



Land Use Conflict Risk Assessment

**Lot 5 DP 750207 & Lot 1 DP130034,
Lochiel NSW
Prepared By: TA Projects
November 2024**

Compliance and Usage Statement

This Land Use Conflict Risk Assessment (LUCRA) has been prepared and submitted under Part 4 of the Environmental Planning and Assessment Act 1979 (NSW).



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Application

Proponent: Cobandrah Pty Ltd
Address: 438 Glen Eira Road Caulfield
Land to be developed: Lot 5 DP 750207 & Lot 1 DP130034
Proposed development: Rezoning & subdivision
Environmental assessment: Land Use Conflict Risk Assessment

Certificate

We certify that we have prepared the content of this LUCRA and to the best of our knowledge:

- It is in accordance with the Act and Regulations; and
- It is true in all material particulars and does not by its presentation or omission of information materially mislead.

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1. Introduction

1.1 Background

The aim of this Land Use Conflict Risk Assessment (LUCRA) is to identify and assess the potential for land use conflict issues and the risk of occurrence before a proposed change in land use proceeds and disputes arise. This report documents the nature of the proposed land use change and the nature of the location in which the change will occur.

In this case, the proposed change of land use is to rezone Lot 5 DP 750207 and Lot 1 DP130034 at Mount Darragh Road, Lochiel (the Site), to enable a six-lot subdivision. However, it is noted that approval has already been given to use the Site for dwelling purposes per the development approval DA2018.219 granted by the Bega Valley Shire Council. As such, many aspects of the potential land use conflict that this assessment covers will arise irrespective of the planning proposal to which this LUCRA relates.

1.2 Purpose of the LUCRA

The purpose of the LUCRA is to identify and assess the potential for conflict to occur between neighbouring land uses. It helps land managers and consent authorities assess the possibility and potential level of future land use conflict. The LUCRA aims to:

- Accurately identify and address potential land use conflict issues and the risk of occurrence before a new land use proceeds or a dispute arises
- Objectively assess the effect of a proposed land use on neighbouring land uses
- Increase the understanding of potential land use conflict to inform and complement development control and buffer requirements
- Highlight or recommend strategies to help minimize the potential for land use conflicts to occur and contribute to the negotiation, proposal, implementation, and evaluation of separation strategies

1.3 The LUCRA Process

To achieve the above-described LUCRA purpose, the NSW Department of Primary Industries LUCRA Guide identifies a four-step assessment process to be undertaken, comprising:



Step 1: Information Gathering (Section 2)

Step 2: Risk Level Evaluation (Section 3)

Step 3: Identification of Risk Mitigation Management Strategies (Section 4)

Step 4: Record Results (Section 5)

1.4 Authors

This LUCRA has been prepared by Carley McGregor.

Bachelor of Urban and Regional Planning

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2. Information Gathering

This section outlines the initial information for Step 1, covering details related to the Site, the nature of the proposed development, the Site's approval history, relevant aspects of the Development Control Plan (DCP), and any land use conflicts experienced to date. Additionally, it examines the surrounding land uses, summarizes consultations with key stakeholders, and assesses the potential for land use conflicts.

2.1 The Site

This LUCRA pertains to land located at Lot 5 DP 750207 and Lot 1 DP130034, Mount Darragh Road, Lochiel (the Site).

Lochiel, located on the far south coast of NSW, experiences a temperate climate with warm, humid summers and cool, breezy winters. Temperatures generally range between 15°C to 25°C in summer, and 5°C to 16°C in winter. Summer winds are predominantly from the northeast, while colder winds come from the west and southwest during winter. The average annual rainfall is 830 mm, and excessive humidity is uncommon.

The Site encompasses approximately 12.9 hectares and is situated 7.5 kilometres (by road) southwest of the town of Pambula, approximately 210 meters east of Mount Darragh Road from the Robinson Road intersection. Access to the Site is via a formed, council-owned road (see Figure 1 – Aerial Photograph of the Site, and Figure 2 – Location of the Site).

The Site has a gentle slope (approximately 6°) from south to north toward the Pambula River (see Figure 3: Contour Plan of Site) and consists primarily of cleared grazing land, with minimal remnant vegetation (see Appendix A – Remnant Vegetation). The western boundary features a road reserve lined with trees.



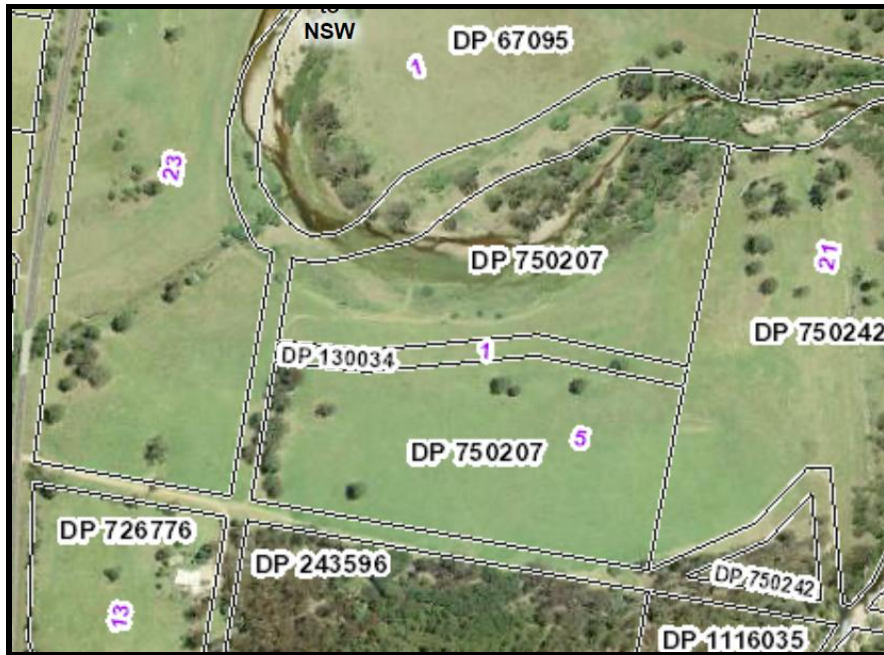


Figure 1: The Site

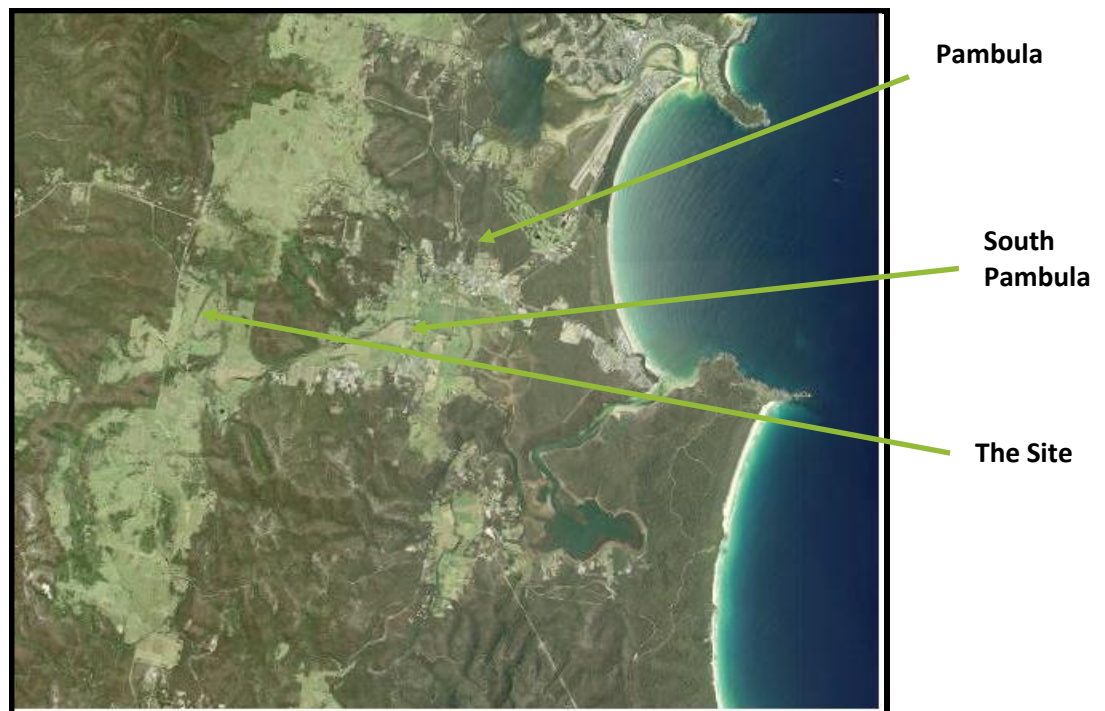


Figure 2: Location of the Site

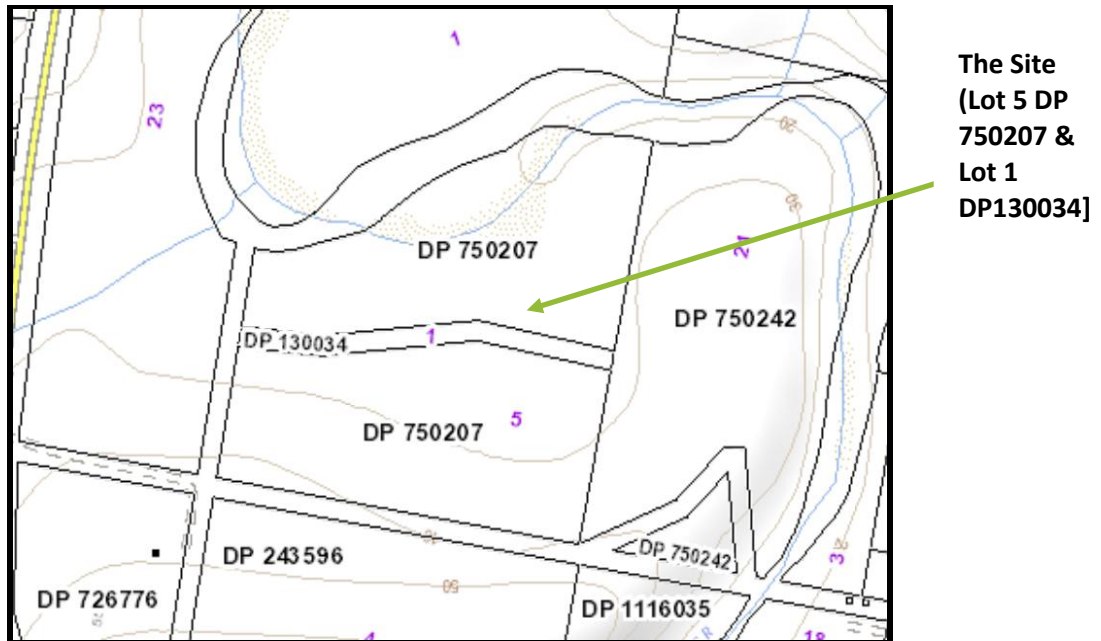


Figure 3: Contour plan of the Site

2.2 Proposed Development

The objective of the planning proposal (and related development application) is to amend the Bega Valley Local Environmental Plan 2013 (BVLEP 2013) for Lot 5 DP 750207 and Lot 1 DP130034, Mount Darragh Road, Lochiel, to enable the creation of six rural-residential lots, four of which are approximately 1.5 hectares each, all proximate to Mount Darragh Road (subject to a more detailed future Development Application). A conceptual design of the proposed subdivision is shown in Figure 4.

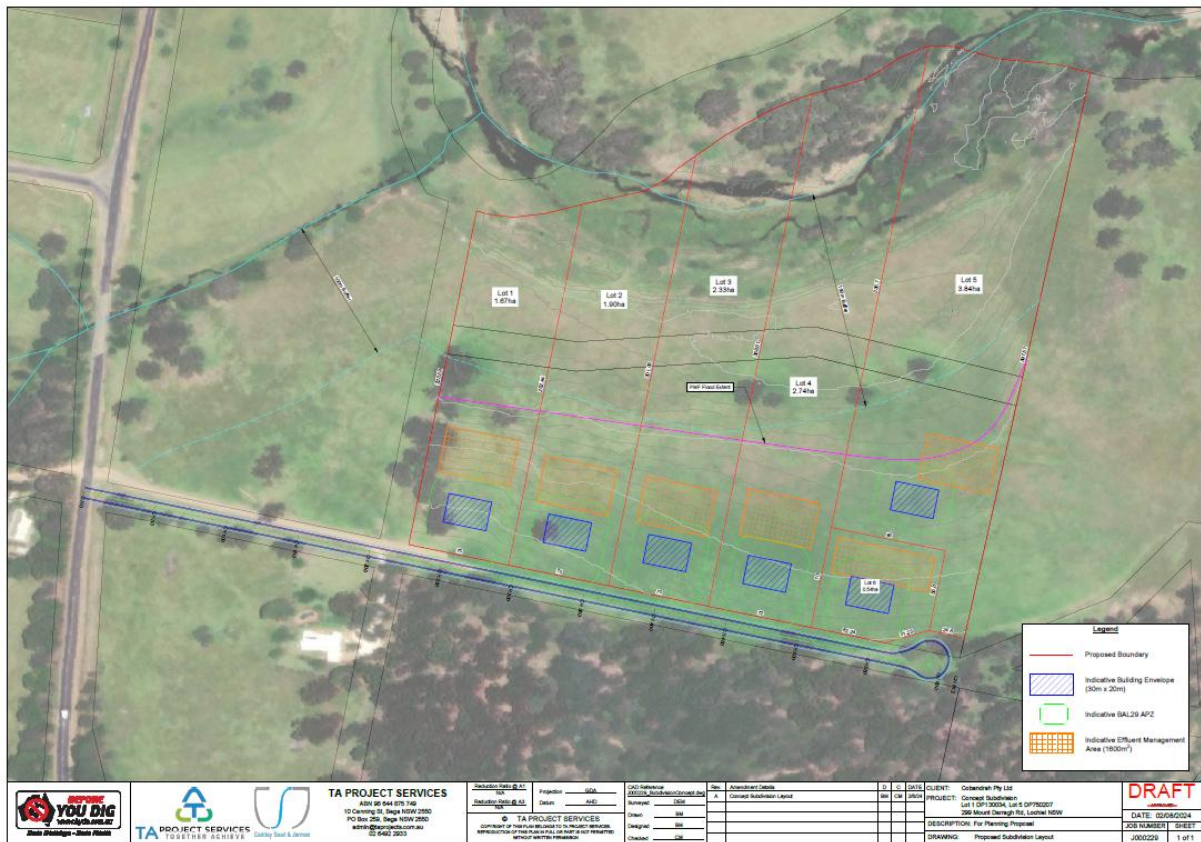


Figure 4: Subdivision conceptual design

2.3 Site Approval History

The Site has been used for grazing purposes for an extended period and has been part of Cobandrah Farms since 1968. Historical photographs show the land use at the Site has remained largely unchanged since at least 1961 (see Appendix B – Historical Photographs).

In 2018, in accordance with the BVLEP 2013, the Bega Valley Shire Council (BVSC) granted development approval (DA 2018.219) for the Site to be used for dwelling purposes.

Consistent with this approval, a road has been constructed from Mount Darragh Road to the southwestern boundary of the Site.

2.4 Site Inspection

The Site was inspected on May 2, 2024. At that time, it was being used for sheep and cattle grazing. As shown in the photos in this report, the land was predominantly cleared grazing land.



2.5 Surrounding Land Use

For the past fifty-six years, the Site has been part of Cobandrah Farms, historically operated by Gerda and Hershal Cohen and owned by their family companies—Cobandrah Pty Ltd, the applicant for this planning proposal, and Rameus December Nominees Pty Ltd (RDN). Following the passing of Gerda in 2022 and Hershal in 2024, their interests in the land, including the Site, have passed to their children.

Cobandrah Pty Ltd owns multiple lots situated to the east, south, and north of the Site. A high-level overview of the Site and the surrounding land is shown in Figure 5.

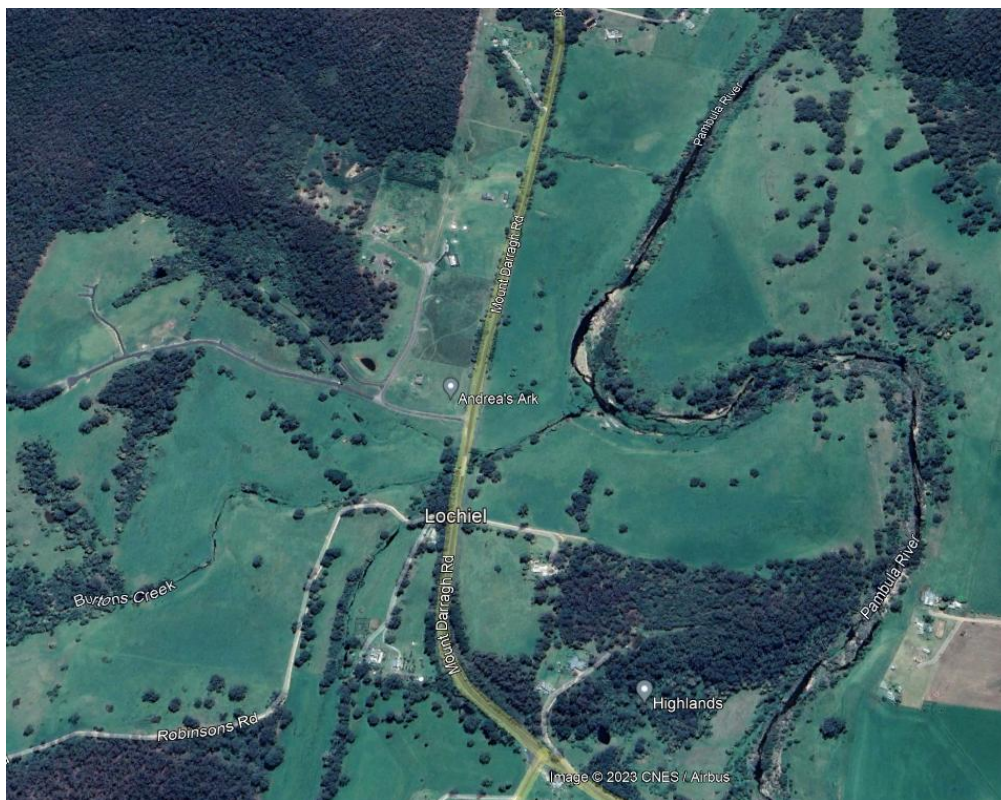


Figure 5: The Site and surrounding area

RDN owns land to the west of the Site, extending across Mount Darragh Road. It comprises only Lot 23 DP 1292533. RDN has lodged a Scoping Proposal for part of Lot 23 DP 1292533 for a proposed rezoning and rural residential subdivision in accordance with the BVSC Rural Residential Strategy 2020 (RRS 2020).

The land owned by Cobandrah Pty Ltd and RDN encompasses all land adjacent to the Site, except for Lot 13 DP 726776 and Lot 4 DP 243596. Both of these lots are rural residential lots used for dwelling purposes, so no land use conflict is anticipated as a result of the planning proposal.

Figure 6 provides further detail on the lots surrounding the Site. In addition to Lot 13 DP 726776 and Lot 4 DP 243596, there is a large rural residential subdivision to the west of Mount Darragh Road (also illustrated in Figure 5). This indicates that the land around the Site is increasingly being used for rural residential purposes.

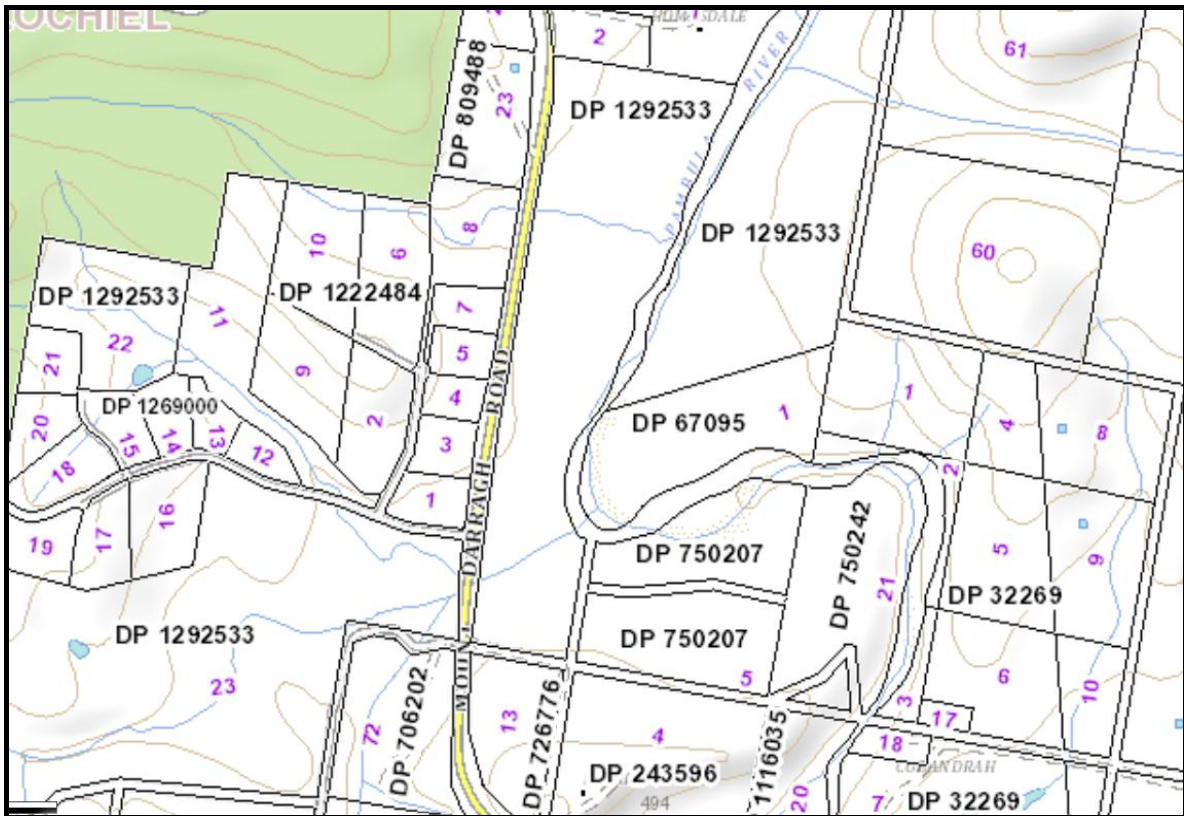


Figure 6: Existing development in surrounding area

Consistent with this evolving usage, the RRS 2020 has identified land in the area, including the Site, as suitable for rural residential dwellings (see Figure 7).

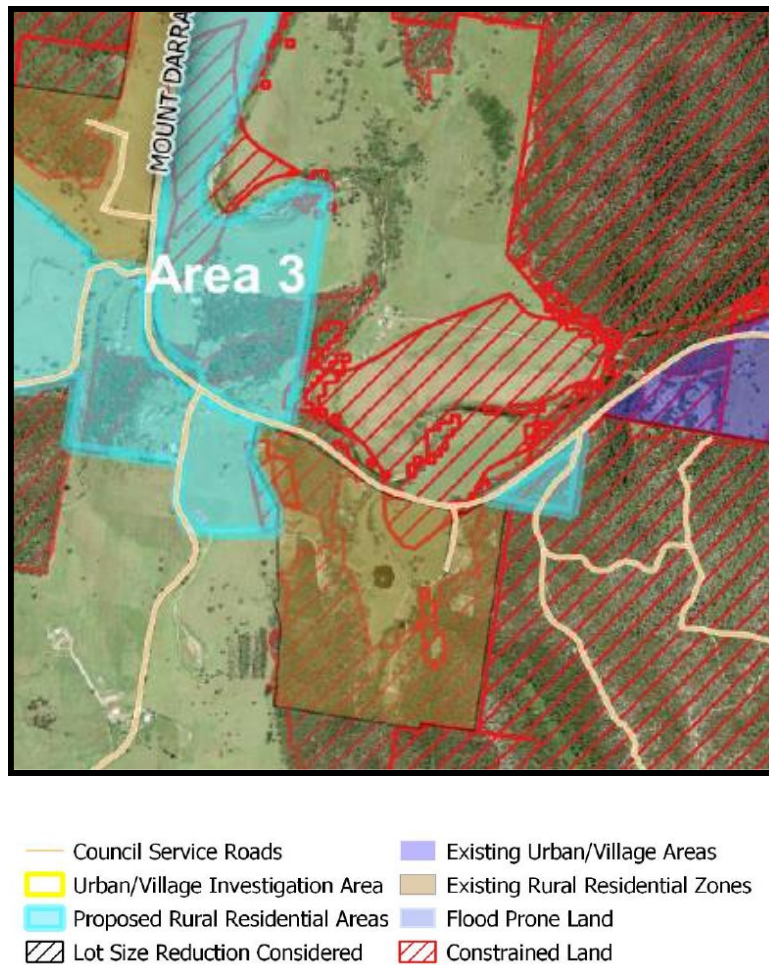


Figure 7: Excerpt of the Pambula Future Directions map in RRS 2020 (at p.33)

The Site is also bordered by the Pambula River, which flows into Pambula Lake, where oyster farming activities are conducted. The Pambula River is a nominated waterway under the Bega Valley Development Control Plan 2013 (BVDCP 2013) (Clause 5.7; Table 5.3). The BVDCP 2013 precludes development activity within 150 meters of such a nominated waterway and imposes conditions regarding effluent disposal for land situated nearby. An onsite sewage management (OSM) assessment for the proposed development concludes that it can proceed without adversely impacting the nominated waterway or downstream agricultural activities such as oyster farming.

2.6 Land Use Conflict Experience to Date

There has been limited land use conflict regarding the Site. Some years ago, there were a few incidents involving dogs from neighbouring properties traversing agricultural land used for grazing. Ongoing engagement with neighbours and fencing maintenance has reduced these incidents to a negligible number in recent years.

2.7 Consultation

The primary consultation required for this LUCRA is with the owners of agricultural land surrounding the Site. All relevant land is either owned by the applicant of this proposal (Cobandrah Pty Ltd) or by RDN, an entity associated with the applicant.

Consultation with a representative of Cobandrah Pty Ltd and RDN was undertaken on 2 May 2024. The representative was supportive of the planning proposal and the proposed development. They noted that limited land use conflict had arisen in recent years as rural residential development increased in the area. Issues with roaming dogs impacting grazing stock have been managed effectively through ongoing discussion with neighbours and fencing maintenance.

No further consultation was undertaken with neighbouring landowners as the subject land is surrounded by rural residential development and there are no land use conflict issues to address. Additional consultation opportunities will be forthcoming during the public exhibition period of the proposed planning proposal.



3. Risk Level Evaluation

This section presents the Step 2 evaluation of risk levels and delineates potential conflict issue ratings. Details regarding the methodology for risk assessment are outlined in the NSW Land Use Conflict Risk Assessment Guide (2011) (LUCRA Guidelines). The tables delineating probability, consequence, and risk ranking are provided in Appendix C of this report.

3.1 Introduction

In assessing potential land use conflicts and conducting risk level evaluations (and subsequent risk mitigation management strategies as detailed in section 4), due consideration has been given to pertinent NSW publications, including:

- NSW DPI Living and Working in Rural Areas (2007)
- NSW DPI Buffer Zones to Reduce Land Use Conflict with Agriculture (2018)
- NSW Land Use Conflict Risk Assessment Guide (2011) (LUCRA Guidelines)

Employing the methodology stipulated in the LUCRA Guidelines, each potential conflict is assigned a risk ranking based on probability (likelihood) and consequence. Tables outlining probability, consequence, and risk rating are enclosed in Appendix B. Risks rated higher than 10 are deemed significant and necessitate remediation. Each risk can be reevaluated post-implementation of mitigation measures.

3.2 Risk Identification and Risk Controls

The primary land use activities prone to generating conflict in this context include:

- Residential development and livestock (sheep and cattle) grazing
- Residential development and oyster farming

The specific activities within livestock grazing and residential development most likely to engender conflict, as well as their corresponding risk ratings, are detailed in Tables 3.1 and 3.2. Notably, all potential conflicts exhibit low risk ratings (<10).



Table 3.3 delineates the activities within residential development that may conflict with oyster farming. The associated risk rating is low due to BVDCP regulations, which prohibit development within 150m of a designated waterway, such as the Pambula River. Furthermore, BVDCP mandates that development approval hinges on satisfactory on-site effluent disposal, considering individual site characteristics. The conducted OSM assessment affirms compliance with these requisites, both on an individual lot basis and cumulatively.

No activities linked to oyster farming are anticipated to impede residential development.

Table 3.1: Livestock grazing conflicts with residential development

Activity	Potential conflict	Probability level	Consequence level	Risk Rating
Sheep and cattle grazing	Noise from livestock	D	4	5
	Smell from livestock manure and fertiliser	C	4	8
	Flies from dung	C	4	8
	Dust from fields and farm roads	E	5	1
	Sprays from pasture and weed control	D	5	2
	Electric fence shocks to children and domestic pets	D	3	9
	Straying livestock creating fence/garden damage	D	5	2
	Slashing	E	5	1
	Agricultural operations noise/dust	C	4	8



Table 3.2: Residential development conflicts with livestock grazing

Activity	Potential conflict	Probability level	Consequence level	Risk Rating
Residential development	Domestic dogs chasing livestock	C	4	8
	Weeds escaping from gardens onto farms	D	4	5
	Fence damage and trespass	D	4	5
	Significant number of residences in proximity to the existing rural lands, which may increase the likelihood of littering leading to injury or poisoning of livestock	D	3	9

Table 3.3: Residential development conflicts with oyster farming

Activity	Potential conflict	Probability level	Consequence level	Risk Rating
Residential development	Effluent disposal	D	3	9

4. Risk Mitigation Management Strategies

This section delineates the Step 3 risk mitigation measures identified in this LUCRA for implementation concerning the proposed development.

4.1 Introduction

This Land Use Conflict Risk Assessment has pinpointed potential conflicts arising from the proposed land subdivision. Herein, we deliberate on risk mitigation management strategies aimed at addressing these potential conflicts.

The following sub-section provides a concise overview of key mitigation strategies addressing significant potential land use conflicts. Additionally, Table 4.1 outlines all mitigation strategies, revises risk rankings post-implementation, aligning with the LUCRA Guidelines, and delineates performance targets for each potential land use conflict.

4.2 Risk Mitigation Management Strategies

Risk mitigation strategies broadly classify into two categories:

- a) Livestock Grazing and Residential Development: This encompasses conflicts affecting both farming activities and residents adjacent to these activities.
- b) Residential Development and Oyster Farming: This pertains to potential conflicts arising between residential development and oyster farming.
- c) Below, we discuss key conflicts and relevant mitigation measures for both categories. Findings for all potential conflicts are summarized in Table 4.1.

4.2.1 Livestock Grazing and Residential Development

Traditionally, conflicts between land uses have been mitigated through the strategic separation of activities. This approach involves implementing physical barriers such as fences, buffer zones, and screening measures to delineate boundaries effectively. Buffers, whether comprised of vegetation or left open, play a pivotal role in this proposal. Additionally,



proactive measures such as signage campaigns, educational initiatives, information dissemination, and fostering behavioural changes within the community can further contribute to conflict reduction.

According to the guidelines set forth in the NSW DPI Buffer Zones to Reduce Land Use Conflict with Agriculture (2018), an optimal evaluation distance of 50 meters between grazing land and urban development is recommended, with an additional buffer zone of 200 meters suggested for areas housing stockyards. Notably, the absence of stockyards within a 200-meter radius of the Site alleviates potential concerns in this regard. Furthermore, existing natural buffers, comprising vegetation to the south and west, as well as the presence of the Pambula River to the north, serve to mitigate the risk of conflict.

Given the limited grazing area to the east of the Site due to the proximity of the Pambula River, primary areas of concern revolve around potential issues such as trespassing and the ingress of domestic dogs into grazing lands. These challenges can be effectively addressed during the Planning Process and Development Application phases through the incorporation of comprehensive fencing plans and strategically positioned signage. Such measures will facilitate the creation of clearly defined boundaries between residential and rural zones, thereby minimizing the risk of conflicts and fostering harmonious coexistence between disparate land uses.

4.2.2 Residential Development and Oyster Farming

The primary concern in this context revolves around the potential risk of effluent discharge into the adjacent Pambula River. To effectively manage this issue, two fundamental measures are essential:

1. Adherence to BVDCP 2013 Standards:

The foremost step entails ensuring strict compliance with the guidelines outlined in the Bega Valley Development Control Plan 2013 (BVDCP 2013). This entails enforcing regulations that prohibit any form of development within a specified distance of 150 meters from designated water bodies, including the Pambula River. By implementing these stringent measures, the risk of effluent contamination is



effectively mitigated through mandatory controls imposed on all future development proposals.

2. Implementation of On-Site Sewage Management (OSM) Controls:

Another crucial aspect involves adhering to planning regulations concerning on-site sewage management (OSM) for residential developments situated in the vicinity of the subject land. An exhaustive OSM report has been meticulously prepared, evaluating each proposed lot individually as well as assessing the cumulative impact on the site. The findings affirm that relevant OSM systems can be strategically positioned on the subject land with minimal risk of adverse repercussions on the surrounding environment. Consequently, any architectural design and construction proposals must align seamlessly with the stipulated requirements set forth by the Bega Valley Shire Council (BVSC).

4.2.3 Summary of Management Strategies and Impact on Risk Rating

For a comprehensive overview, Table 4.1 outlines management strategies addressing each potential land use conflict

Table 4.1: Management strategies and impact on risk rating

Potential conflict	Management Strategy	Revised Risk Ranking	Performance Target
Sheep & Cattle Grazing			
Noise from livestock	Appropriate fencing and vegetation buffer (as needed), neighbourly discussion, if needed	2	No complaints to farmer or Council
Smell from livestock manure and fertiliser	Appropriate fencing and vegetation buffer (as needed),	4	No complaints to farmer or Council

	neighbourly discussion, if needed		
Flies from dung	Appropriate fencing and vegetation buffer (as needed), neighbourly discussion, if needed	8	No complaints to farmer or Council
Dust from fields and farm roads	Appropriate fencing and vegetation	1	No complaints to farmer or Council
Sprays from pasture and weed control	Spray in appropriate weather conditions	1	No complaints to farmer or Council
Electric fence shocks to children and domestic pets	Appropriate fencing and signage	6	No complaints to farmer or Council
Straying livestock creating fence/garden damage	Appropriate fencing	1	No complaints to farmer or Council
Slashing	Livestock grazing negates the need for slashing	1	No complaints to farmer or Council
Agricultural operations noise/dust	Operate during 'normal' agricultural hours	5	No complaints to farmer or Council
Residential development (with livestock)			
Domestic dogs chasing livestock	Appropriate fencing and neighbourly discussion as needed	2	Farmer confirms zero dog incidents

Weeds escaping from gardens onto farms	Appropriate fencing and potential vegetation buffer	2	Farmer confirms zero weed dumping incidents
Fence damage and trespass	Appropriate fencing and signage	3	Farmer confirms zero fence damage or trespass incidents
Significant number of residences in proximity to the existing rural lands, which may increase the likelihood of littering leading to injury or poisoning of livestock	This can be managed through the Planning Process and Development Application process by requiring that a Resource and Waste Management Plan identify areas for the disposal of waste	6	Farmer confirms zero littering incidents
Residential development (with oyster farming)			
Effluent disposal	Ensure planning and construction of effluent disposal undertaken in accordance with BVDGP 2013, with OSM situated > 150m from Pambula River	3	No complaints to Council

5. Summary, Conclusion, and Recommendations

In this concluding section, the findings of the Land Use Conflict Risk Assessment (LUCRA) pertaining to the proposed development of Lot 5 DP 750207 and Lot 1 DP130034, situated at Mount Darragh Road, Lochiel, are summarized.

The comprehensive evaluation conducted within this LUCRA indicates that the risks associated with potential land use conflicts are notably low. As delineated in Table 4.1, each identified risk can be effectively managed through the implementation of recommended strategies. It is noteworthy that risk ratings must be maintained at 10 or below to ensure acceptability, a criterion that is satisfactorily met through the proposed management interventions for this Site.

Of particular concern are potential conflicts stemming from issues such as trespassing and canine ingress, both of which can be mitigated through the construction of robust fencing structures and fostering constructive dialogues among neighbouring stakeholders. Similarly, the management of effluent disposal emerges as a priority, necessitating adherence to prescribed on-site sewage management standards established by the Bega Valley Shire Council (BVSC) specific to this Site.

In essence, by conscientiously applying the recommended management measures outlined in this assessment, the risks associated with potential land use conflicts can be effectively mitigated, ensuring the harmonious coexistence of diverse land uses in the targeted area.



Appendix A: Remnant Vegetation



Image 1 (left): Observing in a westerly along access track/Crown Road Reserve towards Mount Darragh Road



Image 2 (left): Observing in a northerly from access track/Crown Road Reserve across subject land to Pambula River



Image 3: Observing in a north-easterly from access track/Crown Road Reserve across subject land to Pambula River

Appendix B: Historic Images



Image 4: *Site - 1961*



Image 5: *Site - 1978*



Image 6: *Site - 1988*



Image 7: *Site - 2006*



Image 8: Site - 2015

Appendix C: Tables describing probability, consequence and risk rating

Table A: Probability Table – Likelihood of the consequence occurring

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 it happening”
D	Unlikely	Could occur in some circumstances, but not likely to occur
E	Rare	Practically impossible

Table B: Measure of Consequence

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

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
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
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
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

Table C: Risk Rating Matrix

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