

22 April 2021

The Chair  
Office of the Independent Planning Commission NSW  
Level 3, 201 Elizabeth Street  
SYDNEY NSW 2000

Dear Madam,

**Proposal to list the MLC Building, 105-153 Miller Street, North Sydney on the  
State Heritage Register  
Submission to the Independent Planning Commission**

Docomomo Australia made a submission on 25 September 2020 to the Heritage Council of NSW supporting the proposal to list the MLC Building, North Sydney on the State Heritage Register. Our submission was a detailed analysis of the significance of the building and its importance to the people of NSW.

Subsequent to that submission the Heritage Council recommended to the Minister that the building be listed and the matter was then referred to the Independent Planning Commission (IPC). We understand that the Independent Planning Commission is now taking further public submissions on the matter and we submit the following by way of comment on some the material presented to the Commission following the referral of the proposal to the IPC.

In a transcript of proceedings on 12 April 2021, the legal representative for the Building Owner, Ms D. Townsend, stated (lines 1-10 on p.24 of the transcript):

So lastly, if I just talk quickly about the Heritage Council recommendation, we say the Heritage Council recommendation is flawed in many respects. ... It was a recommendation driven by a special interest lobby group, Docomomo Australia, whose sole existence is in order to lobby for listing of buildings such as this. It was, in our view, infected by a conflict of interest because of the links between members of the Heritage Council and Docomomo.

The chair of the Heritage Council, I think, was a former president of Docomomo.

Ms Townsend misrepresents the situation and is incorrect in her statements.

**Docomomo Australia**

Docomomo Australia was formed in 2000 as a part of an international conservation body that has, at its basis, the aims set out in the Eindhoven-Seoul Statement (a copy of which is attached). Activities of Docomomo Australia are broader than lobbying for listing buildings such as the MLC Building. Docomomo Australia has conducted seminars and tours in Sydney and Melbourne of buildings of the period, in conjunction with other bodies including the Historic Houses Trust of NSW (now known as Sydney Living Museums) and the Robin Boyd Foundation, as well as its members contributing to books and journal articles on twentieth century heritage. Docomomo's remit is more than a lobbyist as it seeks to

document, record, and educate regarding the recognition of Modern Movement heritage as well as how it might be adaptively re-used.

Moreover, Ms Townsend states that the recommendation to list was “driven” by Docomomo Australia. Docomomo Australia established a public petition objecting to the proposed demolition of the MLC Building and calling for an Interim Heritage Order to be placed on the building so its heritage status at a State level could be assessed. The petition was addressed to North Sydney Council. The building had already been recognised for some time as an item of Local Environmental heritage on the North Sydney LEP. Docomomo was not alone in being concerned about the proposal and was joined by the Australian Institute of Architects, individual architects and planners, local residents, and the National Trust of Australia (as well as by our parent body Docomomo International based in Lisbon) in signing the petition as well as lodging submissions regarding the proposal.

The fact that the Heritage Council of NSW has received submissions, evaluated the evidence and has recommended that the building be listed on the State Heritage Register is an indication that a broader community (and not just a “special interest lobby group”) considers the building to be a very important part of our heritage that should be preserved for future generations.

### **Conflict of Interest**

Ms Townsend states that the Heritage Council’s decision was “infected by a conflict of interest because of the links between members of the Heritage Council and Docomomo” and that “The chair of the Heritage Council, I think, was a former president of Docomomo.”

This statement is incorrect. The Chair of the Heritage Council of NSW has never, to my knowledge, been a member of Docomomo Australia. Perhaps Ms Townsend intended to say that the President of Docomomo Australia was a member of the Heritage Council, but this would also be incorrect. I have twice served terms as President of Docomomo Australia (2000-2009 and 2013 to date). From 2010 to 2012 the Docomomo Australia Presidency was held by a Melbourne-based colleague. At no time have I ever been a member of the Heritage Council of NSW or of any of the committees of the Heritage Council that are involved in the listing process of the Heritage Council. I am a current member of the Heritage Advisory Panel which “provides advice on heritage matters including Aboriginal cultural heritage, historic and maritime archaeology, engineering, landscapes, local government and planning” (Heritage NSW website). This is an advisory panel with absolutely no statutory involvement or power in the listing process.

Unlike the building owner or the Australian Institute of Architects, Docomomo Australia did not directly address a meeting of the Heritage Council when it was deliberating on the matter and Docomomo Australia has limited its statements on the matter to its formal written submissions to North Sydney Council and to the Heritage Council of NSW, interviews with the press and updates posted through the on-line petition.

In summary, there was, and is, no conflict of interest between members of the Heritage Council and Docomomo Australia executive committee members.

Yours faithfully



Dr Scott Robertson  
BSc (Arch), BArch (Hons), MBEEnv (Blg Conservation), PhD  
President  
Docomomo Australia

## **Eindhoven-Seoul Statement**

DOCOMOMO's main goals were brought together in the Eindhoven Statement, which was issued at the conclusion of the founding conference in 1990 in Eindhoven, The Netherlands, and modified at the Docomomo International Conference in Seoul, Korea in 2014:

- Bring the significance of the Modern Movement to the attention of the public, the authorities, the professions and the educational community.
- Identify and promote the surveying of the works of the Modern Movement.
- Promote the conservation and (re)use of buildings and sites of the Modern Movement.
- Oppose destruction and disfigurement of significant works.
- Foster and disseminate the development of appropriate techniques and methods of conservation and adaptive (re)use.
- Attract funding for documentation, conservation and (re)use.
- Explore and develop new ideas for the future of a sustainable built environment based on the past experiences of the Modern Movement.