

14 March 2025

Therese Cole
Chief Executive Officer
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

By online portal

Dear Ms Cole,

National Trust submission relating to the Development Application for MLC Building, 105-153 Miller Street, North Sydney (DA 387/2024)

The National Trust of Australia (NSW) welcomes the opportunity to provide feedback regarding the development proposal for the MLC Building North Sydney. We note that the building is listed on the National Trust of Australia (NSW) Register, NSW State Heritage Register, North Sydney LEP, Docomomo NSW Modern Register and the Australian Institute of Architects Register of Significant Buildings in NSW.

We refer to the statement of significance on the SHR:

The former MLC Building, North Sydney is of state heritage significance as Australia's first post-war office block in respect of its design, materials & mode of construction. Completed in 1957 it was the first high rise office block in North Sydney and the largest in NSW for a number of years after its construction, and is a seminal building associated with the evolution of high-rise office design in Sydney and NSW. It is the earliest surviving curtain wall building in Australia.

In July 2020, in response to an earlier Development Application (DA 147/20) we strongly objected to the proposed demolition of the North Sydney MLC Building, and noted its significance at a Local, State, and arguably National level. It is the building which changed North Sydney into the thriving CBD that it is today, and we append that earlier response to this submission.

The National Trust has reviewed the revised Development Application documents and makes the following comments regarding the impact the proposed changes will have the heritage significance of the site.

A note on “reconstruction” as preservation

There is currently in Sydney a growing trend to see “preservation” less in terms of retaining the actual built fabric and original design elements of a building, and more as a “reinterpretation” of that building with completely new construction. The listing on the State Heritage Register of the AMP Building at Circular Quay after it had been completely rebuilt (with new façade designs on every elevation) illustrates this point clearly.

There will always be a need to replace broken or damaged materials to make a building serve its primary purpose as creating usable spaces. The North Sydney MLC Building still retains much of its original fabric, and although elements of it will of necessity require replacement, the National Trust believes there exists within this proposal – if slightly reconsidered – an ability to retain more of the original design, materials and planning that are key to the heritage significance of this building. We believe that there is a danger of too much original material and detail being lost in this proposal for reconstruction, not adaptive reuse.



Demolition of the Core and Denison Street Wing

The National Trust understands that the development proposal seeks to entirely demolish the Core and Denison Street Wing of the MLC Building. This destruction is largely justified on the grounds that in some contexts these two elements of the complex have been considered as less significant than the Miller Street Wing.

The Heritage Impact Statement justifies this demolition by reference to the NSW Independent Planning Commission review report which identifies that **“the Denison Street Wing was of local, not State Significance and had moderate, not exceptional significance when viewed within the broader streetscape setting of North Sydney”**.

In response to this assessment, the National Trust notes:

- **The whole of the building is listed on the State Heritage Register**
The MLC has been designed as a series of complementary spaces, and the relationship between the three elements of the Miller Street Wing, Core and Denison Street Wing cannot be severed without compromising the integrity of the overall design.
- **Local heritage listing does not justify demolition**
If the Denison Street Wing and Core were to be identified as locally significant (noting of course that they are in fact State listed) this is no way a rationale for their destruction.
- **The demolition of the Denison Street Wing is not consistent with the Conservation Management Plan**
The National Trust notes the CMP consistently states that the Core and Denison Street Wing should not be demolished. This is further assessed in our response to the Heritage Impact Statement.
- **Complete demolition is not adaptive re-use**
We note the Architectural Design Report prepared by Bates Smart accompanying this application is titled *“MLC Building 105 Miller Street Adaptive Reuse”*. The HIS prepared by Curio Projects similarly references the *New Uses for heritage Places; Guidelines for the Adaptation of Historic Buildings and Sites (NSW Heritage Council and Royal Institute of Architects)*, which states “The best way to conserve a heritage building, structure or site is to use it. Adaptation or adaptive reuse offers new uses for old places. The new use needs to be compatible with the building, retain its historic character and conserve significant fabric, but can still introduce new services as well as modifications and additions”. The National Trust would argue that any proposal to demolish two of the three key elements of the building cannot be understood as adaptive re-use, and of course note that the building has actually been adaptively re-used previously.

Proposed new Core and Denison Street Wing

The National Trust makes the following assessment of the proposed New Core and Denison Street Wing:

The realignment of the columns deviates from the original design intent

We note that the building’s columns align through both the Miller and Denison Street Wings. The internal spatial arrangement of the two halves can be read as an integrated whole, with the two sides reflecting the same proportions. The design proposes an entirely new grid that destroys this balance and forces the relocation of both the squash courts and the original toilets.

The reconstruction of the Miller Street Wing

Particularly given the full demolition of the Denison Street Wing and Core, the Trust sees no requirement for such extensive demolition in order to “adaptively re-use” the existing building, and believe that careful and considered design and engineering could surely retain numerous elements of the structure.

We note that this proposal essentially proposes to entirely demolish and then rebuild the “original” section of the Miller Street elevation. In particular we note:

- The removal of every single floor slab and beam of every above-ground floor.
- The proposed demolition of the original bathrooms, which is assessed as ‘negative, yet unavoidable’.



- The proposed demolition and reconstruction of the squash courts, which have been graded as having *exceptional* significance.
- Demolition of the Denison Street Facade, which is an important element of the overall curtain wall design.

The National Trust understands that the recladding of the Miller Street Wing has been identified as a necessary step to ensure the long-term functionality of the building. The condition summary notes that the external fabric is in poor condition and that there are issues with waterproofing and retention of the tiled facades. Sensitive repair and restoration is, in principle, supported in the Conservation Management Plan.

The National Trust understands that the new proposal plans to replace the cladding of the Miller Street Wing with a general aesthetic similarity, keeping the proportions of the original face. We do, however, question whether the colour, fabric, texture and design of the curtain wall bays will also be retained and enhanced as part of the recladding project. Further information needs to be provided regarding materiality needs to be documented in order to ensure that this restoration proposal will indeed be completed like-for-like.

The National Trust notes the proposal to change the sunken plaza and alteration to a raised, double height space. This will have a significant impact on the entire pedestrian interface, including forecourt, entry, lobby plaza, podium, retail spaces and approach from Brett Whitely Place. The top and the bottom of the Miller Street façade are major elements of the design. The Trust is not in a position to understand the flooding impacts that have been used to justify this proposal, but we would note the original design of the building and would consider that more refinement of any such proposal should aim to replicate as far as possible the original proportions on this important elevation.

Assessment of heritage impact

It is the opinion of the National Trust that the Heritage Impact Statement does not provide an acceptable assessment of the effects of the proposal on significant fabric. We cannot agree with the conclusion (p.13) of the Heritage Impact Statement (HIS) prepared by Curio Projects that “the key design principles guiding the redevelopment of 105 Miller Street will ensure that significant heritage fabric is conserved and retained in accordance with the guiding principles of the CMP.” Given the almost total demolition of every single element of the place as part of the proposal, it is difficult for the National Trust to see this as a conservation or adaptive reuse project.

Statements throughout the HIS oscillate between identifying that the proposal will have irreversibly negative heritage impacts, while simultaneously saying these effects are an acceptable, if not positive outcome. There is a confusion between retention of original fabric and details, and reconstruction and reinterpretation of those details. New things should simply be seen for what they are (which is acceptable) but not represented as heritage outcomes.

We have considered the Development Application in the context of the following policies of the Conservation Management Plan (CMP) as outlined in the Heritage Impact Statement.

We make note that the whole CMP document – although referred to – was not included in the Development Application documents.



No	Policy	National Trust response
2.1	The cohesively built unit that comprises 105 Miller Street – the Miller Street Wing, the Denison Street Wing, the Core, podium and Miller Street forecourt should be retained.	The National Trust notes the complete demolition of the Core and Denison Street wings.
2.2	Any changes made to the existing configuration of the ‘built unit’ should be clearly identifiable as a new intervention and should not result in infill development that obscures the reading of the design intent of the building.	The National Trust notes that the form of the complex was designed to embrace the fall of the streetscape, with the Miller Street Wing the more prominent face of the site.
2.3	The prominence of the Miller Street Wing, the Core, Podium and Miller Street forecourt in its existing configuration should be maintained.	Substantial changes have been proposed for the Miller Street forecourt space.
2.4	There is some opportunity for change to the configuration of the Denison Street Wing due to its lesser prominence on the site, when viewed within its broader visual setting, however the articulation of the central core that joins the Miller Street Wing and the Denison Street Wing is important to retain.	The National Trust notes that there is <i>some</i> opportunity for change, not complete demolition of the Denison Street Wing. We also note the complete demolition, and almost doubling of height of the Core.
15	Fabric and/or spaces which has been identified as having high significance in Section 5 – Gradings of Significance should be retained as far as possible	The National Trust notes the demolition of the entire fabric of the Denison Wing, Core and almost entire Miller Street Wing, including the original bathrooms, and relocation of the squash courts. We also note the complete recladding of the Miller Street Wing, which should be considered carefully to ensure continuity of colour, texture, form and materiality.
18.1	Proposal for adaptive reuse should respond to the architectural character and historical evolution of 105 Miller Street. Where visible, new works should consist of contemporary yet minimal/recessive insertions to allow the original and new fabrics to be clearly distinguishable from one another.	The term “adaptive re-use” indicates retention of original fabric and spaces. This project in reality needs to be considered as a “re-building” of the structure.
18.2	Proposals for adaptive reuse should be carefully developed to minimise potential heritage impacts on fabric and views to the building.	Heritage impacts cannot be considered to have been minimised where actual demolition occurs. Views need to be more carefully assessed.
19.1	The existing building footprint on the site, and the existing H shaped building profile with single storied podiums, should be retained.	We note the retention of the H-shape, but also note the single storied podiums which are a feature of the elevation have been lost in this proposal.



Visual Impact Assessment

The National Trust notes the *Visual Impact and View Loss Assessment* (05 December 2024) prepared by Beam Planning. The Trust has persistently argued for more accurate visual representations and assessments of proposals that will have a heritage impact, and we would argue that in our opinion elements of this assessment again do not accurately represent the impact of this proposal.

The Streetscape provisions for the North Sydney Planning Area in the DCP states that “the intersection of Miller Street and Pacific Highway forms an important focal point of the North Sydney Centre with a distinctive character reinforced by the Post Office and the MLC Building.”

The report (p.14) assesses this most important view of the building from the intersection of Mount Street and the Pacific Highway which it says “characterises this intersection”. It argues that “the proposed alterations and additions are only slightly visible from this viewpoint” and that “the portion of the core that is visible from this viewpoint does not lead to significant changes upon the viewer’s experience.” The Trust would not agree with the last point.

The National Trust are concerned with the following aspects of the Visual Impact Assessment:

- The artistic impression of the proposed development (below) uses a blue transparent outline to represent the impact of the new core. This should be represented as a solid mass.
- The key viewpoint from the North Sydney Post Office which has been selected is so oblique that even the massive new building at 1 Denison Street is hardly visible in the assessment – and in the artistic impression it appears to have been removed entirely.
- The key view of the site from the intersection of Miller Street and Berry Street has not been included in the assessment.

By focussing the visual impact assessment on such a small radius around the building, the National Trust consider that the true impact of the proposal on the historic building has been disguised. The Trust would call for the visual impact assessment to be undertaken again.



Artistic impression of the new building, with the new core represented by a translucent sky-blue shape, misrepresenting its true impact. Note also that No.1 Denison Street appears to have been completely airbrushed out, but with the adjacent new towers over the Metro Station still under construction fully illustrated.



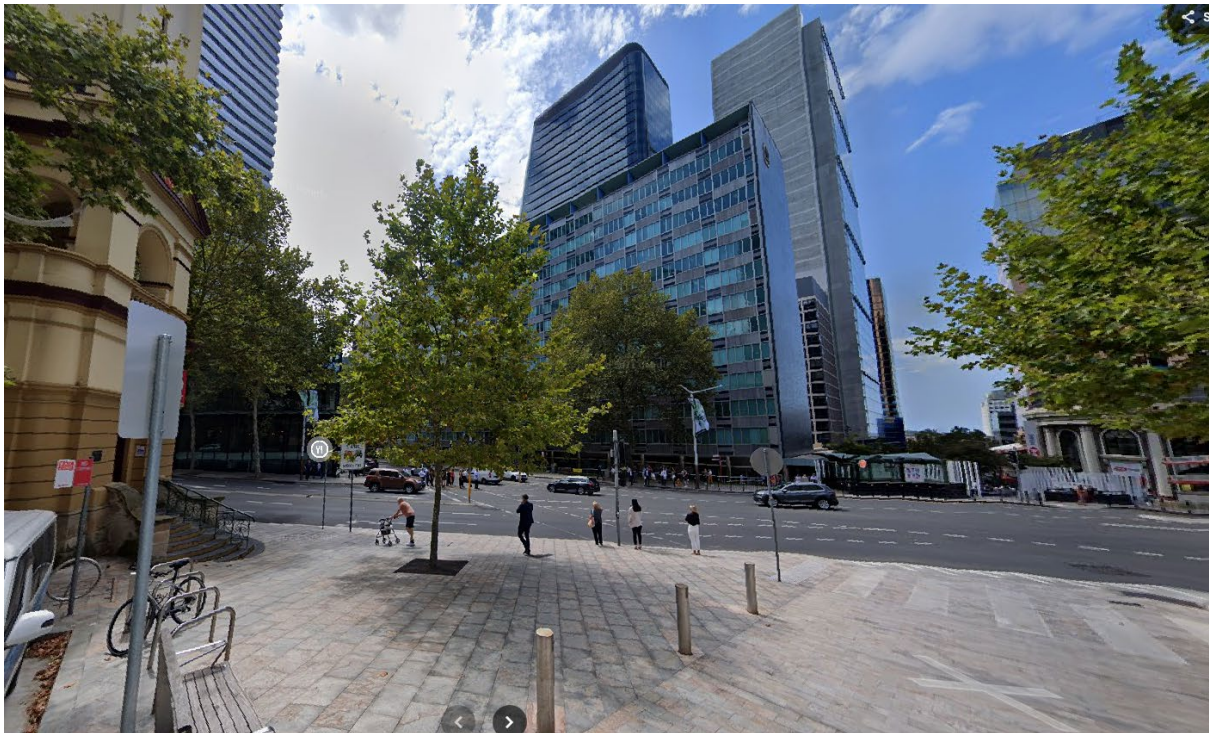
The important distant view of the MLC Building seen from the north (at the intersection with Berry Street) has not been assessed in the visual impact assessment. The National Trust also notes it is important to assess these views in the winter periods where the leaves have fallen from the deciduous trees. This is a key view of the building. Source: Google Maps)



Proposed pedestrianisation of Miller Street as envisaged by Council and highlighted in the Heritage Impact Statement. (Source: North Sydney Council 2024)



The critical “View from the intersection of Pacific Highway and Mount Street” as shown in the Beam Planning Visual Impact Assessment. Note that in this view the massive building at No.1 Denison Street is hardly even visible – thus demonstrating that this view is clearly designed to minimise the impact of the new addition to the North Sydney MLC Building. (Source: Visual Impact Assessment)



The actual view from the pedestrianised plaza at the intersection of Mount Street and Pacific Highway – with No.1 Denison Street clearly visible behind. An assessment of the proposal against this actual view would have a very different result, and the Trust believe that the alterations and additions would in fact be much more visible in any true assessment of visual impact from this location. (Source: Google Maps)



Conclusion

The National Trust notes the significant departure from the original application for this site, and the aims to retain what is considered to be the most significant component of the building and its importance in the visual landscape and historical record of North Sydney.

We are however concerned that the heritage impacts of the proposal as intended (ie: the retention of the Miller Street Wing) are greater than they need to be. Where possible, retention of original building fabric and design details should guide any true conservation or adaptive-reuse project. It is our hope that with further refinement more of the original details of this State Heritage Register listed building can be retained. Buildings on our heritage registers and afforded that level of protection should be the originals – not replicas.