

Appendix B
Auburn Local Environmental Plan 2010

Clause	Provision	Discussion
1.2	Aims of Plan (1) This Plan aims to make local environmental planning provisions for land in that part of Cumberland local government area to which this Plan applies (in this Plan referred to as Auburn) in accordance with the relevant standard environmental planning instrument under section 33A of the Act.	The proposed development is consistent with the relevant aims of the Auburn Local Environmental Plan 2010 at the following subclauses:- Subclause 2(c). Subclause 2(g).
2.3	Zone Objectives and Land Use Table The objectives of the B6 Enterprise Corridor zone are: <ul style="list-style-type: none"> • <i>To promote businesses along main roads and to encourage a mix of compatible uses.</i> • <i>To provide a range of employment uses (including business, office, retail and light industrial uses) and residential uses (but only as part of a mixed use development).</i> • <i>To maintain the economic strength of centres by limiting retailing activity.</i> 	The development application is consistent with the first, second and third of the stated objectives.
4.3	Height of Buildings (2) The height of a building on any land is not to exceed a maximum building height of 27 metres.	The maximum building height is 18.8 metres.
4.4	Floor Space Ratio (2) The maximum floor space ratio (FSR) for a building on any land is not to exceed 3.0:1.	The development provides a floor space ratio of 0.66:1 which is based on a building with a floor area of 6,192.7 square metres.
4.6	Exceptions to development standards (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the	A Clause 4.6 Variation is not required in this instance.

	<p>applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	
5.6	<p>Architectural roof features</p> <p>(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 development consent.</p> <p>(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:</p> <p>(a) the architectural roof feature:</p> <ul style="list-style-type: none"> (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 <p>(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.</p>	<p>An architectural roof feature is not proposed for the building.</p>
5.10	<p>Heritage Conservation</p> <p>(5) Heritage assessment.</p> <p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item</p>	<p>The site known as 13 to 21 Parramatta Road is not listed as a heritage item</p>

	<p>is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document 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>	<p>within the Auburn Local Environmental Plan 2010.</p> <p>The nearby Parramatta Road bridge crossing over Haslams Creek is listed as an archaeological item (A54) in the Auburn Local Environmental Plan 2010 however there are no works being undertaken within close proximity to the bridge.</p> <p>It is considered that no heritage assessment is required in this instance.</p>
6.1	<p>Acid Sulphate Soils</p> <p>Development must not create issues of acid sulphate soils.</p>	<p>The land is rated 2 for acid sulphate soils. An acid sulphate soils management plan has been prepared by Senversa which is dated Monday 30 November 2020.</p> <p>The report identifies that the site is located within an area of disturbed terrain and any excavation including piling below 4 metres AHD will require further assessment of acid sulphate soils including the preparation of an acid sulphate soils management plan.</p> <p>Underground storage tanks will need to be installed at a depth of up to 5 metres below ground level at the south western portion of the site and approximately 2,000 cubic metres of soil will require removal to facilitate this part of the development.</p> <p>Construction piling operations will require excavation work to a depth from below 4 metres AHD.</p> <p>The excavated material will need to be taken to a licensed facility for disposal.</p> <p>The acid sulphate soil management plan addresses the management of acid sulphate soils at Part 4,2 "Mitigation and Management" which has been reviewed by Council's Environment and Health Department.</p> <p>Conditions are provided by Council's</p>

		Environment and Health Department addressing matters of acid sulphate soils.
6.2	<p>Earthworks</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or of the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>As identified above in Clause 6.1, excavation work will be required to facilitate the installation of the underground fuel tanks and to allow for piling works to support the new office and car park building.</p> <p>A basement car park will not be constructed due to issues of acid sulphate soils and underground water flows within the soil profile.</p> <p>There is a requirement to excavate approximately 2,000 cubic metres of soil from the site to facilitate the installation of the underground storage tanks.</p> <p>Excavation work is generally limited in extent and considered reasonable for the type of works proposed.</p> <p>The applicant is required to address the issue of acid sulphate soils as part of a management plan which is addressed above.</p>
6.3	<p>Flood planning</p> <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</p>	<p>Part of the site (Eastern side) is subject to flooding although such flooding is relatively minor in extent and not considered to be a hindrance to the development works sought.</p> <p>Council engineers have determined that the development is acceptable notwithstanding the minor flood risk that exists across the site.</p>

	<p>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>	
6.5	<p>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> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access. 	<p>The site is serviced with water and sewer services.</p> <p>The site is readily serviced with electricity services although as demonstrated within the report, the applicant will be required to install an electricity substation on site to provide adequate power supply to the Stage 1 works.</p> <p>A second substation will later be needed to accommodate the Stage 2 works. The substations will each generate electricity supply of 600 KVA to service the development.</p> <p>Ausgrid has raised no objection to the proposed development and the proposal to augment electricity supply to the site.</p> <p>There are conditions attached to the recommendation addressing electricity services to the site.</p>