

Draft Amendment 01/2022 of the State Planning Provisions

Terms of Reference

I, Michael Darrel Joseph Ferguson, Minister for Planning, pursuant to section 30C(1) of the *Land Use Planning and Approvals Act 1993* (the LUPA Act), hereby issue these Terms of Reference for the preparation of draft amendment 01/2022 of the State Planning Provisions (SPPs).

Background

The SPPs were made on 22 February 2017 and came into effect on 2 March 2017. It is important that the SPPs are kept under regular review to ensure the intended planning outcomes are delivered.

The States rollout of the container refund scheme (CRS) is intended to be implemented in 2023 and will require planning permission on each CRS site. Early consultation with some councils around the state indicates that the SPPs could be further clarified so as to enable a more consistent interpretation of the SPPs regarding implementing the CRS.

Further amendments of the SPPs have been identified to provide more clarification in relation to determining which elements of the rollout of the CRS are exempt and which elements of the CRS require a development application to be lodged with the local planning authority.

Scope of the draft amendment

Draft amendment 01/2022 of the SPPs is to make any necessary amendments to the SPPs that clarify the planning scheme requirements for which elements of the rollout of the container refund scheme are –

- Exempt, such as pop-up refund points, small (indoor or moveable) reverse vending machines (RVM), small bag drop refund points and over the counter (OTC) refund points, or
- Subject to a permitted development application in particular zones, such as reverse vending machines or bag drop off locations that are established in car parks of existing businesses, or
- Subject to a discretionary development application in cases where the exemption or the requirements for the permitted development application cannot be met, or
- Enable existing businesses to review their existing planning requirements in respect of car parking, on those sites that accommodate external CRS drop off points within their site

These requirements are to be provided for in the exemptions and the general provisions of the SPPs.

Statutory requirements for the draft amendment

The draft SPP amendment is to be prepared in accordance with the requirements in Part 3, Division 2 of the LUPA Act.

Dated this 8th day of May 2022



MICHAEL FERGUSON

Minister for Planning