Wing Chan, Qui Chong, Chan Boo and Yin Leong.[97] Wing Chan, also known as Mark Joe, was one of the founders of the Wing Sang Co. In the photo of the Wing Sang founders at Figure 20, Mark Joe (Ma Wing Chan) is on the left, next to him are George Kwok Bew, Ma Ying Piu and Choy Hing. Wing Tiy & Co. was a Ma family subsidiary of Wing Sang & Co.

[94] *Sands Directory*, 1913-1933; *Assessment Book Phillip Ward,* 1934-1948.
[95] Register of Firms Index, State Archives New South Wales: NRS 12961, File 521, Item [2/8526].
[96] ALI, B. N. K. 2005. Quong Tart and early Chinese businesses in Fiji. *Journal of Pacific Studies,* 84, citing Eric Rolls, *Sojourners*, 438-9.
[97] NRS: 12961, Index No. 48, File No. 22803, Item No [2/8543].



Figure 20. Founders of Wing Sang & Co Ltd, 1890 (01/01/1890 - 31/12/1890), [A-00025392]. Source City of Sydney Archives, accessed 10 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/586037

Around 1933, Charles and Thomas Ma came to Australia from Hong Kong to work in the Ma family firm of Wing Sang & Co. Charles was born in Sydney, but had been sent back to China for his education before returning to Australia. In 1938, Charles, then Manager of Wing Tiy & Co., gave evidence before the Fruit Industry Commission in Sydney about the working hours of the men handling the bananas at the City Markets. Ma said:

> *the men handling bananas start at 6.30am. In winter they might finish at 5 o'clock, except on Mondays and Thursdays when they finish at 6 o'clock. In the summer there is no criterion as to when we finish. We start at 6.30am and go round the clock, probably finishing at 11 o'clock at night.*[98]

A building survey of 94 Hay Street in 1949, recorded a shop and office on the ground floor, a banana storage room and office on the first floor, residence and storage on the second floor and a roof house residence on the third floor.[99] The families or employees that occupied these

[98] 1938 'FRUIT MARKETING', *The Albury Banner and Wodonga Express (NSW : 1860 - 1927; 1929 - 1931; 1933 - 1938)*, 10 June, p. 9. , viewed 10 Mar 2024, http://nla.gov.au/nla.news-article102341405
[99] *Building Survey Card. 90-94 Hay St. Commercial and residence. Plan attached, Kimber lane on one* (01/10/1949), [A-00508810]. City of Sydney Archives, accessed 05 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/961319

rooms have not so far been identified. A building inspection carried out by the City Building Inspector in 1959, recorded two banana ripening rooms at 94 Hay Street.[100]

Charles' brother Thomas, born in Hong Kong in 1916, also worked at Wing Tiy & Co.[101] Thomas, his wife Lily and their children had a home in Strathfield, but Thomas spent much of his life working at 94 Hay Street.

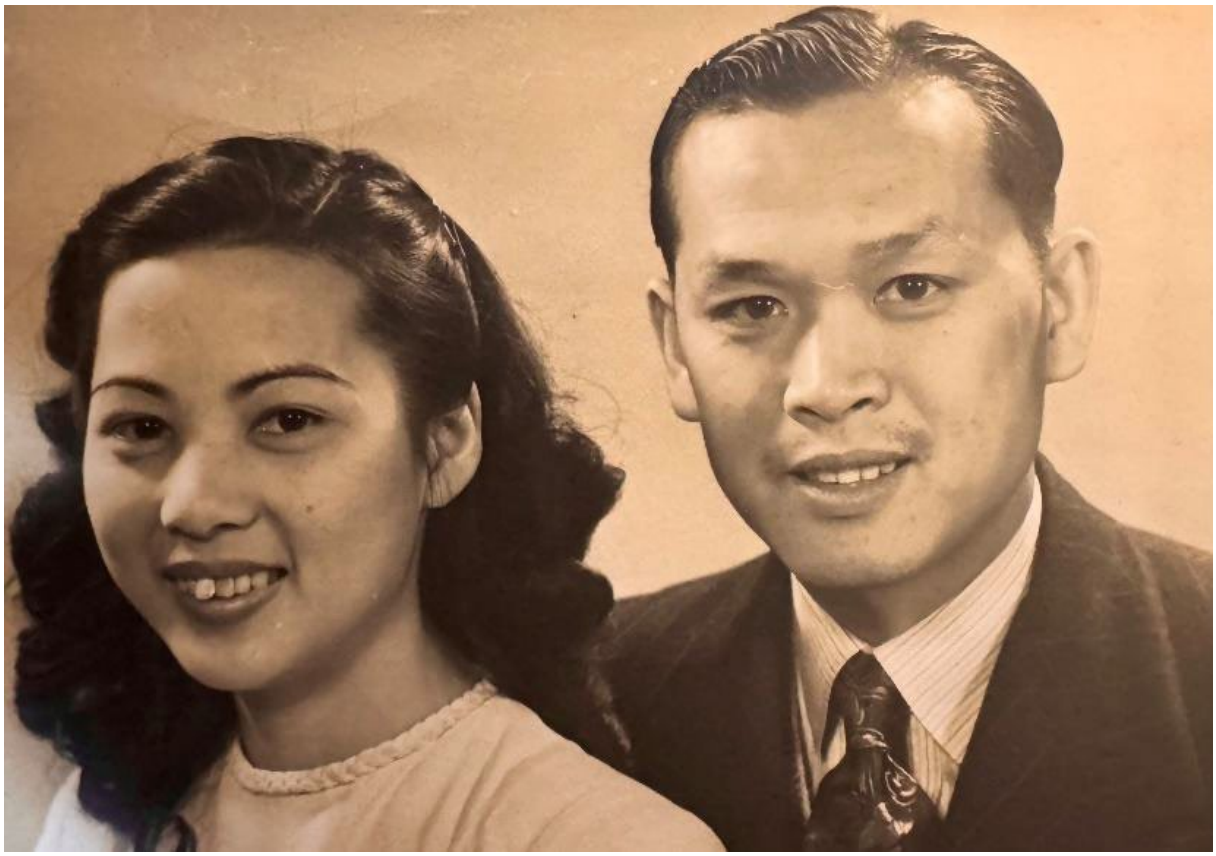


Figure 21. Lily and Thomas Ma in the early 1940s. Source Denise Ma.

Thomas Ma bought Wing Tiy & Co. in 1963, and managed the firm until the mid-70s. After selling up at the time the markets re-located to Flemington, he went to help the ageing Mar Leong Wah at the Wing Sang headquarters at 58 Hay Street. Thomas Ma's daughter Denise Ma recalls of 94 Hay Street:

> *Each school holidays we would go for our trip to the city from Strathfield. We would go to pick up Dad and I remember going to the office on the mezzanine floor. I also remember visiting Uncle Charles and Aunty Edith at 96 Hay Street until they moved out in late 1956. It is a significant part of my life.*

[100] *Building Inspectors Card: 94 Hay St, Sydney. Banana reopening rooms (2), development application* (22/06/1959 - 30/10/1959), [A-00364720]. City of Sydney Archives, accessed 06 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1572834

[101] Author's telephone conversation with Denise Ma, daughter of Thomas Ma, 10 March 2024.



Figure 22. Denise Ma, daughter of Thomas Ma, owner of Wing Tiy & Co, from 1963. She is next to her Wing Tiy & Co. banana packing crate stencilled with the firm's number, 115. The bananas in the crate were consigned to Wing Tiy & Co. by Sikh grower, Booja Singh in Woolgoolga. Source Denise Ma, 2024.

3.7. No. 96 Hay St

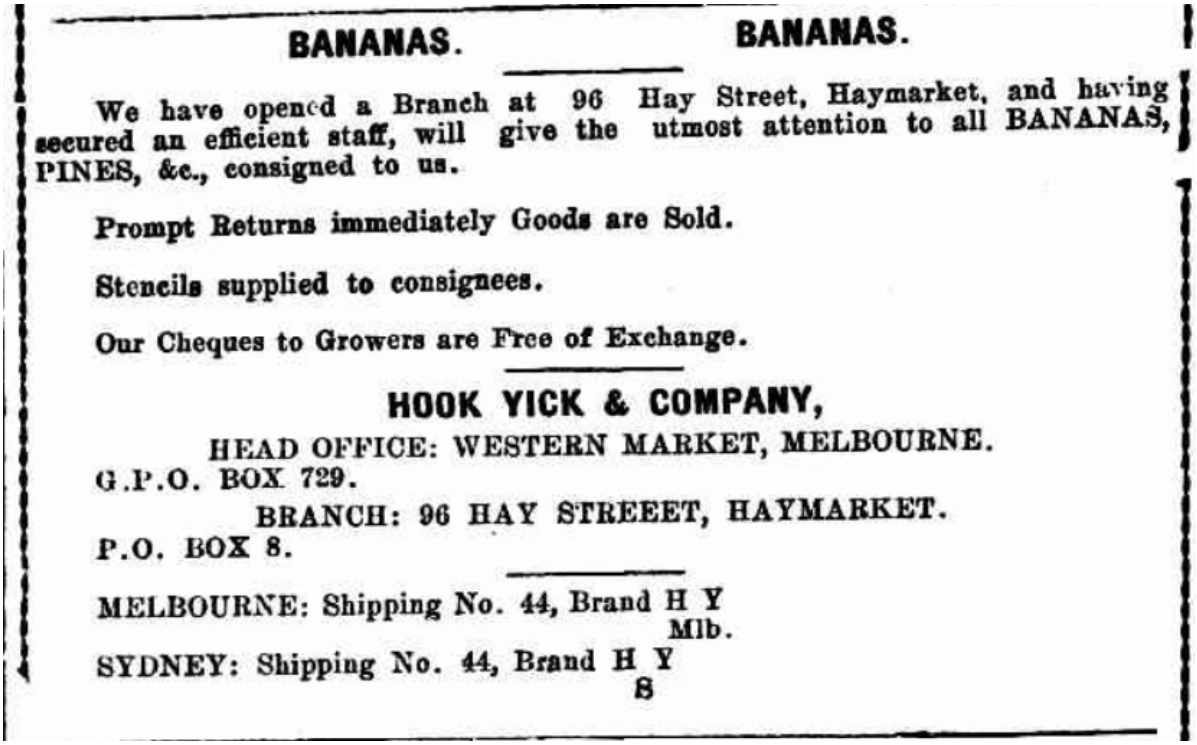
From 1913 to 1919, Tiy Chung & Co. Produce Merchants occupied the new building at 96 Hay Street. Tiy Chung & Co. had registered the business, then located at 445 Pitt Street in 1903.[102] In 1919, Hook Yick & Co., a company with its headquarters in Melbourne, took out an advertisement in the *Tweed Daily* to announce the opening of a branch at 96 Hay Street and to solicit growers to consign their bananas and "pines" [pineapples] to the Sydney branch.

A similar advertisement taken out in the *Tung Wah Times* indicated that the firm was dedicated to the sale of Fiji and Queensland fruit and bananas, and produce from Queensland and other states.[103]



Figure 23. Nos 96-100 Hay Street, 96 Hay Street is to the right of Kimber Lane. Source Juanita Kwok, 2024.

[102] Register of Firms Index, State Archives New South Wales: NRS 12961, File No. 4740, Item No [2/8529], 570.
[103] 1919 'Advertising', *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 14 June, 7. , viewed 07 Mar 2024, http://nla.gov.au/nla.news-article227012797



BANANAS. BANANAS.

We have opened a Branch at 96 Hay Street, Haymarket, and having secured an efficient staff, will give the utmost attention to all BANANAS, PINES, &c., consigned to us.

Prompt Returns immediately Goods are Sold.

Stencils supplied to consignees.

Our Cheques to Growers are Free of Exchange.

HOOK YICK & COMPANY,

HEAD OFFICE: WESTERN MARKET, MELBOURNE.
G.P.O. BOX 729.

BRANCH: 96 HAY STREEET, HAYMARKET.
P.O. BOX 8.

MELBOURNE: Shipping No. 44, Brand H Y Mlb.

SYDNEY: Shipping No. 44, Brand H Y S

Figure 24. 1919 'Advertising', *Tweed Daily* (Murwillumbah, NSW : 1914 - 1949), 8 November, p. 2. , viewed 07 Mar 2024. Source . http://nla.gov.au/nla.news-article191065900

Wing Sang & Co.

In 1920, an advertisement gave notice that Wing Sang & Co. had purchased Hook Yick's 96 Hay Street shop on the 27th of March 1920, and had started trading there under the name Wing Sang & Co. from that date on.[104] Wing Sang & Co. was one of the largest and best-established firms in Australia, with banana wholesale as the cornerstone of its business, but also engaged in the remittance business. Though Wing Sang had established Hong Kong as its headquarters by 1921, Wing Sang & Co. and subsidiaries maintained its banana wholesale business and import-export trade in Australia into the latter decades of the 20th century.

Wing Sang & Co. had offices and warehouses at various addresses in the Haymarket area before establishing the store at 96 Hay Street in 1921. Whilst some of their buildings, such as the warehouse at 450 Sussex Street and the headquarters at 58 Hay Street have been demolished, others are still standing, for example the Wing Sang & Co. store at 20 Campbell Street.

A detailed history of Wing Sang & Co. buildings in Sydney, Hong Kong and China was undertaken by the China-Australia Heritage Corridor project.[105]

[104] 1920 '承 受 生 意 聲 明', *Chinese Republic News (Sydney, NSW : 1914 - 1937)*, 24 April, p. 7. , viewed 10 Mar 2024, http://nla.gov.au/nla.news-article225207694
[105] The China-Australia Heritage Corridor Project, online, The Wing Sang & Co buildings, Sydney | China-Australia Heritage Corridor, accessed 9 March 2024.



Figure 25. Three storey brick warehouse, head office for Wing Sang and Company, Produce Merchants at 450 Sussex Street was demolished circa 1919. City of Sydney, Print - Wing Sang and Company in Sussex Street Haymarket, circa 1909 (01/01/1909 - 31/12/1913), [A-00036648]. Source City of Sydney Archives, accessed 09 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/663015

Mar See Poy

The Managing Director of Wing Sang & Co. at 96 Hay Street was Mar See Poy (called Mar Sha Poi in his immigration file). Mar See Poy was the grandfather of Glenn and Phillip Mar, who wrote about the sad end to his career at 96 Hay Street.[106] Mar See Poy came to Australia in 1914 at the age of twenty-two, as a substitute manager for Wing Sang & Co. At the time, the senior managers were heading back to China following Ma Ying Piu who had set up the Sincere store in Hong Kong.[107] The Police report on Mar's file states that "the firm of Wing Sang is held in the highest repute and is financially sound."[108]

The application for Mar See Poy's was granted, renewable on application if the company met with certain conditions, including a high business turnover. For almost a decade Mar See Poy was able to extend his stay, during which time he married, fathered a daughter, lost his first wife, remarried and had two Sydney-born sons, Arthur and Raymond Mar.[109]

On applying for an extension in 1924, he was observed by a Senior Boarding officer, who reported:

> *I have observed this man on at least ten occasions and R.W, Wilson on four occasions working at a branch store of the firm at 96 Hay Street, Sydney where the business is*

[106] MAR, G. & MAR, P. 2023. Making Heritage: The Mar family and Sha Chong. *In:* BYRNE, D., ANG, I. & MAR, P. (eds.) *The China-Australia Migration Corridor: History and Heritage*. Hong Kong: Hong Kong University Press.
[107] MAR, G. & MAR, P. 2023. Making Heritage: The Mar family and Sha Chong.
[108]' Mar Sha Poi (Lung Yan Soo) - Exemption certificate', NAA: A1, 1925/11716, 112.
[109] MAR, G. & MAR, P. 2023. Making Heritage: The Mar family and Sha Chong.

> *mainly fruit dealing. On every visit we have seen Mar Sha Poi [sic] with his shirt sleeves rolled back, with a leather apron, without coat or vest, loading and unloading goods from carts, packing and stacking fruit and performing other ordinary store duties. The premises 96 Hay Street open right onto the roadway and this man can be observed at any time employed in the same manner as other Chinese and European fruit store assistants in the same street.*[110]

As a manager, Mar See Poy was not expected to partake in the manual work of fruit handling, and with this doubt cast on the nature of his employment, the extension was refused. Glenn Mar writes, "Mar See Poy left Australia in April 1926 with his family... and settled in his home village of Sha Chong ...he died in 1928."[111]



Figure 26. Employees of Wing Sang & Co Ltd, 1924 (01/01/1924 - 31/12/1924), [A-00025390]. Source City of Sydney Archives, accessed 10 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/586035. Mar See Poy is seated, centre.

By 1930, bananas imported from Fiji were subject to crippling import duty and Chinese growers were excluded from the industry in Queensland and northern NSW. As the years wore on, immigration restrictions had the desired effect of draining Chinese enterprises of labour. Chinese firms adapted to the circumstances and like Wing Chong and Hie Lee, Wing Sang & Co., turned to advertising in the newspapers for white and Italian growers to consign their bananas to the firm. In 1930, the firm was promoted as "Licensed farm produce agents, Oldest established banana specialists, Head Office 58 Hay Street, branches Fruit Exchange, City Markets, 96 Hay Street."[112]

[110] NAA: A1, 1925/11716, 23.
[111] MAR, G. & MAR, P. 2023. Making Heritage: The Mar family and Sha Chong, 136-7.
[112] 1930 'Advertising', *Tweed Daily (Murwillumbah, NSW : 1914 - 1949)*, 12 July, p. 8. , viewed 10 Mar 2024, http://nla.gov.au/nla.news-article192687398

Sun Lee & Co.

In 1933, Sun Lee & Co. took over the lease at 96 Hay Street. Sun Lee & Co. advertised in the Italian newspaper, *Il Giornale Italiano*, that the firm had a local agent in Lismore.[113] S. Watts at Stokers Siding in the Brunswick Valley of the North Coast of NSW acted as an agent for Wing Sang & Co.[114] In 1934, an application made to alter the stairs and banana room was approved at 96 Hay Street.[115] This would have been around the time that Charles Ma arrived in Sydney with his wife Edith nee Yee. Both Charles and Edith were born in Australia but raised in Hong Kong. Charles and Edith had twin daughters Audrey and June, born in Sydney in 1934 and a son Daniel, born in Sydney in 1944.



Figure 27. Edith and Charles Ma, Sydney, circa 1934. Source courtesy of the Ma family

Until about 1956, Charles, Edith and children lived on the top floor of 96 Hay Street. Their son Daniel Ma recalls:

> *96 Hay Street was called Sun Lee in my childhood. It was where my family lived from the mid-1930s to around 1956. We had the top floor. The building was one of a group of six connected buildings located on Hay Street... All six buildings were similar in their internal layout. Ours comprised of an open-plan shop with ripening rooms at street level, a half-floor mezzanine office space, two full floors of residential accommodation*

[113] 1933 'Advertising', *Il Giornale Italiano (Sydney, NSW : 1932 - 1940)*, 3 June, p. 3. , viewed 10 Mar 2024, http://nla.gov.au/nla.news-article83031411
[114] 1942 'Advertising', *Tweed Daily (Murwillumbah, NSW : 1914 - 1949)*, 7 November, p. 4. , viewed 10 Mar 2024, http://nla.gov.au/nla.news-article192947195
[115] 1934 'Buildings and Works Approved', *Construction and Real Estate Journal (Sydney, NSW : 1930 - 1938)*, 19 September, p. 4. , viewed 10 Mar 2024, http://nla.gov.au/nla.news-article222914536

> *and an open rooftop "terrace"... For the most part the building was fairly basic. The rooms were divided using thin masonite partitions that were only head height...*[116]

Every day, Charles Ma would go to work at Wing Tiy & Co. at 94 Hay Street, and in later years at the main Wing Sang building at 58 Hay Street.[117]

Daniel Ma describes the markets:

> *Bananas were delivered in wooden boxes which were all marked with their place of origin and destination stencilled on the box. They were offloaded off the flat-top trucks and wheel-barrowed to the ripening rooms almost every weekday morning. Most of the men handling the boxes wore thick brown aprons which were almost like a uniform at the markets.*

A scene very much like the one described by Daniel Ma can be seen in the photograph at Figure 28.



Figure 28. Photographer, Leslie John Jenkins, Municipal Markets, Quay Street Haymarket, circa 1935 (01/01/1935 - 31/12/1935), [A-01182468]. Source City of Sydney Archives, accessed 10 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1947019

Wing Sang & Co. appear to have ceased trading at 96 Hay Street sometime in the 1940s. From 1948 until at least 1952, Russell & Sons were advertising fruit and vegetables at wholesale prices at 96 Hay Street. By the time Daniel grew up at 96 Hay Street, European and Italian vegetable merchants were replacing the previously Chinese-dominated industry. According to Daniel:

[116] Daniel Ma, "Chinatown Memories", pers. comm. 6 May 2024.
[117] Telephone conversation with Daniel Ma, 10 March 2024.

> *Every weekday there would be a siren at 7am to announce the opening of the markets and that would be the signal for the buildings to raise their street front roller shutters…The whole market area would turn into this hive of activity. Hustle and bustle, people jostling to park their trucks and often lots of swearing!! English profanities. Cantonese profanities. Italian profanities. Greek profanities. It was rough but very exciting!!*[118]

Daniel Ma recalls in his childhood:

> *the ground floor of Sun Lee was sublet to some Italian fruit suppliers. The shop incorporated several banana ripening rooms. Bananas were delivered by rail from "faraway places" like Coffs Harbour and were ripened by gas before being sold to fruit shop owners from all over Sydney*.[119]

The Ma family moved out around 1956 but 96 Hay Street remained in use as a banana ripening room until at least 1961.[120]

Post-market period

From the late 1970s to the late 1980s, 96 Hay Street was owned by Tensons Pty Ltd.[121] It was developed for use as a succession of restaurants including Lotus World Vegetarian Restaurant in 1977 and the Mandalay Nay Pe Daw restaurant in the early 1980s, before Stanley Yee bought the building and established a restaurant in 1979, which was the forerunner of the long-running Emperors Garden, which is still owned and operated by the Yee family to this day. See 100 Hay Street for further detail.

[118] Daniel Ma, "Chinatown Memories", pers. comm. 6 May 2024.
[119] 1948 'Advertising', *Northern Star (Lismore, NSW : 1876 - 1954)*, 6 October, p. 7. , viewed 10 Mar 2024, http://nla.gov.au/nla.news-article99031397
[120] *Building Inspectors Card: 96 Hay St Haymarket. Banana ripening room. 1 Card.* (15/09/1960 - 26/04/1961), [A-00368413]. City of Sydney Archives, accessed 02 May 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1576757
[121] *DEVELOPMENT & BUILDING - BUILDING APPLICATIONS (NEW) 96 HAY ST HAYMARKET DECORATIVE FACADE TENSONS PROPERTIES PTY LTD* (19/03/1979 - 31/12/1987), [A-00680286]. City of Sydney Archives, accessed 02 May 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1498093

3.8. No. 98 Hay St



Figure 29. Nos 96-100 Hay Street. 98 Hay Street is the centre building. Source Juanita Kwok, 2024.

War Loong & Co.

Between 1913 and 1932, 98 Hay Street was tenanted by War Loong & Co.[122] War Loong & Co. Produce Merchants registered a store at 449-451 Pitt Street in 1903.[123] In 1911, War Loong & Co. at 185 Hay Street, was listed as a contact by a Sydney Loong Tu (Longdu) district association with respect to a bone-repatriation drive, indicating that War Loong & Co. was a Loong Tu firm, i.e. a firm connected with this subdistrict of Heung Shan, and language community.[124]

Amongst the names of those who had registered the firm of War Loong & Co. in 1903, was Dong Sing. In 1913, War Loong & Co. at 98 Hay Street, applied for a tobacco licence.[125] This might have been the Doon Sing who in 1913 raised a "fine crop" of tobacco on W.P. Brook's nine acres of riverfront land in Bathurst.[126] From the late 19th century to the mid-1920s, Bathurst was a centre of Chinese market gardening and tobacco growing in NSW. The railway enabled produce from Bathurst to be transported to the Haymarket, and merchants, such as Gilbert Yet Ting Quoy of Lee Sang & Co. (90 Hay Street), established stores and market gardens in Bathurst early in the 20th century. Due to obstacles placed in the way of Chinese growers, incentives offered to white growers, and a series of unexplained fires, Chinese growers effectively gave up growing tobacco in Bathurst in the mid-1920s.[127]

---

[122] *Sands Directory,* 1913-1932.
[123] Register of Firms Index, State Archives New South Wales: NRS 12961, File No. 4743 [2/8529], 572.
[124] 1911 'Advertising', *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 11 November, p. 7. , viewed 10 Mar 2024, http://nla.gov.au/nla.news-article227976468
[125] 1913 'TOBACCO, CIGAR, AND CIGARETTE LICENSES.', *Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001)*, 11 June, p. 3574. , viewed 10 Mar 2024, http://nla.gov.au/nla.news-article221595839
[126] 1913 'Tobacco Growing in Bathurst. ', *The Bathurst Times (NSW : 1909 - 1925)*, 18 March, p. 2. , viewed 10 Mar 2024, http://nla.gov.au/nla.news-article111206367
[127] KWOK, J. 2019. *The Chinese in Bathurst: Recovering Forgotten Histories.* Doctor of Philosophy PhD thesis, Charles Sturt University, 252.

In 1928, War Loong & Co. advertised an expansion of the business, stating that they dealt in potatoes, onions, horse feed, ox-bone ash, etc., as well as the procurement of fruit and vegetables from country towns.[128] However, in November 1932, the firm advised their shareholders that they had resolved to close the business down.[129]

Wing Chong & Co.

The Sands Directory lists Wing Chong & Co. at 98 Hay Street in 1933. Wing Chong & Co. were banana agents. The importation of bananas from Fiji had limped on under the weight of heavy import tariffs until 1933, when an article in the *Tung Wah Times* complained that the tax on selling Fiji bananas in Australia was so heavy—1s. 3d. per crate—that the last two shipments resulted in over 50 percent losses.[130] By 1933, when Italian growers had moved into banana growing on the north coast, Chinese Australian banana commission agents including Wing Chong & Co. advertised for consignees in *Il Giornale Italiano*.[131] In 1935, Wing Chong & Co. was appointed, along with ten other Chinese banana agents including Sun Lee & Co. and Wing Sang & Co. (96 and 98 Hay Street), to join the Banana Marketing Board, a newly created Australian authority.[132] In the 1940s, Wing Chong & Co. at 98 Hay Street placed advertisements in the *Tweed Daily,* seeking growers to consign their bananas to the firm. Wing Chong & Co. banana agents continued advertising for consignees until at least 1951.[133]



Figure 30. 1940 'Advertising', *Tweed Daily* (Murwillumbah, NSW : 1914 - 1949), 18 October, p. 7. , viewed 10 Mar 2024. Source http://nla.gov.au/nla.news-article192934515

[128] 1928, *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 3 March, p. 3. , viewed 10 Mar 2024, http://nla.gov.au/nla.news-page24098711
[129] 1932 '雪 梨', *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 26 November, p. 5. , viewed 10 Mar 2024, http://nla.gov.au/nla.news-article227434574
[130] 1933 '飛 枝 蕉 來 路 將 絕', *Tung Wah Times (Sydney, NSW : 1901 - 1936)*, 29 April, p. 8. , viewed 10 Mar 2024, http://nla.gov.au/nla.news-article227427842
[131] 1933 'Advertising', *Il Giornale Italiano (Sydney, NSW : 1932 - 1940)*, 6 May, p. 5. , viewed 10 Mar 2024, http://nla.gov.au/nla.news-article83031183
[132] 1936 'PUBLIC WILL SLIP ON BANANA BOARD', *Truth (Sydney, NSW : 1894 - 1954)*, 22 March, 12. , viewed 06 Mar 2024, http://nla.gov.au/nla.news-article169580768
[133] 1951 'Advertising', *Northern Star (Lismore, NSW : 1876 - 1954)*, 25 June, p. 7. , viewed 10 Mar 2024, http://nla.gov.au/nla.news-article96540062

3.9. No. 100 Hay St

In 1912, the new building at 100 Hay Street was briefly tenanted by United Fruit Co. before Gee Ick & Co. General Merchants occupied 100 Hay Street in 1913, remaining there until 1920.[134]



Figure 31. No. 100 Hay St. Source Juanita Kwok, 2024.

Gee Ick & Co.

George Goon Ick took out a tobacco licence for Gee Ick & Co. in 1913.[135] George Goon Ick was the son of the well-established and influential merchant, Den War, known by his trading name of Gee Ick. Gee Ick was exporting gold from 1865 and operating a gold remittance service for Heung Shan (Chungshan) natives on the Western Goldfields of NSW.[136] Gee Ick was a member of the NSW Chinese Empire Reform Association, the Lin Yik Tong (Chinese Commercial Association 1892-1903) and the NSW Chinese Merchants Society, the latter two being predecessor organisations to the NSW Chinese Chamber of Commerce.[137] Gee Ick & Co. had a store at 185 George Street in the Rocks, before establishing stores at 374 Pitt Street and 62-64 Wexford Street. The latter two stores were demolished in the City resumptions of 1906-1913.[138]

---

[134] City of Sydney Archives Assessment Books 1912 (A-01136247); 1913 (A-01136246); 1915 (A-01136244); 1919 (A-01136240); 1920 (A-01136239).

[135] 1913 'TOBACCO, CIGAR, AND CIGARETTE LICENSES.', *Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001)*, 19 November, p. 6953. , viewed 09 Mar 2024, http://nla.gov.au/nla.news-article228060555

[136] 1865 'Shipping Gazette', *Sydney Mail (NSW : 1860 - 1871)*, 23 December, p. 7. , viewed 09 Mar 2024, http://nla.gov.au/nla.news-article166662339

[137] 1897 'THE SOUTH POLAR EXPEDITION.', *The Daily Telegraph (Sydney, NSW : 1883 - 1930)*, 7 September, p. 4. , viewed 09 Mar 2024, http://nla.gov.au/nla.news-article238430107; 1900 'CHINESE EMPIRE ASSOCIATION.', *The Sydney Morning Herald (NSW : 1842 - 1954)*, 11 August, p. 9. , viewed 09 Mar 2024, http://nla.gov.au/nla.news-article14329715
KUO, M. F. 2013, 85, 120.

[138] City of Sydney, *Print - Wexford Street Resumption Surry Hills, circa 1909* (01/01/1909 - 31/12/1909), [A-00038580]. City of Sydney Archives, accessed 09 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/673376; City of Sydney, *Print - Commercial premises in Pitt Street Sydney, circa 1909* (01/01/1909 - 31/12/1913), [A-00036545]. City of Sydney Archives, accessed 09 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/662912

When the Pitt Street store was registered in 1903, firstly as importers and merchants and then as general merchants, the registration record showed a number of partners in the business.[139]

Advertisements in the Chinese newspapers show Gee Ick & Co. sold Chinese goods including tea, rice, cooking oil, dried seafood, fireworks, candied ginger, chinaware, Chinese proprietary medicines and Chinese and Western groceries at 100 Hay Street and also provided a remittance service.[140] This remittance service likely operated in a similar manner to the service provided by Chungshan firm, Kwong War Chong at 82-84 Dixon Street. Kwong War Chong sent individual remittances together with a letter to the family written by the company's clerk as a consolidated bank draft to a networked bank in Hong Kong. The draft was converted into Hong Kong dollars and the store's branch in Shekki (China) delivered the remittance to the family in the village.[141] Families left behind in the villages were dependent on remittances, which played a crucial part in the local economy.

Hop Chong & Co.

In 1919, the firm of Hop Chong & Co. "Importers and Exporters and Fruit and Produce Merchants and General Commission Agents", was registered at 100 Hay Street by family relatives of Gee Ick and other partners.[142]



Figure 32. Hop Chong & Co. letterhead showing the building at 100 Hay St. Source Chen Quin Jack History website.

In 1920, the managing partner of Hop Chong & Co. was Lee Kee Chong, another of Gee Ick's sons. Kira Brown, the great-great granddaughter of Lee Kee Chong, has researched the lives of Lee Kee Chong and his family and shared her findings on her website, *Chen Quin Jack History*.[143]

According to Brown's research, Lee Kee Chong, born 1864 in Hang Mei, Heung Shan (Chungshan) arrived in NSW in 1880, where he became known as Kee Chong. He worked in the Haymarket in Sydney for a few years before moving to the tin mining town of Tingha in 1885,

[139] SANSW:NRS 12961 File No. 12160, [2/8536] , 80; 3179, [2/8528], 390.
[140] Pers. comm with Ely Finch, 9 March 2024.
[141] Williams, Michael. *Chinese Settlement in NSW: A Thematic History.* (NSW Heritage Office of NSW: 1996), p. 22, http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/chinesehistory.pdf.
[142] SANSW:NRS 12961, File No 34665, [2/8549].
[143] BROWN, K. 2020. *Lee Kee Chong — 李基祥* [Online]. Orange: Brown, Kira. Available: https://chenquinjackhistory.com/2020/01/26/lee-kee-chong-%E6%9D%8E-%E5%9F%BA-%E7%A5%A5/comment-page-1/ accessed 9 March 2024

where he married Agnes Yauphang in 1892. On marrying Kee Chong, Agnes was recorded as "Australian born, but lost nationality through marriage with Chinese", and was declared an alien. Her Australian citizenship was not restored until 1940 when she made an application after the death of her husband.[144]



Figure 33. Lee Kee Chong and Agnes Yauphang at the time of their wedding in Tingha, 1892. Source Chen Quin Jack History website.

The Kee Chong family moved to Moree, where Kee Chong began a business called Sam Lee & Co. in partnership with Gee Ick and Den War. In 1903, the family went to China, where Kee Chong took a Chinese wife, to the chagrin of his Australian wife and family. Kee Chong returned to Moree in 1905, followed by Agnes and children. In 1911, Kee Chong applied for a certificate of naturalisation. Though he had been living and working in Australia for more than 30 years and was married with seven children, his application was rejected.[145]

In 1920, Kee Chong advertised in the *Chinese Republic News*, calling on fellow Lee clan members in NSW to raise funds towards the cost of furniture and couplet inscriptions for a Lee family ancestral hall in Hang Mei in Chungshan.[146] Hop Chong & Co. also made a £2 donation towards an appeal in support of China and its resistance against Japan, after the latter's annexation of Manchuria.[147] Though Lee Kee Chong died in 1939, the Hop Chong & Co. business continued at 100 Hay Street until at least 1948.[148] In 1959, H. Ming Lai applied to install two banana ripening rooms on the ground floor of 100 Hay Street.[149]

[144] BROWN, K. 2020. *Lee Kee Chong — 李基祥* [Online].
[145] 'Lee Kee Chong'.
[146] 'Lee Kee Chong'; 1920 ' Chinese Republic News (Sydney, NSW : 1914 - 1937), 3 July, p. 6. , viewed 09 Mar 2024, http://nla.gov.au/nla.news-article225205690
[147] 1932 *Chinese Republic News (Sydney, NSW : 1914 - 1937)*, 21 May, p. 8. , viewed 09 Mar 2024, http://nla.gov.au/nla.news-article226546460
[148] 'Lee Kee Chong'; *Assessment Book Phillip Ward,* 1939-1948.
[149] *Building Inspectors Card: 100 Hay St, Sydney. Banana ripening rooms (2) grd floor, development* (12/06/1959 - 04/02/1960), [A-00364659]. City of Sydney Archives, accessed 09 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1572457

Stanley Yee and Emperor's Garden Restaurant

At the Chinatown Heritage Study Stakeholder Workshop, the change in use of 100 Hay Street from its early industrial use and connection with Hong Kong and Shanghai, to its later use primarily for restaurants was noted. This shift in economic purpose is reflective of Chinatown's changing economy and role.

Though other restaurants have occupied premises at 90-100 Hay Street, none have lasted as long as Emperor's Garden opened by Stanley Yee in 1979.[150] Born in Chuen Luk Village in Chungshan, Yee came to Sydney as a high school student in the early 1960s. While studying he worked at one of the banana wholesale companies in the Haymarket and at Lean Sun Low café. Over the years Yee expanded Emperor's Garden, and established a number of other businesses in the Chinatown areas including a Chinese bakery, a butchery and a tofu factory.[151]



Figure 34. Corner of Dixon Street and Hay Street, Haymarket (01/05/1991), [A-00011724]. City of Sydney Archives, accessed 09 Mar 2024. Source https://archives.cityofsydney.nsw.gov.au/nodes/views/572369

Stanley Yee was a member of the Dixon Street Beautification Committee, which in the early 1970s pushed for the regeneration of Dixon Street as a centrepiece to the broader Chinatown area.[152]

Like Kee Chong from Hop Chong & Co. before him, Stanley Yee has continued the tradition of philanthropic contributions, donating generously for a school, a community centre and a kindergarten in his ancestral village in Chungshan. His contributions to his hometown and county of Chungshan have been recognised both in China and Australia. His son Jonathan Yee, who took over the business on Stanley's retirement is also active in the Chungshan Society of Australia, having served as its president for several years.[153]

[150] The China-Australia Heritage Corridor Project, online, China-Australia Heritage Corridor accessed 9 March 2024.
[151] ANG, I. & WONG, A. 2023, Zhongshan in Sydney's Chinatown.
[152] GML Heritage, *Chinatown Gates, Haymarket Heritage Assessment Report, Prepared by GML for City of Sydney, June 2023.*
[153]ANG & WONG, 234-6.

4. Physical Analysis

External

The buildings at 90-100 Hay Street are of a late Federation architectural style. The place is two buildings located at the end of a block and has always operated as six premises. Today the eastern premises are owned under a single title while the western premises are held under three separate titles. Although detached, the two buildings are symmetrical and therefore read as one building through consistency in scale and form (figure 35). The buildings are three to four storey masonry constructions with a mostly internal timber post and beam structure. Though originally face brick they have since been painted cream (nos. 90, 96, 98 and 100), blue (no. 92) and grey-green (no. 94). There is also some graffiti on the upper levels of nos. 98-100. Awnings are suspended above the ground floor with a single awning spanning nos. 96-100 and three individual awnings to nos. 90-94. Air-conditioning units are located above the awnings and downpipes of various colours run down the facades between the buildings but are symmetrically positioned. Windows openings on the first floors have segmented arches with the upper floors being rectangular openings but the window frames and glazing are a mix double hung, single pane and multi-paned sashes.



Figure 35 Nos. 90-100 Hay Stret with Kimber Lane traversing between nos. 94 and 96.

Nos. 90 and 100

The two end premises (nos. 90 and 100) address Harbour Street to the west and Dixon Street to the east. They are defined by their chamfered corners and masonry piers, some with recessed detailing which divide the premises into five bays (figures 36 and 37). The three bays which address the street corner have six vertical window openings under a key stone arch and basket weave bond inset panel of brick.

The northern and middle bay to the Harbour Street elevations are four storied and have gabled parapets and nine vertical windows. The nine windows in the central bay are comprised of glass bricks (figure 36).

The central and middle bay on the Dixon Street elevation is three stories and there is no parapet, instead there are pipe and wire mesh balustrades (figure 37). There are also six windows in each bay.



Figure 36 No. 90 Hay Street with its chamfered corner, arches and pointed parapet.



Figure 37 No. 100 Hay Street with its chamfered corner and arches and balustrades to the central and north bay to Dixon Street.

Nos. 92-98

Premises 92-98 are delineated by masonry piers, some of which are stepped and have recessed detailing. These premises each have six vertical windows to the first and second floors. Balustrades on the roof are of various materials, they are pipe and wire mesh to 96-98 Hay Street, glass to no. 94 and timber to no. 92. There is also an illuminated art installation, titled *In Between Two Worlds* by Jason Wing, between nos. 94 and 96 in Kimber Lane.



Figure 38 No. 92 is to the left of the image, no. 94 is centre left, no 96 centre right and no. 98 is to the right of the image. Kimber Lane is between nos. 94 and 96.

Interiors

No. 94

No. 94 is used as a karaoke bar and its interiors have been significantly altered with a modern fit-out to accommodate a life, fire stairs, bar, industrial kitchen and karaoke rooms with mirrored partitions (figures 39-41). There is some original detailing, namely recessed brock arches, evident in the stairwell (figure 42).

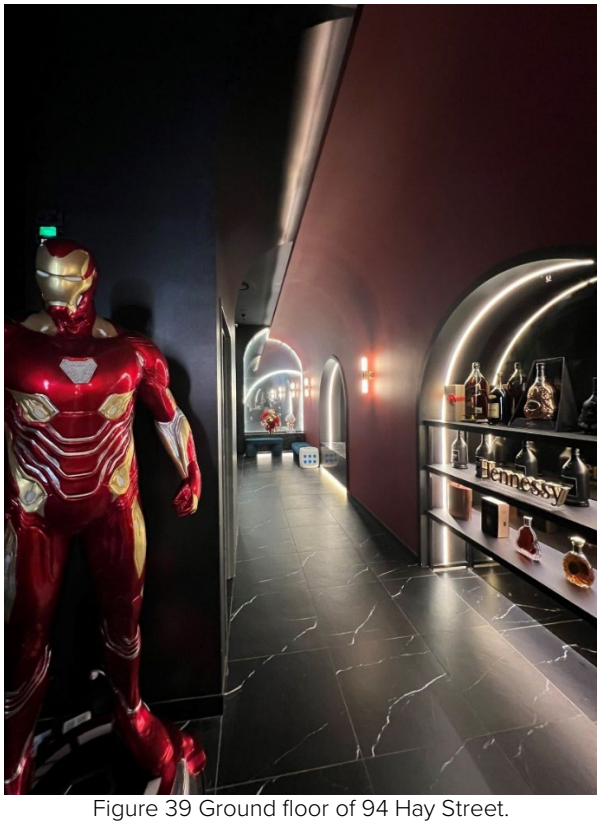


Figure 39 Ground floor of 94 Hay Street.



Figure 40 Industrial kitchen at 94 Hay Street.

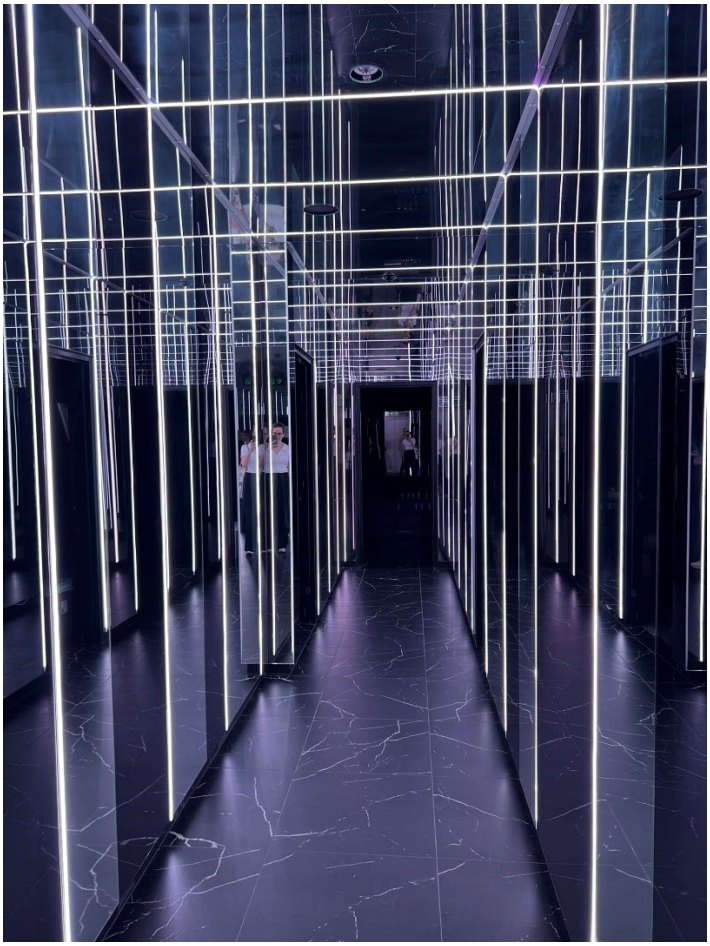


Figure 41 Mirrored partitions for karaoke rooms at 94 Hay Street.

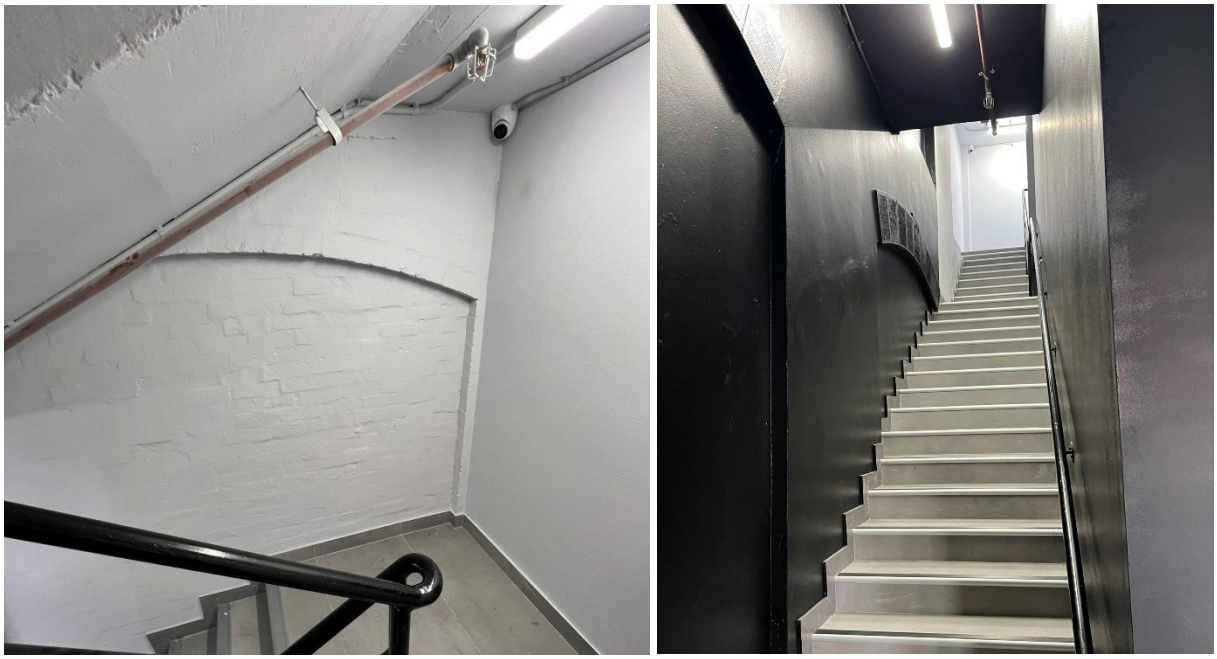


Figure 42 Recessed brick arch in modern stairwell.

Nos. 96-100

Although historically divided the ground floors of 96-98 Hay Street are now a single restaurant space with an industrial kitchen for the Emperors Garden. The first floor of no. 100 is also used as a dining space (figure 43). The dining spaces are carpeted and the walls are either painted or wall papered, some walls also have tiles.

There are original and modified stairs and the first floor of 98-100 are connected internally through an opening in the wall and contain an industrial kitchen (figure 44). The brick work and recessed arches remain exposed. The second floor of no. 100 contains rooms with original joinery including columns, doors leaves, architraves and transom windows. There are also false ceilings and modern timber floors (figure 46).

Nos. 90, 92 and 96

The interiors of nos. 90 and 92 and the upper floors of 96 have not been assessed. The ground floors of nos. 90 and 92 have been altered and fitted out with modern food retail outlets.



Figure 43 First floor restaurant fit out at 100 Hay Street.



Figure 44 Industrial kitchen fit out on first floors of 98 and 100 Hay Street with its exposed beams and supporting post. The original timber staircase is in the background.

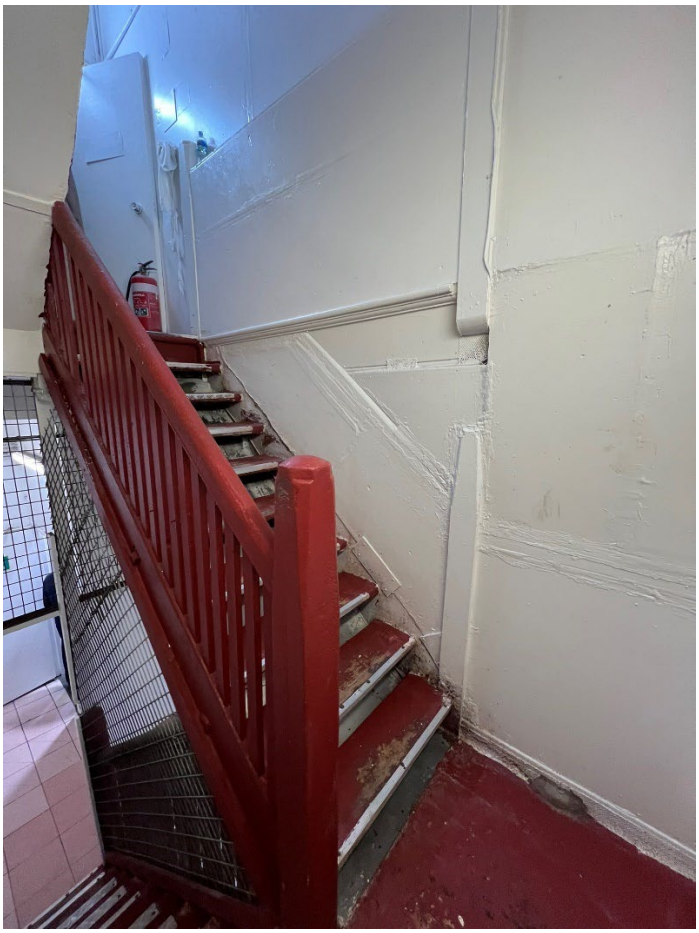


Figure 45 Original timber staircase at 100 Hay Street.

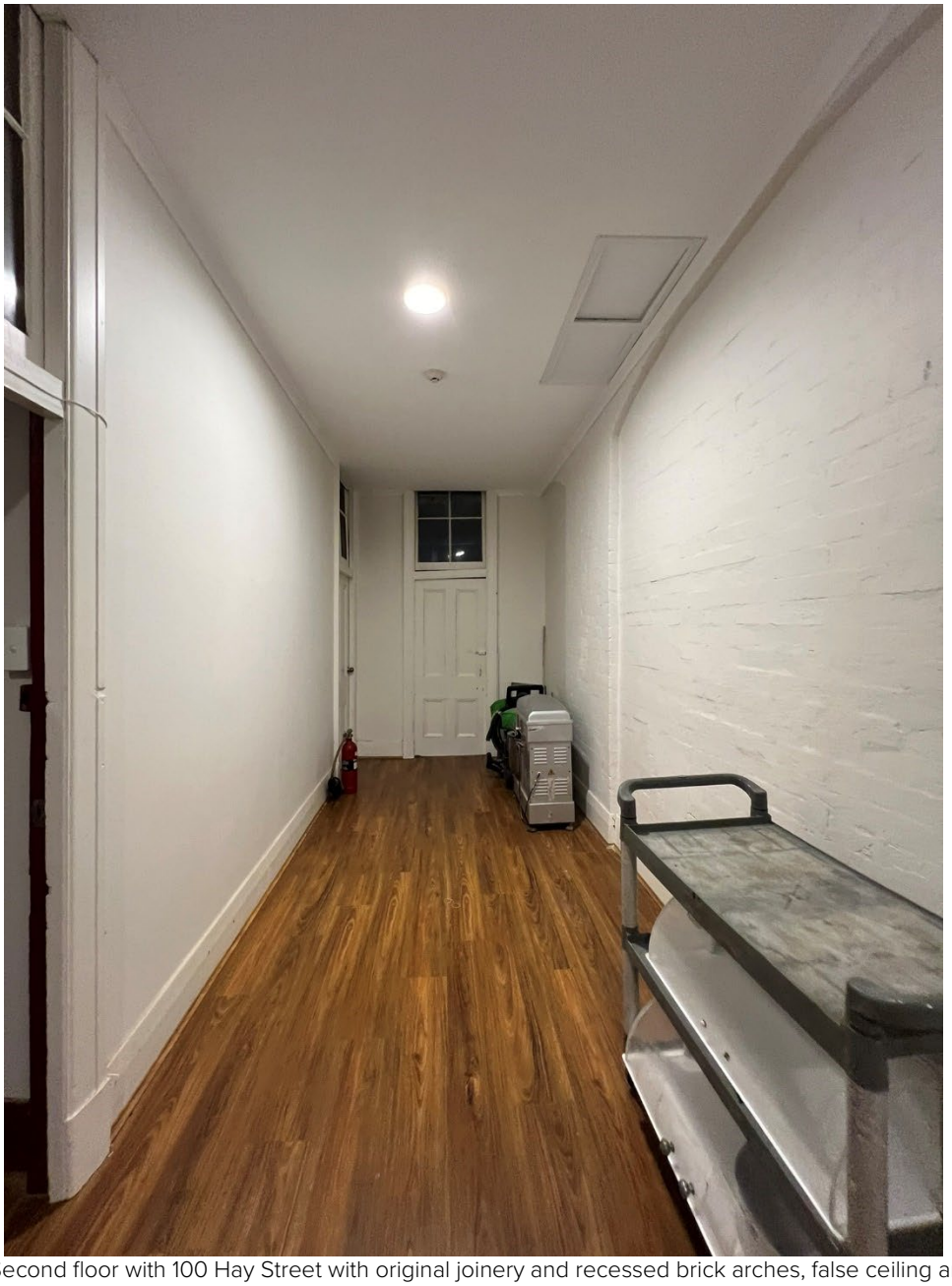


Figure 46 Second floor with 100 Hay Street with original joinery and recessed brick arches, false ceiling and modern floor boards.

5. Comparative analysis

The following table presents other stores occupied by the same business as at 90-100 Hay Street as well as other Chinese Australian stores across Sydney and NSW.

Image	Address	Discussion
Demolished markets and Chinese Australian stores		
 Figure 47 Wing Sang & Co. at 58 Hay Street in 1937. Source CoS Archives A-01001513	58 Campbell Street, Sydney	Established in 1890, 58 Hay Street was the headquarters of banana merchants Wing Sang & Co. It was demolished in circa 1980s to make way for the Entertainment Centre.
 Figure 48 Wing Sang & Co. stores on Sussex Street, Sydney in c.1909. Source CoS Archives A-00036648	450 Sussex Street, Sydney	The banana merchants Wing Sang & Co. had stores in the early 20th century at 450 Sussex Street. The building was demolished between 1911-1912.
 Figure 49 Wing Sang & Co. at 435 Sussex Street in 1910. Source CoS Archives A-00038782	435 Sussex Street, Sydney	The banana merchants Wing Sang & Co had another store on Sussex Street at no. 435. The building has since been demolished

Image	Address	Discussion
 Figure 50 Gee Ick & Co. on Wexford Street c. 1909. Source: City of Sydney Archives A-00038580	Corner of Campbell and Wexford Street, Sydney	Gee Ick and Co. had premises on Wexford Street until the street was resumed in 1906-1908. The current day Wentworth Avenue is on a similar alignment.
 Figure 51 Old Belmore Markets in 1909.	Campbell Street	The old Belmore Markets opened in 1969 and named after the then Governor. They were replaced by the New Belmore Markets in 1893a and demolished in 1910.[154]
Extant former markets and Chinese Australian stores in Sydney		
 Figure 52 Former premises of Wing Sang and Co. at current day 20-22 Campbell Street. Source State Heritage Inventory.	20-22 Campbell Street, Haymarket	Wing Sang & Co. occupied this building between 1890 and 1909 when it moved to larger premises on the corner of Sussex and Hay Street. A number of other Chinese Australian fruit and produce businesses including Hie Lee & Co., Lee Sang & Co., and Wing Tiy & Co. occupied this building or neighbouring buildings. The place is currently listed on the Sydney LEP 2012 as part of a group listing of terraces (item no. I827).

[154] "Print – Old Belmore Product Markers, corner of Campbell and Pitt Street Haymarket, 1909," City of Sydney Archives and History Resources, https://archives.cityofsydney.nsw.gov.au/nodes/view/674048

Image	Address	Discussion
 Figure 53 Former Kwong War Chong building. Source State Heritage Inventory.	82-84 Dixon Street, Haymarket	Kwong War Chong building at 82-84 Dixon Street is a highly significant building that "formed part of an extensive network of business, industrial and social relations among Chinese Australians" during the 20th century. The buildings functions included but were not limited to accommodation for market gardeners, remittance agency, and a retail site with a Chinese Australian owned business operating here between 1909 and 2017.[155] It is listed on the Sydney LEP 2012 (item no. I2293) and the State Heritage Register No. 02089.
 Figure 54 Former market stores which were occupied by a number of Chinese Australian businesses. Source: Google Street View.	35-39 Ultimo Road, Haymarket	Chinese Australian firms such as Wing On & Co. and fruit and vegetable firm formerly occupied these market stores buildings which were constructed in 1911-1913 adjacent the Municipal markets. The market stores were predominantly occupied by fruit and produce merchants and butcheries. Wing On & Co. was the longest occupant, leasing the premises from 1914-1974.[156] It is listed on the Sydney LEP 2012 (item no. I867).

[155] "Former Kwong War Chong & Co building, including interiors and contents of 84 Dixon Street," State Heritage Inventory, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5067050
[156] "Former Markets Stores Including Part Interior," State Heritage Inventory, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2424281

Image	Address	Discussion
 Figure 55 Former Municipal Markets are now the Paddy's market. Source Wikipedia	Hay Street, Haymarket	The former Municipal Markets are adjacent and contemporary to 90-100 Hay Street. Both designed by the City Architect, they had an operational relationship with produce delivered and repacked at 90-100 Hay Street and then sold at the markets. The former Municipal Markets have been developed and are now known as Market City, which contain a shopping centre and Paddy's Markets.
 Figure 56 The former 'New Belmore Markets' now houses the Capitol Theatre.	13 Campbell Street, Haymarket	Constructed to replace the old Belmore Markets, the New Belmore Markets opened in 1893. They were later replaced by the Municipal Markets in 1909. It has been used for entertainment purposes since 1916 when it reopened as the Hippodrome and then later as a 'atmospheric theatre' (designed to give the illusion of a courtyard under a night sky). Today it houses the Capitol Theatre.[157]
Extant/former Chinese Australian stores in NSW		
 Figure 57 Kwong Sing & Co. Emporium on Grey St. Glen Innes. Source: Google Street View.	196-204 Grey Street, Glen Innes	The former Kwong Sing & Co. Emporium is representative of once common country town Department Stores and is evidence of the contribution of Chinese Australia's to the development of regional NSW. The business was run by the Young family since its establishment in 1886 with the current building being constructed in 1915.[158]

[157] "Capitol Theatre including interior," *State Heritage Inventory,* *https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2424088*
[158] "Shop - "Kwong Sing & Co Emporium," State Heritage Inventory, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1600071

Image	Address	Discussion
		It is listed on the Glen Innes Severn LEP 2012 (item no. 5924).
 Figure 58 Wing Hing Long Store in Tingha. Source: State Heritage Inventory.	10 Ruby Street, Tingha	The former Wing Hing Long store, built in the 1880s, is one of the oldest retail buildings in Tingha and now operates as a museum. It has a long history with Chinese Australians who built the store and operated business out of the premises from 1881 until 1998.[159] The place is evidence of the contributions of Chinese Australians to the development of regional NSW. Much moveable heritage has survived including signage, fittings, furnishing and the cashier's box and pulley.[160] It listed on the State Heritage Register (no. 01307).
 Figure 59 Former Yee Lee General Store in Stuart Town. Source: Google Street view.	38 Alexander Street, Stuart Town	It is unclear when this modest general store was constructed but a store has existed on the site since 1878. Yee Lee bought the site in 1901, opening a general store and following his death in the mid-1930s his sons continued to run the store. The date that the business stopped operating is unclear though the family played an important role in the development of the area.[161] It is locally listed on the Dubbo Regional LEP 2022 (item no. I312).

Conclusion from the Comparative Analysis

Many of the buildings associated with Chinese Australian business enterprises in Sydney have been lost by neglect or demolished. In Sydney, stores and warehouses and neighbourhoods, such as the area around Wexford Street, where Chinese Australians worked and lived were demolished in the resumptions in the late nineteenth and early twentieth century. Other buildings associated with Chinese Australians have been demolished in more recent redevelopments. For example, the Wing Sang headquarters at 58 Hay Street was demolished in around 1980 for the construction of the Sydney Entertainment Centre.[162]

[159] Kira Brown, "Chen Quin Jack," https://chenquinjackhistory.com/
[160] "Store - Wing Hing Long & Co. Store," State Heritage Inventory, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1710061
[161] "Yee Lee's Store (former)," State Heritage Inventory, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2640233
[162] *The China-Australia Heritage Corridor Project*, online, The Wing Sang & Co buildings, Sydney | China-Australia Heritage Corridor, accessed 24 April 2024.

The few surviving buildings scattered across NSW are a mix of modest timber weatherboard stores and more substantial two to three storey buildings. The intactness of these places varies with some retaining historical signage and ephemera demonstrating their historical connections to Chinese Australian firms. The buildings at 35-39 Ultimo Road are near contemporary to and most similar to 90-100 Hay Street. These market stores were also built opposite the municipal markets and were occupied by major Chinese Australian businesses such as Wing On & Co.

The Municipal Stores at 90-100 Hay Street are amongst the largest of the surviving buildings occupied by Chinese Australian stores and are one of few surviving places in Sydney associated with multiple major Chinese Australian firms.

6. Assessment of Significance

6.1. Ability to demonstrate

Guidelines from the NSW Heritage Office emphasise the role of history in the heritage assessment process. A list of state historical themes has been developed by the NSW Heritage Council, in *New South Wales Historical Themes Table showing correlation of national, state and local themes, with annotations Dated 4 October 2001.*

The table below identifies fabric, spaces and visual relationships that demonstrate the relevant historic themes in evidence at 90-100 Hay Street.

Australian Theme	NSW Theme	Notes	Discussion
2 Peopling Australia	Migration	Activities and processes associated with the resettling of people from one place to another (international, interstate, intrastate) and the impacts of such movements	The occupation of Chinese run businesses at 90-100 Hay Street is evidence of the important transition in NSW of the Chinese Australian population from a primarily rural to an urban population. It is also a prime marker of the development of Sydney's Chinatown. The histories of families who lived and worked at 90-100 Hay Street bear witness to the effects that racially discriminatory legislation had on Chinese Australian businesses and families by restricting immigration to, and the mobility of people in Australia during the White Australia years. Merchants such as Gilbert Yet Ting Quoy and the extended Ma clan, who leased stores at 90-100 Hay Street were able to sponsor some family and clan members to enter Australia. Nos. 90-100 Hay Street are directly associated with the migration of Chinese Australians within Australia and the impact of legislation on their entrance to Australia.

Australian Theme	NSW Theme	Notes	Discussion
3 Developing local, regional and national economies	Agriculture	Activities relating to the cultivation and rearing of plant and animal species, usually for commercial purposes, can include aquaculture	In Australia both the banana and commercial vegetable industries were pioneered by Chinese Australians. The bananas and vegetables grown by Chinese Australians across NSW, Queensland and in Fiji were sold by Chinese Australian wholesale and commission agents based in the Haymarket area, including those firms which leased buildings at 90-100 Hay Street. This is a key site in the trade routes of these agricultural industries.
3 Developing local, regional and national economies	Commerce	Activities relating to buying, selling and exchanging goods and services	The firms which leased the stores at 90-100 Hay Street were closely associated with the produce markets. Produce grown on banana plantations and market gardens run by the firms was sold at the markets. As legislation restricted Chinese Australians from growing bananas and selling them wholesale, and as the number of Chinese market gardeners dwindled, merchants adapted and became commission agents selling bananas from the north coast of NSW and vegetable produce grown in Sydney and in regional NSW. The place was a central element in the operation of the Sydney fruit and vegetable municipal markets.

Australian Theme	NSW Theme	Notes	Discussion
3 Developing local, regional and national economies	Transport	Activities associated with the moving of people and goods from one place to another, and systems for the provision of such movements	Bananas and vegetables grown across NSW, Queensland and Fiji were transported by rail and ship to Sydney for sale at the markets. This movement and sale of fruit and vegetable produce was co-ordinated by the firms which leased premises in the Municipal Stores at 90-100 Hay Street, opposite the markets.
4 Building settlements, towns and cities	Accommodation	Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	The upper floors of the 90-100 Hay Street provided accommodation for the merchants and their families and employees of the firms.
8 Developing Australia's cultural life	Domestic life	Activities associated with creating, maintaining, living in and working around houses and institutions	Families who managed the firms or employees of the firms which leased premises at 90-100 Hay Street lived on the floors above the businesses. Some evidence of this remains on the upper floor of 100 Hay Street. Oral testimonies of former residents support an understanding of domestic life in Chinatown.
9 Marking the phases of life	Birth and Death	Activities associated with the initial stages of human life and the bearing of children, and with the final stages of human life and disposal of the dead.	As the residences of merchant's and employees families, a number of children including those of Mar See Poy were born and raised in the upper floors of the buildings at 90-100 Hay Street.

6.2. Assessment against NSW heritage assessment criteria

Criterion A Historic Significance

An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The banana industry was a major industry developed by Chinese Australian entrepreneurs in Australia and Fiji in the 1880s and 1890s, and firms such as Wing Sang based their headquarters in Sydney's Haymarket area. When the new Municipal markets opened at Haymarket in 1912, firms such as Wing Sang and its subsidiaries, leased stores at 90-100 Hay Street. Their businesses and premises are distinct places in NSW for understanding the banana industry and key destinations on this trade route. They provide a cultural history of the role of Chinese Australians in the fruit and vegetable industries, and their adaptation over time, particularly in the face of challenges posed under White Australia legislation.

Profits from this industry were invested in commercial enterprises in China. Before Wing Sang and its subsidiaries leased 90-100 Hay Street, they established the first department stores in Shanghai, Canton and Hong Kong. These investments demonstrated the success of the Chinese diaspora in Australia and their continued connections to their native places. Although these department stores were established prior to the leasing of 90-100 Hay Street by Chinese Australian businesses, the stores serve as a marker of the achievements of Chinese Australian businesses recognised abroad by the Chinese diaspora.

The Municipal Stores at 90-100 Hay Street are also a location marker of the role of Chinese market gardeners in the vegetable industry in New South Wales. In particular, Lee Sang & Co. were agents for produce grown not only in Sydney but in the market gardens of regional New South Wales, brought to Sydney by rail and delivered to the stores where they were repacked and then sold at the Municipal Markets across the road. The importance of the Markets to the commercial interests of Chinese Australians is evident in the relocation of their businesses to be close to the new market buildings, which then facilitated the evolution of the Haymarket Chinatown. Family histories connected to the stores at 90-100 Hay Street demonstrate how the White Australia legislation restricted entry to Australia and impacted Chinese Australian commercial interests, affecting the lives of those employed by firms leasing premises at 90-100 Hay Street. Merchants with status and business turnover, such as Gilbert Yet Ting Quoy and Henry Won Yep Lum, were able to sponsor family and clan members to enter Australia, but they were the exception during the White Australia years. The histories associated with the stores demonstrate some of the difficulties faced by Chinese Australians in the early to mid 20th century.

The buildings at 90-100 Hay Street are part of the historical market landscape of the last operational fruit and vegetable markets in the city. The markets were relocated to Flemington in 1975. Markets were an important aspect of city life and 90-100 Hay Street together with the market buildings are demonstrative of this period when produce markets were prominent in Sydney.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Significance indicator	Assessment
Association with an event, or series of events, of historical, cultural or natural significance	The leasing of the Municipal stores at 90-100 Hay Street by Chinese Australian produce merchants facilitated the development of Sydney's Chinatown.
Demonstration of important periods or phases in history	Vegetables grown in market gardens run by Lee Sang & Co. in Bathurst, Wellington and Scone were sent by rail to be sold by the firms at the markets. The firms also sold fruit and vegetable produce on a commission basis. The occupation of the stores by successful Chinese Australian firms such as Wing Sang & Co. and their subsidiaries coincided with the peak period of activity of the Municipal Markets. When the markets relocated to Flemington, Wing Sang ceased trading in bananas and the use of the buildings changed from produce merchants to restaurants.
Association with important cultural phases or movements	The occupation of 90-100 Hay Street by Chinese Australian firms is demonstrative of the Chinese population changing from a rural to an urban population. As the years of White Australia wore on, the Chinese born population declined, except for a small number who were able to enter Australia under the sponsorship of merchants. When immigration restrictions were lifted the numbers of people migrating from China increased. The late twentieth century saw an increase in migration from South East Asia and mainland China.
Demonstration of important historical, natural or cultural processes or activities	The municipal stores at 90-100 Hay Street are key parts of trade routes, stretching from NSW, Queensland and Fiji, for the cultivation and sale of bananas and vegetables. These industries were pioneered by Chinese Australians.

	Chinese Australian firms established banana ripening rooms in the buildings at 90-100 Hay Street to ensure their produce was ready for market. Other non-Chinese banana dealers later set up ripening rooms, but it appears this was a Chinese Australian innovation.
Symbolism and influence of place for its association with an important historical, natural or cultural event, period, phase or movement	The stores at 90-100 Hay Street stand as historic evidence of the fruit and vegetable industries pioneered by Chinese Australians and the wealth these generated which enabled the firms to expand into establishing department stores and banking and insurance businesses in China and Hong Kong, where the successes of these firms are recognised and their material heritage is preserved and celebrated. The relocation of Chinese Australian business to stores, such as 90-100 Hay Street, with its proximity to the municipal markets, influenced the development of Chinatown in Haymarket. The firms at 90-100 Hay Street were involved in all aspects of the fruit and vegetable industries from cultivation, packing, transportation and sales. In the early years bananas came from company plantations in Queensland and Fiji. In later years the bananas were bought on commission from growers on the north coast of NSW while vegetables were bought from growers in Sydney and regional NSW.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion B Historical Association

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

Nos. 90-100 Hay Street are associated with the Chinese merchant community who leased the buildings and operated out of them successful businesses such as Wing Sang & Co., Lee Sang & Co., Wing Tiy & Co., and Gee Ick & Co. These businesses were significant in development of the banana and vegetable produce industries of NSW and Australia.

Nos. 90-100 Hay Street are associated with a number of notable individuals including Gilbert Yet Ting Quoy, the Lee family and Stanley Yee who were influential figures amongst the Chinese Australian community and fruit and produce industries.

- Ting Quoy was a prominent and influential member of the Chinese Australian community. A successful merchant, his business Lee Sang & Co., occupied 90 Hay Street for up to 20 years with his family continuing to have businesses there until after the war. He was a leader of the China Emperor Reform Association (CERA), President of the Chinese Chamber of Commerce and founding member of China-Australia Mail Steamship Line. He also campaigned to establish a Chinese school at which he taught, and he sponsored the entry of family and clan members to Australia.
- The Lee family - Lee Gee Ick was a successful merchant whose business Gee Ick & Co., occupied 100 Hay Street from 1913-1919. His son, Lee Kee Chong, continued to occupy the address with his business, Hop Chong Co., until 1948. Gee Ick was a member of CERA, the NSW Chinese Chamber of Commerce and the Lin Yik Tong (the Chinese Commercial Association).
- Stanley Yee, born in Chuen Luk Village in Chungshan, came to Sydney as a high school student in the early 1960s and worked at one of the banana wholesale companies in the Haymarket and at Lean Sun Low café. In the late 1970s Yee bought property at 96-100 Hay Street where he established the now landmark Emperor's Garden Restaurant. Yee also established a number of other businesses in the Chinatown areas including a Chinese bakery, a butchery and a tofu factory. Yee was a member of the Dixon Street Beautification Committee, which in the early 1970s pushed for the regeneration of Dixon Street as a centrepiece to the broader Chinatown area. His philanthropic contributions are recognised in both his hometown in China and in Australia.

Significance indicator	Assessment
A key phase(s) in the establishment or subsequent development at the place or object was undertaken by, or directly influenced by, the important person(s) or organisation	Successful Chinese Australian firms, such as Wing Sang & Co., Lee Sang & Co., Wing Tiy & Co., and Gee Ick & Co. operated stores out of 90-100 Hay Street influencing the development of the Haymarket Chinatown. The businesses and merchants, such as Gilbert Yet Ting Quoy and Gee Ick, made considerable contributions to the development of the banana and produce industries of NSW and beyond. The Emperors Garden restaurant which has been located at 96-100 Hay Street since

	1979 is a landmark restaurant in Chinatown and the Yee family's contributions to Chinatown are recognised.
An event or series of events of historical importance occurring at the place or object were undertaken by, or directly influenced by, the important person(s) or organisation	Not applicable
One or more achievements for which the person(s) or organisation are considered important are directly linked to the place or object	Not applicable

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion C Aesthetic /Creative/technical achievement

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

The municipal stores at 90-100 Hay Street contribute to the townscape of Haymarket, particularly along Hay Street and the southern entrance to Dixon Street which is marked by its chamfered corner. Its unified design defines the end of the city block on which it is located.

The former Municipal Markets are located opposite and were once both part of the market's daily operation. Now the buildings, both of which are contemporaries of each other and designed by the City Architect, form a contextual relationship that defines the areas market character.

Significance indicator	Assessment
Recognition as a landmark or distinctive aesthetic natural environment	Nos. 90-100 Hay Street makes a key contribution to the market townscape on Haymarket particularly along Hay Street where it addresses the adjacent former Municipal Market building. Its unified design creates a distinctive termination to the city block and its chamfered corner is a distinctive marker for the southern entrance to Dixon Street.
Recognition of artistic or design excellence	Not applicable
Represents a breakthrough or innovation in design, fabrication or construction technique, including design/technological responses to changing social conditions	Not applicable
Distinctiveness as a design solution, treatment or use of technology	Not applicable
Adapts technology in a creative manner or extends the limits of available technology	Not applicable

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion D Social, cultural and spiritual

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons.

Members of the Chinese Australian community who were born and grew up in 90-100 Hay Street, whose parents, grandparents or great-grandparents worked in the stores hold deep connections to the buildings. For this community, the buildings are well remembered as stores which are symbolic of the hard work of the producers and the adaptability, resilience and achievements of the Chinese Australian firms.

The Emperors Garden Restaurant is also a place with a strong and special association to the Chinese Australian community as it is celebrated as one of the oldest, family-run Chinese restaurants in Chinatown and continues to operate.

Significance indicator	Assessment
Highly regarded by a community as a key landmark (built feature, landscape or streetscape) within the physical environment	Not applicable
Important to the community as a landmark within social and political history	Not applicable
Important as a place of symbolic meaning and community identity	The municipal stores at 90-100 Hay Street are symbolic of the banana and produce industries that were a catalyst for the development of the Haymarket Chinatown. They also represent the hard work, adaptability and achievements of Chinese Australians.
Important as a place of public socialisation	Not applicable
Important as a place of community service (including health, education, worship, pastoral care, communications, emergency services, museums)	Not applicable
Important in linking the past affectionately to the present	Emperors Garden is celebrated as one of the oldest, family-run Chinese restaurants in Chinatown, which has been serving continuously since 1979.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion E Research potential

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

There is some potential for evidence of the processes and operations of the banana and produce stores. Nos. 90 and 92 have not been inspected and therefore it is unknown if there is any evidence of these operations. There is some potential for evidence of the operations of these stores under false ceilings and floors in nos. 94-100 but these were not inspected and cannot be confirmed.

Significance indicator	Assessment
Comparative analysis	Not applicable
Potential to improve knowledge of a little-recorded aspect of an area's past or to fill gaps in our existing knowledge of the past	Not applicable.
Potential to inform/confirm unproven historical concepts or research questions relevant to our past	Not applicable
Potential to provide information about single or multiple periods of occupation or use	There is some potential for evidence of the operations of the banana and produce stores, such as fixings, in nos. 90 and 92 and under false ceilings and floors in nos. 94-100. but these cannot be confirmed due to limitations in inspections.
Potential to yield site-specific information that would contribute to an understanding of significance against other criteria	There is some archaeological potential in relation to the former buildings on the site.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion F Rare

An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

The place is a rare surviving example of stores occupied by multiple major Chinese Australian firms including Wing Sang & Co., Lee Sang & Co., Wing Tiy & Co., and Gee Ick & Co. Though some stores formerly occupied Chinese Australian firms survive, such as 20-22 Campbell Street and 35-39 Ultimo Road, many of the earlier stores occupied by firms such as Gee Ick & Co. and Wing Sang & Co. were demolished in resumptions that destroyed earlier Chinatown areas in the Rocks, around Belmore Markets in the Haymarket and in land resumed for the building of Darling Harbour. Within this context rarity is a valuable criterion

Significance indicator	Assessment
Rare surviving evidence of an event, phase, period, process, function, movement, custom or way of life in an area's history that continues to be practised or is no longer practised	Few buildings have survived in Sydney or NSW that were occupied by multiple major Chinese Australian businesses. The banana and produce stores which operated out 90-100 Hay Street are of a particular interest to the Chinese Australian community and more broadly the people of NSW for demonstrating the contributions of Chinese Australians to these industries and their resilience throughout the early 20th century as White Australia legislation was implemented in NSW and Australia.
Evidence of a rare historical activity that was considered distinctive, uncommon or unusual at the time it occurred	Not applicable
Distinctiveness in demonstrating an unusual historical, natural, architectural, archaeological, scientific, social or technical attribute(s) that is of special interest.	Not applicable
Demonstrates an unusual composition of historical, natural, architectural, archaeological, scientific, social or technical attributes that are of greater importance or interest as a composition/collection	Not applicable

S

Criterion G Representative

An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).

The place does not meet the threshold for criterion G.

Significance indicator	Assessment
A class of places or objects that demonstrate an aesthetic composition, design, architectural style, applied finish or decoration of historical importance	Not applicable
Representative of a class of places that demonstrate a construction method, engineering design, technology, or use of materials, of historical importance	Not applicable
Representative of a class of places that demonstrate an historical land use, environment, function, or process, of historical importance	Not applicable
Representative of a class of places that demonstrates an ideology, custom or way of life of historical importance	Not applicable

6.3. Statement of Significance

The group of buildings at 90-100 Hay Street are important in the history of the Chinese in NSW. Located opposite the Municipal Markets and built in direct association with the markets, the stores at 90-100 Hay Street were occupied by Chinese Australian fruit and vegetable produce firms between the 1910s and the 1970s. It is also important in the history of the city as the relocation of the City markets from the Belmore Markets in Haymarket to the Municipal Markets was a catalyst for the development of a new Chinatown in Haymarket, as firms opened stores to be near the markets.

These stores are location markers in Sydney of the processes of the banana and commercial vegetable growing industries which were pioneered by Chinese Australians. The place is a key destination on a trade route with a supply network of vegetables and bananas coming from Chinese Australian communities across New South Wales, Queensland and Fiji. Lee Sang & Co. at 90 Hay Street dealt primarily in vegetable produce supplied by a network of stores and market gardens in regional NSW and firms at 92-100 Hay Street dealing primarily in bananas were supplied by plantations in northern NSW, Queensland and Fiji.

The buildings at 90-100 Hay Street are associated with major Chinese Australian businesses such as Wing Sang & Co., Wing Tiy & Co., Gee Ick & Co., and Lee Sang & Co. and is a rare example of stores occupied by multiple major Chinese Australian businesses. Histories of the firms which occupied the stores evidence the achievements of Chinese Australians in the fruit and vegetable industries despite the impacts of immigration restrictions on Chinese Australian businesses and families.

Nos. 96-100 are also associated with the significant and popular restaurant, Emperor Gardens which has occupied the place since 1979.

There are many family and community stories and memories attached to 90-100 Hay Street, particularly for those whose families lived or worked in the buildings, or grew the produce sold through the stores, and for those in China who were reliant on remittances sent through these stores. These stories testify to the resilience of the Chinese Australians in the face of social and economic discrimination imposed by White Australia legislation.

The authors and editors of the book, *The China-Australia Migration Corridor: History and Heritage*, use the metaphor of a “transnational heritage corridor” to describe the circulation of people, money, goods and ideas between Zhongshan and Australia.[163] Alexandra Wong and Ien Ang argue that the businesses which merchants operated at the Sydney end of the corridor, have significance not only at a local, but at a transnational level. [164] The same can be said of the Chinese businesses which rented the Municipal stores at 90-100 Hay Street. .

[163] BYRNE, D., ANG, I. & MAR, P. (eds.), *The China-Australia Migration Corridor: History and Heritage*. Hong Kong: HK University Press, 2023.
[164] ANG, I. & WONG, A. 2023, Zhongshan in Sydney's Chinatown. *In:* BYRNE, D., ANG, I. & MAR, P. (eds.) *The China-Australia Migration Corridor: History and Heritage*, 222.

7. Listing Recommendations

Under its Local Environmental Plan (2012), the City of Sydney is required under 5.10(a) to "conserve the environmental heritage of the City of Sydney". For a place to be heritage listed, it needs to substantially meet at least one of NSW Heritage's criteria (2023) for assessing significance. The significance assessment of 90-100 Hay Street, Haymarket has found that the place meets five criteria at least at a local level, and therefore warrants protection under the Local Environmental Plan. The significance assessment has demonstrated that the place has importance to Sydney with its distinct history in the Haymarket precinct, its representing of the significant role of Chinese in Australia, and the current regard held for the buildings by the community. Therefore, the place should be listed under Schedule 5, Part 1 of the City of Sydney LEP 2012.

8. Management Recommendations

The following recommendations are drawn solely from a consideration of the significance of the place and good heritage practice.

Since the historical and social significance of the place is especially important, these recommendations are framed with an understanding that heritage conservation is a social contract, requiring responsibility to be shared by the owners and consent authorities for the mutual benefit of all stakeholders, including the Chinese community.

As such, these recommendations are written with consideration of possible future ambitions of the owners, while striving to achieve the best heritage outcome for the place, and with an expectation that the consent authority, in representing the community's interest, will assist/support the owners in managing and conserving the significance of the place, where possible.

8.1. Obligations arising from significance

The high cultural significance of the place identified in the statement of significance obliges its conservation and good management (Burra Charter Article 2).

In the Burra Charter, significance is embodied in the place, were place means site, area, land, landscape, building of other work, group of buildings or other works, and may include components, contents, spaces and views. Place also includes fabric, setting, use, associations, meanings, records, related places, and related objects. (Burra Charter Article 1).

The place as an important reference site for major Chinese Australian businesses which pioneered the banana and commercial vegetable growing industries in Australia should be recognised and interpreted at the place.

Its uniform design makes a significant contribution to the streetscape and it is contemporary with the adjacent former municipal market building (now Market City). Together these form part of a significant market townscape which must be conserved.

8.2. Tolerance for change to fabric, form and layout

Forming part of a market townscape and as a reference point for the businesses which occupied these historical stores, there is a low tolerance for change to the external form and detailing of 90-100 Hay Street. The façade form and detailing should remain symmetrical so that place continues to read as one building with a shared history.

Historically the stores were primarily open plan and would have had limited internal architectural elements or detailing. Little evidence of the historical banana and produce stores survive and therefore there is a greater tolerance for change internally. Note it is unknown if evidence of the functions and operations of these stores exists in nos. 90 and 92 as they were not assessed internally.

8.3. Future development

Additions and alterations to 90-100 Hay Street are appropriate but must ensure retention of the whole form and original detailing of the exterior of the principal building.

Any future development is to be of a sympathetic design. The setback and scale of any vertical additions to the place must be sufficient to maintain the readability of the existing form and scale of the principal building as a building and not just a façade.

All proposed future development is subject to the City of Sydney's processes such as a Heritage Impact Statement and Conservation Management Plan.

8.4. Interpretation

To aid interpretation of the place as having a shared history the building should read as one. Therefore, consider repainting the exterior of the place in a single colour or restoring the face brick. Similarly, consider balustrades and awnings of a common design.

The significance of the place is best understood as part of the history and development of Chinatown in the Haymarket area, and as such, interpretive strategies for 90-100 Hay Street should be considered within an overall interpretation strategy for Chinatown.

We recommend that the City of Sydney and the owners work together in considering additional interpretive strategies for the place such as:

- Setting up a plaque(s) identifying the history and significance of the place.
- Creation of digital archives/ websites showcasing the history and significance of Chinatown, identifying 90-100 Hay Street as a place of significance in the area.

A heritage interpretation plan must be provided in the event of major alterations to the building and should be developed in consultation Chinese Australian community, particularly descendants of the families who lived and worked in these buildings.

Further research into the places is also encouraged. There is also high potential for further research into the businesses which operated out 90-100 Hay Street. This research would likely yield a greater understanding of the processes and activities of these businesses and thereby their contributions to the development of the fruit and vegetable industry in Australia. For example, further research could be undertaken into the export of New South Wales produce by Chinese Australian firms such as Wing Sang & Co., of which 90-100 Hay Street is a location marker of this activity. Similarly, research could be undertaken into moveable heritage items that exist off site and contribute to the understanding of the operations and activities of the place.

8.5. Future use

The existing uses of the place are of value because they are business run by Chinese Australians and therefore encouraged. If change of use occurs, appropriate uses include but may not necessarily be limited to: food retail stores, restaurants, offices and accommodation. In the event of a change of use, there is a need to maintain or give opportunity for ongoing connections to the Chinese Australian community.

Because of the heritage significance of this place, prior to any proposed major development including change of use, respectful and purposeful engagement with Chinese Australian community, particularly descendants of the families who lived and worked in these buildings, is recommended.

Attachment D

Hector Abrahams Architects - Heritage Assessment Report - 75-77 Ultimo Road

HECTOR
ABRAHAMS
ARCHITECTS

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

75-77 Ultimo Road, Haymarket

Heritage Assessment

FINAL Version V1.3
19 July 2024



For City of Sydney
by Hector Abrahams Architects and Dr Juanita Kwok

Level 2, 1 Barrack Street
Sydney NSW 2000

Hector Abrahams Architects Pty. Ltd.
ABN: 95 160 116 030
Nominated Architect:
Hector Abrahams, Reg No. 5245

Acknowledgment of Country

We acknowledge the Gadigal and Wiradjuri, the original inhabitants of the land on which we work. Nos 75-77 Ultimo Road is also located on the land of the Gadigal.

Aboriginal and Torres Strait Islander peoples have a connection to place, land, water and community, established over many thousands of years. We recognise the cultural significance inherent in these connections, that sovereignty over this land was never ceded and that it continues to be sacred to its rightful owners.

We pay respect to Elders past and present, and stand with all First Peoples in their quest for justice, truth telling, and reconciliation.

CONTENTS

1. Introduction 4
2. Site Description 5
3. History (written by Juanita Kwok) 6
4. Physical Description 22
5. Comparative analysis 26
6. Assessment of Significance 35
6.1. Ability to demonstrate 35
6.2. Assessment against NSW heritage assessment criteria 38
6.3. Statement of Significance 50
7. Listing Recommendations 51
8. Management Recommendations 52
8.1. Obligations arising from significance 52
8.2. Tolerance for change 52
8.3. Conservation of fabric 52
8.4. Interpretation 52
8.5. Future use 53
Appendices 54

Version	Authors	Status	Date
Version 1.0	Hector Abrahams Architects and Dr Juanita Kwok	Draft for internal review	13 May 2024
Version 1.1	Hector Abrahams Architects and Dr Juanita Kwok	Draft for review by City of Sydney	17 May 2024
Version 1.2	Hector Abrahams Architects and Dr Juanita Kwok	FINAL for City of Sydney	02 July 2024
Version 1.3	Hector Abrahams Architects and Dr Juanita Kwok	FINAL for City of Sydney with minor amendments	19 July 2024

1. Introduction

This report has been prepared responding to the Haymarket and Chinatown Revitalisation Strategy. The past few years have been challenging for Haymarket and the City heard from the community that the area needs revitalisation. The City adopted the Haymarket and Chinatown Revitalisation Strategy in December 2023 to outline actions in five priority areas to deliver on the community's vision for the area. The Strategy includes an action to strengthen recognition of cultural heritage, identifying three sites as potentially having cultural significance, linked to the Chinese Australian community. To provide a foundational understanding of the key themes from Chinatown's history the City commissioned GML Heritage in 2022 to provide a Thematic History of Chinatown.

Hector Abrahams Architects (HAA) have been asked by the City of Sydney to investigate the significance of the three places identified in the strategy as 90-100 Hay Street, 75-77 Ultimo Road and 50-54 Dixon Street, Haymarket. Our first stage was to examine the history and potential significance of these places. The findings were compiled in standalone historical research reports and drawn upon in the second stage. Following the development of the Historical Research reports, HAA was then asked to undertake a heritage assessment of 75-77 Ultimo Road, Haymarket. Our approach to all of these reports is to work in co-authorship with the Chinese Australian Historian, Dr Juanita Kwok. Dr Kwok was asked to conduct research and provide a contextual written history for the place and to advise on the place's significance and management.

This report assesses the heritage significance of 75-77 Ultimo Road. Its purpose is to advise the City of any significance, to make a recommendation on heritage listing and provide management recommendations to conserve significance. This assessment will only make a recommendation on heritage listing within the Sydney LEP 2012.

The report begins with a history of the place which outlines the background to the establishment of the Chinese Nationalist Party of Australasia (the Kuomintang or KMT for short). The history then addresses the establishment of the Headquarters of the Party at 75-77 Ultimo Road, Haymarket, its political and community roles and identifies people and uses associated with the building.

A detailed description of the place in its current condition follows, along with a detailed comparative analysis then investigates other KMT buildings in Australasia, buildings by the architect and buildings by the construction company. Our history and comparative analysis inform the assessment of significance which is based on Heritage NSW's *Assessing Heritage Significance Guidelines* (2023) and from which a recommendation on whether or not the place should be listed. The report concludes with management recommendations.

This report was prepared by Hector Abrahams and Sioned Lavery of Hector Abrahams Architects, and Dr Juanita Kwok, historian. Research using Chinese language sources and Chinese-to-English translations and research were done by historical translator and consultant linguist, Ely Finch.

The authors acknowledge and sincerely thank descendants and those who lived or worked in Chinatown for sharing their family stories and memories.

2. Site Description

The place is located at 75-77 Ultimo Road in the centre of Haymarket between Thomas and George Streets. Hay Street and Dixon Street are located to the north.

Its land title reference is Lot 1 DP79765. It is a four-storey masonry building with distinctive fenestration under a single arch. Constructed in 1921 for the Chinese Nationalist Party, the party continues to occupy the 1st, 2nd and 3rd floors while leasing the ground floor for retail use.



Figure 1 Aerial photograph showing 75-77 Ultimo Road in red. Source: Sixmaps with HAA overlay.

3. History (written by Juanita Kwok)

Contextual Background

Chinese migrants who came to Australia for the gold rushes, came largely from counties in the Pearl River Delta region of Canton, and they maintained strong ties to their villages.[1] People tied by native place, languages and kinship established associations to support and sponsor others from the same place or of the same surname. Most groups had their own district associations and also formed associations not based on native place or lineage, but on mutual co-operation and in many cases with the aim of political reform in China. The Yee Hing mutual aid brotherhood societies, which were active on gold fields from the earliest days, espoused the political aim of overthrowing the Ching dynasty in China. The China Empire Reform Association (CERA), on the other hand, advocated modernising China but maintaining the Emperor system, and in later years advocated constitutional monarchy. Their competing ideas were circulated through newspapers, such as the *Chinese Australian Herald*, The *Tung Wah Times* and the *Chinese Times*.

Chinese migrants to Australia were actively engaged in fomenting and funding political change in China. Funds remitted and the ideas transmitted to China by overseas Chinese, including Chinese Australians, were crucial both to the success of the 1911 revolution which overthrew the Manchu Ching Dynasty and established a Chinese republic, and to the success of the Nationalist Party in gaining power in China. The Chinese Nationalist Party of Australasia headquarters at 75-77 Ultimo Road is a part of this history.

A forerunner to the Chinese Nationalist Party in Australia was the Yee Hing which had branches across rural NSW and Australia. When the Yee Hing changed its name to the Chinese Masonic Society and opened the Chinese Masonic Hall at 18 Mary Street, Surry Hills in 1912, a newspaper report named delegates who attended from Braidwood, Condobolin, Wagga Wagga, Wyalong, Temora, Nyngan, Newcastle, Wellington, Walgett, Hay, Parkes, Albury, Tumut, Tingha, Narrabri, Goulburn, Gunnedah, Wollongong, Lismore in NSW and from Tasmania, Bendigo, Rockhampton, Thursday Island, Brisbane, Melbourne, Wangaratta and Auckland.[2] The Chinese Masonic Hall, which is listed on the City of Sydney Local Environment Plan, is highly significant for its role in the revolutionary movement which preceded the establishment of the Chinese Nationalist Party of Australasia.[3]

[1] See WILLIAMS, M. 2018. *Returning Home With Glory: Chinese Villagers around the Pacific, 1849 to 1949*, Hong Kong University Press.
[2] 1912 '"TSUN FORE."', *The Sun (Sydney, NSW : 1910 - 1954)*, 30 January, p. 1. , viewed 03 May 2024, http://nla.gov.au/nla.news-article222004834
[3] NSW State Heritage Inventory, Chinese Masonic Hall including interior, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2420970, accessed 3 May 2024.



Figure 2 Chinese Nationalist Party of Australasia building at 75-77 Ultimo Road, Photo by Juanita Kwok 2024.

The Chinese Nationalist Party of Australasia Building at 75-77 Ultimo Road

Until it was resumed for the Municipal Markets in 1908, 75-77 Ultimo Road was Engine Street, named after the 'engine' of the Victoria Steam Mills. After the resumption, the section from Thomas Street to George Street was incorporated into Ultimo Road (figure 3). In 1908, Sydney Municipal Council resumed terrace houses, mills and workshops spread over four acres bounded by Ultimo Road and Thomas, Hay, Quay and Engine Streets to make way for Municipal Markets. These developments were reported in the *Chinese Australian Herald* in March 1909, with the comment that numerous Chinese firms were expected to move in light of the market's relocation.[4] From 1910, Chinese firms which had previously been centred around Campbell and Pitt Streets, Haymarket in proximity to the Belmore Markets, began to open stores in Hay, Dixon, Quay, Harbour Streets and Ultimo Road close to the new Municipal Markets.

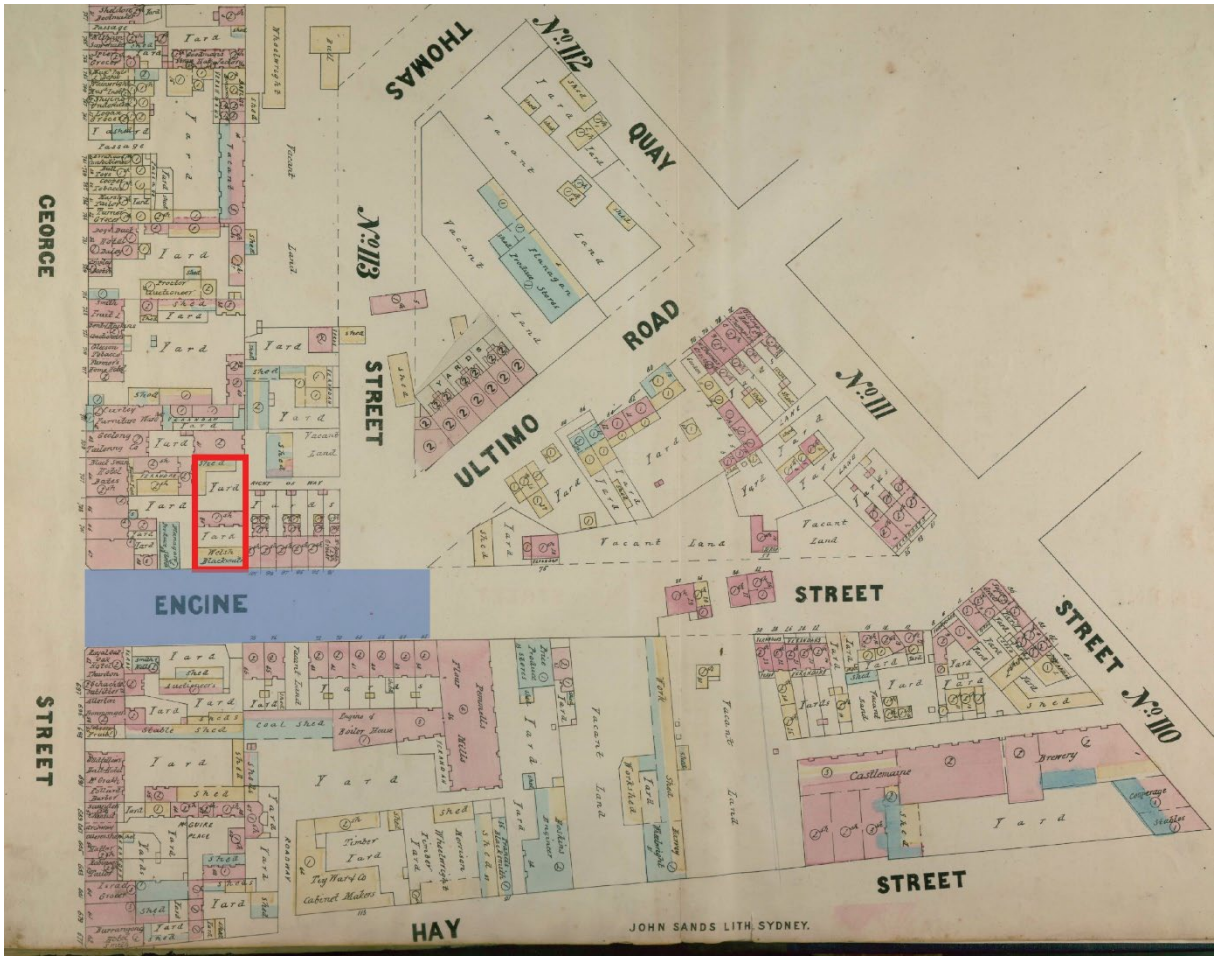


Figure 3 Dove's 1880 survey showing Engine Street. The section of Engine Street which would become Ultimo Road is indicated in blue and what is now 75-77 Ultimo Road in red. Source: City of Sydney Archives with HAA overlay.

[4] 1909 '决 議 改 建 街 市', *Guang yi hua bao = The Chinese Australian Herald (Sydney, NSW: 1894 - 1923)*, 13 March,2. , viewed 21 Feb 2024, http://nla.gov.au/nla.news-article168080171

The Chinese Nationalist Party of Australasia and the establishment of the headquarters at 75-77 Ultimo Road

The Chinese Nationalist Party of Australasia or the Australian Kuo Min Tang (KMT) was established when the Young China League was founded in Melbourne in 1910 to support the revolutionary aims of Sun Yat-sen, the leader of the Chinese Nationalist Party.[5] After the 1911 Revolution in China overthrew the Ching dynasty, a branch of the Young China League was established in Sydney, with the Presidency occupied by head of the Chinese Masonic Society, James Chuey.[6] In April 1916, the Chinese Nationalist League was founded and George Kwok Bew of Wing Sang & Co. Fruit Merchants elected as the first President.[7] A temporary office was established at 211 Thomas Street, next to the store of Tiy Sang & Co., whose proprietors were Nationalist League treasurer, Peter Yee Wing and Vice-President, Samuel Wong.[8] Over the next few years, representatives from the Nationalist League travelled across Australian and the Pacific to raise funds for a permanent building, establishing branches in Brisbane, Bowen, Cairns, Mackay, Townsville, Burdekin and Atherton in Queensland; in Newcastle, Darwin, Adelaide and Perth and in Auckland, Fiji, Rabaul, Kokapo, Kavieng, Madang and the Solomon Islands.[9] In 1917, George Bew went to Shanghai in 1917 as manager of the new Wing On Department store, where he developed a close relationship with Sun Yat-sen and other Nationalist leaders.[10]

In August 1921, the Chinese Nationalist League established its legal identity by registering as an association under the Companies Act in NSW. Its registered title was Chinese Nationalist Party of Australasia.[11] Its Chinese name was the Kuo Min Tang.

£10,997 was raised by donations from Nationalist Party members in Australasia to purchase land and build a headquarters for the Chinese Nationalist Party of Australasia at 75-77 Ultimo Road, Haymarket.[12] Plans for a five-storey building were drawn up by architect Francis Ernest Stowe of 20 Loftus Street Sydney on 23 August 1921.

Stowe, born in Ireland in 1867, emigrated as a child to Australia with his family. He trained and worked as both an architect and civil engineer, being appointed the Grand Architect of the Grand Lodge in 1922.[13] Stowe designed a counterweight tramway system for Darling Street Wharf, Ball's Head Coal Loading Depot and a number of Masonic buildings including the Temple in North Sydney, Baulkham Hills Masonic School and a Masonic Hospital in Ashfield. The latter four are extant but it is unclear what remains of the Darling Street Wharf tram system. One of his more interesting designs was a contender for the Sydney Harbour Bridge which had three crossings that intersected at an Anzac memorial on Me-Mel - Goat Island. In addition to his architectural and engineering work, Stowe also established the Sydney Marine Engineer College in 1902, founded the Stowe Electrical Company and published a number of booklets and pamphlets on scientific topics. He was also an early mentor to Florence Taylor (née Parsons).[14] He died in 1936.[15]

---

[5] KUO, MEI-FEN & BRETT, JUDITH 2013. *Unlocking the history of the Australasian Kuo Min Tang, 1911-2013* Kew, Victoria, Australian Scholarly Publishing, ix.
[6] YONG, C. F. 1977, *The New Gold Mountain : the Chinese in Australia, 1901-1921,* Richmond, Australia, Raphael Arts, 141.
[7] YONG, 150.
[8] KUO, M.-F. & BRETT, J. 2013, 11.
[9] YONG, C. F. *The New Gold Mountain : The Chinese in Australia, 1901-1921.* Richmond, Australia: Raphael Arts, 1977, 150-153.
[10] KUO, M.-F. & BRETT, J. 2013, 16.
[11] KUO, M.-F. & BRETT, J. 2013, 11, 30.
[12]KUO, M.-F. & BRETT, J. 2013, 22.
[13] Australian Institute of Architects, "NSW Bibliographical information: Lt Col Francis Ernest Stowe," 2015.
[14] Australian Institute of Architects, "NSW Bibliographical information: Lt Col Francis Ernest Stowe."
[15] "Obituary Mr F. E. Stowe," The *Sydney Morning Herald*, 21 July 1936, https://trove.nla.gov.au/newspaper/article/17253756; Margaret Dobson, "John Lamb Lyon and Francis Ernest Stowe," Leichhardt Historical Journal 4 (1992) 6.

Stowes original 1921 plans for 75-77 Ultimo Road (Figure 4) indicates that the building was intended to be used as a series of spaces across the four floors of the building, that could be used separately or together. The retail premises at 77 Ultimo Road (identified as Shop No. One located on the eastern side of the building) was designed to be used over two levels (ground and first floor) with a timber stair in the south-eastern corner. The shop at 75 Ultimo Road (identified as Shop No. Two on the western side of the building) was on the ground floor only. The level above Shop No. Two was designed as a separate tenancy, separated from the upper level of Shop No. One by a timber partition. The drawings indicate that the stairs to the upper levels were intended to have adjacent flights on the western side of the building; these were not constructed as planned, as the stairs to the upper levels are in a series of flights lining the western boundary. The original drawings also indicate that all internal floors are timber framed, supported by steel beams but it is unclear if this is the case (see section 4. Physical Description for a description of the places current condition).

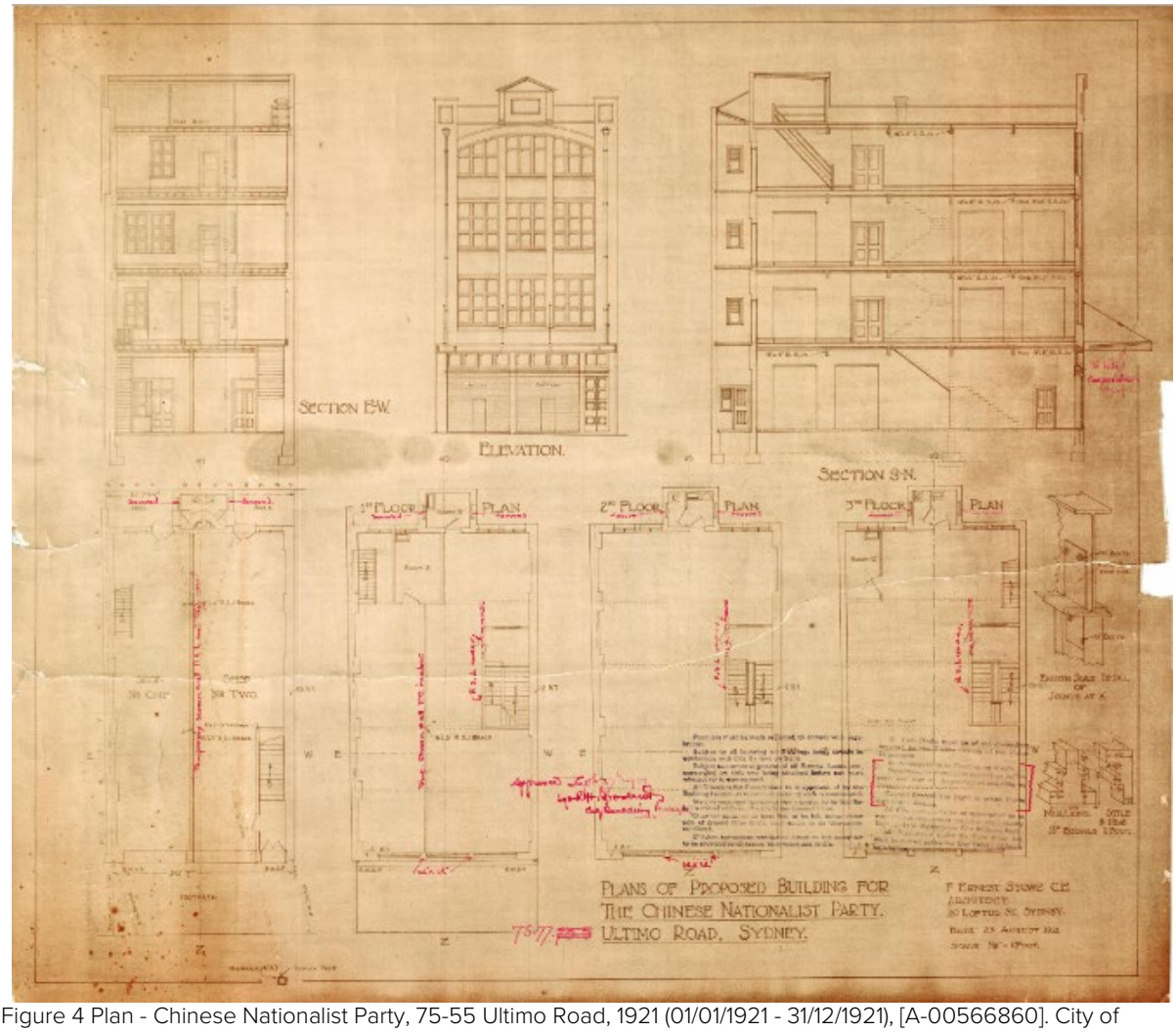


Figure 4 Plan - Chinese Nationalist Party, 75-55 Ultimo Road, 1921 (01/01/1921 - 31/12/1921), [A-00566860]. City of Sydney Archives, accessed 29 Feb 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/1431062

In September 1921, a City building application was made by contractors Robert Wall & Sons, for the erection of a building for the Chinese Nationalist Party at 75-77 Ultimo Road.[16] Robert Wall, according to his obituary in *The Daily Telegraph*, was at 87 the "World's Oldest Builder" and one of the best known in the state of NSW. Robert Wall & Sons had previously constructed a

[16] 'CITY BUILDING APPLICATIONS', *The Daily Telegraph (Sydney, NSW : 1883 - 1930)*, 27 September, 7 , viewed 21 Feb 2024, http://nla.gov.au/nla.news-article239701774.
With thanks to Antonia Finnane for supplying this reference.

number of important Sydney buildings including: Culwulla Chambers (67 Castlereagh Street), Usher's Hotel (64-68 Castlereagh Streets) and Beanbah Chambers (235 Macquarie Street). Other buildings which are no longer extant include: South British Insurance Co. (corner of O'Connell and Hunter Streets), and the Government Savings Bank on Moore Street (now Martin Place).[17]

The choice of Robert Wall & Sons as builders of the Australasian KMT Headquarters may have been owing to the firm's reputation as master builders, or have related to the fact that Robert Wall Senior was the father-in-law of William Henry Donald, adviser to Nationalist party leader Sun Yat-sen, and later to Chang Hsueh-liang and Chiang Kai-shek. Born in Lithgow, NSW in 1875, Donald began his career as a journalist in Australia before moving to Hong Kong where he became Managing Director of the *China Mail* . He married Robert Wall's daughter Mary Wall, in Hong Kong in 1904, though the couple separated sometime around 1920.[18]

The foundation stone of the building, was laid on the 12th November 1921, by Chan On Yan, sent from China as a personal representative of Sun Yat-sen.[19] It can still be seen at the entrance of the building (see figure 5). After travelling around Australia and the Pacific, Chan On Yan returned to Sydney to launch the building in April 1922.[20]



Figure 5 Foundation stone outside the building at 75-77 Ultimo Road Photo by Juanita Kwok 2024.

[17] 1925 'MR. ROBERT WALL', *The Daily Telegraph (Sydney, NSW : 1883 - 1930)*, 2 December, 5 , viewed 11 Mar 2024, http://nla.gov.au/nla.news-article245061670
[18] Winston G. Lewis, 'Donald, William Henry (1875–1946)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, https://adb.anu.edu.au/biography/donald-william-henry-5992/text10229, published first in hardcopy 1981, accessed online 2 May 2024.
[19] Chan on Yan visited Australia and the Pacific Islands between 1921 and 1923, promoting Sun Yat-sen's ideology and raising funds for Sun's causes in China, including establishing an air-force to defeat Chen Jiong-Ming's army in China. See Kuo and Brett, 25-9.
[20] KUO, M.-F. & BRETT, J. 2013, 25.

Membership of the Party was open to women and female members were exempted from the membership fee. Women were particularly prominent in the Darwin branch of the KMT, though less so in the Sydney branch.[21] By 1922 it was reported that there were 23 branches and 5289 members of the Chinese Nationalist Party in Australasia and the South Pacific.[22] As Sun Yat-sen's native district was in Heung Shan, members from Heung Shan dominated the Sydney branch of the KMT.[23]

President of the Australasian KMT from 1919-1930 was Charles (Peter) Yee Wing. According to a biography by his grandson, Tony Wing, Charles Yee Wing, born 1862 or 1866, became involved in Tiy Sang & Co. which traded in bananas and by 1893, he was Managing Director of the firm. He married Susan Kezia Beck in 1906 and they had at least 12 children. He established the Australasian KMT's Canton Liaison Office and was one of the founders of the China-Australia Mail Steamship Line.[24] C.F. Yong argues this shipping line, established to break up the Japanese shipping monopoly and extend the Sino-Australian import and export trade, "expressed the unity and co-operation achieved for the first time by Chinese in Australia over a single issue of common interest."[25] Like many of the leaders of the KMT in Australia, Yee Wing was a Christian. As Yong remarks, "It is striking that nearly all the top leaders of the Chinese Nationalist Party in Victoria and New South Wales in the years 1910-1930 were associated with churches." [26] This might be attributed as much to the influence of the Christian wives of the leaders as to the work of Chinese missionaries in particular, the Church of England minister Soo Hoo Ten and the Presbyterian Minister John Young Wai and his wife, who were actively proselytising and performing charitable work amongst the Chinese population in the Haymarket.[27] Yee Wing returned to China after the death of his wife Susan in 1938, and died there sometime in 1942.[28]

Tenants of the building

After the new building opened, various rabbit merchants and grill rooms tenanted the ground floor of 77 Ultimo Road until 1923, when L.A. Pogonowski, who had occupied the site in 1913 prior to the KMT Building's construction, returned to occupy the ground floor of the new building. Pogonowski evidently had a good long-standing relationship with Samuel Wong and Peter Yee Wing, the proprietors of Tiy Sang & Co. on Thomas Street. Sometime in January or February 1911, Tiy Sang & Co. complained to the Town Clerk about damage to their premises caused by flooding.29 When nothing was done, L.A. Pogonowski then took up the case, seeking action on stormwater damage to his store, the neighbouring store of Tiy Sang & Co. and two other businesses. The Town Clerk replied that the Council would not accept liability.30 From 1925 until 1927, L.A. Pogonoswki Talk Machines occupied the ground floors of both 75 and 77 Ultimo Road. Presumably after the death or retirement of Mr Pogonowski, Mrs C.

---

[21] KUO, M.-F. & BRETT, J. 2013, 23-24; MARTINEZ, J. 2015, Chinese politics in Darwin: interconnections between the Wah on society and the Kuo Min Tang and the Kuo Min Tang. *In:* BAGNALL, K. & COUCHMAN, S. (eds.) *Chinese Australians, Politics, Engagement and Resistance.* Netherlands: Brill, 2015.
[22] YONG, 153.
[23] Up until the early 1920s, the Chungshan district was known as Heung Shan or Heungyap. Sun Yat-sen changed its name to Chungshan to reflect his Japanese name, Nakayama, which means "middle mountain".
[24] KUO, M.-F. & BRETT, J. 2013, 9-10.
[25] YONG, 97.
[26] YONG, 206.
[27] Ruth Teale, 'Ten, George Soo Hoo (1848–1934)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, https://adb.anu.edu.au/biography/ten-george-soo-hoo-4699/text7785, published first in hardcopy 1976, accessed online 7 May 2024.; Adrian Chan, 'Young Wai, John (1847–1930)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, https://adb.anu.edu.au/biography/young-wai-john-9222/text16295, published first in hardcopy 1990, accessed online 7 May 2024.
[28] KUO, M.-F. & BRETT, J. 2013, 9-10.
[29] *Tiy Sang & Co complained to the TC about damage to their premises caused by flooding. The Water &* (29/01/1912 - 27/02/1912), [A-00247772]. City of Sydney Archives, accessed 01 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/866237
[30] *L A Pogonowski, 77 Engine St re stormwater damage, including to Tiy Sang & Co; Pennell & Co; Morton* (29/02/1912 - 15/05/1912), [A-00246270]. City of Sydney Archives, accessed 01 Mar 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/879399

Pogonowski continued the business at 75-77 Ultimo Road until 1929.31 The Pogonowski store can be seen in an early photograph of the Australasian KMT Building (see figure. 6).

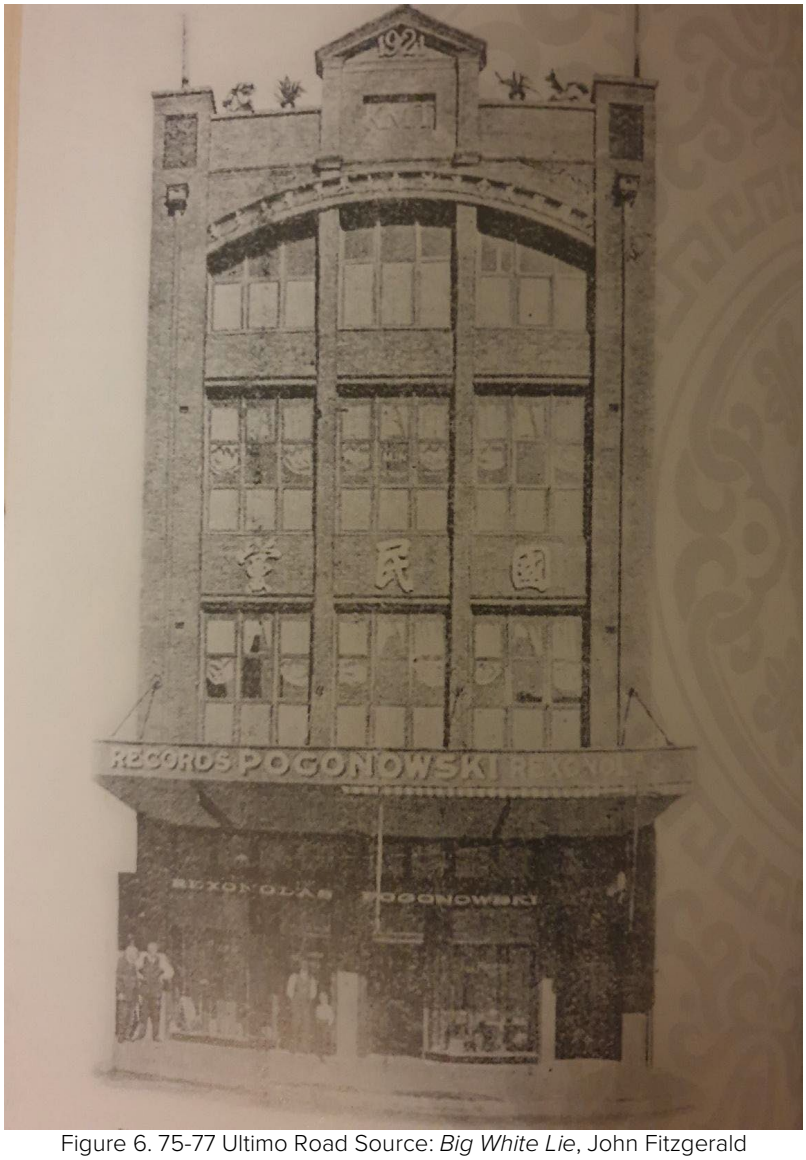


Figure 6. 75-77 Ultimo Road Source: *Big White Lie*, John Fitzgerald

From 1922, 75-77 Ultimo Road was the registered office for the *Chinese Times* newspaper. The *Chinese Times* was a revolutionary newspaper first published in Melbourne, (1902-1915), where it played an important role in shaping and mobilising support for the revolution in China and later opposing the increasingly despotic government of Yuan Shikai, the Provisional President of the Republic of China.[32] In 1922, the *Chinese Times* began publishing in Sydney and continued publication until 1949 with financial support from the Chinese KMT. [33]

Between 1932 and 1977, the ground floor of 75 Ultimo Road was leased to Arthur Lowe who ran a tobacconist shop there for 45 years. In an interview with Rosetta Sung in 1984, Arthur Lowe said he was born in Enfield in 1903 to Willie Bow Suew and Rosetta Helen McDonald, of Scottish descent.34 When his mother died, when Arthur was only eight months old, his father

[31] *Sands Directory* 1913-1929.
[32] KUO, M. F. 2013, *Making Chinese Australia : Urban elites, newspapers and the formation of Chinese Australian Identity,* Melbourne, Monash University Publishing, 184-9, 222-5; YONG, 145-148.
[33] KUO, M.-F. & BRETT, J. 2013, 78-9.
[34] SUNG, ROSETTA, Interview 18, 1984, Arthur, b. 1903, Rosetta Sung transcripts, State Library of NSW, MLMSS 5619, 1984-1989.

took him back to his village in Chungshan to be cared for by his first wife. Arthur returned to Australia with his father when he was thirteen, returning once more to China with his father around 1920 at his father's insistence that he find a Chinese wife. Arthur married his Chinese wife, Liu Cheng Su Tseng in a Christian ceremony, but returned to Australia leaving his wife and children behind, as immigration restrictions prohibited Chinese women from entering Australia. Arthur bought a greengrocer business in Neutral Bay, before opening his tobacconist business on the ground floor of 75 Ultimo Road. With the help of the Chinese Consul, Arthur managed to bring his wife and three children to Australia in 1934.35 The couple subsequently had another five children. Arthur said of the KMT:

> *Father was a member, all members. I not one of the original members but early one. Tongmenhui, meaning gathering together society, a club.[36] Always involved in fundraising for Kuo Min Tang. Collect lot of money and send to China, now Formosa (Taiwan) and before send to Canton or Nanking.[37]*

The operation of the Australasian KMT at 75-77 Ultimo Road

The operation of the Australasian KMT at 75-77 Ultimo Road over the years has been researched and written about by Judith Brett and Mei-Fen Kuo, and by John Fitzgerald, utilising the Australasian KMT archives housed at 75-77 Ultimo Road. In 1924, representatives from the Sydney branch attended the first National Assembly in Canton and in the following year, the Australasian KMT held its first Australasian Convention. A memorial ceremony was held for Sun Yat-sen who had died in March 1925, which recognised him as the father of the modern Chinese nation and the symbolic head of the KMT. The Convention strengthened connections between branches in Australia, New Zealand and the Pacific, sending money to enable representatives from branches in the Pacific to attend.38 The Convention established a Canton Liaison Office, which helped returning Chinese Australians to settle back in China. It also established branches for seamen working in the South Pacific, boosting membership and providing a conduit for connecting branches in the region.39 By 1927, "around one in six registered Australasian party members were able seamen and ship's engineers."[40]

After Sun Yat-sen's death, Chiang Kai-shek succeeded Sun Yat-Sen as leader of the KMT. The Australian government, which had hitherto been suspicious of the KMT's communist sympathies, recognised the Chinese National Government in Nanking after Chiang Kai-Shek became leader.

Chiang launched an international Party Purification Movement in 1926 to purge Communists and their sympathisers from the Party. At the second Australasian Convention in Sydney in 1927, held to endorse Chiang Kai-Shek's command, Samuel Wong, Vice-President of the Australasian KMT, objected to the Party Purification Movement and Chiang's leadership. Wong was expelled along with five other members.[41]

In 1929, Australian KMT delegates went to Nanjing to attend a national congress where they appealed to the Chinese government to seek the removal of discrimination against Chinese in Australia. They received little support in China, and Kuo and Brett assess that the main goals given to the Australasian KMT were the strengthening of its loyalty to the Chinese KMT and the winning of sympathy for the new government amongst the Australian public.42

[35] NAA: SP42/1 C1938/8992.
[36] The Tongmenhui which Sun Yat-sen organised in Japan which became the Nationalist Party of China.
[37] SUNG, ROSETTA, Interview 18, 1984, Arthur.
[38] Meeting with members of the Standing Committee of the KMT, 26 February 2024.
[39] KUO, M.-F. & BRETT, J. 2013, 46.
[40] FITZGERALD, J. 2007. *Big white lie: Chinese Australians in white Australia,* Sydney, NSW, University of New South Wales Press.
[41] FITZGERALD, J. 2007, 138-9.
[42] KUO, M.-F. & BRETT, J. 2013, 61-62.

The War years

In 1931, the Australasian KMT comprised of the headquarters at 75-77 Ultimo Road, seven branches and thirty five sub-branches, each with an Executive Committee, an Advisory Committee and a Standing Committee.[43]

When the Japanese army invaded Manchuria in 1931, Chinese Australian community leaders in Sydney from across the political spectrum, including William Gock Young, William Liu and Mar Leong Wah, combined to establish the *Society of Chinese Residents in Australia* to coordinate support for China. They met regularly at 75-77 Ultimo Road, collected funds, organised events and remitted funds to China for the war effort.

The Chinese Australian community was divided over the visit of General Tsai Ting-Kai to Australia in 1934. Tsai had earned hero status after the 19th Route Army he commanded fought against the Japanese invasion of Shanghai in 1931, but he was subsequently exiled after the failure of the rebellion he led against Chiang Kai-Shek's government. The Australasian KMT failed to prevent Tsai Ting Kai's visit to Australia, and Tsai was given a hero's welcome when he arrived. The Australasian KMT expelled members who attended the welcome ceremony or met with him.[44]

According to Kuo and Brett's examination of management records, in the 1930s, the Sydney KMT and the *Society of Chinese Residents in Australia* "sought connections with Australian journalists, writers and scholars to promote the recognition of the Chinese Australians claim to citizenship and to enhance their status accordingly."[45] However, the efforts of the Australasian KMT to lobby the Australian government to rethink the prejudicial treatment of Chinese Australians were met with little consideration.

At the Fifth Convention of the Australasian KMT, Mar Leong Wah was elected as one of the three members of the Standing Committee.[46] Mar Leong Wah (Harry Mar) had arrived in Sydney in 1921 to work in the Wing Sang & Co. business founded by his Ma/Mar clansmen from Sha Chung, and became manager of Wing Sang & Co. at 58 Hay Street.[47] In the photo of Wing Sang & Co. employees, Mar Leong Wah is standing on the far right (figure. 7).

[43] KUO, M.-F. & BRETT, J. 2013, 66-69.
[44] KUO, M.-F. & BRETT, J. 2013, 96.
[45] KUO, M.-F. & BRETT, J. 2013, 69-73.
[46] KUO, M.-F. & BRETT, J. 2013, 73.
[47] KUO, M.-F. & BRETT, J. 2013, 77-78.



Figure 7 Employees of Wing Sang & Co Ltd, 1924 (01/01/1924 - 31/12/1924), [A-00025390]. City of Sydney Archives, accessed 29 Feb 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/586035

In the 1930s, under Mar and David Young Narme's leadership, the Australasian KMT established music, social and sporting groups to raise funds for the war effort in China. As Kuo and Brett write, "the KMT Hall was no longer just a place for solemn political ceremonies, but had become a community gathering place."[48]

The KMT Hall was the venue for a Chinese language school established in the mid-1920s.[49] A newsreel shot in 1934 shows Mar Leong Wah teaching a class of boys and girls to read and write Chinese characters. The class then stands up and sings the national anthem of the Republic of China, *San Min Chui Yi*, the Three Principles of the People. The newsreel shows how the Hall was furnished in the 1930s. Carved wood panelling can be seen at the back of the stage. There is a clear view of the elaborately carved wooden chairs used by the children and their wooden desks. Behind the children there is a Chinese ceramic on a wooden stand. There are Chinese calligraphy hangings and framed pictures on the wall.[50]

In July 1938, David Young Narme and his New Zealand-born wife organised the first Dragon Ball, held at the Trocadero. In 1941, a debutante ritual was introduced to the Ball. Debutantes and their male partners were expected to attend several weeks of rehearsals, usually held at the KMT Hall at 75-77 Ultimo Road."[51] The Dragon Ball became the big annual event of the Sydney Chinese social calendar.

[48] KUO, M.-F. & BRETT, J. 2013, 105.
[49] Pers. comm. Mei-Fen Kuo, 1 May 2024.
[50] "Chinese Kiddies Get International Spirit: Scholars Learn Language of Fathers in Sydney School ". Newsreel series, produced by Cinesound Movietone Productions, National Film and Sound Archive of Australia 1934. No.201409. I thank Peter Hack for bringing the newsreel to my attention.
[51] GASSIN, GRACE, 2021, All Eyes on You: Debutantes' Explorations of Chinese Australian Womanhood at the Dragon Festival Ball, *Australian Historical Studie*s, 543.



Figure 8 Chinese Dragon Ball at Trocadero, 3 July 1940, ON 388/Box 030/Item 192, Mitchell Library, State Library of New South Wales and Courtesy ACP Magazines Ltd. Accessed online, 29 February 2024, https://collection.sl.nsw.gov.au/record/9O4zwP2n/Ry5Aezq4OyM

As Grace Gassin, who researched the Dragon Ball for her PhD has written, the Dragon Ball not only gave debutantes their moment to shine, but it highlighted the contribution of Chinese Australian women as organisers, fund-raisers and dressmakers. Gassin spoke to women involved with the Dragon Ball from the 1940's-70s, including Cheryl Cumines, from one of the oldest Chinese Australian families. Cumines, who is currently President of the Chinese Heritage Association of Australia, told Gassin, "There were all of these Australian-born Chinese women

who were from these really old families... there was that sense of community that went back a long, long way".[52]

After the defeat of the Nationalist Government by the Chinese Communist Party in 1949, the Nationalists retreated to Taiwan, from where they ruled as the Republic of China. During the time that the Australian government recognised the KMT Government in Taiwan as the legitimate government of China, Dragon Balls were an annual event. On 21 December 1972, the Whitlam government established diplomatic relations with the Peoples Republic of China. According to Gassin, recognition of the PRC government "made it difficult for organisers to sustain the high-level diplomatic and political affiliations so vital to the success of earlier balls".[53] Gassin's interviewees also pointed to changing norms around gender relations as another factor in the demise of the Dragon Ball in the early 1970s. The Dragon Ball remains one of the best-remembered historical events associated with Sydney's Chinese community.[54]

The post-war years

When WWII ended in 1945, the Australasian KMT raised funds to aid in China's reconstruction, but there were also local problems to assist with. By 1945 there were about 1,300 Chinese seamen and evacuees from the Pacific Islands stranded in Australia. Samuel Wong, who had rejoined the Australasian KMT and been appointed to its committee, proposed a plan for the relief of the refugees which resulted in the establishment of the Chinese Youth League. As Kuo and Brett write, "At this time, the Sydney KMT was fulfilling two distinct functions. At the Australasian Headquarters branch it worked closely with Chinese government officials; and as the local branch it was active in helping Chinese seamen and Chinese refugees from the Pacific Islands.[55]

Amongst the Chinese seamen and refugees who came to Australia during the war years was Eugene Seeto, who was evacuated to Sydney from Papua New Guinea with his family in 1934. In 1945, Seeto joined the Australasian KMT.[56] The family of Chinese community leader King Fong also arrived from Fiji during the war years, establishing the Say Tin Fong grocery store and boarding house in Dixon Street.

Kuo and Brett write that by 1947, when the Australasian KMT held the Sixth Convention, declining membership and loss of properties during the war had left the Sydney branch alone with a debt of £4475. In spite of the debt, those attending the convention baulked at selling 75-77 Ultimo Road and confirmed the decision of the Fifth Convention that no one had the right to do so. Instead, two properties owned by the Australasian KMT in Canton were sold.[57] Records show that the defeat of the KMT government by the Chinese Communist Party and their withdrawal to Taiwan was accompanied by "an avalanche of membership loss" in the Australasian KMT. "Many Chinese Australians were anxious about their families in the now communist controlled China, and did not want to be known for an association with the KMT." [58]

Deeply in debt, the Australasian KMT decided to rent out not only the ground floor of 75-77 Ultimo Road but also the second and third floor of the building leaving only the fourth floor with the *Australia-China Times* newspaper that had been started up in 1955.[59]

[52] GASSIN, 539, citing her interview with Cheryl Cumines for ABC Radio National, 2013.
[53] GASSIN, 547-8, citing interviews with Doreen Cheong and King Fong in 2012.
[54] GASSIN, 533.
[55] KUO, M.-F. & BRETT, J. 2013, 116-118.
[56] KUO, M.-F. & BRETT, J. 2013, 118.
[57] KUO, M.-F. & BRETT, J. 2013, 130.
[58] KUO, M.-F. & BRETT, J. 2013, 132
[59] KUO, M.-F. & BRETT, J. 2013, 133.



Figure 9 An edition of the China-Australia Times on display at The Chinese Australasian Nationalist Party building at 75-77 Ultimo Road. Photo by Juanita Kwok, 2024.

At the Eighth Regional Convention held in Sydney in 1958, Eugene Seeto, David Sang and Charles Chan were elected to the Executive, replacing David Young Narme and Mar Leong Wah who had been in charge of the headquarters branch for more than 20 years.[60] The new executive brought structural and financial reforms as well as renovation of the building. A Double Tenth celebration (commemorating the success of the uprising on October 10, which led to the downfall of the Ching dynasty) was held in the newly renovated hall at 75-77 Ultimo Road. The hall became the venue for popular film nights.[61] The NSW Chinese Sport Association had free use of the third floor of 75-77 Ultimo Road to provide room for reading, table tennis, social dancing and movie showing. Douglas Lam, who arrived in Sydney from his village in Loong Tu, via Hong Kong, used to go to the reading room upstairs at the 75-77 Ultimo Road Building in the early to mid-1960s to browse Cantonese newspapers. Lam recalls, "There was an auditorium with a mobile projector showing Cantonese movies on Sunday nights to homesick people like myself." [62]

In December 1961, an application was made to the City to carry out alterations and use the second and third floors for the purpose of a commercial photographic and art studio.[63] In 1964, a restructure by the KMT's Central Committee reduced the Australasian KMT to the Australian KMT, though it retained its regional organisational name and a role in co-ordinating regional conventions.[64] Throughout the years, the Australasian KMT has played an important role in

[60] KUO, M.-F. & BRETT, J. 2013, 149.
[61] KUO, M.-F. & BRETT, J. 2013, 150.
[62] Pers. comm. Douglas Lam, 24 April 2024.
[63] *75/77 Ultimo Road A. Holland & Associates. To use 2nd & 3rd floors for purpose of a commercial* (18/12/1961 - 22/01/1962), [A-00123670]. City of Sydney Archives, accessed 29 Feb 2024, https://archives.cityofsydney.nsw.gov.au/nodes/view/748633
[64] KUO, M.-F. & BRETT, J. 2013, 158-159.

maintaining and fostering connections between Australia, Hong Kong and Taiwan. To encourage young Chinese Australians and Chinese New Zealanders to maintain their Chinese cultural heritage, the Australasian KMT helped facilitate trips to Taiwan. The first of these "Taiwan tours" was led by Tung Koon community leader Lai Kum Hung and by Maud Chin in 1979.[65] The Australasian KMT also established the Chinese Cultural Centre in 1979, to offer public services to the older Chinese communities and to the newly arriving Indo-Chinese refugee communities.[66] In the 1990s, a Chinese school was opened at 75-77 Ultimo Road for new migrants from Hong Kong and Taiwan.[67]

In 1972, Eugene Seeto started to preserve the Australasian KMT's archives and historical objects, making the building at 75-77 Ultimo Road the home of the archives of the Australasian KMT.[68] In 2006, an invitation extended to Henry Chan of the Chinese Australian Historical Society to examine the Archives, led to a project to identify, catalogue and preserve the historical archives of the Australasian KMT. A three year grant from the Australia Research Council allowed a research team from La Trobe University to analyse and open up the Archives to academic and community researchers. One of the outcomes of this project was the book, *Unlocking the History of the Australasian Kuomintang*, which is the source for much of the content of this report. Another outcome was an exhibition of historical images of KMT and Australasian Chinese, held at 75-77 Ultimo Road from 10-16 December 2011. In 2013 another exhibition supported by the History Council of NSW was held on site.

Currently, members of Sydney meet regularly to discuss management and plan activities which the KMT facilitates for members and the Chinese Australian community. The KMT also tries to channel Australian government policies and to communicate policies to members and the broader Chinese-speaking community. Non-members can apply to visit the building but staff numbers are stretched by requests. The building belongs to KMT members. The Chinese Ginsengs & Herbs Co. which has occupied the ground floor of 75 Ultimo Road for decades is a legacy business in the area.

The museum on the third floor of the KMT Building has a historically significant collection of documents and artefacts relating to its history, including typeset blocks for printing newspapers published by the Australasian KMT, original copies of the *Chinese Times/The Australia-China Times*, calligraphic dedications, records of meetings and membership, a range of film projectors and radios and a unique hand-painted scroll depicting Sun Yat-Sen's funeral procession. (see the appendix for a fuller account of the documents and artefacts in the collection.)

A significant item in the collection is a donations book which lists donations made by members of the Australasian KMT to raise funds for the building at KMT 75-77 Ultimo Road. (see figure. 11). The book is open at a page listing donations from members in Rabaul, New Guinea and provides demographic information about the donors, such as age and district of origin. This information would be invaluable if it were rendered accessible for family history and other research.[69]

Historians of the Kuomintang, Mei-Fen Kuo and Judith Brett regard the collection as having "major historic significance for the Chinese Australian community and for the broader Australian community as a whole."[70]

[65] Lance Lai interviewed by Christopher Cheng for the Australians with Chinese heritage oral history project, //nla.gov.au/nla.obj-3183559394/listen/1-2933~1-2947
[66]KUO, M.-F. & BRETT, J. 2013, 171.
[67] Pers. comm. With Mei-Fen Kuo, 1 May 2024.
[68] KUO, M.-F. & BRETT, J. 2013, 169.
[69] Translation and comment on the Donations Book provided by translator, Ely Finch.
[70] KUO, M.-F. & BRETT, J. 2013. *Unlocking the history of the Australasian Kuo Min Tang, 1911-2013* Kew, Victoria, Australian Scholarly Publishing, 45.



Figure 10 Some of the artefacts on display at the Chinese Nationalist Party of Australasia, 75-77 Ultimo Road. Photo by Juanita Kwok, 2024.

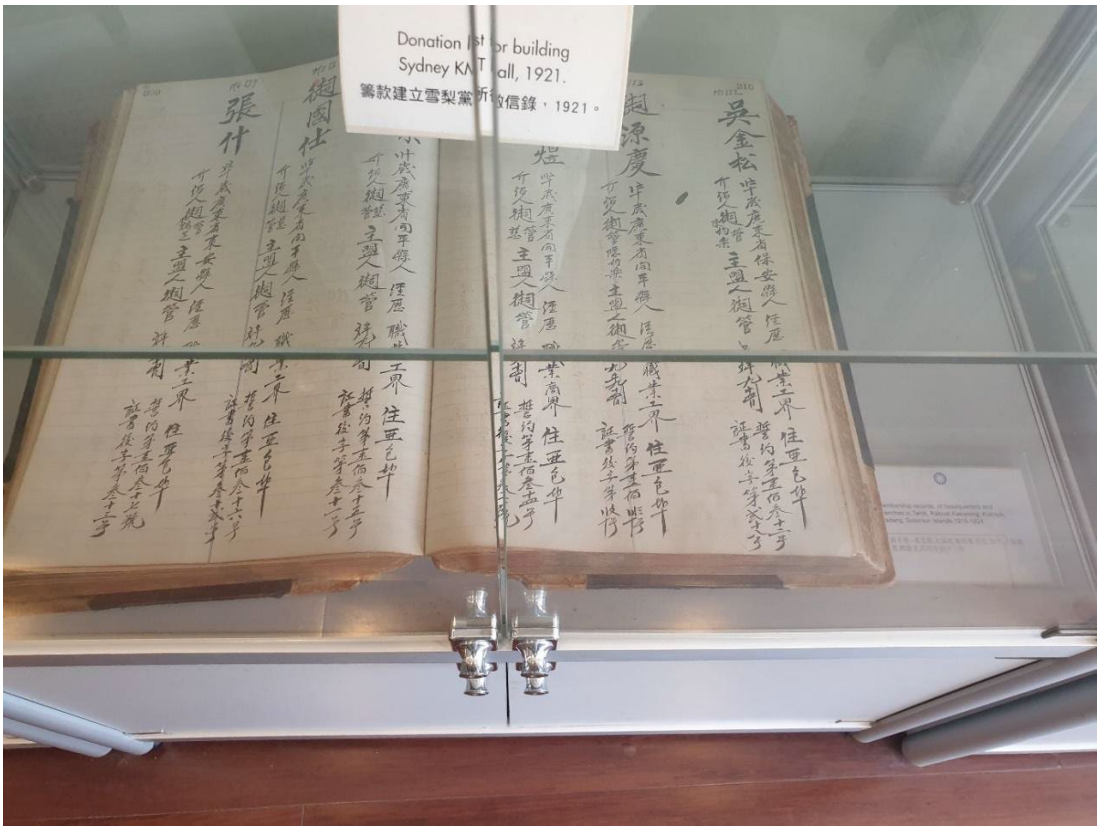


Figure 11 Donations list for building Sydney KMT Hall, 1921. On display at the Chinese Australasian Nationalist Party Building at 75-77 Ultimo Road Photo by Juanita Kwok, 2024.

4. Physical Description

The Sydney branch of the KMT is a five-storey masonry office building at 75-77 Ultimo Road. The front façade is painted brick, though likely to have been originally face brick. The building is painted white, with individual elements painted blue and red. Compositionally the façade is distinctive. The multi-paned glazing reads as a single window united under a single arch spanning the width of the building and divided into bays by brick mullions. The windows are aluminium framed, that replaced the original timber framed windows in the same configuration in the early 1990s. The façade is quite striking with its contrasting painted elements, including white Chinese characters which are fixed against a blue background on the arch and brick panels between the first and second floors, and the building date (1921) and initials K.M.T are also emphasised on the parapet and classical pediment. Two pilasters on either end of the building extend from the awning to the parapet. White down pipes run down their length and they are topped with two red decorative tree motifs and flag poles flying the Australian and Taiwanese flags. A third flag pole above the pediment is flying the KMT's flag. Together the elements of the façade come together to create a distinctive presentation to Ultimo Road.

An awning with pressed metal underside sits above the ground floor shop (featuring a modern shop aluminium and glass façade). To the west of the shop is a doorway and stairwell, lined with timber panelling and a pipe handrail, leading to the first and second floors. The upper floors of the building are all open plan; however, the ground floor and likely the first floor was originally divided by a wall running the length of the building.

The first floor is used as offices and there is no evidence of a dividing central wall as indicated on the original drawing (see figure 4). The elaborate plaster ceiling with a circular design indicates that this may not have been constructed as intended. Offices have been created with modern glazed and timber partitions, the floor is tiled and there is a glass partition separating this space from the stairwell.

The second floor contains a stage, false ceilings and modern timber flooring. The room is decorated in the colours (red, white and blue) and lined with ephemera of the KMT. A staircase located in the south west corner leads to the third floor. It is unclear if the staircase is original.

The third floor similarly has a false ceiling and modern timber floor. This level contains a large archival collection displayed in a series of glazed cabinets and open shelves with photographs lining the walls. The artefacts held in this vast collection includes records of KMT activities including donations, historical newspapers, photographs, artwork, telephones and typewriters (see Appendix for details on the collection). A defining feature of this room is the curved windows which sit under the arch of the façade.

Both the second and third levels may have original or early ceilings obscured by the modern suspended ceilings, but was not inspected so cannot be confirmed. The original drawings indicate that all internal floors are timber framed, supported by steel beams, though a detailed inspection was not carried out to confirm this configuration.

Similarly, the roof appears to be constructed in this manner, with a slight slope towards the front façade. Though not inspected, another room is located towards the rear. This room was not inspected but appears to have a skillion roof. The rear elevation was unable to be inspected.



Figure 12 Nos. 75-77 Ultimo Road with its noticeable white, blue and red façade and curtain glazing.



Figure 13 Shop at ground floor of 75-77 Ultimo Road and pressed metal awning.

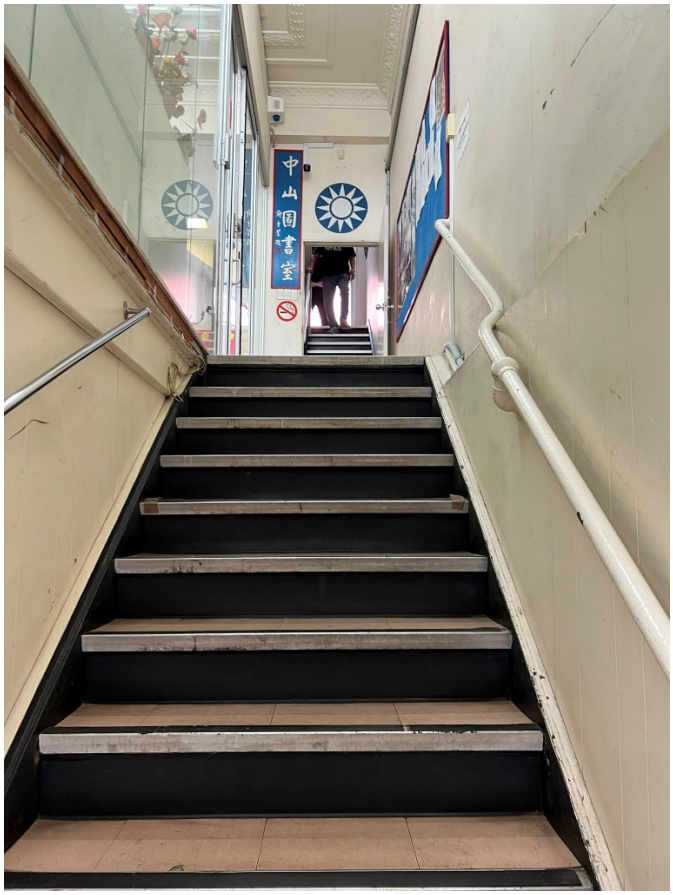


Figure 14 Stairwell to upper floors.



Figure 15 First floor office with plaster ceiling.



Figure 16 Second floor with stage.

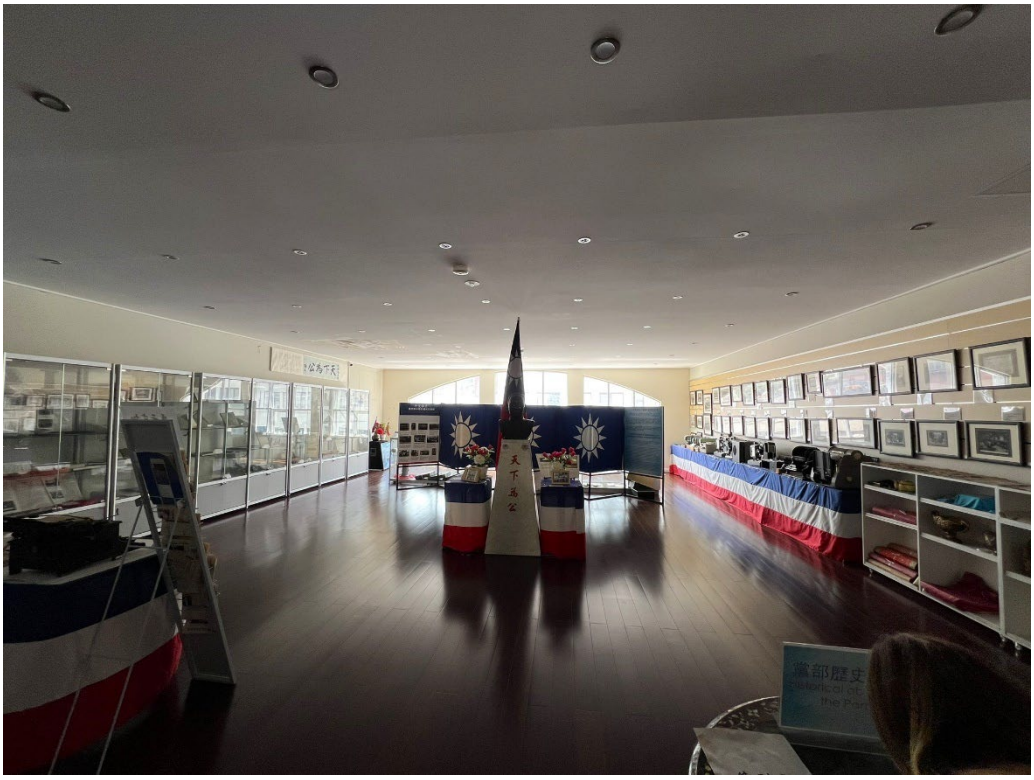


Figure 17 Third floor containing archival collection and arched windows.

5. Comparative analysis

As the Australasian headquarters, the Sydney branch, at 75-77 Ultimo Road, oversaw branches across Australia, New Zealand and the Pacific and therefore this comparative analysis considers the place in this context. This comparative analysis aims to further understand the places historical significance and the integrity of the historic network of KMT's Australasian branches. In additional to other KMT headquarters the comparative analysis also considers places constructed by the builder Robert Wall & Sons and the architect Francis Ernest Stowe.

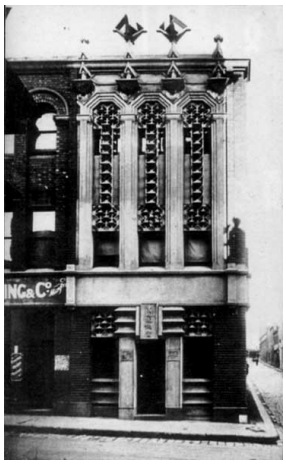
Image	Address	Description
New South Wales		
	Newcastle	By 1927 there was a sub-branch in Newcastle.[71] It is unclear where the Newcastle headquarters were located and if it is extant.
	Tamworth	By 1927 there was a sub-branch in Tamworth.[72] It is unclear where the Tamworth headquarters were located and if it is extant.
	Wollongong	By 1927 there was a sub-branch in Wollongong.[73] It is unclear where the Wollongong headquarters were located and if it is extant.
	Inverell	By 1927 there was a sub-branch in Inverell.[74] It is unclear where the Inverell headquarters were located and if it is extant.

[71] "Their dreams are coming true, Sydney's Kuo Min Tang, Striking Growth and Activity," *The Labour Daily,* April 19, 1927, https://trove.nla.gov.au/newspaper/article/236620216?searchTerm=Kuo%20min%20tang%20Newcastle

[72] "Their dreams are coming true."

[73] "Their dreams are coming true."

[74] "Their dreams are coming true."

Image	Address	Description
Australia		
 Figure 18 KMT Building in Melbourne at 109 Little Bourke Street. Source Walter Burley Griffin Society.	109 Little Bourke Street, Melbourne	Originally constructed as a warehouse in 1903 it was altered by Walter Burley Griffin for the KMT in 1921.[75] Like the Sydney headquarters it was opened by Chan On-Yan, a representative of Dr Sun Yat-Sen who was visiting Australia from China.[76] The building is extant but it has been altered. Though the Melbourne branch of the KMT is still active it is unclear if they still own/use the Bourke Street address. The place is heritage listed.
	Corner of Lake and James Street, Perth	The KMTs Perth branch occupied their "new hall at the corner of James and Lake Streets" in 1921. [77] Currently there are three historical buildings (the fourth corner being a park) on this intersection but it is unclear which one the KMT occupied.
	Hindley Street, Adelaide (most likely 171 Hindley Street)[78]	The KMT Adelaide branch occupied this building in 1921 and there was a sign above the awning indicating their occupation of the premises.[79] It is unclear when they left this address. It is now used as a restaurant. The place is not heritage listed.

[75] Victorian Heritage database report, 'Chinese Nationalist Club (Kuomintang)' https://vhd.heritagecouncil.vic.gov.au/places/65205/download-report; Walter Burley Griffin Society, 'Kuomintang Club Building, 109 Little Bourke Street, Melbourne,' https://www.griffinsociety.org/griffin_gallery/kuomintang-club-building-109-little-bourke-street-melbourne/

[76] Mei-Fen Kuo and Judith Brett, 'Unlocking the History of the Australasian Kuo Min Tang 1911-2013' (Australian Scholarly Publishing: Melbourne, 2013), p.25

[77] "Kuo Min Tang: Chinese Nationalist Party, A Perth Dinner and Meeting," *The West Australian,* June 30, 1921, https://trove.nla.gov.au/newspaper/article/27967814?searchTerm=Chinese%20Nationalist%20Party%20Perth

[78] "Little-Known Adelaide: Chinese Headquarters," *The Advertiser,* June 29, 1935, https://trove.nla.gov.au/newspaper/article/40055712?searchTerm=Chinese%20Nationalist%20Party%20Adelaide

[79] 'Hindley Street Adelaide [B 3726] Photograph,' State Library South Australia, https://collections.slsa.sa.gov.au/resource/B+3726

Image	Address	Description
Figure 19 Former headquarters of the Adelaide KMT branch. Source Google Street view.		
	Cavenagh Street, Darwin	The KMT's Darwin headquarters were likely located on Cavenagh Street Darwin.[80] This Street is highly developed and it is likely the place is no longer extant.
 Figure 20 Edwards Chambers and former headquarters for the Brisbane branch of the of the KMT. Source: Local Heritage Places	155 Wickham Street, Fortitude Valley, Queensland 4006	King Edward's chambers were constructed in 1905 for Peter Murphy by architects Hall and Dods. It was leased to a series of business until in 1922 the Brisbane branch of the KMT leased the building. It is unclear when the KMT moved out of the building. The place is heritage listed for its association with its owner Peter Murphy, the eminent architectural firm Hall and Dods and for demonstrating the commercial development of the area. [81]
International		
 Figure 21 KMT headquarters in San Fransico. Source: Google images.	838 Stockton St, San Francisco, CA 94108, United States	Built in 1915, the headquarters of the San Fransico branch of the KMT is extant although it is no longer used by the KMT. The building retains evidence of its former use including the white sun on a blue background and in English written above the shop fronts is "Dr Sun Yat-Sen memorial hall of San Fransico." It is understood the San Fransico branch also has a large archival collection though no further details have been found.[82] It is unknown if the place is heritage listed.

[80] "20th Anniversary of Chinese Republic: Celebration in Darwin," *Northern Standard,* October 13, 1931, https://trove.nla.gov.au/newspaper/article/48051059?searchTerm=Chinese%20Nationalist%20Party%20Darwin
[81] 'King Edward Chambers,' *Local Heritage Places,* https://heritage.brisbane.qld.gov.au/heritage-places/721
[82] In conversation with stakeholders at workshop 5th April 2024.

Image	Address	Description
 Figure 22 Kuo Min Tang headquarters possibly in Rabaul PNG, 1933 prior to WWII. Source National Library of Australia  Figure 23 Kuo Min Tang Hall in Rabaul Papua New Guinea, 1947 Guinea. Source Australian War Memorial.	Rabaul, Papua New Guinea	Figure 11 depicts a building constructed in c.1929, it is from a series of photographs labelled Rabaul, New Britain.[83] It was likely destroyed during WWII. Figure 5 shows the KMT hall in the new Rabaul Chinatown which was rebuilt following destruction of the town during WWII.[84] It is unclear if the building remains extant.
 Figure 24 Solomon KMT headquarters. Source State Library of Victoria, H99.218/24		The Solomon Islands branch of the KMT was founded in 1923 under the Rabaul branch. They became an independent branch in 1931. It is unclear if the headquarters were purpose built and if the building is extant. The Chinese characters on the front of the building translates to "Solomans Branch of the Kuomintang [KMT]."[85]
	Tory Street, Wellington New Zealand.	The KMT's Wellington branch opened their new headquarters on

[83] "Kuo Min Tang, Chinese Nationalist Party 1929 [Picture]," National Library of Australia 2279601 https://catalogue.nla.gov.au/catalog/2279601

[84] "The Kuo-Min-Tang hall where assemblies are held and administrative problems are solved by town..." Australian War Memorial, https://www.awm.gov.au/collection/C206665

[85] "Wooden building with verandah and sign above reading-Kuo Min Tang/Chinese Nationalist Party" SLVIC, https://find.slv.vic.gov.au/discovery/fulldisplay?docid=alma9917856023607636&context=L&vid=61SLV_INST:SLV&lang=en&search_scope=slv_local&adaptor=Local%20Search%20Engine&tab=searchProfile&query=any,contains,H99.218%2F24&offset=0

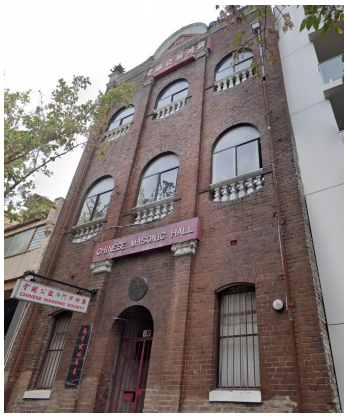
Image	Address	Description
		Tory Street in 1928.[86] It is unknown if it was purpose built. The exact location on Tory Street is unknown and it is unclear if it is extant.
	217 Hobson Street, Auckland New Zealand	The KMT Auckland branch was located on Hobson Street. The building was demolished in the late 1970s.[87]
 Figure 25 KMT Suva branch headquarters c.1945. Source: *Unlocking the* p. 129	Thomson Street, Suva Fiji	Although there was a Fiji KMT branch by 1916 it is unclear between what dates they occupied this building. The Fiji KMT headquarters in Suva was located on Thomson Street near Nabukalou Creek bridge.[88] The area is highly developed and it is most likely that the building has been demolished.
 Figure 26 KMT Tahiti branch headquarters. Source google street view	59 Av. du Maréchal Foch, Papeete 98714, French Polynesia	The Tahiti branch of the KMT have occupied 59 Av. Du Maréchal Foch from 1924. The building was also used for Chinese and French language lessons. The building was destroyed by a cyclone in the 1980s and rebuilt with a hall. Much of its detailing was not reconstructed. Now known as the Association of the 'Koo Men Tong' it no longer has political affiliations but hosts social and cultural activities.[89] It is unknown if the place is heritage listed.

[86] "The Garden of Eden: Situated in Central Asia," *Waipukurau Press,* April 13, 1928, https://paperspast.natlib.govt.nz/newspapers/WPRESS19280413.2.62?end_date=31-12-1928&items_per_page=10&query=kuo-min-tang+Wellington&snippet=true&start_date=01-01-1928

[87] 'Kuomintang (Chinese Nationalist Party). Auckland Branch – Memorabilia, 1917-1952,' Auckland Museum, https://www.aucklandmuseum.com/collections-research/collections/record/am_library-manuscriptsandarchives-576?p=10&c=ecrm%3AE84_Information_Carrier&prdt=%5B1917%5D&dept=manuscripts%20and%20archives&ordinal=0

[88] 'Man Standing in Thomson St, Suva, Fiji,' Museum of New Zealand Te Papa Tongarewa A.019754 https://collections.tepapa.govt.nz/object/1062618#open-iiifViewer

[89] 'Koo Men Tong 1 Chinese School, Papeete,' *Tahiti Heritage*, https://www.tahitiheritage.pf/ecole-chinoise-koo-men-tong/

Image	Address	Description
Other politically affiliated buildings in Chinatown, Sydney		
 Figure 27 Chinese Masonic Halll at 18 Mary Street, Surry Hills. Source Google Street view.	18 Mary Street Surry Hills	The Chinese Masonic Hall was purpose built in 1911 for the Yee Hing Company. The Yee Hing Company translated its name in 1912 to the Chinese Masonic Society. The Yee Hing Company were an anti-Manchu underground network that strongly supported the republican movement in China and was a predecessor of the KMT. A masonry building with classical elements, the top corners of the façade are also decorated with miniature pagodas. The Chinese Masonic Society continues to occupy the building.[90] Locally listed on the Sydney LEP 2012 (I1571).
Office buildings constructed by Robert Wall/Robert Wall & Sons		
 Figure 28 Culwulla Chambers with Dior store in the middle. Source Consuelo de Bobo Google images.	Culwulla Chambers (67 Castlereagh Street)	At the time of its construction in 1912 this office block was the tallest building in Australia. Its construction led to the Heights of Building Legislation (1912) which restricted the height of buildings to 150 feet until 1956. Culwulla chambers is 170 feet. It has technical and aesthetic significance for its reinforced concrete construction and Federation free classical style.[91] Locally listed on the Sydney LEP (I1694).

[90] 'Chinese Masonic Hall, Sydney' *The China-Australia Heritage Corridor* https://www.heritagecorridor.org.au/places/chinese-masonic-hall-sydney
[91] 'Former 'Culwulla Chambers' including interiors,' State Heritage Inventory, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2423739

Image	Address	Description
 Figure 29 Former Ushers Hotel on Castlereagh Street. Source Google Street view.	Usher's Hotel (64-68 Castlereagh Street)	Constructed in 1914 it is representative of a key construction period (1900-1920) and the importance of the hospitality industry in Sydney. It is also associated with the prominent architectural firm Ross & Rowe.[92] Locally listed on the Sydney LEP (I1693)
 Figure 30 Beanbah Chambers on Macquarie Street.	Beanbah Chambers (235 Macquarie Street)	Constructed between 1912-1913, Beanbah Chambers is a rare example of early twentieth century high-rise professional chambers. Highly intact, it also has aesthetic significance for its well resolved interior and exterior detailing including its use of art nouveau detailing. Locally listed on the Sydney LEP (I1881).

[92] 'Former Metropolitan "Usher's" Hotel Including Interiors,' State Heritage Inventory, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2423738

Image	Address	Description
Works designed by Francis Ernest Stowe		
 Figure 31 Balls Head Coal Loading platform in 2017. Source State Heritage Inventory.		Ball's Head Coal Loading Depot was constructed in 1917. It was the "first and longest operating shore-based coal loading facility in Sydney Harbour" and the largest in the southern hemisphere in 1927.[93] It is listed on the State Heritage Register (SHR #02051)
 Figure 32 Masonic hospital in Ashfield. Source Lorelei Bookluck Google Images.	63 Victoria St, Ashfield NSW 2131	Opened in 1931 the former Masonic Hospital in Ashfield has classical elements. It was to serve masons and their families and dependents and was apparently the first of its kind in Australia at the time of its opening.[94]
 Figure 33 Masonic School in Baulkham Hills. Source Hao Huynh Google images.		Originally the *Masonic Orphan School,* Baulkham Hills Masonic School opened in 1922 and closed in 1970s. Today the place is owned by the Hills Shire Council and houses the Hills District Historical Society Museum.[95]

[93] 'Balls Head Coal Loader Complex (including Platform Pier and Administrative and Workshop Buildings),' State Heritage Inventory, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056208
[94] 'New Masonic Hospital at Ashfield, Sydney,' *Northern Star* 1931, https://trove.nla.gov.au/newspaper/article/94246966?searchTerm=Masonic%20Hospital%20Ashfield
[95] 'William Thompson Masonic School (1924-1974),' Find & Connect, https://www.findandconnect.gov.au/guide/nsw/NE00394

Image	Address	Description
 Figure 34 Former Masonic Temple, North Sydney. Source Google Street view.	317 Pacific Highway, North Sydney.	The North Sydney Masonic Temple was constructed in 1922 in the Free Classical Style. It demonstrates the prominence of the Free Masons at the time and has aesthetic significant.[96] It is locally listed on the North Sydney LEP 2013 (I0961)

Comparative analysis conclusion

Nos. 75-77 Ultimo Road as the KMT's Australasian branch was part of a regional, national and transnational network of KMT branches. The 1920s was a prolific period that saw the opening of many new KMT headquarters of which 75-77 Ultimo Road is an early example. It is a rare example of a purpose built KMT headquarters with many, particularly in other Australian cities, being rented. Although many KMT sites have been lost some have survived. Of those that have survived, most are no longer used by the KMT, unlike 75-77 Ultimo Road which continues to be owned and occupied by the Sydney branch.

Robert Wall & Sons constructed a number of significant office buildings of which Ultimo Road is somewhat unusual for the composition of its façade under a single arch.

The buildings which Ernest Stowe designed suggest he had a strong association with the Freemasons. Research suggests there was a relationship between the European Freemasons in Australia and the Chinese Masonic Society, however, as both were secret societies, the extent and nature of the relationship is not yet fully known.[97]

[96] 'Former Masonic Temple,' State Heritage Inventory, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2180897

[97] Fitzgerald, John. Big White Lie: Chinese Australians in White Australia. Sydney, NSW: University of New South Wales Press, 2007, 80-99.

6. Assessment of Significance

6.1. Ability to demonstrate

Guidelines from the NSW Heritage Office emphasise the role of history in the heritage assessment process. A list of state historical themes has been developed by the NSW Heritage Council, in *New South Wales Historical Themes Table showing correlation of national, state and local themes, with annotations Dated 4 October 2001.*

The table below identifies fabric, spaces and visual relationships that demonstrate the relevant historic themes in evidence at [address].

Australian Theme	NSW Theme	Notes	Discussion
2 Peopling Australia	Migration	Activities and processes associated with the resettling of people from one place to another (international, interstate, intrastate) and the impacts of such movements	The KMT building on Ultimo Road is evidence of the early Chinese migration to Australia and the political activities of Chinese migrants.
3 Developing local, regional and national economies	Communication	Activities relating to the creation and conveyance of information	75-77 Ultimo Road was the registered office of the Chinese Times newspaper, an important organ of the KMT.
3 Developing local, regional and national economies	Events	Activities and processes that mark the consequences of natural and cultural occurrences	As the Australasian headquarters of the KMT, Ultimo Road was the site of a number of party conventions. It was also the location important social events such as the Dragon Ball.
6 Educating	Education	Activities associated with teaching and learning by children and adults, formally and informally.	The KMT Hall was the venue for a Chinese language school established in the mid-1920s. In the 1990s, a Chinese school was opened at 75-77 Ultimo Road for new migrants from Hong Kong and Taiwan.

Australian Theme	NSW Theme	Notes	Discussion
7 Governing	Defence	Activities associated with defending places from hostile takeover and occupation	The Australasian KMT was active in raising funds for China's war effort during the Sino-Japanese War and for China's post war reconstruction. 75-77 Ultimo Road was also the meeting place of the *Society of Chinese Residents in Australia* which was established to coordinate support for China's war effort.
7 Governing	Government and administration	Activities associated with the governance of local areas, regions, the State and the nation, and the administration of public programs – includes both principled and corrupt activities	75-77 Ultimo Road was purpose built as the headquarters of the Sydney branch of the KMT. The KMT were the ruling party in China from 1927-1949. For most of its history 75-77 Ultimo Road served as the Australasian headquarters of the KMT overseeing other branches across Australia, New Zealand and the Pacific. It continues to be used as the Sydney headquarters of the KMT. The main goals given to the Australasian KMT were the strengthening of its loyalty to the Chinese KMT and the winning of sympathy for the KMT government in China amongst the Australian public.
8 Developing Australia's cultural life	Leisure	Activities associated with recreation and relaxation	75-77 Ultimo Road was both the headquarters of a political party and a community gathering space, for members and for newcomers to Australia. The Hall was the venue for popular film nights. The NSW Chinese Sport Association had free use of the third floor of 75-77 Ultimo Road to provide room for reading, table tennis, social dancing and movie showing.

Australian Theme	NSW Theme	Notes	Discussion
8 Developing Australia's cultural life	Social institutions	Activities and organisational arrangements for the provision of social activities	From 1938 to the mid-1970s the KMT organised the Dragon Ball, an annual social dance for members of the Chinese Australian community and their friends. Rehearsals for the debutante ritual in the Dragon Ball were held at the KMT Hall at 75-77 Ultimo Road."98 The Dragon Ball was the biggest and most-anticipated annual event on the Sydney Chinese social calendar. Besides the Dragon Ball, the Australasian KMT organised outdoor social activities. Through its social activities 75-77 Ultimo Road was an important place for the local community and for helping new arrivals settle in Sydney.
9 Marking the phases of life	Persons	Activities of, and associations with, identifiable individuals, families and communal groups	Nos. 75-77 Ultimo Road is associated with the Chinese Australian community and prominent individuals of the community include: Charles (Peter) Yee Wing, Samuel Wong and Eugene Seeto.

GML's *Chinatown Thematic History* (2023) was developed to provide key historical themes to guide understanding of the development of Chinatown. The following table identifies the relevant themes from GML's report.

GML main theme	GML sub-theme	Discussion
Theme 2: Living and Working in Chinatown	Women of Influence	Unlike the KMT party in China women were allowed to join the Australasian branch and were even exempt from the membership fee.
Theme 3: Belief, Culture and Community	Clan Houses, Clubs and Associations	Nos. 75-77 Ultimo Road is evidence of the headquarters of the Australasian KMT, of which people were members along political associations rather than familial and place of origin ties. Established over 100 years ago. the building continues to be owned and occupied by the Chinese Nationalist Party of Australia and it still fulfils political and social functions.

[98] GASSIN, GRACE, 2021, All Eyes on You: Debutantes' Explorations of Chinese Australian Womanhood at the Dragon Festival Ball, *Australian Historical Studie*s, 543.

6.2. Assessment against NSW heritage assessment criteria

Criterion A Historic Significance

An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

75-77 Ultimo Road was purpose built in 1921 for the Sydney branch of the Chinese Nationalist Party (its Chinese name being Kuo Min Tang or KMT). It continues to be the home of the Sydney branch of the party and an invaluable archival collection of the party's activities outside China. For a significant period of its history, it was the party's Australasian headquarters and the location of the *Chinese Times* newspaper. It demonstrates three historical processes: the political processes of the KMT, the social processes of the KMT and the operation of the *Chinese Times*.

Political processes of the KMT

The KMT was globally a major political party in the 20th century and 75-77 Ultimo Road was the headquarters of the KMT in Australasia for over 100 years. It has been the locus of the Chinese Nationalist Party political activity since it was built in 1921.

Throughout the 1920s Australasian branches of the KMT were establishing their headquarters and the construction of the headquarters of the Sydney branch in 1921 is an early example of this activity. The Sydney branch was purpose built and funded by donations from members across Australasia. The establishment of global branches, purpose built and leased, is testament to the power and influence of the Chinese nationalist movement in the 20th century. The network of branches across Australia is representative of the contribution of Chinese Australians to the political revolution in China and the important part that the Australasian KMT played in a global network of Party branches.

The location of an Australasian headquarters in Sydney is demonstrative of the mobility and inter-connectedness of the Chinese communities across Australia and the Pacific through trade, communications and political affiliations which intersected in Sydney.

As the Australasian headquarters between 1922 and 1964, the Sydney branch is not only locally but also state, nationally and transnationally significant, as it oversaw branches in rural Australia and in capital cities, in New Zealand and in the South Pacific Islands. The Sydney office was the hub of KMT activity in the region and the site of a number of Australasian conventions over the years. Funds raised by members were remitted to support Sun Yat-Sen and then Chiang Kai-Shek Nationalist government which ruled China from 1927-1949.

The Chinese Nationalist Party of Australasia not only contributed crucial funding for the Nationalist cause and for the war effort during the Sino-Japanese War, but it was also a transmitter of ideas and technology to China. It was progressive in comparison to the KMT in China, leading the way in allowing female members to join the Party and it played a role in advocating for the rights of Chinese Australians during the White Australia years. The third floor of the building which is set up as a museum of KMT history contains a number of artefacts which show how technology was adopted and adapted over the years to share communications with China and other branches in Australia, New Zealand and the Pacific. These artefacts include cinematic projectors, audio tape records, old Gestetner machines, typewriters and printing and typographical equipment.

The building itself houses a large collection of records, documents, publications, photographs and artefacts related the history of the KMT's overseas activities.

The building is evidence of the keen interest in political reform in China maintained by Chinese Australians and how this carried over into their lives in Australia.

Social processes of the KMT

Nos. 75-77 Ultimo Road was also the centre of many social activities and fundraisers for the Chinese Australian community of Sydney, particularly the annual Dragon Ball which began in 1938 and remained the major event on the social calendar for the Chinese Australian community until the early 1970s. It was also a place for people new to Sydney to connect through social activities.

Operation of the *Chinese Times*

Nos. 75-77 Ultimo Road was the publishing office for the Chinese Times newspaper (1925-1949) which was an organ of the Australasian KMT.

Significance indicator	Assessment
Association with an event, or series of events, of historical, cultural or natural significance	Nos 75-77 Ultimo Road was the location of a number of Australasian KMT conventions, which brought together delegates from across NSW, Australia, New Zealand and the Pacific. The rise of the KMT in China and Taiwan in the 20th century saw the establishment of overseas branches across NSW, including Sydney (75-77 Ultimo Road) Newcastle, Tamworth, Wollongong and Inverell.
Demonstration of important periods or phases in history	The Sydney branch at 75-77 Ultimo Road oversaw rural NSW branches, demonstrating significant Chinese settlement across NSW. The exact number in NSW is unknown but by 1922 it was reported that there were 23 branches and 5289 members of the Chinese Nationalist Party in Australasia and the South Pacific[99]

[99] YONG, 153.

Significance indicator	Assessment
Association with important cultural phases or movements	Nos 75-77 Ultimo Road was a hub for coordinating important political and cultural activities of the Chinese Australian community. The building at 75-77 Ultimo Road dates from the early period of Chinatown centred on the Municipal (now Paddy's) Markets. At this time, the majority of Chinese migrants to NSW were Cantonese speakers distinct from the majority Mandarin speakers today. The Australasian KMT is distinguished both as a political and a social hub of the Chinese community in NSW, where it had branches across the state. The Sydney branch was a local social hub and the building at 75-77 Ultimo Road was the venue for cultural activities such as drama groups and film screenings, sports such as tennis and table tennis clubs and the organisational and rehearsal venue for Dragon Balls which were the key social event on the Chinese Australian social calendar from the 1930s to the 1970s. During the White Australia years, the Australasian KMT lobbied both the Chinese and the Australian governments for reform of racially discriminatory legislation. Nos. 75-77 Ultimo Road was the Australasian headquarters of the Chinese Nationalist Party (KMT). It was established to support political reform in China and as a base to maintain loyalty for the party in Australasia and to raise funds for the Nationalist Party and for various charitable causes. It transmitted ideas to local members and those across NSW through the ***Chinese Times*** (which had its publishing house at 75-77 Ultimo Road), meetings and conventions held at 75-77 Ultimo Road.
Demonstration of important historical, natural or cultural processes or activities	The Sydney branch of the KMT oversaw regional NSW branches and supported the KMTs government in China. In addition, it provided and continues to provide various community services. Over the years, these have included Chinese language classes (1930s), organising social activities. In the 1970s, it provided support services for new migrants from Indo-China. It continues to play a role in delivering community services today.

Significance indicator	Assessment
Symbolism and influence of place for its association with an important historical, natural or cultural event, period, phase or movement	Nos. 75-77 Ultimo Road is symbolic of the success of the KMT in the 20th century and the support for the party amongst the Chinese diaspora in Australasia as membership was wide spread and these members funded the construction of the building. It is also symbolic of their political activities across Chinese communities of Australasia whose ideas and fundraising, developed and raised in places such as Sydney and NSW influenced politics in China. Through its directives, meetings and conventions the Australasian headquarters at Ultimo Road oversaw and influenced a network of KMT branches across NSW. This was supported by *the Chinese Times* newspaper which had its publishing office at 75-77 Ultimo Road and was an organ of the KMT.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion B Historical Association

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

75-77 Ultimo Road is associated with the Australasian KMT who have owned and occupied the purpose-built building for over 100 years.

Prominent individuals from the Chinese Australian community affiliated with the KMT at 75-77 Ultimo Road include:

- Charles (Peter) Yee Wing, the merchant and managing director of Tiy Sang & Co., who served as president of the KMT from 1919-1930. He helped establish the Australasian KMT Canton Liaison Office and was a co-founder of the China-Australia Mail Steamship Line.
- Samuel Wong, the merchant of Tiy Sang & Co. who was Vice President of the Australasian KMT. His membership, was revoked for objecting to Chiang Kai-Shek's leadership and the Communist purges of the Party, but in 1945 he re-joined, the party and proposed a plan for the relief of the refugees which resulted in the establishment of the Chinese Youth League.
- Mar Leong Wah, merchant and manager of Wing Sang & Co., was leader of the KMT for over 20 years and a founding member of the Society of Chinese Residents in Australia supporting Chinese resistance during the Sino Japanese War.
- Eugene Seeto, a wartime refugee who came to Australia and was later elected to the executive of the Australasian KMT. Seeto instigated the preservation of the KMT's historical collection.

The place is also associated with Robert Wall & Sons, a significant building company in the 19th and 20th centuries in Sydney who built 75-77 Ultimo Road and a number of other significant buildings such as Culwulla Chambers.

75-77 Ultimo Road is associated with the architect Francis Ernest Stowe. A notable architect and engineer of the late 19th and early 20th centuries, Stowe was a prominent Freemason who was the Grand Architect of the Grand Lodge. Besides designing 75-77 Ultimo Road, he designed a number of masonic buildings, as well as the Ball's Head Coal Loading Depot. He also founded the Sydney Marine Engineer College where students such as Florence Taylor attended.

Significance indicator	Assessment
A key phase(s) in the establishment or subsequent development at the place or object was undertaken by, or directly influenced by, the important person(s) or organisation	The Sydney branch of KMT has been associated with 75-77 Ultimo Road for over 100 years. It contributes to the history of the local community representing the political activities of Chinese in Australia particularly during the early 20th century when membership was high. As leaders of the Australasian KMT, individuals such as Charles (Peter) Yee Wing, Samuel Wong, Mar Leong Wah and Eugene Seeto have extended associations with 75-77 Ultimo Road. They have made major contributions to the history of Chinatown and Chinese Australians in Australia including establishing the China-Australia Mail Steamship Line, the Chinese Youth League, garnering

Significance indicator	Assessment
	support for China during the Sino-Japanese War, and instigating the preservation of the rare KMT archival collection at 75-77 Ultimo Road. The place is also associated with cultural actives important to the local community and held at 75-77 Ultimo Road including drama groups, film screenings, sports, and the organisation and rehearsal venue of the Dragon Ball. Nos. 75-77 Ultimo Road is also associated with the significant building company Robert Wall & Sons, and architect Francis Ernest Stowe who constructed and designed the building as well as significant buildings throughout Sydney in the 19th and 20th centuries.
An event or series of events of historical importance occurring at the place or object were undertaken by, or directly influenced by, the important person(s) or organisation	Nos. 75-77 Ultimo Road is associated with the Australasian KMT, having served as its headquarters from 1922-1964. In this role it oversaw branches across NSW, Australia, the Pacific and New Zealand, managing these branches through directives, meetings and conventions. Through its relationship to the NSW branches 75-77 Ultimo Road makes a major contribution to the history of NSW. Chinese Australians who were members of NSW branches were people of NSW and though their political activities, ideas and fundraising, were mainly directed at influencing politics in China, they were agitating support across NSW communities making NSW a venue of KMT political activity. They also sought to influence White Australia legislation. The building at 75-77 Ultimo Road, funded by donations from members across Australia and Australasia is a material manifestation of these efforts and ambitions in Chinatown. Thus, the association of the place to the Australasian KMT is significant in acknowledging the history of migrants, specifically politically, in NSW.
One or more achievements for which the person(s) or organisation are considered important are directly linked to the place or object	Not applicable

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion C Aesthetic/Creative/technical achievement

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

Architecturally, nos. 75-77 Ultimo Road is an early example of an office building in Sydney. It is of some architectural interest for its unusual composition where the fenestration is arranged under a single arch and reads as a single window.

The composition and detailing including arch, fenestration, brick mullions, pilasters, parapet and Chinese Characters make a notable contribution to the streetscape and demonstrates aesthetic characteristics associated with Haymarket's redevelopment in the early 20th century.

Significance indicator	Assessment
Recognition as a landmark or distinctive aesthetic natural environment	The composition of the façade is distinctive. The fenestration united under a single arch that spans the width of the building and lined with brick mullions come together to read as a single window. Its striking façade with its notable composition and detailing makes a strong contribution to the streetscape.
Recognition of artistic or design excellence	Not applicable.
Represents a breakthrough or innovation in design, fabrication or construction technique, including design/technological responses to changing social conditions	Not applicable.
Distinctiveness as a design solution, treatment or use of technology	The composition of the façade, with its fenestration under a single arch, is unusual in the local area.
Adapts technology in a creative manner or extends the limits of available technology	Not applicable.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion D Social, cultural and spiritual

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons.

Nos. 75-77 Ultimo Road has a strong association with the Australasian KMT and its members who have occupied the place for over 100 years. The place continues to be actively used and is the hub of the KMTs political activity in Sydney.

As a community hub where political, social and educational activities were located, 75-77 Ultimo Road continues to be highly valued by the Chinese Australian community as it evidence of one of the major political venues of Chinatown, and represents the political and social lives of the Chinese Australian community in Chinatown during the 20th century. As the headquarters of a network of branches across Australasia it also represents the political activities of the Chinese in NSW.

Significance indicator	Assessment
Highly regarded by a community as a key landmark (built feature, landscape or streetscape) within the physical environment	Not applicable.
Important to the community as a landmark within social and political history	Not applicable.
Important as a place of symbolic meaning and community identity	KMT membership was very high and to this community and the broader Chinese Australian community, 75-77 Ultimo Road represents significant political and social aspects of 20th century Chinese migrants in Chinatown. This is through its capacity as the locus of KMT political activity in Chinatown since 1921 and as a community hub organising and hosting a number of cultural activities. Together these aspects made the place a hub of the Chinese Australian community in Chinatown. As a surviving example of the former network of KMT branches that once spread across Australasia, including NSW, the place at Ultimo Road is symbolic to the wider Chinese Australian community of the political activities of Chinese migrants in regional NSW and beyond.
Important as a place of public socialisation	Not applicable.
Important as a place of community service (including health, education, worship, pastoral care, communications, emergency services, museums)	Not applicable. The place currently does not function as a museum but the third floor is set up as a museum and therefore has the potential to operate as one.
Important in linking the past affectionately to the present	Not applicable.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion E Research potential

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

Nos. 75-77 Ultimo Road is home to what is probably the largest collection of documents on the activities of the overseas KMT branches outside of China and Taiwan. The collection is an invaluable record of administrative records, publications and photographs not only of the Sydney branch but of those throughout Australia, New Zealand and the Pacific Islands. The archival collection has extensive interpretive value for not only the Sydney branches but those across Australasia including those in regional NSW. The collection has great potential in furthering our understanding of the history of the KMT and the Chinese Australian community in NSW and beyond. The collection was crucial in the development of the Mei-Fen Kuo and Judith Buttler's book *Unlocking the History of the Australasian Kuo Min Tang 1911-2013* though it is unclear to what extent the collection has been analysed.

There is also further research potential in the activities of the KMT across Australasia, such as the establishment of other headquarters and their links to 75-77 Ultimo Road.

Significance indicator	Assessment
Comparative analysis	No other archival collections were identified in the comparative analysis and therefore the archival collection held at 75-77 Ultimo Road, appears to be the only one in NSW. The archival collection at Ultimo Road is highly representative of the history of the KMT in Australasia, including branches in NSW, and thus has exceptional interpretative potential for Australian historical research. This interpretative value includes research that could improve our understanding of the history of the KMT in NSW and the role of 75-77 Ultimo Road in that history.
Potential to improve knowledge of a little-recorded aspect of an area's past or to fill gaps in our existing knowledge of the past	There is some archaeological potential in relation to the former buildings on the site.
Potential to inform/confirm unproven historical concepts or research questions relevant to our past	The archival collection is highly representative not only of the history of the KMT but of the social, cultural, political and organisational activities of the Chinese Australian communities as a whole during the twentieth century and thus has exceptional interpretative potential for Australian historical research including in Chinatown and NSW. . The collection also has research potential for Chinese communities throughout Australasia, New Zealand and South Pacific where the KMT had branches. (see appendix for details on what the collection holds).

Significance indicator	Assessment
Potential to provide information about single or multiple periods of occupation or use	The KMT's archival collection has the potential to provide information on the establishment and operations of 75-77 Ultimo Road and activities of regional NSW branches during the 20th century.
Potential to yield site-specific information that would contribute to an understanding of significance against other criteria	The KMTs archival collection is unique in the local area for its likely contribution to understanding the operations and achievements of the Sydney branch of the KMT and its historical significance to the local area. It also has potential to contribute our understanding of the location, operations and contributions of regional branches.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion F Rare

An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

The archival collection of the Sydney branch of the KMT, housed at nos. 75-77 Ultimo Road, is likely a rare collection on the activities of the KMT's overseas branches. It is also likely the largest of its kind outside of China and Taiwan.

Rarity is a valuable criterion in the context of the Chinese in Australia as there is a history of resumptions and even later development demolishing places associated with the early Chinese settlement in Australia. Building nos. 75-77 Ultimo Road is a particularly significant building. Nos. 75-77 Ultimo Road is a rare surviving example of early Chinese Australian commissioned buildings and it is a rare example of a building purpose built for the KMT.

Significance indicator	Assessment
Rare surviving evidence of an event, phase, period, process, function, movement, custom or way of life in an area's history that continues to be practised or is no longer practised	The building at 75-77 Ultimo Road houses the KMT's archival collection which is unusually extensive in the local area and NSW. The Archive provides evidence of the KMT's activities and membership across Sydney, NSW and beyond. It is rare to find such a large, intact and complete archive of a Chinese Australian organisation.
Evidence of a rare historical activity that was considered distinctive, uncommon or unusual at the time it occurred	Not applicable.
Distinctiveness in demonstrating an unusual historical, natural, architectural, archaeological, scientific, social or technical attribute(s) that is of special interest.	Not applicable.
Demonstrates an unusual composition of historical, natural, architectural, archaeological, scientific, social or technical attributes that are of greater importance or interest as a composition/collection	There was no collection of KMT headquarters in Sydney and therefore they cannot demonstrate a composition of historical attributes at a local level. It is unknown if the headquarters of the other NSW regional branches are extant and therefore it cannot be determined if a collection of KMT headquarters exists in NSW. If any regional NSW headquarters are extant then they would be valuable as a collection demonstrating an historical network.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

Criterion G Representative

An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).

Nos. 75-77 Ultimo Road does not meet the threshold for criterion G.

Significance indicator	Assessment
A class of places or objects that demonstrate an aesthetic composition, design, architectural style, applied finish or decoration of historical importance	Not applicable.
Representative of a class of places that demonstrate a construction method, engineering design, technology, or use of materials, of historical importance	Not applicable.
Representative of a class of places that demonstrate an historical land use, environment, function, or process, of historical importance	Not applicable.
Representative of a class of places that demonstrates an ideology, custom or way of life of historical importance	Not applicable.

+61 2 9299 7959
mailbox@haarchitects.com.au
www.haarchitects.com.au

6.3. Statement of Significance

The building and its archival collection are a key site of Chinese history in NSW and Australia, directly related to the 20th century political history of China and Taiwan, and the social and economic affairs of Chinese Australians during the operation of the white Australia policy.

The building at 75-77 Ultimo Road was constructed for and served continuously as the headquarters of the Chinese Nationalist Party of Australasia (Kuo Min Tang or KMT) for over 100 years. It has been the locus of Chinese Nationalist political activity since it was purpose-built in 1921. It was also the publishing office for the Chinese Times newspaper (1925- 1949). The building at 75-77 Ultimo Road has not only local significance, as the headquarters of the Sydney branch, but is also significant at a state, national and transnational level as the headquarters of the KMT in Australasia, overseeing branches in rural Australia, New Zealand and in the Pacific.

Funds raised by members of the Australasian KMT were remitted to support Sun Yat-Sen and the ruling Nationalist government (1927-1949) in China and later for the war effort during the Sino Japanese war. The Australasian KMT was also a transmitter of ideas and technology to China. It led the way in allowing female members to join the Party and it played a role in advocating for the rights of Chinese Australians during the White Australia years.

Many prominent Chinese Australians are associated with the KMT Building at 75-77 Ultimo Road, including Peter Yee Wing, Samuel Wong, Mar Leong Wah and Eugene Seeto. The building is also associated with the prominent building company Robert Wall & Sons and architect Francis Ernest Stowe. It is architecturally notable for its fenestration and brick mullions under a single arch spanning to width of the building to read as a single window. Together the elements of the façade including its composition and detailing particular the arch, fenestration, brick mullions, pilasters, parapet and Chinese Characters, make a notable contribution to the streetscape.

The place was also the centre of cultural life with many social activities for the Chinese Australian community, particularly the Dragon Ball which began in 1938 and was a major event on the social calendar for the Chinese Australian community in Sydney until the early 1970s.

The building itself houses what is probably the largest collection of records, documents, publications, photographs and artefacts related to the KMT's history outside of China and Taiwan. It is also demonstrative of a prolific period in the 1920s that saw the establishment of the KMT's overseas headquarters in centres of Chinese settlement, of which the place is a rare purpose-built example which continues to be used today for its original purpose.

7. Listing Recommendations

Under its Local Environmental Plan (2012), the City of Sydney is required under 5.10(a) to "conserve the environmental heritage of the City of Sydney". For a place to be heritage listed it needs to substantially meet at least one of NSW Heritage's criteria (2023) for assessing significance. The significance assessment of 75-77 Ultimo Road has found that the place meets six criteria at least at a local level, and therefore it and its archival collection warrants protection under the Local Environmental Plan. The significance assessment has demonstrated that the place has importance to Sydney with its distinct history in the Haymarket precinct, its representing of the significant role of Chinese in Australia and the current regard held for the buildings be the community. Therefore, the place should be listed under Schedule 5, Part 1 of the City of Sydney LEP 2012.

8. Management Recommendations

The following recommendations are drawn solely from a consideration of the significance of the place and good heritage practice.

These recommendations are framed with an understanding that heritage conservation is a social contract, requiring responsibility to be shared by the owners and consent authorities for the mutual benefit of all stakeholders.

As such, these recommendations are written with consideration of possible future ambitions of the owners, while striving to achieve the best heritage outcome for the place, and with an expectation that the consent authority, in representing the community's interest, will assist/support the owners in managing and conserving the significance of the place, where possible.

8.1. Obligations arising from significance

The high cultural significance of the place identified in the statement of significance obliges its conservation and good management (Burra Charter Article 2).

The significance is embodied in the place. Place means site, area, land, landscape, building of other work, group of buildings or other works, and may include components, contents, spaces and views. Place also includes fabric, setting, use, associations, meanings, records, related places, and related objects. (Burra Charter Article 1).

The significance of 75-77 Ultimo Road is primarily identified the on-going use of the place as the headquarters of the KMT's Sydney branch for over 100 years, in the collection which it houses, and its historical use as the headquarters of the Australasian KMT. Consideration of these three values informs the management recommendations for the place.

The significance of the archival collection requires that it be appropriately cared for and that public access to the collection is facilitated.

The ongoing connection of the place to the Australasian KMT and the Chinese Australian community should be continued through use and ownership.

8.2. Tolerance for change

The façade of the building strongly conveys its association with the KMT and is of some architectural interest. There is limited tolerance for change to the building's façade with a need to preserve the buildings form and KMT associated details.

There is greater tolerance for change internally where there is limited original fabric. Appropriate interventions may include a lift and alterations to the layout. The open plan layout of the second and third floors is indicative of historical uses, namely a hall which held many social and political events. As such, any changes to the layout must ensure that the historical open plan remains interpretable.

8.3. Conservation of fabric

The archival collection should be assessed for conservation to assist with ensuring and facilitating appropriate care of its objects.

There is limited original building finishes and details at the place. Missing elements which could be reconstructed and/or reinstated, if desired, are the timber window frames and original ceilings could be revealed if existing.

8.4. Interpretation

The archival collection has high interpretative value requiring public access to be enabled. In the past, the Australasian KMT has held open days and is amendable to doing so in future,

dependent on the availability of staff or volunteers and funding. Public access to the collection could also be facilitated through digitalisation of the collection.

The significance of the place is not independent of the history and development of Chinatown in the Haymarket area, and as such, interpretive strategies for 75-77 Ultimo Road should be considered within an overall interpretation strategy for Chinatown.

We recommend that the City of Sydney and the owners work together in considering additional interpretive strategies for the place such as:

- Setting up a plaque(s) at street level to communicate the site's history and significance.
- Creation of digital archives/websites showcasing the history and significance of Chinatown, identifying 75-77 Ultimo Road as a place of significance in the area.

A heritage interpretation plan must be provided in the event of major alterations to the building.

8.5. Future use

Much of the building's significance lies with its direct relationship with the KMT and associated archival and movable heritage collection. It is recommended that future use of the building maintain these ties and continues to ensure the retention of significant internal and external features and appropriate conservation of its collection in accordance with relevant planning controls. Other appropriate uses include retail, offices or a museum space.

Appendices

Kuo Min Tang Building, 75-77 Ultimo Road

The following information on the building was provided by Elizabeth Kao, Treasurer of the Chinese Nationalist Party of Australasia (KMT). It is abstracted from Dr Mei-Fen Kuo's "Report on KMT archives" in 2006 and the book "Unlocking the History of the Australasian Kuo Min Tang 1911-2013" by Mei-Fen Kuo and Judith Brett, published in 2013 by Australian Scholarly.

"The KMT Building at 75 Ultimo Road was built exclusively with donations from individual party members, it was opened in 1921 and served continuously as the headquarters of the KMT organization for Australia and Oceania. The preservation of the organization's documentary collection to this day is largely a result of it being continuously housed at the one dedicated site.

"The building has four floors and a roof top room. The ground floor is leased to a Chinese herbalist shop for commercial purposes and the rental income maintains the operation of the KMT affairs. The KMT occupies the rest of the building. The organization's offices and reading room are on the first floor and on the second floor is a meeting hall. The third floor has a large room and a small storeroom and was used as a Chinese school classroom (Yu Mei Chinese School) in the 1980s and 1990s and now functions as a museum and the archives for the KMT.

"The third floor is set up as a museum of KMT history and contains a number of historical artifacts, including sewing machines, cinematic projectors, audio tape records, old Gestetner machines, typewriters, old gramophone records, printing and typographical equipment, as well as a round wooden table with marble top presented by Peking Café of Sydney, in glass display cases, there are organizational memorabilia including seals, badges, and a large number of Chinese moveable type and printing blocks. In this room are also a number of items from the archival collection that are on open display. The archived collection has administrative records, publications and photographs relating to KMT branches throughout Australia, New Zealand and the Pacific Islands. The collection also includes party membership lists, completed membership application forms, financial records, correspondence and notices, minutes of meetings and conventions, list of donors to various causes, magazine subscriptions lists, newspaper clippings, and internal and external publications (in addition to photographic and artifact collections). In the room on the roof top there are approximately ten-meter-long shelves with metal/plastic/leather-look boxes containing cinematic films screened during the 1940s through to the 1990s.

"The KMT Archival Collection kept in Sydney is probably the largest collection in the world outside of China and Taiwan of documents relating to the activities of the KMT branches among overseas Chinese. The archival collection is highly representative not only of the history of the KMT but of the social, cultural, political and organizational activities of the Chinese Australian communities as a whole during the twentieth century and thus has exceptional interpretative potential for Australian historical research. The collection is related not only to the Chinese community in Sydney but since the KMT had branches in Chinese communities throughout Australasia, New Zealand and South Pacific the collection is of national and international significance.

"The historical artifacts displayed in the KMT museum can be opened to the public on special occasions when the KMT is well planned and prepared. It is rare for such a large, intact and complete archive of an Australian Chinese organization to become available. The rarity, value and fragility of the documents in the collection along with the variety of other material, machinery, and artifacts highlights the need for professional/additional support for the KMT to establish a policy for collection management and continued preservation and protection of the collection. (This is our Committee's consensus)."[100]

[100] Information provided by Elizabeth Kao, Treasurer, Chinese Nationalist Party of Australasia (KMT), 6 March 2024.

Attachment E

Hector Abrahams Architects - Draft Inventory Sheet – 50-54 Dixon Street

State Heritage Inventory form

Complete all mandatory fields on the form, as indicated with an asterisk (*).

A. Nominated item

1. Name & type

Name*	Goon Yee, Loong Yee and Loon Fook Tongs building
Other or former names	
Item type (if known)	Built
Item group (if known)	
Item category (if known)	
Area, Group, or Collection Name	

2. Location

If the item does not have a street number, provide land parcel information as well.

If the item has no land parcels, provide coordinates and a map.

For moveable objects enter the principal address where held.

Street address*	50-54 Dixon Street Haymarket NSW 2000
Alternate street address	
Local government area*	Sydney

Land parcels*	Lot	A	Section (if applicable)		DP	958137
	Lot	B	Section (if applicable)		DP	958137
	Lot	C	Section (if applicable)		DP	958137

Coordinates	
Latitude	-33.87800701628926
Longitude	151.2041958518705
Datum	

3. Extent of nomination

Provide a map or plan clearly indicating the extent of the curtilage (boundary) of your nomination.



Source of map or plan	Nearmap, Annotated by HAA
Description of the boundary, if required	

4. Ownership

For organisations / company, please provide both the name of the business and a contact.

Name of owner(s)*	LOONG YEE TONG SOCIETY INCORPORATED
Business / organisation name, if applicable	
Address	50-52 Dixon Street, HAYMARKET NSW 200
Phone	
Email	
Ownership explanation, if required	

Name of owner(s)*	GOON YEE TONG LIMITED
Business / organisation name, if applicable	

Address	54 Dixon Street, HAYMARKET NSW 200
Phone	
Email	
Ownership explanation, if required	

B. Significance

5. Why is it important in NSW?

Refer to the guideline Assessing heritage significance when completing this section.

Statement of significance*
The building at 50-54 Dixon Street has historical significance as key social organisations for the Chinese Australian community, and for enabling its members to maintain links to their hometowns. The three-storey building at 50-54 Dixon Street was jointly funded and purpose-built in 1916 by leaders of the Tsang Shing (Zengcheng) and Tung Koon (Dongguan) counties. It was built to house the Loon Fook Tong (Luen Fook Tong) clubhouse at 50 Dixon Street for people from the Tsang Shing County; the "Goon Yee Tong" clubhouse at 54 Dixon Street for people from Tung Koon County; and between the two clubhouses, at 52 Dixon Street, a joint clubhouse, the "Loong Yee Tong". The three district associations have occupied 50-54 Dixon Street for over 100 years. The associations played a vital role in the Chinese Australian community by offering services to assist with settling in Sydney or returning to China, arranged bone-repatriation, provided accommodation, conducted charitable events and most likely arranged the transfer of members' remittances to China. 52 Dixon Street has historical association with the 'Tung Wah Times' newspaper (1902–1936), the second Chinese newspaper to be established in Sydney. In 1914, the 'Tung Wah Times' boasted the largest circulation of any Chinese newspaper in Australasia. The coexistence of a number of different Chinese newspapers indicates the diverse political affiliations of Chinese diaspora and the newspapers' role in shaping Chinese Australian identity. 52 Dixon Street was also the meeting place for members of the NSW Chinese Chamber of Commerce (1913-1965), which promoted overseas trade and defended Chinese Australian commercial interests from anti-Chinese campaigns. Historian Mei-Fen Kuo has characterised Sydney in the late 19th to early twentieth century as "a hub of Chinese mobility" and "a centre of community mobilisation and identity formation" (Kuo, M. F., 2013). 50-54 Dixon Street was central to this development. The form and aesthetics of the building are consistent with those of early 20th century buildings pertaining to Chinatown and thereby contribute to the understanding of the historical streetscape of Dixon Street. The Chinese signage on the façade is significant as markers of the historical uses of the building. The district associations continue to play a social role amongst their respective communities. The historical uses of the place such as the popular restaurants which occupied the ground floors are remembered fondly by the local Chinese Australian community. The place is representative of early purpose-built district association buildings built across the country to serve the increasing Chinese diaspora in Australia. The building at nos. 50-54 Dixon Street is likely to be the last surviving example of a purpose-built district association building in Sydney or NSW, continually owned by the associations for over 100 years.

Comparisons*

The creation of district associations across Australia is a historic process which continues today with a number of new associations being created in the late 20th century and early 21st century (A. Wong et al, July 2016, p.47). This comparative analysis focuses on the district associations founded in the 19th and early 20th century, in order to understand the historical significance, rarity and representativeness of 50-54 Dixon Street

NEW SOUTH WALES

Chin Wah Benevolent Association, Sydney, NSW - It is unclear when this Association was established, but it has existed since at least 1913. Information on the functions of the association and its address is unknown (International Chinese Business Directory of the world, 10 February 1913, p.1225).

Chung Hwa National Association, 158 George Street, Redfern - It is unclear when this Association was established, but it has existed since at least 1913. Information on the functions of the association and whether it is extant is unknown. Historical aerials indicate that the building had been demolished by 1975 (International Chinese Business Directory of the world, 10 February 1913, p.1225).

Yiu Ming Hung Fook Tong, 417 Sussex Street, Haymarket - The Yiu Ming Hung Fook Tong was founded in 1880 for the Ko Yiu people in Sydney (A. Wong et al, July 2016, p.47). Today, the place is known as Dixon House. It is unclear if the building was purpose-built for the District Association or if it leased space within the building. The exact functions of the Tong or whether the Tong continues to use the building is unknown.

Chinese Youth League of Australia, 10 Dixon Street, Haymarket - The Chinese Youth League was founded in 1939 in an attempt to gather patriotic Chinese youth to form an association to fight the Japanese invasion in China. The league assisted in providing jobs, meals and accommodation to stranded Chinese seamen who jumped ship or came to Sydney as refugees during WWII. The league is also known for its efforts in fighting the white Australian policy. The building is extant and the league conducts activities and sports events for Chinese youth in Sydney (Chinese Youth League of Australia website, 2024).

Kwong War Chong Building, 84 Dixon Street, Haymarket - The Kwong War Chong building was erected in 1909 for Philip Lum Chun Lee's company 'Kwong War Chong & Co.' The ground floor of the building was a general store. The above floors served as an early community centre for the Zhongshan (Chungshan) people in Sydney, and as a meeting place for the 'Tong Sen Tong', a society for the Long Du people (Alexandra Wong, 2020). The place is no longer used by the associations. The place is listed on the NSW State Heritage Register (Listing No. 02089) and on the Sydney LEP (Item no. I2293) (Kwong War Chong, State Heritage Inventory)

Chungshan Society of Australia Inc., 50 Albion Street, Surry Hills - Founded in 1983, the Chungshan society offers migration services for Chinese immigrants from Zhongshan. The society also conducts tours to attend winter camps and cultural exchanges in Zhongshan, particularly for the descendants of the Zhongshanese in Sydney (The China-Australia Heritage Corridor website, 2024). The organisation continues to operate out of this address. This building is located within the Reservoir Street & Fosterville Heritage Conservation Area.

Sze Yup Temple, 2 Edward Street, Glebe - The Sze Yup Temple was funded and built by Chinese immigrants from the four Sze Yup districts of Kwangtung in 1898, as a place of worship and as a cultural centre. The place provided accommodation for Chinese travellers and migrants, material assistance, and conducted bone repatriation for deceased Chinese people in Sydney (The Glebe Society website, 2013). The place is listed on the NSW State Heritage Register (Listing No. 00267) and on the Sydney LEP (Item no. I680) (Sze Yup Temple, State Heritage Inventory)

Yiu Ming Temple, 16-22 Retreat Street, Alexandria - Construction of the Yiu Ming Temple began in 1908. It functioned as a temple as well as a cultural and social centre for the community. The place assisted new arrivals with funding, provided accommodation and employment opportunities for the people from

Gaoyao and Gaoming districts. The temple also organised bone repatriation of deceased society members. The place is listed on the NSW State Heritage Register (Listing No. 01297) and on the Sydney LEP 2012 (Item no. I28) (Yiu Ming Temple, State Heritage Inventory)

VICTORIA

Num Pon Soon Society Building, 200-202 Little Bourke Street, Melbourne – The place was purpose-built in 1861 for Sam Yup Society (later the Num Pon Soon Society) the district association for people from the three Sam Yup districts. It is the earliest surviving Chinese community building in Victoria. It is significant for its historical and social association with Chinese immigrants, their customs and traditions. The place is listed on the Victorian Heritage Register (Listing No. H0485) (Victorian Heritage database report).

Ning Yang Society, 208 Little Bourke Street, Melbourne - The Ning Yang Society (also known as Taishan Society) was formed in c.1909 (Chinese-Australian Historical Images in Australia website, 2008). The place was built for the people of the Ning Yang (Sim Hing) district of Canton (The Herald, 16 June 1909, p.1). The district association is located in the upper floors.

Kong Chew Society, 4 Tattersalls Lane, Melbourne - Founded in c.1850, the Kong Chew Society functioned as a welfare and mutual aid organisation for the people of the Guangdong province of China. The society still exists as a registered organisation (Australian National University Archives, 2012). It is the earliest See Yup (now known as Siyi) association in Australia. People from the Siyi region migrated overseas and created district associations known as “Kong Chew” to illustrate their ancestry and ties to their home region (Kong Chew Society website, 2024).

See Yup Society Temple, 76 Raglan Street, South Melbourne - The See Yup Society Temple was constructed in 1866 to support the Chinese people of four See Yup districts (Paul Macgregor, 2024) who arrived in Melbourne in the late 19th century (Michelle Lai, 2021). The place is the principal centre of worship and death registry of the Cantonese in Victoria. The place is listed on the Victorian Heritage Register (Listing No. H0219) (Victorian Heritage Database report).

PERTH

Chung Wah Association, 128 James Street, Northbridge - Established in 1909, the Chung Wah Association is the largest and oldest surviving non-profit organisation in WA. The association was formed to support the social welfare of the Chinese migrants in Perth and continues to operate at the same location (Chung Wah Association website, 2024). The place is listed on the WA State Register (Place No. 02027) (Govt. of Western Australia Heritage Council website, 2016).

DARWIN

Chung Wah Society, 6 Litchfield Street, Darwin City - Established in 1911, the Chung Wah Society was built as a social and sporting club for the Chinese population in Darwin. The place promotes cultural education, social interests and welfare of the members. It also functions as a Chinese temple. The place continues to operate at the same location (Chung Wah Society website, 2024).

CONCLUSION

Since the 1850s, Chinese migrants in Australia have built both temples and association buildings as a way of providing a meeting place for the local community and for offering services and assistance in various aspects of life. The majority of purpose-built district association buildings still in use today are located in Victoria. Within NSW, there is a mix of purpose built, leased and multi-use buildings including temples. The building at nos. 50-54 Dixon Street is a rare example in NSW of a purpose-built building constructed primarily for the use of the district associations and continues to be owned and used by these associations.

C. Description

6. Describe the existing item

Description*	The physical analysis of the building at nos.50-54 Dixon Street is limited to the external façade of the building's Dixon Street frontage. Internal access to the building was not provided. The building at nos.50-54 Dixon Street is a three-storey masonry building. Two brick pilasters divide the façade into three vertical bays. Each bay corresponds to the three individual lot boundaries upon which the single building was built. The ground floor awning, a painted cement band at the second-floor level and a cornice and parapet at the roof level creates a visual division indicating each floor. Atop the building is a parapet with a central pediment and inscription 'AD 1916' indicating the date of completion of the building. The ground floor of the building has been significantly altered by the introduction of contemporary food and retail premises with contemporary fit outs. The façade of the upper floors consists of 12 equidistant windows. A noteworthy feature of the façade are the Chinese characters written across the first-floor exterior. The Lean Sun Low sign painted in Chinese characters on the exterior of 54 Dixon Street appears to be original, as does the very faded Chinese Chamber of Commerce sign on 52 Dixon Street. The signs painted on the exterior of the building between 50 and 52 Dixon Street appears in later photographs dating from 1984. The ground floor is sublet to eateries, the above floors are believed to be occupied by the district associations. Internal configurations, surviving fabric and contemporary use are unknown. Signage on the ground floor door of 54 Dixon Street indicates that the above floors are available for commercial office or retail shop lease, with street level advertising allowed. 50 DIXON STREET The ground floor of 50 Dixon Street hosts the 'Canton' restaurant and is characterised by contemporary glazed maroon tiles, kitchen window and main entrance. A plaque with Chinese characters is located at the edge of the tiled façade. The first-floor brick façade has been painted grey, covering the original Chinese writing, while the second floor retains its original brick finish. Each floor comprises of two window openings with exposed arched brick lintels and bullnose brick sills. The first floor comprises of two double hung windows with opaque glazing and metal framing, and the second floor has four-panel transparent glazed sliding windows with metal frames. The top left window on the second floor is fitted with an external grill mesh. Air conditioning units sit above the awning. 52 DIXON STREET No.52 Dixon Street's ground floor facade is embellished with contemporary grey stone cladding and shopfront windows for the 'Skewer BBQ' restaurant. A stairway installed in circa 1995 leading to the first floor, is located on the northern side of the shop. A plaque indicating the names of the district associations is positioned on the wall to the left of the stairway on the ground floor, and was mounted in circa 1995. The awning at 52 Dixon Street has been set back to accommodate the Chinatown gates abutting the building. On the first and second storeys, the building is a face brick finish with two window openings with arched brick lintels and bullnose brick sills per floor.

	These four-panel glazed sliding windows have metal frames and are modern additions to the building, dating to sometime after 1979. The first-floor windows have internal metal grills. The northern window on the second floor is fitted with an external grill mesh. The Chinese characters on 52 Dixon Street are obstructed by the addition of electrical conduits. Air conditioning units sit above the awning. Metal embellishments with Chinese motifs can be seen on the pilaster between 52 and 54 Dixon Street. 54 DIXON STREET On the ground floor, 54 Dixon Street is currently occupied by 'Super Emoji' juice shop. A door identifying the district associations is located north of the juice shop. Signage over the door shows the logo of the 'Goon Yee Tong Limited' association. It is assumed that the doorway leads to a stairwell to the above floors. The ground floor façade is clad with grey tiles and contains three steps leading to a setback glazed shopfront. On the first and second floor, the façade comprises of four window openings with arched brick lintels and bullnose brick sills, two at each floor. The windows are double hung with frosted glass panels and metal frames. The old Lean Sun Low sign painted on the exterior of 54 Dixon Street is obstructed by the addition of electrical conduits. Air conditioning units are located above the awnings.
Condition of fabric and/or archaeological potential*	The external fabric is in good condition. An inspection of internal fabric was not conducted. There may be some archaeological potential but this is likely limited.
Integrity / intactness*	The external façade at the ground floor level has been substantially altered for modern food retail use. The façade on the above floors remains fairly intact with some original joinery removed and non-original paint finish. An internal inspection was not conducted.
Modification dates	
When was the last time you inspected the item?	External inspection was conducted in March 2024. An internal inspection was not conducted.
Current use	The ground floor is occupied by restaurants and cafes. The use of the above floors is unknown.
Original or former use/s	District Association building (clubhouses) for the "Goon Yee Tong", "Loong Yee Tong", and "Loon Fook Tong," Tung Wah Times newspaper office and Chinese Chamber of Commerce headquarters.
Any additional comments	

D. History

7. Origins and historical evolution

Years of construction*	Start		End	1916
Designer or architect*	Unknown			
Maker or builder*	Unknown			
Historical outline*	CONTEXTUAL BACKGROUND The great majority of Chinese migrants who came to the Australian colonies for the goldrushes in the early 1850s came from counties in the Pearl River Delta, in the vicinity of the provincial capital of Canton. As Dr Michael Williams' research shows, they maintained strong ties to their villages (Williams, M. 2018). People tied by native place, languages and kinship established associations to support and sponsor others from the same place or of the same surname. These associations included the Goon Yee Tong, for people from Tung Koon (Dongguan) County, and the Loon Fook Tong (Luen Fook Tong), for people from the Tsang Shing (Zengcheng) County. The Goon Yee Tong was established by at least 1857, as the influential merchant Way Kee is known to have been Treasurer of the association from 1857 to 1889. In the late 19th century, after the goldrushes had ended, the Chinese population in the Australian colonies was still largely a rural-based population. In NSW, people from Tung Koon were concentrated in rural towns such as Tamworth, Newcastle, Bathurst, Camden and Liverpool, where they mainly worked as market gardeners or storekeepers. A notice published in the Chinese Australian Herald in December 1902 indicates that the Goon Yee Tong association was established by Tung Koon natives to organise bone repatriation and engage in charitable endeavours (27 December, 1902, p.5). A 1906 article in the Tung Wah Times named N. Lean Fore as the director of the organisation with responsibility for bone repatriation (30 June 1906, p.5). People from Tsang Shing were concentrated in towns such as Wellington and Newcastle, and in Victoria and New Zealand, where they were also largely engaged in market gardening and storekeeping. The district association for people from Tsang Shing was called the Loon Fook Tong. These two district associations merged to create a joint Tung Koon-Tsang Shing association called the Loong Yee Tong. Evidence given in the 1891 'Report on the Royal Commission on alleged Chinese gambling and immorality and charges of bribery against members of the police force' shows that the Loong Yee Tong was in existence from at least 1891. Way Shong, Treasurer of the Loong Yee Tong, who was amongst the many Chinese community members interviewed for the 1891 Commission, stated he knew of two Chinese societies in Sydney – the Goon Yee Tong and the Loong Yee Tong (Report of the Royal Commission on alleged Chinese gambling and immorality and charges of bribery against members of the police force, 1891). Way Shong stated that the objects of the Loong Yee Tong are to "provide a fund for sick people and people who are unable to pay their passages home". He also spoke of funds donated to the hospital and sent to Hong Kong for buying coffins to put on board the boats so that if any Chinaman died at sea his body would not be thrown overboard (Way Shong, 22 September 1891). Another interviewee, Pow Chee stated that "the Loong Yee Tong belongs to two districts, and I think about 80 or 90 percent of [the migrants from] those districts belong to the Society" (Pow Chee, 12 October 1891).			

EARLY DEVELOPMENT OF THE AREA

The buildings which occupy 50-54 Dixon Street are part of 15 acres of Gadigal land at the head of Cockle Bay, granted to John Dickson in 1813. The grant was subsequently sub-divided and in 1830 and 1833 allotments were sold in Sussex, Goulburn and Dickson (sic) Streets.

Dove's Plan 1880 plan shows two plots where 50-54 Dixon Street stands today. The northern plot was a yard with two single-storey wooden buildings with shingle roofs at the west entrance, three two-storey brick or stone buildings with shingle roofs to the south, and one single-storey wooden structure with a slate or metal roof in the eastern corner. The southern plot was a timber yard with a wood and iron shed along the northern edge of the plot, as well as a single-storey wooden structure with slate or metal roof in the north east corner. It is unknown when these structures were demolished.

In 1900, the title for 50-54 Dixon Street was transferred to Dugald Thomson (Assessment book, Lang ward 1914, p.88). By that time, buildings on Dixon Street were run-down. A photograph showing the rear view of a row of conjoined brick cottages at 37-47 Dixon Street, Haymarket, reveals the state of nearby buildings on Dixon Street at the turn of the century.

In 1908, Sydney Municipal Council resumed terrace houses, mills and workshops spread over four acres bounded by Ultimo, Thomas, Hay, Quay and Engine Streets to make way for new market buildings designed by the City Architect. The first Municipal Market building opened in 1909 and the second in 1910 (City of Sydney Archives, 1920, A-01001328). These developments were reported in the Chinese Australian Herald in March 1909, with the comment that numerous Chinese firms were expected to move in light of the market's relocation (13 March 1909, p.2). From 1910, Chinese firms which had previously been centred around Campbell Street, Haymarket in proximity to the Belmore Markets, began to open stores in Hay, Dixon, Quay, Harbour Streets and Ultimo Road close to the new Municipal Markets.

50-54 DIXON STREET – CLUBHOUSES FOR THE TUNG KOON "GOON YEE TONG", TUNG-JAANG "LOONG YEE TONG", AND TSANG SHING "LOON FOOK TONG"

In an oral history interview conducted sometime around 1991, businessman Leslie Chang, whose family were from Tung Koon recalled: "When the Tung Koon people came to Sydney, there were so many of them, they decided to join forces with people from the neighbouring county of Jaang Sheng [sic].. They put their money together and bought three shops in Dixon Street, the rent from which was to be used for charitable and educational purposes" (Chang et al, 2022, p.47).

Maxwell Yip, Secretary of the Goon Yee Tong stated: "I was told by my late Uncle Henry Lum Yip that money was raised by donations from businessmen, market gardeners and anyone willing to contribute towards the purchasing of 50-52-54 Dixon Street. Goon Yee Tong and Ling Fook Tong [sic] formed a combined association called Ling Yee Tong [sic]" (Anthony Ah Kee, 22 May 2022).

50-54 Dixon Street was in fact purpose-built on purchased land using funds raised from members of the associations. In 1907, nine rounds of donations for the Loong Yee Tong were published in the Tung Wah Times newspaper (Tung Wah Times, 27 July 1907, p.7). By early 1916, sufficient funds had been raised for the Goon Yee Tong and the Loon Fook Tong to purchase land in Dixon Street. On 11 February 1916, land title for two blocks of land at 50-54 Dixon Street was transferred from Dugald Thomson to Goon Yee Tong representatives, Chee Sung and Gilbert Yet Ting Quoy and Loon Fook Tong representatives Fung Nam and James Kwong Sing (LRS, Vol. Fol. 1323-162). That same year, a building application was made to the Council and a plan submitted by G. L. Quoy (likely Gilbert Yet Ting Quoy), for a three-storey building at 50-54 Dixon Street to house three stores and dwellings (City of Sydney Archives, 1916, A-00580341). Gilbert Yet Ting

Quoy was a leader of the Tung Koon community. He was the lessee of produce business, Lee Sang & Co. which occupied the Municipal building at 90 Hay Street. The pediment of the building at 50-54 Dixon Street shows the date of its completion as 1916.

A plaque at the entrance to the building at 50-54 Dixon Street reads in English 'Loong Yee Tong Inc.'

The Chinese characters read:

增城聯福堂
東增聯義堂會所
東莞公義堂

In translation:
Tsang Shing "Loon Fook Tong",

Tung Koon Goon Yee Tong, and

Tung-Jaang Loong Yee Tong clubhouse." (Ely Finch, 2024)

["Quotation marks indicate a coined romanisation"]

According to Daphne Lowe Kelley, former President of the Luen Fook Tong and the Loong Yee Tong:

"The original access to the upper floors of 50-52 Dixon St was internally through each building. However, as this was not always convenient to the lessee shop-owners, a decision was made to build a separate stairway to access the upper floors to LFT and GYT. I can't remember the exact year but it was after 1995 when Loong Fook Tong Inc was registered. The street plaque was added at that time" (Daphne Lowe Kelley, Personal Communication, 18 June 2024).

Signs are painted in Chinese on the exterior of 50-54 Dixon Street. The signs read from right to left:

東莞公義堂
東增聯義堂
增城聯福堂

They translate, respectively, to:
"Tung Koon Goon Yee Tong,
Tung-Jaang Loong Yee Tong, and
Tsang Shing "Loon Fook Tong" (Ely Finch, 2024)

There are two additional faded painted signs on the exterior of the building. A sign above 52 Dixon Street appears to read:

中華總商會

This translates as 'Chinese Chamber of Commerce', though the third and fourth characters are not clear.

A sign above 54 Dixon Street reads:

"聯新樓"

This translates as 'Lean Sun Low' (Ely Finch, 2024).

The Chinese Chamber of Commerce at 52 Dixon Street and the Lean Sun Low restaurant at 54 Dixon Street are discussed later in this report. Earlier photographs of 50-54 Dixon Street show that the signs on the exterior of buildings at 50, 52 and 54 Dixon Street have been repainted over the years.

There has been a change to the joint ownership of the three buildings between the two associations. According to Daphne Lowe Kelley "the land on which the buildings known as 50, 52 and 54 Dixon Street are located was purchased in the name of four trustees, two of whom were from Dongguan [sic] and two from Jung Seng [sic]. A short while after the three adjoining buildings were completed, 54 had a change of trustees when Charlie Young replaced the two Jung Seng trustees." (Anthony Ah Kee, 22 May 2022).

The land title record confirms that in August 1917, the title for 54 Dixon Street was transferred from Chee Sung, Gilbert Yet Ting Quoy, Fung Nam and James Kwong Sing to Chee Sung, Gilbert Yet Ting Quoy and Charlie Young (LRS, Vol. Fol. 2782-50, 1917). With this transfer, joint trusteeship of 54 Dixon Street ceased and trustees were exclusively from Tung Koon. Upon the death of Chee Sung in 1927, 54 Dixon Street was transferred to Gilbert Yet Ting Quoy and Charlie Young, the remaining trustees (LRS, Vol. Fol. 2782-50, 1927). In 1930, it was further transferred to Yet Quork Yan, Chung Lun, Charley Foo On and Noble Lean Fore as joint tenants (LRS, Vol. Fol. 2782-50, 1930). The loss of joint trusteeship of 54 Dixon Street has, since 1917, disadvantaged the members of the Luen Fook Tong (Daphne Lowe Kelley, Personal Communication, 27 April 2024).

According to Lowe Kelley, the societies were only registered as incorporated associations in 1995. When they registered, 50 and 52 Dixon Street were registered as belonging to the joint association. No.50 and 52 Dixon Street are still owned by the joint association of the Loong Yee Tong. The Goon Yee Tong is no longer an incorporated association, but a company limited by guarantee (Daphne Lowe Kelley, Personal Communication, 27 April 2024).

50 DIXON STREET

Although 50 Dixon Street was built as a clubhouse for the Tsang Shing Loon Fook Tong Association, the earliest land title for 50 Dixon Street lists Salvation Army (General) William Bramwell Booth as leasing the building in 1918 (LRS, Vol. Fol. 2782-51). 50 Dixon Street is listed in the 1919 Sands Directory as the Salvation Army Women's Home (Sands Directory, 1919). The Assessment Books do not stipulate which floor/s was leased for this purpose. While it is established that the Salvation Army worked and recruited amongst the Chinese community, particularly on the tin fields of Northern NSW in the 1870s - early 1920s, there appears to be little written on this early history of the Salvation Army Women's Home and any relationship between the Chinese Australian owners of the building and the Salvation Army. The Salvation Army Women's Hostel was not established at its long-term address at 471 South Dowling Street, Surry Hills until 1924.

The Sands Directory of 1922 lists 50 Dixon Street as occupied by W. & G. Ping, Manufacturers agents (Sands Directory, 1922, p.50). William and George Ping dissolved their partnership in 1925 when George Ping retired and William Ping carried on the business until 1933 (The Daily Telegraph, 4 December 1925, p.11). In 1923, Ho Hing & Co. Importers was also listed at 50 Dixon Street (Sands Directory, 1923, p.49). Upon the death of Chee Sung in 1927, land at 50 Dixon Street was transferred to surviving joint trustees Gilbert Yet Ting Quoy, James Kwong Sing and Ping Nam (LRS, Vol. Fol. 2782-51).

Between 1920 and 1928, the ground floor of 50 Dixon Street was occupied by the Eastern Residential House, advertising accommodation "for Eastern tourists, merchants, travellers and students, both interstate and country" (Tung Wah Times, 20 May 1922, p.6 and Tung Wah Times, 6 October 1928, p.1). An advertisement from 1920 names the proprietors (葉秉樑 and 葉秉棟). They share the same surname ("Yip/Yet"), and first character of their given name, suggesting that they are brothers or cousins (Tung Wah Times, 25 December 1920, p.6).

A building survey of 50-54 Dixon Street conducted in 1945 recorded 4 to 6 persons in residence in each building. The type of business was described as Chinese stores, bulk stores, Chinese Club with 30-40 at Club meetings (City of Sydney Archives, 1945, A-00508333). It is not clear which club this referred to.

THE DISTRICT ASSOCIATION IN RECENT TIMES

Today the Loon Fook Tong is named the Zengcheng Association of Australia. According to Lowe Kelley, in the last 40 years or so, as a result of the committees conducting meetings in Chinese, the membership has few English-speaking descendants from the older

families. In recent years, there are now some committee members who have both Chinese and English (Daphne Lowe Kelley, Personal Communication, 27 April 2024).

In 2016, King Fong conducted a walking tour of Chinatown which included a visit to 50 Dixon Street. Photos taken upstairs at 50 Dixon Street and posted on Facebook show framed photographs hanging on a wall. According to Daphne Lowe Kelley, these are photographs of the members of the NSW Chinese Chamber of Commerce for different years (Daphne Lowe Kelley, Personal Communication, 2 March 2024).

The photographs on display, along with any other records, documents and ephemera, are an integral part of the history of this building and are a rich source of information about the associations, their members and activities.

52 DIXON STREET

52 Dixon Street was the address of the joint Tung Koon-Tsang Shing association, the Loong Yee Tong. Contemporary newspaper accounts shed little light on the purpose of the association. Historian Mei-Fen Kuo writes that "the Loong Yee Tong's main objective was to collect money "to put coffins on board ships passing to and from China" (Kuo, M. F. 2018). The Sands Directory shows that the earliest tenants of the building were the Tung Wah Times newspaper and the NSW Chinese Chamber of Commerce. Members of the Goon Yee Tong and the Loon Fook Tong were associated with both the Tung Wah Times and the NSW Chinese Chamber of Commerce.

THE TUNG WAH TIMES (1902-1936)

From 1918, the address of the 'Tung Wah Times' newspaper was given as 52 Dixon Street (Sands Directory, 1918, p.49). Its publisher was J. Young of Dixon Street, Haymarket (Tung Wah Times, 4 May 1918, p.8 and Tung Wah Times, 28 June 1919, p.1). Published from 1898–1902 as the 'Tung Wah New's, then as the 'Tung Wah Time's, it was the second Chinese newspaper to be established in Sydney after the 'Chinese Australian Herald', which began publication in 1894 (Yong, C. F. 1977). Mei-Fen Kuo argues that the Chinese press has special distinction as: "The only foreign-language press in Sydney to publish without interruption over three decades from the 1890s to the 1920s … no foreign-language newspapers of any stamp could match the record of continuous circulation of Chinese-language newspapers in Sydney from the 1890s into the 1950s" (Kuo, M. F. 2018).

Besides associations based on native place or lineage, Chinese people established organisations which were aligned to their social, commercial and political ideals. Chinese diaspora migrants in Australia sought to modernise China, but had different ideas on how this might be achieved. For example, the Yee Hing Society, active from the gold rush times, sought the overthrow of imperial rule in China. The 'Tung Wah News' encouraged Chinese in Australia to set up the Chinese Empire Reform Association (CERA), which promoted Chinese intellectuals Kang Youwei and Liang Qichao's advocacy of reform of the imperial system and later the establishment of a constitutional monarchy in China. In 1900, supported by the NSW Chinese Chamber of Commerce, the 'Tung Wah Times' became the official organ of the Chinese Empire Reform Association (Fitzgerald, J.,2007). Gilbert Yet Ting Quoy was an office bearer of the CERA along with other well-known merchants in the Sydney Chinese community, including Thomas Yee Hing, Ping Nam, C. Leanfore, Henry Fine Cheong, Goon Ick, W.R.G. Lee and George Bew (Yong, C. F., 1977, pp.120-121).

Ting Quoy also launched a campaign through the 'Tung Wah Times' newspaper in 1908 and 1909 advocating the need to establish schools to teach Chinese language. Along with Ping Nam, Leong Cheong, Lee Chun, John Hoe and Lean Fore, Ting Quoy taught at the first Sydney Chinese School which was established at the Loong Yee Tong clubhouse at 52

Dixon Street in the early twentieth century. The school lasted for more than half a century (Yong, C. F., 1977, p.214; Mei-Fen Kuo, Personal Communication, 2024).

In 1914, the 'Tung Wah Times' boasted the largest circulation of any Chinese newspaper in the Commonwealth, New Zealand and the Pacific Islands (19 September 1914, p.1). The 'Tung Wah Times' ceased publishing in 1936, but it is unclear why. The 'Tung Wah Times' was located in 52 Dixon Street until at least 1933 (Sands Directory, 1932-33, p.39).

THE NSW CHINESE CHAMBER OF COMMERCE

In 1917, 52 Dixon Street was also the headquarters of the NSW Chinese Chamber of Commerce (Sands Directory, 1918, p.49), which was a successor to earlier merchants' associations, the Lin Yik Tong (Chinese Commercial Association, 1892-1903) and the Chinese Merchants Society (1903-1912), established by Tsang Shing merchants Thomas Yee Hing and Ping Nam. According to historian C.F. Yong, the NSW Chinese Chamber of Commerce was formed in 1913 in order to send a representative to Peking for the election of the first Parliament. The first President of the NSW Chinese Chamber of Commerce was Ping Nam, a merchant in the firm of On Chong & Co. (Yong, C. F., 1977, pp.86-88). Ping Nam was publisher of the 'Tung Wah Times' in 1912, and one of the joint title-holders to 50-52 Dixon Street in 1927 (LRS, Vol. Fol. 2782-51). The constitution of the NSW Chinese Chamber of Commerce, which stated that the sole aim of the Chamber was to maintain and promote trade, prevented Chinese labouring and farming classes from joining (Yong, C. F., 1977, pp.90-92). The Chamber defended the commercial interests of Chinese merchants against organisations such as the 'Anti-Chinese League' and the 'Retail Grocers and Storekeepers Association' which ran public campaigns in the early nineteenth century to dissuade the public from patronising Chinese stores. Amongst the influential businessmen who were members of the Chinese Chamber of Commerce was Gilbert Yet Ting Quoy, who was President of the Chamber in 1924.

According to Yong, "five round-table meetings were held in the headquarters of the NSW Chinese Chamber of Commerce at 52 Dixon Street which culminated in the formation in 1917 of the first Chinese Australian shipping line, the China-Australia Mail Steamship Line" (Yong, C. F., 1977, pp.97-109). With funds raised from shares sold to Chinese in Australia and the Pacific, the Line purchased three passenger ships to sail between Shanghai, Canton, Hong Kong and Australia. According to Yong, there was aggressive competition from established British and Japanese shipping companies, coupled with losses resulting from the Australian government requisitioning the ships for the war effort. He writes, "Amidst accusations of poor administration and the disintegration of the entente between rival factions, the line suffered irrecoverable losses and the business was wound up in 1924" (Yong, C. F., 1977, pp.106-109).

The NSW Chinese Chamber of Commerce was dissolved in 1965 (Dictionary of Sydney website, 2024).

THE EASTERN RESTAURANT

In 1950 and 1952, applications were made to make alterations to the shopfront of 52 Dixon Street and in 1953 Council approved the conversion of 52 Dixon Street into a restaurant (Construction, 30 September 1953). The City Archives contains plans of 52 Dixon Street in 1953 showing the restaurant layout on the ground and first floor of the building (City of Sydney Archives, 1953, A-00558224).

The Eastern Restaurant (in Chinese "Doong Shan") on the ground floor of 52 Dixon Street. was run by Victor Peter Googan (Lowe Hing Choy, born in Coonamble) and his wife Louie Lee (Wong Loy Day, born in Stuart Town, NSW). The story behind the Googan name is that the name of Peter's father, Lowe Goo Gun (born in Tong Mei village, Tsang Shing), was recorded as Googan. Peter Googan was bilingual, which allowed him to deal easily both with his Australian suppliers and customers and with Chinese businesses. The chefs

brought out from Hong Kong to work in his restaurant lived upstairs from the restaurant. Peter had an import/export licence which allowed him to import such items as crockery, various foodstuffs and a noodle machine to make wonton wrappers.

The restaurant had modern, square, coloured linoleum tiles on the floor, but also had a feature wall decorated with antique carved wooden decorative panels from Quong Tart's tearoom in the Queen Victoria Building, given to the Googans by the McEvoy family, descendants of Quong Tart. Peter's eldest daughter Gwenda recalls waitressing at the restaurant still wearing her school uniform. There were around 16 tables in the restaurant, though if there were banquets, guests could go upstairs to dine.

The Eastern was the first Chinese restaurant to obtain a liquor licence until 10pm, at a time when liquor service in hotels ended at 6pm. The liquor licence and the English menu attracted non-Chinese customers. Gwenda recalls that at the time of the big flood in Maitland in the mid1-950s, customers queued up to support a flood relief fundraiser held at the Eastern. The restaurant's signature dish was "Doong Shan Faan" a rice lined bowl filled with a combination of chicken, pork and prawn tipped onto a plate and served with an egg-white and milk sauce (Gwenda Bau, Personal Communication, 20 January 2024).

The Eastern Restaurant was in business from the mid-50s to the late 60s.

In the 1960s at least, the upper floors of 52 Dixon Street provided dormitory accommodation. In an interview with Lance Lai conducted by Christopher Cheng for the Australians with Chinese Heritage Oral History Project, Lance discussed how he and his family lived on the top floor of 52 Dixon Street before moving to 54 Dixon Street, above their family-run restaurant Lean Sun Low. Lance described the first and second floors of 52 and 54 Dixon Street as a "commune" for people from Tung Koon (Christopher Cheng, 2023).

In 1988, the Luen Fook Tong made a building application for internal fit-out for a shop and office at 50-52 Dixon Street (City of Sydney Archives, 1988-1993, A-00661100). In the 1990s, the Eastern August Moon Restaurant operated across both 52 and 54 Dixon Street (City of Sydney Archives, 1996-2000, A-00672244).

Today, the Luen Fook Tong have their office at 52 Dixon Street and committee meetings are still held there, but the three flights of stairs make it difficult for older members. Functions are now held off-site, such as the recent Chinese New Year celebrations at Fitzroy Hall and Woodstock Community Centre and Park in Burwood (Daphne Lowe Kelley, Personal Communication, 2 March 2024). The current arrangement is that Goon Yee Tong has a sub-lease from Loong Yee Tong for 50 Dixon Street and Luen Fook Tong has a similar arrangement for 52 Dixon Street (Daphne Lowe Kelley, Personal Communication, 2 March 2024). The ground floor of 52 Dixon Street is currently leased as a Chinese BBQ restaurant.

54 DIXON STREET

54 Dixon Street was built as the clubhouse of the Tung Koon Association. Over the more than 100 years that the Goon Yee Tong has owned the building, it has also fulfilled an important role in providing accommodation for people from Tung Koon, who were either arriving or returning to China. In 1918, a building application was approved to make alterations to 54 Dixon Street, to build partitions to create six rooms on the first and second floor of 54 Dixon Street by Council (City of Sydney Archives, 1918, A-00551744).

As Leslie Chang recalled: "In the early days there were also dormitories in the upstairs of the Dixon Street buildings for Tung Koon and Tsang Shing people passing through Sydney. Under the constitution of the society the shops can only be leased to a Tung Koon person at a very reasonable rental" (Chang et al, 2022, p.47).

On the ground floor of 54 Dixon Street in 1920 was the China Trading Co., which was advertised as "Importers, exporters, Eastern Merchants and indent agents" (Tung Wah Times, 23 October 1923, p.7). As indent agents, the company distributed goods on receipt

of purchasing orders. An advertisement from 1921 showed the company sold imported rice, ginger, sauce, peanuts, silks and teas and sought to buy shark fins and beche-de-mer (Daily Commercial News and Shipping List, 3 July 1921, p.2).

A Chinese restaurant called Lean Sun Low which had opened on the ground floor of 54 Dixon Street by December 1922, advertised banquets, meals, Chinese cakes, barbequed meats and welcomed birthday, marriage and other celebrations (Tung Wah Times, 9 December 1922, p.4). In the 1950s, the Lean Sun Low Café was run by the Lai family. Historian Shirley Fitzgerald wrote: “Alan Lai, who had arrived in Sydney as a teenager in 1951 and lived in Dixon Street, was at the time running Lean Sun Low… He recalled that in the 50s, girls would walk past holding their noses, and the only Aussies who came in were often drunk and reluctant to pay the bill” (Fitzgerald, S.,1997, p.149).

Amongst the Chinese community, however, Lean Sun Low was very popular for its wonton (short soup). Irene Moss, born in Dixon Street in 1948, recalled her childhood: “Mum and Dad used to work quite hard packing tomatoes. And sometimes when Mum didn't have time to cook a meal, she would give me a couple of bob and, because she knew the people at Lean Sun Low pretty well, I'd go in there and they'd know what to get me - a little bowl of wonton soup. I used to do that quite a lot” (Shun Wah et al, 1999, p.30).

Fashion designer Jenny Kee, whose father was a produce agent at the markets, also recalled going to the Lean Sun Low Café after visiting her father’s office upstairs at the markets in the early 1950s. “On the way home, we always stopped by the Lin [sic] Sun Low Café to have our billy cans filled with a savoury rice porridge called juk" (Anthony Ah Kee, 29 May 2018). A 1959 photograph titled “Chinese in Sydney” shows the street number 54 at the top of the glass door. The restaurant in the photograph is Lean Sun Low.

According to Lance Lai’s recollections, his father Lai Kum Hung was in his early twenties when he was sponsored to come Australia around 1954. Lance’s mother Eileen Hung Wah Lai arrived in Australia when she was fourteen. There were many people like the Lai family, who moved from their villages to Hong Kong and then to Australia, and on arrival lived for cheap rent at 52 and 54 Dixon Street until finding a place to rent in the suburbs. According to Lance, his father Lai Kum Hung became an elder in the community and was President of the Goon Yee Tong in the 1980s. Along with others such as Henry Tsang, King Fong, Bernard Chan and Stanley Wong, Lai Kum Hung was one of the founders of the Chinatown Mall and his name is inscribed on the northern archway (Christopher Cheng, 2023).

The Lean Sun Low Café continued operating into the early 1990s when an application was made to build a new shop front for the restaurant (City of Sydney Archives, 1990-1993, A-00661361). In 2000, the restaurant operating across both 52 and 54 Dixon Street, was called the Eastern August Moon.

The ground floor of 54 Dixon Street is currently leased for retail and dining whilst the Goon Yee Tong Ltd occupies Level 1 of 50 Dixon Street, Haymarket. Its website describes the association as: “A registered non-profit Chinese society based in Sydney, Australia. It was founded over a century ago by Chinese migrants from the district of Dongguan, Guangdong province in southern China” (Goon Yee Tong Ltd website, 2024).

The current arrangement is that Goon Yee Tong has a sublease from Loong Yee Tong for 50 Dixon Street and Luen Fook Tong has a similar arrangement for 52 Dixon Street (Daphne Lowe Kelley, Personal Communication, 2 March 2024).

COMMUNITY APPRECIATION

A discussion about the buildings at 50-54 Dixon Street took place amongst participants of the Chinatown Heritage Study Stakeholder Workshop, hosted by the City of Sydney on 5 April 2024. Daniel Ma, who also spent his childhood growing up in Chinatown, would like to see the building at 50-54 Dixon Street preserved. Making reference to 58 Hay Street

	[the Wing Sang Headquarters Building] which was lost to redevelopment and can no longer communicate its stories in the same way, Daniel commented, "Buildings are stories in themselves". Daniel expressed the opinion that without the building and its internal fabric, its history is meaningless. However, some participants of the workshop did not believe that the buildings needed to be retained and that their significance could be interpreted in other ways. The participants expressed that the building is important as it is the only building where clan societies have operated continually for over 100 years. More recently the composition of the association has changed leading to different appreciations of the place. For instance: "More recent arrivals (post-Tiananmen) from China have little appreciation of the history of the district, and the racism and exclusion experienced by 19th and early 20th Century migrants. The White Australia legislation reduced the Cantonese population. The mainland Chinese (who settled in large numbers from the late 1980s) did not experience the racism and the feeling of being in an isolated minority. Different waves experienced Chinatown differently, and many have no sentimental attachment to the building let alone a historical one" (Brad Powe, 5 April 2024). Notwithstanding recent changes, the associations remain very strong. For instance, Man-Yee Leanfore, who has a family connection to the building both through her own (Ho) family and her late-husband's family, would like for the story of the place to be told and the history to be recognised.

8. Historical themes represented

Themes indicate the broad historical context in which an item is significant. Themes help to identify related or comparative items contributing to the same theme.

Refer to the document NSW Historical Themes if completing this section.

Relevant National / Australian themes	2 Peopling Australia 3 Developing local, regional and national economies 4 Building settlements, towns and cities 6 Educating 7 Governing 8 Developing Australia's cultural life 9 Marking the phases of life
Relevant NSW / State themes	Ethnic influences Migration Communication Transport Land tenure Accommodation Education Welfare Social institutions Birth and Death

E. Criteria for heritage significance

9. Assessment under Heritage Council criteria

It is important in the course or pattern of the cultural or natural history of the local area (Criterion A)
The building at nos.50-54 Dixon Street is a purpose-built three-storey building for the Tung Koon (Dongguan) and Tsang Shing (Zengcheng) associations, which are key social organisations for the Chinese Australian community in Sydney. The building also housed several other historically significant Chinese Australian organisations, The Tung Wah Times Newspaper, the NSW Chinese Chamber of Commerce, and a number of restaurants which were instrumental in developing the restaurant culture of Dixon Street. A plaque on the building and the painted Chinese characters are evidence of these historical uses. DISTRICT ASSOCIATIONS The building at nos. 50-54 Dixon Street is associated with the following district associations, the "Loon Fook Tong" at 50 Dixon Street, for people from Tsang Shing County, the "Goon Yee Tong" at 54 Dixon Street for people from Tung Koon County; and between 50 and 54 Dixon Street, a joint clubhouse at 52 Dixon Street, the "Loong Yee Tong". These clubs have occupied this address for over 100 years. Funding was raised by members of these district associations for the purchase of land at 50-54 Dixon Street and construction of the building which was completed in 1916. The historical role of the district associations was to provide funds for the sick, assist the aged in returning to China, raise funds for charity, both in Australia and China, provide accommodation and assist with the settlement of new persons arriving from their districts and those returning. The associations also most likely arranged the transfer of members remittances to China. The district associations also arranged bone-repatriation, donated money to hospitals and ensured the purchase of coffins for deceased Chinamen at sea. The place thus demonstrates the strong links between members in Australia and their native places. The role of the association is significant in maintaining the Chinese Australian community's links with their hometown and facilitated the settlement of Chinese immigrants in Australia. Historian Mei-Fen Kuo has characterised Sydney in the late 19th to early twentieth century as "a hub of Chinese mobility" and "a centre of community mobilisation and identity formation" (Kuo, M. F., 2013). The building at nos. 50-54 Dixon Street was central to this phenomenon. NSW CHINESE CHAMBER OF COMMERCE, 52 DIXON STREET, HAYMARKET 52 Dixon Street was the long-term (over two decades) headquarters of the NSW Chinese Chamber of Commerce which was significant for its role in promoting trade and defending the commercial interests of Chinese Australians from anti-Chinese movements and organisations such as the Anti-Chinese League and the Retail Grocers and Storekeepers Association, which ran public campaigns in the early nineteenth century to dissuade the public from patronising Chinese stores. Members of the Chamber established the first Chinese Australian shipping line, the China-Australia Mail Steamship Line, which operated from 1917 to 1924 between Shanghai, Canton, Hong Kong and Australia. EASTERN RESTAURANT, 52 DIXON STREET, HAYMARKET (1953-66) As the first Chinese restaurant to obtain a liquor licence until 10pm, the Eastern Restaurant is significant as one of the earliest Chinese restaurants to popularise Chinese food in Sydney. Its English menu made Chinese food accessible to non-Chinese customers, demonstrating the adaptation of Chinese culture and community within the Australian context. Together the restaurants including the Eastern Restaurant and Lean Sun Low helped to develop the restaurant culture of Dixon Street.
It has a strong or special association with the life or works of a person, or group of persons of importance in the cultural or natural history of the local area (Criterion B)

The three-storey building at nos. 50-54 Dixon Street has historical association with the "Loon Fook Tong", "Loong Yee Tong" and "Goon Yee Tong" District Associations of the Tsang Shing and Tung Koon Counties. The place is also associated with the following organisations:

NOTABLE FIGURES

The place is associated with a number of prominent figures in the Chinese Australian community, particularly Ping Nam and Gilbert Yet Ting Quoy.

Ping Nam was a well-known merchant, one of the founding members, and the first president of the NSW Chinese Chamber of Commerce. He was also the publisher of the Tung Wah Times, as well as an office bearer of the CERA.

Gilbert Yet Ting Quoy, a Sydney Chinese merchant, along with Ping Nam, campaigned for the establishment of the Sydney Chinese school which existed at 52 Dixon Street for over half a century.

TUNG WAH TIMES, 52 DIXON STREET

52 Dixon Street was the publishing address for the Chinese newspaper 'Tung Wah Times' from 1918 until at least 1933 but likely until 1936. The newspaper is significant for being the second Chinese newspaper in Sydney and for having had the largest circulation of any Chinese newspaper in the Commonwealth, New Zealand and Pacific Islands. It is demonstrative of the diverse political affiliations of the Chinese Australian community. Chinese newspapers promoted political interests of different factions within the community. The Tung Wah Times operated as an organ of the Chinese Empire Reform Association (CERA) which advocated reform of the imperial system and later the establishment of a constitutional monarchy in China.

NSW CHINESE CHAMBER OF COMMERCE, 52 DIXON STREET

Formed in 1913, the Chinese Chamber of Commerce had its headquarters at 52 Dixon Street from 1918 to 1965. The place is also associated with a number of prominent figures in the Chinese Australian community, particularly Ping Nam and Gilbert Yet Ting Quoy.

SALVATION ARMY WOMEN'S HOME, 50 DIXON STREET

There is potential for the place to have historical association with the Salvation Army Women's Home which was present in the building between 1919 and 1921. It could have significance as one of the earliest women's refuges. However, further research is needed to substantiate this.

It is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement the local area (Criterion C)

The building at nos. 50-54 Dixon Street is aesthetically significant in providing an understanding of the historical streetscape of Dixon Street. It is a good example of a late Federation building and it is this style that represents the founding architectural character of Dixon Street. The Chinese signage on the façade is a distinctive characteristic of the Chinatown area.

It has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons (Criterion D)

The Loon Fook Tong, Goon Yee Tong and Loong Yee Tong district associations have owned and/or used the building at 50-54 Dixon Street for over 100 years and it has ongoing social significance for members of the Tsang Shing County and Tung Koon districts. Although many of the historical functions of the district associations have ceased, such a bone repatriation, the district associations continue to hold sociable and charitable activities at the place.

The place is symbolic of Chinese migration and settlement in Australia and is also evident of the Chinese diaspora's practice of maintaining, over many generations, strong ties to their home country. The building contributes to the local identity of the two communities within Sydney.

A number of moveable heritage items at the upper floors of 50 Dixon Street were identified in the 2016 photographs, and may be held in the premises today. This is unconfirmed and needs further investigation. Items including photographs of members of the NSW Chinese Chamber of Commerce and presidents of Loong Fook Tong and other ephemera are apparent in the photographs. The display and safe keeping of these items are integral to the continued social significance of the place.

The restaurants located at 50-54 Dixon Street including the Eastern Restaurant and Lean Sun Low, were popular places for eating and socialising amongst the local community and are remember fondly by older members of the Chinese Australia community.

It has potential to yield information that will contribute to an understanding of the cultural or natural history of the local area (Criterion E)

Lack of access to the interiors of 50-54 Dixon Street poses a limitation to the understating its research potential. Photographs of interiors taken in 2016 indicate that there were a number of moveable heritage items in the building, particularly photographs of members of the NSW Chinese Chamber of Commerce and presidents of Loong Fook Tong association, however their current location is unsubstantiated. These photographs and other records of the district associations membership and activities hold high research potential.

As the location of the moveable heritage items remains unsubstantiated, they cannot be assessed under this criterion.

It possesses uncommon, rare or endangered aspects of the cultural or natural history of the local area (Criterion F)

A small number of purpose-built district association buildings are known to have been erected in several parts of Australia since the late 19th century. The building at nos.50-54 Dixon Street is one of a handful of buildings in the country that continue to exist and function as district associations and have done so for over 100 years. Within Sydney or NSW, there is potential that the building at nos.50-54 Dixon Street is one of the last remaining original purpose-built district association buildings from the early 20th century.

Moveable heritage items, such as framed photographs of members of the organisations that operated at 50-54 Dixon Street, may be located within the building. This collection is likely rare as no other collection has been identified. They have the potential to provide an understanding of the cultural history of the area, particularly, the membership and operation of the NSW Chinese Chamber of Commerce, the Tung Wah Times and the district associations. It is important that the location of the photographs and any other records or ephemera pertaining to these organisations is ascertained and that the contents are documented and preserved.

It is important in demonstrating the principal characteristics of a class of cultural or natural places/ environments in the local area (Criterion G)

The late Federation building at nos.50-54 Dixon Street is one of a handful of buildings on Dixon Street that is representative of the historical scale, materiality and composition of the old Chinatown streetscape.

F. Heritage listings

10. Existing heritage listings

If completing this section, mark against each listing whether the item is listed or not. You may want to contact the relevant local council or organisation to check the item's listing status.

Listed	Not Listed	Listing
	✓	Commonwealth Heritage List
	✓	National Heritage List
	✓	Register of the National Estate
	✓	Declared Aboriginal place
	✓	Local environmental plan (LEP) – heritage item (or draft item)
	✓	LEP – heritage conservation area (or draft area)
	✓	NSW government agency Heritage and Conservation Register
	✓	National Trust register
	✓	Aboriginal Heritage Information Management System
	✓	National shipwreck database
	✓	Engineers Australia list

G. Recommended Management

11. Management recommendations

The following recommendations are drawn solely from a consideration of the significance of the place and good heritage practice. Given that the historical and social significance of the place is particularly important, these recommendations are framed with an understanding that heritage conservation is a social contract, requiring responsibility to be shared by the owners and consent authorities for the mutual benefit of all stakeholders, including the Chinese community. As such, these recommendations are written with consideration of possible future ambitions of the owners, while striving to achieve the best heritage outcome for the place, and with an expectation that the consent authority, in representing the community's interest, will assist/support the owners in managing and conserving the significance of the place, where possible.

OBLIGATIONS ARISING FROM SIGNIFICANCE
The high cultural significance of the place identified in the statement of significance obliges its conservation and good management (Burra Charter Article 2). In the Burra Charter, significance is embodied in the place, where place means site, area, land, landscape, building of other work, group of buildings or other works, and may include components, contents, spaces and views. Place also includes fabric, setting, use, associations, meanings, records, related places, and related objects. (Burra Charter Article 1). This place has been in continual ownership by the district associations for over 100 years and should, where practicable, continue to do so. Markers of historical use such as the painted Chinese signage on the façade, should be conserved.

TOLERANCE FOR CHANGE
There is limited tolerance for change to original fabric on the first and second floors of the building façade. The internal layout and extent of original internal fabric is unknown. There is a greater tolerance for change to non-original fabric particularly on the ground floors which are currently occupied by food retail stores. Retail signage should not be located above the awning. Internal changes to the building for service

upgrades and access, including lifts and reconfiguration of any original staircases is appropriate, but should consider impacts to any significant fabric or floor plans (if applicable).

CONSERVATION OF FABRIC

The façade contributes to understanding the historical streetscape of Dixon Street. The Chinese characters painted on the façade communicate historical association with the district associations. It is recommended that the following fabric be conserved to support these significances:

- All original fabric on the façade including face brick finish, lintels and sills, cornices, and pediment, entablature and associated embellishments.
- The plaque on the ground floor facade of the building denoting the names “Loon Fook Tong”, “Goon Yee Tong”, and “Loong Yee Tong”.
- The Chinese characters painted onto the façade of the upper floors, indicating the names of the district associations, the NSW Chinese Chamber of Commerce and Lean Sun Low restaurant.

INTERPRETATION

Where the opportunity arises, the paint to 50 Dixon Street should ideally be removed to restore the original face brick finish. The Chinese characters should also be repainted by a calligrapher, with careful attention to retaining the calligraphic style, and intrusive elements such as electrical conduits on the facade removed. There may be movable heritage items in the upper floors of 50 Dixon Street. It is recommended that further investigation of the interiors be carried out in order to confirm the existence of this collection. If confirmed, the moveable heritage items have high interpretative value and therefore it is advised that the collection be professionally photographed, catalogued and made accessible to professionals for research. The significance of the place is not independent of the history and development of Chinatown in the Haymarket area, and as such, interpretive strategies for 50-54 Dixon Street should be considered within an overall interpretation strategy for Chinatown. It is recommended that the City of Sydney and the owners work together in considering additional interpretive strategies for the place such as:

- Setting up a plaque(s) identifying the history and significance of the place.
- Creation of digital archives/ websites showcasing the history and significance of Chinatown, identifying 50-54 Dixon Street as a place of significance in the area.

A heritage interpretation plan must be provided in the event of altering the building for change of use and/or major developments.

FUTURE DEVELOPMENT

Additions and alterations to 50-54 Dixon Street is acceptable but must ensure retention of the façade and any significant interiors (if existing), and be sympathetic to the existing building in terms of style, colour and materiality. Future development must also be sympathetic to the overall Dixon Street streetscape, nearby heritage items, and locality statements for the area. The setback and scale of any vertical additions to the place must be sufficient to maintain the readability of the existing form and scale of the principal building.

FUTURE USE

As much as practicable, it is recommended that the place continues to be used and accessed by the district associations and their members. Where necessary, development/ upgrading of the place to support this use is acceptable. Other appropriate uses include but may not necessarily be limited to office, retail and commercial use, but these should not preclude use of the place as clubhouses by the district associations and their members. Prior to any proposed major development including change of use, respectful and purposeful engagement with members of the district associations and with the Chinese Australian community, including descendants of early committee members is recommended.

G. Photograph

12. Principal or main photograph*



Caption*	50-54 Dixon Street, Haymarket
Date of photograph*	15 March 2024
Name of photographer*	Sherly Robert
Copyright holder, if known	Hector Abrahams Architects

H. Author details

13. Primary author of this form*

Name	Sherly Robert; Dr Juanita Kwok.
Position and organisation, if applicable	Strategic Intern, Hector Abrahams Architects; Historian, Independent Consultant.
Contact phone number	(02) 9299 7959
Email address	mailbox@haarchitects.com.au
Date form completed	24/07/2024

14. References used to complete this form*

Author	Title	Date Published	Link
Alexandra Wong, Kay Anderson, Ien Ang and Donal McNeill	Sydney's Chinatown in the Asian Century: From ethnic enclave to global hub	July 2016	
Anthony Ah Kee	Chinese Community of Sydney in the Past	22 May 2022	https://www.facebook.com/groups/1535721703222852
Australian National University Archives	Kong Chew Society	Accessed June 2024	https://archivescollection.anu.edu.au/index.php/kong-chew-society
Brad Powe	Chinatown Heritage Study Stakeholder Workshop	5 April 2024	
Chang, Thelma and Leslie	South Flows the Pearl	2022	
Chinese Youth League of Australia website		Accessed June 2024	https://www.cyl.org.au/
Chinese-Australian Historical Images in Australia	Ning Yang Society	Accessed June 2024	https://www.chia.chinesemuseum.com.au/biogs/CH01855b.htm
Christopher Cheng	Lance Lai Interviewed by Christopher Cheng for the Australians with Chinese Heritage Oral History Project	2023	https://nla.gov.au/nla.obj-3183559394/listen
Chung Wah Association website		Accessed June 2024	https://www.chungwah.org.au/en/about-us/

Author	Title	Date Published	Link
Chung Wah Society website		Accessed June 2024	https://www.chungwahnt.asn.au/
City of Sydney Archives [A-00508333]	Building Survey Card - Chinese stores and club, 50-54 Dixon Street Haymarket, 1945	1945	https://archives.cityofsydney.nsw.gov.au/nodes/view/959411
City of Sydney Archives [A-00551744]	Dixon St (54) Jim Le Ling partition	1918	https://archives.cityofsydney.nsw.gov.au/nodes/view/1417942
City of Sydney Archives [A-00558224]	Dixon St (52)	1953	https://archives.cityofsydney.nsw.gov.au/nodes/view/1414776
City of Sydney Archives [A-00580341]	Dixon St (50-54) G L Quoy three stores	1916	https://archives.cityofsydney.nsw.gov.au/nodes/view/1449673
City of Sydney Archives [A-00661100]	BA (Building Applications) 50 - 52 Dixon St Sydney Eastern Restaurant - Internal Fitout Shop & Office - $30000 - 12 05 88 Luen Fook Tong Society	1988-1993	https://archives.cityofsydney.nsw.gov.au/nodes/view/1478464
City of Sydney Archives [A-00661361]	Building Application - 54 Dixon St Sydney - New Shopfront To Restaurant Lean Sun Low - $8000 - 28 12 90 - Jackson Design	1990-1993	https://archives.cityofsydney.nsw.gov.au/nodes/view/1478725
City of Sydney Archives [A-00672244]	Development Application - 50 - 52 Dixon St Sydney - Erect Top Hamper & Under Awning Signs - $133 80 - 29 04 96 - Eastern August Moon Chinese	1996-2000	https://archives.cityofsydney.nsw.gov.au/nodes/view/1489726
City of Sydney Archives [A-01001328]	Glass Negative - Fruit and vegetable markets, Haymarket, circa 1920	1920	https://archives.cityofsydney.nsw.gov.au/nodes/view/1726756
City of Sydney Archives [A-01089146]	Assessment book, Lang ward	1914	
City of Sydney Archives [A-01136227]	Sands Directory, 1932-33 part 1 City St Directory	1932-1933	
City of Sydney Archives [A-01136236]	Sands Directory, 1923a part 1 City St Directory	1923	
City of Sydney Archives [A-01136237]	Sands Directory, 1922 part 1 City St Directory	1922	

Author	Title	Date Published	Link
City of Sydney Archives [A-01136241]	Sands Directory, 1918 part 1 City St Directory	1918	
City of Sydney Archives [A-01136885]	1919 Part 1 - City Street Directory - A-Gou	1919	https://archives.cityofsydney.nsw.gov.au/nodes/view/1899634
Construction	City Council Applications	30 September 1953	http://nla.gov.au/nla.news-article222898664
Daily Commercial News and Shipping List	Advertising	13 July 1921	http://nla.gov.au/nla.news-article159593337
Daphne Lowe Kelley	(personal communication)	18 June; 27 April; 2 March 2024	
Dictionary of Sydney	NSW Chinese Chamber of Commerce	Accessed June 2024	https://dictionaryofsydney.org/organisation/new_south_wales_chinese_chamber_of_commerce
Ely Finch	(Translation)	2024	
Fitzgerald, J.	Big white lie: Chinese Australians in white Australia	2007	
Fitzgerald, S.	Red tape gold scissors: The story of Sydney's Chinese	1997	
Goon Yee Tong Ltd website		Accessed 21 February 2024	https://goonyeetong.org.au/en/about/
Govt. of Western Australia Heritage Council	Chung Wah Association Hall	Accessed June 2024	https://inherit.dplh.wa.gov.au/Public/Inventory/Details/26f3e0a6-c7d9-4642-8e8c-640d7cedef06
Gwenda Bau	(Interview with Author)	20 January 2024	
International Chinese Business Directory Co., Inc.	International Chinese Business Directory of the world for the year 1913	1913	https://babel.hathitrust.org/cgi/pt?id=uc1.$b440600&seq=9
Kuo, M. F.	Jinxin: The remittance trade and enterprising Chinese Australians, 1850–1916	2018	

Author	Title	Date Published	Link
Kuo, M. F.	Making Chinese Australia: Urban elites, newspapers and the formation of Chinese Australian Identity	2013	
Mei-Fen Kuo	(Personal Communication)	1 May 2024	
My China Roots Traceable	The search for Ah Loong: A Chinese Grandfather Rediscovered	Accessed June 2024	https://www.mychinaroots.com/blog/stories/the-search-for-ah-loong-a-chinese-grandfather-rediscovered/
NSW Land Registry Services	Land Titles, Vol. Fol. 2782-50	1917	
NSW Land Registry Services	Land Titles, Vol. Fol. 1323-162	1830, 1900, 1916	
NSW Land Registry Services	Land Titles, Vol. Fol. 2782-50	1917, 1927, 1930	
NSW Land Registry Services	Land Titles, Vol. Fol. 2782-51	1918, 1927	
Paul Macgregor	(email to Authors)	June 2024	
Shun Wah, Annette and Aitken, Greg	Banquet: Ten Courses to Harmony	1999	
State Heritage Inventory	Kwong War Chong	Accessed June 2024	https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5067050
State Heritage Inventory	Sze Yup Temple	Accessed June 2024	https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5045668
State Heritage Inventory	Yiu Ming Temple	Accessed June 2024	https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5044695
The China-Australia heritage corridor	Former Kwong War Chong Building received heritage listing	Accessed June 2024	https://www.heritagecorridor.org.au/news-and-blogs/former-kwong-war-chong-building-received-heritage-listing
The China-Australia Heritage Corridor	Xiao Yu RUAN	Accessed June 2024	https://www.heritagecorridor.org.au/people/xiao-yu-ruan

Author	Title	Date Published	Link
The Chinese Australian Herald		27 December 1902	https://trove.nla.gov.au/newspaper/article/169055770
The Chinese Australian Herald	決 議 改 建 街 市	13 March 1909	http://nla.gov.au/nla.news-article168080171
The Daily Telegraph	Advertising	4 December 1925	http://nla.gov.au/nla.news-article245063064
The Glebe Society website	Sze Yup Temple	Accessed June 2024	https://glebesociety.org.au/buildings/sze-yup-temple/
The Herald	Ning Yang Woikwon- New Chinese Society	16 June 1909	https://trove.nla.gov.au/newspaper/article/242065980?searchTerm=Ning%20Yang%20Society#
Tung Wah Times	敬 告 本 邑 梓 友	30 June 1906	https://trove.nla.gov.au/newspaper/article/247428605
Tung Wah Times	東增聯 義 堂 第 一次捐欵芳名	27 July 1907	http://nla.gov.au/nla.news-article246930263
Tung Wah Times	Advertising	20 May 1922	http://nla.gov.au/nla.news-article227656590
Tung Wah Times	Advertising	6 October 1928	http://nla.gov.au/nla.news-article224803806
Tung Wah Times	Advertising	6 December 1920	http://nla.gov.au/nla.news-article227013534
Tung Wah Times	Advertising	4 May 1918	http://nla.gov.au/nla.news-article227019117
Tung Wah Times	Advertising	28 June 1919	ttps://trove.nla.gov.au/newspaper/article/227015723
Tung Wah Times	Advertising	19 September 1914	http://nla.gov.au/nla.news-article227973558
Tung Wah Times	Advertising	23 October 1920	http://nla.gov.au/nla.news-article227018088
Tung Wah Times	Advertising	9 December 1922	http://nla.gov.au/nla.news-article227655088
Victorian Heritage database report	Num Pon Soon Society Building	Accessed June 2024	https://vhd.heritagecouncil.vic.gov.au/places/780

Author	Title	Date Published	Link
Victorian Heritage Database report	See Yup Temple	Accessed June 2024	http://vhd.heritage.vic.gov.au/search/nattrust_result_detail/66652
Way Shong; Pow Chee	Report of the Royal Commission on alleged Chinese gambling and immorality and charges of bribery against members of the police force	1891-1892	https://babel.hathitrust.org/cgi/pt?id=coo1.ark:/13960/t59c7hk45&seq=49
Williams, M.	Returning Home With Glory: Chinese Villagers around the Pacific, 1849 to 1949	2018	
Yong, C. F.	The New Gold Mountain	1977	

15. Signature of author*

To confirm you have approved the final content of the form, giving permission for the information to be used by Heritage NSW and the Heritage Council of NSW.

Name		Date	24/07/2024

16. Signature of image copyright holder*

To confirm you have approved the final content of the form, giving permission for the images provided to be used by Heritage NSW and the Heritage Council of NSW.

Name		Date	24/07/2024

I. Additional photographs and images



Caption*	View of 50-52 Dixon Street, Haymarket
Date of photograph*	15 March 2024
Name of photographer*	Sherly Robert
Copyright holder, if known	Hector Abrahams Architects



Caption*	View of 54 Dixon Street, Haymarket
Date of photograph*	15 March 2024
Name of photographer*	Sherly Robert
Copyright holder, if known	Hector Abrahams Architects



Caption*	View of 50-54 Dixon Street, Haymarket
Date of photograph*	January 2024
Name of photographer*	Dr Juanita Kwok
Copyright holder, if known	Dr Juanita Kwok



Caption*	Plaque at 52 Dixon Street, Haymarket
Date of photograph*	January 2024
Name of photographer*	Dr Juanita Kwok
Copyright holder, if known	Dr Juanita Kwok



Caption*	1979 view of 50-54 Dixon Street
Date of photograph*	1979
Name of photographer*	Unknown
Copyright holder, if known	



Caption*	2000 view of 50-54 Dixon Street
Date of photograph*	16 April 2000
Name of photographer*	Mark Stevens
Copyright holder, if known	

Attachment F

Hector Abrahams Architects - Draft Inventory Sheet - 90-100 Hay Street

State Heritage Inventory form

Complete all mandatory fields on the form, as indicated with an asterisk (*).

A. Nominated item

1. Name & type

Name*	Former Municipal Stores
Other or former names	
Item type (if known)	Built
Item group (if known)	
Item category (if known)	
Area, Group, or Collection Name	

2. Location

If the item does not have a street number, provide land parcel information as well.

If the item has no land parcels, provide coordinates and a map.

For moveable objects enter the principal address where held.

Street address*	90-100 Hay Street, Haymarket
Alternate street address	
Local government area*	City of Sydney

Land parcels*	Lot	1	Section (if applicable)		DP	261942
	Lot	2	Section (if applicable)		DP	261942
	Lot	3	Section (if applicable)		DP	261942
	Lot	4	Section (if applicable)		DP	261942
	Lot	5	Section (if applicable)		DP	261942
	Lot	6	Section (if applicable)		DP	261942

Coordinates

Latitude	
Longitude	
Datum	

3. Extent of nomination

Provide a map or plan clearly indicating the extent of the curtilage (boundary) of your nomination.



Source of map or plan	Nearmap with HAA overlay
Description of the boundary, if required	

4. Ownership

For organisations / company, please provide both the name of the business and a contact.

Name of owner(s)*	HUNTERS INVESTMENTS (NSW) PTY LTD
Business / organisation name, if applicable	
Address	90 Hay Street. Haymarket PO BOX K565, HAYMARKET NSW 1240
Phone	
Email	

Ownership explanation, if required	

Name of owner(s)*	Mr M H Ta & Mrs C T Ta
Business / organisation name, if applicable	
Address	92 Hay Street, HAYMARKET NSW 2000
Phone	
Email	
Ownership explanation, if required	

Name of owner(s)*	LAO & CHEN PTY LTD
Business / organisation name, if applicable	
Address	94 Hay Street, HAYMARKET NSW 2000
Phone	
Email	
Ownership explanation, if required	

Name of owner(s)*	Mr S Yee & Mrs M H Yee
Business / organisation name, if applicable	
Address	96 Hay Street, HAYMARKET NSW 2000
Phone	
Email	
Ownership explanation, if required	

Name of owner(s)*	HYNSCO PTY LTD & Mrs M H Yee & Mr S Yee
Business / organisation name, if applicable	
Address	98 Hay Street, HAYMARKET NSW 2000
Phone	
Email	
Ownership explanation, if required	

Name of owner(s)*	HYNSCO PTY LTD
Business / organisation name, if applicable	
Address	100 Hay Street, HAYMARKET NSW 2000
Phone	
Email	
Ownership explanation, if required	

B. Significance

5. Why is it important in NSW?

Refer to the guideline Assessing heritage significance when completing this section.

Statement of significance*
The group of buildings at 90-100 Hay Street are important in the history of the Chinese in NSW. Located opposite the Municipal Markets and built in direct association with the markets, the stores at 90-100 Hay Street were occupied by Chinese Australian fruit and vegetable produce firms between the 1910s and the 1970s. They were also important in the history of the city as the relocation of the City markets from the Belmore Markets in Haymarket to the Municipal Markets was a catalyst for the development of a new Chinatown in Haymarket, as firms opened stores to be near the markets. These stores are location markers in Sydney of the processes of the banana and commercial vegetable growing industries which were pioneered by Chinese Australians. The place is a key destination on a trade route with a supply network of vegetables and bananas coming from Chinese Australian communities across New South Wales, Queensland and Fiji. Lee Sang & Co. at 90 Hay Street dealt primarily in vegetable produce supplied by a network of stores and market gardens in regional NSW and firms at 92-100 Hay Street dealing primarily in bananas were supplied by plantations in northern NSW, Queensland and Fiji. The buildings at 90-100 Hay Street are associated with major Chinese Australian businesses such as Wing Sang & Co., Wing Tiy & Co., Gee Ick & Co., and Lee Sang & Co. and is a rare example of stores occupied by multiple major Chinese Australian businesses. Histories of the firms which occupied the stores evidence the achievements of Chinese Australians in the fruit and vegetable industries despite the impacts of immigration restrictions on Chinese Australian businesses and families. Nos. 96-100 are also associated with the significant and popular restaurant, Emperor Gardens which has occupied the place since 1979. There are many family and community stories and memories attached to 90-100 Hay Street, particularly for those whose families lived or worked in the buildings, or grew the produce sold through the stores, and for those in China who were reliant on remittances sent through these stores. These stories testify to the resilience of the Chinese Australians in the face of social and economic discrimination imposed by White Australia legislation. The authors and editors of the book, The China-Australia Migration Corridor: History and Heritage, use the metaphor of a “transnational heritage corridor” to describe the circulation of people, money, goods and ideas between Zhongshan and Australia (Byrne, D., Ang, I. & Mar, P., 2023). Alexandra Wong and Ien Ang argue that the businesses which merchants operated at the Sydney end of the corridor, have significance not only at a local, but at a transnational level (Ang, I. & Wong, A. 2023, p.222). The same can be said of the Chinese businesses which rented the Municipal stores at 90-100 Hay Street.

Comparisons*

The following comparative analysis presents other stores occupied by the same business as at 90-100 Hay Street as well as other Chinese Australian stores across Sydney and NSW.

DEMOLISHED MARKETS AND CHINESE AUSTRALIAN STORES

No. 58 Campbell Street, Sydney - Established in 1890, 58 Hay Street was the headquarters of banana merchants Wing Sang & Co. It was demolished in circa 1980s to make way for the Entertainment Centre.

No. 450 Sussex Street, Sydney - The banana merchants Wing Sang & Co. had stores in the early 20th century at 450 Sussex Street. The building was demolished between 1911-1912.

No. 435 Sussex Street, Sydney - The banana merchants Wing Sang & Co had another store on Sussex Street at no. 435. The building has since been demolished

Corner of Campbell and Wexford Street, Sydney - Gee Ick and Co. had premises on Wexford Street until the street was resumed in 1906-1908. The current day Wentworth Avenue is on a similar alignment.

Old Belmore Markets (Campbell Street) - The old Belmore Markets opened in 1969 and named after the then Governor. They were replaced by the New Belmore Markets in 1893a and demolished in 1910 (City of Sydney Archives, A-00038649).

EXTANT FORMER MARKETS AND CHINESE AUSTRALIAN STORES IN SYDNEY

Nos. 20-22 Campbell Street, Haymarket - Wing Sang & Co. occupied this building between 1890 and 1909 when it moved to larger premises on the corner of Sussex and Hay Street. A number of other Chinese Australian fruit and produce businesses including Hie Lee & Co., Lee Sang & Co., and Wing Tiy & Co. occupied this building or neighbouring buildings. The place is currently listed on the Sydney LEP 2012 as part of a group listing of terraces (item no. I827).

Nos. 82-84 Dixon Street, Haymarket - Kwong War Chong building at 82-84 Dixon Street is a highly significant building that "formed part of an extensive network of business, industrial and social relations among Chinese Australians" during the 20th century. The buildings functions included but were not limited to accommodation for market gardeners, remittance agency, and a retail site with a Chinese Australian owned business operating here between 1909 and 2017 ("Former Kwong War Chong & Co building, including interiors and contents of 84 Dixon Street," State Heritage Inventory). It is listed on the Sydney LEP 2012 (item no. I2293) and the State Heritage Register No. 02089.

Nos. 35-39 Ultimo Road, Haymarket - Chinese Australian firms such as Wing On & Co. and fruit and vegetable firm formerly occupied these market stores buildings which were constructed in 1911-1913 adjacent the Municipal markets. The market stores were predominantly occupied by fruit and produce merchants and butcheries. Wing On & Co. was the longest occupant, leasing the premises from 1914-1974 ("Former Markets Stores Including Part Interior," State Heritage Inventory). It is listed on the Sydney LEP 2012 (item no. I867).

Former Municipal Markets (Hay Street) - The former Municipal Markets are adjacent and contemporary to 90-100 Hay Street. Both designed by the City Architect, they had an operational relationship with produce delivered and repacked at 90-100 Hay Street and then sold at the markets. The former Municipal Markets have been developed and are now known as Market City, which contain a shopping centre and Paddy's Markets.

Former 'New Belmore Markets'(13 Campbell Street) - Constructed to replace the old Belmore Markets, the New Belmore Markets opened in 1893. They were later replaced by the Municipal Markets in 1909.It has been used for entertainment purposes since 1916 when it reopened as the Hippodrome and then later as a 'atmospheric theatre' (designed to give the illusion of a courtyard under a night sky). Today it houses the Capitol Theatre ("Capitol Theatre including interior," State Heritage Inventory).

EXTANT/FORMER CHINESE AUSTRALIAN STORES IN NSW

Kwong Sing & Co. Emporium (196-204 Grey Street, Glen Innes) - The former Kwong Sing & Co. Emporium is representative of once common country town Department Stores and is evidence of the contribution of Chinese Australia's to the development of regional NSW. The business was run by the Young family since

its establishment in 1886 with the current building being constructed in 1915 ("Shop - "Kwong Sing & Co Emporium," State Heritage Inventory).

Wing Hing Long Store (10 Ruby Street, Tingha) - The former Wing Hing Long store, built in the 1880s, is one of the oldest retail buildings in Tingha and now operates as a museum. It has a long history with Chinese Australians who built the store and operated business out of the premises from 1881 until 1998 (Kira Brown). The place is evidence of the contributions of Chinese Australians to the development of regional NSW. Much moveable heritage has survived including signage, fittings, furnishing and the cashier's box and pulley ("Store - Wing Hing Long & Co. Store," State Heritage Inventory). It listed on the State Heritage Register (no. 01307).

Former Yee Lee General Store (38 Alexander Street, Stuart Town) - It is unclear when this modest general store was constructed but a store has existed on the site since 1878. Yee Lee bought the site in 1901, opening a general store and following his death in the mid-1930s his sons continued to run the store. The date that the business stopped operating is unclear though the family played an important role in the development of the area ("Yee Lee's Store (former)," State Heritage Inventory). It is locally listed on the Dubbo Regional LEP 2022 (item no. I312).

CONCLUSION FROM THE COMPARATIVE ANALYSIS

Many of the buildings associated with Chinese Australian business enterprises in Sydney have been lost by neglect or demolished. In Sydney, stores and warehouses and neighbourhoods, such as the area around Wexford Street, where Chinese Australians worked and lived were demolished in the resumptions in the late nineteenth and early twentieth century. Other buildings associated with Chinese Australians have been demolished in more recent redevelopments. For example, the Wing Sang headquarters at 58 Hay Street was demolished in around 1980 for the construction of the Sydney Entertainment Centre (The China-Australia Heritage Corridor Project).

The few surviving buildings scattered across NSW are a mix of modest timber weatherboard stores and more substantial two to three storey buildings. The intactness of these places varies with some retaining historical signage and ephemera demonstrating their historical connections to Chinese Australian firms. The buildings at 35-39 Ultimo Road are near contemporary to and are most similar to 90-100 Hay Street. These market stores were also built opposite the Municipal Markets and occupied by major Chinese Australian businesses such as Wing On & Co.

The Municipal Stores at 90-100 Hay Street are amongst the largest of the surviving buildings occupied by Chinese Australian stores and are one of few surviving places in Sydney associated with multiple major Chinese Australian firms.

C. Description

6. Describe the existing item

Description*	EXTERNAL The buildings at 90-100 Hay Street are of a late Federation architectural style. The place is two buildings located at the end of a block and has continuously operated as six premises. Although detached, the two buildings are symmetrical and therefore read as one building through consistency in scale and form. Some external detailing distinguishes between the premise though 96-100 reads one. The buildings are three to four storey masonry constructions with a mostly internal timber post and beam structure. Though originally face brick they have since been painted cream (nos. 90, 96, 98 and 100), blue (no. 92) and grey-green (no. 94). There is also some graffiti on the upper levels of nos. 98-100. Awnings are suspended above the ground floor with a single awning spanning nos. 96-100 and three individual awnings to nos. 90-94. Air-conditioning units are

located above the awnings and downpipes of various colours run down the facades between the buildings but are symmetrically positioned. Windows openings on the first floors have segmented arches with the upper floors being rectangular openings but the window frames and glazing are a mix double hung, single pane and multi-paned sashes.

NOS. 90 AND 100

The two end premises (nos. 90 and 100) address Harbour Street to the west and Dixon Street to the east. They are defined by their chamfered corners and masonry piers, some with recessed detailing which divide the premises into five bays. The three bays which address the street corner have six vertical window openings under a key stone arch and basket weave bond inset panel of brick.

The northern and middle bay to the Harbour Street elevations are four storied and have gabled parapets and nine vertical windows. The nine windows in the central bay are comprised of glass bricks.

The central and middle bay on the Dixon Street elevation is three stories and there is no parapet, instead there are pipe and wire mesh balustrades. There are also six windows in each bay.

NOS. 92-98

The premises at 92-98 are delineated by masonry piers, some of which are stepped and have recessed detailing. These premises each have six vertical windows to the first and second floors.

ROOF

Balustrades on the roof are of various materials and vary at each address. Balustrades at no. 96-98 Hay Street are pipe and wire mesh, glass at no. 94 and timber at no. 92. There is also an illuminated art installation, titled In Between Two Worlds by Jason Wing, in Kimber Lane, between nos. 94 and 96

INTERIORS

NOS. 90 AND92

The interiors of nos. 90 and 92 have not been assessed. The ground floors of nos. 90 and 92 have been altered and fitted out with modern food retail outlets.

NO. 94

No. 94 is used as a karaoke bar and its interiors have been significantly altered with a modern fit-out to accommodate a life, fire stairs, bar, industrial kitchen and karaoke rooms with mirrored partitions. There is some original detailing, namely recessed brock arches, evident in the stairwell.

NOS. 96-100

Although historically divided the ground floors of 96-98 Hay Street are now a single restaurant space with an industrial kitchen for the Emperors Garden. The first floor of no. 100 is also used as a dining space. The dining spaces are carpeted and the walls are either painted or wall papered, some walls also have tiles.

There are original and modified stairs and the first floor of 98-100 are connected internally through an opening in the wall and contain an industrial kitchen. The brick work and recessed arches remain exposed. The second floor of no. 100 contains rooms with original joinery including

	columns, doors leaves, architraves and transom windows. There are also false ceilings and modern timber floors. The upper floors of 96 have not been assessed.
Condition of fabric and/or archaeological potential*	The place is in fair to good condition. There is some vegetation growing on the façade.
Integrity / intactness*	The exterior form has a high degree of integrity. Finishes and details such as paint on the façade of the buildings, balustrades, awnings and some windows are not original. Overall, internally there is a low degree of intactness. 94 Hay Street has had substantial alterations internally with minimal surviving original fabric. 98-100 Hay Street have largely been altered but there is some original fabric. 90 -92 Hay Street were not inspected internally and their degree of intactness is not known.
Modification dates	
When was the last time you inspected the item?	April 2024
Current use	Various restaurants and hospitality operations
Original or former use/s	Municipal stores, fruit and vegetable stores, residence
Any additional comments	

D. History

7. Origins and historical evolution

Years of construction*	Start		End	1911
Designer or architect*	City Architect			
Maker or builder*	Charles C. Coleman			
Historical outline*	PREFACE The history of the buildings at 90-100 Hay Street might be divided into a market period and a post market period. In the market period, from the 1910s to the 1970s, the buildings functioned as Municipal Stores, leased from the City Council, for the most part by Chinese Australian fruit and vegetable merchants. At this time, the majority of the Chinese originated from the Pearl River Delta, in the vicinity of the provincial capital of Canton, and Cantonese or district languages were the main Chinese languages spoken in Sydney. It was also a time when the Chinese Australian population was a minority population, owing to White Australia legislation which virtually prohibited the entry of new migrants from China or Hong Kong and restricted the family life, occupations and industries of resident Chinese Australians. The end of this period in the mid-late 1970s coincides with the abolition of White Australia legislation and the relocation of the Municipal Market to Flemington.			

The later period dates from around the late 1970s, by which time migration was increasing with the relaxation of restrictions and Chinatown evolved as a dining destination. From this time and up to the current day, the buildings at 90-100 Hay Street, which were no longer owned by the City of Sydney, were primarily used as restaurants. As the authors of China Unbound write:

"By the 1980s, when these Western societies had largely given up their racially discriminatory immigration policies and opened up to Asian immigration, the dominant conception of Chinatown was no longer that of an abject ethnic ghetto: rather, Chinatown was now seen as a positive expression of multicultural heritage and difference" (Anderson, Ang, Del Bono, McNeill, and Wong, 2019).

This report on 90-100 Hay Street focuses on the market period as the most historically significant period in the history of the buildings. According to Major General (retd) Darryl Low Choy, President of the Chinese Australian Historical Society, the connections of 90-100 Hay Street with the banana trade tells the story of Chinatown and demonstrates the adaptability of Chinese Australians to changing economic and political conditions in order to survive. Low Choy believes Chinese Australian migrants are misrepresented only as sojourners who eventually left Australia, but the history of 90-100 Hay Street (and also 75-77 Ultimo Road and 50-54 Dixon Street) tells a different story of the many unrecognised contributions which Chinese migrants settlers made to Australia. He argues that the buildings must be understood in their political context as businesses adapted to the changing laws and policies of Australia.

CONTEXTUAL BACKGROUND

CHINESE AUSTRALIANS IN THE FRUIT AND VEGETABLE INDUSTRIES

The great majority of Chinese migrants who arrived in the Australian colonies from the early 1850s came from counties in the Pearl River Delta, in the vicinity of the provincial capital of Canton. Initially they were drawn by the goldrushes, but later came to work in a variety of other occupations, including as tin miners, market gardeners, scrub clearers and cabinet makers. They maintained strong ties to their villages (Williams, 2018).

Chinese immigrants to the goldfields brought horticultural skills with them, which not only included water management skills and age-old knowledge of growing vegetables and fruit, but capital sharing and marketing strategies" (Boileau, Joanna 2017, pp 2-7). In Australia, they adapted to different climates and market needs to develop successful commercial growing and wholesale businesses. In the latter decades of the 19th century, fruit and vegetable production, distribution and sales became major occupations of Chinese people in the Australian colonies. The 1885 Sands Directory listed 54 gardens in Sydney, largely in Alexandria and Botany (Fitzgerald, S. 1997, p.95). The extension of rail networks enabled regional producers to send their produce to the market in Sydney. As historian C.F. Yong writes, "the extensive cultivation of vegetables by Chinese growers gave Chinese greengrocers in cities and towns a large share in the wholesale and retail vegetable trade, for Chinese market gardeners often supplied their produce to Chinese greengrocers" (Yong, C. F. 1977, p.36).

Besides growing vegetables, Chinese migrants also developed fruit industries, in particular the banana industry. Chinese who had arrived in North Queensland to work on the Palmer and Hodgkinson gold fields turned to agriculture in the mid-1870s. The Cairns Post of 28 May 1887 declared, "The Chinese farmers and fruit growers of the North may almost be regarded as the fathers of agriculture in the Cairns district" (Johnston, Connor). Chinese fruit merchant firms were involved in all aspects of the banana industry from land-clearing, cultivation, and developing the means of transport. Chinese banana growers, particularly along the Johnstone River would alter water courses to accommodate their banana laden sampans (Johnston, C, p. 23).

Bananas were freighted to southern cities for sale by wholesale fruit merchant firms. One of the most successful of the Sydney-based Chinese fruit merchants was Wing Sang & Co. founded in 1890. Wing Sang & Co. invested capital gained from its banana wholesale business into ventures in Hong Kong and China, founding the Sincere Co. which opened the first department store in Hong Kong in 1900.

Another banana wholesale firm, Wing On & Co. followed suit, opening a department store in Hong Kong in 1907, then in Shanghai, and diversifying into banking, insurance and textile milling. Wing Sang and Wing On developed business networks which extended throughout Asia and the Pacific and in Hong Kong and China. The decision to invest capital earned from Australian ventures into Hong Kong and China was due in no small part to colonial and Commonwealth legislations which obstructed business opportunities for Chinese people in Australia and the Pacific.

Wing Sang & Co. and other Chinese Australian firms had begun establishing these department stores and transnational business networks a decade before the Municipal markets were completed, Wing Sang & Co. and its subsidiaries leased 94 and 96 Hay Street and a Chinatown area centred on Dixon Street evolved.

WHITE AUSTRALIA LEGISLATION

Australian colonies had already introduced legislation to restrict the entry of Chinese people to Australia in the late 19th century, but the 1901 Immigration Restriction Act introduced a dictation test designed to prevent entry of non-whites into the Commonwealth. Chinese people already resident in Australia who wished to travel could apply to be exempted from the Dictation Test. Certain categories of Chinese people had some exemptions from the restrictions, such as students and merchants. Import/export merchants with a certain business turnover were allowed to bring in assistants and special clerks to assist them in their businesses, with extensions renewable on an annual basis. As Alexandra Wong and Ien Ang write, “the system of exemptions was a complicated bureaucratic process and required the active sponsorship of a merchant or employer already in Australia, which reinforced the entry of people from the same hometowns or lineages” (Ang, I. & Wong, A. 2023,

p.221). The effect of these policies can be seen very much in the lives of the Yip families at 90 Hay Street and the Ma families at 94 and 96 Hay Street.

The merchant class represented 15.6 percent of the whole Chinese population in NSW in 1901 (Yong, C. F. 1977, p.45). After 1905, only wives of well-established merchants were admitted, and for short periods only, usually six months” (Choi, C. Y. 1975). No such privileges were extended to the labouring class of market gardeners, carters, packers, stall-holders and storemen associated with the markets. Chinese were prohibited from becoming naturalised between 1903 and 1957. They could not bring their wives or families to Australia, and could only apply for exemption from the dictation test to return to their villages, marry and to visit their families.

Towards the end of the 19th century, the Chinese population in the Australian colonies began to transition from a rural to an urban population. In 1880 there were 1014 Chinese people in Sydney as against 9000 others in the rest of the State, but in 1888, Sydney had 4,202 Chinese people (Yong, C. F. 1977). The 1901 Census of NSW recorded 3276 males and only 56 females born in China (Fitzgerald, S. 1997, p.93). The gender imbalance, owing to migration preferences in the first place and then restrictive legislation, decreased with the birth of females born of Chinese or Chinese-European parents in Australia. However, NSW Census figures for women born in China remained low until naturalisation restrictions were relaxed in 1957 (Ang, I. & Wong, A. 2023, p.220).

THE DEVELOPMENT OF CHINATOWN IN THE HAYMARKET DISTRICT

The Chinatown centred on Dixon Street came about as a result of the construction of the Municipal Markets, but the markets which preceded them are an important part of the history. Hay Street traces its origins to 1829, when a site was designated for cattle and corn markets. The Haymarket, as it became known, was a convenient stopping place for farmers' bullock carts before the long haul up the Brickfield Hill to the city's early market buildings, on the site of what is now the Queen Victoria Building (Fitzgerald, Shirley, 2009).

In 1869, the City Council established produce markets, known as the Belmore Markets on Campbell Street on a block to the east of the Capitol Theatre (Ellmoos, L, 2008). Chinese businesses, previously located in the Rocks area of Sydney near the overseas shipping wharves, re-located their businesses to Pitt, Campbell and Goulburn Streets and adjoining laneways to be near to the Belmore Markets. The (old) Belmore Markets were replaced by the (new) Belmore Markets built on the present site of the Capitol Theatre between 1892 and 1893 (Ellmoos, L,, 2008).

Historian C.F. Yong writes, “In Sydney Belmore Market was the vegetable emporium. There Chinese and Australian growers sold their vegetables from the carts which were backed into stalls and the horses remained in the vehicles until the stock was sold out.” (Yong, C. F. 1977, p.37).

The City of Sydney Local Environment Plan 2012 has listed highly significant buildings which relate to the Chinese Australian history of the Belmore Markets era, in particular, the Wing Sang building at 20 Campbell Street - Terrace Group (Listing Number I827) and the Chinese Masonic Hall including interiors at 18 Mary Street (Sydney LEP 2012 Item No. I1571).

By the turn of the century, the new Belmore Markets could no longer accommodate the 350 local vegetable growers and nearly 200 fruit-growers who brought their produce into the market to sell and so a special market committee was set up to examine new sites (Christie, M. 1988, p.87). The committee came up with a plan, approved by the public and the press, whereby the Wexford Street area would be resumed, cleared of slum dwellings and re-developed as a market. As City historian Shirley Fitzgerald wrote, while Wexford Street, Exeter Place, Foster, Mary, Stephen and Elizabeth Streets in Surry Hills were home to Chinese Australian families, “to the wider community this area was a slum…” (Fitzgerald, S. 1997, p.90). Historian of the Sydney markets, Michael Christie observed, “The advantage of the scheme from the Council point of view, was that local business would be placated and the ‘Chinese problem’ dealt with” (CHRISTIE, M. 1988, p.87). The City Council was granted authority to resume land under the Sydney Corporation Amendment Act, 1905 (Ellmoos, L, 2008). In 1906, Council began a process of land resumption and demolition beginning with Wexford Street which was replaced by Wentworth Avenue. Two Chinese churches were destroyed in the resumption – the Chinese Presbyterian Church in Foster Street (1893-1910) and the Chinese Mission’s St Luke’s Church in Wexford Street, demolished only ten years after the foundation stone was laid. An estimated 724 people had their houses demolished (Fitzgerald, S., 1997, p.123). This resumption and demolition was unnecessary as the chosen market site was located west of George Street near Darling Harbour and the Railway” (Christie, M. 1988, p.87).

In 1908, Sydney Municipal Council resumed terrace houses, mills and workshops spread over four acres bounded by Ultimo, Thomas, Hay, Quay and Engine Streets to make way for two new market buildings, including the Municipal Stores at 90-100 Hay Street, designed by the City Architect. The first market building on Hay Street opened in 1909 and the second in 1910. These developments were reported in the Chinese Australian Herald in March 1909, with the comment that numerous Chinese firms were expected to move in light of the market’s relocation (Guang yi hua bao = The Chinese Australian Herald, 13 March 1909, p.2). From 1910, Chinese firms which had previously

been centred around Campbell Street, Haymarket in proximity to the Belmore Markets began to open stores in Hay, Dixon, Quay, Harbour Streets and Ultimo Road, close to the new Municipal Markets. First amongst these was Chungshan (Zhongshan) merchant Phillip Lee Chun, who in 1909 purchased land at 82-84 Dixon Street and had a building constructed on that land for his business, Kwong War Chong, which for sixty years afterwards provided a remittance service to NSW's Loong Tu community (Hector Abrahams Architects, 2019, p.4).

OCCUPANTS OF PRIOR BUILDINGS AT 90-100 HAY STREET

Dove's 1880 plan of Sydney shows four one to two storey masonry buildings between Harbour Street and Kimber Lane and a single two storey timber building between Kimber Lane and Dixon Street. Prior to the building of the Municipal Stores at 90-100 Hay Street, the buildings on Hay Street from Harbour Street to Kimber Lane were numbered 92-98 Hay Street and those from Kimber Lane to Dixon Street were 100-106 Hay Street.

The owner of 92 Hay Street in 1907 (now 90 Hay Street) was Samuel Hordern, of the successful Anthony Hordern and Sons firm. No. 92 Hay Street was used as a Hordern and Sons store and stables before the land was purchased and cleared for the construction of the Municipal Stores (City of Sydney Archives, A-01136253 to A-01136244). A photograph of the corner of Harbour and Hay Streets taken in 1910 shows that 92 Hay Street had been demolished by then.

The City Assessment books and Sands Directory show that occupants of 94 Hay Street prior to its demolition were Mrs Mary Doherty, fruiterer and Mr George Doherty, pattern maker from 1900 to 1904; Peter Peterson in 1905 and George Hanna hairdresser from 1906 to 1910 (City of Sydney Archives, 1903- 1910, A-01136249 to A-01136256). Lee & Co. occupied 94 Hay Street in 1911 (City of Sydney Archives, 1911, A-01136248).

Businesses which occupied 96 Hay Street (now 92/94 Hay Street) were Daniel S. Ford, printer, 1903-1905; Ross Frederick William 1909-10; and Mrs Elizabeth Shea, Refreshment Rooms in 1911 (City of Sydney Archives, 1903 – 1911, A-01136256 to A-01136248). At 98 Hay Street was Yee Sang, pork butcher (City of Sydney Archives, 1911 A-01136248).

From 1900 to 1910, 100-106 Hay Street, the block from Kimber Lane to Dixon Street (now 96-100 Hay Street) was occupied by West's Patent Tyre Co Ltd and by J.E. Bishop, Secretary (City of Sydney Archives, 1910 and 1911, A-01136249 and A-01136248).

90-100 HAY STREET: THE MUNICIPAL STORES

In 1911, the Municipal Council put out a tender for the construction of Municipal Stores at 90-100 Hay Street, opposite the new Municipal Markets. The tender stipulated that the contractor was to complete the whole of the works in six months or in default, to pay £5 per day for every day until the work was completed (City of Sydney Archives, 1911, A-00455910). The successful tenderer was Charles C. Coleman who signed a contract with the City on 21 July 1911.

The buildings which had previously existed at 92–106 Hay Street were demolished in 1911 and replaced by the current three storey buildings. Buildings at 92-98 Hay Street were re-numbered as 90-94 Hay Street and buildings from 100-106 Hay Street became 96-100 Hay Street.

The City Council owned, leased and managed the Municipal Stores until 1969, when the newly established Sydney Farm Produce Market Authority took over running of the stores on 1 January, 1969 (Government Gazette of the State of New South Wales, 20 December 1968, p.5000). The new Sydney Markets at Flemington were opened in 1975 and trading ceased at the Municipal Markets in the Haymarket.

After the markets moved to Flemington, the Municipal Stores were vacant for some time before investors such as Alan Seeto, Bernard Chan and Stanley Wong and family bought up real estate in Chinatown. Alan Seeto, who came to Australian in 1973 from Papua New Guinea owned a building with three restaurants on the corner of Hay and Harbour Streets (The Canberra Times, 2 February 1986, p.50). Nos. 90-100 Hay Street was the site of a number of restaurants, but the evolution of Chinatown's restaurant culture is better demonstrated by earlier restaurants such as the Eastern Restaurant and Lean Sun Low at 50-54 Dixon Street. An exception to this is the standout example of longevity of the restaurants owned and operated by the family of Stanley Yee at 96-100 Hay Street since 1979.

NO. 90 HAY STREET

LEE SANG & CO. AND GILBERT YET TING QUOY

The first tenant in the newly constructed building at 90 Hay Street was Lee Sang & Co. Produce Merchants and Importers, who leased the building from 1919 (City of Sydney Archives, A-01136240). In June 1920 Lee Sang & Co. advertised a new shipment of fireworks to celebrate the visit of the Prince of Wales (The Sun, 5 June 1920, p.6). Lee Sang & Co. was a well-established produce business, registered in 1903 at 28A Campbell Street. The firm may have existed earlier, as the Registration of Firms Act, No. 100 only came into being in 1902. Lee Sang & Co. was registered by Won Chum, Gilbert Yet Ting Quoy and Ah Sing. Additional people in the business were listed as Cecil Gilbert Quoy [the son of Edith and Gilbert Yet Ting Quoy, born in 1900], Sydney Lee, See Wah and Hoon Wing (State Archives NSW, NRS 12961, Index No.48, Item No. [2/8526] p.497). Lee Sang & Co. replaced Hop War and Co. as representative of Tung Koon natives in the Lin Yik Tong (Chinese Commercial Association, 1892-1903) (Kuo, M. F. 2013, p.120). Hop War had previously replaced influential Tung Koon merchant Way Kee.

To ensure a steady supply of vegetables, Ting Quoy and other partners established stores and market gardens in the NSW country towns such as Bathurst in 1909 and Aberdeen in 1919, trading as Tong Sing & Co (State Archives NSW, NRS 12961 , Index No. 48, Item No. [2/8541], File No. 18272 and Index No. 48, Item No. [2/8548], File No. 32521.). Produce would be transported by rail to Sydney and delivered to the store where it was sorted before being sold by at the markets across the road. An advertisement from 1925 stated that the Lee Sang & Co. at 90 Hay Street sold potatoes, horse feed, Chinese groceries, fruit and vegetables, bone ash, tobacco, peanuts, cigarettes, matches, and Chinese and Western fireworks, forwarded remittances and acted as a selling agent for local produce. It also named two other Lee Sang & Co. stores in Hong Kong and Thursday Island (Tung Wah Times, 21 November 1925, p.4).

Through the 1920s and 1930s, Gilbert Yet Ting Quoy's name was on the lease for 90 Hay Street. Born circa 1874 in Tung Koon, China, Gilbert Yet Ting Quoy arrived in Australia in 1885, and by 1903, when he obtained a Certificate of Domicile to travel to China, he was 29 years old (NAA: ST 84/1, 1903/1-10, 26.). He married Australian-born Edith Ginn and the couple had at least ten children (FITZGERALD, S. 1997, p.26).

By the time Gilbert Yet Ting Quoy and partners registered Lee Sang & Co. at 90 Hay Street, Ting Quoy was already a successful, well-established merchant. He had registered Ting Quoy & Co. Produce Merchants at 43 Lane Cove Road North Sydney in 1903 (State Archives NSW, NRS 12961 Index No. 48, Item No [2/8530], File No. 5857, 529). Quoy was a conservative political leader in the Chinese community, an office bearer of the China Empire Reform Association (CERA) The CERA was a political organisation which advocated political reform in China through a system of modernisation while maintaining the Emperor system. They would later advocate for a constitutional monarchy. Other well-known merchants in the Sydney Chinese

community who were members of the CERA included Thomas Yee Hing, Ping Nam, C. Leanfore, Henry Fine Cheong, Goon Ick, W.R.G. Lee and George Bew (YONG, C. F. 1977, p.120-121).

Quoy was also a member of the NSW Chinese Chamber of Commerce and its President in 1924 (Yong, C. F. 1977, p.121 and NAA:SP1122/1, N1961/3364, 330). Formed in 1913, the NSW Chinese Chamber of Commerce was an organisation which defended the trade and commercial interest of Chinese Australians from anti-Chinese movements and organisations and promoted the Sino-Australian import and export trade. Quoy was amongst Sydney Chinese merchants who launched a campaign through the Tung Wah Times newspaper in 1908 and 1909 advocating the need to establish Chinese schools. Along with Ping Nam, Leong Cheong, Lee Chun, John Hoe and Lean Fore, Quoy taught at the Sydney Chinese School at the Loong Yee Tong clubhouse at 50-54 Dixon Street (Yong, C. F. 1977, p.214 and KUO, 2013, p.229).

Quoy was one of the founders of the first Chinese Australian owned shipping line, the China-Australia Steamship Line in 1917, and was on the Advisory Board of the Line (Yong, C.F., 1977, p.264). C.F. Yong argues this shipping line, established to break up the Japanese shipping monopoly and extend the Sino-Australian import and export trade, "expressed the unity and co-operation achieved for the first time by Chinese in Australia over a single issue of common interest." (Yong, C.F., 2013, p.97.). When the shipping line collapsed in 1924, Quoy came under criticism by other factions for poor administration and undue influence, as William Liu, the appointed proprietor of the China-Australia Mail Steamship Line, was married to Quoy's daughter Mabel (Yong, C. F. 1977, p.101 and NSW BDM Marriage Cert 41597/1907).

FAMILY SPONSORED BY GILBERT YET TING QUOY

Gilbert Yet Ting Quoy actively sponsored the entry of relatives and clan members to Australia. Amongst those he sponsored was his nephew, Henry Won Yeh Lum (later known as Henry Lum Yip), who arrived in 1922 as a student and lived with the Quoy family (NAA:SP1122/1, N1961/3364, 345). In 1924, the Chinese Consul applied on behalf of Henry Won Yep Lum [sic] for an extension of stay and to be transferred to the firm of Lee Sang & Co. Permission was granted for transfer to Lee Sang on payment of a bond, and Henry was engaged in a clerical capacity in the firm of Lee Sang & Co. at 90 Hay Street (NAA:SP1122/1, N1961/3364, 323-330).

As early as 1926, the 90 Hay Street building had a lift. City of Sydney historian Shirley Fitzgerald cites a letter Mabel Quoy wrote to Henry Lum Yip, who took a return visit to China in 1926. Mabel wrote:

"Dear Lum … I have been to Lee Sangs twice since you left. Bo and Winsom said hullo as we passed up the lift. Choong was in the peanut room…" (Fitzgerald, S. 1997, p.170).

Another relative sponsored by Gilbert Yet Ting Quoy was Harry Hornung Yip, who arrived in July 1926 (NAA:SP11/2). In 1930, the Chinese Consul General F.T. Sung applied successfully for extension for Henry Won Lep Yum and Harry Hornung Yip, both in the service of Lee Sang & Co., 90 Hay St. "Hornung Yeh is the export clerk and Won Yep Lum is studying business there", he wrote (NAA:SP1122/1, N1961/3364, 256). Harry Yip went on to become a partner in Yep Lum & Co., was President of the NSW Chinese Chamber of Commerce for about six years from 1958, and had a family of whom there are many descendants still working in the produce industry.

Henry Lum Yip and family

In 1932, the Department of the Interior approved an application made by Gilbert Yet Ting Quoy for Henry Won Yep Lum's wife, Yee Yip Sue, to be admitted to Australia for a visit (NAA:SP1122/1, N1961/3364, 235). Throughout the 1930s, applications were made to extend her stay and by 1940, five children had been born to the couple

(NAA:SP1122/1, N1961/3364, 145). According to the family of Henry Lum Yip, "six of his children were born above his Haymarket store" (SBS News online, 30 August 2020).

YIP SEE SYNDICATE

In 1936, Lee Sang & Co. were unable to pay their creditors, but eventually an arrangement was made with creditors who accepted five shillings in the pound in full discharge of their debts. A new company, Sino Australian Pty Ltd was formed with Gilbert Quoy as General Manager, sons Cecil and Alwyn Quoy as Assistant Manager and Secretary and Henry Won Yep Lum as Director and Buyer (NAA: SP1122/1, N1961/3364, 182). In 1940 a partnership comprised of Mr E. L. Quoy, Mrs E. B. Quoy, Henry Yep Lum, Walter Don Hoy, Harry Yip and W.H. Lo, all equal partners and all domiciled in Australia, bought the business of Chien Sang & Co and established Yep Lum & Co. (10 Hay Street) (NAA: SP1122/1, N1961/3364, 182).

In the 1940s, 90 Hay Street was alternately leased by the Sydney Banana Company, "Licensed Farm Produce Agents, Wholesale Fruit, Produce and Vegetable Merchants" and the Yip See syndicate (City of Sydney Archives, 1945, A-01089048). The Sydney Banana Company may have been a part of the Yip See syndicate as the business was managed by Charles Liu, the brother-in-law of Mabel Liu, Gilbert Yet Ting Quoy's daughter. In 1941, the Sydney Banana Company advertised for banana growers on the North Coast of NSW to consign their bananas to the firm, boasting a store "equipped with the most modern scientific banana ripening plant" (Tweed Daily, 23 August 1941, p.6). The Sydney Banana Company also leased 90 Hay Street in 1948 (City of Sydney Archives, 1948, A-01089047).

The Yip See syndicate made application to the City Council erect an additional banana ripening room on the first floor of 90 Hay Street in 1943 (A-00338781). In 1948, the Yip See syndicate made an application to erect a banana elevator at 90 Hay Street (Construction, 22 September 1948, p.15). A building survey of 90 Hay Street in 1949 recorded a shop and office on the ground floor, a banana storage room on the first floor, additional storage on the second and five rooms for residence on the third floor (City of Sydney Archives, 1949, A-00508810).

Such banana ripening rooms were not unique to Chinese Australian fruit merchants. Documents in the collection of the City of Sydney Archives show that in the late 1950s, many banana commission agents with stores in the markets and in Hay, Quay and Thomas Streets and Ultimo Road applied to install banana ripening rooms, however, the Chinese fruit merchants appear to have been the first to do so.

Like Gilbert Yet Ting Quoy, before him, Henry Won Yep Lum sponsored the entry of members of the Yip clan to Australia. According to his family, over the years, he continued to reunite families, sponsoring around 70 Chinese migrants. Many arrived as students from China and Hong Kong after World War II (SBS News online, 30 August 2020). Henry's immigration file shows that in 1961, Yep Lum & Co. was owned by six equal partners – Harry H. Yip, Walter Donhoy Yip, Henry Lum Yip, Wellington Hong Lo, Mrs C. G. Quoy and Mrs G.Y. T. Quoy (NAA:SP1122/1, N1961/3364, 46).

In 1948, Henry Lum Yip applied for permanent residence but his application was refused by Arthur Calwell, the then Minister for Immigration, though he was granted approval to remain in Australia without applying for extensions (NAA:SP1122/1, N1961/3364, 99). It was not until 1957 that Chinese-born people were allowed to apply for naturalisation and citizenship could be granted to anyone who had been 15 years in the country (ANG, I. & WONG, A. 2023, p.220). In 1961, Henry applied for naturalisation and on 7 December 1961, he was granted Australian citizenship (NAA:SP1122/1, N1961/3364, 23, 13).

90 Hay Street not only serves as a tangible reminder of the activities of the Yip clan produce merchants, but also of the labouring class of packers and carters who packed and transported the produce and to the market gardeners who grew the vegetables. In

an interview with Mavis Gock Yen, Leung Pui (1914-1996) spoke about his father, who worked at the Haymarket produce markets. His family had remained in the village of Lung Hooey in Lungdu. On a return visit to see them Leung Pui recalled:

"The first thing Dad took out was a leather apron. This leather apron had a hole in the chest. Dad said the money he earned came from packing tomatoes for the vegetable market in Sydney in Haymarket. He had to get up before dawn every morning and start carrying cases and cases of tomatoes, repack them and then carry them into the storeroom. He was doing that every day. That's why he and the other partners wore leather aprons… He told us the market gardeners had to get up in the dark and carry hundreds of loads of water on their shoulder poles every day… 'There's no gold!' he said. 'It's all muscle power.'" (Gock Yen, Mavis,

2022, p.137).

THE POST-MARKET PERIOD

After the markets closed, this area of Hay Street was deserted. Douglas Lam, who migrated to Sydney from Hong Kong in the early 1960s and spent much of his spare time in Haymarket, recalls the stores were empty in 1975 (Douglas Lam, personal communication, 24 April 2024.). In the late 1970s, real estate was bought up by investors such as Alan Seeto who had come to Australia from Papua New Guinea. Seeto owned three restaurants on the corner of Hay and Harbour Streets (The Canberra Times, 2 February 1986, p.50). Entrepreneur and investor Dominic Choy who emigrated to Australia in 1962 refitted the building and in 1981 opened a restaurant called Choys AD 1000 at 90-92 Hay Street.

By the 1980s Dominic Choy had established the Howin Group of companies and a chain of six Choys restaurants. In 1990 the Howin Group took a 49 percent interest in Rockvale Pty Ltd and partnered with Japan's Kajima Construction Group to develop Market City as a $600 million major commercial and residential development on the old Paddy's Market Site adjacent to Sydney's Chinatown (Guangdong-Hong Kong Information Daily, 29 August 1993).

No. 90 Hay Street has been tenanted by a number of restaurants since then and as of January 2024, was occupied by a Japanese restaurant called Sushi Rio.

NO. 92 HAY STREET

HIE LEE & CO.

The first tenant in the new Municipal building at 92 Hay Street was the firm of Hie Lee & Co. which occupied the building from 1912. The Hie Lee & Co firm had previously registered as wholesale fruit merchants at 28 Campbell Street in 1903. In the Tung Wah Times of 14 December 1912, the firm advertised themselves as fruit and produce merchants, and the head office as 92 Hay Street (Tung Wah Times, 14 December 1912, p.4). More specifically, Hie Lee & Co. were banana commission agents, advertising "best prices for growers" in the Tweed Daily in May 1920 (Tweed Daily, 15 May 1920, p.2).

When Hie Lee & Co. registered their business at the 92 Hay Street address on 2 January 1919, those carrying on business were Ah Loy, Ah Hue Loong, Hing Loong, Yick Man, Willie Hee, George Low, Tee Wing and Ah Sum (State Archives NSW, NRS 12961: Index no. 48. File No 31883, Item No.[2/8548]). In May 1919, a notice in the Chinese Republic News announced the withdrawal of four of the partners from the firm (31 May 1919, p.6). In October 1921, the firm advertised in the Tung Wah Times, under the name of Tie Lee & Co (1 October 1921, p.4). The "Hie Lee" romanisation reflects See Yip pronunciation whilst the romanisation "Tie Lee" reflects Cantonese pronunciation. The Cantonese romanisation in this advertisement might reflect a change in joint ownership from See Yip speakers to Cantonese speakers, or merely the language of the

person who was tasked with listing or designing the advertisement (Ely Finch, personal communication, 10 January 2024).

QUONG WING CHONG

On 29 August 1922, Hie Lee & Co. was purchased by the firm of Quong Wing Chong (Chinese Republic News, 19 August 1922, p.6). In 1902, William Quing was listed as an owner of Quong Wing Chong. Quing was associated with the Tsang Shing district (Guang yi hua bao = The Chinese Australian Herald, 21 June 1902, p.5). In 1923, the Tsang Shing firm of Quong Wing Chong & Co. (92 Hay Street), the Tung Koon firm of Lee Sang & Co. (90 Hay Street) and the Chungshan firm of Kwong War Chong (84 Dixon Street) were amongst the founders of a new organisation that represented Chinese Christians from three different Christian denominations. Called the "Neutral Alliance", the organisation aimed to quell tensions in the community following months of written warfare between Sydney's three Chinese newspapers (Chinese Republic News, 14 April 1923, p.8). This is but one initiative that sought to rise above district loyalties and political differences to seek cohesiveness in the community.

By 1932, Quong Wing Chong firm appears to have come under the ownership of people from the Sam Yap district, as a Sam Yap organisation called the "Sam Yap Hang Shin Tong" advertised that it would be holding a meeting upstairs at Quong Wing Chong, Hay Street (Tung Wah Times, 27 February 1932, p.8). In 1910 the same organisation conducted a Sam Yap bone repatriation drive in 1910 with addresses for correspondence given as Kwong Wing Chong and Y. C. Hong On Jang (Guang yi hua bao = The Chinese Australian Herald, 21 May 1910, p.6).

In 1924 Quong Wing Chong & Co. moved into the building at 92 Hay Street and shared the premises with Hie Lee & Co. with the former supplying fruit and vegetables while Quong Wing Chong sold Chinese goods and offered a remittance service.

Besides growing and selling bananas, Hie Lee & Co. were exporters of Australian produce. In February 1934, for example, Hie Lee & Co. exported 1021 bags of flour (22 tons) to Hong Kong (Daily Commercial News and Shipping List, 7 February 1934, p.6). This volume of exports is likely to have earned the management of Hie Lee & Co. (as merchants with a certain export turnover), privileges of allowing the entry of wives and employees for the company. In 1936, Hie Lee & Co. along with ten other Chinese banana agents including Sun Lee & Co. and Wing Sang & Co. (96 Hay Street), were amongst 27 agents appointed to join the Banana Marketing Board, a newly created Australian authority (Truth, 22 March 1936, p.12). The lease alternated between Hie Lee & Co. and Quong Wing Chong between 1913 and 1948 (Sands Directory, 1913-1933; and Assessment Book Phillip Ward, 1934-1948).

A building survey of 92 Hay Street in 1949 recorded a shop and office on the ground floor, a banana storage room on the first floor and storage on the second. No use was recorded for the third floor (City of Sydney Archive, A-00508810). In 1950, an application was made to the City Council for construction of a banana ripening room on the ground floor of 92 Hay Street (Construction, 13 December 1950, p.15).

NO. 94 HAY STREET

WING TIY & CO.

From 1913 to at least 1948, Wing Tiy & Co. occupied 94 Hay Street (Sands Directory, 1913-1933; Assessment Book Phillip Ward, 1934-1948). Wing Tiy & Co. relocated from 34 Campbell Street where the firm registered as fruit merchants and commission agents in 1903. Persons carrying on the business were listed as Mark Kew, Char Rin, Lee Loy and Wing Sang (State Archives NSW: NRS 12961, File 521, Item [2/8526]). Wing Tiy & Co. was one of the biggest and longest-lasting banana merchants in Australia. In 1902, Wing Tiy & Co. had amalgamated with Wing Sang and Wing On to form Sang On Tiy & Company to expand its operations into Fiji. This firm had 350 acres under

cultivation in Fiji and in the first season, were bringing 10,000 bunches of bananas a fortnight into Sydney (ALI, B. N. K. 2005, p.438-9).

In 1913, when Wing Qui [sic] & Co. was registered at 94 Hay Street, the persons carrying on the business were Chan York, Loy Leong, Fay Chang, Wing Chan, Qui Chong, Chan Boo and Yin Leong (State Archives NSW, NRS: 12961, Index No. 48, File No. 22803, Item No [2/8543]). Wing Chan, also known as Mark Joe, was one of the founders of the Wing Sang Co.

Around 1933, Charles and Thomas Ma came to Australia from Hong Kong to work in the Ma family firm of Wing Sang & Co. Charles was born in Sydney, but had been sent back to China for his education before returning to Australia. In 1938, Charles, then Manager of Wing Tiy & Co., gave evidence before the Fruit Industry Commission in Sydney about the working hours of the men handling the bananas at the City Markets. Ma said:

"the men handling bananas start at 6.30am. In winter they might finish at 5 o'clock, except on Mondays and Thursdays when they finish at 6 o'clock. In the summer there is no criterion as to when we finish. We start at 6.30am and go round the clock, probably finishing at 11 o'clock at night" (The Albury Banner and Wodonga Express, 10 June 1938, p.9).

A building survey of 94 Hay Street in 1949, recorded a shop and office on the ground floor, a banana storage room and office on the first floor, residence and storage on the second floor and a roof house residence on the third floor (City of Sydney, 1949, A-00508810). The families or employees that occupied these rooms have not so far been identified. A building inspection carried out by the City Building Inspector in 1959, recorded two banana ripening rooms at 94 Hay Street (City of Sydney Archives, 1959, A-00364720).

Charles' brother Thomas, born in Hong Kong in 1916, also worked at Wing Tiy & Co (Denise Ma, Personal Communication, 10 March 2024). Thomas, his wife Lily and their children had a home in Strathfield, but Thomas spent much of his life working at 94 Hay Street.

Thomas Ma bought Wing Tiy & Co. in 1963, and managed the firm until the mid-70s. After selling up at the time the markets re-located to Flemington, he went to help the ageing Mar Leong Wah at the Wing Sang headquarters at 58 Hay Street. Thomas Ma's daughter Denise Ma recalls of 94 Hay Street:

"Each school holidays we would go for our trip to the city from Strathfield. We would go to pick up Dad and I remember going to the office on the mezzanine floor. I also remember visiting Uncle Charles and Aunty Edith at 96 Hay Street until they moved out in late 1956. It is a significant part of my life."

NO. 96 HAY STREET

From 1913 to 1919, Tiy Chung & Co. Produce Merchants occupied the new building at 96 Hay Street. Tiy Chung & Co. had registered the business, then located at 445 Pitt Street in 1903 (State Archives NSW: NRS 12961, File No. 4740, Item No [2/8529], 570). In 1919, Hook Yick & Co., a company with its headquarters in Melbourne, took out an advertisement in the Tweed Daily to announce the opening of a branch at 96 Hay Street and to solicit growers to consign their bananas and "pines" [pineapples] to the Sydney branch.

A similar advertisement taken out in the Tung Wah Times indicated that the firm was dedicated to the sale of Fiji and Queensland fruit and bananas, and produce from Queensland and other states (14 June 1919, p. 7).

WING SANG & CO.

In 1920, an advertisement gave notice that Wing Sang & Co. had purchased Hook Yick's 96 Hay Street shop on the 27th of March 1920, and had started trading there under the name Wing Sang & Co. from that date on (Chinese Republic News, 24 April 1920, p.7). Wing Sang & Co. was one of the largest and best-established firms in Australia, with banana wholesale as the cornerstone of its business, but also engaged in the remittance business. Though Wing Sang had established Hong Kong as its headquarters by 1921, Wing Sang & Co. and subsidiaries maintained its banana wholesale business and import-export trade in Australia into the latter decades of the 20th century.

Wing Sang & Co. had offices and warehouses at various addresses in the Haymarket area before establishing the store at 96 Hay Street in 1921. Whilst some of their buildings, such as the warehouse at 450 Sussex Street and the headquarters at 58 Hay Street have been demolished, others are still standing, for example the Wing Sang & Co. store at 20 Campbell Street.

A detailed history of Wing Sang & Co. buildings in Sydney, Hong Kong and China was undertaken by the China-Australia Heritage Corridor project (The China-Australia Heritage Corridor Project, accessed 9 March 2024).

MAR SEE POY

The Managing Director of Wing Sang & Co. at 96 Hay Street was Mar See Poy (called Mar Sha Poi in his immigration file). Mar See Poy was the grandfather of Glenn and Phillip Mar, who wrote about the sad end to his career at 96 Hay Street (MAR, G. & MAR, P., 2023). Mar See Poy came to Australia in 1914 at the age of twenty-two, as a substitute manager for Wing Sang & Co. At the time, the senior managers were heading back to China following Ma Ying Piu who had set up the Sincere store in Hong Kong (MAR, G. & MAR, P., 2023). The Police report on Mar's file states that "the firm of Wing Sang is held in the highest repute and is financially sound" (NAA: A1, 1925/11716, 112).

The application for Mar See Poy's was granted, renewable on application if the company met with certain conditions, including a high business turnover. For almost a decade Mar See Poy was able to extend his stay, during which time he married, fathered a daughter, lost his first wife, remarried and had two Sydney-born sons, Arthur and Raymond Mar (MAR, G. & MAR, P., 2023).

On applying for an extension in 1924, he was observed by a Senior Boarding officer, who reported:

"I have observed this man on at least ten occasions and R.W, Wilson on four occasions working at a branch store of the firm at 96 Hay Street, Sydney where the business is mainly fruit dealing. On every visit we have seen Mar Sha Poi [sic] with his shirt sleeves rolled back, with a leather apron, without coat or vest, loading and unloading goods from carts, packing and stacking fruit and performing other ordinary store duties. The premises 96 Hay Street open right onto the roadway and this man can be observed at any time employed in the same manner as other Chinese and European fruit store assistants in the same street" (NAA: A1, 1925/11716, 23).

As a manager, Mar See Poy was not expected to partake in the manual work of fruit handling, and with this doubt cast on the nature of his employment, the extension was refused. Glenn Mar writes, "Mar See Poy left Australia in April 1926 with his family… and settled in his home village of Sha Chong …he died in 1928" (MAR, G. & MAR, P. 2023, pp.136-7).

By 1930, bananas imported from Fiji were subject to crippling import duty and Chinese growers were excluded from the industry in Queensland and northern NSW. As the years wore on, immigration restrictions had the desired effect of draining Chinese enterprises of labour. Chinese firms adapted to the circumstances and like Wing Chong and Hie Lee, Wing Sang & Co., turned to advertising in the newspapers for white and

Italian growers to consign their bananas to the firm. In 1930, the firm was promoted as "Licensed farm produce agents, Oldest established banana specialists, Head Office 58 Hay Street, branches Fruit Exchange, City Markets, 96 Hay Street" (Tweed Daily, 12 July 1930, p.8).

SUN LEE & CO.

In 1933, Sun Lee & Co. took over the lease at 96 Hay Street. Sun Lee & Co. advertised in the Italian newspaper, Il Giornale Italiano, that the firm had a local agent in Lismore (Il Giornale Italiano, 3 June 1933, p.3). S. Watts at Stokers Siding in the Brunswick Valley of the North Coast of NSW acted as an agent for Wing Sang & Co (Tweed Daily, 7 November 1942, p.4). In 1934, an application made to alter the stairs and banana room was approved at 96 Hay Street (Construction and Real Estate Journal, 19 September 1934, p.4). This would have been around the time that Charles Ma arrived in Sydney with his wife Edith nee Yee. Both Charles and Edith were born in Australia but raised in Hong Kong. Charles and Edith had twin daughters Audrey and June, born in Sydney in 1934 and a son Daniel, born in Sydney in 1944.

Until about 1956, Charles, Edith and children lived on the top floor of 96 Hay Street. Their son Daniel Ma recalls:

"96 Hay Street was called Sun Lee in my childhood. It was where my family lived from the mid-1930s to around 1956. We had the top floor. The building was one of a group of six connected buildings located on Hay Street… All six buildings were similar in their internal layout. Ours comprised of an open-plan shop with ripening rooms at street level, a half-floor mezzanine office space, two full floors of residential accommodation and an open rooftop "terrace"… For the most part the building was fairly basic. The rooms were divided using thin masonite partitions that were only head height…" (Daniel Ma, "personal communication, 6 May 2024).

Every day, Charles Ma would go to work at Wing Tiy & Co. at 94 Hay Street, and in later years at the main Wing Sang building at 58 Hay Street (Daniel Ma, personal communication, 10 March 2024.).

Daniel Ma describes the markets:

"Bananas were delivered in wooden boxes which were all marked with their place of origin and destination stencilled on the box. They were offloaded off the flat-top trucks and wheel-barrowed to the ripening rooms almost every weekday morning. Most of the men handling the boxes wore thick brown aprons which were almost like a uniform at the markets".

Wing Sang & Co. appear to have ceased trading at 96 Hay Street sometime in the 1940s. From 1948 until at least 1952, Russell & Sons were advertising fruit and vegetables at wholesale prices at 96 Hay Street. By the time Daniel grew up at 96 Hay Street, European and Italian vegetable merchants were replacing the previously Chinese-dominated industry. According to Daniel:

"Every weekday there would be a siren at 7am to announce the opening of the markets and that would be the signal for the buildings to raise their street front roller shutters…The whole market area would turn into this hive of activity. Hustle and bustle, people jostling to park their trucks and often lots of swearing!! English profanities. Cantonese profanities. Italian profanities. Greek profanities. It was rough but very exciting!!" (Daniel Ma, personal communication, 6 May 2024).

Daniel Ma recalls in his childhood:

"the ground floor of Sun Lee was sublet to some Italian fruit suppliers. The shop incorporated several banana ripening rooms. Bananas were delivered by rail from "faraway places" like Coffs Harbour and were ripened by gas before being sold to fruit shop owners from all over Sydney"

The Ma family moved out around 1956 but 96 Hay Street remained in use as a banana ripening room until at least 1961 (City of Sydney Archives 2960-1961, A-00368413).

Post-market period

From the late 1970s to the late 1980s, 96 Hay Street was owned by Tensons Pty Ltd (City of Sydney Archives, 1979-1987, A-00680286). It was developed for use as a succession of restaurants including Lotus World Vegetarian Restaurant in 1977 and the Mandalay Nay Pe Daw restaurant in the early 1980s, before Stanley Yee bought the building and established a restaurant in 1979, which was the forerunner of the long-running Emperors Garden, which is still owned and operated by the Yee family to this day. See 100 Hay Street for further detail.

NO. 98 HAY STREET

WAR LOONG & CO.

Between 1913 and 1932, 98 Hay Street was tenanted by War Loong & Co (Sands Directory, 1913-1932). War Loong & Co. Produce Merchants registered a store at 449-451 Pitt Street in 1903 (State Archives NSW: NRS 12961, File No. 4743 [2/8529], 572). In 1911, War Loong & Co. at 185 Hay Street, was listed as a contact by a Sydney Loong Tu (Longdu) district association with respect to a bone-repatriation drive, indicating that War Loong & Co. was a Loong Tu firm, i.e. a firm connected with this subdistrict of Heung Shan, and language community (Tung Wah Times, 11 November 1911, p.7).

Amongst the names of those who had registered the firm of War Loong & Co. in 1903, was Dong Sing. In 1913, War Loong & Co. at 98 Hay Street, applied for a tobacco licence (Government Gazette of the State of New South Wales, 11 June 1913, p.3574). This might have been the Doon Sing who in 1913 raised a “fine crop” of tobacco on W.P. Brook’s nine acres of riverfront land in Bathurst (The Bathurst Times, 18 March 1913, p.2). From the late 19th century to the mid-1920s, Bathurst was a centre of Chinese market gardening and tobacco growing in NSW. The railway enabled produce from Bathurst to be transported to the Haymarket, and merchants, such as Gilbert Yet Ting Quoy of Lee Sang & Co. (90 Hay Street), established stores and market gardens in Bathurst early in the 20th century. Due to obstacles placed in the way of Chinese growers, incentives offered to white growers, and a series of unexplained fires, Chinese growers effectively gave up growing tobacco in Bathurst in the mid-1920s (KWOK, J., 2019, p.252).

In 1928, War Loong & Co. advertised an expansion of the business, stating that they dealt in potatoes, onions, horse feed, ox-bone ash, etc., as well as the procurement of fruit and vegetables from country towns (Tung Wah Times, 3 March 1928, p.3). However, in November 1932, the firm advised their shareholders that they had resolved to close the business down (Tung Wah Times, 26 November 1932, p.5).

WING CHONG & CO.

The Sands Directory lists Wing Chong & Co. at 98 Hay Street in 1933. Wing Chong & Co. were banana agents. The importation of bananas from Fiji had limped on under the weight of heavy import tariffs until 1933, when an article in the Tung Wah Times complained that the tax on selling Fiji bananas in Australia was so heavy—1s. 3d. per crate—that the last two shipments resulted in over 50 percent losses (29 April 1933, p.8). By 1933, when Italian growers had moved into banana growing on the north coast, Chinese Australian banana commission agents including Wing Chong & Co. advertised for consignees in Il Giornale Italiano (6 May 1933, p.5). In 1935, Wing Chong & Co. was appointed, along with ten other Chinese banana agents including Sun Lee & Co. and Wing Sang & Co. (96 and 98 Hay Street), to join the Banana Marketing Board, a newly created Australian authority (Truth, 22 March 1936, p.12). In the 1940s, Wing Chong & Co. at 98 Hay Street placed advertisements in the Tweed Daily, seeking growers to consign their bananas to the firm. Wing Chong & Co. banana agents

continued advertising for consignees until at least 1951 (Tweed Daily, 18 October 1940, p. 7 and Northern Star, 25 June 1951, p.7).

NO. 100 HAY STREET

In 1912, the new building at 100 Hay Street was briefly tenanted by United Fruit Co. before Gee Ick & Co. General Merchants occupied 100 Hay Street in 1913, remaining there until 1920 (City of Sydney Archives, 1912 (A-01136247); 1913 (A-01136246); 1915 (A-01136244); 1919 (A-01136240); 1920 (A-01136239)).

GEE ICK & CO.

George Goon Ick took out a tobacco licence for Gee Ick & Co. in 1913 (Government Gazette of the State of New South Wales, 19 November 1913, p. 6953). George Goon Ick was the son of the well-established and influential merchant, Den War, known by his trading name of Gee Ick. Gee Ick was exporting gold from 1865 and operating a gold remittance service for Heung Shan (Chungshan) natives on the Western Goldfields of NSW (Sydney Mail, 28 December 1865, p.7). Gee Ick was a member of the NSW Chinese Empire Reform Association, the Lin Yik Tong (Chinese Commercial Association 1892-1903) and the NSW Chinese Merchants Society, the latter two being predecessor organisations to the NSW Chinese Chamber of Commerce (The Daily Telegraph, 7 September 1897, p.4). Gee Ick & Co. had a store at 185 George Street in the Rocks, before establishing stores at 374 Pitt Street and 62-64 Wexford Street. The latter two stores were demolished in the City resumptions of 1906-1913 (City of Sydney, 1909, A-00038580). When the Pitt Street store was registered in 1903, firstly as importers and merchants and then as general merchants, the registration record showed a number of partners in the business (State Archives NSW:NRS 12961 File No. 12160, [2/8536] , 80; 3179, [2/8528], 390).

Advertisements in the Chinese newspapers show Gee Ick & Co. sold Chinese goods including tea, rice, cooking oil, dried seafood, fireworks, candied ginger, chinaware, Chinese proprietary medicines and Chinese and Western groceries at 100 Hay Street and also provided a remittance service (Ely Finch, personal communication, 9 March 2024). This remittance service likely operated in a similar manner to the service provided by Chungshan firm, Kwong War Chong at 82-84 Dixon Street. Kwong War Chong sent individual remittances together with a letter to the family written by the company's clerk as a consolidated bank draft to a networked bank in Hong Kong. The draft was converted into Hong Kong dollars and the store's branch in Shekki (China) delivered the remittance to the family in the village (Williams, Michael, 1996), p. 22). Families left behind in the villages were dependent on remittances, which played a crucial part in the local economy.

HOP CHONG & CO.

In 1919, the firm of Hop Chong & Co. "Importers and Exporters and Fruit and Produce Merchants and General Commission Agents", was registered at 100 Hay Street by family relatives of Gee Ick and other partners (State Archives NSW:NRS 12961, File No 34665, [2/8549]).

In 1920, the managing partner of Hop Chong & Co. was Lee Kee Chong, another of Gee Ick's sons. Kira Brown, the great-great granddaughter of Lee Kee Chong, has researched the lives of Lee Kee Chong and his family and shared her findings on her website, Chen Quin Jack History (BROWN, K. 2020, accessed 9 March 2024).

According to Brown's research, Lee Kee Chong, born 1864 in Hang Mei, Heung Shan (Chungshan) arrived in NSW in 1880, where he became known as Kee Chong. He worked in the Haymarket in Sydney for a few years before moving to the tin mining town of Tingha in 1885, where he married Agnes Yauphang in 1892. On marrying Kee Chong, Agnes was recorded as "Australian born, but lost nationality through marriage with Chinese", and was declared an alien. Her Australian citizenship was not restored

	until 1940 when she made an application after the death of her husband (BROWN, K. 2020). The Kee Chong family moved to Moree, where Kee Chong began a business called Sam Lee & Co. in partnership with Gee Ick and Den War. In 1903, the family went to China, where Kee Chong took a Chinese wife, to the chagrin of his Australian wife and family. Kee Chong returned to Moree in 1905, followed by Agnes and children. In 1911, Kee Chong applied for a certificate of naturalisation. Though he had been living and working in Australia for more than 30 years and was married with seven children, his application was rejected ('Lee Kee Chong'). In 1920, Kee Chong advertised in the Chinese Republic News, calling on fellow Lee clan members in NSW to raise funds towards the cost of furniture and couplet inscriptions for a Lee family ancestral hall in Hang Mei in Chungshan ('Lee Kee Chong' and Chinese Republic News, 3 July 1920, p.6). Hop Chong & Co. also made a £2 donation towards an appeal in support of China and its resistance against Japan, after the latter's annexation of Manchuria (Chinese Republic News, 21 May 1932, p.8). Though Lee Kee Chong died in 1939, the Hop Chong & Co. business continued at 100 Hay Street until at least 1948 ('Lee Kee Chong' and City of Sydney Archives Assessment Book Phillip Ward, 1939-1948). In 1959, H. Ming Lai applied to install two banana ripening rooms on the ground floor of 100 Hay Street (City of Sydney Archives, 1959, A-00364659). STANLEY YEE AND EMPEROR'S GARDEN RESTAURANT At the Chinatown Heritage Study Stakeholder Workshop, the change in use of 100 Hay Street from its early industrial use and connection with Hong Kong and Shanghai, to its later use primarily for restaurants was noted. This shift in economic purpose is reflective of Chinatown's changing economy and role. Though other restaurants have occupied premises at 90-100 Hay Street, none have lasted as long as Emperor's Garden opened by Stanley Yee in 1979 (The China-Australia Heritage Corridor Project, accessed 9 March 2024). Born in Chuen Luk Village in Chungshan, Yee came to Sydney as a high school student in the early 1960s. While studying he worked at one of the banana wholesale companies in the Haymarket and at Lean Sun Low café. Over the years Yee expanded Emperor's Garden, and established a number of other businesses in the Chinatown areas including a Chinese bakery, a butchery and a tofu factory (ANG, I. & WONG, A. 2023). Stanley Yee was a member of the Dixon Street Beautification Committee, which in the early 1970s pushed for the regeneration of Dixon Street as a centrepiece to the broader Chinatown area (GML Heritage, 2023). Like Kee Chong from Hop Chong & Co. before him, Stanley Yee has continued the tradition of philanthropic contributions, donating generously for a school, a community centre and a kindergarten in his ancestral village in Chungshan. His contributions to his hometown and county of Chungshan have been recognised both in China and Australia. His son Jonathan Yee, who took over the business on Stanley's retirement is also active in the Chungshan Society of Australia, having served as its president for several years (ANG & WONG, 2023, pp.234-6).

8. Historical themes represented

Themes indicate the broad historical context in which an item is significant. Themes help to identify related or comparative items contributing to the same theme.

Refer to the document NSW Historical Themes if completing this section.

Relevant National / Australian themes	2 Peopling Australia 3 Developing local, regional and national economies 4 Building settlements, towns and cities 8 Developing Australia's cultural life

	9 Marking the phases of life
Relevant NSW / State themes	Agriculture Commerce Transport Accommodation Domestic life Birth and Death

E. Criteria for heritage significance

9. Assessment under Heritage Council criteria

It is important in the course or pattern of the cultural or natural history of the local area (Criterion A)
The banana industry was a major industry developed by Chinese Australian entrepreneurs in Australia and Fiji in the 1880s and 1890s, and firms such as Wing Sang based their headquarters in Sydney's Haymarket area. When the new Municipal markets opened at Haymarket in 1912, firms such as Wing Sang and its subsidiaries, leased stores at 90-100 Hay Street. Their businesses and premises are distinct places in NSW for understanding the banana industry and key destinations on this trade route. They provide a cultural history of the role of Chinese Australians in the fruit and vegetable industries, and their adaptation over time, particularly in the face of challenges posed under White Australia legislation. Profits from this industry were invested in commercial enterprises in China. Before Wing Sang and its subsidiaries leased 90-100 Hay Street, they established the first department stores in Shanghai, Canton and Hong Kong. These investments demonstrated the success of the Chinese diaspora in Australia and their continued connections to their native places. Although these department stores were established prior to the leasing of 90-100 Hay Street by Chinese Australian businesses, the stores serve as a marker of the achievements of Chinese Australian businesses recognised abroad by the Chinese diaspora. The Municipal Stores at 90-100 Hay Street are also a location marker of the role of Chinese market gardeners in the vegetable industry in New South Wales. In particular, Lee Sang & Co. were agents for produce grown not only in Sydney but in the market gardens of regional New South Wales, brought to Sydney by rail and delivered to the stores where they were repacked and then sold at the Municipal Markets across the road. The importance of the Markets to the commercial interests of Chinese Australians is evident in the relocation of their businesses to be close to the new market buildings, which then facilitated the evolution of the Haymarket Chinatown. Family histories connected to the stores at 90-100 Hay Street demonstrate how the White Australia legislation restricted entry to Australia and impacted Chinese Australian commercial interests, affecting the lives of those employed by firms leasing premises at 90-100 Hay Street. Merchants with status and business turnover, such as Gilbert Yet Ting Quoy and Henry Won Yep Lum, were able to sponsor family and clan members to enter Australia, but they were the exception during the White Australia years. The histories associated with the stores demonstrate some of the difficulties faced by Chinese Australians in the early to mid 20th century. The buildings at 90-100 Hay Street are part of the historical market landscape of the last operational fruit and vegetable markets in the city. The markets were relocated to Flemington in 1975. Markets were an important aspect of city life and 90-100 Hay Street together with the market buildings are demonstrative of this period when produce markets were prominent in Sydney.
It has a strong or special association with the life or works of a person, or group of persons of importance in the cultural or natural history of the local area (Criterion B)

Nos. 90-100 Hay Street are associated with the Chinese merchant community who leased the buildings and operated out of them successful businesses such as Wing Sang & Co., Lee Sang & Co., Wing Tiy & Co., and Gee Ick & Co. These businesses were significant in development of the banana and vegetable produce industries of NSW and Australia.

Nos. 90-100 Hay Street are associated with a number of notable individuals including Gilbert Yet Ting Quoy, the Lee family and Stanley Yee who were influential figures amongst the Chinese Australian community and fruit and produce industries.

- Ting Quoy was a prominent and influential member of the Chinese Australian community. A successful merchant, his business Lee Sang & Co., occupied 90 Hay Street for up to 20 years with his family continuing to have businesses there until after the war. He was a leader of the China Emperor Reform Association (CERA), President of the Chinese Chamber of Commerce and founding member of China-Australia Mail Steamship Line. He also campaigned to establish a Chinese school at which he taught, and he sponsored the entry of family and clan members to Australia.
- The Lee family - Lee Gee Ick was a successful merchant whose business Gee Ick & Co., occupied 100 Hay Street from 1913-1919. His son, Lee Kee Chong, continued to occupy the address with his business, Hop Chong Co., until 1948. Gee Ick was a member of CERA, the NSW Chinese Chamber of Commerce and the Lin Yik Tong (the Chinese Commercial Association).
- Stanley Yee, born in Chuen Luk Village in Chungshan, came to Sydney as a high school student in the early 1960s and worked at one of the banana wholesale companies in the Haymarket and at Lean Sun Low café. In the late 1970s Yee bought property at 96-100 Hay Street where he established the now landmark Emperor's Garden Restaurant. Yee also established a number of other businesses in the Chinatown areas including a Chinese bakery, a butchery and a tofu factory. Yee was a member of the Dixon Street Beautification Committee, which in the early 1970s pushed for the regeneration of Dixon Street as a centrepiece to the broader Chinatown area. His philanthropic contributions are recognised in both his hometown in China and in Australia.

It is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement the local area (Criterion C)

The municipal stores at 90-100 Hay Street contribute to the townscape of Haymarket, particularly along Hay Street and the southern entrance to Dixon Street which is marked by its chamfered corner. Its unified design defines the end of the city block on which it is located.

The former Municipal Markets are located opposite and were once both part of the market's daily operation. Now the buildings, both of which are contemporaries of each other and designed by the City Architect, form a contextual relationship that defines the areas market character.

It has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons (Criterion D)

Members of the Chinese Australian community who were born and grew up in 90-100 Hay Street, whose parents, grandparents or great-grandparents worked in the stores hold deep connections to the buildings. For this community, the buildings are well remembered as stores which are symbolic of the hard work of the producers and the adaptability, resilience and achievements of the Chinese Australian firms.

The Emperors Garden Restaurant is also a place with a strong and special association to the Chinese Australian community as it is celebrated as one of the oldest, family-run Chinese restaurants in Chinatown and continues to operate.

It has potential to yield information that will contribute to an understanding of the cultural or natural history of the local area (Criterion E)

There is some potential for evidence of the processes and operations of the banana and produce stores. Nos. 90 and 92 have not been inspected and therefore it is unknown if there is any evidence of these operations. There is some potential for evidence of the operations of these stores under false ceilings and floors in nos. 94-100 but these were not inspected and cannot be confirmed.
It possesses uncommon, rare or endangered aspects of the cultural or natural history of the local area (Criterion F)
The place is a rare surviving example of stores occupied by multiple major Chinese Australian firms including Wing Sang & Co., Lee Sang & Co., Wing Tiy & Co., and Gee Ick & Co. Though some stores formerly occupied Chinese Australian firms survive, such as 20-22 Campbell Street and 35-39 Ultimo Road, many of the earlier stores occupied by firms such as Gee Ick & Co. and Wing Sang & Co. were demolished in resumptions that destroyed earlier Chinatown areas in the Rocks, around Belmore Markets in the Haymarket and in land resumed for the building of Darling Harbour. Within this context rarity is a valuable criterion.
It is important in demonstrating the principal characteristics of a class of cultural or natural places/ environments in the local area (Criterion G)
The place does not meet the threshold for criterion G.

F. Heritage listings

10. Existing heritage listings

If completing this section, mark against each listing whether the item is listed or not. You may want to contact the relevant local council or organisation to check the item's listing status.

Listed	Not Listed	Listing
	✓	Commonwealth Heritage List
	✓	National Heritage List
	✓	Register of the National Estate
	✓	Declared Aboriginal place
	✓	Local environmental plan (LEP) – heritage item (or draft item)
	✓	LEP – heritage conservation area (or draft area)
	✓	NSW government agency Heritage and Conservation Register
	✓	National Trust register
	✓	Aboriginal Heritage Information Management System
	✓	National shipwreck database
	✓	Engineers Australia list

G. Recommended Management

11. Management recommendations

The following recommendations are drawn solely from a consideration of the significance of the place and good heritage practice. Since the historical and social significance of the place is especially important, these recommendations are framed with an understanding that heritage conservation is a social contract, requiring responsibility to be shared by the owners and consent authorities for the mutual benefit of all stakeholders, including the Chinese community. As such, these recommendations are written with consideration of possible future ambitions of the owners, while striving to achieve the best heritage outcome for the place, and with an expectation that the consent authority, in representing the community's interest, will assist/support the owners in managing and conserving the significance of the place, where possible.

OBLIGATIONS ARISING FROM SIGNIFICANCE

The high cultural significance of the place identified in the statement of significance obliges its conservation and good management (Burra Charter Article 2).

In the Burra Charter, significance is embodied in the place, were place means site, area, land, landscape, building of other work, group of buildings or other works, and may include components, contents, spaces and views. Place also includes fabric, setting, use, associations, meanings, records, related places, and related objects. (Burra Charter Article 1).

The place as an important reference site for major Chinese Australian businesses which pioneered the banana and commercial vegetable growing industries in Australia should be recognised and interpreted at the place.

Its uniform design makes a significant contribution to the streetscape and it is contemporary with the adjacent former municipal market building (now Market City). Together these form part of a significant market townscape which must be conserved.

TOLERANCE FOR CHANGE TO FABRIC, FORM AND LAYOUT

Forming part of a market townscape and as a reference point for the businesses which occupied these historical stores, there is a low tolerance for change to the external form and detailing of 90-100 Hay Street. The façade form and detailing should remain symmetrical so that place continues to read as one building with a shared history. Historically the stores were primarily open plan and would have had limited internal architectural elements or detailing. Little evidence of the historical banana and produce stores survive and therefore there is a greater tolerance for change internally. Note it is unknown if evidence of the functions and operations of these stores exists in nos. 90 and 92 as they were not assessed internally.

FUTURE DEVELOPMENT

Additions and alterations to 90-100 Hay Street are appropriate but must ensure retention of the whole form and original detailing of the exterior of the principal building. Any future development is to be of a sympathetic design. The setback and scale of any vertical additions to the place must be sufficient to maintain the readability of the existing form and scale of the principal building as a building and not just a façade.

All proposed future development is subject to the City of Sydney's processes such as a Heritage Impact Statement and Conservation Management Plan.

INTERPRETATION

To aid interpretation of the place as having a shared history the building should read as one. Therefore, consider repainting the exterior of the place in a single colour or restoring the face brick. Similarly, consider balustrades and awnings of a common design. The significance of the place is best understood as part of the history and development of Chinatown in the Haymarket area, and as such, interpretive strategies for 90-100 Hay Street should be considered within an overall interpretation strategy for Chinatown. We recommend that the City of Sydney and the owners work together in considering additional interpretive strategies for the place such as:

- Setting up a plaque(s) identifying the history and significance of the place.
- Creation of digital archives/websites showcasing the history and significance of Chinatown, identifying 90-100 Hay Street as a place of significance in the area.

A heritage interpretation plan must be provided in the event of major alterations to the building and should be developed in consultation Chinese Australian community, particularly descendants of the families who lived and worked in these buildings.
Further research into the places is also encouraged. There is also high potential for further research into the businesses which operated out 90-100 Hay Street. This research would likely yield a greater understanding of the processes and activities of these businesses and thereby their contributions to the development of the fruit and vegetable industry in Australia. For example, further research could be undertaken into the export of New South Wales produce by Chinese Australian firms such as Wing Sang & Co., of which 90-100 Hay Street is a location marker of this activity. Similarly, research could be undertaken into moveable heritage items that exist off site and contribute to the understanding of the operations and activities of the place.

FUTURE USE
The existing uses of the place are of value because they are business run by Chinese Australians and therefore encouraged. If change of use occurs, appropriate uses include but may not necessarily be limited to: food retail stores, restaurants, offices and accommodation. In the event of a change of use, there is a need to maintain or give opportunity for ongoing connections to the Chinese Australian community.
Because of the heritage significance of this place, prior to any proposed major development including change of use, respectful and purposeful engagement with Chinese Australian community, particularly descendants of the families who lived and worked in these buildings, is recommended.

H. Photograph

12. Principal or main photograph*



Caption*	90-100 Hay Street, Haymarket from corner of Dixon Street and Hay Street
Date of photograph*	March 2024
Name of photographer*	Sioned Lavery
Copyright holder, if known	Hector Abrahams Architects

I. Author details

13. Primary author of this form*

Name	Sioned Lavery Dr Juanita Kwok
Position and organisation, if applicable	Heritage Conservation Strategist, Hector Abrahams Architects Historian, Independent Consultant
Contact phone number	9299 7959
Email address	mailbox@haarchitects.com.au
Date form completed	24/07/2024

14. References used to complete this form*

Author	Title	Date Published	Link
ALI, B. N. K.	Quong Tart and early Chinese businesses in Fiji	2005	
Anderson, Kay, Ien Ang, Andrea Del Bono, Donald McNeill, and Alexandra Wong	Chinatown Unbound: Trans-Asian Urbanism in the Age of China	2019	
ANG, I. & WONG, A.	Zhongshan in Sydney's Chinatown. In: BYRNE, D., ANG, I. & MAR, P. (eds.) The China-Australia Migration Corridor: History and Heritage	2023	
Boileau, Joanna	Chinese Market Gardening in Australia and New Zealand.	2017	
Brown, K	Lee Kee Chong — 李基祥	2020	https://chenquinjackhistory.com/2020/01/26/lee-kee-chong-%E6%9D%8E-%E5%9F%BA-%E7%A5%A5/comment-page-1/
Brown, K	“Chen Quin Jack”		https://chenquinjackhistory.com/
BYRNE, D., ANG, I. & MAR, P.	The China-Australia Migration Corridor: History and Heritage.	2023	
CHOI, C. Y.	Chinese migration and settlement in Australia	1975	
CHRISTIE, M.	The Sydney Markets	1988	
City of Sydney Archives	Assessment Book Phillip Ward	1939-1948.	
City of Sydney Archives	Building Inspectors Card: 100 Hay St, Sydney. Banana ripening rooms (2) grd floor, development, [A-00364659].	12/06/1959 - 04/02/1960	https://archives.cityofsydney.nsw.gov.au/nodes/view/1572457
City of Sydney Archives	Building Inspectors Card: 90 Hay Street. Application to erect additional banana ripening rooms 1st [A-00338781].	23/08/1943 - 05/10/1943	https://archives.cityofsydney.nsw.gov.au/nodes/view/1568535
City of Sydney Archives	Building Inspectors Card: 94 Hay St, Sydney. Banana reopening rooms	22/06/1959 - 30/10/1959	https://archives.cityofsydney.nsw.gov.au/nodes/view/1572834

	(2), development application [A-00364720]		
City of Sydney Archives	Building Inspectors Card: 96 Hay St Haymarket. Banana ripening room. 1 Card.	15/09/1960 - 26/04/1961	https://archives.cityofsydney.nsw.gov.au/nodes/view/1576757
City of Sydney Archives	Building Survey Card. 90-94 Hay St. Commercial and residence. Plan attached, Kimber lane on one [A-00508810]	01/10/1949	https://archives.cityofsydney.nsw.gov.au/nodes/view/961319
City of Sydney Archives	Development & Building - Building Applications (New) 96 Hay St Haymarket Decorative Facade Tensons Properties Pty Ltd [A-00680286]	19/03/1979 - 31/12/1987	https://archives.cityofsydney.nsw.gov.au/nodes/view/1498093
City of Sydney Archives	Erection and completion of market stores in Hay, Dixon and Harbour Streets Haymarket [A-00455910]	1911	https://archives.cityofsydney.nsw.gov.au/nodes/view/992532
City of Sydney Archives	Print - Wexford Street Resumption Surry Hills, circa 1909 (A-00038580)	c.1909	https://archives.cityofsydney.nsw.gov.au/nodes/view/673376
City of Sydney Archives	Print - Commercial premises in Pitt Street Sydney	c.1909	https://archives.cityofsydney.nsw.gov.au/nodes/view/662912
City of Sydney Archives	“Print – Old Belmore Product Markers, corner of Campbell and Pitt Street Haymarket”	1909	https://archives.cityofsydney.nsw.gov.au/nodes/view/674048
City of Sydney Archives	Sands Directory (A-01136256 – A-01136227)	1903-1932	
Chinese Republic News		3 July 1920	http://nla.gov.au/nla.news-article225205690
Chinese Republic News	生意聲明	31 May 1919	http://nla.gov.au/nla.news-article226018680
Chinese Republic News	承受生意聲明	24 April 1920	http://nla.gov.au/nla.news-article225207694
Chinese Republic News	承買生意聲明	19 August 1922	http://nla.gov.au/nla.news-article225212493
Chinese Republic News	聯合會啓事	14 April 1923	http://nla.gov.au/nla.news-article226001286
Chinese Republic News		21 May 1932	http://nla.gov.au/nla.news-article226546460
Construction	'Tenders Accepted or Received'	22 September 1948	http://nla.gov.au/nla.news-article222880549

Construction	'Tenders Called'	13 December 1950	http://nla.gov.au/nla.news-article222891270
Construction and Real Estate Journal	'Buildings and Works Approved'	19 September 1934	http://nla.gov.au/nla.news-article222914536
Daily Commercial News and Shipping List	'New South Wales Export Manifests'	7 February 1934	http://nla.gov.au/nla.news-article161062193
Daniel Ma	“Chinatown Memories”, personal communication	10 March 2024 and 6 May 2024	
Denise Ma	Personal Communication	10 March 2024	
	Dominic Choy.com	Accessed 30 April 2024	https://www.dominicchoy.com/forbes
Douglas Lam	Personal Communication	24 April 2024	
ELLMOOS, LAILA	Capitol Theatre building	2008	https://dictionaryofsydney.org/entry/capitol_theatre_building
Ely Finch	Personal Communication	10 January 2024 and 9 March 2024	
FITZGERALD, S.	Red tape gold scissors: The story of Sydney's Chinese	1997	
Fitzgerald, Shirley	Haymarket	2009	https://dictionaryofsydney.org/entry/haymarket
GML Heritage	Chinatown Gates, Haymarket Heritage Assessment Report	2023	
Gock Yen, Mavis	Yen Siaoman, Horsburgh, Richard (eds), South Flows the Pearl: Chinese Australian Voice	2022	
Government Gazette of the State of New South Wales	'Tobacco, Cigar, and Cigarette Licenses’	11 June 1913	http://nla.gov.au/nla.news-article221595839
Government Gazette of the State of New South Wales	'Tobacco, Cigar, and Cigarette Licenses’	19 November 1913	http://nla.gov.au/nla.news-article228060555
Government Gazette of the State of New South Wales	Sydney Farm Produce Market Authority Act, 1968 —Proclamation		http://nla.gov.au/nla.news-article220039190
Guang yi hua bao = The Chinese Australian Herald	‘判審華人案情'	21 June 1902	http://nla.gov.au/nla.news-article170084032

Guang yi hua bao = The Chinese Australian Herald	'决 議 改 建 街 市'	13 March 1909	http://nla.gov.au/nla.news-article168080171
Guang yi hua bao = The Chinese Australian Herald	'Advertising'	21 May 1910	http://nla.gov.au/nla.news-article168079659
HECTOR ABRAHAMS ARCHITECTS	82-84 Dixon Street, Haymarket, Heritage Assessment Version 1.1 Final	2019	
Il Giornale Italiano	'Advertising'	3 June 1933	http://nla.gov.au/nla.news-article83031411
Il Giornale Italiano	'Advertising'	6 May 1933	http://nla.gov.au/nla.news-article83031183
Johnston, Connor	Johnston, Connor. "The Chinese Contribution to Agriculture in the Cairns District from 1870 to 1920"	Accessed 24 April 2024	https://www.academia.edu/18059032/The_Chinese_Contribution_to_Agriculture_in_the_Cairns_District_from_1870_to_1920
KUO, M. F.	Making Chinese Australia : Urban elites, newspapers and the formation of Chinese Australian Identity	2013	
KWOK, J.	The Chinese in Bathurst: Recovering Forgotten Histories	2019	
National Archives of Australia (NAA)	Henry Lum YIP SP1122/1, N1961/3364, 345		
National Archives of Australia (NAA)	Mar Sha Poi (Lung Yan Soo) - Exemption certificate', NAA: A1, 1925/11716, 112.		
National Archives of Australia (NAA)	NAA: A1, 1925/11716, 23.		
National Archives of Australia (NAA)	NAA: SP1122/1, N1961/3364, 182.		
National Archives of Australia (NAA)	NAA: ST 84/1, 1903/1-10, 26.		
National Archives of Australia (NAA)	NAA:SP11/2, Chinese/Yip Harry Hornung.		
National Archives of Australia (NAA)	NAA:SP1122/1, N1961/3364, 145.		
MAR, G. & MAR, P.	Making Heritage: The Mar family and Sha Chong. In: BYRNE, D., ANG, I. & MAR, P. (eds.)	2023	

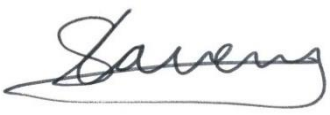
	The China-Australia Migration Corridor: History and Heritage		
Major General Darryl Low Choy	Personal communication during workshop	5 April 2024	
Northern Star	'Advertising'	6 October 1948	http://nla.gov.au/nla.news-article99031397
Northern Star	'Advertising'	25 June 1951	http://nla.gov.au/nla.news-article96540062
State Archives NSW	NRS: 12961, Index No. 48, File No. 22803, Item No [2/8543].		
State Archives NSW	Register of Firms Index, NRS 12961, Index No.48, Item No. [2/8526] 497		https://search.records.nsw.gov.au/permalink/f/1e5kcq1/INDEX1809797
State Archives NSW	Register of Firms Index, NRS 12961: Index no. 48. File No 31883, Item No.[2/8548].		
State Archives NSW	Register of Firms Index, NRS 12961, File 521, Item [2/8526].		
State Archives NSW	Register of Firms Index, NRS 12961, File No. 4740, Item No [2/8529], 570.		
State Archives NSW	Register of Firms Index, NRS 12961, File No. 4743 [2/8529], 572.		
State Archives NSW	NRS 12961 File No. 12160, [2/8536] , 80; 3179, [2/8528], 390.		
State Archives NSW	NRS 12961, File No 34665, [2/8549].		
State Archives NSW	Ting Quoy & Co. NRS 12961 Index No. 48, Item No [2/8530], File No. 5857, 529.		
State Archives NSW	Tong Sing & Co. Bathurst, NRS 12961 , Index No. 48, Item No. [2/8541], File No. 18272; Tong		
State Archives NSW	Tong Sing & Co. Aberdeen, Index No. 48, Item No. [2/8548], File No. 32521.		
State Heritage Inventory	"Capitol Theatre including interior"		https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2424088

State Heritage Inventory	Chinese Masonic Hall including interior		https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2420970
State Heritage Inventory	“Former Kwong War Chong & Co building, including interiors and contents of 84 Dixon Street”		https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5067050
State Heritage Inventory	“Former Markets Stores Including Part Interior”		https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2424281
State Heritage Inventory	“Shop - "Kwong Sing & Co Emporium"		https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1600071
State Heritage Inventory	“Store - Wing Hing Long & Co. Store”		https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1710061
State Heritage Inventory	Terrace Group including interiors, 12-20 Campbell St,		https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2435698
State Heritage Inventory	“Yee Lee’s Store (former)”		https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2640233
Sydney Mail	'Shipping Gazette'	23 December 1865	http://nla.gov.au/nla.news-article166662339
The Albury Banner and Wodonga Express	'Fruit Marketing'	10 June 1938	http://nla.gov.au/nla.news-article102341405
The Bathurst Times	'Tobacco Growing in Bathurst’	18 March 1913	http://nla.gov.au/nla.news-article111206367
The Canberra Times	'The Lords of Chinatown'	2 February 1986	http://nla.gov.au/nla.news-article118202202
	The China-Australia Heritage Corridor Project	Accessed 9 March 2024	https://www.heritagecorridor.org.au/
The Daily Telegraph	'The South Polar Expedition	7 September 1897	http://nla.gov.au/nla.news-article238430107
The Sun	'Advertising’	5 June 1920	http://nla.gov.au/nla.news-article222409306
The Sydney Morning Herald	'Chinese Empire Association’	11 August 1900	http://nla.gov.au/nla.news-article14329715
Truth	'Public Will Slip On Banana Board'	22 March 1936	http://nla.gov.au/nla.news-article169580768
Tung Wah Times	'修橋捐欵'	2 March 1907	http://nla.gov.au/nla.news-article246933577
Tung Wah Times	'Advertising’	11 November 1911	http://nla.gov.au/nla.news-article227976468

Tung Wah Times	'Advertising'	14 December 1912	http://nla.gov.au/nla.news-article227970741
Tung Wah Times	'Advertising'	14 June 1919	http://nla.gov.au/nla.news-article227012797
Tung Wah Times	'Advertising'	1 October 1921	http://nla.gov.au/nla.news-article227658363
Tung Wah Times	'Advertising'	21 November 1925	http://nla.gov.au/nla.news-article227458718
Tung Wah Times		3 March 1928	http://nla.gov.au/nla.news-page24098711
Tung Wah Times	三邑恒善堂啓事	27 February 1932	http://nla.gov.au/nla.news-article227426967
Tung Wah Times	雪梨	26 November 1932	http://nla.gov.au/nla.news-article227434574
Tung Wah Times	飛枝蕉來路將絕	29 April 1933	http://nla.gov.au/nla.news-article227427842
Tweed Daily	'Advertising'	15 May 1920	http://nla.gov.au/nla.news-article191373534
Tweed Daily	'Advertising'	12 July 1930	http://nla.gov.au/nla.news-article192687398
Tweed Daily	'Advertising'	23 August 1941	http://nla.gov.au/nla.news-article192794046
Tweed Daily	'Advertising'	7 November 1942	http://nla.gov.au/nla.news-article192947195
WILLIAMS, M.	Returning Home With Glory: Chinese Villagers around the Pacific, 1849 to 1949	2018	
Williams, Michael	Chinese Settlement in NSW: A Thematic History	1996	http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/chinesehistory.pdf
YONG, C. F.	The New Gold Mountain : the Chinese in Australia, 1901-1921	1977	

15. Signature of author*

To confirm you have approved the final content of the form, giving permission for the information to be used by Heritage NSW and the Heritage Council of NSW.

Name		Date	24/07/2024

16. Signature of image copyright holder*

To confirm you have approved the final content of the form, giving permission for the images provided to be used by Heritage NSW and the Heritage Council of NSW.

Name		Date	24/07/2024

J. Additional photographs and images



Caption*	90-100 Hay Street, Haymarket
Date of photograph*	March 2024
Name of photographer*	Sioned Lavery
Copyright holder, if known	Hector Abrahams Architects



Caption*	90 Hay Street, Haymarket
Date of photograph*	March 2024
Name of photographer*	Sioned Lavery
Copyright holder, if known	Hector Abrahams Architects



Caption*	Glass Negative - Hay Street Haymarket, circa 1919
Date of photograph*	c.1919
Name of photographer*	Unknown
Copyright holder, if known	City of Sydney Archives



Caption*	90-94 Hay Street Commercial buildings, Hay Street Haymarket,
Date of photograph*	1979
Name of photographer*	Unknown
Copyright holder, if known	City of Sydney Archives

Caption*	
Date of photograph*	
Name of photographer*	
Copyright holder, if known	

Caption*	
Date of photograph*	
Name of photographer*	
Copyright holder, if known	

Attachment G

Hector Abrahams Architects - Draft Inventory Sheet - 75-55 Ultimo Road

State Heritage Inventory form

Complete all mandatory fields on the form, as indicated with an asterisk (*).

A. Nominated item

1. Name & type

Name*	Kuo Min Tang building, movable heritage and archival collection
Other or former names	Kuomintang or KMT
Item type (if known)	Built
Item group (if known)	
Item category (if known)	
Area, Group, or Collection Name	

2. Location

If the item does not have a street number, provide land parcel information as well.

If the item has no land parcels, provide coordinates and a map.

For moveable objects enter the principal address where held.

Street address*	75-77 Ultimo Road, Haymarket
Alternate street address	
Local government area*	City of Sydney

Land parcels*	Lot	1	Section (if applicable)		DP	79765
	Lot		Section (if applicable)		DP	

Coordinates	
Latitude	
Longitude	
Datum	

3. Extent of nomination

Provide a map or plan clearly indicating the extent of the curtilage (boundary) of your nomination.



Source of map or plan	Nearmap with HAA overlay
Description of the boundary, if required	

4. Ownership

For organisations / company, please provide both the name of the business and a contact.

Name of owner(s)*	CHINESE NATIONALIST PARTY of AUSTRALIA
Business / organisation name, if applicable	
Address	75-77 Ultimo Road, HAYMARKET NSW 2000
Phone	
Email	
Ownership explanation, if required	

B. Significance

5. Why is it important in NSW?

Refer to the guideline Assessing heritage significance when completing this section.

Statement of significance*
The building and its archival collection are a key site of Chinese history in NSW and Australia, directly related to the 20th century political history of China and Taiwan, and the social and economic affairs of Chinese Australians during the operation of the white Australia policy. The building at 75-77 Ultimo Road was constructed for and served continuously as the headquarters of the Chinese Nationalist Party of Australasia (Kuo Min Tang or KMT) for over 100 years. It has been the locus of Chinese Nationalist political activity since it was purpose-built in 1921. It was also the publishing office for the Chinese Times newspaper (1925- 1949). Funds raised by members of the Australasian KMT were remitted to support Sun Yat-Sen and the ruling Nationalist government (1927-1949) in China and later for the war effort during the Sino Japanese war. The Australasian KMT was also a transmitter of ideas and technology to China. It led the way in allowing female members to join the Party and it played a role in advocating for the rights of Chinese Australians during the White Australia years. Many prominent Chinese Australians are associated with the KMT Building at 75-77 Ultimo Road, including Peter Yee Wing, Samuel Wong, Mar Leong Wah and Eugene Seeto. The building is also associated with the prominent building company Robert Wall & Sons and architect Francis Ernest Stowe. It is architecturally notable for its fenestration and brick mullions under a single arch spanning to width of the building to read as a single window. Together the elements of the façade including its composition and detailing particular the arch, fenestration, brick mullions, pilasters, parapet and Chinese characters, make a notable contribution to the streetscape. The place was also the centre of cultural life with many social activities for the Chinese Australian community, particularly the Dragon Ball which began in 1938 and was a major event on the social calendar for the Chinese Australian community in Sydney until the early 1970s. The building itself houses what is probably the largest collection of records, documents, publications, photographs and artefacts related to the KMT's history outside of China and Taiwan. It is also demonstrative of a prolific period in the 1920s that saw the establishment of the KMT's overseas headquarters in centres of Chinese settlement, of which the place is a rare purpose-built example which continues to be used today for its original purpose.

Comparisons*
As the Australasian headquarters, the Sydney branch, at 75-77 Ultimo Road, oversaw branches across Australia, New Zealand and the Pacific and therefore this comparative analysis considers the place in this context. This comparative analysis aims to further understand the places historical significance and the integrity of the historic network of KMT's Australasian branches. In additional to other KMT headquarters the comparative analysis also considers places constructed by the builder Robert Wall & Sons and the architect Francis Ernest Stowe. NEW SOUTH WALES **Newcastle** - By 1927 there was a sub-branch in Newcastle (The Labour Daily, April 19, 1927, p. 8). It is unclear where the Newcastle headquarters were located and if it is extant. **Tamworth** - By 1927 there was a sub-branch in Tamworth (The Labour Daily, April 19, 1927, p. 8). It is unclear where the Tamworth headquarters were located and if it is extant. **Wollongong** - By 1927 there was a sub-branch in Wollongong (The Labour Daily, April 19, 1927, p. 8). It is unclear where the Wollongong headquarters were located and if it is extant.

Inverell - By 1927 there was a sub-branch in Inverell (The Labour Daily, April 19, 1927, p. 8). It is unclear where the Inverell headquarters were located and if they are extant.

AUSTRALIA

109 Little Bourke Street, Melbourne - Originally constructed as a warehouse in 1903, it was altered by Walter Burley Griffin for the KMT in 1921 (Victorian Heritage Database report). Like the Sydney headquarters it was opened by Chan On-Yan, a representative of Dr Sun Yat-Sen who was visiting Australia from China (Mei-Fen Kuo and Judith Brett, 2013, p.25). The building is extant, but it has been altered. Though the Melbourne branch of the KMT is still active it is unclear if they still own/use the Bourke Street address. The place is heritage listed.

Corner of Lake and James Street, Perth - The KMTs Perth branch occupied their "new hall at the corner of James and Lake Streets" in 1921 (The West Australian, June 30, 1921, p.7). Currently there are three historical buildings (the fourth corner being a park) on this intersection but it is unclear which one the KMT occupied.

Hindley Street, Adelaide (most likely 171 Hindley Street) - The KMT Adelaide branch occupied this building in 1921 and there was a sign above the awning indicating their occupation of the premises (State Library South Australia, B 3726). It is unclear when they left this address. It is now used as a restaurant. The place is not heritage listed.

Cavenagh Street, Darwin - The KMT's Darwin headquarters were likely located on Cavenagh Street, Darwin (Northern Standard, October 13, 1931, p. 1). This street is highly developed and it is likely the place is no longer extant.

155 Wickham Street, Fortitude Valley, Queensland - King Edward's chambers were constructed in 1905 for Peter Murphy by architects Hall and Dods. It was leased to a series of business until 1922, when the Brisbane branch of the KMT leased the building. It is unclear when the KMT vacated the building. The place is heritage listed for its association with its owner Peter Murphy, the eminent architectural firm Hall and Dods and for demonstrating the commercial development of the area (Brisbane City Council, Local Heritage Places).

INTERNATIONAL

838 Stockton St, San Francisco, CA 94108, United States - Built in 1915, the headquarters of the San Fransico branch of the KMT is extant although it is no longer used by the KMT. The building retains evidence of its former use including the white sun on a blue background and "Dr Sun Yat-Sen memorial hall of San Fransico" written in English above the shop fronts. It is understood the San Fransico branch also has a large archival collection though no further details have been found (in conversation with stakeholders at workshop 5th April 2024). It is unknown if the place is heritage listed.

Rabaul, Papua New Guinea – The original headquarters was constructed in c.1929 (National Library of Australia 2279601). It was likely destroyed during WWII. The KMT hall was rebuilt in Rabaul Chinatown following the town's destruction during WWII ("The Kuo-Min-Tang hall where assemblies are held and administrative problems are solved by town…" Australian War Memorial). It is unclear if the building remains extant.

Solomon Islands - The Solomon Islands branch of the KMT was founded in 1923 under the Rabaul branch. They became an independent branch in 1931. It is unclear if the headquarters were purpose built and if the building is extant. The Chinese characters on the front of the building translates to "Solomans [sic] Branch of the Kuomintang [KMT]." (State Library Victoria, H99.218/24).

Tory Street, Wellington New Zealand - The KMT's Wellington branch opened their new headquarters on Tory Street in 1928 (Waipukurau Press, April 13, 1928, p.8). It is unknown if it was purpose built. The exact location on Tory Street is unknown and it is unclear if it is extant.

217 Hobson Street, Auckland New Zealand - The KMT Auckland branch was located on Hobson Street. The building was demolished in the late 1970s (Auckland Museum, MS 94/14).

59 Av. du Maréchal Foch, Papeete 98714, French Polynesia - The Tahiti branch of the KMT have occupied 59 Av. Du Maréchal Foch from 1924. The building was also used for Chinese and French language lessons. The building was destroyed by a cyclone in the 1980s and rebuilt with a hall. Much of its detailing was not

reconstructed. Now known as the Association of the 'Koo Men Tong', it no longer has political affiliations but hosts social and cultural activities (Koo Men Tong 1 Chinese School, Papeete,' Tahiti Heritage). It is unknown if the place is heritage listed.

OTHER POLITICALLY AFFILIATED BUILDINGS IN CHINATOWN, SYDNEY

18 Mary Street Surry Hills - The Chinese Masonic Hall was purpose built in 1911 for the Yee Hing Company. The Yee Hing Company translated its name in 1912 to the Chinese Masonic Society. The Yee Hing Company were an anti-Manchu underground network that strongly supported the republican movement in China and was a predecessor of the KMT. A masonry building with classical elements, the top corners of the façade are also decorated with miniature pagodas. The Chinese Masonic Society continues to occupy the building ('Chinese Masonic Hall, Sydney' The China-Australia Heritage Corridor). It is listed as a local heritage item on the Sydney LEP 2012 (I1571).

OFFICE BUILDINGS CONSTRUCTED BY ROBERT WALL/ROBERT WALL & SONS

Culwulla Chambers (67 Castlereagh Street) - At the time of its construction in 1912 this office block was the tallest building in Australia. Its construction led to the Heights of Building Legislation (1912) which restricted the height of buildings to 150 feet until 1956. Culwulla chambers is 170 feet. It has technical and aesthetic significance for its reinforced concrete construction and Federation free classical style ('Former 'Culwulla Chambers' including interiors,' State Heritage Inventory). Locally listed on the Sydney LEP (I1694).

Usher's Hotel (64-68 Castlereagh Street) - Constructed in 1914 it is representative of a key construction period (1900-1920) and the importance of the hospitality industry in Sydney. It is also associated with the prominent architectural firm Ross & Rowe ('Former Metropolitan "Usher's" Hotel Including Interiors,' State Heritage Inventory). It is listed as a local heritage item on the Sydney LEP 2012 (I1693).

Beanbah Chambers (235 Macquarie Street) - Constructed between 1912-1913, Beanbah Chambers is a rare example of early twentieth century high-rise professional chambers. Highly intact, it also has aesthetic significance for its well resolved interior and exterior detailing including its use of art nouveau detailing. It is listed as a local heritage item on the Sydney LEP 2012 (I1881).

WORKS DESIGNED BY FRANCIS ERNEST STOWE

Ball's Head Coal Loading Depot - Constructed in 1917. It was the "first and longest operating shore-based coal loading facility in Sydney Harbour" and the largest in the southern hemisphere in 1927 ('Balls Head Coal Loader Complex (including Platform Pier and Administrative and Workshop Buildings),' State Heritage Inventory). It is listed on the State Heritage Register (SHR #02051).

63 Victoria St, Ashfield NSW - Opened in 1931 the former Masonic Hospital in Ashfield has classical elements. It was designed to serve masons, their families and dependents, and was apparently the first of its kind in Australia at the time of its opening (Northern Star 1931, p. 14).

Masonic School - Originally the Masonic Orphan School, Baulkham Hills Masonic School opened in 1922 and closed in 1970s. Today the place is owned by the Hills Shire Council and houses the Hills District Historical Society Museum ('William Thompson Masonic School (1924-1974),' Find & Connect).

317 Pacific Highway, North Sydney - The North Sydney Masonic Temple was constructed in 1922 in the Free Classical Style. It demonstrates the prominence of the Free Masons at the time and has aesthetic significance ('Former Masonic Temple,' State Heritage Inventory). It is listed as a local heritage item on the North Sydney LEP 2013 (I0961)

COMPARATIVE ANALYSIS CONCLUSION

Nos. 75-77 Ultimo Road as the KMT's Australasian branch was part of a regional, national and transnational network of KMT branches. The 1920s was a prolific period that saw the opening of many new KMT headquarters of which 75-77 Ultimo Road, Haymarket is an early example. It is a rare example of a purpose built KMT headquarters with many, particularly in other Australian cities, being rented. Although many KMT sites have been lost, some have survived. Of those that have survived, most are no longer used by the KMT, unlike 75-77 Ultimo Road, Haymarket which continues to be owned and occupied by the Sydney branch.

Robert Wall & Sons constructed a number of significant office buildings of which Ultimo Road is somewhat unusual for the composition of its façade under a single arch.

The buildings which Ernest Stowe designed suggest he had a strong association with the Freemasons. Research suggests there was a relationship between the European Freemasons in Australia and the Chinese Masonic Society, however, as both were secret societies, the extent and nature of the relationship is not yet fully known (Fitzgerald, John. 2007, pp.80-99).

C. Description

6. Describe the existing item

Description*	The Sydney branch of the KMT is a five-storey masonry office building at 75-77 Ultimo Road, Haymarket. The front façade is painted brick, though likely to have been originally face brick. The building is painted white, with individual elements painted blue and red. Compositionally the façade is distinctive. The multi-paned glazing reads as a single window united under a single arch spanning the width of the building and divided into bays by brick mullions. The windows are aluminium framed, that replaced the original timber framed windows in the same configuration in the early 1990s. The façade is quite striking with its contrasting painted elements, including white Chinese characters which are fixed against a blue background on the arch and brick panels between the first and second floors, and the building date (1921) and initials K.M.T are also emphasised on the parapet and classical pediment. Two pilasters on either end of the building extend from the awning to the parapet. White downpipes run down their length and are topped with two red decorative tree motifs and flagpoles flying the Australian and Taiwanese flags. A third flagpole above the pediment flies the KMT flag. Together the elements of the façade come together to create a distinctive presentation to Ultimo Road. An awning with pressed metal underside sits above the ground floor shop (featuring a modern shop aluminium and glass façade). To the west of the shop is a doorway and stairwell, lined with timber panelling and a pipe handrail, leading to the first and second floors. The upper floors of the building are all open plan; however, the ground floor and likely the first floor was originally divided by a wall running the length of the building. The first floor is used as offices and there is no evidence of a dividing central wall as indicated on original architectural drawings. The elaborate plaster ceiling with a circular design indicates that this may not have been constructed as intended. Offices have been created with modern glazed and timber partitions, the floor is tiled and there is a glass partition separating this space from the stairwell. The second floor contains a stage, false ceilings and modern timber flooring. The room is decorated in the colours (red, white and blue) and lined with ephemera of the KMT. A staircase located in the south west corner leads to the third floor. It is unclear if the staircase is original. The third floor similarly has a false ceiling and modern timber floor. This level contains a large archival collection displayed in a series of glazed cabinets and open shelves with photographs lining the walls. The artefacts held in this vast collection includes records of KMT activities including donations, historical newspapers, photographs, artwork, telephones and typewriters. A defining feature of this room is the curved windows which sit under the arch of the façade.

	Both the second and third levels may have original or early ceilings obscured by the modern suspended ceilings, but was not inspected so cannot be confirmed. The original drawings indicate that all internal floors are timber framed, supported by steel beams, though a detailed inspection was not carried out to confirm this configuration. Similarly, the roof appears to be constructed in this manner, with a slight slope towards the front façade. Though not inspected, another room is located towards the rear. This room was not inspected but appears to have a skillion roof. The rear elevation was unable to be inspected.
Condition of fabric and/or archaeological potential*	The place is in good condition. There is some archaeological potential but it is limited.
Integrity / intactness*	Overall, the exterior form of the place is intact although the window frames are not original nor is the painted brick finish. The plan arrangement is largely intact although there have been some changes. False ceilings have been added and floorboards are non-original. The ground floor is a modern retail fitout.
Modification dates	
When was the last time you inspected the item?	April 2024
Current use	Retail (ground floor) and KMT Sydney branch headquarters (first and second floor).
Original or former use/s	Retail and KMT Australasian branch headquarters
Any additional comments	

D. History

7. Origins and historical evolution

Years of construction*	Start		End	c.1921
Designer or architect*	Francis Ernest Stowe			
Maker or builder*	Robert Wall & Sons			
Historical outline*	CONTEXTUAL BACKGROUND Chinese migrants who came to Australia for the gold rushes, came largely from counties in the Pearl River Delta region of Canton, and they maintained strong ties to their villages (Williams, M. 2018). People tied by native place, languages and kinship established associations to support and sponsor others from the same place or of the same surname. Most groups had their own district associations and also formed associations not based on native place or lineage, but on mutual co-operation and in			

many cases, with the aim of political reform in China. The Yee Hing mutual aid brotherhood societies, which were active on gold fields from the earliest days, espoused the political aim of overthrowing the Ching dynasty in China. The China Empire Reform Association (CERA), on the other hand, advocated modernising China but maintaining the Emperor system, and in later years advocated constitutional monarchy. Their competing ideas were circulated through newspapers, such as the Chinese Australian Herald, The Tung Wah Times and the Chinese Times.

Chinese migrants to Australia were actively engaged in fomenting and funding political change in China. Funds remitted and the ideas transmitted to China by overseas Chinese, including Chinese Australians, were crucial both to the success of the 1911 revolution which overthrew the Manchu Ching Dynasty and established a Chinese republic, and to the success of the Nationalist Party in gaining power in China. The Chinese Nationalist Party of Australasia headquarters at 75-77 Ultimo Road, Haymarket is a part of this history.

A forerunner to the Chinese Nationalist Party in Australia was the Yee Hing which had branches across rural NSW and Australia. When the Yee Hing changed its name to the Chinese Masonic Society and opened the Chinese Masonic Hall at 18 Mary Street, Surry Hills in 1912, a newspaper report named delegates who attended from Braidwood, Condobolin, Wagga Wagga, Wyalong, Temora, Nyngan, Newcastle, Wellington, Walgett, Hay, Parkes, Albury, Tumut, Tingha, Narrabri, Goulburn, Gunnedah, Wollongong, Lismore in NSW and from Tasmania, Bendigo, Rockhampton, Thursday Island, Brisbane, Melbourne, Wangaratta and Auckland ('"TSUN FORE,"' The Sun, 1912, p. 1). The Chinese Masonic Hall, which is listed on the City of Sydney Local Environment Plan (2012), is highly significant for its role in the revolutionary movement which preceded the establishment of the Chinese Nationalist Party of Australasia (NSW State Heritage Inventory, Chinese Masonic Hall including interior, item no. I1571).

THE CHINESE NATIONALIST PARTY OF AUSTRALASIA BUILDING AT 75-77 ULTIMO ROAD, HAYMARKET

Until it was resumed for the Municipal Markets in 1908, 75-77 Ultimo Road was Engine Street, named after the 'engine' of the Victoria Steam Mills. After the resumption, the section from Thomas Street to George Street was incorporated into Ultimo Road. In 1908, Sydney Municipal Council resumed terrace houses, mills and workshops spread over four acres bounded by Ultimo Road and Thomas, Hay, Quay and Engine Streets to make way for Municipal Markets. These developments were reported in the Chinese Australian Herald in March 1909, with the comment that numerous Chinese firms were expected to move in light of the market's relocation (Guang yi hua bao = The Chinese Australian Herald, 1909). From 1910, Chinese firms which had previously been centred around Campbell and Pitt Streets, Haymarket in proximity to the Belmore Markets, began to open stores in Hay, Dixon, Quay, Harbour Streets and Ultimo Road close to the new Municipal Markets.

THE CHINESE NATIONALIST PARTY OF AUSTRALASIA AND THE ESTABLISHMENT OF THE HEADQUARTERS AT 75-77 ULTIMO ROAD, HAYMARKET

The Chinese Nationalist Party of Australasia or the Australian Kuo Min Tang (KMT) was established when the Young China League was founded in Melbourne in 1910 to support the revolutionary aims of Sun Yat-sen, the leader of the Chinese Nationalist Party (Kuo, M & Brett, J, 2013, p.ix). After the 1911 Revolution in China overthrew the Ching dynasty, a branch of the Young China League was established in Sydney, with the Presidency occupied by head of the Chinese Masonic Society, James Chuey (Yong, C. F. 1977, p. 141). In April 1916, the Chinese Nationalist League was founded and George Kwok Bew of Wing Sang & Co. Fruit Merchants elected as the first President (Yong, C. F., 1977, p. 141). A temporary office was established at 211 Thomas Street, next to the store of Tiy Sang & Co., whose proprietors were Nationalist League treasurer, Peter Yee Wing and Vice-President, Samuel Wong (KUO, M.-F. & BRETT, J. 2013, p.11). Over the next few years, representatives from the Nationalist League travelled across Australian and the Pacific to raise funds for a permanent building, establishing branches in Brisbane, Bowen, Cairns, Mackay, Townsville, Burdekin and Atherton in Queensland; in Newcastle, Darwin, Adelaide and Perth and in Auckland, Fiji, Rabaul, Kokapo, Kavieng, Madang and the Solomon Islands (Yong, C. F 1977, pp.150-153). In 1917, George Bew went to Shanghai in 1917 as manager of the new Wing On Department store, where he developed a close relationship with Sun Yat-sen and other Nationalist leaders (Kuo, M.-F. & Brett, J. 2013, p.16).

In August 1921, the Chinese Nationalist League established its legal identity by registering as an association under the Companies Act in NSW. Its registered title was Chinese Nationalist Party of Australasia (Kuo, M.-F. & Brett, J. 2013, 11, p.30). Its Chinese name was the Kuo Min Tang.

£10,997 was raised by donations from Nationalist Party members in Australasia to purchase land and build a headquarters for the Chinese Nationalist Party of Australasia at 75-77 Ultimo Road, Haymarket (Kuo, M.-F. & Brett, J. 2013, p.22). Plans for a five-storey building were drawn up by architect Francis Ernest Stowe of 20 Loftus Street Sydney on 23 August 1921.

Stowe, born in Ireland in 1867, emigrated as a child to Australia with his family. He trained and worked as both an architect and civil engineer, being appointed the Grand Architect of the Grand Lodge in 1922 (Australian Institute of Architects, 2015). Stowe designed a counterweight tramway system for Darling Street Wharf, Ball's Head Coal Loading Depot and a number of Masonic buildings including the Temple in North Sydney, Baulkham Hills Masonic School and a Masonic Hospital in Ashfield. The latter four are extant but it is unclear what remains of the Darling Street Wharf tram system. One of his more interesting designs was a contender for the Sydney Harbour Bridge which had three crossings that intersected at an Anzac memorial on Me-Mel - Goat Island. In addition to his architectural and engineering work, Stowe also established the Sydney Marine Engineer College in 1902, founded the Stowe Electrical Company and published a number of booklets and pamphlets on scientific topics. He was also an early mentor to Florence Taylor (née Parsons) (Australian Institute of Architects, 2015). He died in 1936 (The Sydney Morning Herald, 21 July 1936, 6).

Stowes original 1921 plans for 75-77 Ultimo Road indicates that the building was intended to be used as a series of spaces across the four floors of the building, that could be used separately or together. The retail premises at 77 Ultimo Road (identified as Shop No. One located on the

eastern side of the building) was designed to be used over two levels (ground and first floor) with a timber stair in the south-eastern corner. The shop at 75 Ultimo Road (identified as Shop No. Two on the western side of the building) was on the ground floor only. The level above Shop No. Two was designed as a separate tenancy, separated from the upper level of Shop No. One by a timber partition. The drawings indicate that the stairs to the upper levels were intended to have adjacent flights on the western side of the building; these were not constructed as planned, as the stairs to the upper levels are in a series of flights lining the western boundary. The original drawings also indicate that all internal floors are timber framed, supported by steel beams but it is unclear if this is the case.

In September 1921, a City building application was made by contractors Robert Wall & Sons, for the erection of a building for the Chinese Nationalist Party at 75-77 Ultimo Road, Haymarket (The Daily Telegraph, 27 September 1921, p.7). Robert Wall, according to his obituary in The Daily Telegraph, was at 87 the "World's Oldest Builder" and one of the best known in the state of NSW. Robert Wall & Sons had previously constructed a number of important Sydney buildings including: Culwulla Chambers (67 Castlereagh Street), Usher's Hotel (64-68 Castlereagh Streets) and Beanbah Chambers (235 Macquarie Street). Other buildings which are no longer extant include: South British Insurance Co. (corner of O'Connell and Hunter Streets), and the Government Savings Bank on Moore Street (now Martin Place) (The Daily Telegraph, 2 December 1925, p. 5).

The choice of Robert Wall & Sons as builders of the Australasian KMT Headquarters may have been owing to the firm's reputation as master builders, or have related to the fact that Robert Wall Senior was the father-in-law of William Henry Donald, adviser to Nationalist party leader Sun Yat-sen, and later to Chang Hsueh-liang and Chiang Kai-shek. Born in Lithgow, NSW in 1875, Donald began his career as a journalist in Australia before moving to Hong Kong where he became Managing Director of the China Mail. He married Robert Wall's daughter Mary Wall, in Hong Kong in 1904, though the couple separated sometime around 1920 (Winston G. Lewis, 1981).

The foundation stone of the building, was laid on the 12th November 1921, by Chan On Yan, sent from China as a personal representative of Sun Yat-sen. It can still be seen at the entrance of the building. After travelling around Australia and the Pacific, Chan On Yan returned to Sydney to launch the building in April 1922 (Kuo, M.-F. & Brett, J. 2013, p. 25)

Membership of the Party was open to women and female members were exempted from the membership fee. Women were particularly prominent in the Darwin branch of the KMT, though less so in the Sydney branch (Kuo, M.-F. & Brett, J. 2013, 23-24 and Martinez, J. 2015). By 1922 it was reported that there were 23 branches and 5289 members of the Chinese Nationalist Party in Australasia and the South Pacific (Yong, 1977, p.153). As Sun Yat-sen's native district was in Heung Shan, members from Heung Shan dominated the Sydney branch of the KMT.

President of the Australasian KMT from 1919-1930 was Charles (Peter) Yee Wing. According to a biography by his grandson, Tony Wing, Charles Yee Wing, born 1862 or 1866, became involved in Tiy Sang & Co. which traded in bananas and by 1893, he was Managing Director of the firm. He married Susan Kezia Beck in 1906 and they had at least 12 children. He established the Australasian KMT's Canton Liaison Office and was one of the founders

of the China-Australia Mail Steamship Line (Kuo, M.-F. & Brett, J. 2013, pp.9-10.). C.F. Yong argues this shipping line, established to break up the Japanese shipping monopoly and extend the Sino-Australian import and export trade, "expressed the unity and co-operation achieved for the first time by Chinese in Australia over a single issue of common interest." (Yong, 1977, p.97). Like many of the leaders of the KMT in Australia, Yee Wing was a Christian. As Yong remarks, "It is striking that nearly all the top leaders of the Chinese Nationalist Party in Victoria and New South Wales in the years 1910-1930 were associated with churches" (Yong 1977, p. 206). This might be attributed as much to the influence of the Christian wives of the leaders as to the work of Chinese missionaries in particular, the Church of England minister Soo Hoo Ten and the Presbyterian Minister John Young Wai and his wife, who were actively proselytising and performing charitable work amongst the Chinese population in the Haymarket (Ruth Teale, 1976 and Adrian Chan 1990). Yee Wing returned to China after the death of his wife Susan in 1938, and died there sometime in 1942 (Kuo, M.-F. & Brett, J. 2013, pp.9-10).

TENANTS OF THE BUILDING

After the new building opened, various rabbit merchants and grill rooms tenanted the ground floor of 77 Ultimo Road until 1923, when L.A. Pogonowski, who had occupied the site in 1913 prior to the KMT Building's construction, returned to occupy the ground floor of the new building. Pogonowski evidently had a good long-standing relationship with Samuel Wong and Peter Yee Wing, the proprietors of Tiy Sang & Co. on Thomas Street. Sometime in January or February 1911, Tiy Sang & Co. complained to the Town Clerk about damage to their premises caused by flooding (City of Sydney Archives, A-00247772). When nothing was done, L.A. Pogonowski then took up the case, seeking action on stormwater damage to his store, the neighbouring store of Tiy Sang & Co. and two other businesses. The Town Clerk replied that the Council would not accept liability (City of Sydney Archives, A-00246270). From 1925 until 1927, L.A. Pogonoswki Talk Machines occupied the ground floors of both 75 and 77 Ultimo Road. Presumably after the death or retirement of Mr Pogonowski, Mrs C. Pogonowski continued the business at 75-77 Ultimo Road until 1929 (Sands Directory 1913-1929.). The Pogonowski store can be seen in an early photograph of the Australasian KMT Building.

From 1922, 75-77 Ultimo Road was the registered office for the Chinese Times newspaper. The Chinese Times was a revolutionary newspaper first published in Melbourne, (1902-1915), where it played an important role in shaping and mobilising support for the revolution in China and later opposing the increasingly despotic government of Yuan Shikai, the Provisional President of the Republic of China (KUO, M. F. 2013, 184-9, pp.222-5 and Yong, 1977, pp.145-148). In 1922, the Chinese Times began publishing in Sydney and continued publication until 1949 with financial support from the Chinese KMT (Kuo, M.-F. & Brett, J. 2013, pp.78-9).

Between 1932 and 1977, the ground floor of 75 Ultimo Road was leased to Arthur Lowe who ran a tobacconist shop there for 45 years. In an interview with Rosetta Sung in 1984, Arthur Lowe said he was born in Enfield in 1903 to Willie Bow Suew and Rosetta Helen McDonald, of Scottish descent (Sung, R. 1984). When his mother died, when Arthur was only eight months old, his father took him back to his village in Chungshan to be cared for by his first wife. Arthur returned to Australia with his father

when he was thirteen, returning once more to China with his father around 1920 at his father's insistence that he find a Chinese wife. Arthur married his Chinese wife, Liu Cheng Su Tseng in a Christian ceremony, but returned to Australia leaving his wife and children behind, as immigration restrictions prohibited Chinese women from entering Australia. Arthur bought a greengrocer business in Neutral Bay, before opening his tobacconist business on the ground floor of 75 Ultimo Road. With the help of the Chinese Consul, Arthur managed to bring his wife and three children to Australia in 1934 (NAA: SP42/1 C1938/8992). The couple subsequently had another five children. Arthur said of the KMT:

"Father was a member, all members. I not one of the original members but early one. Tongmenhui, meaning gathering together society, a club. Always involved in fundraising for Kuo Min Tang. Collect lot of money and send to China, now Formosa (Taiwan) and before send to Canton or Nanking." (Sung, R. 1984)

THE OPERATION OF THE AUSTRALASIAN KMT AT 75-77 ULTIMO ROAD

The operation of the Australasian KMT at 75-77 Ultimo Road over the years has been researched and written about by Judith Brett and Mei-Fen Kuo, and by John Fitzgerald, utilising the Australasian KMT archives housed at 75-77 Ultimo Road. In 1924, representatives from the Sydney branch attended the first National Assembly in Canton and in the following year, the Australasian KMT held its first Australasian Convention. A memorial ceremony was held for Sun Yat-sen who had died in March 1925, which recognised him as the father of the modern Chinese nation and the symbolic head of the KMT. The Convention strengthened connections between branches in Australia, New Zealand and the Pacific, sending money to enable representatives from branches in the Pacific to attend (Meeting with members of the Standing Committee of the KMT, 26 February 2024). The Convention established a Canton Liaison Office, which helped returning Chinese Australians to settle back in China. It also established branches for seamen working in the South Pacific, boosting membership and providing a conduit for connecting branches in the region (Kuo, M.-F. & Brett, J. 2013, p.46.). By 1927, "around one in six registered Australasian party members were able seamen and ship's engineers." (Fitzgerald, J. 2007).

After Sun Yat-sen's death, Chiang Kai-shek succeeded Sun Yat-Sen as leader of the KMT. The Australian government, which had hitherto been suspicious of the KMT's communist sympathies, recognised the Chinese National Government in Nanking after Chiang Kai-Shek became leader.

Chiang launched an international Party Purification Movement in 1926 to purge Communists and their sympathisers from the Party. At the second Australasian Convention in Sydney in 1927, held to endorse Chiang Kai-Shek's command, Samuel Wong, Vice-President of the Australasian KMT, objected to the Party Purification Movement and Chiang's leadership. Wong was expelled along with five other members (Fitzgerald, J. 2007, pp.138-9.).

In 1929, Australian KMT delegates went to Nanjing to attend a national congress where they appealed to the Chinese government to seek the removal of discrimination against Chinese in Australia. They received little support in China, and Kuo and Brett assess that the main goals given to the Australasian KMT were the strengthening of its loyalty to the Chinese

KMT and the winning of sympathy for the new government amongst the Australian public (Kuo, M.-F. & Brett, J. 2013, pp.61-62.).

THE WAR YEARS

In 1931, the Australasian KMT comprised of the headquarters at 75-77 Ultimo Road, seven branches and thirty-five sub-branches, each with an Executive Committee, an Advisory Committee and a Standing Committee (Kuo, M.-F. & Brett, J. 2013, pp.66-69.).

When the Japanese army invaded Manchuria in 1931, Chinese Australian community leaders in Sydney from across the political spectrum, including William Gock Young, William Liu and Mar Leong Wah, combined to establish the Society of Chinese Residents in Australia to coordinate support for China. They met regularly at 75-77 Ultimo Road, collected funds, organised events and remitted funds to China for the war effort.

The Chinese Australian community was divided over the visit of General Tsai Ting-Kai to Australia in 1934. Tsai had earned hero status after the 19th Route Army he commanded fought against the Japanese invasion of Shanghai in 1931, but he was subsequently exiled after the failure of the rebellion he led against Chiang Kai-Shek's government. The Australasian KMT failed to prevent Tsai Ting Kai's visit to Australia, and Tsai was given a hero's welcome when he arrived. The Australasian KMT expelled members who attended the welcome ceremony or met with him (Kuo, M.-F. & Brett, J. 2013, p.96.).

According to Kuo and Brett's examination of management records, in the 1930s, the Sydney KMT and the Society of Chinese Residents in Australia "sought connections with Australian journalists, writers and scholars to promote the recognition of the Chinese Australians claim to citizenship and to enhance their status accordingly" (Kuo, M.-F. & Brett, J. 2013, pp. 69-73). However, the efforts of the Australasian KMT to lobby the Australian government to rethink the prejudicial treatment of Chinese Australians were met with little consideration.

At the Fifth Convention of the Australasian KMT, Mar Leong Wah was elected as one of the three members of the Standing Committee (Kuo, M.-F. & Brett, J. 2013, p.73.). Mar Leong Wah (Harry Mar) had arrived in Sydney in 1921 to work in the Wing Sang & Co. business founded by his Ma/Mar clansmen from Sha Chung, and became manager of Wing Sang & Co. at 58 Hay Street (Kuo, M.-F. & Brett, J. 2013, pp.77-78.). In the photo of Wing Sang & Co. employees, Mar Leong Wah is standing on the far right.

In the 1930s, under Mar and David Young Narme's leadership, the Australasian KMT established music, social and sporting groups to raise funds for the war effort in China. As Kuo and Brett write, "the KMT Hall was no longer just a place for solemn political ceremonies, but had become a community gathering place" (Kuo, M.-F. & Brett, J. 2013, 105).

The KMT Hall was the venue for a Chinese language school established in the mid-1920s (Mei-Fen Kuo, personal communication, 1 May 2024). A newsreel shot in 1934 shows Mar Leong Wah teaching a class of boys and girls to read and write Chinese characters. The class then stands up and sings the national anthem of the Republic of China, San Min Chui Yi, the Three Principles of the People. The newsreel shows how the Hall was furnished in the 1930s. Carved wood panelling can be seen at the back of the stage. There is a clear view of the elaborately carved wooden chairs

used by the children and their wooden desks. Behind the children there is a Chinese ceramic on a wooden stand. There are Chinese calligraphy hangings and framed pictures on the wall (Cinesound Movietone Productions, National Film and Sound Archive of Australia 1934).

In July 1938, David Young Narme and his New Zealand-born wife organised the first Dragon Ball, held at the Trocadero. In 1941, a debutante ritual was introduced to the Ball. Debutantes and their male partners were expected to attend several weeks of rehearsals, usually held at the KMT Hall at 75-77 Ultimo Road" (Gassin, G. 2021, p.543). The Dragon Ball became the big annual event of the Sydney Chinese social calendar.

As Grace Gassin, who researched the Dragon Ball for her PhD has written, the Dragon Ball not only gave debutantes their moment to shine, but it highlighted the contribution of Chinese Australian women as organisers, fund-raisers and dressmakers. Gassin spoke to women involved with the Dragon Ball from the 1940's-70s, including Cheryl Cumines, from one of the oldest Chinese Australian families. Cumines, who is currently President of the Chinese Heritage Association of Australia, told Gassin, "There were all of these Australian-born Chinese women who were from these really old families… there was that sense of community that went back a long, long way" (Gassin, G. 2021, p.539).

After the defeat of the Nationalist Government by the Chinese Communist Party in 1949, the Nationalists retreated to Taiwan, from where they ruled as the Republic of China. During the time that the Australian government recognised the KMT Government in Taiwan as the legitimate government of China, Dragon Balls were an annual event. On 21 December 1972, the Whitlam government established diplomatic relations with the Peoples Republic of China. According to Gassin, recognition of the PRC government "made it difficult for organisers to sustain the high-level diplomatic and political affiliations so vital to the success of earlier balls" (Gassin, G. 2021, p.547-8). Gassin's interviewees also pointed to changing norms around gender relations as another factor in the demise of the Dragon Ball in the early 1970s. The Dragon Ball remains one of the best-remembered historical events associated with Sydney's Chinese community (Gassin, G. 2021, p.533.).

THE POST-WAR YEARS

When WWII ended in 1945, the Australasian KMT raised funds to aid in China's reconstruction, but there were also local problems to assist with. By 1945 there were about 1,300 Chinese seamen and evacuees from the Pacific Islands stranded in Australia. Samuel Wong, who had rejoined the Australasian KMT and been appointed to its committee, proposed a plan for the relief of the refugees which resulted in the establishment of the Chinese Youth League. As Kuo and Brett write, "At this time, the Sydney KMT was fulfilling two distinct functions. At the Australasian Headquarters branch it worked closely with Chinese government officials; and as the local branch it was active in helping Chinese seamen and Chinese refugees from the Pacific Islands (Kuo, M.-F. & Brett, J. 2013, pp.116-118.).

Amongst the Chinese seamen and refugees who came to Australia during the war years was Eugene Seeto, who was evacuated to Sydney from Papua New Guinea with his family in 1934. In 1945, Seeto joined the Australasian KMT (Kuo, M.-F. & Brett, J. 2013, p.118.). The family of Chinese community leader King Fong also arrived from Fiji during the war

years, establishing the Say Tin Fong grocery store and boarding house in Dixon Street.

Kuo and Brett write that by 1947, when the Australasian KMT held the Sixth Convention, declining membership and loss of properties during the war had left the Sydney branch alone with a debt of £4475. In spite of the debt, those attending the convention baulked at selling 75-77 Ultimo Road and confirmed the decision of the Fifth Convention that no one had the right to do so. Instead, two properties owned by the Australasian KMT in Canton were sold (Kuo, M.-F. & Brett, J. 2013, p.130.). Records show that the defeat of the KMT government by the Chinese Communist Party and their withdrawal to Taiwan was accompanied by "an avalanche of membership loss" in the Australasian KMT. "Many Chinese Australians were anxious about their families in the now communist controlled China, and did not want to be known for an association with the KMT" (Kuo, M.-F. & Brett, J. 2013, p.132).

Deeply in debt, the Australasian KMT decided to rent out not only the ground floor of 75-77 Ultimo Road but also the second and third floor of the building leaving only the fourth floor with the Australia-China Times newspaper that had been started up in 1955 (Kuo, M.-F. & Brett, J. 2013, p.133).

At the Eighth Regional Convention held in Sydney in 1958, Eugene Seeto, David Sang and Charles Chan were elected to the Executive, replacing David Young Narme and Mar Leong Wah who had been in charge of the headquarters branch for more than 20 years (Kuo, M.-F. & Brett, J. 2013, p.149). The new executive brought structural and financial reforms as well as renovation of the building. A Double Tenth celebration (commemorating the success of the uprising on October 10, which led to the downfall of the Ching dynasty) was held in the newly renovated hall at 75-77 Ultimo Road. The hall became the venue for popular film nights (Kuo, M.-F. & Brett, J. 2013, p.150). The NSW Chinese Sport Association had free use of the third floor of 75-77 Ultimo Road to provide room for reading, table tennis, social dancing and movie showing. Douglas Lam, who arrived in Sydney from his village in Loong Tu, via Hong Kong, used to go to the reading room upstairs at the 75-77 Ultimo Road Building in the early to mid-1960s to browse Cantonese newspapers. Lam recalls, "There was an auditorium with a mobile projector showing Cantonese movies on Sunday nights to homesick people like myself" (Douglas Lam, personal communication, 24 April 2024).

In December 1961, an application was made to the City to carry out alterations and use the second and third floors for the purpose of a commercial photographic and art studio (City of Sydney Archives, A-00123670). In 1964, a restructure by the KMT's Central Committee reduced the Australasian KMT to the Australian KMT, though it retained its regional organisational name and a role in co-ordinating regional conventions (Kuo, M.-F. & Brett, J. 2013, pp.158-159). Throughout the years, the Australasian KMT has played an important role in maintaining and fostering connections between Australia, Hong Kong and Taiwan. To encourage young Chinese Australians and Chinese New Zealanders to maintain their Chinese cultural heritage, the Australasian KMT helped facilitate trips to Taiwan. The first of these "Taiwan tours" was led by Tung Koon community leader Lai Kum Hung and by Maud Chin in 1979 (Lance Lai interviewed by Christopher Cheng). The Australasian KMT also established the Chinese Cultural Centre in 1979, to offer public services to

	the older Chinese communities and to the newly arriving Indo-Chinese refugee communities (Kuo, M.-F. & Brett, J. 2013, p.171.). In the 1990s, a Chinese school was opened at 75-77 Ultimo Road for new migrants from Hong Kong and Taiwan (Mei-Fen Kuo, personal communication, 1 May 2024). In 1972, Eugene Seeto started to preserve the Australasian KMT's archives and historical objects, making the building at 75-77 Ultimo Road the home of the archives of the Australasian KMT (Kuo, M.-F. & Brett, J. 2013, p.169). In 2006, an invitation extended to Henry Chan of the Chinese Australian Historical Society to examine the Archives, led to a project to identify, catalogue and preserve the historical archives of the Australasian KMT. A three-year grant from the Australia Research Council allowed a research team from La Trobe University to analyse and open up the Archives to academic and community researchers. One of the outcomes of this project was the book, Unlocking the History of the Australasian Kuomintang, which is the source for much of the content of this report. Another outcome was an exhibition of historical images of KMT and Australasian Chinese, held at 75-77 Ultimo Road from 10-16 December 2011. In 2013 another exhibition supported by the History Council of NSW was held on site. Currently, members of Sydney meet regularly to discuss management and plan activities which the KMT facilitates for members and the Chinese Australian community. The KMT also tries to channel Australian government policies and to communicate policies to members and the broader Chinese-speaking community. Non-members can apply to visit the building but staff numbers are stretched by requests. The building belongs to KMT members. The Chinese Ginsengs & Herbs Co. which has occupied the ground floor of 75 Ultimo Road for decades is a legacy business in the area. The museum on the third floor of the KMT Building has a historically significant collection of documents and artefacts relating to its history, including typeset blocks for printing newspapers published by the Australasian KMT, original copies of the Chinese Times/The Australia-China Times, calligraphic dedications, records of meetings and membership, a range of film projectors and radios and a unique hand-painted scroll depicting Sun Yat-Sen's funeral procession. A significant item in the collection is a donations book which lists donations made by members of the Australasian KMT to raise funds for the building at KMT 75-77 Ultimo Road. The book is open at a page listing donations from members in Rabaul, New Guinea and provides demographic information about the donors, such as age and district of origin. This information would be invaluable if it were rendered accessible for family history and other research (Translation and comment on the Donations Book provided by translator, Ely Finch). Historians of the Kuomintang, Mei-Fen Kuo and Judith Brett regard the collection as having "major historic significance for the Chinese Australian community and for the broader Australian community as a whole (Kuo, M.-F. & Brett, J. 2013, p.45)."

8. Historical themes represented

Themes indicate the broad historical context in which an item is significant. Themes help to identify related or comparative items contributing to the same theme.

Refer to the document NSW Historical Themes if completing this section.

Relevant National / Australian themes	2 Peopling Australia 3 Developing local, regional and national economies 6 Educating 7 Governing 8 Developing Australia's cultural life 9 Marking the phases of life
Relevant NSW / State themes	Migration Communication Events Education Defence Government and administration Leisure Social institutions Persons

E. Criteria for heritage significance

9. Assessment under Heritage Council criteria

It is important in the course or pattern of the cultural or natural history of the local area (Criterion A)
The building at no. 75-77 Ultimo Road, Haymarket was purpose built in 1921 for the Sydney branch of the Chinese Nationalist Party (its Chinese name being Kuo Min Tang or KMT). It continues to be the home of the Sydney branch of the party and an invaluable archival collection of the party's activities outside China. For a significant period of its history, it was the party's Australasian headquarters and the location of the Chinese Times newspaper. It demonstrates three historical processes: the political processes of the Kuo Min Tang (KMT), the social processes of the KMT and the operation of the Chinese Times. **Political processes of the Kuo Min Tang** The Kuo Min Tang (KMT) was globally a major political party in the 20th century and 75-77 Ultimo Road was the headquarters of the KMT in Australasia for over 100 years. It has been the locus of the Chinese Nationalist Party political activity since it was built in 1921. Throughout the 1920s Australasian branches of the KMT were establishing their headquarters and the construction of the headquarters of the Sydney branch in 1921 is an early example of this activity. The Sydney branch was purpose built and funded by donations from members across Australasia. The establishment of global branches, purpose built and leased, is testament to the power and influence of the Chinese nationalist movement in the 20th century. The network of branches across Australia is representative of the contribution of Chinese Australians to the political revolution in China and the important part that the Australasian KMT played in a global network of Party branches. The location of an Australasian headquarters in Sydney is demonstrative of the mobility and inter-connectedness of the Chinese communities across Australia and the Pacific through trade, communications and political affiliations which intersected in Sydney.

As the Australasian headquarters between 1922 and 1964, the Sydney branch is not only locally but also state, nationally and transnationally significant, as it oversaw branches in rural Australia and in capital cities, in New Zealand and in the South Pacific Islands. The Sydney office was the hub of KMT activity in the region and the site of a number of Australasian conventions over the years. Funds raised by members were remitted to support Sun Yat-Sen and then Chiang Kai-Shek Nationalist government which ruled China from 1927-1949.

The Chinese Nationalist Party of Australasia not only contributed crucial funding for the Nationalist cause and for the war effort during the Sino-Japanese War, but it was also a transmitter of ideas and technology to China. It was progressive in comparison to the KMT in China, leading the way in allowing female members to join the Party and it played a role in advocating for the rights of Chinese Australians during the White Australia years. The third floor of the building which is set up as a museum of KMT history contains a number of artefacts which show how technology was adopted and adapted over the years to share communications with China and other branches in Australia, New Zealand and the Pacific. These artefacts include cinematic projectors, audio tape records, old Gestetner machines, typewriters and printing and typographical equipment.

The building itself houses a large collection of records, documents, publications, photographs and artefacts related the history of the KMT's overseas activities.

The building is evidence of the keen interest in political reform in China maintained by Chinese Australians and how this carried over into their lives in Australia.

Social processes of the Kuo Min Tang

Nos. 75-77 Ultimo Road was also the centre of many social activities and fundraisers for the Chinese Australian community of Sydney, particularly the annual Dragon Ball which began in 1938 and remained the major event on the social calendar for the Chinese Australian community until the early 1970s. It was also a place for people new to Sydney to connect through social activities.

Operation of the *Chinese Times*

Nos. 75-77 Ultimo Road was the publishing office for the Chinese Times newspaper (1925-1949) which was an organ of the Australasian KMT.

It has a strong or special association with the life or works of a person, or group of persons of importance in the cultural or natural history of the local area (Criterion B)

The building at no. 75-77 Ultimo Road, Haymarket is associated with the Australasian KMT who have owned and occupied the purpose-built building for over 100 years.

Prominent individuals from the Chinese Australian community affiliated with the KMT at 75-77 Ultimo Road include:

- Charles (Peter) Yee Wing, the merchant and managing director of Tiy Sang & Co., who served as president of the KMT from 1919-1930. He helped establish the Australasian KMT Canton Liaison Office and was a co-founder of the China-Australia Mail Steamship Line.
- Samuel Wong, the merchant of Tiy Sang & Co. who was Vice President of the Australasian KMT. His membership was revoked for objecting to Chiang Kai-Shek's leadership and the Communist purges of the Party, but in 1945 he re-joined, the party and proposed a plan for the relief of the refugees which resulted in the establishment of the Chinese Youth League.
- Mar Leong Wah, merchant and manager of Wing Sang & Co., was leader of the KMT for over 20 years and a founding member of the Society of Chinese Residents in Australia supporting Chinese resistance during the Sino Japanese War.
- Eugene Seeto, a wartime refugee who came to Australia and was later elected to the executive of the Australasian KMT. Seeto instigated the preservation of the KMT's historical collection.

The place is also associated with Robert Wall & Sons, a significant building company in the 19th and 20th centuries in Sydney who built 75-77 Ultimo Road and a number of other significant buildings such as Culwulla Chambers.

75-77 Ultimo Road is associated with the architect Francis Ernest Stowe. A notable architect and engineer of the late 19th and early 20th centuries, Stowe was a prominent Freemason who was the Grand Architect of the Grand Lodge. Besides designing 75-77 Ultimo Road, he designed a number of masonic buildings, as well as the Ball's Head Coal Loading Depot. He also founded the Sydney Marine Engineer College where students such as Florence Taylor attended.

It is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement the local area (Criterion C)

Architecturally, 75-77 Ultimo Road, Haymarket is an early example of an office building in Sydney. It is of some architectural interest for its unusual composition where the fenestration is arranged under a single arch and reads as a single window.

The composition and detailing including arch, fenestration, brick mullions, pilasters, parapet and Chinese Characters make a notable contribution to the streetscape and demonstrates aesthetic characteristics associated with Haymarket's redevelopment in the early 20th century.

It has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons (Criterion D)

The building at 75-77 Ultimo Road, Haymarket has a strong association with the Australasian KMT and its members who have occupied the place for over 100 years. The place continues to be actively used and is the hub of the KMTs political activity in Sydney.

As a community hub where political, social and educational activities were located, 75-77 Ultimo Road continues to be highly valued by the Chinese Australian community as one of Chinatown's major political venues, and represents the political and social lives of the Chinese Australian community in Chinatown during the 20th century. As the headquarters of a network of branches across Australasia, it also represents the political activities of the Chinese in NSW.

It has potential to yield information that will contribute to an understanding of the cultural or natural history of the local area (Criterion E)

The building at. 75-77 Ultimo Road is home to what is probably the largest collection of documents on the activities of the overseas KMT branches outside of China and Taiwan. The collection is an invaluable record of administrative records, publications and photographs not only of the Sydney branch but of those throughout Australia, New Zealand and the Pacific Islands. The archival collection has extensive interpretive value for not only the Sydney branches but those across Australasia including those in regional NSW. The collection has great potential in furthering our understanding of the history of the KMT and the Chinese Australian community in NSW and beyond. The collection was crucial in the development of the Mei-Fen Kuo and Judith Kuo and Brett's book *Unlocking the History of the Australasian Kuo Min Tang 1911-2013,* though it is unclear to what extent the collection has been analysed.

There is also further research potential in the activities of the KMT across Australasia, such as the establishment of other headquarters and their links to 75-77 Ultimo Road.

It possesses uncommon, rare or endangered aspects of the cultural or natural history of the local area (Criterion F)

The movable heritage and archival collection of the Sydney branch of the KMT, housed at nos. 75-77 Ultimo Road, Haymarket is likely a rare collection on the activities of the KMT's overseas branches. It is also likely the largest of its kind outside of China and Taiwan. Rarity is a valuable criterion in the context of the Chinese in Australia as there is a history of resumptions and even later development demolishing places associated with the early Chinese settlement in Australia. Building nos. 75-77 Ultimo Road is a particularly significant building. Nos. 75-77 Ultimo Road is a rare surviving example of early Chinese Australian commissioned buildings and it is a rare example of a building purpose built for the KMT.
It is important in demonstrating the principal characteristics of a class of cultural or natural places/ environments in the local area (Criterion G)
The building at 75-77 Ultimo Road does not meet the threshold for criterion G.

F. Heritage listings

10. Existing heritage listings

If completing this section, mark against each listing whether the item is listed or not. You may want to contact the relevant local council or organisation to check the item's listing status.

Listed	Not Listed	Listing
	✓	Commonwealth Heritage List
	✓	National Heritage List
	✓	Register of the National Estate
	✓	Declared Aboriginal place
	✓	Local environmental plan (LEP) – heritage item (or draft item)
	✓	LEP – heritage conservation area (or draft area)
	✓	NSW government agency Heritage and Conservation Register
	✓	National Trust register
	✓	Aboriginal Heritage Information Management System
	✓	National shipwreck database
	✓	Engineers Australia list

G. Recommended Management

11. Management recommendations

OBLIGATIONS ARISING FROM SIGNIFICANCE
The high cultural significance of the place identified in the statement of significance obliges its conservation and good management (Burra Charter Article 2). The significance is embodied in the place. Place means site, area, land, landscape, building of other work, group of buildings or other works, and may include components, contents, spaces and views. Place also includes fabric, setting, use, associations, meanings, records, related places, and related objects. (Burra Charter Article 1).

The significance of 75-77 Ultimo Road is primarily identified the on-going use of the place as the headquarters of the KMT's Sydney branch for over 100 years, in the collection which it houses, and its historical use as the headquarters of the Australasian KMT. Consideration of these three values informs the management recommendations for the place. The significance of the archival collection requires that it be appropriately cared for and that public access to the collection is facilitated. The ongoing connection of the place to the Australasian KMT and the Chinese Australian community should be continued through use and ownership.

TOLERANCE FOR CHANGE
The façade of the building strongly conveys its association with the KMT and is of some architectural interest. There is limited tolerance for change to the building's façade with a need to preserve the buildings form and KMT associated details. There is greater tolerance for change internally where there is limited original fabric. Appropriate interventions may include a lift and alterations to the layout. The open plan layout of the second and third floors is indicative of historical uses, namely a hall which held many social and political events. As such, any changes to the layout must ensure that the historical open plan remains interpretable.

CONSERVATION OF FABRIC
The archival collection should be assessed for conservation to assist with ensuring and facilitating appropriate care of its objects. There is limited original building finishes and details at the place. Missing elements which could be reconstructed and/or reinstated, if desired, are the timber window frames and original ceilings could be revealed if existing. 8.4. Interpretation The archival collection has high interpretative value requiring public access to be enabled. In the past, the Australasian KMT has held open days and is amendable to doing so in future, dependent on the availability of staff or volunteers and funding.

Public access to the collection could also be facilitated through digitalisation of the collection. The significance of the place is not independent of the history and development of Chinatown in the Haymarket area, and as such, interpretive strategies for 75-77 Ultimo Road should be considered within an overall interpretation strategy for Chinatown.
It is recommended that additional interpretive strategies for the place consider:

- Setting up a plaque(s) at street level to communicate the site's history and significance.
- Creation of digital archives/websites showcasing the history and significance of Chinatown, identifying 75-77 Ultimo Road as a place of significance in the area.

A heritage interpretation plan must be provided in the event of major alterations to the building.

FUTURE USE
Much of the building's significance lies with its direct relationship with the KMT and associated archival and movable heritage collection. It is recommended that future use of the building maintain these ties and continues to ensure the retention of significant internal and external features and appropriate conservation of its collection in accordance with relevant planning controls. Other appropriate uses include retail, offices or a museum space.

H. Photograph

12. Principal or main photograph*



Caption*	75-77 Ultimo Road. Haymarket
Date of photograph*	2024
Name of photographer*	Sioned Lavery
Copyright holder, if known	Hector Abrahams Architects

I. Author details

13. Primary author of this form*

Name	Sioned Lavery and Dr Juanita Kwok
Position and organisation, if applicable	Heritage Conservation Strategist, Hector Abrahams Architects Historian, Independent Consultant
Contact phone number	92997959
Email address	mailbox@haarchitects.com.au
Date form completed	23/07/2024

14. References used to complete this form*

Author	Title	Date Published	Link
Williams, m	Returning home with glory: chinese villagers around the pacific, 1849 to 1949	2018	
The sun	"tsun fore."	30 january 1912	http://nla.gov.au/nla.news-article222004834
Nsw state heritage inventory,	Chinese masonic hall including interior,	Accessed 3 may 2024.	https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2420970
Guang yi hua bao = The Chinese Australian Herald	'决 議 改 建 街 市'	13 March 1909	http://nla.gov.au/nla.news-article168080171
Kuo, mei-fen & brett, judith	Unlocking the history of the australasian kuo min tang, 1911-2013	2013	
Yong, c. F	The new gold mountain : the chinese in australia, 1901-1921	1977	
Australian Institute of Architects	NSW Bibliographical information: Lt Col Francis Ernest Stowe	2015	
The sydney morning herald	Obituary mr f. E. Stowe	21 july 1936	https://trove.nla.gov.au/newspaper/article/17253756
Margaret dobson	John lamb lyon and francis ernest stowe	1992	
The daily telegraph	'City building applications'	21 feb 2024	http://nla.gov.au/nla.news-article239701774
The daily telegraph	Mr. Robert wall	2 decembe r 1925	http://nla.gov.au/nla.news-article245061670

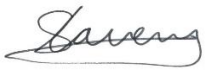
Winston G. Lewis	Donald, William Henry	1981	https://adb.anu.edu.au/biography/donald-william-henry-5992/text10229
Martinez, j	Chinese politics in darwin: interconnections between the wah on society and the kuo min tang and the kuo min tang	2015	
Ruth teale	Ten, george soo hoo (1848–1934)	1976	https://adb.anu.edu.au/biography/ten-george-soo-hoo-4699/text7785
Adrian chan	Young wai, john (1847–1930)	1990	https://adb.anu.edu.au/biography/young-wai-john-9222/text16295
City of Sydney Archives [A-00247772]	Tiy Sang & Co complained to the TC about damage to their premises caused by flooding. The Water & (29/01/1912 - 27/02/1912)	Accessed 01 Mar 2024	https://archives.cityofsydney.nsw.gov.au/nodes/view/866237
City of Sydney Archives [A-00246270]	L A Pogonowski, 77 Engine St re stormwater damage, including to Tiy Sang & Co; Pennell & Co; Morton (29/02/1912 - 15/05/1912)	Accessed 01 Mar 2024	https://archives.cityofsydney.nsw.gov.au/nodes/view/879399
City of Sydney Archives	Sands Directory 1913-1929.		
Kuo, m. F.	Making chinese australia : urban elites, newspapers and the formation of chinese australian identity	2013	
Sung, rosetta	Interview 18, 1984, arthur, b. 1903, rosetta sung transcripts, state library of nsw, mlmss 5619	1984-1989.	
Naa	Sp42/1 c1938/8992.		
	Meeting with members of the Standing Committee of the KMT	26 February 2024	
Fitzgerald, j.	Big white lie: chinese australians in white australia	2007	
Mei-Fen Kuo	Personal communication	1 May 2024.	
Produced by Cinesound Movietone Productions, National Film and Sound Archive of Australia No.201409	Chinese Kiddies Get International Spirit: Scholars Learn Language of Fathers in Sydney School	1934	
Gassin, grace	All eyes on you: debutantes' explorations of chinese australian	2021	

	womanhood at the dragon festival ball		
Douglas Lam	Personal communication	24 April 2024	
City of Sydney Archives [A-00123670]	75/77 Ultimo Road A. Holland & Associates. To use 2nd & 3rd floors for purpose of a commercial (18/12/1961 - 22/01/1962)	Accessed 29 Feb 2024	https://archives.cityofsydney.nsw.gov.au/nodes/view/748633
	Lance Lai interviewed by Christopher Cheng for the Australians with Chinese heritage oral history projec		//nla.gov.au/nla.obj-3183559394/listen/1-2933~1-2947
Victorian Heritage Database report	'Chinese Nationalist Club (Kuomintang)'		https://vhd.heritagecouncil.vic.gov.au/places/65205/download-report
Walter Burley Griffin Society	'Kuomintang Club Building, 109 Little Bourke Street, Melbourne'		https://www.griffinsociety.org/griffin_gallery/kuomintang-club-building-109-little-bourke-street-melbourne/
The West Australian	"Kuo Min Tang: Chinese Nationalist Party, A Perth Dinner and Meeting"	30 June 1921	https://trove.nla.gov.au/newspaper/article/27967814?searchTerm=Chinese%20Nationalist%20Party%20Perth
The Advertiser	"Little-Known Adelaide: Chinese Headquarters"	29 June 1935	https://trove.nla.gov.au/newspaper/article/40055712?searchTerm=Chinese%20Nationalist%20Party%20Adelaide
State Library South Australia	'Hindley Street Adelaide [B 3726] Photograph'		https://collections.slsa.sa.gov.au/resource/B+3726
Northern Standard	"20th Anniversary of Chinese Republic: Celebration in Darwin"	13 October 1931	https://trove.nla.gov.au/newspaper/article/48051059?searchTerm=Chinese%20Nationalist%20Party%20Darwin
Brisbane City Council, Local Heritage Places	'King Edward Chambers'		https://heritage.brisbane.qld.gov.au/heritage-places/721
	Stakeholder workshop	5 April 2024	
National Library of Australia	"Kuo Min Tang, Chinese Nationalist Party 1929 [Picture]" 2279601		https://catalogue.nla.gov.au/catalog/2279601
Australian War Memorial	"The Kuo-Min-Tang hall where assemblies are held and administrative problems are solved by town…"		https://www.awm.gov.au/collection/C206665
State Library Victoria	"Wooden building with verandah and sign above reading-Kuo Min Tang/Chinese Nationalist Party"		https://find.slv.vic.gov.au/discovery/fulldisplay?docid=alma9917856023607636&context=L&vid=61SLV_INST:SLV&lang=en&search_s

			cope=slv_local&adaptor=Local%20Search%20Engine&tab=searchProfile&query=any,contains,H99.218%2F24&offset=0
Waipukurau Press	"The Garden of Eden: Situated in Central Asia"	13 April 1928	https://paperspast.natlib.govt.nz/newspapers/WPRESS19280413.2.62?end_date=31-12-1928&items_per_page=10&query=kuo-min-tang+Wellington&snippet=true&start_date=01-01-1928
Auckland Museum	'Kuomintang (Chinese Nationalist Party). Auckland Branch – Memorabilia, 1917-1952'		https://www.aucklandmuseum.com/collections-research/collections/record/am_library-manuscriptsandarchives-576?p=10&c=ecrm%3AE84_Information_Carrier&prdt=%5B1917%5D&dept=manuscripts%20and%20archives&ordinal=0
Museum of New Zealand Te Papa Tongarewa A.019754	'Man Standing in Thomson St, Suva, Fiji' A.019754		https://collections.tepapa.govt.nz/object/1062618#open-iiifViewer
Tahiti Heritage	'Koo Men Tong 1 Chinese School, Papeete'		https://www.tahitiheritage.pf/ecole-chinoise-koo-men-tong/
The China-Australia Heritage Corridor	'Chinese Masonic Hall, Sydney'		https://www.heritagecorridor.org.au/places/chinese-masonic-hall-sydney
State Heritage Inventory	'Former 'Culwulla Chambers' including interiors'		https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2423739
State Heritage Inventory	'Former Metropolitan "Usher's" Hotel Including Interiors'		https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2423738
State Heritage Inventory	'Balls Head Coal Loader Complex (including Platform Pier and Administrative and Workshop Buildings)'		https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056208
State Heritage Inventory	'Former Masonic Temple'		https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2180897
Northern Star	'New Masonic Hospital at Ashfield, Sydney,'	20 June 1931	https://trove.nla.gov.au/newspaper/article/94246966?searchTerm=Masonic%20Hospital%20Ashfield
Find and Connect	'William Thompson Masonic School (1924-1974)'		https://www.findandconnect.gov.au/guide/nsw/NE00394

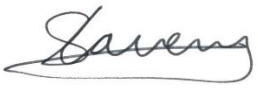
15. Signature of author*

To confirm you have approved the final content of the form, giving permission for the information to be used by Heritage NSW and the Heritage Council of NSW.

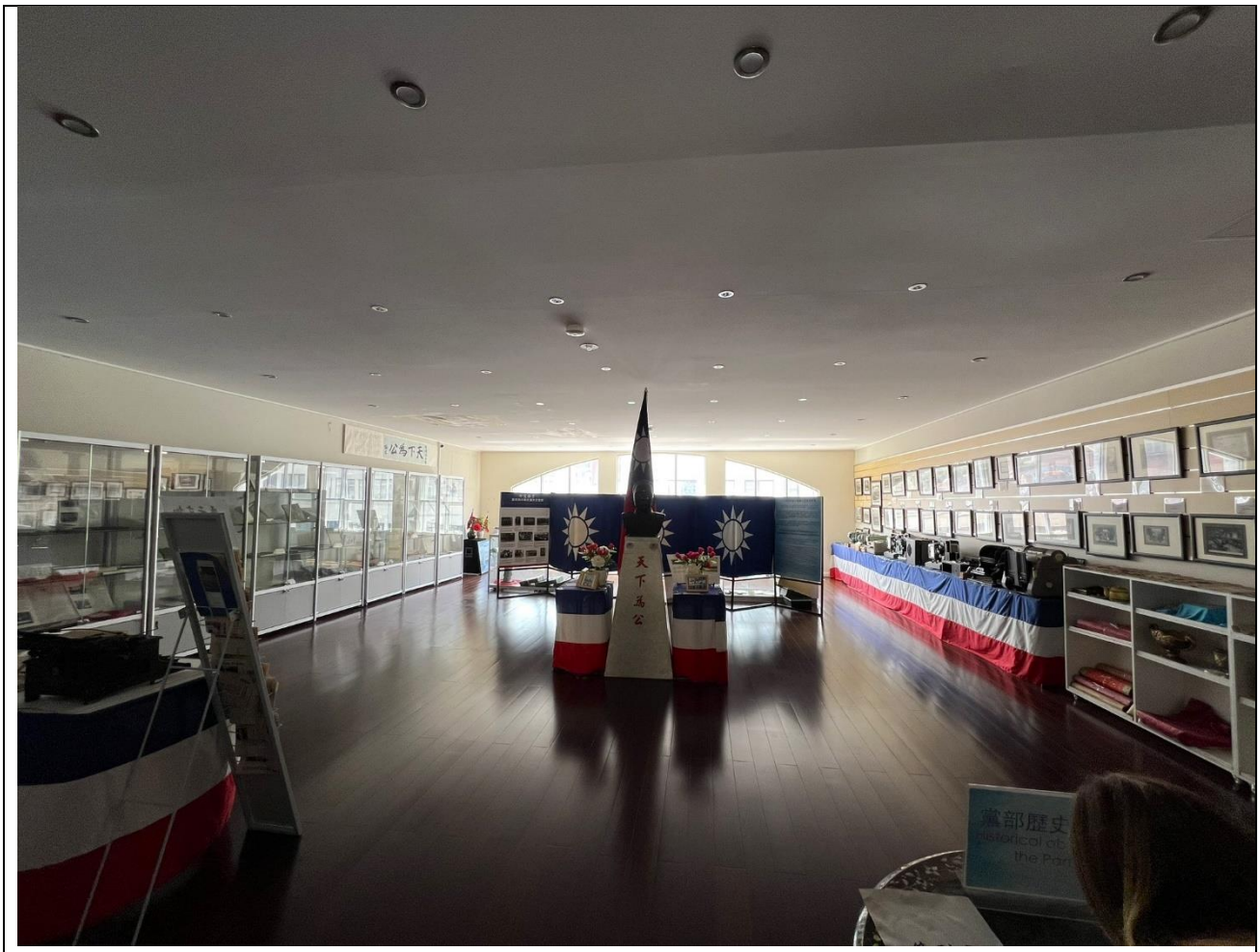
Name		Date	23/07/2024

16. Signature of image copyright holder*

To confirm you have approved the final content of the form, giving permission for the images provided to be used by Heritage NSW and the Heritage Council of NSW.

Name		Date	23/07/2024

J. Additional photographs and images



Caption*	Third floor with KMT collection
Date of photograph*	2024

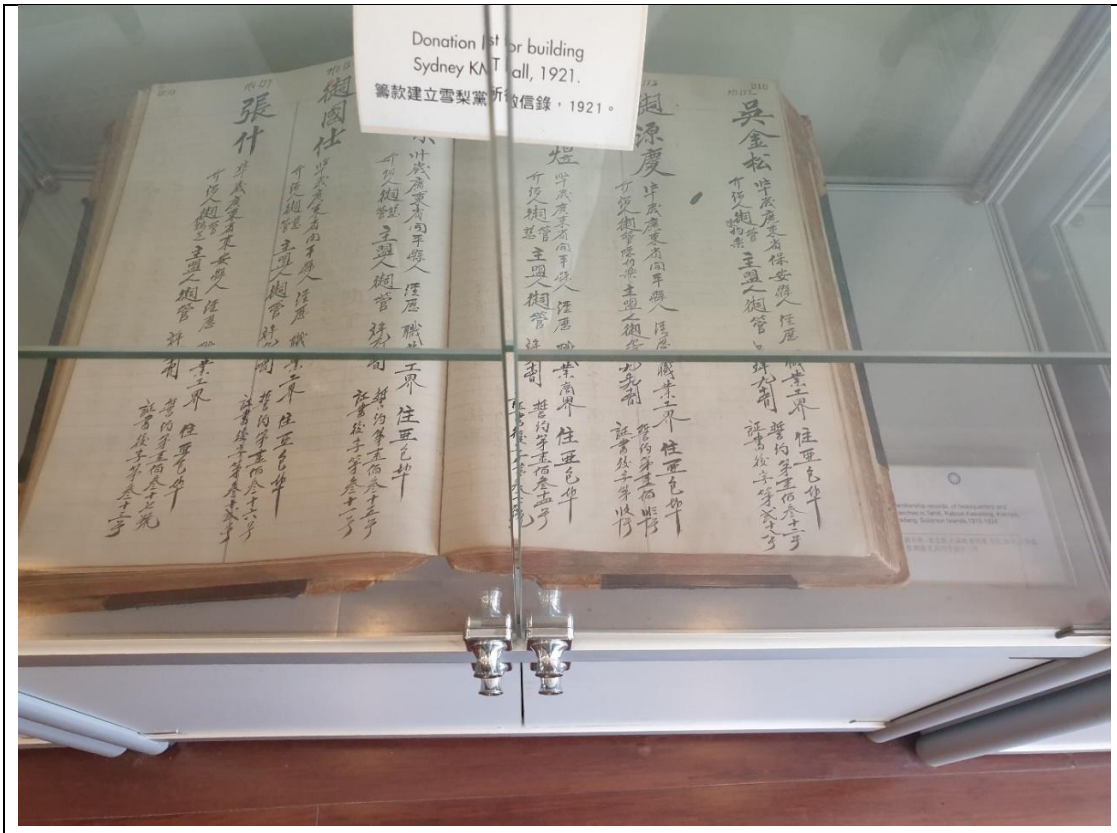
Name of photographer*	Sioned Lavery
Copyright holder, if known	Hector Abrahams



Caption*	Inside the KMT building
Date of photograph*	2024
Name of photographer*	Sioned Lavery
Copyright holder, if known	Hector Abrahams Architects



Caption*	Plaque at front of KMT building
Date of photograph*	2024
Name of photographer*	Sioned Lavery
Copyright holder, if known	Hector Abrahams Architects



Caption*	Donations list for building Sydney KMT Hall, 1921. On display at KMT building
Date of photograph*	2024
Name of photographer*	Dr Juanita Kwok
Copyright holder, if known	Dr Juanita Kwok

Caption*	
Date of photograph*	
Name of photographer*	
Copyright holder, if known	

Caption*	
Date of photograph*	
Name of photographer*	
Copyright holder, if known	

Item 10.

Proposed Schedule of Central Sydney Planning Committee Meetings and Briefings for 2025

File No: X102871

Summary

This report requests that the Central Sydney Planning Committee approve the draft Schedule of Central Sydney Planning Committee Meetings and Briefings for 2025.

Recommendation

It is resolved that the Central Sydney Planning Committee adopt the draft Schedule of Central Sydney Planning Committee Meetings and Briefings for 2025, as shown at Attachment A to the subject report.

Attachments

Attachment A. Draft Schedule of Central Sydney Planning Committee Meetings and Briefings for 2025

Background

1. Each year the Central Sydney Planning Committee considers a meeting schedule for the upcoming year.

2. The draft schedule proposes 10 meetings and 10 briefings for the calendar year 2025.

Relevant Legislation

3. City of Sydney Act 1988.

4. Local Government Act 1993.

Critical Dates / Time Frames

5. The schedule follows the same pattern as previously approved by the Central Sydney Planning Committee. Meetings are generally scheduled in the same week as meetings of the Council's Transport, Heritage and Planning Committee.

6. The commencement time for the public meeting of the Central Sydney Planning Committee will be 5.00pm.

7. Briefings are generally held the week prior to the Central Sydney Planning Committee meeting.

8. Following endorsement by the Central Sydney Planning Committee, meeting dates will be available on the City's website.

ERIN CASHMAN

Manager Office of the Chief Executive Officer

Eileen Leather, Committee Secretary

Attachment A

Draft Schedule of Central Sydney Planning Committee Meetings and Briefings for 2025

SCHEDULE OF CENTRAL SYDNEY PLANNING COMMITTEE MEETINGS AND BRIEFINGS FOR 2025

DATE	MEETING
THURSDAY 6 FEBRUARY	• CSPC BRIEFINGS
THURSDAY 13 FEBRUARY	• CSPC MEETING
THURSDAY 6 MARCH	• CSPC BRIEFINGS
THURSDAY 13 MARCH	• CSPC MEETING
THURSDAY 27 MARCH	• CSPC BRIEFINGS
THURSDAY 3 APRIL	• CSPC MEETING
THURSDAY 1 MAY	• CSPC BRIEFINGS
THURSDAY 8 MAY	• CSPC MEETING
THURSDAY 12 JUNE	• CSPC BRIEFINGS
THURSDAY 19 JUNE	• CSPC MEETING
THURSDAY 14 AUGUST	• CSPC BRIEFINGS
THURSDAY 21 AUGUST	• CSPC MEETING
THURSDAY 11 SEPTEMBER	• CSPC BRIEFINGS
THURSDAY 18 SEPTEMBER	• CSPC MEETING
THURSDAY 16 OCTOBER	• CSPC BRIEFINGS
THURSDAY 23 OCTOBER	• CSPC MEETING
THURSDAY 6 NOVEMBER	• CSPC BRIEFINGS
THURSDAY 13 NOVEMBER	• CSPC MEETING
THURSDAY 4 DECEMBER	• CSPC BRIEFINGS
THURSDAY 11 DECEMBER	• CSPC MEETING

Item 11.

Summary of Applications to be Reported to the Central Sydney Planning Committee

File No: S042755-02

Summary

The purpose of this report is to inform members of the Central Sydney Planning Committee of development applications being assessed that are to be determined by the Central Sydney Planning Committee.

Recommendation

It is resolved that the subject report be received and noted.

Attachments

Attachment A. Applications to be Reported to the Central Sydney Planning Committee

Attachment B. Statistical Information about Applications to be Reported to the Central Sydney Planning Committee.

Attachment C. Appeals Related to the Central Sydney Planning Committee

Background

1. The total stated value of all development applications currently under assessment is $4.2 billion. There are currently 13 development applications and 4 modification applications to be considered by the Central Sydney Planning Committee (CSPC) with a value of $3.36 billion and an average of 123 days from time of lodgement.

2. There are 245 development applications outstanding to be determined under delegation or to be referred to the Local Planning Panel with a total value of $865.2 million and an average of 70 gross days from time of lodgement.

3. There are further 194 development related applications under assessment including applications to modify or review a determination, subdivision certificates, heritage works and footway applications.

4. The applications to be reported to the CSPC are detailed in Attachment A.

5. Trend graphs showing numbers and value of applications, as well as the average number of outstanding days of development applications to be considered by the CSPC at the end of each quarter are provided in Attachment B. The graphs represent the period from second quarter of 2023/24 to first quarter of 2024/25.

Relevant Legislation

6. City of Sydney Act 1988

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

James Farrar, Information and Systems Officer

Attachment A

Applications to be Reported to the Central Sydney Planning Committee

Applications to be considered by the Central Sydney Planning Committee

DA Number	Address	Lodged	Proposal	Cost $m	Target meeting date
D/2024/273	338 Botany Road ALEXANDRIA NSW 2015	12/04/2024	Stage 2 application for the construction of a 10-storey mixed-use development including 111 dwellings for affordable housing and ground floor retail/commercial use.	$72M	14/11/2024
D/2019/87/C	338 Botany Road ALEXANDRIA NSW 2015	15/04/2024	Section 4.55(2) modification of consent to modify the concept envelope, and to amend Condition 2 (Approved Development), Condition 8 (Detailed Design of Buildings) and Condition 14 (Building Height).	$0	14/11/2024
D/2024/238	27-31 Doody Street ALEXANDRIA NSW 2015	18/04/2024	Demolition of existing structures and erection of a mixed-use development. At the front of the site there will be a 5-storey building comprising of retail, commercial, light industrial, warehouse and self-storage units above a basement level with ancillary parking. At the rear of the site there will be a building a 4-storey office building with a rooftop open space. The application is Integrated Development requiring the approval of Water NSW under the Water Management Act 2000.	$75M	14/11/2024
D/2024/367	265-273 George Street SYDNEY NSW 2000	15/05/2024	Alterations and additions to existing commercial development, including the demolition of the existing podium and construction of a new podium with a height up to 6-storeys in height to Margaret Street, George Street and Jamison Street, comprising retail tenancies, commercial offices, and a health club.	$75M	14/11/2024

DA Number	Address	Lodged	Proposal	Cost $m	Target meeting date
D/2024/324	93-97 Macquarie Street SYDNEY NSW 2000	07/05/2024	Detailed design proposal for demolition of the existing 'Stamford Hotel' building, adaptive reuse of the existing Health Building, and construction of 17 storey a mixed-use development comprising basement car parking, retail and commercial tenancies, 69 residential apartments, and a public right of way. The proposal is Integrated Development under the Heritage Act 1977, requiring approval from Heritage NSW. The application is being assessed concurrently with concept modification D/2017/1609/A.	$183M	12/12/2024
D/2017/1609/A	93-97 Macquarie Street SYDNEY NSW 2000	06/05/2024	Section 4.55(2) - Modification of concept approval to amend the building envelope to be consistent with the detailed design development application D/2024/324. The proposal is Integrated Development under the Heritage Act 1977, requiring approval from Heritage NSW.	$0	12/12/2024
D/2024/446	372-374 Pitt Street SYDNEY NSW 2000	11/06/2024	Detailed design proposal for demolition of structures, excavation, remediation, and construction of a 60-storey mixed-use hotel and ancillary retail development with basement level, vehicular and loading access from Carruthers Place. The application is being assessed concurrently with the amending DA for the concept building envelope D/2024/36.	$187M	12/12/2024
D/2024/36	372-374 Pitt Street SYDNEY NSW 2000	17/01/2024	Amending Concept Development Application to modify the Concept Approval (D/2021/1504) to allow for the removal of the approved residential land use, and the provision of hotel and retail land uses only, and associated changes.	$4.8M	12/12/2024
D/2024/514	130 Joynton Avenue ZETLAND NSW 2017	09/07/2024	Site excavation, remediation, and construction of a mixed-use development comprising 9 new buildings up to 12 storeys and 2 levels of basement car parking. 5 of the buildings will have ground floor commercial / retail uses. The application is Integrated Development requiring the approval of the Department of Planning and Environment - Water and Water NSW under the Water Management Act 2000.	$304M	12/12/2024

DA Number	Address	Lodged	Proposal	Cost $m	Target meeting date
D/2024/581	330 Botany Road ALEXANDRIA NSW 2015	17/07/2024	Stage 2 application for construction of two mixed use buildings 9 storeys to 12 storeys in height, with 1 level of basement, for the purpose of 255 affordable housing units and ground floor commercial/retail uses.	$171M	12/12/2024
D/2021/1484/A	330 Botany Road ALEXANDRIA NSW 2015	17/07/2024	S4.55(1A) - modification to consent to increase the approved concept building envelope	$0	12/12/2024
D/2024/652	5 Goddard Street ERSKINEVILLE NSW 2043	07/08/2024	Concept Development Application for five building envelopes between 2-7 storeys for residential land uses, adaptive reuse of an existing heritage item for commercial use, and indicative roads and public open space.	$124M	13/03/2025
D/2024/816	905 South Dowling Street ZETLAND NSW 2017	01/10/2024	Stage 2 application for construction of a mixed-use development comprising a mixed use 27-storey tower with 230 apartments and a 125 place childcare centre and supermarket on the lower levels, an 8-storey residential flat building with 72 apartments, and 28 townhouses, over basement parking for 444 cars, and associated landscaping. The application is Integrated Development requiring approval by Water NSW under the Water Management Act 2000.	$221M	13/03/2025
D/2024/696	187-189 Thomas Street HAYMARKET NSW 2000	27/08/2024	Demolition of existing building, tree removal and excavation. Construction of a 50 storey mixed use building (177.4m in height), including ground floor retail, commercial (office/innovation), hotel (265 keys), residential (279 build to rent apartments) and plant, with five levels of basement accommodating parking, back of house facilities, end of trip facilities and services.	$591M	03/04/2025

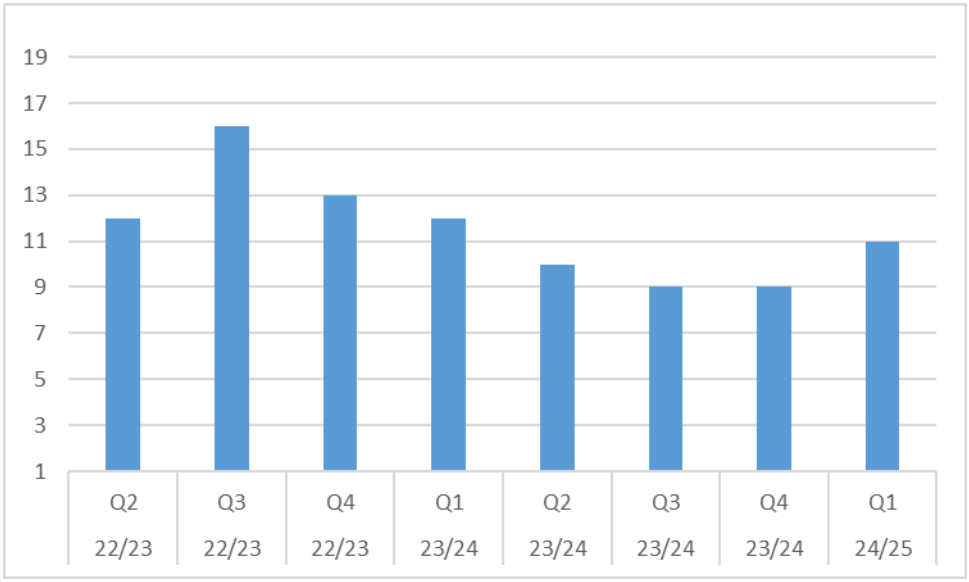
DA Number	Address	Lodged	Proposal	Cost $m	Target meeting date
D/2024/854	201-217 Elizabeth Street SYDNEY NSW 2000	24/10/2024	Mixed use development - Demolition of existing structure, removal of four trees, remediation and bulk excavation. Construction of 55-storey building comprising a 441 key luxury hotel, 264 residential apartments, ground floor lobby and retail and 5 basement levels including 271 car spaces. The application is being assessed concurrently with the modification application D/2017/249/A.	$925M	08/05/2025
D/2017/349/A	201-217 Elizabeth Street SYDNEY NSW 2000	24/10/2024	Section 4.55(2) - Modification of concept approval to amend the building envelope to be consistent with the detailed design development application D/2024/324. The proposal is Integrated Development under the Heritage Act 1977, requiring approval from Heritage NSW.	$0	08/05/2025
D/2024/890	757-759 George Street HAYMARKET NSW 2000	11/10/2024	Demolition of existing non-heritage structures on-site with retention of existing heritage facade. Construction of a 31 storey mixed-use development with 335 hotel rooms.	$63M	08/05/2025

List as at 31 October 2024

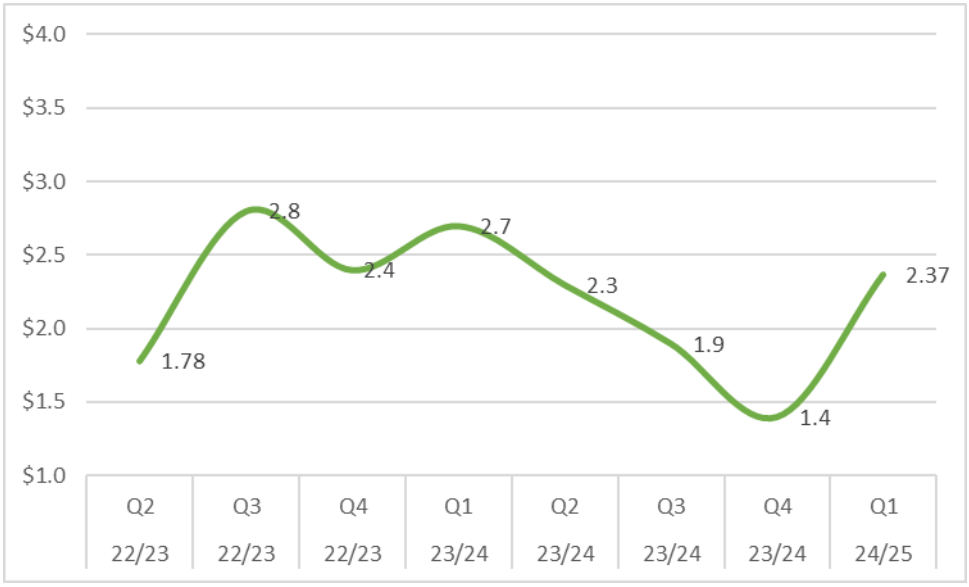
Attachment B

Statistical Information about Applications to be Reported to the Central Sydney Planning Committee

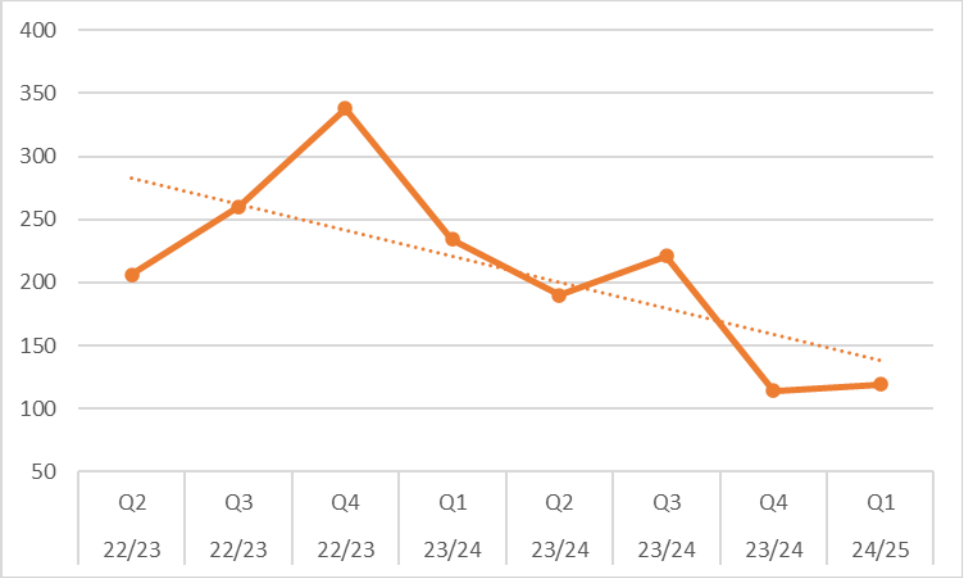
Number of applications to be reported to the CSPC



Value of DAs under assessment to be reported to the CSPC ($ billion)



Average age of DAs under assessment to be reported to the CSPC (total days)



Attachment C

Appeals Related to the Central Sydney Planning Committee

Appeals Related to the Central Sydney Planning Committee

Application number	Address	Description	Appeal date	Status
D/2022/960	45-53 Macleay Street, POTTS POINT NSW 2011	Concept building envelope with a maximum height of 35 metres, including the indicative demolition of the existing building and construction of a mixed-use development, with 9 storeys, 2 basement parking levels, ground floor retail premises and 28 residential apartments above, and vehicle access from McDonald Street.	11/04/2023	Hearing listed for 13-15/5/24 vacated. To be listed for directions when the Class 3 strata renewal proceedings have been determined.