LAND USE CONFLICT RISK ASSESSMENT (LUCRA)

Submission to Ballina Shire Council

Proposed Rezoning

Part of Lot 1 DP 1165957
44-52 Blue Seas Parade, Lennox Head

for:
Mr George Farley

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1 Land Use Conflict Risk Assessment

1.1 Introduction and Proposal

This report establishes that the land at Blue Seas Parade, Lennox Head that is proposed to be rezoned from RU1 – Primary Production Zone to R2 – Low Density Residential Zone under the Ballina LEP 2012 is capable of being rezoned without any unreasonable land use conflicts being created.

1.2 Proposed Rezoning

The Planning Proposal relates to part of a single lot which is described as Lot 1 DP 1165957, No. 44-52 Blue Seas Parade, Lennox Head and which has an area of 3.476ha.

Vehicular access to the site is via an existing concrete and bitumen driveway to Blue Seas Parade which is a constructed urban (residential) road with a bitumen seal.

An easement for overhead power lines (20m wide) exists on the land and is generally coincidental with the existing overhead power lines on the land, which are identified on the detail survey at Appendix C of the Planning Proposal. Essential Energy is the prescribed authority that is benefitted by the easement.

Integral to the rezoning and development of the land for future urban residential purposes, would be a likely requirement for the power lines to be removed with the electricity supply being re-routed.

Such relocation would have to be undertaken in consultation with and the approval of Essential Energy.

The Planning Proposal will rezone the land from RU1 – Primary Production to R2 – Low Density Residential as shown in the following zoning maps:
1.3 Site Description

The subject land is described in real property terms as Lot 1 DP 1165957, No. 44-52 Blue Seas Parade, Lennox Head and which has an area of 3.476ha. The lot is a relatively small rural residential lot which contains a dwelling house and ancillary improvements and structures. The land is not used for any productive agricultural purpose.

That part of the land that is proposed to be rezoned is adjoined by the following:

- north – vegetated steep side slope and the Coast Road
• west – Blue Seas Parade and developing residential estate (including vacant residential lots and dwelling houses)
• south – Lot 2 DP 1165957 – 48.72ha rural lot that contains a dwelling house and associated improvements and structures (including cattle yards) and which is used for cattle grazing and bee-keeping
• east – Lot 2 as above and the subject land (shown as Proposed Lot 10 – existing dwelling house, pool and shed)

The only adjoining agricultural use/lot is Lot 2 DP 1165957. This lot contains a dwelling house and shed in the north-western corner which is in close proximity to Proposed Lots 4-9. There are 2 sets of cattle yards on Lot 2 with one in the far south-eastern corner and one shown in red below:

Subject land (Source: Six Maps)

The potential therefore exists for possible land use conflicts between future dwelling houses and residential occupation particularly on Proposed Lots 4-9 with the agricultural practices on Lot 2, particularly resulting from cattle grazing and bee-keeping.
There is also scope for new dwellings to impact the amenity of the existing dwelling house on Lot 2, which at this point in time, is only proximate to 1 dwelling house, being the house on the subject land.

There will not be any actual land use conflicts resulting from future dwellings on the dwelling on Lot 2 (being residential use to residential use), however there will be possible amenity impacts which do not fall under the ambit of the LUCRA.

In considering land use conflict and/or amenity impacts, the following should be noted:

- the existing shed on Proposed Lot 10 will provide a physical and spatial separation between the cattle yards and any future house on proposed Lot 9
- cattle-yards are generally used on an intermittent basis and not for extended periods of time and thus the potential for impacts during use will likely not be significant
- Table 6 of "Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast" recommends a 50m buffer between ‘grazing of stock’ and residential areas and urban development
- Table 8 of the Handbook recommends a 200m buffer between cattle yards and residential areas and urban development
- the existing house, shed and yard space around the curtillage of such on Lot 2 will provide a physical and spatial buffer between any future houses on Proposed Lots 4-9
- the proposed access road will provide a spatial buffer between any future houses on Proposed Lots 4-9
- scope exists for the provision of biological buffers where the recommended minimums cannot be achieved
- there are already approved residential lots on the western side of Blue Seas Parade which are only 20.115m from Lot 2 and are therefore well within the recommended 50m 200m buffer of cattle grazing and cattle yards respectively – other than the road formation, there is no physical or biological barrier/buffer separating the Coastal Grove lots from Lot 2
1.4 LUCRA Explanatory Notes

Within the body of this report, a risk assessment matrix is used to rank and identify all potential land use conflicts that may result as a consequence of the proposed subdivision and its interaction with the adjoining land uses. The matrix assesses the environmental/public health and amenity impacts according to the following:

- probability of the occurrence; and
- severity of impact.

The above mentioned procedure is performed in three stages:

1. Environmental/public health and amenity hazard identification;
2. Risk assessment and ranking; and
3. Risk control development.

Procedure:

1. Prepare LUCRA Hazard and Risk Control document;
2. Identify and list all potential hazards associated with each activity associated with the conflicting land use;
3. Determine and rank the potential risk arising from each hazard before controls are applied within the LUCRA;
4. Identify and formulate controls that will minimise the probability and consequence of each risk using the five (5) level ranking method, and record these results within the LUCRA form; and
5. Re-assess (rank) each to ensure that the potential risk with the controls in place has been reduced to an acceptable level. If this cannot be attained, then consideration should be given as to whether the activity should be allowed.

1.5 Risk Assessment and Ranking

A crucial component of the LUCRA is to differentiate between an ‘environmental risk’ and an ‘environmental hazard’. Risk identifies the probability of harm occurring, while hazard identifies the potential for harm.
For example, the storage of explosives or chemicals within a building is a hazard, however, if the materials are stored appropriately, the risk is negligible. Table 1 identifies the hazards/risks associated with urban development/rural activities interface.

The Risk Ratings (severity of risk) have been established by determining the consequences of the risk and the likelihood of the risk occurring.

<table>
<thead>
<tr>
<th>LEVEL</th>
<th>DESCRIPTOR</th>
<th>DESCRIPTION</th>
<th>EXAMPLES/IMPLICATIONS</th>
</tr>
</thead>
</table>
| 1     | Severe     | • Significant and/or permanent damage to the environment | • Damage or death to local flora/fauna.  
• Long-term damage to soil and water.  
• Offensive odours that require evacuation.  
• Significant public complaints and outcry against regulator.  
• Non-compliance with legislative controls, Council’s conditions of consent/licenses and permits. Certainty of prosecution for breaches. |
| 2     | Major      | • Significant and/or long-term environmental impacts  
• Long-term management implications | • Water, soil or air negatively impacted with possibly long-term implications.  
• Limited damage to flora or fauna.  
• Some public complaints.  
• Contravenes Council’s controls/licenses.  
• Potential prosecution. |
<table>
<thead>
<tr>
<th>Level</th>
<th>Descriptor</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>High degree of certainty</td>
<td>Repeated occurrence</td>
</tr>
<tr>
<td>B</td>
<td>Likely to occur</td>
<td>Known to have occurrence</td>
</tr>
<tr>
<td>C</td>
<td>Possible occurrence</td>
<td>Has potential to occur, but relatively unknown</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>D</td>
<td>Unlikely to occur</td>
<td>Low probability of occurring</td>
</tr>
<tr>
<td>E</td>
<td>Highly unlikely to occur</td>
<td>Extremely low probability of occurring</td>
</tr>
</tbody>
</table>

Table 2: Probability Table

1.6 Risk Ranking Method

For each event, the probability (A-E) and the impact (1-5) is determined and selected.

The impacts and the probability are combined to identify a risk rank for each environmental impact (Impact 4 and probability C represents a risk ranking of 8).

Table 3 identifies risk rankings from 1 to 25 for each set of probabilities and impacts. A rank of 25 has the highest likelihood of significant impact and consequently a rank of 1 has an extremely low or negligible impact.

<table>
<thead>
<tr>
<th>PROBABILITY</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>25</td>
<td>24</td>
<td>22</td>
<td>19</td>
<td>15</td>
</tr>
<tr>
<td>2</td>
<td>23</td>
<td>21</td>
<td>18</td>
<td>14</td>
<td>10</td>
</tr>
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<td>3</td>
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<td>16</td>
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<td>8</td>
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<td>3</td>
</tr>
<tr>
<td>5</td>
<td>11</td>
<td>7</td>
<td>4</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

Table 3 – Risk Ranking

NOTE: A risk ranking of 25 – 11 is deemed unacceptable.
A risk ranking of 10 – 1 is deemed as an acceptable risk.
1.7 Risk Reduction
The method of risk reduction can be as simple as management of the potential risk or as complicated as employing new technological controls.

1.8 Hazard Identification and Risk Control Assessment
Lot 2 DP 1165957 contains a dwelling house, a large metal farm shed and cattle yards and has frontage to and is accessed by both the Coast Road and Blue Seas Parade.

The immediate locality is predominantly residential in nature with a newly approved residential subdivision adjoining to the west.

The only possible land use conflict will result from cattle grazing to the south and south-east including the cattle yards that are approximately 25m to the south of the proposed residential zone.

1.9 LUCRA Assessment
‘Living and Working in Rural Areas’ states that residential areas should be separated from the ‘grazing of stock’ by a minimum of 50m. This document also recommends that a minimum 200m setback be provided to cattle yards from residential areas.

What must be considered in this instance is that there is already a residential subdivision that is approved and already under construction 20m to the west and the fact that the agricultural pursuits on Lot 2 are not likely what would be considered as an intensive cattle grazing property.
### 1.10 Potential Land use Conflicts

<table>
<thead>
<tr>
<th>Activity</th>
<th>Identified Hazard</th>
<th>Risk Rating</th>
<th>Risk Reduction Controls</th>
<th>Ranking with risk reduction controls</th>
</tr>
</thead>
</table>
| Spraying for weed control | Spray drift | C4 = 8 | • Infrequent occurrence of spraying  
• Department of Agriculture guidelines | C4=8 Acceptable |
| Use of tractors and other forms of farm machinery including delivery trucks | Noise | C4=8 | • Infrequent occurrence | C4=8 Acceptable |
| Cattle yards in use waiting for pick up and general cattle noise | Noise | C4=8 | • Infrequent occurrence  
• Potential for conflict already exists and will not increase | C4=8 Acceptable |

### 1.11 Conclusion

The above LUCRA assessment is considered to adequately demonstrate that the proposal will not create any unreasonable land use conflicts.