

Item 6.

Policy - Post Exhibition - Energy and Waste Amendment 2018 - Sydney Development Control Plan 2012 and Green Square Town Centre Development Control Plan 2012

File No: X004692.007

Summary

Managing our city's impact on the environment and adapting to climate change is a crucial part of making our city more resilient. The planning control amendments in this report will ensure the City's planning framework continues to deliver the strategic directions under Sustainable Sydney 2030 and address the actions found within the City's Environmental Action 2016-2021 Strategy and Action Plan, specifically relating to low-carbon city and zero waste city. The amendments will help deliver desirable environmental, social and economic outcomes from development.

This report presents the outcomes of the public exhibition of draft Sydney Development Control Plan 2012 and Green Square Town Centre Development Control Plan 2012 – Energy and Waste Amendment 2018, and the Guidelines for Waste Management in New Developments (the Guidelines). This report recommends Council approve the proposed amendments and adoption of the Guidelines.

The exhibited amendments to the Sydney Development Control Plan 2012 (Sydney DCP) and to the Green Square Town Centre Development Control Plan 2012 (Green Square Town Centre DCP) include:

- (a) introducing a requirement for Base Building National Australian Built Environment Rating Scheme (NABERS) Energy Commitment Agreements for new commercial office buildings, and major commercial office refurbishments, over 1,000 square metres to Sydney DCP 2012 and Green Square Town Centre DCP 2012;
- (b) updating introductory text to Section 3.6 Ecologically Sustainable Development of Sydney DCP 2012; and
- (c) updating provisions in Sydney DCP 2012 that relate to storage and management of waste to align with the draft Guidelines for Waste Management in New Developments, which replaces the Policy for Waste Minimisation in New Developments 2005.

The Guidelines have been developed to update and replace the existing Policy for Waste Minimisation in New Developments 2005.

In April 2018, Council approved the amendments and Guidelines for public exhibition. The amendments and Guidelines were exhibited from 30 April to 28 May 2018.

Six submissions were received, and no objections are raised by the submissions. Submissions are supportive of the planning controls and the Guidelines which strengthen the sustainability performance of buildings. A summary table of the submissions and the officer's response is shown at Attachment A.

The revised Sydney Development Control Plan 2012 and Green Square Town Centre Development Control Plan 2012 - Energy and Waste Amendment 2018, shown at Attachment C, and the Guidelines, shown at Attachment D, contain recommended amendments to reflect the outcomes of the public consultation. Post exhibition updates are shown with ~~striketrough~~ and additions ~~shaded~~. A summary table of the recommended post exhibition amendments is shown at Attachment B.

Recommendation

It is resolved that:

- (A) Council note matters raised in response to the public exhibition, as shown at Attachment A to the subject report;
- (B) Council approve Sydney Development Control Plan 2012 and Green Square Town Centre Development Control Plan 2012 – Energy and Waste Amendment 2018, as shown at Attachment C to the subject report;
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to Sydney Development Control Plan 2012 and Green Square Town Centre Development Control Plan 2012 – Energy and Waste Amendment 2018 to correct drafting errors prior to finalisation;
- (D) Council approve the Guidelines for Waste Management in New Developments, as shown at Attachment D to the subject report; and
- (E) Council rescind the Policy for Waste Minimisation in New Developments 2005 as it applies to development applications lodged after the formal adoption of the Guidelines referred to in Attachment D.

Attachments

- Attachment A.** Summary of Submissions and City of Sydney Response
- Attachment B.** Summary Table of Post Exhibition Amendments
- Attachment C.** Sydney Development Control Plan 2012 and Green Square Town Centre Development Control Plan 2012 - Energy and Waste Amendment 2018
- Attachment D.** Guidelines for Waste Management in New Developments
- Attachment E.** Resolution of Council - 16 April 2018

Background

1. This report presents the outcomes of the public exhibition of the draft Sydney Development Control Plan 2012 and draft Green Square Town Centre Development Control Plan 2012 – Energy and Waste Amendment 2018, and the draft Guidelines for Waste Management in New Developments. This report recommends that Council approve the amendments and adopt the Guidelines.
2. In April 2018, Council approved the draft amendments and Guidelines for public exhibition. The amendments and Guidelines were exhibited from 30 April to 28 May 2018. Documents were made available on the City's website and a public notice was placed in the Sydney Morning Herald on 30 April, Inner West Courier and Southern Courier on 1 May and Central and Wentworth Courier on 2 May 2018. An article regarding the draft amendments was run in the digital Fifth Estate and shared across LinkedIn. Positive shares of the article on LinkedIn drew over 250 likes. The 'Sydney Your Say' website had a total of 235 visitors. Stakeholders who were engaged prior to the Council report were advised of the exhibition and invited to comment.
3. The draft amendments and the Guidelines will ensure the City's planning framework continues to deliver the strategic directions under Sustainable Sydney 2030 and address the actions found within the City's Environmental Action 2016-2021 Strategy and Action Plan and the City of Sydney Operational Plan 2017/18. The amendments and the Guidelines will help deliver desirable environmental, social and economic outcomes from development.

Sydney DCP 2012 and Green Square Town Centre DCP 2012

4. The draft amendments to the Sydney DCP 2012 and the Green Square Town Centre DCP 2012 aim to:
 - (a) strengthen the application of ecologically sustainable development principles in new developments and major refurbishments;
 - (b) improve the clarity of existing ecologically sustainable development provisions; and
 - (c) align waste provisions to the draft Guidelines for Waste Management in New Developments.
5. The key purpose of the DCP amendments is to:
 - (a) Amendment 1 - introduce a requirement for Base Building National Australian Built Environment Rating Scheme (NABERS) Energy Commitment Agreements for new commercial office buildings and major commercial office refurbishments of 1,000 square metres or more;
 - (b) Amendment 2 - update introductory text to Section 3.6 Ecologically Sustainable Development of Sydney DCP 2012; and
 - (c) Amendment 3 - update waste provisions to align with the Guidelines for Waste Management in New Developments replacing the Policy for Waste Minimisation in New Developments 2005.

Guidelines for Waste Management in New Developments

6. The Guidelines have been developed to update and replace the existing Policy for Waste Minimisation in New Developments 2005. The Guidelines provide the minimum waste management requirements for all new and change-of-use developments requiring consent. The Guidelines also reflect current waste generation rates, waste consumption patterns, and the need for increased recovery rates to meet City targets and to reduce waste being illegally dumped in public places.
7. The outcomes of the public exhibition and the key implications are discussed below. A summary of submissions and the officer's response is shown at Attachment A to this report. A table detailing the rationale for each post exhibition amendment is shown at Attachment B to this report.
8. This report recommends Council approve the amendments and adopt the Guidelines.

Key Implications

Outcomes of public exhibition

9. The City received six submissions. The submissions are summarised and addressed at Attachment A.

Key issues raised in submissions

Energy

10. All submissions that relate to the energy component of the amendment support the increased energy efficiency measures.
11. A key suggestion is for the City to consider investigating the scope for encouraging developers to go beyond a commitment to a NABERS Energy rating. The submission suggests the use of additional rating tools to enable assessment of the total environmental performance of buildings, not only energy.
12. The City acknowledges other rating tools are available which are more holistic in their approach to environmental performance of buildings. However, these additional rating tools are managed by non-government organisations and further investigation is required prior to proposing the endorsement of these tools.
13. The City's Environmental Action 2016–2021 Strategy and Action Plan contains an action to investigate the inclusion of additional NABERS Commitment Agreements into the City's planning controls as they become available, which in the future could relate to waste, water and indoor environment quality. Inclusion of future NABERS Commitment Agreements when developed may satisfy the submission's suggestion.
14. Nevertheless, the City will also investigate additional tools which have a high level of independence and quality, have been developed collaboratively between industry and government and have had wide take up, hold an ISO 9000 Quality Management Certification and have certifications governed by the Competition and Consumer Act. These tools would need to meet and/or exceed the performance results of a NABERS Commitment Agreement.

Waste

15. Submissions that related to the waste component of the amendment are positive to the changes.
16. Aspects of submissions relate to matters that are beyond the scope of the planning controls and the Guidelines. These are noted in Attachment A. Some submissions relate to providing preference of specific waste technologies over others. The Guidelines allow for alternative waste options and it is a developer's responsibility to research suitable waste management options.
17. Some clarifications and further referencing of the Guidelines in Sydney DCP 2012 are suggested. These suggestions are supported as they improve the clarity of the controls and are recommended.

Post exhibition changes

18. Recommended changes to the amendments and Guideline result from:
 - (a) outcomes of the public exhibition;
 - (b) further assessment of Base Building NABERS Energy ratings for the refurbishment or change-of-use of existing buildings; and
 - (c) minor typographical errors.
19. A recommended change to the energy rating requirement for an application involving alterations, additions, refurbishments or change-of-use to existing premises acknowledges the built-in constraints of existing buildings. Applications must work with existing building orientation, window systems and facades. Applications involving the refurbishment of existing buildings as offices are unable to routinely meet the high performance goals of a new-build. Therefore, a five star commitment for development applications involving existing buildings is considered more appropriate compared to a new-build at five and half stars.
20. Additional recommended changes are not substantial in nature and do not affect the purpose or intent of the clauses or documents.
21. A summary of the changes to the draft amendments and Guidelines are shown at Attachment B.
22. The revised Sydney Development Control Plan 2012 and Green Square Town Centre Development Control Plan 2012 - Energy and Waste Amendment 2018, shown at Attachment C, and the Guidelines, shown at Attachment D, are updated to reflect the outcomes of the public consultation. Post exhibition updates are shown with ~~strikethrough~~ and additions **shaded**.

Strategic Alignment – Eastern City District Plan

23. The Eastern City District Plan provides detailed planning priorities and actions for the Eastern City District. This DCP amendment is consistent with:
- (a) Planning Priority E19 – Reducing carbon emissions and managing energy, water and waste efficiently.
 - (i) Amendment 1 - the amendment will directly reduce greenhouse gas emissions through more energy efficient building design in the commercial office sector.
 - (ii) Amendment 3 - the amendment will reduce waste to landfill through improved waste recovery, and reduce greenhouse gas emissions associated with organic waste in landfill.
 - (iii) Amendment 3 - the amendment and Guidelines include new development requirements for buildings to function better and promote sustainability in relation to how tenants and residents manage their waste.

Strategic Alignment - Sustainable Sydney 2030 Vision

24. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This DCP amendment is aligned with the following strategic directions and objectives:
- (a) Direction 2 provides a road map for the City to become A Leading Environmental Performer - the amendment assists in meeting the City's targets that include reducing greenhouse gas emissions across the City of Sydney.
 - (i) Amendment 1 - the amendment will directly reduce greenhouse gas emissions through more energy efficient building design in the commercial office sector.
 - (ii) Amendment 3 - the amendment will reduce waste to landfill through improved waste recovery, and reduce greenhouse gas emissions associated with organic waste in landfill.
 - (b) Direction 9 - Sustainable Development, Renewal and Design - the amendments facilitate ecologically sustainable development by seeking to manage the effects of development on the environment.
 - (i) Amendment 1 - the amendment will directly reduce greenhouse gas emissions through more energy efficient building design in the commercial office sector.
 - (ii) Amendment 3 - the amendment and Guidelines include new development requirements for buildings to function better and promote sustainability in relation to how tenants and residents manage their waste.
 - (c) Direction 10 - Implementation through Effective Governance and Partnerships - the amendment allows for a more user-friendly document for the community, proponents and Council.

Organisational Impact

25. One aim of the DCP amendments is to achieve greater clarity and consistency in the application of the provisions. This can improve the process of assessment of development applications.

Social / Cultural / Community

26. The proposed amendments will provide the community and proponents with clearer and more comprehensive development controls.

Amendment 3 - Waste

27. These amendments will have positive benefits to the community by reducing illegal dumping and improving public amenity. The amendments ensure that more space is provided for waste, especially in larger buildings and non-residential developments, and help ensure the space is more accessible and better able to be used by residents and tenants.

Relevant Legislation

28. The Environmental Planning Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2000 outline the requirements for amending a Development Control Plan.
29. Building Energy Efficiency Disclosure Act 2010 (Commonwealth) establishes the Commercial Building Disclosure program, and the Building Energy Efficiency Register.
30. The Protection of the Environment Operations Act 1997 gives the Environment Protection Authority (EPA) NSW its regulatory powers, setting out offences relating to environmental damage, including littering, pollution and improper waste management.
31. The Waste Avoidance and Resource Recovery Act 2001 requires the EPA to develop waste strategies that include targets for waste reduction, resource recovery and diversion of waste from landfill disposal, and gives the EPA power to request councils to report on their compliance with the current waste strategy. The City of Sydney's waste targets align with the NSW Waste Avoidance and Resource Recovery Strategy 2014-21, and Amendment 3 contains measures to meet these targets.

Critical Dates / Time Frames

32. If approved, the amendments to Sydney DCP 2012, Green Square Town Centre DCP 2012 and the new Guidelines will be uploaded to the City's website. Council is required to give public notice of its decision in a local newspaper within 28 days after the decision is made.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Dustin Moore, Specialist Planner - Strategic (Sustainability)