

COUNCIL FINAL ASSESSMENT REPORT

PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSWC-505 – 1657/2022/DA-CW
PROPOSAL	Construction of a four-leg signalised intersection
ADDRESS	Lot 44 DP1299204 (Pt Lot 44 Menangle Road MENANGLE PARK), Lot 4 DP787283 (Lot 4 Menangle Road MENANGLE PARK), Lot 2984 DP1293392 (Lot 2984 Menangle Road MENANGLE PARK), Lot 2993 DP1293392 (Lot 2993 Menangle Road MENANGLE PARK), Lot 2986 DP1293392 (Lot 2986 Menangle Road MENANGLE PARK), Lot 2985 DP1293392 (Lot 2985 Menangle Road MENANGLE PARK), Lot 1257 DP1269274 (Lot 1257 Menangle Road MENANGLE PARK).
APPLICANT	Dahua Group Sydney Project 3 Pty Ltd
OWNER	Dahua Group Sydney Project 2 Pty Limited Dahua Group Sydney Project 3 Pty Ltd Transport for New South Wales
DA LODGEMENT DATE	12-May-2022
APPLICATION TYPE	Integrated Development
REGIONALLY SIGNIFICANT CRITERIA	Clause 3 (b), Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Council related development over \$5 million
CIV	\$20,378,086 (excluding GST)
KEY SEPP/LEP	Campbelltown Local Environmental Plan
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR CONSIDERATION	Civil engineering plans, subdivision plan, traffic report, geotechnical report, Statement of Environmental Effects
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval, subject to conditions
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	17/02/2025
PLAN VERSION	Issue 6
PREPARED BY	Aaron Essenhigh
DATE OF REPORT	10/02/2025

EXECUTIVE SUMMARY

The Development Application (DA 1657/2022/DA-CW) seeks consent for the construction of a four leg signalised intersection, and associated civil and landscaping works ('the proposal').

The subject site comprises several lots and part of an existing classified road (Menangle Road).

The site is zoned SP2 Infrastructure, RE1 Public Recreation, R2 Low Density Residential, R3 Medium Density Residential, and R5 Large Lot Residential pursuant to Clause 2.2 of the Campbelltown Local Environmental Plan 2015 ('LEP'). Subdivision and the construction of a road are permissible under the LEP.

The principle planning controls relevant to the proposal include the Campbelltown Local Environmental Plan 2015 and the Campbelltown (Sustainable Cities) Development Control Plan 2015 ('the DCP'). The proposal is consistent with the provisions of the planning controls.

The application is integrated development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979 ('EP&A Act'). Subsidence Advisory NSW and Transport for NSW (TfNSW) issued concurrence on 4 October 2023 and 29 October 2024, respectively.

In accordance with the Campbelltown Community Participation Plan, the Application was not required to be publicly exhibited or notified.

The application is referred to the Sydney Western City Planning Panel ('the Panel') as the development is 'regionally significant development', pursuant to Section 2.19(1) and Clause 3(b) of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as the proposal is Council related development with a CIV over \$5 million.

Following a detailed assessment of the proposal against the matters for consideration under Section 4.15(1) of the EP&A Act, the proposal may be supported. Pursuant to Section 4.16(1)(b) of the EP&A Act, DA 1657/2022/DA-CW is recommended for approval subject to the attached conditions.

1. THE SITE AND LOCALITY

1.1 The Site

The Site subject to this Development Application comprises the following lots, or part thereof:

- Lot 44 DP1299204 (Pt Lot 44 Menangle Road MENANGLE PARK)
- Lot 4 DP787283 (Lot 4 Menangle Road MENANGLE PARK)
- Lot 2984 DP1293392 (Lot 2984 Menangle Road MENANGLE PARK)
- Lot 2993 DP1293392 (Lot 2993 Menangle Road MENANGLE PARK)
- Lot 2986 DP1293392 (Lot 2986 Menangle Road MENANGLE PARK)
- Lot 2985 DP1293392 (Lot 2985 Menangle Road MENANGLE PARK)
- Lot 1257 DP1269274 (Lot 1257 Menangle Road MENANGLE PARK).



Figure 1: Development Site

The Site is mapped as bushfire prone land and is located within a mine subsidence district.

1.2 The Locality

The Menangle Park Urban Release Area (URA) is located within the Greater Macarthur Growth Area. The Menangle Park URA covers a total area of approximately 958 hectares and is bordered by the Nepean River to the south and west, the Hume Highway (M31) to the east and the Australian Botanic Gardens to the north. The urban centres of Macarthur and Campbelltown are situated approximately 7km and 9km to the north-east, respectively.

Dahua Group Australia's landholdings in the Menangle Park URA comprises numerous lots of variable size and has a total area of 507 hectares, which equates to approximately 76 percent of the MPURA.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

Approval is sought for the following:

- Road upgrade works to approximately 550m of Menangle Road and approximately 270m of the Spine Road;
- Road widening along Menangle Road;
- Interim intersection layout and road alignment, including;

- Two east bound lanes and two west bound lanes along Menangle Road, east and west of the intersection, converging and merging to one lane (existing) in each direction;
- One north bound lane and one south bound lane along the Spine Road, north and south of the intersection merging to one lane;
- Dedicated left turn lanes on each intersection on Menangle Road (eastern and western leg);
- Fully signalised intersection
- Retaining walls and earthworks (Cut: 15,015m³, Fill: 8,525m³)
- Associated stormwater drainage, street lighting and in-ground services within the extent of the site.
- Subdivision to allow for the acquisition of land by TfNSW, when required.

The works are also subject to a Transport for NSW (TfNSW) Works Authorisation Deed (WAD), before works can commence.

2.2 Background

The development application was lodged on **12 May 2022**. A chronology of the development application since lodgement is outlined below:

Table 1: Chronology of the DA

Date	Event
12 May 2022	DA lodged
23 June 2022	DA referred to external agencies, including TfNSW
18 September 2022	TfNSW issued a request for information
4 September 2023	Amended plans lodged.
12 September 2023	Amended plans and documents re-referred to TfNSW
4 October 2023	Subsidence Advisory NSW issued General Terms of Approval (ref: TSUB-00325 & TBA23-02931).
11 October 2023	TfNSW issued a 2nd request for information.
15 December 2023	Amended plans lodged.
21 May 2024	Further amended plans lodged, incorporating comments from Council's engineering and traffic teams.
23 May 2024	Amended plans and documents re-referred to TfNSW. Final and current design is unchanged from the one lodged with Council 4 September 2023, but is supported by updated modelling as per TfNSW request for information.
4 June 2024	TfNSW issued a 3 rd request for information.

2.3 Site History

Menangle Park was rezoned as part of a Planning Proposal submitted to Council on behalf of UrbanGrowth NSW in December 2011. This Planning Proposal was gazetted on 18 November 2017 and rezoned 507 hectares of land to accommodate approximately 3,500 residential lots, a commercial centre, employment lands and community and recreational facilities. Under a Planning Proposal finalised on 29 April 2022, lot yield was increased to 4,525, the town centre was relocated, and amendments were made to land use zoning and development standards.

The site is subject to the Menangle Park Release Area Planning Agreement between Dahua Group Sydney Project 2 Pty Ltd / Dahua Group Sydney Project 3 Pty Ltd and Campbelltown City Council (CCC), dated 15 August 2024. The Menangle Road/Spine Road signalised intersection is identified as a contribution item (item no. 39) in Schedule 4 to the Agreement, and completion of works is due 16 months after the release of the subdivision certificate for any lot associated with the Stage 4 South development (Council reference: 4831/2022/DA-SW).

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- Environmental Planning and Assessment Act 1979;
- Roads Act 1993;
- Coal Mine Subsidence Compensation Act 2017;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Precincts – Western Sydney Parkland City) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- Campbelltown Local Environmental Plan 2015;
- Campbelltown (Sustainable City) Development Control Plan 2015

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 2** and considered in more detail below.

Table 2: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
Roads Act 1993	Sections 87 & 138	Y
Coal Mine Subsidence Compensation Act 2017	Section 22	Y
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 6: Water Catchments. The site is identified on the Georges River Catchment Map as being within the Georges River Catchment. Appropriate soil and water management protocols are conditioned to ensure the development does not result in any adverse impacts to the Georges River or its tributaries. On that basis, the proposed development meets the relevant provisions of Chapter 6.	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 3(b) of Schedule 6 as it comprises Council related development over \$5 million.	Y
State Environmental Planning Policy (Precincts–Western Parkland City) 2021	The Site is located within the Greater Macarthur Growth Area, as shown on the Greater Macarthur Growth Area Precinct Boundary Map. In accordance with Section 3.11 (d), the provisions of Campbelltown Local Environmental Plan 2015 are specified for land within the Menangle Park Precinct.	Y
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land <ul style="list-style-type: none"> • Section 4.6 Contamination and remediation has been considered and the proposal is satisfactory subject to conditions.	Y

EPI	Matters for Consideration	Comply (Y/N)
LEP	<ul style="list-style-type: none"> • Clause 2.3 – Permissibility and zone objectives • Clause 2.6 – Subdivision • Clause 4.1 – Minimum subdivision lot size • Clause 6.2 – Public utility infrastructure • Clause 6.3 – Development control plan • Clause 7.1 – Earthworks • Clause 7.4 – Salinity • Clause 7.10 – Essential services • Clause 7.17 – Development in zone RE1 • Clause 7.18 – Restrictions on access to or from public roads 	Y
DCP	Volume 2, Section 8A	Y

Consideration of the relevant EPIs is outlined below.

Roads Act 1993

Section 87 of the *Roads Act 1993* allows for traffic control work on any classified road, but only with the consent of TfNSW. On 29 October 2024, TfNSW provided concurrence for the proposed traffic signals, subject to conditions including the developer entering into a TfNSW Works Authorisation Deed (WAD) before works can commence. These conditions will be referenced in the recommended conditions of consent,

Section 138 of the *Roads Act 1993* also requires consent to carry out work in, on, or over a public road. On 29 October 2024, TfNSW provided concurrence for the proposed works on Menangle Road, subject to conditions. In addition to the conditions provided by TfNSW, a further condition is recommended that requires a Section 138 approval for any works within and adjacent to the road reserve.

Coal Mine Subsidence Compensation Act 2017

Section 22 of the *Coal Mine Compensation Act 2017* requires approval from the Chief Executive:

- *to alter or erect improvements, or to subdivide land, within a mine subsidence district.*

The Menangle Park URA is mapped as a mine subsidence area and the proposal involves improvements to the land by way of civil works and subdivision. Accordingly, the proposed development is integrated development within the provisions of Section 4.46 of *EP&A Act 1979*.

The Subsidence Advisory Board provided general terms of approval, dated 4 October 2023 (Ref: TSUB-00325 & TBA23-02931), which are referenced in the recommended conditions of consent.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 applies to land in the Georges River and Hawkesbury-Nepean Catchments. Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—

- (a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and
- (b) the impact on water flow in a natural waterbody will be minimised.

Appropriate soil and water management protocols will be implemented to ensure the proposed works will not have an adverse impact on the Hawkesbury-Nepean Rivers or its tributaries. It is, therefore, satisfied the proposed development meets the relevant provisions of Chapter 6 of the *Biodiversity and Conservation SEPP*.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 3(b) of Schedule 6 of the Planning Systems SEPP as the proposal is Council related development with a value over \$5 million. Accordingly, the Sydney Western City Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Precincts – Western Parkland City) 2021

The Site is located within the Greater Macarthur Growth Area, as shown on the Greater Macarthur Growth Area Precinct Boundary Map. In accordance with Section 3.11 (d), the provisions of Campbelltown Local Environmental Plan 2015 are specified for land within the Menangle Park Precinct.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

An assessment against the requirements of Section 4.6 of the Resilience and Hazards SEPP is included in attachment 2. In accordance with Section 4.6 of the Resilience and Hazards SEPP, the land is considered suitable for the proposed development.

Campbelltown Local Environmental Plan 2015

The relevant local environmental plan applying to the site is the Campbelltown Local Environmental Plan 2015 ('the LEP').

Zoning and Permissibility (Part 2)

The site is located within the following land use zones pursuant to Clause 2.2 of the LEP:

- SP2 Infrastructure
- RE1 Public Recreation
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential

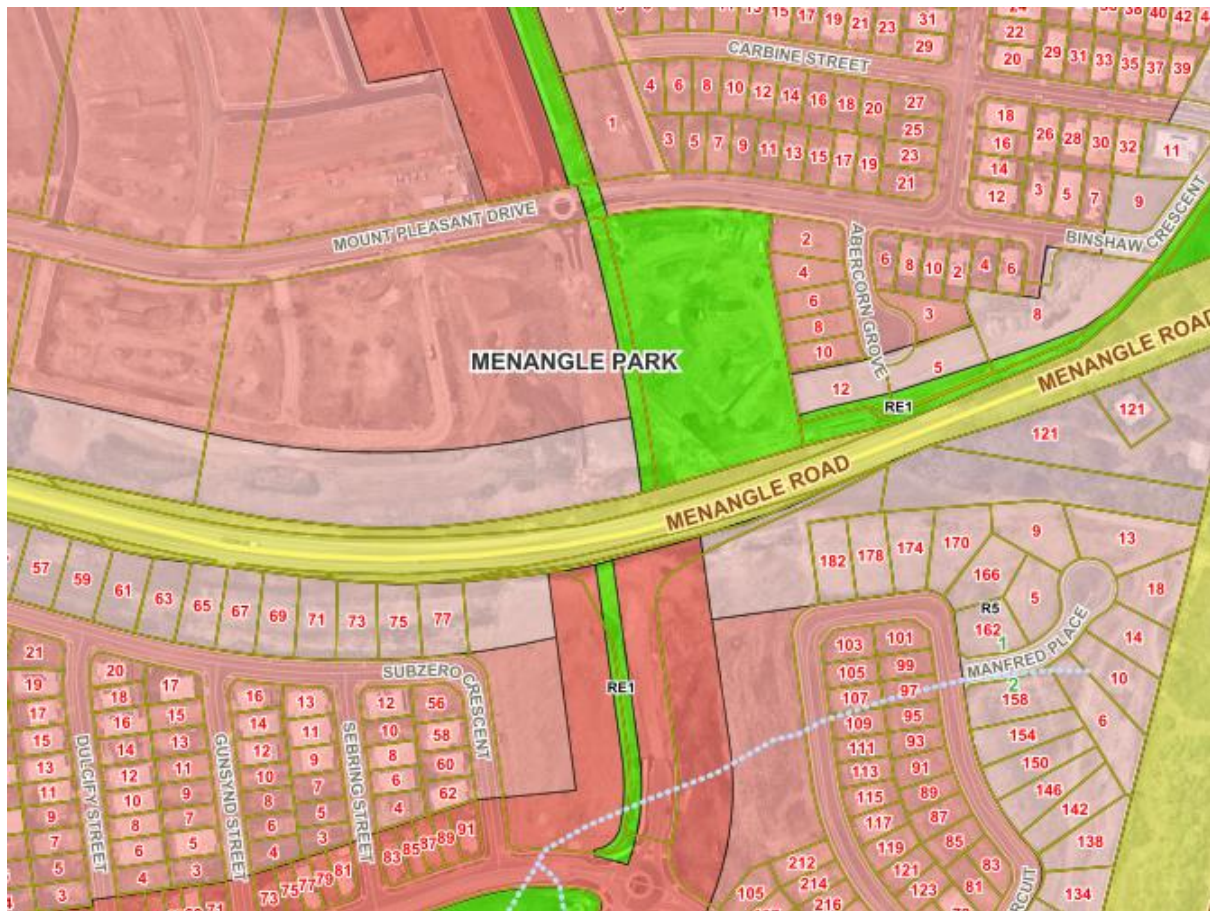


Figure 2: Land Use Zoning at and adjacent to the development site

Under Clause 2.6, subdivision is permitted on any land to which the LEP applies.

Roads, which are defined in the LEP as “...a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road”, are permissible with consent across all land use zones which make up at the development site.

The development is consistent with the zone objectives of the SP2 zone in that it provides for infrastructure (road and traffic signals) whilst not detracting from the provision of future infrastructure (future road widening by TfNSW).

The development is consistent with the zone objectives of the RE1 zone in that its configuration and overall footprint maintains the majority of adjacent RE1 land for future open space and recreational purposes, to be delivered as part of the developer’s ‘Green Spine’ which runs adjacent to the main north-south thoroughfare through Menangle Park.

The development is consistent with the zone objectives of the R2, R3 and R5 zones in that it provides for the day-to-day needs of residents, facilitates diverse and sustainable means of access and movement, and is compatible with the character and scale of the area.

General Controls and Development Standards (Parts 2, 4, 6 and 7)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in attachment 2.

(b) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Campbelltown (Sustainable Cities) Development Control Plan 2015* ('the DCP')

The proposal is generally compliant with the SCDCP. Matters for consideration under SCDCP are addressed in attachment 2.

(c) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

The site is subject to the Menangle Park Release Area Planning Agreement between Dahua Group Sydney Project 2 Pty Ltd / Dahua Group Sydney Project 3 Pty Ltd and Campbelltown City Council (CCC), dated 15 August 2024. This Planning Agreement excludes the application of section 7.11 and 7.12 development contributions.

The Menangle Road/Spine Road signalised intersection is identified as a contribution item (item no. 39) in Schedule 4 to the Agreement, and completion of works is due 16 months after the release of the subdivision certificate for any lot associated with the Stage 4 South development (Council reference: 4831/2022/DA-SW).

(d) Section 4.15(1)(a)(iv) – Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) – Likely Impacts of Development

Section 4.15 (1)(b) of the EP&A Act requires that the consent authority consider the development's potential impacts on the natural and built environment, as well as potential social and economic impacts of the development.

Conditions are recommended to ensure adequate erosion and sediment control during works, therefore ensuring the development does not result in adverse impacts on the natural environment.

To ensure scenic amenity and promote biodiversity, a condition is recommended for landscaping, including native tree planting, on the batters adjacent to the road and on all approaches to the traffic signals.

The proposed development seeks to improve traffic flow along Menangle Road and will accommodate the increase in traffic demand generated by current and future development through to 2036, at which point it is expected TfNSW will commence their upgrade of Menangle Road.

The configuration of the proposed intersection allows for north-south pedestrian connectivity, therefore providing vital access between the southern and northern stages of Dahua's development.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts

on either the development site or surrounding locality.

3.3 Section 4.15(1)(c) – Suitability of the site

Section 4.15 (1)(c) of the EP&A Act requires the consent authority to consider the suitability of the site when determining a development application.

The Menangle Road/Spine Road signalised intersection is identified as a contribution item (item no. 39) in Schedule 4 to the Menangle Park Release Area Planning Agreement; its location aligns with land use zoning and is consistent with the Indicative Layout Plan in the site specific DCP. Therefore, the site is considered suitable for the proposed development.

3.4 Section 4.15(1)(d) – Public Submissions

In accordance with the Campbelltown Community Participation Plan, the Application was not required to be publicly exhibited or notified.

3.5 Section 4.15(1)(e) – Public interest

Section 4.15 (1)(e) of the EP&A Act requires the consent authority to consider the public interest when determining a development application.

In this regard, the proposal is considered to have satisfactorily responded to the future desired outcomes expressed in the relevant environmental planning instruments and development control plan, and results in a development outcome that has a positive impact on the community. The development provides for a signalised intersection which will accommodate the increase in traffic demand generated by current and future development and facilitate improved pedestrian connectivity between southern and northern stages of the adjacent development. Accordingly, approval of the proposed development is in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for concurrence as required by the EP&A Act and outlined below in **Table 3**.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent.

Table 3: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
TfNSW	s138 Roads Act 1993	Concurrence was granted on 29 October 2024.	Y
Integrated Development (S 4.46 of the EP&A Act)			
Subsidence Advisory NSW	s22 Coal Mine Subsidence Compensation Act 2017	Concurrence was granted on 4 October 2023.	Y

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 4**.

Table 4: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted civil engineering plans and supports the development subject to conditions.	Y
Traffic	Council's Traffic Engineering Officer reviewed the proposal and raised concerns in relation to traffic modelling, which were resolved through the submission of amended plans and documents.	Y

5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls and the key issues identified in this report, the proposal is considered to be satisfactory and worthy of support.

6. RECOMMENDATION

That the Development Application 1657/2022/DA-CW for construction of a signalised intersection at Menangle Road, Menangle Park, be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report.

The following attachments are provided:

- Attachment 1: Recommended conditions of consent
- Attachment 2: Compliance tables
- Attachment 3: Civil engineering and subdivision plans

- Attachment 4: TfNSW agreement in principle
- Attachment 5: TfNSW concurrence
- Attachments 6 & 7: SANSW concurrence
- Attachment 8: Traffic report