Department of Planning, Housing and Infrastructure

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Modification 2 of Westlink Industry Park Stage 2

State Significant Development Modification Assessment Report (SSD-46983729-Mod-2)

September 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Modification 1 of Westlink Industry Park Stage 2 (SSD-46983729-Mod-2) Assessment Report

Published: September 2026

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Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of ESR Developments (Australia) Pty Ltd's application to modify the State significant development (SSD) consent for the Westlink Industry Park Stage 2, located in the Penrith local government area. The report includes:

- a description of the proposed modification
- an assessment of the modification against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by Penrith City Council and other stakeholders have been considered
- an assessment of the likely environmental, social and economic impacts of the modification
- an evaluation which weighs up the likely impacts and benefits of the modification, having regard to the proposed mitigation measures, and government authority advice, and provides a view on whether the impacts are, on balance, acceptable
- a recommendation to the decision-maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether the consent should be modified and any conditions that should be imposed.

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1 Introduction

The modification application seeks to amend the Westlink Industry Park Stage 2 (SSD-46983729) consent to permit changes to the approved site remediation strategy for the development.

The application was lodged on 1 August 2026 by ESR Developments (Australia) Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

A more detailed overview of the proposed modification is provided in **Section 2.**

1.1 Background

The Applicant is constructing the second stage of an industrial estate, the Westlink Industry Park, at 62A-72 Abbotts Road (formerly 290-308 Aldington Road, 59-63 Abbotts Road, and 1030-1064 Mamre Road), Kemps Creek in the Penrith local government area (see **Figure 1** and **Figure 2**).

The development involves bulk earthworks, remediation, subdivision, construction of stormwater infrastructure and estate roads, and construction and operation of a warehouse and distribution centre with ancillary office space, car parking, hardstand areas, signage and landscaping.

The site also includes Stage 1 of the estate, which was approved under SSD-9138102 and is nearing completion of construction. To date, earthworks and other site preparation works under the Stage 2 consent have commenced onsite.

1.2 Subject Site

The site comprises 53.76 hectares (ha) of industrial zoned land and the Stage 2 area is now legally described as Lot 2 in Deposited Plan (DP) 1321939. The site is approximately 4 kilometres (km) north-east of the Western Sydney International (Nancy Bird Walton) Airport (Western Sydney Airport), 14 km south-east of Penrith, and 38 km west of the Sydney central business district (see **Figure 1**).

The development site is located within the Mamre Road Precinct (MRP), which forms part of the Western Sydney Employment Area (WSEA). The MRP covers 850 ha of land that comprised mostly rural-residential uses until it was rezoned for industrial uses in 2020. The MRP is expected to deliver 17,000 jobs when fully developed and would include industries that will service the airport.

The site is surrounded by IN1 industrial zoned land to the north, south and west, with land zoned C4 Environmental Living within the suburb of Mount Vernon directly adjoining part of the eastern boundary of the site. Several industrial estates have been approved in the MRP and are located to the north and north-west of the site (see **Figure 2**).

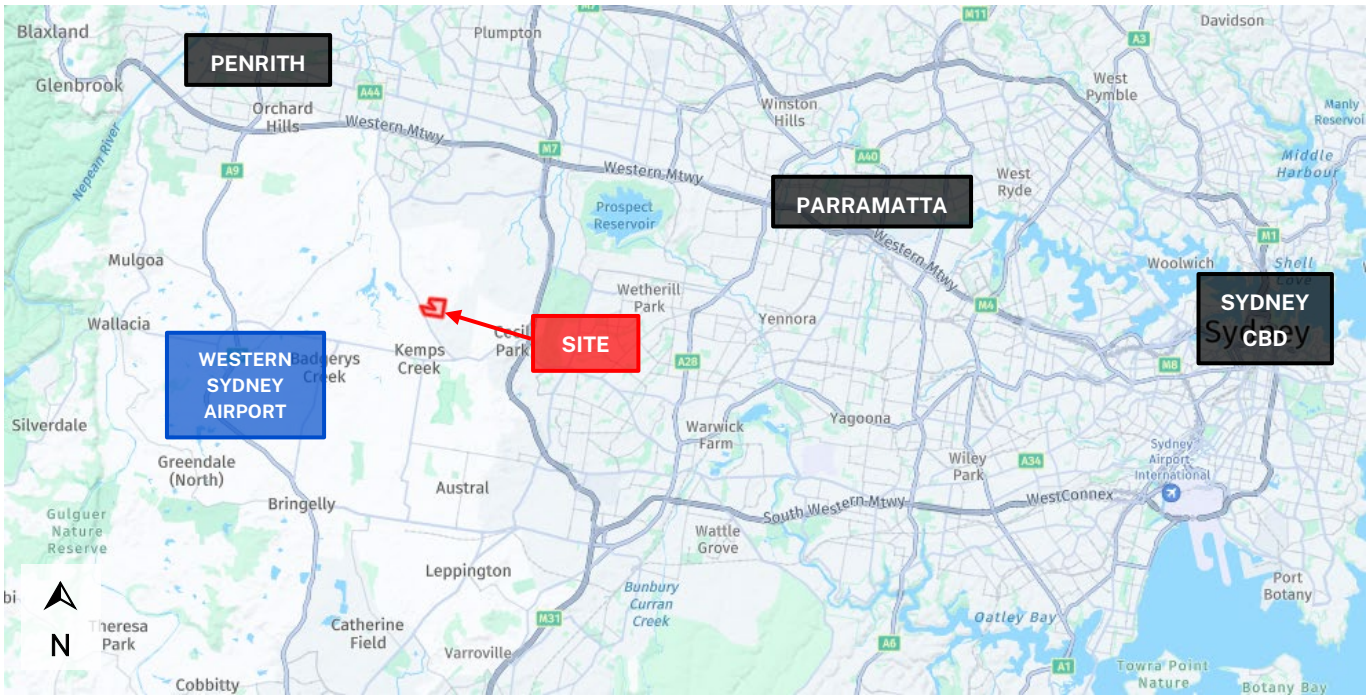


Figure 1 | Regional Context

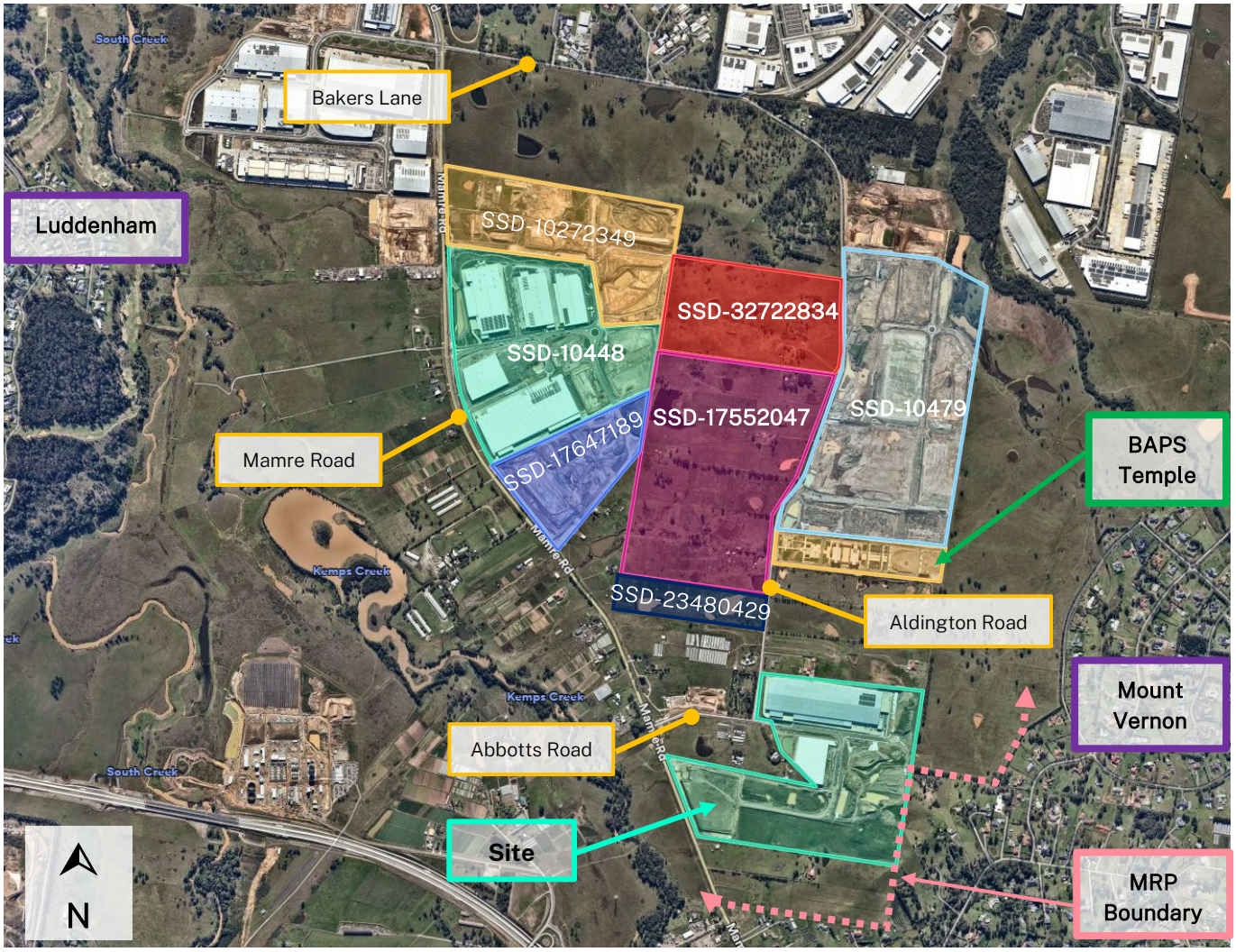


Figure 2 | Local Context

1.3 Approval History

On 3 October 2025, development consent was granted by the Acting Director, Industry Assessments under delegation from the Minister for Planning and Public Spaces for the development of the Westlink Industry Park Stage 2 (SSD-46983729).

The development consent permits bulk earthworks and retaining walls, remediation, 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.

The consent has been modified on one previous occasion (see **Table 1**).

Table 1 | Summary of Modifications

Modification	Description	Decision-maker	Type	Date
MOD 1	Changes to the approved earthworks and retaining walls, updates to landscaping, and revisions to the approved subdivision plan within Lots 2 and 4 of the estate.	Team Leader	4.55(1A)	10 April 2026

2 Proposed Modification

2.1 Modification Overview

The modification seeks to permit changes to the approved remediation works to allow certain contaminated materials to be retained and managed onsite rather than being disposed offsite. It is also proposed to correct a drafting error in the naming of one of the plans listed in Appendix 1 of the consent.

The modification is described in full in the Modification Report included in **Appendix A** and is illustrated in **Figure 3** and **Figure 4**.

2.1.1 Remediation

Currently, Condition B81 of SSD-46983729 requires the Applicant to undertake the remediation works in accordance with the Remedial Action Plan (RAP) and RAP Addendum provided as part of the EIS and additional information submitted as part of the original development application. Further investigations undertaken in June 2026 identified additional material within the site that contained asbestos waste. Accordingly, the Applicant is seeking to update the approved remediation works to accommodate this additional contaminated material and has submitted a further addendum to the RAP (Addendum 02), which is proposed to be included in an amendment to Condition B81.

The revised remediation framework in Addendum 02 also introduces a cap-and-containment pathway for material that exceeds acceptable concentrations of friable asbestos, rather than offsite disposal of this material as previously proposed in the RAP. This material will be placed in specially designed containment cells that will be at least 0.5 m below finished ground levels and covered with a high visibility geotextile marker layer and suitable clean material. The location and levels of the containment cells will be surveyed by a registered surveyor and management of these cells will be subject to the ongoing implementation of a Long Term Environmental Management Plan (LTEMP), which will be registered on the title of the land.

The Applicant proposes to locate the containment cells within the approved 30 m landscaped setback along the eastern boundary of the site (see **Figure 3** and **Figure 4**). It is intended that the cells are buried at a depth that will allow the approved landscaping, including tree planting, to still be accommodated in these areas.

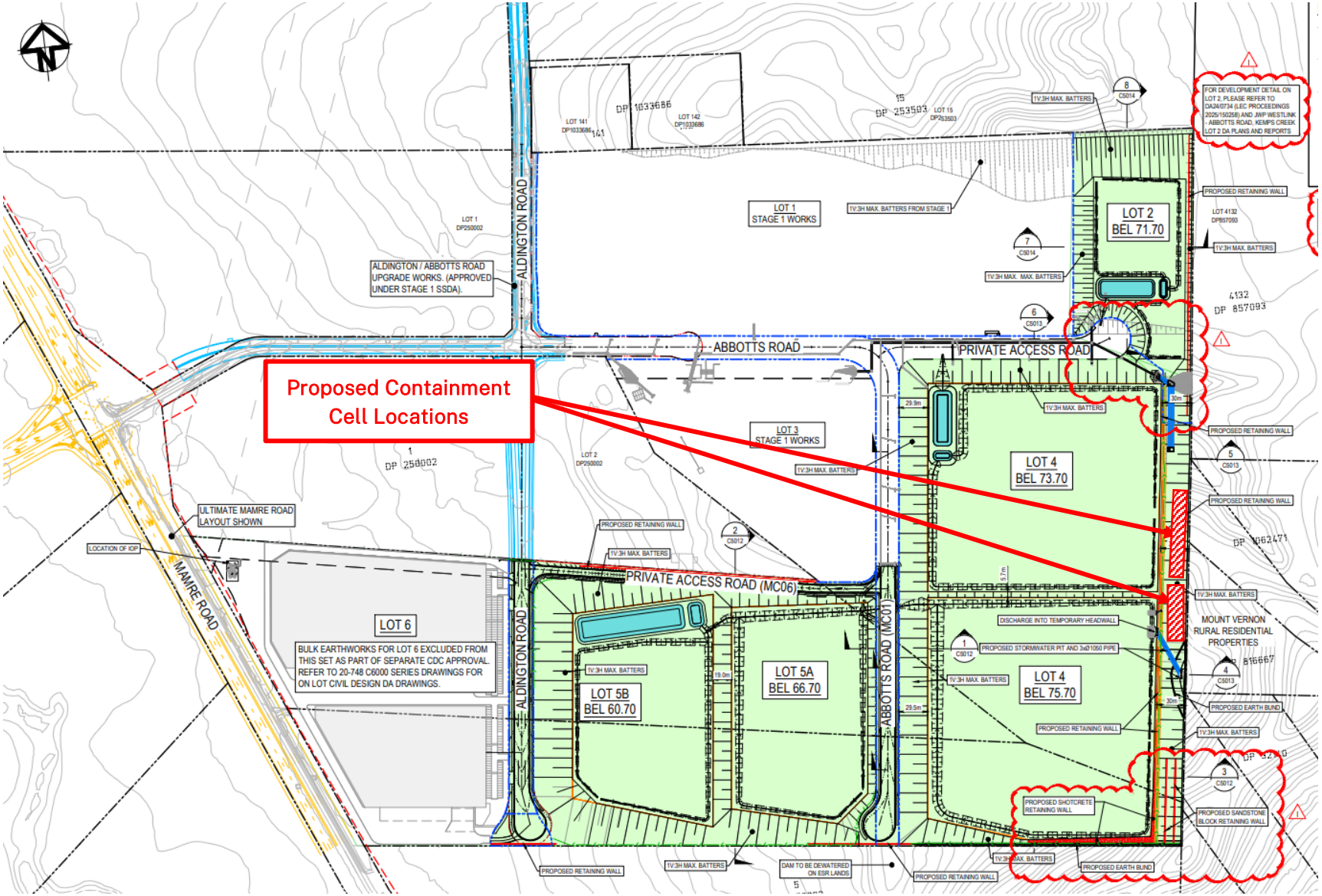


Figure 3 | Approved Civil Works Plan Showing Proposed Location of Containment Cells

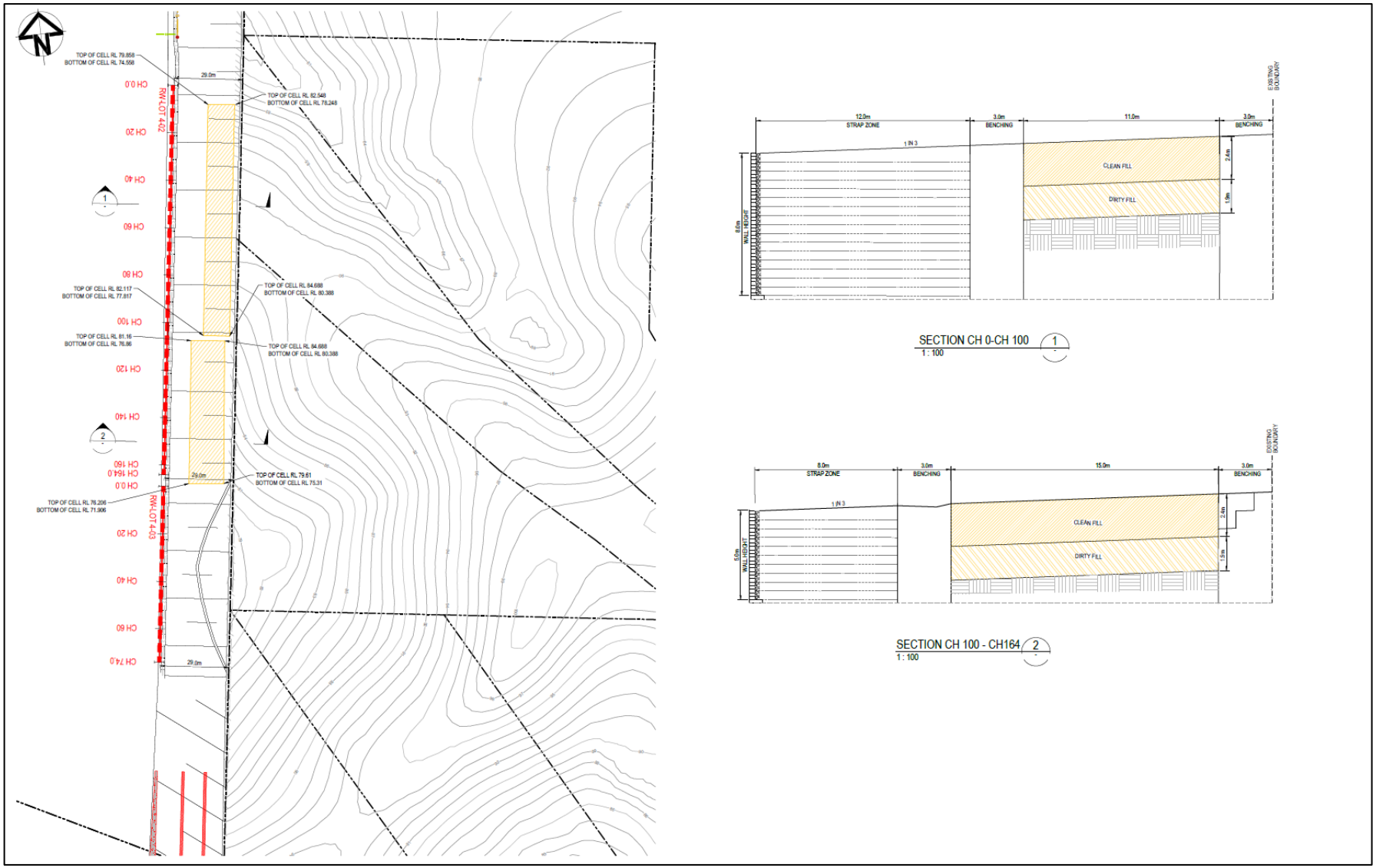


Figure 4 | Proposed Location of Containment Cells and Indicative Sections

2.2 Applicant's Justification for the Proposed Modification

The Applicant advised that the proposed changes to the remediation strategy for the development would enable contaminated material to be managed onsite within a controlled and engineered containment system, reducing reliance on offsite disposal while maintaining appropriate environmental safeguards.

The Modification Report submitted by the Applicant identified that the proposed modifications remain consistent with the original reasons for granting consent and do not alter the conclusions of key assessment issues.

3 Statutory Context

3.1 Scope of Modification and Assessment Pathway

Details of the assessment pathway under which the modification is sought is provided in **Table 2** below.

Table 2 | Assessment Pathway

Consideration	Description
Scope of modification	**Modification involving minimal environmental impact** The Department has reviewed the scope of the modification and considers that it can be characterised as a modification involving minimal environmental impact as the proposal remains within the existing development footprint and will result in only minimal changes to the development's impacts as assessed previously. The Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.
Consent Authority	**Minister for Planning and Public Spaces** The Minister is the consent authority under section 4.5(a) of the EP&A Act.
Decision-maker	**Team Leader, Industry Assessments** Under the Minister's delegation of 9 March 2022, the Team Leader, Industry Assessments, may determine the application under delegation as: i. the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act ii. there are no public submissions (other than a council) in the nature of objections, and iii. Council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

3.2 Mandatory Matters for Consideration

The Department undertook a comprehensive assessment of the application against the mandatory matters for consideration as part of the original assessment of SSD-46983729 (under section 4.15 of the EP&A Act). This modification application does not result in significant changes that would alter

the Department's consideration of the mandatory matters for consideration under section 4.15(1) of the EP&A Act and conclusions made as part of the original assessment.

3.3 Biodiversity Development Assessment Report

Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD modifications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the authority or person determining the application is satisfied that the modification will not increase the impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

The Department is satisfied that the modification will not increase the impact on biodiversity values as it remains within the approved development footprint and, consequently, a BDAR is not required to accompany the modification application.

4 Engagement

4.1 Department's Engagement

In accordance with the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) the Department made the modification application publicly available on the Department's website on 3 August 2026 and forwarded the application to Penrith City Council (Council) for comment.

4.2 Summary of Council Advice

The Department received advice from Council on the modification application. A summary of the advice is provided in **Table 3.** A link to the full copy of the advice is provided in **Appendix A.**

Table 3 | Summary of Advice

Authority	Advice Summary
Council	Council provided comments on the proposed remediation strategy. It was requested that any cap and containment areas are not located within parts of the site that are either currently owned or managed by Council, or within/below any areas intended to be dedicated to Council as public land. Confirmation was requested that the proposed cell locations would not impact on the viability of the landscaping and deep soil areas. Council also recommended conditions requiring a Positive Covenant on the title of the land, including a LTEMP, and that the Applicant provide Council with copies of all contamination-related documentation (such as any Preliminary Site Investigations, Detailed Site Investigations, Remediation Action Plans, Validation Reports and LTEMPs, along with any documents prepared by a NSW EPA Accredited Site Auditor endorsing these documents). These will be recorded on the property file and will be placed as property notations on the Section 10.7 planning certificates prepared by Council.

4.3 Additional Information

On 12 August 2026, the Department asked the Applicant to provide further information to address the comments from Council.

On 1 September 2026, the Applicant provided a response to the comments provided, which:

- Confirmed the location of the containment cells will be on land that will be retained in private ownership and in a passive part of the site that will not be subject to future disturbance;
- Included confirmation from the project landscape architect that the cell locations will not adversely affect the viability of the approved landscaping within the 30 m landscaped setback
- Agreed with the recommended conditions and inclusion of the positive covenant on title.

The additional information was considered sufficient to address the matters raised by Council.

5 Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- Modification Report and Additional Information provided to support the proposed modification (see **Appendix A**)
- documentation and Department's assessment report for the original DA and subsequent modification application(s) (see **Appendix A**)
- advice from Council (**Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department considers the key assessment issues are contamination and remediation, with the Department's assessment of these issues provided in **Section 5.1.**

5.1 Contamination and Remediation

The remediation of the site as part of the development was considered by the Department in its assessment of SSD-46983729 with regard to Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021*, which aims to provide a State-wide approach to the remediation of contaminated land. The proposed modification seeks to permit changes to the approved remediation works to allow select contaminated material to be retained and managed onsite rather than disposed offsite. The remainder of the remediation strategy for the identified contamination onsite remains the same as previously proposed.

Addendum 02 to the RAP submitted as part of the Modification Report was prepared to build upon the previous contamination assessments, RAPs and interim validation reports for the site. It includes an updated remediation hierarchy for the approach to types of contaminated material on the site and requirements for the design and construction of the containment cells, preparation of the LTEMP and a Validation Report following completion of the remediation works.

A contamination advice letter accompanying the Modification Report outlined that the proposed revised remediation strategy is considered appropriate as:

- The proposed contaminated soils to be placed within the containment cell are non-leachable and will not come into direct contact with groundwater;
- The locations of the containment cells are in an area unlikely to be disturbed in the future and there are no structures proposed above that could impact the integrity of the proposed cap;

- The containment cell will be managed with a legally enforceable LTEMP, which mitigates the potential exposure risk of public health or the environment;
- A notification mechanism, such as a covenant on the property title, will ensure that the capped areas are protected from any unintentional or uncontrolled disturbance that could breach the integrity of the physical barrier; and
- The revised strategy aligns with the NSW EPA *Waste and Sustainable Materials Strategy*, as the approach minimises unnecessary handling and transport of contaminated soils to a landfill facility.

Addendum 02 concluded that the site can be made suitable for the approved industrial use, subject to completion of the proposed remediation works, site validation and ongoing management in the RAP (and Addendums) and the implementation of an Asbestos Management Plan (AMP) and LTEMP.

The Department considers that the Modification Report and supporting information adequately justifies the proposed amendments to the approved remediation strategy. The use of containment cells, together with implementation of an LTEMP and notification mechanisms on title, represents an established and suitable remediation approach for the identified contaminated material.

Due to the inclusion of the containment cells and additional components to the remediation strategy and requirements for ongoing management, it is considered appropriate that a Site Auditor accredited under the *Contaminated Land Management Act 1997* NSW Site Auditor Scheme is appointed to oversee the remediation works and prepare a Site Audit Report and a Site Audit Statement to confirm the site is suitable at the conclusion of these works. This also reflects the expectations of Council in their advice on the modification.

The Department recommends that the SSD-46983729 consent be modified accordingly, including amending Condition B81 to include reference to Addendum 02 to the RAP, together with new conditions requiring:

- engagement of a Site Auditor prior to the commencement of the remediation works
- preparation and implementation of the LTEMP
- registration of a Positive Covenant on the title of the land; and
- provision of relevant contamination documentation to Council to allow for relevant information to be included in any Planning Certificates prepared under section 10.7 of the EP&A Act.

In relation to Council's landscaping concerns, the Department notes the additional information submitted by the Applicant confirming that the landscape planting will still be achievable. It is considered that these issues can be addressed by the landscape design and maintenance requirements of Conditions B67 and B68, including the preparation and implementation of a

landscape management plan that must ensure sufficient deep soil is provided for the plant species selected and ongoing maintenance of the landscaping for the life of the development.

The Department's assessment concludes that the remediation of the site can be undertaken in accordance with the relevant guidelines and ensure that the site is made suitable for the approved land use, with the containment cells appropriately managed in the long term.

6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act and considers the proposed modification is appropriate on the basis that:

- the proposed modification will result in minimal environmental impacts beyond the approved facility
- the remediation works will ensure the site is made suitable for the approved industrial land use, which will be reviewed and validated by an accredited Site Auditor
- appropriate measures are in place to ensure the ongoing maintenance of the containment cells via the LTEMP
- the modified development is substantially the same development as previously approved.

The Department is satisfied the modification should be approved.

7 Recommendation

It is recommended that the **Team Leader, Industry Assessments**, as delegate of the Minister:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD-46983729-Mod-2 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under section 7.17(2)(c) of the Biodiversity Conservation Act 2016 that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies the consent** for the Westlink Industry Park Stage 2 (SSD-46983729), subject to the conditions in the attached instrument of modification.
- signs the attached instrument of modification (**Appendix B**).

Recommended by:



David Schwebel
A/Principal Planning Officer
Industry Assessments

8 Determination

The recommendation is **adopted** by:



28 September 2026

Lindsey Blecher
Team Leader
Industry Assessments

Glossary

Abbreviation	Definition
Additional Information	The document titled 'SSD-46983729 MOD 3 – RAP Amendment' prepared by ESR and dated 1 September 2026, and supporting information
Applicant	ESR Developments (Australia) Pty Ltd
Council	Penrith City Council
Department	Department of Planning, Housing and Infrastructure
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
LGA	Local Government Area
LTEMP	Long-Term Environmental Management Plan
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Housing and Infrastructure
RAP	Remediation Action Plan
SEPP	State Environmental Planning Policy
SSD	State Significant Development

Appendices

Appendix A – List of Referenced Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

Modification Application

- 'Modification Report, Westlink Industry Park – Stage 2 (Modification 2)' prepared by Colliers Urban Planning and dated 16 July 2026 - https://www.planningportal.nsw.gov.au/major-projects/projects/westlink-industry-park-stage-2-mod-2-revised-remediation-plan

Submissions and Advice

- https://www.planningportal.nsw.gov.au/major-projects/projects/westlink-industry-park-stage-2-mod-2-revised-remediation-plan

Additional Information

- 'SSD-46983729 MOD 3 – RAP Amendment' prepared by ESR and dated 1 September 2026 https://www.planningportal.nsw.gov.au/major-projects/projects/westlink-industry-park-stage-2-mod-2-revised-remediation-plan

Department's Assessment Report for SSD-46983729

- https://www.planningportal.nsw.gov.au/major-projects/projects/westlink-industry-park-stage-2

Appendix B – Recommended Instrument of Modification

https://www.planningportal.nsw.gov.au/major-projects/projects/westlink-industry-park-stage-2-mod-2-revised-remediation-plan