

**NSLPP MEETING HELD ON 6/12/23****Attachments:**

1. Architectural Plans
2. Heritage Impact Statement
3. Engineer's report on Façade Structural condition
4. Design Verification Statement
5. Design Excellence Panel Minutes

ADDRESS/WARD: 201 Miller Street, North Sydney (CBD)**APPLICATION NO:** DA145/23**PROPOSAL:** Replacement of existing window shrouds and repairs and maintenance of the façade of a 23-storey commercial building and heritage-listed item**PLANS REF:**

Plan No.	Rev	Description	Prepared by	Dated
DA-00-02	1	Site Location Plan	Sissons Architects	20/4/2023
DA-00-04	1	Site Setout	Sissons Architects	20/4/2023
DA-00-05	1	Scoping Plans & Elevations	Sissons Architects	20/4/2023
DA-05-01	1	Site Elevation – West (Existing)	Sissons Architects	20/4/2023
DA-05-02	1	Site Elevation – North (Existing)	Sissons Architects	20/4/2023
DA-05-03	1	Site Elevation – East (Existing)	Sissons Architects	20/4/2023
DA-05-04	1	Site Elevation – South (Existing)	Sissons Architects	20/4/2023
DA-11-01	1	Ground Floor Plan (Existing)	Sissons Architects	20/4/2023
DA-12-01	1	Typical GA Floor Plan (Levels L01-21)	Sissons Architects	20/4/2023
DA-20-01	1	GA Elevations – West (Demolition & Proposed)	Sissons Architects	20/4/2023
DA-20-02	1	GA Elevations – South (Demolition & Proposed)	Sissons Architects	20/4/2023
DA-20-03	1	GA Elevations – East (Demolition & Proposed)	Sissons Architects	20/4/2023
DA-20-04	1	GA Elevations – North (Demolition & Proposed)	Sissons Architects	20/4/2023
DA-30-01	1	GA Sections (Proposed)	Sissons Architects	20/4/2023
DA-40-01	1	Façade Types Elevation – West & South (Proposed)	Sissons Architects	20/4/2023
DA-40-02	1	Façade Types Elevation – East & North (Proposed)	Sissons Architects	20/4/2023
DA-40-11	1	Façade Type 01 - Detail	Sissons Architects	20/4/2023
DA-40-21	1	Façade Type 02 - Detail	Sissons Architects	20/4/2023
DA-40-31	1	Façade Type 03 - Detail	Sissons Architects	20/4/2023
DA-45-01	1	Material Board	Sissons Architects	20/4/2023
DA-75-01	1	Render 01 – Miller Street (South East)	Sissons Architects	20/4/2023
DA-75-02	1	Render 02 – Miller Street (North East)	Sissons Architects	20/4/2023
BA6160	B	Construction Management Plan (CMP) – 201 Miller Street, North Sydney – Façade replacement works	Buildcorp	28/11/2022
-	B	Construction and Demolition Waste Management Plan	Elephants Foot Consulting P/L	2/12/2022
-	P3	JV3 Compliance Report Project 2 – Façade Upgrade	Erbas Associates P/L	6/12/2022
-	1	Noise Impact Assessment	PWNA	3 November 2022

OWNER: The Trust Company (Australia) Limited**APPLICANT:** Urbis Pty Ltd**AUTHOR:** Report of Rachel Wu, Graduate Assessment Officer**DATE OF REPORT:** 13 November 2023**DATE LODGED:** 23 May 2023**RECOMMENDATION:** Deferral

EXECUTIVE SUMMARY

This development application seeks consent for the replacement of existing window shrouds and repairs and maintenance of the façade of a 23-storey commercial building, being a heritage-listed item of local significance located at 201 Miller Street, North Sydney.

The subject site is located within the E2 Commercial Centre zone and has a primary frontage to Miller Street (SP2 Classified Road) and a rear frontage to a Right of Way known as Bullivant Lane. The site is occupied by the existing commercial officer tower with a significant landscaped setback to Miller Street as part of the Miller Street setback. The immediate area is primarily characterised by commercial officer towers, a large education establishment (Monte Sant Angelo's), licensed premises and some small retail activity consisting of ground floor retail café uses and light commercial uses.

The application is reported to the North Sydney Local Planning Panel for determination as a sensitive development involving the partial demolition of a local heritage item (I0904) in accordance with Minister's Direction.

The heritage item is described in the State Heritage Inventory as *"a highly integrated office tower in the Late Twentieth Century International style of considerable quality and distinctive detailing designed and built by prominent construction firm Sabemo Pty Ltd, contributing much to the urban streetscape of this high-rise area. It was notable when first completed in 1972-1973 for its unusual and prominent, orange-coloured fibreglass exterior and finish."*

The Applicant advises that the proposed replacement of the window shrouds and changes to the façade is necessary to address issues associated with water ingress, "galvanic corrosion", aging of the existing fibreglass shrouds, to address building condition and to improve compliance with current standards under the Building Code of Australia.

The application has been referred to Council's Conservation Planner and the Design Excellence Panel for consideration due to the scope of works involving substantial recladding to a highly distinctive building. Both the DEP and Council's Conservation Planner consider that the current proposal should not be accepted on the basis that the proposed design and fabrication of the window shrouds and the selected white powder coated aluminium finish would diminish the heritage significance of the building and further improvement should be considered to the building.

Council has requested that the Applicant consider amendment to the scope of works to revise the fabrication standard of the proposed window portal structures, as well as amend colour selection for the façade to match the original orange building façade. The Applicant has yet to indicate agreement to the requested changes. Considering the potentially significant change in the scope of works, the Panel is requested to consider the application in its current form.

Notification of the proposal has attracted nil (0) submissions.

On the basis of the advice of Council's Conservation Planner and DEP, the current proposal is recommended for deferral with conditional support for determination that requires amended plans and additional information addressing the colour scheme, unitary fabrication, deletion of works to reveal the building's exoskeleton on the Northern Elevation, and removal of the portico to the main forecourt for the reinstatement of the original supporting column profiles.

The Panel is recommended to delegate to the Manager Development Services pursuant to Section 2.20(8) of the EP&A Act 1979 for consideration and determination of the amended information. In the event that amended plans are not lodged by the Applicant, for the application to be referred back to Panel for determination.

LOCATION MAP

† Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

The development application seeks consent for the replacement of existing window shrouds and repairs and maintenance of the façade of a 23-storey commercial building and heritage-listed item located at 201 Miller Street, North Sydney.

Window Shroud

- The existing number of fibreglass shrouds/façade panels on the building is 748 panels. This is proposed to be replaced with a total of 660 solid aluminium shroud panels with white powder coat finish, representing a reduction of 88 panels from the northern elevation.
- The proposed window shroud depth is increased by 150mm from the existing 385mm to 535mm. The façade is proposed to be weatherproofed with new concealed water proofing.
- Install new sub-frames to support aluminium components
- Composed of several joints to be assembled on-site after fabrication. Casette joints to be a maximum width of 10mm as required.

Glazing

- High performance insulated glass units with low-e coating
- The proposed glass reflectivity for the total of 660 transparent, grey-tinted insulated glazing unit with low e-coating held within the proposed new window shrouds demonstrates improvement from the existing 20% reflectivity to 16% reflectivity, supported by the Applicant's Structural Engineering report on *Façade Replacement Design Statement - Reflectivity* prepared by TTW P/L statement dated 10 November 2022.

Concrete Exoskeleton

- The existing concrete exoskeleton of the building beneath the window shrouds and the proposed vacant wall area on the northern elevation is to be painted light grey.

The Applicant stated in the submitted Design Verification Statement prepared by Sissons Architects, dated May 2023 that the proposed solid aluminium cladding is the best selection for noncomputability, durability, strength, availability, weight and compatibility with the proposed aluminium sub-framing and glazing framing.

The Applicant advises that the proposed replacement of the window shrouds and changes to the façade were necessitated due to issues associated with water ingress, galvanic corrosion, existing fibreglass shrouds deemed combustible, building condition and compliance with the Building Code of Australia.

The Applicant provided the following reasons for using a white finish on the new shrouds:

- It explains the geometry of the shrouds.
- Effectively Interplays light exposure.
- Provides an acceptable level of reflectivity and heat loads.
- Better matched for the proposed high-performance clear glazing.
- Reflects a Modernism-style similar to the AMP Building in Sydney CBD.

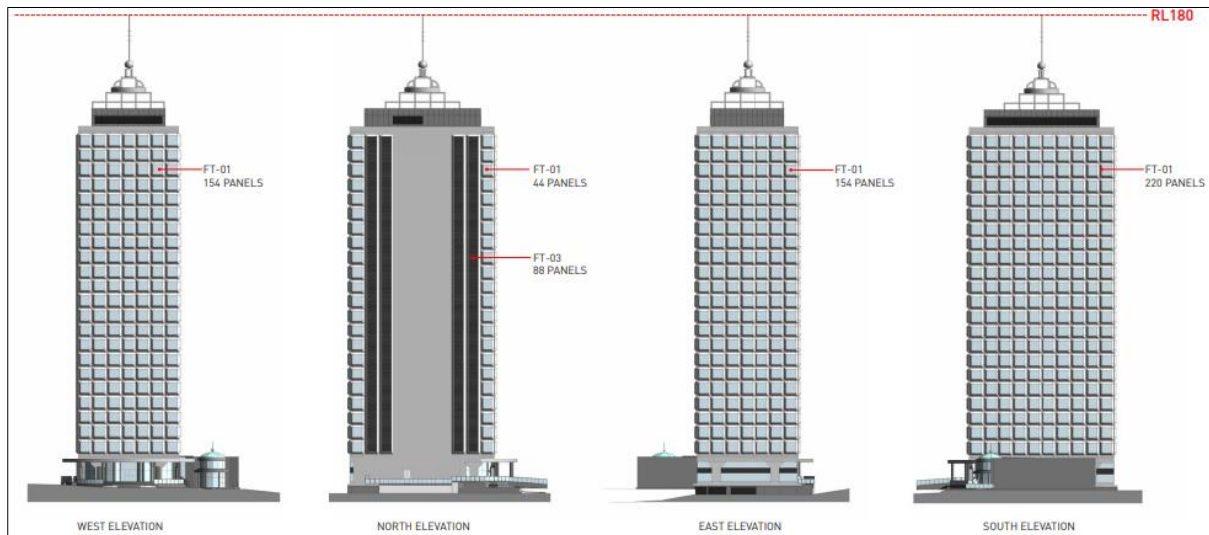


Figure 1: Proposed façade replacement on all elevations

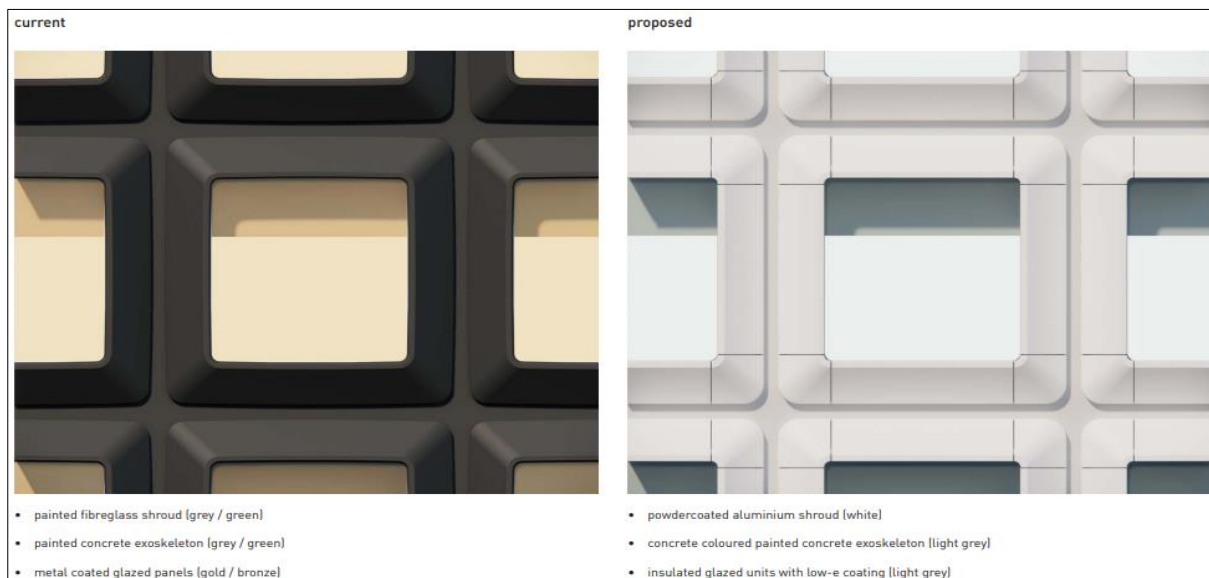
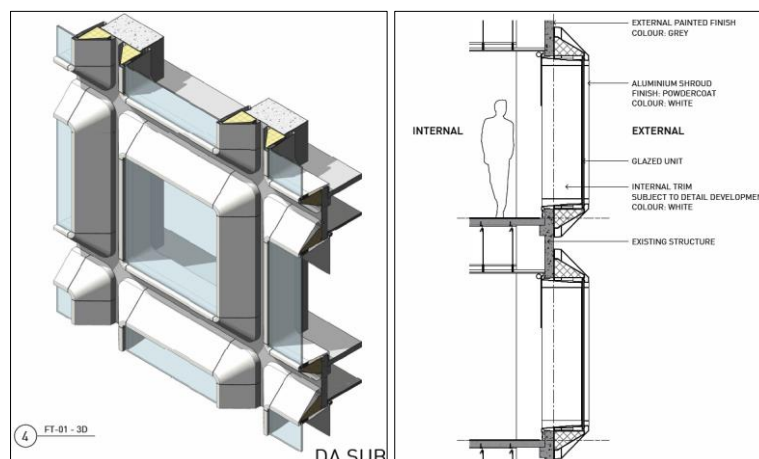


Figure 2 (left): Existing/current building design; Figure 2a (right): Proposed façade design



**Figure 3 (left): 3D close up of proposed window shrouds and glazing
 Figure 4 (right): Proposed Section**

STATUTORY CONTROLS

North Sydney Local Environmental Plan 2013 (NSLEP 2013)

- Zoning – E2 Commercial Centre
- Item of Heritage - Yes ('Commercial Building' I0904)
- In Vicinity of Item of Heritage - Yes (Monte St Angelo Group at No.1 – 7 Miller Street: I0894 – I0897; 'Rag and Famish Hotel' at 199 Miller Street: I0901)
- Conservation Area - No
- Height of Buildings – Max. RL 160
- Additional Local Provisions – North Sydney Centre, Miller Street Setback Special Area

Environmental Planning & Assessment Act 1979 (as amended)

SEPP (Transport and Infrastructure) 2021

SREP (Sydney Harbour Catchment) 2005

SEPP (Resilience and Hazards) 2021

Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013 (NSDCP 2013)

North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF LOCALITY

The subject site is legally described as Lot 1 DP 706146, and is known as 201 Miller Street, North Sydney with an area of 1634.7m² and a primary frontage to Miller Street of approximately 41m.

The subject site includes a 23-storey Late Twentieth Century International Style commercial office tower built in 1972, and an adjoining two-storey office building in the south-western corner of the site known as 'The Pavilion' built in 1989 in the Post-modern style. The main office tower was originally known as 'Ibis House' built and designed by building and construction firm Sabemo Pty Ltd, which was headquartered nearby at 221 Miller Street (built 1960), with an innovative design including orange fiberglass window frames. The building has since been substantially modified in 1989 in the Post-modern style to a muted green and later grey finish, with interior works and a new Pavilion building, but retains the distinctive original exterior form and construction.

Records in the State Heritage Register for the local heritage item details the original intentions of Sabemo's Managing Director for the choice of fibreglass as a construction material to significantly reduce the weight of the building and allow for greater areas of pillar-free office space.

The site has a primary frontage with a significant landscaped setback on the eastern side of Miller Street (SP2 Classified Road) and a secondary frontage to Bullivant Lane. The lower ground levels include parking and other building facilities, with vehicle access via Bullivant Lane. Eastwards across Bullivant Lane is the three level Ward Street Car Park, owned by Council and managed by a private operator. North of the site is a mix of commercial and residential buildings, including serviced apartments and a 'build-to-rent' block of units. The immediate area is primarily characterised by commercial and retail activity consisting of multi-storey commercial buildings with ground floor retail and light commercial uses.

The site is highly accessible from both the forthcoming Metro line and existing Sydney Trains services, the latter available from North Sydney Station, about 550m to the south. Bus services also run along Miller Street to the City and Chatswood, amongst other destinations. Bus stops are on either side of the site's street-block, between McLaren Street and Berry Street.

The building is in the immediate vicinity of the following two heritage items:

- Rag & Famish Hotel – No.199 Miller Street [I0901] which is directly south, adjacent to the site. It is significant for being a very good example of a two storey Hotel in the Federation Free Classical style set on a prominent corner location. Important local hotel with antecedents to the mid-nineteenth century. Associated by tradition with prominent local pioneer and founder of the hotel, Charles Bullivant. Interesting example of its style. The last surviving traditional hotel in the commercial centre. Important and prominent streetscape item.
- The Monte Sant Angelo Group – No.128 Miller Street [I0894] located opposite the subject site on the western side of Miller Street.

As per Councils' heritage records, it is significant as follows: In the centre of the College grounds is the original building 'Ma-Sa-Lou' 1855 home of Hon. Francis Lord, MLC (son of wealthy emancipist Simeon Lord). Francis named it after his daughters Mary, Sarah and Louisa. In 1873, the Sisters of Mercy started a school in a nearby cottage on the corner of West and Carlow Streets. Outgrowing this, 'Ma-Sa-Lou' was purchased in 1978 and the girls college opened in 1879. The interior and exterior are of significance, the building contribution to the overall group of heritage buildings that surround the lawn and statue of St Joseph.

The subject site is located within the North Sydney Council Ward Street Precinct Masterplan within the area known as Site B (Stage 2 finalised and endorsed 24 June 2019).

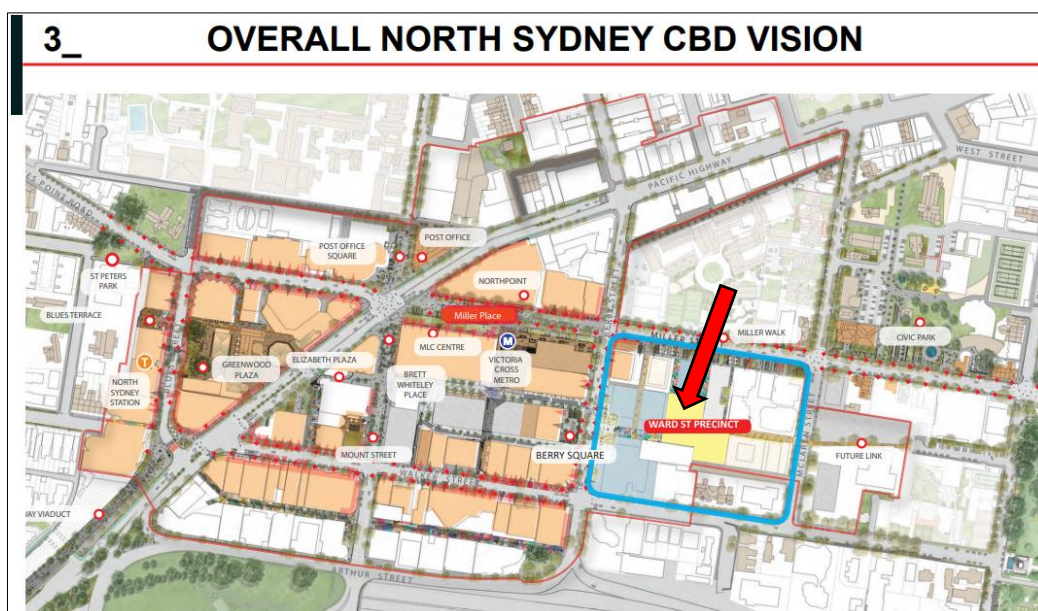


Figure 4a: Subject site (red arrow) located within the Ward Street Masterplan (June 2019)

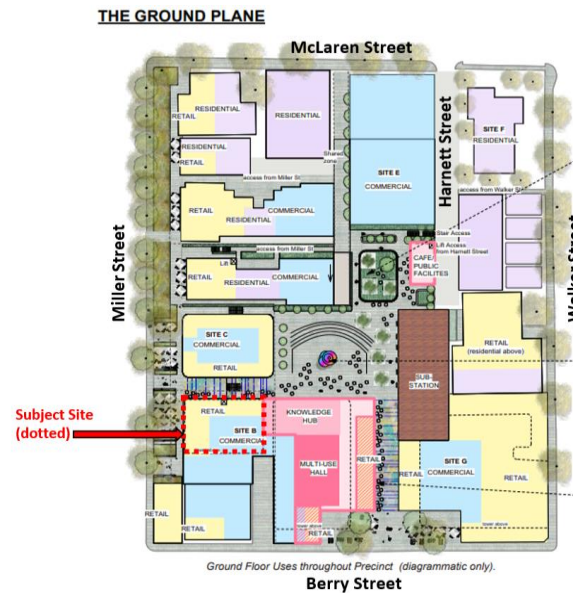


Figure 4b: Endorsed Knowledge Hub and Cultural Hub within the Ward Street Precinct Stage 2 Finalised Masterplan (June 2019) to be located in the podium of amalgamated Site B



Figure 5 (Left): Subject site zoned E2 Commercial Centre within NSLEP 2013
Figure 6 (Right): Subject site (hatched red) identified as local heritage item 10904 'Commercial Building' in NSLEP 2013



Figure 7 (left): Existing façade to Miller Street streetscape;
Figure 7a (right): NW view of existing building



Figure 7c (left): SW view of existing building;
Figure 7d (right): Northern elevation of building with 4 columns of existing vertical louvers



Figure 7e (left): Vacant landscaping on northern boundary
Figure 7f (right): Slot view of SE corner from Bullivant Lane/Berry Street

RELEVANT HISTORY

PreDA meeting held on 22nd June 2022 for the refurbishment of the existing building that needs repair due to damage principally caused by weather including corrosion over the 50-year life of the building and fire safety concerns and risks. The PreDA also proposes a six or seven storey addition of office space (4,400m² GFA) to the top of the building and replacement of an annex, built in the 1980s on the building's southern side with one that is five storeys high, contain 615m² GFA, and connected to the main building via a breezeway, whereas the existing pavilion has no direct access to the main building. The proposed height increases from RL155m to RL180m.

Planning and heritage comments from the PreDA specifically relevant to this development application include:

- Recommendation to submit a 3D model of the building with the interpretation of the new façade
- The alternative replication concept constructed using hydroform aluminium detail may have the negative impact of segmented framing around the glazing but may be the best option. (To be confirmed by the applicant)*.
- The reinstatement of an orange façade is supported.
- The re-use of the gold tinted glazing would be a positive heritage outcome, however, if this is not possible, a similar visual outcome would be supported.
- The landscape setting should retain and/or plant new trees suited to the building's restoration and also be complimentary to the architectural style of the building.
- A Heritage Impact Statement will be required.

* To assist public understanding of the proposal, a development application is encouraged to include information describing the options considered and supporting the option (to be) selected.



Figure 7g: Existing building in diagram on left, and PreDA proposed building on right.

A further meeting conducted online was held on 5 September 2022 with Council's Conservation Planner and Executive Planner. The meeting notes are provided below:

- The design changes include proposed aluminium shroud to match form of existing design and painted orange.
- Minor seams for the shrouds will be 2-3 mm which is unlikely to be visible from the street.
- New facade interpretation with North Elevation to respond to original fluted form.
- New North Elevation considered a good outcome by Council's Conservation Planner
- New lantern addition considered acceptable in principle by Council's Conservation Planner subject to detailing.
- New side addition should preferably be set at or behind the existing front building line.
- Orange colour to be advised by Applicant. Architect suggested during the meeting that they may not be able to match the 'Fantastic Plastic' orange but it can be bright with metallic flecks.
- Architect stated that it may not be possible for the glazing to be gold as it is a film from Belgium that corrodes and has a shorter life span than using other films such as grey. Gold colour also affects the interior colour.
- Council's Conservation Planner deemed the new form of the shroud with shadow line acceptable. The glazing is not protruding beyond the shroud.
- Council's Executive Assessment Officer recommended that the building facade works could form a separate Development Application.
- Council's Executive Assessment Officer requested a new model to be sent in.

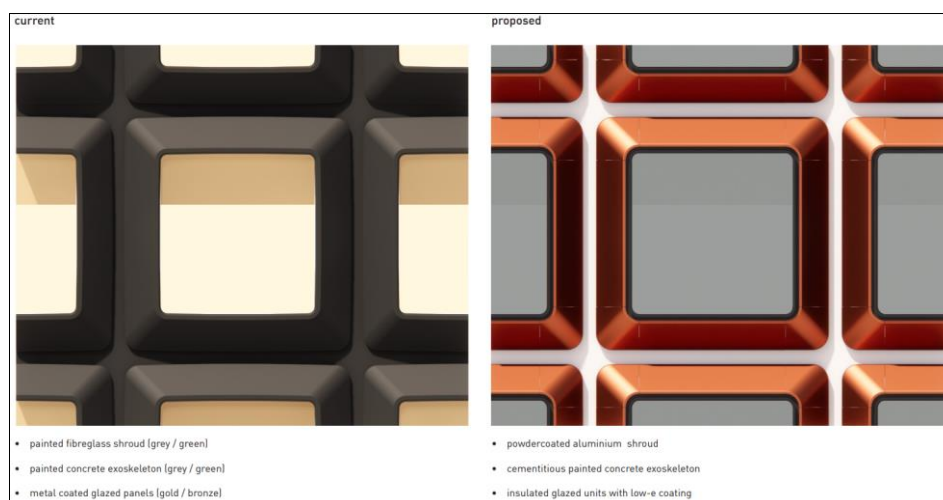


Figure 7h: Existing building (left) and amended design (September 2022) on right



Figure 7h: Proposed amended design (September 2022)

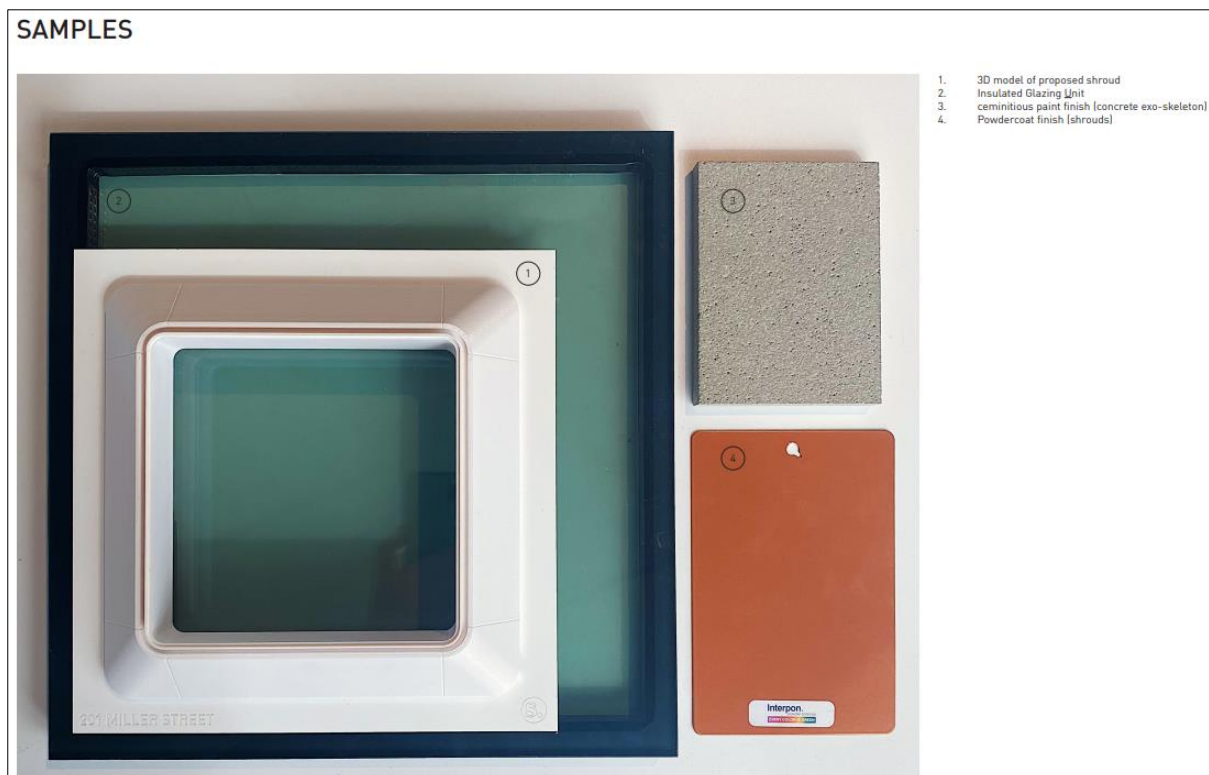


Figure 7i: Proposed samples for amended design (September 2022)

Previous applications

Given the large-scale nature of the subject site and high-density nature of the North Sydney CBD as well as the parent nature of the building outlined above, it is considered that development history for surrounding sites is not relevant to the assessment of the application.

The commercial building has been the subject of numerous previous development applications and complying development certificates. A search of Council records indicates that various approvals have been granted for commercial office fit outs to various levels largely in line with the subject application (fit-out approvals). Development applications that relate directly with alterations to the exterior of the building and change of use and associated works to the ground floor are listed below:

Development Application 265/22 approved by the North Sydney Local Planning Panel on 1 February 2023 for alterations and additions to the ground floor lobby and partial change of use to the ground floor to include a café and associated works to a heritage listed office building.

Development Application 121/21 approved on **11 May 2021** for the fit-out of ground-floor level tenancy.

Development Application 75/20 approved on **24 April 2020** for internal fit-out works on the Ground Level.

Development Application 163/20 refused by the North Sydney Local Planning Panel on 7 October 2020 for the removal of existing McAfee sign and installation of four (4) building identification signs.

Development Application 392/14 approved on 15 December 2014 for new café use and fitout at entry level lobby of existing commercial tower.

Development Application 383/09 approved under delegated authority for the replacement of existing rooftop signage on each elevation and awning sign facing Miller Street. Details of the work approved are as follows:

- 2 x illuminated roof top building identification signs (northern and southern elevations) with the dimensions 3m x 12.405m;
- 2 x illuminated roof top building identification signs (eastern and western elevations) with the dimensions 3m x 12.402m
- 1 x awning sign with the dimensions 0.39m x 1.579m and is non-illuminated.

All of the proposed signage is to state “McAfee” and include the corporate logo.

The reasons for approval are as follows:

“The proposed erection of signage at 201 Miller Street, North Sydney is supported, pursuant to the imposition of conditions. Whilst the number of signs is not in strict accordance with Section 16 of NSDCP 2002, the number of signs and their dimensions are generally replicating existing roof top signage on the building. Consequently, this proposed signage has been assessed as having no greater amenity or environmental impact than previously approved signage on this building, and as such, variation can be supported in this instance.”

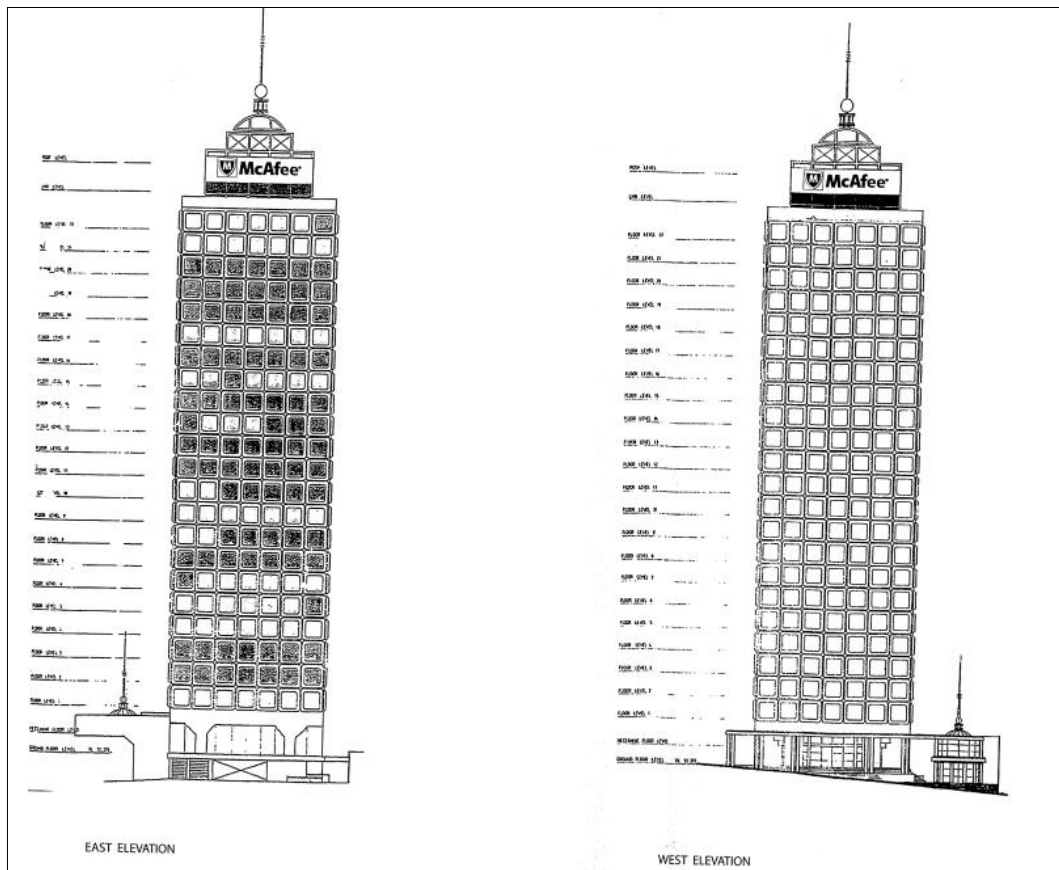


Figure 8: Approved McAfee signage on West (Front) elevation and East (rear) elevation



Figure 9: Approved Non-illuminated Acrylic Cutout Letters fixed to Portico in DA383/09

Development Application 383/09/2 approved on 17 June 2010 for modification of original consent DA383/09 with changes to awning sign facing Miller Street. The modification sought to modify the approved portico/awning sign on the Miller Street frontage of the building, by increasing its dimensions to 2.94m x 1.0m and affixing the new lettering to an acrylic panel rather than directly to portico structure. No change is proposed to the wording or logo. No modifications were proposed to the roof signages as part of this application.

The reasons for approval are detailed below:

“The proposed modifications are considered to have no greater impact than the original approval, and thus no objection is raised to the proposal. Condition A1 is recommended for modification to reflect the amended scheme. All other conditions remain valid and shall remain on the consent.”



Figure 9a: Approved Non-illuminated Acrylic Cutout Letters fixed to Portico in DA383/09/02

Development Application 417/18 approved on **08 February 2019** for minor alterations to the ground floor lobby and expansion of the end of trip facilities.

Development Application 392/14 approved on **15 December 2014** for new café use and fit out at entry lobby of an existing commercial tower.

Development Application 1321/88 approved on **24 May 1989** for ground floor and general internal refurbishments of the main office tower and the construction of a 2-level Pavilion building in the south-western corner of the site over the existing carpark roof.

Building Application 753/88 approved on **15 November 1988** for building works and modification of the distinction orange façade to green colour, new portico entrance and pavilion building.

Building Application 24/70 approved on **29 May 1970** for the construction of a multi-storey commercial building (22 storeys, 3 parking floors and 2 plant equipment floors).

Current Application

<i>Date</i>	<i>Action</i>
23/5/2023	Lodged with Council.
1/6/2023	Application referred to previous Assessment Officer.
8/6/2023	Comments received from Council's Landscape Development Officer.
9/6/2023	Referral comments received from Council's Building Surveyor.

	The application was notified as per Council's Community Participation Plan. The notification period ended on 23 June 2023. No submissions were received during this period.
3/7/2023	Comments received from Council's Sustainability Project Officer.
18/7/2023	Comments received from Council's Development Engineer.
8/8/2023	Design Excellence Panel Meeting held at subject site and via Zoom online.
8/9/2023	Letter to Applicant providing the DEP minutes. Informed Applicant that the matters and recommendations raised in DEP must be considered and addressed in a revised scheme and additional information; and heritage comments from Council's Conservation Planner.
5/10/2023	Comments received from Council's Conservation Planner.
9/10/2023	Heritage Concern Letter and Appendix incorporating comments from Council's Conservation Planner sent to Applicant for a response addressing the heritage concerns and matters raised by DEP.
10/10/2023	Applicant requested an online meeting with Council to discuss way forward.
1/11/2023	Applicant response that the meeting with Council is necessary prior to preparation of amended plans to save cost and time.
2/11/2023	Informed Applicant that Council would facilitate a discussion, however requested that a draft agenda be provided to Council. No response received.
24/11/2023	Letter to Applicant to confirm that in absence of a formal response to Council's correspondence on 8 th September and 9 th October 2023 requesting changes to the scope of works, that the matter would be reported to the LPP for determination.

INTERNAL REFERRALS

BUILDING

The proposed works the subject of this application have not been assessed in accordance with compliance with the National Construction Code of Australia. This would need to be undertaken prior to the issue of a Construction Certificate. Should significant changes be required to achieve compliance with NCC standards, a Section 4.55 application would be necessary.

BUILDING

The application has been referred to Council's Building Surveyor who provided the following comments:

"The Development Application seeks approval for the alterations and additions to Heritage listed Commercial Office building, including façade replacement on all elevations, replacement of existing window shrouds and repairs and maintenance, of the premises located at 201 Miller Street, North Sydney (the premises).

The premises is currently subject to a fire safety investigation which relates to the fire hydrant system. This investigation is ongoing. It is noted that this application has no impact on the fire safety investigation and associated upgrade works.

Included within the application is a BCA Assessment Report for Development Consent Lodgement Report 2022/1151 R3.0 dated 10 May 2023, prepared by Gary Rafferty of Steve Watson and Partners (the Report).

The Report identifies areas of numerous non-compliances against the current Building Code of Australia (BCA), and subsequently, seeks dispensations from Council.

The dispensations within the report are not able to be accepted by Council during the DA process as all new works are required to comply with the current BCA. It will be the role of the engaged Certifier to determine compliance with the current BCA at Construction Certificate stage of the development.

Given the non-compliances identified with the report, there may be Performance Solutions required to address the non-compliances. Should this be the case, there is a possibility that the Performance Solutions may require a design change and subsequently require a S4.55.

Should you conclude to determine the application in its current form, the only recommended condition from Building Compliance in this instance is condition No. F1.

‘F1. All building work must be carried out in accordance with the provisions of the Building Code of Australia. (Reason: Prescribed - Statutory)’

Planning comment: The above comments are noted and the recommended condition included in the conditions of consent, if the application is approved by NSLPP.

TRAFFIC/ENGINEER

The development application has been referred to Council’s Traffic Engineer who provided the following comments:

“Further to our discussion with respect to the DA for 201 Miller Street, North Sydney and the condition referring the Construction Traffic Management Plan to Traffic Committee. In August we agreed to no longer refer Construction Traffic Management Plans (CTMP) to Traffic Committee and instead use the wording below:

‘A Construction Traffic Management Plan must be prepared by a suitably qualified and experienced traffic consultant and submitted to and approved by the relevant North Sydney Council Traffic Engineer.’

Traffic Committee is an external committee to Council to advise Council on the implementation of traffic related infrastructure and regulations. It has no decision-making powers and as such it is inappropriate to refer Construction Traffic Management Plans to Traffic Committee under the NSW Guidelines for the Regulation of Traffic. It also creates additional bureaucracy and time delays for the approval of the CTMP.”

Planning comment: The above recommended condition is included in the conditions of consent.

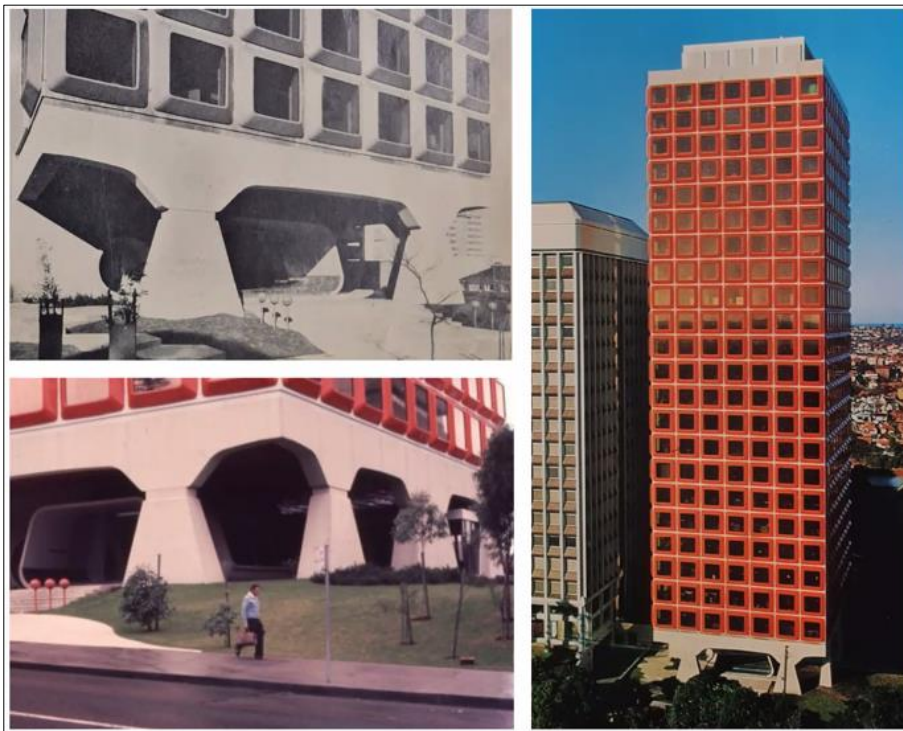
HERITAGE

The application has been referred to Council's Conservation Planner who provided the following comments:

"1. Heritage Status and Significance

201 Miller Street is identified as a scheduled heritage item (No. I0904) in NSLEP 2013. The inventory sheet for the site under the NSW State Heritage Inventory Database is inaccessible. However, Councils' records provide the following statement of heritage significance for the multi storey office tower:

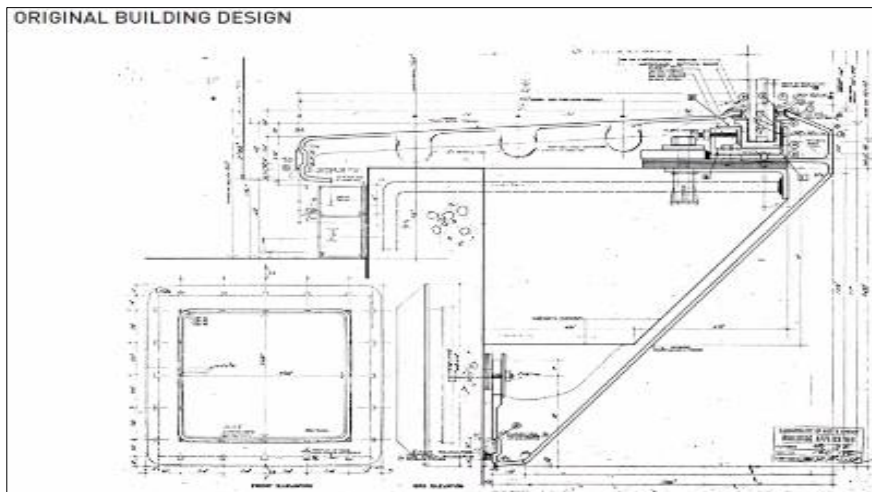
An example of a highly integrated office tower in the Twentieth Century International Style of considerable quality and distinctive detailing, contributing much to the urban streetscape of this high-rise area.



An office block of considerable quality and distinctive details, contributing much to the urban streetscape of this high-rise area. It was controversial when first opened for its unusual and prominent colour and finish.'

The statement of significance as assessed in the accompanying HIS for the subject DA, (prepared by URBIS dated 5 May 2023) is provided as follows:

An example of a highly integrated office tower in the Late Twentieth Century International Style of considerable quality and distinctive detailing designed and built by prominent construction firm Sabemo Pty Ltd, contributing much to the urban streetscape of this high-rise area. It was notable when first completed in 1972-1973 for its unusual and prominent orange-coloured fibreglass exterior and finish. Although substantially modified in 1989 in the Post-modern style, which included interiors, a new Pavilion building, and the change of the orange exterior to more muted green and later grey colours, the building retains its distinctive original exterior form and construction.



2. Heritage Assessment and Recommendations

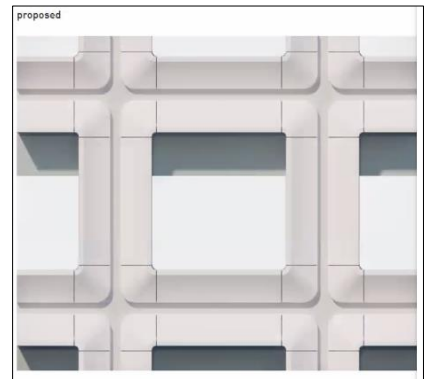
An assessment of the proposed major refurbishment of the façade of the building at 201 Miller Street, has been undertaken with reference to the relevant provisions under NSDCP 2013 Part B:s13 Heritage and Conservation, set out below to ensure the development meets the objectives of NSLEP 2013 Clause 5.10 (1)(a) and (b) Heritage conservation.

s13.1.1 Guiding Statement (e)(g)

The existing International style building represents an important milestone in terms of its building construction and design. Also, the cultural values and landmark qualities ascribed to the buildings original form as an 'unusual,' visually distinctive and prominent building still stand. It is noted that the now more than 50-year-old building shows evidence of corrosion and other long-term maintenance matters including fire safety concerns and risks that require attention. The rectification of building failures such as combustible fiberglass cladding, corrosion of the steel window frames, stress fractures in window panels etc. are supported and a necessary intervention for the ongoing viability of the building. However, the treatment of the external appearance of the building with the proposed new window profiles + visible seams is a significant material departure from the building distinctive external form and that will be compounded by the proposed 'white' façade taking the building in a different direction from its original, bold expression whereby significantly reducing the heritage significance of the heritage item.



With reference to the Post-modern changes to the building in 1979, their most significant impact relates to the loss of the modular/tunnel gallery form of the foyer, wholly roofed garden, x12 circular lens shaped light diffusers and the orange acrylic sheet panels matching the once orange exterior of the building and therefore, the building's associated visual curtilage (see image of the existing foyer entry and the original gallery foyer below). The proposal creates a unique opportunity that has the potential to reinvigorate the historic landmark qualities of the building's original distinctive and bold, orange façade and for which it is still remembered.



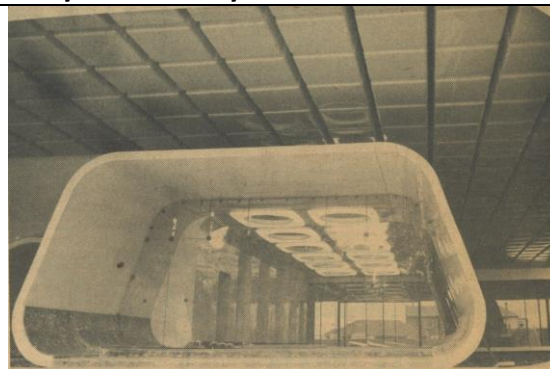
s13.4.5 Development in the vicinity of heritage items P6/

s13.5.1 Heritage items - Protecting heritage significance O1/ P4

The new window profiles are not a reconstruction as per the Burra Charter definition. Whilst they can be identified as new, the proposed window profiles are significantly different to their earlier known state, evidence of which is adequately documented and accessible. Also, reintroducing the orange colour is a significant component for the work as is the opportunity to consider the reinterpretation of the foyer to reflect its original concept that could also be reflected in any future design of a new pavilion building to replace the existing pavilion (ref s13.1.1 above).



Entry as it is today



Tunnel shaped gallery foyer with the modular lighting system with clear centres and white surrounds that used to illuminate an enclosed garden



Post-modern Pavilion addition

The proposed treatment of the façade with new window profiles + visible seams will significantly reduce the identified heritage characteristic qualities of the heritage item (see s13.1.1 above). The proposal will also undermine the building's original landmark qualities and contribution to the streetscape and heritage context juxtaposed with the nearby heritage items that express their own, distinct historical eras as part of North Sydney's rich historic environment. A proposal that redirects changes to realign with the original design concept of the building as an 'unusual', visually distinctive and prominent building within the streetscape is recommended. It is also recommended that a revision be sought that is guided by the original colour and visual vibrancy of the original building, including consideration of reinterpreting the original foyer, lighting and covered garden concept. As such, the proposal is not supported on heritage grounds.

3. Conclusion and Recommendations

With reference to the above, the assessment of the proposed changes to the façade at 201 Miller Street is contrary to the following relevant provision of NSDCP 2013 Part B and therefore, does not not satisfy the objectives of North Sydney LEP 2013 Clause 5.10 (1) (a), (b):

- *s13.1.1 Guiding Statement (e), (g)*
- *s13.4.5 Development in the vicinity of heritage items P2/ P5*
- *s13.5.1 Heritage items - Protecting heritage significance O1/ O2/ O3/ P1/P6*
- *s13.9.4 Materials and colours O1/ P13*

The proposal is not supported on heritage grounds.

Notwithstanding the above, it is recommended that a conservation management plan is prepared for the ongoing management of the heritage item and to inform any future changes that are likely to arise."

Planning comment: The above comments are provided to the Applicant to be addressed through amended plans. Council has requested the Applicant revise the scope of works and provide an application that incorporates the following amendments:

- Fabrication and seamless, unitary design of the proposed window portal structures
- Colour Selection
- Reinterpretation of the original foyer, lighting and covered garden concept

The Applicant has given some indication that minor changes only will be considered. However, without change to the scheme to address the above, the application can not be supported.

ENGINEERING

The application has been referred to Council's Development Engineers Team who recommended conditions if the development application is approved.

LANDSCAPING

The application has been referred to Council's Landscape Development Officer who provided the following comments:

"A large number of trees and associated landscaping within the front setback, and a number of street trees shall require protection. The Eucalypt mentioned in Development Review Panel notes is on the adjoining property and will not be impacted.

No mention has been made of any requirement for crane access via Miller Street, and any associated pruning requirements – in the absence of any such information, this assessment assumes that none is required, and so no pruning shall be permitted. Confirmation that no such pruning for access should be obtained from applicant prior to approval of DA.

A project arborist has been conditioned largely to ensure design and construction of scaffolding/hoarding and tree protection is optimised to minimise impact to trees and reduce need for any pruning.

*An empty planter bed along the northern boundary of the subject site contains only dead stumps of past trees. It would be recommended that this bed be planted out with suitable screening plants (eg *Bambusa textilis* var '*Gracilis*') post works (recommendation only – not conditioned below, though inclusion via condition would be supported by LDO should planner see fit)."*

Planning comment: Appropriate conditions are recommended by Council's Landscape Development Officer if the development application is approved.

Design Excellence Panel

The application was referred to the North Sydney Design Excellence Panel which held a meeting on 8 August 2023 raising concerns that *"the proposed changes to the façade will result in a substantially muted version of the current building that diminishes its presentation and heritage character. The white aesthetic, expressed joints and reduced angularity of the forms result in a building that will be understated and blending in with other commercial buildings within the CBD"*.

The DEP raised recommendations to the Applicant below:

- Alteration of the current Ground Floor components including the Portico and awning to closely reinstate the original design intent. The Ground Floor changes should run concurrent with façade changes.
- Retention of the signature orange colour
- Stronger and sharper interpretation of the window shrouds for greater shading and visual depth. The original building was considered an innovative, unique landmark in North Sydney CBD and should not 'blend in'
- Further 3D visual testing should be submitted to demonstrate and map the heat loads of the building and to understand urban shading
- ESD report to demonstrate heat loads and benefits to architectural shading (glazing setback within shrouds) particularly on the western elevation

- Visible joints to shrouds to be minimised for a unitary modular system
- One of the old shroud panels to be retained and displayed in the building foyer to provide heritage interpretation and aid learning around the technology of the time, which can be completed in conjunction with an overall heritage interpretation strategy
- Reflectivity Study required
- Further justification that window shrouds need to be replaced including an assessment of a proposal that involves retention and maintenance of the existing heritage fabric versus removal of the fabric

The DEP did not support the proposed development and recommended an amended proposal to be prepared addressing all the matters raised. The Applicant did not submit any additional information or amended plans following the DEP meeting that address the concerns and recommendations raised.

SUBMISSIONS

Original proposal

No submissions were received during the 14 day notification period with adjoining sites and the Stanton/CBD Precinct.

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended), are assessed under the following headings:

SEPP (Resilience and Hazards) 2021

The provisions of SEPP (Resilience and Hazards) require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. The subject site has only previously been used for commercial office purposes and as such is unlikely to contain any contamination as the proposed works are to the building facade; therefore, the requirements of the above SEPP have been satisfactorily addressed.

SEPP (Transport & Infrastructure) 2021

The subject site has a frontage to a classified road that is Miller Street. Clause 2.119 *Development with frontage to classified road* states:

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*

- (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.'*

The Construction Management Plan prepared by Buildcorp and submitted by the Applicant stated that site access and deliveries will be via a work zone on Miller Street. A work zone will be required on Miller Street for a 19-metre articulated truck. A crane located on site will load/unload from the truck parked at the work zone. Council's Development Engineer recommended conditions if the development application receives approval.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN (NSLEP 2013)

1. Aims of Plan

The development application has been assessed against the aims of the *North Sydney Local Environmental Plan 2013 (NSLEP 2013)* and is considered to be unsatisfactory with respect to the following relevant aims of the Plan.

- (2) *The particular aims of this Plan are as follows—*
 - (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
 - (a) *to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment,*
 - (b) *in relation to the character of North Sydney's neighbourhoods—*
 - (i) *to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearance, and*
 - (ii) *to maintain a diversity of activities while protecting residential accommodation and local amenity, and*
 - (iii) *...*
 - (d) *in relation to non-residential development—*
 - (i) *to maintain a diversity of employment, services, cultural and recreational activities, and*
 - (f) ***to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance,***

The concerns raised by the North Sydney Design Excellence Panel and Council's Conservation planner are outlined in detail above. The relevant Aims of the Plan have been highlighted above.

2. Permissibility

The proposal can be defined as alterations and additions to a commercial premise and are permissible in the E2 Commercial Centre zone.

2. Objectives of the zone

The objectives for an **E2 Commercial Centre** zone are stated below:

- *“To strengthen the role of the commercial centre as the centre of business, retail, community and **cultural activity**.”*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and **amenity, particularly for pedestrians**.*
- *To enable residential development only if it is consistent with the Council’s strategic planning for residential development in the area.*
- ***To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.***
- *To minimise the adverse effects of development on residents and occupiers of existing and new development.”*

Emphasis added*

The proposal is unsatisfactory as it mutes the distinctiveness of the heritage item that contributes to a vibrant and diverse frontage and streetscape and attract pedestrian traffic.

In accordance with comments from Council’s Conservation Planner, the proposal undermines the landmark qualities of the building, its contribution to the streetscape, heritage context juxtaposed with nearby heritage items expressing each of the distinct historical eras of the North Sydney’s rich historic environment.

Part 4 – Principal Development Standards

COMPLIANCE TABLE			
Site Area - 1634.7m ²	Proposed	Control	Complies
Clause 4.3 – Heights of Building	RL151.960	160m (RL)	Yes
	Existing Roof Plant Level: RL151.96		
	Existing Roof Feature: RL180.00		

3. Height of Building (Cl4.3)

The proposed alterations and additions to a commercial building complies with the HOB control RL160 with a maximum proposed height of RL151.96.

4. Heritage Conservation (Cl5.10)

The subject site is listed as a Heritage Item (I10904) pursuant to Schedule 5 of the North Sydney Local Environmental Plan 2013 so the following planning objectives apply to the site:

- (a) *to conserve the environmental heritage of North Sydney,*
 - (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,**
 - (c) *to conserve archaeological sites,*
 - (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*
- (4) ***Effect of proposed development on heritage significance*** *The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

The building's heritage significance is recorded under the State Heritage Inventory for its 'distinctive original exterior form and construction'. The proposal is unsatisfactory in achieving the objectives of this section due to the reasons provided above in the report.

Considering the comments of the DEP and Conservation Planner, the proposal in its current form is not considered to adhere to the requirements of Clause 5.10 of the LEP.

Part 6 – Additional Local Provisions

5. Division 1 North Sydney Centre

Objectives of Division (Cl. 6.1 NSLEP 2013)

The following objectives apply to the subject site:

- (a) to maintain the status of the North Sydney Centre as a major commercial centre,**
- (b) *to maximise commercial floor space capacity and employment growth within the constraints of the environmental context of the North Sydney Centre,*
- (c),(d) *(Repealed)*
- (e) *to encourage the provision of high-grade commercial space with a floor plate, where appropriate, of at least 1,000 square metres,*
- (f) *(Repealed)*
- (g) *to prevent any net increase in overshadowing during winter months of any land in Zone RE1 Public Recreation (other than Brett Whiteley Plaza) or any land identified as "Special Area" on the [North Sydney Centre Map](#),*
- (h) *to ensure that any land within a residential zone is afforded a reasonable amount of solar access,*
- (i) to maintain areas of open space on private land and promote the preservation of existing setbacks and landscaped areas, and to protect the amenity of those areas.**

Emphasis added*

The proposal is considered to contravene the objective (a) & (i) of this division as it adversely affects the heritage significance of a major commercial building that provides interest in the physical fabric of the area as well as promote the rich development history of the North Sydney Centre as a major commercial centre. The proposal also adversely impacts on the desired future character of the North Sydney Centre to create a vibrant place and streetscape for people and the vision of Miller Street as the civic heart of North Sydney (Refer further detail in Part C s2.1.2).

6. Building Heights and Massing

The proposal does not extend beyond the existing building footprint or height plane, does not adversely impact RE1 Public Recreation land in the North Sydney Centre and does not create additional overshadowing to R2, R3 and R4 residential land and thereby satisfactory in this regard.

7. Miller Street Setback

Division 2 – General Provisions

Part 6, Division 1 North Sydney Centre, Clause 6.4 Miller Street Setback details the objectives listed below:

- “(1) The objective of this clause is to maintain the established setback and landscaped setting on the eastern side of Miller Street between McLaren Street and Mount Street.*
- (2) Development consent must not be granted for the erection of a building on land identified as “Miller Street Setback” on the [North Sydney Centre Map](#) unless—*
 - (a) the building height will be less than 1.5 metres, and*
 - (b) the part of the building that will be on that land is used only for access to the building or landscaping purposes.”*

The subject site is located within the North Sydney Centre, and includes the Miller Street Setback which traverses the front landscaped area of the site. The proposed works would not involve or impact upon the Miller Street setback.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposal has been assessment under Part B Section 2 Commercial & Mixed Use Development within NSDCP 2013.

The *General Objectives of Commercial Development (S2.1.1)* are described below:

- “O1 can meet the aims and residential and employment population targets as outlined in the State Government’s Metropolitan Strategy and Inner North Subregional Strategy,*
- O2 can meet the aims and dwelling targets of Council’s Residential Development Strategy,*
- O3 is consistent with the principles contained within the Integrated Land Use and Transport Policy;*
- O4 provide various grades and sizes of commercial floorspace to accommodate a mix of business, service, high tech industry, retail and recreational uses,*

- O5** *are designed to contribute positively to their surroundings and particularly to diversity, vitality, social engagement and ‘a sense of place’,*
- O6 provide active street frontages both during the day and night,*
- O7 contribute to maximising public transport usage, walking and cycling,*
- O8 provide an acceptable level of amenity to residents living within and adjoining centres,*
- O9 are designed to mitigate against the extreme impacts of the sun, wind and rain,*
- O10 provide adequate natural light to buildings, public places and streets,*
- O11 incorporate innovative sustainable design to reduce energy and water consumption and meets or exceeds sustainability requirements,*
- O12 minimise the acoustic impacts on residents from non-residential activities,*
- O13 maximise opportunities for the sharing of views,*
- O14** *creates safe and high-quality urban environments through careful design of buildings and use of materials, and a well-designed and maintained public domain,*
- O15 encourages the provision of adaptable office development which meets the requirements of new office technology and caters for variations in office layout and use,*
- O16 soften the highly urbanised landscape by introducing water and greenery,*
- O17 minimise stormwater runoff, maintain and improve stormwater quality and encourage recycling where possible, and*
- O18 contribute to attractive and well-designed public open spaces to service increased population of the area.”*

Emphasis added*

The proposal adversely impacts on the ‘sense of place’ by detracting from the highly distinctive local heritage item that contributes to the development history of the North Sydney Centre alongside numerous other heritage items.

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 2- Commercial Development		
	complies	Comments
2.1.1 General Objectives		
<i>O5 are designed to contribute positively to their surroundings and particularly to diversity, vitality, social engagement and ‘a sense of place’</i>	No	The proposal adversely impacts on the ‘sense of place’ by detracting from the highly distinctive local heritage item that contributes to the development history of the North Sydney Centre alongside numerous other heritage items.
2.2 Function		
2.2.1 Diversity of Activities		
<i>O1 To ensure a diversity of activities, facilities, opportunities and services is provided, including high grade business accommodation, community services, employment, entertainment, government agencies, health and welfare, recreation and retail.</i> <i>O2 To ensure that streets are appropriately activated to encourage pedestrian use.</i> <i>P4 Avoid blank walls that face streets and laneways at the ground level.</i>	No	As described in the Design Excellence Panel report, the proposal is designed to ‘blend in’ with other commercial buildings in the vicinity which is inappropriate to the local heritage item. The proposal introduces a white colour scheme to the facades that detracts from its visual interest to pedestrians in the CBD.

2.3 Environmental Criteria		
2.3.4 Reflectivity	Yes	The Applicant has submitted a letter prepared by TTW (NSW) P/L, dated 10 November 2022, stating that the proposed glass reflectivity is 16%, less than the existing glass reflectivity of 20%.
2.3.7 Solar Access Outside NSC 3 hours between 9am and 3pm: 2 hours (70% of dwellings within RFB/shoptop housing)	Yes	The proposal remains within the existing building footprint and is for façade replacement only.
2.4 Quality built form		
2.4.1 Context	No	The subject site is located within the finalised and endorsed Stage 2 Ward Street Precinct Masterplan (June 2019) which achieves the objectives of the Greater Sydney Commission's North District Plan which includes the objective: <ul style="list-style-type: none"> • <i>“Creating and renewing great places while protecting heritage and local character and improving places for people”</i> The subject proposal will detract from the objective of the North District Plan as well as the Ward Street Precinct Masterplan in protecting heritage and local character and the sense of place that creates a vibrant and lively CBD.
2.4.3 Setback – Side/rear – Zero required	N/A	The proposal is for replacement of façade cladding only.
2.4.5 Building Design <i>O1 To ensure that buildings are designed to reinforce the urban character of a locality. O2 To ensure that buildings clearly define streets, street corners and public spaces. O3 To encourage high quality, built form outcomes and achieve design excellence.</i>	No	The proposal detracts from character as described in the Area Character Statement (see Part C below).
2.4.6 Skyline <i>O1 To provide a distinctive and well-designed skyline through the introduction of visually interesting elements in the articulation and detailing of the upper levels and roofs of buildings.</i>	No	The proposal detracts visual interest to the physical fabric of the building and heritage significance.
2.4.1 Streetscape <i>O2 To promote the creation of lively and active street and laneway frontages. O3 To create visual interest in the built form.</i>	No	The proposal detracts from the distinctive design of the existing building that promotes the development history of commercial developments in the North Sydney CBD. The existing distinctive design creates visual interest in the built form and contributes to the commercial streetscape character. The proposal creates a design to ‘blend in’ to a generic CBD character and removes the uniqueness of the heritage item.
2.5 Quality Urban Environment		
2.5.1 Accessibility	Yes	No changes proposed in this regard.
2.5.2 Safety and Security	Yes	No changes proposed in this regard.
2.6 Efficient Use of Resources		
2.6.1 Energy Efficiency	Yes	The Applicant submitted an Ecologically Sustainable Development Report prepared by <i>erbas</i> dated 6/12/2022 which states that the proposed building has less annual greenhouse gas emissions than the existing building and satisfies the thermal comfort PMV levels and therefore satisfies NCC Section J Energy Efficiency requirement.

Part B Section 13 Heritage and Conservation

The following table assesses the proposal with respect to Part B Section 13 being the development controls for development affected by or affecting identified heritage and conservation.

COMPLIANCE TABLE		
Heritage and Conservation	Complies	Comments
13.5 Heritage Items		
<p>13.1.2 General Objectives</p> <p><i>O3 ensure that the assessment of applications for works on or in heritage items, heritage conservation areas and in the vicinity of heritage, are based on the identified heritage significance of the heritage item, conservation area, property, location or place;</i></p> <p><i>O4 ensure that supporting documentation is appropriate to the scale of the proposed works and heritage significance of the heritage item, conservation area, property, location or place;</i></p> <p><i>O5 facilitate opportunities to improve the understanding and/or appreciation of the heritage significance of any heritage item, conservation area, property, location or place; and</i></p> <p><i>O6 encourage sustainable development practices through the reuse and recycling of existing building stock as appropriate.</i></p>	Yes	The application is supported by a comprehensive heritage management documentation and is underpinned by a desire to address maintenance, amenity and aesthetic issues.
<p>13.5.1 Protecting heritage significance</p> <p><i>O1 Ensure changes to heritage items have regard for significance of the heritage item.</i></p> <p><i>O5 Encourage reinstatement of missing details and the removal of past unsympathetic changes,</i></p> <p><i>O6 Allow changes ... where the new work does not impact heritage significance</i></p> <p><i>P1 Retain features (including landscape features) that contribute to the significance of the item.</i></p> <p><i>P2 Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage outcome.</i></p>	No	<p>The heritage item was notable when first completed in 1972-1973 for its unusual and prominent, orange-coloured fibreglass exterior and finish. The proposal removes the significance through a change in colour and the introduction of seams within the shrouds (10mm maximum) rather than the original unitary fabrication of shrouds.</p> <p>The original building design is a precast concrete office set on a single storey plinth and the current ground floor portico is vastly different and there is potential for an improved heritage outcome (P2).</p> <p>The proposal also removes 88 panels/shrouds from the northern elevation that significantly detracts the heritage significance of the building especially with its high visibility through the pedestrian connection between Miller Street and the rest of the Ward Street Precinct.</p> <p>The orange colour of the building is a key element that represent the item's history.</p>

COMPLIANCE TABLE		
Heritage and Conservation	Complies	Comments
<p>P3 New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.</p> <p>P4 Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development.</p>		
<p>13.5.2 Form, massing, scale</p> <p>O1 To allow alterations and additions to heritage items, where the new work does not impact on the heritage significance of the heritage item.</p> <p>O2 To maintain and promote the original built form of the heritage item as viewed from the public domain</p> <p><u>Integrity of building form</u></p> <p>P4 Maintain the integrity of the building form (including the roof form and profile) so that the original building is retained and can be clearly discerned</p>	No	The proposal impacts on the heritage significance as described above in the report.
B13.8 Demolition		
<p><u>Demolition of heritage items</u></p> <p>P1 Heritage items must not be demolished...</p> <p>P2 An applicant must satisfactorily demonstrate:</p> <p>(a) why it is not reasonable to conserve the heritage item considering:</p> <p>(i) Its heritage significance;</p> <p>(ii) Its structural condition;</p> <p>(iii) pest inspection reports; and</p> <p>(iv) public safety.</p> <p>Note: A report from a qualified quantity surveyor is required where the costs of retention are part of the justification for the proposed demolition.</p> <p>(b) that alternative options to demolition have been considered with reasons provided as to why the alternatives are not acceptable.</p>	Yes	<p>A <i>Combustible Cladding Risk Assessment</i> prepared by Warrington Fire, dated 17 March 2021 was included in the PreDA package (meeting June 2022) that identified that the risk rating of the existing cladding (glass fibre reinforced plastic) is high and it is essential for a risk treatment strategy or risk mitigation measure which may include façade system removal.</p> <p>A Building Façade Condition Audit, prepared by Arcadis dated 7 April 2021 in the PreDA package (meeting June 2022) stated that although structurally sound, the façade of the building is exhibiting various degrees of deterioration relating to the coating of the façade and fibreglass covers. Recommendation from the audit was to have to holistic approach to renew the façade exterior rather than ad hoc repairs. The building is rated as significant in risk rating for concrete spalls and cracks at the façade and roof parapet and mitigation/controls recommended include undertaking concrete repairs. Medium term (within 6 months) recommendation includes repair of all deteriorated waterproofing bandage, sealant and façade coating.</p> <p>The documents provided in the PreDA package are sufficient in demonstrating that alterations are necessary for safety reasons.</p> <p>The documents provided in the DA package including the structural statement and fire engineering advice confirms that the new works will achieve compliance with NCC or will not create additional loading/physical impacts onto the existing building.</p>
13.11 Guidelines for Non-Residential Building Types		
<p>13.11.1 Commercial and office buildings</p> <p>O1 Retain significant fabric and building elements and ensure new work does not compromise the building's significance.</p>	No	Significant features of the heritage building are removed and include the original "orange" colour, removal of 88 window shrouds and glazing on the northern elevation and the unitary fabrication of the window shrouds.

COMPLIANCE TABLE		
<i>Heritage and Conservation</i>	<i>Complies</i>	<i>Comments</i>
<p>O2 Conserve important building elements and features including significant facades, fenestration patterns, decorative details, external materials and internal lobbies.</p> <p>O3 Ensure new work respects the original style of the building.</p> <p><i>Provisions</i></p> <p>P4 Alterations and additions are to complement the form of the existing building and be setback from the predominant building envelope (including front and rear building lines) to allow the form of the existing building to remain distinguishable.</p> <p>P5 Alterations and additions are to respond to the articulation and rhythm of the existing building through the repetition of significant features that occur at regular intervals.</p> <p>P6 Retain original, internal and external significant fabric, building elements and features.</p> <p>P7 Original significant elements are not to be removed from a façade.</p> <p>P8 Retain original or significant window and opening patterns. New openings are to reflect this pattern and not introduce new patterns of window or door openings.</p> <p>P11 Original wall finishes and claddings that are integral to the original design of the building are not to be removed or over-clad.</p> <p>P12 New colour schemes are to be appropriate to the period and style of the building and character of the area. Corporate colours should not be used.</p> <p>P13 Retain original hard and soft landscaping, finishes and sculptures.</p> <p>P14 Original open forecourts and landscaped areas that contribute to the setting of the building are not to be enclosed or covered over.</p>		<p>The objectives and provisions (on the left column) within this section do not support the removal of significant elements from the façade which the proposal contravenes through removal of 88 window shrouds and glazing.</p> <p>P12 within this section does not permit corporate colours and require new colour schemes to be appropriate to the style of the building.</p> <p>The reason for the change in colour scheme by the Applicant is to have a “contemporary response in keeping with the building’s surroundings that also celebrates the building’s heritage and aesthetic” (Design Verification Statement, prepared by sissons architects, dated May 2023).</p> <p>The reason for the white colour change to blend into the commercial surroundings is not permitted under P12 provision within the DCP.</p> <p>While there is impetus for the removal and replacement of the window shrouds and glazing significant to the heritage building, the objectives of this section seek to ensure that the heritage character is retained through the new works proposed. The application is therefore recommended for deferral with conditional approval subject to satisfactory amendments approved by Council’s Manager Development Services.</p> <p>Amendments required include the orange colour scheme, unitary fabrication of the window shrouds, and the reinstatement of the portico.</p>

COMPLIANCE TABLE		
Heritage and Conservation	Complies	Comments
<p>Note: Commercial buildings sometimes incorporate forecourts, landscaping and sculptures that form part of the original design intent. These elements are part of the significance and setting of the place and should be conserved.</p> <p>P15 Reinstating original hard and soft landscaping, finishes and sculptures is encouraged.</p> <p>P16 Upgrading for compliance with the BCA, fire egress, disable access or service installations or structural upgrade should comply with s.13.5.6 to Part B of this DCP.</p>		

Relevant Planning Area Central Business District – Part C of NSDCP 2013

Section 2 – North Sydney Planning Area

Section 2.1 – Central Business District

The Area Character Statement discusses the desired future character of the North Sydney CBD with the vision of Miller Street as the civic heart of North Sydney. The ACS further states that the heritage items are to be protected and promote the rich development history and elicit visual interest in the physical fabric that supports the role of North Sydney CBD as a major commercial centre. The subject site is in close proximity to Victoria Cross Metro Station and the ACS describes pedestrians prioritised throughout the CBD via interconnected pedestrian routes which include the subject building and its northern setback providing the link between Miller Street and the Ward Street Precinct.

Contravention with the desired future character of the North Sydney Centre (NSDCP 2013 Part C s2.1.2)

a. Vision of Miller Street as the civic heart of North Sydney

*“P6 Council will pursue its vision for **Miller Street as the civic heart** of North Sydney. This will involve significant interventions and public domain improvements aimed at creating a vibrant place for people, with vehicle movements removed or minimised as much as practicable and both sides of Miller Street activated.*

*P15 Development should maximise opportunities to incorporate retail, restaurant, bar facilities and other non-residential floor space at ground level to **promote street level activation, amenity, diversity and place making objectives.**”*

b. Physical fabric promoting the rich development history of the area (S2.0 Built Form)

- *The significance of heritage items is retained, and promotes the rich development history and provides interest in the physical fabric of the area*

- *Heritage items are protected, and significant streetscape elements are conserved in the Walker and McLaren Street Conservation Areas*

c. Proximity to Victoria Cross metro station

*“P20 Victoria Cross metro station is designed to enhance the North Sydney CBD as a major commercial centre and further encourage the use of public transport. **Pedestrians are prioritised throughout the CBD** with a number of interconnected pedestrian routes that facilitates all direction movement and encourages fine grain retail and dining uses.”*

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The development application, if approved by the North Sydney Local Planning Panel, will be subject to payment of contributions assessed against the North Sydney Local Infrastructure Contribution Plan 2020 towards the provision of local infrastructure.

The contributions payable has been calculated in accordance with Council’s Contributions Plan as follows:

Applicable Contribution Type		
S7.12 contribution detail	Development cost:	\$ 18,191,600.00
(payment amount subject to indexing at time of payment)	Contribution:	\$ 18,191,600.00 x 0.01 = \$181,916.00

Conditions requiring the payment of contributions at the appropriate time are included in attached conditions of consent if the development application is determined for approval.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL	CONSIDERED
1. Statutory Controls	YES
2. Policy Controls	YES
3. Design in relation to existing building and natural environment	YES
4. Landscaping/Open Space Provision	YES
5. Traffic generation and Carparking provision	YES
6. Loading and Servicing facilities	YES
7. Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	YES
8. Site Management Issues	YES
9. All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	YES

SUBMITTERS CONCERNS

The application was notified to adjoining properties and the Stanton/CBD Precinct. Council received nil (0) submissions during the notification period.

PUBLIC INTEREST

The proposal is not considered to be in the public interest for the reasons stated throughout this report.

SUITABILITY OF THE SITE

The proposal would be located in a E2 Commercial Centre where alterations and additions to a commercial premise are a permissible form of development. Despite this, the proposal is considered unsuitable for the site due to the reasons stated throughout this report.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the Stanton/Central Business District for 14 days where nil (0) submissions were received.

CONCLUSION

The matters for consideration as outlined in section 4.15(1) of the Act have been assessed and the proposal is considered to have a detrimental impact on the heritage significance of the building, status of the North Sydney Central Business District as a major commercial centre and the desired future character of the area.

Council's Conservation Planner and the Design Excellence Panel have considered the current proposal and recommended that the application should not be accepted on the basis that the proposed design and fabrication of the window shrouds and the selected white powder coated aluminium finish would diminish the heritage significance of the building and further improvement should be considered to building.

Council has requested that the Applicant consider amendment to the scope of works to revise the fabrication standard of the proposed window portal structures, as well as amend colour selection for the façade to match the original orange building façade. The Applicant has yet to indicate agreement to the requested changes. Considering the potentially significant change in the scope of works, the Panel is requested to consider the application in its current form to provide further guidance to the applicant on the appropriate form that any recladding should take.

The application is recommended to the Panel for deferral for conditional support of the application on the basis that the Applicant prepare, and lodge amended plans and additional information incorporating the following changes:

- The proposed window shroud design be amended to be a unitary structure fabrication to be installed as modular façade units for each window shroud;
- The colour selection be amended to reflect the original 'orange' façade; and
- That the portico to the main forecourt be removed and original supporting column profiles be reinstated.

The Panel is recommended to delegate to the Manager Development Services pursuant to Section 2.20(8) of the EP&A Act 1979 the power to determine notification of the amended plans and whether the amended plans have regard for the recommended changes discussed above; and that in the event of the granting of consent, that standard conditions of consent and site-specific conditions form part of any consent.

In the event that amended plans are not lodged by the Applicant, it is recommended for the development application to be referred back to the Panel for determination.

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

A. THAT the North Sydney Local Planning Panel, exercising the functions of Council as the consent authority, resolve to defer the development Application No.145/23 and request the applicant prepare and lodge amended plans and additional information incorporating the following amendments: -

1. Amended Architectural Plans detailing:

- a. Proposed window shroud design to be a unitary structure fabrication to be installed as modular façade units for each window shroud
- b. The original distinctive “orange” colour scheme for the proposed window shrouds
- c. No existing window units on the Northern Elevation to be deleted to reveal the exoskeleton
- d. The removal of the portico to the main forecourt and reinstatement of the original supporting column profiles evident in photographs of 1972 from Stanton Heritage Centre, Local History Collection (n.d.).

2. An amended Schedule of Colours and Materials reflecting the original distinctive “orange” colour scheme

B. THAT the Panel delegates to the Manager Development Services pursuant to Section 2.20(8) of the Environmental Planning & Assessment Act 1979 the following functions in respect of Development Application No.145/23:

- (i) *in the event that amended plans are lodged by the applicant, to determine whether or not to notify the amended application in accordance with the North Sydney Community Participation Plan; and*
- (ii) *in the event that amended plans are lodged by the applicant, to determine the application having regard for the stated issues and concerns in (A) of this resolution.*
- (iii) *in the event that the Manager Development Services determines DA145/23 by way of granting consent, that standard conditions of consent and the following site-specific conditions shall form part of any consent:*

Statement of Significance and Ongoing Heritage Conservation Strategy

A5 That the statement of significance relating to the subject heritage item be updated and that an overall heritage strategy for the site be devised incorporating the historical findings and works carried out to date to assist in the ongoing management of the site as well as establish an agreed set of exemptions to support its ongoing conservation.

(Reason: To ensure the ongoing protection and management of the heritage significance of the site)

Screening Plants

A6 The empty planter bed containing dead stumps of past trees along the northern boundary of the subject site is to be planted with *Bambusa textilis* var 'Gracilis' (45L).

(Reason: To provide appropriate landscaping to enhance the aesthetics of the heritage building)

C. THAT the Panel in the deferral for conditional support of the Development Application No.145/23, and in the event of the Applicant lodging an appeal to the Land and Environment Court against any conditions of any consent of the application, the Council pursuant to Section 377 of the Local Government Act 1993 grants delegated authority to the General Manager to resist such appeal having regard to the reasons for the conditions identified above.

Reasons for the deferral of the development consent to request the Applicant to provide amended plans and additional information addressing the above changes are detailed below:

Impact on Heritage Significance

1. The proposed works would unreasonably diminish the heritage significance of a unique heritage listed commercial building.

Particulars

- i) The heritage item is described in the State Heritage Inventory as *"a highly integrated office tower in the Late Twentieth Century International style of considerable quality and distinctive detailing designed and built by prominent construction firm Sabemo Pty Ltd... It was notable when first completed in 1972-1973 for its unusual and prominent, orange-coloured fibreglass exterior and finish"*.
- ii) The existing window shrouds and coloured glazing make a positive contribution to the heritage significance of the existing building, including the orange reflective glazing;
- iii) The removal of 88 window shrouds/panels from the northern elevation would significantly diminish the distinctive detailing of a distinctive heritage item that is highly visible from the Miller Street streetscape;

- iv) The design and construction resolution of the façade is important to the future connection between Miller Street and the area identified as Ward Street Precinct.
- v) The design and fabrication of the proposed window shrouds would not be of sufficient design quality to reinforce or reflect the original building design. The inclusion of prominent seams in the highly modular fabrication process would diminish the visual quality of the façade and would introduce an undesirable element into the façade.
- vi) The selected white powder coated aluminium finish is contrary to the building's distinctive original "orange" façade colour, currently reflected in the existing glazing.
- vii) Proposal in its current scope would not achieve the following relevant provisions relating to heritage listed commercial buildings in North Sydney:

NSLEP 2013

- a. Cl.1.2 (Aims of Plan) (2)(aa), (a), (b)(i) & (ii), (d)(i), (e) & (f)
- b. Cl.5.10 (Heritage Conservation) Objectives (1)(a) & (b)

NSDCP 2013

- c. Part C (s2.0) North Sydney Planning Area Character Statement – Built Form
- d. Part C (s2.1.2)(P6), (P15), (P20)

Public Interest, Zone Objectives and North Sydney Centre

- 2. The proposal in its current form would not be in the public interest, would contravene the objectives of the E2 Commercial Zone and would not be in accordance with the objectives for development in the North Sydney Centre:

Particulars

- i) The following relevant objectives would not be achieved under the current scheme:
 - *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
 - *To encourage investment in commercial development that generates employment opportunities and economic growth.*
 - *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
 - *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces."*
- ii) **Public Interest:** A revised scheme which does not diminish the heritage significance of the place would better achieve then public interest and address the objectives for the E2 zone ;

- iii) **Zone Objectives (E2 Commercial Centre):** The proposal would not achieve the zone objective at Point 5
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*

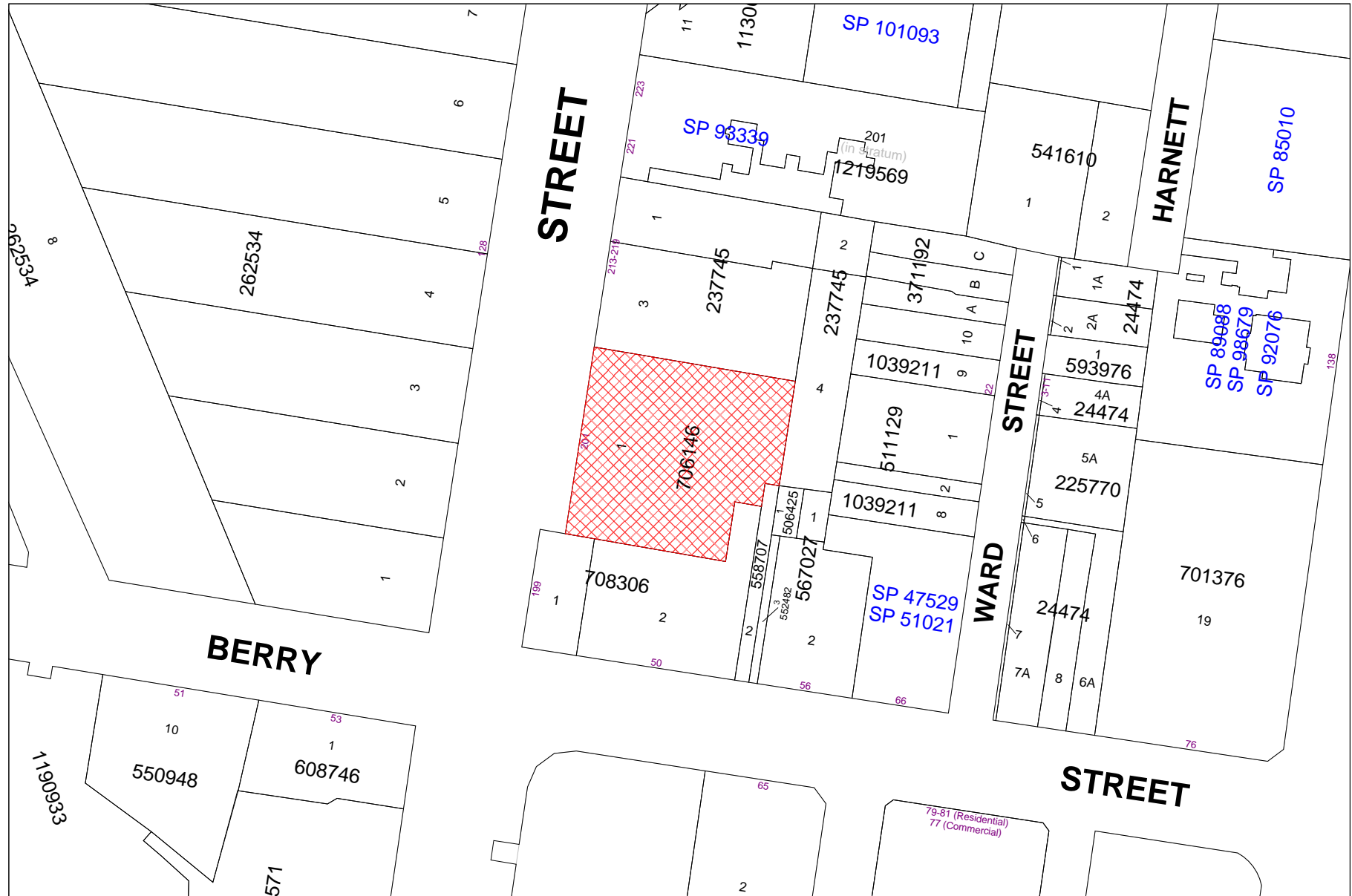
The proposal would mute the distinctiveness of the heritage item that contributes to a positive, vibrant and diverse frontage and streetscape.

- iv) **North Sydney Centre:** The proposal is considered to contravene the objective (a) & (i) of this division as it adversely affects the heritage significance of a major commercial building that provides interest in the physical fabric of the area as well as promote the rich development history of the North Sydney Centre as a major commercial centre. The proposal also adversely impacts on the desired future character of the North Sydney Centre to create a vibrant place and streetscape for people and the vision of Miller Street as the civic heart of North Sydney (Refer further detail in Part C s2.1.2).

RACHEL WU
GRADUATE ASSESSMENT OFFICER

DAVID HOY
A/MANAGER DEVELOPMENT SERVICES

LOCATION MAP



□ Property/Applicant ● Submitters - Properties Notified

The logo for URBIS, featuring the word "URBIS" in a bold, white, sans-serif font. The text is contained within a white square frame that is partially open on the right side. A white horizontal line extends from the right side of the square frame across the top of the page.

URBIS

HERITAGE IMPACT STATEMENT

201 Miller Street, North
Sydney

Prepared for
**THE TRUST COMPANY (AUSTRALIA) LIMITED AS
TRUSTEE FOR 201 MILLER SUB TRUST
C/O LASALLE INVESTMENT MANAGEMENT**
8 May 2023

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Associate Director Alexandria Cornish, B Des (Arch), Grad Cert Herit Cons, M. ICOMOS
Project Code P00039526
Report Number 1 – Draft issued 10.11.2022
2 – Final issued 19.11.2022
3 – Revised final issued 08.05.2023

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Aboriginal and Torres Strait Islander people make in
creating a strong and vibrant Australian society.**

**We acknowledge, in each of our offices, the Traditional
Owners on whose land we stand.**

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CONTENTS

Executive Summary	1
1. Introduction	2
1.1. Site Location	2
1.2. Methodology	2
1.3. Authorship	3
2. Site Description	4
3. Historical Overview	7
4. Heritage Significance	12
4.1. What is Heritage Significance?	12
4.2. Significance Assessment	12
4.3. Statement of Significance	14
5. Proposed Works	15
5.1. Façade Design	15
5.1.1. Northern Elevation	16
5.1.2. Shroud and Colour Scheme	17
6. Impact Assessment	18
6.1. Heritage Listing	18
6.2. Assessment of Heritage Impact	18
6.2.1. North Sydney Local Environmental Plan (LEP) 2013	18
North Sydney Development Control Plan (DCP) 2013	19
7. Conclusion	23
Disclaimer	24

FIGURES

Figure 1 – Aerial photograph showing the location of the subject site (outlined in red) within its context	2
Figure 2 – View to western elevation (primary) entry from Miller Street.	4
Figure 3 – View to western elevation (primary) entry from Miller Street.	4
Figure 4 – View to the existing primary entry from Miller Street.	5
Figure 5 – View south to primary entry from Miller Street.	5
Figure 6 – View north along Miller Street showing the subject site within its context.	5
Figure 7 – View south along Miller Street showing the subject site within its context.	6
Figure 8 – 1974. View north from the intersection of Miller and Berry Streets showing the original façade of the subject site behind the Rag and Famish hotel on the corner.	9
Figure 9 – 1974. View north from the intersection of Miller and Berry Streets showing the original façade of the subject site behind the Rag and Famish hotel on the corner.	10
Figure 10 – 1977. Aerial photograph showing central North Sydney. The orange facades of 201 Miller Street are clearly visible to the centre of the image.	10
Figure 11 – 1989. Civic Centre, looking towards North Sydney Centre Business District.	11
Figure 12 – 2004. View north along Miller Street from Victoria Cross, North Sydney	11
Figure 13 – Detailed section of the facade replacement	15
Figure 14 – Detailed section of the proposed façade	15
Figure 15 – Existing Northern Elevation	16
Figure 16 – Proposed Northern Elevations.	16
Figure 17 – Cadastral map showing the location of the subject site (outlined in yellow) within its current heritage context	18

EXECUTIVE SUMMARY

Urbis has been engaged by The Trust Company (Australia) Limited as trustee for 201 Miller Sub Trust c/o LaSalle Investment Management (The Applicant) to prepare this Heritage Impact Statement (HIS) to accompany a Development Application for façade works to 201 Miller Street, North Sydney (Lot 1 of DP 706146) (subject site).

The subject site is listed as a local heritage item under Part 1 of Schedule 5 of the *North Sydney Local Environmental Plan (LEP) 2013* as 'Commercial building', 201 Miller Street, North Sydney, item no. I0904, and in proximity to a number of locally listed heritage items as identified in Section 6.1 of this report.

The proposed works are required to implement a non-combustible façade. The original fibre glass shrouds are proposed to be replaced with aluminium. The replacement shrouds would achieve a form similar to the original. The non-original glazing is proposed to be replaced with grey tinted glazing. Replacement of the glazing would increase the energy efficiency of the building.

A full assessment of heritage impact is included in Section 6 of this report. In summary the following observations are relevant to the works:

- The proposal has been developed with the specific aim of replacing the combustible fabric with new, achieving the closest possible match in terms of form and style. This proposal is crucial in ensuring the retention/interpretation of the significant values of the site while ensuring that the building continues to be safely inhabited and therefore, utilised and maintained. The replacement of the significant fabric is therefore acceptable from a heritage perspective.
- The proposed aluminium external shroud closely reinterprets the form of the original window shrouds with contemporary materials. The aluminium product would require joints, as opposed to the more monolithic moulded plastic. The joints would be 10mm only and would not be easily visible from the distance at which viewers in the public domain would view the form.
- The proposed approach reinterprets the character and original design intent. The new material respects the original bold presentation in both form and style whilst seeking a contemporary, neutral new colour scheme. This interpretive approach is appropriate where new materials and construction standards prohibit the use of an original material and in Urbis' opinion has the same ability to evoke the original form and its contribution to the significance of the place.
- The effect of the proposed replacement glazing is similar to the existing which has a moderate degree of opacity, and the glazing would positively contribute to the replacement suite of elements and improve energy efficiency.
- The appearance of the existing glazing varies slightly, it is assumed that this is due to periodic replacement of units. Replacement of all glazing as proposed would re-establish a uniform aesthetic across the facades.
- The internal shrouds have been designed to match the original as closely as possible. Replacement of the internal shrouds will achieve a compliant design, improving overall safety of the building through the use of non-combustible materials and removal of hazardous materials. Reversible works are not applicable in this case.
- The proposed works would ensure the continued, safe use of the heritage item. This would in turn ensure the maintenance of the item and the method through which the replacement façade is to be undertaken will ensure the retention of the significant aesthetic qualities.
- The proposal includes only the replacement of fabric with new to match existing. The replacement fabric would not noticeably change the envelope of the building and the works have been designed to maintain the existing aesthetic qualities of the heritage item through form. Therefore, the character and scale of the setting of any heritage items in the vicinity would remain essentially unchanged.

The proposed design seeks to improve the existing facade character which has been modified previously, with a contemporary approach. It references the original shape, style, form, and character of the original. Urbis supports the proposed interpretive approach which recaptures the bold presentation of the exteriors while achieving compliance with relevant safety standards.

1. INTRODUCTION

Urbis has been engaged by The Trust Company (Australia) Limited as trustee for 201 Miller Sub Trust c/o LaSalle Investment Management (The Applicant) to prepare this Heritage Impact Statement (HIS) to accompany a Development Application for façade works to 201 Miller Street, North Sydney (Lot 1 of DP 706146) (subject site).

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1.1. SITE LOCATION

The site is located at 201 Miller Street, North Sydney (refer image below) and is legally identified as Lot 1 DP 706146

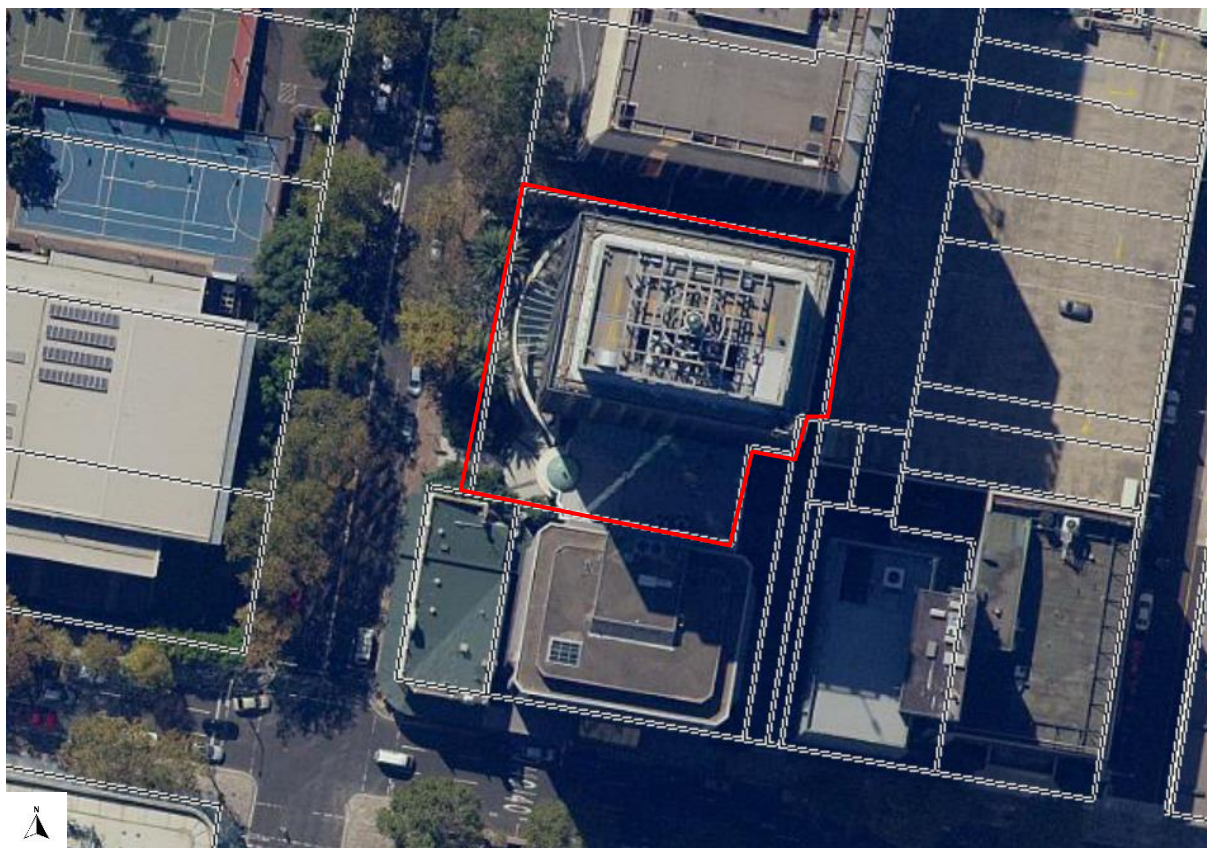


Figure 1 – Aerial photograph showing the location of the subject site (outlined in red) within its context

Source: SIX Maps, June 2022

1.2. METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Division guidelines 'Assessing Heritage Significance', and 'Statements of Heritage Impact'. The philosophy and process adopted is that guided by the *Australia ICOMOS Burra Charter 1999* (revised 2013).

Site constraints and opportunities have been considered with reference to relevant controls and provisions contained within the North Sydney Local Environmental Plan 2013 and the North Sydney Development Control Plan 2013.

1.3. AUTHORSHIP

This report has been prepared by Alexandria Cornish (Associate Director, Heritage). All images were taken by Urbis, unless otherwise stated.

2. SITE DESCRIPTION

The subject site is located at 201 Miller Street, North Sydney, legally described as Lot 1 of Deposited Plan 706146. It is situated on the eastern side of Miller Street and north of Berry Street.

The subject site comprises a twenty-two storey Late 20th century international style office tower set on a single storey plinth. It is of pre-cast concrete construction with dark grey fibreglass storey-high window frames. The fibreglass was originally orange in colour but was changed to green in 1989 and later to grey. The building was original notable for this orange fibreglass storey-high window frames which were devised as a complete facade grid. The façade remains however it has since been treated in darker shades of grey and formerly green since the 1990s.

The original ground floor foyer originally consisted of open fibreglass tunnel beneath an illuminated ceiling of moulded orange acrylic modules. The foyer and interiors were replaced in 1989 by Post-modern style alterations which removed the distinctive original style and materials of the building. New fabric included granite and marble cladding, curved mouldings and staircases. The Pavilion building in southeastern corner was built above car park in same Post-modern style in 1989. The Pavilion Building of limited significance although its lower height and smaller footprint to the tower building maintains a sympathetic scale.

There is little to no remnant original fabric internally. The original foyer and interiors were replaced in 1989 by Post-modern style alterations consisting of granite and marble cladding, curved mouldings and staircases. The lift car linings and toilet walls were originally monolithically moulded in plastic to match the rest of the building; it is unknown whether any survive or existed behind the 1989 alterations.



Figure 2 – View to western elevation (primary) entry from Miller Street.

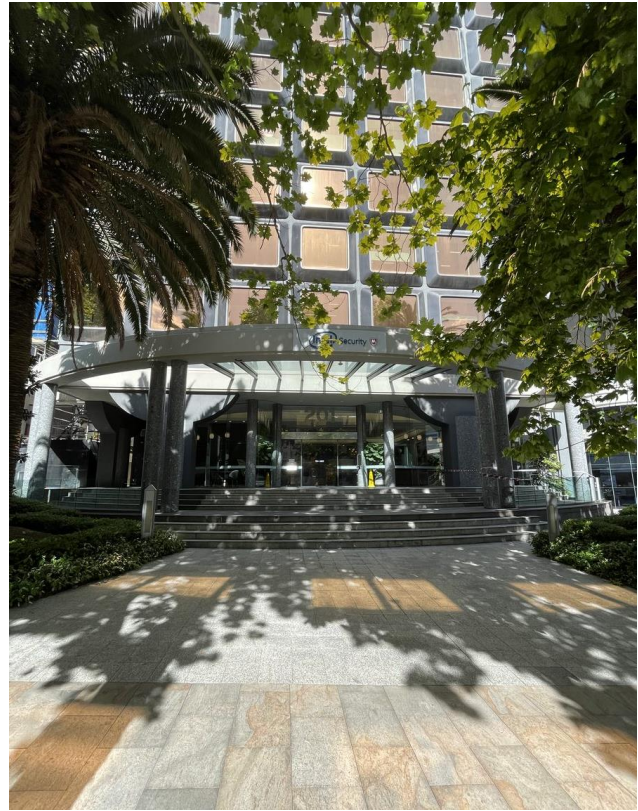


Figure 3 – View to western elevation (primary) entry from Miller Street.



Figure 4 – View to the existing primary entry from Miller Street.



Figure 5 – View south to primary entry from Miller Street.



Figure 6 – View north along Miller Street showing the subject site within its context.

Source: Google Streetview

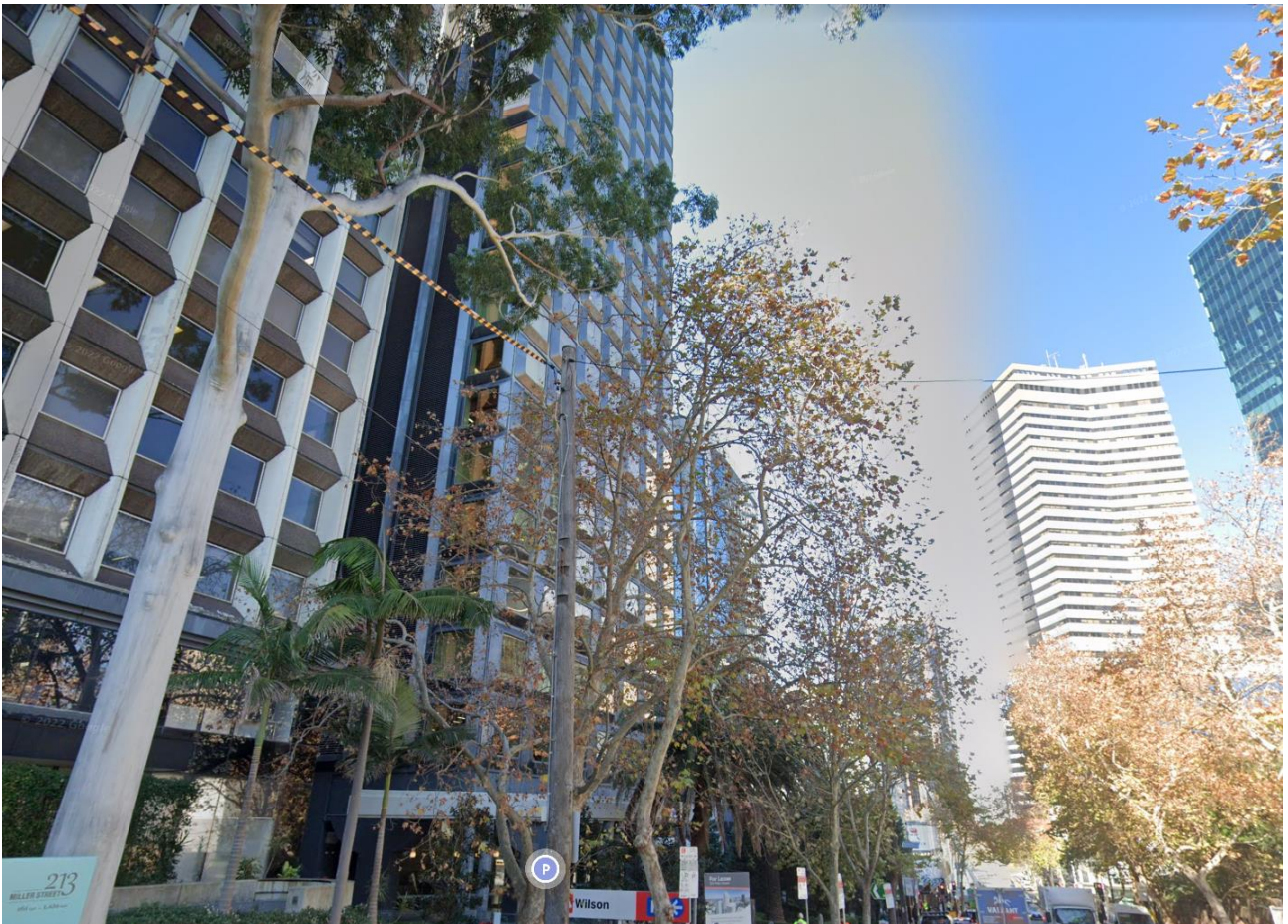


Figure 7 – View south along Miller Street showing the subject site within its context.

Source: Google Streetview

3. HISTORICAL OVERVIEW

The following historical background has been extracted full from the State Heritage Inventory (SHI) form available for the subject site on the NSW Government website¹. It has been augmented with additional information where relevant, indicated by footnotes.

The location of the current building originally included several houses and shops located immediately adjacent to the Rag and Famish Hotel on the corner with Berry Street.

In January 1970, major construction, engineering and building design firm and subsidiary of Transfield, Sabemo Pty Ltd, lodged a Building Application (24/70) for the construction of a 22-storey commercial building on the site, with 3 parking floors and 2 plant equipment floors.

At the time Sabemo had been very active in the increasingly high-rise commercial development of the North Sydney CBD, beginning with the design and construction of Transfield House at 102 Arthur Street in 1962 (demolished 2006), which was officially opened by Commonwealth Treasurer Harold Holt on 9 July 1962 and had involved one of the first uses in Sydney of the slip form method of concrete pouring, which enabled a quicker construction time. In 1969, Sabemo completed their own office building nearby, the 'Sabemo Centre' at 223 Miller Street (demolished 2017), which was notable as the first post-tensioned, pre-stressed concrete building in Australia, and distinctive through the design of its moulded windows and the fibreglass dome on the roof combined with a substantial garden forming the long setback of the building from Miller Street.

Approved by Council on 29 May 1970 and with a cost of \$2,500,000, the Sabemo Design Group (supervising architect, M. Bayly) created a building at 201 Miller Street with a very distinctive design that included orange fibreglass storey-high window frames devised as a complete facade grid, and a ground floor foyer consisting of an open bone-coloured fibreglass tunnel beneath an illuminated ceiling of moulded orange acrylic modules. The orange fibreglass theme was also continued in the interior with lift cabins in the material and bathroom stalls being made of monolithic walls of bone-colour fibreglass with orange doors. The building was designed, constructed, and owned by Sabemo which was under control of the Italian born architect and engineer V H Moratelli.²

Sabemo Managing Director, Vittorio Moratelli, explained of the colour choice: "I wanted a colour building to give a happy atmosphere. When you looked up at Miller Street from the Warringah Expressway all you saw was a row of office blocks like a 'Grey Wall of China'. At first, I thought we would put a yellow building here but we could not get just the right sort of yellow. So, we chose orange."

In 1971 the building was noted in a survey of plastic materials. The building was required to have a very light weight curtain wall as the construction of the building generally was lightweight. Winfield noted that Moratelli revolutionised Australian conservative building by using colourful curtain walls (he also used bright blue on a building in Perth). The curtain walls were made of eleven-foot squares of FRP with seven foot four inch square glazing centred in each. Winfield notes that he would have preferred to use acrylics however it wasn't possible to obtain such large sheets in the area. The glazing is double skin insulated reflective glass, allowing a 160-degree visual exterior span or projection. The lobby area was designed as a FRP tunnel approximately 66 feet in length and 22 feet wide with acrylic domes and recessed fluorescent light in the moulded ceiling. Many internal details were also of reinforced plastic including lavatory walls, bowls, pedestals, recessed mirrors, lighting, partition walls, lobby lights, planters, ducting and trims.³

The choice of fibreglass as a construction material meant that the weight of the building was substantially reduced, which allowed for greater areas of pillar-free office space. The fibreglass moulding was undertaken at the Seven Hills Sabemo plant at a cost of \$5,500,000. The material was noted in 1971⁴ as being a brand-new structural feature, a special type of fibreglass called empirite which was developed by Sabemo.

¹ 'Commercial building', State Heritage Inventory (SHI) form, database no. 2181331, NSW Government available at <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181331>

² A tower of tangerine, Vol. 093 No. 4786 (18 Dec 1971)

³ Armand G Winfield, A Survey of Plastics Materials and their Potential Effective Utilisation as Building Materials in Building Application for Developing Countries, updated in 1971, New York

⁴ A tower of tangerine, Vol. 093 No. 4786 (18 Dec 1971)

In 1971 the construction of the tower was reported on in the Bulletin by Barbara Altorjai. At this time the building was identified at 211 Miller Street. It was described as having orange fibreglass lists, bone fibreglass entrance tunnel and lavatories featuring monolithic walls of fibreglass. The building was described as hard to ignore and the kind of building which architects like because its outrageously different. It was described as a bright spot on a full horizon of greys, browns and off whites. Altorjai implies that the unique building could motivate a wave of more colourful buildings in Sydney and explored how local Councils would respond to such a shift in aesthetics.⁵ At the time of its completion in 1972, Eva Buhrich of the Sydney Morning Herald noted "Probably the most novel event [of architecture that year] was that an office building in North Sydney had orange fibreglass facades".

Following completion, in August 1973 Legal & General Assurance Society Limited bought the building and it was named 'IBIS House', as the primary tenant of the building was the Sydney headquarters of information/research firm IBIS Research Services. From 1976 the building was also the headquarters of the NSW Water Resources Commission who remained until at least 1986.

In 1988, Legal & General undertook a substantial \$35 million refurbishment of the building, commissioning architects McNamara Soder Associates to redesign the building in a more-current Postmodern style. A Development Application (1321/88) was subsequently lodged in July 1988 for ground floor and general internal refurbishments of the main office tower and the construction of a 2-level Pavilion building in the south-western corner of the site over the existing carpark roof and was approved by Council on 24 May 1989. These Post-modern style modifications constructed from 1989 included changing the orange façade colour to a dark green, a new portico entrance and lobby, one of the most substantial asbestos-removal schemes in Australia at the time, and a new separate Pavilion building which was intended for a restaurant or office use. It was also at this time that the two substantial Canary Island Date Palms in the Miller Street front gardens were added.

⁵ A tower of tangerine, Vol. 093 No. 4786 (18 Dec 1971)



Figure 8 – 1974. View north from the intersection of Miller and Berry Streets showing the original façade of the subject site behind the Rag and Famish hotel on the corner.

Source:

https://stanton.imagegallery.me/site/welcome.me?search=-mc_search:5&search_str=Album:%201%20Face%20of%20North%20Sydney%20-%20historical%20photo%20collection#carousel-captions

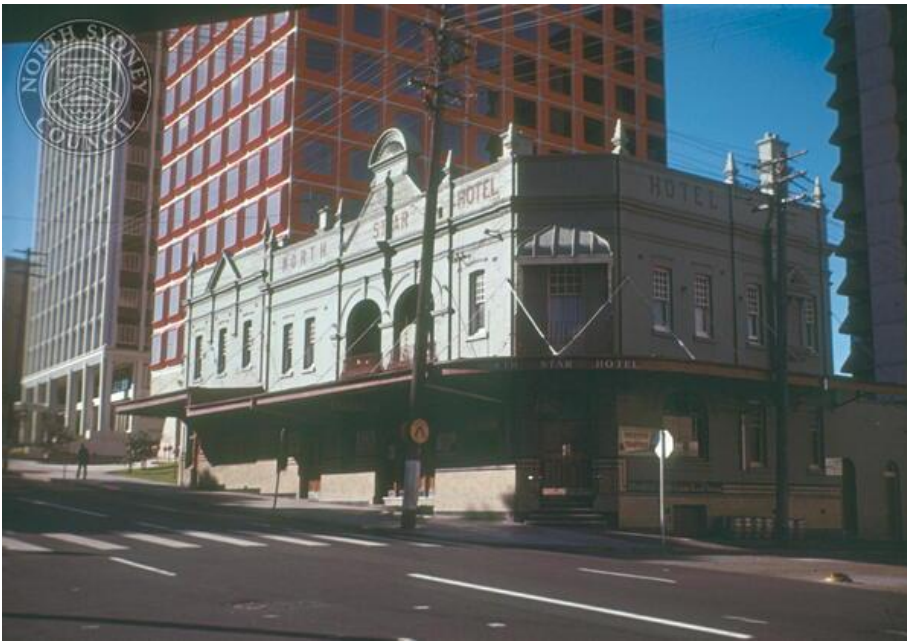


Figure 9 – 1974. View north from the intersection of Miller and Berry Streets showing the original façade of the subject site behind the Rag and Famish hotel on the corner.

Source:

https://stanton.imagegallery.me/site/welcome.me?search=-mc_search:5&search_str=Album:%201%20Face%20of%20North%20Sydney%20-%20historical%20photo%20collection#carousel-captions

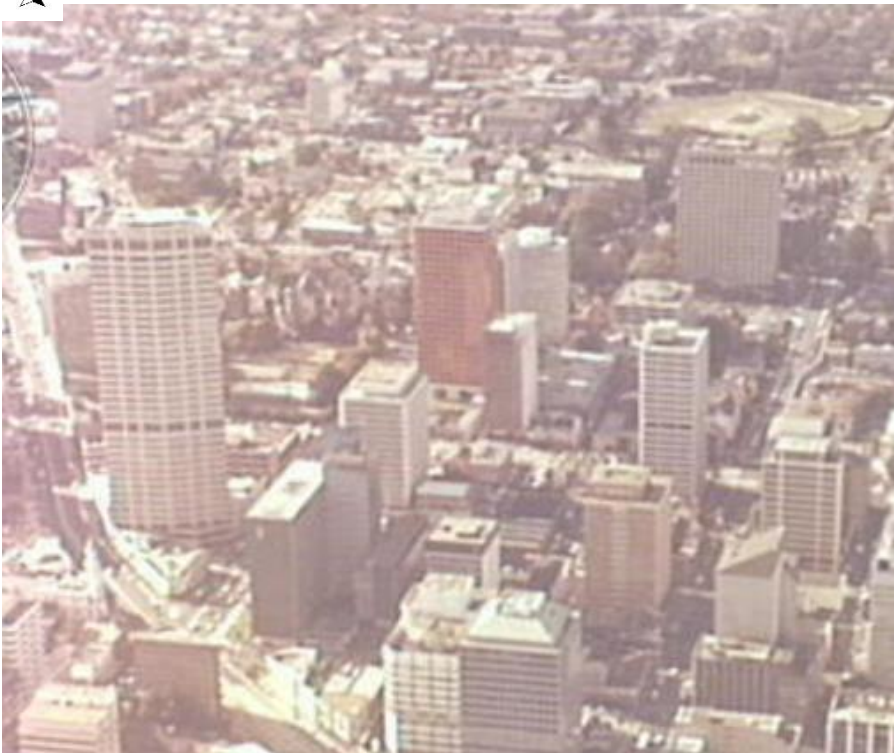


Figure 10 – 1977. Aerial photograph showing central North Sydney. The orange facades of 201 Miller Street clearly visible to the centre of the image.

Source:

https://stanton.imagegallery.me/site/welcome.me?search=-mc_search:5&search_str=Album:%201%20Face%20of%20North%20Sydney%20-%20historical%20photo%20collection#carousel-captions



Figure 11 – 1989. Civic Centre, looking towards North Sydney Centre Business District.

Source:

https://stanton.imagegallery.me/site/welcome.me?search=-mc_search:5&search_str=Album:%20%20Face%20of%20North%20Sydney%20-%20historical%20photo%20collection#carousel-captions



Figure 12 – 2004. View north along Miller Street from Victoria Cross, North Sydney

Source:

https://stanton.imagegallery.me/site/welcome.me?search=-mc_search:5&search_str=Album:%20%20Face%20of%20North%20Sydney%20-%20historical%20photo%20collection#carousel-captions

4. HERITAGE SIGNIFICANCE

4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place – why it is important and why a statutory listing was made to protect these values.

4.2. SIGNIFICANCE ASSESSMENT

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. There are two levels of heritage significance used in NSW: state and local. The following assessment of heritage significance has been prepared in accordance with the 'Assessing Heritage Significance' guides.

Table 1 – Assessment of heritage significance

Criteria	Significance Assessment
A – Historical Significance <i>An item is important in the course or pattern of the local area's cultural or natural history.</i>	<p>The building was completed in 1972-1973 and therefore contributes to an understanding of the late 20th century commercial development of North Sydney.</p> <p>The building represents the adoption of the International Style in the Australian context and commentators at the time imply that the building may mark a shift in aesthetics for new buildings. A comparative analysis of buildings constructed in the same period has not been completed for this assessment, so it has not been determined whether the building had a broader influence on building design. However, the reference alone indicates its impact.</p> <p>The building has historic significance at a local level. The historic values are vested in the overall scale and commercial use of the building, and the form and colour of the façades.</p>
B – Associative Significance <i>An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.</i>	<p>The building has strong associations with construction firm Sabemo Pty Ltd. Sabemo designed the building (overseen by architect M.Bayley) and was responsible for its construction. Sabemo also retained ownership of the building following its construction.</p> <p>The association with Sabemo can be interpreted through the façades which are constructed of a special type of fibreglass called empirite which was developed by Sabemo.</p> <p>The building has associative significance at a local level. The associative values are vested in the façade fibreglass.</p>

Criteria	Significance Assessment
<p>C – Aesthetic Significance</p> <p><i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.</i></p>	<p>The building represents an example of a highly integrated office tower in the Late Twentieth Century International style. It was notable when first completed in 1972-1973 for its unusual and prominent, orange-coloured fibreglass exterior and finish. Commentators at the time noted that the building revolutionised Australian conservative building through its colourful curtain walls.</p> <p>Although substantially modified in 1989 in the Post-modern style, which included interiors, a new Pavilion building, and the change of the orange exterior to more muted green and later grey colours, the building retains its distinctive original exterior form and construction.</p> <p>The building is close to an intersection of two key roads and contributes to the urban streetscape of this high-rise area.</p> <p>The building has historic significance at a local level. The aesthetic values are vested in the form.</p>
<p>D – Social Significance</p> <p><i>An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.</i></p>	<p>There is no evidence to indicate that the place has strong or special association with an identifiable group. However, social significance has not been considered in detail as part of this assessment.</p> <p>The building has not be found to have any social significance at this time.</p>
<p>E – Research Potential</p> <p><i>An item has potential to yield information that will contribute to an understanding of the local area’s cultural or natural history.</i></p>	<p>The choice of fibreglass as a construction material meant that the weight of the building was substantially reduced, which allowed for greater areas of pillar-free office space. The fibreglass was specifically developed for the application by Sabemo. However, no additional information has been located at this time which outlines unique qualities of the fibreglass. Further, the fibreglass type has not be found to be used on any other buildings. The building facades therefore have potential for research values, however there is no indication of what information may be used to contribute to an understanding of the local area’s cultural or natural history.</p>
<p>F – Rarity</p> <p><i>An item possesses uncommon, rare or endangered aspects of the local area’s cultural or natural history.</i></p>	<p>The building represents a commercial building in the International Style, which is not rare in the context of Sydney. However, the façade treatment is unique and considered to be rare.</p>
<p>G – Representative</p> <p><i>An item is important in demonstrating the principal characteristics of a class of NSWs (or the local area’s):</i></p> <ul style="list-style-type: none"> • <i>cultural or natural places; or</i> • <i>cultural or natural environments.</i> 	<p>The building represents a commercial building in the International Style.</p>

4.3. STATEMENT OF SIGNIFICANCE

The building has historic, associative, and aesthetic significance at a local level and has representative value. It may also have research potential however this is not proven.

The following Statement of Significance has been extracted in full from the State Heritage Inventory (SHI) form available for the subject site on the NSW Government website:⁶

An example of a highly integrated office tower in the Late Twentieth Century International style of considerable quality and distinctive detailing designed and built by prominent construction firm Sabemo Pty Ltd, contributing much to the urban streetscape of this high-rise area. It was notable when first completed in 1972-1973 for its unusual and prominent orange-coloured fibreglass exterior and finish. Although substantially modified in 1989 in the Post-modern style, which included interiors, a new Pavilion building, and the change of the orange exterior to more muted green and later grey colours, the building retains its distinctive original exterior form and construction.

⁶ 'Commercial building', State Heritage Inventory (SHI) form, database no. 2181331, NSW Government available at <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181331>

5. PROPOSED WORKS

The development proposal seeks the replacement of the existing shroud on the building and the replacement of dummy panels and louvres on the northern elevation. The proposal will essentially address the major issues with the existing façade, including corrosion to the steel frames, use of combustible shroud and stress fractures in the window glazing.

Following on from the consultation and feedback from Council and site investigations into replacement options, replicating the existing shroud in a non-combustible material was deemed the most suitable.

Overall, the proposed development:

- Seeks to replace the existing cube shaped shroud of the building
- The shroud replacement is proposed to be a corner lock system with 10mm non-combustible solid aluminium cassette joints on the corner.
- Is proposed to paint the existing render between the shroud and parapet and base concrete wall areas of the building with a light grey colour and white colour aluminium shroud.

Overall, the new material and façade system has the ability to respect the original bold presentation in both form and colour.

5.1. FAÇADE DESIGN

The façade fabric has been found to be combustible and presents a safety risk to users of the building. The proposal seeks to replace the existing cube shaped shroud of the building with an aluminium shroud, waterproof the inside of windows under the rainscreen shrouds, install subframes to support the aluminium components, new glazing of the windows and paint the existing render behind the shroud.

The non-original glazing panels are to be replaced with grey tinted glazing.

A section is and proposed typical elevation is detailed below.

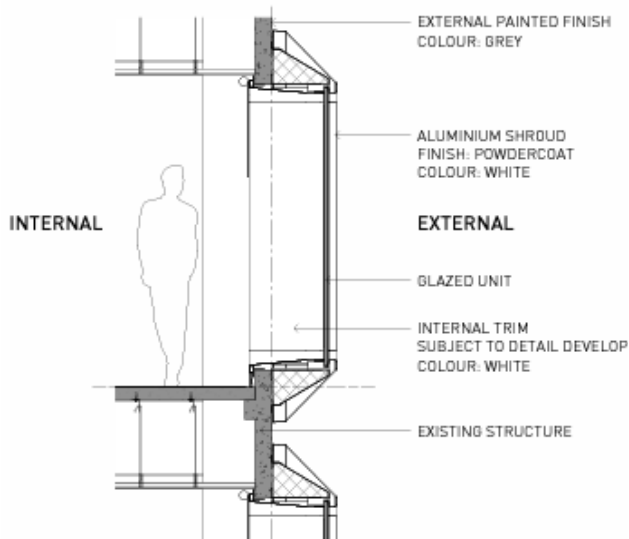


Figure 13 – Detailed section of the facade replacement.

Source: Sissons

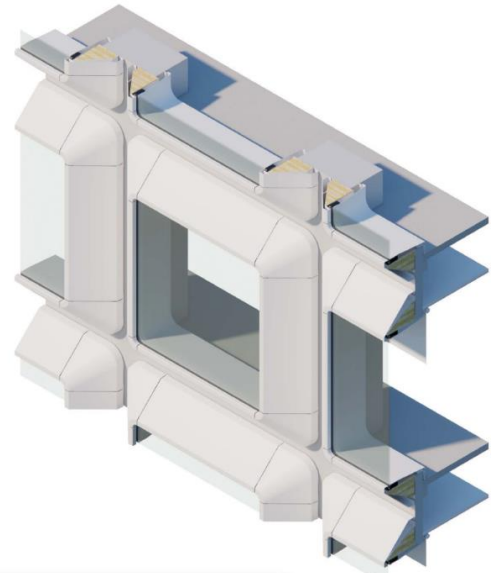


Figure 14 – Detailed section of the proposed façade

Source: Sissons

5.1.1. Northern Elevation

The proposal seeks to replace the 'dummy panels' with fluttered solid aluminium shroud, see below: Note: Historically, the arc line sheeting was removed and replaced with 4 bays of louvres and 4 dummy shroud panels.

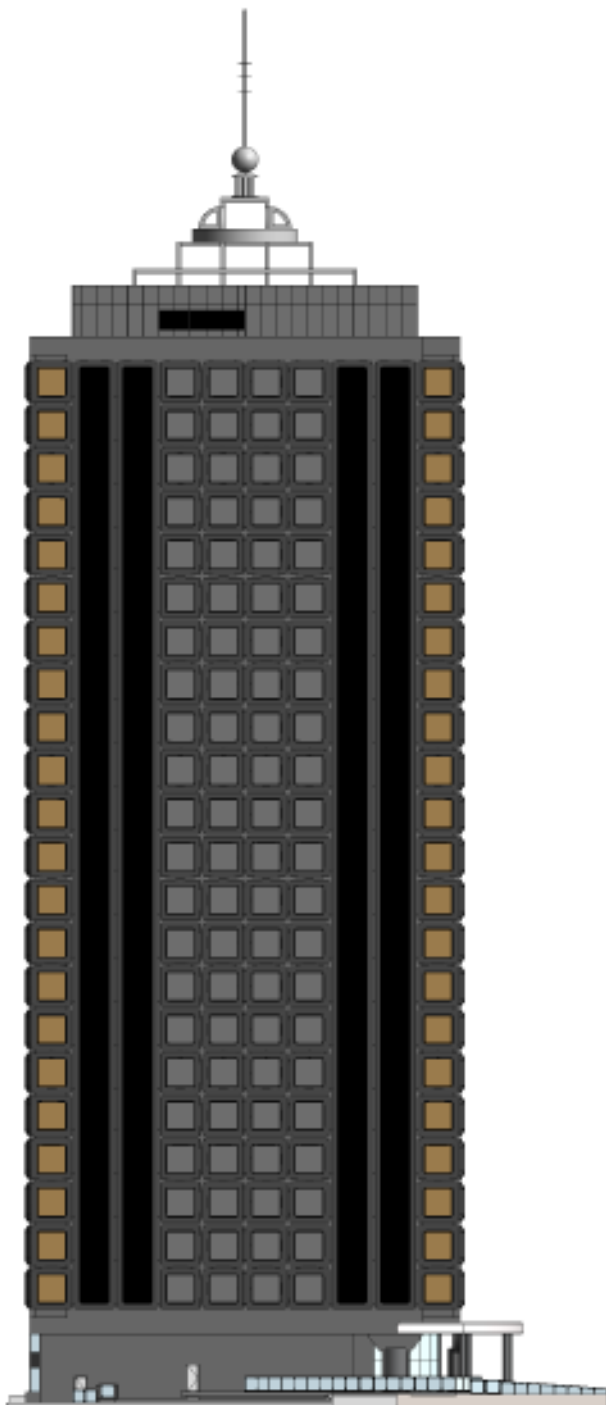


Figure 15 – Existing Northern Elevation.

Source: Sissons

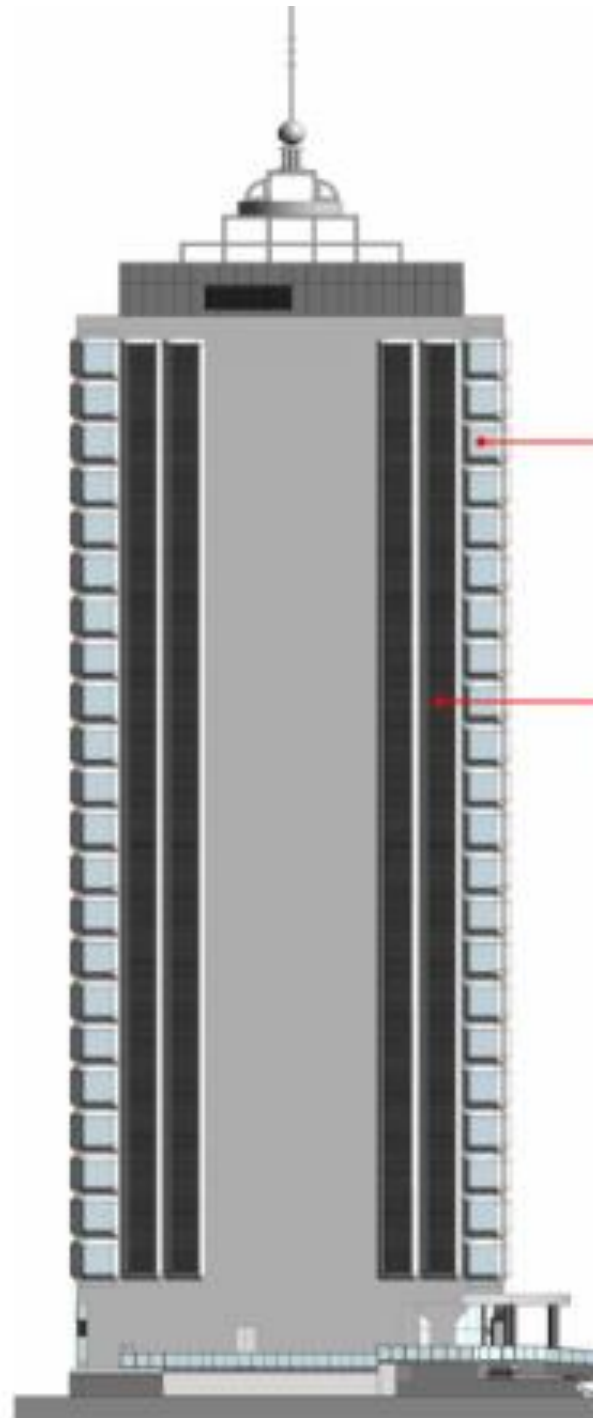


Figure 16 – Proposed Northern Elevations.

Source: Sissons

5.1.2. Shroud and Colour Scheme

The shroud replacement is a non-combustible solid aluminium sheet with 10mm hairline cassette joint. The proposal seeks a colour scheme consisting of grey painted concrete exo-skeleton on the building with an aluminium powder coated shroud and glazed windows.

Note: The shroud will be powder coloured prior to being brought to the site.

The proposed white colour scheme reinterprets and modernises the character and intent of the building. The form, style and overall intent of the façade has been reinterpreted to provide a bold contemporary aesthetic to the building.

6. IMPACT ASSESSMENT

6.1. HERITAGE LISTING

The subject site is listed as a local heritage item under Part 1 of Schedule 5 of the *North Sydney Local Environmental Plan (LEP) 2013* as ‘Commercial building’, 201 Miller Street, North Sydney, item no. I0904, and in proximity to the following heritage items:

- ‘The Rag & Famish Hotel’, 199 Miller Street, item no. I0901
- ‘Monte Sant Angelo Group’, 128 Miller Street, item no. I0896
- ‘O’Regan’, 192 Miller Street, item no. I0899

Figure 17 provides an overview of the subject site’s heritage context.

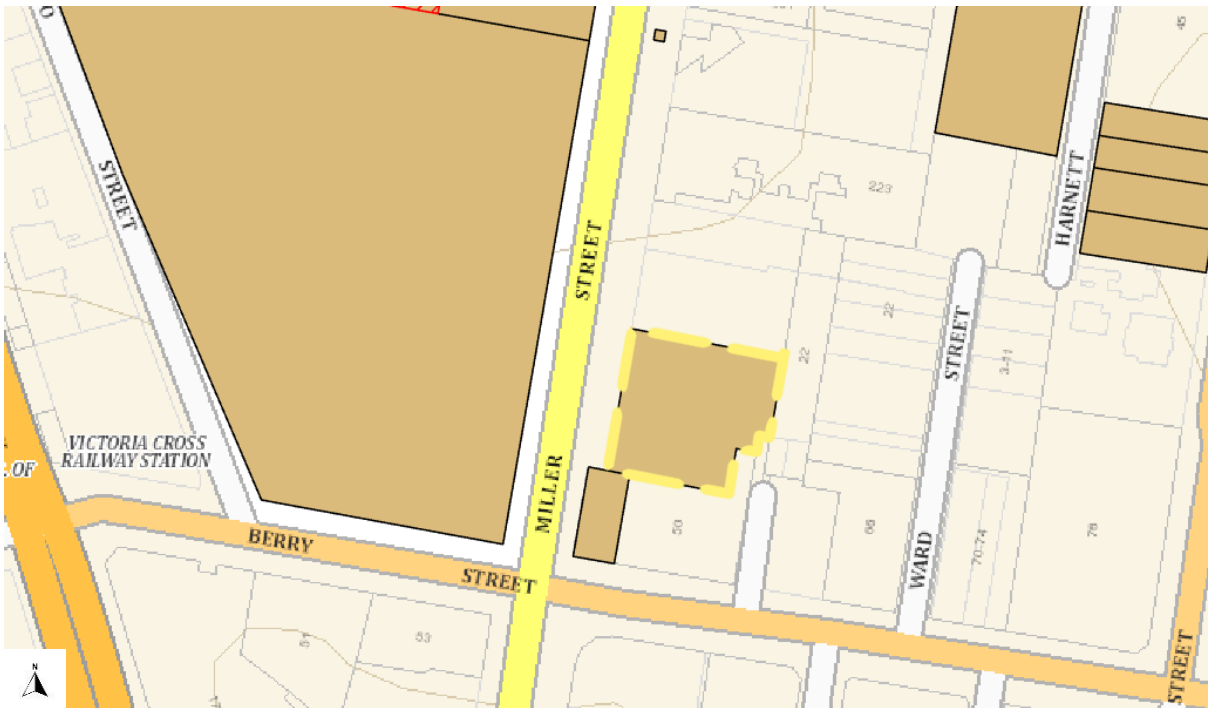


Figure 17 – Cadastral map showing the location of the subject site (outlined in yellow) within its current heritage context

Source: NSW Government, EPlanning Spatial Viewer, June 2022

6.2. ASSESSMENT OF HERITAGE IMPACT

6.2.1. North Sydney Local Environmental Plan (LEP) 2013

Table 2 - Discussion regarding Schedule 5.10 of the *North Sydney LEP 2013*

Clause	Discussion
<p>(2) Requirement for consent</p> <p><i>Development consent is required for any of the following—</i></p> <p><i>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making</i></p>	<p>The subject site is listed as a local heritage item under Part 1 of Schedule 5 of the North Sydney Local Environmental Plan (LEP) 2013 as ‘Commercial building’, 201 Miller Street, North Sydney, item no. I0904, and in proximity to the heritage items identified in the section above.</p>

<p><i>changes to its detail, fabric, finish or appearance)—</i></p> <p><i>(i) a heritage item...</i></p>	<p>Therefore, approval is required for the replacement of the façade material and colour.</p>
<p>(4) Effect of proposed development on heritage significance</p> <p><i>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p>	<p>This HIS has been prepared to assist the consent authority in determining the effect of the proposal on the heritage significance of the place.</p> <p>In summary, as set out in this report, the proposed design is in keeping with the original shape, colour and character of the original. Urbis strongly supports the progression of this project thus far. Urbis supports the proposed interpretive approach which recaptures the bold presentation of the exteriors while achieving compliance with relevant safety standards.</p>
<p>(5) Heritage assessment</p> <p><i>The consent authority may, before granting consent to any development—</i></p> <p><i>(a) on land on which a heritage item is located, or</i></p> <p><i>(b) on land that is within a heritage conservation area, or</i></p> <p><i>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</i></p> <p><i>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</i></p>	<p>This HIS satisfies this requirement and has provided sufficient background to assess the potential impacts of the works against the known significance of the site.</p>

NORTH SYDNEY DEVELOPMENT CONTROL PLAN (DCP) 2013

Table 3 - Discussion regarding Part B, Section 13 of the *North Sydney DCP 2013*

Clause	Discussion
<p>13.5.1 Protecting heritage significance</p> <p><i>P1 Retain features (including natural and cultural landscape features) that contribute to the significance of the item.</i></p>	<p>This report (Section 4.2) acknowledges that heritage value is vested in the façade which is proposed to be replaced. It is important to note that the facade has undergone significant previous modifications including to the colour of the pods and the side elevations, with the addition of louvres.</p> <p>However, the significant fabric is retained underneath the later finishes and has been found to be highly</p>

combustible, presenting a significant safety risk to the users of the building. Therefore, the replacement of the façade material has been subject to detailed investigation to retain the significant values of the building while ensuring the building can continue to function safely.

Variables have impacted on the ability to implement a non-combustible façade while achieving a form which is faithful to the original design. Several solutions for the implementation of a compliant façade have been tested in consultation with Urbis. There are several options which reinterpret the original forms comprised in the façade in different ways. The most appropriate solution included the replacement of the original fibre glass window shrouds with coloured aluminium whilst achieving a form which closely matches the original. The glazing panels, which are variously non original currently, are proposed to be replaced with grey tinted glazing. The effect of the glazing would be similar to the existing which has a moderate degree of opacity, and the glazing would positively contribute to the replacement suite of elements.

The preferred solution demonstrates the ability of the proposed external window shrouds to reinterpret closely the form of the original windows with contemporary materials. The aluminium product would require visible joints, as opposed to the more moulded plastic. However, the joints would not easily visible from the distance at which viewers in the public domain would view the form. The presentation of the façade form would therefore match the existing.

The replacement facade system will be of similar weight to the existing façade and therefore will not lead to additional dead loads to the existing structure. The physical impact on the heritage item would therefore be confined to that required to undertaken the necessary works.

A neutral tone is adopted seeking to reinterpret the original character and intent in a new way. The new material has the ability to respect the original bold presentation in both its general form. It is considered that this original design intent and unique architectural program is of more value than exact materials and colours. This interpretive approach is appropriate where new materials and construction standards prohibit the use of an original material and in Urbis' opinion has the

	<p>same ability to evoke the original, having no detrimental impact on its aesthetic significance.</p> <p>It should be noted that at present the façade is painted grey. Therefore, the reinstatement of a new façade with a similar neutral tone would be a neutral conservation action.</p>
<p>P3 <i>New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.</i></p>	<p>The aim of the proposal is to replace the existing façade which new, to match as closely as possible. There would be no change to the overall envelope of the building and the visual relationships between elements on the site (and those in the vicinity) would remain unchanged.</p>
<p>P4 <i>Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development.</i></p>	<p>The proposal has been developed with the specific aim of replacing the combustible fabric with new, achieving the closest possible match in terms of form, style and intent. This proposal represents the only way to retain/interpret the significance values of the site while ensuring that the building continues to be safety inhabited. The replacement of the significant fabric is therefore acceptable from a heritage perspective.</p>
<p>P5 <i>Locate change away from original areas of the heritage item that are intact. For example, where a building's significance is related to the front of a building, locate new work to the rear.</i></p>	<p>The proposed facade replacement is in keeping with the existing character of the building and would safely improve the overall building's aesthetic significance.</p> <p>New work is unable to be confined to the rear as the combustible cladding is situated on all four elevations.</p>
<p>13.5.5 Interior layouts</p>	
<p>P2 <i>Minimise change to the original or significant internal room configuration/layout (as appropriate) so that the evolution of the building remains discernable. This can be achieved by retaining wall nibs, decorative ceilings, joinery and original features such as fire places.</i></p>	<p>Interior change is confined to replacement of the windows shrouds only.</p> <p>The internal shrouds have been designed to match the original as closely as possible. Replacement of the internal shrouds will achieve a compliant design, improving overall safety of the building through the use of non-combustible materials and removal of hazardous materials. Reversible works are not applicable in this case.</p>
<p>P5 <i>Retain significant internal original features including joinery, door sets, fire places, flooring, cornices and ceilings.</i></p>	<p>The works to the internal shrouds achieve the most appropriate outcome from a heritage and safety perspective. Refer to the images below which show the existing internal window shrouds compared with that proposed under this application. Therefore, the works are not required to be reversible.</p>
<p>P8 <i>Provide for reversibility of internal changes (where appropriate and reasonable).</i></p>	
<p>13.5.5 Development in the Vicinity of Heritage Items</p>	

<p><i>P1 Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item in the design and siting of new work.</i></p>	<p>The proposal includes only the replacement of fabric with new to match existing. The replacement fabric would not noticeably change the envelope of the building and the works have designed to maintain the existing aesthetic qualities of the heritage item. Therefore, the character and scale of the setting of any heritage items in the vicinity would remain essentially unchanged.</p>
<p><i>P2 Maintain significant public domain views to and from the heritage item.</i></p>	<p>As the envelope of the existing building would remain the same there would be no impact on significant public domain views.</p> <p>The proposed colour palette would be similarly neutral in comparison to the existing grey. The heritage impact would be neutral as a result of the replacement façade works and therefore, the overall presentation of the building in its context/from the public domain would be conserved and the heritage impact on the proximate heritage items would be neutral.</p>

7. CONCLUSION

The proposed works are required to implement a non-combustible façade. The original fibre glass shrouds are proposed to be replaced with a coloured aluminium. The replacement shrouds would achieve a form similar to the original. The non-original glazing is proposed to be replaced with grey tinted glazing. Replacement of the glazing would increase the energy efficiency of the building.

A full assessment of heritage impact is included in Section 6 of this report. In summary the following observations are relevant to the works:

- The proposal has been developed with the specific aim of replacing the combustible fabric with new, achieving the closest possible match in terms of form and style. This proposal is crucial in ensuring the retention/interpretation of the significant values of the site while ensuring that the building continues to be safely inhabited and therefore, utilised and maintained. The replacement of the significant fabric is therefore acceptable from a heritage perspective.
- The proposed aluminium external shroud closely reinterprets the form of the original window shrouds with contemporary materials. The aluminium product would require joints, as opposed to the more monolithic moulded plastic. The joints would be 10mm only and would not be easily visible from the distance at which viewers in the public domain would view the form.
- The proposed approach reinterprets the character and original design intent. The new material respects the original bold presentation in both form and style whilst seeking a contemporary, neutral new colour scheme. This interpretive approach is appropriate where new materials and construction standards prohibit the use of an original material and in Urbis' opinion has the same ability to evoke the original form and its contribution to the significance of the place.
- The effect of the proposed replacement glazing is similar to the existing which has a moderate degree of opacity, and the glazing would positively contribute to the replacement suite of elements and improve energy efficiency.
- The appearance of the existing glazing varies slightly, it is assumed that this is due to periodic replacement of units. Replacement of all glazing as proposed would re-establish a uniform aesthetic across the facades.
- The internal shrouds have been designed to match the original as closely as possible. Replacement of the internal shrouds will achieve a compliant design, improving overall safety of the building through the use of non-combustible materials and removal of hazardous materials. Reversible works are not applicable in this case.
- The proposed works would ensure the continued, safe use of the heritage item. This would in turn ensure the maintenance of the item and the method through which the replacement façade is to be undertaken will ensure the retention of the significant aesthetic qualities.
- The proposal includes only the replacement of fabric with new to match existing. The replacement fabric would not noticeably change the envelope of the building and the works have been designed to maintain the existing aesthetic qualities of the heritage item through form. Therefore, the character and scale of the setting of any heritage items in the vicinity would remain essentially unchanged.

The proposed design seeks to improve the existing facade character which has been modified previously, with a contemporary approach. It references the original shape, style, form, and character of the original. Urbis supports the proposed interpretive approach which recaptures the bold presentation of the exteriors while achieving compliance with relevant safety standards.

DISCLAIMER

This report is dated 8 May 2023 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of THE TRUST COMPANY (AUSTRALIA) LIMITED AS TRUSTEE FOR 201 MILLER SUB TRUST C/O LASALLE INVESTMENT MANAGEMENT (**Instructing Party**) for the purpose of assessing heritage impact (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.



URBIS.COM.AU

17th November 2022

221351FAAE

Blackett Maguire + Goldsmith
2/22-36 Mountain Street
Ultimo
NSW 2007

Attention: Tony Heaslip

201 Miller Street
Structural Statement

Dear Tony,

TTW confirm that there are no new structural works proposed and that on completion of the works the structural capacity of the building will not be reduced. The replacement façade system will be of similar weight to the existing façade and therefore will not lead to additional dead loads to the existing structure.

All other loads, including wind and earthquake loads, remain unchanged with the façade replacement, and therefore the new facade system will not impose greater loads on the existing structure than the existing facade system and the existing structural capacity will not be reduced.

TTW has assessed construction loads onto the existing structure which will be imposed when the approved construction methodology is followed and confirm that the existing structure has adequate structural capacity to resist these loads.

Yours faithfully,
TTW (NSW) PTY LTD



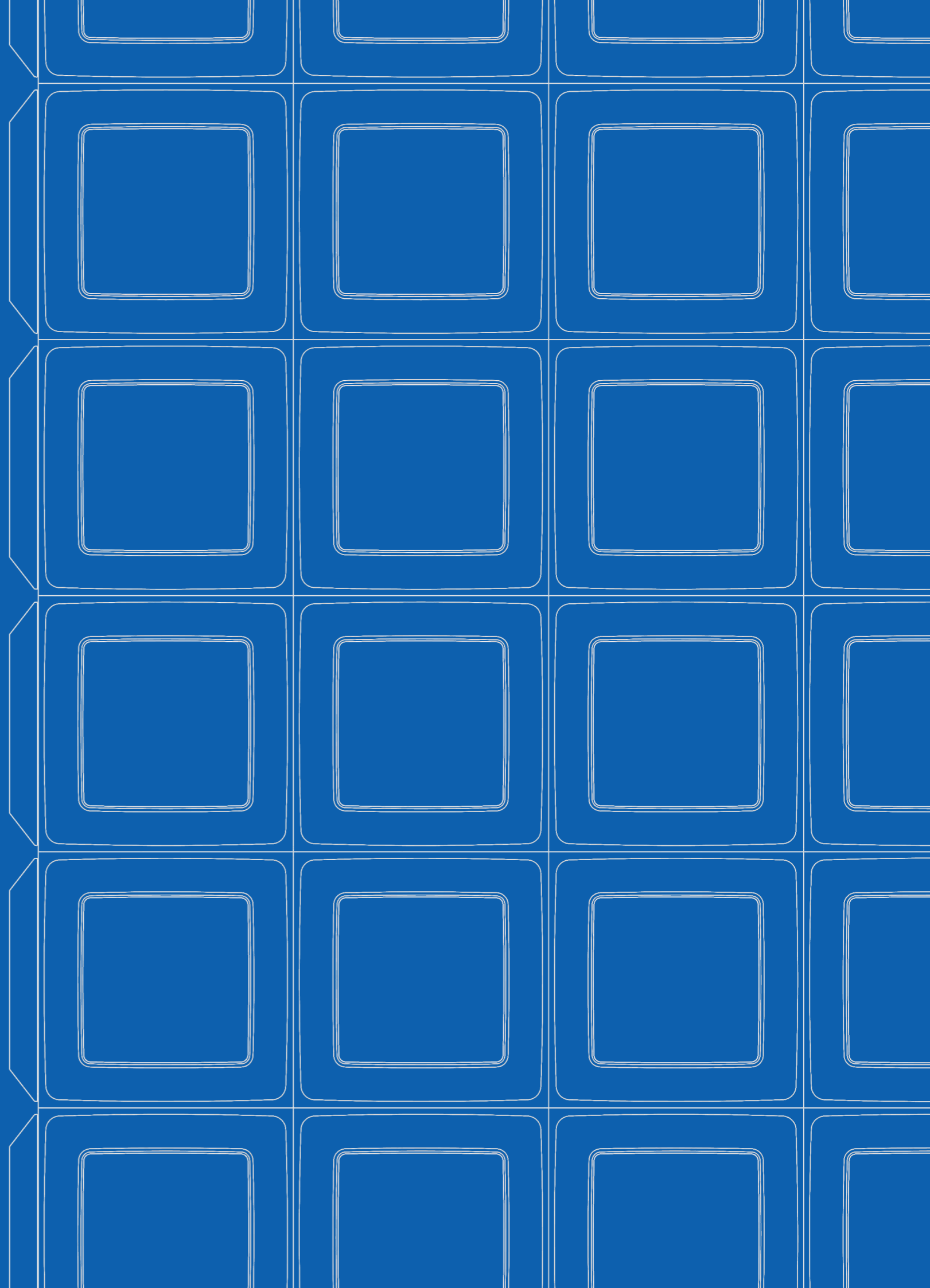
MICHAEL BARRETT
Technical Director

P:\2022\2213\221351\Certificates\STRUCTURAL CERTIFICATE- 201 MILLER STREET- EXISTING STRUCTURE 221117.NF.docx

sissons.201 miller st.

design statement.

North Sydney Council
May 2023



SITE CONTEXT

The site at 201 Miller Street, North Sydney is Lot 1 DP 706146, located in the commercial core of the North Sydney CBD. The site has a primary frontage to Miller Street of approx. 41m. Rear access is available from Bullivant Lane, off Berry Street.

Existing development on the site comprises a 23 storey office building and annexe to the southern boundary. The office block is a heritage item of local significance.

To the south is the Rag & Famish Hotel, also a locally significant heritage item, at 199 Miller Street, on the corner of Berry Street. Further south, across Berry Street, is the currently developed Victoria Cross Metro Station.

East of Bullivant Lane is the three level Ward Street Carpark, owned by North Sydney Council.

North of the site is a mix arrear of commercial and residential buildings.

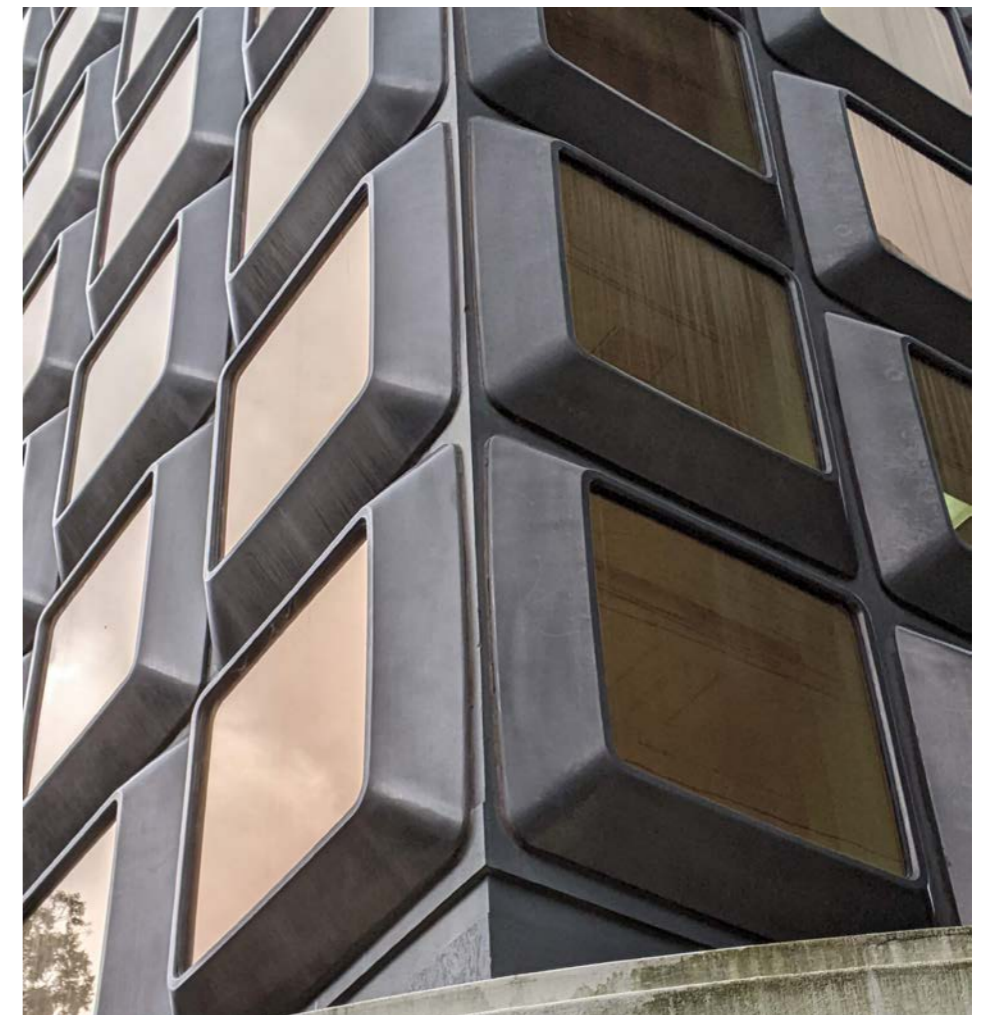
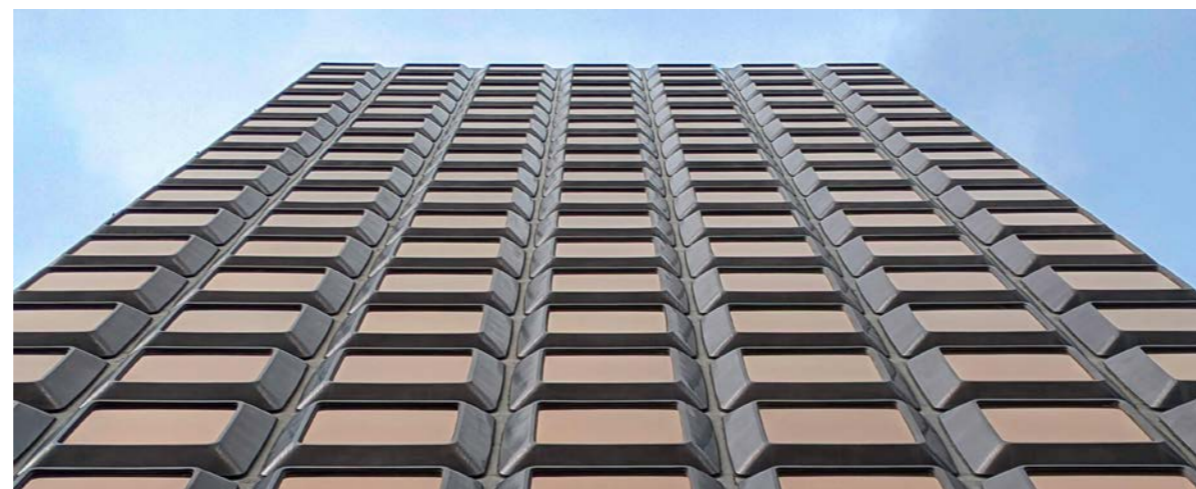
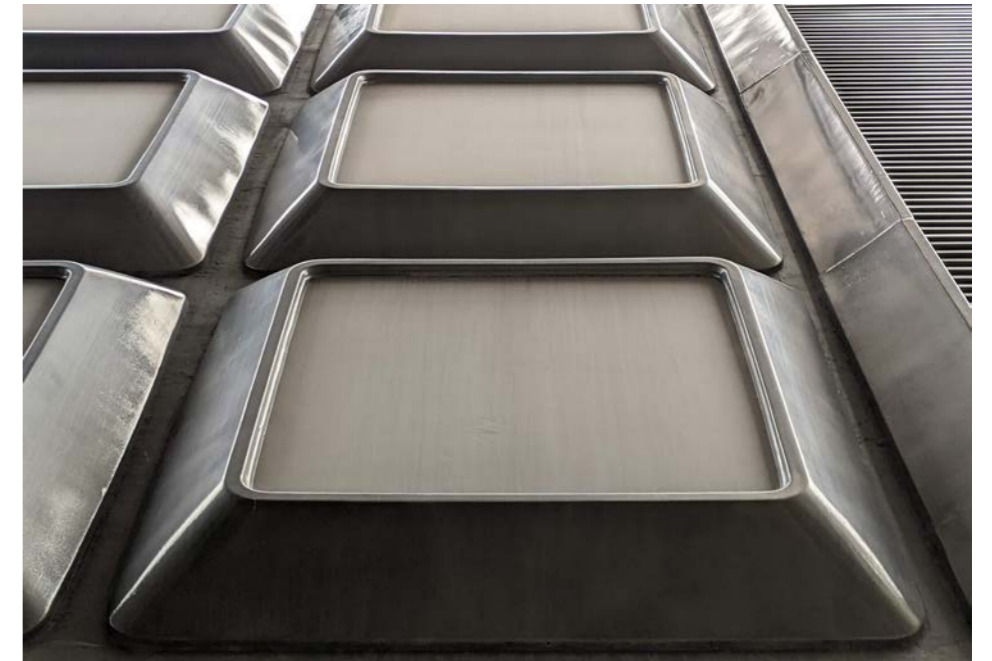
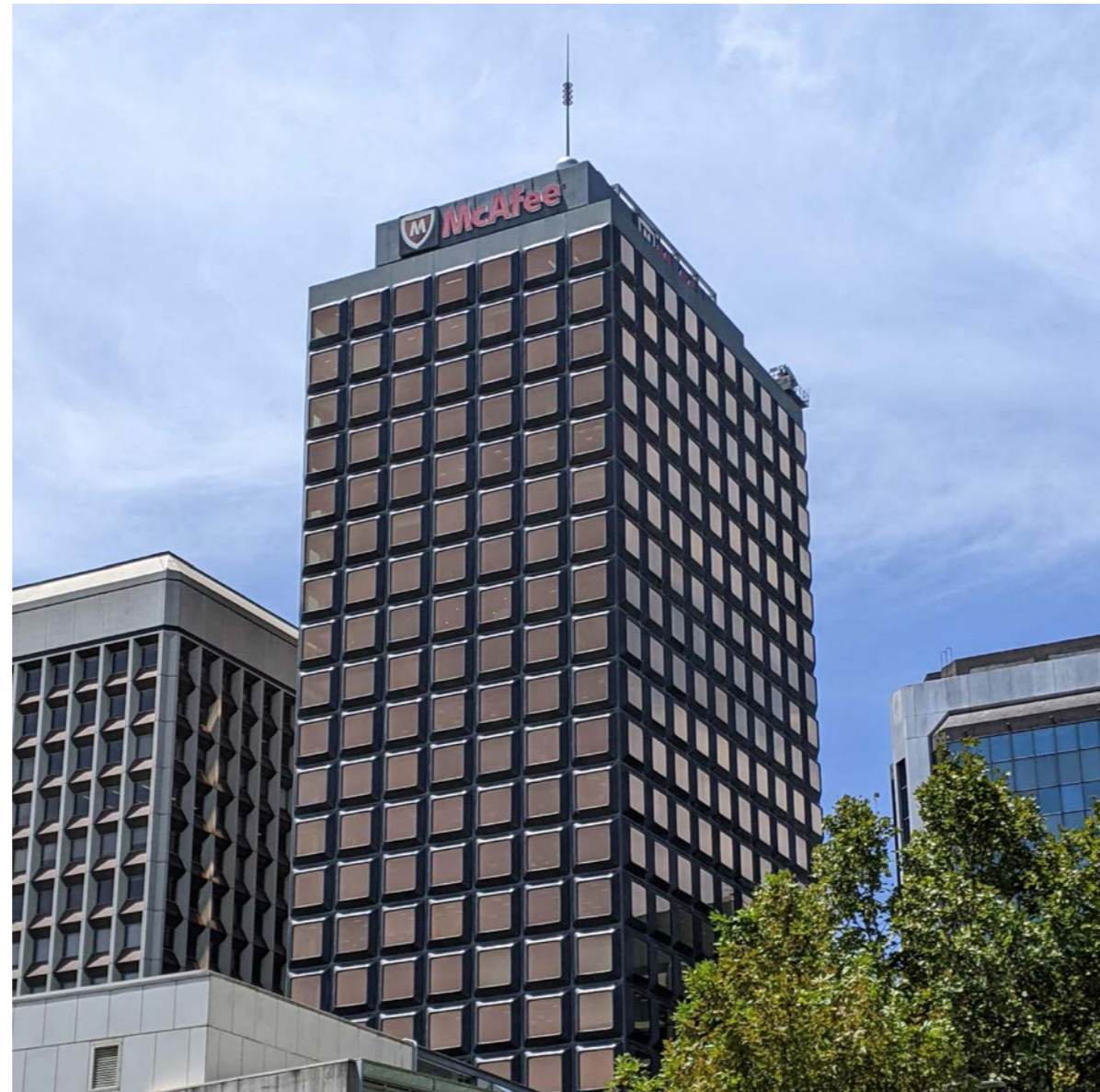
West of the site across Miller Street is Monte Sant Angelo College.



PROJECT BACKGROUND

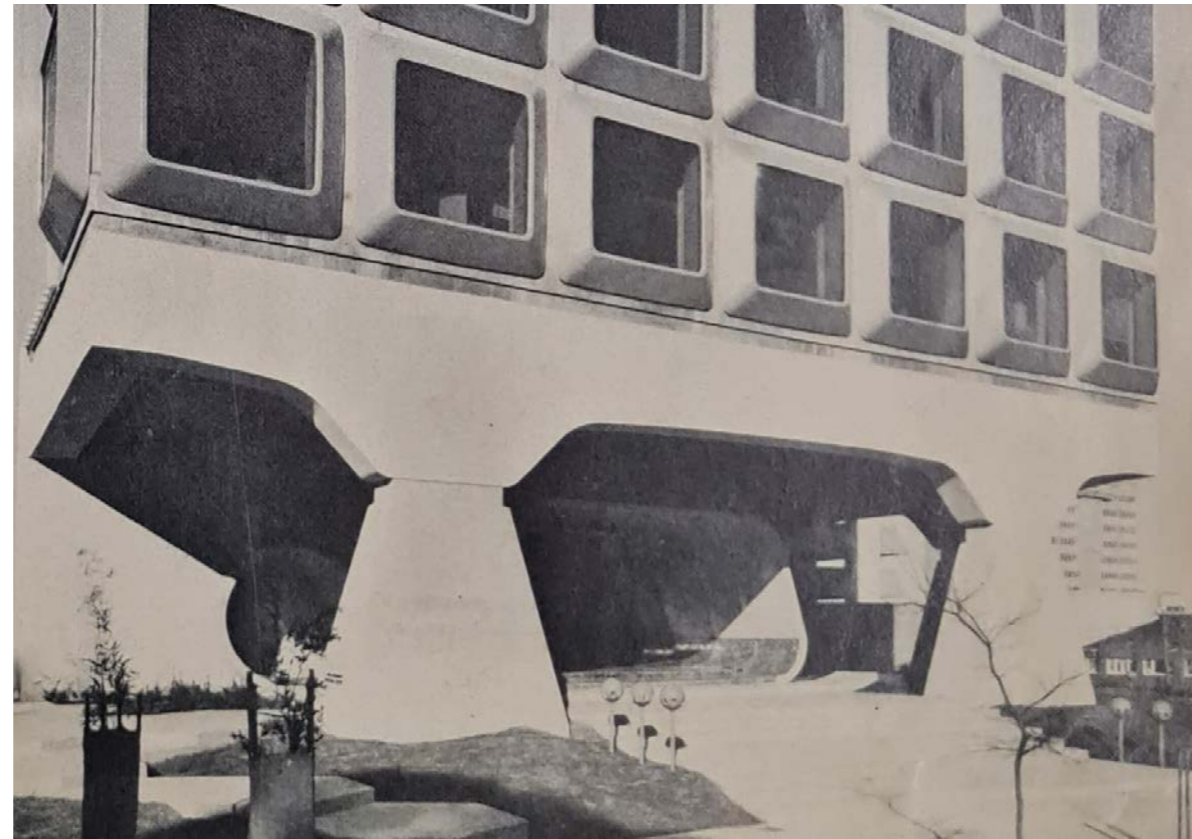
The applicant is undertaking a major refurbishment of the facade on 201 Miller St. The building is 50 years old with construction completed circa 1972.

The façade is a unique system developed specifically for this building. It consists of a series of fibre glass 'shrouds' or covers which protrude from the building exoskeleton. The covers are square and span from floor to floor, bolted back to the reinforced concrete exoskeleton with galvanized steel brackets. They are an architectural element and are sealed back to the concrete façade using a neoprene rubber gasket system.



ORIGINAL BUILDING DESIGN

The original building design was a twenty-three storey, precast concrete office set on a single storey plinth. It was notable for its orange plastic-finished storey high window frames, devised as a complete facade grid.



From top left, clockwise:

1. Miller St Original Entrance

Source: Building Materials & Equipment (1972), 15 (1).

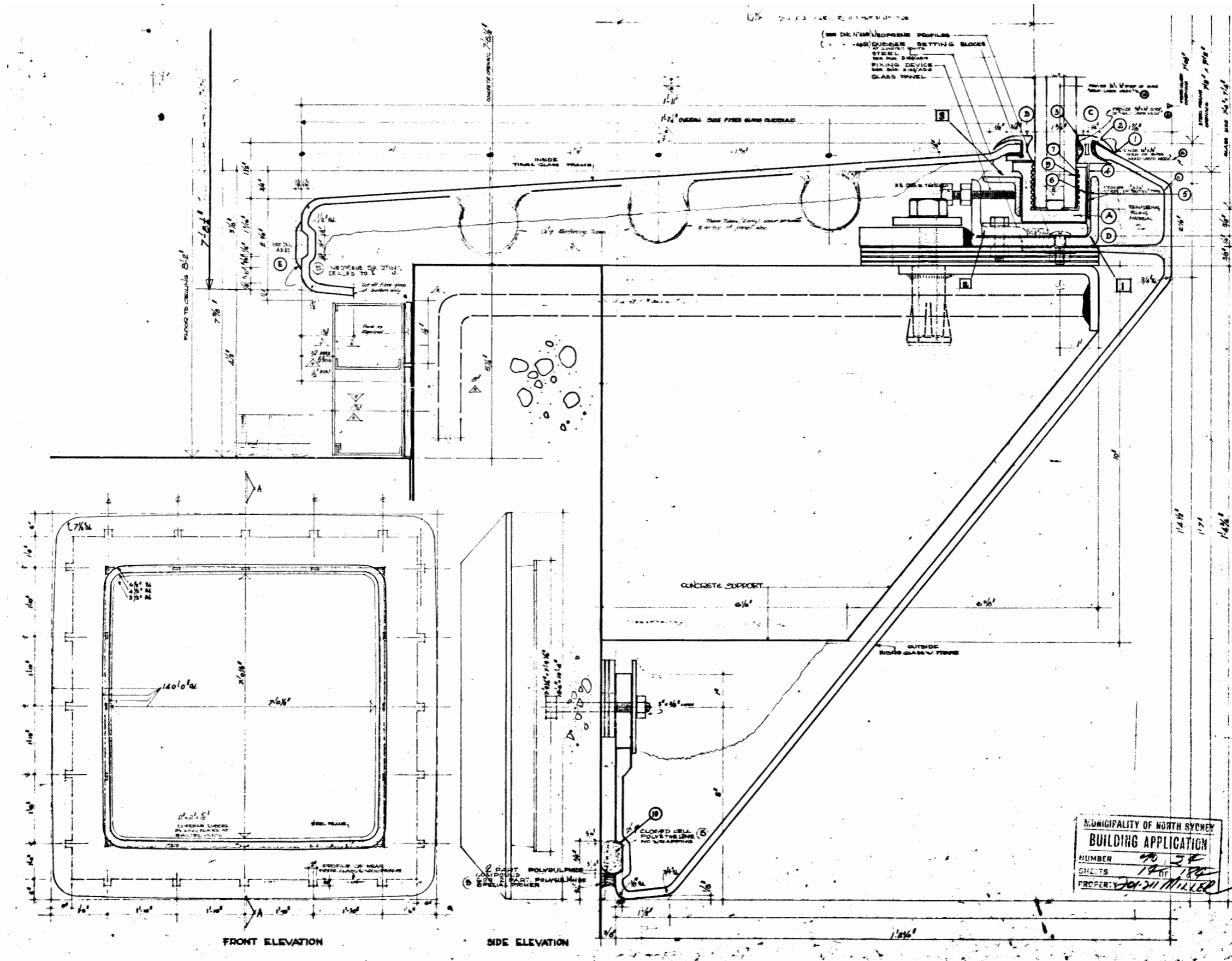
2. Original completion of 201 Miller Street (1972).

Source: Stanton Heritage Centre, Local History Collection (n.d.).

3. Photo of the building base structural girders & enclosed lobby.

Source: Local History Collection (Construction, 29/06/1972, pg.3)

ORIGINAL BUILDING DESIGN



CURRENT BUILDING CONDITION

The building has undergone a number of renovations in its lifetime. This has resulted in a series of changes to the facade as follows:

1989 -1990

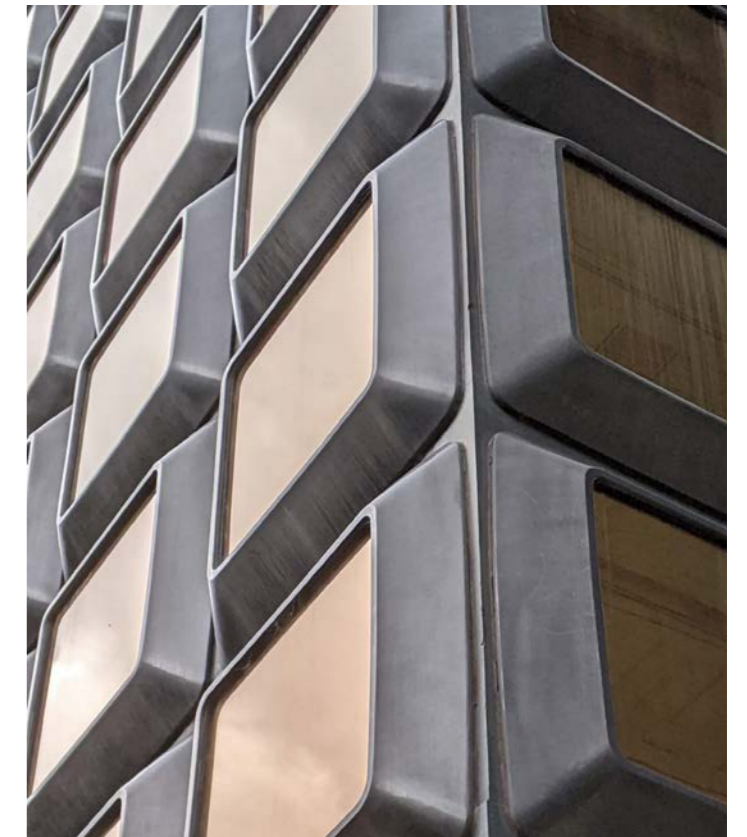
- New lobby design & awning
- Addition of adjacent pavilion
- New roof plant & antenna
- Revised north elevation to accommodate updated mechanical system
- Original facade materials painted over

Early 2000's

- Entire facade repainted to current condition (grey / green)
- Glazing panels replaced on ongoing basis

The facade is exhibiting varying degrees of deterioration. A number of facade condition audits have been undertaken which identified the following concerns:

- The fibreglass shrouds are deemed to be combustible
- Water ingress has led to corrosion of the steel window frames
- Stress fractures are occurring in a number of window panels



PROPOSED SHROUD DESIGN

To address the underlining issues, major components of the facade need to be replaced. After exploring a number of different strategies with council, replicating the existing shroud shape in a non-combustible material was deemed the most suitable. A white colour finish has been selected for the shrouds as a contemporary response in keeping with the building's surroundings that also celebrates the building's heritage and aesthetic. Detailed proposal as follows:

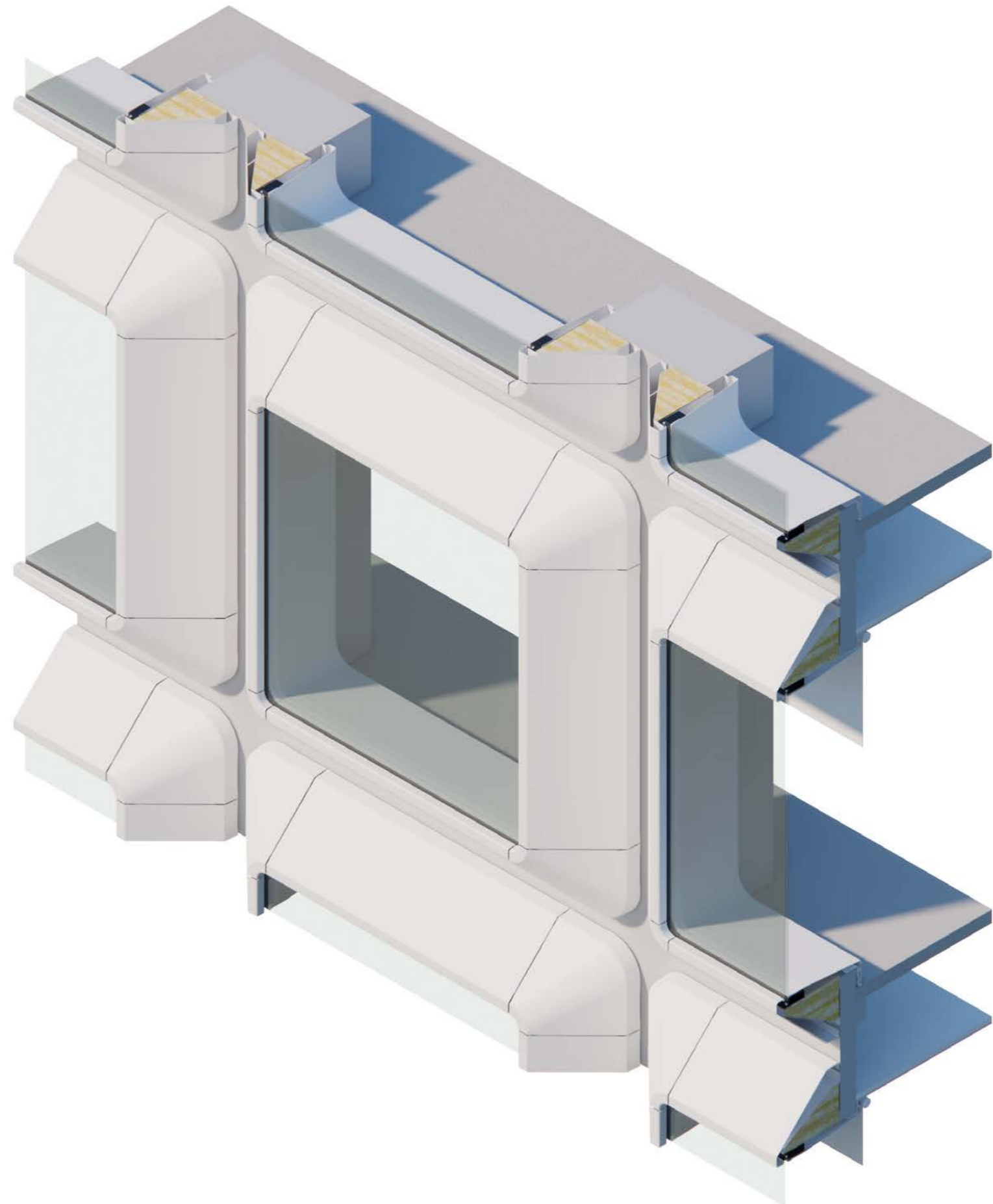
ARCHITECTURE

- Replace the external fibreglass shrouds with a solid aluminium rainscreen
- Weatherproof the facade with new concealed water proofing flashings and membranes under the rainscreen shroud
- Install new sub-frames to support aluminium components
- Install new glazing units throughout to improve water proofing, energy efficiency, thermal comfort & clarity

- Shroud finish: A white powdercoated finish is proposed as a contemporary interpretation of the original facade
- Concrete Exo-skeleton: Concrete coloured paint finish in keeping with original design
- Glazing: High performance insulated glass units with low-e coating; powdercoated aluminium framing

FACADE ENGINEERING

- Solid aluminium cladding is the best selection for non-combustibility, durability, strength, availability, weight and compatibility with aluminium sub-framing and glazing framing
- Modern modular fabrication, transport and installation methods of aluminium cladding favour jointed design where modular panels are designed to optimise the minimum number of fabrication and installation process variations for consistency and quality
- Joints will be designed to be minimised using folded joints assembled on-site after fabrication.
- Powder coating is in essence a thin layer of polymer resin used to create a hard finish which can resemble the appearance and finish of the original cladding



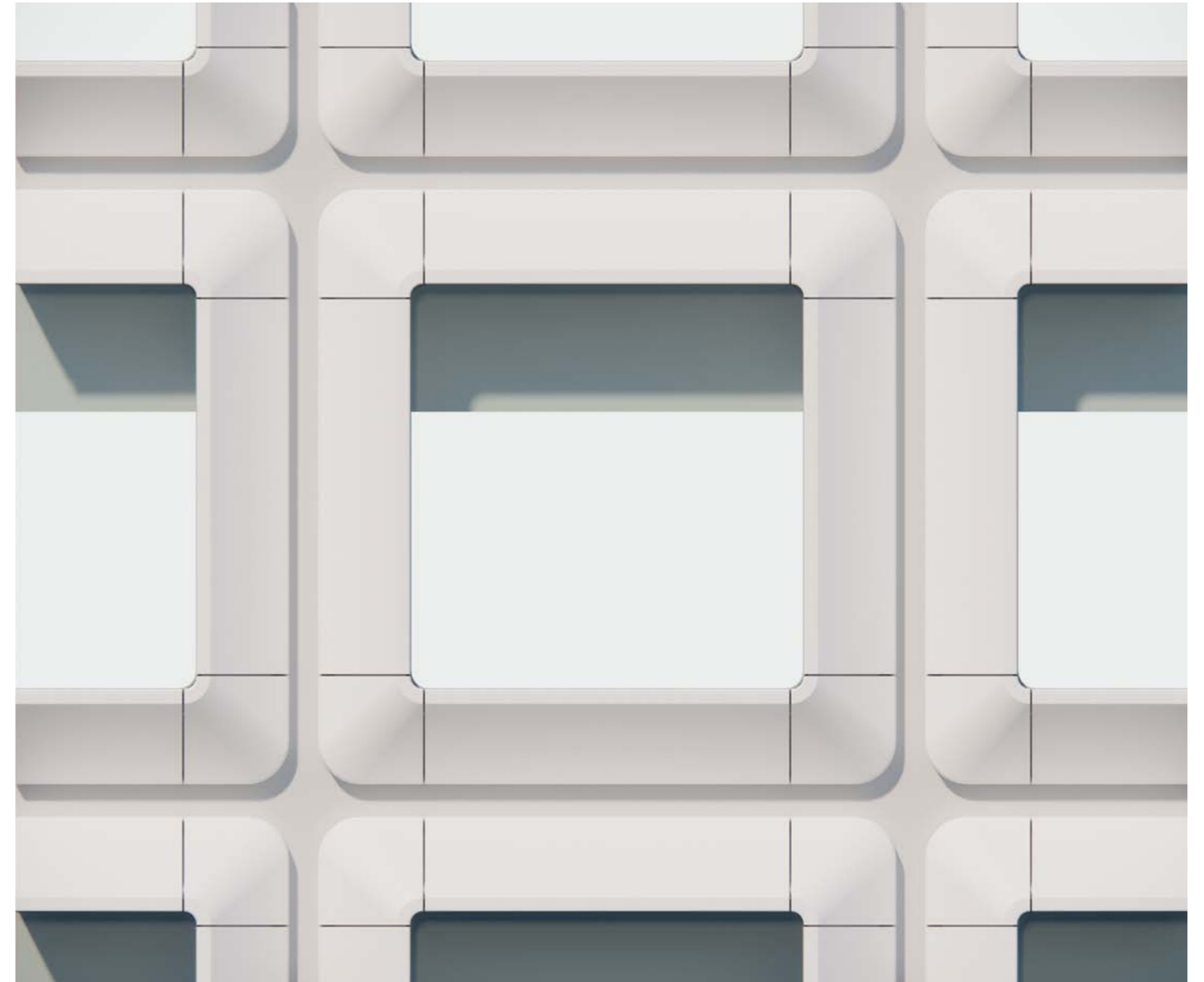
TYPICAL ELEVATION

current



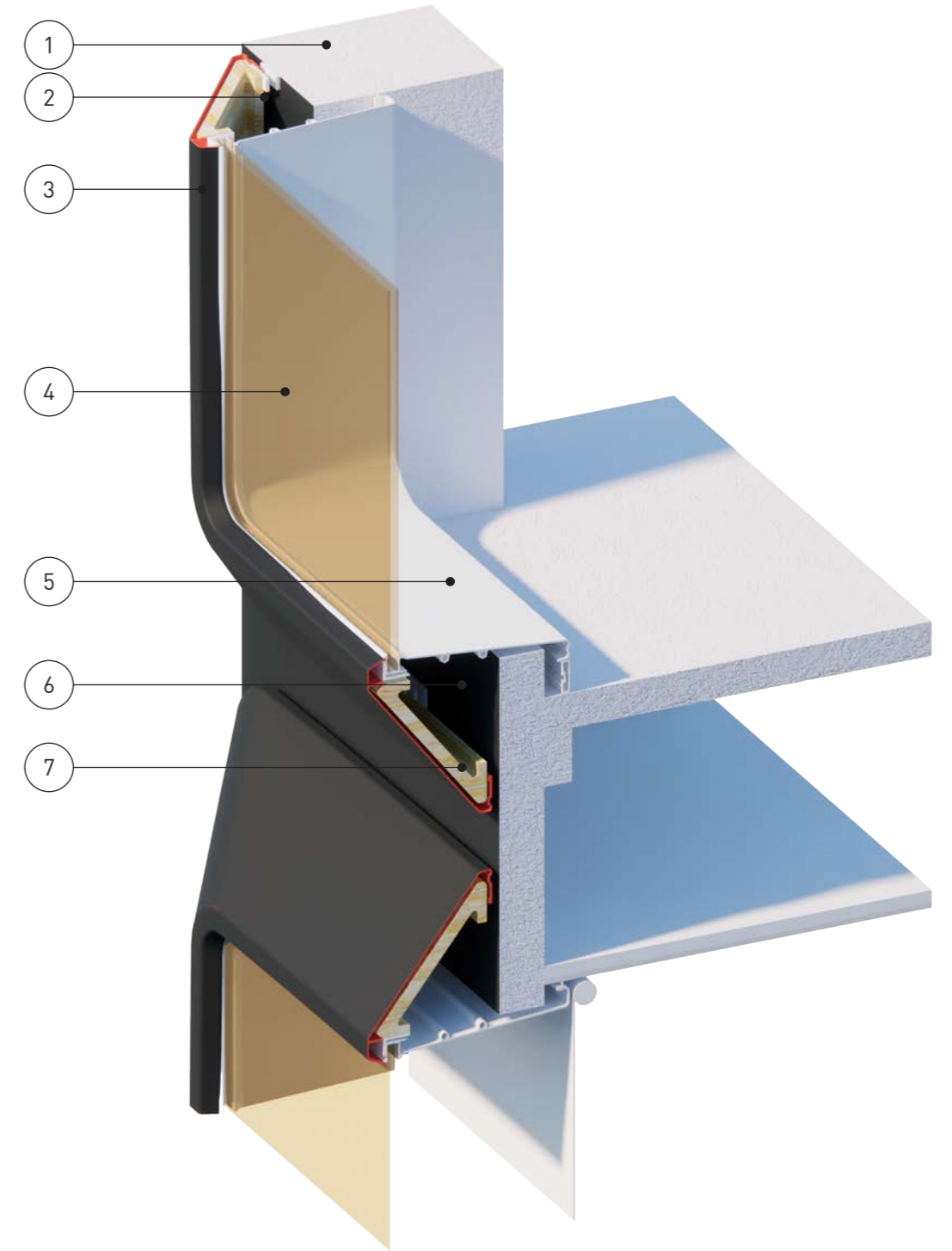
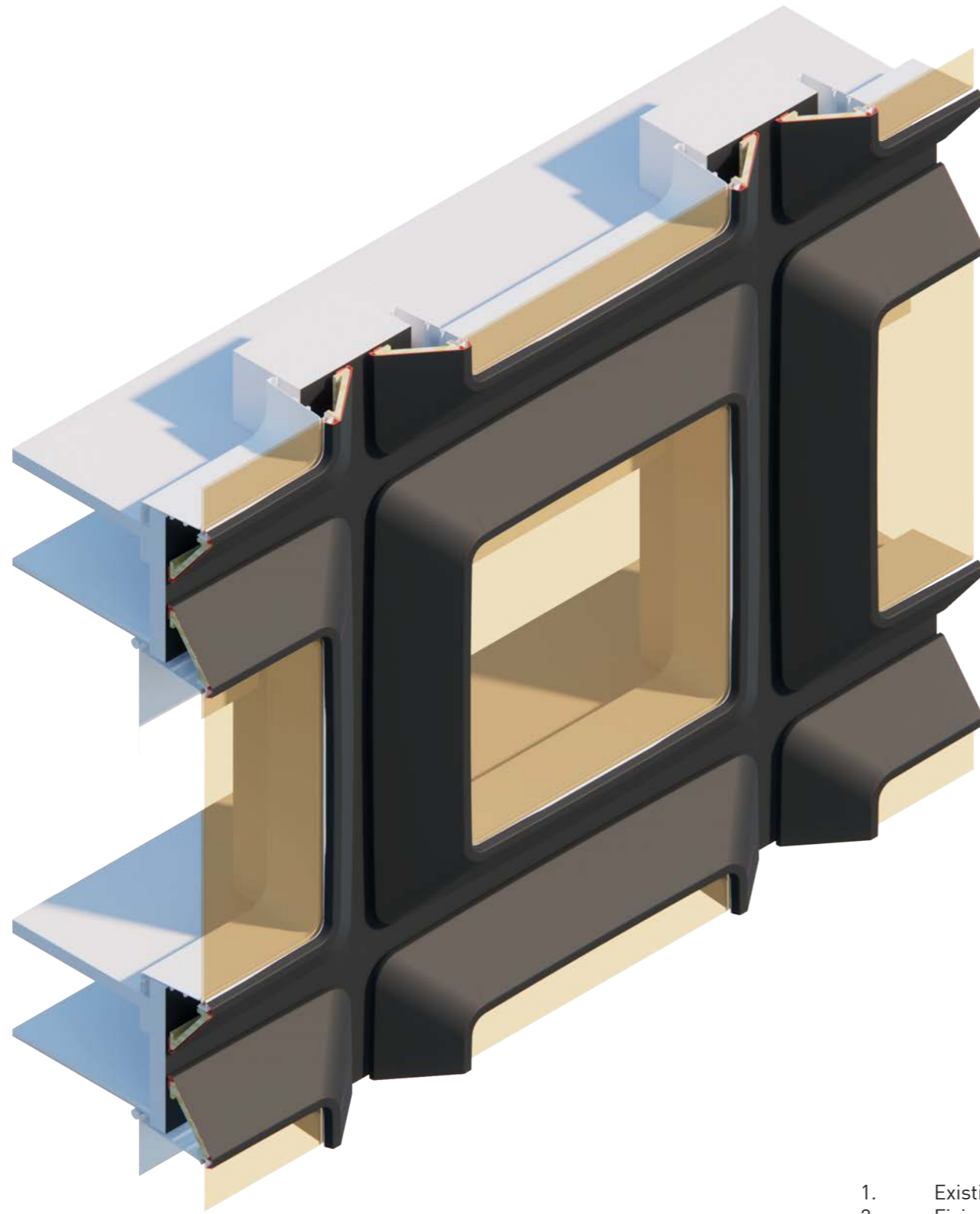
- painted fibreglass shroud (grey / green)
- painted concrete exoskeleton (grey / green)
- metal coated glazed panels (gold / bronze)

proposed



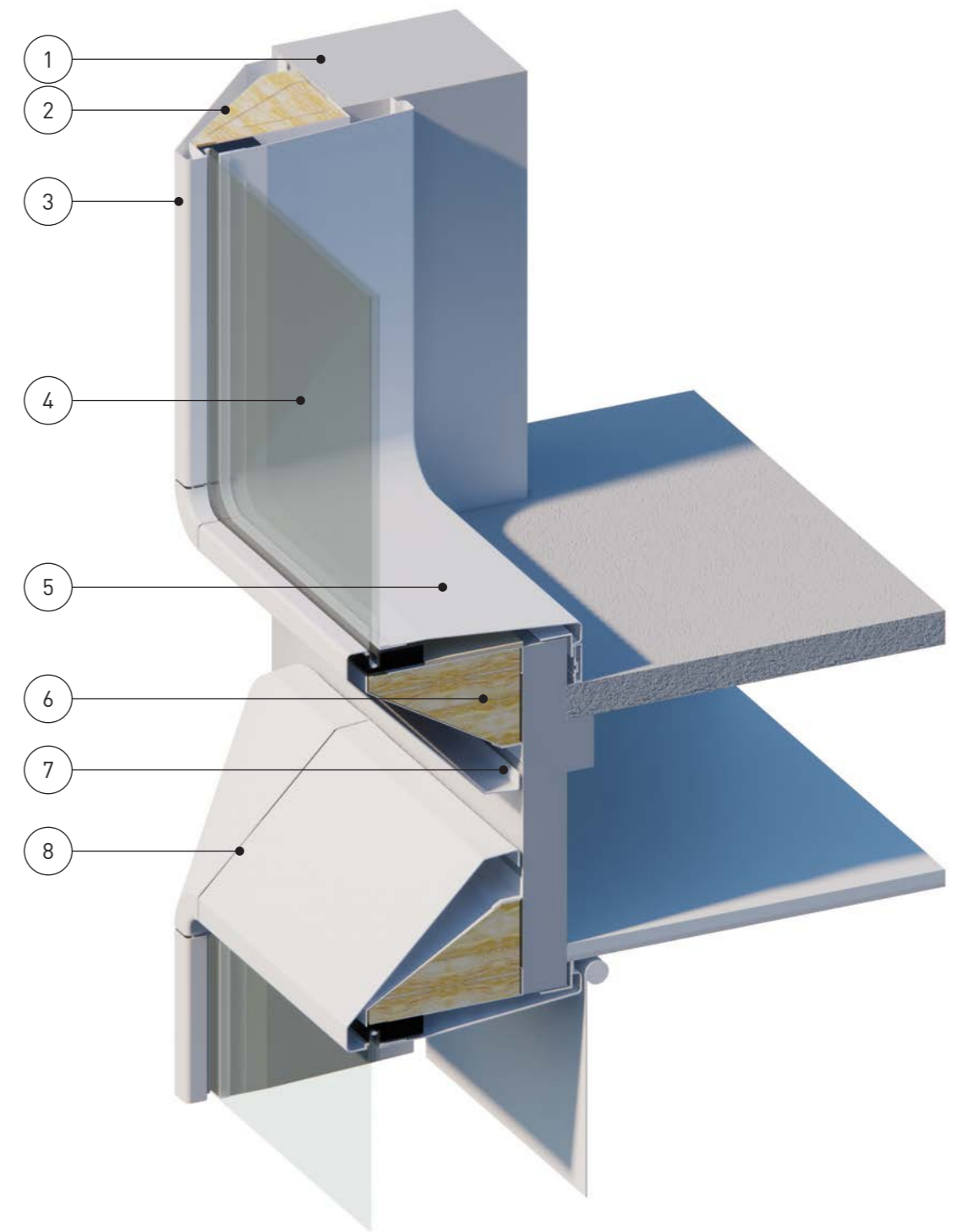
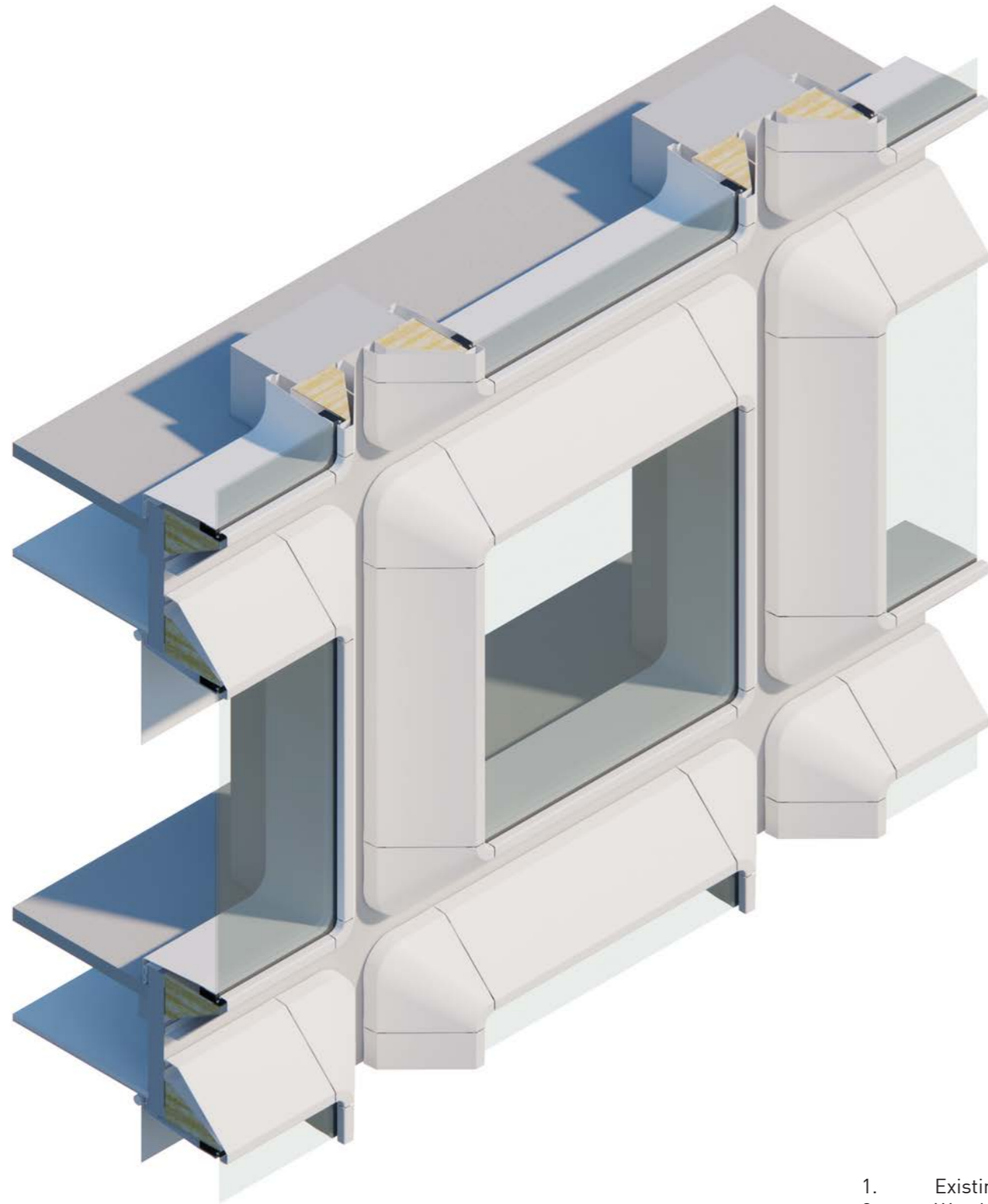
- powdercoated aluminium shroud (white)
- concrete coloured painted concrete exoskeleton (light grey)
- insulated glazed units with low-e coating (light grey)

TYPICAL FACADE DETAIL (CURRENT)



1. Existing structure
2. Fixing clamps
3. Fibreglass shroud
4. Existing DGU
5. Internal trim
6. Existing concrete corbel
7. Existing insulation

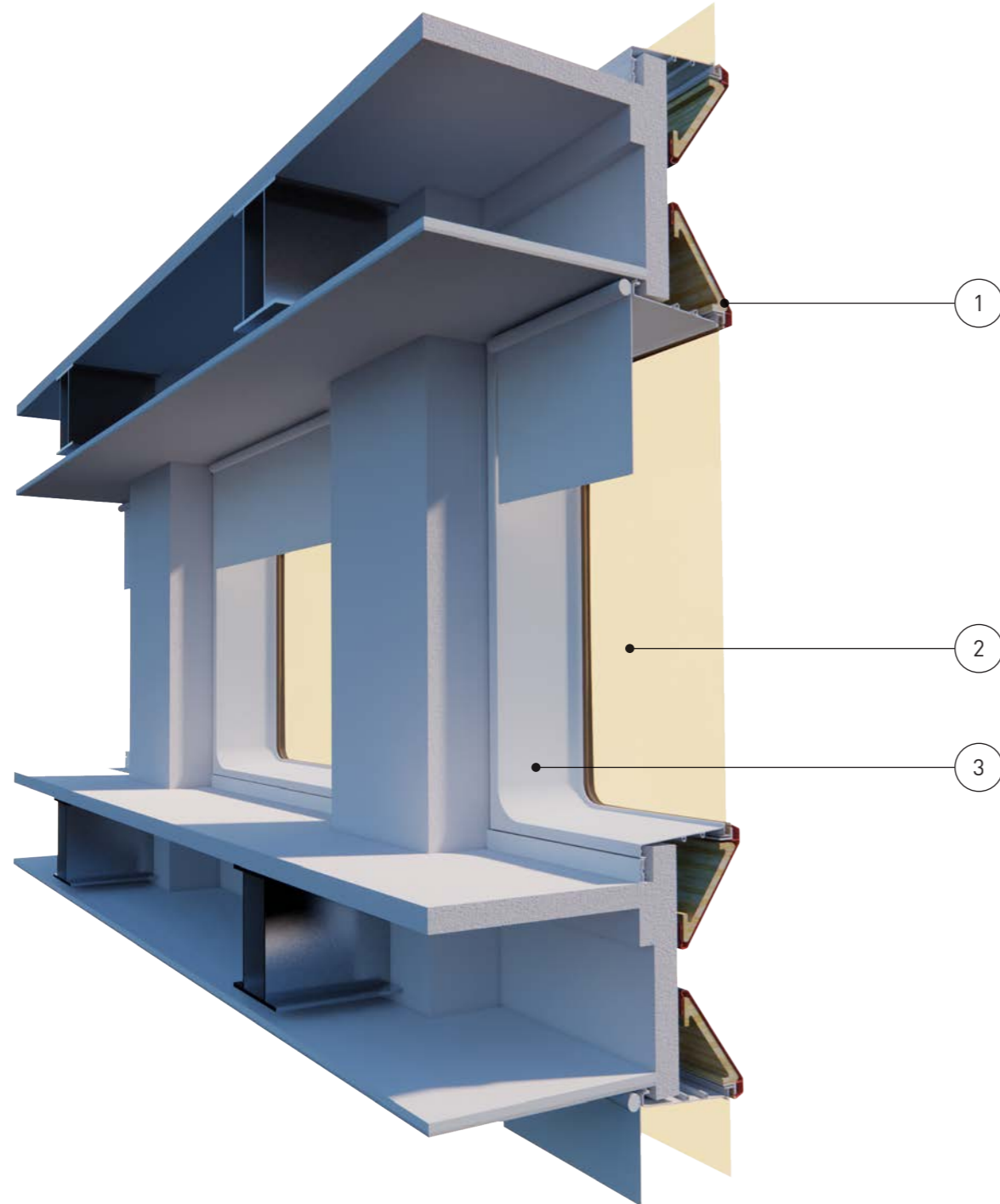
TYPICAL FACADE DETAIL (PROPOSED)



1. Existing structure - concrete coloured paint
2. Weatherproofing - galvinised flashing
3. Aluminium shroud - powdercoat finish (white)
4. IGU - (Section J compliant)
5. Internal trim
6. Thermal insulation as required
7. Existing concrete corbel
8. Hairline joints (10mm max) as required

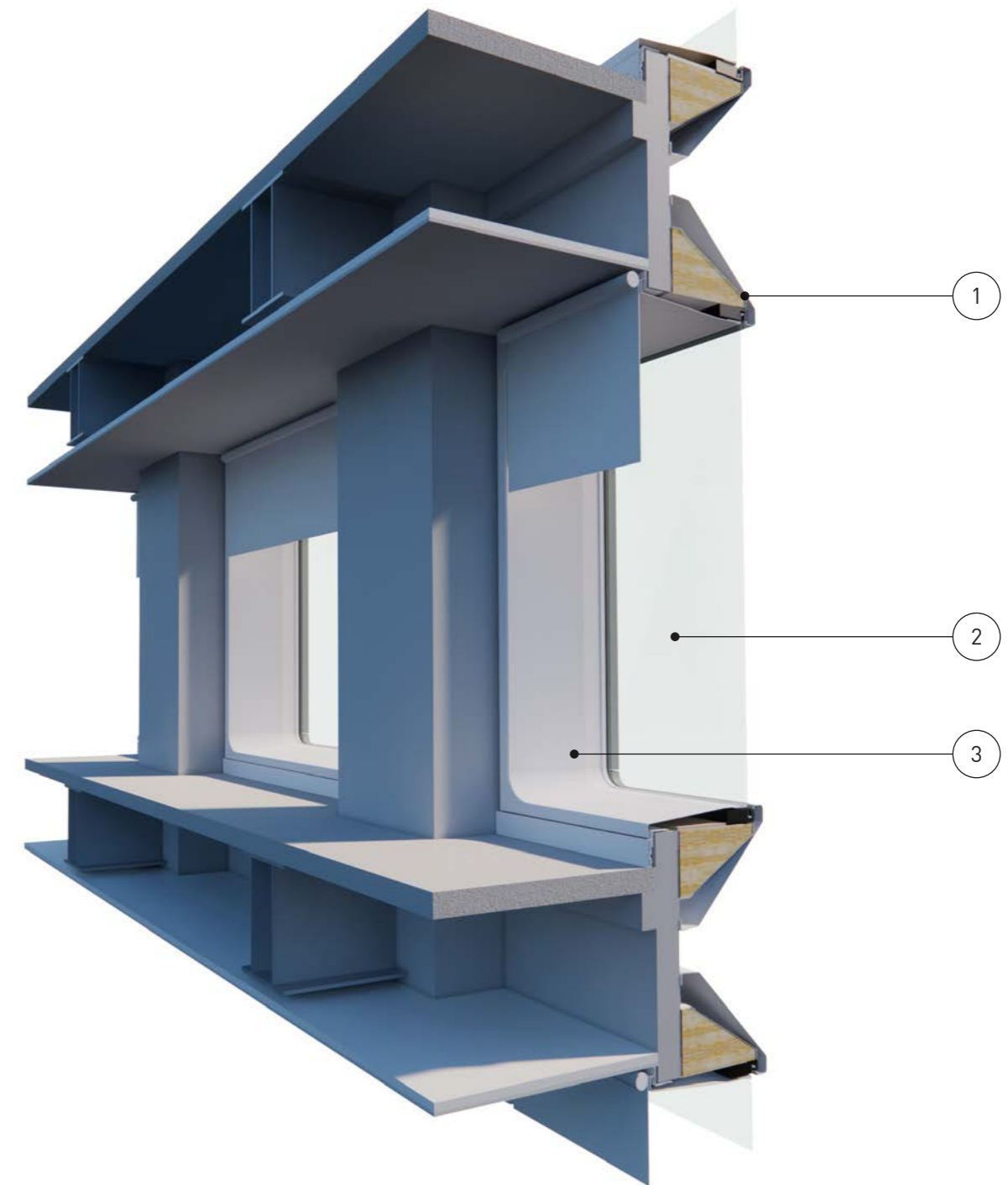
TYPICAL SECTION DETAIL

current



1. Existing shroud depth: 385mm
2. Existing Glazing Unit: Gold / Bronze Metal Coating
3. Existing Internal Trim

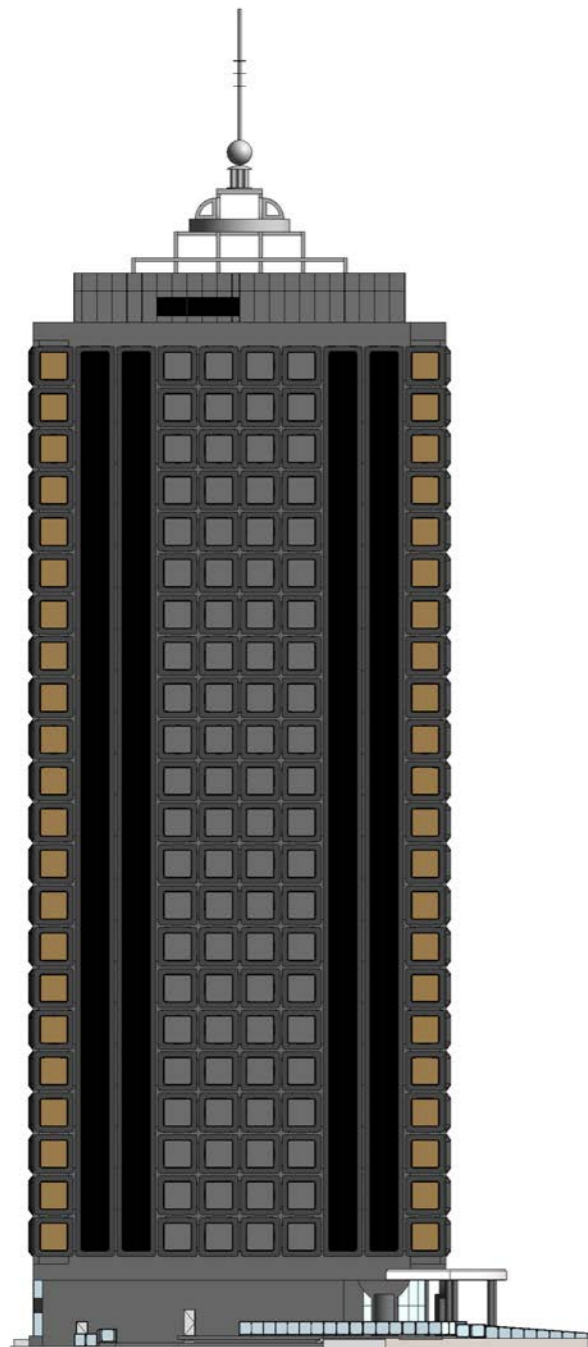
proposed



1. Proposed shroud depth: 535mm (increase of 150mm)
2. Proposed Glazing: Insulated glazing unit with low-e coating
3. Refined Internal Trim

NORTH ELEVATION - CURRENT CONDITION

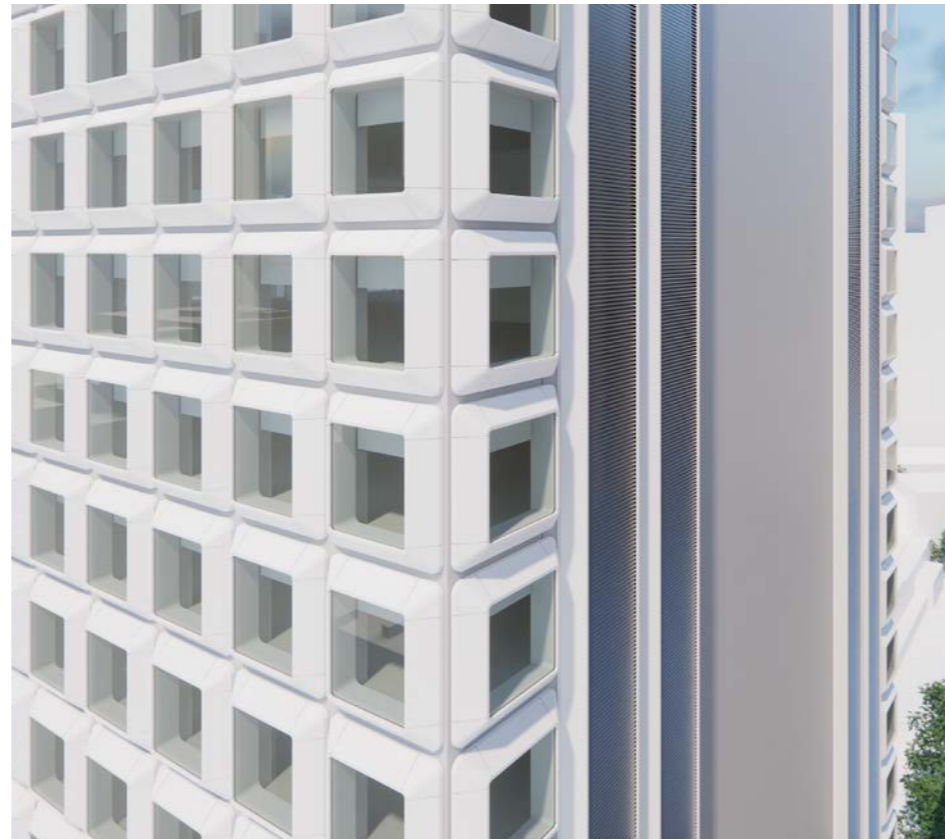
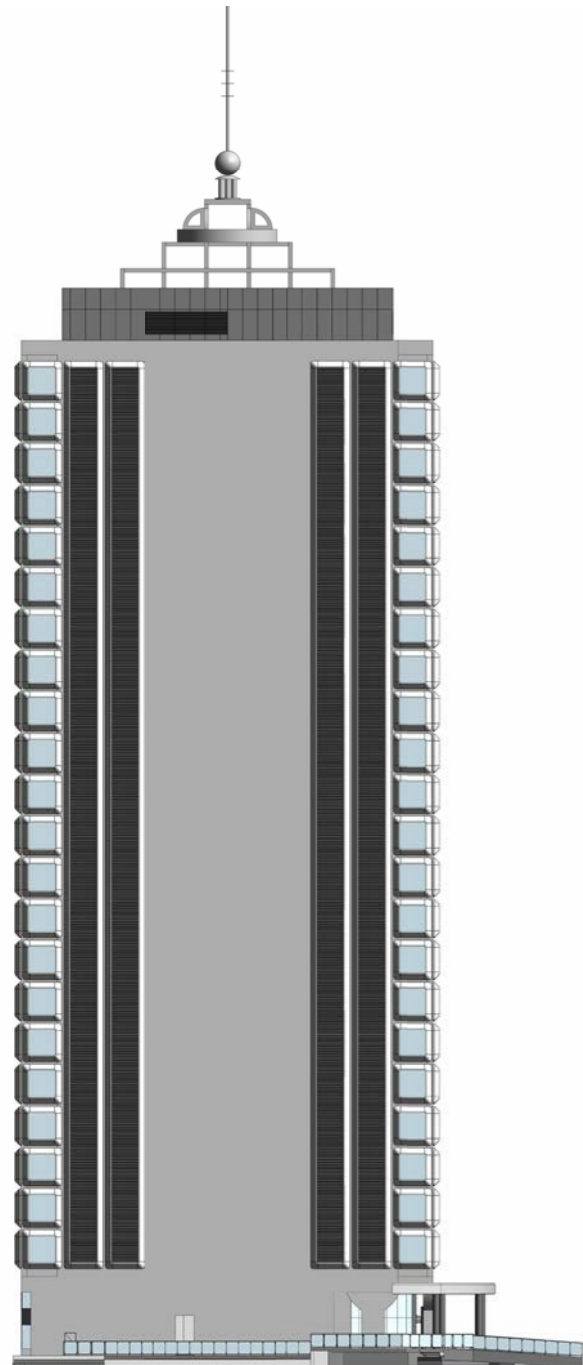
The northern elevation underwent a significant alteration as part of the renovation works in the late 1980's. 'Dummy' fibreglass panels were added to the central portion in addition to large format louvres required as part of the upgraded mechanical system.



PROPOSED DESIGN

The existing glazed and louvre shroud units are to be replaced with the new shroud design. We propose removing the non-original 'dummy' fibre glass panels to reveal the existing concrete wall / exoskeleton beneath. This will be painted a light grey to offset the new white shroud rainscreens.

Revealing the exoskeleton improves the overall slender ratio of the building and is in keeping with the original design.



SAMPLES



1. 3D model of proposed shroud
2. Insulated Glazing Unit
3. Cementitious paint finish (concrete exo-skeleton)
4. Powdercoat finish (shrouds)

FACADE RENDER - GROUND ENTRY



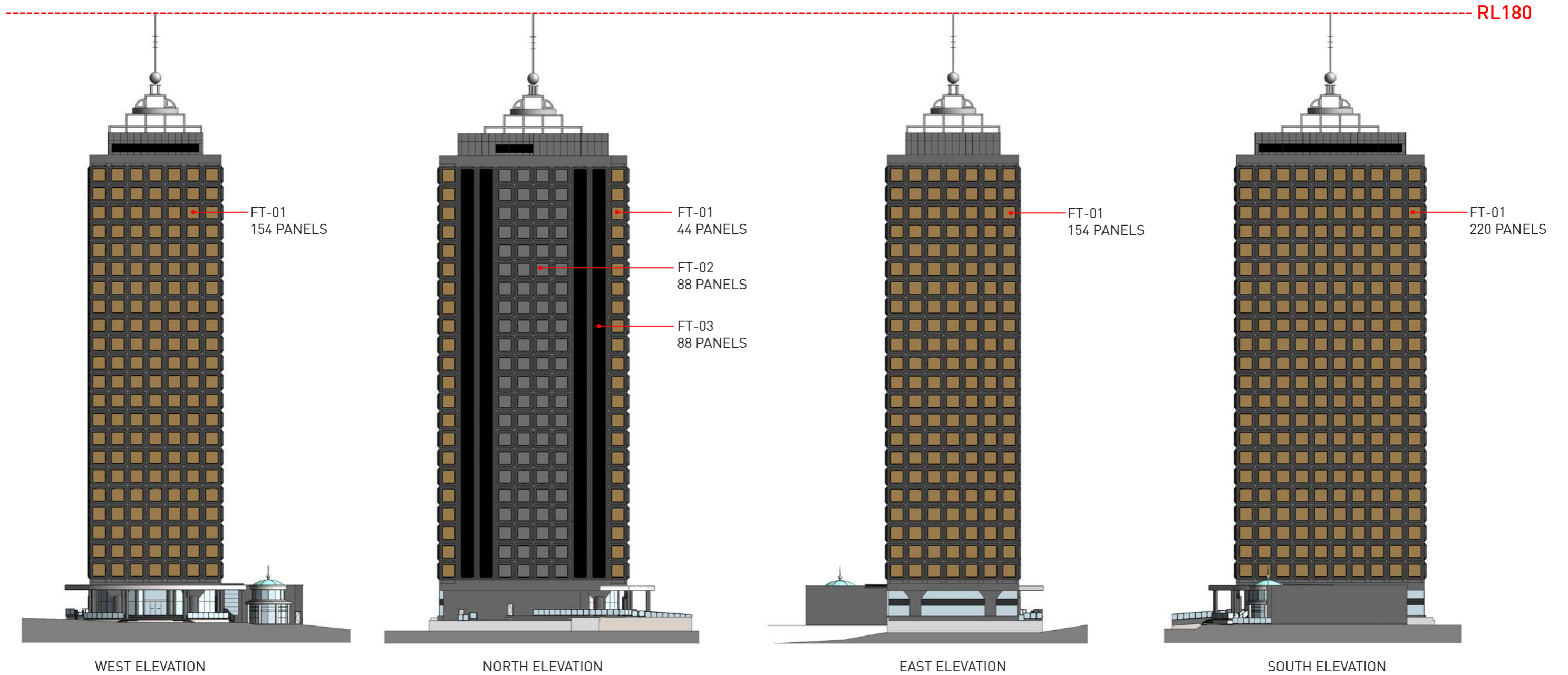
FACADE RENDER - SOUTH WEST



FACADE RENDER - NORTH WEST



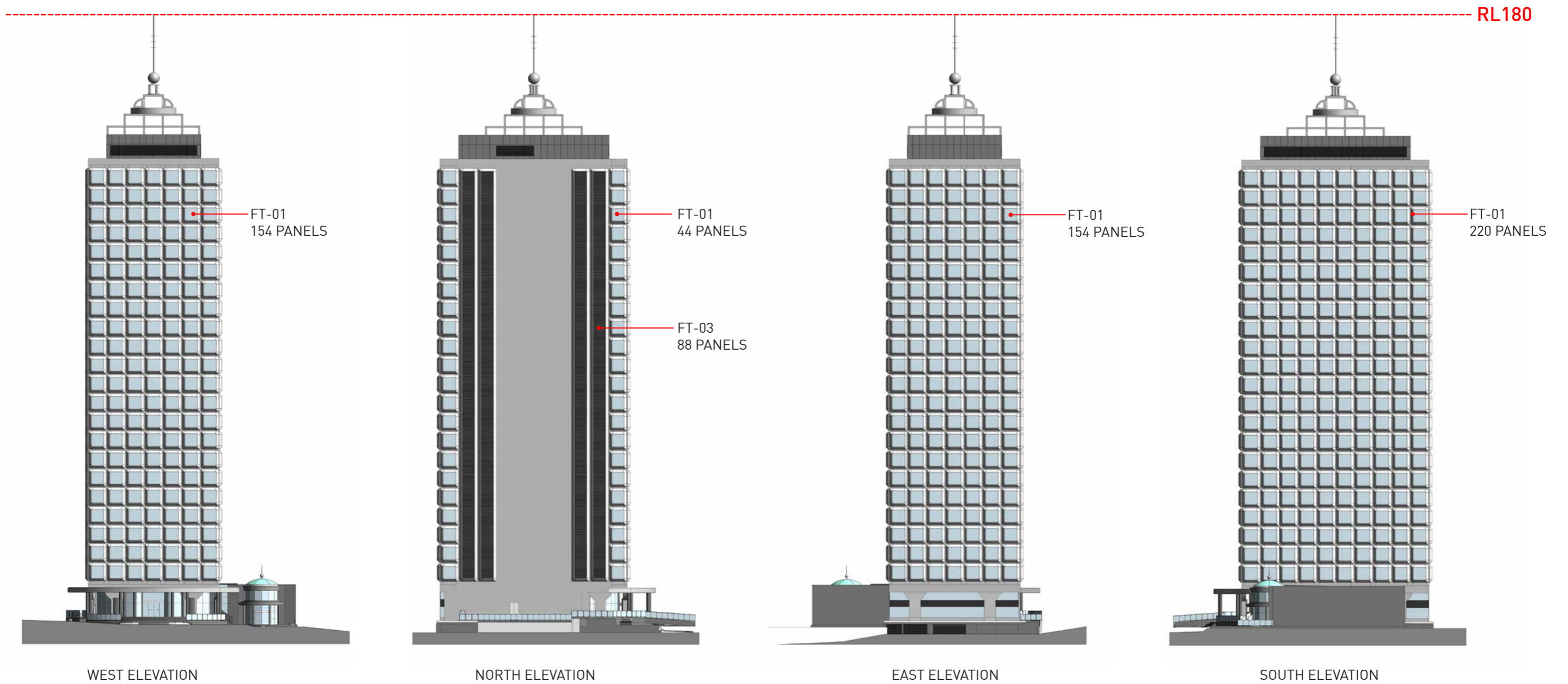
BUILDING STAGE: CURRENT



FACADE PANEL TYPES

FT-01: TINTED GLASS PANELS	-	572 PANELS
FT-02: SOLID PANELS	-	88 PANELS
FT-03: LOUVRE PANELS	-	88 PANELS
TOTAL	-	748 PANELS

BUILDING STAGE 1: REPLACE FACADE



FACADE PANEL TYPES

FT-01: CLEAR GLASS PANELS	-	572 PANELS
FT-03: LOUVRE PANELS	-	88 PANELS
TOTAL	-	660 PANELS

sissons.

p: 02 9460 8002 abn: 31 621 375 129

Suite 5.01, 53 Berry Street, North Sydney, NSW 2060 Australia.

nominated architect: Nick Sissons NSW ARB 7210

sissons.com.au

10 November 2022

221351
Revision 1

Blackett Maguire + Goldsmith
Suite 2.01, 22-36 Mountain Street
Ultimo NSW 2007

Attention: Tony Heaslip

201 Miller Street Façade Replacement
Façade Replacement Design Statement - Reflectivity

Dear Tony,

Referring to 201 Miller Street façade performance specifications (rev 01 date 9 November 2022) clause 3.4.4, the maximum reflectivity for the selected cladding material is specified to be less than 20%.

This is in relation to the following visible material externally:

- Glass,
- Powder coated extruded aluminium frame,
- Powder coated solid aluminium external shroud,
- Sealants.

The reflectivity referred to is external normal specular reflectivity.

We also note that the proposed glass reflectivity is 16% which is an improvement from the existing glass reflectivity of a 20% as per attached data sheets

Should you require anything further please contact the undersigned.

Yours faithfully,
TTW (NSW) PTY LTD



RAMI KHALIL
Technical Director

Attachments: 2 Pages
Page 1: Propose glass data sheet
Page 2: Existing glass data sheet as provided by the project design team

P:\2022\2213\221351\Letters\Façade\Reflectivity\221351 Façade replacement - Façade Design Statement - Reflectivity Rev1.docx



Product Performance Data

Suite 3.01, 32 Delhi Road North Ryde NSW 2113

www.asginternational.com.au

T: + 61 2 9635 4368

Date: 10/11/2022

Project: 201 Miller St

No.	Description of Product(s)	Visible Light(%)			Solar Energy(%)		U-Value(w/m2.°C)		Shading Coefficient	SHGC
		Transmission	Reflectance		Transmission	Reflectance	Winter Night	Summer Daylight		
			Outdoor	Indoor		Out				
	6mm Super SHade 52S-1 on Clear + 12mm Argon + 6mm Clear	48	16	12	20	42	1.34	1.23	0.27	0.23

Remarks:

1. The data is based on calculation by Window 6.3 under NFRC standard conditions.
2. The actual performance data of products may slightly differ from the data listed.
3. Ceramic Frit calculation is based off modelled estimations and should only be considered as a reference.



GLASS PERFORMANCE 201 MILLER STREET NORTH SYDNEY

DATE: MARCH 25, 2022

TO Sven Vahldieck
Engineering Manager
Property & Asset Management NSW
JLL
Level 25, 420 George Street
Sydney NSW
M +61 457 514 211
sven.vahldieck@ap.jll.com

Dear Sven,

Thank you for giving Glaziers.com the opportunity to provide you with this quotation. Please do not hesitate to contact the office if you have any questions, or if you are ready to proceed.

GLASS PERFORMANCE

Performance (approx.):

<u>Light:</u>	light transmittance	τ_v :	40 %
	reflectance out	ρ_v :	20 %
	reflectance in	ρ'_v :	36 %
	general colour rendering index	R_a :	89
<u>Energy:</u>	total solar transmittance	g :	28 %
	Absorption:	T_a :	36 %
	heat flow coefficient	U_g :	1.4 W/(m ² K)

8 November 2022

221351

Blackett Maguire + Goldsmith
Suite 2.01, 22-36 Mountain Street
Ultimo NSW 2007

Attention: Tony Heaslip

201 Miller Street Façade Replacement
Facade Replacement Design Statement - Weather Proofing

Dear Tony,

The façade performance specifications for 201 Miller Street façade replacement (rev 01 dated 9 November 2022) includes the façade design details by the façade ECI contractor, TTW have reviewed and commented on Those details as noted in Appendix A of the specifications.

TTW will be preparing the façade performance solution for compliance with FP1.4 NCC 2019 Building Code of Australia - Volume One Amendment 1 for weather proofing in external walls, for the façade replacement works.

Should you require anything further please contact the undersigned.

Yours faithfully,
TTW (NSW) PTY LTD



RAMI KHALIL
Technical Director

P:\2022\2213\221351\Letters\Facade\221351 Facade replacement - Facade Design Statement - Weather Proofing.docx

8 November 2022

221351

Blackett Maguire + Goldsmith
Suite 2.01, 22-36 Mountain Street
Ultimo NSW 2007

Attention: Tony Heaslip

201 Miller Street Façade Replacement
Facade Replacement Design Statement - Non-Combustibility

Dear Tony,

Referring to Clause C1.9 of the NCC 2019 Building Code of Australia - Volume One Amendment 1, and the façade performance specifications rev 01 dated 9 November 2022, for 201 Miller Street façade replacement, the material specified for façade the façade replacement is in compliance with the NCC where a non-combustible material is required.

This is in relation to the following material:

- Glass,
- Powder coated extruded aluminium frames,
- Powder coated solid aluminium external shroud,
- Sealants and water proofing including sheet metal,
- Insulation,
- Fixings and brackets.

Should you require anything further please contact the undersigned.

Yours faithfully,
TTW (NSW) PTY LTD



RAMI KHALIL
Technical Director

P:\2022\2213\221351\Letters\Façade\221351 Façade replacement - Façade Design Statement - Non-Combustibility.docx



DESIGN EXCELLENCE PANEL

DA No:	145/23
PAN:	PAN-330131
ADDRESS:	201 Miller Street, North Sydney
LOT/DP:	Lot 1 in DP 706146
PROPOSAL:	Replacement of existing window shrouds and repairs and maintenance of the façade of a 23-storey commercial building and heritage-listed item
DEP DATE:	8 August 2023

ATTENDANCE

<i>Chair</i>	Professor Peter Webber (PW)
<i>Panel Members</i>	Peter St Clair (PSC), Dave Tordoff (DT)
<i>Council staff</i>	Miguel Rivera, A/Team Leader (Assessments) David Hoy, Team Leader (Assessments) Rachel Wu, Graduate Planner Michael Hornery, Executive Planner
<i>Applicant</i>	Abigail Cohen, Naomi Daley and Sebastien Aguilar from Urbis – Applicant Nick Sissons and Frank Chin from Sissons Architects – Architects

PANEL COMMENTS**Design and Presentation**

The Applicant introduced the proposal and mentioned that the proposed replacement of the window shrouds and changes to the façade were necessitated due to issues associated with water ingress, galvanic corrosion, building condition and compliance with the Building Code of Australia.

The use of aluminium shrouds was chosen to provide a more contemporary response that incorporates a durable, lightweight and malleable material that can be hydroformed. The existing bronze-tinted glass with mirror finish will be replaced with a neutral, transparent, grey-tinted glazing. The Applicant provided the following reasons for using a white finish on the new shrouds:

- It explains the geometry of the shrouds.
- Effectively Interplays light exposure.
- Provides an acceptable level of reflectivity and heat loads.
- Better matched for the proposed high-performance clear glazing.
- Reflects a Modernism-style similar to the AMP Building in Sydney CBD.

In general, the DEP raises concern that the proposed changes to the façade will result in a substantially muted version of the current building that diminishes its presentation and heritage character. The white aesthetic, expressed joints and reduced angularity of the forms result in a building that will be understated and blending in with other commercial buildings within the

CBD.

The DEP advised that the signature orange colour of the original building would be preferable. The Applicant mentioned that this colour may be polarizing and may not fit with or be desirable for the current tenant market. A neutral tone would be more marketable and appropriate. The Applicant advised that no alternative colour schemes were reviewed. It was advised that the orange colouration is a key part of the original building and its character.



Western elevation and ground floor of building – addressing Miller Street



North-western and south-western views of building



Slot view of the south-eastern corner of the building from Bullivant Lane/Berry Street

The DEP supported the reinstatement of the bold orange colour; however, it may be advisable to alter the current ground floor components including the front portico and awning at pedestrian level to more closely reinstate the original design intent around the entry and facilitate a more harmonious, consistent and balanced scheme that complements the bold colouration.

The Panel suggested that the ground floor changes should run concurrent with the façade changes. A staged sequence may be required.

The DEP mentioned that the building should retain its bold presentation as it historically was one of the more iconic buildings in the North Sydney CBD (at the time it was built). A stronger and sharper interpretation of the shrouds should be provided. This may involve investigating possibilities of pushing back the glazing whilst still retaining the principal proportions of the building and subtle adaptations to shade the glass. These changes would provide greater shading and visual depth to the façade. The Applicant mentioned that alternative shrouds were looked at and that the existing building performs well in terms of amenity and heat loads, and that the current design ensures this performance is retained. The DEP suggested that further 3D visual testing of this option should be provided and further information should be submitted to demonstrate and map the heat loads of the building and to understand the urban shading. The Panel does not consider flush glazing with no architectural sun shading is suitable in 2023 in the way that it may have been considered suitable when this building was first constructed. The Panel would therefore recommend an ESD report be completed to demonstrate the heat loads and potential benefits of architectural shading (glazing setback within shrouds) particularly to the west elevation.

The DEP raised concerns with regard to the presentation, profile and colour of the façade changes including the expressed joints, which appear to provide a softer aesthetic compared to the original. The façade changes should intend on making the building design sharper, bolder. The original building was regarded as an innovative, uniquely designed landmark in



the North Sydney CBD. It should compete with new taller built forms in the CBD and stand-out – it should not be re-designed to ‘blend in’.

The Panel expressed that the number of visible joints to the shrouds are an issue. The individual shrouds should appear as singular frame with invisible joints or minimal visibility of any joints. The Applicant advised that the reason for the number of joints is ease of constructability; however this is questioned by the Panel as the Panel feels the number of joints seems excessive.

In terms of heritage interpretation and a reference to the heritage item, it is advisable that one of the old shroud panels is retained and displayed in the foyer of the building to provide heritage interpretation and aid learning around the technology of the time. This could be completed with in conjunction with an overall heritage interpretation strategy.

The DEP advised that a reflectivity study should be provided. Council notes that a reflectivity statement indicated that the new glazing would have a reduced reflectivity rating of 16% compared to the current mirrored glazing (40%).

The Panel noted that dummy panels in the northern elevations do not serve any purpose and could be removed and replaced with the existing louvre panels.

Further justification should be provided to Council to fully demonstrate that the window shrouds need to be replaced including an assessment of a proposal that involves retention and maintenance of the existing heritage fabric versus removal of the fabric.

The Panel notes that Council’s Conservation Planner is to provide guidance with respect to any impacts on the character and significance of the heritage item.

Recommendations to Achieve Design Excellence

The Panel does not support the proposed development in its current form. An amended proposal should be prepared, satisfactorily addressing all matters and issues identified in this report.

Development Services Manager’s Note

The outcome of this review by the Design Excellence Panel is not determinative and is but one of many inputs into the assessment process. Applicants are urged to have high regard to the Panel’s input and respond accordingly.