

DA24_0268_Subdivisionand subdivision works_270
Aldington Road, Kemps Creek
Submissions Report

Prepared for Stockland Fife Kemps Creek

May 2025

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Submissions Report

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E230274 RP#

May 2025

Version	Date	Prepared by	Reviewed by	Comments
1_0	28 May 2025	A Young	D Fransen	

Approved by



Allan Young

Technical Lead, Urban and Regional Planning

29 May 2025

Level 10 201 Pacific Highway

St Leonards NSW 2065

ABN: 28 141 736 558

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TABLE OF CONTENTS

1	Introduction	1
1.1	Background	1
1.2	Purpose	1
2	Analysis of submissions	2
2.1	Breakdown of submissions	2
2.2	Issues raised	2
3	Actions taken since exhibition	4
4	Response to submissions	5
4.1	Drainage and stormwater on Road 01 relative to crest	5
4.2	Eastern retaining wall - Zone of influence	5
4.3	Funding and construction of roads	6
5	Updated project justification	7

Appendices

Appendix A	Zone of influence – elevation view
Appendix B	Zone of influence – plan view

Figures

Figure 4.1	Road 01 gradient	5
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1 Introduction

1.1 Background

Development Application DA24/0268 was lodged with Penrith City Council (Council) on 25 March 2024.

The application seeks approval for subdivision and subdivision works at 244-280 Aldington Road, Kemps Creek being legally described as Lots 15, 16 and 17 DP 253503.

The subdivision works include tree removal, bulk earthworks and retaining walls (to create 'building pads'), stormwater management and drainage works (including 'naturalised trunk drainage channel') and local road construction.

The development was classified as Nominated Integrated Development which requires a Controlled Activity Approval pursuant to subsection 91(2) of the Water Management Act 2000.

The development application was therefore publicly exhibited from 31 March 2025 to 27 April 2025, and submissions were invited.

1.2 Purpose

The purpose of a Submissions Report is to give the proponent an opportunity to respond to the issues raised in submissions, ensure the community gets feedback from the proponent on the issues raised in submissions and to help the decision-maker evaluate the merits of the project.

2 Analysis of submissions

2.1 Breakdown of submissions

2.1.1 Public authority submissions

No submissions were received from public authorities.

2.1.2 Community submissions

Two submissions were received from the community.

2.1.3 Location of submitters

Both submissions were received from an adjoining property owner. (or from persons acting on behalf of the owner)

2.1.4 Type of submissions

Both submissions raised individual issues and were not in a format which suggests 'form letter' responses.

No petitions were received.

Both submissions related to the same landholding, the land to the east of the development.

2.1.5 Opposition or support

The two submissions raised specific technical issues with respect to the proposed development and did not covertly express any opposition or support for the project as a whole.

2.2 Issues raised

The issues raised are categorised below.

2.2.1 Submission 3 (23 April 2025)

i Grading and drainage for Local Road 01

- The long section on drawing C1075 showing a projection of a future road 30m past the applicants boundary
- Possible drainage and stormwater issues if the crest not on the boundary of the lots.

ii Boundary Retaining wall

- Possible zone of influence (and therefore possible constraints on future development) for adjoining lot.
- Request to move the wall 12 m away from the common boundary.

2.2.2 Submission 4 (24 April 2025)

i Boundary Retaining wall

- Retaining wall (RW04) on the eastern boundary, shared with the submitter.

- Possible impact on future development for adjoining lot arising from zone of influence.

ii [Delivery of Road 01 \(collector road\)](#)

- Seeking clarification on who will fund and construct the collector road providing access to submitters land (referred to as Road 01 in the application) to facilitate development of that land.

3 Actions taken since exhibition

The Applicant has sought advice on the zone of influence from a retaining wall designer and organised for an additional sketch to show the zone of influence

This has been included as Appendix A to the Submissions Report.

Further analysis by AT&L has been commissioned to address the matters raised regarding drainage and stormwater.

4 Response to submissions

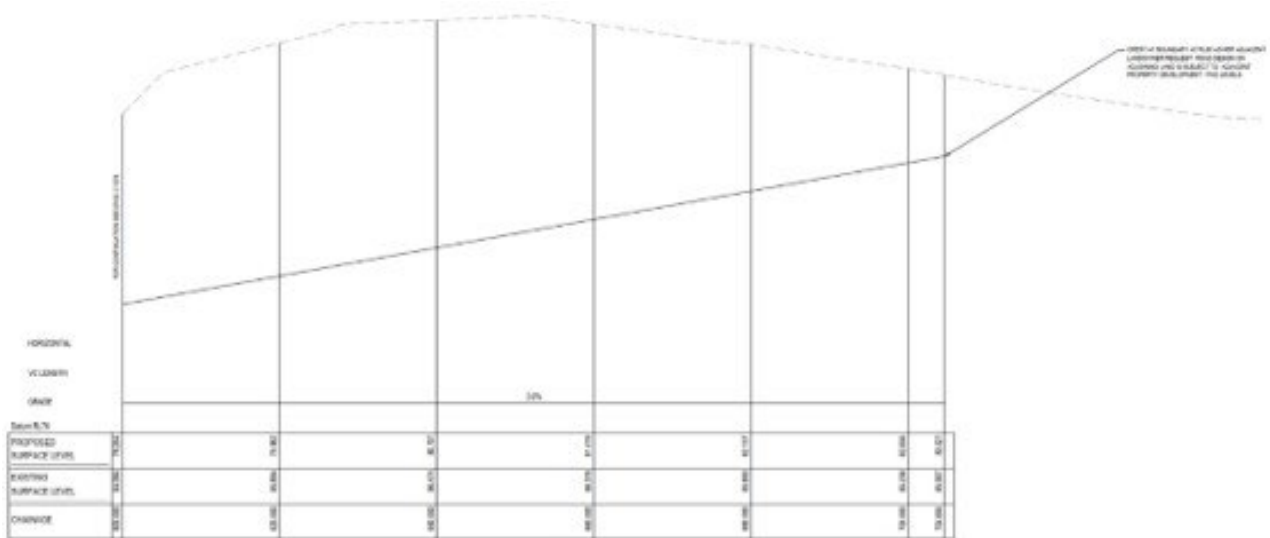
4.1 Drainage and stormwater on Road 01 relative to crest

The plans previously showed a projection of the road surface level at the current grade onto the land to the east. This projection was added to address a concern raised by Council previously that the road would not tie-in adequately with the adjacent land.

The plan 22-1041 – C1075 has been amended to remove this projection, as the road beyond the boundary is subject to the adjacent landowners proposed design.

The road grading within the development site remains consistent with the submission requesting RL 83 m at the boundary. No change to this grading was necessary to address the submission as the grading was prepared to satisfy the adjacent owner's request for a finished level of RL 83 m at the boundary.

An excerpt from the Civil Works design package is shown at Figure 4.1.



Source: Civil Works Package (AT&L)

Figure 4.1 Road 01 gradient

4.2 Eastern retaining wall - Zone of influence

The Applicant has commissioned drawings to be prepared which identify the zone of influence (ZOI) associated with the construction of the retaining wall at the eastern boundary of the subject site.

Australian Ground Technologies (AGT) has provided drawings which illustrates the ZOI at two representative locations along the eastern boundary of the Site (refer to Appendix A).

The modelling adopts the worst case scenario. The ZOI can vary between 60 degrees to 45 degrees from the base of the retaining wall. As 45 degrees is the most conservative, the drawings are based on a 45 degree angle to show the ZOI.

At the maximum height, the retaining wall R04 on the eastern boundary is 10 m high, the ZOI extends for a distance of 3.8 m (worst case scenario) inside adjoining land. Where the retaining wall on this boundary is lower at the southern end, the ZOI does not extend into the property, as shown on the ZOI Plan View sketch (refer to Appendix B).

Both ZOI areas are outside the minimum building setback distance of 5 m for a rear boundary specified by the controls in the Mamre Road Precinct Development Control Plan (MRP DCP). There is therefore no constraint on future development on adjoining land. It is also noted that ZOI areas allow for use of the land by vehicles such as might be typically required for fire access.

4.3 Funding and construction of roads

The collector road is proposed to be constructed by the developer, as shown in the DA plans. This would provide access to the adjacent land. The developer proposes to enter into a works-in-kind agreement for the construction of this road, in accordance with the Council Developer Agreements Policy.

5 Updated project justification

The project as a whole remains consistent with the vision for the Mamre Road Precinct and is in the public interest.

The issues raised in submissions have been actively considered and further assessment provided.

The project can proceed as currently proposed without placing any material burden or limitation on the development potential of the adjoining land.

Appendix A

Zone of influence – elevation view

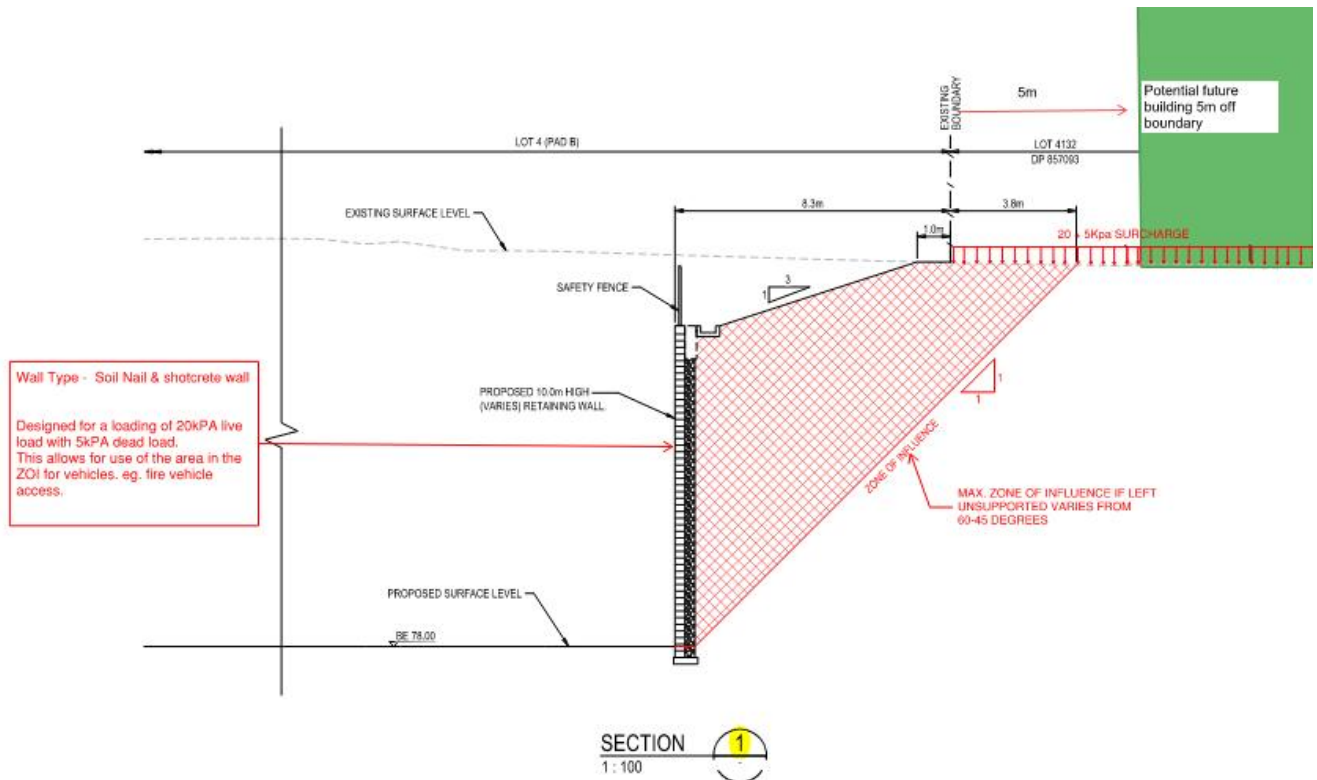
ATTN: PENRITH CITY COUNCIL

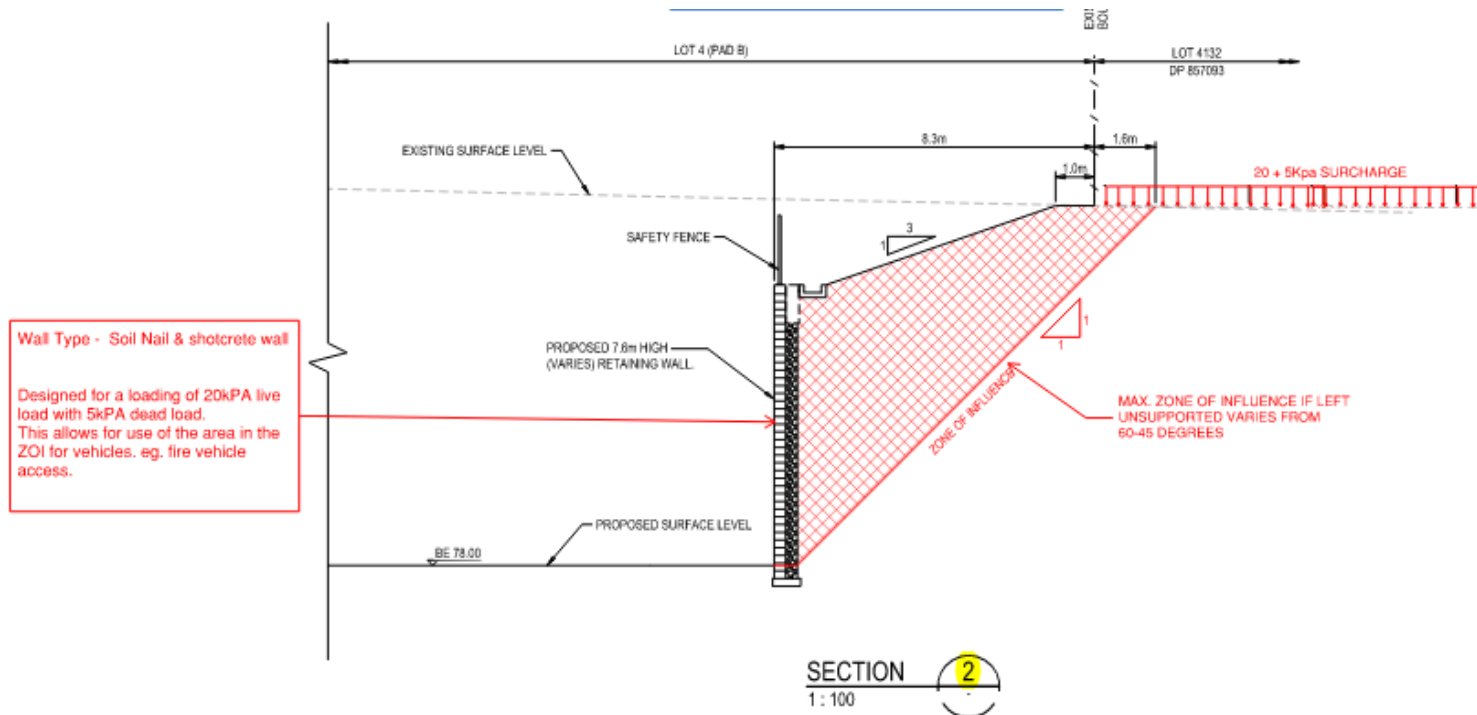
DATE: 21/05/2025

To whom it may concern,

Please see below ZOI sketches of RW04.

RW04 – ZOI markup AGT



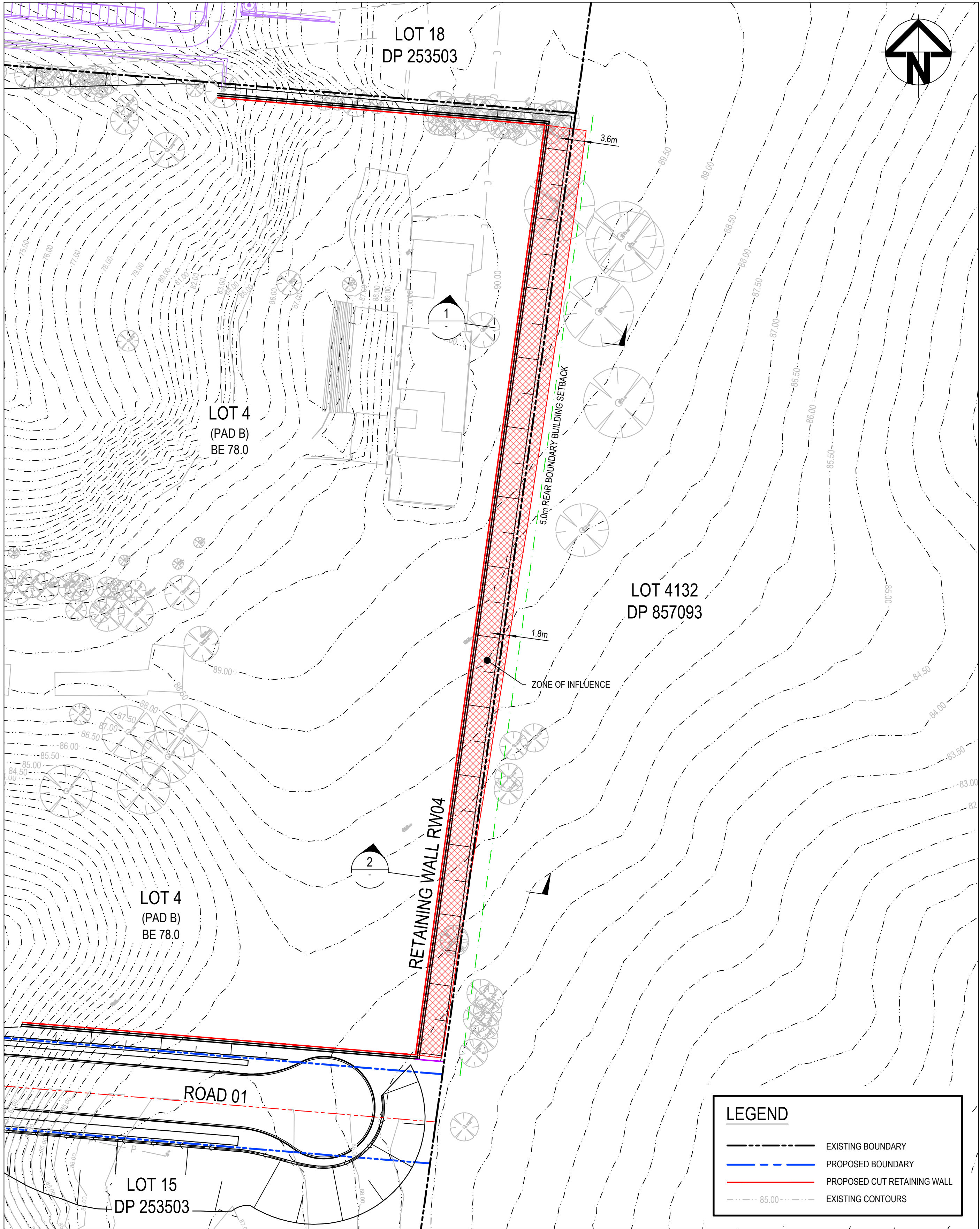


Sincerely,

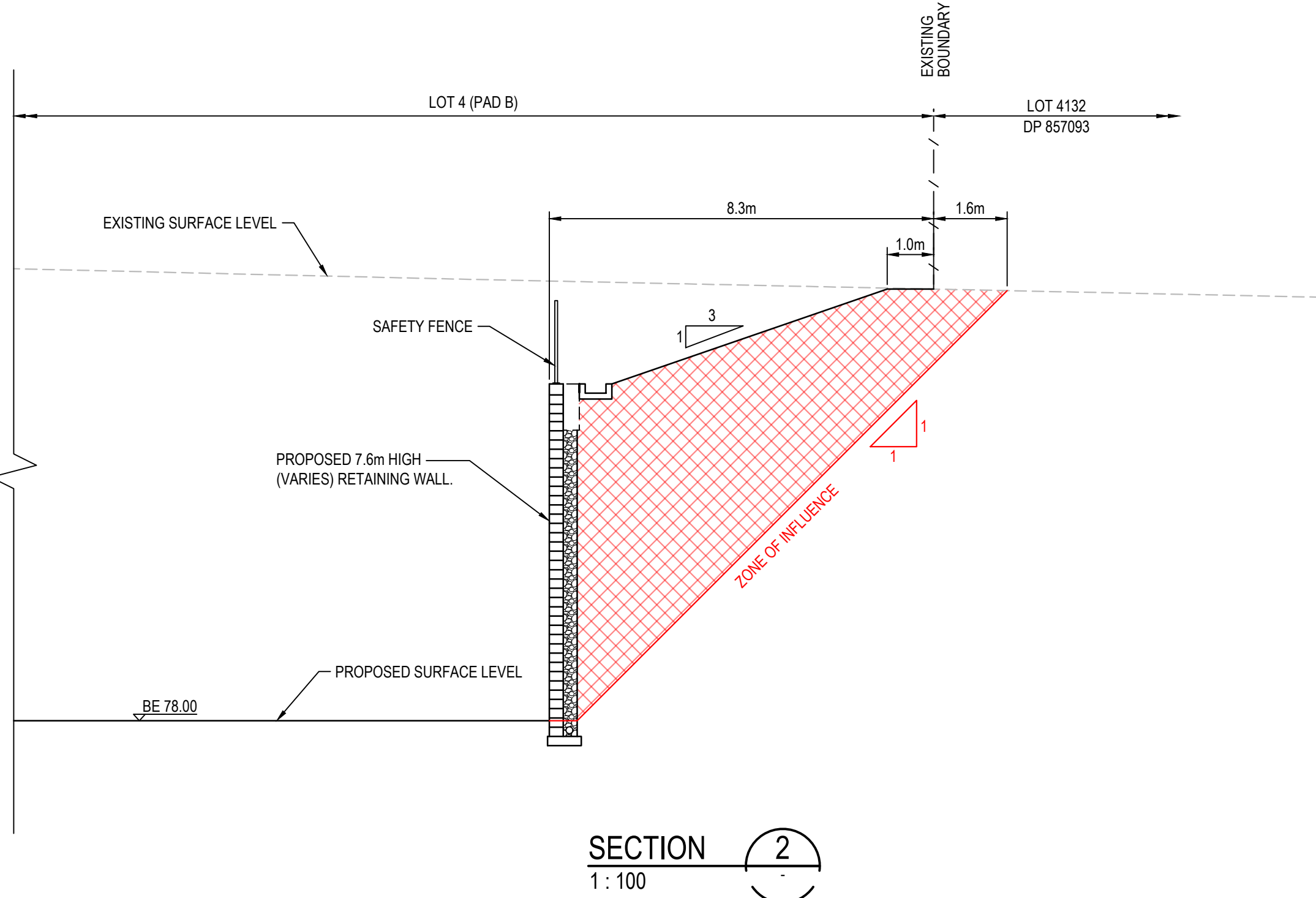
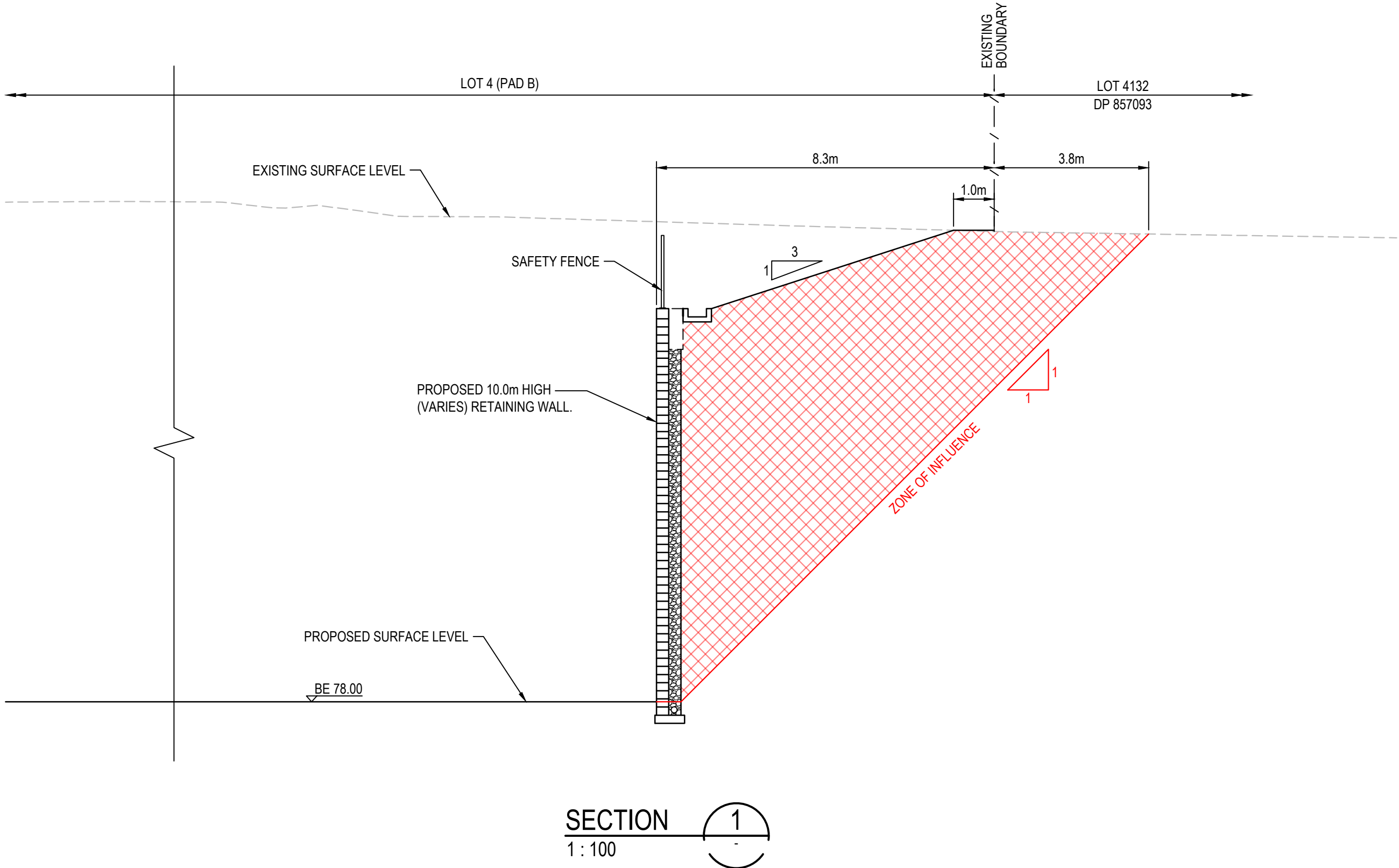
Sukhvir Singh Jaswal
Director
Australian Ground Technologies

Appendix B

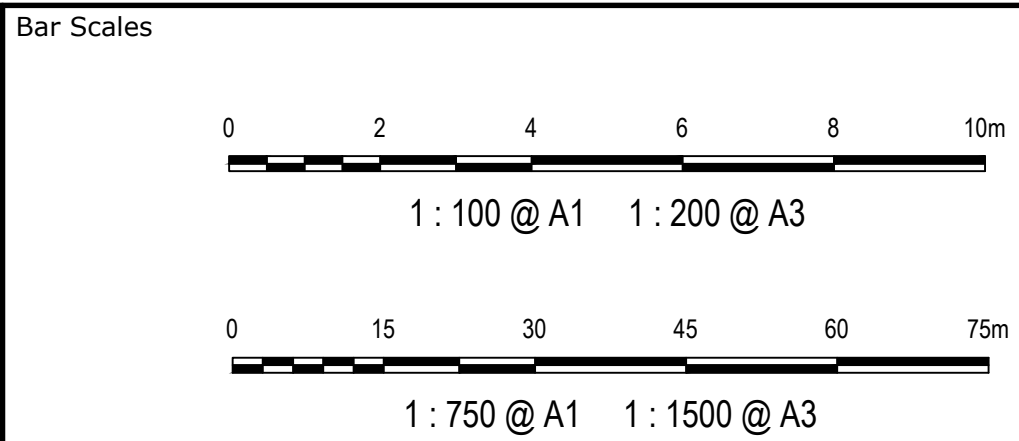
Zone of influence – plan view



PLAN
SCALE 1:750



P1	ISSUED FOR INFORMATION	14-05-25
Issue	Description	Date



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Client

Stockland

Scales	AS SHOWN	Drawn	JH
		Designed	ADS
Grid	2020 GDA	Checked	AM
Height Datum	AHD	Approved	

Project	270 ALDINGTON ROAD
Title	RETAINING WALL RW04 ZONE OF INFLUENCE

Civil Engineers and Project Managers

Level 7, 153 Walker Street
North Sydney
NSW 2060
P 02 9439 1777
E info@atl.net.au
www.atl.net.au
ABN 96 130 882 405

at&l

Status	FOR INFORMATION NOT FOR CONSTRUCTION	A1
Project - Drawing No.	22-1041-SKC041	Issue P1

Australia

SYDNEY

Level 10 201 Pacific Highway
St Leonards NSW 2065
T 02 9493 9500

NEWCASTLE

Level 3 175 Scott Street
Newcastle NSW 2300
T 02 4907 4800

BRISBANE

Level 1 87 Wickham Terrace
Spring Hill QLD 4000
T 07 3648 1200

CANBERRA

Suite 2.04 Level 2
15 London Circuit
Canberra City ACT 2601

ADELAIDE

Level 4 74 Pirie Street
Adelaide SA 5000
T 08 8232 2253

MELBOURNE

Suite 9.01 Level 9
454 Collins Street
Melbourne VIC 3000
T 03 9993 1900

PERTH

Suite 3.03
111 St Georges Terrace
Perth WA 6000
T 08 6430 4800

Canada

TORONTO

2345 Yonge Street Suite 300
Toronto ON M4P 2E5
T 647 467 1605

VANCOUVER

2015 Main Street
Vancouver BC V5T 3C2
T 604 999 8297

CALGARY

700 2nd Street SW Floor 19
Calgary AB T2P 2W2



[linkedin.com/company/emm-consulting-pty-limited](https://www.linkedin.com/company/emm-consulting-pty-limited)



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