

REPORT

PD/5.2/23.06



Subject: Planning Proposal - 34-36 Flood Street, Bondi - Heritage Listing

TRIM No: PP-1/2023

Manager: George Bramis, Executive Manager, Urban Planning

Director: Fletcher Rayner, Director, Planning, Sustainability and Compliance

RECOMMENDATION:

That Council:

1. Forwards the planning proposal seeking to list 34–36 Flood Street, Bondi (Lot 1 DP 1094020), as a local Heritage Item in the *Waverley Local Environmental Plan 2012* to the Department of Planning and Environment (DPE) for Gateway determination for the purposes of public exhibition.
2. Publicly exhibits the planning proposal in accordance with any conditions of the Gateway determination that may be issued by the DPE.
3. Requests and accepts, if offered, the role of the planning proposal authority from the DPE to exercise the delegations issued by the Minister under section 3.36 of the *Environmental Planning and Assessment Act 1979* in relation to the making of the amendment.
4. Submits an application to NSW Heritage to nominate 34–36 Flood Street for State Heritage Item listing on the State Heritage Register.

1. Executive Summary

Council is required to maintain a list of Heritage Items and Heritage Conservation Areas that are significant to the local area under the *Waverley Local Environmental Plan (WLEP) 2012*. NSW Heritage are required to maintain a list of Heritage Items that are significant for the state of NSW under the *Heritage Act 1977*.

Recent investigations commissioned in response to a Council resolution have found that the building fronting Flood Street at 34-36 Flood Street, Bondi, meets six out of the seven categories of heritage significance from the Burra Charter, rendering the site worthy of listing as a local Heritage Item in the WLEP and as a state Heritage Item on the State Heritage Register.

The attached planning proposal seeks to implement the local listing, with the following changes:

Table 1. Summary of proposed changes to the WLEP2012.

WLEP2012 Provision	Existing	Proposed
Heritage map	34-36 Flood Street, Bondi is not shown as a Heritage Item on the Heritage Map	34-36 Flood Street, Bondi is to be shown as a local Heritage Item on the Heritage Map. Refer to Figures 1 and 2.
Schedule 5, part 1 Heritage Items	34-36 Flood Street, Bondi is not listed in schedule 5 part 1 as a Heritage Item	34-36 Flood Street, Bondi is to be listed in schedule 5 part 1 as a Heritage Item

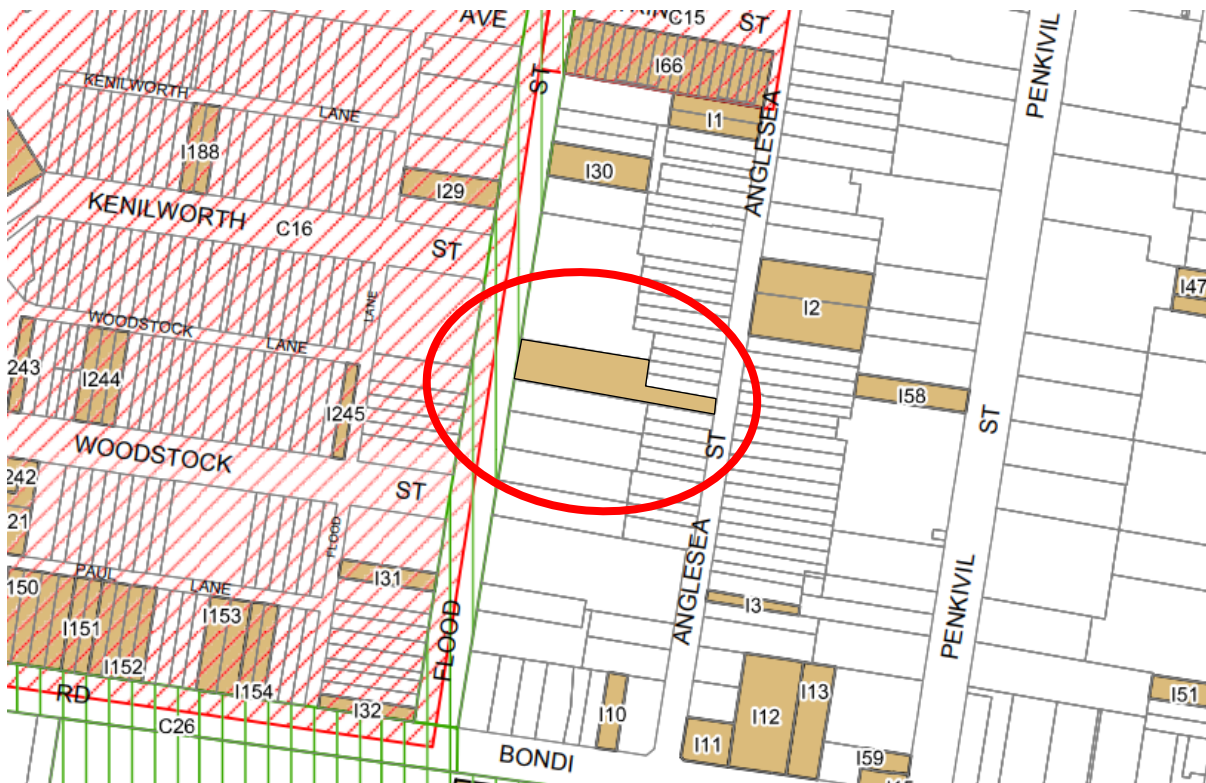


Figure 1. Proposed change to Heritage Map (WLEP 2012, Heritage Map - Sheet HER_004A , showing 34-36 Flood Street as a Heritage Item).

2. Introduction/Background

The site subject of the Proposal is located at 34-36 Flood Street, Bondi (Lot 1 DP 1094020) and has a site area of approximately 1,319.03 m². The site has a primary frontage to Flood Street, and a secondary frontage to Anglesea Street.

34-36 Flood Street contains a building currently used as a synagogue closer to the Flood Street frontage, and a detached structure ancillary to the synagogue closer to the Anglesea Street frontage. The building closer to the Flood Street frontage has been identified to have heritage significance.

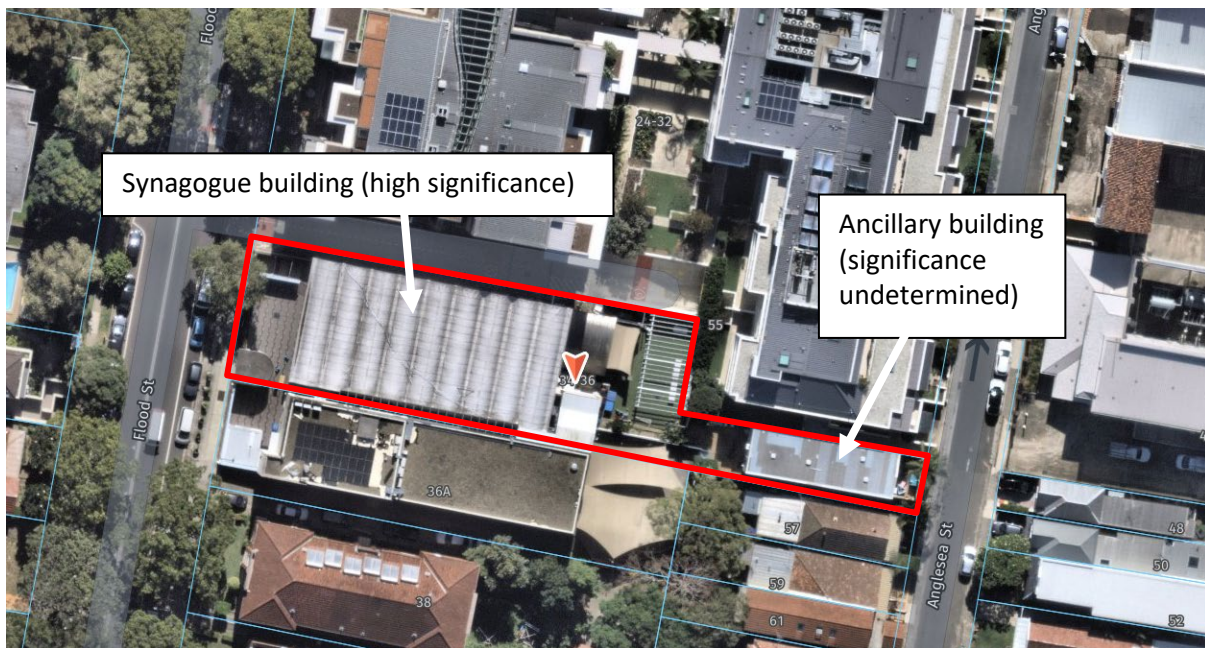


Figure 2. Site of the planning proposal, 34-36 Flood Street, Bondi (NearMap, 2023).



Figure 3. Site of the planning proposal, 34-36 Flood Street, Bondi (Google Maps, 2020).

A proponent-led planning proposal seeking to change the land zone of 34-36 Flood Street, Bondi (PP-2022-676) was lodged with Council in 2022. During the assessment of PP-2022-676, the building at 34-36 Flood Street was identified by both Council and the community to have potential heritage significance.

A detailed heritage assessment of 34-36 Flood Street was prepared in May 2023 by Hector Abrahams Architects, finding that the synagogue building towards the Flood Street frontage has heritage significance rendering it worthy of local heritage listing in the WLEP (Heritage Items in schedule 5 and on the Heritage Map) and state heritage listing in the NSW State Heritage Register.

The building at the rear of the site, currently used as a structure ancillary to the synagogue, and historically a rabbi's home, was not thoroughly investigated as part of the heritage assessment, so its heritage significance is unknown at this stage. Future investigations would be undertaken to assess its significance, and if found to be of significance a separate future planning proposal would be prepared seeking to alter the listing and inventory sheet for the site.

3. Relevant Council Resolutions

Meeting and date	Item No.	Resolution
Strategic Planning and Development Committee 7 February 2023	PD/5.1/23.02	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes that on 5 July 2022, Council refused a spot rezoning request for 34-36 Flood Street, Bondi to rezone the site from SP2 Infrastructure to R3 Medium Density Residential. 2. Notes that the NSW Department of Planning and Environment provided provisional Gateway approval for the spot rezoning of the site, in spite of Council's refusal. 3. Approves the submission on the planning proposal for 34-36 Flood Street, Bondi, attached to the report (Attachment 1) to the Department of Planning and Environment, subject to the following amendment: <ol style="list-style-type: none"> (a) Page 25 of the agenda – Amend the statement of significance to read as per the statement on page 38 of the agenda, incorporating the amendment in clause 4 below. 4. Lodges the interim heritage order attached to the report (Attachment 2) for 34-36 Flood Street with Heritage NSW, subject to the following amendment: <ol style="list-style-type: none"> (a) Page 38 of the agenda, paragraph 6 of the statement of significance – Amend to read as follows: 'Subsequent additions and change of interiors to the building have served to maintain its historic function and role in the Orthodox community. Recent unsympathetic additions to the street frontage detract from the buildings aesthetic and streetscape qualities but are at distance from the core building and able to be removed, should the use of the buildings change in the future and the security blast wall not be required.' 5. Engages an independent heritage expert to undertake a heritage assessment of the site's synagogue, which was designed by Harry Seidler. 6. Officers prepare a report to Council on whether the building should be nominated for inclusion in schedule 5 (heritage items) of the Waverley Local Environmental Plan 2012 and the State Heritage Register. 7. Officers note the information presented by Emeritus Professor James Weirick in his address to the meeting in the report referred to in clause 6 above.

Strategic Planning and Development Committee 5 July 2022	PD/5.1/22.07	<p>That Council:</p> <ol style="list-style-type: none"> 1. Does not support the planning proposal set out in the report to amend the <i>Waverley Local Environmental Plan 2012</i> in respect of 34–36 Flood Street, Bondi, Lot 1 DP 1094020, as the proposal lacks strategic merit and involves a change in Council's long-established policy in relation to SP2 Infrastructure Zones. 2. Investigates the strategic merit of amending the current zoning of SP2 Infrastructure 'Educational Establishment' to a more appropriate zoning that represents the existing uses and considers potential future uses on the site in a future housekeeping planning proposal.
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4. Discussion

The Heritage Assessment by Hector Abrahams Architects found the building at 34-36 Flood Street to meet the following NSW heritage assessment criteria:

- *Criterion (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)*
- *Criterion (b) An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)*
- *Criterion (c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or in local area)*
- *Criterion (d) An item has strong or special association with a particular community or cultural group in NSW (or local area) for social, cultural or spiritual reasons*
- *Criterion (e) An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)*
- *Criterion (f) An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)*
- *Criterion (g) An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or environments (or a class of the local area's cultural or natural places or environments)*

The heritage assessment has provided the following statement of significance for 34-36 Flood Street, Bondi:

The building fronting Flood Street at 34-36 Flood Street, Bondi is significant as [it is]:

- *A seminal work in the development of the civic and sculptural concrete architecture of the pre-eminent Australian Modern architect Harry Seidler, displaying the application of Bauhaus principles for which he is known.*
- *The largest and best example of thin concrete shell technology of the 1950s in NSW.*
- *One of the most architecturally distinguished religious chambers of the immediate post-war period in New South Wales and one of the finest synagogues of the period.*
- *A historically important place in the development of Jewish religion in New South Wales in the post-war migration period and the first Talmudical school with integral synagogue.*
- *Highly representative of the history of post-war migration in New South Wales, behind the establishment of a new religious building and educational institution by a migrant community.*
- *A place held in high esteem by the Jewish community of Waverley and broader afield.*

Refer to the planning proposal at attachment 1 for further detail.

Strategic merit

The planning proposal is considered to have strategic merit because it gives effect to the findings of a heritage assessment prepared by Hector Abrahams Architects, dated May 2023, which was commissioned in response to a Council resolution.

Site-specific merit

This planning proposal is considered to have site-specific merit as it gives regard to and is expected to have a positive impact on the natural and built environment, and on the existing uses, approved uses and likely future uses of the land affected.

Waverley Local Planning Panel

The planning proposal was referred to the Waverley Local Planning Panel (WLPP) for advice on 24 May 2023, where the Panel unanimously supported the planning proposal to proceed to Gateway Determination and public exhibition subject to changes.

The recommendation from the WLPP is as follows:

For the reasons outlined in the Council officer's report, the Panel supports the recommendation for the planning proposal seeking the local heritage listing of 34-36 Flood Street to proceed to Gateway Determination and public exhibition, subject to the following changes:

1. *Change the WLEP 2012 draft Schedule 5 listing from '20th Century Modernist synagogue by architect Harry Seidler featuring repetitive thin-shell concrete roof vaults, experienced internally and externally.' to:*

<i>Sydney Talmudical College and Synagogue building and interiors</i>	<i>34-36 Flood Street, Bondi</i>	<i>Lot 1 DP 1094020</i>	<i>Local*</i>
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**Note: Heritage Assessment by Hector Abrahams Architects concludes that the building is also worthy of listing on the NSW State Heritage Register.*

2. *The planning proposal be amended to be wholly consistent with the final Heritage Assessment by Hector Abrahams Architects, most importantly the item and site description.*

The planning proposal was adjusted after the WLPP meeting to introduce the following WLEP 2012 draft schedule 5 listing. The Panels advice was noted, however, adjusted wording was applied to clarify that the association with Harry Seidler was one of the reasons the site is significant.

<i>Harry Seidler designed Synagogue and College building, interiors and exteriors</i>	<i>34-36 Flood Street, Bondi</i>	<i>Lot 1 DP 1094020</i>	<i>Local</i>
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The planning proposal was also amended to be wholly consistent with the final heritage assessment by Hector Abrahams Architects.

5. Financial impact statement/Time frame/Consultation

Financial Impact

There have been no upfront or recurrent costs associated with this planning proposal other than staff costs associated with the administration and assessment of the planning proposal, and the fees associated with the heritage assessment by Hector Abrahams Architects, which has informed the WLEP amendment.

Time frame

It is estimated that this amendment to the WLEP would be completed by October 2023 as detailed in Table 2 below.

Table 2. Indicative project timeline.

Tasks	Time frame and/or date
Consideration by Council	June 2023
Gateway Determination	July 2023
Pre-exhibition	July 2023
Public Exhibition	August 2023
Consideration of submissions	August 2023
Post-exhibition Review	September 2023
Submission to the Department for finalisation (where applicable)	September 2023
Gazettal of LEP amendment	October 2023

Timing regarding the State listing may be similar.

Community Consultation

Public exhibition for the planning proposal is likely to include a page Council's Have Your Say website and written notification to landowners. The Gateway determination would specify the level of public consultation that must be undertaken in relation to the planning proposal.

Pursuant to division 3.4 of the Act, a planning proposal must be placed on public exhibition for a minimum of 28 days, or as specified in the Gateway determination for the proposal. The planning proposal authority must consider any submissions made concerning the proposed instrument and the report of any public hearing (if required).

6. Conclusion

The building that fronts Flood Street at 34-36 Flood Street, Bondi, has been found to meet the assessment criteria for listing as a local Heritage Item in the Waverley Local Environmental Plan (WLEP) 2012 and as a State Heritage item in the State Heritage Register.

To provide the building with statutory protection due to its heritage significance, it is recommended that the attached planning proposal be submitted to NSW DPE for a Gateway Determination and public exhibition in relation to the local listing, and that an application be made to NSW Heritage to nominate the site for state listing.

7. Attachments

1. Planning proposal (under separate cover)
2. Hector Abrahams Architects- Heritage assessment (under separate cover)
3. WLPP advice (under separate cover) .