

Draft Statement of Commitments

Emirates Luxury Resort Wolgan Valley, Lithgow

Revision 2 - 10 November 2005

Prior to the commencement of building work, the proponent will obtain separate approval for the design of all proposed buildings, landscape and drainage works, roads and structures. In addition, the proponent commits to prepare and implement the following management plans in association with the project.

Contamination Remediation Plan

This plan will fully investigate and document contamination within the Areas of Environmental Concern (AEC) associated with previous agricultural use of the site identified in the Geotechnical Investigation report prepared by Douglas Partners and submitted with the Concept Plan.

Objective

- *To ensure that all land contamination resulting from previous agricultural use of the site is remediated in accordance with standard EPA requirements.*

The plan will be prepared, implemented and audited in accordance with:

- State Environmental Planning Policy 55 - Remediation of Land
- Managing Land Contamination: Planning Guidelines (prepared by Planning NSW and EPA).

Archaeological Investigation

This plan will:

- Continue consultation with the Aboriginal community.
- Reconcile the current building siting plan with the location of identified Aboriginal objects and the findings of the predictive model, in consultation with the project architect. The aim is to minimise the impact of the building sitting plan on identified or potential Aboriginal objects.
- Test excavation of locations where the current building siting plan conflicts with identified or potential archaeological deposit, where it is not practical to alter the building sitting plan.
- Once the extent, integrity, spatial distribution and nature of the subsurface archaeology is identified (through test excavation and survey) the following management strategies will be implemented.
 - *Conserve* - sites of high scientific and cultural significance will be conserved by avoiding the placement of building works over these features and ensuring their ongoing protection.
 - *Salvage* - sites of moderate to good scientific or cultural significance will be conserved where possible. If preservation of sites is not possible due to design inflexibility, the sites will be salvaged to ensure that a proper record is obtained.
 - *Destroy* - sites of low scientific or cultural significance will not be retained in inconsistent with the revised building siting plan.
- Comprehensive reporting regarding the archaeological work undertaken in accordance with existing guidelines, including interpretation models and conservation and management plans.

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Objectives

- Comprehensive consultation with the Aboriginal community in determining the property's archaeological significance.
- Full investigation of the Aboriginal archaeological potential and cultural value of the site.
- Wherever practicable, to retain Aboriginal archaeological objects in situ.
- To ensure that the detailed siting and design of all proposed buildings and works minimise the disturbance of Aboriginal archaeological objects.
- To ensure that any Aboriginal archaeological relics that are proposed to be disturbed, destroyed or removed are appropriately documented and/or transferred to the custody of their traditional owners.
- To incorporate a plan for the interpretation of Aboriginal values for the site within the proposed resort.
- To generate and implement a conservation and management plan for Aboriginal objects.

The plan will be prepared in accordance with:

- NPWS Guidelines
- DEH Guidelines
- Consultation with local aboriginal communities

The proponent recognises that the siting and layout of individual roads, buildings and structures indicated on the Building Siting Plan at page 30 of the Concept Plan may need to be refined or altered following full archaeological investigations.

Conservation Management Plan – Non Aboriginal Heritage

The Conservation Management Plan (CMP) will fully document the history and heritage significance of the site and identify all significant structures, vegetation and relics thereon. It will categorise and rank the relative significance of all identified elements, identify the impact of the project on that significance and provide strategies for the ongoing management of each element, and the heritage significance of the site generally.

The proponent recognises that the siting and layout of individual roads, buildings and structures indicated on the Building Siting Plan at page 30 of the Concept Plan may need to be refined or altered to reflect the final CMP. The proponent also acknowledges the use of 'Wallerawang' by James Walker from 1824, and the site's use as 'Wolgan Outstation' from the 1830s onward, and the grant of 1839.

Objectives

- *To fully research and document the history of the site*
- *To identify and document the heritage values of the site*
- *To conserve elements of heritage significance, including, but not limited to the wattle and daub hut, the slab house and significant associated outbuildings, the slab house landscape curtilage, a remnant of the pastoral landscape in the vicinity of the slab house/valley floor, significant fencing, significant views and any archaeological relics identified on the site.*

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- *To interpret the cultural heritage of the site within the resort.*
- *To identify and implement strategies for the ongoing management of the heritage values of the site in conjunction with the operation of the resort.*

This plan will:

- Reconcile the current building siting plan with a predictive archaeological model, in consultation with the project architect.
- Include detailed physical archaeological surveys of the footprint of all works proposed in the revised building siting plan.
- Include Management Strategies to determine when identified relics or places will be:
 - **CONSERVED** - by avoiding the placement of building works over these features and ensuring their ongoing protection.
 - **SALVAGED** - relics will be salvaged and preserved if preservation of sites is not feasible or warranted.
 - **DESTROYED** - if relics or sites are of low scientific or cultural significance.
- Include strategies for the ongoing management and interpretation of the archaeological values of the site.

The CMP will be prepared in accordance with Department of Environment and Conservation and NSW Heritage Office guidelines including the NSW Heritage Manual.

Ecological Rehabilitation Plan

This plan will involve the phased removal of all existing cattle, erosion and stream bank stabilisation and rehabilitation works, native revegetation and ongoing management of plant and animal communities (feral/noxious, threatened/endangered and other indigenous species). This plan will apply primarily, but not exclusively to the 'Nature Conservancy' and 'Riparian Corridor' Precincts identified in the Landscape Precinct Diagram at Section 7.6.2 of the Concept Plan.

Objectives

- *To reconcile the current condition of the site with the World Heritage visual, ecological and cultural qualities of the adjacent Blue Mountains.*
- *To rehabilitate existing stream bank and other erosion.*
- *To convert the site into a 'nature conservancy' precinct in which existing populations of introduced species are minimised or eradicated and locally endemic native species communities and ecological, hydrological and geomorphological processes are re-established.*
- *To create a sanctuary for locally threatened plant and animal species and communities.*
- *To restore the natural visual character of most of the site, while retaining a remnant pastoral zone around the development precinct, both to reflect the pastoral heritage of the site and to preserve a bushfire protection buffer around the resort.*

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- To maintain safe bushfire fuel loads within all revegetated areas.
- To retain access trails and clearings within the rehabilitated areas for bushfire management/fighting, access for ongoing ecological rehabilitation work and passive recreational access.
- To establish an ongoing process of continual monitoring and management of the balance of the reinstated landscape between ecological values and bushfire safety.

All works detailed in the plan will be designed and implemented in accordance with:

- NSW Fisheries (1999) Policy and Guidelines – Aquatic Habitat Management and Fish Conservation
- NSW Fisheries Fish Passage Requirements for Waterway Crossings (NSW Fisheries 2003)
- Administrative guidelines of the EPBC Act
- A Rehabilitation Manual for Australian Streams (LWRRDC)
- Riparian Land Management Technical Guidelines (LWRRDC)
- Plans of Management for the Gardens of Stone National Park and the Greater Blue Mountains World Heritage Area (NPWS)
- DIPNR guidelines regarding:
 - Watercourse and Riparian Area Planning, Assessment and Design (V4 Draft)
 - Watercourse & Riparian Zone Rehabilitation Requirements
 - How to prepare a Vegetation Management Plan
 - Design and Construction of Paths and Cycleway along Watercourses and Riparian Areas (V2)
 - How to Collect Native Plant Seed Responsibly (V1)
- Management actions contained in Final and Draft Recovery Plans for threatened fauna species prepared under the TSC Act (e.g. Yellow-bellied Glider; Large Forest Owls)
- Any relevant management guidelines for native wildlife prepared by DEC.
- The objectives and principles of the Water Management Act 2000, the Environmental Planning and Assessment Act 1979, the NSW State Rivers and Estuaries Policy, the NSW Wetlands Management Policy and the NSW Biodiversity Strategy.
- The Bushfire Hazard management Plan detailed in this Statement of Commitments.

Fauna

The plan will particularly focus upon measures to minimise impacts upon, and to optimise habitat for the following species:

Mammals:

- Common Wombat *Vombatus ursinus*
- Yellow-bellied Glider *Petaurus australis*
- Spotted-tailed Quoll *Dasyurus maculatus*
- Koala *Phascolarctos cinereus*
- Squirrel Glider *Petaurus norfolcensis*
- Large-eared Pied Bat *Chalinolobus dwyeri*

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- Eastern False Pipistrelle *Falsistrellus tasmaniensis*
- Eastern Bent-wing Bat *Miniopterus schreibersii oceanensis*
- Greater Broad-nosed Bat *Scoteanax rueppellii*

Birds:

- Glossy Black Cockatoo *Calyptorhynchus lathami*
- Powerful Owl *Ninox strenua*
- Sooty Owl *Tyto tenebricosa*
- Brown Treecreeper *Climacteris picumnus*
- Speckled Warbler *Chthonicola sagittata*
- Diamond Firetail Finch *Stagonopleura guttata*
- Gang Gang Cockatoo *Callocephalon fimbriatum*
- Swift Parrot *Lathamus discolor*
- Regent Honeyeater *Xanthomyza phrygia*
- Square-tailed Kite *Lophoictinia isura*
- Turquoise Parrot *Neophema pulchella*
- Barking Owl *Ninox connivens*
- Painted Honeyeater *Grantiella picta*
- Black-chinned Honeyeater (eastern subsp) *Melithreptus gularis gularis*
- Hooded Robin *Melanodryas cucullata*
- Grey-crowned Babbler (eastern subsp) *Pomatostomus temporalis temporalis*

Invertebrates:

- Giant Dragonfly *Petalura gigantea*
- The Bathurst Copper Butterfly *Paralucia spinifera*

Flora

The plan will involve revegetation using endemic native species sourced from locally collected seed stock. The plan will seek to replicate pre-european local floristic structures.

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Feral Animal and Noxious Weed Strategies

The plan will seek to minimise the populations of, or if practicable eradicate feral and noxious species from the site, including rabbits, foxes, wild goats, pigs, dogs, cats, Serrated Tussock, African Love Grass, Blackberry, Nodding Thistle, Scotch Thistle, Sweet Briar, Wild Radish and Willow.

The Feral Animal and Weed Management Strategies contained within the Plan will be prepared in consultation with NSW Agriculture, the Rural Lands Protection Board, the DEC and other land owners in the valley to ensure a collaborative approach that is likely to result in more effective long-term reductions in local and regional feral animal populations.

The Feral Animal Management Strategies of the Plan will be prepared in accordance with:

- Feral animal management policy and guidelines prepared by NSW Agriculture, the NSW Pest Animal Council and the National Feral Animal Control Programme
- Control guidelines for pest species (e.g. rabbit, feral pigs, wild dogs) declared under the Rural Lands Protection Act 1998, issued by the Rural Lands Protection Board
- Management guidelines outlined in Threat Abatement Plans for feral animal species attributed Key Threatening Process Status under the TSC Act and the EPBC Act (e.g. the Red Fox)
- Management guidelines for specific feral animal species listed in Final or Draft Recovery Plans (prepared under the TSC Act) for threatened fauna species of relevance to the site
- DEC regional Pest Management Strategies and feral animal management plans for adjoining National Parks
- Regulations and controls for pesticide use pursuant to the NSW Pesticides Act 1999.

The Noxious Weed Management Strategies of the Plan will be prepared in accordance with:

- The NSW Noxious Weeds Act and prescriptions for management of relevant species on site
- Weed management guidelines prepared by NSW Agriculture
- DEC regional Pest management Strategies
- Existing weed management plans for adjoining National Parks
- Management guidelines for weed species attributed Key Threatening Process status under the TSC Act (e.g. exotic perennial grasses)
- Weed management guidelines for specific species listed in Recovery Plans for threatened species prepared under the TSC Act
- Regulations and controls for pesticide use pursuant to the NSW Pesticides Act 1999.

The plan will include a monitoring program that will commence with a detailed baseline survey, and ongoing detailed monitoring of landform, hydrology, water quality and flora/fauna compositions. It will be designed to include inspections at key seasonal periods (e.g.. breeding, flowering of key species etc.) and will be part of an ongoing iterative process of environmental rehabilitation across the site.

Bush Fire Hazard Management

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This plan will involve a range of measures to protect life and property from Bushfire. It will detail the conceptual bushfire management strategies outlined in the Bushfire Management Report (Australian Bushfire Protection Planning) submitted with the Concept Plan.

Objectives

- To minimise bushfire hazard to life and property, both on and off the site.
- To implement a range of site planning principles and management practices, and to install a range of bushfire fighting devices to optimise the safety of the resort, its staff and its guests.

The Bush Fire Hazard Management Plan will be prepared in accordance with:

- Planning for Bushfire Protection, Rural Fire Service, 2001.

The plan will include a program of regular fuel load and APZ inspections at key times for fuel load accumulation, fuel load reduction and peak bushfire threat.

Emergency Response Plan (Flooding and Bushfire)

This plan will detail plans of training and emergency response measures to protect human safety in the event of flood, bushfire or other natural emergencies.

Objective

- To minimise threats to human safety during natural emergencies, particularly bushfire and flood events.

The Emergency Response Plan will be prepared in accordance with:

- Bushfire Management Report accompanying the Concept Plan prepared by Australian Bushfire Protection Planning.
- Planning for Bushfire Protection 2001
- Floodplain Management Manual: the Management of Flood Liable Land (January 2001, NSW Govt).

Water Management Plan

The plan will detail measures to be implemented to minimise the effect of water sourcing, use and disposal upon natural systems.

Objectives

- To minimise impacts on the existing water cycle, in terms of both surface and ground water quality and flow rates/levels.
- To minimise water consumption and disposal.
- To optimise the use of rainwater harvested within the resort for potable water supply.
- To optimise the re-use of treated effluent within the resort for grey water supply.
- To minimise the use of electricity and chemicals in the treatment of effluent.
- To ensure that any disposal of effluent is within the long term cumulative carrying capacity of the receiving environment (both water courses and soils) in terms of water volume and contaminants, including nutrients.
- To ensure that a reliable supply of water is available to the site, for both ongoing resort use and occasional rapid refilling of the stored on-site fire fighting supply.
- To minimise the erosion and transport of sediment into waterways.

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- *To minimise the release of pollutants (e.g. stored fuel, litter, untreated sewage etc.) into natural systems.*

The Water Management Plan will be prepared in accordance with:

- NSQMS Use of Reclaimed Water Guidelines (2000)
- NSW Health Interim Guidance for Greywater and Sewage Recycling in Multi unit Dwellings and Commercial Premises (2004)
- NSW EPA Guidelines for Land Irrigation of Effluent (2004)
- EIS Guideline on Irrigation of Sewage Effluent and EIS Guideline on Sewerage Systems (Department of Urban Affairs and Planning, September 1996)
- AS 6400 (2005) –Water Efficient Products – Rating and Labelling
- NSW Health (2004), Australian Rainfall and Runoff
- Commonwealth Government Enhealth Guideline (2004)
- Assessment, Classification and Management of Liquid and Non-liquid Waste (DEC)
- Lithgow Council stormwater guidelines

The plan will document baseline conditions and involve ongoing regular monitoring and management of impacts in relation to stream and ground water flows and water quality. The plan will also address the ongoing management and monitoring of specific water issues, such as the harvesting of rainwater, management of overland flows, ongoing potable and non-potable demand/supply management, wastewater treatment, effluent quality/quantity/disposal, and soil/water quality in the effluent irrigation area and both upstream and downstream of the resort and (and irrigation area).

Energy and Water Conservation Plan

This plan will detail design measures, devices and practices implemented to minimise demand for water and energy consumption.

Objectives

- *To minimise water consumption.*
- *To minimise energy consumption, during construction, materials selection and ongoing operation.*
- *To minimise the production of 'greenhouse' gas emissions.*

Construction Management Plan

A plan of construction measures and practices implemented to minimise potential construction impacts such as erosion and sediment transfer, construction traffic, noise generation, damage to heritage and landscape features and worker safety.


Objectives

- *To minimise erosion, and the transport of sediments into waterways.*
- *To minimise traffic and noise impacts of construction vehicles.*
- *To minimise noise generation.*
- *To minimise the generation of dust and other air pollutants.*
- *To ensure that a safe environment is provided for all construction workers.*
- *To minimise construction impacts upon surrounding residents and the natural environment.*

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- *To minimise impacts of construction works upon heritage buildings and works, significant trees and cultural plantings and archaeological sites and relics.*

The plan will be prepared with reference to:

- Managing Urban Stormwater: Soils and Construction 2004
- Environmental Criteria for Road Traffic Noise (EPA, 1999)
- RTA's Guide to Traffic Generating Developments
- Workcover Guidelines
- All guidelines to the Occupational Health and Safety Act, 2000.
- The Archaeological Investigation and Conservation Management Plan detailed in this Statement of Commitments.

The plan will include a formal process for receiving, actioning and recording complaints and other input from the owners/users of surrounding properties.

Wolgan Road Upgrade Plan

The proponent will make an equitable contribution towards upgrade works on Wolgan Road in relation to damage caused by construction traffic and increased maintenance work attributable to additional traffic generated by the development. The proponent will make an equitable contribution to the implementation of measures to address the existing safety deficiencies of the road.

Objectives

- *To mitigate existing safety hazards.*
- *To retain the rustic, rural character.*
- *To ensure that additional traffic generated by the development does not degrade the physical condition of the road.*

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Road safety improvements will be designed in accordance with:

- AUSTROADS Road Safety Audit
- RTA's Policy for Signposting of Resorts and Tourist Facilities.

Operational Management Plan

A plan that details the operational management of the resort.

Objectives

- *To optimise benefits to the local economy and community*
- *To minimise adverse impacts upon the local community, economy and natural environment.*

Vehicular Access and deliveries/servicing

Objectives

- *To minimise vehicle trips into Wolgan Valley.*
- *To limit the type and size of vehicles accessing the site*
- *To minimise road kill of native fauna.*
- *To ensure that drivers accessing the site are trained and familiar with the road conditions and habits of local fauna.*

Off-site supply depot and guest reception

An off-site facility outside Wolgan Valley (probably within Lithgow) will be established. All goods delivery vehicles and guests will be required to deliver/check in to this facility. No guests or goods delivery vehicles will be permitted to drive into the resort. Guests and goods will be transferred to the resort by trained resort staff.

Objectives

- *To provide a facility where various deliveries of goods bound for the site can be stored and consolidated into a reduced number of co-ordinated trips.*
- *To provide a facility for guests driving to the resort to leave their vehicle, prior to being transferred to the site by trained resort staff.*

Helicopter movements

Not more than four helicopter movements will occur in any week, other than during bushfire or other emergency events. No recreational flights over surrounding areas will occur and the site will not be used as a 'heliport'.

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Objective

- *To minimise noise impacts upon guests, surrounding residents and the Greater Blue Mountains World Heritage Area*

Employee numbers, rostering and accommodation

Objectives

- *To create opportunities for the employment of local residents.*
- *To minimise staff trips to and from the site.*

Staff Induction

Objectives

- *To ensure all staff appreciate and are sensitive to the very special natural and cultural values and sensitivities of Wolgan Valley, and the sustainability initiatives of the resort.*
- *To ensure all staff understand, and sufficient staff are suitably qualified to implement the range of management plans adopted for the resort, particularly the emergency response plans.*
- *To ensure that all staff driving in and out of Wolgan Valley are familiar with the road, its safety hazards and the habits of local wildlife.*
- *To include personnel on staff with experience and intimate understanding of the local ecology and aboriginal and non-aboriginal history of Wolgan Valley*

Local Sourcing of Materials, Produce and Services

Objectives

- *To preferentially source produce and services from within the locality and the Lithgow region*

Waste Management

Objectives

- *To minimise the generation of waste.*
- *To minimise wastes entering the natural environment.*
- *To optimise the on-site recycling or reuse of wastes.*
- *To ensure that all solid waste leaving the site is separated by recyclability.*
- *To optimise the on-site composting and disposal of green waste.*

Waste Management strategies will be prepared in accordance with:

- Regional Waste Boards in NSW's Waste Planning Guide for Development Applications – Planning for Less Waste
- EPA Environmental Guidelines - Composting and Related Facilities (2003).