



Ms Kiersten Fishburn
Secretary
Department of Planning, Housing and Infrastructure
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By email: economic.policy@dpie.nsw.gov.au

19 December 2025

Dear Minister

Re: Feedback on proposed changes to waste and resource recovery planning controls

Thank you for the opportunity to provide feedback on [the draft Consultation Paper](#) proposing changes to waste and resource recovery planning controls to help address challenges created by new food organics and garden organics (FOGO) requirements.

The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia's \$21 billion waste and resource recovery (WARR) industry. With more than 2,300 members from over 400 entities nationwide, we represent the breadth and depth of the sector, including representation from business organisations, the three (3) tiers of government, universities, and Non-Government Organisations (NGOs), including research bodies. Our members are involved in a range of important WARR activities within the Australian economy, including infrastructure investment and operations, collection, manufacturing of valuable secondary raw products from resource recovery, energy recovery as well as community engagement, behaviour change and education. Being at the forefront of the ongoing evolution towards whole-of-system action and the development of a circular economy, WMRR strongly advocates for a systems-based approach to safely managing materials in Australia to prolong life and mitigate carbon impacts. This includes fierce advocacy for the waste and resource management hierarchy, which promotes avoidance of waste, using less for longer, through the diversion of materials from landfill by design for reuse, recovery, recycling and composting of resources. Over a third of our membership is based in NSW, where our sector directly contributes more than \$4 billion per annum to the State's economy and directly employs more than 8,500 workers.

From 2030, all households in NSW must be offered a FOGO collection service. This requirement affects existing residential flat buildings (MUDs), which often have limited space for additional bins, and requires new developments to plan for adequate storage and management of FOGO waste. The targeted changes outlined in the paper are intended to streamline necessary modifications while maintaining safety and environmental standards to:

- Better facilitate minor changes to bin enclosures for residential developments as complying development;
- Create a new standard mandatory clause for local environmental plans regarding waste minimisation and resource recovery;

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- Allow community recycling facilities as permitted without consent if carried out by or on behalf of a public authority; and,
- Require commercial and industrial developments to comply with DCP controls when a change of use occurs.

WMRR generally supports the proposed standards as appropriate and achievable but seeks further refinement of the general principles discussed in the consultation paper to ensure that they address several key concerns. In particular:

- Bin room standards must ensure these areas are permanently retained for waste storage and not repurposed.
- As not all bin rooms can be serviced from the street, provisions must also allow for truck access to enter sites for collection, including requirements for vehicle height, width and turning capacity. This is particularly the case for some larger MUD sites, where existing bin rooms are accessed via underground parking, and collection vehicles may enter the carpark for collection, or collect from a common area on site such as a driveway. Safe vehicle access must be maintained for these sites despite increased bin numbers and an increased footprint for the bin storage and/or collection area.
- Clear minimum standards for bin room sizes and collection vehicle access should be embedded in Local Environmental Plans (LEPs), rather than relying solely on general waste minimisation principles. Given that IPART determined that no limit will apply to the extent to which councils may vary their Domestic Waste Management (DWM) annual charges from 1 July 2026 to 30 June 2027 - reflecting the ongoing transition required to meet the NSW Government mandate to provide Food and Garden Organics (FOGO) services by 2030 - DWM charges may vary to reflect differences in service scope and collection frequency across local government areas. With this in mind, state planning controls should support all domestic waste collection services, irrespective of public or private given all households are obliged to pay a domestic waste management (DWM) charge and should be entitled to a high level of service delivery. Furthermore, WMRR notes that the NSW EPA does have an exemption pathway available which would suit those instances where a separate collection cannot safely be physically accommodated.
- These stronger minimum standards should be included in LEPs and apply to both municipal solid waste and commercial waste – noting that there are source separated collection mandates for organics for commercial / businesses as well as households, which take effect in July 2026.

WMRR's responses to the consultation questions can be found at [Annexure A](#). Please contact the undersigned if you wish to further discuss WMRR's submission.

Yours sincerely



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Submission: Responses to the Consultation Questions

Better facilitate minor changes to bin enclosures for residential developments as complying development.	
1. Are these changes appropriate to facilitate most modifications to garbage bin storage enclosures as complying development that may be necessary to meet the FOGO mandates?	Yes. In WMRR's view, the key challenges for existing MUDs to enable safe collection of FOGO material are: • Modifications for establishing wet rooms or reconfiguring or expanding bin bays to manage increased number of bins, as well as odour and vermin, • Providing resident access to bin rooms/enclosures previously serviced only by chutes, and • Ensuring suitable collection vehicle access to bin bays, including adequate turning circles and capacity for increased load weights. The proposed changes should enable pathways for the first two (2) issues to be addressed as complying development. What is missing is the provision for bin rooms that may not currently be serviced via street access (i.e.: some are housed under buildings and collected from a shared driveway or are accessed directly by vehicles that can access the room via an underground carpark). Any modifications to bin rooms/ enclosures as complying development should be required to demonstrate that truck access for the safe collection of those bins has been considered and allowed for. For instance, there is a risk that an enclosure expansion may restrict access pathways and turning circles for collection vehicles. This consideration needs to be addressed in the proposed amendments. Furthermore, WMRR notes that it needs to be explicitly clear that these complying development modifications can only be used for bin enclosures and not be creatively interpreted to suit another purpose at a future date.
2. Are the proposed development standards appropriate and achievable?	WMRR generally supports the proposed standards, however, would like to see them drafted to be inclusive of our concerns, namely that: - Bin rooms/enclosures must be permanently retained for waste storage and not repurposed. - Planning provisions must allow safe collection access where servicing from the street is not possible, including adequate vehicle height, width and turning space—particularly for larger MUDS sites in high density areas that rely on underground or on-site collection areas. - Clear, enforceable minimum standards for bin room size and collection vehicle access should be embedded in Local Environmental Plans (LEPs), not left to broad waste minimisation principles. State planning controls should support council-led domestic waste services, with the NSW EPA exemption pathway used where safe access cannot be achieved.

	iv. These minimum standards should apply consistently to both municipal and commercial waste, reflecting mandatory source-separated organics collection for households and businesses.
3. Should developments be required to comply with any other aspects of councils' DCPs, or will this be too difficult to implement (e.g. for older buildings)?	The policy intent for the FOGO mandates is to ensure that access to separate collection is provided, and WMRR would expect that the requirements from State Planning Controls should take precedence over council DCPs. WMRR notes that the proposal includes that development under the amended clause must meet any required sizes for bin enclosures outlined in a council's development control plan (DCP). WMRR would expect that this would apply to older buildings, and where it is not possible due to the requirements of the FOGO mandates, for Council to seek a custom exemption from the mandates from the NSW EPA.
4. Should bin enclosures under these controls be limited to a certain percentage of street frontage?	No comment.
5. Are any other development standards needed to prevent inappropriate development?	WMRR repeats its earlier comments: i. Bin rooms/enclosures must be permanently retained for waste storage and not repurposed. ii. Planning provisions must allow safe collection access where servicing from the street is not possible, including adequate vehicle height, width and turning space—particularly for larger MUDS sites in high density areas that rely on underground or on-site collection areas. iii. Clear, enforceable minimum standards for bin room size and collection vehicle access should be embedded in Local Environmental Plans (LEPs), not left to broad waste minimisation principles. State planning controls should support council-led domestic waste services, with the NSW EPA exemption pathway used where safe access cannot be achieved. iv. These minimum standards should apply consistently to both municipal and commercial waste, reflecting mandatory source-separated organics collection for households and businesses.
6. Should the development standards include standard on safe and efficient access and movement to the street for collection?	Yes. Safety of workers and the community is paramount. WMRR notes in particular • The route for moving bins from storage to the collection point must be free of obstructions and have a safe gradient to prevent injuries to those manoeuvring the bins • Bin collection points should not obstruct pedestrian or vehicle traffic • Vehicle access should be considered against possible blind spots to pedestrian and vehicle movements to mitigate risk of collision.

Create a new standard mandatory clause for local environmental plans regarding waste minimisation and resource recovery	
7. Would a clause like the example above be helpful for council planners to ensure developments appropriately provide for waste management, especially for FOGO waste? Are any changes needed?	Yes. The clause, however, needs to go further and develop a standard for minimum bin room size and truck access (height, width, turning) to ensure safe access for collections workers and residents. These requirements must be put in LEPs not simply a broad principle of waste minimization which can be interpreted subjectively. In WMRR's view, given NSW has the ability to charge a domestic waste management (DWM) charge that covers the true cost of this service, state planning controls should support domestic waste collections and ensure that Councils are able to provide a high level of service irrespective of whether delivered for councils by in-house labour or private contract—householders are entitled to a quality service.
8. Should the proposed clause be limited to residential and mixed-use development? Or expanded to include all commercial development or other development types?	WMRR notes that there are also mandates for commercial services and would expect that the proposed clause would therefore also be expanded to all commercial and mixed-development development types to ensure safe collection.
9. Should the proposed clause reference council DCPs to guide what councils' service collection requirements are?	Yes. The policy intent for the separate collection of Food and Garden Organics mandates is to ensure that access to separate collection is provided across the state, however individual LGAs will have different servicing requirements, and as such they should be complementary.
10. Should the clause prioritise council-based waste collection services over private ones (as in the proposal above)? Should any additional standards or considerations apply where only private collection is possible?	Yes.
11. Should the clause include any other considerations?	Please refer to our response to question 7, detailing the requirements for the clause to go beyond generalities around waste minimisation and include expect provision for a standard for minimum bin room size and truck access (height, width, turning) to ensure safe access for collections workers and residents.
12. For council stakeholders: does your council have a similar clause related to waste?	N/A for WMRR.

Allowing community recycling facilities as permitted without consent if carried out by or on behalf of a public authority	
13. Would this Part 5 pathway be helpful to councils?	Yes. WMRR strongly supports the proposal to make CRCs development without consent under the <i>State Environmental Planning Policy (Transport and Infrastructure)</i> 2021 if undertaken by or on behalf of a public authority, such as council, and if on land where waste or resource transfer stations are permitted under any environmental planning instrument. WMRR particularly notes the importance of CRC access for problematic waste streams (such as batteries) and the significant value CRCs provide to enable separate collection of materials to improve recovery outcomes.
14. Are these proposed standards sufficient?	Yes. WMRR queries whether it is suitable for these facilities to not require an Environment Protection License (EPL) under the POEO Act (especially the 12-tonne limit under section 42(3)(a)(i) of Schedule 1), and would think this needs further consideration depending on the material being collected. Some CRCs collecting hazardous and problematic materials may warrant licensing. Further, given the proposal identifies this pathway for sites are only on land where waste or resource transfer stations are already permitted, it seems odd to include an explicit provision that these won't require an EPL, when those that already meet the thresholds will have a license.
15. Are there additional site constraints or exclusions (e.g. flooding) that should specifically be considered in the Part 5 pathway for CRCs?	No. WMRR notes that as this pathway is only available to council land where waste or resource transfer stations are already permitted, these considerations should have already been addressed.
Requiring commercial and industrial developments to comply with DCP controls when a change of use occurs	
16. Is this a significant issue? What types of changes of use are most problematic?	Yes, WMRR understands that this can be a significant issue particularly for change in waste types and volumes produced. For example, an office based commercial premises (such as Real Estate) changing use to a beauty salon can result in significant increase in medical waste and plastic waste, or a change to a food service outlet will also change waste outputs, and possibly increase the likelihood of litter. Significant increases, or changes in the type of waste generated, can overwhelm existing council collection arrangements where they are no longer suitable. This can result in poor amenity and environmental outcomes for both the development and surrounding neighbourhood, with excess waste stored outside designated areas, leading to litter and illegal dumping.
17. Is it appropriate that council's DCP controls for waste management must be met by developments that change use and may generate additional waste?	Yes.