

APPENDIX B CONSIDERATION UNDER SECTION 79C OF THE EP&A ACT

Section 79C of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

(a) the provisions of: (i) any environmental planning instrument, and	Consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the development is provided in Appendix C of this report.
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Not applicable. There are no proposed instruments or any instruments subject to public consultation at the time of preparation of this report.
(iii) any development control plan, and	The <i>Bourke Development Control Plan 2012</i> is the relevant DCP. Clause 11 of the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> provides that DCPs do not apply to State significant development.
(iiia) any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and	Not applicable.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	The development application satisfactorily meets the relevant requirements of the Regulation, including the procedures relating to development applications (Part 6 of the Regulations), public participation procedures for SSDs and Schedule 2 of the Regulation relating to environmental impact statements. Refer to discussion at Section 3 .
(v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>) that applies to the land to which the development application relates,	Not applicable.
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The impacts of the development have been considered in Section 5 of this report.
(c) the suitability of the site for the development,	The Department is satisfied that the site has been appropriately selected and is appropriate in terms of environmental constraints, separation distances, location with respect to supporting industry facilities, water supply, visual impacts and flooding. The suitability of the site for the project is discussed at Sections Error! Reference source not found. and 5 of this report.
(d) any submissions made in accordance with this Act or the regulations,	The Department received a total of eight submissions during the exhibition period from Council, the relevant government agencies and the general public. The issues raised in the submissions have been discussed and addressed in Section 4 and Section 5 of this report.
(e) the public interest.	<p>The recommended conditions of consent impose a range of controls on the construction and operation of the development, which the Department considers will mitigate any residual environmental impacts of the development.</p> <p>The development will generate 50 full time jobs and 200 construction jobs in addition to flow on stimulus effects for the regional and State economy. The development will help address the existing socio-economic disadvantage of the Bourke LGA. Approval of the development is therefore considered to be in the public interest.</p>