

**Item 5.****Post Exhibition - Planning Proposal – Heritage Listing - Former Kwong War Chong & Co Building - 82-84 Dixon Street, Haymarket - Sydney Local Environmental Plan 2012**

**File No: X023484**

**Summary**

Listing the Kwong War Chong & Co building is an opportunity to recognise Sydney's multi-cultural heritage and to enhance Chinatown's character and sense of place. Retaining and re-using this link to Chinatown's past will support the area's revitalisation, its vibrant community and cultural life, and its ongoing connection to present and future generations of the Chinese Australian community.

The Kwong War Chong & Co building is recommended for listing as an item of environmental heritage to recognise its local heritage significance. It represents a rare Chinese store and evidence of the twentieth-century commerce, settlement and lives of the Chinese diaspora community in Sydney, with significant connections to the wider Chinese migrant communities of Sydney and New South Wales. Built in 1910, it operated for over a century as a shop, store, accommodation and headquarters primarily for merchants Philip Lee Chun and the Kwong War Chong & Company. As one of the oldest surviving buildings in Chinatown with direct associations to the Chinese Australian community, the building provides a rare link to early Chinatown when Dixon Street formed the business and cultural centre for the Chinese Australian community. The Edwardian-style building, including the interiors and contents of number 84, survive largely intact from this significant period and use.

The City of Sydney placed an interim heritage order on the property on 22 March 2019 for temporary protection while its heritage significance and listing was investigated. The City commenced this investigation by commissioning a heritage assessment and a contents catalogue from Hector Abrahams Architects, which were completed in July and September 2019 respectively. City staff also met with the landowner to discuss the proposed listing, potential building uses and site redevelopment. The heritage order is due to expire on 22 March 2020. After the order lapses, the City cannot extend or make any further interim heritage orders for this property.

In September 2019, Council and the Central Sydney Planning Committee resolved to seek a gateway determination and exhibit the planning proposal to list the Kwong War Chong & Company building. The exhibited listing includes the interiors and contents of 84 Dixon Street. The Department of Planning, Industry and Environment approved commencing public consultation for the planning proposal in its gateway determination issued on 1 October 2019. The planning proposal was exhibited from 10 October 2019 to 7 November 2019.

The community response to the proposed listing has been overwhelmingly positive. Thirty-six submissions were received from community members and the Heritage Council delegate, all in support of listing. No objections have been received. Community accounts provided in submissions affirm the importance the building and the legacy that the Kwong War Chong & Company and Lee family continue to have to the Chinese Australian community. The community response also expands our understanding of the Kwong War Chong's historic importance in the everyday lives of the Chinese diaspora community throughout the twentieth century. This particularly relates to the company and building functions as a remittance agency, social centre and connection to home villages. Today the building is evidence of Chinese diaspora enterprise and endeavours in Australia through a period of limited cultural connection during and following the migration restrictions of the White Australia policy.

A number of community submissions also support the conversion of the building into a Chinese Australian house museum, its nomination to the State Heritage Register or National Heritage List, or refer to the potential for the Haymarket Library conversion to a Chinese Australian museum. These options do not form part of the current planning proposal outlined in this report.

Following consideration of the public submissions and review of the proposed listing, the Kwong War Chong & Co building, including interiors and contents of number 84, satisfy all seven of the Heritage Council's listing criteria for historical, associations, aesthetic, research, social, rarity and representative values at least at a local level. The heritage inventory at Attachment D with the assessment of significance has been updated to include the additional information collected from public submissions and accounts.

Noting that the Council has been authorised to exercise its delegation to make the plan following completion of the gateway process, it is recommended that Council approve the planning proposal at Attachment A for making as a local environmental plan.

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 landowner on an appropriate redevelopment and use of the site that takes into account its assessed significance. The building's use as a museum can be explored through this process, as one of the potential uses.

## Recommendation

It is resolved that:

- (A) Council note the submissions received during the public exhibition of the planning proposal, shown at Attachment C to the subject report;
- (B) Council approve the planning proposal, shown at Attachment A to the subject report, for finalisation and making as a local environmental plan under section 59 of the Environmental Planning and Assessment Act 1979; and
- (C) authority be delegated to the Chief Executive Officer to make any minor amendments to the planning proposal, to correct any minor drafting errors prior to finalisation and making of the local environmental plan.

## Attachments

- Attachment A.** Planning Proposal: Heritage Listing - 82-84 Dixon Street, Haymarket
- Attachment B.** Appendix 1 – Heritage Assessment
- Attachment C.** Summary of Submissions
- Attachment D.** Heritage Inventory for Former Kwong War Chong & Company Building, Including Interiors and Contents of No. 84

## 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 as 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.

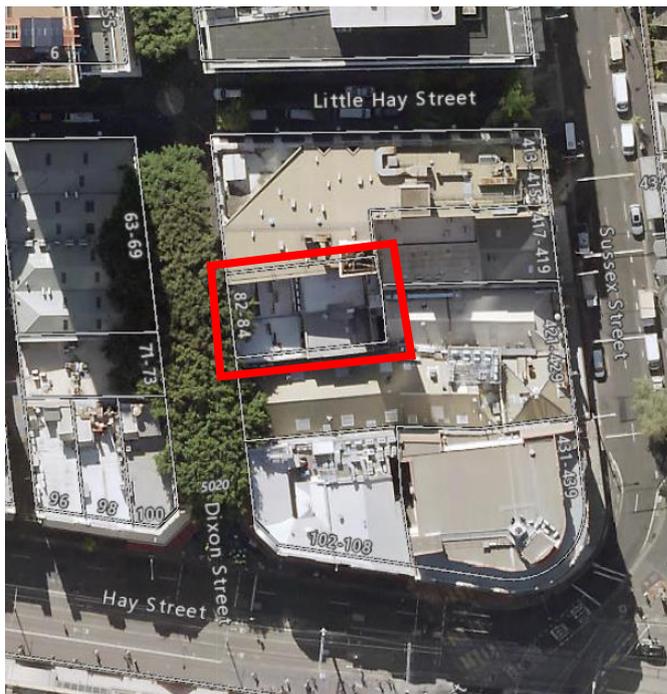


Figure 1: Site of 82-84 Dixon Street



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

**Planning background**

3. An interim heritage order currently applies to 82-84 Dixon Street, Haymarket. The City of Sydney, under delegation from 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. The interim heritage order is in effect for 12 months until 22 March 2020. No further interim heritage orders can be made once the order lapses. 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.
6. The City commenced its investigation of the significance of 82-84 Dixon Street by commissioning an independent heritage assessment from Hector Abrahams Architects. This report was the first stage in formally considering the heritage significance of 82-84 Dixon Street. This assessment report was completed in July 2019, and is provided as Attachment B. This assessment recommended listing the building, including the interiors and contents of number 84, as a heritage item for its local heritage significance. The City further commissioned Hector Abrahams Architects to complete a contents catalogue for 84 Dixon Street, completed in September 2019.
7. Following the interim heritage order, the landowner provided access to City staff and consultants to inspect the building interiors to facilitate the heritage assessment.
8. The building is currently unused, vacant and secured. It needs to be upgraded for fire safety as it is not currently compliant.
9. In October 2019, City staff met with the landowner to discuss the proposed listing, potential building uses and site redevelopment. The landowner has engaged positively and City staff will continue to work with the owner 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.

**Planning proposal**

10. The purpose of the planning proposal, provided at Attachment A, is to recognise and protect the heritage significance of the Kwong War Chong and Company 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.
11. The proposed heritage item listing includes the building contents of 84 Dixon Street as recommended by the heritage assessment and detailed in the contents catalogue, incorporated in the heritage inventory at Attachment D. 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.
12. No other changes to the planning controls are proposed.
13. On 9 and 5 September 2019, respectively, Council and the Central Sydney Planning Committee resolved to seek a gateway determination and exhibit the planning proposal to list the Kwong War Chong & Company building, including the interiors and contents of number 84. The resolution also required the inventory to be updated to include information from the contents catalogue tabled at the meetings.
14. The planning proposal was submitted to the Department of Planning, Industry and Environment (the Department), as the delegate for the Minister for Planning and Public Spaces, in accordance with the Environmental Planning and Assessment Act 1979 with a request for a gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979. The City also requested authority to exercise the delegation of the Minister of all his functions under section 3.36 of the Act to make the local environmental plan.
15. The gateway determination, issued on 1 October 2019, by the Department enabled the City to proceed with the public exhibition of the planning proposal.
16. Conditions of the gateway determination required consultation with the Heritage Council and its supporting department along with completion of the local environmental plan amendment within nine months. Conditions also required some minor amendments to the planning proposal to update the mapping and describe the surrounding area and the planning controls applicable to the site.
17. The Department also authorised the City to exercise its delegation from the Minister for Planning and Public Spaces to make the local environmental plan, subject to conditions including consistency with ministerial directions, conditions of the Gateway determination and no outstanding objections from public authorities.
18. The heritage inventory and planning proposal were updated in accordance with the resolutions and Department's gateway determination conditions before they were placed on public exhibition.

**Public exhibition**

19. The City of Sydney consulted the owner, members of the public and the Heritage Council and its department through the exhibition of this planning proposal in accordance with the requirements of the Department's gateway determination.
20. The public was invited to comment on the planning proposal during the exhibition period from 10 October 2019 to 7 November 2019. Notification letters were sent to the owner and occupants of the subject site, surrounding properties and the department of the Heritage Council, now part of the Department of Premier and Cabinet. A notice was placed in the Sydney Morning Herald, inviting comments. All information for the proposal was made available on the City's website, Sydney Your Say, and at the One Stop Shop, Town Hall House.

**Submissions**

21. The City received 36 submissions from community members and the Heritage Council delegate, all in support of listing. No submissions were received objecting to the proposal. These submissions are summarised and responded to in the table at Attachment C.
22. The overwhelmingly positive community response to the public exhibition affirm the importance the building and the legacy that the Kwong War Chong & Company and Lee family continue to have to the Chinese Australian community. The community response also expands our understanding of the Kwong War Chong's historic importance in the everyday lives of the Chinese diaspora community throughout the twentieth century. This particularly relates to the company and building functions as a remittance agency, social centre and connection to home villages. Today the building is evidence of Chinese diaspora enterprise and endeavours in Australia through a period of limited cultural connection during and following the migration restrictions of the White Australia policy.
23. City staff reviewed the listing in response to submissions, including a review of the assessment of significance in the heritage inventory provided at Attachment D to include the additional information collected from submissions.
24. A number of community submissions also supported or referred to matters separate to this planning proposal, including the conversion of the building into a Chinese Australian house museum, its nomination to the State Heritage Register or National Heritage List, or refer to the potential for the Haymarket Library conversion to a Chinese Australian museum.
25. The proposal to list the place as a heritage item recognises and encourages retention of its heritage significance in future developments or adaptive reuse. The landowner has positively engaged with City on future uses of the site and City staff will continue to work with the landowner on an appropriate redevelopment and use of the site that takes into account its assessed significance. The building's use as a museum can be explored through this process, as one of the potential uses. The future use for the City-owned property of the former Haymarket Library is a separate matter and not affected by this planning proposal.

26. A nomination for the State Heritage Register or the National Heritage List is not proposed at this stage. The landowner may wish to consider this option to access heritage grants for the repair or adaptive reuse of the building in the future.

### Heritage significance

27. The NSW Heritage Office guideline "Assessing Heritage Significance" outlines the Heritage Council criteria of local heritage significance to determine whether a place warrants local heritage listing. Only one of these seven criteria needs to be satisfied at the local level for local heritage listing.
28. The Kwong War Chong and Company building has been assessed against the criteria and meets the threshold for a heritage item of local heritage significance.
29. A heritage assessment of the building by Hector Abraham Architects was completed in July 2019. This found 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.
30. The building satisfies these criteria as a rare Chinese store and evidence of the twentieth-century commerce, settlement and lives of the Chinese diaspora community in Sydney, with significant connections to the wider Chinese migrant communities of Sydney and New South Wales. Built in 1910, it operated for over a century as a shop, store, accommodation and headquarters primarily for merchants Philip Lee Chun and the Kwong War Chong & Company. As one of the oldest surviving buildings in Chinatown with direct associations to the Chinese Australian community, the building provides a rare link to early Chinatown when Dixon Street formed the business and cultural centre for the Chinese Australian community. The Edwardian-style building, including the interiors and contents of number 84, survive highly intact from this significant period and use.
31. 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.
32. 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.

33. The Kwong War Chong and Company building at 82-84 Dixon Street, including the interiors of number 84, has sufficient local heritage significance to warrant listing as a local heritage item. The planning proposal at Attachment A therefore seeks to include the building in the heritage schedule of the local environmental plan.

### **Next Steps**

34. As Council has been authorised to exercise its delegation to make the plan following completion of the gateway process, it is recommended that the planning proposal at Attachment A be approved by Council and Central Planning Committee to be made as a local environmental plan.
35. 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 landowner on an appropriate redevelopment and use of the site that take into account its assessed significance.

### **Key Implications**

#### **Strategic Alignment - Eastern City District Plan**

36. 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 planning priority "E6 – Creating and renewing great places and local centres, and respecting the District's heritage" and Action 20 to identify, conserve and enhance environmental heritage.
37. 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.
38. 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**

39. 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 Local Strategic Planning Statement**

40. Listing and retention of 82-84 Dixon Street is consistent with the City's draft Local Strategic Planning Statement, in particular the liveability priority to "create great places" (priority L2). The proposal to list a place of assessed heritage significance delivers on the great place objectives to conserve and maintain heritage and protect and celebrate the character of unique neighbourhoods. Identifying places of local heritage significance on the Local Environmental Plan is an action of the draft planning statement (L2.9.b).

**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 determination issued by the Department of Planning Industry and Environment requires the amendment to the local environmental plan to be completed within nine months, being 1 June 2020.
45. The interim heritage order made on 22 March 2019 will lapse on 22 March 2020. No further interim heritage orders can be made for the site once the order lapses.

**Public Consultation**

46. The Heritage Council and supporting department, affected landowners, neighbours and community were consulted as outlined above and in the submissions summary at Attachment C.
47. The state agency of the Heritage Council delegate did not raise any objections. It notes that the site is currently subject to an Interim Heritage Order, that the Heritage Council of NSW encourages the identification and assessment of new heritage items and conservation areas, provided that the necessary assessments, notifications and due diligence have been completed. It further notes the site has been identified as having state heritage significance and refers to the nomination form and process if the City wishes to nominate the building and contents for the State Heritage Register.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Claudine Loffi, Senior Specialist Planner (Heritage)