



WAVERLEY COUNCIL

Independent Planning Committee Presentation, 20 February 2024

Harry Seidler-designed Synagogue and former Talmudical College
34 -36 Flood Street, Bondi



Synagogue architecture – 1958-61



Photographer Harry Seldier
Copyright Penelope Seldier
Year 1962
Architect Harry Seldier



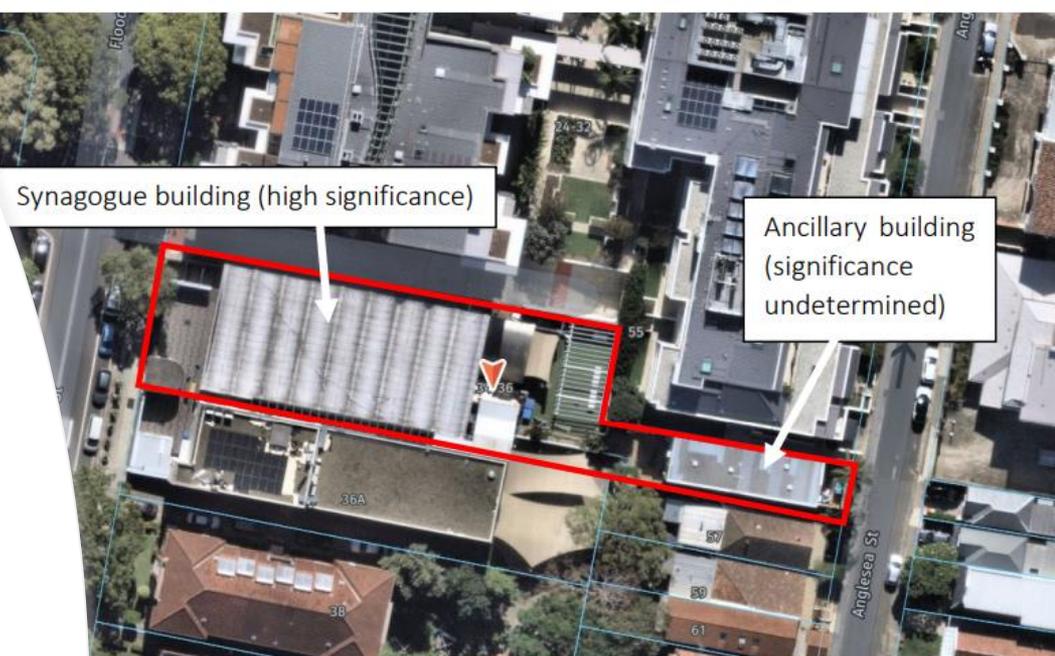
Photographer Harry Seldier
Copyright Penelope Seldier
Year 1961



Photographer Max Dupain (commissioned by Harry Seldier)
Copyright Penelope Seldier
Year 1962

Building history

- An historically important place in the recovery of Jewish religious study nearly lost in WWII
- Construction funded by refugees
- Important to the development of; Jewish religion in NSW.
- First Talmudical school with integral synagogue
- A place held in high esteem by the Jewish community of Waverley
- Jewish migrant architect – Seidler
- Early civic building by an architect who went on to define civic architecture in Australia
- Opened by Doc Evatt, whose UN role led to creation of state of Israel
- Evatt was uncle of Penelope Seidler



Synagogue building (high significance)

Ancillary building
(significance
undetermined)

Figure 1 – Site of the Planning Proposal, 34 Flood Street, Bondi (NearMap, 2023)



Scope, criteria of draft Waverley Heritage Assessment

- Council required to undertake periodic assessments its heritage
- Whole-of-LGA reviewed
- Aim to preserve Waverley's prized local character
- More than 10 years since the last study updated Waverley Heritage Policy and Schedule 5 WLEP list
- Followed NSW Heritage Council's 7 assessment criteria for determining cultural significance
- Review considered 750 sites identified by precinct committees and Council survey
- Number reduced to 59 items and new HCAs
- Draft Heritage Assessment will become Waverley Heritage Policy when gazetted



Study Area: Waverley LGA

Synagogue –why it was not in heritage review

- Officers made two past attempts to heritage list building.
 - First followed a request from Gutnick family, who later asked Council, which agreed, not to list it. Site then sold.
 - Another was made when the front blast wall was under construction but works prevented inspection.
- While site zoning was SP2 Infrastructure, the synagogue was relatively safe from demolition.
- Meriton lodged planning proposal to change zoning to R3, placing synagogue at risk of demolition.
- Council officers were not supportive of rezoning, which was assessed on strategic merit, not heritage grounds.
- Council later refused the rezoning request, as did the Waverley Local Planning Panel
- IHO sought to allow independent assessment of building's heritage significance

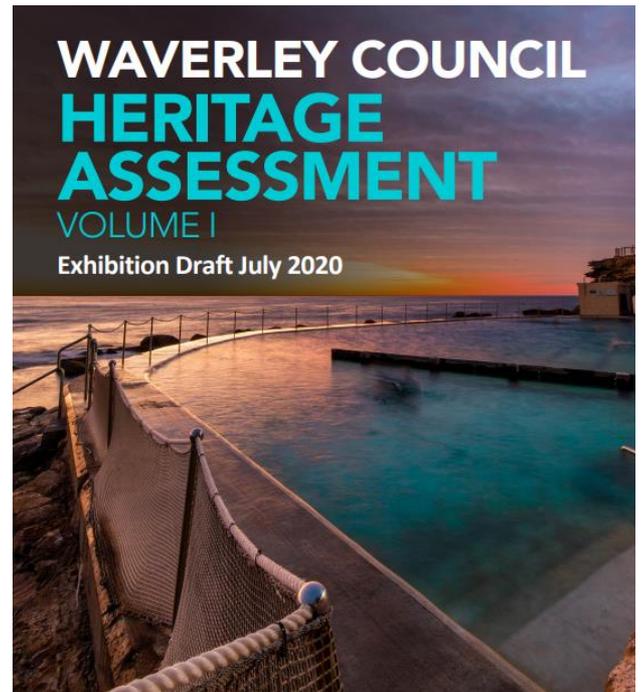


Waverley Heritage Assessment methodology

- Assessment using best-practice standards for determining heritage significance
- Guidelines set out by Heritage Council, Heritage NSW and Department of Planning,
- Prepared in accordance with Burra Charter (Australia ICOMOS, 2013)

Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records ... Places may have a range of values for different individuals or groups.

- Each site assessed against 7 criteria of heritage significance set out in Heritage Manual
- Items were reviewed through site visits, desktop assessment and vigorous historic research.



Interim Heritage Order - 2023

- Meriton applied to rezone site - from SP2 Infrastructure use to R3 medium-density residential
- Seidler family raised concerns with Council about protection of synagogue
- Council endorsed the use of IHO gazetted to enable assessment of building's significance
- Public tender for independent heritage consultant to undertake assessment of significance



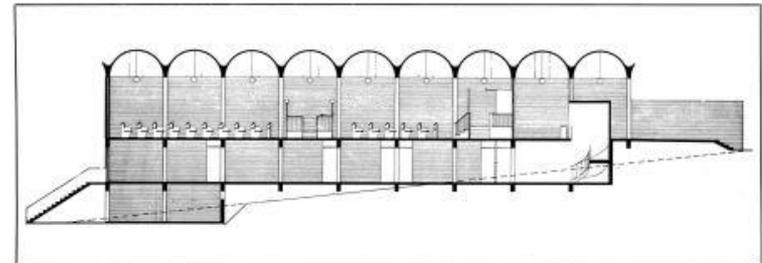
The building was erected on a narrow but deep site, sloping steeply down to the east from the street. The school of religious instruction, consisting mainly of classrooms is located on the lower floor. Classrooms are arranged on either side of a center hall dividing the floor into the required flexible sub-division of classrooms by the use of folding doors. The offices, kitchen, and storage rooms complete this floor with its access to the rear yard by means of a straight flight of exterior stairs. Windows are in the form of continuous narrow strips located at the top of longitudinal outside walls for privacy. The slope of the land permitted a partly covered open play space under this classroom floor below the back portion of the building.

The main hall of worship, the synagogue, occupies the top floor of the building which is level with the street. A large forecourt created by extended "wings" of the building's side walls gave privacy from neighboring properties. A covered portico leads from the court through a glazed wall into the entrance foyer. From here, sound-proof doors lead to the hall and separately to the screened women's gallery along the full length of one

(Continued on page 38)

TALMUDICAL COLLEGE IN SYDNEY, AUSTRALIA

BY HARRY SEIDLER, ARCHITECT



Process to date

Date	Timeline
2022	Meriton lodged Planning Proposal seeking to change the land zone (PP-2022- 676) Council refused spot rezoning but Department Planning provided Gateway approval to rezone
Feb 2023	Council resolves to lodge an IHO to allow assessment of heritage significance. Tender for heritage assessment
May 2023	Hector Abrahams Architects finding Synagogue has heritage significance worthy of local listing in WLEP Building also meets 6 out of Burra Charter's 7 categories of significance for listing on State Register
24 May 2023	Waverley Local Planning Panel unanimously endorses heritage listing Planning Proposal



Process to date

June 2023	Council endorses Planning Proposal to list Synagogue be sent to Department for Gateway determination for purposes of public exhibition Council resolves to seek State Heritage Register listing
July 2023	R3 rezoning finalized after Sydney Eastern Planning Panel supports change (16 May). WLEP amended. Council applies for Heritage Council for State Heritage Register listing of Synagogue.
August 3 – Sept 14	Public exhibition of Planning Proposal to list building. 41 out of 48 replies support listing
26 October	Council officers meet owners' representatives to discuss listing Planning Proposal. Landowner provided feedback during exhibition and in discussions



Tender for heritage consultant

1. Chosen by selective tender
2. Essential skill set: **architectural historian with proven knowledge of Modernist architecture**
3. Tender list included:
 - Otto Cserhalmi, OCP Architects
 - William Blackledge, Long Blackledge Architects
 - Zoltan Kovacs Architects
 - John Oultram Heritage & Design
 - **Hector Abrahams Architects (HAA) and Architectural Historians**

HAA's strategic work includes assessment of places of national heritage significance including Australian War Memorial, Canberra. Hector Abrahams was a member of the NSW Heritage Council's religion property advisory panel from 1996 to 2014, and chair of the committee. He was also on the Australian Institute of Architects' team that composed listing nominations for the Seidler towers.



Statement of Significance

The building fronting Flood Street at 34 Flood Street is significant as [it is]:

- A seminal work in the development of the civic and sculptural concrete architecture of the preeminent 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 NSW and one of period's finest synagogues.
- A historically important place in the development of Jewish religion in NSW 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.
- Held in high esteem by Waverley's Jewish community and broader afield.



Key areas of significance

Criterion (a) – heritage significance at a State level

- One of seven surviving works from a distinct period for synagogue construction within NSW (c1957-60).
- Associated with the post war period enlargement of migration of Jewish faith and culture within NSW.
- Development of a distinctive locale of Jewish immigrants within the Waverley
- Part of a historical pattern demonstrating the arrival of Jewish architects to NSW, all of whom were Modernists.

Criterion (b) – heritage significance at a level

- Ongoing association with the broader Jewish community, by the training of Rabbis
- Demonstrates an important stage in Seidler's output and career as an early work of Civic architecture.
- Building is associated with collaboration between Seidler and Peter Owen Miller and is an important work demonstrating their innovative achievement.



Key areas of significance

Criterion (c) – heritage significance at a State level

- Among the largest and most ambitious thin shell structure built in NSW in the immediate post-war period
- Geometric free plan and configuration of roof form is important in demonstrating Seidler's application of Bauhaus principles and Oscar Neimeyer's influence
- Principals are clear to see in the abstract planning and devising of pure space sculpted by structural form.

Criterion (e) – heritage significance at a State level

- It is possible that the vaulted roof system of the 1959 designed synagogue and former Sydney Talmudical College premises building was the largest in NSW from the same period.
- It has the potential to yield information regarding its construction and the performance of thin shell concrete over time.

Key areas of significance

Criterion (f) – heritage significance at a State level

- Is uncommon for the period due to its large thin shell concrete vaulted roof form.
- The place has rarity value as the only religious building by Seidler and as a surviving intact example of a post-war Modernist synagogue, which were once common across NSW particularly eastern Sydney however are now smaller in number.

Criterion (g) – heritage significance at a State level

- Demonstrates the principal characteristics of its class as a post-war Modernist synagogue designed by a migrant architect.
- Part of a small but important group of distinctive Modernist-style synagogues designed by migrant architects who established practice in NSW.
- Relatively intact and surviving example of a post-war Modernist synagogue which is rare for its class.

Public submissions: 41 support listing / 7 against

- **DOCOMOMO:** Documentation and Conservation of buildings, sites of the Modern Movement
 - Only religious building designed by Harry Seidler.
 - Important social significance to the local Jewish community
 - While it has undergone alterations, the basic building, important barrel vaults, north and front façades remain intact; alterations could be reversed.
- **Australian Institute of Architects**

Synagogue is listed on Register of Significant Buildings of the 20th Century.
- **Dr Paolo Stracchi, University of Sydney:**
 - Earliest surviving building in NSW and possibly Australia employing the use of linked, parallel thin-shell concrete barrel vaults
 - Such a significant use of structural technology is of paramount importance in understanding the development of architecture and building technology in Australia and Seidler's use of it links him to world's great Modern architects



Public submissions and comments

Key message/theme	No. of submissions which raised this
The site is significant for its unique architectural style and/or construction.	26
The site is significant for its historic and present-day importance for the Jewish community. Its demolition would result in the loss of social infrastructure.	23
The site is significant for its association with Harry Seidler.	19
The demolition of a functional building leads to the loss of embodied carbon energy, a bad outcome in light of the climate crisis.	1

Strong messages received during public exhibition included:

- *'This is an incredibly valuable heritage building, designed by one of the most important Australian architects. Its loss would be felt globally. Seidler's legacy is essential to preserve.'*
- *'It would be a major Loss and hurt so many people to see their beloved synagogue rezoned & destroyed. It would trigger many emotions of loss and trauma to this migrant community who already suffered so much in Europe and watched their beloved synagogues destroyed & finally rebuilt in the 50s in Bondi.'*
- *'It is an iconic building with an important history in the building of a Jewish community in Australia. I do not believe there is an architecturally similar synagogue in the world.'*



Listing objections and responses: fairness

The Council has also failed to provide the landowner with any procedural fairness throughout the Planning Proposal process. Council's heritage significance report, references that it relies on a report prepared by Council's heritage advisor Colin Brady. This report was requested from Council by our heritage expert on 24 August 2023 under the provisions of the Government Information (Public Access) Act 2009. The closing date for submissions was 14 September 2023. As the report has not been provided to date, our expert was forced to finalise his report without the benefit of all information which was available to the Council's heritage expert.

The subject GIPA was processed in October 2023, resulting in the Colin Brady report being issued to the GIPA applicant (the landowners heritage expert) on 17 October 2023.

This has allowed the landowner 3 weeks (counted 17 October to the SPDC meeting on 7 November) to consider its contents and provide feedback to Council staff or Councillors before or at the 7 November SPDC meeting. Late submissions have been considered in Council officers' final consideration of this matter.

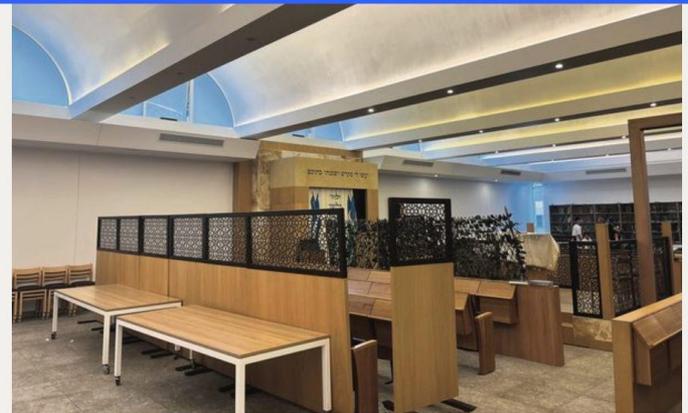
Further, the contents of the Colin Brady report are not critical to the understanding of the criteria for heritage listing the subject site, as it largely discusses historical information for the wider area, and largely duplicates information included in the Hector Abrahams report. It is the officers' view that the Colin Brady report does not have a significant bearing on the heritage listing.



Listing objections and responses: interiors

Council does not appear to have properly considered and indeed assessed the heritage reports provided by the landowner, which include detailed analysis of the internal fabric.

Pages 16-20 of the Hector Abrams report provide a detailed assessment of original and adapted fabric of the synagogue. Heritage listing does not require that the original fabric be unaltered; it required that what is significant about the building is still identifiable. In this case the most significant early fabric is still evident, in good condition and can be seen from the public domain.



Listing objections and responses: criteria

The report prepared by Hector Abrams (which is relied on by the Council in support of the listing) does not make any real assessment of the Synagogue building as it currently stands today and fails to consider the contemporary changes which have occurred on the Site and to the Synagogue itself.

Architectural significance is only one of the criteria that makes a building worthy of heritage significance. Not only does the synagogue meet the criteria for heritage listing for technical, aesthetic, historical and association as a rare building of a renowned Modernist architect, it holds social and cultural heritage significance of at least local level and quite possibly a State level.



Listing objections and responses: alterations

The Synagogue building, which was constructed in 1961, has since been materially changed with the majority of the interior being redone and contemporary extensions being constructed on and around the Synagogue building.

Furthermore, the Site is not of wide social or Jewish religious value, particularly within the Bondi area. It has relatively low attendance levels and only the HOT Foundation makes financial contributions to its maintenance and operation.

Despite some alterations since original construction, the building continues to feature clearly identifiable architecturally and historically significant elements and original fabric, which can be seen from the public domain despite the security wall, and from within the site.

14 submitters who have identified themselves as members of the Jewish community state that the site still has religious significance for them. Further, the proposed listing extends further than the association with the Jewish community and the latest synagogue use – the history, construction method and association with Harry Seidler provides the site with significance. Discussions with the Heritage Council on progressing the potential listing of the building on the State Heritage Register suggest that the Synagogue's social and cultural significance to a migrant religious community will form a key part of its research.

Listing objections and responses: rezoning

Furthermore, the Council officers were supportive of the proposed re-zoning of part of the Site from SP2 to R3 (to make the whole Site R3). Despite the Councillors ultimately refusing to support that planning proposal (without any mention of heritage) the NSW Department of Planning and Environment gave Gateway approval for the planning proposal and the rezoning was gazetted on 28 July 2023.

Council officers were not supportive of the proposed re-zoning of part of the Site from SP2 to R3, recommending that Council do not support the proposal.

The rezoning was assessed on its strategic merit, not on heritage grounds. Council later refused the rezoning request, as did the Waverley Local Planning Panel.

Listing objections and responses: IHO

It therefore appears that Council has now formed a view that the Site is of heritage value, this is following an undated submission prepared and submitted to the Department of Planning by Penelope and Polly Seidler.

Curiously the Council has also issued an Interim Heritage Order in respect of the Site (dated 8 February 2023), despite numerous assurances being provided by the owner of the Site that it was not intended to be developed in the immediate future.

Council (through its Councillors) is weaponising the Heritage Act 1977 in order to appease a very small number of its constituents.

The reasons for Council issuing the IHO dated February 2023 are detailed in the 7 February 2023 Strategic Planning and Development Committee Agenda and associated attachments.

There is no guarantee that the subject site will remain in the same ownership indefinitely.

A request for a rezoning to R3 Medium Density Residential provides a clear indication that some form of site development is planned, especially when the request is made by one of Australia's largest apartment construction and property development companies.

Listing objections and responses: development

Over the years the Site has been eroded and sold off to fund its survival. Only the HOT Foundation has protected and prolonged its use. Otherwise, it would have been sold off to developers and redeveloped like the other portions of the original parcel of land. The HOT Foundation has made it clear to the Council that it has no intention to redevelop the Site in the immediate future but wants to ensure that the Site is not unreasonably constrained by incorrect or inappropriate planning controls.

The proposed synagogue heritage listing does not inherently prevent additional land uses or buildings to be developed or expanded on the site.

There is no guarantee that the subject site will remain in the same ownership indefinitely, so assurances by the current owner are not relevant.



Listing objections and responses: listing burden

The imposition of a heritage listing on the Site would impose an unnecessary management and financial burden on the owner of the Site, without any real proper heritage justification. Currently the Site is utilised for the purposes of Our Big Kitchen (charity kitchen) and also 'JEMs', an after-school care program, at a considerable cost to the HOT Foundation. The cost of repair and maintenance of the Site has equated to \$millions and this will only continue into the future, at a much greater cost if the Site is listed as heritage. The on-going contributions to maintain the building (and its associated uses) have been made on the notion that the Site was capable of future expansion or redevelopment, and this was resolved by the R3 zoning change. The heritage listing would inevitably cause the HOT Foundation to reconsider its ongoing support.

The proposed synagogue building listing does not inherently prevent additional land uses and buildings to be developed or expanded on the site.

The proposed R3 zoning would make the Site more valuable for apartment development. Heritage listing of the synagogue is unlikely to create a financial burden, especially since it does not prevent sensitive development of the site.

The site would have been purchased on the grounds it is a non-profit generating community use and that maintenance would be required.

Historical media reports suggest the purchase of the site in 2012 was a philanthropic gesture for the Jewish community and the social services it provides. Such services are in even greater demand today.

The synagogue's heritage significance has been assessed and justified by a highly respected, independent heritage consultant and was found to be of local and State heritage significance for multiple reasons.



Heritage Council - State Heritage Register

- The Heritage Council has progressed the Seidler Synagogue to full assessment for listing on the State Heritage Register

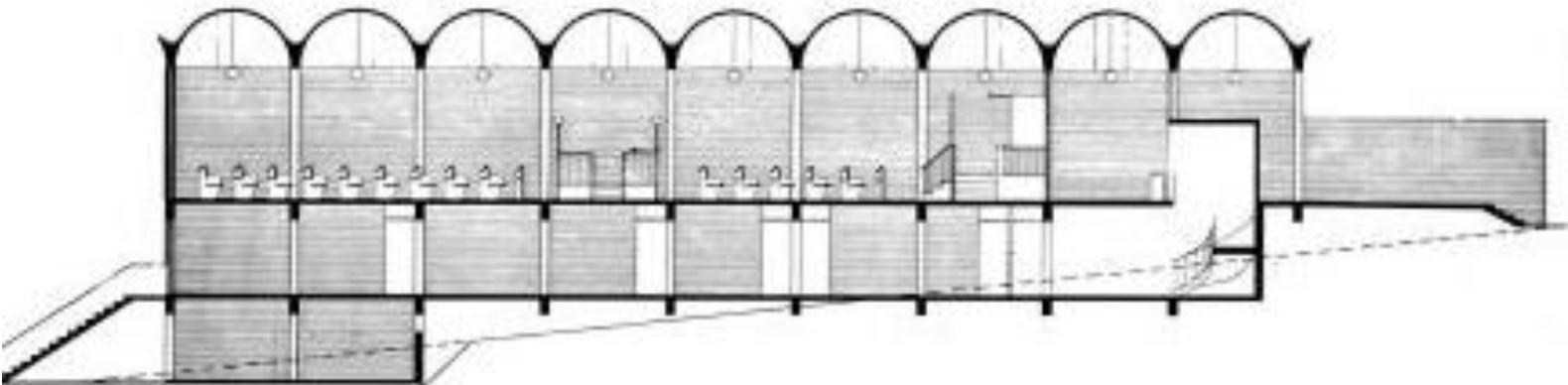
Moved by Stephen Gapps and seconded by Colleen Morris

Item 5.2 SHRC Preliminary Assessment of SHR Nomination Process

Resolution 2023-40

The State Heritage Register Committee:

- Considers** that the Synagogue and Former Sydney Talmudical College Premises Building Including Interiors, Bondi may be of State heritage significance and **advises** that the nomination will be progressed to a full assessment.



QUESTIONS

