



LOGOS Kemps Creek Logistics Project Response to Submissions

January 2011





Prepared by:



LOGOS Property
Suite 3, Level 15
25 Bligh Street
SYDNEY NSW 2000

In association with:



phillip jones environmental planning, abn. 48 656 421 622
tel. 02 9918 4366, fax. 9918 4377
striving for balance between economic, social and environmental ideals...

PJEP Ref: Response to Submissions_Jan11

DISCLAIMER

This document was prepared for the sole use of LOGOS Property and the regulatory agencies that are directly involved in this project, the only intended beneficiaries of our work. No other party should rely on the information contained herein without the prior written consent of Phillip Jones Environmental Planning and LOGOS Property.



CONTENTS

1	INTRODUCTION	1
2	SUBMISSIONS SUMMARY	1
3	CONSIDERATION OF ISSUES	2
3.1	Strategic Context and Project Need	2
3.2	Soil and Water	7
3.3	Noise and Vibration.....	9
3.4	Air Quality and Greenhouse Gases	12
3.5	Traffic	13
3.5.1	Southern Link Road Alignment.....	13
3.5.2	Southern Link Road Reserve Width	13
3.5.3	Bakers Lane Upgrade and Service Road Configuration	14
3.5.4	Mamre Road Access and Widening	15
3.6	Infrastructure and Services	16

TABLES

- 1.1 Summary of Submissions

APPENDICES

- A Revised Statement of Commitments
B Site Survey



1 INTRODUCTION

LOGOS Property (LOGOS) is proposing to develop a campus-style industrial estate on a 52 hectare site on the corner of Mamre Road and Bakers Lane, Kemps Creek, immediately adjacent to the Western Sydney Employment Area (WSEA). The Environmental Assessment for the project was publicly exhibited by the Department of Planning from 20 October to 26 November 2010.

This Response to Submissions document has been prepared by LOGOS to provide a response to the key issues raised in submissions.

2 SUBMISSIONS SUMMARY

The Department received a total of 7 submissions in response to the exhibition, including:

- 4 from government authorities – NSW Office of Water (NOW), Roads and Traffic Authority (RTA), Sydney Water, Penrith City Council (Council);
- 2 from special interest groups – Sydney Anglican Schools Corporation (SASC), Goodman/Brickworks;
- 1 from the general public – J. Perica.

Only one of the submissions (ie. the SASC submission) objected to the project, although the RTA, Sydney Water and Council submissions also raised concerns.

A summary of the submissions received during the exhibition period is presented in the following table. The issues have been categorised (in the 'issues raised' column) using the key headings identified in the EA, to enable a consolidated response to the issues in Section 3 below.

Table 1: Summary of Submissions

Stakeholder	Stance	Issues Raised	Issue Specifics
Agency Submissions			
NSW Office of Water	Does not object	Soil and Water	<ul style="list-style-type: none">• Rehabilitation of swales/channels
RTA	Does not object, concerns	Traffic and Transport	<ul style="list-style-type: none">• WSEA and WSELIA servicing strategy• Southern Link Road alignment• Southern Link Road reserve width• Bakers Lane upgrade and service road configuration• Proposed left-in, left out access to Mamre Road, and Mamre Road widening
Sydney Water	Does not object, concerns	Infrastructure and Services	<ul style="list-style-type: none">• Integrated servicing strategy, including WSEA and WSELIA• Funding for servicing strategy• Section 73 compliance certificate• Water use efficiency and water sensitive urban design



Stakeholder	Stance	Issues Raised	Issue Specifics
Penrith City Council (including a separate letter from the Mayor)	Does not object, concerns	Strategic Context / Project Need and Justification	<ul style="list-style-type: none">• Support for local employment• Support for release of more employment land, including WSELIA• Support for further strategic planning and infrastructure investigation for WSELIA• Need for additional employment land outside WSEA• Employment numbers and employment targets for each stage• Strategic planning and landuse• Compatibility with surrounding land uses
		Soil and Water	<ul style="list-style-type: none">• Topographical constraints and earthworks required• Salinity• Site contamination
		Noise	<ul style="list-style-type: none">• Ambient noise levels• Construction noise• Operational noise• Traffic noise, including amenity on residents on Mamre Road and Erskine Park Road• Noise mitigation
		Air Quality / Greenhouse Gases	<ul style="list-style-type: none">• Air and GHG emissions
		Traffic	<ul style="list-style-type: none">• Alignment of the southern link road, its construction timing and contributions required
		Special Interest Group Submissions	
Sydney Anglican Schools Corporation	Objects	Strategic Context	<ul style="list-style-type: none">• Consistency with strategic planning;• Land use 'conflict'• Built form and scale
		Noise	<ul style="list-style-type: none">• Noise impacts
		Traffic	<ul style="list-style-type: none">• Road upgrades;• Traffic safety and inconvenience;• Traffic congestion
Goodman/Brickworks	Does not object	Project Need and Justification	<ul style="list-style-type: none">• Status of end users
Public Submissions			
Jack Perica	Supports	Noise	<ul style="list-style-type: none">• Additional information on architectural noise treatments;• Clarification of short term protection

3 CONSIDERATION OF ISSUES

A detailed consideration of the issues raised in submissions is presented in the following sections. Issues raised in the various submissions are shown in *italics*, followed by LOGOS' response to the issues.

3.1 Strategic Context and Project Need

Council: *"Over the last decade only approximately 35% of the existing Erskine Park Employment Area has been developed....It has not been adequately demonstrated that new sites, outside of the zoned WSEA lands are required to be brought on line at this stage."*



The Mayor's letter to the Minister (dated 24 December 2010), together with the information provided in the EA (see Sections 1.2, 4.1 and 7.2 in particular), fully demonstrates that there is a clear and present need to expand Sydney's stock of employment land, if Sydney is to remain Australia's global city and economic powerhouse. In this regard, independent analysis undertaken by the Department of Planning indicates that an additional 4,600 hectares of employment land will be needed by 2031 (which would still only take Sydney's supply up to Melbourne's existing supply). The project represents only 1% of this demand, highlighting the need for release of significant areas of additional employment land in the short term.

It is considered that waiting until the as yet undeveloped areas of the WSEA are developed (or even largely developed) before releasing additional employment land would be an irresponsible approach to strategic planning and economic development of the State. Such an approach would likely cause a sharp rise in land prices, which would act to curtail development and erode Sydney's competitiveness for employment-related development. This would likely have detrimental knock-on effects for local employment, and probably development of urban land uses in the growth centres which rely on local employment opportunities.

Council: ***"[Section] 1.4 The Proponent and End Users indicates current staff numbers at existing facilities are well below the total nominated for this site...To this end, the proposal must not be a speculative warehouse development which cannot clearly demonstrate its ability to deliver jobs for specified end users."***

The employment levels adopted in the EA were obtained directly from Metcash and DHL, and are based on the companies respective detailed business plans for the facilities. The employment levels have no direct relationship to the broader figures identified in Section 1.4 of the EA, and hence should not be compared to these figures.

The Department of Planning has used a broad rule of thumb employment generation figure of 20 jobs per developable hectare in the Metro Strategy. Application of this figure to the project would result in approximately 1,000 jobs being generated by the project. Even if this figure – which is considered conservative – is adopted, the project would still significantly increase employment opportunities for the local people of Penrith and Western Sydney, and help to address Western Sydney's relatively high unemployment levels. As detailed in the Mayor's letter to the Minister dated 24 December 2009:

"[Council has] an acute understanding of the need for a significant increase in the number and diversity of employment opportunities within this region. The table below...highlights a significant increase in this region's unemployment rates. We know that this unacceptable trend will continue as our research has proven that many of today's jobs which are relied upon by our communities will not exist into the future."

"While we are an advocate for considered and orderly planning, in the absence of any apparent progress with WSELIA, we will find it hard to resist support for development proposals which bring forward the needed jobs – even if they require [sic] rezoning."

LOGOS notes that the forecast 1,580 jobs – or a number in that order – would be created by the project irrespective of the final end user on the site. LOGOS is not aware of any large warehouse developments that have not been able to demonstrate an ability to deliver a significant number of direct and indirect jobs for the local community.



Further discussion on the end users of the facilities is provided below (in response to Goodman/Brickworks comments).

Council: *“The draft Structure Plan prepared by the DoP [WSELIA] investigation team recognised the topographical constraints of this locality and identified the land for residential purposes not employment uses...Whilst the use of the land for residential purposes and subdivision patterns can be debated, that choice of land use reflects the topographical constraints of the site and immediate locality.”*

The strategic planning background to the site is detailed in Section 4.1 of the EA. That section demonstrates that the area has been earmarked as a potential employment area in Sydney's strategic plans for more than 20 years.

Further, the Mayor's letter to the Minister referred to above indicates that Council supports the investigation and release of WSELIA for employment purposes.

It is also noted that the new *Metropolitan Plan for Sydney 2036*, released in December 2010 (which replaces the *Sydney Metropolitan Strategy 2005*), identifies the WSELIA – including the LOGOS Estate site – as ‘proposed employment lands’.

This key strategic planning document, together with the Minister's authorisation of the subject concept plan and project application, would indicate that any discussion of use of the site for residential purposes by the WSELIA investigation team was not translated to Government policy.

Further discussion on the topographical constraints of the site is provided below (see Section 3.2).

Council: *“The interface with adjoining land uses namely rural land to the south, east and west and the land occupied by a high school and retirement village to the north is inherently incompatible with the industrial nature of this development with limited setbacks.”*

SASC: *“The proposal is not supported by strategic land use planning. LOGOS Property has made no specific consideration of the adjoining sensitive land uses and the project makes no attempt to avoid a clear conflict in land uses in this locality.”*

The project has been designed in full consideration of the educational and retirement village land uses to the north of the LOGOS Estate site, and the rural uses to the east, south and west.

SASC's submission (and to a lesser extent, Council's submission) makes a number of emotive references to a ‘conflict’ in land uses, but for the most part does not specify what these conflicts actually are. It is assumed that the conflicts relate mainly to potential noise, traffic and hazards¹ associated with an industrial land use. These issues are addressed below. If there are additional ‘conflicts’ then LOGOS would be happy to provide additional consideration of these issues as well.

With regard to noise, the EA includes modelling of the potential noise impacts at the schools and retirement village (see Section 6.3 of the EA). The modelling indicates that the project would

¹ In planning, hazards generally relate to off-site discharges or risk from activities undertaken on an industrial site. Refer to *State Environmental Planning Policy No.33 – Hazardous and Offensive Development*, or Section 4.2.3 of the EA, for further information.



comply with the applicable operational noise criteria at all times. (See Section 3.3 below for more detail).

Traffic issues are addressed in Section 6.8 of the EA, and are discussed in additional detail in Section 3.5 below. LOGOS stresses however that the proposed upgrade to Bakers Lane is identified in the NSW Government's *State Environmental Planning Policy (Western Sydney Employment Area) 2009* as part of the regional road network for the Western Sydney Employment Area (see Figure 4.4 of the EA), and is likely to be developed with or without the LOGOS project. LOGOS is merely committing to constructing one section of the planned upgrade.

With regard to hazards, it is noted that the project only seeks approval for warehousing and distribution, and not any other traditional 'manufacturing' or 'production' type of industrial use which generally entail a greater environmental impact. Analysis in the EA (see Section 6.9) indicates that the project would not present any significant risks to adjoining land uses.

SASC: *"Historically, the subject site and adjoining sensitive land uses have been identified within the 1991 South Creek Valley Regional Environmental Study and draft Regional Environmental Plan as being located within a future Living Area with surrounding dwelling densities of around 10 dwellings/hectare. It is considered that the proposed concept plan and project application pre-empt the detailed strategic planning process and in doing so has failed to appropriately provide and adequately design for the separation of land uses."*

The strategic planning context of the site is fully detailed in Section 4.1 of the EA. As detailed in that section, the LOGOS Estate site (and surrounds) has been earmarked for potential employment land use for over 20 years, and it is considered that the project is consistent with the strategic planning background for the area.

Contrary to the SASC submission, the LOGOS Estate site is identified as part of a future employment area in the 1991 South Creek Valley Land Use Strategy (see Figure 4.1 of the EA)².

SASC: *"It is clearly inappropriate for a major industrial land use to be sharing access and frontage with sensitive land uses such as 3 schools (Mamre Christian College, Trinity Primary School and Emmaus Catholic College) and a retirement village. This type of conflict of land use is not evident anywhere else in metropolitan Sydney."*

Again, the stated 'conflict' is not detailed in the submission, but it is assumed that these relate to noise, traffic and hazards. These issues are addressed above and below. If there are additional conflicts, LOGOS would be happy to provide further consideration.

Contrary to the SASC submission, a similar land use demarcation (between a school use and a zoned employment land use) already occurs directly to the east of the schools (ie. between the Emmaus Catholic school / retirement village and 'Site 8' of the WSEA).

Further, there are many schools across Sydney that are located in close proximity to commercial and industrial land uses, with many on significantly busier roads than Bakers Lane (including its planned status as the Southern Link Road). Some examples (which are familiar to LOGOS) include:

- Magdalene Catholic School, Smeaton Grange;

² It is granted that the 'employment' hatching on the 1991 land use strategy plan (see Figure 4.1 of the EA) is similar to the 'living area' hatching, which may lead to confusion. The Department's submission to the General Purpose Standing Committee No. 4 (September 2009) supports the view that the subject site is within the 'employment' area.



- Mount St Joseph School, Milperra;
- Kingsgrove High School, Kingsgrove;
- Central Coast Rudolf Steiner School; and
- various schools in the Sydney CBD and/or close to major facilities such as Sydney Airport.



Left to right (schools marked 'A'): Magdalene Catholic School, Smeaton Grange; Mount St Joseph School, Milperra; Kingsgrove High School, Kingsgrove (Source: Google maps)

SASC: ***“The proposal is inconsistent with the character of the area and will create significant amenity impacts.***

The establishment of a major industrial land use comprising warehouse and distribution facilities providing an overwhelming built form that occupies around 70% of the site is totally inconsistent with the character and objectives of the zoning of the land.”

As detailed in Section 3.5.1 of the EA, the site cover (ie. that proportion of the site covered by buildings) is 50%. Further, as discussed in Section 6.1 of the EA, the project has been carefully designed to present as a ‘campus-like’ estate that is more akin to a business park than a traditional industrial estate.

SASC: ***“There has been no consideration of alternate opportunities or design even though earlier consultation has raised the significant issues of concern with respect to this project.”***

Consideration of alternatives is presented in Section 7.2 of the EA.

Goodman/Brickworks: ***“In the circumstances we respectfully request that the applicant...explain the apparent inconsistency that exists between the statements made in the applications [regarding the end users of the facilities] and the express contractual undertakings of Metcash and DHL to carry out their developments on other land.”***

At the time of writing of the EA, Metcash and DHL were the identified end users for the facilities. In this regard, during preparation of the EA both Metcash and DHL representatives met with the Department and the Minister for Planning regarding their express interest in occupation of the LOGOS Estate site.

Since the time of writing of the EA, Metcash has signed an agreement for lease (AFL) with Goodman to develop a warehouse and distribution facility on Goodman’s Huntingwood West estate in the WSEA. DHL has also signed an AFL with Goodman to develop 2 warehouse and distribution facilities on Goodman’s Oakdale estate in Horsley Park.



LOGOS remains short listed for a DHL warehouse and distribution facility consistent with that proposed in the project. (LOGOS is able to provide commercial-in-confidence information demonstrating this, if requested).

As such, for the purposes of the project application, LOGOS does not propose to amend the project at this stage. LOGOS acknowledges that any subsequent change to the project end users would probably require a modification to any approval for the project, which would involve due merit assessment.

It must be noted that seeking approval for an end user facility without a firm AFL, or seeking approval for a warehouse and distribution facility without a specified end user, is very common. Indeed, this approach is generally required from a commercial perspective due to the long timeframes involved in project design, obtaining project approval, project construction and facility commissioning. End users often require developers to submit development applications and/or obtain development consent before being prepared to enter into an AFL.

Some recent examples of developers obtaining approval without a specified end user in the immediate area include:

- Goodman's Oakdale Central Concept Plan (08_0065) – which proposed 6 development lots for unspecified end users³. It is noted that, at the time of that application, the Oakdale land was zoned Non Urban-Residential 1(a) under the *Fairfield Local Environmental Plan 1994*, and development for industrial purposes was prohibited under the LEP;
- Goodman's Interlink Industrial Estate Project (07_0093) – which sought and obtained approval for 4 warehouse and distribution facilities, 2 of which were for unspecified end users;
- Goodman's Huntingwood West Concept Plan (06_0203) – which proposed development of a whole industrial estate without a specified end user; and
- DEXUS' Greystanes Southern Employment Lands Project (08_0259) – which sought and obtained approval for 16 freestanding warehouse and distribution facilities, all of which were for unspecified end users.

It is considered that any potential for Metcash and/or DHL to not proceed on the LOGOS Estate does not undermine the need for the project or its justification. As discussed above and detailed in the EA (see Sections 4.1 and 7.2), Sydney has a demonstrated need for more employment land outside the existing zones areas in the short term, and the project would generate significant employment opportunities for the people of Penrith and Western Sydney, in a manner that would not result in any significant impacts on surrounding landowners or the environment.

As outlined above, the forecast 1,580 jobs – or a number in that order – would be created by the project irrespective of the final end user on the site.

3.2 Soil and Water

NOW: *“The Office notes Appendix F shows a grass swale flow path is proposed to be established in the north eastern corner of the site (see Drawing No. CR01 and Drawing No. SW02). The Office [recommends] that the reconstructed channel should function as a stable, naturalised system consistent with the NSW Office of Water's Guidelines for Controlled Activities (August 2010). These guidelines*

³ The accompanying project application sought approval for 2 DHL warehouses – it is understood that at least 1 of which was not subject to an AFL.



recommend the channel is vegetated with native riparian vegetation to emulate the local vegetation community.”

“Figure A104/A in Appendix D shows a 20 m ‘landscape zone’ is to be established along the northern side of the reconstructed channel. The Office [recommends] that the ‘landscape zone’ consists of native riparian vegetation and is rehabilitated to emulate the local vegetation community, particularly as downstream of the site, the creek forms part of an environmental corridor connection.”

Civil construction details of the reconstructed open channel are provided on the civil plans in Appendix F of the EA. Landscape plans for the channel and riparian area are provided on the landscape design plans in Appendix E of the EA.

The channel has been designed to convey the 1 in 100 year storm event, as detailed in the Stormwater Management Plan (Appendix I) and Section 6.2.7 of the EA.

The riparian/landscape zone for the reconstructed open channel would comprise the full landscape setback in this area of the site, which has a width of approximately 30 metres.

It is acknowledged that the civil plans in Appendix F of the EA indicate ‘grass swale’ on the reconstructed open channel, however these are civil plans only and the proposed landscaping for the channel is detailed on the landscaping plans in Appendix E of the EA. These plans indicate that the open channel will be landscaped with riparian/wetland native species.

Council: *“[The topographical] constraints are reflected in the need for significant earthworks, both cut and fill, to create the required building platforms and the regrading of Bakers Lane to facilitate access.*

These works and their implications for urban design and visual impact, access to properties opposite in Bakers Lane, disturbance of overland flow, need to dispose of 50,000m³ of excavated material, and potential salinity issues seriously question the suitability of the land for buildings with large floor plates...”

The LOGOS Estate site does contain moderate slopes, but it is no more constrained in this regard than other zoned employment lands in Western Sydney, including:

- the Greystanes Northern Employment Lands;
- areas of the ‘Site 8’ Employment Lands;
- Erskine Park sites adjacent to Erskine Park Road; and
- Eastern Creek sites including ING Interchange Park, Australand EC1 & 2 and Goodman M7 estate.

The project has been carefully designed to address the topographical constraints and minimise associated visual impacts. Measures to address these constraints are detailed in Sections 3.4, 6.1.2 and 6.2.2 of the EA, with the key measures including:

- restricting retaining walls to the back of the site where they would be hidden from public view;
- restricting batters along the road frontages to moderate slopes only; and
- stepping the buildings up the site in accordance with the topography of the site.



With regard to regrading Bakers Lane and maintaining access to other properties opposite on Bakers Lane, it is noted that the regrading is not required to facilitate access to the LOGOS Estate site. The regrading is proposed solely as a result providing amenable grades for the road's envisaged status as the 'Southern Link Road'. The proposed road works would be designed so as not to compromise any access to other properties, as required in any road works. In this regard, LOGOS has committed to undertaking the upgrade to the satisfaction of the applicable roads authority (Commitment 1.3.20), and to undertaking the road works in accordance with applicable standards (Commitment 1.3.19).

With regard to overland flow, Appendix I of the EA includes a detailed Stormwater Management Plan that has been designed to maintain overland flow paths, and the EA includes a commitment (Commitment 1.3.7) to preparing detailed Stormwater Management Plans for all buildings and road works.

With regard to the need to dispose 50,000m³ of excavated material, as discussed in Sections 3.4 and 6.9.1 of the EA the fill would comprise excess topsoil, which is likely to classify as 'virgin excavated natural material' and hence be available for off-site re-use. 50,000m³ of excavated material is not a significant amount of material to be removed from site (eg. it is comparable to excavation required for any reasonably sized commercial building with a basement level/s).

With regard to potential salinity issues, Appendix H of the EA includes a specialist salinity assessment, which concludes that the site has a low risk of salinity and that no special consideration of salinity issues is required for the project (see Section 6.2.4 of the EA).

Council: ***"The [contamination] report is unsatisfactory and does not appear to be prepared in accordance with the EPA's Guidelines for Consultants Reporting on Contaminated Sites."***

The EA includes a Phase 1 Contaminated Site Assessment (see Appendix H of the EA), which was prepared in accordance with applicable guidelines, including DECCW's *Guidelines for Consultants Reporting on Contaminated Sites (1997)* and the *National Environment Protection Measure – Assessment of Site Contamination (1999)*.

The findings of the assessment are summarised in Section 6.2.3 of the EA. Given the findings, and that the site has been used for broad acre agricultural (grazing) land use in the past, with no evidence of potentially-contaminating land uses such as market gardens or orchards, additional contamination assessment is not considered to be warranted or required.

3.3 Noise and Vibration

SASC: ***"[The project] provides a land use that directly conflicts with established uses in the area and will result in significant acoustic intrusions into the daily operations of the school uses on adjoining land."***

It is requested that in accordance with the Director General Requirements the applicant provide full details of how the potential conflict in land uses will be minimised in regard to the proposed acoustic measures to protect the acoustic amenity of the schools along the entire frontage of Bakers Lane."

The project has been designed to minimise noise emissions at the schools, and the EA includes modelling of the potential noise impacts at the schools and retirement village (see Section 6.3 and Appendix J of the EA). The modelling indicates that the project would comply with the applicable operational noise criteria at all times. LOGOS has committed in the EA to ensuring that these criteria are met at all times (Commitment 1.3.10).



Traffic noise on Bakers Lane is discussed in Section 6.3.3 of the EA. As outlined, the project would increase traffic noise on Bakers Lane by approximately 3 decibels at the nearest residential receivers. It is noted that a noise increase of up to 2 decibels is not perceptible to the human ear, and an increase of 3 decibels is barely noticeable.

Once the 'Southern Link Road' is opened up to the east, the project is unlikely to make any perceptible increase to traffic noise levels on the link road.

Notwithstanding the low level of impact, LOGOS is prepared to work with SASC in further mitigating noise at the school buildings closest to the road. If required, such measures could include architectural noise treatments such as double glazing, insulation or air conditioning. LOGOS has written separately to SASC in this regard.

It is reiterated that the link road is a feature of the planned regional road network for the area, and therefore traffic noise increases are likely to occur with or without the LOGOS project.

Council: *"The long term noise monitoring may not reflect the background (ambient) noise levels for rural properties to the south of the development. This could lead to inaccurate predictions, calculations and impacts on these properties."*

The Noise Impact Assessment in the EA has been undertaken in accordance with DECCW's *Industrial Noise Policy*, and it is considered that the assessment provides an accurate and robust assessment of the impact on the rural properties to the south.

It is noted that the landowners of the 2 closest rural properties to the south (ie. Locations F and G) have written to LOGOS supporting the project, including any noise impacts on their properties (see Appendix Q of the EA). Other properties to the south are predicted to comfortably comply with the relevant noise criteria.

The closest rural landowner to the east of the site (ie. Location D – Perica), has provided a submission in support of the project (see below).

Council: *"There are a number of sites which will be adversely impacted by construction noise with the report outlining that two sites in particular will receive noise above the construction noise criteria."*

Two receivers are predicted to exceed the relevant construction criteria, however the exceedances are not considered to be significant and are below the relevant 'highly noise affected' criteria. As discussed in Section 6.3.1, LOGOS has committed to preparing a Construction Noise Management Plan for the project, and to restricting construction activities to the recommended standard hours in DECCW's *Interim Construction Noise Guideline*.

Council: *"There are a number of sites which will be adversely impacted by operational noise with the report outlining that two sites will receive noise above the accepted noise criteria."*

All receivers are predicted to comply with the applicable operational noise criteria, with the exception of:

- a minor exceedance of 1 dBA during the day time at Location E (exceedances of 1-2 dBA are generally not perceptible by the human ear); and
- a significant exceedance of up to 6 dBA during all time periods at Location D.



It is noted that the owner of Location D (J. Perica), has provided a submission in support of the project (see below).

Council: ***"To mitigate operational noise, a 4 metre high barrier is proposed. On planning grounds the barrier is not deemed appropriate for the area and the noise mitigation proposal should be reinvestigated."***

It is unclear what 'planning' grounds Council is referring to, although it is assumed that these mainly relate to visual impacts. In this regard, it is noted that the noise wall would generally be viewed against the backdrop of the proposed industrial building, and therefore would not result in any significant visual impacts. Further, in time the noise wall would be screened by the proposed project landscaping.

It is noted that the main visual receiver to the east of the proposed noise wall (ie. Location D – Perica), has provided a submission in support of the project (see below).

Council: ***"Noise impacts from reversing alarm noise have been under estimated."***

Consideration of sleep disturbance associated with reversing alarms is provided in Section 6.3.2 of the EA.

Council: ***"The report outlines that several residents will be adversely impacted by traffic noise on Baker's Lane with noise levels exceeding the noise criteria. This proposal would ultimately make Baker's Lane part of the southern link connection road. The Noise assessment for this development outlines that the noise criteria can not be met for this LOGOS development. If the connection road includes Bakers Lane, the noise impact on the existing residents will only increase far beyond the acceptable noise criteria."***

Consideration of traffic noise is provided in Section 6.3.3 of the EA. As indicated, the project would result in a moderate (ie. 3 decibels) increase in traffic noise at 2 residences on Bakers Lane.

To ensure that the amenity of these 2 residences is protected, LOGOS has committed to providing the residences with architectural noise treatments (such as double glazing, insulation and/or air-conditioning) at the landowners request, as part of the proposed upgrade works to Bakers Lane (see Commitment 1.3.11). Neither of the residents have objected to the project.

Given the low number of affected residences, other traffic noise mitigation measures (such as a noise abatement wall) are not considered appropriate or warranted.

Council: ***"The environmental capacity of Mamre Road and Erskine Park Road will be further impacted by the proposal given the projected timeframes for alternate access. This is of concern given potential ongoing impacts to adjoining residential areas which are already experiencing significant impacts in part from the delay in link road connection to the M7."***

The traffic noise assessment in the EA predicts that the project would increase traffic noise levels on Mamre Road marginally by about 1 decibel, which would not be perceptible and is below the allowable 2 decibel increase under DECCW's *Environmental Criteria for Road Traffic Noise* guideline.

J. Perica: ***"It is stated in Paragraph 6.3.2 [of the EA] that 'Accordingly the noise assessment includes further analysis and modelling of reasonable and feasible"***



noise abatement measures'. We would like additional information on the additional measures & their impact on our property. We would also like to know what is meant by protecting Location D in the 'Short Term'. Does this mean before excavation starts or at some other time? Also, would the work be carried out by the developers or ourselves & then be re-imbursed afterwards.'

Though raising queries, it is noted that the Perica submission supports the project.

The additional noise mitigation measures are outlined in Section 6.3.2 and Commitment 1.3.11 of the EA, and would include additional measures to mitigate noise emissions at the Perica residence, which may include double glazing, insulation and/or air-conditioning. The actual noise reduction would depend on the measures implemented, but an internal noise reduction of at least 10 decibels should be readily achievable.

The reference in the EA to protecting Location D in the short term should be read in context with the preceding 2 paragraphs in the EA. The relevant section of the EA is reproduced below:

"...the noise exceedances at these 2 rural properties are largely the result of the very low existing background noise levels in this area (and hence low operational noise criteria). To illustrate, the predicted operational noise levels at these 2 residences comply with the operational noise criteria for the Mamre Road residences.

It is important to note that with the envisaged development of the WSEA to the north of the site, and the development of the planned Southern Link Road between Mamre Road and the M7 Motorway, the background noise levels in this area will increase to those more akin to an urban area in the short to medium term. As background noise increases, the noise generated by the project will become less noticeable.

Notwithstanding, to ensure that the amenity of Location D is protected in the short term, LOGOS has committed to providing this residence with architectural noise treatments (such as double glazing, insulation and/or air-conditioning), at the landowners request."

As noted in Commitment 1.3.11 of the EA, LOGOS would notify the Perica's that they are entitled to receive additional noise mitigation measures before commencing any construction works.

The additional noise mitigation measures would be undertaken by a contractor agreed to by LOGOS and the Perica's, and funded by LOGOS.

3.4 Air Quality and Greenhouse Gases

Council: "Air pollution is considered to be mainly associated with the construction part of the development. These impacts can be adequately dealt with through appropriate conditions of consent. Greenhouse gas emissions are stated to be substantial volumes. Transport generation is submitted to be mitigated by encouraging sustainable transport modes however this is reliant of future road upgrades and bus routes not proposed to be triggered by this development. Any bicycle facilities within the development or Bakers Lane would be isolated given the current two way standard of Mamre Road with no sealed verge."

Air quality and greenhouse gases are addressed in Sections 6.4 and 6.5 of the EA, respectively. Measures to encourage sustainable transport modes, including bicycle facilities, are addressed in Section 6.8.4 of the EA. These facilities would include:

- a shared pedestrian/cycleway on one side of all internal estate roads; and



- provision of bicycle parking facilities for all buildings, as well as change facilities/amenities .

It is acknowledged that these bicycle facilities would be constrained or isolated in the short term, however such regional facilities (such as bike paths) are likely to grow with the development of the wider area. It is considered prudent that the project is designed in a manner that is consistent with these expected future connections.

3.5 Traffic

3.5.1 Southern Link Road Alignment

SASC: ***“There are significant traffic and safety concerns created by the proposal. The proposal seeks a complete redevelopment of Bakers Lane from a two lane local carriageway to a four lane major collector road that connects to Mamre Road and provides for significant heavy vehicle traffic movements.”***

Council: ***“Council has continued to highlight the constraints from existing developments along Bakers Lane and sought clarification on alternative routes for the western portion of the Southern Link Road Network.”***

RTA: ***“...any development on this site should be consistent with the preferred route alignment of the future Southern Link Road along Bakers Lane once it has been determined.”***

As outlined above and in the EA, the upgrade of Bakers Lane to a 4 lane dual carriageway is part of the regional road network planned for the Western Sydney Employment Area (as the planned ‘Southern Link Road’), and is identified as such on the ‘Transport and Arterial Road Infrastructure Plan Map’ in the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (as reproduced on Figure 4.4 of the EA). The LOGOS project is merely committing to building that part of the link road that fronts the site, in accordance with the NSW Government’s / RTA’s design for the road.

During and since preparation of the EA, LOGOS has consulted with the Department of Planning specifically in relation to its investigations into the alignment of the Southern Link Road. The Department confirmed that its draft investigations suggested that the western portion of the link road would likely follow the alignment of Bakers Lane.

3.5.2 Southern Link Road Reserve Width

RTA: ***“...the Department should consider delaying the determination of this application until the ultimate road reserve requirements are determined by the Department’s work on the Southern Link Road.”***

“...it is anticipated that Bakers Lane will need to accommodate an ultimate six lane configuration along the frontage of the subject site...additional land may need to be dedicated as road from the subject site to satisfactorily accommodate the service lane and the upgrade of Bakers Lane.”

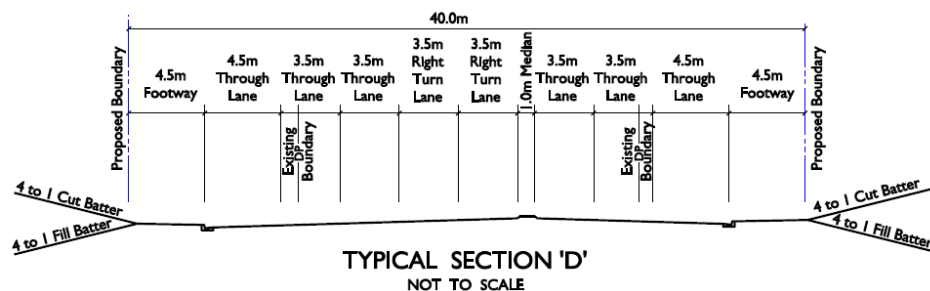
As detailed in the EA, Bakers Lane currently has a reserve width of 20 metres, and the project provides for the expansion of the reserve to 30 metres, through dedication of the northern 10 metre frontage of the site.



The 30 metre road reservation is adequate to accommodate the proposed 4 lane upgrade to Bakers Lane, plus the 2 lane service road, as indicated on the civil design plans in the EA.

As acknowledged in the EA, it is anticipated that the reserve will ultimately be expanded to 40 metres, through similar dedication of land on the northern side of Bakers Lane (alternatively, additional land could be provided by encroaching into the setbacks on the LOGOS site). However, this land is not required for the proposed road upgrade works.

A 40 metre road reservation would comfortably accommodate the ultimate 6 lane configuration as identified in the RTA's submission. In this regard, the RTA has provided LOGOS with a typical 40 metre road section, as reproduced on the figure below.



It is stressed that the 6 lane configuration is considered to be a long term planning provision only, and is not proposed to be constructed as part of the project. The traffic assessment in the EA demonstrates that the proposed 4 lane configuration would adequately accommodate the future traffic volumes in the WSEA (including the project) until at least 2031. In this regard, the project – together with the foreseeable growth in the area – is not reliant on the provision of a 6 lane road (and 40 metre reservation).

3.5.3 Bakers Lane Upgrade and Service Road Configuration

RTA: *“The RTA does not support the proposed egress arrangement for the school’s service road as buses and cars will be required to make right turn manoeuvres across multiple lanes of traffic...”*

“The design of the service road shall incorporate dedicated bus bays and designated ‘kiss and drop’ points, a minimum of one through traffic lane, and shall be designed to reduce vehicle and pedestrian conflict points...”

SASC: *“It is considered that [the service road] solution is hardly a “safe and efficient” method of treating school traffic. This so called solution is an unreasonable impediment on the successful ongoing operation of existing school land uses.”*

LOGOS acknowledges the concerns raised by the RTA and SASC regarding the detailed design for the Bakers Lane upgrade, particularly in relation to the service road and school access and egress points.

It is noted that the service road was included based on consultation with the RTA, which initially identified the service road as a feature of its design for the Southern Link Road.

Since exhibition of the EA, LOGOS has met with SASC, Emmaus College and the RTA regarding detailed design for the road upgrade and service road configuration. All of the parties have slightly different views on how the service road should function, and/or whether the service road is required at all (RTA).



LOGOS considers that the ultimate configuration of the road upgrade is a detailed design issue, and is committed to designing the Bakers Lane upgrade to benefit all stakeholders as far as possible.

LOGOS recognises that this detailed design of the road upgrade should be undertaken with input from all applicable stakeholders, to ensure a satisfactory solution for all parties. LOGOS acknowledges that this detailed design should be undertaken prior to any development on the site, to ensure the orderly development of the site and the road upgrade. In this regard, LOGOS has amended Commitment 1.3.20 in the EA to include the following:

“LOGOS will prepare detailed final designs for the Bakers Lane upgrade described in (b) above, in consultation with all landowners with frontage to the road upgrade works, and to the satisfaction of the RTA, prior to the commencement of any construction on the site. The detailed designs will include:

- provision of school ‘kiss and drop’ facilities and bus bays, if required; and*
- modelling demonstrating that the proposed intersections would operate adequately and safely at all times.”*

The amended Statement of Commitments is attached as Appendix A to this Response to Submissions.

With this measure, it is considered that the road upgrade is able to be undertaken in an orderly manner to the benefit of all applicable stakeholders.

3.5.4 Mamre Road Access and Widening

RTA: ***“The RTA does not support the proposed left in/left out access with acceleration and deceleration lanes to Mamre Road...”***

Whilst it believes the left-in, left-out access to Mamre Road is justifiable on traffic grounds, LOGOS accepts the RTA’s lack of support for the access. In this regard, LOGOS has amended the Statement of Commitments to include the following commitment:

“1.3.21 LOGOS will not construct the left-in, left-out access to Mamre Road, except with the prior written approval of the RTA. Any such access, if approved by the RTA, will be constructed to the satisfaction of the RTA.”

“The subject property is affected...by a Road Widening Order...Any new buildings, structures or improvements are [to be] erected clear of the land required for road widening. Further, the area required for road should be identified as a separate lot in any plan of subdivision.”

LOGOS confirms that the plans as proposed in the EA, and the setbacks to Mamre Road identified in the EA (see Section 4.3.3 of the EA), are based on the widened Mamre Road boundary, as per the Road Widening Order. The widened road reservation boundary appears as the heavy black dashed line on the relevant architectural drawings. The widened boundary is also shown on the site survey (from which the architectural drawings are based), which is attached in Appendix B.

LOGOS has amended commitment 1.2.5 in the Statement of Commitments to include the following:



"The subdivision plan will ensure that land adjacent Mamre Road affected by the Road Widening Order under the Roads Act 1993, as published in Government Gazette No. 111 of 7 November 1958 – DP445999, is identified as a separate lot."

3.6 Infrastructure and Services

Sydney Water: *"[The EA] describes a servicing option involving extending services from existing water and waste water systems. This approach doesn't provide a holistic integrated servicing strategy, and it doesn't consider servicing other potential adjacent developable land within WSELIA...Sydney Water requires an integrated servicing strategy for WSELIA, so that appropriately sized infrastructure can be staged and rolled out into that area...."*

"While there may be some spare capacity in adjacent water and waste water systems, Sydney Water does not support the development of out of sequence and isolated pockets of land without first investigating and developing a comprehensive servicing strategy."

"Developers wishing to develop ahead of Sydney Water's programmed delivery can do so by negotiating commercial agreements with Sydney Water."

Infrastructure assessment in the EA demonstrates that existing potable water and sewer services in the Erskine Park Employment Area have excess capacity and can be readily extended to service the LOGOS Estate site in the short term, and with no material impact on the ability of other users within the Erskine Park Employment Area to access the servicing infrastructure. This servicing strategy will be at no cost to government.

Since receiving Sydney Water's submission on the project, LOGOS has been liaising with Sydney Water and the Department regarding water and sewer servicing arrangements for the project and the wider WSELIA. This included a meeting with Sydney Water and the Department on 23 December 2010.

From these discussions, it is understood that:

- Sydney Water believes that the site is able to be adequately serviced, but that an integrated water and sewer servicing strategy is required to inform the orderly roll-out of the required infrastructure;
- Sydney Water requires the integrated servicing strategy for the project to include consideration of the wider WSELIA, and requires the servicing strategy to be completed prior to the roll-out of water and sewer infrastructure for the project, to ensure that the infrastructure is appropriately sized and planned;
- Sydney Water is willing to consider entering into a commercial agreement with LOGOS to provide for the orderly provision of the required infrastructure for the project at no cost to government; and
- Sydney Water notes that LOGOS may choose to procure water and sewer services from other agencies or organisations independent of Sydney Water. Such an alternative strategy (eg. through advanced recycling) could significantly reduce, or eliminate, reliance on Sydney Water assets.

In accordance with these comments, and to ensure the orderly servicing of the site in a manner that is at no cost to government, LOGOS has amended the Statement of Commitments for the project to include the following commitments:



“Sydney Water Integrated Servicing Strategy and Commercial Agreement

1.2.12 LOGOS will prepare an Integrated Water and Sewer Servicing Strategy for the project, to the satisfaction of the Director-General. The strategy will:

- a) be prepared in consultation with Sydney Water, and be submitted to the Director-General for approval prior to the commencement of any construction works;
- b) identify and assess options for water and sewer servicing of the project, within the context of the existing WSEA and the WSELIA;
- c) identify a preferred water and sewer servicing strategy, including any interim servicing arrangements;
- d) demonstrate that the preferred strategy will not compromise development of the existing WSEA or the WSELIA; and
- e) include an action plan for implementation of the strategy.

1.2.13 Prior to the commencement of construction of any off-site water or sewerage infrastructure, LOGOS will use its best endeavours to enter into a Commercial Agreement with Sydney Water, to the satisfaction of the Director-General. The agreement will provide for the implementation of the Integrated Water and Sewer Servicing Strategy, in a manner which provides for servicing of the site at no cost to government.”

Note: The commercial agreement may not be required if the integrated servicing strategy identifies a servicing strategy that does not involve Sydney Water.

LOGOS believes that the implementation of these commitments would ensure the orderly provision of water and sewer services for the project, and the orderly development of the site, particularly given that:

- LOGOS has committed to preparing the strategy/agreement prior to construction;
- Sydney Water has acknowledged that the site can be serviced;
- the strategy/agreement is considered to be appropriately dealt with during the detailed design phase of the project; and
- LOGOS has committed to undertaking the infrastructure delivery for the project at no cost to government.



APPENDIX A

1 STATEMENT OF COMMITMENTS

1.1 Overview and Definitions

If approved and acted upon, LOGOS will undertake the LOGOS Kemps Creek Logistics Project in accordance with the following commitments.

Unless otherwise directed by the Director-General, LOGOS intends to submit any of the management plans or strategies listed in this Statement of Commitments on a progressive basis (eg. a plan may be prepared for the construction phase only, with subsequent revision prior to operations).

The following defines some of the terms and abbreviations used in the Statement of Commitments:

Approval	The Minister's approval to the project (Project Application No.10_0061 and 10_0062)
BCA	Building Code of Australia
Council	Penrith City Council
Department	Department of Planning
Director-General	Director-General of the Department (or delegate)
EA	<i>Environmental Assessment: LOGOS Kemps Creek Logistics Project</i> , dated September 2010
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning & Assessment Regulation 2000</i>
Heritage Branch	The Heritage Branch of the Department
LOGOS	LOGOS Property Group, or its successors in title
Minister	Minister for Planning
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Project	The development as described in the EA
RTA	Roads and Traffic Authority
SEPP 33	<i>State Environmental Planning Policy No.33 – Hazardous and Offensive Development</i>
Site	Land to which the project application applies
Urban Design Report	The report attached as Appendix C of the EA
WSEA	Western Sydney Employment Area
WSELIA	Western Sydney Employment Lands Investigation Area

1.2 Administrative Commitments

Commitment to Minimise Harm to the Environment

- 1.2.1 LOGOS will implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction and/or operation of the project.

Terms of Approval

- 1.2.2 LOGOS will carry out the project generally in accordance with the:
- EA;
 - statement of commitments; and
 - conditions of the approval.
- 1.2.3 If there is any inconsistency between the above, the conditions of the approval will prevail to the extent of the inconsistency.

- 1.2.4 LOGOS will comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
- a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with the approval; and
 - b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

Subdivision

- 1.2.5 LOGOS will subdivide the land generally in accordance with the subdivision layout shown on Plan A102/A 'Estate Lot Plan'. Prior to obtaining a subdivision certificate, LOGOS will prepare a final subdivision plan for the land, to the satisfaction of the Director-General. The subdivision plan will ensure that land adjacent Mamre Road affected by the Road Widening Order under the *Roads Act 1993*, as published in Government Gazette No. 111 of 7 November 1958 – DP445999, is identified as a separate lot.

Demolition

- 1.2.6 LOGOS will ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The Demolition of Structures*, or its latest version.

Structural Adequacy

- 1.2.7 LOGOS will ensure that all new buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA.

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

Protection of Public Infrastructure

- 1.2.8 LOGOS will:
- a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and
 - b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

Operation of Plant and Equipment

- 1.2.9 LOGOS will ensure that all plant and equipment used on the site is:
- a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

Staging

- 1.2.10 LOGOS will not commence operations of any building on site until all infrastructure necessary for the operation of that building has been completed.

Development Contributions

- 1.2.11 LOGOS will provide development contributions for the project in accordance with the State Infrastructure Contribution (SIC) for the WSEA. The contribution will be paid in accordance with the timing provided by the SIC, or other such timing as reasonably directed by the Director-General.

Note: The development contribution is offered on the basis that the upgrade works to Bakers Lane and Mamre Road (including land dedication and necessary acoustic treatments to residences affected by traffic noise) constitutes applicable works-in-kind to be credited against the SIC.

Sydney Water Integrated Servicing Strategy and Commercial Agreement

- 1.2.12 LOGOS will prepare an Integrated Water and Sewer Servicing Strategy for the project, to the satisfaction of the Director-General. The strategy will:
- a) be prepared in consultation with Sydney Water, and be submitted to the Director-General for approval prior to the commencement of any construction works;
 - b) identify and assess options for water and sewer servicing of the project, within the context of the existing WSEA and the WSELIA;
 - c) identify a preferred water and sewer servicing strategy, including any interim servicing arrangements;
 - d) demonstrate that the preferred strategy will not compromise development of the existing WSEA or the WSELIA;
 - e) include an action plan for implementation of the strategy.
- 1.2.13 Prior to the commencement of construction of any off-site water or sewerage infrastructure, LOGOS will use its best endeavours to enter into a Commercial Agreement with Sydney Water, to the satisfaction of the Director-General. The agreement will provide for the implementation of the Integrated Water and Sewer Servicing Strategy, in a manner which provides for servicing of the site at no cost to government.

Note: The commercial agreement may not be required if the integrated servicing strategy identifies a servicing strategy that does not involve Sydney Water.

1.3 Specific Environmental Commitments

Design

Estate Signage Strategy

- 1.3.1 LOGOS will prepare a detailed Signage Strategy for the site, to the satisfaction of the Director-General. The strategy will:
- a) be prepared in consultation with Council, and be submitted to the Director-General for approval prior to installation of any permanent signage on the site;
 - b) be generally consistent with the signage concepts in the Urban Design Report; and
 - c) include detailed designs/guidelines for estate signage and business identification signage within the site.

Note: This commitment does not apply to temporary construction-related and safety-related signage.

Estate Fencing Strategy

- 1.3.2 LOGOS will prepare a detailed Fencing Strategy for the site, to the satisfaction of the Director-General. The strategy will:
- a) be prepared in consultation with Council, and be submitted to the Director-General for approval prior to installation of any permanent fencing on the site;
 - b) include detailed designs/guidelines for estate fencing within the site;
 - c) be generally consistent with the fencing concepts in the Urban Design Report, including provisions to locate fencing to the primary street frontages behind the setback line, unless required for safety and/or security reasons and agreed to by the Director-General in consultation with Council.

Note: This commitment does not apply to temporary construction-related and safety-related fencing.

Estate Lighting Strategy

- 1.3.3 LOGOS will prepare a detailed Lighting Strategy for the site, to the satisfaction of the Director-General. The strategy will:
- a) be prepared in consultation with Council, and be submitted to the Director-General for approval prior to installation of any public domain lighting on the site;
 - b) include detailed designs/guidelines for estate lighting within the site;
 - c) be generally consistent with the lighting concepts in the Urban Design Report, and the controls in commitment 1.3.5 below.

Visual Amenity**Landscaping Maintenance**

- 1.3.4 During the project, LOGOS will:
- a) maintain the landscaping on the site to the satisfaction of the Director-General; and
 - b) ensure that the landscaping on the site does not impede driver sight distance of vehicles entering or leaving the site.

Lighting

- 1.3.5 LOGOS will ensure that all lighting associated with the project:
- a) complies with the latest version of Australian Standard AS 4282(INT) - *Control of Obtrusive Effects of Outdoor Lighting*; and
 - b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Soil and Water**Erosion and Sediment Control**

- 1.3.6 LOGOS will prepare and implement Erosion and Sediment Control Plans for all works involving ground disturbance (apart from minor works – eg. signage installation), to the satisfaction of the Director-General. The plans will:
- a) be prepared by a suitably qualified engineer, and be submitted to the Director-General for approval prior to the commencement of the relevant works;
 - b) be prepared generally in accordance with the:
 - estate Erosion and Sediment Control Plan (attached in Appendix F of the EA); and
 - requirements of Landcom's (2004) *Managing Urban Stormwater: Soils and Construction* manual.

Stormwater Management

- 1.3.7 LOGOS will prepare and implement Stormwater Management Plans for all buildings and road works to be constructed on site, to the satisfaction of the Director-General. The plans will:
- a) be prepared by a suitably qualified engineer, and be submitted to the Director-General for approval prior to the commencement of the relevant works; and
 - b) be prepared generally in accordance with the estate Stormwater Management Plan (attached as Appendix I of the EA).

Note: The Stormwater Management Plans would comprise design plan/s and accompanying design notes only. Detailed management provisions are provided in the wider estate stormwater management plan.

Noise

Construction Noise Management

- 1.3.8 LOGOS will only carry out construction on the site between 7am and 6pm Monday to Friday, and 7am and 1pm on Saturdays. No construction will be allowed on site on Sundays or public holidays.

Note: Construction works which are inaudible at any residence may be carried out outside these times.

- 1.3.9 LOGOS will prepare and implement a Construction Noise Management Plan for the project, to the satisfaction of the Director-General. The plan will:
- be prepared by a suitably qualified consultant, and be submitted to the Director-General for approval prior to the commencement of any construction works (other than demolition of structures); and
 - include provisions for:
 - restriction of construction hours (see commitment # above);
 - scheduling noisy activities in close proximity to receivers to less sensitive periods (eg. avoiding early mornings and Saturdays), where practicable;
 - restricting heavy earthmoving equipment when operating within 20 metres of the residence on 784 Mamre Road to minimise vibration;
 - managing and maintaining equipment to minimise noise and vibration; and
 - keeping receivers up to date regarding the works and managing complaints.

Operational Noise Management

- 1.3.10 During operation of the project, LOGOS will ensure that noise from the project does not exceed the noise limits presented in Table 1.

Table 1: Project Noise Limits (dB(A))

Noise Assessment Location	Day	Evening	Night	
	$L_{Aeq}(15min)$	$L_{Aeq}(15min)$	$L_{Aeq}(15min)$	$L_{A1}(1 min)$
A – 657 Mamre Road	52	52	48	58
B – 25 Bakers Lane	52	51	45	55
C – Emmaus Retirement Village	38	39	38	48
D – 21 Aldington Road	44	44	44	56
E – 32 Aldington Road	39	39	38	51
F – 784 Mamre Road	52	52	48	58
G – 754 Mamre Road	52	52	48	58
H – 772 Mamre Road	52	52	48	58
I – 757 Mamre Road	52	52	48	58
Schools on Bakers Lane	50	-	-	-

Notes:

- For the purposes of this condition, day is defined as the period from 7am to 6pm, Monday to Saturday, and 8am to 6pm, Sundays and Public Holidays. Evening is defined as the period from 6pm to 10pm. Night is defined as the period from 10pm to 7am, Monday to Saturday, and 10pm to 8am, Sundays and Public Holidays.
- Noise generated by the project will be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy.

Additional Noise Mitigation

- 1.3.11 Upon receiving a written request from a landowner of:

- 21 Aldington Road;
- 25 Bakers Lane; or
- 696 Mamre Road,

LOGOS will implement additional reasonable and feasible noise mitigation measures such as double glazing, insulation, or air conditioning at the residence on the land in consultation with the landowner.

Prior to commencing any construction works, LOGOS will notify all applicable landowners that they are entitled to receive additional noise mitigation measures, to the satisfaction of the Director-General.

Air Quality

Construction Traffic

1.3.12 During construction, LOGOS will ensure that:

- a) all trucks entering or leaving the site with loads have their loads covered;
- b) trucks associated with the project do not track dirt onto the public road network; and
- c) the public roads used by these trucks are kept clean.

Dust Management

1.3.13 During the project, LOGOS will carry out all reasonable and feasible measures to minimise the dust generated by the project.

Odour

1.3.14 LOGOS will not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the POEO Act.

Energy and Greenhouse Gas

1.3.15 LOGOS will carry out the project generally in accordance with the recommendations of the Energy and Greenhouse Gas Assessment, as contained in Appendix K of the EA.

Flora and Fauna

1.3.16 LOGOS will prepare and implement a Tree Removal Protocol for the project, to the satisfaction of the Director-General. The protocol will:

- a) be prepared by a suitably qualified ecologist, and be submitted to the Director-General for approval prior to the commencement of any tree clearing works; and
- b) include provisions for:
 - pre-clearance fauna surveys (by a qualified fauna ecologist);
 - progressive removal of trees, as far as practicable; and
 - reuse of tree hollows in site landscaping works.

Heritage

Aboriginal Heritage Management Plan

1.3.17 LOGOS will prepare and implement an Aboriginal Heritage Management Plan for the project, to the satisfaction of the Director-General. The plan will:

- a) be prepared by a suitably qualified archaeologist, and be submitted to the Director-General for approval prior to the disturbance of any Aboriginal object or site;
- b) include provisions for:
 - salvaging identified Aboriginal sites/objects on the site, in consultation with the Aboriginal community;
 - monitoring of initial site works by the Aboriginal groups, if requested; and
 - managing the discovery of any additional Aboriginal sites/objects or skeletal remains identified during construction works.

Archival Recording

- 1.3.18 LOGOS will undertake photographic archival recording of the vacant homestead on site, to the satisfaction of the Director-General. The archival recording will be undertaken by a suitably qualified heritage consultant, in consultation with Council and in accordance with applicable Heritage Branch guidelines, prior to demolition of the homestead.

Transport

- 1.3.19 LOGOS will ensure that the external and internal road network and parking associated with the project are designed and constructed in accordance with the latest versions of applicable standards and guidelines, including the RTA's *Road Design Guide*, Australian Standards AS 2890.1:2004, AS 2890.2:2002 and AUSTROADS.

External Roads

- 1.3.20 LOGOS will:

- a) dedicate the northern 10 metres of the site to enable the upgrade of Bakers Lane (as described below);
- b) upgrade Bakers Lane to provide a 4 lane divided carriageway in accordance with the design specifications for the Western Sydney Employment Area road network;
- c) upgrade Mamre Road to provide localised acceleration/deceleration lanes;
- d) upgrade the Mamre Road / Bakers Lane signalised intersection;
- e) construct the Bakers Lane / site access road intersection; and
- f) upgrade the undersized culverts under Mamre Road and Bakers Lane in the vicinity of the site,

to the satisfaction of the applicable roads authority, prior to the commencement of operation of any building on the site, unless otherwise agreed by the Director-General in consultation with the applicable roads authority.

LOGOS will prepare detailed final designs for the Bakers Lane upgrade described in (b) above, in consultation with all landowners with frontage to the road upgrade works, and to the satisfaction of the RTA, prior to the commencement of any construction on the site. The detailed designs will include:

- provision of school 'kiss and drop' facilities and bus bays, if required; and
- modelling demonstrating that the proposed intersections would operate adequately and safely at all times.

Note: The road upgrade works are described in detail in the EA. The signalisation of the Bakers Lane / site access road intersection may be staged in accordance with upgrade of the wider road network.

- 1.3.21 LOGOS will not construct the left-in, left-out access to Mamre Road, except with the prior written approval of the RTA. Any such access, if approved by the RTA, will be constructed to the satisfaction of the RTA.

Internal Roads

- 1.3.22 LOGOS will design and construct the internal roads and intersections prior to the commencement of construction of any building that requires access from that road or intersection.

Note: The internal road network may be constructed on a staged basis.

Vehicle Parking and Queuing

- 1.3.23 During the project, LOGOS will ensure that:

- a) all parking generated by the project is accommodated on site, and that no vehicles associated with the project park on the public road system at any stage; and
- b) that the project does not result in any vehicles queuing on the public road network.

Bicycle Facilities

1.3.24 LOGOS will provide suitable parking for bicycles and associated facilities such as change rooms at the facility, prior to the commencement of operation of any building.

Transport Management and Accessibility Plan

1.3.25 LOGOS will prepare and implement a detailed Transport Management and Accessibility Plan (T-MAP) for the project, to the satisfaction of the Director-General.

The T-MAP will:

- a) be prepared in consultation with applicable stakeholders (including the RTA, Transport NSW, the Department, Council and bus service operators), and be submitted to the Director-General for approval prior to the commencement of operation of any building on the site;
- b) be prepared generally in accordance with the RTA's *Draft Interim Guidelines on Transport Management and Accessibility Plans*; and
- c) include measures to encourage sustainable transport modes for the project.

Construction Traffic Management Plan

1.3.26 LOGOS will prepare and implement a Construction Traffic Management Plan for the project, to the satisfaction of the Director-General. The plan will:

- a) be prepared in consultation with the RTA, Penrith Council and the educational facilities on Bakers Lane, and be submitted to the Director-General for approval prior to the commencement of construction on the site (other than demolition of existing structures);
- b) include provisions in relation to:
 - construction vehicle transport routes;
 - construction site access locations and management measures;
 - construction personnel parking controls;
 - construction traffic generation; and
 - mitigating construction-related traffic impacts on adjoining land users, in particular the community and educational facilities located on Bakers Lane (including minimising conflict with school bus services).

Wastes and Hazards

1.3.27 During the project, LOGOS will:

- a) implement all reasonable and feasible measures to minimise the waste generated by the project; and
- b) carry out the project in accordance with the Waste Management Plan, as contained in Appendix O of the EA (as may be updated from time to time).

1.3.28 During the project, LOGOS will ensure that all dangerous goods and hazardous substances storage and handling on site are undertaken in accordance with the Dangerous Goods Code and AS 1940-2004: *The storage and handling of flammable and combustible liquids*.

1.3.29 Prior to construction of any building involving the bulk storage of dangerous goods, LOGOS will undertake an analysis of the proposed storage in accordance with SEPP

33 and the Department's *Applying SEPP 33* guidelines, to the satisfaction of the Director-General.

If the analysis indicates that the proposed storage does present a potential hazard, LOGOS will prepare additional hazard studies in accordance with SEPP 33, the *Applying SEPP 33* guidelines and the Department's *Hazardous Industry Planning Advisory Paper (HIPAP)* guidelines. These studies would be prepared prior to construction of the building involving bulk storage of dangerous goods, to the satisfaction of the Director-General.

Note: Additional hazard studies may include a Preliminary Hazard Analysis, Fire Safety Study, Safety Management System, etc.

Environmental Management Strategy

1.3.30 LOGOS will prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy will:

- a) be submitted to the Director-General for approval prior to the commencement of any construction works;
- b) describe in broad terms the proposed environmental management strategy for the project;
- c) identify the person who would be responsible for overseeing the environmental management of the project, and provide contact details for this person;
- d) describe the procedures that would be implemented to:
 - keep the relevant agencies informed about the progress of the project;
 - receive, handle, respond to, record and report any complaints about the project;
 - resolve any disputes that may arise during the project; and
 - respond to any non-compliances.



APPENDIX B

