



Wilton Junction New Town Environmental Trust

Client:
Wilton Junction Landowners Group

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FINAL

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1 Executive Summary

The Wilton Junction Precinct is to be developed with a whole-of-environment focus, facilitating both quality social and environmental outcomes. This includes delivering an innovative approach to environmental resources within the Wilton Junction Precinct on the Proponents lands (namely Bradcorp, Governor Hill and Walker Corporation) through an Environmental Trust designed to “improve and maintain” bio-diversity resources, promote social access and participation in an economically sustainable framework.

It is proposed that the Environmental Trust will meet the requirements of legislation by identifying, protecting and enhancing environmental lands in the master plan on the Proponents’ land through a Voluntary Planning Agreement with the State. The environmental lands will also be secured via a biodiversity layer included within the SEPP or Wollondilly Shire Local Environmental Plan. The Proponents will provide \$25m into a Trust to secure the ongoing management and maintenance of the 476ha of environmental lands under their ownership. The Trust will provide the long term security and management regime for the offset lands, and in return the land identified for urban development in the master plan should be able to be developed by the Proponents.

The Wilton Junction Landowners Group, in consultation with Council, the Office of Environment and Heritage (OEH) and the Department of Planning and Environment (DP&E) will also consider Biocertification of the site to deliver certainty to the environmental lands post the rezoning process.

Key principles of the Environmental Trust will be to provide:

- » A robust and enduring land ownership structure
- » In perpetuity funding for the care and protection of the natural environment including land improvement, management and maintenance, while exploring opportunities to expand the income base through grants and complementary land use. Expenditure of the seed capital and an amount to cover inflation, will be prohibited
- » Promote sustainable resident access to environmental lands and the opportunity to participate in conservation activities and decision-making processes
- » Provide a commercially sound and governance structure to ensure quality strategic and skill-based decision making to uphold the whole-of-environment principles, including social inclusivity
- » Approximately \$25m funding to manage and protect the environmental lands simultaneous to the removal of approximately 150ha of bushland areas to allow for urban development as indicated in the Wilton Junction Master Plan.

Subject to further investigation by suitably qualified persons, it is suggested that the most suitable organisational structure for the Environmental Trust is an Association with Not-for-Profit status and Income Tax Exempt.

The governance structure of the Environmental Trust will include a skill-based Environmental Trust Board to oversee the management and strategic planning of the natural environment. The Board will consist of directors with appropriate financial, management and environmental skills to ensure the long-term sustainability of the Trust. Potentially, three committees below the Board will each be focussed on the environmental, social and economic outcomes of the Environmental Trust.

The Management Committee would ensure that the bio-diversity and cultural protection objectives are met to achieve the “Maintain and Improve” principle through sourcing technical expertise,

developing Plans of Management, capital works and maintenance programmes and overseeing those operations.

The Funds Committee will be responsible for meeting the economic sustainability objectives of the Environmental Trust including overseeing the investment of Voluntary Planning Agreement Funds, allocating funds to capital and maintenance programmes, negotiating contracts and managing accounting processes as well as investigating and implementing supplementary income opportunities.

The Social Sustainability Committee will be responsible for ensuring participatory process through liaising with residents regarding community aspirations and priorities, informing the community about activities and progress, facilitate community participation in events and conservation land protection activities. Providing on-going community education on a wide range of sustainability initiatives at Wilton Junction to encourage environmental awareness and stewardship, will also be a key responsibility.

The Environmental Trust will be resourced primarily through the Voluntary Planning Agreement, entered into by the three Proponents that will deliver \$25 million to provide in perpetuity funding. This will be via a "levy" of approximately 0.75% on the improved value of land sales in the Wilton Junction Precinct.

2 Project Background

In November 2011, the NSW Government initiated the Potential Housing Opportunities Program and invited landowners with suitably located substantial landholdings to nominate sites which might be able to deliver additional housing to address Sydney's housing supply shortfall. Walker Corporation, Governors Hill, Bradcorp and Lend Lease responded to the Program and nominated landholdings of more than 100ha in Wollondilly Shire, surrounding the Hume Highway-Picton Road intersection for consideration. This area has subsequently become known as Wilton Junction, and is the subject of this application.

Following a Wollondilly Shire Council resolution in May 2012, the four major landowners (collectively known as the Wilton Junction Landowners' Group) signed an agreement to work cooperatively with Council to prepare a high level Master Plan for Wilton Junction to deliver high quality new housing, jobs close to homes, supporting social and utilities infrastructure and services, and a range of complementary land uses.

A high level Master Plan and a Preliminary Infrastructure Requirements Report, were considered by the Council on 17 December 2012, with Council resolving to give in-principle support to the proposal. Council also resolved to request that the rezoning be a state-driven process. Subsequently, the NSW Government decided to coordinate the statutory planning process, led by the Department of Planning and Infrastructure (now the Department of Planning and Environment, DP&E). The Minister for Planning and Infrastructure (now the Minister for Planning and Environment) proposed to prepare a State Environmental Planning Policy (SEPP), as per Section 24 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), which identifies that a SEPP is an Environmental Planning Instrument, and Section 37 of the EP&A Act, which relates to the making of a SEPP for State or regional significant development. This was done with a view to rezone the land through an amendment to the Wollondilly Local Environmental Plan 2011 (LEP) to facilitate the early delivery of housing and infrastructure, linked to an agreed Infrastructure, Servicing and Staging Plan. An illustration of the Study Area is shown in Figure 1.

The Department of Planning and Infrastructure issued Study Requirements (SRs) to the Proponents (Walker Corporation, Bradcorp and Governors Hill) to guide the planning investigations for a new town at Wilton Junction. The SRs set the criteria for carrying out environmental investigations across the Study Area (excluding both Bingara Gorge and the existing Wilton village which will not be affected by any proposed amendments to their current zoning and planning provisions). The investigations examine the potential for the Wilton Junction Study Area to be rezoned under a SEPP.

The SRs related to Bio-diversity with the planning framework to respond to the following key issues:

- » Assessment of the impact of the proposal on threatened flora and fauna species and endangered ecological communities listed under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* and the Threatened Species Conservation Act 1995 in accordance with Office of Environment and Heritage guidelines.
- » Undertake an investigation of the Cumberland Koala linkage as it applies to this site and undertake a targeted search of *Pomaderris brunnea*; *Melaleuca deanei*, *Grevillea parviflora subsp parviflora*, *Persoonia barfoensis* and *Epacris purpurascens* as well as all threatened species at the site. The identification of key vegetation areas should include potential grassland

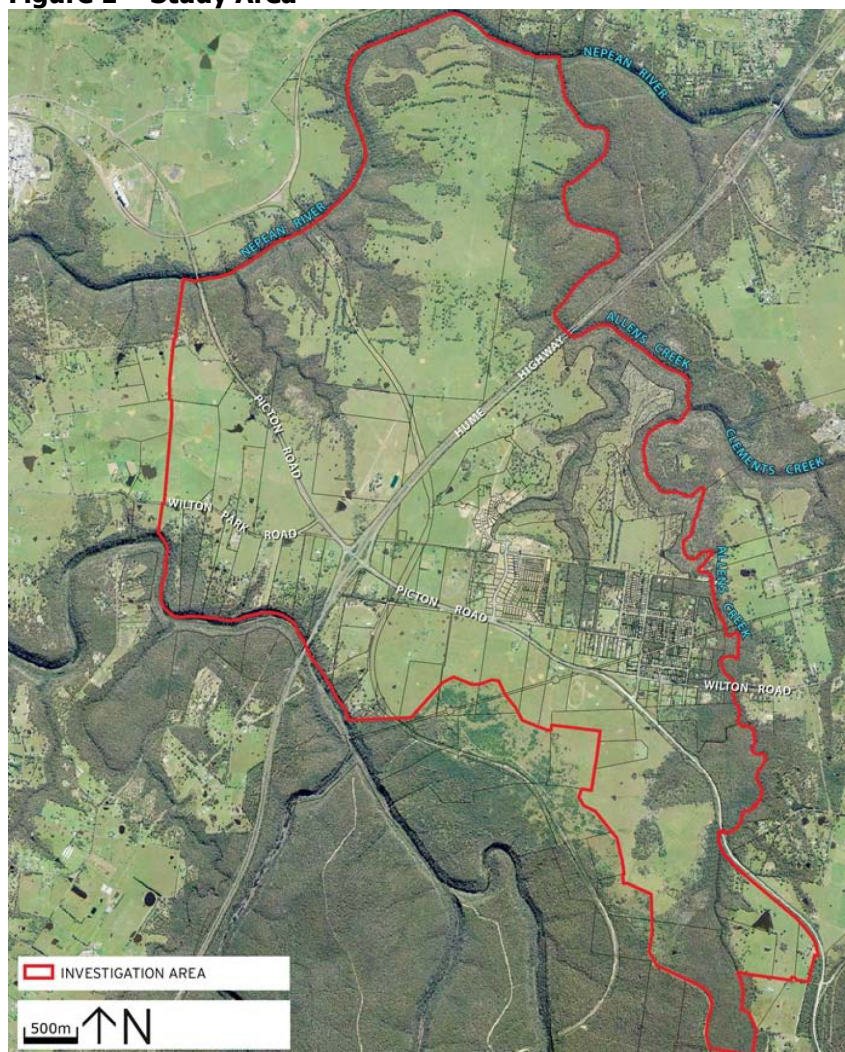
environments and their role as both habitat and foraging areas for fauna species in the Wilton Junction Precinct.

- » Identify and address the Priority Conservation Lands in the Cumberland Plain Recovery Plan and evaluate any lands proposed as environmental offsets.
- » Detail the proposed ownership and management arrangements for environmental offset lands, urban areas, open space areas and riparian corridors.

While the Ecological Assessment & Environmental Offsets Strategy and other work conducted by SLR Consulting details the technical assessment of potential impacts on flora and fauna and identifies the key land for preservation in the Wilton Junction Study Area, this report describes an comprehensive approach to protecting and enhancing these resources in perpetuity at no cost to government.

The report describes an Environmental Trust approach, accompanied by substantial developer-led funding, that will not only maintain and improve these resources but also fosters a relationship with the community, encouraging participation and stewardship of conservation lands. The Environmental Trust therefore establishes a sustainable approach to a balance between retaining and protecting bushlands, and agreement for development in the areas identified for urban purposes.

Figure 1 – Study Area



3 Introduction

Wilton Junction will be a new community cradled in a unique landscape characterised by bushland, rivers, creeks, lakes and ridges set against the backdrop of the Razorback Range. By design, the place and the lives of its current and future residents are intertwined with the rich bio-diversity. Founded on modern interpretation of the "Garden City" principles, the new town aims to provide a healthy and vibrant place to live and work while valuing and positively interacting with the natural surrounds.

The Wilton Junction Landowners Group commit to this vision and to holding it into the future.

Emerging environmental issues associated with the proposed development of the Wilton Junction Precinct necessitate the establishment of a robust management framework to ensure protection of bio-diversity and culturally significant sites and provision for the on-going management of these resources. The management framework should also facilitate in providing certainty as to which bushland areas are to be conserved and protected, and areas where development is to occur.

Additionally, a key objective is to give future residents the opportunity to participate in the management, and enjoyment, of environmental resources in a sustainable manner as a value-add to the development proposition at Wilton Junction.

Key emerging environmental principles include:

- » Ownership of conservation lands and accompanying structure
- » Rehabilitation and on-going management of bio-diversity resources within and surrounding the region
- » Development of walking and/or cycling trails to promote connectivity to natural resources in ecologically sustainable manner
- » Pest and weed control to ensure the protection of bio-diversity
- » Demarcation and on-going management of Asset Protection Zones (APZ) and Aboriginal archaeology
- » Sustainability principles being developed for the Wilton Junction Precinct.

These principles are supported, and work in conjunction, with other key whole-of-environment development principles at Wilton Junction including:

- » Optimising the containment of employment, services, cultural and entertainment services within the development proposal to reduce travel to other regions
- » Facilitating, where required, any mining gas infrastructure
- » A focus on liveability and internal connectedness to promote non-vehicular modes of transport and healthy living.

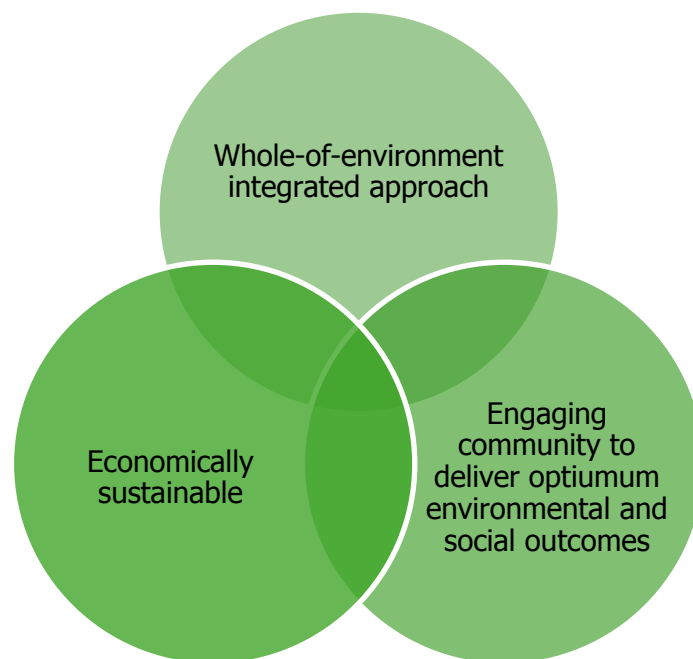
Environmental stewardship not only adds value to the development proposition, but is also required to ensure consistency with:

- » The Environmental Planning and Assessment Act (1979) – Part 5
- » The Threatened Species Conservation Act (1995)

- » The National Parks and Wildlife Act (1974) – Part 6 (that deals with Aboriginal heritage protection)

To achieve these environmental and cultural aims, an economically and socially sustainable framework must be sort. This includes:

- » The on-going ownership of land enabling protection of bio-diversity and cultural resources
- » Development of a funding model to achieve both capital works and in-perpetuity maintenance
- » Develop a management model that accesses expert knowledge and resources and ensures current and future residents have input into the management of the environmental conservation lands.



To deliver these objectives the framework must be:

- » An economically sustainable model that operates in perpetuity
- » A structure that accommodates expert knowledge and know-how with resident participatory opportunity
- » A structure that is consistent with environmental obligations and delivers an integrated whole-of-environment approach
- » An inclusive structure that promotes natural assets and environmental stewardship throughout the Proponents land and promotes accessibility to conservation lands for the resident population.

An innovative developer-led Environmental Trust has been established for Bingara Gorge that provides the groundwork for similar models for the entire Wilton Junction Precinct. Developer funding, in addition to a levy as part of the Community Title Scheme, provides in perpetuity funding for the Bingara Gorge Environmental Trust.

As Wilton Junction is not proposed to be Community Title, this paper outlines a new, innovative management and funding model to deliver quality environmental and social outcomes in an economically sustainable manner.

4 The need and benefits of an environmental trust

4.1 Whole-of-environment approach

The key objective of implementing an environmental trust framework would be to deliver integrated whole-of-environment outcomes through both initial capital works and on-going management of conservation lands within the Wilton Junction Precinct.

The whole-of-environment approach integrates bio-diversity and cultural protection, ensuring sustainable human interaction with those resources, and inclusive decision-making processes. These dovetail with key development objectives to create high liveability and accessible employment opportunities in Wilton Junction (see illustration below).



The Wilton Environmental Trust would be charged with facilitating quality outcomes to deliver integrated solutions to assist in meeting both social and environmental objectives, as well as legislated requirements, in an economically sustainable framework.

Particularly critical to this management framework is the management of biodiversity value land in the region.

4.2 Meeting legislative requirements

4.2.1 Requirements under the Part 5 of the Environmental Planning and Assessment Act (1979) and the Threatened Species Act (1995)

Under Part 5 of the Environmental Planning and Assessment Act, approval for development that is likely to significantly affect the environment, including critical habitat or threatened species, populations or ecological communities, or their habitats cannot be granted unless certain conditions are met usually in terms of offsetting the bio-diversity loss.

Within the master planning process, minimising biodiversity losses has been a priority, particularly avoiding high quality bio-diversity resources. The Master Plan will result in approximately 615 ha being retained for conservation purposes within the broader study area. The bio-diversity losses are primarily thin and disturbed vegetation or small copses and narrow strips that suffer from edge effect. Table 1 outlines the losses and retention according to grade. 93.3% of 'good to moderate' condition forest and woodland vegetation is being preserved.

The dedication of 476 ha of land by the Wilton Junction Landowners Group, which includes land that is unconstrained for urban development, will result in an offset ratio of 4.1:1 if applied as simple offset ratio.

Table 1 Total area of open forest and woodland vegetation to be retained or cleared

Vegetation Condition Class	Retain (ha)		Remove (ha)		Total (ha)
Good to Moderate	543.52	93.3%	38.96	6.7%	582.48
Thinned or Disturbed	52.36	44.1%	66.29	55.9%	118.65
Small Copses and Narrow Strips	18.62	29.5%	44.55	70.5%	63.17
	614.5	80.5%	149.8	19.6%	764.3

Page 73 of the Ecological Assessment and Environmental Offsets Strategy prepared by SLR Consulting

For all classes of vegetation within the Study Area, the offset ratio is 4.1:1 whereas for 'Good to Moderate' biodiversity resources, the offset ratio is 15.5:1 (as shown in the Table below).¹

¹ Refer to SLR Consulting Report "Wilton Junction Biodiversity Offset Strategy"

Offset ratios between different classes of vegetation

Vegetation Condition Class	Retain		Remove		Total
All vegetation condition classes	614.5	80.4%	149.8	19.5%	4.1 : 1
Excluding 'Small Copses and Narrow Strips'	595.88	85%	105.25	14.8%	5.7 : 1
'Good to Moderate' vegetation only	543.52	93.9%	35.11	6.1%	15.5 : 1

Page 91 of the Ecological Assessment and Environmental Offsets Strategy prepared by SLR Consulting

In addition, the Wilton Junction Landowners' Group is proposing a creative, innovative and comprehensive approach, integrating range initiatives to ensure substantial environmental gains through a proposed Environmental Trust.

To achieve this, the Proponents will enter into a Voluntary Planning Agreement with the State. This will not only dedicate substantial tracts of land for environmental conservation purposes but will deliver approximately \$25 million in perpetuity funding for the care and improvement of the biodiversity and cultural resources.

Applying the rationale of the NSW Government's new Bio-diversity Offset Principles for Major Projects (state significant development and state significant infrastructure) and the in perpetuity protection of conservation land under the Environmental Trust framework, will allow development applications to be not only considered under the Environmental Planning and Assessment Act (1979) but the project will offer significant environmental and social benefits.

In addition, the Wilton Junction Landowners Group are committed to further consideration of the Biocertification process, in consultation with Council, OEH and DP&E in order to provide certainty post rezoning.

4.3 Options for Land Ownership

Providing a mechanism for the current landowners at Wilton Junction to divest environmental land holdings into a sustainable ownership and management structure is critical. The mechanisms should also provide ongoing security of the conservation land and provide for transparency of operation in the future.

Traditionally lands provided under a Voluntary Planning Agreement would be transferred to the local council, the Office of Environment and Heritage or other relevant agency. Due to budgetary and resourcing constraints, Local Government and State Agency capacity to absorb further land to manage is constrained.

Alternatively, conservation lands could be divested to a private owner willing to uphold conservation values. However, this may disenfranchise the Wilton Junction community from decision-making processes and potentially, use of the land. In contrast, an Environmental Trust would promote community participation within the conservation lands. The Trust would be required to undertake broader responsibility for relevant environmental outcomes within the conservation lands and Wilton Junction as a whole.

The Environmental Trust model provides an ownership mechanism in perpetuity, while allowing Wilton Junction residents to access conservation lands and provides the opportunity to participate

in conservation activities and decision-making. It will provide significant additional value to the healthy lifestyle opportunities available in the Wilton Junction Precinct.

4.4 Delivering whole-of-environment outcomes

The key advantage of an Environmental Trust is to provide an ownership structure that can have reference to the aspirations of future residents as well as integrated environmental management. Priorities can be set to meet both whole-of-environment and social sustainability objectives in Wilton Junction.

At the same time, the Environmental Trust meets the “maintain and improve” bio-diversity offset requirements with funding arrangements provided by the landowner Proponents. In addition, the Environmental Trust could apply for further funding grants for the enhancement of conservation values. Income generating uses that are consistent with the conservation objectives could also further boost the income for the Environmental Trust.

4.5 Key principles of an Environmental Trust

An Environmental Trust requires a solid ownership and management foundation to ensure in perpetuity bio-diversity conservation outcomes for the applicable lands at Wilton Junction.

It provides:

- » A mechanism for land ownership co-ordinated with a robust framework for management of resources
- » An economically sustainable and commercially sound model ensuring funding is available in perpetuity
- » The opportunity for members of the community to participate in conservation activities and management to ensure social inclusivity
- » For a management structure that can ensure decision-making is performed by people with the expertise and knowledge to deliver integrated whole-of-environment outcomes
- » Provides a mechanism for promoting sustainable outcomes across the Wilton Junction precinct.

The preliminary objectives of the Environmental Trust would be:

- » To undertake an assessment of bio-diversity and cultural protection priorities and develop a Plan of Management and Capital Works and Maintenance Programme
- » Provide a mechanism for collecting funds from the subdivision and sale of land using and investing those monies to deliver income for the Environmental Trust in perpetuity
- » Developing and attracting alternative sources of funding such as grants or commercial use of land that is complementary to bio-diversity and cultural values
- » Ensure sustainable management of bio-diversity while promoting human access and encourage participatory process and engagement in the long-term management of the conservation lands.

4.6 Resourcing of the Environmental Trust to deliver outcomes

To financially resource the Environmental Trust the following would be required:

- » Transfer of environmental lands to the Environmental Trust
- » Enter into a Voluntary Planning Agreement/State Deed with the State to demonstrate the commitment of the whole of environmental outcome, including the ongoing management and maintenance of the environmental lands. The State Deed would legally recognise that the development will provide a percentage of sales of the Proponent's lands in the Wilton Junction Precinct. This would be collected in an Environmental Trust Fund arrangement. Proceeds from the earnings of the Fund, would be used for environmental/social sustainability outcomes
- » Potential to attract funding from Government, such as the NSW Office of Environment and Heritage, the NSW Water Catchment Authority, Federal Caring for Country Environmental Stewardship Programme and other similar programmes
- » Potential to attract income through complementary land uses occurring on the environmental lands.

5 Governance

5.1 Objectives

The key objectives for the governance of the Environmental Trust will be to:

- » Develop a robust Plan of Management for conservation lands, informed by quality technical advice
- » Oversee the responsible investment of funds from the Voluntary Planning Agreement, explore and implement grants, gift and other income generating opportunities/programmes relative to the Environmental Trust
- » Allocate funds for capital works and maintenance programmes according to the Environmental Trust's Plans of Management priorities
- » Promotion and care of the natural environment and cultural resources over all of the Proponents lands to be dedicated to the Trust
- » Liaise with the community regarding priorities, inform the community about and encourage participation in Environmental Trust activities
- » Liaise with the Proponents in relation to gas infrastructure locations and needs
- » Liaise with the proponents in regards to initial bushfire management
- » Promote access to the environmental lands for residents.

5.2 Key Principles for Successful Governance

Principles for the successful governance of Wilton Junction Environmental Trust include the need for a stable entity and structure suited to the functions and aspirations of the Trust that is dominated by strong management and financial expertise to ensure long-term viability. The Trust should be a commercially or sustainably operated entity and where necessary obtain supplementary funds.

Reliance on scientific knowledge with strong technical partnerships with agencies and groups such as Not-For-Profit environmental groups, would ensure key environmental outcomes are achieved. Importantly, social inclusivity is preserved, promoting local resident participation while ensuring decisions are viable in terms of promoting the overall development of the Wilton Junction Precinct.

5.3 Legal Entity Options

Options include delivering the Environmental Trust as a Co-operative, Incorporated Association or Corporation with Not-for-Profit status and Income Tax Exempt are provided below. Specific advice as to the best entity structure should be sort from a suitably qualified organisation as the project progresses through the rezoning and determination process.

Table 2 Wilton Junction Environmental Trust legal entity options

Co-operative	Association	Corporation
Provide a service, rather than a profit to members	Incorporated association under the Associations Incorporation Act that is own legal identity separate from its members	Provides voting rights according to size of stakeholder which is particularly important in the early phases of development when current landowners will be a majority stakeholder working towards feasible and deliverable outcomes
All members have one vote regardless of size of shareholding	An association can trade but this cannot be its main objective. Any profit from the trading return to the association	Can be registered for not-for-profit status
Member-owned, member-controlled and member-used	Membership voluntary	Can be endorsed as Income Tax Exempt by the Australian Taxation office
Must distribute profits to members	Requires the maintenance of proper financial and membership records and registers	
Use capital for mutual rather than individual benefit	Minimum of five members at any one time	
Must have share capital contributed equally by members	A statement of the association's objectives and an appropriate constitution must be developed.	
	Can apply for incorporation	
	Must hold general annual meetings	

For the Wilton Junction Environmental Trust, an Association is likely the most appropriate legal entity arrangement.

Indicative draft objects of the Wilton Junction Environmental Trust Association are:

- » To provide environmental support services in accordance with the terms of the Environmental Management Agreement;
- » To protect and enhance the natural environment of the Environmental Lands and provide education for residents to protect the environs of Wilton Junction generally;
- » To encourage public accountability and stewardship for the natural environmental land owned by the Environmental Trust and Wilton Junction generally;

- » To promote public awareness of the impact of industrial and residential land use concentrations on the natural environment;
- » Promote responsible and sustainable access to, and enjoyment of, the Environmental Trust lands by residents of Wilton Junction and the wider community;
- » To promote voluntarism amongst the local community and public generally to help the development and realisation of projects designed to achieve the above objects;
- » To actively seek funding or other resources to achieve the above objects;
- » To carry out sustainable commercial activities in the Trust lands to raise funds for the Trust;
- » To establish and maintain the Fund for the purpose of supporting the objects of the Association;
- » To liaise with the Proponents and ensure enhancement of any areas which may require installation of gas infrastructure in stages;
- » To provide annual reports regarding the achievement of the above objects and financial status;
- » To comply with the Voluntary Planning Agreement, including the preparation of:
 - > A Plan of Management to meet the "improve and maintain" bio-diversity principles outlined in NSW Offset Principles for Major Projects (state significant development and state significant infrastructure)
 - > A Bush Fire Management Plan
 - > An Asset Protection Zone Management Plan, as the Trust will be managing the outer and inner protection zones
 - > A Water Management Plan and the monitoring of water quality
 - > An annual Weed Management Plan
 - > A Management Plan for Heritage Sites
 - > A Environmental Land sustainable access strategy and usage plan to encourage access but also ensure appropriate usage environmental resources
 - > An Aboriginal Cultural Heritage Management Plan informed by close liaison with local indigenous groups
 - > Annual budgets including staffing levels for research and maintenance.
- » To undertake other activities necessary or ancillary to the attainment of the objects of the Association.

Draft rules regulating the governance of the Fund to support the Environmental Trust are as follows:

- » The Association must establish the Fund;
- » The Association must maintain the Fund in accordance with the Fund Rules, the Constitution of the Environmental Trust and all applicable laws and regulations;
- » The Fund must be established to receive:
 - > The on-going contributions from the Wilton Junction Landowners Group resulting from the sale of land within Wilton Junction
 - > Any income derived from the operation of commercial activities, grants, sponsorships, partnerships, and services the Association may receive, participate in or provide
 - > Any other gifts of money or property

- > Any income earned from the investment of the items above
- » In regards to the Fund Committee will:
 - > The Association will establish the Fund Committee to administer the Fund
 - > The Fund Committee will be organised and will operate in accordance with the provisions of the objects of the Environmental Trust
- » The Fund Bank Account will:
 - > Receive all money due to the Association. Any funds must be credited to the Fund Bank Account only
 - > Other than the monies from sources identified, the Fund must not receive or credit any other money or property into, or to the account of, the Fund Bank Account
 - > Will acknowledge the receipt of Funds from the "levy" on improved land sales and issue a Certificate to fulfil a development Condition of Consent and to discharge the obligation on the title of the land.
- » The Use of the Fund
 - > The Fund Committee may apply part of the Fund for any of the purposes of the Environmental Trust that the Board determines
 - > The Fund Committee must not apply any part of the Initial Capital for the day to day operational purposes of the Association
 - > The Initial Capital inflated by Consumer Price Index shall only be invested in AAA rated investments
 - > The Fund Committee cannot commit or approve any expenditure in excess of the annual budget approved by the Board.

5.4 Key roles and responsibilities

Specific committees combined with staffing, will be set up to achieve the key aims of the Environmental Trust, with an overarching Environmental Trust Board to ensure quality governance and decision making.

Environmental Trust Board

(a Managing Agent/Director with a high level of financial control capability, representatives of development Proponents until such time they waive involvement, Wollondilly Council representatives, an Office of Environment & Heritage representative, and call for nominations from suitably qualified residents, representative from Landcare or similar)

<p>Management Committee (3-5 members*)</p> <p>Key responsibilities:</p> <ul style="list-style-type: none"> Develop Plans of Management to meet "Maintain and Improve Principle" Approve Budgets Develop capital works and maintenance priority lists Provide technical advice or liaise with appropriate professionals on the management of bio-diversity and cultural assets Uphold the values of the whole-of-environment approach and the improve and maintain principle 	<p>Fund Committee (3 to 5 members*)</p> <p>Key responsibilities:</p> <ul style="list-style-type: none"> Oversee the investment of funds from the VPA Investigate and explore grant opportunities Manage funds from investments and direct these to capital works and on-going maintenance programmes according to management plans Negotiate any contractual arrangements for capital works or maintenance programmes Manage accounting processes 	<p>Social Sustainability Committee (3 to 5 members*)</p> <p>Key responsibilities:</p> <ul style="list-style-type: none"> Gain Wilton Junction community input regarding priorities and liaise and report to the Board Inform the community about activities and progress Facilitate community participation in events and bio-diversity protection activities Uphold the values of the whole-of-environment and the improve and maintain principle 	<p>Staffing</p> <p>Managing Director/Agent</p> <ul style="list-style-type: none"> Working with the Management Committee to develop the Plans of Management and subsequent capital works and priority programmes Overseeing and undertaking works 3x Landscaping Labourers undertaking works Administration Officer Undertaking day to day administration and accounting activities and liaising with social sustainability committee
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The Environmental Trust Board would be a skills-based Board responsible for strategic planning and long-term policy setting. It would likely be made up of the following representatives: the Managing Director or Managing Agent, development Proponents (until such time as they waive involvement), a Wollondilly Council representative with open space management and community services management skills, an environmental management qualified person, a business management qualified company director, a qualified financial manager, a representative from a relevant local community group, and potentially a call for a suitably qualified local resident.

The role of Environmental Trust Board would be to balance decision-making to meet environmental and social objectives in an economically sustainable manner while three committees below the Board would each be focussed on either environmental, economic or social considerations.

The Management Committee would:

- » Ensure that the bio-diversity and cultural protection objectives are met and achieve the "Maintain and Improve" principle
- » Source technical expertise to ensure quality decision-making
- » Oversee the development of Plans of Management to meet conservation land objectives
- » Develop capital works and on-going maintenance programmes

- » Oversee capital works and maintenance programmes.

The Funds Committee will be responsible for meeting the economic sustainability objectives of the Environmental Trust including:

- » Oversee the investment of funds from the Voluntary Planning Agreement
- » Allocating funds to capital, maintenance, promotion and research programmes
- » Budget monitoring
- » Negotiating contractual arrangements for capital works
- » Investigate and implement a grants and gifts programme
- » Manage accounting processes.

The Social Sustainability Committee will be responsible for ensuring participatory process through:

- » Liaising with residents regarding community aspirations and priorities
- » Informing the community about activities and progress
- » Facilitate community participation in events and conservation land protection activities
- » Provide on-going community and school education regarding a wide range of sustainability initiatives at Wilton Junction to encourage environmental stewardship including:
 - > promote the sustainable use of bio-diversity land resources
 - > promote awareness and understanding of the integrated water cycle management system and education regarding resident activities that promote positive outcomes
 - > provide information and advice to builders and residents about energy and water efficiency to promote sustainable use of resources
 - > provide information on the Waste Minimisation Strategy and engage in communication programmes to encourage wise waste practices among residents and businesses.

5.5 Staffing

The following staffing is likely to be required for the Environmental Trust:

- » A Managing Director or Agent with a well-rounded community, social, events and ecology background. Key responsibilities would include:
 - > Liaising with various State Agencies such as the Office of Environment and Heritage to obtain technical advice from various professionals
 - > Working with the Management Committee to develop the Plans of Management and subsequent capital works and maintenance priority lists
 - > Overseeing contract arrangements and undertaking conservation works
 - > Pursuing grants and funding.
- » Landscape/bush care workers
 - > The responsibilities of the landscape/bush care workers would be to undertake long-term smaller capital works projects and maintenance. This would include items such as walking track maintenance, erosion and weed control measures where required, and fire-break maintenance.

- » Administration Officer
 - > Undertaking the day-to-day office and accounting functions of the Trust and liaising with the Fund Committee
 - > Liaising with the Social Sustainability Committee to provide information about activities, community participation opportunities, organising events and so forth.

6 Funding and operating model

6.1 Capital investment required by developers and revenue generation in perpetuity

To fund the Environmental Trust, approximately \$25 million will be generated from a percentage of land sales will be contributed by the Proponents to the Environmental Trust via a Voluntary Planning Agreement.

Indications at this time would also suggest the likely funds generated by a Voluntary Planning Agreement, using a contribution rate of between 0.75% of improved sales value, would fund the in perpetuity operation of the Environmental Trust.

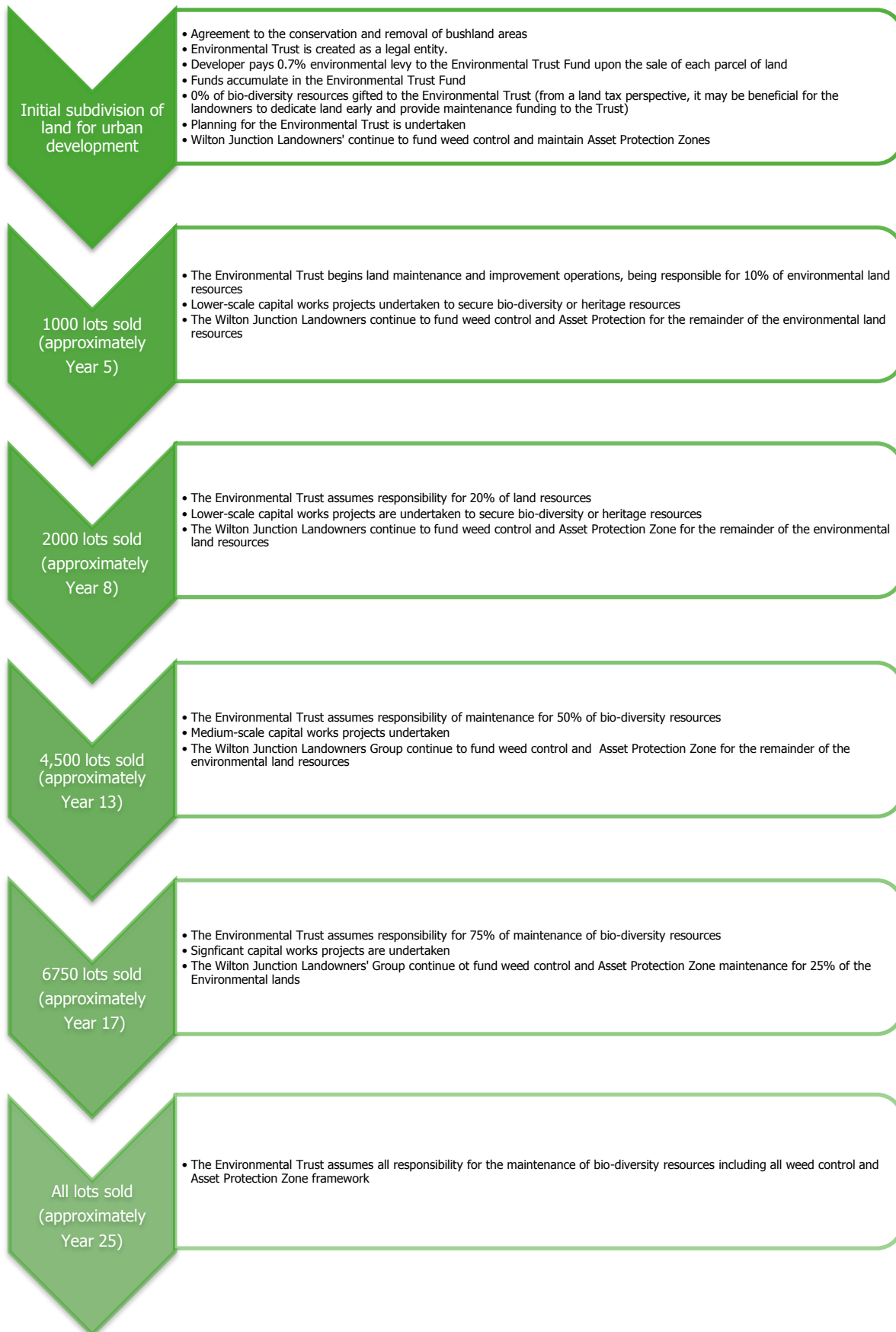
Ultimately, taking into account escalating land values, at the end of the Wilton Junction development phase, this would produce in excess of \$25m as a contributions to the “whole of environment” sustainability initiative. For each purchase of land from the Proponents, there will be a requirement to pay an environmental “levy” as part of the sale contract, and payment of the levy will be certified with a Certifier at development application stage. Future residents will need to be supportive of the management, maintenance and education initiatives of the Trust.

The Trust is the best option as local people and local Directors on the Board will take responsibility for the whole of environment.

The operations of the Environmental Trust will escalate as the Wilton Junction Precinct is developed and Trust funding is generated from the sale of land. A series of trigger points will be put in place to ensure the responsibilities of the Trust are commensurate with funding availability.

Trigger points will be based on specific development milestones. For example, it could be that when 1,000 lots are sold, the Environmental Trust will be responsible for 10% of the total conservation land maintenance. These trigger points have been designed to not rely on timeframes but actual development funds to ensure the Environmental Trust does not have responsibilities without the funding to meet those commitments. The details of these trigger points will be worked up as the rezoning progresses, and post rezoning when the legal framework is compiled. The proposed possible trigger points are outlined in Figure 1.

Figure 1 Environmental Trust trigger points



6.2 Capital and recurrent costs

Key capital costs are generally associated with developing a solid foundation for bio-diversity and heritage protection and management, development of key infrastructure to promote social and environmental objectives, and developing programmes to meet the aims of the Trust. These include:

- » Assessment and mapping of vegetation quality to inform a Plan of Management
- » Development of a Plan of Management including:
 - > The exploration of additional funds through grants
 - > Investigation of income generating activities that can supplement the income of the Trust
- » Rehabilitation of selected land to meet the “maintain and improve” principle
- » Walking trail and cycling trail development and accompanying signage to promote managed access
- » Liaising with Proponents and the NSW Government regarding any gas infrastructure requirements or bushfire management at the initial stages
- » Development of educational and space programming to encourage environmental stewardship
- » Development of a Wilton Junction sustainability initiatives education programme for residents
- » Building and equipment resourcing for Environmental Trust staff and/or contractors.

Key recurring income expenditure will include:

- » Maintenance of rehabilitated land
- » Weed and pest control programmes
- » Asset Protection Zone maintenance
- » Walking and cycling track maintenance
- » Erosion control works
- » On-going educational and space programming activities
- » On-going resident education activities to support the sustainability initiatives at Wilton Junction.

It is envisaged that these key activities would be undertaken by staff employed by the Environmental Trust and/or partnership arrangements with other organisations.

7 Guaranteeing in perpetuity protection of bio-diversity and heritage assets

7.1 Overall security of land

Ensuring natural assets enjoy a secure protection framework now and into the future, the Environmental Trust has the accountability to deliver and manage the environmental lands, including the APZs.

The developer-led funding arrangement will be secured under a Voluntary Planning Agreement to provide the necessary initial funding and agreed percentage of land sales within the Wilton Junction. The primary land use, protecting bio-diversity resources and heritage values, will be secured through:-

- » the VPA with state government
- » registration on the title
- » the transfer of ownership of the environmental land resources from current ownership to the Environmental Trust.

Bio-diversity will be protected by extending the bio-diversity layer already used within the Wollondilly Shire Council LEP under Clause 7.2. Conservation lands held by the Environmental Trust will be included in the accompanying mapping for this Clause which has the following objectives:

- » maintaining terrestrial and aquatic bio-diversity including protecting native fauna and flora and encouraging their recovery through habitat augmentation
- » protecting the ecological processes necessary for their continued existence and
- » protecting drinking water catchments.

The not-for-profit Environmental Trust may be registered as an Association, which will be required to report annually on activities to achieve Plan of Management objectives and the financial status of the organisation offering a transparent accountability framework as outlined in the draft Objects of the Association in Section 4.3.

7.2 Staging and the security of the lands

The Proponents will establish the Trust in the early years of the development of Wilton Junction, however the physical responsibilities of the Trust will be undertaken after 1,000 lots have been sold (approximately Year 5), once sufficient funds are available to the Trust. As milestones in the development of the new town are reached, increased responsibilities of the Trust will occur as outlined in the Section 5.1. By ensuring the responsibilities will be commensurate with the urban development of adjoining lands, the long term viability of the Trust will be secured. The dedication by the Proponents of conservation lands will be undertaken in stages to the Trust.

Until such time as the Environmental Trust is in operation, the Proponents will be required to undertake the normal responsibilities of management and maintenance of the lands, including management of the safety of the APZ lands. The Proponent will liaise with Council during this period.

It is therefore believed that the long-term security mechanisms and the initial ongoing landowner responsibility over the lands, provides sufficient security to the government.



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Wilton Junction - Draft Statement of Intent for Environmental Outcomes

471 plus hectares of conservation land of the Proponents land

\$25 million in perpetuity funding

A no cost to government approach

Purpose

This Statement of Intent forms the basis of an offer to the NSW Government for a Voluntary Planning Agreement.

The establishment of the Environmental Trust is conditional upon the environmental framework and offset to develop urban lands as identified in the proposed master plan and funding, being accepted by NSW Government.

Introduction

Delivering \$25 million in funding to improve and maintain over 471 ha of the Proponent' (Bradcorp, Governor Hill and Walker Corporation) bio-diversity rich land secured by the dedication for environmental conservation purposes, is proposed by the Wilton Junction Proponents. This innovative, no-cost to government approach will offer a financially sustainable framework for bio-diversity management and promotion of sustainable access for the residents and visitors to the proposed Wilton Junction new town.

This Wilton Junction Environmental outcome provides a better outcome in comparison to other bio-diversity conservation programmes. For example, the Warnervale Town Centre Bio-certification process resulted in \$4 million to offset the approximate 68 ha to be lost as part of the development, while only 8.5 ha was retained. In contrast, the Wilton Junction Environmental Trust will retain at least 471 ha of quality bio-diversity resources, while the 150 ha to be necessarily lost through development will be offset by \$25 million to secure the future of the retained resources.

As a comparison, each hectare of bio-diversity loss at Warnervale generated approximately \$58,000 in bio-diversity offset funding, most of which would be used to buy offset land resources. In the case of Wilton Junction, each hectare of biodiversity lost will generate approximately \$162,000 funding for each of the 471 hectares of retained biodiversity without the cost of purchasing land.

This tailored approach not only provides a better financial outcome for the care and maintenance of biodiversity resources, but is also relatively consistent with other schemes in terms of cost to developers, minimising the burden from a housing affordability perspective. For example, framed in terms of the number of residential lots provided, the cost of bio-diversity offset for the Sydney Growth Centres is estimated at approximately \$3,000 per residential lot and approximately \$15,000/ha for employment (\$530 million for the Growth Centres Biodiversity Offset Program divided by the 160,000 homes expected to be

produced while allowing some contribution from employment land). The Wilton Junction Environmental Trust proposal will cost, on a comparable basis, approximately \$2,100 per residential lot and approximately \$11,400/ha for employment lands.

This draft Statement of Intent outlines the commitments of the Wilton Junction Proponents (the Proponents) to provide for the dedication and maintenance of conservation lands surrounding the proposed development of the Wilton Junction new town. The Statement of Intent can form the basis for a Voluntary Planning Agreement with the NSW Government.

Outlining the principles that will guide the Environmental Trusts operation, the governance structure and implementation, this paper describes the mechanisms through which:

- » land is to be dedicated and the process by which \$25 million in funding will be secured
- » bio-diversity resources are protected while achieving sustainable access for residents and visitors
- » accountability and transparency in the operation of the Trust is ensured.

Whole-of-environment approach

The key objective of implementing an environmental trust framework would be to deliver integrated whole-of-environment outcomes through both initial capital works and on-going management of conservation lands within the Wilton Junction Precinct.

The whole-of-environment approach integrates bio-diversity and cultural protection, ensuring sustainable human interaction with those resources, and inclusive decision-making processes. These dovetail with key development objectives to create high liveability and accessible employment opportunities in Wilton Junction.

The Wilton Environmental Trust would be charged with facilitating quality outcomes to deliver integrated solutions to assist in meeting both social and environmental objectives, as well as legislated requirements, in an economically sustainable framework. Particularly critical to this management framework is the management of biodiversity value land in the region.

Background to the Environmental Trust

Wilton Junction is a new town proposed in Wollondilly Shire, in the South-west of the Sydney Metropolitan area able to deliver much needed housing and employment land resources.

An integral part of the Wilton Junction proposal is the conservation of 620 ha of quality bio-diversity and cultural resources that will surround the proposed new town, of which 471 ha is part of the Proponents land.

This will preserve 93.3% of all 'good to moderate' vegetation and 80.4% of all vegetated land within the precinct in perpetuity, with \$25 million in funding for maintenance, improvement, research and community enjoyment. In addition to protecting bio-diversity resources, the Environmental Trust will celebrate, manage and protect important heritage items within the conservation area.

The independent Environmental Trust replaces the need to dedicate conservation land to the NSW Government or Wollondilly Shire Council, which have limited resources to acquire or manage the lands. Robust mechanisms will ensure the land:

- » Remains a conservation land resource, which will also protect and celebrate bio-diversity and heritage resources within its boundaries;
- » Has an in perpetuity funding source with \$25 million being generated from a percentage of land sales at Wilton Junction for the Environmental Trust;
- » Has a robust governance structure to both ensure evidence-based decision-making and promote wider community participation;
- » Will provide a strong reporting and monitoring mechanism to ensure transparency and accountability.

Charter of Principles

The Wilton Junction Environmental Trust will provide in perpetuity protection and management of rich bio-diversity resources and heritage items within the conservation land boundary. The Charter of Principles that will inform the governance, functions and responsibility of the Wilton Junction Environmental Trust is outlined below.

Principle 1: Provide a robust model for in-perpetuity protection and ownership of conservation land

The Environmental Trust will provide a mechanism that guarantees the land will be used for conservation purposes in perpetuity. The Wilton Junction Proponents commits to creating an Environmental Trust structure and dedicating 471 hectares of the Proponents land to the Environmental Trust, which will be registered and managed as a charity.

The appropriate biodiversity conservation will be achieved by identification of the Trust's conservation areas in a SEPP map, which is then outlined in the "Natural Resources – Biodiversity Map" in the Wollondilly LEP 2011. While being zoned R1- General Residential with the bio-diversity protection layer, the structure will ensure land owned and used by the Environmental Trust will be protected and exempt from land tax, as per the qualifying criteria for non-profit societies, clubs and associations, religious institutions, public benevolent institutions and charitable institutions under Australian tax law.

Principle 2: Provide in perpetuity funding at no cost to government

The Wilton Junction Proponents commits \$25 million in funding from the subdivision and sale of land owned by the Proponents in the Wilton Junction Precinct. A 0.75% levy on sales value of employment and residential land will generate the funding that will be dedicated to the Trust. The \$25 million has been calculated on escalating land values. CPI indexing of costs in terms of improving and maintaining bio-diversity and cultural resources has been undertaken to ensure that the levied amount will secure in perpetuity funding.

The legal mechanism to ensure this occurs will be a Voluntary Planning Agreement, negotiated with Minister for Planning & Environment, which will be registered on the title of the Wilton Junction Proponents land resources.

A certification system of financial resources generated from the sale of land at Wilton Junction will be in place. It is proposed that the following will occur:-

- The levy is paid by the purchasers to the developer as part of the sale price for land. The levy is retained in the solicitor trust fund, or placed into the Environmental Trust, once established.
- At subdivision, the Certifier endorses payment made to the Trust as compliance in achieving the VPA condition to the Minister for Planning

This process reduces any administrative burden for Council.

The Environmental Trust expertise-based management board (financial, environmental, heritage and social) will be responsible for prudent financial management to guarantee on-going revenue for the maintenance and enhancement of conservation land and heritage resources.

To ensure the funding is provided in perpetuity, the Environmental Trust expenditure commitments will be progressively undertaken commensurate with the staging of development at Wilton Junction. Triggers will be in place to guide the implementation of the Trust framework ensuring that sufficient financial resources remain within the Trust to secure in perpetuity funding. In this flexible approach, the Trust will monitor the take up of land resources at Wilton Junction to determine the level of Trust expenditure, managing cash flow risks. Only interest earnings, from the Trust Fund, or bond borrowings, will be used for capital or maintenance works. The principal seed funding plus CPI will remain within the Trust Fund.

A further illustration of the trigger point approach is provided within Section 4 Timeframes in this Statement of Intent.

In addition, land will be progressively dedicated to the Environmental Trust from the Wilton Junction Landowners Group under a similar trigger system. Until this time, the Wilton Junction Proponents will be responsible for maintaining bio-diversity resources and maintaining Asset Protection Zones on their land. This will protect the Environmental Trust from the burden of maintaining land resources without adequate funding being in place.

It will be within the scope of the Environmental Trust to develop and attract additional sources of funding such as grants. The Trust will also pursue commercial use of land where that use is complementary to bio-diversity and cultural values, to add to the income of the Environmental Trust.

Principle 3: “Maintain and enhance” bio-diversity

The Environmental Trust will protect and, where necessary, rehabilitate land within its holdings dedicated to the organisation by the Wilton Junction Proponents.

Based on a robust evidence base, a Plan of Management will be developed and implementation overseen by qualified personnel and/or consultants of the Trust. The Trust will also be responsible for facilitating research in the Trust lands and the promotion and integration of environmental principles throughout the adjoining urban environment. This will include the Trust enhancing the community’s enjoyment of and co-existence with the natural environment.

Principle 4: Protect and celebrate heritage resources

The Environmental Trust will actively work to protect heritage resources within lands held by the Trust. It may encourage access to heritage value items, subject to the agreement with the Aboriginal community, where it is sustainable to do so. Encouraging engagement with local Aboriginal groups regarding the protection of heritage items, and potentially commercial activities that may benefit heritage and protection of the Trust will be a priority.

As under 36DA “Location of places and items of Aboriginal significance may be kept confidential” of the NSW Local Government Act 1993, where a council may resolve (at the request of any Aboriginal person traditionally associated with the land concerned or on the council’s own initiative) to keep confidential such parts of a draft or adopted Plan of Management to which this section applies, may be applied to a place or an item of Aboriginal significance.

Principle 5: Promoting sustainable access to bio-diversity and heritage resources

A key function of the Environmental Trust will be to promote sustainable access to bio-diversity and heritage resources. Designed to minimise impacts on natural resources, walking and cycling tracks will connect with those in the urban parts of the precinct to encourage healthy, active lifestyles inclusive of access to the surrounding rivers owned by the Trust.

Any portions of the pedestrian and cycling network that fall outside Environmental Trust lands, such as in Asset Protection Zones on the edge of urban development, will be discussed with Council to ensure agreement on the capital and maintenance works within the Environmental Trust lands. The Environmental Trust will work actively with Wollondilly Council to ensure an integrated approach to the creation of walking and cycling trails will be achieved.

The Environmental Trust will develop space and educational programming to encourage use and understanding of the natural and heritage resources.

Principle 6: Engage residents and the wider community on environmental issues

A whole-of-environment approach has been integral to the planning of the Wilton Junction Precinct. The Environmental Trust will have a key role in creating an inclusive community that promotes environmental

stewardship. The Trust will create a sustainable access network seamlessly joining the urban and natural environment, promoting active and healthy lifestyles and encouraging appreciation of the special qualities of the natural environment in the area.

In addition, the Trust will be responsible for creating awareness of the environmental features of the precinct, encourage resident behaviour that supports and promotes those features, and encourage participation in the care and enhancement of the Environmental Trust lands.

The Environmental Trust will also promote inclusivity in managing environmental resources through offering Committee positions to the general community and associate membership to the Trust.

Principle 7: Manage Asset Protection Zones and bushfire risk

The Environmental Trust will maintain asset protection zones to both manage bushfire risk and optimise the conservation land/urban interface to minimise impacts on the environmental resources such as erosion. The conservation land will provide grasslands, managed to minimise bushfire risk, while providing an additional diversity of habitat.

Until the Environmental Trust is operational, the Wilton Junction Proponents will be responsible for the maintenance of Asset Protection Zones in their land.

Principle 8: Promote a healthy water catchment.

An exciting attribute of the Trust land is that the land includes ownership to the centre line of the Nepean River and Cataract River and ownership of Byrnes Creek. The Environmental Trust will work with the Environmental Protection Authority and Sydney Catchment Authority to assist in maintaining river health and water quality.

The Trust provides unique opportunities for both pursuing aquatic conservation as well as bushland conservation, and the opportunity to potentially seek funding from sustainable commercial recreational activities on the rivers.

Principle 9: Efficient Approvals Process

The investment of the Proponents in dedicating, conserving, improving and maintaining the conservation area needs to be supported by an efficient environmental approval process at development application stage. The Proponents propose to work with Council and the Office of Environment and Heritage to develop an approval process with similar benefits to Bio-certification, negating the need for biodiversity to be considered at every development application stage.

Without an efficient approvals process, the resource intensity for government will be unsustainable as will the investment made by the Proponents in the significant conservation lands.

In addition, the Proponents propose working with Office and Environment and Heritage to establish an efficient AHIP process for the Wilton Junction lands. This offer requires close collaboration with the Office of Environment and Heritage.

The Offer of the Trust arrangement is based upon the identified lands for urban development being able to be developed as a full offset for lands being removed.

Governance

To achieve the Charter of Principles, the three key governance principles of the Environmental Trust will be:

- » Appropriately skilled technical and financial specialists will oversee decision-making, transparency and management of any potential conflicts;
- » Inclusivity will be promoted by encouraging community participation;
- » Transparency is provided through monitoring and reporting mechanisms.

A skills-based Board, including financial, environmental, heritage and management skills, will ensure quality governance and decision making for the Environmental Trust. Monitoring and reporting mechanism, such as presentation of annual reports to Wollondilly Shire Council or to the Office of Environment and Heritage, will ensure the Environmental Trust is accountable for its actions and expenditure.

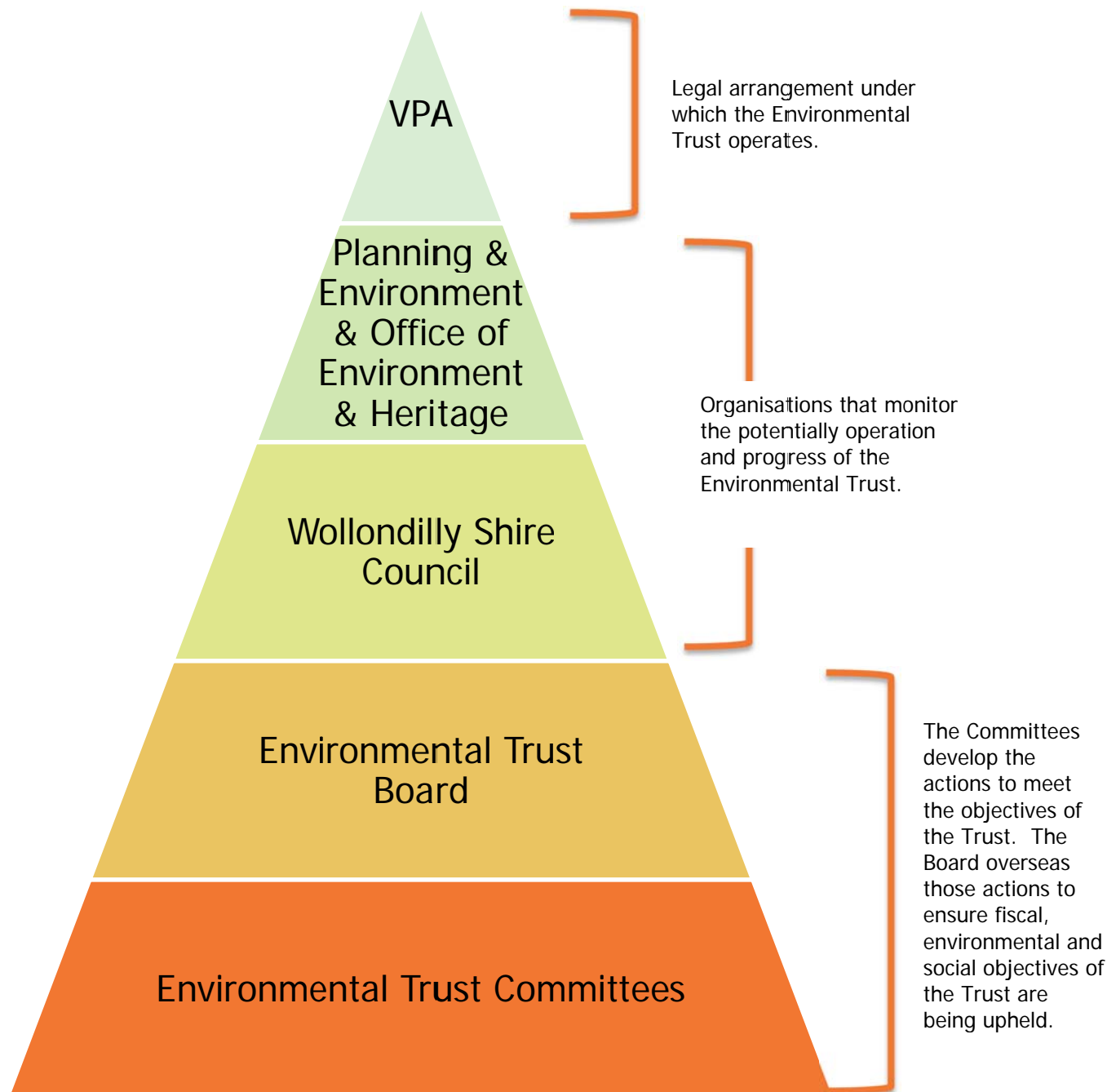
The key responsibilities of the Board will be to:

- » Oversee financial decision-making and reporting;
- » Develop the Plan of Management with input from Committees (see below);
- » Approve Capital Works and Maintenance Plans as provided by the Committees (see below);
- » Monitoring and reporting of all facets of the Environmental Trust to relevant bodies and Government.

Specific committees combined with staffing, will be set up to achieve the key aims of the Environmental Trust. A key principle of the Environmental Trust is to promote community inclusivity in decision-making processes. As such, the Committee positions will be open to community members, but with the checks and balances of the skills-based Board and reporting obligations. Community members with specific skill sets will be encouraged to apply. These include:

- » A Management Committee, whose main responsibility will be to implement environmental and heritage conservation activities strictly within the budgets approved by the Board, will be responsible for:
 - > Ensuring that the bio-diversity and cultural protection objectives are met and achieve the “Maintain and Improve” principle
 - > Sourcing technical expertise to ensure quality decision making
 - > Providing input into and assisting in the development of Plans of Management to meet conservation objectives
 - > Developing capital works and on-going maintenance programmes for Board approval
 - > Overseeing capital works and maintenance programmes.
- » A Social Sustainability Committee, whose main responsibility is to promote sustainable access to conservation lands by the community, encourage participation in environmental initiatives and develop educational programmes. Key activities include:
 - > Liaising with residents regarding community aspirations and priorities
 - > Informing the community about activities and progress
 - > Promoting the connection of the natural environment with the urban environment
 - > Facilitating community participation in events and conservation land protection activities
 - > Providing on-going community and school education regarding a wide range of sustainability initiatives at Wilton Junction to encourage environmental stewardship
 - > Promoting the sustainable use of bio-diversity land resources
 - > Promoting awareness and understanding of the integrated water cycle management system and education regarding resident activities that promote positive outcomes
- » A Fund Committee, whose main responsibility is to oversee the funding of scheduled maintenance and capital works, apply for grants and investigate and implement complementary land uses that may generate income for the Trust. Key activities include:
 - > Overseeing the investment of funds from the Voluntary Planning Agreement
 - > Allocating funds to capital, maintenance, promotion and research programmes
 - > Budget monitoring
 - > Negotiating contractual arrangements for capital works
 - > Investigate and implement a grants and gifts programme and compatible commercial use of land

- > Manage accounting processes
- > Formulating budgets for consideration of the Board within the parameters of the Association of Articles
- > Pursuing commercial opportunities that supplements the Trust activities and enhance enjoyment of the Trust lands.



Implementation

The key actions to achieve the principles and the responsibility for those actions are outlined below. It also outlines the agency or any company requirement that will either monitor the actions of the Environmental Trust in either in an initial or limited capacity or on an on-going basis.

The reporting and monitoring actions will be finalised in the constitution of the Trust.

1.1 Land Ownership and Protection

Action	Description	Responsibility	Reporting/ Monitoring
3.1.1	The Environmental Trust will be created and registered as a charity with SR status.	Wilton Junction Proponents Office of Environment & Heritage	Planning and Environment/ Office of Environment and Heritage
3.1.2	Land titles for the conservation lands gifted to the charity with all legal costs to transfer the lands will be absorbed by the Wilton Junction Proponents. (note: excluding land taxes e.g. stamp duty and land tax)	Wilton Junction Proponents	Planning and Environment
3.1.3	A Voluntary Planning Agreement guaranteeing funding from the sales of the three Proponents land will appear on the title of the Proponents land within the Wilton Junction Precinct.	Wilton Junction Proponents	Planning and Environment
3.1.4	An appropriate bio-diversity and heritage protection overlay will be provided in the SEPP which will be transferred to the Wollondilly Shire LEP.	Wilton Junction Proponents Planning and Environment	Planning and Environment

1.2 Guarantee in-perpetuity funding

Action	Description	Responsibility	Reporting/ Monitoring
3.2.1	Wilton Junction Proponents will enter into a Voluntary Planning Agreement detailing the funding commitment for the Environmental Trust. The Environmental Trust agreement will provide: » Approximately 0.7% levy on sales of employment and residential land in the Wilton Junction Precinct relating to land owned by the Wilton Junction Proponents; » \$25 million in total funding will be provided through this levy based taking into account escalating land values through to approximately 2042.	Wilton Junction Proponents	Planning and Environment
3.2.2	Registration of the Voluntary Planning Agreement on Title of the Wilton Junction Proponents lands will occur specifying the process and trigger point for the environmental levy to paid.	Wilton Junction Proponents	Planning and Environment
3.2.3	The Voluntary Planning Agreement to appear as a Condition of Consent for any subdivision, with the Certifier indicating payment of the levy was paid as part of the purchase price confirmed.		Proponent

Action	Description	Responsibility	Reporting/ Monitoring
3.2.5	Deliver an investment management strategy to guarantee in perpetuity funding for the Environmental Trust.	Environmental Trust Board	Office of Environment and Heritage Planning & Environment
3.2.6	Develop a Plan of Management to assist in prioritising environmental and social initiatives. The Plan will be updated every five years.	Environmental Trust Board/	Standard company reporting
3.2.7	Develop yearly Capital Works and Maintenance Plans based on the priorities developed in a Plan of Management and available revenues based on trigger points in the Voluntary Planning Agreement.	Environmental Trust Board	Standard company reporting
3.2.8	Prepare and implement a grant application plan and process for the Wilton Junction Environmental Trust.	Environmental Trust Board/Fund Committee	Standard company reporting
3.2.9	Investigate and implement land uses that generate income for the Trust where they are complementary to the conservation values.	Environmental Trust Board/Fund Committee	Standard company reporting
3.2.10	Report on a yearly basis regarding the financial performance of the Environmental Trust.	Environmental Trust Board	Standard company reporting

1.3 “Improve and Maintain” Bio-diversity

Action	Description	Responsibility	Reporting/ Monitoring
3.3.1	Undertake in-depth research into the bio-diversity resources within the conservation lands to inform a Plan of Management	Wilton Landowners' Group Environmental Trust Board / Management Committee	Wollondilly Shire Council
3.3.2	Priority actions for the rehabilitation and maintenance of the conservation lands based on the Plan of Management.	Environmental Trust Board/ Management and Fund Committees	Standard company reporting
3.3.3	Develop and implement annual Capital and Maintenance Works Programmes.	Environmental Trust Board/ Management and Fund Committees	Standard company reporting
3.3.4	Develop and implement an on-going Pest and Weed Control Programme.	Environmental Trust Board/ Management and Fund Committees	Standard company reporting
3.3.5	Report on progress in achieving maintenance and enhancement of biodiversity resources.	Environmental Trust Board	Standard company reporting

1.4 Protect and celebrate heritage

Action	Description	Responsibility	Reporting/ Monitoring
3.4.1	Identify and maintain a register of key heritage items within the conservation area.	Wilton Landowners' Group Environmental Trust Board / Management Committee	Wollondilly Shire Council
3.4.2	Engage with local Aboriginal groups to gain input into how heritage items should be managed. Encourage opportunities to involve indigenous Australians in the care and maintenance or promote indigenous business opportunities associated with the Trust.	Environmental Trust Board/ Management and Fund Committees	Standard company reporting
3.4.3	Develop a Heritage Plan as part of the Plan of Management, including promoting sustainable access where appropriate, and update every five years.	Environmental Trust Board/ Management Committees	Standard company reporting

Action	Description	Responsibility	Reporting/ Monitoring
3.4.5	Where appropriate, develop material (such as interpretive signage) to raise awareness of cultural heritage within the Trust boundary, if agreed to by Aboriginal group(s).	Environmental Trust Board/ Social Sustainability Committee	Standard company reporting
3.4.6	Report on progress to in achieving heritage conservation objectives.	Environmental Trust Board	Standard company reporting

1.5 Promote sustainable access

Action	Description	Responsibility	Reporting/ Monitoring
3.5.1	As part of the Plan of Management, develop a sustainable access strategy and prioritise works. Liaise with Wollondilly Shire Council regarding works within the urban area to ensure a co-ordinated response between pathway development in urban areas and within Environmental Trust lands.	Wilton Landowners' Group Environmental Trust Board / Management Committee	Standard company reporting
3.5.2	Budget prioritised works in annual Capital Works and Maintenance Programmes.	Environmental Trust Board / Management Committee	Standard company reporting
3.5.3	As part of the Plan of Management, develop space programming priorities and update every five years.	Environmental Trust Board/ Social Sustainability Committee	Standard company reporting
3.5.4	Create a yearly programme and budget for space programming and educational activities.	Environmental Trust Board/ Social Sustainability Committees	Standard company reporting
3.5.5	Explore sustainable and compatible commercial land uses that promote use of conservation lands and potentially generate income.	Environmental Trust Board/ Management and Fund Committees	Standard company reporting
3.5.6	Report on meeting sustainable access objectives.	Environmental Trust Board	Standard company reporting

1.6 Engage residents and the wider community on environmental issues

Action	Description	Responsibility	Reporting/ Monitoring
3.6.1	Create community information about whole-of-environment initiatives as part of land sales material.	Wilton Landowners' Group	Standard company reporting
3.6.2	As part of the Plan of Management, prioritise community education activities regarding whole-of-environment initiatives.	Environmental Trust Board / Social Sustainability Committee	Standard company reporting
3.6.3	Promote inclusivity in the care and maintenance of bushland by supporting and promoting a bush care group.	Environmental Trust Board/ Management & Social Sustainability Committees	Standard company reporting
3.6.4	Create a yearly programme and budget for educational activities such as: <ul style="list-style-type: none"> » Community Information Sessions such as Healthy Rivers and the Integrated Water Cycle System, Adding to Habitat in your Garden etc. » Wild Walks – providing information and healthy activities for local residents » School excursions. 	Environmental Trust Board/ Social Sustainability Committee	Standard company reporting
3.6.6	Report on educational activities and outcomes.	Environmental Trust Board	Standard company reporting

1.7 Manage Asset Protection Zones

Action	Description	Responsibility	Reporting/ Monitoring
3.7.1	Maintain Asset Protection Zones prior to the Environmental Trust taking responsibility for appropriate fuel reduction strategies.	Wilton Landowners' Group	Wollondilly Shire Council
3.7.2	Rehabilitate Asset Protection Zones to deliver habitat for grassland dwelling biota while meeting bushfire risk minimisation objectives.	Environmental Trust Board / Management Committee	Wollondilly Shire Council
3.7.3	Provide an annual fuel reduction programme in APZ's to manage bushfire risk.	Environmental Trust Board/ Management Committee	Wollondilly Shire Council/RFS

1.8 Promote a healthy water catchment

Action	Description	Responsibility	Reporting/ Monitoring
3.8.1	Work with relevant agencies to promote river health, assist with water quality monitoring and facilitate aquatic research programs.	Environmental Trust Board / Management Committee	Standard company reporting
3.8.2	Pursue recreational opportunities related to the rivers and review possibility of fund raising from these opportunities.	Environmental Trust Board / Management Committee	Wollondilly Shire Council as consent authority

1.9 Efficient Approvals Process

Action	Description	Responsibility	Reporting/ Monitoring
3.9.1	Develop an efficient approvals framework with Office of Environment and Heritage.	Wilton Junction Proponents Office of Environment and Heritage	Planning and Environment

Trigger points in the phasing of operations of the Trust

The following indicative timeframes are proposed to be implemented (subject to agreement with Government) in terms of creating and developing the Environmental Trust. The steps include:

1. **Rezoning exhibition** includes the exhibition of the Statement of Intent
2. During **pre-gazettal of rezoning** stage, a Voluntary Planning Agreement will be negotiated and approvals process in terms of bio-diversity will be discussed with Planning & Environment and Office of Environment & Heritage.
3. **Post-gazettal** the Voluntary Planning Agreement will be placed on exhibition. Once signed by the Government and the Wilton Junction Proponents, the Environmental Trust legal entity will be created including the development and implementation of a governance structure
4. **Sale of first lots by Wilton Junction Proponents** – initial creation of a Trust Fund account with levies being deposited in the Trust Fund. Progressive transfer of ownership of land to the Trust begins as does initial planning work for the Trust (i.e. an initial Plan of Management), not physical works. Interim arrangements for the care of biodiversity and management of Asset Protection Zones remain in place.
5. **After the first 1,000 lots are sold for development (approximately 5 years after first lot sales)** the Environmental Trust begins operation after sufficient funds accumulate to sustain the Trust and begin works. The gradual phasing in of the operation of the Trust will be based on a series of trigger points to ensure that the responsibilities of the Trust match the level of resourcing available.

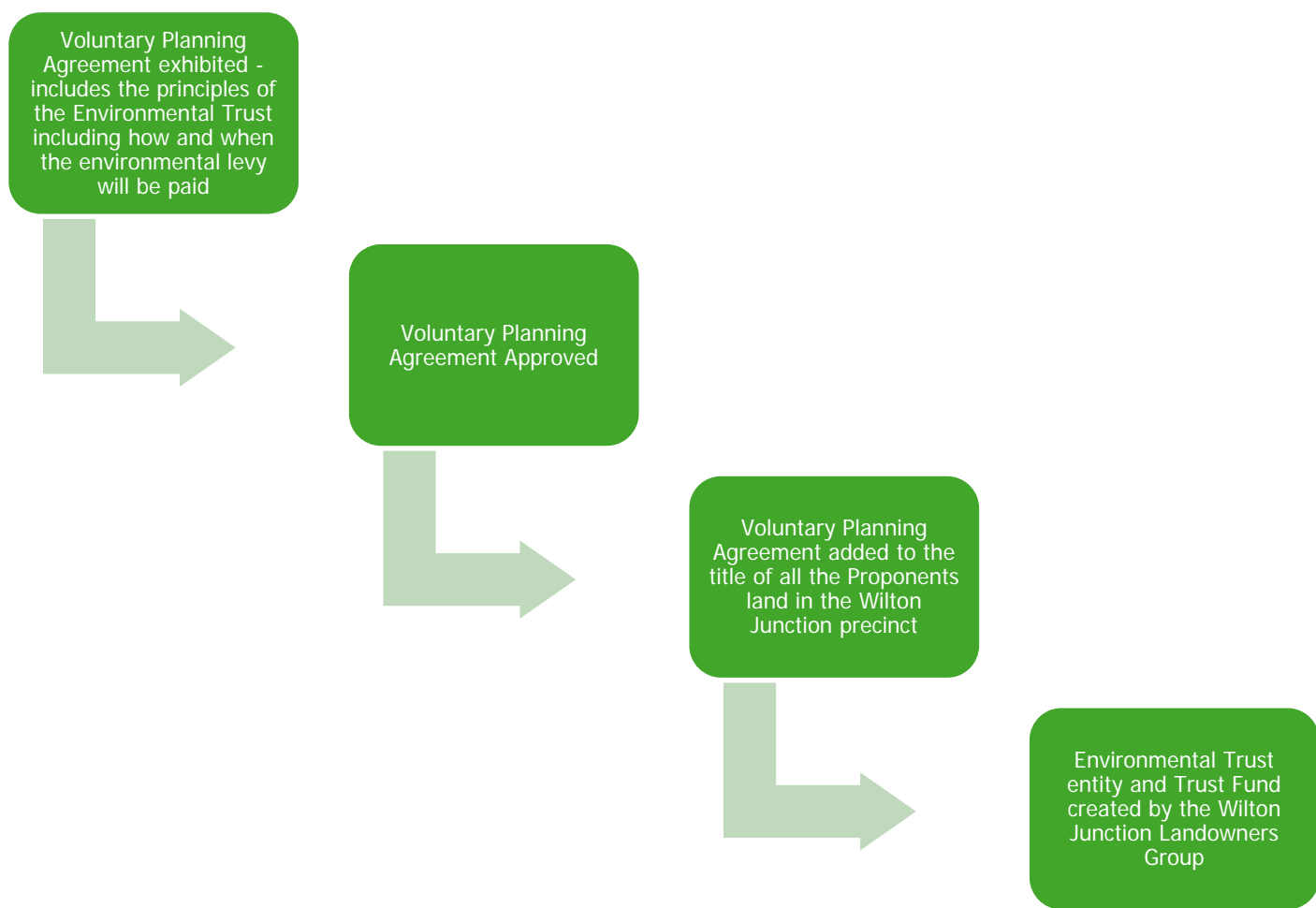


Figure 1 The process of creating the Environmental Trust and Trust Fund



Figure 2 Trigger points in the gradual phasing of operations of the Trust