



**Land and Environment  
Court**  
of New South Wales

Level 4 225 Macquarie Street SYDNEY NSW 2000  
Level 4 GPO Box 3565 SYDNEY NSW 2001  
DX ,

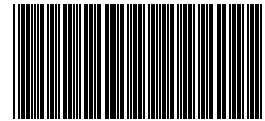
Telephone: 02 9113 8200  
Facsimile:  
02 91138208

Email: [lecourt@justice.nsw.gov.au](mailto:lecourt@justice.nsw.gov.au)  
Website: <https://www.lec.nsw.gov.au>

ABN: 52 659 114 436

Northern Beaches Council  
[elizabeth.caruso@northernbeaches.nsw.gov.au](mailto:elizabeth.caruso@northernbeaches.nsw.gov.au)

Your Ref:



D00028SPKU

16 October 2025

### NOTICE OF ORDERS MADE

Case number      2024/00389804  
Case title        Speed Gas Pty Limited v Northern Beaches Council

---

On 16 October 2025 the following orders (and/or directions) were made:

The Court orders that:

- (1) The appeal is upheld.
- (2) Development application DA2024/0149 for the demolition of unauthorised structures, installation of a 30,000 litre underground liquified petroleum gas tank and a 15,000 litre liquid nitrogen tank, construction of a new filling platform and rooftop storage area and use of the site for the storage, maintenance and filling of gas cylinders and portable heaters for off-site distribution at 47 Sydenham Road, Brookvale (being the land legally described as Lot 22 Section 3 DP 6033) is determined by the grant of development consent, subject to the conditions set out in Annexure A.
- (3) The development consent is to take effect from the date of these orders.

For the Registrar

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** 2024/0149

**Development:** Demolition of unauthorised structures, installation of a 30,000L underground LPG tank and a 15,000L liquid nitrogen tank, construction of a new filling platform and rooftop storage area and use of the site for the storage, maintenance and filling of gas cylinders and portable heaters for off-site distribution

**Site:** 47 Sydenham Road  
Brookvale NSW 2100

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:** 16 October 2025

**Date from which consent takes effect:** Date of determination.

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 47 Sydenham Road, Brookvale (Lot 22 Section 3 DP 6033) .

The conditions of consent are as follows:

CONDITIONS OF APPROVAL

Application Number:	DA2024/0149
Land to be developed (Address):	Lot 22 Section 3 DP 6033, 47 Sydenham Road BROOKVALE NSW 2100
Proposed Development:	Demolition of unauthorised structures, installation of a 30,000L underground LPG tank and a 15,000L liquid nitrogen tank, construction of a new filling platform and rooftop storage area and use of the site for the storage, maintenance and filling of gas cylinders and portable heaters for off-site distribution

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. **Approved Plans and Supporting Documentation**  
Development must be carried out in accordance with the following approved plans and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA01.01	D	Demolition Ground Floor Plan	Archi Spectrum	29/08/2025
DA01.02	D	Demolition First Floor Plan	Archi Spectrum	29/08/2025
DA01.03	D	Existing Ground Floor Plan	Archi Spectrum	29/08/2025

DA01.04	D	Existing First Floor Plan	Archi Spectrum	29/08/2025
DA02.01	D	Proposed Ground Floor Plan	Archi Spectrum	29/08/2025
DA02.02	D	Proposed First Floor Plan	Archi Spectrum	29/08/2025
DA02.03	D	Hazardous Areas Plan	Archi Spectrum	29/08/2025
DA03.01	D	Existing Elevations	Archi Spectrum	29/08/2025
DA03.02	D	Proposed Elevations & Section	Archi Spectrum	29/08/2025
DA03.03	D	Proposed Sections	Archi Spectrum	29/08/2025
HAZ-2940-FP01	6	Manifest & Fire Protection Plan	Hazkem	17/04/2025
HAZ-2940-A01	7	Proposed Site Plan	Hazkem	15/04/2025
HAZ-2940-A03	6	Proposed Site Layout and Elevation Details	Hazkem	15/04/2025
HAZ-2940-HZ01	6	Hazardous Area Layout	Hazkem	14/04/2025
HAZ-2940-HZ02	5	Hazardous Area Elevations	Hazkem	14/04/2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Environmental Impact Statement	3	Corona Projects	13 May 2025
Operational Management Plan	-	Corona Projects	13 May 2025
Risk Screening Documentation and Preliminary Hazard Analysis	7	Hazkem	16 April 2025
Geotechnical Assessment	1	AscentGeo	17 April 2025
Odour Management Plan	-	Stephenson	2 October 2025
Noise Impact Assessment	0	Pulse White Noise Acoustics	27 March 2025
Parking Assessment	-	Park Transit	13 May 2025

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

In the event of any inconsistency between 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.

## 2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Water NSW	IDAS1161961	27 August 2025

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

## 3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) A sign must be erected:
  - (i) in a prominent position on any site on which building work, subdivision work or demolition work is being carried out: showing the name, address and telephone number of the Principal Certifier for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.  
Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (c) [Spare]
- (d) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
  - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the

cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

#### 4. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (f) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
  - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
  - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any

contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.

- iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) [Spare]

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

## 5. Staff and contractor parking

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the available on-site parking.

Reason: To ensure minimum impact of construction activity on local parking amenity.

## 6. Traffic management

Traffic management procedures and systems must be in place and practised during the course of the project to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and Council's Development Control Plans.

Note: A plan of traffic management is to be submitted to and approved by the Northern Beaches Council Traffic Team.

Reason: To ensure pedestrian safety and continued efficient network operation.

## 7. Gas Storage

The total LPG stored on site is limited to the following quantities:

- LPG underground tank – no more than 30,000 litres and no more than 16.96 tonnes
- LPG cylinders – no more than 13,000 litres and no more than 6.89 tonnes

For the avoidance of doubt, if the maximum volumes or masses specified in this condition exceed the volumes or masses of LPG for which this consent was sought, the development must not exceed the lower volumes or masses specified in the development application and the documents accompanying the development application.

Reason: To ensure that the LPG storage on site is not excessive and remains below the thresholds set out in the Department's Guidelines for the purpose of Chapter 3 of the *State Environmental Planning Policy (Resilience and Hazards) 2021*, specifically the *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33*, dated January 2011.

## 8. Operations to remain within boundaries of subject site

The operations approved under this consent to take place on the subject site are not permitted to take place on the adjoining site to the north (49 Chard Road) and vice versa.

47 Sydenham Road and 49 Chard Road are to remain separate sites that are only permitted to operate in accordance with the individual consents that have been granted for each individual site.

Reason: To ensure only authorised development is to take place

# FEES / CHARGES / CONTRIBUTIONS

## 9. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of \$880.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the *Environmental Planning & Assessment Act 1979* and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$176,000.00.

The total amount payable will be adjusted at the time the payment is made, in accordance with section 6.3 of the Northern Beaches Section 7.12 Contributions Plan 2024.



Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate.

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

10. Security Bond

A bond of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

Reason: To ensure adequate protection of Council's infrastructure.

11. Housing and productivity contribution - Development consents

1. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

Contribution Type	Amount
Housing and Productivity Contribution	\$2400
<b>Total:</b>	<b>\$2400</b>

2. The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

*highest PPI number*

*consent PPI number*

where—

*highest PPI number* is the highest PPI number for a quarter following the

June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

**consent PPI number** is the PPI number last used to adjust HPC rates when consent was granted.

**June quarter 2023 and PPI** have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

3. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Manufactured home estate for which no construction certificate is required

4. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
5. If the Minister administering the *Environmental Planning and Assessment Act 1979* agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
  - a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
  - b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.

6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement.

## **12. Construction, Excavation and Associated Works Security Bond(s)**

The applicant is to lodge a bond with Council for the following:

Drainage Works

As security against any damage or failure to complete the construction of stormwater drainage works required as part of this consent a bond of \$120,000.00.

Reason: Protection of Council's infrastructure.

## **BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

## **13. Traffic Management and Control**

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to TfNSW standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

## **14. Stormwater Disposal from Low Level Property**

The applicant is to demonstrate how stormwater from the new development within this consent shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's Water Management for Development Policy in particular Section 5.5 Stormwater Drainage from Low Level Properties. Details demonstrating that the existing approved system can accommodate the flows or compliance with Northern Beaches Council's policy by an appropriately qualified Civil Engineer are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from the development.

## **15. Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours

- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
- North point and scale.

Details demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

Reason: Protection of the receiving environment.

## 16. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, with no access across public parks or reserves being allowed.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.

Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.

The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.

Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.

- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the

combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.

- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

## **17. Vehicle Access & Parking**

All internal driveways, vehicle turning areas, garages and vehicle parking space/loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards). The development is to provide 3 staff parking spaces and 2 visitor parking spaces. With respect to this, the following revision(s) must be undertaken to the car park layout shown on the Proposed Ground Floor Plan Drawing No.DA02.01 Revision D.

The 3 staff parking spaces (2.4m wide x 5.4m long) should be marked as “STAFF”.  
The 2 visitor parking spaces (2.7m wide x 5.4m long) should be marked as “VISITOR”.

These amendment(s) must be clearly marked on the revised Plans and submitted to the Principal Certifier prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and all parking operates according to its intended use.

## **18. Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, shall be provided in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the

property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

**19. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations identified in the Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans.

Details demonstrating if WaterNSW dewatering approvals are required must be submitted to the Certifier prior to the issue of the construction certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

**20. Pre-Construction Stormwater Assets Dilapidation Report**

The Applicant is to submit a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencement of works. Council's Guidelines are available at: <https://www.northernbeaches.nsw.gov.au/media/60355?1730767288>

The pre-construction / demolition Dilapidation Report must be submitted to Council for approval and the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

**21. Pre-Commencement Dilapidation Report**

The applicant must prepare and submit a dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifier prior to the issue of the any Construction Certificate and the commencement of any works including demolition.

Reason: Protection of Council's infrastructure during construction.

**22. Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

**23. External Finishes to Roof**

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the construction certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

**24. Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT****25. Work Zones and Permits**

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.

Reason: To ensure Work zones are monitored and installed correctly.

**DURING BUILDING WORK****26. Requirement to notify about new Acid Sulfate Soils evidence**

Any new information revealed during excavation works that has the potential to alter previous conclusions about Acid Sulfate Soils shall be immediately notified to the Council and the Principal Certifier and a report be obtained from a suitably qualified person. Any recommendations provided by the report are to be complied with during works.

Reason: To protect the environment.

**27. Site Contamination**

All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility. All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

Note: The following Acts and Guidelines applied at the time of determination: *Protection of the Environment Operations Act 1997*; and Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Reason: To protect human health and the environment.

## **28. Road Reserve**

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

## **29. Dewatering Management**

The groundwater/tailwater to be discharged must be compliant with the General Terms of Approval/Controlled Activity permit issued by WaterNSW (if applicable), Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) (Blue Book), Council's Compliance and Enforcement Policy and legislation including *Protection of the Environment Operations Act 1997* and *Contaminated Lands Act 1997*.

All approvals, water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

WaterNSW is the primary regulatory authority overseeing groundwater dewatering activities in New South Wales. Accordingly, the General Terms of Approval and any approval issued by WaterNSW under the *Water Management Act 2000* must be strictly adhered to.

Subject to WaterNSW's general terms of approval and the terms of any approval under the *Water Management Act 2000*, a Council Temporary Groundwater Dewatering Approval from Northern Beaches Council is required prior to discharging groundwater construction dewatering activities into the stormwater network or any natural asset.

All groundwater proposed for discharge must comply with the WaterNSW publication *Minimum Requirements for Building Site Groundwater Investigations and Reporting*, as well as all applicable statutory obligations under the *Water Management Act 2000*, *Protection of the Environment Operations Act 1997*, and *Contaminated Land Management Act 1997*.

Reason: Protection of the receiving environment and groundwater resources.

## **30. Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.



Reason: Protection of the receiving environment.

**31. Implementation of Construction Traffic Management Plan**

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

**32. Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

**33. Removing, Handling and Disposing of Asbestos**

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act;
- Work Health and Safety Regulation;
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)];
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998);
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

**34. Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Report referenced in Condition 1 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

**35. Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

**36. Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

**37. Requirement to Notify about New Contamination Evidence**

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifier.

Reason: To protect human health and the environment.

**38. Imported Fill**

Prior to the importation of any landfill material onto the site, a waste classification report is to be prepared in accordance with the NSW Environment Protection Authority Guidelines, the report shall state in an end statement that the fill material is suitable for the proposed use on the land.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the fill being imported to the site.

Reason: To ensure that imported fill is of an acceptable standard.

**39. Soil testing**

The investigation of soils for re-use onsite or offsite disposal must be tested and classified as per the NSW EPA Waste Classification Guidelines, 2014.

Reason: Protection for the environment and human health and in compliance with legal requirements.

**BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

**40. Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets)**

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at <https://www.northernbeaches.nsw.gov.au/media/60355?1730767288>

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Drainage security bonds. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure.

**41. Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

#### **42. Operational Management Plan**

The Operational Management Plan approved under condition 1 is required to be revised and submitted to Council. The revised Operational Management Plan shall be revised to include the following:

- Vehicle access and egress.
- Management of car parking areas.
- The location and content of directional signage.

The revised Operational Management Plan shall include a requirement for truck access to be limited to vehicles no larger than a Small Rigid Vehicle, other than for infrequent LPG and nitrogen deliveries which are to occur outside peak travel periods. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To ensure that the facility operates according to its intended use and managed appropriately with minimum disruption to the surrounding area.

#### **43. Geotechnical Certification Prior to Occupation Certificate**

A Geotechnical Engineer or Engineering Geologist is to provide written confirmation that they have inspected the site during construction or reviewed information relating to the construction and that they are satisfied that development referred to in the development consent has been constructed in accordance with the intent of the Geotechnical Report referenced in Condition 1 of this consent.

Written certification is to be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

#### **44. Certification of Structures Located Adjacent to Council Pipeline or Council Easement**

The Applicant shall submit a suitably qualified Structural Engineer's certification that the completed footing works have been constructed in accordance with this consent, Northern Beaches Council's Water Management for Development Policy and the approved Construction Certificate plans. Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure

#### **45. Post-Construction Dilapidation Report**

The applicant must bear the cost of all restoration works to Council's road, footpath and drainage assets damaged during the course of this development.

A Post Construction Dilapidation Report after the completion of all building works is to demonstrate that there is no damage to Council infrastructure (or that any damage has been remedied to Council's satisfaction) prior to the refund of any security deposits.

Reason: To ensure security against possible damage to Council property.

**46. Waste Management Confirmation**

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

**ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES****47. Operational Management Plan**

Following the issue of the Occupation Certificate the development is to be carried out in accordance with the revised Operational Management Plan submitted under condition 42.

Reason: To ensure the facility operates according to its intended use and managed appropriately with minimum disruption to the surrounding area.

**48. Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

**49. Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Friday – 6am - 5pm and specifically broken down as follows:

- Truck Drivers: Depart by 8:00 am and return between 2:00 pm and 3:00 pm for reloading before leaving again.
- Cylinder Filling: 7:00 am to 4:00 pm.
- Cylinder Testing/Maintenance: 8:00 am to 4:00 pm.

Upon expiration of the permitted hours, all service shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

**50. Use of parking**

The approved on-site staff and visitor parking spaces are only permitted to be used for patrons and operation of 47 Sydenham Road only.

The spaces are not permitted to be used for the patrons or operations of 49 Chard Road.

Reason: To ensure compliance with the terms of this consent.

**51. No degasification**

No degassing/degasification is permitted on-site.

Reason: To ensure compliance with the terms of this consent.

**52. No retail trade**

The site is not permitted to be used as a retail premises as defined by WLEP 2011. No retail sales are to be made from the premises. No customers would be permitted to attend the premises.

Reason: To ensure compliance with the terms of this consent.

**52A. No wholesale distribution**

Sale of LPG and nitrogen is to be made by distribution to end users of the LPG or nitrogen and not to retailers or others who on-sell those products to third parties.

**53. Vehicle access restrictions for gas refilling facility**

Vehicles used for off-site distribution of gas cylinders should be no larger than a Small Rigid Vehicle (SRV), as classified by the Australian Standards AS2890.2:2018 Parking Facilities Part 2: Off-Street commercial vehicle facilities.

Larger vehicles may only be permitted for infrequent LPG and nitrogen deliveries which are to occur outside peak travel periods.

Reason: To ensure safe vehicle access to and from the site and to minimise disruption to the local road network.

**54. Dangerous goods**

- The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* (January 2011) at all times.
- Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:
  - a. all relevant Australian Standards;
  - b. for liquids, the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Manual (May 2007).
- In the event of an inconsistency between the requirements 2(a) to 2(b), the most stringent requirement must prevail to the extent of the inconsistency.
- Dangerous goods movement between the facilities at 49 Chard Road and 47 Sydenham Road must not occur at any time.

Reason: To satisfy requirements of the Department of Planning, Housing and Infrastructure (Industry Assessment – Hazards)

**55. Odour**

The development is to be carried out in accordance with the Odour Management Plan submitted under condition 1. All odour source, mitigation and management measures identified in the Odour Management Plan referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure any LPG odour is mitigated appropriately.