

TASMANIAN PLANNING COMMISSION

**Draft Planning Directive No. 9 and
Draft amendment 01-2022 to the
State Planning Provisions
Container Refund Scheme –
Exemptions and Special Provisions**

Report to the Minister under section 12(5) of the
former provisions and section 30M of the current
provisions of the *Land Use Planning and Approvals
Act 1993*

November 2023

Executive Summary

1. In January 2023, the Minister for Planning, the Hon. Michael Ferguson (the Minister), directed the Tasmanian Planning Commission to undertake an assessment of draft Planning Directive No. 9 – Container Refund Scheme – Exemptions and Special Provisions (the draft PD).
2. At the same time, the Minister submitted draft amendment 01-2022 (the draft amendment) to the State Planning Provisions (SPPs) for the Commission’s consideration and approved it for public exhibition.
3. As an interim measure, the Minister issued Interim Planning Directive No. 6 - Container Refund Scheme – Exemptions and Special Provisions (IPD6) and interim draft amendment 01-2022, which became effective on 10 May 2023. Both interim measures applied the same provisions as the draft PD and draft amendment.
4. The draft PD applies to all interim planning schemes and the Sullivans Cove Planning Scheme 1997. The draft amendment is to the SPPs and applies to all effective Local Provision Schedules.
5. The draft PD and draft amendment seek to apply exemptions and special provisions to allow the use and development of infrastructure associated with the Container Refund Scheme (CRS). The CRS is a State government scheme that encourages residents to recycle containers for a partial refund.
6. The Commission delegated the assessment of the draft PD and draft amendment to a Panel. The draft PD and draft amendment were exhibited from 10 May 2023 to 11 July 2023 with eight submissions received. Hearings were held in Hobart on the 17 and 18 August 2023.
7. Supporting documents provided by the Department of Premier and Cabinet (State Planning Office) stated that the intent of the draft PD and draft amendment was to streamline the implementation of the CRS.
8. The Commission considers the draft PD and draft amendment further the objectives of the Act as set out in Schedule 1 and that the CRS is an important initiative to rollout across Tasmania as it will encourage residents and visitors to recycle containers.
9. The Commission considers that the impacts to residential amenity associated with the container refund machines are minimal because the machines are intended to be in shopping centre car parks for convenience reasons and setback 50m to the nearest residential zone.
10. The Commission supports the submissions from Circular Head Council and Glenorchy City Council that seek clarification on provisions within the draft PD and draft amendment.
11. The Commission also supports the submission from Ethos Urban, that assisted in clarifying the requirements of CRS use and development, and the considerations required for its implementation. The Commission supports a number of suggestions in Ethos Urban’s representation.
12. In summary, the Commission considers that the draft PD and draft amendment, as modified in Appendices 4 and 5, are in order. The Commission recommends that the Minister issue the draft PD and draft amendment, as modified.

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1.0 Introduction

1.1 Background

In January 2023, the Minister for Planning, the Hon. Michael Ferguson (the Minister), directed the Tasmanian Planning Commission (the Commission) to undertake an assessment of draft Planning Directive No. 9 – Container Refund Scheme – Exemptions and Special Provisions (the draft PD) under section 11(1)(a) of the former provisions¹ of the *Land Use Planning and Approvals Act 1993* (the Act).

At the same time, the Minister submitted draft amendment 01-2022 (the draft amendment) to the State Planning Provisions (SPPs) for the Commission’s consideration and approved it for public exhibition under section 30G(3) of the current provisions of the Act.

Collectively, the draft PD and draft amendment will be referred in this recommendation as the draft instruments.

As an interim measure, the Minister issued Interim Planning Directive No. 6 – Container Refund Scheme – Exemptions and Special Provisions (IPD6) under section 12A(2)(a) of the former provisions of the Act. The draft amendment was also issued as an interim SPPs amendment under section 30NB of the current provisions of the Act. Both planning instruments became effective on 10 May 2023 and apply the same provisions as the draft instruments.

IPD6 and the interim SPPs amendment apply the provisions of the draft instruments at the same time as they are being assessed. The interim measures are effective for a 12 month period or until the draft instruments takes effect, or the Minister revokes it, whichever occurs first.

The draft PD applies to all interim planning schemes and the Sullivans Cove Planning Scheme 1997. The draft amendment applies to the SPPs, which applies to all effective Local Provision Schedules.

The draft instruments seek to apply exemptions and special provisions to allow the use and development of infrastructure associated with the Container Refund Scheme (CRS). The CRS is a State government scheme that encourages residents to recycle containers for a partial refund.

The Commission delegated the assessment of the draft instruments to a Panel. The draft instruments were exhibited from 10 May 2023 to 11 July 2023 with eight submissions being received. Hearings were held in Hobart on 17 and 18 August 2023.

Supporting documents provided by the State Planning Office (SPO) stated that the intent of the draft instruments was to streamline the implementation of the CRS. This was achieved by providing exemptions and permitted pathways in specific zones.

The draft instruments introduce new terminology associated with the CRS. These terms have been included in the draft instruments through amendments to the interpretation section of the SPPs, and table 3.1 of the draft PD.

¹ References in this report to former provisions of the Act are references to the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*.

An operator of container refund points in Australia, TOMRA Collection – Pacific (TOMRA), was present at the hearing. Its representative explained the four types of collection points under the CRS intended for Tasmania through the draft instruments. These include:

- Container refund machine kiosks

Container refund machine kiosks are approximately the size of two shipping containers with an awning. Containers are inserted at the front of the machine and stored at the rear of the machine for collection. The machines cover approximately 4-5 car parking spaces and are generally located in the carparks of supermarkets.

This type of machine is defined as a container refund machine under the draft instruments, which refer to the definition in the *Container Refund Scheme Act 2022*.

The SPO advised that under the draft instruments, the use and development associated with container refund machine kiosks are intended as being a permitted application pathway.

- Standalone container refund machines

Standalone container refund machines follow the same principle as container refund machine kiosks but are much smaller. These machines are generally not larger than 2.2m in height with a 4m² floor area. The machines require emptying more regularly than the kiosk machines, which means storage areas for containers are required nearby.

This type of machine is defined as a container refund machine under the draft instruments, which refer to the definition in the *Container Refund Scheme Act 2022*.

The SPO advised that under the draft instruments, the use and development associated with standalone container refund machines are intended as being exempt from the application process.

- Over the counter refund points

Over the counter refund points are in existing businesses. They allow people to return containers to selected businesses for a refund. An external storage area is generally required while the containers await collection.

This type of collection point is defined as an over the counter refund point in the draft instruments.

The SPO advised that under the draft instruments, the use and development associated with over the counter refund points is intended as being exempt from the application process, as they will be an ancillary use to the existing business.

- Automated and manual depots

Automated and manual depots are designed for bulk container refunds. Automated depots sort containers using machines, while containers at manual depots are sorted by people. Depots are either a drive-through setup, where people can drive into the facility, or a drive-up setup, where a person is available to take the containers to a reception counter.

This type of collection point is defined as a waste transfer station under the draft instruments.

The SPO advised that this type of collection point does not benefit from the exemption or permitted pathways under the draft instruments.

Other types of collection points intended for the exempt pathway included pop-up collection points at events and bag drop collection points.

Unless for a pop-up collection point, the exemption and permitted application pathways apply to select zones only. These zones include the Local Business, General Business, Central Business, Urban Mixed-Use, Village, Commercial, Community Purpose and Recreation Zones.

Planning directives and interim SPPs amendments are mechanisms that can respond to planning matters in an immediate, uniform manner, with state-wide application. The draft instruments are proposed to regulate the implementation of the CRS throughout the state in a streamlined process.

The fundamental matters to be addressed in the assessment of the draft instruments are whether the draft instruments provide a clear pathway for future applications, residential amenity is not significantly impacted by the implementation of the CRS, and the machines themselves do not detract from streetscapes.

1.3 Assessment Process

1.3.1 Legislative power

Draft Planning Directive No. 9

Part 2A of the former provisions of the Act provides for assessment and issuing of planning directives, and the issuing of interim planning directives.

Section 12A(2)(a) provides that the Minister may issue an interim planning directive in terms of a draft PD. The Minister may only issue an interim planning directive if a direction is also issued to the Commission to undertake an assessment of the draft PD under section 11. Before undertaking the assessment, the Commission must publish a notice, write to planning authorities and State Service Agencies likely to be affected and seek representations [section 12(2)].

As part of the assessment, section 6 of the *Tasmanian Planning Commission Act 1997* requires that the Commission must perform its functions and exercise its powers in a manner that furthers the objectives of the Resource Management and Planning System.

Draft amendment 01-2022 to the State Planning Provisions

Part 3 of the current provisions of the Act provides for the making, amending and review of the SPPs, and the issue of interim SPPs amendments. Part 5 of the *Land Use Planning and Approvals Regulations 2014* provides for circumstances where interim SPPs amendments may be made. Section 30NB(4) states that an interim SPPs amendment may only be made if the Minister is satisfied that it urgently addresses a planning issue or matter, and is in the public interest.

Under section 30G of the current provisions of the Act, the Minister must approve the draft amendment for public exhibition, providing the Minister is satisfied that the draft amendment meets the SPPs criteria under section 15.

1.3.2 Delegation

On 22 February 2023, the Commission delegated relevant powers and functions under the current and former provisions of the Act and the *Tasmanian Planning Commission Act 1997* to Roger Howlett, Rohan Probert and Claire Hynes, jointly and severally, to assess the draft

instruments, and report to the Minister with recommendations. The hearing into representations received for the draft instruments were conducted by Roger Howlett and Rohan Probert.

1.3.3 Public exhibition

The draft instruments were publicly exhibited from 10 May 2023 to 11 July 2023. A notice in the Mercury, Examiner and Advocate newspapers as an invitation to make representations was published on 10 and 20 May 2023. The Commission also wrote to planning authorities and State Agencies advising them of the public exhibition period.

A copy of the exhibited draft instruments can be found in Appendices 1 and 2.

Eight representations were received during the exhibition period.

A list of representors can be found in Appendix 3.

1.3.4 Hearings

The Commission held a hearing into the representations at the Commission's office in Hobart on 17 and 18 August 2023.

1.3.5 Report to the Minister

The Commission must provide a report to the Minister on its findings and recommendations on whether the planning instruments should be issued [section 12(5) of former provisions and section 30N of current provisions].

Section 30N(2) of the current provisions of the Act outlines the matters that should be contained in the Commission's report to the Minister, as follows.

- 30N(2) The report in relation to a draft amendment of the SPPs is to contain –
- (a) a copy of the draft amendment of the SPPs in the form in which the draft was available for viewing by the public in accordance with section 30K(6)(a); and
 - (b) a summary of –
 - (i) the representations, in relation to the draft amendment of the SPPs, that it has considered in accordance with section 30M(b) and (c); and
 - (ii) the Commission's opinion as to the merit of those representations;and
 - (c) a summary of the information obtained at hearings, if any, in relation to the draft amendment of the SPPs; and
 - (d) the recommendations of the Commission in relation to the draft amendment of the SPPs; and
 - (e) a statement as to whether the Commission is satisfied that the draft amendment of the SPP meets the SPPs criteria.

The draft instruments raise the same planning considerations. As such, the Commission's consideration of the draft instruments are combined, following the format listed under section 30N(2).

2.0 Assessment of the draft instruments

2.1 Representations

There were a range of issues raised in the representations, some of which expressed support for the draft instruments while others raised concerns.

Two representations were received that raised no objection or issues with the draft instruments. These representations were received from TasWater and the Department of Natural Resources and Environment.

The representation from TOMRA advised that it had commissioned Ethos Urban to submit comments and feedback on its behalf.

The Commission notes these representations as part of its consideration of the draft instruments.

The Commission considered all representations as part of its assessment and recommends many modifications in response to the representations. Representations relating to specific provisions in the draft instruments are outlined below.

Circular Head Council, 20 June 2023

Circular Head Council submitted a representation regarding the draft amendment. It advised that it supported the draft amendment and proposed several modifications. These modifications included:

- clause 4.2.11 - removing the restriction for pop-up refund points to be on behalf of the Crown;
- clause 4.2.11 - increasing the allowable time for pop-up refund points to be installed to 7 days;
- clause C2.3.1 - correct a typographical error in the definition of container refund scheme space; and
- clause C2.5.1 A1 – requested a clearer interpretation on how this provision could be met. This clause relates to the Parking and Sustainable Transport Code of the SPPs.

The Commission considered that these matters required addressing as part of the hearing process. As a result of the discussion at the hearing, modifications are proposed to the draft instruments to address the typographical error. The Commission's consideration of the representation is further outlined in the hearing section of this report.

Launceston City Mission, 22 June 2023

Launceston City Mission raised concerns that there are limited zones in the draft instruments that would allow the operation of manual or automated depot refunds points.

This matter is considered under section 2.2.5 of this report.

Glenorchy City Council, 6 July 2023

Glenorchy City Council raised several concerns with the draft amendment. These concerns related to the following provisions.

- Clause 4.2.10 a) and b) – residential amenity is not considered in the provisions, the exemptions should be limited to non-residential zones, the location of external

storage should not impact parking or traffic movements, safety provisions should be included, and security of the machines and safety for staff.

- Clause 7.14.1 – hours of operation of the co-located business, use definition under the C1.0 Signs Code.
- Clause 7.14.2 – whether vegetation clearing is permitted.
- Clause 7.14.2 h) – cumulative impact of machines.
- Clause 7.14.2 j) – impacts on car parking spaces.
- Clause 7.14.2 l) – suggested the need for baffled security lighting.
- Various points of clarification requested.
- Various grammatical errors.

The Commission considers that the representation is also relevant to the draft PD and discussed these matters as part of the hearing process.

The Commission considers that the representation warrants modification to some elements of the draft instruments. These matters are outlined in the hearing section of this report.

Ethos Urban, 7 July 2023

Ethos Urban raised several concerns with the draft amendment. These concerns related to the following provisions.

- Clause 4.2.10 – including dimensions for the external storage associated with standalone container refund machines and over the counter collection points.
- Clause 7.14.2 l) – reduce the setback distances from residential zones.
- Clause 7.14.2 l) – increase the hours of operation for service vehicles.
- Clause 7.14.2 – amend the front setback requirement to 4m in the Village, Urban Mixed-Use, Commercial, Community Purpose or Recreation Zones.
- Include an additional provision, Clause 7.14.3, for including automated depots in the draft instruments.

The Commission considered the matters raised during the hearing, which are also relevant to the draft PD. As a result of the discussion at the hearing, the Commission considers that some of the proposed modifications are appropriate. These matters are outlined in the hearing section of this report.

Ethos Urban also suggested that the Commission issue a guidance document on how to interpret Planning Directives. The Commission considers that this is outside the scope of the draft instruments and is a matter for others to consider.

TasRail, 10 July 2023

TasRail made two requests as part of its representation on the draft instruments.

These included that the pop-up container refund points be excluded from any part of the State Rail Network and avoid any location that potentially obscures sighting distances and safety controls at railway crossings.

It further requested that should container refund points be set-up on land adjoining the State Rail Network, that consideration be given to mitigating risks in these areas. An example included was the interface between operational rail corridors and the safety of people.

The Commission discussed these matters with parties at the hearing and considers that the State Rail Network will not be impacted by use and development allowable under the draft instruments.

2.2 Hearing

A hearing was held on 17 and 18 August 2023. The following parties were in attendance:

- Mr Sean McPhail, SPO
- Mr Leigh Stevens, SPO
- Ms Penny Stolp, Department of Natural Resources and Environment
- Mr Henry Wallis, Ethos Urban
- Mr Harris Madden, TOMRA

Submissions were made from all parties in attendance. The Commission and parties discussed the operation of the draft instruments, the merit of the representations, and the content of the draft instruments. The information from the hearing and the Commission's consideration on these matters are outlined below.

2.2.1 Definitions

At the hearing, Mr Harris Madden advised that it is TOMRA's preference to have a new definition inserted in the draft instruments that is specific to the CRS. This definition would be 'container recycling depot'.

Commission findings

The Commission considers that the amended definition of a 'waste transfer station' is sufficient for the objectives of the draft instruments. The amended definition of a 'waste transfer station' is:

Waste transfer station means use of land to receive and temporarily store waste before it is removed elsewhere and includes a container refund point, excluding a bag drop refund point, a container refund machine, an over the counter refund point and a pop-up refund point.

Recommendation

That the Minister issues the draft instruments with the amended definition of a 'waste transfer station', as drafted.

2.2.2 Exempt use and development

Container Refund Point

The container refund point exemptions are under clause 4.1.1 of the draft PD and clause 4.2.10 of the draft amendment.

- 4.1.1 / 4.2.10 By, or on behalf of the Crown, if for –
- a) an over-the-counter refund point with external storage located to the side or rear of the business premises if:
 - i. it operates within the normal hours of operation of that business;

- ii. external storage of the returned approved containers is an area of not more than 15m² and a height of not more than 3m or is provided in a shipping container; and
 - iii. the external storage is not visible from any road or public space adjoining the site; or
- 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 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.

Representations from Glenorchy City Council and Ethos Urban were discussed at the hearing.

Concerns regarding impacts on residential amenity were raised by Glenorchy City Council. It considered that there should be setback requirements from residential use which are consistent with the SPPs and that exemptions should be limited to non-residential zones.

Parties at the hearing considered that this is not a matter of concern, as the exemption applies to container refund points that are co-located with another business. Due to that co-location, it was considered by parties at the hearing that the container refund point exemption pathway will have minimal impact upon residential amenity. The Commission agrees with this and considers that no modification is required to the draft instruments.

It was considered by Glenorchy City Council that external storage should not be located over existing car parking areas. Mr Madden considered that it is appropriate to leave car parking arrangements to the discretion of the business owner.

It was considered by parties that some of the matters raised in the Glenorchy City Council representation were not planning matters. These included the safety of staff and whether the machines are locked for security reasons.

In its representation, Ethos Urban requested a modification to the exemptions that allows external storage for standalone container refund machines. At the hearing, Mr Madden advised that the reason for this is that standalone container refund machines are often highly used and require emptying approximately four times per day.

This was supported by the SPO in its submission dated 11 October 2023, which included a suggestion for clauses 4.1.1 b) iii. and 4.2.10 b) iii to include specific requirements for returned approved container storage.

It has provided the Commission with a redrafted provision for consideration.

Commission findings

The Commission agrees with the statements made at the hearing regarding residential amenity, applicable zones and car parking arrangements. The Commission finds that the exemptions provide for a clear pathway that allows small scale container refund points to be exempt from permit requirements.

The Commission agrees with Ethos Urban that external storage is required for container refund machines and bag drop points due to the small scale of the machines. The Commission considers that applying provisions ii. and iii. of clauses 4.1.1 a) and 4.2.10 a) to clauses 4.1.1 b) and 4.2.10 b), would achieve an appropriate outcome for external storage exemptions. The Commission also agrees with the SPO's suggestion to include specifications for returned approved container storage as clauses 4.1.1 b) iii. and 4.2.10 b) iii.

Recommendation

That the Minister issues the draft instruments by modifying clause 4.1.1 b) iii. of the draft PD, and clause 4.2.10 b) iii. of the draft amendment, as shown in Appendices 4 and 5.

Temporary container refund point

The temporary container refund point exemptions are under clause 4.1.2 of the draft PD and clause 4.2.11 of the draft amendment.

- 4.1.2 / 4.2.11 By, or on behalf of the Crown, if for:
- a) a pop-up refund point on public land and used:
 - i. for a period not longer than 2 days; or
 - ii. in association with a market, sporting, social or cultural event; or
 - b) a container refund machine or a bag drop refund point on a registered trailer and used:
 - i. for a period of not longer than 2 days;
 - ii. in association with a market, sporting, social or cultural event; or
 - iii. during the months from November to April if needed to provide additional capacity for demand from tourists as endorsed by the Crown; and
 - c) the temporary container refund point is removed after its use.

The above clauses vary in the draft PD depending on the planning scheme.

A modification was recommended by Circular Head Council to remove the qualification that temporary refund points must be by or on behalf of the Crown.

This matter was discussed at the hearing. It was advised by Ms Penny Stolp of the Department of Natural Resources and Environment that the CRS is a State government run program. As the intent of the draft instruments is to assist in a streamlined approvals process for the implementation of this program, the qualification for temporary refund points is appropriate to remain in the exemptions.

The second modification recommended by Circular Head Council was to increase the period that the temporary refund point can be used for from 2 days to 7 days. This is to allow sufficient time for setup and removal.

This was discussed at the hearing where it was advised by Mr Leigh Stevens of the SPO that setup and removal of the temporary refund point is not included in the 2 day period. That is, the period that people can use the refund point is 2 days, and the setup and removal can be undertaken outside this period.

At the hearing, further concerns were raised regarding the matter. These concerns related to a perceived restriction that temporary refund points could only be located on Crown land. These concerns were raised as some events, such as music festivals, are held on privately owned land.

To provide clarity in relation to the provision, the SPO provided the Commission with a modified version for consideration.

Commission findings

The Commission finds that the inclusion of the qualification for temporary refund points to be on or behalf of the Crown is consistent with the CRS, as the scheme is administered by the State government. The Commission notes that temporary refund points can be installed by other proponents, but they would not be exempt from requiring a planning permit.

The Commission notes that the specific period in the clause for a temporary refund point is for its use. The Commission is therefore satisfied that the time for setting up and removing the refund point is not included in this period.

Lastly, the Commission discussed the drafting of the clause to determine parties' interpretation of the exemption. It was agreed that temporary refund points could be installed on privately owned land under clauses 4.1.2 b) and 4.2.11 b).

The Commission considers that the clause, as modified in Appendices 4 and 5, is sufficient in meeting the intent of the CRS.

Recommendation

That the Minister issues the draft instruments by modifying clause 4.1.2 a) of the draft PD, and clause 4.2.11 a) of the draft amendment, as shown in Appendices 4 and 5.

2.2.3 General and Special Provisions

Discretionary pathway

Clause 9.1.1 of the draft PD, and clause 7.14.1 of the draft amendment outline the discretionary pathway of the general and special provisions.

Provision (g) of the above clauses' states:

- (g) use of an over the counter refund point, pop-up refund point, bag drop refund point or a container refund machine within 50m of a General Residential Zone, Inner Residential Zone, or Low Density Residential Zone must not cause an unreasonable loss of residential amenity having regard to:
 - i. the timing, duration or extent of vehicle movements, including the amount of reversing and associated warning noises from service vehicles;
 - ii. noise levels generated at the container refund point above background noise levels;
 - iii. any noise mitigation measures between the container refund point and the residential zone; and
 - iv. lighting duration or light spill.

In its representation, Glenorchy City Council suggested that the machines be restricted to the hours of operation of a co-located business for the discretionary use and development provision where machines are installed within 50m of a General Residential, Inner Residential or Low Density Residential Zone.

Mr Stevens advised at the hearing that this provision [clause 9.1.1(g) and clause 7.14.1(g)] does not restrict use and development of container refund machines to locations with an existing business. As such, including a provision relating to the hours of operation of a co-located business is not necessary.

Glenorchy City Council further considered that a definition is required for the CRS use to assist with assessment against the C1.0 Signs Code.

At the hearing, Mr Stevens advised that there is standard signage for all CRSs throughout Australia and this is also a requirement in Tasmania.

It was noted by the Commission that Codes no do apply to general and special provisions.

Permitted pathway

Clause 9.1.2 of the draft PD, and clause 7.14.2 of the draft amendment outline the permitted pathway of the general and special provisions.

Queries and suggestions were provided regarding the permitted pathway for the CRS. Each provision is outlined below.

The permitted pathway applies to the following:

Notwithstanding subclause 9.1.1, use and development for a bag drop refund point or a container refund machine on a site in the Local Business Zone, General Business Zone, Central Business Zone, Urban Mixed-Use Zone, Village Zone, Commercial Zone, Community Purpose or Recreation Zone, is Permitted and a permit must be granted if:
...

In its representation, Glenorchy City Council considered that for the CRS to have a permitted pathway, no clearing of native vegetation should be allowed. This matter was discussed at the hearing where it was considered that due to the size and likely location of the CRS infrastructure, the need to clear native vegetation is unlikely.

- a) co-located on a site with an existing place of business;

In its submission dated 3 August 2023, the SPO suggested removing the reference to ‘place of’. This matter was discussed at the hearing where it was agreed that removing the reference is appropriate. This modification is reflected in Appendices 4 and 5.

- b) there are not more than 2 signs for the bag drop refund point or container refund machine that are not attached to the bag drop point or container refund machine structure and that the signs are not:
 - i. less than 2m from the boundary of a property in the General Residential Zone, Inner Residential Zone, or Low Density Residential Zone;
 - ii. illuminated;
 - iii. more than 2m² combined total area; and
 - iv. on a separate site to the bag drop refund point or container refund machine [draft PD]
 - iv. a third-party sign as defined in C1.3 of the C1.0 Signs Code [draft amendment];

The provisions of the draft PD and draft amendment vary slightly at clauses 9.1.2 b) iv. and 7.14.2 b) iv. due to the relevant sign code.

At the hearing, Mr Stevens advised that the draft instruments were deliberately drafted in this manner to separate the types of signs that apply to the CRS infrastructure. That is, attached signs may comply with the permitted pathway but detached signs may need consideration under the relevant signs code.

In its submission dated 3 August 2023, the SPO recommended minor drafting changes to clauses 9.1.2 b) i. and iii. and 7.14.2 b) ii. and iii. These changes were discussed at the hearing where it was agreed that the redrafted provisions were appropriate. These modifications are shown in Appendices 4 and 5.

- c) a sign that is attached to a bag drop point or the container refund machine structure must not be illuminated and must:
 - i. be for the following sign types, as defined by the relevant interim planning scheme:
 - a. an awning fascia sign that does not project above or below the fascia of the awning to which it is attached, and has a height of not less than 2m above ground level;
 - b. a wall sign that does not project above the top of the wall to which it is attached; or
 - c. a wall mural sign; and
 - ii. comply with E7.4 or E7.6 A1 of the Signs Code in the relevant Kentish, King Island, Latrobe and Waratah-Wynyard Interim Planning Scheme;

The provisions of the draft PD and draft amendment vary slightly at clause 9.1.2 c) due to the relevant sign code.

At the hearing it was acknowledged that since the draft PD was drafted, the Latrobe and Waratah-Wynyard Local Provisions Schedules have come into effect. It was agreed that references to these schemes can be removed from the provision. This modification is reflected in Appendix 4.

- c) a sign that is attached to a bag drop point or the container refund machine structure must:
 - i. not be illuminated;
 - ii. comply with C1.6.4 A1 of the C1.0 Signs Code; and
 - iii. be for the following sign types, as defined in C1.3 of the C1.0 Signs Code:
 - a. an awning fascia sign that does not project above or below the fascia of the awning to which it is attached, and has a height of not less than 2m above ground level;
 - b. a building fascia sign that does not project above or below the fascia of the building, and does not project horizontally more than 200mm from the vertical face of the fascia;
 - c. a painted wall sign;
 - d. a wall sign that does not project above the top of the wall to which it is attached; or
 - e. a wall mural sign;

In its representation, Glenorchy City Council identified that the grammar between the opening paragraph of the clause 7.14.2 and provision c) is lost. This matter was reviewed by the SPO prior to the hearing. In its submission dated 3 August 2023, the SPO agreed that the grammar needs amending and provided a modified provision for the Commission's consideration. In its submission, the SPO further noted that clause 7.14.2 c) i), c) ii), c) iii) and c) iii) b. could also be modified to provide further clarity.

These suggestions were discussed at the hearing, and it was agreed that modifying the provision is appropriate.

The Commission recommends that both instruments be modified to contain these grammatical changes. The modifications are reflected in Appendices 4 and 5.

- d) in the Local Business Zone, General Business Zone or Central Business Zone the setback from a frontage is:

- i. equal to or more than the relevant Acceptable Solution frontage setback for the relevant zone; and
- ii. not less than that the relevant Acceptable Solution frontage setback of any applicable specific area plan;

In its submission dated 3 August 2023, the SPO suggested changes to the provision for grammatical reasons. The changes apply to clauses 9.1.2 d), d) i. and d) ii. and 7.14.2 d), d) i. and d) ii. The changes were discussed at the hearing where it was agreed that the modifications are appropriate. These modifications are reflected in Appendices 4 and 5.

- e) in the Village Zone, Urban Mixed-Use Zone, Commercial Zone, Community Purpose Zone or Recreation Zone the setback from a frontage is:
 - i. not less than the relevant Acceptable Solution frontage setback for the relevant zone; and
 - ii. not less than the Acceptable Solution frontage setback of any applicable specific area plan;

In its representation, Ethos Urban requested that clauses 9.1.2 e) i. and 7.14.2 e) i. be deleted and replaced with '4m'. The reason for this was because container refund machines are generally located in the front setback area of shopping centre car parks. The setback distance for the Village, Urban Mixed-Use and Commercial Zones are 4.5m, 5.5m and 3m respectively. Ethos Urban considers that these setbacks would complicate the planning permit process and impact the success of the CRS.

In its submission dated 10 August 2023, the SPO considered the suggestion from Ethos Urban and stated that the development should fit within the frontage setback for the relevant zone. This is to ensure that the streetscape provides a consistent setback.

The matter was discussed between the parties at the hearing. It was identified at the hearing that the concern of Ethos Urban is predominantly in relation to the setback distances for container refund machine kiosks. Mr Madden and Mr Henry Wallis of Ethos Urban, advised that most of the container refund machine kiosks would be in the zones listed under clauses 9.1.2 d) and 7.14.2 d), however, one third of the kiosks are anticipated to fall under clauses 9.1.2 e) and 7.14.2 e).

Mr Wallis stated that the container refund machine kiosks are much smaller than a building, and as such would have a lesser impact on the streetscape. Mr Madden advised that the container refund machine kiosks are approximately 2.1m high and 5m long.

Mr Wallis stated that ideally, clauses 9.1.2 e) and 7.14.2 e) would have no setback requirement, which is consistent with clauses 9.1.2 d) and 7.14.2 d), as the Local Business Zone, General Business Zone and Central Business Zone have a minimum setback of zero.

Mr Stevens advised that this information was not provided at the time of drafting the instruments. Given this information, he is satisfied that the setback for clauses 9.1.2 e) and 7.14.2 e) could be reduced provided the height listed in clauses 9.1.2 g) and 7.14.2 g) are also reduced.

All parties agreed on a 2m setback for clauses 9.1.2 e) and 7.14.2 e), provided the height of clauses 9.1.2 g) and 7.14.2 g) is reduced to 3m. The Commission agrees with this approach, given that the size of a container refund machine is less than a standard building.

In its submission dated 3 August 2023, the SPO also suggested a minor grammatical change which was agreed by the Commission.

These modifications are shown in Appendices 4 and 5.

- f) the side and rear setback is not less than the relevant Acceptable Solution side or rear setback for the relevant zone or any applicable specific area plan;

In its representation, Glenorchy City Council queried the grammar used in clauses 9.1.2 f) and 7.14.2 f), stating that the sentence switches between 'and' and 'or'. In its submission dated 10 August 2023, the SPO agreed that the intent of the provision is to regulate setback from both the side and rear boundaries. It agreed that the provision may be modified for clarity.

It was further noted at the hearing that many zones referred to in the permitted pathway have no side or rear setback requirements. It is understood that the provision was drafted for residential amenity reasons, following the acceptable solutions of the SPPs.

Following the hearing, the Commission requested the SPO to provide a submission on clause 9.1.2 f) and 7.14.2 f) to provide clarity of its intent.

In its submission dated 6 September 2023, the SPO provided a redrafted provision. The Commission agrees with this modified provision, which is reflected in Appendices 4 and 5.

- g) the height of the structure for a bag drop refund point or container refund machine is not more than 5m;

For the reasons outlined under clauses 9.1.2 e) and 7.14.2 e), it was agreed by parties that the height specified in clauses 9.1.2 g) and 7.14.2 g) be reduced to 3m. The Commission agrees with this modification, which is reflected in Appendices 4 and 5.

- h) the area of each structure is not more than:
 - i. 20m² for the bag drop refund point; or
 - ii. 60m² for the container refund machine;

In its representation, Glenorchy City Council questioned whether a provision should be included in clauses 9.1.2 h) and 7.14.2 h) to restrict multiple structures on a site. In its submission dated 10 August 2023, the SPO considered that the container refund machines will be distributed across Tasmania, with one machine per site.

The matter was discussed at the hearing, where Mr Madden explained that the rollout of the CRS would not include multiple structures at each site.

The Commission is satisfied that the provision, as drafted, is adequate in meeting the requirements of the CRS and the intention of the draft instruments.

- i) the container refund machine operates within the same hours of operation as the existing business on the site, unless 9.1.2(l) [draft PD] / 7.14.2(l) [draft amendment] is applicable;

The provisions of the draft PD and draft amendment vary slightly at clauses 9.1.2 i) and 7.14.2 i) due to the numbering of the draft instruments.

At the hearing, the use of 'existing' versus 'co-located' business was discussed. The matter was raised due to the container refund machines likely location in shopping centre car parks and determining which business the hours of operation needed to comply with.

For clarity, it was agreed by all parties in attendance that the provision be modified to state 'co-located'. The Commission agrees with this modified provision, which is reflected in Appendices 4 and 5.

- j) the placement of the container refund point satisfies the requirements in the acceptable solutions for the relevant code that relates to the provision of car parking on the site, as follows:
 - i. E9.5.2 and E9.6.1 in the E9 Traffic Generating Use and Parking Code in the relevant Kentish, King Island, Latrobe and Waratah-Wynyard Interim Planning Scheme;
 - ii. E6.7 in the E6 Parking and Sustainable Transport Code in the relevant Break O’Day and George Town Interim Planning Scheme; and
 - iii. E6.7, except for E6.7.8, E6.7.9, E6.7.10, E6.7.11, E6.7.12 in the E6 Parking and Access Code in the relevant Central Highlands, Derwent Valley, Hobart, Huon Valley and Kingborough Interim Planning Scheme;

- j) the location of the container refund point satisfies the requirements in the acceptable solutions for C2.6.2, C2.6.3, C2.6.4, C2.6.5 and C2.6.6;

The provisions of the draft PD and draft amendment vary at clauses 9.1.2 j) and 7.14.2 j) due to the relevant parking code. However, the planning merit remains the same.

In its representation, Glenorchy City Council raised concerns with clauses 9.1.2 j) and 7.14.2 j), stating that there needs to be consideration of the parking for existing use at the container refund machine site.

Clauses 9.1.2 j) and 7.14.2 j) relate to the provisions of the relevant parking code. Concerns were raised that there is no consideration of the existing car parking at the site, and the location of the CRS infrastructure will remove car parking bays from that use. Mr Stevens advised that the sections of the parking codes referred to in clauses 9.1.2 j) and 7.14.2 j) relate to manoeuvring cars in a car park for pedestrian safety.

Mr Madden explained at the hearing that for the CRS to be successful, the infrastructure had to be in highly visited areas. Mr Stevens considered that no issue arose from clauses 9.1.2 j) and 7.14.2 j), and that the consideration of whether a car park is still accessible and can be manoeuvred is still a consideration for the planning authority.

The Commission considers that the provisions, as drafted, are appropriate for meeting the intent and operation of the draft instruments.

- k) the Local Historic Heritage Code does not require a permit for use or development; and

In its representation, Glenorchy City Council recommended revising the wording of clauses 9.1.2 k) and 7.14.2 k) to clarify its intent by inserting ‘otherwise’ before ‘require’.

At the hearing Mr Stevens acknowledged that the provision could be redrafted to provide clarity. However, as this wording is consistent with the SPPs, it was recommended that this change be considered when the SPPs are reviewed.

The Commission considers that the drafting of clauses 9.1.2 k) and 7.14.2 k) is consistent with the SPPs, and for the purposes of the draft instruments, achieves the intent of the CRS.

The Commission further notes that this matter may be considered by the SPO in its review of the SPPs.

- l) use of a bag drop refund point or a container refund machine within 50m of a General Residential Zone, Inner Residential Zone, or Low Density Residential Zone must have:

- i. hours of operation: within the hours of:
 - a. 7.00am to 9.00pm Monday to Saturday; and
 - b. 8.00am to 9.00pm on Sundays and public holidays; or
 - c. operation of the co-located business, whichever is the lesser;
- ii. external lighting that does not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and
- iii. service vehicles for the container refund point that operate within the hours of:
 - a. 7.00am to 9.00pm Monday to Saturday; and
 - b. 8.00am to 9.00pm Sunday and public holidays.

In its representation, Ethos Urban considered that clauses 9.1.2 I) and 7.14.2 I) should require a 50m setback to residential zones from the edge of a residentially zoned property boundary, rather than the zone boundary.

This matter was discussed at the hearing. Mr Madden explained that if the 50m setback was applied as drafted, many of the shopping centre sites that may accommodate container refund machines would be heavily restricted.

The SPO considered the matter and advised that it did not support the modification as it is not consistent with the SPPs.

The Commission agrees with the SPO that the proposed modification is not consistent with the SPPs and would create an anomaly. It further considers that the existing 50m setback from the zone boundary is appropriate for retaining residential amenity in areas adjacent to shopping centre sites.

The Commission recommends that the provision is not modified and notes that the SPO may consider this in a broader review of the SPPs. It further notes that CRS operators can apply for container refund machines within the 50m setback under the discretionary planning pathway.

In its representation, Glenorchy City Council recommended that clauses 9.1.2 I) i. and 7.14.2 I) i. be modified for clarity. It further suggested that security lighting under clauses 9.1.2 I) ii. and 7.14.2 I) ii. should be baffled.

In its submission dated 10 August 2023, the SPO agreed that the provision needs clarifying and that security lighting should be baffled under clauses 9.1.2 I) ii. and 7.14.2 I) ii. The SPO provided modified provisions which were discussed at the hearing. It was agreed by parties in attendance that the modifications are appropriate.

The Commission agrees with the modification to clauses 9.1.2 I) i. and ii., and 7.14.2 I) i. and ii. which is included at Appendices 4 and 5.

In its representation dated 7 July 2023, Ethos Urban considers that the hours of operation listed under clauses 9.1.2 I) i. and 7.14.2 I) i. do not allow for the servicing and emptying of the container refund machines, which generally take place out of operating hours.

It suggests that clauses 9.1.2 I) iii. and 7.14.2 I) iii. be amended to extend the servicing hours by one hour either side of the existing provision. That is, 6.00am to 10.00pm Monday to Saturday, and 7.00am to 10.00pm Sunday and public holidays. The SPO considered the request to be inconsistent with the current SPPs approach and did not support the modification.

The matter was further discussed at the hearing. It was considered that the container refund machines can be serviced within the specified hours without causing disruption to the operation of the CRS.

The Commission is satisfied with clauses 9.1.2 l) iii. and 7.14.2 l) iii. as drafted, except for a minor grammatical change. This modification is included in Appendices 4 and 5.

- 7.14.3 No other provisions in this planning scheme apply to a use or development in accordance with subclause 7.14.2.

In its representation, Glenorchy City Council suggested that the provision be modified to state ‘that complies with’ instead of ‘in accordance with’, to provide greater clarity. It further submitted that the provision should consider matters such as traffic impacts and natural hazards.

In its submission dated 10 August 2023, the SPO agreed that modifying the provision for clarity is appropriate, but including consideration of traffic impacts and natural hazards is not. The reason is that the permitted pathway is intended to provide a more flexible approach. It is considered that the container refund machines allowable under the permitted pathway are unlikely to exacerbate any risks to natural hazards.

The Commission considers that modifying the provision to clarify its application is appropriate. The Commission also agrees with the SPO’s rationale for excluding natural hazards and traffic impacts from the provision.

The modified provision is included in Appendices 4 and 5.

Other General and Special Provisions

- 7.14.4 There is no requirement to provide car parking spaces for container refund points approved under subclauses 9.1.1 or 9.1.2 [draft PD] / 7.14.1 or 7.14.2 [draft amendment].

No submissions were made that recommended modification or removal of clause 7.14.4.

- 7.14.5 A container refund point granted a permit under subclauses 9.1.1 or 9.1.2 [draft PD] / 7.14.1 or 7.14.2 [draft amendment] can include a condition relating to maintaining the tidiness of the container refund point and pedestrian safety.

In its representation, Glenorchy City Council suggested that clause 7.14.5 be redrafted to provide clarity that permits can include conditions relating to tidiness and pedestrian safety.

In its submission dated 10 August 2023, the SPO agreed that the clause could be redrafted and provided a modified version. This was discussed at the hearing, and all parties in attendance agreed to the modification.

The Commission considers that the modification provides clarity and includes the modified provision at Appendices 4 and 5.

Commission findings

The Commission supports the modifications listed above to clarify which container refund machines can be assessed under the permitted pathway.

Recommendation

The Commission recommends that the Minister makes modifications to the draft instruments, as identified in Appendices 4 and 5, and issues the instruments.

2.2.4 Parking Codes

In its representation, Glenorchy City Council advised that it does not support the displacement of car parking requirements as an Acceptable Solution. It considers that container refund machines should not be located over car parking spaces as there are conflicts between people and vehicle movements. It further considers that there is a lack of provision for pedestrian access and safety at the container refund machines.

In its representation, Circular Head Council suggested redrafting the leading sentence of C2.5.1 A1 to provide more clarity.

The parking code provisions were discussed at the hearing. Mr Stevens advised that the intent of the modification to C2.5.1 A1 is in relation to existing permits for shopping centres, not the application for the container refund scheme itself. He further advised that matters relating to grade separation and pedestrian safety are work health and safety considerations, which go beyond the intent of the draft instruments.

Commission findings

Given the advice from the SPO, the Commission considers that the amendment to C2.5.1 A1, as drafted, is appropriate, except for amending the reference to Table 2.1 to Table C2.1.

Recommendation

The Commission recommends that the Minister modifies the draft instruments as shown in Appendices 4 and 5.

2.2.5 Depots

In its representation, Ethos Urban considered that the exclusion of larger automated depots from the draft instruments needs addressing, as the depots form a critical part in the CRS network and function. Specifically, it noted that these facilities would be discretionary in the Light Industrial Zone and prohibited in the Commercial Zone under the planning schemes.

In its representation, Launceston City Mission noted that the automated depots were restricted in some zones and prohibited in others, and requested a reconsideration of the treatment of depots to provide greater flexibility, particularly in the Commercial and Light Industrial Zones where similar bulky goods use is typically found.

The matter was discussed at the hearing and submissions were taken. To rectify the matter, the SPO suggested that the draft amendment be modified to amend the use tables of the Light Industrial Zone and Commercial Zone, and introduce a new definition for 'depot refund point'.

The Commission questioned whether a modification to this extent would require re-exhibition. The SPO considered that this could be considered as a modification and would not require re-exhibiting.

Commission findings

The Commission notes that the proposal from the SPO to address Ethos Urban’s concern was not exhibited as part of the draft instruments.

The Commission considers that the modifications as proposed by the SPO, raises issues of natural justice and potential land use conflict and would, in these circumstances require public exhibition in accordance with the Act.

As the proposed modification was not included in the original draft instruments, the Commission considers that it is out of the scope of this assessment, and therefore does not consider that that the modification as proposed be included in the draft instruments.

3.0 SPPs criteria

- (a) only contains provisions that the SPPs may contain under section 14; and
- (b) furthers the objectives set out in Schedule 1; and
- (c) is consistent with each State Policy; and
- (ca) is consistent with the TPPs that are in force before the instrument is made; and
- (d) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.

The Commission has considered the draft amendment against the SPPs criteria under section 15 of the current provisions of the Act. The Commission considers that the draft amendment contains all the provision that the SPPs may contain under section 14.

The Commission considers that the draft instruments further the objectives of the Act, particularly Part 1, clause 1, which promotes sustainable development. Information gathered through the hearing has identified that the draft instruments would assist in streamlining the planning process for use and development associated with the CRS. The CRS would:

- encourage public involvement in resource management and planning by encouraging residents to recycle;
- facilitate economic development by encouraging the community to return containers for a refund; and
- share the responsibility between the government, community and industry by providing a state government refund scheme provided to the community.

The Commission has considered the draft instruments against each State Policy and considers that it is consistent with each State Policy.

There are no TPPs in force and the Commission is satisfied that there are adequate measures in the planning schemes to have regard to the safety requirements of the *Gas Safety Act 2019*.

4.0 Conclusion

After considering the representations and information obtained at the hearings and via submissions, the Commission is satisfied that the draft PD and draft amendment are in order.

The Commission is aware of the suggestions from Ethos Urban, TOMRA, Launceston City Mission and the SPO in relation to including container refund machine depots in the draft

amendment through the modification to the Light Industrial and Commercial Zone use tables in the SPPs.

The Commission considers that these modifications would go beyond the scope of the draft instruments. If they were to proceed, the Commission considers that these modifications would require re-exhibition.

The Commission recommends that the Minister issues draft PD, as Planning Directive No. 9 and as modified at Appendix 4, in accordance with section 13(1)(a) and (4) of the former provisions of the Act.

The Commission recommends that the Minister issues draft amendment 01-2022 as modified at Appendix 5, in accordance with section 30P of the current provisions of the Act.

Appendices

Appendix 1 – Exhibited directive

Planning Directive No. 9 - Container Refund Scheme - Exemptions and Special Provisions

This Planning Directive has been issued by the Minister for Planning under section 13(1)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act) and came into effect on <insert date>¹.

¹ References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the **former provisions** of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The **former provisions** apply to a planning scheme that was in force prior to the **commencement day** of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The **commencement day** was 17 December 2015.

1.0 Citation

This planning directive may be cited as Planning Directive No. 9 – Container Refund Scheme - Exemptions and Special Provisions.

2.0 Application

2.1 This planning directive applies to the following planning schemes:

- (a) interim planning schemes that have been declared in accordance with section 30F of the Act;
- (b) interim planning schemes made under section 30M of the Act; and
- (c) the *Sullivans Cove Planning Scheme 1997*.

3.0 Interpretation

In this planning directive, unless the contrary intention appears, a term has the meaning as defined in Table 3.1.

Table 3.1 Interpretation

Term	Definition
approved container	means as defined in the <i>Container Refund Scheme Act 2022</i> .
container refund machine	means as defined in the <i>Container Refund Scheme Act 2022</i> .
container refund point	means as defined in the <i>Container Refund Scheme Act 2022</i> .
container refund space	means the area of land required to house a container refund machine or a bag drop refund point on a site plus space for pedestrians to queue at the container refund machine or bag drop refund point.
bag drop refund point	means the use of land for a container refund point to receive and internally store bags of approved containers for later collection.
over the counter refund point	means the use of part of an existing business premises for the container refund point scheme to receive approved containers over the counter and store on-site for later collection.
pop-up refund point	means the temporary use of land for a staffed mobile facility, such as a vehicular trailer or tent, as a container refund point to receive and temporarily store approved containers.

Term	Definition
waste transfer station	Means use of land to receive and temporarily store waste before it is removed elsewhere and includes a container refund point, excluding a bag drop refund point, container refund machine, over-the-counter refund point or pop-up refund point.

4.0 Effect of the planning directive – Exemptions

For all interim planning schemes to which this planning directive applies must have the effect that use or development listed in Table 4.1 of Attachment 1 is exempt from requiring a permit provided it meets the corresponding requirements.

5.0 Effect of the planning directive – Special Provisions

For all interim planning schemes to which this planning directive applies must have the effect that the provisions in clause 9.1 of Attachment 2 are Special Provisions for the purposes of Part C of the relevant interim planning scheme.

6.0 Effect of the planning directive – relevant Car Parking codes

For all interim planning schemes to which this planning directive applies must have the effect that -

- (a) the provision in clause 3.1.1 of Attachment 3 is in substitution for E9.5.1 of the following:
 - (i) Kentish Interim Planning Scheme 2013, and
 - (ii) King Island Interim Planning Scheme 2013,
- (b) the provision in clause 3.2.1 of Attachment 3 is in substitution for E6.6.1 of the George Town Interim Planning Scheme 2013;
- (c) the provision in clause 3.2.2 of Attachment 3 is in substitution for E6.6.1 of the Break O’Day Interim Planning Scheme 2013,
- (d) the provision in clause 3.3.1 of Attachment 3 is in substitution for E6.6.1 of the Kingborough Interim Planning Scheme 2015,
- (e) the provision in clause 3.3.2 of Attachment 3 is in substitution for E6.6.1 of the Hobart Interim Planning Scheme 2015,
- (f) the provision in clause 3.3.3 of Attachment 3 is in substitution for E6.6.1 of the Derwent Valley Interim Planning Scheme 2015,
- (g) the provision in clause 3.3.4 of Attachment 3 is in substitution for E6.6.1 of the Huon Valley Interim Planning Scheme 2015.

7.0 Effect of the planning directive on the Sullivans Cove Planning Scheme 1997

For the Sullivans Cove Planning Schemes 1997 to which this planning directive applies must have the effect that –

- (a) use or development listed in Table 4.2 of Attachment 1 is exempt from requiring a permit provided it –
 - (i) meets the corresponding requirements in Table 4.2 of Attachment 1, and
 - (ii) is located in the Sullivans Cove Mixed Use area or the Sullivans Cove Gateway – Macquarie Point area, as shown in Figure 4 of the Sullivans Cove Planning Scheme 1997, and
- (b) use or development listed in Table 4.3 of Attachment 1 is exempt from requiring a permit provided it –
 - (i) meets the corresponding requirements in Table 4.3 of Attachment 1, and
 - (ii) is located in the Regatta Point area or the Sullivans Cove Working Port area, as shown in figure 4 of the Sullivans Cove Planning Scheme 1997.

8.0 Commencement

This Planning Directive takes effect on <insert date>.

Attachment 1 – Exemptions

Table 4.1 Exempt use and development

	Use	Requirements	Suspended PD1 clause
4.1.1	Container refund point	<p>By, or on behalf of the Crown, if for –</p> <p>a) an over-the-counter refund point with external storage located to the side or rear of the business premises if:</p> <ul style="list-style-type: none"> i. it operates within the normal hours of operation of that business; ii. external storage of the returned approved containers is an area of not more than 15m² and a height of not more than 3m or is provided in a shipping container; and iii. the external storage is not visible from any road or public space adjoining the site; or <p>b) a container refund machine or bag drop refund point if:</p> <ul style="list-style-type: none"> 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 visible from any road or public space adjoining the site, <p>unless the local historic heritage code applies and requires a permit for the use or development.</p>	N/a
4.1.2	Temporary container refund point	<p>By, or on behalf of the Crown, if for:</p> <p>a) a pop-up refund point on public land and used:</p> <ul style="list-style-type: none"> i. for a period not longer than 2 days; or ii. in association with a market, sporting, social or cultural event; or <p>b) a container refund machine or a bag drop refund point on a registered trailer and used:</p> <ul style="list-style-type: none"> i. for a period of not longer than 2 days; ii. in association with a market, sporting, social or cultural event; or iii. during the months from November to April if needed to provide additional capacity for demand from tourists as endorsed by the Crown; and 	N/a

	Use	Requirements	Suspended PD1 clause
		c) the temporary container refund point is removed after its use.	

Table 4.2 Exempt use and development – Sullivans Cove Mixed Use area or the Sullivans Cove Gateway

	Use	Requirements	Suspended PD1 clause
4.2.1	Container refund point	<p>By, or on behalf of the Crown, if for -</p> <p>a) an over-the-counter refund point with external storage located in the side or rear of the business premises if:</p> <ul style="list-style-type: none"> i. it operates within the normal hours of operation of that business; ii. external storage of the returned approved containers is an area of not more than 15m² and a height of not more than 3m or is provided in a shipping container; and iii. the external storage is not visible from any road or public space adjoining the site; or <p>b) a container refund machine or bag drop refund point if:</p> <ul style="list-style-type: none"> 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. 	N/a
4.2.2	Temporary Container refund point	<p>By, or on behalf of the Crown, if for -</p> <p>a) a pop-up refund point on public land and used:</p> <ul style="list-style-type: none"> i. for period not longer than 2 days; or ii. in association with a market, sporting, social or cultural event; or <p>b) a container refund machine or a bag drop refund point on a registered trailer and used:</p> <ul style="list-style-type: none"> i. for a period of not longer than 2 days; ii. in association with a market, sporting, social or cultural event; or iii. during the months from November to April if needed to provide additional capacity for 	N/a

	Use	Requirements	Suspended PD1 clause
		<p>demand from tourists as endorsed by the Crown; and</p> <p>c) the temporary container refund point is removed after its use.</p>	

Table 4.3 Limited Exempt use and development – Regatta Point area or the Sullivans Cove Working Port

	Use	Requirements	Suspended PD1 clause
4.3.1	Container refund point	<p>By, or on behalf of the Crown, if for a container refund machine if:</p> <p>a) co-located on a site with an existing business;</p> <p>b) the structure has a base area of not more than 4m² and a height of not more than 2.2m; and</p> <p>c) the returned approved containers are stored inside the structure.</p>	N/a
4.3.2	Temporary container refund point	<p>By, or on behalf of the Crown, if for:</p> <p>a) a pop-up refund point on public land and used:</p> <p style="margin-left: 20px;">i. for period not longer than 2 days; or</p> <p style="margin-left: 20px;">ii. in association with a market, sporting, social or cultural event, and</p> <p>b) the pop-up refund point is removed after its use.</p>	N/a

Attachment 2 – Special Provisions

9.1 Container Refund Points

9.1.1 Use and development for an over-the-counter refund point, pop-up refund point, bag drop refund point or a container refund machine is Discretionary and in determining an application the planning authority must have regard to:

- a) the purpose and provisions of the zone;
- b) the purpose and provisions of any applicable code, except the following provisions in interim planning schemes:
 - i. E9.5.1 - E9 Traffic Generating Use and Parking Code – Kentish, King Island, Latrobe and Waratah-Wynyard Interim Planning Schemes;
 - ii. E6.6.1 – E6 Parking and Sustainable Transport Code – Break O’Day, and George Town Interim Planning Schemes; and
 - iii. E6.6.1 – E6 Parking and Access Code – Central Highlands, Derwent Valley, Hobart, Huon Valley and Kingborough Interim Planning Schemes;
- c) any relevant local area objectives;

- d) the purpose and provisions of any applicable specific area plan;
- e) pedestrian safety on the site;
- f) potential conflicts with movement of traffic on the site; and
- g) use of an over the counter refund point, pop-up refund point, bag drop refund point or a container refund machine within 50m of a General Residential Zone, Inner Residential Zone, or Low Density Residential Zone must not cause an unreasonable loss of residential amenity having regard to:
 - iv. the timing, duration or extent of vehicle movements, including the amount of reversing and associated warning noise from service vehicles;
 - v. noise levels generated at the container refund point above background noise levels;
 - vi. any noise mitigation measures between the container refund point and the residential zone; and
 - vii. lighting duration or light spill.

9.1.2 Notwithstanding subclause 9.1.1, use and development for a bag drop refund point or a container refund machine on a site in the Local Business Zone, General Business Zone, Central Business Zone, Urban Mixed-Use Zone, Village Zone, Commercial Zone, Community Purpose Zone or Recreation Zone, is Permitted and a permit must be granted if:

- a) co-located on a site with an existing place of business;
- b) there are not more than 2 signs for the bag drop refund point or container refund machine that are not attached to the bag drop point or container refund machine structure and the signs are not:
 - i. less than 2m from the boundary of a property in a General Residential Zone, Inner Residential Zone, or Low Density Residential Zone;
 - ii. illuminated;
 - iii. more than 2m² combined total area; and
 - iv. on a separate site to the bag drop refund point or container refund machine;
- c) a sign that is attached to a bag drop point or the container refund machine structure must not be illuminated and must:
 - i. be for the following sign types, as defined by the relevant interim planning scheme:
 - a. an awning fascia sign that does not project above or below the fascia of the awning to which it is attached, and has a height of not less than 2m above ground level;
 - b. a wall sign that does not project above the top of the wall to which it is attached; or
 - c. a wall mural sign; or
 - ii. comply with E7.4 or E7.6 A1 of the Signs Code in the relevant Kentish, King Island, Latrobe and Waratah-Wynyard Interim Planning Scheme;
- d) in the Local Business Zone, General Business Zone or Central Business Zone the setback from a frontage is:
 - i. equal to or more than the relevant Acceptable Solution frontage setback for the relevant zone; and

- ii. not less than that the relevant Acceptable Solution frontage setback of any applicable specific area plan;
- e) in the Village Zone, Urban Mixed-Use Zone, Commercial Zone, Community Purpose Zone or Recreation Zone the setback from a frontage is:
 - i. not less than the relevant Acceptable Solution frontage setback for the relevant zone; and
 - ii. not less than the Acceptable Solution frontage setback of any applicable specific area plan;
- f) the side and rear setback is not less than the relevant Acceptable Solution side or rear setback for the relevant zone or any applicable specific area plan;
- g) the height of the structure for a bag drop refund point or container refund machine is not more than 5m;
- h) the area of each structure is not more than:
 - i. 20m² for the bag drop refund point; or
 - ii. 60m² for the container refund machine;
- i) the container refund machine operates within the same hours of operation as the existing business on the site, unless 9.1.2 (l) is applicable;
- j) the placement of the container refund point satisfies the requirements in the acceptable solutions for the relevant code that relates to the provision of car parking on the site, as follows:
 - i) E9.5.2 and E9.6.1 in the E9 Traffic Generating Use and Parking Code in the relevant Kentish, King Island, Latrobe and Waratah-Wynyard Interim Planning Scheme;
 - ii) E6.7 in the E6 Parking and Sustainable Transport Code in the relevant Break O’Day and George Town Interim Planning Scheme; and
 - iii) E6.7, except for E6.7.8, E6.7.9, E6.7.10, E6.7.11, E6.7.12 in the E6 Parking and Access Code in the relevant Central Highlands, Derwent Valley, Hobart, Huon Valley and Kingborough Interim Planning Scheme;
- k) the Local Historic Heritage Code does not require a permit for use or development; and
- l) use of a bag drop refund point or a container refund machine within 50m of a General Residential Zone, Inner Residential Zone, or Low Density Residential Zone must have:
 - i. hours of operation: within the hours of:
 - a. 7.00am to 9.00pm Monday to Saturday; and
 - b. 8.00am to 9.00pm on Sundays and public holidays; or
 - c. operation of the co-located business, whichever is the lesser;
 - ii. external lighting that does not operate within the hours 11.00pm to 6.00am, excluding any security lighting; and
 - iii. service vehicles for the container refund point that operate within the hours of:
 - a. 7.00am to 9.00pm Monday to Saturday; and
 - b. 8.00am to 9.00pm Sunday and public holidays.

9.1.3 No other provisions in the relevant planning scheme apply to a use or development in accordance with sub clause 9.1.2.

9.1.4 There is no requirement for providing car parking spaces for container refund points approved under subclauses 9.1.1 or 9.1.2.

- 9.1.5 A container refund point granted a permit under clauses 9.1.1 or 9.1.2 can include a condition relating to maintaining the tidiness of the container refund point and pedestrian safety.

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Attachment 3 – Car Parking Provisions

3.1 Cradle Coast Region – E9 Traffic Generating Use and Parking Code

3.1.1 E9.5.1 Provision for parking (Kentish and King Island Interim Planning Schemes)

Objective:	
Provision is to be made for convenient, accessible, and usable vehicle parking to satisfy requirements for use or development without impact for use or development of other land or for the safety and operation of any road.	
Acceptable Solutions	Performance Criteria
A1 Provision for parking must be: <ul style="list-style-type: none"> (a) the minimum number of on-site vehicle parking spaces must be in accordance with the application standard for the use class as shown in the Table to this Code, minus the number of car parking spaces that cannot be provided due to the site including container refund scheme space. 	P1 <ul style="list-style-type: none"> (a) It must be necessary or unreasonable to require arrangements for the provision of vehicle parking; or (b) Adequate and appropriate provision must be made for vehicle parking to meet: <ul style="list-style-type: none"> (i) Anticipated requirement for the type, scale, and intensity of the use; (ii) Likely needs and requirements of site users; and (iii) Likely type, number, frequency, and duration of vehicle parking demand.

3.2 Northern Tasmania Region – E6.0 Parking and Sustainable Transport Code

3.2.1 E6.6.1 Car parking numbers (George Town Interim Planning Scheme)

Objective:	
To ensure that an appropriate level of car parking is provided to service the use.	
Acceptable Solutions	Performance Criteria
A1 The number of car parking spaces will not: <ul style="list-style-type: none"> (a) If for dwellings in the General Residential Zone, be less than 100% of the requirements of Table E6.1; or (b) be less than 90% of the requirements of Table E6.1, minus the number of car parking spaces that cannot be provided due to the site including container refund scheme space, and not exceed the requirements of Table E6.1 by more 	P1 The number of car parking spaces provided must have regard to: <ul style="list-style-type: none"> (a) The provisions of any relevant location specific car parking plan; and (b) The availability of public car parking spaces within reasonable walking distance; and (c) Any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak

<p>than 2 spaces or 5% whichever is the greater (except for dwellings in the General Residential Zone);</p>	<p>demand or by efficiencies gained by consolidation; and</p> <p>(d) The availability and frequency of public transport within reasonable walking distance of the site; and</p> <p>(e) Site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and</p> <p>(f) The availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and</p> <p>(g) An empirical assessment of the car parking demand; and</p> <p>(h) The effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</p> <p>(i) The recommendations of a traffic impact assessment prepared for the proposal; and</p> <p>(j) Any heritage values of the site; and</p> <p>(k) For residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:</p> <p>(i) The size of the dwelling and the number of bedrooms; and</p> <p>(ii) The pattern of parking in the locality; and</p> <p>(iii) Any existing structure on the land.</p>
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3.2.2 E6.6.1 Car parking numbers (Break O’Day Interim Planning Scheme)

<p>Objective:</p>	
<p>To ensure that an appropriate level of car parking is provided to service the use.</p>	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1</p> <p>The number of car parking spaces must not be less than the requirements of:</p> <p>(a) Table E6.1; minus the number of car parking spaces that cannot be provided due to the site including container refund scheme space, or</p> <p>(b) A parking precinct plan contained in Table E6.6: Precinct Parking Plans</p>	<p>P1</p> <p>The number of car parking spaces provided must have regard to:</p> <p>(a) The provisions of any relevant location specific car parking plan; and</p> <p>(b) The availability of public car parking spaces within reasonable walking distance; and</p>

<p>(except for dwellings in the General Residential Zone)</p>	<ul style="list-style-type: none">(c) Any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and(d) The availability and frequency of public transport within reasonable walking distance of the site; and(e) Site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and(f) The availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and(g) An empirical assessment of the car parking demand; and(h) The effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and(i) The recommendations of a traffic impact assessment prepared for the proposal; and(j) Any heritage values of the site; and(k) For residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:<ul style="list-style-type: none">(i) The size of the dwelling and the number of bedrooms; and(ii) The pattern of parking in the locality; and(iii) Any existing structure on the land.
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3.3 Southern Tasmania Region – E6 Parking and Access Code

3.3.1 E6.6.1 Number of Car Parking Spaces (Kingborough Interim Planning Scheme)

Objective:	
<p>To ensure that:</p> <ul style="list-style-type: none"> (a) There is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport. (b) A use or development does not detract from the amenity of users or the locality by: <ul style="list-style-type: none"> (i) Preventing regular parking overspill; (ii) Minimising the impact of car parking on heritage and local character. 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The number of on-site car parking spaces must be:</p> <ul style="list-style-type: none"> (a) No less than the number specified in Table E6.1, minus the number of car parking spaces that cannot be provided due to the site including container refund scheme space <p>Except if:</p> <ul style="list-style-type: none"> (a) The site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan. 	<p>P1</p> <p>The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</p> <ul style="list-style-type: none"> (a) Car parking demand; (b) The availability of on-street and public car parking in the locality; (c) The availability and frequency of public transport within a 400m walking distance of the site; (d) The availability and likely use of other modes of transport; (e) The availability and suitability of alternative arrangements for car parking provision; (f) Any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces; (g) Any car parking deficiency or surplus associated with the existing use of the land; (h) Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirements, except in the case of substantial redevelopment of a site;

	<ul style="list-style-type: none"> (i) The appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity; (j) Any verified prior payment of a financial contribution in lieu of parking for the land; (k) Any relevant parking plan for the area adopted by Council; (l) The impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code; (m) Whether provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.
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3.3.2 E6.6.1 Number of Car Parking Spaces (Hobart Interim Planning Scheme)

Objective:	
<p>To ensure that:</p> <ul style="list-style-type: none"> (a) There is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport. (b) A use or development does not detract from the amenity of users or the locality by: <ul style="list-style-type: none"> (iii) Preventing regular parking overspill; (iv) Minimising the impact of car parking on heritage and local character 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The number of on-site car parking spaces must be:</p> <ul style="list-style-type: none"> (a) No less than the number specified in Table E6.1, minus the number of car parking spaces that cannot be provided due to the site including container refund scheme space <p>Except if:</p> <ul style="list-style-type: none"> (i) The site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan. 	<p>P1</p> <p>The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</p> <ul style="list-style-type: none"> (a) Car parking demand; (b) The availability of on-street and public car parking in the locality; (c) The availability and frequency of public transport within a 400m walking distance of the site; (d) The availability and likely use of other modes of transport; (e) The availability and suitability of alternative arrangements for car parking provision;

<p>(ii) The site is subject to clauses E6.6.5, E6.6.6, E6.6.7, E6.6.8, E6.6.9 or E6.6.10 of this planning scheme.</p>	<p>(f) Any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</p> <p>(g) Any car parking deficiency or surplus associated with the existing use of the land;</p> <p>(h) Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirements, except in the case of substantial redevelopment of a site;</p> <p>(i) The appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</p> <p>(j) Any verified prior payment of a financial contribution in lieu of parking for the land;</p> <p>(k) Any relevant parking plan for the area adopted by Council;</p> <p>(l) The impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;</p> <p>(m) Whether provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.</p>
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3.3.3 E6.6.1 Number of Car Parking Spaces (Derwent Valley Interim Planning Scheme)

<p>Objective:</p>	
<p>To ensure that:</p> <p>(c) There is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport.</p> <p>(d) A use or development does not detract from the amenity of users or the locality by:</p> <p>(v) Preventing regular parking overspill;</p> <p>(vi) Minimising the impact of car parking on heritage and local character</p>	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>

<p>A1</p> <p>The number of on-site car parking spaces must be:</p> <ul style="list-style-type: none">(a) No less than the number specified in Table E6.1, minus the number of car parking spaces that cannot be provided due to the site including container refund scheme space <p>Except if:</p> <ul style="list-style-type: none">(b) The site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan.	<p>P1</p> <p>The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</p> <ul style="list-style-type: none">(a) Car parking demand;(b) The availability of on-street and public car parking in the locality;(c) The availability and frequency of public transport within a 400m walking distance of the site;(d) The availability and likely use of other modes of transport;(e) The availability and suitability of alternative arrangements for car parking provision;(f) Any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;(g) Any car parking deficiency or surplus associated with the existing use of the land;(h) Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirements, except in the case of substantial redevelopment of a site;(i) The appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;(j) Any verified prior payment of a financial contribution in lieu of parking for the land;(k) Any relevant parking plan for the area adopted by Council;(l) The impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code.
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3.3.4 E6.6.1 Number of Car Parking Spaces (Huon Valley Interim Planning Scheme)

Objective:	
<p>To ensure that:</p> <ul style="list-style-type: none"> (e) There is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport. (f) A use or development does not detract from the amenity of users or the locality by: <ul style="list-style-type: none"> (vii) Preventing regular parking overspill; (viii) Minimising the impact of car parking on heritage and local character 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The number of on-site car parking spaces must be:</p> <ul style="list-style-type: none"> (a) No less than the number specified in Table E6.1, minus the number of car parking spaces that cannot be provided due to the site including container refund scheme space <p>Except if:</p> <ul style="list-style-type: none"> (b) The site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan. 	<p>P1</p> <p>The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</p> <ul style="list-style-type: none"> (a) Car parking demand; (b) The availability of on-street and public car parking in the locality; (c) The availability and frequency of public transport within a 400m walking distance of the site; (d) The availability and likely use of other modes of transport; (e) The availability and suitability of alternative arrangements for car parking provision; (f) Any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces; (g) Any car parking deficiency or surplus associated with the existing use of the land; (h) Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirements, except in the case of substantial redevelopment of a site; (i) The appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other

	<p>transport facilities, where such facilities exist or are planned in the vicinity;</p> <ul style="list-style-type: none">(j) Any verified prior payment of a financial contribution in lieu of parking for the land;(k) Any relevant parking plan for the area adopted by Council;(l) The impact on the heritage and character values of Franklin if subject to the Franklin Heritage Specific Area Plan.
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Appendix 2 – Exhibited amendment

SPPs amendment 01/2022

Container Refund Scheme - Exemptions and Special Provisions

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This SPPs Amendment has been made by the Minister for Planning under section 30P of the *Land Use Planning and Approvals Act 1993* and came into effect on <insert date>.

1.0 Definitions

Amend Table 3.1 Planning Terms and Definitions by inserting the following terms and definitions in alphabetical order:

Term	Definition
approved container	means as defined in the <i>Container Refund Scheme Act 2022</i> .
container refund machine	means as defined in the <i>Container Refund Scheme Act 2022</i> .
container refund point	means as defined in the <i>Container Refund Scheme Act 2022</i> .
bag drop refund point	means the use of land for a container refund point to receive and internally store bags of approved containers for later collection.
over the counter refund point	means the use of part of an existing business premises for a container refund point to receive approved containers over the counter and store on-site for later collection.
pop-up refund point	means the use of land for a staffed mobile facility, such as a trailer or tent, as a container refund point to receive and temporarily store approved containers.

Amend Table 3.1 Planning Terms and Definitions by deleting the definition for the term waste transfer station and inserting the following definition:

Term	Definition
waste transfer station	means use of land to receive and temporarily store waste before it is removed elsewhere and includes a container refund point, excluding a bag drop refund point, container refund machine, over the counter refund point or pop-up refund point.

2.0 Exempt use and development

Amend Table 4.2 Exempt infrastructure use or development by inserting clauses 4.2.10 and 4.2.11 as follows:

4.2.10	container refund point	<p>By, or on behalf of the Crown, if for:</p> <p>a) an over-the-counter refund point with external storage located to the side or rear of the business premises if:</p> <ol style="list-style-type: none"> i. it operates within the normal hours of operation of that business; ii. external storage of the returned approved containers is an area of not more than 15m² and a height of not more than 3m or is provided in a shipping container; and iii. the external storage is not visible from a road or public space adjoining the site; or <p>b) a container refund machine or bag drop refund point if:</p> <ol style="list-style-type: none"> 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 visible from any road or public space adjoining the site, <p>unless the Local Historic Heritage Code applies and requires a permit for the use or development.</p>
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4.2.11	temporary container refund point	<p>By, or on behalf of the Crown, if for:</p> <ul style="list-style-type: none"> a) a pop-up refund point on public land and used: <ul style="list-style-type: none"> i. for a period not longer than 2 days; or ii. in association with a market, sporting, social or cultural event; or b) a container refund machine or a bag drop refund point on a registered trailer and used: <ul style="list-style-type: none"> i. for a period of not longer than 2 days; ii. in association with a market, sporting, social or cultural event; or iii. during the months from November to April if needed to provide additional capacity for demand from tourists as endorsed by the Crown; and c) the temporary container refund point is removed after its use.
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3.0 General Provisions

After clause 7.13, insert clause 7.14 as follows:

7.14 Container Refund Points

7.14.1 Use and development for an over the counter refund point, pop-up refund point, bag drop refund point or a container refund machine is Discretionary and in determining an application the planning authority must have regard to:

- a) the purpose and provisions of the zone;
- b) the purpose and provisions of any applicable code, except C2.5 of the Parking and Sustainable Transport Code;
- c) any relevant local area objectives;
- d) the purpose and provisions of any applicable specific area plan;
- e) pedestrian safety on the site;
- f) potential conflicts with traffic movement on the site; and
- g) use of an over the counter refund point, pop-up refund point, bag drop refund point or a container refund machine within 50m of a General Residential Zone, Inner Residential Zone, or Low Density Residential Zone must not cause an unreasonable loss of residential amenity having regard to:
 - i. the timing, duration or extent of vehicle movements, including the amount of reversing and associated warning noise from service vehicles;
 - ii. noise levels generated at the container refund point above background noise levels;
 - iii. any noise mitigation measures between the container refund point and the residential zone; and
 - iv. lighting duration or light spill.

7.14.2 Notwithstanding subclause 7.14.1, use and development for a bag drop refund point or a container refund machine on a site in the Local Business Zone, General Business Zone, Central Business Zone, Urban Mixed-Use Zone, Village Zone, Commercial Zone, Community Purpose Zone or Recreation Zone, is Permitted and a permit must be granted if:

- a) co-located on a site with an existing place of business;

- b) there are not more than 2 signs for the bag drop refund point or container refund machine that are not attached to the bag drop point or container refund machine structure and the signs are not:
 - i. less than 2m from the boundary of a property in a General Residential Zone, Inner Residential Zone, or Low Density Residential Zone;
 - ii. illuminated;
 - iii. more than 2m² combined total area; and
 - iv. a third-party sign as defined in C1.3 of the C1.0 Signs Code;
- c) a sign that is attached to a bag drop point or the container refund machine structure must:
 - i. not be illuminated;
 - ii. comply with C1.6.4 A1 of the C1.0 Signs Code; and
 - iii. be for the following sign types, as defined in C1.3 of the C1.0 Signs Code:
 - a. an awning fascia sign that does not project above or below the fascia of the awning to which it is attached, and has a height of not less than 2m above ground level;
 - b. a building fascia sign that does not project above or below the fascia of the building, and does not project horizontally more than 200mm from the vertical face of the fascia;
 - c. a painted wall sign;
 - d. a wall sign that does not project above the top of the wall to which it is attached; or
 - e. a wall mural sign;
- d) in the Local Business Zone, General Business Zone or Central Business Zone the setback from a frontage is:
 - i. equal to or more than the relevant Acceptable Solution frontage setback for the relevant zone ; and
 - ii. not less than that the relevant Acceptable Solution frontage setback of any applicable specific area plan;
- e) in the Village Zone, Urban Mixed-Use Zone, Commercial Zone, Community Purpose Zone or Recreation Zone the setback from a frontage is:
 - i. not less than the relevant Acceptable Solution frontage setback for the relevant zone; and
 - ii. not less than the Acceptable Solution frontage setback of any applicable specific area plan;
- f) the side and rear setback is not less than the relevant Acceptable Solution side or rear setback for the relevant zone or any applicable specific area plan;
- g) the height of the structure for a bag drop refund point or container refund machine is not more than 5m;
- h) the area of each structure is not more than:
 - i. 20m² for the bag drop refund point; or
 - ii. 60m² for the container refund machine;
- i) the container refund machine operates within the same hours of operation as the existing business on the site, unless 7.14.2 (l) is applicable;
- j) the location of the container refund point satisfies the requirements in the acceptable solutions for C2.6.2, C2.6.3, C2.6.4, C2.6.5 and C2.6.6;
- k) the Local Historic Heritage Code does not require a permit for use or development; and
- l) use of a bag drop refund point or a container refund machine within 50m of a General Residential Zone, Inner Residential Zone, or Low Density Residential Zone must have:

- i. hours of operation: within the hours of:
 - a. 7.00am to 9.00pm Monday to Saturday; and
 - b. 8.00am to 9.00pm on Sundays and public holidays; or
 - c. operation of the co-located business, whichever is the lesser;
- ii. external lighting that does not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and
- iii. service vehicles for the container refund point that operate within the hours of:
 - a. 7.00am to 9.00pm Monday to Saturday; and
 - b. 8.00am to 9.00pm Sunday and public holidays.

7.14.3 No other provisions in this planning scheme apply to a use or development in accordance with subclause 7.14.2.

7.14.4 There is no requirement to provide car parking spaces for container refund points approved under subclauses 7.14.1 or 7.14.2.

7.14.5 A container refund point granted a permit under subclauses 7.14.1 or 7.14.2 can include a condition relating to maintaining the tidiness of the container refund point and pedestrian safety.

4.0 C2.0 Parking and Sustainable Transport Code

Amend clause C2.3.1 by inserting the following term and definition in alphabetical order:

Term	Definition
container refund scheme space	means the area of land required to house a container refund machine or a bag drop refund point on a site plus space for pedestrians to queue at the container refund machine or bag drop refund point.

Amend C2.5.1 A1 by deleting the leading sentence and inserting the following:

The number of on-site car parking spaces must be no less than the number specified in Table 2.1, less the number of car parking spaces that cannot be provided due to the site including container refund scheme space, excluding if:

Appendix 3 - Representations received during the exhibition period

Rep. No	Name, position	Company
1	Al Cole, Acting Development Assessment Manager	TasWater
2	Jason Jacobi, Secretary	Department of Natural Resources and Environment
3	Phil Loone, Director of Infrastructure and Development Services	Circular Head Council
4	Stephen Brown, Chief Executive Officer	Launceston City Mission
5	Emilio Reale, Director Infrastructure and Works	Glenorchy City Council
6	Henry Wallis, Associate Director - Planning	Ethos Urban on behalf of TOMRA Collection - Pacific
7	Harris Madden, VP Business Development	TOMRA Collection - Pacific
8	Jennifer Jarvis, Group Manager Property and Compliance	TasRail

Appendix 4 – Modified planning directive

Planning Directive No. 9 – Container Refund Scheme - Exemptions and Special Provisions

This Planning Directive has been issued by the Minister for Planning under section 13(1)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act) and came into effect on <insert date>¹.

¹ References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the **former provisions** of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The **former provisions** apply to a planning scheme that was in force prior to the **commencement day** of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The **commencement day** was 17 December 2015.

1.0 Citation

This planning directive may be cited as Planning Directive No. 9 – Container Refund Scheme - Exemptions and Special Provisions.

2.0 Application

2.1 This planning directive applies to the following planning schemes:

- (a) interim planning schemes that have been declared in accordance with section 30F of the Act;
- (b) interim planning schemes made under section 30M of the Act; and
- (c) the Sullivans Cove Planning Scheme 1997.

3.0 Interpretation

In this planning directive, unless the contrary intention appears, a term has the meaning as defined in Table 3.1.

Table 3.1 Interpretation

Term	Definition
approved container	means as defined in the <i>Container Refund Scheme Act 2022</i> .
container refund machine	means as defined in the <i>Container Refund Scheme Act 2022</i> .
container refund point	means as defined in the <i>Container Refund Scheme Act 2022</i> .
container refund scheme space	means the area of land required to house a container refund machine or a bag drop refund point on a site plus space for pedestrians to queue at the container refund machine or bag drop refund point.
bag drop refund point	means the use of land for a container refund point to receive and internally store bags of approved containers for later collection.
over the counter refund point	means the use of part of an existing business premises for a container refund point to receive approved containers over the counter and store on-site for later collection.
pop-up refund point	means the use of land for a staffed mobile facility, such as a trailer or tent, as a container refund point to receive and temporarily store approved containers.
waste transfer station	means use of land to receive and temporarily store waste before it is removed elsewhere and includes a container refund point, excluding a bag drop refund point, a container refund machine, an over the counter refund point and a pop-up refund point.

4.0 Effect of the planning directive – Exemptions

For all interim planning schemes to which this planning directive applies must have the effect that use or development listed in Table 4.1 of Attachment 1 is exempt from requiring a permit provided it meets the corresponding requirements.

5.0 Effect of the planning directive – Special Provisions

For all interim planning schemes to which this planning directive applies must have the effect that the provisions in clause 9.1 of Attachment 2 are Special Provisions for the purposes of Part C of the relevant interim planning scheme.

6.0 Effect of the planning directive – relevant Car Parking codes

For all interim planning schemes to which this planning directive applies must have the effect that –

- (a) the provision in clause 3.1.1 of Attachment 3 is in substitution for E9.5.1 of the following:
 - (i) Kentish Interim Planning Scheme 2013, and
 - (ii) King Island Interim Planning Scheme 2013,
- (b) the provision in clause 3.2.1 of Attachment 3 is in substitution for E6.6.1 of the Kingborough Interim Planning Scheme 2015,
- (c) the provision in clause 3.2.2 of Attachment 3 is in substitution for E6.6.1 of the Hobart Interim Planning Scheme 2015,
- (d) the provision in clause 3.2.3 of Attachment 3 is in substitution for E6.6.1 of the Derwent Valley Interim Planning Scheme 2015,
- (e) the provision in clause 3.2.4 of Attachment 3 is in substitution for E6.6.1 of the Huon Valley Interim Planning Scheme 2015.

7.0 Effect of the planning directive on the Sullivans Cove Planning Scheme 1997

For the Sullivans Cove Planning Schemes 1997 to which this planning directive applies must have the effect that –

- (a) use or development listed in Table 4.2 of Attachment 1 is exempt from requiring a permit provided it –
 - (i) meets the corresponding requirements in Table 4.2 of Attachment 1, and
 - (ii) is located in the Sullivans Cove Mixed Use area or the Sullivans Cove Gateway – Macquarie Point area, as shown in Figure 4 of the Sullivans Cove Planning Scheme 1997, and
- (b) use or development listed in Table 4.3 of Attachment 1 is exempt from requiring a permit provided it –

- (i) meets the corresponding requirements in Table 4.3 of Attachment 1, and
- (ii) is located in the Regatta Point area or the Sullivans Cove Working Port area, as shown in figure 4 of the Sullivans Cove Planning Scheme 1997.

8.0 Commencement

This Planning Directive takes effect on <insert date>.

Attachment 1 – Exemptions

Table 4.1 Exempt use and development

	Use	Requirements	Suspended PD1 clause
4.1.1	Container refund point	<p>By, or on behalf of the Crown, if for:</p> <p>a) an over the counter refund point with external storage located to the side or rear of the business premises if:</p> <ol style="list-style-type: none"> i. it operates within the hours of operation of that business; ii. external storage of the returned approved containers is provided within secure structures with an area of not more than 15m² and a height of not more than 3m or is provided in a shipping container; and iii. the external storage is not visible from any road or public open space adjoining the site; or <p>b) a container refund machine or a bag drop refund point if:</p> <ol style="list-style-type: none"> i. co-located on a site with an existing business; ii. the structure has an area of not more than 4m² and a height of not more than 2.2m; and iii. the returned approved containers are: <ol style="list-style-type: none"> a. stored inside the structure; b. stored inside a relocatable bin that is not more than 15m² in area and a height of not more than 3m; or c. stored in a shipping container; and d. any external storage of the returned approved containers is not visible from any road or public open space adjoining the site, <p>unless the Local Historic Heritage Code applies and requires a permit for the use or development.</p>	N/a
4.1.2	Temporary container refund point	<p>By, or on behalf of the Crown, if for:</p> <p>a) a pop-up refund point:</p> <ol style="list-style-type: none"> i. located on public land and used for a period not longer than 2 days; or ii. used in association with a market, sporting, social or cultural event; or 	N/a

		<p>b) a container refund machine or a bag drop refund point on a registered trailer and used:</p> <ul style="list-style-type: none"> i. for a period of not longer than 2 days; ii. in association with a market, sporting, social or cultural event; or iii. during the months from November to April if needed to provide additional capacity for demand from tourists as endorsed by the Crown; and <p>c) the temporary container refund point is removed after its use.</p>	
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Table 4.2 Exempt use and development – Sullivans Cove Mixed Use area or the Sullivans Cove Gateway

	Use	Requirements	Suspended PD1 clause
4.2.1	Container refund point	<p>By, or on behalf of the Crown, if for:</p> <ul style="list-style-type: none"> a) an over the counter refund point with external storage located to the side or rear of the business premises if: <ul style="list-style-type: none"> i. it operates within the hours of operation of that business; ii. external storage of the returned approved containers is provided within secure structures with an area of not more than 15m² and a height of not more than 3m or is provided in a shipping container; and iii. the external storage is not visible from any road or public open space adjoining the site; or b) a container refund machine or a bag drop refund point if: <ul style="list-style-type: none"> i. co-located on a site with an existing business; ii. the structure has an 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. 	N/a
4.2.2	Temporary container refund point	<p>By, or on behalf of the Crown, if for:</p> <ul style="list-style-type: none"> a) a pop-up refund point on public land and used: <ul style="list-style-type: none"> i. for a period not longer than 2 days; or ii. in association with a market, sporting, social or cultural event; or b) a container refund machine or a bag drop refund point on a registered trailer and used: <ul style="list-style-type: none"> i. for a period of not longer than 2 days; ii. in association with a market, sporting, social or cultural event; or 	N/a

		<ul style="list-style-type: none"> iii. during the months from November to April if needed to provide additional capacity for demand from tourists as endorsed by the Crown; and c) the temporary container refund point is removed after its use. 	
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Table 4.3 Limited Exempt use and development – Regatta Point area or the Sullivans Cove Working Port

	Use	Requirements	Suspended PD1 clause
4.3.1	Container refund point	By, or on behalf of the Crown, if for a container refund machine if: <ul style="list-style-type: none"> a) co-located on a site with an existing business; b) the structure has an area of not more than 4m² and a height of not more than 2.2m; and c) the returned approved containers are stored inside the structure. 	N/a
4.3.2	Temporary container refund point	By, or on behalf of the Crown, if for: <ul style="list-style-type: none"> a) a pop-up refund point on public land and used: <ul style="list-style-type: none"> i. for a period not longer than 2 days; or iii. in association with a market, sporting, social or cultural event, and b) the pop-up refund point is removed after its use. 	N/a

Attachment 2 – Special Provisions

9.1 Container Refund Points

9.1.1 Use and development for a bag drop refund point, a container refund machine, an over the counter refund point or a pop-up refund point is Discretionary and in determining an application the planning authority must have regard to:

- a) the purpose and provisions of the zone;
- b) the purpose and provisions of any applicable code, except the following provisions in interim planning schemes:
 - i. E9.5.1 - E9 Traffic Generating Use and Parking Code – Kentish and King Island Interim Planning Schemes;
 - ii. E6.6.1 – E6 Parking and Sustainable Transport Code – George Town Interim Planning Scheme; and
 - iii. E6.6.1 – E6 Parking and Access Code – Derwent Valley, Hobart, Huon Valley and Kingborough Interim Planning Schemes;
- c) any relevant local area objectives;
- d) the purpose and provisions of any applicable specific area plan;
- e) pedestrian safety on the site;
- f) potential conflicts with traffic movement on the site; and
- g) use of a bag drop refund point, a container refund machine, an over the counter refund point or a pop-up refund point within 50m of a General Residential Zone,

Inner Residential Zone or Low Density Residential Zone must not cause an unreasonable loss of residential amenity having regard to:

- i. the timing, duration or extent of vehicle movements, including the amount of reversing and associated warning noise from service vehicles;
- ii. noise levels generated at the container refund point above background noise levels;
- iii. any noise mitigation measures between the container refund point and the residential zone; and
- iv. lighting duration or light spill.

9.1.2 Notwithstanding subclause 9.1.1, use and development for a bag drop refund point or a container refund machine on a site in the Village Zone, Urban Mixed-Use Zone, Local Business Zone, General Business Zone, Central Business Zone, Commercial Zone, Community Purpose Zone or Recreation Zone, is Permitted and a permit must be granted if:

- a) co-located on a site with an existing business;
- b) there are not more than 2 signs for the bag drop refund point or container refund machine that are not attached to the bag drop point or container refund machine structure and the signs are not:
 - i. less than 2m from the boundary of a lot in the General Residential Zone, Inner Residential Zone, or Low Density Residential Zone;
 - ii. illuminated;
 - iii. more than 2m² in combined total area; and
 - iv. on a separate site to the bag drop refund point or container refund machine;
- c) for any attached sign on a bag drop refund point or container refund machine structure, that sign must:
 - i. be for the following sign types, as defined by the relevant interim planning scheme:
 - a. an awning fascia sign that does not project above or below the fascia of the awning to which it is attached, and has a height of not less than 2m above ground level;
 - b. a wall sign that does not project above the top of the wall to which it is attached; or
 - c. a wall mural sign;
 - ii. comply with E7.4 or E7.6 A1 of the Signs Code in the relevant Kentish and King Island Interim Planning Scheme;
- d) in the Local Business Zone, General Business Zone or Central Business Zone, the setback from a frontage is:
 - i. equal to or more than the relevant Acceptable Solution frontage setback for the relevant zone; and
 - ii. not less than the relevant Acceptable Solution frontage setback of any applicable specific area plan;
- e) in the Village Zone, Urban Mixed-Use Zone, Commercial Zone, Community Purpose Zone or Recreation Zone, the setback from a frontage is not less than 2m;
- f) the side and rear setback is not less than the relevant zone or an applicable specific area plan Acceptable Solution for side and rear setbacks;
- g) the height of the structure for a bag drop refund point or a container refund machine is not more than 3m;
- h) the area of each structure is not more than:

- i. 20m² for the bag drop refund point; or
- ii. 60m² for the container refund machine;
- i) the container refund machine operates within the hours of operation of a co-located business on the site, unless 9.1.2 (l) is applicable;
- j) the placement of the container refund point satisfies the requirements in the acceptable solutions for the relevant code that relates to the provision of car parking on the site, as follows;
 - i. E9.5.2 and E9.6.1 in the E9 Traffic Generating Use and Parking Code in the relevant Kentish and King Island Interim Planning Schemes;
 - ii. E6.7 in the E6 Parking and Sustainable Transport Code in the relevant George Town Interim Planning Scheme; and
 - iii. E6.7, except for E6.7.8, E6.7.9, E6.7.10, E6.7.11, E6.7.12 in the E6 Parking and Access Code in the relevant Derwent Valley, Hobart, Huon Valley and Kingborough Interim Planning Scheme;
- k) the Local Historic Heritage Code does not require a permit for the use or development; and
- l) use of a bag drop refund point or a container refund machine within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone:
 - i. operate within the following hours of operation:
 - a. 7.00am to 9.00pm Monday to Saturday; and
 - b. 8.00am to 9.00pm on Sundays and public holidays; or
 - c. alternatively within the hours of operation of a co-located business;
 - ii. operates external lighting, excluding any security lighting, only within the hours of 6.00am to 11.00pm;
 - iii. baffles any security lighting so that direct light does not extend into adjoining lots in a General Residential Zone, Inner Residential Zone or Low Density Residential Zone; and
 - iv. is serviced by commercial vehicles for the container refund point within the hours of:
 - a. 7.00am to 9.00pm Monday to Saturday; and
 - b. 8.00am to 9.00pm Sunday and public holidays.

9.1.3 No other provisions in the relevant planning scheme apply to a use or development that complies with sub clause 9.1.2.

9.1.4 There is no requirement for providing car parking spaces for container refund points approved under subclauses 9.1.1 or 9.1.2.

9.1.5 A permit granted under subclauses 9.1.1 or 9.1.2 may include conditions relating to maintaining the tidiness of the container refund point or pedestrian safety.

Attachment 3 – Car Parking Provisions

3.1 Cradle Coast Region – E9 Traffic Generating Use and Parking Code

3.1.1 E9.5.1 Provision for parking (Kentish and King Island Interim Planning Schemes)

Objective:	
Provision is to be made for convenient, accessible, and usable vehicle parking to satisfy requirements for use or development without impact for use or development of other land or for the safety and operation of any road.	
Acceptable Solutions	Performance Criteria
A1 Provision for parking must be: <ul style="list-style-type: none"> (a) the minimum number of on-site vehicle parking spaces must be in accordance with the application standard for the use class as shown in the Table to this Code, minus the number of car parking spaces that cannot be provided due to the site including container refund scheme space. 	P1 <ul style="list-style-type: none"> (a) It must be necessary or unreasonable to require arrangements for the provision of vehicle parking; or (b) Adequate and appropriate provision must be made for vehicle parking to meet: <ul style="list-style-type: none"> (i) Anticipated requirement for the type, scale, and intensity of the use; (ii) Likely needs and requirements of site users; and (iii) Likely type, number, frequency, and duration of vehicle parking demand.

3.2 Southern Tasmania Region – E6 Parking and Access Code

3.2.1 E6.6.1 Number of Car Parking Spaces (Kingborough Interim Planning Scheme)

Objective:	
To ensure that: <ul style="list-style-type: none"> (a) There is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport. (b) A use or development does not detract from the amenity of users or the locality by: <ul style="list-style-type: none"> (i) Preventing regular parking overspill; (ii) Minimising the impact of car parking on heritage and local character. 	
Acceptable Solutions	Performance Criteria
A1 The number of on-site car parking spaces must be: <ul style="list-style-type: none"> (a) No less than the number specified in Table E6.1, minus the number of car parking spaces that cannot be provided due to the site 	P1 The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following: <ul style="list-style-type: none"> (a) Car parking demand; (b) The availability of on-street and public car parking in the locality;

<p>including container refund scheme space</p> <p>Except if:</p> <p>(a) The site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan.</p>	<p>(c) The availability and frequency of public transport within a 400m walking distance of the site;</p> <p>(d) The availability and likely use of other modes of transport;</p> <p>(e) The availability and suitability of alternative arrangements for car parking provision;</p> <p>(f) Any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</p> <p>(g) Any car parking deficiency or surplus associated with the existing use of the land;</p> <p>(h) Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirements, except in the case of substantial redevelopment of a site;</p> <p>(i) The appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</p> <p>(j) Any verified prior payment of a financial contribution in lieu of parking for the land;</p> <p>(k) Any relevant parking plan for the area adopted by Council;</p> <p>(l) The impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;</p> <p>(m) Whether provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.</p>
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3.2.2 E6.6.1 Number of Car Parking Spaces (Hobart Interim Planning Scheme)

Objective:	
To ensure that: <ul style="list-style-type: none"> a. There is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport. b. A use or development does not detract from the amenity of users or the locality by: <ul style="list-style-type: none"> (i) Preventing regular parking overspill; (ii) Minimising the impact of car parking on heritage and local character 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The number of on-site car parking spaces must be:</p> <ul style="list-style-type: none"> (a) No less than the number specified in Table E6.1, minus the number of car parking spaces that cannot be provided due to the site including container refund scheme space <p>Except if:</p> <ul style="list-style-type: none"> (i) The site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan. (ii) The site is subject to clauses E6.6.5, E6.6.6, E6.6.7, E6.6.8, E6.6.9 or E6.6.10 of this planning scheme. 	<p>P1</p> <p>The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</p> <ul style="list-style-type: none"> (a) Car parking demand; (b) The availability of on-street and public car parking in the locality; (c) The availability and frequency of public transport within a 400m walking distance of the site; (d) The availability and likely use of other modes of transport; (e) The availability and suitability of alternative arrangements for car parking provision; (f) Any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces; (g) Any car parking deficiency or surplus associated with the existing use of the land; (h) Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirements, except in the case of substantial redevelopment of a site; (i) The appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where

	<p>such facilities exist or are planned in the vicinity;</p> <p>(j) Any verified prior payment of a financial contribution in lieu of parking for the land;</p> <p>(k) Any relevant parking plan for the area adopted by Council;</p> <p>(l) The impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;</p> <p>(m) Whether provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.</p>
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3.2.3 E6.6.1 Number of Car Parking Spaces (Derwent Valley Interim Planning Scheme)

Objective:	
<p>To ensure that:</p> <p>a. There is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport.</p> <p>b. A use or development does not detract from the amenity of users or the locality by:</p> <p>(i) Preventing regular parking overspill;</p> <p>(ii) Minimising the impact of car parking on heritage and local character</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The number of on-site car parking spaces must be:</p> <p>(a) No less than the number specified in Table E6.1, minus the number of car parking spaces that cannot be provided due to the site including container refund scheme space</p> <p>Except if:</p> <p>(b) The site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan.</p>	<p>P1</p> <p>The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</p> <p>(a) Car parking demand;</p> <p>(b) The availability of on-street and public car parking in the locality;</p> <p>(c) The availability and frequency of public transport within a 400m walking distance of the site;</p> <p>(d) The availability and likely use of other modes of transport;</p> <p>(e) The availability and suitability of alternative arrangements for car parking provision;</p> <p>(f) Any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the</p>

	<p>consolidation of shared car parking spaces;</p> <p>(g) Any car parking deficiency or surplus associated with the existing use of the land;</p> <p>(h) Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirements, except in the case of substantial redevelopment of a site;</p> <p>(i) The appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</p> <p>(j) Any verified prior payment of a financial contribution in lieu of parking for the land;</p> <p>(k) Any relevant parking plan for the area adopted by Council;</p> <p>(l) The impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code.</p>
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3.2.4 E6.6.1 Number of Car Parking Spaces (Huon Valley Interim Planning Scheme)

Objective:	
To ensure that:	
<p>a. There is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport.</p> <p>b. A use or development does not detract from the amenity of users or the locality by:</p> <p>(i) Preventing regular parking overspill;</p> <p>(ii) Minimising the impact of car parking on heritage and local character</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The number of on-site car parking spaces must be:</p> <p>(a) No less than the number specified in Table E6.1, minus the number of car parking spaces that cannot be provided due to the site including container refund scheme space</p> <p>Except if:</p> <p>(b) The site is subject to a parking plan for the area adopted by</p>	<p>P1</p> <p>The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</p> <p>(a) Car parking demand;</p> <p>(b) The availability of on-street and public car parking in the locality;</p> <p>(c) The availability and frequency of public transport within a 400m walking distance of the site;</p>

<p>Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan.</p>	<ul style="list-style-type: none">(d) The availability and likely use of other modes of transport;(e) The availability and suitability of alternative arrangements for car parking provision;(f) Any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;(g) Any car parking deficiency or surplus associated with the existing use of the land;(h) Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirements, except in the case of substantial redevelopment of a site;(i) The appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;(j) Any verified prior payment of a financial contribution in lieu of parking for the land;(k) Any relevant parking plan for the area adopted by Council;(l) The impact on the heritage and character values of Franklin if subject to the Franklin Heritage Specific Area Plan.
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Appendix 5 – Modified SPP amendment

1.0 Definitions

Amend Table 3.1 Planning Terms and Definitions by inserting the following terms and definitions in alphabetical order:

Term	Definition
approved container	means as defined in the <i>Container Refund Scheme Act 2022</i> .
container refund machine	means as defined in the <i>Container Refund Scheme Act 2022</i> .
container refund point	means as defined in the <i>Container Refund Scheme Act 2022</i> .
bag drop refund point	means the use of land for a container refund point to receive and internally store bags of approved containers for later collection.
over the counter refund point	means the use of part of an existing business premises for a container refund point to receive approved containers over the counter and store on-site for later collection.
pop-up refund point	means the use of land for a staffed mobile facility, such as a trailer or tent, as a container refund point to receive and temporarily store approved containers.

Amend Table 3.1 Planning Terms and Definitions by deleting the definition for the term waste transfer station and inserting the following definition:

Term	Definition
waste transfer station	means use of land to receive and temporarily store waste before it is removed elsewhere and includes a container refund point, excluding a bag drop refund point, a container refund machine, an over the counter refund point and a pop-up refund point.

2.0 Exempt use and development

Amend Table 4.2 Exempt infrastructure use or development by inserting clauses 4.2.10 and 4.2.11 as follows:

4.2.10	container refund point	By, or on behalf of the Crown, if for: <ol style="list-style-type: none"> a) an over the counter refund point with external storage located to the side or rear of the business premises if: <ol style="list-style-type: none"> i. it operates within the hours of operation of that business; ii. external storage of the returned approved containers is provided within secure structures with an area of not more than 15m² and a height of not more than 3m or is provided in a shipping container; and
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		<ul style="list-style-type: none"> iii. the external storage is not visible from any road or public open space adjoining the site; or b) a container refund machine or a bag drop refund point if: <ul style="list-style-type: none"> i. co-located on a site with an existing business; ii. the structure has an area of not more than 4m² and a height of not more than 2.2m; and iii. the returned approved containers are: <ul style="list-style-type: none"> a. stored inside the structure; b. stored inside a relocatable bin that is not more than 15m² in area and a height of not more than 3m; or c. stored in a shipping container; and d. any external storage of the returned approved containers is not visible from any road or public open space adjoining the site, <p>unless the Local Historic Heritage Code applies and requires a permit for the use or development.</p>
4.2.11	temporary container refund point	<p>By, or on behalf of the Crown, if for:</p> <ul style="list-style-type: none"> a) a pop-up refund point: <ul style="list-style-type: none"> i. located on public land and used for a period not longer than 2 days; or ii. used in association with a market, sporting, social or cultural event; or b) a container refund machine or a bag drop refund point on a registered trailer and used: <ul style="list-style-type: none"> i. for a period of not longer than 2 days; ii. in association with a market, sporting, social or cultural event; or iii. during the months from November to April if needed to provide additional capacity for demand from tourists as endorsed by the Crown; and c) the temporary container refund point is removed after its use.

3.0 General Provisions

After clause 7.13, insert clause 7.14 as follows:

7.14 Container Refund Points

- 7.14.1 Use and development for a bag drop refund point, a container refund machine, an over the counter refund point or a pop-up refund point is Discretionary and in determining an application the planning authority must have regard to:
- a) the purpose and provisions of the zone;
 - b) the purpose and provisions of any applicable code, except C2.5 of the Parking and Sustainable Transport Code;
 - c) any relevant local area objectives;

- d) the purpose and provisions of any applicable specific area plan;
- e) pedestrian safety on the site;
- f) potential conflicts with traffic movement on the site; and
- g) use of a bag drop refund point, a container refund machine, an over the counter refund point or a pop-up refund point within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone must not cause an unreasonable loss of residential amenity having regard to:
 - i. the timing, duration or extent of vehicle movements, including the amount of reversing and associated warning noise from service vehicles;
 - ii. noise levels generated at the container refund point above background noise levels;
 - iii. any noise mitigation measures between the container refund point and the residential zone; and
 - iv. lighting duration or light spill.

7.14.2 Notwithstanding subclause 7.14.1, use and development for a bag drop refund point or a container refund machine on a site in the Village Zone, Urban Mixed-Use Zone, Local Business Zone, General Business Zone, Central Business Zone, Commercial Zone, Community Purpose Zone or Recreation Zone, is Permitted and a permit must be granted if:

- a) co-located on a site with an existing business;
- b) there are not more than 2 signs for the bag drop refund point or container refund machine that are not attached to the bag drop point or container refund machine structure and the signs are not:
 - i. less than 2m from the boundary of a lot in the General Residential Zone, Inner Residential Zone, or Low Density Residential Zone;
 - ii. illuminated;
 - iii. more than 2m² in combined total area; and
 - iv. a third-party sign as defined in C1.3 of the C1.0 Signs Code;
- c) for any attached sign on a bag drop refund point or container refund machine structure, that sign must:
 - i. not be illuminated;
 - ii. comply with clause C1.6.4 A1 of the C1.0 Signs Code; and
 - iii. be for the following sign types, as defined in table C1.3 of the C1.0 Signs Code:
 - a. an awning fascia sign that does not project above or below the fascia of the awning to which it is attached, and has a height of not less than 2m above ground level;
 - b. a building fascia sign that does not project above or below the fascia of the building and does not project horizontally more than 200mm from the vertical face of the fascia;
 - c. a painted wall sign;
 - d. a wall sign that does not project above the top of the wall to which it is attached; or
 - e. a wall mural sign;
- d) in the Local Business Zone, General Business Zone or Central Business Zone, the setback from a frontage is:
 - i. equal to or more than the relevant Acceptable Solution frontage setback for the relevant zone; and
 - ii. not less than the relevant Acceptable Solution frontage setback of any applicable specific area plan;

- e) in the Village Zone, Urban Mixed-Use Zone, Commercial Zone, Community Purpose Zone or Recreation Zone, the setback from a frontage is not less than 2m;
- f) the side and rear setback is not less than the relevant zone or an applicable specific area plan Acceptable Solution for side and rear setbacks;
- g) the height of the structure for a bag drop refund point or a container refund machine is not more than 3m;
- h) the area of each structure is not more than:
 - iii. 20m² for the bag drop refund point; or
 - iv. 60m² for the container refund machine;
- i) the container refund machine operates within the hours of operation of a co-located business on the site, unless 7.14.2 (l) is applicable;
- j) the location of the container refund point satisfies the requirements in the acceptable solutions for C2.6.2, C2.6.3, C2.6.4, C2.6.5 and C2.6.6;
- k) the Local Historic Heritage Code does not require a permit for the use or development; and
- l) use of a bag drop refund point or a container refund machine within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone:
 - i. operates within the following hours of operation:
 - a. 7.00am to 9.00pm Monday to Saturday; and
 - b. 8.00am to 9.00pm on Sundays and public holidays; or
 - c. alternatively within the hours of operation of a co-located business;
 - ii. operates external lighting, excluding any security lighting, only within the hours of 6.00am to 11.00pm;
 - iii. baffles any security lighting so that direct light does not extend into adjoining lots in a General Residential Zone, Inner Residential Zone or Low Density Residential Zone; and
 - iv. is serviced by commercial vehicles for the container refund point within the hours of:
 - a. 7.00am to 9.00pm Monday to Saturday; and
 - b. 8.00am to 9.00pm Sunday and public holidays.

7.14.3 No other provisions in this planning scheme apply to a use or development that complies with subclause 7.14.2.

7.14.4 There is no requirement to provide car parking spaces for container refund points approved under subclauses 7.14.1 or 7.14.2.

7.14.5 A permit granted under subclauses 7.14.1 or 7.14.2 may include conditions relating to maintaining the tidiness of the container refund point or pedestrian safety.

4.0 C2.0 Parking and Sustainable Transport Code

Amend clause C2.3.1 by inserting the following term and definition in alphabetical order:

Term	Definition
container refund scheme space	means the area of land required to house a container refund machine or a bag drop refund point on a site plus space for pedestrians to queue at the container refund machine or bag drop refund point.

Amend C2.5.1 A1 by deleting the leading sentence and inserting the following:

The number of on-site car parking spaces must be no less than the number specified in Table C2.1, less the number of car parking spaces that cannot be provided due to the site including container refund scheme space, excluding if: