

Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
Part 1 Preliminary				
1.1 Name of Plan This Plan is <i>Auburn Local Environmental Plan 2010</i> .				
1.2 Aims of Plan (1) This Plan aims to make local environmental planning provisions for land in Auburn in accordance with the relevant standard environmental planning instrument under section 33A of the Act. (2) The particular aims of this Plan are as follows: (a) to establish planning standards that are clear, specific and flexible in their application, (b) to foster integrated, sustainable development that contributes to Auburn's environmental, social and physical well-being, (c) to protect areas from inappropriate development, (d) to minimise risk to the community by restricting development in sensitive areas, (e) to integrate principles of ecologically sustainable development into land use controls, (f) to protect, maintain and enhance the natural ecosystems, including watercourses, wetlands and riparian land, (g) to facilitate economic growth and employment opportunities within Auburn, (h) to identify and conserve the natural, built and cultural heritage, (i) to provide recreational land, community facilities and land for public purposes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposal substantially complies with the stipulated development standards of the ALEP 2010.</p> <p>The development is not considered to be inappropriate for the area. The development substantially complies and will establish the future desired character for its immediate area.</p> <p>The proposal has incorporated ESD principles with features such as passive design and BASIX. The development is acceptable in this regard.</p> <p>The site is in broad vicinity to a known heritage item however the development will not result in any adverse impact to the item.</p>
1.3 Land to which Plan applies (1) This Plan applies to the land identified on the Land Application Map. Note. Part 23 of Schedule 3 to the <i>State Environmental Planning Policy (Major Development) 2005</i> applies to certain land identified on the Land Application Map. (2) Despite subclause (1), this Plan does not apply to the land identified on the Land Application Map as "Deferred matter".	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The plan will apply to this development.
1.6 Consent authority The consent authority for the purposes of this Plan is (subject to the Act) the Council.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Council is the consent authority for this application.
1.8 Repeal of other local planning instruments applying to land (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed. Note. The following local environmental plans are repealed under this provision: <i>Auburn Local Environmental Plan 2000</i> (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other and cease to apply to the land to which this Plan applies.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	Noted.
1.8A Savings provision relating to development applications If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This will not apply to the application because the application was lodged after the

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
been finally determined before that commencement, the application must be determined as if this Plan had not commenced. Note. However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant land is appropriately amended or, if a new instrument, including an appropriate principal environmental planning instrument, is made, and the consent authority may consider the application. The Division requires public notice of the development application and the draft environmental planning instrument allowing the development at the same time, or as closely together as is practicable.				plan had been made.
1.9 Application of SEPPs and REPs				
(1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This will not apply to this application.
(2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies: • <i>State Environmental Planning Policy No 1—Development Standards</i> • <i>Sydney Regional Environmental Plan No 24—Homebush Bay Area</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The state policies stated below are not relevant to this application.
1.9A Suspension of covenants, agreements and instruments				
(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no known covenants, agreements or instruments applying to the land which will prevent the development proceeding in accordance with the plan.
(2) This clause does not apply: (a) to a covenant imposed by the Council or that the Council requires to be imposed, or (b) to any prescribed instrument within the meaning of section 183A of the <i>Crown Lands Act 1989</i> , or (c) to any conservation agreement within the meaning of the <i>National Parks and Wildlife Act 1974</i> , or (d) to any Trust agreement within the meaning of the <i>Nature Conservation Trust Act 2001</i> , or (e) to any property vegetation plan within the meaning of the <i>Native Vegetation Act 2003</i> , or (f) to any bio-banking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i> , or (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None of these apply to the development site.
(3) This clause does not affect the rights or interests of any public authority under any registered instrument.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development is not on behalf of a public authority.
(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Part 2 Permitted or prohibited development				
2.1 Land use zones				The land is zone B4 Mixed Use

Appendix B – Auburn Local Environmental Plan 2010

[illegible]

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
permissible land uses in any such adjoining land.				
2.5 Additional permitted uses for particular land (1) Development on particular land that is described or referred to in Schedule 1 may be carried out: (a) with consent, or (b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development. (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	Not proposing additional permitted land use on site.
2.6 Subdivision—consent requirements (1) Land to which this Plan applies may be subdivided, but only with consent. (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following: (a) widening a public road, (b) a minor realignment of boundaries that does not create: (i) additional lots or the opportunity for additional dwellings, or (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned, (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings, (d) rectifying an encroachment on a lot, (e) creating a public reserve, (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets. Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	A subdivision of the land is not proposed.
2.7 Demolition requires consent The demolition of a building or work may be carried out only with consent. Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this plan or <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> as exempt development, the Act enables it to be carried out without development consent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The existing buildings on the site will be demolished as part of the redevelopment of the whole site. The works will facilitate the redevelopment of the site for a mixed use building with basement car park. The demolition forms part of the development application.
2.8 Temporary use of land (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land. (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary purpose for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months. (3) Development consent must not be granted unless the consent authority is satisfied that:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	This section is not applicable to the application.

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) at the end of the temporary use period the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Despite subclause (2), the temporary use of a dwelling as a sales office				
(a) for a new release area or housing estate may exceed 28 days (whether or not consecutive days) in any period of 12 months.				
(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause				
Zone B4 Mixed Use				
1 Objectives of zone <ul style="list-style-type: none"> To provide a mixture of compatible land uses. To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. To encourage high density residential development. To encourage appropriate businesses that contribute to economic growth. To achieve an accessible, attractive and safe public domain. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed commercial and residential land uses are considered to be compatible with the objectives of the zone.</p> <p>The site enjoys close proximity to the core Auburn Town Centre and associated public transport links.</p> <p>Being a mixed use building within the B4 Mixed Use zone, the development has been designed to provide two commercial tenancies on the ground floor level.</p>
2 Permitted without consent Nil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3 Permitted with consent Backpackers' accommodation; Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Retail premises; Roads; Self-storage units; Seniors housing; Serviced apartments; Shop top housing; Warehouse or distribution centres; Any other development not specified in item 2 or 4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No prohibited development is proposed.
4 Prohibited Agriculture; Air transport facilities; Animal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies				
Part 4 Principal development standards				
4.1 Minimum subdivision lot size				
(1) The objectives of this clause are as follows: (a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls, and (b) to ensure that subdivision of land is capable of supporting a range of development types.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A land subdivision of the site is not proposed. A minimum allotment size is not designated for the site or immediate locality under the ALEP 2010.
(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3A) Despite subclause (3), the minimum lot size for dwelling houses is 45m ² .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3B) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3C) Despite subclauses (3)–(3B), the minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of: (a) dwelling houses: (i) 35m ² , or (ii) if a garage will be accessed from the rear of the property – 290m ² , or (iii) if the dwelling house will be on a zero lot line – 270m ² , (b) semi-detached dwellings – 270m ² , (c) multi dwelling housing - 170m ² for each dwelling, (d) attached dwellings – 170m ² .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.3 Height of buildings				

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
(1) The objectives of this clause are as follows: (a) to establish a maximum building height to enable appropriate development density to be achieved, and (b) to ensure that the height of buildings is compatible with the character of the locality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The maximum height of buildings permitted in the zone is 38m.
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As shown on the architectural plans (as amended), the proposal seeks approval to construct a new 12 storey mixed use building over 4 levels of basement car park with a maximum height of 40.8m at its highest point including the lift overruns and roof elements when measured from the natural ground level. This represents a variation of 6.9%.
(2A) Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is: (a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map – 27m, (b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map – 14m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Otherwise, the building is generally contained within the height limit established by the ALEP 2010. A 4.6 variation has been submitted with this application justifying the non-compliance and this is considered reasonable in this instance.
4.4 Floor space ratio				
(1) The objectives of this clause are as follows: (c) To establish a maximum floor space ratio to enable appropriate development density to be achieved, and (d) To ensure that development intensity reflects its locality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The permitted floor space ratio is 5:0. The floor space ratio of the building is 4.87:1 which complies with the provision.
(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The floor space ratio is calculated as per the definition specified below.
(2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows: (a) for sites less than 1,300m ² – 0.75:1, (b) for sites that are 1,300m ² or greater but less than 1,800m ² – 0.80:1, (c) for sites that are 1,800m ² or greater – 0.85:1.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	It is noted that the all basement storage, parking spaces, manoeuvring area and loading/unloading area are excluded from the calculation in accordance with the ALEP 2010 definition.
(2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows: (a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and (b) 3:1 for office premises and hotel or motel accommodation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2C) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
<p>follows:</p> <p>(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and</p> <p>(b) 2:1 for office premises and hotel or motel accommodation.</p> <p>(2D) Despite subclause (2), the maximum floor space ratio for retail premises on land in Zone B6 Enterprise Corridor within the Commercial Precinct, as shown edged green on the Floor Space Ratio Map is 1.5:1.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>4.5 Calculation of floor space ratio and site area</p> <p>(1) Objectives</p> <p>The objectives of this clause are as follows:</p> <p>(a) to define floor space ratio,</p> <p>(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:</p> <p>(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and</p> <p>(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and</p> <p>(iii) require community land and public places to be dealt with separately.</p> <p>(2) Definition of “floor space ratio”</p> <p>The <i>floor space ratio</i> of buildings on a site is the ratio of the gross floor area of all buildings within the site area.</p> <p>(3) Site area</p> <p>In determining the site area of proposed development for the purpose of applying a floor space ratio, the <i>site area</i> is taken to be:</p> <p>(a) if the proposed development is to be carried out on only one lot, the area of that lot, or</p> <p>(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.</p> <p>In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.</p> <p>(4) Exclusions from site area</p> <p>The following land must be excluded from the site area:</p> <p>(a) land on which the proposed development is prohibited, whether under this Plan or any other law,</p> <p>(b) community land or a public place (except as provided by subclause (7)).</p> <p>(5) Strata subdivisions</p> <p>The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.</p> <p>(6) Only significant development to be included</p> <p>The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Noted.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No exclusions in accordance with this clause are being applied.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Strata subdivision of the development is proposed into 105 Strata Title allotments.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Only the lots affected by the development are included in the floor space ratio calculation.

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
<p>development on that additional lot.</p> <p>(7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No public land incorporated into the proposal.
<p>(8) Existing buildings The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All above ground floors of the proposal are factored into the floor space ratio calculation
<p>(9) Covenants to prevent “double dipping” When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(10) Covenants affect consolidated sites If: (a) a covenant of the kind referred to in subclause (9) applies to any land (<i>affected land</i>), and (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development, the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No consolidation covenant is being applied in this instance.
<p>(11) Definition In this clause, <i>public place</i> has the same meaning as it has in the <i>Local Government Act 1993</i>.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.6 Exceptions to development standards				
<p>(1) The objectives of this clause are: (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A sufficient 4.6 variation has been submitted justifying the slight non-compliance with height control.</p> <p>Elements of the building that are over height include roof top elements that increase amenity to the communal open space areas and lift overruns that are internal to the floor plate and will not be visible from the street.</p>
<p>(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
clause does not apply to a development standard that is expressly excluded from the operation of this clause.				
(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and				
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.				
(4) Consent must not be granted for development that contravenes a development standard unless:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(a) the consent authority is satisfied that:				
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and				
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and				
(b) the concurrence of the Director-General has been obtained.				
(5) In deciding whether to grant concurrence, the Director-General must consider:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and				
(b) the public benefit of maintaining the development standard, and				
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.				
(6) Development consent must not be granted under this clause for a subdivision of land in Zone RUI Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(a) The subdivision will result will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or				
(b) The subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.				
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
(8) This clause does not allow consent to be granted for development that would contravene any of the following: (a) a development standard for complying development, (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated, (c) clause 5.4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Part 5 Miscellaneous provisions				
5.4 Controls relating to miscellaneous permissible uses	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposal does not seek Council's approval to any of the miscellaneous permissible use on to this B4 Mixed Use site.
(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms. Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the <i>Building Code of Australia</i> .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) Home businesses If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Home industries If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed: (a) 43% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or (b) 400 square metres, whichever is the lesser.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) Farm stay accommodation If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) Kiosks If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 10 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(8) Roadside stalls If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 8 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater: (a) 60 square metres, (b) 25% of the total floor area of the principal dwelling.				
5.6 Architectural roof features				
(1) The objectives of this clause are: (a) To ensure that any decorative roof element does not detract from the architectural design of the building, and (b) To ensure that prominent architectural roof features are contained within the height limit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The roof parapet and lift overrun are not considered to be architectural roof features and accordingly do not receive a height concession in relation to this clause.
(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Development consent must not be granted to any such development unless the consent authority is satisfied that: (a) the architectural roof feature: (i) comprises a decorative element on the uppermost portion of a building, and (ii) is not an advertising structure, and (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing, and (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.7 Development below mean high water mark				
(1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters. (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development proposal does not include works below the mean high water mark.
5.9 Preservation of trees or vegetation				
(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposal does not involve removing trees or vegetation protected by this clause.
(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council. Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by: (a) development consent, or (b) a permit granted by the Council.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.				
(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) that is or forms part of a heritage item, or that is within a heritage conservation area, or				
(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:				
(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area,				
(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.				
Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.				
(8) This clause does not apply to or in respect of:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the clearing of native vegetation:				
(i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or				
(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or				
(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or				
(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or				
(d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or				
(e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.				
5.9AA Trees or vegetation not prescribed by development control plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The clause will not apply to the development application.
(1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.				
(2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause				

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
applies is permitted without development consent.				
5.10 Heritage conservation Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.				
(1) Objectives The objectives of this clause are: (a) to conserve the environmental heritage of Auburn, and (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and (c) to conserve archaeological sites, and (d) to conserve places of Aboriginal heritage significance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The site is not listed in the ALEP 2010 as containing items of heritage. However, there are two heritage listed items located within the vicinity of the site. These items include Heritage Item No.10 located at 8 Mary Street Auburn and the Heritage Item No.17 at 24 Mary Street Auburn.</p>
(2) Requirement for consent Development consent is required for any of the following: (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area, (i) a heritage item. (ii) An Aboriginal object. (iii) A building, work, relic or tree within a heritage conservation area. (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance, (e) erecting a building on land: (i) on which a heritage item is located or that is within a heritage conservation area or, (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land on which a heritage item is located or that is within a heritage conservation area. (i) on which a heritage item is located or that is within a heritage conservation area or, (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>A Statement Of Heritage Impact has been submitted with this application. The report reviews both the previously submitted scheme and the amended scheme.</p> <p>It is considered the proposal will not have any impact to these heritage items given the proposed development is fully contained within the property boundary and these sites do not share any common property boundary with the subject site.</p> <p>The SOHI considers that the development is sufficiently removed from the heritage items to cause no physical or interpretive impact. It goes further to say that the contemporary materials and design techniques embrace the significance of the items nearby.</p>
(3) When consent not required However, consent under this clause is not required if: (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
<p>development:</p> <p>(i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and</p> <p>(ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or</p> <p>(b) the development is in a cemetery or burial ground and the proposed development:</p> <p>(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and</p> <p>(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or</p> <p>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</p> <p>(d) the development is exempt development.</p>				
<p>(4) Effect on heritage significance</p> <p>The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	As identified in the architectural plans, all building and excavation works are contained within the subject site. Therefore, the proposal will not have any impact to this heritage item/ site.
<p>(5) Heritage impact assessment</p> <p>The consent authority may, before granting consent to any development on land:</p> <p>(a) on which a heritage item is situated, or</p> <p>(b) within a heritage conservation area, or</p> <p>(c) within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(6) Heritage conservation management plans</p> <p>The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(7) Archaeological sites</p> <p>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies):</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed development is not located within a heritage item or site.

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments						
(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance: (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>							
(9) Demolition of item of State significance The consent authority must, before granting consent for the demolition of a nominated State heritage item: (a) notify the Heritage Council about the application, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>							
(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that: (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and (b) the proposed development is in accordance with a heritage conservation management document that has been approved by the consent authority, and (c)the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting or the heritage significance of the Aboriginal place of heritage significance, and (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>							
Part 6 Additional local provisions										
6.1 Acid sulfate soils										
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site lies over Class 5 Acid Sulfate Soils and does not lie within 500m of an adjacent altered classification soil. Class 5 soils are generally acceptable to undertake significant excavation without the need for further studies or management plans to manage Acid Sulfate issues during construction. The development is acceptable in this regard.						
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
<table><tr><th>Class</th><th>Works</th></tr><tr><td>1</td><td>Any works.</td></tr><tr><td>2</td><td>Works below the natural ground surface. Works by which the watertable is likely to</td></tr></table>					Class	Works	1	Any works.	2	Works below the natural ground surface. Works by which the watertable is likely to
Class	Works									
1	Any works.									
2	Works below the natural ground surface. Works by which the watertable is likely to									

Appendix B – Auburn Local Environmental Plan 2010

Clause		Yes	No	N/A	Comments
	be lowered.				
	3 Works more than 1m below the natural ground surface. Works by which the watertable is likely to be lowered more than 1m below the natural ground surface.				
	4 Works more than 2m below the natural ground surface. Works by which the watertable is likely to be lowered more than 2m below the natural ground surface.				
	5 Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.				
(3)	Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(4)	Despite subclause (2), development consent is not required under this clause for the carrying out of works if: (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(5)	Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power): (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety, (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil), (c) minor work, being work that costs less than \$20,000 (other than drainage work).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(6)	Despite subclause (2), development consent is not required under this clause to carry out any works if: (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
basins) or foundations or flood mitigation works, or (b) the works are not likely to lower the watertable.				
6.2 Earthworks				
(1) The objectives of this clause are as follows: (a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land, (b) to allow earthworks of a minor nature without separate development consent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Development consent is required for the proposed 4 basement levels excavations.
(2) Development consent is required for earthworks, unless: (a) the work does not alter the ground level (existing) by more than 600mm, or (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or (c) the work is ancillary to other development for which development consent has been given.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(3) Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or of the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Note. The <i>National Parks and Wildlife Act 1974</i> , particularly section 86, deals with disturbing or excavating land and Aboriginal objects.				
6.3 Flood planning				
(1) The objectives of this clause are as follows: (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is affected by overland flow of water. A Flood Impact Report prepared by a suitably qualified hydraulic engineer has been submitted with this application which addresses flood planning concerns and establishes the top water level during 1 in 100 year ARI storm event to ensure that the
(2) This clause applies to: (a) land that is shown as "Flood planning area" on the Flood Planning Map, and (b) other land at or below the flood planning level.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
<p>(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the NSW Government's <i>Floodplain Development Manual</i> published in 2005, unless it is otherwise defined in this clause.</p> <p>(5) In this clause:</p> <p>flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5m freeboard.</p> <p>Flood Planning Map means the Auburn Local Environmental Plan 2010 Flood Planning Map.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	development will not have any adverse impact on the flood level or adjoining properties. Flood modelling has been carried out as part of the report. This report is considered satisfactory.
<p>6.4 Foreshore building line</p> <p>(1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.</p> <p>(2) This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map.</p> <p>(3) Development consent must not be granted for development on land in the foreshore area except for the following purposes:</p> <p>(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,</p> <p>(b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,</p> <p>(c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoor).</p> <p>(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that:</p> <p>(a) the development will contribute to achieving the objectives for the zone in which the land</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not located in the foreshore area.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Appendix B – Auburn Local Environmental Plan 2010

Clause	Yes	No	N/A	Comments
<p>is located, and</p> <p>(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and</p> <p>(c) the development is not likely to cause environmental harm such as:</p> <p>(h) pollution or siltation of the waterway, or</p> <p>(i) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or</p> <p>(ii) an adverse effect on drainage patterns, and</p> <p>(d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and</p> <p>(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and</p> <p>(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and</p> <p>(g) in the case of development for the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, the extension, alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and</p> <p>(h) sea level rise or change of flooding patterns as a result of climate change have been considered.</p>				
<p>6.5 Essential services</p> <p>(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable road access.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Services are provided to the site or capable of being provided.</p>
<p>6.6 Particular dual occupancy subdivisions must not be approved</p> <p>(1) Development consent must not be granted for a subdivision that would create separate titles for each of the two dwellings resulting from a dual occupancy development.</p> <p>(2) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The clause will not apply to the development application.</p>