

Cessnock Vineyards District Tourist Centre

Land Use Conflict Risk Assessment

Introduction and Scope	2
Aims of the LUCRA.....	2
Risk Evaluation Methodology	2
Existing Environmental Characteristics and Proposed Land Use Changes	2
Nature of the land use change.....	2
Nature of the precinct where the land use change and development is proposed	2
Site history	4
Existing development, topography and natural features	4
Natural Hazards.....	5
Consultation	6
Land use conflict Risk assessment	6
Introduction.....	6
Risk reduction controls	9
Performance monitoring.....	10
Key documents	10
Conclusions and recommendations.....	11
Appendix 1 – Risk Rating Matrix.....	12

Introduction and Scope

Cessnock City Council has prepared a new planning framework for the Cessnock Vineyards District. The Cessnock Vineyards District is an area of land to the north of the Cessnock township, presently zoned RU4 Primary Production Small Lots (see **Figure 1**).

Among other things, the new planning framework will involve rezoning land at the intersection of Broke and McDonalds roads in Pokolbin to Zone SP3 Tourist for the purpose of a Tourist Centre. The extent of the proposed Tourist Centre is shown in **Figure 1**. The Tourist Centre will acknowledge the historical evolution of that area of the Vineyards District as a focus for more intensive tourist and retail development. 'Larger scale' tourist and non-agricultural development will be encouraged away from the predominantly primary production areas of the Vineyards District to within the Tourist Centre.

Council has prepared this Land Use Conflict Risk Assessment (LUCRA) to support the Planning Proposal that is required to bring about the new planning framework. This LUCRA identifies and assesses the potential for land use conflict to occur at the interface between the proposed Vineyard's Tourist Centre and the neighbouring agricultural land. Where necessary, the LUCRA identifies management measures to reduce the potential for land use conflict to occur.

Aims of the LUCRA

This LUCRA aims to:

- identify potential sources of land use conflict at the interface between the proposed Vineyard's Tourist Centre and the adjoining agricultural land;
- assess the occurrence, impact and risk associated with potential sources of land use conflict; and
- recommend risk reduction measures, including development controls, to reduce the potential for land use conflicts to occur at the interface between the proposed Vineyard's Tourist Centre and the adjoining agricultural land.

Risk Evaluation Methodology

In order to evaluate and address potential sources of land use conflict at the interface between the proposed Tourist Centre and adjoining agricultural land, this LUCRA adopts the Risk Ranking Matrix set out in the Department of Primary Industries' *Land Use Conflict Risk Assessment Guide*, published in October 2011. A more detailed explanation of the Risk Ranking Matrix is provided in **Appendix 1**.

Existing Environmental Characteristics and Proposed Land Use Changes

Nature of the land use change

The new planning framework will involve rezoning land at the intersection of Broke and McDonalds roads in Pokolbin to Zone SP3 Tourist for the purpose of a Tourist Centre. The objective of the Tourist Centre is to encourage 'larger scale' tourist and non-agricultural development away from the predominantly primary production areas of the Vineyards District.

Nature of the precinct where the land use change and development is proposed

A Tourist Centre has evolved over time at the corner of Broke and McDonalds roads. The uses occurring in the Centre are predominantly tourist oriented with major accommodation establishments, shops, restaurants and cafés, a pub, wineries and some vineyards. The Tourist Centre presently hosts major entertainment events at Hope and Roche estates. While it was not planned to be a centre in its own right, the existing density of tourist uses and the scale of tourist accommodation supports the Tourist Centre being categorised as a centre and managed accordingly.

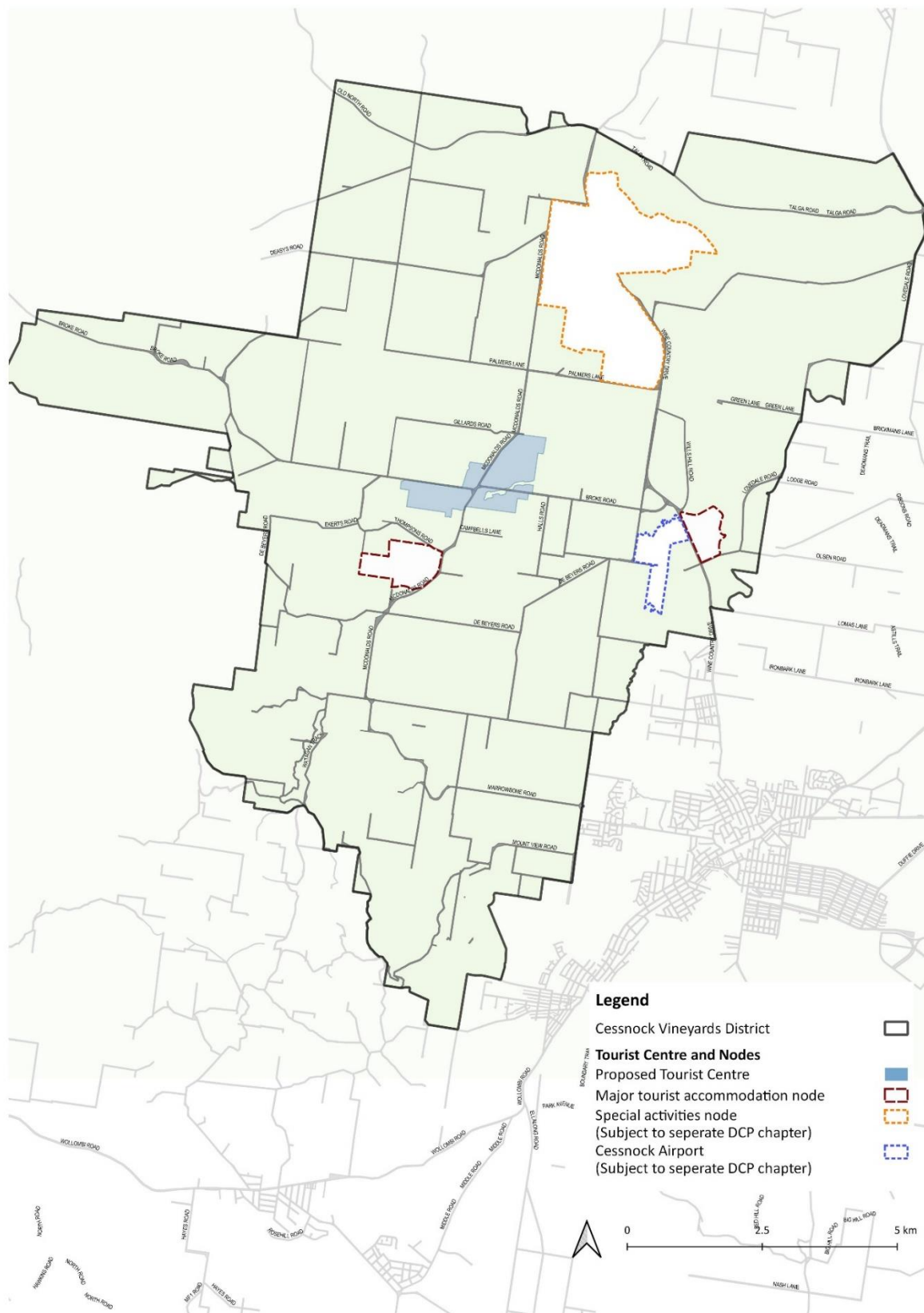


Figure 1 - The Vineyards District and proposed Vineyards 'Tourist Centre'

Site history

The Cessnock Vineyards District is the major component of the broader Hunter Valley Wine Region, which is the nation's oldest, continuous wine producing area and is internationally recognised for its premium wines. The Cessnock Vineyards District has a unique combination of land uses, native vegetation, topography and waterways, which combine to create a landscape setting which is the main reason for people visiting the vineyards.

The Tourist Centre at the intersection of Broke and McDonalds roads in Pokolbin has emerged over many years as the major tourist, accommodation and entertainment node within the Cessnock Vineyards District.

Existing development, topography and natural features

The scale of the existing tourist development in the Tourist Centre is one of relatively low-scale buildings that generally blend in with the landscape of the surrounding land.

The dominant height of buildings in the Tourist Centre is one or two storeys, with some buildings within developments reaching three storeys.

The low scale of the buildings combined with generous setback adds to the appeal of the developments, allows for vegetation screening, and reduces the impact of these built forms on the landscape and streetscape.

There are a number of car parks at the front of the developments and are located within the setback and are well screened by landscaping.

The topography of the Cessnock Vineyards District is one of low-rolling hills in the north and east, increasing to steep land of the Broken Back Range in the west to Mount View in the south. It is the interplay of the low hills set amongst the backdrop of the Broken Back Range which gives the area such a distinctive landscape setting.



Figure 2 – View from Hunter Valley Gardens to Broken Back Range

Natural Hazards

Biodiversity Values

Some biodiversity value exists in the area of the proposed Tourist Centre, see Figure 2. However, the extent of the proposed SP3 Tourist Zone avoids these areas, i.e. land identified as containing biodiversity value will remain RU4 Primary Production Small Lots Zone.

Flooding

Flooding is a relevant consideration as the proposed Tourist Centre is partially impacted by flooding and will allow for more intensive tourist and retail development. The extent of the Flood Planning Area (FPA) relative to the Proposed Tourist Centre is shown in Figure 3.

The impact of flooding is relatively minor and is limited to a portion of land to the north and north east of Harrington's Hunter Valley Tavern, a tract of land within the Hunter Valley Gardens development, and a tract of land through Hope Estate to Roche Estate. Much of the flood affected land is unlikely to be intensified in the future or is capable of being managed in accordance with Council's existing Flood Prone Land DCP.

Bushfire

Bushfire is a relevant consideration as the proposed Tourist Centre is mapped as containing bush fire prone land (BFPL) and will allow for more intensive tourist and retail development. BFPL is predominantly located to the east of the Broke and McDonalds roads intersection and is capable of being managed in accordance with the Rural Fire Service, *Planning for Bushfire Protection* guidelines.

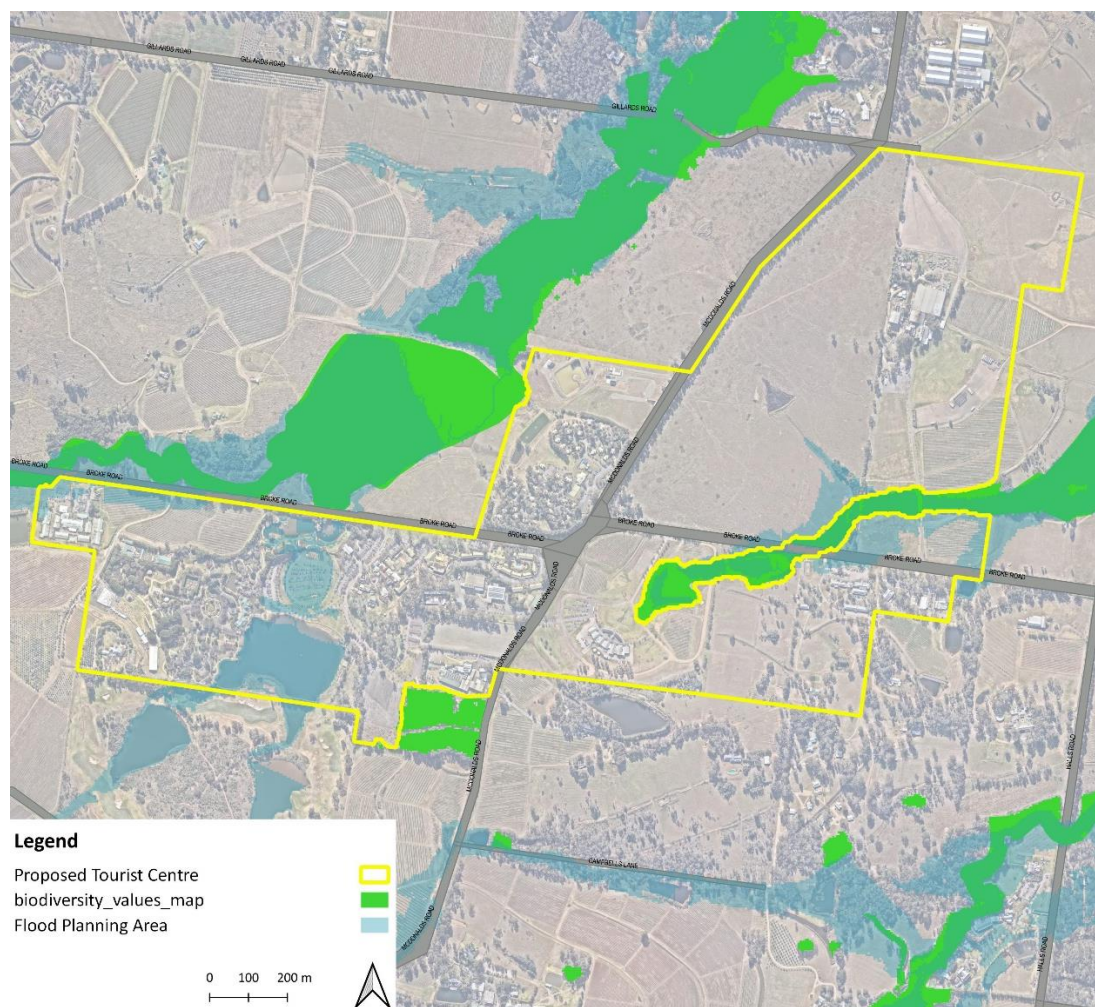


Figure 3 – Biodiversity values and prevalence of flooding within the proposed Vineyards 'Tourist Centre'

Consultation

Substantial community input has been carried out to assist Council staff develop the new planning framework for the Vineyards District, including through the Cessnock Vineyards District CRG, consultation associated with the Cessnock LSPS and a survey carried out in late 2019 relating to the Vineyards District, to which 454 people responded. Further community and agency consultation will be undertaken in accordance with the conditions of the Vineyards District Planning Proposal Gateway determination.

Land use conflict Risk assessment

Introduction

This LUCRA identifies and assesses the potential for land use conflict to occur at the interface between the proposed Vineyard's Tourist Centre and the neighbouring agricultural land. Where necessary, the LUCRA identifies measures to reduce the potential for land use conflict to occur.

Initial risk identification and ranking

The following activities have been identified as activities that may result in land use conflicts. The activities are generally attributable to either agricultural related activities or activities associated with tourist developments.

Activity	Identified Potential Conflict	Risk Ranking
Viticulture (Chemical spray drift)	There are several active vineyards within and immediately adjacent to the proposed Vineyards Tourist Centre. From time-to-time, chemicals (herbicides and/or pesticides) may be used in relation to these vineyards and, as a result, there is a potential risk to the health of residents of adjoining properties from chemical spray drift.	A3/20 (High Risk)
Agricultural produce industries	<i>Agricultural produce industries</i> , including wineries, are permitted with consent in the RU4 Primary Production Small Lots Zone and are proposed to be permitted in the SP3 Tourist Zone. The use is known to occur in the Cessnock Vineyards District and has the potential to generate odour. While the occurrence of odour will not result in ongoing health issues, it may present a short-term nuisance to residents of adjoining properties.	C3/13 (Medium Risk)
Seasonal noise from machinery & heavy vehicle movements	During the grape harvesting period, which is typically between early January and mid-February, noise is likely to be generated by machinery and heavy vehicle movements. While the occurrence of noise during the harvesting period will not result in ongoing health issues, it may present a short-term nuisance to residents of adjoining properties.	B5/7 (Low Risk)



Figure 4 – Winery at Hope Estate

Activity	Identified Potential Conflict	Risk Ranking
Cultivation and traffic on unsealed roads	Certain agricultural activities have the potential to generate dust. Replanting vines, exposing soil to the wind through cultivation, or the day-to-day movement of vehicles on unsealed roads are activities that are known to occur within the Cessnock Vineyards District. While the occurrence of dust will not result in ongoing health issues, it may present a short-term nuisance to residents of adjoining properties.	B4/12 (Medium Risk)
Tourist development (noise)	The uses currently occurring in the Tourist Centre include accommodation, shops, restaurants and cafés and a pub. The Tourist Centre also hosts major entertainment events at Hope and Roche estates. Intensifying tourist development within the proposed Tourist Centre is likely to increase the occurrence and concentration of noise. While noise will not result in ongoing health issues, it may present a short-term nuisance to residents of adjoining agricultural properties and their activities, including livestock grazing.	C4/8 (Low Risk)



Figure 5 – Outdoor concert facilities at Hope Estate

Activity	Identified Potential Conflict	Risk Ranking
Tourist Development (light spill)	Intensifying tourist development within the proposed Tourist Centre has the potential to increase the concentration and occurrence of lighting and light spill, respectively. Events within the Tourist Centre may also involve fireworks. While lighting and light spill will not result in ongoing health issues, it may present a nuisance to residents of adjoining agricultural properties and their activities, including livestock grazing.	C5/4 (Low Risk)
Non-agricultural development (visual impact)	‘Larger scale’ tourist and non-agricultural development has the potential to negatively impact the character and amenity of the Vineyards Area, which is predominantly agricultural in nature.	C2/18 (High Risk)
Biosecurity hazards	Intensifying existing forms of tourist development within the proposed Tourist Centre has the potential to increase the risk of biosecurity hazards, such as Phylloxera (<i>Daktulosphaira vitifoliae</i>).	D1/19 (High Risk)



Figure 6 – Pokolbin Village Shops

Risk reduction controls

The Draft Development Control Plan (DCP) Chapter for the Vineyards District contains specific objectives, controls and character statements to give effect to standards for new development. One of the aims of these standards is to reduce the potential for land use conflict to occur within the Tourist Centre and at the interface between the Tourist Centre and agricultural land. Among other things, the Draft DCP Chapter includes controls relating to building setbacks, form, height, density and appearance.

Identified Potential Conflict	Management Strategy (Method of Control)	Revised Risk Ranking
Chemical spray drift	Specific development setback requirements are included in the Draft Vineyards Development Control Plan Chapter, which relate to both agricultural and non-agricultural development, to address the potential for agricultural spray drift.	D4/5 (Low)
Agricultural produce industries (odour)	In accordance with the Draft DCP Chapter for the Vineyards District, new winery development, or development adjacent to existing winery development, must be supported by a report from a qualified odour consultant. In addition, new winery development must be sited such that it does not adversely impact existing developments that have habitable components.	D3/9 (Low)
Seasonal noise from machinery & heavy vehicle movements	Although development setback requirements in the Draft Vineyards DCP may assist in reducing the impact of noise from machinery and heavy vehicles related to grape harvesting, noise remains a difficult impact to	B5/7 (Low – No Change)

	manage, other than through community education. This matter may be investigated further in the Cessnock Vineyards Place Strategy.	
Cultivation and traffic on unsealed roads (dust)	A development setback requirement for development in the Tourist Centre is included in the Draft DCP Chapter (currently 75m from all boundaries). The imposition of development setbacks will reduce the likelihood that developments will be affected by dust.	C4/8 (Low)
Tourist development (noise)	A development setback requirement for development in the Tourist Centre is included in the Draft DCP Chapter. In addition, applications for concerts and events must be supported by a Plan of Management, detailing crowd management.	C4/8 (Low – No Change)
Tourist Development (light spill)	The Draft Vineyards DCP Chapter includes specific controls relating to spill from car park lighting and signage lighting.	C5/4 (Low – No Change)
Non-agricultural development (visual impact)	The Draft Vineyards DCP Chapter includes specific controls to reduce the potential visual impact of larger scale non-agricultural and tourist development, including height restrictions, standards for built form and materials, and a requirement for a Visual Impact Analysis if the development is to be located on land identified as visually sensitive.	C3/13 (Medium)
Tourist Development (Biosecurity hazards)	The Tourist Centre at the intersection of Broke and McDonalds Road is not new, but has emerged over time as the major tourist, accommodation and entertainment node within the Cessnock Vineyards District. The new planning framework will result in the intensification of tourist development in the Centre to reduce pressure elsewhere in the Vineyards District. A DCP has been prepared to support the Planning Proposal and manage a range of development impacts at the interface between the proposed Vineyard's Tourist Centre and the neighbouring agricultural land. Although development setback requirements in the Draft Vineyards DCP may assist in reducing biosecurity hazards, biosecurity remains a difficult problem to manage, other than through community education. This matter may be investigated further in the Cessnock Vineyards Place Strategy.	D1/19 (High – No Change)

Performance monitoring

Development resulting from the new planning framework for the Vineyards District and Tourist Centre will be evaluated over time for consistency with the aims and objectives of the forthcoming Vineyards District Place Strategy and the DCP Chapter for the Vineyards District. Amendments to the Vineyards District DCP Chapter may be required in the future to respond to any unforeseen development impacts.

Key documents

- Draft Vineyards District Local Character Statement and Development Control Plan
- Draft Planning Proposal for the Cessnock Vineyards District.

Conclusions and recommendations

Land use conflicts that arise as a result of the new planning framework predominantly relate to the proposed Vineyards Tourist Centre (to be zoned SP3 tourist) and its interaction with the adjoining agricultural land, zoned RU4 Primary Production Small Lots. The key activities identified in this LUCRA that may result in land use conflict include: chemical spray drift, agricultural produce industries, tilling and traffic on unsealed roads and tourist development.

A DCP Chapter has been prepared to support the Planning Proposal and manage a range of development impacts within the Vineyards District. This LUCRA demonstrates that land use conflict arising from certain activities (agriculture and agricultural produce industries) are capable of being managed through development controls; however, other conflicts are more difficult to control (dust, noise and biosecurity hazards) and may need to be addressed on a case-by-case basis when development applications are lodge.

Appendix 1 – Risk Rating Matrix

In order to evaluate and address potential sources of land use conflict, being those predominantly at the interface between the proposed Zone SP3 Tourist Centre and the adjoining agricultural land, this LUCRA adopts the Risk Ranking Matrix set out in **Table 4** below. The Risk Ranking Matrix assesses the environmental, public health and amenity impacts according to the probability of occurrence and consequence of the impact.

Table 4: Risk Ranking Matrix (Source: Department of Primary Industries' Land Use Conflict Risk Assessment Guide, published in October 2011)

PROBABILITY	A	B	C	D	E
Consequence					
1	25	24	22	19	15
2	23	21	18	14	10
3	20	17	13	9	6
4	16	12	8	5	3
5	11	7	4	2	1

The risk ranking matrix yields a risk ranking from 25 to 1. It covers each combination of five levels of 'probability' (a letter A to E as defined in **Table 5**) and 5 levels of 'consequence', (a number 1 to 5 as defined in **Table 6**) to identify the risk ranking of each impact. For example an activity with a 'probability' of D and a 'consequence' of 3 yields a risk rank of 9.

For the purpose of this report:

- a risk ranking of 1 to 10 is considered low risk;
- a risk ranking of 11 to 15 is considered medium risk;
- a risk ranking of 16 to 25 is considered high risk.

Table 5: Risk Ranking Matrix Levels of Probability (Source: Department of Primary Industries' Land Use Conflict Risk Assessment Guide, published in October 2011)

Level	Descriptor	Description
A	Almost certain	Common or repeating occurrence
B	Likely	Known to occur, or 'it has happened'
C	Possible	Could occur, or 'I've heard of it happening'
D	Unlikely	Could occur in some circumstances, but not likely to occur
E	Rare	Practically impossible

Table 6: Risk Ranking Matrix Levels of Consequence (Source: Department of Primary Industries' Land Use Conflict Risk Assessment Guide, published in October 2011)

Level: 1	Descriptor: Severe
Description	<ul style="list-style-type: none"> Severe and/or permanent damage to the environment Irreversible Severe impact on the community Neighbours are in prolonged dispute and legal action involved
Example/ Implication	<ul style="list-style-type: none"> Harm or death to animals, fish, birds or plants Long term damage to soil or water Odours so offensive some people are evacuated or leave voluntarily Many public complaints and serious damage to Council's reputation Contravenes Protection of the Environment & Operations Act and the conditions of Council's licences and permits. Almost certain prosecution under the POEO Act
Level: 2	Descriptor: Major
Description	<ul style="list-style-type: none"> Serious and/or long-term impact to the environment Long-term management implications Serious impact on the community Neighbours are in serious dispute
Example/ Implication	<ul style="list-style-type: none"> Water, soil or air impacted, possibly in the long term Harm to animals, fish or birds or plants Public complaints. Neighbour disputes occur. Impacts pass quickly Contravenes the conditions of Council's licences, permits and the POEO Act Likely prosecution
Level:3	Descriptor: Moderate
Description	<ul style="list-style-type: none"> Moderate and/or medium-term impact to the environment and community Some ongoing management implications Neighbour disputes occur
Example/ Implication	<ul style="list-style-type: none"> Water, soil or air known to be affected, probably in the short term No serious harm to animals, fish, birds or plants Public largely unaware and few complaints to Council May contravene the conditions of Council's Licences and the POEO Act Unlikely to result in prosecution
Level: 4	Descriptor: Minor
Description	<ul style="list-style-type: none"> Minor and/or short-term impact to the environment and community Can be effectively managed as part of normal operations Infrequent disputes between neighbours
Example/ Implication	<ul style="list-style-type: none"> Theoretically could affect the environment or people but no impacts noticed No complaints to Council Does not affect the legal compliance status of Council
Level: 5	Descriptor: Negligible
Description	<ul style="list-style-type: none"> Very minor impact to the environment and community Can be effectively managed as part of normal operations Neighbour disputes unlikely
Example/ Implication	<ul style="list-style-type: none"> No measurable or identifiable impact on the environment No measurable impact on the community or impact is generally acceptable