

DEVELOPMENT ASSESSMENT REPORT – DA244/16 - PROPOSED TELECOMMUNICATION FACILITY, COUNCIL'S ROAD RESERVE, CORNER OF GLEN ALICE ROAD & NOOLA ROAD, BOGEE NSW 2849

1. PROPOSAL

Council is in receipt of a Development Application DA244/16 for a Telstra telecommunication facility on a section of Council's Road Reserve on the corner of Glen Alice Road and Noola Road, Bogee.

The development is proposed to improve mobile coverage and access to services via the Telstra network to the Lithgow/Glen Alice area. The facility is proposed to include:

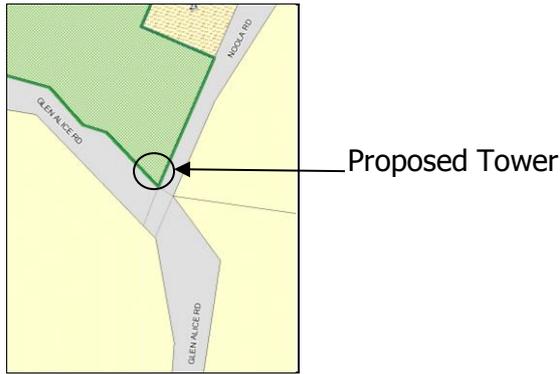
- One new 40m high monopole;
- Six panel antennas on a standard triangular headframe on top of the pole;
- Access to be provided off Noola Road;
- Underground optical fibre and power supply;
- The installation of electrical equipment within the existing Telstra shelter on site; and
- The construction of a fenced lease area to house the facility.

The road reserve consists of an area of 206.4m². The buildings and infrastructure will be confined to a small extension to the existing lease area. The access track is proposed to be upgraded to the compound. Minimal earthworks are proposed for the construction of the concrete footing for the monopole.

The development is in co-location with existing telecommunication infrastructure and WC that currently exists within the road reserve. The existing facility and water closest (WC) is shown in the photo below:



The road reserve has a relatively flat topography and consist of a cluster of vegetation with the location of the tower currently cleared. The selected location is deemed to be the most optimal location required for best technical coverage.



2. SUMMARY

To assess and recommend determination of DA244/16 with recommendation for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description: Council's Road Reserve
 Property Address: Corner of Glen Alice Road and Noola Road, Bogee NSW 2849

The development is located near 2379 Glen Alice Road, Bogee.

4. ZONING: The land is zoned RU2 Rural Landscape in accordance with Council's current planning instrument, being Lithgow Local Environmental Plan (LEP) 2014.

5. PERMISSIBILITY: The development being a *'telecommunications facility'*, as defined below, is considered permissible under Lithgow Local Environmental Plan 2014, subject to development consent as per Clause 115 *'Development permitted with consent'* under the State Environmental Planning Policy (Infrastructure) 2007.

Definition

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Policy 7.5 Notification Of Development Applications

This policy applies to all applications as below:

5. Who will be notified under this Policy and how long is the notification period?

5.1 Except for specified types of development outlined in 6.3 below, written notice of a development application will be given to landowners adjoining the Lithgow City Council Policy 7.5 – Notification of Development Applications land on which the development is proposed for a period of 14 calendar days. For the purposes of this policy adjoining land

is land that directly abuts the subject site; shares a common boundary; or is situated directly opposite to the site where separated by a road, pathway or driveway.

The proposal was notified to surrounding landowners and placed on display for a period of 14 days. The development complies with Council's Policy.

Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land

Development Applications to be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority. Given that the property is owned by Council, the proposal is reported to Council for determination.

5.2 FINANCIAL IMPLICATIONS (eg Section 94)

Section 94A Development Contributions Plan 2015

The Section 94A plan applies to this development given it is for a *telecommunications facility*, at an estimated cost of \$255,000, using the below levies:

Estimated cost of development	Levy applicable
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%
\$200,001 and over	1%

Therefore, the following condition of consent should apply to the development is approved:

- *Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A contribution of \$2,550.00, in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2015. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2015.*

5.3 LEGAL IMPLICATIONS

Roads Act 1993 No 33

The Road Act 1993 states:

Division 2 Short-term leases of unused public roads

153 Short-term leases of unused public roads

(1) A roads authority may lease land comprising a public road (other than a Crown road) to the owner or lessee of land adjoining the public road if, in its opinion, the road is not being used by the public.

As the proposed development is located within Council's road reserve a lease is to be undertaken between Council and Telstra. The road reserve is shown on the Deposited Plan (DP) 731375.

The current Telstra infrastructure within the road reserve entailed a lease with Rylstone Shire Council prior to amalgamations. This lease lapsed on 30 June 2016.

The following condition would be placed on the consent:

Prior to commencement of work the developer is to formalise a lease agreement with Lithgow City Council for use of the road reserve.

The Lessee is to comply with the lease agreement at all times during the leased period.

The application was referred to Council's Engineer's to commence the process for the lease agreement.

Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

5.3.1 Any Environmental Planning Instruments

Lithgow Local Environmental Plan 2014

LEP 2014 – Compliance Check		
Clause		Compliance
Land Use table	RU2 Rural landscape	Yes
7.4	Terrestrial biodiversity	Yes
7.5	Groundwater vulnerability	Yes

Comment: The proposed development is consistent with the zone objectives. The objectives of the zone are:

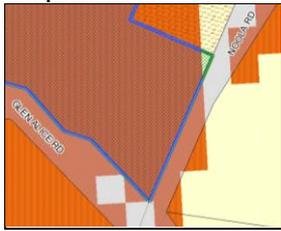
1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- To maintain the rural landscape character of the land.*
- To provide for a range of compatible land uses, including extensive agriculture.*
- To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.*
- To facilitate tourism and recreational uses that are compatible with the capability and suitability of the land.*
- To maintain or improve the water quality of receiving water catchments.*

The road reserve consists of an area of 206.4m². The buildings and infrastructure will be confined to a small extension to the existing lease area. The location of the development is relatively flat and will not impact on the value of the land in terms of agricultural potential, mining etc. as it is only using part of the road reserve. There are no known heritage, contamination or flora/fauna issues relating to the property. The surrounding area is typical of rural farming uses with scattered residential dwellings. The development is not expected to impact adjoining.

The property is identified as containing Biodiversity. The proposed development is not expected to have any adverse impact on ecological value or significant flora and fauna on the property as the development is proposed to occupy a small portion of

the road reserve. Biodiversity is wholly located over the allotment as shown on the map below:



The property is identified as containing ground water vulnerability. The development is not expected to cause contamination as minimal earthworks are proposed. Groundwater dependent ecosystems would not be impacted upon by the development as the landscape of the property is proposed to remain. The development is designed, sited and will be managed to avoid any significant adverse environmental impact. Water vulnerability is mapped below:



The land is deemed suitable for the proposal and is considered to comply with Council's LEP 2014.

State Environmental Planning Policy (Infrastructure) 2007, Amendment (Telecommunications Facility) 2010 and the Principles of NSW Telecommunications Facilities Guidelines including Broadband (2010)

SEPP (Infrastructure) 2007 – Compliance Check		
	Clause	Compliance
Division 21	Telecommunications and other communication facilities	Yes
115	Development permitted with consent	Applies in this case.
	Principles of NSW Telecommunications Facilities Guidelines including Broadband (2010)	
	Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact	Yes
	Principle 2: Telecommunications facilities should be co-located wherever practical.	Yes
	Principle 3: Health standards for exposure to radio emissions must be met.	Yes
	Principle 4: Minimise disturbance and risk, and maximise compliance.	Yes

Comment: The development is located within the RU2 Rural Landscape zone and is not considered to be of a 'high impact'. Therefore the development requires Council Consent and does not fall within the SEPP (Exempt and Complying Development Codes) 2008.

Associated equipment would be located within an existing equipment shelter located within the road reserve. The power cables are proposed to run underground to the pole to avoid external elevated cables.

The facility has been located and designed to have minimal impact to the surrounding landuses and the environment.

State Environmental Planning Policy 44 – Koala Habitat Protection

SEPP 44 is applicable to site given that it exceeds 1ha in size and is located within the Lithgow Local Government Area to which the SEPP applies. Part 2 of the SEPP requires Council to consider whether the land the subject of the application retains potential and subsequently core koala habitat.

Many of the trees listed within Schedule 2 of the SEPP are common within the Lithgow Local Government area, however core koala habitat within this area is rare, with only 12 koala sightings ever reported on private land within the LGA.

Comment: Given that no trees are to be removed as part of the development, and the section of the subject site relevant to the application is devoid of native vegetation it is considered unnecessary to proceed further with SEPP 44 assessment.

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Nil.

5.3.3 Any Development Control Plan

Nil.

5.3.4 Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

No.

5.3.5 Any matters prescribed by the regulations that apply to the land

There are no demolition works, rebuilding or extension of the building is proposed as part of this application.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Adjoining Landuse: The surrounding area is generally for rural farming purposes and scattered residential dwellings. The Bogee Bushfire Shed is located on the adjoining property. The area is characterised by a narrow valley between natural hills and mountains.

The proposal will not cause any land use conflicts and the development is permissible within the zone.

Visual Impacts: The development is proposed to be sited adjacent to the existing Telstra SCAX (Small Country Automatic Exchange) equipment shelter (Telstra infrastructure). The road reserve contains large dense clusters of vegetation to reduce visual impacts to the surrounding area.

Associated equipment to the monopole will be located within the equipment shelter that is in a pale green colour to suit the surrounding vegetation.



The location of the development is proposed to be on a relatively low flat area, located over 100m to the closest residential dwelling on an adjacent property. The height of the monopole is proposed to be 40m in height, a slim structure and grey in colour (expected to blend with the skyline).

Services: The development is proposed to be connected to an underground optical fibre and power supply. Connection to water and sewer is not required.

Context and Setting: The proposed development will be located within an established rural area and will have no major impact on context and setting.

Access/traffic: The proposal will gain access from Noola Road and is proposed to be upgraded to the compound. It is considered that subject to conditions of consent that the access will be adequate for the development.

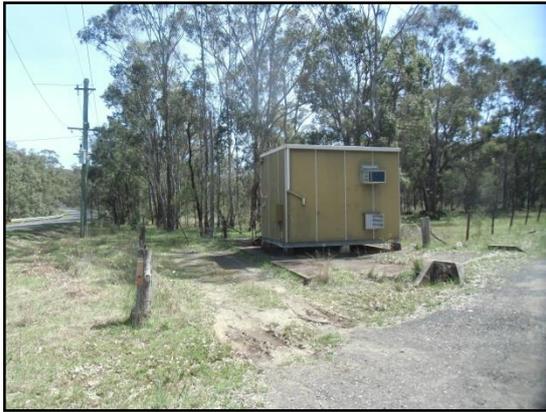
The following condition would be included on the consent:

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

Once operational, the facility will function on a continuously unstaffed basis and may require maintenance work approximately once a year.

Any traffic impacts associated with construction will be of a short term duration and is not anticipated to impact the surrounding road network. It is unlikely that road closure would be required.

The access to the property is shown in the picture below:



Flora and Fauna: No proposed clearing is required and the development will have no impact on flora or fauna.

Safety and Security: The development would be located within a fenced compound that does not require any clearing of vegetation.

Social and Economic Impact: There is currently no telecommunication facilities located in the vicinity of the proposed development. The development is expected to have a positive social and economic impact to the locality as it would provide a service that requires a high demand of consumer usage.

As the proposed development will be generally in keeping with the provisions of the planning instruments, it is expected to have a positive social and economic impact.

Soils: The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by acid sulphate soil or contamination problems.

Air and Microclimate: There will be no significant impact on air or microclimate.

Natural Hazards: The property is located within the bushfire prone area. The vegetation around the development is proposed to remain to limit environmental impacts and preserve the scenic amenity. The Statement of Environmental Effects submitted with the application states:

As the proposal will operate on an un-staffed basis and will not produce any sparks, naked flames or excessive heat. It is not considered that the proposal will increase the risk of bushfire.

The bushfire map is shown below:



No further assessment is required as Council is satisfied that the development meets the Rural Fire Service requirements as the development is not for habitable purposes.

Noise and Vibration: There are no nearby sources of noise or vibration that would impact detrimentally on the proposed development. Emissions associated with the facility would be limited to the construction phase. Noise generated would be of short duration and would be in accordance with the standards outlined in the Environmental Protection Regulation 1998 and Environmental Protection (Noise) Policy 1997. Construction works will only occur between the hours of 7.00am and 6.00pm.

There would be some low level noise from the ongoing operation of air conditioning equipment associated with the equipment shelter once it is installed. It is expected that the noise from the air conditioning equipment would be at a comparable level to a domestic air conditioning installation and would comply with the background noise levels prescribed by Australian Standards AS1055.

Other Land Resources: The development will not impact on the value of the land in terms of its use as a road. A Telstra SCAX has been in place for many years and a new lease will be assessed separately by Council's Operations Department.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for rural pursuits. The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding amenity. Therefore, the site is considered to be suitable for the proposed development.

5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to Council's Building Officer and Engineers for commenting with recommendations detailed below. The proposal was also sent to surrounding landowners and placed on public display in Council's Administration Building for a period of 14 days with no submissions received.

COUNCIL'S BUILDING OFFICER

Reference is made to the development application in regard to Council's Planner's referral dated 29 September 2016 and provide the following comments.

The structure is a class 10b with minimal requirements.

Therefore, there is no objection to the proposal given the following conditions of consent:

General Requirements

Approved Development

1. The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application.

Building Alteration and Modification

2. The building shall not be modified without the prior consent of Council.

Erosion and sediment control

3. To contain soil and sediment on the property, controls may be required. Where the provision of controls are required to prevent sediment entering the stormwater system due to the type of construction and the absence of other control methods, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:

- a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
- b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.
- c) Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

Planner's Comment: The above condition was modified to suit the development.

Signage

4. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a) which that person can be contacted outside working hours.
- b) Stating that unauthorised entry to the work site is prohibited and
- c) Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work is being carried out, but must be removed when the work has been completed.

Requirements prior to construction

Construction Certificate - Building

5. A construction certificate is required prior to the commencement of any site or building works.

Site Security

6. The site is to be secured by temporary fencing during the construction phase. The fence is to be no less effective than a 1.8 metre high chain wire fence and shall be maintained throughout construction activities.

Closet accommodation for Workers

7. Fully maintained temporary closet accommodation for workers is to be provided. The toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must be any of the following:

- i. a standard flushing toilet connected to a public sewer, or
- ii. have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- iii. be a temporary chemical closet approved under the *Local Government Act 1993*.

Notification of Commencement of Building Work

8. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.

9. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:

- a) in the case of work to be done by a Licensee under that Act:
 - i) has been informed in writing of the licensee's name and contractor Licence Number, and
 - ii) it is satisfied that the Licensee has complied with the requirements of Part 6 of that Act, or
- b) in the case of work to be done by any other person:
 - i) has been informed in writing of the persons name and Owner-Builder Permit Number, or
 - ii) has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in work is less than the amount prescribed for the purposes of the definition of Owner-Builder Work in Section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs

Planner's Comment: The above condition was removed to suit the development.

Requirements during construction

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all

relevant requirements. These conditions are to be complied with during the construction of the development on site.

Construction Work Hours

10. All work on site shall only occur between the following hours:
- | | |
|----------------------------|------------------|
| Monday to Friday | 7.00am to 6.00pm |
| Saturday | 8.00am to 1.00pm |
| Sunday and public holidays | No work |

Advisory Notes

AN1. All building work must be carried out in accordance with the provisions of the *National Construction Code*.

Inspection Schedule

AN2. The Principal Certifying Authority (PCA) is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Lithgow City Council Certifiers during construction of the work.

AN3. The Principal Certifying Authority, Council will be responsible to undertake the following inspections of the various stages of construction as follows:

- a. Strip footing etc. when steel is laid prior to pouring concrete.
- b. Framework Note: this may be undertaken in conjunction with the occupation inspection if unlined.
- c. Occupation - when building is completed and painted, in accordance with approved plans and specifications, **prior to occupation.**

Planner's Comment: The above condition was removed to suit the development.

Driveway Construction

AN4. Where a driveway is to be constructed from the roadway kerb crossing to the property boundary, Council Engineers must also be contacted for the driveway construction inspection prior to pouring any concrete for the footpath crossing.

Planner's Comment: The above condition was removed to suit the development.

Prior to Occupation

AN5. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

Duration of Construction Certificate

AN6. A construction certificate becomes effective and operates from the date endorsed on the certificate;

AN7. A construction certificate lapses 5 years after the date endorsed on the certificate;

AN8. A construction certificate does not lapse if the development to which it relates is physically commenced on the land to which the certificate applies within the period of 5 years after the date endorsed on the certificate;

Reference to the National Construction Code

AN9. A reference to the *National Construction Code* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

COUNCIL'S ENGINEERS

Reference is made to the Development Application in regard to Council's Planner's referral dated 29 September 2016 and provide the following comments:

- The lease agreement pertaining to this development application is subject to a separate report to Council.

It is suggested that the following conditions be placed on any development consent:

1. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Noola Road and/or Glen Alice Road whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing. Failure to comply may result in Work Cover intervention and may also include Stop Work orders from Council until such time the developer complies with suitable traffic management procedures.
2. Effective erosion and sediment controls shall be installed prior to any construction activity including dwelling site access. The controls must prevent sediment entering drainage depressions and watercourses, and shall be regularly maintained and retained until works have been completed and groundcover established.
3. A lease agreement for the land is to be entered into between the applicant and council prior to the commencement of works.

5.3.9 The public interest

There have been no issues raised from the public regarding planning issues.

6. DISCUSSION AND CONCLUSIONS

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

7. ATTACHMENTS

Schedule A- Conditions of consent.

8. RECOMMENDATION

THAT development application DA 244/16 is approved subject to conditions set out in Schedule A.

Report prepared by: Lauren Stevens

Supervisor: Paul Cashel

Signed:.....

Signed:.....

Dated:.....

Dated:.....

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Schedule A

Conditions of Consent (Consent Authority)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

ADMINISTRATIVE CONDITIONS

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. The development shall not be modified without the prior consent of Council.

PRIOR TO COMMENCEMENT OF WORK

3. Prior to commencement of work the developer is to formalise a lease agreement with Lithgow City Council for use of the road reserve.

The Lessee is to comply with the lease agreement at all times during the leased period.

4. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Noola Road and/or Glen Alice Road whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing. Failure to comply may result in Work Cover intervention and may also include Stop Work orders from Council until such time the developer complies with suitable traffic management procedures.
5. Effective erosion and sediment controls shall be installed prior to any construction activity including dwelling site access. The controls must prevent sediment entering drainage depressions and watercourses, and shall be regularly maintained and retained until works have been completed and groundcover established.
6. Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.
7. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
 - a) Stating that unauthorised entry to the work site is prohibited and
 - b) Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work is being carried out, but must be removed when the work has been completed.

PRIOR TO CONSTRUCTION

Section 94

8. Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A contribution of \$2,550.00, in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2015. It is advised that the level of contribution in this plan may

be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2015.

Construction Certificate - Building

9. A construction certificate is required prior to the commencement of any site or building works.

Site Security

10. The site is to be secured by temporary fencing during the construction phase. The fence is to be no less effective than a 1.8 metre high chain wire fence and shall be maintained throughout construction activities.

Closet accommodation for Workers

11. Fully maintained temporary closet accommodation for workers is to be provided. The toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must be any of the following:

- i. a standard flushing toilet connected to a public sewer, or
- ii. have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- iii. be a temporary chemical closet approved under the *Local Government Act 1993*.

Notification of Commencement of Building Work

12. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.

DURING CONSTRUCTION

Construction Work Hours

13. All work on site shall only occur between the following hours:
- | | |
|----------------------------|------------------|
| Monday to Friday | 7.00am to 6.00pm |
| Saturday | 8.00am to 1.00pm |
| Sunday and public holidays | No work |

ADVISORY NOTES

Building Code of Australia Compliance

- AN1. All building work must be carried out in accordance with the provisions of the *National Construction Code*.

Inspection Schedule

- AN2. The Principal Certifying Authority (PCA) is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Lithgow City Council Certifiers during construction of the work.

Prior to Occupation

- AN3. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

Duration of Construction Certificate

- AN4. A construction certificate becomes effective and operates from the date endorsed on the certificate.
- AN5. A construction certificate lapses 5 years after the date endorsed on the certificate.
- AN6. A construction certificate does not lapse if the development to which it relates is physically commenced on the land to which the certificate applies within the period of 5 years after the date endorsed on the certificate.

Reference to the National Construction Code

- AN7. A reference to the *National Construction Code* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.