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Mr John Stimson
Presiding Member
Expert Panel
Planning System Implementation Review

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Dear Mr Stimson

City of Salisbury Council Assessment Panel Submission
– Code Policy for non-residential uses in General Neighbourhood Zone

In the assessment development applications proposing non-residential uses within the General Neighbourhood Zone, the City of Salisbury Council Assessment Panel has identified that a combination of permissibility intended by the zone, together with policy expression, has created some uncertainty in the assessment process. This letter sets out the Panel's observations for the consideration of the Expert Panel on the Planning System Implementation Review.

The General Neighbourhood Zone has essentially replaced the former Residential Zone that applied over much of the metropolitan residential areas.

The General Neighbourhood Zone is far more permissive than the previous Residential Zone. The zone is clearly intended to accommodate non-residential uses to achieve a more convenient living environment. This principle is expressed in Desired Outcome (DO) 1 of the Zone.

Desired Outcome	
<i>DO 1</i>	<i>Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.</i>

The uses are listed in Designated Performance Feature (DPF) 1.1. These uses are reasonably broad.

Performance Outcome	Designated Performance Feature
<p><i>PO 1.1</i></p> <p><i>Predominantly residential development with complementary non-residential use that support an active, convenient and walkable neighbourhood.</i></p>	<p><i>DPF 1.1</i></p> <p><i>Development comprises one or more of the following:</i></p> <ul style="list-style-type: none"> <i>(a) ancillary accommodation</i> <i>(b) community facility</i> <i>(c) consulting room</i> <i>(d) dwelling</i> <i>(e) educational establishment</i> <i>(f) office</i> <i>(g) place of worship</i> <i>(h) pre-school</i> <i>(i) recreation area</i> <i>(j) residential flat building</i> <i>(k) retirement facility</i> <i>(l) shop</i> <i>(m) student accommodation</i> <i>(n) supported accommodation</i>

Given the zone envisages a broad range of uses within essentially residential communities, residential amenity and character are important considerations to determine the appropriateness of these non-residential uses. Sufficient guidance should be provided to relevant authorities, applicants and communities to provide reasonable expectations of outcomes. Ideally, there should be certainty, as far as is practical, and this should be readily understood early in the assessment process. The current DO has little or no role to play in the development assessment process given its expression as a brief aspirational goal. The PO's become the central focus for defining the appropriate use, as listed below.

Performance Outcome	Designated Performance Feature
<p><i>PO 1.2</i></p> <p><i>Non-residential development located and designed to improve community accessibility to services, primarily in the form of:</i></p> <ul style="list-style-type: none"> <i>(a) small scale commercial uses such as offices, shops and consulting rooms</i> <i>(b) community services such as educational establishments, community centres, places of worship, pre-schools, and other health and welfare services</i> <i>(c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities</i> <i>(d) open space and recreation facilities.</i> 	<p><i>DPF 1.2</i></p> <p><i>None are applicable</i></p>

Performance Outcome	Designated Performance Feature
<p><i>PO 1.3</i></p> <p><i>Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.</i></p>	<p><i>DPF 1.3</i></p> <p><i>None are applicable</i></p>

Performance Outcome	Designated Performance Feature
<p><i>PO 1.4</i></p> <p><i>Commercial activities improve community access to services are of a scale and type to maintain residential amenity.</i></p>	<p><i>DPF 1.4</i></p> <p><i>A shop, consulting room or office (or combination thereof) satisfies any of the following:</i></p> <p><i>(d) the development site abuts an Activity Centre and all the following area satisfied:</i></p> <ul style="list-style-type: none"> <i>i. it does not exceed 200m² gross leasable floor area (individually or combined, in a single building)</i> <i>ii. the proposed development will not result in a combined gross leasable floor area (existing and proposed) of all shops, consulting rooms and offices that abut the Activity Centre in this zone exceeding the lesser of the following:</i> <ul style="list-style-type: none"> <i>A. 50% of the existing gross leasable floor area within the Activity Centre</i> <i>B. 1000m²</i>

Performance Outcome	Designated Performance Feature
<p><i>PO 1.5</i></p> <p><i>Expansion of existing community services such as educational establishments, community facilities and pre-schools in a manner which complements the scale of development envisaged by the desired outcome for the neighbourhood.</i></p>	<p><i>DPF 1.5</i></p> <p><i>Alteration of or addition to existing educational establishments, community facilities or pre-schools where all the following are satisfied:</i></p> <ul style="list-style-type: none"> <i>(a) set back at least 3m from any boundary shared with a residential land use</i> <i>(b) building height not exceeding 1 building level</i> <i>(c) the total floor area of the building not exceeding 150% of the total floor area prior to the addition/alteration</i> <i>(d) off-street vehicular parking exists or will be provided in accordance with the rate(s) specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.</i>

The difficulty is the PO's advocate for uses of land couched in imprecise terms. These terms are malleable and are subject to various interpretation and/or exploitation.

e.g. "complementary non-residential uses", uses that are sited and designed to "complement the residential character and amenity of the neighbourhood" and

to improve access to services that are of a "scale and type to maintain residential amenity".

There is a lack of precision embodied in these terms. They are vulnerable to interpretations that have the potential to allow land uses in the General Neighbourhood Zone that are not intended or to facilitate significant incremental change.

The subjectivity of these terms is heightened when undefined uses or uses not listed in DPF 1.1 are proposed, such a retail fuel outlet. As a consequence, the policy framework does not provide certainty for applicants or local communities. The differing interpretation has also been amongst planners, whereas there should be an expectation that professionals within the system to be more aligned in interpretation of key policy settings.

Furthermore, the location and scale of non-residential uses within essentially residential neighbourhoods needs better guidance. Additional considerations should include:

1. A reference to residential character should be better guided with a DO that better describes the desired character and important considerations for the assessment process of respective residential neighbourhoods.
2. The location of some non-residential uses should generally only be encouraged in specific circumstances such as on arterial or collector roads.
3. The scale of the uses should not be confined only to commercial activities. There should be guidance on appropriate scale in relation to the built form and relative intensity of activity.

Yours faithfully



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City of Salisbury Council Assessment Panel