

Public Exhibition - Planning Proposal - Sydney Local Environmental Plan 2012 - Former Kwong War Chong & Co building - Heritage Listing 82-84 Dixon Street, Haymarket

File No: X023484

Summary

The former Kwong War Chong & Company building at 82-84 Dixon Street, Haymarket, embodies the history of Sydney's Chinatown and twentieth-century Chinese-Australian commerce and settlement in Sydney. It is one of the earliest buildings and businesses built for, owned and operated by people of Chinese descent in Chinatown. Built in 1910, it operated for over a century as a shop, store, accommodation and headquarters for merchants Phillip Lee Chun and the Kwong War Chong & Company. The building has significant connections to the wider Chinese migrant communities of Sydney and New South Wales, including importing and distributing Chinese goods, providing dormitories and meeting places for Chinese market gardeners and maintaining community links to the Zhongshan county of south-east China. The Edwardian-style building, including the interiors and contents of number 84, survive highly intact from this significant period and use.

An interim heritage order currently applies to 82-84 Dixon Street, made by the City of Sydney Council, under delegation to the Chief Executive Officer, on 22 March 2019 in accordance with the Heritage Act 1977. The order was made because of the building's potential heritage significance, following community representations seeking its protection and the owner's advice about plans for demolition. The purpose of an interim heritage order is to enable Council to investigate the significance and listing of a potential heritage item. The interim heritage order is in effect for six months until 22 September 2019, unless Council resolves to commence the listing process beforehand. After the order lapses, Council cannot extend or make any further interim heritage orders for this property.

The City has investigated the heritage significance of 82-84 Dixon Street through a heritage assessment by Hector Abrahams Architects. The heritage assessment concludes that 82-84 Dixon Street warrants listing as a local heritage item for its local heritage significance, including the Dixon Street façade and shopfront, as well as the interiors and contents of 84 Dixon Street. Hector Abrahams Architect's assessment concludes this building, interiors and contents satisfy all seven of the Heritage Council's listing criteria for historical, associations, aesthetic, research, social, rarity and representative values at a local level. The assessment also finds that 82-84 Dixon Street satisfies three criteria at a state level for its historical value, associations and rarity. The interiors of 82 Dixon Street are assessed as less significant.

This report recommends the planning proposal to heritage list 82-84 Dixon Street, including interiors and contents of 84 Dixon Street, is approved for referral to the Department of Planning, Industry and Environment for gateway determination and public exhibition.

If Council approves the planning proposal the interim heritage order will be extended for another six months for a total 12 months, to 22 March 2020. This will provide the necessary time to consult on the findings of the heritage assessment and progress the listing of the building through the plan-making process before the interim heritage order lapses.

Progressing a local heritage listing will ensure the local heritage significance of this building is appropriately considered and maintained as part of future plans or redevelopment. City staff will continue to work with the landowners on an appropriate redevelopment of the site, taking into account its assessed heritage value.

Recommendation

It is resolved that:

- (A) Council approve the Planning Proposal: Heritage Listing 82-84 Dixon Street, Haymarket shown at Attachments A1 to A3 for submission to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) Council approve the Planning Proposal: Heritage Listing 82-84 Dixon Street, Haymarket for public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to the planning proposal following receipt of the gateway determination;
- (D) Council seek authority from the Secretary of the Department of Planning, Industry and Environment to make the amendment to Sydney Local Environmental Plan 2012 under section 3.31(3)(c) as set out in the Planning Proposal: Heritage Listing 82-84 Dixon Street, Haymarket, shown at Attachments A1 to A3; and
- (E) Council note that the resolution to approve the Planning Proposal: Heritage Listing 82-84 Dixon Street, Haymarket to add the item on the heritage schedule of Sydney Local Environmental Plan 2012 will extend the interim heritage order for another six months for a total 12 months, to 22 March 2020.

Attachments

- Attachment A1.** Planning Proposal: Heritage Listing 82-84 Dixon Street, Haymarket
- Attachment A2.** Planning Proposal: Appendix 1 – Heritage Assessment
- Attachment A3.** Planning Proposal: Appendix 2 – Heritage Inventory

Background

Site identification

1. The former Kwong War Chong building is located at 82-84 Dixon Street, Haymarket, as shown below in the aerial photograph at Figure 1. The site is legally described Lot 1 DP 66034 and has a total site area of approximately 342 square metres. The site is privately owned.
2. The site contains a three-storey brick building in the Edwardian style, divided into two terrace-style tenancies, numbered 82 to north and 84 to south. The building was constructed in 1910. External photographs are included at Figure 2.



Figure 1: Site of 82-84 Dixon Street



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

Interim heritage order

3. An interim heritage order currently applies to 82-84 Dixon Street, Haymarket. City of Sydney Council, under delegation to the Chief Executive Officer, made the order on 22 March 2019 using Council's authorisation under section 25 of the Heritage Act 1977. The City of Sydney is authorised to make interim heritage orders when a potential heritage item is likely to be of heritage significance, is under threat of demolition or unsympathetic alteration, and does not already have statutory heritage protection.
4. The order was made because of the building's likely heritage significance and in response to community representations seeking its protection and the owner's advice about plans for demolition. The purpose of an interim heritage order is to enable Council to investigate the significance and listing of a potential heritage item.
5. Following the order, the City commissioned an independent heritage assessment from Hector Abrahams Architects to commence the listing investigation. This report is the first stage in formally considering the heritage significance of 82-84 Dixon Street.
6. The interim heritage order is in effect for six months until 22 September 2019. The order is extended a further six months to 22 March 2020 if a planning proposal for listing is approved by Council within the first six months. No further interim heritage orders can be made once the order lapses.
7. The building at 82-84 Dixon Street, Haymarket, is not listed as an item of environmental heritage or as part of a conservation area on Sydney Local Environmental Plan 2012 or under the Heritage Act 1977.
8. The interim heritage order has the same effect as a listing by triggering the need for Council development consent for changes to the potential heritage item, until the order lapses.

Development status

9. In March 2019, the landowners contacted the City with a pre-development application proposal for demolition and redevelopment of the site, together with the adjoining corner site at 413-415 Sussex Street. When the City notified the land owner about the interim heritage order, the owners deferred these development plans to await the findings of the heritage assessment. Land owners also provided access for City staff and consultants to inspect the building interiors.
10. The building is currently unused, vacant and secured. It needs to be upgraded for fire safety as it is not currently compliant.
11. City staff advised the landowners about the recommended listing and will continue to work with the owners to develop any proposal for this and the adjoining Sussex Street site in a way that takes into account the assessed heritage value of 82-84 Dixon Street.

Prior research

12. In 1999, the Heritage Office completed a thematic history for NSW, "Chinese Settlement in NSW", prepared by Michael Williams. It provides historic context on the significance of Chinese settlement in NSW. It also identifies potential heritage items in NSW, including 84 Dixon Street. This thematic history did not assess these potential heritage items individually or recommend statutory listing.
13. In 2007, City of Sydney prepared a preliminary heritage study of Chinatown named "Mapping Sydney's Chinese Heritage Stage 1". For this study, the City consulted a working group to identify sites with Chinese-Australian significance, named the Chinese Australian Cultural Heritage Group. This study also researches the Chinese history of select buildings in Chinatown, including 82-84 Dixon Street. Statutory listing recommendations did not form part of this preliminary study.

Assessment of heritage significance

14. Council commenced its investigation of the significance of 82-84 Dixon Street by commissioning an independent heritage assessment from Hector Abrahams Architects. The assessment is appended to the planning proposal in Attachments A1-A3.
15. The report assesses the building against the Heritage Council's criteria using the Heritage Office guideline "Assessing heritage significance". The Heritage Office guideline outlines seven criteria of local heritage significance to determine whether an item warrants local listing. Only one of the seven criteria need to be satisfied at the local level for local heritage listing.
16. The heritage assessment concludes that the building of 82-84 Dixon Street warrants listing as a local heritage item on Sydney Local Environmental Plan 2012 for its local heritage significance. The assessment concludes the building satisfies all seven of the Heritage Council's listing criteria for historical, associations, aesthetic, research, social, rarity and representative values at a local level. The assessment also finds that 82-84 Dixon Street satisfies three criteria at a state level for its historical value, associations and rarity.

17. The assessment found the building represents a highly intact early twentieth century Chinese-Australian shop, associated store and accommodation. The interior and associated ephemera of 84 Dixon Street is assessed as highly significant for its rarity as a relatively intact early 20th century shop, store and accommodation associated with the Chinese migrant communities of Sydney and New South Wales. Additionally, the building is assessed as having representative and aesthetic significance as a generally intact early twentieth century shop and store within Central Sydney; an Edwardian façade and shopfront, representing the historic Edwardian character of the Haymarket area; and for its positive contribution to the streetscape.
18. The building is assessed as highly significant for its strong social association with the Chinese migrant communities of Sydney and New South Wales, and possibly other places, in the early twentieth century. The Kwong War Chong company, which commissioned and was headquartered in the building, formed part of an extensive network of business, industrial and social relations among Chinese Australians in this period. This included providing accommodation for market gardeners and raising funds for an Australia-China shipping line and to support the Chinese republican rebellion led by Sun Yat-sen (1913). The firm was closely linked to south-east China with stores in Hong Kong and the Zhongshan county with activities ranging from sending remittances to the repatriation of bodies of the deceased. 82 Dixon Street also served as the meeting place for the Xiangyi Long Du Tong Sen Tong, a mutual benevolent society for people from Zhongshan county. The building was continually used by a Chinese Australian-owned and operated retail businesses from its construction in 1909 until 2017.
19. The significance is embodied in the Dixon Street façade and shopfront of 82-84 Dixon Street and the interiors and contents of 84 Dixon Street. The significant internal elements of 84 Dixon Street include the partitions, doors, stairs, hand-operated goods lift and historic ephemera including packing-crate furniture, washing machines, bathtubs, calendars, crockery, merchandise and personal effects. The interiors of 82 Dixon Street are assessed as less significant.

Building uses and State Heritage Register

20. The heritage assessment makes further recommendations about the building uses due to its high significance and intactness. It recommends its conversion to a house museum that would demonstrate the domestic and commercial life of Chinese diaspora people living in Sydney in the early-mid twentieth century. The heritage assessment and recommendation has been shared with the landowner. If a museum is not possible, the assessment recommends other uses that will retain the significance of the façade, including the shop front and goods lift.
21. Listing as a heritage item, as proposed in this report, does not direct specific uses or future development, but ensures the significance of the place is considered through the development application process. When a change of use is proposed by landowners, the new use is assessed by Council on its merits through this development process. City staff will continue to work with the landowners on an appropriate redevelopment of the site, taking into account its assessed heritage value.
22. Hector Abrahams Architects also recommends nominating the building for listing on the State Heritage Register. It is not proposed to nominate the building at this stage. The landowner may wish to consider this option to access NSW heritage grants for the repair or adaptive reuse of the building.

Planning proposal

23. The planning proposal, provided at Attachments A1-A3, seeks to recognise and protect the heritage significance of the building at 82-84 Dixon Street. It proposes listing the building, including interior and contents of 84 Dixon Street, as a heritage item in Schedule 5 of Sydney Local Environmental Plan 2012.
24. The proposed heritage item listing includes the building contents of 84 Dixon Street as recommended by the heritage assessment. Where contents, also described as "ephemera", are not physically attached to the building, listing contents is effectively a listing for movable heritage. Other existing examples of movable heritage collections listed as heritage items as part of an associated building include the Anzac War Memorial's "moveable heritage (artefacts and memorabilia)" and Government House's "moveable heritage". Relocation of moveable heritage from the subject building requires development consent in the same way as physical changes to listed buildings and fixed contents. The moveable contents could also be relocated or displayed within the building as part of its future adaptive re-use.
25. No other changes to the planning controls are proposed.
26. If the recommendations are adopted, the interim heritage order will be extended for a further six months for a total 12 months, to 22 March 2020.
27. This will provide the necessary time to complete the investigation of the heritage significance and listing of the building through the plan-making process, including community consultation, before the heritage order lapses.
28. Progressing local heritage listing will ensure the local heritage significance of this building is appropriately considered and maintained as part of future plans or redevelopment.

Gateway determination

29. The planning proposal recommends that the heritage listing proceed for public exhibition following receipt of a gateway determination from the Minister for Planning and Public Places.
30. Should Council and the Central Sydney Planning Committee endorse the attached planning proposal for public exhibition and consultation, it will be forwarded to the Department of Planning, Industry and Environment, as the delegate for the Minister for Planning and Public Places, in accordance with the Environmental Planning and Assessment Act 1979. The Minister or his delegate in the Department will then provide a gateway determination to either proceed – with or without variation – to consultation, or to resubmit the planning proposal.
31. Public exhibition of the planning proposal would then commence. The outcomes of the public exhibition will then be reported to Council and the Central Sydney Planning Committee.

Delegation of Minister's plan-making functions

32. In October 2012, the then Minister for Planning and Infrastructure delegated his plan-making functions to councils to improve the local plan-making process. In December 2012, Council resolved to accept the delegation.

33. Council needs to receive an authorisation on a case-by-case basis to exercise the delegation. The authorisation is given through the gateway determination process and may be for spot re-zonings consistent with surrounding zones and matters of local significance. Exercising the delegation means a faster plan-making process.
34. The report recommends Council seek authority to exercise the delegation of the Minister for of all his functions under section 3.31(3)(c) of the Environmental Planning and Assessment Act 1979, to list 82-84 Dixon Street, Haymarket.

Key Implications

Strategic Alignment - Eastern City District Plan

35. 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, objects and actions:

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

Objective 12 - Great places that bring people together

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

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

- (a) *engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place;*
 - (b) *applying adaptive re-use and interpreting heritage to foster distinctive local places;*
 - (c) *managing and monitoring the cumulative impact of development on the heritage values and character of places.*
36. This priority seeks to enhance the district's liveability and foster great places by identifying, conserving and enhancing historical place-makers. The district plan notes that heritage buildings contribute to an area's sense of place, its distinctive character, and diversity of built form and uses, and bring people together. Conserved heritage buildings are some of the attributes of liveable great places acknowledged in this plan, which attract residents, workers, visitors, enterprise and investment into local centres.
 37. By consulting the community to consider listing this building of assessed local heritage significance, this planning proposal will address the district plan by respecting the City's multi-cultural heritage and fostering great places to bring people together. The retention and adaptive reuse of the Edwardian building at 82-84 Dixon Street with strong links to the Chinese-Australian community has potential to enhance the character and distinct sense of place of Chinatown.

Strategic Alignment - Sustainable Sydney 2030 Vision

38. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 7 – A Cultural and Creative City. The planning proposal identifies 82-84 Dixon Street, Haymarket as a local heritage item, allowing the building to be retained and reused and present and future generations to understand Sydney's multi-cultural heritage. The listing will ensure any future development of the site considers the heritage significance of the building and encourage its sympathetic adaptive re-use.

Strategic Alignment - Draft Central Sydney Planning Strategy

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

Relevant Legislation

41. Environmental Planning and Assessment Act 1979.
42. Environmental Planning and Assessment Regulation 2000.
43. Heritage Act 1977.

Critical Dates / Time Frames

44. The gateway notice issued by the Department of Planning, Industry and Environment will determine the length of time for public exhibition, and the timeframe for the completion of the Local Environmental Plan amendment process.
45. The interim heritage order made on 22 March 2019 will lapse on 22 September 2019 unless Council resolves to proceed with the planning proposal. If it does, the order will be extended until 22 March 2020. No further interim heritage orders can be made for the site once the order lapses.

Public Consultation

46. The public authority consultation and exhibition process for the planning proposal will be subject to the conditions on the gateway determination issued by the Department of Planning, Industry and Environment. The consultation will take place in accordance with the gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979 and the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

47. As a minor planning proposal affecting one property that needs to be determined before the heritage order lapses in March 2020, a 14 day public exhibition is recommend with notification:
- (a) on the City of Sydney website;
 - (b) in a newspaper that circulates widely in the City of Sydney local government area; and
 - (c) in writing to the owners, the adjoining landowners, relevant community groups, and the surrounding community in the immediate vicinity of the sites.
48. Following any public authority consultation and public exhibition, the outcomes would be reported to Council.

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