

Concept Plan Approval

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

I, the A/Minister for Planning, approve the concept plan referred to in schedule 1, subject to the conditions in schedule 2.

These conditions are required to:

- prevent and minimise adverse environmental impacts;
- set requirements for future project applications; and
- provide for the ongoing environmental management of the site.

Signed 12 May 2006

John Hatzistergos MLC
A/Minister for Planning

Sydney

2006

SCHEDULE 1

Application Number:	05-0079.
Applicant:	Emirates Hotels (Australia) Pty Ltd.
Consent Authority:	Minister for Planning.
Land:	DP 751666: Lots 4, 5, 6A, 7A, 8A, 8B, 9A, 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.
Concept Plan:	Tourist facility that includes: <ul style="list-style-type: none">• 40 villas, with an average floor area of 115m²;• Ancillary facilities, including:<ul style="list-style-type: none">○ a main reception building with administration, gift shop, lounges, library, restaurant, bar and conference rooms;○ a spa building with a gym, change rooms, spa, sauna, pools, and various treatment rooms;• Staff accommodation for up to 128 people;• Associated infrastructure, including:<ul style="list-style-type: none">○ road and internal access works;○ utility works, including the on-site sewage treatment and disposal works;○ a helipad;• Landscaping the site in 5 distinct precincts;• Conserving the existing slab homestead and wattle and daub hut; and• Demolishing the 1957 homestead;

SCHEDULE 2

DEFINITIONS

Concept Plan	The Concept Plan for the Emirates Luxury Resort, including all appendices and associated studies submitted in support of the plan, prepared by urbis JHD, and dated October 2005;
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
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
Proponent	Emirates Hotels (Australia) Pty Ltd
RTA	Roads and Traffic Authority
Site	Land in the concept plan application (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 and operation of the development.

General Terms of Approval

2. Approval is granted for the:
 - (a) construction and use of a tourist resort and ancillary facilities on the site in general accordance with the:
 - design objectives and principles in section 7.1 of the concept plan; and
 - indicative layout of the buildings and infrastructure in the concept plan (see Appendix A);
 - (b) implementation of the landscape strategy for the 5 landscape precincts in the concept plan (see Appendix B);
 - (c) conservation of the existing slab house and wattle daub house (including the curtilage); and
 - (d) demolition of the 1957 homestead,subject to the limitations in condition 6.

Consistency of Future Development

3. The Proponent shall ensure that any development associated with this approval is carried out generally in accordance with the:
 - (a) concept plan as amended;
 - (b) statement of commitments (see Appendix C); and
 - (c) conditions of this approval.
4. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the 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 in accordance with the requirements of this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

Limits on Approval

6. This approval does not allow any development to be carried out. The Proponent shall submit detailed project applications to the Minister for the implementation of the approved concept plan in accordance with the requirements in condition 11.

Staging Plan

7. Within 6 months of this approval, or as otherwise agreed by the Director-General, the Proponent shall submit a Staging Plan for the implementation of the approved concept plan to the Director-General that:
 - (a) identifies how the implementation of the concept plan is likely to be staged; and
 - (b) provides an indicative timetable for the lodgement of project applications for the various stages.

Liability to Lapse

8. If the Proponent does not lodge a project application with the Minister for the elements of the concept plan within 5 years of the date of this approval, the approval shall lapse.

Planning Agreement

9. Prior to accepting guests at the resort, the Proponent shall develop a suitable agreement for funding the upgrade of Wolgan Road to the satisfaction of the Director-General. This agreement must:
 - (a) be prepared in consultation with Council and any relevant State government agencies; and
 - (b) consider the recommendations in the *Transport Review and Road Safety Audit* of the proposed resort, which was prepared by Samsa Consulting, and dated March 2006.

Community Consultation

10. Prior to submitting any project application for the implementation of the approved concept plan, the Proponent shall develop a detailed program for community consultation on the implementation of the approved concept plan, in consultation with the Council, and to the satisfaction of the Director-General.

PROJECT APPLICATION REQUIREMENTS

11. The Proponent shall ensure that project applications for the various stages of the concept plan:
 - (a) include detailed plans of the proposed development;
 - (b) demonstrate that the proposed development is consistent with the layout and design principles in the approved concept plan; and if there are any inconsistencies between the proposed development and the approved concept plan, justify these inconsistencies;
 - (c) demonstrate that the detailed plans comply with the relevant requirements of this approval;
 - (d) include a detailed archaeological impact assessment of the land that would be disturbed by the proposed development that has been prepared in accordance with the DEC's draft *Guideline for Assessment of Impacts on Aboriginal Heritage under Part 3A*;
 - (e) describe the measures that would be implemented to reduce water and energy demand;
 - (f) include an External Lighting Plan that is generally consistent with the requirements in *AS4282-1997: Control of Obtrusive Effects of Outdoor Lighting*;
 - (g) include a Construction Management Plan for the proposed development that includes 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;

- minimise and manage the impacts on fauna;
- conserve and reuse topsoil; and
- collect and propagate seed for the rehabilitation or revegetation of the site;
- construction waste management plan.

SPECIFIC ENVIRONMENTAL CONDITIONS

Infrastructure Plan

12. Prior to carrying out any construction on the site, the Proponent shall prepare (and following approval implement) an Infrastructure Plan for the site, in consultation with DEC, DNR and Council, and to the satisfaction of the Director-General. This plan must describe in detail the proposed arrangements for the following infrastructure on the site:
- (a) water supply network;
 - (b) stormwater management system;
 - (b) wastewater management system;
 - (c) energy supply network;
 - (d) telecommunication system;
 - (e) transport network, including internal roads, pedestrian paths, fire trails and tracks, helipad; and
 - (f) fire management system, including asset protection zones.

Landscape Management Plan

13. Prior to carrying out any construction on the site, the Proponent shall prepare (and following approval implement) a Landscape Management Plan for the site, in consultation with the DEC, DNR, and Council, and to the satisfaction of the Director-General. This plan must include detailed landscape management plans for each of the 5 precincts in the approved concept plan, that includes:
- (a) an outline of the landscaping objectives for each precinct;
 - (b) a description of the short, medium and long term measures that would be implemented to landscape each precinct;
 - (c) detailed completion criteria for the landscaping of each precinct;
 - (d) 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;
 - (e) a detailed description of how the performance of the landscaping plan would be monitored over time; and
 - (f) a detailed description of who would be responsible for monitoring, reviewing and implementing the plan.

Conservation Management Plan (Non Aboriginal)

14. Prior to carrying out any construction on the site, the Proponent prepare (and following approval implement) a Conservation Management Plan for the site, in consultation with the Heritage Office, and to the satisfaction of the Director-General.

OPERATIONAL ENVIRONMENTAL MANAGEMENT

15. Prior to accepting guests at the resort, the Proponent shall prepare (and following approval implement) an Environmental Management Plan for the site, in consultation with the DEC, DNR,

Council and the local Wolgan Valley community, and to the satisfaction of the Director-General. This plan must include:

- (a) a transport management plan;
- (b) an emergency management plan, including a bushfire management plan;
- (c) a soil and water monitoring program;
- (d) waste management plan; and
- (e) the other plans required under this approval or included in the statement of commitments that are relevant to the ongoing operation of the resort.

APPENDIX A: INDICATIVE LAYOUT OF PROPOSED TOURIST RESORT



2 - 31401 RESORT LAYOUT, ACCOMMODATION, AND MAIN BUILDINGS FACILITIES

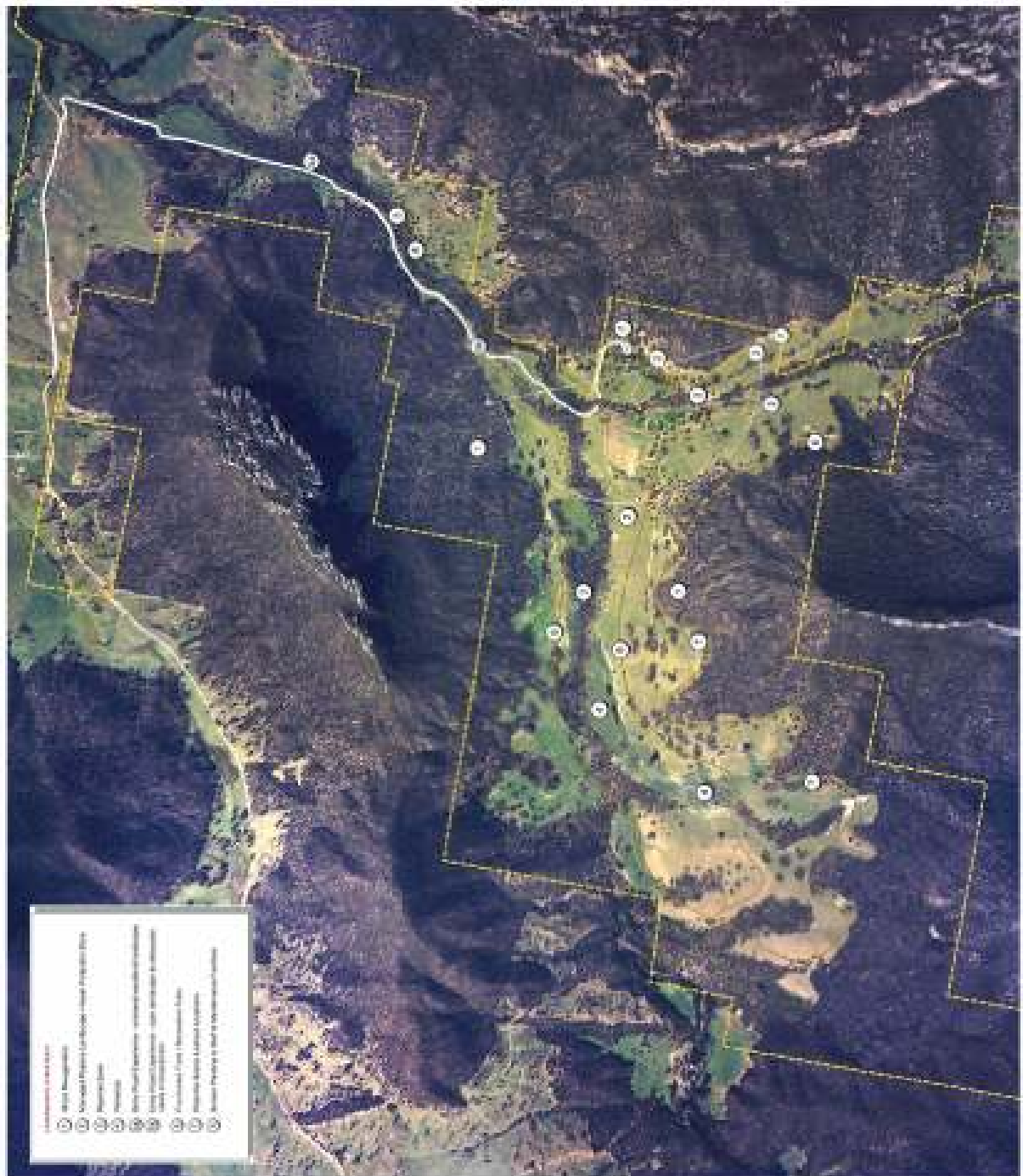


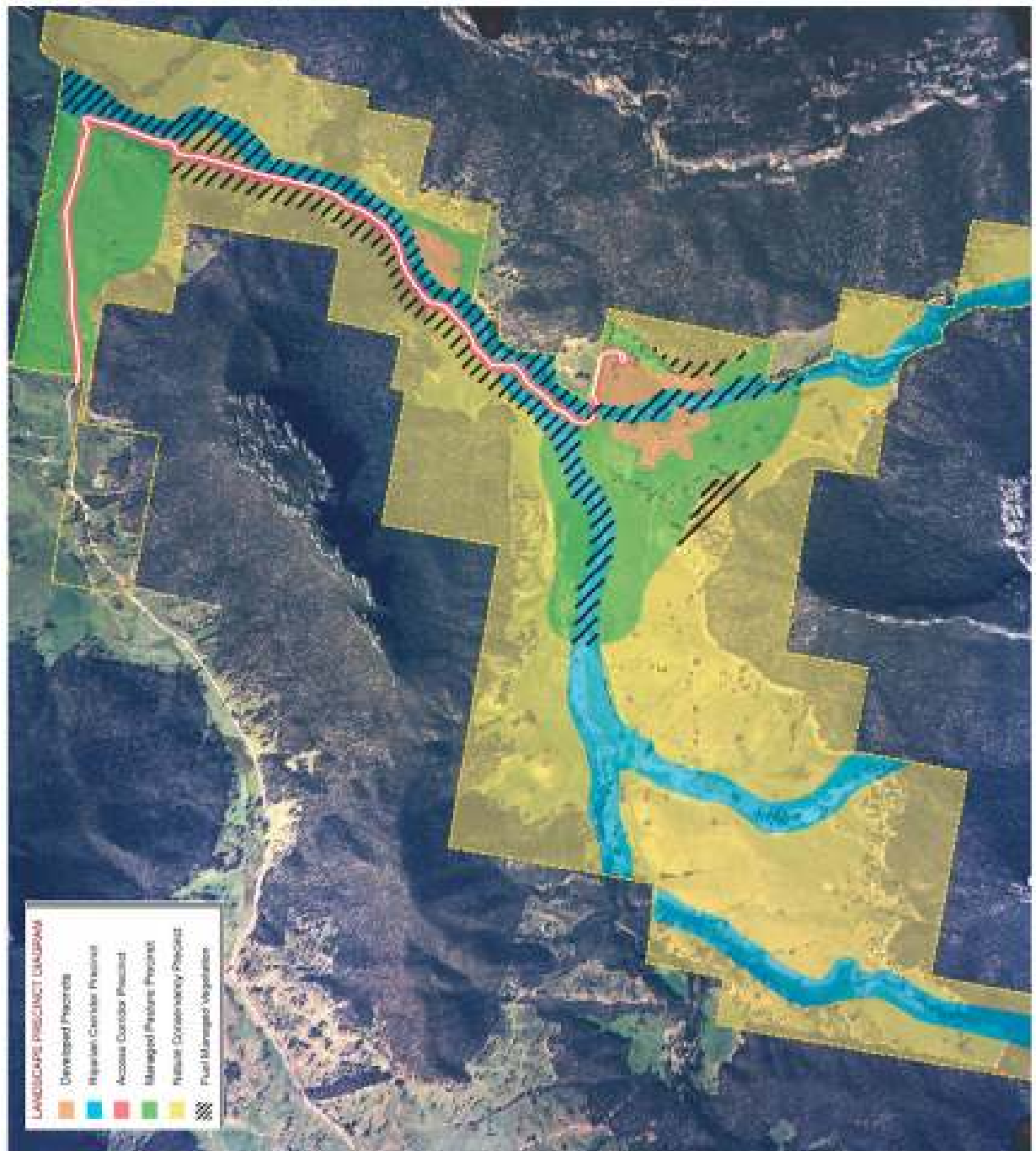
PROPOSED RESORT LAYOUT
 The resort is located in a valley, with a river flowing through it. The layout includes a central area with various buildings and facilities, surrounded by green spaces and roads. A red arrow points to the entrance of the resort.

Building	Area
1. Main Building	1000
2. Guest Building	2000
3. Dining Hall	500
4. Bar	100
5. Reception	100
6. Security	100
7. Maintenance	100
8. Storage	100
9. Office	100
10. Workshop	100
11. Laundry	100
12. Kitchen	100
13. Pantry	100
14. Cold Storage	100
15. Freezer	100
16. Ice Plant	100
17. Water Treatment Plant	100
18. Sewage Treatment Plant	100
19. Stormwater Drainage	100
20. Fire Water Tank	100
21. Fire Pump	100
22. Fire Alarm	100
23. Fire Extinguisher	100
24. Fire Escape	100
25. Fire Drill	100
26. Fire Alarm	100
27. Fire Extinguisher	100
28. Fire Escape	100
29. Fire Drill	100
30. Fire Alarm	100
31. Fire Extinguisher	100
32. Fire Escape	100
33. Fire Drill	100
34. Fire Alarm	100
35. Fire Extinguisher	100
36. Fire Escape	100
37. Fire Drill	100
38. Fire Alarm	100
39. Fire Extinguisher	100
40. Fire Escape	100
41. Fire Drill	100
42. Fire Alarm	100
43. Fire Extinguisher	100
44. Fire Escape	100
45. Fire Drill	100
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99. Fire Extinguisher	100
100. Fire Escape	100

Legend	Description
1	1. Main Building
2	2. Guest Building
3	3. Dining Hall
4	4. Bar
5	5. Reception
6	6. Security
7	7. Maintenance
8	8. Storage
9	9. Office
10	10. Workshop
11	11. Laundry
12	12. Kitchen
13	13. Pantry
14	14. Cold Storage
15	15. Freezer
16	16. Ice Plant
17	17. Water Treatment Plant
18	18. Sewage Treatment Plant
19	19. Stormwater Drainage
20	20. Fire Water Tank
21	21. Fire Pump
22	22. Fire Alarm
23	23. Fire Extinguisher
24	24. Fire Escape
25	25. Fire Drill
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93	93. Fire Drill
94	94. Fire Alarm
95	95. Fire Extinguisher
96	96. Fire Escape
97	97. Fire Drill
98	98. Fire Alarm
99	99. Fire Extinguisher
100	100. Fire Escape

APPENDIX B: SITE WIDE LANDSCAPE STRATEGY & INDICATIVE LANDSCAPE PRECINCTS





**APPENDIX C:
PROPONENT'S STATEMENT OF COMMITMENTS**