



IRF 24/331

Gateway determination report – PP-2023-2682

National Circularity Centre, Lot 1 DP1264640
Lagoon Street, Bega

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Bega Valley
PPA	Bega Valley Shire Council
NAME	National Circularity Centre (20 Jobs)
NUMBER	PP-2023-2682
LEP TO BE AMENDED	Bega Valley LEP 2013
ADDRESS	Lagoon Street, Bega
DESCRIPTION	Lot 1 DP 1264640
RECEIVED	18/12/2023
FILE NO.	IRF24/331
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are:

- To support a proposal by the Regional Circularity Co-operative Limited to develop a National Circularity Centre (the Centre) which will contain a range of commercial and community uses including:
 - A visitors centre and tourism-oriented showroom demonstrating applications of circular economy principles
 - Business events and conferencing space, plus modular meeting rooms for hire to support industry, educational and community events
 - A circularity innovation hub and start-up accelerator, to be jointly operated with assistance from the University of Wollongong,
 - Embedded technology to provide an immersive experience both within the Centre and online, and
 - A providore and café offering environmentally friendly, low carbon and locally-grown fresh produce, and which can be scaled up to support events held at the Centre.

- Permit all of the proposed uses with consent and to ensure flexibility so that the Centre may evolve to encompass land uses that are tailored to the period and community

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend Bega Valley LEP 2013 to list Part Lot 1 DP 1264640, No. 10 Lagoon Street, Bega in Schedule 1 Additional permitted uses with development for the purposes of retail premises, a function centre, an entertainment facility and a community facility as permitted with consent. The Schedule 1 entry is to apply to the site as shown in Figure 1 below.

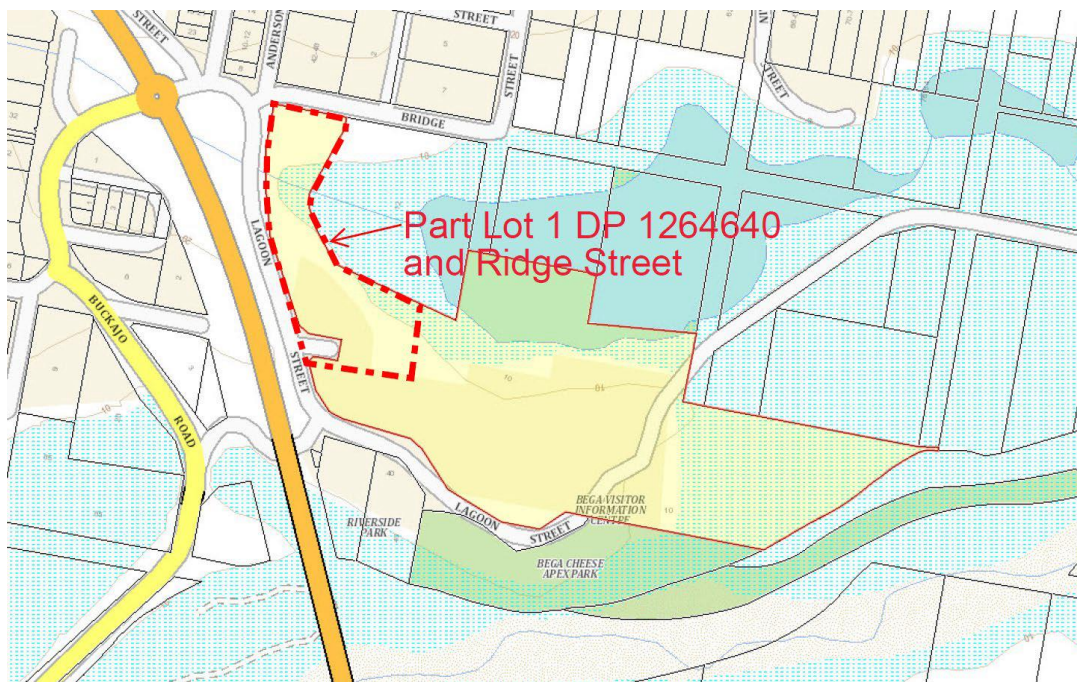


Figure 1 – Subject site (Source: Planning Proposal)

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

Lot 1 DP 1264640 is located approximately 1.5km from the Bega CBD on the northern fringe of the Bega township. The lot is an irregular shaped allotment of approximately 9 hectares however the planning proposal involves only the north-western portion of the site which covers an area of approximately 1.5 hectares and is shown in figure 1 above, and figure 2 below.

This area is currently vacant other than a building located at the southern end which is to be demolished. This building was originally used as an indoor recreational facility and more recently as a training centre for Bega Cheese staff.

Surrounding development is dominated by a mix of industrial uses, open space, farmland and low density residential development to the north.

The site is zoned E4 General Industrial. The National Circularity Centre will be a mixed-use development comprising of a number of land uses. The proposed land uses include a Gift Shop/Tourist facility, Office/meeting rooms, exhibition rooms, Café, Amenities, Hall, Kitchen, Storage/workshop spaces and an auditorium. Many of these land uses are permissible with consent in the E4 zone currently, however, those that are not covered by this proposal are to be

added to Schedule 1 of the Bega Valley LEP as site specific additional permitted uses with consent.



Figure 2 – Subject site (Planning Proposal / Sixmaps 2023)

1.5 Mapping

The planning proposal includes mapping (Figure 1) adequately identifying the land to which the Schedule 1 listing will apply, and it is considered suitable for community consultation. Council would need to produce LEP standard mapping to finalise the planning proposal.

2 Need for the planning proposal

The planning proposal states that the proposal is not the result of an endorsed local strategic planning statement, strategic study or report.

The proposal outlines the selection of the site for development of the National Circularity Centre and the need to ensure that all proposed and potential future uses are permitted. Council considers the outcomes of the proposal meets and addresses certain actions of the Bega Valley Local

Strategic Planning Statement (LSPS) 2040 particularly beneath Planning Priority 5 Agriculture, Forestry and Aquaculture and Planning Priority 7 Tourism by providing a platform to promote sustainable primary industry practices and facilities for visitors to celebrate and learn about sustainability and circularity.

The proposal also states the National Circularity Centre will contribute to the desired future character of Bega as espoused in the LSPS. The Centre will provide cultural and educational opportunities and preserve the quality of landscapes through a sensitively designed development that is visible from the Princes Highway.

The planning proposal outlines two ways to achieve the desired outcome for permitting this proposed development on the subject land, those being:

- a) Amend the land use table for zone E4 General Industrial to list the prohibited land uses proposed to be developed in the National Circularity Centre (retail premises, function centre, entertainment facility, community facility) as permissible in the zone, or
- b) Insert an entry into Schedule 1 Additional permitted uses of Bega Valley LEP 2013 to list Part Lot 1 DP 1264640, No. 10 Lagoon Street, Bega in Schedule 1 Additional permitted uses with development for the purposes of retail premises, a function centre, an entertainment facility and a community facility as permitted with consent.

The proposal outlines the reasons behind the preferred option of inserting an entry to Schedule 1 of Bega Valley LEP 2013 notably that:

- Including development for the purposes of retail premises, a function centre, an entertainment facility and a community facility as permitted with consent will enable flexibility for the Centre to evolve and change or add new uses over time, and
- The prohibited uses may be suited to the selected site but not on all land that is zoned E4. Making all proposed uses permissible within the E4 zone generally may lead to development proposals on other land that are not consistent with zone objectives and may lead to land use conflict.

The Department agrees that the proposed use is unique in terms of land uses, and that a Schedule 1 amendment to allow the currently prohibited uses is preferred for the reasons outlined in Council's planning proposal.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South East and Tablelands Regional Plan 2036.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 5 - Promote agricultural innovation, sustainability and value-add opportunities,	The Planning proposal seeks to enable a multiuse facility that will deliver outcomes consistent with the Direction across the agricultural sector.

Direction 6 - Position the region as a hub of renewable energy excellence, and	The Planning proposal seeks to enable a multiuse facility that will deliver outcomes consistent with the Direction including circular economy projects and innovation.
Direction 9 - Grow tourism in the region.	The Planning proposal seeks to enable a multiuse facility that will deliver outcomes consistent with the Direction including a strong focus tourism focus.

The proposal is considered consistent with the Draft South East and Tablelands Regional Plan 2041. The proposal will facilitate the development of a National Circularity Centre that will underpin the ongoing development of a circular economy in the region, a feature specifically referenced in Objective 9 - Support the development of a circular economy.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Bega Valley Local Strategic Planning Statement (LSPS)	<p>The proposal describes the National Circularity Centre development to align with a number of planning priorities outlined in the LSPS including protection of the natural environment, achieving the goal of being carbon neutral by 2050, the inclusion of Aboriginal people and their culture, and promoting tourism to capitalise on natural and cultural assets.</p> <p>By being a sensitively designed highly visible site from the Princes Highway, the National Circularity Centre will also contribute to the desired future character of Bega and will provide cultural and educational opportunities. The Centre will highlight the township of Bega as the regional centre and a focus for commerce, tourism and liveability.</p> <p>The Centre through the use of new technologies and renewable energy will assist the transition to being carbon neutral by setting an example for future development and at the same time facilitating new business and employment opportunities including in the tourism sector.</p>
Bega Valley Economic Development Strategy	<p>The planning proposal outlines that the National Circularity Centre is aligned to the goals of the economic development strategy with a particular focus on enhancing visitor experiences, creating new opportunities for business through the concept of circularity, and building key partnerships across and beyond the region to facilitate economic resilience.</p> <p>The Centre is also aligned to the action to “Advocate, Support and Deliver visitor experiences to maximize the social, cultural, environmental and economic wellbeing of the community through sustainable tourism”.</p>

Bega Valley Shire Climate Resilience Strategy 2050	<p>The planning proposal states that the National Circularity Centre supports the Climate Resilience Strategy across all key response areas.</p> <p>The project will focus on providing a safe and inclusive space for the community to connect, diversifying Bega's current economic income profile and contribute to world-leading circularity programs and research to improve environmental outcomes and resilience in the region.</p> <p>Specifically, the Centre will contribute to the strategy's target to 'Increase the value of the visitor economy' by 2050 by attracting new forms of tourism to the region, including educational tourism, business tourism and eco-tourism, making Bega Valley 'the home of circularity' in Australia.</p>
Commercial Land Strategy 2040	<p>The Commercial Land Strategy 2040 examines demographic and industry characteristics, trends in commercial centres due to technology, national and global influences and opportunities for business growth in the towns and villages of Bega Valley Shire. A commercial centre hierarchy is established to differentiate each centre and support the level of provision of goods and services in the future. Changes to land use zones, development standards and other planning controls are recommended to revitalise and promote economic growth.</p> <p>Recommendations that are made in the strategy include amendments to business zones to facilitate commerce and to ensure that the supply of business zoned land is sufficient to cater for growth and the changing commercial environment.</p>
Bega Valley Industrial Land Review	<p>The aim of the Bega Valley Industrial Land Review is to support the sustainable economic development of Bega Valley Shire by ensuring that sufficient industrial land is available to expand existing industries and to develop new industries. The study analyses recent local and national trends in industrial development and identifies opportunities for and the barriers to industrial growth. Further investigation into the constraints to development of existing zoned land and the potential for development of an eco-industry park are investigated.</p> <p>The industrial land at North Bega is recognised as providing a developed entrance to the township with high amenity through neighbouring rural landscapes and an open character. Exposure to the Princes Highway presents an opportunity through ease of access for travelling motorists and freight vehicles.</p> <p>At the time of writing in 2016, there were 107 lots in the North Bega industrial area, ranging in size from 256m² up to 84,701m² of vacant land in the ownership of an agricultural produce industry. In terms of supply of vacant industrial land, there was estimated to be a potential yield of 44 lots across all zoned industrial land at a lot size of 2,000 square metres which accounted for services and environmental constraints.</p> <p>Some land is affected by terrestrial biodiversity, natural resources and riparian lands and watercourses, however, it was found that development of any vacant or underutilised land can be carried out in a manner that would not cause adverse impacts.</p>

The Department notes the proposals consistency with the various relevant local strategic planning documents listed above. The circular economy within the Bega Valley is specifically called out in the Draft South East and Table Lands Regional Plan 2041 and this planning proposal will form part of facilitating further development of circular economy practices and innovation in the region.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans	Yes	<p>The Planning proposal states consistency through enabling development that will implement the following directions of the South East and Tablelands Regional Plan 2036:</p> <p>Direction 5 - Promote agricultural innovation, sustainability and value-add opportunities, Direction 6 - Position the region as a hub of renewable energy excellence, and Direction 9 - Grow tourism in the region.</p> <p>The purpose of the National Circularity Centre will be to promote sustainable practices and the principle of circularity. It will be an attraction to residents and visitors and will utilize recycled materials and solar panels.</p> <p>The Planning Proposal will also support key themes in the draft South East and Tablelands Regional Plan 2041 in particular enhancing sustainable and resilient environments by assisting to create resilient places and communities. Reference is made to the project beneath Objective 9 of the Plan which is to support the development of a circular economy.</p> <p>The Department has assessed and notes the broad consistency of the proposal against both the current and draft new South East and Tablelands regional plans.</p>
1.4 Site Specific Provisions To discourage unnecessarily restrictive site-specific planning controls	Yes	<p>It is identified in the Planning Proposal that the best means to achieve permissibility for all land uses proposed in the National Circularity Centre is through listing the site and uses in Schedule 1 Additional permitted uses. It is not proposed to include any development standards or drawings in the Schedule 1 provision.</p> <p>The Department notes additional permitted uses, and notes that there are no site-specific restrictions being applied.</p> <p>The Planning proposal is therefore considered to be consistent with Local Planning Direction 1.4.</p>

4.1 Flood Prone Land

(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and

(b) to ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.

Unresolved. To be determined after consultation with DEECW and SES.

The subject land is known to be affected by both riverine (Bega River) and local catchment flooding. This aspect of the proposal requires serious consideration due to the nature of flooding on the site.

Background

DPE (Planning) rejected an earlier planning proposal in mid 2023 due to insufficient information being provided to address this Direction. Subsequently, RHELM Pty Ltd was engaged by the proponent to prepare a Flood Impact and Risk Assessment (FIRA).

Consideration

The FIRA details that local catchment flood risk is to be mitigated through construction of a raised building pad to prevent flooding from local catchment flood events up to and including the PMF, and provision of a depressed vegetated corridor is to provide capacity for the PMF by allowing flow through the adjacent carpark.

The FIRA acknowledges that despite the mitigation measures identified, there is a significant residual flood risk from rare and extreme riverine flood events that cannot be mitigated and PMF flood depths of approximately 6m occur across the site.

The FIRA determined that no significant flood impacts on adjacent properties would result from local catchment flooding and contained recommendations including that emergency responses to flooding for the site include 'evacuation' during riverine flood events, and 'shelter in place' for local catchment flood events.

The FIRA, and subsequent revised Planning Proposal have concluded that the proposal is overall consistent with the Planning Direction.

The Department has consulted with DCCEEW (Flooding) which has reviewed the FIRA and made comments including recommendations in relation to further consultation. As the planning proposal involves the rezoning and intensification of development on flood prone land, therefore should be considered in accordance with Section 9.1(2) Direction 4.1 Flooding of the Local Planning Direction, the NSW Government's Flood Prone Land Policy as set out in the NSW Flood Risk Management Manual, 2023 and Councils LEP 5.21 Flood planning and 5.22 Special flood considerations.

The site is subject to significant flood risk and as such the determining authority should satisfy itself of risk to life and property during floods, including the efficient evacuation of people. It is also recommended that the determining authority for the planning proposal satisfies itself on the adequacy of controls to manage flood damages and post flood event recovery.

The Department considers that the FIRA contains a level of information to enable Council to formerly consult with relevant agencies. Council, following consideration of any agency comments will then be in a position to form a view on whether the planning proposal is consistent with the Planning Direction and other relevant flood policy listed above.

The level of risk to life and property will be partly dependent upon implementation of effective flood mitigation measures which need to be addressed through this proposal and subsequent development applications processes.

As a condition of the Gateway determination, formal consultation is to be required with DCCEEW (Flooding) and NSW SES in relation to flooding.

4.3 Planning for Bushfire Protection

(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and

(b) to encourage sound management of bush fire prone areas

Unresolved

The Planning proposal indicates that it is consistent with Local Planning Direction 4.3.

The subject site is mapped as bushfire prone land. Consultation with the NSW RFS has already occurred prior to preparation of the Planning Proposal as part of the Scoping process. The Planning for Bushfire Protection 2019 guideline has been considered in this Planning Proposal. The proposal will not enable inappropriate development or affect the ability to carry out hazard reduction in the area. The site is bounded by managed land on three sides and cleared land that adjoins the riparian zone of an unnamed waterbody.

The development application will be accompanied by bushfire assessment that ensures that the final building designs and site layout include asset protection zones, accessways, water supplies and other bushfire management measures that comply with Planning for Bushfire Protection 2019.

The Planning Proposal is to be submitted before site designs and layout are finalised and the DA is lodged. The Schedule 1 Additional permitted use entry cannot contain any drawings of the development meaning that determining compliance with PBP 2019 cannot occur until plans are final.

The Department acknowledges the early consultation already undertaken with NSW RFS however notes that to date, Consistency with the Direction has not yet been achieved. Written advice that there is no objection from the NSW RFS Commissioner is to be required to be received by Council prior to community consultation. A condition of the Gateway is to be included in this regard.

4.4 Remediation of Contaminated Land

To reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities

Yes

The Planning proposal is consistent with Local Planning Direction 4.4. The site is not known to be contaminated or listed in a register of contaminated land held by Bega Valley Shire Council or the EPA.

The proposal does however note that the site has been filled with inert material sourced from Bega town centre and that a preliminary investigation will be carried out and a report submitted with the development application for the National Circularity Centre. If necessary, remediation, carried out in accordance with a remediation action plan, can ensure that the land is suitable for the proposed development.

The Department is satisfied that the proposal is consistent with the Direction. The proposal does not include any new land in a particular zone, and that the Development application process for any subsequent development will need to satisfactorily address and on-site issues.

5.1 Integrating Land Use and Transport

To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

Yes

The proposal states that this Direction does not apply directly to the Planning Proposal as the intended outcome does not include creating, altering or removing a zone relating to urban land.

The Department notes that the proposal does however seek to alter a provisions via increasing permissible land uses applying to land in an employment zone and therefore is applicable.

The Department notes prior consultation with TFNSW and that road traffic and other matters will be further addressed during any subsequent Development application.

The proposal will assist in providing jobs in close proximity to the town of Bega and is therefore considered to be consistent with this Direction.

The Department considers the proposal to be consistent with this Direction, however consultation with TFNSW during the exhibition of the planning proposal is to be required.

7.1 Employment Zones to: (a) encourage employment growth in suitable locations (b) protect employment land in employment zones, and (c) support the viability of identified centres	Yes	<p>The Planning proposal is consistent with Local Planning Direction 7.1 in that it is expected that the National Circularity Centre will satisfy the objectives of the direction by directly generating 18.7 full time equivalent jobs and boosting the local economy through spending on local trades and professionals which will have indirect flow-on effects through income earned and spent in the local area.</p> <p>The land area of zone E4 General Industrial will not be altered and will not reduce available industrial land supply as it is considered surplus to that of its owners, Bega Cheese.</p> <p>The Department supports the proposals assessment in this regard.</p>
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3.3 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation) 2021	<p>1. To protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</p> <p>2. To preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p>	Yes	<p>A test of significance has been carried out and it was found that no threatened species, flora species or fauna habitat occurs on the land. The development that will be enabled by the proposed amendment to Bega Valley LEP 2013 will not trigger the Biodiversity Offset Scheme thresholds and a Biodiversity Development Assessment Report will not be required.</p> <p>The Planning Proposal and the proposed development are consistent with the objectives of SEPP (Biodiversity and Conservation) 2021.</p> <p>The Department is satisfied with Council's assessment, acknowledging that the site is largely cleared of all vegetation.</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Transport and Infrastructure) 2021	The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State	Yes	<p>Section 2.122 Traffic-generating development may apply to the proposed development of the National Circularity Centre depending on whether the location of access to the site is within 90 metres of the Princes Highway (a classified road) or if car parking areas, commercial premises, food and drink premises or take away food and drink premises are of a specified size and capacity. This is to be determined by way of a traffic impact assessment submitted with the DA.</p> <p>The Department acknowledges the proponent's previous consultation with TFNSW and their response. Council is to be required to further consult with TFNSW whilst on exhibition and work with TFNSW on any requirements during any subsequent development assessment process to ensure appropriate site access and traffic integration measures are considered.</p>

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Critical or threatened species, populations, ecological communities or habitats	<p>The planning proposal summarises the findings of a Flora and Fauna assessment undertaken in May 2023 concluded that:</p> <ul style="list-style-type: none"> - No threatened ecological communities are present - No threatened plant species are present - No threatened fauna habitat features were identified - That appropriate weed and soil/water runoff control measures would be required during any subsequent construction phases of resulting development.
Storm water, Erosion and Sediment Control	Any subsequent Development Application will need to address matters around stormwater, erosion and sediment control.
Flooding	<p>The planning proposal acknowledges that parts of the subject land are considered high hazard floodway/flood fringe. A FIRA has been prepared to support the planning proposal, acknowledges that the site is subject to both riverine and local catchment flooding, and concludes that the proposal will have no significant flood impacts result on adjacent properties and overall is consistent with Ministerial Direction 4.1, subject to mitigation measures.</p> <p>Consistency with the Ministerial Direction cannot be decided until consultation occurs with DEECCW and SES.</p>
Bushfire	The site is identified as bushfire Prone, and a Bushfire Assessment will be required as part of any subsequent development application. This is further discussed earlier in this report
Contaminated land	There is evidence of previous construction fill that has been deposited on the site, however it is not thought to be contaminated. A contamination assessment is proposed to be carried out and submitted with any subsequent development application on the site.

4.2 Social and economic

The planning proposal is considered to provide economic and social benefits to Bega and the broader community.

The proposed development has obtained \$14M in grant funding, and an additional \$5M in private investment and will employ 18.7 ongoing full time equivalent positions as well as extensive

employment during construction. The tourism focus is expected to attract some 400,000 - 500,000 visitors annually over the next 5-10 years which will have a positive flow on effect of spending on goods and services within the local community.

The National Circularity Centre is also considered to be a key facilitator of sustainability and a circular economy and inspire sustainability in the wider community.

The centre will also provide community facilities in the form of meeting rooms, auditorium and communal space for the community.

Scenic amenity is being considered in the architecture and design of the resulting built form, noting that this is an industrial zone that could otherwise be developed for a range of industrial uses not necessarily conducive to high amenity built form.

Land use conflict is not considered to be significant given the surrounding industrial, rural and open space the subject land, and a small area of low density residential area to the north. The proposal relates to several additional permitted land uses that are not likely to cause any significant land use conflict above what is already permissible within the general industrial zone.

4.3 Infrastructure

Infrastructure requirements to service the site are already available, including Water and Sewer, Power and a local road network.

It is noted that Transport for NSW have recommended the preparation of a Traffic Impact Assessment as part of any subsequent development application to investigate any potential road upgrades to the state road network.

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 days.

The Department considers a standard 20 day exhibition period is appropriate, and forms conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

Preliminary discussions have occurred with Transport for NSW, Heritage NSW, and NSW Rural Fire Service on a scoping proposal for this matter. Formal consultation should include these agencies following any gateway determination.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- Transport for NSW
- NSW RFS
- Heritage NSW
- NSW SES
- DCCEEW – Flooding & biodiversity

6 Timeframe

Councils planning proposal proposes to finalise the LEP by May 2023 (assumed May 2024).

The Department considers the timeframe to be ambitious, noting consultation requirements and the need to consider complex flooding issues thoroughly.

The Department recommends a time frame of 9 months to ensure adequate time to consider all matters that may arise.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the planning proposal is characterised by a change to permissible land uses on a specific site, and does not propose a change of zoning, lot size, building heights etc the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

It is acknowledged that there are many positive aspects of the proposal. The issue is whether the site is acceptable for the additional uses proposed from a flooding perspective.

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal is generally consistent with the strategic planning framework.
- The proposal represents the inclusion of 4 additional permitted uses on industrial zone land that will help facilitate an important employment generating development that will help drive and develop sustainable business practices not only in Bega, but across the broader region, state and even nationally.
- The proposed land uses are not expected to create any significant land use conflict given the site location and ownership.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 4.1 Flooding and 4.4 Planning for Bushfire Protection is unresolved and will require further consideration.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal has not yet demonstrated consistency with Direction 4.4 Planning for Bushfire Protection. Prior to community consultation, Council must obtain written advice from the NSW RFS commissioner stating no objection to the planning proposal proceeding.
2. The planning proposal's consistency with Direction 4.1 Flooding has not yet been resolved. Council must obtain written advice from the DCCEW and NSW SES prior to finalising the plan.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

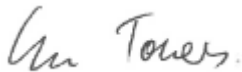
- (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- Transport for NSW
- NSW Rural Fire Service
- NSW State Emergency Service
- Heritage NSW
- DCCEEW – Flooding & Biodiversity

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.



15/2/24

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19/2/2024

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