

## APPENDIX G 1981 TRANSFER OF HERITAGE FLOOR SPACE





PROPERTY KEY

ARCHIVES

FILE NUMBER

1	1	1	5	0	0	0	3
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SCANNED

OTHER REFERENCES

D.P 7676

THE COUNCIL OF THE CITY OF SYDNEY

# PROPERTY

## CURRENT ACTIVITY FILE

ADDRESS

350 GEORGE ST.  
"NATIONAL MUTUAL BUILDING"

SUBJECT

APPLICATION TO TRANSFER DEVELOPMENT RIGHTS, IN  
REGARD FLOOR SPACE RATIO.  
- THE NATIONAL MUTUAL LIFE ASSOC. OF AUST.



CRS 116

C/7/31  
329

21-12-72

CSA001417

Government Records Repository



F009027480



# ARCHIVES

THIS RECORD MUST BE RETURNED  
TO THE ARCHIVES OF THE COUNCIL  
OF THE CITY OF SYDNEY NO LATER  
THAN THREE MONTHS FROM THE  
DATE OF ISSUE STAMPED BELOW.

ENQUIRIES TO:

TEL: ~~313 6799~~

FAX: ~~313 6680~~

DATE

NAME

4.8.95

Ross Hendy



FILE NO.

11150003

PRIMARY SUBJECT: DEVELOPMENT & BUILDING.

SECONDARY SUBJECT: FLOOR SPACE RATIO CODE.

PRECIS:

350 GEORGE STREET.  
"NATIONAL MUTUAL BUILDING."  
APPLICATION TO TRANSFER  
DEVELOPMENT RIGHTS.  
-THE NATIONAL MUTUAL LIFE  
ASSOC. OF AUST.

DATE			FILE MOVEMENT
1980	07	23	R.
		23	C Planner
	10	30	R
		30	Office.
	11	17	P&D Office on 17/11/80.
	12	01	R
		01	C.P.
		03	R.
		03	b. Sol.
81	01	09	R
		12	Q2C
		12	Q

NOTE: If found, this card should be immediately returned to Central Records.



A.F. 11/15/0003

DATE

FILE MOVEMENT

81 01 12 CP

02 25 R

26 D 2C

26 Attie CLK.

03 02 R

02 C. Sol.

16 R (Request)

16 C Planner (Nolan)

05 13 R

13 D 2C

14 R

14 C. Solicitor

08 25 R

25 Serv. Off.

26 R.

26 Attie Clerk.

09 18 In Hill 21/9/81

29 80

10 01 C. Sol.

29 2C (direct by C. Solr.)

30 C. Solr.

11 10 R.

11 CP



# ACTIVITY FILE CARD

FILE NO.

--	--	--	--	--	--	--	--

PRIMARY SUBJECT:

SECONDARY SUBJECT:

PRECIS:

.....

.....

.....

.....

.....

DATE			FILE MOVEMENT
1981	11	19	R. (Request)
		19	CP
	12	17	R.
		17	CP
1984	07	12	R. (Request)
		12	C. Solr. (2 Cmbh)
	08	22	R
1985	06	18	CP (D. Davis)
	12	16	R.
1986	09	23	MATRASHEN (RECORDS) for
			D. Davis (CP)
1987	02	03	R

NOTE: If found, this card should be immediately returned to Central Records.

AF 11/15/0003

[illegible]



# **CLOSED FILE**

31 DEC 1987

**THIS FILE IS CLOSED.**

**DO NOT WRITE ON THIS FILE.  
NO PAPERS ARE TO BE ADDED TO  
OR REMOVED FROM THIS FILE.**

**IF FURTHER ACTION RELATING TO  
THE MATTER ON THIS FILE IS REQUIRED,  
PLEASE CONTACT:**

**THE MANAGER OF RECORDS & ARCHIVES,  
INFORMATION SYSTEMS DEPARTMENT,  
LEVEL 6, TOWN HALL HOUSE.**



44-86-0607  
11.15.0003

No Card

9680

Archives

29 DEC 1986

Messrs. Gilbert M. Johnstone & Co.,  
Solicitors,  
14th Level, Kindersley House,  
33 Bligh Street,  
SYDNEY N.S.W. 2000

44-86 0607

DD/mb

Dear Sir,

Premises: Nos.106-120 Goulburn Street, Nos.32-42  
Nithsdale Street and Nos.23-31 Alberta Street, Sydney

I refer to your letter dated 18th December, 1986, and the Notice of Agreement dated 8th October, 1986, regarding the proposed transfer of historic floor space from 350 George Street, Sydney, to the abovementioned site.

Council recognises that a balance of 4,470m<sup>2</sup> of floor space rights apply to premises No.350 George Street and may be transferred to a second site provided that the amount of floor space transferred to any recipient site shall not exceed the equivalent of 2:1 of that recipient site.

In addition, the recipient site shall, in terms of Bonus Element No.6 of the Floor Space Ratio Code, be capable of absorbing any floor space transferred to it.

Council when granting development consent for the erection of a commercial building at the subject site, required the transfer of 4768m<sup>2</sup> of bonus floor space to the site in order to achieve a floor space ratio of 9.95:1.

By Notice of Assignment dated 18th December, 1986, 1858m<sup>2</sup> of bonus floor space has been transferred to the site from 383-395 Kent Street and 168-180 Sussex Street, Sydney.

Therefore Council acknowledges that the balance of bonus floor space amounting to 2910m<sup>2</sup> may be achieved by transferring such floor space rights from 350 George Street, Sydney.

Yours faithfully,

*L.P.C. / J.P.*  
L.P. CARPER  
Town Clerk

F.S.C.

Please place in AF 11-15-0003

DC  
12/1

13.1.87



GILBERT M. JOHNSTONE & CO.

SOLICITORS

ANDREW P. SAMUEL M.A., LL.M. (CANTAB.)  
(ALSO ADMITTED IN ENGLAND)  
JONATHAN M. GOODMAN LL.B.

14TH LEVEL  
KINDERSLEY HOUSE  
33 BLIGH STREET  
SYDNEY, N.S.W. 2000

TELEPHONE: (02) 232 3911  
TELEX: 74708  
CABLES: GILJOHN  
SYDNEY  
DX 203 SYDNEY  
FAX (02) 232 8167

YOUR REFERENCE 11-15-0003

OUR REFERENCE APS:AG F481

BY HAND

18th December, 1986.

The Town Clerk  
The Council of the City  
of Sydney  
DX 1251 SYDNEY

Dear Sir,

PROPOSED TRANSFER OF FLOOR SPACE RIGHTS FROM PREMISES  
350 GEORGE STREET, CORNER OF ANGEL PLACE & ASH STREET,  
SYDNEY  
KINDER INVESTMENTS PROPRIETARY LIMITED FROM  
LEIGHTON PROPERTIES PTY. LIMITED

We refer to our letter of 10th October 1986 and to the  
Notice of Agreement to Assign enclosed therewith.

We also refer to our telephone conversation of 18th  
December 1986 with Mr. Denis Davies.

We also refer to the consent by your Council by resolution  
dated 24th November 1986 to the development application  
lodged by Michael Davies Associates Pty. Limited under  
your reference 44/86/0607 in respect of our client company's  
site now known as 106-120 Goulburn Street, Nos. 32 - 34  
Nithsdale Street and Nos. 23-31 Alberta Street, Sydney.

We should be obliged if you could let us know as a matter  
of urgency whether the floor space rights agreed to be  
acquired from Leighton Properties Pty. Limited and described  
in the said Notice will be available, so far as your Council  
is concerned, for use by our client in satisfaction of  
Condition (B)(b) of the said development consent.

As our client company will shortly be obliged to pay for  
the transferable floor space rights in question, a rapid  
response to this letter would be much appreciated.

Yours faithfully,  
GILBERT M. JOHNSTONE & CO.

*A. P. Samuel*

TELEPHONE: 221 3977  
FLEX: AA24786  
X 1181  
FACSIMILE: 231 4721 (G 111)

## BROPHY BRIDGE & MIROW

SOLICITORS & ATTORNEYS  
3RD FLOOR  
140 PHILLIP STREET  
SYDNEY, 2000

JOHN KEVIN BROPHY  
WILLIAM JOHN MIROW  
CONSULTANT  
F. J. O. RYAN, A.O., I.S.O.  
ASSOCIATE  
DEIDRE MARY MCCANN

YOUR REF:

WJM:BD:3519

OUR REF:

15th September, 1986.

Dennis Davis Esq.,  
Council of the City of Sydney,  
Town Hall,  
SYDNEY.

Dear Sir,

Re: Leighton Properties Pty. Limited - 350 George  
Street, Sydney - Assignable Floor Space Ratio

---

We act for Leighton Properties Pty. Limited which was formerly the owner of the property 350 George Street, Sydney.

When our client acquired the building it also acquired the rights to the balance of floor space of 4,470 square metres, being part of an original floor space of 10,460 square metres referred to in a Deed dated 29th July 1981 between the Council and National Mutual Life Association of Australasia Limited.

We understand that the assignment by National Mutual Life to George Angel Investments Pty. Limited and the further assignment by George Angel Investments Pty. Limited to Leighton Properties Pty. Limited of the floor space ratios have not been registered with the Council.

We accordingly enclose herewith:-

1. Copy of a Deed dated 2nd November 1981 between NML and George Angel Investments Pty. Limited assigning the benefit and burden of the original Deed between the Council and NML dated 29th July 1981.
2. Copy of a Deed dated 15th August 1984 between George Angel Investments Pty. Limited and our client assigning the balance floor space of 4,470 square metres.

We should be grateful if you would kindly register the enclosed Deeds of Assignment. Please advise us if you require any other information to complete the registration.

Yours faithfully,

*Brophy Bridge & Mirow*

Encl.

*FSC Please File*

*15-1-87*



FREEHILL, HOLLINGDALE  
81-85017Dml

FREEHILL, HOLLINGDALE & PAGE  
SOLICITORS & NOTARIES

6/1/00

THE NATIONAL MUTUAL LIFE ASSOCIATION OF AUSTRALASIA LIMITED

AND

BABSENTA PTY. LIMITED

---

DEED OF ASSIGNMENT

---

THIS DEED made the 2nd day of November One thousand nine hundred and eighty-one BETWEEN

THE NATIONAL MUTUAL LIFE ASSOCIATION OF AUSTRALASIA LIMITED a company incorporated in the State of Victoria and having its principal office in the State of New South Wales at 44 Market Street, Sydney (hereinafter called "the Association" which expression shall unless the context otherwise requires include its successors and assigns) of the one part AND

GEORGE ANGEL INVESTMENTS PTY LIMITED formerly known as BABSENTA PTY. LIMITED a company incorporated in the State of New South Wales and having its registered office at 50 Bridge Street, Sydney (hereinafter called "the Company" which expression shall unless the context otherwise requires include its successors and assigns) of the other part

W H E R E A S :

- A. The Association is the owner of the building situated at 348-352 George Street, corner Angel Place and Ash Street, Sydney (hereinafter referred to as "the Building").
- B. By a Contract for Sale of Land dated 9th October, 1981 between the Association as Vendor and the Company as Purchaser (hereinafter called "the Contract") the Association has contracted to sell the Building to the Company.
- C. By a Deed dated the 29th day of July 1981 between The Council of the City of Sydney and the Association (hereinafter called "the Deed") the Association agreed to maintain and preserve the Building in consideration of The Council of the City of Sydney agreeing that the Association may subject to the conditions provided for in the Deed transfer to other sites within the city of Sydney floor space equal to 12 times the area of the land on which the Building is erected.
- D. Special Condition 11 of the Contract provides, inter alia, that the Association will on completion of the Contract assign to the Company the benefit and burden of the Deed according to its terms.



NOW THIS DEED WITNESSES that in consideration of the completion of the Contract by the Company the Association assigns to the Company the benefit and burden of the Deed according to its terms.

IN WITNESS WHEREOF this Deed was executed on the date first hereinbefore mentioned.

THE NATIONAL MUTUAL LIFE ASSOCIATION OF AUSTRALASIA LIMITED by its Attorneys who hereby respectively state that they have no notice of the revocation of Power of Attorney dated the 29th day of April, 1950 Registered No. 401 Book 3414 at the time of their executing this Instrument.

SIGNED in my presence for and on behalf of THE NATIONAL MUTUAL LIFE ASSOCIATION OF AUSTRALASIA LIMITED by its duly constituted Attorneys:

IVOR JOSMAR TUFFIN  
HAROLD BARRY WHITEHEAD who are personally known to me

*Robertson*  
*J. J. Tuffin*

*H. O. Smith*

GEORGE ANGEL INVESTMENTS.  
THE COMMON SEAL of BABSSENTA )  
PTY. LIMITED was hereunto )  
affixed in accordance with )  
its Articles of Association )  
in the presence of: )

*John Robert King*  
Secretary



*[Signature]*  
Director

THIS DEED made the 15th day of August 1984

BETWEEN:

GEORGE ANGEL INVESTMENTS PTY. LIMITED

(formerly known as Babsenta Pty. Limited) a company incorporated in the State of New South Wales and having its registered office at 50 Bridge Street, Sydney (hereinafter called "the Company" which expression shall unless the context otherwise requires include its successors and assigns) of the one part

AND:

LEIGHTON PROPERTIES PTY. LIMITED a company

incorporated in the State of New South Wales and having its registered office at 472 Pacific Highway, St. Leonards (hereinafter called "the Assignee" which expression shall unless the context otherwise requires include its successors and assigns) of the other part.

WHEREAS:

- A. The Company is the owner of the building situated at 348-352 George Street, corner Angel Place and Ash Street, Sydney (hereinafter referred to as "the Building").
- B. By a Contract for Sale of Land dated 18th July, 1984 between the Company as vendor and the Assignee as purchaser (hereinafter called "the Contract") the



Company has contracted to sell the Building to the Assignee.

- C. By a Deed dated the 29th day of July 1981 between The Council of the City of Sydney and The National Mutual Life Association of Australasia Limited ("NML") (hereinafter called "the Deed") NML agreed to maintain and preserve the Building in consideration of The Council of the City of Sydney agreeing that NML may, subject to the conditions provided for in the Deed, transfer to other sites within the city of Sydney floor space equal to 12 times the area of the land on which the Building is erected, namely floor space measuring not more than 10,460 square metres.
- D. By Contract for Sale of Land dated 9th October 1981 NML contracted to sell the Building to the Company, which contract was completed on 2 November 1981.
- E. By deed of assignment dated 2 November 1981 between NML and the Company NML assigned to the Company the benefit and burden of the Deed.
- F. By deed dated 22 December 1981 between the Company as vendor and a third party as purchaser, the Company did transfer unto the said third party floor space equal to 5990 square metres.

7/2  
E

- G. Special Condition 24 of the Contract provides, inter alia, that the Company will on completion of the Contract assign to the Assignee the benefit and the Assignee will accept and assume the burden of the Deed according to its terms in respect of the balance floor space of 4470 square metres.

NOW THIS DEED WITNESSES (as testified by the execution hereof by the parties hereto) that in consideration of the completion of the Contract by the Assignee:-


1. The Company assigns to the Assignee the benefit and the Assignee accepts and assumes (to the exclusion of the Company) the burden of the Deed according to its terms in respect of the balance floor space of 4470 square metres.
2. The Company in executing this Deed assigns to the Assignee whatever benefit under the Deed it has in respect of the balance floor space of 4470 square metres. Except as expressly contained herein, no warranty is given by the Vendor in respect of the said balance floor space or as to any use to which it may be put and the Assignee acknowledges and agrees that it relies on its own enquiries in this regard and shall make no claim against the Company in respect of any matter arising therefrom.

1/10  
V V



3. The Assignee hereby indemnifies and saves harmless and agrees to keep indemnified and saved harmless the Company against failure or default on the part of the Assignee to duly punctually and fully observe perform and comply with its covenants burdens and obligations (whether present or contingent) hereunder or under the Deed and against all losses costs claims damages suits proceedings and expenses whatsoever suffered or incurred by the Company by reason of or contributed to by or in connection with the said failure or default on the part of the Assignee or in any way whatsoever or howsoever arising from or in connection with or in relation to the agreement of the Company to assign to the Assignee the benefit and of the Assignee to accept and assume (to the exclusion of the Company) the burden of the Deed in the manner set out herein and the Assignee agrees to pay any sums due to the Company by reason of this indemnity on demand. This indemnity shall be irrevocable and continuing and shall be a principal obligation immediately enforceable against the Assignee and shall not be affected in any way by any moratorium or by any delay or period of grace or other indulgence given or allowed or by any modification or variation in the terms of the Deed or of this deed or of the arrangements from time to time relating to the said balance floor space or by any other matter act or thing which would but for this
- ✓

provision have the effect of releasing the Assignee from liability hereunder.

4. In the event of the Assignee selling transferring or otherwise alienating the Building and/or the balance floor space of 4470 square metres (herein referred to as the "property"), the Assignee will, if so required by the Company, at its cost procure that the purchaser, transferee or alienee of the property shall execute a deed in manner and form which shall be to the reasonable satisfaction of the Company whereby inter alia such purchaser, transferee or alienee covenants with the Company to duly punctually and fully observe perform and comply with the covenants burdens and obligations contained in the Deed as if such purchaser, transferee or alienee had been named therein instead of The National Mutual Life Association of Australasia Limited and shall indemnify and covenant with the Company in the terms of clauses 2, 3, 4 and 5 hereof.
  5. The Assignee shall be responsible for the payment of all stamp duty and/or any other duty whatsoever payable on or in respect of this Deed or pursuant or incidental hereto.
- 



IN WITNESS WHEREOF this Deed was executed on the date first  
hereinbefore mentioned.

THE COMMON SEAL of  
GEORGE ANGEL INVESTMENTS  
PTY. LIMITED was hereunto  
affixed in accordance with )  
its Articles of Association )  
in the presence of:- )



.....  
Director

.....  
Secretary

THE COMMON SEAL of LEIGHTON )  
PROPERTIES PTY. LIMITED was )  
hereunto affixed in )  
accordance with its )  
Articles of Association )  
in the presence of:- )

.....  
Director

.....  
Secretary

CONSULTANT  
SIR ALASTAIR STEPHEN

# STEPHEN, JAQUES & STEPHEN

PARTNERS  
G. V. C. SETON  
S. J. HOWARD  
W. M. BLANSHARD  
H. J. MBS  
R. J. MBS  
R. J. MBS  
J. D. BUTTON  
R. J. NETTLETON  
I. A. CURLEWIS  
R. B. TOPFER  
ADRIAN C. STEPHEN  
R. G. WAGLAND  
K. J. BURGESS  
H. S. SCHREIBER  
A. A. D. EASTERBROOK  
R. T. HALSTEAD  
D. W. HOWARD  
G. D. DATES  
R. G. KEMP  
A. G. BANCROFT  
J. H. PASCOE  
P. M. CLARK  
P. C. ELLIS  
W. J. BEERWORTH  
D. J. RAFTESATH  
J. H. BENNETT  
J. C. KING  
D. J. TAYLOR  
E. W. WALLACE  
R. M. WILLOCKES  
J. T. STANWIX  
I. R. ANOUS  
S. A. LANG

SENIOR ASSOCIATE  
R. G. MATHEWS

82 JUL 27

15:05

ATTORNEYS SOLICITORS AND NOTARIES

A.M.P. CENTRE - 50 BRIDGE STREET - SYDNEY 2000 - AUSTRALIA

Telephone: (02) 239 1111 International: + 612 239 1111

Telex: 21332 Cables: SJS SYDNEY DX 113 Sydney

Rapifax (02) 233 7370

Our Ref. DWH

Your Ref. Mr. Hills

Date 26th July, 1982.

## CANBERRA OFFICE

Canberra House,  
Marcus Clarke St., City,  
Canberra 2601 Australia.  
Telephone: (062) 48 5222  
International: + 6162 48 5222  
Telex: 62643  
DX 5610 Canberra

## NEW YORK OFFICE

30 Rockefeller Plaza,  
New York, NY 10112, U.S.A.  
Telephone: (212) 489 1777  
International: + 1212 489 1777  
Telex: 225038  
Rapifax: + 1212 245 3984

AF 11.15.0003

BY HAND -  
Level 7

The Town Clerk,  
The Council of the City of Sydney,  
Town Hall House,  
George Street,  
SYDNEY

Dear Sir,

George Angel Investments Pty. Limited - Transfer to  
State Bank of Floor Space from 350 George Street Sydney

We act for George Angel Investments Pty. Limited and advise that by Deed dated 23rd July 1982 5,990 square metres of floor space were transferred in the above matter to the development site of the Bank referred to in development approval No. 44/81/1034.

Our client was originally entitled to transfer 10,460 square metres of floor space to approved sites within the City of Sydney. Following completion of the above transfer, we note that a balance of 4,470 square metres remains available to be transferred as aforesaid.

Yours faithfully,

c.c. Mr. P. Kearns - State Bank

*L.P.*  
*3/8/82*

*SCP*  
*6/8/82*

*F.S.C.*

*Please File*

*26.11.82*

*(File sent C.P. 27.7.82)*

*17.12.81*

*M. Davis: For your information  
re reports. In memory  
to chase advice accounts  
with recent advice from the  
State Bank.  
File 44/81/1034*



SCP

4/2

(DOB  
FSR)

350 George St.

20:21

10:00

CITY PLANNING DEPARTMENT

FILE No. 11/15/0003

SUBJECT 350 George st

FOR REPORT BY	SUBJECT
SCP 4/12/81	
<u>CP:</u>	Letter 24/11/81 should be referred to the J.C. re last paragraph. R. M. Blasor 11/12/81
Berry Stuart 16/12/81	11/11/81 Copy signed & returned B 17.12.81
SCP 21/12/81	C.P. 17/12/81
	PEND 2 MONTHS
	P82-02-10
SCP. 4/2/82	
<u>M<sup>r</sup> Dams:</u>	For your information re transfer of historic floor space. R. M. Blasor 19/3/82 C.P.2



CONSULTANT  
JR ALASTAIR STEPHEN

PARTNERS  
B. V. C. SETON  
S. J. HOWARD  
W. M. BLANSHARD  
H. C. COEMBS  
R. J. WOODFIELD  
R. V. CATER  
J. D. BUTTIN  
R. J. NETTLETON  
I. A. CURLEWIS  
R. B. TOPFER  
ADRIAN C. STEPHEN  
K. G. WAGLAND  
K. J. BURGESS  
H. S. SCHREIBER  
A. A. D. EASTERBROOK  
R. T. HALSTEAD  
D. W. HOWARD  
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G. I. RAFTESATH  
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R. M. WILLCOCKS  
J. T. STANWIX  
I. R. ANGUS  
S. A. LANG

SENIOR ASSOCIATE  
E. D. MATHEWS

# STEPHEN, JAQUES & STEPHEN

ATTORNEYS, SOLICITORS AND NOTARIES

A.M.P. CENTRE - 50 BRIDGE STREET - SYDNEY 2000 - AUSTRALIA

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## CANBERRA OFFICE

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## NEW YORK OFFICE

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International I.S.D. (1212) 489 1777  
Telex: 225038  
Rapifax (1212) 245 3984

Our Ref. DWH

Your Ref. Mr. Hills.

Date 24th November, 1981.

BY HAND - Level 7

The Town Clerk,  
The Council of the City of Sydney,  
Town Hall House,  
George Street,  
SYDNEY

A.F. 11/15/0003

Dear Sir,

George Angel Investments Pty. Limited Purchase from  
The National Mutual Life Association of Australasia  
Limited - Property: 350 George Street, Sydney

We act for George Angel Investments Pty. Limited,  
which completed the purchase of the above property on 2nd  
November 1981.

Enclosed for reference purposes are copies of the  
following deeds:-

1. Deed dated 29th July 1981 between the Council of the City of Sydney and The National Mutual Life Association of Australasia Limited.
2. Deed dated 2nd November 1981 between The National Mutual Life Association of Australasia Limited and George Angel Investments Pty. Limited.

You will note that George Angel Investments Pty. Limited is now the party entitled to the benefit of the above deed of 29th July 1981 and is also the party responsible for the performance of the obligations imposed in the deed on National Mutual.

With regard to clause 5 of the deed of 29th July 1981, the restriction as to user has been lodged for registration under dealing number S806799, ahead of the transfer to our client.

Would you please sign and return the enclosed copy of this letter in order to acknowledge receipt thereof.

Yours faithfully,

Enc.

(Papers sent C.P. 12/11/81)



THIS DEED made the 2nd day of November. One  
thousand nine hundred and eighty-one BETWEEN

THE NATIONAL MUTUAL LIFE ASSOCIATION OF AUSTRALASIA LIMITED  
a company incorporated in the State of Victoria and having  
its principal office in the State of New South Wales at 44  
Market Street, Sydney (hereinafter called "the Association"  
which expression shall unless the context otherwise requires  
include its successors and assigns) of the one part AND

GEORGE ANGEL INVESTMENTS PTY. LIMITED formerly known as  
BABSENTA PTY. LIMITED a company incorporated in the State of  
New South Wales and having its registered office at 50  
Bridge Street, Sydney (hereinafter called "the Company"  
which expression shall unless the context otherwise requires  
include its successors and assigns) of the other part

W H E R E A S:

- A. The Association is the owner of the building situated  
at 348-352 George Street, corner Angel Place and Ash  
Street, Sydney (hereinafter referred to as "the  
Building").
- B. By a Contract for Sale of Land dated 9th October, 1981  
between the Association as Vendor and the Company as  
Purchaser (hereinafter called "the Contract") the  
Association has contracted to sell the Building to the  
Company.
- C. By a Deed dated the 29th day of July 1981  
between The Council of the City of Sydney and the  
Association (hereinafter called "the Deed") the  
Association agreed to maintain and preserve the  
Building in consideration of The Council of the City  
of Sydney agreeing that the Association may subject to  
the conditions provided for in the Deed transfer to  
other sites within the city of Sydney floor space  
equal to 12 times the area of the land on which the  
Building is erected.
- D. Special Condition 11 of the Contract provides, inter  
alia, that the Association will on completion of the  
Contract assign to the Company the benefit and burden  
of the Deed according to its terms.



NOW THIS DEED WITNESSES that in consideration of the completion of the Contract by the Company the Association assigns to the Company the benefit and burden of the Deed according to its terms.

IN WITNESS WHEREOF this Deed was executed on the date first hereinbefore mentioned.

THE NATIONAL MUTUAL LIFE ASSOCIATION OF AUSTRALASIA LIMITED by its Attorneys who hereby respectively state that they have signed the Power of Attorney dated the 10th day of August 1981 Registered No. 401 Book 3414 at the time of their executing this instrument.

SIGNED in my presence for and on behalf of THE NATIONAL MUTUAL LIFE ASSOCIATION OF AUSTRALASIA LIMITED  
by its duly constituted Attorneys: IVOR JOSIAH TUFFIN  
AND

who are personally known to me  
ROLAND VYNTEN *R. Vint*

GEORGE ANGEL INVESTMENTS  
THE COMMON SEAL of BADSENITA )  
PTY. LIMITED was hereunto )  
affixed in accordance with )  
its Articles of Association )  
in the presence of: )

*Thoulye Tong*  
Secretary

*[Signature]*  
Director



CITY PLANNING DEPARTMENT

FILE No. 11/15/0003

SUBJECT 348-352 Geary St.

FOR REPORT BY	SUBJECT
SCP 23/11/81	
	Noted. R. M. H. S.C.P. 9/12/81
C.P.	



## MINUTE PAPER

Town Clerk's No. 11 15 0003

Dept. No.

Subject: THE NATIONAL MUTUAL LIFE ASSOCIATION OF  
AUSTRALASIA LIMITED - 348-352 GEORGE STREET

Date 5th November, 1981.

I am informed by the solicitors for National Mutual Life Association of Australasia Limited that the subject property was sold to George Angel Investments Pty. Limited on the 2nd November, 1981.

Messrs. Freehill, Hollingdale & Page have also furnished me with a copy of their letter of that date to the Council advising of the sale of the property and the assignment to the purchaser of their client's rights and obligations under the Deed with Council dated 29th July, 1981. The Council's copy of this Deed is attached with the file.

Prior to the transfer of the property a Section 88E instrument was executed by the National Mutual Life Association of Australasia Limited and assented to by the Clerk on the Council's behalf. A copy of this instrument (not executed) is attached for Council's information. I am advised by the company's solicitors that this instrument was handed to the purchaser's mortgagee for lodgment for registration and that the transfer was made subject to the restriction contained therein.

This matter is now complete and the Council's file may be retained in its records.

D.G. BARR  
CITY SOLICITOR

Noted in Deeds Register  
Document placed in  
Deed Packet No 7676

AM  
12.11.81

Nov 10 11 57 AM '81

SYDNEY CITY COUNCIL  
RECEIVED  
CENTRAL RECORDS



(Copy)

50.

THIS DEED made the 29<sup>th</sup> day of July 1981

BETWEEN THE COUNCIL OF THE CITY OF SYDNEY (hereinafter called "the Council") which expression shall unless the context otherwise requires include its successors and assigns) of the one part AND THE NATIONAL MUTUAL LIFE ASSOCIATION OF AUSTRALASIA LIMITED a company incorporated in the State of Victoria and having its principal office in the State of New South Wales at 44 Market Street Sydney (hereinafter called "the Association" which expression shall unless the context otherwise requires include its successors and assigns) of the other part WHEREAS:

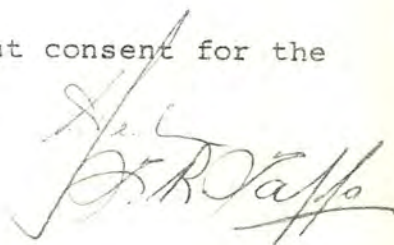
- A. The Association is the owner of the building situated at 348-352 George Street, corner Angel Place and Ash Street, Sydney (hereinafter referred to as "the Building")
- B. By resolution passed at its meeting held on 15th September, 1980 the Council as consent authority under the Environmental Planning and Assessment Act, 1979, granted its consent subject to conditions to the carrying out of restoration and renovation work to the Building as illustrated in drawings Nos. 1840-000/011C dated March, 1980 and to the use of basement No.2 for storage purposes basement No.1 and the ground floor for retail restaurant and commercial purposes (or a mixture of the same) and to the use of the upper floors for commercial purposes.
- C. The Building is registered by the National Trust as a historic building class A and it is also the policy of the Council that the building should be maintained and preserved because of its historic importance.
- D. In consideration of the Association agreeing to maintain and preserve the Building as signified by its entering into this Deed the Council has agreed that the Association may subject to the conditions hereinafter set forth transfer

*[Handwritten signature]*

to other sites within the city of Sydney floor space equal to 12 times the area of the land on which the building is erected.

NOW THIS DEED WITNESSES that the Council and the Association mutually covenant with each other as follows:-

1. The Association may transfer to other sites within the city of Sydney ) whether owned by the Association or not) for incorporation in buildings to be erected thereon or for incorporation in extensions to existing buildings floor space up to an area equal to 12 times the area of the site on which the Building is erected namely floor space measuring not more than 10,460 square metres.
2. Floor space shall not be capable of being transferred in accordance with the provisions of Clause 1 hereof unless
  - (a) The site to which an area of floor space is proposed to be transferred (such site being hereinafter referred to as a "recipient site") shall be capable of absorbing the area of floor space proposed to be transferred in terms of bonus element No. 6 of the Floor Space Ratio and Control Code adopted by the Council on 6th December, 1971.
  - (b) The area of floor space proposed to be transferred to any recipient site shall not exceed twice the area of that site.
  - (c) The area of floor space proposed to be transferred to any recipient site shall not be less than that determined by the Council in the circumstances of the particular case.
  - (d) The Council has granted development consent for the





erection of the building or the extension of an existing building into which the area of floor space proposed to be transferred is to be incorporated.

3. The issue by the Council of a consent authorising the erection of a building (or the extension of an existing building) incorporating an area of floor space transferred from the site of the Building will be deemed an acknowledgment on the Council's part that all the requirements for the transfer of the area of floor space have been complied with and there is no objection by the Council to such transfer provided the application for the development consent has clearly indicated the area of floor space to be transferred from the site of the Building and incorporated in the building the subject of the said application.
4. Following completion of the restoration and renovation work to the Building hereinbefore recited the Association shall take all steps necessary to maintain and preserve the Building in a good and sound state of repair and having due and proper regard to its historical and architectural significance.
5. The Association shall also execute and hand to the Council and take all steps necessary (including the production of any certificate or certificates of title) to permit the registration of an instrument pursuant to the provisions of Section 88E of the Conveyancing Act, 1919 containing a restriction as to user of the land, the site of the Building in the following terms:-

*[Handwritten signature]*  
B.R. Vaffo



"the land and building erected thereon shall not be permitted to fall into a state of maintenance or repair less than that required to comply with the reasonable requirements of the Council of the City of Sydney providing for the continued preservation and maintenance of the building having regard to its historical and architectural significance"

IN WITNESS WHEREOF this Deed was executed on the date first hereinbefore mentioned.

THE COMMON SEAL of THE COUNCIL )  
OF THE CITY OF SYDNEY was hereunto )  
affixed pursuant to a resolution )  
passed the 28<sup>th</sup> day of SEPTEMBER )  
1981 in the presence of: )

*[Signature]*  
Town Clerk

*[Signature]*  
Lord Mayor

THE NATIONAL MUTUAL LIFE ASSOCIATION OF AUSTRALASIA LIMITED by its Attorneys who hereby respectively state that they have no notice of the revocation of Power of Attorney dated the 23rd day of April, 1980 Registered No. 401 Book 3414 at the time of their executing this instrument.

SIGNED in my presence for and on behalf of THE NATIONAL MUTUAL LIFE ASSOCIATION OF AUSTRALASIA LIMITED by its duly constituted Attorneys: FREDERICK RICHARD TAFFS AND PETER WINTON JENKINS who are personally known to me  
*[Signature]*  
S.M. Cooke





RESTRICTION AS TO USER

PURSUANT TO SECTION 88E (3), CONVEYANCING ACT, 1919  
REAL PROPERTY ACT, 1900  
(See Instructions for Completion on back of form)

RQ

OFFICE USE ONLY

	of	
\$		

DESCRIPTION  
OF LAND  
Note (a)

Torrens Title Reference	If part only, delete Whole and give details
Volume 3315 Folio 19	WHOLE

THE COUNCIL OF THE CITY OF SYDNEY

Note (b)

TOWN HALL, SYDNEY SQUARE, SYDNEY

a PRESCRIBED AUTHORITY within the meaning of Section 88 (E) (I) of the Conveyancing Act, 1919, hereby imposes on the land above described the restriction as to user which is set out overleaf, and applies to have such restriction recorded in the Register.

OFFICE USE ONLY

RQ

Note (c)

The Registered Proprietor of the land above described is THE NATIONAL MUTUAL LIFE ASSOCIATION  
OF AUSTRALASIA LIMITED

Note (d)

The mortgagee/lessee/chargee of the land above described is

EXECUTION  
Note (e)

DATE OF DEALING  
We hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900.  
Signed in my presence by an authorised officer of the Prescribed Authority

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address and occupation of Witness

Signature of authorised officer

Signed in my presence by the registered proprietor of the land who is personally known to me.

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address and occupation of Witness

Signature of registered proprietor

Notes (e)  
and (f)

Signed in my presence by the registered proprietor who is personally known to me.

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address and occupation of Witness

Signature

TO BE COMPLETED  
BY LODGING PARTY  
Notes (g)  
and (h)

LODGED BY		LOCATION OF DOCUMENTS	
		CT	OTHER
Delivery Box Number		Herewith. In R.G.O. with Produced by	
Extra Fee	Checked by	REGISTERED - -19	
		Registrar General	

OFFICE USE ONLY



## RESTRICTION AS TO USER

The land and building erected thereon shall not be permitted to fall into a state of maintenance or repair less than that required to comply with the reasonable requirements of the Council of the City of Sydney providing for the continued preservation and maintenance of the building having regard to its historical and architectural significance.

Note (i)

## INSTRUCTIONS FOR COMPLETION

This dealing should be marked by the Commissioner of Stamp Duties before lodgment at the Registrar General's Office.

Typewriting and handwriting should be clear, legible and in permanent black non-copying ink.

Alterations are not to be made by erasure; the words rejected are to be ruled through and initialled by the parties to the dealing.

If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margins as this form should be used. Each additional sheet must be identified as an annexure and signed by the parties and the attesting witnesses.

The following instructions relate to the side notes on the form.

## (a) Description of land:

(i) **TORRENS TITLE REFERENCE**—Insert the current Folio Identifier or Volume and Folio of the Certificate of Title/Crown Grant for the land the subject of this restriction, e.g., I35/SP12345 or Vol. 8514 Fol. 126.

(ii) **PART/WHOLE**—if part only of the land in the folio of the Register is affected by the restriction, delete the word "Whole" and insert the lot and plan number, portion, &c.

## (b) Insert the full name and address of the Prescribed Authority.

## (c) Insert full name and postal address of the registered proprietor.

## (d) If the land is subject to a registered lease, mortgage, charge, etc., insert the full name and postal address of the lessee, mortgagee, chargee, etc. If the land is NOT subject to a lease, mortgage, charge, etc., rule through this space.

## (e) Execution:

**GENERALLY** (i) Should there be insufficient space for execution of this dealing, use an annexure sheet.

(ii) The certificate of correctness under the Real Property Act, 1900 must be signed by an authorised officer of the Prescribed Authority and by the registered proprietor and, if appropriate, by the mortgagee, lessee or chargee each of whom should execute the dealing in the presence of an adult witness to whom he is personally known. Any person falsely or negligently certifying is liable to the penalties provided by section 117 of the Real Property Act, 1900.

**ATTORNEY** (iii) If the dealing is executed by an attorney for the registered proprietor or mortgagee/lessee pursuant to a registered power of attorney, the form of attestation must set out the full name of the attorney, and the form of execution must indicate the source of his authority, e.g., "AB by his attorney (or receiver or delegate, as the case may be) XY pursuant to power of attorney registered Book No. , and I declare that I have no notice of the revocation of the said power of attorney".

**AUTHORITY** (iv) If the dealing is executed pursuant to an authority (other than specified in (iii)) the form of execution must indicate the statutory, judicial or other authority pursuant to which the dealing has been executed.

**CORPORATION** (v) If the dealing is executed by a corporation under seal, the form of execution should include a statement that the seal has been properly affixed, e.g., in accordance with the Articles of Association of the corporation. Each person attesting the affixing of the seal must state his position (e.g., director, secretary) in the corporation.

## (f) Insert reference to the mortgage, lease, charge, etc., e.g., mortgage No. R161111.

## (g) Insert the name, postal address, Document Exchange reference, telephone number and delivery box number of the lodging party.

## (h) The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabouts of the Certificate of Title. List, in an abbreviated form, other documents lodged, e.g., stat. dec. for statutory declaration.

## (i) Insert the full particulars of the Restriction as to User. Should there be insufficient space, use an annexure.

## OFFICE USE ONLY

DIRECTION: PROP  
No. OF NAMES:

## FIRST SCHEDULE DIRECTIONS

(A)	FOLIO IDENTIFIER	(B) No.	(C) SHARE	(D) J	(E)	NAME AND DESCRIPTION

## SECOND SCHEDULE AND OTHER DIRECTIONS

(F)	FOLIO IDENTIFIER (OR REGD. DEALING & FOLIO IDENTIFIER)	(G) DIRECTION	(H) NOTFN TYPE	(I)	DEALING NUMBER	(K)	DETAILS



# FREEHILL, HOLLINGDALE & PAGE

SOLICITORS & NOTARIES  
MLC CENTRE, MARTIN PLACE  
SYDNEY AUSTRALIA 2000

CANBERRA

NATIONAL MUTUAL CENTRE  
DARWIN PLACE CANBERRA CITY  
AUSTRALIA 2601  
(062) 47 4551

PERTH

LAW CHAMBERS CATHEDRAL SQUARE  
PERTH WESTERN AUSTRALIA 6000  
(09) 325 0421

OUR REF:

BJMcF: 33G

YOUR REF:

BRIAN J. D. PAGE C.B.E.  
EDMUND A. O'HALLORAN  
ALAN C. RAILTON  
PETER E. HOLLINGDALE  
RODERICK McLEOD  
CLIVE V. CULLINAN  
WARREN E. ASPREY  
IAN F. HUTCHINSON  
BRIAN E. THORNTON  
THOMAS O. JONES  
W. R. McCOMAS  
G. F. K. SANTOW  
ROBERT C. NICHOLLS  
JOSEPH G. ROONEY  
JAMES H. GRAHAM  
PETER SHORT  
PHILLIP T. TAYLOR  
BRUCE K. CUTLER  
RICHARD A. LONGES  
JOHN C. MULALLY

KEVIN W. BROADLEY  
MICHAEL PAGE  
PETER J. CARNEY  
P. HELEN BROWN  
BRIAN J. McFADYEN  
MARK R. DAVISON (PERTH)  
ROBERT A. CHANNON  
PETER J. PERRY  
DOUGLAS M. FRANC  
PETER S. RIDOUT  
MICHAEL GRAY  
DAVID M. GONSKI  
H. KEITH C. STEELE  
JULIAN BLOCK  
EDWARD J. WRIGHT  
CLAIRE GROSE  
JOHN H. COLVIN  
BRYAN D. WEIR  
GEORGE T. FORSTER (PERTH)  
JOHN L. ARTHUR (CANBERRA)

CONSULTANTS

JOHN M. ROTHERY

SIR CLARRIE HARDERS  
(CANBERRA)

Nov 5 (02) 234 7 234 '81  
CABLES: FREEHILLS SYDNEY  
FAX: VOCADEX (02) 232 1374  
RIFAX (02) 233 6430  
TELEX: AA21885  
DX: 361 SYDNEY

2nd November, 1981

The Town Clerk,  
Sydney City Council,  
Town Hall,  
George Street,  
SYDNEY

A.F. 11/15/0003

Dear Sir,

The National Mutual Life Association of Australasia Limited  
To George Angel Investments Pty. Limited  
350 George Street, Sydney

We act for The National Mutual Life Association of  
Australasia Limited and wish to advise that by transfer  
dated 2nd November, 1981 our client has sold the above  
property to George Angel Investments Pty. Limited. A  
statutory Notice of Sale containing the relevant details is  
attached.

By a Deed made 29th July, 1981 between our client  
Association and the Sydney City Council (a copy of which is  
attached hereto) our client had certain benefits and burdens  
bestowed upon it in relation to the above property. We  
hereby give you notice that by Deed made 2nd November, 1981  
those benefits and burdens were assigned to the new owner.

Yours faithfully,

*Freehill Hollingdale & Page*

c.c. D.G. Barr, Esq.

Encs.

MS1, 11

Attach to Council file  
(returned with my minutes  
of 5/11/81) City Solicitor's Office  
Solr.

10/11/81

C.P. 11/11/81  
(Refers sent Solr. 30/10/81)



COPY \$6.00

THIS DEED made the 29<sup>th</sup> day of July 1981

BETWEEN THE COUNCIL OF THE CITY OF SYDNEY (hereinafter called "the Council") which expression shall unless the context otherwise requires include its successors and assigns) of the one part AND THE NATIONAL MUTUAL LIFE ASSOCIATION OF AUSTRALIASIA LIMITED a company incorporated in the State of Victoria and having its principal office in the State of New South Wales at 44 Market Street Sydney (hereinafter called "the Association" which expression shall unless the context otherwise requires include its successors and assigns) of the other part WHEREAS:

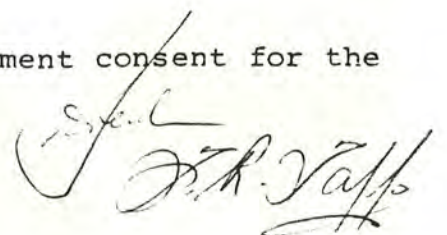
- A. The Association is the owner of the building situated at 348-352 George Street, corner Angel Place and Ash Street, Sydney (hereinafter referred to as "the Building")
- B. By resolution passed at its meeting held on 15th September, 1980 the Council as consent authority under the Environmental Planning and Assessment Act, 1979, granted its consent subject to conditions to the carrying out of restoration and renovation work to the Building as illustrated in drawings Nos. 1840-000/011C dated March, 1980 and to the use of basement No.2 for storage purposes basement No.1 and the ground floor for retail restaurant and commercial purposes (or a mixture of the same) and to the use of the upper floors for commercial purposes.
- C. The Building is registered by the National Trust as a historic building class A and it is also the policy of the Council that the building should be maintained and preserved because of its histroic importance.
- D. In consideration of the Association agreeing to maintain and preserve the Building as signified by its entering into this Deed the Council has agreed that the Association may subject to the conditions hereinafter set forth transfer



to other sites within the city of Sydney floor space equal to 12 times the area of the land on which the building is erected.

NOW THIS DEED WITNESSES that the Council and the Association mutually covenant with each other as follows:-

1. The Association may transfer to other sites within the city of Sydney ) whether owned by the Association or not) for incorporation in buildings to be erected thereon or for incorporation in extensions to existing buildings floor space up to an area equal to 12 times the area of the site on which the Building is erected namely floor space measuring not more than 10,460 square metres.
2. Floor space shall not be capable of being transferred in accordance with the provisions of Clause 1 hereof unless
  - (a) The site to which an area of floor space is proposed to be transferred (such site being hereinafter referred to as a "recipient site") shall be capable of absorbing the area of floor space proposed to be transferred in terms of bonus element No. 6 of the Floor Space Ratio and Control Code adopted by the Council on 6th December, 1971.
  - (b) The area of floor space proposed to be transferred to any recipient site shall not exceed twice the area of that site.
  - (c) The area of floor space proposed to be transferred to any recipient site shall not be less than that determined by the Council in the circumstances of the particular case.
  - (d) The Council has granted development consent for the



erection of the building or the extension of an existing building into which the area of floor space proposed to be transferred is to be incorporated.

3. The issue by the Council of a consent authorising the erection of a building (or the extension of an existing building) incorporating an area of floor space transferred from the site of the Building will be deemed an acknowledgment on the Council's part that all the requirements for the transfer of the area of floor space have been complied with and there is no objection by the Council to such transfer provided the application for the development consent has clearly indicated the area of floor space to be transferred from the site of the Building and incorporated in the building the subject of the said application.
4. Following completion of the restoration and renovation work to the Building hereinbefore recited the Association shall take all steps necessary to maintain and preserve the Building in a good and sound state of repair and having due and proper regard to its historical and architectural significance.
5. The Association shall also execute and hand to the Council and take all steps necessary (including the production of any certificate or certificates of title) to permit the registration of an instrument pursuant to the provisions of Section 88E of the Conveyancing Act, 1919 containing a restriction as to user of the land, the site of the Building in the following terms:-





"the land and building erected thereon shall not be permitted to fall into a state of maintenance or repair less than that required to comply with the reasonable requirements of the Council of the City of Sydney providing for the continued preservation and maintenance of the building having regard to its historical and architectural significance"

IN WITNESS WHEREOF this Deed was executed on the date first hereinbefore mentioned.

THE COMMON SEAL of THE COUNCIL )  
 )  
OF THE CITY OF SYDNEY was hereunto )  
 )  
 affixed pursuant to a resolution )  
 )  
 passed the 28<sup>th</sup> day of SEPTEMBER )  
 )  
 1981 in the presence of: )



Lord Mayor

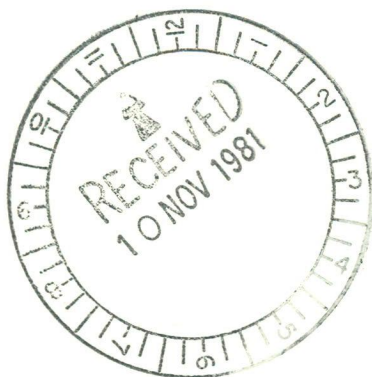
THE NATIONAL MUTUAL LIFE ASSOCIATION OF AUSTRALASIA  
 LIMITED by its Attorneys who hereby respectively state that they  
 have no notice of the revocation of Power of Attorney dated the  
 28th day of April, 1980 Registered No. 401 Book 3414 at the  
 time of their executing this instrument.

SIGNED in my presence for and on behalf of THE NATIONAL  
 MUTUAL LIFE ASSOCIATION OF AUSTRALASIA LIMITED  
 by its duly constituted Attorneys:

PETER WINTON JENKINS

AND FREDERICK RICHARD TAFFS  
 who are personally known to me

S. M. Cooke.





## MINUTE PAPER

Town Clerk's No. 11 15 0003

Dept. No.

Subject:

THE NATIONAL MUTUAL LIFE ASSOCIATION OF  
AUSTRALASIA LIMITED - 348-352 GEORGE STREET

Date

29th October, 1981.

I forward herewith a form of instrument intended to create a restriction pursuant to Section 88E of the Conveyancing Act, 1900. The instrument has been signed on behalf of the National Mutual Life Association of Australasia Limited and I certify the document as now being in order for execution by the Town Clerk as an authorised officer on behalf of the prescribed authority, namely, the Council.

I am informed by the solicitors for the Society that the property is to be sold on Monday morning next at 10.30 a.m. They are anxious to lodge the Section 88E instrument for registration prior to completion of the sale and this course is obviously in the best interest of the Council as well. I would therefore be obliged if the instrument could be executed and returned to me as a matter of urgency.



D.G. BARR

CITY SOLICITOR

P.S. The alteration should please be initialled.

C. S. L.

DOCUMENT SIGNED & ALTERATION  
INITIALED IN BLACK

L. P. C.

TOWN CLERK

29.10.81

COUNCIL  
Monday, 28th September, 1981.

Affixing of Common Seal to Documents. (32/05/0237) (11/15/0003)

14.(15a)(15b)

That approval be given to the Common Seal of the Council being affixed to the undermentioned documents:-

- (a) lease (in triplicate) between the Council and World Vision of Australia in respect of Suite 1, Level 11, Town Hall House;
- HKR 105* (b) Deed (in duplicate) between Council and the National Mutual Life Association of Australasia Limited in respect of the transfer of floor space from premises, Nos. 348-352 George Street, corner Angel Place and Ash Street, Sydney.

CARRIED.



## MINUTE BY THE TOWN CLERK

Town Clerk's No. 32/05/0237, 11/15/0003.

Subject: AFFIXING OF COUNCIL'S COMMON SEAL TO DOCUMENTS.

Date 14th September, 1981.

It is recommended that Council's Common Seal be affixed to the undermentioned documents:-

- (1) Lease (in triplicate) between Council and World Vision of Australia in respect of lease of Suite 1, Level 11, Town Hall House;
- (2) Deed (in duplicate) between Council and the National Mutual Life Association of Australasia Limited in respect of transfer of floor space from premises Nos. 348-352 George Street, corner Angel Place and Ash Street, Sydney.

*L. L. Carter*  
TOWN CLERK.

FINANCE COMMITTEE.

FINANCE

21 SEP 1981

COMMITTEE

RECOMMENDATION

APPROVED

COUNCIL

28 SEP 1981

*approved*  
*Service Officer.*

*CSOL*  
*SEAL AFFIXED TO PAGE 4*  
*OF 2 DOCUMENTS*

*16.9.9*

TOWN CLERK



32/05/0237, 11/15/0003.

AFFIXING OF COUNCIL'S COMMON SEAL TO DOCUMENTS.

14th September, 1981.

It is recommended that Council's Common Seal be affixed to the undermentioned documents:-

- (1) Lease (in triplicate) between Council and World Vision of Australia in respect of lease of Suite 1, Level 11, Town Hall House;
- (2) Deed (in duplicate) between Council and the National Mutual Life Association of Australasia Limited in respect of transfer of floor space from premises Nos. 348-352 George Street, corner Angel Place and Ash Street, Sydney.

TOWN CLERK.

FINANCE COMMITTEE.



IEC:SC

## MINUTE PAPER

Town Clerk's No. 11 15 0003

Dept. No.

Subject: 348-352 GEORGE STREET - CNR. ANGEL PLACE AND  
ASH STREET - PROPOSED TRANSFER OF FLOOR SPACE  
NATIONAL MUTUAL LIFE ASSOCIATION OF AUSTRALASIA LTD.

Date 21st August, 1981.

I forward herewith Deed (in duplicate) which has been executed on behalf of the National Mutual Life Association of Australasia Limited by that Company's Attorneys. The documents now require execution under the Council's Common Seal. The Deed is in terms approved by the City Planner and I accordingly certify it to be in order for execution as requested. Following execution, the documents should please be returned to me for further action.

An Instrument pursuant to Section 88E of the Conveyancing Act, 1919, will be prepared and submitted to the Company's Solicitors for execution on the Company's behalf in accordance with the provisions of Clause 5. I shall keep Council informed of progress with respect to this aspect of the matter.

D.G. BARR  
City Solicitor

Per:



MINUTE TO COMMITTEE  
RE AFFIXING OF SEAL  
16/8/81

TOWN CLERK

AUG 25 2 16 PM '81

SYDNEY CITY COUNCIL  
RECEIVED  
CENTRAL RECORDS



## MINUTE PAPER

RN/jt

Town Clerk's No. 11 15 0003

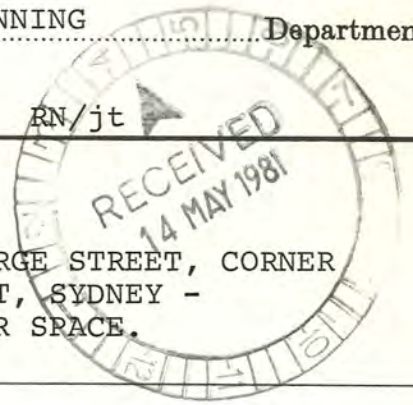
Dept. No.

Subject:

PREMISES: NOS. 348-352 GEORGE STREET, CORNER  
ANGEL PLACE AND ASH STREET, SYDNEY -  
PROPOSED TRANSFER OF FLOOR SPACE.

Date

8 MAY 1981

THE TOWN CLERK

I refer to the City Solicitor's minutes dated the 8th January and 19th February, 1981, and in answer to the questions raised, I advise as follows:

Minute - 8th January, 1981

- (1) The surveyor for the applicant has advised Council (attached to letter dated 1st April, 1981) that the area of the site is 871.7m<sup>2</sup>. On the basis of Council's Resolution dated 24th November, 1980, a floor space ratio of 12:1 could be transferred and therefore the figure of 10,460 square metres of floor space would be available for transfer.
- (2) The City Solicitor's suggestion that an approach be made to the Heritage Council seeking the imposition of a Permanent Conservation Order over the site is supported. As there is now an Interim Conservation Order over the site (I.C.O. 159) such an approach could be made without further reference to Council.

*Do not make any such approach before discussion with me.*

*13.5.81*

Minute - 19th February, 1981

- (1) Amendment to Clause 2 of the Deed:

The Council has determined the criteria to be observed in this particular case and therefore there is no reason to amend the subject clause.

- (2) Amendment to Clauses 4 and 5 of the Deed:

Clause 4 of the Deed should be retained in the Deed as advised by the City Solicitor.

Clause 5 could be deleted if a Permanent Conservation Order was placed over the site prior to the Deed being executed. As this does not appear possible, Clause 5 should be retained.

- (3) Amendment to Deed by inclusion of a Schedule:

It is agreed with the City Solicitor that a schedule attached to the Deed for the purpose of recording transfer of floor space would be a clumsy method of maintaining such records.

The Council should set up a register to record all such transfers. Therefore, the inclusion of a schedule attached to the Deed should not be supported.

It is recommended that the City Solicitor be advised as above.

CITY PLANNER



May 13 9 29 AM '81  
SYDNEY CITY COUNCIL  
RECEIVED  
CENTRAL RECORDS

Handwritten notes in the left margin, including the word "provision" and other illegible text.



CITY PLANNING DEPARTMENT

FILE No. 11/15/0003

SUBJECT

350 George st

FOR REPORT BY	SUBJECT
SCP 7/4/81	



The

**National Mutual**

Life Association of Australasia Ltd

Incorporated in Victoria

1st April 1981

P/G. Napier

The Town Clerk,  
The Council of the City of Sydney,  
Box 1591, G.P.O.  
SYDNEY NSW 2001

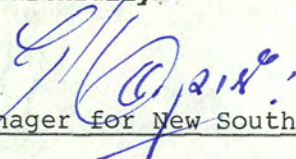
Attention: Mr Nolan

Dear Sir,

Re : Premises Nos 348-352 George Street,  
Cnr Ash Street, Sydney

We refer to your letter dated 26th March 1981 reference 11 15 0003 RN/jt and subsequent phone conversation and enclose herewith a copy of a letter from Surveyors Hill and Blume stating the area by survey as requested.

Yours faithfully,

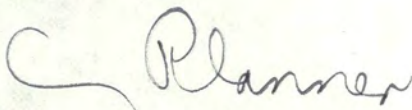
  
for Manager for New South Wales

National Mutual Centre,  
44 Market Street, Sydney  
P.O. Box Q280,  
Queen Victoria Building,  
N.S.W. 2000  
Telephone 2 0273

APR 3 9 04 AM '81

SYDNEY CITY COUNCIL  
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AF. 11/15/0003



6/4/81

(Papers sent C.P. 16/3/81)



# HILL & BLUME

REGISTERED SURVEYORS

PARTNERS:

KEVIN J. BLUME, F.I.S.AUST., M.A.I.C., A.I.A.R.B.A.  
JOHN T. HIGGINS, M.I.S.AUST.  
GEOFFREY H. LITTLE, M.I.S.AUST.  
ANTHONY R. ALLEN, B.SURV., DIP.H.N.P., M.I.S.AUST.

CONSULTANT:

WILLIAM P. HILL, F.I.S.AUST., M.R.A.P.I.



D.X. 545

M.U.I.O.O.F. BUILDING,  
185 ELIZABETH STREET,  
SYDNEY 2000

TELEPHONE: 264-5204

DATE: 31st March, 1981

REF.: 746 GL

General Manager,  
National Mutual Life Association,  
44 Market Street,  
SYDNEY 2000.

Attention Mr. G. Napier

Dear Sir,

Re: 350 George Street, Sydney

We have calculated the area of the property 350 George Street, Sydney as defined by us and shown in a sketch dated 21st March 1980.

The area of the site is  $871.7m^2$ . This area has been calculated from survey information obtained on site and as noted in our report of the 21st March, 1980.

Yours faithfully,  
HILL & BLUME

A handwritten signature in cursive script, appearing to read 'G. H. Little', written in dark ink.

Registered Surveyor



The Manager,  
The National Mutual Life Association  
of Australasia Ltd.,  
P.O. Box Q280,  
QUEEN VICTORIA BUILDING. 2000.

26 MAR 1981

11 15 0003

RN/jt

Dear Sir,

Premises: Nos.348-352 George Street, corner  
Ash Street, Sydney

I refer to your letter dated the 9th March, 1981,  
and advise that the site area details have not been supplied  
to Council as requested in its letter dated 2nd March, 1981  
(copy enclosed).

Your attention to this matter would be appreciated.

Yours faithfully,



L.P. CARTER  
Town Clerk.

PEND 1 MONTH

P81.05.27

*Handwritten notes:*  
25/3/81



CITY PLANNING DEPARTMENT

FILE No. 11.15.0003

SUBJECT

*350 George St.*

FOR REPORT BY	SUBJECT
<p><i>SCP.</i> <i>16.3.81</i> <u>          </u></p>	



The

**National Mutual**

Life Association of Australasia Ltd

Incorporated in Victoria

9 March 1981

P/G Napier

Town Clerk

The Council of the City of Sydney

GPO Box 1591

SYDNEY NSW 2001

National Mutual Centre,  
44 Market Street, Sydney

P.O. Box Q280,  
Queen Victoria Building,  
N.S.W. 2000

Telephone 2 0273

MAR 9 8 33 AM '81

SYDNEY CITY COUNCIL  
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ATTENTION: JMcM:BM

AF. 11. 15. 0003

Dear Sir

Re: National Mutual Building - Sale and/or Transfer of Floor Space

We refer to your letter dated 2 March 1981 and enclose herewith a copy of the requested site survey plus a copy of the surveyors letter which accompanied this survey for your attention.

Yours truly

for Manager for New South Wales

5/11/Q

CHL 11/3/81



## Site details

### HILL & BLUME

REGISTERED SURVEYORS

PARTNERS:

KEVIN J. BLUME, F.I.S.AUST., M.A.I.C.

JOHN T. HIGGINS, M.I.S.AUST.

GEOFFREY H. LITTLE, M.I.S.AUST.

ANTHONY R. ALLEN,

B.SURV., DIP.H.N.P., M.I.S.AUST.

CONSULTANT:

WILLIAM P. HILL, F.I.S.AUST., M.R.A.P.I.



D.X. 545

M.U.I.O.O.F. BUILDING,  
185 ELIZABETH STREET,  
SYDNEY 2000

TELEPHONES: 26-5204  
211-0892

DATE: 21st March 1980.

REF.: 27849 - 746

The National Mutual Life Association of Australia,  
44 Market Street,  
SYDNEY 2000.

Land in the City of Sydney, Parish of St. James, County of Cumberland having a frontage of 27.645 metres to George Street, Sydney being Lots 2, 3 and Part Lot 4 as shown on File Plan No. 58976 and also as shown on File Plan No. 175156 and being the whole of the land comprised in Certificate of Title Volume 3615 Folio 19.

In accordance with your instructions we have made a survey for identification purposes of the above described land which is further shown edged red on the accompanying sketch.

On the land there is erected a six storey stone building with small machinery outbuildings on the roof and also a basement.

The property is known as the National Mutual Building No. 350 George Street, Sydney.

The position of the building relative to the boundaries of the land as defined by us is as shown on the attached sketch. The George Street frontage has been defined by an alignment survey by the Sydney City Council. The Angel Place and the Ash Street frontages have been fixed by adopting the faces of walls and details as shown in previous survey plans.

The northern boundary has been fixed by File Plan No. 175156 and this plan shows this boundary as running through a common wall 0.419m southerly from the northern face of the property Nos. 344-346 George Street at the general level of the George Street frontage.

The positions of various parts of the wall relative to the fixation of the streets are indicated on the attached sketch. Architectural embellishments attached to the George Street and the Angel Place walls and partly returning along Ash Street to the north overhang the aforementioned streets up to 1.09m as indicated. On the southern side of the light well there exists a small iron roof covering the ground floor and mezzanine floor of the subject property. We have not attempted to define the position of the gutter attached to this roof as we believe it was beyond the scope of your requirements.

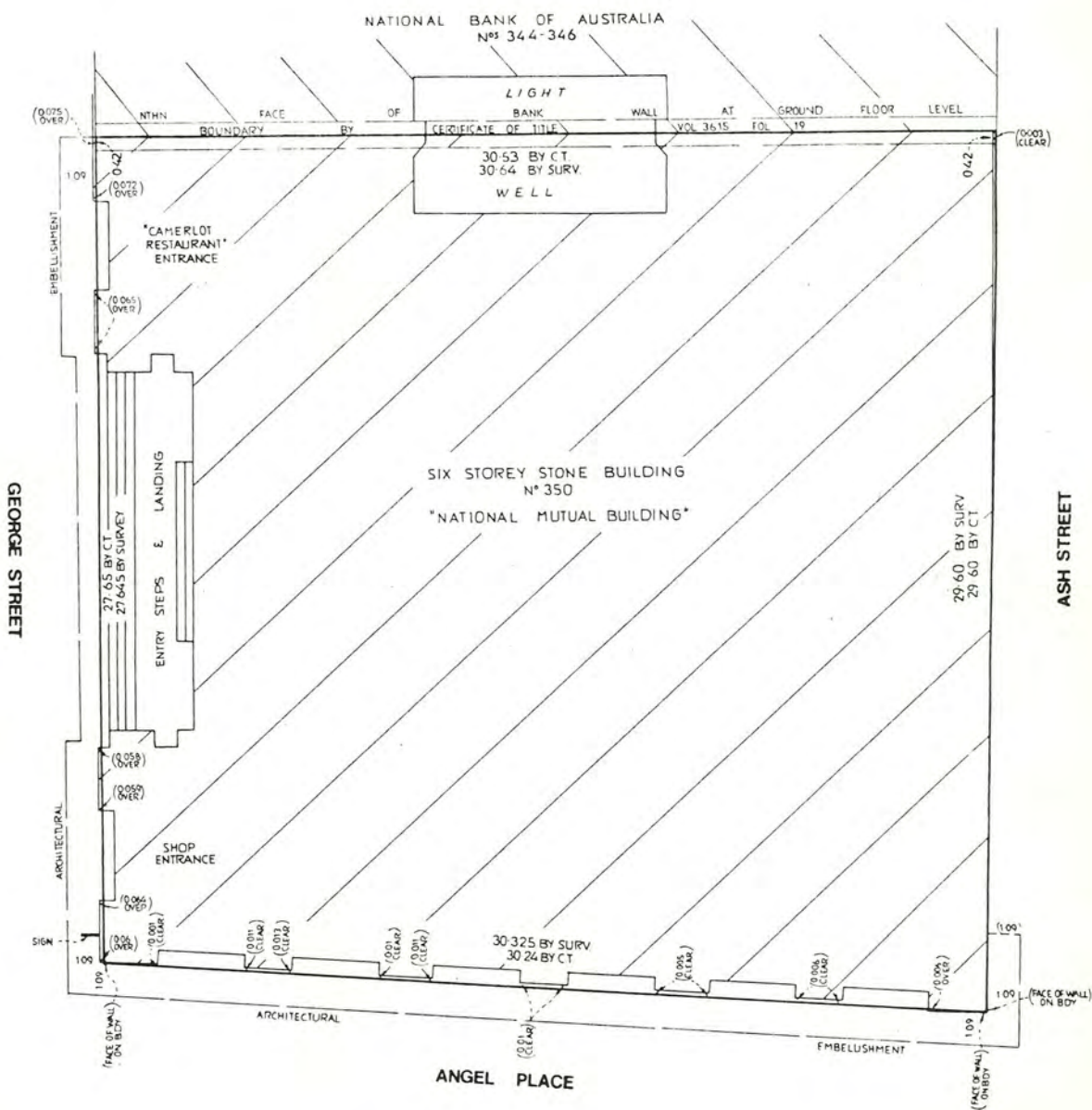
Other than the above, there are no visible encroachments of note either by or upon the subject land.

HILL & BLUME

Registered Surveyor



Site Plan



THIS IS THE SKETCH TO ACCOMPANY  
REPORT DATED 21.3.80

*G. H. Little*  
REGISTERED SURVEYOR

HILL & BLUME  
REGISTERED SURVEYORS  
185 ELIZABETH ST. SYDNEY  
PH 264 5204  
REF: 746



12/3/81

- Central  
To: Records (~~Amey Thomas~~)

Please connect this file  
to my Minute of 19 February,  
1981, & refer to City Planning  
Department.

Thank you  
J. E. Gubler  
City Solicitor's Office

CP Planner  
16/3/81

SCP  
16-3-81





The Investments Manager,  
National Mutual Life Association  
of Australia,  
P.O. Box Q280,  
QUEEN VICTORIA BUILDING. 2000.

2nd March, 1981.

JMcM:BM

Dear Sir,

National Mutual Building - Sale and/or  
transfer of floor space

I refer to Council's letter of 25th November, 1980, in respect of the above matter.

Council's Solicitors have prepared a draft Deed incorporating the conditions which Council has agreed to in connection with the transfer of the floor space from the above building, however, it has not been possible from Council's records and a search at the Registrar General's Department to determine the exact site area.

Accordingly, it would be appreciated if arrangements could be made for the Association to provide a survey plan of the site detailing the site area.

Yours faithfully,

L. P. CARTER,  
Town Clerk

2/3/81.



## MINUTE PAPER

RN/mb

Town Clerk's No. 11 15 0003

Dept. No.

Subject: PROPOSED TRANSFER OF FLOOR SPACE -  
PREMISES: NOS.348/352 GEORGE STREET CNR. ASH  
STREET AND ANGEL PLACE, SYDNEY

Date 19th February, 1981

THE TOWN CLERK

The Council on the 24th November, 1980, resolved to approve the sale and/or transfer by National Mutual Life Association of Australasia Ltd. of the subject premises - copy of resolution attached.

The City Solicitor by minute dated the 8th January, 1981, advises :

"I forward herewith for consideration by Council's officers a draft deed incorporating the conditions subject to which Council has agreed to the transfer of floor space from the abovementioned premises. The figure of 10,080 square metres as the total area of floor space available for transfer has been taken from a letter from the company's investment manager. I consider it highly desirable that the Deed should specify the total amount of floor space available for transfer as this would avoid the problem which has recently arisen in connection with the site owned by Katies Properties (N.S.W.) Pty. Limited. I should please be advised whether Council accept this figure as being correct.

As I have previously advised in connection with the other site, it is not legally possible to place on the title to land a restrictive covenant imposing on the owner the carrying out of positive obligations, such as requiring him to maintain a building in a certain state of repair. The nearest that can be achieved is a restriction as to the user of land in accordance with Section 88E of the Conveyancing Act, 1919, but, in my view, this is not a satisfactory alternative. In my view, Council's purpose could best be achieved by securing the imposition on the building of a permanent conservation order pursuant to the Heritage Act, 1979. I would suggest that consideration be given to an alternative condition requiring the company to join with the Council in an approach to the Heritage Council seeking the imposition of such an order.

Copy of the draft Deed has also been sent to the company's solicitors for their comment. I would accordingly be pleased to receive the Council's instructions as a matter of urgency."

Total floor space available for transfer:

A check of Council's records and a search at the Registrar General's Department has not revealed the exact site area. Therefore the applicant should be requested to provide a survey plan detailing the site area. On receipt of this advice the City Solicitor could be advised of the total area of floor space available for transfer.

FEB 24 11 02 AM '81

SYDNEY CITY COUNCIL  
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Permanent Conservation Order:

Interim Conservation Order No.19 relating to the subject property was gazetted on the 23rd January, 1981

Advice from the Heritage Council of N.S.W. indicates that a permanent conservation order could in time be gazetted. Therefore, no further action is required at this time regarding an approach to the Heritage Council.


It is recommended -

- (1) that the applicant be requested to provide a survey plan of the site detailing the site area; and
- (2) that the City Solicitor be advised of the information in this report.

  
CITY PLANNER

(a) US (1)

(b) C. Sdr (2)

 26.1.81

**MINUTE PAPER**

Town Clerk's No. 11/15/0003

Dept. No.

348-352 GEORGE STREET, CNR. ANGEL PLACE AND ASH

Subject:

STREET - PROPOSED TRANSFER OF FLOOR SPACE

Date

19th February, 1981.

Further to my Minute of the 8th January last, I forward herewith copy of a letter (together with enclosures) received from Messrs. Freehill Hollingdale & Page, Solicitors, for the Company. Might I please be given instructions on the amendments to the draft Deed sought therein.

As to item 1, these were typographical errors which have since been corrected. As to item 2, I shall require Council's instructions. The insertion of the proposed words would still leave a discretion in Council but several of the conditions contained in Clause 2 are not such as Council would be likely to wish to vary.

Item 3 also requires instructions. This raises the question as to whether the imposition of a Permanent Conservation Order would not be a more satisfactory method of ensuring the maintenance of the building than the placing on the title of a restriction pursuant to Section 88E of the Conveyancing Act in the terms suggested in Clause 5. In any event, I think clause 4 should be retained in the Deed.

Item 4 also requires instructions. The proposed Schedule attached to the Deed is a somewhat clumsy method of maintaining a record of various transfers of floor space as it would involve the exchange of documents on each occasion for the purpose of verifying the addition of the items to the Schedule. I have previously suggested that Council should set up a register to record transfers of floor space which it has approved from various development sites. I still believe this is necessary, and it would be

*(Papers sent to C.P. 12/1/81)*



FEB 23 10 53 AM '81

SYDNEY CITY COUNCIL  
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CENTRAL RECORDS

DATE

BY

FILE NO.

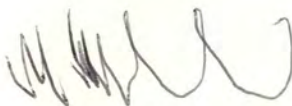
FILE NO.

MINUTE BOOK

simple to insert an appropriate provision in the Deed if such a register were established. I should please be given instructions on the above matters and also instructions generally on the terms of the draft submitted with my Minute of the 8th January.

D.G. BARR  
City Solicitor

Per:



City Minutes 24.2.81

Scr 23/3/81



# FREEHILL, HOLLINGDALE & PAGE

## SOLICITORS & NOTARIES

MLC CENTRE, MARTIN PLACE  
SYDNEY AUSTRALIA 2000

TELEPHONE: (02) 234 7 234

CABLES: FREEHILLS SYDNEY TELEX: AA21885

DX: 361 SYDNEY

OUR REF: BJMcF

YOUR REF: 3.IEC 5736/80

## ASSOCIATED OFFICES:

### CANBERRA

NATIONAL MUTUAL CENTRE  
DARWIN PLACE CANBERRA CITY  
AUSTRALIA 2601

TELEPHONE: (062) 47 4551

TELEX: AA62710

DX: 5666 CANBERRA

### PERTH

LAW CHAMBERS CATHEDRAL SQUARE  
PERTH WESTERN AUSTRALIA 6000

TELEPHONE: (09) 325 0421

TELEX: AA92937

DX: 121 PERTH

BRIAN J. D. PAGE  
EDMUND A. O'HALLORAN  
ALAN C. RAILTON  
PETER E. HOLLINGDALE  
RODERICK MCLEOD  
CLIVE V. CULLINAN  
LEONARD R. SMITH  
WARREN F. ASPREY  
IAN F. HUTCHINSON  
BRIAN E. THORNTON  
THOMAS D. JONES  
W. R. MCCOMAS  
G. F. K. SANTOW  
ROBERT C. NICHOLLS  
JOSEPH G. ROONEY  
JAMES H. GRAHAM  
PETER SHORT  
PHILLIP T. TAYLOR

BRUCE K. CUTLER  
RICHARD A. LONGES  
JOHN C. MULALLY  
KEVIN W. BROADLEY  
MICHAEL PAGE  
PETER J. CARNEY  
P. HELEN BROWN  
BRIAN J. MCFADYEN  
MARK R. DAVIDSON (PERTH)  
ROBERT A. CHANNON  
PETER J. PERRY  
DOUGLAS M. FRANC  
PETER S. RIDOUT  
MICHAEL GRAY  
DAVID M. GONSKI  
H. KEITH C. STEELE  
JULIAN BLOCK

## CONSULTANTS:

JOHN M. ROTHERY

SIR CLARRIE HARDERS  
(CANBERRA)

5th February, 1981

D.G. Barr, Esq.,  
Solicitor,  
D.X. 355,  
SYDNEY.

Dear Sir,

The National Mutual Life Association of Australasia Limited  
and the Council of the City of Sydney  
Transfer of Floor Space - 348-352 George Street, Sydney

We refer to your letter of 8th January, 1981 and have been instructed to comment on the provisions of that Deed as follows:

1. It seems that the building referred to in the second line of Clause 2 (d) and in the last line of Clause 3 is not meant to be a reference to "the Building" (defined as meaning the improvements erected at 350 George Street).
2. The words "unless Council otherwise determines" should be added after the word "not" in the first line of Clause 2.
3. Clauses 4 and 5 should be deleted. Coincidentally (having regard to the provisions of the last paragraph of your letter) the Minister for Planning and Environment has made an interim conservation order in respect of the property. A copy of his letter to our client dated 27th January, 1981, and of the appropriate extract from the Government Gazette referred to in that letter, is enclosed. If your client accepts that the restrictions thus imposed on the owner of the building are sufficient to allay the concerns felt by your client Council, then perhaps (subject to our own client's further instructions) application could be made to the Minister for the interim order to be replaced by a permanent order.

.../2

EMP

FREEHILL, HOLLINGDALE & PAGE

- 2 -

To - D.G. Barr, Esq.

5th February, 1981

4. A Schedule should be appended to the Deed in which would be listed the quantum of floor space transferred from time to time. The Schedule should be in relatively simple form, merely chronicling the date upon which the transfer was effected, the name of the recipient and/or the recipient site, and the balance of the floor space left available for transfer.

We would appreciate your comments.

Yours faithfully,

*Freehill Hollingdale & Page*

Encl.





# Heritage Council of New South Wales

N  
Attention Mr. Brian Taylor,  
National Mutual Life Association  
of Australia Ltd.,  
44 Market Street,  
SYDNEY. 2000.

Remington Centre,  
169-183a Liverpool Street, Sydney 2000  
all mail to be addressed to  
P.O. Box A284 Sydney South, 2000

Telephone: 2379111 Ext: 9649

Contact: Mr. E. Rainbow

Our Reference:

Your Reference:

Dear Mr. Brian,

27 JAN 1981

National Mutual Building, 350 George Street, Sydney

I wish to advise that the Minister for Planning and Environment, the Hon. Eric Bedford, M.P., has made AN INTERIM CONSERVATION ORDER pursuant to Section 26 of the Heritage Act, 1977, in respect of the item referred to above.

2. Details concerning the purpose and effect of the Order, together with the detailed description of the item(s) to which the order applies, are provided for your information in the attached notice.

3. Any inquiries which you may have relating to the Order should be directed to the Senior Register Officer, Heritage and Conservation Branch, Department of Environment and Planning, at the above address.

Yours faithfully,

*E. Smith*

E. Smith  
Secretary *E.*



HERITAGE ACT, 1977

NOTIFICATION OF INTERIM CONSERVATION ORDER

NOTICE IS HEREBY GIVEN, pursuant to Section 29 of the Heritage Act, 1977, that the Minister for Planning and Environment has made Interim Conservation Order No. 159 in respect of the item(s) of the environmental heritage described in the schedule hereto. The Order was published in Government Gazette No. 19 dated 23rd January, 1981 and took effect on that date. This Order shall remain in force for a period of two years after that date, unless

- (a) a permanent conservation order is made;
- (b) a conservation scheme takes effect;
- (c) the Heritage Council approves the demolition;
- (d) the Minister revokes the order in whole or in part, in respect of the said item(s) within that period.

The effect of the Order is to control the demolition or alteration of buildings or works; damaging or despoiling a relic, place or land; excavating to expose or move a relic; development of land; displaying any notice or advertisement; and destroying, damaging or removing any tree; except in pursuance of an approval granted by the Heritage Council under Subdivision 1 of Division 3 of the Heritage Act.

Application for such approval must be made in writing in the form prescribed by regulation and on payment of the prescribed fee. Enquiries regarding such applications should be made to the Secretary of the Heritage Council, 4th Floor, Remington Building, 169-183a Liverpool Street, Sydney (Telephone 237-9111).

Dated at Sydney this

E. Smith  
Secretary  
Heritage Council of New South Wales

SCHEDULE "A"

The building being the National Mutual Building, No. 350 George Street, Sydney, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces and parcels of land situated at Sydney, City of Sydney, Parish of St. James, County of Cumberland, being land in Certificate of Title Volume 3615, Folio 19, being also lots 2 and 3 and part lot 14 of the Chisholm Estate, as shown edged heavy black on the plan catalogued NC 356 in the office of the Heritage Council of New South Wales.



# Heritage Council of New South Wales

## PLAN

Under the Heritage Act, 1977

Description LOTS 2 & 3 & Part LOT 4 of the "CHISHOLM ESTATE" - being also  
Part Allotment 3 of Section 37. N°350 George Street NATIONAL MUTUAL BUILDING

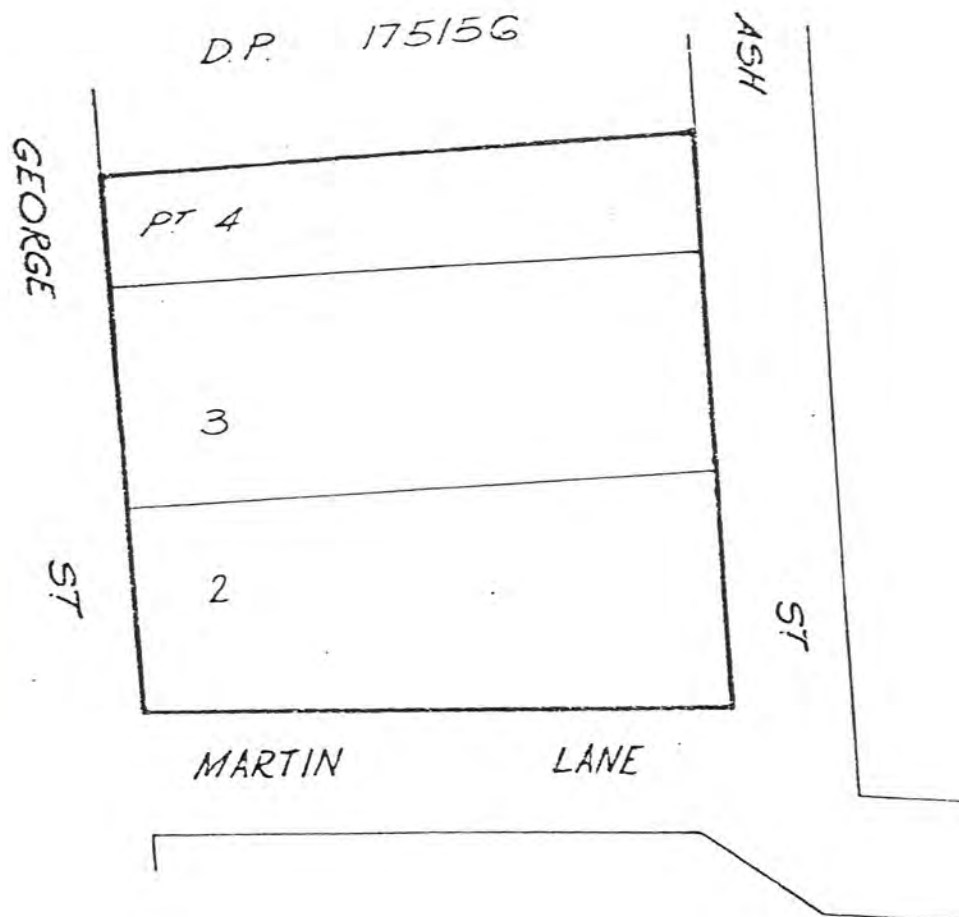
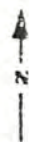
~~Municipality~~ / City SYDNEY

Locality SYDNEY

Parish of ST. JAMES

County of CUMBERLAND

Scale 1:400



COMPILED FROM INFORMATION IN  
C.T. Vol 36/5 Fol 19.

FILE REFERENCE

H.C.32449

PLAN APPROVED

*Bayoung*

for SECRETARY, HERITAGE COUNCIL

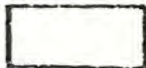
PLAN NUMBER

H.C.  
356

BY D.A.L. DATE 11/11/80

THIS IS THE PLAN REFERRED TO IN INTERIM/~~PERMANENT~~ CONSERVATION ORDER No. 159.  
N.S.W. GOVERNMENT GAZETTE No. 19 OF 23rd January, 1981.

SUBJECT LAND SHOWN THUS:





HERITAGE ACT, 1977  
ORDER UNDER SECTION 130

I, the Minister for Planning and Environment, in pursuance of section 130 of the Heritage Act, 1977, do, by this my order, declare that such buildings as are specified in the Schedule hereto shall not be demolished except in accordance with Division 8 of Part VI of the said Act. (H.C. 32451)

H. F. JENSEN,  
Acting Minister for Planning and Environment.  
Sydney, 19th January, 1981.

SCHEDULE

"Belltrees", Wiseman's Ferry Road, Somersby. (7238)

HERITAGE ACT, 1977  
ORDER UNDER SECTION 130

I, the Minister for Planning and Environment, in pursuance of section 130 of the Heritage Act, 1977, do, by this my order, declare that such buildings as are specified in the Schedule hereto shall not be demolished except in accordance with Division 8 of Part VI of the said Act. (H.C. 32452)

H. F. JENSEN,  
Acting Minister for Planning and Environment.  
Sydney, 19th January, 1981.

SCHEDULE

The farmhouse "Belbourie" and outbuildings, Howes Road, Somersby. (7237)

HERITAGE ACT, 1977  
ORDER UNDER SECTION 130

I, the Minister for Planning and Environment, in pursuance of section 130 of the Heritage Act, 1977, do, by this my order, declare that such buildings as are specified in the Schedule hereto shall not be demolished except in accordance with Division 8 of Part VI of the said Act. (H.C. 32466)

H. F. JENSEN,  
Acting Minister for Planning and Environment.  
Sydney, 19th January, 1981.

SCHEDULE

The Bay View Hotel, The Boulevarde, Woy Woy. (7279)

HERITAGE ACT, 1977  
INTERIM CONSERVATION ORDER No. 157

IN pursuance of section 26 of the Heritage Act, 1977, I, the Minister for Planning and Environment, having considered a recommendation by the Heritage Council, do by this my order make an interim conservation order in respect of the item of the environmental heritage being the place, containing an avenue of Bunya Pines, comprising on that piece or parcel of land situated at Kellyville, in the Shire of Baulkham Hills, Parish of Castle Hill, County of Cumberland, being part of lot 2, D.P. 571123, as shown edged heavy black in plan catalogued H.C. 358 in the office of the Heritage Council of New South Wales.

H. F. JENSEN,  
Acting Minister for Planning and Environment.  
Sydney, 19th January, 1981. (7463)

HERITAGE ACT, 1977  
INTERIM CONSERVATION ORDER No. 159

IN pursuance of section 26 of the Heritage Act, 1977, I, the Minister for Planning and Environment, having considered a recommendation by the Heritage Council, do, by this my order—

- (i) make an interim conservation order in respect of the item(s) of the environmental heritage specified or described in Schedule "A"; and
- (ii) declare that the interim conservation order shall apply to the curtilage or site of such item(s) being the land described in Schedule "B". (H.C. 32449)

H. F. JENSEN,  
Acting Minister for Planning and Environment.  
Sydney, 19th January, 1981.

SCHEDULE "A"

The building, being the National Mutual Building, No. 350 George Street, Sydney, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces and parcels of land situated at Sydney, City of Sydney, Parish of St James, County of Cumberland, being land in Certificate of Title, volume 3615, folio 19, being also lots 2 and 3 and part lot 14 of the Chisholme Estate, as shown edged heavy black on the plan catalogued H.C. 356 in the office of the Heritage Council of New South Wales. (7235)

HERITAGE ACT, 1977

INTERIM CONSERVATION ORDER No. 154

IN pursuance of section 26 of the Heritage Act, 1977, I, the Minister for Planning and Environment, having considered a recommendation by the Heritage Council, do by this my order—

- (i) make an interim conservation order in respect of the item of the environmental heritage specified or described in Schedule "A"; and
- (ii) declare that the interim conservation order shall apply to the curtilage or site of such item being the land described in Schedule "B". (H.C. 32578)

H. F. JENSEN,  
Acting Minister for Planning and Environment.  
Sydney, 19th January, 1981.

SCHEDULE "A"

The building being the house known as "Gundimaine House" together with its outbuildings, No. 39 Shell Cove Road, Kurraba Point, situated on the land described in Schedule "B".

SCHEDULE "B"

All that piece or parcel of land situated at Neutral Bay, Municipality of North Sydney, Parish of Willoughby, County of Cumberland, being lot 7, D.P. 9797, as shown edged black on the plan catalogued H.C. 362 in the office of the Heritage Council of New South Wales. (7460)

HERITAGE ACT, 1977

INTERIM CONSERVATION ORDER No. 160

IN pursuance of section 26 of the Heritage Act, 1977, I, the Minister for Planning and Environment, having considered a recommendation by the Heritage Council, do, by this my order—

- (i) make an interim conservation order in respect of the item(s) of the environmental heritage specified or described in Schedule "A"; and
- (ii) declare that the interim conservation order shall apply to the curtilage or site of such item(s) being the land described in Schedule "B". (H.C. 30058 (z) 7)

H. F. JENSEN,  
Acting Minister for Planning and Environment.  
Sydney, 16th January, 1981.

SCHEDULE "A"

The building, known as the Newcastle Railway Station, Scott Street, Newcastle, situated on the land described in Schedule "B".

SCHEDULE "B"

All that piece or parcel of land situated at Newcastle, City of Newcastle, Parish of Newcastle, County of Northumberland, being part of lot 3 in D.P. 237912, as shown edged heavy black on the plan catalogued H.C. 246 in the office of the Heritage Council of New South Wales. (7344)

HERITAGE ACT, 1977

INTERIM CONSERVATION ORDER No. 161

IN pursuance of section 26 of the Heritage Act, 1977, I, the Minister for Planning and Environment, having considered a recommendation by the Heritage Council, do, by this my order—

- (i) make an interim conservation order in respect of the item(s) of the environmental heritage specified or described in Schedule "A"; and



Copy

original in

11/22/0087.

New South Wales Government



# Heritage Council of New South Wales

JAN 30 10 40 AM '81

SYDNEY CITY COUNCIL  
RECEIVED  
CENTRAL RECORDS

Town Clerk,  
Council of the City of Sydney,  
Town Hall,  
George Street,  
SYDNEY. 2000.

Remington Centre,  
169-183a Liverpool Street, Sydney 2000  
all mail to be addressed to  
P.O. Box A284 Sydney South, 2000

Telephone: 2379111 Ext: 9649

Contact: Mr. E. Rainbow

Our Reference:

Your Reference:

Dear Sir,

27 JAN 1981

National Mutual Building 350 George Street, Sydney.

I wish to advise that the Minister for Planning and Environment, the Hon. Eric Bedford, M.P., has made an interim conservation order pursuant to Section 26 of the Heritage Act, 1977, in respect of the item referred to above.

2. Details concerning the purpose and effect of the Order, together with the detailed description of the item(s) to which the order applies, are provided for your information in the attached notice.

3. Any inquiries which you may have relating to the Order should be directed to the Senior Register Officer, Heritage and Conservation Branch, Department of Environment and Planning, at the above address.

Yours faithfully,

E. Smith

E. Smith  
Secretary



HERITAGE ACT, 1977

(a) a permanent conservation order is made;

(b) a conservation scheme takes effect;

(c) the Heritage Council approves the demolition;

(d) the Minister revokes the order in whole or in part,

in respect of the said item(s) within that period.

Application for such approval must be made in writing in the form prescribed by regulation and on payment of the prescribed fee. Enquiries regarding such applications should be made to the Secretary of the Heritage Council, 4th Floor, Remington Building, 169-183a Liverpool Street, Sydney (Telephone 237-9111).

E. Smith  
Secretary  
Heritage Council of New South Wales

The building being the National Mutual Building, No. 270 George Street, Sydney, situated on the land covered by Schedule "B".

11 those pieces and parcels of land situated at the City of Sydney, Parish of St. James, County of Cumberland, being land in Certificate of Title Volume 618, folio 10, being also lots 2 and 3 and part lot 4 of the said estate, as shown edged heavy black on the plan of lot MC 356 in the office of the Registrar-General of Land Sales.



# Heritage Council of New South Wales 22

## PLAN

Under the Heritage Act, 1977

Description *LOTS 2 & 3 & Part LOT 4 of the "CHISHOLM ESTATE" - being also  
Part Allotment 3 of Section 37. N°350 George Street 'NATIONAL MUTUAL BUILDING*

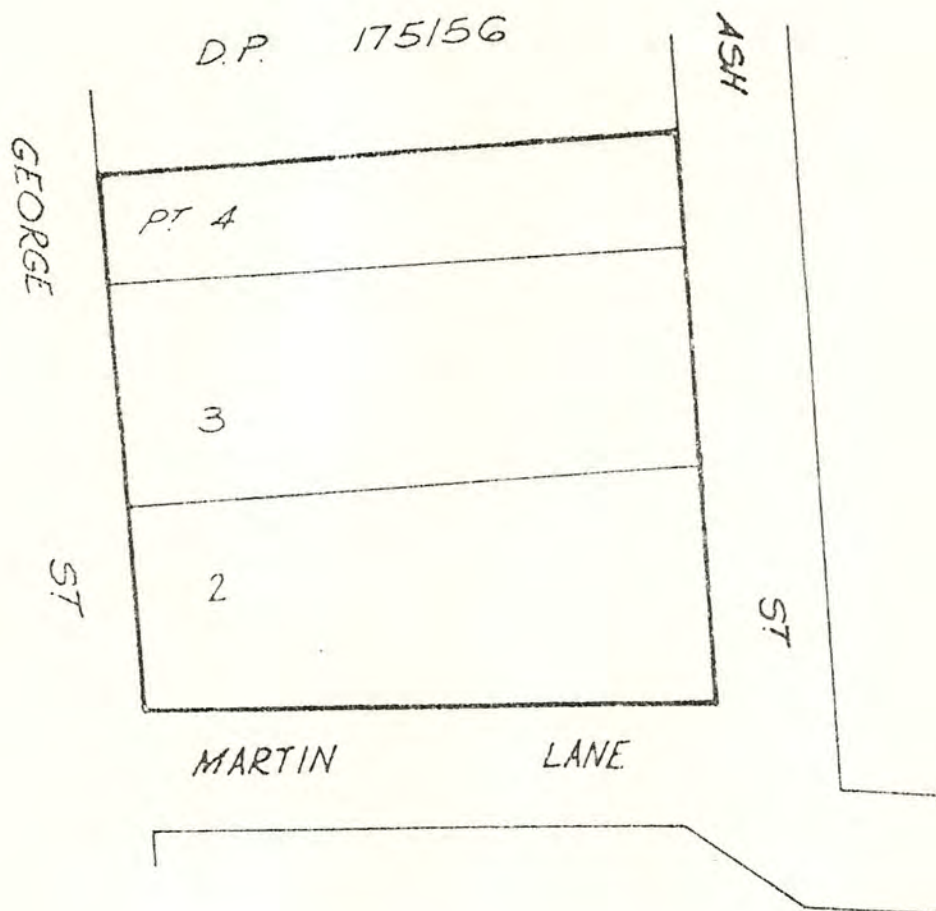
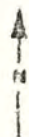
Municipality/City *SYDNEY*

Locality *SYDNEY*

Parish of *ST. JAMES*

County of *CUMBERLAND*

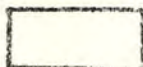
Scale *1:400*



COMPILED FROM INFORMATION IN <i>ST. Vol. 36/5 Fol. 19.</i>	FILE REFERENCE <i>H.C. 32449</i>	PLAN APPROVED <i>[Signature]</i> for SECRETARY HERITAGE COUNCIL	PLAN NUMBER <i>H.C. 356</i>
BY <i>D.A.L.</i>	DATE <i>11/11/80</i>		

THIS IS THE PLAN REFERRED TO IN INTERIM/~~PERMANENT~~ CONSERVATION ORDER No. *15*  
N. S. W. GOVERNMENT GAZETTE No. *19* OF *23rd January, 1981*

SUBJECT LAND SHOWN THIS:





**MINUTE PAPER**

IEC:CD

Town Clerk's No. A.F. 11/15/0003

Dept. No.

348-352 GEORGE STREET - CNR. ANGEL PLACE AND

Subject: ASH STREET - PROPOSED TRANSFER OF FLOOR SPACE

Date 8th January, 1981

12:1

1

I forward herewith for consideration by Council's officers a draft deed incorporating the conditions subject to which Council has agreed to the transfer of floor space from the abovementioned premises. The figure of 10,080 square metres as the total area of floor space available for transfer has been taken from a letter from the company's investment manager. I consider it highly desirable that the Deed should specify the total amount of floor space available for transfer as this would avoid the problem which has recently arisen in connection with the site owned by Katies Properties (N.S.W.) Pty. Limited. I should please be advised whether Council accept this figure as being correct.

As I have previously advised in connection with the other site, it is not legally possible to place on the title to land a restrictive covenant imposing on the owner the carrying out of positive obligations, such as requiring him to maintain a building in a certain state of repair. The nearest that can be achieved is a restriction as to the user of land in accordance with Section 88E of the Conveyancing Act, 1919, but, in my view, this is not a satisfactory alternative. In my view, Council's purpose could best be achieved by securing the imposition on the building of a permanent conservation order pursuant to the Heritage Act, 1979. I would suggest that consideration be given to an alternative condition requiring the company to join with the Council in an approach to the Heritage Council seeking the imposition of such an order.

Deal Council ②

Copy of the draft Deed has also been sent to the company's solicitors for their comment. I would accordingly be pleased to receive the Council's instructions as a matter of urgency.

D.G. BARRCity Solicitor

Per:



Atty. Kanner 12.1.81

SCP.

12.1.81.



JAN 9 1 35 PM '81  
SYDNEY CITY COUNCIL  
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1981

expression shall unless the context otherwise requires include its successors and assigns) of the other part WHEREAS:

- D. In consideration of the Association agreeing to maintain and preserve the Building as signified by its entering into this Deed the Council has agreed that the Association may subject to the conditions hereinafter set forth transfer to other sites within the city of Sydney floor space equal to 12 times the area of the land on which



the building is erected.

NOW THIS DEED WITNESSES that the Council and the Association mutually covenant with each other as follows:-

1. The Association may transfer to other sites within the city of Sydney (whether owned by the Association or not) for incorporation in buildings to be erected thereon or for incorporation in extensions to existing buildings floor space up to an area equal to 12 times the area of the site on which the Building is erected namely floor space measuring not more than 10,080 square metres.
2. Floor space shall not be capable of being transferred in accordance with the provisions of Clause 1 hereof unless
  - (a) The site to which an area of floor space is proposed to be transferred (such site being hereinafter referred to as a "recipient site") shall be capable of absorbing the area of floor space proposed to be transferred in terms of bonus element No. 6 of the Floor Space Ratio and Control Code adopted by the Council on 6th December, 1971.
  - (b) The area of floor space proposed to be transferred to any recipient site shall not exceed twice the area of that site.
  - (c) The area of floor space proposed to be transferred to any recipient site shall not be less than that determined by the Council in the circumstances of the particular case.
  - (d) The Council has granted development consent for the erection of the Building or the extension of an existing building into which the area of floor space proposed to be transferred is to be incorporated.
3. The issue by the Council of a consent authorising the erection of a building (or the extension of an existing



building) incorporating an area of floor space transferred from the site of the Building will be deemed an acknowledgment on the Council's part that all the requirements for the transfer of the area of floor space have been complied with and there is no objection by the Council to such transfer provided the application for development consent has clearly indicated the area of floor space to be transferred from the site of the Building and incorporated in the Building the subject of the said application.

4. Following completion of the restoration and renovation work to the Building hereinbefore recited the Association shall take all steps necessary to maintain and preserve the Building in a good and sound state of repair and having due and proper regard to its historical and architectural significance.
5. The Association shall also execute and hand to the Council and take all steps necessary (including the production of any certificate or certificates of title) to permit the registration of an instrument pursuant to the provisions of Section 88E of the Conveyancing Act, 1919 containing a restriction as to user of the land, the site of the Building in the following terms:-

"the land and building erected thereon shall not be permitted to fall into a state of maintenance or repair less than that required to comply with the reasonable requirements of the Council of the City of Sydney providing for the continued preservation and maintenance of the building having regard to its historical and architectural significance"

IN WITNESS WHEREOF this Deed was executed on the date first hereinbefore mentioned.



The Investments Manager,  
National Mutual Life Association  
of Australia,  
P.O. Box Q280,  
QUEEN VICTORIA BUILDING. 2000.



25th November, 1980.

11/15/0003  
WA:BM

Dear Sir,

Premises, "National Mutual Building", Nos. 348-352  
George Street corner Angel Place and Ash Street,  
Sydney - Sale and/or transfer of floor space.

Reference is made to your letter of 17th July, 1980,  
in respect of the above matter.

Council at its meeting held on 24th November, 1980,  
approved of the sale and/or transfer by your Company of the  
floor space from premises Nos. 348-352 George Street corner  
Angel Place and Ash Street, Sydney, subject to the following  
conditions, namely:-

- (1) That the total ratio to be transferred shall not exceed 12:1, based on this site;
- (2) That the recipient site shall, in terms of Bonus Element No. 6 of the Floor Space Ratio Code, be capable of absorbing any floor space transferred to it;
- (3) That the amount of floor space transferred to any recipient site shall not exceed the equivalent of 2:1 of that recipient site;
- (4) That the amount of floor space transferred to any recipient site shall not be less than the amount that this Council may determine in the particular case;
- (5) That the transfer of floor space to any recipient shall be the subject of a development application;
- (6) That a restrictive covenant shall be placed on the site requiring the continual preservation of the preserved building in accordance with Council's Code.

The reason for the Council's consent being granted subject to the beforementioned conditions is that the granting of unrestricted consent would be contrary to the provisions of Council's Development Control and Floor Space Ratio Code and, accordingly, would not be in the public interest.

You might note that the approval is subject also to satisfactory documentation agreed to by the City Solicitor and in this regard the City Solicitor will be in contact with you.

Yours faithfully,

L. P. CARTER,  
Town Clerk.



COUNCIL  
24th November, 1980.

Premises, "National Mutual Building", Nos. 348-352 George Street corner Angel Place and Ash Street, Sydney - Sale and/or transfer of Floor Space.(11/15/0003)

23.(6)

- (A) That further to resolution of Council of 15th September, 1980 and arising from consideration of a report by the City Planner dated 29th October, 1980, approval be given to the sale and/or transfer by National Mutual Life Association of Australasia Limited of floor space from premises Nos. 348-352 George Street, corner Angel Place and Ash Street, Sydney, subject to the following conditions, namely:-
- (1) That the total ratio to be transferred shall not exceed 12:1, based on this site;
  - (2) That the recipient site shall, in terms of Bonus element No. 6 of the Floor Space Ratio Code, be capable of absorbing any floor space transferred to it;
  - (3) That the amount of floor space transferred to any recipient site shall not exceed the equivalent of 2:1 of that recipient site;
  - (4) That the amount of floor space transferred to any recipient site shall not be less than the amount that this Council may determine in the particular case;
  - (5) That the transfer of floor space to any recipient shall be the subject of a development application;
  - (6) That a restrictive covenant shall be placed on the site requiring the continual preservation of the preserved building in accordance with Council's Code.

The reason for the Council's consent being granted subject to the beforementioned conditions, is as follows:-

That the granting of unrestricted consent would be contrary to the provisions of Council's Development Control and Floor Space Ratio Code and, accordingly, would not be in the public interest.

- (B) That the approval referred to in the foregoing clause (A) shall be subject to satisfactory documentation agreed to by the City Solicitor.

CARRIED.



## MINUTE PAPER

DR/jw

Town Clerk's No. 11 15 0003

Dept. No.

PREMISES: NOS. 348/352 GEORGE STREET, CORNER

Subject: ANGEL PLACE AND ASH STREET, SYDNEY

Date 29 OCT 1980

THE TOWN CLERK:Past History.

Council, at its meeting held on the 15th September, 1980, resolved to grant its consent to an application submitted by Kann, Finch & Partners, with the authority of the National Mutual Life Association of Australasia, for permission to carry out restoration and renovation work to the existing building at the above-mentioned premises, in accordance with drawings Nos. 1840-000C/011C dated March, 1980, and to use basement 2 for storage purposes, basement 1 and the ground floor for retail, restaurant and commercial purposes or a mixture of such purposes and the upper floors for commercial purposes, subject to certain conditions.

Present Consideration.

By letter dated 17th July, 1980, to the Town Clerk, Mr. H. Dawkins, Investments Manager for the National Mutual Life Association of Australasia Limited refers to the restoration of the subject premises and states:-

"In conformity with the Floor Space Ratio Code of July 16, 1970, we wish to apply, as owners of the above property being an historic building, for the right to transfer Development Rights from the above building as set out on page 19 / Bonus 6 being a maximum of 12:1 from properties located in Precinct A1, (Tank Stream) having a site area of 840m<sup>2</sup>.

We have applied for Development Consent for works to bring the building into compliance with requirements of Ordinance 70 and have also lodged same with the SPA/HOBAC.

The building is registered as an Historic Building, Class A, by the National Trust as advised by letter of 16th June, 1972, and the City Council as advised by letter 16th August, 1976.

Having obtained Council's consent we will, in due course, advise name and locations of recipient properties so that transfer of title and other legal definitions applicable can be formalised."

It is agreed that under the provisions of Council's adopted Floor Space Ratio Code floor space permitted to be sold or transferred should be calculated as if the relevant site had a permissible floor space ratio of 12:1. However, a limit is placed upon the amount of floor space which may be sold and/or transferred to one particular "recipient" site and in no case may this amount of floor space exceed the equivalent of a floor space of 2:1 on the "recipient" site.

No objection is raised to the sale and/or



OCT 30 11 57 AM '80

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10/11/80  
10/11/80

WILLIAM B. B. B.

10/11/80



transfer of 10,080 square metres of floor space from the subject site, subject to satisfactory documentation agreed to by the City Solicitor.

RECOMMENDATION:

It is recommended that the report be submitted to Council for consideration and that approval be granted to the sale and/or transfer of floor space from the relevant site, Nos. 348/352 George Street, corner Angel Place and Ash Street, subject to the following conditions, namely:-

- (i) That the total ratio to be transferred shall not exceed 12:1, based on this site;
- (ii) That the recipient site shall, in terms of Bonus element No. 6 of the Floor Space Ratio Code, be capable of absorbing any floor space transferred to it;
- (iii) That the amount of floor space transferred to any recipient site shall not exceed the equivalent of 2:1 of that recipient site;
- (iv) That the amount of floor space transferred to any recipient site shall not be less than the amount that this Council may determine in the particular case;
- (v) That the transfer of floor space to any recipient shall be the subject of a development application;
- (vi) That a restrictive covenant shall be placed on the site requiring the continual preservation of the preserved building in accordance with Council's Code;

as unrestricted consent would be contrary to the provisions of Council's Development Control and Floor Space Ratio Code and, accordingly, would not be in the public interest.



RECOMMENDED TO COUNCIL  
AS RECOMMENDED BY C.P.

COUNCIL

24 NOV 1980

afforded write  
accordingly.

- ①. B. Pl. to note - 1/12/80
  - ②. C. Solr to prepare documentation!  
3/12/80
- Inded R 3/12/80

  
CITY PLANNER.



WYNIA

GEORGE

ST.

N.

PLACE

PLACE

ASH

TC 181/39 ST.

Closed. Gaz. 161 of 18-12-1970

The Municipal Council of Sydney  
Gaz. 13-10-1905  
Ms 2506 Sy V 1050. F115.

MARTIN

ANGEL

SECTION

PITT

ST.

360 to 354  
BANK OF AUSTRALIA  
AND NEW ZEALAND"  
(owner)

Lot 1  
Lot 2  
Lot 3  
Lot 4

V1514 F139  
Rights over adj. land  
colored Green  
Subject to Rights over  
land colored Blue.

2885.

352 to 348  
S&B.Sh.370 Offices&Flat 6Sty&2Bsmts.  
Lots 2-3 & pt. 4  
"NATIONAL MUTUAL BUILDING"

The National Mutual Life  
Assn of Australia Ltd.  
V3615 F 19.  
App 8976.  
Easement for Light over adj. land  
colored Blue 823489.  
Subject to Easement

346 to 3  
S&B Bank & 24 C  
6 Sty & Bsmt  
Lots 5, 6 & Pt 4

The National I  
of Australasia  
V3563 F  
Apps 8131 & 8  
Easement for  
over adjacent  
colored Pink 82  
Subject to Easement

93-NC. Offices, 1 Storey & Flat 12 1/2 Sty & 2 Bsmts.  
Lot 7  
Lot 8  
"CHALLIS HOUSE"

The University  
of Sydney  
V 1835 F215  
Rights over adj.  
land colored  
Pink T483984  
Subject to Right  
over TANK STREAM  
T483984.

The Municipal Council of Sydney  
V 1050 F 115. G2-29/1-4

32 30 to 24  
OB Sh. Cafe of 2 Clubs 6Sty & Bsmt  
Lots 23 24 & Pt 22.  
"NATIONAL HOUSE"  
National Club Ltd.  
V 3335 F 68 App 8504  
A439224.

22 to 20  
OB Sh. Fact Off & Store  
6Sty & Bsmt.  
Pt. Lot 3.  
Nat. Mutual  
Life Assoc.  
of Aust. Ltd.  
V 5126 F240  
App 5504  
A429224

OB Sh. Showrooms, Wri  
(cave)

Aust. Mutual Provident Society

V4671 F246  
Apps 11 & 18  
C273955.

"WINDLOW HOUSE"  
Pt. Lots 21, 22A, 22B.  
11-NC. Sh. 113 Off. 1 Cafe & Flat 7 1/2 Sty & Bsmt.  
(Sh) 6 to 5 (Sh) 4 (Sh) 3 (Main) (Sh) 2 (Sh) 1  
65'0" 4 3 22'4"

G2-29/1-4 57A-67/1

The Colonial Mutual  
Life Assurance Soc. Ltd

Easement over adj. land  
colored Blue C657978

Lot 1  
V. 12709 F.44  
App 28341.

STANTON HOUSE"

NC. Sh. 33 Off & Flat 1 Cafe & Flat  
14 3/4 Sty & Bsmt 13-3 Sty & Bsmt  
135 131 129

"ANGEL HOTEL"  
Built in a Invest. V1  
V256 F197 App 11667

"ANGEL ARCA  
R.C. Off. & Shop  
12 Sty.

44.70m.  
DP.571986



MEMO FROM

CITY PLANNING  
DEPARTMENT

Level 8,  
Town Hall House,  
Sydney Square, Sydney

Date

To: Dave Raden

Does this building have an Interim Conservation Order on it from the Heritage Council? If it does the Council may not grant transfer rights on the basis that (a) there is no need for any incentive - demolition is not allowed (b) the terms of the ICO will cover "compensation".

Therefore if ICO exists, a policy decision in this and similar cases is required

if ICO does not exist, re. in report is O.K. except for reference to ratios of OCVs. This was changed in the Katies matter to rental values - probably not necessary at all in this case as there would be no gain in rental values (this site would be one of the highest anyhow)

No ICO on subject  
site as at 6.10.80. @

7/10/80

R. of C. 15.5.80.

- (1) That building work in connection with the proposed development shall only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, and 7.30 a.m. and 3.00 p.m. on Saturdays and no work shall be carried out on Sundays or Public Holidays;
- (2) That the building work shall comply with Council's Code for the Control and Regulation of Noise on Building Sites;
- (3) That any intruder alarm shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems.

The reason for the Council's consent being granted subject to the beforementioned conditions, is as follows:-

That the granting of unrestricted consent would be likely to cause injury to the amenity of the neighbourhood, including injury due to the emission of noise and, further, would not be in the public interest.

- (B) That the applicant referred to in the foregoing clause (A) be advised that in order to comply with the provisions of Ordinance No. 70 of the Local Government Act, 1919, it will be necessary to:-

- (1) provide a one hour fire-rated ceiling over the basement area;
- (2) construct external wall to W.C. of materials having a three-hour fire rating;
- (3) ceiling of habitable rooms to be minimum 2400mm;
- (4) provide an automatic thermal alarm complying with the rules of S.A.A. Code "Automatic Fire Alarm Installation", A.S. 1670, throughout the building.

- (C) That the applicant be further advised that the subject consent shall not be implemented until the work referred to in clause (B) has been approved and carried out.

Premises, "National Mutual Building", Nos. 348-352 George Street, corner Angel Place and Ash Street, Sydney - Development application.(44/80/0225)

33.

- (A) That the Council as the responsible authority grants its consent to the application submitted by Kann, Finch & Partners, with the authority of the National Mutual Life Association of Australasia, for permission to carry out restoration and renovation work to the existing building at the abovementioned premises, in accordance with drawings Nos. 1840 - 000C/011C dated March, 1980, and to use basement 2 for storage purposes, basement 1 and the ground floor for retail, restaurant and commercial purposes or a mixture of such purposes and the upper floors for commercial purposes, subject to the following condition, namely:-

- (1) That building work in connection with the proposed development shall -



- (a) only be carried out between the hours of 7.30 a.m. and 5.00 p.m. on Mondays to Fridays, inclusive, 7.30 a.m. and 3.00 p.m. on Saturdays and no work shall be carried out on Sundays or Public Holidays;
- (b) comply with Council's Code for the Control and Regulation of Noise on Building Sites;
- (2) That a development application shall be submitted at the appropriate time for the specific use of the retail areas;
- (3) That the additional storey shall be erected in material of a dark colour to blend with the existing colour of the facade and this addition shall be made as unobtrusive as possible;
- (4) That the interior details surrounding the stairwell shall be designed as to be in character with that of the existing building, to the satisfaction of the City Planner;
- (5) That any remaining original ceilings to the ground floor shall be maintained;
- (6) That the building application when submitted be referred to the National Trust of Australia for comment;
- (7) That any intruder alarm shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems.

The reason for Council's consent being granted subject to the beforementioned conditions, is as follows:-

That the granting of unrestricted consent would be likely to cause injury to the amenity of the neighbourhood, including injury due to the emission of noise and, further, would not be in the public interest.

- (B) That pursuant to Clause 6.6(6) of Ordinance No. 70, approval be granted under Part XI of the Local Government Act, 1919, to the change in classification of the ground and lower ground floors of the building, for use for retail, restaurant and commercial purposes or a mixture of such purposes, subject to the following condition, namely:-
  - (1) That evidence of the elimination of the reciprocal agreement between adjoining owners with respect to the right-of-light over the light area on the northern boundary shall be submitted to Council;
  - (2) That the proposed external wall of the fire stair and toilets adjacent to the northern boundary of the site shall have a minimum fire resistance rating of three hours;
  - (3) That the fire rating of the external walls of the proposed sixth floor and plant room/storage area above shall comply with the requirements of Table 16.7 of Ordinance No. 70 for Type 1 construction;
  - (4) That the proposed new section of the sixth floor, the plant room/storage area and the roof above shall have a minimum fire-resistance rating of two hours;



- (5) That the floor over the open stairwell and the roof over the plant room for the smoke exhaust of the above stairwell, together with any supporting structural member, shall have a fire resistance rating of two hours;
- (6) That the proposed new fire stair adjacent to the northern boundary of the site and serving all floors from the plant room to the lower ground shall be constructed in accordance with Part 16 of Ordinance No. 70 with egress details in accordance with Part 24 of Ordinance No. 70 and shall discharge directly to a public way through a fire isolated passageway enclosed in accordance with the requirements of Clause 24.9 of Ordinance No. 70;
- (7) That the proposed new fire stair on the southern side of the central stairwell, serving all floors from the plant room to the lower ground, shall be constructed in accordance with the requirements of Clause 16.13 of Ordinance No. 70, except that pre-cast terrazzo treads may be used in lieu of concrete, as specified, to save weight, the stair shall have a minimum clear width of 940mm, shall be enclosed for its full height with walls and ceilings constructed of non-combustible material having a fire resistance rating of two hours and shall discharge directly to a public way;
- (8) That the proposed two fire stairs serving the lower ground and basement levels shall be constructed in accordance with Part 16 of Ordinance No. 70 with egress details in accordance with Part 24 of Ordinance No. 70 and shall discharge directly to a public way through a fire-isolated passageway enclosed in accordance with Clause 24.9 of Ordinance No. 70;
- (9) That all openings in the fire-isolated stairways and passageway enclosures referred to in (6), (7) and (8) above shall be protected by self-closing two-hour and one-hour fire doors, respectively, swinging in the direction of travel;
- (10) That inter-tenancy partitions shall be so located on the upper floors that the maximum distance of travel from any part within the tenancy to the applicable fire stair does not exceed 18m in accordance with Clause 24.43(1) of Ordinance No. 70;
- (11) That an opening no less than 1020mm clear width shall be constructed at basement level in the northern load bearing wall on the western side of the central stairwell so that unobstructed access is available to both fire stairs in accordance with Clause 24.43(2) of Ordinance No. 70;
- (12) That openings shall be constructed at lower ground level in the northern and southern load bearing walls enclosing the storage area on the western side of the central stairwell and a corridor shall be formed not less than 1020mm clear width to provide unobstructed access to two complying exits in accordance with Clause 24.43(2) of Ordinance No. 70;



- (13) That any alterations to the existing enclosing walls of the central stairway shall be in masonry construction and all openings to the stairwell, at all levels of the building shall be protected from the entry of smoke by the provision of self-closing smoke-proof timber and glass or glass doors, to the approval of the City Planner and The Board of Fire Commissioners - all glass panels shall be of fully toughened safety glass complying with A.S. 1288 "Installation of Glass in Buildings";
- (14) That all lift lobbies directly connected to the central stairwell, including at ground level, shall be smoke insulated by the provision of smoke-detector activated doors, to the approval of the City Planner and The Board of Fire Commissioners;
- (15) That the top of the central stairwell shall be provided with a smoke actuated exhaust system to the approval of the City Planner and The Board of Fire Commissioners;
- (16) That all doors serving as required exits to George Street from ground floor rentable areas shall comply with Clause 24.30(5);
- (17) That exit signs shall be provided throughout the building in accordance with the requirements of Clause 24.29 (2) and (3), and Clause 55.13 of Ordinance No. 70;
- (18) That an approved system of emergency lighting in accordance with the requirements of Clause 55.12 of Ordinance No. 70 shall be installed throughout the building;
- (19) That the enclosing walls and roof over the proposed new lift shafts shall be constructed in accordance with Table 16.7 of Ordinance No. 70;
- (20) That doors protecting openings in lift shafts shall be one-hour fire doors in accordance with the requirements of Clause 22.8 of Ordinance No. 70;
- (21) That the top of the lifts shall be ventilated to the outside air by unobstructed openings having an aggregate area of not less than 10% of the cross sectional area of the shaft in accordance with the requirements of Clause 55.10 of Ordinance No. 70;
- (22) That the building shall be provided with two emergency lifts in accordance with the requirements of Clause 55.9 of Ordinance No. 70;
- (23) That automatic sprinklers complying with A.S.2118 "Automatic Sprinkler Installation" shall be installed throughout the building - the installation shall incorporate any requirements of The Insurance Council of Australia;
- (24) That hydrants and hose reels shall be provided throughout the building in accordance with the requirements of Part 27 of Ordinance No. 70;



- (25) That all proposed new service shafts shall be constructed in accordance with Table 16.7 of Ordinance No. 70, with all openings therein protected in accordance with the requirements of Clause 22.12(1) and (2);
- (26) That penetrations of floors by existing disused chimney and other service shafts shall be infilled for the full thickness of the structural floor system with cement grout or other approved materials having an equivalent fire resistance rating.
- (C) That the applicant referred to in the foregoing clause (A) be advised of the necessity for the implementation of the conditions referred to in the foregoing clause (B) prior to the subject consent being effected.

Visits of Inspection.

34. That consideration of the undermentioned matters be deferred and that confirmatory approval be given to the action of the Works Committee in arranging for Visits of Inspection to be carried out by members of the Council at 3.30 p.m. on Thursday, 11th August, 1980:-

Premises, No. 91 Stanley Street and Chapel Street, East Sydney - Development application. (44/80/0376)  
(1E)

Site of premises, Nos. 15-47 McLachlan Avenue and Nos. 12-28 Barcom Avenue, Rushcutters Bay - Interim development application. (44/80/0404)  
(1F)

Premises, No. 243 Victoria Street and Heydon Lane, Darlinghurst - Interim development application. (44/80/0428)  
(2A)

Premises, Nos. 425-427 Elizabeth Street, corner Beattie Lane, Surry Hills - Development application. (44/80/0595)  
(2D)

Premises, No. 551 Crown Street, Surry Hills - Building application. (45/80/1055)

Premises, Nos. 123-127 Bayswater Road, Rushcutters Bay - Development application.

Premises, Lot 1, Part 36 Billyard Avenue, Elizabeth Bay - Development application. (44/80/0589)

The following matters are submitted to Council for determination with recommendation:-

Premises, No. 278 Liverpool Street, corner Darley Street, Darlinghurst - Interim development application. 44/80/0525)  
35. (15(i))

Premises, No. 2 Darley Street and Tewkesbury Avenue, Darlinghurst - Interim development application. (44/80/0065)  
36. (15(ii))



CITY PLANNING DEPARTMENT

FILE No. 11.15.0003

SUBJECT

350 George St.

FOR REPORT BY

SUBJECT

SCP.  
24.7.80  
      

Mr Raden:

*For consideration with current D.A.*

*K. Alan St*  
*5/8/80*



The

**National Mutual**

Life Association of Australasia Ltd

Incorporated in Victoria

17th July, 1980

I/H. Hawkins

11/15/0003

National Mutual Centre,  
44 Market Street, Sydney  
P.O. Box Q280,  
Queen Victoria Building,  
N.S.W. 2000  
Telephone 2 0273

The Town Clerk,  
Sydney City Council,  
Town Hall House,  
Sydney Square,  
SYDNEY NSW 2000.

Attention: Mr Roden

Dear Sir,

Re: National Mutual Building  
350 George Street, Sydney

In conformity with the Floor Space Ratio Code of July 16, 1970 we wish to apply, as owners of the above property being an historic building, for the right to transfer Development Rights from the above building as set out on page 19 / Bonus 6 being a maximum of 12:1 from properties located in Precinct A1, (Tank Stream) having a site area of 840m<sup>2</sup>.

We have applied for Development Consent for works to bring the building into compliance with requirements of Ordinance 70 and have also lodged same with the SPA/HOBAC.

The building is registered as an Historic Building, Class A, by the National Trust as advised by letter of 16th June, 1972, and the City Council as advised by letter 16th August, 1976.

Having obtained Council's consent we will, in due course, advise name and locations of recipient properties so that transfer of title and other legal definitions applicable can be formalised.

Yours faithfully,

Investments Manager

CPanner  
23/7/80



