

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2022, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Lindsey Blecher
Team Leader
Industry Assessments

Sydney

28 September 2026

File: EF26/30460

SCHEDULE 1

Development Consent

Development Consent: SSD-46983729 granted by the A/Director, Industry Assessments on 3 October 2025

For the following: Bulk earthworks and retaining walls, subdivision, construction of estate roads, stormwater infrastructure, installation of services utilities and construction and operation of one warehouse building on proposed Lot 6 with ancillary office space, car parking, hardstand areas, landscaping and signage.

Modification 2

Modification Application: SSD-46983729-Mod-2

Modification to:

- Amend the remediation strategy for the site
- Fix a drafting error in Table 3 of the consent.

Applicant: ESR Developments (Australia) Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

The Land: 62A-72 Abbots Road, Kemps Creek (Lot 2 in Deposited Plan 1321939)

SCHEDULE 2

The consent is modified as follows:

In Schedule 1:

1. In the Definitions, insert the following words into the definition of 'Modification Assessments' after a):
 - b) SSD-46983729-Mod-2 – titled 'Modification Report Westlink Industry Park – Stage 2 (Modification 2)' prepared by Colliers Urban Planning and dated 16 July 2026 and 'SSD-46983729 MOD 3 – RAP Amendment' prepared by ESR and dated 1 September 2026.

In Schedule 2, Part A Administrative Conditions:

2. Insert Condition A33A as follows:

- A33A. Prior to the issue of a Subdivision Certificate relating to proposed Lot 4 in the approved subdivision plan, the Applicant must ensure that a restriction or public positive covenant under section 88E of the *Conveyancing Act 1919* is to be registered on the title of that lot, which:
- (a) states that the land is the subject to a Long Term Environmental Management Plan that contains specific requirements in relation to managing activities on this land,
 - (b) names that the authority having the power to release, vary or modify the Positive Covenant by a Prescribed Authority referred to is Penrith City Council.

In Schedule 2, Part B Specific Environmental Conditions:

3. Delete Condition B81.

4. Insert Conditions B81A to B81C as follows:

- B81A. Prior to the commencement of remediation works for the development, the Applicant must engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* NSW Site Auditor Scheme.
- B81B. The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the following, unless as otherwise agreed by the Planning Secretary:
- (a) the approved Remedial Action Plan included in the EIS,
 - (b) the Remedial Action Plan Addendum included in the Additional information,
 - (c) the Addendum 02 Remediation Action Plan included as part of SSD-46983729-Mod-2, and
 - (d) relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.
- B81C. Upon completion of the remediation works and prior to the commencement of operation of the development, the Applicant must submit to the Planning Secretary, a Site Audit Report and a Site Audit Statement, prepared in accordance with the *NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017*, which demonstrates the site is suitable for its intended industrial land use with the implementation of a long term environmental management plan.

5. Insert Conditions B82A and B82B as follows:

- B82A. A Long Term Environmental Management Plan (LTEMP), prepared in accordance with the Remediation Action Plan Addendum 02 included as part of SSD-46983729-Mod-2, must be submitted to the satisfaction of the Planning Secretary, prior to the finalisation of the Site Audit Statement and Site Audit Report. The plans must:
- (a) address all environmental impacts of the development's construction and operational phases

- (b) recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s)
- (c) incorporate a programme for ongoing monitoring and review to ensure that the plan remains contemporary with relevant environmental standards; and
- (d) detail mechanisms to report the results to the Planning Secretary and Council.

B82B. Upon completion of the Site Audit Statement and Site Audit Report, the Applicant must:

- (a) implement the approved LTEMP;
- (b) submit to Council copies of the LTEMP, Site Audit Statement and Report, and Validation Report;
- (c) provide evidence to the Planning Secretary the LTEMP is listed on the relevant planning certificate for the land, issued under section 10.7 of the *Environmental Planning and Assessment Act 1979*.

In the Appendix 1:

- 6. In Table 3, delete '20-748-C5033' and replace with '20-748-C5220'.
- 7. In Table 3, update the plan titled 'Westlink Stage 2 – 30m Eastern Buffer' to be Issue 'F', dated 27.08.2026.

**End of modification
(SSD-46983729-Mod-2)**