

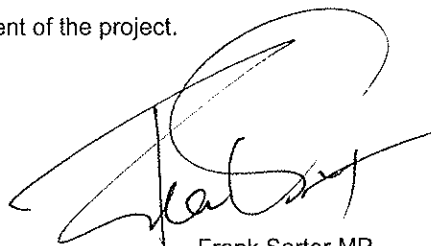
Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedules 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Frank Sartor MP
Minister for Planning

Sydney

13 April

2007

SCHEDULE 1

Project Application:	06_0310
Proponent:	Emirates Hotels (Australia) Pty Ltd
Approval Authority:	Minister for Planning
Land:	DP 751666: Lots, 4, 5, 6A, 7A, 8A, 8B, 9B, 10, 10A, 11, 11B, 12B, 12C, 18, 19, 26, 43, 46; DP 726429: Lot 1; DP 751624: Lots 4, 5, 13, 14, 15, 16, 17, 26; DP 751634: Lots 1, 2, 3; and Lot B: See Drawing 111202004 Rev 00 (within the Wollemi National Park – see figure in Appendix 1) Land identified as Wolgan Road Reserve (see Appendix 2)
Project:	Construction and use of a tourist resort and associated infrastructure

SCHEDULE 2

DEFINITIONS

BCA	Building Code of Australia
Council	Lithgow City Council
DEC	Department of Environment and Conservation
DNR	Department of Natural Resources
Department	Department of Planning
Director-General	Director-General of the Department of Planning (or delegate)
EA	Environmental Assessment titled <i>Emirates, Wolgan Valley Resort and Spa – Modification of Concept Plan and Project Application</i> , prepared by urbis JHD, and dated November 2006;
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning
Project	Construction and use of a tourist resort and associated infrastructure
Proponent	Emirates Hotels (Australia) Pty Ltd, or its successors in title
Site	Land to which the project application applies (see Schedule 1)

ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or decommissioning of the project.

Terms of Approval

2. Subject to the changes in condition 3, the Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) architectural drawings A100-104, A201-205, A210, A211, A300, A301, A310, A401, A402, A410, A411, A500, A510, A550, A560, A601, A610, A651, A660, A700, A710, A800, A810, A811, A900, A905, A910, A911, A915 and A916 (see Appendix 3);
 - (c) feral proof fence details LSK 05544-117 – LSK 05544-120 (see Appendix 4);
 - (d) dam location C18 (see Appendix 5);
 - (e) civil road Network drawings C00-C12, C18-C22, C50-C52, C54, C56-C58, C70-C72, C80 and C81 (see Appendix 6);
 - (f) external lighting plan 18438-SYD-E-04 and 18438-SYD-E-05 (see Appendix 7);
 - (g) infrastructure plans, including Water Strategy Network, Stormwater Network, Waste Water Management System, Pool Water Treatment Services P001-P011, Hydraulic Infrastructure HI001, HI100-105, HI200-208, Fire Sprinkler Services F100-103, Hydraulic Services H001, H100-113, H115-117, H500 and H200-209 (see Appendix 8);
 - (h) conceptual layout of the energy supply network plan 18438-SYD-E-02, E-03, E-07, E-08, E-10, E-11, E-12, E-13, E-16, E-17, E-22, E-25, E-26, E-29 and E-30 (see Appendix 9);
 - (i) electrical reticulation plans H316 E1-E9 (Appendix 10);
 - (j) landscape management plan **for the development precinct**, including LSK 05544-100, 101, 125, 05544-LV01, LV11, L02 and L03 (see EA);
 - (k) conservation management plan (see EA);
 - (l) statement of commitments (see Appendix 12); and
 - (m) conditions of this approval.
3. Prior to the commencement of construction, the Proponent shall do the following to the satisfaction of the Director-General:
 - (a) review and revise the proposed design of the feral proof fence, in consultation with the DEC;
 - (b) provide suitable public access between Wolgan Road and the Gardens of Stone National Park (including Donkey Mountain) in consultation with the DEC;
 - (c) revise the proposed design of the wastewater storage to ensure that no uncontrolled discharges occur;
 - (d) provide the detailed plans for any new water storages on site, including wastewater storages; and
 - (e) submit the final version of the infrastructure plan and conservation management plan.
4. If there is any inconsistency between the above, the most recent plan/document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.

5. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans or correspondence that are submitted by the Proponent in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in those reports, plans or correspondence submitted by the Proponent.

Limits of Approval

6. The Proponent shall ensure that the project does not generate more than 4 helicopter trips a week (ie 8 helicopter movements).

Structural Adequacy

7. The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

Notes: Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

Protection of Public Infrastructure

8. The Proponent shall:
 - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Operation of Plant and Equipment

9. The Proponent shall ensure that all plant and equipment used at the site is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Management Plans/Monitoring Programs

10. With the approval of the Director-General, the Proponent may prepare and submit any management plan or monitoring program required under this approval on a progressive basis.

Pre-Operation Compliance Audit

11. Prior to the commencement of operations, the Proponent shall submit work as executed plans to the Department for all the development associated with the project. These plans must be prepared by a suitably qualified and experienced expert, and include plans showing the work as executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.

SPECIFIC ENVIRONMENTAL CONDITIONS

LANDSCAPE MANAGEMENT

12. During the project, the Proponent shall landscape the site in general accordance with the landscape concept plan (see Appendix 11), and conserve and maintain this landscaping to the satisfaction of the Director-General.
13. The Proponent shall prepare and implement a Landscape Management Plan for the project to the satisfaction of the Director-General. This plan must include the detailed landscape management plans for each of the 5 precincts in the approved concept plan, and:
 - (a) be prepared by a suitably qualified and experienced expert whose appointment has been endorsed by the Director-General;
 - (b) be prepared in consultation with DEC, DNR, and Council;
 - (c) be submitted to the Director-General for approval prior to the commencement of construction; and
 - (c) include a:
 - an outline of the landscaping objectives for each precinct;
 - a description of the short, medium and long term measures that would be implemented to landscape each precinct;
 - detailed completion criteria for the landscaping of each precinct;
 - a detailed description of the measures that would be implemented over the next 5 years to landscape the site, including the procedures to be implemented for:

- revegetating the site;
- managing the impacts on fauna;
- rehabilitating the creeks on site;
- landscaping the site to minimise the visual impacts of the development on Wolgan Road and the adjoining national parks;
- conserving and reusing topsoil;
- collecting and propagating seed for rehabilitation and revegetation works;
- controlling weeds and feral pests; controlling access;
- bushfire management;
- managing any potential conflicts between the landscape plan and Aboriginal cultural heritage;
- a detailed description of how the performance of the landscaping plan would be monitored over time; and
- a detailed description of who would be responsible for monitoring, reviewing and implementing the plan.

SOIL AND WATER

Water Supply

14. Prior to the commencement of construction, the Proponent shall obtain the necessary approvals for the project required under the *Water Act 1912*, and provide a copy of these approvals to the Director-General.

Discharges

15. The Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters.

Design of Water Storages

16. The Proponent shall ensure that the any water storages on site have a minimum base and wall permeability of 1×10^{-9} metres per second, or are artificially lined with an impermeable high density polyethylene liner.

Irrigation Systems

17. The Proponent shall manage and monitor the irrigation systems in accordance with the report titled *Site Based Management Plan On-site Wastewater Treatment* prepared by Sustainable Solutions International and Steve Paul & Partners Pty Ltd and dated January 2007.

ABORIGINAL HERITAGE

18. The Proponent shall not destroy or relocate any Aboriginal object on site without the written approval of the Director-General.

ENVIRONMENTAL MANAGEMENT

Construction Management Plan

19. The Proponent shall prepare and implement a Construction Management Plan for the project to the satisfaction of the Director-General. This plan must:
 - (a) be submitted to the Director-General for approval prior to the commencement of construction; and
 - (b) include a:
 - construction traffic management plan that has been prepared in consultation with Council and the local community in the Wolgan Valley, and includes a driver code of conduct for construction vehicles associated with the proposed works, and describes the measures that would be implemented to:
 - minimise the traffic impacts of the proposed development, and
 - ensure that Wolgan Road remains safe for all traffic during the construction period;
 - soil and water management plan that has been prepared in accordance with the relevant requirements of Landcom's *Managing Urban Stormwater: Soils and Construction*, and describes the measures that would be implemented to minimise the erosion and the discharge of sediments from the disturbed area during construction;
 - aboriginal heritage management plan that has been prepared in consultation with the DEC and relevant Aboriginal community groups, and describes the measures that would be implemented to:
 - protect Aboriginal objects/sites outside the disturbance area;
 - salvage and/or conserve any Aboriginal objects in the disturbance area;

- respond to the discovery of any new Aboriginal objects or skeletal remains during construction;
- involve Aboriginal community groups in the conservation and management of Aboriginal cultural heritage on the site;
- flora and fauna management plan, that describes the measures that would be implemented to:
 - protect the areas adjoining the disturbance areas;
 - undertake pre-clearance surveys; and
- community consultation plan, which includes a complaints handling protocol.

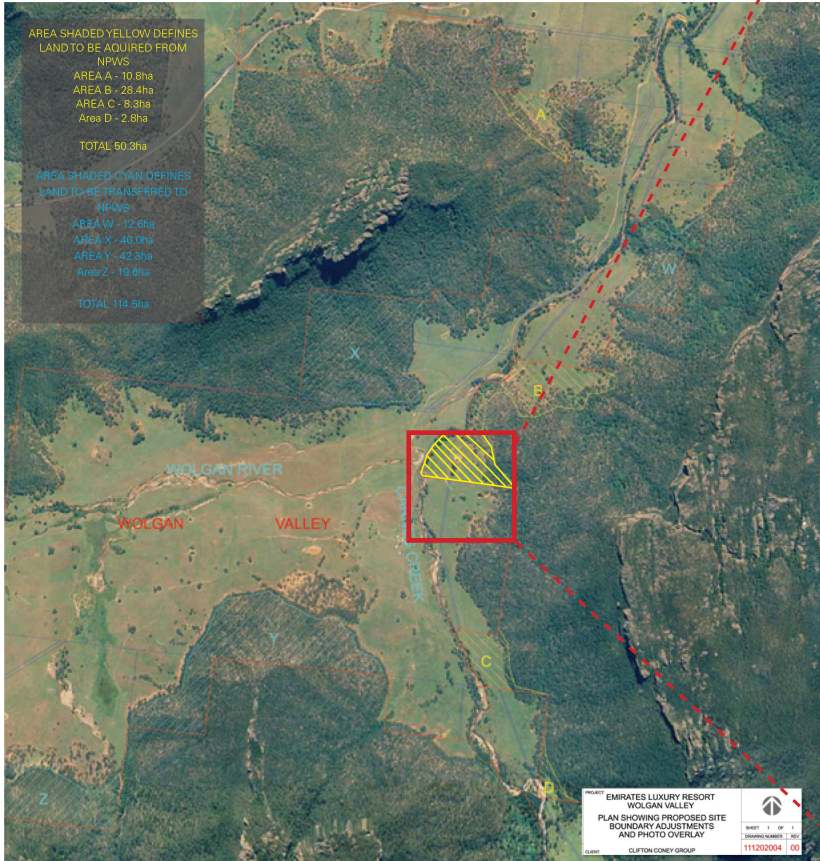
Environmental Management Plan

20. The Proponent shall prepare and implement an Environmental Management Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be prepared in consultation with the DEC, DNR, Council and the local Wolgan Valley community;
 - (b) be submitted to the Director-General for approval prior to the commencement of operations;
 - (c) provide the strategic context for environmental management of the project;
 - (d) identify the statutory and other obligations that apply to the project;
 - (e) describe in general how the environmental performance of the project would be monitored and managed throughout the life of the project;
 - (f) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the construction, operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliance; and
 - respond to emergencies;
 - (g) include a:
 - a transport management plan;
 - an emergency management plan, including a bushfire management plan;
 - waste management plan; and
 - the other plans required under this approval or included in the statement of commitments that are relevant to the ongoing operation of the project.

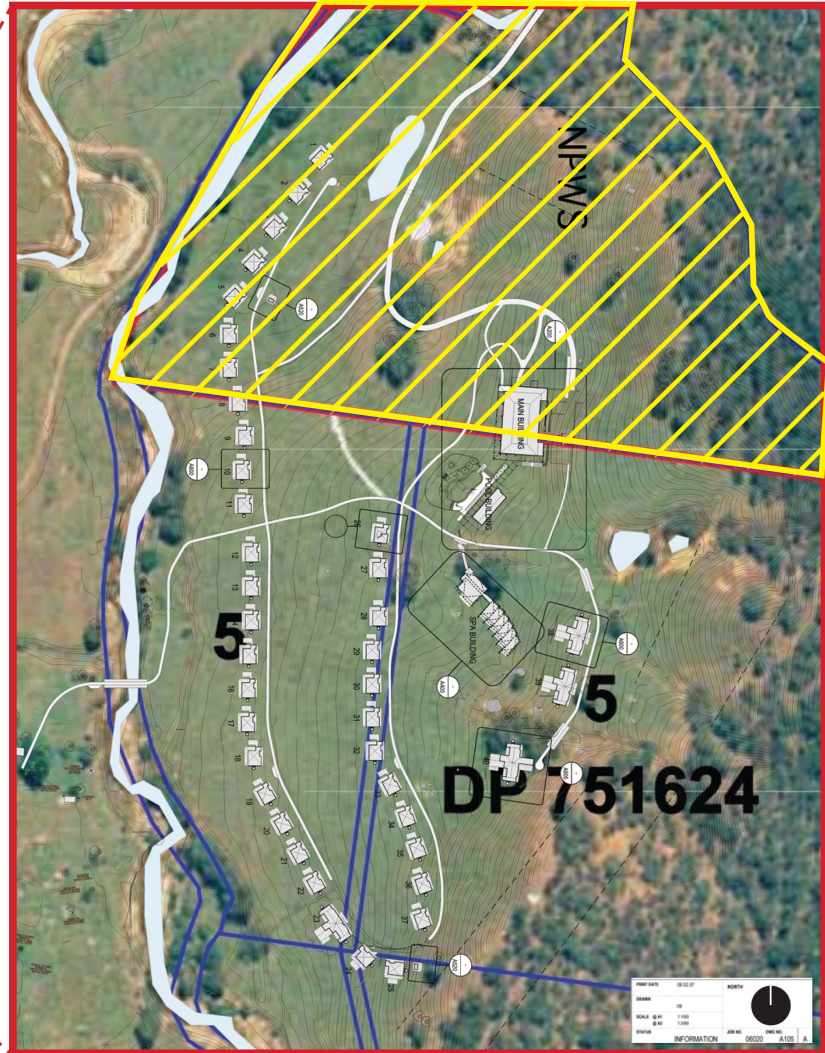
Independent Audit

21. Within 3 years of the commencement of construction, and every 5 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
- (a) be conducted by a suitably qualified, experienced, and independent person whose appointment has been approved by the Director-General;
 - (b) include consultation with the relevant agencies;
 - (c) assess the environmental performance of the project, and its effects on the surrounding environment, and in particular the implementation of the Landscape Management Plan;
 - (d) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
 - (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.
22. Within 6 months of completing the audit, the Proponent shall review, and if necessary revise, the various management plans and monitoring programs for the project to the satisfaction of the Director-General.

APPENDIX 1: AREA OF NATIONAL PARK LAND TO BE LEASED

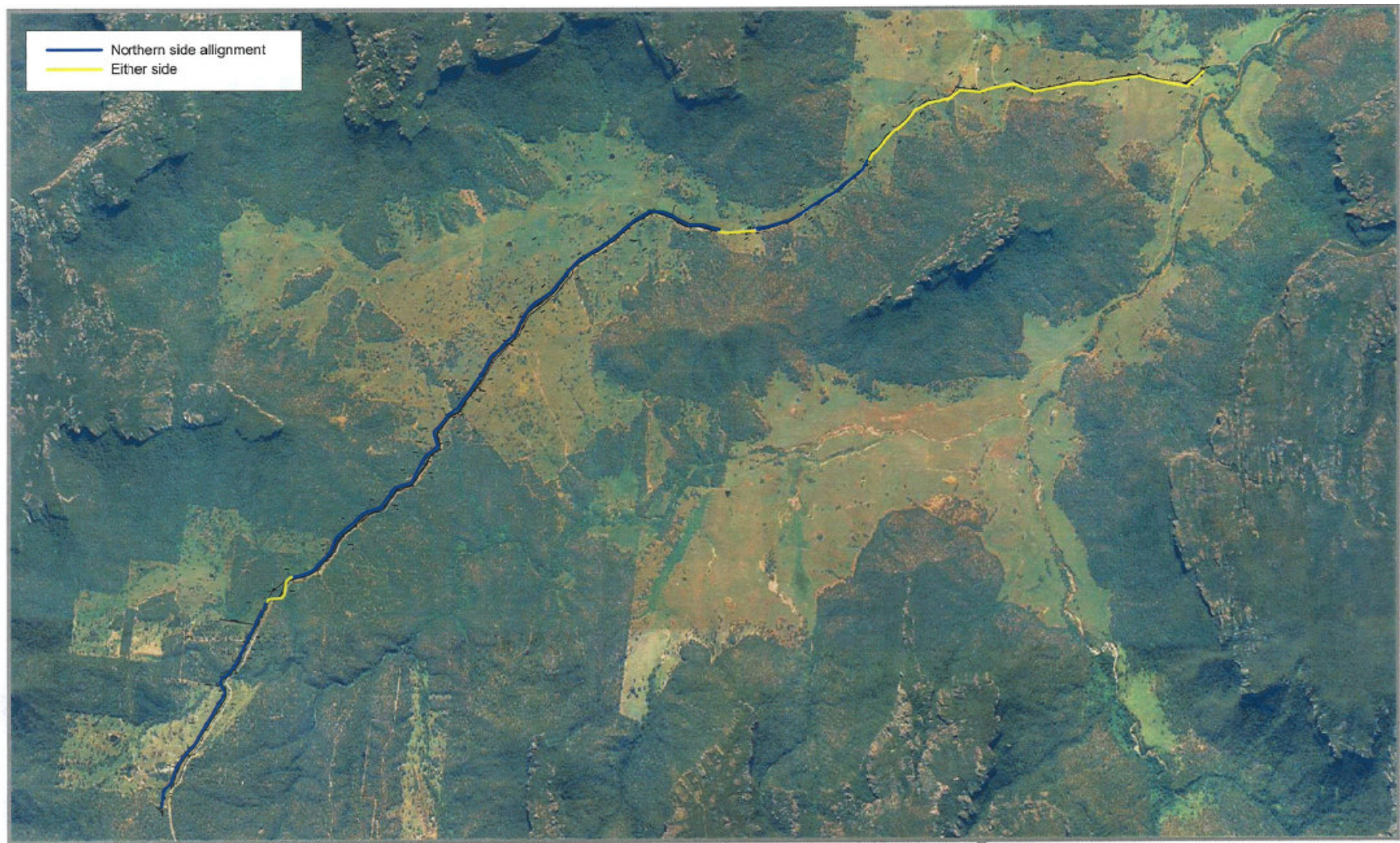


Land Exchange Parcels - Entire Site



Resort Precinct

APPENDIX 2: LOCATION OF ELECTRICITY TRANSMISSION LINE



0 1 2
Kilometres

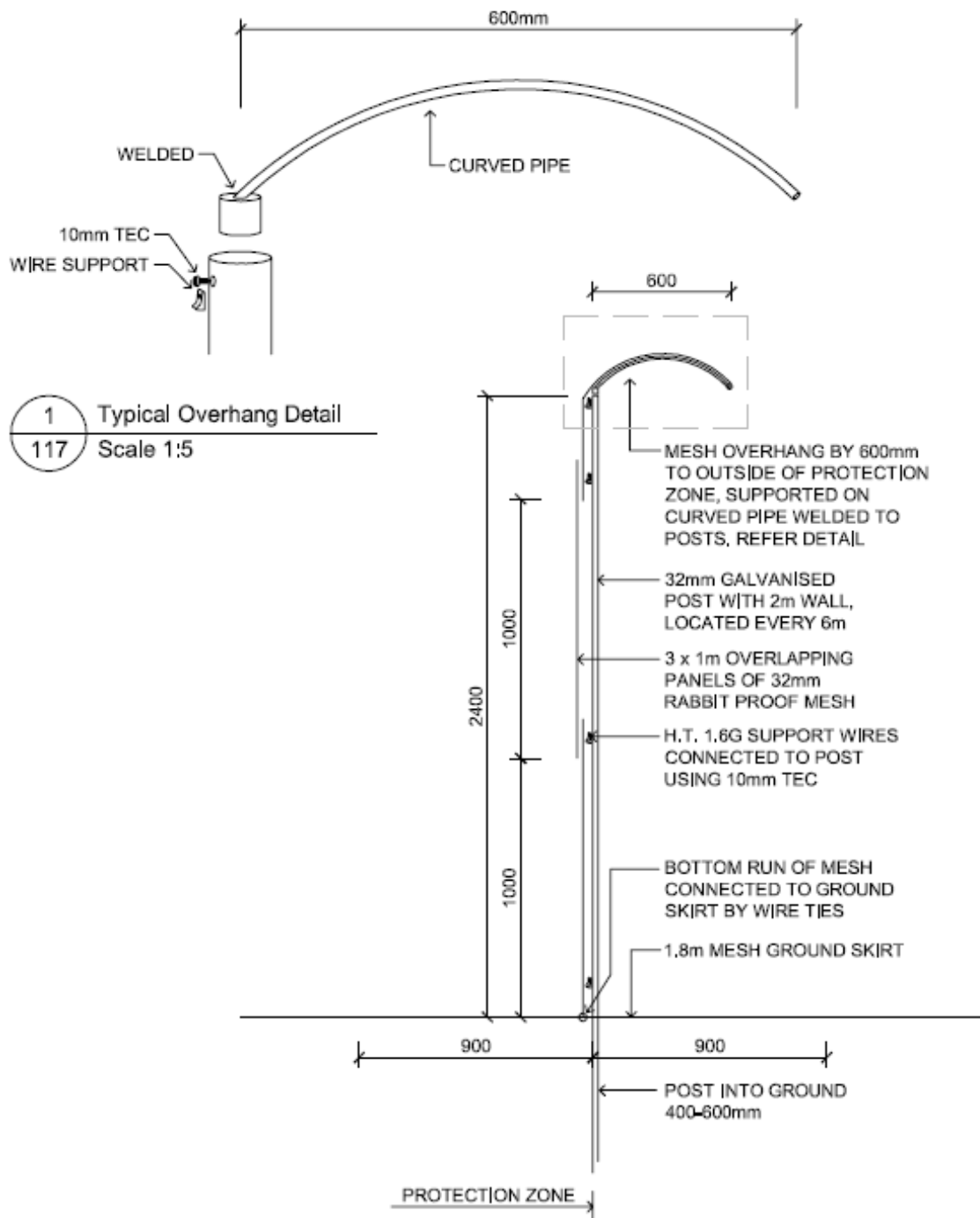
Figure 4.1 Preferred Powerline Corridor Location

Cumberland Ecology

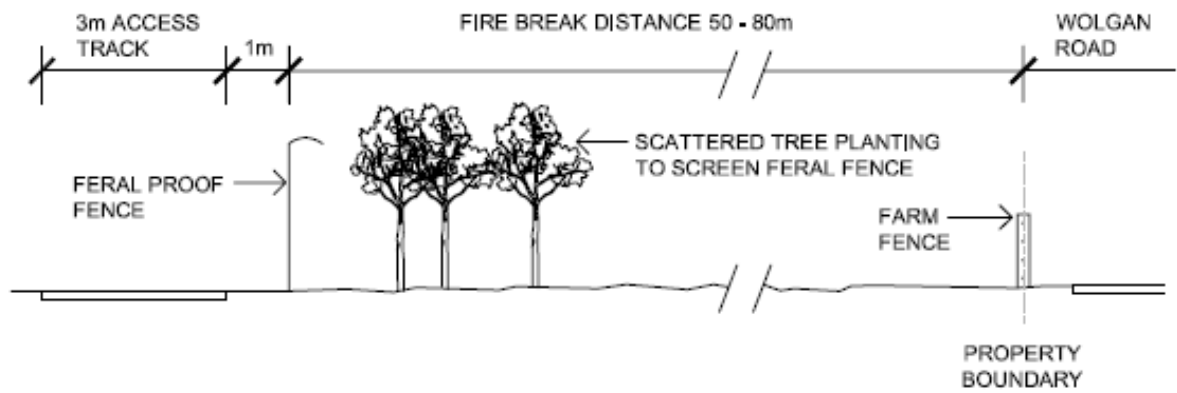
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APPENDIX 3: ARCHITECTURAL DRAWINGS

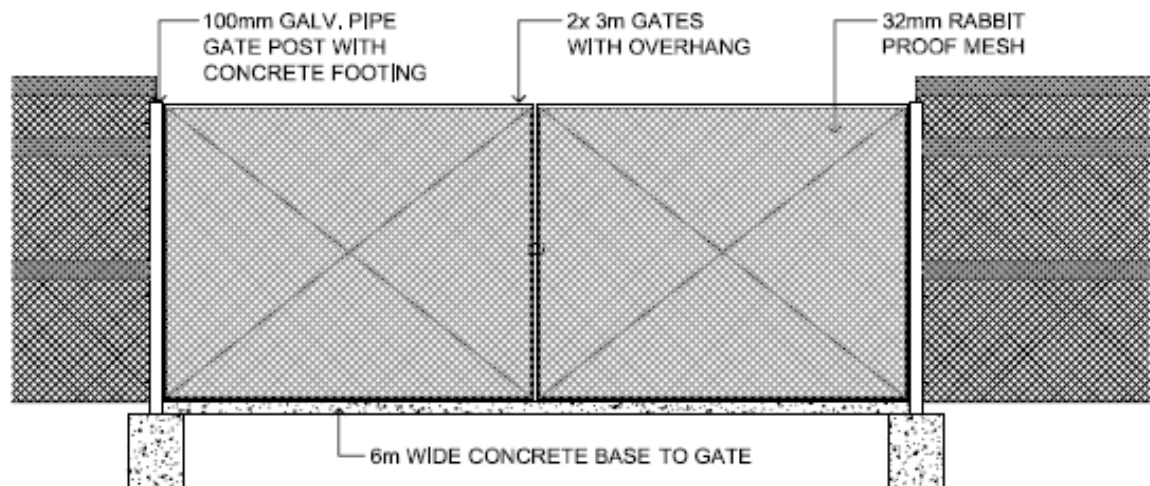
APPENDIX 4: FERAL PROOF FENCE



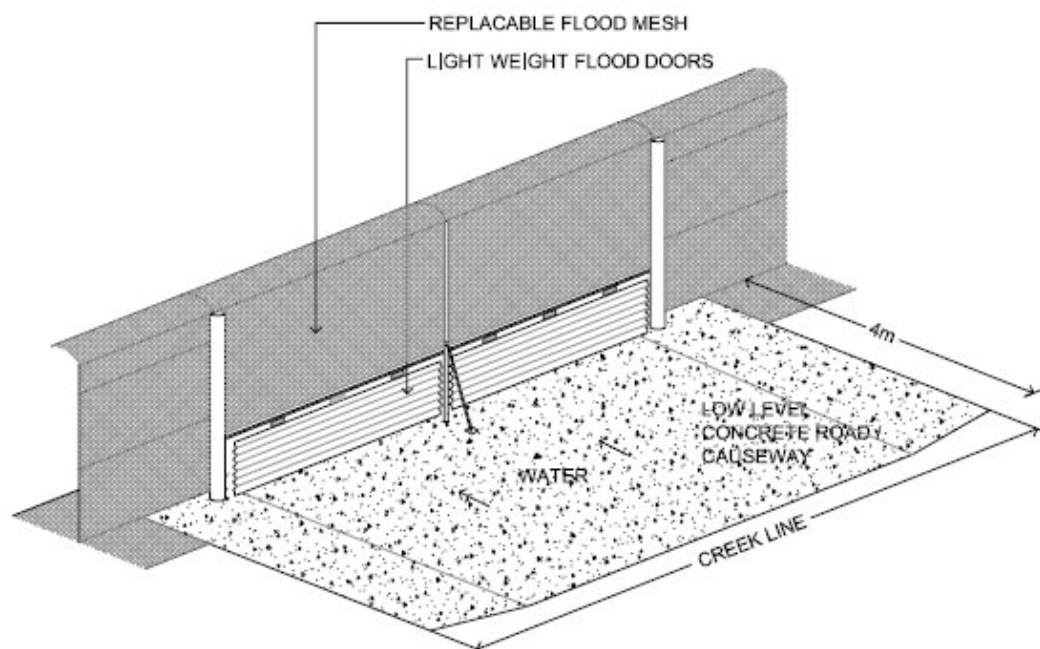
2 Typical Fence Detail
117 Scale 1:20



1 Typical Location Section
118 Scale 1:100



2 Typical Access Gates
118 Scale 1:50

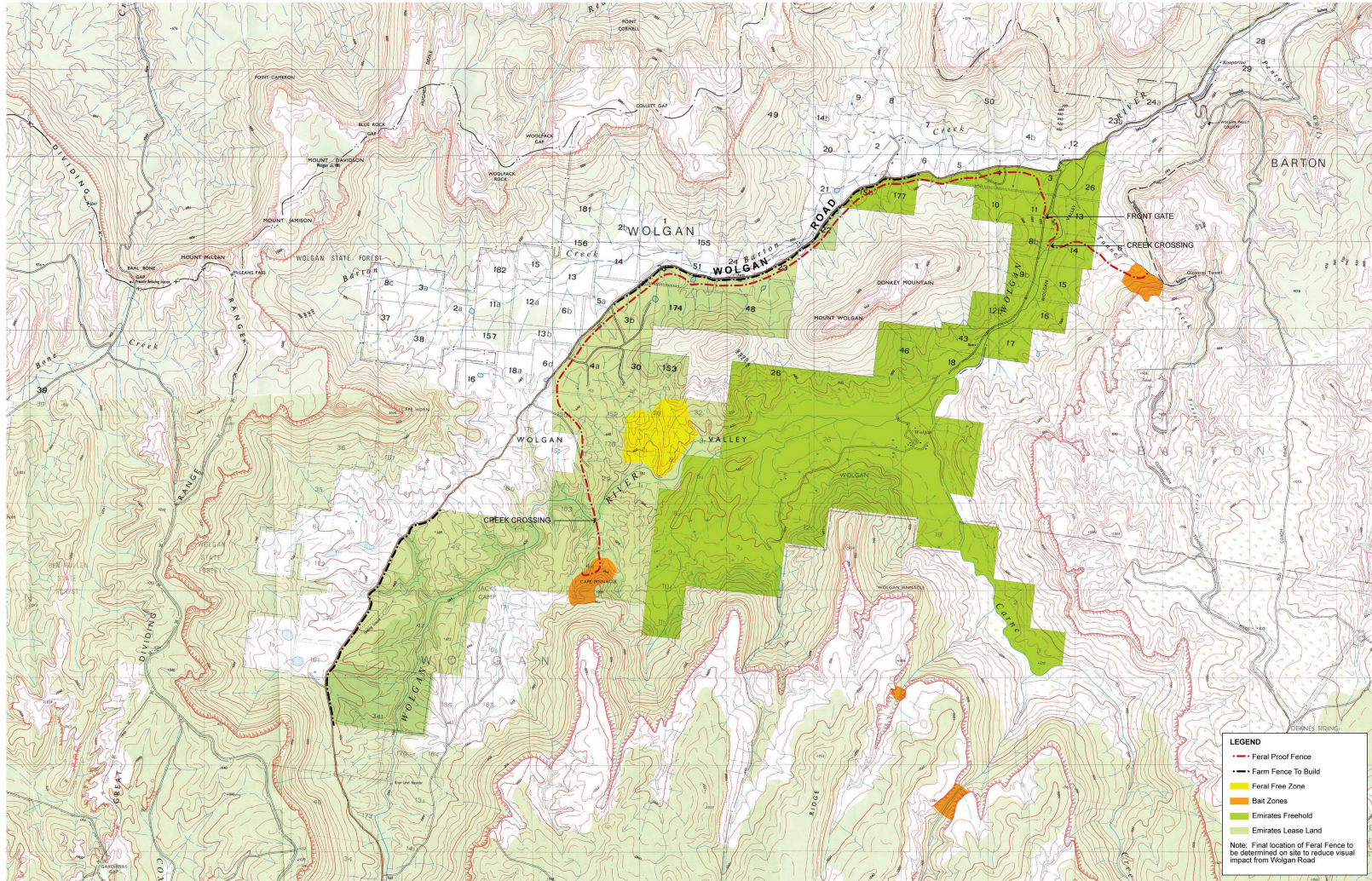


1 Typical River Crossing Detail
119 NTS

context

Dwg Ref No: LSK 05544-119
Date: October, 2006
Client: Emirates

FERAL FENCE DETAILS
Emirates Luxury Resort



context

CliftonConey
Group

Emirates

0 12km
Scale: 1:20,000



Dwg Ref No: LSK 05544 - 120
Date: October 2006
Client: Emirates

Feral Fence Location
Emirates Luxury Resort, Wolgan Valley

APPENDIX 5: LOCATION OF STORAGE DAM

APPENDIX 6: CIVIL ROAD NETWORK DRAWINGS

APPENDIX 7: EXTERNAL LIGHTING PLAN

APPENDIX 8: INFRASTRUCTURE PLANS

APPENDIX 9: ENERGY SUPPLY NETWORK PLANS

APPENDIX 10: ELECTRICAL RETICULATION PLANS

APPENDIX 11: LANDSCAPE MANAGEMENT PLAN

APPENDIX 12: STATEMENT OF COMMITMENTS