

COUNCIL ASSESSMENT REPORT

Panel Reference / DA Number	PPSSTH-448 / DA2024.258 (PAN-481746)
LGA	Bega Valley Shire Council
Proposal	National Circularity Centre (the Centre)
Address	10 Lagoon Street BEGA, Ridge Street BEGA being Lot: 1 DP: 1264640 and Lot: 39 DP: 1307477
Applicant/Owner	Applicant: TA Project Services Owner: Bega Cheese Limited. The land for the proposed Centre has been provided through formal agreement by Bega Cheese Limited to the Regional Circularity Co-operative (being Lot 1 DP 1264640) Bega Valley Shire Council (Lot 39 DP 1307477 created from road closure)
Date of DA lodgement	1 November 2024
Submissions	Nil
Recommendation	Approval Subject to Conditions of Consent
Regionally Significant Development	<i>State Environmental Planning Policy (Planning Systems) 2021:</i> Schedule 6 - Regionally Significant Development – Clause 3: Council related development that has an estimated development cost of more than \$5 million
Proposed Development	The proposed National Circularity Centre will have a gross floor area of 1,999m² The proposal includes the construction of a building designed to accommodate the following uses: • visitors centre / tourism-oriented showroom • office and meeting rooms, • exhibition / conference / education events, • restaurant / café, • associated storage rooms, amenities, car parking and signage. Two vehicular accesses via Lagoon Street are proposed. Public bus pullover along Lagoon Street and onsite turn around area. 100 spaces for parking and bike parking onsite.

	Shared path along frontage and link existing shared path on Princes Highway to the south. The proposal also includes a 3-lot subdivision to facilitate development of the proposed Centre. Subdivision is over 2 stages (stage 1 being the creation of proposed Lot A and residue and stage 2 being the creation of proposed Lots B and C).
CIV	\$27,774,394
List of all relevant s4.15(1)(a) matters	<i>Environmental Planning and Assessment Act 1979 (EP&A Act 1979)</i> <i>Environmental Planning and Assessment Regulation 2021</i> State Environmental Planning Policies (SEPPs): • <i>SEPP (Planning Systems) 2021</i> • <i>SEPP (Industry and Employment) 2021</i> • <i>SEPP (Resilience and Hazards) 2021</i> • <i>SEPP (Transport and Infrastructure) 2021</i> • <i>SEPP (Biodiversity and Conservation) 2021</i> • <i>SEPP (Sustainable Buildings) 2022</i> Local Environmental Plan: • <i>Bega Valley Local Environmental Plan 2013 (BVLEP2013)</i> Draft Environmental Planning Instruments: • <i>Draft Remediation of Land</i> • <i>Planning Proposal Minor Amendments (draft Amendment No. 47)</i> Planning Agreements (existing/draft): • <i>Nil</i> Relevant Council Policy: • <i>Bega Valley Development Control Plan 2013 (BVDCP2013)</i> • <i>Bega Valley Local Infrastructure Contribution Plan 2024-2036</i> • <i>Policy 3.01 – Procedure 3.01.3 Development Applications review by Police</i>
Applicant's supporting documents submitted with this report for the Panel's consideration	• Attachment 1: Statement of Environmental Effects • Attachment 2: Architectural Drawings and External Signage Plan • Attachment 3: Proposed Plan of Subdivision • Attachment 4: Traffic and Parking Impact Assessment • Attachment 5: Geotechnical Investigation Report • Attachment 6: Accessibility Capability Report • Attachment 7: Bushfire Attack Level Assessment Determination Letter • Attachment 8: DA Noise Assessment • Attachment 9: DA Water and Sewer Services Report

	• Attachment 10: Stormwater design • Attachment 11: Flora and Fauna Assessment • Attachment 12: Contamination Preliminary Site Investigation • Attachment 13: Flood Impact and Risk Assessment • Attachment 14: ESD Sustainability Statement • Attachment 15: Clause 4.6 Variation Request • Attachment 16: Landscape Plan • Attachment 17: External Finishes
Assessment Report Appendices	Appendix A: Draft Conditions of Consent
Clause 4.6 requests	The applicant has submitted a written request to vary the height of buildings development standard. The proposal seeks to vary the height of buildings development standard by a maximum of 1.35 metres.
Referrals	Internal Referrals: • Environmental Services • Development Engineering • Water and Sewer Services • Property Services • Environmental Health • Building • Waste services External Referrals: • Bega Local Aboriginal Land Council • Essential Energy • Transport for NSW • Crown Lands • Local NSW Police
Report prepared by	Elizabeth Schindler and Phil Morey, Town Planners for Bega Valley Shire Council
Report date	29 September 2025
Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
Yes	
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	
Yes	
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
Yes	

Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

EXECUTIVE SUMMARY

This report considers Development Application (DA) DA-2024.258 for the construction of the National Circularity Centre (Centre) and a 3 lot subdivision over Lot: 1 and 2 DP: 1264640 & Lot: 39 DP: 1307477 at 10 Lagoon Street, Bega. This report has been prepared for the Southern Regional Planning Panel as the proposed Centre is classified as Regionally Significant Development as it comprises a Council related development over \$5 million.

The proposed Centre will be constructed over a portion of Lot: 1 DP: 1264640 and Lot: 39 DP: 1307477 (closed road formerly part of Ridge Street owned by Council). A planning proposal was submitted separately and was gazetted on 11 June 2024 which amended the Bega Valley Local Environmental Plan 2013 to permit *Additional Permitted Uses* (APU) to facilitate the full range of proposed uses at the Centre.

The location of the proposed Centre is with E4 General Industrial zoned land. The proposed Centre, once operational, 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. The proposed land uses are permissible as per the land zoning and APU clause.

The proposed subdivision is over Lot: 1 DP: 1264640 which is zoned E4 General Industrial and RU1 Primary Production. The proposed subdivision will create two new allotments on land zoned E4 General Industrial to facilitate the development of the proposed Centre and will not impact on existing RU1 Primary Production zoned land.

No submissions were received during public exhibition of the DA. One submission was received during the planning proposal stage for the Additional Permitted Uses consideration that raised issues relating to the (then future) DA stage. Matters raised in that submission have been addressed in the body of this report.

Having reviewed the application against the relevant and applicable statutory provisions and with due consideration of the information submitted, Council is of the view that there are no statutory reasons why the application cannot be determined and approved by the Panel.

Accordingly, it is recommended that the DA be approval, subject to conditions (see Appendix A: Draft Conditions of Consent) is recommended.

INTRODUCTION

Council is in receipt of a Development Application for the construction of the National Circularity Centre (the Centre) and a 3 lot subdivision over two stages on Lot: 1 DP: 1264640 and Lot: 39

DP: 1307477 at 10 Lagoon Street, Bega. The majority of the proposed Centre site consists of a level grass and gravel area that has historically been subject to imported fill. A masonry building formally used as an indoor recreational facility (and more recently as Bega Cheese training centre) has been demolished (approved under CDC 2024.2108)). There are no other structures or buildings in the location of the proposed Centre.

A separate application (DA 2024.155) has been approved by Council for bulk earthworks, a boundary adjustment to facilitate ease of access over the site and to permit stockpiling of fill in advance of this Development Application for the proposed Centre.

The proposal has been lodged by TA Project Services. Consent is sought under Part 4 of the Environmental Planning & Assessment Act 1979. The applicant has defined the proposal as a mixed-use development with land uses that include a restaurant, office/meeting rooms, museum, gift shop, storage, education, research and dissemination of information and ancillary uses including playground, carpark and signage. The development has a capital investment value of \$27,774,394 and the Southern Regional Planning Panel (SRPP) is the determining authority.

SITE DESCRIPTION AND LOCAL CONTEXT

The site is identified as 10 Lagoon Street, Bega, and is legally described as Lot: 1 DP: 1264640 and Lot: 39 DP: 1307477. Lot: 1 DP: 1264640 is owned by Bega Cheese Limited and Lot: 39 DP: 1307477 (formerly part of Ridge Street) that is owned by Bega Valley Shire Council. The site is an irregular shaped lot with a combined area of 9.19ha. The site is located approximately 1.6km to the north of the Bega Town Centre and is within the North Bega precinct which is predominantly characterised with industrial development and some residential development northeast of the site. The Princes Highway traverses the North Bega precinct with a roundabout to provide access to arterial roads.

The site has historically been cleared of native vegetation and the majority of the site has been historically filled to level the site. A disused building has recently been demolished on the southern end of the site as part of a separate DA to facilitate development of the proposed Centre and Lot: 39 DP: 1307477 was formally used as an access road to this building (Ridge Street). The proposal also seeks to excise the existing Bega Cheese factory buildings and current visitor centre from the proposed National Circularity Centre development site (as illustrated on the proposed Subdivision Plan as proposed Lot B and C).

The site is bordered by Lagoon Street to the east and Bridge Street to the north, with an existing vehicle access off Lagoon Street. The Princes Highway is located approximately 90 metres from the proposed Centre, with Lagoon Street providing access to the highway via an existing roundabout intersection. There is no formal bike/pedestrian path along Lagoon Street or a connection to the Princes Highway. However, there is an existing bike/pedestrian path further south of the site commencing at the Bega River Bridge along the Princes Highway connecting to Bega central commercial area.

Surrounding land uses of the proposed Centre are predominantly industrial type development which include Bega Cheese dairy processing facilities in the southeast part of the site. There is residential development to the north that consists of predominantly single detached dwellings. To the east is vacant land that slopes towards a natural waterbody (approximately 70 metres away)

agricultural uses, predominately grazing beyond. There are scattered remnant and regrowth patches of native vegetation in the riparian zone of the natural waterbody.

There are easements to drain water over the site of various widths. There is also an easement on the adjacent lot to the east for a batter of various widths wide in favour of the site to construct and maintain the embankment that is reasonably necessary to support the development (See Figures 1 – 4 Cadastre Map, Site Context Maps and Zoning Map).

Figure 1: Cadastre Map - Lot: 39 DP: 1307477 and Lot 1 DP 1264640 (outlined in red and location of proposed Centre is outlined in blue)

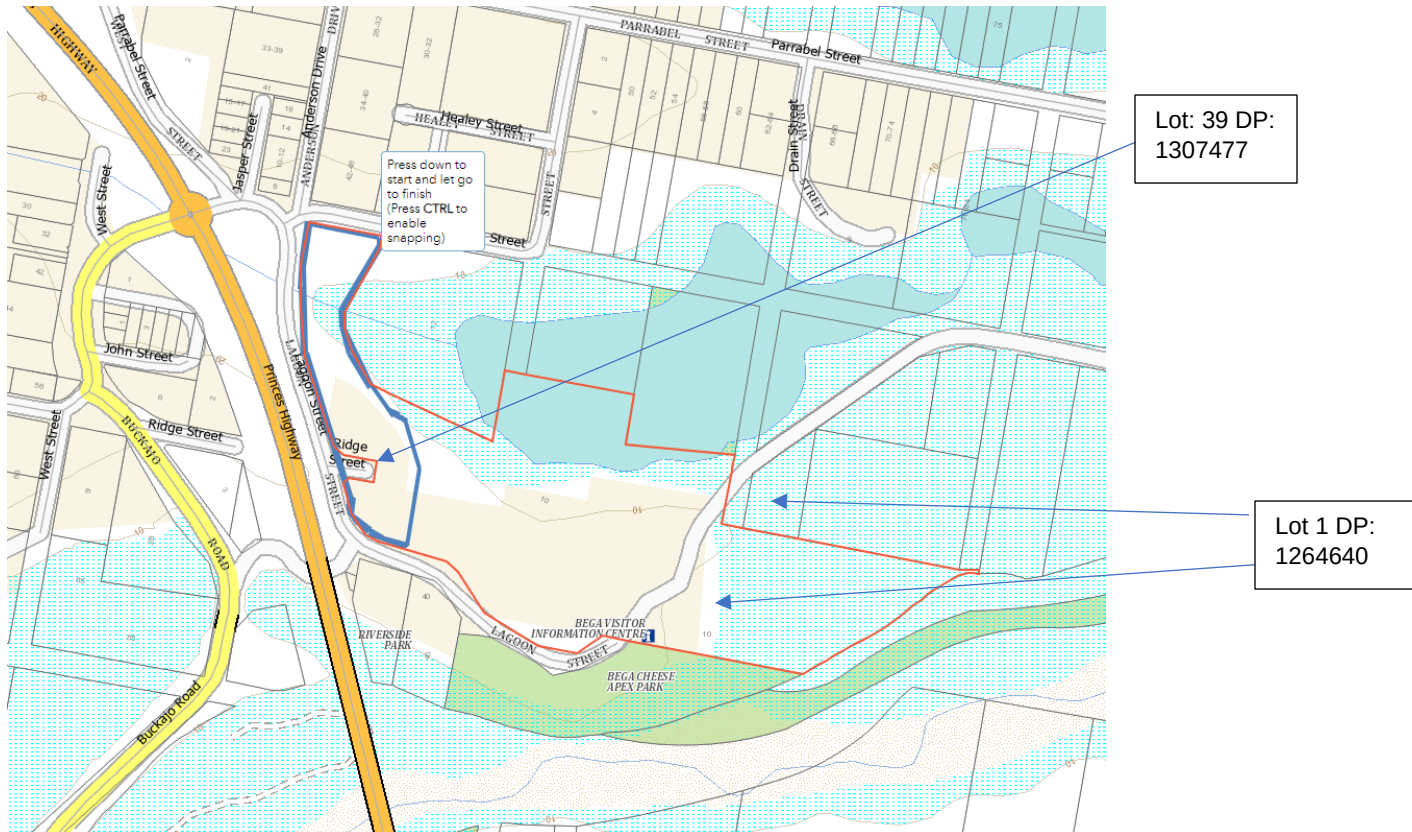


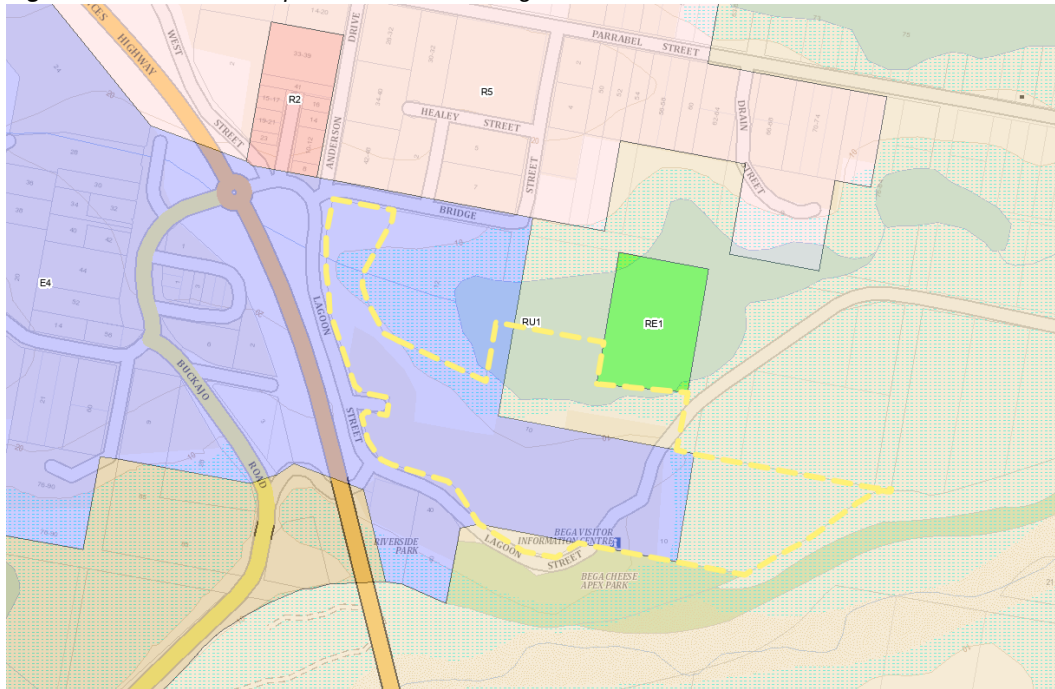
Figure 2: Aerial Map of Lot 1 DP 1264640 outlined in red and location of proposed Centre is outlined in blue



Figure 3: Site Context Map – north Bega precinct - Lot 1 DP 1264640 outlined in red and location of proposed Centre is outlined in blue



Figure 4: Site Context Map – BVLEP2013 zoning



DESCRIPTION OF PROPOSAL

The Development Application proposes to construct the National Circularly Centre (the Centre) and a staged 3 lot subdivision to facilitate the development.

The aim of the proposed Centre is to showcase the power of circularity through a combination of hands-on physical learning experiences, digitally enabled displays, and online tools to provide multiple pathways for visitors to interact and learn. These experiences will be integrated across the site including pit-doors in the rehabilitated natural environment, touch screens, interactive walls, projection mapped displays and 360-degree immersive room experience. The proposed Centre will showcase local, national and international circular economy exemplars.

The proposed Centre will have a gross floor area of 1,999 m² with the following uses:

- visitors centre and tourism-oriented showroom
- office and meeting rooms
- exhibition, conference and education events
- café and amenities
- storage rooms
- car parking.

Ancillary development to support the functioning of the Centre includes:

- kitchen
- storage workshop
- playground
- outdoor seating
- vegetable and herb garden
- walkways and footpaths

Figure 6: Elevations

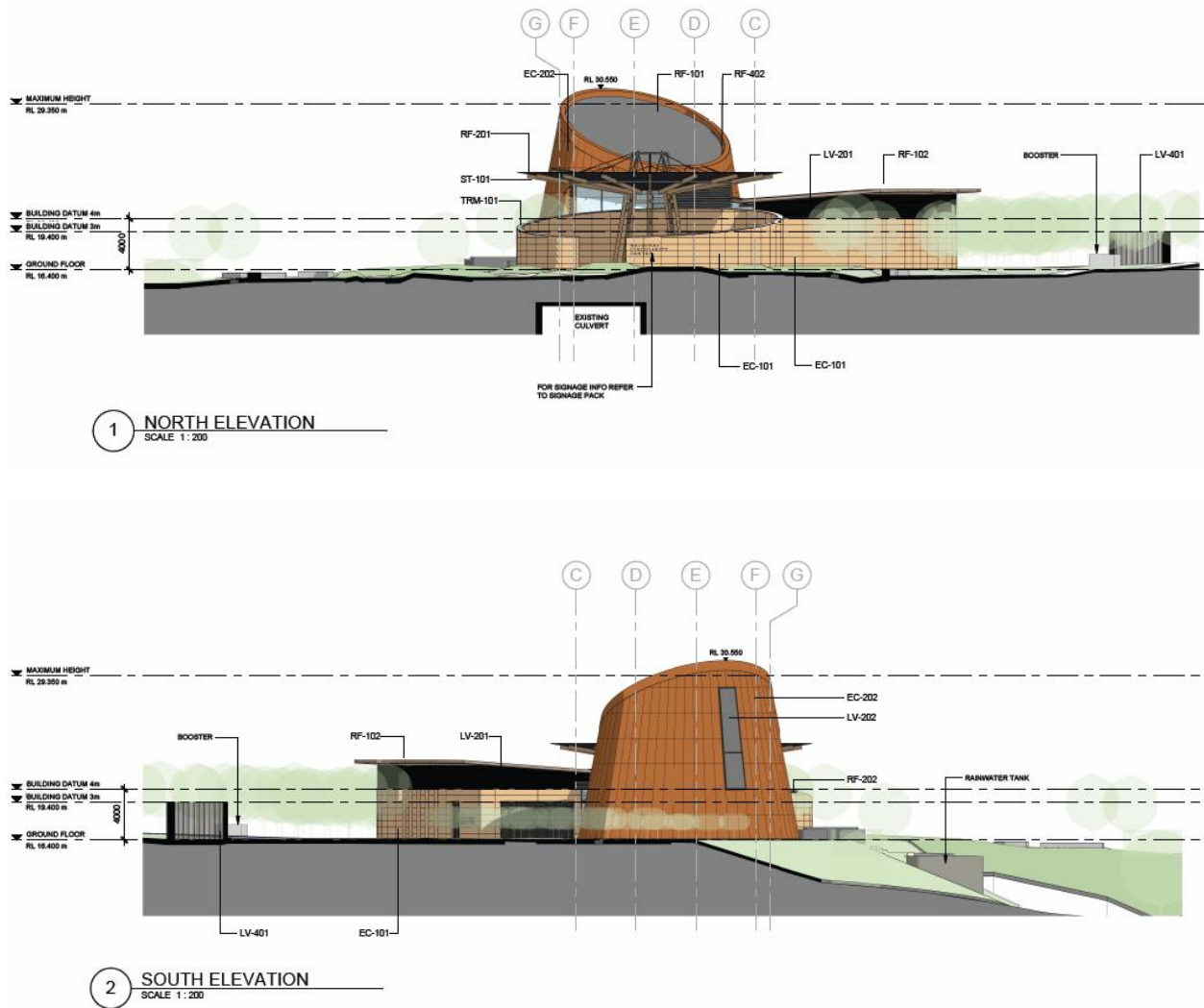




Figure 7: Perspective



Figure 8: External Finishes



KEYNOTE LEGEND - DA-8501		KEYNOTE LEGEND - DA-8501	
CODE	DESCRIPTION	CODE	DESCRIPTION
EC-101	RAMMED EARTH	LV-301	BRONZE COLOUR ALUMINIUM VERTICAL LOUVRES
EC-201	METAL CLADDING	MW-101	MILD STEEL OUTRIGGER, PAINTED
EC-202	WEATHERING STEEL	MW-102	STAINLESS STEEL STRUCTURAL ELEMENTS
FL-301	POLISHED CONCRETE (SLAB)	RF-101	CORRUGATED METAL ROOF
FL-401	EXTERNAL CONCRETE TILES	RF-102	INTEGRATED PV ROOF
FL-402	PEBBLES	RF-201	INTEGRATED PV GLASS ROOF
FL-403	BROOMED CONCRETE (SLAB)	RF-202	FRITTED GLASS AWNING
GL-101	CLEAR DOUBLE GLAZING	RF-203	SKYLIGHT - FRITTED GLASS
LV-101	GLASS LOUVRES - EBSA SYSTEM	RF-301	MEMBRANE ROOF WITH BALLAST
LV-201	CHARCOAL COLOUR ALUMINIUM LOUVRES	RF-402	BOX GUTTER
LV-202	OPERABLE HORIZONTAL ALUMINIUM LOUVRES	ST-101	RECYCLED TIMBER
LV-203	CONDENSER ENCLOSURE LOUVRES	TRM-102	STEEL TRIM



Figure 9: Proposed Subdivision Plan



5 STATUTORY PLANNING FRAMEWORK

5.1 Environmental Planning and Assessment Act 1979

The following matters pursuant to the provisions of the Environmental Planning and Assessment Act 1979 (EPA Act), have been taken into consideration:

Section 1.3 Objects of Act

The proposal is considered satisfactory regarding the objectives of the EP&A Act 1979 as outlined in the following assessment of the application under the provisions of Section 4.15 of the EP&A Act 1979.

Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994.

The proponent has provided a Flora and Fauna Assessment Report. The Biodiversity Values Map indicates that the site is not mapped as possessing biodiversity values. The adjacent Bega River is the closest area to the site that is mapped. The site has historically been cleared of native vegetation and no clearing is proposed for the development. The development will not trigger the Biodiversity Offset Scheme thresholds set out under the Biodiversity Conservation Act 2016. The report found that no threatened ecological communities were found to occur on

the site, no threatened plant species occur on the site and no threatened fauna habitat features were identified on the site.

A Biodiversity Development Assessment Report (BDAR) will not be required as a condition of consent.

Recommended mitigation methods in the Flora and Fauna Assessment Report include:

- Any future plans to modify the stormwater infrastructure in the locality, in particular the large culvert east of the subject site, must consider impact significance to the Southern Myotis (*Myotis Macropus*). Noted and no plans are recommended to modify the stormwater infrastructure.
- Effective soil and water management plans must be put in place to avoid runoff, siltation and contamination of downstream lagoon and riparian zones.
- Native vegetation of local provenance and non-invasive pasture grasses should be used in revegetation and future landscaping works.
- Weed management and hygiene protocols must be implemented during construction to prevent further spread of High Threat Weeds.

The proposal is considered satisfactory regarding the additional assessment requirements as outlined in Section 1.7 of the EP&A Act 1979 and addressed in the assessment of the relevant Acts applying to the development.

Section 4.5 Designation of consent authority

Pursuant to Clause 4.5 (b) of the EP&A Act 1979, as the development is declared by the State Environmental Planning Policy (State and Regional Development) 2011 to be regionally significant development, the Southern Regional Planning Panel is the consent authority.

Section 4.10 Designated development

Clause 4.10 defines designated development as development that is declared by an environmental planning instrument or the regulations as designated development. The development is not declared by any environmental planning instrument as designated development.

Section 4.12 Application

Section 4.12 (6A) states that the reference to a Council in sub-section (3) includes a reference to a Regional Planning Panel. This provision allows for certain Local Government Act approvals to be addressed with development consent. A Section 68 approval is required for the following:

- Works within the road reserve
- Sewer, water and stormwater works

The proposal has been assessed in accordance with the Matters for Consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

5.2 Section 4.15(1)(a)(i) any environmental planning instrument

The development application has been assessed in accordance with the following environmental planning instrument's (EPI);

- *SEPP (Planning Systems) 2021*

- *SEPP (Industry and Employment) 2021*
- *SEPP (Resilience and Hazards) 2021*
- *SEPP (Transport and Infrastructure) 2021*
- *SEPP (Biodiversity and Conservation) 2021*
- *SEPP (Sustainable Buildings) 2022*
- *Bega Valley Local Environmental Plan 2013*

State Environmental Planning Policy (Planning Systems) 2021

The Development is specified as “regionally significant development” under Clause 3 of Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021* for Council related development over \$5 million.

Council owns Lot 39 DP 1307477 which was created by way of road closure. The parcel was created for sale to Bega Cheese and the transfer process is in its final stages. At the time of lodgment and assessment of this application, Lot 39 remains in public ownership and therefore this application is ‘regionally significant development’.

State Environmental Planning Policy (Industry and Employment) 2021

State Environmental Planning Policy (Industry and Employment) 2021 contains provisions that regulate advertising and signage that is visible from any public place or public reserve. The policy aims to ensure that signage is compatible with the desired amenity and visual character of an area and is of high-quality design and finish.

The proposed signage is consistent with the objectives of this policy. The signage will be constructed of natural themed materials such as ironbark timber and bronze finished aluminum that complement the colour and finishes of the buildings to ensure a high-quality, durable appearance (See Figures 10 and 11). There is no other signage in this location. The location of the proposal is clear of vegetation and the signage will not interfere with the proposed landscape outcome. The proposed signage is a simple logo that reflects the intention for the National Circularity Centre and there are no safety devices, platforms or lighting required. It is not proposed to illuminate the signage.

The application also includes other wayfinding signage (See Figures 10 and 11). This wayfinding signage is small in scale and complement the integrated landscaping, pathways and vehicular accesses through the site.

Figure 10: Proposed signage plan

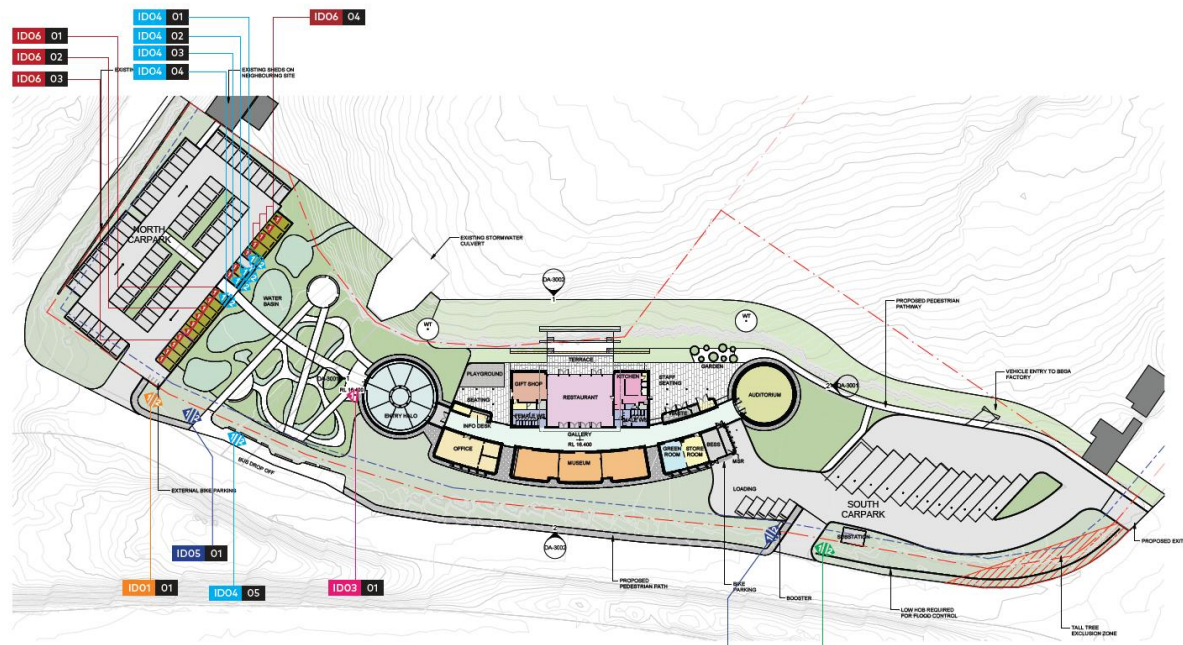
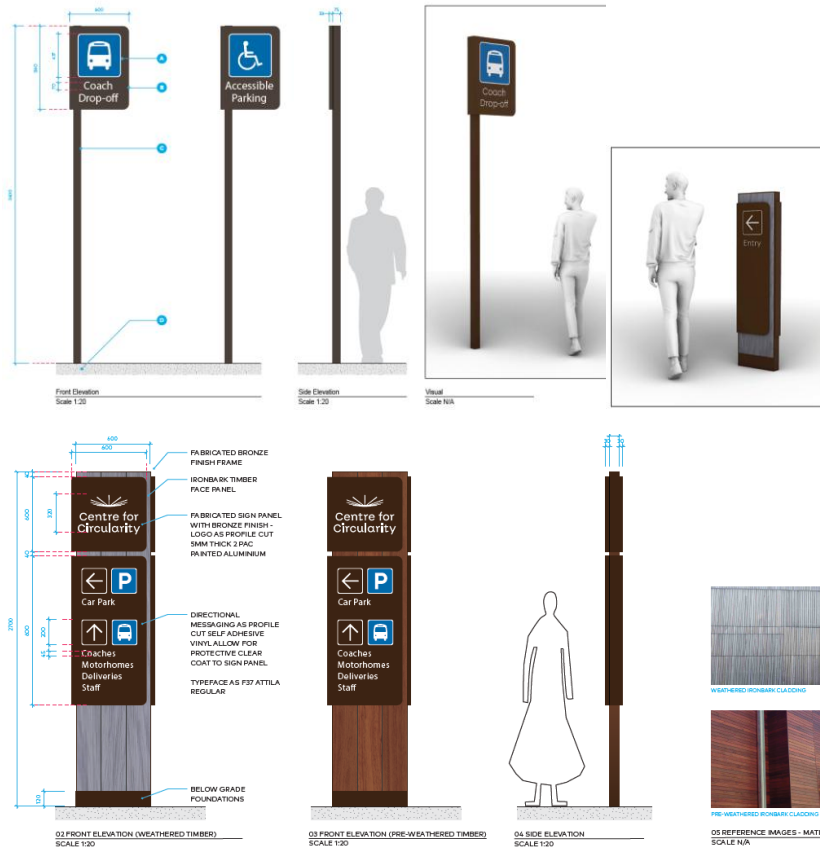


Figure 11: Images of proposed signage





State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Clause 4.6(1)(a) of *State Environmental Planning Policy (Resilience and Hazards) 2021*, requires the consent authority to consider whether the land is contaminated.

The proponent has provided a soil assessment to determine whether the site is suitable for the proposed development. The assessment revealed that the historic fill placed on-site comprises of soil and inert materials such as concrete and broken bricks at the northern end of the location of the proposed Centre. The area south of the culvert has historically been filled with clean decomposed granite. The material was sourced from excavations for construction of the Sapphire Marketplace in Auckland Street Bega and deposited on the development site during 2010/2011 in accordance with conditions of consent. No asbestos material was observed on the surface or detected in any of the analysed samples across site.

The assessment indicated that the soil across the development site was below the ecological criteria for commercial/industrial land use and was considered suitable for the proposal as being a commercial use. The soil assessment notes that prior to any earthwork occurring across the site a Construction Environmental Management Plan (CEMP), which includes an unexpected finds protocol (UFP) to manage any unexpected occurrences of contamination, must be prepared by a suitably qualified environmental consultant. Any soil to be removed from the site as part of the development work must be assessed in accordance with the NSW EPA protocols

to determine suitable off-site disposal of waste. The assessment report containing this mitigation method will be included in the determination stamped plans accompanying the draft consent.

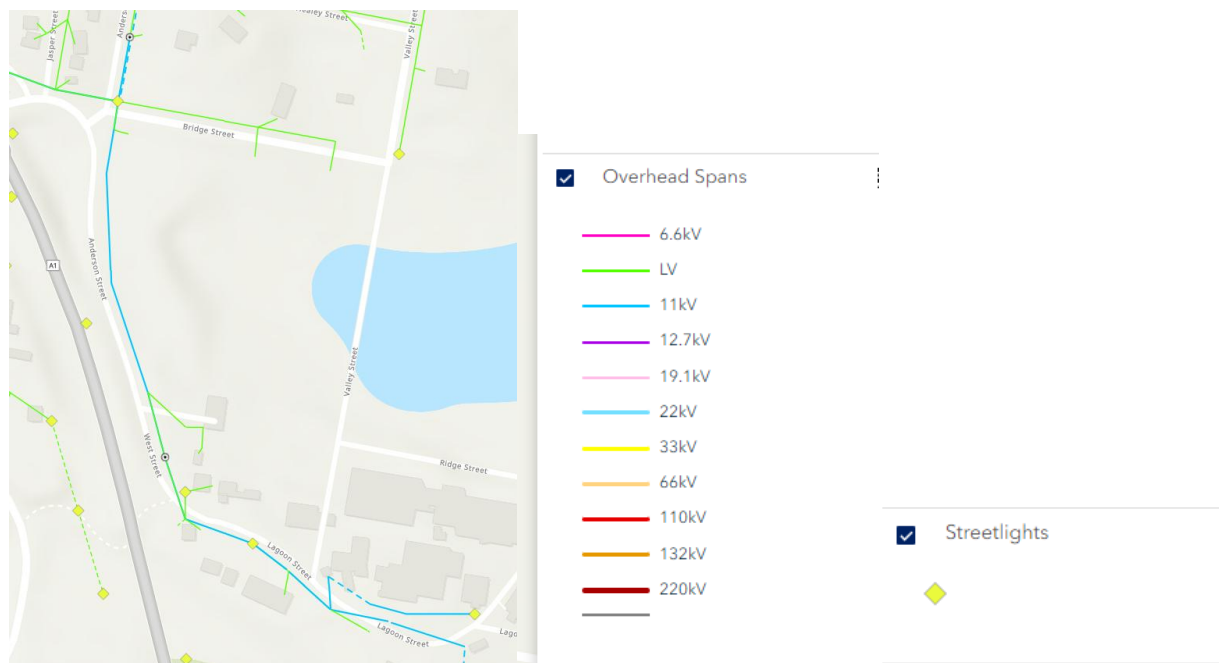
The Council is satisfied under Clause 4.6 that the site is not contaminated and the proposed change in uses are suitable for the site.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.48 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, requires the consent authority to notify the appropriate electricity supply authority when development is in close proximity to its infrastructure.

The site is in close proximity to Essential Energy infrastructure (See Figure 12 below) and a referral was sent to Essential Energy seeking feedback on the proposal. No concerns were raised in regard to safety considerations with the development. Advisory comments received from Essential Energy are included as advisory notes in the draft conditions of consent.

Figure 12: Mapping of Essential Energy infrastructure



Clause 2.122 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* policy applies to the development as it is a new premises that would provide 50 or more car parking spaces and has direct vehicular or pedestrian access to a road that connects to a classified road (and being within 90m of the connection). Pursuant to clause 2.122, written notice is required of the intention to carry out the development to Transport for NSW.

Written notice was sent to Transport for NSW and no objections to the proposal were raised. The Traffic Impact Assessment (dated 3 October 2024) indicates that the intersection of the Princes Highway and West/Bridge Street retains the same overall level of service under future conditions with minimal delays as a result of the proposed development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter Two, Clause 2.3 *Vegetation in non-rural areas* of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* aims to protect the biodiversity and amenity values of trees within non-rural areas of the State.

Part 2.3 within Chapter Two states that a Development Control Plan may make a declaration in any manner relating to species, size, location and presence of vegetation.

Chapter Three, *Koala habitat protection 2020* and Chapter 4 *Koala habitat protection 2021* of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* aim to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

The proponent has provided a Flora and Fauna Assessment Report. The assessment concluded that the development will not impact on any threatened ecological communities, threatened plant species, threatened fauna habitat features and will not contribute to fragmentation and loss of connectivity in the local area. The proposal will not trigger the Biodiversity Offset Scheme. Key threatening processes have been identified and mitigation measures to avoid harm to native fauna and flora and ecological processes are recommended. Recommendations of the report include:

- Any future plans to modify the stormwater infrastructure in the locality, in particular the large culvert east of the Subject Site, must consider impact significance to the Southern Myotis (*Myotis macropus*). A Test of Significance for this species would need to be completed as part of a Review of Environmental Factors (REF).
- Effective soil and water management plans must be put in place to avoid run-off, siltation and contamination of downstream lagoon and riparian zones.
- Native vegetation of local provenance and non-invasive pasture grasses should be used in revegetation and future landscaping works.
- Weed management and hygiene protocols must be implemented during construction to prevent further spread of High Threat Weeds.

This report has been included in the stamped plans set to ensure these mitigation methods are part of any draft consent.

State Environmental Planning Policy (Sustainable Buildings) 2021

Chapter Three of the *State Environmental Planning Policy (Sustainable Buildings) 2021* applies to the erection of a new building over \$5 million. The consent authority must consider whether the development is designed to enable minimisation of waste from construction, use energy efficient technology, reduce reliance on artificial lighting and thermal comfort, use of renewable energy and minimise use of potable water.

The proponent has undertaken a Sustainability and Environmentally Sustainable Design strategy to detail the sustainable methods used in the proposal. The proposal has been designed to promote the principles of energy efficiency, sustainability and circularity in both design and use and is satisfied the embodied emissions attributable to the development have been quantified.

Bega Valley Local Environmental Plan 2013

The following relevant provisions applying to the development are discussed below.

- Clause 1.2 Aims of Plan
- Clause 2.3 Zone objectives and Land Use Table
- Clause 2.5 Additional permitted uses for particular land
- Clause 4.2B Exceptions to minimum lot sizes for certain rural subdivisions
- Clause 4.3 Height of buildings
- Clause 4.4 Floor space ratio
- Clause 4.6 Exceptions to development standards
- Clause 5.10 Heritage conservation
- Clause 5.11 Bush fire hazard reduction
- Clause 5.21 Flood planning
- Clause 5.22 Special flood considerations
- Clause 6.2 Earthworks
- Clause 6.5 Terrestrial Biodiversity
- Clause 6.6 Riparian land and watercourses

Clause 1.2 Aims of Plan

Under Clause 1.2 of the *Bega Valley Local Environmental Plan 2013* (BVLEP2013), the aims of the Plan are:

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

The proposed centre could be viewed as a cultural activity, given the centre will be a focal point for promotion of novel approaches to agricultural systems within the Bega Valley. The proposal is not inconsistent with this aim.

(a) to protect and improve the economic, natural and social resources of Bega Valley through the principles of ecologically sustainable development, including conservation of biodiversity, energy efficiency and taking into account projected changes as a result of climate change,

The proposal aims to promote Aboriginal cultural heritage by including Aboriginal people and their culture into the operation of the proposed Centre's learning activities such as creating an onsite Aboriginal native vegetable and herb garden to provide produce for sale and promote use of produce in commercial restaurants.

(b) to provide employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, that respond to lifestyle choices, emerging markets and changes in technology,

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. The building itself aims to be an example of sustainability principles.

The proposal will encourage employment opportunities. It is estimated that the development would require 67 full-time equivalent jobs during the construction phase and 19 full-time equivalent jobs once operational. Flow-on effects of the Centre once operational, with spending

by visitors and patrons of the facility, will generate demand to other linked businesses for goods and services such as visitor accommodation, catering services and cleaning services. The proposed Centre is anticipated to support a sustained boost to the local economy as Bega develops a reputation as a place that supports sustainability.

(c) to conserve and enhance environmental assets, including estuaries, rivers, wetlands, remnant native vegetation, soils and wildlife corridors,

The proponent has prepared a Flora and Fauna Assessment to demonstrate that there would be no adverse effect on biodiversity, subject to implementation of recommended mitigation methods. Stormwater management measures would suitably minimise the potential for adverse impacts on water resources and the adjacent waterbody.

(d) to encourage compact and efficient urban settlement,

The proposal will utilise vacant land within the North Bega industrial precinct.

(e) to ensure that development contributes to the natural landscape and built form environments that make up the character of Bega Valley,

The proposal will be located in a prominent location adjacent to the Princes Highway in North Bega. The proposal will utilise natural colours and materials to ensure it contributes to the landscape and built form environments. The bulk and scale of the buildings will be consistent with the surrounding development with buildings generally 8 metres high. The highest part of the Centre (at 15 metres) will be located in close proximity to an existing tall building and structures in the Bega Cheese dairy processing facility.

(f) to provide opportunities for a range of housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities,

No housing is proposed and therefore this objective is not applicable to this development.

(g) to protect agricultural lands by preventing land fragmentation and adverse impacts from non-agricultural land uses,

The proposed development area is within an existing industrial precinct and will have no further impacts on neighboring agricultural lands. The proposed subdivision will excise land that is zoned E4 General Industrial. The portion of the site that is zoned RU1 Primary Production has historically been created below the minimum lot size and the subdivision will not further fragmentate agriculture land.

(h) to identify and conserve the Aboriginal and European cultural heritage of Bega Valley,

The site does not contain any European heritage items, is not in a heritage conservation area and will not impact any areas with heritage significance. There are stones on the site, however that are not memorial stones and were placed on the site in recent years.

The site is within an area identified as having a high probability of Aboriginal cultural heritage on the Aboriginal Cultural Heritage Landscape Map. The site is not a declared Aboriginal Place under the *National Parks and Wildlife Act 1974*. A site survey of the proposed Centre has been carried out by a representative of Bega Local Aboriginal Land Council, who advised in a letter

dated 18 December 2023 that no items of cultural significance were found on the development site. The proposed Centre is within 200 metres of a water body and an ephemeral water line in the northwest corner of the site drains into the waterbody with associated riparian areas. No Aboriginal sites are confirmed through a 200m wide Aboriginal Heritage Information System (AHIMS) search (undertaken on 4 March 2024). As per Council's Memorandum of Understanding with the Local Aboriginal Land Councils within the Local Government Area, the Bega Local Aboriginal Land Council were notified of the development application. The site has historically been filled, cleared of native vegetation and is highly modified and therefore the likelihood of any Aboriginal objects onsite is considered a low probability.

A condition of consent is recommended to advise of the requirements of the *National Parks and Wildlife Act 1974* during construction and management protocols in the event of any Aboriginal Cultural Heritage object being found during construction. No further assessment required.

(i) to restrict development on land that is subject to natural hazards,

The site land is mapped as being bushfire prone. The bushfire attack level has been assessed as Low and the development would meet the provisions of *Planning for Bushfire Protection 2019*.

The site is identified as flood prone land. There are two risks identified; a 1 in 100 year flood (See Figure 13), for which the earthworks as part of DA2024.155 have been approved and are a prerequisite to the development proceeding. This will ensure the building, and the car parks are 1 metre above the 1 in 100 year flood level.

The second relates to a much greater inundation for the site as modelled by a Probable Maximum Flood (PMF) event (See Figure 14). This cannot be expressed in years likelihood, but rather the extremely rare probability of a maximum extent flood, far beyond any recorded extreme events. The Flood Impact and Risk Assessment (FRIA) submitted with the application highlights that maximum depths cannot be dealt with through site design and will remain present for the life of the development. This residual risk applies to both risk to life and risk to property. The emergency response arrangement proposed in this FIRA have been developed to address the residual risk to life. Council accepts that there is a risk that the entire site and building may be inundated, however, given that there are no residential uses proposed, and mitigation measures proposed in the FIRA are considered acceptable.

Flood risk is primarily mitigated through:

- Raising the building pad to the FPL was sufficient to prevent flooding of the site for all local catchment flood events, up to and including the PMF.
- Overland flow through the site was managed by a depressed vegetated corridor, with additional capacity provided for the PMF by allowing flow through the adjacent carpark.

In achieving flood mitigation through site raising, no significant flood impacts result on adjacent properties.

The confidence in the flood modelling was confirmed through sensitivity testing:

- Sensitivity testing demonstrated that the flood behaviour and risk through and surrounding the site was not significantly affected by culvert blockage assumptions;

- Local catchment PMF flooding was found to be somewhat sensitive to the roughness of the proposed overland flow path. It is recommended that the proposed vegetation types and densities in this region keep this in mind to ensure sufficient conveyance is provided for the PMF to prevent overtopping of the building pad.

The recommended emergency response for the site was:

- Evacuation for riverine flood events; and,
- Shelter in place for local catchment flood events.

Sufficient warning time was found to be available from existing riverine gauges to enable evacuation of the site in advance of a riverine flood. Further warning time would be available if rainfall forecasts were used to inform site closure and evacuation.

It is acknowledged that despite the mitigation measures above there is a significant residual flood risk from rare and extreme riverine flood events that cannot be mitigated. PMF flood depths of approximately 6m occur across the site.

Overall, the development was found to be compliant with all planning and development controls and the requirements of the Local Planning Direction 4.1.

The proponent has provided an extensive flood assessment and additional modelling to inform both the previous Planning Proposal to rezone the site of the proposed Centre for Additional Permitted Uses. A Flood Impact and Risk Assessment (FIRA) has been submitted to support the DA. The assessment found that flood risk can be primarily mitigated through:

- raising the building pad to be set at the Flood Planning Level of 16.4m AHD, which was determined to be the riverine 1% AEP flood level plus 0.5m.
- Overland flow through the site by a depressed vegetated corridor, with additional capacity, will provide for the probable maximum flood by allowing flow through the adjacent carpark.
- achieving flood mitigation through site raising, no significant flood impacts result on adjacent properties.
- Overland flow that overtops Lagoon Street is diverted to an overland flow path provided through a vegetated region of the site. This diversion is largely accomplished via the raised pad. However, as Lagoon Street rises to the south, a small bund or wall is required to prevent water spilling from Lagoon Street onto the building pad. This structure has been modelled as 0.15m high and is only required where levels of Lagoon Street adjacent to the site exceed the pad level of 16.4m AHD.
- in the 1% AEP event, flow through this overland flow path is minor with depths of up to 0.03m and a hazard classification of H1. All flows are fully contained within the vegetated corridor of the proposed design. In the 1% AEP event, occupants would be able to safely cross this region and reach the car park. The entrance to the car park from Lagoon Street remains flood free in the 1% AEP event.

Overall, the development was found to be compliant with all planning and development controls.

In addition, the recommended emergency response for the site was:

- during a flood event is evacuation for riverine flood events and shelter in place for local catchment flood events.
- shelter in place for local catchment flood events.

The Princes Highway provides a 1% AEP Flood Immune evacuation route from the site and there are significant areas of elevated ground to the north and west of the site should that route be compromised.

Sufficient warning time was found to be available from existing riverine gauges to enable evacuation of the site in advance of a riverine flood. Further warning time would be available if rainfall forecasts were used to inform site closure and evacuation. Drafting and approval of an Emergency Response Management Plan prior to a Construction Certificate has been included in the conditions of consent. The figure below indicates the extent of land affected by the Flood Planning Area and the Probable Maximum Flood events.

Figure 13: Flood Planning Area (site outlined in red and location of proposed Centre outlined in blue)

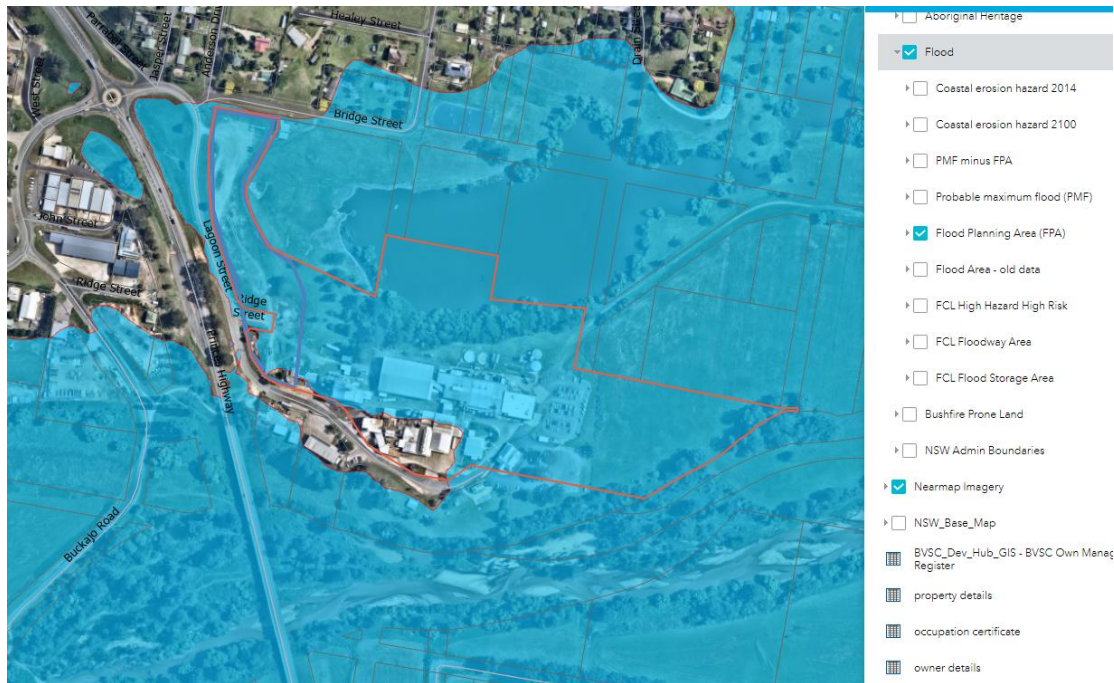


Figure 14: Probable Maximum Flood (site outlined in red and location of proposed Centre outlined in blue)



(j) to ensure that development has minimal impact on water quality and environmental flows of receiving waters.

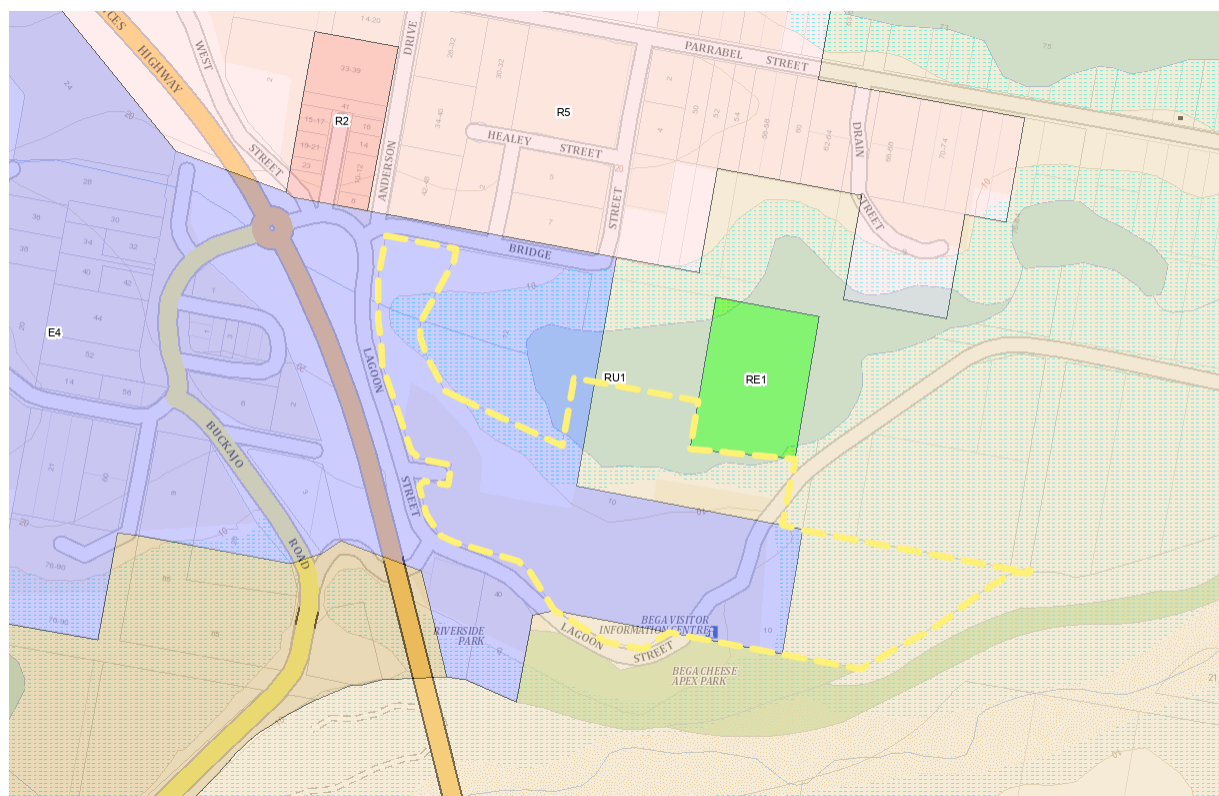
The proposal and services including stormwater infrastructure is located with a sufficient setback to the adjacent waterbody and will ensure minimal impact on water quality and environmental flows of receiving waters.

Clause 2.3 Zone objectives and Land Use Table

Under BVLEP2013, the location of the proposed development is zoned E4 General Industrial, but also includes RU1 General Agriculture (See Figure 15 below). A Planning Proposal was gazetted on 14 June 2024 to permit community facilities, entertainment facilities, function centres and retail premises as *Additional Permitted Uses* (APU) to facilitate the development.

The proposed uses are permitted for the site subject to development consent.

Figure 15: Zoning Map (ePlanning Spatial Viewer)



The objectives of E4 General Industrial zone are:

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To ensure that development has regard to the environmental constraints of the land and minimises adverse impacts on biodiversity, water resources and natural landforms.

Permissibility

An amendment to Bega Valley LEP 2013 was published on 11 June 2024 that lists Part 1 Lot DP 1264640 (now Lot 39 DP 1307477) Lagoon Street, Bega in *Schedule 1 Additional Permitted Uses* to permit the range of uses that are proposed at the National Circularity Centre. The development application is consistent with the aims and intent of the planning proposal.

The proposed Centre:

Land use	LEP definition	Gross floor area	Permissible / Prohibited
Gift shop / tourism	Information & education centre (visitor information centre)	77 metres ²	Permissible in E4 General Industrial

Office / meeting rooms	Office premises	137 metres ²	Permissible in E4 General Industrial
Exhibition rooms	Information & education centre	283 metres ²	Permissible in E4 General Industrial
Café	Food & drink premises Take away food & drink premises	360 metres ²	Permissible in E4 General Industrial
Amenities	Ancillary use	91 metres ²	Permissible in E4 General Industrial
Auditorium / Hall	Function centre, entertainment centre, community facility	213 metres ²	Permissible as Additional Permitted uses
Entry halo	Ancillary use	314 metres ²	Permissible in E4 General Industrial
Storage	Ancillary use	49 metres ²	Permissible in E4 General Industrial
Total		1999 metres ²	

Ancillary development includes:

- children's playground
- outdoor seating
- vegetable and herb garden
- walkways and footpaths
- carpark areas
- signage

Subdivision:

The proposal incorporates a three-lot subdivision over two stages (stage 1 being the creation of proposed Lot A and the residue and stage 2 is to create proposed Lots B and C). The proposed subdivision will create two individual allotments that are zoned E4 General Industrial and will reduce the size of an existing lot that has a portion of the lot zoned as RU1 Primary Production.

Proposed uses are permissible with consent

Additional permitted uses:

- The land has the following additional permitted uses as per Schedule 1 of the BVLEP 2013 created through Bega Valley Local Environmental Plan 2013 Amendment No. 45:
 - community facilities, entertainment facilities, function centres, retail premises (Bega Valley Local Environmental Plan 2013 amendment No. 45)
 - specialised retail premises (Bega Valley Local Environmental Plan 2013 map amendment No. 4)

The proposed Centre will encourage employment opportunities with an estimated 67 full-time equivalent jobs during the construction phase and 19 full-time equivalent jobs once operational. Flow-on effects of the Centre once operational (with spending by visitors and patrons of the facility) will generate demand to other linked businesses for goods and services such as visitor

accommodation, catering services and cleaning services. The proposed Centre is anticipated to support a sustained boost to the local economy as Bega develops a reputation as a place that supports sustainability. The proposed development design has had regard to the environmental constraints of the land and is located on a site that has historically been cleared of native vegetation. The land would be managed to ensure there are no adverse impacts on biodiversity, water resources or natural landforms. The proposal will also enable uses that will provide facilities and services to meet the needs of business and workers as it includes a food and drink premises.

The land uses for the proposed Centre are generally community and commercial type land uses rather than industrial land uses and whilst the proposal could be seen as being at odds with the zone objective to “*ensure the efficient and viable use of land for industrial uses*”, However Clause 2.3 of the BVLEP 2013 states that the clause is subject to other provisions of this BVLEP2013 such as additional permitted uses in Schedule 1 additional permitted uses. Therefore, as the land uses proposed are in accordance with the additional permitted uses under Schedule 1, the proposal addresses this provision and in general the proposal is considered suitable for the subject site.

Objectives of RU1 Primary Production 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 encourage development for tourism-related activities and other development that is compatible with agricultural activities, which will not adversely affect the environmental and cultural amenity of the locality.
- To maintain and protect the scenic value and rural landscape characteristics of land in the zone.

The proposed subdivision will reduce the size of an existing lot that is partly zoned RU1 Primary Production. The subdivision will not reduce the land area that is subject to the RU1 Primary Production zoning and therefore no further impact to agriculture land will be caused as a result of the subdivision. The land zoned RU1 Primary Production has historically been created below the minimum lot size and the subdivision will not further fragmentate agriculture land. The current use of that section of the site for agricultural purposes will be retained.

Clause 2.5 Additional permitted uses for particular land

Additional permitted uses have been identified for the site under the provision of Schedule 1 of the BVLEP2013. The additional permitted uses include; *community facilities, entertainment facilities, function centres, retail premises and specialised retail premises*.

The proposal includes land uses that are permitted through Schedule 1: Additional Permitted Uses.

4.2B Exceptions to minimum lot sizes for certain rural subdivisions

The objective of this clause is to enable the subdivision of land in rural areas to create lots of an appropriate size to meet the needs of current permissible uses other than for the purpose of dwelling houses or dual occupancies.

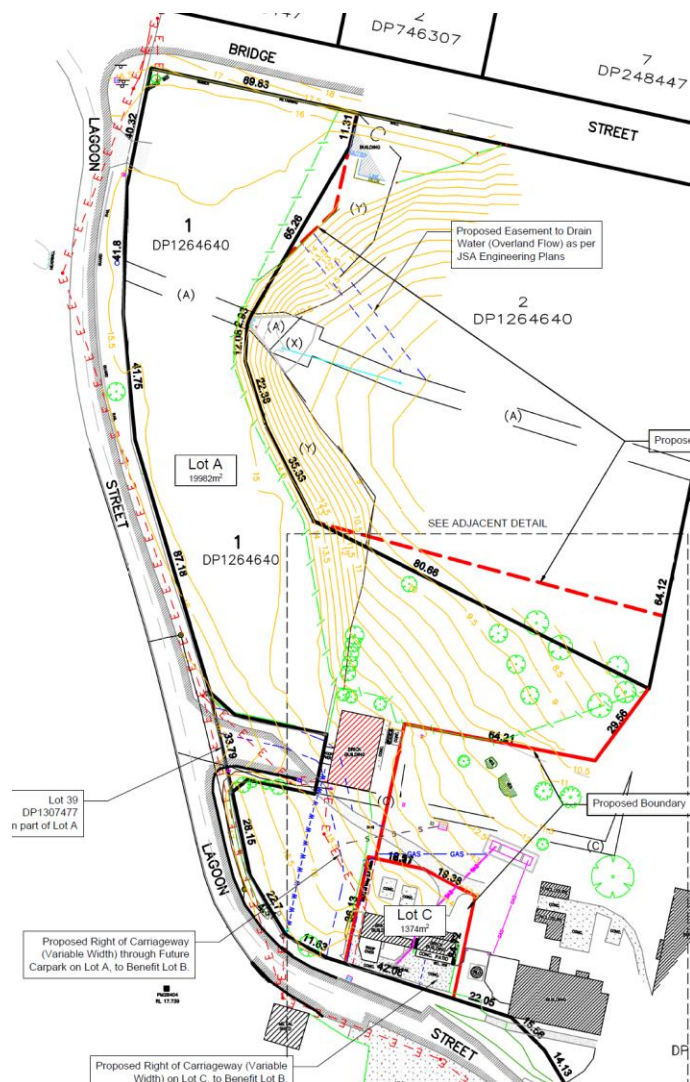
The proposed subdivision intent is to subdivide land zoned E4 General Industrial (Lots A and C) to facilitate development of land zoned E4 General Industrial including the Circularity Centre. The balance of the site will remain unchanged with a split zoning of E4 General Industrial and RU1 Primary Production. (See Figure 16 and 17)

As the site includes land zoned RU1 Primary Production and the result of the subdivision will be below the minimum lot size 120ha, this clause applies.

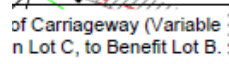
Proposed Lot A and C

Proposed Lot A and C are completely zoned E4 General Industrial. There is no minimum lot size requirements, and therefore no assessment is required for this subdivision in this regard.

Figure 16: Proposed subdivision plan - Proposed Lot A – 19,982m²



'



Proposed Lot B

The current use of the majority of proposed Lot B is Bega Cheese dairy processing facility and heritage centre (See Figures 18 to 21). The land zoned RU1 Primary Production to the east is used for agricultural purposes, along with neighbouring allotments also owned by Bega Cheese. The land zoned RU1 Primary Production to the north is an existing wetland and is not developed.

The proposed subdivision will create a lot of an appropriate size to meet the needs of the current use industrial (Bega Cheese dairy processing facility and heritage centre) and residual agricultural purposes.

The proposed subdivision will not adversely affect the use of the surrounding land for agriculture, is necessary for the ongoing operation of the permissible use, will not increase rural

land use conflict in the locality and is appropriate having regards to the nature and physical constraints affecting the land.

A condition of consent would be included requiring a suitable restriction on title, through an section 88B instrument, denoting that 'Lot B is subdivided for industrial purposes and that no dwelling or dual occupancy is permitted'.

Figure 18: Proposed subdivision plan

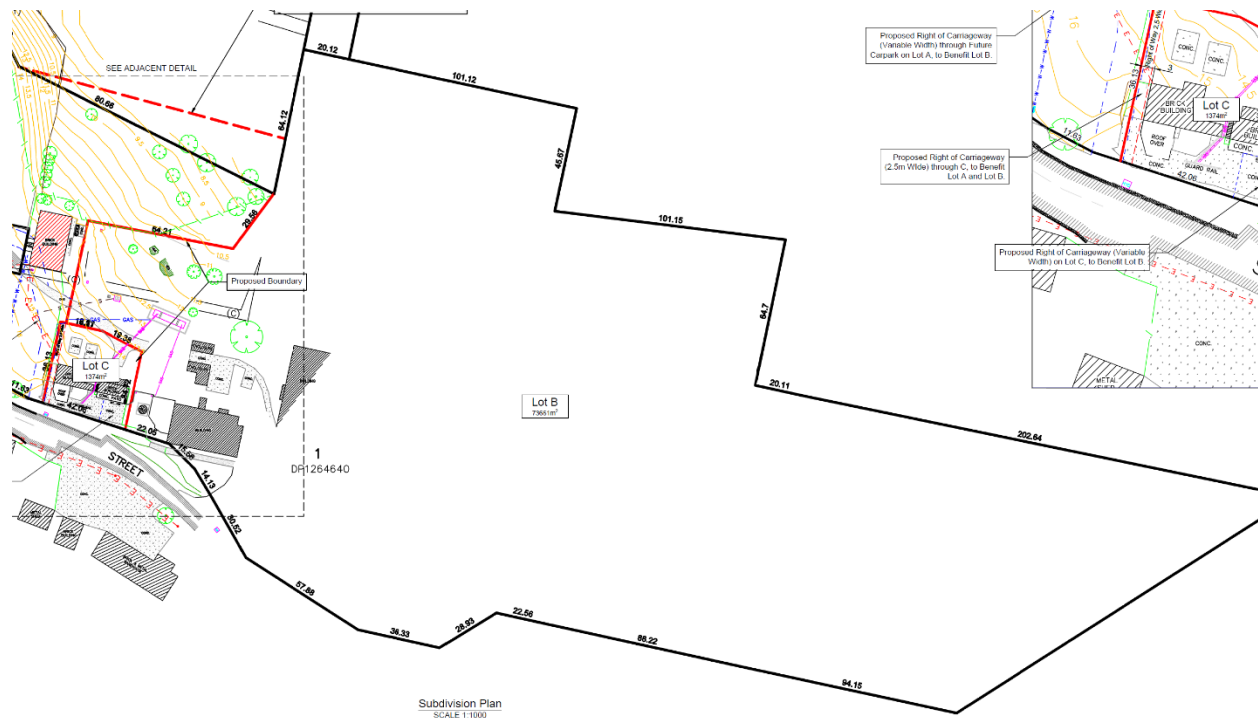


Figure 19: Zone of the site as per BVLEP2013 (purple line, indicative proposed subdivision)

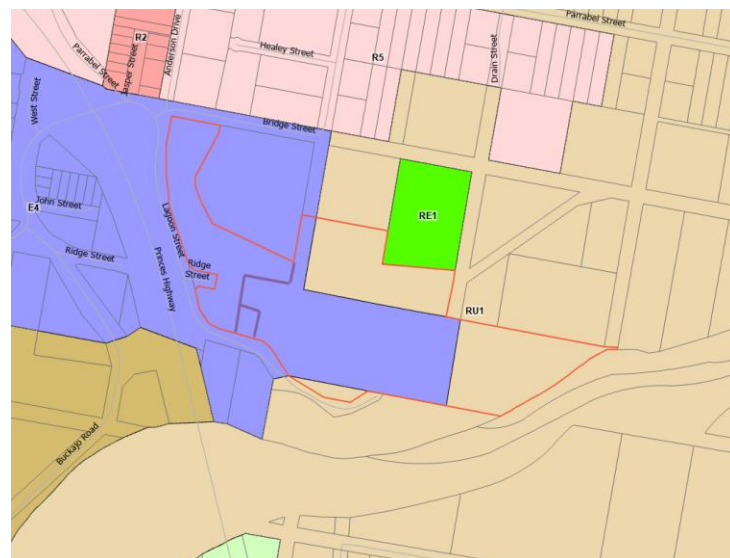


Figure 20: Minimum lot size mapping of the site as per BVLEP2013 (purple line, indicative proposed subdivision)

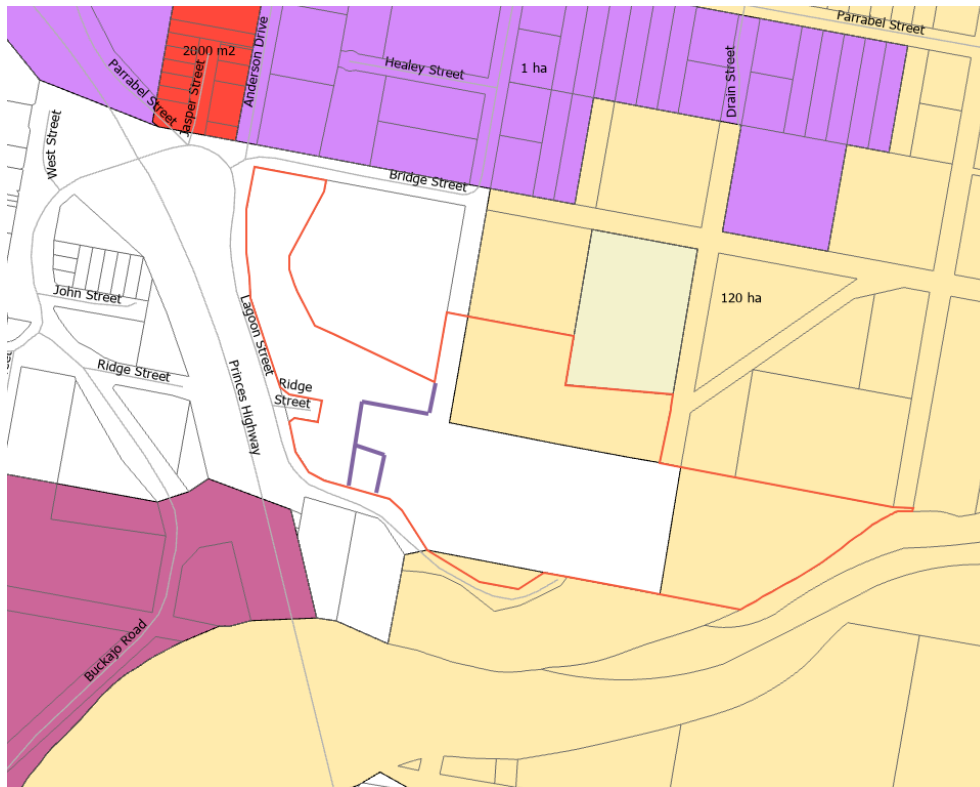


Figure 21: Site visit photo of land east of the existing carpark of Bega Cheese dairy processing facility and heritage centre



Clause 4.3 Height of buildings

The maximum building height applicable to the Site under clause 4.3 of the BVLEP 2013 is 14 metres.

The maximum height proposed is 15.05 metres which exceeds the maximum building height by 1.05 metres. See assessment below on Clause 4.6 exceptions to development standards.

Clause 4.4 Floor space ratio

There is no Floor Space Ratio standard applying to the proposed development area.

Clause 4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

The maximum height proposed is 15.05 metres which exceeds the height of buildings development standard by 1.05 metres, which is a 7.5% variation of the standard.

Objectives of Clause 4.6 & proposal consistency

The objectives of Clause 4.6 of LEP 2013 are as follows:

(a) “to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.”

The proposed non-compliance with the maximum building height development standard remains consistent with the objectives of Clause 4.6 of LEP 2013.

Variation of the development standard will allow flexibility in the application of the maximum building height development standard by enabling development of the site in a manner that

supports a strong architectural landmark feature when entering Bega from north without resulting in an unacceptable level of impact to surrounding amenity.

The proposal results in the establishment of striking around architectural element on a major entrance to Bega on the subject site without impacting the amenity of surrounding landowners, and thereby achieving consistency with the objectives of Clause 4.6 of LEP 2013.

Extract from Clause 4.6 variation request showing extent of height variation proposed.

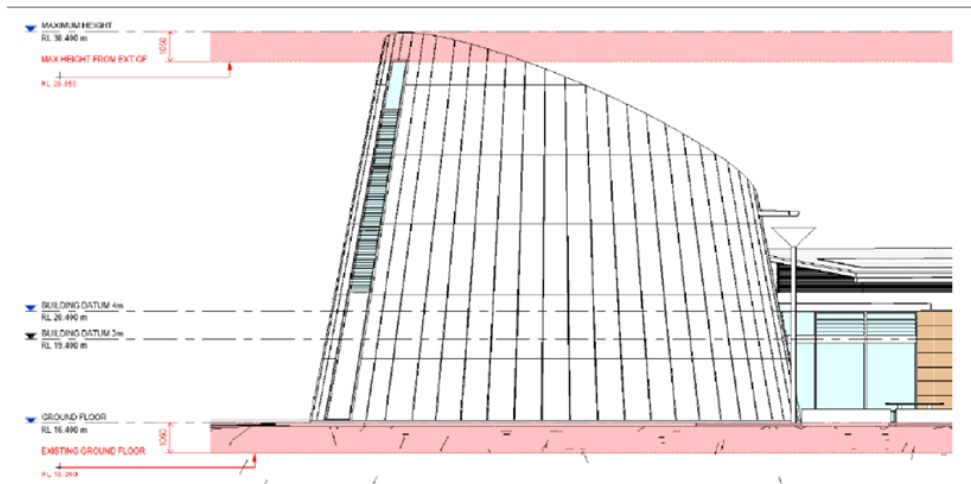


Figure 1: Illustration of height encroachment. Source: Cox Architecture

Standards to be varied are permissible?

Clause 4.3 is in Part 4 “Principal Development Standards” of LEP 2013. The wording of Clause 4.3 is consistent with previous decisions of the Court in relation to matters which constitute development standards. It is noted that Clause 4.6 does not contain a provision which specifically excludes Clause 4.4 and Clause 4.4A from being able to be varied. On this basis Clause 4.4 and Clause 4.4A of LEP 2013 are development standards for which Clause 4.6 applies.

Is compliance with the Development Standards unreasonable or unnecessary in the circumstances of this case?

The Court’s decision in the Wehbe case provides guidance by nominating the five separate methods in which compliance to a development standard can be demonstrated as being unreasonable and unnecessary subject to a variation request. The five methods specified in the Wehbe case include the following:

Method No. 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard.

Method No. 2: The underlying objective or purpose of the standard is not relevant to the development with the consequence that compliance is unnecessary.

Method No. 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.

Method No. 4: The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

Method No. 5: "The zoning of the particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning is also unreasonable and unnecessary as it applied to that land" and hence compliance with the standard would be unreasonable or unnecessary (i.e. the subject allotment should not have been included in the zone it is located in).

This Development Standard Variation Request will rely upon Method No.1 as set out in the Wehbe case.

Method Nos. 2, 3, 4 and 5 are not considered relevant to this proposal with respect to maximum building height and therefore this Development Standard Variation Request relies upon Method No. 2 in Wehbe, only.

This approach is consistent with the findings of Dixon SC in *Brigham v Canterbury – Bankstown Council* [2018] NSWLEC 1406 which notes 'you do not need to list all five tests from Wehbe if the first test is relied upon and said to be satisfied'.

On the basis of the above, it has been adequately demonstrated that compliance with the requirements of Clause 4.3 of LEP 2013 is both unreasonable and unnecessary in the circumstances of this case for the following reasons:

- The site is subject to an existing numerical non-compliance with the maximum building height standard pursuant to Clause 4.3, being a 7.5% variation, measured to the ridge of the auditorium roof from the natural ground level.
- The proposed auditorium element of the proposed National Circularity Centre (NCC) maintains consistency with the objectives of the development standard.
- The construction of the auditorium element of the NCC is consistent with the objectives of the development standard, as the proposed height is not excessive if the broader locality of industrial uses on the eastern side of the Princes Highway are taken into account. Heights of building up to 25m are evident in the cheese processing facility.
- The proposed variation also does not affect residential amenity by way of overshadowing, visual privacy or the like, and district views of the landscape are protected.
- Any shadows cast will be narrow and fast moving and cast over a proposed car parking area, not leaving any areas in shadow for an extended period of time which significantly reduces the impact on amenity.
- LEP 2013 sets a maximum building height of 14m for the portion of the site to which the auditorium is located. Despite the control, a number of Development Consents have previously been granted by Council in the vicinity (e.g. DA 2023.6) in breach of the building height maximum allowed under Clause 4.3 of LEP 2013.

On this basis, and in response to Method No. 1 set out in the Wehbe case, the objectives of Clause 4.3 of LEP 2013 are satisfied, notwithstanding the proposed variation to the maximum building height Development Standard.

Are there sufficient environmental planning grounds to justify contravening the Development Standard?

There are sufficient environmental planning grounds to justify the contravention of the maximum building height development standard as it relates to the proposed development in context to the locality and surrounding properties:

- The proposed variation to building height is necessary given the existing site is flood prone. The previously earthworks to mitigate flood impacts will add 1metre of fill on which the building will constructed.
- The non-compliant building height results in acceptable impacts on the amenity of the surrounding area given raised levels required for flood mitigation and substantial separation of the proposal from residential dwellings by approximately 230m.

Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?

The proposal is consistent with the objectives of the maximum building height development standard in Clause 4.3 of LEP 2013, and for development within the E4 General Industrial Zone prescribed by LEP 2013. The proposed development is in the public interest as it is consistent with the zone objectives and the objectives of the particular development standard.

To ensure that the height of building is consistent with the submitted plans and post site earthworks, a condition has been applied to ensure a maximum height of 15.35 metres.

E4 General Industrial Zone Objectives

The objectives for development within the E4 General Industrial Zone as prescribed by LEP 2013 are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To allow a range of support services that do not have an adverse impact on the viability of business and commercial zones.

The proposed development meets the objectives for development in the E4 General Industrial Zone in the following ways:

- There are no sensitive land uses such as residential dwellings, schools, child care centres and the like in the vicinity of shadows cast by the development.
- The proposed non-compliance in relation to maximum building height is due to the specific needs of the architects to create a prominent landmark building focal point at the

entrance to Bega, in combination with the 1 metre fill underneath the structure to reduce flooding impacts of the 1 in 100 year flood event.

- The proposal will not be discernible from key areas such as the Bega Heritage Conservation Area.
- The proposed development will not result in any adverse or unreasonable environmental impacts.
- Therefore, it is considered that there are no public interest matters which would prevent an acceptance of the variation to the maximum building height standard based on the circumstances of the site.

Clause 4.3 Height of Buildings Objectives

Clause 4.3 of LEP 2013 outlines the following objectives for maximum building height relevant to the Bega Valley Shire LGA:

- (a) “to retain the existing character and landscape of the locality and to encourage a low-set building form,
- (b) protect residential amenity, views, privacy and solar access”.

While non-compliant with the maximum building height allowed, the proposal retains the existing character of the locality, reinforcing the industrial nature of the area while respecting viewing rights to the surrounding natural landscape. Figure 22 below details various building elements adjoining the site well above the 14 metre height limit.

Residential amenity, including views, privacy and solar access are also protected notwithstanding the proposed variation, as there is no overshadowing of residential dwellings, views of the surrounding landscape are maintained (with the exception of some loss of views from the Princes Highway into the lagoon to the east) and there is no impact on the privacy to the nearby residential dwellings.

Figure 22: Image of existing Bega Cheese dairy processing facility building directly south of proposed Centre



Clause 5.10 Heritage conservation

The objective of this clause is to conserve the environmental heritage of Bega Valley, to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, to conserve archaeological sites and to conserve Aboriginal objects and Aboriginal places of heritage significance.

See assessment commentary provided under BVLEP Aims section.

Clause 5.11 Bush fire hazard reduction

The land is mapped as being bushfire prone. The proponent has provided a Bushfire Report and reported that the Bushfire Attack Level (BAL) is rated as Low. New construction will be required to comply with Sections 3 and 4 (BAL LOW) of Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or National Standard of Steel-framed Housing (NASH) Standard (1.7.14 updated) for Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of *Planning for Bush Fire Protection 2019*.

Whilst bush fire is not captured in the National Construction Code (NCC) for Class 5-8 buildings, the following objectives will be applied in relation to access, water supply and services, and emergency and evacuation planning:

- to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation;
- to provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development;
- to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building; and
- provide for the storage of hazardous materials away from the hazard wherever possible.

The proposed development has been assessed as being suitable for the subject site in relation to consideration of bushfire hazard.

Clause 5.21 Flood planning

The site is identified as flood prone. Vehicle and pedestrian access to the site is also subject to flood impacts.

See assessment commentary provided above under BVLEP Aims section.

Clause 5.22 Special flood considerations

As per Figures 23 and 24 below, the site is affected by the Probable Maximum Flood and the Probable Maximum Flood minus the Flood Planning Area in a small section to the south. Vehicle and pedestrian access to the site is also affected by this flooding event.

The proponent has provided a flood impact and risk assessment. The land use proposed for the Centre includes information and education facilities, which is a sensitive land use as per Clause 5.22 special flood considerations of the BVLEP2013. The land use proposed does not include hazardous development. The assessment found that flood risk can be primarily mitigated

through emergency response during a flood event, primarily by evacuation for riverine flood events and shelter in place for local catchment flood events.

Mitigation methods proposed:

- Raising the building pad to the flood planning level
- Overland flow through the site by a depressed vegetated corridor, with additional capacity provide for the probable maximum flood by allowing flow through the adjacent carpark.
- Recommended emergency response during a flood event is evacuation for riverine flood events and shelter in place for local catchment flood events.

The assessment report provides sufficient mitigation strategies for the type of development proposed.

Evacuation is possible to land that is not affected by the Probable Maximum Flood at approximately 120 metres from the proposed Centre to Anderson Drive. The draft conditions of consent and plan set includes the flood impact and risk assessment.

Figure 23: Probable maximum flood minus FPA

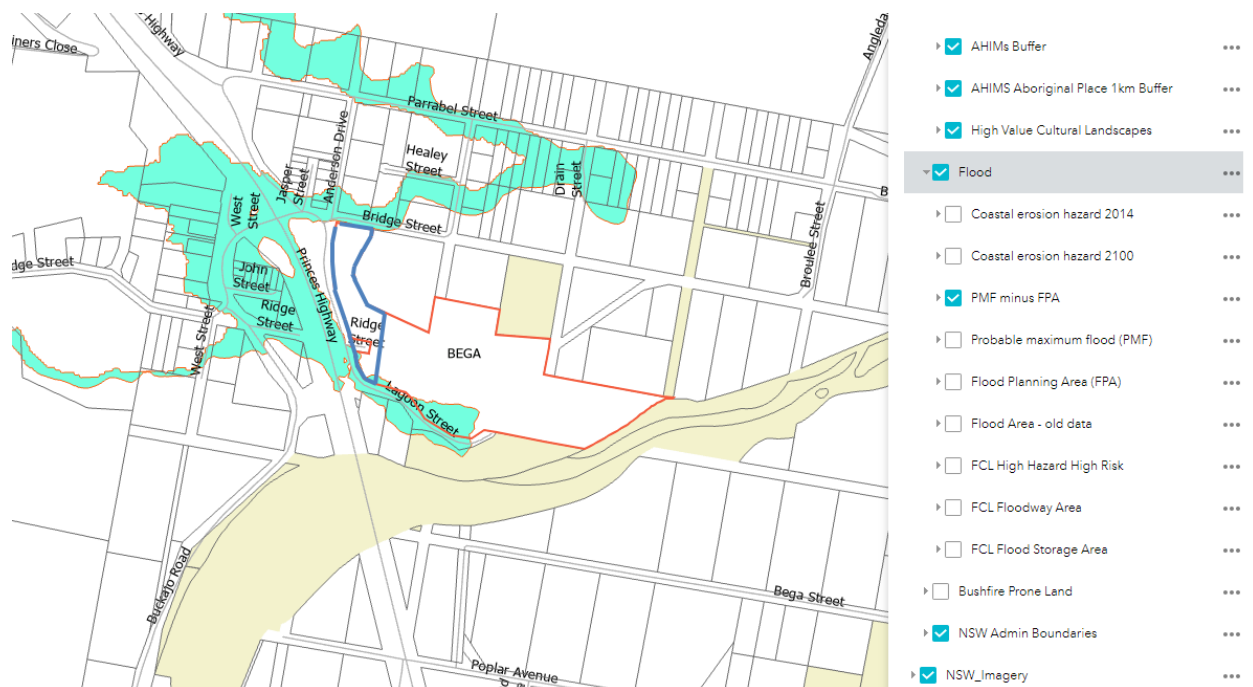


Figure 24: Probable maximum flood



Clause 6.2 Earthworks

Bulk earthworks to facilitate ease of access over the site and stockpiling in advance of the DA for the National Circularity Centre have been approved through a separate development application DA2024.155 (approval date 18/12/2024).

Earth works required for the proposal will involve trenching to lay footings, install services and parking, paths and landscaping. These earthworks are not likely to have an adverse effect on biodiversity or ecological functioning of the site. There is sufficient separation from existing residential development to carry out earthworks without adversely impacting residential amenity. Aboriginal cultural heritage is assessed above.

Clause 6.5 Terrestrial Biodiversity

The site is mapped as containing Terrestrial Biodiversity and a flora and fauna assessment states that no impact on biodiversity as a result of the proposal is likely. As detailed through the site inspection and reports submitted with the application, the site has been substantially modified with no important flora and fauna located within the footprint of the development.

Clause 6.6 Riparian land and watercourses

The site is partially mapped Riparian land with a watercourse running west to east under the Princes Highway then through a pipe through the site flowing to the unnamed lagoon to the east (See Figure 24 below).

The site is highly modified with historic clearing and fill activities to level the site. The area to the west along the mapped riparian corridor has also been highly modified in the past due to the development of the Princes Highway. Flood impact is assessed above. An existing culvert

crosses the site which will not be impacted by the proposal and will continue to direct water from the west to the wetland adjacent to the site to the east. Stormwater will be managed using a series of drains and lines to reduce uncontrolled flows after development is complete (from SEE page 41). Note that there is no remnant native riparian vegetation along the overland flow path.

Figure 24: Mapped Riparian land as per BVLEP 2013 mapping



5.3 Section 4.15 (1) (a) (ii) the provisions of any draft EPI

Draft Remediation of Land SEPP55 (now State Environmental Planning Policy (Resilience and Hazards) 2021)

The explanation of intended effects has been reviewed and considered. No impacts are envisaged as a result of the proposal.

5.4 Section 4.15 (1)(a)(iii) development control plans *Bega Valley Development Control Plan 2013*

The proposed development is subject to the *Bega Valley Development Control Plan 2013* (BVDCP2013)

2.6.1 Design

The waterbody and rural landscapes further east provide a natural backdrop to the proposed facility that will promote sustainability and regenerative practices. The design of the building utilises an architectural aesthetic to reflect the importance of the location and utilise sustainable building practices and 'circular' building features. The Centre will present as a visually prominent gateway building to the north entrance of Bega, enhancing the scenic amenity and contributing to the progressive character of the community of the Bega Valley.

The majority of structures for the proposed Centre will be single storey, at maximum height of 8 metres. The 'Entry Halo' will be 9.5 metres high, which will not adversely impact on the desired future character of the industrial precinct. The proposed Auditorium will be a maximum of 15.05 metres, which includes a minor encroachment into the maximum building height plane of 14

metres (maximum height variation is 1.05 metres), see discussion in clause 4.6 of the BVLEP2013 above. The proposed structures will not overshadow existing structures or residence on neighbouring adjacent land. The proposed Centre utilises natural materials for the external cladding of buildings and retaining walls to contribute to the amenity and character of Bega.

The proposed Centre will overlook the street and the waterbody area to the east. It will have three entry/exit points that can be secured when it is not operational and access to buildings will be through a pedestrian central path.

There is sufficient vehicle access from Lagoon Street and sufficient car parking onsite. Service and delivery will be accessed from a second access to the main entry car park area for patrons and safe pedestrian movement in this area.

A footpath is provided along the street frontage along Lagoon Street and Bridge Street. There is a proposed cycle path linking to the shared path on Princes Highway, linking the proposal to the Bega town centre.

The landscaping defines the street edge and a strong visual character with the public domain. It will enhance the natural features of the site and adjoining areas. There are deep soil planting zones and native vegetation of local provenance and non-invasive pasture grasses proposed in the landscaping plan.

The landscape treatments proposed are of appropriate species in the car parking area however a tall tree exclusion area is provided on the southern end to ensure that landscaping does not impact on the traffic movement servicing the existing industrial land uses to the southeast.

Landscaping contributes to water and stormwater efficiency by integrating landscape design with water and stormwater management.

There are tree plantings proposed to be scattered in the street frontage between the proposed building and the street that add to the amenity of the streetscape.

The proposed Centre is aiming to achieve full certification under the Living Building Challenge 4.0 which requires performance across place, water, energy, health and happiness, materials, equity and beauty that promotes environmental justice, ecological restoration and cultural richness. The proposal aims to demonstrate net-positive energy and net-zero water use and use non-toxic and regionally sourced, ethical sourced materials and advocate for positive industry change.

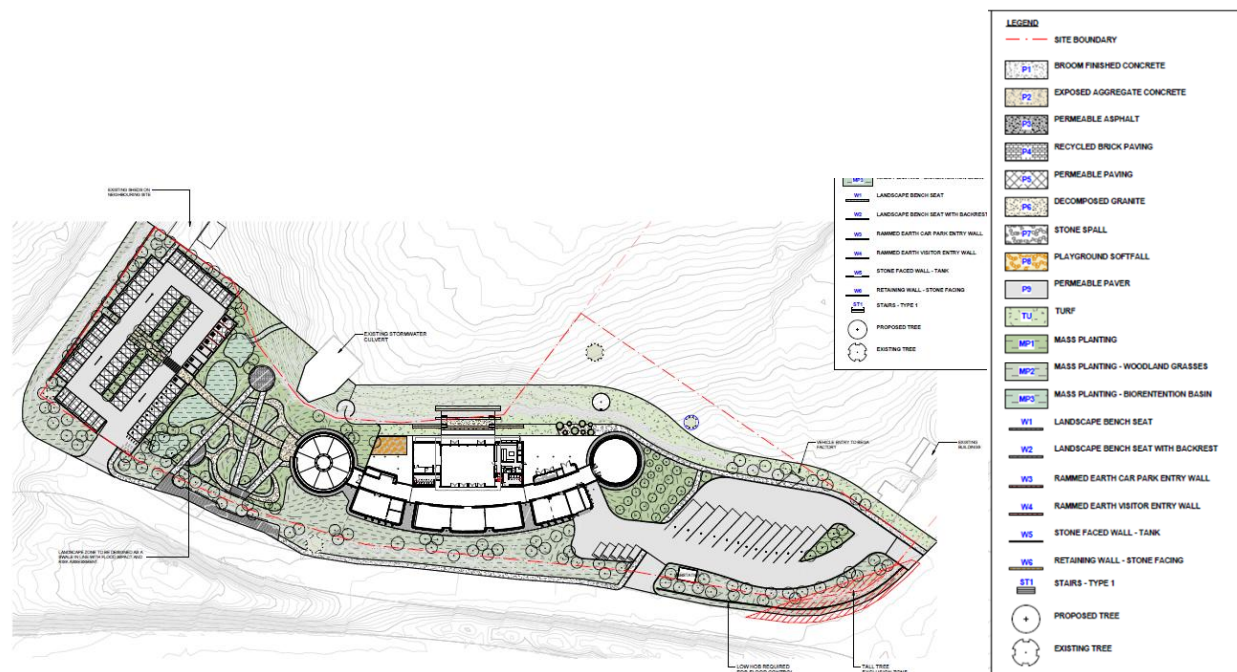
2.6.2.1 Setbacks

The majority of the buildings for the proposed Centre will be setback 7 metres from Lagoon Street which complies with the required 3 metre setback to public roads and front boundaries. The proposed car parking area to the north will have a nil setback to Lagoon Street and Bridge Street. This reduced setback is appropriate given that the site is to be used for commercial activities, will activate the street and that the site is constrained being a relatively narrow site with steep slope to the east, unsuitable for development. The development also incorporates sustainable design principles such as landscaping, rainwater tanks, stormwater detention basins.

2.8 Specific Requirements – Industrial Development

The proposal has a building design which allows energy efficient development and good solar access. The outdoor dining area faces the east where the majority of patrons will congregate and will experience passive solar access. There are windows to the west in some of the buildings providing solar access in winter. External finishes in natural colours and materials to ensure it has minimal impact on the rural landscape and minimise views to the rural landscape past the development. The structures will be clad externally with materials such as rammed earth, timber and glazing, roof will have cladding of corrugated metal, glass and concrete. Ground surfaces will be treated with crushed granite pathways, bitumen in car parking, concrete squares for maneuvering areas, landscape areas (See Figure 25 below) and in between these areas mowed lawns. This will ensure that the proposal contributes to the streetscape and visual aesthetics of the area.

Figure 25: Landscaping plan



The proposal contributes to the streetscape and visual aesthetics of the area as discussed above. It will have well articulated structural variations and a blend of external finishes, so it does not have a large blank wall to the public place. It will have architecturally designed buildings including an 'entry halo' and auditorium to add to the architectural interest of the structure, especially the evident in the prominent elevations. External storage will be placed within the development area that is not visually prominent from the street and is secured within the complex when not in operation.

The proponent has provided a noise assessment to support the proposed operation of the Centre. The assessment recognised four sensitive residential receivers to the north of the proposed Centre.

The layout of the proposed Centre has been designed to locate potential noise-generating activities, such as functions within the auditorium, at the southern end of the site as far away as possible from residences to the north of the site. Intervening structures such as buildings and boundary walls will also serve to reduce noise emissions.

The assessment report identified that the main source of noise from the proposed Centre once operational are likely to be from building services plant and equipment, and traffic noise generated by vehicle movement into the Centre and loading/unloading areas.

Mitigation methods recommended is to select building services plant and equipment to minimise noise impacts to the nearest sensitive receivers. Due to the proximity of the existing Princes Highway, it is anticipated that this traffic noise from this source will continue to be dominant and no mitigation methods are recommended for increased traffic noise impact.

A liquid trade waste approval will be required and is included as a condition in the draft consent.

A Stormwater Quality Management Plan (SQMP) will be required and is included as a condition in the draft consent. The plan is to be accompanied by a design compliance certificate.

The basins have a vertical offset for the basin outlets from the bottom so that even when 'drained' they will hold water so that they can double as a water feature. The designer confirmed that sheet flows will not have significant impact downstream.

5.3 Access and Mobility

The proponent has provided an accessibility capability report and considers the provisions of access for people with a disability. The findings are that features and elements of the proposed Centre comply or comply in principle with all standards and requirements. Final compliance with the *Building Code of Australia* can be achieved during detailed design stages of the project.

5.4 Social and Economic Impacts

The proposed centre once operational will support market-led research and models for a circular economy that 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 showcase local circularity businesses and projects, local produce, sustainable agriculture and Indigenous bush foods. The building itself of the proposed Centre aims to set an example for future development using new technologies and renewable energy. The proposed Centre is anticipated to require 67 full-time equivalent jobs during construction phase and 19 during operational phase. The statement of environmental effects states that local suppliers will be sourced where appropriate. Short term accommodation available for any construction workers that come from outside the area may be restrictive during peak tourist periods and a mitigation method if required can be to focus construction periods to off-peak tourist season.

5.5 Sustainable Design Principles

Energy - east facing outdoor dining area and some buildings with windows to the west will ensure that the majority of patrons access the site will receiving adequate solar access. The proposal includes solar panels on appropriate located roofs to ensure energy generation to support the development.

Stormwater from roof area will be collected in rainwater tanks. Protection and enhancing natural waterways by stormwater as outlined above. The proposal includes use of high efficiency water fixtures and fittings, rainwater collection and passive greywater systems, recycle water reuse for non-potable water uses and water sensitive urban design.

The location of the proposed centre is cleared of native vegetation and no native vegetation is proposed to be removed or modified as a result of the proposal. The proposed Centre will incorporate native vegetation plantings in landscaping areas that are of local provenance and non-invasive pasture grasses.

Transport – public transport to the site is limited, like similar small regional towns in NSW. There is an on-demand bus which currently operates in the Bega township, however it is anticipated that most visitors will arrive by private motor vehicle or charter bus.

The circularity centre proposes to utilise sustainable and circular materials in the building design and material selection from local biogenic, recycled and reusable materials, design for longevity. It will maximise material durability, products used onsite to return to nature, reduce end of life demolition waste through design for disassembly, ethically sourced sustainable materials, separation of waste, organic waste processing and storage of no hazardous materials on site.

Innovation – the entirety of the development demonstrates innovation in architecture and reuse of materials.

5.9 Car parking

The proponent has provided a traffic and parking impact assessment to support proposed parking layout and proposed number of spaces (See Table 1 below).

The traffic generation of the proposed development has been estimated to be 121 vehicle trips in the AM peak period during the week (95 vehicles into the site and 26 vehicles out of the site), 121 vehicles trips in the PM peak period during the week (26 vehicles into the site and 95 vehicles out of the site) and 142 vehicle trips in the Saturday peak period (71 vehicles into the site and 71 vehicles out of the site).

The number of spaces proposed is 100 car parking and 8 bicycle parking. Of these spaces, 4 are accessible car parking spaces, 6 spaces are for seniors, 4 are for parents with prams and 2 are for people with disabilities. There are 7 caravan parking spaces and 5 coach parking spaces. Car parking is at grade with adequate swept paths for proposed traffic movements. Lagoon Street with some alterations is sufficient for the proposed and existing traffic movements. The number and type of parking spaces proposed addresses the provisions of the BVDCP2013.

The proposed Centre will also include 2 E-bike recharging points and 3 EV charging spaces and charging points. Loading / unloading vehicles up to 8.8 metres long and waste collection vehicles up to 10.5 metres in length can access the southern car park, and buses (coaches) up to 14.5 metres long and cars towing caravans can utilise the southern car park.

Table 1: car parking rate

Land use	LEP definition	Gross floor area	Parking rate	Spaces required
Gift shop / tourism	Information & education centre	77 m ²	1 parking space per 25 metres ² GFA	3.1
Office / meeting rooms	Office premises	137 m ²	1 parking space per 25 metres ² GFA	5.5
Museum / Exhibition rooms	Information & education centre	283 m ²	1 parking space per 25 metres ² GFA	11.3
Restaurant / Café	Food & drink premises	360 m ²	1 parking space per 25 metres ² GFA	14.4
Amenities	Ancillary use	91 m ²	Nil	0
Auditorium / Hall	Function & entertainment centre, community facility	213 m ²	1 parking space per 25 metres ² GFA	53.3
Entry halo	Ancillary use	314 m ²	Nil	0
Storage	Ancillary use	49 m ²	Nil	0
Total required				88

The use of proposed lot 2 for access via an easement over the southern carpark entrance for trucks, cranes and gas tankers to access factory land.

5.11 Signage and Advertising

The proposed signage for the development is assessed above as being appropriate for the proposal, size, amount, location, materials to be used. A site identification sign will be 2.3m high and 2.1m wide at the north-western corner and not more than 40% of the wall surface in a natural colours and materials. Directional signs are on poles at the entry to the site to identify bush stops and direct motorists and pedestrians to car parking and delivery area. materials will match the site identification sign in natural colours and materials. No sign is proposed to be illuminated. The proposed signs are clearly distinguished as signs for the proposal and not interrupt with road users. There is sufficient information in the proposal on the location and design of sign in the proposal).

6 Engineering Requirements

The proposal has been comprehensively assessed by Council's Development Engineers and has been assessed as being compliant with the DCP objectives subject to the draft Engineering conditions.

5.5 Section 4.15 (1)(a)(iia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements entered into or any draft agreements which have relevance to the assessment and determination of the current application.

5.6 Section 4.15 (1)(a)(iv) The regulations

The application satisfactorily meets the relevant requirements of the EP&A Regulation 2021, including the procedures relating to applications (Part 3 of the EP&A Regulation 2021) and public participation procedures for development that requires consent.

5.7 Section 4.15 (b) Likely impacts of development

The proposal is satisfactory having consideration to the impact on the natural environment in terms of landforms, water quality, drainage/hydrology/watercourses, vegetation and erosion / sedimentation.

The proposed Centre is located approximately 70 metres from a waterbody and the proposal has been designed to avoid adverse impacts on the riparian and wetland environment. An intermittent drainage line that empties into the waterbody is mapped on the Riparian land and Watercourses Map and the proposed development has been designed to avoid any adverse impacts on this environment. An existing culvert that crosses the site will direct overland flows from the west side of the Princes Highway to the waterbody. Stormwater will be managed using a series of drains and lines to reduce uncontrolled flows after development is complete.

The proposal is considered to complement the existing built environment by utilising a large vacant site located between two distinctive land uses, one industrial to the west and east of the site and residential to the north.

The proposal will utilise natural materials for the external cladding and ground surfaces treatments and will include quality landscaping. The bulk and scale of the development will be consistent with the surrounding industrial land uses that contain buildings and structures that have varying building heights, some of which exceed the prescribed height limit. The request variation to the height limit is considered justified as Clause 4.6 variation request. The proposal will be sited on a prominent location at the Northern approach into the Bega Township adjacent to the Princes Highway. The high-quality architecture design of the development will ensure that it adds to the visual amenity when viewed from the Princes Highway and from the neighbouring residential areas to the North.

The proponent has provided a noise assessment to support the proposed Centre. The assessment recognised 4 residential sensitive receivers to the north of the proposed Centre. The assessment report identified that the main source of noise from the proposed Centre once operational are likely to be from building services plant and equipment, and traffic noise generated by vehicle movement into the Centre and loading/unloading areas. Mitigation methods recommended is to select building services plant and equipment to minimise noise impacts to the nearest sensitive receivers. Due to the proximity of the existing Princes Highway, it is anticipated that this traffic noise from this source will continue to dominant and no mitigation methods recommended for increased traffic noise impact.

Shadow diagrams indicate there will be no impacts on existing residential development from the proposal. the proposal will not obstruct views or intrude on the privacy of adjacent existing residential dwellings.

The site is not located adjacent to existing residential dwellings and development of the site including boundary treatments, retaining walls will not impact on neighbouring buildings.

Crime prevention through urban design

As per Council *Policy 3.01 Development Administration and Procedure 3.01.3 DA review by Police* (dated December 2020), the DA was notified to NSW Police to facilitate the incorporation of Crime Prevention through Environmental Design (CPTED) principles in the assessment of a DA that is a large community facility and new commercial development. Nil submission was received. The proposal promotes pedestrian activity and overlooking to the public domain to the street and adjacent waterway.

Noise

The layout of the proposed Centre has been designed to locate potential noise-generating activities such as functions within the auditorium at the southern end of the site as far away as possible from residences to the north of the site. Intervening structures such as buildings and boundary walls will also serve to reduce noise emissions.

The proponent has provided a noise assessment to support the proposed Centre. The assessment recognised 4 residential sensitive receivers to the north of the proposed Centre. The assessment report identified that the main source of noise from the proposed Centre once operational are likely to be from building services plant and equipment, and traffic noise generated by vehicle movement into the Centre and loading/unloading areas.

Mitigation methods recommended is to select building services plant and equipment to minimise noise impacts to the nearest sensitive receivers. Due to the proximity of the existing Princes Highway, it is anticipated that this traffic noise from this source will continue to be dominant and no mitigation methods recommended for increased traffic noise impact.

Waste

A waste management plan is recommended to be prepared for the proposed Centre that estimates the quantities and types of waste produced during construction and when operational. The plan is to identify waste disposal and recycling opportunities.

5.8 Section 4.15 (c) Suitability of the site for development

The development is appropriate for the locality. The proponent provided a Geotechnical Investigation Report that describes the subsurface conditions of the site including the composition and structure of fill. The report makes recommendations for building footing design, excavation conditions, excavation support, preparation of subgrades, stability of cut and fill batters, retaining wall design, earthquake classification and site drainage advice. These recommendations have been taken into account in the design, layout and service provisions of the proposed Centre.

5.9 Section 4.15 (d) Submissions

The DA was notified to the public via Council's website and letters were sent to adjacent landowners between 14 November to 19 December 2024. No submissions were received.

It is noted that one submission was received at the Planning Proposal stage that raised matters that relate to the development. Whilst not technically required, those matters have been repeated here for completeness regarding community engagement.

Summary of previous submission: Submitter is concerned about traffic impact, road improvements, opening hours, lighting, aesthetically pleasing landscaping and pedestrian safety. They request a footpath from the northern side of the Bega bridge to the Circularity Centre and a pedestrian crossing to service the development and residents to the north.

The proponent has provided a number of technical supportive reports that address potential impacts such as traffic, road improvements, noise, lighting and landscaping and mitigation strategies that ensure there are minimal impacts on sensitive receivers such as neighbouring residential development.

A cycle path has been provided to address these concerns as discussed above.

Agency Concurrence and Approval Bodies

Crown Lands - NSW Department of Planning, Industry & Environment

Crown Lands was notified of the development as they are a neighbouring landowner. Crown Lands raised no objections to the proposal as no impact to Crown land has been identified. Request advice be included in the consent that no activities are undertaken on Crown Land for the development. Crown Lands provided advice restricting development on the neighbouring Crown Land which is included in the draft consent as advice.

Transport for NSW

Council referred the DA to Transport for NSW to assist in its assessment of the proposed Centre under section 2.122 of the *SEPP (Transport and Infrastructure) 2021* for traffic generating development and potential impact to the Princes Highway. Transport for NSW raised no objections to the proposal as the Traffic Impact Assessment (dated 3 October 2024) indicates that the intersection of the Princes Highway and West/Bridge Street retains the same overall level of service under future conditions with minimal delays as a result of the proposed development. Comments in the submission were noted and no further assessment required.

Essential Energy

Section 2.48 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, requires the consent authority to notify the appropriate electricity supply authority when development is in close proximity to its infrastructure.

Essential Energy provided advice which is included in the draft conditions of consent.

5.10 Section 4.15 (e) Public interest

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. The building itself is aimed to be an example of sustainability principles. The proposal will encourage employment opportunities, it is estimated it will require 67 full-time equivalent jobs during the construction phase and 19 full-time equivalent jobs once

operational. It is recommended that advertising be placed in local media and to approach local businesses to determine whether there is the capacity and expertise available in Bega and surrounding districts to participate in construction and ongoing operational activities.

It is anticipated that over 400,000 people would access the proposed Centre annual, rising to 500,000 by the end of the 2020s. The flow-on effects of the proposed Centre once operational with spending by visitors and patrons of the facility will generate demand to other linked businesses for goods and services such as visitor accommodation, catering services and cleaning services. The proposed Centre is anticipated to be a sustained boost to the local economy as Bega develops a reputation as a place that supports sustainability. The proposed Centre will include meeting rooms, an auditorium and communal space that will increase the provision of community facilities in the area.

The statement of environmental effects states that local suppliers will be sourced where appropriate. Short term accommodation available for any construction workers that come from outside the area may be restrictive during peak tourist periods and a mitigation method if required can be to focus construction periods to off-peak tourist season.

6.0 Any other relevant legislation/Matters

Bega Valley Local Infrastructure Contribution Plan 2024-2036

A section 7.12 Contributions levy would be payable for the proposed Centre if approved at a rate of 1% of the estimated cost of development as per *Bega Valley Local Infrastructure Contribution Plan 2024-2036*. Total contributions to be levied under this plan would be \$271,000. A contribution would not be required for the subdivision of the land as there will not be any lots created with a dwelling entitlement.

Disclosure of Political Donations and Gifts

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

7.0 RECOMMENDATION

This report considers Development Application for the construction of the National Circularity Centre development and staged subdivision of land on Lot: 1 DP: 1264640 and Lot: 39 DP: 1307477 at 10 Lagoon Street, Bega.

Having reviewed the application against the relevant and applicable statutory provisions under Section 4.15 of the Environmental Planning and Assessment Act 1979, Council is of the view that there are no statutory reasons why the application cannot be approved by the Regional Panel. Having consideration to all relevant matters, the proposal is considered to be satisfactory and permissible under Clause 2.3 of BVLEP2013. Accordingly, approval, subject to conditions is recommended (see Attachment 1).

Reasons for the determination:

- The development, subject to the recommended conditions, is consistent with the objectives of the applicable EPIs.

- The development is subject to the recommended conditions, consistent with the objectives of the BVDCP2013.
- The development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The development has appropriate management and mitigation of impacts through conditions of consent
- The development is a suitable and planned use of the site and its approval is within the public interest.