

Mr Jim Davies
North Sydney Council
PO BOX 12
NORTH SYDNEY NSW 2059
By email: jim.davies@northsydney.nsw.gov.au

Dear Mr Davies

HERITAGE COUNCIL OF NSW – GENERAL TERMS OF APPROVAL

Integrated Development Application

Address: 105-153 Miller Street NORTH SYDNEY NSW 2060
SHR item: MLC Building North Sydney (former), SHR no. 02069
Proposal: Refurbishment, alterations and additions of the State heritage listed building at 105-153 Miller Street, North Sydney (historically referred to as the “MLC Building”) (the site) for the purpose of a commercial office building with ground level retail.
IDA application no: HMS ID 8956, received 11 February 2025

At its meeting on 14 July 2025 the Heritage Council of NSW resolved, in accordance with section 4.47 of the *Environmental Planning and Assessment Act 1979*, to grant the following General Terms of Approval:

Approved development

- All work shall comply with the information contained within:
 - Development must be in accordance with the Architectural drawings prepared by Bates Smart:

Dwg No	Dwg Title	Date	Rev
Project Name: 105 Miller Street			

Dwg No	Dwg Title	Date	Rev
DA00.000	Drawing List	29.11.24	A
DA01.001	Proposed General Arrangement Plan – Site Plan	29.11.24	A
DA01.3B1	Demolition Plan Basement	29.11.24	A
DA01.3LG	Demolition Plan Lower Ground	29.11.24	A
DA01.300	Demolition Plan Upper Ground Floor	29.11.24	A
DA01.301	Demolition Plan Level 1	29.11.24	A
DA01.302	Demolition Plan Level 2	29.11.24	A
DA01.303	Demolition Plan Level 3	29.11.24	A
DA01.304	Demolition Plan Level 4	29.11.24	A
DA01.305	Demolition Plan Level 5	29.11.24	A
DA01.306	Demolition Plan Level 6	29.11.24	A
DA01.307	Demolition Plan Level 7	29.11.24	A
DA01.308	Demolition Plan Level 8	29.11.24	A
DA01.309	Demolition Plan Level 9	29.11.24	A
DA01.310	Demolition Plan Level 10	29.11.24	A
DA01.311	Demolition Plan Level 11	29.11.24	A
DA01.312	Demolition Plan Level 12	29.11.24	A
DA01.313	Demolition Plan Level 13	29.11.24	A
DA01.314	Demolition Plan Level 14	29.11.24	A
DA01.901	Demolition Elevation - Elevation North	29.11.24	A
DA01.902	Demolition Elevation - Elevation East	29.11.24	A
DA01.903	Demolition Elevation - Elevation South	29.11.24	A
DA01.904	Demolition Elevation - Elevation West	29.11.24	A
DA03.000	Proposed General Arrangement Plan Upper Ground Floor	29.11.24	A
DA03.0B1	Proposed General Arrangement Plan Basement	29.11.24	A
DA03.0LG	Proposed General Arrangement Plan Lower Ground	29.11.24	A
DA03.001	Proposed General Arrangement Plan Level 01	29.11.24	A
DA03.002	Proposed General Arrangement Plan Level 02	29.11.24	A
DA03.003	Proposed General Arrangement Plan Typical Lower (Level 3-12)	29.11.24	A
DA03.013	Proposed General Arrangement Plan Level 13	29.11.24	A

Dwg No	Dwg Title	Date	Rev
DA03.014	Proposed General Arrangement Plan Typical Upper (Level 14-20)	29.11.24	A
DA03.021	Proposed General Arrangement Plan Level 21 Lower Plant	29.11.24	A
DA03.022	Proposed General Arrangement Plan Level 21 Upper Plant	29.11.24	A
DA03.023	Proposed General Arrangement Plan Roof	29.11.24	A
DA09.001	Proposed Elevations – Elevation North	29.11.24	A
DA09.002	Proposed Elevations – Elevation East	29.11.24	A
DA09.003	Proposed Elevations – Elevation South	29.11.24	A
DA09.004	Proposed Elevations – Elevation West	29.11.24	A
DA09.010	Proposed Materials – Elevation Materials Legend	29.11.24	A
DA10.001	Proposed Section – Section A	29.11.24	A
DA24.001	Visualisations from Pacific Highway/Mount Street	29.11.24	A
DA24.002	Visualisations from South East Elevated	29.11.24	A
DA24.003	Visualisations Miller Street Forecourt	29.11.24	A
DA24.004	Visualisations Brett Whiteley Plaza Entry	29.11.24	A
DA24.005	Visualisations Denison Street Retail	29.11.24	A

b) Development must be in accordance with the following landscape drawings prepared by 360:

Dwg No	Dwg Title	Date	Rev
Project Name: 105 Miller Street			
LA-DA-01	Cover Page and Drawing Schedule	29.11.24	D
LA-DA-02	Landscape Schedules and Planting Palettes	29.11.24	D
LA-DA-03	Tree Retention and Removal Plan	29.11.24	D
LA-DA-04	Landscape Plan – Lower Ground Floor – Denison Street	29.11.24	D
LA-DA-05	Landscape Plan –Ground Floor – Miller Street	29.11.24	D
LA-DA-06	Landscape Plan – Level 13	29.11.24	D
LA-DA-07	Landscape Sections	29.11.24	D

c) *Heritage Impact Statement, prepared by Curio Projects, dated 10/12/2024*

d) *Statement of Environmental Effects, prepared by Beam, dated 09/12/2024*

e) *Existing Façade Assessment, prepared by inhabit Living Engineers, dated 28/11/2024.*

- f) *Arboricultural Impact Assessment, prepared by Green Space Consultancy, dated 29 November 2024*
- g) *Stage 1 Heritage Interpretation Strategy, prepared by Curio Projects, dated 25/11/2024*
- h) *Civil Engineering Report. prepared by enstruct Group Pty Ltd, dated November 2024*
- i) *Conservation Management Plan, prepared by Curio Projects, dated November 2023*
- j) *Request for information response, prepared by Beam Planning, Bates Smart, Curio Projects, Jensen Hughes, WSP and Investa, dated 14.03.2025*
- k) *Request for information response, Beam Planning, Bates Smart, Curio Projects, Jensen Hughes, WSP and Investa, dated 15.04.2025*
- l) *Heritage Presentation, prepared by Batesmart and Curio Projects, dated May 2025*
- m) *Supplementary Visual Impact Assessment report, prepared by Virtual Ideas, dated 22 May 2025*
- n) *Submission/s to Public Notification*

EXCEPT AS AMENDED by the General Terms of approval:

Details to be submitted for approval

2. The following information is to be submitted with the s.60 application for approval by the Heritage Council of NSW (or delegate):
 - a. A detailed dismantlement methodology of all external materials within the curtain wall of the Miller Street Wing including
 - i. condition assessment for re-use within the proposed design
 - ii. retention of a sample section.
 - iii. hold points for inspection and storage details

The proposed restoration works are to be prepared by a tradesperson with experience working with the preservation and repair of tiled exterior finishes and curtain walls.
 - b. A methodology detailing the removal, storage, relocation any cleaning or repair works and re-installation methodology for the Gerald Lewers sculptures and Bas-relief by artist Andor Meszaros. This work should also include demonstrated consultation with the family member of Gerald Lewer and Andor Meszaros to ensure that the works are faithfully restored and re-installed.
 - c. Details of the proposed replacement glazed terracotta tiles to match existing, supported by suitability testing in accordance with policy 10.2 of the Conservation Management Plan.
 - d. Amended landscape plans demonstrating the sympathetic incorporation of the architectural planting and river pebbles surrounding the Gerald Lewers Sculptures.
 - e. A movable heritage strategy, detailing a catalogue of all moveable objects on site, and future management policies for those items.
 - f. A fabric board to be prepared with samples of both the existing fabric and proposed fabric. The approved board is to be retained on site and used as part of the interpretation strategy.

- g. A detailed fabric analysis of the Auditorium and Squash Courts demonstrating the extent of surviving original fabric.
- h. A detailed dismantlement methodology of all internal original fabric to be retained including squash courts and auditorium. The methodology is to include a condition assessment for re-use within the proposed design. This should include hold points for inspection, storage details, proposed restoration works and prepared in accordance with an experienced tradesperson.
- i. Plans of the proposed auditorium design supported by the original Bate Smart plans.

Reason: The details requested were not supplied during the assessment of the application. The assessment and management of these details is considered essential in order to obtain a good heritage outcome.

Heritage architect

- 3. A suitably qualified and experienced heritage architect must be nominated for this project. The nominated heritage architect must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage architect must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

Specialist tradespersons

- 4. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

Site protection

- 5. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

Heritage Interpretation Plan

- 6. An interpretation plan must be prepared in accordance with the *Stage 1 Heritage Interpretation Strategy, prepared by Curio Projects, dated 25/11/2024* and the Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted for approval to the Heritage Council of NSW (or delegate) prior to the issue of a Construction Certificate/ Government certification.

7. The interpretation plan must detail how information on the history and significance of the MLC will be provided for the public, the interpretation plan should also demonstrate the original design and form of the building and the original services within the building. The interpretation plan should make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
8. The approved interpretation plan must be implemented prior to the issue of an Occupation Certificate
Reason: Interpretation is an important part of every proposal for works at heritage places.

Photographic Archival Recording

9. A photographic archival recording of the *Miller Street Building North Sydney (former)* must be prepared prior to the commencement of works, and may be requested during works and at the completion of works. This recording must be prepared in accordance with the Heritage NSW publication 'Guidelines for preparing archival recordings of heritage items as a condition of consent' (2025). Only the digital copy of the archival record must be submitted electronically to Heritage NSW. The required format and specifications of the record are published on the Heritage NSW website.
Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.

Unexpected finds

9. The Applicant must ensure that if substantial intact archaeological deposits are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
Reason: All significant fabric within a State Heritage Register curtilage should be managed according to its significance. This is a standard condition to identify to the applicant how to proceed if historical archaeological relics, or other unexpected buried discoveries such as works are identified during the approved project.

Aboriginal objects

10. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974*. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.
Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

Compliance

11. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

Section 60 application

12. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

Advice

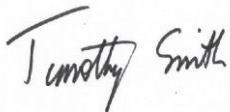
Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Right of appeal

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

If you have any questions about this correspondence, please contact Tempe Beaven, Practice Lead, Heritage Referrals at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely



Tim Smith, OAM

Director Assessments

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As delegate of the Heritage Council of NSW

21 July 2025