

Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	27/09/2016	24/10/2016	Amended

Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined as though the provisions of this section did not apply.

Land to which this section applies

This section applies to all land to which Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

Development (type/s) to which this section applies

This section applies to all development requiring consent, which is likely to create waste, including demolition, construction or change in use.

Applicable environmental planning instruments

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Related sections

- Nil

Associated technical manual/s

For all development:

- *Newcastle Waste Management Technical Manual 2011*, The City of Newcastle.
- *Model Waste Not DCP Chapter 2008*, Department of Environment and Climate Change NSW (now Office of Environment and Heritage)

For residential development:

- *Better Practice Guide for Waste Management in Multi-unit Dwellings*, June 2008, Department of Environment and Climate Change NSW (now Office of Environment and Heritage)

Additional information

- NSW Office of Environment and Heritage website, Waste and resource recovery
- Workcover NSW website

Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.0 – Glossary, of this plan and include:

- **Waste** - includes any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment; or any discarded, rejected, unwanted, surplus or abandoned substance; or any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance; or any substance prescribed by the regulation to be waste for the purpose of the Waste Minimisation and Management Act 1995
- **SWMMP** - Site Waste Minimisation and Management Plan.

Aims of this section

1. To facilitate sustainable waste management within the local government area in a manner consistent with the principles of ESD.
2. To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan.
3. To assist applicants to develop systems for waste management that ensure waste is transported and disposed of in a lawful manner.
4. To provide guidance in regards to space, storage, amenity and management of waste management facilities for new development.

Note: Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. Sustainable resource management and waste minimisation has emerged as a priority action area and a key in the quest for Ecologically Sustainable Development (ESD). Critical actions in this regard include the following (moving from most desirable to least desirable):

- avoiding unnecessary resource consumption
- recovering resources for reuse
- recovering resources for recycling or reprocessing
- disposing of residual waste (as a last resort).

The building and construction industry, in particular, is a major contributor to waste, hence the implementation of effective waste minimisation strategies has the potential to significantly reduce these volumes. Effective waste planning and management can also benefit the builder/developer. Some of the benefits of good waste planning and management include reduced costs, improved workplace safety, enhanced public image and compliance with legislation such as the *Protection of the Environment Operation Act 1997* that requires waste to only be transported to a place that can lawfully accept it.

Note: Storage and disposal of liquid waste, such as oils and chemicals, are not covered by this section.

7.08.01 General requirements

Objectives

1. Minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.
2. Minimise demolition waste by promoting adaptability in building design and focussing upon end of life deconstruction.
3. Encourage building designs, construction and demolition techniques in general which minimise waste generation.
4. Maximise reuse and recycling of household waste and industrial/commercial waste.
5. Ensure waste management systems are compatible with collection services.
6. Minimise risks associated with waste management at all stages of development.

Controls

General controls applying to all development to which this section applies

1. All development applications (including demolition, construction and the ongoing use of a site/premise) are to include a SWMMP within their Statement of Environmental Effects demonstrating compliance with this section's requirements.
2. In addition to submission of a SWMMP (as part of the Statement of Environmental Effects), the waste management facilities, proposed as part of the development, clearly illustrated on the plans of the proposed development, accompanying the development application (DA).
3. The SWMMP nominates:
 - (a) volume and type of waste and recyclables to be generated
 - (b) storage and treatment of waste and recyclables on site
 - (c) disposal of residual waste and recyclables
 - (d) operational procedures for ongoing waste management once the development is complete.
4. The SWMMP details the method of recycling or disposal and the waste management service provider.

Note: In the absence of project specific calculations, the rates specified in the Waste Management Technical Manual and Council's current rate of provision of services to residential properties can be used to inform the compilation of a SWMMP.

Note: The Technical Manual provides a 'Standard Site Waste Minimisation and Management Plan for Demolition, Construction and Alteration of Dwelling Houses', which can be nominated as the applicant's SWMMP for this form of development. A template for the compilation of a SWMMP is also provided for all other forms of development.

7.08.02 Demolition and construction

Objectives

The principal objective of managing this activity is to maximise resource recovery and minimise residual waste from demolition and construction activities by

1. Optimising adaptive reuse opportunities of existing building/structures.
2. Maximise reuse and recycling of materials.
3. Minimise waste generation.
4. Ensure appropriate storage and collection of waste.
5. Minimise the environmental impacts associated with waste management.
6. Avoid illegal dumping.
7. Promote improved project management.

Note: The demolition and construction stages of development provide great scope for waste minimisation. Applicants are actively encouraged to consider possible adaptive reuse opportunities of existing buildings/structures, reuse of materials or parts thereof.

Controls

Controls applying to all development to which this section applies

1. The SWMMP within the Statement of Environmental Effects includes details which demonstrate an allocated area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).
2. Site disturbance is minimised by limiting unnecessary excavation where materials are not to be used on site as part of developments.
3. The SWMMP incorporates the following requirements:
 - (a) separate collection bins or areas for the storage of residual waste are provided and clearly signposted
 - (b) footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval
 - (c) any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act 1997*
 - (d) waste is only transported to a place that can lawfully be used as a waste facility
 - (e) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the Office of Environment and Heritage and relevant Occupational Health and Safety legislation administered by WorkCover NSW

- (f) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained and are readily accessible for inspection by regulatory authorities such as Council, NSW Office of Environment and Heritage or WorkCover NSW
 - (g) arrange contractors for the transport, processing and disposal of waste and recycling and ensure that all contractors are aware of the legal requirements for disposing of waste
 - (h) estimate volumes of materials to be used and incorporate these volumes into a purchasing policy so that the correct quantities are purchased. For small-scale building projects see the rates in the 'Waste Management Technical Manual' for a guide
 - (i) identify potential reuse/recycling opportunities of excess construction materials
 - (j) incorporate the use of prefabricated components and recycled materials
 - (k) arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage
 - (l) measures shall be implemented to prevent damage by the elements, odour and health risks, and windborne litter.
4. Any demolition necessary is carried out in accordance with 'AS 2601—2001, The Demolition of Structures'.
 5. Handling, management and disposal of asbestos complies with WorkCover NSW requirements. The NSW WorkCover Authority's *Working with Asbestos Guide 2008* recommends a range of work procedures for dealing with bonded asbestos material including asbestos cement. This document may be obtained from the following NSW WorkCover Authority website: www.workcover.nsw.gov.au
 6. A garbage receptacle is provided at the work site before works begin and must be maintained until the works are completed.

7.08.03 Operational waste

A. Residential development

Objectives

1. Encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.
2. Ensure waste management systems are as intuitive for occupants as possible and are readily accessible.
3. Ensure appropriate resourcing of waste management systems, including servicing.
4. Minimise risk to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
5. Minimise adverse environmental impacts associated with waste management.

6. Discourage illegal dumping by providing on site storage, and removal services.

Note: The design of waste and recycling storage areas within dwellings and property affects ease of use, amenity, movement and handling of waste for the life of the development. Multiple households within the property increase challenges with regard to waste volumes, ease of access and operation of waste sorting and removal systems. Resources such as the 'Better Practice Guide for Waste Management in Multi-Unit Dwellings' should be used to inform design of multi-unit dwellings.

Controls

Controls applying to all residential development to which this section applies

1. The required SWMMP includes plans which show location of:
 - (a) an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling
 - (b) an identified on-site location for a compost container
 - (c) an identified kerbside collection point for the collection and emptying of Council's waste, recycling and garden waste bins
 - (d) storage of waste containers to avoid vandalism, nuisance and adverse visual or odour impacts
 - (e) easily accessible waste storage area with unobstructed access to Council's usual collection point, minimising the distance of travel.
2. The placement of bins for collection at the nominated collection point should ensure adequate traffic and pedestrian safety is maintained.

Controls applying to all residential development to which this section applies (excluding dwelling houses)

3. Demonstrate on plans submitted with the SWMMP the following details:
 - (a) the location of individual waste/recycling storage areas (such as for townhouses and villas) or communal waste/recycling storage facilities in the form of a waste/recycling storage room/s is provided and designed in accordance with the 'Waste Management Technical Manual' and the 'Better Practice Guide for Waste Management in Multi-Unit Dwellings' (indicative bin sizes are shown in the Technical Manual)
 - (b) the waste/recycling storage area(s) or room(s) are of a size that can comfortably accommodate separate garbage, recycling and garden waste containers at the rate of Council provision
 - (c) space is provided for an individual compost container for each dwelling (such as in townhouse and villa developments) or for a communal compost container; the siting of which will have regard to potential amenity impacts
 - (d) the location of any garbage chute(s), interim storage facilities and any service rooms (for accessing a garbage chute) for waste and recyclable materials
 - (e) the on-site path of travel for collection vehicles (if collection occurs on-site), taking into account accessibility, width, height and grade

- (f) waste management systems are designed and operated to prevent the potential risk or injury or illness
 - (g) for multi-storey developments that include 10 or more dwellings, a dedicated room or caged area is provided for the temporary storage of discarded bulky items which are awaiting removal. The storage area is readily accessible to all residents and must be located close to the main waste storage room or area.
 - (h) service rooms and storage areas is located for convenient access by users and must be well ventilated and well lit
 - (i) residents have access to a cold water supply for the cleaning of bins and the waste storage areas. Storage areas are constructed and designed to be weather proof and easy to clean, with wastewater discharged to sewer.
4. Where site characteristics, number of bins and length of street frontage allow, bins may be collected from a kerbside location. In instances where kerbside bin collection is not appropriate, bins are collected on-site. Bins that are collected on-site are to be collected either from their usual storage point or from an on-site temporary holding area located inside the property boundary and close to a property entrance.
 5. Where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property boundary, the development is designed to allow for on-site access by garbage collection vehicles (of dimensions detailed in the 'Waste Management Technical Manual'). In these instances, the site is configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles is of sufficient strength to support such vehicles.
 6. Where a collection vehicle is required to enter a property, access driveways and internal roads are designed in accordance with 'Australian Standard 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities – 2002'.
 7. The design and location of waste storage areas/facilities compliments the design of both the development and the surrounding streetscape.
 8. Developments containing four or more storeys are provided with a suitable system for the transportation of waste and recyclables from each storey to waste storage/collection areas.
 9. Garbage chutes where included, are designed in accordance with the 'Waste Management Technical Manual', the 'Building Code of Australia' and 'Better Practice Guide for Waste Management in Multi- Unit Dwellings'. Garbage chutes are not suitable for recyclable materials and are therefore clearly labelled to discourage improper use. Alternative interim disposal facilities for recyclables should be provided at each point of access to the garbage chute system.

B. Commercial, mixed use and industrial development

Objectives

1. Ensure appropriate waste storage and collection facilities.
2. Maximise source separation and recovery of recyclables.

3. Ensure waste management systems are as intuitive for occupants as possible and readily accessible to occupants and service providers.
4. Ensure appropriate resourcing of waste management systems, including servicing.
5. Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.
6. Minimise adverse environmental impacts associated with waste management.
7. Discourage illegal dumping by providing on-site storage, and removal services.

Note: A range of non-residential uses present an array of unique waste minimisation opportunities and management requirements. Flexibility in size and layout is often required to cater for the different needs of multiple tenants as well as future changes in use.

Controls

Controls applying to all commercial, mixed use and industrial development to which this section applies

1. The required SWMMP shall include plans which demonstrate:
 - (a) the location of the designated waste and recycling storage room(s) or areas, sized to meet the waste and recycling needs of all tenants
 - (b) development includes a designated waste/recycling storage area or room(s) (designed in accordance with the 'Waste Management Technical Manual')
 - (c) the path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area). Step-free access is provided between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s)
 - (d) the on-site path of travel for collection vehicles (if collection is to occur on-site)
 - (e) depending upon the size and type of the development, it may be necessary to include a separate waste/recycling storage room/area for each tenancy
 - (f) all tenants keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of the waste and recyclables that are generated on site
 - (g) waste management facilities are suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system
 - (h) where possible, waste/recycling containers are collected from a rear lane access point
 - (i) the size and layout of the waste/recycling storage room/area are capable of accommodating reasonable future changes in use of the development
 - (j) a waste/recycling cupboard is provided for each and every kitchen area in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials

- (k) premises that discharge trade wastewater do so in accordance with a written agreement from the local sewer authority (Hunter Water Corporation)
- (l) premises which generate at least 50L per day of meat, seafood or poultry waste have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection
- (m) arrangements are in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners are made aware of their obligations in regards to these matters
- (n) any garbage chutes are designed in accordance with the requirements of the 'Waste Management Technical Manual', the 'Building Code of Australia' and 'Better Practice Guide for Waste Management in Multi-Unit Dwellings'. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

Controls applying to mixed use development to which this section applies

In addition to the general requirements of this section, the SWMMP demonstrates the following for a mixed use development:

2. Mixed use development incorporates separate and self-contained waste management systems for the residential component and the non-residential component. In particular, the development incorporates separate waste/recycling storage rooms/areas for the residential and non-residential components.
3. Commercial tenants are prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.
4. The residential waste management system and the non-residential waste management system are designed to efficiently operate without conflict. For example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping.

Controls applying to industrial development to which this section applies

In addition to the general requirements of this section, the SWMMP demonstrates the following for industrial development:

5. Waste is separated into at least four streams:
 - a) paper/cardboard
 - b) recyclables
 - c) general waste
 - d) industrial process type wastes.
6. Evidence of compliance with relevant industrial waste laws/protocols. For example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the *Protection of the Environment Operations Act 1997*.

7. Production, storage and disposal of hazardous wastes (such as contaminated or toxic material or products) require particular attention. The appropriate laws and protocols should be observed.

Note: Industrial developments typically produce a diverse range of waste products. Some of these waste products may be hazardous and require compliance with established laws/protocols that are additional to this section. Other waste products are similar in nature to commercial and domestic waste streams. Mixing waste products limits potential reuse and recycling opportunities and may distribute toxic material through a larger volume of wastes.