



19 April 2024

By email: tisepp@dpie.nsw.gov.au

To whom it may concern

Improving Planning Processes To Deliver Infrastructure Faster

Thank you for the opportunity to comment on the *Improving Planning Processes To Deliver Infrastructure Faster Explanation of Intended Effect* and granting an extension of time to make this submission.

Southern Sydney Regional Organisation of Councils Inc (SSROC) is an association of twelve local councils in the area south of Sydney harbour. SSROC provides a forum for the exchange of ideas between our member councils, and an interface between governments, other councils and key bodies on issues of common interest. The SSROC area covers central, inner west, eastern and southern Sydney, an area with a population of almost 1.8 million, that contributes much of Sydney's gross domestic product.

Overall, SSROC is supportive of the NSW Government's intention to improve the rate of delivery of critical infrastructure for the communities of Sydney and NSW. However, it is very disappointing to see no mention of waste infrastructure in the EIE, and further comment is provided on this essential infrastructure component. The focus of this submission is to highlight this important omission from the EIE.

1 Waste Infrastructure

1.1 Planning for Essential Waste Infrastructure

The *Essential Service Act 1988* defines garbage, sanitation and cleaning as essential services. However, unlike other States, NSW has no plan for the delivery of the infrastructure that is necessary if Councils and waste service providers are to continue to provide this essential service. At its most fundamental, effective management of waste is a public health concern. Waste services have evolved to much more sophisticated level, focused on waste reduction, resource recovery, and carbon emissions reduction, but remain an issue of public health.

In spite of the huge gains in these areas, rates of waste generation continue to rise on a per capita basis, as well as due to population growth. Yet Sydney has no plan to manage this impending crisis.

The NSW Environment Protection Authority (EPA) published its *Waste and Sustainable Materials Strategy 2041* in June 2021, together with a supporting document *A guide to future infrastructure needs*. This document assumed in its baseline facilities planned by the waste sector (and that are not assured or even all approved), as well as existing capacity. Even so, capacity deficits were identified, and these were presented as the future infrastructure needs. However, the local next steps (such as identifying locations, acquiring land and facilitating the approvals processes and licensing for planned facilities), were not taken.

EPA's analysis identified land use planning and transport considerations as barriers for the growth of waste management capacity. This clearly indicates that many of the deficiencies in planning for future delivery of waste infrastructure lie with the apparent absence of any accountability for ensuring adequate provision. Given the role of the EPA as the regulator for the sector, the task of strategic planning for the necessary infrastructure is inappropriate. Yet waste infrastructure does not feature in the State Infrastructure Strategy and, while actions relating to waste infrastructure

did appear in the City Plans, these appear to be uncertain following the abolition of the Greater Cities Commission.

SSROC recommends that a waste infrastructure plan is fast-tracked as a matter of urgency and that councils are consulted about how this could impact local and state zoning and planning controls. In the context of delivering infrastructure faster, this plan is more urgent and important than ever.

Special attention should be given to the treatment of waste transfer stations in the planning consent processes given the critical and pivotal nature of this essential infrastructure. There are inescapable imperatives to successfully support population growth in our cities, while providing secure and efficient waste transportation and ensuring environmental protections are maintained for nearby communities. There is an urgent need and opportunity to provide regulatory certainty and more efficient planning approval processes that facilitate the timely delivery of this essential infrastructure. The scope of this work should extend to the facilitation of planning for waste and resource recovery facility siting, including ensuring the retention of dedicated areas and buffer zones.

1.2 Waste Infrastructure Approval Process

Some small infrastructure such as reverse vending machines that support Container Deposit Scheme, Return and Earn, have exempt of complying development options. But large development of waste processing facilities is more complex and lengthy, typically under State Significant Development pathways. Slow approval processes are a key obstacle the encouraging the often substantial investment cost. There is a need to streamline or speed up the assessment timings of key waste infrastructure, which appears to align with the intent of the EIE.

SSROC proposes the following changes for consideration:

- a) Dedicated teams of experts in the Department of Planning, Housing and Infrastructure (and referral agencies) to assess and process waste infrastructure applications as a priority stream.
- b) Deemed refusal periods for development applications of this kind could be shortened to encourage speedier assessment and provide the applicant with an opportunity to lodge an appeal sooner. The volume of appeals before the NSW Land and Environment Court has caused significant delays for proceedings. The NSW Government might also consider expediting appeals of this kind so that court delays do not further prevent the efficient approval of these critical facilities.
- c) Designate the Minister for Planning as the determining authority for State Significant Development for certain non-contentious and low environmental impact development. This may depend on the nature or size of the particular waste facility at issue, as some more controversial facilities may still need to involve the Independent Planning Commission.
- d) Assess facilities under Division 5.1 of the *Environmental Planning and Assessment Act 1979* as "development not requiring consent" if carried out by or on behalf of local councils.

1.3 Planning Controls

The separation of waste by the household or business into the appropriate bin is critical for resource recovery and circular economy. This is in part influenced by the design constraints of large residential developments (e.g. insufficient space for waste storage, insufficient height or space to manoeuvre collection vehicles). Most councils have developed waste management guidelines or clauses in their Development Control Plans (DCPs) to help applicants in their design of new developments. However, there is a risk that these provisions are not given sufficient weight or consideration when a development is assessed and approved.

SSROC recommends that a specific provision be added to the Standard Instrument – Principal Local Environmental Plan requiring that the consent authority should be satisfied that the development adopts a waste system consistent with waste minimisation principles/practices prior



to granting of development consent. Councils would need to identify the waste minimisation principles/practices to which the consent authority must refer.

Thank you for accommodating this slightly late submission. Nevertheless, it has not been possible for it to be reviewed by councils or to be endorsed by the SSROC. I will contact you further if any issues arise as it is reviewed. If you have any queries, please do not hesitate to contact me or Mark Nutting, SSROC Strategic Planning Manager on 8396 3800, or ssroc@ssroc.nsw.gov.au.

Further detailed consultations with local councils, and regional organisations such as SSROC, are now urgently needed to identify the best mechanisms to facilitate waste management infrastructure provision through the Transport and Infrastructure SEPP.

Yours faithfully

A handwritten signature in black ink that reads 'H Sloan'.

Helen Sloan
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Southern Sydney Regional Organisation of Councils