

## Relevant Information for Local Planning Panel

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**FILE:** D/2023/1036 **DATE:** 24 July 2024

**TO:** Local Planning Panel Members

**FROM:** Andrew Thomas, Executive Manager City Planning and Development

**SUBJECT:** Information Relevant To Item 4 – Development Application: 87 Lower Fort Street, Millers Point – D/2023/1036

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### Alternative Recommendation

It is resolved that:

- (A) the variation requested to Clause 6.47(5) relating to the height of buildings in the Millers Point heritage conservation area in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) consent be granted to Development Application No D/2023/1036, subject to the conditions detailed in Attachment A to the subject report to the Local Planning Panel on 24 July 2024, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strike through~~):

#### (20) SITES IN THE VICINITY OF A HERITAGE ITEM – MAJOR DEVELOPMENT

- (a) A protection strategy for the duration of the construction works, is to be submitted to and approved by Council's Urban Design and Heritage Manager / Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of any Construction Certificate. The Strategy is to detail how the proposed works will ensure that the buildings at 64 Argyle Place, 85 Lower Fort Street and **65, 67, 69, 71 and 73 Windmill Street, including the retaining wall running along the northern boundary adjoining the Windmill Street properties** are to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.
- (b) Additionally the protection strategy is to include:
  - (i) Details of temporary hydraulic drainage works to ensure that all water both in ground and above ground is channelled to the street and that

no such water is channelled onto the adjacent property fabric or interiors.

- (ii) Construction debris on neighbouring properties, in drainage lines or in cavities between the boundary walls of the adjacent buildings, is to be removed progressively as the works progress.
- (iii) A geotechnical report detailing the investigation of the location and depth of footings of the adjacent buildings. The report must address details of lateral ground movement, advice of any additional boundary offsets that may be required as a result of the location of footings and on the suitability of structural engineer's proposals for underpinning or other support to adjacent footings.

#### **Reason**

To ensure the protection of adjacent/nearby heritage items.

#### **(42) DILAPIDATION REPORT –EXCAVATION/DEMOLITION**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 85 Lower Fort Street, ***64 Argyle Place and the retaining wall running along the northern boundary of the site*** (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of a Construction Certificate.

#### **UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

#### **Reason**

To ensure that dilapidation reports are prepared and to identify damage to adjoining/nearby properties resulting from building work on the development site.

#### (44) USE OF A STRUCTURAL ENGINEER

A suitably qualified practising structural engineer is to be commissioned to work with the consultant team throughout the design development, contract documentation and excavation stages of the project. The engineer is to be involved in the resolution of all matters relating to the excavation of the basement. The structural engineer is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of excavation issues throughout the project.

##### **Reason**

To ensure the structural stability integrity of the subject site and neighbouring buildings **and structures**.

#### (45) EXCAVATION AND CONSTRUCTION METHODOLOGY

- (a) A Detailed Excavation and Construction Methodology is to be prepared by the builder engaged for the project. The methodology must be endorsed by the structural **consultant engineer** and submitted to the Principal Certifier prior to commencement of excavation or construction works whichever is the earlier.
- (b) ***The methodology must include details on the instrumentation used to monitor the structural stability of the retaining wall running along the northern boundary of the site shared with properties fronting Windmill Street.***
- (c) Excavation is to be carried out in accordance with the methodology required by (a) above.

##### **Reason**

To ensure the structural stability integrity of the subject site and neighbouring buildings.

#### (46) USE OF GEOTECHNICAL ENGINEER

- (a) A suitably qualified geotechnical engineer is to be commissioned to work with the consultant team throughout the design development, contract documentation and excavation stages of the project. The engineer is to be involved in the resolution of all matters relating to the excavation to extend the existing basement. The geotechnical engineer is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of excavation issues throughout the project.
- (b) The recommendations of the Geotechnical Assessment must be implemented, and where relevant be included in the Detailed Excavation and Construction Methodology.

## Reason

To ensure the structural stability integrity of the subject site and neighbouring buildings **and structures**.

## Background

On 19 July 2024, an additional submission was received raising concerns with the recommended conditions of consent and stressed the importance of protecting the structural integrity of the retaining wall running along the northern boundary of the subject site. Amendments as above are recommended to various conditions of consent to ensure the retaining wall is adequately monitored and protected during the carrying out of the development.

Additional amendments are proposed to recommended condition reasons to clarify that conditions relate to the protection of structural integrity relates to the subject site/neighbouring buildings and structures.

Prepared by: Marie Burge, Senior Planner

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Approved

Handwritten signature of Andrew Thomas in black ink.

**ANDREW THOMAS**

Executive Manager City Planning and  
Development