



Explanation of Intended Effect

*Amendment to the State Environmental
Planning Policy (Exempt and
Complying Development Codes) 2008
to allow recycling equipment as
exempt development to support the
Environment Protection Authority's
Container Deposit Scheme*



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1. Introduction

1.1 What is an Explanation of Intended Effect?

Section 38 of the *Environmental Planning and Assessment Act 1979* (the Act) requires the Minister, before recommending the making of an environmental planning instrument by the Governor, to take such steps, if any, as the Minister considers appropriate or necessary to publicise an Explanation of the Intended Effect (EIE) of the proposed instrument and to seek and consider submissions from the public on the matter.

This EIE has been prepared for the purposes of section 38 and forms an explanation of the intended effect of the proposed amendments to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the State Policy).

The proposed amendments will introduce a new 'exempt' category for a range of recycling equipment, such as reverse vending machines (RVMs) and mobile cages, to support the Environment Protection Authority's (EPA) Container Deposit Scheme (the Scheme).

The amendments will:

- provide a new exempt category for recycling equipment;
- provide an efficient mode of delivery for recycling equipment to support the Scheme;
- remove existing obstacles and reduce red tape to delivering necessary equipment to give effect to the Scheme across NSW.

1.2 Background

The EPA's Container Deposit Scheme

The NSW Government introduced the *Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Act 2016* to meet the Premiers Priority for a 40% reduction in the volume of litter in NSW by 2020.

The Act establishes a container deposit scheme (the Scheme) to promote litter reduction and the recovery, reuse and recycling of beverage containers. The Scheme will commence from 1 December 2017.

The Scheme provides that anyone who returns an empty eligible beverage container to an approved NSW collection point will be eligible for a 10-cent refund. The refunds are funded by the beverage suppliers that bring containers into NSW, as they incorporate the cost into the sale price of the beverage.

Proposed Recycling Equipment

The Environment Protection Authority (EPA) have proposed a variety of equipment that is required to support the rollout of the Scheme, such as:

- reverse vending machines,
- mobile reverse vending machines,
- front end machines (inserted into the walls of a commercial premises) with the concealed back end for collection and recycling, and
- mobile cages.

The range of proposed equipment ranges in size, scale and potential impact. Proposals that are larger or in sensitive locations will require development consent from council.

Front end machines with concealed back end (inserted into the walls of a commercial premises) could be carried out as complying development under existing provisions in the Commercial and Industrial Alterations Code, provided these proposals comply with the relevant development standards and requirements in the State Policy.

Equipment that is sufficiently low impact to be considered as exempt development (no planning or building approval required) will be referred to in this EIE as "recycling equipment". This includes:

- **single reverse vending machines** (a single stand-alone machine that is designed to accept recyclable materials);
- a **bank of fixed multiple reverse vending machines** (a larger vending machine that has the size of (a maximum of) 5 single reverse vending machines that is fit-out to accept recyclable materials);
- **mobile reverse vending machines** (a mobile vehicle or movable temporary structure that is fit-out to accept recyclable materials);
- **mobile cages** (a holding cage that stores cans or bottles for recycling).

Further detail, including the proposed development standards, for recycling equipment is contained in the Table 1.1 in this EIE.

A Design Guide for recycling equipment is being prepared by the EPA. The guide will provide information on how to design and safely site the machines including how to integrate the structure in the proposed location. It is intended that applicants will be required to comply with the Design Guide in order for the recycling equipment to be exempt from development approval.

1.3 Context

Amendments to the State Policy will be made to establish recycling equipment as exempt or complying development under NSW planning law. These changes will assist the Scheme's Network Operators in installing appropriate recycling equipment across NSW. It will also streamline the planning, assessment and approvals process to assist the EPA reach its infrastructure deployment targets across the State to support the introduction of the Scheme.

The Scheme will be delivered by a Scheme Coordinator and multiple Network Operators. The Scheme Coordinator will be responsible for financial management of the Scheme including auditing, verification and community education and Network Operators responsible for establishing and managing networks of collection points. A 10-cent refund will be provided to anyone who returns an empty eligible beverage container to an approved NSW collection point.

Implementing the Scheme will involve the installation of a network of various forms of recycling equipment including RVMs and mobile cages. An RVM is an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A RVM may sort and process containers mechanically, with the entire process enclosed within the machine. Appendix A provides examples of the recycling equipment types.

2 Proposed amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

A summary of the proposed amendments to the Code SEPP are provided in this section of this Explanation of Intended Effect.

2.1 Summary of proposed amendments

The proposed amendments include a new exempt category to the State Policy to allow for the installation of recycling equipment.

A number of development standards that must be complied with for the installation of the recycling equipment will be applied as exempt development standards.

The proposed amendment includes minor changes to Division 1 General Exempt Development Code of the State Policy to include a new exempt category for recycling equipment. The following recycling equipment will be covered within the exempt category:

- Fixed Single RVM
- Fixed Multiple RVMs
- Mobile RVMs
- Mobile cages

A Specified Development Code and Development Standards will be included, for each of the above, in the State Policy.

The Table on the following page provides an explanation of the proposed amendments to the State Policy in respect to each of the forms of recycling equipment, including proposed development standards.

Table 1.1: Explanation of the Proposed Amendments to the Codes SEPP

Recycling equipment type	Definition	Development Standards
Fixed Single RVMs	A single stand-alone machine (similar to a vending machine) that is designed to accept recyclable materials	<p>For all Recycling Equipment types:</p> <ul style="list-style-type: none"> • Not be constructed or installed on or in a heritage item or a draft heritage item; • have the consent of the owner of the land on which the development is carried out or, if a council or public authority has the control and management of the land, the consent, in writing, of the council or public authority; • not be located in a residential zone; • not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land; • not obstruct the operation of, or access to, any utility services on the land or on adjacent land; • not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land; • not result in any damage to public property on the land or on adjacent land; • if located on a public place—have any approval required under section 68 of the <i>Local Government Act 1993</i>; • If located on a footpath – have any approval required under section 138 of the <i>Roads Act 1993</i>; • not display any advertising other than details of the person or organisation that operates it; • not cause the contravention of any existing condition of the most recent development consent that applies to the premises relating to car parking, loading, vehicular movement, waste management and landscaping; • arrangements must be made for the removal of any waste or recyclable materials likely to be generated as a result of the development; • must be designed and sited in accordance with the Design Guide prepared by the EPA.
Bank of fixed multiple RVMs	A larger vending machine that has the size of (a maximum of) 5 single reverse vending machines that is fit-out to accept recyclable materials	<p>(in addition to the development standards above for all Recycling Equipment types)</p> <ul style="list-style-type: none"> • not have an area greater than 5 single reverse vending machines; • if located in a private carpark, not occupy more than 3 parking spaces.

Collection Infrastructure type	Definition	Development Standards
Mobile reverse vending machines	A mobile vehicle or movable temporary structure that is fit-out to accept recyclable materials	(in addition to the development standards above for all Recycling Equipment types) <ul style="list-style-type: none"> • applies only to a vehicle or movable temporary structure that has been fitted out for the purpose of a reverse vending machine; • for temporary use only, must not become a permanent fixture; • may be used in association with a temporary event or outdoor events.
Mobile Cages	A holding cage that stores cans or bottles for recycling	(in addition to the development standards above for all Recycling Equipment types) <ul style="list-style-type: none"> • may only be permitted in a carpark area, or within a commercial property or industrial zone; • may only be carried out in a commercial or industrial zone; • if located in a private carpark, not occupy more than 3 parking spaces.

2.2 Intended effect of proposed amendments

The aim of the proposed amendments to the State Policy is to ensure that the installation of the Scheme's recycling equipment represents a balance between optimising convenient access to recycling equipment by the community and achieving quality, positive environmental, safety, visually aesthetic and heritage outcomes.

The amendments to the State Policy will also allow the efficient delivery of necessary equipment to assist the NSW EPA in installing the necessary equipment across the state to achieve the Premier's Priority for reducing litter by 40% by 2020.

2.3 Application of the State Policy

The amended State Policy will set out development standards to ensure well sited, appropriate and acceptable recycling equipment through consideration of the following:

- appropriate location and siting to maximise convenience, and avoid impacts on public safety and amenity;
- size and dimensions to minimise obtrusiveness and be compatible with the local environment;
- appropriate design and signage to avoid visual amenity impacts and be compatible with the local environment;
- ensure only certain waste types are received for collection;
- requirements for avoiding impacts on Heritage items

The EPA are preparing a Design Guide to assist waste contractors with achieving the above considerations. The Design Guide is required to be complied with in order for the recycling equipment to be exempt development. The Design Guide also aims to address the following:

- minimum technical requirements to protect the surrounding environment and minimise impacts;
- ensure appropriate insurances are in place;
- minimum maintenance requirements;
- requirements for appropriate storage and security arrangements for the collected waste;
- requirements for ensuring good environmental management and public health;
- requirement for minimising noise impacts.

3 APPENDIX A

Examples of Recycling Equipment Types

Below are examples of the various recycling equipment types proposed as exempt development:



Figure 1: Example of a fixed single RVM (Envirobank), Circular Quay¹



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Figure 2: Schematic example of a Fixed multiple RVM (Envirobank)¹



Figure 3: Mobile RVM (Envirobank)¹



Figure 4: Mobile RVM – Multiple Unit (Tomra)¹



Figure 5: Front-end with backroom system (Tomra)¹



Figure 6: Mobile collection cage (Salamander Bay Recycling)¹



Figure 7: Mobile Collection cage (Toro waste equipment)¹

¹**Source:** Jackson Environment and Planning (2016). Environmental Assessment of Reverse Vending Machines and Other Forms of Low Impact Collection - Potential for Exempt Development under NSW Planning Law. Report prepared for the NSW EPA, December 2016.