

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
<u>WSEA</u>	<u>Western Sydney Employment Area</u>
<u>WSELIA</u>	<u>Western Sydney Employment Lands Investigation Area</u>

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.

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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	
	$L_{Aeq}(15min)$	$L_{Aeq}(15min)$	$L_{Aeq}(15min)$	$L_{A1}(1min)$
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 AUSTRROADS.

External Roads

- 1.3.20 LOGOS will:
- dedicate the northern 10 metres of the site to enable the upgrade of Bakers Lane (as described below);
 - upgrade Bakers Lane to provide a 4 lane divided carriageway in accordance with the design specifications for the Western Sydney Employment Area road network;
 - upgrade Mamre Road to provide localised acceleration/deceleration lanes;
 - upgrade the Mamre Road / Bakers Lane signalised intersection;
 - construct the Bakers Lane / site access road intersection; and
 - 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.

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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:

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- 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:

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- 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).

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- 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*.

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- 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

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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:

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- 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.