RMCG

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Land Use Conflict Risk Assessment – Proposed Senior Living at 24 Coronation Rd, Congarinni North

Final Report (V3)

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1 Introduction

1.1 OVERVIEW

THIS PROJECT

RM Consulting Group (RMCG) has been engaged by Congarinni North Pty Ltd to complete a Land Use Conflict Risk Assessment (LUCRA) for a proposed senior living development located at 24 Coronation Drive, Congarinni North. The proposed development will consist of 282 lots for independent living, a nursing home and facilities including; pool, bowls lawn, walking tracks, dinning and lounge area. A Helipad is also proposed to be constructed for emergency flood evacuation requirements.

The LUCRA has focused on the potential impact on the existing adjacent agricultural use (cattle grazing) to the south on two adjacent properties to assist Council with assessing the proposal. An existing dog boarding kennel facility greater than 300m to the south west has also been considered.

ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the *Dainggatti people* as the Traditional Owners of the Country on which this project was conducted. We recognise their continuing connection to land, waters and culture and pay our respects to their Elders past, present and emerging.

Moreover, we express gratitude for the knowledge and insight that Traditional Owner and other Aboriginal and Torres Strait Islander people contribute to our shared work.

1.2 POLICY CONTEXT

On 31 July 2017, the Nambucca Local Environmental Plan 2010 (the LEP) was amended to permit senior housing as an additional permitted use on the subject land. The proponent is now seeking to lodge a development application (DA) with Council to establish the proposed development. The directly adjoining land to the south is zoned as RU1: Primary Production and is utilised for grazing. Under the Nambucca Development Control Plan (DCP) there is a minimum setback requirement of 80m between grazing and non-agriculture development, or 60m with a 20m vegetation buffer. The development is proposed to be closer than 80m to the southern boundary where grazing occurs.

The proposed development will be greater than 300m from the existing boarding kennel to the south west.

2 Land Use Conflict Risk Assessment

The assessment of Rural Land Use Conflict follows the approach detailed in the Land Use Conflict Risk Assessment Guide[1] prepared by the NSW Department of Primary Industry. Land Use Conflict Risk Assessment (LUCRA) is a system to identify and assess the potential for land use conflict to occur between neighbouring land uses. The LUCRA aims to:

- Identify and address potential land use conflict issues and 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 conflicts to inform and complement development control and buffer requirements
- Highlight or recommend strategies to help minimise the potential for land use conflicts to occur and contribute to the negotiation, proposal, implementation and evaluation of mitigation strategies.

There are four key steps in a LUCRA:

1. Gather information about proposed land use changes and associated activities
2. Evaluate the risk level of each activity
3. Identify risk reduction management strategies
4. Record LUCRA results.

2.1 RISK EVALUATION METHODOLOGY

The risk evaluation and definitions are drawn from the Land Use Conflict Risk Assessment Guide.[1.] A Risk Ranking Matrix (Table 2-1) is used to rank the identified potential land use conflicts. The risk ranking matrix assesses the environmental, public health and amenity impacts according to the:

- Probability of occurrence
- Consequence of the impact.

The risk ranking matrix yields a risk ranking from a high of 25 to a low of 1. It covers each combination of five levels of ‘probability’ (a letter A to E as defined in Table 2-2) and 5 levels of ‘consequence’, (a number 1 to 5 as defined in Table 2-3) to identify the risk ranking of each impact. For example, an impact with a ‘probability‘ of D and a ‘consequence’ of 3 yields a risk ranking of 9.

A ranking of 25 is the highest magnitude of risk: a severe event that is almost certain to occur. A ranking of 1 represents the lowest magnitude of risk: a rare event with negligible consequences. A risk ranking greater than 10 is regarded as high and priority is given to those activities listed as high risk.

[1] Department of Primary Industry (2011) Land Use Conflict Risk Assessment Guide

Table 2-1: Risk Ranking Matrix

	PROBABILITY					
Consequence		A	B	C	D	E
	1	24	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

Table 2-2: Probability definitions

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 2-3: Consequence definitions

LEVEL	DESCRIPTOR
1	**Severe** Severe and/or permanent damage to the environment Irreversible Severe impact on the community Neighbours are in prolonged dispute and legal action involved
2	**Major** Serous and/or long term impact to the environment Long terms management implications Serious impact on the community Neighbours are in serious dispute
3	**Moderate** Moderate and/or medium-term impact to the environment and community Some ongoing management implications Neighbour disputes occur
4	**Minor** Minor and/or short term impact to the environment and community Can be effectively managed as a part of normal operations Infrequent disputes between neighbours
5	**Negligible** Very minor impact to the environment and community Can be effectively managed as part of normal operations Neighbour disputes unlikely

2.2 SITE CHARACTERISTICS

The proposed development is located on a ridgeline with steep north facing slopes adjacent to the southern boundary of the property. The directly adjacent land to the south slopes away to the south. To the south east the land flattens outs onto river flats.

Prevailing wind is from the south west[2]. Mean annual rainfall is 1480mm[3].

Earthworks are proposed to assist with leveling the site for the development. The proposed earthworks will further reduce the ground height by 1 to 3m from the southern boundary. The proposed sensitive uses (dwellings) associated with development are proposed to be as close as 40m from the southern boundary (See Master Plan in Appendix 1).

2.3 ADJACENT LAND USE

Directly adjoining the southern boundary of the subject land are two properties[4].

Property 1: 68-94 Coronation Rd is located to the south east. There are two titles associated with this property (Lot 1 & 2 DP1096562) and there is also an existing dwelling. The land is approximately 25ha in area, managed as pasture and is utilised for cattle grazing. The land on this property that is directly adjacent to the proposed development slopes away on a moderate slope to the south and would be the least productive area of the property. Further to the south east, the property is lower lying land associated with the river flats.

Property 2: To the south west (and also wrapping around the western boundary of the subject land) is Lot 1 DP1265232, Coronation Rd. This title is approximately 73ha in area. Directly south of the subject property there is approximately 14ha of pasture and to the west of the subject property is approximately 17ha of pasture, with the balance supporting native vegetation. This property is also utilised for cattle grazing. The area to the south is the most likely area to be impacted by the proposed development. This area is moderately sloped with a ridge line that runs through the property sloping away to the north west and south east, flattening out to the south of the property.

The size of these properties indicate that the existing agricultural use would best be described as having lifestyle to hobby scale grazing characteristics.

South west of Lot 1 DP 1265232 is Lot 3 DP1015406. This title is approximately 7.5ha in area. There is an existing dog boarding kennel facility located in the central south of this title, while the balance is managed as pasture. In February 2014 DA117/2013 was approved to 'Demolish existing kennels and construct new kennels, reception and cattery'. A further modification was approved in May 2020. The facility is allowed to have a maximum of 50 dogs present on site at one time. Provisions for acoustic insulation for kennels, limited public access time and times for when dogs must be inside were also stipulated. An acoustic buffer was also required to be established around the new buildings.

Along Coronation Rd to the west and south of the road are further rural residential properties with existing dwellings. These are all smaller in area than the two adjoining the subject property, with the majority having existing dwellings. These properties would be described as having lifestyle characteristics.

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2 From http://www.bom.gov.au/climate/averages/wind/selection_map.shtml wind roses for Port Macquarie and Coffs Harbour.
3 From http://www.bom.gov.au/climate/averages/tables/cw_059030.shtml Mean annual rainfall for South West Rocks
4 From https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/lot NSW ePlanning Spatial Viewer.

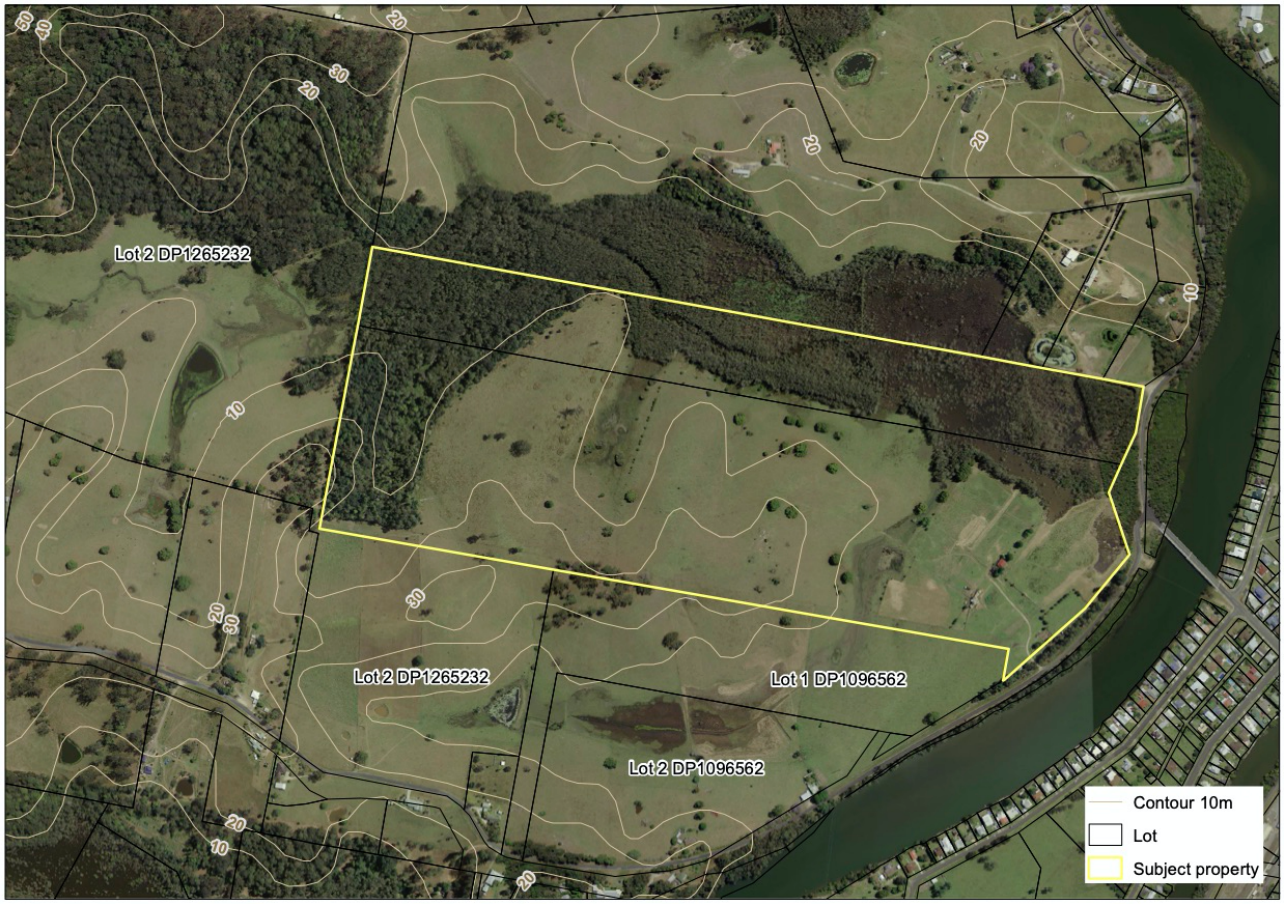

Figure 2-1: Aerial image of the subject property and surrounding lots

2.4 CONFLICT RISK ASSESSMENT

An assessment of potential land use conflicts arising from the proposed senior living development and the existing cattle grazing land use to the south and the boarding kennel to the south west has been undertaken for this study. The assessment considered typical activities associated with cattle grazing operations and boarding kennels that may be impacted by the proposed development. It also identified activities that are likely to occur as part of the proposed development that may impact on the existing agricultural use. The assessment considered the expected frequency of the activities occurring e.g. daily, weekly or yearly occurrence and their consequent impact.

2.4.1 RISK EVALUATION

The evaluation identified that there is a risk of land use conflict between the proposed development and the adjacent grazing activities and the nearby boarding kennels.

Typical farming activities (and their off-site impacts) from a grazing based land use include:

- Noise and odour from stock
- Noise from machinery
- Occasional use of herbicides, pesticides, fertilizer spreading
- Pest animal management (shooting, poisoning, fumigating)
- Fire prevention measures (fuel reduction burning, chain sawing).

Typical activities (and their offsite impacts) from a boarding kennel facility include:

- Noise from boarding animals (barking dogs)
- Odour from animals

A development that includes hundreds of new residents in close proximity to a grazing land use and a boarding kennel has the potential to cause conflict. If not appropriately mitigated expected activities associated with the new development will have the potential to impact on the health and wellbeing of livestock and similarly, the existing grazing land use activities have the potential to impact resident's amenity and thus have potential to cause conflict.

The results of the risk evaluation are set out in Table A1-1 in Appendix 1. The risk assessment process identified 13 potential high-risk land use conflicts arising from the development.

2.4.2 RISK MITIGATION STRATEGIES

With the proponent seeking to construct the proposed development closer than the DCP's required set back of 80m or 60m and a 20m vegetated buffer from the adjacent grazing to the south, mitigation measures would need to be considered to reduce the potential for land use conflict. The existing agricultural land use appears to be of relatively low intensity so it would be technically feasible to put in place measures that could reduce the setback distance needed.

If screening is put in place along the southern boundary between the grazing areas and the proposed development, then a reduced setback is appropriate. Screening would need to be developed that can assist with reducing the risk of spray drift, partially reduce noise and provide a visual barrier. A potentially effective example of a screen option could be the construction of a 1.8m fence and a single row windbreak treed vegetation buffer to act as a windbreak (prevailing wind is from the south west). A dense tree species should be considered. This option should assist with blocking spray drift, odour and noise, as well as assisting with bushfire protection measures[5], With such measures a setback of between 40m and 50m between sensitive uses and amenities of the proposed development and the grazing land would be reasonable. High quality fencing would also considerably reduce the risk of trespass onto the grazing land, prevent pets entering the farmland and harassing livestock and livestock being able to trespass through the proposed development. The development of a tree line along the boundary would also assist in screening the development from existing residents to the south. The natural topography of the land would also assist in partly screening the development from land to south.

It is also important to note that the Code of Practice for using sprays in a rural setting recommends spraying to be conducted during favourable weather conditions (e.g. minimal wind, not when rain events are forecast). Based on the size of the adjacent properties, it is considered unlikely that aerial spraying would be utilised, so ground based spraying is expected to be the main type of spraying to occur. Furthermore, spraying activities associated with a grazing enterprise are likely to be much less frequent and intense than more intensive agricultural activities such as cropping or horticulture.

The access road for the new development is proposed to be a minimum of 26m from the southern boundary. The fence and windbreak along the southern boundary as well as a suitably low speed limit and a sealed surface would assist with reducing potential conflict caused by the road.

The above mitigation strategies will also assist in reducing the risk of conflict between the proposed development and the boarding kennels to the south west. The distance between the kennels and the nearest sensitive use associate with the proposed development will be greater than 300m. The required acoustic

[5] A windbreak is classed as a single row of trees used as a screen or to reduce the effect of wind on the leeward side of the trees, and is classed as low threat vegetation under the Australian Standard, Construction of buildings in bushfire prone areas.

control measures associated with the boarding kennel upgrades will also assist in reducing the risk of conflict. It is also worth noting that there are already existing dwellings that are closer to the boarding kennels than the proposed development will be.

A further key aspect of mitigating future conflict between the uses would be developing open lines of communication between the proposed development's facility management and the adjacent landholders. A single contact point should be provided for the adjacent landholders and good communication would enable residents to be informed when planned farm management activities or activities associated with the boarding kennels may impact on their amenity.

2.5 CONCLUSION

There is a risk of land use conflict occurring between the proposed Senior Living development at 24 Coronation Rd and the two adjacent properties to the south, where cattle grazing occurs as well as a property to the south west where there is an existing boarding kennel facility. The existing agricultural land use appears to be of relatively low intensity so it would be technically feasible to put in place measures that could reduce the potential for conflict and therefore reduce the setback distance needed. The setback from the existing boarding kennel to the development is greater than 300m and is greater than the setback of the boarding kennels to existing residences in the area.

The risk assessment process identified 14 potential high-risk land use conflicts arising from the development. After adopting the recommended mitigation measures there were only three remaining high risks. These risks could be minimised by attention to maintenance of the recommended screening infrastructure and keeping communication channels open between the facilities management and adjacent landholders.

With the installation of screening (including a 1.8m fence and dense single row tree windbreak/shelter belt) the potential for conflict would be reduced. If these measures were put in place, it is concluded that a 40-50m setback between grazing land along the southern boundary and the proposed dwellings and amenities associated with the senior living development would be appropriate. These measures will also assist in further mitigating the potential for conflict with the boarding kennels located greater than 300m to the south west.

Appendix 1: Risk Evaluation

Table A1-1: Risk Evaluation*

RISK EVALUATION						REVISED RISK EVALUATION AFTER MITIGATION					
ACTIVITY	FREQUENCY	RISKS	PROBABILITY	CONSEQUENCE	RISK RANKING	ACTIVITY	FREQUENCY	RISK REDUCTION MEASURES	PROBABILITY	CONSEQUENCE	RISK RANKING
Existing Properties – Activities that may cause conflict with new residential neighbours and may be limited by the proposed development											
Pasture renovation including; sowing, herbicide spraying and cultivation	Quarterly	Noise from machinery, often very early in the morning. Potential of spray drift, dust generation and water resource contamination. Spraying can occur from the ground or be aerial.	B	3	17	Pasture renovation including; sowing, herbicide spraying and cultivation	Quarterly	40-50m setback from southern boundary to dwellings and amenities. Implement a 1.8m high fence along southern boundary adjacent to development. Implement a single row vegetation screen. Spraying near proposed development should only occur in optimal conditions (no wind). Early in the morning is usually best.	C	4	8
Grazing	Ad hoc	Noise at certain times of the year e.g. weaning calves. Potential for livestock trespass. Odour from livestock	A	4	16	Grazing	Ad hoc	40-50m setback from southern boundary to dwellings and amenities. Implement a 1.8m high fence along southern boundary adjacent to development. Implement a single row vegetation screen.	B	4	12
Forage conservation; mow, rake, bale, cart bales	Yearly	Potential of noise and dust generation from machinery.	B	3	17	Forage conservation; mow, rake, bale, cart bales	Yearly	40-50m setback from southern boundary to dwellings and amenities. Implement a 1.8m high fence along southern boundary adjacent to development. Implement a single row vegetation screen.	C	4	8
Fertiliser spreading	Yearly	Potential of noise and dust generation from machinery and odour.	B	3	17	Fertiliser spreading	Yearly	40-50m setback from southern boundary to dwellings and amenities. Implement a 1.8m high fence along southern boundary adjacent to development. Implement a single row vegetation screen.	C	4	8
Pesticide spraying	Yearly	Noise from machinery, often very early in the morning. Potential of spray drift, dust generation and water resource contamination. Spraying can occur from the ground or be aerial.	B	3	17	Pesticide spraying	Quarterly	40-50m setback from southern boundary to dwellings and amenities. Implement a 1.8m high fence along southern boundary adjacent to development. Implement a single row vegetation screen. Spraying near proposed development should only occur in optimal conditions (no wind). Early in the morning is usually best.	C	4	8

RISK EVALUATION						REVISED RISK EVALUATION AFTER MITIGATION					
ACTIVITY	FREQUENCY	RISKS	PROBABILITY	CONSEQUENCE	RISK RANKING	ACTIVITY	FREQUENCY	RISK REDUCTION MEASURES	PROBABILITY	CONSEQUENCE	RISK RANKING
Pest animal control measure	Quarterly	Control activities may include shooting, poisoning or fumigation impacting on nearby residents' amenity.	B	2	21	Pest animal control measure	Quarterly	Work with landholders and relevant local authorities to develop pest control and eradication programs. Notify facilities management when conducting activities e.g. shooting.	C	2	18
Fire prevention	Half yearly	Increased pressure from adjacent residential development to keep pastures in a low fuel state, which could impact on feed availability. Risk of managed burns escaping onto neighbouring property, noise from chain sawing to clean up debris and reduce fuel loads	C	1	22	Fire prevention	Half yearly	Fire protection measures for the proposed development to be contained within its own title boundaries, to allow agricultural land to be managed for pasture activities. Adjacent landholders to notify facility management if activities such as fuel reduction burns or chain sawing are scheduled to take place.	D	3	9
Keeping of domestic animals in outdoor areas as part of a boarding kennel enterprise to the south west.	Daily	Noise from animals. Odour from animals	C	3	13	Keeping of domestic animals in outdoor areas	Daily	40-50m setback from southern boundary to dwellings and amenities. Implement a 1.8m high fence along southern boundary adjacent to development. Implement a single row vegetation screen. Overall setback to boarding facility will be >300m and will include a buffer. A Permit has been issued to the boarding kennel approving proposed facility upgrades. As part of the approval the facility must establish an acoustic vegetation buffer, make the new kennels acoustically insulated and animals must be kept inside from 8pm to 7am. Animal waste is required to be collected and disposed of daily.	C	4	8
New Residents – Activities which may cause conflict with existing residents.											
Local Traffic	Daily	Increase in traffic throughout the area impacting on amenity (increase in noise and dust) and safety of existing residents. Increased risk of safety and disturbance to stock.	B	3	17	Local Traffic	Daily	New access road adjacent to south boundary should be sealed and have a suitable speed limit. Ensure fencing along the boundary is high quality mesh and maintained to minimise the risk of stock getting through.	C	3	13
Dwellings	Permanent	Increase in the number of residents adjacent to normal rural activities who have unaligned expectations and unaware of the reality of a rural setting.	B	3	17	Dwellings	Permanent	40-50m setback from southern boundary to dwellings and amenities. Implement a 1.8m high fence along southern boundary adjacent to development. Implement a single row vegetation screen.	C	4	8

RISK EVALUATION						REVISED RISK EVALUATION AFTER MITIGATION					
ACTIVITY	FREQUENCY	RISKS	PROBABILITY	CONSEQUENCE	RISK RANKING	ACTIVITY	FREQUENCY	RISK REDUCTION MEASURES	PROBABILITY	CONSEQUENCE	RISK RANKING
								Develop a communication plan for new residents to inform them of timing of potential activities that could occur on adjacent agricultural land.			
Domestic pets	Permanent	Increase in number of domestic pets and potential loss and harm to stock, pets and wildlife if not contained.	C	2	18	Domestic pets	Permanent	Place requirements on the keeping of pets, including effective control measures, including designated on and off lead areas for dogs. Cats to be contained. Ensure effective fencing along southern boundary.	D	3	9
Noise from increased presence of people	Permanent	Increase in noise from activities associated with amenities of the proposed development and the number of extra people that will be located on the site.	B	3	17	Noise from increased presence of people	Permanent	40-50m setback from southern boundary to dwellings and amenities. Implement a 1.8m high fence along southern boundary adjacent to development. Implement a single row vegetation screen. Communication plan with agricultural neighbours and the adjacent boarding kennels to ensure they are aware of significant activities occurring within the proposed development.	C	4	8
Noise, helicopter use	Emergency situations	Helicopters for flood evacuation.	D	4	5	Noise, helicopter use	Emergency situations	Helicopters for flood evacuation will be a rare event – no mitigation measures justified.	D	4	5
Pest plant and animals	Permanent	Increase in pest plant and animal infestations due to poor management skills and practices, introduction of weeds, escape of garden plants into adjacent land.	C	2	18	Pest plant and animals	Permanent	Strict conditions on the type of plants allowed to be planted within the proposed development. Community pest control programs	C	4	8
Trespass	Weekly	Residents and visitors going on to adjacent grazing land. Potential for harm to animals, equipment or harm to the individual.	C	2	18	Trespass	Weekly	Communication plan for new residents detailing the consequences of trespass. Clear signage and/or barriers that identify boundaries and restrict access to grazing land.	D	3	9
Litter	Weekly	Injury and poisoning of livestock and domestic animals via windblown and dumped waste. Damage to equipment and machinery. Amenity impacts	D	3	9	Litter	Weekly	Frequent rubbish collection. Accessible rubbish collection points in public spaces within the development.	D	4	5

*A risk with a ranking of 25 is very high (i.e. almost certain to occur with severe consequences). A risk with a ranking of 1 is very low (i.e. rarely occurs and has negligible consequences). A risk ranking greater than 10 is considered high.

Appendix 2: Development Site Plan 22 December 2020

Figure A2-1: Senior Living Site Plan, dated 22 December 2020

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