

17/01/2023

**The General Manager
Mid-Western Regional Council**

Att: Lindsay Dunstan
PO Box 156
Mudgee NSW 2850

Dear Sir,

**RE: Section 4.55(1A) Modification to DA0135/2012 -
Temporary Workers Accommodation
SITE: Lot 32 DP 750773 - 94 Main Street, Ulan**

Reference is made to the proposed Section 4.55(1A) modification for DA0135/2012 to be lodged with Mid-Western Regional Council. The following information should be considered with the assessment of the subject modification.

Background

Barnson Pty Ltd has been engaged by Long Necks Developments Pty Limited to prepare information in support of a Section 4.55(1A) modification to DA0135/2012. The subject application gave consent to Temporary Workers Accommodation on Lot 32 DP 750774, known as 94 Main Street, Ulan.

The proposed modification relates to:

- Alterations and Addition to the existing Dining/Kitchen building;
- Addition of a laundry/amenities building;
- Amending condition no. 50 to extend approval period to match new Crown lease arrangement; and
- Deleting condition No. 43 requirement to construct a footpath to Ulan village centre.

The proposed development as modified would remain substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.

Existing Environment

The existing environment includes the current operation of the temporary workers accommodation. Refer to Plans in **Attachment A**.

Existing Approval

Development consent for DA0135/2012 was granted on 22 February 2012 for a 144-person temporary workers accommodation including communal facilities and supporting infrastructure at Lot 32 DP 750773, 94 Main Street, Ulan.

The original development consent has been provided in **Attachment B** of this supporting letter. Please note a (first) modification soon followed the original consent which focussed on utility matters, as well as increasing the approval period. It was approved on 12 July 2012. For clarity a copy of the modified consent is in **Attachment C**.

Proposed Modification

Further discussion on the proposed modification items follows:

- *Alterations and Addition to Dining/Kitchen building*

The scale of the Dining/Kitchen building is in keeping with that originally approved.

The originally approved Dining/Kitchen building was to be assembled using seven (7) modular structures. An opportunity became available to purchase a Dining/kitchen building utilising five (5) modular structures which was considered suitable during the growing stages. To ensure minimal disruption to dining the additional structure/s were connected with a walkway as an annexure rather than attempting to fit in a rectangular formation. The arrangement is considered satisfactory. Refer to plans in **Attachment A**.

- *Addition of laundry/amenities building*

The communal precinct including laundry facilities is generally located at the southern end of the site.

To help manage staff well-being and time constraints imposed by (walking) travel distances between rooms and existing main laundry facilities, a transportable laundry building has been installed at the northern end of the site. The new laundry facility does not result in any significant additional demands on services and matches the appearance of other site buildings, therefore is considered satisfactory. Refer to Plans in **Attachment A**.

- *Amend condition no. 50 to extend approval to match the new Crown lease period*

Condition 50 of the original consent reads as follows:

'This approval is limited to twenty (20) years from the issue of the Occupation Certificate and the facility shall be decommissioned in accordance with the approved Decommissioning Plan within six (6) months of the closure of the facility.'

Condition 50 of the modified consent reads as follows:

'This approval is limited to twenty five (25) years from the issue of the Occupation Certificate and the facility shall be decommissioned in accordance with the approved Decommissioning Plan within six (6) months of the closure of the facility.'

The Crown maintains their support of the development and the benefits it provides in particular to nearby mining operations. The original Crown lease was signed in 2012 for a period of 25 years to 2037. The newly negotiated lease adds 2 x 10-year option periods, ending in 2057.

It is recommended that the condition be modified to match the new Crown lease arrangement which is extended to 2057. The reference to decommissioning should remain. Refer to lease variation document between the Crown and Long Necks Developments in **Attachment D**.

- *Delete condition No. 43 requirement to construct footpath to Ulan village centre*

Condition 43 of the original and modified consent reads as follows:

'The developer shall provide a 1.2 metre wide concrete footpath from the development site to the centre of the Ulan village. Full details are to be provided with the application to Construction Certificate.'

At the time the original development application was made no clients had been secured, and since then operational requirements have been realised to ensure a safe and secure environment for staying workers.

The temporary workers accommodation provides full sustenance as a dry mess. No alcohol is served, and the consumption of alcohol is not encouraged onsite by the site operator or client management. The centre of the Ulan village coincides with the location of the Ulan Post Office Hotel. Workers risk immediate dismissal if found to be under the influence of alcohol which is served at the hotel. Therefore, to maintain client management expectations and not give the impression that the developer is encouraging workers to access the hotel via the footpath it is recommended that the condition be deleted.

Planning Considerations

There are no other significant planning considerations required to be addressed as part of this modification application and it is assumed that all relevant considerations were adequately addressed as part of the original application. The proposed modification is of minimal environmental impact and the changes between the approved development and modified development are minor in nature, therefore rendering the proposed development as modified substantially the same development to what was originally approved.

Conclusion

Since opening Ulan Village Green as the temporary workers accommodation is known has operated successfully without any significant incident. Reviews from clients are complimentary and long-term accommodation leases with nearby mining operations have been secured. The proposed modification supports the continued operation of Ulan Village Green in a safe and efficient manner and will help to secure its future viability.

It is recommended that the proposed modification to DA0135/2012 be supported as the development as modified would be substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.

If you have any further enquiries regarding this matter, please contact the undersigned.

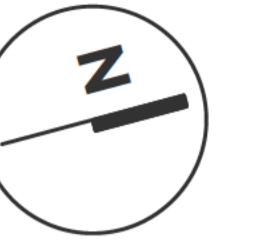
Yours faithfully,

BARNSON PTY LTD



Jim Sarantzouklis MAIBS (Assoc.) MEHA RPIA
DIRECTOR

Attachment A – Plans



~ main street ~



01 SITE PLAN

Scale 1 : 350 @ A1



ISSUED FOR APPROVAL

BARNSON PTY LTD

address: Unit 1, 36 Darling Street
Dubbo NSW 2830
phone: 1300 BARNSON (1300 227 676)
email: generalenquiry@barnson.com.au
web: barnson.com.au

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH GENERAL BUILDING DRAWINGS, SPECIFICATIONS & OTHER CONSULTANTS DRAWINGS APPLICABLE TO THIS PROJECT. ALL DIMENSIONS IN MILLIMETRES. DO NOT SCALE. DIMENSIONS TO BE CHECKED ON SITE BEFORE COMMENCEMENT OF WORK. REPORT DISCREPANCIES TO BARNSON PTY LTD. NO PART OF THIS DRAWING MAY BE REPRODUCED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF BARNSON PTY LTD.

Rev.	Date	Amendment
A	01.12.2022	ISSUED FOR REVIEW
B	07.12.2022	ISSUED FOR APPROVAL

Project:
DINING ROOM EXTENSION AT ULAN VILLAGE GREEN
Site Address:
94 MAIN STREET, ULAN NSW
Client:
ON EDGE PTY LTD

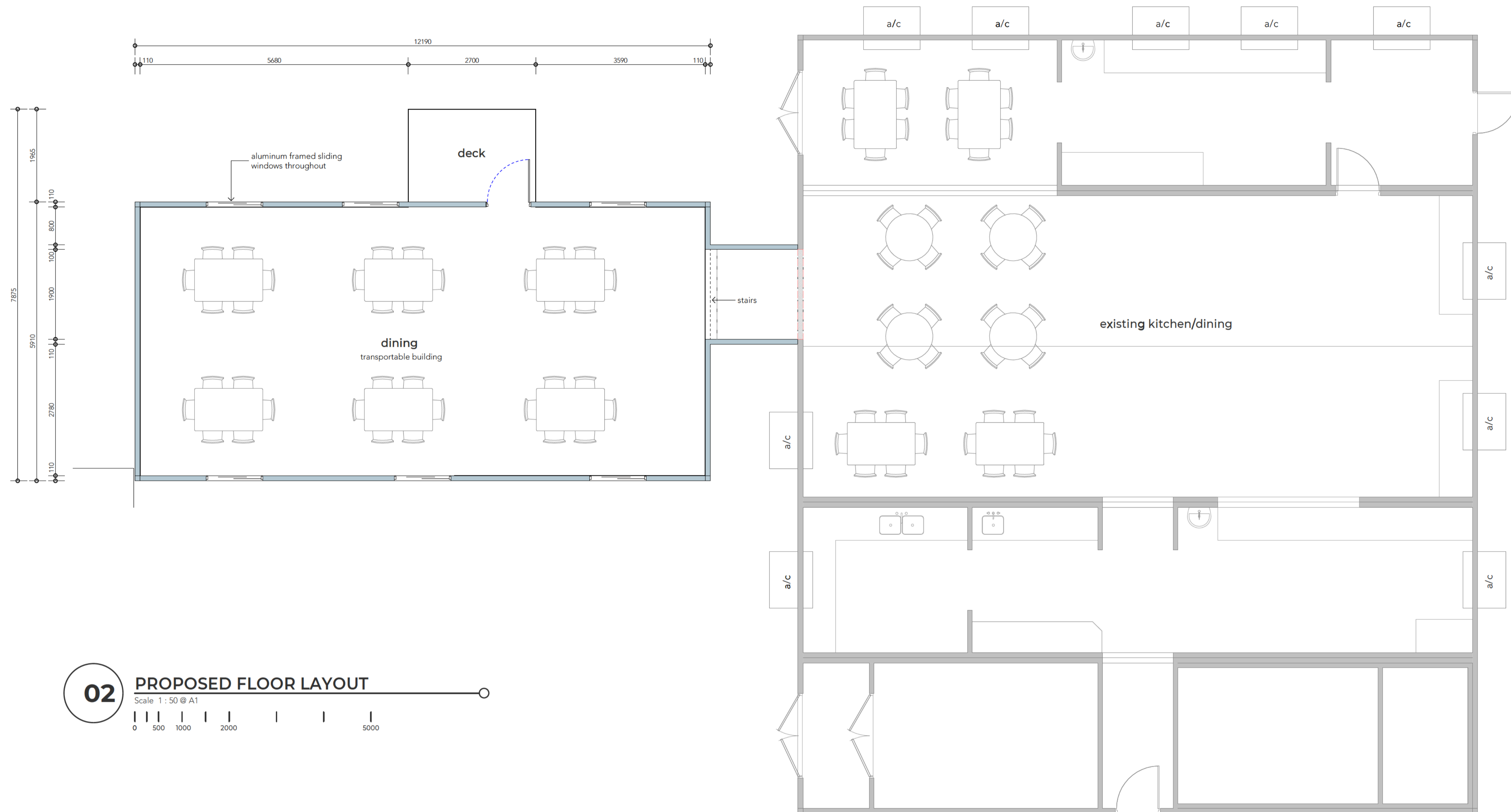
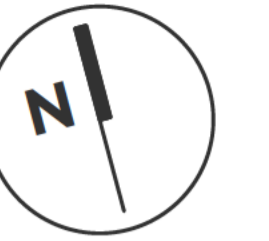
Drawing Title: SITE PLAN

Scale: 1 : 350 @ A1
Sheet: 01 of 03
Project No: 17239

Drawn: AJ
Checked: KG
Revision: B

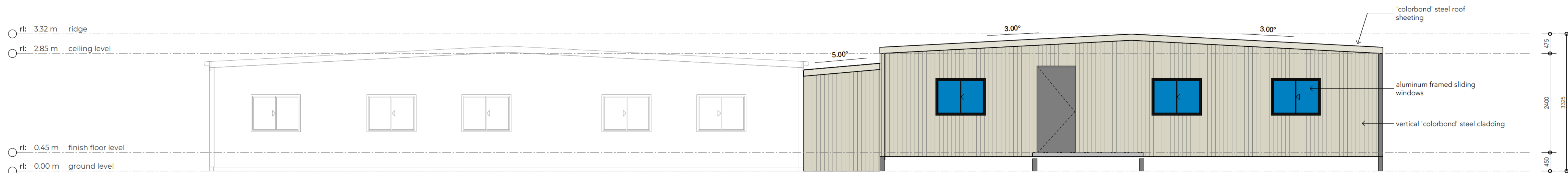
Drawing No.

**17239-
A200**



02 PROPOSED FLOOR LAYOUT
 Scale 1 : 50 @ A1

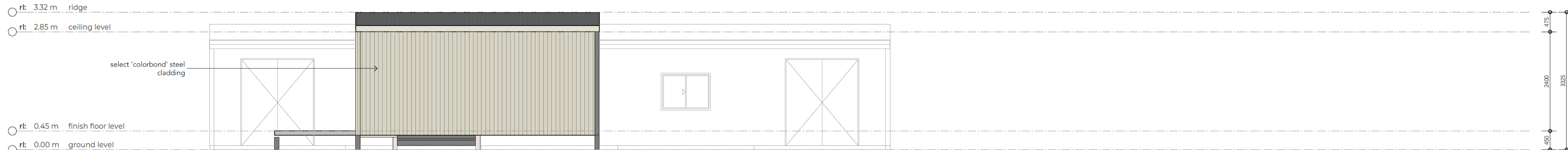
ISSUED FOR APPROVAL



03

ELEVATION. NORTH ELEVATION

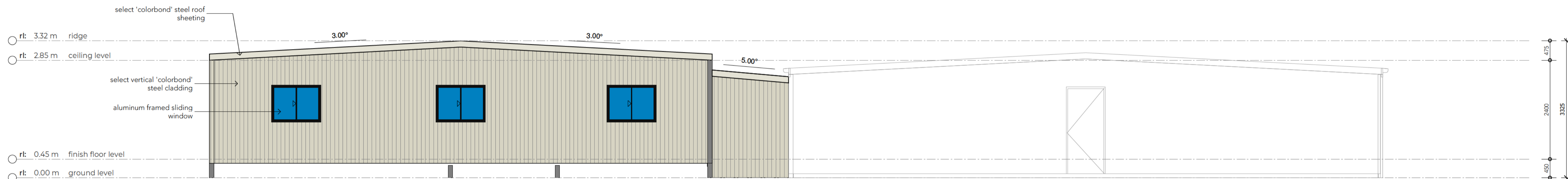
Scale 1 : 50 @ A1



04

ELEVATION. WEST ELEVATION

Scale 1 : 50 @ A1



05

ELEVATION. SOUTH ELEVATION

Scale 1 : 50 @ A1

ISSUED FOR APPROVAL

BARNSON PTY LTD

address. Unit 1, 36 Darling Street
Dubbo NSW 2830
phone. 1300 BARNSON (1300 227 676)
email. generalenquiry@barnson.com.au
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Rev.	Date	Amendment
A	01.12.2022	ISSUED FOR REVIEW
B	07.12.2022	ISSUED FOR APPROVAL

Project.
**DINING ROOM EXTENSION AT
ULAN VILLAGE GREEN**
Site Address.
94 MAIN STREET, ULAN NSW
Client.
ON EDGE PTY LTD

Drawing Title.
ELEVATIONS

Scale. **1 : 50 @ A1**
Sheet. **03 of 03**
Project No. **17239**

Drawn. **AJ**
Checked. **KG**
Revision. **B**

Drawing No.

**17239-
A202**

Attachment B – DA 0135/2012 Original Consent



PO BOX 156
MUDGEE NSW 2850

86 Market Street MUDGEE
109 Herbert Street GULGONG
77 Louee Street RYLSTONE

Ph: 1300 765 002 or (02) 6378 2850
Fax: (02) 6378 2815

email: council@midwestern.nsw.gov.au

Gary Bruce:ah P1411461

22 February 2012

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DAAllApp 599406.docx

Barnson Pty Ltd
Unit 3/108-110 Market Street
MUDGEE NSW 2850

Dear Sir/Madam

**DEVELOPMENT APPLICATION DA0135/2012 TEMPORARY WORKERS
ACCOMMODATION LOT 32 DP 750773 - 94 MAIN STREET ULAN NSW 2850**

I am pleased to advise that your application has been approved by Council.

Attached is Council's formal Development Consent No. DA0135/2012.

It is important that you read the consent and understand the requirements of any conditions imposed. Certain requirements may need to be satisfied prior to proceeding with the development.

The consent is a legal document and should be kept for your future reference as the development proceeds. It should be noted that commencement of the development implies your acceptance of the conditions of consent.

Please Note: No work can commence until a Construction Certificate has been issued, a Principal Certifying Authority (PCA) appointed and Council notified of commencement of work at least 2 days in advance.

Should you have any query regarding the consent or associated conditions, do not hesitate to contact myself or the appropriate Council officer.

Yours faithfully

pl
A large black rectangular redaction box covers the signature area. To the left of the box, the letters "pl" are handwritten in cursive.

Notice of Determination of a Development Application

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

Our Ref: Gary Bruce:ah P1411461	DA No: DA0135/2012
Applicant: Barnson Pty Ltd Unit 3/108-110 Market Street MUDGEE NSW 2850	Land to be Developed: Lot 32 DP 750773 94 Main Street ULAN NSW 2850
Proposed Development: Temporary Workers Accommodation	Building Code of Australia Classification: -
Date of Determination: 15 February 2012	
Determination:	CONSENT GRANTED subject to conditions set out below
Consent to operate from: 22 February 2012	Consent to lapse on: 22 February 2017

CONDITIONS

APPROVED PLANS

- Development is to be carried out generally in accordance with stamped plans (Drawing No. 17239_L01, 17239_A01, Revision C, 17239_A02, Revision C, 17239_A03, Revision C and 17239_A04 Revision C, dated 18 October 2011, drawn by Barnson) and statement of Environmental Effects prepared by Barnson, received by Council on 21 October 2011 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

AMENDMENTS

- Seven (7) accessible units are to be provided within the development site in accordance with AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code.
- All communal facilities are to be provided with accessible features in accordance with the AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the Principal Certifying Authority (PCA) issuing a Construction Certificate. The conditions are required to satisfy the PCA that the proposal is consistent with the applicable development consent, the Building Code of Australia and any Australian Standards that are relevant.

- The applicant is to demonstrate that there is the ability to provide a water supply to the development from roof storm water. This assessment is to be undertaken by a professional

engineer report and is to indicate the harvest potential available, the likely water supply demand for the development and alternate supplies should the demand exceed the harvest potential.

5. Separate written application must be made under Section 68 of the Local Government Act 1993, as amended, to Council for all water supply, sewerage and drainage work associated with the development. Full details of the method of disposal of the sewerage/grey water must be submitted to the Council for approval prior to the issue of the Construction Certificate.
6. The proposed sewerage treatment system and irrigation areas are to comply with the Environmental Guidelines – Use of Effluent for Irrigation by the Department of Environment and Conservation. A report shall be prepared and submitted to Council for approval with the application under Section 68 of the Local Government Act for an onsite sewage management system. Note: The floor level of the Sewerage Treatment Plan shall be 418.5 AHD.
7. A registered Surveyors Certificate showing the boundaries of the site and the proposed building plotted thereon being submitted to the Principal Certifying Authority before construction is commenced.
8. Details of the engineered designed reinforced concrete slab/s and the wall and roof framing structural components of the building must be submitted with the required Construction Certificate.
9. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:

The levy is: \$28,000.00 based on the estimated cost of development of \$ 2,800,000.00.
10. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from telecommunications and energy service providers stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.
11. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.
12. If the *Construction Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.

A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.
13. A Traffic Control Plan (TCP) completed by a “Certified Person” for implementation during works is to be submitted to Mid Western Regional Council prior to any work commencing. Contractor’s insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid Western Regional Council as an interested party.

14. Complete landscaping plans are to be submitted to Council for approval prior to issue of a Construction Certificate. All landscaping is to be established prior to occupation of the development and consist of advanced trees and shrubs. Tree and shrub species should be endemic to the Mid-Western Regional Local government Area, require minimal watering and be salt resistant.
15. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are required to ensure that the site is ready for construction works to commence and satisfy the provisions of the Environmental Planning and Assessment Act 1979 and the Building Code of Australia.

16. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
17. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 - a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c) Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
18. Run-off and erosion controls must be installed prior to clearing the site and incorporate:
 - a) diversion of uncontaminated upsite run-off around cleared and/or disturbed areas and areas to be cleared or disturbed.
 - b) sediment fences at the downslope perimeter of the cleared or disturbed areas to prevent sediment and other debris escaping from the land to pollute water ways and collection areas.
 - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised.
19. During construction temporary toilet facilities are to be provided at or in the vicinity of the nominated work site and for this purpose provide either a standard flushing toilet or an approved sewage management facility.
20. If the work involved in the erection/demolition of the building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
21. The proposed method(s) of compliance with the Building Code of Australia are to be clarified by documentation to be submitted with the Construction Certificate Application. In

this regard, it appears that the Development Application plans do not comply with the following deemed-to-satisfy provisions of the BCA;

- a) Section F2.4 -Facilities for people with disabilities.
 - b) Part D3 - Access for people with disabilities.
 - c) Section E - in particular, E1 Fire fighting equipment, specifically the provision of fire hydrants and fire hose reels compatible to on-site water storage for fire fighting.
 - d) E4 Emergency lighting and exit signs.
 - e) Section J - Energy efficiency (offices)
 - f) Section C - Fire resistance, in particular Type C Fire Resisting Construction of walls within 3 metres of the boundary (including front & rear return walls)
22. The developer is to make arrangements with an archaeologist or indigenous group representing the locality to have people available onsite during any works that require disturbance to the surface or sub surface of the site. This is required to ensure that no indigenous objects are disturbed or destroyed during construction activities.
23. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties.

BUILDING CONSTRUCTION

These conditions are provided to ensure that adequate standards are being observed during the construction phase of the development.

24. Construction work noise that is audible at other premises is to be restricted to the following times:
- | | | |
|------------------|---|------------------|
| Monday to Friday | - | 7.00am to 6.00pm |
| Saturday | - | 8.00am to 1.00pm |
- No construction work noise is permitted on Sundays or Public Holidays.
25. All building work must comply with the requirements of the Building Code of Australia 2011, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
26. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority must be carried out during the relevant stages of construction.
27. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
28. The development must be provided with car parking spaces and with adequate means of access for persons with disabilities in order to comply with Australian Standard 2809.6 – 2009 (Parking facilities – Off street parking for people with disabilities) the Building Code of Australia and the Access to Premises Code. Full details must be provided with the Construction Certificate.
29. The development must be provided with sanitary facilities for people with disabilities in order to comply with Australian Standard 1428 2009 (Design for access and mobility), the Building

Code of Australia and the Access to Premises Code. Full details must be provided with the required Construction Certificate

30. All areas not provided with natural ventilation in accordance with the provisions of the Building Code of Australia being provided with an approved mechanical ventilation and/or air conditioning system complying with Australian Standard 1668, Parts 1 and 2.
31. The rainwater tanks used as a potable water supply for human consumption, in particular, the supply to the amenities within the building, must be protected from contamination from industrial and urban traffic emissions, dead animals, mosquitoes, dust, pesticides, bushfires and any other form of contamination.
32. Details of the method of protection of the water supply from contamination and the method of the subsequent implementation of a testing regime of the water supply must be designed by an approved hydraulic engineer and submitted to Council's Health & Building section prior to the issue of an Occupation Certificate.
33. A copy of the Final Fire Safety Certificate is to be provided to the Commissioner of NSW Fire Brigades and a further copy of the Certificate is to be prominently displayed in the building.
34. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.
35. Smoke detector units are to be installed in accordance with the requirements of the Building Code of Australia. The smoke detectors are to be interconnected and connected to a permanent 240 volt power supply and provided with battery backup to activate the alarm units in the event of power failure. A detail of the system is to be submitted to Council for approval prior to installation.
36. All building work must be carried out in accordance with the requirements of the Building Code of Australia. This includes but is not limited to the following:
 - Part C1 Fire Resistance and Stability
 - Part D3 Access for People with Disabilities –
 - Part F2 Sanitary and Other Facilities
 - Part F2.4 Facilities for people with disabilities
 - Part F5 Sound Transmission and Insulation
 - Section J Energy efficiency

ENGINEERING CONSTRUCTION

37. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of storm water occur on adjoining land as a result of this development.
38. Vehicular entrances comprising concrete driveways and footway crossings are to be provided to the development. These should be constructed in accordance with Aus-Spec #1 and Council standard drawing M525-Rural Access, as outlined in Council's "Access to Properties Policy".

Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting

Council's Development Engineer between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

39. A total of 150 car parking spaces are to be provided within the site of the development and comply with the following requirements:
- Each parking space is to have minimum dimensions of 5.5m x 2.6m;
 - Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan – Design for Accessibility.
 - All car parking spaces are to be line-marked and provided with a two coat bitumen seal and must be maintained in a satisfactory condition at all times;
 - Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking.
40. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority (RTA) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
41. The developer is to upgrade the school zone signage of the Ulan Public school such that it is provided with flashing lights during designated school zone times. All installation and approval requirements through the Local Traffic Committee shall be carried out by the developer sat full cost to the developer.
42. The developer is to upgrade Main Street for the full frontage of the proposed development, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	6.5 metres
Concrete Footpaths	N/A
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Table Drains	Austroads
Subsoil Drainage	N/A
Underground Drainage	N/A

43. The Developer shall provide a 1.2 metre wide concrete footpath from the development site to the centre of the Ulan village. Full details are to be provided with the application for Construction Certificate.
44. Internal Roads shall be sealed with a minimum of 6 metres for two way traffic and 3.5 for one way. Turning heads shall be a minimum radius of 8.5 m. Provision of Kerb and Gutter is optional for internal access roads, but if provided shall comply with Council's Residential Standards.
45. Internal roads shall be designed to a 40km/h minimum speed. Actual speed limits within the development should be limited to 10km/hr for shared zones and signposted accordingly. Traffic regulatory, warning and guide signs throughout the development should be in accordance with AS1742.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

46. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building. An application for an Occupation Certificate must be set out in the form of the relevant part of Form 12 of the Environmental Planning and Assessment Regulations and must be accompanied by the relevant information required by Form 12.
47. On completion of the building work, the owner/agent of the building must cause the Council to be provided with a Final Fire Safety Certificate from a competent person with respect to each essential service nominated in the Fire Safety Schedule issued with the Construction Certificate.
48. All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the premises.
49. The developer and landowner (Crown) shall enter into a Mine Impact Agreement with Ulan Coal Mine Limited prior to the occupation of the development due to the location of the site potentially exceeding noise criterion.

GENERAL

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

50. This approval is limited to twenty (20) years from the issue of the Occupation Certificate and the facility shall be decommissioned in accordance with the approved Decommissioning Plan within six (6) months of the closure of the facility.
51. The proposed development is not to rely on any other water supply other than treated water from the onsite sewerage treatment facility and capturing roof water. Should the development run out of water, then it will close down until water supplies have been supplemented by further rain fall. The proposed development has provided that the water supply will be gained by capturing roof water for a potable water supply and can also be supplemented by treated water for toilets and laundry water supplies.
52. A Decommissioning Plan in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.
53. A Management Plan, including the identification of social impacts, in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.
54. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
55. All loading and unloading in connection with the premises shall be carried out wholly within the site.
56. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".

57. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.
58. Security fencing is to be provided to the site and is to be a maximum of 2.1 metres in height and of pre coloured steel fencing. Full details of proposed fencing are to be included on the landscaping plan.
59. Adequate facilities being provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for the regular removal and disposal of same.
60. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
61. A public address system or sound amplifying equipment shall not, without the consent of Council, be installed in or upon the premises so as to cause or permit the emission of sound onto any public place or nearby residential area.
62. The proposed sewerage treatment plant is to be located at least 100 metres from the Goulburn River to ensure compliance with the Environmental Planning and Assessment Regulations 2000.
63. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified. (Note: A suitably qualified person would be required to be present during earthworks to identify whether any artefacts were uncovered).
64. The existing community facilities (tennis court, grandstand and community building) are to be made available to the local community for community events at no cost for the life of the development.

OTHER APPROVALS

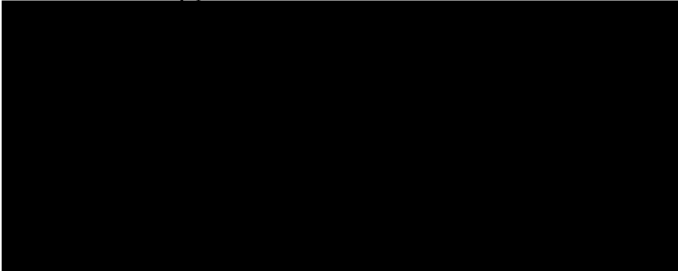
N/A

ADVISORY NOTES

- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 3 Section 82A of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.
- 4 If you are dissatisfied with this decision section 97 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

- 5 To ascertain the date upon which the consent becomes effective, refer to Section 83 of the EP&A Act.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to Section 95 of the EP&A Act.

Signed on behalf of Mid-Western Regional Council by:



Attachment C – DA 0135/2012 First Modified Consent



PO BOX 156
MUDGEE NSW 2850

86 Market Street MUDGEE
109 Herbert Street GULGONG
77 Louee Street RYLSTONE

Ph: 1300 765 002 or (02) 6378 2850

Fax: (02) 6378 2815

email: council@midwestern.nsw.gov.au

GBruce: as P1411461

13 July 2012

\\mwrprod\T1\pro1\data\proprod\T1_PropertyRating\ProForma_Doc\RULES\DevelopmentApplication\DA\Application No. DA11Amend 632827.docx



Barnson Pty Ltd
Unit 3/108-110 Market Street
MUDGEE NSW 2850

Dear Sir/Madam

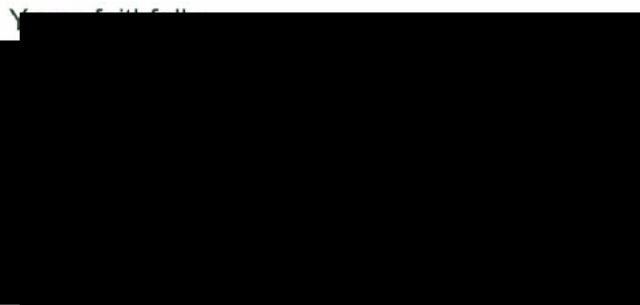
**SECTION 96 APPLICATION NO: MA0037/2012 – TEMPORARY WORKERS
ACCOMMODATION LOT 32 DP 750773- 94 MAIN STREET ULAN NSW 2850**

Reference is made to the original development application (DA0135/2012) approved by Council on 15 February 2012.

An amended development consent No. MA0037/2012 is now attached.

The consent is a legal document and should be kept for your future reference as the development proceeds. It should be noted that commencement of the development implies your acceptance of the conditions of consent.

Should you have any query regarding the consent or associated conditions, do not hesitate to contact myself or the appropriate Council officer.





PO BOX 156
MUDGEE NSW 2850

86 Market Street MUDGEE
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77 Louee Street RYLSTONE

Ph: 1300 765 002 or (02) 6378 2850
Fax: (02) 6378 2815

email: council@midwestern.nsw.gov.au

Notice of Amended Determination of a Development Application

Issued under the *Environmental Planning and Assessment Act 1979* Section 96 (2)

Our Ref: GBruce:as P1411461	Sec 96 No: MA0037/2012
Applicant: Barnson Pty Ltd Unit 3/108-110 Market Street MUDGEE NSW 2850	Land to be Developed: Lot 32 DP 750773
Proposed Development: Temporary Workers Accommodation	Building Code of Australia Classification: -
Date of Determination: 20 June 2012	
Determination:	CONSENT GRANTED subject to conditions set out below
Consent to operate from: 22 February 2012	Consent to lapse on: 22 February 2017

Original DA No: DA 0135/2012

Section 96 No: MA 0037/2012 – Amendment of a number of conditions.
CONDITIONS

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans (Drawing No. 17239_L01, 17239_A01, Revision E, 17239_A02, Revision C, 17239_A03, Revision C and 17239_A04 Revision C, dated 18 October 2011, drawn by Barnson) and statement of Environmental Effects prepared by Barnson, received by Council on 21 October 2011 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

AMENDMENTS

2. Accessible units are to be provided within the development site in accordance with AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code.

3. Communal facilities are to be provided with accessible features in accordance with the AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the Principal Certifying Authority (PCA) issuing a Construction Certificate. The conditions are required to satisfy the PCA that the proposal is consistent with the applicable development consent, the Building Code of Australia and any Australian Standards that are relevant.

4. The applicant is to demonstrate that there is the ability to provide a water supply to the development from roof storm water. This assessment is to be undertaken by a professional engineer report and is to indicate the harvest potential available, the likely water supply demand for the development and alternate supplies should the demand exceed the harvest potential.
5. Separate written application must be made under Section 68 of the Local Government Act 1993, as amended, to Council for all water supply, sewerage and drainage work associated with the development. Full details of the method of disposal of the sewerage/grey water must be submitted to the Council for approval prior to the issue of the Construction Certificate.
6. The proposed sewerage treatment system and irrigation areas are to comply with the Environmental Guidelines – Use of Effluent for Irrigation by the Department of Environment and Conservation. A report shall be prepared and submitted to Council for approval with the application under Section 68 of the Local Government Act for an onsite sewage management system. Note: The lid level of the Sewerage Treatment Plan shall be 418.5 AHD.
7. A registered Surveyors Certificate showing the boundaries of the site and the proposed building plotted thereon being submitted to the Principal Certifying Authority before construction is commenced.
8. Details of the engineered designed reinforced concrete slab/s and the wall and roof framing structural components of the building must be submitted with the required Construction Certificate.
9. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:

The levy is: \$28,000.00 based on the estimated cost of development of \$ 2,800,000.00.
10. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from telecommunications and energy service providers stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.
11. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.

12. If the Construction Certificate is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.

A site supervisor is to be nominated by the applicant prior to issue of the Construction Certificate.
13. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid Western Regional Council prior to any work commencing. Contractor's insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid Western Regional Council as an interested party.
14. Complete landscaping plans are to be submitted to Council for approval prior to issue of a Construction Certificate. All landscaping is to be established prior to occupation of the development and consist of advanced trees and shrubs. Tree and shrub species should be endemic to the Mid-Western Regional Local government Area, require minimal watering and be salt resistant.
15. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are required to ensure that the site is ready for construction works to commence and satisfy the provisions of the Environmental Planning and Assessment Act 1979 and the Building Code of Australia.

16. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
17. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 - a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c) Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.

18. Run-off and erosion controls must be installed prior to clearing the site and incorporate:
 - a) diversion of uncontaminated upslope run-off around cleared and/or disturbed areas and areas to be cleared or disturbed.
 - b) sediment fences at the downslope perimeter of the cleared or disturbed areas to prevent sediment and other debris escaping from the land to pollute water ways and collection areas.
 - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised.
19. During construction temporary toilet facilities are to be provided at or in the vicinity of the nominated work site and for this purpose provide either a standard flushing toilet or an approved sewage management facility.
20. If the work involved in the erection/demolition of the building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
21. The proposed method(s) of compliance with the Building Code of Australia are to be clarified by documentation to be submitted with the Construction Certificate Application. In this regard, it appears that the Development Application plans do not comply with the following deemed-to-satisfy provisions of the BCA;
 - a) Section F2.4 -Facilities for people with disabilities.
 - b) Part D3 - Access for people with disabilities.
 - c) Section E - in particular, E1 Fire fighting equipment, specifically the provision of fire hydrants and fire hose reels compatible to on-site water storage for fire fighting.
 - d) E4 Emergency lighting and exit signs.
 - e) Section J - Energy efficiency (offices)
 - f) Section C - Fire resistance, in particular Type C Fire Resisting Construction of walls within 3 metres of the boundary (including front & rear return walls)
22. The developer is to make arrangements with an archaeologist or indigenous group representing the locality to have people available onsite during any works that require disturbance to the surface or sub surface of the site. This is required to ensure that no indigenous objects are disturbed or destroyed during construction activities.
23. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties.

BUILDING CONSTRUCTION

These conditions are provided to ensure that adequate standards are being observed during the construction phase of the development.

24. Construction work noise that is audible at other premises is to be restricted to the following times:

Monday to Friday	-	7.00am to 6.00pm
Saturday	-	8.00am to 1.00pm

No construction work noise is permitted on Sundays or Public Holidays.

25. All building work must comply with the requirements of the Building Code of Australia 2011, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
26. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority must be carried out during the relevant stages of construction.
27. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
28. The development must be provided with car parking spaces and with adequate means of access for persons with disabilities in order to comply with Australian Standard 2809.6 – 2009 (Parking facilities – Off street parking for people with disabilities) the Building Code of Australia and the Access to Premises Code. Full details must be provided with the Construction Certificate.
29. The development must be provided with sanitary facilities for people with disabilities in order to comply with Australian Standard 1428 2009 (Design for access and mobility), the Building Code of Australia and the Access to Premises Code. Full details must be provided with the required Construction Certificate
30. All areas not provided with natural ventilation in accordance with the provisions of the Building Code of Australia being provided with an approved mechanical ventilation and/or air conditioning system complying with Australian Standard 1668, Parts 1 and 2.
31. The rainwater tanks used as a potable water supply for human consumption, in particular, the supply to the amenities within the building, must be protected from contamination from industrial and urban traffic emissions, dead animals, mosquitoes, dust, pesticides, bushfires and any other form of contamination.
32. Details of the method of protection of the water supply from contamination and the method of the subsequent implementation of a testing regime of the water supply must be designed by an approved hydraulic engineer and submitted to Council's Health & Building section prior to the issue of an Occupation Certificate.

33. A copy of the Final Fire Safety Certificate is to be provided to the Commissioner of NSW Fire Brigades and a further copy of the Certificate is to be prominently displayed in the building.
34. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.
35. Smoke detector units are to be installed in accordance with the requirements of the Building Code of Australia. The smoke detectors are to be interconnected and connected to a permanent 240 volt power supply and provided with battery backup to activate the alarm units in the event of power failure. A detail of the system is to be submitted to Council for approval prior to installation.
36. All building work must be carried out in accordance with the requirements of the Building Code of Australia. This includes but is not limited to the following:

Part C1	Fire Resistance and Stability
Part D3	Access for People with Disabilities –
Part F2	Sanitary and Other Facilities
Part F2.4	Facilities for people with disabilities
Part F5	Sound Transmission and Insulation
Section J	Energy efficiency

ENGINEERING CONSTRUCTION

37. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of storm water occur on adjoining land as a result of this development.
38. Vehicular entrances comprising concrete driveways and footway crossings are to be provided to the development. These should be constructed in accordance with Aus-Spec #1 and Council standard drawing M525-Rural Access, as outlined in Council's "Access to Properties Policy".

Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Development Engineer between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

39. A total of 154 car parking spaces are to be provided within the site of the development and comply with the following requirements:
 - a) Each parking space is to have minimum dimensions of 5.5m x 2.6m;
 - b) Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan – Design for Accessibility.
 - c) All car parking spaces are to be line-marked and provided with a two coat bitumen seal and must be maintained in a satisfactory condition at all times;
 - d) Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking.

40. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority (RTA) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
41. The developer is to upgrade the school zone signage of the Ulan Public school in accordance with the Local Traffic Committee recommendations. All installation and approval requirements through the Local Traffic Committee shall be carried out by the developer at full cost to the developer.
42. The developer is to upgrade Main Street for the full frontage of the proposed development, such that it has the following characteristics:

	Requirement
Half Road Pavement Width	6.5 metres (6.5 metre seal)
Concrete Footpaths	N/A
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Table Drains	Austrroads
Subsoil Drainage	N/A
Underground Drainage	N/A

43. The Developer shall provide a 1.2 metre wide concrete footpath from the development site to the centre of the Ulan village. Full details are to be provided with the application for Construction Certificate.
44. Internal Roads shall be sealed with a minimum of 6 metres for two way traffic and 3.5 for one way. Turning heads shall be a minimum radius of 8.5 m. Provision of Kerb and Gutter is optional for internal access roads, but if provided shall comply with Council's Residential Standards.
45. Internal roads shall be designed to a 40km/h minimum speed. Actual speed limits within the development should be limited to 10km/hr for shared zones and signposted accordingly. Traffic regulatory, warning and guide signs throughout the development should be in accordance with AS1742.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

46. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building. An application for an Occupation Certificate must be set out in the form of the relevant part of Form 12 of the Environmental Planning and Assessment Regulations and must be accompanied by the relevant information required by Form 12.
47. On completion of the building work, the owner/agent of the building must cause the Council to be provided with a Final Fire Safety Certificate from a competent person with respect to each essential service nominated in the Fire Safety Schedule issued with the Construction Certificate.

48. All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the premises.
49. The developer and landowner (Crown) shall enter into a Mine Impact Agreement with Ulan Coal Mine Limited prior to the occupation of the development due to the location of the site potentially exceeding noise criterion.

GENERAL

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

50. This approval is limited to twenty five (25) years from the issue of the Occupation Certificate and the facility shall be decommissioned in accordance with the approved Decommissioning Plan within six (6) months of the closure of the facility.
51. The proposed development is not to rely on any other water supply other than treated water from the onsite sewerage treatment facility and capturing roof water. Should the development run out of water, then it will close down until water supplies have been supplemented by further rain fall. The proposed development has provided that the water supply will be gained by capturing roof water for a potable water supply and can also be supplemented by treated water for toilets and laundry water supplies.
- 51a. MA 0037/2012 permits the use of piped water from the adjacent property of Ulan Water to the facility for use in periods of low rainfall to supplement the onsite water supply. The use of water from Ulan Water is only permitted where the water can be piped from the Ulan Water due to the location of a bore on the Ulan Water site. The trucking in of water is not permitted either to the development site or the adjacent Ulan Water site.
52. A Decommissioning Plan in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.
53. A Management Plan, including the identification of social impacts, in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.
54. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
55. All loading and unloading in connection with the premises shall be carried out wholly within the site.
56. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
57. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.

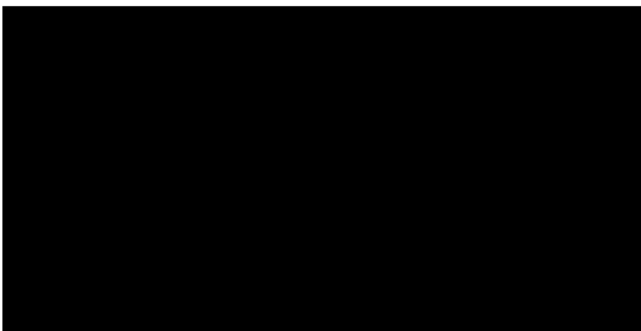
58. Security fencing is to be provided to the site and is to be a maximum of 2.1 metres in height and of pre coloured steel fencing. Full details of proposed fencing are to be included on the landscaping plan.
59. Adequate facilities being provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for the regular removal and disposal of same.
60. There being no interference with the amenity of the neighbourhood by reason of the emission of any " offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
61. A public address system or sound amplifying equipment shall not, without the consent of Council, be installed in or upon the premises so as to cause or permit the emission of sound onto any public place or nearby residential area.
62. The proposed sewerage treatment plant is to be located at least 100 metres from the Goulburn River to ensure compliance with the Environmental Planning and Assessment Regulations 2000.
63. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

(Note: A suitably qualified person would be required to be present during earthworks to identify whether any artefacts were uncovered).
64. The existing community facilities (tennis court, grandstand and community building) are to be made available to the local community for community events at no cost for the life of the development.

Other Approvals:

(DA0135/2012)

Signed on behalf of Mid-Western Regional Council by:



DEVELOPMENT CONSENT ISSUED BY MID-WESTERN REGIONAL COUNCIL	PAGE NO. 2

Notes:

1. *The amendment of this development consent does not extend the date from which approval is current i.e., 22 February 2012*
2. *If you are dissatisfied with this decision section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.*
3. *To ascertain the date upon which the consent becomes effective, refer to Section 83 of the Act.*
4. *To ascertain the extent to which the consent is liable to lapse, refer to Section 95 of the Act.*

Attachment D – Crown lease variation

VARIATION OF LEASE
New South Wales
Real Property Act 1900

Leave this space clear. Affix additional pages to the top left-hand corner.

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

STAMP DUTY Insert Duties Assessment No. as issued by Revenue NSW Office.
Duties Assessment No.

(A) **TORRENS TITLE**
Folio Identifier 32/750773

(B) **HEAD LEASE**
Number AH129615P
Torrens Title

(C) **LODGED BY**

Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any Department of Planning and Environment (Crown Lands) PO Box 2185, DANGAR NSW 2309, LLEN:123334F	CODE
469S	Email: david.baber@crowmland.nsw.gov.au Reference: 11/11102	VL

(D) **LESSOR**
The State of New South Wales

(E) **LEASE VARIED**
AH129615P

(F) **LESSEE**
Long Necks Developments Pty Ltd ACN 630 670 683

- (G) 1. The rent is N.A. to \$ N.A. . N.A. per N.A. on and as from N.A.
2. The term is N.A. to N.A. years N.A. months and N.A. days so as to expire on N.A.
3. The option to renew is N.A.
4. The provisions of the lease are varied as set out in annexure A hereto.

DATE

(H) I certify that I am an eligible witness and that an authorised officer of the lessor signed this dealing in my presence.
[See note* below].

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness:

Signature of authorised officer:

Name of witness:

Authorised officer's name:

Address of witness:

Authority of officer:

Signing on behalf of:

Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the company named below by the authorised person(s) whose signature(s) appear(s) below pursuant to the authority specified.

Company: Long Necks Developments Pty Ltd ACN 630 670 683

Authority: section 127 of the Corporations Act 2001

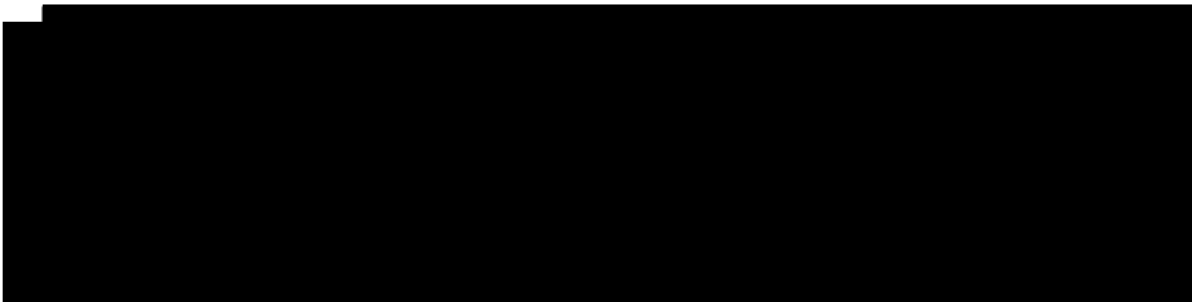
THIS IS ANNEXURE "A" REFERRED TO IN THE VARIATION OF LEASE BETWEEN THE STATE OF NEW SOUTH WALES (LESSOR) AND LONG NECKS DEVELOPMENTS PTY LTD ACN 630 670 683 (LESSEE)

Date of variation:

The Lessor and Lessee agree that the terms of the lease with registration number AH129615P (Lease) are varied as follows;

1. On page 9, the definition "Sinking Fund" is removed.
2. On page 32, Item 11, Bank Guarantee, the words "Not applicable" are replaced with "\$235,000.00".
3. On page 32, Item 11, Bank Guarantee, the Paragraph No. "40" is replaced with "101".
4. On page 34, in clause 84 Commencing Date & Term of Lease, subclause 84(b) and 84(c) are removed.
5. On page 46, in clause 92 Option to Renew, subclause 92(a), 92(b), 92(c), 92(d) and 92(e) are removed and replaced with the following subclauses:
 - (a) The Lessor agrees to vary the Lease to extend the Term by a "First Further Term" of 10 years, on condition that:
 - (i) the Holder gives the Lessor not less than 6 months' notice in writing to that effect prior to the expiration of the Term;
 - (ii) restoration of the existing tennis court and Ulan House has been completed;
 - (iii) requirements for a Bank Guarantee have been satisfied in accordance with Clause 101;
 - (iv) the Minister is able to satisfy the requirements of Sections 5.3 of the *Crown Land Management Act 2016* and any other law then in force in relation to the granting of a further lease to the Holder;
 - (v) payment of all amounts then due and payable (if any), to be made by the Holder to the Minister under this Lease including but not limited to the Rent and Outgoings;
 - (vi) the Holder is not in default of any of its material obligations under this Lease, or if the Holder is in default of any of its material obligations under this Lease, then the Holder has satisfied the Minister that the default will be remedied within an acceptable period and adequate security has been provided to the Minister to secure performance of the obligation or, if compensation is appropriate and the default is not otherwise reasonably capable of being remedied, the Holder has compensated the Minister for the loss occasioned by such default to the Minister's satisfaction (this condition precedent is for

- (vii) all Approvals, required to enable the lawful use and occupation of the Premises under and in accordance with the Lease by the Holder have been obtained and are current.
 - (b) "First Further Term" means that period of 10 years beginning after the Terminating Date.
 - (c) The Lessor agrees to vary the Lease to extend the Term by a "Second Further Term" of 10 years, on condition that:
 - (i) the Holder gives the Lessor not less than 6 months' notice in writing to that effect prior to the expiration of the "First Further Term";
 - (ii) requirements for a Bank Guarantee have been satisfied in accordance with Clause 101;
 - (iii) the Minister is able to satisfy the requirements of Sections 5.3 of the *Crown Land Management Act 2016* and any other law then in force in relation to the granting of a further lease to the Holder;
 - (iv) payment of all amounts then due and payable (if any), to be made by the Holder to the Minister under this Lease including but not limited to the Rent and Outgoings;
 - (v) the Holder is not in default of any of its material obligations under this Lease, or if the Holder is in default of any of its material obligations under this Lease, then the Holder has satisfied the Minister that the default will be remedied within an acceptable period and adequate security has been provided to the Minister to secure performance of the obligation or, if compensation is appropriate and the default is not otherwise reasonably capable of being remedied, the Holder has compensated the Minister for the loss occasioned by such default to the Minister's satisfaction (this condition precedent is for the benefit only of the Minister which the Minister may waive at its election); and
 - (vi) all Approvals, required to enable the lawful use and occupation of the Premises under and in accordance with the Lease by the Holder have been obtained and are current.
 - (d) "Second Further Term" means that period of 10 years beginning after the end of the "First Further Term".
6. On page 48, in clause 96 Sinking Fund, subclause 96(a), 96(b), 96(c), 96(d) and 96(e) are removed and replaced with the words "NOT USED".



7. On page 53, the following clause "101 Holder to provide Security" is added:

101. Holder to provide Security

- (a) The Lessor and the Holder agree that this clause shall apply for the term of this Lease.
- (b) The Holder will on or before the 17th anniversary of the Commencing Date lodge with the Lessor a Bank Guarantee for the Bank Guarantee Amount as security for the fulfilment of the obligations of the Holder under this Lease including the obligations in Clause 101(e). In the event that the Holder fails to fulfil any of his obligations under this Lease the Bank Guarantee may be applied at the absolute discretion of the Lessor towards the cost of fulfilling such obligations. For the purpose of this clause the Holder will be taken to have failed to fulfil the Holder's obligations under this Lease if the Holder fails to comply with any condition covenant or provision of the Lease any provision of the *Crown Land Management Act 2016* or any condition requirement or direction imposed or given pursuant to a condition covenant or provision of this Lease or any provision of the *Crown Land Management Act 2016*.
- (c)
 - (i) Subject to sub-paragraph (ii) the Lessor may after the 23rd anniversary of the Commencing Date of this Lease review at any time the amount of security required in accordance with subclause (b) hereof and by notice in writing served on the Holder increase or decrease the amount to be secured.
 - (ii) Not more than one variation in the amount of security shall be made under sub-paragraph (i).
- (d) Where the amount of security has been increased or decreased pursuant to subclause (c) hereof the Holder will within two (2) months of being required so to do by the Lessor lodge a further security for the amount of security required in which case the Lessor shall release to the Holder the security previously lodged.
- (e) The Holder will lodge a Bank Guarantee for the Bank Guarantee Amount as security to:
 - (i) firstly, meet the costs of providing the improved community and recreation facilities for public use at the end of the Lease term, as referred to in clause 95(c); and
 - (ii) secondly, meet the costs of the Holder's make good obligations at the end of the Lease term, under clauses 55(e), 55(f) and 55(g).

Bank Guarantee Amount means the amount specified in Item 11 of Schedule 1.

Bank Guarantee means an irrevocable and unconditional undertaking written guarantee issued by an Australian bank with an expiry date no earlier than the date being 12 months after the Terminating Date or where the Lease has been extended in accordance with Clause 92 12 months after the end of the First Further Term or 12 months after the end of Second Further Term and in a form acceptable to the Lessor in its absolute discretion to pay the Bank Guarantee Amount to the Lessor on demand and otherwise on terms and conditions acceptable to the Lessor.

