

**Appendix B**  
**Auburn Local Environmental Plan 2010**

<b>Clause</b>	<b>Provision</b>	<b>Discussion</b>
<b>1.2</b>	<b>Aims of Plan</b>  (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(b). Subclause 2(c).
<b>2.3</b>	<b>Zone Objectives and Land Use Table</b>  The objectives of the SP2 Infrastructure zone are: <ul style="list-style-type: none"> <li>• <i>To provide for infrastructure and related uses.</i></li> <li>• <i>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</i></li> </ul>	The development application is consistent with both objectives.
<b>4.3</b>	<b>Height of Buildings</b>  A building height limit is not specified for the site.	Not applicable. Notwithstanding this, the building reaches a maximum height of 11.26 metres from the natural ground level. The height of the development is considered to be satisfactory.
<b>4.4</b>	<b>Floor Space Ratio</b>  A floor space ratio is not specified for the site.	Not applicable. Notwithstanding this, the development provides a floor space ratio of 0.607:1 which is based on a building with a floor area of 5,339.1 square metres and a site area of 8,789.8 square metres.
<b>4.6</b>	<b>Exceptions to development standards</b>  (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 applicant that seeks to justify the	A Clause 4.6 Variation is not required in this instance.

	<p>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>	
<b>5.6</b>	<p><b>Architectural roof features</b></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"> <li>(i) comprises a decorative element on the uppermost portion of a building, and</li> <li>(ii) is not an advertising structure, and</li> <li>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</li> <li>(iv) will cause minimal overshadowing, and</li> </ul> <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>
<b>5.10</b>	<p><b>Heritage Conservation</b></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 is located, or</p>	<p>The site known as 80 Betty Cuthbert Drive is not listed as a heritage item within the Auburn Local Environmental Plan 2010.</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>It is considered that no heritage assessment is required in this instance.</p>
<b>6.1</b>	<p><b>Acid Sulphate Soils</b></p> <p>The site is not identified as a heritage item and is not located within a heritage conservation area.</p>	<p>The land is rated 5 for acid sulphate soils.</p> <p>Based on documentation received, the development site is acceptable with respect to acid sulphate soils.</p>
<b>6.2</b>	<p><b>Earthworks</b></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>The development application includes site levelling works and excavation works to a maximum depth of approximately 2.5 metres for a small section within the area to be covered by Car Park 3 on the southern side of the development.</p> <p>Excavation work is relatively limited and unlikely to have adverse impact to the locality.</p>
<b>6.3</b>	<p><b>Flood planning</b></p> <p>(3) Development consent must not be granted for development on land to</p>	<p>A large portion of the site is affected by an overland flow path. The flow path</p>

	<p>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>traverses the site from nearby Ironbark Crescent toward Joseph Street.</p> <p>Councils engineers have ascertained that the development is acceptable and provides for adequate drainage and control of the overland flow path</p>
<b>6.5</b>	<p><b>Essential Services</b></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>The site is serviced with water and sewer services.</p>