

**From:** [noreply@feedback.planningportal.nsw.gov.au](mailto:noreply@feedback.planningportal.nsw.gov.au) on behalf of [Planning Portal - Department of Planning and Environment](#)  
**To:** [DPE PS ePlanning Exhibitions Mailbox](#)  
**Subject:** Webform submission from: Activation Precincts SEPP and the Wagga Wagga master plan  
**Date:** Tuesday, 29 September 2020 4:28:30 PM  
**Attachments:** [henwood\\_submission\\_29-september-2020-v5.pdf](#)

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Submitted on Tue, 29/09/2020 - 16:17

Submitted by: Anonymous

Submitted values are:

Submission Type: I am submitting on behalf of my organisation

First Name: Lilit

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Submission file:

[henwood\\_submission\\_29-september-2020-v5.pdf](#)

Submission: Please refer to attached document.

URL: <https://pp.planningportal.nsw.gov.au/WaggaWaggaSAP>

Our reference  
Direct  
Email

Lilit Chakman



**MILTONS**

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29 September 2020

Ms A Sargeant  
Executive Director  
Regions, Industry and Key Sites  
Department of Planning, Industry and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

Dear Ms Sargeant,

**Proposed addition of the Wagga Wagga Special Activation Precinct to State  
Environmental Planning Policy (Activation Precincts) 2020**

1. We act on behalf of Raymond, Phillip and Roger Henwood (“the Henwood family”) and welcome the opportunity to make comments on the *Draft Master Plan for the Wagga Wagga Special Activation Precinct* (“Draft Plan”) and the Discussion Paper (Explanation of Intended Effect) in relation to *Amendment No. 1 - Introduction of Wagga Wagga Special Activation Precinct* (“Proposed Amendment”) which accompanies the Draft Plan.

**Summary**

2. The Henwood Family opposes the Draft Plan and the proposed amendments to the SEPP for the reasons set out below:

- (a) The proposed zones as provided for in the Proposed Amendment will remove a major source approximately 801 hectares of new residential land in the Wagga Wagga area, and have it classified instead as Rural Activity Zone.
  - (b) The proposed zones will allow the expansion of solar energy systems to be exempt development in the Brucedale area.
  - (c) The Draft Plan and Proposed Amendment were prepared before (July 2020) and presuppose the outcome of the Visual Analysis Report (September 2020). The Visual Analysis Report appears to have been completed using computer analysis and without community consultation as to the usage of the viewpoints referred to within it. Even within those limitations, the Visual Analysis Report does not support the proposed inclusion of small-scale solar farms in the Brucedale area.
  - (d) There has been insufficient community consultation with the regional communities apart from the Eunony Valley, and the amendments that have been made to the Draft Plan and Proposed Amendment reflect that focus on the Eunony Valley.
3. The Henwood Family rely upon and support the **attached** report from MJM Consulting Engineers dated 28 September 2020.

**Background**

4. The Henwood family own the following blocks of land which will be affected by the Draft Plan and the Proposed Amendment:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

5. The Henwood Family have attended every community consultation in relation to the Draft Plan and Proposed Amendment and have observed the focus of those consultations on the residents of the Eunony Valley. Despite having attended all

meetings, the Henwood Family were not notified of the release of the Visual Analysis Report, and only found out about its existence through word of mouth.

### **Need for further residential development within the Wagga Wagga City Council area**

6. Prior to the Draft Plan being proposed, the Henwood Family's parcels of land had been designated by Wagga Wagga City Council as land suitable for northern growth expansion of the residential zone. In the maps attached to the Proposed Amendment our clients' land will be zoned as Rural Activity Zone. The activities that will be permissible in the Rural Activity Zone are:
  - (a) Low impact types of agricultural uses (e.g. grazing livestock, bee keeping, farm buildings).
  - (b) Other uses such as environmental facilities, water supply systems, sewerage systems, community facilities, emergency service facilities and educational establishments (but not schools).
  - (c) Solar energy generating facilities.
7. The proposed rezoning of this land as residential land has been the subject of discussions between our clients and Wagga Wagga City Council since 2005. Residential land is already in short supply in Wagga Wagga, and the removal of this potential source of further residential land will only add to that shortage. The residential land shortages will intensify as a result of the planned Special Activation Precinct.

### **Visual impact of the proposal solar farms**

8. While the Draft Plan and the Proposed Amendment state that a strategy has been developed to permit these facilities to protect sensitive view corridors, these documents were prepared without the benefit of the Visual Analysis Report, which was only prepared in September 2020. Our clients are very concerned about the impact of the proposed permitted solar generating activities on the sensitive view corridors.
9. In turn the Visual Analysis Report seems to have been prepared without visits to the relevant sites and instead relies upon digital modelling. In particular, the Visual Analysis

Report does not identify as community land, sites that are regularly used and accessed by the wider community. These sites include:

- (a) Viewpoint 4 (as identified in the Visual Analysis Report);
- (b) Viewpoint 6 (as identified in the Visual Analysis Report);
- (c) Brucedale Public Reserve;
- (d) Explorer Park, Boorooma.

10. Despite these difficulties with the Visual Analysis Report, it explicitly acknowledges that the small-scale solar farms would not be appropriate in the Brucedale area, stating at page 7:

*“Small scale solar farms in the Northern parts of the area where they are proposed to be permitted in the Rural Activity Zone (closest to Brucedale’s Western boundary and adjacent Sutherlands Road) **should be reconsidered**. This has been reflected in the testing of the alternate location further South and boundary indicated. A development control that reflects the intended extents of new solar farms should limit development within this area and exclude this type of development in close proximity to Brucedale.”*  
*(emphasis added)*

11. The Draft Plan and the Proposed Amendment should be amended in light of the recommendations within the Visual Analysis Report and should be re-exhibited for further public feedback in their amended form.

### **Community consultation**

12. In addition to the community consultation proposed above, there should be community consultation of the agricultural regions and residential areas affected by the Draft Plan and the Proposed Amendment beyond engagement with the Eunony Valley residents. The inaccurate assumptions made in the Visual Access Report as to the utilisation of certain View Points reflects the limited engagement with the local owners and residents of the Brucedale and Downside agricultural areas, and residential areas of Boorooma, Estella, Estella Rise, Cartwrights Hill, Downside and Brucedale.

### **Conclusion**

13. The Henwood Family look forward to working closely with the Department to ensure that the Special Activation Precinct reflects the needs and concerns of the Wagga Wagga local community.
  
14. In opposing the making of the Draft Plan and Proposed Amendments in their current form, we make the following recommendations to amend the Draft Plan and Proposed Amendments:
  - (a) To reduce the size of the Rural Activity Zone to the west and north of the Special Activation Precinct to reflect the need for new residential land in the Wagga Wagga area.
  
  - (b) To reflect the recommendation of the Visual Access Report so that small scale solar farms are not permitted in the Brucedale area.
  
  - (c) To reflect the additional community consultation with areas beyond the Eunony Valley.
  
15. We look forward to discussing this with you in more detail, please contact Lilit Chakman to arrange.

Yours sincerely



**Lilit Chakman**  
**Partner**

**MILTONS**

28<sup>th</sup> September 2020

Attention: Executive Director Regions, Industry and Key Sites  
NSW Department of Planning, Industry and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

**RE: EXHIBITION OF THE ACTIVATION PRECINCTS SEPP AND THE WAGGA WAGGA MASTER PLAN**

Dear Sir/Madam,

MJM Consulting Engineers provide this submission in relation to the above exhibition on behalf of the majority landowners in the proposed 'buffer area' on the western side of the SAP precinct, being various members of the Henwood family. The properties in ownership of the Henwood family are as follows:

[REDACTED]

The reasons for our clients opposition to the SAP are outlined below:

#### History – Northern Growth Area

The landowners have been in consultation with various consultants and Council since prior to 2005 in relation to rezoning the land to R1 General Residential use. There is evidence of ongoing correspondence between various consultants, MJM, the landowners, and Council in relation to this proposal, and it has always been apparent that Council is supportive of the proposal.

Various subconsultant reports have been prepared in relation to the rezoning, both on behalf of the landowners and on behalf of Council. Masterplans have also been prepared and a planning proposal has been completed and was provided to Council as a draft for review in June 2017. Following provision of the planning proposal draft to Council, a meeting was held in November 2017 at which MJM were advised to lodge a submission to Councils draft Activation Strategy.

In December 2017 MJM received an email from Council advising comments would be provided on the draft in early 2018. In January 2018 MJM lodged a submission to the draft activation strategy with Council as per previous discussions.

Throughout 2018 Council engaged consultants to review existing noise and odour studies in relation to the planning proposal area. In September 2018 MJM were advised via email from Council that the draft northern growth area structure plan was being prepared and in July 2019 MJM were advised via email that the draft northern growth area structure plan was nearing completion.

MJM attended a meeting with Council to view the draft Northern Growth Area structure plan which acknowledged and supported the owners planning proposal.

Once the SAP was proposed, the owners were advised that the Department of Planning (DoP) would not look at any planning proposals for the area until the SAP was completed. In fact MJM were advised by Council that this would actually assist in the rezoning of our clients land as the studies undertaken for the SAP would be made publicly available and could therefore be used to support the proposed R1 rezoning

and negate the need for our clients to undertake these studies separately to support their proposal. It is now apparent that this was untrue.

It is our opinion that the only reason the rezoning did not proceed was due to the SAP and the apparent needs of the DoP overriding over a decade and a half of planning and consultation with various consultants and Council without being honest with the landowners as to the intentions the DoP had for their land.

#### Landowner consultation process

It is noted that the DoP undertook what they called 'consultation' with landowners and associated consultants during the preparation of the SAP. During this 'consultation', the landowners and MJM attended various face to face meetings with the DoP and Council and viewed plans which never identified a 'buffer' area to the extent now identified in the exhibition documents. The DoP also did not advise a proposed use for the subject land other than residential.

At no time were the landowners or MJM advised that there was any other intention for the subject land, nor were they advised at any time the land would be effectively sterilised from future residential development by the SAP, although it is now apparent this was always the intention of the DoP.

The landowners and MJM were not made aware of the intention for the subject land until the Henwoods were approached by the DoP to acquire the land when the SAP has not even been legislated.

#### Land acquisition

Following on from the above issue, the landowners were approached by the DoP to acquire their land as it was intended to be a 'buffer' area. It is noted that the value of the land at the current rural zoning is much less than that had the land been rezoned to R1 General Residential which has been the intention for over a decade and a half.

Notwithstanding the above, it is noted that the acquisition process has begun before the SAP is even in place. Given the DoP's proposed land acquisition prior to the SAP being legislation, it is clear that the exhibition and call for submissions is a token gesture only. The DoP has made up its mind regarding the SAP and regardless of submissions received. The DoP clearly intends to proceed with the SAP as is or it would not have begin the acquisition process for our clients land before the plan is legislated. We believe due process has not been followed in this regard, both legally and morally.

#### Buffer extent

In relation to the extent of the buffer area, it is noted that this extent had not been previously discussed with MJM or the landowners by either Council or the DoP. It has however been discussed that a buffer of some sort would likely be required along the western side of the highway within the subject land. The maximum extent of this, based on discussions with Council and Council's reports received as part of the draft Northern Growth Area Structure Plan preparation was no more than 150 metres. In fact as the buffer area increased at a later stage to approximately 250 metres, Council actually moved the boundary of the proposed R1 rezoning further north as substitution for the area consumed by the increased buffer as it projected a shortfall in land supply.

The SAP however intends to sterilise the entirety of the land in question, west of Poiles Road. Based on the exhibited noise and odour studies as part of the SAP exhibition material, it is obvious that the assessment process was flawed. Rather than assessing from the SAP area outwards to determine a buffer area, the studies have instead set an outside boundary, being the westernmost boundaries of the Henwood owned land, and then set the maximum noise and odour emissions which would not extend past this boundary.

The intention of the DoP, to sterilise the entirety of the Henwood land, is clear from the approach taken by the studies.

It is noted that while these studies were being undertaken, the DoP was still discussing the SAP with the landowners and MJM and at no time was anyone informed that this was the intention. All meetings and verbal conversations (the DoP never provided anything of substance in writing, which it is now obvious was intentional) which were undertaken while the studies were being prepared continued to confirm that a portion of the Henwood land would be able to be retained and developed for residential purposes. This was clearly untrue.



### Waste of land resource – useable land

Up until the SAP was proposed, the best and highest use of the land was for residential development. This is evidenced by the multitude of correspondence between the landowners, MJM and Council for over the past decade and a half. It is also noted that Council had engaged a consultant to prepare the draft northern growth area structure plan and MJM had met with Council regarding this and even viewed a draft plan.

The amount of land being sterilised by the department as part of the SAP equates to thousands of residential allotments. There has been no other land identified in the Wagga Wagga LGA which would have the capacity to support such residential growth. Given that the residential development of this area has been on Council's agenda for over a decade and a half, how does the DoP intend to manage the residential land shortage this will cause in the LGA?

Given the time and money spent on the northern growth area proposal, by both our client and Council, how does the DoP expect an easy solution to residential land availability in the LGA when this proposal has required input of over a decade and a half of time and money. Wagga Wagga is already running out of residential lots with most being purchased within days of going on the market.

### Impact on growth of Wagga Wagga – 100,000 by 2036

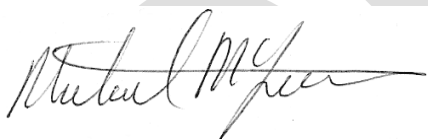
In 2019 the State Government began pushing a campaign for the growth of Wagga Wagga with a campaign titled 'Wagga Wagga to 100,000 by 2036'. The northern growth area is a keystone to provide the residential land required for this growth. It is noted that the campaign proposes expansive redevelopment within the CBD however it is obvious that this area will be unable to provide housing for an additional 40,000 people. Given the SAP location which would provide jobs for the proposed growth, would it not be advantageous to locate residential development close by for workers in the location?

Now that thousands of potential future residential allotments and the northern growth area itself have been made redundant, how does the DoP intend to provide land for the residential development to support such a population increase?

As described in the above submission, our clients are in opposition to the SAP for many valid reasons. MJM can be contacted via email at [REDACTED] or via telephone on [REDACTED] to discuss further if required. We look forward to the DoP's response to this submission.

Yours faithfully,

**MJM CONSULTING ENGINEERS**



**MICHAEL MCFEETERS**

**Director**

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