



6 August 2022

Ms Kiersten Fishburn

Secretary

NSW Department of Planning, Housing and Infrastructure

Via: Planning Portal

Attention: Megan Fu

Dear Ms Fu

ISPT submits this objection as the owner of 100 Pacific Highway, North Sydney, regarding the Development Application (SSD-83956216) for 105-153 Miller Street, North Sydney. The site, known as the MLC Building, is State Heritage Listed and consists of the Denison Street Wing and the Miller Street Wing.

The SSDA proposes adaptive reuse of the existing commercial building including alterations and additions for the purpose of accommodating a tertiary institution (university). The DA was publicly exhibited on 8 July 2025 – 6 August 2026. There is a separate DA (DA387/24) that was lodged in December 2024 for a commercial office scheme, which is currently being assessed by North Sydney Council.

- In more detail to facilitate the new university, the following works are sought for approval:
- Adaptive reuse and restoration of the Miller Street wing;
- Demolition of the Denison Street wing, central core structure and pavilion on the northwestern corner of Miller Street;
- Construction of a new 22 storey Denison Street wing, comprising ground level retail and educational establishment uses above;
- Construction of a new core structure, comprising the lift core and building services;
- Alterations to the ground level to deliver a significantly enhanced public domain;
- Construction of an almost double height ground floor retail and the delivery of a new public open space along Miller Street;
- Basement carparking and loading dock accessed from a relocated entry off Denison Street; and
- Remediation of land (if required and subject to further investigation).

We value the opportunity to engage in the planning process and express our concerns about the project's impact on the amenity of our adjacent commercial office tower under construction to the north. Our key concerns with the neighbouring proposal include:

- The bulk and scale of the proposed Denison Street Wing, particularly its height, and
- Whether the proposal maintains an acceptable relationship with the heritage item.

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We strongly urge the NSW Department of Planning, Housing and Infrastructure (DPHI) to require the applicant to amend the proposal, reducing the height of the new tower to better respond to its context and mitigate its impacts.

Height Bulk and Scale

The proposed development has a maximum building height of RL151m, which exceeds the maximum building height control of RL125m prescribed for the site under the North Sydney Local Environmental Plan 2013 by 26m (a 17.2% exceedance).

- The scale of the proposed development does not align with the applicable planning controls for the site, particularly the clause 4.3 building height development standard. This variation is inappropriate given the broader site context. The area has recently undergone a comprehensive review of planning controls by North Sydney Council, which concluded that additional scale on the site was not justifiable.
- The purpose of the building height provision is to promote development that conforms to landforms, considering public views, privacy, and solar access. Allowing a variation to this control would undermine these objectives. The underlying goal of the provision is to enhance the locality's amenity through appropriate modulation and control of built form.
- The development standard has not been abandoned or undermined by Council's actions. While it is acknowledged that some variations to the building height standard within the North Sydney CBD have been approved, these variations have been modest and largely confined to non-lettable floorspace.
- There are insufficient environmental planning grounds to justify contravening the development standard. The environmental planning grounds outlined by the applicant do not provide adequate justification for this significant variation.

The current 125m AHD height limit in the LEP allows for an additional two or three storeys above the Miller Street Wing, not the seven or eight storeys proposed.

The height of the Denison Street tower should be reduced. Considering the bulk and scale of the proposed building core and the Denison Wing in relation to the remnant Miller Wing and the site's unique urban context, both building height and setbacks need to be decreased.

It is recommended that the proposed building height be reduced to comply with the height of building control (125 RL) to achieve a more appropriate balance of new development with an acceptable level of impact.

Heritage

The proposed Denison Street Wing dominates the Miller Street Wing in height and scale, adversely impacting its heritage interpretation of the Miller Street Wing. The proposal does not fully comply with the Conservation Management Plan (CMP) endorsed for the building, which recommends flexibility around alterations and additions rather than full demolition. Council's heritage officer notes that if the demolition of the existing eastern wing is approved, the new addition should be reduced in scale to match or be lower than the Miller Street Wing. The hierarchy between the Miller Street Wing and Denison Street Wing should be clearly retained and interpretable, with the width of the new wing matching that of the existing western Miller Street Wing. It is important to consider the rationale behind allowing a building that is six storeys higher than the prescribed limit. In our view the proposal does not maintain an acceptable relationship with the heritage item and extent of the Denison Street Wing should be reconsidered. The height, bulk and scale impact could be ameliorated by reducing the height and bulk of the new elements to avoid an overwhelming dominance over the heritage item.

Conclusion

ISPT acknowledges the opportunity to provide feedback on the State Significant Development Application relating to 105-

153 Miller Street, North Sydney for the adaptive reuse of the existing commercial building including alterations and additions for the purpose of accommodating a tertiary institution (university).

We request that the height of the proposed Denison Street Wing is reduced to ensure compliance with the maximum building height control prescribed by the North Sydney LEP.

We believe that the targeted amendments outlined in this submission will facilitate a more fair and reasonable development outcome that more appropriately reduces the impacts of the proposal on the amenity of our asset.

We would be happy to discuss these matters raised in the submission further with DPHI.

A handwritten signature in black ink, appearing to read 'R. Dehn'.

Richard Dehn
Asset Manager

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