

A G E N D A

Development Strategy and Policy Committee Agenda

Notice is hereby given pursuant to the provisions of the Local Government Act, 1999, that a meeting of the Development Strategy and Policy Committee will be held in the Council Chambers, 181 Unley Road Unley on

***Monday 21 September 2015 at
7.00pm***

for the purpose of considering the items included on the Agenda.



Peter Tsokas
Chief Executive Officer

DEVELOPMENT STRATEGY AND POLICY COMMITTEE

MEMBERS

Councillor Don Palmer – Presiding Member
Mayor Lachlan Clyne – ex officio
Councillor J Koumi
Councillor A Lapidge
Councillor J Boisvert
Councillor L Smolucha
Councillor R Salaman
Mr D Wallace
Mr G Pember
Mr S Yarwood
Mr L Roberts

ACKNOWLEDGEMENT

We would like to acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

CONFIRMATION OF MINUTES

MOVED
SECONDED

That the Minutes of the Development Strategy and Policy Committee, held on Monday 20 July 2015 as printed and circulated, be taken as read and signed as a correct record.

APOLOGIES

CONFLICT OF INTEREST

DEPUTATIONS

OFFICER'S REPORTS

7	Unley Central Precinct Development Plan Amendment (Community Engagement Plan)	1 – 5
8	Draft Existing activity Centres Ministerial Development Plan Amendment	6 – 13
9	Confidentiality Motion for Item 10 – Draft Inner & Middle Metropolitan Corridor Infill Minister Development Plan Amendment	14 – 15
10	Draft Inner & Middle Metropolitan Corridor Infill Minister Development Plan Amendment	16 – 25
11	Confidentiality Motion to Remain in Confidence – Item 10 - Draft Inner & Middle Metropolitan Corridor Infill Minister Development Plan Amendment	26 – 27

NEXT MEETING

To be advised

DRAFT DECISION REPORT

REPORT TITLE: UNLEY CENTRAL PRECINCT DEVELOPMENT
PLAN AMENDMENT COMMUNITY
ENGAGEMENT PLAN

ITEM NUMBER: 7

DATE OF MEETING: 21 SEPTEMBER 2015

AUTHOR: DAVID BROWN

JOB TITLE: PRINCIPAL POLICY PLANNER

1. **EXECUTIVE SUMMARY**

- 1.1 A URPS led consultant team has been contracted to prepare the *Unley Central Precinct Development Plan Amendment (Unley Central DPA)*
- 1.2 To initiate progress of the *Unley Central DPA*, URPS are to present a draft Community Engagement Plan for discussion and potential endorsement
- 1.3 If the Community Engagement Plan is endorsed by Council, public release and discussions can begin on resolving the key policy directions for the desired future development of the Unley Central Precinct.

2. **RECOMMENDATION**

That:

- 1. The report be received.
 - 2. That the draft Community Engagement Plan for the *Unley Central DPA* be endorsed.
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

- 3.1 Unley Community Goals
 - Emerging – Our Path to a Future City
 - 1.1 *A thriving and prosperous business community*
 - 1.3 *A dynamic mix of uses and activities in selected precincts*
 - Living – Our Path to a Vibrant City
 - 2.1 *Highly desirable and diverse lifestyle*
 - 2.2 *Activated places*
 - Moving – Our Path to an Accessible City
 - 3.1 *Equitable parking throughout the City*
 - 3.2 *An integrated, accessible and pedestrian-friendly City*
 - 3.3 *Alternative travel options*

Greening – Our Path to a Sustainable City

4.1 Renowned for its lifestyle and environmental balance

- 3.2 Preparation, process, public and agency consultation and final approval of a Ministerial DPA is pursuant to the Development Act, 1993, Division 2, Sub-division 2, Sections 24, 25 and 27.

4. DISCUSSION

Background

The Unley Central Precinct is a priority project within Council's 4 Year Plan 2013-2016.

Following investigation and stakeholder consultation, the Unley Central Precinct Plan was endorsed by Council in August 2014.

A background report in Item 6/15, and presentation, on the Unley Central Precinct Plan was provided to the Committee on 20 July 2015.

The supporting *Unley Central DPA*, in accord with Council's Strategic Directions Report (April 2013), intends to incorporate refined policy to the District Centre Zone as a key element, amongst other things like public infrastructure investment, to facilitate the outcomes of the Unley Central Precinct Plan.

Council initiated the *Unley Central DPA* by endorsement of the necessary first step of a Statement of Intent in January 2015. The necessary approval of the Minister for Planning of the Statement of Intent was received on 31 May 2015.

The approval allows Council to proceed with the DPA in accord with the terms of the Statement of Intent, including the approved timeline. Any variations to the commitments or timeline will require justification to and further approval from the Minister.

Discussion

The *Unley Central DPA* will support the desired form of future development, largely based upon the Unley Central Precinct Plan, in respect to:

- engagement with the Unley Road frontage and new mixed use and higher density development opportunities
- integrating mixed use development on land north of the Unley Shopping Centre
- achieve economic vitality and residential growth (including affordable housing)
- creating development opportunities for better east west connections and connections to open space
- enhancing pedestrian laneway links between rear of building car park areas and the connection to Unley Road

- establishing linkages between buildings, urban spaces and open space as well as to Unley Oval.

The planning policy in the existing District Centre Zone is limited and therefore quite flexible, but it does not overtly support high density mixed use development, incorporating residential. Also the associated movement networks, principally for vehicles (private and service) but also critically for pedestrians and cycling, are major functional issues that need to be addressed. The policy needs to more explicitly encourage the desired development, including attention to suitable interfaces with surrounding lower density areas.

Following a tender process in July/August a consultant team led by URPS was appointed at the end of August 2015 to undertake the project, including:

- initiation and maintenance of on-going and comprehensive engagement with stakeholders and the community
- necessary planning, urban design, movement and parking investigations
- preparation of a draft DPA, and supporting Public Infrastructure Plan, by June 2016
- formal consultation and approval of the DPA by February 2017.

The Development Strategy and Policy Committee (and Council) will be asked to provide formal consideration and endorsement at key stages of the project, including:

- initial review of Precinct Plan, key findings and recommendations
- exploration of development options and preparation for consultation
- resolution of desired outcomes and preparation for further consultation
- draft policy and supporting infrastructure recommendations
- draft DPA and Public Infrastructure Plan and preparations for public release
- post DPA consultation review and recommendations regarding approval of DPA (as proposed or with amendments).

The key matter to address at this initial stage is the Community Engagement Plan. This will be critical to support the open and transparent process of exploring and resolving the desired outcomes and policy framework for the precinct with the community. The comprehensive engagement process should reduce issues during the formal consultation period of the draft DPA.

A copy of the draft Community Engagement Plan is contained in Attachment 1 to Item 7/15.

Attachment 1

The consultant's approach and scope of the draft Community Engagement Plan includes:

- Preparation in accordance with the City of Unley Engagement Policy and 'Community Engagement Toolkit'
- Identify groups and community(s) to be involved

- Recommend preferred methods of engagement (encompassing necessary statutory DPA requirements)
- Prepare draft material to support the engagement methods
- Present at workshops and public meetings at identified required stages.

The *Unley Central DPA* draft Community Engagement Plan is self-explanatory. The consultant will present an outline of the plan and seek discussion and feedback, potentially to further refine the proposals if seen necessary.

Following this critical step, and endorsement of the plan, the program for the DPA and community engagement will be clearly laid out.

5. POLICY IMPLICATIONS

5.1 Financial/budget

- *The contract for consultants for the project is within budget*

5.2 Legislative/Risk Management

- *Changes to Development Plan policy are managed through the clear, open and balanced process under the Development Act*
- *Community engagement will be critical to hearing all views and arriving at a mutually understood and appreciated policy*
- *Various issues, eg density, height and traffic, will be challenging but with sensitive discussion an appropriate balance should be found*

5.3 Staffing/Work Plans

- *Project and consultants will be managed within current resources*

5.4 Environmental/Social/Economic

- *Clear and enhanced policy will facilitate desired new development to enhance the viability of the economy, vibrancy of the precinct and an expanded residential community*
- *Effective planning and management of enhanced movement networks will be critical to the function and amenity of the precinct*

5.5 Stakeholder Engagement

- *Stakeholder engagement was undertaken as part of the Precinct Plan*
- *Broader community consultation will be undertaken as part of the DPA*

6. REPORT CONSULTATION

Liaison has occurred within the Department of Economic Development and Planning, and in particular planning policy, urban design and traffic management.

Further consultation will occur with the public, stakeholders and government agencies on the project following endorsement of the Community Engagement Plan.

7. ANALYSIS OF OPTIONS

Option 1 – Endorse the *Unley Central DPA* draft Community Engagement Plan

The Unley Central DPA represents a significant review and change of the planning policy for the prime central heart of Unley. Consequently comprehensive engagement, conversations and mutual understanding of its desired future development is critical to successful implementation of the policy change.

The draft Community Engagement Plan outlines such a comprehensive process and is considered of appropriate scope and range. Endorsement would allow the process to commence.

Option 2 – Endorse the *Unley Central DPA* draft Community Engagement Plan with amendments

The draft Community Engagement Plan outlines a comprehensive process but there are elements that require further definition or broadened scope.

Endorsement of the plan with specified amendments would allow the plan to be completed and the revised process to commence. Delay in endorsement of a plan would delay commencement of the consultation process, and in turn the DPA.

8. RECOMMENDED OPTION

Option 1 is the recommended option.

9. ATTACHMENTS

Attachment 1 – *Unley Central DPA* draft Community Engagement Plan.

10. REPORT AUTHORISERS

<u>Name</u>	<u>Title</u>
David Litchfield	General Manager Economic Development and Planning
Peter Tsokas	Chief Executive Officer

Unley Central Precinct Development Plan Amendment (DPA)

Draft Community Engagement Plan



INTRODUCTION

This Community Engagement Plan is designed to meet Step One of The City of Unley Community Engagement Process as documented in the “Community Engagement Toolkit”. It is designed to:

- maximise opportunities for people to participate and provide input;
- enable quality project management and co-ordination between Council staff and the consultant team;
- provide clear accountability and transparency;
- identify processes which are simple and easy to use;
- outline the context, set the questions, determine the parameters and plan to manage risk.

STEP ONE: DO I NEED TO ENGAGE THE COMMUNITY?

Council has already identified ‘open, meaningful and transparent conversation and engagement with Council, stakeholders and the local community over the life of the project’ as an intrinsic part of developing the DPA.

1.1 Purpose of Engagement

The purpose of engagement is to ensure that those who have an interest in, and are likely to be impacted by changes to Development Plan policy in the Unley Central Study Area will be able to participate in a range of activities that facilitate constructive discussion and shared learning.

It will be crucial that Council, business and community stakeholders ‘buy-in’ to the process and feel that their views have been heard and considered in the formulation of planning policies that give effect to preferred design principles and economic outcomes.

1.2 Engagement Parameters

The preparation of an amendment to the Development Plan requires a statutory consultation process. Council’s Engagement Plan for this project will exceed these requirements and therefore readily comply with any legislative requirements.

The geographic focus of the engagement is the Unley Central Precinct which has been identified in the Unley Central Precinct Plan and also includes the residential areas that directly adjoin the Precinct. These property holders have been identified as the primary stakeholders.

It should be noted that many of those who work in and visit this area come from outside of that geographic area. Therefore the catchment for the engagement of these secondary stakeholders extends beyond the area identified in Map 1 .

A budget has been established for the community engagement and Council and the consultant team have allocated resources to this component of the project.

An indicative program has been developed and this will be refined through liaison with Council as the project proceeds.

Sufficient time has been allowed to provide advance notice of activities and an appropriate response time.

This is a large and multi-faceted project with the potential for a diversity of interests and opinions. The complexity lies more in the political and community sensitivity to changes in built form than in the technical tasks of preparing planning policy.

1.3 Legislative Requirements

This Engagement Plan is consistent with Council's Public Consultation Policy Section 50(6) and as previously mentioned with the consultation requirements for Development Plan Amendments.

1.4 Timelines for Engagement

(Refer to attached program).

This engagement process will happen over a number of stages, each of which will allow more than the minimum proposed 3 week period for engagement. The consultation on the draft DPA will satisfy the statutory minimum requirements of eight weeks with additional time allowed if this period includes Christmas or Easter.

STEP TWO: WHO SHOULD I INCLUDE?

2.1 Stakeholder Mapping

The Table below identifies those individuals and groups who are likely to be **impacted** by, have an **interest** in and be able to **influence** the outcome of the decision.

Stakeholder	Category	Area of Interest
Council Elected Members	Influencers	A well-managed process that provides clarity of stakeholder views and supports balanced decisions.
Council Staff	Informants	Need good information to support advice to Council.

Stakeholder	Category	Area of Interest
Property Owners/Developers	Impacted	What opportunities policy change might enable?

Businesses	Impacted	How their business could be affected.
Adjacent Property Owners	Impacted	What changes might this mean for me?
Residents from the wider area/Visitors to Precinct	Interested	Understanding potential costs and benefits to them of any changes.
Government Agencies	Influencers	How does what is proposed relate to their organisation's plans and policies? What impact might it have on budgets?

2.2 Internal Stakeholders

Council's Project Director will be responsible for co-ordinating the input of relevant Council staff.

The Engagement Plan includes three presentations to Elected Members, through the Development Strategy and Policy Committee.

2.3 Selecting the Right Catchment Size and Location

Map 1 on the following page provides the primary catchment area for the engagement process. Property owners within this area will receive direct notification about the project at all stages, since they are more likely to be impacted by any changes to planning policy.

The secondary catchment extends beyond the boundaries identified in the map to include people who travel to the area to work, shop and access services, who may have an interest in the project.

STEP 3: WHAT IS NEGOTIABLE AND NON-NEGOTIABLE?

Council has developed a number of strategies which seek to encourage residential growth and diversity and promote economic activity in the Unley Central precinct. These strategies are consistent with the State Government's Thirty Year Plan for Greater Adelaide with respect to Urban Corridor Zones.

These strategies seek to achieve the inclusion of principles to enable and guide residential development in the District Centre Zone. It is expected that there will be an increase in urban densities and in height limits across the Precinct. This will be the starting point for discussions to inform the DPA.

STEP 4: AT WHAT LEVEL WILL I ENGAGE?

This Plan will operate at the “consult” level where good quality information is provided by Council to enable effective two-way communication about the kinds of policy changes needed to increase the economic viability and social vibrancy of the Unley Central Precinct. We will recognise the potential community concerns about increasing residential densities and building heights. (See Step 6)

STEP 5: HOW WILL WE ENGAGE?

5.1 Developing Key Messages

These will be developed in partnership with Council staff and will identify:

- purpose;
- background;
- the nature of the project including key issues such as built form and density;
- project impacts such as increase traffic, changes to streets and public spaces;
- timeline;
- ways that feedback can be provided;
- how feedback will be used;
- how decisions will be communicated.

5.2 Promoting Engagement and Recruiting Participants

We will work with Council staff across a range of areas to identify what are generally more effective ways of engaging the different stakeholder groups that have been identified.

Interactive engagement will be promoted by Council’s “Have Your Say” page and Engagement HQ.

In addition we anticipate a mix of targeted invitations by letter and email, and general community information about how to participate using methods such as posters and banners in public places and advertisements in the local press. We would also anticipate using Council’s regular columns in The Messenger and Council newsletters.

5.3 Selecting Engagement Tools

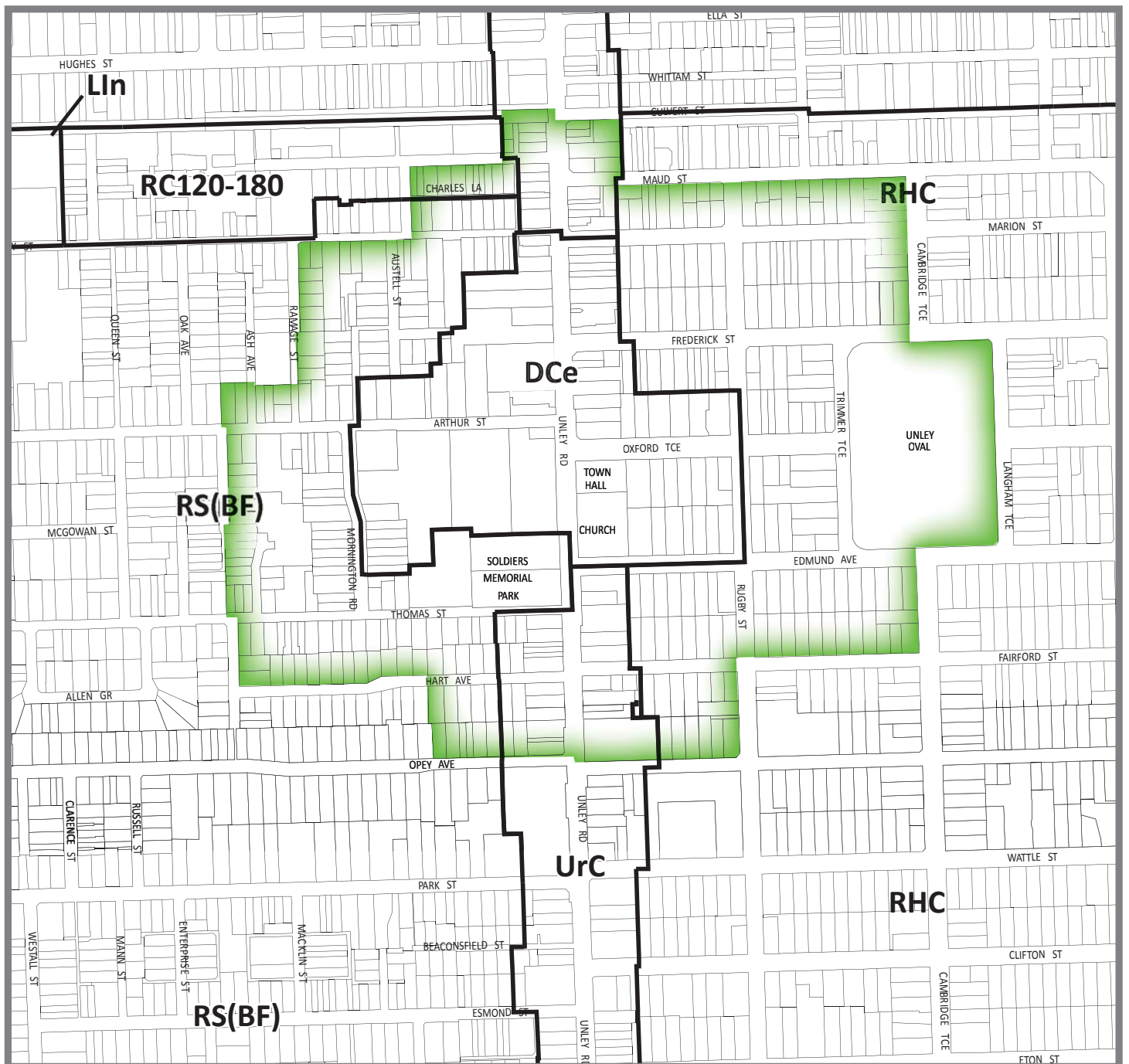
Initial Engagement

We will prepare a detailed letter to be mailed out by Council to all directly affected property owners as shown in Map 1.

We propose to design an on-line survey that can be run through Council’s website, ‘Have Your Say’.

We will support this by having hard copy surveys available at Council offices and the Library and by staffing a stand at the Unley Shopping Centre on a Saturday morning to hand out information and surveys. We will also be present in the Library at an advertised time so that regular users can receive information about the project and how to get involved.

We will summarise these preliminary findings and present to the Council Committee. Through discussion with the Committee and Council staff we will develop a number of preferred options to be tested.



MAP 1

PRIMARY STAKEHOLDER CATCHMENT

0 250 500 m



LEGEND

- Primary Engagement Area
- Cadastre
- Zone Boundary

ZONES

- DCe** District Centre
- LIn** Light Industry
- RC120 - 180** Residential C120 - 180
- RHC** Residential Historic Conservation
- RS(BF)** Residential Streetscape (Built Form)
- UrC** Urban Corridor

PROJECT	UNLEY CENTRAL PRECINCT DPA
JOB REF.	2015-0207
REVISION.	1
PREPARED BY.	ML
DATE.	14.09.15
DATA SOURCE.	NEARMAPS, (13 March, 2015)



Validation of Preferred Option

We will invite key stakeholders, including selected major property owners, potential developers, community, heritage and environmental groups such as FOCUS, bike user groups and representatives of The Unley Business and Economic Development and Infrastructure and Sustainability Committees, the Unley Road Traders Association, Council staff and Elected Members and relevant State Government departments to participate in a 'Design Lab' session structured to test a number of potential design and land use options for the precinct. The Design Lab sets the context in which participants can manipulate the built form and public realm to understand the impacts of changes. The intent of the Design Lab is to identify a preferred option that best meets stakeholder and community aspirations.

Following the Design Lab we will present the findings of the process to the DP&SC.

Public and Agency Consultation of the Draft DPA

We propose to invite all stakeholders and the broader community to one of two staffed displays to be held in the Civic Centre at advertised times for a day-time and evening session. Council staff can be available outside these hours to address individual queries. This provides an opportunity for those who attend to interact with the materials so they can better understand what is being proposed.

These staffed displays are in addition to the formal public hearing where those who have made written representations on the Draft DPA are able to request to be heard.

Communication

Throughout the process we propose to work with Council staff to use electronic and traditional media to keep the community informed about the emerging directions. Material will be available on-line and in hard copy. We propose to develop a stakeholder database which can be used for direct invitations and update emails.

STEP 6: RISK ASSESSMENT

Any discussion of higher density development can be controversial. We will be cognisant of these potential risks in the way in which we write and distribute the material. Our open and approachable manner enables people to share strong feelings. When people experience active listening and genuinely feel heard, their anger is less likely to escalate.

The consultant team will work closely with Council to monitor potentially risky situations and manage these effectively.

Timelines for Engagement

TASK		SEPT	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY	JUNE
1.	Prepare Engagement Plan										
2.	Confirm with DS & PC										
3.	Initial Engagement: - preparation of materials - survey/staffed displays - report of findings - presentation to DS & PC										
4.	Validation of Preferred Option - invitations out - Design Lab - Draft Report - Presentation to DS & PC										
5.	Consultation on DPA										June to November

It is noted that the DP&SC typically meet on the third Monday of the month.

DECISION REPORT

REPORT TITLE: DRAFT EXISTING ACTIVITY CENTRES
MINISTERIAL DEVELOPMENT PLAN
AMENDMENT

ITEM NUMBER: 8

DATE OF MEETING: 21 SEPTEMBER 2015

AUTHOR: DAVID BROWN

JOB TITLE: PRINCIPAL POLICY PLANNER

1. **EXECUTIVE SUMMARY**

- 1.1 The Minister for Planning has released for public and agency comment, up until the 21 October 2015, the *draft Existing Activity Centres Policy Review Ministerial Development Plan Amendment* (draft DPA)
- 1.2 The DPA changes are the latest in a series of major strategy and other policy shifts that have been aimed at prioritising facilitation of economic development ahead of the framework of centres hierarchy policy
- 1.3 The DPA encompasses changes to Centres and Mixed Use Zones which:
 - (a) delete non-complying threshold floor area limits
 - (b) include advisory principles on floor area limits in mixed use zones
 - (c) introduce complying development to facilitate changes in commercial use of existing buildings
 - (d) reduce public notification requirements
 - (e) introduce consistent, universal and reduced off-street parking requirements for all non-residential uses
- 1.4 The changes are intricate and complex, which is difficult to convey in the report, so the focus is on explaining the potential implications
- 1.5 The input of the independent professional, development and business members of the Development Strategy and Policy and Unley Business and Economic Development Committees is recognised
- 1.6 A submission be provided noting the significant shift and concerns about the principles behind the review, commenting on the positive changes of policy to facilitate development, and requesting consideration of adjustments to the amendments in line with the recommendation.

2. **RECOMMENDATION**

That:

1. The report be received.

2. That a submission be provided to the Development Policy Advisory Committee on the *draft Existing Activity Centres Ministerial DPA* noting:
- 2.1 it represents a significant shift but there are some positive changes of policy for centres and mixed use zones to facilitate development
 - 2.2 the founding principles and extensive areas for the liberalised policy, however, are not supported;
 - 2.3 the following specific issues, in accord with details in the report, be considered in finalising the policy amendments:
 - 2.2.1 maintain an advisory principle in the Centre Zones to reflect the current zone intent and limits on activity scale;
 - 2.2.2 the advisory principle terminology be consistent and not include the vague notion of '*...in the order of...*';
 - 2.2.3 arterial roads in Complying conditions be made clear by reference to the *Structure Plan Map Un/1 (Overlay 1)*;
 - 2.2.4 complying conditions for a shop in the Mixed Use Zones should not include restaurants or cafes;
 - 2.2.5 public notification, including Category 3, should apply when proposed development is not reasonably envisaged;
 - 2.2.6 the basis for reduced universal parking standards, and further discounts, needs more justification and ultimately should relate to local circumstances and need.
-

3. **RELEVANT CORE STRATEGIES/POLICIES**

3.1 Unley Community Goals

Emerging – Our Path to a Future City

1.1 A thriving and prosperous business community

1.3 A dynamic mix of uses and activities in selected precincts

Living – Our Path to a Vibrant City

2.1 Highly desirable and diverse lifestyle

2.2 Activated places

Moving – Our Path to an Accessible City

3.1 Equitable parking throughout the City

3.2 An integrated, accessible and pedestrian-friendly City

3.3 Alternative travel options

Greening – Our Path to a Sustainable City

4.1 Renowned for its lifestyle and environmental balance

- 3.2 Process, public and agency consultation and approval of a Ministerial DPA is pursuant to the Development Act, 1993, Division 2, Sub-division 2, Sections 24, 26 and 27.

4. **DISCUSSION**

Background

The Minister for Planning announced the pursuit of economic reforms through the proposed *draft Existing Activity Centre and Shopping Review Ministerial Development Plan Amendments* (the draft DPA) in February 2015.

The review is to occur in two stages, as follows:

- *Existing Activity Centres Policy Review Ministerial DPA*
- *Activity Centre and Shopping Growth Ministerial DPA*

The Administration contributed to a Local Government Association (LGA) submission on the principles for the above reviews in March 2015. The submission is contained in Attachment 1 to Item 8/15.

Attachment 1

The review of policy to promote and facilitate appropriate development in defined existing centres is generally beneficial. However, there are concerns regarding the broad collective review across the whole of Greater Adelaide, with potential for significant and unintended implications for future orderly development.

The intention to make all non-residential zones more flexible for a wide range of development, including large format shopping, potentially threatens to disperse such development, undermining the desire to create 'places' of concentrated, mixed use and vibrant activity. New large self-contained formats create their own nucleus, possibly to the detriment of well-located centres and main streets.

Introduction

The draft DPA was released for public and agency consultation on 27 August 2015, with submissions due by the 21 October 2015.

It is intended the Committee consider and provide advice to Council for consideration at the meeting on the 28 September 2015, so a submission can be addressed within the statutory time-frame.

The draft DPA proposes changes to existing designated centres and mixed use zones, including in Unley:

- Urban Corridor Zone (High Street and Boulevard Policy Areas)
- District Centre Zone
- Neighbourhood Centre Zone
- Specialty Goods Centre Zone
- Historic (Conservation) Centre Zone
- Local Centre Zone
- Mixed Use 1 Zone
- Mixed Use 2 Zone
- Mixed Use 3 Zone



It is anticipated that the future broader *Activity and Shopping Growth DPA* will address the remaining non-residential zones in Unley, including office and industrial zones.

The concurrently proposed draft *Inner and Middle Metropolitan Corridor Infill Minister DPA* will subsequently supersede many of the proposed review changes. This DPA will introduce the new Urban Corridor Zone (and respective policy areas) to Anzac Highway, Leader Street, Goodwood Road, King William Road and remaining southern portion of Unley Road.

Council has recently initiated the *Unley Central DPA* to address the future policy for the core District Centre, and this will be required to align with the draft DPA.

The current Council *General DPA* also addresses the future policy for the non-residential zones, and now will need to be significantly reviewed in a number of respects to ensure consistency with the proposals by the Minister.

Discussion

The draft DPA proposes changes in the designated activity and mixed use zones, contained in Attachment 2 to Item 8/15, that will:

- delete non-complying threshold floor area limits for office, consulting room, bank and/or shop in centres and mixed use zones
- include guiding advisory principles on floor area limits for office, consulting room, bank and/or shop in Mixed Use Zones 1, 2 and 3
- introduce complying development to facilitate adaptive re-use of existing buildings for consulting rooms, offices and/or shops (including restaurants)
- reduce public notification requirements in accord with the Development Regulations and limit envisaged development to Category 1 (no notice) or Category 2 (direct notice to adjacent land and no 3rd party appeal rights)

- introduce consistent, universal and reduced off-street parking requirements for all non-residential uses in the designated zones adjacent to public transport and/or strategic growth locations.

Attachment 2

Floor Area Limits – non-complying and advisory principles

It is proposed to delete all current Non-complying threshold floor area limits.

In the mixed use zones an existing advisory principle is proposed to be maintained but changed to include the current limits. This maintains expression of the zone intent but allows for flexibility of size on merit.

In the centre zones there will be no guidance on size limits, therefore allowing uses and building of any size, eg supermarkets. An advisory principle should be included to clarify and support the zones intent and limit building scale or individual tenancy sizes, other than for the primary District Centre Zone.

Advisory principles limiting the size of shop tenancies in the Urban Corridor Zone are to be maintained in a similar form, with edits for consistent expression.

The advisory principles terminology ‘... *should provide a maximum total floor area in the order of xxx square metres*’ is unduly vague and unnecessary. The normal scope for variation on merit is considered adequate.

In the Local Centre and Mixed Use 2 Zone ‘total’ floor area has been omitted.

Complying Development

The existing provisions for Complying development are to be increased, other than for the Urban Corridor Zone Boulevard Policy Area, to allow for a change of use of an existing building for a shop, office or consulting room. A shop includes a restaurant or café.

The change is subject to a variety of convoluted conditions but essentially it will be complying if the existing development is not altered. The equivocal nature of the conditions is usually avoided for Complying development but the low level of risk and likely problems means it is a worthwhile approach to make. Following experience unforeseen problems should be reviewed.

The endeavour to facilitate planning approval (Building Code consent is still required) for interchangeable use for shop, office or consulting room in existing buildings is positive. It was being considered as part of the Council’s *General DPA*.

Restaurant/café activities may be appropriate in core centre zones, but widespread application and in more commercial focussed zones is not as appropriate. It is suggested the Complying change of use to a shop should not include restaurants in the Mixed Use Zones to address these concerns.

Public Notification

In the Centre Zones the public notification requirements are not being changed.

In the Mixed Use Zones the public notification requirements are intended to accord with the new SA Planning Policy Library (SAPPL) format. There would be no Category 3 public notification (broader direct advice, public advertisement and 3rd party appeal rights), with the exception of Non-complying development.

Currently in the Mixed Use Zones specific development is either Category 1 or 2, with development above the envisaged parameters defaulting to Category 3.

The rationale for the proposed limitation of public notification is understood.

More recently, Council has suggested additional criteria for the higher density and height in the Urban Corridor Zone that where the maximum building height or the 30 degree building envelope is exceeded it would be Category 3, given such development is not reasonably envisaged.

Parking Standards

The current parking standards provide variable rates for different uses. Efficiency discounts apply for various favourable circumstances and particularly to encourage integration and sharing of limited existing areas.

The draft DPA proposes to reduce parking requirements in the designated zones to a universal desired minimum rate of 3 per 100 square metres for all non-residential uses (excluding tourist accommodation). A maximum rate is also proposed but it is likely to be rare more than the minimum would be provided. Conditions apply, but the required minimum of one is met in all cases in Unley.

In addition, this rate may be further reduced where there is mixed use, local heritage constraints, alternative options or generous on-street parking.

The assumed reduction of vehicle use for mixed use development in the corridors is based on alternative and public transport services serving them conveniently as a destination from sources across Adelaide. This is not always the case. It may be some time before attitudes and habits evolve that lead to reduced vehicle use.

The broad application of a generic standard lacks regard for the variety of local circumstances and reasonable needs.

In the transition to the new paradigm, Council will need to manage the balance between residential areas reasonable needs, amenity and convenience versus not compromising on-going accessibility and viability of businesses.

The reduced parking requirements, particularly for large scale offices and restaurants, are a significant change. In small scale highly mixed use areas this has more synergy with prevailing circumstances. The case has not been strongly made for such unilateral widespread reduction or practical benefits of public transport in several locations.

The change to reduced universal parking requirements, particularly outside highly mixed use centre zones, and opportunities for even further discounts, should have regard to local circumstances and ultimately reasonable needs. The key opportunity for discounting is where development optimises the efficiency of parking through integration and sharing across sites and uses.

5. POLICY IMPLICATIONS

5.1 *Financial/budget*

- *There will be no increased cost of implementing the changes*
- *Increased on-street parking, in the short to medium term, may lead to increased traffic management reviews and enforcement*

5.2 *Legislative/Risk Management*

- *Council, together with the community, have the opportunity to comment on the policy changes, but ultimately the Development Plan and policy is at the discretion of the Minister for Planning*
- *Traffic and on-street parking will require further and on-going careful management to balance the needs of supporting development and businesses and adjacent residential needs, amenity and convenience*

5.3 *Staffing/Work Plans*

- *There may be potential for some redirection of resources to more critical development assessment matters with reduced application assessments*

5.4 *Environmental/Social/Economic*

- *New development should enhance the viability of the economy, vibrancy of centres and expanded residential community*

5.5 *Stakeholder Engagement*

- *No community consultation has been undertaken by Council*
- *Community consultation, review and ultimate decision is the responsibility of the Minister for Planning, managed through the Department of Planning*

6. REPORT CONSULTATION

The release of the draft DPA has been noted by, and liaison has occurred with, the Manager Business and Economic Development and Chair of the Economic Development Committee, who have also brought the matter to the attention of the other Committee members.

It is understood the Chair and some members of the UBED Committee may wish to present to the Development Strategy and Policy Committee in regard to its deliberations on the matter.

Liaison has occurred with the Manager Development to assist with understanding the full intricacies and implications of the changes on processing and assessing applicable development applications.

7. ANALYSIS OF OPTIONS

Option 1 – Support the positive thrust of concepts but seek some revision and technical amendments

The aim of facilitating economic development and activity along the corridors and particularly in main street centres is positive. Generally the proposed changes will facilitate low risk commercial building reuse and more flexibility for new development.

Some technical corrections have been noted. There are some concerns regarding limitation of public notification, particularly where development exceeds what may reasonably be envisaged, and the significant change to the paradigm for on-site parking. A more modest approach encouraging reduced parking provision based upon optimisation and efficiency of integrated areas may be more appropriate at this time, with further review in due course.

Option 2 – Object to nature and degree of proposed changes

Facilitating economic development and activity along the corridors is appreciated but some of the changes are a step too far and pose undue risk of inappropriate development and to the amenity of local areas.

Simple objection to all the proposed changes risks concerns not being appropriately considered. Some technical corrections have been noted and other key matters of public notification and significant changes to on-site parking requirements warrant review.

8. RECOMMENDED OPTION

Option 1 is the recommended option.

9. ATTACHMENTS

The full draft DPA documentation can be viewed at:

<http://www.sa.gov.au/topics/housing-property-and-land/local-government/development-plans/amendments-to-development-plans-proposed-by-the-minister/existing-activity-centres-policy-review-amendment>

Attachment 1 - LGA submission in March 2015.

Attachment 2 - Unley (City) Development Plan proposed amendments.

10. REPORT AUTHORISERS

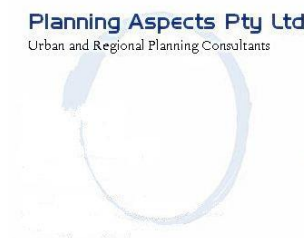
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Local Government Association of SA

Submission

Review of Guiding Principles for Activity Centre and Shopping Review DPAs

March 2015



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Table of Contents

1.	Introduction	1
1.1	Structure of the Submission	1
2.	Review of Relevant Material	3
2.1.	Productivity Commission Reports	3
2.2.	Victorian Planning Provisions	5
2.3.	South Australian Planning System	8
3.	Comments on Draft Principles	17
3.1.	Context	17
3.2.	Rationale / Motivation	17
3.3.	Principle 1: Existing Centres	18
3.4.	Principle 2: Expansion	21
3.5.	Principle 3: New Activity Centres	22
3.6.	Principle 4: Review Supply	23
3.7.	Principle 5: Urban Design	24
4.	Key Messages	25
5.	References	26

1. Introduction

Donna Ferretti and Associates, Planning Aspects and Susan Lewis & Associates are delighted to prepare a submission on behalf of the Local Government Association of South Australia (LGA) which critically reviews a set of *Guiding Principles* produced by the Department of Planning, Transport and Infrastructure (DPTI) to support the development of two Ministerial Development Plan Amendments (DPAs) affecting retail development across the Greater Adelaide region.

This submission responds to the Minister for Planning's intent to change planning policy in relation to:

- Existing 'centre', 'shopping' and selected mixed use zones with a view to removing "unnecessary controls", providing a more consistent approach to development applications in these zones and stifling the opportunity for competitor appeals (DPA 1); and
- Enhancing the permissibility of commercial uses, particularly shops, outside of designated centres and mixed use zones (DPA 2).

The draft *Guiding Principles* intended to inform the development of both DPAs have been interrogated in terms of their underpinning rationale and the likely impact of applying these Principles on the future development of retail and commercial activities across Greater Adelaide.

1.1 Structure of the Submission

The submission is presented in two parts.

Part 1 provides a review of relevant background material used to inform the submission. This material includes:

- Two reports produced by the Productivity Commission examining the retail industry across Australia, both of which discuss the impacts of planning and zoning systems on the industry.
- Recent changes to the Victorian Planning Provisions introduced by the Victorian Government, particularly those concerning commercial and industrial zones.
- Two key documents drawn from South Australia's planning system including the relevant volume of the Planning Strategy - *The 30-Year Plan for Greater Adelaide* - and the final report of the Expert Panel on Planning Reform – *The Planning System We Want* – which proposes a raft of changes to the South Australian planning system that are likely to have some impact on the development of retailing across the State.
- A summary of recently completed, in progress and proposed activity centre/retail planning policy changes initiated by Councils across Greater Adelaide.

Part 2 presents the LGA submission in a format that can be readily 'extracted' for delivery to the Department of Planning, Transport and Infrastructure. This submission provides a critical review of each of the five *Guiding Principles* and accompanying options, and flags areas where further work may be required to fully understand the implications of the proposed changes to planning policy and the local government sector.

Part 1

2. Review of Relevant Material

2.1. Productivity Commission Reports

2.1.1. Economic Performance and Structure of the Australian Retail Industry

The focus of the 2011 Productivity Commission report is on the need to ensure that Australia's retailing industry (which is a major economic driver from an employment and economic turnover point of view) is not curtailed in its ability to compete with the significant growth in on-line retailing, new forms or more contemporary forms of retailing. It identifies examples from Australia and overseas which suggest that the planning regulatory frameworks in place in some jurisdictions have the potential to hamper retail competition and drive up prices for consumers, in particular:

Competition among retailers on product prices is generally most intense when they are geographically close to each other. By being in the same location, no individual retailer is at a competitive advantage or disadvantage in relation to access — since individual consumers face the same travel cost to visit each retailer. While this type of localised competition is becoming less prevalent for those goods that are most easily purchased on the internet, to the extent that restrictive zoning and activity centres policies locate retailers closer than they would otherwise choose, these policies may improve competition and lower prices.

But if there is a scarcity of appropriately zoned retail space (that is, some retail stores are excluded from the area because of insufficient space), or there are large numbers of prescriptive requirements which unjustifiably restrict competition, planning and zoning can have a harmful effect by creating local retail monopolies. Land use regulation that centralises retail activity can be either competition-enhancing or competition-reducing, depending on how it is designed and implemented by the relevant planning authorities. (p.223)

The report also suggests that in order to promote and ensure competition among retailers, and reduce the anti-competitive effects of zoning, retail and centre type zones should be "...both sufficiently large (in terms of total retail floor space) and sufficiently broad (in terms of allowable uses) to allow new and innovative firms to enter local markets in a manner consistent with planning objectives. In other words, where possible, retail areas should be large enough to include a number of competitors and broad enough to ensure that the business models of these competitors are not unduly constrained (that is, the area allows a wide range of business types)." (p.224)

The subject of complicated zoning provisions and third party appeals are also discussed in the report, suggesting that the regulatory regimes in place make anti-competitive behaviour by pre-existing or incumbent retailers to readily occur. It also suggests that this is in part due to the lack of supply of appropriately zoned land.

2.1.2. Relative Costs of Doing Business in Australia: Retail Trade

The focus of the 2014 Productivity Commission report is similar to that of its predecessor with an emphasis on finding ways to enhance levels of competition in a retail industry undergoing “major structural evolution”. The report notes how the retail landscape is being fundamentally restructured through changing demand factors, increased competition from overseas retailers and the advent of e-commerce and that this is forcing retailers to re-think how they do business.

Despite these changes, retailers continue to operate under the same regulatory regimes, including those related to planning and zoning. As it did in its 2011 report, the Productivity Commission argues that these regulatory regimes increase the cost pressures on retailers and restrict their ability to innovate. Planning and zoning regulations in particular are considered to be too complex, excessively prescriptive and often anti-competitive.

*The Commission is strongly of the view that state, territory and local governments can assist consumers and the retail sector by developing and applying zoning policies that ensure the areas where retailers locate are both sufficiently **large** (in terms of total retail floor space) and sufficiently **broad** (in terms of allowable uses, particularly those relating to business definitions and/or processes). This would allow new and innovative firms to enter local markets and existing firms to expand. (p.11)*

The report argues that expanding the supply of land for commercial activities would reduce its cost, make retailers more competitive (especially against online retailers) and more flexible in meeting consumer demands while providing greater consumer choice. Accordingly, the Commission recommends that the number of business zones be reduced while the permissible uses within these zones be increased to promote mixed use development and greater employment opportunities.

The Commission also highlighted the need for local government planners to be better resourced to enable them to effectively implement state government policies and reforms with the report arguing that State governments should take a greater role in building and maintaining local government regulatory capacity.

The final key issue addressed by the report relates to retail tenancy leases which disadvantage smaller retailers in large shopping centres where major tenants/landholders often exercise monopoly control. Unsurprisingly, the Commission’s response to this problem is to target planning provisions “...that unnecessarily limit competition and restrict retail space, particularly in relation to the supply of retail space in shopping centres” (p.121).

Other suggested changes to planning regimes flagged in the report include:

- facilitate ‘as-of-right’ (i.e., complying) development;
- develop clear guidelines on alternative assessment pathways;
- introduce disincentives for third party appeals; and
- promote the Development Assessment Forum’s Leading Practice model for development assessment.

Most jurisdictions have reformed or are in the process of reforming their planning systems largely in line with the Commission’s recommendations. The report specifically highlights the changes introduced by Victoria as being the most effective in reducing the number of business zones, expanding allowable uses in those zones and improving assessment processes, with the result that the supply of retail space has been opened up. However, unlike the Commission’s recommendations, Victoria has retained third party appeal rights. The following section provides a detailed account of the Victorian reforms.

2.2. Victorian Planning Provisions

In 2011, the Victorian Government initiated a comprehensive review of its zoning system in response to a range of concerns raised by numerous stakeholders (including industry bodies, local Councils and members of the community). The Victorian Planning System Ministerial Advisory Committee was commissioned in June 2011 to examine all aspects of the planning system, including possible zone reform, in order to promote clarity and certainty of the system through:

- Clearer rules;
- Greater certainty;
- Simple processes for simple proposals; and
- Associated processes that can support the new and improved zones.

The review included the release of draft zones for public comment for which over 2,000 submissions were received. The Reformed Zones Ministerial Advisory Committee was established to review the public and agency submissions and provide recommendations on the content and implementation of the new zones.¹

Recommendations around the review of Victoria's zone structure were subsequently made by the Advisory Committee to the Minister for Planning. The new commercial zones and reformed industrial zones were introduced into the Victoria Planning Provisions by Amendment VC100, gazetted on 15 July 2013.

Of relevance to the South Australian Government activity centre and shopping review are the Victorian Government's reformed commercial and industrial zones which seek to provide greater flexibility and growth opportunities for commercial and business centres by allowing for a wider range of uses that will support more mixed use employment.

In particular, five pre-existing business zones have been merged into two new commercial zones while three industrial zones have been retained.

The first (Commercial 1) zone replaces three business zones and is designed to create vibrant mixed use commercial centres for retail, office business and residential growth. The second (Commercial 2) zone replaces two business zones with the purpose of developing areas for appropriate office and industrial uses, bulky goods retailing and other commercial services.

The key features of the commercial zones include:

- Supermarkets:
 - allowing a supermarket in the Commercial 1 Zone without a permit;
 - allowing a small scale supermarket up to 1800 square metres in the Commercial 2 Zone without a permit in all metropolitan planning schemes;
 - requiring a permit for a small scale supermarket in rural areas to ensure the protection of established centres in regional towns; and
 - requiring that supermarkets and associated shops adjoin or have access to a main road in the Commercial 2 Zone.
- Shops and offices:
 - removing restrictions on floor space caps in most instances in commercial zones;
 - allowing floor space caps to be specified in rural and regional Victoria in the schedule to the Commercial 1 Zone;

¹ Victorian Government Department of Transport, Planning and Local Infrastructure (2013a).

- retaining existing floor space caps in rural and regional Victoria; and
- prohibiting all accommodation (other than caretaker's house, residential motel and hotel) in the Commercial 2 Zone.
- Industry and warehouses:
 - protecting sensitive uses by including a 30 metre buffer from industry and warehouses that do not require a permit.²

The intent of the reformed industrial zones is to support business investment and industry by responding to new and emerging trends regarding the mix of industry and office, and to provide greater incentives for business investment through removing default restrictions on office space and allowing limited commercial development in the Industrial 3 Zone.

The key features of the industrial zones include:

- The removal of the default floor area restriction for an office of 500 square metres in all industrial zones, although where justified, Councils may schedule in a floor space requirement through a schedule to an industrial zone.
- A new purpose has been included in the Industrial 3 Zone allowing limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.
- In the Industrial 3 Zone, small scale supermarkets of up to 1800 square metres and associated shops of up to 500 square metres in all metropolitan planning schemes are exempt from a permit. Supermarkets greater than 1800 square metres and shops without an associated supermarket are prohibited in metropolitan planning schemes in the Industrial 3 Zone. All supermarkets and shops are prohibited in rural areas in the Industrial 3 Zone.³

2.2.1 Lessons to be taken from the Victorian Planning Reform process for South Australia

Evidence based decision making

To understand the order of magnitude of additional retail and office floor space that may be required over coming years across Greater Adelaide (and regional South Australia) and subsequently make informed decisions on such matters as activity centres and shopping, current and projected data are needed on:

- Greater Adelaide office supply and demand;
- Greater Adelaide retail supply and demand;
- Regional South Australia retail supply and demand;
- The amount of land proposed for commercial and other retail and office uses; and
- Rental costs around land use and location.

² Victorian Government Department of Transport, Planning and Local Infrastructure (2013b).

³ <http://www.dtpli.vic.gov.au/planning/about-planning/improving-the-system/reformed-zones-for-victoria/reformed-industrial-zones>

The Victorian Reformed Zones Ministerial Advisory Committee (2013) acknowledged ongoing changes in the retail sector. These changes include:

- The growth of online retailing, which is faster than originally envisaged. Currently online retailing is reported to account for 4-6 per cent of retail sales but could be as high as 10 per cent. As a result, retail developers are trying to make the retail experience better for customers.
- Economic pressures from the global financial crisis, which have seen a reduction in spending on discretionary items such as bulky goods.
- Changed retail spending habits. For example, shoppers are said to be becoming savvier, as evidenced by less traffic at shops but more sales per person, meaning people know what they want to buy because they have done their research, often on-line. Although it is acknowledged that grocery shopping is less discretionary and not as impacted by external economic factors and pressures.

The economic basis for any future reform, including an assessment of the extent of the above changes and strategic justification in the South Australian context should be made prior to any reforms being proposed.

Impact assessment

Submissions to the Victorian Government on the planning reforms by such bodies as the Municipal Association of Victoria (2012), the Victorian Division of the Planning Institute of Australia (2012) and the Shopping Centre Council of Australia (2012) identified that:

- There is a lack of clear or economic basis for the reforms, and the potential to undermine activity centres policy, existing and proposed investment in shopping centres has not been adequately considered.
- Many elements of the reforms are likely to create a significant workload for local government and have unintended consequences, undermining existing policy and strategic work at a state and local level.
- The proposed changes undermine the retail hierarchy and fail to recognise the significant differences in floor area across established neighbourhood, major and town centres.
- Incremental 'commercialisation' of the industrial zones raises concerns about the weakening of activity centre policy, the loss of industrial land and associated land cost increases for industry, the erosion of buffers for high impact industries, land use conflicts, traffic congestion and impact on land values.
- The simplistic economic driver for the reforms – i.e., that increased land supply will increase investment, increase competition and reduce occupancy costs and retail prices – has not been fully tested.
- The purpose of the proposed commercial and industrial zones were not clearly distinct nor applicable state-wide.
- There is a lack of consideration of unintended consequences of the reforms, such as the re-distribution of retail activities away from activity centres to out-of-centre locations and the consequent loss of agglomeration benefits.

- The lack of analysis of the impact of the reforms on land values.
- The need for state and local government to work together to establish an effective and efficient implementation program for any proposed changes.

The proposed activity centres and retail policy changes by the Minister have the potential to result in similar impacts. An assessment of the extent of such impacts in the South Australian context, and further work on the economic and strategic justification for the proposed policy changes should be made prior to any reforms being proposed.

2.3. South Australian Planning System

2.3.1 Planning Strategy

DPTI's proposed reform of retail planning policy and underpinning *Guiding Principles* need to be assessed against the strategic context provided by the Planning Strategy, in particular *The 30-Year Plan for Greater Adelaide*. Amongst the key objectives of the 30-Year Plan is the desire to contain the outward spread of Greater Adelaide by intensifying development within the existing urban footprint. Although the 30-Year Plan is currently being updated, communications with DPTI confirm that this objective will remain unchanged, as will the key mechanism used to meet this objective; that being to enable higher density, mixed use development around major centres and public transport hubs.

The ensuing review of the *Guiding Principles* and options to be considered as part of each principle necessarily takes into account this strategic context to assess the complementarity or otherwise of the proposed reform.

2.3.2 Expert Panel on Planning Reform

The South Australian Expert Panel on Planning Reform (the Expert Panel) delivered its final report in December 2014. It recommended a range of reforms to the South Australian Planning System including under the topic of "Plans and Plan making", a range of recommendations on how plans should be reframed and made into more contemporary documents that better reflect community expectations. It also recommends that planning policy is more consistent and based on a state and regional foundation, and supported with a single state-wide menu of planning rules.

It is understood that the recommendations of the Expert Panel are currently under review with the Minister for Planning likely to introduce a bill into Parliament by mid – late 2015 to bring into effect the Panel's recommendations.

How the *Guiding Principles* fit into this reform agenda remains unclear and possibly premature in light of the impending legislative changes to the planning system and, more specifically, to the delivery of planning policy.

2.3.3 Local Council Initiatives

Recent activity centre and retail planning policy initiatives by affected Councils in Greater Adelaide are summarised in Table 1 below.⁴ Nine (9) projects have been identified by Councils in their Strategic Directions Reports and sixteen (16) projects are currently at the Statement of Intent (SOI) or DPA stage.

Even from this relatively small sample, it is evident that the proposed changes to activity centre policy are likely to create a significant workload for these Councils with the potential for serious unintended consequences in undermining existing policy and strategic planning work at a state and local level.

⁴ Eight (8) Councils responded to the LGA's request for information.

Table 1: Current or proposed Council projects relating to centres and activity zones

Council	Identified a Centres/ Retail/ Employment etc. Development Plan Amendment (DPA) in most recent SDR ⁵	Statement of Intent (SOI)/DPA underway	Recently completed a Centres/ Retail DPA	Project	Status
City of Burnside	✓	✓		Mixed-use and Activity Centres DPA	SOI endorsed by the Minister for Planning (the Minister) on 30 January 2015.
City of Campbelltown	✓			Activity Centres DPA	Currently undertaking Activity Centres Review to inform the DPA.
City of Holdfast Bay			✓	Brighton and Hove District Centre DPA (Initiated in response to private sector interest in expanding an existing District Centre (DCe). The DPA included the consolidation of two existing DCes and establishing a new policy regime to mitigate interface and traffic movement issues, introduce building height limits and facilitate future redevelopment via structure and concept plans)	Gazetted 18 December 2014.
City of Mitcham		✓		Activity Centres DPA	Currently undertaking investigations to prepare a SOI.
District Council of Mount Barker		✓		Regional Town Centre DPA	Draft DPA for Consultation Approval submitted to the Minister on 2 October 2014.
		✓		Totness Employment Lands DPA	SOI submitted to the Minister on 21 November 2014. Awaiting Ministerial Approval.
		✓		Nairne and Environs DPA (Includes a review of the Neighbourhood Centre)	SOI endorsed on 30 January 2015. Investigations commenced.

⁵ Strategic Directions Report as required by section 30 of the *Development Act 1993*

Council	Identified a Centres/ Retail/ Employment etc. Development Plan Amendment (DPA) in most recent SDR ⁵	Statement of Intent (SOI)/DPA underway	Recently completed a Centres/ Retail DPA	Project	Status
District Council of Mount Barker	√			Urban Structure and Design DPA (Addresses disparity in policy between 2010 Mount Barker Urban Growth DPA (Ministerial) Residential Neighbourhood Zone and existing Residential, neighbourhood Centre and Local Centre zones of Mount Barker)	Future DPA which may be influenced by changes to activity centre policy.
	√			Watershed Townships DPA (Townships in the Watershed Zone where we are looking to amend policy specifically related to the existing Centres)	Future DPA which may be influenced by changes to activity centre policy.
City of Port Adelaide Enfield		√		Port Adelaide Centre Renewal (Ministerial) DPA (Affects the Regional Centre Zone)	Post consultation. Currently under consideration by the Minister.
		√		The Parks Redevelopment (Ministerial) DPA (Affects the Neighbourhood Centre Zone)	Post consultation. Currently under consideration by the Minister.
		√		Light Industry Zone, Northfield Proposed DPA (Rezone an existing Light Industry Zone to a mixed-use type zone, to facilitate a future shopping centre and housing estate)	SOI will be submitted to the Minister for consideration.

Council	Identified a Centres/ Retail/ Employment etc. Development Plan Amendment (DPA) in most recent SDR ⁶	Statement of Intent (SOI)/DPA underway	Recently completed a Centres/ Retail DPA	Project	Status
City of Port Adelaide Enfield	√			Centre Zones DPA (The DPA will focus on the inventory of existing Centre zones in the Council area alongside community needs, rezoning requests from stakeholders, and the new activity centres typology referred to in the 30-Year Plan. This exercise is likely to require detailed investigations for several of the Council's existing 69 Centre Zones in the context of State Government policy and emerging social and technological issues that may impact on shopping preferences in the future.)	Scheduled for 2015/16
City of Salisbury			√	Salisbury South Mixed Use (Bulky Goods, Entertainment and Leisure) Zone DPA (Initiated in response to private sector interest in establishing a new activity centre, and to introduce zoning to facilitate development of a development model not readily supported by existing zoning/centres)	Gazetted 18 December 2014.
		√		Mawson Lakes DPA (Rezoning the current MFP zone to reflect existing land use which includes the town centre)	Public consultation 22 January 2015 - 20 March 2015.

⁶ Strategic Directions Report as required by section 30 of the *Development Act 1993*

Council	Identified a Centres/ Retail/ Employment etc. Development Plan Amendment (DPA) in most recent SDR ⁶	Statement of Intent (SOI)/DPA underway	Recently completed a Centres/ Retail DPA	Project	Status
City of Salisbury		√		Saints Road Neighbourhood Centre Zone Retail Limit Review DPA (Reviewing an increase to the current retail floor cap to expand the centre)	Public consultation 26 February 2015 - 24 April 2015.
		√		Salisbury City Centre DPA (Reviewing the current zoning of the city centre to reflect the Salisbury City Centre Renewal Strategy and Structure Plan)	Consultation has been approved but not yet commenced.
		√		Main Roads (Salisbury Highway and Main North Road) DPA (Investigating the potential for commercial/bulky goods uses on high profile sites along main roads)	Currently drafting the DPA.
		√		Globe Derby Park Surplus Lands DPA (Investigating the potential to incorporate some commercial/bulky goods uses fronting Port Wakefield Road at the Globe Derby Park site)	Public consultation 22 January 2015 – 20 March 2015.
	√			Review of Councils Growth Action Plan (Includes both residential and employment lands)	Due to be finalised in 2015. May lead to future potential rezoning's/policy amendments for infill development adjoining existing local and neighbourhood centres as well as larger centres such as Ingle Farm Shopping Centre.

Council	Identified a Centres/ Retail/ Employment etc. Development Plan Amendment (DPA) in most recent SDR ⁶	Statement of Intent (SOI)/DPA underway	Recently completed a Centres/ Retail DPA	Project	Status
City of Unley		√		General DPA (Dealing with range of general matters including: <ul style="list-style-type: none"> — revise all non-residential zones and remove non-complying floor area limits (but not merit principles) to facilitate more development and market flexibility. — review car parking and introduce enhanced criteria for merit discounting, based upon PDC in Urban Corridor Zone, and incorporate into Council-Wide policy for general application. — facilitate commercial adaptation of heritage buildings by a range of additional non-complying land use exemptions and flexibility on car parking etc.) 	Draft prepared, to be considered by Council in April 2015 and submitted to Minister thereafter.
		√		Unley District Centre Precinct DPA (There are currently few limits to uses and built form but desire to facilitate and encourage activity and form in accord with Precinct Plan for higher intensity mixed use heart of Unley)	SOI was submitted to the Minister at the end of January 2015.
	√			Urban Corridors (Goodwood, King William and Unley (south end)) DPA (Similar to previous Corridor DPA for Unley and Greenhill Roads SAPPL Urban Corridor Zone approved in 2013)	Scheduled for 2015/16/17

Council	Identified a Centres/ Retail/ Employment etc. Development Plan Amendment (DPA) in most recent SDR ⁶	Statement of Intent (SOI)/DPA underway	Recently completed a Centres/ Retail DPA	Project	Status
City of Unley	✓			Keswick/Forestville Precinct (LeCornu) DPA (investigate mixed use higher intensity precinct)	Long-term future DPA but priority increased recently and now the Minister may look to takeover and advance.
City of Victor Harbor		✓		Centres Review DPA	Post consultation. Completed DPA's consultation at end of 2014; summarised the public & agency submissions, with actions and further investigations; Minister is considering 'lapsing' the DPA under S. 25(19) of Development Act, 1993; as at 10 March, 2015 Council formally objects to 'lapsing' the DPA and requests an extension of time to conclude the process.
	✓			Commercial and Industrial Employment Land Study (Intended to convert to a 'Commercial and Industrial Employment Land DPA' in 2017-2019)	Scheduled for 2016/17. Council's <i>Strategic Directions Report (2013)</i> is yet to be approved by the Minister.

Part 2

3. Comments on Draft Principles

This submission responds to DPTI's *Preliminary Draft – Principles for activity centres and activity centre uses* (hereafter referred to as the *Guiding Principles*) by:

- discussing the planning context for the proposed reform;
- reviewing the motivation or rationale for the proposed reform and the supporting evidence;
- critically reviewing the five (5) guiding principles and options to be considered as part of each principle; and
- flagging those elements where further investigation is required.

3.1. Context

The *Guiding Principles* discuss how activity centres have been a key factor in shaping the development of the State (and more specifically Greater Adelaide) and in providing convenient and centralised access to a range of shopping and community service facilities.

The establishment of a 'hierarchy' of activity centres, based on the size of the population a centre is expected to serve, has been an important policy 'plank' designed to prevent dispersed (out-of-centre) retail development and, following from this, the unco-ordinated and uncontrolled spread of the metropolitan area.

Of particular importance is the ongoing objective to concentrate retail and service activities in activity centres and establish floor space limits (or caps) to prevent 'out-of-centre' retail development. The policies that underpin these floor space caps are effectively a form of market intervention designed to control the supply of retail floor space in particular locations and order the spatial distribution of retail (and other) land uses in ways which prevent or minimise negative impacts on sensitive uses.

DPTI is now questioning the utility of maintaining this approach to the distribution of retail and commercial development across Greater Adelaide. This is in response to significant changes occurring in the retail industry, the desire of the South Australian government to encourage business development to the state and the growing resurgence of neo-liberal economic rationalities occurring across the globe.

However, the intent of the *Guiding Principles* is unclear to the point of being confusing and sometimes contradictory. The following discussion elaborates on these points of confusion.

3.2. Rationale / Motivation

In the *Guiding Principles*, DPTI puts forward six factors that have motivated/driven the review of activity centre policy. These drivers are to a large extent indicative of broader concerns about the state of the South Australian economy and its relatively poor outlook. With the ongoing decline of manufacturing and lower than expected returns from the mining sector, South Australia's economy is now increasingly dependent on commercial activities to underpin development and create jobs. Accordingly, any obstacles to the establishment of new

commercial activities and expansion of existing businesses is seen as a threat to the economic security of the State.

Seen in this way, and given the frequent calls to “open up” the economy to business by organisations such as the Productivity Commission, Property Council and the Urban Development Institute of Australia, the State government is targeting regulatory regimes that are perceived to add costs to business. Planning policies are seen to do just that, in spite of the social ‘offsets’ planning provides for those who might be disadvantaged by, or unable to participate in unconstrained economic development.

The Productivity Commission (2011, 2014) reports focus on the need to ensure that Australia’s retailing industry (which is a major economic driver from an employment and economic turnover point of view) is not curtailed in its ability to compete with the significant growth in on-line retailing and new or more contemporary forms of retailing. These reports identify examples from Australia and overseas which suggest that the planning regulatory frameworks in place have the potential to hamper retail competition and drive up prices for consumers.

The Commission’s findings and recommendations focus almost entirely on increasing the allowable supply of retail floor space in order to promote competition amongst retailers and accrue benefits to the community via lower prices. Its calls for greater competition add weight to those who argue for the ‘freeing up’ of the market and the unfettered promotion of business across the State. And while many local Councils are similarly concerned to promote business development within their communities, their responsibility to ensure that the benefits arising from such development are shared fairly amongst their constituents usually requires a more nuanced approach to existing policy regimes rather than a ‘one-size-fits-all’ policy prescription.

The following review of the *Guiding Principles* and the options associated with each Principle seeks to draw attention to how a more nuanced approach to policy governing retail and commercial development is likely to result in better economic and community outcomes.

3.3. Principle 1: Existing Centres

To recognise existing activity centres, main streets and mixed use areas (commercial/housing) as the primary places for commercial and retail activity through more accommodative land use development practices, policies and procedures.

While the intent of this Principle is broadly supported, the policy options being considered to achieve the intended outcome are likely to have variable effects on different centres as discussed below.

- ***Remove all mandatory floor space limits in activity centres and mixed use zones that display activity centre traits (e.g. RCe, DCe, NCe, TCe, RTCe, Ce, Urban Core, Urban Corridor, SAN)***

The removal of floor space limits is likely to improve the economic use and value of land in centre zones generally (as argued by the Productivity Commission), but it may not yield the same competitive advantages in smaller centres such as local and neighbourhood centre zones. As smaller centres are intended to serve local and primarily residential catchments, the removal of floor space caps in these centres is of concern to the LGA as it is likely to put additional pressure on adjacent residential uses through negative impacts (such as increased traffic, noise etc.) of more intensive commercial and retail activity. Nonetheless, the LGA sees merit in the removal of floor space limits for higher order centre zones such as RCe, DCe and

RTCe zones. Clarification is required on precisely which zones are considered to display “activity centre traits”.

For larger centres the removal of floor space limits will enable more and diverse (mixed use) retail and commercial activities to be established as envisaged by the Productivity Commission and *The 30-Year Plan for Greater Adelaide*. However, a note of caution is needed when considering the likely impact on adjacent land values and the strategic objective to intensify housing development in and around these centres.

As housing affordability is becoming an increasingly insurmountable problem in capital cities across Australia, the LGA believes that it will be important to ensure that the potential metropolitan-wide benefits from housing development in close proximity to mixed use activity centres (such as enhanced access to services and facilities, more vibrant and viable centres, reduced car use, more active travel, healthier populations, etc.) are not compromised by higher cost housing that is only accessible to more privileged sectors of the community.

Similarly, the differential effects on regional towns on the periphery of Greater Adelaide also need to be taken into account. Issues of competition would seem to be less relevant in these towns, especially given their limited employment options and the associated difficulties residents encounter in seeking employment elsewhere.

- ***Advisory requirements on floor space to be expressed as ‘targets’ (reducing the risk of numerical requirements being used as ‘caps’ when assessing applications).***

The intent or purpose of having ‘targets’, as opposed to ‘caps’, is unclear. It is also unclear what ‘targets’ (rather than ‘caps’) are supposed to achieve. The experience of using ‘targets’ in the strategic planning of Greater Adelaide (through the 30-Year Plan) and the State more generally (through *South Australia’s Strategic Plan*) has not reduced the risk of using numerical measures when assessing the performance of these plans. And it would seem unlikely that substituting ‘caps’ for ‘targets’ would change assessment practices without significant attention to capacity-building of State government and local Council assessment planners.

- ***No desired uses subject to Category 3 Public Notification that trigger third party appeal rights.***

There is a sensible argument that this should be the case now. Having uses that both the State government and local Councils wish to encourage into activity centre zones being subject to third party appeal rights is somewhat contradictory and an unnecessary barrier to development. The LGA broadly supports this option, provided that the list of “desired uses” does not include activities likely to generate major impacts of metropolitan or state-wide influence. Similarly, public notification and appeal rights should be retained for development that is a type or intensity that would not normally be envisaged within a zone.

It is noted that the issue of third party appeals is currently subject to the vagaries of planning law and the interpretation of the courts in appeals that come before the courts system including cases such as *District Council of Coorber Pedy v Aboriginal Family Support Services*⁷ where the subject of land use definitions are brought into question and the lines blurred such that third party appeals become possible.

⁷ *District Council of Coorber Pedy v AFSS* [2014] SASCF 133 (28 November 2015)

- ***Review policy statements, desired character statements etc in relevant zones to remove impediments.***

The LGA seeks clarification on what is being inferred by the term “impediments” and which zones are considered to be “relevant”. Nonetheless, a review of existing policy statements and desired character statements is timely and provides an opportunity to incorporate stronger design provisions to mitigate the impacts of expanding commercial uses on adjoining development.

- ***Establish greater consistency between zones that have a similar purpose, including a review of the SAPPL, to ensure activity centres / main streets and mixed use areas are established as the preferred places for business activity where commercial premises can adapt readily to market demands and community preferences.***

This option is generally supported provided its intent is limited to the zones referred to in the first option of Principle 1. The LGA believes it is imperative that policy takes into account spatial difference, so that where specific local characteristics occur such as heritage, slope, car parking provision, access and the like occur, policy is structured so that it captures and reflects these local circumstances.

The LGA also understands the difficulty in crafting concise, clear, unambiguous and consistent policy that may be applied in all circumstances and strongly encourages DPTI to collaborate with those Councils experiencing local difference when drafting “more consistent” activity centre and retail policy in order to resolve, ‘up-front’, any such policy issues.

- ***Investigate wider use of complying development or remove the need to obtain Development Plan consent in circumstances where an assessment against the provisions of a Development Plan is of little benefit or unnecessary.***

While the intent of this option is understood and generally agreed, there is concern that this option is rather arbitrary in that it is not always possible to determine whether a proposed development / change in land use will require an assessment or not. For example, a change in land use may have the potential to impact on car parking rates / generation, access arrangements and the like with potentially significant impacts on existing and adjacent uses.

Accordingly, the LGA would favour a careful approach to the determination of what constitutes complying development and what elements of a planning assessment may need to be applied to complying forms of development. Again, it is crucial for good policy outcomes that DPTI and Council planners collaborate in resolving these questions.

- ***Review the role of on-site parking rates within activity centres and mixed use zones (similar to those found in the SAPPL), and consider whether standardised parking rates could be used to support economic development particularly in areas serviced by multiple public transport options and used as a basis to facilitate change of use only proposals.***

Where an activity centre or mixed use zone is serviced by an integrated and planned car parking area that meets current circulation, movement and other relevant Australian Standards, and where it is located public transport routes, there may be opportunity to reconsider car parking rates. However, there are many historic activity centre and mixed use zones in Greater Adelaide that have blossomed over time, with ad hoc parking arrangements that would not meet contemporary car parking design or layout standards where this would not be appropriate

including at Stirling, Glenelg, Port Adelaide etc. In other words a blanket approach would not work nor be supported.

In support of this position it should be noted that the City of Port Adelaide Enfield, with support from the Local Government Research and Development Scheme undertook a review of existing car parking requirements and concluded that "... the need for South Australian parking rates to be set at a level that accommodate the anticipated current parking demand of a development but, with the flexibility to be reduced as the State Government and Councils' sustainable transport policies take effect." (Aurecon Australia 2013, 28).

In summary, while the intent of Principle 1 is supported, the mechanisms or policy levers that are used to achieve its intent need to be considered in the context of each zone's spatial characteristics and the impact of the policy changes on the nature and function of each zone. It is recommended that DPTI work collaboratively with Council planners to ensure that the policy levers adopted do not have unintended consequences for particular activity centres, main streets and mixed use areas.

3.4. Principle 2: Expansion

In established built-up areas, encourage commercial and retail business activities to grow and new ones to form particularly where they can help reduce dependency on private vehicular travel and separate journeys (unless an alternative location provides a clear public benefit).

The intent of this Principle is supported given its complementarity with the objectives of the 30-Year Plan as well as the draft *Integrated Transport and Land Use Plan*. However, it will be difficult encouraging retailers and commercial businesses to locate in areas that are not easy to access by private vehicular travel. This Principle appears somewhat idealistic as a result unless specific policy levers to direct the expansion of retailing and commercial business activities to areas in and around major public transport hubs are provided. Furthermore, care is required to ensure that opportunities to accommodate business expansion do not create the impetus for urban sprawl and the increased infrastructure costs that usually accompany this, as this would severely contradict the objectives of the Planning Strategy.

- ***Amend zones that envisage commercial / business uses so that all envisaged uses and other compatible forms of development are considered on their merits (e.g. office zones, commercial zones etc).***

The LGA supports the objective of addressing policy anomalies and legacy issues that currently require commercial development in commercial zones to be assessed through a non-complying pathway. To an extent this is already occurring as Councils seek to introduce mixed use zones and encourage a wider range of business activity to existing centre zones. However, if the intent is to expand the list of 'compatible' uses, some clarity is sought regarding the meaning of 'compatible' and its application in a policy context.

- ***Amend General Section policy on 'Centre and Retail Development' to contemplate business and shopping development in a wider range of zones (recognising activity centres as the 'primary' place for such uses).***

Clarity is sought as to the meaning of "a wider range of zones". The LGA does not support the blanket intrusion of business and retail development into existing residential and sensitive use zones and should this be contemplated, much care will be needed to craft policy that prevents or minimises any adverse impacts on existing uses. Councils must have the opportunity to

consider the local impacts of general policy amendments and seek local policy variations where warranted by neighbourhood characteristics.

- ***Provide for the expansion of commercial/retail development at the 'edge' of established activity centres and main street areas identified in a Development Plan as consent development.***

As indicated with the previous option, there is strong concern about the potential amenity impacts of centre activities, such as hours of use, noise, odour, traffic and light spill and the disturbance these impacts may cause for adjacent sensitive uses typically located on the 'edge' of established activity centres and main streets. This is further complicated by the lack of clarity regarding what constitutes the 'edge' of established activity centres and main street areas.

It is acknowledged that impacts to adjacent sensitive land uses can be minimised by adequate policy provisions (such as appropriate separation distances, noise attenuation and other design techniques). However, such policy would need to be developed and assessed on a case by case basis and would best be undertaken collaboratively alongside local Council planners.

- ***Extend 'edge-of-zone' commercial and retail development opportunities to areas adjacent to established commercial and business type zones (i.e. existing zones that are not recognised as part of the network of 'activity centres').***

This proposal would challenge long-held community expectations about land use regulation being achieved through well-defined segregation of uses. This option may have merit in some locations, however, community confusion and opposition may be expected if it is intended to be implemented on a wide-spread basis. The previous comments directed towards options favouring the expansion and extension of business and retail activity into areas not currently zoned for such purposes apply; namely that such policy must provide for the protection of existing uses against the adverse impacts associated with retail/business activity. In addition, DPTI is encouraged to work collaboratively with Council planners in identifying suitable areas for expansion/extension and in crafting policy that minimises or avoids negative impacts and optimises the positive impacts.

3.5. Principle 3: New Activity Centres

Allow new activity centres to form to provide an appropriate level of service and encourage competition between centres in established areas.

- ***Prepare guidelines to:***
 - ***encourage a consistent approach to retail land supply and retail impact assessments when planning activity centres in new growth areas so that services and facilities are equitably distributed in new communities over a project's lifetime***
 - ***establish a basis for the planning of new centres in existing built-up areas.***

The LGA notes that this Principle is in direct conflict with Principle 3.4 in that it would not reduce dependency on private motor vehicle use.

In responding to this Principle, it is important to recognise that the basis of both the 2011 and 2014 Productivity Commission reports arguing for planning provisions that provide for an increase in retail floor space to promote competition is on micro-economic theory applicable to the economic behaviour of **individual firms**, not centres accommodating a group of individual

firms. While increasing the supply of retail land via the establishment of new centres is in line with the Productivity Commission's recommendations, increasing competition between centres offering essentially the same goods and services is not. Indeed, the Productivity Commission itself acknowledges the difficulty of separating impacts on centres as opposed to existing businesses yet continues to advance a universal and unsophisticated argument that competition needs to be increased above all else (Productivity Commission 2011, 298).

It is considered that the Commission's approach is a blinkered and impractical one when planning large urban areas where the competitive impacts of centre development are well established. Allowing for competition amongst centres is more likely to result in the uneconomic under-utilisation of land in moribund centres and main streets (typically in lower socio-economic communities) rather than any improvement to the retail trading landscape. It is also likely to increase dependency on private vehicular transport rather than reduce it since new centres are more likely to locate on major arterial roads to maximise access and exposure.

While the LGA supports a consistent approach to retail land supply and retail impact assessments for new growth areas, it believes that the approach for existing built-up areas needs to be carefully calibrated so that competition between centres does not lead to the demise of entire centres with the associated negative impacts on land values, local amenity, employment and so forth.

- ***Monitor development of new activity centres in urban growth areas and nearby suburbs so the benefits of floor space limits (e.g. to achieve an equitable distribution of services and facilities has been achieved) can be evaluated over time and then removed when no longer necessary.***

If the intent of the Productivity Commission recommendations are to be implemented, it is unclear as to why floor space limits would be incorporated into new regional, district or neighbourhood centre zones. However, the utilisation of floor space limits in smaller local centre or mixed use zones, or even residential zones where small convenience stores or office / consulting room development is envisaged does have merit.

3.6. Principle 4: Review Supply

Land use zoning and policy that ensures a supply of suitable land to accommodate retail and commercial activities in advance of need, encouraging new retail participants and formats that encourage competition and support greater consumer choice.

- ***Incorporate into guidelines a need for strategic land use review processes (Planning Strategy and SDRs) and DPA programs to consider the timing and implementation of changes to planning schemes to allow businesses to grow and new ones to form.***

Local government currently undertake reviews of local Development Plans on a regular basis under the provisions of Section 30 of the *Development Act, 1993*. This review process results in Councils preparing Strategic Directions Reports (SDRs) which generally include the need to review both the supply and demand of commercial and retail land supply. Many Councils also undertake reviews of land where employment generating activities occur, including industrial land and commercial land. Table 1 (in Part 1 of this submission) details current SDRs of a sample of Greater Adelaide Councils where such activity is taking place. One impediment to the release of activity centre land is the protracted length of time that it takes (both as a result of local issues and at State government level) to rezone land accordingly. While the development

and use of guidelines may assist the process, it is considered that this review process already occurs.

- ***Monitor trends in retail development and other centre activities as a means to inform decisions about future land use requirements and to 'assess' the effectiveness of land use policy directions.***

The Housing and Employment Lands Supply Report was last updated in 2012 and provides a data base to assist in the future planning for different land uses across Greater Adelaide. However, the value of the report is only as good as the data that is used to inform it. The LGA supports the need to ensure that policy formulation is appropriately informed by up-to-date data that is independently sourced and consistently updated by the State government; a position reinforced by the Shopping Centre Council of Australia's (2012) submission to the review of zones in Victoria, which argued the need for a comprehensive analysis of retail and commercial business trends **before** undertaking any policy change.

3.7. Principle 5: Urban Design

Reinforce the role of land use policies and plans to guide development form, scale and place making for existing and new activity centres, main streets and mixed use areas.

- ***Prepare guidelines and review technical sheets to provide a basis for councils, developers and other stakeholders to:***
 - ***understand how to apply SAPPL activity centre and mixed use zones effectively at the local level***
 - ***establish a set of urban design principles to deliver liveable, safe and vibrant activity centres.***

The LGA supports the important role performed by land use plans and policies in delivering vibrant activity centre and mixed use zones across Greater Adelaide. The LGA also agrees that the application of urban design and place-making principles is a vital ingredient in ensuring that these zones create a sense of place for users and local communities. However, care will be needed to ensure that the application of such principles is appropriate for particular local areas and the LGA believes Council planners are best placed to lead investigations and craft policies in collaboration with State planners that take into consideration particular local circumstances.

4. Key Messages

The following key messages have been derived from the above review of DPTI's *Guiding Principles* and are summarised as follows:

1. The use of the Productivity Commission's findings and recommendations as the basis of the policy options put forward is problematic given the Commission's use of a universal micro-economic discourse that ignores spatial difference and the particular circumstances affecting retail and commercial activity in local areas. The proposed changes reflect a simplistic economic rationale that has the potential to undermine the retail hierarchy and the equitable provision of services and facilities as a result.
2. Introduction of the modifications to activity centres at this time, prior to the introduction of the impending Planning Reform bill (which is imminent) is premature given the vagaries associated with the parliamentary process.
3. There is an urgent need for evidence-based policy formulation, particularly in the context of the imminent planning reforms. More nuanced responses informed by a thorough retail analysis that recognises metropolitan-wide, region-wide and locality specific retail trends is required.
4. A 'one size fits all' approach is not supported on the basis that the geographic and socio-spatial differences between places needs to be recognised and given weight to ensure that impacts of centre development can be managed. Relying on a universal prescriptive approach is dangerous given the potential significance of the policy changes proposed.
5. Capacity building for state and local government planners to ensure a consistency of approach in development assessment is critical.
6. Adequate and appropriate human and financial resourcing at the State government level is crucial to ensure that the necessary intellectual capacity is built to facilitate information gathering, resource exchange and sharing between State and local government, and updating of trends and data (e.g. HELSP) by the State government.
7. Collaboration is a **key ingredient** to the success of any policy changes in each local government area. This collaborative approach needs to be proactively pursued by the State government with local Council planners. A genuinely collaborative approach will facilitate a more nuanced approach to planning to suit local circumstances, and resolve potential policy issues up front.
8. The process of introducing the reforms has the potential to undermine rather than support substantial bodies of strategic work previously or currently being undertaken by local government. (refer Table 1).
9. Ad-hoc establishment of new centres throughout Greater Adelaide has the potential to undermine the objectives of the *The 30-Year Plan for Greater Adelaide*, the draft *Integrated Transport and Land Use Plan*, and exacerbate urban sprawl and greater private motor car dependence. It also has the potential to significantly undermine the economic viability of some existing centres and their associated communities.

5. References

- Aurecon Australia, 2013: *Parking Spaces for Urban Places: Car Parking Study-Guideline for Greater Adelaide* – refer
<http://www.lga.sa.gov.au/webdata/resources/files/Parking%20Spaces%20for%20Urban%20Places%20-%20final%20abridged%20report.pdf>
- Department of Planning and Local Government, 2010: *The 30-Year Plan for Greater Adelaide: A Volume of the South Australian Planning Strategy*, Adelaide.
- Department of Planning, Transport and Infrastructure, 2015: *Preliminary Draft – Principles for Activity Centres and Activity Centre Uses*, Adelaide.
- District Council of Coober Pedy v AFSS* [2014] SASCFC 133 (28 November 2014).
- Expert Panel on Planning Reform, 2014: *The Planning System We Want*, Adelaide.
- Government of South Australia, 2014: *South Australia Development Act 1993, Version 18.9.2014*, Adelaide.
- Municipal Association of Victoria, 2012: *Submission – New Zones*, Melbourne.
- Planning Institute of Australia (Victorian Division), 2012: *Submission - Reformed Zones for Victoria*, Melbourne.
- Productivity Commission, 2011: *Economic Structure and Performance of the Australian Retail Industry*, Report no. 56, Canberra.
- Productivity Commission, 2014: *Relative Costs of Doing Business in Australia: Retail Trade*, Research Report, Canberra.
- Shopping Centre Council of Australia, 2012: *Reformed Zones for Victoria: A Discussion Paper on Reforming Victoria's Planning Zones*, Sydney.
- Victorian Government Department of Transport, Planning and Local Infrastructure, 2013a: *Advisory Note | 52 Reformed Residential, Commercial and Industrial Zones for Victoria*, Melbourne.
- Victorian Government Department of Transport, Planning and Local Infrastructure, 2013b: *Fact Sheet - Reformed Zones for Victoria - New Commercial Zones*, Melbourne.
- Victorian Reformed Zones Ministerial Advisory Committee, 2013: *Commercial and Industrial Zones Report*, Melbourne.
- <http://www.dtpli.vic.gov.au/planning/about-planning/improving-the-system/reformed-zones-for-victoria/reformed-industrial-zones> - accessed 8 March 2015.

AMENDMENT INSTRUCTIONS TABLE

Name of Local Government Area: The City of Unley

Name of Development Plan: Unley (City) Development Plan

Name of DPA: Existing Activity Centres Policy Review DPA

*The following amendment instructions (at the time of drafting) relate to the **Unley (City)** Development Plan consolidated on **30 January 2014**.*

Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.

Amendment Instruction No:	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> • Replace • Delete • Insert 	<ul style="list-style-type: none"> • Objective (Obj) • Principle of Development Control (PDC) • Desired Character Statement (DCS) • Map/Table No. • Other (Specify) 			
COUNCIL WIDE / GENERAL SECTION PROVISIONS (including figures and illustrations contained in the text)					
Amendments required: No					
ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)					
Amendments required: Yes					
District Centre Zone					
1.	Insert	In PDC 3, after the words: '... development should ...'	With the following: 'generally'	N	N
2.	Insert	Before sub-heading 'Complying Development':	The following PDC under a new sub-heading ' Vehicle Parking ': 'Vehicle parking should be provided in accordance with the rates set out in <u>Table Un/5 – Off Street Vehicle Parking Requirements</u> or <u>Table Un/5A – Off Street Vehicle Parking Requirements for Designated Areas</u> (whichever applies)' (numbering the PDC with the next consecutive number	Y	N

			accordingly)		
3.	Replace	The sub-heading 'Complying Development' and associated text	With the contents of Attachment Un/1 (renumbering the PDC "X" with the next consecutive number accordingly)	Y	N
4.	Delete	In PDC 11 (Non-complying Development), the words: <i>'A building containing an office, consulting room or bank: (a) In which the total floor area of the office, consulting room or bank individually or together exceeds 450 square metres; or (b) Comprising a podium which supports two or more roofed areas, each of which roofed area has the appearance of being a separate building, the total floor area of an office, consulting room or bank, individually or together, within any one of the roofed areas exceeds 450 square metres.'</i>		N	N
Neighbourhood Centre Zone					
5.	Delete	PDC 4		Y	N
6.	Insert	Before sub-heading 'Complying Development'	The following PDC under a new sub-heading ' Vehicle Parking ': <i>'Vehicle parking should be provided in accordance with the rates set out in Table Un/5 – Off Street Vehicle Parking Requirements or Table Un/5A – Off Street Vehicle Parking Requirements for Designated Areas (whichever applies).'</i> (numbering the PDC with the next consecutive number accordingly)	Y	N
7.	Replace	The sub-heading 'Complying Development' and associated text	With the contents of Attachment Un/1 (renumbering the PDC "X" with the next consecutive number accordingly)	Y	N
8.	Delete	In PDC 8 (Non-complying Development), the words:		N	N

		<p>'A building containing an office, consulting room or bank:</p> <p>(a) In which the total floor area of the office, consulting room or bank individually or together exceeds 450 square metres; or</p> <p>(b) Comprising a podium which supports two or more roofed areas, each of which roofed area has the appearance of being a separate building, the total floor area of an office, consulting room or bank, individually or together, within any one of the roofed areas exceeds 450 square metres.'</p>			
Specialty Goods Centre Zone					
9.	Insert	Before sub-heading 'Complying Development'	<p>The following PDC under a new sub-heading 'Vehicle Parking':</p> <p>'Vehicle parking should be provided in accordance with the rates set out in Table Un/5 – Off Street Vehicle Parking Requirements or Table Un/5A - Off Street Vehicle Parking Requirements for Designated Areas (whichever applies)'</p> <p>(numbering the PDC with the next consecutive number accordingly)</p>	Y	N
10.	Replace	The sub-heading 'Complying Development' and associated text	<p>With the contents of Attachment Un/1</p> <p>(renumbering the PDC "X" with the next consecutive number accordingly)</p>	Y	N
11.	Delete	<p>In PDC 8 (Non-complying Development), the words:</p> <p>'A building containing an office, consulting room or bank:</p> <p>(a) In which the total floor area of the office, consulting room or bank individually or together exceeds 450 square metres; or</p> <p>(b) Comprising a podium which supports two or more roofed areas, each of which roofed area has the appearance of being a separate building, the total</p>		N	N

		floor area of an office, consulting room or bank, individually or together, within any one of the roofed areas exceeds 450 square metres.'			
Local Centre Zone					
12.	Replace	PDC 4, which states: 'The total floor area of all shop development within a Local Centre Zone should not exceed 450 square metres. In those Local Centre Zones where the total floor area of all existing shop development exceeds 450 square metres, additional shop development should be limited to refurbishing and/or minor expansion of existing shop development.'	With the following: 'The maximum floor area of all shop development within a Local Centre Zone should be in the order of 450 square metres.'	N	N
13.	Insert	Before the sub-heading 'Complying Development'	The following PDC under a new sub-heading ' Vehicle Parking ': 'Vehicle parking should be provided in accordance with the rates set out in Table Un/5 – Off Street Vehicle Parking Requirements or Table Un/5A – Off Street Vehicle Parking Requirements for Designated Areas (whichever applies)' (numbering the PDC with the next consecutive number accordingly)	Y	N
14.	Replace	The sub-heading 'Complying Development' and associated text	With the contents of Attachment Un/1 (renumbering the PDC "X" with the next consecutive number accordingly)	Y	N
15.	Delete	In PDC 8 (Non-complying Development), the words: 'A building containing an office, consulting room or bank: (a) In which the total floor area of the office, consulting room or bank individually or together exceeds 250 square metres; or (b) Comprising a podium which supports two or more roofed areas, each of which		N	N

		roofed area has the appearance of being a separate building, the total floor area of an office, consulting room or bank, individually or together, within any one of the roofed areas exceeds 250 square metres.'			
Urban Corridor Zone (including Policy Areas)					
16.	Replace	The sub-heading ' Car Parking Efficiency ' and associated PDC 17	With the following PDC under a new sub-heading ' Vehicle Parking ': 'Vehicle parking should be provided in accordance with the rates set out in Table Un/5 – Off Street Vehicle Parking Requirements or Table Un/5A – Off Street Vehicle Parking Requirements for Designated Areas (whichever applies) (numbering the PDC with the next consecutive number accordingly)	N	N
17.	Replace	The sub-heading 'Complying Development' and associated text	With the contents of Attachment Un/2 (renumbering the PDC "X" with the next consecutive number accordingly)	Y	N
18.	Replace	PDC 3 for the High Street (Unley Road) Policy Area , which states: 'Shops or group of shops contained in a single building should have a gross leasable area of less than 450 square metres (per tenancy).'	With the following: 'Each tenancy in a shop or group of shops contained in a single building should provide a maximum gross leasable area in the order of 450 square metres.'	N	N
Historic (Conservation) Zone – Centre					
19.	Insert	Before sub-heading 'Complying Development':	The following PDC under a new sub-heading ' Vehicle Parking ': 'Vehicle parking should be provided in accordance with the rates set out in Table Un/5 – Off Street Vehicle Parking Requirements or Table Un/5A – Off Street Vehicle Parking Requirements for Designated Areas (whichever applies)' (numbering the PDC with the next consecutive number accordingly)	Y	N

20.	Replace	The sub-heading 'Complying Development' and associated text	With the contents of Attachment Un/3 (renumbering the PDC "X" with the next consecutive number accordingly)	Y	N
21.	Delete	In PDC 11, the words: 'A building containing an office, consulting room or bank: (a) In which the total floor area of the office, consulting room or bank individually or together exceeds 450 square metres; or (b) Comprising a podium which supports two or more roofed areas, each of which roofed area has the appearance of being a separate building, the total floor area of an office, consulting room or bank, individually or together, within any one of the roofed areas exceeds 450 square metres'		N	N
Mixed Use 1 Zone					
22.	Replace	Objective 1, which states: 'Accommodation of primarily small office and consulting room development of up to 250 square metres of total floor area per individual building, with limited small-scale specialty goods outlets and retail showrooms, and small entertainment facilities, to complement the adjacent centre facilities.'	With the following: 'Accommodation of primarily small office and consulting room development with a maximum total floor area in the order of 250 square metres per individual building, with primarily small-scale specialty goods outlets and retail showrooms, and small entertainment facilities, to complement the adjacent centre facilities.'	N	N
23.	Replace	PDC 2 which states: 'Office and consulting room development, together or individually, should not exceed 250 square metres of total floor area per individual building.'	With the following: 'Shop, office and consulting room development, together or individually, should have a maximum total floor area in the order of 250 square metres per individual building.'	N	N
24.	Insert	Before sub-heading 'Complying Development':	The following PDC under a new sub-heading ' Vehicle Parking ': 'Vehicle parking should be provided in accordance with the rates set out in Table Un/5 – Off Street Vehicle Parking	Y	N

			<i>Requirements or Table Un/5A - Off Street Vehicle Parking Requirements for Designated Areas (whichever applies).'</i> (numbering the PDC with the next consecutive number accordingly)		
25.	Replace	The sub-heading 'Complying Development' and associated text	With the contents of Attachment Un/1 (renumbering the PDC "X" with the next consecutive number accordingly)	Y	N
26.	Delete	In PDC 7 (Non-complying Development), the words: <i>'A building containing an office, consulting room or bank:</i> <i>(a) In which the total floor area of the office, consulting room or bank individually or together exceeds 250 square metres; or</i> <i>(b) Comprising a podium which supports two or more roofed areas, each of which roofed area has the appearance of being a separate building, the total floor area of an office, consulting room or bank, individually or together, within any one of the roofed areas exceeds 250 square metres'</i> <i>'Shop or group of shops with a gross leasable floor area of greater than 250 square metres'</i>		N	N
27.	Replace	The sub-heading 'Public Notification' and associated PDC 8 and 9	With the contents of Attachment Un/4 (renumbering the PDC "X" with the next consecutive number accordingly)	N	N
Mixed Use 2 Zone					
28.	Replace	Objective 1, which states: <i>'Accommodation of a mixture of commercial land uses including medium-scale offices and consulting rooms of up to 450 square metres total floor area per individual building, service industries, warehouses and retail</i>	With the following: <i>'Accommodation of a mixture of commercial land uses including medium-scale offices and consulting rooms with a maximum total floor area in the order of 450 square metres per individual building; as well as</i>	N	N

		showrooms which result in low traffic generation.'	service industries, warehouses and retail showrooms which result in low traffic generation.'		
29.	Replace	PDC 2, which states: 'Office and consulting room development, together or individually, should not exceed 450 square metres of total floor area per individual building.'	With the following: 'Shop, office and consulting room development, together or individually, should have a maximum floor area in the order of 450 square metres per individual building.'	N	N
30.	Insert	Before sub-heading 'Complying Development':	The following PDC under a new sub-heading ' Vehicle Parking ': 'Vehicle parking should be provided in accordance with the rates set out in Table Un/5 – Off Street Vehicle Parking Requirements or Table Un/5A – Off Street Vehicle Parking Requirements for Designated Areas (whichever applies).' (numbering the PDC with the next consecutive number accordingly)	Y	N
31.	Replace	The sub-heading 'Complying Development' and associated text	With the contents of Attachment Un/1 (renumbering the PDC "X" with the next consecutive number accordingly)	Y	N
32.	Delete	In PDC 8 (Non-complying Development), the words: 'A building containing an office, consulting room or bank: (a) In which the total floor area of the office, consulting room or bank individually or together exceeds 450 square metres; or (b) Comprising a podium which supports two or more roofed areas, each of which roofed area has the appearance of being a separate building, the total floor area of an office, consulting room or bank, individually or together, within any one of the roofed areas exceeds 450 square metres' 'Shop or group of shops with a		N	N

		gross leasable floor area greater than 450 square metres'			
33.	Replace	The sub-heading 'Public Notification' and associated PDC 9 and 10	With the contents of Attachment Un/4 (renumbering the PDC "X" with the next consecutive number accordingly)	N	N
Mixed Use 3 Zone					
34.	Replace	Objective 1, which states: 'Accommodation of small-scale office and consulting room development of up to 250 square metres total floor area per individual building, small-scale specialty goods outlets, and residential development of up to two storeys at medium densities.'	With the following: 'Accommodation of small-scale office and consulting room development with a maximum total floor area in the order of 250 square metres per individual building; as well as small-scale specialty goods outlets, and residential development of up to two storeys at medium densities.'	N	N
35.	Replace	PDC 1, which states: 'Development should be primarily, small-scale offices and consulting rooms, preferably in converted dwellings, with a limited extent of small-scale specialty goods outlets, and residential development of up to two storeys at medium densities.'	With the following; 'Development should be primarily small-scale offices and consulting rooms with a limited extent of small-scale specialty goods outlets, and residential development of up to two storeys at medium densities.'	N	N
36.	Replace	PDC 2, which states: 'Development involving offices, consulting rooms and specialty goods outlets, together or individually, should not exceed 250 square metres of total floor area per individual building'	With the following: 'Development involving offices, consulting rooms and specialty goods outlets, together or individually, should have a maximum total floor area in the order of 250 square metres per individual building.'	N	N
37.	Insert	Before sub-heading 'Complying Development':	The following PDC under a new sub-heading ' Vehicle Parking ': 'Vehicle parking should be provided in accordance with the rates set out in Table Un/5 – Off Street Vehicle Parking Requirements or Table Un/5A – Off Street Vehicle Parking Requirements for Designated Areas (whichever applies).' (numbering the PDC with the next consecutive number	Y	N

			accordingly)		
38.	Replace	The sub-heading 'Complying Development' and associated text	With the contents of Attachment Un/5 (renumbering the PDC "X" with the next consecutive number accordingly)	Y	N
39.	Delete	In PDC 7 (Non-complying Development), the words: <i>'A building containing an office, consulting room or bank: (a) In which the total floor area of the office, consulting room or bank individually or together exceeds 250 square metres; or (b) Comprising a podium which supports two or more roofed areas, each of which roofed area has the appearance of being a separate building, the total floor area of an office, consulting room or bank, individually or together, within any one of the roofed areas exceeds 250 square metres'</i> <i>'Shop or group of shops with a gross leasable floor area greater than 250 square metres'</i>		N	N
40.	Replace	The sub-heading 'Public Notification' and associated PDC 8 and 9	With the contents of Attachment Un/4 (renumbering the PDC "X" with the next consecutive number accordingly)	N	N

TABLES

Amendments required: **Yes**

41.	Replace	The text under the heading 'TABLE Un/5', which states: 'Off-Street Vehicular Parking Requirements'	With the following: 'Off-Street Vehicular Parking Requirements (except where otherwise stated in Table Un/5A)'	N	N
42.	Insert	After Table Un/5	The contents of Attachment Un/6	N	N

MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps, Policy Area & Precinct Maps)

Amendments required: **No**

Map Reference Table Adjustments

43.				
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Complying Development

- X Complying developments are prescribed in schedule 4 of the *Development Regulations 2008*. In addition, the following forms of development (except where the development is non-complying) are complying:
- (a) subject to the conditions contained in Table Un/1 - Conditions for Complying Development and other than in respect to a Heritage Place identified in [Table Un/3](#) and [Table Un/4](#):
 - (i) those kinds of development listed in [Table Un/7](#)
 - (ii) advertisement
 - (b) A change of use within an existing building used primarily for a shop, office or consulting room to accommodate one or any combination of those uses where all of the following are achieved:
 - (i) the building is not a State heritage place
 - (ii) any alterations to the external appearance of a local heritage place do not materially affect the heritage values of that place
 - (iii) where the change in use is for a shop primarily involving the handling and sale of foodstuffs (and may include a restaurant, café, take-away and/or fast food outlet), the location of the development and associated areas for the storage and collection of refuse are at least 10 metres from a residential zone boundary or the boundary of a site used for residential purposes other than where:
 - (A) the development is the same or substantially the same as a previously approved development, or
 - (B) the dwelling is located in the same building as the shop or is directly associated with the shop
 - (iv) if the change in use is to a shop with a gross leasable floor area greater than 250 square metres and has direct frontage to an arterial road, at least one of the following applies:
 - (A) the primary vehicle access is from a road that is not an arterial road
 - (B) the shop is located in a building (or buildings) comprising multiple tenancies that operate as an integrated complex used primarily for shops, offices and/or consulting rooms and incorporates shared off-street vehicle parking areas, vehicle loading and unloading bays, and areas for the storage and collection of refuse
 - (v) off-street vehicular parking is provided at a rate in accordance with [Table Un/5 – Off Street Vehicle Parking Requirements](#) or the desired minimum in [Table Un/5A - Off Street Vehicle Parking Requirements for Designated Areas](#) (whichever applies), other than in respect to the following:
 - (A) the building is a local heritage place
 - (B) the development is the same or substantially the same as a previously approved development
 - (C) the change of use is located in a building (or buildings) comprising multiple tenancies that operate as an integrated complex used primarily for shops, offices and/or consulting rooms and incorporates shared off-street vehicle parking areas, vehicle loading and unloading bays, and areas for the storage and collection of refuse.

Complying Development

X Complying developments are prescribed in schedule 4 of the *Development Regulations 2008*. In addition, the following forms of development (except where the development is non-complying) are complying:

- (a) subject to the conditions contained in Table Un/1 - Conditions for Complying Development and other than in respect to a Heritage Place identified in [Table Un/3](#) and [Table Un/4](#):
 - (i) those kinds of development listed in [Table Un/7](#)
 - (ii) advertisement
- (b) A change of use within an existing building used primarily for a shop, office or consulting room to accommodate one or any combination of those uses where all of the following are achieved:
 - (i) the development is located inside any of the following area(s):
 - High Street (Unley Road) Policy Area
 - (ii) the building is not a State heritage place
 - (iii) any alterations to the external appearance of a local heritage place do not materially affect the heritage values of that place
 - (iv) where the change in use is for a shop primarily involving the handling and sale of foodstuffs (and may include a restaurant, café, take-away and/or fast food outlet), the location of the development and associated areas for the storage and collection of refuse are at least 10 metres from a residential zone boundary or the boundary of a site used for residential purposes other than where:
 - (A) the development is the same or substantially the same as a previously approved development, or
 - (B) the dwelling is located in the same building as the shop or is directly associated with the shop
 - (v) if the change in use is to a shop with a gross leasable floor area greater than 250 square metres and has direct frontage to an arterial road, at least one of the following applies:
 - (A) the primary vehicle access is from a road that is not an arterial road
 - (B) the shop is located in a building (or buildings) comprising multiple tenancies that operate as an integrated complex used primarily for shops, offices and/or consulting rooms and incorporates shared off-street vehicle parking areas, vehicle loading and unloading bays, and areas for the storage and collection of refuse
 - (vi) off-street vehicular parking is provided at a rate in accordance with [Table Un/5 – Off Street Vehicle Parking Requirements](#) or the desired minimum in [Table Un/5A - Off Street Vehicle Parking Requirements for Designated Areas](#) (whichever applies), other than in respect to the following:
 - (A) the building is a local heritage place
 - (B) the development is the same or substantially the same as a previously approved development
 - (C) the change of use is located in a building (or buildings) comprising multiple tenancies that operate as an integrated complex used primarily for shops, offices and/or consulting rooms and incorporates shared off-street vehicle

ATTACHMENT Un/2

parking areas, vehicle loading and unloading bays, and areas for the storage and collection of refuse.

Complying Development

- X Complying developments are prescribed in schedule 4 of the *Development Regulations 2008*. In addition, the following forms of development (except where the development is non-complying) are complying:
- (a) subject to the conditions contained in Table Un/1 - Conditions for Complying Development:
 - (i) those kinds of development listed in [Table Un/7](#)
 - (ii) advertisement
 - (iii) external paintwork of a building
 - (iv) fencing not exceeding two metres in height and not located on the street alignment or on the portion of the common property boundary to the front of existing buildings.
 - (b) a change of use within an existing building used primarily for a shop, office or consulting room to accommodate one or any combination of those uses where all of the following are achieved:
 - (i) the building is not a State heritage place
 - (ii) any alterations to the external appearance of a local heritage place do not materially affect the heritage values of that place
 - (iii) where the change in use is for a shop primarily involving the handling and sale of foodstuffs (and may include a restaurant, café, take-away and/or fast food outlet), the location of the development and associated areas for the storage and collection of refuse are at least 10 metres from a residential zone boundary or the boundary of a site used for residential purposes other than where:
 - (A) the development is the same or substantially the same as a previously approved development, or
 - (B) the dwelling is located in the same building as the shop or is directly associated with the shop
 - (iv) if the change in use is to a shop with a gross leasable floor area greater than 250 square metres and has direct frontage to an arterial road, at least one of the following applies:
 - (A) the primary vehicle access is from a road that is not an arterial road
 - (B) the shop is located in a building (or buildings) comprising multiple tenancies that operate as an integrated complex used primarily for shops, offices and/or consulting rooms and incorporates shared off-street vehicle parking areas, vehicle loading and unloading bays, and areas for the storage and collection of refuse
 - (v) off-street vehicular parking is provided at a rate in accordance with [Table Un/5 – Off Street Vehicle Parking Requirements](#) or the desired minimum in [Table Un/5A - Off Street Vehicle Parking Requirements for Designated Areas](#) (whichever applies), other than in respect to the following:
 - (A) the building is a local heritage place
 - (B) the development is the same or substantially the same as a previously approved development
 - (C) the change of use is located in a building (or buildings) comprising multiple tenancies that operate as an integrated complex used primarily for shops, offices and/or consulting rooms and incorporates shared off-street vehicle

ATTACHMENT Un/3

parking areas, vehicle loading and unloading bays, and areas for the storage and collection of refuse.

Public Notification

- X** Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*. In addition, the following forms of development, or any combination of (except where the development is classified as non-complying), are designated:

Category 1

All forms of development other than where:

- (a) the site of the development is adjacent land to land in a zone under the relevant Development Plan which is different to the zone that applies to the site of the development
- (b) it is for a building more than two storeys in height

Category 2

All forms of development not listed as Category 1

Complying Development

X Complying developments are prescribed in schedule 4 of the *Development Regulations 2008*. In addition, the following forms of development (except where the development is non-complying) are complying:

- (a) the following uses, other than in respect to a Heritage Place identified in [Table Un/3](#) and [Table Un/4](#), subject to:
 - (i) the conditions contained in [Table Un/1 - Conditions for Complying Development](#)
 - (ii) with the exception of advertisements, no building being erected, added to or altered on any land so that any portion of such building is constructed nearer to the existing boundary of a road, or to the boundary of any land shown as being required for road widening on the Plan deposited under the provisions of the Metropolitan Adelaide Road Widening Plan Act, 1972, than the distance prescribed for each road or portion thereof, in Column 3 of Table Un/2

Advertisement

Detached Dwelling

Development listed in [Table Un/7](#)

Row Dwelling

Semi-detached Dwelling

- (b) A change of use within an existing building used primarily for a shop, office or consulting room to accommodate one or any combination of those uses where all of the following are achieved:
 - (i) the building is not a State heritage place
 - (ii) any alterations to the external appearance of a local heritage place do not materially affect the heritage values of that place
 - (iii) where the change in use is for a shop primarily involving the handling and sale of foodstuffs (and may include a restaurant, café, take-away and/or fast food outlet), the location of the development and associated areas for the storage and collection of refuse are at least 10 metres from a residential zone boundary or the boundary of a site used for residential purposes other than where:
 - (A) the development is the same or substantially the same as a previously approved development, or
 - (B) the dwelling is located in the same building as the shop or is directly associated with the shop
 - (iv) if the change in use is to a shop with a gross leasable floor area greater than 250 square metres and has direct frontage to an arterial road, at least one of the following applies:
 - (A) the primary vehicle access is from a road that is not an arterial road
 - (B) the shop is located in a building (or buildings) comprising multiple tenancies that operate as an integrated complex used primarily for shops, offices and/or consulting rooms and incorporates shared off-street vehicle parking areas, vehicle loading and unloading bays, and areas for the storage and collection of refuse
 - (v) off-street vehicular parking is provided at a rate in accordance with [Table Un/5 – Off Street Vehicle Parking Requirements](#) or the desired minimum in [Table Un/5A - Off](#)

ATTACHMENT Un/5

Street Vehicle Parking Requirements for Designated Areas (whichever applies), other than in respect to the following:

- (A) the building is a local heritage place
- (B) the development is the same or substantially the same as a previously approved development
- (C) the change of use is located in a building (or buildings) comprising multiple tenancies that operate as an integrated complex used primarily for shops, offices and/or consulting rooms and incorporates shared off-street vehicle parking areas, vehicle loading and unloading bays, and areas for the storage and collection of refuse.

TABLE Un/5A

Off-street Vehicle Parking Requirements for Designated Areas**Interpretation**

1. The vehicle parking rates table applies to Designated Areas listed below except where:
 - (a) any applicable condition(s) is/are not met
 - (b) the zone provisions require a lesser amount of on-site vehicular parking spaces than the amount determined using the vehicle parking rates table below.

Designated Areas

2. The following are Designated Areas:

Designated Area	Conditions
Urban Corridor Zone	None
District Centre Zone	The development is located in accordance with at least one of the following: <ol style="list-style-type: none"> (a) within 200 metres of a passenger bus stop or 400 metres from a bus interchange that is part of a high frequency public transit service⁽¹⁾ (b) within 400 metres of an O-Bahn interchange (c) within 400 metres of a passenger rail station that is part of a high frequency public transit service⁽¹⁾ (d) within 400 metres of a passenger tram station (e) within 400 metres of the Adelaide Parklands.
Historic (Conservation) Zone - Centre	
Local Centre Zone	
Mixed Use 1 Zone	
Mixed Use 2 Zone	
Mixed Use 3 Zone	
Neighbourhood Centre Zone	
Specialty Goods Centre Zone	

(1) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.

Applicable off-street vehicular parking requirements

3. Development should provide off-street vehicle parking in accordance with the rates in the table(s) below, unless one or more of the circumstances (or similar) that follow support the provision of a lesser amount of parking spaces:
 - (a) the development is a mixed use development with integrated (shared) parking where the respective peak parking demands across the range of uses occurs at different times
 - (b) the development is sited in a locality where the respective peak demands for parking for the range of uses (existing and proposed) occurs at different times and suitable arrangements are in place for the sharing of adjoining or nearby parking areas
 - (c) the development involves the retention and reuse of a place of heritage value, where the provision of on-site parking is constrained
 - (d) suitable arrangements are made for any parking shortfall to be met elsewhere or by other means (including a contribution to a car parking fund)

- (e) generous on-street parking and/or public parking areas are available and in convenient proximity, other than where such parking may become limited or removed by future loss of access, restrictions, road modifications or widening.

VEHICLE PARKING RATES TABLES

TABLE 1: Non-residential development excluding tourist accommodation

Location of development	Desired minimum number of required vehicle parking spaces	Maximum number of vehicle parking spaces
All Designated Areas (unless otherwise stated)	3 spaces per 100 square metres of gross leasable floor area	6 spaces per 100 square metres of gross leasable floor area
Urban Corridor Zone	3 spaces per 100 square metres of gross leasable floor area	5 spaces per 100 square metres of gross leasable floor area

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 10 –
DRAFT INNER AND MIDDLE METROPOLITAN
CORRIDOR INFILL MINISTER DEVELOPMENT
PLAN AMENDMENT

ITEM NUMBER: 9

DATE OF MEETING: 21 SEPTEMBER 2015

AUTHOR: CAROL GOWLAND

JOB TITLE: EXECUTIVE ASSISTANT TO CEO & MAYOR

RESPONSIBLE OFFICER: DAVID LITCHFIELD

JOB TITLE: GENERAL MANAGER ECONOMIC
DEVELOPMENT AND PLANNING

COMMUNITY GOAL: Organisational Excellence
5.3 Good governance and legislative framework

REPRESENTORS: NIL

ATTACHMENTS: NIL

PURPOSE

To recommend that Item 10 be considered in confidence at the 21 September 2015 Development Strategy and Policy Committee meeting and that the Minutes, Report and Attachments referring to this report remain confidential until the item is revoked by the Chief Executive Officer at a future date.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. Pursuant to Section 90(2) and (3)(j) of the Local Government Act 1999 the Council orders the public be excluded, with the exception of the following:

Mr D Litchfield, General Manager Economic Development & Planning
Mr D Brown, Principal Policy Planner
Ms C Gowland, Executive Assistant to CEO and Mayor
Mr S Mosley, Department Planning Transport and Infrastructure

on the basis that it will receive and consider the report on the Inner and Middle Metropolitan Corridor Infill Minister Development Plan Amendment, and that the

Council is satisfied that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:

- (j) information the disclosure of which
 - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council; and
 - (ii) would, on balance, be contrary to the public interest.

because, information contained in this report has been provided to Council and Council has been asked not to make the information public at this stage. It would be in the best interest of Council to consider this matter in confidence.

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION TO REMAIN IN
CONFIDENCE ITEM 10 – DRAFT INNER AND
MIDDLE METROPOLITAN CORRIDOR INFILL
MINISTER DEVELOPMENT PLAN AMENDMENT

ITEM NUMBER: 11

DATE OF MEETING: 21 September 2015

AUTHOR: CAROL GOWLAND

JOB TITLE: EXECUTIVE ASSISTANT TO CEO & MAYOR

RESPONSIBLE OFFICER: DAVID LITCHFIELD

JOB TITLE: GENERAL MANAGER ECONOMIC
DEVELOPMENT & PLANNING

COMMUNITY GOAL: Organisational Excellence
5.3 Good governance and legislative framework

REPRESENTORS: NIL

ATTACHMENTS: NIL

PURPOSE

To recommend that Item 10 remain in confidence at the 21 September 2015 Development Strategy and Policy Committee meeting until the order is revoked by the Chief Executive Officer.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.
2. Pursuant to Section 91(7) and (3)(j) of the Local Government Act:
 - 2.1 The
 - ☒ Minutes
 - ☒ Report
 - ☒ Attachments

remain confidential on the basis that the information contained in this report details information which would divulge information provided on a confidential basis, and

- 2.2 the minutes, report and attachments will be kept confidential until the item is revoked by the Chief Executive Officer.