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Dear Sir/Madam

### **Comments on Georges River Draft Local Environment Plan 2020**

I am writing in response to Council's request for comment regarding Council's Draft Local Environment Plan (LEP) and supporting studies received by the Environment Protection Authority (EPA) on 2 April 2020.

The EPA has reviewed the submitted information and has attached comments (**Attachment A**) to help strengthen the LEP in its delivery of Council's Local Strategic Planning Statement (LSPS). These comments include using Council's LEP to help drive Circular Economy Directions that will underpin Council's future direction for waste management. They are also intended to drive design excellence for waste and resource recovery, strengthen the delivery of waterway health outcomes and help protect land uses from land use conflict.

The EPA is able to meet at a mutually convenient time to discuss the attached comments, if required. This includes working with Council and Department of Planning, Industry and Environment (DPIE) on how the LEP (and any supporting controls) could best help Council's direction in transitioning to a Circular Economy.

Should you require further information regarding the above, please phone Mr Paul Wearne on (02) 4224 4100.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Peter Bloem', with a date stamp '29/05/20' below it.

29/05/20

**PETER BLOEM**  
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**Environment Protection Authority**

Attachments A

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## Attachment A

### Using Council's LEP to help Drive Circular Economy Directions

As indicated in Council's Local Strategic Planning Statements (LSPS), waste management is both an environmental challenge and an economic opportunity, with new approaches to reusing material and resources in a Circular Economy. The LEP review provides an opportunity to explore how the provisions could help transition Council in this direction and support Planning Priority P18. *An environmentally friendly approach is applied to all development.* Providing such a direction in the LEP would also help underpin and help strengthen proposed future controls proposed in Action A95 of Council's LSPS. It would also help contribute to the delivery of Council's metrics for increased proportion of all waste diverted from landfill to 70 per cent by 2040 (Baseline of 52 per cent in 2018).

Work being undertaken by the NSW Government in response to growth across Greater Sydney, to help support the District Plans and [NSW Circular Economy Policy](#), is recognising facilities that help deliver a Circular Economy, as being important infrastructure. These facilities are needed to help embrace Circular Economy activities across our new places. This will also contribute to future Circular Economy employment opportunities and needed approaches for our future management of waste. The NSW Government is currently developing the 20 Year Waste Strategy which will explore a range of approaches and opportunities to help further enable a Circular Economy.

In this regard "*Circular Economy infrastructure*" would encompass facilities that store, transfer, sort, reprocess or repurpose materials and goods to retain their productive value and prevent their disposal to landfill. Examples of Circular Economy infrastructure would include reuse and repair facilities, sharing and leasing facilities, reverse vending machines, community recycling centres, collection points for producer responsibility schemes, water reuse schemes, material bulking, sorting, storing facilities, material reprocessing and remanufacturing, washing or pelletising facilities, reverse logistics facilities, some thermal treatment of waste, anaerobic digestion and chemical treatment of waste, etc.

To help support Council's direction in transitioning to a Circular Economy, the LEP would benefit inclusion of supporting objectives and an understanding of the roles that land use could provide in enabling Circular Economy activities. Such an approach would strengthen the role of commercial and industrial land in delivering Council's directions for Circular Economy but could also provide further opportunities that could prevail in both neighbourhood and mixed used land use settings.

For example, in Mixed Use/Neighbourhood Zones, Council may wish to consider activities such as, community gardens, reverse vending machines or container deposit scheme collection points, repair café and reuse or sharing facility/shop. While for Business and Industry Zones this could be expanded to also include activities such as material bulking / sorting / storing facilities, material reprocessing and remanufacturing, washing or pelletising facilities, reverse logistics facilities, etc where appropriate.

It is unclear if the current land use terms that apply to permissibility in the LEP potentially restrict circular activities to only IN1 General Industry Zones and thus restrict the delivery of the range of Circular Economy opportunities and employment that could prevail in other zones where appropriate. While this industrial zone would provide an important place for more intensive waste and resource recovery facilities other zones including mixed use - business and light Industrial zones could also help enable less intensive and more appropriate Circular Economy infrastructure and activities to be sited in these locations.

In this regard, Council may want to explore the role of existing land use term definitions to help ensure the zones adequately capture some of these Circular Economy opportunities in each of the zones. For example, the definition of light industrial activity may be able to accommodate some of these activities while the definition of industrial activity could be better explored in other zones. This could also help inform A99 of Council's LSPS that involves investigating appropriate locations for and construct a community recycling centre.

The comments provided below further build upon the above concepts. This also includes suggested new provisions where Circular Economy is an important consideration by Council for new development and provision that help drive design excellence for waste and resource recovery.

## **Suggested amendments and inclusions to provisions in Council's LEP**

### Section 1.2 Recommend the following inclusion in Aims of Plan

To help support planning priorities in Council's LSPS including planning priorities for Council's waterways to be healthy and directions for waste include the following additional aims:

- *to protect, maintain and improve waterway health to achieve the community environmental values and uses for waterways*
- *to contribute to a Circular Economy that recognises waste as a resource and the collection and transport of waste and recycling as an essential service that must be undertaken in a manner that is safe, efficient, cost effective and does not negatively impact on liveability and the environment.*

Such an aim would help recognise Council's future direction for the management of waste to also signal a shift towards a Circular Economy.

### Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential

An important direction in both the District Plan and Council's LSPS is the need to protect existing employment lands, including industrial land uses. Historically many residential areas, such as those across the Georges River LGA, have established in areas that adjoin these industrial land uses. These residential areas have also been undergoing transformation in response to demographic change and housing needs and will only continue to change as proposed in some of the supporting strategies. These areas require planning especially where housing is proposed in areas near industrial/commercial/business lands in order to prevent land use conflict.

While industrial/commercial development has an important role in protecting the amenity of those surrounding sensitive land uses, there is also a reverse need to ensure the planning of these places also considers how the intrinsic value of industrial/business land can be protected in response to surrounding change. If not resolved, the consequence can be conflict where resolution can be challenging to resolve post development. To address this issue its recommended that the following additional objective be placed in the residential zones:

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

### Zone B1 Neighbourhood Centre and Zone B2 Local Centre Zone B3 Commercial Core

Enabling Circular Economy infrastructure opportunities, such as reuse and repair centres, community recycling facilities and reverse vending machines to establish in these zones will be needed to help support the broader community in these places. In this regard the following additional objective is recommended:

- *To encourage the development of Circular Economy infrastructure close to where people live and work that enable the community to reuse, repair, recycle or dispose of their waste at safe, clean and easily accessible facilities.*

Council may wish to explore how the following Circular Economy infrastructure could be provided in these zones. These could include:

*-community garden*

- reverse vending machines or CDS collection point
- repair café
- reuse or sharing facility/shop.

### Zone B4 Mixed Use

There are a range of challenges when delivering mixed use development that require careful planning. This includes increased housing in the vicinity of commercial uses or when delivering a night-time economy. For example, commercial activities can produce a range of noise related impacts (including mechanical ventilation, refrigeration, hotel/live music event noise, sirens and for shopping centers, night-time cleaning/blowers/truck movements). The objectives should include objectives to help deliver development that help prevent land use especially as centres transform over time. Resolving these conflicts once these places are established can be challenging.

In addition, enabling Circular Economy infrastructure opportunities such as reuse and repair centres, community recycling facilities and reverse vending machines to establish in these zones will be needed to help support the broader community in these places.

The following additional objectives are recommended:

- *To encourage the development of Circular Economy infrastructure close to where people live and work that enable the community to reuse, repair, recycle or dispose of their waste at safe, clean and easily accessible facilities*
- *To prevent and minimise any adverse effect of development on amenity and the environment*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Council may wish to explore how the following Circular Economy Infrastructure could be provided in these zones. These could include:

- community garden
- reverse vending machines or CDS collection point
- repair café
- reuse or sharing facility/shop.

### Zone B5 Business Development, Zone B6 Enterprise Corridor and Zone B7 Business Park

Council's LSPS states that the Circular Economy provides an economic opportunity, with new approaches to reusing material and resources in a Circular Economy. Council may want to look at the role of Business Zones to help enable such activities. While the objectives are relatively broad, Council may wish to consider the types of Circular Economy infrastructure and activities that would be permissible in these zones. These could include:

- *reverse vending machines or CDS collection point*
- *repair café*
- *reuse or sharing facility/shop*
- *material bulking, sorting, storing facilities*
- *material reprocessing and remanufacturing*
- *washing or pelletising facilities*
- *reverse logistics facilities.*

### IN2 Light Industrial

Council may wish to explore the role of IN2 Light Industrial in helping to activate these lands in not only the siting of Circular Economy infrastructure but also supporting Circular Economy activities. Council may also want to explore how its zonings for these uses could activate these lands to be Circular Economy hubs. A Circular Economy hub is a collection of businesses that come together on one site so that the by-products of business can be used as a resource in another business closing the loop on material use.

To support Circular Economy the following objectives would be recommended:

- *To encourage a range of uses that support the creation of jobs and new skill sets in a Circular Economy around repair, reuse, recycling, remanufacturing and reprocessing*
- *To support a closed loop industrial ecology network that allows the precinct to circulate and reuse materials, products, energy and water.*

In addition to strengthen the zoning objectives in relation to preventing and minimising potential impacts on the environment, the following additional provision is also recommended:

- *To prevent and minimise any adverse effect of development on the environment.*

Council may wish to consider the role of Light Industrial Land in helping to deliver types of Circular Economy infrastructure and activities that would be permissible in these zones as discussed above in other zones.

## 6.2 Earthworks

The management of demolition waste, including fill materials, requires careful management in order to avoid land pollution and site contamination. Any potential hazards/risks such as asbestos or other contaminants must be fully understood and avoided. Effective measures must be put in place to ensure any fill material is fit for purpose. Controls such as supporting Waste Management Plans should also be required. These Plans should include documentation and validation processes of any fill materials and how waste is sorted and managed, including disposal where required. This includes but is not limited to the developer retaining appropriate documentation of all fill materials received at the site, including information regarding its source and composition.

The EPA has recently released the [Construction and Demolition Waste: a Management toolkit; and Owner's Guide to Lawful Disposal of Construction and Demolition waste](#) that can be referred to as a key guideline in any supporting controls.

To address this matter the following additional consideration should be included:

- n) *That any fill material must be virgin excavated natural material (VENM) or fill that meets all of the conditions of a recourse recovery order issued by the EPA.*

### 6.12 Environmental sustainability in certain business, industrial and residential zones

The following amendment may help to strengthen Council's sustainability direction in the above zone - linked to the *NSW Government Policy for a Circular Economy*. Recognising the Circular Economy principles also expands the range of opportunities/initiatives (for example, improving quality of collected materials and improving sorting of these materials so they are available for re-use, etc) that could be delivered by new development.

(e) *supports the delivery of Circular Economy principles including but not limited to a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation.*

(1) *In this clause: Circular Economy Principles are defined and included in the NSW Circular Economy Policy Statement [NSW Circular Economy Policy Statement Too Good To Waste February 2019](#).*

## 6.11 Design excellence

Council may also wish to consider strengthening its existing provision on waste management in delivering design excellence especially for new Residential Flat or Mixed-Use building. The following provision was developed by WSROC in its work, [Implementation Guidance Document Escalating Waste and Recycling Provisions](#) and is supported by EPA.

- (xviii). *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.*