



Our reference: P-627287-T7S7  
Contact: Jake Bentley  
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31 January 2024

Attn: David Schwebel & Lindsey Blecher  
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Dear David,

**Council Response to Modification Report for SSD-9138102 MOD-4,  
Westlink Industrial Estate Stage 1 at 290-308 Aldington Road, Kemps  
Creek, NSW, 2178.**

Thank you for providing Penrith City Council with the opportunity to comment on the abovementioned modification report.

Council staff have reviewed the information referred for comment and provides the following advice for the Department's consideration in relation to this matter.

**1. Planning Considerations**

- a) The modification application seeks to reduce the height, design, and appearance of the northern boundary retaining wall. It seems the proposed changes to the retaining wall are responding to excavation works that have occurred on the adjoining property to the north.
- b) A review of the proposed modified plans, which includes a comparison between the approved and proposed retaining wall, indicates that site levels at the adjoining property to the north have decreased by approximately ten metres. As a result, the proposed height of the modified retaining wall will also be reduced to correspond to the change in topography. It is also noted that a batter will be retained at the top of wall, extending to the northern property boundary.
- c) From a visual and design perspective, Council staff raise no concern with the proposed modifications. The modified wall will be less visually bulky than the approved wall. In addition, Council's

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Development Engineering team have raised no technical concerns with the proposed changes.

- d) However, a section of the northern retaining wall at chainage 746.5 appears to be outside the area of works on the neighbouring property. However, the section at this point indicates that the level at the northern boundary of the site is now three metres lower. The Proponent should clarify how the site level at this location, where it would appear that no works have occurred, has dropped three metres.
- e) The Department is advised that the Council's Compliance Team is investigating the excavation works that have occurred on the adjoining property to the north. This investigation is currently ongoing. As such, the Proponent for the subject site (Westlink) should be cognisant that the outcome of this compliance investigation may have implications for the final design and height of the retaining wall.

Should you wish to discuss this matter further, please contact Jake Bentley on (02) 4732 8087.

Yours sincerely,



Sandra Fagan,  
Principal Planner