

APPENDIX F: CONSIDERATION UNDER SECTION 79C

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

<p>(a) the provisions of:</p> <p>(i) any environmental planning instrument, and</p> <p>(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</p> <p>(iii) any development control plan, and</p> <p>(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</p> <p>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</p> <p>(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,</p>	<p>The Department has considered Environmental Planning Instruments relevant to the proposal in Appendix F.</p> <p>DCPs do not apply to State Significant Development under Clause 11 of the SRD SEPP. However, the Department has consulted with Penrith City Council and given due consideration to the Penrith DCP 2010 in its assessment in Section 5 of this report and Appendix F.</p> <p>The Applicant has not entered into any planning agreement under section 93F. Satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services for the proposal.</p> <p>The Department has undertaken its assessment of the proposed development in accordance all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p> <p>The site is not located within the coastal zone and the Department is not aware of any coastal zone management plan that applies to the land to which the DA relates.</p>
<p>(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,</p>	<p>The Department has considered the likely impacts of the development in detail in Section 5 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through recommended conditions of consent.</p>
<p>(c) the suitability of the site for the development,</p>	<p>Section 3, Section 5 and Appendix F of this report provide details on the suitability of the site for the proposed development. The site is zoned for industrial purposes and is permissible with development consent under the Infrastructure SEPP.</p>
<p>(d) any submissions made in accordance with this Act or the regulations,</p>	<p>All matters raised in these submissions have been summarised in Section 4 of this report and given due consideration as part of the assessment of the proposed development in Section 5 of this report.</p>

<p>(e) the public interest.</p>	<p>The recommended conditions of consent impose a range of controls, which the Department considers will mitigate any potential environmental impacts of the proposed development.</p> <p>The socio-economic benefits generated from the proposal include the employment of up to 20 construction staff and the on-going employment of up to 150 full time employees.</p> <p>The Department considers that the proposed development is therefore in the public interest.</p>
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