

15 July 2025



Damian O'Toole Town Planning Pty Ltd  
9/35 Buckingham Street  
SURRY HILLS NSW 2010

Dear Sir/Madam

**Application Number:** Mod2025/0055

**Address:** Lot 5 SP 12989 , 5 / 21 - 23 The Corso, MANLY NSW 2095  
Lot 9 SP 12989 , 9 / 21 - 23 The Corso, MANLY NSW 2095  
Lot 12 SP 12989 , 12 / 21 - 23 The Corso, MANLY NSW 2095  
Lot 2 SP 12989 , 2 / 21 - 23 The Corso, MANLY NSW 2095  
Lot 3 SP 12989 , 3 / 21 - 23 The Corso, MANLY NSW 2095  
Lot 7 SP 12989 , 7 / 21 - 23 The Corso, MANLY NSW 2095  
Lot 10 SP 12989 , 10 / 21 - 23 The Corso, MANLY NSW 2095  
Lot 6 SP 12989 , 6 / 21 - 23 The Corso, MANLY NSW 2095  
Lot 13 SP 12989 , 13 / 21 - 23 The Corso, MANLY NSW 2095  
Lot 8 SP 12989 , 8 / 21 - 23 The Corso, MANLY NSW 2095  
Lot 11 SP 12989 , 11 / 21 - 23 The Corso, MANLY NSW 2095  
Lot 14 SP 12989 , 14 / 21 - 23 The Corso, MANLY NSW 2095  
Lot 1 SP 12989 , 1 / 21 - 23 The Corso, MANLY NSW 2095  
Lot 4 SP 12989 , 4 / 21 - 23 The Corso, MANLY NSW 2095  
Lot CP SP 12989 , 19 - 23 The Corso, MANLY NSW 2095

**Proposed Development:** Modification of Development Consent DA2020/1711 granted for Alterations and additions to an existing shop top housing development

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,



A handwritten signature in black ink, appearing to read "Adriana Bramley".

Adriana Bramley  
**Principal Planner**

## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

<b>Application Number:</b>	Mod2025/0055 PAN-510998
<b>Applicant:</b>	Damian O'Toole Town Planning Pty Ltd 9/35 Buckingham Street SURRY HILLS NSW 2010
<b>Property:</b>	Lot 5 SP 12989 5 / 21 - 23 The Corso MANLY NSW 2095 Lot 9 SP 12989 9 / 21 - 23 The Corso MANLY NSW 2095 Lot 12 SP 12989 12 / 21 - 23 The Corso MANLY NSW 2095 Lot 2 SP 12989 2 / 21 - 23 The Corso MANLY NSW 2095 Lot 3 SP 12989 3 / 21 - 23 The Corso MANLY NSW 2095 Lot 7 SP 12989 7 / 21 - 23 The Corso MANLY NSW 2095 Lot 10 SP 12989 10 / 21 - 23 The Corso MANLY NSW 2095 Lot 6 SP 12989 6 / 21 - 23 The Corso MANLY NSW 2095 Lot 13 SP 12989 13 / 21 - 23 The Corso MANLY NSW 2095 Lot 8 SP 12989 8 / 21 - 23 The Corso MANLY NSW 2095 Lot 11 SP 12989 11 / 21 - 23 The Corso MANLY NSW 2095 Lot 14 SP 12989 14 / 21 - 23 The Corso MANLY NSW 2095 Lot 1 SP 12989 1 / 21 - 23 The Corso MANLY NSW 2095 Lot 4 SP 12989 4 / 21 - 23 The Corso MANLY NSW 2095 Lot CP SP 12989 19 - 23 The Corso MANLY NSW 2095
<b>Description of Development:</b>	Modification of Development Consent DA2020/1711 granted for Alterations and additions to an existing shop top housing development
<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	14/07/2025
<b>Date from which the consent operates:</b>	14/07/2025

Under Section 4.55 (2) Environmental Impact of the EP&A Act, notice is given that the above

application to modify the original application has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

### **Reasons for approval**

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

### **Community views**

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

## 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 28 days 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 Adriana Bramley, Principal Planner

Date 14/07/2025

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

No previous Modifications have been granted on the Development Consent DA2020/1711.

Application Number	Determination Date	Modification description
PAN-510998 - MOD2025/0055	The date of this notice of determination	<p>Modification to alterations and additions to Shop Top Housing</p> <p><u>Additional conditions</u> Additional relevant conditions are required due to the changes to waste servicing areas, need for updated fire certificates, the introduction of additional future commercial space and new electrical / plant areas.</p> <p>New 1 a) - Approval Plans and Documents - change reference to the approved plans, BASIX Certificate, Waste Management Plan</p> <p>New 11 a) - Building components and structural soundness - to be satisfied prior to issue of Construction Certificate</p> <p>New 11 b) - Amended Plans - to be satisfied prior to issue of Construction Certificate</p> <p>New 14 a) - Waste Recycling Requirements (Waste Plan submitted) - To be complied with During Demolition and Building Work</p> <p>New 21 a) - Fire Safety Matters - to be complied with prior to issue of the Occupation Certificate.</p> <p>New 21 b) - Building Components and structural soundness - to be complied with prior to issue of the Occupation Certificate.</p> <p>New 22 a) - Access for Waste Collection (Domestic Waste - Council Contractor) - To be complied with at all times.</p> <p>New 22 b) - Commercial Waste Collection Procedure - to be complied with at all times.</p> <p><u>Amended Conditions</u> Amended Condition 18 - Waste and Recycling Facilities Certificate of Compliance - amend to include specific requirements of the collection point and storage areas.</p> <p>No conditions of DA2021/1711 are required to be deleted.</p>

## **Modified conditions**

### **A. Add Condition 1a. - Modification of Consent - Approved Plans and supporting documentation, to read as follows:**

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

<b>Approved Plans</b>				
<b>Plan Number</b>	<b>Revision Number</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Date of Plan</b>
S4.55-000	01	Cover Page	SRH Architecture Pty Ltd	08/01/2025
S4.55-002	01	Existing & Demolition Plan GF	SRH Architecture Pty Ltd	08/01/2025
S4.55-100	01	Proposed Ground Floor Plan	SRH Architecture Pty Ltd	08/01/2025
S4.55-101	01	Proposed Level 01 Plan	SRH Architecture Pty Ltd	08/01/2025
S4.55-102	01	Proposed Level 02 Plan	SRH Architecture Pty Ltd	08/01/2025
S4.55-103	01	Proposed Level 03 Plan	SRH Architecture Pty Ltd	08/01/2025
S4.55-200	01	The Corso Elevation	SRH Architecture Pty Ltd	08/01/2025
S4.55-201	01	Market Lane Elevation	SRH Architecture Pty Ltd	08/01/2025
S4.55-202	01	East Elevation	SRH Architecture Pty Ltd	08/01/2025
S4.55-203	01	West Elevation	SRH Architecture Pty Ltd	08/01/2025
S4.55-300	01	Section A	SRH Architecture Pty Ltd	08/01/2025
S4.55-301	01	Section B	SRH Architecture Pty Ltd	08/01/2025
S4.55-304	01	Section C	SRH Architecture Pty Ltd	08/01/2025
S4.55-305	01	Section D	SRH Architecture Pty Ltd	08/01/2025

<b>Approved Reports and Documentation</b>			
<b>Document Title</b>	<b>Version Number</b>	<b>Prepared By</b>	<b>Date of Document</b>
BASIX Certificate - Alterations and Additions	Revision of Certificates	Eco Engineering Group Pty Ltd	14 February

A401570_02, A402015_02, A401786_02, A40101805_02, A402019_02, A402020_02, A402021_02, A402022_02, A402024_02, A402025_02,	issued for DA2020/1711		2025
NBC Waste Management Plan	-	Prepared for Strata Plan 12989	18 June 2025 (Registered by NBC)

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

**B. Modify Condition 18. Waste and Recycling Facilities Certificate of Compliance to read as follows:**

**Waste and Recycling Facilities Certificate of Compliance**

The pathway and access between the Waste Storage Area and Collection Point will be:

- a) Solid, concrete, continuous, non-slip and clear of any obstructions and steps.
- b) A maximum ramp gradient of 1 in 8.
- c) Hazard free and not via a pathway with vehicular traffic.
- d) A minimum width of 1200mm

Any doors fitted on the Waste Storage Area, pathway and access will be:

- e) A minimum width of 1200mm.
- f) Able to be latched in an open position.
- g) Unobstructed by any locks and security devices.
- h) Openable in an outward direction.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure Waste and recycling facilities are provided.

**C. Add Condition 11a. Building components and structural soundness to read as follows:**

**Building components and structural soundness**

B1 - All new development below the Flood Planning Level of 6.0m AHD shall be designed and constructed from flood compatible materials.

B2 - All new development must be designed to ensure structural integrity up to the Flood Planning Level of 6.0m AHD, taking into account the forces of floodwater, debris load, wave action, buoyancy and immersion.

B3 - All new and existing electrical equipment, power points, wiring and connections must be located above the Flood Planning Level of 6.0m AHD, protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval prior to



issue of Construction Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

**D. Add Condition 11b. Amendments to approved plans as follows:**

**Amendments to approved plans**

The proposed infill of the existing door (approved residential entry) from The Corso will remove the existing symmetry from this facade. Therefore, retention of this opening in the form of a window is recommended to retain the existing symmetry. Amended drawings are to be submitted to Councils Heritage Advisor prior to the issue of the Construction Certificate.

Reason: To ensure the existing symmetry is retained in relation to the Heritage facade in accordance with The Corso site Specific Controls in the Manly DCP.

**E. Add Condition 14a. Waste/Recycling Requirements to read as follows:**

**Waste/Recycling Requirements (Waste Plan Submitted)**

During demolition and/or construction the proposal/works shall be generally consistent with the submitted Waste Management Plan 2025/421508 registered with Council 18 June 2025 and Plan showing amended waste rooms.

Reason: To ensure waste is minimised and recovered for recycling where possible.

**F. Add Condition 21a. Fire Safety Matters to read as follows:**

**Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of a part occupation Certificate or Occupation Certificate. Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Parts 10, 11 & 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**G. Add Condition 21 b. Building components and Structural Soundness to read as follows:**

**Building Components and Structural Soundness**

B2 - A suitably qualified structural engineer is to certify the structural integrity of the new development up to the Flood Planning Level of 6.0m AHD. The depth, velocity, debris load, wave action, buoyancy and immersion must all be considered.

B3 - A suitably qualified electrician or contractor is to certify that all new and existing electrical equipment, power points, wiring and connections are located above the Flood Planning Level of 6.0m

AHD, are protected from flood water or have residual current devices installed to cut electricity supply during flood events.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

**H. Add Condition 22a. Access for Waste Collection (Domestic Waste - Council Contractor) to read as follows:**

**Access for Waste Collection (Domestic Waste - Council Contractor)**

All doors and gates used by Councils collection staff contractor provide unimpeded access to the bins. Should any doors or gates have a requirement to be secured they must be fitted with a timer lock set to remain open from 6:00am to 6:00pm on the scheduled day of collection.

All doors and gates must be able to be latched in the open position to facilitate bin manoeuvring.

Bins are not to be presented at kerbside.

Reason: To ensure unimpeded access to waste bins for collection staff at the appropriate time and to maintain public amenity in Market Place.

**I. Add Condition 22b. Commercial Waste Collection Procedure to be read as follows:**

**Commercial Waste Collection Procedure**

Commercial waste and recycling bins are not to be placed at the kerbside on Market Place awaiting collection.

Waste collection arrangements must include a procedure whereby the collection contractor enters the property to retrieve the bins to the dedicated bin storage area immediately after emptying.

Reason: To maintain public amenity in Market Place.

## **Important Information**

This letter should therefore be read in conjunction with DA2020/1711 dated 7 April 2025. .

## **Dictionary**

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the

current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**Council** means Northern Beaches Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the Environmental Planning and Assessment Act 1979.

**EP&A Regulation** means the Environmental Planning and Assessment Regulation 2021.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Northern Beaches Local Planning Panel.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Sydney North Planning Panel.