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### TRANSCRIPT OF PROCEEDINGS

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#### INDEPENDENT PLANNING COMMISSION

#### MEETING WITH COMMITTEE FOR NORTH SYDNEY

**RE: MLC BUILDING, NORTH SYDNEY (FORMER) – HERITAGE ACT ADVICE**

**PANEL:**

**ADRIAN PILTON  
DR PETER WILLIAMS**

**ASSISTING PANEL:**

**STEPHEN BARRY  
ANDREW SNEDDON**

**COMMITTEE  
FOR NORTH  
SYDNEY:**

**JEREMY DAWKINS**

**LOCATION:**

**VIA VIDEO CONFERENCE**

**DATE:**

**4.16 PM, WEDNESDAY, 14 APRIL 2021**

MR A. PILTON: Good afternoon and welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we virtually meet today and pay my respects to their elders, past, present and emerging. Welcome to the meeting today to discuss the MLC Building North Sydney request for advice on proposed

5 listing on the State Heritage Register currently before the commission. This matter has been referred to the Independent Planning Commission for review under section 34(1)(b) of the Heritage Act 1977.

10 My name is Adrian Pilton, and I am the chair of this commission panel. I'm joined by my fellow commissioner Dr Peter Williams. We're also joined by Steve Barry, planning director from the office of the Independent Planning Commission, and Andrew Sneddon, heritage advisor assisting the IPC. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the  
15 commission's website.

This meeting is one of the commission's considerations on this matter and will form one of several sources of information upon which the commission will base its advice. It's important for the commissioners to act questions of its attendees and to  
20 clarify issues whenever it is considered appropriate. If you're asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. Since there's only one of you, Jeremy, we don't need to introduce everybody. So perhaps you could start by telling us more about the Committee for  
25 North Sydney, what you do.

MR J. DAWKINS: Yes. There would have been two of us. Jeff Hamler, who wrote that report for the committee on the MLC Building, would have been with me, but he's tied up in another meeting in Adelaide. Not that being in Adelaide matters,  
30 but he's tied up with another meeting there. The Committee for North Sydney was formed about two years ago – even longer, I forget – and it consists of locals who are eminent in architecture, urban design and planning, relevant fields of law, who are community leaders and so on. So the membership is on our website. It's an eminent list, and it has a lot of expertise in the matters that we're talking about here, all of the  
35 relevant matters that we're talking about here.

The reason that the committee was established was because we had all been watching with some dismay at what was happening to the city centre of North Sydney over a period of years and how several waves of development had not, in fact, left much in  
40 the way of public life and public facilities and public space and so forth behind. The present wave of development in North Sydney had already begun. We felt we were already a bit slow off the mark, but nevertheless it's never too late. I mean, particularly, I think we all take a very long-term view, and if there are mistakes made and unfortunate things happen, we sort of see these as things that happen along the  
45 way, and we still are focused on the long-term in the belief that North Sydney – that the North Sydney City Centre can be a good city centre with civic functions and civic

spaces and civic activities and so forth, and a mix of activities. That's the optimistic end of the spectrum. The pessimistic end of the spectrum is that, as we say, it's an office park with through traffic.

5 MR PILTON: Okay. Would you like now to talk us through your submission?

MR DAWKINS: Yes, thank you. Yes, I would. And it might help if from time to time I can share my screen. Is that going to be possible?

10 MR PILTON: Yes.

MR DAWKINS: Yes. Right. Okay.

MR PILTON: You will have to ..... from your end.

15 MR DAWKINS: Yes, okay. Thank you. I think - - -

MR BARRY: I might have to give you control, actually. Wait a sec.

20 MR DAWKINS: I mean, shall I click on "share screen" and see what happens?

MR BARRY: Yes, that's a good idea. Thank you.

25 MR DAWKINS: Yes, okay. The documents I want to look at are there, if I can – if I can pluck them off my screen, but I won't do that immediately. I might come back to that in a moment.

30 MR BARRY: Actually, Jeremy, I'm going to have to do that. I think I'm going to have to make you the host. So after that, if you could – I will tell you how to give it back to me later.

MR DAWKINS: I will give it back to you, yes.

MR BARRY: Okay.

35 MR DAWKINS: We are certainly concerned, and I think members of the committee are very well-informed, on the immediate matters that the MLC Building raises, which is to say, what is its cultural significance? Which of the state significant criteria does it meet at that level? We think it meets most of them at the national level, in fact, and I think if the Minister takes the advice of the Heritage Commission on your advice, then I think it's highly likely that down the track this will be on the National Heritage List. And also those questions of whether it has the continuing economic use or not and whether listing it would entail undue financial hardship.

45 But we also, I think, as I might have indicated in what I said just now, also bring to this a – let's say a planning or urban design or strategic view to it, because what we

see when we think of the MLC Building is not just its history and not just what it is now, but what it will be, how it will be seen in the future. We think it will be seen very differently. It's now 80 years old, about – 80-something. And there are not a lot of buildings to compare it with around the place, major significant buildings that  
5 are about that era that people would routinely say, "Yes, this is an important building for a whole range of reasons and should be incorporated into whatever development is taking place."

But most people would say that about major significant buildings between the wars,  
10 and before the First World War the question would hardly come up. Once significant or major buildings reach that sort of age, most people say, "Yes, they've weathered well and they should be part of the future Sydney." And we are sure that is how the MLC Building will be seen in 2040. It's seen like that by many now. But what I  
15 would like to do, if I can share my screen and read a piece off our website, a short statement on our website which I hope - - -

MR BARRY: So, Jeremy - - -

MR DAWKINS: Yes.

20 MR BARRY: - - - the green share screen button down the bottom - - -

MR DAWKINS: Yes.

25 MR BARRY: - - - should enable you to share it.

MR DAWKINS: Yes. And what I'm now looking for – and I'm sorry, I delivered a course at UNSW this year by Zoom and I am now, much later, a bit rusty. I'm looking for our website. Perhaps, Steve - - -

30 MR BARRY: Yes.

MR DAWKINS: - - - it might be best if you - - -

35 MR BARRY: Okay.

MR DAWKINS: - - - find our website and go to – go to that, if you are able to.

MR BARRY: Hang on a sec.

40 MR DAWKINS: I'm sorry about this, Mr Chairman.

MR PILTON: That's okay.

45 MR DAWKINS: Because it's on the website rather than sitting as a document on my desktop, is the issue.

MR BARRY: Let me – unfortunately, I have problems with this too.

MR DAWKINS: Well, I'm going to go to the website, and we will see what happens. Here we are. So can you see that?

5

MR BARRY: That's good.

MR DAWKINS: Right. I should have been able to do that straightaway. So it took that time. This is from our website. And we've said – we've quoted the four main 10 findings of the Heritage Council, which you know all about. It's the Miller Street wing, and that refurbishment would not compromise would not compromise its heritage significance. A reasonable or economic use is possible based on economic analysis, and undue financial – so we say the more important issue is that the future of this building cries out for imagination and vision, some creative thinking, some 15 real city planning.

The Committee for North Sydney's advice to the Independent Planning Commission – this is on our website – pointed out the many ways in which the building will be – in future, that is – an unmatched asset to the city's sense of place, to its prestige, to 20 its sustainability credentials, to its ability to attract creative and design professionals, and to the character of the heart of the city centre. It used to be the centre of architecture and advertising and other creative industries, as Adrian would know, and it may well be again. But it needs this kind of highly adaptable building in this sort 25 of form for that to happen. And it will also be seen as essential to the character of the heart – it's right at the centre of the city centre. I guess that's why the MLC chose the site, which previously had been about 30 small lots. And we say that these assets are – the way it will be seen and the way it will be used are assets for the owner as well.

30 The site's future will be greater after adaptive reuse with new spaces added behind the Miller Street wing and a rich intermix of new and old than a new monster building – which is how I feel about what's proposed – which will become immediately dated. The Heritage Council pointed to this in the first two dot points above in saying that it's the Miller Street wing, and that a major refurbishment or 35 upgrade won't diminish its heritage significance. It just takes an ability to imagine this core of the city as it will be seen and valued in the future. One of the committee's submissions did exactly that. You can read and download this document, which is one of the ones we submitted to the IPC.

40 Well, that's not going to – that's not going to get me there, so I will stop sharing the screen. One of the other documents that we submitted was the building in 2040, which you will – which you will have seen. And that in a way is the core of the way we see this building, that by 2040 it's easy to imagine that people will be proud of hosting in the city centre at North Sydney a building that's regarded as of national 45 significance and a national landmark. And it was a national landmark for other reasons, for innovation and for size and so forth, when it was built. But I am confident that in 2040 it will be seen as a nationally significant building for not just

its place in history but the way it has come to form part of the sense of place of the North Sydney City Centre and the way in which the building will be used.

5 And I'm assuming in this that it's the Miller Street wing that ends up being listed, and that therefore the eastern half of the site is available for, let's say, high-quality redevelopment tied into the Miller Street wing in a way that supports the Miller Street wing and provides it with a new core and so forth, and also provides – as we suggest in that document about 2040, that it is done in a way which provides the city with spaces and functions and connections and so forth which make it appropriate to  
10 a central – the central address in the city centre. I think that's – I think that approach can be seen in the other – in the other documents in our submission. Thank you.

15 MR PILTON: Okay. Well, if – a lot of the proposals in the Heritage Council's report, which was done by PTW, suggested you might knock down the Denison Street building and redevelop that. In the light of what's happening at the metro station and so on, and Denison Street itself, how do you see all of that coming in the future as public urban space and enlivenment and so on for – obviously there will be a lot of people coming out of the metro station and down Denison. Do you think that will sort of focus back on Denison Street rather than Miller Street?

20 MR DAWKINS: Yes. Yes, I do. And I mean, much more than at present. And Denison Street will hopefully turn into something quite else. It was really a missed opportunity. I'm sorry to say this, but, you know, this is history now. But that central block from Berry Street to Mount Street and between Denison and Miller  
25 ended up with only three owners. By the time – given that the MLC had assembled so many lots and parcels in the one site, and then recently Sydney Metro did the same thing, leaving one final building in Berry Street. Then three owners owned that block. And of course, we agitated for them to talk to each other, and both Lendlease and Investa said, "Yes, yes, we will talk." But nothing came of that. And of course,  
30 Investa and Lendlease are talking, because it affects vehicular access and parking and servicing and things like that.

35 And it would be a pity if Denison Street continues to be vehicular all the way down to the current entrance to the Denison Street entrance of the MLC Building. So hopefully in the course of a redevelopment of the east half of the MLC site, it's possible to better integrate those developments, and provision may have been made for that. We have to hope so. And of course, any new building facing Denison Street would be built to face a very different – not a back vehicular street, but a very busy, essentially pedestrian environment. And there are other – there are a few  
40 buildings left in Denison Street which are very likely to be redeveloped to be part of all this as well. But I think Miller Street will continue to be the central place in North Sydney.

45 We've argued for a space in front of the metro building. The metro building is set back a little, not as much as the MLC Building, unfortunately, but it's set back a bit. And essentially by removing the parking lanes from Miller Street and using the footpath on the metro side and the setback in front of the Sydney Metro, you get a

space that's similar to the space of Martin Place. It's surprising, but there's space for a western footpath, two lanes of traffic, and then a Martin Place-like space in front of the – all of the metro buildings. It's of those dimensions. And that space gets wider in front of the MLC Building.

5

And our argument would be that it's essential that service vehicles, taxis, buses and so forth continue to move through Miller Street on those two single lanes, as they do in, say, the middle of Chatswood, buses using two single lanes, and that it be an interchange place for taxis, buses, bikes, metro and so on, plus decent pedestrian spaces. And then the pedestrian spaces will flow into what is now bitumen at Victoria Cross, because there's a couple of acres of bitumen there which are not going to be needed in 2040, for sure. And so the decent pedestrian spaces, and some decent trees and planting and so forth, will occupy much more of the space in front of the MLC Building than at present.

10

15 MR PILTON: Thank you.

MR DAWKINS: And I think there's opportunities to – sorry to go on, but there are – there are level difficulties, of course, but within those level difficulties – because most of North Sydney is on a sloping site, and it slopes the wrong way. It slopes towards the southeast, which is unfortunate. But there are – those level changes also, of course, always offer opportunities, and it would be possible to have the main entrance of the MLC Building back at the level of Miller Street, even keeping the lower level, and for that to flow through to and up on the first floor or something like that in Denison Street, and to really be creative about the spaces inside and outside the building that you're able to link to Miller Street in that way along with whatever building takes place in Denison Street.

20 MR PILTON: Thank you. Peter, would you like to ask any questions?

25

30 DR P. WILLIAMS: Thanks, Adrian. Just one question, thanks, Jeremy. If I understand your submission correctly, the wing – it's mainly the Miller Street wing in terms of state significance, not the Denison Street eastern wing. Focusing on that Miller Street wing, would the necessary essential ongoing repairs and maintenance of the building – of the building itself in terms of the terracotta tiles, the glass façade and so on, to such an extent that it might need to be entirely replaced – would that lead to the building losing any of its heritage significance, in your view?

35

40 MR DAWKINS: Definitely, yes. But it's a matter of degree, isn't it? And I mean, at the sort of minor end of the spectrum, of course, no one thinks twice about replacing blocks of sandstone on sandstone buildings where they are crumbling away. And so maintenance can affect renewal and replacement and reconstruction and so forth all the way through to stripping back to the structural frame and then reconstructing, not pretending it's the original, but reconstructing the original in the spirit and style of the original, for instance. And all of those are legitimate conservation techniques, and they've all been used. You know, they've all been used

successfully in compliance with the Burra Charter and so on to that extent. So it's a spectrum.

We think – well, let me go back to the beginning. We think the whole building  
5 should be retained and given new life and revived and so forth, along, of course, with adaptations and extensions and things like that. But we also recognise that in this case the Heritage Council appears to be saying that the listed curtilage would be the Miller Street wing, meaning that that was the only part that shouldn't be demolished, and the rest can be redeveloped in, let's hope, a high-quality, imaginative way to  
10 support and revivify the Miller Street wing.

Even if the interior was redone – and it has been redone twice, and I don't think anyone – in fact, one of the submissions to the Heritage Council considers that the second refit inside enhanced its heritage significance, because as part of the  
15 unfolding story of the building it now represents both its original period and the style and priorities of that time, and a very highly regarded refit earlier this century, I think it was. And that again is a perfectly legitimate form of heritage management and heritage conservation. But we also think that the difficulties won't really be known until the owner accepts the fact that the building needs to be conserved and looks for  
20 ways to do it most efficiently.

It's our understanding that it's possible to keep the tiles there, and that the last time they were maintained, this seemed to be the case. Maybe the curtain wall is the same. Eventually the aluminium components will have to be replaced, that's  
25 understood, but if it's replaced in the same style and pattern as at present, that doesn't eliminate the heritage significance of the building, and it hasn't in all sorts of other places where this has – where this has happened. It's the flexibility of the building which is one of its assets, and the fact that it has had several refits internally to respond to different kinds of use of office space and so on and is likely to in the  
30 future is one of the building's strengths.

DR WILLIAMS: Thanks. Thanks, Jeremy. That's great. Thank you.

MR PILTON: Just .... slightly different, are you aware of what the retail was like  
35 pre-COVID along the Miller Street frontage? At the moment it's all – a lot of it's shuttered up, as it were. Was it a lively region, or has it sort of been going down for a while?

MR DAWKINS: It's only recently. It's only just recently that I've noticed that  
40 there are vacant shops there. I would have said that when we launched the Committee for North Sydney, which I think was three years ago – if it's three years ago, that three years have certainly flown. We used that green space in front of the MLC Building. You know, that seemed to be the obvious place for us to talk about the centre – the future of the centre of North Sydney. And then, and most of the time since, all those shops have been there, there have been banks, and Telstra was there,  
45 and other busy shops. And they all seemed quite busy and active. And I think – one presumes that it's something to do with the fact that there's a DA in place and leases

are not being renewed or they're only being renewed on short terms or something like that. I would have to speculate. I don't know.

MR PILTON: Okay. Thank you. Andrew, do you want to join?

5

MR A. SNEDDON: I've got a quick – well, maybe not a quick one, but I've got a question, Jeremy.

MR DAWKINS: Andrew, which jail are you in front of?

10

MR SNEDDON: That's Fremantle Prison in WA.

MR DAWKINS: Fremantle Prison. Yes. Right.

15

MR SNEDDON: Yes. My question is about tenantability. So paraphrasing it best, they say that it's a B-grade building and if they spend a lot of money refurbishing it, it will remain a B-grade building, and its form and grade mean that it's almost untenantable. As a long-term resident and observer, what's your view on the tenancy markets?

20

MR DAWKINS: Well, the Heritage Commission – I'm no expert. I can't speak about that with any authority. I think the Heritage Council looked into it in a very serious manner and came to the clear conclusion that the building would have an economic use. Personally, I'm sure that's right. In fact, the members of the committee look at this building – understanding that quite a few have worked in the building at one time or another. Terry Burns is one of our committee members, and I think he may have, and there are several others. And the most recent refit was very highly regarded, and I can't see any reason why it can't be refitted in a variety of ways that – and the tenants would have a variety of ways of using space.

25

The building can be divided into many tenancies. At the very least you could have a tenancy on each side of the core on each floor. So it seems to me it's highly adaptable. It's just one of the ways that the shape and the configuration of the building and so forth lends itself to multiple tenancies, or one, for that matter, as the MLC occupied it. So I just – I can't see the case at all that it's not a highly flexible building. But there is – this comes back to my first point, that if people look at it as a passé building, as a redundant building and so forth, then, sure, they may see it like that.

30

But we are confident that post adaptive reuse and post a listing on the National Heritage List, etcetera, that it would be highly desirable for people in the IT industry, in the knowledge industries, in creative industries, design industries and things like that. The sort of people that seek out old wool stores and old factories and things like that will be seeking out modern movement office buildings, for sure. And they will have that kind of flexible and appealing spaces in those buildings in the future. I think that's absolutely certain, and I can't understand why an owner would not understand that, the merits of that.

I would like to add one point I meant to make, and that is that we had a briefing from Investa the year before last, and early on in this process, and they told us that the new owner, in effect, through whatever financial vehicle and trusts and things like that – the new owner was a Canadian pension fund, and that they understood that the

5 building had long been listed on the North Sydney LEP. In the council's view it was state level significance, but that wasn't – they couldn't continue to say that, because it wasn't state listed. But they listed it for a long time as a locally significant heritage building.

10 And the new owners knew that when they were considering doing their due diligence, and they would have considered what would happen if they couldn't demolish it, what would happen if they could demolish it, and what would – they must have considered what's an adaptive reuse of the kind the Heritage Council seems to be pointing to. And Investa told us straight out that they knew they might 15 not be able to demolish it and that they might be faced with an expensive refurbishment, and they were – they still saw it on those terms as a good long-term investment. Perhaps they had a better sense of what this building would be like in future than others seem to have.

20 MR PILTON: Thank you.

MR DAWKINS: Can I add another point, Mr Chairman - - -

MR PILTON: Yes.

25 MR DAWKINS: - - - in the remaining minutes? The Green Building Council, I think their submission is only a comment rather than support – opposition to listing. But they commend the proposed building as a zero carbon building. I tried to contact them, but I haven't heard back from them. But I would wonder if they are taking 30 into account what would be demolished, what is the embodied energy and the other energy costs of demolishing a very large concrete and steel and glass building before starting again. It seems to me strange, let's say, to claim the building is zero carbon when you have to begin by demolishing perfectly sound – a large, perfectly sound structural frame, if not everything else, before you can begin again, and then build 35 another extremely heavy, extremely energy-intensive concrete and steel building in its place.

I can understand the building might be zero carbon in its operations, one would hope, but it seems – it seems to me almost impossible to do the energy accounting and say 40 that demolishing what's there and replacing it with another enormous building is somehow zero carbon. It's not. And one of the arguments for conserving the building, whether it's directly relevant to your advice or not, but one of the consequences of listing the Miller Street wing would be that a very large quantity of embodied energy is conserved and a very large quantity of demolition work and 45 landfill dumping, carting all that building off to Western Sydney somewhere or smashing it up into road base or something would also be avoided. I think that that's

very much part of the accounting, and that's why in future the building will be seen as a contribution to sustainability just by being there.

5 MR PILTON: Thank you. Andrew, any more? Steve, do you want to ask anything?

MR DAWKINS: Can I – can I draw your attention in the remaining minute to - - -

10 MR PILTON: Yes.

10 MR DAWKINS: There is apparently a survey being conducted. We mentioned it in our submission. Our members have been surveyed, and it looks a bit like push polling. And the results of that survey may well be presented to you at some point. And I mean, there's no evidence of that yet in the submissions, but with the  
15 submissions open for another week it may well appear. I don't know. But I think it would be impossible to assess the results of that survey which perhaps show that, I don't know, 60 per cent of the population prefer the new building to the old or something – it would be impossible to assess the meaning of that without reading the entire script of the survey. The survey apparently – I haven't been surveyed, but the  
20 survey apparently begins with quite a long introduction about the merits of the proposed building, and that the MLC is standing in the way of this important new building.

25 MR PILTON: Okay, thank you. We haven't heard about that yet, so ..... Steve, anything that - - -

MR BARRY: No, nothing from me, thank you.

30 MR DAWKINS: Well, thank you very much for the opportunity to speak to you directly. If we want to – if there are submissions made in the next week with the extension of the submissions and we feel a compelling need to respond to some of them, would there be another opportunity, Mr Chairman?

35 MR PILTON: I have to ask Steve on that matter. Is that – what happens, Steve?

MR BARRY: No, normally the submission date is the submission date. Otherwise we go round and round in circles.

40 MR DAWKINS: I mean by the submission date, but - - -

MR BARRY: Yes, yes. Within the – responding to the submissions – yes, yes.

MR DAWKINS: No, the – to be clear, if – would it be altogether too forward to speak to you again after submissions close the second time?

45 MR PILTON: My opinion is I don't think so, but I will bow to Stephen on that point.

MR DAWKINS: Sure.

MR BARRY: Yes. So the normal practice, Jeremy, is that we have stakeholder meetings at a set time. We publish the transcripts. That gives people an opportunity to review what was said and include that in their submissions.

5 MR DAWKINS: I see, yes.

MR BARRY: So we do it in – the stakeholder meetings in one round.

10 MR DAWKINS: Yes.

MR BARRY: Yes.

15 MR DAWKINS: I see.

MR PILTON: Okay. Thank you. Well, thank you very much, Jeremy, for your presentation. That will all be transcribed and up on the website in a day or two. And thank you for taking part.

20 MR DAWKINS: Thank you. ....

MR PILTON: You're welcome.

25 MR BARRY: Thank you, Jeremy.

DR WILLIAMS: Thank you very much. Bye-bye. Thanks.

30 **RECORDING CONCLUDED**

[4.57 pm]