

23 August 2023

Emily Scott, The General Manager
Waverly Council
PO Box 9
BONDI JUNCTON NSW 1355

By email: [REDACTED]

**Planning Proposal PP-2023-1224
Proposed Heritage Listing for 34-36 Flood Street Bondi**

Dear Emily

Council now has a proposal to make the Yeshiva heritage. Council has never considered it heritage. Even when Council did its own comprehensive heritage review in 2020 it didn't identify the Yeshiva as heritage. In the review Council identified 750 other sites as heritage, including 38 Flood Street, which is an apartment building next to the Yeshiva building. This means that Council looked at the locality in detail (including the Yeshiva site) and concluded that the Yeshiva was not important.

Your staff originally supported our proposal for a residential rezoning but then the Councillors changed their mind. The Council reports against our rezoning did not raise heritage at all. It was only when the Planning Panel allowed the residential rezoning to proceed to Gateway that the Yeshiva was suddenly heritage. Now Council thinks it is so important that it should be an item of state heritage significance. The Seidlers got involved at this point and made many incorrect statements in their submissions to Council, including incorrect statements about me.

We have experts that say that it does not qualify as local or state heritage and we will provide you with these reports shortly.

I was happy to just proceed with the correction of the zoning and to work with the existing buildings. As I have said on many occasions, I just wanted the same zoning over the site as the split zoning made the site useless. The new rezoning still permits all of the existing uses. The Department agreed that the rezoning was consistent with the State government zoning guidelines, so it was approved.

We have no intention of doing anything at this time and we knew we could do something in the future with the correct zoning. We will have new tenants for the religious part of the building starting in October so we will not be pulling the building down tomorrow.

If everything was left as approved, we were happy to move on. But now Council wants to protect the synagogue building as heritage. As you are well aware heritage listings are restrictive and costly. Council's heritage proposal now reintroduces the problem where each

side of the site has different rules. This was what we sought to change with the earlier rezoning.

If the Council believes the synagogue building is so important then I am sure it will be happy to incentivise its protection. Without incentives, like many others, heritage buildings are left alone without any maintenance or care. This is what was happening to the Yeshiva before my Foundation purchased it. It was because of my Foundation that the Yeshiva building has remained. Previous owners had sold off many parts of the site which have now been redeveloped. If it wasn't for me, the Yeshiva would be broke and probably redeveloped. I have spent \$millions already and it will require \$millions in the future for fire safety and maintenance to make it safe for the users.

Therefore, if Council insists the Yeshiva is heritage, against your own study and my experts, then it could incentivise its protection as it has done with other sites like the Telstra exchange at Bondi Junction. On that site the land was rezoned from SP2 to B4 to allow residential units. It also obtained an increase in FSR from 2:1 to 4:1 and an increase in height from 15m to 18.5m.

I have attached some plans showing how this could work at the Yeshiva, where the FSR of the existing buildings is currently 1.2:1, which is over the permitted FSR of 0.9:1. This means that there is no capacity in the current planning rules for further development. The plans attached show that the proposal is consistent with other buildings in the area which have similar heights and it can keep solar access to adjoining buildings. This development would ensure the protection of the synagogue building into the future and could be a very special development, actively conserving the past, as shown on the plans. Otherwise, it will just stay as is and do nothing but cost the landowner \$millions to maintain the building.

Since this has been approved for other sites, I am sure this can be supported at the Yeshiva. If it cannot be supported, then we will continue to strongly object to the proposed listing. We will also consider if the Foundation continues to contribute significant money and resources to support and maintain the Yeshiva into the future. The closure of the Yeshiva would be a significant loss to the community.

Please let your people review and let me know how to proceed.

I have copied this to the Department of Planning as they will have the final say.

Kind regards,
MERITON GROUP

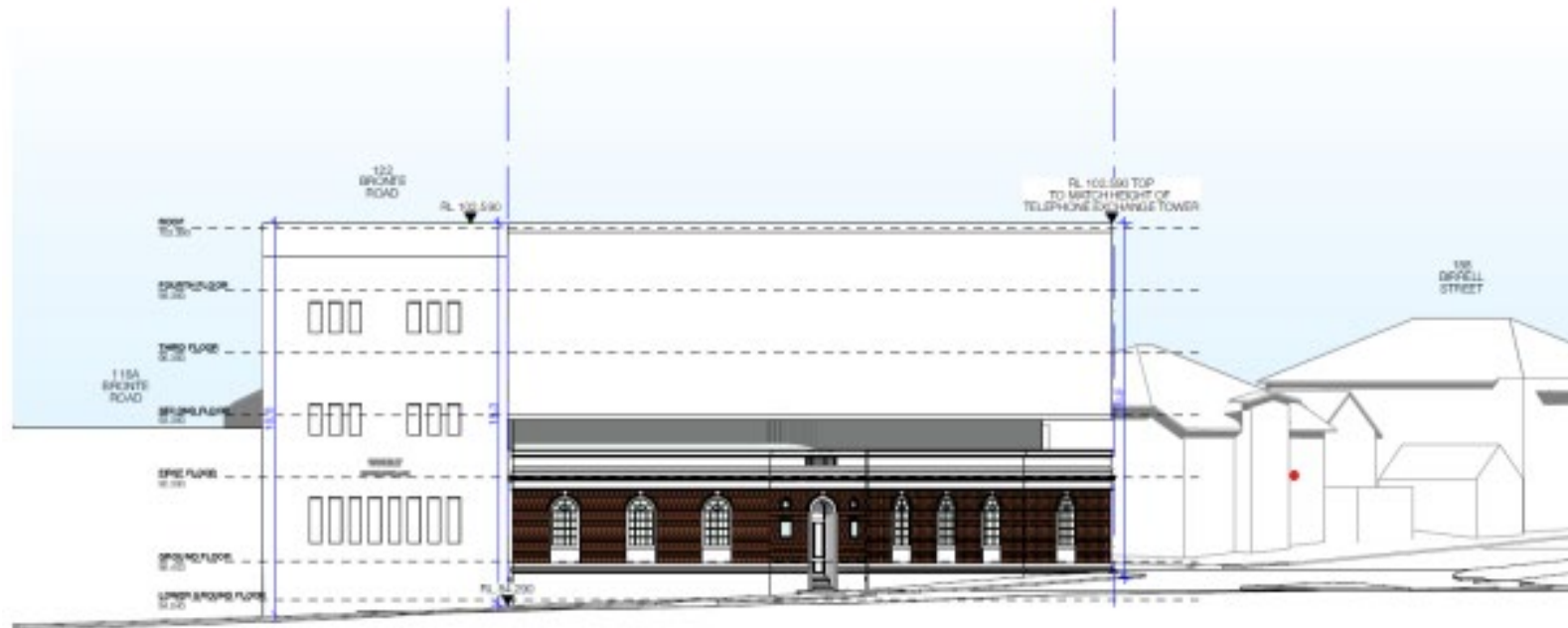


MR HARRY TRIGUBOFF AO
Managing Director

CC: Amanda Harvey, Department of Planning and Environment

**Plans and Images for Telstra Phone Exchange – Changes to FSR and Height
(as extracted from Planning Proposal prepared by Urbis)**

Figure 7 – Bronte road Elevation



Source: MHN Design Union Architect

Figure 10 – Photomontage Image from Bronte Road looking south



Figure 11 – Photomontage Image Looking East along Birrell Street

