

## 8.2. Planning Proposal for National Circularity Centre, Bega

This report seeks a Council resolution to submit a planning proposal to permit additional uses on certain land in North Bega to the NSW Department of Planning and Environment for Gateway Determination.

Director Community Environment and Planning

### Officer's Recommendation

1. That Council resolve to support the revised planning proposal for the National Circularity Centre to amend the *Bega Valley Local Environmental Plan 2013* to permit retail premises, function centre, entertainment facility and community facility uses on certain land at Lagoon Street, Bega (Part of Lot 1 DP 1264640).
2. Authorise Council officers to submit the revised planning proposal (Attachment 1) and supporting information to the Department of Planning and Environment requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*. That following Gateway Determination, the planning proposal be placed on public exhibition.
4. Authorise Council officers, subject to the conditions of the Gateway Determination and providing no substantial changes to the planning proposal are required and no objections are received during exhibition, to progress the planning proposal to finalisation and gazettal without a further report to Council.

### Executive Summary

The purpose of this report is to seek Council's approval to lodge a revised planning proposal for the National Circularity Centre with the NSW Department of Planning and Environment (DPE). A previous planning proposal for this site was not supported by the NSW Department of Planning because the flood risk had not been adequately addressed.

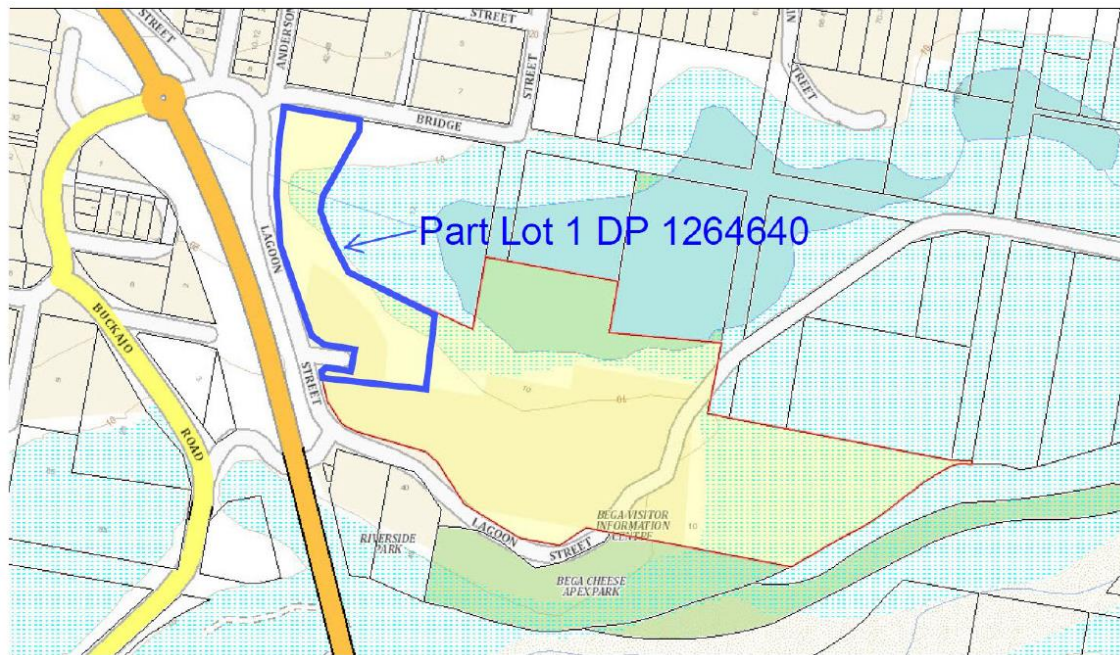
This planning proposal will result in an additional use clause being added to the *Bega Valley Shire Local Environmental Plan 2013* (LEP 2013) which would enable consideration of the uses of retail premises, function centre, entertainment facility and community facility on land at Lagoon Street, Bega (Part of Lot 1 DP 1264640). The planning proposal has been lodged to support development of the proposed National Circularity Centre.

The revised planning proposal does not seek to change the additional uses put forward in the original planning proposal.

### Background

The Bega Cheese factory and associated whey powder plant is located on Lot 1 DP 1264640, a 9 hectare site at Lagoon Street in North Bega. The owner of the land is Bega Cheese Limited and the development site of approximately 1.5 hectares has been provided by Bega Cheese Limited for development of the National Circularity Centre by the Regional Circularity Co-operative.

The planning proposal affects only that part of Lot 1 DP 1264640 in the north-western portion of the lot as illustrated in Map 1 below.



*Map 1: Land affected by the planning proposal*

The planning proposal has been prepared to enable consideration of a multi-purpose tourism, community and research hub, including exhibition rooms, a visitor centre, conference and event facilities, and a café.

The land is zoned E4 General Industrial. A number of the proposed uses within the National Circularity Centre are not currently permitted in the E4 zone. The aim of the planning proposal is to retain the existing E4 zone but amend the LEP 2013 to introduce additional permitted uses for the identified land to enable consideration of a development application for retail premises, function centre, entertainment facility and community facility on the site.

Council officers have assessed the planning proposal and concluded that the proposal has both strategic and site specific merit according to the criteria outlined in the *NSW Local Environmental Plan Making Guidelines* (December 2021) as outlined in the section below.

At the meeting of 28 June 2023, Council resolved to support the planning proposal for the National Circularity Centre. However, the planning proposal was unable to proceed because it was not supported by the delegate of the Minister for Planning and Public Spaces because:

1. It was inconsistent with section 9.1 Direction 4.1 (Flooding) and the inconsistency had not been justified.
2. The site is highly flood prone and introducing a broader range of uses to the site would likely result in greater risk to life and property.

A Flood Impact and Risk Assessment was then commissioned by the proponent which concluded that: “the development was found to be compliant with all planning and development controls and the requirements of the Local Planning Direction 4.1.” The planning proposal has subsequently been amended to incorporate the Flood Impact and Risk Assessment and re-submitted to Council.

A development application for the proposed National Circularity Centre is expected to be lodged in coming months.

### [Assessment of Planning Proposal](#)

#### **STRATEGIC MERIT ASSESSMENT CRITERIA**

*Does the proposal give effect to the relevant regional plan?*

The planning proposal is consistent with the *South East and Tablelands Regional Plan 2036* goals:

1. A connected and prosperous economy
2. A diverse environment interconnected by biodiversity corridors
3. Healthy and connected communities
4. Environmentally sustainable housing choices

It is also consistent with the *draft South East and Tablelands Regional Plan 2041* themes:

1. Recognising Country, people and place
2. Enhancing sustainable and resilient environments
3. Leveraging diverse economic identities
4. Planning for fit for purpose housing and services
5. Supporting a connected and active region.

***Does the proposal demonstrate consistency with the relevant Local Strategic Planning Statement (LSPS)?***

The planning proposal is consistent with the LSPS planning priorities: 1 natural environment, 3 carbon neutral, 5 agriculture, forestry and aquaculture, 6 industrial land, and 7 tourism.

The planning proposal is consistent with the 20 year vision for commercial land in the *Commercial Land Strategy* which aims to achieve “Vibrant and viable commercial centres generate business and employment and improvements to the design quality of the urban environment.”

***Does the proposal respond to a change in circumstances that has not been recognised by the existing planning framework?***

The planning proposal does not respond to a change in circumstances that has not been recognised by the existing planning framework.

**SITE-SPECIFIC MERIT ASSESSMENT CRITERIA**

***Does the proposal give regard and assess impacts to the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)?***

A preliminary assessment of flooding, land contamination, bushfire, environmental protection and cultural heritage is provided in the planning proposal and will be further detailed at development application stage. The planning proposal considers environmental matters through a test of significance carried out and an analysis of riparian land and watercourses. It is considered that the proposal is unlikely to have any adverse impacts on the natural environment on the site or other affected land.

***Does the proposal give regard and assess impacts to existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates?***

The planning proposal considers the likely impacts from the development such as scenic amenity due to visual prominence of the site, the extent of potential noise emissions and any potential land use conflicts. It is considered that these issues can be adequately addressed through the development assessment process.

***Does the proposal give regard and assess impacts to services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?***

The planning proposal demonstrates there are adequate services and infrastructure available to meet the demands arising from the proposal.

## Options

Options available to Council are to:

1. Resolve to support the planning proposal and forward it to the Department of Planning and Environment for Gateway Determination. This is the recommended option.
2. Not support the planning proposal.

## Community and Stakeholder Engagement

### **Engagement undertaken**

Pre-lodgement consultation was undertaken with Transport for NSW, Heritage NSW and the NSW Rural Fire Service. It is considered that the issues raised by agencies during this consultation can be adequately addressed through the development assessment process. Feedback from these agencies is available in the Planning Proposal at Attachment 1. No response was received from the NSW Biodiversity Conservation Division.

Following the Gateway determination that the planning proposal should not proceed, officers from NSW Biodiversity Conservation Division Flood, Coast and Estuaries (BCD) worked with the proponent's flood consultant and Council to address the issue of flood risk. The resulting Flood Impact and Risk Assessment is included as an attachment to the revised planning proposal.

### **Engagement planned**

If the Planning Proposal receives Gateway approval, community consultation will be consistent with the requirements of the *Bega Valley Shire Community Engagement Strategy*, being a minimum exhibition timeframe of 28 days or as specified by the Gateway Determination.

Public exhibition of the planning proposal will include notification on Council's website and in writing to adjoining landowners.

Should agency or community feedback to the planning proposal be received that warrant substantial changes to the planning proposal, a further report will be prepared for Council outlining the submissions received and the changes to the planning proposal recommended in response to those submissions prior to resolving whether to proceed with amending LEP 2013.

If no objections to the planning proposal are received and no substantial changes are required to the planning proposal, it is recommended that Council resolve to authorise staff to proceed to finalise the proposed amendment to the LEP 2013.

## Financial and Resource Considerations

The planning proposal has been prepared by the applicant and the applicable fee of \$23,850 received in accordance with Council's adopted Fees and Charges 2022/23. The 2023/24 fee for a Standard planning proposal is \$25,042 and the applicant has requested that Council waive the fee. This application is the subject of a separate report to Council. Any additional costs incurred for advertising the planning proposal will be met by the applicant.

## Legal /Policy

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and DPE's *Local Environmental Plan Making Guideline (December 2021)*.

## Impacts on Strategic/Operational/Asset Management Plan/Risk

### **Strategic Alignment**

The planning proposal is consistent with the *South East and Tablelands Regional Plan 2036*, the Draft South East and Tablelands Regional Plan 2041, the *Bega Valley Community Strategic Plan*

2040, the *Bega Valley Shire Local Strategic Planning Statement*, the *Bega Valley Climate Resilience Strategy* and *Bega Valley Commercial Land Strategy*.

#### ***Environment and Climate Change***

A key ambition for the proposed Centre will be to attract research and education events and programs, and business events with sustainable housing providers and associated groups. Research and events will promote methodologies for sustainable housing development.

The planning proposal is consistent the *Bega Valley Climate Resilience Strategy 2050*. It will support the key response areas: natural systems, preparing for natural hazards, liveable and connected places, safe, healthy and inclusive community, diverse and thriving economy, energy security and food security. The proposed Centre will facilitate forums for the community, businesses and industries to connect with the aim of diversifying the Bega Valley's economic profile, circularity programs and improved resilience in the region.

#### ***Economic***

The proposed Centre will support market-led research and models for a circular economy. This will support Bega Valley Shire's industries in tourism, agriculture and aquaculture. It will provide an area for community events, to promote tourism in the Bega Valley Shire and the broader region and to showcase local circularity businesses and projects, local produce, sustainable agriculture and Indigenous bush foods. The proposed Centre building aims to set an example for future development using new technologies and renewable energy.

#### ***Risk***

The planning proposal does not introduce any new risks to Council.

#### ***Social / Cultural***

The proposed Centre will benefit the Bega Valley Shire community by providing a place to congregate and hold research forums to increase the social and cultural wellbeing of the community.

## **Attachments**

1. Revised National Circularity Centre planning proposal