

APPENDIX C – Auburn Local Environmental Plan 2010 (ALEP 2010) Compliance Table

Auburn Local Environmental Plan 2010 (ALEP 2010)						
Clause	Provision	Discussion				
1.2	<p>Aims of Plan</p> <p>(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.</p>	<p>The proposed development is consistent with the aims of the ALEP 2010.</p>				
2.3	<p>Zone Objectives and Land Use Table</p> <p>The objectives of the R4 land use zone:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a high density residential environment. • To provide a variety of housing types within a high density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To encourage high density residential development in close proximity to bus service nodes and railway stations. 	<p>The proposed development of the site is consistent with the objectives of the R4 land use zone in that it is providing high density residential housing to meet the housing needs of the community.</p> <p>The development provides a range of dwelling types, including 1, 2 and 3 bedroom units.</p> <p>The development is located in proximity to public transport and meets the requirements for accessible development in the SEPP ARH.</p>				
4.3	<p>Height of Buildings</p> <p>(2) The height of a building on any land is not to exceed a maximum building height of 18 metres.</p>	<p>The maximum building height exceeds 18 metres at the following points:</p> <table border="0"> <tr> <td>Roof slab</td> <td>19.38 metres</td> </tr> <tr> <td>Lift overrun</td> <td>19.99 metres</td> </tr> </table> <p>Variation to this development standard is sought as part of a Clause 4.6 variation request, refer to following discussion.</p>	Roof slab	19.38 metres	Lift overrun	19.99 metres
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4.4	<p>Floor Space Ratio</p> <p>(2) The maximum floor space ratio (FSR) for a building on any land is not to exceed a maximum FSR of 1.7:1.</p>	<p>The development provides a FSR of 1.91:1. This includes the bonus pursuant to the provisions of Clause 13 (Floor space ratios) of the ARH SEPP. Refer to the following section of this report.</p>				
4.6	<p>Exceptions to development standards</p> <p>(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 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>The development application is accompanied by a Clause 4.6 Variation Request for the building height exceedance. An assessment of this request has been undertaken and the variation is supported, refer to the body of the report.</p>				

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	(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	
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> <p>(i) comprises a decorative element on the uppermost portion of a building, and</p> <p>(ii) is not an advertising structure, and</p> <p>(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and</p> <p>(iv) will cause minimal overshadowing, and</p> <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>The building design incorporates an architectural roof feature which comprises a decorative element on the uppermost portion of a building. This projection is not an advertising structure, and does not include floor space area and is not reasonably capable of modification to include floor space area. The roof feature does not cause overshadowing impacts. Having regard to the above, a variation to the maximum building height, to facilitate the architectural roof feature is considered acceptable.</p>
5.10	<p>Heritage Conservation</p> <p>(5) Heritage assessment 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>(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),</p> <p>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>The site is not identified as a heritage item and is not located within a heritage conservation area. The site adjoins a heritage item of local significance to the east at 25 Harrow Road, Auburn. Item I22 comprises a 'Victorian Dwelling' of local heritage significance. The site is also in the vicinity of the following items of local significance:</p> <ul style="list-style-type: none"> • I2 at 16 harrow Road, Auburn 'Auburn Baptist Church' • I10 at 8 Mary Street, Auburn 'Dwelling' • I17 at 24 Mary Street, Auburn 'Lea's Temperance Hall (former)' <p>The application was accompanied by a Heritage Impact Statement (HIS) prepared by Edwards Heritage Consultants dated 21 February 2019.</p> <p>Whilst the site is not identified as a heritage item, the Consent Authority is required to consider the provisions of Clause 5.10(4) to consider the effect of the proposed development on the heritage significance of the item or area concerned.</p> <p>The HIS relevantly concludes that <i>demolition of the existing dwellings at Nos. 42 and 42A Park</i></p>

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		<p>Road is supported as they are considered of little architectural interest and value and they have a silent relationship to the adjoining heritage item at 25 Harrow Road as they do not significantly feature in the visual curtilage to the heritage item.</p> <p>Subject to recommendations, the proposal is considered to have an entirely acceptable heritage impact in terms of its relationship to the heritage item at 25 Harrow Road and is recommended to Council for approval.</p> <p>Conditions of consent have been recommended to ensure that the recommendations of the HIS are implemented as they relate to photographic archival recording and structural integrity.</p>
6.1	Acid Sulphate Soils	Yes – Class 5.
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>The development would involve excavation works to facilitate the construction of the basement car park that exceed 600mm, development consent has therefore been sought for these works as part of this application. Mitigation measures to manage earthwork activities for the duration of the construction phase have been managed through recommended conditions of development consent.</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</p>	<p>The development has been designed to have regard to the 1 in 100-yr ARI flood level plus 0.5 metre freeboard, providing a habitable floor level of 26.5 metres.</p>

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	<p>affection 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>6.5</p>	<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> <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>Having regard to the provision of water, disposal and management of stormwater and sewage, deferred commencement conditions of consent have been recommended to ensure that the development is capable of being serviced, prior to the consent becoming operational and works commencing. The site is readily serviced by electricity and is capable of providing vehicular access to the development off Park Road.</p>