

The General Manager
Bega Valley Shire Council
Zingel Place
Bega NSW 2550

22 October 2024

Dear Sir/Madam

**REQUEST FOR EXCEPTION TO DEVELOPMENT STANDARD – PROPOSED NATIONAL CIRCULARITY CENTRE,
LAGOON STREET, BEGA**

Background

The National Circularity Centre is proposed at Lot 39 DP 1307477 Lagoon Street, Bega. The property is zoned E4 General Industrial under *Bega Valley LEP 2013*. The development is mixed use comprising community and commercial uses. An amendment was made to *Bega Valley LEP 2013* in June 2024 to permit all proposed uses at the project site.

Clause 4.3 Height of Buildings applies to the site. A maximum building height of 14 metres applies as shown on the Height of Buildings Map. The objectives of *clause 4.3 Height of Buildings* are:

- a) *to ensure new development is appropriate in the context of the predominant form and scale of surrounding development, including present and likely future development, surrounding landforms and the visual setting,*
- (b) *to protect residential amenity, views, privacy and solar access.*

Building height means *the vertical distance between ground level (existing) and the highest point of the building, or in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building*. This includes plant and lift overruns, but excludes communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Ground level (existing) means *the existing level of a site at any point*.

The southern end of the footprint of the proposed Centre is RL 15.35 metres. The highest point of the auditorium building is proposed to be RL 30.40 metres. This gives a building height above existing ground level of 15.05 metres. The height therefore exceeds the maximum building height by 1.05 metres over an horizontal distance of 5.3 metres. The encroachment is shown shaded red in Figure 1.

sustainable thinking

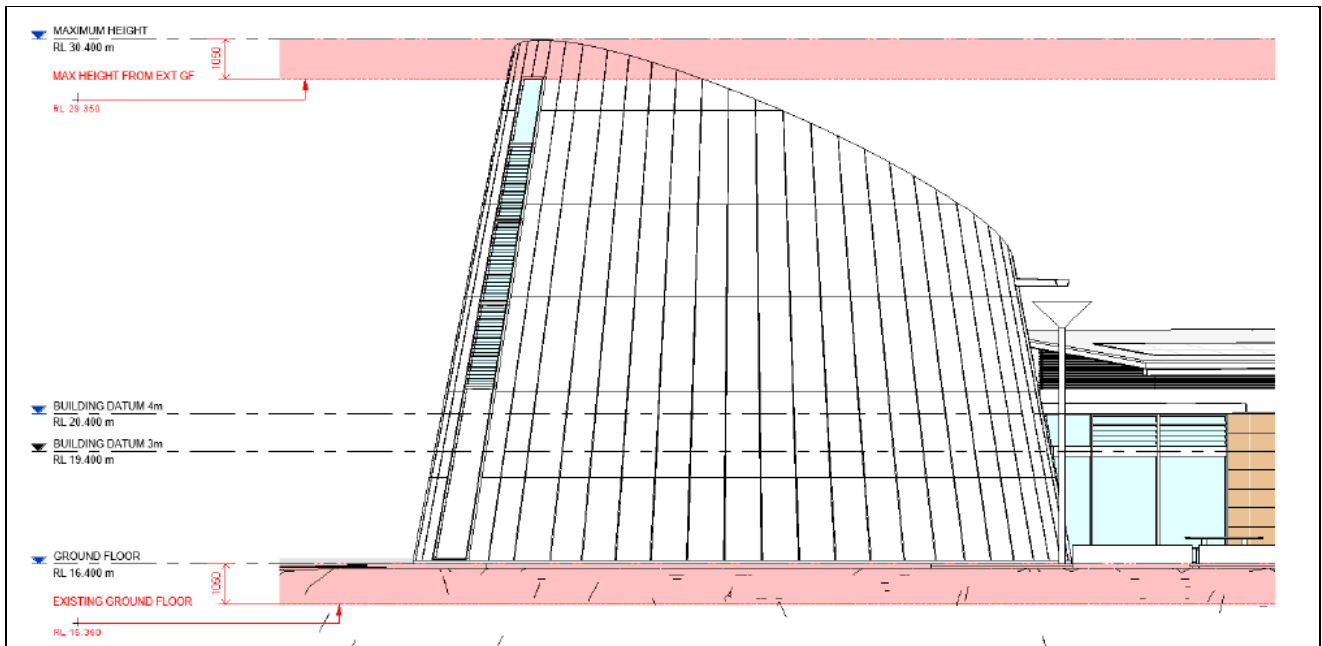


Figure 1: Illustration of height encroachment. Source: Cox Architecture

It is proposed to use clause 4.6 *Exceptions to development standards* of *Bega Valley LEP 2013* to vary the prescribed height. Clause 4.6 contains the following objectives:

- (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.

Justification

Site constraints

Lot 39 DP 1307477 is identified as being subject to flooding. A *Flood Impact and Risk Assessment* has been carried out by Rhelm Pty Ltd in accordance with the requirements set out in the *Flood Impact and Risk Assessment: Flood Risk Management Guide* prepared by the NSW Government. The aim of the assessment is to define the existing flood behaviour in the catchment and to assess and address, if necessary, the potential impacts arising from the proposed future development of the site.

The assessment concludes that flood risk can be primarily mitigated through raising the building pad to the flood planning level to prevent flooding of the site for all local catchment flood events, up to and including the Probable Maximum Flood event.

As illustrated in Figure 1, fill to a depth of 1.05 metres is to be placed beneath the auditorium building to ensure flood-proofing. The proposed earthworks enable the building to achieve a finished ground floor level of 16.4m AHD.

Strategic framework

The proposed development is consistent with the strategic planning framework that applies to the local government area, the site itself and to the development of commercial and community uses. Relevant objectives of zone E4 General Industrial are:

- *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.*

The proposed development satisfies the objectives of zone E4. It will bring employment benefits to the local and regional economy. Preference will be given to local contractors for the construction phase which would include builders and tradesmen. There will be flow-on effects of the income paid to personnel involved in construction and to future employees when the Centre is operational. This coupled 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 businesses.

The facilities to be offered at the Centre would cater to local businesses and workers. The proposed development includes a restaurant and café as well as an auditorium that will be used for business functions. The Centre will also provide opportunities for local businesses to showcase innovative and sustainable practices that promote the circular economy.

The Centre has been designed to respond to the natural features of the site and immediate area. Proximity to the unnamed watercourse and natural landforms have inspired the design, and impacts on biodiversity and ecological processes have been considered.

Goals, objectives and actions of land use strategies including the *South East and Tablelands Regional Plan 2036*, draft *South East and Tablelands Regional Plan 2041*, the *Bega Valley Local Strategic Planning Statement Future 2040*, *Bega Valley Climate Resilience Strategy 2050* and various economic development strategies are satisfied. In particular, the proposal implements Objective 9 of the draft *South East and Tablelands Regional Plan 2041 to support the development of a circular economy* by establishing a facility to promote circularity, sustainability and regenerative practices through the Regional Circularity Cooperative in Bega Valley Shire.

Amenity impacts

Industrial land at North Bega benefits from high amenity scenic amenity due to proximity to rural landscapes and the open character of the area. An unnamed waterbody located east of the site provides a natural backdrop set amongst farmland. Elsewhere, and particularly west of the Princes Highway, the landscape has an industrial character spread over rolling hills.

Internationally recognised architectural firm Cox Architecture has designed the National Circularity Centre to reflect the importance of the location and to utilise sustainable and circular building features. The Centre will present as a visually prominent entry building rather than a typical industrial building, thereby enhancing scenic amenity and contributing to the progressive character of the community of Bega. The architectural feature of the roof is its prominent sloping outline that is supported internally by exposed timber beams in a radial design to represent circularity.



Figure 2: Internal view of the auditorium. Source: Cox Architecture

The proposed development satisfies the objectives of clause 4.3 *Height of Buildings* in that the design will contribute to the visual setting and would not intrude on the amenity of nearby residences. The point at which the maximum building height is exceeded is at the very southern end of the development site towards the area that is occupied by the Bega Cheese complex of buildings. The auditorium building would not affect the views or privacy of dwellings, or solar access to any existing development. is at the southern end. The overall

height will not adversely impact on views from the foreshore of the unnamed lagoon or any other public place. Views towards the site from the Princes Highway will be enhanced with the Centre in the foreground when looking east.

Conclusion

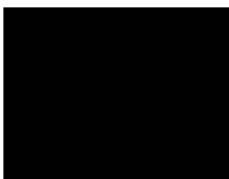
The encroachment of the building height limit is considered minor and the proposal complies with all other development standards and development controls governing bulk and scale. It is considered that the strict application of the building height development standard of 14 metres is unreasonable in this instance due to site constraints relating to flood inundation. Raising the existing ground level of the site with fill to 1.05 metres is essential to ensure that the ground floor of the auditorium is above flood levels. This in turn causes an encroachment above 14 metres for the auditorium building only.

The architectural building is at the southern end of the proposed National Circularity Centre group of buildings which include an entry halo at the northern end of the site with a maximum height of 9.5 metres and single storey commercial buildings in centre with a maximum of 8 metres. The encroachment above 14 metres runs for a horizontal distance of 5 metres of the roof span of the auditorium of approximately 14.5 metres.

There are sufficient environmental planning grounds to justify the variation to the development standard. The proposal satisfies the objectives of zone E4 General Industrial of *Bega Valley LEP 2013* and implements the objective the *draft South East and Tablelands Regional Plan 2041* to support the development of a circular economy. The architectural design of the National Circularity Centre and use of materials that reflect natural features of the surrounding environment will contribute to the amenity and character of Bega.

The National Circularity Centre is aiming to achieve Full Certification under the Living Building Challenge 4.0 (LBC 4.0), which represents one of the most rigorous and forward-thinking building standards in the world. Developed by the International Living Futures Institute, this certification goes beyond sustainability; it demands that projects create a positive impact on the human and natural systems.

It is requested that Bega Valley Shire Council considers this request for an exception to the development standard for maximum building height favourably and grants consent to the proposed National Circularity Centre at Lagoon Street, Bega.



Allen Grimwood
Director, Zenith Town Planning Pty Ltd