

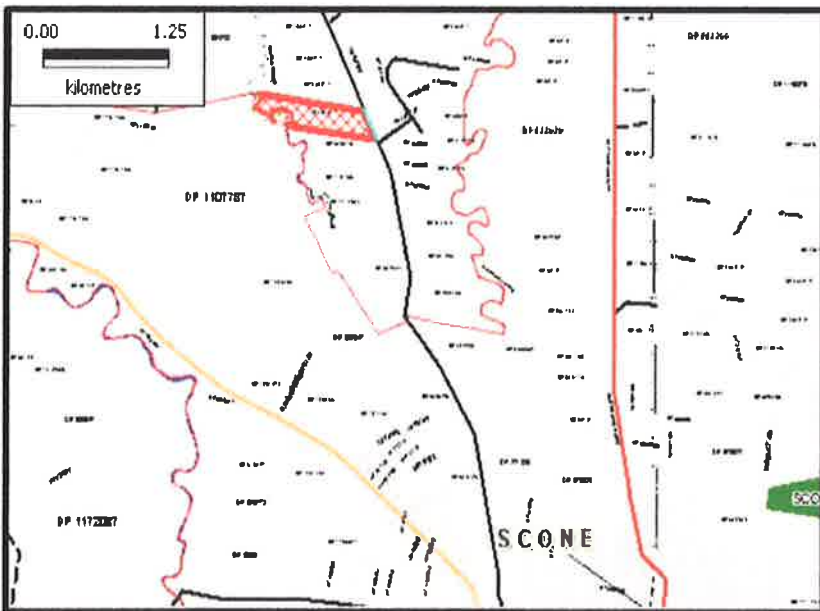


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Land Use Conflict Risk Assessment

Lot 52 DP750941

**Prepared to accompany
Planning Proposal**



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1. INTRODUCTION

1.1 Overview

This report has been prepared by MM Hyndes Bailey & Co on behalf of the owner of the land – Shayne Clark

A planning proposal will be lodged with Upper Hunter Shire Council for referral to the LEP Gateway Panel for preliminary determination. Based on other recent determinations, Council has encouraged the preparation of this Land Use Conflict Risk Assessment (LUCRA) document together with a preliminary site contamination report, for inclusion with the documentation for the LEP Panel.

The LUCRA will identify any potential conflict between the existing land uses in the area and the proposed land use upon rezoning. The preparation of this document has given due reference to the NSW Department of Industry and Investment guidelines outlined in 'Living and Working in Rural Areas'.

2. DETAILS OF LAND

2.1 Title and Existing Uses

Description:	Lot 52 DP750941
Owner:	Shayne Brian Clark
LGA:	Upper Hunter
Parish:	Melbourne
County:	Brisbane
Current Zoning:	1(i) – Intensive Agricultural Zone
Proposed Zoning	1(c) – Small holdings
Total Area:	23ha
Area to be rezoned:	approx. 14ha

The lot in total has an area of some 23 ha, of which approximately 9ha will be retain its existing zoning and be joined with one of the proposed 1ha lots to provide a resultant lot of some 10ha with a dwelling entitlement as shown on figure 5.

2.2 The Locality

The subject land is located approximately 6km from the Scone CBD (figure 5). It has road frontage onto Middlebrook Road which is a sealed road, maintained by Upper Hunter Shire Council.

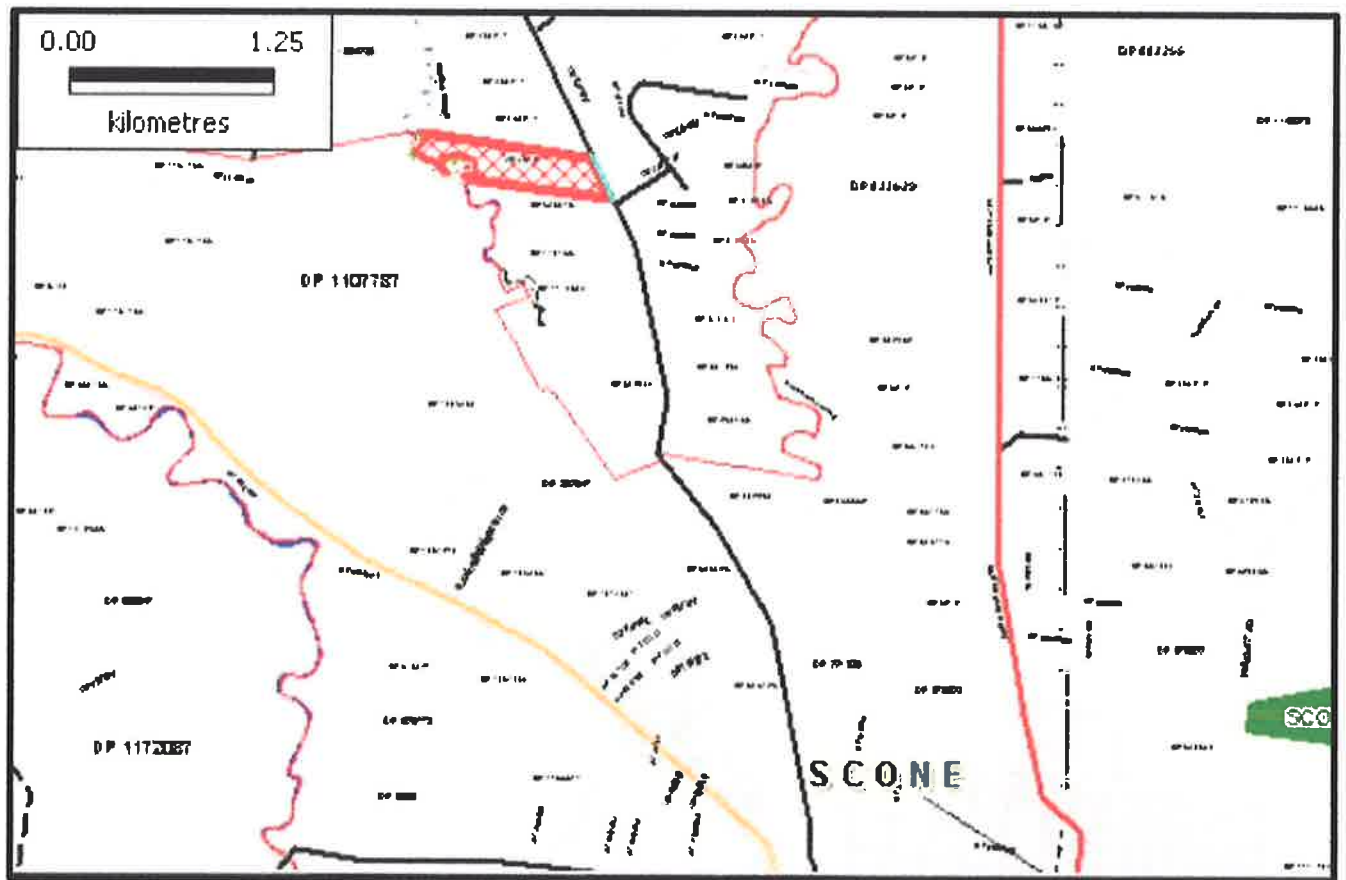


Figure 3 Location of subject land in relation to Scone (Source UHSC Maps Online)

Surrounding land uses within the 1km radius include:

- North Small lot rural – minimal grazing
- South Small lot rural – minimal grazing, recently rezoned 1(c) land
- East Rural Residential subdivision 1(c) – generally 2ha lots with some 1ha.
- West Rural / grazing

For the purpose of this assessment, the main land uses to be considered are:

- Agricultural,
- Rural residential

3. Proposed development

The proposed zoning would allow the subdivision of part of the land into large lot residential allotments of minimum 1ha. A preliminary sketch plan has been prepared and is shown in figure 5 below.

The conceptual plan proposes nine 1ha lots with a residual lot having an area of some 11ha. This would include an area of approximately 1ha within the rural residential zone and the remaining land in the ownership.

It is suggested that the 1ha area allows ample area for effluent disposal and separation between dwellings on the allotments which is appropriate within a large lot residential area and consistent with the rural residential development on the opposite side of Middlebrook Road..

The western boundary of the proposed rezoning is along the 235AHD contour which is 2-3m higher than land identified as flood liable on Council's flood mapping, as shown in figure

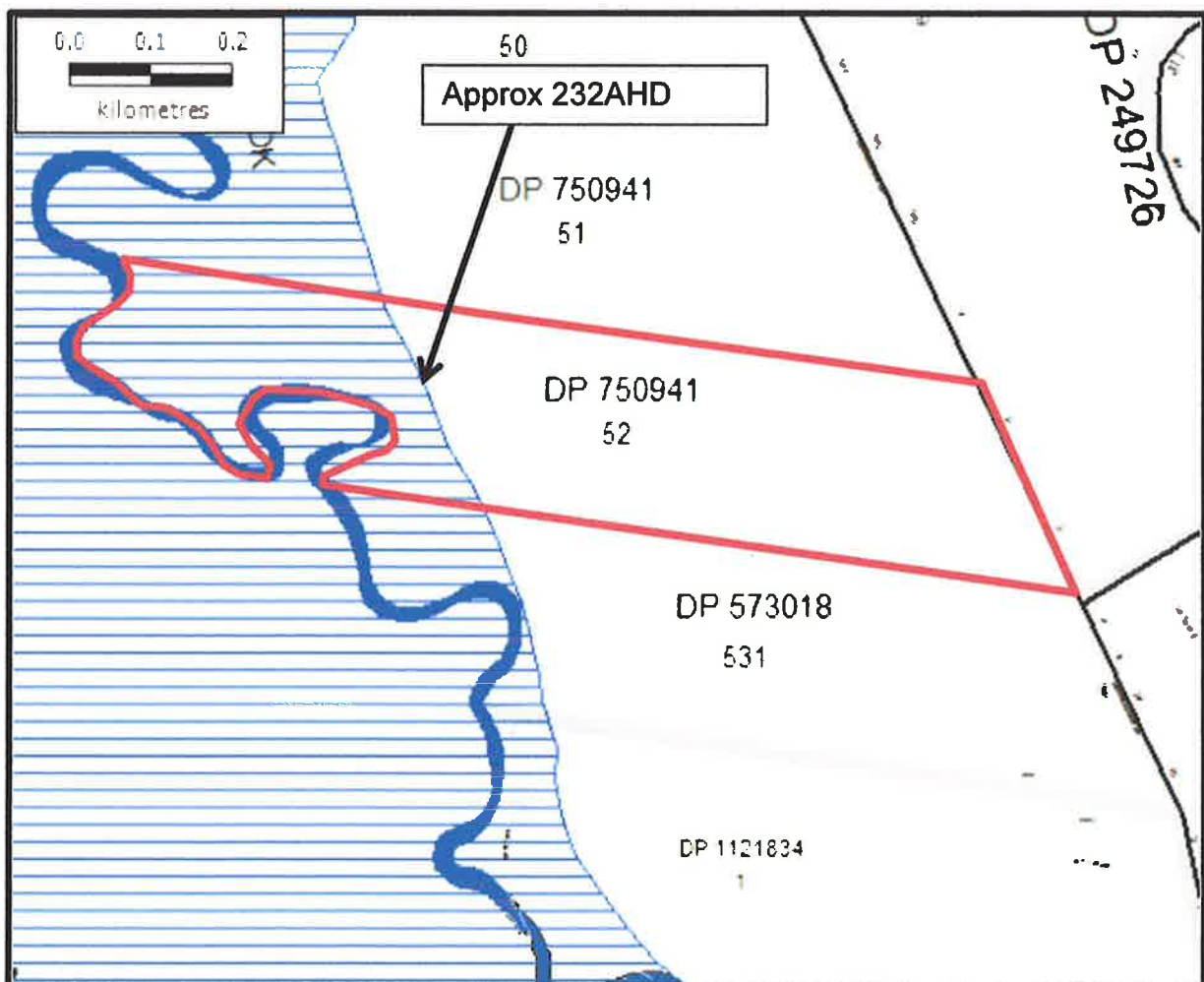


Figure 4 Flood liable land mapping (Source: UHSC Maps On Line)

The subject land is currently zoned Intensive Agriculture 1(i) in the Scone Local Environmental Plan 1986 (SLEP). It is adjacent to existing land zoned 1(c) for rural residential purposes and just to the north of other land recently rezoned as shown in figure 6

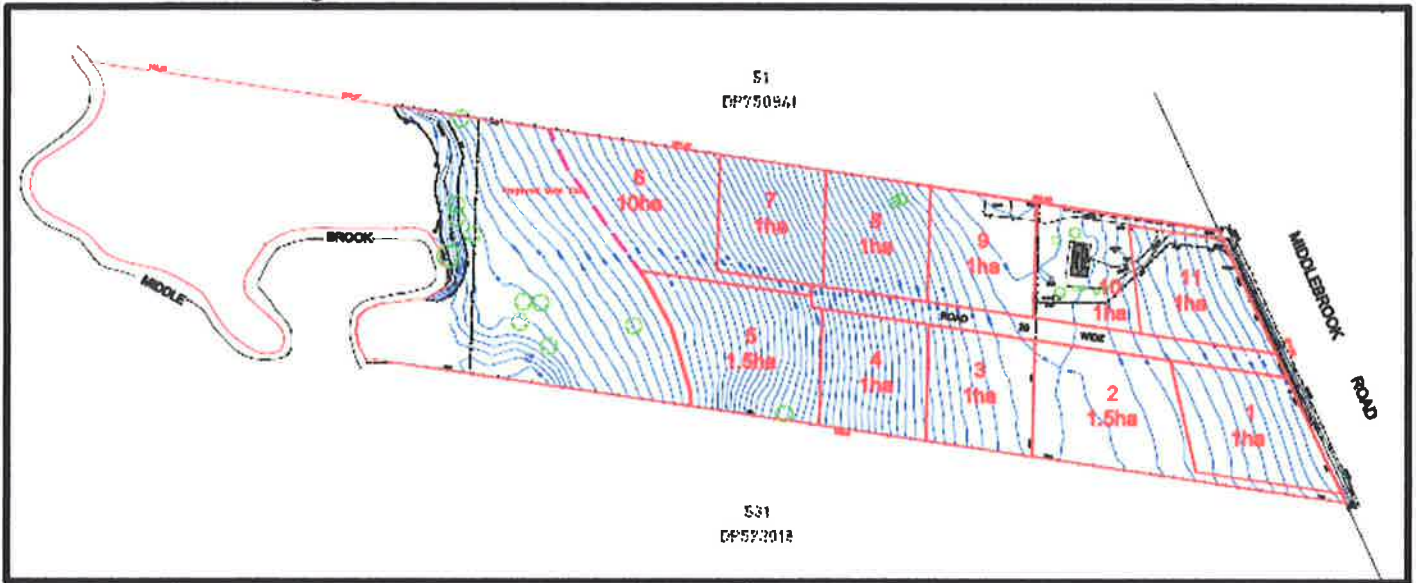


Figure 5 Conceptual subdivision layout - min 1ha lots

Note that the Draft Upper Hunter Local Environmental Plan has been on public exhibition and proposes a minimum 1ha lot size for the adjacent rural residential land.

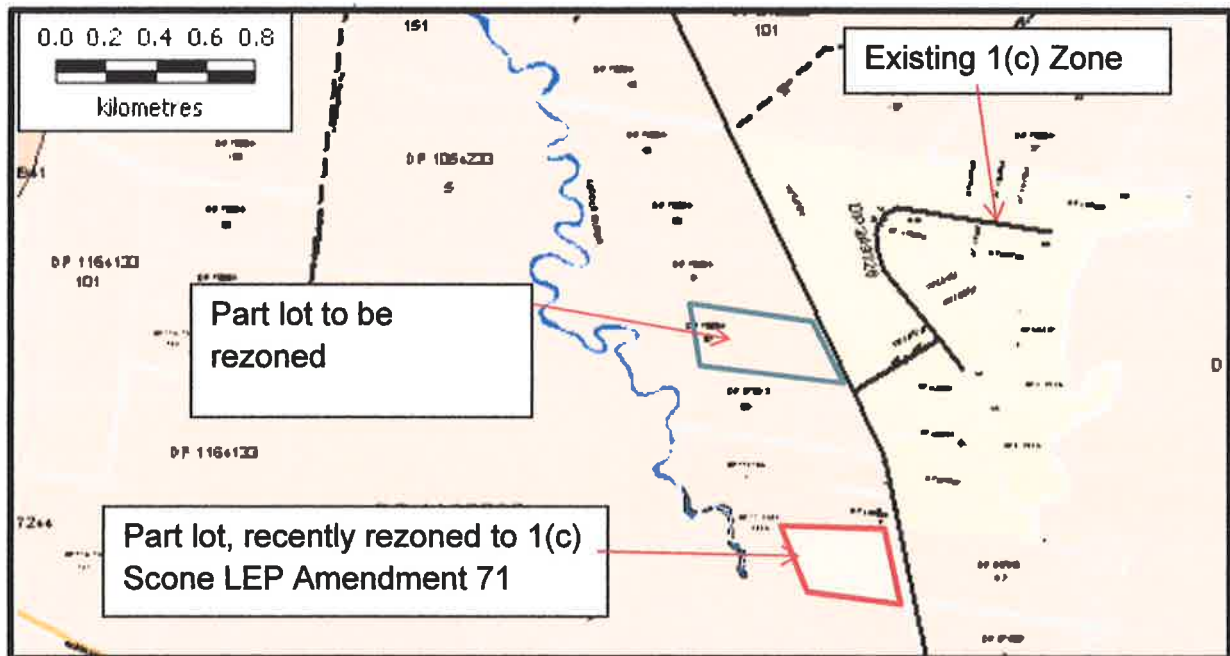


Figure 6 Extract from SLEP showing existing and proposed zones (Source UHSC Maps Online)



4. Land Use Conflict Risk Assessment

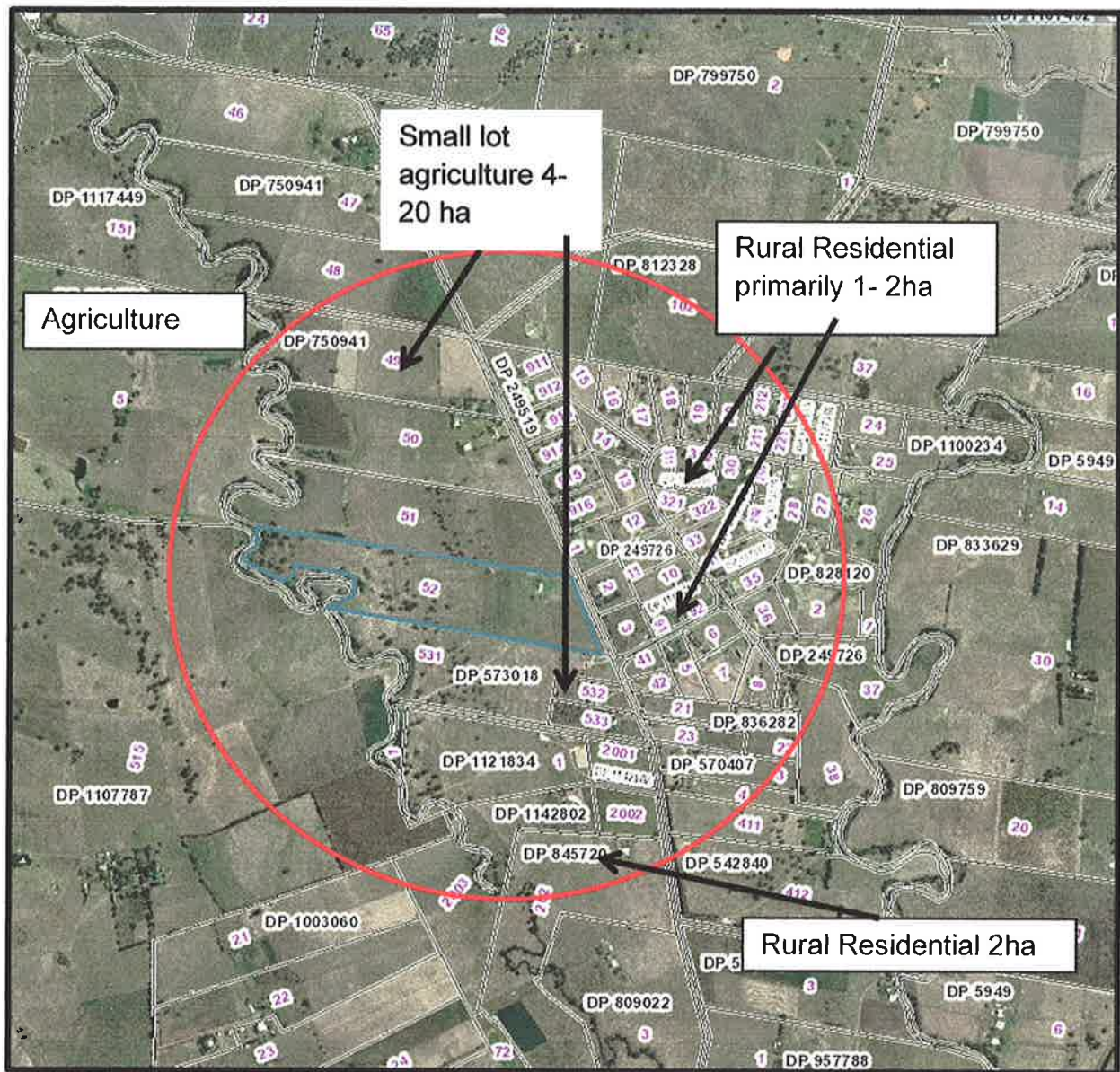
A Land Use Risk Conflict Assessment (LUCRA) has been undertaken to identify any potential conflict between the existing land uses and the proposed development. The NSW Department of Industry and Investment requirements outlined in 'Living and Working in Rural Areas' have been used in this assessment.

Likely consequence from a dispute or conflict arising over the land use or activity	Likelihood of a dispute or conflict arising over the land use or activity.		
	Very likely	Likely	Unlikely
Major consequences & impacts likely	HIGH	HIGH	MEDIUM
Modest or periodic consequences & impacts likely	HIGH	MEDIUM	LOW
Minimal consequences & impacts likely	MEDIUM	LOW	LOW

Table 1 – Land use conflict risk assessment matrix- Living and Working in rural areas

The risk assessment matrix shown above in table 1 is utilised to assist the identification process for the level of potential conflict between land uses.

The following diagram shows the various land uses in a 1km surround of the proposed development. Each land use has been assessed using the above table and identified as high, medium or low.



Activity	Hazard	Risk Rating
Agriculture	<p>The land is predominantly joined by land utilised for agricultural purposes (grazing) to its north, west and southern boundaries. It is important therefore to consider the potential impact of the proposed development on such land use.</p> <p>The land adjoining to the north and south represents relatively small agricultural lots of approximately 20ha each. The residual lot in this proposal will have an area of approximately 10ha, incorporating the lower lying land and which will continue to provide some agricultural output.</p> <p>Any intensive agricultural activities such as pasture improvements, application of</p>	<p>Low</p> <p>(likely and minimal consequences and impacts likely)</p>

	<p>pesticides etc would be on an irregular basis and relatively small scale, given the size of the holdings. The land to the west of the subject land is in larger holdings, however the limitation of the area to be rezoned provides an effective buffer to any activities carried out on this land. .</p> <p>There is would be minimal and short term noise impacts expected from agricultural practices.</p> <p>The lot sizes (minimum 1ha) would enable setbacks to be established for location of future dwellings to provide an appropriate "buffer" to the boundaries of such land uses which would mitigate further, any concerns.</p>	
Rural Residential	<p>The land which is located on the opposite side of the frontage on the eastern boundary a long established rural residential development.</p> <p>The impacts of such development on the proposed use of the subject land is obviously minimal if any (eg traffic, noise) as it is consistent with the proposed zoning.</p>	<p>Low</p> <p>(likely and minimal consequences and impacts likely)</p>
Road noise	<p>The land has frontage to Middlebrook Road which is sealed and maintained by Council. The lots will be minimum 1ha and the conceptual plan of subdivision suggests only two lots will have frontage to Middlebrook Road.</p> <p>There is a variable amount of traffic along the road, including some tourist traffic heading to the Washpools and Towarri National Park.</p> <p>The majority of the traffic associated with the rural residential development to the east gains access via Tullong Road. This intersection is to the south of the subject land therefore, does not impact on this land.</p> <p>It is considered that there would be minimal impacts associated with traffic on the proposed subdivision.</p>	<p>Low</p> <p>(likely and minimal consequences and impacts likely)</p>

Residue Lot

The draft subdivision layout indicates that there is a 'residue lot' of some 10ha. The land includes 1ha which would be within the area to be rezoned, and the erection of any future dwelling would be restricted to this part of the lot.

The advantage of this is that an effective buffer is provided the proposed rural residential lots to any agricultural activities to the west.

Agricultural uses are relatively low key and on a small scale therefore the residue lot will be consistent with land size and uses in the locality.

5. CONCLUSION

This report has been prepared to assess the proposed subdivision against the Land Use Conflict Risk Assessment criteria.

The assessment considered the adjoining and nearby land uses which potentially could conflict with the proposed rural residential land use of the land to be rezoned. The assessment indicates that there are only low likelihood of disputes or conflicts arising from the proposed land use and therefore minimal consequences or impacts.

The land to be rezoned represents an extension of existing rural residential land use on the opposite side of Middlebrook Road. There will be a loss of some land currently zoned for agricultural purposes. The land however has only been used for limited grazing purposes.

The potential conflicts are considered to be minor in nature and a level that should not prevent the rezoning proceeding.

Yours faithfully

David Casson
Development and Planning Advisor