

Amendment 01-2022 of the State Planning Provisions

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: