



Laura Cockburn FRAIA
NSW Chapter President
Australian Institute of Architects
Tusculum
3 Manning Street
POTTS POINT NSW 2011

Dear Ms Cockburn

I refer to your letter to the Hon Ben Franklin MLC, Minister for Aboriginal Affairs, of 22 July 2022. Your letter was referred to the Department of Planning and Environment (DPE) and I have been asked to reply. I apologise for the delay in responding.

As you are aware, on 15 July 2022 the Land and Environment Court (LEC) found that the former Minister responsible for Heritage had not taken into account the mandatory considerations set out in sections 32(1)(c) and 32(1)(d) of the *Heritage Act 1977* when making his decision to direct the State Heritage Register (SHR) listing.

The LEC ordered that the item be removed from the SHR, and it was removed on 21 October 2022. The Heritage Council's previous recommendation to list the item now needs to be considered by the Minister for Environment and Heritage.

The economic analysis of the financial viability of listing the MLC Building on the SHR dates from late 2020 to early 2021. In December 2022, Minister Griffin wrote to the Chair of the Heritage Council of NSW seeking an updated economic analysis. This analysis was sought to enable the Minister to properly consider whether the listing would render the item incapable of reasonable or economic use, and whether the listing would cause undue financial hardship to the owner, mortgagee or lessee of the item or the land on which the item is situated.

I appreciate your views regarding possible adaptive reuse outcomes for the MLC Building. If you have any further questions about this issue, please contact Mary Ann Hamilton, A/Manager Heritage Programs, Heritage NSW, on 9873 8562 or at maryann.hamilton@environment.nsw.gov.au.

Yours sincerely

Sam Kidman
Executive Director
Heritage NSW

31 January 2023