

Our reference: P-1181695-F5P0
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29 June 2026

NSW Department of Planning, Housing, and Infrastructure
4 Parramatta Square
12 Darcy Street,
Parramatta, NSW, 2124

Attention: David Schwebel
Email: david.schwebel@dphi.nsw.gov.au

Dear David,

**Council Advice on the Modification Report for SSD-9138102-Mod-7 –
Westlink – Stage 1 – MOD 7 – Warehouse 3 Operation at 290-308
Aldington Road, KEMPS CREEK**

Thank you for providing Penrith City Council the opportunity to comment further on the subject Modification Report.

Council has reviewed the information referred for comment on 05 June 2026 and provides the following advice for the Department's consideration:

1. Planning Considerations

- a) The proposed modification of SSD-9138102 seeks to enable Warehouse 3 to commence operation at the time that interim traffic signals at Mamre Road and Abbots Road intersection are completed.
- b) This has implications for the executed Planning Agreement (PA) between Council and the Proponent, as discussed below. The executed Planning Agreement requires completion of roadworks associated with Aldington and Abbots Roads (known as the 5000 series works).

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- c) It is noted that what is referred to as 'Warehouse 3' in the Modification Report is referred to as 'Warehouse 4' in the Planning Agreement.
- d) Below is a snippet of Clause 11.4 of the Planning Agreement which relates to restrictions on the issue of certificates.

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11.4 Restriction on the issue of Certificates

- (a) In accordance with section 6.10(2)(d) of the Act and s48 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, the following obligations under this agreement must be satisfied before any Occupation Certificate in respect of warehouse 4 approved by the SSD Stage 1 Consent is issued:
 - (i) Payment of the Monetary Contributions in accordance with clause 6.1;
 - (ii) Delivery of the Works in accordance with clause 6.2;
 - (iii) Dedication of the Dedication Land in accordance with clause 6.3; and
 - (iv) Provision of a Bank Guarantee or Bond for any item of the Works for defects liability and maintenance under the Construction Terms.

- e) Clause 6.1(e) of the PA requires the proponent to pay the 'Balance of Contributions' payment prior to any Occupation Certificate being issued for Warehouse 4. To date this payment has not been made.
- f) Clauses 6.2(d) and 6.3(f) require the works to be delivered and land to be dedicated Council prior to any Occupation Certificate being issued for Warehouse 4. Handover has not yet taken place.
- g) Payment of the 'Balance of Contributions' cannot be made until a final draft plan of subdivision is accepted, which will enable Council's City Planning team to calculate the offset generated by the land being dedicated.
- h) Regarding the works, Council issued a certificate of practical completion on 26 March 2026. Therefore, it appears that while the works are complete, they have not yet been delivered / dedicated to Council via a subdivision process.

2. Development Engineering Considerations

- a) The design of the interim signalised intersection as referred to in the submitted documents appears to be different to the interim signalised intersection as approved by the current consent, Appendix 7 table 5 MR536 Mamre Road and Abbots Road Kemp's Creek 2000 Series – Proposed Signalised Intersection Civil Works Package 80% Detailed Design.
- b) The proposed interim design appears to have a single left and right turn lanes from Abbots Road, whereas the consent approved interim design has two left and right turn lanes from Abbots Road.
- c) Whilst in principle there are no objections to the proposed modification subject to Transport for NSW's concurrence, further design detail is required on the interface between the upgraded Abbots Road and the proposed new interim signalised intersection. The design is required to clarify the lane arrangement along the westbound lanes of Abbots Road and the approach to the signalised intersection.

3. Traffic Engineering Considerations

The Modification also seeks to modify Conditions D18, D20 and D21, as follows:

- Condition D18: The Applicant must complete the External Road Works to the satisfaction of the relevant roads' authorities prior to operation of Warehouse 3.
- Condition D20: The Applicant must not: undertake any subsequent development, including exempt or complying development, on the Stage 1 site and commence operation of warehouse 3; until the External Road Works are completed to the satisfaction of the Planning Secretary.

- Condition D21: All External Road Works must be completed, to the satisfaction of the relevant roads' authorities, prior to any other buildings on the Stage 1 site receiving occupation certificate(s).
- a) SIDRA modelling confirms that the Mamre Road / Abbotts Road intersection would operate satisfactorily under Stage 2 and Stage 3 layouts and will be able to accommodate the increase in traffic associated with Westlink Industry Park construction and operation, as well as other MRP construction and road infrastructure works.
- b) Delays to Mamre Road traffic would remain within acceptable thresholds with no specifically identified road safety concerns. Importantly, with Lot 3 operational volumes comprising less than five per cent of traffic through the intersection during peak hour, it would not have any material impact on the intersection operation or safety as part of the Stage 2 and Stage 3 layouts.
- c) Early Lot 3 operations would not appear to have a material impact on the surrounding road network nor compromise road safety. On this basis, modification to conditions D18, D20, and D21 of SSD-9138102 and to allow Lot 3 occupation upon the operation of the interim traffic signals in September 2026 is unlikely to have a detrimental impact on traffic grounds.

Should you wish to discuss this matter further, please contact me directly on (02) 4732 7992.

Yours sincerely,



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Principal Planner

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