



Statement of Reasons

DA Number	2020/0077
Property Address	Lot 2 DP1263690 (Formerly Lot 2 DP 567573) (no. 3480) Bruxner Highway Casino
Matter Determined	Two Lot Subdivision
Date of Decision	28 January 2021
Decision	Refused
Application Determined by	Delegation

Reasons for the Decision

Relevant Mandatory Considerations – Statutory Requirements	<ol style="list-style-type: none"> 1. The mandatory considerations outlined in clause 4.15 of the <i>Environmental Planning and Assessment Act, 1979</i> were considered. 2. The development application was refused for the following reasons: <ol style="list-style-type: none"> i. There are currently two registered owners of the subject site. Owners consent has not been provided by both owners. (Cl49(1) of the <i>Environmental Planning and Assessment Regulation, 2000</i>) ii. The proposed development relies on a proposed modification of the existing right of carriageway servicing the adjoining property at no. 3480A Bruxner Highway, to ensure that access to the proposed subdivision does not involve access to a classified Road. Owners consent from the owner benefitting from the Right Of Carriageway has not been provided. Therefore the proposed development does not satisfy the prescribed matters in Clause 101(2) of the State Environmental Planning Policy (Infrastructure) 2007 and development consent cannot be granted. (s4.15(a)(i) of the <i>Environmental Planning and Assessment Act, 1979</i>) iii. It is not in the public interest to approve an application when there are not realistic prospects for owners consent to be given for the modification of the Right of Carriageway as required to provide access to Laurie Place (s4.15(e) of the <i>Environmental Planning and Assessment Act, 1979</i>).
Material Considered in the Decision	<ul style="list-style-type: none"> • Statement of Environmental Effects and Amended Statement of Environmental Effects • Plans and amended plans
Community Views Raised in Submissions	<ul style="list-style-type: none"> • The DA was notified in accordance with Development Control Plan 2015 and nine submissions were received. Amended plans were also notified in the same manner as the original notification. Five submissions were received. Issues raised can be summarised as access arrangements, amenity, environmental, amenity and stormwater drainage and right of carriageway.

