

# **Attachment B7**

**Summary of Submissions –  
MLC Centre**

Summary of submissions  
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No.	Submitter <sup>1</sup>	Submission summary	Submission response
G	MLC Centre, 19-35 Martin Place, Sydney		
G1	Urbis for landowner	<b>Support and seek reduced listing.</b> As outlined below.	Support noted and comments responded to below.
G1	Urbis for landowner	<p><u>Significance</u> The significance of the item is acknowledged, and its listing is supported in principle. To ensure that the significance of the site is not only protected, but the ongoing use of the site is ensured and that the approvals pathway is streamlined, Urbis recommend changes to the name of the item inventory. The listing and inventory must appropriately record the significant values of the site. As important, the inventory must present a clear outline of both the modifications over time, the approved modifications underway and the effect of these modifications on the significance of the place. Establishing this information is necessary to inform an item name for the heritage item which accurately reflects significance.</p>	<p><u>Significance</u> Support for the significance of the complex is noted. The MLC Centre complex is assessed as state significant as an outstanding award-winning example of Modernist architecture and urban design by prominent Australian architect Harry Seidler. It represents the first private development in central Sydney to provide a range of public amenity and cultural assets, and includes Australia's tallest building and the tallest reinforced concrete building in the world of its time. The complex is also significant as a successful direct expression of structural systems, for its open spaces and inclusion of works by prominent artists Albers, Perry and Owen. It has significant associations with the former Hotel Australia and Theatre Royal buildings once located on this site, and the prominent engineer Pier Luigi Nervi and property developer Gerardus Dusseldorp.</p> <p>City staff have considered the submitted information, the assessment in the study inventory and approved alterations in order to review the extent of listing in accordance with the Heritage Office guide for assessing significance and directions contained in the Standard Instrument (Local Environmental Plans) Order 2006. The item name has been reviewed to identify significant components and the supporting inventory updated to outline the significance of the existing complex in line with these requirements. The revised item name takes into account the approved works. The inventory acknowledges and summarises the 2015 approved works. The inventory does not detail alterations, new or proposed development, as these are not core to the item's significance. More detailed assessment, such as for a full description of modifications, can be prepared in a conservation management plan or other assessment to support a future development application or heritage floor space award. The non-statutory inventory can continue to be updated as new information becomes available, such as through completion of a conservation management plan.</p>

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<sup>1</sup> Submitters are named with permission from the submitter

No.	Submitter <sup>1</sup>	Submission summary	Submission response
G1	Urbis for landowner	<p><u>Principal architectural characteristics</u>  Urbis has consulted Harry Seidler &amp; Associates who outlined significant design principles and informed comments on the proposed item name below. The principal architectural characteristics of the site include: tower façade including materials, columns, beams and glazing units; tower lobby including granite floor, glazing, core wall, ceiling and the lobby lighting which retains key principles of the original design, the podium and plaza including upper plaza (courtyards, and quadrant), the lower plaza (including void), open space, and the Nervi structure including the King Street 'mushroom', Theatre Royal including the entrance lobby (alterations noted), auditorium and Rowe Street.</p> <p>For typical office tower floors, the building finishes and fabric are generally not original and do not contribute to the significant heritage values of the MLC Centre. Urbis inspected the interiors with the facility manager and Harry Seidler &amp; Associates and confirm there are no remnant interiors designed by Seidler that make a defining contribution to the significance of the place.</p>	<p><u>Principal architectural characteristics</u>  These characteristics have been reviewed and considered in the recommended revised item name. The summary of principal architectural characteristics, as identified in this Urbis submission, have been included in the supporting inventory, while noting further features may also be significant.</p>

No.	Submitter <sup>1</sup>	Submission summary	Submission response
G1	Urbis for landowner	<p><u>Listing extent</u> Council's proposed item name is for: "MLC Centre complex including Theatre Royal, commercial and retail buildings, significant interiors, plazas, and artworks." The item name does not sufficiently outline the hierarchy of significant elements. Based on the above outline of significant principals and fabric, the approved demolition works and intent to streamline future approvals pathways, the following item name is recommended: "MLC Centre complex including Theatre Royal and its interiors, significant elements including commercial lobby, plazas and artworks (excluding all other commercial interiors and retail fit-outs and shopfronts for non-street fronting retail premises)." The majority of the interiors of the MLC Centre including the office, retail and food and beverage tenancies are of no significance.</p> <p>Reason for inclusion or exclusion are provided below. Detailed significance gradings or mapping are not provided. This should be comprehensively investigated as part of a future heritage management document. Components outside of Dexus ownership of the CTA Building and Wrestling artwork are not addressed in this submission. Components of significance are generally of moderate-exceptional significance as defined by the Heritage Office guide, appropriate for listing. Components of no significance, meaning those excluded from the proposed listing name, are generally of intrusive-little significance, not appropriate for listing. Submission seeks to expressly exclude these from listing, noting advice that the item name needs to be drafted in the positive. Protection of these components is unnecessary as they are highly altered.</p>	<p><u>Listing extent</u> City staff considered the submitted information, approved works, assessment of building forms in the study inventory and City staff photographs. A heritage assessment has not been received with this submission for more detail on the requested inclusions and exclusions. Due to the approved demolition for existing plaza buildings (levels 7-8), it is accepted these will have little original internal or external fabric remaining, apart from the cylindrical 'mushrooms' on Martin Place and King Street. The new plaza buildings (levels 7-10) will have some significance for its design by the original firm, reflecting original building forms and concept for an integrated complex. These contribute to the form of the significant plazas within the site and the external presentation of the complex. These are integrated with levels 6-7 arcades underneath the tower and plaza, which retain significant elements: the oculus and Rowe Street through link. Therefore, the plaza buildings exterior and significant arcade elements are retained in the revised item name. The tower's internal structure is included as an original element of technical significance and supporting its significant form. The demolition and submission do not affect the CTA 'mushroom' and its interiors, retained in the item name. As a result of the post-exhibition City review, it is recommended that the proposed item name specifies significant components of the MLC complex as the "tower exterior, internal structure and level 8 vestibule, Theatre Royal exterior and interiors, CTA building exterior and interior, King Street cylindrical structure, lower and upper plazas (levels 7-8), plaza building exteriors, plaza oculus to level 6, levels 6 and 7 Rowe Street through link, and artworks by Albers, Perry and Owen." This excludes the non-structural office interiors above the vestibule, carpark levels 1-5 and levels 5-10 retail and hospitality tenancy interiors outside of original cylindrical buildings from the listing. The revised item name is consistent with the directions of the Standard Instrument (Local Environmental Plans) Order 2006 for item names to briefly describe significant features including interiors. An item name does not specify exclusions; only what is listed. As functions change, the item name refers to building features, not functions. Listing features does not require retention or direct the form of future development, but ensures impacts on significant features are assessed and new works integrated with existing features when major changes are proposed.</p>

No.	Submitter <sup>1</sup>	Submission summary	Submission response
G1	Urbis for landowner	<p><u>Components of significance</u></p> <p>(1) Overall arrangement of forms is significant as evidence of first private central Sydney site to provide public amenity and cultural assets, and rare integration of built forms, plazas and artworks.</p> <p>(2) Retail commercial building at levels 7 &amp; 8 at northern section and beneath tower is significant for general external form, contribution to arrangement of site elements and integration with public plazas/ streets. Only the retail frontages which address the street contribute to its significance because they exemplify integration with the public domain. Fit-outs and remaining non-street facing retail premises have no identified significance.</p> <p>(3) Tower lobby retains original elements including: travertine clad walls, Glass Alignment glazing and framing and artwork.</p> <p>(4) Plazas at levels 7 &amp; 8 are significant as with point 1 and for their scale and orientation. Much composite fabric is replaced (planters, finishes, oculus umbrella), however it retains the forms and express the original design intent. Contributory elements include plaza voids, Martin Place stairs, radial design of paving.</p> <p>(5) Rowe Street through link at levels 6 and 7 is significant as it exemplifies the early planning and development of the site.</p> <p>(6) Theatre Royal is significant because, despite alterations, it retains key features of original design intent: curved stairs with cylindrical volume, radial cut travertine floor with red carpet, Nervi designed ceiling.</p> <p>(7) Artworks: Robert Owen's "Interlude – Double Weave" and "New Constellation" at level 8 tower vestibule, Charles O. Perry's sculpture "Mercator" at central stair void in Theatre Royal, and "S" at upper plaza to north-east of the tower.</p>	<p><u>Components of significance</u></p> <p>The listing captures these elements in the revised item name, using the language of the inventory assessment and levels from recent architectural drawings, where verified by Council as significant or not significant, as noted above. The arrangement of forms is captured in the item name by inclusion of all plazas, building exteriors and artworks. Retail commercial buildings, both existing and the approved new buildings, are included as plaza buildings exteriors. This includes plaza building exteriors facing into the site because they contribute to the form of the significant plazas and overall complex arrangement, are integrated with the plaza and other buildings, and the new buildings maintain some significance. Underground elements of the plaza buildings and plazas are included as the Rowe Street through link and oculus; likely an element described as a void in the submission. The tower lobby interiors are included in the item name as the vestibule (level 8). The Theatre Royal interiors are included as recommended by Urbis. The artists for these works are included in the item name and the artworks named and described in the inventory.</p>

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G1	Urbis for landowner	<p><u>Approved alterations</u>            In 2015 development consent was granted for significant additions and refurbishments to the MLC Centre (D/2015/66), since modified. Approved demolition works include: opening up Theatre Royal lobby for public access into the retail podium; existing fabric in retail zones on Level 6 and 7 and the entry from the footpath; all retail fronting Castlereagh Street; 'Moonshadow' restaurant; all existing retail structures in the plaza.</p> <p>Retail is located at levels 6-10 (10 is the roof). Levels 1-5 are car park. The tower lobby starts on level 8. The food court and the IGA is the only existing retail that is not part of the current development. All other retail is being demolished and rebuilt. The food court and IGA were renovated in circa 2015 under another DA consent.</p>	<p><u>Approved alterations</u>            The revised item name takes into account the approved works. The inventory acknowledges and summarises the 2015 approved works. The inventory has been updated to note construction has commenced, yet to be complete, and to note the approved demolition works. The inventory can be updated when works are complete to reflect the existing building form.</p>

No.	Submitter <sup>1</sup>	Submission summary	Submission response
G1	Urbis for landowner	<p><u>Complying development</u>  As discussed with Council, Dexus has an overarching business requirement for use of Complying Development Certificates (CDC) for internal fit-outs within the office tower, retail levels and food and beverage spaces. Note from discussions with Council that exclusions could not be included in item name and that CDCs would be available for unlisted elements. The business imperative for CDC internal fit-outs cannot be underestimated. Small retail and food and beverage tenants are facing greater uncertainty than ever before due to COVID-19. Any mechanism for swift uncomplicated internal fit-outs supports businesses and the economy. Dexus requires absolute certainty for its ability to utilise CDC for interior fit-outs for the noted interior spaces. Currently Dexus is unaware of any mechanism to allow the use of CDC within heritage items. Dexus proposes options of: site specific clauses in Part 7 of SLEP 2012 for CDC or adding a clause to Schedule 3. The third option is for stated exclusions as sought by Dexus, so the exception under Clause 1.17A(4) of the Codes SEPP would be available for proposed works on heritage items that do not comprise the whole of the building. It is their view, an item name without tailored and specific drafting will likely be interpreted in an inclusive manner encompassing anything inside the heritage item. There is no legal reason to prevent stating exclusions in the item name, noting three existing items have exclusions for the Beresford Hotel (excluding late extension), the site of the Empire Hotel (excluding buildings and other structures) and warehouse at 56 Rainford Street (excluding front terrace house). Dexus is committed to the ongoing conservation of the MLC Centre, acknowledges its role for one of Sydney's most iconic buildings and reiterates its requirement for certainty when utilising CDC.</p>	<p><u>Complying development</u>  City staff consulted the Department of Planning Industry and Environment about stating exclusions in the item name, who advised against this approach because of the Standard Instrument directions, noted above. The three existing examples of exclusions are a minority and relate to excluding major or all building components rather than functions or parts of interiors as sought by Dexus. This approach is not recommended based on the Departmental advice and the complexity of the site and elements Dexus is seeking to exclude as not significant. The item name in schedule 5 of SLEP 2012 identifies what is listed, rather than what is not, based on significance. Other sections of the SLEP 2012 establish the development assessment process for heritage items. There is no option for site specific exemptions for development as part of local heritage listings, unlike for State Heritage Register listings under different legislation.</p> <p>The City therefore drafted the item name in schedule 5 to identify significant components, omit non-significant components, and provide certainty that complying development can proceed for internal fit-outs to omitted building components through the proposed additional type of complying development included in schedule 3 of SLEP 2012.</p>

No.	Submitter <sup>1</sup>	Submission summary	Submission response
G1	Urbis for landowner	<p><u>Inventory changes - description, images, ownership</u>            In general, the inventory sheet should refer to the treatment of adjoining buildings within the same ownership as the MLC Centre. The inventory should clearly categorise the existing approvals and works currently underway. Instead of numerous references to modifications over time, include a general statement about intactness and only key alterations. Include full description of modifications provided in direct edits in the inventory. Urbis consulted Seidler &amp; Associates to provide a list of key changes.</p> <p>In physical description: remove reference to the restaurant, approved for demolition now underway, and shallow stepped ramp from Martin Place, approved for regrading.</p> <p>In physical condition: note that the repair and maintenance of the tower cladding is complete, not underway. In modification dates: remove reference to the King St pedestrian bridge because it is not under the same ownership as the MLC Centre, note the approved 2015 works are under construction. In photos: remove photos of fabric approved for demolition. Urbis has proposed a small selection of existing and historic photos for inclusion. In history: remove sections indicated in direct edits, including the reference to Seidler's other works until a detailed comparative analysis is undertaken.</p> <p>In further comments: remove reference to generic significant interiors, which has potential to obfuscate elements and values to be conserved and unduly introduce heritage constraints in areas with no significant fabric. Remove 'further comment' about updating inventory information.</p>	<p><u>Inventory changes - description, images, ownership</u>            These requested changes to the inventory, including direct edits provided, have been reviewed and included, where substantiated in the submitted information, appropriate for an inventory, and confirmed by Council. The inventory has been updated to reflect the post-exhibition review of the listing extent, including removal of the 'further comment' about significant interiors because this is now specified in the item name.</p> <p>To support listing, the inventory briefly describes the existing complex and history, its significance and recommendations for conserving the significance of the item. Images and other information are retained in the inventory where relating to these matters. This includes the King Street pedestrian bridge as it connects to the building and affects its significance, dated photos and description of the complex, including features approved for demolition, because these are either existing or part of its history. Also retained are features in different ownership as the item and its significance is not limited to ownership boundaries, and historical research from TKD Architects including reference to other Seidler works. Requested deletions to the history are not included as no further research has been submitted.</p> <p>The inventory acknowledges and summarises past alterations and the 2015 approved works and can be updated when works are complete. The inventory has been updated to note the changed status of works underway or complete, references to integrity and to briefly note key works underway. The inventory does not detail alterations, new or future development, as these are not core to the item's significance. The further comment about inventory information and updates is retained unchanged because this is included in all City inventories. More detailed assessment, such as for comparative analysis or full modifications description, can be prepared in a conservation management plan to support a future development application or heritage floor space award. Inventories continue to be updated as new information becomes available, such as through completion of a conservation management plan.</p>

No.	Submitter <sup>1</sup>	Submission summary	Submission response
G1	Urbis for landowner	<p><u>Inventory changes - management guidelines</u>            In management recommendations, replace the listing recommendation with the item name recommended by Urbis. Insert a requirement for this section to be read in conjunction with the Architectural Guidelines for Managing the Future of the MLC Centre prepared by Harry Seidler &amp; Associates.</p> <p>Remove management recommendations about not painting surfaces, retaining original features and removing detracting features of the King Street Pedestrian Bridge. Replace with management recommendation to conserve "elements that make a defining contribution to significance". Insert recommendation to retain the "architectural design character" and "principal external elements" of the tower facades as set out in the Architectural Guidelines. Add recommendation for undertaking conservation works when required to make good damaged or deteriorated elements. Remove recommendation to "retain restaurant interior (subject to integrity)."</p> <p>Remove reference to the place as an Opportunity Site as this is transient terminology and not directly related to heritage conservation.</p> <p>Add management recommendations and description to enable complying development for fit outs, refurbishments and fit outs for operational and market viability.</p> <p>Add management recommendation for the inventory to be updated upon the completion of the currently approved works with current images of the site.</p>	<p><u>Inventory changes - management guidelines</u>            Requested changes to the inventory, including direct edits provided, have been reviewed and included, where substantiated in the submitted information, appropriate for an inventory, and confirmed by Council. The management recommendations have been updated to refer to the components included in the revised listing. The requested references to Architectural Guidelines are not included because these guidelines have not been provided to and reviewed by Council.</p> <p>Management recommendations are retained or added where relating to conserving the significance of the item. This includes recommendations to retain and conserve original fabric, spaces and finishes (where listed), and remove detracting features such as the pedestrian bridge. Requested limitations to retain features of "defining contribution", "principal external elements" or "design character" are not included because these are undefined by industry guidelines or detailed heritage assessment. The reference to retaining the restaurant is removed, as it is approved for demolition. The conservation works recommendation is added. The reference to the Opportunity Site is removed as it is unrelated to conserving significance. The requested recommendations for complying development, refurbishment, fit outs and market viability are not included because these do not relate to conserving significance. These matters are considered through the development approval process, not the inventory. Amendments are proposed to the planning proposal to address these fit-out issues.</p> <p>Landowners can develop more detailed management recommendations as part of a conservation management plan, submitted to Council for review with a development or heritage floor space application. The inventory includes a recommendation to prepare a plan. The management recommendations relate to the item, not the inventory itself. The standard 'further comment' notes that inventories are updated as new information becomes available, such as through completion of a conservation management plan.</p>

No.	Submitter <sup>1</sup>	Submission summary	Submission response
G2	The National Trust of Australia (NSW)	<p><b>Support.</b> As indicated in the above National Trust submission, the National Trust provided its listing card for the Third Theatre Royal, listed on 25 September 2019. The statement of significance concludes this Third Theatre Royal, which opened in 1976, has architectural significance as a theatre design of the noted Australian architect Harry Seidler which also features a foyer ceiling by Italian architect Professor Pier Luigi Nervi and a foyer bronze sculpture by Charles Owen Perry, an American sculptor particularly known for his large-scale public sculptures. It has historic significance as Australia's oldest theatrical institution, commencing in 1827 in George Street, with a theatre on the present site since 1855. The theatre also historic significance for the action taken by Sydney's leading actors, politicians, and trade unions to ensure that a new theatre was built on the site to replace the demolished 1875 Theatre Royal. The theatre has aesthetic significance as a rare modernist style theatre, the only Sydney City theatre constructed during the 1970s/1980s. It also has social significance to audiences over its forty year life with major musical theatrical productions such as "Les Miserables", "Phantom of the Opera", "Cats" and "Chicago." A history, description and images of the theatre and information about Seidler, Luigi and Perry are also included.</p>	<p>Support noted. The Theatre Royal is retained in the revised listing for the complex. The National Trust listing and information from the listing card has been added to the inventory for the MLC Centre.</p>
G3	Polly Seidler	<p><b>Information.</b> Paolo Stracchi, a Nervi scholar and lecturer at University of Sydney, identifies that the overall MLC project contains 5 Nervi/Seidler ceilings. This includes the MLC Centre office tower, CTA club mushroom (separate title but part of MLC Centre whole design), Theatre Royal lobby; half mushroom on King St, plaza restaurant (demolished in February 2020). All 5 formed a single exceptional arrangement. Four of the 5 Nervi/ Seidler ceilings arrangement remain.</p>	<p>Information noted. The four remaining Nervi structural ceilings are included in the recommended listing, and a note added about these ceilings included in the inventory. The restaurant was approved for demolition in 2015.</p>
A2	Docomomo Australia Inc	<p><b>Support.</b> Docomomo Australia supports the proposed listing of the MLC Centre and agrees with the proposed management recommendations in the inventory.</p>	<p>Support noted.</p>

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A15	Glenn A Harper	<b>Support.</b> With the Former Horwitz House (1956) being Seidler's first Sydney city commercial office building, the MLC Centre (1977) being his largest, these projects, historically important for their association with Seidler, are both outstanding examples to show how international modernism evolved in Sydney.	Support noted.