Land Use Conflict Risk Assessment

Planning Proposal Industrial Rezoning for land located at Lot 2 DP 1220463 No 6399 Kyogle Road Kyogle
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1. Introduction

*Tim Fitzroy & Associates* has been engaged by MJ Smith Ground Preparation Pty Ltd to undertake a Land Use Conflict Risk Assessment (LUCRA) to accompany a Planning Proposal to Kyogle Council for land located at Lot 2 DP 1220463; Murwillumbah - Kyogle Road, Kyogle to permit an industrial rezoning (see Locality Plan Illustration 1.1). The Land Use Zones that currently apply to the subject land are Zones RU1 Primary Production and RU2 Rural Landscape under the Kyogle Local Environmental Plan (KLEP) 2012.

Kyogle Council at its Ordinary Meeting of 12 December 2016 resolved to prepare an amendment to the KLEP to amend the Land Use Zone to Zone IN1 General Industrial. The proposed LEP Amendment is intended to facilitate the making of a development application that will seek consent to the establishment of a truck depot.

The subject site covers an area of approximately 5 ha. The key constraints regarding the proposed rezoning relate to the seven closest existing rural residences in the locale.

LUCRA’s were initially conceived in the *Living and Working in Rural Areas Handbook* (Department of Primary Industries et.al 2007) by the Centre for Coastal Agricultural Landscapes in partnership with the Northern Rivers Catchment Management Authority as a tool to better manage potential land use conflicts between residential development and rural activities and environmental attributes/assets on the NSW North Coast.

As part of the Gateway Determination for the subject planning proposal the Department of Planning and Environment (DPE) has determined that prior to an amendment to the KLEP 2012 to allow rezoning of the subject site for industrial purposes a number of conditions are to be addressed including:

1. Prior to consultation being undertaken a Land Use Conflict Risk Assessment (LUCRA) is to be undertaken addressing the potential land use conflicts that may arise due to the rezoning and subsequent use of this land with the surrounding residential dwellings and any other sensitive receptors.

Potential Land use conflicts for the proposed rezoning from a rural to an industrial zone include:

- Existing rural residences located at:
  - (R1) Lot 1 DP1220463 (on the eastern and southern boundary of the subject site);
  - (R2) Lot 2 DP622829 (on the eastern boundary of the subject site);
  - (R3) Lot 1 DP1238773 (north east of the subject site, across Kyogle Road);
  - (R4) Lot 391 DP839797 (north nor-east of the subject site, across Kyogle Road);
  - (R5) Lot 3 DP622829 (east of the subject site);
  - (R6) Lot 1 DP372404 (north east of the subject site, across Kyogle Road); and
The following environmental guideline has been considered in the assessment of potential land use conflicts:


In addition a review of the following documents for the proposed development has been undertaken:

1. Planning Proposal Amendment No. 13 – Rezoning at 6399 Kyogle Road, Kyogle Council, 15 March 2017; and
2. Gateway Determination Planning Proposal to Amend Kyogle Local Environmental Plan 2012, NSW Department of Planning and Environment, Ref: Kyogle Council PP_2017_003_00 (17/04525), 17 April 2017).

The Planning Proposal should be designed to minimise instances of incompatibility such that adjoining commercial and industrial practices are not inhibited and natural ecosystems and attributes are enhanced where possible. Where such instances do arise, measures to ameliorate potential conflicts should be devised wherever possible.

Conflict between residences and industrial land uses is likely to occur where land uses directly abut, or are sufficiently close to, industrial and such that they are likely to be affected by industrial activities. Such conflict can arise from noise, dust and odour generating activities.

When considering potential land use conflict between childcare facilities and industrial activities it is important to recognise that all industrial activities:

- should incorporate reasonable and practicable measures to protect the environment in accord with the Protection of the Environment Operations Act (POEO) and associated industry specific guidelines; and
- are legally conducted as required by other legislation covering workplace health and safety.

Nevertheless, certain activities practised by even the most careful and responsible operator may result in a nuisance to an adjacent residential dwelling through, for example, unavoidable noise impacts. Typical conflicts between industrial use and residential use as provided in Table 1.1 below:
Table 1.1 Typical Conflicts between Industrial development and surrounding residential dwellings

| Noise                                           | • Industrial equipment, machines, transport.  
|                                                | • Ancillary equipment associated with industrial processing  
|                                                | • Road Traffic  
|                                                | • Mechanical Equipment  
|                                                | • Vehicle Movement  
| Odour                                          | • Chemicals.  
|                                                | • Fuels  
| Health concerns                                | • Chemicals.  
| Water                                          | • Hydrocarbons in surface and ground water.  
|                                                | • Runoff  

The Living and Working in Rural Areas Handbook (NSW DPI et. al 2007), in particular Chapter 6 Development Control, provides guidance in the assessment and mitigation of potential land use conflict matters and has been used as a resource for this Land Use Conflict Risk Assessment (LUCRA). This LUCRA has been prepared to assist Council in assessing potential land use conflicts between the planning proposal (re zoning for use as a truck depot) at the subject site and the existing surrounding residential dwellings.
Disclaimer: This report has been generated by various sources and is provided for information purposes only. Spatial Services does not warrant or represent that the information is free from errors or omission, or that it is exhaustive. Spatial Services gives no warranty in relation to the information, especially material supplied by third parties, Spatial Services accepts no liability for loss, damage, or costs that you may incur relating to any use or reliance upon the information in this report.
1.1 Scope of Works

This assessment has been undertaken to determine the potential land use conflicts between the operations of industrial land (to be rezoned) at No 6399 Kyogle Rd Kyogle and sensitive receptors in the locale:

- Existing rural residences located at:
  - (R1) Lot 1 DP1220463 (on the eastern and southern boundary of the subject site);
  - (R2) Lot 2 DP622829 (on the eastern boundary of the subject site);
  - (R3) Lot 1 DP1238773 (north east of the subject site, across Kyogle Road);
  - (R4) Lot 391 DP839797 (north nor-east of the subject site, across Kyogle Road);
  - (R5) Lot 3 DP622829 (east of the subject site);
  - (R6) Lot 1 DP372404 (north east of the subject site, across Kyogle Road); and
  - (R7) Lot 4 DP1238773 (north west of the subject site, across Kyogle Road).

Note: There is not envisaged to be any significant Land Use Conflicts between rezoning the subject for Industrial use and either the operation of the:

- Hurfords Hardwoods Timber mill (located to the immediate north across Kyogle Road);
- The Council quarry (located to the west at Lot 2 DP529272) or
- Existing agricultural activities (cattle grazing in the locale).

This Land Use Conflict Risk Assessment (LUCRA) is to accompany a Planning Proposal to Kyogle Council for land located at Lot 2 DP 1220463; Kyogle Road, Kyogle to permit an industrial rezoning.

The total area of the subject development site is about 5ha. A plan of the land subject to the LEP amendment is provided in Illustration 1.2.

The tasks involved in undertaking this assessment were to:

Step 1: Gather information
- Determine the nature of the land use change and development proposed.
- Assess the nature of the precinct where the land use change and development is proposed.
- Appraise the topography, climate and natural features of the site and broader locality.
- Conduct a site inspection.
- Describe and record the main activities of the surrounding land use and their regularity, including periodic and seasonal activities that have the potential to be a source of complaint or conflict.
- Consider the impacts of residential development on the natural attributes of the site.

Step 2: Evaluate the risk level of each activity
- Record each activity on the risk assessment matrix, and identify the level of risk of a land use conflict arising from the activity.
Step 3: Identify the management strategies and responses that could help lower the risk of the issue resulting in a dispute and conflict
- Identify management strategies for each activity.
- Prioritise Strategies.
- Provide Performance targets for each activity.

Step 4: Record the results of the LUCRA
- Summarise the key issues, their risk level, and the recommended management strategies.
Illustration 1.2 Proposed LEP Amendment
2. Gather Information

2.1 Nature of the land use change and development proposed

The proposed use of the site is for the purposes of a depot to support an existing earthmoving and heavy haulage business as well as the continued use of the bulk storage and distribution facilities.

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

The subject site is approximately 5 hectares in area and has approximately 300 metres of frontage to Murwillumbah - Kyogle Road. The subject site was developed some years ago for the purposes of a bulk storage and distribution facility and the infrastructure and buildings remain on the site.

The subject site is zoned as follows under the Kyogle LEP 2012:
- RU1 Primary Production; and
- RU2 Rural Landscape.

The subject site is currently used for earthmoving and heavy haulage business as well as for bulk storage and distribution facilities. According to Kerri Bennett Site Manager, Kyogle Depot MJ Smith Group (pers.com 29 March 2018):
- five Semi Truck/trailers operate out of the depot: 3 wood trucks, 2 log trucks and 1 water truck. From time to time other vehicles (including large trucks/semi trailers) utilise the depot as a staging point for bulk earthworks projects.
- The weighbridge is also utilised by local heavy vehicles

There are a total of 12 drivers, 1 mechanic and 3 administration staff that utilise the site. The hours of operation are as follows:
- Heavy vehicles utilise the site:
  - 24 hours per day/ 5 days per week;
  - Saturdays 7am to 4pm; and
  - Sunday 2pm to midnight.

The heavy vehicles are subject to GPS tracking. At the Kyogle Depot, the following vehicle movements take place.
- Three log trucks leave the depot daily between 4.30am and 5am and return to the depot between 4.30pm and 6.00pm.
- Three woodchip trucks leave the depot between 2.00am and 4.00am and all return to the depot between 2.00pm and 4.30pm.
- Anywhere up to 10 Light vehicles (employee cars) access the depot from 2.00am, while the majority of vehicles access the site.
from around 5.00am, these vehicles will then leave the site from 2.00pm until 7.00pm.

- At times, light vehicles and trucks enter the site throughout the day, to use the public weighbridge. On average there would be 5 vehicles a week.
- 80% of heavy vehicles leave the depot and travel west along Kyogle Road.
- The remaining 20% of heavy vehicles travel east along Kyogle Road.
- 90% of heavy vehicles leaving the site are empty.

One mechanic is employed to undertake minor mechanical repairs of heavy vehicles within the workshop.

There are 12 large grain silos on the northern boundary of the subject site adjacent to Murwillumbah Kyogle Road. The silos are fitted with fans operated by internally fitted electric motors. The fan operation is regulated by moisture sensors. According to Ms. Bennett currently two of the silos are leased to store rice. Ninety (90) tonnes of rice was placed in on the silos in November 2017 and that is the last movement since that time.

Surrounding landuses include small rural allotments with residential dwellings to the south, east, north east and north-west; rural activities including cattle grazing, the Hurfords Hardwoods Timbers to the north, Council quarry to the west and the Murwillumbah – Kyogle Road, to the immediate north which provides the main transport route between these two centres (See Illustration 2.1).