



24/04/2017

Att'n: The Director, Codes and Approval Pathways

NSW Planning and Environment

By email: codes@planning.nsw.gov.au

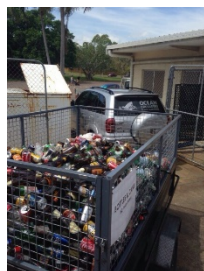
Cc Steve Beaman – NSW EPA

Dear Sir / Madam,

Re: Submission Regarding Proposed Amendments to the 'State Planning Policy (Exempt and Complying Development Codes) 2008 to allow recycling equipment as exempt development to support the Environment Protection Authority's Container Deposit Scheme'

1. We are writing to make comment on the proposed amendments to the SEPP (Exempt and Complying Development Codes) 2008 and generally support and congratulate Planning and Environment NSW and the NSW EPA on what we see as sensible and important amendments to allow the faster development of CDS Collection Centres which will be critical to roll out the collection network within the NSW Government's timelines. We note that RVM operators may have specific issues about size of areas and viability.
2. However following discussions with our legal advisers, Baker and Mackenzie, we wish to particularly comment on an unintended impact on litter and recycling waste containers in public spaces. This is due to the misinterpretation that could arise from the application of 'Mobile Cages' that can only be located in commercial or industrial areas, in the amendment.
3. There are many applications where a 'cage' like structure is already used for the collection of waste and recycling and could be expanded under the CDS. Examples of where 'cages' are used in this manner include:
 - A. Several public place recycling bins are cage like in their appearance – many Surf Life Saving Clubs (particularly in regional and rural towns) have put cages out to collect litter found around their club-house – these are typically sited on the foot walk that fronts the beach or on the club's property boundary – and are rarely located in commercial property or industrial zone. Further, it is our understanding that NSW SLSA is working with several Network Operators to expand these services once the CDS commences to target remnant beverage container litter. Similarly scouts groups and halls may become involved.
 - B. Apex and Lions Clubs (amongst other service clubs) utilise wire cages as a core part of their 'Cash a Can' programs that have been operating for nearly 20 years and are a vital aspect of their existing fundraising activities. Like Surf Clubs many of the Clubs continuing the 'Cash a Can' programs plan to expand once the NSW CDS commences. Typically these cages are smaller than those pictured in the amendment, as examples of mobile cages used for a CDS and are typically located in local council public carparks, sports grounds and schools - not commercial or industrial properties.
 - C. Community Clean Up Events, Bush Regen Groups and volunteers at Clean up Australia Day often arrange for a large cage to be dropped off at parklands, schools and other public places to contain the waste recovered by volunteers.

- D. There is the potential to expand and improve public space bins so there is a separate drink container collection cage or bin, in order to overcome the ongoing problem of contamination with the current 'recycling' bins physically connected to 'garbage' bins (eg in the City of Sydney) or ineffective in their messaging. There will be important litter and recycling gains (a key aim of the CDS). Charities could also benefit if the new infrastructure strongly messages about drink containers as donations.
4. Critically, many charities and local councils are already well advanced on how to capture containers that are currently littered in NSW or placed in waste bins. Our research indicates most people consuming beverage while out in public open spaces will not carry their container until they can redeem but will either dispose of the used container via a bin of some type. Based on the experience in both South Australia and the Northern Territory any 'bin' containing CDS eligible containers are likely to be rifled by youth or disadvantaged people and, subsequently, waste is often spilt from the bin to re-enter the litter stream.
 5. Examples of street bins that can be associated with or even replaced at various sites with a small 'cage' with a secure entry point or based at recreation or social service clubs or be on a trailer - all mobile - are pictured below.



6. The legal problem arises when a council would consider such newly deployed infrastructure or that subject to re-permitting as a 'Mobile Cage' (with its restricted location); or the specific nature of the amendment overrides the more general existing provisions of the SEPP (subsection 39C, Part 2). We are advised both circumstances could prevent new litter and recycling cages or bin-like cages in public spaces.
7. **It is essential that the amendment does not prevent or confuse the continued operation of subsection 39C of the current SEPP. The existing provisions of the SEPP apply to a 'waste storage container installed in a public space' (subsection 39C, Part 2) and are subject to a permit under the Local Government Act.**



8. We believe “Mobile Cages” as described within the ‘Explanation of Intended Effects’ for the SEPP are commonly used in depot based models of CDS and on occasion as a transfer point between an RVM collection centre and the ‘network operator’. They are usually associated with consumer redemption of the refund. As they are described these cages are large sizes handling high volumes of containers and are typically deployed adjacent to or within a CDS Collection Centres or at large scale Commercial and Industrial facilities. Within these applications, the Development Standards proposed are efficient and effective controls.
9. Consequently the proposed amendment should be changed to eliminate any ambiguity between such uses of ‘Mobile Cages’ and other waste storage containers in public spaces. We propose inserting:

"The amendment in relation to mobile cages is not intended to limit the operation of subsection 39C, Part 2' including for cages and cage-like containers.'

Jeff Angel, Director, Boomerang Alliance