

LOCAL PLANNING POLICY

LPP26: CONTAINER DEPOSIT INFRASTRUCTURE

<i>Responsible Department</i>	Development Services
<i>Resolution Number</i>	C.3817
<i>Resolution Date</i>	20/11/2019
<i>Next Scheduled Review</i>	20/11/2021
<i>Related Shire Documents</i>	Local Planning Scheme No. 6
<i>Related Legislation</i>	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015

OBJECTIVES

- (a) To establish clear guidelines for the placement of Container Deposit Infrastructure used within the Shire;
- (b) To ensure that any Container Deposit Infrastructure does not detract from an existing (or reasonably desired) streetscape;
- (c) To prevent negative impacts on local amenity from the operation of Container Deposit Infrastructure;
- (d) To enable the timely, cost effective delivery of essential Container Deposit Infrastructure;
- (e) To provide conveniently located infrastructure to ensure the Container Deposit Schemes effective reduction of litter, increased recycling and protection of the environment; and
- (f) To achieve a balance between providing the legitimate need for Container Deposit Infrastructure to reduce/recycle litter and minimising the impacts on the locality.

SCOPE

The Western Australian Government is implementing a Container Deposit Scheme (CDS) to complement existing kerbside recycling services. The CDS provides for a refund to be paid to any person who returns an eligible beverage container through the scheme. The CDS operates by the return of containers via various container return points. In the context of the position statement, the return points are referred to as CDS infrastructure. The CDS is not

intended to collect normal household waste. The role of planning in the implementation of the CDS is to ensure that the infrastructure required to facilitate the scheme is established in appropriate locations.

Authority to prepare and adopt a Local Planning Policy

Schedule 2, Part 2, clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Shire's Local Planning Scheme No.6 (the Scheme) area.

This policy will be made effective once Council has completed the process stipulated in clause 4(1) up to and including clause 4(4) of the Regulations.

Relationship of this Policy to the Scheme

If a provision of this Policy is inconsistent with the Scheme, the Scheme prevails. This Local Planning Policy is not part of the Scheme and does not bind Council in respect of any application for development approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Purpose

Local Planning Policies are guidelines used to assist the local government in making decisions and to provide an exemption in accordance with Clause 61(1)(i) and (2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* from the requirement to obtain development approval for container deposit scheme infrastructure proposals which satisfy minimum development standards.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key assessment.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

POLICY

1. Application of the Policy

1.1 Definitions

the **Heritage Act** means the *Heritage of Western Australia Act 1990*.

the **Regulations** means the *Planning and Development (Local Planning Schemes) Regulations 2015* prepared under the *Planning and Development Act 2005*.

the **Noise Regulations** means *Environmental Protection (Noise) Regulations 1997* (as amended) prepared under the *Environmental Protection Act 1986*.

the **Scheme** means the Shire of Northam Local Planning Scheme No. 6 (LPS6).

Container deposit scheme infrastructure means a reverse vending machine or a container collection cage.

Reverse vending machine means a permanently-located unattended device that accepts empty beverage containers, and is incidental the predominant land use.

Container collection cage means a cage, or other structure, that is designed to store containers deposited at return points, and is incidental to the predominant land use.

total lot area means the total land area of a freehold or survey strata lot.

1.2 Application

Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions) provides for the preparation of local planning policies to apply generally or to a particular class or classes or matters and throughout the scheme area or in one or more parts of the Scheme area.

This policy will apply to the use and installation of Container Deposit Infrastructure and throughout the scheme area that is the whole of the Shire of Northam.

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives with the policy is designed to achieve before making its determination.

1.3 Exemptions

1.3.1 The development or operation of a large reverse vending machine is development for which development approval is not required where it complies with all the relevant development standards

outlined below (unless otherwise agreed by the local government), and may take place in any zone, with the exception of:

- (a) residential, urban development, and special residential zones; and
- (b) rural, rural residential, and rural smallholding zones.

1.3.2 The development of a container collection cage is development for which development approval is not required where it complies with all the relevant development standards outlined below (unless otherwise agreed by the local government), and may take place in any zone, including a residential or rural zone or public purpose reserve where the land is lawfully used for the purposes of:

- (a) civic use; and/or
- (b) community purpose; and/or
- (c) educational establishment.

2. Approval Requirements

Development approval will not be required for container deposit scheme infrastructure proposals that comply with the provisions of this policy, in accordance with Clause 61(1)(i) and (2)(e) of the deemed provisions of the scheme provided for by the Regulations, unless the development is proposed on land in a place that is:

- (a) entered in the Register of Heritage Places under the *Heritage Act*; or
- (b) the subject of an order under Part 6 of the *Heritage Act*; or
- (c) included on a heritage list prepared in accordance with the Scheme; or
- (d) within an area designated under the Scheme as a heritage area; or
- (e) the subject of a heritage agreement entered into under section 29 of the *Heritage Act*.

Container deposit scheme infrastructure proposed to be erected on a temporary basis of not more than 48 hours within a 12 month period are typically exempt from approval, as per the requirements of 61(1)(f) and (2)(d) of the deemed provisions provided in the Regulations and contained within the Scheme. As such, the policy provisions would not apply.

3. Development Guidelines

General	
3.1	Where the development of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must not result in any change to the approved land use in a way that would result in the use no longer complying with any relevant development standards and/or requirements of the Scheme.
Location	
3.2	Where the development of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must not be erected within 10 metres of an adjoining lot boundary that accommodates a residential use.
3.3	Where the development of a reverse vending machine and/or container collection cage is proposed, the infrastructure must not restrict any vehicular or pedestrian access to or from, or entry to any building on, the land on which the infrastructure is located.
3.4	Where the development of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must not obstruct the operation of, or access to, any utility services on the land on which the infrastructure is located or on adjacent land.
3.5	Where the development of a large reverse vending machine and/or container collection cage is proposed, to preserve pedestrian and vehicular sightlines, and servicing access, the infrastructure must not be erected within 2 metres of any road reserve or right-of-way intersection or crossover, and shall be located in such a way that it does not reduce existing car park sightlines, aisle widths and manoeuvring spaces.
3.6	Where the development of a container collection cage is proposed, the collection cage must be located in a car park or service area to be visually unobtrusive, and must be secured, locked and immovable.
Visual amenity	
3.7	Where the development of a large reverse vending machine and/or container collection cage is proposed outdoors, placement of the infrastructure must not result in the removal of any vegetation, landscaping or street tree.
3.8	Where the development of a large reverse vending machine and/or container collection cage is proposed outdoors, the infrastructure must be constructed and clad with low-reflective, graffiti-resistant materials, which provide protection from the elements and, where not consisting of promotional or branding material approved under the operation of the container deposit

	scheme, are consistent in colour and finish to that of nearby existing buildings.
3.9	Where the development of a large reverse vending machine and/or container collection cage is proposed outdoors, the infrastructure must not display any advertising signage other than promotional or brand signage approved under the operation of the container deposit scheme.
3.10	Where the development of a large reverse vending machine is proposed outdoors, and the infrastructure exceeds a development footprint of 10 square metres, bins for the removal of waste or recyclable materials not accepted by the infrastructure are to be provided, and serviced regularly to maintain the amenity of the area, at a rate of one (1) waste bin and 0.5 recycling bins (both 240L in volume) per 10m ² of development footprint.
Operational amenity	
3.11	Where the development of a large reverse vending machine and/or container collection cage is proposed, the operation of the infrastructure must not prejudicially affect the amenity of the locality due to the emission of light, noise, vibration, electrical interference, smell or any other by-product.
3.12	Where the development or operation of a large reverse vending machine is proposed adjacent to land that accommodates a residential use, the machine must operate only between the approved opening hours of the predominant land use, or in the absence of any other use: (a) between 7.00 am and 7.00 pm Monday to Saturday; and (b) between 9.00 am and 7.00 pm on Sunday and public holidays.
3.13	Where the development or operation of a large reverse vending machine is proposed, the reverse vending machine when in operation must not emit noise at a level which exceeds any requirement(s) under the Noise Regulations.
3.14	Where the development or operation of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must be provided with lighting that complies with AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting—Performance and design requirements (as amended).
3.15	Where the development or operation of a large reverse vending machine and/or container collection cage is proposed, the infrastructure must be accessible to any person with a disability.
Development footprint	
3.16	Where the development of a container collection cage is proposed outdoors, the cage must not: (a) have a development footprint of more than 8m ² ; or (b) be more than 2 metres in height.

3.17	<p>Where the development of a large reverse vending machine is proposed outdoors, on land not used for car parking, the machine must not:</p> <ul style="list-style-type: none"> (a) have a development footprint of more than 48m², and (b) be more than 3 metres in height, or have dimensions greater than 8 metres by 6 metres.
3.18	<p>Where the development of a large reverse vending machine is proposed within an existing car park comprising more than 40 car parking spaces, the area occupied by the reverse vending machine must not exceed the greater of the following areas:</p> <ul style="list-style-type: none"> (a) the area comprising 4 car parking spaces; or (b) 45m², where the car park contains 200 car parking spaces or less; or (c) 75m², where the car park contains 200 or more car parking spaces.
3.19	<p>Where the development of a large reverse vending machine and/or container collection cage is proposed outdoors, the infrastructure shall be installed at a rate no greater than:</p> <ul style="list-style-type: none"> (a) container collections cage – 1 per lot; (b) large reverse vending machine proposed on land not used for car parking – 1 per 15,000m² of total lot area; or (c) large reverse vending machine proposed in an existing car park comprising more than 40 car parking spaces – 1 per 1000 car parking spaces.