



Modification Report

Westlink Industry Park – Stage 1 (Modification 7)

59-62 and 62A-72 Abbots Road, Kemp's Creek

Submitted to the NSW Department of Planning, Housing and Infrastructure
on behalf of ESR Developments (Australia) Pty Ltd

SSD-9138102-Mod-7

Prepared by Colliers Urban Planning

22 May 2026 | 2200446



'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Colliers Urban Planning acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past and present.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

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1.0 Introduction

This Modification Report has been prepared on behalf of ESR Developments (Australia) Pty Ltd (‘ESR Australia & New Zealand’ or ‘the Applicant’) to accompany a Modification Application pursuant to Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Modification Application is submitted to the NSW Department of Planning, Housing and Infrastructure (DPHI) and seeks to modify the approved Westlink Industry Park – Stage 1 State Significant Development Application (SSDA) (SSD-9138102) at 59-62 and 62A-72 Abbots Road, Kemps Creek (the Site).

The SSDA was approved by DPHI, as delegate for the Minister for Planning and Public Spaces, on 21 April 2023 for the following development:

Construction of the first stage of an industrial estate including bulk earthworks, subdivision, construction, fit out and operation of two warehouse buildings and ancillary office space with a total gross floor area of 81,317m², landscaping, construction of estate roads and external road upgrades, site servicing and stormwater infrastructure

The Modification Application seeks to amend and insert several conditions to enable operation of Warehouse 3 following completion of interim traffic signals at the Mamre Road / Abbots Road intersection, prior to the completion of the ultimate traffic signals and all external road upgrades (approved under Modification 5 to SSD-9138102). A detailed description of the proposed modifications is provided in **Section 3.0**.

This Modification Report supports the seventh Modification Application (MOD 7) to the Development Consent for SSD-9138102. It describes the proposed modifications and provides an assessment of the relevant matters contained in Section 4.55(1A) of the EP&A Act and is accompanied by supporting documentation (see Appendices). It has been prepared with reference to DPHI’s *State Significant Development Guidelines – Preparing a Modification Report*.

1.1 The Applicant

The Applicant’s details are presented in **Table 1** below.

Table 1 *Applicant Details*

Applicant:	ESR Developments (Australia) Pty Ltd
ABN	88 625 766 109
Address	Level 13, 39 Martin Place, Sydney NSW 2000

1.2 Background

1.2.1 Site Description

The Site is located on land identified as 59-62 and 62A-72 Abbots Road. It is situated within the Penrith Local Government Area (LGA) and southern portion of the Mamre Road Precinct. The land surrounding the Site is transitioning from rural residential to industrial land uses with numerous approved industrial developments occurring following the rezoning of the Mamre Road Precinct in June 2020.

The Site has recently been subdivided and now comprises two (2) allotments, identified as Lot 1 and Lot 2 in DP 11321939, owned by ESR KECT (Australia) Pty Ltd as trustee of ESR LVH Asset Trust. A Site Aerial Map illustrating the Site and its immediate surrounding context is provided in **Figure 1**.

Lot 1 is currently operational, obtaining access to Abbots Road and Mamre Road to the west, and Aldington Road to the north. These roads are intended to remain open during both construction and operation to enable construction and operational traffic to move through the Precinct. Lot 3 operations, however, remain restricted on the condition that external road upgrades take place at the intersection of Mamre Road and Abbots Road.

It is important to note that the external road works required to be delivered by ESR Australia & New Zealand relate to the approved upgrade of the Mamre Road and Abbotts Road intersection, with works commencing in 2025. External works also include the Abbotts Road upgrade and Abbotts/Aldington signalised intersection which is now complete. The external roadworks do not include the separate upgrade of Mamre Road which will be carried out by TfNSW separately in the future.



Figure 1 Site Aerial Map

Source: Nearmap, Colliers Urban Planning

1.2.2 Approved Development

Development Consent for the Westlink Industry Park – Stage 1 (SSD-9138102) was granted by DPHI, as delegate for the Minister for Planning and Public Spaces, on 21 April 2023 for the following:

Construction of the first stage of an industrial estate including bulk earthworks, subdivision, construction, fit out and operation of two warehouse buildings and ancillary office space with a total gross floor area of 81,447m², landscaping, construction of estate roads and external road upgrades, site servicing and stormwater infrastructure.

This Modification Report supports the seventh Modification Application (MOD 7) to SSD-9138102. A summary of previous Modification Applications relating to SSD-9138102 is outlined in **Table 2** below.

Table 2 Summary of Previous Modification Applications – Westlink Stage 1 (SSD-9138102)

Modification	Description	Status
MOD 1 – Bulk Earthworks Fill Location	Amend the approved bulk earthworks to enable excess fill from the excavation for Lot 1 (Warehouse 1) and Lot 3 (Warehouse 3) building pads to be used for the filling of the future Lot 5.	Withdrawn
MOD 2 – Lot 4 Trunk Drainage and Warehouse Design	- Reduce the approved trunk drainage channel width and subsequent amendments to the design of Warehouse 3 and stormwater infrastructure; and - Amend the private access road length and design.	Approved

Modification	Description	Status
MOD 3 – Warehouse 1 minor design changes	Various minor design amendments to Warehouse 1 to meet future customer requirements.	Approved
MOD 4 – Northern Boundary Retaining Wall	Amend the design of the retaining wall along the northern boundary, adjacent to Warehouse 1, due to changes in levels on the neighbouring site.	Approved
MOD 5 – External Road Upgrades	Construction of external road upgrades including Mamre Road and Abbotts Road intersection works, widening of Abbotts Road and widening of a section of Aldington Road.	Approved
MOD 6 - Warehouse 3 design changes	Design amendments to Warehouse 3 (Lot 3) to accommodate the operational requirements of the future customer, including GFA rearrangements, parking and other miscellaneous design changes.	Approved

1.2.3 Westlink Industry Park

The Westlink Industry Park is a 62-hectare industrial estate that leverages the proximity to key infrastructure, including future Western Sydney International Airport (WSI Airport), as well as the M4, M7 and M12 Motorways. It includes seven (7) development lots, with a total Gross Floor Area (GFA) of approx. 300,000m² (subject to future approvals).

An indicative masterplan is provided in **Figure 2** below, with a staging summary provided in **Table 3** following.



Figure 2 Indicative Westlink Industry Park Masterplan

Source: Nettletontribe

Table 3 Westlink Industry Park Staging Summary

Lot	Warehouse	Gross Floor Area	Application No.	Status
Lot 1	Warehouse 1	63,857m ²	SSD-9138102	Operational
Lot 2	Warehouse 2	13,667m ²	DA24/0734	Approved
Lot 3	Warehouse 3	17,460m ²	SSD-9138102	Completed

Lot	Warehouse	Gross Floor Area	Application No.	Status
Lot 4	Warehouse 4A	15,640m ²	SSD-77255706	Prepare EIS
	Warehouse 4B	15,600m ²		
	Warehouse 4C	16,960m ²		
	Warehouse 4D	19,950m ²		
Lot 5	Warehouse 5A	23,650m ²	SSD-77255474	Prepare EIS
	Warehouse 5B	33,590m ²		
Lot 6	Warehouse 6	37,490m ²	SSD-46983729	Approved
Lot 10	Warehouse 10A	25,031m ²	DA24/0703	Approved
	Warehouse 10B	13,632m ²		

1.3 Analysis of Alternatives

The Applicant has considered alternative approaches to the proposed modifications, as outlined in **Table 4** below.

Table 4 *Analysis of Alternatives*

Option	Analysis
Option 1 – Do nothing	Under this option, operation of the approved Warehouse 3 would be deferred until completion of the full suite of external road upgrade works identified in the current Development Consent. While this approach would ensure the ultimate road network is in place prior to occupation, it would not represent an efficient or coordinated staging outcome for the industrial estate or Capital Transport (Warehouse 3 tenant). The approved traffic generation associated with early operation can be safely accommodated within the existing and interim road network capacity, as demonstrated by the traffic assessment. Delaying operation would not materially improve traffic safety or network performance during this period but would unnecessarily constrain development delivery and employment outcomes. This option does not align with the Mamre Road Precinct Development Control Plan (MRP DCP) objective of encouraging orderly and economic provision of infrastructure in line with demand.
Option 2 – As Proposed to be Modified	The proposed option enables operation of Warehouse 3 supported by interim signal operation at the Mamre/Abbotts Intersection while retaining the approved requirement for full external road upgrades to be delivered in accordance with the Development Consent. This option was put forward to the Applicant by Transport for NSW and provides a controlled, safe and efficient traffic environment for all road users during the interim period and ensures the site is serviced by a suitable road network with sufficient capacity to accommodate early operational demand. It represents an orderly, staged approach that aligns infrastructure provision with actual development demand, without compromising the ultimate road network outcome for the Precinct. The interim arrangement maintains consistency with the objectives of the MRP DCP, the approved staging framework, and the expectations of the relevant roads authority, while enabling timely and efficient use of a completed warehouse by Capital Transport (Warehouse 3 tenant).

2.0 Strategic Context

The strategic context of the development as proposed to be modified remains generally the same as approved on 21 April 2023. Since then, the development has continued to evolve with Stage 2 earthworks underway and Lot 1 Warehouse now being operational with the Lot 3 Warehouse completed, (pending operation commencing). This is managed by the approved Construction Traffic Management Plan and the OTMP, both of which demonstrate there is ample capacity for safe and efficient flow of construction and operational traffic even without the interim signals.

The proposed modifications will enable the operation of Warehouse 3 (Lot 3), enabling the tenant to commence operation without impacting the surrounding road network. Specifically, the proposed modifications do not alter the alignment of Lot 3 with the relevant strategic planning context for the following reasons:

- It will continue to provide industrial employment floorspace for the purposes of a warehouse or distribution centre within a designated industrial precinct, consistent with the Mamre Road Precinct Structure Plan;
- It will continue to leverage the Site's proximity to key freight transport corridors in Western Sydney, as well as WSI Airport (due to commence operation in 2026); and
- It will continue to support the protection of industrial land and increased efficiency of freight and logistics in the Greater Sydney Region and Western Sydney, consistent with the strategic planning framework, including draft Sydney Plan and draft Statewide Policy for Industrial Lands.

3.0 Description of Proposed Modifications

3.1 Overview

The Modification Application seeks to amend and insert several conditions to enable operation of Warehouse 3 following completion of interim traffic signals at the Mamre Road / Abbotts Road intersection, prior to the completion of the ultimate traffic signals and all relevant external road upgrades (approved under Modification 5 to SSD-9138102).

Warehouse 3 has reached practical completion but is currently unable to obtain an Occupation Certificate until all external road upgrades are complete, expected to be in May 2027 following completion of the Mamre Road / Abbotts Road intersection upgrades by ESR Australia and New Zealand.

The proposed modifications will enable Capital Transport (the Warehouse 3 tenant) to commencement of operation of at the time that interim traffic signals are completed (expected to be September 2026), subject to satisfaction of an Operational Traffic Management Plan (OTMP) for Warehouse 3.

Specifically, the Modification Application seeks to amend the following conditions of consent:

- Schedule 1 – Site;
- Schedule 1 – Definitions;
- Condition B3A (new condition);
- Condition D2(b);
- Condition D13A (new condition);
- Condition D14(a) (i) (ii) (new condition);
- Condition D18;
- Condition D20;
- Condition D21; and
- Appendix 7 – External Road Works Plans.

A detailed description of the interim traffic signals and proposed modifications to conditions of consent is provided in the following sections.

3.2 Interim Traffic Signals

The Mamre Road / Abbotts Road intersection upgrade includes the following:

- Conversion of the intersection to signals with additional short turn bays and slip lanes;
- Road widening around the approach to the intersection to provide two lanes through the intersection;
- Kerb and gutter, and drainage works;
- Signage and linemarking;
- Central medians, traffic islands, chevron line markings;
- Footpaths and shared paths; and
- Other supporting services, lighting and civil works.

ESR Australia and New Zealand has commenced the Mamre Road / Abbotts Road intersection upgrade in conjunction with Transport for NSW. The staging of the intersection upgrade is outline in **Table 5**, with the intersection currently operating under the Stage 1 (priority-controlled) arrangement.

The Stage 2 (interim signals) arrangement represents operation of the interim traffic signals, at which point Warehouse 3 is proposed to commence operation. The Stage 3 (final signals) arrangement represents operation of the final traffic signals, consistent with that approved under Modification 5 to SSD-9138102.

Table 5 Mamre Road/Abbotts Road Intersection Staging

Phase	Control	Expected Completion	Description
1	Priority-controlled	Current layout	Turning restrictions include: - All vehicles: Left-in (LI) - Light Vehicles: Left-out & right-out - Heavy Vehicles over 5t GVM: Left-out (LO) only
2	Interim signals	September 2026	Single northbound and southbound lanes on Mamre Road plus dedicated turning lanes into Abbotts Road.
3	Final signals (ESR upgrades)	May 2027	Similar layout to Stage 2, with addition of a dedicated left turn slip lane out of Abbotts Road.

Source: Ason Group

The Interim Signalised Intersection Plan prepared by Digitise Consulting is included at **Appendix A**. It is supported by Traffic Control Signal (TCS) Plans prepared by B-Line Drafting at **Appendix B**.

An extract of the interim traffic signals arrangement is presented in **Figure 3**, with the ultimate traffic signals arrangement presented in **Figure 4** for reference below.

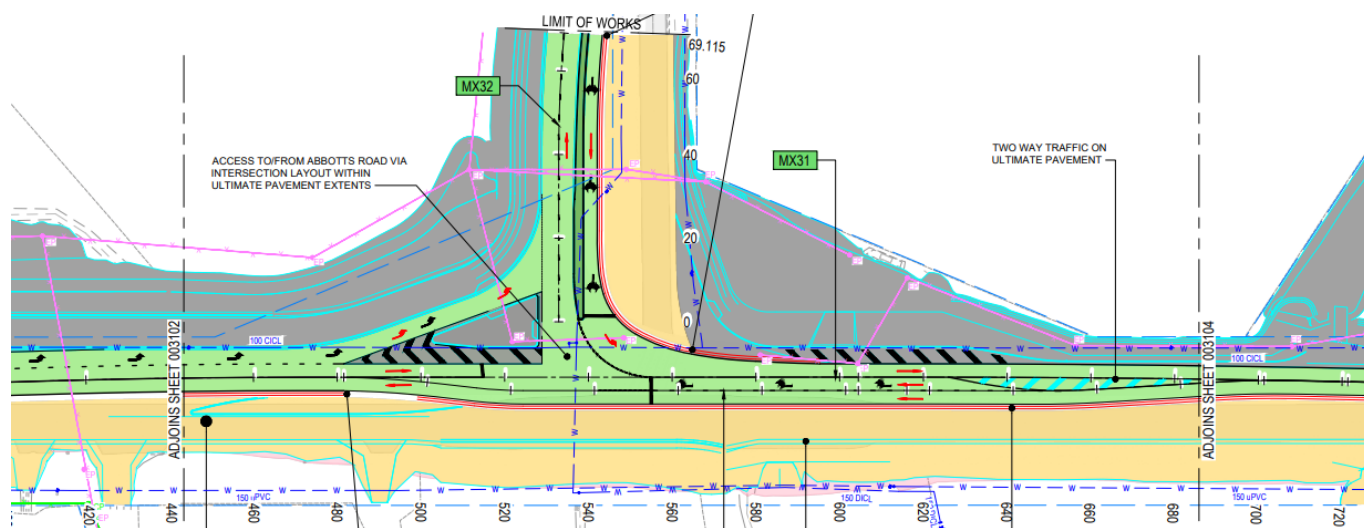


Figure 3 Mamre Road / Abbotts Road Intersection – Interim Traffic Signals (Stage 2 upgrade)

Source: Digitise Consulting

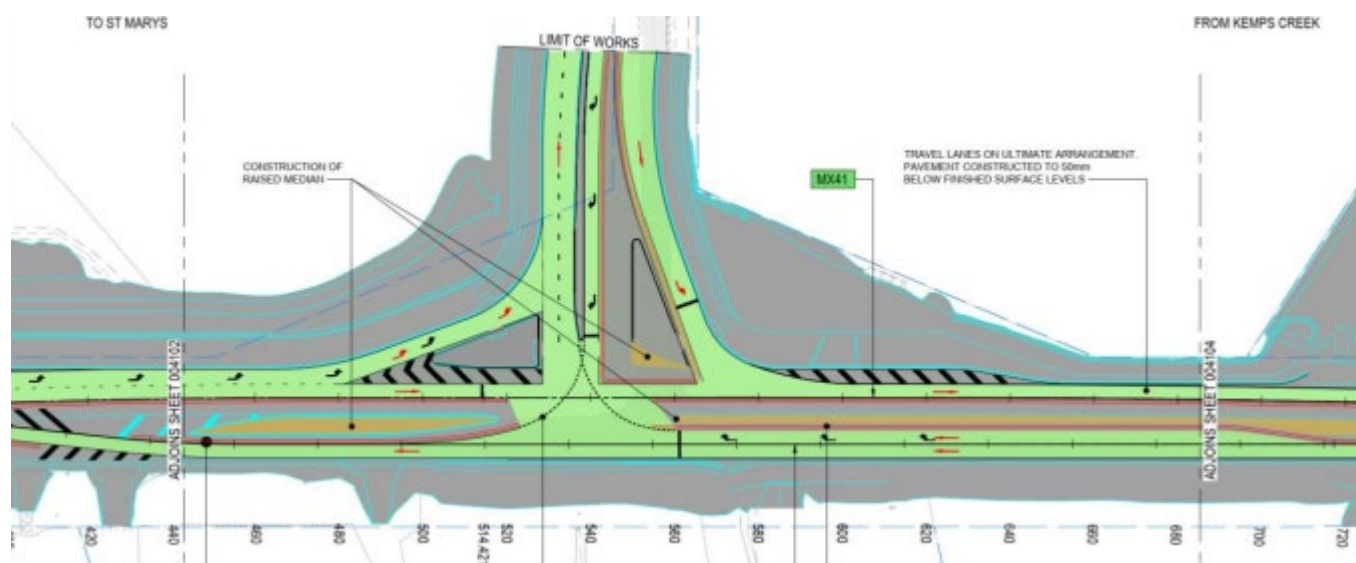


Figure 4 Mamre Road / Abbotts Road Intersection – Ultimate Traffic Signals ESR Works (Stage 3 upgrade)

Source: Digitise Consulting

3.3 Modifications to conditions

The proposed amendments to the Development Consent for SSD-9138102 are identified below, with words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

Schedule 1 – Site

Lot 1 and Lot 2 DP1321939 ~~Lots 111, 112, 113, 114 and 115 DP 1296469~~ and Lot 10 DP 1296455, Mamre Road / Abbotts Road intersection, Abbotts Road and Aldington Road

Reason

To reflect the revised legal site description.

Schedule 1 – Definitions (New Definition)

Interim Traffic Signals: Interim signals arrangement to be installed at the Mamre Road / Abbotts Road intersection in accordance with the Interim Traffic Signals Plan in Appendix 7.

Reason

To clearly separate the interim signalisation at the intersection of Mamre Road and Abbotts Road and subsequent operation of Warehouse 3, and the works relating to the external road upgrades within the road reserves and where relevant, future acquisition land. It is noted that the definitions in Schedule 1 already include a definition for the completed intersection works being the External Road Works.

Condition B3A – Operational Traffic Management Plan

B3A. Prior to the commencement of operation of Warehouse 3, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for Warehouse 3 ***that addresses the requirements of D13A*** to the satisfaction of the Planning Secretary. The OTMP must form part of the OEMP required by Condition C5 and must:

- (a) be prepared by a suitably qualified and experienced person(s)
- (b) detail heavy vehicle routes, access, and parking arrangements;
- (c) detail the measures that are to be implemented to ensure road safety and network efficiency;
- (d) outline measures to be implemented to manage pedestrian safety and movements, including between the southern carpark and the office.

Reason

This condition is intended to give effect to the operation of Warehouse 3 pending an Operational Traffic Management Plan (OTMP) that satisfies the planning secretary by responding to interim measure particulars.

Condition D2 – Notification of Commencement

D2. The date of commencement of each of the following phases of the External Road Works must be notified to the Planning Secretary in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary:

- (a) construction of each stage of the External Road Works, including any sub-stages;
- (b) operation of the interim traffic signals at the Mamre Road / Abbotts Road intersection ***to allow for the operation of Warehouse 3***; and
- (c) completion of the External Road Works.

Reason

This condition is intended to ensure early operation of Warehouse 3.

Condition D13A (New Condition) – Timing

D13A. Prior to the commencement of operation of Warehouse 3, the Applicant must prepare an Operational Traffic Management Plan (OTMP) for the development to the satisfaction of the Planning Secretary. The OTMP must:

- (a) be prepared by a suitably qualified and experienced person(s);**
- (b) be prepared in consultation with TfNSW and Council;**
- (c) detail the measures to manage operational traffic with concurrent construction traffic from the site and the External Road Works and other public traffic, to ensure road safety and network efficiency at all times;**
- (d) detail heavy vehicle routes, turning restrictions, access and parking arrangements;**
- (e) include an Operational Driver Code of Conduct to:**
 - (i) minimise impacts on the local and regional road network;**
 - (ii) minimise conflicts with other road users;**
 - (iii) minimise road traffic noise;**
 - (iv) inform truck drivers of the site access arrangements, turning restrictions and use of specified routes;**
 - (v) include a program to monitor the effectiveness of these measures; and**
 - (vi) detail the compliance actions that would be implemented for any vehicles that deviate from approved routes and turning restrictions.**

Reason

To require the preparation of a OTMP to enable operation of Warehouse 3 in advance of External Road Works being completed, generally consistent with the requirement for Warehouse 1 under Modification 5.

Condition D14 – Timing

The Applicant must:

- (a) not commence operation of:**
 - (i) Warehouse 1 until the OTMP required by condition D13 is approved by the Planning Secretary;**
 - (ii) Warehouse 3 until the OTMP required by condition D13A is approved by the Planning Secretary**

Reason

To give effect to Condition D13A and resultingly enable the operation of Warehouse 3, separate to conditions that enable the operation of Warehouse 1.

Condition D18 – Timing

D18. The Applicant must complete the ~~External Road Works~~ Interim Traffic Signals to the satisfaction of the relevant roads authorities prior to operation of Warehouse 3.

Reason

To require the interim traffic signals to be completed and operational, prior to the operation of Warehouse 3. The timing for the completion of all External Road Works is captured in D21 below.

Condition D20 – Timing

~~D20. The Applicant must not:~~

- ~~(a) — undertake any subsequent development, including exempt or complying development, on the Stage 1 site shown in Figure 1 in Appendix 1; and~~**
- ~~(b) — commence operation of Warehouse 3;~~**
- ~~until the External Road Works are completed to the satisfaction of the Planning Secretary.~~**

Reason

This is to be deleted as this is covered by Condition 21 and potentially introduces confusion with other recent DAs approved or to be approved on the Site.

Condition D21 – Timing

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), **aside from Warehouse 1 and Warehouse 3.**

Reason

Warehouses 1 and 3 on the Stage 1 site receiving Occupation Certificates, subject to completion of External Road Works, is dealt with in other conditions. In addition, the interim signals will be operating for Warehouse 1 and 3 and only the external road works will require completion prior to other warehouses being operational (under separate approvals).

Appendix 7 – External Road Works Plans

Table 5 *Schedule of External Road Works Plans*

Drawing No.	Title	Issue	Date
Civil Engineering Drawings			
GE-2000	MR536 Mamre Road and Abbotts Road Kemps Creek 2000 Series – Proposed Signalised intersection Civil Works Package 80% Detailed Design	1	03/11/2023
24-1177-C500	Westlink – External Roads Kemps Creek 500 Series – Phase 1 – Civil Works Package	P1	01/02/2024
MAIU-DIGC-NWW-TW-DRG- 003103	MR536 Mamre Road and Abbotts Road Construction Staging Stage 3 Plan	2	24/11/2025

Reason

To reference the Interim Signalised Intersection Plan (Appendix A), proposed to be included as part of the definition for 'Interim Traffic Signals'.

4.0 Statutory context

4.1 Overview

The statutory provisions relevant to the Modification Application are identified and addressed in **Table 6** below.

Table 6 Statutory Context

Statutory Requirement	Assessment
Power to Grant Consent	Section 4.55(1A) of the EP&A Act enables a consent authority to modify a development consent if: (a) it is satisfied that the proposed modification is of minimal environmental impact, and (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and Minimal Environmental Impact The proposed modifications are of minimal environmental impact for the following reasons: • It is demonstrated that the operation of Warehouse 3 following completion of the interim traffic signals at the Mamre Road / Abbotts Road intersection will not result in adverse impacts on the road network; • They do not result in any changes to the approved land use, built form or yield of the approved development; and • They are minor in nature and therefore will not result in any perceptible environmental impact. An assessment of the anticipated impacts of the proposed modifications is provided in Section 6.0, which is supported by input from technical consultants (see Appendices). Substantially the Same Development The development, as proposed to be modified, is substantially the same development as that originally approved, in that: • The proposed modifications do not amend the land use, built form or yield of the approved development (as modified); • The development will continue to provide the first stage of the industrial development and bulk earthworks, subdivision, construction, fit out and operation of two warehouses buildings, landscaping and the adjoining external road upgrade works at the intersection of Mamre Road and Abbotts Road; • The proposed modifications remain consistent with the road layout, as outlined in the MRP DCP and modified works under Modification 5 to SSD-9138102; and • The public benefit delivered by the development remains unchanged. Conclusion The consent authority can be satisfied that the proposed modifications constitute minimal environmental impact and substantially the same development as originally approved. Therefore, the Development Consent for SSD-9138102 can be lawfully modified under Section 4.55(1A) of the EP&A Act.
Permissibility	The proposed modifications do not seek to alter the approved land use.
Other Approvals	The proposed modification does not relate to any 'other approvals'.
Mandatory Matters for Consideration	<i>Biodiversity Conservation Act 2016</i> In accordance with Section 7.17(2) of the <i>Biodiversity Conservation Act 2016</i>, the consent authority may be satisfied that a Biodiversity Development Assessment Report (BDAR) is not required to be prepared with the Modification Application. This is on the basis that the proposed modifications do not increase the extent or values previously assessed and approved under SSD-9138102 (as modified). Therefore, the proposed modifications will not increase the impact on biodiversity values, and the consent authority may be satisfied that a BDAR is not required.
	<i>State Environmental Planning Policy (Industry and Employment) 2021</i> The development, as proposed to be modified, remains consistent with the relevant provision of Chapter 2 of <i>State Environmental Planning Policy (Industry and Employment) 2021</i> (Industry and Employment SEPP). An

Statutory Requirement	Assessment
	assessment of the relevant matters under the Industry and Employment SEPP is provided in Section 4.2 .
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The proposed modifications remain consistent with Part 2.3, Division 17 of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> .
<i>Mamre Road Precinct Development Control Plan</i>	The development, as proposed to be modified, remains consistent with relevant provision of the MRP DCP. Specifically, the proposed modifications remain consistent with Section 3.4.1 of the MRP DCP. An assessment of the relevant controls is provided in Section 4.3 .

4.2 State Environmental Planning Policy (Industry and Employment) 2021

An assessment of the proposed modifications against the relevant provisions of the Industry and Employment SEPP is provided in **Table 7** below.

Table 7 *Industry and Employment SEPP Assessment*

Provision	Assessment	Compliance
Section 2.10 – Zone Objectives and Land Use Table		
<i>Zone IN1 General Industrial</i> <u>Objectives of zone:</u> - To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space. - To encourage employment opportunities along motorway corridors, including the M7 and M4. - To minimise any adverse effect of industry on other land uses. - To facilitate road network links to the M7 and M4 Motorways. - To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment. - To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.	The Site is zoned IN1 General Industrial. The approved <i>Warehouse and distribution centre</i> use is permissible with consent. The development, as proposed to be modified, is consistent with the zone objectives in that it will continue to encourage industrial employment opportunities and facilitate a wide range of employment generating land uses. Specifically, it is consistent with the objectives of the IN1 zone as: - It will facilitate employment generating development including warehousing and ancillary office space; - It will provide a high number of employment opportunities within close proximity to the M7, M4 and future M12 Motorways; - It does not result in significant adverse impact to the adjoining Mount Vernon rural-residential area; and - It will provide a high-quality development that does not prejudice environmental sustainability. The proposed modifications support the objectives of the IN1 zone as it will enable the operation of Warehouse 3 following completion of the Interim Traffic Signals.	Yes
Section 2.25 – Development on or in vicinity of proposed transport infrastructure routes		
(1) This section applies to any land to which this Chapter applies that is situated on or in the vicinity of a proposed transport infrastructure route as shown on the Transport and Arterial Road Infrastructure Plan Map. (2) The consent authority must refer to the Secretary of the Department of Planning any application for consent to carry out development on land to which this section applies. (3) The consent authority must, before determining any such development application, consider any comments	The proposed modifications do not include any design changes and only seek to enable operation of Warehouse 3 upon completion of the interim traffic signals.	Yes

made by the Secretary as to the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned.		
Section 2.35 – Development within the Mamre Road Precinct		
(1) Consent must not be granted to development on the land identified on the <u>Land Application Map</u> as Precinct 12 (Mamre Road) that has an estimated development cost of more than \$200,000 without the concurrence of Transport for NSW. (2) In determining whether to provide concurrence, Transport for NSW is to take into account the likely effect of the development on— (a) the compatibility of the proposed development with the delivery of an integrated freight network, including use of fire access roads and connection to the fire access roads of adjoining land, and (b) the operation of an integrated freight network, including whether the development is likely to impede access to or from the integrated freight network, and (c) the practicability and cost of carrying out transport projects on the land in the future.	The proposed modifications do not include any design changes and only seek to enable operation of Warehouse 3 upon completion of the interim traffic signals. As outlined in Section 6.0, the interim traffic signal arrangement provides sufficient capacity to support vehicle movements associated with Warehouse 3 and is subject to consultation with Transport for NSW.	Yes

4.3 Mamre Road Development Control Plan 2021

An assessment of the proposed modifications against the relevant controls of the MRP DCP is provided in **Table 8** below.

Table 8 MRP DCP Assessment

Control	Assessment	Compliance
Section 3.4.1 – Road Network, Hierarchy and Design		
Objectives		
a) To enable a road network that is safe and efficient for all users and minimises through traffic on minor roads. b) To encourage the use of public transport, bicycles and walking. c) To provide safe and efficient access to Mamre Road for all road users (light vehicles, heavy vehicles, pedestrians and cyclists), while minimising the number of road entry points. d) To maintain the capacity of Mamre Road and proposed Southern Link Road. e) To provide better connectivity between the Precinct and other parts of WSEA. f) To encourage the orderly and economic provision of road and intersection works.	a) The proposed modifications do not alter the approved internal road hierarchy or access arrangements for the site. Interim signal operation has been designed to safely accommodate forecast traffic generated by the early operation of the warehouse. b) The proposed modifications do not change the approved site layout or pedestrian, cycling and public transport provisions. Approved internal footpaths, pedestrian connections and on-site end-of-trip facilities will be available from commencement of operation. The interim signals maintain safe pedestrian crossing functionality consistent with encouraging active transport modes. c) The proposed modifications retain the approved number and location of access points to Mamre Road, with no increase in access frequency or configuration. Interim signal operation provides controlled, safe and efficient access for all road users, including heavy vehicles servicing the warehouse, while maintaining pedestrian and cyclist safety. No additional access points are proposed as part of this modification. d) Traffic modelling confirms that interim signal operation can accommodate the associated operational traffic demand without materially	Yes

	impacting the capacity or performance of Mamre Road during the interim period. The modification is temporary in nature, with full external road remaining secured and to be delivered in accordance with the approved staging and conditions of consent. e) The proposed modifications do not preclude or delay the approved regional road network outcomes. Interim signal operation maintains functional connectivity for the Mamre Road Precinct while enabling orderly progression toward the ultimate network, including enhanced connections to the wider Western Sydney Employment Area once full road upgrades are delivered. f) Allowing interim signal operation facilitates the efficient and staged delivery of infrastructure aligned to actual development demand, without compromising the ultimate approved road upgrade framework. Full external road works remain committed under the approved SSDA consent, ensuring the modification supports an orderly, economically rational infrastructure rollout rather than deferring or avoiding required upgrades.	
Controls		
1) Development applications shall be accompanied by a Traffic and Transport Report. The Traffic and Transport Report shall include a Green Travel Plan and Travel Access Guide, and assess the impact of projected pedestrian and vehicular traffic associated with the proposal, and outline the extent and nature of traffic facilities necessary to preserve or improve the safety and efficiency of the road system.	The proposed modifications are supported by a Transport Statement prepared by Ason Group and included at Appendix C . It provides an assessment of the performance of the interim signals and estimate vehicle trips associated with the operation of Warehouse 3.	Yes
2) Subdivision and development are to consider the coordinated staging and delivery of final road infrastructure throughout the precinct. Development consent will only be granted to land serviced by a suitable road network with traffic capacity to service the development (to the satisfaction of the relevant roads authority).	The proposed modifications are consistent with this control, as it maintains a coordinated and staged approach to road infrastructure delivery across the Precinct. It does not seek to alter or remove the requirement for final road infrastructure upgrades, which remain secured under the approved SSDA consent and relevant conditions. The operation of the warehouse is supported by interim signal operation that has been assessed and demonstrated, through updated traffic analysis, to provide sufficient traffic capacity and safe operational performance for the interim development scale. The interim arrangement ensures the site is serviced by a suitable road network at the time of operation, to the satisfaction of the relevant road authority, while full ultimate road upgrades are delivered in accordance with the approved staging strategy. Accordingly, the proposed modifications represent an orderly progression of development that aligns infrastructure provision with actual demand, without compromising the delivery, timing or function of the ultimate road network envisaged for the Mamre Road Precinct.	Yes
11) All intersections within the internal road network shall incorporate traffic facilities, which promote safe and efficient pedestrian, cyclist and traffic movement.	The proposed modifications do not alter the approved internal road network or intersection layouts. All internal intersections have been designed to incorporate appropriate traffic control and safety facilities, including	Yes

pavement markings, signage, sight-distance provision and pedestrian paths, to promote safe and efficient movement for vehicles, pedestrians and cyclists.

The interim signal operation relates only to external access intersections and does not compromise the performance or safety of the internal road network. Internal intersections will operate in a manner consistent with the approved design intent and relevant standards from commencement of early operation, ensuring safe and legible movement for all users.

Accordingly, the proposed modifications continue to comply with this control, with internal road intersections delivering the required level of safety and efficiency independent of the timing of ultimate external road upgrades.

5.0 Engagement

This section describes the engagement undertaken during the preparation of the Modification Report, as well as any engagement to be carried out following the preparation of the Modification Report.

5.1 Engagement Carried Out

ESR Australia and New Zealand have had ongoing engagement with Transport for NSW in relation to the commencement of operation for Warehouse 3. Transport for NSW advised that the interim traffic signals must be operational prior to the commencement of Warehouse 3 to mitigate concerns of cumulative traffic impacts within the Mamre Road Precinct. ESR Australia and New Zealand have subsequently accepted Transport for NSW's requirement.

A meeting occurred on 16 March 2026 between ESR Australia and New Zealand, Transport for NSW and DPHI to discuss the operation of Warehouse 3 following completion of the interim traffic signals at the Mamre Road / Abbotts Road intersection. Following the meeting, Transport for NSW provided advice to DPHI on the requirements for a Modification Application to enable operation of Warehouse3 following the operation of the interim traffic signal arrangement.

5.2 Engagement to be Carried Out

The Applicant is committed to working with Transport for NSW, as well as Penrith City Council, other government agencies and surrounding landowners as required through the assessment and construction process. Throughout the Modification Application process, the Applicant will remain open to consultation and/or feedback from any relevant parties.

6.0 Assessment of impacts

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the proposed modification is of minimal environmental impact”*. Under Section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in Section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The Environmental Impact Statement submitted with SSD-9138102 assessed the following environmental impacts of the approved development:

- Infrastructure requirements;
- Visual impact;
- Soils and water;
- Hazards and risk;
- Biodiversity;
- Heritage;
- Aboriginal cultural heritage;
- Contamination and geotechnical;
- Bushfire;
- Air quality;
- Waste management;
- Flooding;
- Ecological sustainable development;
- Social and economic impacts; and
- Vibration and Noise impacts

The following assessment considers the relevant matters under Section 4.15(1) of the EP&A Act and the elements of the Modification Application requiring additional assessment beyond that considered in the Environmental Impact Statement. It demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

6.1 Operational Traffic

A Transport Statement has been prepared by Ason Group and is included in **Appendix C**. It assesses the potential traffic impacts associated with the commencement of operation for Warehouse following completion of the interim traffic signal arrangement at the Mamre Road / Abbotts Road intersection. It is accompanied by a Draft Operational Traffic Management Plan prepared by Ason Group and included in **Appendix D**.

The assessment considers the peak hour vehicle trips and modelling at the Mamre Road/Abbotts Road intersection to confirm the cumulative impact of all relevant construction, infrastructure and operational projects, taking into consideration the vehicle trip estimates associated with the daily estimated operations of Capital Transport (Warehouse 3 tenant).

As such, the development, as proposed to be modified, is estimated to generate 385 vehicle trips in the morning network peak hour and 366 vehicle trips in the afternoon peak hour. The operation of Warehouse 3 demonstrates minimal impact on the network with vehicle trips to remain below the previously endorsed threshold of 2,055 daily vehicle trips for the Westlink Industry Park.

The Mamre Road / Abbotts Road intersection will improve when full works are complete to 309 vehicle trips in the morning network peak hour, and 294 in the afternoon network peak hour. Cumulative impacts show that the Warehouse 3 operational volumes are expected to represent only a minor proportion of peak hour movements through the intersection during any peak hour (maximum of about five per cent).

Overall, the assumptions above remain conservative as it assumes Warehouse 3 would operate at full capacity from day one. Traffic modelling by Ason Group indicates that the early operation of warehouse 3 would generate traffic volumes below the daily vehicle threshold and would not have material impact on the future intersection performance or safety prior to completion of the full upgrade. For further discussion, refer to the Transport Statement (**Appendix C**).

6.2 Reasons Given for Granting Consent

The key reasons given by DPHI for granting consent to SSD-9138102 were as follows:

- *The development would provide a range of benefits for the region and the State as a whole, including a capital investment value of \$128 million and generation of 160 full-time equivalent construction jobs and 212 operational jobs.*

- *The development is permissible with development consent under State Environmental Planning Policy (Industry and Employment) 2021.*
- *The development is consistent with NSW Government policies including the Greater Sydney Region Plan – A Metropolis of Three Cities, the Western City District Plan, and the Mamre Road Precinct Structure Plan.*
- *The impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards.*
- *The issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the development and the conditions of consent.*
- *Weighing all relevant considerations, the development is in the public interest.*

The development, as proposed to be modified, remains consistent with the reasons given for granting consent by DPHI for SSD-9138102. Specifically, it is demonstrated that the traffic impacts associated with the proposed modifications would not have material impact on the future intersection performance or safety prior to completion of the full upgrade.

Instead, the proposed modifications will support the creation of the jobs by enabling operation of Warehouse 3 approximately 8 months earlier than currently permitted under the Development Consent for SSD-9138102.

Overall, the assessment demonstrates that the proposed modifications are limited in scope, would not give rise to any material adverse environmental or traffic impacts, and remain consistent with the reasons for the original grant of consent. On this basis, the development as proposed to be modified is considered to be of minimal environmental impact and suitable for approval under Section 4.55(1A) of the EP&A Act.

7.0 Justification of the Modified Project

The Modification Application seeks to amend and insert several conditions to enable operation of Warehouse 3 following completion of interim traffic signals at the Mamre Road / Abbotts Road intersection, prior to the completion of the ultimate traffic signals and all external road upgrades (approved under Modification 5 to SSD-9138102).

In accordance with Section 4.55(1A) of the EP&A Act, the consent authority may modify the consent as:

- The proposed modifications are of minimal environmental impact; and
- Substantially the same development as development for which the consent was granted.

Further, the proposed modifications are justified with regard to key matters, as outlined in **Table 9** below.

Table 9 *Justification of the Modified Project*

Matter	Assessment
Project Design	The design of the development, as proposed to be modified, remains unchanged to that approved under SSD-9138102 (as most recently modified).
Strategic Context	The proposed modifications will enable the operation of Warehouse 3 (Lot 3), enabling the tenant to commence operation without impacting the surrounding road network. Specifically, the proposed modifications do not alter the alignment of Lot 3 with the relevant strategic planning context for the following reasons: • It will continue to provide industrial employment floorspace for the purposes of a warehouse or distribution centre within a designated industrial precinct, consistent with the Mamre Road Precinct Structure Plan; • It will continue to leverage the Site's proximity to key freight transport corridors in Western Sydney, as well as WSI Airport (due to commence operation in 2026); and It will continue to support the protection of industrial land and increased efficiency of freight and logistics in the Greater Sydney Region and Western Sydney, consistent with the strategic planning framework, including draft Sydney Plan and draft Statewide Policy for Industrial Lands.
Statutory Context	As outlined in Section 4.0 , the development, as proposed to be modified, is consistent with Section 4.55 (1A) of the EP&A Act as it is of minimal environmental impact and is substantially the same development. In addition, the proposed modifications are consistent with the relevant provisions of the Industry and Employment SEPP and MRP DCP.
Stakeholder Views	As discussed in Section 5.0 , ESR Australia and New Zealand have had ongoing engagement with Transport for NSW in relation to the commencement of operation for Warehouse 3. Transport for NSW advised that the interim traffic signals must be operational prior to the commencement of Warehouse 3 to mitigate concerns of cumulative traffic impacts within the Mamre Road Precinct. ESR Australia and New Zealand have subsequently accepted Transport for NSW's requirement.
Likely Impacts of the Proposal	The development, as proposed to be modified, does not have any greater built environment, natural environment or social and economic impact to that of the approved development. The modified project will provide an efficient layout suitable for the operational purposes of the customer to carry out their national business.
Suitability of the Site	The development, as proposed to be modified, is suitable for the Site for the following reasons: • It continues to provide for industrial uses, in the form of the approved Warehouse or distribution centre land use, as envisaged by the Mamre Road Precinct Structure Plan; • It provides for the appropriate street network as outlined in the MRP DCP; and • It utilises the site for employment purposes consistent with the objectives of the IN1 General Industrial zone.
Public Interest	The development, as proposed to be modified, is in the public interest for the following reasons: • It constitutes the orderly and economic development of the site by utilising additional site area for employment purposes; • It provides for employment opportunities and jobs within an identified employment area; and • It is consistent with the Industry and Employment SEPP and other relevant statutory provisions

8.0 Conclusion

This Modification Report has been prepared on behalf of ESR Australia and New Zealand to support a Modification Application pursuant to Section 4.55(1A) of the EP&A Act. It is submitted to DPHI and seeks to modify the Westlink Industry Park – Stage 1 SSDA (SSD-9138102) relating to land identified as 59-62 and 62A-72 Abbots Road, Kemps Creek.

As outlined in **Section 4.0**, the consent authority may modify the Development Consent for SSD-9138102 in accordance with Section 4.55(1A) of the EP&A Act for the following reasons:

- The proposed modifications are of minimal environmental impact; and
- The development, as proposed to be modified, is substantially the same development as to which consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the Modification Application.



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