

### **3.3 Amendment C342boro - Kew Hebrew Congregation Heritage Overlay - Panel report and recommendations**

#### **Abstract**

On 24 May 2020, Council received a request from a community member to investigate the heritage significance of the buildings located at 53 Walpole Street, Kew currently not protected by the Heritage Overlay. This request was made in response to a planning permit application to expand facilities for a school which proposed demolition of many of these buildings.

Following a heritage assessment by Council's heritage consultant Context, the Urban Planning Delegated Committee (UPDC) resolved on 7 September 2020 to adopt the heritage citation for the site and to seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment to introduce a permanent Heritage Overlay across the entire site.

Authorisation for Amendment C342boro was granted on 13 November 2020. Public exhibition of the amendment was carried out between 18 February 2021 and 19 March 2021.

On 17 May 2021, the UPDC considered a report on the exhibition of Amendment C342 and resolved to refer the amendment, and all submissions received, to an independent Planning Panel for consideration.

A planning panel was held from 22 to 30 July 2021 to consider all submissions received. Three submitters appeared before the panel.

The panel's report was received on 13 September 2021. The Panel has ultimately supported Council's position that the Heritage Overlay be extended over the entire site, subject to some changes to the exhibited heritage citation.

Concurrently, on 22 September 2020, Council issued a Notice of Decision to Refuse to Grant a planning permit to redevelop part of the site for an expansion of the existing school, which provides an education centre for children with autism. The applicant appealed Council's decision to the Victorian Civil and Administrative Tribunal (VCAT). The Minister for Planning subsequently called in the application and referred the matter to the Priority Projects Standing Advisory Committee (SAC) for advice.

Following the SAC hearing in June 2021, the Minister for Planning advised Council on 2 September 2021 he had decided to issue a planning permit for development of the site. The Minister also refused Council's request to implement an interim Heritage Overlay, on the grounds that this would prevent the permitted development. Council officers have issued the planning permit and consent for the demolition, as required by the Minister's decisions.

While the Minister has granted a planning permit implying demolition of buildings on the site, and has refused Council's application for an interim Heritage Overlay, for the time being the buildings remain in place. Issuing a planning permit is no guarantee the proposed works will take place. The property has been identified as having heritage significance worthy of protection by a Heritage Overlay. Until there is a material change to the buildings on the site, that significance remains.

It is therefore recommended that the UPDC resolve to adopt the revised heritage citation, incorporating the changes recommended by the planning panel, and refer the amendment to an Ordinary Meeting of Council to be adopted.

## Officers' recommendation

That the Urban Planning Delegated Committee resolve to:

1. Receive and acknowledge the Panel's report and recommendations, as shown at **Attachment 1**, in accordance with Section 27(1) of the *Planning and Environment Act 1987*.
2. Adopt the revised heritage citation as shown at **Attachment 2**.
3. Refer the updated Amendment C342boro to an Ordinary Meeting of Council to be adopted in accordance with Section 29(1) of the *Planning and Environment Act 1987*.
4. Authorise the Director Urban Living to undertake administrative changes to the amendment and associated planning controls that do not change the intent of the controls.

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**Responsible director:**     **Scott Walker, Director Urban Living**

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## **1. Purpose**

The purpose of this report is to:

1. Provide an update to the Urban Planning Delegated Committee (UPDC) on the outcomes and recommendations of the planning panel process for Amendment C342boro.
2. Seek a resolution from the UPDC to refer Amendment C342boro to an Ordinary Meeting of Council for adoption.

## **2. Policy implications and relevance to community plan and council plan**

### **Council Plan 2017-2021**

The identification and protection of identified heritage places through the Study and amendment is consistent with the strategic objective to 'Protect the heritage and respect the character of the City to maintain amenity and liveability whilst recognising the need for appropriate, well-designed development for future generations' under Theme 4 - Neighbourhood Character and Heritage.

Specifically, it assists in implementing Council's commitment to '*Preserve the City's history and protect heritage properties and precincts by undertaking a municipal wide heritage review and introduce heritage overlays in the Boroondara Planning Scheme*' (Strategy 4.3).

The amendment will further assist Council in fulfilling its major initiative commitment to 'protect the City's heritage by continuing a municipal wide heritage assessment of all areas not currently subject to a heritage overlay in the Boroondara Planning Scheme'.

### **Boroondara Community Plan 2017-27**

The Boroondara Community Plan 2017-27 sets out the 10 year vision for Boroondara's future based on values, aspirations and priorities important to the community.

The amendment implements Strategic Objective 4 of the Plan: *Protect the heritage and respect the character of the City to maintain amenity and liveability while recognising the need for appropriate, well-designed development for future generations.*

Specifically, the amendment implements the following strategies:

- **Strategy 4.3** - Preserve the City's history and protect heritage properties and precincts by undertaking a municipal-wide heritage review and introduce heritage overlays in the Boroondara Planning Scheme.
- **Strategy 4.6** - Engage with owners and developers to achieve a balance between development and protection of neighbourhood character, heritage and amenity.

## Heritage Action Plan 2016

The Heritage Action Plan was adopted by Council on 2 May 2016 and establishes the framework to guide Council's heritage work program as it relates to the identification, protection, management and promotion of Boroondara's heritage assets.

The amendment is consistent with the following themes of the Heritage Action Plan 2016:

- Knowing - which seeks to identify, assess and document heritage places.
- Protecting - which seeks to provide statutory protection for identified heritage places.

## Boroondara Planning Scheme

The amendment is consistent with the objectives of the Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF). In particular it addresses the following Clauses:

- Clause 15.03-1S - *Heritage Conservation* which seeks to '*ensure the conservation of places of heritage significance*' by identifying, retaining and protecting places with identified heritage significance.
- Clause 21.04-5 - *Built Environment and Heritage* of the Municipal Strategic Statement which includes the objective '*to identify and protect all individual places, objects and precincts of cultural, aboriginal, urban and landscape significance*'.
- Clause 22.03-2 - Heritage Policy which seeks to '*preserve 'significant' heritage places, protecting all significant heritage fabric including elements that cannot be seen from the public realm*'.

Both the PPF and LPPF seek to ensure the HO is applied to protect places of heritage significance in the City of Boroondara.

## Plan Melbourne 2017-2050

The identification, assessment and protection of places of local heritage significance are supported by Outcome 4 of *Plan Melbourne* which seeks to ensure '*Melbourne is a distinctive and liveable city with quality design and amenity*'. Direction 4.4 recognises the contribution heritage makes to Melbourne's distinctiveness and liveability and advocates for the protection of Melbourne's heritage places.

In particular, Policy 4.4.1 recognises the need for '*continuous identification and review of currently unprotected heritage sites and targeted assessments of heritage sites in areas identified as likely to be subject to substantial change*'.

The amendment is consistent with these *Plan Melbourne* directions and initiatives.

## Planning and Environment Act 1987

The amendment is consistent with the objectives of planning in Victoria, in particular the objective detailed in Section 4(1)(d) of the *Planning and Environment Act 1987* (the Act), being:



*To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

This means Council has a statutory obligation to continuously identify and protect places of heritage significance through the Heritage Overlay.

### **3. Background**

#### **Request for heritage investigation**

On 24 May 2020, Council received a request from a community member to investigate the heritage significance of the buildings located at 53 Walpole Street, Kew currently not protected by the Heritage Overlay. This request was made in response to a planning permit application for redevelopment of the site to expand the school use. The redevelopment requires the demolition of many of the buildings on the site.

The request argued the buildings are of heritage significance to the Jewish community's cultural and religious commitment and way of life. These buildings include an 1880s dwelling used as the original synagogue from 1949-63, as well as classrooms built in 1959, a school building built in 1966 and a former caretaker's cottage built in 1970.

Council officers engaged heritage consultants Context to undertake the investigation and heritage assessment.

#### **Heritage assessment**

As part of their detailed assessment, Council's heritage consultants carried out internal and external inspections of the subject property and researched the history and development of the site. Following this investigation, they concluded the remaining buildings on the site were of local historical, architectural (representative), rarity, social and associative heritage significance and warrant inclusion in the Heritage Overlay.

Council's heritage consultant recommends extending the existing HO559 to cover the entire site to the title boundaries. Context has prepared a revised heritage citation relating to all buildings of heritage significance on the site.

#### **Preliminary consultation**

Council's Strategic and Statutory Planning Department undertook preliminary consultation from 27 July 2020 to 10 August 2020. This consultation process involved:

- Sending letters to all owners and occupiers of the site and adjoining properties.
- Publishing relevant information on a dedicated webpage on Council's website.

On 7 September 2020, the UPDC considered a report on the outcomes of the preliminary consultation process including the officers' response to the issues raised in the feedback.

The UPDC resolved to adopt the heritage citation subject to some changes to address feedback received during the preliminary consultation, and to write to the Minister for Planning to seek authorisation to prepare and exhibit a planning scheme amendment.

### **Authorisation and Exhibition**

Following the resolution of the UPDC, officers sought authorisation from the Minister for Planning to prepare and exhibit Amendment C342boro. The Minister authorised the amendment on 13 November 2020. The amendment was exhibited between 18 February 2021 and 19 March 2021. At the conclusion of the exhibition period, five submissions had been received.

Following the conclusion of the exhibition a further five submissions were received and one submission was withdrawn.

On 17 May 2021, the UPDC considered a report on the exhibition of Amendment C342 and resolved to refer the amendment, and all submissions received, to an independent Planning Panel for consideration.

### **Priority Projects Standing Advisory Committee hearing**

Concurrent with the amendment process, there is an active planning permit application for the site which proposes to demolish some of the buildings on site and carry out new construction, to expand an existing school that currently operates and support an increase in the number of staff and students.

On 22 September 2020, Council issued a Notice of Decision to Refuse to Grant a planning permit. The application was refused on the grounds demolition of Norman Smorgon House would have a detrimental impact on the social and cultural heritage significance of the place.

The applicant appealed Council's decision to VCAT.

On 9 April 2021, Council received notification from VCAT that the Minister for Planning had called in the planning permit application, on the basis that the proceeding raises a major issue of policy and the determination of the proceeding may have a substantial effect on the achievement or development of planning objectives. The Minister referred the matter to the Priority Projects Standing Advisory Committee (SAC) for advice. The purpose of the SAC is to provide advice to the Minister for Planning on projects referred by the Building Victoria's Recovery Taskforce (BVRT), projects affected by Covid-19 and or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

The SAC hearing was held on 8 June 2021. The SAC subsequently issued their report and recommendations to the Minister for Planning. Council has not been provided with a copy of the report.

## 4. Outline of key issues/options

### Panel report and recommendations

A planning panel was held from 22 to 30 July 2021 to consider all submissions received. Three submitters appeared before the panel.

The Panel's report was received on 13 September 2021. A copy of the Panel's report can be viewed in **Attachment 1**. The Panel supports the extension of the Heritage over the entire site. Accordingly, the Panel recommends adoption of Amendment C342boro subject to the following changes to the exhibited amendment:

1. Amend the Statement of Significance for the Kew Hebrew Congregation to:
  - a) remove the 1966 school from Criterion D
  - b) Identify the following elements of the site as significant:
    - Bet Nachman Synagogue (c.1963-65), including ten stained glass windows designed by Louis Kahan.
  - c) include the following elements which contribute to the significance:
    - Norman Smorgon House, which comprises the remnant core of an original brick residence (c1886) that was adapted and used as a synagogue from c.1949-63, and the additions dating from 1954 and 1957.
    - Classrooms (1959).
    - School building facing Malmsbury Street (1966).
    - Former caretaker's cottage (c.1970).
2. Amend the citation for the Kew Hebrew Congregation to:
  - a) Correct the botanical name for the Peppercorn tree that forms part of the subject site as *Schinus areira*.
  - b) Include corrections set out in the KHC/Trust submission regarding dates, the role of Norman Smorgon and the Trust Deed listed in Chapter 4 of this report under 'Details within the citation'.
  - c) Distinguish those elements on the site that are of Primary significance (the Synagogue) and those elements, such as the Norman Smorgon House, the caretaker's residence and 1959 classrooms where retention of fabric is not critical in understanding the place.
3. Amend the Heritage Overlay Schedule to remove reference to the Peppercorn tree from the tree controls column.

Council's heritage consultants have reviewed the recommendations of the Panel and have agreed to make the changes. A revised citation in accordance with the Panel's recommendations can be viewed in **Attachment 2**.

### Standing Advisory Committee Outcome

Following the SAC hearing in June 2021, the Minister for Planning advised Council on 2 September 2021 he had decided to issue a planning permit for development of the site. This was based on the recommendation of the SAC. The report and recommendations of the SAC have not been released to the public or to Council.

In accordance with the Minister's decision, a planning permit was granted for the development on 4 October 2021.

### **Interim Heritage Overlay Refusal**

On 30 September 2021, the Minister for Planning notified Council that he had decided to refuse Council's application for an interim Heritage Overlay over the portion of the site not currently subject to a Heritage Overlay.

The Minister's decision was on the basis of the planning permit being granted for development of the site. The Minister formed the view an interim Heritage Overlay would mean the development permit could not be acted upon.

In accordance with the Minister's decision, officers have issued consent for the proposed demolition, as required under Section 29B of the *Building Act 1993*.

### **Recommendation**

Despite the Minister's decision to issue a planning permit and refuse the interim Heritage Overlay, Officers recommend the UPDC resolve to accept the recommendations of the independent planning panel and adopt the revised heritage citation shown in **Attachment 2**.

While the Minister may decide not to approve the application of a permanent Heritage Overlay, there is no guarantee the planning permit will be acted upon. Until such a time as the buildings have been demolished in accordance with any permits issued, it is appropriate to continue with the amendment to apply a permanent Heritage Overlay.

## **5. Consultation/communication**

All submitters, as well as owners and occupiers of the affected and adjoining properties were notified of this UPDC meeting.

All submitters were offered the opportunity to appear at the public hearing and to address the panel in support of their submission. Submitters who chose not to appear at the hearing had their written submission considered by the independent panel.

## **6. Financial and resource implications**

Cost associated with the preparation and implementation of the amendment will be funded through the Strategic and Statutory Planning Department operational Budget for the 2021/2022 financial year.

## **7. Governance issues**

The officers responsible for this report have no direct or indirect interests requiring disclosure.

The implications of this report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

**Manager:** **David Cowan, Acting Manager Strategic and Statutory Planning**

**Report officer:** Nick Brennan, Senior Strategic Planner

## **Planning Panels Victoria**

### **Boroondara Planning Scheme Amendment C342boro Kew Hebrew Congregation Heritage**

#### **Panel Report**

*Planning and Environment Act 1987*

**13 September 2021**



**How will this report be used?**

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the PE Act

Boroondara Planning Scheme Amendment C342boro

**13 September 2021**



Lucinda Peterson, Chair

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## Glossary and abbreviations

Council	Boroondara City Council
DELWP	Department of Environment, Land, Water and Planning
Giant Steps	Giant Steps Melbourne
KHC	Kew Hebrew Congregation
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Boroondara Planning Scheme
the Trust	Norman Smorgon House Trust

## Overview

### Amendment summary

The Amendment	Boroondara Planning Scheme Amendment C342boro
Common name	Kew Hebrew Congregation Heritage
Brief description	Extend the Heritage Overlay to the entire property and apply tree controls
Subject site	53 Walpole Street, Kew
Planning Authority	Boroondara City Council
Exhibition	18 February to 19 March 2021
Submissions	Number of Submissions: 10 Opposed: 3

### Panel process

The Panel	Lucinda Peterson (Chair)
Directions Hearing	Video Conference by MS Teams, 18 June 2021
Panel Hearing	Video Conference by MS Teams, 22, 23, 29 and 30 July 2021
Site inspections	Unaccompanied, 3 August 2021
Parties to the Hearing	<p><b>Boroondara City Council</b> represented by Louise Hicks of Counsel, instructed by Georgia De Castella of Maddocks, calling the expert evidence of:</p> <ul style="list-style-type: none"> <li>- Dr Helen Doyle of Context in heritage</li> <li>- Mr Mark Huntersmith in heritage</li> </ul> <p><b>Kew Hebrew Congregation and Trustees of Norman Smorgon Trust</b> represented by Nick Sissons and calling the expert evidence of:</p> <ul style="list-style-type: none"> <li>- Rabbi Steven Link in Jewish Religion/Culture</li> <li>- Ms Robyn Riddett in heritage</li> </ul> <p><b>Giant Steps Limited</b> represented by Barnaby Chessell (Counsel) and Arnold Bloch Leibler and calling the expert evidence of:</p> <ul style="list-style-type: none"> <li>- Bryce Raworth of Bryce Raworth Pty Ltd in heritage</li> </ul> <p><b>Dr John B Yaacov Myers</b>, also representing Mr Asher Wanders</p>
Citation	Boroondara PSA C342boro [2021] PPV
Date of this report	13 September 2021

## Executive summary

The Heritage Overlay (HO559) currently applies to the Bet Nachman Synagogue, which forms part of the larger Kew Hebrew Congregation (KHC) (otherwise known as the Kew Jewish Centre) at 53 Walpole Street, Kew. Boroondara Planning Scheme Amendment C342boro (the Amendment) proposes to extend HO559 across the entire site to recognise the overall complex for its cultural heritage significance.

Following World War II, the land and original 1886 villa 'Koorooanda' at 53 Walpole Street, Kew was purchased through the generous donation of Norman Smorgon and the KHC was established on the site. Since 1949 the site has been adapted and transformed to serve the Kew Jewish community, facilitated by Norman Smorgon House Trust and the KHC. The most prolific changes to the site were made between 1949 and 1966, which included: establishing Norman Smorgon House by adapting the villa for the first Synagogue and hall (1949, 1954 and 1959); establishing Hebrew classrooms (1959) and culminating in the construction of the Bet Nachman Synagogue (1965) and the Kew Jewish School (1966). The school building is now occupied by Giant Steps Melbourne school, which is a special school for children with autism (ASD).

Council received a planning permit application to expand facilities for the school across the balance of the site. The development would require the demolition of all buildings on the site (excluding the 1966 school building fronting Malmsbury Street and the Synagogue).

Council received a request from a member of the KHC to assess the heritage values of the entire site and Council engaged heritage consultants Context Pty Ltd to undertake a heritage assessment. Context found the various buildings on the site outside the existing Heritage Overlay have local historical, architectural (representative), rarity, social and associative heritage significance and recommended the Heritage Overlay be extended to the entire site.

Key issues raised in submissions included:

- General support for the expanded heritage protection (including a petition with 29 signatories that states support for the Amendment)
- Objection to the Permit Application
- Disagreement with the significance of the buildings on the subject site other than the main Synagogue building which is presently protected under HO559
- Errors in the assessment and citation
- Limitation on the development of the subject site
- Impact on the future operation of the school
- Social and economic impacts of the Amendment.

The Panel has considered Planning Practice Note 1 in its deliberations.

The KHC is a complex with a unique history and role within Boroondara, having been developed by and served the Jewish community for over 70 years. The Panel considers that it's history is more than 'of interest' to Boroondara, noting that the current Thematic Environmental History (2012) draws out this site under the theme 'Places of Worship that demonstrate shifting demographics', and contribution of the Jewish Community to Boroondara and that this site clearly illustrates this contribution over generations.

The Panel finds that the citation is a comprehensive one and has been undertaken in a way that assesses both the entire site and its various elements separately.

On balance, having considered the evidence presented before it during the Hearing, the Panel finds that the entire complex has historical, rarity, social, and associative significance. In addition to these values, it finds that the Synagogue has representative significance, which is already recognised by the Heritage Overlay.

The Panel did not find that the school building on Malmsbury Street meets the threshold under Criterion D. While the building forms part of the history of the site and in this context has historical significance for its relationship with the site in the context of community, education and religion, it does not meet the threshold for representative (architectural) significance.

The Peppercorn, while a beautiful tree, is not an element that makes a heritage contribution to the site in relation to the site's postwar history which is the driver of the significance for the place. The Panel encourages Council to consider assess whether the tree itself warrants a specific Heritage Overlay through a separate process.

53 Walpole Street is complex site with many elements that have, and continue to, evolve. The Panel has considered the community-wide social effects of the Amendment, as it relates to Giant Steps Melbourne school; the nature of the heritage significance, being historical and social; and the extant fabric, which ranges from the highly intact Synagogue and school building to the adapted Norman Smorgon House.

The citation and Statement of Significance should be augmented by facilitative guidelines or Conservation Management Plan that a) identifies those parts of the site where fabric is critical to understanding the site's significance, and those elements, such as the hall, caretaker's residence and class rooms where retention of fabric is not critical in understanding the place, b) provides guidance to properly record and interpret the site and c) guides the evolution of the site enables the concept of 'living heritage'. The Panel considers the Norman Smorgon House Trust Deed as an important foundation document for the site and its purpose should inform future heritage guidelines or Conservation Management Plan.

The Panel concludes:

- The Kew Heritage Congregation is of local cultural heritage significance and meets criteria A, B, G, H and D (Synagogue only)
- It is appropriate to extend the Heritage Overlay (HO559) to the site to recognise its local cultural heritage significance
- Specific tree controls are not supported without further assessment
- The Synagogue has primary significance, with the other elements on the site contributing to the site's significance to varying degrees
- The citation should be revised to reflect corrections set out in the KHC/Trust submission regarding dates, the role of Norman Smorgon and the Trust Deed
- The citation and Statement of Significance should be revised to distinguish those parts of the site that are significant or of primary significance and ancillary elements
- A Conservation Management Plan or policy guidelines should be prepared for the site.

Based on the reasons set out in this Report, the Panel recommends that Boroondara Planning Scheme Amendment C342boro be adopted as exhibited subject to the following:

- 1. Amend the Statement of Significance for the Kew Hebrew Congregation to:**
  - a) remove the 1966 school from Criterion D**
  - b) Identify the following elements of the site as significant:**

- Bet Nachman Synagogue (c.1963-65), including ten stained glass windows designed by Louis Kahan.
- c) include the following elements which contribute to the significance:
  - Norman Smorgon House, which comprises the remnant core of an original brick residence (c1886) that was adapted and used as a synagogue from c.1949-63, and the additions dating from 1954 and 1957
  - Classrooms (1959)
  - School building facing Malmsbury Street (1966)
  - Former caretaker's cottage (c.1970).
- 2. Amend the citation for the Kew Hebrew Congregation to:
  - a) correct the botanical name for the Peppercorn tree that forms part of the subject site as *Schinus areira*
  - b) include corrections set out in the KHC/Trust submission regarding dates, the role of Norman Smorgon and the Trust Deed listed in Chapter 4 of this report under 'Details within the citation'
  - c) distinguish those elements on the site that are of Primary significance (the Synagogue) and those elements, such as the Norman Smorgon House, the caretaker's residence and 1959 classrooms where retention of fabric is not critical in understanding the place.
- 3. Amend the Heritage Overlay Schedule to remove reference to the Peppercorn tree from the tree controls column.

#### **Further recommendations**

The Panel makes the following further recommendations:

Separate to this Amendment, Council should consider undertaking further strategic work to prepare heritage guidelines or a Conservation Management Plan for the Kew Hebrew Congregation in consultation with the Kew Hebrew Congregation and the Norman Smorgon House Trust.

Council should also undertake further assessment of the large Peppercorn tree on the Malmsbury Street frontage to ascertain its significance.

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

The purpose of the Amendment is to extend the existing Heritage Overlay (HO559 as shown in Figure 1) to the entire site (as shown in Figure 2) of 53 Walpole Street, Kew, known as the KHC, to formally recognise the heritage significance of additional features on the site and its history.

Specifically, the Amendment proposes to:

- amend the Heritage Overlay Schedule to amend the description of HO559 and to activate tree controls
- amend Map No. 7HO to extend HO559 to the property boundaries of 53 Walpole Street, Kew
- amend the schedule to Clause 72.04 to include 'Kew Hebrew Congregation, 53 Walpole Street, Kew, Statement of Significance, September 2020' as an Incorporated Document
- amend the schedule to Clause 72.08 to include the 'City of Boroondara, Kew Hebrew Congregation Heritage Citation (September 2020)' as a background document.

Figure 1 Current extent of HO559 (on Synagogue only)

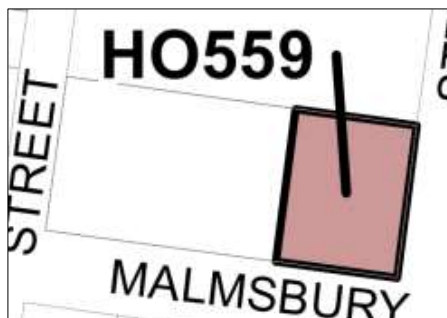
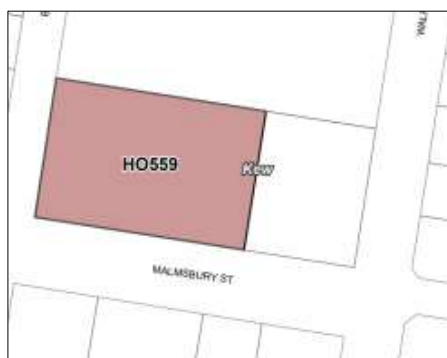


Figure 2 Proposed extension of HO559



### (ii) The subject site

The Amendment applies to 53 Walpole Street, Kew (also known as 11 Malmsbury Street), as shown in Figure 3.

**Figure 3** Subject site and features (Extract from KHC submission)



The site comprises a series of buildings as follows:

A - Norman Smorgon House - Modified 1886 Villa (which comprises the remnant core of an original brick residence (c1886) that was adapted and used as a Synagogue from c.1949-63, and the additions dating from 1954 (B) and 1957 (C))

B - Extension to the north (1954)

C - Shule Extension and entrance to the south (1957)

D - Former Classrooms (1959)

E - Bet Nachman Synagogue (1963-1964) (Currently included in HO559)

F - Double Storey School Building (1965-1966)

G - Caretakers Residence (1970)

H - Car Park

The western part of the site is currently occupied by Giant Steps Melbourne (Giant Steps) for the purposes of a school, using the 1966 School building and rear yard. The KHC, occupy the eastern portion of the site, comprising the Bet Nachman Synagogue (the Synagogue), Norman Smorgon House (the hall), the caretaker's residence and former classrooms.

A large mature Peppercorn tree is located at the front entrance of Norman Smorgon House, on the Malmsbury Street frontage.

## 1.2 Background

The Heritage Overlay (HO559) currently applies to the Bet Nachman Synagogue, which forms part of the larger KHC (otherwise known as the Kew Jewish Centre). The Heritage Overlay was introduced through Amendment C153 to the Boroondara Planning Scheme on 17 October 2014.

On 24 May 2020, Council received a request from a community member to investigate the potential heritage significance of the balance of the buildings located at 53 Walpole Street, currently not protected by the Heritage Overlay.

This request was made in response to a planning permit application on behalf of Giant Steps Melbourne school to expand facilities for the school by demolishing many of the existing buildings (excluding the 1966 school building fronting Malmsbury Street and the Synagogue). Council engaged heritage consultants Context Pty Ltd to undertake the heritage assessment. Context assessed the site and its various buildings not currently covered by the Heritage Overlay as having local historical, architectural (representative), rarity, social and associative heritage significance and concluded the Heritage Overlay should be extended to cover the entire site.

Council sought interim heritage controls through Amendment C336, however they were not approved.

A total of ten submissions were received to the Amendment, including five late submissions. One submission was withdrawn.

### 1.3 Procedural issues

#### (i) Status of submissions

The KHC Committee initially lodged a submission (Submission 2) in support of the Amendment. Following reconstitution of the Committee, a further submission was made by the new KHC Committee opposing the Amendment (Submission 8).

The Panel notes that Submission 8 is now the KHC Committee's formal position on the Amendment.

The Panel notes that Mr Wanders (Submission 7) and Dr Myers (Submission 9), previous members of the KHC Committee maintained their submissions in support of the Amendment. Submission 7 was submitted on behalf of Bet Nachman Synagogue members of the KHC. Submission 5 is a petition with 29 signatures, submitted on behalf of members of the KHC but is not a submission on behalf of the Committee.

#### (ii) Site inspection

Prior to the Panel Hearing, the Panel undertook an unaccompanied inspection on 3 August 2021, attended by the Panel and the Caretaker, who was unrelated to the Hearing for the purpose of site induction and supervision only. No submissions were made during the site inspection.

### 1.4 Summary of issues raised in submissions

#### (i) Individual submitters or groups of submitters

The key issues raised by submitters in support of the Amendment were:

- General support for the expanded heritage protection (including a petition with 29 signatories that states support for the Amendment)
- Opposed to the Giant Steps Melbourne Planning Permit Application.

The key issues raised by submitters opposing the Amendment were:

- Disagreement with the significance of the buildings on the Subject site other than the main Synagogue building which is presently protected under HO559
- Errors in the assessment and citation
- Limitation on the development of the Subject site
- Impact on the future operation of the school



- Social and economic impacts of the Amendment.

All submissions remain outstanding.

## 1.5 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Boroondara Planning Scheme (Planning Scheme).

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- General issues
- Merits of Heritage Significance.

## 1.6 Limitations

The Panel notes the site is currently subject to a proposal to expand the existing school. Council advised that, following its decision to refuse the Planning Permit Application, the Minister called in the Application for Review and referred it to a Standing Advisory Committee for a 'Roundtable Discussion.' The Roundtable Hearing for the Permit Application was conducted on 8 June 2021. At the Panel Hearing, Council advised that the outcome of the Roundtable Hearing had not yet been determined.

As part of its Directions, the Panel advised parties it is constituted to consider the Planning Scheme Amendment only. It is not constituted to consider the merits of the redevelopment proposal, or any alternative proposals put forward by submitters in their submissions.

## 2 Planning context

### 2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

#### Victorian planning objectives

The Amendment will implement section 4(1)(d) of the *Planning and Environment Act 1987* (the Act) to:

- conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- balance the present and future interests of all Victorians.

#### Planning Policy Framework

The Amendment supports:

- **Clause 15.01-5S** (Neighbourhood character) which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- **Clause 15.03-1S** (Heritage conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
  - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
  - Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.
  - Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.
  - Encourage appropriate development that respects places with identified heritage values.
  - Retain those elements that contribute to the importance of the heritage place. Encourage the conservation and restoration of contributory elements.
  - Ensure an appropriate setting and context for heritage places is maintained or enhanced.

#### Clause 21 (the Municipal Strategic Statement)

The Amendment supports the Municipal Strategic Statement through:

- Clause 21.04-5 (Built Environment and Heritage) includes the objective to “*identify and protect all individual places, objects and precincts of cultural heritage, aboriginal, townscape and landscape significance*”.

#### Clause 22 (local planning policies)

The Amendment supports local planning policies through:

- Clause 22.03-2 (Heritage Policy) which seeks to “*preserve ‘significant’ heritage places, protecting all significant heritage fabric including elements that cannot be seen from the public realm*”.

## 2.2 Other relevant planning strategies and policies

### (i) Plan Melbourne

*Plan Melbourne 2017-2050* sets out strategic directions to guide Melbourne's development to 2050 to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. The following are relevant to the Amendment:

- **Outcome 4:** Melbourne is a distinctive and liveable city with quality design and amenity
  - **Direction 4.4:** Respect Melbourne's heritage as we build for the future
    - **Policy 4.4.1:** Recognise the value of heritage when managing growth and change
    - **Policy 4.4.4:** Protect Melbourne's heritage through telling its stories.

## 2.3 Planning scheme provisions

The Heritage Overlay purposes are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The Heritage Overlay requires a planning permit to demolish, subdivide, build or carry out works. The Heritage Overlay enables its Schedule to specify additional controls for specific trees, painting previously unpainted surfaces, internal alterations and an incorporated plan (which may exempt buildings and works and other changes from requiring a planning permit). The Schedule may also identify if a place can be considered for uses that are otherwise prohibited, subject to a planning permit.

## 2.4 Ministerial Directions and Practice Notes

### Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The Act) – referred to as Ministerial Directions 7(5) in this Report.

That discussion is not repeated here.

### Planning Practice Note 1 – Applying the Heritage Overlay (August 2018)

Planning Practice Note 1 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

The Practice Note specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the Hercon criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B:** Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).
- Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

Planning Practice Note 1 requires that the statement of significance must be specified in the schedule to the overlay and the title of the statement must also be listed in the schedule to Clause 72.04. Similarly, where detailed heritage design guidelines have been prepared for a heritage place, they may be incorporated into the planning scheme.

## 2.5 Conclusion

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the Planning and Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

## 3 General issues

This chapter refers to issues which were raised in submissions that do not relate directly to the heritage assessment of the place.

### 3.1 Social effects

#### (i) The issue

Whether the Amendment has wider social effects that should be considered.

#### (ii) Evidence and submissions

Giant Steps provided an affidavit dated 14 July 2021 by Mr Irvin, Chairman of Giant Steps Melbourne, which provided context around the work of the school in providing specialist education for children with autism. It set out the benefits of the proposed development to expand the school and the negative impact to the community if the development does not proceed.

At the Hearing Mr Irvin explained that the school plays a critical role in the community by providing tailored, high quality educational services for children with autism and is the only independent special education centre in Victoria offering individualised programs for children with autism. Given the demand for enrolments, a planning permit application was submitted to expand the school into the eastern portion of the site, increasing its enrolments from 35 students to 80 students; expanding its siblings support programs and post school programs; and expanding its services to provide training to members of the community, such as teachers, health care and respite workers and families.

Mr Irvin outlined the consequences of the development not proceeding, which would include restriction of enrolments; lack of opportunity to expand the programs; no sibling program to be provided; no post school programs; no expansion of learning spaces and multi-purpose spaces. This would affect the ability to provide the service, not just locally but to families across metropolitan Melbourne. At the Hearing, Mr Irvin explained that they had already established at the subject site and finding a central location to serve all of Melbourne was extremely difficult. The cost of finding an alternative central location and re-establishing elsewhere would be untenable.

Mr Chessell, for Giant Steps submitted:

This case can be distinguished from many that come before planning panels on the basis that (i) a particular planning application has been made in respect of the site, and (ii) Council has sought to determine that application having regard to the heritage values of the site. Indeed, there can be no ambiguity concerning Council's position in respect of the consequence of applying the Heritage Overlay to this site. It has *already refused* the permit application on the basis that the demolition of Norman Smorgon House would be unacceptable in heritage terms. It reached this position *before* a Heritage Overlay was even applied to the site. This is accordingly not a case in which there is any cause for speculation concerning what Council contends should occur if the control was applied.

If Giant Steps Melbourne's redevelopment proposal is stymied, students on the eligibility list with complex needs will forego a placement at the education centre. This would constitute a very significant loss to the community.

Giant Steps Melbourne submitted that, in circumstances where the heritage value of the buildings subject to the Amendment is extremely limited, the Panel should accord substantial weight to the real and substantial benefits that will be provided to the community if Giant Steps Melbourne's redevelopment proposal is not thwarted by the proposed planning control.

Council submitted that it had considered social and economic impacts of the Amendment and acknowledged that, in this case, a link may be made of a community-wide social impact. The Council agreed with Mr Irvin that he describes the impact of the Amendment, not to himself personally or Giant Steps Melbourne, but its broader impacts. That said, it submitted:

The process we are now engaged in is whether or not the complex is so significant that a heritage overlay is an appropriate response. It is not to determine whether the development proposal is in the net community benefit.

There is no evidence that the imposition of the overlay will prevent the development proceeding.

The impact of any heritage overlay will be limited to addressing heritage matters in the planning permit application and design. During the permit application process, all relevant planning issues including the heritage overlay will be weighed and balanced to reach an acceptable outcome in the net community benefit.

### **(iii) Discussion**

The Panel notes similar considerations by other panels in relation to social and economic impacts, including Melbourne C207 and Moreland C149. The impacts to be considered are of a broad community nature and not personal. In addition, as found with Moreland C149, the Panel considers that the impacts to be considered need to be specific, and not general, in nature.

Having considered the submissions, there is no doubt in the Panel's mind of the importance of the school in serving children and their families with complex needs. Having considered the submissions, the Panel finds that the social and broader community benefit of the school is high and the impact of the Amendment as it currently stands does create uncertainty for the school at a critical time.

The Panel is mindful that the Heritage Overlay does not prohibit development. This is different to the impact that an Amendment may have, for example, that changes the zone and use provisions within the scheme, creating a situation where certain uses become prohibited. This is not the case here.

The Panel will not be drawn into the specific merits or otherwise of the planning permit application of the redevelopment of the school. The Panel is acutely mindful that its role is to consider the merits of the Amendment before it and this does include considering the social and economic effects of the Amendment.

In its most simple form, heritage amendments can encompass the application of a Heritage Overlay and a statement of significance, specifying what is important about the place, and why. Often this is enough information, coupled with the Heritage Overlay provisions, to guide design and decision making.

That said, a proposal to redevelop the site for a use that has community benefit is not a hypothetical proposition.

Having regard to the site's use and its community benefit, the site's evolving history, the nature of its significance (social) and the complex and varying degrees of intrinsic fabric, the Panel considers

Council ought to be more proactive in providing guidance in the form of heritage guidelines to inform future decision making for the site.

**(iv) Conclusion**

The Panel concludes that:

- Community-wide social effects of the Amendment, as it relates to Giant Steps Melbourne school is considered as a factor in the Panel's assessment of the Amendment.
- The composition of heritage controls needs to provide more guidance to inform future decision making.

### **3.2 Property not previously identified for heritage significance**

**(i) The issue**

The issue is whether re-assessment is justified, given the whole property was not previously identified to be included in the Heritage Overlay.

**(ii) Evidence and submissions**

Giant Steps submitted the subject site was assessed in the "recent past" (referring to the Lovel Chen assessment in 2012) and it is appropriate to recognise that the buildings, except for the Synagogue, were not recognised as significant.

Council submitted that the fact the 2012 heritage citation states that the balance of the site is not of heritage significance should not be taken by the Panel as the final position in relation to those buildings. The 2012 assessment focussed on the Synagogue building, and not the complex. On this basis it was appropriate for Council to undertake its own examination of all the buildings on the site, which has led to the conclusion that they are worthy of heritage protection.

Mr Huntersmith, heritage expert for Council, advised that heritage is not static but evolving and significance changes over time. He considered there has been a marked shift in the appreciation of postwar places, buildings and structures in recent times which has resulted in many municipalities undertaking studies that focus on the postwar era and social significance. It is not unusual for gap studies to identify places of heritage significance that add layers to and expand existing historical understandings of a place.

Neither Ms Riddett nor Mr Raworth, providing evidence for submitters, saw issues with revisiting the site.

**(iii) Discussion**

The Panel notes that the site was previously considered in 2012 however it is not privy to the original scope of the heritage assessment as it related to 53 Walpole Street.

The Panel agrees that a full assessment of the complex is a reasonable undertaking and has not drawn any interference that because the Synagogue is the only element on the site that is currently within the Heritage Overlay, that the remaining complex ought to not be assessed.

**(iv) Conclusion**

The Panel finds that, despite the Heritage Overlay applying to only the Synagogue building, it is appropriate to assess the heritage values of the complex.

### 3.3 Community does not support the Heritage Overlay

#### (i) The issue

The issue is who has the right to represent the views of the Community.

#### (ii) Evidence and submissions

The KHC/Trust submitted that the initial request by the (former) KHC committee to seek heritage protection was *“not in any way shape or form, representative of the majority of the congregation and it was entirely inconsistent with how the buildings being sought to be protected are valued in Jewish culture.”*

The KHC/Trust acknowledged that there is a difference of opinion in the congregation around the matter of heritage and future development of the site. They submitted the new Committee and Trustees oppose any extension of the Heritage Overlay and it was their views that should be given priority as they speak for the formal entities.

Dr Myers and other submitters who made submissions as members of the congregation maintained that the site in its entirety is important from a cultural heritage viewpoint and ought to be considered.

Mr Raworth in his evidence (on social significance) considered:

There can be no clearer response to this question than that already provided by the Jewish community associated with the site, i.e. that the strong attachment of that community is with the Synagogue itself, and not the broader site.

In cross examination, Mr Raworth confirmed that the community response he was referring to was that of the current KHC Committee and the Deed Trustees.

On the other hand, Mr Huntersmith and Dr Doyle considered whether the place has social significance, supported by an initial request from a member of the congregation (from the former Committee).

Council submitted:

It is not clear to whom Mr Raworth is referring in his use of “Jewish community associated with the site” but in any event, the application of a heritage overlay is about significance not just to one particular group but to the community more broadly.

#### (iii) Discussion

It is clear to the Panel that there are various views within the congregation and within the immediate Jewish community affiliated with the site around those aspects of the site that are important and future priorities and development of the site. Disagreement by individuals and committees around such matters is not uncommon. The Panel will not be drawn into who is representing the views of the congregation or what position they hold in the hierarchy, suffice to acknowledge that not all parties are ‘on the same page’ when it comes to the matter of heritage.

While the views of the congregation and the community are important to consider, they do not necessarily define or determine whether a place is significant with reference to the criteria for assessing heritage places, except for Criterion G. The tests under the Planning Practice Note 1 provide that guidance.



**(iv) Conclusion**

The Panel understands there are different views among the community, members of the congregation and those with formal roles. In considering the cultural heritage values of the site under the requirements of Planning Practice Note 1, the Panel has not prioritised one party over another.

## 4 Merits of heritage significance

### Exhibited Statement of significance



#### What is significant?

The Kew Hebrew Congregation site at 53 Walpole Street, Kew, established in 1949, including several component buildings constructed between 1954 and 1970. The following elements of the site are significant:

- Bet Nachman Synagogue (c.1963-65), including ten stained glass windows designed by Louis Kahan
- Norman Smorgon House, which comprises the remnant core of an original brick residence (c1886) that was adapted and used as a Synagogue from c.1949-63, and the additions dating from 1954 and 1957
- Classrooms (1959)
- School building facing Malmsbury Street (1966)
- Former caretaker's cottage (c.1970)
- Mature Peppercorn (*Schinus molle*).

The recent additions made to the east, and west and north of the school building facing Malmsbury Street are not significant.

#### How is it significant?

The Kew Hebrew Congregation at 53 Walpole Street, Kew, is of local historical, architectural (representative), social and associative significance and is of rarity value to the City of Boroondara.

#### Why is it significant?

The site at 53 Walpole Street, Kew, and known as the Kew Hebrew Congregation, is important for its role in the development of Jewish worship, education, language studies, and community and cultural life in the City of Boroondara from 1949. The complex of buildings, which comprises the Bet Nachman Synagogue (c.1963-65); Norman Smorgon House, which comprises the remnant core of an original brick residence (c1886), which was adapted and used as a Synagogue from c.1949-63, and added to in 1954 and 1957; classrooms (1959); a double-storey school building facing Malmsbury Street (1966); and former caretaker's cottage (c.1970), together represent the development of a cohesive social, religious and

cultural centre of Jewish life in Kew in the postwar period. It is also historically significant for its use as a Jewish day school, serving as the kindergarten and primary school section of Mount Scopus Memorial College, which was located in Burwood, from 1953, and providing a purpose-built school building from 1966. **(Criterion A)**

The complex at 53 Walpole Street, Kew, known as the Kew Hebrew Congregation and comprising a Synagogue, former Jewish day school and Jewish community buildings, is a rare place type in the City of Boroondara and in Victoria more generally. It is a rare intact postwar example of this place type. **(Criterion B)**

The Bet Nachman Synagogue is architecturally significant as a fine representative example of a postwar Synagogue. Frequently designed by emigre architects who had trained in the ateliers of Europe before the war, these buildings display characteristics of the modernist movement and were seen as symbols of survival and hope to a displaced community looking for a fresh start. Breaking from the traditional forms used for earlier synagogues that referenced classicism, these building used simple cubiform massing with flat roofs and sheer unadorned planar surfaces favoured by the International style. This frequently resulted in buildings that possessed a certain monumentality in form that was lightened by the use of pale brickwork and large horizontal bands of glazing. The Bet Nachman Synagogue is distinguished by its bold use of pre-cast concrete and a steel portal frame that, combined with striking sloped vertical elements and large areas of unbroken wall surfaces, has resulted in a composition that is more indicative of the emerging Brutalist movement of the 1960s than the earlier International style. The school building is architecturally significant as a representative example of an education building designed in the postwar International style. This is evident in its cubiform massing, flat roof, sheer wall planes of pale brickwork and large expanses of glazing, that combine to give a lightness and transparency to the building that is indicative of the style. **(Criterion D)**

The Kew Hebrew Congregation at 53 Walpole Street, Kew, is significant for its importance as a centre for Jewish worship, Jewish community life (including welfare, social activities, historical records and Hebrew language), particularly for the postwar (Eastern) European Jewish immigrants who came to Melbourne as displaced people following the Second World War. The site as a whole has played an ongoing role in both the spiritual and social life of the Jewish community, locally and across wider Melbourne, since 1949, when the first Synagogue was established in the existing Victorian-era house on the site. Norman Smorgon House has served the community for over sixty years as a gathering place for various functions and activities, including for ceremonial observances and rituals from 1949-c.1965 when it was used as a Synagogue, as an affiliated kindergarten (with Mount Scopus College) from 1951, and for hosting Shabbat dinners, weddings and school functions up until the present day. The Bet Nachman Synagogue has served the community for over fifty years as a purpose-built place of worship, and as a place where the community's culture and identity is celebrated through the observance of festivals and events throughout the Jewish year and the marking of life cycle events such as births, bar/bat mitzvahs, weddings and funerals. The school building facing Malmsbury Street, constructed in c.1965-66, has long connections with the Jewish community through its affiliation with Mount Scopus College, as it served as the Kew division of the college until the 1990s. **(Criterion G)**

The Kew Hebrew Congregation at 53 Walpole Street, Kew, is of significance to the City of Boroondara for its association with notable members of the Melbourne Jewish society, including businessman and philanthropist Norman Smorgon OAM (1884-1956), notable postwar architect, Anthony A. Hayden (1921-1984), and notable artist and Kew resident, Louis Kahan (1905-2002), who designed the ten stained glass windows in the Bet Nachman Synagogue. It is also significant for its association with Jewish teacher and spiritual leader, Rabbi Jacob Schreiber (born c.1920s). Schreiber led the Kew Hebrew Congregation through the period of significant expansion of its operations from the mid 1950s until the 1980s, and was influential in the development of Jewish community life in the postwar period in the City of Boroondara. **(Criterion H)**

**(i) The issues**

The issues are:

- whether the site reaches the threshold of local significance, having regard to Criteria A (historical), B (rarity), D (representative), G (social) and H (associative)
- whether the entire site warrants inclusion in the Heritage Overlay
- whether the citation and Statement of Significance is accurate
- whether the Statement of Significance adequately assists in future decision making around heritage matters.

**(ii) Relevant policies, strategies and studies**

A heritage citation was prepared by Context, which outlined the site's history and historical context, description and integrity, comparative analysis, assessment against criteria and a statement of significance.

Relevant policies and strategies are discussed in Section 2 of this Report.

**(iii) Evidence and submissions****Summary of positions**

Council called two expert witnesses, Dr Doyle and Mr Huntersmith of Context, who the authored the heritage citation and statement of significance. Giant Steps and the KHC/the Trust called heritage witnesses Mr Raworth and Ms Riddett, respectively. In addition, KHC/the Trust called Rabbi Link as an expert on matters of Jewish culture and historical use of the site.

***Jewish culture evidence***

Rabbi Link provided evidence based on his experience at the site over 24 years, from 1982 to 2008, where he served as Rabbi for the Kew Hebrew Congregation.

He explained, when the Kew Hebrew Congregation first established in 1949, the 1886 villa contained the first Synagogue. Now known as Norman Smorgon House, the villa was extended and altered extensively to accommodate a larger Synagogue and hall. The Synagogue within this building was a sanctified space.

When the Bet Nachman Synagogue was completed in 1965, it became the sanctified space and the hall reverted to 'bricks and mortar'.

He explained that the Synagogue is the focus for religious activities and the hall has a peripheral purpose, for hosting meetings, socialising after services, the breaking of the fast after weddings and the occasional Shabbat dinner (which more commonly occurs in the home, rather than a communal activity). He said the hall was never used as a function centre. Celebrations following religious events were held at venues off-site.

Rabbi Link explained the 1966 school building fronting Malmsbury Street, was a Jewish junior feeder school for Mount Scopus in Burwood, and is now occupied by Giant Steps Melbourne school.

For a few years, the classrooms on the northern side of the site, established in the 1959, were used to educate students who lived in the area however this use was very short lived – short classes were held to teach Hebrew however once the Jewish schools were established there was no longer a need for them.

He considered that the Synagogue is held in high regard as a place where religious milestones are sanctified, however other buildings on the property are ancillary and hold no significance in Judaism.

#### ***Heritage evidence overview***

All heritage experts agreed the Synagogue, which is currently subject to HO559, is of cultural heritage significance, however they held different positions on the significance of other elements within the site (not currently included in HO559), and the applicability of the criteria.

All experts agreed that the place has historical significance, although they disagreed on several points including:

- the degree to which the fabric, despite the site's historical significance, warrants protection and inclusion in the Heritage Overlay
- whether the historic associations and significance can be, and have been, transferred to the Synagogue, rendering the Amendment unnecessary.

Dr Doyle and Mr Huntersmith considered the entire site, or complex as they referred to it, is of cultural heritage significance and satisfies Criterion A, B, G and H, and both the Synagogue and the school building on Malmsbury Street satisfies Criterion D.

Council supported Dr Doyle and Mr Huntersmith's assessment and maintained that the site should be "considered as a whole" and reaches the threshold of local significance as a single heritage place.

Ms Riddett opined that while the sites' history applies across the whole of the site, rather than to individual elements, there is nothing intrinsic in the fabric of Norman Smorgon House (the hall), the caretaker's residence and the classrooms that demonstrates historical use that satisfies Criterion A and G.

Ms Riddett considered the Heritage Overlay is only warranted over the Synagogue and the school (as it satisfies Criterion D) and the large Peppercorn tree.

Mr Raworth considered it is appropriate the Synagogue be subject to an individual Heritage Overlay; however the rest of the property is not of sufficient integrity nor sufficient historic value to warrant the extension of the Heritage Overlay across the whole of the property. He did not consider the balance of the site meets a threshold of local significance for any of the criteria identified in the proposed Statement of Significance. Regarding the Peppercorn tree, he noted that there is no link between the tree and the period of which the site is purportedly significant. There is no justification for it to be listed in the Heritage Overlay Schedule.

#### ***Submitter overview***

Dr Myers submitted the hall had been used for a range of events by the congregation over many years. He rejected the view that all the heritage is manifested in the Synagogue and therefore formal heritage recognition of the Synagogue is "enough". He described the place in the following way:

- The Hall is the heart
- The Synagogue is the intellect
- The School is the fruit.

He considered that the hall and the Synagogue are inter-linked, and the hall is central and significant for its functionality.

Dr Myers submitted that the Heritage Overlay should apply to the east of the site, limited to the Synagogue, hall, storerooms, kitchen and the tree. The western half comprising the 1966 school building should be excluded.

In his submission, Mr Wanders supported the individual assessment of all components and submitted that each have different values and significance. Other submitters in support were more general in their support for the Heritage Overlay.

Both Giant Steps and the KHC/Trust wholly opposed the heritage assessment and inclusion of any additional land or buildings within the Heritage Overlay. It was submitted that the current Statement of Significance lists all components as significant, placing them on an equal footing, which is not accurate. If the Heritage Overlay were applied, the Statement of Significance should be revised to assign the Synagogue as significant only.

**Criterion A (Historical significance) - *Importance to the course, or pattern, of our [i.e. the City of Boroondara's] cultural or natural history***

Dr Doyle considered the whole site has historical significance – starting as a Jewish community centre and Synagogue after World War 2 when there was an influx of Jewish people who settled and established new roots in the Kew area and with a great sense of purpose, the complex was adapted and grew with the community. Secured through the generosity of Norman Smorgon, she considered that the circumstances around the establishment of the complex was different to other religious-based groups and had a different historical context as the land was not established through a Crown grant (as many other churches had been established) but rather through the generosity of a community member. She opined that the place “*tells the story of displacement and re-establishment, rather than colonisation*” and all the elements on the site tell that story. Dr Doyle maintained that the place is important to the history of Boroondara.

It was Mr Raworth's view that:

While Norman Smorgon House and the other buildings within the complex are part of the congregation's overall history, any true historical significance within the broader built form culminated in the construction of the Synagogue when historical significance was essentially 'transferred'. The Kew Hebrew Congregation and the trustees of Norman Smorgon House themselves have previously commented to Council that any historical, social, spiritual, or cultural attachment to the Norman Smorgon House was transferred to the Bet Nachman Synagogue when it was completed in the mid-1960s.

Mr Raworth further considered:

Given the congregation and trustees have acknowledged the historical attachment to the broader place was transferred to the Synagogue, it is questionable whether the place can meet a threshold level of local significance that in itself warrants the broader site as being identified under a site-specific Heritage Overlay, rather than being of local interest to the history of the congregation.

Mr Raworth noted that the villa that evolved into Norman Smorgon House was only briefly associated with Synagogue activities, and for the subsequent decades has served a variety of purposes and activities that are less central to the site than those associated with the Bet Nachman Synagogue.

Acknowledging the *Victorian Heritage Register Criteria and Threshold Guidelines* are to be applied for considering potential State level places, he considered they can be applied at a local level as a test. Considering the following tests:

- The place/object has a CLEAR ASSOCIATION with an event, phase, period, process, function, movement, custom or way of life in Boroondara's cultural history. +
- The association of the place/object to the event, phase, etc IS EVIDENT in the physical fabric of the place/object and/or in documentary resources or oral history. +
- The EVENT, PHASE, etc is of HISTORICAL IMPORTANCE, having made a strong influential contribution to Kew, or more broadly Boroondara.

Mr Raworth found that the complex is potentially important to the Jewish community rather than Boroondara and while its history is of interest it is not of such importance to warrant protection of fabric beyond the Synagogue.

In establishing a threshold of significance, he considered that the site should be compared with other religious community places, rather than the narrower category of Jewish places and that it does not compare 'better than most', using step 2 of the Heritage Council's guidelines.

Ms Riddett agreed that the site is of sufficient heritage significance because of the Bet Nachman Synagogue and the double-storey school building facing Malmsbury Street as to warrant a Heritage Overlay over these two portions of the site however she did not consider that the threshold of historical significance had been met.

She considered that:

Norman Smorgon House does not comprise the remnant core of an original brick 1886 residence (c1886), rather it retains an incoherent and small collection of original elements. It has been considerably altered on numerous occasions and some of its original functions such as religious worship, originally intended to be temporary and which was superseded as the congregation grew, have been supplanted by new buildings i.e. the new Synagogue.

The 1959 classrooms and the former caretaker's residence demonstrate nothing of their original function other than at a most basic level and which is of limited, or no, historical interest. They add nothing meaningful to the historical significance of the site, which has been established already by the Synagogue and school building.

Ms Riddett considered, while Norman Smorgon House provides accommodation for a few ancillary functions on the site and as such has some history, these functions could also be accommodated in a different/new building on the site.

Council rejected the notion that historical attachment can be transferred. It accepted that spiritual attachment might be transferred but it is necessary to separate out religious from social attachment or historical significance.

**Criterion B (Rarity) - Possession of uncommon, rare or endangered aspects of our [i.e. the City of Boroondara's] cultural or natural history**

In their evidence, Dr Doyle and Mr Huntersmith did not specifically address the matter of rarity suffice to say that the place type, in its historical context of the phase of development following World War 2, is rare in Boroondara.

Mr Raworth considered, while the municipality might contain few other complexes that comprise a Synagogue, former Jewish day school and Jewish community buildings, religious complexes that experienced postwar growth more broadly are not an unusual typology within Boroondara. He considered the complex also does not display any unusual features elevates its status to the level required to support the application of an individual Heritage Overlay.

He opined:

It is not always appropriate to simply apply the criterion of rarity to places that have always been rare in their context (in this case a Jewish complex in Kew) as it is apparent that such rarity may, in fact, be indicative of a lack of importance within, or relevance to, the broader community of the municipality (as opposed to the relatively small Jewish community associated with the place).

While the place is rare as a Jewish complex in Kew, being the only such complex, it is not associated with a specific important event or phase, other than that associated with the postwar presence of the relatively small Jewish community who utilised the place. Moreover, the key element demonstrating the presence of the Jewish community in Kew remains the Synagogue, which has been in continuous use by this community since 1965. The other buildings within the site are less recognisable in their associations, have been used less consistently and in some instances, eg. the 1960s school building, have been in use by other, non-Jewish organisations, or by Jewish organisations that are not specifically local (eg Mount Scopus Jewish School). Moreover, the school itself and the subsidiary buildings that are in use with it, is not a rare building type.

Ms Riddett did not agree that Criterion B had been satisfied as there are many churches/chapels in Melbourne which have associated schools on site including such as Xavier and Genazzano (both in Boroondara); Christ Church Grammar School, South Yarra; Scotch College, Hawthorn; Academy of Mary Immaculate, Fitzroy; former Presentation Convent, Windsor; countless Catholic schools) and within wider Victoria. She saw there is no added value which establishes a case for rarity in that it is postwar as opposed to any other historical period.

Council submitted:

The changing demographic of the Jewish community after World War II saw changes in the way the community in Melbourne expressed their Jewish identity. In her paper Making Modern Jewish Melbourne Catherine Townsend<sup>1</sup> notes that the European Jews that immigrated to Melbourne at this time wanted to establish day schools to fully impart religious and cultural knowledge. Eastern Europe had a long tradition of synagogues with multiple attached functions with the whole site becoming community centres. This differed markedly to what had occurred in Melbourne to this date where Jewish families relied on the Christian private school system. As Townsend notes, the European Jew's 'vision of synagogues saw the production of community as important and was shaped by the goal of building a strong continuing post-Holocaust community.'

The complex at 53 Walpole Street remains as evidence of this important postwar immigration to the area and the establishing of a centre to promote a continuing post-Holocaust Jewish community. It is the only one of its type within Boroondara and is therefore rare.

**Criterion D (Representativeness) - Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments**

Mr Huntersmith maintained the school building has local architectural (representative) significance and has local historical significance as an example of a postwar Jewish school in the City of Boroondara. He noted that while Planning Practice Note 1 does not provide clear guidelines for the assessment of Criterion D, the *Victorian Heritage Register Criteria and Threshold Guidelines* can be used, although they should be used with caution in relation to the thresholding step (step 2) for places being considered at the local level:

<sup>1</sup> Catherine Townsend's paper 'Making Modern Jewish Melbourne', attached to Council's Part B submission as Attachment 1.



In applying the Guidelines to assess if a place satisfies Criterion D, it is important to demonstrate that the subject place exhibits the principal characteristic of a particular class of cultural place. These characteristics are the major features, qualities or attributes that define that class of place. A class of cultural place generally refers to a sub-category of a broader place type.

In the instance of the school building, the broader place type is the education or school building typology, with the class being Modernist architectural design built in the post-World War II era. Key characteristics of the postwar Modern architectural idiom, often referred to as International style, include the use of steel, concrete, glass and prefabricated elements. The use of long-span structural frames and lintels meant that buildings no longer relied on load-bearing walls and larger areas of glazing were possible. These structural developments brought a new freedom to the expression of walls, windows, and roofs as independent design elements and a similar freedom to the planning of interior spaces.

This is evident in the school building in its cubiform massing, flat roof, sheer wall planes of pale brickwork and large expanses of glazing, that combine to give a lightness and transparency to the building that is indicative of the style. These characteristics remain evident in the built fabric as the building is of high intactness and integrity. As such, Criterion D is satisfied.

Mr Huntersmith relied on comparative examples including the 1969 extension to Camberwell High School, referencing the 1940-41 original building, within HO722. This was the most relevant comparative example. The 1950 single storey cream brick building at Balwyn Primary school, whilst not included in the Heritage Overlay represented the prototype for an innovative new type of state school architecture developed by Percy Everett, chief architect of the Public Works Department, and was considered comparable. The third postwar school building in Boroondara is the Preshill Classrooms and Hall, at 395 Barkers Road, Kew, built in 1962. However, he found that its innovative octagonal design, which represented a major departure from the more common nave-like halls designed for schools, was considered not comparable. Mr Huntersmith considered that there are few postwar school buildings within the Heritage Overlay in Boroondara and as such, intactness and integrity, as well as the limited comparable examples, showed the school building to be worthy of local significance as a representative example.

Mr Raworth did not agree that the school has representative significance. Having regard to comparative examples, he considered the school is a modest example of a school building and should not be considered significant within the broad realm of education buildings within Boroondara. Comparing the school building to the 1969 Camberwell High School addition was not appropriate as the reason why the Camberwell High School example is in the Heritage Overlay is because of the 1940s building and there is nothing special about the 1969 addition except that it is sympathetic with the original building.

Mr Raworth opined that while the school building is relatively intact to its exterior, apart from additions at the west end, it is not identified as a notable, fine, influential or pivotal example (thresholding tests in the Heritage Council guidelines referred to by Mr Huntersmith) and does not meet any measure of local significance on this basis. He considered that it does not have broader architectural merit sufficient to warrant its elevation to a threshold level of local significance at a municipal level.

Ms Riddett did not challenge the Context assessment of the 1966 school building and agreed with it meeting the local threshold for Criterion D.

**Criterion G (Social significance) - *Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions***

The KHC/Trust submitted that any important aspects of the history and culture of the Jewish community and/or the Kew community on the site resides in the Bet Nachman Synagogue and does not extend to the hall, former classrooms, caretaker's residence or the current school buildings.

The KHC/Trust continued:

The story and evolution of KHC and this Subject site is ever evolving and dynamic. There is no material significance in the buildings for the Trustees and KHC, the buildings are a just a shell that contained the story of the evolution of the congregation.

Norman Smorgon established the Trust for the express purpose of making the Subject site available for the Jewish Community, for education and religious needs. The early days of the Subject site saw the need for the majority of the site to be used for education.

.....

The [Norman Smorgon Trust] Deed sought to allow for the use of the existing dwelling house, altering of the dwelling house, adapting or adding to the existing building or re-constructing the same or demolishing the existing building and erecting a new structure in such manner as in the opinion of the Committee required to render the property suitable for the purposes required including to permit the property to be used and enjoyed in perpetuity for religious education or other charitable purposes beneficial to the Jewish Community of Melbourne.

They supported Rabbi Link's position that to apply significance to buildings that do not hold sanctity is contrary to their beliefs, where the focus instead is on "doing good deeds." The KHC/Trust completely rejected the proposition of social significance and submitted that adequate assessments, such as a survey and more quantifiable analysis had not been done to demonstrate attachment to the community.

Dr Doyle opined that the starting point of their finding of local social significance related to the generally accepted understanding that community places such as places of worship, schools, public buildings, cemeteries have local social significance. She maintained that the site, comprising Norman Smorgon House, the Synagogue and the school demonstrate social significance (while the classrooms and caretaker's residence did not – presenting historical significance only).

On criticism that an independent assessment of social significance involving a wide survey of members (past and present) of the KHC was not undertaken in the preparation of the citation, Dr Doyle explained that it is not common practice in local heritage assessments to carry out such a survey or other rigorous means of identifying the extent of social attachment to a place and this would more likely be done in a situation where the sole criteria for potential heritage significance was social significance. Noting the current guidelines for the assessment of Criteria G at State level produced by the Heritage Council of Victoria in 2019, this type of survey (as well as investigations into the audience, attachment, period of the attachment, and resonance of the attachment) is also more likely to be undertaken for a place of social significance at the State level.

She explained the study team assumed that there was social significance associated with the place as it comprised a complex of religious and community buildings that had developed over time, and which have been in use since 1949. She considered that this seemed to be a reasonable

assumption to make given that the site was originally nominated by the community and was a view that was reinforced during the site visit in June 2020 undertaken by Mr Huntersmith. She acknowledged the KHC/Trust view but did not consider this negated social significance.

Dr Doyle disputed that social 'attachment' has been transferred to the Bet Nachman Synagogue, saying that:

social value is not a commodity that can be moved from one building to another but rather is inherent to a particular building or place. Social value is represented by the physical fabric of a place, so that one building or place will therefore not have the same social value as another building. The measure of social significance of a place that is connected to a particular faith group is not necessarily spoken for by the faith organisation or the doctrine of that faith group. Rather, it is determined by the individuals who comprise the users of the place and/or by those with who have an historical association with the place.

Further, the cultural heritage significance of a place associated with a faith group is determined though the recognised heritage assessment process in Victoria. If, as it is claimed, that Jewish tradition places little value on 'old buildings', it does not necessarily follow that the old buildings in question have no significance; it is but one opinion on the matter.

Ms Riddett considered the contribution of Jewish worship and cultural life to the City of Boroondara is clearly demonstrated in the existing Synagogue and school. While some customs and traditions of Jewish life are enacted in Norman Smorgon House there is no specific reason for them to continue there or, conversely, not to continue in another building on the site.

Mr Raworth, in undertaking his assessment, applied the Heritage Council's Threshold Guidelines:

- a) Existence of a community or cultural group. A community or cultural group is a group of people who share a common interest, including an experience, purpose belief system, culture, ethnicity or values. The members are connected through a common interest or cause and may:
  - Live or meet in the same locality, or
  - Were once located together and are now geographically dispersed, or
  - May have never met in person (for example are a virtual group and interact online).
- b) Existence of a strong attachment of a community or cultural group to a place or object. Attachment describes people's connection to a place or object. This includes feelings, memories and associations that are important to a community or cultural group's sense of identity, as well as practices, expressions and representations. The reason(s) may be related to a common cause, experience, ideal, belief or cultural practice. The intensity of attachment to place – from ordinary to profound – can fluctuate over time. The nature of the attachment may vary within the community or cultural group but must be strong or special. The place or object may be a source of positive association for some people and negative association for others.
- c) Existence of a time depth to that attachment:
  - i) Time depth is the length of time over which a community or cultural group's connection to place can be demonstrated to have endured. An appropriate time depth to underpin social value will typically be of long standing (a generation, or 25 to 30 years, may be accepted as a rough guide).
  - OR
  - ii) Time depth can be of more recent origin, often provoked by a sense of loss or change, including change of use. People are sometimes unaware of their attachment to a place/object until it is under threat. If the time depth is

of this type, specific evidence should be provided as to why it should be considered a facet of social value.

Applying the above tests, Mr Raworth concluded that:

There can be no clearer response to this question than that already provided by the Jewish community associated with the site, i.e. that the strong attachment of that community is with the Synagogue itself, and not the broader site.

Giant Steps submitted that the fact there is division within the KHC is a telling sign that the matter of whether this site has social significance is inconclusive.

Council submitted the Synagogue is not, and never has been, standalone and that the historical significance is not only reflected in the Synagogue. Just to assign significance to the Synagogue is to misunderstand the nature of the activities on the site.

Dr Meyers considered that the place has deep social significance to the local congregation community and Norman Smorgon House has as much importance to the site as the Synagogue and are inter-dependent.

**Criterion H (Associative significance) - *Special association with the life or works of a person, or group of persons, of importance in our [i.e. the City of Boroondara's] history***

Dr Doyle reiterated the findings of the study that, notable members of the Melbourne Jewish society, including the businessman and philanthropist Norman Smorgon OAM (1884-1956), notable postwar architect, Anthony A. Hayden (1921-1984), and notable artist and Kew resident, Louis Kahan (1905-2002), who designed the ten stained glass windows in the Bet Nachman Synagogue were associated with the site in a way that is significant to the site and Boroondara and the site is significant for its association with Jewish teacher and spiritual leader, Rabbi Jacob Schreiber who led the KHC through the period of significant expansion of its operations from the mid-1950s until the 1980s and was influential in the development of Jewish community life in the postwar period in the City of Boroondara.

Ms Riddett found that the association of Norman Smorgon, Anthony A. Hayden and Louis Kahan is clear and directly connected to the new Synagogue building. Norman Smorgon's association with the place is significantly celebrated in the naming of the Bet Nachman Synagogue after him which, in comparison with the naming of Norman Smorgon House, is a significant accolade and memorial.

Ms Riddett observed that Rabbi Jacob Schreiber is the only Rabbi mentioned in the citation and thus his contribution and associational significance has not been assessed against any contribution of any other Rabbi. While he was active in the place's formative years and over a period of 32 years, there is nothing intrinsic in the fabric of the place which can be specifically identified with him or any other Rabbi. She considered his contribution reflects the general history of the site which in essence is not dissimilar to many church and established school sites and was likely to be associated with the Synagogue and the functions of ministry, rather than any other specific fabric such as the classrooms and the caretaker's residence. It was her opinion that Criterion H had not been satisfied in respect of the classrooms and the caretaker's residence.

Mr Raworth expressed similar views. He considered the associations are evident within the history of the place but are representative of the associations that any community complex of buildings or religious complex might evidence. Moreover, these associations are most strongly represented in the Synagogue itself rather than in the other buildings within the complex, including the 1966 school building. Each of these persons is associated with the Synagogue, while only the architect Hayden has a strong association with the school building. Rabbi Schreiber and Norman Smorgon

were also associated with Norman Smorgon House but would likely also have seen the Synagogue to be the key building in the complex with which they identified, notwithstanding the fact that Norman Smorgon House was named for Smorgon in recognition of his role within the community and the site.

**Integrity, Intactness and fabric**

Mr Huntersmith considered the overall intactness and integrity of the 1966 school and the Synagogue is high. Dr Doyle considered that one can read the entire complex (in its postwar incarnation) and its parts, which all contribute to the significance of the place.

Ms Riddett opined that Norman Smorgon House, which subsumed the original 1886 villa, no longer presents as a Victorian villa and can now accommodate 500 people which is “completely at odds with a Victorian villa of ten rooms.” While the core of the original house may have remained extant in the 1950s and subsequent close decades, it does not remain now. What remains are incoherent remnants. The demolition, alterations and additions have been so comprehensive that any sensible appreciation of the original villa is almost impossible. Further, the remnants which do remain are more incoherent than not.

Giant Steps submitted that, except for the school building, Council said the buildings have some social, cultural and historical significance and as such the commentary in the Heritage Provisions Final Report (2007) is relevant:

Managing places with social or historic values that have little or no heritage fabric poses a particular problem for the planning system. As we have earlier commented, planning is about management of the environment and changes to it, and an appropriate ‘threshold’ that a heritage place should be required to pass is that it has something to be managed. This ‘something’ is usually tangible fabric but it may, for example, be a significant absence of built form, special spatial characteristic or a pattern of ownership. If such things are present, then however ephemeral they are, there will be something to manage. If not, a commemorative plaque is the appropriate way of signifying the importance of the place to the local community.

These comments are also reflected in Planning Practice Note 1.

Giant Steps submitted that, apart from the Synagogue, the buildings on the site do not have the necessary something, in terms of their degree of cultural heritage significance, which elevates them to the requisite threshold level warranting application of the Heritage Overlay. They considered that the continued protection of the Synagogue by HO559 adequately protects the cultural heritage values of the place.

**Details within the citation**

The KHC/Trust submission was highly critical of the citation and listed the following issues with it:

- The relevant Parish of Boroondara Plan shows that N A Fenwick purchase Crown Allotment 87 in 1851 not 1853.
- John Donaldson put an advert on 22 May 1886 in Argus not 5 May 1886.
- The Citation omits relevant details of the Jewish population increase postwar.
- The circumstances of how the Subject site was acquired fails to record or mention the Deed and does not recognise that the Subject site was acquired on trust by trustees and not Norman Smorgon.
- The citation fails to account for the exodus of the Jewish population from Carlton forming part of the shift in the Jewish population at the time.

- The details on the timing of the use of the classrooms and school building are misleading and without reference.
- Following acquisition of the Subject site, Sunday School services were moved from the dance hall opposite Kew Post Office to the Subject site. It is understood by the Trustee's that the Kindergarten and classes for Mount Scopus Memorial College commenced in 1966 at the same that the school building plans were being prepared and Norman Smorgon House was never used for the Kindergarten or school.
- The citation misrepresents the extent of the modification to the House.
- The details of the stained glass windows are inaccurate and misrepresenting the true position of the windows as they are a gift for the benefit and enjoyment of the KHC for as long as the new synagogue continues to be used as a functioning synagogue and it is expected they would be removed if the use ceased.
- The citation provides no evidence to support that Anthony Hayden designed the synagogue and school building, other than being a director of the firm recorded on record.
- Notes about the Norman Smorgon Foundation being an education endowment fund have no connection with the Deed and the Trust that holds the ownership of the Subject site.
- There is no arboriculture evidence to support the heritage significance of the Peppercorn tree or evidence of how it relates to the social significance being sought to be retained.

Dr Doyle and Mr Huntersmith agreed that the following changes should be made to the citation:

- The botanical name for the Peppercorn tree that forms part of the subject site was erroneously given as *Schinus molle*, whereas its correct name is *Schinus areira*.
- Remove the comment that activities in Norman Smorgon House continue 'up until the present day'.
- Correct errors in the dates outlined in the KHC/Trust submission.

#### **(iv) Discussion**

The site is complex with many elements that have, and continue to, evolve as the Trust Deed envisages. The assessment in the citation is comprehensive and assessed both the entire site and its various elements separately. The factual errors in the citation do not influence the ultimate findings but need to be corrected.

The Panel has considered the Planning Practice Note 1 in its deliberations.

The KHC is a complex with a unique history and role within Boroondara, having been developed by, and served, the Jewish community for over 70 years. The Panel considers that it's history is more than 'of interest' to Boroondara, noting that the current Thematic Environmental History (2012) and reflected in the citation, clearly draws out this site under the theme 'Places of Worship that demonstrate shifting demographics', as well as drawing out the contribution of the Jewish Community to Boroondara and this site clearly illustrates this contribution over generations. There is a very strong case for historical significance for this site. It has a clear association with an important phase of development in Boroondara and it is evident in the fabric, to varying degrees, that tell the story of this special place.

The Panel notes that Planning Practice Note 1 does not provide a methodology to determine social significance, although the words of the criterion are instructive – a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.

The Panel is cognisant of the current circumstances of the heritage assessment in the context of the existing development proposal. The Heritage Council's 2019 *Guidance on identifying places and objects of state-level social value in Victoria* is instructive:

Attachment to a place/object as a response to proposed change should not in and of itself necessarily be accepted as evidence of social value. The emotionally charged sentiment, and heightened sense of community that is generated when change is proposed to a place valued by a community needs to be balanced with other factors, such as the nature of the community and time depth, to understand its true relevance.

The Panel acknowledges that there are very different views within the congregation (including the KHC Committee and the Trust and the membership) around future development and opportunities for the site. However, it is clear from the submissions before it, the Context research and the Panel's own observation on site, and even the purpose of the Trust Deed, that the place does have social significance with a current and enduring connection to the site and has time depth.

The Panel has considered criticism that no surveys were undertaken to ascertain the extent of social value. During the Hearing, none of the experts could recall an example where a survey of social significance had been undertaken for a place being considered for local heritage assessment, and the Panel recognises that this is only one method of discerning whether a place has social significance.

The Panel notes in the submissions there was some conflation between sanctity and religious practices and historical and social significance.

While the sanctity and core religious activities are within the Synagogue and have been transferred from the old Synagogue to the new Synagogue, the social and historical significance of both the Synagogue and the balance of the site with its various roles, functions and use by generations, goes beyond the Synagogue. The Synagogue does not convey the whole postwar story of this community site on its own. Dr Myers' description of the complex as 'the heart, the intellect and the fruit' conveys this well.

The site is complex, with layers of changes, particularly between 1949 and 1966. The 1886 villa, subsumed by postwar changes, is not significant for its original purpose or form. However, Norman Smorgon House, demonstrates 'Living Heritage' that has evolved over the last 70 years.

While the site has historical significance for the broader Boroondara community, it has social significance to the local Jewish community.

On balance, having considered the evidence presented before it during the Hearing, the Panel finds that the entire complex does have historical, rarity, social, and associative significance. In addition to these values, it finds that the Synagogue has representative significance, which is already recognised in the Heritage Overlay.

Regarding the 1966 school, while the building does demonstrate characteristics of its class, is highly intact and has integrity, the citation did not make the case as to the building's Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments which goes to the heart of Criterion D.

Based on comparative analysis, the Panel acknowledges there are very few postwar school buildings on the Heritage Overlay in Boroondara. The only comparator within the Heritage Overlay is the 1969 wing of Camberwell High School. Malmsbury Street is a finer example compared with the 1969 wing; however the Panel considers that the comparison being made is

effectively between an addition (in the Camberwell High School example) and the school building proper at Malmsbury Street. There has not been a comprehensive comparison of other postwar building types, which do exist within Boroondara but are not the Heritage Overlay. This is understandable as perhaps it is not a typology that has been explored in previous studies. However, given there are other examples of postwar school buildings within Boroondara, it is considered that the Malmsbury Street school has not adequately been tested to gauge its relative importance for Criterion D.

In this context, the Panel finds that the school building on Malmsbury Street does not meet the threshold under Criterion D. While the building contributes to the site's historical significance, it does not meet the threshold for representative (architectural) significance in its own right. The Panel considers that the case has not been made that the school is a particularly important representative example, other than being a school building.

On the matter of the Peppercorn tree, the Panel notes the guidance in Planning Practice Note 1, that states:

Tree controls should only be applied where there has been a proper assessment. The statement of significance for the heritage place should identify the particular trees that are significant (under "What is significant?") and why the tree or trees are important.

...

This control is designed to protect trees that are of intrinsic significance (such as trees that are included on the National Trust Heritage Register), or trees that contribute to the significance of a heritage place (for example, trees that contribute to the significance of a garden or area). The control is not meant to protect trees for their amenity value. See Planning Practice Note 7 – Vegetation Protection in Urban Areas for alternative methods of vegetation protection.

The Panel has applied the tests of Planning Practice Note 1 relating to when trees ought to be listed within the Heritage Overlay Schedule.

The Panel notes that the Statement of Significance does not relate to the original 1886 villa for its historical value prior to 1949, but postwar use and conversion to the KHC.

Although the Peppercorn tree is a likely planting from the Villa's original garden, it is unrelated to the history of the site that is identified for its period of significance, in terms of its postwar establishment. While Dr Myers in his verbal submission mentioned the cultural and religious value of retaining fruiting trees and by extension, the importance of the retention of the Peppercorn, this was not expanded upon at all in the citation.

The Panel considers, while it is a beautiful tree, the Peppercorn tree does not meet the tests as an element of heritage significance under the current citation. Just because it is a beautiful tree or has aesthetic value, these are unrelated matters that go to the heart of the significance of this site.

The Panel notes that the Council has a significant tree register which is administered through its local laws. Council is encouraged to consider investigating whether the Peppercorn tree warrants inclusion within this register. Alternatively, it may consider commissioning an assessment of whether the tree warrants a specific Heritage Overlay or the Vegetation Protection Overlay.

Regarding the Statement of Significance, the Panel notes that all the elements on the site are listed as significant. While they all relate to the site, in terms of fabric, the Panel does not consider that they all make an equal contribution and, given the site's history of adaption and change, the components on the site should be listed in a way that clearly differentiates those elements that are



intrinsically significant and those elements that are less critical; while contributing to the understanding of the site, could be adapted, replaced or removed with careful consideration to design and interpretation.

Having regard to the evidence, submissions and its own on site observations, the Panel considers the following:

- The entire site has historical, rarity, social and associative significance.
- The Synagogue has representative significance.
- Significant fabric includes the Synagogue.
- The following elements of the site are significant:
  - Bet Nachman Synagogue (c.1963-65), including ten stained glass windows designed by Louis Kahan.
- Elements that contribute to the significance include:
  - Norman Smorgon House, which comprises the remnant core of an original brick residence (c1886) that was adapted and used as a synagogue from c.1949-63, and the additions dating from 1954 and 1957
  - Classrooms (1959)
  - School building facing Malmsbury Street (1966)
  - Former caretaker's cottage (c.1970).

The recent additions made to the east, west and north of the school building facing Malmsbury Street are not significant.

Having regard to its heritage values, the fabric of Norman Smorgon House, classrooms, and the former caretaker's cottage are elements that could accommodate a higher degree of change and even demolition and interpretation.

### **Managing fabric**

The Panel notes the Giant Steps' submission regarding Planning Practice Note 1's guidance dealing with places of historic and social significance:

Planning is about managing the environment and its changes. An appropriate test for a potential heritage place to pass in order to apply the Heritage Overlay is that it has 'something' to be managed. This 'something' is usually tangible but it may, for example, be an absence of built form or the presence of some other special characteristic. If such things are present, there will be something to manage and the Heritage Overlay may be applied.

In the context of Planning Practice Note 1's consideration of places of social and historical significance, the reference to applying historical markers are where there is no fabric to manage – here there is something to manage.

The Panel notes that, when it comes to the management of the fabric, there is often a higher degree of change contemplated for buildings without high architectural value. This is usually resolved through guidelines, a Conservation Management Plan or on a case-by-case basis depending on the plans proposed and weighing up all the matters that need to be considered through the planning permit process.

While this place is extant and intact to its historic and social significance, the Panel agrees with Ms Riddett that there is nothing intrinsic in the actual fabric of the hall at Norman Smorgon House and that this type of use can be replaced or transformed in the next chapter of the site.

**Next steps**

Given the live issue of a permit at the time of the heritage assessment, the heritage assessment process would have benefitted from a subsequent piece of work in the form of policy, development guidelines or Conservation Management Plan for the site to guide decision making rather than simply relying on the Heritage Overlay, Statement of Significance and citation.

The Panel notes that all the heritage experts at the Hearing considered that a Conservation Management Plan would be useful.

The Panel considers the following:

- The site is used by, and subject to a development proposal, for a use of high community value.
- Intrinsic to its social significance, the site is an evolving site, and unlike many heritage sites, change should continue to be expected.
- Given the unusual and complex elements of the site, a more facilitative heritage control regime in the form of guidelines should be developed expeditiously to provide greater guidance around how the place can change and be interpreted having regard to its living and evolving history and its heritage values.

The Panel notes the KHC/Trust submission:

The Deed sought to allow for the use of the House, altering of the House, adapting or adding to the existing building or re-constructing the same or demolishing the existing buildings on the Subject site and erecting a new structure in such manner as in the opinion of the Committee is required to render the property suitable for the purposes required, including to permit the property to be used and enjoyed in perpetuity for religious education or other charitable purposes beneficial to the Jewish Community of Melbourne.

The Panel notes that the Trust Deed is a tool which is completely unrelated to the Victorian Planning Provisions but to all intent and purposes guides those aspects of the use of the site (for the benefit of the Jewish community and charitable causes) that drive much of its social significance.

The Trust Deed contemplates that the site would experience change. The Panel considers the Trust Deed as an important foundation document for the site and its purpose should inform future heritage guidelines or Conservation Management Plan.

**(v) Conclusions and recommendations**

The Panel concludes:

- The Kew Heritage Congregation is of local cultural heritage significance and meets criteria A, B, G, H and D (Synagogue only).
- It is appropriate to extend the Heritage Overlay (HO559) to the site to recognise its local cultural heritage significance. Specific tree controls are not supported without further assessment.
- The Synagogue has primary significance, with the other elements on the site contributing to the site's significance to varying degrees.
- The citation should be revised to:
  - reflect corrections set out in the KHC/Trust submission regarding dates, the role of Norman Smorgon and the Trust Deed

- distinguish those parts of the site that are significant or of primary significance and ancillary elements.
- The Statement of Significance should be prepared in a way that clearly differentiates those elements that are intrinsically significant and those elements that contribute to the understanding of the site but could be adapted, replaced or removed with careful consideration to design and interpretation.
- The citation and Statement of Significance should be augmented by a policy or Conservation Management Plan that identifies those parts of the site where fabric is critical to understanding the site's significance, and those elements, such as the hall, caretakers residents and classrooms where retention of fabric is not critical in understanding the place, but ways to properly record and the approach to the evolution of the site enables the concept of 'living heritage'.
- While the Peppercorn tree is an impressive tree and is likely to be significant, the citation does not provide any context as to how it relates to the history of the site. the Heritage Overlay. A separate assessment of the tree to consider whether it warrants protection under either the Heritage Overlay as a significant tree, under the Vegetation Protection Overlay or within Council's own Significant Tree Register.

The Panel recommends:

- 1. Amend the Statement of Significance for the Kew Hebrew Congregation to:**
  - a) remove the 1966 school from Criterion D
  - b) Identify the following elements of the site as significant:
    - Bet Nachman Synagogue (c.1963-65), including ten stained glass windows designed by Louis Kahan.
  - c) include the following elements which contribute to the significance:
    - Norman Smorgon House, which comprises the remnant core of an original brick residence (c1886) that was adapted and used as a synagogue from c.1949-63, and the additions dating from 1954 and 1957
    - Classrooms (1959)
    - School building facing Malmsbury Street (1966)
    - Former caretaker's cottage (c.1970).
- 2. Amend the citation for the Kew Hebrew Congregation to:**
  - a) correct the botanical name for the Peppercorn tree that forms part of the subject site as *Schinus areira*
  - b) include corrections set out in the KHC/Trust submission regarding dates, the role of Norman Smorgon and the Trust Deed listed in Chapter 4 of this report under 'Details within the citation'
  - c) distinguish those elements on the site that are of Primary significance (the Synagogue) and those elements, such as the Norman Smorgon House, the caretaker's residence and 1959 classrooms where retention of fabric is not critical in understanding the place.
- 3. Amend the Heritage Overlay Schedule to remove reference to the Peppercorn tree from the tree controls column.**

**Further recommendations**

The Panel makes the following further recommendations:

Separate to this Amendment, Council should consider further strategic work to prepare heritage guidelines for the Kew Hebrew Congregation in consultation with the Kew Hebrew Congregation and the Norman Smorgon Trust.

Council should further assess the large Peppercorn tree on at the Malmsbury Street frontage to ascertain its significance.

## Appendix A Submitters to the Amendment

No.	Submitter
1	Ms M Jones
2	Kew Hebrew Congregation (former Committee)
3	Norman Smorgon House Trust
4	Giant Steps Melbourne
5	Petition of Kew Hebrew Congregation members
6	Kew Historical Society
7	Bet Nachman Synagogue Members, KHC
8	Kew Hebrew Congregation (current Committee)
9	Dr J Yaacov Myers
10	Ms V Fink and Mr M Foxen

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## Appendix B Document list

No.	Date	Description	Provided by
1	15/07/2021	Council Part A submission	Ms De Casella, Maddocks
2	15/07/2021	Expert Evidence in Heritage for Boroondara City Council – Dr Helen Doyle and Mr Huntersmith	Ms De Castella, Maddocks
3	15/07/2021	Expert Evidence in Heritage Robyn Riddett for KHC	Mr Sissons, HWL Ebsworth Lawyers
4	15/07/2021	Expert Evidence in Jewish Culture and History Rabbi Steven Link	Mr Sissons, HWL Ebsworth Lawyers
5	15/07/2021	Expert Evidence in Heritage Bryce Raworth for Giant Steps Pty Ltd	Ms Scott, Arnold Bloch Leibler
6	15/07/2021	Affidavit of Barry Irvin dated 14 July 2021	Ms Scott, Arnold Bloch Leibler
7	21/07/2021	Council Part B submission	Ms De Castella, Maddocks
8	22/07/2021	Submission slides	Dr Myers
9	22/07/2021	Submission of Norman Smorgon Trust and KHC	Mr Sissons, HWL Ebsworth Lawyers
10	23/07/2021	Trust Deed (redacted)	Dr Myers
11	23/07/2021	Urban Planning Delegated Committee meeting 7 September 2020 – Officer report	Ms De Castella, Maddocks
12	23/07/2021	Letter of Brief for Expert Evidence (Robyn Riddett)	Mr Sissons, HWL Ebsworth Lawyers
13	26/07/2021	Submission slides version 2	Dr Myers
14	29/07/2021	“The Transformation of a Community”, Journal of the History Teachers’ Association NSW, S Rutland, 2006	Dr Myers
15	29/07/2021	Preliminary Consultation Map	Ms De Castella, Maddocks
16	29/07/2021	Trust Deed dated 29 July 1998	Dr Myers
17	29/07/2021	Giant Steps submission	Ms Scott, Arnold Bloch Leibler
18	29/07/2021	Giant Steps Planning Application	Ms Harrison-Ichlov, Arnold Bloch Leibler
19	30/07/2021	Submission presentation 1	Dr Myers
20	30/07/2021	Submission presentation 2	Dr Myers

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21	3/08/2021	1962 Preshill Plans and photo of 1941 Camberwell High elevation	Ms Harrison- Ichlov, Arnold Bloch Leibler
22	6/08/2021	Mr Huntersmith responses to Mr Raworth images	Ms De Castella, Maddocks

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## Kew Hebrew Congregation

Prepared by: Context

**Address:** 53 Walpole Street, Kew

<b>Name:</b> Kew Hebrew Congregation	<b>Survey Date:</b> 8 & 15 June 2020
<b>Place Type:</b> Community (religious)	<b>Architect:</b> William Salway (1886 residence); Bridge Hayden & Associates (Bet Nachman Synagogue, Norman Smorgon House and School)
<b>Grading:</b> Significant	<b>Builder:</b> Clements Langford Pty Ltd
<b>Extent of Overlay:</b> To title boundaries	<b>Construction Dates:</b> c.1886 (residence); 1954 and 1957 (additions to Norman Smorgon House), 1959 (Classrooms), 1963-66 (Bet Nachman Synagogue and school building), 1970 (Cottage)



Figure 1. View of Bet Nachman Synagogue building from the south-east corner of Walpole and Malmsbury streets. (Source: Context, June 2020)



Figure 2. View of the two-storey school wing from Malmsbury Street. (Source: Context, June 2020)



Figure 3. Entrance to Norman Smorgon House via Malmsbury Street. (Source: Context, June 2020)





### Historical Context

The first survey of the Kew area was by government surveyor Robert Hoddle, who divided the 1400 acres (570 hectares) of the Parish of Boroondara into 150 blocks of different sizes in 1837 (Morrissey 2008). Kew was divided into large allotments to encourage the establishment of small farms and market gardens to supply the growing settlement of Melbourne. These larger allotments meant that future subdivision proceeded in a piecemeal way (Sanderson 1988:4/2).

Access to Kew from the central city was originally via a punt across the Yarra in the 1840s, then via a bridge to Hawthorn which opened in 1852, and by the privately owned Studley Park Bridge (nicknamed the Penny Bridge), which was opened in 1857. The construction of the Johnston Street Bridge in 1858 enabled direct access to Kew from Collingwood. The Boroondara Road Board District, comprising Kew, Hawthorn and Camberwell, was proclaimed in 1856 (*Victorian Places* 2015).

The first houses in Kew were mostly built in the 1850s around the area now known as the Kew Junction. During the gold rushes of the 1850s, speculation on land purchases increased and the region experienced rapid expansion. As Jane Carolan writes, Kew became a 'suburb of British expatriates who built their homes and gardens to replicate those left behind'. A number of fine homes were built in Kew by wealthy merchants, industrialists and politicians, and by graziers seeking a town address. Many of the villas and mansions were built to overlook the city of Melbourne and were set on large allotments of land, sometimes of many acres (Carolan 2003:3).

The subdivision of land to form residential estates occurred in the Kew area from the 1860s, although subdivision plans from the 1860s and 1870s suggest that the scale of subdivision was quite small. In the 1880s, Melbourne's land boom was influential in establishing Kew's residential street pattern (Sanderson 1988:4/7-9).

Subdivision slowed with the economic depression of the 1890s. However, by the end of 1897, housing construction had begun anew. In 1903, Kew was described by the *Australian Handbook* as a 'very favourite place of residence for the merchants and upper tradesmen of the city, and is dotted with their elegant mansions, villas, and well-kept gardens' (cited in *Victorian Places* 2015).

From 1920, with the war over and suburban development in full swing in Melbourne, Victoria experienced the highest marriage rate in its history and families sought homes away from the crowded inner suburbs of Melbourne. Following the tramlines, new estates were established in Kew. The pattern of expansion continued through the rest of the decade, and was reflected in the construction of 'State Bank houses' and War Service Homes; both schemes were administered by the State Savings Bank of Victoria, with houses in Kew built mostly on new subdivisions in the north and east of the suburb. New subdivisions in the 1920s changed the rural nature of North Kew, as housing and large recreation reserves began to replace dairy farms and market gardens. Estates were also established on the grounds of former mansions. Between 1921 and 1933, Kew's population increased by 46.62 per cent and its house numbers by 62.73 per cent (Sanderson 1988:4/11-17). As a result of council policy to limit industry, Kew had only 29 factories in 1927 compared with Hawthorn's 140 factories (Morrissey 2008), further reinforcing its reputation as a genteel residential suburb.

Subdivision slowed once again with the economic depression of the late 1920s and early 1930s, but new estates appeared in the mid-1930s. Most of the new estates were of a modest scale built around small courts or short streets that bisected the former grounds of large houses. However, some in the northern part of the suburb had more substantial houses. Further subdivision occurred after World War II (Sanderson 1988:4/20 and 4/24).



The Studley Park area of Kew underwent intensive and significant infill development in this period (Built Heritage 2012:17).

Today, Kew retains evidence of this historical growth and development. As the *City of Kew Urban Conservation Study* states:

*To the north and east twentieth century housing predominates, the result of the suburban expansion that followed both World Wars. In the rest of the suburb the housing is more mixed, a legacy of constant subdivision. For this reason Kew does not have significant nineteenth century streetscapes, but in the mixture of housing styles numerous important buildings remain, and in the individual examples both old and new, Kew's built heritage is almost a compendium of domestic architecture in Melbourne, from smaller family houses through to grand mansions (Sanderson 1988:4/25).*

#### **Sub-theme: Jewish settlement in Melbourne**

The first Jewish settlers came to Melbourne in the 1830s, including some who had been British convicts. Melbourne attracted a diverse range of immigrants from the 1850s, including many English and European Jews, however the bulk of the nineteenth century Jewry in Melbourne had English origins. In the 1920s there was an increase in Jewish immigration to Melbourne, with many settling in Carlton. After the Second World War there was a large number of European Jews immigrating to Melbourne, many of whom were displaced persons. A great many amongst this group were Holocaust survivors and the need for this group to establish a supportive, connected community life was paramount. There was a concentration of Jewish settlement in St Kilda, Caulfield and Kew (particularly in the Studley Park area). (Catherine Townsend, 'Making Jewish Modern Melbourne'; Bernard Retcher 2008, 'Jews and Judaism' in eMelbourne)

#### **Sub-theme: History of churches / synagogues**

From the 1850s, places of worship appeared in the area now constituting the City of Boroondara. Early places of worship were relatively primitive, but in the second half of the nineteenth century the major Christian denominations erected larger, more impressive buildings. In the early development of Kew, the early churches were often the recipients of a Crown grant of land. The early church sites often had a sufficiently large allotment to allow a generous set back and a garden setting.

While church buildings were erected for Christian denominations in the nineteenth century, there was no early place of worship for the Jewish community established in Kew nor in the wider area of the City of Boroondara. The Catholic church established a particularly strong presence in Kew with the establishment of Xavier College (1876), Sacred Heart Primary School and Genazzano girls' school (1890), followed by the establishment of the residence for the archbishop's palace at 'Raheen' in 1918. Other church-affiliated schools in Kew included Methodist Ladies' College (1892), Trinity Grammar School (1903) and Carey Baptist Grammar School (1918). It is likely that there were more church-affiliated schools established in Kew than any other suburb of Melbourne.

Prior to the Second World War, in the absence of a Jewish school in the City of Boroondara, some middle-class Jews in Melbourne sent their children to Christian church-affiliated schools, including Scotch College and Methodist Ladies' College (McCalman 1994, *Journeys*: 102-03). Following the Second World War, several Jewish schools were established in Melbourne. Mount Scopus Memorial College opened on St Kilda Road in 1949 and moved to a large site in Burwood in 1954. Bialik College, which originated in Carlton in 1942, was established in Hawthorn East in the late 1970s, but the school has no associated synagogue.

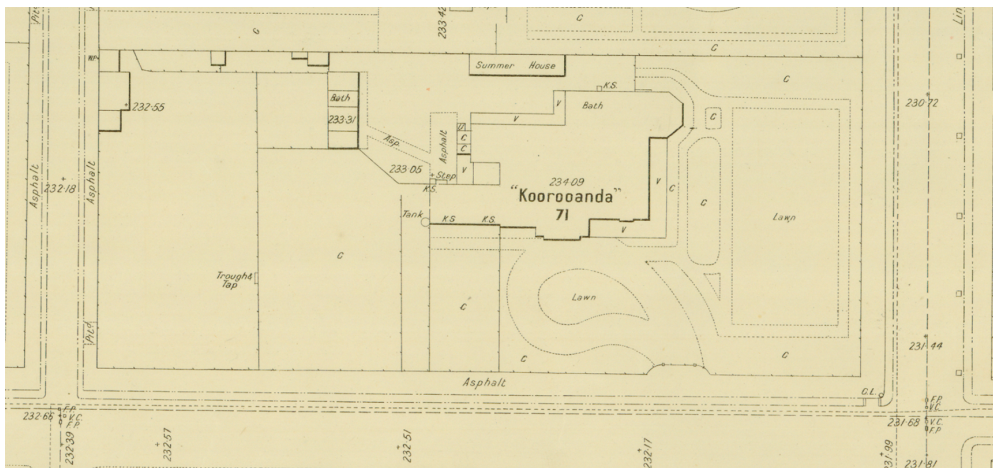


In Melbourne there were Jewish schools established in St Kilda, and later in Caulfield and Kew. While there was a large number of religious-affiliated schools attached to Christian churches in the City of Boroondara, the school in Kew was the only religious day school that was Jewish.

### History of the place

This present site on the north-west corner of Walpole Street and Malmsbury Road, Kew, occupies a site that was part of a larger part of land defined as Crown allotment 87 in the Parish of Boroondara, which was first purchased from the Crown by N. Fenwick in 1853 (Boroondara parish plan). This area developed into a middle-class residential area, and a number of fine villas were erected here in the latter part of the nineteenth century.

In 1885, the site facing Malmsbury Street was a vacant block owned by John Donaldson, manager. In 1886 Donaldson commissioned the renowned Melbourne architect William Salway (1844-1902) to build a single-storey villa on the allotment (*Argus*, 5 May 1886:3). Salway designed a large number of public and residential buildings in Melbourne, including the Italianate mansions 'Nareeb', Toorak (1888, demolished) and the extension to 'Raheen', Kew (1884; VHR H0515), as well as the grandstand at the MCG (c.1880s). The MMBW detail plan dated 1904 shows the large house at 71 Malmsbury Street, named 'Koorooanda', set amidst an extensive garden with a rear summer house (MMBW 1904). John Donaldson lived at this address with his wife Alice (née Chapman) and their four children (RB 1897, ER 1919). The address was changed by the early 1900s to 53 Walpole Street. In late 1920, John Donaldson advertised 'Koorooanda' for sale. The house was described as a 'spacious brick villa residence' in 'beautiful grounds'. Other details provided about the house included its 'solid construction ... specially ventilated, hollow walls, slate roof, and containing ten large rooms and offices, verandahs on three sides and lookout roof' (*Herald*, 11 December 1920: 28).



**Figure 4. The original residence at 53 Walpole Street, Kew (formerly addressed as 71 Malmsbury Street), shown in MMBW Detail Plan No. 1583, dated 1904. The house 'Koorooanda' was set on a large block with generous areas of garden to the south and east. (Source: State Library Victoria)**

From the early 1920s the house was named 'Elstow' and was owned by Alfred Harold Gaze, general manager of the British Phosphate Commission. Gaze and his wife resided here with their four children.

A large Peppercorn tree, located close to the southern boundary of the property, appears to have formed part of the garden at 'Koorooanda' (MMBW 1904); this tree had a large canopy in 1945 which indicates that it is at least 75 years old (Melbourne 1945).



Figure 5. Detail of an aerial photo, dated December 1945, showing the house and grounds. Note the mature Peppercorn tree (*Schinus ~~molle~~areira*) located at the south of the site appears to be already well established at this time. (Source: Melbourne 1945)

The Jewish population in the Kew area had increased significantly in the postwar period and were in need of a place they could gather for social events and for worship. In 1949 the former Donaldson house on the corner of Walpole and Malmsbury streets was acquired by businessman and philanthropist Norman Smorgon, representing the Jewish community of Kew, for the purpose of establishing a Jewish Centre. Smorgon was a Kew resident, living at the time in Holroyd Street. A trust deed between Norman Smorgon on the one part, and Eric Smorgon, Anatole Mahemoff and Jack Fink on the other part, was drawn up on 12 August 1949. This stated that Norman Smorgon provided the land described in Certificate of Title vol. 4751, fol. 156 and Certificate of Title vol. 5509, fol. 647 'to the intent that it may be used in perpetuity by and for the benefit of the Jewish Community of Melbourne', and that the three nominated men would act as trustees for the property and its specified use. The deed also stipulated the naming of 'Norman Smorgon House' (Mr Norman Smorgon [etc]... Deed of Trust, 12 August 1949).

Whereas in the late nineteenth century there had been a concentration of Jewish immigrants in Carlton, the central city and St Kilda, the postwar Jewish immigrants settled in suburbs east and south-east of Melbourne, particularly in Caulfield, but also in Kew, North Balwyn and Doncaster. The embryonic Jewish congregation at Kew was a combined group, bringing together members of the established Melbourne Jewry as well as more recent arrivals from Eastern Europe, mainly from Hungary, Poland and Germany, many of whom were Holocaust survivors. A large number of European Jewish immigrants settled in Melbourne in the 1950s and 1960s.

The existing Victorian-era villa and large established garden at 53 Walpole Street, Kew, were initially used by the congregation for social activities and Shabbat services. A front room in the building was also used for a shule, for the purpose of worship, which was possible when there was a minyan, or ten men present. It was furnished with a temporary Ark, a reading desk and school benches (Kew Hebrew Congregation website 2020).

Over the following years, there was significant growth of the Jewish population in Kew (and North Balwyn) and the need for a larger space for a synagogue. The existing residence was adapted over the following ten years. In 1954, a new section, designed by congregation member Ben Fink, was added to the north side of the existing house to accommodate 120 people. Other internal walls were removed to provide more space for social functions (*Australian Jewish News*, 13 August 1965, cited in Lenkiewicz et al. 2017).

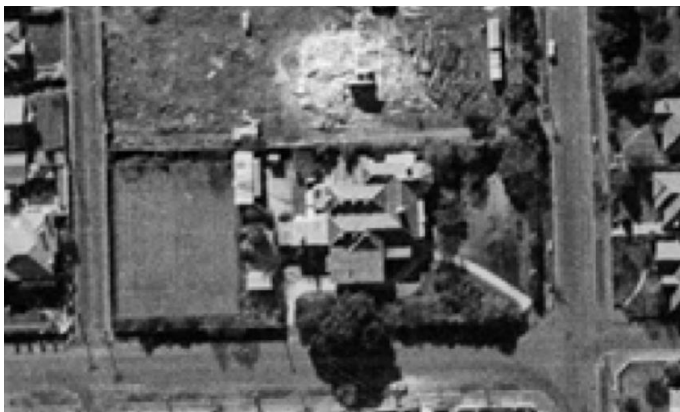


**Figure 6. Detail of an aerial photo of the site, dated 1956, showing the c.1886 house largely intact with the flat-roofed addition to the north. (Source: Landata)**

In 1957 a second addition was built on the southern side of the house to create a large room designed to serve as a synagogue. The new space, which could accommodate around 500 people, was consecrated on 25 August 1957 (Kew Hebrew Congregation website 2020). This would later be referred to as the 'old synagogue' and was also known as Norman Smorgon House.

For both the 1954 and the 1957 extensions, an external wall of the existing house was demolished to enable the addition of a new section (Kew Hebrew Congregation website 2020). Following these additions, the core of the original residence remained extant as did many of the internal features of the house, despite the reconfiguration of the internal spaces.

Rabbi Jacob Schreiber was appointed part-time Minister to the Kew Jewish Centre in 1956. Schreiber was also a teacher at Mount Scopus Memorial College in Burwood and developed a kindergarten and eventually lower primary level classes at the site in Kew.



**Figure 7. Detail of an aerial photo of the site, dated 1958, showing additions to the north and the south of the house. (Source: Landata)**

With a growing congregation and relatively prosperous times, the complex was further developed through the 1960s. Four classrooms were erected on the north side of the site in 1959 ('Golden Anniversary', 1999).

Polish-born and British-trained architect Anthony Hayden was commissioned to design a new purpose-built synagogue in c.1963, which was planned for the area to the east of the





existing building. As a local resident, Hayden had connections to the Kew Hebrew Congregation and had attended the synagogue when it operated in the older building (Lenkiewicz et al. 2017). The Australian Prime Minister and local Member for Kooyong, Sir Robert Menzies, with his wife Dame Pattie laid the foundation stone for the new synagogue on 25 August 1963 (*Sydney Morning Herald*, 26 August 1963:1). In a plan prepared by the architect in 1964 the building to the west of the new synagogue was marked as 'Social Hall' (existing) (Lenkiewicz et al. 2017).

The new synagogue was completed, dedicated and officially opened in mid-1965. This period of growth and relative prosperity of the Jewish population in Melbourne saw an increasing demand for Jewish education. Norman Smorgon House in Kew had been used by Mount Scopus Memorial College for an affiliated kindergarten from 1951. Mount Scopus College, established on St Kilda Road in 1949, had moved to a large site in Burwood in 1953. Following the opening of the new synagogue, the rapidly growing community commenced construction of a two-storey block for a school and , also to a design by Bridge, Hayden & Associates, a modernised community centre in 1966 (*Age*, 11 November 1966:14). Many members of the congregation lived locally and wished to send their younger children to a local Jewish school so instead of a primary school being built at Mount Scopus in Burwood it was built at Kew. In 1966 the new double-storey school building, designed by architects Bridge, Hayden and Associates, was opened to serve as a primary school for Mount Scopus College. The complex was financed jointly between the community and the expanding Mount Scopus Memorial College, and later moved to purpose-built facilities designed by the noted Jewish architect Anatol Kagan in Burwood in 1953. The building facing Malmsbury Street was to serve as the Kew division of Mount Scopus College, accommodating the primary school aged children (*Age*, 11 November 1966:14). The kindergarten continued to operate from Norman Smorgon House (*Age*, 11 November 1966:14). The school building continued to be used as such until the 1990s. There was a fall in enrolments at the primary school section of Mount Scopus Memorial College and the school was closed in 1996.

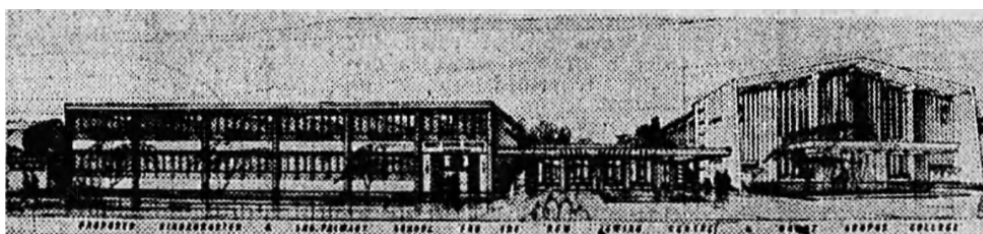
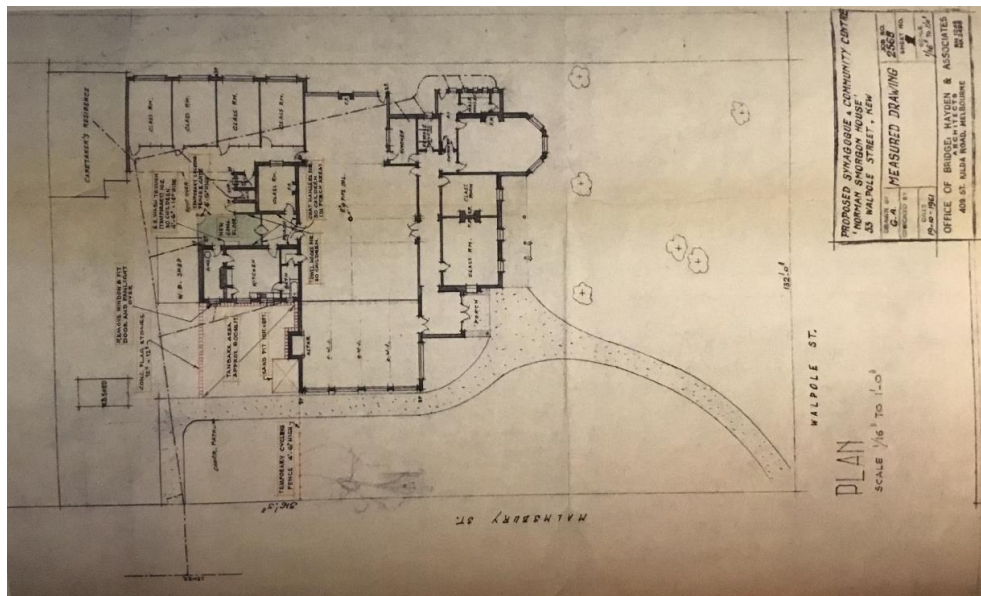


Figure 8. Proposed extensions to the Kew Jewish Centre, 1965. (Source: *Age*, 11 November 1966, p. 14)

The *Age* newspaper reported that the school block was to adjoin the 'proposed modernised community centre, which was originally a small synagogue' (*Age*, 11 November 1966:14). Designs for the new building and renovations were from the firm of Bridge, Hayden & Associates (*Age*, 11 November 1966:14). Tony Hayden, a partner with the firm, had earlier designed the adjacent synagogue, and plans indicate that the school block and modernised community centre were likely part of an initially conceived scheme for the broader site (Lenkiewicz et al. 2017).

The two 1960s additions effectively enclosed the site on the east and south sides. Recent aerial images that show part of the Victorian-era roofline of the former villa suggests that the area adjoining the new synagogue on its western side is the remnant core of the 1886 villa designed by William Salway.



**Figure 9. Bridge, Hayden & Associates, existing conditions plan for 53 Walpole Street, Kew, 1961. Note the Peppercorn tree is drawn as a substantial tree. (Source: Public building file, Unit 306, PROV, reproduced in Lenkiewicz et al. 2017, ‘Bet Nachman Synagogue’, student project, University of Melbourne)**

There had been an existing ‘caretaker’s cottage’ on the site by 1961, which occupies the site of a small habitable detached building that was marked on the MMBW plan of 1904 as being plumbed with a bath; the earlier building was possibly a former external washhouse or servant’s room situated to the west of the former villa (MMBW 1904). A new caretaker’s cottage was built on the west side of the complex in c.1970 (‘Golden Anniversary’, 1999).

The Governor-General Sir Zelman Cowen and Lady Cowen were guests of honour for the dedication of new stained glass windows on the western side of the synagogue. These windows were designed by local artist Louis Kahan and presented to the synagogue by Mr and Mrs Eric Smorgon in 1982. The heritage citation for the synagogue prepared by Lovell Chen notes that ‘the Kahan windows were installed to the western side of the auditorium, which spans the full width of the building from east to west, and as highlight windows to the north and south sides respectively’ (Lovell Chen 2011). A ten-page booklet on the meaning of the ten stained glass windows, written by Kahan, was produced by the Kew Hebrew Congregation in 1982.

From the 1950s, a Hebrew language school operated at the site on Sundays, which was attended by children who attended non-Jewish schools in the wider area (Sally Berkowic 1999, *Straight Talk*: 142). Four purpose-built classrooms were erected for this purpose in 1959.

The Kew Hebrew Congregation Library holds a significant collection of memorial books on Eastern European Jewry, written before and after the Holocaust. These books, known as *yizker* volumes, are an important historical record of the people from a particular place in Eastern Europe and form part of a highly significant wider global collection (Rosemary Horowitz (ed.) 2011, *Memorial Books of Eastern European Jewry*: 287).

The funerals of several high-profile figures have been held at the Kew synagogue, including Senator Samuel Herbert Cohen QC in 1969 and Richard Pratt in 2009 (Age, 10 October 1969:10; 22 June 2009:5).



**Figure 10. Map identifying key elements of the subject site and their corresponding build dates. (Source: Nearmap 2020)**

#### *Community connections*

The site as a whole has played an ongoing role in both the spiritual and social life of the Jewish community, locally and across wider Melbourne, since 1949, when the first synagogue was established in the existing Victorian-era house on the site.

Norman Smorgon House has served the community for over sixty years as a gathering place for various functions and activities, including for ceremonial observances and rituals from 1949-c.1965 when it was used as a synagogue, as an affiliated kindergarten (with Mount Scopus College) from 1951, and for hosting Shabbat dinners, weddings and school functions until relatively recent times ~~up until the present day~~ (V. Rosenberg, pers. comm., 15 June 2020).

The Bet Nachman Synagogue has served the community for over 50 years as a purpose-built place of worship, and as a place where the community's culture and identity is celebrated through the observance of festivals and events throughout the Jewish year and the marking of life cycle events such as births, bar/bat mitzvahs, weddings and funerals. The school building facing Malmsbury Street, constructed in c.1965-66, has long connections with the Jewish community through its affiliation with Mount Scopus College, as it served as the Kew division of the college until the 1990s.

#### **Anthony (Tony) Abraham Hayden (1921-1984)**

Anthony Hayden was born Abraham Hershman in 1921 in Warsaw, Poland, to Jewish parents. His family relocated to Britain in 1930, and by 1937 had permanently settled in Manchester, where Hayden undertook an architecture course at the Manchester Municipal School of Art. Hayden completed his course in 1942, and received scholarships and prizes in each year of his studies. Hayden was admitted as an associate of the RIBA the year following his graduation (Built Heritage 2020).

After serving in the armed forces with the Royal Engineers during the Second World War, Hayden anglicised his name and undertook work with an architectural firm in Manchester. It is likely that he also undertook work in his own practice following this period (Built Heritage 2020).





In 1949, Hayden and his brother migrated to Australia. Hayden joined the office of Arnold Bridge & Associates, located in Collins Street, and he was registered with the Architects' Board of Victoria the following year. By 1956, Hayden had been elevated to partnership within the firm (Built Heritage 2020). The bulk of Hayden's work with the firm appears to have been small and medium scaled commercial projects, often retail buildings in suburban Melbourne. Dickin's New World, a chain of grocery shops that was later taken over by G. J. Coles, was a regular client (Built Heritage 2020).

Hayden was also able to make use of his connections within the burgeoning postwar Jewish population in Melbourne. Due to this clientele, Hayden's work can often be found in the suburbs of Kew, Caulfield and St Kilda East, where many fellow Jewish migrants had settled upon arriving in Melbourne. Hayden received three important community commissions: the Kew Synagogue, the Caulfield Synagogue, and the monument to Jewish war victims in the Melbourne General Cemetery (Built Heritage 2020).

By 1973, the firm had become known as Anthony A. Hayden & Associates, following Arnold Bridge's retirement. Hayden died in 1984 (Built Heritage 2020).



**Figure 11. Anthony A. Hayden, photographed in the 1950s. (Source: Built Heritage)**

#### **Louis Kahan AO (1905-2002)**

Louis Kahan was born in Vienna and later moved to Paris where he became immersed in the bohemian life of the city in the 1930s. He worked as a war artist for the French Foreign Legion during the Second World War. He and his wife Lily settled in Melbourne in 1950 and lived in Kew. Kahan worked as an artist of various forms, including paintings, drawings, costume design and stained glass windows. He was offered numerous private and public commissions. He won the Archibald Prize in 1962 for his portrait of Patrick White.

#### **Norman Smorgon OAM (1884-1956)**

Norman Smorgon was born Naum Smorgon at Heidelberg, Ukraine, Russia, the son of a butcher. Following the Second World War, he settled in Melbourne and by the 1950s he and other family members had achieved success in a range of business enterprises, commencing with a butcher's shop in Carlton. Later living in Kew, he was a member of the Jewish community in that area and gave generously to enable the acquisition of the property in Walpole Street for the purpose of a Jewish Centre and later a synagogue. The Norman Smorgon Foundation is an education endowment fund provided by the Norman Smorgon Estate, which provides scholarships to Mount Scopus Memorial College. (Reference: Rod Myer 2002, 'Smorgon, (Naum) Norman (1884-1956)', ADB, vol 16, online)

#### **Jacob Schreiber (born c.1920s)**

Jacob Schreiber was born to Jewish parents in Hungary in the c.1920s and moved to Czechoslovakia at the age of 5. He was educated in Jewish day schools and studied to



become a teacher. He married and worked as a school teacher prior to World War II, when he and his wife escaped to Hungary. Following the Nazi occupation of Hungary in 1944, he and his wife were taken to a concentration camps. They survived the war and afterwards went to Israel where Schreiber completed his rabbinic training. In 1956 they immigrated to Australia and Schreiber accepted a position as a master at Mount Scopus Memorial College in Burwood. The same year Rabbi Schreiber was appointed a part-time minister at Kew Jewish Centre in 1956. Following the completion of the new synagogue at Kew in 1965, and the establishment of the Kew Hebrew Congregation, Schreiber was appointed first Minister to the Congregation, and left his teaching position to become a full-time spiritual leader for the Kew Hebrew Congregation. Committed to the teachings of Judaism and Jewish education more broadly, he was instrumental in establishment of the Jewish day school at Kew in 1966. He encouraged Hebrew language school, the observance of Shabbat, and the kosher home. He retired from the Kew Hebrew Congregation in 1988.

### **Description and Integrity**

The Kew Hebrew Congregation Centre is situated on a parcel of land bounded to the east by Walpole Street, the south by Malmsbury Street and to the west by Brougham Street, Kew.

The Bet Nachman Synagogue, on the corner of Malmsbury Street and Walpole Street, and the two-storey school block facing Malmsbury Street were both designed by architects Bridge, Hayden and Associates, with the Synagogue opening in 1965 and the school wing in 1966. While the two buildings present characteristics of the Modernist movement they demonstrate different stylistic influences that were being explored at the time. The Bet Nachman Synagogue building exhibits characteristics of the Brutalist style with its boldly composed form expressed through its use of a pre-cast concrete portal frame, sloping elements and large areas of unbroken wall surfaces. In contrast the two-storey school wing is cubiform in shape with horizontal bands of continuous glazing giving a lightness and transparency to its principal elevation which is more representative of the influences of the postwar International style.

### ***Bet Nachman Synagogue (1963-65)***

The main double-height synagogue building is included on the Schedule to the Heritage Overlay of the Boroondara Planning Scheme (HO559). The description of the building provided in its citation reads:

*'...the Bet Nachman Synagogue is a pre-cast concrete portal frame building, with infill panels of chocolate brick laid in stretcher bond. The building is set on a plinth of brickwork. The building addresses Malmsbury Street and the angled façade of staggered panels of brickwork interspersed with elongated concrete framed windows projects forward, like the bow of a ship to the centre of the façade. A row of timber-framed highlight windows is set below the portal frame, here rendered and over-painted. The building is double-height, and a painted concrete awning cantilevers forward over the three pairs of flush paneled painted metal sheathed entrance doors. These form an acute angle, like the structure above. There is an entry podium and shallow steps of terrazzo and painted metal handrails. The Star of David, formed of painted cast concrete or of cement is set to the 'prow' of the building above the entry, flanked by stylized Chanukahs (Menorahs) set high on the façade brickwork and also of painted cast concrete or cement. To either side travertine clad planter boxes are set below the windows and those to the east and west sides are set below narrow windows and also support the stones commemorating the foundation of the building in 1963 and its dedication in 1965 respectively. The centre's name is formed in painted metal lettering to the edge of the awning. The roof is completely concealed from view to the public domain, but is a shallow-gabled form, clad in corrugated asbestos cement sheet.*



*To Walpole Street the synagogue is set back from the property line, and there is no fence to the boundary, with lawn areas and some low height shrubs. Here the portal frame formed of precast panels is clearly evident with infill panels of brickwork incorporating elongated and narrow tripartite windows, protected by non-original security mesh screens and set above sloping sills of manganese tiles.*

*The front bay of the Walpole Street elevation has a commemorative war memorial of rendered brick and incorporating a marble tablet set hard against the wall. This also incorporates three painted timber flagpoles of varying heights. Above a further painted cast concrete or cement symbol is mounted to the wall.*

*The north and west elevations, less visible from the public domain, are part formed of white cement brickwork. Windows here are metal-framed and fitted with wired opaque glass panes.' (Lovell Chen 2012).*



**Figure 12. View of Bet Nachman Synagogue building from the south-east corner of Walpole and Malmsbury streets. (Source: Context, June 2020)**

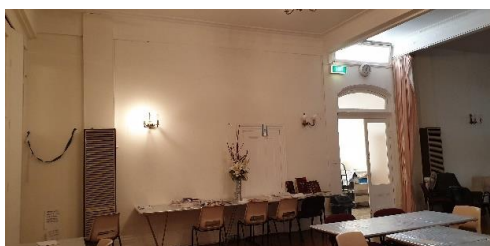
#### *Norman Smorgon House (c.1886, 1954, 1957)*

To the west of the Bet Nachman Synagogue building is 'Norman Smorgon House', comprising part of the original house built on the site in c.1886, and additions to the north and south made in 1954 and 1957 respectively.

The 1886 part of the building is enveloped in the later additions. Its tiled M-shaped hipped roof is visible when looking east from the courtyard created by the various buildings on the site (Figure 13). Internally, it comprises a hallway, a large room to the west of the hall, enlarged through the removal of internal walls (housed beneath the M-shaped roof form) (Figures 14 and 15), bathrooms to the north (providing access to the Bet Nachman Synagogue) and skillion wing to the east housing a kitchen. Remnant details from the c.1886 house include ceiling heights, architraves and panelled doors, and intact decorative moulded plaster detailing such as cornices, skirtings, and corbelled archways.



**Figure 13. View of 1886 part of Norman Smorgon House, looking east. (Source: Context, June 2020)**



**Figure 14. Internal view of the c.1886 part of Norman Smorgon House, looking east. Note internal walls originally sectioning off a hall have been removed to create a large open space. (Source: Context, June 2020)**



**Figure 15. Internal view of the c.1886 part of Norman Smorgon House, looking south toward the c.1957 addition. (Source: Context, June 2020)**

The 1954 addition is located to the north of the c.1886 part of Norman Smorgon House and presently houses bathroom facilities. It is of cream brick construction with a flat roof, with a brick chimney and timber framed windows to the north elevation.



**Figure 16. View of c.1954 addition from the northern property boundary. (Source: Context, June 2020)**

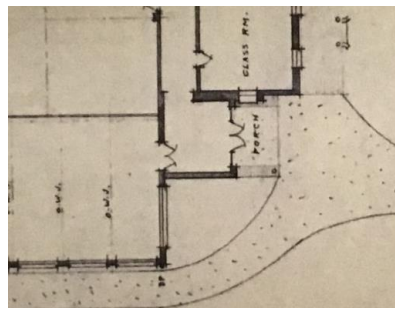




The 1957 addition, designed as the original synagogue on the site, sits along Malmsbury Street (between the Bet Nachman Synagogue and the school wing). This part of the building comprises two built elements with different roof heights, with the lower roof demarcating the entry. The larger section of the addition with the higher roof has projecting eaves, large fascia boards and no gutters with the soffit to the eaves lined with slatted timber straps. Facing Malmsbury Street, the building presents as a sheer painted brick wall punctuated with four timber-framed windows with brick on edge sills and bronze coloured aluminium security grills (Figure 19). The lower roof of the building projects forward from its recessed building line and is supported by a slender metal post set on a dwarf brick wall at its eastern end. This creates a porch and entry that is fitted with a contemporary aluminium-framed door assembly (Figure 17). Fitted across the front of the porch is an aluminium-framed security grill above which letters spell out 'Norman Smorgon House' that are attached to the fascia.



**Figure 17. Entrance to Norman Smorgon House via Malmsbury Street. (Source: Context, June 2020)**



**Figure 18. Detail from 1961 existing conditions plan which shows the entrance to Norman Smorgon House through the eastern wall rather than via Malmsbury Street. Presumably this was altered when the Bet Nachman Synagogue was built. (Source: Public building file Unit 306, PROV, reproduced in Lenkiewicz et al. 2017)**



**Figure 19. Southern elevation to Malmsbury Street. (Source: Context, June 2020)**

Internally, this space comprises an entry foyer, which meets the hall of the 1886 house (Figure 20), and a large room to the west of the foyer (Figure 21). This room is separated from the c.1886 part of the building by timber concertina doors with upper panels of ribbed



glazing. This originally allowed for flexibility in the space to cater for different events of varying capacity, as well as for men and women to be separated during worship (Figure 23). A section of the western wall is recessed to house the ark (Figure 22).



**Figure 20. Entry foyer of Norman Smorgon House built in 1957 as part of the southern extension to the original 1886 house on the site. (Source: Context, June 2020)**



**Figure 21. The internal southern extended space of Norman Smorgon House. (Source: Context, June 2020)**



**Figure 22. Ark in recess in the western wall of the 1957 extension. (Source: Context, June 2020)**



**Figure 23.** To the north, concertina doors separate the southern space of the 1957 extension from the 1886 house. (Source: Context, June 2020)

#### *School wing (c.1965-66)*

To the west of Norman Smorgon House, and running parallel with Malmsbury Street, is the two-storey school wing built in 1965-66. Set back off the street line this face brick and precast concrete building sits beneath a flat roof with no eave and a flush set fascia that is divided horizontally into three. Cubiform in shape, the principal façade of the building, facing Malmsbury Street, is divided into six equal bays that sit between structural cream brick end walls. Each bay is separated by a brick column that rises through both levels. These columns are constructed using two tones of cream brick, which provides a subtle textural quality to the façade. At each level a band of steel-framed window sits between each of these columns with the exception of the eastern lower bay that is left open creating an undercroft. A typical bay is divided into two window modules separated by a wider vertical element. Each window module is then divided into four vertically proportioned windows above and two horizontally proportioned windows below. The horizontal windows are fixed pane, while the vertical windows are side opening casements. The exception to this is four of the lower level horizontal windows at the buildings eastern end that are fixed open, sloping inward from their base and fitted with mesh at their top, providing for ventilation. Beneath each window module is a painted spandrel panel of pre-cast concrete in which can be seen the horizontal line of the concrete floor slab demarcating the floor level.

Contemporary additions have been attached to each end of the building. At the eastern end a steel-framed, glass-enclosed stair hangs off the wall, while at the western end a recently added entry is constructed of cream brick at the lower level and painted cement sheet and timber at the upper level. Recessed off Malmsbury Street and sympathetic in design, these additions do not impact on the legibility of the building's original design intent.



**Figure 24.** View of the two-storey school wing from Malmsbury Street. (Source: Context, June 2020)





Across the rear of the school wing, and partially visible from Brougham Street, a recent second floor addition runs the length of the building. Lightweight in construction with a deep eave and exposed rafters this addition is sympathetic to the modernist styling of the original building.

#### *Classrooms (1959)*

Adjoining the 1954 addition to Norman Smorgon House is a rectangular building constructed of cream brick with a gable roof clad in corrugated sheeting, which is fitted with four ventilators along the ridge line and features a distinctive crow-stepped parapet at its western end. A verandah, supported on slender metal posts, is incorporated under the southern slope of the roof. Under the verandah, the southern wall of the building is constructed using a light timber frame with vertical timber boarding and glazing above. Four timber doors provide access into classrooms (Figure 25). There are plaques on two of the classroom doors and one on the western wall, acknowledging community involvement in the building's construction.



**Figure 25. Southern elevation of the classrooms. (Source: Context, June 2020)**



**Figure 26. Northern elevation of the classrooms. (Source: Context, June 2020)**

#### *Cottage (c.1970)*

Adjoining the classroom building at its west, is a single-storey light orange brick building with a terracotta tiled hip roof, known amongst the congregation as the cottage, and currently used by the Rabbi during Shabbat. The main façade of the cottage faces the courtyard and access is provided by concrete steps up to a raised porch with mild steel balustrade. On the western wall there are four narrow vertical panels of brown brickwork. Windows are framed with natural anodised aluminium. The cottage is of modest architectural interest.





Figure 27. View of the cottage looking north west from the courtyard. (Source: Context, June 2020)

#### *Landscape elements*

Along Malmsbury Street a high black cyclone wire fence runs across part of the property line creating a small landscaped area in front of Norman Smorgon House, where a mature Peppercorn tree (*Schinus ~~molleareira~~*) is located. The Peppercorn tree appears to be well established with a broad canopy in the 1945 aerial photo of the site, indicating it was planted before 1945. The boundary along the front of the school building facing Malmsbury Street is unfenced. Between the building and the property line there is a narrow strip of lawn planted with a row of Alders. Along Brougham Street a small section of timber picket fencing at the Malmsbury Street end abuts a paling fence behind which sits a high black cyclone wire fence. At the rear of the school building the paling fence returns separating a play area from the rear carpark. The black cyclone wire fence continues along Brougham Street and is fitted with a pair of drive gates giving access to this carpark. A large Eucalypt is located in the north-west corner of the school building yard and a Silky Oak (*Grevillea robusta*) is located in the centre of the site.



Figure 28. Mature Peppercorn (*Schinus ~~areiramolle~~*). (Source: Context, June 2020)

#### **Integrity**

The Kew Hebrew Congregation site is largely intact with limited changes to the original or early development and fabric of the site. The Bet Nachman Synagogue (1963-65) and the two-storey school building (c.1965-66) both retain their original built form and scale,



materials, and stylistic details, and continue to be used in accordance with the original intentions of the place.

#### *Bet Nachman Synagogue (1963-65)*

The Bet Nachman Synagogue is highly intact with very few changes visible to early fabric. The building retains its original built and roof form, materiality and pattern of fenestration, and details such as stained glass windows.

#### *Norman Smorgon House (c.1886, 1954, 1957)*

The various elements that form Norman Smorgon House are largely intact and together demonstrate the evolution and continued use of the building for worship and other community purposes. Surviving elements of the original Victorian house include the M-shaped hipped roof form, and internally, ceiling heights, architraves and panelled doors, and intact decorative moulded plaster detailing such as cornices, skirtings, and corbelled archways. Internal alterations and additions to the existing Victorian house were made to accommodate the needs of the growing congregation. These include the original space created for use as the first synagogue on the site constructed c.1957, and the removal of internal walls in the c.1886 house to provide a large and flexible space. This addition in particular remains highly intact, except for an alteration to the entrance (presumably when the Bet Nachman Synagogue was built in 1963-65) which saw it moved from the eastern wall to the southern wall. Notwithstanding this small alteration, the c.1957 addition retains a high degree of intactness both externally and internally.

#### *School wing (c.1965-66)*

The school wing is relatively intact with some changes visible to early fabric. The building retains its original built and roof form, materiality and pattern of fenestration. While additions to the eastern, western and northern elevations of the school building have slightly diminished the integrity of this building, these have been sympathetically implemented and do not impact on the legibility of the architect's original design intent.

#### *Classrooms (1959)*

The classrooms are highly intact with very few changes visible to early fabric. The building retains its original built and roof form, materiality and pattern of fenestration, and details including the crow-stepped gable end, light timber framed principal elevation with vertical timber boarding and glazing above, and verandah supported on slender posts.

#### *Cottage (c.1970)*

The former caretaker's cottage is highly intact with very few changes visible to early fabric. It retains its original built and roof form, materiality and pattern of fenestration.

The retention of elements of the original Victorian house and subsequent additions demonstrate the layered development and continued use of the site by the congregation since 1949. Overall, the Kew Hebrew Congregation site is of high integrity.

### **Comparative Analysis**

Comparisons for the Kew Hebrew Congregation site in Kew are discussed in this section with reference to other post-World War II synagogues in Melbourne, and more generally with other postwar school buildings in the City of Boroondara. There is only one other synagogue in the City of Boroondara: the Leo Baeck Centre (Temple Beth Israel) at 31-33 Harp Road, Kew East, built in the 1970s. Therefore, it is considered appropriate to look outside the municipality for comparable sites included in Heritage Overlays.

### *Synagogues*



The subject building sits within the broader context of other post-World War II synagogue designs in Melbourne. The 1960s saw an increase in the construction of synagogues across Melbourne, coinciding with the growth of the Jewish community brought on as a result of the large number of displaced Jews following World War II. Synagogues were established in areas of Melbourne where there was significant postwar Jewish immigration and therefore served a local community congregation, with synagogues located within walking distance of the members of a congregation. A number of émigré architects settled in Melbourne, bringing with them the ideals of the Modernist movement that was developing in pre-war Europe. Earlier synagogue designs referenced classicism, as seen in the St Kilda Hebrew Congregation Synagogue consecrated in 1927 (H1968 and HO89 – City of Port Phillip), East Melbourne Synagogue completed in 1883 (H0495 and HO124 – City of Melbourne) and Melbourne Hebrew Congregation (included in HO6 South Yarra Precinct – City of Melbourne). The following examples of synagogues built in the post-war period all represent a break from traditional forms with their designs expressing differing interpretations of the Modernist influence. Despite their importance in demonstrating the significant immigration of Jews to Australia in the post-war period, synagogues built in this period are underrepresented in Heritage Overlays across Victoria.

There is only one other post-war synagogue protected by a Heritage Overlay—the Elwood Shule Synagogue at 39 Dickens Street, Elwood. The synagogue was designed by Kurt Popper and constructed between 1953 and 1957 and extended in the 1960s, then substantially remodelled in 1972-73 by Popper. Karl Duldig created the copper relief Star of David atop a sunburst aureole that graces the facade. The building is included in HO7 St Kilda, Elwood, Balaclava, Ripponlea precinct as a Non-Contributory place, however, has been identified as being potentially significant as an individual place on historic, social and aesthetic grounds. The building bears similarities to the Kew Hebrew Congregation in its use of infill panels of brickwork incorporating elongated and narrow windows.



**Figure 29. Torah Congregation, 39 Dickens Street, Elwood, HO7 - City of Port Phillip. (1953-57, remodelled 1972-73). (Source: St Kilda Historical Society website)**

As an earlier example of work by Bridge, Hayden & Associates, the Caulfield Synagogue at 527 Inkerman Road, Caulfield North, built in 1958-61, compares with the Bet Nachman Synagogue. The citation for the Caulfield Synagogue, prepared by Built Heritage Pty Ltd, describes the building:

*The Caulfield Synagogue, with its eye-catching façade of stack bond brickwork, feature stone cladding, vertical fins, tinted glass and Jewish symbols, is a notable*





*(and notably intact) example of this “Featurist” approach, while its giant Menorah motif stands out as an especially rare manifestation of architectural semiotics, where a building’s function is expressed symbolically through its built form. (Built Heritage Pty Ltd 2020:158)*



**Figure 30. Caulfield Synagogue, 527 Inkerman Road, Caulfield North, Recommended for HO - City of Glen Eira (1958-61). (Source: Built Heritage Pty Ltd website)**

South Caulfield Hebrew Congregation, built in 1963 to designs by Kurt Popper, bears the most similarity to the Kew Hebrew Congregation site. It has a symmetrical front in umber brick, with a lighter, segmental awning over the entrance.



**Figure 31. South Caulfield Hebrew Congregation, 45 Leopold Street, Caulfield North, City of Glen Eira (1963). (Source: *Australian Jewish News* 8 September 2016)**

Designed by Abe Weinstock and constructed in 1966, the Brighton Hebrew Congregation Synagogue building comprises an octagonal drum form, rendered in chocolate brown brick, with a frieze of highlight windows rising behind a screen wall of alternating panels of white



brick and tinted glazing, forming a dramatic contrast in both form and materials of execution.



**Figure 32. Brighton Hebrew Congregation Synagogue, 132 Marriage Road, Brighton East, Recommended for HO - City of Bayside (1966). (Source: Brighton Hebrew Congregation website)**

#### *Post-war schools in Boroondara*

While there are many Christian church-affiliated schools in Boroondara, and Kew in particular, there are no other Jewish schools affiliated with a synagogue in the municipality.

Of the existing post-war school buildings in the City of Boroondara, only a few are included in the Heritage Overlay.

Camberwell High School, 100A Prospect Hill Road, Camberwell, comprises a number of buildings within the complex. The most notable are the original school building, constructed 1940-41, and a later wing constructed c.1969. The later wing is constructed of unpainted expressed brickwork with a corrugated metal sheet roof concealed behind a perimeter parapet. The building extends over three-storeys and incorporates a regular fenestration pattern divided into bays by engaged buttresses sympathetically referencing the design of the 1940-41 building.



**Figure 33. Camberwell High School, 100A Prospect Hill Road, Camberwell, HO722 - City of Boroondara. (c.1969). (Source: [www.change.org](http://www.change.org))**



Balwyn North Primary School, 94 Maude Street, Balwyn North, comprises a single-storey flat-roofed cream brick building on a distinctive plan, comprising a series of hexagonal classrooms (each with a lantern roof, clerestory windows and glazed frontage) arranged in a gently curving row. Designed in 1947 and opened in 1950, the building represented the prototype for an innovative new type of state school architecture developed by Percy Everett, chief architect of the Public Works Department.



**Figure 34. Balwyn North Primary School, 94 Maud Street, Balwyn North (1947-50), recommended for HO - City of Boroondara. (Source: Built Heritage Pty Ltd)**

Another postwar school building in Boroondara is the Preshill Classrooms and Hall, 395 Barkers Road, Kew, built in 1962. It has an innovative octagonal plan with an octagonal roof offset against the alignment of the walls, creating a lively play of forms. The form of the hall, and the subsequent manner in which it can be used, represents a major departure from the more common nave-like halls designed for schools. It is not comparable to the subject building.

### Discussion

Whilst church-run schools that are affiliated to a particular congregation are common in the City of Boroondara (the former local government areas of Camberwell, Kew and Hawthorn), Jewish schools are not and the Kew Hebrew Congregation site in Walpole Street is a rare example of its type.

The Bet Nachman Synagogue compares well with other postwar synagogues that were built to cater for the burgeoning Jewish community in Melbourne as a result of postwar immigration. Frequently designed by émigré architects who had trained in the ateliers of Europe before the war, these buildings display characteristics of the modernist movement and were seen as symbols of survival and hope to a displaced community looking for a fresh start.

Breaking from the traditional forms used for synagogues that referenced classicism these buildings used simple cubiform massing with flat roofs and sheer unadorned planar surfaces favoured by the International style. This frequently resulted in buildings that possess a certain monumentality in form that is lightened by the use of pale brickwork and large horizontal bands of glazing (see Elwood and Caulfield Synagogues, Figures 29 and 30). What sets the Bet Nachman Synagogue apart is its bold use of pre-cast concrete and steel portal frame that, combined with striking sloped vertical elements and large areas of unbroken wall surfaces, has resulted in a composition that is more indicative of the emerging Brutalist movement of the 1960s than the earlier International style.





In contrast to the bulk of the synagogue building, the school building displays more typical characteristics of the postwar International style. As discussed above there are few examples of postwar school buildings in the City of Boroondara on the Heritage Overlay. The school building is most comparable to the earlier Balwyn North Primary School (1947-50) with its use of cream bricks, flat roof and large expanses of glazing. The subject site is a more representative example of the International style with its cubiform massing and rectilinear plan, while the Balwyn North example displays a more complex plan comprising a series of hexagonal classrooms. Due to the lack of comparable examples currently on the Heritage Overlay in the City of Boroondara, there is insufficient evidence to adequately gauge its relative significance.

What is particularly distinctive at the Kew Hebrew Congregation is the combination of a school building and Synagogue built as part of a single building program designed by the same architect.

There are some examples of Jewish schools outside of the City of Boroondara that incorporate a synagogue as part of the school complex—for example, Mount Scopus College in Burwood (City of Whitehorse), Leibler Yavneh College in North Caulfield (City of Glen Eira), Leibler Yavneh College in Elsternwick (City of Glen Eira), Gandel Besen House in Caulfield (City of Glen Eira), and Yeshivah College in St Kilda East (City of Glen Eira). Some of these differ from the Kew example, however, in that they are not primarily a local or community place of worship with an attached school, but rather are primarily Jewish schools with a place of worship added to the complex (sometimes at a later date) and used mainly for school purposes but also for community uses.

### Assessment Against Criteria

Criteria referred to in *Practice Note 1: Applying the Heritage Overlay*, Department of Planning and Community Development, revised August 2018, modified for the local context.

*CRITERION A: Importance to the course or pattern of the City of Boroondara's cultural or natural history (historical significance).*

The site at 53 Walpole Street, Kew, and known as the Kew Hebrew Congregation, is important for its role in the development of Jewish worship, education, language studies, and community and cultural life in the City of Boroondara from 1949. The complex of buildings, which comprises the Bet Nachman Synagogue (c.1963-65); Norman Smorgon House, which comprises the remnant core of an original brick residence (c1886), which was adapted and used as a synagogue from c.1949-63, and added to in 1954 and 1957; classrooms (1959); a double-storey school building facing Malmsbury Street (1966); and former caretaker's cottage (c.1970), together represent the development of a cohesive social, religious and cultural centre of Jewish life in Kew in the postwar period. It is also historically significant for its use as a Jewish day school, serving as the kindergarten and primary school section of Mount Scopus Memorial College, which was located in Burwood, from 1953, and providing a purpose-built school building from 1966.

*CRITERION B: Possession of uncommon, rare or endangered aspects of the City of Boroondara's cultural or natural history (rarity).*

The complex at 53 Walpole Street, Kew, known as the Kew Hebrew Congregation and comprising a synagogue, former Jewish day school and Jewish community buildings, is a rare place type in the City of Boroondara and in Victoria more generally. It is a rare intact postwar example of this place type.



*CRITERION C: Potential to yield information that will contribute to an understanding of the City of Boroondara's cultural or natural history (research potential).*

NA

*CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).*

The Bet Nachman Synagogue is architecturally significant as a fine representative example of a postwar Synagogue. Frequently designed by emigre architects who had trained in the ateliers of Europe before the war, these buildings display characteristics of the modernist movement and were seen as symbols of survival and hope to a displaced community looking for a fresh start.

Breaking from the traditional forms used for earlier Synagogues that referenced classicism, these building used simple cubiform massing with flat roofs and sheer unadorned planar surfaces favoured by the International style. This frequently resulted in buildings that possessed a certain monumentality in form that was lightened by the use of pale brickwork and large horizontal bands of glazing. The Bet Nachman Synagogue is distinguished by its bold use of pre-cast concrete and a steel portal frame that, combined with striking sloped vertical elements and large areas of unbroken wall surfaces, has resulted in a composition that is more indicative of the emerging Brutalist movement of the 1960s than the earlier international style.

~~The school building is architecturally significant as a representative example of an education building designed in the postwar International style. This is evident in its cubiform massing, flat roof, sheer wall planes of pale brickwork and large expanses of glazing, that combine to give a lightness and transparency to the building that is indicative of the style.~~

*CRITERION E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).*

NA

*CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).*

NA

*CRITERION G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).*

The Kew Hebrew Congregation at 53 Walpole Street, Kew, is significant for its importance as a centre for Jewish worship, Jewish community life (including welfare, social activities, historical records and Hebrew language), particularly for the postwar (Eastern) European Jewish immigrants who came to Melbourne as displaced people following the Second World War. The site as a whole has played an ongoing role in both the spiritual and social life of the Jewish community, locally and across wider Melbourne, since 1949, when the first synagogue was established in the existing Victorian-era house on the site.

Norman Smorgon House has served the community for over sixty years as a gathering place for various functions and activities, including for ceremonial observances and rituals from 1949-c.1965 when it was used as a synagogue, as an affiliated kindergarten (with





Mount Scopus College) from 1951, and for hosting Shabbat dinners, weddings and school functions up until ~~the present day~~ relatively recent times.

The Bet Nachman Synagogue has served the community for over 50 years as a purpose-built place of worship, and as a place where the community's culture and identity is celebrated through the observance of festivals and events throughout the Jewish year and the marking of life cycle events such as births, bar/bat mitzvahs, weddings and funerals. The school building facing Malmsbury Street, constructed in c.1965-66, has long connections with the Jewish community through its affiliation with Mount Scopus College, as it served as the Kew division of the college until the 1990s.

*CRITERION H: Special association with the life or works of a person, or group of persons, of importance in the City of Boroondara's history (associative significance).*

The Kew Hebrew Congregation at 53 Walpole Street, Kew, is of significance to the City of Boroondara for its association with notable members of the Melbourne Jewish society, including the businessman and philanthropist Norman Smorgon OAM (1884-1956), notable postwar architect, Anthony A. Hayden (1921-1984), and notable artist and Kew resident, Louis Kahan (1905-2002), who designed the ten stained glass windows in the Bet Nachman Synagogue. It is also significant for its association with Jewish teacher and spiritual leader, Rabbi Jacob Schreiber (born c.1920s). Schreiber led the Kew Hebrew Congregation through the period of significant expansion of its operations from the mid-1950s until the 1980s, and was influential in the development of Jewish community life in the postwar period in the City of Boroondara.

### Statement of Significance

#### *What is Significant?*

The Kew Hebrew Congregation site at 53 Walpole Street, Kew, established in 1949, including several component buildings constructed between 1954 and 1970. ~~The following elements of the site are significant:~~

Bet Nachman Synagogue (c.1963-65), including ten stained glass windows designed by Louis Kahan, is of primary significance;

#### The following elements contribute to the site's significance:

- Norman Smorgon House, which comprises the remnant core of an original brick residence (c1886) that was adapted and used as a synagogue from c.1949-63, and the additions dating from 1954 and 1957;
- Classrooms (1959);
- School building facing Malmsbury Street (1966);
- Former caretaker's cottage (c.1970);
- ~~Mature Peppercorn (*Schinus molle*).~~

The recent additions made to the east and west of the school building facing Malmsbury Street are not significant.

#### *How is it significant?*

The Kew Hebrew Congregation at 53 Walpole Street, Kew, is of local historical, architectural (representative), social and associative significance and is of rarity value to the City of Boroondara.

#### *Why is it significant?*

The site at 53 Walpole Street, Kew, and known as the Kew Hebrew Congregation, is important for its role in the development of Jewish worship, education, language studies,



and community and cultural life in the City of Boroondara from 1949. The complex of buildings, which comprises the Bet Nachman Synagogue (c.1963-65); Norman Smorgon House, which comprises the remnant core of an original brick residence (c1886), which was adapted and used as a synagogue from c.1949-63, and added to in 1954 and 1957; classrooms (1959); a double-storey school building facing Malmsbury Street (1966); and former caretaker's cottage (c.1970), together represent the development of a cohesive social, religious and cultural centre of Jewish life in Kew in the postwar period. It is also historically significant for its use as a Jewish day school, serving as the kindergarten and primary school section of Mount Scopus Memorial College, which was located in Burwood, from 1953, and providing a purpose-built school building from 1966. (Criterion A)

The complex at 53 Walpole Street, Kew, known as the Kew Hebrew Congregation and comprising a synagogue, former Jewish day school and Jewish community buildings, is a rare place type in the City of Boroondara and in Victoria more generally. It is a rare intact postwar example of this place type. (Criterion B)

The Bet Nachman Synagogue is architecturally significant as a fine representative example of a postwar Synagogue. Frequently designed by emigre architects who had trained in the ateliers of Europe before the war, these buildings display characteristics of the modernist movement and were seen as symbols of survival and hope to a displaced community looking for a fresh start. Breaking from the traditional forms used for earlier Synagogues that referenced classicism, these buildings used simple cubiform massing with flat roofs and sheer unadorned planar surfaces favoured by the International style. This frequently resulted in buildings that possessed a certain monumentality in form that was lightened by the use of pale brickwork and large horizontal bands of glazing. The Bet Nachman Synagogue is distinguished by its bold use of pre-cast concrete and a steel portal frame that, combined with striking sloped vertical elements and large areas of unbroken wall surfaces, has resulted in a composition that is more indicative of the emerging Brutalist movement of the 1960s than the earlier international style. ~~The school building is architecturally significant as a representative example of an education building designed in the postwar International style. This is evident in its cubiform massing, flat roof, sheer wall planes of pale brickwork and large expanses of glazing, that combine to give a lightness and transparency to the building that is indicative of the style.~~ (Criterion D)

The Kew Hebrew Congregation at 53 Walpole Street, Kew, is significant for its importance as a centre for Jewish worship, Jewish community life (including welfare, social activities, historical records and Hebrew language), particularly for the postwar (Eastern) European Jewish immigrants who came to Melbourne as displaced people following the Second World War. The site as a whole has played an ongoing role in both the spiritual and social life of the Jewish community, locally and across wider Melbourne, since 1949, when the first synagogue was established in the existing Victorian-era house on the site. Norman Smorgon House has served the community for over sixty years as a gathering place for various functions and activities, including for ceremonial observances and rituals from 1949-c.1965 when it was used as a synagogue, as an affiliated kindergarten (with Mount Scopus College) from 1951, and for hosting Shabbat dinners, weddings and school functions up until ~~the present day~~ relatively recent times. The Bet Nachman Synagogue has served the community for over fifty years as a purpose-built place of worship, and as a place where the community's culture and identity is celebrated through the observance of festivals and events throughout the Jewish year and the marking of life cycle events such as births, bar/bat mitzvahs, weddings and funerals. The school building facing Malmsbury Street, constructed in c.1965-66, has long connections with the Jewish community through its affiliation with Mount Scopus College, as it served as the Kew division of the college until the 1990s. (Criterion G)



The Kew Hebrew Congregation at 53 Walpole Street, Kew, is of significance to the City of Boroondara for its association with notable members of the Melbourne Jewish society, including businessman and philanthropist Norman Smorgon OAM (1884-1956), notable postwar architect, Anthony A. Hayden (1921-1984), and notable artist and Kew resident, Louis Kahan (1905-2002), who designed the ten stained glass windows in the Bet Nachman Synagogue. It is also significant for its association with Jewish teacher and spiritual leader, Rabbi Jacob Schreiber (born c.1920s). Schreiber led the Kew Hebrew Congregation through the period of significant expansion of its operations from the mid-1950s until the 1980s, and was influential in the development of Jewish community life in the postwar period in the City of Boroondara. (Criterion H).

### Grading and Recommendations

Recommended for inclusion in the Schedule to the Heritage Overlay of the Boroondara Planning Scheme as an individually Significant place.

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Boroondara Planning Scheme:

<b>External Paint Colours</b> <i>Is a permit required to paint an already painted surface?</i>	No
<b>Internal Alteration Controls</b> <i>Is a permit required for internal alterations?</i>	No
<b>Tree Controls</b> <i>Is a permit required to remove a tree?</i>	<del>No</del> Yes — Peppercorn, ( <i>Schinus molle</i> )
<b>Victorian Heritage Register</b> <i>Is the place included on the Victorian Heritage Register?</i>	No
<b>Incorporated Plan</b> <i>Does an Incorporated Plan apply to the site?</i>	No
<b>Outbuildings and fences exemptions</b> <i>Are there outbuildings and fences which are not exempt from notice and review?</i>	No
<b>Prohibited uses may be permitted</b> <i>Can a permit be granted to use the place for a use which would otherwise be prohibited?</i>	No
<b>Aboriginal Heritage Place</b> <i>Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?</i>	No

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Nearmap.

Parish of Boroondara [plan]. (PROV)



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