

17 March, 2021

Mary O'Kane
Chair
Office of the Independent Planning Commission NSW
Level 3, 201 Elizabeth Street
SYDNEY NSW 2000

Dear Ms O'Kane

Heritage and the MLC Building - North Sydney

I write to raise serious concerns regarding the public media statements of the NSW Government Architect in relation to the application for Heritage listing on Miller Street, North Sydney.

To have senior executives in the Department of Planning engage in a last-minute push for the heritage listing of a privately owned building where the subject development has been through a development assessment process, a public consultation process and has been supported by North Sydney Council, is simply not appropriate.

This is more the case as I am advised that, at this stage, the IPC will not be taking public submissions. I trust that the Developer, Council and the Urban Taskforce will be invited to make submissions?

These public comments by the Government Architect appear to be placing quite inappropriate pressure on the IPC and compromise both the reality and perception of an independent assessment and advice from the IPC to the Minister responsible for Heritage, Hon Don Harwin MLC.

North Sydney Council has a strong history of protection of heritage assets. If they say the proposed development is in the public interest, the last thing we need is a last minute, ad-hoc intervention from the Heritage Council or DPIE executive staff.

The late intervention for Heritage listing (the MLC Building was built in 1957) renders the purchase of a site in Sydney for development, unencumbered as it was for decades by any heritage protection, akin to an exercise of Russian Roulette. This last-minute rush to Heritage list a building which has been ignored for years as insignificant, introduces a further significant risk. Risk results in increased cost. Worse, this is a sovereign risk. The costs associated with this heightened risk are borne by the community, by businesses, by consumers, right across Sydney.

Governments should be at the forefront of protecting heritage assets owned by all levels of Government on behalf of the populations they serve. The Ryde Civic centre is analogous to the MLC building.

The Ryde Civic Centre is located at the top of the hill, visible from the Parramatta River, Rhodes, Olympic Park and West Ryde. It showcases a curved frontage (similar to the Heritage listed AMP tower fronting Circular Quay) and represents an iconic depiction of the pride of post WWII mid-century population in the role of civic life and public administration. No one from Government stepped in to save this building. The late efforts to consider its heritage merit were, at best, perfunctory and were ultimately cast aside.

The MLC building, by contrast, is not prominent in its location. It has no special architectural features – beyond being one of many ugly box private sector office buildings built in that period. It has no cultural significance nor civic contribution and its retention is not supported by the community or by Council. It does not fit in well with the context of the setting as North Sydney is a high-rise CBD – a point highlighted by Council. The proposed development has architectural merit. It is ironic that Council appears to be correctly applying the intent of the Draft Design and Place SEPP and DPIE is publicly opposing this.

Staff (and particularly Executives) of DPIE should resist any urge to become activists. The role of the Department is to establish the rules, undertake assessments and facilitate orderly consideration of applications. If this building is of Heritage value, the Government should buy it (and this should have been done in a systematic fashion long ago). To have DPIE executive members actively campaign, including making comments to the media, further undermines public and investor confidence in the NSW planning system.

I urge you to ask the Government Architect not to undermine public confidence in the process of assessment you (the IPC) are undertaking. I trust that you will forward our strong objections to this building being listed, so late in the piece, for Heritage protection.

Thank you

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom Forrest', with a stylized flourish extending from the end.

Tom Forrest
Chief Executive Officer