

## Item 8: Development

### 8.1 RVA0002/2024 - Section 8.2 Review of Determination ME0040/2023 (DA0135/2012) - Temporary Workers Accommodation - 94 Main Street, Ulan

REPORT BY THE MANAGER PLANNING  
TO 21 FEBRUARY 2024 ORDINARY MEETING  
GOV400105, P1411461 - Part 4

#### RECOMMENDATION

##### That Council:

1. receive the report by the Manager Planning on RVA0002/2024 - Section 8.2 Review of Determination - ME0040/2023 (DA0135/2012) - Temporary Workers Accommodation - 94 Main Street, Ulan; and
2. review the conditions imposed under ME0040/2023 and amend the conditions as follows (highlighted in green):

#### APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans Site Plan (~~Sewer Disposal Plan Drawing No. 17239—CC1 REV. 5, dated 06.02.2024~~), Accommodation Plan (Drawing No. 17239-A301, REV A, dated 03.05.2023) (~~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, Site Plan – Dining Room Extension, Drawing No. 17239-A200, Revision B, Dated 07.12.2022, Floor Layout – Dining Room Extension, Drawing No. 17239-A201, Revision B, Dated 07.12.2022, Elevations – Dining Room Extension, Drawing No. 17239-A202, Revision B, Dated 07.12.2022, 40' Ablutions Laundry, Sheets 1 to 6 of 6, REV 3, DWG: RWT-NMD-HS777-001) and Statement of Environmental Effects prepared by Barnson, received by Council on 21 October 2011, the Water Supply Quality Assurance Program dated 14 March 2019, the Statement of Environment Effects prepared by Barnson dated 24 November 2023 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.~~

~~Note: this consent does not authorise any works within 40 metres of a watercourse as defined under the Water Management Act 2000.~~

[Modified MA0036/2019]

[Modified ME0024/2023]

[Modified ME0040/2023]

[Amended RVA0002/2024]

## PLAN AMENDMENTS REQUIRED

- 1a. ~~All laundry facilities shown within the development site are to be removed from the plans submitted with any Section 68 Application or Building Information Certificate.~~  
[Added ME0040/2023]  
[Deleted RVA0002/2024]
- 1b. ~~The site plan (DWG17239-A300-REV-B Dated 21.07.2023) is to be updated to include all required setbacks as follows:~~
- ~~• A minimum of 100 metres from the Sewerage Treatment Plant and collection/holding wells from the Goulburn River.~~
  - ~~• A minimum of 250 metres from any dwelling not associated with the development and the Sewerage Treatment Plant and collection/holding wells.~~
  - ~~• A minimum of 150m from the Registered Groundwater Bore GW200870 located on the adjoining lot / to the south western boundary.~~
- [Added ME0040/2023]  
[Deleted RVA0002/2024]
- 1c. ~~The site plan (DWG17239-A300-REV-B Dated 21.07.2023~~ **Drawing No. 17239—CC1 REV. 5, dated 06.02.2024**) is to be updated to include the upgraded Sewerage Treatment Plant which is required to be located **a minimum of 100 metres from the Goulburn River and** no closer to boundaries or the river than the 20,000L Sewerage Treatment Plant.  
[Added ME0040/2023]  
[Amended RVA0002/2024]
- 1d. The approved plans are to be updated to demonstrate full compliance with the requirements of the NSW Rural Fire Service General Terms of Approval dated 26 June 2023 (Ref: DA-2011-04713-S4.55-1) are achieved onsite prior to and at all times during operations of the development – a copy of the General Terms of Approval are attached to this Notice.  
[Added ME0040/2023]

## GENERAL

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.
- 3a. No more than two hundred (guests) and six (6) staff members shall be on-site at one time.  
[Added ME0040/2023]
- 3b. Overflow from the on-site detention basins shall not adversely impact the effluent disposal areas. Suitable mitigation measures such as diversions drains shall be implemented prior to use or occupation.  
[Added ME0040/2023]
- 3c. **Potable water supply to the site shall be limited to 82 litres per person per day.**

[Added ME0040/2023]  
[Deleted RVA0002/2024]

- 3d. ~~Documentary evidence is to be provided to the satisfaction of Council, on a quarterly basis (first period ending 31 March 2024), for a period of not more than 2 years, demonstrating that the total daily design flow of 20,000L has not been exceeded.~~

~~Documentary evidence is to include, but is not limited to service reports, provided and certified by the STP Service Provider, and receipts of any water supply cartage quantities, that occurred during the reporting period.~~

[Added ME0040/2023]  
[Deleted RVA0002/2024]

- 3e. ~~Incident Reporting – Within 72 hours of detecting an exceedance of the daily flow rates of this approval, or the occurrence of an incident that causes (or may cause) harm to the environment, the proponent shall notify Council and other relevant agencies of the exceedance/incident.~~

~~Within 14 days of notifying the Council and/or other relevant agencies of an exceedance/incident, the Proponent shall provide to Council a written report that:~~

- ~~i. Describes the date, time and nature of the exceedance/incident;~~
- ~~ii. Identifies the cause (or likely cause) of the exceedance/incident;~~
- ~~iii. Describes what action has been taken to date;~~
- ~~iv. Describes the proposed measures to address the exceedance/incident.~~

[Added ME0040/2023]  
[Deleted RVA0002/2024]

#### PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE / BUILDING INFORMATION CERTIFICATE

~~The following conditions must be complied with prior to the Principal Certifying Authority (PCA) issuing a Construction Certificate or Building Information 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.~~

[Deleted MA0036/2019]

- 4a. ~~Prior to issue of a Building Information Certificate, the applicant must demonstrate full compliance with the requirements of the NSW Rural Fire Service General Terms of Approval dated 26 June 2023 (Ref: DA-2011-04713-S4.55-1).~~

[Added ME0040/2023]

- 4b. ~~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 Building Information Certificate.

[Modified ME0040/2023]

5. Prior to use or occupation and prior to the issue of a Building Information Certificate, a survey plan prepared by a registered land surveyor shall be provided to Council delineating the approved location of an effluent disposal area (land application area) with a minimum area of 6857 square meters (m<sup>2</sup>).

~~The land application area is to be setback a minimum 15 meters from all habitable buildings, a minimum of 150 meters from any groundwater bore, 6 meters from the northern boundary, 5 meters from all onsite detention basins (OSDs) and outside the 40 meter buffer from the Goulburn River.~~

[Added ME0040/2023]

[Amended RVA0002/2024]

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 Plant shall be 418.5 416.0m AHD. and the Sewerage Treatment Plant must be located a minimum of 100 metres from the Goulburn River, 150 metres from the adjoining groundwater bore (GW200870) a minimum of 250 metres from a dwelling not associated with the development. The report and section 68 application must clearly demonstrate a minimum effluent disposal area of 6857 square meters (m<sup>2</sup>) is available onsite to support the development that achieves compliant setbacks from the river, site boundaries, detention basin/s, car parking and from all accommodation units.

[Modified MA0036/2019]

[Modified ME0040/2023]

[Amended RVA0002/2024]

7. A registered Surveyors Certificate showing the boundaries of the site, and all proposed buildings and sewerage works including the effluent disposal area plotted thereon is to be submitted to the Principal Certifying Authority Council before issue of a Building Information Certificate construction is commenced.

[Modified ME0040/2023]

8. Details of the engineered designed reinforced concrete slab/sand 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 7.12 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 modified development shall be paid to Council in accordance with this condition, prior to issue of the Building Information Certificate.

The levy is: \$14,000.00 based on the estimated cost of the modified development of \$ 1,400,000.00.

**[Modified ME0040/2023]**

- 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 or Building Information 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.

**[Modified ME0040/2023]**

- 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.
- 15a.** The on-site detention system is to be constructed generally in accordance with the Surface Stormwater Management concept plan as shown on Drawing No. 17239 HD32, Revision 1, dated 04/07/2023 prepared by Barnson. Full details shall be submitted to and approved by Council prior to the issue of the Building Information Certificate.

**[New Condition ME0040/2023]**

## **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 Act.**
  - c) Council is to given at least 2 days' notice of the date intended for commencement of**
  - d) 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 Firefighting equipment, specifically the provision of fire hydrants and fire hose reels compatible to on-site water storage for firefighting.**
- 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 and 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-water storage 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.**  
**[Modified MA0036/2019]**
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.**~~  
**[Deleted MA0036/2019]**
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 minimum total of 154 163 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.

[Modified ME0040/2023]

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:

|                          | 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             | Austrorads   |
| 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.~~

[Deleted ME0024/2023]

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 / USE OF THE PREMISES**

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.

- 46a. Prior to the issue of an Occupation Certificate, the applicant is required to arrange for a final inspection of the private water supply and obtain a satisfactory final inspection from Mid-Western Regional Council for the operation of the private water supply work.

[New Condition MA0036/2019]

- 46b. Prior to the issue of an Occupation Certificate, an Approval to Operate the On-Site Sewage Management System granted under Section 68 of the Local Government Act 1993 is to be obtained.

[New Condition MA0036/2019]

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.

- 49a. ~~Prior to issue of an Occupation Certificate, Building Information Certificate and/or use of the development, an application shall be lodged and approved by Council pursuant to Section 68 of the Local Government Act, 1993 for the installation of an On-Site Sewer Management System. The application shall be supported by amended Hydraulic Design Plans and supporting calculations of the development. including the removal of all laundry facilities from the site including the dining room extension and laundry building.~~

~~[Modified ME0024/2023]  
[Modified ME0040/2023]  
[Amended RVA0002/2024]~~

- 49b. ~~The two (2) laundry buildings shall be decommissioned and removed from the site prior to use or occupation of the new buildings. All sanitary plumbing and drainage servicing the laundry buildings shall be removed and backfilled to the satisfaction of Council.~~

~~[Modified ME0040/2023]  
[Deleted RVA0002/2024]~~

- 49c. ~~All laundry facilities within individual units shall be decommissioned and removed from existing buildings prior to use or occupation to the new buildings. All sanitary plumbing and drainage serving the laundry facilities shall be removed to the satisfaction of Council.~~

~~[Modified ME0040/2023]  
[Deleted RVA0002/2024]~~

## 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.

[Modified ME0024/2023]

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.~~

~~[Deleted MA0036/2019]~~

- 51a. ~~MA0037/2012 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.~~

[Deleted MA0036/2019]

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.

65. The private water supply for the site is to be designed, installed and maintained in accordance with the Public Health Act 2010 and the Public Health Regulations 2012 at all times.

[New Condition MA0036/2019]

66. The sites operators are to maintain and operate the private water supply in accordance with the quality assurance program (QAP) and which complies with the Public Health Regulations 2012. A Copy of the QAP is to be provided to the NSW Public Health Unit and records relating to managing the safety of the drinking water supply are to be kept onsite and made available on request of the Local Council or the NSW Public Health Unit.

[New Condition MA0036/2019]

67. Any truck movements associated with supplying potable water to the site are to occur during normal business hours only and are limited to no more than two (2) movements per day.

[New Condition MA0036/2019]

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## Executive summary

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|--|---|
| <b>OWNER/S:</b>                                | NSW Department of Industry – Crown Land<br>(Registered Lease AH129615P)   |
| <b>APPLICANT:</b>                              | The Trustee for Long Necks Unit Trust   |
| <b>PROPERTY DESCRIPTION:</b>                   | 94 Main Street, Ulan (Lot 32 DP750773)  |
| <b>PROPOSED DEVELOPMENT:</b>                   | RVA0002/2024 - Review of Determination<br>ME0040/2023 (DA0135/2012) - Temporary<br>Workers Accommodation                      |
| <b>ORIGINAL ESTIMATED COST OF DEVELOPMENT:</b> | \$2.8 Million   |
| <b>REASON FOR REPORTING TO COUNCIL:</b>        | The review of determination application must be<br>determined by Council in accordance with Section<br>8.3(6) of the EP&A Act |
| <b>PUBLIC SUBMISSIONS:</b>                     | Not Applicable  |

Council resolved on Wednesday, 13 December 2023 to grant consent, subject to modified conditions, to Modification Application ME0040/2023 at 94 Main Street, Ulan.

In summary, the modification approved the following:

1. Modify the approved development plans (condition 1) seeking approval for the use of fourteen (14) transportable buildings for the purpose of temporary workers accommodation (total of 56 rooms, each with a bathroom) unlawfully placed on the subject site;
2. Extension of the sealed car park area at the front of the site;
3. A new stormwater detention basin to capture runoff from the car park;
4. Expansion of the effluent disposal area to accommodate the development towards the rear of the site (adjacent to the Goulburn River) and along the north eastern boundary;
5. Removal of all laundries from site; and
6. Replace the existing 20,000L, with already placed on site 30,000L Sewerage Treatment Plant

The applicant has subsequently submitted a Review of Determination in accordance with Section 8.2(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) lodged on the 25 January 2024 which seeks to alter and/or remove a number of the conditions imposed by Council. A summary of the proposed changes sought by the applicant is detailed within this report with a letter and amended site plan also included (refer to **Attachment 1 and 2**).

Pursuant to Section 8.3 of the EP&A Act and Section 244 of the Environmental Planning and Assessment Regulations 2021 (EP&A Regulations), Council must review the determination or decision if duly requested to do so subject to the requirements of these Sections.

## Disclosure of Interest

Nil

## Detailed report


A summary of the conditions which are subject to the applicants request for review under ME0040/2023 is considered below and full written request, as provided by applicant, is included as **Attachment 1**.

Of importance, the applicant has now submitted a drawing demonstrating sufficient disposal area and compliant setbacks exists on site, to accommodate the additional 14 units, and laundry facilities. The areas/setbacks indicated on the drawing will need to be confirmed via survey, via existing Condition 7 - prior to issue of a Building Information Certificate.

It is important to note that the conditions sought to be reviewed relate to Council imposed requirements and therefore no referral to other agencies is required as part of this review application.

| Current condition:                             | Proposed review request: | Comment:   |
|--|--------------------------|--|
| Condition 1 – Approved plans and documentation | Removal of Notation      | <p>No formal request has been made to review condition 1 other than removal of the notation relating to the 40m setback requirement from the river under the Water Management Act which is generally supported.</p> <p>However, the applicant has provided an amended overall site plan (which includes a further amended setbacks and updated effluent disposal area) for Councils review and endorsement dated 06.02.2024.</p> |

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|   |  | In the event that Council support the review of determination application, condition 1 must be amended to reflect the updated site plan. Failing to amend condition 1 will result in 2 differing site plans being approved by Council as part of this review.                                  |
| Condition 1a – removal of laundry facilities from the plans.  | Delete condition 1a  | Supported. The applicants updated site plan includes a notation to remove the second laundry building from the site which would ultimately conflict with the expansion to the effluent disposal area required to support the development. The original laundry building is proposed to remain. |
| Condition 1b – update to site plan with all required setbacks.  | Delete condition 1b  | Supported. The applicants updated site plan dated 06.02.2024 includes notations with the relevant setbacks required to achieve compliance as originally requested by Council.  |
| Condition 1c – update to site plan to ensure Sewerage Treatment Plan is 100m from river                             | Amend condition 1c to remove setback requirement of 100m from the river                        | Supported. The applicants updated site plan dated 06.02.2024 includes notations with setbacks required to achieve compliance as originally requested by Council.   |
| Condition 3c – potable water supply limited to 82L /person/day  | Delete condition 3c  | Supported. The supply of potable water may also be regulated under a new Section 68 Activity Approval.   |
| Condition 3d – provide documentary evidence to Council the total daily design flow of 20,000L has not been exceeded | Delete condition 3d  | Supported. The maximum design flow requirements will be regulated under a new Section 68 Activity Approval.  |
| Condition 3e – incident reporting for exceedances   | Delete condition 3e  | Supported. The requirement for reporting incidents will be regulated under a new Section 68 Activity Approval.   |
| Condition 5a – land application area setbacks   | Amend condition 5a to remove the setback requirements imposed                                  | Supported. The applicants updated site plan dated 06.02.2024 includes notations with setbacks required to achieve compliance as originally requested by Council.   |
| Condition 6 – sewerage treatment system and irrigation area   | Amend condition 6 to refer to updated Australian standards/guidelines and remove references to | Supported <u>in part</u> .<br><br>The review of determination application cannot legally include conditions (including part thereof) imposed <u>prior to</u> consent granted under application   |

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| <p>requirements</p>  | <p>minimum setbacks and minimum disposal area required</p>                        | <p>ME0040/2023 approved on the 13 December 2023. Therefore, updates to the Australian Standards/guidelines is not supported.</p> <p>The applicants updated site plan however includes notations with the setback required to achieve compliance and removal of the setbacks in the condition are supported.</p>  |
| <p>Condition 49a – S.68 application requirements prior to Occupation</p>               | <p>Condition 49a amended to remove reference to removal of laundry facilities</p> | <p>Supported. The applicants updated site plan includes notations to remove 1 of 2 laundry buildings from the site.</p>  |
| <p>Condition 49b – decommissioning of laundry buildings prior to occupation of TWA</p> | <p>Delete condition 49b</p>   | <p>Supported. The applicants updated site plan includes notations to remove 1 of 2 laundry buildings from the site.</p>  |
| <p>Condition 49c – decommissioning of laundries within units</p>                       | <p>Delete condition 49c</p>   | <p>Supported. However, the applicants updated site plan includes notations to remove 1 of 2 laundry buildings from the site.</p> <p>It should also be noted that the four (4) ‘executive rooms’ located on the site each have a washer/dryer located within the rooms and as such must be included in the waste water assessment calculations – see image below and current website advertisement <a href="#">Executive Room – Ulan Village Green</a>.</p> <div data-bbox="746 1346 965 1648" style="border: 1px solid #ccc; padding: 5px;"> <p><b>Executive Room</b><br/> <b>POA</b></p> <p>Complete with everything you need to rest and relax.</p> <ul style="list-style-type: none"> <li>• 3 x Meals</li> <li>• Handicap Accessible</li> <li>• In-room washer/dryer</li> <li>• Queen Bed</li> <li>• Air Conditioning</li> <li>• Tea &amp; Coffee Station</li> <li>• Private Ensuite</li> <li>• Fridge</li> <li>• Desk</li> <li>• Smart TV &amp; Free WiFi</li> </ul> <p style="text-align: center;"><a href="#">Book Now</a></p> </div>  <p style="text-align: center;">Accommodation Facilities</p> |
| <p>Condition 62 – sewerage treatment plant to be location 100m from the River</p>      | <p>Delete condition 62</p>  | <p>Not supported. No changes were made to this condition under ME0040/2023. The review of determination application cannot legally include conditions imposed <u>prior to</u> consent granted under ME0040/2023 on the 13 December 2023. Noting that this condition has been imposed on the first consent approved by Council under DA0135/2012.</p>   |
| <p>-</p>   | <p>New condition 62a proposed by</p>  | <p>Not supported. An updated site plan (including effluent disposal area as modified) has been</p>   |



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|  | <p>applicant as follows:<br/>                 “Any proposed sewerage treatment plant is to be located in accordance with the drawing “Locality Plan and Site Layout” 17239-A01 Rev C or in accordance with any plans approved by the required application under Section 68 of the Local Government Act 1993 pursuant to condition 6 on this consent.”</p> | <p>approved as part of condition 1 (approved plans).</p> <p>The plan submitted as Attachment B to the applicants letter dated 24 January 2024 (refer to <b>Attachment 1</b> of this report) is referenced as 17239 CC Plan Rev 2 dated 22-12-2023. This plan was subsequently amended with all required setbacks and is now dated 06.02.2024 (refer to <b>Attachment 2</b> of this report)</p> <p>It is noted that the reference and title the applicant seeks to include as new condition 62a (Locality Plan and Site Layout” 17239-A01 Rev C) relates back to the DA approval from 13 July 2012 and does not relate to the 200 beds approved by Council under ME0040/2023.</p> <p>As a result of the above findings, there is no nexus to require a new condition to refer to a former superseded plan (based on 144 persons).<br/>                 Further, the final plans, as approved under this modified development would form part of a future (new) section 68 application considered under the current Local Government Act and associated Regulations requirements.</p> |
|--|---|---|

### Community Plan implications

|              |   |
|--------------|---|
| <b>Theme</b> | <b>Protecting Our Natural Environment</b>   |
| Goal         | Protect and enhance our natural environment   |
| Strategy     | Ensure land use planning and management enhances and protects biodiversity and natural heritage |

### Strategic implications

**Council Strategies**

Not Applicable

**Council Policies**

- Mid-Western Local Environmental Plan 2012
- Mid-Western Development Control Plan 2013
- Community Participation Plan 2019

**Legislation**

- Local Government Act 1993*
- Public Health Act 2010*
- Environmental Planning and Assessment Act 1979 (as amended)*
- Environmental Planning and Assessment Regulation 2021*

### Financial implications

Should Council refuse the application however, the costs associate with an appeal through the Land & Environment Court will be required to be funded by Council.

## Associated Risks

Should Council refuse the review application, the applicant may appeal through the Land & Environment Court.

LINDSAY DUNSTAN  
MANAGER PLANNING

ALINA AZAR  
DIRECTOR DEVELOPMENT

5 February 2024

*Attachments:* 1. Written Request to Review from Applicant. (separately attached)  
2. Updated Site Plan - Submitted 7 February 2024. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER