

APPENDIX A - CONSIDERATION UNDER SECTION 79C

Section 79C of the *Environmental Planning and Assessment Act 1979* requires that the consent authority, when determining a development application, takes into consideration the following matters.

(a) The provisions of:

(i) any environmental planning instrument;

Relevant environmental planning instruments are considered in detail in Appendix B of this report.

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and;

Relevant draft environmental planning instruments are considered in detail in Appendix C of this report.

(iii) any development control plan;

Relevant development control plans are considered in detail in Appendix D of this report.

(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

No planning agreement has been entered into for the site.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph);

Clause 92 of the *Environmental Planning and Assessment Regulation 2000* requires the following matters to be taken into consideration by a consent authority in determining an application:

- *The Government Coastal Policy (where relevant);*

The Government Coastal Policy is addressed in the Appendix E of this report.

- *In the case of a DA for the demolition of a building, the provisions of Australian Standard AS 2601-1991: The demolition of structures, as in force 1 July 1993;*

The recommended instrument of consent includes a condition that requires the Applicant to comply with the abovementioned Standard.

(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 likely impacts of the proposed development have been considered in section 5 of this report.

(c) *the suitability of the site for the development;*

The site is currently zoned for tourist purposes and the proposal is for a tourist resort. As such the site is suitable for a tourist development, subject to a suitable design. The suitability of the design is discussed elsewhere in this report.

(d) *any submissions made in accordance with this Act or the regulations;*

A total of 1317 submissions were made in response to the exhibition of the development application and accompanying documentation. Several of the government department/body submissions have sought additional information or sought changes to the plans, which are addressed throughout the report. Of the individual submissions, 11 objected to the proposal and 1299 submissions (comprising 1296 proforma letters) including a petition containing 1072 signatures are in support of the proposal. Seven submissions did not state whether the author was in support or opposition to the proposal. All matters raised in these submissions have been given due consideration, as outlined in sections 4 and 5 of this report.

(e) *the public interest.*

The proposal for Stage 1 is not contrary to the public interest, however given the inadequate information provided for the Future Stages it is contrary to the public interest to grant consent to these works at this time.

The conservation works proposed and conditioned and the improvements to public access to the beach are both in the public interest.