



ATTACHMENTS

Development and Infrastructure Services Committee Meeting

10 July 2019

6.00pm

City of Albany Council Chambers

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Tiny House in Cuthbert Street
Proposed Holiday Home Development Application

Senior Planning Officer
City of Albany

Dear Sir/Madame,

Please accept this development application which proposes to add a *'Tiny House in Central Albany'* to the accommodation options in our town.


Being the manager of an existing Airbnb, ('Perfect Central Cottage' has hosted 627 guests from 17 countries since opening), I am aware of the benefits to small business that results from the 'spend' of these valued tourists.

In assembling this application I have sought input from neighbours, in particular to guide parking requirements, (see attached parking plan) and minimise impact for my neighbours at 19-21 Cuthbert Street with whom I share a 'right of carriageway', (see attached engineering drawings).

While the Tiny House has at present, a courtyard shower and toilet, both are fully approved by CoA Health and Safety. I have commissioned an architect to draw plans for an internal bathroom to be added to the amenity with intention to progress this building application as soon as it is possible.

If approved by your planning department, the management of my existing Airbnb will be extended to the Tiny House as both are located at on the same 864m² property. My management skills have enabled me to achieve Airbnb 'superhost' status each quarter since commencing. This award is contingent on my ability to maintain 5 star ratings across presentation of the property, hygiene and cleanliness, and my ability to effectively manage all of the 'people' issues that arise.

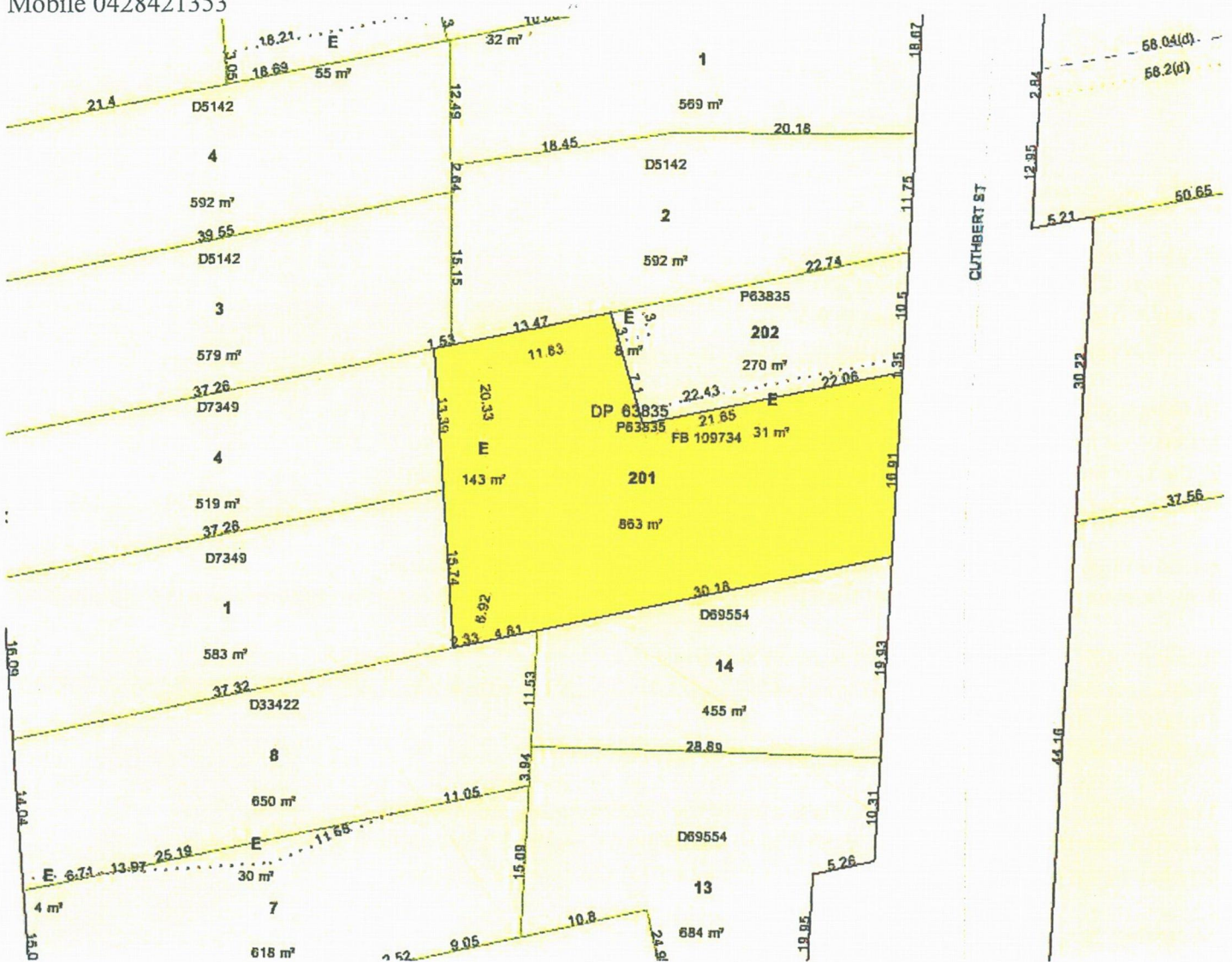
Please note the Tiny House has private access to Cuthbert Street via a 'right of carriageway' and both dwellings sit amongst expansive gardens (which will feature in the 2019 Hospice Open Garden's) ensuring privacy for all.

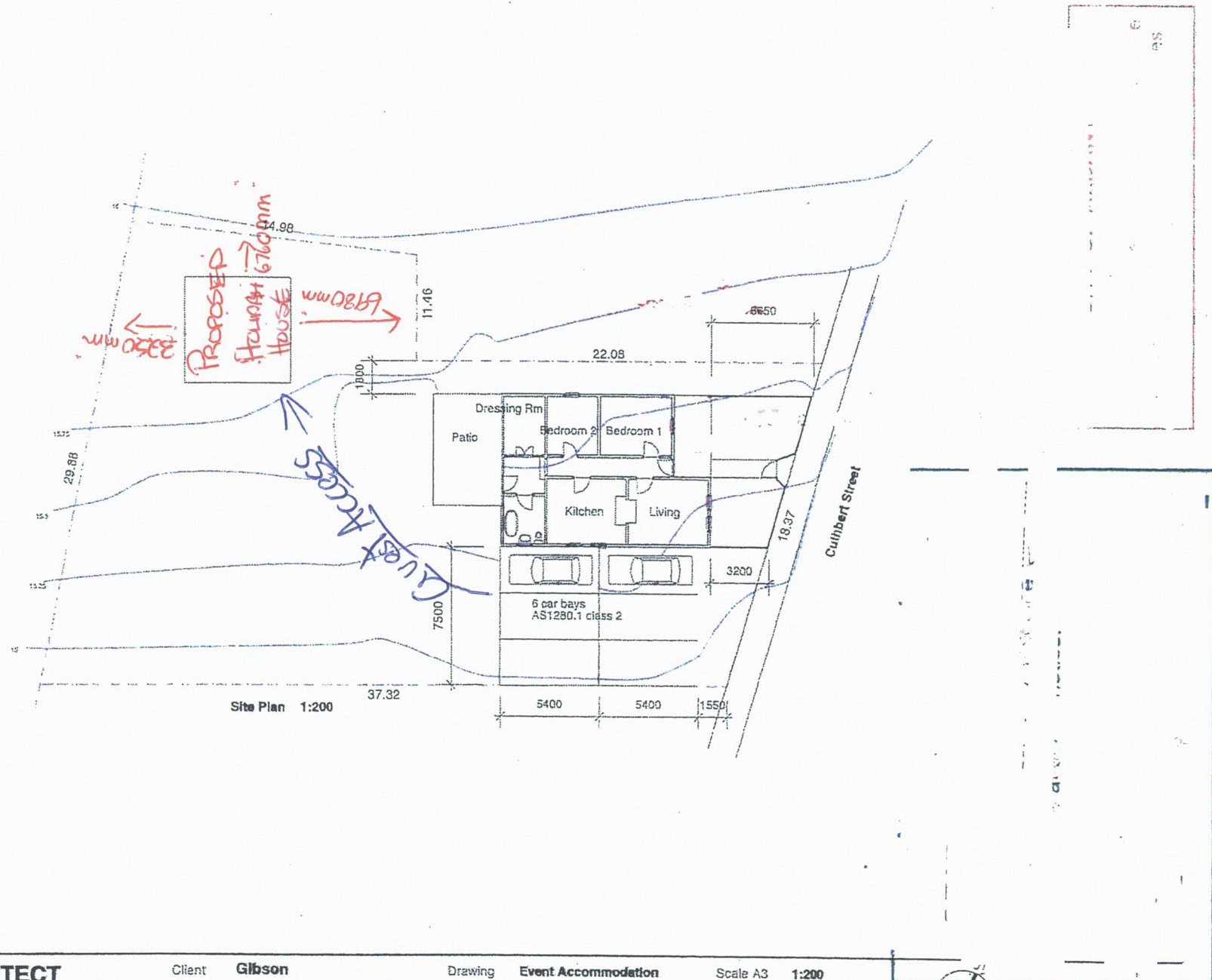


Margaret Gibson
Lot 201 (13-17) Cuthbert Street
Albany 6330



THE USE WILL BE FOR SHORT TERM ACCOMMODATION
ONLY (ONE PERSON CAN STAY UP TO A MAXIMUM
OF 3 MONTHS IN ANY TWELVE MONTH
PERIOD).





BRIAN KLOPPER ARCHITECT

2b Council Place, East Fremantle, WA 6158
Tel 0409 376 606 bklopper@inet.net.au

Client **Gibson**
Project **House**
Location **Cuthbert St Albany**

Drawing **Event Accommodation**

Date **29 Oct x 2014**

Scale A3 **1:200**

Drawn **BRK**

North

1401 104

GENERAL NOTES:

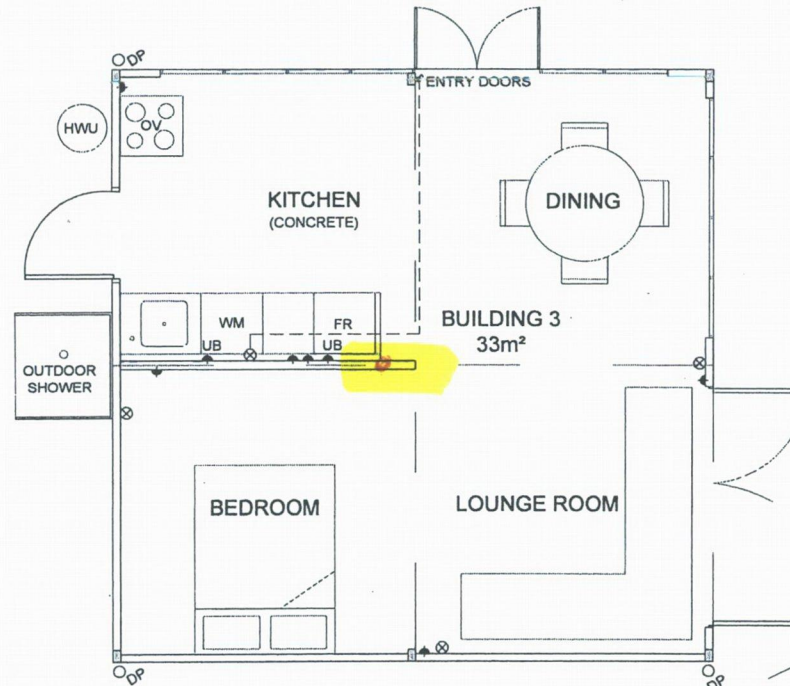
THE STRUCTURE DOCUMENTED IS IN REFERENCE TO BUILDING 3 ONLY. THE BUILDING IS EXISTING AND REQUIRED DRAWINGS TO REPRESENT THE OVERALL LAYOUT OF THE BUILDING. REFER TO THE DRAWINGS PROVIDED BY RANBILD PTY LIMITED FOR STRUCTURAL LAYOUT, SPECIFICATION, SCHEDULE AND CONSTRUCTION DETAILS.

H+H ARCHITECTS HAVE COMPLETED THESE DRAWINGS ON THE BASIS OF A VISUAL INSPECTION ONLY AND THEREFORE WE TAKE NO RESPONSIBILITY FOR THE ACCURACY AND COMPLETENESS OF THE DRAWINGS.

LEGEND:

C.O.S	CHECK ON SITE
DP	DOWN PIPE
EX	EXISTING
FO	FOUR
F	FIXED GLAZING
FR	FRIDGE
HWU	HOT WATER UNIT
OV	OVEN
WM	WASHING MACHINE
WOW	WINDOW
LS	LIGHT SWITCH
WL	WALL LIGHT
UB	UNDER BENCH (HEIGHT)

• *Smoke Alarm*



CERTIFIED DOCUMENT
 Job n° 1187 B-CBC
 DAVID THOMAS MEXSON
 BUILDING SURVEYING PRACTITIONER - LEVEL 1 - REG. # 11
 T/A STATEWIDE BUILDING CERTIFICATION WA (SBCWA)
 Class 10a shed to Class
 1a Habitable building.
 Date 21/10/2019



AS CONSTRUCTION DRAWINGS

No	AMENDMENT	DATE	CHD
1	ISSUED TO BUILDING SURVEYOR	JUNE 18	GS

H+H architects
14 KENNEDY DRIVE, ALBANY WA 6177
 PO BOX 5471, ALBANY WA 6177
 PH: 08 9422 1111 FAX: 08 9422 1112
 WWW.HHARCHITECTS.COM.AU

GIBSON ANCILLARY BUILDING
 AS CONSTRUCTED DRAWINGS
 CUTHBERT STREET, ALBANY

DRAWN	GS	SCALE	1:50@A3	DRAWING
CHECKED	-	DATE	JUNE 2018	ELECTRICAL LAYOUT
APPROVED	-	PROJECT No	2213-18	DRAWING No
ARCHITECTURAL				A.100 1

Proposed Holiday Accommodation Lot 201 #17 Cuthbert Street ALBANY

Parking Plan

BRIAN KLOPPER ARCHITECT

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Tel 0409 376 605
btkoppa@hna.net.au

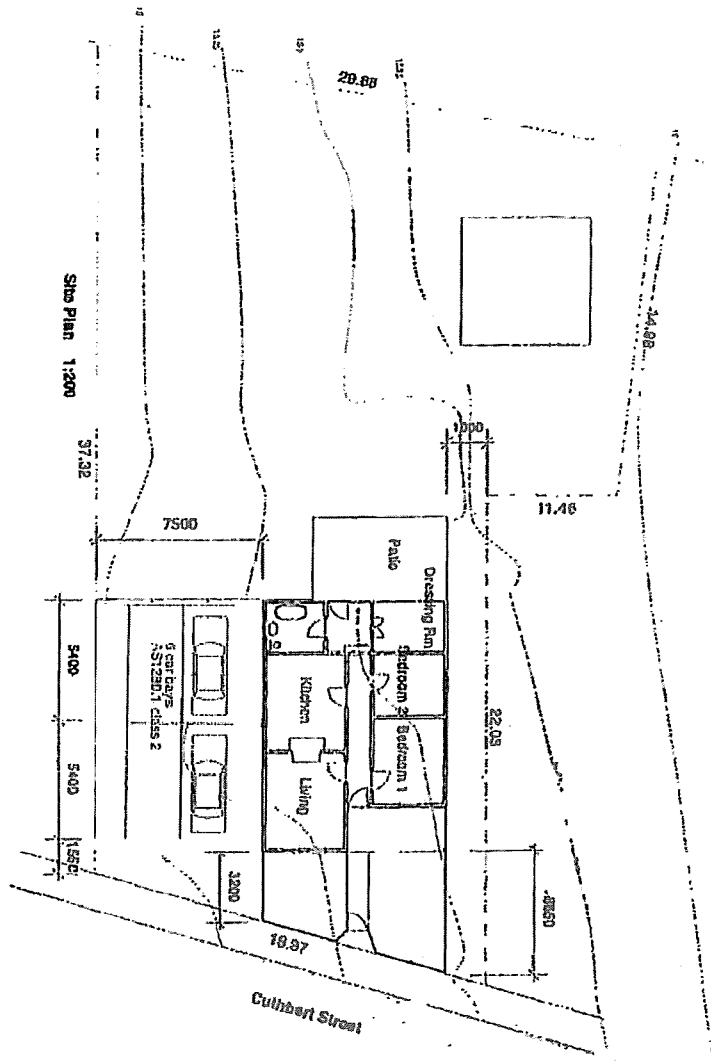
Client	Gibson
Project	House
Location	Cuthbert St Albany

Drawings	Event Accommodation
Date	29 Oct x 2014

Scale N3 1:200
Drawn BFK

North

1401 104



HOLIDAY ACCOMODATION MANAGEMENT PLAN

FOR

**17 CUTHBERT STREET
ALBANY**

**‘Perfect Tiny Home in Central
Albany’**

CONTENTS

1. LOCATION
2. PROPERTY MANAGEMENT
3. ACCEPTANCE
4. PAYMENT
5. CANCELLATIONS
6. MINIMUM NIGHT STAY
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9. GENERAL CONDITIONS
10. PARKING
11. PETS
12. DAMAGES
13. DEPARTURE
14. COMPLAINTS HANDLING
15. EMERGENCY RESPONSE PLAN

1 LOCATION

The property 17 Cuthbert Street (at rear of 13-17 Cuthbert Street), Albany is identified in the “preferred” area for holiday accommodation.

The location is situated within a leisurely stroll to York Street, the town square and harbour and a spirited hike to the Anzac Centre. Close by are local shops, the Brig Amity, local parks, super market, bakery, pharmacy, bottle shop and points of interest. It’s a pleasant area to walk, cycle or drive and is within 30m of public open space with picnic tables.

2 PROPERTY MANAGEMENT

This property will be managed by Margaret Gibson with the assistance of Lester Coyne. A guest register will be kept ensuring that one person will not reside for more than 3 months within a 12 month period.

The property will be overseen by Lester and Margaret and we will make sure all rules are strictly followed. Margaret Gibson’s workplace is 30m from the accommodation at 25 Duke Street which assists with regular overseeing of the property.

A lockbox is available for guests to check-in, a telephone contact is made soon after check in with all guests. South boundary neighbour, Alix Wells overlooks the property. A close relationship with Alix is maintained and any issues to do with guests, parking, rubbish etc are relayed to Margaret as part of this two-way neighbourly relationship. All adjacent neighbours and neighbours in close proximity have our contact phone numbers for any problems that may arise.

3 ACCEPTANCE

Full payment is due before check in and this constitutes acceptance of all terms and conditions.

Check in time is after 2pm on the arrival date and check out time is before 11am on the departure date.

4 PAYMENT

Bookings are always paid in full prior to arrival via the sole listing website for this holiday accommodation, Airbnb.

5 CANCELLATIONS

We hold a strict cancellation policy, there will be a full refund for cancellations made within 48 hours of booking. If the check in date is at least 14 days away a 50% refund is available and if the cancellation is made within 7 days of the check in there is no refund.

6 MINIMUM NIGHT STAY

There is a 2 night minimum stay.

7 UNAVAILABILITY

If the property becomes unavailable during the duration of your stay due to unforeseen circumstances e.g. fire, damage etc. you will be advised immediately and all money will be refunded.

8 LINEN TOWELS & SERVICING

All linen, towels and bedding will be provided for the approved amount of guests per stay and must be left at the property once vacated.

9 GENERAL CONDITIONS

- Disturbance to neighbours, including excessive noise is not permitted. Guests must comply with quiet times being from 10pm though till 8am. Should noise outside these times occur, it would constitute a violation of the house rules and will result in immediate cancellation of the right to occupy the premises. In the event we are notified by neighbours of excessive noise, as an Airbnb super host, Margaret is able to contact Airbnb without delay and employ their skilled facilitators to enact the immediate cancellation of the stay. All guest must comply with house rules and read all instructions from management.
- Guests are responsible for damage, theft and loss of property during their stay. You must notify us immediately if this occurs.
- Additional guests to the amount requested through the booking portal cannot and will not be approved to stay. Any attempt for additional guests to stay will incur the same cancellation of right to accommodate the premises as outlined above.
- Please dispose of all garbage after your stay to the outside bins located in the grassed driveway.
- The property must be left in a clean and tidy condition upon departure as it is found. Dishes done, rubbish disposed of and recycling taken out.

- All doors and windows must be locked upon leaving.
- Smoking is not permitted on the property.
- Parties are not permitted at any time. No more than 6 visitors at any given time are allowed in the property. If this rule is breached a warning will be given and if not rectified immediately, cancellation of the right to occupy the property will be enacted by the Airbnb support team.

10 PARKING

Guests and visitors must comply with parking regulations for the accommodation which direct parking to the wide grassy driveway on the South boundary of the property.

Guest must be mindful of neighbours when parking and only park in allocated parking spots on the property.

Parking instructions are forwarded by email to all guests within 5 days prior to their arrival.

11 PETS

Only 1 pet at a time may be approved upon booking, non- approved pets are not permitted and will breach house rules. Pets must remain with their owners at all times. Upon booking a pet, a specific agreement is sent to guests for confirmation. This agreement stipulates that pets must accompany their owners at all times. The yard surrounding 'Perfect Tiny Home in Central Albany' is fully

fenced and secured. If pets are a disturbance and is reported by neighbours, contact will be made with the guests in the first instance. Failure to attend to the issue will constitute failure to obey the house rules and Airbnb support team will be employed to cancel the right to occupy the property.

12 DAMAGES OR BREAKAGES

Must be reported to manager immediately.

13 DEPARTURE

Guests must comply with house rules take out rubbish and personal items. The property should be locked completely and keys left in the lockbox.

14 COMPLAINTS HANDLING

Upon arrival, guests are met with a welcome note which has contact phone numbers for management clearly visible. Guests are always contacted by phone soon after arrival to both welcome, orientate and provide an open line of communication. Both Margaret Gibson and Lester Coyne have long-established business relationships with Royale Plumbing, local handyman services and Tony Jones Electrical who provide instant responses to any issues that may arise.

Guest have an obligation to report any problems or incidents to their manager.

It is recommended all guests take out personal travel insurance.

15 EMERGENCY RESPONSE PLAN

Emergency numbers are clearly visible on the welcome note, all medical emergencies numbers are visible on a fridge sticker marked 'Emergency Numbers'.

Any emergency relating to the property please contact Margaret Gibson 0447 191 700 or Lester Coyne 0417 176 000. All emergencies will be attended to immediately.

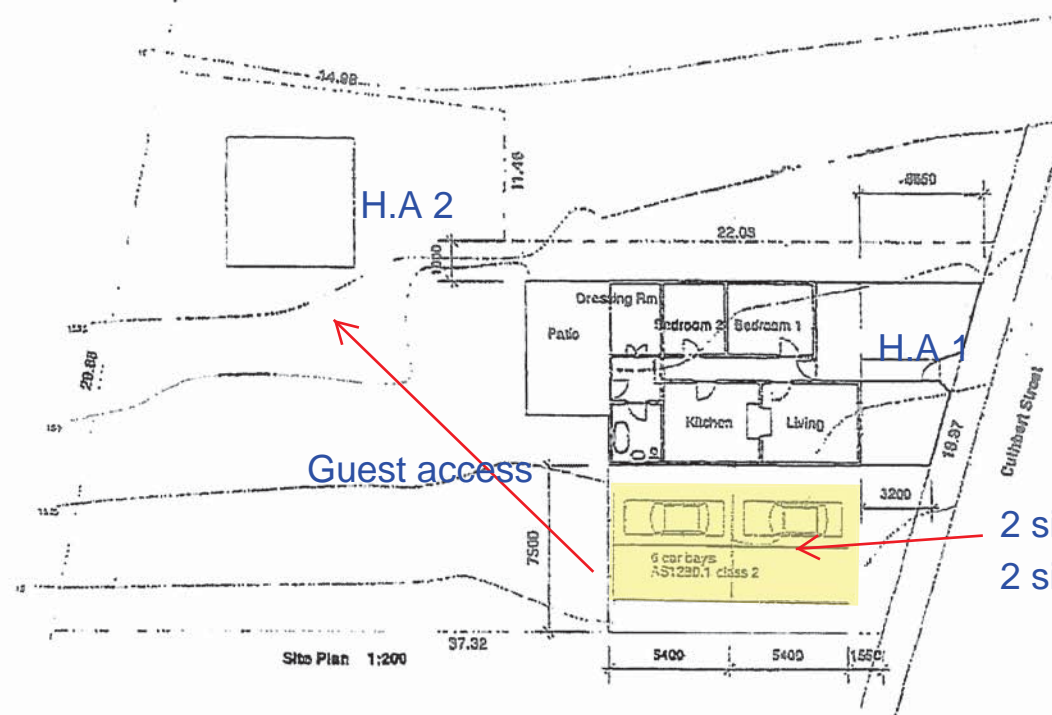
Fire Emergency, please contact 000. Please evacuate the building via the exits at the front and back door. A fire emergency evacuation map is visible to guests upon arrival.

A fire extinguisher located on the wall beside the stove.

Medical Emergency, please contact 000 (Please note the hospital is 5 minute drive) A clearly marked first aid box is located on shelving above the kitchen sink.

Proposed Holiday Accommodation Lot 201 #17 Cuthbert Street ALBANY

Parking Plan



2 signposted tandem bays for H.A 1
2 signposted tandem bays for H.A 2


BRIAN KLOPPER ARCHITECT

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Tel 0409 376 605 b.klopper@bna.net.au

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Project **House**
Location **Cuthbert St Albany**

Drawing **Event Accommodation**
Date **29 Oct x 2014**

Scale **A3 1:200**
Drawn **BRK**

North  **1401 104**

SCHEDULE OF SUBMISSIONS
PROPOSED HOLIDAY HOUSE – 13-17 Cuthbert Street, Albany WA 6330

The following is a summary of landholder and City of Albany comments.

No	Address	Comments - Summarised	Officer comment and response to matters raised
1	EF19340010	<p>We wish to make the following comments:</p> <ol style="list-style-type: none"> 1. Within about 500 metres of this proposal there already is a number of short stay accommodation options. This includes at least two Airbnb's and larger buildings including the Youth Hostel (Backpackers) on Duke Street and Harbourside on Festing Street. 2. The property stated in this development already has an Airbnb's operating and we query the need for yet another in this site. <p>We find it difficult to ascertain what the proposed development is. Is it either:</p> <ol style="list-style-type: none"> 1. an extension of "Tiny Home in Central" to install an internal bathroom onto the existing building or 2. To establish another building onto this Lot as illustrated on Attachment of hand drawn proposed Holiday House. Or 3. Both <p>The proposal is also unclear about the drainage and water run-off from further development. Our property already has run off from adjoining north side properties into a drain (private) at the rear of our block. Attached plan is unclear of what is proposed.</p> <p>Before any work is changes made to water control on 17 Cuthbert Street, we wish to be able to discuss any proposed changes to water run-off and its ramifications, with your department representative.</p> <p>Therefore, we would like the planning Department to provide</p> <ol style="list-style-type: none"> 1. Greater clarification of what development is being proposed on the site 2. Clarification re water run off 3. Consideration given to the need to add yet more short-stay accommodation in this residential area. 	<p><u>Amenity.</u></p> <p>In respect to the amenity and character of the area, it is necessary to consider that the proposal is located within the preferred area for holiday accommodation within the City of Albany Holiday Accommodation Local Planning Policy. It is considered that with the implementation of a suitable management plan as a condition of approval, that the use will not detrimentally affect the character or amenity of the area.</p> <p><u>Drainage.</u></p> <p>The current proposal is for a change-of-use of an existing dwelling to Holiday Accommodation. Therefore, there should be no additional runoff as a result from the proposal. Any further development will likely require approval, and the stormwater management assessed at the time. If the parking area is to be sealed, details regarding the stormwater management will need to be submitted for approval.</p> <p><u>Right of Carriageway.</u></p> <p>Two submissions raised concerns that the guests will use the Right of Carriageway to the north of the lot. The City has previously sought legal advice in this regard and was advised that "all registered proprietors, as well as their guests and invitees have an implied right to use the right of way. There is no prohibition in guests or invitees using the right of way as a means of access to a lot with a minor commercial element".</p> <p>The adjoining northern lot owner however has expressed concerns that usage of the Right of Carriageway for access and egress will pose amenity and privacy concerns due to the proximity to their bedroom and kitchen window. A site visit has determined that these concerns are valid and a condition shall be added to the approval requiring all access and egress to the proposed holiday accommodation to occur solely through the access way to the south of the lot. The right of carriageway to the north of the lot is not to be used for either access or egress nor parking for the proposed holiday accommodation.</p> <p>The right of carriageway is correctly classified and is indicated on the title of the property as such.</p> <p><u>Parking.</u></p> <p>Limited off-street parking is available and there is a concern that inviting additional traffic onto the property will compound the existing shortage of parking. The proponent has provided a parking plan with their application indicating 6 proposed bays on the lot. The City's engineering department has responded that "The area designated for parking is unlikely to accommodate 6 bays. An updated car parking is to be submitted showing the required 4 bays. The plan should indicate parking signage, bay dimensions and any requirement to remove trees or obstructions. The parking area can remain as neatly mowed grass. If the parking area is to be sealed, details regarding the stormwater management will need to be submitted for approval due to the increase in runoff generated and its potential to affect the downstream property". The proponent has also updated the Code of Conduct to require parking in the</p>
2	EF19340987	<ol style="list-style-type: none"> 1. The Reference is an application to develop 13-17 Cuthbert Street into Holiday Accommodation. As an addressee we were invited to comment on this proposal. Our comments are detailed in the following paragraphs. 2. Cuthbert Street is a unique in street in Albany. It is short, narrow, old, heritage listed, with narrow blocks and very close to town. Most of the residents of the street don't own all their own driveways – they are either shared or have a right of carriageway. Parking is precious on the street both for the owners and their visitors. The handy location to the City is used for parking by many locals for other major events such as Christmas pageant, ANZAC day, Farmers Market and the Round the Houses car races, to name a few. Most houses in the street are heritage listed as are the street kerbs. This should also be respected. 3. <u>Car Parking.</u> Some years ago on the first application for 13-15 Cuthbert Street to become holiday accommodation, 6 car parking spaces on the southern side of the house at No13 Cuthbert Street were identified. These never eventuated! We note that they are back on this application. Unless these spaces are identified, created, marked and used we object to this application for the reasons stated in the previous paragraph. We note that 13-15 Cuthbert Street can have 4 residents and that 	

		<p>17 Cuthbert Street may have up to four (according to the application) which could result in 6 cars being on-site. This is in addition to the owner who may have one or two cars there as well.</p> <p>4. In the application we note that guest access to the proposed holiday house will be through the rear of 13-15. We also note that the emergency evacuation route is via the shared driveway (not right of carriageway as identified in the application) with No 19 Cuthbert Street. As guest parking for the proposed accommodation is identified as part of the 6 bay parking area why are two proposed parking spaces included in the roads and drainage plan? This would seem to be intended to ignore the requirement for the 6 parking spaces.</p> <p>5. <u>Comments on the Application.</u> We note there are several discrepancies in the application. We see these as follows.</p> <p><u>Holiday Home Management Plan.</u></p> <p>a. <u>Overcrowding.</u> The application states a floor plan of the property with measurements is attached. This is not so. There is an architects diagram for the electrical layout with no measurements. There is another architects drawing of 13-15 with hand written measurements of the proposed accommodation location. There are no measurements of the actual shed or the internal rooms. These could be anything. The dimensions are important because it affects the capacity of the accommodation for guests.</p> <p>b. <u>Maintenance and Keys.</u> "All bedrooms, toilets, bathrooms....." Why the plural when there is only one?</p> <p><u>Holiday Accommodation Code of Conduct.</u></p> <p>a. "The property will comply with relevant planning, building.....". How does an outdoor toilet and isolated outdoor shower meet these requirements? Does a habitable dwelling complying with the Australian Building Code not need a proper bathroom? How does a toilet against the neighbour's fence meet these requirements when even a garden shed cannot be against the neighbours fence? Is there a hand basin anywhere? We note that the owner has commissioned an architect to draw up plans for an internal bathroom to be added to this amenity to progress this application as soon as it is possible. Surely it would be necessary to have it in-situ prior to your approval.</p> <p>b. Guests and Visitors.</p> <p>i. Maximum number of guests are two adults per bedroom. As 17 Cuthbert Street has only one bedroom, how can it have 4 guests? Surely this must be 2 adults and perhaps 2 children as the only possible scenario. This needs to be made clear that the shed cannot accommodate 4 adults.</p> <p>ii. We note that 13 Cuthbert is mentioned here. What does this mean?</p> <p>c. Parking. This section needs more detail and emphasis as this will be a sore point with the rest of the residents of the street. See comments at Para 3.</p> <p>d. We believe that the driveway between 17 and 19 Cuthbert St is a shared driveway not as identified in the application as a right of carriageway. A technical but significant distinction.</p>	<p>designated guest bays. Signage reflecting this will be required by application of an appropriate planning condition.</p> <p><u>Ablutions.</u></p> <p>The application was referred to the City's Environmental Health team to provide comment in respect to the proposals ablutions facilities. Based on the information provided the City's Environmental Health team could see no issues with the proposed ablutions facilities.</p> <p>The proposed accommodation unit was issued a building approval certificate in February 2019. The building approval certificate confirms that the building has been assessed by a registered building surveyor and confirm compliance with the <i>Building Act 2011</i>, <i>Building Regulations 2012</i>, <i>National Construction Code</i> (BCA Vol.2 Class1/10a Buildings) and applicable standards.</p>
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		<p>The Planning Process.</p> <p>6. From our point of view, the entire planning process for this dwelling leaves much to be desired. The building was originally built as a single car garage with workshop area. Over many years it has morphed from a backyard shed to private accommodation with exterior toilet, then to rentable accommodation and now to a proposed Airbnb - still with no bathroom. This has all occurred without the necessary approvals being obtained prior to the changes. Indeed it has been the actions of the neighbours that have alerted the council to what was going on. Even then the Council has been slow to respond. This has been, and still is, an ongoing frustration for the neighbours who have observed these activities at first hand.</p> <p>7. A few years ago, an application to Council was submitted and approved for the house at No 13-15 to become holiday accommodation. This application identified 6 car parking spaces that were never formalised. The most cars we have seen parked in this area has been three with extra vehicles parked on the street. Meanwhile, the holiday accommodation has changed to an Airbnb which, as the owner has identified, has been quite successful. However, the 'shed' has also been used as accommodation during this time (despite the lack of approvals) and was also advertised on the Airbnb site at one time. Furthermore, there are other structures on the block (at least two other small "garden sheds" and an old caravan, none of which have any ablutions) that are also used for accommodation by the owner herself, her children, her friends and others from time to time.</p> <p>8. The owner states that she has sought input from the neighbours, in particular to guide parking arrangements. To the contrary, in the only approach we are aware of to her immediate neighbours, the owner tried to stifle any objection from them to ensure compliance with her application to Council.</p> <p>9. Unfortunately, this owner/applicant has a long track record over many years of ignoring guidelines, requirements, local planning laws etc including as recently as April 2019 when she had short term guests in the shed. This was despite having recently been granted building approval to have tenants for <u>no less than</u> 3 months occupancy. Council letter Reference EF19181740 – A107339 RE 13-15 Cuthbert Street dated 20 March 2019 refers. These actions have left a trust deficit within the neighbourhood. It is hard to believe that this attitude to regulations will not continue going forward and this does not bode well for the future.</p> <p>Conclusion</p> <p>10. We have given considerable thought to responding to this application.</p> <p>11. Firstly we think the whole "planning" process for this sets a very poor example for the rest of the community if it is approved. The majority of planning applications are subject to engineering assessments, government departmental approvals and Council approval all of which cost money. This owner appears to have circumvented these approvals and processes and got away with it. Many home owners in Albany have backyard sheds that could undergo similar copycat conversions to the detriment of other neighbourhoods.</p> <p>12. Secondly, there are errors in the application (identified above) that should be corrected to ensure that both the information in the application and the record are correct.</p>	
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		<p>13. Thirdly, the parking issue is particularly pertinent to all the residents in Cuthbert Street because of its unique character. It also needs policing.</p> <p>14. Fourthly. The outdoor ablution arrangement is ridiculous and should be rectified prior to application for approval.</p> <p>15. We strongly object to this application for the above reasons and because of the impact it will have on our special street.</p>	
3	EF19341098	<p>We would like to comment on the application for holiday accommodation, in relation to the advice sent to neighbours on 24 April. We apologise for the late submission, but hope that these comments can be considered.</p> <p>As a comment, it is not evident why this application has been made, as the building in question has been used for short term (few days) accommodation for a considerable period.</p> <p>Our concerns relate chiefly to the likelihood of additional traffic and parking pressures in a narrow street, and the additional noise from an increase in the number of temporary residents. Car parking is possible on only one side of the street, and at present there are often few street parking options left at night, when most residents are at home.</p> <p>Some queries:</p> <p>Parking: the plan indicates 6 parking bays on the property, but this is not the case: unless some trees were removed, a maximum of 3 car bays are provided. It can be noted that tenants of the larger building (facing the street) often prefer to park on the street, and it would be helpful if the owner was required to ensure that tenants use the off-street area at night.</p> <p>We would appreciate clarification regarding the number of cars permitted to park in the street in connection with the two buildings at this address.</p> <p>Occupancy: the plan indicates (under "Overcrowding") that a maximum of 4 people may occupy the house, whereas it is stated (Code of Conduct, Holiday Accommodation) that only 2 adults may occupy a bedroom. As this is a single-bedroom building, we seek clarification regarding the number of occupants, noting that for more than 2 people, there is often more than one car.</p> <p>It can also be noted that two other "buildings" on this property are at times used for accommodation: a separate small building to the south of the building in question, and a caravan also on the property. We would object to the use of these for holiday (or at times, longer-term) accommodation, as our experience is that when all 4 possible dwellings are occupied, there are always additional cars parked in the street for long periods.</p>	
4	EF19341134	<p>While I have no in-principle issues with the now approved building being used for short term accommodation, I have a number of specific concerns regarding the application.</p> <ol style="list-style-type: none"> 1. Max number of occupants - the advert on page 2 talks to 2 guests, yet the section on Overcrowding and 3.3 Occupation reports that a max of 4 people can be accommodated. For a 1 bedroom 1 living room unit, hosting 4 people appears beyond its capacity. 2. Toilet area - this looks like it is placed directly along the rear boundary wall of the property and is outdoors. As the building is council approved must mean that it is allowable and that the rear neighbours have approved this? Considering there have been no earthworks in the 5+ years I have lived on the street concerns me as to whether this area is plumbed appropriately for sewerage and waste water. 3. Car bay area - the plan talks to this being able to take up to 6 cars - which is a physical and practical impossibility. The max I think it can take is up to 4 for all cars/occupants that are staying at either of the separate Air B'n'b houses on this single property. If the overall principle is to 	

		<p>reduce/eliminate on-street parking; with a max 4 guests and up to 4 visitors in the proposed unit, with the same again for the front approved house it does not appear that the owner has adequately allowed enough off street car parking space with the resultant risk that car parking overflows onto the street, which is a small narrow 2 way street.</p> <p>4. The owner has omitted 2 other structures on the property that are used for accommodation. Currently a caravan is on the property which has been permanently occupied for 2-3 months by the owner's son. There is also a second taller shed behind the property in question, that the owner uses and stay in when she visits, also on a regular basis. In both cases as neither of these have their own bathroom/toilet it can only be assumed that they access the outdoor shower/toilet of the proposed unit when occupied. This also appears inappropriate and inadequate and would it is felt lead to even further over-crowding. This was evidenced most recently at Easter.</p> <p>Lastly - the other occupants on the street have seen ongoing issues with the owner of this premises and her inability to comply and act in accordance with required council approval processes for sometime now - and in most cases have had to escalate these as the owner has continually misrepresented the building's use and occupancy to council. Recognised timely and effective dispute identification and resolution must be seen as an ongoing requirement and supported by council. The concern is that there will be ongoing day to day issues with the overall property occupation, with the owner continuing to test the limits of what is possible, beyond the scope of what is approved.</p>	
5	EF19341135	<p>We have no objections to the proposed development at 13-17 Cuthbert Street other than we are surprised that a modern holiday accommodation does not plan to have an inside bathroom. An outside toilet and shower do not seem conducive to tourism in the 21st century. As travellers who use holiday accommodation in various countries we would not choose to stay in accommodation where the toilet and shower were outside the building unless there was no alternative and are surprised the City of Albany is endorsing this plan.</p>	
6	ICR19340115	<p>There are two things about the proposal which are of concern to my wife and I:</p> <p>Cuthbert Street is a quiet little street, and any additional parking due to this proposal should not be on the street, but on the grassed area adjacent to number 15.</p> <p>Access (pedestrian) to the Holiday Accommodation should be via this grassed area, and not via the shared driveway between houses number 15 and 21 which would affect the privacy of the owners of number 21, as the kitchen and bedroom windows about this driveway.</p>	



City of Albany
Policy

Container Deposit Scheme Infrastructure Policy

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Purpose

1. 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

The Heritage Act	Means the Heritage of Western Australia Act 1990.
The Regulations	Means 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's <i>Local Planning Scheme No.1</i>
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

2. 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:

- Entered in the Register of Heritage Places under the Heritage Act; or
 - The subject of an order under Part 6 of the Heritage Act; or
 - Included on a heritage list prepared in accordance with the Scheme; or
 - Within an area designated under the Scheme as a heritage area; or
 - The subject of a heritage agreement entered into under section 29 of the Heritage Act.
3. 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.

Specified exemption

4. 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
5. 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;
 - b) Community purpose; and/or
 - c) Educational establishment

Development standards

General

6. 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

7. 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.

8. 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.
9. 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.
10. 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.
11. 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

12. 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.
13. 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.
14. 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.
15. 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

16. 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.
17. 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.
- 18. 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.
- 19. 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).
- 20. 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

- 21. 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.
- 22. 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.
- 23. 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.
- 24. 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.

Document Approval			
Document Development Officer: Alex Bott		Document Owner: Paul Camins	
Coordinator Planning Services		Executive Director Development Services	
Document Control			
File Number - Document Type:	CM.STD.7 – Policy		
Document Reference Number:	(Created when cover sheet is created in Synergy Records Module)		
Status of Document:	Council decision: Draft, Administrative decision: Draft,		
Quality Assurance:	Council.		
Distribution:	Public Document		
Document Revision History			
Version	Author	Version Description	Date Completed
0.1	Coordinator Planning Services	0.1	26/6/2019
1.0	Position Title	User version numbering 1.0 when adopted or approved. Example descriptions: <i>Adopted by Council on 26/11/2014 Report Item ED005.</i> <i>Approved by Executive on 11/11/2014.</i>	dd/mm/20yy
1.1	Position Title	User version numbering 1.1, 1.2 for minor administrative changes. For example: <i>Minor administrative amendments: formatting, table of contents update, document control page, position title changes.</i>	dd/mm/20yy



Department of **Planning,
Lands and Heritage**



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Western Australia.*

Position Statement:

Container Deposit Scheme Infrastructure

May 2019

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Published by the
Western Australian Planning Commission
Gordon Stephenson House
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001

Published May 2019

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National Relay Service: 13 36 77
This document is available in alternative
formats on application to the
Communications Branch.

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 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

<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</i> (as amended) prepared under the <i>Environmental Protection Act 1986</i> .
<i>the Scheme</i>	means the City/Shire [DELETE AS APPLICABLE] of [INSERT NAME] Local Planning Scheme No. [INSERT NUMBER].
<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 the predominant land use.
<i>Container collection cage</i>	means a cage, or other structure, that is designed 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 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 standards 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 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.
<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 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.

<i>Development footprint</i>	
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.