

Feedback in Relation to the proposed amendment to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

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Introduction

Federation of Parents and Citizens Associations of New South Wales (P&C Federation) is thankful for this opportunity to contribute feedback regarding the proposed amendment to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the State Policy). P&C Federation supports the position of individual educational and developmental needs met by a range of differential services expressed through appropriate and well planned curricula, programs and environments conducted by sensitive and well-trained personnel in conjunction with parents and families. It is essential that school staff, parents and the Government work in partnership to ensure that the needs of each student in the Public Education system are met.

The core belief of P&C Federation is that the education of our children and youth is the most fundamental means of ensuring individual and collective success and, as a result, our greatest national resource.

P&C Federation's response to the proposed amendment is guided by its commitment to maximise the quality of school environments for students and for school community members generally. To this end, P&C Federation supports the New South Wales Government's goal to reduce the volume of litter in the state by 40% by the year 2020. The NSW Environmental Protection Agency (EPA) had pledged funding for recycling infrastructure and equipment for commercial and industrial bodies in its *Waste Less, Recycle More* initiative, which includes public schools.¹ A 2013 study found that waste produced by educational establishments in New South Wales comprised the majority of waste produced by educational establishments nationally.² P&C Federation broadly welcomes the proposed amendment as a means of ameliorating this and considers a ten cent refund a commendable incentive to encourage recycling in schools. At the same time, a commitment to the quality of school environments also behoves P&C Federation to identify any proposed changes that may be unintentionally detrimental to school communities, and this has also guided our response.

Feedback to proposed amendment

Fixed Single Reverse Vending Machines (RVMs)

P&C Federation supports the proposal to classify fixed single RVMs as exempt developments in the State Policy. It is also commendable that RVMs may not contain any advertising other than the details of the organisation/person that operates it. We note that RVMs currently operating around the City of Sydney often offer rewards such as free movie tickets, which would not be appropriate in a school setting, and P&C Federation emphasises that the reward for depositing a beverage container should be limited to the 10 cent refund.

There are several other factors that should be considered in preparing the amendment or the Design Guide. In order for fixed single RVMs to be maximally useful, they should be in close proximity (e.g. within 150 metres) to where beverages are purchased or to an eating area where they may be consumed. Care should also be taken to ensure they are on a level surface and on a clearly accessible

¹ NSW Environmental Protection Agency. 2014. *NSW Waste Avoidance and Resource Recovery Strategy 2014–21* at <http://www.epa.nsw.gov.au/resources/wastestrategy/140876-WARR-strategy-14-21.pdf>

² Victoria Department of Sustainability, Environment, Water, Population and Communities. 2013. *A study into commercial & industrial (C&I) waste and recycling in Australia by industry division*. Page 92.

wall. An evaluation of current RVMs by the City of Sydney also noted that they frequently require emptying and cleaning, and that “Continual monitoring of the RVMs ...was required to ensure that any technical issues that arose were dealt with in a timely fashion and the machines remained functional.”³ Untimely emptying or repairs may result in RVMs remaining full and/or unusable for prolonged periods, and users may consequently leave beverage containers next to the RVMs if they are unable to use them. This may pose health and safety hazards in school environments (e.g. if glass beverage containers are left in the open). Any regulations around RVMs should therefore clearly stipulate how frequently emptying, monitoring and servicing shall take place. For example, the use of a centralised electronic monitoring system to allow for timely responses should be explored, if none currently exists. Moreover, there is an inherent risk that RVMs will attract vandals and thieves, which is a particularly unwanted risk in school environments. For this reason, there should be provisions in the proposed amendment or Design Guide which directly address this risk.

There is also a possible discrepancy between the RVMs currently operating in the City of Sydney and what is proposed in the Container Deposit Scheme. Section 22(1) of the *Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Act 2016* defines a container as “a container that is designed to contain a beverage and to be sealed (when filled with the beverage) for the purposes of transport or storage before its sale, or delivery, for the use or consumption of its contents.” However, the current RVMs in the City of Sydney are designed specifically for aluminium cans and polyethylene terephthalate (PET) plastic bottles, which would exclude recyclable beverage containers such as milk cartons and glass bottles. The Scheme should apply to all recyclable beverage containers, and P&C Federation seeks clarification on precisely what materials will be eligible for the Scheme.

Fixed Multiple Reverse Vending Machines (RVMs)

Although P&C Federation believes fixed single RVMs should be in close proximity to where beverages are purchased or to an eating area where they may be consumed (see above), such a requirement may be less feasible for a bank of fixed multiple RVMs due to the larger amount of space they occupy. This requirement should therefore be limited to fixed single RVMs and possibly to mobile RVMs (see below). The proposed amendment’s Explanation of Intended Effect (EIE) also states that the fixed multiple RVMs should occupy no more than 3 parking spaces if located in a private carpark, however P&C Federation sees no reason why this applies only to private carparks.

Mobile Reverse Vending Machines (RVMs)

The EIE states that mobile RVMs are only for temporary use, such as for a temporary/outdoor event. This could well apply to events organised by P&C Associations, and P&C Federation therefore supports covering mobile RVMs within the exempt category.

Mobile Cages

The EIE states that mobile cages storing cans or bottles for recycling may only be in a carpark area, or in a commercial or industrial (C&I) zone. Public schools with limited space (such as those in inner city

³ City of Sydney.2016. *Reverse Vending Machine Trial: Project Evaluation Report*. Page 24– at http://www.cityofsydney.nsw.gov.au/data/assets/pdf_file/0006/262149/Reverse-Vending-Machine-Evaluation-Report-V2-accessible.pdf

areas) may not have sufficient space to hold these cages, and they may be compelled to enter into an operational relationship with a nearby public authority or C&I organisation to store recyclable beverage containers. This is potentially an extra administrative burden on public schools who wish to participate in the Container Deposit Scheme, P&C Federation therefore suggests that the network operator should be the one responsible for organising any such arrangement. The EIE also states that the cages should occupy no more than 3 parking spaces if located in a private carpark, however P&C Federation sees no reason why this applies only to private carparks.

Front End Machines Inserted into Walls

The only recycling equipment not classified as exempt development under the proposed amendment is front end machines inserted into walls with a concealed back end for recycling and collection, which is classified as complying development. However, Division 1.16(3) of Part 1 of the State Policy states that “Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development for the purposes of this Policy”, as long as such a building has a current fire safety certificate/fire safety statement, or as long as no fire measures are required for the building. Certain school infrastructure such as assembly halls and classrooms may fall under Class 9b in the *Building Code of Australia*, and it would thus be preferable for front end machines in relation to such buildings to be exempt developments. Although the Commercial and Industrial Alterations Code currently states that internal alterations are complying developments in buildings used for any purpose other than residential accommodation, heavy industry, sex services premises or restricted premises, P&C Federation nonetheless urges for front end machines to be exempt developments when placed in Class 9b school buildings.