
From: Henry Wallis <hwallis@ethosurban.com>
Sent: Tuesday, 19 September 2023 5:00 PM
To: TPC Enquiry
Cc: O'Brien, Lauren; Harris Madden; Benjamin Murphy
Subject: RE: State Planning Provisions - draft amendment 01-2022 - direction letter to parties
Attachments: 3210353 Ethos Urban - Submission to TPS on behalf of TOMRA Cleanaway_Post Hearing_190923.pdf

Dear Lauren,

We have reviewed the response provided by the State Planning Office (SPO) on 6 September 2023 following the directions issued by the Tasmanian Planning Commission (TPC) on 23 August 2023.

We have provided the attached correspondence that seeks to confirm that a number of additional items, that had been agreed on by all parties at the Hearing, and we expected would be addressed in the amendment.

Please do not hesitate to contact me or Harris to confirm any details.

Regards,

Henry Wallis

He/Him

Associate Director
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Ethos Urban acknowledges Traditional Owners of Country throughout Australia and recognises the continuing connection to lands, waters and communities. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders past and present.

We pledge our support to the Uluru Statement from the Heart and embrace the call to walk with the Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

This email is confidential and may contain information that is confidential and privileged.

If you are not the intended recipient please notify us by return email or phone, and delete the original message.

18 September 2023

3210353

Rodger Howlett
Delegate (Chair)
Tasmanian Planning Commission
GPO Box 1691
Hobart 7001

Via email: tpc@planning.tas.gov.au

Dear Mr Howlett,

TOMRA and Cleanaway – Tasmanian CRS Draft Amendment

Ethos Urban continue to act on behalf of TOMRA Cleanaway in relation to the Tasmanian Container Refund Scheme (CRS).

We thank you for the engagement regarding the TOMRA Cleanaway submissions at the hearing 17 and 18 August 2023.

We have reviewed the response provided by the State Planning Office (SPO) on 6 September 2023 following the directions issued by the Tasmanian Planning Commission (TPC) on 23 August 2023.

We are pleased to the further amendments the SPO have included in its submission.

From the productive conversation at the Hearing we understood a number of other items had been agreed on by all parties and that a further amendments would be included to address them.

These include:

- External Storage for Standalone RVM's
- Operation hours relating to 'an' existing use rather than 'the' existing use
- Separation distances relating to land in a residential zone but not a road

These items do not seem to have been included in the response provided by the SPO as we understood they would.. We have included discussion of these items below. We trust that the amendments outlined will be able to be incorporated into the final amendment drafting provided by the TPC.

Please do not hesitate to contact Harris Madden, VP Business Development at TOMRA on +61 403 199 138 or me at the details provided below to discuss any details of our submission.

Yours sincerely,



Henry Wallis
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CC: TOMRA Cleanaway

External Storage for Standalone RVM's

External storage for Standalone RVM's was discussed in detail at the hearing.

Standalone RVM's will form a crucial part of the network of collection points in regional Tasmania.

The Draft Amendment provides exemptions for storage of returned approved containers on the site of collection. The exemptions for storage of returned approved containers are written into the container refund point exemptions at 4.2.10 and will be integral to the efficient and financially sustainable operation of the CRS.

Based on the current drafting of 4.2.10, we expect the Standalone RVM type collection points will not benefit from exemptions for storage returned approved containers collected through a Standalone RVM.

This is because the text provided at sub-clause 'b)' of 4.2.10 which relates to a container refund machine or bag drop refund point, specifically states the exemption only applies when:

*iii. the returned approved containers **are stored inside the structure** or the bags are stored in a relocatable bin that is not visible from any road or public space adjoining the site*

In the case of a Standalone RVM, we take this to mean that the returned approved containers are stored inside the structure (being the Standalone RVM). Whereas those collected via bag drop can be stored in a relocatable bin that is not visible from any road or public space adjoining the site.

Given the limited footprint of the Standalone RVM, onsite storage external to the RVM structure will be critical to the operation of the small footprint RVM type. For practical and economic collection of containers by a logistics provider to be possible, the small footprint RVM types will need to be supported by on site storage so a meaningful volume of containers can be amassed then collected. Standalone RVMs will capture beverage containers in both bins and bags which will require separate storage accessible by a logistics provider.

We note Over the Counter collection point types are supported by exemptions for external storage by the current Draft Amendment despite Over the Counter collection points generally being lower volume collection points and having a reduced need for external storage compared to standalone RVMs.

The language used in the suggested amendment below reflects the language used for external storage associated with Over-the-Counter collection points.

We have drafted the suggested changes to sub-clause 'b)' of 4.2.10 to provide a targeted and limited exemption for external storage that will apply to both Standalone RVM's and Over the Counter collection points.

b) a container refund machine or bag drop refund point if:

i. co-located on a site with an existing business;

ii. the structure has a base area of not more than 4m² and a height of not more than 2.2m; and

iii. the returned approved containers ~~are stored inside the structure or the bags~~ are stored in a relocatable bin that is **not more than 15m² in area and a height of not more than 3m or is provided in a shipping container**; and not visible from any road or public space adjoining the site, unless the Local Historic Heritage Code applies and requires a permit for the use or development.

Operation hours

There was detailed discussion of the operation hours outlined at 7.14.2 i) at the hearing. Specifically, the detail at 7.14.2 i) C.

This currently states 'operation of the co-located business' – this phrasing assumes the container refund machine will be associated with a single business. In reality, many container refund machines will be associated with a shopping centre rather than a single business.

This is likely to cause confusion as to which business's hours are relevant when confirming the hours of operation.

The redrafting below to refer to 'a' business rather than 'the' business will provide greater clarity.

7.14.2

i)

c. operation of ~~the~~ a co-located business,

Separation distances

The separation distances outlined at 7.14.2 i) will have significant impacts on the areas where container refund machines can effectively locate and operate.

The current wording would require that the 50m setback distance be measured from any land in a residential zone. This would include land used as a road in a residential zone. This serves no purpose as there is no opportunity for detrimental amenity impacts to land used as a road.

The simple redrafting below includes the clarification that the setback only needs to be taken from land in a residential zone used for a purpose other than a road. This will ensure requirements of 7.14.2 i) are applied to locations within 50m of all sensitive uses.

7.14.2

i) use of a bag drop refund point or a container refund machine within 50m of land, not a road, in a General Residential Zone, Inner Residential Zone, or Low Density Residential Zone must have: