



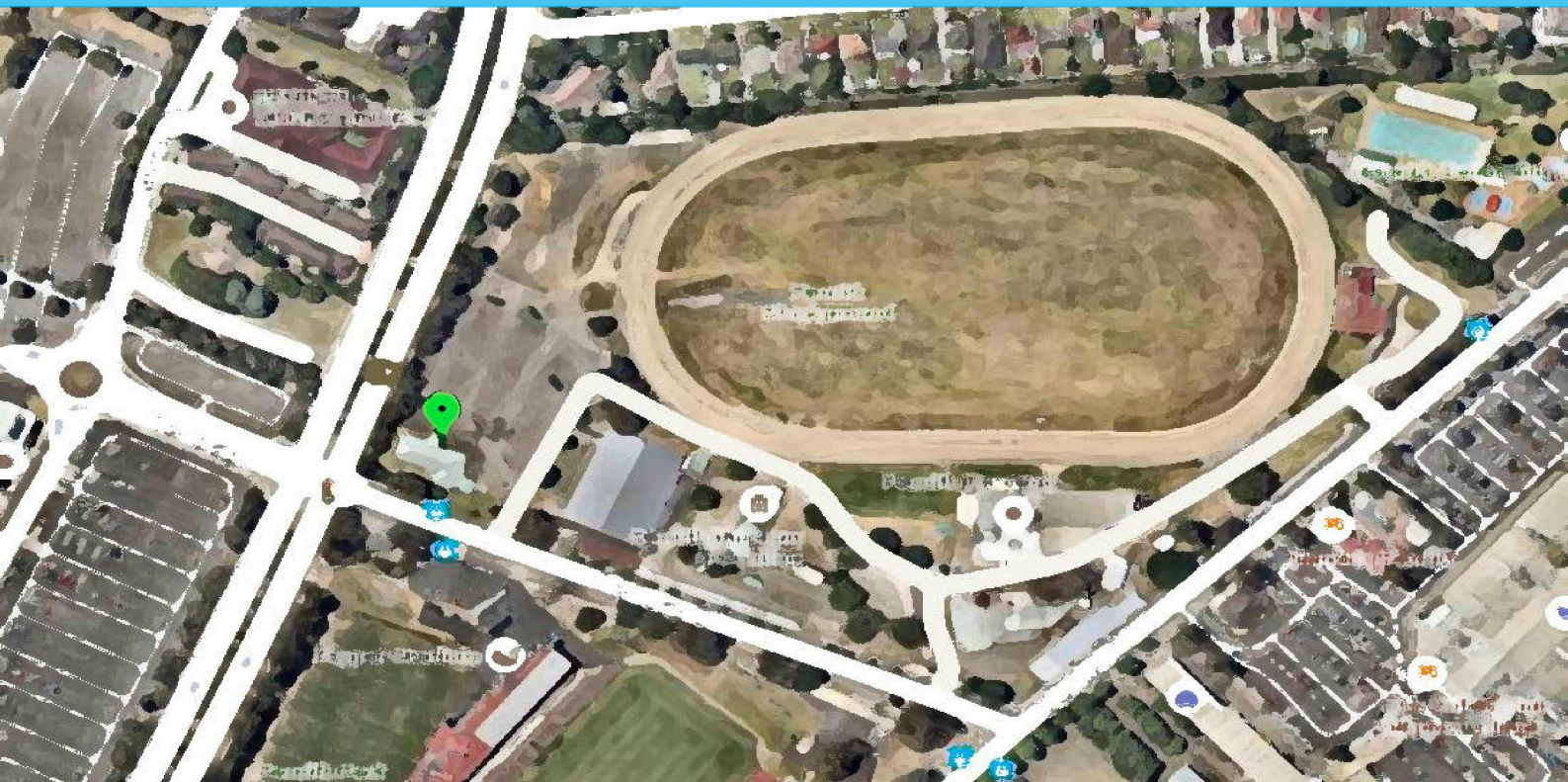
Statement of Environmental Effects

Proposed Illuminated Pylon Sign

127-141 Station Street, Penrith

June 2016

Client: HB Group



Stimson & Baker Planning
ACN: 167 096 371
ABN: 34 824 672 534

Suite 5,
488 High Street
Penrith NSW 2750

P 02 4731 2730
F 02 4731 2370

www.stimsonandbaker.com.au

This submission has been prepared by



Natasha Baker MPlA
Director

Author	Version	Date
NB	Draft	080616
NB	Final	080616

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1 Introduction

1.1 Overview

Stimson & Baker Planning has been engaged by HB Group to prepare a Statement of Environmental Effects in relation to an illuminated pylon sign at 127-141 Station Street, Penrith.

The proposed pylon sign is to unify and coordinate the existing signage on the corner of Ransley St and Mulgoa Road and incorporate the Hogs Breath Café logo given the recent approval for the restaurant on this site.

The site is zoned *RE2 Private Recreation* under *Penrith Local Environmental Plan 2010* with the proposal for a *building identification sign* being permissible with consent.

The proposal is defined as *development* in Section 4 of the EPA Act. Section 76A of the EPA Act stipulates that the development must not be carried out on the subject site until consent has been obtained. Furthermore, the application does not trigger any of the 'integrated development' provisions of the Act and so no third party approvals are required in this regard.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of Penrith Council's LEP and DCP.

1.2 Report Structure

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 3: Development Proposal – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Context – provides for consideration of the proposal against the specific planning instruments and policies that are applicable.
- Section 5: Section 79C Assessment – provides an assessment against section 79C of the EPA Act.
- Section 6: Conclusion and Recommendation – summarises the report and presents a recommendation.

1.3 Supporting Documentation

The proposal is accompanied by the following documentation:

Documentation	Prepared By
Architectural drawings	Robin Mackay Architects
Structural Plans	CMB Structural

1.4 Legislation, Environmental Planning Instruments and Policies to be considered

This application has been prepared in the context of the following relevant and applicable strategic and statutory instrument and policies:

- *Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy No.64 – Advertising and Signage*
- *Sydney Regional Environmental Plan No.20 – Hawkesbury- Nepean River (No.2- 1997)*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

1.5 Previous Approvals

DA16/0219 – approved a change of use of the existing function centre to the Hogs Breath Café, including alterations and additions. This was approved 14 April 2016.

1.6 Consent Authority

Penrith City Council is the consent authority for this application.

2 The Site and Surrounds

2.1 Local Context

The subject site is located in the suburb of Penrith which is a Regional City under the State Government's *A Plan for Growing Sydney*. The subject site is located centrally to the Penrith City Centre, Pepper Stadium, Panthers Penrith and the Nepean River. It is also located with frontage to Mulgoa Road providing direct access to the M4 Motorway. The proposal contributes to the activation of this area.

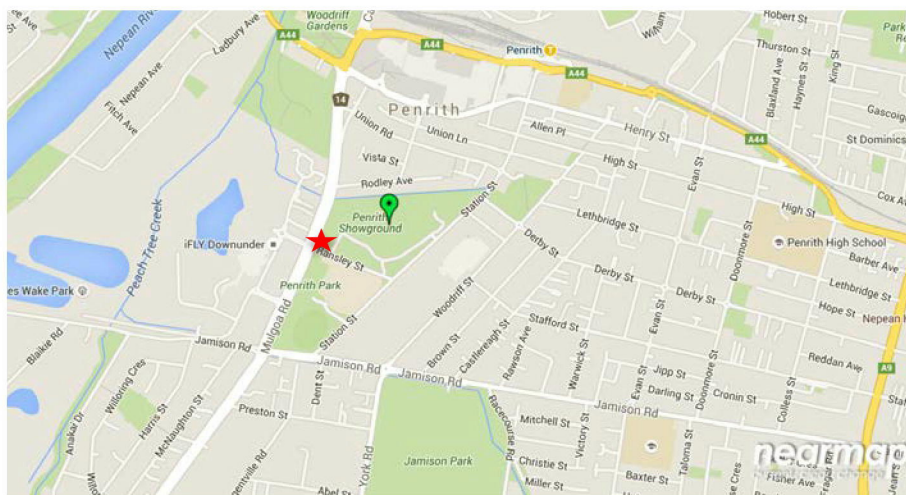


Figure 1: Local Context (Source: <http://maps.au.nearmap.com/>)

2.2 The Subject Site

The subject site is bound by three roads being Mulgoa Road located to the west, Ransley Street to the south and Station Street to the east. Legally described as Lot 12 DP 1176987, the site is an irregular shape and has an area of approximately 13ha. The site is known as Penrith Paceway.

The development site which is occupied by the function centre is shown shaded red in Figure 2 and applies to approximately 1ha of the 13ha site.



Figure 2 Subject property (Source: <http://maps.au.nearmap.com/>)

Topography

The development site is relatively level with no prominent topographical features.

Vehicular Access

There is existing direct vehicular access to the development site from Ransley Street via an access driveway servicing the existing car park on the site. The car park within the development site currently caters for approximately 130 formal car spaces.

Pedestrian Access and Public Transport

There is a pedestrian pathway across the frontage of the site. This pathway connects the Penrith City Centre, Nepean Village, Panthers, the Great River Walk and beyond to Glenmore Park to the south and the Regatta Centre to the north.

There is a bus stop directly in front of the site on Ransley Street providing services to the wider area. There are also services that run from Mulgoa Road and Station Street that are within 400m.

Utilities and Services

There are existing reticulated sewer, water and electricity services to the site.

Vegetation

There are a number of large trees along the property boundary to the south fronting Ransley St and to the west fronting Mulgoa Road.

2.3 Existing and Surrounding Development

The site is known as the Penrith Paceway. There are a number of buildings on the property that contribute to and are ancillary to the Paceway and there are also buildings on the property that operate independently but ancillary to the private recreation zoning of the land. These uses include the Penrith Museum of Printing and a function centre (now restaurant) that is located on the south western corner of the property.

Surrounding land uses are characterised by uses typically found in recreational zones such as sporting, adventure recreation and dining.

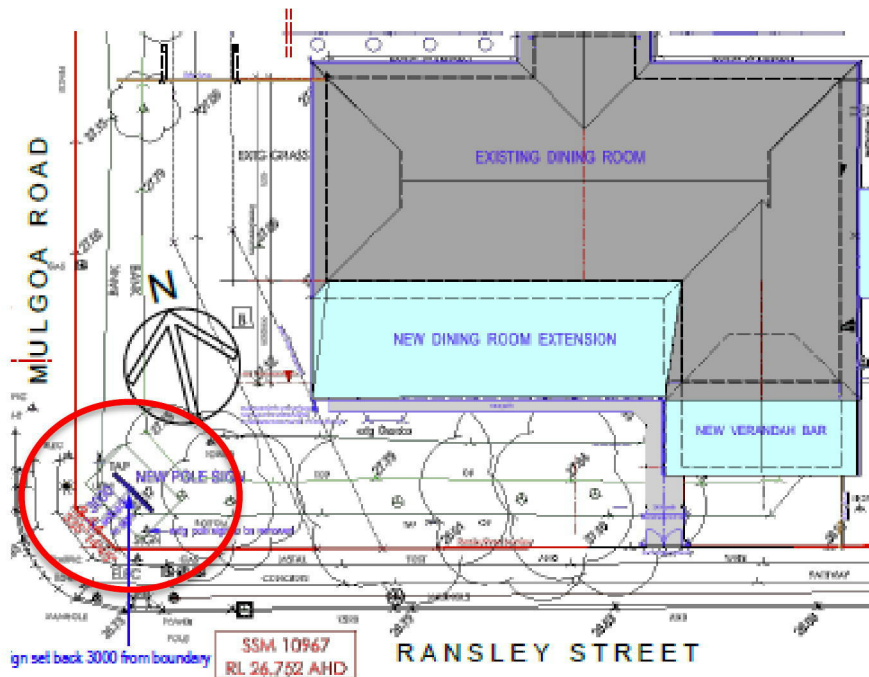
There is a large parking area to the north of the function centre that is used for the Paceway, but predominantly for the function centre. Pepper Stadium is located to the south on Ransley St, Panthers Penrith to the west on Mulgoa Road and Nepean Village and the Panasonic Site ready for redevelopment on to the east on Station St.

There is an existing access driveway from Ransley Street to the function centre (restaurant).

3 Development Proposal

3.1 Details of the Proposal

This application seeks consent for the installation of an illuminated pylon sign to consolidate and unify existing signage on the Paceway site and include an additional sign for the Hogs Breath Café in the location on the corner of Ransley and Mulgoa Road:



The proposed pylon sign is intended to consolidate the existing signage currently on the site and to incorporate the Hogs Breath Café Logo with the other signs to identify the recent approved restaurant being on the Paceway Penrith site with the other land uses such as the Penrith Paceway and the Penrith Museum of Printing.

The existing signage is shown below:



Figure 3: Existing Signage

The proposed sign located on the corner of Ransley St and Mulgoa Road will be setback 3m from the corner, which is located further back than the current signage on the property.

The proposed sign is a 7m double pole galvanised steel illuminated pylon sign to accommodate signage identifying uses on the site that is operated by Penrith Paceway and includes:

1. Hogs Breath Café – 2.4m x 2.4m (4.8sqm) – new sign
2. Penrith Paceway – 0.4m x 2.4m (0.96sqm) – existing as shown in Figure 3
3. Electronic Sign Board – 1.2m x 2.4m (2.88sqm) – existing as shown in Figure 3

The proposed sign will appear as follows:

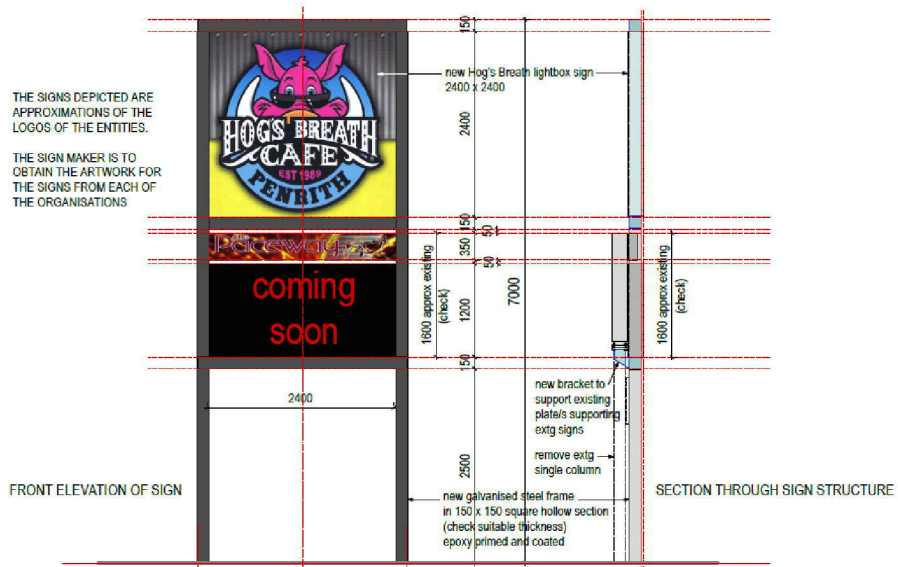


Figure 4: Proposed Pylon Sign

4 Statutory Context

The following section provides an assessment of the proposed development against the relevant planning instruments and policies.

4.1 State Environmental

This policy provides a state-wide streamlined assessment process for developments that meet a certain criteria of relevance to the proposal, business identification signs can be provided in accordance with the exempt development provisions as they relate to Division 2 Advertising and Signage Exempt Development Code.

4.2 State Environmental Planning Policy No.64 – Advertising and Signage

SEPP 64 was introduced to ensure that an appropriate environmental assessment of signage proposals was undertaken throughout the assessment process.

Part 3 of SEPP 64 contains various controls relating to advertisements. Clause 9 of the SEPP details the advertisements to which Part 3 applies.

9 Advertisements to which this Part applies

This Part applies to all signage to which this Policy applies, other than the following:

- (a) *business identification signs,*
- (b) *building identification signs,*
- (c) *signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,*
- (d) *signage on vehicles.*

Since all signage proposed as part of this application falls under the definition of *Business Identification Signs and/or Building Identification Signs* as defined below:

business identification sign means a sign:

- (a) *that indicates:*
 - (i) *the name of the person, and*
 - (ii) *the business carried on by the person,**at the premises or place at which the sign is displayed, and*
 - (b) *that may include the address of the premises or place and a logo or other symbol that identifies the business,*
- but that does not include any advertising relating to a person who does not carry on business at the premises or place.*

building identification sign means a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.

It is submitted that Part 3 is not applicable to the application and further assessment under this SEPP is not required, however further assessment under the DCP is provided below in Section 4.7.

Although this criterion relates to advertising, for completeness, an assessment under Schedule 1 of the SEPP is provided below:

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is consistent with the signage that exists in the vicinity of the site. The site is amongst the Pepper Stadium, Panthers and Lennox Centre Shopping Village	Y
Is the proposal consistent with a particular theme for outdoor advertising in the area of locality?	The proposal is consistent with other signage in the vicinity. There is no nominated theme for this locality in relation to outdoor advertising	Y
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal is not located in an areas considered sensitive in nature. It is consistent with the surrounding signage reflective of the recreationally and social nature and activities of the area.	Y
3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposal does not obscure or compromise important views.	Y
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal is not within a sightline to the skyline or important views and vistas.	Y
Does the proposal respect the viewing rights of other advertisers?	The proposal does not hinder any viewing rights in the vicinity.	Y
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is in proportion to the building and appropriate for the surrounding area. The area is surrounded by other recreational activities relying on signage and advertising.	Y
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal will contribute to the visual interest of the area demonstrating the range of activities available in the area.	Y
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage is to reduce clutter and be more unified, it will not result in any adverse clutter.	Y
Does the proposal screen unsightliness?	The proposed sign does no screen unsightliness. It is representative of other restaurants in the area and the vicinity that identifies the buildings on the site.	Y
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed sign does not protrude above any buildings, structures or tree canopies. There are large trees along the boundary which sit higher than the sign.	Y
Does the proposal require ongoing vegetation management?	No	Y
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage to be located?	The proposed sign is compatible with the characteristics of the site and the surrounding area.	Y
Does the proposal respect important features of the site or building, or both?	The proposed sign does not compromise any perceived important features.	Y

Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed sign intends to be attractive and improve existing cluttered signage.	Y
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	There are none of these components which are integral to the proposed sign	Y
7 Illumination		
Would illumination result in unacceptable glare?	The proposed illumination would be backlit on the sign and this will not result in an unacceptable glare.	Y
Would illumination affect safety for pedestrians, vehicles or aircraft?	The illumination would be above pedestrian, vehicle level and unlikely to be affected by aircraft.	Y
Would illumination detract from the amenity of any residence or other form of accommodation?	There are no nearby residences that would be affected by the illuminated sign.	Y
Can the intensity of the illumination be adjusted, if necessary?	The illumination can be turned off if not required.	Y
Is the illumination subject to a curfew?	There is no known curfew for illumination.	Y
8 Safety		
Would the proposal reduce safety for any public road?	It is unlikely that the proposal will reduce the safety of the public road	Y
Would the proposal reduce the safety for pedestrians or bicyclists?	It is unlikely the proposal will reduce the safety of pedestrians and bicyclists.	Y
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed sign will not hinder any sightlines from public areas	Y

It is considered that the proposed sign is well located and consistent with the surrounding area in relation to signage and associated buildings and uses on the site.

4.3 Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20) applies to the subject land and requires that Council in determining the application must take into consideration specific strategies in place to protect the Hawkesbury Nepean River system.

It is considered that the proposed use would not result in any negative impact in this regard any impacts as a result of the development have been previously considered and appropriate conditions of consent applied to the approval.

4.4 Penrith Local Environmental Plan 2010

The LEP is the primary environmental planning instrument relating to the proposed development. The subject site is zoned *RE2 Private Recreation*. The objectives of the RE2 zone listed in the LEP are:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The proposed pylon sign is ancillary to the land uses permissible and occupying the site in the private recreation zone and is compatible with the recreational setting and surrounding land uses. It has synergies with the Paceway, the Stadium and Panthers.

The Land Use Table of the LEP nominates “*building identification sign*” as a permissible form of development in the zone, which means:

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

As there are numerous buildings on the site, the sign is centralised and uniform in this location and identifies each of the buildings on this large property. It is not providing advertising of products, goods and services.

There are no other clauses under Part 4, 5 or 6 of the LEP that are specific to this proposal.

4.5 Penrith Development Control Plan 2014

Development Control Plans contain finer grain planning controls in respect of specific development types. Penrith Development Control Plan 2014 (DCP 2014) applies to the site. The following are relevant sections from the DCP:

Penrith Development Control Plan 2014	
C9.1 General Requirements	
<p>1) General</p> <p>a) Signs are to be designed and located to:</p> <ul style="list-style-type: none"> i) relate to the use of the building; ii) be visually interesting and exhibit a high level of design quality; iii) be constructed of high quality, durable materials; iv) be wholly contained within the property; v) have only a minimal projection from the building; vi) be integrated and achieve a high degree of compatibility with the architectural design of the supporting building having regard to its composition, fenestration, materials, finishes and colours, and ensure that architectural features of the building are not obscured; vii) have regard to the view of the sign and any supporting structure, cabling and conduit from all angles, including visibility from the street level and nearby higher buildings and against the skyline; and viii) be sympathetic to the existing character of the area and the particular architectural/urban design utilised in any improvements scheme. <p>b) Signs that contain additional advertising promoting products or services not related to the approved use of the premises or site (such as the logos or brands of products; e.g. soft drinks, brewers, photographic film, etc.) are not permitted.</p> <p>c) Signs painted or applied on the roof are prohibited;</p> <p>d) Corporate colours, logos and other graphics are encouraged to achieve a very high degree of compatibility with the architecture, materials, finishes and colours of the building and the streetscape.</p> <p>e) Flat standing signs are only permissible where the main building is set back 3 metres or more from the street alignment.</p> <p>f) In considering applications for new signs, Council must have regard to the number of existing signs on the site and in its vicinity; whether that signage is consistent with the provisions of this section; and whether the cumulative impact gives rise to visual clutter.</p> <p>g) Signs must not involve damage, removal or pruning to trees or other vegetation and must not result in pruning or removal for visibility purposes.</p> <p>h) The dominant design of any sign must relate to business identification rather than product advertising.</p>	<p>The pylon sign relates to the buildings located on the Paceway.</p> <p>The pylon sign relates and is consistent with the uses on the site and surrounding the site.</p> <p>The pylon sign is contained wholly within the property.</p> <p>The pylon sign is sympathetic and consistent with the surrounding area. There are numerous signs and advertising surrounding the site given its location in proximity to the Pepper Stadium, Nepean Village Centre and Panthers.</p> <p>The sign is well located where it is set within the tree lined boundary.</p> <p>There is no advertising material on the signage.</p> <p>Corporate colours and logos are consistent with the use of the site which contains a number of uses.</p> <p>The site is resolving the current sign arrangement and minimising the clutter that currently exists as shown in Section 3.</p> <p>Tree removal was considered and approved with approval of the restaurant.</p> <p>The design of the structure being the pylon sign relates to the business and buildings on the Paceway site.</p>
<p>2) Signs and Road Safety</p> <p>a) Signs are regarded as prejudicial to the safety of the travelling public and are therefore prohibited if they:</p> <ul style="list-style-type: none"> i) Obscure or interfere with road traffic signs and signals or with the view of oncoming vehicles or pedestrians; ii) Obscure or interfere with the view of a road hazard or an obstruction which should be visible to drivers or other road users; iii) Give instructions to traffic by use of the word 'stop' or other directions, which could be confused with traffic signs; iv) Include variable messages or intensity of lighting sufficient to impair drivers' vision or distract drivers' attention; or v) Are located in places where drivers' require greater concentration, such as at major intersections or merging and diverging lanes. 	<p>The pylon sign is located on the corner off Ransley St and Mulgoa Rd and setback 3m from the corner. There is no interference with pedestrians and traffic.</p>

Inappropriate Signs

a) Council will not support an application for an advertisement of a form, type or size described below (see Figure C9.1 for example illustrations):

- i) Roof signs;
- ii) Sky signs controlled from the land;
- iii) Signs painted on or applied on the roof;
- iv) Flashing signs;
- v) Signs made of canvas, calico or the like (other than a temporary sign);
- vi) Signs displayed on an awning blind or external window blind;
- vii) Hoardings (excluding those required during construction);
- viii) Billboards;
- ix) Bulletin boards;
- x) Signs in the nature of posters attached directly onto walls, roof surfaces or any street furniture;
- xi) Signs mounted on parked or stationary motor vehicles, trailers (both registered and unregistered) where the principal purpose of the vehicle or trailer is not for the transportation of goods or people but is parked in a location and position as an advertising medium;
- xii) A-frame or sandwich board signs (except where specific controls have been prepared and adopted by Council);
- xiii) Pole or pylon signs, except for industrial, business park, service station or shopping centre uses which are permitted one pole or pylon signs with the maximum height not in excess of 7.0m;
- xiv) Signs that are located on land which advertises businesses that are not being conducted on that land;
- xv) Vertical or horizontal projecting signs;
- xvi) Fin signs; and
- xvii) Above awning signs.

The pylon sign is listed as an inappropriate sign for recreation zones if it exceeds 7m in height. The Pylon sign is 7m in height to meet this requirement.

As outlined above the sign is consistent with the uses and size of the land and the surrounding land uses.

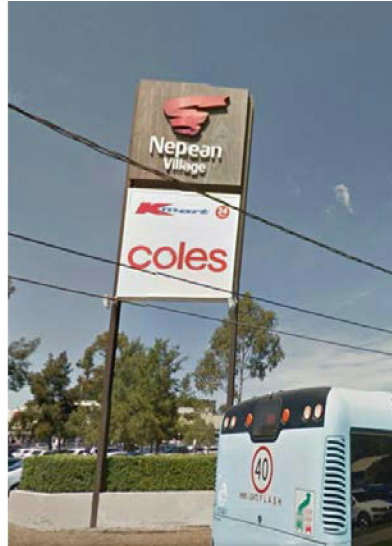
C9.5 Open Space Zones (Public and Private Recreation)

1) Applicants intending to erect a sign (advertisement) should first consult the relevant environmental planning instrument applying to or any plan of management for the land to determine any requirements for an advertisement.	The LEP is addressed above in Section 4.4. There is no plan of management as this is a private recreation zone.
2) The siting and design of the sign on the property should ensure that amenity and visual impacts to adjoining properties are kept to a minimum.	The sign is setback three metres from the corner of the property and in line with the boundary landscaping.
3) The siting and design of the sign on the property should be sympathetic to the existing character of the area and the particular architectural/urban design utilised in any improvements scheme.	The sign is consistent with the surrounding area and the size and uses of the property.
4) Signs on recreation reserves that are visible from beyond the site should generally not be permitted except for signs identifying the name of the recreation reserve and/or the name of sporting clubs or other associations occupying the site (and other 'public interest' information pertaining to the club or association).	This is a private recreation property.
5) Signs identifying the sponsors of clubs or associations occupying reserves are generally not permitted if they are visible from beyond the site. However, favourable consideration may be given to no more than 20% of the total area of the main identification sign being used for sponsor recognition.	No sponsorship is proposed.
6) Signs should be generally low key in appearance, taking into consideration their shape, colour, materials, construction and the character of the surrounding area	The sign is consistent with the use of the site and in particular with the restaurant use. The sign is consistent with signage that occurs to the west on the Panthers site.
7) Any sponsorship advertising signage must not be visible outside the site.	No sponsorship is proposed.

It is considered that the proposed pylon sign is consistent with the size and uses on the large Paceway site. The sign is also consistent with the surrounding land uses on the Panthers site to the west, Stadium to the south and Nepean Village Centre to the east. The pylon sign is also consistent with other large restaurant chains in the area that utilise pylon signs for recognitions and identification. Although, pylon signs are listed as inappropriate, the DCP cannot prohibit the pylon sign however provide measures to consideration for signs which the proposal has addressed.



Pylon Signs along Mulgoa Rd (west)



Pylon Sign on Station St (east)

Figure 5: Pylon Signs in the vicinity

There are no other aspects of the DCP that are specifically relevant to the proposal or that require detailed consideration.

5 Section 79C Assessment

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 79C of the EPA Act has been undertaken.

5.1 Section 79C(1)(a)(i) – Any Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report. The proposal is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

5.2 Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instrument

There are no known draft Environmental Planning Instruments applicable to the subject site.

5.3 Section 79C(1)(a)(iii) – Any Development Control Plan

Compliance against the relevant DCP's has been considered earlier in this report.

5.4 Section 79C(1)(a)(iiia) – Any Planning Agreement or Draft Planning Agreement entered into under Section 93f

There are no known planning agreements that apply to the site or development.

5.5 Section 79C(1)(a)(iv) – The Regulations

There are no sections of the regulations that are relevant to the proposal at this stage.

5.6 Section 79C(1)(b) – The Likely Impacts of the Development

The following impacts have been considered relevant in the preparation of this development proposal.

5.6.1 Tree Removal

The development site has established landscaped gardens and significant trees along the southern and western boundary. There are no trees required to be removed to accommodate the sign, any tree removal was assessed and approved in the application for the change of use under DA16/0218.

It is considered there are no adverse impacts from the removal of the trees.

5.6.2 Visual Impact

The proposal is consistent with the land uses and size of the site and with the surrounding area. The pylon sign is sympathetic and consistent with the surrounding area. There are numerous signs and advertising surrounding the site given its location in proximity to the Pepper Stadium, Nepean Village Centre and Panthers. The sign is on the corner and setback 3m from this corner and in line with the landscaping along the boundary. It is considered that the proposed sign will not have any adverse visual impacts.

5.7 Section 79C(1)(c) – The Suitability of the Site

The proposal is permissible in the zone and is generally consistent with the planning controls that apply in the zone. Moreover, the objectives of the zone have been satisfied, ensuring that the advancement of the development would not result in any unacceptable impact on any adjoining landowners or buildings.

For the reasons above, and in this report, the site is considered suitable for this development proposal

5.8 Section 79C(1)(d) – Any Submission Made

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to those.

5.9 Section 79C(1)(e) – The Public Interest

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site.

It is considered that the public interest would not be jeopardised as a result of this development.

5.10 Section 79C(3A) – Development Control Plans

Section 79C (3A) has been considered in respect of this application. The proposal is satisfactory when considered against the provisions of the DCP and not more onerous than the LEP. Council will apply DCP controls flexibly and in the context of the overall development and further details in relation to this is addressed above in Section 4.5.

6 Conclusion and Recommendation

The proposed development has been assessed against the requirements of the Penrith LEP and DCP and is considered to represent a form of development that is acceptable.

The proposed use would not result in any unacceptable impact on the locality. The site is considered quite suitable for a use of this nature and is consistent with nearby and adjoining development.

An assessment against section 79C of the EPA Act has not resulted in any significant issues arising.

Accordingly, it is recommended that the proposed development for a pylon sign on the property at 127-141 Station Street, Penrith be approved.