

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 24 January 2024¹.

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 24 January 2024.

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 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> <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>	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> <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 	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> <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 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> <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> <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 	N/a

		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: a) co-located on a site with an existing business; b) the structure has an area of not more than 4m ² 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: a) a pop-up refund point on public land and used: 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:	
<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"> (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:	
<p>To ensure that:</p> <ol style="list-style-type: none"> 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. A use or development does not detract from the amenity of users or the locality by: <ol style="list-style-type: none"> Preventing regular parking overspill; 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> <ol style="list-style-type: none"> 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> <ol style="list-style-type: none"> The site is subject to a parking plan for the area adopted by 	<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> <ol style="list-style-type: none"> Car parking demand; The availability of on-street and public car parking in the locality; The availability and frequency of public transport within a 400m walking distance of the site;

<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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