

Planning Report

Application for Award of Heritage Floor Space

187A Elizabeth Street, Sydney
The Great Synagogue



Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.

By using the green and blue colours to represent NSW, this painting unites the contrasting landscapes. The use of green symbolises tranquillity and health. The colour cyan, a greenish-blue, sparks feelings of calmness and reminds us of the importance of nature, while various shades of blue hues denote emotions of new beginnings and growth. The use of emerald green in this image speaks of place as a fluid moving topography of rhythmical connection, echoed by densely layered patterning and symbolic shapes which project the hypnotic vibrations of the earth, waterways and skies.

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1.0 Introduction

This Planning Report is submitted to the City of Sydney Council (**Council**) on behalf of The Great Synagogue Sydney in support of an application for an award of heritage floor space (**HFS**) at 187A Elizabeth Street, Sydney, also known as 166 Castlereagh Street (the **site**). This is the site of The Great Synagogue, being a State heritage item that has been in existence since the 1870s, and is one of the most heritage significant places of public worship within the NSW State Heritage register.

Specifically, this application seeks:

- Approval of the Conservation Management Plan prepared by Urbis, appended to this report at **Appendix A**;
- An award of 3,450.4m² of heritage floor space pertaining to works completed on the site between 1989 and 2023; and
- Removal of the existing restrictive covenants on title pertaining to the previous award of heritage floor space from 1989.

Council can award heritage floor space under clause 6.10(2) of the *Sydney Local Environmental Plan 2012 (SLEP 2012)* if certain criteria are met. Clauses 6.10(1) and (2) provide as follows:

“6.10 Heritage floor space

- (1) **Objective** *The objective of this clause is to provide an incentive for the conservation and on-going maintenance of heritage buildings within Central Sydney.*
- (2) **Creation of heritage floor space** *The Council may record in the register an amount of heritage floor space in respect of a person if—*
 - (a) *the person is the owner or the nominee of the owner of a building that is a heritage item shown marked “*” in Schedule 5 (a **heritage building**), and*
 - (b) *the heritage building is on land in Zone SP5 Metropolitan Centre, and*
 - (c) *conservation works have been carried out on the heritage building and have been completed in accordance with a heritage conservation management plan approved for the building by the consent authority, and*
 - (d) *a covenant is registered that prevents development that increases the total gross floor area of all buildings on the site on which the heritage building is located or that increases the height of the heritage building, and*
 - (e) *an amount of heritage floor space has not been recorded in the previous 25 years (under this clause or under a similar scheme in force before the commencement of this Plan) in respect of the heritage building, and*
 - (f) *no other building has utilised floor space that was available to it only because, at the time the floor space was utilised, the building was on a site that included the heritage building or that included part of the site occupied by the heritage building.”*

The Great Synagogue Sydney is eligible for an award of heritage floor space as the criteria in clause 6.10(2) have been, or are capable of being, satisfied, as discussed in **Section 5.2** of this report. In summary:

- The Great Synagogue Sydney owns the site, which is listed as Heritage Item I1750 and is marked with a “*” in Schedule 5 of the SLEP 2012;
- The heritage building is on land in the SP5 Metropolitan Centre zone;
- Conservation works to the building have been completed in accordance with the Conservation Management Plan prepared by Urbis, for which Council's approval is sought (**Appendix A**); and
- The Great Synagogue Sydney was previously awarded 1,826m² of heritage floor space on 14 June 1988, following the carrying out of approved conservation works. All of the awarded floor space was sold. As this award was made more than 34 years ago, The Great Synagogue Sydney is now eligible to apply for a further award.

This application seeks an award of HFS in accordance with the **rateable buildings formula** under the *Sydney Development Control Plan 2012 (SDCP 2012)*, following Council's recent amendments to the SDCP 2012, which deleted the non-rateable formula.

This report is accompanied by the documentation listed in the table of contents.

This report is structured as follows:

- **Section 1.0** outlines the purpose of this report.
- **Section 2.0** provides a background of The Great Synagogue, outlines the previous HFS award, the existing easements and covenants on title, and the previous development consents on the site.
- **Section 3.0** describes the site by reference to its location and existing development.
- **Section 4.0** summarises conservation undertaken at The Great Synagogue, including details around the Conservation Management Plan, conservation works completed, ongoing conservation and maintenance works, and heritage interpretation works.
- **Section 5.0** sets out the statutory planning framework that applies to the site.
- **Section 6.0** sets out the details of the HFS award that is sought.
- **Section 7.0** provides an assessment of the proposal by reference to the statutory planning context and the likely impacts of the proposal.
- **Section 8.0** provides a conclusion to the HFS application.

2.0 Background

2.1 The Great Synagogue

The Great Synagogue is of State and national significance as the earliest surviving synagogue in mainland Australia still in use, which has represented the centre of Jewish worship and culture in New South Wales and Australia since the 1870s and was the product of the merger of two earlier congregations, one of which operated from 1810.

The Great Synagogue is a major landmark of Sydney. It is the only high Victorian style Synagogue in Australia and is one of the most elaborately decorated Victorian buildings in Sydney, internally and externally. Given the history of the 20th Century, it stands as one of the few remaining ornate Victorian synagogues in the world. The building also represents one of the finest works of the leading NSW architect, Thomas Rowe.

As with all Synagogues in the Australian Jewish community, it is funded solely by its membership (currently ~750 members) and while its membership has grown over recent years, it is well below its historical peak (in excess of 1,500 members). The Synagogue operates a Foundation as a registered charity and raises money from membership fees and donations. The site is owned by the Synagogue by operation of The *Great Synagogue Act of 1937* which vested the land.

Alongside the Act, The Great Synagogue is required by the positive covenant on its title to ensure that it:

- Exeditiously repairs and restores the buildings on the land by completing restoration works as required,
- Maintains the buildings in a proper condition and state of repair; and
- Maintains building insurance under a replacement and reinstatement policy, in an amount agreed to by the Council.

The need to operate a fully functioning Synagogue that provides pastoral care for its members and fulfils the role at the religious heart of its community means that a certain level of operational expenditure is required each year. When coupled with the need to maintain such an important and historic building for the broader New South Wales community, it puts a significant strain on the financial resources of the Synagogue.

Despite this financial strain, The Great Synagogue has been well maintained with significant restoration works having been completed when required. General repairs and maintenance of the Synagogue have averaged ~\$375,000 per annum since 2014, which has contributed to the average annual cash-flow deficit position of the Synagogue of ~\$700,000 over the same time period. Restoration and maintenance of the Synagogue is ongoing and, with a building of the age of The Great Synagogue, this only increases in size and complexity each year.

2.2 Previous HFS Award

On 19 October 1986, The Great Synagogue, Sydney submitted an application to the City of Sydney Council to permit the transfer of potential development rights under Council's Development Control and Floor Space Ratio Code adopted by Council on 6 December 1971.

On 14 June 1988, the City of Sydney Council approved the staged award of 1,826m² of heritage floor space to The Great Synagogue, Sydney (see Council file D02-00024). The amount of 1,826m² was equal to twice the site coverage of the building. The award was conferred in two equal stages, with the second stage transferred upon the completion of certain conservation works. According to Council's Register of Transferrable Floor Space, 913m² was granted on 15 May 1989 and a further award of 913m² was granted on 22 December 1989.

A restrictive covenant and deed dated 18 May 1989 was then registered on title, preventing any increases in floor space above the maximum allowable under the relevant planning instrument, less an amount of 1,826m².

2.3 Restrictions on Title

The site is subject to following restrictions on title as summarised in **Table 1**. Copies of the restrictions on title are provided in **Appendix B**.

Table 1 *Restrictions on title*

Dealing	Date	Detail
Y647847	18 May 1989	<p>Restriction on the use of land. The restriction provides as follows (in summary):</p> <ol style="list-style-type: none"> 1. The landowner shall not demolish any building or structure on the land without Council's written approval; 2. The landowner shall not build any further structure on, under or over the land without Council's written approval; 3. The landowner shall not erect any buildings on or over the land which would result in the 'Total Floor Area' of buildings on the land exceeding the maximum permissible 'Total Floor Area' under the relevant planning instrument, less an amount of 1,826sqm; 4. The landowner shall not use "any building now on the land... or any part thereof" for any purpose other than related to a place of public worship for the Jewish faith. <p>The effect of Restriction 3 is to reduce the maximum permissible gross floor area on the site. With a 'base' permissible GFA of 6,900.8m² (excluding accommodation floor space and design excellence bonuses), the effect of Item 3 is to reduce this to 5,074.8m².</p>
Y647848		<p>Positive covenant. The covenant provides as follows (in summary):</p> <ol style="list-style-type: none"> 1. The landowner shall expeditiously repair and restore the buildings on the land by completing certain restoration works; 2. The landowner shall maintain the buildings in a proper condition and state of repair; 3. The landowner shall maintain building insurance under a replacement and reinstatement policy, in an amount agreed to by the Council.
5099354	Unknown	<p>Easement for overhanging cornices. The details of this easement are not known, however it is not considered relevant to this application.</p>

2.4 Previous Development Consents

Table 2 below includes a list of the development consents relating to the site, as detailed on the City of Sydney's online DA register.

Table 2 *Summary of previous development consents*

Application No.	Date of approval	Description of approved development
D/2015/14	30 January 2015	Modifications to a non-original door opening and provision of extra security openings behind the front façade within modern nonsignificant fabric.
D/2020/611	7 September 2020	Installation of glass sliding doors to the portico of The Great Synagogue.

3.0 The Site

3.1 Site Description

The site is located at 187A Elizabeth Street, Sydney within the City of Sydney local government area (**LGA**). It is on the western side of Elizabeth Street, opposite Hyde Park and north of Park Street.

The site is legally described as Lot 1 DP 52572. The land is owned by The Great Synagogue, Sydney. The site has an area of 862.6m² in accordance with the Survey Plan (refer to **Appendix C**). It has dual frontages to Elizabeth and Castlereagh Streets of 19.5m and 19.3m respectively, and a depth of 45.86m. An aerial photo of the site is shown at **Figure 1**.



 The Site

 NOT TO SCALE

Figure 1 Aerial photo

Source: Nearmap, edited by Ethos Urban

3.2 Existing Development

The site accommodates The Great Synagogue, a building of State and potentially national significance as the earliest surviving synagogue in NSW still in use. The Great Synagogue consists of two main sections: the original synagogue (house of worship) at the Elizabeth Street end, and a six-storey modern section at the Castlereagh Street end behind the facade of the original Beadle's residence. Despite the more modern additions on the Castlereagh Street side, the whole site is heritage listed under the SLEP 2012.

Photographs of the site are provided in **Figures 2 and 3**.



Figure 2 *The Great Synagogue as viewed from Elizabeth Street*

Source: Ethos Urban



Figure 3 *The Great Synagogue as viewed from Castlereagh Street*

Source: Ethos Urban

4.0 Conservation Management Plan

Urbis has prepared a draft Conservation Management Plan (**Draft CMP**) which is attached to this report at **Appendix A**. The purpose of the Draft CMP is to assess the significance of The Great Synagogue and submit to Council as part of an application for HFS. The Draft CMP provides a careful analysis of why the heritage item is significant, policies on how to retain its significance, and conservation strategies and measures that have been and will continue to be employed to ensure its long-term viability.

4.1 Statement of significance

The Draft CMP includes a number of statements of significance from various sources, including a previous CMP prepared by Orwell & Peter Phillips Architects in 2007, the inventory form from the State Heritage Register and the inventory form from the SLEP 2012. Having regard to those and an assessment of the site's heritage significance, Urbis has prepared the following statement of significance in the Draft CMP:

The Great Synagogue is the earliest surviving synagogue within the Sydney metropolitan area and one of the earliest surviving synagogues within New South Wales. The Great Synagogue has been the centre of Jewish worship and culture in Sydney since its consecration in 1878. The prominent position of The Great Synagogue, its architectural grandeur and collection of important Hebrew and other religious artefacts embodies and demonstrates the early development and importance of the Jewish faith and culture in New South Wales during the nineteenth century.

The Great Synagogue is a major landmark of Sydney and represents one of the most elaborately decorated Victorian Free Gothic style buildings internally and externally. The Great Synagogue is associated with the prominent architect Thomas Rowe who designed many other landmark buildings in Sydney and is an example of one of his finest surviving works. It is the only Synagogue of its style and age within Australia and is one of a few exemplary international synagogues designed in a similar style. It contains excellent examples of the best quality work of moulded plaster, carved stone, decorative tiling and stained glass from Australia, United Kingdom and America and is associated with builder Aaron Loveridge and notable contractors and suppliers such as Lyon and Cottier and P.N. Russell.

4.2 Conservation works completed since the last HFS award

The Draft CMP in Sections 3.2.24 to 3.2.26 provides a description of the conservation works that have been completed since the last HFS award in 1989, which form the basis for the award of HFS. A summary of these conservation works listed in the CMP is provided in **Table 3** below.

Table 3 List of conservation works completed since last HFS award

Date	Works
1989	Installation of a sprinkler system. Restoration of the tiled floors (formerly covered by carpet). Spray painting of the main gasoliers (as a temporary measure pending full conservation) and reconstruction of stencilled decorations to the columns. Other painted decorations were introduced at the same time. The bimah had previously been extended forward to allow more level space in front of the Ark, with a temporary timber platform and steps placed over the original steps on each side. The side steps were now replaced in concrete with tiling matching the original, using some tiles salvaged from the original steps beneath the bimah. Installation of new recessed lights around the edges of the soffit to the gallery, and security glass to the windows of the Elizabeth Street porch.
2001	Repair of the stonework at the top of the two towers which were in urgent need of repair. During the repairs, it was discovered that the two domes had been reinforced when constructed with a wrought iron strap in the form of a ring embedded in the stone at the base of the domes, combined with timber ties across the base to restrain the strap.
2004	Conservation of brasswork on the bimah.
2005	The interior of the sanctuary was scaffolded and the interior was repainted in the 1979 and 1989 colour scheme.

Date	Works
	Reconstruction of a number of missing pieces of decorative plaster and cast iron balustrade.
	Rewiring the main light fittings.
	Conserving the polished brass Eternal Light above the bimah.
	Repair of decorative tiling on the floor of the sanctuary and porch.
	Replacement of carpet.
	Construction of new pews to replace unsightly seating at the eastern end of the Ladies' Gallery.
2006	The refinishing of the original gas light fittings and reintroduction of natural ventilation to the sanctuary.
2007	Order replacement tessellated tiles from UK. Replace where required in Synagogue Sanctuary. Remove, refurbish and rewire suspended chandeliers.
2008	Refurbish brass candelabra at steps and surrounding reading desk. Installation of mechanical ventilation.
2009	Replacement of lift.
2015-2022	Security upgrade to Castlereagh Street entry.
2016	Periodic slate roof repairs and anti-bird protection.
2017	Install footpath flood lights requested by City of Sydney Council.
2018	Install glass balustrading to ladies' gallery. Installation of door closers, unable to have 1870 closers re-made in UK. Replace cooling tower fan and motor. Refurbish Rabbi Falk library.
2016-2020	Periodic guttering repairs, damp proofing and paint maintenance.
2019	Replace all exit and emergency lights and general lighting with LED fittings. Internal and external major security upgrade. Roof safety upgrade. Installation of additional fire and security doors. Connect to systems.
2018-2022	Complete restoration of the TGS Gates on Elizabeth Street. The works included the rewiring of all electrics and the complete restoration of the iron gates (which took 18 months). These works were undertaken by John Toner – Scobie McIntosh, specialist heritage metal worker and restorer.
2020	Upgrade to CCTV security systems. Replace reticulated water supply from meter. Installation of glass security screen to portico (DA 2020/611). Works to commence late October 2020.
2020-2022	Continual slate roof repairs and anti-bird protection.
2020-2023	Continual guttering repairs, damp proofing and paint maintenance. Cooling Tower inspections and certifications. Fire Certification – many safety upgrades that have taken place of the last couple of years. This includes replacement of fire dampers, hydrant pressure testing and replacement and integration of all egress requirements for security airlock and exit doors to Castlereagh Street entrance.
2021	Installation of stage 1 disability lift at the Castlereagh Street entrance. Office reconfiguration and rebuild of Rabbi's office.

Date	Works
2021-2022	Installation of refurbished internal green doors within the portico. Reversed opening (to open out) and new electronic roller shutters. All exit doors are equipped with panic bars and rollers shutters all connected with the fire and security systems. Handrails installed in portico.
2022	Repairs to leadlight panels North & South towers.
2023	Commissioning of access controls including emergency buttons within the Portico.

Source: Urbis

4.3 Conservation policies

The Draft CMP sets out a total of 132 conservation policies to retain, conserve, restore or reveal the heritage significance of The Great Synagogue. This includes a number of policies for the conservation and maintenance of the building. The Draft CMP notes that The Great Synagogue is currently in a very good condition. Notwithstanding this, regular maintenance and scheduled conservation works are required to be implemented to conserve the heritage significance and identified significant fabric of the place. Ongoing maintenance should be undertaken in accordance with a cyclical maintenance plan.

4.4 Condition Assessment

A Condition Assessment for the existing building was prepared in June 2020 by Mott Macdonald and is provided at **Appendix D**. This Condition Assessment has been reviewed by AC Been Consulting Engineers Pty Ltd as part of the Condition Assessment Cover Letter at **Appendix E** who confirm the extent of observable defects as generally outlined in the Mott Macdonald report, as well as some additional defects or changes in condition of defects previously observed.

4.5 Cyclical Maintenance Plan

A Cyclical Maintenance Plan is included within Section 10 of the Draft CMP to provide guidance for the ongoing maintenance and management of heritage fabric at the property (refer to **Appendix A**). This Cyclical Maintenance Plan outlines the following information:

- current condition and immediate works;
- required ongoing maintenance; and
- monitoring and maintenance requirements and recording.

Further detail in this regard is provided in the Draft CMP at **Appendix A**.

4.6 Heritage Interpretation

A Heritage Interpretation Plan (**Appendix F**) has been prepared by Urbis to consider the opportunities for heritage interpretation across the site. The report concludes that no further heritage interpretation is recommended at this stage due to the extensive interpretation that has been implemented across the site to date and the overall condition of the building and these interpretation elements. This includes the following media:

- Markers and interpretation signage.
- The A.M Rosenblum Museum and Collections.
- Website.
- Tours and Events
- Ongoing Conservation and the reinstatement of lost characteristics and features.

A number of recommendations and considerations for future interpretation have also been identified, including:

- Future signage should only be proposed to mark specific occasions or anniversaries. The location, material and style of new signage should be carefully considered and in keeping with existing signage that mark special events, anniversaries or occasions.
- At this stage, due to the extensive displays in the Museum, additional didactic signage that highlights the history and significance of the place are not required. The Museum offers an appropriate place to display didactic information on the history and significance of the place, without impacting other significant spaces within the place.
- The restoration of lost historic features or finishes should be explored when alterations are proposed to the site. However, the reinstatement or restoration of lost features should be undertaken only when appropriate.

- Future Interpretation strategies could utilise digital media as an alternative to didactic signage. This could come in the form of an interactive website or display within the building or an app that further provides information on the history and significance of the place. However, due to the significant level of interpretation already implemented across the site this is not considered to be a necessity.
- All future Heritage Interpretation should be informed by Policies 127-132 outlined in the CMP (and included in section 1.4.2 of this report).

Further detail is provided in the Heritage Interpretation Plan prepared by Urbis at **Appendix F**.

5.0 Statutory Planning Framework

5.1 Heritage Act 1977

The *NSW Heritage Act 1977* (Heritage Act) is administered by the NSW Office of Environment and Heritage. The purpose of the Heritage Act is to ensure cultural heritage in NSW is adequately identified and conserved. Items of significance to the State of NSW are listed on the NSW State Heritage Register (SHR) under the Act. The Great Synagogue is listed as a heritage item of State significance on the SHR (Listing No. 01710, gazette date 10 September 2004). The State Heritage Register curtilage is shown in **Figure 4** below.

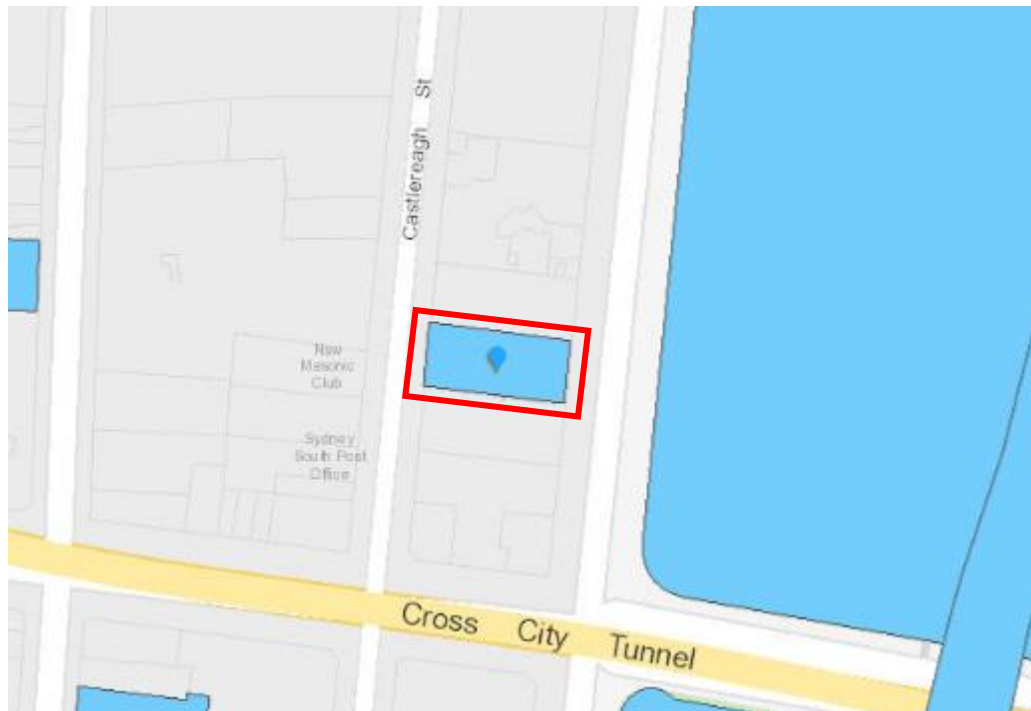


Figure 4 State Heritage Register Curtilage for The Great Synagogue

Source: NSW State Heritage Inventory and Ethos Urban

5.2 Sydney Local Environmental Plan 2012

The principal environment planning instrument that applies to the site is the SLEP 2012, which provides the relevant controls for the award of HFS. Notably, as the proposal only relates to an award of HFS, the only relevant provisions in the SLEP 2012 are contained within Clause 6.10(2) of the SLEP 2012. Specifically, Clause 6.10(2) of the SLEP 2012 relates to the 'Creation of heritage floor space' and outlines the criteria that need to be met in order to create heritage floor space. A response to each of these criteria, as they relate to the proposal, is set out below.

(a) the person is the owner or the nominee of the owner of a building that is a heritage item shown marked "*" in Schedule 5 (a heritage building)

The site is shown as a heritage item in the SLEP 2012 Heritage Map (refer to **Figure 5**). The site is also listed as a heritage item under Schedule 5 of the SLEP 2012 and it is marked with "*", signifying that it is a heritage building and therefore is eligible for the award of heritage floor space. All the details pertaining to the site's SLEP 2012 heritage listing are provided in **Table 4** below.

Table 4 Schedule 5 heritage listing under the SLEP 2012

Locality	Item name	Address	Property description	Significance	Item no
Sydney	The Great Synagogue including interior	187A Elizabeth Street	Lot 1, DP 52572	State	11750*

Source: SLEP 2012

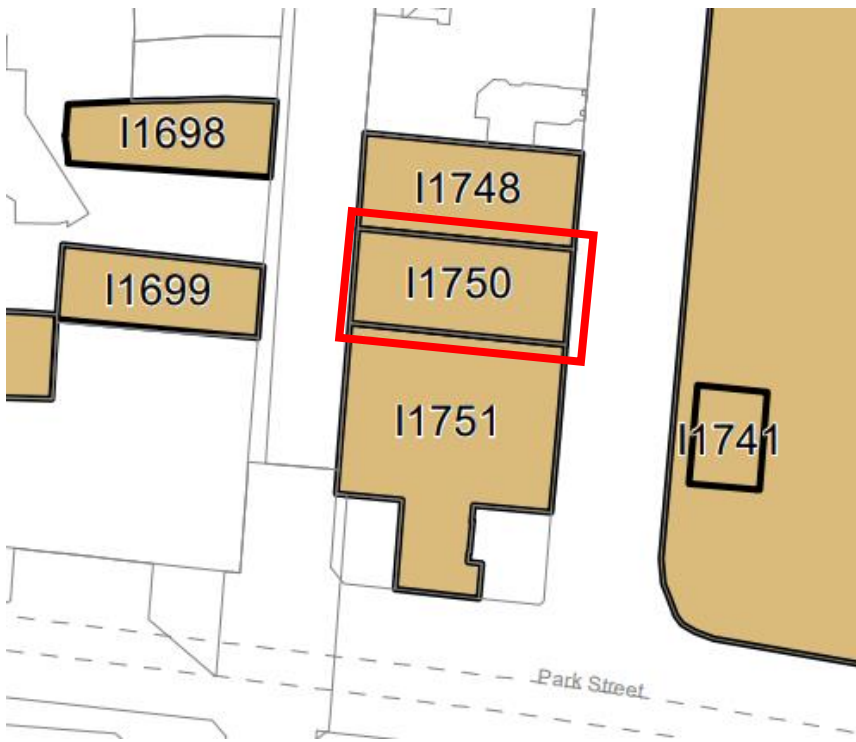


Figure 5 SLEP 2012 Heritage Map

Source: SLEP 2012 and Ethos Urban

(b) the heritage building is on land in Zone SP5 Metropolitan Centre

The site is located on land in zone SP5 Metropolitan Centre, as illustrated in **Figure 6** below.

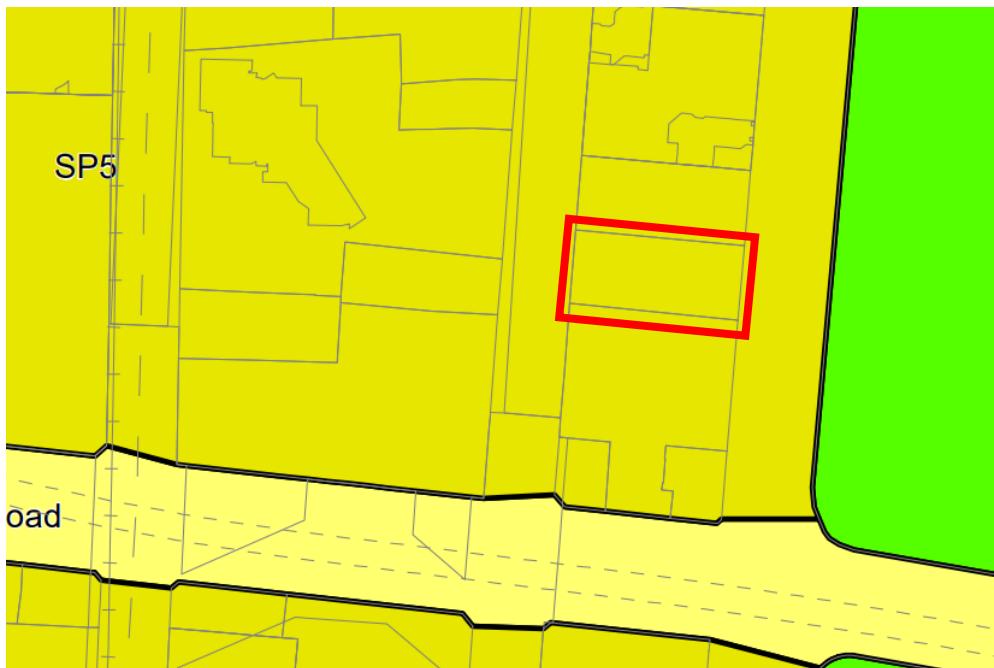


Figure 6 SLEP 2012 Land Zoning Map

Source: SLEP 2012

(c) conservation works have been carried out on the heritage building and have been completed in accordance with a heritage conservation management plan approved for the building by the consent authority

A CMP is submitted with this application for endorsement and outlines the conservation works that have been completed (refer to **Appendix A**). Certification of the conservation works completed has also been provided at **Appendix G**.

(d) a covenant is registered that prevents development that increases the total gross floor area of all buildings on the site on which the heritage building is located or that increases the height of the heritage building

A restrictive covenant will be registered on the title for the land that will limit any future redevelopment of the site to the total GFA and height of the conserved heritage building. It is anticipated that as the consent authority Council will impose a condition on any approval that requires such a covenant to be in place prior to the award of HFS.

(e) an amount of heritage floor space has not been recorded in the previous 25 years (under this clause or under a similar scheme in force before the commencement of this Plan) in respect of the heritage building

On 24 June 1988, the City of Sydney Council approved the staged award of 1,826m² of heritage floor space to The Great Synagogue Sydney. According to Council's Register of Transferrable Floor Space, 913m² was granted on 15 May 1989 and a further award of 913m² was granted on 22 December 1989.

Since the award of the second staged amount of HFS on 22 December 1989, 34 years have passed, and there has not been any award of HFS in the interim. As such, the site is eligible for a re-award of HFS.

(f) no other building has utilised floor space that was available to it only because, at the time the floor space was utilised, the building was on a site that included the heritage building or that included part of the site occupied by the heritage building

There are no records to suggest that HFS has been recorded in relation to the site.

5.3 Sydney Development Control Plan 2012

Section 5.1.6 of the Sydney Development Control Plan 2012 (SDCP 2012) relates to heritage floor space, including its award and allocation. It specifies the following award and allocation procedures:

- the ability for the owner of a heritage building, subject to meeting certain criteria, to be awarded an amount of Heritage Floor Space after completing conservation works to that building;
- a requirement that a building in Central Sydney may only exceed the floor space ratio shown on the Floor space ratio map in Sydney LEP 2012 if an amount of Heritage Floor Space has been allocated or transferred to the development from the register of available Heritage Floor Space; and
- a register held by Council that details awards and allocations of Heritage Floor Space.

An assessment of the proposal's compliance with the relevant provisions of Section 5.1.6 of the SDCP 2012 is provided in **Table 5** below.

Table 5 Assessment of compliance with the relevant provisions of SDCP 2012

Provisions	Response	Compliance
5.1.6.1 Eligibility of heritage buildings to be awarded heritage floor space		
(1) To be eligible for an award of HFS, a heritage building is to be: (a) located in the Central Sydney area; (b) subject to conservation works in accordance with an approved Conservation Management Plan; and (c) not subject to works that would increase the external envelope and floor space of the building, other than a minor increase to facilitate the adaptive re-use of the heritage building.	The site is eligible for an award of HFS as it involves a heritage building which is: • located within the Central Sydney area; • approval of the CMP included at Appendix A is sought as part of this application. The award of HFS is on the basis of the conservation works that have been undertaken since 1989, as detailed further in the CMP at Appendix A . • the works that have and will be undertaken in relation to The Great Synagogue are for its conservation and not to increase its external envelope or floor space.	✓
5.1.6.2 Pre-requisites for the award of Heritage Floor Space		
(1) Prior to registration of the HFS, the applicant must complete the conservation works in accordance with the Conservation Management Plan	The proposal meets all the prerequisites listed in this provides as: • The award of HFS is sought is on the basis of the conservation works that have been completed since 1989.	✓

Provisions	Response	Compliance
<p>and enter into legal agreements and grant covenants on the land which:</p> <p>(a) limit any future redevelopment of the site to the total gross floor area and height of the conserved heritage building; and</p> <p>(b) ensure the ongoing conservation of the building by regular maintenance, including the provision of adequate insurance and a maintenance fund.</p>	<ul style="list-style-type: none"> • A restrictive covenant will be registered on the title that limits any future redevelopment of the site to the total gross floor area and height of the conserved heritage building. • A Cyclical Maintenance Plan detailing the ongoing maintenance procedures that will take place is included within Section 10 of the CMP at Appendix A. 	
<p>(2) A Conservation Management Plan for the heritage item is to be approved by the consent authority and is to generally include:</p> <p>(a) works to conserve the existing significant fabric of the building;</p> <p>(b) removal of elements that detract from the significance of the building;</p> <p>(c) the schedule of maintenance works;</p> <p>(d) reinstatement of original fabric based on documentary evidence where appropriate; and</p> <p>(e) other works compatible with significance of the building.</p>	<p>Approval of the CMP included at Appendix A is sought as part of this application. The section where each of the relevant prerequisites is addressed is as follows:</p> <ul style="list-style-type: none"> • Sections 3.2.24 to 3.2.26 of the CMP include a comprehensive list of the works undertaken to conserve the existing significant fabric of the building since 1989. • A Cyclical Maintenance Plan is included in Section 10 of the CMP detailing the ongoing maintenance procedures, and including a schedule of future maintenance works, in addition to the list of maintenance works that have been undertaken since 1989. • The CMP includes seeks to conserve significant fabric and remove detracting elements, however not without approval by a heritage architect, as evidenced in Section 10.4 of the CMP relating to 'Maintenance Guidelines'. • There are numerous policies contained within Sections 9.2 – 9.10 of the CMP which also align with this prerequisite that works are compatible with the significance of the building. • The policies included in the CMP allow for reinstatement of original fabric in certain instances, for example Policy 41. 	✓
5.1.6.3 Calculating the heritage floor space to be awarded		
<p>The maximum amount of HFS, measured in sqm that may be awarded to a heritage building is to be calculated using the Formula below.</p>	<p>Section 6.0 includes the calculation of the HFS that is to be awarded. The application seeks the award of HFS in the order of 3,450.4m².</p>	✓
5.1.6.8 Heritage floor space procedures and administration		
<p>(1) An application for an award of HFS is to include a Conservation Management Plan for conservation works and ongoing maintenance of the building.</p>	<p>A CMP is included at Appendix A, for which endorsement is sought as part of this application. A Cyclical Maintenance Plan is included in Section 10 of the CMP at Appendix A.</p>	✓
<p>(4) HFS may only be allocated and used once in a development.</p>	<p>Noted.</p>	✓

6.0 Proposed Award of Heritage Floor Space

6.1 Details of the proposed award

This application seeks an award of **3,450.4m²** of heritage floor space, determined in accordance with the following formula in the SDCP 2012:

$$\text{HFSH} = 0.5\text{AS} \times \text{FSRH}$$

Where:

HFSH is the maximum amount of Heritage Floor Space which may be awarded in sqm;

AS is the site area in sqm occupied by the heritage building;

FSRH is the maximum FSR for the site of the heritage building as shown on the LEP FSR Map.

The site area is 862.6m² and the maximum FSR as shown on the LEP FSR Map is 8:1. Therefore, the maximum amount of HFS which may be awarded is 3,450.4m². Accordingly, the application seeks an award of 3,450.4m².

6.2 Potential reductions to the maximum available award

Clause 5.1.6.3(3) of SDCP 2012 allows Council to reduce the maximum amount of HFS which may be awarded by an amount equivalent to:

(a) any existing additions or alterations to the heritage building which the consent authority does not consider feasible to be demolished or altered even though those alterations and additions are:

(i) of little or no significance to the heritage significance of the building; or

(ii) intrusive to the building;

(b) any proposed addition which increases the gross floor area of the existing heritage building; and

(c) any areas where elements of heritage significance are proposed to be demolished, in order to facilitate the adaptive re-use of the heritage building.

Importantly, it is noted that all the built form elements within the heritage building contribute to the ongoing successful operation of The Great Synagogue and therefore are of significance to the heritage building. On this basis, there should not be any reductions to the HFS award.

6.3 New restriction on title

Clause 6.10(2)(d) of SLEP 2012 states that Council may record an amount of HFS in respect of a person if a covenant is registered that prevents development that increases the total GFA of all buildings on the site or that increases the height of the heritage building.

In accordance with the SLEP 2012, GFA is defined as:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

(a) the area of a mezzanine, and

(b) habitable rooms in a basement or an attic, and

(c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes—

(d) any area for common vertical circulation, such as lifts and stairs, and

(e) any basement—

(i) storage, and

(ii) vehicular access, loading areas, garbage and services, and

(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

(g) car parking to meet any requirements of the consent authority (including access to that car parking), and

(h) any space used for the loading or unloading of goods (including access to it), and

- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

CMS Surveyors has determined that the GFA of the existing building is 2,107m² (refer to GFA Statement and Plans at **Appendix H**) and that the height to the top of the spire is RL 48.22 (refer to Survey Plan at **Appendix C**).

Clause 5.1.6.2 of SDCP 2012 states that the applicant must enter into a legal agreement with Council which limits any future redevelopment of the site to the total GFA and height of the conserved heritage building.

The GFA and height outlined in this section will be reflected in the wording of the proposed covenant that will be agreed with Council.

7.0 Planning Assessment

This section considers the planning issues relevant to the proposed development and provides an assessment of the relevant matters prescribed in section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

7.1 Satisfaction of SLEP 2012 Criteria

As demonstrated in **Section 5.2**, the proposal is considered to be consistent with all the relevant provisions of the SLEP 2012 relating to the award of HFS. The proposal does not raise any issues in relation to any other SLEP 2012 provision.

7.2 Satisfaction of DCP Criteria

As demonstrated in **Section 5.3**, the proposal is consistent with all the relevant provisions of the SDCP 2012 relating to the award of HFS.

8.0 Conclusion

This Planning Report supports an application seeking endorsement of the CMP and the award of HFS by the City of Sydney Council to The Great Synagogue, located at 187A Elizabeth Street, Sydney.

The assessment has concluded that the proposal is:

- eligible under the requirements for an award of HFS;
- consistent with the relevant provisions of the SLEP 2012 and SDCP 2012 relating to the award of HFS;
- suitable for the site and consistent with Council's HFS policies; and
- in the public interest as it will allow for the conservation of a highly significant State heritage item.

Approval of this application and the award of HFS to The Great Synagogue will contribute to the supply of HFS which is required by new developments in Central Sydney. It will also provide the City of Sydney with an opportunity to access additional funding to continue its core conservation and heritage interpretation works, which are in the public interest.

Accordingly, it is recommended that Council approve the application.