Auburn Local Environmental Plan 2010			
Standard	**Required/Permitted**	**Comment**	**Comply**
Part 2 Permitted or Prohibited Development			
Zoning B4 – Mixed Use Objectives	• 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.	The development achieves the objectives of the zone.	Yes
Permissible Uses	Shop top housing	The development is defined as shop top housing.	Yes
2.7	Demolition requires Development Consent	Demolition of existing structures has been sought within the subject application.	Yes
Part 4 Principal development standards			
4.3	**Height of Buildings** 32 metres	The proposed development is maintained to a height of 32.6 metres, with the exceedance limited to the lift overrun. Refer to commentary below under Clause 4.6 of the Auburn LEP 2010.	**No, but acceptable**
4.4	**Floor Space Ratio** 5:1 • Ground Floor 434m² • First Floor 390.1m² • Second Floor 689.1m² • Third Floor 689.1m² • Fourth Floor 689.1m² • Fifth Floor 689.1m² • Sixth Floor 689.1m² • Seventh Floor 689.1m² • Eighth Floor 689.1m² • Ninth Floor 325.7m² **Total** 5973.5m² / 1,194.5m² = 5:1 **Max Permitted** 5,973.5m²		Yes
4.6	Clause 4.6	The applicant has submitted a written request, justifying the contravention of the height of buildings standard, and considers that strict compliance is unreasonable and unnecessary in the circumstances. The submitted Clause 4.6 Statement identifies the additional height is supportable on the following grounds:-	Yes Clause 4.6 variation submitted at **Attachment 2.**

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Standard	**Required/Permitted**	**Comment**	**Comply**
		- The extent of the exceedance is limited to the lift overrun, with habitable floor space maintained below the height limit. - The development is of high architectural design, which will contribute to the streetscape and visual amenity of the area. - The exceedance is a result of the flood affectation of the site, and the requirement to raise the building to respond to minimum freeboard levels. - The variation will not result in noticeable bulk, height or scale, as viewed from the public domain, and will not result in additional solar access, view loss or privacy. The Clause 4.6 – Exceptions to Development Standards Statement is considered to be well founded, and supportable considering the merits of the proposal. A copy of the Applicant's written request is provided at **Attachment 2**.	
Part 5 Miscellaneous provisions			
5.10	**Heritage**	The site is not heritage listed, however, is located within the vicinity of 2 heritage items, which are as follows:- • 35-47 Joseph Street, Lidcombe – *Fenton House*; and • Wellington Park (corner of James Street and Joseph Street, Lidcombe)*, Lidcombe War Memorial Statue.* The Development Application is supported by a Heritage Impact Statement, and the proposal is not expected to negatively impact on the surrounding heritage items.	Yes
Part 6 Additional local provisions			
6.1	**Acid Sulfate Soils** Class 5 – Acid Sulfate Soils	The subject site is not within 500 metres of Class 1, 2, 3 or 4 land, and as such, an Acid Sulfate Soils Management Plan is not required to be submitted.	Yes
6.3	**Flood Planning** Overland Flows	The site is affected by flooding. Council's Development Engineer has raised no concerns	Yes
6.5	**Terrestrial Biodiversity**	The site is not affected by	N/A

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Standard	Required/Permitted	Comment	Comply
		biodiversity.	
6.6	**Riparian land and watercourses**	The site is not affected by a watercourse.	N/A
6.8	**Salinity** Moderate Salinity	The site is located on lands identified as being affected by moderate salinity. Standard condition to be imposed requiring the development to be construction in accordance with the National Construction Code.	Standard Condition of Consent