





INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	MOD/2023/0197
Address	95 Louisa Road BIRCHGROVE
Proposal	Section 4.55(2) modification to approved new dwelling under DA/2022/840 for proposed new basement level.
Date of Lodgement	6 July 2023
Applicant	Minto Planning Services Pty Ltd
Owner	Mr Joseph Macri
Number of Submissions	Initial: 4
Value of works	\$988,000
Reason for determination at Planning Panel	Section 4.6 variation exceeds 10%
Main Issues	Works to basement Excavation Management
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council to modify Determination No DA/2022/0840 which approved the demolition of an existing double storey dwelling and the construction of a new three storey dwelling. The modification seeks the addition of a new basement level under Section 4.55(2) of *Environmental Planning and Assessment Act 1979 (EP and A Act 1979)* at 95 Louisa Road Birchgrove.

The application was notified to surrounding properties and 4 submissions were received in response to the initial notification: 3 in objection and 1 in support.

The main issues that have arisen from the application include:

- Works not basement
- Excavation Management

The non-compliances are acceptable given the applicant responded to a Council request for a reduction of the proposed works and prepared an excavation management plan and therefore the application is recommended for approval.

2. Proposal

The proposed development entails the following:

- Excavation for a basement level.
- Addition of 1 parking space provided by car stacker.
- Extension of approved lift shaft to basement level.
- Extension of approved stair to basement level.
- Relocation of laundry to basement level.
- Addition of a stormwater retention tank.
- Wine cellar, and
- Required circulation space.

The initial proposed included a 'service room' however it was required to be deleted as it did not meet the definition of basement and resulted in the development proposing a fourth level with unacceptable outcomes. The amended plans are the subject of this assessment.

3. Site Description

The subject site is located on the southern side of Louisa Road, with the nearest cross streets being Rose Street to the west and Numa Street to the east. The site consists of 1 allotment and is generally rectangular in shape with a total area of approximately 88.5sqm and is legally described as Lot 1 in DP 215750.

The site has a frontage to Louisa Road of approximately 5.81 metres.

The site supports an existing two storey dwelling covering 100% of the site. Unlike most allotments on Louisa Road this site is land locked to the side and rear boundaries. The adjoining properties support detached and attached single, double and multi-level dwellings due to the topography of the sites falling towards Sydney Harbour, some dwellings are upwards of 4 levels.

The property is located within a heritage conservation area. The nearest Heritage Item is located to the west of the site at No. 85 Louisa Road

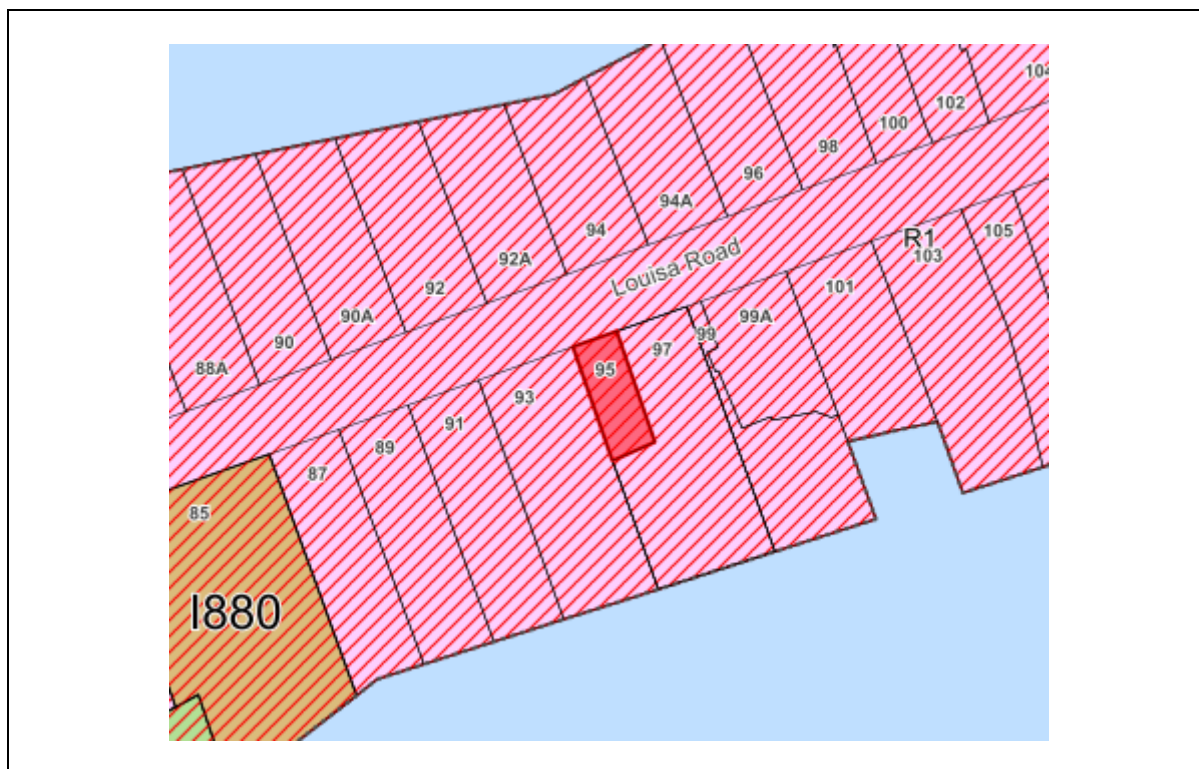


Figure 1: Zoning map of subject site

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

95 Louisa Road

Application	Proposal	Decision & Date
DA/2022/0840	Demolition of the existing dwelling followed by the construction of a new three storey dwelling upon land identified as Lot 1 in DP 215750.	Approved 18/04/2023
OC/2007/118/	Occupation Certificate	Issued 25/10/2004
PCA/2004/375	Principle Certifier Nomination	Issued 25/10/2004
M/2004/219	Modification of development consent D/2002/915 which approved alterations and additions including new external cladding at ground and first floors and demolition of front room to accommodate new carport. Modification involves the relocation of part of the ground floor east facing wall and the first floor east facing wall onto the boundary.	Approved 23/02/2005

CC/2004/337	Alterations and additions to existing dwelling involving new external cladding at ground and first floor level and demolition of the front room of the dwelling to accommodate a new carport to the Louisa Road elevation.	Issued
M/2004/5	s96(1a) Modification to development consent D/2002/915 for alterations and additions including new external cladding at ground and first floors, demolition of front room to accommodate new carport. Modifications include external changes to window openings, the height of fencing and wall to northern section of first floor balcony.	Approved 14/05/2004
D/2002/915	Alterations and additions to existing dwelling involving new external cladding at ground and first floor level and demolition of the front room of the dwelling to accommodate a new carport to the Louisa Road elevation.	Approved 06/08/2003
D/2000/645	Alterations and additions to the existing dwelling at ground and first floor level.	Approved 19/03/2001
DA/1990/793	Building Application (New Dwelling)	Approved 27/06/1991

Surrounding properties

93 Louisa Road

Application	Proposal	Decision & Date
MOD/2022/0474	Latest Modification Modification to D/2018/25 including (but not limited to) changes to building footprint, internal layout, balcony/deck/roof terrace, screening, balustrades, fenestration, removal of lift over run; materials, colours and finishes also amended.	Under Assessment
D/2018/25	Demolition of existing dwelling and associated structures and remediation of site. Construction of a new dwelling with basement parking provided with a car lift, landscaping and pool.	Approved 04/12/2018

97 Louisa Road

Application	Proposal	Decision & Date
BA/1993/529	Development Application to Strata Scheme	Approved 30/11/1993
BA/1992/501	Development Application to Strata Scheme	Approved 29/09/1992

99 & 99A Louisa Road

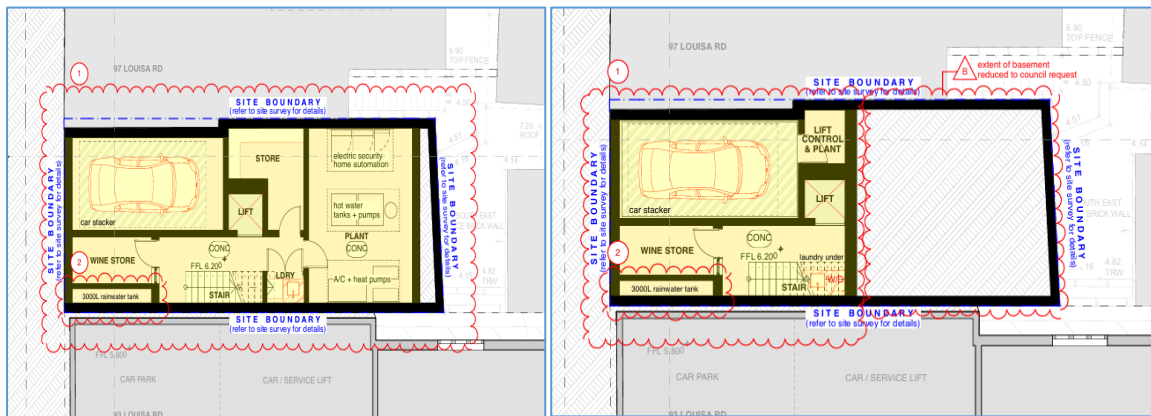
Application	Proposal	Decision & Date
DA/2022/0120	Alterations and additions to the existing dwelling, new garage with car stacker, swimming pool and roof terrace, and associated works at 99 Louisa Road	Deferred Commencement 08/11/2022 (LPP)

4(b) Application history

The following table outlines the relevant history of the subject application.

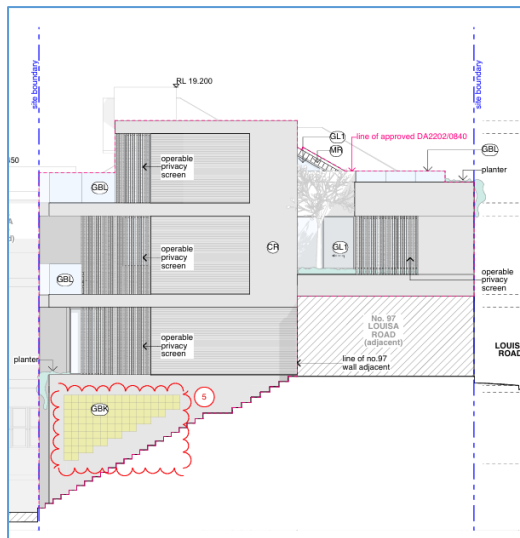
Date	Discussion / Letter / Additional Information
21/09/2023	Email correspondence was sent to the applicant advising that it was considered that the proposal was not considered to be substantially the same as the proposed basement level was in actual fact a fourth level, not meeting the definition of basement under the Inner West Local Environmental Plan 2022 (IWLEP2022)
22/09/2023	A formal request for information was sent to the applicant requesting the development proposed be significantly reduced to works defined by basement under IWLEP2022 and that an excavation methodology statement be provided.
26/10/2023	The applicant responded with amendments and supporting documentation as requested.

A comparison of originally proposed and revised plans are provided below for reference;

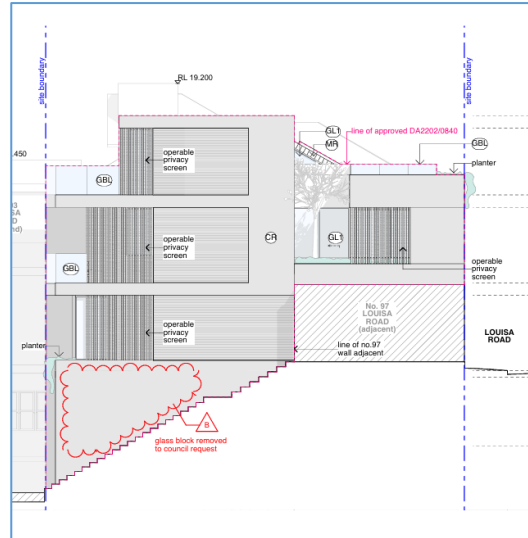


Initial Basement Plan

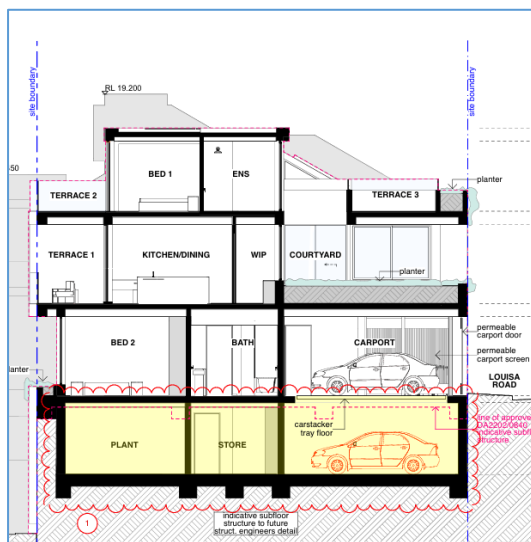
Amended Basement Plan



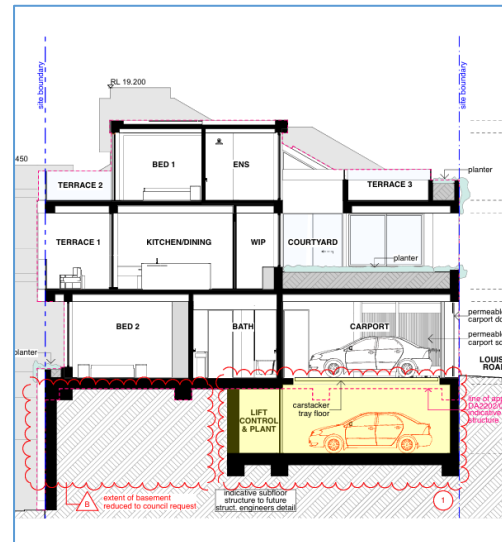
Initial Eastern Elevation



Amended Eastern Elevation



Initial Basement Section



Amended Basement Section

5. Assessment

5a(i) Section 4.55(2)

Section 4.55(2) of the *EPA Act 1979* allows a consent authority to modify a development consent granted by it, if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

- (c) *it has notified the application in accordance with—*
- (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

In considering the above:

- The essence of the development, as modified, is substantially the same as the original consent.
- The application does not alter the existing General Terms of Approval and did not require concurrence of other approval bodies.
- The applications was notified and submissions were received during the notification period and are considered in this report.

In consideration of Section 4.55(3) of the *EPA Act 1979* the development assessment report, endorsed by the Inner West Local Planning Panel (IWLPP) concluded that the development was acceptable for the following reasons -

- *The proposal generally complies with the aims, objectives and design parameters contained in Inner West Local Environmental Plan 2022 and Leichhardt Development Control Plan 2013.*
- *The development will not result in unreasonable impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.*
- *The application is considered suitable for approval subject to the imposition of appropriate conditions.*

It is considered that the modified proposal has taken into account aforementioned reasons that the original development consent was granted.

5(b) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The following provides further discussion of the relevant issues:

5(b)(i) **State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

“(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

5(b)(ii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

5(b)(iii) State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 10 Sydney Harbour Catchment

The site is not located within the foreshores and waterways area, a Strategic Foreshore site or listed as an item of environmental heritage under the SEPP and as such only the aims of the plan are applicable. The proposal is consistent with these aims.

5(c) Inner West Local Environmental Plan 2022 (IWLEP 2022)

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.7 – Demolition requires development consent
- Section 4.3C – Landscaped areas for residential accommodation in Zone R1
- Section 4.4 – Floor space ratio
- Section 4.5 – Calculation of floor space ratio and site area
- Section 4.6 – Exceptions to development standards
- Section 5.10 – Heritage conservation
- Section 6.1 – Acid sulfate soils
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater management

Section 4 Principal Development Standards

The following table provides an assessment of the application against the development standards:

Standard	Proposal	Non compliance	Complies
Floor Space Ratio Maximum permissible: 1:1 or 90.6 sqm	1.53:1 or 139.1 sqm	49.1 sqm or 54.56%	No
Landscape Area Minimum permissible: 15% or 13.95sqm	0% or 0 sqm	13.95 sqm or 100%	No change
Site Coverage Maximum permissible: 60% or 54.36 sqm	98% or 88.8 sqm	34.4 sqm or 63%	No change

Note: There is currently no existing or proposed landscaping that could be included in the area calculation of Landscaped Area. Therefore, there is no reduction of landscaped compared to the existing setting.

The proposed basement sits within the footprint of the approved three storey dwelling under DA/2022/0840; Therefore, there is no increase of site coverage compared to the existing setting.

The application to modify a consent is not required to formally submit a written request to vary a development standard having regard to the decision within *North Sydney Council v Michael Standley & Associates Pty Ltd* [1998] NSWSC 163) that states that Section 96 (now Section 4.55) is a:

'free-standing provision', meaning that "a modification application may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application.

Notwithstanding, the assessment principles and considerations set out in Section 4.6 of *IWLEP 2022* are applied as guidance.

The increase of gross floor area for this application relates to the following:

- Wine store
- Non vertical circulation space
- Laundry
- Garage

The result totals an additional 21.9sqm compared to the gross floor area approved under DA/2022/0840 of 117.2sqm.

Section 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standards:

- Clause 4.3C(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3C(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio

Clause 4.4 – Floor Space Ratio

The applicant seeks a variation to the Floor Space Ratio development standard under Section Clause 4.4 of the *IWLEP 2022* by an additional 21.9sqm over the approved 117.1sqm (1.30:1) The result equates to 54.56% breach in FSR from the maximum for the site (1:1) to 1.53:1

It is considered the development is in the public interest because it is consistent with the objectives of the R1- General Residential Zone, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

- The proposal provides for the housing needs of the community.
- The proposal contributes to providing for a variety of housing types and densities.
- The proposal is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- The proposal protects the amenity of existing and future residents and the neighbourhood.

It is considered the development is in the public interest because it is consistent with the objectives of the Floor Space Ratio development standard, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

- The density of the proposal reflects its adjoining context and locality, considering the lot size is significantly smaller than other lots within the locale.
- The proposal is a basement level located wholly within the existing envelope approved which already is at 100% site coverage
- The proposal minimises adverse impacts on the locality

Clause 4.3C(3)(a) – Landscaped areas for residential accommodation in Zone R1 and Clause 4.3C(3)(b) – Site Coverage for residential accommodation in Zone R1

There is no change to the approved site coverage or landscaped areas under DA/2022/0840 to which this application seeks to modify.

Section 5.10 – Heritage conservation

The works proposed are located below ground and there is no proposed change to the Louisa Road streetscape having regard to the existing approval granted by DA/2022/0840. It is considered that the proposed modification meets the relevant controls and objectives under Section 5.10 of the *IWLEP2022* and does not have an adverse impact on the conservation area.

Section 6.2 – Earthworks

Council has considered the proposed basement excavation earth works under this clause, and requested an excavation methodology statement which is considered to satisfy the requirements of this clause.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
Part C: Place – Section 2 Urban Character	
C2.2.2.6 Birchgrove Distinctive Neighbourhood Louisa Road Sub Area – Section C2.2.2.6(a).	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes

E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes
E1.2.5 Water Disposal	Yes
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C3.2 Site Layout and Building Design

It is considered that the proposed modification can be supported as it is located entirely within the footprint of the approved three storey dwelling.

C3.9 Solar Access

There is no change to that assessed under the original DA as the works pertain to the basement level and there are no proposed changes to the approved R.L under DA/2022/0840.

C3.11 Visual Privacy

There is no proposed visual privacy impact by the proposed development as the basement level is below natural ground level with no proposed windows. An originally proposed glass brick wall has been deleted from the final proposal.

5(e) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

5(f) The suitability of the site for the development

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

4 submissions were received in response to the initial notification.

3 in opposition

1 in support

The following issues raised in submissions have been discussed in this report:

- Excessive FSR Non-Compliance – see Section 4
- Excessive Landscaped Area and Site Coverage – see Section 4
- Amenity and servicing impacts during construction – see Section 6.2
- Siting and location of basement on boundary – see Section C3.2

In addition to the above issues, two submissions relied upon previous submissions under DA/2022/0840, in particular objection written on behalf of two residences at 1/97 and 97A (also known as 2/97) Louisa Road prepared by Sky Planning. The document had not raised any new matters (related to the modification to add a basement level) that had not already been addressed under the previously approved development application DA/2022/0840 that approved the demolition of the existing dwelling and the construction of a new three storey dwelling.

5(h) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal officer and issues raised in those referrals have been discussed in section 5 above.

- Development Engineer

7. Section 7.11 Contributions/7.12 Levy

The carrying out of the modified development would result in an increased demand for public amenities and public services within the area. Revised Section 7.12 contributions are payable for the proposal.

It is noted that the Inner West Local Infrastructure Contribution Plan 2023 commenced on 20 February 2023 and repeals and replaces all of Council's previous development contributions plans. Part 3.2 prescribes the following transitional arrangements:

All applications to modify a consent under section 4.55 of the EP&A Act will be determined against the same contribution plan that was applied to the original consent until 30 June 2023, after that time this Plan prevails.

The previous contribution amount of \$8,500 has not been paid. As such, the new plan applies having regard to the increased cost of works as a result of the additional basement.

A contribution of \$9,880 would be required in accordance with the Inner West Local Infrastructure Contribution Plan 2023. A condition requiring the contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55(2) of the *Environmental Planning and Assessment Act 1979*, grant consent to approve Application No. MOD/2023/0197 for for a proposed new basement level at 95 Louisa Road, BIRCHGROVE subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

A. Modify the following Conditions to read as follows:

Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA00 Rev C	Cover Page	28/02/2023	Mitch Higginbotham
<i>MOD00 Rev B</i>	<i>Cover Page</i>	<i>28/09/2023</i>	<i>Michiru Higginbotham</i>
<i>MOD01 Rev B</i>	<i>Basement Plan</i>	<i>28/09/2023</i>	<i>Michiru Higginbotham</i>
DA01 Rev C	Site Plan	28/02/2023	Mitch Higginbotham
DA02 Rev C	Demolition Plan	28/02/2023	Mitch Higginbotham
DA03 Rev C	Level 1 Plan	28/02/2023	Mitch Higginbotham
<i>MOD02 Rev B</i>	<i>Level 1 Plan</i>	<i>28/09/2023</i>	<i>Michiru Higginbotham</i>
DA04 Rev C	Level 2 Plan	28/02/2023	Mitch Higginbotham
<i>MOD03 Rev B</i>	<i>Level 2 Plan</i>	<i>28/09/2023</i>	<i>Michiru Higginbotham</i>
DA05 Rev C	Level 3 Plan	28/02/2023	Mitch Higginbotham
<i>MOD04 Rev B</i>	<i>Level 3 Plan</i>	<i>28/09/2023</i>	<i>Michiru Higginbotham</i>
DA06 Rev C	Roof Plan	28/02/2023	Mitch Higginbotham
<i>MOD05 Rev B</i>	<i>Roof Plan</i>	<i>28/09/2023</i>	<i>Michiru Higginbotham</i>
DA07 Rev C	Elevation 1	28/02/2023	Mitch Higginbotham
<i>MOD06 Rev B</i>	<i>Elevation 1</i>	<i>28/09/2023</i>	<i>Michiru Higginbotham</i>
DA08 Rev C	Elevation 2	28/02/2023	Mitch Higginbotham
<i>MOD07 Rev B</i>	<i>Elevation 2</i>	<i>28/09/2023</i>	<i>Michiru Higginbotham</i>
DA09 Rev C	Elevation 3	28/02/2023	Mitch Higginbotham
<i>MOD08 Rev B</i>	<i>Elevation 3</i>	<i>28/09/2023</i>	<i>Michiru Higginbotham</i>
DA10 Rev C	Section BB	28/02/2023	Mitch Higginbotham
<i>MOD09 Rev B</i>	<i>Long Section</i>	<i>28/09/2023</i>	<i>Michiru Higginbotham</i>

MOD10 Rev B	Short Section	28/09/2023	Michiru Higginbotham
DA23 Rev C	Materials & Finishes	28/02/2023	Mitch Higginbotham
MOD12 Rev B	Materials & Finishes	28/09/2023	Michiru Higginbotham
221876 Sheet 1 of 7	Stormwater Plan	December 2022	C.K. Engineering Services
221876 Sheet 2 of 7	Stormwater Plan	December 2022	C.K. Engineering Services
221876 Sheet 3 of 7	Stormwater Plan	December 2022	C.K. Engineering Services
221876 Sheet 4 of 7	Stormwater Plan	December 2022	C.K. Engineering Services
221876 Sheet 5 of 7	Stormwater Plan	December 2022	C.K. Engineering Services
221876 Sheet 6 of 7	Stormwater Plan	December 2022	C.K. Engineering Services
221876 Sheet 7 of 7	Stormwater Plan	December 2022	C.K. Engineering Services
-	Stormwater Design Certificate	17/12/2022	C.K. Engineering Services
221876	Water Management Statement	25/07/2022	C.K. Engineering Services
-	Waste Management Plan	08/08/2022	Joseph Macri
1322789S_02	BASIX Certificate	01/03/2023	Chapman Environmental Services P/L
1322789S_04	BASIX Certificate	09/10/2023	Chapman Environmental Services P/L
22S0401	Excavation Management Plan	10/10/2023	Structure Consulting Engineers

As amended by the conditions of consent.

(Amended– MOD/2023/0197 – 13/02/2024)

B. Add the following Conditions to read as follows:

Condition 13a

13a. Vehicle Clearance

Adequate provision must be made for the headroom clearance within the parking space. In this regard, the 2 levels of parking must not have less than 2200mm headroom clearance respectively, which would allow access to many vehicle types / models including even mid-size SUVs.

(Amended– MOD/2023/0197 - 13/02/2024)

Condition 13b**13b. Car Lift**

Operational details and technical specification of the proposed car lift together with certification of the manufacturer must be submitted prior to the issue of a Construction Certificate. The car stacker assembly must not interfere with the minimum dimensions required for AS2890.1 for a garage including the minimum headroom clearance of 2200mm.

(Amended– MOD/2023/0197 - 13/02/2024)

3A. Section 7.12 Development Contribution Payments

In accordance with section 7.12 of the Environmental Planning and Assessment Act 1979 and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of \$9,888 shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan.

At the time of payment, the monetary contribution payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

- *C_{payment} = is the contribution at time of payment*
- *C_{consent} = is the contribution at the time of consent, as shown above*
- *CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 135.8 for the September 2023.*
- *CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment*

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres on 9392 5000 or council@innerwest.nsw.gov.au to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment can be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.

C. Delete the following Conditions:

~~3. Section 7.12 (formerly section 94A) Development Contribution Payments~~

~~Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Former Leichhardt Local Government Area Section 7.12 Development Contributions Plan 2020*.~~

Note: Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount*:

\$8500.00

*Indexing of the Section 7.12 contribution payment:

~~The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).~~

Payment methods:

~~The required contribution must be paid either by *BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000)*. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.~~

Attachment B – Plans of proposed development

Revision: Proposed Modification
B



INDICATIVE STREET VIEW

S4.55 MODIFICATION APPLICATION

New Dwelling
to
for
Joseph Macri

95 Louisa Road Birchgrove NSW 2041

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DRAWING SCHEDULE

Dwg. No.	Dwg Name	Revision
MOD00	COVER PAGE	B
MOD01	BASEMENT PLAN	B
MOD02	LEVEL 1 PLAN	B
MOD03	LEVEL 2 PLAN	B
MOD04	LEVEL 3 PLAN	B
MOD05	ROOF PLAN	B
MOD06	ELEVATION 1	B
MOD07	ELEVATION 2	B
MOD08	ELEVATION 3	B
MOD09	LONG SECTION	B
MOD10	SHORT SECTION	B
MOD11	NUMERIC COMPLIANCE	B
MOD12	MATERIAL SCHEDULE	B

ABBREVIATION LEGEND

6L	glass balustrade	6L	glass clear
CONC	concrete	MR	metal roof
CR	cement render	PAV	paving
RS	roller shutter	TL	tiling
TB	timber floorboards	TI	timber

GENERAL LEGEND

	outline of approved DA/20220840
	extents of proposed modification

BASIS REQUIREMENTS SUMMARY

Item	Requirement	Compliance
Water	Water Score	47
Energy	Energy Score	50
Material	Material Score	45
Acoustic	Acoustic Score	76.1
Star Rating	Star Rating	1.0

Normal Performance Assessment based on the following requirements:

Item	Requirement	Compliance
Water	Water Score	47
Energy	Energy Score	50
Material	Material Score	45
Acoustic	Acoustic Score	76.1
Star Rating	Star Rating	1.0

Technical Performance Assessment based on the following requirements:

Item	Requirement	Compliance
Water	Water Score	47
Energy	Energy Score	50
Material	Material Score	45
Acoustic	Acoustic Score	76.1
Star Rating	Star Rating	1.0



All work to be undertaken in accordance with the NCC/CECA, the Australian Standard (AS), other relevant codes and instructions. Comply with the BASIX certificate.

FOR APPROVALS

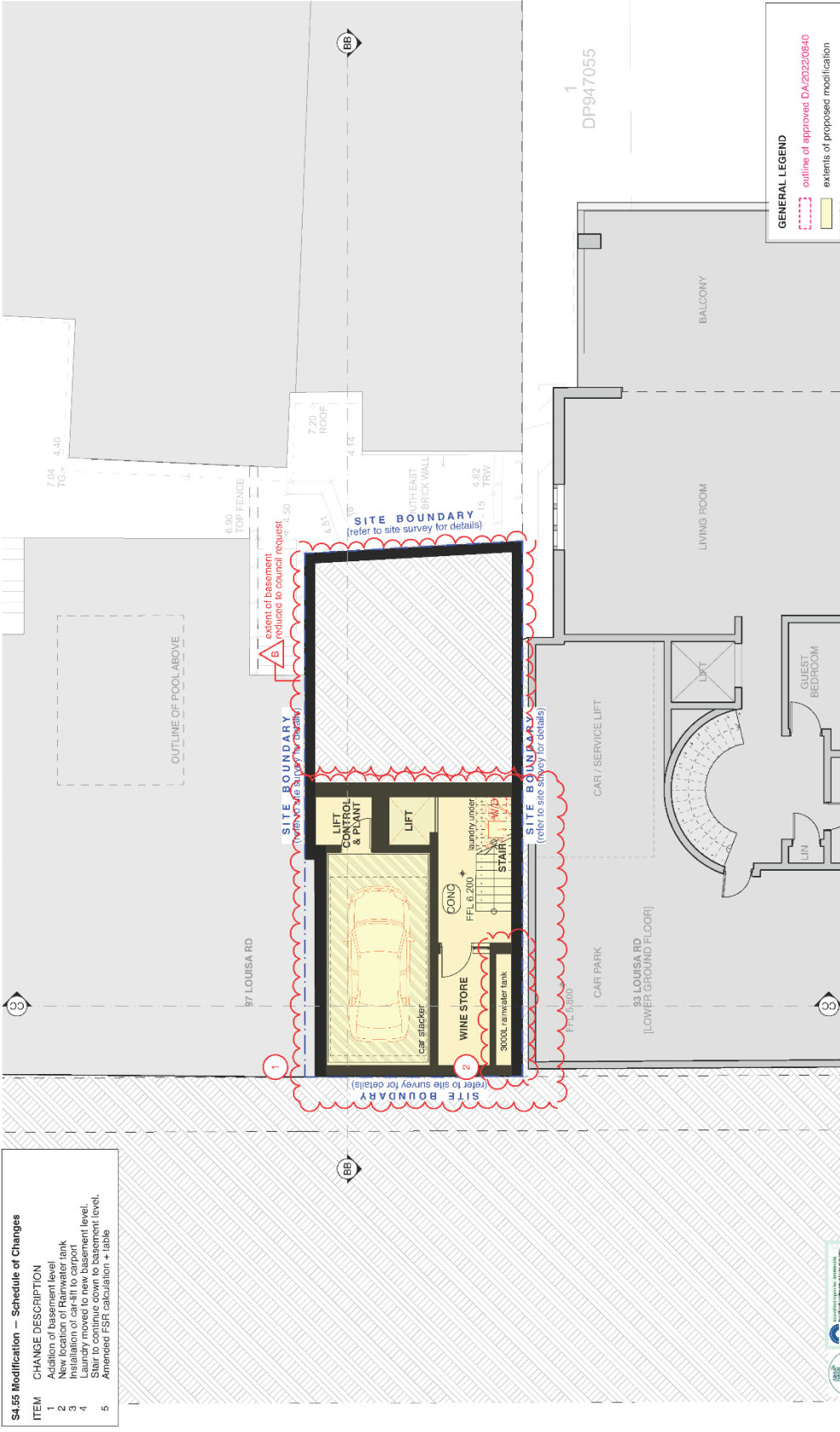
Project Details	Project Details
Project Name: Birchgrove Residence	Project Name: Birchgrove Residence
Client Name: Joseph Macri	Client Name: Joseph Macri
NSWARB 9704	NSWARB 9430
NSWARB 9430	NSWARB 9430

84.55 MODIFICATION APPLICATION

Project Details	Project Details
Project Name: Birchgrove Residence	Project Name: Birchgrove Residence
Client Name: Joseph Macri	Client Name: Joseph Macri
NSWARB 9704	NSWARB 9430
NSWARB 9430	NSWARB 9430

Revision: 01/10/2023 - Schedule 1/10/2023
 28/02/2023 #4.55 Modification

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S4.55 Modification – Schedule of Changes

ITEM	CHANGE DESCRIPTION
1	Addition of basement level
2	New location of Rainwater tank
3	Installation of car lift to carport
4	Amendment of basement level
5	Amended FSR calculation + table

GENERAL LEGEND
 - - - - - outline of approved DA/2022/0840
 - - - - - extents of proposed modification

S4.55 MODIFICATION APPLICATION

Drawing Details
 Scale: 1:100 @ A3
 Drawn: YY
 Project Name: **BASEMENT PLAN**
 Date: 28/02/2023
 Architect: MC
 Project Code: **MOD01 LOUI B**
 Revision #: **B**

Project Address:
 83 Louisa Road
 Bayswater NSW 2011

michiru higginbotham.

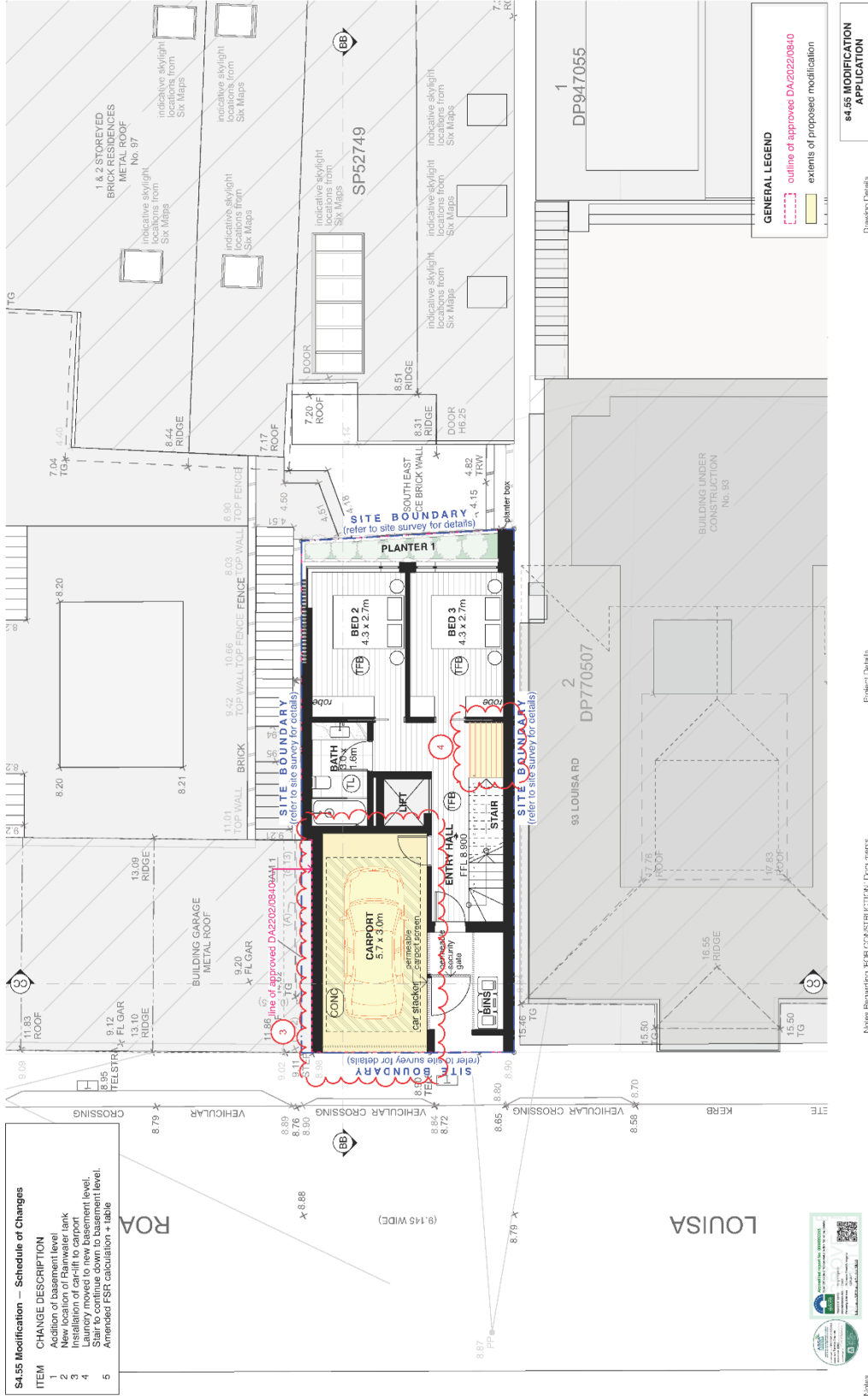
Project: **Brickgrove**
 Client Name: **Joseph Macri**

Notes Regarding PCB CONSTRUCTION Documents
FOR REVIEW NOT FOR CONSTRUCTION
 LOUI.3 230228-s4.55.pln

Notes
 Do not scale the drawings.
 Budget to examine site, check and verify all dimensions and levels prior to construction. Notify all discrepancies to the Architect.
 All work to be carried out in accordance with the Australian Standards (AS) and manufacturers' specification and certificate.
 Document Set ID: 39256902
 Version: 1, Version Date: 26/10/2023

Revised: Plan # 26/10/2023 k455 Modification B

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S4.55 Modification — Schedule of Changes

ITEM	CHANGE DESCRIPTION
1	Addition of basement level
2	Installation of car lift
3	Installation of carlift to carport
4	Laundry moved to new basement level.
5	Stair to continue down to basement level.
	Amended FSP calculation + table

84.55 MODIFICATION APPLICATION

Drawing Details
 Scale: 1:100 @ A3
 Drawn: TY
 Checked: TY
 Date: 28/09/2023
 Architect: MC

LEVEL 1 PLAN

Project Name: **LEVEL 1 PLAN**
 Project Code: **MOD02_LOU1**
 Revision #: **B**

Project Address:
 95 Louisa Road
 Barchgrove NSW 2041

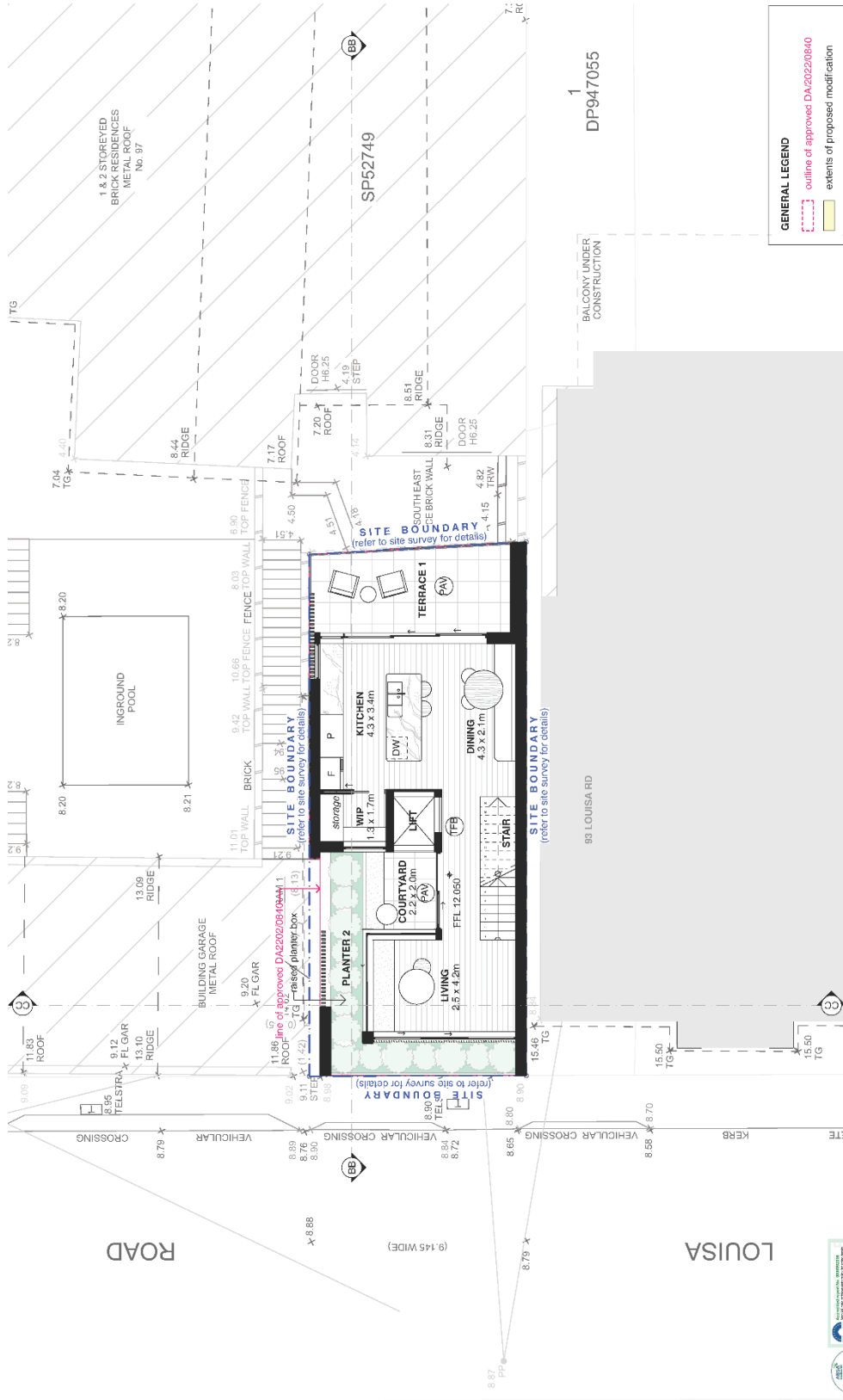
Client Name:
 Joseph Maori

Notes Regarding FSP CODES/FUNCTION Documents
FOR REVIEW
NOT FOR CONSTRUCTION

Notes
 All work to be carried out in accordance with the NCC (AS) and Australian Standards (AS), other relevant codes and standards, and in accordance with the instructions. Comply with the BASIX certificate.
 Do not use this drawing for any purpose other than that intended. It is the responsibility of the client to ensure that all necessary approvals and permits are obtained prior to commencement of construction to the Architect.
 Document Set ID: 35255902
 Version: 1, Version Date: 26/10/2023

Formion Plans - Revision No: 28/02/2023 84.55 Modification B

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GENERAL LEGEND

- outline of approved DA 20220840
- extents of proposed modification

Drawing Details

Scale	1:100 @ A3	Draw Name	
Draw	TY	Project	LEVEL 2 PLAN
Date	28/02/2023	Drawn	MOJIB LOUI
Arch	MC	Project Code	Revision #
			MOJIB LOUI B

84.55 MODIFICATION APPLICATION

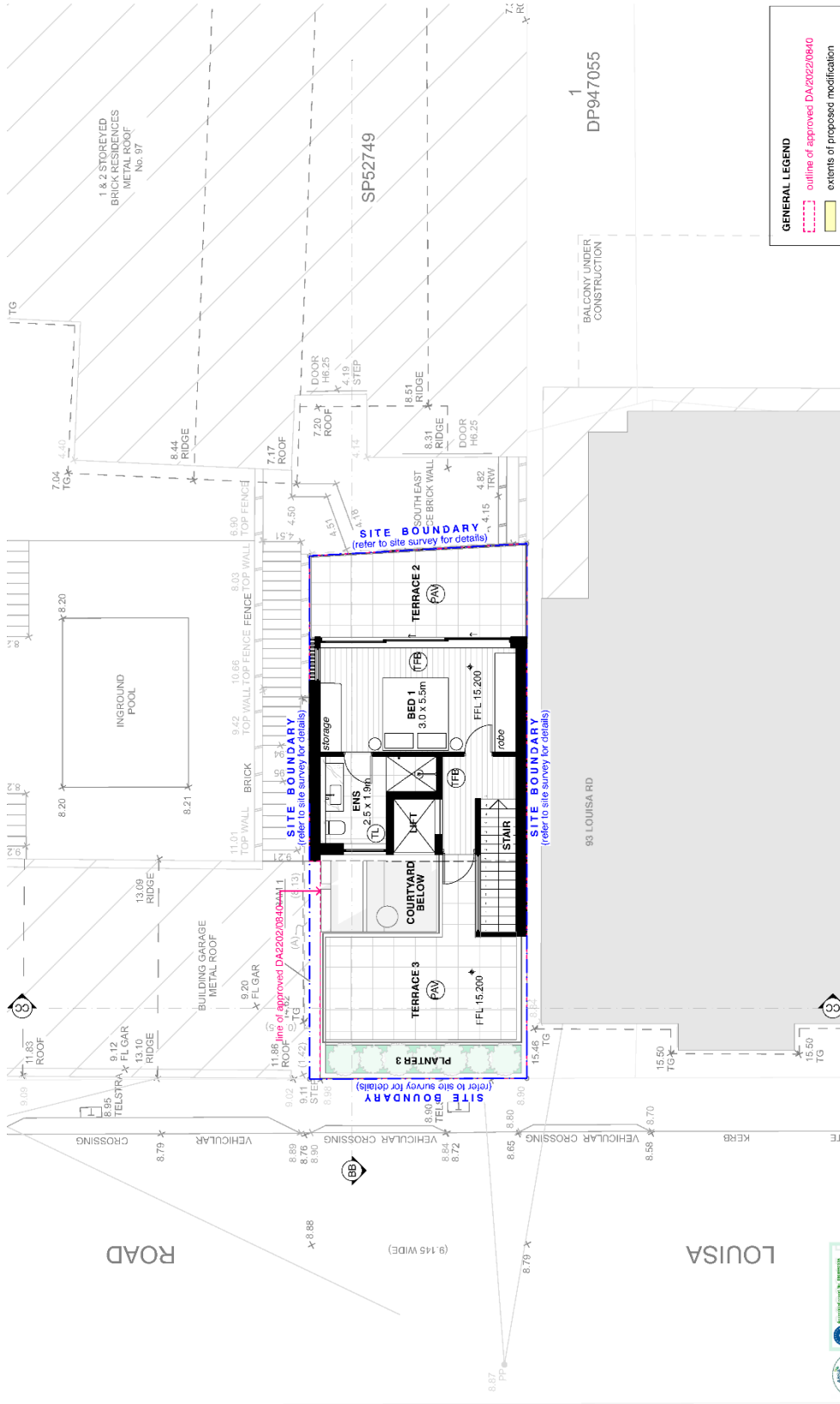
Project Address
 84 Louisa Road
 Birchgrove NSW 2041

Client Name
 Joseph Maori

Notes Regarding FCR CD 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Revision: Project: Revision No.:
8 28/10/2023 44.55 Identification

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GENERAL LEGEND

- outline of approved DA22020840
- - - - - extents of proposed modification

84.55 MODIFICATION APPLICATION	
Drawing Details:	
Scale:	1:100 @ A3
Drawn:	YY
Project Name:	LEVEL 3 PLAN
Drawn #:	28/10/2023
Project Code:	MOD04 LOUI
Revision #:	B

Project Address:
85 Louisa Road
Birchgrove NSW 2041

Client Name:
Joseph Macri

Project Details:
Project: Birchgrove Residential
Client Name: Joseph Macri

Notes:

Navis Engineering - FOR CONSTRUCTION Documents

FOR REVIEW NOT FOR CONSTRUCTION

LOUI23-291028-44.55.pln

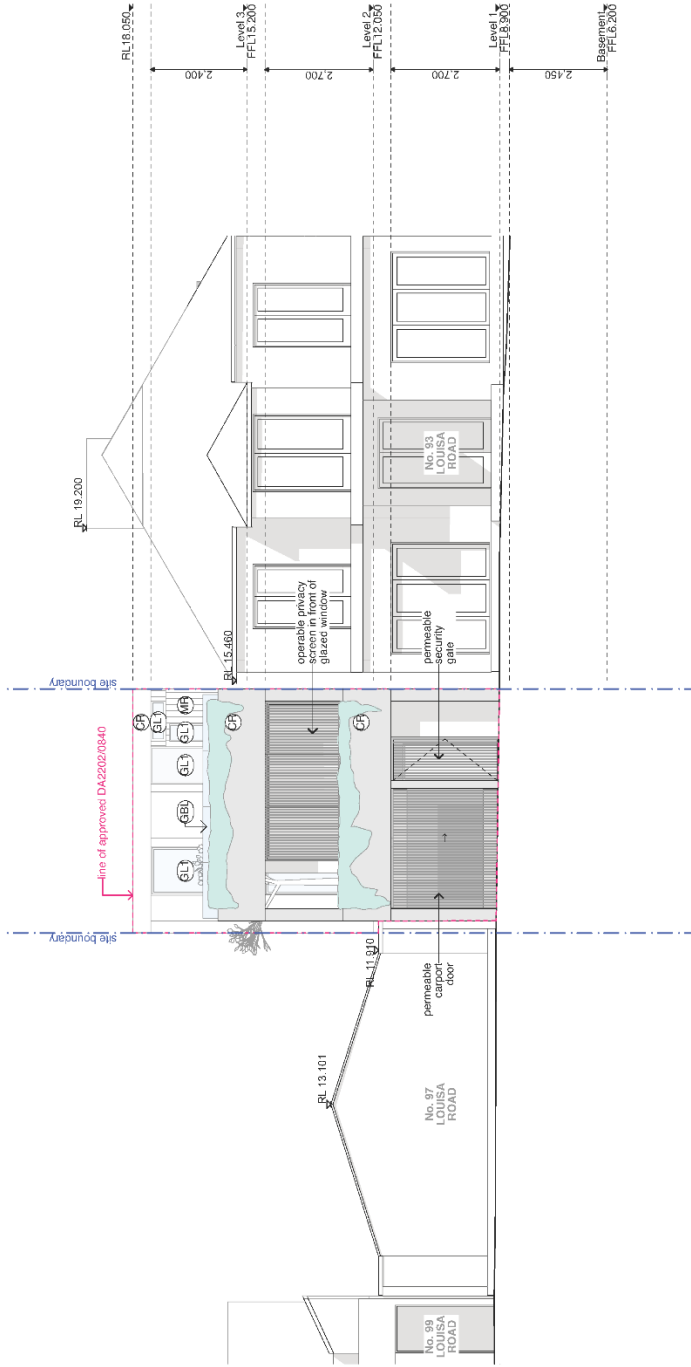
Notes:

Do not scale the drawings.
Use figured dimensions only.
Verify all dimensions and levels prior to commencement of construction.
Comply with the BASIX certificate.
Comply with the Architect.

Document Set ID: 38956902
Version: 1, Version Date: 28/10/2023

Resub: Final - Revision Note
B 28/9/2023 s4.55 Modification

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GENERAL LEGEND
 - - - - - outline of approved DA22020840
 - - - - - extents of proposed modification

s4.55 MODIFICATION APPLICATION

Client's Details
 State: NSW
 City: Sydney
 Date: 28/9/2023
 Architect: MC

Project Details
 Project Name: Birchgrove Residence
 Client Name: Joseph Marzi
 Project Address: 95 Louisa Road Birchgrove NSW 2041

Drawn: YY
 Checked: YY
 Date: 28/9/2023
 Architect: MC

Drawn Name: ELEVATION 1
 Draw #: MOD06 LOUJ
 Revision #: B



Notes
 Do not scale the drawings.
 Use figured dimensions only.
 Builder to examine site, check and confirm all dimensions prior to commencement of construction.
 Notify all discrepancies to the Architect.
 Document Set ID: 38255902
 Version: 1, Version Date: 26/10/2023

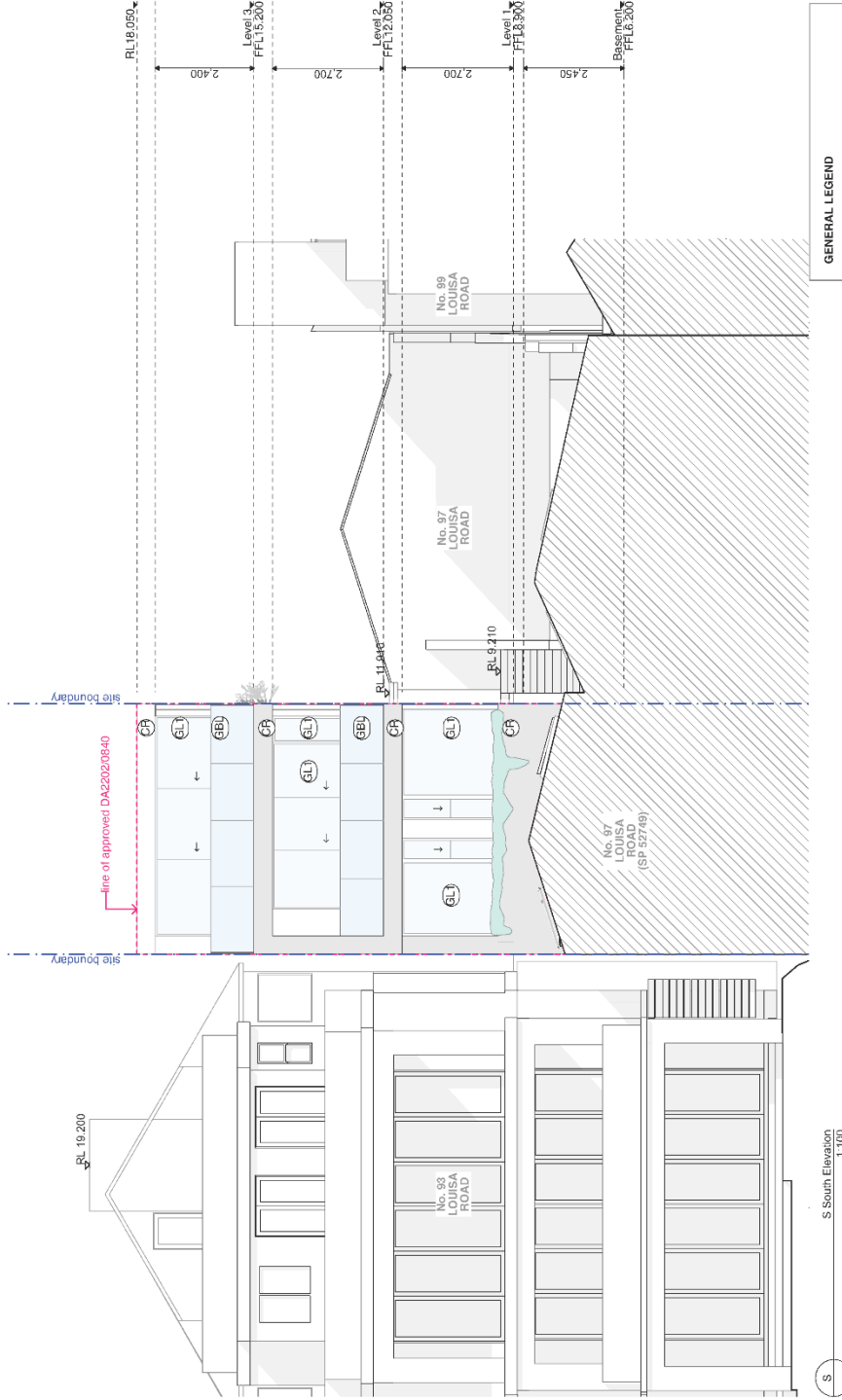
Model Background FOR CONSTRUCTION ONLY
FOR REVIEW
NOT FOR CONSTRUCTION
 | LOUJ:s:259928-s4.55.rvt

michiru higginbotham.

Project Details
 Project: Birchgrove Residence
 Client Name: Joseph Marzi
 Project Address: 95 Louisa Road Birchgrove NSW 2041

Revision: Drawn: Revision: Mod.
B: 28/02/2023 s4.55 Modification

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GENERAL LEGEND

- outline of approved DA20220940
- extents of proposed modification

Drawing Details	
Scale:	1:100 @ A3
Drawn:	YY
Date:	28/02/2023
Auth.ec:	MC
s4.55 MODIFICATION APPLICATION	
Project Name:	ELEVATION 2
Draw #:	MOD07
Project Code:	LOUI
Revision #:	B

michiru higginbotham.

Project Address:
95 Louisa Road
Bichgrove NSW 2041

Project:
Bichgrove Residence
Client Name:
Joseph March

Project Details

Revision Regarding 'FOR CONSTRUCTION' Documents

**FOR REVIEW
NOT FOR CONSTRUCTION**

LOUI2-3-230598-s4-55.ph



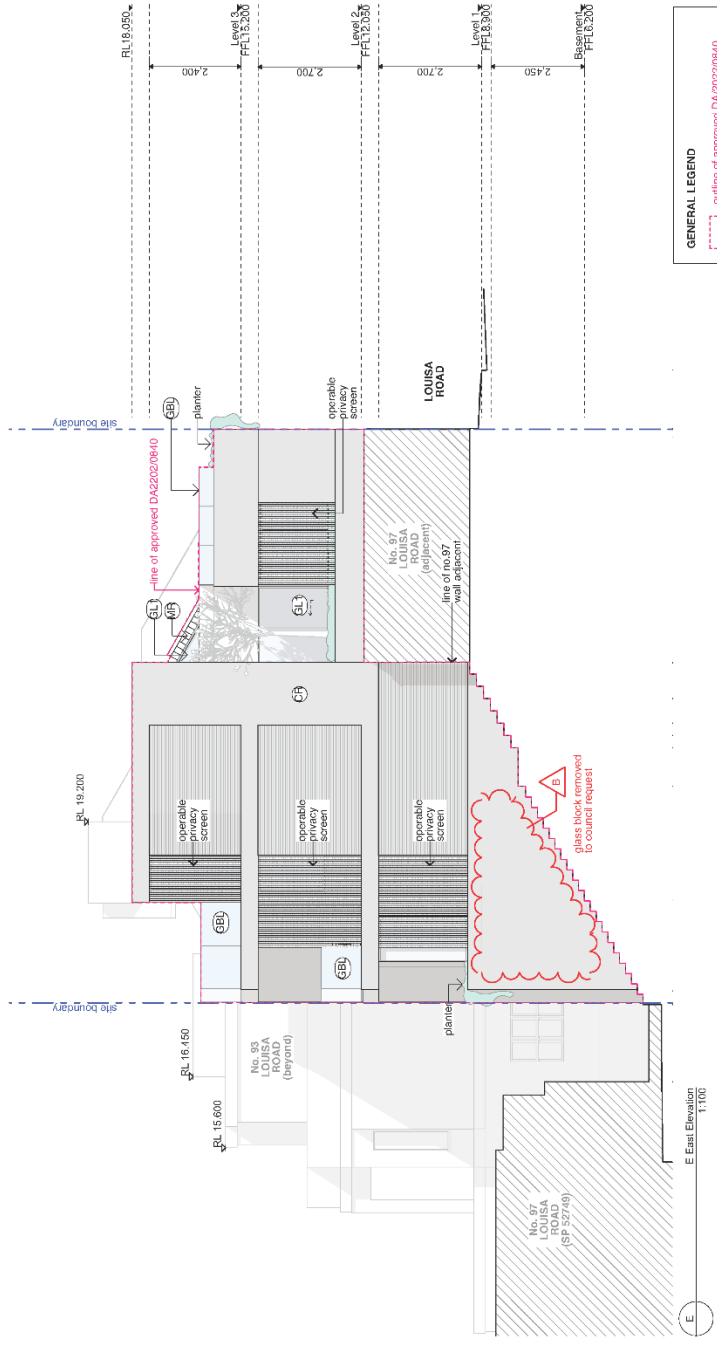
Notes

Do not scale the drawings. Use figured dimensions only. All work to be carried out in accordance with the NCC/BCA, the Australian Standards, and manufacturer's specifications and instructions. Comply with the BASIX certificate. Notify all discrepancies to the Architect.

Document Set ID: 35226902
Version 1, Version Date: 26/10/2023

Revised: Proposed Revision No. 0
28/02/2023 1st Str. Modification

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GENERAL LEGEND

- outline of approved DA22020840
- extent of proposed modification

84.55 MODIFICATION APPLICATION

Drawing Details:
 Scale: 1:100 @ A3
 Date: YY
 ELEVATION 3
 Project Code: R468818 #
 Draw # 200/003
 MOD08 LOU B
 Author: MC

Project Details

Project: Birchgrove Residence
 Client: Joseph Ricci
 Project Address: 95 Louisa Road Birchgrove NSW 2041

michiru higginbotham.

Notes Regarding FOR CONSTRUCTION Documents

FOR REVIEW NOT FOR CONSTRUCTION

LOU23 250928 4.55 PH

All work to be carried out in accordance with the NCC/BCA, the Australian Standards and manufacturers' specifications and instructions. Comply with the BASIX certificate.

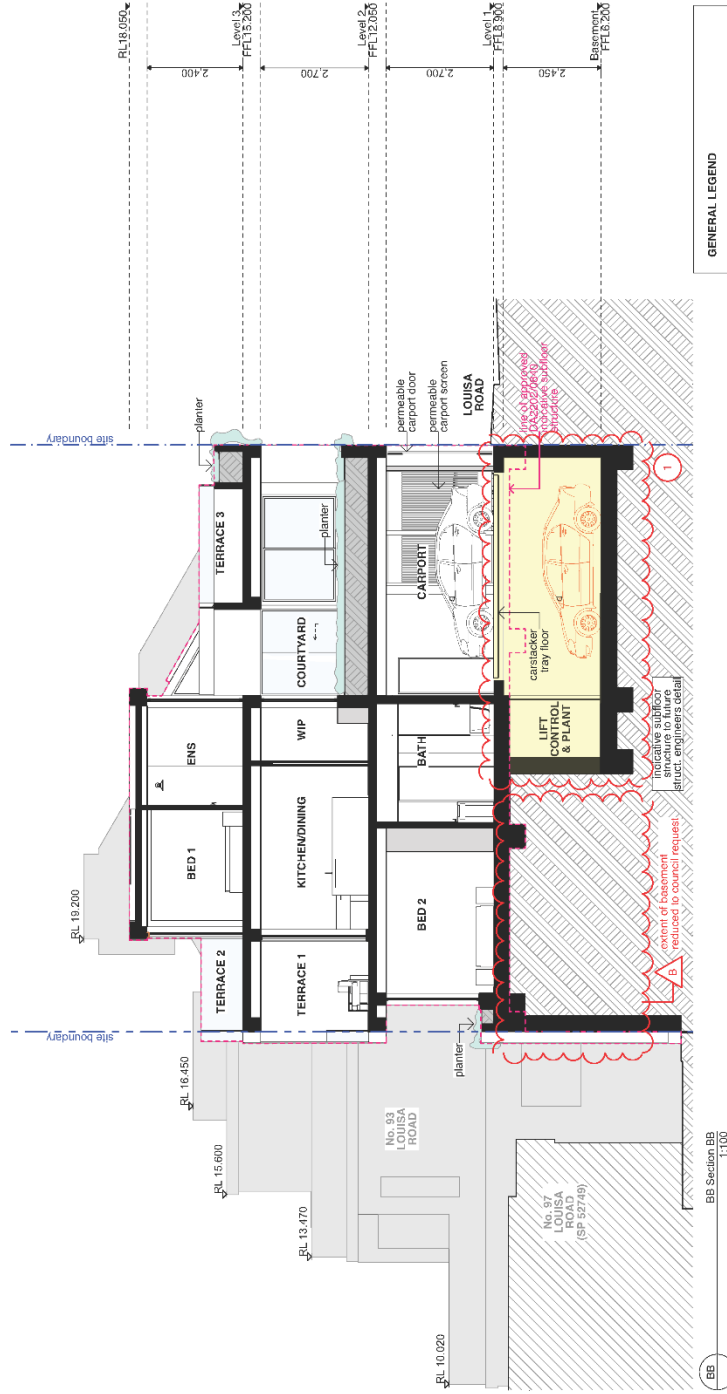
Notify all stakeholders to the Architect.

Document Set ID: 39256802
 Version: 1, Version Date: 26/10/2023



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S4.55 Modification — Schedule of Changes	
ITEM	CHANGE DESCRIPTION
1	Amend FSR calculation
2	New location of Rainwater tank
3	Installation of car-lift to carport
4	Laundry moved to new basement level.
5	Amend FSR calculation to basement level.
5	Amended FSR calculation - BB/B



GENERAL LEGEND

- outline of approved DA/20220840
- - - - - extent of proposed modification

S4.55 MODIFICATION APPLICATION	
Scale	1:100 @ A3
Drawn	YY
Date	28/09/2023
Arch level	MC
Project Name	LONG SECTION
Project Code	MOD09 LOUJ B

michiru higginbotham.

Project: Address
95 Louisa Road
Bridgrove NSW 2041

Project: Residence
Client: Joseph Miani

Notes Regarding IFCR CONSTRUCTION Doc: Wenz
FOR REVIEW
NOT FOR CONSTRUCTION

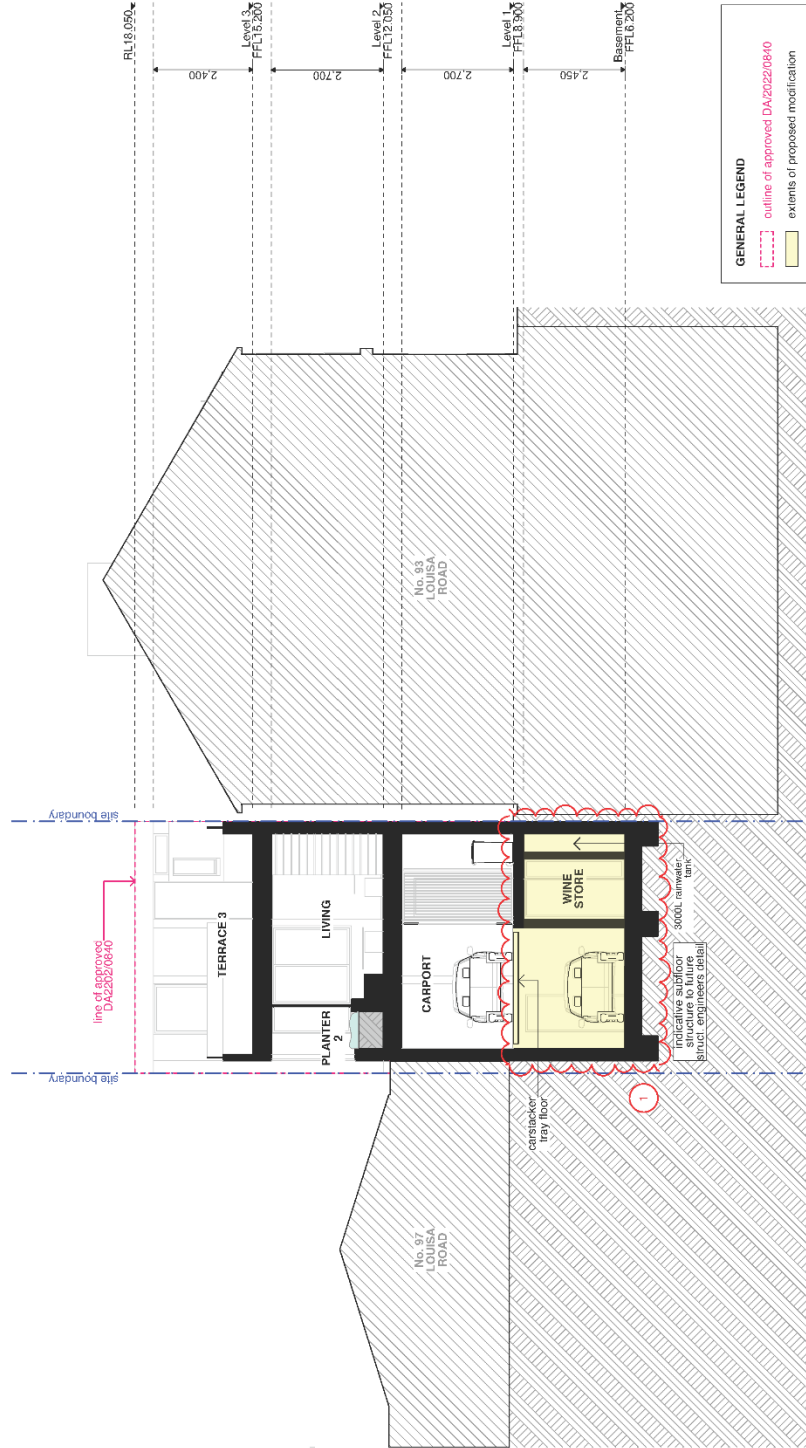
LOUJ.3-230828-4.55.pjn

Notes:
Do not scale the drawings.
All work to be carried out in accordance with the BASiS, Australian Standards, AS/NZS 1170, and manufacturers' specifications and instructions. Comply with the BASiS certificate.
Notify all discrepancies to the Architect.
Document Set ID: 38255902
Version 1, Version Date: 26/10/2023

Revised: 28/08/2023
 Revision No: 4-55 Modification

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S4.55 Modification — Schedule of Changes	
ITEM	CHANGE DESCRIPTION
1	Addition of basement level
2	New location of Rainwater tank
3	Installation of carport to carport
4	Stair to continue down to basement level.
5	Amended FSR calculation + table



GENERAL LEGEND
 - - - - - outline of approved DA/202/0640
 - - - - - extent of proposed modification

S4.55 MODIFICATION APPLICATION
 Drawing Details
 Scale: 1:100 @ A3
 Drawn: YF
 Project: **SHORT SECTION**
 Date: 28/08/2023
 Architect: MC

Project Details
 Project: **michiru higginbotham.**
 Project Address: 88 Louisa Road, Berrigora NSW 2041
 Client Name: Joseph Macri

CC Section CC
 1:100
 Files: Regulating POB RESTRICTION Documents
FOR REVIEW NOT FOR CONSTRUCTION
 LOUISA-3-230838-s4-55.pdf



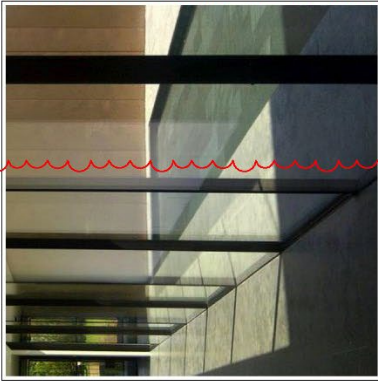
Notes
 Do not scale the drawings.
 Builder to examine site, check and verify all dimensions and levels prior to construction and manufacturers specification and Notify all discrepancies to the Architect.
 Document Set ID: 382565902
 Version: 1, Version Date: 26/10/2023

Revision: Plans - Revision No: 28/09/2023 s4.55 Modification B

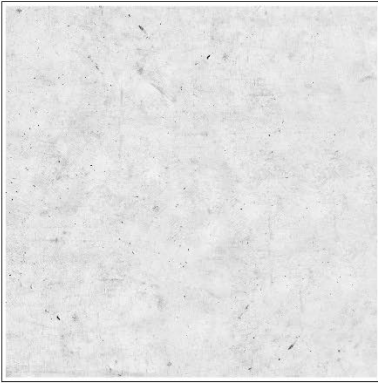
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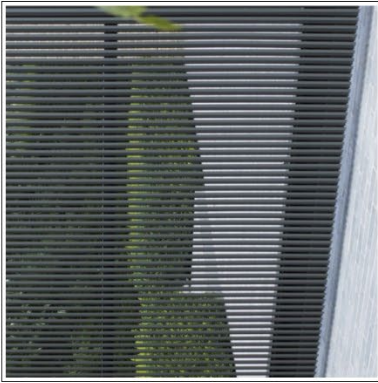
Operable Privacy Screen



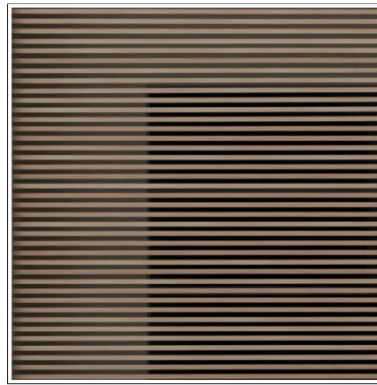
Metal Windows



Cement Textured Render



Permeable Carport Door



Privacy Louvers



Facade Texture



Internal Planting



Metal Roof



Notes
 Do not scale the drawings.
 All work to be carried out in accordance with the NCC, applicable Building Standards (AS), other relevant codes and manufacturers specifications. Notify all discrepancies to the Architect. Certificate.
 Document Set ID: 38255902
 Version: 1, Version Date: 26/10/2023

Notes: Regarding FOR CONSTRUCTION Documents

FOR REVIEW NOT FOR CONSTRUCTION

LOUIS-230828-s4.55.pdf

Project Details
 Project: Bichgrove Residence
 Client Name: Joseph Miacri
 Project Address: Bichgrove NSW 2041

michiru higginbotham.

Drawing Details
 Scale: NTS @ A3
 Drawn: Y1
 Date: 28/09/2023
 Architect: MC

s4.55 MODIFICATION APPLICATION

MATERIAL SCHEDULE
 Draw #: MOD12
 Project Code: LOUI
 Revision #: B