Department of **Planning, Lands and Heritage**

GOVERNMENT OF WESTERN AUSTRALIA

Western Australian Planning Commission

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Position Statement:

Container Deposit Scheme Infrastructure

September 2020

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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 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, in the context of the position statement, are referred to as CDS infrastructure. The CDS is not intended to collect normal household waste.

The role of planning in implementing 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 for collection and return by the 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. The collection of containers should be incidental to a predominantly retail function.

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 page 9) are generally mounted onto a storage structure similar to a sea container. Their 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 10 and 11, 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). 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 Container Deposit Scheme 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 so 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.

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.
- Car queuing — if the proposal is to incorporate a facility for members of the public to drive into the building, to effectively manage vehicles, the development should have designated car queuing much like that provided at a fast food outlet (see diagram – Car queuing).
- Distance to residential — a distance of 200m should be maintained from the building in which a centre operates to the boundary of a lot used for residential purposes. A residential purpose means any lot that has a residential component (e.g. mixed use).

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. The WAPC defines container deposit recycling centres as:

> ***container deposit recycling centre*** *means a refund point that has or can accommodate facilities for consolidating or sorting of empty containers pending collection for the purposes of the container deposit scheme.*

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

The WAPC's position is that 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. Proposals in centre/shopping/town centre type zones should be considered on a case-by-case basis, with regard for neighbouring amenity, particularly where residential land uses are located nearby.

5.2.3.7 Large-scale facilities

For large-scale facilities in industrial areas, where processing 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) 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 provision, the local government may amend these terms to be consistent with its planning scheme.

6 Other matters

6.1 Applications for development approval

If 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 the 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

A building permit may be required to be sought and issued prior to container deposit scheme infrastructure being erected on site even if development approval is not required for t of some forms of CDS infrastructure, particularly those specified in **Appendix 1**.

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.

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 provides for effective reduction of litter, increased recycling and protection of the environmentt.

Definitions / abbreviations

the Heritage Act	means the *Heritage Act 2018*.
the Regulations	means the *Planning and Development (Local Planning Schemes) Regulations 2015* prepared under the *Planning and Development Act 2005*.
heritage protected place	has the meaning given by the *Planning and Development (Local Planning Schemes) Regulations 2015* prepared under the *Planning and Development Act 2005*.
the Noise Regulations	means *Environmental Protection (Noise) Regulations 1997* (as amended) prepared under the *Environmental Protection Act 1986*.
the Scheme	means the City/Shire [DELETE AS APPLICABLE] of [INSERT NAME] Local Planning Scheme No. [INSERT NUMBER].
container deposit scheme infrastructure	means a reverse vending machine or a container collection cage.
reverse vending machine	means a permanently-located unattended device that accepts empty beverage containers, and is incidental the predominant land use.
container collection cage	means a cage, or other structure, that is designed to store containers deposited at return points, and is incidental to the predominant land use.
total lot area	means the total land area of a freehold or survey strata lot.

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 *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.

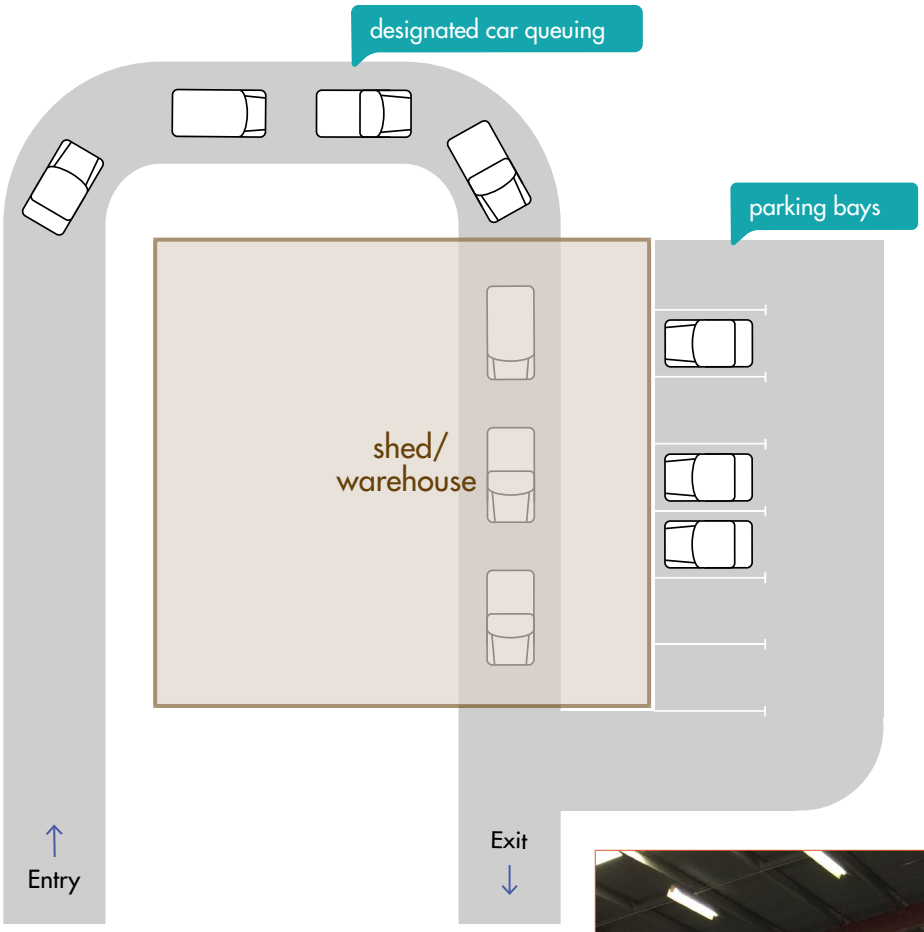
Policy provisions

1. Specified exemptions	
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	
	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.

	Operational amenity
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: (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 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.
	Development footprint
2.16	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.
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: (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	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: (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	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: (a) container collections 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.

Large reverse vending machine

Container deposit recycling centre



Car queuing at a recycling centre