

ITEM 24 - PLANNING PROPOSAL - 1064 SANDY CREEK ROAD, MOLONG

REPORT IN BRIEF

Reason For Report	For council's consideration
Policy Implications	Nil
Budget Implications	Nil

THIS IS PAGE NO 34 OF THE GENERAL MANAGER'S REPORT ON MATTERS FOR DETERMINATION TO THE ORDINARY MEETING OF CABONNE COUNCIL TO BE HELD ON 26 SEPTEMBER, 2023

GENERAL MANAGER'S REPORT ON MATTERS FOR DETERMINATION SUBMITTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY 26 SEPTEMBER, 2023

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IPR Linkage	3.1.1.1a - Receive and assess Development Applications.
Annexures	1. Planning Proposal 1 .
File Number	\\OFFICIAL RECORDS LIBRARY\LAND USE AND PLANNING\PLANNING\AMENDMENT 18 TO LEP 2012 - LOT 1 DP 254240 AND LOT 134 DP 1091778, 1064 SANDY CREEK ROAD MOLONG - 1599901

RECOMMENDATION

THAT Council:

1. Approve the planning proposal to amend Schedule 1 of the Cabonne Local Environmental Plan 2012 to permit a place of public worship on Lot 134 DP 1091778 & Lot 1 DP 254240, 1064 Sandy Creek Road, Molong,
2. Forward the planning proposal and proposed timeframe in this report to the Department of Planning and Environment for Gateway determination in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979*, and
3. Subject to no submissions being received during its exhibition period, endorse finalisation of the planning proposal. Should any submissions be received, a further report will be provided to council for its consideration.

DEPUTY GENERAL MANAGER - CABONNE SERVICES REPORT

Council has received a planning proposal from Planning Potential, prepared on behalf of Karma Yiwong Samten Ling Tibetan Buddhist Centre Incorporated, to amend the Cabonne Local Environmental Plan 2012. The planning proposal relates to land at 1064 Sandy Creek Road, Molong, being Lot 134 DP 1091778 & Lot 1 DP 254240 (see Figure 1), within the Parish of Garra, County of Ashburnham and within the Orange Local Aboriginal Land Council area.

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Figure 1 - Property details and aerial of subject land (Source: Planning Proposal)

The land is 32.5 hectares in size (including the access road) and is located approximately 15 kilometres, 17 kilometres and 35 kilometres drive from the town centres of Molong, Manildra, and Orange respectively (see Figure 2).

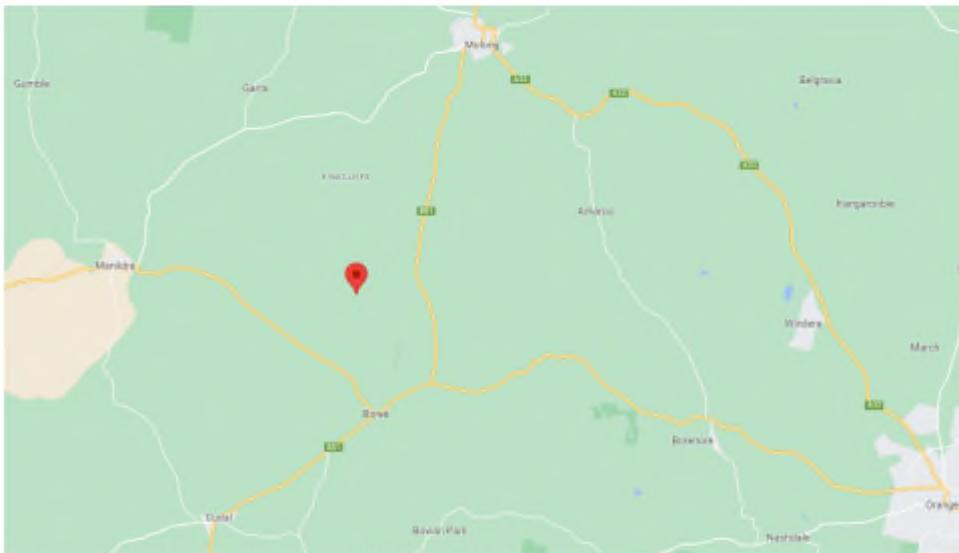


Figure 2 - Context of subject land (Source: Google Maps 2023)

The land is accessed by Sandy Creek Road and is surrounded by predominantly agricultural land uses.

The site is currently zoned RU1 Primary Production Zone (see Figure 3) and has an existing use as a *Place of public worship*. The existing use was approved in 2007 (DA 2007/68) to be used as a *Place of public worship* under the (then) Cabonne Local Environmental Plan 1991, when the use was permitted with consent in the 1(a) (General Rural) Zone.



Figure 3 - Existing zoning map extract (Source: NSW Planning Portal Spatial Viewer)

Proposal

As the proposed use is currently prohibited, the proposal seeks to amend Schedule 1 Additional Permitted Uses of the Cabonne Local Environmental Plan 2012 (the LEP) to permit a *Place of public worship* on the subject land. This is intended to enable the landowners to expand the current business to increase visitation, workshops, special day events and Buddhist camps.

Cabonne's LEP prohibits *Place of public worship* in its RU1 Primary Production Zone (as do other local government areas (LGAs) such as Forbes and Dubbo Regional Councils). However, other nearby LGAs, such as Parkes, Cowra, Orange City and Blayney all prohibit the use in their RU1 zones.

There are other *Places of public worship* in rural areas within the Cabonne LGA where it would not be appropriate for an intensification or expansion of this use. Therefore, this proposal was considered best dealt with via a Schedule 1 amendment.

The proposed expansion on the subject land would allow a future development application that would seek to increase the number of buildings and structures on the site to support the expansion of the Tibetan Buddhist retreat facilities.

Investigations have been undertaken on the subject land to understand and address any environmental, social and economic impacts that may arise from the additional permitted use.

Heritage

A Heritage NSW Aboriginal Heritage Information Management System search was undertaken for the planning proposal but did not identify any heritage conservation sites on or near the subject land. In addition, there are no non-Aboriginal heritage sites in the vicinity of the subject land.

Natural hazards

The subject land is not flood prone but is mapped as bushfire prone. Council's Bush Fire Prone Land Map identifies the site as Vegetation Category 1 and 3. The applicant has proposed to include a bushfire assessment report with any future subdivision development application (DA) and believes it can demonstrate that bushfire risk is manageable. Given the existing use on the site, it is agreed that bushfire consideration can be further addressed at the DA stage.

Land contamination

A Preliminary Contamination Assessment has been undertaken for the subject land and identifies that there is limited potential for contamination. It recommends further studies are not required and the proposed use is suitable for the subject land.

Agricultural capability

The agricultural capability of the subject land has also been investigated with the preparation of a Property Development Plan. It found the subject land to be limited in its agricultural productivity due to its poor soils and rocky outcrops. While the southern part of the subject land is cleared, the report found there is no potential for economic return from agricultural pursuits on the subject land.

Biodiversity

The planning proposal does not include an ecological assessment and notes there have been no koala sightings on or in proximity to the subject land. The Property Development Plan accompanying the proposal identifies scrubland dominated by black cypress pines and some eucalypt trees on the site.

The planning proposal notes that there is a possibility of threatened, endangered and/or vulnerable species on the site, including Stout Bamboo Grass, the Grey Falcon and the Superb Parrot.

The biodiversity on the subject land will need to be confirmed at the DA stage and compliance with the *Biodiversity Conservation Act 2016* will need to be demonstrated. Given the proposed use on the subject land is an expansion of an existing use, additional biodiversity assessment at this stage is not warranted.

Land use conflict

The proposed expansion of the existing use on the subject land is not expected to have an adverse impact on neighbouring land uses.

Infrastructure

The subject land is not connected to reticulated sewer or potable water. It is serviced by rainwater tanks and a septic system. The extension of these services can be addressed at any future DA stage.

Sandy Creek Road is a sealed local road. The proposal does not involve or require upgrades to the road or nearby intersections.

Existing uses on the subject land are powered by on-site solar power. It is proposed to augment these systems to reduce reliance on accessing off-site power.

Adequacy of Planning Proposal and supporting studies

The planning proposal is considered adequate and no further additional studies are recommended to support this proposal.

Referrals

There are no recommended referrals to government agencies for this proposal.

Timing

The planning proposal does not include a timeframe, as required under Part 6 of the Department of Planning and Environment's *Local Environmental Plan Making Guideline* (August 2023). Therefore, it is recommended the following timeframe is provided to the Department with the request for a Gateway determination:

Stage	Timeframe and/or date
Council decision	Nov 2023
Gateway determination	Dec 2023
Public exhibition	Jan-Feb 2024
Consideration of submissions & Report to Council	Apr 2024
Finalisation and Gazettal of LEP amendment	Jun-Jul 2024

It is expected that the LEP amendment could be completed within approximately 9 months from council's resolution to proceed with the proposal.