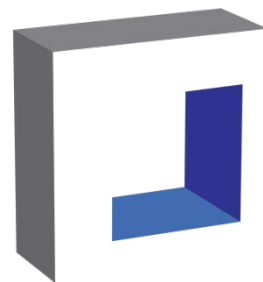


**'GRACEMERE' FUNCTION CENTRE
893 PATERSON ROAD, WOODVILLE**

LAND USE CONFLICT RISK ASSESSMENT REPORT

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1.0 Introduction

1.1 Report Purpose

This Land Use Conflict Risk Assessment (LUCRA) Report has been prepared on behalf of the owners of Lot 10 in DP 1035397 - 893 Paterson Road, Woodville to support of Planning Proposal which seeks to include a 'function centre' as an additional permitted use in Schedule 1 of Port Stephens Local Environmental Plan 2013 (the LEP) for this property.

The report follows the key steps in undertaking a LUCRA outlined in the Department of Primary Industries "Land Use Conflict Risk Assessment Guide" October 2011, and should be read in conjunction with the submitted planning proposal and other supporting documents.

1.2 Site Details

The subject site is legally described as Lot 10 in DP 1035397 and is known as 893 Paterson Road, Woodville. The subject site has an area of 10.52ha, a frontage of approximately 158m to Paterson Road on the eastern side, and a depth of approximately 660m. The western boundary of the site is defined by Paterson River. The land is located approximately 11km by road north-east of the Central Maitland Post Office in the locality of Woodville. The site's location is shown in Figure 1.

The subject site contains a substantial dwelling and rural outbuildings occupying around 1.0ha in the centre of the site. The eastern portion of the site (approximately 2.5ha) contains a large man-made lake surrounded by extensive ornamental gardens which provide a backdrop for the conducting of wedding ceremonies held within the site. The western (rear) portion of the site (around 7.0ha) contains cultivated river flats and extensive areas for livestock grazing. The current condition of, and improvements within, the site are shown in Figures 2-5.

Reticulated water and sewer are not available to the site, with rainwater tanks provided for water and on-site sewerage management system provided for the treatment of sewerage. Electricity and telecommunications infrastructure are available to the site. The site has legal frontage to, and access from, Paterson Road, which is a sealed rural road with a speed limit of 60km/hr along the frontage of the site. The Paterson Road frontage is shown in Figure 6.

Parts of the site are flood prone; however, the location of the existing dwelling and proposed function centre are above the 1% AEP and PMF flood planning levels. The whole of the site is bush fire prone land (Vegetation Category 3) and a small section of the rear of the site (along the river) is mapped as containing 'biodiversity values'.

The subject land is zone RU1 Primary Production under the Port Stephens Local Environmental Plan 2013 (the LEP). Figure 7 shows the zoning of the land.

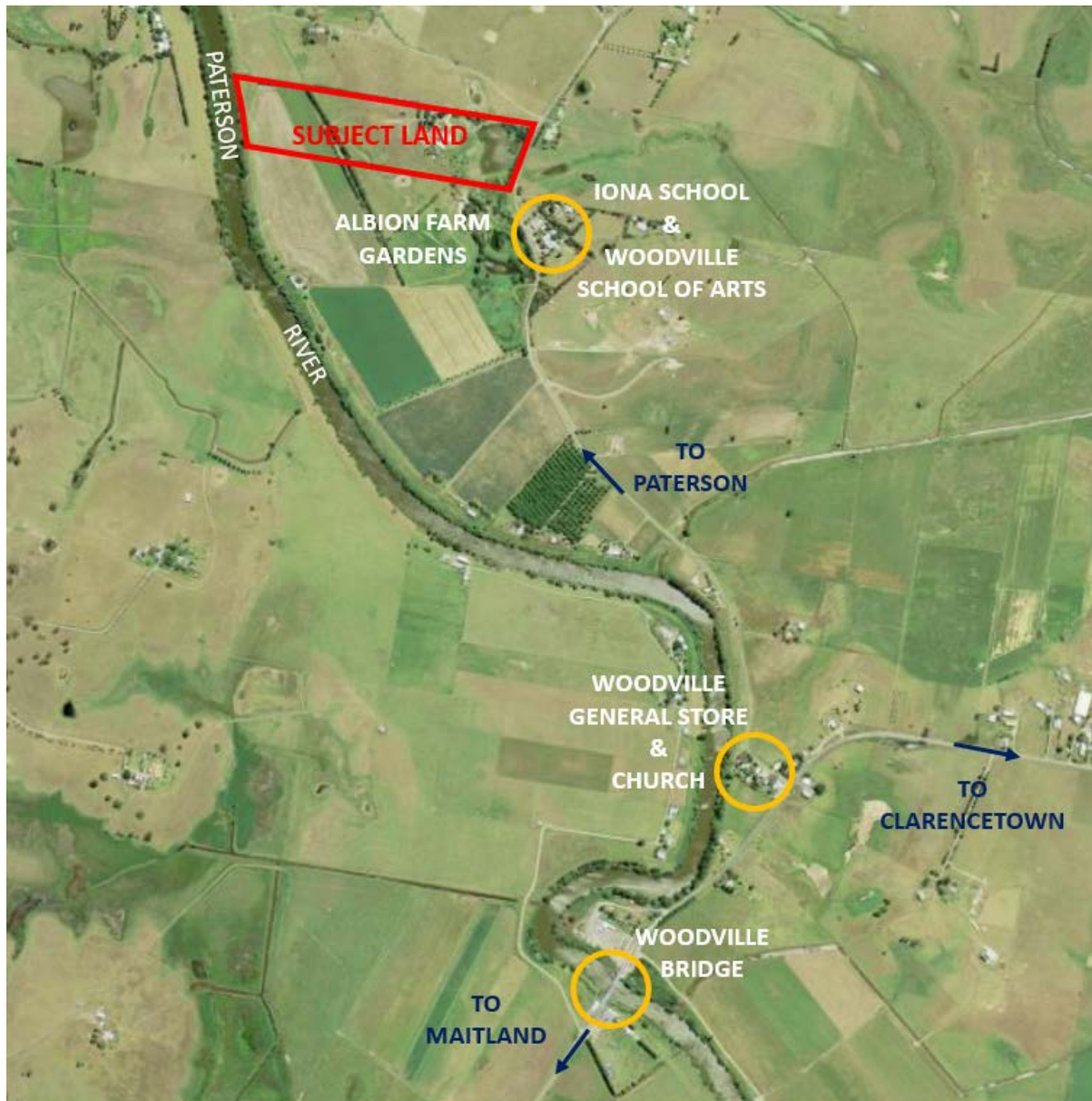


Figure 1 – Site locality

Source: NSW Planning Portal Spatial Viewer, 2024



Figure 2 – Entry driveway and bridge over man-made lake



Figure 3 – Man-made lake at the front of the property, with existing dwelling beyond



Figure 4 – Grazing area at the rear of the site



Figure 5 – Lower section of the site at the rear, along Paterson River, used for grazing and cultivation



Figure 6 – The Paterson Road frontage of the site, with the existing access to the site to the right of the photo
Source: Google Streetview, 2024

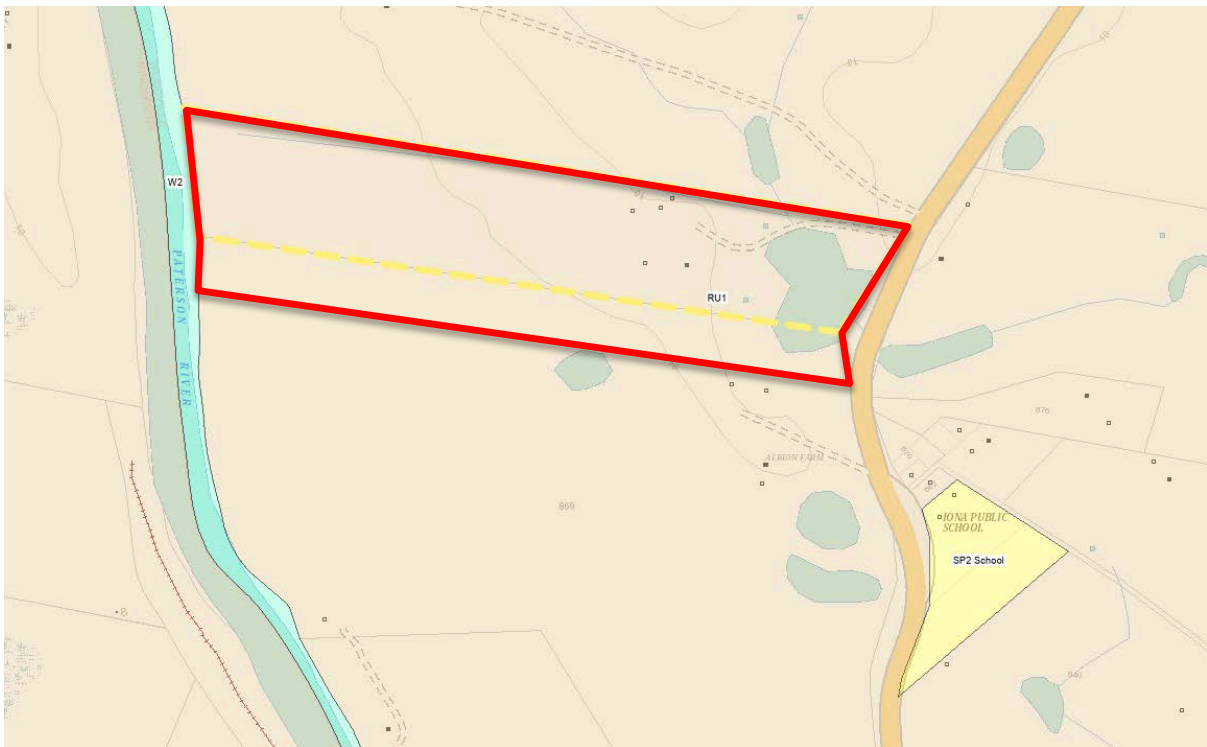


Figure 7 – Zoning extract showing the site in the RU1 zone

Source: NSW Planning Portal Spatial Viewer, 2024

1.3 Surrounding Land Uses

The subject site is located within the rural hinterland of Port Stephens, in the locality of Woodville. Rural properties adjoining and surrounding the subject land are generally hobby farms used for either cultivation (river flats) or grazing purposes. Lot sizes in the locality are varied with a few larger lots in the range of 40 to 60 hectares but with most in the range of 5 to 20 hectares. There are some rural small holdings lots with areas around 2.0ha that were created under historical LEP provisions which allowed the excision of ‘concessional’ allotments from larger rural holdings.

Immediately to the north – 895 Paterson Road - 33ha farm used for extensive agriculture. Dwelling approximately 300m from location of proposed function centre.

Immediately to the east –

- 896 Paterson Road – 16ha farm ‘Rosedale’ used for extensive agriculture. Dwelling approximately 300m from location of proposed function centre, close to the Paterson Road vehicular entry to the subject site.
- 876 Paterson Road – small holding used as a hobby farm. Dwelling approximately 500m from location of proposed function centre.
- 866-866B Paterson Road – small holding used as a hobby farm. Dwelling approximately 400m from location of proposed function centre.
- 864 Paterson Road – 12ha farm used for extensive agriculture. Dwelling approximately 600m from location of proposed function centre.
- 870 Paterson Road - Woodville School of Arts (community) Hall
- 860 Paterson Road - Iona Public School.

Immediately to the south – 837 and 869 Paterson Road – 28ha farm ‘Albion Park’ used for extensive agriculture and ornamental gardens. Dwellings approximately 250m and 500m from location of proposed function centre.

Immediately to the west (on the western side of Paterson River) –

- 532 Tocal Road, Mindaribba – 27ha farm ‘Mindaribba House’ used for extensive agriculture and tourist and visitor accommodation. Was formally used for wedding ceremonies and receptions. Mindaribba House approximately 650m from location of proposed function centre.
- 510 Tocal Road, Mindaribba – 12ha farm used for extensive agriculture. No dwelling.
- 496 Tocal Road, Mindaribba – 2ha small holding used as a hobby farm. Dwelling approximately 1km from location of proposed function centre.
- 474 Tocal Road, Mindaribba – 16ha farm used for extensive agriculture. Dwelling approximately 1.2km from location of proposed function centre.

Figure 8 shows properties surrounding the subject site and present uses of these.

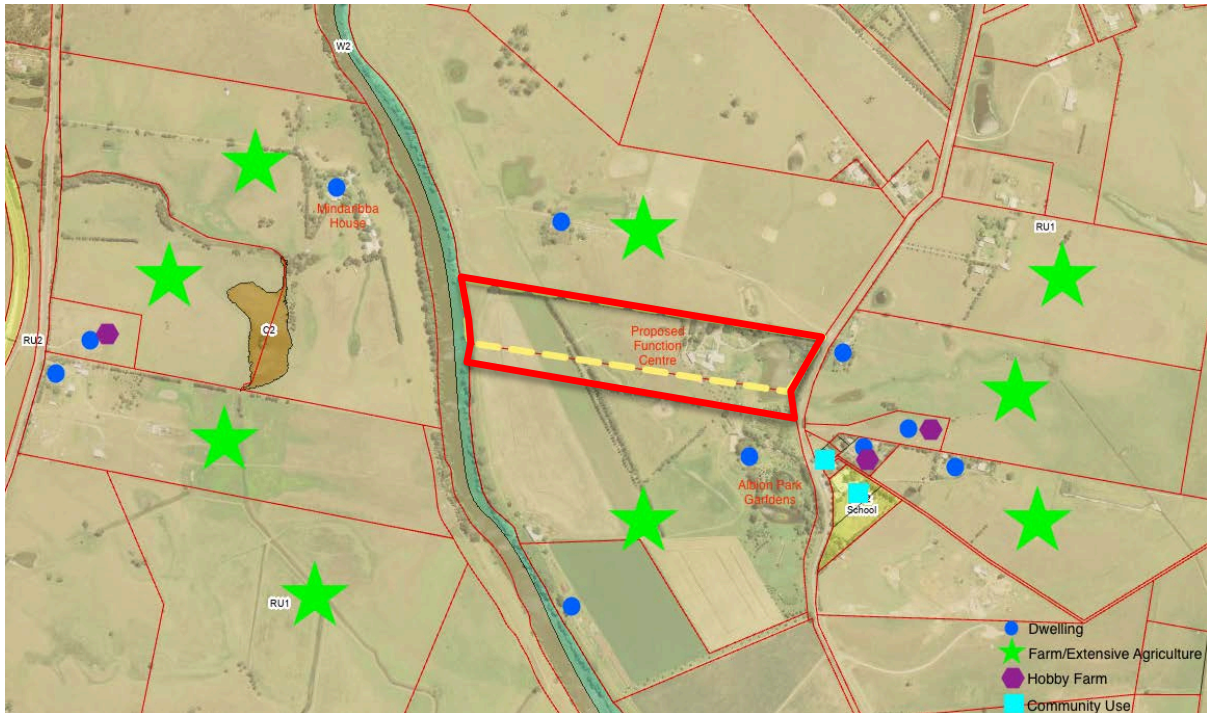


Figure 8 – Aerial photo showing surrounding properties and present land uses

2.0 The Proposal

2.1 Summary of Proposed Land Use

The landowners wish to expand the scope and scale of the existing ‘wedding ceremony’ facility on the site which operates under a ‘temporary’ (5 year) development consent to encompass a formal function centre to cater for not only weddings but for a broader range of function types (e.g. corporate training, workshops etc) at other times.

Development for the purpose of a ‘function centre’ is not permitted within the current RU1 Primary Production zone under the LEP.

While recent amendments to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) make provision for the operation of a function centre on RU1 land within the definition of ‘farm experience premises’, the scope and scale of the function centre proposed by the landowners are larger than the small scale contemplated under the Codes SEPP as ‘exempt development’.

The proposal is for an amendment to the LEP such that, pursuant to Clause 2.5, Schedule 1 ‘Additional Permitted Uses’ is amended to permit, with development consent, the use of certain land at Lot 10, DP 1035397, 893 Paterson Road, Woodville, as a function centre.

Figure 9 shows the general location of the proposed function centre, having regard to natural constraints, existing development, and adjoining properties. Figure 10 shows the cleared/disturbed nature of the location of the proposed function centre.

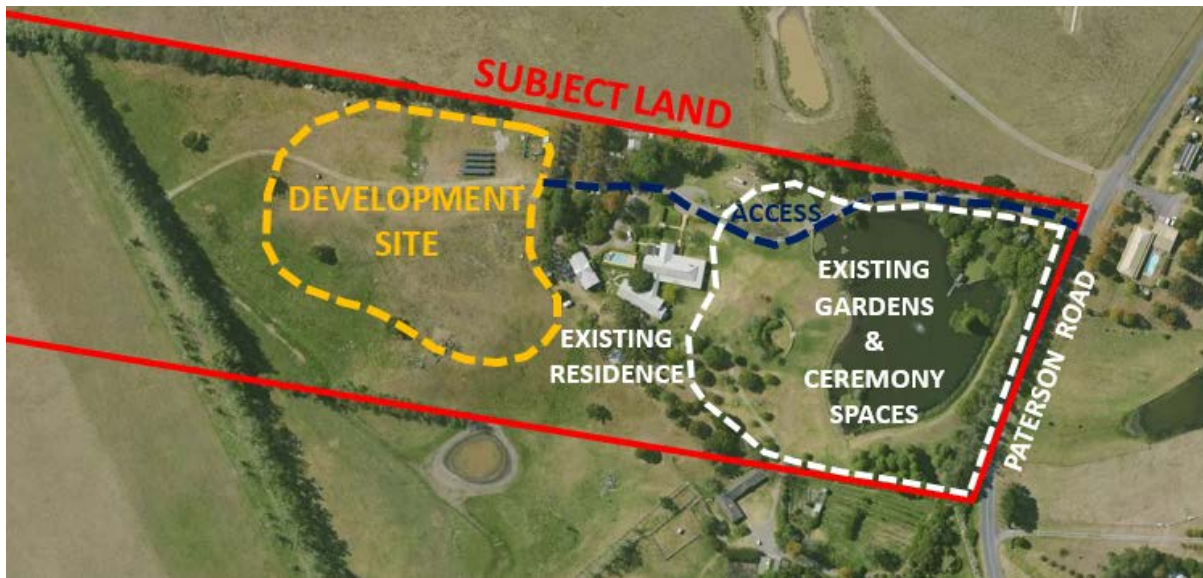


Figure 9 – General location of the proposed function centre, having regard to natural constraints, existing development, and adjoining properties



Figure 10 – Disturbed and raised location of proposed function centre towards the rear of the site

3.0 Land Use Conflict Risk Assessment (LUCRA)

3.1 Potential Impacts on Surrounding Properties and Agricultural Uses

The potential impacts on surrounding properties from inclusion of a function centre as an additional permissible use on the subject site relate primarily to noise impacts, traffic generation, and to a lesser extent flooding, stormwater treatment/water quality, and visual impacts.

The planning proposal does not seek to change the underlying rural zoning of the land and will allow the ongoing use of the subject site for agriculture concurrently with a function centre. The function centre will be situated such that flooding, drainage, visual impacts, traffic, and potential noise impacts can be ameliorated and/or managed in a way that respects/compliments the rural character of the area and takes advantage of the natural beauty of the locality.

3.1.1 Noise

In relation to potential noise impacts, a Noise Impact Assessment (NIA) has been prepared by Reverb Acoustics and accompanies the planning proposal. This assumes a maximum of 180 guests and function hours of 9am-11:30, with amplified music ceasing at 10pm.

The NIA discusses the background and ambient noise levels at the front of the subject site in Paterson Road and models impacts on sensitive receivers surrounding the subject site against the EPA's Noise Policy for Industry (NPfI).

The existing background noise is dominated by traffic on nearby roads, agricultural activity and some commercial/light industrial noise sources during the day, evening and night.

The potential sources of noise from the proposed function centre would be:

1. Mechanical plant (air conditioning, kitchen exhaust etc)
2. Amplified entertainment/music/DJ
3. Background music
4. Vehicles.

The final function centre design and layout will have input from Reverb Acoustics to ensure sensible design that considers the amenity of nearby neighbours. Strategies will include positioning the function room break-out areas and recreational areas on the south side of the building facing away from nearest residences and/or in shielded locations. With these strategies implemented, recommended construction methods utilised, and ceasing of amplified entertainment at 10pm, the assessment considers that a function centre with amplified entertainment (music/DJ) will be compliant with the relevant criteria, ensuring there will be no intrusive noise at the nearest sensitive receivers.

The NIA considers the cumulative noise impact from activities associated with the proposed function centre and predicts compliance with the relevant criteria at all nearby receivers, providing the recommended noise controls detailed in Section 4 are incorporated into the design of the site.

The NIA concludes that *'the site is suitable for the intended purpose, providing recommendations outlined in this report are incorporated into the design. With these or equivalent measures in place, noise from the site will be either within the criterion or generally below the existing background noise level in the area for the majority of the time'*.

The recommendations of the NIA can be incorporated in the future design of the proposed function centre and implemented through conditions of consent associated with a future development application.

A copy of the NIA can be found at Appendix 1.

3.1.2 Traffic Impacts

Paterson Road is a sealed, two-lane rural road with a 60km/hr speed limit in front of the subject site. As shown in Figure 6, there is sufficient room at the entry to the subject site for vehicles to pull off the road and slow down before entering the site, avoiding queuing in the lanes of travel.

Shared transport, car pooling, and bus rental is common for weddings and larger functions in rural areas to allow guests to enjoy alcoholic beverages and not have to drive after the function. This reduces the traffic volume attending the site and the potential associated impact on amenity in the locality, particularly on the property directly opposite the subject site's vehicular entry - 896 Paterson Road. The additional traffic associated with the proposed function centre will not adversely impact on the use of surrounding properties.

Potential for headlight glare into the dwelling opposite (896 Paterson Road) is ameliorated by the planting of shrubs along the frontage of this property and the limited hours of functions occurring (finished by 11:30pm).

A letter of support has been received from the owners of 896 Paterson Road and can be found at Appendix 2.

3.1.3 Flooding

The subject site is located on the left floodplain of the Paterson River, around 3km upstream of Dunmore Bridge at Woodville. The topography of the local floodplain is flat and low-lying, characterised by alluvial deposition and raised flood levee embankments. The western boundary of the site is adjacent the Paterson River and includes a section of the levee embankment on the left bank of the river at a crest level between 7 to 7.5m AHD. A low-lying flood channel east of the levee runs through the site with elevations down to ~1m AHD. The existing residential and farm buildings, and location of the proposed function centre, are on a higher spur of ground in the centre of the site typically above 9m AHD elevation. A small local catchment drains through the eastern portion of the site across the existing access road and bridge structure and through an on-site dam to the crossing of Paterson Road at the south-east corner of the site. The lowest elevation of the access road is ~4.6m AHD.

A Flood Impact and Risk Assessment has been prepared by Torrent Consulting and accompanies the planning proposal. A copy of this can be found at Appendix 3. This notes that the proposed function centre location will remain flood free for major flood events including the 1% AEP event and even almost up to the PMF event. There is no filling of flood prone land required and the proposed function centre will have no impact on existing flood conditions or result in adverse impacts for surrounding properties.

3.1.4 Stormwater Treatment/Water Quality

A future development application will be accompanied by a Stormwater Management Plan outlining controls to limit the quantity and quality of stormwater leaving the site, ensuring that post-development flows equal pre-development flows and there will be no impact on adjoining properties.

3.1.5 Visual Impact

The proposed function centre on the subject site will have a low visual impact, being located a significant distance from external boundaries and at the rear of the site behind existing development, including a two-storey garage and studio building and a significant number of mature trees. The function centre will be designed with the rural character in mind.

The visual impact of the proposed function centre will not adversely impact on the use of surrounding properties.

3.2 Risk Ranking Matrix

A summary matrix addressing the potential impacts of the planning proposal and proposed function centre is provided below:

Potential Impact	Consequence	Identified Potential Conflict	Risk Ranking	Risk Reduction Management Strategies
Noise	Noise complaints, loss of amenity (4)	Unlikely (D)	5	Can be addressed through the design and location of the future function centre, and subject to the assessment and recommendations of the submitted Noise Impact Assessment, which can be implemented through conditions of consent on a future DA.
Flooding	Additional flooding of neighbouring land (4)	Rare (E)	3	None required. There is no filling of flood prone land required and the proposed function centre will have no impact on existing flood conditions or result in adverse impacts for surrounding properties.
Stormwater	Impact on river quality, stock drinking water, crop irrigation quality (5)	Rare (E)	1	Can be addressed at DA stage through stormwater management measures including treatment of runoff and sediment and erosion controls.
Visual	Loss of rural character (5)	Rare (E)	1	Can be addressed at DA stage through the location and design of the proposed function centre.
Traffic	Noise and headlight glare (4)	Unlikely (C)	8	Shared transport, car pooling, and bus rental common for weddings and larger functions in rural areas reduces the traffic volume that will attend the site. Potential for headlight glare into the dwelling opposite (896 Paterson Road) is ameliorated by the planting of shrubs along the frontage of this property and the limited hours of functions occurring (finished by 11:30pm).
Reverse Amenity	Noise and/or odour from agriculture impacting on function centre amenity (5)	Rare (E)	1	There are no land uses nearby to, or adjoining the proposed location of the function centre that would lead to adverse impacts or limitations on the proposed function centre. Adequate separation can be established to existing livestock grazing with the subject site.

4.0 Consultation

The landowners of the following properties have been consulted about the proposal to allow a function centre within the subject site.

To the north – 895 Paterson Road – Dunning and Enwright

To the east –

- 896 Paterson Road – Kirwan
- 876 Paterson Road – Eccalston
- 866-866B Paterson Road – Green
- 864 Paterson Road – Kaczorowski
- 870 Paterson Road – Woodville School of Arts
- 860 Paterson Road – Iona Public School

To the south – 837 and 869 Paterson Road – Redman (parents and brother of the subject site land owners and contains Albion Park Gardens, which are a shared family operation and will be operated by the subject site landowners into the future).

To the west (on the western side of Paterson River) –

- 532 Tocal Road, Mindaribba – ‘Mindaribba House’ run by Hunter Valley Stays.
- 510 Tocal Road, Mindaribba – Rominski
- 496 Tocal Road, Mindaribba – Rominski
- 474 Tocal Road, Mindaribba – Irvingston

A letter of support from the owner of 896 Paterson Road, directly opposite the vehicular entrance to the subject site, can be found at Appendix 2.

Both the planning proposal and future development application for the function centre use will be placed on public exhibition in accordance with a Gateway Determination, the requirements of Division 3.5 of the Environmental Planning & Assessment Act 1979, and Council’s Community Participation Plan. These exhibitions, including all supporting documentation, will provide opportunity for adjoining neighbours and others to formally comment on the proposal.

5.0 Conclusion

A LUCRA Report has been prepared on behalf of the owners of Lot 10 in DP 1035397 - 893 Paterson Road, Woodville to support of Planning Proposal which seeks to include a ‘function centre’ as an additional permitted use in Schedule 1 of Port Stephens Local Environmental Plan 2013 (the LEP) for this property. Development for the purpose of a ‘function centre’ is not permitted within the current RU1 Primary Production zone under the LEP.

The landowners wish to expand the scope and scale of the existing ‘wedding ceremony’ facility on the site which operates under a ‘temporary’ (5 year) development consent to encompass a formal function centre to cater for not only weddings but for a broader range of function types (e.g. corporate training, workshops etc) at other times.

The subject site is located within the rural hinterland of Port Stephens, in the locality of Woodville. Rural properties adjoining and surrounding the subject land are generally hobby farms used for either cultivation (river flats) or grazing purposes.

The potential impacts on surrounding properties from inclusion of a function centre as an additional permissible use on the subject site relate primarily to noise impacts, traffic generation, and to a lesser extent flooding, stormwater treatment/water quality, and visual impacts.

The planning proposal does not seek to change the underlying rural zoning of the land and will allow the ongoing use of the subject site for agriculture concurrently with a function centre. The function centre will be situated such that flooding, drainage, visual impacts, traffic, and potential noise impacts can be ameliorated and/or managed in a way that respects/compliments the rural character of the area and takes advantage of the natural beauty of the locality.

The proposal will be appropriate for the site and its setting and is unlikely to result in adverse impacts on surrounding properties or the agricultural use of surrounding land.