

Land Use Conflict Risk
Assessment (LUCRA)
HABITAT Stage 5 (DA 2020/87)
Mixed Use Development

at part Lots 1 & 12 DP 271119 Bayshore Drive
PLANNERS NORTH and **DFJ Architects**, March 2021

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* by:

Preparation

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In respect of: Mixed Use Development - DA 2020/87

Application

Proponent: Bayshore Property Pty Ltd
Address: C/ - PLANNERS NORTH
P.O. Box 538, Lennox Head NSW 2478
Land to be developed: Part Lots 1 & 12 DP 271119
Proposed development: Mixed use development HABITAT Stage 5
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.

Notice

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PLANNERS NORTH and DFJ Architects declare that we do not have, nor expect to have, a beneficial interest in the subject project. Nor does it have any reportable political donations within the meaning of Section 10.4 of the Act to declare.

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HABITAT STAGE 5 · LUCRA ASSESSMENT

EXECUTIVE SUMMARY

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PLANNERS NORTH and DFJ Architects have been commissioned by Bayshore Property Pty Ltd to prepare a Land Use Conflict Risk Assessment (LUCRA) in support of DA 2020/87 for a Mixed Use Development application at part Lots 1 & 12 DP 271119, Bayshore Drive, Byron Bay 2481, NSW. This LUCRA focuses on the final, Stage 5, of the HABITAT development.

The need to address land use conflict matters arose from a Byron Shire Council (BSC) Request for Further Information.

The LUCRA method is a four-step assessment process is undertaken as follows:

1. **Information Gathering** – The site geophysical characteristics, the nature of the development proposed and the surrounding land uses are described.
2. **Risk Level Evaluation** - Each proposed activity is recorded and an assessment of potential land use conflict level is assigned. The higher the risk level, the more attention it will require.
3. **Identification of Risk Mitigation Management Strategies** – Management strategies are identified which can assist in lowering the risk of potential conflict.
4. **Record Results** – Key issues, risk level and recommended management strategies are recorded and summarised.

This LUCRA has been jointly prepared by Steve Connelly and Fraser Williams-Martin of PLANNERS NORTH & DFJ Architects.

This LUCRA identifies the measures that have been incorporated into the development to mitigate the potential land use conflict which might arise from the proposal. These measures include:

1. Adherence to approved daytime construction hours;
2. Adherence to relevant legislation specifically re dust/noise management and implementation of erosion control measures;
3. Adherence to the Commitments specified in the DA Documentation.

In addition to the above described “hard measures” there are a range of soft implementation measures that HABITAT relies upon mainly relating to communicating with existing residents and tenants on a continuous basis. This occurs through personal communications with the proponent, the project manager, the project architect, the builders and the site strata managers. All those people are onsite daily. They ensure that good, solid lines of communication are open at all times, informing the community in relation to construction matters and providing multiple points of contact if any issues arise.

Following the risk evaluation, ranking and rating step by step process a risk rating was determined, that the project exhibits and acceptable risk. This is because the identified potential conflict areas can be mitigated effectively with appropriate control and therefore results in a ‘Low’ likelihood of conflict and impact with the proposed control measures being suitable to manage potential land use conflict.



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1. INTRODUCTION

This section of the LUCRA provides the background to the Development Application generally. It also describes the LUCRA process and the authors of this document.

1.1 BACKGROUND

PLANNERS NORTH and DFJ Architects have been commissioned by Bayshore Property Pty Ltd to prepare a Land Use Conflict Risk Assessment (LUCRA) in support of DA 2020/87 for a Mixed Use Development application at part Lots 1 & 12 DP 271119, Bayshore Drive, Byron Bay 2481, NSW. This LUCRA focuses on the final, Stage 5, of the HABITAT development.

The need to address land use conflict matters arose from a Byron Shire Council (BSC) RFI of 12th November 2020 which required:

"The development will result in a change of use from predominately a live work environment to include commercial activities. A Land Use Conflict Risk Assessment (LUCRA) should be prepared that considers (but is not limited to) the likely impacts upon residential amenity and how the development will be managed to mitigate or avoid conflicts. Reporting should consider construction and operation phases of the development. Assessment and reporting should be prepared by a suitably qualified and experienced professional environmental consultant."

BSC DCP 'Chapter B6 Buffers and Minimising Land Use Conflict' notes that this type of assessment should be undertaken in accordance with the 'Living and Working in Rural Areas' handbook (Learmonth et al. 2007). More recently, the use of Land Use Conflict Risk Assessment Guide has been promoted by the NSW Department of Primary Industries (DPI 2011). The LUCRA guide, which will be utilised for this assessment, is based on the 'Living and Working in Rural Areas' handbook (Learmonth et al. 2007).

1.2 THE LUCRA PURPOSE

The purpose of the LUCRA is to identify land use compatibility and potential conflict between neighbouring land uses, and therefore, assists in the identification of the potential for future land use conflict. The LUCRA aims to:

- Objectively assess the effect and level of proposed land use on neighbouring land uses;

- Accurately identify the risk of conflict between neighbouring land uses;
- Complement development control with an understanding of likely land use conflict;
- Proactively address land use issues and risks before a new land use proceeds or before a dispute arises; and
- Highlight or recommend strategies to help minimise conflict and contribute to the negotiation, proposal, implementation and evaluation of separation strategies.

In summary, the LUCRA is a tool aimed at:

- Identifying the effects of the land use change on neighbouring land use; and
- Evaluate the level of impact of these effects.

1.3 THE LUCRA PROCESS

In order to achieve the above described LUCRA aims, a four-step assessment process is undertaken as follows:

5. **Information Gathering** – The site geophysical characteristics, the nature of the development proposed and the surrounding land uses are described.
6. **Risk Level Evaluation** – Each proposed activity is recorded and an assessment of potential land use conflict level is assigned. The higher the risk level, the more attention it will require.
7. **Identification of Risk Mitigation Management Strategies** – Management strategies are identified which can assist in lowering the risk of potential conflict.
8. **Record Results** – Key issues, risk level and recommended management strategies are recorded and summarised.

Additionally, the requirements of the 'Byron Shire Development Control Plan (DCP) 2014 Chapter B6 Buffers and Minimising Land Use Conflict (DCP)' will also be considered. Similarly, the BSC DCP

Chapter E5 relating to Certain Locations in Byron Bay and Ewingsdale will also be reviewed in the context of this assessment.

Specifically, the LUCRA focuses on impacts and applicable mitigation measures concerning the interface between Stage 5 and the existing and planned development of HABITAT and other land uses within the locality.

1.4 THE AUTHORS

This LUCRA has been jointly prepared by Steve Connelly and Fraser Williams-Martin of PLANNERS NORTH & DFJ Architects.

Mr Connelly is a qualified town planner, Fellow of the Planning Institute of Australia and Registered Planner with over 40 years experience. He also holds a Master of Environmental and Business Management Degree. He is trained in the LUCRA technique and is familiar with the HABITAT project having been involved with the design and development of the project from its inception. PLANNERS NORTH have a terrace and office on site which was opened with the first stage of the HABITAT development.

Mr Fraser Williams-Martin is a qualified Architect (UK Registered 082551D) and Associate at DFJ Architects. His primary experience over the past 15 years has centred around large scale, community driven developments.

He has maintained the role of Habitat's Project Architect since 2015. Over that time, he has developed a deep and holistic understanding and appreciation for all elements of the project, including Habitat's rich community.

Fraser works from the DFJ office, which is located within Habitat's Commercial Precinct – Stage 01 of the Habitat development.

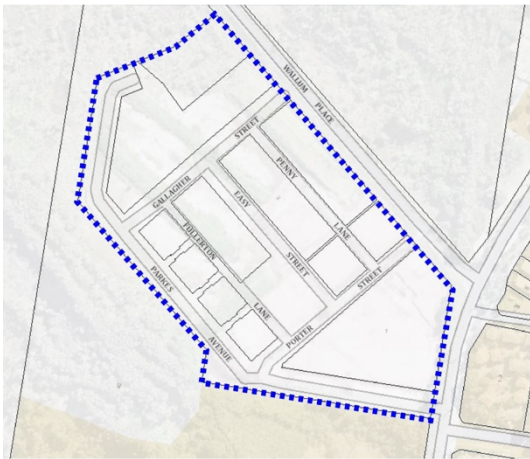
2. INFORMATION GATHERING (STEP 1)

This section provides Step 1 information in relation to the site, the nature of the proposed development, the approval history of the site, details in relation to the relevant DCP and the nature of land use conflict experienced to date. As well, this section looks at the immediately surrounding land uses and opines in relation to the potential for land use conflict.

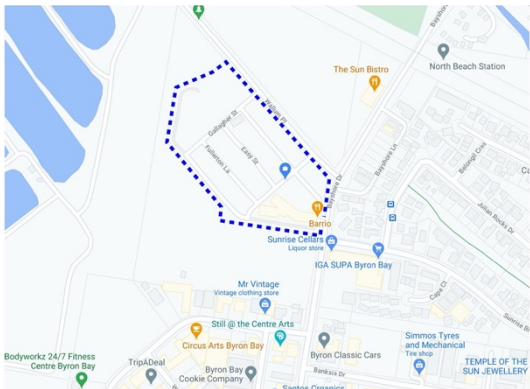
2.1 THE SUBJECT SITE

The HABITAT land (ie Lots in DP 271119) is located at Bayshore Drive, Byron Bay, within the Byron Shire Council Local Government Area, NSW. HABITAT occupies an area of 4.92 ha.

The HABITAT land is bound by Bayshore Drive to the east, Wallum Place to the north east and vacant land to the south, south west, west and north west.



Graphic illustrating the extent of HABITAT.



HABITAT in the context of the existing Arts & Industry, Sunrise Beach and locality.

The residential suburb of Sunrise Beach is found further to the east, whilst the 'Byron Bay Arts and Industry Estate' is located to the south east and south of the HABITAT site. To the north are the currently disused railway line, the Belongil Swamp

and the Tyagarah Nature Reserve; whilst to the north west is the West Byron STP.

2.2 PROPOSED DEVELOPMENT

Development Consent is sought for a mixed use development entailing a basement car park and three levels above over 2 HABITAT Community Title blocks and part of Penny Lane. The mixed use entails commercial premises, hotel or motel accommodation, serviced apartments, high technology industry, function centre, information and education facility, medical centre, recreation facility (indoor), and food and drink premises. Consent is sought to run the food and drink premises associated with the accommodation as a Licensed Restaurant.

Basement Level

At the basement parking level (Level -01), 201 parking spaces are proposed (including 8 disabled parking spaces, up to 5 x carshare spaces and 5 x electric car-charging stations). Lift and stairwell access to the upper levels is provided from the basement parking. Vehicular access to the car parking area is achieved via a driveway, from Wallum Place accessed from the north eastern part of the site.

Level 00

At the ground floor (Level 00), a communal "Pocket Park" open space area is located in the middle and western part of the development footprint. 12 serviced apartments of approximately 36m² in size are proposed with individual terraces fronting Wallum Place.

A Wellness Centre totalling 344m² in floor space is proposed south of the Serviced apartments and north of the Pocket Park. In the western section of the Pocket Park, a Studio Space unit of 132m² in area for indoor recreation and health-related training is located.

Smaller meeting rooms are also proposed within the grounds of the park for use by Stage 5 tenants.



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South of the Pocket Park are new retail units deliberately designed to foster opportunities for businesses largely marketing on the Internet but also needing 'showroom' or 'flagship store' style street exposure. This use has a total area of 580.6m². Also, in this location, there is a Bike shop unit of 256m².

To the east of the new retail units is a unit for hotel reception and administrative functions. In addition to hotel reception functions, this unit includes offices for the hotel manager, strata manager and hotel reservations team. Further, communication and utility rooms are proposed to be located within this unit.



Graphic illustrating level 00

In the north-east at Level 00 is the access to the basement car parking. To the west of that access is an at grade loading bay which will provide HRV service truck access to the Level 00 back of house area. The back of house area includes facilities for generator and pumping equipment, bin storage, engineering, laundry and the like.

South of the back of house is proposed a double-height Special Function Centre. The Special Function Centre will provide opportunities for land uses requiring a specialised built form to facilitate multi-media activities. It has an overall area of 369.44m². To the west of the Special Function Centre is soft landscaping and circulation space.

South of the Special Function Centre is a 59.87m² Catering Kitchen, and south of that again is a unit of 220.68m² for Co-Retail use designed to support small fledgling retailers. In addition to the above described Level 00 uses, floor space is provided for various back of house and utility rooms.

At this level, some 2,075m² provided in terms of soft landscaping and hard landscaping amounts to about 975m².

Level 01

At Level 01, hotel accommodation is provided in the form of 26 × type "T1" rooms (36m² + 10m² balcony), 19 × type "T2" rooms (27m² + 7m² balcony and 45m² + 15m² balcony) and 2 × type "T3" rooms (78m² + 42m² balcony) north and south of the Level 00 Pocket Park. At this level, east of the void above the Level 00 Pocket Park, there are various back of house and utility rooms as well.



Graphic illustrating Level 01

as a breakout area of 106m² as well as a Networking Space of 204m² + 40m² balcony which includes a small associated bar north of the breakout area (13m²).

Level 02

At Level 02, hotel accommodation is provided in the form of 26 × type "T1" rooms (36m² + 10m² balcony), 19 × type "T2" rooms (27m² + 7m² balcony and 45m² + 15m² balcony) and 2 × type "T3" rooms (78m² + 42m² balcony) north and south of the Level 00 Pocket Park. On the eastern side of Level 02, are a small and large pool with associated guest cabanas and pool amenities. The northern (smaller) pool will be for the exclusive use of guests of the hotel. The southern (larger) pool will be available for use by guests of the hotel and tenants of the commercial premises within the building generally. To the south of the pool is a restaurant of 312m² covered area and associated patron amenities. The restaurant is proposed to cater to the guest of the hotel and be open to the general public.



Graphic illustrating Level 02

Roof

Roofing is proposed generally over the structure north and south of the Level 00 Pocket Park. Both pools are intended to be generally open to the elements. On the roof, it is intended to install photovoltaic cells and certain plant equipment.

2.3 SITE APPROVAL HISTORY

INITIAL WORKS

The initial construction of roadworks, implementation of utility services and environmental enhancement works was undertaken pursuant to DA consents 2008/360 and 2011/162.

Stage 1

DA 2015/353 provided for the mixed-use development comprising residential dwellings, commercial and retail units, recreation facilities, associated infrastructure and subdivision.

Alterations to the physical form of the Stage 1 approval have related mainly to enhancements to the recreation facilities approved pursuant to DA 2016/617 and alterations to the Barrio Cafe and service access under DA 2019/375.

Stage 2

Stage 2 involved the erection of a residential flat building with associated light industry, approved pursuant to DA 2017/4. This Development Application provided for two additional live/work buildings extending on the two buildings approved at Stage 1.



View of the eastern part of Stage 4 from Easy Street towards Fullerton Lane.

Stage 3

DA 2017/628 provided for the construction of 60 "pocket living" apartments. This stage has recently been completed and is now referred to as "Easy Street Living".

Stage 4

DA 2019/517 was lodged with Council in September 2019. It provides for the erection of a Part 2 and Part 3 storey level complex providing retail premises, restaurant / café and recreation facility (indoor) land uses, together with 37 car parking spaces. The Stage 4 Development Application was approved on 21st May 2020 and is scheduled for construction in the near future.

2.4 DCP CHAPTER E5 CERTAIN LOCATIONS IN BYRON BAY AND EWINGSDALE

The DCP Chapter E5 Statement of Desired Future Character for HABITAT specifies the location as a place providing *"a vibrant and sustainable urban environment, which enhances social equity, economic vitality, environmental performance and sustainability, and cultural expression within the Byron Bay community.. providing a wide range of housing and employment choice and has strong connections...*

The Land use 'precincts' at HABITAT include:

Precinct 1A - Mixed use, commercial premises, hotel or motel accommodation, residential flat building, serviced apartments, high technology industry, function centre, information and education facility, medical centre, recreation facility (indoor), and food and drink premises.



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Precinct 1B - Mixed use, retail / business / food and drink / recreation facility (indoor).

Precinct 2 - pocket living.

Precinct 3 - warehouse lofts.

Precinct 4 - mixed use, retail / business / residential / café / community recreation facilities / commercial terraces.

Precinct 5 - ecological enhancement.

Plan 2.1 illustrates the land use precincts and identifies the Stage 5 Development Application parcel.

2.5 THE LAND USE CONFLICT EXPERIENCE TO DATE

The HABITAT development was, in its early phase, the subject of a neighbourhood complaint with respect to mechanical ventilation noise, air conditioning noise, cooling operations, patron and café noise and waste collection issues. The bulk of those complaints related to night-time activity. In recognition of those issues, a subsequent Environmental Noise Impact Assessment (ENIA) relating to mechanical ventilation and refrigeration was prepared and modifications were completed to certain aspects of the mechanical equipment and the procedures and protocols adopted by the restaurant to manage patrons.

As a generality, HABITAT has experienced little of the “internal friction” that a development of this scale, complexity and mix of uses could reasonably expect. The only material concern raised to date has surrounded the appropriate acoustic standards applicable to operations. This consideration arose in relation to monitoring and feedback associated with the utilisation of the Barrio Restaurant. Research and Community engagement has seen Council and HABITAT settle on a specific acoustic standards which have been curated to ensure noise emissions are appropriate and reasonable in the circumstances of the mixed use character of the development¹.

2.6 SURROUNDING LAND USE

Plan 2.2 illustrates in detail the land uses which immediately surround the Stage 5 Development Application parcel.

2.7 CONSIDERATION OF THE POTENTIAL FOR LAND USE CONFLICT IN DESIGN DEVELOPMENT

As part of the preparation of DA 2020/87, the project team was involved in considerable liaison with members of the local HABITAT Community and surrounding neighbourhood². Particular issues that were raised and addressed included:

1. The introduction of transient accommodation in the form of a hotel / motel aspect;
2. Pool and restaurant location;
3. Proposed service corridor;
4. Noise potential; and
5. Fume potential.

The proponents response and/or commitments to addressing these concerns is also contained within this report entitled Consultation Report HABITAT Stage 5, PLANNERS NORTH February 2020.

¹ Refer to table 1.2 in the report by Tim Fitzroy and Associates entitled Noise Impact Assessment, Habitat Stage 5, published on 5th February 2020.

² Components of that consultation have been reported in the document entitled “Consultation Report HABITAT Stage 5, PLANNERS NORTH February 2020”.





2.8 LAND USE SUMMARY & ACTIVITIES ARISING FROM THE PROPOSAL

This land use conflict assessment will evaluate potential land use conflict arising from the proposed **Stage 5 development**.

It is necessary to identify any potential causes for conflict which may arise from the development of

the Site. **Table 1.1** summarises the proposal within the context of the locality and surrounding land use and the activities/impacts which may occur on neighbouring properties.

TABLE 2.1 SUMMARY OF THE PROPOSAL WITHIN THE CONTEXT OF THE LOCALITY AND SURROUNDING LAND USE

Parameter	Details
The nature of the land use change & development proposed	The proposed final stages of the HABITAT project will include residential tourist accommodation within the Mixed Use Development. The land use mix is in accordance with the development standards for the site as specified in DCP Chapter E5.5.
The nature of the precinct where the land use change & development is proposed	The surrounding land use consists predominantly of residential and commercial development. To the northwest is the West Byron STP
Topography, climate & natural features	The Site is flat and built on extensive fill. The north western corner of the Pocket Living area contains the Managed HABITAT wetland zone The climate in the Byron Shire is typical of subtropical Northern NSW, with warm summers and mild winters.
Topography, climate & natural features	The prevailing morning wind is from the southwest, whilst the prevailing afternoon winds are from the southeast and east.
Typical industries & land uses in the area	Commercial enterprises - business, office, dwellings, retail, light industry
The main activities of the proposed land use for the development & regularity of activity	The main activities associated with the proposed development are consistent with the existing pattern of development in the HABITAT site other than in relation to the introduction of short term accommodation and include special function / networking space which is not found anywhere else in the site.
The main activities of adjoining land uses & their regularity	Land to the west and northwest: <i>STP</i> Activities: <i>ongoing</i> Land to the east and south: <i>Light industry, commercial and residential uses</i> Activities: <i>mowing, garden maintenance, traffic, construction activities, some noise - ongoing; construction - occasional</i>
Compatibility of the proposal with surrounding land use issues	The proposal has been purposefully designed to be compatible with the surrounding mix and density of business, office, residential, retail and light industry. The potential for land use conflict with the new uses within Stage 5, is explored by this LUCRA.



3. RISK LEVEL EVALUATION (STEP 2)

This section of the LUCRA provides a risk level evaluation and is supplemented with drawings which illustrate the concept of the development. The final part to this section sets out potential conflict issue ratings.

3.1 RISK EVALUATION & RANKING

As noted in **Table 1.1**, the main activities associated with the proposed Stage 5 development are generally consistent with the existing land uses in HABITAT, save for the introduction of an additional use in the form of short term visitor accommodation and include special function / networking space.

Each likely activity is recorded in **Table 3.1** and an assessment of known land use conflict level is

assigned accordingly. The ranking is given both before and after ameliorating measures are applied to mitigate the given activity impacts. The higher the risk level, the more attention it will require in order to reduce the ranking level. Risk rankings are derived from the risk ranking table attached as **Appendix A**.

Plan 3.1 provides graphic notations in relation to some of the risk activities listed in **Table 3.1**.

TABLE 3.1 IDENTIFIED ACTIVITIES, HAZARDS, RISK RATING AND CONTROL MEASURES

Activity	Identified Hazard	Risk Ranking	Control Methods	Controlled Ranking
Construction Works Building, road and services construction - intense activity, limited duration	Noise/Dust/ Loss of Amenity	3B	- Adherence to approved daytime construction hours - Adherence to relevant legislation specifically re dust/noise management and implementation of erosion control measures	4C
Traffic & Parking	Noise, loss of amenity	3A	The majority of visitors utilising the abundant Stage 5 carpark will gain access directly from Wallum Place, avoiding the internal Habitat road network and minimising conflict.	5E
Noise	Loss of amenity	3B	Specific acoustic management commitments apply.³	5C
Fumes	Loss of amenity	3A	Specific odour management commitments apply.⁴	5C
People pressure	Loss of amenity	3B	The occupancy level of the accommodation in Habitat conforms with the DCP specification. Implementation of CPTED design tools.⁵	5C
Transient population	Loss of amenity	3B	The hotel occupancy rooms conform to the DCP specification. Implementation of CPTED design tools.	5C
Waste management	Loss of amenity	3B	All waste management access to Stage 5 is from Wallum Place with Loading is contained internally within the loading bay.	5C
Overshadowing	Loss of amenity	3B	Overshadowing has been minimised by the implementation of a special setback from the terraces fronting Porter Street.⁶	5E

³ Refer to Table 1.2 the Noise Impact assessment prepared by Tim Fitzroy & Associates, February 2020.

⁴ Refer to Section items 2, 3, 4, 5 and 6 in table 3.1 of the Community Consultation Report published in February 2020.

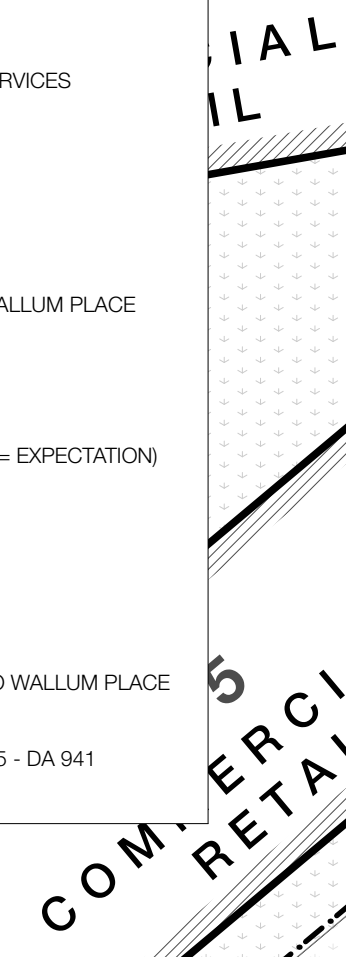
⁵ Refer to Page 17 in the Statement of Environmental Effects concerning CPTED implementation arrangements.

⁶ Refer to Plans DA 975 HEIGHT RELATIVE TO ADJACENT LOTS (Rev01) shadow diagrams: DA 925 WINTER SHADOW DIAGRAMS (Rev01) – DA 941 WINTER SHADOW SECTION (STAGE 05) (Rev01) in the Plan Set.



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3.2 POTENTIAL CONFLICT ISSUES (RISK RATINGS)

In summary, the main potential issues arising from the proposal are:

- Noise/Dust/Loss of Amenity – from construction works
- Traffic & Parking
- Noise
- Fumes
- People pressure
- Transient population
- Waste management
- Servicing
- Overshadowing

Table 3.2 gives a risk value for each of the identified potential conflict areas before (Risk Ranking) and after (Controlled Ranking) a mitigating measure is applied. A rating of High, Medium and Low is then assigned to each risk ranking based on a combination of 'Probability' of occurrence and 'Consequence' from the activity. Thus, the rating of the potential land use conflict risks identified on **Table 3.1** is displayed on **Table 3.2**. **It must be noted that the highlighted scoring shown on Table 3.2 reflects the impact rating for the Controlled Ranking values.**

TABLE 3.2 LAND USE CONFLICT RISK ASSESSMENT MATRIX

NOTE: Yellow highlight = Risk Rating for Controlled Ranking

Construction Works		Likelihood of a dispute/conflict over land use/activity				
		Almost Certain (A)	Likely (B)	Possible (C)	Unlikely (D)	Rare (E)
Likely consequence from a dispute/conflict over land use/activity	Major consequences & impacts almost certain (1)	HIGH (25)	HIGH (24)	HIGH (22)	MEDIUM (19)	LOW (15)
	High consequences & impacts likely (2)	HIGH (23)	HIGH (21)	MEDIUM (18)	LOW (14)	LOW (10)
	Moderate consequences & impacts possible (3)	HIGH (20)	MEDIUM (17)	LOW (13)	LOW (9)	LOW (6)
	Minimal consequences & impacts unlikely (4)	MEDIUM (16)	LOW (12)	LOW (8)	LOW (5)	LOW (3)
	Low consequence & impacts rare (5)	LOW (11)	LOW (7)	LOW (4)	LOW (2)	LOW (1)



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Traffic & Parking		Likelihood of a dispute/conflict over land use/activity				
		Almost Certain (A)	Likely (B)	Possible (C)	Unlikely (D)	Rare (E)
Likely consequence from a dispute/conflict over land use/activity	Major consequences & impacts almost certain (1)	HIGH (25)	HIGH (24)	HIGH (22)	MEDIUM (19)	LOW (15)
	High consequences & impacts likely (2)	HIGH (23)	HIGH (21)	MEDIUM (18)	LOW (14)	LOW (10)
	Moderate consequences & impacts possible (3)	HIGH (20)	MEDIUM (17)	LOW (13)	LOW (9)	LOW (6)
	Minimal consequences & impacts unlikely (4)	MEDIUM (16)	LOW (12)	LOW (8)	LOW (5)	LOW (3)
	Low consequence & impacts rare (5)	LOW (11)	LOW (7)	LOW (4)	LOW (2)	LOW (1)

Noise		Likelihood of a dispute/conflict over land use/activity				
		Almost Certain (A)	Likely (B)	Possible (C)	Unlikely (D)	Rare (E)
Likely consequence from a dispute/conflict over land use/activity	Major consequences & impacts almost certain (1)	HIGH (25)	HIGH (24)	HIGH (22)	MEDIUM (19)	LOW (15)
	High consequences & impacts likely (2)	HIGH (23)	HIGH (21)	MEDIUM (18)	LOW (14)	LOW (10)
	Moderate consequences & impacts possible (3)	HIGH (20)	MEDIUM (17)	LOW (13)	LOW (9)	LOW (6)
	Minimal consequences & impacts unlikely (4)	MEDIUM (16)	LOW (12)	LOW (8)	LOW (5)	LOW (3)
	Low consequence & impacts rare (5)	LOW (11)	LOW (7)	LOW (4)	LOW (2)	LOW (1)



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Fumes		Likelihood of a dispute/conflict over land use/activity				
		Almost Certain (A)	Likely (B)	Possible (C)	Unlikely (D)	Rare (E)
Likely consequence from a dispute/conflict over land use/activity	Major consequences & impacts almost certain (1)	HIGH (25)	HIGH (24)	HIGH (22)	MEDIUM (19)	LOW (15)
	High consequences & impacts likely (2)	HIGH (23)	HIGH (21)	MEDIUM (18)	LOW (14)	LOW (10)
	Moderate consequences & impacts possible (3)	HIGH (20)	MEDIUM (17)	LOW (13)	LOW (9)	LOW (6)
	Minimal consequences & impacts unlikely (4)	MEDIUM (16)	LOW (12)	LOW (8)	LOW (5)	LOW (3)
	Low consequence & impacts rare (5)	LOW (11)	LOW (7)	LOW (4)	LOW (2)	LOW (1)

People Pressure		Likelihood of a dispute/conflict over land use/activity				
		Almost Certain (A)	Likely (B)	Possible (C)	Unlikely (D)	Rare (E)
Likely consequence from a dispute/conflict over land use/activity	Major consequences & impacts almost certain (1)	HIGH (25)	HIGH (24)	HIGH (22)	MEDIUM (19)	LOW (15)
	High consequences & impacts likely (2)	HIGH (23)	HIGH (21)	MEDIUM (18)	LOW (14)	LOW (10)
	Moderate consequences & impacts possible (3)	HIGH (20)	MEDIUM (17)	LOW (13)	LOW (9)	LOW (6)
	Minimal consequences & impacts unlikely (4)	MEDIUM (16)	LOW (12)	LOW (8)	LOW (5)	LOW (3)
	Low consequence & impacts rare (5)	LOW (11)	LOW (7)	LOW (4)	LOW (2)	LOW (1)



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Transient Population		Likelihood of a dispute/conflict over land use/activity				
		Almost Certain (A)	Likely (B)	Possible (C)	Unlikely (D)	Rare (E)
Likely consequence from a dispute/conflict over land use/activity	Major consequences & impacts almost certain (1)	HIGH (25)	HIGH (24)	HIGH (22)	MEDIUM (19)	LOW (15)
	High consequences & impacts likely (2)	HIGH (23)	HIGH (21)	MEDIUM (18)	LOW (14)	LOW (10)
	Moderate consequences & impacts possible (3)	HIGH (20)	MEDIUM (17)	LOW (13)	LOW (9)	LOW (6)
	Minimal consequences & impacts unlikely (4)	MEDIUM (16)	LOW (12)	LOW (8)	LOW (5)	LOW (3)
	Low consequence & impacts rare (5)	LOW (11)	LOW (7)	LOW (4)	LOW (2)	LOW (1)

Waste Management		Likelihood of a dispute/conflict over land use/activity				
		Almost Certain (A)	Likely (B)	Possible (C)	Unlikely (D)	Rare (E)
Likely consequence from a dispute/conflict over land use/activity	Major consequences & impacts almost certain (1)	HIGH (25)	HIGH (24)	HIGH (22)	MEDIUM (19)	LOW (15)
	High consequences & impacts likely (2)	HIGH (23)	HIGH (21)	MEDIUM (18)	LOW (14)	LOW (10)
	Moderate consequences & impacts possible (3)	HIGH (20)	MEDIUM (17)	LOW (13)	LOW (9)	LOW (6)
	Minimal consequences & impacts unlikely (4)	MEDIUM (16)	LOW (12)	LOW (8)	LOW (5)	LOW (3)
	Low consequence & impacts rare (5)	LOW (11)	LOW (7)	LOW (4)	LOW (2)	LOW (1)



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Overshadowing		Likelihood of a dispute/conflict over land use/activity				
		Almost Certain (A)	Likely (B)	Possible (C)	Unlikely (D)	Rare (E)
Likely consequence from a dispute/conflict over land use/activity	Major consequences & impacts almost certain (1)	HIGH (25)	HIGH (24)	HIGH (22)	MEDIUM (19)	LOW (15)
	High consequences & impacts likely (2)	HIGH (23)	HIGH (21)	MEDIUM (18)	LOW (14)	LOW (10)
	Moderate consequences & impacts possible (3)	HIGH (20)	MEDIUM (17)	LOW (13)	LOW (9)	LOW (6)
	Minimal consequences & impacts unlikely (4)	MEDIUM (16)	LOW (12)	LOW (8)	LOW (5)	LOW (3)
	Low consequence & impacts rare (5)	LOW (11)	LOW (7)	LOW (4)	LOW (2)	LOW (1)

The resulting risk ratings shown in **Table 3.2**, which corresponds to the Controlled Ranking values are deemed an acceptable risk (refer to **Appendix A**). This is because the identified potential conflict areas can be mitigated effectively with appropriate controls and therefore yields a 'Low' likelihood of conflict and impact.

4. RISK MITIGATION MANAGEMENT STRATEGIES (STEP 3)

This section summarises the risk control measures implemented with the development.

4.1 CONTROL MEASURES

A number of measures have been listed on **Table 3.1** to mitigate the potential land use conflict which might arise from the proposal. These are as follows:

1. Adherence to approved daytime construction hours;
2. Adherence to relevant legislation specifically re dust/noise management and implementation of erosion control measures;
3. Adherence to the Commitments specified in the DA Documentation.

In addition to the above described "hard measures" there are a range of soft implementation measures that HABITAT relies upon mainly relating to communicating with existing residents and tenants on a continuous basis. This occurs through personal communication by Mr. Brandon Saul (proponent), the project manager (Mr. Abel East), the project architect (Mr. Fraser Martin Williams), the builders and the site strata managers (Precise Property Management). All those people are onsite daily. They ensure that good, solid lines of communication are open at all times, informing the community in relation to construction matters and providing multiple points of contact if any issues arise.

5. SUMMARY, CONCLUSION & RECOMMENDATIONS (STEP 4)

This section sets out a precise summary in relation to the findings of this LUCRA.

This LUCRA has been commissioned by Bayshore Property Pty Ltd. It supports DA 2020/87.

Following the risk evaluation, ranking and rating step by step process a risk rating (see **Table 3.2**) was determined, which is deemed an acceptable risk. This is because the identified potential conflict areas can be mitigated effectively with appropriate control and therefore results in a 'Low' likelihood of conflict and impact.

Accordingly, this land use conflict assessment has duly appraised the potential conflicts which could arise from the proposal. The assessment has found that the proposed control measures are suitable to manage potential land use conflict.



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Fraser Williams - Martin

Fraser Williams-Martin
DFJ Architects

REFERENCES

Learmonth R., Whitehead R., Boyd B., & Fletcher S., 2007, *Living and Working in Rural Areas. A handbook for managing land use conflict issues on the NSW North Coast*, Centre for Coastal Agricultural Landscapes.

Department of Primary Industry (DPI) 2011, *Land Use Conflict Risk Assessment (LUCRA) Guide*, <<http://www.dpi.nsw.gov.au/land-and-water/land-use/lup/development-assessment2/lucra>>.



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APPENDIX A

Risk Ranking & Rating

Risk Ranking

The consequences (environmental/public health and amenity) are combined with a 'probability' (of those outcomes) in the Risk Ranking table to identify the risk rank of each environmental/public health and amenity impact.

Measure of Consequence (Severity of Environmental Impact) table

Level: 1	Descriptor: Severe
Description	☐ 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	• 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 the 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	☐ 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	• 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	☐ Moderate and/or medium-term impact to the environment and community ☐ Some ongoing management implications ☐ Neighbour disputes occur
Example/ Implication	• 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	☐ Minor and/or short-term impact to the environment and community ☐ Can be effectively managed as part of normal operations ☐ Infrequent disputes between neighbours

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Example/ Implication	- 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	☐ Very minor impact to the environment and community ☐ Can be effectively managed as part of normal operations ☐ Neighbour disputes unlikely
Example/ Implication	- No measurable or identifiable impact on the environment - No measurable impact on the community or impact is generally acceptable

Probability (Measure of Likelihood of Risk) table

Level	Descriptor	Description
A	Almost certain	Common or repeating occurrence
B	Likely	Known to occur, or it has occurred
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

Risk Rating

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 **Probability (Measure of Likelihood of Risk) table** - and 5 levels of 'consequence', - a number 1 to 5 as defined in **Measure of Consequence (Severity of Environmental Impact) table** - 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

	Probability				
Consequence	A	B	C	D	E
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

	HIGH
	MEDIUM
	LOW

A risk rating of 20-25 would normally be deemed as an unacceptable risk.
 A risk rating of less than 20 would normally be deemed as an acceptable risk.