

Interim SPPs amendment 01/2022

Container Refund Scheme - Exemptions and Special  
Provisions

This Interim SPPs Amendment has been made by the Minister for Planning under section 30NB(3)(a) of the *Land Use Planning and Approvals Act 1993* and came into effect on 10 May 2023.

## 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"> <li>i. it operates within the normal hours of operation of that business;</li> <li>ii. external storage of the returned approved containers is an area of not more than 15m<sup>2</sup> and a height of not more than 3m or is provided in a shipping container; and</li> <li>iii. the external storage is not visible from a road or public space adjoining the site; or</li> </ol> <p>b) a container refund machine or bag drop refund point if:</p> <ol style="list-style-type: none"> <li>i. co-located on a site with an existing business;</li> <li>ii. the structure has a base area of not more than 4m<sup>2</sup> and a height of not more than 2.2m; and</li> <li>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,</li> </ol> <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"> <li>a) a pop-up refund point on public land and used: <ul style="list-style-type: none"> <li>i. for a period not longer than 2 days; or</li> <li>ii. in association with a market, sporting, social or cultural event; or</li> </ul> </li> <li>b) a container refund machine or a bag drop refund point on a registered trailer and used: <ul style="list-style-type: none"> <li>i. for a period of not longer than 2 days;</li> <li>ii. in association with a market, sporting, social or cultural event; or</li> <li>iii. during the months from November to April if needed to provide additional capacity for demand from tourists as endorsed by the Crown; and</li> </ul> </li> <li>c) the temporary container refund point is removed after its use.</li> </ul>
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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 2m<sup>2</sup> 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. 20m<sup>2</sup> for the bag drop refund point; or
  - ii. 60m<sup>2</sup> 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: