

# **Attachment A**

**Planning Proposal - Heritage Item -  
Chinatown Ceremonial Gates, Haymarket**

# Planning Proposal – Heritage Item - Chinatown Ceremonial Gates, Haymarket



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# Introduction

This planning proposal explains the intent of, and justification for, the proposed amendment to Sydney Local Environmental Plan 2012 (SLEP 2012). The amendment identifies one item for inclusion in Schedule 5 (Environmental Heritage) located on Dixon Street, Haymarket.

The proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning guidelines.

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## Background

### Site Identification

This planning proposal relates to the following land and structures within Haymarket:

- Chinatown Ceremonial Gates, including lion statues, Dixon Street, Haymarket.

**Figure 1:** The relevant land is outlined in red. The locations of the Chinatown Ceremonial Gates and lion statues are outlined in blue.



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. Following the success of the street closure, the Committee retained architect Henry Tsang to design ceremonial gates as a marker of the Chinese community roots in Sydney.

The ceremonial gates were constructed of 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.

There are two Chinatown Ceremonial Gates, one each at the northern and southern ends of Dixon Street, 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.

They are located on a public road designated as a shared zone and are owned by the City of Sydney Council.

The gates and lions are shown in Figures 2-5.

**Figure 2:** South Gate South Elevation – view from Dixon Street.



Figure 3: North Gate North Elevation.



**Figure 4:** Lion at North Gate, holding a sphere.



**Figure 5:** Lion at South Gate.





## Planning context

The subject land is zoned RE1, Public Recreation and the surrounding land is zoned SP5, Metropolitan Centre.

**Figure 6:** Extract from Zoning map in the Sydney Local Environmental Plan 2012 showing zoning controls.



The nearest existing heritage items within the vicinity are the Former Kwong War Chong & Co building at 82-84 Dixon Street (I2293) and the Convent Garden Hotel at 102-108 Hay Street (I853). These are shown in Figure 2.

**Figure 7:** Extract from Heritage map in the Sydney Local Environmental Plan 2012 showing adjacent heritage items.



## GML Heritage Assessment

In 2023, City of Sydney Council engaged GML Heritage Pty Ltd (GML) to prepare a heritage assessment of the subject site to assess if the Gates meet the threshold for listing as a heritage item. The heritage assessment prepared by GML is included at **Appendix 1**. The draft inventory sheet, also prepared by GML is included at **Appendix 2**.

These documents were produced by GML before the introduction of the 2023 version of Assessing Heritage Significance. While these criteria have been slightly revised, the heritage assessment is consistent with the current criteria.

### Study findings

The heritage study report prepared by GML is included at **Appendix 1**. This study concludes that

the site meets the threshold of heritage significance that warrants its listing as a local heritage item on Sydney Local Environmental Plan 2012.

The site satisfies the six Heritage Council criteria of local heritage significance for listing. The statement of significance concludes that the Chinatown Gates have historic significance for being a traditional Chinese ceremonial paifang (gateway) that marks the entrance to Sydney's Chinatown. The pair of gates, located at the northern and southern ends of Dixon Street, were designed using traditional Chinese design and ornamentation.

The Chinatown Gates are aesthetically distinctive as entrances into 'Chinatown'. Significant views include the view of the south elevation of the south gate from across Paddy's Market and the view of the north elevation of the north gate from the intersection at Goulburn Street and Dixon Street. They are structures with landmark qualities and are well recognised by the local community.

The Chinatown Gates have social significance association with the local Chinese businesses and communities who supported the project financially and professionally. The Chinatown Gates symbolise the establishment of 'friendship' between the Chinese and Australian communities. They are a landmark to the Chinatown precinct, place maker for traditional Chinese events, a meeting place and place of recreation for Australian Chinese, Australians and tourists interested in partaking in Chinese culture.

The Chinatown Gates are representative for belonging to a small group of Chinese ceremonial gates in Sydney. The gates have features common in traditional Chinese paifang including traditional pagoda style roof with exposed timber rafters, glazed ceramic tiles, symbolic features, engraved gold leaf signs in the Chinese script and lion statues at the gates. The gates represent Chinatowns that were established worldwide in the 1980s and are rare in NSW for being the only landmarks associated with a formalised Chinatown.

Progressing local heritage listing for the proposed heritage item will ensure the local heritage significance of this item is appropriately considered and maintained as part of future plans or redevelopment.

### **Proposed Curtilage**

The GML heritage assessment recommends a visual curtilage larger than the footprint of each gate and lion pair. The proposed curtilage takes into consideration the setting, including gathering zones associated with the symbolism of the gate entries, as well as significant views to the gates and lions.

The visual curtilage only extends over public land on Dixon Street south. It does not include part of any building on Dixon Street.

The proposed visual curtilage for the north gate has been determined as follows:

- 15m (approximately twice the height of the gate) north from the edge of the plinth of the lions;
- 7.2m south from the base of the gate; and
- The curtilage to the east and west of the gates is to extend to the lot boundary of the adjoining allotments along Dixon Street.

The proposed visual curtilage of the south gate has been determined as follows:

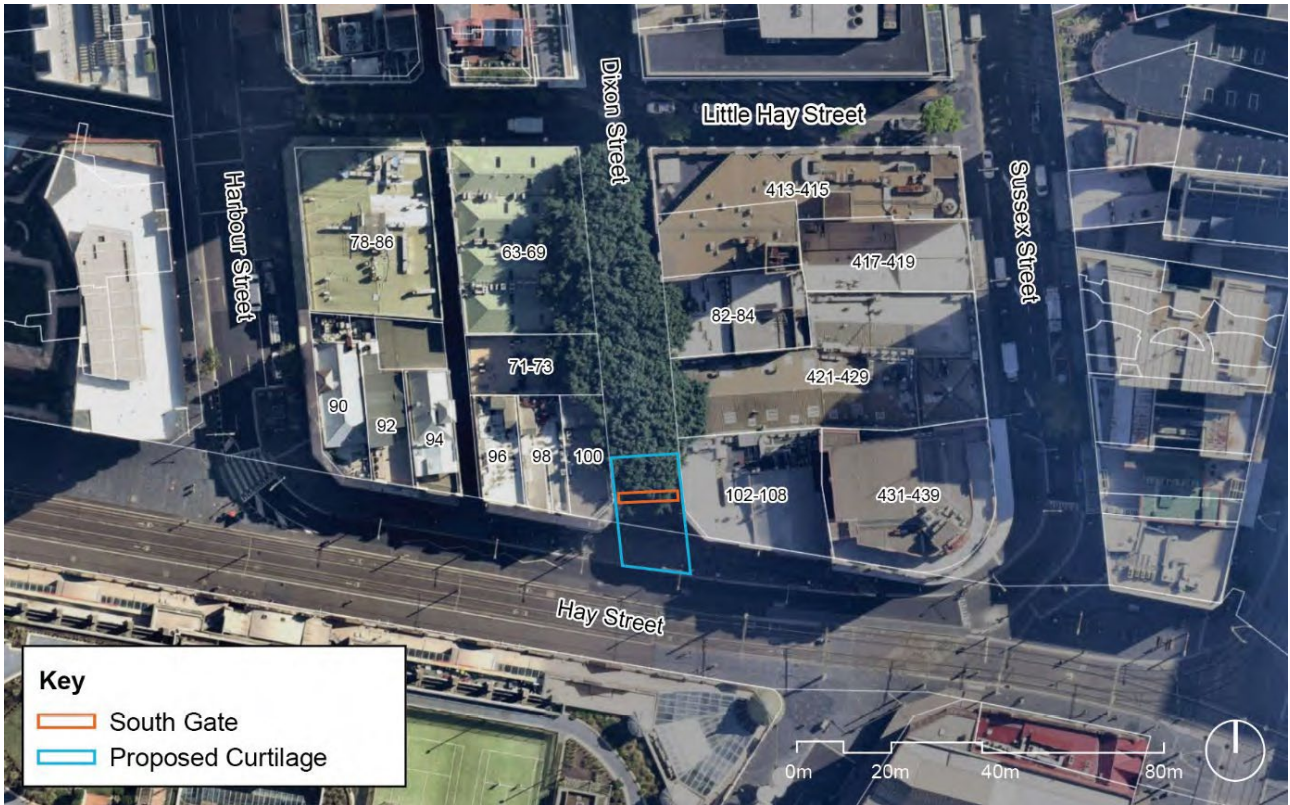
- 7.2m north from the base of the gate;
- Approximately 13.5m south from the plinth of the lions to the Hay Street kerb; and
- The curtilage to the east and west of the gates is to extend to the lot boundary of the adjoining allotments along Dixon Street.

The proposed visual curtilage is indicated in **Figure 8** and **Figure 9**

Figure 8: Proposed curtilage for the North Gate



Figure 9: Proposed curtilage for the South Gate



# 1. Objectives and intended outcomes

The objective of the planning proposal is to recognise and protect the heritage significance of the two Ceremonial Gates and Lions at Dixon Street, Haymarket by listing them as a heritage item on Schedule 5 of Sydney Local Environmental Plan 2012 (SLEP2012).

## 2. Explanation of provisions

### 2.1 Sydney LEP Heritage Schedule Amendments

The planning proposal seeks to amend the SLEP2012 Schedule 5 Environmental Heritage by inserting the 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.
<b><u>Haymarket</u></b>	<b><u>Chinatown Ceremonial Gates (including Lions)</u></b>	<b><u>Dixon Street, Haymarket</u></b>	<b><u>Arch 1 &amp; 2, Public Road, Dixon Street, Haymarket</u></b>	<b><u>Local</u></b>	<b><u>I2298</u></b>

The heritage item name is in accordance with the directions contained in the Standard Instrument (Local Environmental Plans) Order 2006, which require the item name to briefly describe significant features.

The features noted in the above item name are described further in the supporting information contained in the heritage inventory included at **Appendix 2**. The non-statutory heritage inventory sheet can continue to be updated as new information becomes available.

# 3. Justification

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## 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 a heritage assessment prepared by GML and completed in March 2023.

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 Gates, as they have been an important symbol of the precinct for many years. Council noted that a heritage study of the area would consider heritage listing for the gates.

In 2023, City of Sydney Council engaged GML Heritage Pty Ltd (GML) to prepare a heritage assessment of the Chinatown Ceremonial Gates to assess if they meet the threshold for listing as a heritage item. The heritage assessment prepared by GML is included at **Appendix 1**. The draft inventory listing, also prepared by GML is included at **Appendix 2**

The study recommended the Chinatown Ceremonial Gates for inclusion in Sydney LEP as a heritage item. The study concluded that they meet six of the Heritage Council criteria for local listing for local heritage significance. The assessment below uses the criteria of the 2001 version of Assessing Heritage Significance, but this remains consistent with the 2023 criteria.

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 independent heritage assessment prepared for the City notes:

*In the 1970s, Dixon Street became an arrival destination for migrants from China and Chinese communities from other Asian countries. In the late twentieth century, Dixon Street, Haymarket, became a popular area for tourists and businesses to visit. The Haymarket Chinatown precinct continues to be a booming commercial and business hub.*

*Haymarket’s Chinatown is the only surviving original Chinatown in the Sydney CBD...The Chinatown Gates form a landmark to the Dixon Street, Haymarket precinct and are recognisable as landmarks to Sydneysiders, and visitors from regional NSW and other states.*

**The item has cultural significance at a local level and is significant to the Sydney community and further afield.**

Criteria (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 notes:

*Chinatown in Haymarket has associations with early Chinese migrants. It is associated with some of the early Chinese investors and migrants in Sydney who developed Chinatown to the commercial and business hub that it is today.*

*Chinatown has historic associations with arrivals of Chinese and Asian migrants in the late twentieth and early twenty-first century.*

*The Chinatown Gates form the ceremonial entrance to the Dixon Street precinct of Haymarket Chinatown.*

*The Chinatown Gates have associations with the Dixon Street Chinese Committee established by the City of Sydney Council with sponsorship from the Chinese Consul (Taiwan).*

*The Chinatown Gates have associations with the architectural practice of Tsang & Lee Architects, the designers of the gates. Henry Tsang of Tsang & Lee Architects is well-known in the local Chinese community for his role as [Councillor] on the City of Sydney Council and his role within state politics as a member of the Labor Party. He is well known and respected in the Chinese community for having designed the state heritage listed Chinese Garden of Friendship.*

**The subject item has historical associative significance at a local level.**

Criteria (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 notes:

*The Chinatown Gates were designed in a traditional Chinese paifang form with elaborate symbolic ornamentation. They demonstrate the typology of a modest traditional Chinese ceremonial gateway and display several architectural features typical of their style. These features include the traditional pagoda-style roof with exposed timber rafters, traditional half-rounded, glazed ceramic tiles, symbolic ceramic figurines, engraved gold leaf signage panels in the Chinese script and a pair of concrete lion statues seated on plinths, guarding the outside of each gate.*

*The Chinatown Gates are in good condition and have a high degree of integrity and intactness.*

**The subject item has cultural significance at a local level.**

Criteria (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 notes:

*The Chinatown Gates are traditional ceremonial structures... The gates have particular importance to the local Chinese and Taiwanese communities, who were involved in their design and construction.*

*The gates form a symbol of friendship and unity across all Chinese, Australian-Chinese and local communities... The Chinese community worked in collaboration with Council to design the gates and were responsible for raising the finances to construct the gate structures and install the lions... The Chinese communities have a strong association with these gates, Dixon Street and Haymarket's Chinatown.*

**The subject item has social and cultural significance at a local level.**

Criteria (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 notes:

*The Chinatown Gates at Dixon Street were designed as paifang and built using traditional design methodologies, materials and craftsmanship... There are numerous gates designed using the traditional Chinese style within Sydney. However, these gates do not specifically represent an entry into a Chinatown. The Haymarket Chinatown Gates are rare examples of Chinese gateways within Sydney marking an entrance into Chinatown.*

**The subject site is rare locally and has significance at a local level.**

Criteria (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 heritage assessment notes:

*The Chinatown Gates are an intact example of a Chinese gateway...The Dixon Street Haymarket gates form a small group of Chinese gateways found throughout Sydney at Chinese ceremonial and cultural centres. These include the Sze Yup Temple & Joss House, Glebe, Yiu Ming Temple, Alexandria, and the Chinese Garden of Friendship, Darling Harbour, all of which are heritage items.*

*Numerous Chinatowns with symbolic gateways are in other Australian cities, including Melbourne and Perth. These gateways were comparable in design to those at Haymarket, and were constructed during the 1970s and 1980s, at a time when Chinatowns were being constructed in various cities around the world.*

**The building is a representative example of a Chinese gateway and has significance 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 identification as a local heritage item in an environmental planning instrument.

The subject site on Dixon Street, Haymarket, currently has no statutory heritage listing as either an item of environmental heritage or part of a conservation area on Sydney Local Environmental Plan 2012 or under the Heritage Act 1977.

Progressing local heritage listing will ensure that the local heritage significance is appropriately considered and maintained when works are carried out.

## 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 these structures, 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. 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. Public exhibition of this planning proposal will enable the community to be consulted on the proposed listing.

### **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 the Chinatown Gates, Dixon Street, as a heritage item, thereby providing for its conservation and allowing future generations to understand the historic development of Haymarket. The listing will ensure future development considers and maintains the heritage significance of this site.

### 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 4 and detailed in the following section. In this table, consistent means that the planning proposal does not contradict or 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
SEPP No 65 - Design Quality of Residential Flat Development	This planning proposal is consistent
SEPP (Transport and Infrastructure) 2021	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
<b>Focus area 1: Planning Systems</b>	
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
<b>Focus area 1: Planning Systems – Place-based</b>	
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 Pymont Peninsula Place Strategy	Not applicable
1.17 North West Rail Link Corridor Strategy	Not applicable
<b>Focus area 2: Design and Place</b>	No directions in place

### 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
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### Focus area 9: Primary Production

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

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## 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 the heritage schedule of SLEP 2012 will result in development creating any environmental effects that cannot readily be controlled.

**Q9. How has the planning proposal adequately addressed any social and economic effects?**

Identification of this heritage item will facilitate retention of the components that may have significance to community. No changes to the zoning are proposed. The merit-based heritage provisions provide capacity for Council and any proponent to take into account these matters when development is proposed.

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## 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. The identification of this heritage item, based on a comprehensive heritage assessment, is consistent with Heritage Council standards.

## 4. Mapping

The heritage map tile HER\_023 will be updated to shade in brown the location of the new heritage item. The heritage map extract at **Figure 10** shows the new heritage item.

**Figure 10:** Dixon Street, Haymarket, item.



# 5. Community consultation

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## 5.1 Public Exhibition

This planning proposal shall be exhibited in accordance with the requirements of gateway determination once issued by the Department of Planning and Environment.

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 September 2022.

The surrounding community, such as adjacent landowners, occupiers and community interest groups, shall be notified of the public exhibition by mail, email, social media or through public exhibition on the City of Sydney website, 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.

# 6. Project timeline

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

Stage	Timeframe
Gateway request	August 2023
Public exhibition & government agency consultation	October 2023
Consideration of submissions	November 2023
Post exhibition consideration of proposal	February 2024
Draft and finalise LEP	April 2024

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# Appendices

1. Chinatown Ceremonial Gates, Haymarket, GML Heritage Assessment
2. Chinatown Ceremonial Gates Heritage Inventory Sheet

