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Via email: [DIT.planningreformsubmissions@sa.gov.au](mailto:DIT.planningreformsubmissions@sa.gov.au)

Dear Ms ██████████

**Shopping Centre Council of Australia submission on the November 2020  
Consultation Draft Planning and Design Code for Phase Three (Urban Areas)**

Thank you for the opportunity to provide this submission regarding the November 2020 Consultation *Draft Planning and Design Code for Phase Three - Urban Areas* (the Draft). Our primary interest is in ensuring the integrity of the Activity Centre hierarchy is maintained and reflected in the final Code.

This submission follows on from and should be read in conjunction with the Shopping Centre Council of Australia's previous submissions on the *Draft Planning and Design Code for Phase Two - Rural Areas* dated 29 November 2019 and *Draft Planning and Design Code for Phase Three - Urban Areas* dated 28 February 2020.

The Shopping Centre Council of Australia (SCCA) represents the interests of Australia's major owners, managers and developers of shopping centres. Our members are responsible for close to 700,000 m<sup>2</sup> of Gross Leasable Area (GLA) retail floorspace in South Australia. A full list of our membership is available at <http://www.scca.org.au/about-us/members/>.

The SCCA works on retail and activity centres policy and planning matters in each jurisdiction. We have recently been engaged in the 'existing activity centres' Development Plan Amendment Process across 2015-2016 and the 2014 Harper Competition Policy Inquiry, where we made a range of recommendations regarding planning systems and competition. Most recently, we provided a submission to the South Australian Planning Commission (SAPC) providing comment on the '*Productive Economy Discussion Paper for South Australia*' which informs this Draft.

As you may know, the SCCA is a strong proponent of centres-based planning and supports the South Australian Government's commitment to activity centre planning through their adoption of the Key Principles of Retail Planning reinforced in the State Planning Policy 9: Employment Lands (SPP 9), specifically:

- The recognition that existing activity centres, main streets and mixed-use areas should provide the primary place for commercial and retail activity;
- the necessity to allow for the expansion of existing designated centres at 'Edge of Centre' locations; and
- the need to protect higher-order centres that support productive settlement patterns.

The agglomeration of activities in centres, including retail uses and development, supports many public good outcomes sought by planning systems. These include choice for consumers, transport/infrastructure efficiency and productivity, environmental and heritage protection, resource protection, employment concentration, and the minimisation of land-use conflict.

We have read and considered the documents on exhibition and note the transition from the existing activity centre hierarchy to the proposed one.

We note, and provide in principle support to the following zones that have been identified in the Planning and Design Code as the principal zones to accommodate key shopping precincts with a range of community services and facilities to provide a 'one-stop-shop' for visitors being a consolidation of the existing Activity Centre and Main street Zones from the existing Council Development Plans:

- Local Activity Centre Zone
- Suburban Activity Centre Zone
- Suburban Main Street Zone
- Township Activity Centre Zone
- Township Main Street Zone
- Urban Activity Centre Zone
- Urban Corridor (Main Street) Zone

We are cautiously supportive of the incorporation of the following subzones recognising that they may have a role within the Planning and Design Code structure but their use needs to be carefully applied to only those areas where such policies currently prevail in existing Development Plans:

- Urban Corridor Living Retail Subzone
- Urban Neighbourhood Retail Subzone
- Activity Node Subzone
- Retail Activity Centre Subzone
- Emerging Activity Centre Subzone

We remain concerned that as the transition of existing zones under the former hierarchy into their proposed new zone categories, will result in the erosion of the activity centres protections which will be undermined, through the deletion of 'General and Council-wide Centres and Retail' policies which currently provide clear performance-based guidance for out-of-centre retail. The removal of these general guiding policies from the proposed Design Code may ultimately undermine the viability of development in-centre. **This is contrary to the Key Principles of Retail Planning adopted in SPP 9.**

Whilst we have a variety of concerns with the Draft, we have limited our commentary at this point to the apparent gap in retail planning policy for the assessment of 'Shops' in Zones where retail is not identified as the primary land use.

We acknowledge and support the changes to the Deemed to Satisfy policies relating to gross leasable floor area for shops in non Activity Centre Zones which address the previous concerns expressed in respect to inconsistent, non-transparent, unjustified and broadscale changes to gross leasable floor restrictions.

We also acknowledge and support the department's preparedness to address our previous concerns identified relating to Notification procedural matters relating to what was identified as an inconsistent approach to the notification of retail development for 'Shops' that exceed the relevant 'Deemed to Satisfy' floor space criteria within zones which are not the primary place for retail development.

## **GAP IN RETAIL PLANNING POLICY FOR THE ASSESSMENT OF 'SHOPS' IN ZONES WHERE RETAIL IS NOT IDENTIFIED AS THE PRIMARY LAND USE**

The failure to transition relevant policies from the General 'Centres and Retail Development' modules of existing Development Plans and the State Planning Policy Library into the Draft leads to a significant gap or void in planning policy. The substantive issue and concern of the SCCA is the lack of policy guidance applicable for the assessment of out-of-centre zone retailing that exceeds the floors space criteria for shops in zones which are not the primary place for retail development. This has the serious and undeniable potential to undermine the key principles for retail development identified in SPP 9. On this basis we are of the opinion that the current Draft isn't compliant with SPP 9 and hence will not protect higher order centres.

It is acknowledged that within the assessment pathway structure under the *Planning Development and Infrastructure Act 2016*, 'Shops' as a form of development are tabled as Performance Assessed and that they are considered an appropriate form of development if they satisfy the deemed to satisfy floor space criteria for the relevant zone.

This gives rise to the need to incorporate Performance Outcome focussed policy that reinforces the Principles of Retail Planning in SPP 9 outside of centre. This is particularly relevant to the assessment of retail development located outside of the identified zone framework where retail development is the primary focus. As you know, the *Productive Economy Discussion Paper* supported by the State Planning Reform Fact Sheet identifies that the Planning and Design Code seeks to support retail activity through the following:

- Encouraging shops in 'activity centre' and 'main street' zones, but allowing small shops in other areas.
- Reducing red tape by allowing new businesses including shops, offices and consulting rooms to move into existing commercial premises without lengthy planning approvals.
- Promoting above-ground-level apartments in activity centres, where residents benefit from convenient access to shops, services and transport.
- Promoting 'main street' areas with a focus on good design, interesting shopfronts, sheltered pedestrian footpaths and areas for visitors to meet, relax and entertain.
- Enabling shopping centres to expand by allowing shops opposite/adjointing existing centres and improving the range of shopping options in convenient locations.
- Removing barriers to innovation and efficiency by allowing business to install things like solar panels without planning approval.
- Enabling bulky goods outlets (such as home furniture stores) to operate in industrial type areas which are suited to large-size warehouse-style buildings.

We acknowledge and welcome the constructive communication through the consultation period to addressing our concerns.

We are of the opinion that general planning policy should be included within the Draft applicable to the assessment of out-of-centre retail which exceeds the performance based Deemed to Satisfy (DTS) floor space criteria to reinforce SPP 9.

**We submit that the following policies should therefore be included to provide the assessing authority guidance when considering retail development that exceeds a deemed to satisfy floor area outside of recognised Activity Centre Zones:**

Desired Outcome	
DO 1	The role of Activity Centres in contributing to the form and pattern of development and enabling equitable and convenient access to a range of shopping, administrative, cultural, entertainment and other facilities in a single trip is maintained and reinforced.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<p><b>PO 1.1</b> Non-residential development outside Activity Centres of a scale and type that does not diminish the role of Activity Centres:</p> <ul style="list-style-type: none"> <li>(a) as primary locations for shopping, administrative, cultural, entertainment and community services</li> <li>(b) as a focus for regular social and business gatherings</li> </ul>	<p><b>DTS/DPF 1.1</b> None are applicable.</p>
<p><b>PO 1.2</b> Out-of-activity centre non-residential development complements Activity Centres through the provision of services and facilities:</p> <ul style="list-style-type: none"> <li>(a) that support the needs of local residents and workers, particularly in areas which are underserved by existing activity centres catchments</li> <li>(b) at the edge of Activity Centres where they cannot readily be accommodated within an existing Activity Centre to expand the range of services on offer and support the role of the Activity Centre.</li> </ul>	<p><b>DTS/DPF 1.2</b> None are applicable.</p>

The SCCA would be pleased to meet with relevant staff to discuss this submission in more detail. Please do not hesitate to contact me on 0408 079 184 to discuss further.

Yours sincerely,

Angus Nardi  
**Executive Director**