

21 May 2012

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Creative Planning Solutions P/L
C/- BEN TESORIERO
PO Box 1074
BROADWAY NSW 2007

Dear Sir,

REF: Lots X and Y DP 418826, Lot B DP 320337, Lot 1 DP 1074206, Lot 1 DP 1050027, Lot 2 DP 315822, No. 81 to 95 Boronia Road, GREENACRE NSW 2190

(Council's File No.: DA-76/2011; Sydney West Joint Regional Planning Panel Ref:2011SYW027)

Demolition of the existing dwellings and associated site structures and the construction of a part two / part three storey residential flat building development containing 144 dwellings with basement car parking, an internal road and strata subdivision pursuant to the provisions contained in State Environmental Planning Policy (Affordable Rental Housing) 2009.

(The proposed development is Integrated Development requiring a Controlled Activity Approval under the Water Management Act, 2000 from the NSW Office of Water)

I refer to your Development Application dated 2 February 2011 requesting consideration of the above development application.

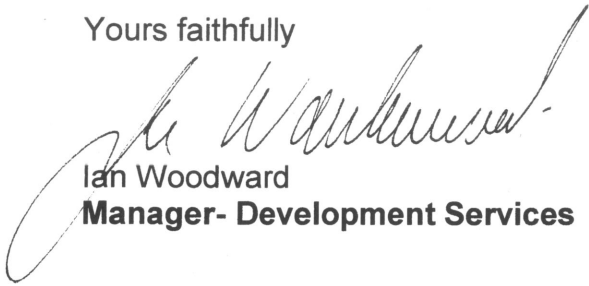
The development application was reported to the meeting of the Sydney West Joint Regional Planning Panel of 12 April 2012. At that meeting, the Panel decided to refuse the development application pursuant to the provisions of the Environmental Planning & Assessment Act, 1979, for the reasons cited on the enclosed Determination Notice No. DA-76/2011.

You are further advised of your right of appeal to the Land and Environment Court in respect to the decision.

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If further information is required, please contact Ian Woodward in Development Services on 9707 9612.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Woodward', is written over the printed name and title.

Ian Woodward
Manager- Development Services

DETERMINATION NOTICE NO. DA-76/2011

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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

**NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT
APPLICATION**

REFUSAL OF CONSENT

Endorsement date of notice: 21 May, 2012

To: Creative Planning Solutions P/L
C/- BEN TESORIERO
PO Box 1074
BROADWAY NSW 2007

Being the applicant in respect of Development Application No. DA-76/2011
(Sydney West Joint Regional Planning Panel Ref:2011SYW027)

Pursuant to section 80 of the Act notice is hereby given of the determination by
the consent authority relating to the land described as follows:-

PROPERTY:

**Lots X and Y DP 418826, Lot B DP 320337, Lot 1 DP 1074206, Lot 1 DP
1050027, Lot 2 DP 315822, No. 81 to 95 Boronia Road, GREENACRE
NSW 2190**

DESCRIPTION OF DEVELOPMENT:

**Demolition of the existing dwellings and associated site structures
and the construction of a part two / part three storey residential flat
building development containing 144 dwellings with basement car
parking, an internal road and strata subdivision pursuant to the
provisions contained in State Environmental Planning Policy
(Affordable Rental Housing) 2009.**

**(The proposed development is Integrated Development requiring a
Controlled Activity Approval under the Water Management Act, 2000
from the NSW Office of Water)**

The development application has been determined by refusal of consent. The
reasons for the refusal are set out below:-

1. In considering whether the design of the development is compatible with the
character of the local area, as required by Clause 54A of State

Environmental Planning Policy (Affordable Rental Housing) 2009, the development fails for the following reasons:

- a) Density, site coverage, building form and building separation (not consistent with the character of the local area).
- b) The buildings do not provide adequate standards of residential development in terms of SEPP 65 and the Residential Flat Design Code in relation to dwelling size, building separation, communal open space and storage.
- c) The bulk scale and design of the proposed development will result in adverse amenity impacts on residential properties including privacy and overlooking impacts.

NOTES: (1) Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 6 months after receipt of this notice.



Ian Woodward

Manager- Development Services