

28 February 2020

Michael Lennon
Chairperson
State Planning Commission
GPO Box 1815
ADELAIDE SOUTH AUSTRALIA 5001

Via email: DPTI.planningreformsubmissions@sa.gov.au

Dear Mr Lennon

Shopping Centre Council of Australia submission on
Draft Planning and Design Code for Phase Three (Urban Areas)

Thank you for the opportunity to provide this submission regarding the *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 submission on the *Draft Planning and Design Code for Phase Two - Rural Areas* dated 29 November 2019.

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 m² 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 centre, 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:

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

We are however concerned that 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 areas below:

- **A gap in retail planning policy for the assessment of 'Shops' in Zones where retail is not identified as the primary land use;**
- Zones that permit out-of-centre retail at a scale (floor space) which undermine Existing Centres and Higher-Order Centres i.e. *Employment Zones, Suburban Employment Zones* with inconsistent, non-transparent, unjustified and broadscale changes to gross leasable floor restrictions;
- **The term "periphery" is unclear and jeopardises the application of SPP 9 for Activity Centre Zones i.e. *Activity Centre and Main Street Zones*; and**
- Inconsistent, non-transparent, unjustified and broadscale changes to gross leasable floor restrictions.

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 floor 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 satisfies 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/adjoining 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.

Accordingly, 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 Centre and Main street Zones:

- a. A shop or group of shops that exceeds the "Deemed to Satisfy" floor area criteria for a zone should be located within an Activity Centre or Main Street zone.***
- b. A shop or group of shops located outside of an Activity Centre or Main Street zone should:*
 - *be of a size and type that will not hinder the development, function or viability of any centre zone;*
 - *not demonstrably lead to the physical deterioration of any designated centre;*
 - *be developed taking into consideration its effect on adjacent development.*
- c. Bulky goods outlets located within centre zones should;*
 - *complement the overall provision of facilities*
 - *be sited towards the periphery of those zones where the bulky goods outlet has a gross leasable area of 500 square metres or more.*

ZONES THAT PERMIT OUT-OF-CENTRE RETAIL AT A SCALE (FLOOR SPACE) WHICH UNDERMINE EXISTING CENTRES AND HIGHER-ORDER CENTRES I.E. *EMPLOYMENT ZONES, SUBURBAN EMPLOYMENT ZONES* WITH INCONSISTENT, NON-TRANSPARENT, UNJUSTIFIED AND BROADSCALE CHANGES TO GROSS LEASABLE FLOOR RESTRICTIONS

It is apparent in the review of particular zones that there has been an adoption of significantly **higher floor space allowance for shops in the "Out-of-Centre Zones"** than that expressed in existing Zone Policy for Urban Areas.

The draft increases the gross leasable floor area restrictions (exponentially in some cases when compared to some current development plans) without explanation, justification or proportionality. We seek clarification and consultation on how these amended gross leasable floor areas have been identified, and the opportunity to test these changes, where relevant at a site-by-site level.

For example, we draw attention to the proposed Employment Zone, which is understood to represent a transition from the existing Industrial Zones in the current Council Development Plans.

In a sample review of industrial zones in current Development Plans, the following examples identify where shops or groups of shops are currently listed as non-complying:

- In the Industry and Light Industry Zones of the Port Adelaide Enfield Council Development Plan where the gross leasable area exceeds 250 square metres;
- In the Industry Zone of the Marion Council Development Plan without a nominated floor space exemption, but except in nominated policy areas where the gross leasable area is less than of 150 square metres;
- In the Light Industry Zone of the Tea Tree Gully Council Development Plan where the gross leasable area exceeds 80 square metres;

The Employment Zone under the *Draft Planning and Design Code Phase Three - Urban Areas* identifies a Deemed to Satisfy floor space criteria of up-to 500 square metres for shops under the Performance Assessed pathway resulting in a significant change in planning policy and accordingly does not represent a simple transition of policy between existing Development Plans and the Planning and Design Code.

There has been no justification or evidence produced as part of any investigations to warrant such a change in policy direction which we submit is contrary to State Planning Policy 9: Employment Lands and will have dire impacts on the existing Centres in Rural Areas.

We note that inappropriate retail development could be assessed in Employment zones and Suburban Employment zones using the Performance-Assessed pathway or a Deemed-To-Satisfy pathway depending on its GLA. The SCCA is highly concerned that Performance Outcome (PO) 1.2, Deemed-To-Satisfy/Designated Performance Features) DTS/DPF 1.2 (Suburban Employment Zones) and PO 1.3, DTS/DPF 1.3 (Employment Zones) that a consent authority should consider are simply not rigorous enough to ensure that inappropriate retail **doesn't take place in these zones. This won't prevent the Activity Centre hierarchy being undermined and create de-facto retail trading zone on cheaper industrial land.**

To illustrate, a supermarket could utilise Deemed-to-Satisfy pathway (i.e. a tick-and-flick) should their GLA be under 500 square metres. A Performance Assessment pathway is available if the supermarket is more than 1,000 square metres. It is entirely possible for a supermarket to apply for a DA to construct and run a supermarket with a GLA of 501-999 square metres within an Employment Zone or Suburban Employment Zone on the basis that it satisfies the Performance Outcome below.

"Shops, other than bulky goods outlets, provide a local convenience service to meet the day to day needs of the local community and surrounding businesses as well as support the sale of products made on-site as a supplement to a business activity to enhance local job opportunities."

It is reasonable to interpret that a supermarket of the abovementioned GLA range could satisfy the criteria above. This would however be inconsistent with the Desired Outcomes of these Zones or the Land Use performance Outcomes of the Zone. As an example, PO 1.1 for an Employment Zone is:

"Development primarily for a range of higher impacting land uses including general industry, warehouse, transport distribution and the like supplemented by other compatible development so as not to unduly impede the use of land in other ownership in the zone for employment generating land uses, particularly those parts of the zone unaffected by an interface with another zone that would be sensitive impact generating uses."

It is for these reasons that we submit the final Code include a clear, proportional and equitable GLA restriction across Employment and Suburban Employment Zones that is representative of the size, scale and complexity of the centres hierarchy.

NO CONSISTENT APPROACH TO THE PUBLIC NOTIFICATION OF "PERFORMANCE ASSESSED" RETAIL DEVELOPMENT THAT DOESN'T MEET THE DEEMED TO SATISFY FLOOR SPACE CRITERIA.

There are seriously concerning aspects to the Notification procedural matters arising under the draft code, relating to 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.

We understand that the intent is to provide a consistent approach to Public Notification Policy whereby, if a performance assessed development does not meet specific quantitative (DTS) criteria then the development should be the subject to the relevant Notification procedures. Our review identifies numerous inconsistencies in the application of this approach where there are Zones (not being Main Street or Activity Centre Zones) where the performance assessment 'shops' regardless of a specified DTA floor space criteria are not listed for Notification. We note the example of a Shop in the Employment Zone which exceeds the DTS criteria of 500 square metres is listed as requiring notification. Contrary to this approach, the Urban Renewal Neighbourhood has a Performance assessed, DTS of 100 square metres for Shops but does not include the same notification trigger.

We submit the following Zones require review and incorporation of public notification criteria for shops that exceed the specified performance assessed DTS, to ensure consistency of the notification requirements with the draft code:

- *General Neighbourhood Zone*
- *Greenfield Suburban Neighbourhood Zone*
- *Suburban Employment Zone*
- *Suburban Neighbourhood Zone*
- *Urban Renewal Neighbourhood Zone*

In particular we draw the Commissions attention to the Appendix (attached) that provides a comparative assessment of the Performance Based, Restricted Development and Public Notification Floor Space Triggers in the respective zones.

The summary of the changes recommended by the SCCA are listed below:

Zone	Recommended Amendment
<p>Conservation <i>Visitor Experience Subzone</i></p>	<p>For consistency of policy, shops that exceed the maximum gross leasable floor area for the zone identified by DTS/DPF 1.1 should be subject to notification.</p> <p>The following clause should be included under the Procedural Matters, Notification:</p> <p>"(a) shops, consulting rooms or offices in excess of the gross leasable floor area specified in DTS/DPF 1.1"</p>
<p>General Neighbourhood</p>	<p>For consistency of policy, shops, consulting rooms or offices that exceed the maximum gross leasable floor area for the zone identified by DTS/DPF 1.5 and 1.6 should be subject to notification.</p> <p>The following clause should be included under the Procedural Matters, Notification:</p> <p>"(e) shops, consulting rooms or offices in excess of the gross leasable floor area specified in DTS/DPF 1.5 or 1.6"</p>

Zone	Recommended Amendment
Home Industry	The quantitative floor space trigger for notification should be changed to 200m ² for consistency of policy, shops are already listed as Restricted if they are >250m ² .and accordingly the trigger should be consistent with the maximum gross leasable floor area for the zone identified by DTS/DPF 1.2
Housing Diversity Neighbourhood	<p>For consistency of policy, shops, consulting rooms or offices that exceed the maximum gross leasable floor area for the zone identified by DTS/DPF 1.5 and 1.6 should be subject to notification.</p> <p>The following clause should be included under the Procedural Matters, Notification:</p> <p>“(e) shops, consulting rooms or offices in excess of the gross leasable floor area specified in DTS/DPF 1.5 or 1.6”</p>
Innovation	The quantitative floor space trigger for notification should be changed to 250m ² for consistency of policy, shops are already listed as Restricted if they are >500m ² .and accordingly the trigger should be consistent with the maximum gross leasable floor area for the zone identified by DTS/DPF 1.4.
Residential Neighbourhood	The quantitative floor space trigger for notification should be changed to 50m ² for consistency of policy, noting that the maximum gross leasable floor area for the zone identified by DTS/DPF 1.2 is listed as 50m ² .
Rural	The quantitative floor space trigger for notification should be changed to 100m ² for consistency of policy, noting that the maximum gross leasable floor area for the zone identified by DTS/DPF 6.1 is listed as 100m ² .
Rural Horticulture	The quantitative floor space trigger for notification should be changed to 100m ² for consistency of policy, noting that the maximum gross leasable floor area for the zone identified by DTS/DPF 5.1 is listed as 100m ² .
Rural Settlement	<p>Shops should be included in the list of Restricted Development with the following exclusion: “With a gross leasable area less than 200m²”</p> <p>The quantitative floor space trigger for notification should be changed to 150m² for consistency of policy, noting that the maximum gross leasable floor area for the zone identified by DTS/DPF 1.2 is listed as 150m²”.</p>
Rural Shack Settlement	<p>Shops should be included in the list of Restricted Development with the following exclusion: “With a gross leasable area less than 200m²” which would be consistent with the policy of the Rural Living Zone.</p> <p>A Performance Outcome (PO) and associated DTS/DPF should be inserted within the Assessment Provisions and include refence to a maximum gross leasable floor area of 100m².</p>
Suburban Employment	<p>For consistency of policy, shops, consulting rooms or offices that exceed the maximum gross leasable floor area for the zone identified by DTS/DPF 1.3 and 1.4 should be subject to notification.</p> <p>The following clause should be included under the Procedural Matters, Notification:</p> <p>“(e) shops, consulting rooms or offices in excess of the gross leasable floor area specified in DTS/DPF 1.3 or 1.4”</p>

Zone	Recommended Amendment
Tourism Development	<p>For consistency of policy, shops that exceed the maximum gross leasable floor area for the zone identified by DTS/DPF 1.2 should be subject to notification.</p> <p>The following clause should be included under the Procedural Matters, Notification:</p> <p>“(d) shops in excess of the gross leasable floor area specified in DTS/DPF 1.2”</p>
Urban Neighbourhood	<p>The quantitative criteria for Restricted Development for shops with a gross leasable floor area greater than 10,000 square metres is unacceptably and disproportionately high providing the opportunity for the development of excessive retail development that compromises the Key Principles of Retail Planning adopted in SPP 9. 10,000 square metres equates to a large Neighbourhood or small District Centre under the current Centre Zone Hierarchy.</p> <p>This is further reinforced through the lack of policy guidance within the general sections of the code relating to the development of out-of-centre retailing.</p> <p>The Restricted development criteria should be reduced to 2,000 square metres for individual tenancies and 6,000 square metres in a single building.</p>
Urban Renewal Neighbourhood	<p>For consistency of policy, shops, consulting rooms or offices that exceed the maximum gross leasable floor area for the zone identified by DTS/DPF 1.3 and 1.4 should be subject to notification.</p> <p>The following clause should be included under the Procedural Matters, Notification:</p> <p>“(e) shops, consulting rooms or offices in excess of the gross leasable floor area specified in DTS/DPF 1.3 or 1.4”</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 [REDACTED] to discuss further.

Yours sincerely,



Angus Nardi
Executive Director

Appendix

Draft Planning and Design Code – Phase 3

...reviewed for 'shop' development

Zone	Accepted Development	Code Assessed		Impact Assessed	Public Notification	Notes / SCCA Recommendations
		Deemed to Satisfy	Performance Assessed	Restricted		
Business Neighbourhood	x	*	✓ DTS/DPF 1.2 <250m ²	✓ >500m ² excluding restaurants	✓ >250m ² or fails to comply with DPF 3.1 of the Zone	
Capital City	x	*	✓	x	✓	
Caravan and Tourist Park	x	✓ * <150m ² DTS/DPF 1.6 <150m ²	✓ * <300m ² DTS/DPF 1.6 <150m ²	✓ >300m ² excluding restaurants	✓ >150m ² where adjacent to land used for residential purposes (see Note *1 for other inclusions)	<p>Notes:</p> <p>*1: Other inclusions for public notification:</p> <ul style="list-style-type: none"> a restaurant located within 30 metres of a zone primarily for residential purposes or an existing dwelling on land in other ownership
City Living	x	x	✓* DTS/DPF 1.4 <50m ²	✓ * >200m ²	✓	
City Main Street	x	*	✓ DTS/DPF 1.2 <2,000m ² in a single building	x	✓ >2,000m ²	
City Park Lands	x	x	✓ DTS/DPF 1.2 <100m ²	x	✓ >100m ²	
City Riverbank	x	*	✓ unless in Innovation Subzone DTS/DPF 1.2 <250m ²	x	*	
Coastal Waters and Offshore Islands	x	x	*	x	✓	
Commonwealth Facility	x	x	*	x	x	
Community Facilities	x	x	*	x	✓	
Conservation	x	x	*	x	✓	
Visitor Experience Subzone	x	x	✓ DTS/DPF 1.1 <150m ²	x	x	<p>RECOMMENDATION:</p> <p>For consistency of policy, shops that exceed the maximum gross leasable floor area for the zone identified by DTS/DPF 1.1 should be subject to notification.</p> <p>The following clause should be included under the Procedural Matters, Notification:</p> <p>“(a) shops, consulting rooms or offices in excess of the gross leasable floor area specified in DTS/DPF 1.1”</p>
Deferred Urban	x	x	*	x	✓	
Employment	x	x	✓ <1,000m ² other than a	✓ >1,000m ²	✓ >500m ² unless associated with an	<p>Notes:</p> <p>*1: Additional criteria applicable to DPF 1.3 includes shops:</p> <ul style="list-style-type: none"> in the form of bulky goods outlet; or

Zone	Accepted Development	Code Assessed		Impact Assessed	Public Notification	Notes / SCCA Recommendations
		Deemed to Satisfy	Performance Assessed	Restricted		
			<i>bulky goods outlet or ancillary to an industry</i> <i>DTS/DPF 1.3 <500m²</i>	<i>(see Note *2 for further exclusions)</i>	<i>industry on the same allotment</i>	<ul style="list-style-type: none"> ancillary to an industry on the same allotment. *2: A 'shop' is classified as 'Restricted Development' excluding where: <ul style="list-style-type: none"> bulky goods outlet; development is ancillary to an industry on the same allotment
Employment (Bulk Handling)	x	x	*	x	✓	
General Neighbourhood	x	x	✓ <i>DTS/DPF 1.5 <100m²</i> <i>(see Note *1)</i> <i>DTS/DPF 1.6 <200m²</i> <i>(see Note *2)</i>	✓ >1,000m ²	x	Notes: *1: Shops do not exceed floor area stated other than: <ul style="list-style-type: none"> a change in the use of an existing building that has been lawfully used as a shop, office, or consulting room (or any combination thereof); or where located with a frontage to an arterial or collector road or adjacent to a City Main Street or Activity Centre Zone. *2: Additional criteria applicable to DPF 1.6 includes shop which: <ul style="list-style-type: none"> are located on sites with a frontage to an arterial or collector road, or adjacent a Main Street or Activity Centre Zone RECOMMENDATION: For consistency of policy, shops, consulting rooms or offices that exceed the maximum gross leasable floor area for the zone identified by DTS/DPF 1.5 and 1.6 should be subject to notification. The following clause should be included under the Procedural Matters, Notification: "(e) shops, consulting rooms or offices in excess of the gross leasable floor area specified in DTS/DPF 1.5 or 1.6"
Greenfield Suburban Neighbourhood	x	x	✓ <i>DTS/DPF 1.2 <150m²</i>	✓ >1,000m ²	x	RECOMMENDATION: The quantitative floor space trigger should be changed to 250m² for consistency of policy, shops are already listed as Restricted if they are >500m².and accordingly the trigger should be consistent with the maximum gross leasable floor area for the zone identified by DTS/DPF 1.4.
Hills Face	x	x	*	x	**	
Home Industry	x	x	✓ <250m ² <i>DTS/DPF 1.2 <200m²</i>	✓ >250m ²	✓ >100m ²	RECOMMENDATION: The quantitative floor space trigger for notification should be changed to 200m² for consistency of policy, shops are already listed as Restricted if they are >250m².and accordingly the trigger should be consistent with the maximum gross leasable floor area for the zone identified by DTS/DPF 1.2.
Housing Diversity Neighbourhood	x	x	✓ <1,000m ² <i>DTS/DPF 1.5 <100m²</i> <i>(see Note *1)</i> <i>DTS/DPF 1.6 <200m²</i> <i>(see Note *2)</i>	✓ >1,000m ²	✓ (see Note *3)	Notes: *1: Shops do not exceed floor area stated other than: <ul style="list-style-type: none"> a change in the use of an existing building that has been lawfully used as a shop, office, or consulting room (or any combination thereof); or where located with a frontage to an arterial or collector road or adjacent to a City Main Street or Activity Centre Zone. *2: Additional criteria applicable to DPF 1.6 includes shop which: <ul style="list-style-type: none"> are located on sites with a frontage to an arterial or collector road, or adjacent an Urban Corridor, Main Street or Activity Centre Zone *3: Stated as 'non-residential development'. RECOMMENDATION: For consistency of policy, shops, consulting rooms or offices that exceed the maximum gross leasable floor area for the zone identified by DTS/DPF 1.5 and 1.6 should be subject to notification. The following clause should be included under the Procedural Matters, Notification:

Zone	Accepted Development	Code Assessed		Impact Assessed	Public Notification	Notes / SCCA Recommendations
		Deemed to Satisfy	Performance Assessed	Restricted		
						"(e) shops, consulting rooms or offices in excess of the gross leasable floor area specified in DTS/DPF 1.5 or 1.6"
Infrastructure	x	x	*	x	**	
Infrastructure (Airfield)	x	x	✓	✓ >250m ² (see Note *1 for further exclusions)	**	Notes: *1: A 'shop' is classified as 'Restricted Development' excluding where it is ancillary to and located on the same allotment as an airfield passenger terminal.
Infrastructure (Ferry and Marina Facilities)	x	x	✓ in association with a marina or ferry terminal	x	**	
Innovation	x	* (see Note *1)	✓ (see Note *2 for clarification) DTS/DPF 1.4 <250m ²	✓ >500m ² excluding restaurants	✓ >500m ² (see Note *3)	Notes: *1: 'Change of use from a shop, office or consulting room to a shop, office or consulting room or any combination of these uses where the area to be occupied by the proposed development is located in an existing building and utilises existing on-site car parking' is classified as 'Deemed-to-Satisfy Development' except where any of the following apply: <ul style="list-style-type: none"> State Heritage Area Overlay State Heritage Place Overlay *2: Both a 'shop (not being a restaurant)' and a 'restaurant' are classified as 'Performance Assessed Development' but are subject to different assessment provisions. *3: All classes of 'Performance Assessed Development' are excluded from notification except where they involve any of the following: <ul style="list-style-type: none"> construction of or change of use to a retail fuel outlet, hotel, industry or any development defined as 'all other code assessed development' in Innovation Zone Table 3 that is located adjacent to a sensitive receiver. RECOMMENDATION: The quantitative floor space trigger for notification should be changed to 250m² for consistency of policy, shops are already listed as Restricted if they are >500m².and accordingly the trigger should be consistent with the maximum gross leasable floor area for the zone identified by DTS/DPF 1.4.
Master-planned Suburban Neighbourhood	x	x	✓ DTS/DPF 3.5 <250m ² , or <1,500m ² if in established activity centres	x	✓ >250m ² or, >1,500m ² if in established activity centres (see Note *1 for other inclusions)	Notes: *1: Other inclusions for public notification: <ul style="list-style-type: none"> non-residential development that do not satisfy DTS/DPF 3.6, 3.7 or 3.8

Zone	Accepted Development	Code Assessed		Impact Assessed	Public Notification	Notes / SCCA Recommendations
		Deemed to Satisfy	Performance Assessed	Restricted		
Motorsport Park	x	✓ DTS/DPF 1.2 <250m ² where not ancillary to and in association with a motorsport circuit, strip and track facilities (see Note *1)	✓ DTS/DPF 1.2 <250m ² where not ancillary to and in association with a motorsport circuit, strip and track facilities (see Note *1)	x	✓ >500m ² unless ancillary to and in association with a motorsport circuit, industry or tourist accommodation	Notes: *1: Additional criteria applicable to DPF 1.2 includes shops which are: <ul style="list-style-type: none"> not a bulky goods outlet, ancillary to and in association with a motorsport circuit, strip and track facilities
Open Space	x	x	✓ DTS/DPF 1.3 <50m ²	x	**	
Peri-Urban	x	✓ (see Note *1 for exceptions)	✓ DTS/DPF 6.1 <100m ² if in overlays listed in Deemed-to-Satisfy (see Note *2) (see Note *3)	✓ >250m ² excluding restaurants (see Note *4 for further exclusions)	✓ >200m ²	Notes: *1: Except where applicable overlays apply *2: Additional criteria applicable to DTS 6.1 include shops which: <ul style="list-style-type: none"> are ancillary to and located on the same allotment or adjoining allotment used for primary production or value adding; offer for sale or consumption produce or goods that are primarily sourced, produced or manufactured on the same allotment or from the region; have an area for the display of produce or goods external to a building not exceeding 25m²; are in the form of a restaurant, do not result in more than 75 seats for customer dining purposes. *3: If development exceeds 100m ² and is located within the overlays listed in the Deemed-to-Satisfy Development categorisation it will be assessed as 'All other Code Assessed Development'. *4: A 'shop' is classified as 'Restricted Development' excluding where: <ul style="list-style-type: none"> It is ancillary to and located on the same allotment or adjoining allotment used for primary production or value adding and offers for sale and consumption produce or goods that are primarily sourced, produced, or manufactured on the same allotment or from the region.
Recreation	x	x	*	x	✓ (see Note *1)	Notes: *1: 'Performance Assessed Development' is excluded from notification except where it involves any of the following: <ul style="list-style-type: none"> the development is located adjacent to the boundary of a zone that primarily intends to accommodate sensitive receivers; or the development falls within the category of 'All other Code Assessed Development' in Recreation Zone - Table 3.
Remote Areas	x	x	*	x	**	
Residential Neighbourhood	x	x	* DTS/DPF 1.2 <50m ²	✓ >200m ² excluding restaurants	✓ >100m ² if it is not adjacent to an existing commercial activity >250m ² where located on a collector or higher order road	Notes: DTS/DPF 1.2 states other than a change in the use of an existing building that has been lawfully used as a shop, office or consulting room (or any combination thereof), shops do not exceed 50m ² in gross leasable floor area (individually or combined). RECOMMENDATION: The quantitative floor space trigger for notification should be changed to 50m² for consistency of policy, noting that the maximum gross leasable floor area for the zone identified by DTS/DPF 1.2 is listed as 50m².
Residential Park	x	x	*	✓ >1,000m ²	**	Notes: DTS/DPF 1.5 states other than a change in the use of an existing building that has been lawfully used as a shop, office or consulting room (or any combination thereof), shops do not exceed 250m ² in gross leasable floor area (individually or combined).

Zone	Accepted Development	Code Assessed		Impact Assessed	Public Notification	Notes / SCCA Recommendations
		Deemed to Satisfy	Performance Assessed	Restricted		
Resource Extraction	x	x	*	x	**	
Rural	x	✓ (see Note *1)	✓ DTS/DPF 6.1 < 100m ² if in overlays listed in Deemed-to-Satisfy (see Note *2)	✓ >250m ² excluding restaurants (see Note *4 for further exclusions)	✓ >200m ²	<p>Notes:</p> <p>*1: Except where applicable overlays apply</p> <p>*2: Additional criteria applicable for DTS 6.1 include shops which:</p> <ul style="list-style-type: none"> are ancillary to and located on the same allotment or an adjoining allotment used for primary production or value adding; offer for sale or consumption produce or goods that are primarily sourced, produced or manufactured on the same allotment or from the region; have an area for the display of produce or goods external to a building not exceeding 25m². <p>*3: If development is between 100m² and is located within the overlays listed in the Deemed-to-Satisfy Development categorisation it will be assessed as 'All other Code Assessed Development'.</p> <p>*4: A 'shop' is classified as 'Restricted Development' excluding where:</p> <ul style="list-style-type: none"> it is ancillary to and located on the same allotment or adjoining allotment used for primary production or value adding and offers for sale and consumption produce or goods that are primarily sourced, produced, or manufactured on the same allotment or from the region. <p>RECOMMENDATION:</p> <p>The quantitative floor space trigger for notification should be changed to 100m² for consistency of policy, noting that the maximum gross leasable floor area for the zone identified by DTS/DPF 6.1 is listed as 100m².</p>
Rural Aquaculture	x	x	✓ (see Note *1)	x	**	<p>Notes:</p> <p>*1: The listing of 'shop' as Performance Assessed Development states that DTS 4.1 of the Zone must be considered; however, this relates to 'offices'.</p>
Rural Horticulture	x	✓ (see Note *1)	✓ DTS/DPF 5.1 < 100m ² if in overlays listed in Deemed-to-Satisfy (see Note *2) (see Note *3)	✓ >250m ² excluding restaurants (see Note *4 for further exclusions)	✓ >200m ²	<p>Notes:</p> <p>*1: Except where applicable overlays apply</p> <p>*2: Additional criteria applicable to DTS 5.1 includes shops which:</p> <ul style="list-style-type: none"> are ancillary to and located on the same allotment or adjoining allotment used for primary production or value adding; offer for sale or consumption produce or goods that are primarily sourced, produced or manufactured on the same allotment or from the region; have an area for the display of produce or goods external to a building not exceeding 25m². <p>*3: If development is between 100m² and 250m² and is located within the overlays listed in the Deemed-to-Satisfy Development categorisation it will be assessed as 'All other Code Assessed Development'.</p> <p>*4: A 'shop' is classified as 'Restricted Development' excluding where:</p> <ul style="list-style-type: none"> It is ancillary to and located on the same allotment or adjoining allotment used for primary production or value adding and offers for sale and consumption produce or goods that are primarily sourced, produced, or manufactured on the same allotment or from the region. <p>RECOMMENDATION:</p> <p>The quantitative floor space trigger for notification should be changed to 100m² for consistency of policy, noting that the maximum gross leasable floor area for the zone identified by DTS/DPF 5.1 is listed as 100m².</p>
Rural Intensive Enterprise	x	x	*	x	**	
Rural Living	x	✓ (see Note *1)	✓ DTS/DPF 1.5 < 100m ² (see Note *2) (see Note *3)	✓ >200m ² excluding restaurants	✓ >100m ²	<p>Notes:</p> <p>*1: Except where applicable overlays apply</p> <p>*2: Shop must be located within the overlays listed in the Deemed-to-Satisfy Development categorisation.</p>

Zone	Accepted Development	Code Assessed		Impact Assessed	Public Notification	Notes / SCCA Recommendations
		Deemed to Satisfy	Performance Assessed	Restricted		
						*3: If development exceeds 100m ² and is located within the overlays listed in the Deemed-to-Satisfy Development categorisation it will be assessed as 'All other Code Assessed Development'.
Rural Settlement	x	x	✓ DTS/DPF 1.2 <150m ²	x	✓ >100m ²	RECOMMENDATION: Shops should be included in the list of Restricted Development with the following exclusion: "With a gross leasable area less than 200m²" The quantitative floor space trigger for notification should be changed to 150m² for consistency of policy, noting that the maximum gross leasable floor area for the zone identified by DTS/DPF 1.2 is listed as 150m²".
Rural Shack Settlement	x	x	*	x	✓ >100m ²	RECOMMENDATION: Shops should be included in the list of Restricted Development with the following exclusion: "With a gross leasable area less than 200m²" which would be consistent with the policy of the Rural Living Zone. A Performance Outcome (PO) and associated DTS/DPF should be inserted within the Assessment Provisions and include reference to a maximum gross leasable floor area of 100m². The quantitative floor space trigger for notification should be changed to 100m² for consistency of policy, noting that the maximum gross leasable floor area for the zone in the recommended DTS/DPF above is listed as 100m².
Suburban Activity Centre	x	* (see Note *1)	✓ (see Note *2 for clarification)	x	x	Notes: *1: 'Change of use to a shop, office or consulting room or any combination of these uses where the area to be occupied by the proposed development is located in an existing building and utilises existing on-site car parking' is classified as 'Deemed-to-Satisfy Development' except where any of the following apply: <ul style="list-style-type: none"> State Heritage Area Overlay State Heritage Place Overlay *2: A 'shop (not being a restaurant or bulky goods outlet)', a 'restaurant' and a 'bulky goods outlet' are classified as 'Performance Assessed Development' but are subject to different assessment provisions.
Suburban Business and Innovation	x	* (see Note *1)	✓ DTS/DPF 1.2 <500m ²	✓ >1,000m ² excluding restaurants	✓ >500m ²	Notes: *1: 'Change of use from a shop, office or consulting room to a shop, office or consulting room or any combination of these uses where the area to be occupied by the proposed development is located in an existing building and utilises existing on-site car parking' is classified as 'Deemed-to-Satisfy Development' except where any of the following apply: <ul style="list-style-type: none"> State Heritage Area Overlay State Heritage Place Overlay
Suburban Employment	x	x	✓ <1,000m ² other than a bulky goods outlet or, ancillary to a light industry DTS/DPF 1.2 <500m ² (see Note *1)	✓ >1,000m ² other than a bulky goods outlet or, ancillary to a light industry on the same allotment	x	Notes: *1: Additional criteria applicable to DPF 1.2 includes shops which are: <ul style="list-style-type: none"> in the form of bulky goods outlet; or ancillary to and on the same allotment as a light industry RECOMMENDATION: There is a fundamental question as to the selection of 500 square metres as the Deemed to Satisfy maximum gross leasable floor area given the nature and scale of this zone. The DTS/DPF gross leasable floor area be amended to 250m². For consistency of policy, shops that exceed the maximum gross leasable floor area for the zone identified by DTS/DPF 1.2 should be subject to notification. The following clause should be included under the Procedural Matters, Notification: "(a) shops in excess of the gross leasable floor area specified in DTS/DPF 1.2"
Suburban Main Street	x	* (see Note *1)	✓ (see Note *2 for clarification)	x	x	Notes:

Zone	Accepted Development	Code Assessed		Impact Assessed	Public Notification	Notes / SCCA Recommendations
		Deemed to Satisfy	Performance Assessed	Restricted		
						<p>*1: 'Change of use to a shop, office or consulting room or any combination of these uses where the area to be occupied by the proposed development is located in an existing building and utilises existing on-site car parking' is classified as 'Deemed-to-Satisfy Development' except where any of the following apply:</p> <ul style="list-style-type: none"> State Heritage Area Overlay State Heritage Place Overlay <p>*2: A 'shop (not being a restaurant or bulky goods outlet)', a 'restaurant' and a 'bulky goods outlet' are classified as 'Performance Assessed Development' but are subject to different assessment provisions.</p>
Suburban Neighbourhood	x	x	<p>✓</p> <p>DTS/DPF 1.3 <100m² (see Note *1)</p> <p>DTS/DPF 1.4 <200m² (see Note *2)</p> <p>(see Note *3)</p>	<p>✓ >1,000m²</p>	x	<p>Notes:</p> <p>*1: Other than a change in the use of an existing building that has been lawfully used as a shop, office or consulting room (or any combination thereof), shops do not exceed the floor area stated.</p> <p>*2: Additional criteria applicable to DTS 1.4 includes shops which are 'located on sites with a frontage to an arterial or collector road or adjacent a City Main Street or Activity Centre Zone.'</p> <p>RECOMMENDATION:</p> <p>For consistency of policy, shops, consulting rooms or offices that exceed the maximum gross leasable floor area for the zone identified by DTS/DPF 1.3 and 1.4 should be subject to notification.</p> <p>The following clause should be included under the Procedural Matters, Notification:</p> <p>"(e) shops, consulting rooms or offices in excess of the gross leasable floor area specified in DTS/DPF 1.3 or 1.4"</p>
Tourism Development	x	x	<p>✓ <500m² other than a restaurant or a bulky goods outlet</p> <p>DTS/DPF 1.2 <250m² (other than a restaurant) (see Note *1)</p>	<p>✓ >500m² other than a restaurant</p>	x (see Note *2 for other inclusions)	<p>Notes:</p> <p>*1: Additional criteria applicable to DPF 1.2 includes shops which are:</p> <ul style="list-style-type: none"> not a bulky goods outlet; in the form of a restaurant ancillary to and in association with tourist accommodation on the same allotment <p>*2: Other inclusions for public notification:</p> <ul style="list-style-type: none"> restaurant located within 30 metres of an existing dwelling on land in other ownership. <p>RECOMMENDATION:</p> <p>For consistency of policy, shops that exceed the maximum gross leasable floor area for the zone identified by DTS/DPF 1.2 should be subject to notification.</p> <p>The following clause should be included under the Procedural Matters, Notification:</p> <p>"(d) shops in excess of the gross leasable floor area specified in DTS/DPF 1.2"</p>
Township	x	x	<p>✓</p> <p>DTS/DPF 1.2 <250m²</p>	x	<p>✓ >250m²</p>	
Township Activity Centre	x	* (see Note *1)	<p>✓</p> <p>(see Note *2 for clarification)</p> <p>DTS 1.4 >500m² applicable to bulky goods outlet, which must be located towards the periphery of the zone</p>	x	<p>✓</p> <p>(see Note *3)</p>	<p>Notes:</p> <p>*1: 'Change of use to a shop, office or consulting room or any combination of these uses where the area to be occupied by the proposed development is located in an existing building and utilises existing on-site car parking' is classified as 'Deemed-to-Satisfy Development' except where any of the following apply:</p> <ul style="list-style-type: none"> State Heritage Area Overlay State Heritage Place Overlay <p>*2: A 'shop (not being a restaurant or bulky goods outlet)', a 'restaurant' and a 'bulky goods outlet' are classified as 'Performance Assessed Development' but are subject to different assessment provisions.</p> <p>*3: All classes of Performance Assessed Development' are excluded from notification except where they involve any of the following, development on a site located adjacent a dwelling within a neighbourhood zone which comprises:</p> <ol style="list-style-type: none"> development defined as 'all other code assessed development' in Township Activity Centre Zone Table 3 construction of a building which fails to comply with DTS 3.1 to 3.3 (inclusive)

Zone	Accepted Development	Code Assessed		Impact Assessed	Public Notification	Notes / SCCA Recommendations
		Deemed to Satisfy	Performance Assessed	Restricted		
Township Main Street	x	* (see Note *1)	✓ (see Note *2 for clarification) DTS 1.5 <500m ² applicable to bulky goods outlet	x	✓ (see Note *3)	<p>Notes:</p> <p>*1: 'Change of use to a shop, office or consulting room or any combination of these uses where the area to be occupied by the proposed development is located in an existing building and utilises existing on-site car parking' is classified as 'Deemed-to-Satisfy Development' except where any of the following apply:</p> <ul style="list-style-type: none"> State Heritage Area Overlay State Heritage Place Overlay <p>*2: A 'shop (not being a restaurant or bulky goods outlet)', a 'restaurant' and a 'bulky goods outlet' are classified as 'Performance Assessed Development' but are subject to different assessment provisions.</p> <p>*3: All classes of Performance Assessed Development' are excluded from notification except where development on a site located adjacent a dwelling within a neighbourhood zone which comprises:</p> <ul style="list-style-type: none"> development defined as 'all other code assessed development'; construction of a building which fails to comply with DTS 3.1 to 3.3 (inclusive)
Urban Activity Centre	x	* (see Note *1)	✓ (see Note *2 for clarification)	x	✓ (see Note *3)	<p>Notes:</p> <p>*1: 'Change of use to a shop, office or consulting room or any combination of these uses where the area to be occupied by the proposed development is located in an existing building and utilises existing on-site car parking' is classified as 'Deemed-to-Satisfy Development' except where any of the following apply:</p> <ul style="list-style-type: none"> State Heritage Area Overlay State Heritage Place Overlay <p>*2: A 'shop (not being a restaurant or bulky goods outlet)', a 'restaurant' and a 'bulky goods outlet' are classified as 'Performance Assessed Development' but are subject to different assessment provisions.</p> <p>*3: All classes of 'Performance Assessed Development' are excluded from notification except where they involve any of the following:</p> <ul style="list-style-type: none"> development defined as 'all other code assessed development' in Urban Activity Centre Zone Table 3 within the Port Adelaide Centre Subzone, the following classes of development: <ul style="list-style-type: none"> construction of a building which fails to comply with Port Adelaide Centre Subzone DTS 3.2 a freestanding advertisement with a height greater than 10 metres in all other parts of the Zone, development on a site located adjacent a dwelling within a neighbourhood none which comprises: <ul style="list-style-type: none"> construction of a building which fails to comply with DTS 3.1 to 3.3 (inclusive).
Urban Corridor (Boulevard)	x	* (see Note *1)	✓ DTS/DPF 1.2 <2,000m ² in a single building	✓ >4,000m ² excluding restaurant	✓ >2,000m ²	<p>Notes:</p> <p>*1: 'Change of use in an existing building (that does not involve any building work or modification that would otherwise require planning consent) from an office to a consulting room or shop' is classified as 'Deemed-to-Satisfy Development'.</p>
Urban Corridor (Business)	x	* (see Note *1)	✓ DTS/DPF 1.2 <500m ²	✓ >1,000m ² excluding restaurant	✓ >500m ² (see Note *2 for other inclusions)	<p>Notes:</p> <p>*1: 'Change of use in an existing building (that does not involve any building work or modification that would otherwise require planning consent) from an office to a consulting room or shop' is classified as 'Deemed-to-Satisfy Development'.</p> <p>*2: Other inclusions for public notification:</p> <ul style="list-style-type: none"> development exceeding the maximum building height specified in DTS/DPF 2.3 development exceeding the defined building envelope specified in DTS/DPF 3.1 or 3.2
Urban Corridor (Living)	x	* (see Note *1)	✓ DTS/DPF 1.2 <500m ² or is contained within an existing building	✓ >1,000m ² excluding restaurant	✓ >500m ²	<p>Notes:</p> <p>*1: 'Change of use in an existing building (that does not involve any building work or modification that would otherwise require planning consent) from an office to a consulting room or shop' is classified as 'Deemed-to-Satisfy Development'.</p>

Zone	Accepted Development	Code Assessed		Impact Assessed	Public Notification	Notes / SCCA Recommendations
		Deemed to Satisfy	Performance Assessed	Restricted		
Urban Corridor (Main Street)	x	* (see Note *1)	✓ DTS/DPF 1.2 <2,000m ² in a single building; except in Urban Activity Subzone	x	✓ >2,000m ²	Notes: *1: 'Change of use in an existing building (that does not involve any building work or modification that would otherwise require planning consent) from an office to a consulting room or shop' is classified as 'Deemed-to-Satisfy Development'.
Urban Neighbourhood	x	x	✓ DTS/DPF 1.6 <500m ² for individual tenancies, and <5,500m ² in a single building	✓ >10,000m ² excluding restaurant	✓ >500m ² for individual tenancies, excluding those in the Main Street and Rehabilitation Subzones >5,500m ² for a single building, excluding those in the Main Street and Rehabilitation Subzones >2,000m ² in the Rehabilitation Subzone	RECOMMENDATION: The quantitative criteria for Restricted Development for shops with a gross leasable floor area greater than 10,000 square metres is unacceptably and disproportionately high providing the opportunity for the development of excessive retail development that compromises the Key Principles of Retail Planning adopted in SPP 9. 10,000 square metres equates to a large Neighbourhood or small District Centre under the current Centre Zone Hierarchy. This is further reinforced through the lack of policy guidance within the general sections of the code relating to the development of out-of-centre retailing. The Restricted development criteria should be reduced to 2,000 square metres for individual tenancies and 6,000 square metres in a single building.
Urban Renewal Neighbourhood	x	x	✓ DPF/DTS 1.3 <100m ² DPF/DTS 1.4 <200m ²	✓ >1,000m ²	x	RECOMMENDATION: For consistency of policy, shops, consulting rooms or offices that exceed the maximum gross leasable floor area for the zone identified by DTS/DPF 1.3 and 1.4 should be subject to notification. The following clause should be included under the Procedural Matters, Notification: "(e) shops, consulting rooms or offices in excess of the gross leasable floor area specified in DTS/DPF 1.3 or 1.4"

✓ = Listed with Floor Space Trigger

x = Not Applicable

*Table 3 states that 'All other Code Assessed Development' will be **Performance Assessed**.

****Public Notification**

The Planning Development and Infrastructure Act 2016 prescribes that all 'Performance Assessed' Development require public notification.

However, the majority of the Zones within the Draft Planning and Design Code state the following:

All classes of 'Performance Assessed Development' are excluded from notification except where they involve any of the following:

- (a) where the site of the development is adjacent land to land in a different zone
- (b) development identified as "all other code assessed development" in [respective] Zone Table 3

Thus, Zones which contain the above excerpt in relation to public notification will be marked with an '*' in the 'Public Notification' column.

In many cases, there may be other inclusions for public notification pertinent to each Zone, if this is the case it will be stated:

- within the 'Public Notification' column; or
- within the 'Notes' column