

6.24 - Container Deposit Scheme Infrastructure

Adoption		
Date	Meeting	Council Decision
27/06/2019	OCM	04-0619 – Draft – Public advertising
22/08/2019	OCM	03-0819 – Adoption
Review Details		
Date	Meeting	Council Decision
Delegation		
No.	Title	
DS012	Shire of Exmouth Operative Town Planning Scheme	

Enabling Legislation

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Exmouth Local Planning Scheme No.4

Related Legislation and Statues

Heritage of Western Australian Act 1990.

Environmental Protection (Noise) Regulations 1997 (as amended).

PURPOSE

To provide an exemption in accordance with Clause 61(1)(i) and (2)(e) of the *Planning and Development (Local Planning Scheme) Regulations 2015* from the requirement to obtain development approval for container deposit scheme infrastructure proposal 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

<i>The Heritage Act</i>	Means the <i>Heritage of Western Australia Act 1990</i> .
<i>The Regulations</i>	Means the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> prepared under the <i>Planning and Development Act 2005</i> .
<i>The Noise Regulations</i>	Means <i>Environmental Protection (Noise) Regulations 1997 (as amended)</i> prepared under the <i>Environmental Protection Act 1986</i> .
<i>The Scheme</i>	Means the <i>Shire of Exmouth Local Planning Scheme No.4</i>
<i>Container deposit scheme infrastructure</i>	Means a reverse vending machine or a container collection cage.
<i>Reverse vending machine</i>	Means a permanently-located unattended device that accepts empty beverage containers, and is incidental to the predominant land use.
<i>Container collection cage</i>	Means a cage, or other structure, that is designated to store containers deposited at return points, and is incidental to the predominant land use.
<i>Total lot area</i>	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 Clause 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: (a) Residential, urban development, and special residential zones; and (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: (a) Civic use; and/or (b) Community purpose; and/or (c) Educational establishment.

2. Development standards	
<i>General</i>	
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 standard and/or requirements of the Scheme.
<i>Location</i>	
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 accommodate 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, the 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 service 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.
<i>Visual amenity</i>	
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 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 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 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.
<i>Operational amenity</i>	
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 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: <ul style="list-style-type: none"> (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.
2.13	Where the development or operation of 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 development or operation of large reverse vending machine and/or container collection cage is proposed, the infrastructure must be provided with lighting that complies with AS/NZ 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: <ul style="list-style-type: none"> (a) Have a development footprint of more than eight (8) square metres; or (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: <ul style="list-style-type: none"> (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.

2.18	<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 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.
2.19	<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 collection cage – one (1) per lot; (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 (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.