

Item 4.

Post Exhibition - Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket - Sydney Local Environmental Plan 2012 Amendment

File No: X098658

Summary

The Chinatown Ceremonial Gates were conceived by the Dixon Street Chinese Committee as part of a broader Dixon Street Beautification Project in the late 1970s. Designed by architect Henry Tsang using traditional Chinese materials and ornamentation, they were completed in 1980 and officially handed over to the Council by the Dixon Street Chinese Committee.

At its meeting on 9 March 2020, Council noted businesses in Chinatown had expressed their desire for a formal acknowledgement of the heritage significance of Chinatown Ceremonial Gates and that a heritage study would consider heritage listing for the Gates.

The heritage assessment prepared by GML Heritage, provides detailed information on the Gates and concludes the Chinatown Ceremonial Gates have local significance for their historic, associative, aesthetic, social, rarity and representative attributes.

A planning proposal to amend the City's local environmental plan (LEP) was prepared to list the Chinatown Ceremonial Gates as a heritage item.

In August 2023, the Central Sydney Planning Committee and Council resolved to seek a Gateway Determination and exhibit the planning proposal to list the Chinatown Ceremonial Gates.

The Department of Planning and Environment approved commencing public consultation for the planning proposal in its Gateway Determination (Attachment E) issued on 28 September 2023.

The planning proposal was exhibited from 25 October 2023 to 22 November 2023.

Submissions were largely in favour of heritage listing the gates. Respondents highlighted their historical and cultural significance, as well as their role in signifying an entrance into Sydney's Chinatown.

It is recommended that Council approve the planning proposal at Attachment A for making as a local environmental plan, without amendment.

Recommendation

It is resolved that:

- (A) Council note the submissions received during the public exhibition of the Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket, shown at Attachment D to the subject report;
- (B) Council approve the Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket, shown at Attachment A to the subject report 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 any minor variations to the Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket shown at Attachment A to the subject report, to correct any drafting errors prior to finalisation of the local environmental plan.

Attachments

- Attachment A.** Planning Proposal - Heritage Item - Chinatown Ceremonial Gates, Haymarket
- Attachment B.** GML Heritage - Heritage Assessment Report - Chinatown Gates, Haymarket
- Attachment C.** GML Heritage - Draft Inventory for Chinatown Ceremonial Gates, Haymarket
- Attachment D.** Engagement Report - Chinatown Ceremonial Gates
- Attachment E.** Gateway Determination
- Attachment F.** Council and Central Sydney Planning Committee Resolutions

Background

1. Haymarket and the CBD South village area is one of Sydney's most iconic precincts and has long been recognised as a focal point for Asian food, culture, and community both locally and internationally. It offers a vibrant and unique urban experience.
2. The precinct is home to significant landmarks including Dixon Street marked by the Chinatown Ceremonial Gates, Paddy's Market / Market City, the Chinese Garden of Friendship and Belmore Park. It is a well-known destination for entertainment and nightlife and is home to the famous Lunar New Year festival and the Friday night markets.
3. The area is of great significance to Chinese Australian communities. Chinese people began arriving in Australia as early as 1818. By the 1930s, Haymarket became the social, cultural, and economic centre for Chinese people in Sydney who were for the most part Cantonese speakers. In the 1980s, the area was coined Chinatown and centred around a newly pedestrianised Dixon Street. Since then, the Chinese population has expanded and diversified, and immigration patterns have shifted, bringing more students and highly educated workers from different regions within China and from other Asian countries.
4. In March 2020, a Lord Mayoral Minute noted the Covid-19 pandemic was having a disproportionate impact on the Chinatown precinct, and that businesses and restaurants in Haymarket were seeing a significant downturn in trade of up to 80 per cent.
5. Senior business leaders called on the City of Sydney to develop a plan to support the local business community, drive footfall to the Haymarket precinct and to assist in reducing the spread of misinformation about Covid-19 in the community. The City was asked to investigate:
 - (a) opportunities to assist businesses across the city, such as waiving fees and charges;
 - (b) street attractions and activations, including changes to signage, streetscape and traffic movements in Haymarket to reinvigorate the area and increase foot traffic; and
 - (c) a heritage study for Chinatown which would include assessing the Dixon Street gateways for listing, which are of cultural significance to the Chinese community.
6. The City commissioned a heritage assessment report for the Chinatown Ceremonial Gates, prepared by GML Heritage in 2023. The report concludes the Chinatown Ceremonial Gates meet the criteria for local heritage significance.

The Chinatown Ceremonial Gates

7. The Chinatown Ceremonial Gates and lions were conceived by the Dixon Street Chinese Committee as part of a broader Dixon Street Beautification Project in the late 1970s. This broader project was undertaken by the Council in collaboration with the committee, and included the trial closure of Dixon Street which was made permanent in 1979.
8. Following the success of the Dixon Street closure, the Committee retained architect Henry Tsang to design the Ceremonial Gates as a marker of the Chinese community roots in Sydney.

9. The Ceremonial Gates were designed using traditional Chinese design and ornamentation and were constructed of externally sourced traditional glazed tiles and other imported materials. Completed in 1980, the Gates were officially handed over to the Council by the Dixon Street Chinese Committee.
10. There are two Chinatown Ceremonial Gates, one each at the northern and southern ends of Dixon Street (south) in Haymarket. They act as Ceremonial archways to Chinatown. Both Gates are symmetrical and largely identical besides unique individual decorative panels. They are both accompanied by a pair of lion statues on plinths, intended to guard the entry.
11. The Gates are located on a public road designated as a shared zone and are owned by the City of Sydney Council.

Heritage assessment

12. The heritage assessment prepared by GML Heritage, provided at Attachment B, provides detailed information about the Gates and concludes the Chinatown Gates have local significance for historic, associative, aesthetic, social, rarity and representative attributes. The following assessment uses the criteria of the 2001 version of Assessing Heritage Significance, but this remains consistent with the 2023 criteria:
 - (a) *Historical significance* - the Chinatown Gates form a landmark to the Dixon Street precinct, which has been an area of Chinese migration and commerce since the early twentieth century. The Gates are recognisable as landmarks to Sydneysiders and visitors from further afield. The Gates meet this criterion at the local level.
 - (b) *Associative significance* - the Chinatown Gates have association with the precinct, the Dixon Street Chinese Committee and Tsang & Lee architectural practice the designers of the Gates. Henry Tsang is a well-known figure in the local community having served as a Councillor on the City of Sydney Council and his later role in NSW state politics. The Gates meet this criterion at the local level.
 - (c) *Aesthetic significance* - the Chinatown Gates demonstrate the typology of a modest traditional Chinese Ceremonial gateway. The Gates have landmark qualities within the context of Haymarket and are markers within the streetscape which are well recognised by the local community. The Gates meet this criterion at the local level.
 - (d) *Social significance* - the Gates are a symbol of friendship and unity across all Chinese, Australian-Chinese and local communities. They provide an important sense of place and are landmarks in Chinatown. The Gates meet this criterion at the local level.
 - (e) *Rarity* - these Gates are rare examples of Chinese gateways within Sydney marking an entrance into Chinatown. The Gates meet this criterion at the local level.
 - (f) *Representativeness* - the Chinatown Gates are an intact example of a Chinese Ceremonial gateway and have not been altered since their construction in 1979-80. There are other similar symbolic gateways in other Australian cities including Melbourne and Perth which are different but comparable in design to these in Haymarket. The Gates meet this criterion at the local level.

Proposal for heritage listing

13. A planning proposal to amend the City's Local Environmental Plan (LEP) is required to list the Chinatown Ceremonial Gates on Schedule 5 of the LEP. The planning proposal is at Attachment A to the subject report. The planning proposal is supported by the heritage assessment prepared by GML Heritage as well as a draft inventory for the site, provided at Attachments B and C respectively.
14. The Planning Proposal recommends a curtilage to protect the setting of the Gates. The curtilage extends to the north and south of each gate along Dixon Street south and is wholly within the public domain. It does not apply to properties either side of Dixon Street.
15. In August 2023, the Central Sydney Planning Committee and Council resolved to seek a Gateway Determination and exhibit the planning proposal to list the Chinatown Ceremonial Gates.
16. The Department of Planning and Environment approved commencing public consultation for the planning proposal in its Gateway Determination issued on 28 September 2023, provided at Attachment E. It also authorised the Council to exercise the functions of the local plan-making authority under section 3.36(2) of the Act.
17. In accordance with the Gateway Determination condition, references in the planning proposal document were updated to refer to *Assessing Heritage Significance* which replaced the *NSW Heritage Office Guidelines* in June 2023. These updates were made and provided to the Minister prior to public exhibition in accordance with condition 1(a) of the Gateway Determination.

Related projects

18. The City is also planning to restore the gates, including replacing broken tiles and panels and upgrading the lighting, as part of the public domain improvements to Dixon Street. Public engagement on the Dixon Street concept plans took place from 18 October to 15 November 2023. The project to restore the gates is already budgeted for and is being progressed. Works are proposed to commence in 2024.
19. The restoration and heritage listing of the gates are part of the Haymarket and Chinatown Revitalisation Strategy which was adopted by Council in December 2023.

Summary of submissions

20. Between 25 October and 22 November 2023, the City consulted with the community about the proposal to heritage list the Chinatown Ceremonial Gates.
21. There is majority support for heritage listing the Chinatown Ceremonial Gates in Dixon Street, with 12 of the 14 submissions expressing support. Respondents highlighted their historical and cultural significance, as well as their role in signifying an entrance into Sydney's Chinatown.
22. The Heritage Assessment Report (2023) undertaken by GML Heritage was made publicly available as part of this consultation. Although respondents were not asked to comment on this directly, one stated "I agree with the conclusions of the heritage assessment report that the gates are worthy of heritage listing."
23. Of the 14 submissions received, only one opposed heritage listing the gates. The responder suggested that listing the gates was tokenistic and Council should "pursue more fundamental matters... one-way streets, music and tables in the street, good food as a result of demand."
24. The engagement report, including a summary of submissions, can be found at Attachment D.
25. The planning proposal was referred to Heritage NSW in accordance with the Gateway Determination. While Heritage NSW did not formally comment on the planning proposal, they generally encourage the identification and listing of new heritage items where all the necessary requirements have been met.
26. No amendments are proposed to the planning proposal following public exhibition.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

27. 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 Chinatown Ceremonial Gates 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

28. Environmental Planning and Assessment Act 1979.
29. Environmental Planning and Assessment Regulation 2021.

Public Consultation

30. Following Gateway Determination, the Planning Proposal was on public exhibition from 25 October to 22 November 2023. A total of 5,257 letters and 6,760 emails were distributed to notify the community. The Sydney Your Say page was viewed 209 times and the planning proposal downloaded 47 times.
31. A total of 14 submissions were made via online survey (11) and email (three) during the public consultation period.

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