

BASIX) 2004 with respect to BASIX Certificate not being amended to reflect the amended design received by Council on 5 August 2014.

5. Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy the specific objectives contained in the Canterbury Local Environmental Plan 2012 including:
  - a) **Clause 5.10: Heritage Conservation**  
The objectives of this clause is conserve the environmental heritage of Canterbury, and to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.
6. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory in terms of its standard of design and would adversely impact upon the existing and likely future amenity of the locality.
7. The proposed development, pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, is unsatisfactory given the unreasonable overshadowing impacts on adjoining residential development.

Having regard to the abovementioned non-compliance issues and the amenity issues the proposed development is likely to create for occupants of adjoining properties and future occupants of the subject site, pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest.

FOR	AGAINST
The Mayor, Councillor Robson	
Councillor Adler	
Councillor Azzi	
Councillor Eisler	
Councillor Hawatt	
Councillor Nam	
Councillor Paschalidis-Chilas	
Councillor Vasiliades	

**12 15-23 HOMER STREET, EARLWOOD: PLANNING PROPOSAL TO REZONE LAND**

FILE NO: T-29-161

**Min. No. 449 RESOLVED** (Councillors Hawatt/Vasiliades)

THAT

1. A planning proposal be prepared to:
  - i. Amend the maximum building height to be set at the same height as the building next door which is 17 metres.
  - ii. Allow approximately half (21m) of the northern part of the site to accommodate ground level residential uses. The remainder of the site would be required to maintain ground floor commercial floor space, and submitted to the Department of Planning and Environment for a Gateway Determination.
2. If the Planning Proposal receives a Gateway Determination to proceed, then Canterbury Development Control Plan 2012 be amended in draft form so that it will be consistent with the proposed LEP amendment and be exhibited with the planning proposal for public comment.

3. The results of the public exhibition process be reported to Council.

FOR	AGAINST
Councillor Adler	The Mayor, Councillor Robson
Councillor Azzi	Councillor Eisler
Councillor Hawatt	Councillor Paschalidis-Chilas
Councillor Nam	
Councillor Vasiliades	

**13 INDEPENDENT HEARING AND ASSESSMENT REPORT**

FILE NO: D-6-9 PT10

**Min. No. 450 RESOLVED** (Councillors Hawatt/Nam)

THAT the report be noted.

**14 9 ROGERS STREET, ROSELANDS: DEMOLITION AND CONSTRUCTION OF AFFORDABLE HOUSING DEVELOPMENT WITH BASEMENT PARKING**

FILE NO: 752/9D PT3 & 4

**Min. No. 451 RESOLVED** (Councillors Hawatt/Vasiliades)

THAT development application DA-77/2014 be **APPROVED** subject to the following conditions:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of the relevant Construction Certificate:

1.1. Details of:

- Structural Engineering Plan including method of shoring during excavation
- Protection from termites
- Building Specifications
- Fire Safety Schedule
- Landscape Plan
- Hydraulic Plan
- Firewall Separation
- Section 73 Compliance Certificate
- Soil and Waste Management Plan
- Mechanical Ventilation of Basement Carpark (Compliance with Section 4.4 of AS 1668.2)
- BASIX Certification
- Compliance with Disability (Access to Premises – Buildings) Standards 2010.

1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.

1.3. Payment to Council of: