

# Container Deposit Scheme Infrastructure Local Planning Policy

## Responsible Directorate: Planning and Community Development

- Objective:**
- To ensure the location, design and siting of container deposit scheme infrastructure is complementary to the character, functionality and amenity of urban localities.
  - To prevent any negative impacts on local amenity from the operation of the container deposit scheme infrastructure.
  - To enable the timely, cost effective delivery of essential container deposit scheme infrastructure.
  - To provide conveniently located infrastructure to ensure the container deposit schemes' effective reduction of litter, increased recycling and protection of the environment.

### 1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 which allows the local government to prepare local planning policies relating to planning and development within the Scheme Area.

### 2. Application:

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

### 3. 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.

**“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 to the predominant land use.

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

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

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

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

**“the scheme”** means the *City of Joondalup Local Planning Scheme No. 3*.

#### **4. Statement:**

The purpose of this policy is 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.

#### **5. Details:**

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:

1. Entered in the Register of Heritage Places under the Heritage Act; or
2. The subject of an order under Part 6 of the Heritage Act; or
3. Included on a heritage list prepared in accordance with the Scheme; or
4. Within an area designated under the Scheme as a heritage area; or
5. 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.

##### **5.1 Specified Exemptions**

- a. 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:
  - i. Residential and urban development zones; and
  - ii. Rural zone.
- b. 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:

- i. Civic use; and/or
- ii. Community purpose; and/or
- iii. Educational establishment.

## **5.2 General:**

Where the development of a 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.

### **5.2.1 Location:**

- a. Container deposit scheme infrastructure must not be erected within 10 metres of an adjoining lot boundary that accommodates a residential use.
- b. Container deposit scheme 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. Container deposit scheme 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. To preserve pedestrian and vehicular sightlines, and servicing access, Container deposit scheme infrastructure must not be erected within two 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.

### **5.2.2 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.

### **5.2.3 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.

### **5.2.4 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.

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**Creation Date:** August 2020

**Amendments:** Nil

**Related Documentation:**

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Local Planning Scheme No. 3*



Department of **Planning,  
Lands and Heritage**



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# Position Statement:

## Container Deposit Scheme Infrastructure

May 2019

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## **1. Policy Intent**

This position statement outlines how container deposit scheme infrastructure should be considered and assessed in the Western Australian planning system.

## **2. Container deposit schemes in Western Australia**

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.

## **3. Application of this Position Statement**

This position statement applies across Western Australia to all CDS infrastructure.

## 4. Policy objectives

This position statement seeks to achieve the following objectives:

- ensure a coordinated approach to the provision of CDS infrastructure throughout WA
- ensure that appropriate locations are chosen for the installation of CDS infrastructure
- ensure the timely roll out of infrastructure in support of the scheme's establishment and ongoing operational needs
- establish minimum development requirements to exempt certain CDS infrastructure from requiring planning approval, for adoption by local governments.

## 5. Policy Measures

### 5.1 Container Deposit Scheme infrastructure

There are broadly five types of CDS infrastructure to facilitate the return of containers in WA. These are:

#### **Container collection cages:**

This infrastructure comprises a cage which containers are placed in and stored before collection and return for refund. These cages will generally be donation points, rather than refund points. They may be located in association with schools, sporting or other clubs or not-for-profit organisations. Individuals will deposit the containers into the collection cages and the receiving organisation will arrange collection of the containers and receive the refund as a donation to their organisation.

#### **In shop / over-the-counter /**

**bag drop return points:** This infrastructure incorporates the use of a new or existing retail outlet or shop where participants can deposit individual containers or bags of containers that are collected and returned to a retailer on behalf of the scheme, with a refund given to the participant. This infrastructure will typically be located within existing retail and commercial areas.

#### **Reverse vending machines:**

These are permanently-located, unattended infrastructure that accept the return of empty beverage containers in exchange for a refund. Reverse vending machines come in various shapes and sizes.

*Small reverse vending machines* are similar in size to 'traditional' food and drink vending machines, and can be located in shopping centres, train stations or other public places where people are likely to return one or two containers at a time. Small reverse vending machines will generally be incidental to the predominant land use, often located internally or adjacent high traffic locations such as foyers and passageways. Accordingly, small reverse vending machines are likely to be exempt from requiring development approvals.

*Large reverse vending machines* (see figures on page 6) are generally mounted onto a storage structure similar to a sea container. The location of large reverse vending machines may vary, but they could be placed within existing commercial or industrial premises. These machines allow for greater volume of returns and it is likely that participants would travel to these sites with a variety of eligible containers.

#### **Container deposit recycling centres:**

This infrastructure, depicted on page 6, provides solely for the return of eligible containers for refund and associated sorting and storage in bulk. While similar in nature to *in shop / over-the-counter / bag drop* return points, these facilities are likely to service a significantly larger turnover of customers and have greater storage demands.

Container deposit recycling centres will generally only accept, store and sort materials collected in accordance with, and regulated by, the State's CDS management framework and associated contractual agreements (plastic, glass and aluminium drink containers). Accordingly, they differ from resource recovery, waste storage and other industry land uses, as they do not deal with organic, toxic or large-scale waste material, with the associated issues of odour, risk or other off-site impact.

**Large-scale facilities:** These include uses such as resource recovery centres, waste storage facilities and other industrial uses that are defined under the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations), as well as other definitions included in existing local planning schemes. Existing facilities may be expanded for uses associated with the CDS, or new large-scale facilities established.



## **5.2 Assessing CDS infrastructure**

### **5.2.1 Incidental development**

Generally, CDS infrastructure will be incidental to the existing use of a lot. For example, a small reverse vending machine in a supermarket would be incidental to the use of the land as a shop, as would be an over the counter or bag drop return point.

Development approval may be required to install infrastructure outside an existing building.

If approval is required for CDS infrastructure, it should be assessed in accordance with the requirements of Parts 7 and 8 of the deemed provisions in Schedule 2 of the Regulations.

### **5.2.2 Pre-lodgement consultation**

Proponents seeking to install CDS infrastructure should engage with the relevant local government(s) as part of the site selection process. This early engagement will allow local government to assess if the site being proposed is appropriate, and how it might relate to the CDS network more broadly as well as servicing considerations. The matters outlined below should be considered when determining if a location is appropriate for CDS infrastructure.

### **5.2.3 Assessment considerations**

#### **5.2.3.1 General assessment considerations**

CDS infrastructure and return points are likely to come in many varying shapes, sizes and typologies. Importantly, return points should be designed and located in such a manner that they are sympathetic to the character of the local area. A number of key considerations will apply universally when considering applications for CDS infrastructure development.

The key matters for consideration include:

- Local amenity – how does the infrastructure fit in with the surrounding built context? Does it impact upon visual amenity, or result in the vegetation removal which requires offset? What are its hours of operation and timing of service vehicles attending the return point?
- Car parking – is additional parking required to service the return point? Will it impact the existing car parking requirements of the site?
- Accessibility – is it universally accessible? Will its location have an impact on pedestrian or vehicular circulation? Is appropriate manoeuvring space provided to allow service vehicle access?

- Waste and recycling bins – does the infrastructure necessitate the provision of waste bins to dispose of goods that are not accepted by the CDS in a tidy manner?
- Signage – what size and scale is appropriate for signage or screens?
- Safety and security – does its location allow for passive surveillance, and what form of lighting is provided?

#### **5.2.3.2 Container collection cages**

Where collection cages are located in association with a school, sporting or other club, and on land which is managed by State or local government, the collection cage will be incidental to the predominant use of the site. As such, the collection cage is likely to fall under the public works exemptions which generally apply to local and State Government developments, under the *Planning and Development Act 2005*, the Metropolitan, Peel and Greater Bunbury Region Schemes and local planning schemes.

The management of these collection cages should be included in any leasing or other operational arrangements that are in place to manage the use of these buildings and land.

Where collection cages are sought to be located on private land they should be subject to the same requirements as reverse vending machines identified by this position statement.

#### **5.2.3.3 In shop / over-the-counter / bag drop return points**

The CDS is, in essence, the return of containers that were purchased from a shop. The transaction is the same as any other transaction that occurs in a shop except in reverse, with the customer bringing goods to the shop and leaving without goods.

The operations, including access, parking requirements and the need for service vehicles to access the return points, are identical to that of a shop. On this basis, return points should be assessed as a shop, in accordance with the requirements of the relevant local planning scheme.

For shops, the operations of the return point need to be contained within the building, including any manual sorting, low-scale crushing and storage. Approval would be required to extend outside the approved operational boundaries of an existing building used as a shop. Food shops that are considered a Food Business under the *Food Act 2008* should seek local government advice before considering the operation of an in shop CDS return point.

To clarify the WAPC's position on in shop / over-the-counter / bag drop CDS return points, the definition of *shop* in the Regulations is to be taken to mean:

....premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide

services of a personal nature, including hairdressing or beauty therapy services, and can include a container deposit scheme return point.

It is intended that the additional words, as underlined above, will be incorporated into the Regulations as a model provision as part of the State planning reform process.

#### 5.2.3.4 Small reverse vending machines

Due to the small-scale nature of this type of CDS infrastructure, with footprints generally less than three square metres, it is expected that small reverse vending machines will be exempt from requiring any development approvals.

#### 5.2.3.5 Large reverse vending machines

Due to the variety of sizes and potential locations for large reverse vending machines, development applications may be required to consider any impacts on nearby existing sensitive land uses. This position statement seeks to outline where exemptions for large reverse vending machines may apply, for local governments to consider and adopt.

Large reverse vending machines should not to be confused with sea containers or subjected to assessment under local planning policies which seek to control the location and use of sea containers in the urban environment.

#### 5.2.3.6 Container deposit recycling centres

Container deposit recycling centres rely on being convenient, accessible and visible. These return points are likely to provide a customer interface which provides for the quick turnover of users, and are therefore best collocated with land uses where trips can be shared. Accordingly, it is anticipated that these return points might typically be found in 'big box' commercial precincts.

Where the development of a container deposit recycling centre is proposed, the following key matters should be considered:

- Visual appearance – the development should integrate seamlessly with surrounding development, and not propose outdoor sorting or storage which is visible from the public realm
- Onsite operations – generally, only the return, sorting and storage of material associated with the CDS should occur
- Car parking – parking requirements should have regard for the generally quick turnover of users, and the co-location of such return points with uses where trips are likely to be shared

In preparing and assessing development applications, it is reasonable that a variety of different land uses might currently be used to account for container deposit recycling centres, or that an application could be deemed as a use not listed by the local planning scheme. To address this and

clarify the WAPC's position on container deposit recycling centres, the following definition is proposed:

***container deposit recycling centre means premises used to return, consolidate, temporarily store and sort material associated with a container deposit scheme established under Part 5A of the Waste Avoidance and Resource Recovery Act 2007 before transfer to a waste storage facility or resource recovery centre, and may also include the return of small consumer goods or products as an incidental use.***

It is intended that this definition will be incorporated into the Regulations as a model provision, when the Regulations are next amended.

Container deposit recycling centres are suitable for development in mixed business/service commercial and bulky goods areas, along with some commercial and light/service industrial areas, and should be included as a 'P' (permitted) use within these zones under local planning schemes. In centre/shopping/town centre type zones the use may be included as a 'D' (discretionary) use.

#### 5.2.3.7 Large-scale facilities

For large-scale facilities in industrial areas, where the processing of recyclables and storage of other waste materials occurs, the normal considerations under Schedule 2 Parts 7 and 8 of the Regulations apply. It

is possible that existing large-scale facilities that will accept containers arising from the CDS would be operating consistent with existing approvals. However, a development application would be required for new or upgraded facilities.

### 5.3 Exemptions for collection cages and large reverse vending machines

Local governments are encouraged to adopt a local planning policy to ensure that specified CDS development and works are exempt from the requirement to obtain development approval, pursuant to Schedule 2, Part 7, Clause 61(1)(i) and (2)(e) of the Regulations. Particular consideration should be given to exempting collection cages and large reverse vending machines within supermarket and shopping centre car parks.

Large reverse vending machine or collection cage proposals which vary the provisions outlined in an adopted local planning policy, or where no policy exists, will require development approval.

A model local planning policy is contained in **Appendix 1**. Local government is encouraged to consider and adopt this model local planning policy.

Where a local government resolves to adopt the model local planning policy provided at **Appendix 1** without modification, pursuant to Schedule 2, Part

2, Clause 4(1) of the Regulations the WAPC agrees that advertising of the proposed policy shall not be required.

The local government, prior to making a resolution to adopt the model local planning policy without modification and not advertise the policy, is required to notify the WAPC of its intention to do so, in accordance with Clause 4(1).

Where a local government determines to prepare a new local planning policy to deal with CDS infrastructure, or modify the model local planning policy provided, all requirements of Clause 4, including advertising, shall apply.

Note – the zoning and land use terms used by the model local planning policy are consistent with the terms provided by the model provisions for local planning schemes of the Regulations. Where planning schemes have not been amended to be consistent with the model provisions, the local government may amend these terms to be consistent with its planning scheme.

## **6. Other matters**

### **6.1 Applications for development approval**

Where an application for development approval is required, applications are to be submitted to the relevant local government in accordance with the requirements of Schedule 2 Part 8 of the Regulations, together with the following information:

- A site plan showing the proposed location of the infrastructure on the property and the location of any existing buildings/structures
- Plans, dimensions and details of the infrastructure
- Photographs/diagrams of any proposed supporting or storage structure(s)
- Details of proposed modifications and other works to be carried out to improve appearance and address amenity concerns

Local governments reserve the right to request any other information deemed necessary to assess applications in accordance with the requirements of a Local Planning Scheme and/or Local Planning Policy.

### **6.2 Building approval**

Notwithstanding that development approval may not be required for the development of some forms of CDS infrastructure, particularly those specified in **Appendix 1**, a building permit may be required to be sought and issued prior to container deposit scheme infrastructure being erected on site.

Accordingly, proponents should liaise with the relevant local government noting that a Building Permit is required for any building or structure not listed by Schedule 4 of the Building Regulations 2012, which deals with building work for which a building permit is not required.

### **6.3 Compliance**

If CDS infrastructure is installed, and in the opinion of the local government it is not in accordance with the exemptions outline in an adopted local planning policy, a local government may require development application for the infrastructure to be lodged for assessment.



Large reverse vending machines



Container deposit recycling centres





## Appendix 1

### Model Local Planning Policy

#### Container deposit scheme development provisions

##### Purpose

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.

##### Objectives

- To ensure the location, design and siting of CDS infrastructure is complementary to the character, functionality and amenity of urban localities.
- To prevent negative impacts on local amenity from the operation of CDS infrastructure.
- To enable the timely, cost effective delivery of essential CDS infrastructure.
- To provide conveniently located infrastructure to ensure the CDS' effective reduction of litter, increased recycling and protection of the environment.

#### Definitions / abbreviations

|  |   |
|--|---|
| <b>the Heritage Act</b>                        | means the <i>Heritage of Western Australia Act 1990</i> .   |
| <b>the Regulations</b>                         | means the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> prepared under the <i>Planning and development Act 2005</i> . |
| <b>the Noise Regulations</b>                   | means <i>Environmental Protection (Noise) Regulations 1997</i> (as amended) prepared under the <i>Environmental Protection Act 1986</i> .         |
| <b>the Scheme</b>                              | means the City/Shire [DELETE AS APPLICABLE] of [INSERT NAME] Local Planning Scheme No. [INSERT NUMBER].   |
| <b>Container deposit scheme infrastructure</b> | means a reverse vending machine or a container collection cage.   |
| <b>Reverse vending machine</b>                 | means a permanently-located unattended device that accepts empty beverage containers, and is incidental the predominant land use.                 |
| <b>Container collection cage</b>               | means a cage, or other structure, that is designed to store containers deposited at return points, and is incidental to the predominant land use. |
| <b>total lot area</b>                          | means the total land area of a freehold or survey strata lot.   |

### 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:

1. entered in the Register of Heritage Places under the Heritage Act; or
2. the subject of an order under Part 6 of the Heritage Act; or
3. included on a heritage list prepared in accordance with the Scheme; or
4. within an area designated under the Scheme as a heritage area; or
5. 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.

### Policy provisions

| 1. Specified exemption |   |
|------------------------|---|
| 1.1                    | 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:<br>(a) residential, urban development, and special residential zones; and<br>(b) rural, rural residential, and rural smallholding zones.                                 |
| 1.2                    | 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:<br>(a) civic use; and/or<br>(b) community purpose; and/or<br>(c) educational establishment. |

## **2. Development standards**

### *General*

- |     |   |
|-----|---|
| 2.1 | 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*

- |     |   |
|-----|---|
| 2.2 | 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.  |
| 2.3 | 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.  |
| 2.4 | 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.  |
| 2.5 | 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 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. |
| 2.6 | 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*

- |     |   |
|-----|---|
| 2.7 | 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.   |
| 2.8 | 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. |

|                            |  |
|----------------------------|--|
| 2.9                        | 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.  |
| 2.10                       | 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 10 square metres of development footprint. |
| <b>Operational amenity</b> |  |
| 2.11                       | 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.   |
| 2.12                       | 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:<br>(a) between 7.00 am and 7.00 pm Monday to Saturday; and<br>(b) between 9.00 am and 7.00 pm on Sunday and public holidays.   |
| 2.13                       | 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.  |
| 2.14                       | 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).   |
| 2.15                       | 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.   |



| <i>Development footprint</i> |   |
|------------------------------|---|
| 2.16                         | Where the development of a container collection cage is proposed outdoors, the cage must not:<br>(a) have a development footprint of more than eight (8) square metres; or<br>(b) be more than two (2) metres in height.  |
| 2.17                         | Where the development of a large reverse vending machine is proposed outdoors, on land not used for car parking, the machine must not:<br>(a) have a development footprint of more than 45 square metres, and<br>(b) be more than three (3) metres in height, or have dimensions greater than eight (8) metres by six (6) metres.   |
| 2.18                         | 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:<br>(a) the area comprising four (4) car parking spaces; or<br>(b) 45 square metres, where the car park contains 200 car parking spaces or less; or<br>(c) 75 square metres, where the car park contains 200 or more car parking spaces.   |
| 2.19                         | 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:<br>(a) container collections cage – one (1) per lot;<br>(b) large reverse vending machine proposed on land not used for car parking – one (1) per 15,000 square metres of total lot area; or<br>(c) large reverse vending machine proposed in an existing car park comprising more than 40 car parking spaces – one (1) per 1000 car parking spaces. |

Western Australia

**Planning and Development (Local Planning  
Schemes) Amendment Regulations 2019****Contents**

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## **Planning and Development (Local Planning Schemes) Amendment Regulations 2019**

Made by the Minister under Part 15 Division 1 of the Act.

### **1. Citation**

These regulations are the *Planning and Development (Local Planning Schemes) Amendment Regulations 2019*.

### **2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

### **3. Regulations amended**

These regulations amend the *Planning and Development (Local Planning Schemes) Regulations 2015*.

*[The following text is the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 1 Part 7 showing proposed amendments in track changes. A formal amending instrument will be drafted at a later stage.]*

## Schedule 2 — Deemed provisions for local planning schemes

[r. 10(4)]

### Part 7 — Requirement for development approval

#### 59A. Terms used

In this Part —

*CDS display material* means promotional material, brand images, signs, or similar material associated with the container deposit scheme;

*CDS infrastructure* means —

(a) a container collection cage; or

(b) a reverse vending machine;

*civic use* has the meaning given in Schedule 1 clause 38;

*commercial vehicle* has the meaning given in Schedule 1 clause 37(1);

*community purpose* has the meaning given in Schedule 1 clause 38;

*container* has the meaning given in WARR Act section 47C(1);

*container collection cage* means a cage or other structure in which members of the public may place empty containers for the purposes 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* means the scheme established by WARR Act Part 5A;

*drop-off refund point* means a refund point that —

(a) is located in a building; and

(b) is not a container deposit recycling centre;

*educational establishment* has the meaning given in Schedule 1 clause 38;

*floor area* has the meaning given in Schedule 1 clause 37(1);

*heritage-protected place* means a place that is —

- (a) entered in the State Register of Heritage Places under the *Heritage Act 2018* section 42; or
- (b) the subject of an order under the *Heritage Act 2018* Part 4; or
- (c) the subject of a heritage agreement that has been certified under the *Heritage Act 2018* section 90; or
- (d) included on a heritage list prepared in accordance with this Scheme; or
- (e) within an area designated under this Scheme as a heritage area;

*incidental use* has the meaning given in Schedule 1 clause 37(1);

*refund amount* has the meaning given in WARR Act section 47C(1);

*refund point* has the meaning given in WARR Act section 47C(1);

*residential area* means an area to which the R-Codes apply;

*reverse vending machine* means a permanently-located unattended device that accepts empty containers from members of the public in exchange for the payment of the refund amount;

*shop* has the meaning given in Schedule 1 clause 38;

*WARR Act* means the *Waste Avoidance and Resource Recovery Act 2007*.

#### 60. Requirement for development approval

A person must not commence or carry out any works on, or use, land in the Scheme area unless —

- (a) the person has obtained the development approval of the local government under Part 8; or
- (b) under clause 61, 61A, 61C, 61E or 61G the development is exempt from the requirement for development approval. ~~of a type referred to in clause 61.~~

Note:

1. Development includes the erection, placement and display of advertisements.

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2. Approval to commence development may also be required from the Commission if the land is subject to a region planning scheme.

**61. Development for which development approval not required**

- (1) Development approval of the local government is not required for the following works —

- (a) the carrying out of works that are wholly located on an area identified as a regional reserve under a region planning scheme;

Note:

Approval may be required from the Commission for development on a regional reserve under a region planning scheme.

- (b) the carrying out of internal building work which does not materially affect the external appearance of the building unless the development is located in a [heritage-protected place](#); ~~place that is —~~

~~(i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or~~

~~(ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or~~

~~(iii) included on a heritage list prepared in accordance with this Scheme and identified on that list as having an interior with cultural heritage significance; or~~

~~(iv) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;~~

- (c) the erection or extension of a single house on a lot if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes unless the development is located in a [heritage-protected place](#); ~~place that is —~~

~~(i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or~~

~~(ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or~~

~~(iii) included on a heritage list prepared in accordance with this Scheme; or~~

- ~~(iv) within an area designated under the Scheme as a heritage area; or~~
- ~~(v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;~~
- (d) the erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house or a grouped dwelling if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes unless the development is located in a [heritage-protected place](#); ~~place that is~~
  - ~~(i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or~~
  - ~~(ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or~~
  - ~~(iii) included on a heritage list prepared in accordance with this Scheme; or~~
  - ~~(iv) within an area designated under the Scheme as a heritage area; or~~
  - ~~(v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;~~
- (e) the demolition of a single house, ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool except where the single house or other structure is, [or is located in, a heritage-protected place](#); —
  - ~~(i) located in a place that is entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or~~
  - ~~(ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or~~
  - ~~(iii) included on a heritage list prepared in accordance with this Scheme; or~~
  - ~~(iv) located within an area designated under this Scheme as a heritage area; or~~

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- ~~(v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29;~~
- (f) temporary works which are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period;
  - (g) the temporary erection or installation of an advertisement if —
    - (i) the advertisement is erected or installed in connection with an election, referendum or other poll conducted under the *Commonwealth Electoral Act 1918* (Commonwealth), the *Electoral Act 1907* or the *Local Government Act 1995*; and
    - (ii) the primary purpose of the advertisement is for political communication in relation to the election, referendum or poll; and
    - (iii) the advertisement is not erected or installed until the election, referendum or other poll is called and is removed no later than 48 hours after the election, referendum or other poll is conducted;
  - (h) the erection or installation of a sign of a class specified in a local planning policy or local development plan that applies in respect of the sign unless the sign is to be erected or installed —
    - (i) on a place included on a heritage list prepared in accordance with this Scheme; or
    - (ii) on land located within an area designated under this Scheme as a heritage area;
  - (i) the carrying out of any other works specified in a local planning policy or local development plan that applies to the development as works that do not require development approval;
  - (j) the carrying out of works of a type identified elsewhere in this Scheme as works that do not require development approval.



Note:

1. The *Planning and Development Act 2005* section 157 applies in respect of the carrying out of works necessary to enable the subdivision of land if the Commission has approved a plan of the subdivision.
  2. The *Planning and Development Act 2005* section 6 applies in respect of the carrying out of public works by the Crown, the Governor, the Government of the State or a local government
- (2) Development approval of the local government is not required for the following uses —
- (a) a use that is wholly located on an area identified as a regional reserve under a region planning scheme;

Note:

Approval may be required from the Commission for development on a regional reserve under a region planning scheme.

- (b) development that is a use identified in this Scheme as a use that is permitted in the zone in which the development is located and —
    - (i) the development has no works component; or
    - (ii) development approval is not required for the works component of the development;
  - (c) the use of premises as a home office;
  - (d) temporary use which is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period;
  - (e) any other use specified in a local planning policy or local development plan that applies to the development as a use that does not require development approval;
  - (f) use of a type identified elsewhere in this Scheme as use that does not require development approval.
- (3) Despite subclause (1) development approval may be required for certain works carried out —
- (a) in a special control area; or
  - (b) on land designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area.

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- (4) For the purposes of subclause (1)(c) or (d), development is to be taken to satisfy a deemed-to-comply requirement of the R-Codes if it complies with —
- (a) a requirement in a local development plan or activity centre plan made under the R-Codes that amends or replaces the deemed-to-comply requirement; or
  - (b) a requirement —
    - (i) in a structure plan that was approved before the day referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 2(b); and
    - (ii) that amends or replaces the deemed-to-comply requirement;
- or
- (c) a requirement in a local planning policy that amends or replaces the deemed-to-comply requirement.
- (5) If under subclause (1)(c) or (d) development approval is not required for the carrying out of works on land, the owner of the land may provide to the local government confirmation of the matters set out in subclause (1)(c) or (d), as relevant, in a manner and form approved by the Commission.

*[Clause 61 amended: Gazette 7 Dec 2015 p. 4883-4.]*

**61A. Development approval not required to erect or install CDS infrastructure**

- (1) Subject to subclauses (2), (3) and (4), development approval of the local government is not required for the erection or installation of CDS infrastructure.
- (2) The erection or installation of CDS infrastructure is not exempt from the requirement for development approval unless each of the following conditions is satisfied —
- (a) no part of the development is in a heritage-protected place;
  - (b) no part of the development is in a residential area;
  - (c) the infrastructure is not within 10 m of the boundary of a lot used for residential purposes;

- (d) the infrastructure does not restrict any vehicular or pedestrian access or entry to a building;
- (e) the infrastructure does not obstruct the operation of, or access to, any utility services;
- (f) the infrastructure is not within 2 m of any road, right of way or vehicle access point to a road or right of way;
- (g) the infrastructure does not reduce existing car park sightlines, aisle widths or manoeuvring spaces;
- (h) if the development is outdoors —
  - (i) the erection or installation of the infrastructure does not result in the removal of any significant vegetation or landscaping; and
  - (ii) the infrastructure does not carry or display promotional material, brand images, signs or similar material, other than CDS display material; and
  - (iii) the infrastructure is constructed of or clad with low-reflective, graffiti-resistant materials that provide protection from the elements.
- (3) The erection or installation of CDS infrastructure that is or includes a reverse vending machine is not exempt from the requirement for development approval unless each of the following conditions is satisfied —
  - (a) the erection or installation is completed and the reverse vending machine is in use by 2 June 2021;
  - (b) if the development is outdoors on land that is not a car park —
    - (i) there is not more than 1 machine for each 15 000 m<sup>2</sup> of the area of the land on which the development is located; and
    - (ii) no machine occupies an area larger than 45 m<sup>2</sup>; and
    - (iii) no machine is more than 3 m in height, 8 m in length or 6 m in width;
  - (c) if the development is outdoors on land that is a car park —
    - (i) the car park has at least 40 spaces; and

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- (ii) there is not more than 1 machine for each 1 000 car parking spaces; and
  - (iii) no machine occupies an area larger than the greater of —
    - (I) an area comprising 4 car parking spaces;
    - (II) 45 m<sup>2</sup>, if the car park has 200 car parking spaces or less, and 75 m<sup>2</sup> in any other case.
- (4) The erection or installation of CDS infrastructure that is or includes a container collection cage is not exempt from the requirement for development approval unless each of the following conditions is satisfied —
  - (a) the development is in premises that are lawfully civic use, community purpose or educational establishment;
  - (b) the cage is located so as to be visually unobtrusive;
  - (c) the cage is not readily movable without the use of lifting equipment;
  - (d) there is not more than 1 cage on a lot;
  - (e) no cage occupies an area of more than 8 m<sup>2</sup>;
  - (f) no cage is more than 2 m in height.

**61B. Development approval not required to operate CDS infrastructure**

- (1) Subject to subclauses (2), (3) and (4), development approval of the local government is not required to use land to operate CDS infrastructure.
- (2) The use of land to operate CDS infrastructure is not exempt from the requirement for development approval unless each of the following conditions is satisfied —
  - (a) the erection or installation of the infrastructure was exempt under clause 61A from the requirement for development approval;

- (b) the infrastructure is 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 published by Standards Australia as amended from time to time, or any Australian or Australia/New Zealand Standard that replaces that standard;
- (c) the infrastructure complies with relevant requirements of AS 1428.1-2009 Design for access and mobility – General requirements for access – New building work and AS 1428.2-1992 Design for access and mobility - Enhanced and additional requirements - Buildings and facilities published by Standards Australia as amended from time to time, or of any Australian or Australia/New Zealand Standard that replaces either or both of those standards;
- (d) if the area occupied by the infrastructure equals or exceeds 10 m<sup>2</sup>, bins for the removal of waste and recyclable materials are provided at the infrastructure and regularly serviced at the rate of at least —

  - (i) 1 waste bin of 240 litres capacity per 10 m<sup>2</sup> of area occupied; and
  - (ii) 1 recycling bin of 240 litres capacity for the first 10 m<sup>2</sup> of area occupied and 1 recycling bin of 240 litres capacity for each further 20 m<sup>2</sup> of area occupied.
- (3) The use of land to operate CDS infrastructure that is or includes a reverse vending machine is not exempt from the requirement for development approval unless each of the following conditions is satisfied —

  - (a) the operation of the infrastructure does not result in the emission of noise at a level which exceeds any applicable requirement of the Environmental Protection (Noise) Regulations 1997;
  - (b) commercial vehicles enter the land for the purposes of the container deposit scheme only —

    - (i) before 9.00 am or after 7.00 pm on Sundays and public holidays; and
    - (ii) before 7.00 am or after 7.00 pm on other days;

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(c) if the land is adjacent to a lot used for residential purposes,  
the infrastructure operates only —

(i) between 9.00 am and 7.00 pm on Sundays and public  
holidays; and

(ii) between 7.00 am and 7.00 pm on other days.

(4) The use of land to operate CDS infrastructure that is or includes a  
container collection cage is not exempt from the requirement for  
development approval unless the cage is locked or secured in such a  
way that material cannot be removed from it, other than for the  
purposes of the container deposit scheme.

**61C. Development approval not required to operate container deposit  
recycling centre**

(1) Subject to subclause (2), development approval of the local  
government is not required to use land to operate a container deposit  
recycling centre.

(2) The use of land to operate a container deposit recycling centre is not  
exempt from the requirement for development approval unless each of  
the following conditions is satisfied —

(a) no part of the land is in a heritage-protected place;

(b) no part of the land is in a residential area;

(c) the operation of the centre begins by 2 June 2021;

(d) the centre operates in a building which is not within 200 m of  
the boundary of a lot used for residential purposes;

(e) the floor area of the part of the building that is primarily used  
for the purposes of the centre does not exceed 2 000 m<sup>2</sup>;

(f) for each 100 m<sup>2</sup> of the floor area of the part of the building  
that is primarily used for the purposes of the centre, there is  
on the land at least —

(i) 1 car parking space; or

(ii) a 6 m length of car queuing lane.

**61D. Development approval not required to operate drop-off refund point**

Development approval of the local government is not required to use land to operate a drop-off refund point —

(a) in a premises otherwise used as a shop; or

(b) in any other premises, if —

(ii) the premises are not in a residential area; and

(ii) use to operate a drop-off refund point is an incidental use of the premises.

Minister for Planning