

APPENDIX C - Land Use Conflict Risk Assessment

1. Introduction

This Land Use Conflict Risk Assessment (LUCRA) has been prepared to support a Planning Proposal (PP) to rezone two lots (the site) located at 106 Wyee Road and 1496 Hue Hue Road, Wyee, from RU4 Primary Production Small Lots to E1 Local Centre. The rezoning is proposed to allow for the future commercial redevelopment of the site, including a full-line supermarket and associated speciality retail and business uses.

This LUCRA has been prepared in response to preliminary feedback from the Department of Primary Industries (DPI) Agriculture received by Lake Macquarie City Council (Council) in response to the Scoping Report (letter dated 18 October 2023). DPI Agriculture noted that they do not oppose the proposed rezoning however, suggested that a LUCRA be prepared.

This LUCRA has been prepared in accordance with the DPI *Land Use Conflict Risk Assessment Guide*, October 2011 (the Guide).

1.1 Scope of Works

This LUCRA aims to accurately identify and address any potential land use conflict issues and risk of occurrence which may be brought about due to the proposed rezoning of the site and intended future commercial development. This LUCRA identifies mitigation measures and recommends strategies to minimise conflict where required. In summary, this LUCRA demonstrates that there is no significant land use conflict.

2. Gather Information

2.1 Nature of the land use change and development proposed

The PP proposes to rezone the site to E1 Local Centre to allow for future commercial redevelopment which would comprise a full-line supermarket with specialty retail, other commercial uses and associated car parking.

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

The site is currently zoned RU4 Primary Production Small Lots and located at the corner of Wyee Road and Hue Hue Road, Wyee (refer Figure 1). The site has two existing dwelling houses with ancillary buildings, with managed lawn comprising majority of the site area. Domesticated horses were seen grazing on the site during the site inspection. The site is not currently used for agricultural purposes.



Figure 1: Aerial site image (Source: SIX Maps)

Land to the north and west of the site is also zoned RU4 Primary Production Small Lots, and of a similar managed lawn/rural living character. A landscape supplies business adjoins the northern edge of the site, located on RU4 zoned land. Opposite the site there is an existing E1 Local Centre zone, which includes a petrol station and a plant nursery (refer to Figure 2).

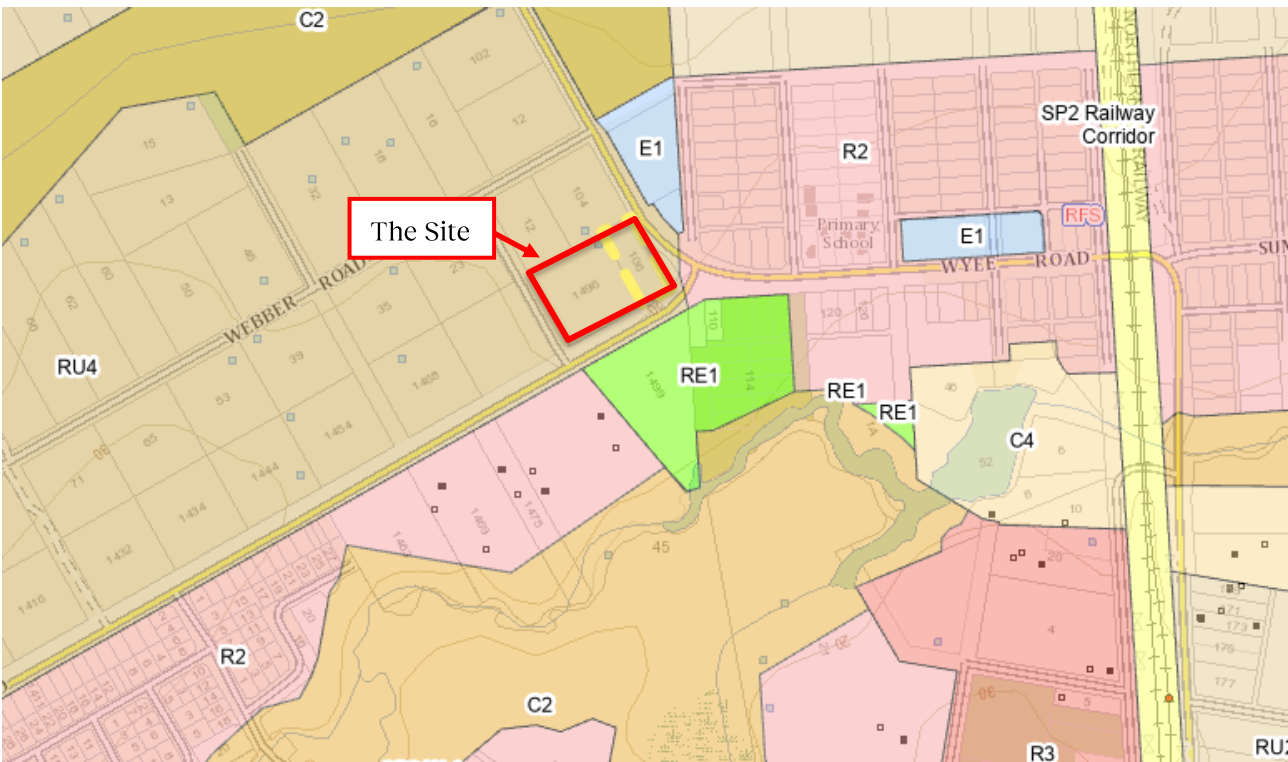


Figure 2: Extract of the LMLEP 2014 Land Zoning Map (Source: NSW ePlanning Spatial Viewer)

2.1.1 Proposed Land Use - Key Activities

It is assumed that the key activities occurring on the site (associated with a future redevelopment) will be customers arriving to the site for a short-term stay (1-2hrs) visiting the supermarket and other businesses. Customers will arrive and depart predominantly via vehicle, but also via public transport and walking.

It is assumed that use of the site will intensify seasonally, prior to holiday periods, such as Easter and Christmas. It is likely that traffic and noise impacts would be intensified at these times.

There are no other periodic or seasonal activities envisioned for the site.

2.3 Topography, Climate and Natural Features

The site is relatively flat with a slight fall towards Wyee Road at the north-eastern corner of the site. The wider area is also relatively flat. Wyee has a relatively warm, dry climate, with average temperatures slightly higher than that of Sydney.

The site primarily consists of managed grass for grazing horses and rural residential living. Small trees are dispersed across parts of the site however, trees are predominantly clustered within the eastern part of the site towards Wyee Road. None of the trees are listed on Council's Significant Tree Register.

2.4 Site History

A site history investigation was undertaken by Foundation Earth Sciences as part of their Preliminary Site Inspection - Contamination Report (submitted in support of the PP). The site history (refer Figure 3) confirms that the site has been used as primarily a rural residential land use since 1966.

Year	Site		Surrounding areas
1966	Rural Residential	The property at 106 Wye Rd is occupied by a rural residential property. The property at 1496 Hue Hue Rd also appears to have a single rural residential property along with some storage structures.	N: Wye road, then some rural residential and vacant land. S: Hue Hue road, Vacant and some rural residential E: Wye road, Vacant and some rural residential W: Bushland/Vacant and rural residential.
1975	Rural Residential	Some of the storage sheds appear to have removed from the property at 1496 Hue Hue Road.	N: Rural residential developments S: Rural residential developments E: Rural residential developments W: Rural residential developments
1984	Rural Residential	No major changes	N: Rural residential developments S: Rural residential developments E: Rural residential developments W: Rural residential developments
2006	Rural Residential	No major changes	N: Rural residential developments S: Rural residential developments E: a service station established, residential developments W: Rural residential developments
Current	Rural Residential	The site is as inspected (section 7.1)	As per inspection.

Figure 3: Site History prepared by Foundation Earth Sciences (Source: Page 14, PSI - Foundation Earth Sciences, 2024)

2.5 Site inspection outcomes

The Site

SJB Planning undertook a site inspection on the 18th of September 2023. As expected from a desktop review, the site was predominantly managed lawn with some remnant vegetation used for grazing domesticated horses. The existing buildings (dwellings and ancillary buildings/sheds) on the site were in good condition.



Figure 4: The Site, as viewed from Palara Road (looking north-east) (Source: SJB Planning)



Figure 5: The Site, as viewed from Hue Hue Road (looking north-west) (Source: SJB Planning)

Surrounding Development

The neighbouring properties immediately north and west of the site are zoned RU4 Primary Production Small Lots however, these sites are used as existing businesses including landscape supplies and disability support. Further north and west of the site, the remaining nearby RU4 zoned land is used for rural residential purposes. To the south of the site is existing public open space, and to the east of the site is the existing town centre, including low density residential (consisting of predominantly detached dwelling houses), a school, retail and business uses.

Land to the southwest of the site is currently being developed in accordance with the Wye West Area Plan, which will provide in the order of 1,400 dwellings. This land release area includes the recently subdivided Radcliffe Estate, which will provide 850 dwellings and is being developed in stages.

A PP relating to 1377 Hue Hue Road, the land west of the Radcliffe Estate development, is currently at the Pre-Exhibition (Gateway Implementation) stage with DPHI. The PP seeks to rezone the RU2 Rural Landscape land to R2 Low Density Residential (and some C2 Environmental Conservation) to develop approximately 40 - 50 residential lots.



Figure 6: Aerial photo with annotation describing neighbouring land uses (Image source: SIX Maps)



Figure 7: Neighbouring properties, as viewed from Palara Road (looking south-west) (Source: SJB Planning)



Figure 8: Wye Landscape Supplies, as viewed from Wye Road (looking south-west) (Source: SJB Planning)



Figure 9: Wye Nursery and Service Station, as viewed from Wye Road (looking south-east) (Source: SJB Planning)

2.6 Consultation

The Proponent engaged with the owner of the adjoining Wye Landscape Supplies store at 104 Wye Road. The owner of Wye Landscape Supplies was in favour of the commercial use of the site as it would be more compatible with their existing commercial use and strengthen the existing local centre around the junction of Wye and Hue Hue Roads.

3. Land Use Conflict Risk Assessment

3.1 Introduction

Part 3 of this LUCRA will identify, assess and rank the risk of any potential land use conflicts which may arise from the proposed rezoning of the site to E1 Local Centre.

3.2 Initial risk identification and Risk Ranking

There is little to no risk of conflict between the proposed commercial rezoning of the site and the adjoining rural residential areas and adjoining commercial use (landscape supplies). However, based on the investigation undertaken at Part 2, an Initial Risk Evaluation has been prepared and summarised at Table 1. A 'Risk Ranking' has been assigned to each identified activity, in accordance with Table 2, Table 3 and Table 4 of the LUCRA Guide.

Activity	Identified Potential Conflict	Probability Level	Consequence Level	Risk Ranking
Rural residential living	Odour, smell or noise from domesticated animals	D	4	4
		C	5	4
	Grass cuttings from lawn mowing and vegetation control	C	5	4
	Sprays and fertiliser			
Commercial uses (adjacent Landscape Supplies)	Traffic	C	5	4
	Noise (vehicles, mechanical plant)	C	5	4
	Odours (commercial waste)	C	5	4
	Dust	C	5	4
	Stormwater run off	C	5	4

Table 1: Initial Risk Evaluation

3.3 Risk Reduction Controls

The identified potential conflicts at Table 1 all have a Risk Ranking of less than 10, which is considered acceptable. Potential risk reduction controls for the proposed commercial use of the land are detailed at Table 2. The Risk Ranking of each identified potential conflict is lowered based on the proposed risk reduction controls.

Considering the 'Agent of Change' principle, it is the onus of the proponent to enact any risk reduction controls. Therefore, only risk reduction controls which the proponent would be able to enact, relating to the surrounding rural residential and commercial land, have been detailed below.

Identified Potential Conflict	Management Strategy (Method of Control)	Revised Risk Ranking	Performance Target
Traffic	Potential traffic impacts have been assessed in the Traffic and Transport Study prepared by WGA. Exact traffic impacts will be assessed at the DA stage. The Study suggests that traffic impacts will be minor and manageable.	2	Little to no impact
Noise	Some noise from traffic, increased activity and servicing of the potential future redevelopment is unavoidable.	2	Little to no impact
Odours	Waste management will be assessed and in any future DA stage. The site will be able to accommodate waste management and the DA will be	2	Little to no impact

Stormwater run-off	A Stormwater Management Report has been lodged in support of the PP. Stormwater management will be further assessed in any future DA and can be managed to mitigate impacts on adjoining sites.	2	Little to no impact
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Table 2: Revised Risk Evaluation

3.4 Performance Monitoring

The future commercial redevelopment of the site will be subject to a DA. During the DA process, all potential impacts of the proposed development will be assessed. Potential impacts will be mitigated in the design of the development and through the imposition of appropriate conditions of consent relating to design and operations. In addition, it is expected that a waste management plan and other operational management plans will be prepared in support of the detailed DA for any future redevelopment of the site. Any potential conflicts will be managed accordingly through the operational plans.

3.5 Limitations / assumptions

This report is prepared on the basis that the surrounding land uses will not change between when the Planning Proposal is lodged and any future DA for redevelopment of the site.

3.6 Key documents

This LUCRA has been informed by a range of technical studies, outlined at Table 3, lodged in support of the Planning Proposal. In addition, the background information gathered to inform this LUCRA includes a site visit undertaken by SJB Planning on the 18th of September 2023. For further information on the site, please refer to the technical studies.

Document	Author	Version	Date
Architectural Concept Plans	Nettleton Tribe	Option 7	30/11/2023
Urban Design Study including Visual Impact Assessment	Nettleton Tribe	Final	December 2023
Statement of Environmental Effects	SJB Planning	Final	08/03/2024
Consistency with State Environmental Planning Policies (Section 3.4.2. of the SEE)	SJB Planning	Final	08/03/2024
Assessment of the Ministerial Directions (Appendix D of the SEE)	SJB Planning	Final	08/03/2024
Flora and Fauna/Biodiversity Assessment	Travers Bushire & Ecology	Final	07/02/2024

Sustainability Report (WSUD and ESD)	Aspire	1	29/01/2024
Economic Need and Impact Analysis	GapMaps	Final	12/2023
Utilities Infrastructure Assessment	Infrastructure & Development Consulting	Final	March 2024
Stormwater Management Report	ING Consulting Engineers Pty Ltd	C	26/01/2024
Preliminary Site Investigation - Contamination	Foundation Earth Sciences	1	30/01/2024
Traffic Impact Assessment	WGA	Final	01/03/2024

Table 3: Plans and documents prepared to accompany the Planning Proposal

4. Conclusions and Recommendations

In Summary:

- This LUCRA has identified that there is little to no land use conflict risk between the proposed commercial rezoning of the site and the surrounding land uses, including rural residential and commercial uses - landscape supplies business, petrol station or plant nursery.
- This LUCRA has identified potential land use conflicts which were initially given Risk Ranking scores of 4.
- Management strategies have been proposed to minimise potential land use conflict and risk. As such, the Risk Ranking of five potential conflicts were lowered to 1 or 2.
 - o Conflicts with Risk Ranking less than 10 are considered acceptable.
- The ‘Agent of Change’ principle has been considered as requested by DPI Agriculture. This assessment acknowledges that the onus is on the Proponent to enact any identified management strategies.
- It is considered that the proposed rezoning of the land will not result in any land use conflict.