

23 February 2024



The Trustee For Ultra Petroleum Trust  
18 Wallangra Road  
DOVER HEIGHTS NSW 2030

Dear Sir/Madam

**Application Number:** DA2023/0386  
**Address:** Lot 1 DP 829523 , 207 - 217 Pittwater Road, MANLY NSW 2095  
**Proposed Development:** Alterations and additions to the service station including an automatic car wash facility, extension of the sales area, a laundromat and signage

Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Adam Richardson  
**Manager Development Assessments**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2023/0386
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	The Trustee For Ultra Petroleum Trust
<b>Land to be developed (Address):</b>	Lot 1 DP 829523 , 207 - 217 Pittwater Road MANLY NSW 2095
<b>Proposed Development:</b>	Alterations and additions to the service station including an automatic car wash facility, extension of the sales area, a laundromat and signage

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	21/02/2024
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### Reasons for Refusal:

- Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.4.1 Sunlight Access and Overshadowing of the Manly Development Control Plan.

Particulars:

The proposal fails to provide sufficient solar access to penetrate private open space on No. 4 Golf Parade. This loss of solar access is attributed to the deficient side setback on the southern side of the development site and has an unacceptable loss of amenity for the residents of 4 Golf Parade.

- Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.2.8.2 Setbacks of the Manly Development Control Plan.

Particulars:

i) The proposal has a non-compliant southern side setback, which is particularly evident along the southern and western sides adjacent to the carwash building. Compliant setbacks are vital for allowing for the integration of substantial landscaping, a key component in softening the overall appearance of the structure and transition of the landuse to the residential zone. Furthermore, non-compliance with solar access standards for No. 4 Golf Parade, as identified is attributed to the inadequate side setbacks.

ii) The current design, falls short in providing sufficient visual relief to the adjoining residential

properties. Consequently, there is a clear imperative for further design consideration to rectify these concerns and ensure a more harmonious integration with the surrounding residential environment.

3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.2.8.3 Landscaping of the Manly Development Control Plan.

Particulars:

The proposal fails to provide adequate side setbacks, particularly along the southern and western sides adjacent to the carwash building. These setbacks are crucial for accommodating substantial landscaping, which plays a key role in softening the building's appearance and mitigating its visual dominance. Additionally, the proposal lacks sufficient measures to provide visual relief to neighboring residential properties, indicating a need for further consideration in the design to address these concerns.

4. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

Particulars:

The development which will create an undesirable precedent such that it would undermine the desired future character of the area and be contrary to the expectations of the community.

## Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

## Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

## Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

## Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

**Signed**            On behalf of the Consent Authority



Name                Adam Richardson, Manager Development Assessments

Date                 21/02/2024