

Submission to Greater Macarthur Preliminary Strategy + Action Plan

**Land Situated at Lot 10 in DP 1022204, Lot 2 in
DP 1187569 and Lot 1 in DP 1140461 (Unformed
Road) Racecourse Avenue, Menangle Park**

Prepared For:
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1 Introduction

This is a submission to the NSW Department of Planning and Environment in respect of future developable land located in the Menangle Road Urban Release Area, referred to as ‘Menangle Park Racing Precinct’ in this submission.

The NSW Harness Racing Club Pty Ltd has made a number of submissions to Campbelltown City Council over a period of time since the recommencement of harness racing at Tabcorp Park Menangle. Originally there was a rezoning application (Planning Proposal) to rezone the lands to reflect the “Vision” of the Club to develop the lands to allow generally recreational uses that supported the harness racing operation. That application did not proceed to be considered by the Council and remains on the Council ‘books’.

In January 2013, a further submission was made to the draft Campbelltown (Urban Area) Local Environmental Plan 2002 – Amendment No 25. The submission sought to have additional permitted uses for the majority of the land (Southern and Racing/Entertainment Precincts), with the Northern Precinct rezoned to Residential R2 - Low Density Residential.

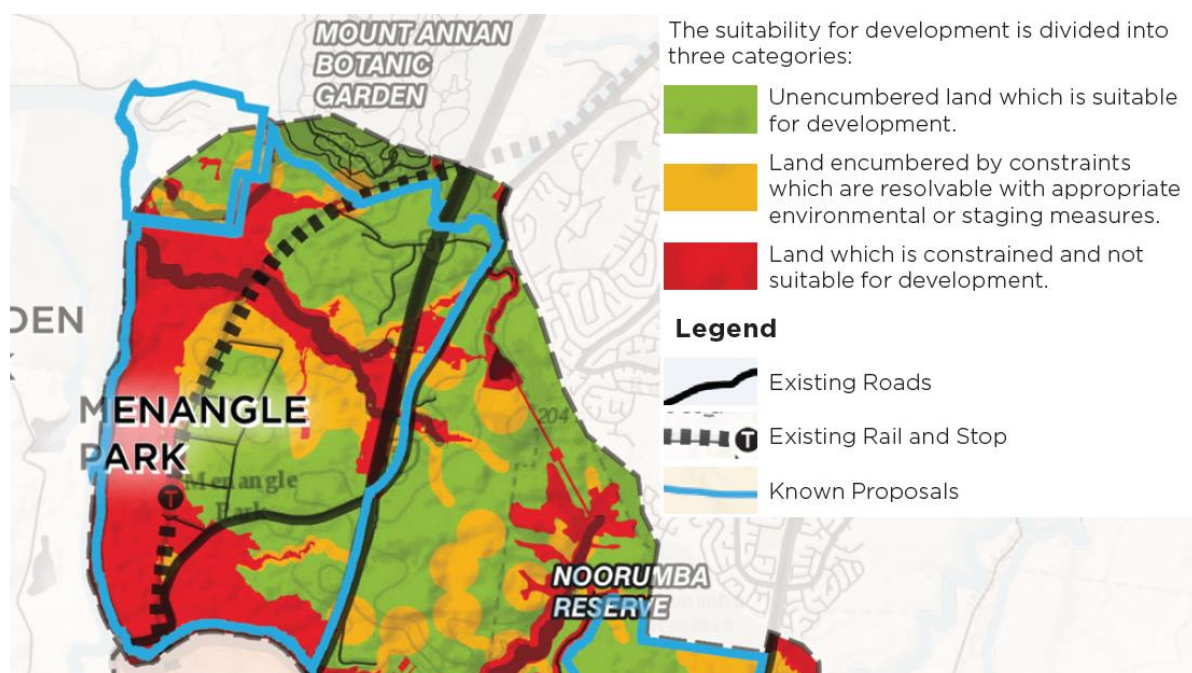
A further submission was made in September 2014 to draft LEP 2014. Under the draft LEP the land was proposed to be zoned RE2 Private Recreation. The subject property is currently zoned Zone 1 Non Urban 40ha Minimum under Campbelltown Interim Development Order No 15. This submission remains outstanding, noting that draft LEP 2014 proposes that Menangle Park be a “Deferred Matter”.

2 Brief

This submission has been prepared in respect of instructions from NSW Harness Racing Club Pty Ltd in response to the public exhibition and invitation for submissions in respect of the *Draft Greater Macarthur Land Release Preliminary Strategy & Action Plan + Land Use and Infrastructure Analysis*.

Note the previous submissions remain undetermined by Council. This submission is in respect of Figure 3 of the Strategy, which indicates that the land is constrained and not suitable for development. Figure 3 is reproduced below as **Figure 1**.

FIGURE 1 – CONSTRAINT MAP



Whilst we acknowledge that the land is constrained by flooding from the Nepean River catchment, the figure ignores the significant development that has occurred on the land over the past eight years with Council approval, particularly in relation to the construction of a new day racing stables, a new administration building, reconstruction of two grandstands and the approved training and stables complex in the southern precinct, the latter is constructed above the 1 in 100 year floodline or 1% AEP (refer to **Annexure A & Figure 2**). **Figure 4** shows the total land holding of the Club.

This matter is addressed in this submission.

3 Draft Greater Macarthur Land Release

3.1 DRAFT PRELIMINARY STRATEGY & ACTION PLAN + LAND USE AND INFRASTRUCTURE ANALYSIS

In September 2015, NSW Government released the Draft Greater Macarthur Land Release – Preliminary Strategy & Action Plan + Land use and Infrastructure Analysis for public exhibition.

These investigations into the potential of Greater Macarthur identified land that is suitable for urban development, the infrastructure required to support growth, and how Greater Macarthur would be connected to jobs and other services in other parts of metropolitan Sydney.

3.2 PRIORITY GROWTH AREAS

To increase capacity and housing supply, the preliminary strategy identifies immediate opportunities to deliver up to 35,000 homes in Menangle Park / Mount Gilead and in a new town at Wilton.

Maximising these opportunities requires a coordinated approach to land use planning and infrastructure delivery. The preliminary strategy states that the vision for Greater Macarthur is to be implemented by:

- *Identifying Menangle Park, Mount Gilead and Wilton as Priority Growth Areas by including them in the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP);*
- *Investigating declaring Menangle Park, Mount Gilead and Wilton as Special Infrastructure Contribution Areas to coordinate the funding and delivery of infrastructure that is necessary to support growth; and*
- *Continuing to work closely with Wollondilly Shire Council, Campbelltown City Council, and across NSW Government agencies to facilitate outcomes that deliver new communities with homes, jobs, infrastructure and services while protecting the environment and natural resources.*

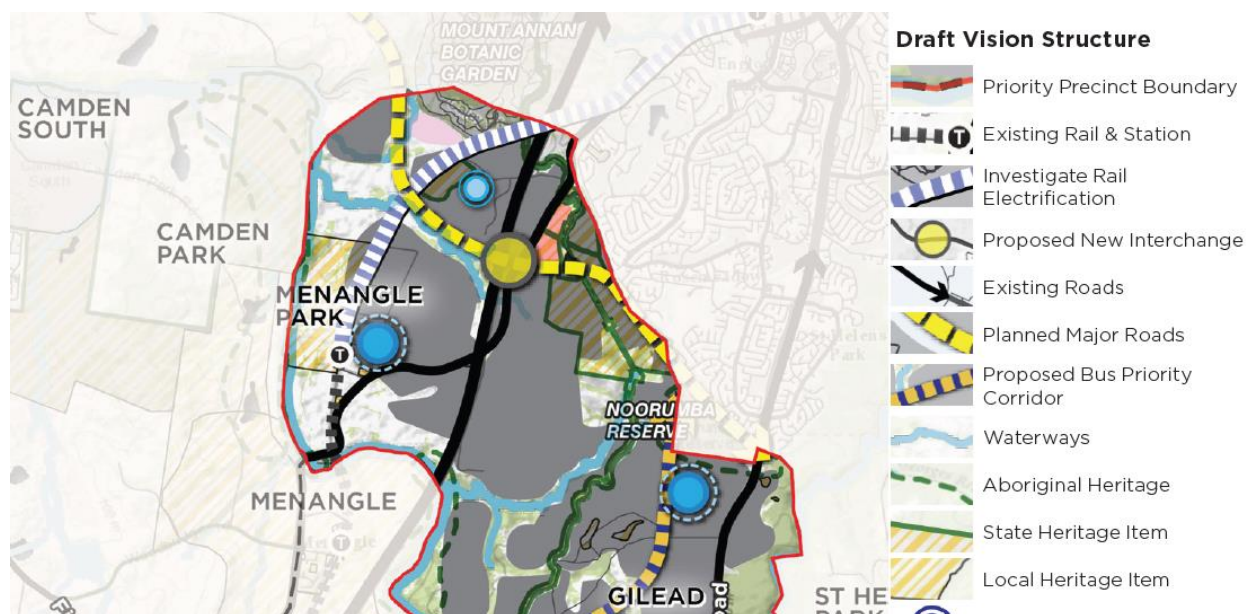
FIGURE 2 – TRAINING AND STABLES CENTRE



Figure 2 of the document shows that the property is affected a local heritage provisions. Whilst this is technically correct, it is noted that the Menangle Park Paceway is listed as a heritage item under LEP 193 and under Development Control Plan 83 – Heritage Policy. The heritage item is the front gatehouse, and not the entire property. It would be noted from **Figure 4** below, that the approved administration building has been ‘attached’ to the gatehouse. Therefore Figure 2 should be amended or a notation to the effect that the heritage listing only relates to the front gatehouse.

We also note that in the northern precinct, part of the Club's land holding is shown to be 'Developable Land'. This land is above the 1 in 100 year floodline and it has been shown on previous submissions to Council to have this land rezoned for residential purposes (refer to **Figure 3** below). This should also include the adjoining land to the north owned by Urban Growth, which has also been identified as 'developable land'.

FIGURE 3 – STRUCTURE PLAN



3.3 MENANGLE PARK AND MOUNT GILEAD

The northern part of Greater Macarthur adjoins the Campbelltown-Macarthur Regional City, and is a logical extension to Sydney's metropolitan urban area.

Land in the precinct is relatively unencumbered by constraints to development and it has less requirements for substantial transport and utilities infrastructure upgrades than other parts of Greater Macarthur, given its proximity to the existing metropolitan urban area.

The precinct has relatively direct access to jobs, health care and education opportunities in Campbelltown- Macarthur, and other opportunities in Western Sydney.

The extent and density of urban development is subject to further detailed transport assessment.

Actions to deliver growth in this area include:

- Upgrade the Hume Highway between Picton Road and Raby Road;
- Rezoning land for 4,900 homes through the Mt Gilead and Menangle Park planning proposals by the end of 2015, with the first new houses possible within two years;
- Upgrades to Appin Road to provide direct connections to Campbelltown-Macarthur;
- Construction of Spring Farm Link Road and new access ramps to the Hume Highway, to help ease congestion on Narellan Road;
- Provision of a north-south bus priority corridor to promote public transport links to Campbelltown- Macarthur;

- Further investigate the extension of the Sydney Trains electrified rail network to Menangle Park to integrate this area with the suburban rail network; and
- Working to release land to provide up to 13,200 homes, in addition to the homes at Mt Gilead and Menangle Park planning proposals.

3.4 REZONING PATHWAY

Future rezoning process will test and refine suitable locations for urban development and appropriate densities. Encumbered land (identified as orange in Figure 3) will need to provide evidence that the necessary pathway steps have been undertaken prior to rezoning. This ensures that constraints are managed appropriately and that the land is suitable for urban development. The necessary pathway steps are outlined in the **Rezoning Pathways** section of this report.

3.4.1 KEY REZONING ISSUES

In addition to the general rezoning assessment requirements outlined in the **Delivery Pathway** section, the following key issues are specifically required to be considered in future rezoning processes:

- **Heritage conservation** – the precinct contains a number of heritage items and known Aboriginal sites, some of which are located in or adjoin proposed centres. Further investigation will be required to ensure these items are retained and integrated with future development.
- **Flooding** – the extent of flooding across the precinct, particularly around Menangle Park, will need to be considered with rezoning proposals.
- **Mining** – The southern portion of the precinct has been, and still is being, used for coal mining. For urban development to occur in these areas, proposals will need to demonstrate that they comply with the relevant rezoning pathways steps.
- **Coal seam gas** operations – there are a number of coal seam gas extraction sites within the precinct. Development within close proximity to extraction operations will be required to satisfy relevant rezoning pathways steps.
- **Upper Canal** – the Upper Canal, which provides water to Sydney from the four Upper Nepean dams, crosses the eastern portion of the precinct. Future development in this area will need to ensure this system is not adversely impacted upon.
- A detailed **transport network assessment** is required to confirm the extent and density of urban development.

The Club generally does not support the findings and recommendations of the *Draft Greater Macarthur Land Release – Preliminary Strategy & Action Plan*, specifically the notation that the subject lands are constrained and not suitable for development. This notation ignores the current use of the lands as a key part of the proposed Menangle Park & Mount Gilead Release Area, particularly the requirement for the Village area to drain stormwater through the subject lands.

4 Background

The previous submissions to Campbelltown City Council did not object to part of the land being zoned RE2 Private Recreation provided the intended uses for the land are permissible.

It was our submission that the intended uses may not be permissible or if deemed permissible, any ambiguity would be addressed at the rezoning stage rather than at the development application stage in terms of whether the proposed uses are ancillary to the existing use of the land. As stated above, it would be noted that this firm submitted a Planning Proposal to Council in March 2010, but has not been dealt with.

Since this time the Club has purchased the Council land (Southern Precinct). Council approved an application to construct a stable complex and other land uses and such buildings are currently being constructed and will be complete by January 2016 (refer to **Figure 2**). The zoning under the draft LEP for the subject lands does not resolve the fact that Council has granted consent to this development and the redevelopment of the “Racing & Entertainment Precinct”. Hence, a submission was made as part of the draft LEP 2014.

5 Client Position

This submission represents the position of the Club in respect of its land holding. The following provides reasons why the Department of Planning and Environment should amend the documents that accompany the exhibition documents.

6 Planning Proposal

As stated above, the Planning Proposal and submissions sought to have the lands rezoned and provided the following details in respect of each Precinct.

6.1 THE NORTHERN PRECINCT

Part of this land is subject to flood impacts from the Nepean River environs. The other part of the land is above the 1 in 100 year flood line, but has issues in respect of vegetation cover and has been the subject of investigation in terms of flora and fauna that may be present on this part of the land. An existing dwelling is located on the flood free part of the land.

There are also issues with flood free access (1 in 100 year flood event) to this land for any residential purposes. Currently access to the land is only available for flood events less than 1 in 20 years. Flood free access will be available in the medium to long term scenario when the Liz Kernohan Drive is constructed from Camden Bypass to link with the M5 Motorway (Hume Highway).

6.2 THE RACING/ENTERTAINMENT PRECINCT

This part of the planning proposal is currently operating as a harness race track, with associated facilities. The track, which is the best of its size in the world at 1400m in circumference has lighting installed for night-time racing. Currently there are 130 race meetings conducted at the track with a vision to increase this allocation to around 150 race meetings per year.

Essentially this Precinct is the main focus of the Club’s business. A number of the land uses identified below can be considered by Council under the ‘existing use rights’ provisions of the Environmental Planning & Assessment Act 1979. However, it would be clearer if an appropriate zoning was in place to overcome any technical argument whether such was ancillary to the dominant use.

- Function centre and restaurant associated with the Club.
- Entertainment facilities, which including exhibitions (i.e. motor, caravan and home shows/displays), music concerts, open air cinema and the like. The vision of the Club is to value add to the facilities provided on-site to other forms of entertainment, rather than focussing on harness racing alone. This would provide increased tourism opportunities to the region by promoting such facilities to the Macarthur Region. The Campbelltown City Show is currently held on the site.
- 16 permanent stables for use by intrastate, interstate and overseas horses (mainly major race days) and for Industry integrity protocols;
- Office accommodation for some 30 employees (executive, administrative, track staff, maintenance staff); and
- Expanded registered club facilities.

Essentially the current redevelopment of the on-site facilities has already been completed and has been operational since June 2006.

6.3 THE SOUTHERN PRECINCT

Part of the land is affected by the 1 in 100 year flood line from the Nepean River. The other part of the land is above this flood event and this part of the land will be used for the stabling complex (**Figure 1**).

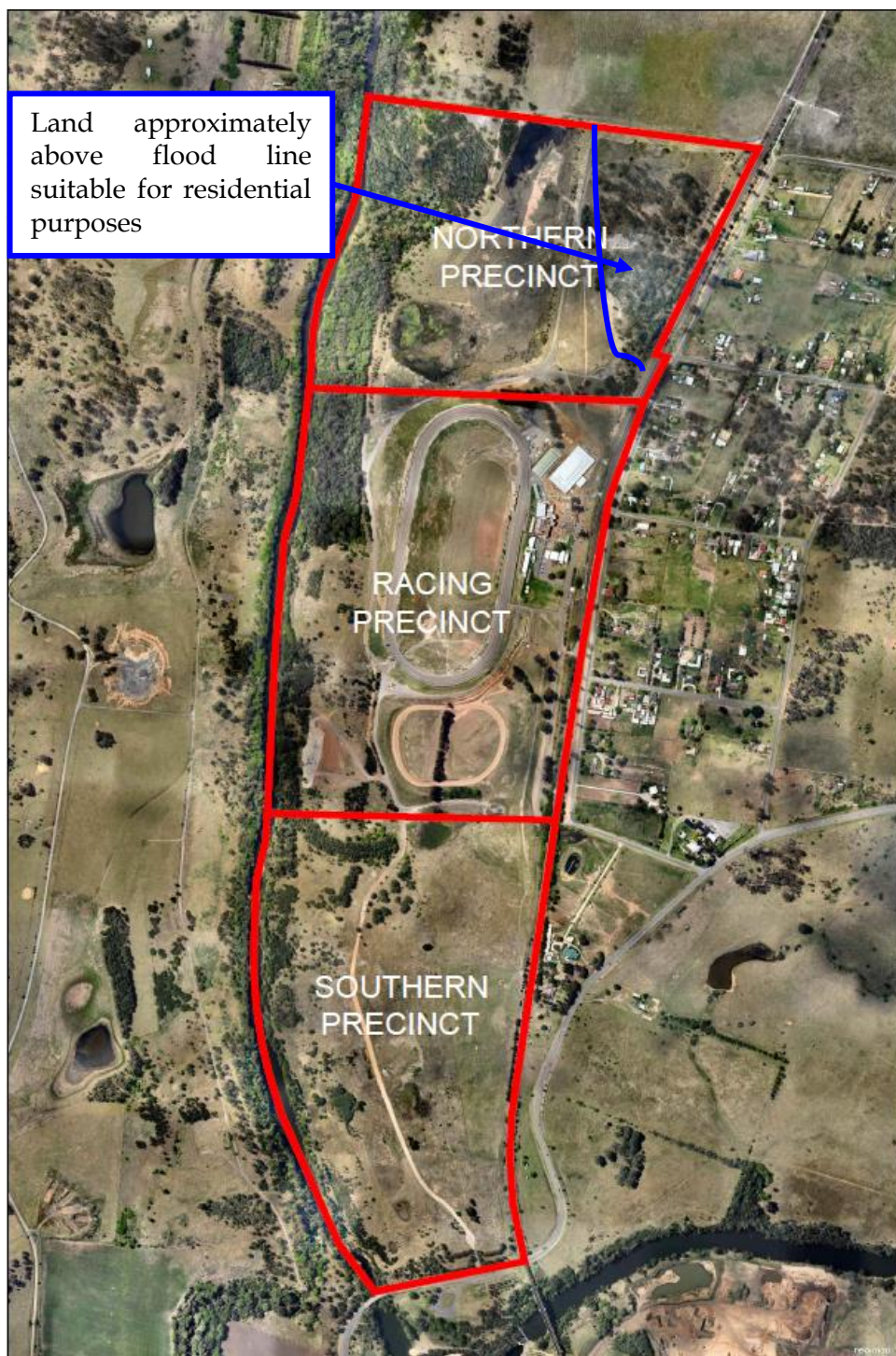
In this regard the following landuses have been approved by Council vide Consent to Development Application 1861/2013 dated 11 February 2014:

- The construction of some 400 permanent stables for trainers in the immediate area and other areas. This will be essential to 'free-up' land parcels in the Menangle Park Village for development for urban purposes. The provision of accommodation for stable hands within the stable complexes would also be required, including offices for trainers;
- A Centre of Excellence for the educating of trainers, drivers and stable hands in various skills. This will include teaching skills in media presentation, training etc. It will be established as a TAFE.
- Day stabling yards;
- Stockfeed shed/s;
- Veterinary facilities;
- Aqua Walker;
- Farrier facilities.

7 The Subject Site

The subject land is described as Lot 10 in DP 1022204, Lot 2 in DP 236059 and Unformed Road, Racecourse Avenue, Menangle Park. The land is irregular in shape and adjoins the Nepean River on the western boundary and the Main Southern Railway Line on the eastern boundary (refer to **Figure 4**).

FIGURE 4 – CONTEXT OF SURROUNDING DEVELOPMENTS – RELEASE AREA



8 The Planning Documents

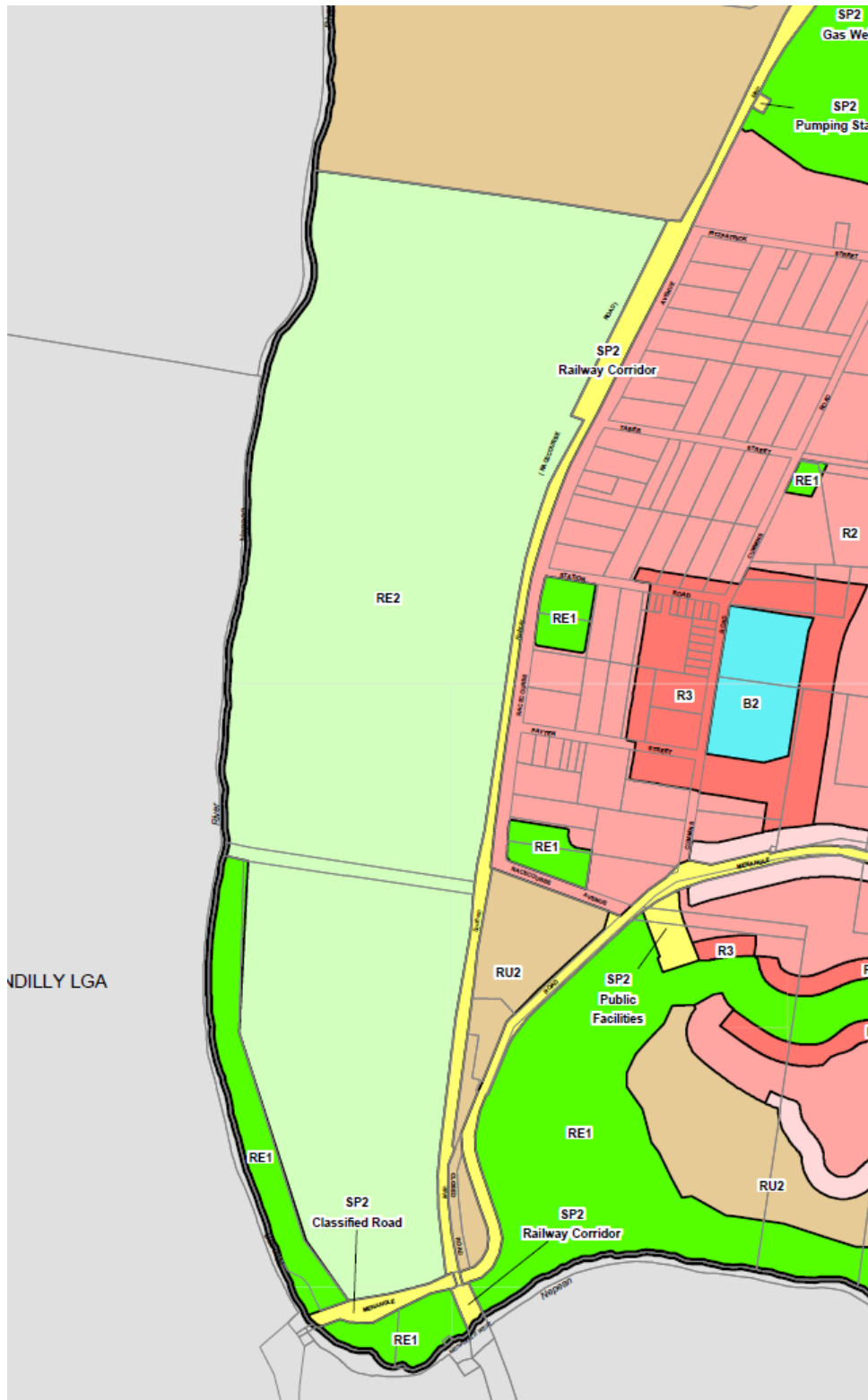
8.1 PREVAILING PLANNING PROVISIONS

The subject land is within Zone 1 Non Urban under Campbelltown Interim Development Order No 15.

8.2 DRAFT LEP PLANNING PROVISIONS FOR SUBJECT LAND

Under draft LEP 2014, Council proposes to zone the land RE2 – Private Recreation. The extent of the proposed zoning is depicted in the extract at **Figure 5** below.

FIGURE 5 – PROPOSED ZONING



9 Conclusion

Having regard to the above commentary, it is considered that the documents be amended as follows:

- Amend or provide an annotation on Figure 2 to the effect that the heritage provisions relate to the front gatehouse in accordance with the Campbelltown Council Heritage Inventory Listing.
- Amend Figure 3 to yellow – “Land encumbered by constraints which are resolvable with appropriate environmental or staging measures having regard to the current use of the lands.

SINCERELY YOURS,



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