



*Advocating for the people of Western Sydney*

**SUBMISSION:  
Response to the draft amendments to the  
Environmental Planning and Assessment Act**

**March 2017  
Representing the councils of Western Sydney**

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The Western Sydney Regional Organisation of Councils (WSROC), representing councils in Western Sydney, has reviewed the proposals to update the *Environmental Planning and Assessment Act 1979* (EP&A Act) relevant to the waste and resource recovery services provided by councils to residents.

In 2014, the NSW Environment Protection Authority (EPA) funded WSROC to develop the *Western Sydney Regional Waste Avoidance and Resource Recovery Strategy* and to work towards fulfilling strategy projects. The strategy was developed to outline future directions for resource recovery practices across Western Sydney, and explore options for addressing common waste management challenges faced by councils in the region.

A key action in this strategy addresses the linkages between the planning system and provision of waste services to the community. As part of the regional waste initiative, WSROC seeks to ensure that the issues detailed in the proposed legislative changes: maintain community amenity and safety; provide scope for waste diversion and resource recovery; and ensure there is no negative impact on the requirement of councils to provide waste services to their community.

The councils represented by this submission are Blacktown City Council, Blue Mountains City Council, Cumberland Council, Fairfield City Council, Hawkesbury City Council, Liverpool City Council, City of Parramatta Council, Penrith City Council and non-member councils of The Hills Shire Council, Camden Council, Campbelltown City Council and Wollondilly Shire Council.

WSROC makes five key comments for consideration in reviewing the proposed changes:

- 1) Firstly, we support the updated objects of the Act, particularly the promotion of good design in the built environment, and the integration of social, environmental and economic considerations in decision making about environmental planning and assessment. The modernisation of these principles, and the promotion of good design is essential to ensure development is designed with the community (often the key user or resident) in mind.
- 2) WSROC recognises the challenges faced by the sheer number of Development Control Plans (DCPs) in place across NSW, and indeed Western Sydney. Western Sydney councils have investigated the possibility of a regional Waste Not DCP, but determined it was unfeasible given the variations in waste servicing, contracts and development types across the region. However, councils agreed that greater consistency may be possible in certain waste controls, particularly in the transition to higher density housing and the need to ensure efficient design of waste management systems that provide residents with safe and effective waste and recycling services.

WSROC recently undertook a review of 15 Waste Not DCPs (or integrated waste provisions in DCPs) across Greater Western Sydney to determine consistency in controls and key trends across the region. As a result, this research provides guidance to councils updating their waste DCP provisions on prevailing regional requirements, allowing councils to work towards more regionally consistent requirements.

Should a standard format for DCPs be introduced, the Regulations will require significant input from local government. WSROC notes that 'the Government will work with

councils to develop an approach to standardisation', but it will also need to exhibit and consult with key chapter stakeholders on the draft regulations to ensure the proposed format is workable across the multiple divisions of local government involved. The Department should allow adequate time for this consultation to ensure a workable solution is developed.

It is recommended that any changes to the standard format of DCP's, ensures that the issue of waste management is elevated as a consideration in the planning and development process. Failure of the planning system to accommodate essential waste management infrastructure at both a strategic and statutory planning level has the ability to negatively impact in the community. It is vital that any changes to the standard format ensure controls can be imposed to ensure that local authorities can service new developments and promote occupant usability and safety as well as broader residential amenity objectives.

The existing model Waste Not DCP published by the Department of Environment and Climate Change (now NSW EPA) was released in 2008. We understand this model DCP is currently being updated by the EPA, but would suggest its inclusion in the list of library of model DCP provisions only be considered following consultation on, and review of, the updated model chapter.

- 3)** WSROC supports the prevention of misuse of modifications and strengthening deterrence of unauthorised works. In the past, developments have not always been constructed to the original building approvals, resulting in: poor or missing waste management infrastructure; significant amenity issues for residents (including hygiene, odour, and litter concerns); and in some cases restricted servicing capability by councils for residents. The requirement for planning authorities to consider the reason for the original consent is supported. Similarly, strengthening the requirements that construction certificates must be consistent with development consent is supported. It is critical that any residential development is able to be provided with a safe, functional waste service that is appropriate for the dwelling type. This is particularly important for medium and high density dwellings which have proven problematic in the past due to their complex service needs.
- 4)** WSROC has done much work recently to better liveability in our communities and supports the elevation of the role of design. While local government understands the need for fast planning approvals to provide increased housing supply and contribute to provision of more affordable housing, councils also take great responsibility in ensuring that proposed developments deliver well designed dwellings and urban spaces that are fit-for-purpose, built to standard, of satisfactory amenity, and provide the essential services required by local residents. Councils are actively working on projects to encourage good design, particularly in residential dwellings to address reduction of urban heat effects, improved community health outcomes, the provision of safe waste services, and ensuring resource recovery from residential and mixed-use dwellings. Any promotion of good design principles which incorporate these issues is well supported by WSROC.
- 5)** Expansion of the complying development code is welcomed in principle. WSROC recognises the importance of the planning system in delivering on issues surrounding

housing affordability and housing choice. However, any future expansion of the code needs to ensure that providing faster, streamlined approvals still delivers development that are functional and have considered all intended users. This is particularly important should the code be expanded for low-rise and medium density development from a waste management perspective.

WSROC recently reviewed the draft Medium Density Design Guide and Medium Density Housing Code and provided a response for its potential implications from a waste and resource recovery perspective. WSROC advocates for continued consultation in code expansion and consideration of waste management issues.

Waste Services are one of the few essential services provided by local government to all residents throughout the state. It is essential that any changes made to the EP&A Act, particularly in regards to DCPs, do not prevent councils' ability to provide safe and efficient waste services to their communities. We welcome the promotion of good design in development to encourage building and urban design with the community and its functions at the forefront of design and planning.