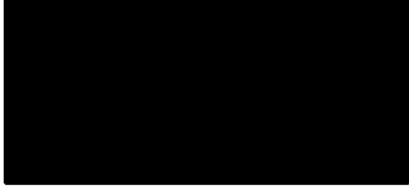


31 January 2019



Professor Mary O’Kane AC
Chair
Independent Planning Commission
Level 3
201 Elizabeth Street
Sydney NSW 2000

URGENT

Attention Dr Peter Williams & Mr Russell Miller

Dear Sir/Madam

Re Review of Planning Proposal known as PP_2015_CANTE_006_01 for lands identified as 642-644 & 650-658 Canterbury Road, 1-3 Platts Avenue and 2, 2A, 2B, 2C, and 2D Liberty Street Belmore.

We refer to the abovementioned matter and to our correspondence dated 17 February 2019 to which to date we have not received a response to.

Whilst we note that our son John Ouzounidis has liaised with your Commission on a number of occasions since the 17 January 2019 we have still not been given the opportunity to address the panel members who we understand met with the proponent on the 23 January 2019 and with the Department of Planning and Canterbury Bankstown Council on 29 January 2019.

We are the owners of the land identified as 650-658 Canterbury Road and 2 Liberty Street Belmore.

We do not understand why it is that we appear to have been denied procedural fairness in having our views directly heard by the panel members.

We have looked at the transcript and the Department of Planning and the proponent makes no reference to our properties both on Canterbury Road and on Liberty Street and to the fact that we have opposed the rezoning from day 1.

There is also no reference to the fact that the proposed residential use so close to our industrial use is incompatible and quite dangerous.

We do not support any rezoning of our lands.

We are also concerned and oppose any rezoning which would render our lands dependant upon existing use rights should the situation occur.

We do not want to redevelop our land to residential uses and want to continue with the current use and zoning.

We attach for your information 2 items of correspondence which have been sent by our previous solicitors to the Canterbury Bankstown Council when this matter was being deliberated upon.

Our views have been fairly correctly stated in these 2 items of correspondence and we would request the Independent Planning Commission to take our views into account and reiterate the Council and the Department of Planning decision to not proceed to rezone these lands.

We look forward to the Independent Planning Commission in allowing us to make our representations in person prior to any decision taken in relation to the review.

Yours sincerely



Anastasios Ouzounidis



Helen Ouzounidis

ENCL

**PETER N. TARADILIS & CO
SOLICITOR**

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[REDACTED]

22 September 2016

The General Manager
Mr Matthew Stewart
Canterbury Bankstown Council
137 Beamish Street
Campsie NSW 2194

The Administrator
Mr Richard Colley
Canterbury Bankstown Council
137 Beamish Street
Campsie NSW 2194

By email : council@canterbury.nsw.gov.au
By Facsimile: 9789 1542

Dear Sir

Re *Proposed Planning Proposal for 642-644 and 650-658 Canterbury Road,
1-3 Platts Avenue and 2, 2A, 2B, 2C and 2D Liberty Street Belmore*

We confirm that we act for Anastasios and Helen Ouzounidis and John Ouzounidis

Anastasios & Helen Ouzounidis own [REDACTED]
((Lot A DP 383957) and Anastasios & Helen & John Ouzounidis, own [REDACTED]

They do not own [REDACTED]

They are concerned that they have not been properly notified by Council regarding the Planning Proposal for the above properties under a notification letter from Council dated 24th August 2016, and the procedural fairness in being able to formulate a detailed response to the proposal.

Our clients have provided us a copy of a notification letter dated 24th August 2016 which is addressed to [REDACTED] (copy herewith) which is not their property.

This notification letter was collected from the tenant recently and this is the only Notification letter received from Council regarding the above proposal.

No notification letter has been received by the tenant addressed to Anastasios & Helen Ouzounidis for [REDACTED] or to Anastasios & Helen & John Ouzounidis for [REDACTED] and this begs the following questions that Council needs to respond to;

- a) why was [REDACTED] used as the address for notification?
- b) were separate notification letters ever addressed to the respective owners of [REDACTED] and [REDACTED] and if not why not?, and
- c) If so sent, provide evidence of their dispatch to the correct owners and the correct addresses

We are instructed that our clients have never approached the now defunct Canterbury Council for a change in zoning for their properties.

We are instructed that to their knowledge they were not advised of any masterplan or studies for Canterbury Road.

We are instructed that our clients do not consent to the rezoning of their properties from B6 Enterprise Corridor to B5 Business Development.

Our clients are persons who have held these properties for many years and wish to continue with the use as allowed in the current zoning map.

The current use of a motor vehicle workshop and service station are not permissible uses in the B5 Business Development zone.

If Council rezones their land to B5 Business Development the current use will become illegal and our clients would have to rely on the principles of Existing Use Rights in order to maintain a tenancy for their properties.

Our clients have no wish to rezone or redevelop their property for residential uses.

Our clients have never given permission to the applicant for the Planning Proposal to include [REDACTED] and [REDACTED] as part of the proposed planning proposal which has received a Gateway Determination on 16 October 2015.

We are instructed that our clients did not give permission to the applicant of the Proposal to include lands known as [REDACTED] and [REDACTED] Belmore as part of the footprint for the Plan B as stipulated in the various reports that have been prepared by the Applicant and on behalf of the Applicant by the Council which appear on the Council webpage.

Our clients are concerned with the conflict of use between their existing business on Site B with the proposed development on Site A.

Our clients wish to maintain the current use of their premises and do not want any rezonings to occur which would conflict their current use.

Our clients request an extension of at least 4 weeks in order to formulate and seek expert town planning advice in relation to this proposal in order to further their objections.

Our clients reserve the right to institute legal action should their lands be rezoned to B5 Business Enterprise and they will rely on this correspondence.

Yours Faithfully
PETER N. TAPADILIS & CO

[REDACTED]
Encl



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Our Ref: PP: Ouziunidis: 2018
Your Ref: DA-591/2015

2 August, 2018

The Manager
Canterbury Bankstown Council
PO BOX 8
BANKSTOWN NSW 1885

FAXED
2/8/18

VIA FAX: (02 9789-1542)

FOR ATTENTION: Shona Porter/ Ted Wong
Re: DA-591/2015: Proposed Planning Application & Development for 642-644
Canterbury Rd, 1-3 Platts Avenue & 2A, 2b, 2c, and 2D Liberty Street Belmore NSW
2192

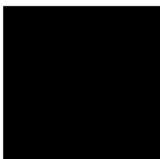
Dear Sir/Madam,

We are instructed by and write on behalf of Anastasios, Helen and John Ouzounidis of ~~██████████~~ in relation to the above referenced matter.

As you are aware Anastasios and Helen Ouzounidis are the registered proprietors of 650-658 Canterbury Road Belmore NSW 2192 being Lot A of DP/383957. Anastasios, Helen and John Ouzounidis are also the registered proprietors of 2 Liberty Street Belmore being Lot 1 of DP 514813.

We are instructed to strenuously object to, and totally oppose all aspects of the above proposal including the following grounds reasons:

1. Our clients do not support the proposed change of Zoning or Re-Zoning to permit a development of this size, height and magnitude;
2. The current Zoning does not allow for 8 storey development and our clients are concerned at the increased height levels proposed are totally inordinate and out of character with the area;
3. Traffic management and flow is detrimentally affected and in particular there is no relevant traffic consultant's report produced regarding unresolved impacts on traffic flows and management of same in Liberty and Platt Streets and surrounding areas ;
4. In particular we are concerned about traffic entry and exit points proposed in the above streets and the unresolved impact and effect on the nearby streets and area;


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5. This issue also raises and poses unresolved serious concerns as to traffic and pedestrian including public safety in the area;
6. Our clients are concerned that these unresolved failings will continue to abound and replicate themselves in the future as this development and the processes followed, will if it is approved become a de-facto precedent for approvals in all such cases and future planning and management including unlawful shortcomings and "oversights";
7. Approval of the application under this proposal will impose an unjust burden and loss of amenity for residents in the adjoining streets and areas, whose properties will lose value at the expense of the developers and subsequent owners who will be unjustly enriched at their expense;
8. The use of the adjoining sites next to and behind our clients premises for the purpose proposed will have a deleterious, dangerous and unsightly affect on the amenity of the area. It is simply out of whack and lacks any sympathy with the surrounding areas;
9. Issues of public and community safety remain unresolved with no consideration having been given to the fact that home units are proposed to be built right next to and about 1 metre away from 80,000 litre petrol tanks which currently lawfully store and sell flammable fuels;
10. The proposed development simply constitutes too large a footprint and an overdevelopment of the land of that size and inordinately, adversely, seriously and severely dominates other surrounding long established generally low lying residential homes in the area ;
11. The proposed development takes away much of the amenity and sunlight from these long established residential homes creating unsightly, unwanted and unwarranted shadows on same and the area as whole causing a huge dimunition in the value and enjoyment of the other residents homes and land;
12. The proposed development is not in keeping with a balanced Town Plan for that area nor is it consistent with same in that it fails to give proper consideration to the lifestyle effects, the dimunition of values and the requirements of the residents living nearby being able to enjoy the amenity of same;
13. The proposal does not properly take into account the existence of low scale residential dwellings to the east and south of the proposed buildings is totally oversized, totally disproportionate to and dwarfs same;
14. The proposal, per se, has not been produced in good faith nor balanced, with the interests of residents in the surrounding streets and areas nearby being trashed in favour of the interests of the developers who are proposing the plan;
15. Similarly the provision and need for community services to the area has also been trashed in favour of the interests developers who are proposing the plan;
16. Our clients remain concerned about the apparent absence and lack of FSR particulars on the proposed development sites;

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17. The development proposes to build right next to and adjoin along and right up to the eastern border of our clients' property. This will totally overshadow and overwhelm our clients properties and built out our clients on that side;
18. In addition and further to point 17 above the development will also have an identical and similar effect on our clients southern border;
19. Our clients properties will in effect be enclosed, hemmed in, surrounded, overshadowed and locked in adjacently to at least 2 huge buildings being at the least 8 storeys in height representing a total and unreasonable overdevelopment of the lands and the sites in question;
20. In addition our clients will suffer a huge drop and dimunition in the value of their properties at the expense of the developers;
21. Persons who are proposed to reside in such buildings will be residing next to and right on top of 80,000 litre inflammable fuels storage area lawfully used for the sale and storage of inflammable fuels located on our clients properties;
22. This also raises and poses serious unresolved concerns as to public safety having regard to all the circumstances of the above and the proposal per se;
23. Our clients remain concerned about any unresolved conflict of use and Zoning between the current businesses on their sites with any proposed development as above;
24. The current use of a motor vehicle workshop, smash repairs and service station are not permissible uses in the B5 Business Development Zone;
25. In the event the land is rezoned our clients current use will become illegal under the rezoning proposed and they would have to rely on the principles of Existing Use Rights in order to maintain a tenancy for their properties;
26. Further our clients remain concerned about the plethora of issues and evidence emanating from past and current ICAC Hearings involving former and serving Council Officers and Councillors from Councils all over in general, who do not have regard for proper and lawful planning processes and who continually subjugate, disadvantage and trash the rights and interests of local residents in favour of corrupt conduct and actions which favour the interests of developers and their associates;
27. This creates a situation of unjust enrichment by disadvantaging law abiding residents in favour of developers and their associates who do not ultimately reside in the area.

However, subject to the necessary reservations on their rights, including the sighting of any plans and noting any adverse effects on residents generally, we advise that generally our clients do not oppose a considerably much smaller development plan, with reasonable building constraints and restrictions not exceeding a maximum of 4 storeys in height within the current zone which also allows for a mixed use.

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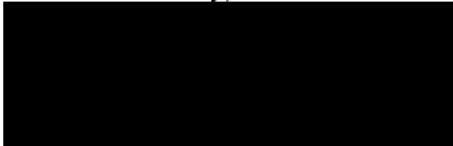
Peter Papadopoulos



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Should you need to contact the writer in relation to any of the above please do not hesitate to do so.

Yours faithfully,



Peter Papadopoulos & Co Lawyers
Per: Peter Papadopoulos: Solicitor

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Peter Papadopoulos

