

## APPENDIX B: CONSIDERATIONS UNDER SECTION 4.15

Section 4.15 of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters.

Section 4.15	Department's Consideration	Section Reference
(a) the provisions of: (i) any environmental planning instrument, and (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 (iii) any development control plan, and (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	The proposal is consistent with the zoning under the SLEP 1985.  The proposal is inconsistent with the objectives of State Environmental Planning Policy (SEPP) 14 (protection of wetlands) as it is likely to adversely impact on two listed wetlands. The proposal is inconsistent with SEPP 71 (coastal protection) as it would remove 32.2 ha of high quality native vegetation and is likely to result in irreversible, flow-on impacts on Lake Wollumboola.	Sections 3 and 4
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and (v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i> ) that apply to the land to which the development application relates	There are no planning agreements for the proposal.  The Department has assessed the proposal in accordance with all relevant matters prescribed by the regulations.  The draft Coastal Zone Management Plan for the Shoalhaven coastline has not been certified by the Minister for the Environment, therefore it does not apply to the proposal.	Sections 4.10, 5 and 6.
(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 Department considers the proposal is likely to have serious adverse impacts on the natural environment and the Applicant has not clearly demonstrated these impacts can be effectively avoided or mitigated. The Department considers the likely impacts on the natural environment are not outweighed by the potential social and economic benefits of the proposal.	Sections 4.8, 4.9 and 6
(c) the suitability of the site for the development	The Department considers the site is unsuitable for the development due to the potential water quality and flora and fauna impacts on Lake Wollumboola. Urban development in this location is likely to adversely impact on water quality, SEPP 14 wetlands and threatened and migratory species. The proposal would require clearing of endangered ecological communities and is likely to adversely impact on Aboriginal heritage.  The proposal is not consistent with strategic studies and plans that recommend the Lake Wollumboola catchment is protected from further urban development.	Sections 3, 4 and 6
(d) any submissions made in accordance with this Act or the regulations	Submissions from the general public and special interest groups both supported and objected to the proposal with many submissions raising water quality and biodiversity as key concerns. Submissions in support considered the proposal would provide social and economic benefits to Culburra Beach and assist in promoting growth and local jobs. OEH and Council noted their concerns about the proposal's impacts on water quality, biodiversity and Aboriginal heritage. OEH remained unconvinced the proposal's impacts can be adequately ameliorated.	Section 5 and 6

Section 4.15	Department's Consideration	Section Reference
(e) the public interest.	<p>The proposal is inconsistent with the HRC Inquiry, SCSULR, ISRP and the Gateway Determination for the Planning Proposal as it proposes development within the catchment of Lake Wollumboola.</p> <p>The proposal has the potential to cause serious water quality impacts on Lake Wollumboola, and serious impacts on threatened and migratory species.</p> <p>The Applicant has been unable to provide sufficient evidence to demonstrate there would not be serious or irreversible impacts, or that such impacts could be effectively avoided or mitigated. The Applicant has not demonstrated that the economic and social benefits of the proposal would sufficiently outweigh the potential serious environmental impacts.</p> <p>On balance, the Department concludes the proposal is not in the public interest.</p>	Sections 3, 4 and 6