

WWLEP 2010 Deferred Areas - Additional Information Report

1. *Decision making process – WWCC Planning Panel*

The decisions of the Wagga Wagga City Council Planning Panel are documented in reports to the Panel meetings in June, August, September and October 2010. The decision making process was based on an appreciation of the planning and environmental background, existing context and the task of finding an appropriate balance between competing interests.

The position of the panel reflects the recommended (preferred) staff position. The preferred position is the outcome of detailed consideration of options for the Cartwrights Hill area by staff. This included review of concerns expressed by both residential and non-residential land owners, and consideration of different options from the perspectives of the directly competing interests.

- Zoning and development history

Cartwrights Hill was confirmed as being suitable for residential development in the 1970s. The Wagga Wagga DCP 2005 zoned the area a combination of Residential (2a General and 2e Medium Density) and Urban Living (1b Small holding and 1e Future Urban).

Around ten years ago Council placed a moratorium on further development at Cartwrights Hill because of concerns about odours from the abattoir. After initial odour modelling in 2002, the then Department of Environment and Climate Change (DECC) recommended that any further residential development would be likely to result in increased complaints about odours generated by local industry. Odour modelling in 2008 confirmed this possibility.

- Balancing competing interests

The planning position for Cartwrights Hill has focussed on finding an equitable and therefore appropriate balance between the competing interests by allowing some development that is compatible with existing development in the locality while managing potential land use conflicts with existing and future industrial development in Bomen. Critical considerations have included:

1. The draft Wagga Wagga LEP 2009 proposed an RU6 Transition zone over the land at Cartwrights Hill. The residents objected to the draft zone on the basis that it was an unacceptable down zoning and an expropriation of rights.
2. Limiting future development at Cartwrights Hill on the basis of odour modelling of the existing abattoir operations does not take into account the fact that the critical odour contours affect other land in the locality where development either already exists or has been approved without other evidence questioning the impacts of odour.
3. The success of Cargill Foods and DECCW in reducing odour from the abattoir to within acceptable levels.
4. The most equitable planning approach has therefore been considered on the basis of:

- a. Determining the potential lot yield that might be appropriate on the basis of equity, balance and the recommended zones; and
- b. Identifying the realistic scope for infill and adjacent development, based on the existing road layout and subdivision character.

The recommended zone and density outcomes are explained in more detail in the reports to the Planning Panel meetings of 21 June 2010 and 13 October 2010.

2. *Odour Study*

An updated Odour Report was commissioned from PAEHolmes in September 2009 following concerns raised by the Cartwrights Hill residents at the time of exhibition of the draft Wagga Wagga LEP 2009. The residents challenged the rigour of the original Odour Study and the methods used in preparing the report.

The second odour report was to respond to the following questions:

- Q1 Have adequate measurements been taken from Cartwrights Hill?
- Q2 On what assumptions was the study based? Exclusions?
- Q3 Was the study modelled on Best Case or Worst Case (or other) models?
- Q4 What scope of Bomen industries was the model based on? (Council was to provide the consultant with updated information on newly established (and known proposed) industries and their locations to assist this task)
- Q5 Can you please review your recommendations and conclusions in the light of the previous questions

The updated report confirmed that the original study was based on empirical research including odour measurements taken across the study area. The odour contours and findings were confirmed. The study method was consistent with industry standard and did not require consultation or collation of input from residents and landowners.

The updated Odour Study was received by Council in October 2009 on the eve of the Public Hearing for Cartwrights Hill held on 13 October 2009. The updated odour study informed the recommended planning response for Cartwrights Hill, confirming that the original conclusions were valid. Although not included in the exhibition material, the Panel accepted that the updated Odour Study reaffirmed the findings on which the draft LEP had been prepared. The following matters are relevant:

- Despite the claims of Cartwrights Hill residents and landowners, the odour modelling indicates that the Cartwrights Hill area is within the adverse odour contours generated by the existing abattoir operations.
- In addition, the odour modelling indicates that the critical odour contours extend beyond Cartwrights Hill also affecting land to the north west which was also zoned Future Urban under the previous planning instrument.

- The revised Odour Study confirms that the planning response contained within the Planning Proposal is reasonable. Significantly, the concerns of the residents have been fully considered and as indicated, further investigation has validated the findings of the original study.

3. R5/Rural zone changes

The rationale for the proposed zone changes are clearly set out in the reports to the Planning Panel meetings of 21 June 2010 and 13 October 2010. The relationship of the zoning changes to Ministerial Section 117(2) Directions is set out in the exhibition material prepared for the formal 28 day exhibition period. This includes detailed consideration of the proposed changes in relation to Direction 1.2 Rural Zones, Direction 2.3 Heritage Conservation, Direction 3.1 Residential Zones, Direction 3.4 Integrating Land Use and Transport and Direction 4.3 Flood Prone Land.

4. Estella

The Panel confirmed that there are no matters of concern in relation to Deferred Area 2 (Estella).