

Implementation Guidance Document

Escalating Waste and Recycling Provisions

Waste and recycling need to be considered as an essential service. Its potential impact on the safety, health, amenity and wellbeing of the community cannot be underestimated.

The District Plans clearly identify waste and recycling as an important component of Sydney's growth, in terms of urban development and waste facility infrastructure protection and provision. The release of the District Plans has now also highlighted a significant gap within the planning policy framework. Councils previously relied on Development Control Plans to implement waste and recycling outcomes. However, there is now a real opportunity for councils to escalate and incorporate waste and recycling objectives into their Local Environmental Plans to strengthen the consideration of waste and recycling design requirements early in the development assessment process to ensure that future operational waste management is appropriately planned.

Purpose

This document has been prepared to assist council officers to escalate the importance of waste and recycling outcomes by incorporating them into Local Strategic Planning Statements and Local Environmental Plans as part of the recent State government planning reforms to support *A Metropolis of Three Cities – the Greater Sydney Region Plan* and District Plans.

What we need to achieve

- **Escalate** the importance of waste and recycling outcomes within the planning policy framework.
- **Strengthen** the consideration of waste and recycling objectives during the planning, design and development application process.
- **Align** waste and recycle outcomes with other planning considerations, such as landscape, traffic, parking etc.
- **Inform** and guide applicants/developers of the importance of waste and recycling early in the planning and development stage.

Why we need to do it now

- Mandated by changes to the NSW Planning legislation – LEP's **must give effect** to the District Plans (which specifically identify waste and recycling objectives/actions).
- The process has commenced and is due for completion in June 2020. However, the consideration of waste and recycling objectives needs to be undertaken and implemented prior to the finalisation of the Local Strategic Planning Statements (which is currently under preparation) and the Planning Proposal to the support the LEP Review (due to commence March 2019). If this opportunity is missed now, it could be several years before changes could be incorporated in your council's LEP.

Timeframe

Timing is critical. The Accelerated LEP Review timeframe is illustrated in Figure 1 below, which clearly highlights the urgent need to secure waste and recycling provision within the Local Strategic Planning Statement which is currently in preparation, and prior to the preparation of the Planning Proposal to

support the LEP Review. Figure 2 below which illustrates the relation between the different strategic documents, clearly indicates that the Local Strategic Planning Statement needs to inform the LEP.

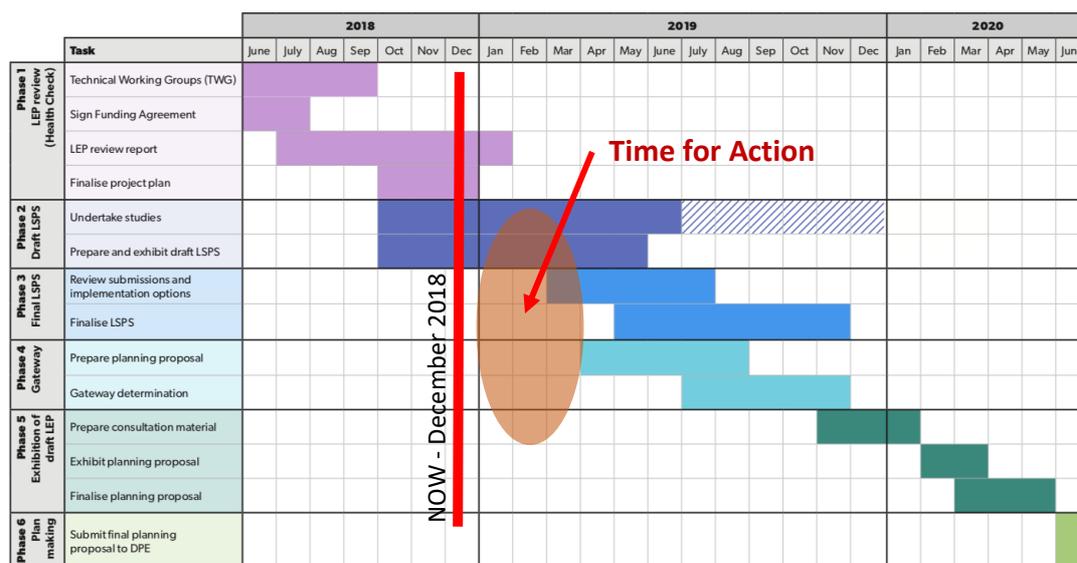


Figure 1: Timeframe for the LEP Review

Source: Greater Sydney Commission, LEP Roadmap – Guidelines for updating Local Environmental Plans to give effect to the District Plans in the Greater Sydney Region, May 2018



Figure 2: Relationship between Regional, District and Local Plans

Source: Western Sydney District Plan

It is important to note that councils’ project team (either internal or an external consultant) working on the LEP Review will also be focused on other matters, including the preparation of their Housing Strategies and Employment Lands Studies, the engagement of the community and key stakeholders, and councils’ own internal reporting deadlines to meet specific deadlines. It is therefore critical that waste and recycling objectives are raised and included as soon as practical.

Additional Resources

Some council’s may have access to additional resource documents to support and strengthen their position. These documents could include:

- **Environmental and Sustainability Targets** – Council may have adopted resource recovery and landfill diversion targets as part of its Annual Plan and Environmental Plans.
- **Community Satisfaction Surveys** – Councils’ generally undertake a community satisfaction survey (annually or every two years) to determine the community’s satisfaction with councils’ services and facilities. Waste services generally appear in the high priority sections of the survey. This information could be used to highlight the importance of waste and recycling within the community and the need to ensure potential conflicts are avoided.
- **Council’s Complaint Register** – some council’s may have access to a complaint register, or similar, to determine the level of dissatisfaction within the community of servicing non-compliant developments.

Potential Obstacles

You may experience some resistance to the inclusion of these provision as part of the current planning reforms (LEP Review purpose). If that is the case, you need to reinforce the following points:

- **Statutory Requirement** – The District Plan specifically mentions waste and recycling objectives/actions. Therefore, by virtue of clause 3.8 (3) of the *Environmental Planning and Assessment Act, 1979*, each council to which the district plan applies **must** review their local environmental plan(s) for the area and prepare a planning proposal **to give effect** to the district plan.
- **Council’s Waste and Recycling Targets** – Council may have adopted landfill diversion and resource recovery targets as part of their Waste Management Strategy and/or Regional Waste Management Strategy, in accordance with the NSW EPA Waste Avoidance and Resource Recovery Strategy.
- **Current Waste and Recycling Operations** – The LEP Review needs to take in consideration council’s current and future waste and recycling collection and disposal contracts as it has potential immediate and long-term financial implications for council waste services and the community.

District Plans

The Greater Sydney Commission’s five District Plans are a guide for implementing *A Metropolis of Three Cities* - the Greater Sydney Region Plan at a District level. These 20-year plans are a bridge between regional and local planning.

The District Plan informs local strategic planning statements and local environmental plans, the assessment of planning proposals as well as community strategic plans and policies. The District Plan also assists council’s to plan for and support growth and change, and align their local planning strategies to place-based outcomes. It guides the decisions of State agencies and informs the private sector and the wider community of approaches to manage growth and change.

The District Plans acknowledges the diminishing capacity for land filling in Greater Sydney. It identifies planning priorities, objectives and actions, focused on managing waste efficiently, highlighting the need for innovative solutions to reduce the volume of waste and reduce waste transport requirements, as well as protecting and identifying new locations for waste recycling and management.

The planning and design of new developments should support the sustainable and effective collection and management of waste. Managing residual waste through an advanced waste technologies can also allow for energy recovery and reduced greenhouse gas emissions.

Way Forward

Immediate (Urgent)

- Ensure inclusion of waste and recycling statement within the Local Strategic Planning Statement, see Attachment 1 for suggested wording.
- Explore opportunities to strengthen or expand attached statements to increase waste and recycling information.

Early 2019 (January to March)

- Review and explore **waste and recycling clauses** for inclusion within the LEP Review, see Attachment 2 for possible wording.
- Develop appropriate waste and recycling wording for inclusion within the **Planning Proposal** that will be prepared to support the LEP Review process. The wording needs to justify why waste and recycling provisions are required within the LEP. This will include:
 - A link to the priorities, objectives and actions within the District Plan.
 - A link to the Local Strategic Planning Statement (with waste and recycling statement included).
 - The expected type of development within the local government area, and the associated waste and recycling implications.
 - Highlighting the need to consider council's waste operation to protect the safety, amenity and lifestyle of the residents and community.
 - Reference to any other Council adopted documents, strategies, and policies to provide waste and recycling targets.

Additional Support

The need to escalated waste and recycling provisions within the planning policy framework is extremely important. It will assist in:

- Securing good urban outcomes by enhancing public amenity and safety;
- Achieving resource recovery and waste from landfill diversion targets; and
- Planning for future waste and recycling needs.

If you require any additional support or guidance over the coming months, please do not hesitate to contact:

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Attachment 1:

Local Strategic Planning Statements

The aim is to develop a short (one sentence) and long (one/two paragraph) waste and recycling statement that could be incorporated into the Local Strategic Planning Statements.

Individual councils should consider including additional supporting objectives/wording, or expanded wording based on the statements below, if provided the opportunity as part of the preparation of the Local Strategic Planning Statements.

Short Statement:

Waste outcomes that are safe, efficient, cost effective, maximise recycling, and that contribute to the built form and liveability of the community.

Longer Statement:

Waste outcomes that are safe, efficient, cost effective, maximise recycling, and that contribute to the built form and liveability of the community. This is supported by well-planned waste infrastructure that is responsive to future needs, and provides equitable access to waste, reuse and recycling services.

Attachment 2:

Escalating Waste Management Objectives in LEPs

The aim is to provide potential Waste and Recycling clauses for inclusion within council Local Environmental Plans (LEPs).

Potential Wording for LEP Clause Option 1

The draft clause has been inserted into the table below, with a corresponding comment provided against each sub-clause to assist in the discussion.

7.X	Waste Minimisation and Recycling	
	1) The objective of this clause is to ensure all new Residential Flat and Mixed-Use buildings have a highest standard of waste and recycling management for the environment, and community health and wellbeing.	This sub-clause establishes the objectives of the clause
	2) This clause applies to all Residential Flat and Mixed-Use developments.	This sub-clause establishes the form of development
	3) Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied that the building will have: <ul style="list-style-type: none"> a. a high standard of design integration has been achieved for waste and recycling storage and collection facilities, b. all waste and recycling storage and collection facilities are appropriately dimensioned to meet the expected demand imposed by the development, c. appropriate separation of commercial and residential waste and recycling facilities for mixed use developments, d. safe and equitable access available to all waste and recycling storage and collection facilities, e. waste and recycling facilities which are appropriately located to allow for the safe travel and manoeuvring of a heavy rigid waste collection vehicle on-site, f. waste collection vehicles are able to enter and exit the site in a forward direction, g. an appropriate Waste Management Plan that clearly demonstrates the management of all waste and 	This sub-clause establishes the specific design requirements that need to be considered. We have included Waste Management Plans, and operational controls.

	<p>recycling during the demolition of any existing structures, construction of the new building and ongoing operational management requirements,</p> <p>h. an ongoing operational management arrangement that meets the relevant collection contractual standard of the council to which this Plan applies.</p>	
	<p>4) In this clause:</p> <p>heavy rigid waste collection vehicle means a heavy rigid vehicle as defined by the relevant Australian Standard.</p>	<p>This sub-clause helps define heavy rigid waste collection vehicle</p>

Potential Wording for LEP Clause Option 2

There is also the potential for some councils to incorporate waste and recycling provisions within their existing “Design Excellence” clause (if they already have them in their LEP). The example below is taken from Parramatta’s LEP and included potential wording in red.

X.XX Design Excellence—Parramatta City Centre

- 1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- 2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land to which this Part applies.
- 3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- 4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:
 - a. whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - b. whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
 - c. whether the proposed development detrimentally impacts on view corridors,
 - d. how the proposed development addresses the following matters:
 - i. the suitability of the land for development,
 - ii. the existing and proposed uses and use mix,
 - iii. any heritage and archaeological issues and streetscape constraints or opportunities,
 - iv. the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - v. the bulk, massing and modulation of buildings,
 - vi. street frontage heights,
 - vii. environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
 - viii. **the provision of integrated waste and recycling infrastructure on site, addressing storage, safety, efficiency, accessibility to waste, reuse and**

recycling services, and collection without compromising the safety and amenity of the public domain,

- ix. the achievement of the principles of ecologically sustainable development,
 - x. pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,
 - xi. the impact on, and any proposed improvements to, the public domain,
 - xii. the impact on any special character area,
 - xiii. achieving appropriate interfaces at ground level between the building and the public domain,
 - xiv. excellence and integration of landscape design.
- 5) Development consent must not be granted to the following development to which this clause applies unless a competitive design process has been held in relation to the proposed development:
- a. development in respect of a building that has, or will have, a height above ground level (existing) greater than 55 metres,
 - b. development on a site greater than 1,000 square metres and up to 1,800 square metres seeking to achieve the maximum floor space ratio identified on the Floor Space Ratio Map, where amalgamation with adjoining sites is not physically possible,
 - c. development having a capital value of more than \$10,000,000 on a “Key site” identified on the Key Sites Map,
 - d. development having a capital value of more than \$100,000,000 on any other site,
 - e. development for which the applicant has chosen such a process.
- 6) A competitive design process is not required under subclause (5) if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances and that the development:
- a. involves only alterations or additions to an existing building, and
 - b. does not significantly increase the height or gross floor area of the building, and
 - c. does not have significant adverse impacts on adjoining buildings and the public domain, and
 - d. does not significantly alter any aspect of the building when viewed from public places.
- 7) If, before the commencement of this clause, the Secretary issued a certificate under clause 22B (5) of Parramatta City Centre Local Environmental Plan 2007 for any development to which subclause (5) of this clause applies, then subclause (5) of this clause does not apply to that development.
- 8) If the design of a new building, or an external alteration to an existing building, is the winner of a competitive design process and the consent authority is satisfied that the building or alteration exhibits design excellence, it may grant development consent to the erection of the new building, or the alteration to the existing building, with:
- a. in any case—a building height that exceeds the maximum height shown for the land on the Height of Buildings Map or an amount of floor space that exceeds the maximum floor space ratio shown for the land on the Floor Space Ratio Map (or both) by up to 15%, or
 - b. if the proposal is for a building containing entirely non-residential floor space in Zone B4 Mixed Use—a building height that exceeds the maximum height shown for the land on the Height of Buildings Map or an amount of floor space that exceeds the maximum floor space ratio shown for the land on the Floor Space Ratio Map (or both) by up to 25%.
- 9) In this clause:
- building or alteration exhibits design excellence** means a building where the design of the building (or the design of an external alteration to the building) is the winner of a

competitive design process and the consent authority is satisfied that the building or alteration exhibits design excellence.

competitive design process means an architectural design competition carried out in accordance with procedures approved by the Secretary of the Department of Planning and Environment.

Potential Wording for LEP Clause Option 3

There is also the potential for a new stand-alone Waste and Recycling clause with additional development potential, to offset restrict on-site/basement requirements.

X.XX Waste and Recycling Excellence

- 1) The objective of this clause is to deliver the highest standard of waste and recycling management for the environment, and community health and wellbeing.
- 2) This clause applies to development involving the erection of a new Residential Flat or Mixed-Use building on land to which this Part applies.
- 3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits waste and recycling excellence.
- 4) In considering whether development to which this clause applies exhibits waste and recycling excellence, the consent authority must have regard to the following matters:
 - a. whether a high standard of design integration has been achieved for waste and recycling storage and collection facilities,
 - b. whether all waste and recycling storage and collection facilities are appropriately dimensioned to meet the expected demand imposed by the development,
 - c. whether appropriate separation of commercial and residential waste and recycling facilities has been achieved for mixed use developments,
 - d. whether safe and equitable access is available to all waste and recycling storage and collection facilities,
 - e. whether the location of waste and recycling facilities allow for the safe travel and manoeuvring of a heavy rigid waste collection vehicle on-site,
 - f. whether the waste collection vehicle enters and exits the site in a forward direction,
 - g. whether an appropriate Waste Management Plan has been prepared that clearly demonstrates the effective and efficient management of all waste and recycling during the demolition of any existing structures, construction of the new building and ongoing operational phases,
 - h. whether the final ongoing operational management meets the relevant collection contractual standard of the council to which this Plan applies.
- 5) If the consent authority is satisfied that the new building exhibits waste and recycling excellence, it may grant development consent to the erection of the new building with a building height that exceeds the maximum height shown for the land on the Height of Buildings Map or an amount of floor space that exceeds the maximum floor space ratio shown for the land on the Floor Space Ratio Map (or both) by up to XX%.
- 6) In this clause:

building exhibits waste and recycling excellence means a building where the design of the building, where the consent authority is satisfied that the building exhibits waste and recycling excellence.

heavy rigid waste collection vehicle means a heavy rigid vehicle as defined by the relevant Australian Standard.

Please note: Clause 5 above should only be inserted if Council is allowing an incentive to achieve the waste and recycling outcome. Ideally the requirements for waste and recycling excellence should become a standard in building design and construction and not a special provision.



This project is a NSW EPA Waste less, Recycle More initiative funded from the waste levy