

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

Application number:	DA20/0811.01
Description of development:	Review of Determination for the Construction of a Stand-Alone Car Wash Facility and Associated Signage within an Existing Service Station Development
Classification of development:	Class 6

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 3 DP 215949
Property address:	1 - 21 Cranebrook Road, CRANEBROOK NSW 2749

### DETAILS OF THE APPLICANT

Name & Address:	Carwash World Pty Ltd PO Box 3494 MORNINGTON VIC 3931
-----------------	---

### DECISION OF CONSENT AUTHORITY

Penrith Council has determined to refuse consent to the subject development application. In accordance with Section 4.18(1) (a) of the Environmental Planning and Assessment Act 1979, the reasons for refusal are in Attachment 1.

Date of this decision	20 August 2021
-----------------------	----------------

### POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Lucy Goldstein
Contact telephone number:	+61247328136

## NOTES

---

### Reasons

The reasons for refusal in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

### Reasons for refusal

Your attention is drawn to the attached reasons for refusal in attachment 1.

### Review of determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within twelve months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

### Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within twelve months of receiving this Notice of Determination.

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

### Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 56 days after the date of this notice.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

### Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

## SIGNATURE

Name:	Lucy Goldstein
Signature:	

For the Development Services Manager

## ATTACHMENT 1 : REASONS FOR REFUSAL

---

1. The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal is not a permitted land use on the site pursuant to Penrith Local Environmental Plan 2010.
2. The application has not demonstrated compliance with relevant existing use right provisions under Division 4.11-'Existing Uses' of the Environmental Planning and Assessment Act, and Part 5-Existing Uses of the Environmental Planning and Assessment Regulation 2000 for the purpose of a car wash on the site.
3. The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal is inconsistent with the following provisions of:
  - a) Penrith Local Environmental Plan 2010: Clause 2.3: The proposal does not meet the objectives of the RU4 Primary Production Small zone, specifically:
    - To minimise conflict between land uses within this zone and land uses within adjoining zones.
    - To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.
    - To maintain the rural landscape character of the land.
  - (b) Penrith Local Environmental Plan 2010, Clause 7.5- Protection of Scenic Character and Landscape Values: The proposal has not been designed and located to minimise the visual impact of the development.
  - (c) Sydney Regional Environmental Plan No. 20 - Hawkesbury/Nepean River- Clause 3- Aims of Plan.
4. The application is not satisfactory for the purpose of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the following provisions of the Penrith Development Control Plan 2014:
  - C1 Site Planning and Design Principles;
  - C3 Water Management;
  - C6 Landscape Design;
  - and D1 Rural Land Uses.
5. The application is not satisfactory for the purpose of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* as it has not been demonstrated that the likely impacts of the development can be sufficiently mitigated. These impacts relate to local character, streetscape impacts, and water management.
6. The application is not satisfactory for the purpose of Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as it has not been demonstrated through compliance with the relevant provisions that the site is suitable for the proposed development.
7. The application is not satisfactory for the purpose of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* as the proposal is not in the public interest.