



**PLANNING
POTENTIAL™**

**Planning Proposal
Place of Public Worship**

**Lot 134 DP 1091778 & Lot 1 DP
254240
1064 Sandy Creek Road, Molong**

Prepared for Karma Yiauwong Samten
Ling Tibetan Buddhist Centre
Incorporated

September 2022



URBAN, RURAL & REGIONAL PLANNING CONSULTANTS

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EXECUTIVE SUMMARY

Planning Potential has been engaged by Karma Yiwong Samten Ling Tibetan Buddhist Centre Incorporated (KYSL) to prepare a Planning Proposal to amend the Cabonne Local Environmental Plan (LEP) 2012 to include an Additional Permitted Use in Schedule 1 at Lot 134 DP 1091778 & Lot 1 DP 254240, 1064 Sandy Creek Road, Molong for the purpose of a Place of Public Worship.

The subject site is described as:

- Lot 134 DP 1091778 & Lot 1 DP 254240, 1064 Sandy Creek Road, Molong.

The site has an area of 30.12 hectares and located approximately 36km west of Orange, 15.8km from Molong and Manildra and 3.7km to its intersection with Henry Parkes Way. The land has frontage to Sandy Creek Road with surrounding land uses typically for agricultural purposes (grazing and cropping) consisting of agricultural holdings of vary sizes with associated dwellings.

A study has been prepared to consider the characteristics of the site and impacts associated with the planning proposal.

Elevation across the site is between 535 meters and 587 meters above sea level.

The site is approximately 15km from both Molong and Manildra town centres and 36km to Orange.

Access to the site is currently via an existing access point off Sandy Creek Road. Sandy Creek Road is classed as a rural road under the control of the local authority; Cabonne Council. The road is not sealed.

An assessment of the site has been undertaken in accordance with the Department of Planning and Environment's *'A guide to preparing Planning Proposals'* (December 2018). A Gateway Determination is requested under Section 3.4 of the *Environmental Planning and Assessment Act 1979*.

Documentary evidence has been provided to support the site's Planning Proposal for an Additional permitted use which includes a Proposal document, a Preliminary Contamination Report by Envirowest Consulting Pty Ltd and a Property Management Plan prepared by Envirowest Consulting.

There are no Aboriginal sites recorded in or near the subject land.

There are no mapped items of European Heritage of either local or state heritage significance identified either on or in proximity to the site.

A Preliminary Contamination Investigation assessment report has been prepared by Envirowest Consulting Pty Ltd to determine the soil contamination status and suitability of the land ongoing use as a Place of Public Worship (noting the site has already been used for this purpose for a period of approximately 15 years). The report is to identify past potentially contaminating activities, types of potential contamination, site conditions and to assess whether there is a need for additional investigation to determine the sites suitability for ongoing use as a Place of Public Worship.

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The historical review of the site did not identify any potentially contaminating activities on the site. The site was used intermittently for low intensity grazing in wet years up until 2005. There are no agricultural enterprises currently practiced on the site.

No surface staining or odours were detected on the site. There is no evidence of mines, sheep dips, mixing sheds or contaminating industrial activities on the site from the review of the site history or the site walk over.

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No naturally occurring asbestos was identified on the site with no evidence of fill, mines, sheep dips, sheds or contaminating industrial type activities are known to have been located on the site. Site walk overs did not reveal anything to the contrary.

The pre-liminary contamination investigation considers no additional assessment is required and that the area (subject site) is suitable for ongoing use as a Place of Public Worship.

A Property Development Plan has been prepared by Envirowest Consulting Pty Ltd to determine feasibility of the site for an agricultural land use.

The majority of the site contains scrub vegetation dominated by black cypress pine with scattered eucalyptus trees. The area is not expected to have been historically cleared for agriculture due to shallow, low fertility soils and extensive rock outcrops. The southern portion of the site has gentle slopes and has been cleared of vegetation.

The site has limited infrastructure for agricultural enterprises. There are no stock yards, shearing sheds, machinery sheds or hay sheds located on the site. There is no internal fencing that divides the land into stock grazing paddocks.

Buildings and structures are present on the site and are limited to accommodation, storage sheds and religious structures associated with the sites use as a Place of Public Worship (Tibetan Buddhist Centre).

Cropping enterprises are not suitable for the site due to low fertility soils, rock outcrops and topography. Grazing of stock may occur at low densities however is limited by soil fertility, rock outcrops and the presence of trees across the site. Pasture improvement activities are unable to be undertaken to increase productivity due to inaccessibility resulting from factors including the presence of trees across the site, topography (slope) and the presence of rock outcrops.

The assessment of the site concludes that a grazing enterprise is unsuitable due to low fertility soils, rock outcrops, slope and trees. The site does not contain a viable water source for stock. Gross margins are low due to the low capacity of the land. Costs over 10 years associated with constructing agricultural infrastructure exceeds gross margins. The presence of trees across the majority of the site indicates historical recognition of the site was not agriculturally viable. Surround land located in areas where rock outcrops are absent, soil fertility is higher and minimal limitations to pasture improvement have been cleared and operating as grazing enterprises. The assessment determines that it is not feasible to operate the site as an agricultural enterprise.

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1.0 INTRODUCTION

Karma Yiwong Samten Ling Tibetan Buddhist Centre Incorporated owns land located at 1064 Sandy Creek Road, Molong and seeks to include an Additional Permitted Use for the for the purposes of a Place of Public Worship. The site currently exercises existing use rights on the site.

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The site is currently zoned RU1 Primary Production and a Place of Public Worship is a prohibited land use under the Cabonne Local Environmental Plan 2012. The site contains several existing buildings and structures across the site which include:-

- Car parking areas
- Compassion Hall & amenities block
- Meditation Hall
- Dormitories (male & female)
- Dining Hall
- Amenities blocks
- Stupa – Reconciliation Stupa

The site is approved for a “church” and has been operating under its existing approval (via DA 2007/68) since 2007.

The site has an area of 30.12 hectares and located approximately 36km west of Orange, 15.8km from Molong and Manildra and 3.7km to its intersection with Henry Parkes Way. The land has frontage to Sandy Creek Road with surrounding land uses typically for agricultural purposes (grazing and cropping) consisting of agricultural holdings of vary sizes with associated rural dwellings.

Planning Potential has been engaged by Karma Yiwong Samten Ling Tibetan Buddhist Centre Incorporated to prepare this Planning Proposal to support the application to amend the Cabonne Local Environmental Plan 2012 to enable a Place of Public Worship to be a permitted land use on this particular site.

1.2 BACKGROUND

The Cabonne Local Environmental Plan 1991 under the 1(a) General Rural zone permitted a “church” with development consent. There were no relevant planning definitions under the CLEP 1991 and therefore planning definitions reverted to the Environmental Planning and Assessment Model Provisions 1980. Under the model provisions a “church” was defined as any place of public worship, whether in the Christian tradition or otherwise.

The use of the land for a “church” was approved under DA 2007/68 on 9 August 2007.

2007/68 – Use of Land – 09-08-2007

2012/24 – Amenities Block – 06-09-2011

In January 2012, the Cabonne Local Environmental Plan was gazetted. The site had a zoning of RU1 Primary Production.

The land use table provides the following zone objectives, permitted and prohibited land uses within this zone.

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To enable function centres, restaurants or cafes and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.

2 Permitted without consent

Building identification signs; Environmental protection works; Extensive agriculture; Home occupations; Viticulture

3 Permitted with consent

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Function centres; Helipads; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Moorings; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Truck depots; Veterinary hospitals; Water recreation structures; Water storage facilities

4 Prohibited

Stock and sale yards; Any other development not specified in item 2 or 3

Under the provisions of the standard instrument the land use definition most aligned with a “church” is a “Place of Public Worship”.

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A Place of Public Worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

The RU1 zoning does not permit a Place of Public Worship under the current zoning.

The site therefore relies on existing use provisions.

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Other development that has been permitted under the CLEP 2012 includes the following:

2012/24 – Amenities Block – Approved 06-09-2011
2014/13 – Shed & Toilet Block – Approved 29-08-2013
2014/112 – Reconciliation Stupa – Approved 09-01-2014
2018/26 – Extension to existing Lecture Hall – Approved 17-08-2017
2019/72 – Premanufactured Toilet Block – Approved 13-11-2018

Some LGAs in the vicinity of Cabonne permit Place of Public Worship in the RU1 zone such as Forbes LGA and Dubbo LGA. Parkes, Cowra, Orange and Blayney all prohibit a Place of public worship in the RU1 zone. Place of Public Worship as a permitted land use in the RU1 zone is not however consistent and did not form a part of the land use table (RU1) for the Cabonne LEP 2012. Therefore amending the land use table to permit this land use was not deemed the best or most appropriate means of achieving a permitted land use (Place of Public Worship) for the site.

Discussions with Council regarding ongoing use of the site and development of the site suggested seeking the Additional Permitted Use for the land via a Planning Proposal. This is based on the restrictions of the current RU1 land use table (with a Place of Public Worship being a prohibited use) and the limitations on the provisions of existing use rights for expansion and further development on the site.

1.3 Uses

As previously discussed, the site has a number of existing approvals for existing structures across the site. These include: -

- 2007/68 – Use of Land – Approved 09-08-2007
- 2012/24 – Amenities Block – Approved 06-09-2011
- 2014/13 – Shed & Toilet Block – Approved 29-08-2013
- 2014/112 – Reconciliation Stupa – Approved 09-01-2014
- 2018/26 – Extension to existing Lecture Hall – Approved 17-08-2017
- 2019/72 – Premanufactured Toilet Block – Approved 13-11-2018

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Resulting from the Planning Proposal, this would allow the site to progress development to enable completion of necessary buildings and structures to adhere to the Tibetan Buddhist faith.

These include but not limited to: -

- Additional stupas and prayer room
- Proposed Meditation Hall/Temple
- Proposed new dormitory
- Proposed new car park areas
- Proposed meditation retreat rooms
- Caretaker accommodation (?)
- Proposed 3 year retreat building

Figure 1 shows an overall site plan identifying existing and proposed buildings and structures.

Any new building and/or structure is subject to a future Development Application and assessment by Council and will require the necessary compliance under the provisions of any DA consent granted, NCC and the Planning for Bushfire Protection (2019).

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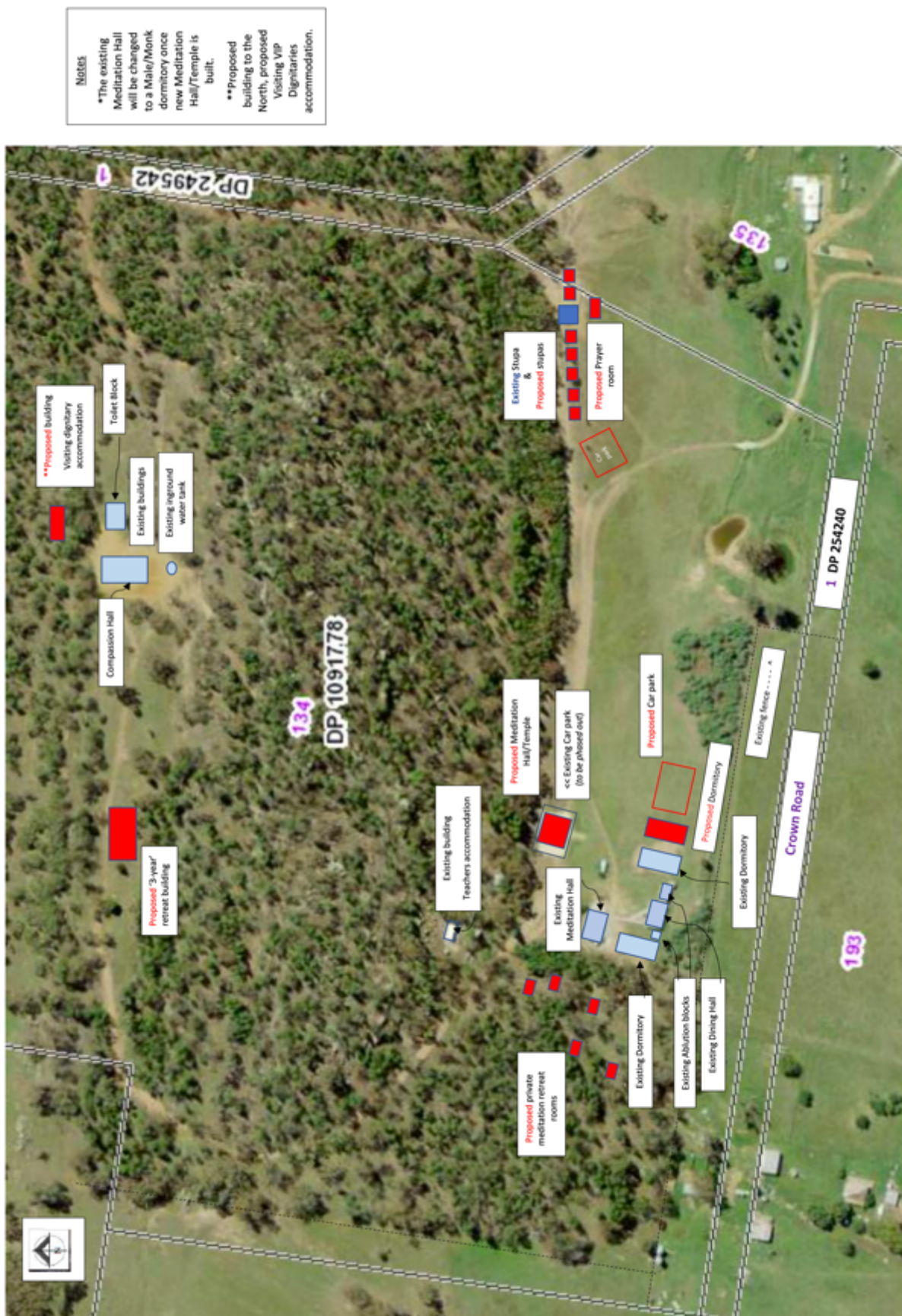


Figure 1: Site Plan & Uses

2.0 STATUTORY PLANNING

2.1 STATE ENVIRONMENTAL PLANNING POLICIES

The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies.

POLICY	ASSESSMENT
<p>State Environmental Planning Policy (BASIX) 2004</p> <p>The SEPP requires compliance with environmental sustainability for residential development for water, thermal comfort and energy.</p>	<p>The proposal does not affect the application of BASIX for dwellings. This will be incorporated to any future development assessment for individual dwellings.</p>
<p>State Environmental Planning Policy (Biodiversity & Conservation) 2021</p> <p><u>Chapter 3 – Koala Habitat Protection 2020</u></p> <p>This chapter of the SEPP applies to RU1 land in Cabonne as per the schedule. The SEPP aims to encourage the conservation and management of natural vegetation areas that provide habitat for koala's to ensure koala populations will be maintained.</p>	<p>An ecological assessment of the site has not been completed however a review of mapping on SEED has not identified any koala sightings or feed tree species on or in proximity to the site.</p> <p>It is likely that there will be no impact on koalas or koala habitat resulting from the PP or any future development.</p> <p>Impact on koala or koala habitat will be further assessed at the development application stage for any future development on the site.</p>
<p>State Environmental Planning Policy (Primary Production) 2021</p> <p>The aim of the SEPP is to facilitate the orderly economic use and development of lands for primary production and reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources.</p> <p>The SEPP regulates aquaculture activities and aims to encourage sustainable aquaculture, including sustainable oyster aquaculture.</p> <p>The SEPP also regulates state significant agricultural land and livestock industries.</p>	<p>The schedule identifies EPIs to which these matters apply.</p> <p>Cabonne Local Environmental Plan 2012 is not listed in any of the schedules listed.</p> <p>The site is not identified as state significant agricultural land.</p> <p>The proposal does not relate to aquaculture, oyster aquaculture, livestock industry production and does not propose any farm dams or other small scale, low risk artificial waterbodies.</p>
<p>State Environmental Planning Policy (Energy & Resources) 2021</p> <p><u>Chapter 2 – Mining, Petroleum Production & Extractive Industries</u></p> <p>This chapter of the SEPP standardises the approach throughout NSW to the assessment and approval of mining activities under Part 4 of the EP&A Act. Under the SEPP, the relevant consent authority in determining an application must consider the compatibility of mining, petroleum production or</p>	<p>The Planning proposal does not seek to allow mining, petroleum production, or extractive industry within the subject area.</p> <p>The site is not known to contain any resources that are of state or regional significance.</p>

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extractive industry with other land uses and the proposed development.	
<p>State Environmental Planning Policy (Resilience & Hazards) 2021</p> <p><u>Chapter 4 – Remediation of Land</u></p> <p>This chapter of the SEPP introduces planning controls for the remediation of contaminated land. The policy states that land must not be developed if contamination renders it unsuitable for a proposed use. If the land is unsuitable, remediation must take place before the land is developed.</p>	<p>In accordance with Clause 4.6 of the SEPP, the subject area has been considered in respect to the likelihood of contamination. Cabonne Council's records indicate that the subject area is not identified as being contaminated.</p> <p>The investigation area is not listed on NSW EPA register of contaminated sites or sites notified to the EPA.</p> <p>A Pre-liminary Contamination Investigation assessment report has been prepared and included in the submitted documentation which indicates that the subject land is suitable for ongoing use as a Place of Public Worship and there are no requirements for any further investigation works.</p>
<p>State Environmental Planning Policy (Transport & Infrastructure) 2021</p> <p>This SEPP facilitates the delivery of Infrastructure across the state.</p>	<p>The proposal is site specific and does not require significant infrastructure upgrades or require referral to TransportfNSW based on size or capacity of the existing facility with access to a local road or classified road.</p> <p>The proposal is not considered to impact significantly upon any regional transport corridors.</p>

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2.2 SECTION 9.1 DIRECTIONS

The Planning Proposal is considered to be consistent with the applicable Ministerial Directions.

Section 9.1 Ministerial Directions	Assessment/Compliance
Focus Area 1: Planning Systems	
<u>1.1 Implementation of Regional Plans</u>	<u>Yes, the Central West & Orana Regional Plan applies. The proposal is consistent with the Regional Plan, its goals and directions. This is addresses in further detail in Question 3 (Relationship to Strategic Planning Framework)</u>
<u>1.2 Development of Aboriginal Land Council land</u>	<u>Not applicable. Applies to the Central Coast only.</u>
<u>1.3 Approval and Referral Requirements</u>	<u>No change in referrals proposed.</u>
<u>1.4 Site Specific Provisions</u>	<u>The Planning Proposal does not propose to create, alter or reduce existing zonings or reservations of land for public purposes.</u>
Focus Area 1: Planning Systems – Place-based	
<u>1.5 Parramatta Road Corridor Urban Transformation Strategy</u>	<u>Not applicable</u>
<u>1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</u>	<u>Not applicable</u>
<u>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land use and Infrastructure Implementation Plan</u>	<u>Not applicable</u>
<u>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</u>	<u>Not applicable</u>
<u>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</u>	<u>Not applicable</u>
<u>1.10 Implementation of Western Sydney Aerotropolis Plan</u>	<u>Not applicable</u>
<u>1.11 Implementation of Bayside West Precincts 2036 Plan</u>	<u>Not applicable</u>
<u>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</u>	<u>Not applicable</u>
<u>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</u>	<u>Not applicable</u>
<u>1.14 Implementation of Greater Macarthur 2040</u>	<u>Not applicable</u>
<u>1.15 Implementation of the Pyrmont Peninsula Place Strategy</u>	<u>Not applicable</u>
<u>1.16 North West Rail Link Corridor Strategy</u>	<u>Not applicable</u>
<u>1.17 Implementation of the Bays West Place Strategy</u>	<u>Not applicable</u>
Focus Area 2: Design and Place	

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	<u>Has not been adopted to date.</u>
<u>Focus Area 3: Biodiversity and Conservation</u>	
<u>3.1 Conservation Zones</u>	<u>The site does not have a conservation zone zoning. No further assessment is required.</u>
<u>3.2 Heritage Conservation</u>	<u>The site and locality are not identified as area of heritage conservation. No further assessment required.</u>
<u>3.3 Sydney Drinking Water Catchments</u>	<u>The land is not located within the Sydney Drinking Water Catchment.</u>
<u>3.4 Application of C2 and C3 zones and Environmental Overlays in Far North Coast LEPS</u>	<u>Not applicable</u>
<u>3.5 Recreation Vehicle Areas</u>	<u>Not applicable</u>
<u>3.6 Strategic Conservation Planning</u>	<u>N/A</u>
<u>Focus Area 4: Resilience and Hazards</u>	
<u>4.1 Flooding</u>	<u>The land is not specifically identified as being flood prone land.</u>
<u>4.2 Coastal Management</u>	<u>Not applicable.</u>
<u>4.3 Planning for Bushfire Protection</u>	<u>The land is mapped as bushfire prone land. Councils Bush Fire Prone Land Map (BFPLM) identifies the site as having Vegetation – Category 1 and 3. A bushfire assessment report will be provided as a part of the Subdivision DA demonstrating the risk is manageable through compliance with Planning for Bushfire Protection 2019.</u>
<u>4.4 Remediation of Contaminated Land</u>	<u>The potential for contamination has been addressed within the SEPP (Resilience and Hazards) 2021 Chapter 4 - Remediation of Land.</u> <u>The investigation area is not listed on NSW EPA register of contaminated sites or sites notified to the EPA.</u> <u>A Pre-liminary Contamination Investigation assessment has been undertaken for the site which demonstrates that no further studies are required and that the land is suitable for its approved use as a Place of Public Worship.</u>
<u>4.5 Acid Sulfate Soils</u>	<u>Does not apply as the land is not mapped as acid sulfate prone land.</u>
<u>4.6 Mine Subsidence and Unstable Land</u>	<u>Not applicable. The land is not located within a mine subsidence district or unstable land.</u>
<u>Focus Area 5: Transport and Infrastructure</u>	

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<u>5.1 Integrating Land Use and Transport</u>	<u>The planning proposal does not include land for urban purposes.</u>
<u>5.2 Reserving Land for Public Purposes</u>	<u>Not applicable</u>
<u>5.3 Development near Regulated Airports and Defence Airfields</u>	<u>Not applicable</u>
<u>5.4 Shooting Ranges</u>	<u>Not applicable. There are no known rifle ranges on the subject site.</u>
<u>Focus Area 6: Housing</u>	
<u>6.1 Residential Zones</u>	<p><u>This direction applies to the planning proposal with a change in land use zoning. As the PP does not propose to alter the land use zone not the ability for changes in minimum lot sizes or the types of residential uses permitted.</u></p> <p><u>It is considered the proposal is consistent with the Direction.</u></p>
<u>6.2 Caravan Parks and Manufactured Home Estates</u>	<u>Not applicable</u>
<u>Focus Area 7: Industry and Employment</u>	
<u>7.1 Business and Industrial Zones</u>	<u>Not applicable</u>
<u>7.2 Reduction in non-hosted short-term rental accommodation period</u>	<u>Not applicable as the direction only applies to Byron Bay.</u>
<u>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</u>	<u>Not applicable</u>
<u>Focus Area 8: Resources and Energy</u>	
<u>8.1 Mining, Petroleum Production and Extractive Industries</u>	<u>There are no existing mines, petroleum production operations or extractive industries that occur in the area of the planning proposal. Further, this area is not known to contain any resources that are of state or regional significance.</u>
<u>Focus Area 9: Primary Production</u>	
<u>9.1 Rural Zones</u>	<p><u>This direction applies to the Planning Proposal. The objective of this direction is to protect the agricultural production value of rural land.</u></p> <p><u>The Planning Proposal is consistent as the PP seeks an APU for a particular site only that is already used as a Place of Public Worship. The proposal will not undermine the agricultural production value of rural land.</u></p> <p><u>The site has shallow, low fertility soils with significant areas of rock outcrops and trees which limit potential for pasture improvement and limits the capacity for carrying stock.</u></p>

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	<p><u>A Property Development Plan has been prepared to determine the feasibility of using the site for an agricultural land use. It concludes that a grazing enterprise is unsuitable and not viable due to low fertility soils, rock outcrops, slope, tree cover and limited reliable water source.</u></p>
<u>9.2 Rural Lands</u>	<p><u>This direction applies as the subject land in zoned RU1 in a LGA that the direction applies to.</u></p> <p><u>The objectives of this direction are to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</u></p> <p><u>Whilst the land is rural land the proposal does not undermine the agricultural production value of rural land. The Property Development Plan concludes that a grazing enterprise is unsuitable and not viable on this site due to low fertility soils, rock outcrops, tree cover, slope and unreliable water source.</u></p> <p><u>Furthermore, this Planning Proposal will:</u></p> <ul style="list-style-type: none"> <u>• Not enable the fragmentation of high quality agricultural land;</u> <u>• Not enable the potential for additional rural land use conflicts;</u> <u>• Provide certainty for the sites existing use as a Place of Public Worship;</u> <u>• Ensures the land use zoning does not undermine its objectives;</u> <u>• Surround land use for agricultural purposes remains unaltered.</u>
<u>9.3 Oyster Aquaculture</u>	<u>Not applicable</u>
<u>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</u>	<u>Not applicable</u>

The proposal is considered to be acceptable in terms of the relevant directions.

3.0 ENVIRONMENTAL CHARACTERISTICS

3.1 Site

The subject site is located at 1064 Sandy Creek Road, Molong and is legally described as Lot 134 DP 1091778 & Part Lot 1 DP 254240. The land is located in the Parish of Garra, County of Ashburnham. The site is located within the LGA of Cabonne and is within the Orange Local Aboriginal Land Council (LALC) area.

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The site has an area of 30.12 hectares and located approximately 36km west of Orange, 15.8km from Molong and Manildra and 3.7km to its intersection with Henry Parkes Way. The land has frontage to Sandy Creek Road with surrounding land uses typically for agricultural purposes (grazing and cropping) consisting of agricultural holdings of vary sizes with associated dwellings.

A tributary of Sandy Creek flows through the south-eastern section of the site.

Figure 2 is a Parish map extract.

Figures 3 & 4 shows the location of the site in context with surrounding the locality.

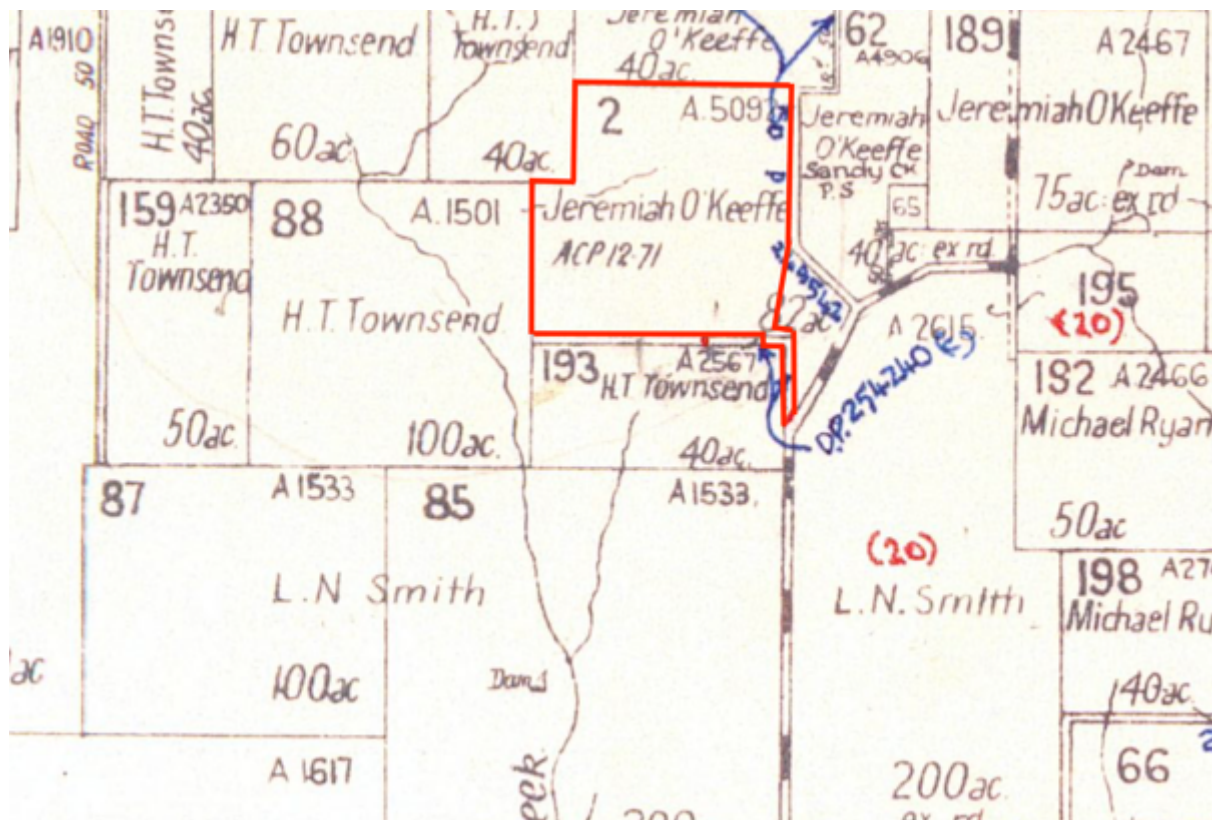


Figure 2: Parish Map extract



Figure 3: Site location & surrounding locality



Figure 4: Aerial view of subject site

3.2 Water

A tributary of Sandy Creek flows through the south eastern portion of the site. The tributary is classified as a third order stream and considered to be intermittent, supplying water during wet weather conditions. Figure 5 shows the Strahler Stream Order.

One dam has been of the site adjacent to the drainage line.

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The property is permitted to capture 2.1ML of water without requiring a licence. The dam has a maximum capacity of approximately 1.4ML. The dam capacity is less than the maximum harvestable right dam capacity (MHRDC) for the site.

The site has a licence for one groundwater bore for stock and domestic purposes only however this bore was drilled in 2009 as a test bore. Water bearing zones (WBZ's) and standing water details are not currently available. One registered water abstraction bore was identified within a 500m radius of the site on the NSW Government Water NSW website (2020). The bore is licensed for stock and domestic and occurs at approximately 300m to south west of the site. The bore was drilled in 1975. Water-bearing zones (WBZ's) and standing water details were not available. Status of the bore is current.

No evidence of salinity of surface water, groundwater or soil has been identified on the site.

Groundwater No.	Date drilled	Location	SWL (m)	Use	Status
GW704573	2009	-	-	Stock, domestic	Test hole
GW044619	1975	300m SW	-	Stock, domestic	Current

Table 1: Groundwater bores within 500m of the site

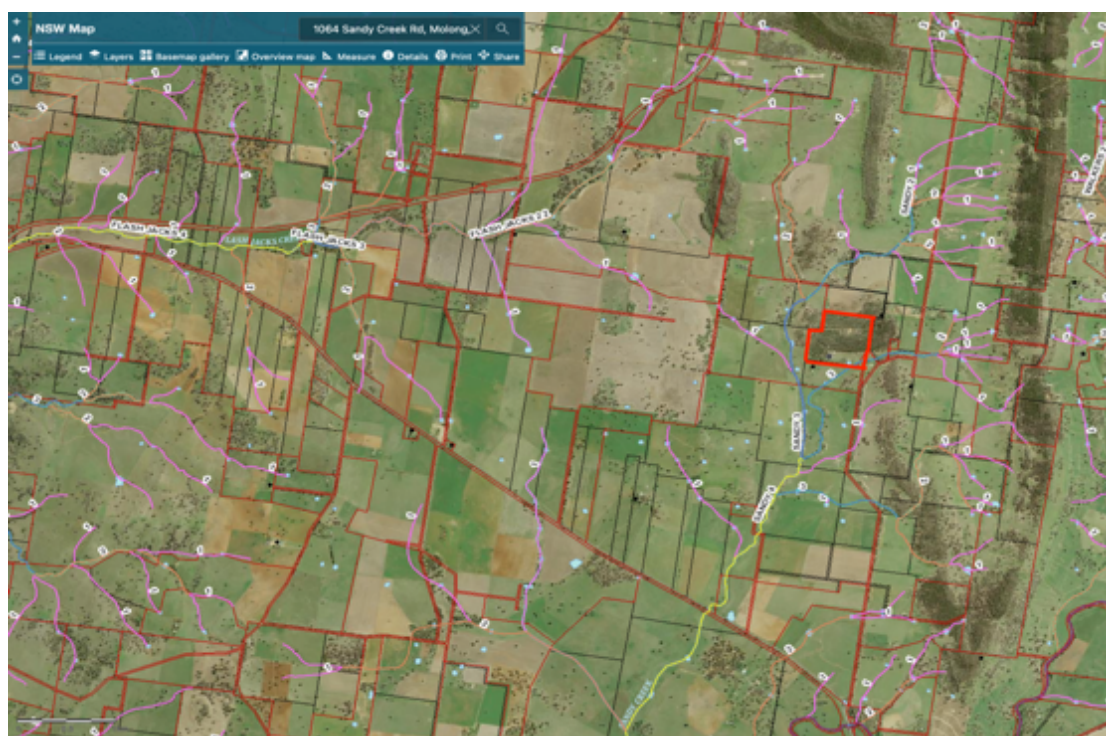


Figure 5: Strahler Stream Order (3)

3.3 Topography

Topography on the site is dominated by a crest with mid-slope occurring in the southern section. A ridge is present in the northern section of the site and influences on-site topography with aspects to the south east through to the north west.

A tributary of Sandy Creek flows north east to south west through the south eastern portion of the site.

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Slope on the vegetated areas has moderate inclines of up to 15% with the cleared southern section having gentle slopes with inclines of between 4 to 6%.

Steeper slopes are typified by rocky outcrops with a cleared area comprising gentle slopes located in the southern section of the site.

Elevation is between 535 meters and 587 meters above sea level.

Figure 6 shows the general topography of the site.

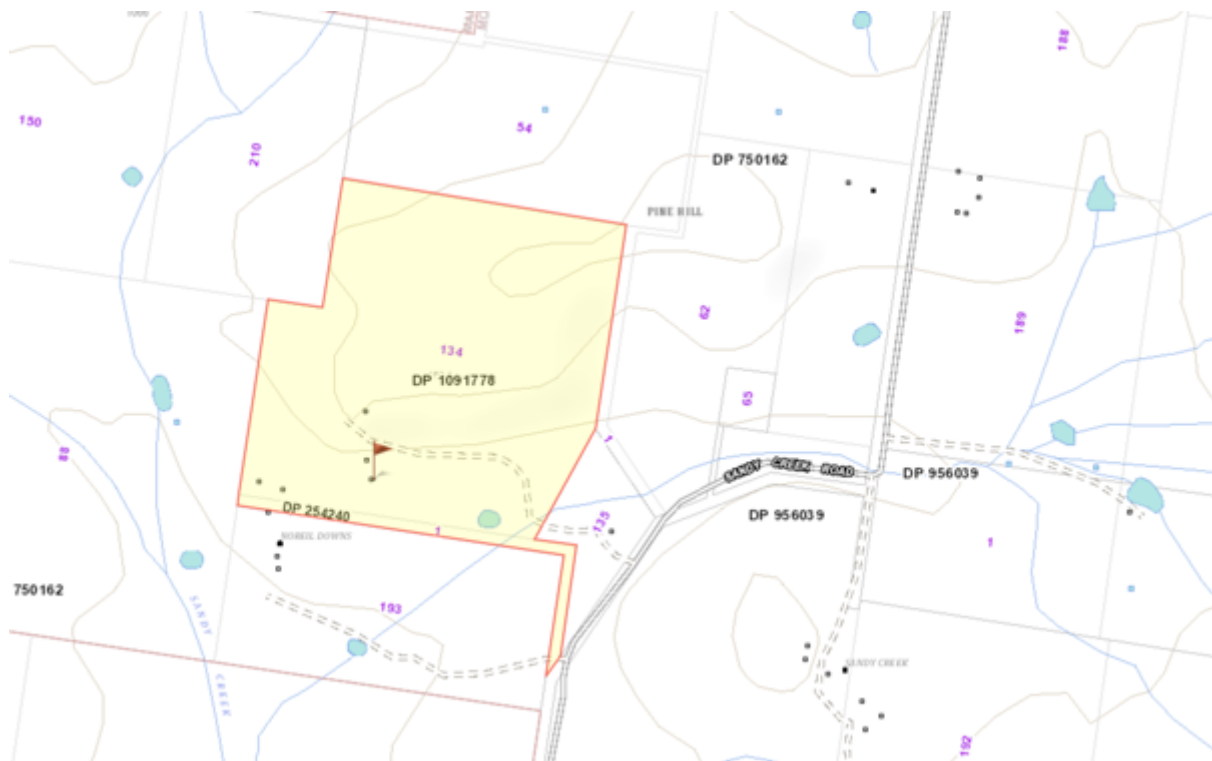


Figure 6: Elevation contours

3.4 Soil and Geology

The site is located within the Canowindra Soil Landscape.

The geological unit of the Catombal Soil Landscape is Black Rock Subgroup and Canangle Subgroup. Parent rock is sandstone, conglomerate, red and green shale.

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Ground truthing indicates the site is located within the Catombal Soil Landscape which is located to the north and east. The variation results from broadscale mapping at a large scale.

Dominant soils on the site are skeletal sands and loams. Red podzolic soils are present in the southern section of the site. Skeletal sands comprise dark brown loamy sand. Red podzolic soils comprise brown loamy sand over dark brown loamy sand.

The characteristics of the dominant soil type are listed in Table 1.

Factor	Skeletal sands and loams
Occurrence	Common
Landform element	Crest and upper slope
Surface condition	Loose
Drainage	Well drained
Soil permeability	Highly permeable
Water table depth	-
Available water holding capacity	Low
Depth to bedrock	+65cm
Flood hazard	Nil
pH (topsoil)	5.5
Fertility	Low
Known nutrient deficiencies	N, P
Soil salinity	Low
Erodibility - topsoil	Moderate
Erodibility - subsoil	Low
Erosion hazard	Moderate
Structural degradation hazard	Moderate
Land capability classification (DLWR)	VII
USCS (subsoil)	SP
Shrink swell potential	Low
Mass movement hazard	Nil
Soil erosion	Not evident

Table 2: Soil characteristics (Kovac et al. 1990)

3.5 Natural Hazards

The site is not low lying and is not mapped as flood prone land within LEP mapping provision.

The site is mapped as bushfire prone land as identified by NSW RFS mapping as shown in Figure 7.

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The Heads of Asbestos Coordination Authorities (HACA) publishes information of Naturally Occurring Asbestos (NOA). The HACA also provides mapping on the probability of NOA being present. NSW has been mapped into low, medium or high potential regions.

The site is mapped as having no asbestos potential as shown in Figure 8.

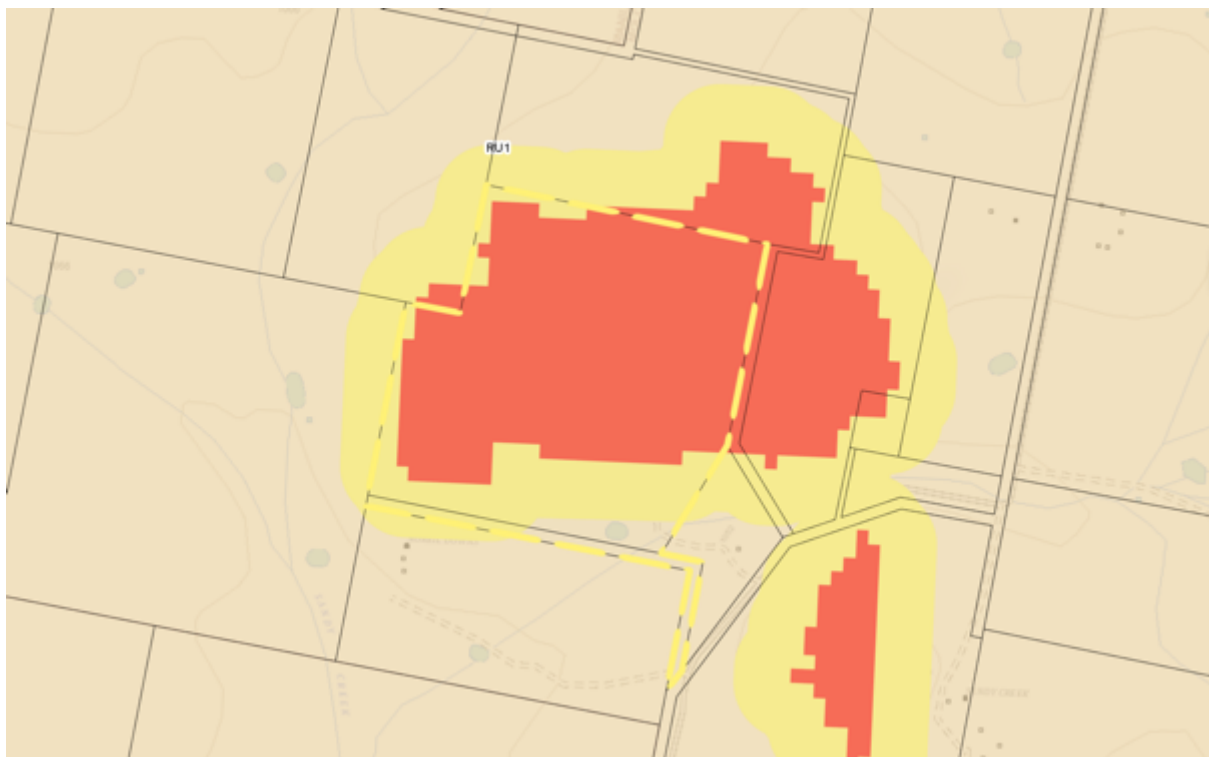


Figure 7: NSW Bushfire Mapping



Figure 8: Naturally Occurring Asbestos

3.6 Landuse

The site is not currently in use for primary production. Adjoining land agricultural activities mainly consist of grazing or cropping (or a mixture of both). A review of land capability identifies that the site is a mixture of class 3 and class 5 agricultural land as shown in Figure 9.

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Surrounding land capability is consistent with the adjoining lands being a mixture of Class 3 and Class 4 and 5 land. According to “Systems used to classify rural land in NSW” by former Land & Water Conservation (Cunningham, Higginson, Ridler & Emery) land is classified into agricultural suitability classes which ranks land according to their productivity for a wide range of agricultural activities.

Class 3 land is grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with pasture. The overall level of production is moderate as a result of edaphic or environmental constraints. Erosion hazard or soil structural breakdown limit the frequency of ground disturbance, and conservation or drainage works may be required.

Class 5 land is land unsuitable for agriculture or at its best suited only to light grazing. Agricultural production is very low or zero as a result of severe constraints, including economic factors, which preclude improvement.

Land use in the locality is dryland cropping and grazing as shown by the NSW Soil and Land Information (Figure 9). Agricultural holdings vary in size and are usually associated with rural dwellings.

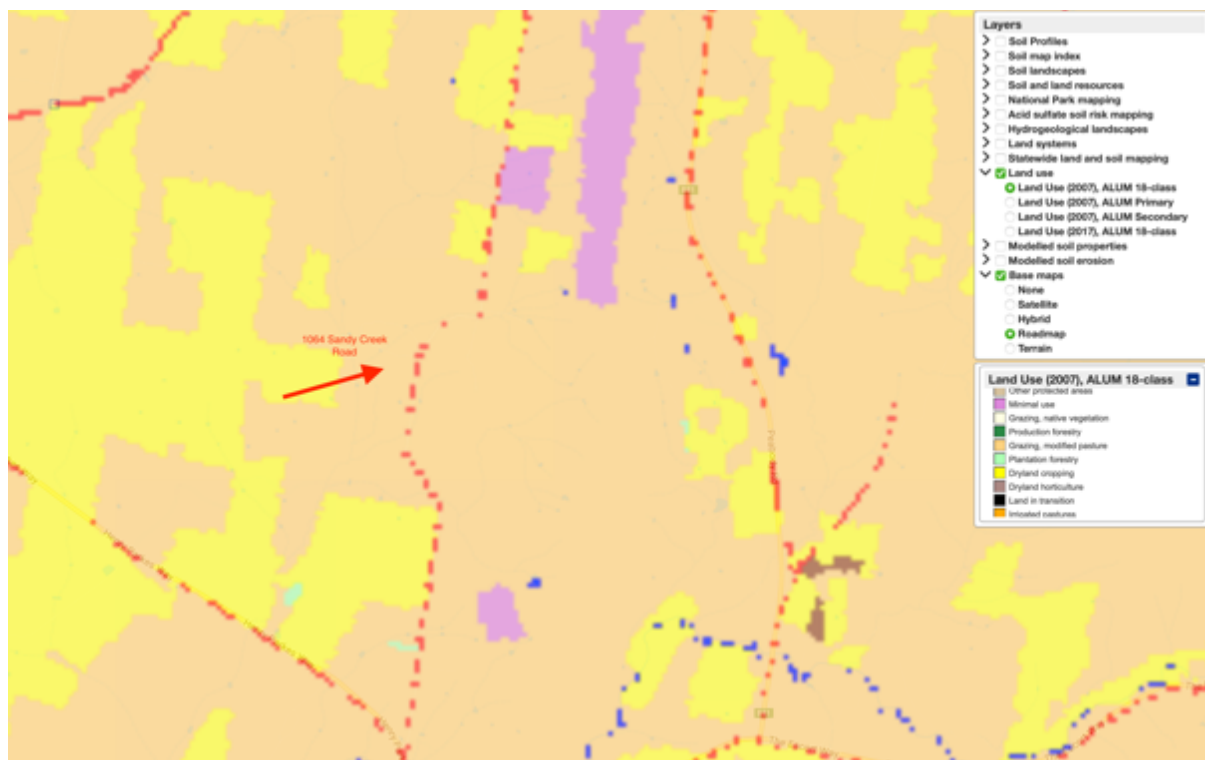


Figure 9: NSW Soil & Land Information (Land Use)

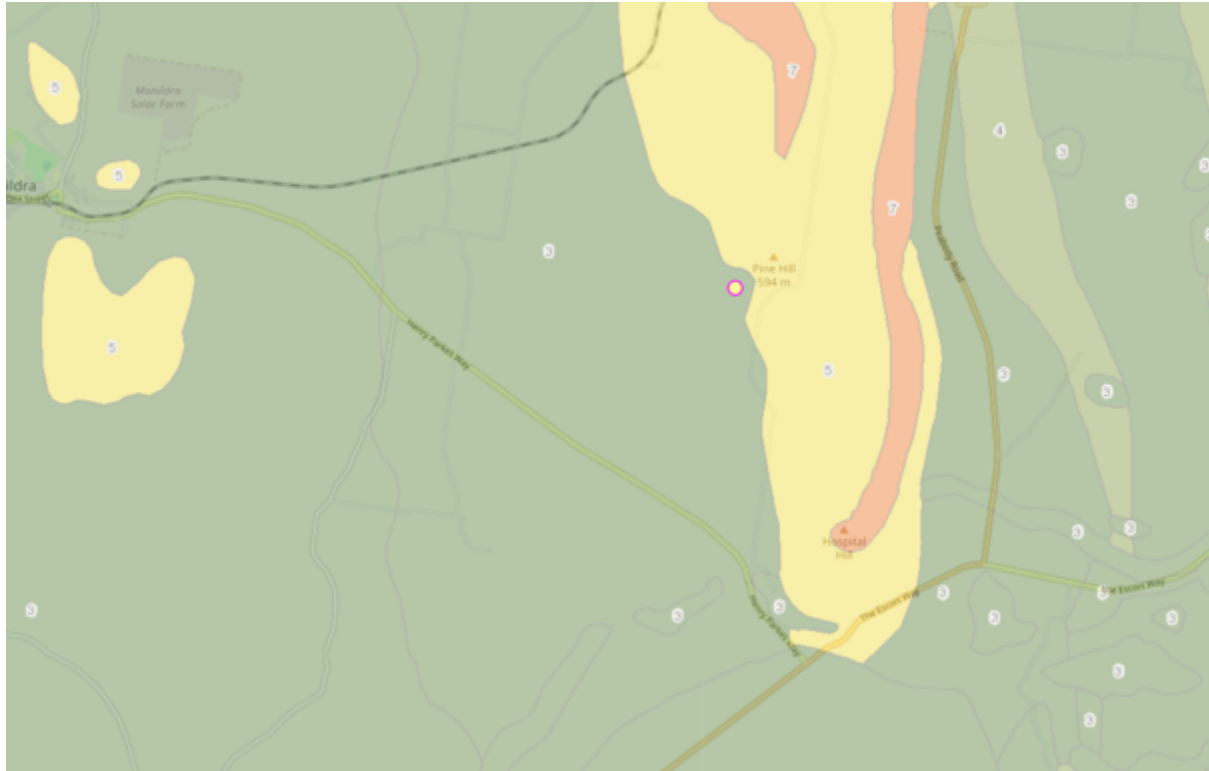


Figure 10: Land & Soil Capability Mapping for NSW

Strategic Regional Land Use Policy – Strategic Agricultural Land (Biophysical) mapping have been reviewed which confirms that the site is not mapped as strategic agricultural land as shown in Figure 11.

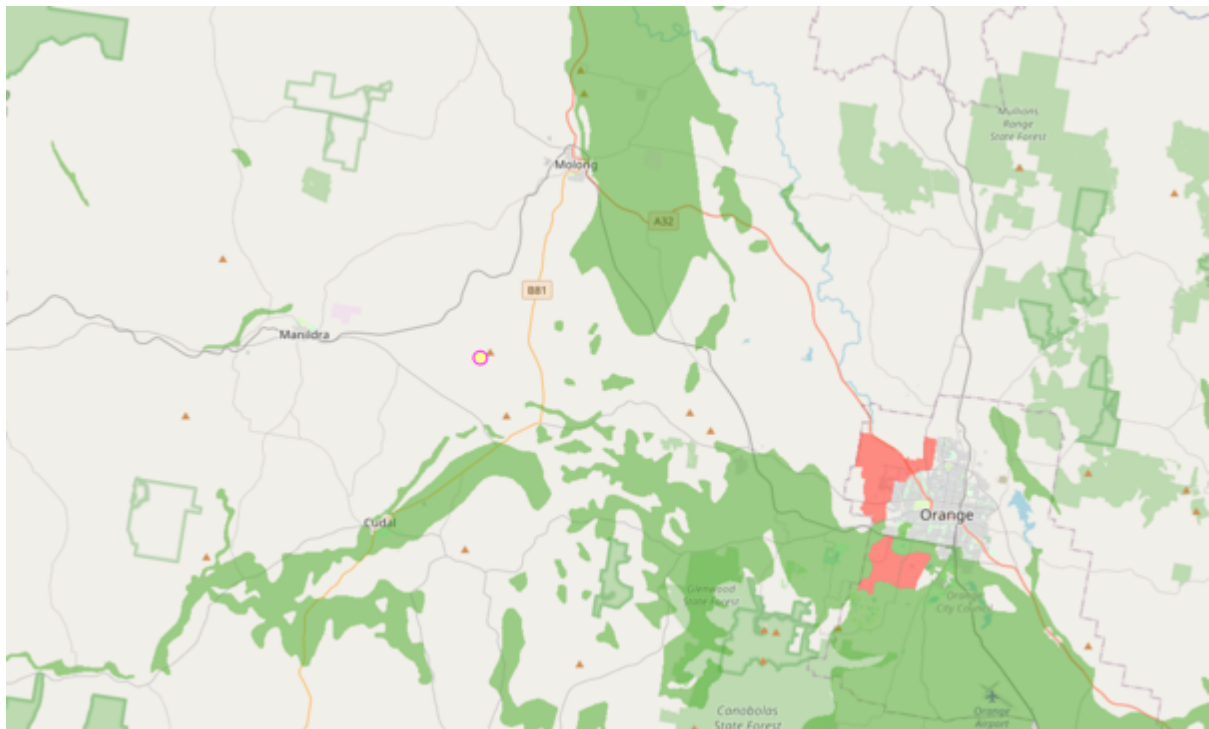


Figure 11: Strategic Agricultural Land

3.7 Biodiversity

LEP mapping (gazetted 2012) identified the presence of Terrestrial Biodiversity on the site as shown in Figure 12.

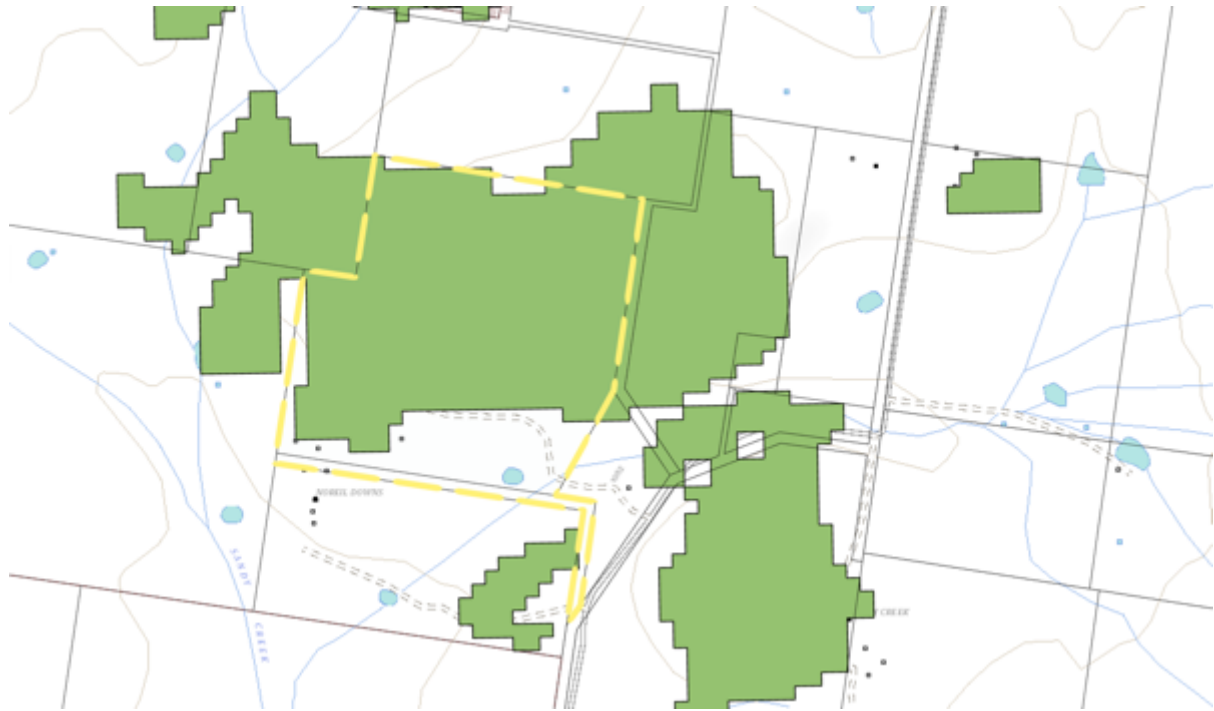


Figure 12: Terrestrial Biodiversity Map (LEP)

An ecological assessment of the site has not been specifically undertaken. The site does contain scrubland dominated by black cypress pines with some eucalyptus trees. Rocky outcrops are also located throughout the scrub bushland. The vegetation was identified by Envirowest Consulting Pty Ltd during a site walkover for a Pre-liminary Contamination site assessment.

A review of online mapping from OEH shows there have been no koala species sightings on or in proximity to the subject site as shown in Figure 13.

NSW Bionet Species sightings identifies Stout Bamboo Grass, the Grey Falcon and the Superb Parrot in proximity to the site as shown in Figures 14 and 15. The Grey Falcon is identified as an endangered species and the Superb Parrot is identified as a vulnerable species.

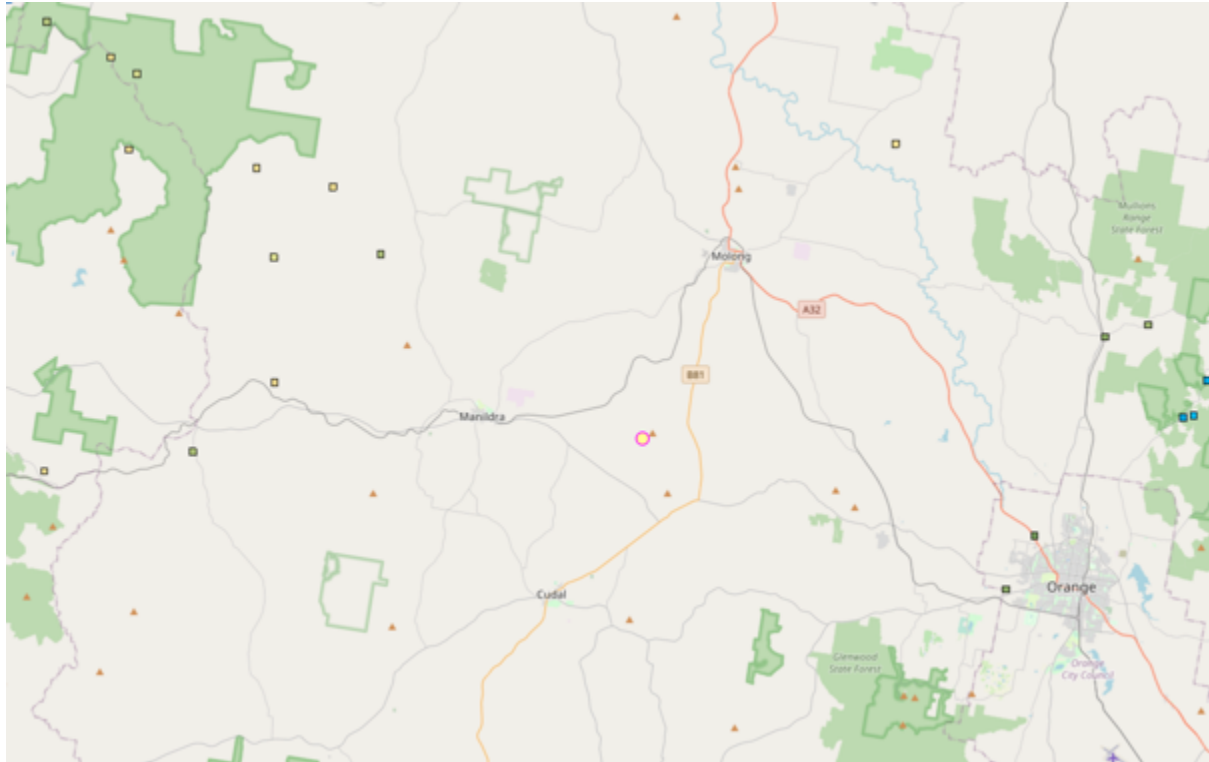


Figure 13: NSW Bionet Koala Species Sightings (2022)

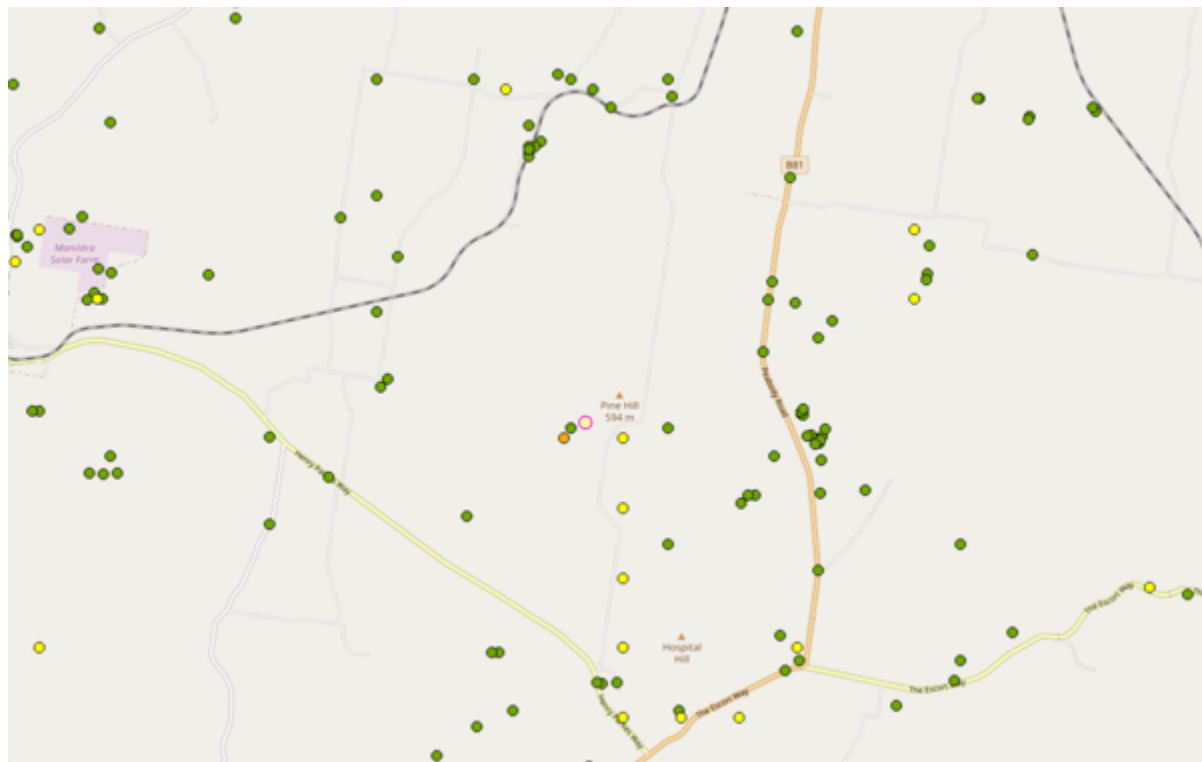


Figure 14: NSW Bionet Species Sightings

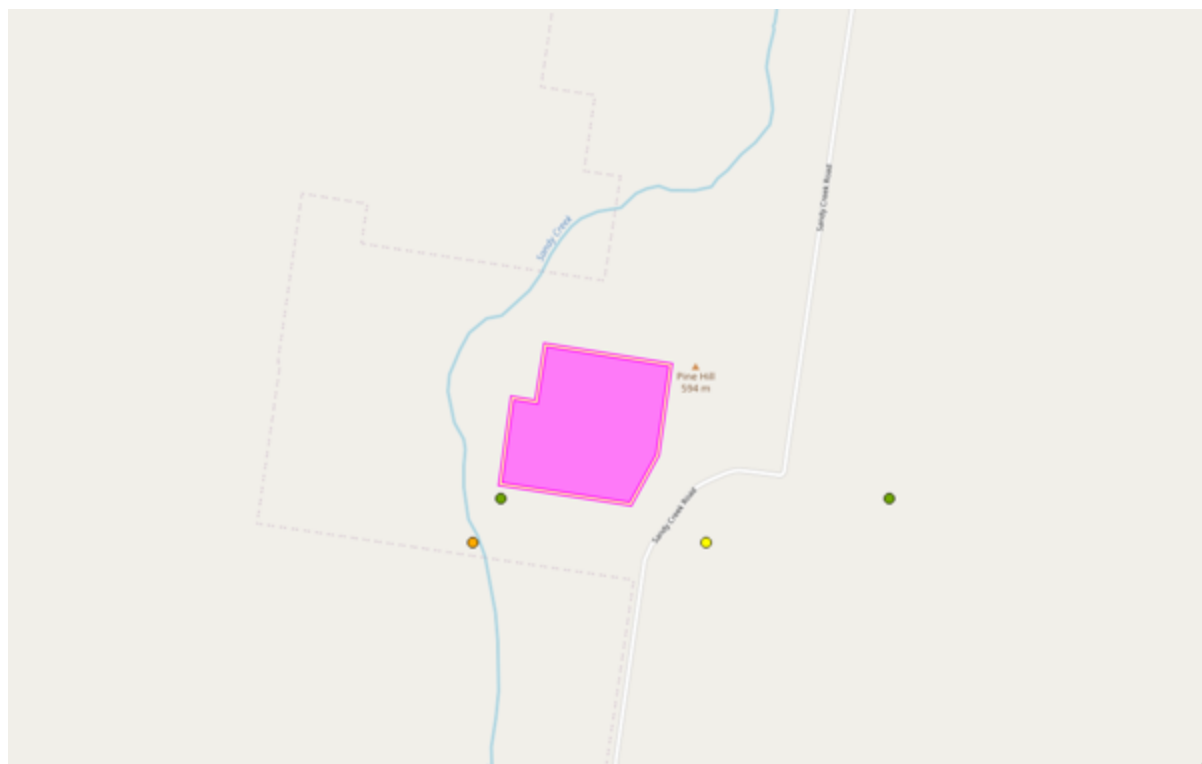


Figure 15: NSW Bionet Species Sightings in proximity to subject site

4.0 LAND USE - Place of Public Worship

4.1 Spiritual & Cultural Intent

The continued use of the site for a Place of Public Worship (Karma Kagyu lineage) aims to encourage and foster the growth of the Buddhist faith which can be achieved through temple visitation, workshops, special day events and special focus Buddhist camps and local/regional tourism.

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Public visitors will also be encouraged to attend.

Devotees will visit the temple according to the practises on specific calendar days and weekend days (normal worship days).

Importantly, it should be noted that unlike traditional church services, Buddhists do not attend all at the one time but spread their attendance across the day.

The Buddhist master is His Eminence Venerable Dekhung Gyaltsay Tulku Rinpoche. Rinpoche is a highly revered senior teacher of the Karma Kagyu Lineage of Tibetan Buddhism. He is a well versed scholar and embodies the non-sectarian spirit and teaches in all Tibetan Buddhist traditions.

The Karma Yiwong Samten Ling Tibetan Buddhist Centre follows the 900 year old Karma Kagyu Lineage in Tibetan Buddhism where a great emphasis is placed on the continuity of oral instructions passed on from master to student. The Kagyu Lineage traces its origin back to the historic Buddha, Shakyamuni and Marpa Lotsawa, the great translator and yogi, who brought the unbroken lineage from India to Tibet.

4.2 Compatibility with Neighbouring Uses

Surrounding land uses generally consist of grazing and cropping, interspersed by patches of vegetation.

The existing use of the site does not interfere with neighbouring landuses. The uses as a Place of Public Worship is not inconsistent with the open rural character of the locality given the low site coverage associated with the development (existing and proposed).

The use is not considered to be a large generator of noise and in context is in keeping with the rural character being used for spiritual, cultural and purposes. Visitors and devotees behaviour is expected to be in accordance with Buddhist faith being tranquil and respectful of the site.

4.3 Site Coverage

The site has a total area of 30.12 hectares. The proposed development will utilise approximately 10% of the total site area, with building site coverage less than 5%. The remainder of the site will be retained and managed as a part of the rural landscape.

4.4 Siting

The overall concept for the site has taken in consideration elements of the Buddhist faith and their teachings ensuring buildings and statues have the appropriate orientation, Interrelationships (between buildings), views and Feng Shui principles. The proposed concept layout is shown in Figure 1.

4.5 Use of Site Components

The site would be used as a Place of Public Worship as its main use and function. This is consistent with the lands current use and operation.

Site components as part of an overall concept plan/ masterplan use of the site would include the following:-

- Temple/meditation Hall
- Compassion Hall
- Prayer Room
- Teachers accommodation (temporary type use) consisting of a bedroom, living area and bathroom. Small sink for tea and coffee making facilities. All meals will take place with his students
- Dignitary accommodation
- Retreat building (for meditation)
- 3 year retreat building
- Educational and Religious teachings
- Dining Hall (existing)
- Domintory (existing)
- Toilet/amenities block (existing)

These components would form a part of the overall site development as the facility grows and expands. The proposed use components are integral components required for worship and spiritual teachings of the Buddhist faith. The dining hall, dormitories and amenities are all existing facilities on site.

Temple/Meditation Hall

The Temple is a place for sitting, meditating and reflecting; to recite prayers and listen to teachings (similar to Christian sermons) and receive empowerments (a ceremony when a devotee is introduced to a particular aspect of our minds for example: compassion and 'authorised' to undertake specific prayers and practises) from qualified teachers (usually monks).

Candles, incense and flowers may be provided as offerings and placed on the altar.

A new temple building may be commissioned as a future project as the site continues its progression towards meeting the requirements for the Buddhist faith Place of Worship.

Compassion Hall

The Compassion Hall is used for mediation, to recite prayers, listen to teachings and receive empowerments. The Compassion Hall currently also serves worshippers from Orange for part of their regular mediation, prayers and teachings.

Up to a maximum of 50 devotees would be on site at any one time. The maximum number of 50 devotees would only occur during a “retreat” for their religious leader; Rinpoche. Generally the devotees number do not exceed 20 at any one time.

Local representation is less than 10 devotees and therefore numbers on site minimal.

Prayer Room

The Prayer Room to be located near the Stupas is for devotees to sit and meditate and reflect on the stupas and their meaning. There is small altar to light and/or offer a candle. Tourists also have the opportunity to offer and light a candle.

Stupas

A stupa is a spiritual monument that usually contains Buddhist relics, symbolising Buddha’s presence. The stupa represents the Buddha’s body, speech and mind. Every part of the construction of a Stupa shows the path to full enlightenment.

There are eight different kinds of stupas in Tibetan Buddhism, each referring to major events in the life of Shakyamuni Buddha. This is shown in Figure 16.

The Lotus Blossum Stupa of the Buddha’s Birth

This stupa symbolises the birth of Siddhartha, the man who would later be known as the Buddha. He was born in the Lumbini Garden at Kapilavasru in Northern India, in the sixth century BC. The steps of the stupa are round and decorated with lotus petals.

The Enlightenment Stupa

After sitting in meditation for 49 days under a tree at Bodhagya, Siddhartha attained enlightenment, and understood the true nature of all things. He realised that, like him, all beings without exception have the same potential for enlightenment, the “buddha nature”. The steps of are rectangular and undecorated.

The Stupa of Turning the Wheel of Dharma

This stupa represents the point at which the Buddha began to ‘turn the wheel of the Dharma’, to teach the path of enlightenment to others. This stupa is also known as the Stupa of Many Doorways, the steps are adorned with doorways symbolising the opening of the doors of the Dharma.

The Great Miracle Stupa

This stupa commemorates the Buddha’s display of miracles at Shravasti, where he was challenged to demonstrate his realisation. The Buddha responded by performing a different miracle every day for 15 days. Each of the four steps, in each of the four directions have central extensions.

The Stupa of the Descent from Tushita Heaven

The Buddha’s mother, Mayadevi, was reborn in a celestial realm called the Tushita Heaven. To repay her kindness, the Buddha spent 3 months there and taught her the path to

enlightenment. This stupa represents the Buddha's return from the celestial realm in order to continue teaching the people of Northern India. One side of the stupa has a stairway in the centre of the four steps.

The Stupa of Reconciliation is currently being constructed. This stupa commemorates the Buddha's resolution of a dispute among the sangha. The steps are octagonal with eight corners and eight sides.

The All-Victorious Stupa

This stupa symbolises the Buddha's agreement to extend his life by 3 months, after one of his followers pleaded with him not to pass away. The steps of the stupa are round.

The Parinirvana Stupa

This stupa marks the Buddha's passing into nirvana, a state of true peace which is beyond death. There are no steps in this stupa, the vase rests directly on the throne.

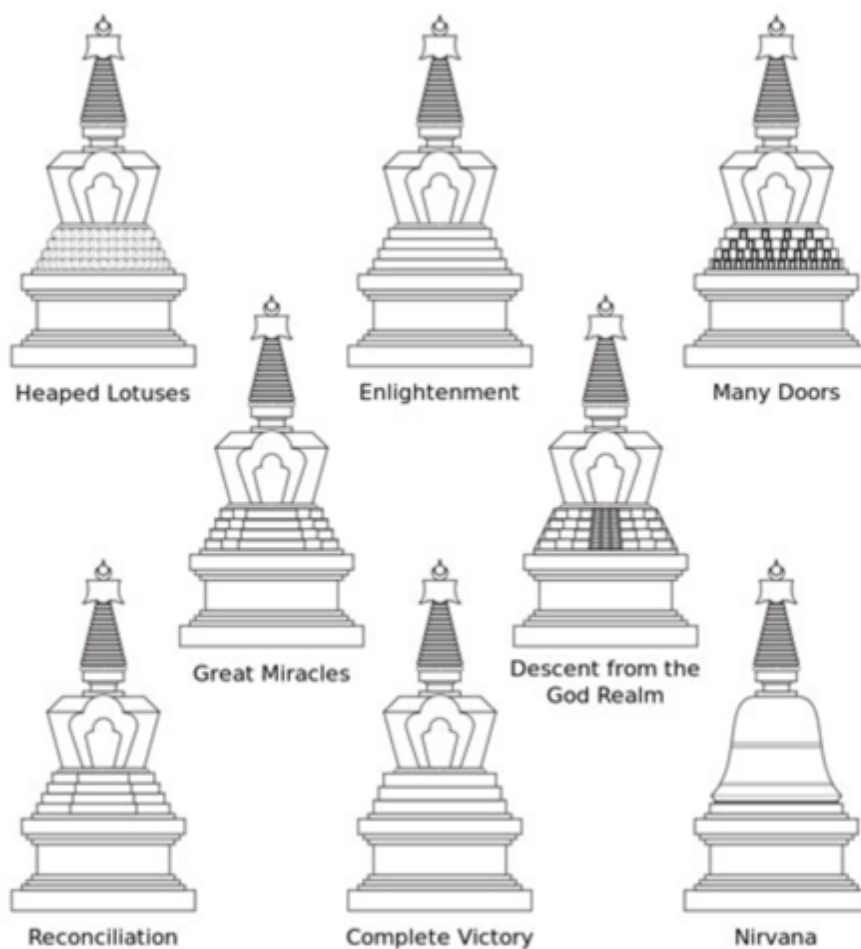


Figure 16: The 8 Stupas of Tibetan Buddhism

Planning Proposal – Place of Public Worship



Accommodation

Existing onsite accommodation takes the form of separate male and female dormitories. The male dormitory caters for 14 male devotees and the female dormitory accommodates 18 female devotees.

The existing dormitory accommodation is serviced by a dining hall and amenities block.

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Accommodation for resident teacher

This would be a detached building distinctly separate from the devotees dormitory accommodation. This would be used by the resident teacher; Rinpoche and consist of a bedroom, open plan living with a kitchenette (sink, kettle, microwave) and bathroom. No laundry or full kitchen facilities required. The Rinpoche dines with his devotees in the dining hall. This accommodation is for the Rinpoche only.

Retreat Buildings

Retreat buildings are used for meditation for weekend retreats and may be as long as 2-3 months. These buildings are used to undertake solitary retreats for intensive personal practise. The buildings will consist of a single room with a bed and small altar accommodating 1 person per "hut". Communal dining hall facilities and amenities will be used by those attending the retreat buildings ("huts"). These would be progressively built according to demand for the facilities.

Visiting Dignitary Accommodation

This building would consist of 2 bedrooms, open plan lounge, kitchenette and bathroom facilities. There would be a maximum of three (3) persons accommodated in the building. The building would only be used by dignitaries of the highest level if they visit Australia such as the head of lineage; HH Karmapa. Whilst visits would be infrequent to the centre, it is tradition to have a building available in case they do visit.

Accommodation for devotees

For weekend or week long retreats, devotees will be accommodated in the sites existing dormitory facilities.

Educational & Religious Teachings

The temple wishes to have a strong community focus to provide both educational and religious activities to the school children and the community in general who may wish to learn more about the Buddhist faith and its religious teachings. These "open days" would be organised in consultation with schools and other community groups and be on an "as needs" basis.

Future activities may also include counselling services to people seeking guidance and support in their personal.

Devotees have the opportunity to visit the site any time during temple operational hours for religious activities.

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Religious teachings primarily take place in the Meditation Hall, Compassion Hall or near the stupas. The religious teachings comprise of explanation and teachings on written scriptures, question and answer sessions, meditation technique explanations (ie to control ones mind) and practise with assessments. Teaching are for everyone, (considered to be) lay devotees.

4.6 Activities

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General Hours of Operation Monday to Sunday 9:30am – 6:30pm.

Retreat events take place once a month 9:30am - 3:00pm. Day event only.

Evening meditation 5:30pm – 6:30pm.

Tourist visitations/school visits would be by appointment and take place between the general operational hours of 9:30am – 6:30pm.

7 day retreats take place five (5) over the course of a year. These retreats take place with the Rinophe and are for teachings and practise on religious meditation, the nature of the mind, practises to purify the mind, how to cultivate virtue and benefit others.

The 7 day retreats are limited by the existing onsite accommodation for 14 males and 18 females. Day visitors may be permitted during these retreats. Hours are generally 4:00am to 9:00pm.

Visiting religious teachers may attend periodically. These would take place during general hours of operation 9:30am – 6:30pm. If visiting religious teachings from other Buddhist traditions propose overnight or weekly retreats, hours and devotee numbers would be in accordance with those numbers and hours for the 7 day retreat.

5.0 SERVICES & INFRASTRUCTURE

Telecommunications are available within the locality with telecommunication services connected to the site. Nearest mobile NBN towers are located in Manildra and Molong as shown in Figure 17.

Figure 18 provided by Essential Energy shows the details of the existing electricity services in the locality.

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The site is not connected to a reticulated sewer system or potable reticulated water. The site is serviced by rainwater tanks and a septic system. Rainwater tanks and onsite effluent management systems would be addressed at the DA stage for any future individual structures.

Any future building that requires additional effluent management system would require an appropriate assessment to demonstrate that the land is capable of disposing effluent within the terms of the Australian standards without impacting upon adjoining land.

Gas lines are not available within the locality and as such would only be available as a portable supply.

Servicing of the site will be in accordance with requirements of Cabonne Council or the relevant service authority.

Existing access to the site is via an existing access point off Sandy Creek Road.

Sandy Creek Road is a sealed local road under the authority of Cabonne Council.

No changes to vehicle access or upgrades are proposed.

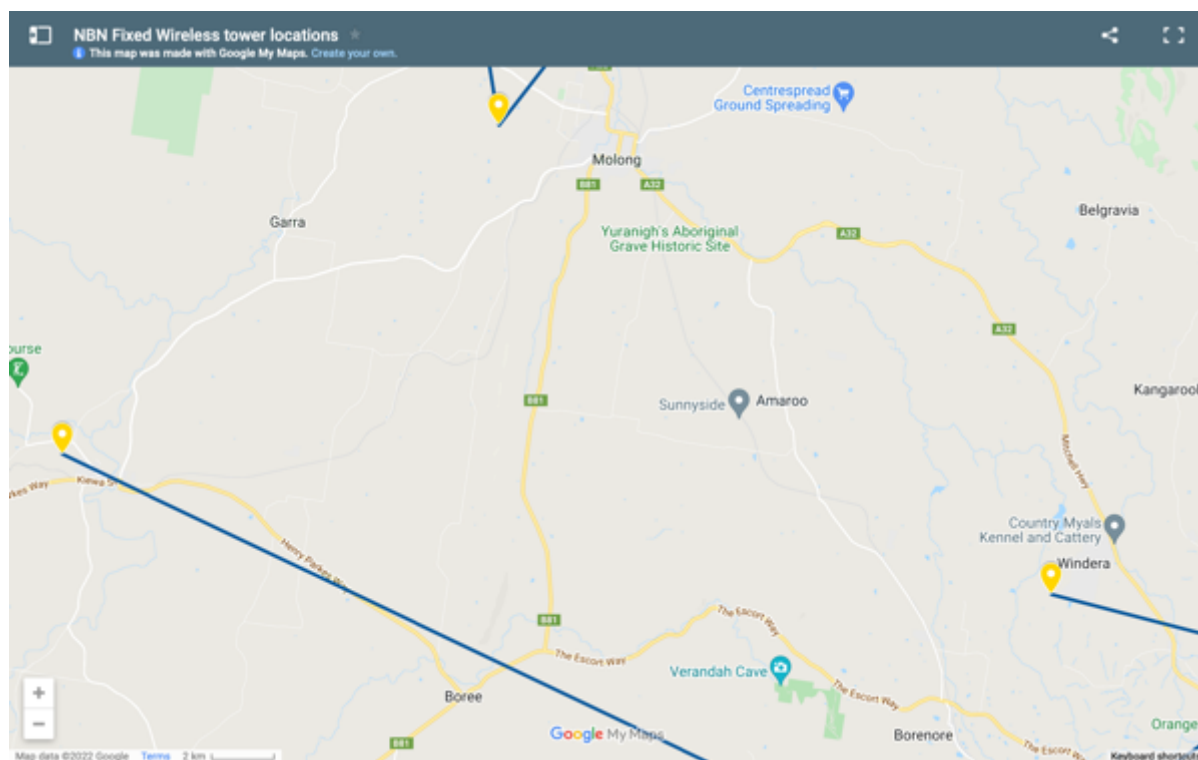


Figure 17: NBN Fixed Wireless Tower Locations



Figure 18: Existing Transmission Line

6.0 LAND RESOURCES & HAZARDS

6.1 Land Resources

The site is zoned for primary production purposes however due to the sites constraints and its current approved land use (for the purposes of a “Church”) the land is not currently undertaking any onsite agricultural activities. The PP does not propose to alter the land zone, merely allow the current use to be included in the LEP as an Additional Permitted Use rather than operating under existing use rights.

A Property Development Plan has been prepared by Envirowest Consulting Pty Ltd to determine feasibility of the site for an agricultural land use. The report is referenced as R13902a and dated 11/1/2022.

The majority of the site contains scrub vegetation dominated by black cypress pine with scattered eucalyptus trees. The area is not expected to have been historically cleared for agriculture due to shallow, low fertility soils and extensive rock outcrops. The southern portion of the site has gentle slopes and has been cleared of vegetation.

The site has limited infrastructure for agricultural enterprises. There are no stock yards, shearing sheds, machinery sheds or hay sheds located on the site. There is no internal fencing that divides the land into stock grazing paddocks.

Buildings and structures are present on the site and are limited to accommodation, storage sheds and religious structures associated with the sites use as a Place of Public Worship (Tibetan Buddhist Centre).

Cropping enterprises are not suitable for the site due to low fertility soils, rock outcrops and topography. Grazing of stock may occur at low densities however is limited by soil fertility, rock outcrops and the presence of trees across the site. Pasture improvement activities are unable to be undertaken to increase productivity due to inaccessibility resulting from factors including the presence of trees across the site, topography (slope) and the presence of rock outcrops.

The assessment of the site concludes that a grazing enterprise is unsuitable due to low fertility soils, rock outcrops, slope and trees. The site does not contain a viable water source for stock. Gross margins are low due to the low capacity of the land. Costs over 10 years associated with constructing agricultural infrastructure exceeds gross margins. The presence of trees across the majority of the site indicates historical recognition of the site was not agriculturally viable. Surround land located in areas where rock outcrops are absent, soil fertility is higher and minimal limitations to pasture improvement have been cleared and operating as grazing enterprises. The assessment determines that it is not feasible to operate the site as an agricultural enterprise.

6.2 Contamination

The investigation area is not listed on the NSW EPA register of contaminated sites or sites notified to the EPA.

A Preliminary Contamination Investigation assessment report has been prepared by Envirowest Consulting Pty Ltd (Ref: R13902C and dated 11/01/2022) to determine the soil contamination status and suitability of the land for future residential land use. The report is to identify past potentially contaminating activities, types of potential contamination, site

conditions and to assess whether there is a need for additional investigation to determine the sites suitability for ongoing use for a Place of Public Worship.

The report provides the following assessment:

The site is dominated by scrubland with an area of native pasture in the southern section. The site is expected to have been used intermittently for low intensity grazing in wet years up until 2005. Development of the site as a place of worship commenced in 2005. No agricultural enterprises are currently practiced on the site.

No surface staining or odours were detected on the site. There is no evidence of mines, sheep dips, mixing sheds or contaminating industrial activities on the site from the review of site history or site walkover. The site is dominated by scrubland and native grasses and historical agricultural inputs are not expected due to poor soils.

The site is impacted by fill in the central, south eastern and south western section of the site. Fill is expected to have been placed at the time of development for the Buddhist Centre infrastructure. Fill in the south eastern and south western sections was sourced from on-site. Fill in the central section is considered to be VENM.

A general storage area was identified in the south western section of the site. General storage items included bricks, wheel burrow, wood/timber, hot water tank, pallets and steel pickets. No signs of discolouration or surface staining was observed in the storage area. A sample of insulation from the hot water tank was collected for laboratory identification of asbestos. No asbestos containing materials were identified in the insulation on the hot water tank. The foreign materials are considered an amenity issue.

The site is suitable for ongoing use as a place of worship.

Based on the preliminary contamination results, no further analysis is recommended or required. The report concluded that the site is suitable for ongoing use for the purpose of a Place of Public Worship.

6.3 Flooding

Sandy Creek is located approximately 377m to the west of the main buildings (currently on site). Due to the topography of the site and the distance from the watercourse, flooding will not adversely impact upon the site. Furthermore, LEP mapping does not identify the land being flood prone land.

6.4 Bushfire

The land is identified as bushfire prone land on LEP mapping.

Future applications for new buildings and structures would need to consider the requirements under Planning for Bushfire Protection 2019.

For ongoing site management consideration of the Rural Fires Act 1997 would need to adhere to the requirements for vegetation clearing works.

6.5 Naturally Occurring Asbestos

The Heads of Asbestos Coordination Authorities (HACA) publishes information of Naturally Occurring Asbestos (NOA). The HACA also provides mapping on the probability of NOA being present. NSW has been mapped into low, medium or high potential regions.

The site is mapped as having no asbestos potential as shown in Figure 8.

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No NOA was identified on the site surface during site walkovers.

7.0 SUSTAINABILITY

The Buddhist faith at its core represents sustainability, including living in harmony with the earth's natural resources.

Any future detailed design for new buildings and structures will incorporate energy efficiency and sustainable design principles and materials where feasible.

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7.1 Water

All water provisions for the site will be via on site rainwater tanks.

Rainwater will also be captured for the buildings roof water.

7.2 Power

The generation and use of solar energy has been implemented for the site.

New buildings and structures will be designed where feasible for additional mounting of solar panels to reduce the reliance on power through the electricity grid.

7.3 Orientation

The Buddhist faith implements the principles of Feng Shui which will maximise orientation to ensure optimum northern exposure for “living” principles, adequate sunlight and access to maximum winter sunlight.

7.4 Heating & Cooling

The use of solar hot water systems, the principles of energy efficiency, site and building orientation, and landscaping all assist in the sustainable heating and cooling process. These measures will be implemented in all new design and development of the site.

8.0 HERITAGE

8.1 Aboriginal Heritage

A Heritage NSW AHIMS search has shown that there are no Aboriginal sites recorded in or near the subject site. There have been no Aboriginal places declared in or near the subject site. The report for the search is included as an addendum to this document.

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Figure 19 shows the AHIMS search results in the vicinity of the site.

The likelihood of uncovering items of significance in this area are considered to be low.

Should any Aboriginal historical archaeological relic or artefact be uncovered during construction activity, do not remove or disturb the relic in any way. Contact with NSW Heritage, Specialist Services Team of historical archaeologists either via phone or email should be made immediately. All work should cease on the site until further investigations can be undertaken.

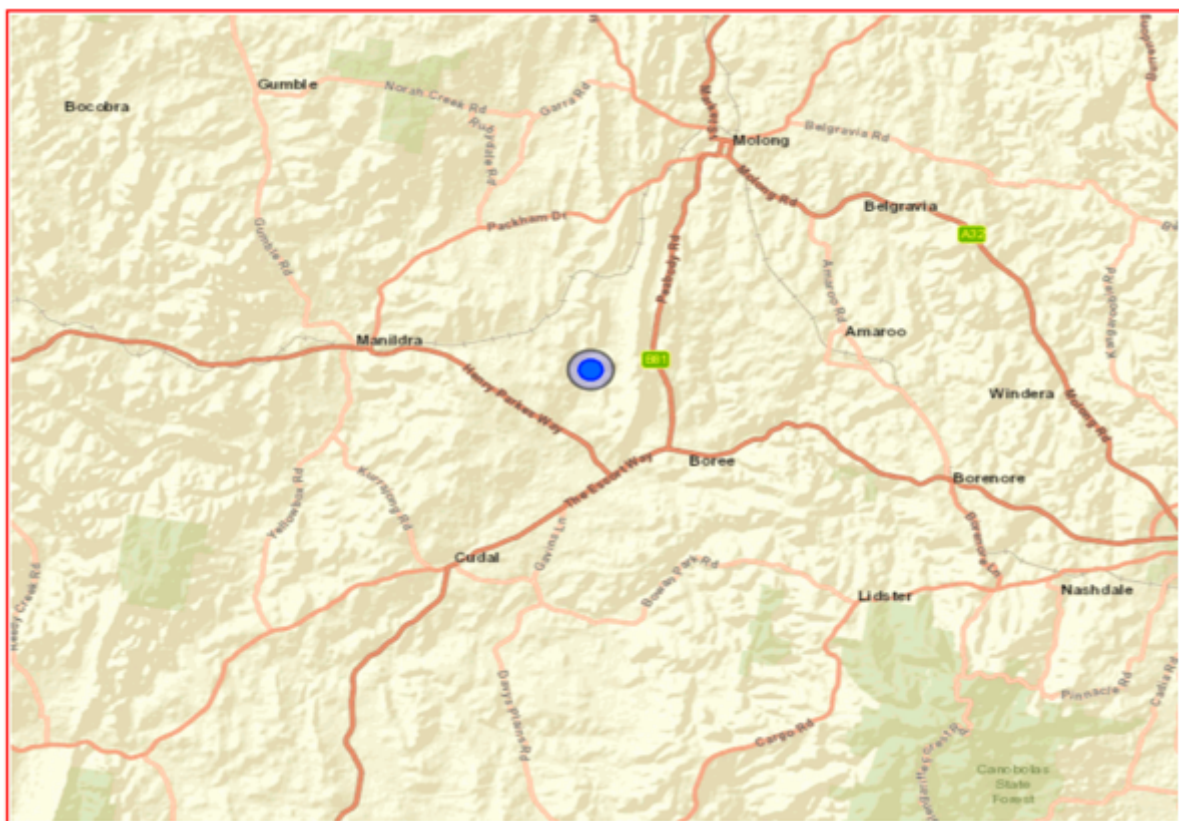


Figure 19: AHIMS search results in vicinity of the site

8.2 European Heritage

A review of Schedule 5 of the Cabonne LEP and the Heritage Office database has not revealed any mapped items of either local or state heritage. Furthermore, there are no areas mapped of heritage conservation areas.

The nearest sites identified as items of environmental heritage include the Brymedura Shearing Shed (located to the north west), Boree Cabonne Homestead & Woolshed (located to the south east) and Boree Nyrang Homestead, Woolshed & Stables (located to the south) as shown in Figure 20.

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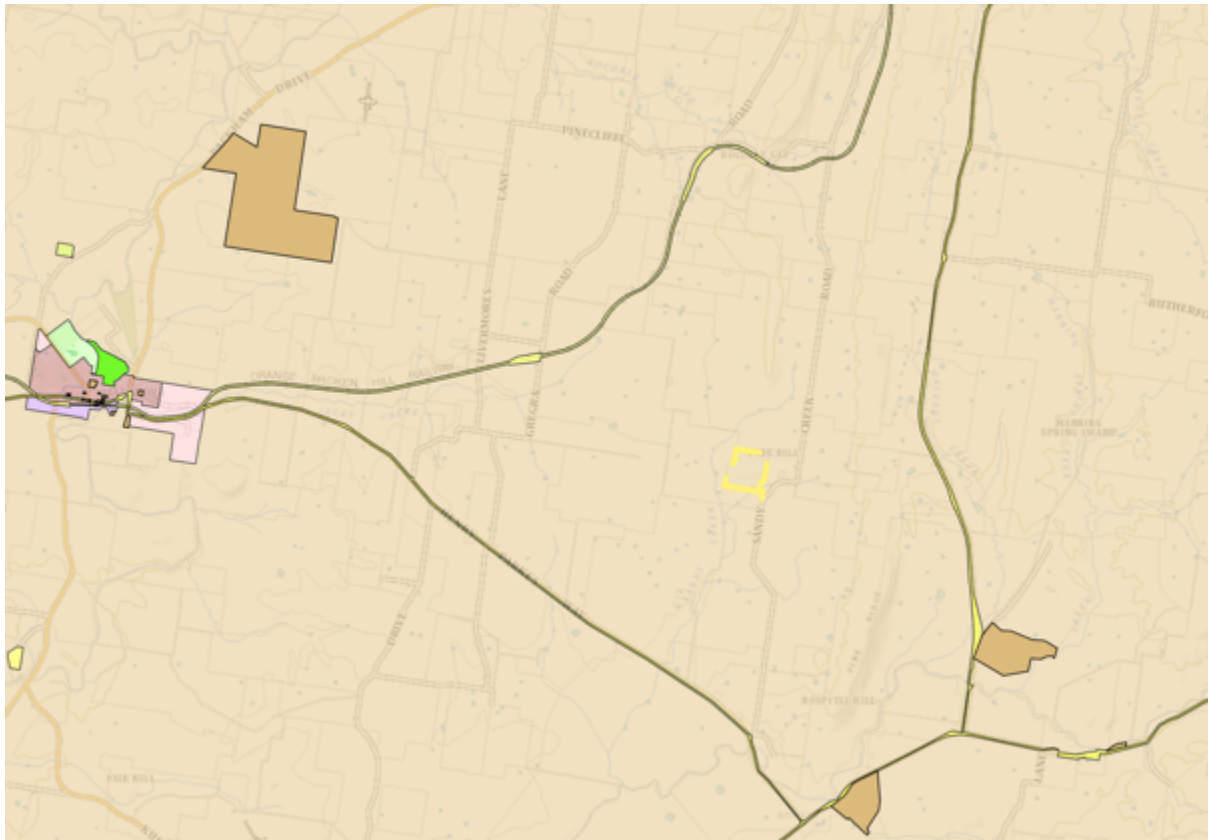


Figure 20: Heritage Map

The proposal has negligible impacts upon heritage, aesthetic, archaeological, architectural, cultural, or social values.

9.0 VISUAL AMENITY

The environment of the proposed development is within an existing landscape of hills, scattered vegetation, expansive rural outlook and scattered rural dwellings,

It is acknowledged that the temple and stupas are prominent features and offer a different perspective to the existing rural character of the locality. The temple and stupas are important elements in the practise of the Buddhist faith and do offer the opportunity for tourism due to its location and siting. Sandy Creek Road is a local road and thus does not adversely impact upon the road network of Henry Parkes Way and The Escort Way nor cause distract from motorists.

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The remaining buildings and structures on site (ie existing buildings) are low scale and consistent with other rural dwellings, buildings and structures.

Any future buildings would need to further consider siting, design and impact on the locality.

10.0 MANAGING ENVIRONMENTAL IMPACTS

10.1 Land Management

The proponent is committed to avoid, mitigate, manage and/or control any potentially adverse environmental impacts arising from the ongoing use and expansion of the site.

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The issues to be addressed by management strategies include the following:

- Control of weed and animal pests;
- Control and management of wastewater and onsite effluent management systems;
- Management of the land to minimise the threat of fire;
- Management of erosion; and
- Management of onsite vegetation and pasture.

10.2 Management of Land to Minimise Threat of Fire

Management objectives of the land to minimise threat of fire includes

- To minimise the risk to property through threat of fire;
- To minimise fuel loads during fire season;
- To ensure onsite activities does not increase the level of fire risk
- To ensure landholders meet their obligations under the

Actions to minimise the threat of fire include:

- Make regular inspections of general fire hazard conditions particularly during periods of increased fire risk;
- Assess fire conditions and initiate reduction of fuel loads, as necessary, in fire sensitive areas prior to the commencement of each bushfire season;
- Undertake regular slashing across the site to reduce fuel loads;
- Establish and maintain fire breaks of 30m or as required by the Planning for Bushfire Protection 2019;
- Ensure there is minimal understorey;
- Establish and maintain adequate water supplies with appropriate connections for rural fire fighting vehicles;
- Introduce low fire risk native grasses to reduce fuel loads.
- Ensure a Bushfire Management Plan has been prepared for the site.

A Bushfire Evacuation Plan is to be implemented for the site and updated annually. The most recent Bushfire Evacuation Plan is included with the submission.

10.3 Prevention of Erosion on the site

The following key principles of erosion and sediment control will be implemented on site during any construction works: -

- Minimise disturbance
- Control site damage
- Control soil erosion
- Revegetate early on

Planning Proposal – Place of Public Worship



- Control sediment run-off
- Ongoing site monitoring

Measures will be implemented during construction to ensure that the land is stabilised, and erosion is controlled so as not to impact upon any adjoining land or the roadway.

Actions to minimise erosion include:

- Consultation with Local Land Services for assistance with programs, advice and/or funding;
- Undertake soil monitoring where necessary;
- Implement progressive replacement to native grasses suited to the locality.

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10.4 Control of Plant & Animals Pests

Management objectives for the control of animals pests and plants includes:

- Identify, eliminate and control any noxious and/or significant environmental weeds;
- Ensure the landholders uphold legislative requirements for the control of pests and weeds;
- Minimise the spread of weeds;
- Progressively eliminate animal pests on site.

Actions to control animal and plant pests includes:

- Determine the nature and extent of plant and animal pests on the land. Assistance may be sought from Central Tablelands Local Land Services;
- Implement specific species weed control where required;
- Implement on a progressive basis the replacement to native grasses suited to the soil and locality;
- Implement control or eradication programs with the assistance of Local Land Services where required;
- Avoid the creation of habitat for rabbits and foxes;
- Update fencing (on a progressive basis) and install fox and rabbit proof fencing.

11 OPERATIONAL ACTIVITIES AND IMPACTS

11.1 Operational Plan of Management

An Operational Plan of Management (OPOM) could be implemented for the site to ensure that the Buddhist Centre continues to successfully integrate with the surrounding properties, protect the locality amenity and provide a high quality environment for any future resident monks and devotees.

The OPOM would provide additional detail about the Tibetan Buddhist Centre which would outline amenity issues that may require further consideration in its activities/operations (everyday operations and any special events).

The OPOM would also identify measures to be implemented to ensure the Buddhist Centre has regard to the neighbouring properties.

These measures may include:

- Letters to neighbouring properties advising of upcoming events;
- Contact information for the Buddhist Centre
- Compliant Register

11.2 Noise

The elements of the proposal that have the highest potential for noise generation are the temple bells.

The use of bells in a Buddhist temple are quite different to the traditional chiming of bells in Christian churches.

Bells are generally rung on Sundays, in addition to the first day of each month, the middle of each month and along with special events. The chiming of bells are generally for a short period of time and intermittent.

The use of drums may also be used. The drums are generally struck to summon people from within other areas of the Buddhist Centre or to recognise special events. The use of drums, like bells is generally for a very short time and intermittent.

Traffic generation has the potential for noise generation due to increased vehicle movements. Traffic generation is not anticipated to have a significant impact for noise generation for the site due to the rural character of the location and distance to the nearest residential receptors. Nearest residential receptors include 198m to the south west, 410m to the east, 895m to the south east, 1km to the north east and 2.1km to the west.

Vehicle movements are currently greater on the weekends. This may change over time as the centre expands.

The site has been operating as a place of public worship since 2007. The proponents have a good relationship with their neighbours and seek to keep the lines of communication open at all times.

There are no records of noise complaints with Council.

Mitigating noise measures are not anticipated as the levels of noise to be generated are well within acceptable noise levels and are not likely to be intrusive to the ambient noise levels in the surrounding locality.

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Noise from any future construction works will be temporary in nature. This can be managed by the Site/Building Manager with hours of work, noise and vibration measures, site facilities and traffic control to ensure construction operations are able to be managed to minimise impacts upon both the site and the locality.

11.3 Hours of Operation

Proposed Hours of Operation

General Hours of Operation Monday to Sunday 9:30am – 6:30pm.

Retreat events take place one Sunday per month 9:30am – 3:00pm

7 day retreats take place 5 times a year 4:00am to 9:00pm

Appointments in advance may be made to visit the Buddhist Centre outside of the scheduled times. This would be irregular and infrequent.

11.4 Traffic & Access

Access to the site is currently via an existing access point off Sandy Creek Road.

No changes to existing access arrangements are proposed.

Onsite carparking is available. It is currently informal in nature. The concept plan shows the indicative location for the updated car parking area in a staged approach.

12.0 STAGING & CONCEPT PLAN

The aim of the Planning Proposal is to ensure that a Place of Public Worship is permitted on the site which allows future development and expansion of the site. Currently the site relies upon existing use rights (from 2007) which limits further development of the site.

The overall concept plan as provided in Figure 1 showing indicative building uses and locations. The Site Plan also identifies where existing buildings and structures are located.

The development of the site for the Buddhist faith will grow in time, however its expansion will be subject to donations.

13.0 CONCLUSION

The subject site at Lot 134 DP 1091778 & Part Lot 1 DP 254240, 1064 Sandy Creek Road, Molong has a current existing use as a “Church” for religious practise of the Buddhist faith. The use has been operating on the site since 2007. Upon the gazettal of the Cabonne Local Environmental Plan 2012, the use became a prohibited use (Public of Public Worship) and has been operating under existing use provisions.

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This application seeks to include an Additional Permitted Use provision for the subject land to ensure the site can continue to operate its Buddhist faith with the ability to continue to build the necessary components to meet the requirements of the Buddhist faith.

The proposal is supported by the following reports:

- Planning Proposal Application
- Pre-liminary Contamination Investigation assessment prepared by Envirowest Consulting Pty Ltd (Ref: R13902c dated 11 January 2022)
- Property Development Plan prepared by Envirowest Consulting Pty Ltd (Ref: R13902c dated 11 January 2022)
- Concept Plan
- AIMS
- Bushfire Evacuation Plan