



PO Box 295
CAMDEN NSW 2570
Suite 5 Level 1 Harrington Plaza
Fairwater Drive
HARRINGTON PARK NSW 2567

Phone: 46 480877

Mobile: 0418620718
Email: michael@michaelbrown.com.au
ABN 52 162 313 895

16 October 2015

Your Ref:
Our Ref: 84/13

Mr Brendan O'Brien
Executive Director
Infrastructure, Housing and Employment
Department of Planning and Environment
23-33 Bridge Street
Sydney NSW 2000

Dear Sir,

RE: The Greater Macarthur Preliminary Strategy (State Environmental Planning Policy (Sydney Growth Centres) 2006 (Growth Centres SEPP))

Reference is made to the above Strategy that is currently on public exhibition. The document seeks submissions in respect of this Strategy and the attendant suite of planning documents that support the draft LEP.

Our clients, Mr P & Mrs M Morris own land situated at Lot 11 DP 786117 No 180 Racecourse Avenue, Menangle Park. Previously we have made two submissions to Campbelltown City Council. One in respect of Draft Campbelltown (Urban Area) Local Environmental Plan - Amendment No 25 - Menangle Park Release Area and the second to Draft Local Environmental Plan 2014. It should be noted that Council has yet to finalise both draft LEPs, noting that draft LEP 2014 shows Menangle Park as a "Deferred Matter".

Attached is a submission on behalf of Mr P & Mrs M Morris. The submission is self-explanatory and clarifies inconsistencies on the mapping relating to the land and with a request that the land being considered for urban development in accordance with previous submissions to Council.

Should you require clarification of any aspect of this correspondence please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'M J Brown', written over a light blue horizontal line.

M J BROWN
DIRECTOR
MICHAEL BROWN PLANNING STRATEGIES PTY LTD

Submission to Greater Macarthur Preliminary Strategy

**Land Situated at Lot 11 in DP 786117 No 180
Racecourse Avenue, Menangle Park**

Prepared For:
Mr Peter & Mrs Margaret Morris

Prepared By:



October 2015

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1 Introduction

Mr Peter & Mrs Margaret Morris own a parcel of land on the corner of Racecourse Avenue and Menangle Road, Menangle Park. On the property is a dwelling, stables, day yards and other ancillary structures associated with their horse stabling/training operation. The land is located on the entrance to the Village. As such it occupies a prominent site and is highly visible within the immediate landscape given the open nature of the land. The subject land is located between two heritage items, being Menangle House (opposite corner northern side) and The Pines (immediate neighbour to the south).

2 Brief

This submission has been prepared in respect of instructions from Mr P & Mrs M Morris in response to the public exhibition and invitation for submissions in respect of the Greater Macarthur Preliminary Strategy. The submission seeks to have that part of the land that is above the 1 in 100 year flood event to be zoned to be considered for urban development, with that part of the land below the floodline considered to be zoned for local open space. Notwithstanding this last comment, some minor filling or reshaping of the land in the area above and below the floodline could provide more residential land, subject to appropriate studies being undertaken. The subject property is currently zoned 1 Non Urban 40ha Minimum under Campbelltown Interim Development Order No 15.

Draft LEP (Amendment No 25) and draft LEP 2014 proposes that all of the land be zoned RU2 – Rural Landscape, with a 40ha minimum lot size for subdivision. Essentially the proposed zone restricts any potential that the land possesses for other forms of development, i.e. the existing horse stabling/training operation or other rural/agricultural activities are the only permitted uses. In other words, the proposed zoning severely restricts the potential use of the land and any prospective purchaser would only purchase the land based on the existing use of the land for a horse stabling operation.

As stated in this submission, the existing horse trainers within the Village will relocate to the new stable complex having sold their land for residential purposes. No such opportunity is afforded to our clients. The only person/s likely to be interested in the property is another horse trainer, and this is unlikely to occur given the new stable facility immediately adjoins to the west (refer to **Figure 1** below).

It would appear that the proposed zoning is to retain the status quo, rather than assess the potential of the land. In other words it is a land use planning exercise rather a constraints and opportunity assessment.

It is our opinion that that part of the land which is below the 1 in 100 year floodline could be transformed into an open space area providing sporting opportunities or indeed a passive parkland that provides an entrance to the Village from Menangle Road.

Mr P & Mrs M Morris firmly believe that if this part of the land is zoned open space, it provides an area for the community of the new Menangle Park Village to have a ‘Green Space’, as the Village is lacking large open space areas. It will also compliment the proposed open space opposite on the eastern side of Menangle Road. It would be noted that the subject land is relatively flat, which makes it ideal for open space purposes.

FIGURE 1 – ADJOINING TRAINING CENTRE



If the subject land was rezoned, as proposed above, Mr P & Mrs M Morris would either relocate to the proposed new stable complex within the NSW Harness Racing Club land or move to another location within the Region.

3 Client Position

This submission represents the position of the Mr P & Mrs M Morris in respect of their land holding. The following provides reasons why the Department of Planning and Environment should amend the documents to include the land within the Growth Centres SEPP 2006 as developable land.

4 The Subject Site

The subject land is described as Lot 11 in DP786117 Racecourse Avenue, Menangle Park. The land is irregular in shape and has a prominent frontage to both Racecourse Avenue and Menangle Road. The land also adjoins the Main Southern Railway Line on the western boundary.

4.1 SURROUNDING USES

The property is located within the Menangle Park Village, with two heritage items adjoining.

The Village is predominately occupied by a number of similar horse stabling facilities. It is envisaged, that when the Village is rezoned and the new stable complex is constructed, such trainers will relocate their current operation to this complex.

4.2 TOPOGRAPHY

The property is generally level with the land generally falling towards the railway viaduct at the northwestern corner of the land. The aerial photograph below at **Figure 2** shows the context of the immediate area.

FIGURE 2 – CONTEXT OF SURROUNDING DEVELOPMENTS – RELEASE AREA



4.3 FLOODING

The subject property is affected by various flood events. The dwelling and main stable building are located above the 1 in 100 year flood event, with the day yards located below. The extent of flooding is shown on **Figure 3** below, extracted from the GHD Flood Modelling. The dark red line indicates land above the 1 in 100 year floodline. It would be noted from this plan that there is a reasonable amount of land that is flood free.

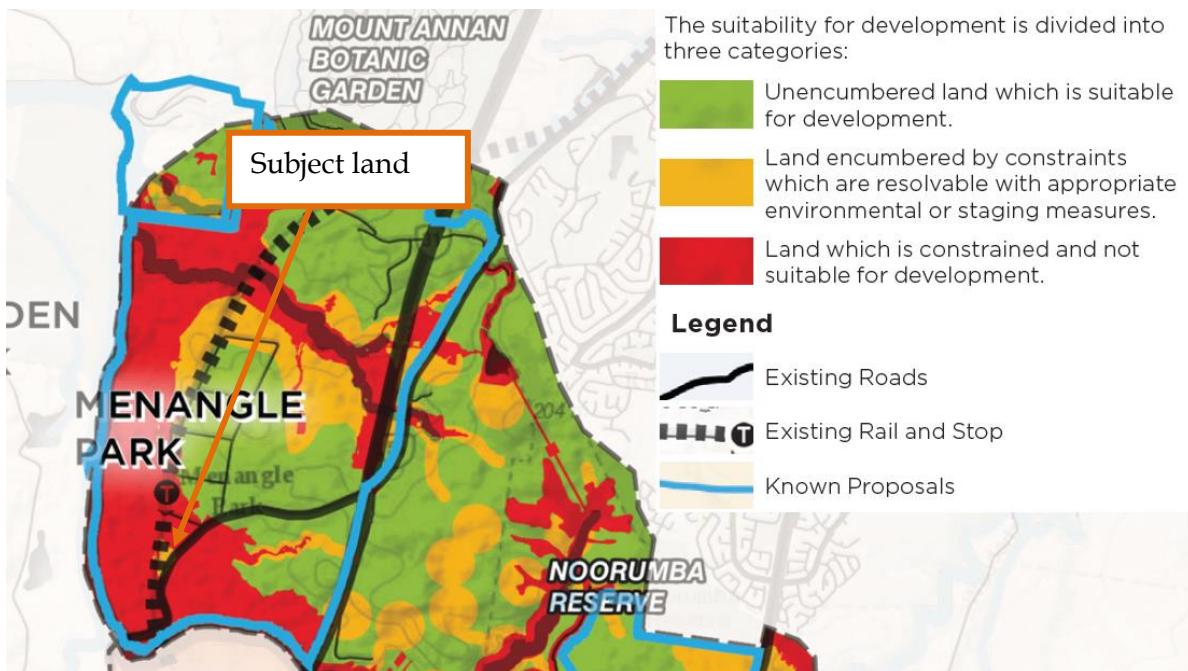
As stated above, the land below the 1 in 100 year flood level could be used for open space purposes, but in our opinion more as a passive space rather than the active space proposed on the eastern side of Menangle Road.

FIGURE 3 - 1 IN 100 FLOODLINE



The various maps exclude the subject land from the Strategy and the Growth Centres SEPP 2006 by not indicating that the land is developable. This is based on Figure 3, which is shown below (as **Figure 4**), which essentially follows the flood mapping and indicates that that part of the land above the floodline whilst being constrained can be resolved.

FIGURE 4 – CONSTRAINT MAP



5 The Planning Documents

5.1 PREVAILING PLANNING PROVISIONS

The subject land is within Zone 1 Non Urban under Campbelltown Interim Development Order No 15. In Zone 1 the following uses are prohibited:

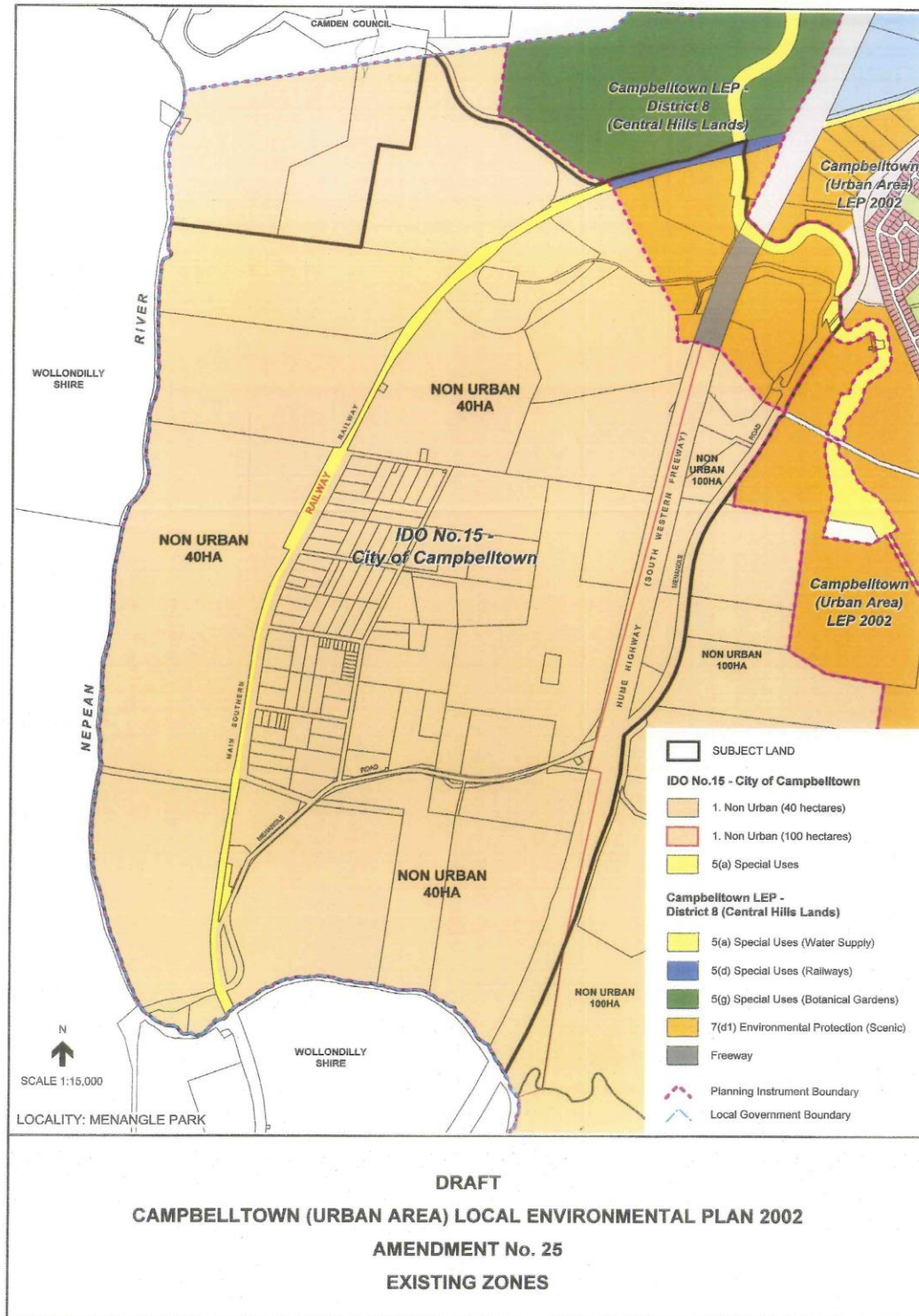
Bulk stores, caravan parks, car repair stations, commercial premises, industries other than rural industries, extractive industries or home industries, liquid fuel depots, motor showrooms, residential buildings, refreshment rooms, roadside stalls, service stations, shops, timber yards, transport terminals, warehouses.

Any purpose other than those listed above is permissible with development consent.

The IDO adopts the 1970 Model Provisions. Development of the land for the current purposes would be defined as agriculture and is permissible with development consent. The current zoning of the land under Campbelltown IDO 15 is provided in **Figure 5** below. Under draft LEP 2014, the subject land, which is part of the Menangle Park Release Area is shown to be a "Deferred Matter".

FIGURE 5 – CURRENT ZONING

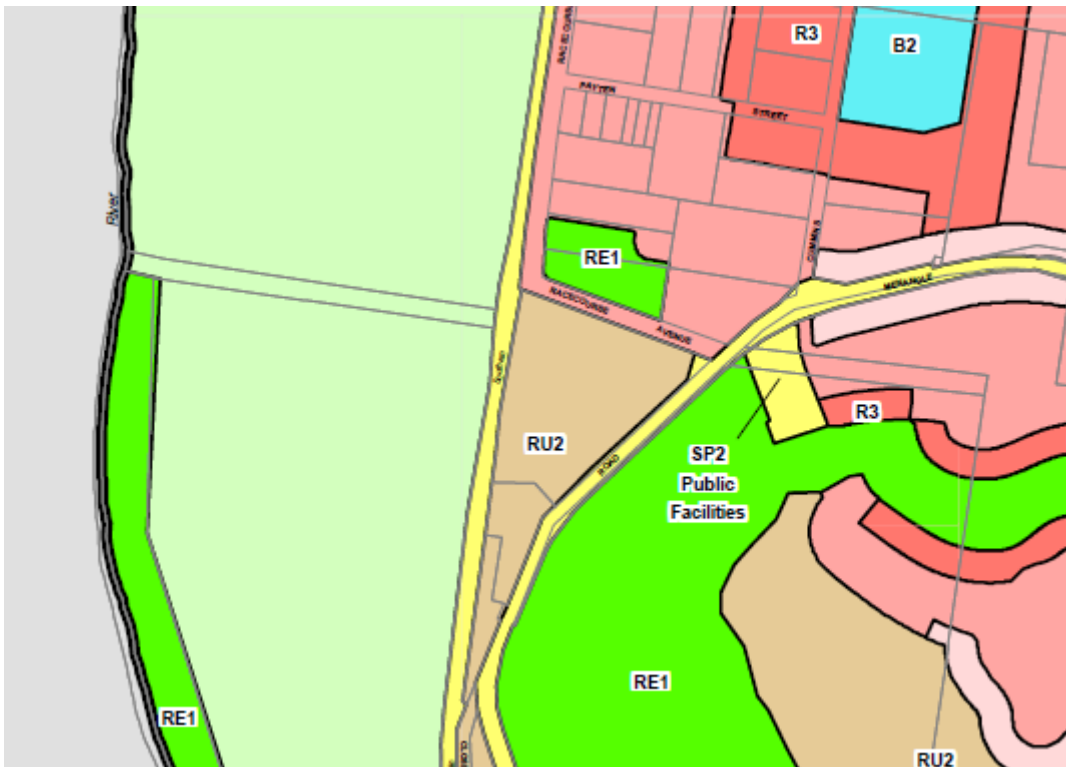
ATTACHMENT 1



5.2 DRAFT LEP PLANNING PROVISIONS FOR SUBJECT LAND

Under draft LEP 2002, Council proposes to zone the land RU2 Rural Landscape. The extent of the proposed zoning is depicted in the extract at **Figure 6** below.

FIGURE 6 – PROPOSED ZONING



6 Proposal

Having regard to the above commentary, it is considered that the land should be included within the 'developable land' category with the potential for the land to be zoned as Part R2 Low Density Residential and Part RE1 Local Open Space.

7 Conclusion

The preceding analysis has demonstrably established a case to review the proposal to be shown as 'developable land' and that a zoning of Part R2 Low Density Residential and Part RE1 Local Open Space be considered for the site.

The above commentary provides a clear case for a review of the documents.

SINCERELY YOURS,

M J BROWN
DIRECTOR
MICHAEL BROWN PLANNING STRATEGIES PTY LTD