



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Issued under the Environmental Planning and Assessment Act 1979 Section 81(1)(a)

Being the applicant of Development Application No. DA0601/2019 for consent to the following development:

INSTALLATION OF A SOLAR PANEL ENERGY SYSTEM ON THE ROOF OF THE APPROVED DEVELOPMENT

LOT 4005 DP 1219051, LOT 4006 DP 1219051, LOT 4008 DP 1219051

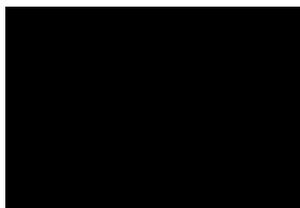
COVE BOULEVARD SHELL COVE NSW 2529

Determination date of consent: 18 December 2019

Note: This Approval will lapse 5 years from the date of consent.

In accordance with section 80 of the Act the Development Application has been determined by the GRANTING OF CONSENT SUBJECT TO THE CONDITIONS DESCRIBED BELOW.

This development consent has been divided into different parts according to where, during the development process, each condition may be most relevant. Some conditions may be appropriate to more than one part. All conditions must be complied with.



**Manager – Planning
City Development**

On behalf of Carey McIntyre, General Manager

PART A – ADMINISTRATIVE CONDITIONS

1. Construction Certificate & PCA Notification *Environmental Planning & Assessment Act 1979 Section 4.19*

Before any site works, building or use is commenced, the person having the benefit of the development consent must:

- a. obtain a Construction Certificate from Shellharbour City Council or other accredited certifier, and
- b. appoint a Principal Certifying Authority.

2. Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2000*.

3. Development in Accordance with Plans and Documents

The development must be in accordance with the following approved Development Application plans and documents as endorsed by Council's stamp. Where there is an inconsistency between the approved plans/documentation and conditions of consent, the conditions of consent take precedence to the extent of the inconsistency.

Plan/Document	Prepared By	Drwg/Document No.	Date
GA – LEVEL UPPER ROOF SOLAR PANEL LAYOUT	SMITH & TSANNES	CD-A-106 REV. E	18/10/2019
EAST & SOUTH ELEVATIONS REVISED SOLAR PANEL LAYOUT	SMITH & TSANNES	CD-A-210 REV. E	18/10/2019
WEST & NORTH ELEVATIONS REVISED SOLAR PANEL LAYOUT	SMITH & TSANNES	CD-A-211 REV. E	18/10/2019
Honey Solar Panel specifications	Trinasolar	Honey FRAMED60 LAYOUTMODULE	undated
Declaration of Diffuse Reflection of Module Glass	Trinasolar	Ref No.: DL2012-019	08/03/2012
WASTE MANAGEMENT PLAN	Frasers Property Australia	LOT 4008 DP 1219051	30/10/2019

* The approved BASIX Certificate may only be updated, without the need to lodge a modification to the development consent, where any change to the BASIX Commitments does not result in the proposal being inconsistent with this development consent and/or alter the approved development application plans.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. Structural Details

The following structural details must be provided to the Certifying Authority prior to the issue of a Construction Certificate:

- a. structural engineers design for all of the solar panel frames and connections to the roof including relevant loadings for wind,
- b. roof truss and bracing details to show that the existing roof can support the panels and associated infrastructure,
- c. manufacturer's specifications for any patented construction systems, and

- d. manufacturer's specifications for the installation of the solar panels

PART C - PRIOR TO COMMENCEMENT OF WORKS

5. Dilapidation Report

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a Dilapidation Report supported with suitable photographic records. This information must be submitted to Council prior to the commencement of work.

6. Site Management Plan

Prior to the commencement of works, the applicant must submit to and obtain approval for a construction and site management plan from the Certifying Authority that clearly sets out the following:

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like,
- b. the proposed method of loading and unloading excavation machines, building materials and formwork within the site, and
- c. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period.

7. Public Liability

Where occupation of and/or works within Council's road reserve are proposed, the beneficiary of this consent must provide evidence to Council of a Public Risk Insurance Policy with a minimum cover of \$20M for the full duration of the proposed works prior to the commencement of works. The Policy must note Council as an interested party.

PART D - DURING CONSTRUCTION WORKS

8. Hours of Work During Building Work

Noise generating activities, including excavation, construction and delivery of equipment and materials, must only be carried out between:

- 7am to 5pm Mondays to Fridays.
- 8am to 1 pm Saturdays.

unless otherwise agreed to by Council in writing.

Work must not be carried out on Sundays or public holidays.

9. Installation of Solar Panels

The solar panels must be installed in accordance with the manufacturer's specifications.

10. Waste Management

The management of waste must comply with the approved Waste Management Plan. All receipts such as waste disposal docketts must be retained (refer Part E). Any variations to the Waste Management Plan must have prior written approval of Council.

11. Storage of Materials

Building materials and equipment must not be stored on the road reserve/footpath area.

PART E - PRIOR TO OCCUPATION

12. Occupation Certificate

All conditions in Parts A, S, C, D & E of this consent are preconditions for the purpose of Section 109H of the Environmental Planning & Assessment Act 1979.

Compliance with all preconditions must be verified by the Principal Certifying Authority prior to issue of a final Occupation Certificate. The building must not be used until the Principal Certifying Authority issues an Occupation Certificate.

13. Verification of Waste Management

Documentation verifying that all waste streams were managed in accordance with the Waste Management Plan must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate. All records, such as waste disposal docketts or photographic evidence, must be retained by the Principal Certifying Authority.

14. Repairs to Public Infrastructure

Any damage to public infrastructure, other than that previously noted in the Dilapidation Report (refer part C), is the responsibility of the developer. All damage must be repaired and reinstated prior to the issue of the Occupation Certificate. This work must be carried out by Council, or Council approved contractor, at the developer's expense.

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Not Applicable.

PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION

Not applicable.

PART H – OTHER APPROVALS

Not applicable.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. To minimise any possible adverse environmental impacts of the proposed development.
2. To ensure that the amenity and character of the surrounding area is protected.
3. To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure that the development does not conflict with the public interest.

Advisory Notes – General

Critical Stage Mandatory Inspections

Mandatory inspections of the building work must be carried out by the Principal Certifying Authority at various stages of construction in accordance with clause 162A of the *Environmental Planning & Assessment Regulation 2000*.

It is recommended that you discuss with your Principal Certifying Authority the occasions when the building work is to be inspected prior to work commencing.

Erection of Signs

The principal contractor and the Principal Certifying Authority will need to have a sign (or signs) erected and maintained on the development site that provides their name and contact telephone number (during and outside work hours for the principal contractor), and stating that unauthorised entry to the site is prohibited. The principal contractor and Principal Certifying Authority can have separate signs or they can both use one sign if they choose.

A maximum penalty of 10 penalty units applies for failure to erect and maintain sign(s) detailing principal contractor and Principal Certifying Authority identification.

SafeWork NSW

The requirements of SafeWork NSW must be satisfied at all times.

Obstacle Height Limitation - Airport

There are height limitations relating to the operation of the airport for developments/activities/construction that may involve cranes, plant or machinery in the Shellharbour Local Government Area. Further details can be obtained from Council concerning the obstacle height limitations.

Failure to Comply with Consent

Failure to comply with any of the conditions of consent may result in a Penalty Infringement Notice being issued against the owner/applicant/builder. Substantially greater penalties may be imposed by the Court for non-compliance.

Lapsing of Development Consent

In accordance with Part 4, Division 4.9, section 4.53 of the *Environmental Planning & Assessment Act 1979*, the development approval lapses five years after the approval date unless building, engineering or construction work relating to the building has physically commenced.

Right to Appeal

If you are dissatisfied with this decision, Part 8, Division 8.3, section 8.7 of the *Environmental Planning & Assessment Act 1979* gives you the right to appeal to the Land & Environment Court within six months after the date on which you receive this notice.

Review of Determination

If you are dissatisfied with this decision, Part 8, Division 8.2 of the *Environmental Planning & Assessment Act 1979* provides that you may request Council to review its determination. The request cannot be made after the time limit for making of an appeal under section 97 expires.

Division 8.2 of the *Environmental Planning & Assessment Act 1979* does not apply to:

- a. a determination to issue or refuse to issue a complying development certificate
- b. a determination in respect of designated development

Development Application No. DA0601/2019
Lot 4008 DP 1219051, Cove Boulevard SHELL COVE NSW 2529

- c. a determination in respect of integrated development
- d. a determination made by the Council under Division 4 in respect of an application made by the Crown.

To Vary Development Consent

The plans and/or conditions of this consent are binding and may only be varied upon application to Council under section 4.55 of the *Environmental Planning & Assessment Act 1979*. The appropriate fee shall accompany the application and no action shall be taken on the requested variation unless and until the written authorisation of Council is received by way of an amended consent.

Prescribed Payment System Tax Obligations

You may have a taxation obligation under the Prescribed Payment System. For more information, contact the Australian Taxation Office on telephone 132866.

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact Dial Before You Dig at www.1100.com.au <<http://www.1100.com.au/>> or telephone on 1100 before excavating or erecting structures (this is the law in New South Wales). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Compliance with *Building Code of Australia*

The development must comply with the *Building Code of Australia* and all related standards and legislation.

END OF NOTICE