

### Local Planning Policy No. 18

*Pursuant to Schedule 2, Part 2, Clause 4 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015*

#### 1. Policy Basis

The Western Australian Government introduced the 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 container through the scheme. 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.

This Policy:

- applies to all CDS development applications within the City of Belmont;
- sets out objectives and standards for the assessment of CDS development; and
- exempts specific CDS development proposals from requiring development approval.

Any exemption listed under this Policy is in accordance with Clause 61(1)(i) and (2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as well as any specific exemptions provided for under the *Regulations*.

CDS 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 Clause 61(1)(f) and (2)(d) of the deemed provisions provided for under the *Regulations*. In such instances, the provisions of this Policy would not apply.

#### 2. Policy Objectives

The objectives of this Policy are to:

- 2.1 Ensure the location, design and siting of CDS infrastructure is complementary to the character, functionality and amenity of urban localities.
- 2.2 Prevent negative impacts on local amenity from the operation of CDS infrastructure.
- 2.3 Enable the timely, cost effective delivery of essential CDS infrastructure.
- 2.4 Provide conveniently located CDS infrastructure to ensure effective reduction of litter, increased recycling and protection of the environment.

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### 3. **Policy Application**

- 3.1 This Policy applies to all development applications for CDS infrastructure, container deposit recycling centres and/or large-scale facilities on land within the City of Belmont Local Government Area.
- 3.2 This Policy also exempts certain types of CDS infrastructure from requiring development approval where the CDS infrastructure complies with the criteria listed within this Policy.
- 3.3 If a particular development proposal for CDS infrastructure is not listed or defined, or varies any of the provisions listed within this Policy, it shall be assessed on its individual merits in accordance with the objectives outlined in this Policy and the City of Belmont Local Planning Scheme No. 15.

### 4. **Policy Definitions**

The meaning of specific words and expressions used in this Policy are given below:

**Heritage Act**

Means the *Heritage of Western Australia Act 1990*.

**Regulations**

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

**Noise Regulations**

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

**Container collection cage**

Means a cage or other structure in which members of the public may place empty containers for the purpose of the container deposit scheme, without receiving payment of the refund amount in exchange.

**Container deposit recycling centre**

Means a refund point that has or can accommodate facilities for the consolidation or sorting of empty containers pending collection for the purposes of the container deposit scheme.

**Container deposit scheme Infrastructure**

Means a reverse vending machine or a container collection cage.

**Drop-off refund point**

Means an in-shop / over-the-counter / bag drop return point, where a new or existing retail outlet is used for the return of eligible containers with a refund given to the participant.

**Large-scale facilities**

Include land uses such as resource recovery centres, waste storage facilities and other industrial uses, which may be expanded for uses associated with the container deposit scheme.

Reverse vending machine

Means a permanently-located unattended device that accepts empty beverage containers, and is incidental to the predominant land use. 'Small' reverse vending machines are similar in size to 'traditional' food and drink vending machines. 'Large' reverse vending machines are mounted to a storage structure similar to a sea container.

Total lot area

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

**5. Exemptions**

5.1 Development approval is not required to operate a drop-off refund point:

- a) In a premises otherwise used as a shop; or
- b) In any other premises if;
  - i. the premises are not in a residential area; and
  - ii. the operation of the drop-off/refund point is incidental to the predominant use of that premises.

5.2 Small reverse vending machines that:

- a) Occupy less than 3 sqm in area;
- b) Are located within existing shopping centres or publicly accessible spaces;
- c) Do not restrict pedestrian / vehicle movement;
- d) Is not located within areas of landscaping or car parking; and
- e) Comply with all relevant development standards and/or requirements of Local Planning Scheme No. 15.

Are exempt from the requirement to obtain development approval.

5.3 The development or operation of a large reverse vending machine or container collection cage is exempt from the requirement to obtain development approval where it takes place within a shopping centre/supermarket or associated car park and complies with all the relevant development standards outlined in this Policy.

**6. Accompanying Information**

The following information shall be provided on lodgement of any development application for a container deposit facility:

- A site plan showing the proposed location of the CDS activities on the property and the location of any existing buildings/structures.
- Floor plans and elevations.
- Plans, dimensions and details of the container deposit facility, including any supporting structures or associated signage.
- Schedule of colours and materials of structures and buildings.

- Details of proposed modifications/works to be carried out to existing structures and buildings and external space on the subject property for the purposes of ensuring integration with the surrounding built context.
- Plans showing pedestrian / vehicle movements, swept paths, parking, access and egress.
- A report addressing the criteria of this Policy, in particular:
  - Hours of operation
  - Timing and frequency of service vehicles
  - Impact on existing car parking
  - Universal access
  - Waste removal arrangements for both CDS and non CDS items
  - Lighting and passive surveillance.

The City may require an applicant to prepare a Management Plan to address matters related to the on-going management of the CDS infrastructure. These matters may include, but are not limited to hours of operation, frequency and methods of cleaning, security, noise and waste management.

## **7. Development Requirements**

### **7.1 General**

- 7.1.1 CDS 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 the requirements of the Local Planning Scheme.

### **7.2 Location**

- 7.2.1 Large scale CDS facilities are not permitted in any zone except the 'Industrial' zone.
- 7.2.2 CDS facilities are prohibited within the 'Residential' and 'Residential and Stables' zones.
- 7.2.3 CDS infrastructure must not be erected within 10 metres of the lot boundary of land accommodating residential land uses or 'Residential' or 'Residential and Stables' zoned lots.
- 7.2.4 CDS 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.
- 7.2.5 CDS infrastructure must not obstruct the operation of, or access to, any utility and/or essential services on the land on which it is located or on adjacent land.
- 7.2.6 CDS infrastructure must not be erected within two (2) metres of any road reserve or right-of-way intersection or crossover, and shall not obstruct vehicle sightlines, driveways and manoeuvring spaces.

7.2.7 Where the development of container deposit scheme infrastructure is proposed within an existing car park, it must not reduce the number of car parking bays required for the existing land uses under the standards of Local Planning Scheme No. 15 or the relevant conditions of the development approval for those existing land uses.

7.2.8 CDS infrastructure must not be placed on top of designated landscaping areas or in a location that impacts on reticulation or equipment associated with a landscaped area.

### **7.3 Visual Amenity**

Where the development of CDS infrastructure is proposed outdoors, the infrastructure:

7.3.1 Should not result in the removal of any vegetation or landscaping within the subject lot.

7.3.2 Must not cause the removal of any street tree, unless otherwise approved by the City of Belmont.

7.3.3 Must not result in the outdoor storage of good, materials, liquid, machinery, equipment or any other thing, unless otherwise approved by the City of Belmont.

7.3.4 Should be constructed and clad with low-reflective, graffiti-resistant materials, which provide protection from the elements.

7.3.5 May only display advertising or brand signage where it is:

- Attached to the infrastructure; and
- Only advertises services, products and brands related to the operation of the CDS infrastructure. No third party signage is permitted.

7.3.6 Where not consisting of approved advertising or brand signage, shall be compatible in colour and finish to that of buildings on the subject site.

### **7.4 Operational Amenity**

The development of CDS infrastructure may only be approved where the development complies with the following provisions:

7.4.1 The infrastructure must not exceed a development footprint of 10 square metres. Where the infrastructure footprint exceeds 10 square metres, bins for the removal of waste or recyclable materials which are accepted by the infrastructure must be provided. These bins are to be:

- located adjacent to the infrastructure;
- serviced regularly at the applicant/owner's expense to maintain the amenity of the area; and
- provided at a rate of one (1) waste bin and 0.5 recycling bins (both 240L in volume) per 10 square metres of development footprint or part thereof.

7.4.2 Where the infrastructure is proposed adjacent to land that accommodates a residential use, the infrastructure 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 9.00am and 7.00 pm on Sunday and public holidays.
- 7.4.3 The operation of the facility must not impact upon the amenity of the locality resulting from the emission of light, noise, vibration, electrical interference, smell or any other by-product.
- 7.4.4 The operation of the facility or use of the infrastructure must not emit noise at a level which exceeds any requirement(s) under the *Environmental Protection (Noise) Regulations 1997*.
- 7.4.5 The facility 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).
- 7.4.6 The facility must be easily accessible to any individual with a disability.

## **7.5 Development Footprint**

- 7.5.1 Where the development of a container collection cage is proposed outdoors, the cage must not:
- (a) Have a development footprint of more than eight (8) square metres; or
  - (b) Be more than two (2) metres in height.
- 7.5.2 Where the development of a reverse vending machine is proposed outdoors, on land not used for car parking, the machine must not;
- (a) Have a development footprint of more than 45 square metres; and
  - (b) Be more than three (3) metres in height, or have dimensions greater than eight (8) metres by six (6) metres.
- 7.5.3 Where the development of a large reverse vending machine is proposed within an existing car park, the area occupied by the reverse vending machine must not exceed the greater of the following areas:
- (a) An area comprising four (4) car parking spaces; or
  - (b) 45 square metres, where the car park contains 200 car parking spaces or less; or
  - (c) 75 square metres, where the car park contains 200 or more car parking spaces.

## **8. Large Scale Facilities**

- 8.1 Large scale facilities operating in association with resource recovery centres, waste storage facilities and other industrial uses shall be considered ancillary to those dominant land uses. The development standards of the Local Planning Scheme and planning framework relevant to the dominant land use shall apply to the extent that this policy is inconsistent with the provisions for the dominant land use.

**GOVERNANCE REFERENCES**

|                                  |  |
|----------------------------------|--|
| <b>Statutory Compliance</b>      | <i>Planning and Development Act 2005<br/>Planning and Development (Local Planning Schemes) Regulations 2015<br/>Local Planning Scheme No. 15</i> |
| <b>Industry Compliance</b>       | <i>Waste Avoidance and Resource Recovery Act 2007<br/>Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019</i>      |
| <b>Organisational Compliance</b> | Nil  |
| <b>Process Links</b>             | Nil  |

**LOCAL PLANNING POLICY ADMINISTRATION**

| <b>Directorate</b>        | <b>Officer Title</b>         | <b>Contact</b>              |   |                 |            |
|---------------------------|------------------------------|-----------------------------|---|-----------------|------------|
| Development & Communities | Manager Planning Services    | 9477 7222                   |   |                 |            |
| <b>Version Date</b>       | 13/10/2020                   | <b>Review Cycle</b>         | Triennial   | <b>Next Due</b> | 13/10/2023 |
| <b>Version</b>            | <b>Decision to Advertise</b> | <b>Decision to Adopt</b>    | <b>Synopsis</b>   |                 |            |
| 1                         | 28/07/2020 OCM<br>Item 12.1  | 22/09/2020 OCM<br>Item 12.2 | To provide development standards for the assessment of Container Deposit Scheme (CDS) infrastructure and identify the types of CDS infrastructure that can be exempted from requiring development approval. |                 |            |