

## Local Planning Policy 31 – Container Deposit Scheme Infrastructure (LPP31)

Management Procedure	Relevant Delegation
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### Purpose

To provide exemption in accordance with Clause 61(1)(i) and (2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the regulations) from the requirement to obtain development approval for container deposit scheme infrastructure proposals which satisfy minimum development standards.

### Background

The State 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 which, the Department of Planning, Lands and Heritage’s Position Statement refers to as CDS infrastructure.

The Position Statement outlines the role of planning in implementing the CDS is to ensure that the infrastructure required to facilitate the scheme is established in appropriate locations.

#### 1. Application of the Policy:

This policy applies to infrastructure associated with the container deposit scheme within the City of Kalamunda, as outlined in this Policy.

#### 2. Statutory Authority / Legal Status:

This Policy has been prepared under and in accordance with the deemed scheme provision in Schedule 2, Part 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations).

##### a) 1.3.1 Relationship to Local Planning Scheme No.3

This Policy is a local planning policy prepared, and to be read, with regard to the general provisions and objectives of Local Planning Scheme No.3 (the Scheme).

b) **1.3.2 Relationship to other state planning/ development control policies**

This Policy has due regard to and should be read in conjunction with State Planning Policies, in particular the Department of Planning, Lands and Heritage’s Position Statement: Container Deposit Scheme Infrastructure.

c) **1.3.3 Relationship to other local planning policies**

This Policy is intended to be read in conjunction with other applicable City of Kalamunda Local Planning Policies.

## Policy Statement

### 1. Policy Objectives

- a) To provide clarity on how container deposit scheme infrastructure should be considered and assessed within the context of the City’s local planning framework.
- b) To ensure the location, design and siting of container deposit scheme infrastructure is complementary to the character, functionality and amenity of urban localities.
- c) To provide conveniently-located infrastructure to ensure the CDS provides for effective reduction of litter, increased recycling and protection of the environment.
- d) To prevent any negative impacts on local amenity from the operation of the container deposit scheme infrastructure.
- e) To enable the timely, cost effective delivery of essential container deposit scheme infrastructure.

## Statutory Provisions

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 in a heritage protected place.

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.

## Policy Provisions

### 1. Specified Exemptions

a) **Reverse Vending Machines**

The development or operation of a reverse vending machine is development for which development approval is not required where it complies with all the relevant development standards outlined below and may take place in any zone, with the exception of:

- a) residential, urban development, residential bushland; and
- b) special rural, rural composite, rural agriculture, rural landscape interest and rural conservation.

b) **Container Collection Cage**

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, and may take place in any commercial 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.

## **Development Standards**

1. **General**

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.

2. **Location**

- a) 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.
- b) 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.
- c) 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.
- d) 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 two (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.

- e) 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.

### 3. Visual Amenity

- a) Where the development of Container deposit scheme infrastructure is proposed outdoors, placement of the infrastructure must not result in the removal of any vegetation, landscaping or street tree.
- b) Container deposit scheme 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.
- c) Where the development of Container deposit scheme infrastructure 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.
- d) Where the development of Container deposit scheme infrastructure 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 10 square metres of development footprint.

### 4. Operational Amenity

- a) Where the development of Container deposit scheme infrastructure 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.
- b) 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:
  - I. Between 7.00am and 7.00pm Monday to Saturday; and
  - II. Between 9.00am and 7.00pm on Sunday and public holidays.

- c) 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.
- d) Where the development or operation of Container deposit scheme infrastructure is proposed, the infrastructure must be provided with lighting that complies with AS/NZS1158.3.1:2005 Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting-Performance and design requirements (as amended).
- e) Where the development or operation of Container deposit scheme infrastructure is proposed, the infrastructure must be accessible to any person with a disability.

## 5. Development footprint

- a) Where the development of a container collection cage is proposed outdoors, the cage must not:
  - I. have a development footprint of more than eight (8) square metres; or
  - II. be more than two (2) metres in height.
- b) Where the development of a large reverse vending machine is proposed outdoors, on land not used for car parking, the machine must not:
  - I. Have a development footprint of more than 45 square metres, and
  - II. Be more than three (3) metres in height, or have dimensions greater than eight (8) metres by six (6) metres.
- c) 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:
  - I. the area comprising four (4) car parking spaces; or
  - II. 45 square metres, where the car park contains 200 car parking spaces or less; or
  - III. 75 square metres, where the car park contains 200 or more car parking spaces.
- d) Where the development of Container deposit scheme infrastructure is proposed outdoors, the infrastructure shall be installed at a rate no greater than:
  - I. Container collections cage – one (1) per lot
  - II. Large reverse vending machine proposed on land not used for car parking – one (1) per 15,000 square metres of total lot area; or
  - III. Large reverse vending machine proposed in an existing car park comprising more than 40 car parking spaces – one (1) per 1000 car parking spaces.

## Definitions

**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.

**In shop / over-the-counter / bag drop return points** -means the use of a shop where containers can be collected and returned on behalf of the CDS, and is incidental to the predominant land use.

**Reverse Vending Machine** - means a permanently-located unattended device that accepts empty beverage containers, and is incidental to the predominant land use.

**Container Deposit Recycling Centre** – means a facility used solely for the return of containers, associated sorting and bulk storage under the CDS. Container Deposit Recycling Centres do not include Resource Recovery Centres as they do not deal with organic or toxic waste material.

**Large-scale Facilities** – means a facility that incorporates uses associated with the CDS, as well as other waste and industrial uses as defined under the Regulations. For example, a large-scale facility may include a Resource Recovery Centre.

# Appendix



*Large Reverse vending Machines Example Images*



*Container Deposit Recycling Centres Example Images*

Legislation	Local Government Act 1995 Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015
Related Policies	State Planning Policy 1 – State Planning Framework
Adopted	OCM 67/2021
Reviewed	
Next Review Date	