



Land and Environment Court

New South Wales

Case Name: Henroth Pty Ltd v Canterbury-Bankstown Council (No 2)

Medium Neutral Citation: [2024] NSWLEC 1740

Hearing Date(s): 17-21 June 2024

Date of Orders: 18 November 2024

Decision Date: 18 November 2024

Jurisdiction: Class 1

Before: Dixon SC

Decision: The Court orders:
(1) The appeal is upheld.
(2) Development consent is granted to development application no. DA 91/2023 for a concept development application encompassing Stages 1 and 2 including public roads, public domain layout, building envelopes (retail, residential and childcare centre) and parking, and a detailed development application for Stage 1 including redevelopment of the southern part of the existing shopping centre, construction of basement parking, childcare centre, mixed use residential development, demolition of existing dwelling and construction of a new road, associated landscaping and civil works at 353-355 Waterloo Road and 87 Norfolk Road, Greenacre, subject to the conditions of consent in Annexure A.

Catchwords: APPEAL – development application – redevelopment of existing shopping centre – concept plan and Stage 1
DA – agreed conditions

Cases Cited: Henroth Pty Ltd v Canterbury-Bankstown Council
[2024] NSWLEC 1700

Category: Principal judgment

Parties: Henroth Pty Ltd (Applicant)
Canterbury-Bankstown Council (Respondent)

Representation: Counsel:
A Galasso SC (Applicant)
G Farland / T Poisel (Respondent)

Solicitors:
Mills Oakley (Applicant)
Canterbury-Bankstown Council (Respondent)

File Number(s): 2023/128962

Publication Restriction: Nil

JUDGMENT

- 1 On 29 October 2024, I handed down my reasons for judgment in the Class 1 appeal, *Henroth Pty Ltd v Canterbury-Bankstown Council* [2024] NSWLEC 1700. At [277], I directed the parties to confer and amend the conditions of consent in accordance with my reasons for judgment and to provide a copy to the Court.
- 2 As I am satisfied having reviewed the agreed conditions of consent provided on 14 November 2024 that they are acceptable, I now make the following orders:
 - (1) The appeal is upheld.
 - (2) Development consent is granted to development application no. DA 91/2023 for a concept development application encompassing Stages 1 and 2 including public roads, public domain layout, building envelopes (retail, residential and childcare centre) and parking, and a detailed development application for Stage 1 including redevelopment of the southern part of the existing shopping centre, construction of basement parking, childcare centre, mixed use residential development, demolition of existing dwelling and construction of a new road, associated landscaping and civil works at 353-355 Waterloo Road and 87 Norfolk Road, Greenacre, subject to the conditions of consent in Annexure A.

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S Dixon

Senior Commissioner of the Court

Annexure A (1087352, pdf)

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