Dear Michael

SUBMISSION IN RESPONSE TO PRODUCTIVE ECONOMY DISCUSSION PAPER

Thank you for providing the Council with the opportunity to provide comments on the Productive Economy Discussion Paper. The Council considered the Discussion Paper at its meeting held on 4 February 2019 and resolved to make a detailed submission.

As you are aware, the Discussion Papers which have been released, provide an outline of the timing and high-level scope of the Commission’s intended program for transitioning 72 Development Plans into a single Planning and Design Code, the first version of which has just been released. The timeframe for progressing beyond high-level policy directions into detailed, consistent planning policies is, in the Council’s opinion, ambitious and will be a challenge to appropriately and objectively consider and address the issues which have been raised prior to the release of the Code. This is particularly the case as two (2) of the suite of five (5) Discussion Papers, are yet to be released. In this respect, the Council again wishes to raise its concerns regarding this process - a concern which the Council understands has been raised by other Councils and individuals.

Exacerbating the concern regarding timeframes, the Productive Economy Discussion Paper poses some fundamental questions and indicates the need for high-level strategic reviews. Notably, the Paper states that a review of retail policy is still required and will be undertaken prior to Generation 1 of the Code and also asks whether the centres hierarchy is still relevant. These are important policy issues and while the Council appreciates being consulted, it is concerning that these are only now being formally explored at this point of the planning reforms program.

In 2015, the former Minister for Planning advised Local Government of investigations and a review of ‘activity centres’ and associated policy frameworks. Subsequent policy changes implemented or proposed by the State Government, such as the Existing Activity Centres Policy Review DPA and the Inner and Middle Metropolitan Corridor Infill DPA, demonstrated a move away from centres policy in favour of a more flexible policy and zoning environment. It is curious and indeed confusing then that the State strategic position on retail centres is still being explored through this Discussion Paper.

This issue of confirming and finally communicating to Local Government and the community, a position on the centres hierarchy has been outstanding for well over a decade. If there is to be a change to having a centres hierarchy, then this decision must be based on sound data and investigation on the impacts of such a strategy. With this trend toward deregulation, it is clear that the ‘big players’ will benefit at the expense of small centres.
The *Productive Economy Discussion Paper* illustrates conflicts in terms of policy objectives which again need careful consideration. For example, the Discussion Paper is promoting 'policy flexibility' which is 'positive and enabling' but also 'transparent, consistent and reliable'; however it remains unclear how the Code will deliver flexible policy which responds to change and demand, and is also consistent and reliable. The background paper also recognises that urban manufacturing is vulnerable to displacement by pressure for other development types, while the Discussion Paper suggests rationalising industrial zones and encourages a broader scope of land uses in non-residential zones. Finally, many key opportunities recognise the need for policy reform or review, but also recognise these issue as 'Transition Ready' or 'Reform Gen 1'.

Strategic planning plays an important role in resolving such conflicts which must be delivered through a strong regional plan. This Council has expressed in several of its previous submissions, that the current 30 Year Plan for Greater Adelaide does not provide the level of detail which is required to deal with various functions of the new planning system, most notably Private Code Amendments. Whilst it is understood the 30 Year Plan will remain in operation beyond July 2020, it is vital that the drafting of a new regional plan commences as a matter of priority to reduce the length of time which the system is operating without a resolved strategic plan in the new planning system, and reduce the risk of opportunistic private interests seeking poorly considered zoning outcomes.

As you would be aware, an important aspect of strategic planning is evidence based decision making and policy direction. While it is important to 'future proof' policies, it is also important that significant changes in zoning, land use planning and policy frameworks are introduced strategically and only as required. If land is re-zoned well in advance of need, this could lead to a dispersion of ad-hoc development which dilutes retail catchments and infrastructure demand and provision. Some of the policy approaches contained in the Discussion Paper, such as diversifying land use mix and creating more flexible policy, will result in significant changes to the system and it is considered that to date, insufficient evidence has been provided to justify these changes. This is concerning as in the absence of evidence and justification, decisions which are made could have significant long-term deleterious impacts on land-use, transport, built-form, car parking, infrastructure etc.

It is noted that consultation on the Discussion Papers is not a statutory requirement and therefore the consultation does not need to be undertaken in accordance with the Community Engagement Charter. However, given the importance of these policy directions in shaping the Code and the limited timeframe for iterative inputs, to assist in achieving a workable policy, community consultation is vital and should be consistent with the Charter in the interests of genuine engagement.

I have enclosed for your information, the Council's submission on the *Productive Economy Discussion paper*.

Thank you for the opportunity to provide comments on the Discussion Paper and I look forward to working in collaboration with the Commission to achieve a workable planning system.

If you have any questions regarding the Council's submission, please contact the Council's Manager, Urban Planning and Sustainability, Eleanor Walters on [contact details], or the Council's Senior Urban Planner, Emily Crook [contact details].

Yours sincerely

Mario Berone PSM
CHIEF EXECUTIVE OFFICER
General Comments

The Council supports a planning framework and policies which facilitate economic growth, accommodates emerging and growing industries, and continues to support existing businesses. The Planning, Development and Infrastructure Act 2016 provides a number of new opportunities and mechanisms which should continue to be explored to support the State’s economy.

Outlined in the table below are responses to the specified discussion questions, along with additional comments on key issues, particularly where the relevant discussion question was not considered to cover the scope of the related topic (e.g. tourism and adaptive reuse). Also outlined immediately below are comments relating to more general, but important, issues relating to future Code policies.

Reform in Generation 1

The extent of difference between current Development Plans and the Code remains unclear, however it has previously been explained that there will not be significant reform in the first generation of the Code, in order to ease the transition process. It is appreciated that consolidating 72 Development Plans in to the Code will require some changes to the policy content and some ‘gaps’ which will require attention, however some of the proposed policy responses indicated as ‘Reform Generation 1’ are likely to result in more than a minor change. For example:

2C. Undertake a review of retail policy and consider how it can be strengthened to respond to current and future challenges and opportunities.

3A. Investigate and introduce policy to provide improved guidance in relation to renewable energy generation developments.

3B. Identify further potential policy incentives that can promote the adaptive reuse of buildings.

These details are very unclear and have the scope for significant change beyond the policy status quo. Policy reform will be particularly challenging given the tight timeframes in implementing the Code by July 2020. The City of Norwood Payneham & St Peters have requested that further releases of draft Code content and information on the transition process be provided to deliver further context for what impact these policy changes may have.

Strategic Planning/Regional Plans

This Discussion Paper identifies the need for strategic planning and regional plans. These are particularly important for providing affordable, well-located land supply which is coordinated with infrastructure and is established with adequate community consultation (pg 28, 39). However, the Paper reiterates that the current regional volumes of the Planning Strategy for South Australia will service as the state’s interim regional plans until new versions are prepared (pg 22).

Regional Plans

The City of Norwood Payneham & St Peters has articulated through a number of previous submissions that the current 30 Year Plan does not provide sufficient spatial resolution to deal with new processes being introduced through the planning reforms. As such, a more spatially resolved regional plan (and sub-regional plans in Greater Adelaide) should be developed as a matter of priority to resolve the following concerns:

- the 30 Year Plan represents the whole of Greater Adelaide as being targeted for redevelopment, without identifying areas which should have limited infill in the interests of preserving the environment, heritage or character;
- a need for better definitions of terms in the 30 Year Plan;
• conflicting State Planning Policies which require contextual prioritisation;
• the potential pressures from private Code amendments which may not (or perhaps are unlikely to) align with councils’ strategic plans or intended strategic direction;
• the need to identify the location of future centres and precincts such as retail centres, innovation precincts or health/medical precincts, mixed use areas, large format retailing, intensive employment generators;
• the need to guide infrastructure upgrades to cater for increasing densities and cumulative effects of urban infill. This is likely to require coordination between councils, for example road networks or creek catchment areas which run between councils.

Regional and sub-regional plans will take considerable time to prepare and as mandated under the Community Engagement Charter, significant engagement with stakeholders is required including business sectors, infrastructure providers, residents and the general community. It is acknowledged that the 30 Year Plan will serve as the Greater Adelaide Regional plan past July 2020, but work on new regional plans should commence as soon as possible to reduce the length of time we are operating under the 30 Year Plan in the new system and reduce the risk of opportunistic private interests seeking poorly considered zoning outcomes.

Infrastructure
With respect to infrastructure, the Paper suggests that a more compact urban form can lead to efficiencies in using infrastructure and resources (pg 36). While this is true, careful consideration should also be given to the additional pressures urban development and infill has on infrastructure, such as roads and stormwater networks, and the significant costs involved in upgrading existing infrastructure within built up areas. The Regional Plan will need to identify where augmentation is required of existing infrastructure facilities.

Evidence based decision making
An important aspect of strategic planning is ensuring any proposed changes are evidence based. Several recent decisions and strategic directions by the State Government /State Planning Commission have not been accompanied by a demonstration of need. Most notably, many proposed changes to be introduced through the planning reforms are predicated on the fact that councils are under-performing in development assessment and therefore a greater proportion of development applications should be processed as Deemed-to-Satisfy and/or a greater proportion of applications should be determined by private certifiers. There also does not appear to have been a review of existing Rescode Development and there does not appear to have been a review of the performance of private certifiers. Despite development assessment statistics being provided by councils through system indicators there has not been a clear statistical demonstration of poor performance by councils across the board.

Recent State Government decisions or proposals have indicated to local government that traditional retail and commercial policy frameworks are at risk of being diluted, for example:
• the Inner and Middle Metropolitan Corridor Infill DPA in 2015 which proposed linear extensions of the Urban Corridor Zone shortly after the Stage 1 of Urban Corridor Zones had been established. ‘Strip’ mixed use zoning has the potential to weaken customer catchments for existing centres, dilute concentrations of development in the previously established Urban Corridor Zones (compromising minimum net densities for businesses and services), spread external impacts over a broader area and create challenges in infrastructure provision;
the Existing Activity Centres Policy Review DPA resulted in a range of changes to policies in centre zones, including softening of floor area caps which controlled the size of businesses commensurate with the size of the centre; and

examples of developments being approved outside of established centres and well in excess of the relevant zone policies; the most notable example for this Council being the Major Development at the Peregrine Headquarters in Kensington.

The Productive Economy Discussion Paper encourages an increased diversity of land uses in commercial zones, questions the validity of current centres policy, and explores opportunities for out-of-centres development or fringe expansion. At the same time, the Paper identifies that there is an outstanding need to review retail and centres policy which indicates there is an insufficient evidence base for these proposed changes to retail policy formats. The Paper also supports more flexible policies, as explored below, however it is considered that there is also insufficient evidence for why more flexible policies are required.

Flexible Policy

A ‘flexible policy environment’ appears to be an aspiration of the new planning system. The benefits of flexible planning policies in encouraging economic growth is a consistent theme throughout this Discussion Paper, reiterated through points such as:

- The planning system can provide a positive and enabling environment that unlocks development, innovation and liveability (pg 11)
- One of the most important functions of the new planning system is to facilitate and enable economic growth opportunities (pg 21)
- Investors and businesses seek clarity, opportunity and security… This can be achieved through a strategically planned supply of land; the identification and provision of supporting infrastructure such as freight networks and planning policy which is clearly articulated and flexible enough to respond to future challenges and opportunities (pg 21)
- Efficiency in regulatory process and review affects the risk profile of potential investments and the costs of doing business. The planning reform process is, in part, an effort to ensure these elements are more transparent, consistent and reliable, and to ensure more streamlined decision making (pg 23)
- Policy flexibility that enables an increased diversity of retail activities to reflect changing retail trends and support emerging formats (pg 37)

The City of Norwood Payneham & St Peters supports a policy framework which encourages economic growth, remains up to date with current economic trends, supports local businesses, and ensures the community’s service needs are met. However, some of the above statements create a perception that economic gains will be heavily prioritised over the other needs of a community. Good land use planning principles must not be abandoned in pursuit of a “development at any cost” approach. It is also unclear how planning policies will be ‘clearly articulated’, provide ‘clarity, opportunity and security’, and remain ‘transparent, consistent and reliable’ while also being ‘flexible enough to respond to future challenges’. Policy flexibility for those investing in development projects, is counter-productive to clarity and consistency of outcomes for the community.

Establishing clear zone hierarchies and policies helps to set expectations for the community (both businesses and residents). It provides some level of certainty about the land use and built form environment they will be living and working in. There has been a concerning trend in recent years of significant developments being approved above and beyond the scope of the established zone policies, the context of the locality and the expectations of the surrounding community. This might be ‘flexible’ and ‘enabling’ for the persons undertaking the development at a site which suits them, but does not provide transparency, consistency or reliability for the community.
A future flexible policy framework should not further encourage out-of-character developments on an ad-hoc basis, nor provide a system of ‘policy trade-offs’ permitting developments to go above and beyond established policy expectations. Instead, where there is a demonstrated or expected need for policy changes (e.g. due to population growth or the need to accommodate a new form of industry or business), this should be addressed through a Code amendment which goes through appropriate community consultation. Larger changes may require an amendment to the regional/sub-regional plan. In the interests of efficiency, the planning system should be able to process these changes as promptly as possible, without compromises being made to the consultation process.

It may be the case that the language around flexible policy is not intended to allow ‘free reign’ for developers, but instead envisages avenues for reducing administrative ‘red tape’, whilst remaining consistent in how the policy is applied. This could be supported, subject to the policy content, and the potential effects on surrounding properties and regulatory enforcement. The Discussion Paper suggests that ‘fit for purpose controls (could) deal with unanticipated externalities associated with ‘disruptive’ ways of doing business’ (pg 48). It is unclear how ‘fit for purpose’ controls will deal with ‘unanticipated externalities’ given how prescriptive current planning enforcement proceedings need to be.

While some flexibility is required for the Code policies to adapt to change, the extent of policy flexibility should not compromise the planning system’s core purpose of regulating the distribution of land uses and associated built form. Clarification is required on what is envisaged by greater policy flexibility and how this can be incorporated into our planning system in an equitable and sustainable manner. The Council’s view is that “policy flexibility” should not be consistently occurring at the development assessment stage to achieve greater-than-intended development outcomes. If there is need for outdated policy to be relaxed or made more “flexible”, this should occur with full transparency only through a policy change (Code Amendment) process.
### Key Discussion Questions

**How do we ensure that the new system helps to facilitate economic activity and provide adequate employment lands for current and emerging businesses and industries?**

**Response**

It is important for regional plans and zoning in the Code to set aside sufficient land which is suitable for commercial and industrial uses to help protect the viability of a range of businesses. Where there is increasing demand for residential, mixed use or retail developments and where these uses are permitted within the zone, uses such as warehousing and manufacturing may struggle to secure land as they are likely to provide a smaller return per m².

The City of Norwood Payneham & St Peters contains two significant light industrial areas, (Stepney and Glynde), which make important contributions to the local service economy, particularly in the food and beverage manufacturing sector and other emerging local businesses. These areas provide a range of employment options for inner metropolitan areas, strengthen the local economy and do not typically need to transport goods long distances as might be the case for businesses located in fringe areas. Due to their inner-metropolitan location, these areas have and will continue to be desired locations for other forms of development such as retail/bulky goods.

With respect to emerging businesses, incorporating land use definitions in the Code rather than in the Regulations as is currently the case, will allow for more ‘real time’ changes to land use definitions based on emerging business types and experiences and outcomes in development assessment. Practice directions can also help to address any immediate issues relating to misinterpretation of land use definitions etc.

As discussed further below, certain change of land use applications being processed as deemed-to-satisfy can be an effective way of reducing ‘red tape’ for business operators, particularly in a competitive leasing environment. It is important, however, for any deemed-to-satisfy requirements to be cognisant of external impacts resulting from change of use applications, and it is important for any building code requirements to be observed.
How could Offset Schemes be used?

Offset schemes which allow a contribution to a formalised fund or project to offset a shortfall on site can provide opportunities for a constrained site and contribute to a project which will be of greater community benefit.

The success of offset schemes will be heavily determined by the location of the offset scheme product; if the product is located too far from the contributing sites, it is less likely to be of immediate benefit to the occupants of the site and the local community more generally who may be affected by the shortfall on the site. For example, it is important for a public car park which is funded with car parking fund contributions to be located near the contributing sites so as to be of benefit to visitors/customers and the local street network. Similarly, public parks funded by open space contributions should be located near the contributing developments so that occupants who have minimal private outdoor space have convenient access to public outdoor space. The success of the scheme will also be determined by the frequency and amount of contributions from developers e.g. if the offset scheme is only funded 5% every year, this would take 20 years for the benefit to come to fruition. There should also be non-negotiable minimum onsite requirements; it is not appropriate for only, say, 20% of the required car parking to be provided onsite, with the equivalent of 80% car parks contributed to the car parking fund. There is also a need for a legislative mechanism to ensure ongoing access or arrangements to the offset facility, particularly if the offset facility occurs partly or wholly on private land.

Offset schemes will only be appropriate for particular aspects of a development (perhaps stormwater management, car parking, open space etc). Offset schemes should not allow development to exceed established policy parameters, particularly if the ‘offset’ is unrelated to the policy departure. For example, it is not acceptable for a building to be constructed one or more storeys above maximum building heights because they have provided a larger water retention tank or better landscaping; the neighbours affected by the increased building height would get no benefit or relief from better stormwater management practices.

Theme 1 – Supporting and Growing Key Industries

This theme seeks to support and grow key industries. It is recommended that growth policy be developed for each of the areas where the State has a key competitive advantage not just primary industries, tourism, and mining and exploration (as appears to be suggested on pages 26-27).

There is a need to acknowledge South Australia’s high proportion of Small-to-Medium Enterprises (SMEs) and their role and importance to local economy, in addition to focusing on industries as a whole or catering policies to large retailers. The emphasis on service industries as a growing proportion of our economy is understood, but there must a diversity of industries to be sustainable in the long run. For example, there is a need to continue to support industries which contribute to GST.

Additionally, there is also a need to be more realistic about what planning and the legislative framework can achieve and influence. Land use zoning and related policy can protect and reserve land for particular purposes, however market and demand is the primary driver of growth. The theory that
‘if you zone it, they will come’ may work if the demand exists, but does not guarantee investment nor the longevity of business. New or future zoning also needs to be better defined spatially through a Regional Plan to provide transparency and manage expectations for the broader community.

### Sub Theme 1.1 – Primary Industries

<table>
<thead>
<tr>
<th>52</th>
<th>1D</th>
<th>Key opportunity: Develop better policy criteria/guidelines for new and emerging infrastructure such as, but not limited to, frost fans, solar farms, telecommunications, and horticultural netting for those cases that are not exempt under the new Regulations.</th>
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<td><strong>Proposed response:</strong> Review primary production planning policies to ensure that development activities or land uses which are complementary and ancillary to on-farm primary production activities are envisaged in the Code.</td>
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<td><strong>Proposed Timing:</strong> Reform (Gen 1)</td>
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<td>There appears to be some disconnect between the key opportunity which seeks development of new/better policies, and the response which seeks to just review policies. Also the opportunity refers to a range of infrastructure but the response refers to development activities that are complementary to on-farm primary production. Perhaps this could be clarified to indicate that new policies will be developed if the current policies are inadequate and what scope of infrastructure this relates to?</td>
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| 53 | **Discussion Question** | **Should the Code include a 40 metre interface buffer between rural and residential, but allow a smaller buffer distance if it can be justified?** |
|    | Not geographically relevant - No Comment |

| 53 | **Discussion Question** | **Does policy regarding subdivision and minimum allotment sizes need to be reviewed and strengthened?** |
|    | It is important for policies to specify minimum allotment sizes which are based on surveys and feasibility studies to determine both the viability of the minimum site area in that location and to understand the existing and desired future character of the area. In a commercial context, minimum allotment sizes are likely to influence the nature of businesses (e.g. large format retailing vs local shops, large scale manufacturing vs local service industries) which is important to take into account when setting minimum block sizes. Establishing minimum allotment sizes also provides some indication of the development |

|    | Not geographically relevant - No Comment |

|    | It is important for policies to specify minimum allotment sizes which are based on surveys and feasibility studies to determine both the viability of the minimum site area in that location and to understand the existing and desired future character of the area. In a commercial context, minimum allotment sizes are likely to influence the nature of businesses (e.g. large format retailing vs local shops, large scale manufacturing vs local service industries) which is important to take into account when setting minimum block sizes. Establishing minimum allotment sizes also provides some indication of the development |
potential and associated demand of an area so that the appropriate infrastructure and road networks can
be provided. Structure plans will be particularly important in some areas to demonstrate how a co-
ordinated development should occur to maximise land use efficiencies and minimise impacts.

When inquiring about a site’s development potential, the first question normally asked relates to minimum
allotment sizes/frontage widths. This information is easily understood by the community and is an early
indicator of the feasibility of the site. The relevant local minimum site areas and frontage widths could
easily be incorporated into the Code as a local policy variation. Local policy variations are likely to be
limited so as to not complicate the development assessment process, but something as interchangeable
as a minimum site area figure has not proven in our experience to be confusing or complicated.

In *Living Australia Pty Ltd v City of West Torrens (No. 1) [2018]SAERDC 38* (23 August 2018) the primary
task of the appeal was to determine what site areas are appropriate given that the relevant Development
Plan policies anticipated “very low density” but did not specify a minimum allotment size. It is likely that
quantitative policies would have more easily resolved this issue.

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<th>Sub Theme 1.2 - Tourism</th>
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<td>To ensure Code policy best reflects and meets the tourism needs of the State, it is recommended that a review be undertaken as to why people come to South Australia and how Code policy and zoning can further facilitate and encourage this. It is also recommended that the scope of what tourism ‘is’ for the purposes of Code policy be defined. For example, there are core tourism policy areas such as short term accommodation, attractions and activities, heritage tourism, events, and preservation of key natural environments (e.g. national parks). There are also important related policy areas such as retail, hospitality, transport and associated infrastructure which form part of the tourism sector.</td>
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**Discussion Question**

Do we need to review our signage policies? In particular, do we need facilities for third party advertising and tourism advertising? For example, should there be more scope for tourism signs on arterial roads and outside of townships?

It is unclear if this question relates specifically to rural and regional areas, however third party advertising should be addressed by the Regulations and the Planning and Design Code.

Currently, Schedule 2(8) specifies that the commencement of the display of an advertisement is development, but excludes changing the contents of an existing advertisement if the advertisement area is not increased. There is no clause to differentiate third party advertising, therefore a sign originally established to advertise a business on the site could be changed to a third party sign without development approval. An opportunity exists for the future regulations or the Code to determine whether commencing a third party advertisement is exempt development. It would also be useful to define third party advertising, for example does third party advertising include a shop sign advertising brands which they stock (e.g. Coca-Cola) without specifying a product or price?
If the commencement of a third party sign requires development approval under the new system, the Code should include policies relating to where and in what circumstances third party advertising may be appropriate. Third party advertising is unlikely to be appropriate within a residential context but may be appropriate in a commercial zone on an arterial road.

Any negative impacts of third party advertising primarily result from:
- a proliferation of signage on a site due to third party signs being installed in addition to signs advertising the tenant business;
- the size of the signs - third party signs are typically larger to maximise exposure; and
- impacts such as illumination/animation/moving parts.

These three issues can be dealt with by policies which relate to signage generally and don’t necessarily need to be specific to third party advertising.

More specific Code policies will be required for freestanding third party signs which are installed on public land. The policies could specify appropriate location, size, public safety requirements, limit the number of signs etc. The policies should be tailored to the context of the zone or area; it is likely to be more appropriate to have signs advertising accommodation and attractions at the edge of a rural township rather than on suburban streets in metropolitan Adelaide, an exception perhaps being advertisements on telephone boxes or bus shelters. Some councils may have a policy regarding signs on public land which may be relevant to consider, in addition to Code policies.

**Sub Theme 1.3 – Mining and exploration**

**Discussion Question**  
**Should undeveloped strategic mineral resources be identified and protected from urban encroachment and other incompatible development?**  
**Ref 2E**

Not geographically relevant - No Comment

**Theme 2 – Linking People to Jobs, Goods and services**

**Sub Theme 2.1 – Centres, retail and mixed use activities**

57

Careful consideration should be given to where and how this should occur to prevent unreasonable impacts on sensitive zones through unmitigated ‘zone creep’. Any expansion of commercial land uses should be preceded by a Code amendment and an appropriate level of community consultation, including direct consultation with affected properties. Furthermore, where is the demonstrated demand that existing...
| **56** | **2A** | **Key opportunity:** Centres are an important part of SA’s economy. There is an opportunity to consolidate the range of centre type zones (including regional centre zones) and transition to the Code.  
**Proposed response:** Transition, update and consolidate the existing contemporary retailing, activity centres and regional centre policies and zones.  
**Proposed Timing:** Transition ready. | Some rationalisation of existing centre zone types (i.e. zone names available in a library) may be appropriate, provided the intent and anticipated scale of development within those zones remains largely the same. For example, it may be appropriate to amalgamate existing ‘Local Shopping’ and ‘Local Centre’ zones, but we should not amalgamate ‘Local Centre’ with ‘District Centre’.  
If any proposed consolidation removes important policy differentiation between zones (especially localised policy) this should not be considered ‘transition ready’. The scope of this change is considered too broad to be ‘transition ready’, particularly if any proposal removes important policy differentiation between zones (especially localised policy). There has been significant investment in existing centres based on the long established policy of hierarchy and scale. |
| --- | --- | --- |
| **56** | **2B** | **Key opportunity:** Promote mixed use zoning and flexible policy to support innovation, growth and diversity to provide for changing business and market needs, particularly in the right locations.  
**Proposed Response:** Review and transition the policy intent of SAPPL mixed use zones.  
**Proposed timing:** Transition ready | There appears to be some disconnect between the opportunity, the response, and the suggestion that this policy is ‘transition ready’. Promoting mixed use zones and flexible policy is a common message in the planning reforms program; it is somewhat concerning that a review of mixed use SAPPL policies is only now being undertaken(?). It is unclear how this can be ‘transition ready’ given this would be a noticeable shift to current practices. |
| **56** | **2C** | **Key Opportunity:** Conventional ‘bricks and mortar’ retail industry is experiencing significant disruption by out-of-centre retailing, international competitors entering the market, online retailing and shared | Page 7 of this Discussion Paper states that there has already been a review of existing SAPPL policy but Page 37 and 2C suggest that a review on retail policies is yet to be undertaken – can clarification be provided? As above, it is concerning if a review of retail policy is yet to be undertaken given the challenging timeframes presented by the July 2020 deadline. In any case, it is important that the City of Norwood Payneham & St Peters is provided an opportunity to provide input into this review. |
Productive Economy Discussion Paper – City of Norwood Paynemah & St Peters Submission

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<th>economies and this is changing the form, scale, intensity and locations of retail activities. Proposed response: Undertake a review of retail policy and consider how it can be strengthened to respond to current and future challenges and opportunities. Proposed timing: Reform (Gen 1)</th>
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### Key Question

**How could a more coordinated metropolitan staging program be achieved which provides greater certainty to all stakeholders and assists more orderly development?**

The Policy Conversation Area on page 28 of the Discussion Paper identifies positive steps towards a coordinated metropolitan staging program. Specifically, the need to identify appropriate land supply, coordination with infrastructure and services, and evidence based rezoning and land supply. Regional plans (and sub-regional plans where appropriate) are vital for implementing coordinated and integrated strategic planning for the State. As outlined above, the current 30 Year Plan does not have sufficient spatial resolution to provide certainty for stakeholders.

It is essential that a future metropolitan staging program is based on the demonstrated and predicted needs of the region, provides a coordinated and staged ‘roll out’ of development and services, and for the stages to be clearly articulated within the Regional Plan. There should be a clear set of criteria for what constitutes “suitably located” land (pg 28) as relevant to the intended land use(s). It should also be clear what extent of a stage should be developed prior to subsequent stages being rezoned/released and what extent of infrastructure should be in place prior to private developments being undertaken within a newly released area.

Regional Plans are subject to the Community Engagement Charter, however if any metropolitan staging program sits outside of a Regional Plan, it is essential that comprehensive and genuine community consultation is undertaken. It is vitally important for Councils to be involved in formulating the staging program, given that Councils will be responsible for providing and maintaining infrastructure and services as areas develop.

There is considerable risk that future private Code Amendments could lead to zoning and policies which are inconsistent with the strategic directions and community expectations for the local area. Given how little involvement Councils are likely to have in the Private Code Amendment process, it will be especially important for private Code Amendments to be consistent with the relevant Regional Plan and metropolitan staging program. It is also anticipated that the State Planning Commission will establish Practice Directions relating to the requirements for a private Code Amendment. This Council also recommends that no Private Code Amendments be entertained until such time as a Regional Plan under the Planning, Development and Infrastructure Act is in place.
| Key Discussion Question | There is a need to look at the ‘experience’ offered in retail centres holistically to determine their success, not just the success of each individual business. Coordinated ‘branding’ for retail and commercial precincts, such as main streets, can be an effective way of attracting business and supporting the broader community. Branding precincts can raise the profile of the area, foster commercial interests, facilitate networking and events, and can foster co-locating of like businesses to create destination shopping - e.g. a concentration of wedding and bridal businesses on Payneham Road. (Note that notwithstanding the benefits of destination shopping, it is important to ensure precincts maintain a sufficient diversity of businesses to encourage activity at different times of the day and for long term viability.) Partnerships between State and local governments, Business SA and organisations such as Mainstreets SA can help to encourage and maintain these precincts.

It is important for the Code to take into consideration the market trends and the influence that the market has on development and demand, as these have a more significant impact on the opportunities for new entrants to the market than planning policy does. |
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<td>A harmonised and efficient pattern would be expected to provide consistency and homogony, however in the Key Question above, the Discussion Paper is exploring diversity and points of difference to attract retail customers. This is a challenging dichotomy and it is unclear what direction is intended for the Code.</td>
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<tr>
<td>Change of Use Applications</td>
<td>The Existing Activity Centres Policy Review DPA introduced some change of use applications as a complying form of development in specified circumstances. This change has been positive for applicants and has generally not resulted in unreasonable impacts - albeit in the City of Norwood Payneham &amp; St Peters, the change of uses have occurred in busy activity centres where any impacts are less noticeable. This policy approach has made the planning process much easier for business owners trying to get established, so should be carried over into the Code in appropriate locations.</td>
</tr>
<tr>
<td>Location of retail centres</td>
<td>It is worth noting that building code requirements for a change in building classification can be onerous, particularly for small businesses, but are important to protect the health and safety of occupants. Applicants must be made be aware of the potential building code requirements as early in the process as possible, so they are aware of the costs and time implications.</td>
</tr>
<tr>
<td>With respect to well-located retailing, as outlined above, a Regional Plan and coordinated metropolitan staging program should strategically identify any new retail land. These documents should ensure new retail land isn’t released or rezoned well in advance of need so as to not dilute the customer base of existing retailers, given the negative impacts this could have on local economic markets.</td>
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</table>
There is a strongly held perception that large corporations and retailers can decide where they want to ‘set up shop’, regardless of how this fits in to the broader zoning or strategic plans, as this will get a rubber stamp approval. This is perceived as corporations bypassing the usual planning system in the interests of prioritising economic investment above all other interests. While new businesses and economic growth/change is certainly supported, a new business is not entitled to establish itself in a location which is not strategically, economically or socially viable for the broader community.

**Land Use Definitions**

As explored further below, it is important to ensure that land use definitions are regularly reviewed, reflect modern business types and emerging technologies, and are updated in response to court appeals etc. This will help to provide consistency and certainty for all stakeholders when dealing with the development application process.

### Discussion Question

**Is there a need to retain the centres hierarchy or not – is it still relevant to today’s planning?**

The centres hierarchy policy is a well-established system in the current planning framework. The Deloitte Paper *Land Use Planning and the South Australian Economy* appears to support the retention of centres, and facilitating new centres where required to accommodate a growing population.

**Benefits of Centres Hierarchy**

As recognised in part in the Discussion Paper, the benefits of a centres hierarchy include, but are not limited to:

- concentration of businesses maximising customer patronage, co-ordinated facilities and strategic transport movements. This prevents dilution of customer catchments to help support and maintain local brick and mortar shops, some of which are struggling to compete against online shopping and price undercutting of large corporations;
- planned transport networks (including public transport routes and freight deliveries), based on the trip generation potential of larger centres. Customers are more likely to take public transport to a major centre where they intend to stay for a reasonable length of time and visit different shops/services, whereas they are much more likely to drive to isolated ‘destination’ shops;
- centralise shops, services and infrastructure which provides convenience for customers and staff;
- facilitate shared parking arrangements creating car parking efficiencies;
- provide some assurance to business owners and surrounding residents as to the expected scale of development and economic climate within their area. This helps provide some certainty to business operators about their customer base and competition, and helps residents make informed decisions about where they want to live;
- similarly, clear zone designation enables market forces to operate more fairly; those investing
more in a centre zone location do so on the basis that they are likely to have a stronger customer base. These investments are undermined if other businesses or development can be established out of centres and contrary to established zone policy; and

- ability to co-locate important services (eg community centres, health facilities, child care) in locations where there are already large concentrations of people.

This Discussion Paper appears to suggest that the centres hierarchy policy can be anti-competitive, but on the contrary, dismantling centres could be seen as anti-competitive with respect to maintaining a variety of competitors in the market. In a centres hierarchy, larger retailers such as Woolworths, Coles, Aldi etc, are generally limited to regional or district level centres while smaller retailers, such as IGAs, have an opportunity become established in local centres. Having a variety of retailers (particularly a variety of sizes) is considered to contribute to a healthy, diverse, and most importantly locally strong economy.

**Dilution of Centres Hierarchy**

In recent years, at State Government level there has been an apparent step away from a centres policy in favour of a more flexible policy and zoning environment. In 2015, the then Minister for Planning advised councils of investigations and a review of ‘activity centres’ and the associated planning policy frameworks which guide retail and commercial development. The subsequent *Existing Activity Centres Policy Review DPA* resulted in a range of changes to policies in centre zones, including softening of floor area caps (which controlled the size of businesses commensurate with the size of the centre).

Also in 2015, the *Inner and Middle Metropolitan Corridor Infill DPA* in 2015 (which has not proceeded to date) proposed linear extensions of the Urban Corridor Zone to significantly broaden the scope of land uses and built form anticipated along large stretches of arterial roads, which may have risked diluting existing centres.

More recently, some of the draft SPPs appeared to steer away from the centres hierarchy in favour of diversifying zones for greater development opportunities and retail competition.

Page 32 of the Discussion Paper suggests that “out-of-centre proposals that compete for the local retail catchment may warrant fewer restrictions because they may have only a marginal impact on travel patterns”. This is a significant assumption and is a concerning approach without sufficient evidence specific to the context of a proposal. There is also support for retaining existing higher order centres, but a suggestion that lower order centres could change/diversify – it is questionable as to whether this is a genuine hierarchy if it only supports large centres.
The Paper also recommends establishing new centres, or expanding existing centres in ‘edge of centre’ locations. This is contrary to existing planning policy and the need for maximum separation of conflicting land uses or intensities, by concentrating development in the middle of the centre and scaling land uses and built form down as you progress to the periphery. Expansion into ‘edge of centre’ locations is likely to result in negative impacts on surrounding properties such as increased levels of activity, servicing and deliveries, noise, car parking, and larger built form outcomes. While centres will need to change and expand over time, this should occur in a strategic and staged manner and should only occur when supported by evidence of current or future demand. These changes should be identified in strategic/regional plans and either rezoned through a Code amendment or incorporate sufficient policies which identify where commercial activities could be located. It is important to establish policy ‘boundaries’ to prevent ‘silent land use creep’ into adjacent sensitive zones which do not have adequate policies in place to undertake an assessment of commercial developments. The Council does not support the policy to establish new or expand centres in ‘edge of centre’ locations without any evidence of how this approach would work.

Given the apparent shift away from the traditional centres hierarchy, it is curious that questions are raised in this Discussion Paper as to whether there is value in the centres hierarchy and if it should be maintained. Additionally, proposed policy response 2C states there is a need to undertake a review of retail policy. This apparent lack of policy review and State strategic position, despite the strategic policy changes instigated by the State Government since 2015, is concerning. It is also concerning that these questions are being asked at this point in time in the pressing planning reforms program, and without research and investigations into the case for change.

Establishing specialist retail clusters where their economic viability is justified (pg 37) is generally supported given that they:

- are much less likely to jeopardise established centres hierarchies;
- provide opportunities for new businesses (particularly new business types);
- provide opportunities for comparison shopping; and
- depending on the nature of businesses and size of the zone, may have less of an impact on surrounding properties.

It is not clear what type of business is anticipated for ‘specialist retail’ but it is presumably similar to the new NSW definition of ‘specialised retail premises’ which replaces ‘bulky goods premises’ and has new amendments to cater to contemporary large format retailing (https://www.planning.nsw.gov.au/Policy-and-Legislation/Retail-planning/Retail/Amendments-to-Retail-Land-Use-Definitions).
It is important that large format retailing is located in appropriate areas. Due to the large areas required to accommodate these businesses (floor area, delivery, carparking) and the desire to be close to established customer bases, there is an increasing risk that large format retailing will encroach into current light industrial or manufacturing zones, particularly if the retailers can provide a greater return per m² than industrial uses. The background paper acknowledges that urban manufacturing is vulnerable to displacement by pressure for other development types (pg 23) however other statements in the Discussion Paper and Background Paper appear to support a diversification of land use policy and ‘blurring’ of zone boundaries, which is not supported without further detail and justification.

Introducing large format retailing also requires careful consideration of the impacts of larger buildings and commercial vehicles, particularly in or near residential precincts. Bulky goods established in a new homemaker centre in a greenfields development area has very different outcomes to ‘squeezing’ bulky goods retailing onto established, inner metropolitan areas.

**Discussion Question**

*Should there be residential development within retail centres? If so, how could/should this occur?*

Residential development in retail centres is supported in principle, provided the residential development is subordinate to the primary retail purpose of the zone, and provided the residential use doesn’t compromise the operations of commercial development or appropriate amenity for occupants.

Combined shop and dwellings have historically been a part of retail centres. Although integrated shop and dwellings (where the shop operator lives in the dwelling) are now much less common, dwellings on top or behind commercial tenancies remain a valuable housing option.

**Benefits**

Incorporating residential uses can offer the following benefits:

- improve the highest and best use of the land – subject to meeting development policy requirements;
- maintains a level of activity outside of usual business hours providing passive surveillance;
- can encourage a diverse range of businesses (e.g. convenience stores and cafes in areas which might otherwise be limited to retail shops or offices);
- contribute to housing diversity in convenient locations.

**Mitigating Impacts**

Needless to say, residential development in retail centres should only occur on sites which can accommodate the development; that is, where the site can accommodate car parking, private open space and setback requirements.
While occupants living in centres should expect a different level of amenity to those in the heart of a residential zone, past experiences with new apartments adjacent to non-residential uses (particularly licenced venues) have demonstrated otherwise. It is important for any new residential developments in commercial or mixed use precincts to be adequately protected from potential impacts - primarily noise but also odour and emissions – both for the benefit of occupants and to prevent unreasonable encroachment on the existing businesses. Future Code policies should require meaningful noise attenuation measures in new residential developments where there are nearby existing noise generating businesses or high traffic roads. Subzones and other spatially specific policy may also need to exclude residential uses in parts of a zone if potential noise, odour or other emissions issues are likely to be too difficult to mitigate. There will also be some zones where residential uses are not appropriate at all, notwithstanding any mitigation measures e.g. industrial or heavy commercial zones.

The recent allocation of responsibility of local nuisance matters to Local Government through the Local Nuisance and Litter Control Act has created a significant additional workload for Council staff. Co-locating sensitive and impacting uses carries a considerable risk of exacerbating these issues.

Scale and context
The extent of residential development should be commensurate with the context of the retail centre; in local centre zones residential development might be limited to a small, single storey attached dwelling behind a shopfront, whereas in a major district centre a multi-storey residential development above ground level shops may be appropriate. The Code policies should clearly articulate requirements such as maximum building height, setbacks, maximum residential densities/minimum site areas, services and infrastructure in the locality.

Active frontages
Residential uses should remain subservient to the primary commercial intent of the zone (this would be different in a mixed use zone which equally anticipates residential and commercial uses). To maintain an appropriate level of street activation, retail centre zone policies should require commercial development at the front of the site for single storey developments, and ground and/or ground and first floor levels with residential above for multi-storey developments.

<table>
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<th>Sub Theme 2.2 – Employment lands (industry, manufacturing and commercial)</th>
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| **industry trends.**
**Proposed response:** Review, consolidate and transition the policy intent of SAPPL industry and commercial zones to respond to changing technologies and markets
**Proposed Timing:** Transition Ready |
| **58** **Discussion Question**
**Should there be a more flexible approach to encouraging a wide range of land uses in non-residential zones – with a land use genus, impact and design focus, rather than strict land use definitions?** |
| **Smart and strategic zones and policies**
The statement in the Discussion Paper that “land use planning policies and regulations are necessary if markets are to do their best work” (pg 24) is supported. Appropriate zoning and land use regulations are important for the strategic distribution of land, separating incompatible land uses, coordinating infrastructure and service provision, and in establishing functional centres and precincts.

In an apparent shift away from traditional land use zoning, the draft State Planning Policies and this Discussion Paper encourage a greater mix and a reduced separation of land uses. The Discussion Paper also supports adjusting and rationalising industrial zones as well as the planning system accommodating new and emerging land uses and technologies (pg 24). Although this Council supports ‘future proofing’ planning policies by catering for a range of emerging trends, land uses and technologies, any subsequent reduction in the strategic separation between sensitive and impacting uses should be approached with caution. Mixed use zones are important economically and socially but they should be in appropriate locations and with the appropriate mix of uses to avoid incompatible uses and land use conflicts. It is acknowledged that planning regulation around land uses currently involves a lot of ‘red tape’ but resolving land use conflicts can be arduous processes so they are best avoided through careful consideration of land use distribution.

If current industrial zones are rezoned to mixed use zones, this could jeopardise opportunities for traditional industries. It is important to maintain sufficient land for ‘traditional’ commercial uses in suitable locations, including in inner metropolitan areas to avoid industries being pushed out to urban fringes.

**Land use definitions**
Land use definitions will be particularly important in the new planning system both in managing emerging types of businesses and in ensuring there is a consistent interpretation of land uses amongst all practitioners. That said, it won’t be possible to accurately define all land uses given the diversity of business operations, and it can’t be assumed that all development applications can be dealt with through a ‘tick-box’ process. It is also important to distinguish between land uses and built form and scale; it is important that an assessment on the merits of a proposal can be undertaken for larger scale changes.
**Business evolution**

Businesses change and evolve to respond to market demands. When a business grows, the intensification or additional activities could easily constitute a new land use. While growth in business is positive for the local economy, intensification or additional activities in the business can have an unforeseen and unreasonable impact on surrounding properties e.g. an increase in the frequency of deliveries/pick up, increase in customers, additional noise or longer operating hours.

Section 4 of the PDI Act identifies when a change of land use has occurred; this could include an additional use to a previously established use, or an increase in intensity of the use of land which is prescribed by the Code as constituting a material increase in use. This will hopefully make the ongoing management of land uses clearer for councils, business operators, and other affected parties through record keeping/lodgement information. This information can be used to check what the current (or previous) use is or was and can be used to manage and mitigate any building code requirements triggered by intensifications or additional activities. This clause of the Act will require careful consideration when writing Code policies which are seeking increased ‘flexibility’ in the interests of a growing economy.

For further commentary regarding land use definitions and classes, please refer to the City of Norwood Payneham & St Peters submission dated 20 April 2018 in response to the Future Land Use Definitions and Classes Technical Discussion Paper.

### Discussion Question

**Is there too much emphasis placed on height and setback criteria in employment lands zones, in particular the ‘core’ of these zones?**

No comment – NPSP does not have specific ‘employment lands’ zones

### Sub Theme 2.3 – Home Based Business

**2L Key Opportunity:**
The Code provides an opportunity to review home industry policy and decide whether it should be in a residential or light industry zone in the future.

**Proposed response:**
Review and transition home industry policies to an appropriate zone

**Proposed Timing:** Transition Ready

What is the definition of home industry?

It is unclear what is ‘Transition Ready’ about this policy – will home industries be going to a residential zone or an industry zone? At best this is considered to be more appropriately labelled as ‘Reform Gen 1’ but much more appropriately a change to be implemented in Generation 2 or beyond.
<table>
<thead>
<tr>
<th>Discussion Question</th>
<th>Online trading/Business</th>
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<tbody>
<tr>
<td>What innovations and changes to work practices will impact the planning system and how should we respond?</td>
<td>eCommerce and online connectivity has, and will continue to have, a significant impact on work practices. Some businesses operate with a reduced shopfront or don’t have any shopfront at all due to online sales, while online connectivity provides greater opportunities for people to work from home. The current definition of ‘home activity’ works relatively well, but could be reviewed to ensure it is meeting the needs of modern home activities.</td>
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**Sharing Economy**

The sharing economy encompasses a range of different activities including ride/car/bike sharing, accommodation sharing, peer-to-peer online retailing (e.g. sellers on ebay), crowdfunding or peer-to-peer lending, co-working spaces etc. The activities likely to have the biggest impact on the planning system include accommodation sharing and co-working spaces as these affect the use of buildings, and to a lesser extent car sharing if designated spaces need to be provided in developments.

**Home businesses**

The City of Norwood Payneham & St Peters Development Plan includes policies relating to a Home-Based Business - a use which exceeds a ‘home activity’ but is still a ‘domestic’ scale use operating on a residential site. For example, a hairdresser or accountant working from home but using more than 30m² of the dwelling for business purposes.

The policies relating to ‘home-based industries’ in SAPPL indicates a more specific type of home based business applicable in rural areas which is limited to ‘arts, crafts, tourist or heritage related tourism’. In the Port Adelaide Enfield Development Plan, the ‘Home Industry’ policies refer to light industry, service industry or stores which are in association with a detached dwelling.

It is recommended that definition(s) and associated policies for home based business/home industries be included in the Code, given the current diversity of policies relating to home businesses.

**Diversification of businesses**

Business competition (both domestic and international), along with changing expectations from customers, often pushes business to diversify their products and services. Examples may include:

- integrated service stations;
- cafes being included in hair salons, car washes, garden centres or hardware stores;
- businesses expanding their services such as an air conditioning company now also offering solar panels, batteries, home improvements etc;
- and furniture shops increasing homewares and giftware offerings.

These types of businesses can blur the distinction between land uses so it is important for the Code to provide guidance on how to deal with this type of diversification.
**Consumer and Business Trends**

Similar to business diversification, consumer trends create demand for different industries or services. For example, there is increasing demand for household and personal services such as delivery of groceries, pet care, car washes etc; increasing demand for childcare centres and services; and increasing demand for niche businesses such as micro-breweries or distilleries. There is also a need to consider any impacts from more ‘mobile’ businesses which are not fixed to a particular site e.g. pop up shops, dog wash, food trucks etc.

**How do we respond?**

It is important for us to monitor, review and attempt to predict changes in supply and demand and make policy changes which respond accordingly. Primarily this would require land use definitions being appropriate and up to date with modern businesses and ensuring there are adequate policies in appropriate zones to assess these land uses. Councils will likely be best placed to understand any challenges in applying land use definitions and policies whilst business operators will be the first to understand changes in consumer expectations. The new planning system should allow for information and opportunities for improvement to be ‘fed back’ to those preparing and amending the Code and other planning legislation and instruments.

**Theme 3: Providing Infrastructure to Enhance Our Liveability**

**Sub Theme 3.1 – Renewable Energy**

39 “Incentivise the uptake of renewable energy technologies within developments”

This is cautiously supported – however key renewable energy and sustainable practices should be a baseline requirement in development, not an ‘add-on’. Incentives should be provided for those who go ‘above and beyond’ the policy requirements with respect to sustainable practices. These incentives should not be provided through unrelated dispensations e.g. additional solar panels or larger rainwater tanks should not result in a building being approved above maximum building heights as these practices provide no offset or compensation of the impacts of the additional building height.

60 **Discussion Question**

**How should planning policy respond to growth in renewable energy – what issues should be addressed?**

South Australia is making promising progress with renewable energy however transition to renewables will continue to be a challenge given the economic significance of, and reliance on, non-renewables. Significant investment in renewables will be required to ensure that there is a solid and reliable foundation for us to transition to; this will require investment (both government and private) and the right policy framework. The right policy framework will include:

- a strategic allocation and zoning of suitable land for solar farms, wind farms and the like;
Productive Economy Discussion Paper – City of Norwood Paynemah & St Peters Submission

- appropriate land use definitions;
- policies for assessing renewable energy developments (e.g. appropriate policies or guidelines which can be used when assessing wind and solar farms, including Minister’s specifications);
- policies for protecting renewable energy infrastructure on adjacent land, especially in a residential setting, such as overshadowing policies which require a certain amount of access to sunlight to adjacent solar panels; and
- an up to date understanding of emerging renewable technologies – this could be achieved by providing circulars to practitioners as new technologies emerge.

Sub Theme 3.2 – Adaptive Reuse

61

3B

Key Opportunities:
“There are opportunities for policy incentives to encourage adaptive reuse, particularly in relation to heritage or character properties that contribute to the amenity of an area.”

Proposed response:
“Identify further potential policy incentives that can promote the adaptive reuse of buildings.”

In a general sense, adaptive reuse occurs constantly through one occupant moving out and another occupant moving in and making changes to suit their use. However it is understood that older buildings are at particular risk of vacancy and neglect due to the challenges in meeting requirements such as car parking, noise attenuation, building rules requirements etc. Heritage listed buildings are sometimes afforded dispensations such as reduced car parking or changes to disability access in certain circumstances. These allowances:
- recognising that accommodating the standard requirements might not be achievable without significantly compromising the value of the building;
- are an incentive to owners or occupants to continue active use of the building; and
- in some cases are seen as ‘lessening some of the burdens’ associated with the maintenance and regulation of heritage buildings.

The City of Norwood Paynehem & St Peters is generally supportive of the idea of adaptive reuse to encourage the retention of buildings, but adaptive reuse policies should not dilute any current policy flexibility provided to heritage listed properties by providing reward for simply utilising an existing building. Adaptive reuse policies need to be targeted at the highest priority of building re-use; primarily State and Local Heritage Places. If the same dispensations are afforded to pre-1980’s buildings as heritage buildings, what extra incentive will there be for someone to lease or buy a heritage building if they can get the same offsets/flexibility with a non-listed building which has less restrictions with respect to development?

If adaptive reuse policies apply only to buildings which meet particular criteria, such as vacancy of at least 6 months, there is a risk that building owners may intentionally allow a building to sit vacant in order to be eligible for flexible planning or building requirements. These policies will need to be carefully considered to avoid these types of unintended consequences.
### Discussion Question

**Should existing unused farm houses be able to be separately titled to allow their adaptive reuse and to facilitate economic activity?**

Not geographically relevant - No Comment

### Sub Theme 3.3 - Infrastructure

**Discussion Question**

How can we ensure that land use planning is able to accommodate and support the provision of new and innovative infrastructure?

As partially outlined above in Sub-Theme 3.1 – Renewable Energy, it is important for the policy framework to include:

- a strategic allocation and zoning of land suitable for infrastructure (both metropolitan and regional), shown in clarity in Regional Plans;
- improved co-ordination of infrastructure supply/augmentation by public and private sectors via Regional and Sub-Regional Plans;
- better spatial reporting (through Spatial Atlas) of where new/infill development is occurring to be matched with other data layers (stormwater capacity/flooding) to guide new infrastructure provision;
- infrastructure contribution by developers for large infill/redevelopment projects (e.g. through new infrastructure agreements);
- appropriate land use definitions;
- policies for assessing new infrastructure, and
- an up to date understanding of emerging renewable technologies.

It is vital for this policy framework to be evidence based to keep up with demand, and also to be implemented strategically so that it is not implemented too far in advance of need.

Public transport infrastructure will need to be continually reviewed to ensure it is meeting the needs of the community. Inner-city parking issues and traffic congestion are particularly problematic, exacerbated in many circumstances by reduced car parking requirements in Development Plan policy. People drive because they perceive or experience public transport to be lacking so it is vital that public transport networks are improved. Improved public transport networks must be strategically implemented within key development and activity areas. Increasing densities in order to feed public transport only works if the public transport is ready to go and adequate to meet demand so that a public transport culture can be implemented from the day residents begin moving in.
### Theme 4: Facilitating Innovation and Enabling Investment

#### Sub Theme 4.1 – Collaboration and clustering

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<thead>
<tr>
<th>62</th>
<th>4B</th>
<th>Key Opportunities:</th>
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<tr>
<td></td>
<td></td>
<td>“There is a need for consideration of new manufacturing technologies (that are not dirty, noisy, smelly or impacting) which potentially allow for a mix of uses in residential and business zones.”</td>
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#### Proposed response:

- Review and refine SAPPL policies that support and encourage the adoption of emerging technologies and ensure flexibility to accommodate future ones in land use design and development.

#### Proposed timing:

- Reform (Gen 1)

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The City of Norwood Payneham & St Peters supports land use definitions and policies being kept up to date with emerging businesses, so long as sufficient existing definitions and policies are retained for existing industries/types of businesses.

‘Industry’ is currently defined as (in summary) making, altering, finishing, assembling, cleaning, and treatment of items, goods and materials. It is a broad definition, and one which has previously been applied to uses which do not fit the generally perceived idea of an industry such as dry cleaners, bakeries, picture framers and compounding pharmacies. It would be beneficial to provide some parameters or exceptions for when making/packaging/ cleaning/repairing are better represented as a customer service (and therefore a shop) rather than an industry.

Consideration should also be given to reviewing and potentially rationalising industry definitions which currently include: general industry (being an industry use not within another subset), light industry, service industry and special industry; particularly if additional definitions will be introduced to deal with new ‘clean and green’ industries.

It can be very difficult for an assessing planner to gauge what the operational impacts of a proposed land use may be. Getting this right is important to properly define the land use, for example the difference between a light industry and a general industry land use depends on whether the scale of the industry will “detrimentally affect the amenity of the locality…”. Given that land use definitions can determine the assessment pathway and notification requirements, and that accredited professionals may be dealing with an increasing range of applications, it is important for land use definitions to be clearly articulated and to remove subjective language wherever possible.

Gauging the level of impact is also obviously a key part of the development assessment process in determining whether the land use is appropriate and should be approved. Normally planners can rely on their experience in dealing with similar land uses but it will be more difficult to assess new types of technologies if the land use is unfamiliar and the impacts are unknown. Assessments by qualified specialists, such as acoustic engineers, will likely be required when assessing new types of land uses and technologies. It is recommended that in the first instance, new land uses and technologies should be located in zones where there are fewer sensitive land uses (e.g. not residential). After these businesses have become established and the level of impact has been demonstrated, these uses could be expanded to zones with more sensitive uses.
### Discussion Question
**Do we have adequate planning policies in place to encourage/support the aims of innovation districts?**

The market will be the primary driver for establishing innovation districts. Regardless of zoning or policy, innovation districts won’t take off if there is no demand or business opportunities. That said, the planning system can facilitate innovation districts by identifying appropriate locations (with appropriate infrastructure) through the regional or sub-regional plan, and create suitable zones and policies if there is sufficient demonstration of needs or opportunities.

It is likely that innovation districts will be placed in currently underperforming or underdeveloped areas. While regeneration is supported, careful consideration will need to be given to the social and economic consequences of urban renewal. While the effects of regeneration are mostly positive, it is important that businesses or residents are not unreasonably displaced through increasing demand for land and increased land prices and rent.

### Discussion Question
**How do we ensure that residential development does not monopolise the offering in mixed-use areas of innovation districts?**

Code policies could:
- state that ground level (and first floor level where appropriate) should be commercial uses only;
- provide some incentives for mixed use buildings where appropriate (e.g. mixed use buildings can be three storeys whereas entirely residential buildings can only be two storeys, provided that three storeys would still be appropriate);
- encourage shared car parking areas where residential and commercial uses have different peak times;
- not allow for much policy flexibility for residential uses (e.g. not compromise on minimum private open space, car parking, noise attenuation etc); and
- encourage genuinely integrated commercial/dwelling developments where the occupant works in the attached business.

### Sub Theme 4.2 – e-Commerce and a sharing economy

**Discussion Question**
**Does planning policy need to respond better to new ways of doing business such as the emergence of the sharing economy – which may require the introduction of controls to**

eCommerce and the sharing economy are affecting our existing economy and planning frameworks. The new planning system will need to adapt to the sharing economy as explored in the comments under sub-theme 2.3 Home Based Business.

The short term accommodation sector in particular is growing globally and is changing the way people use accommodation services. The industry has introduced accommodation services into residential areas...
mitigate previously unanticipated effects (for example, the conversion of long term rentals into short stay holiday accommodation via online platforms)?

The Code should clarify when short term accommodation becomes a change of use rather than an incidental use of a dwelling. A Media Release from the former Minister for Planning and the preceding Building Advisory Notice in 2016 essentially stated that short term accommodation isn’t a change of use, however it is relevant to consider the intensity of the short term accommodation use in determining whether a change of use has occurred. A property occupant/owner who short-term leases their property for a few weeks a year while they are on holiday would not ordinarily be considered a change of use, however a property occupant/owner who leases a property in a series of short term leases for the majority or all of the year most likely is a change of land use.

Some of the differences between short term accommodation and long term residences may include:
- a greater level of noise and activity due to guests coming and going or perhaps a greater likelihood of partying guests;
- differences in building code requirements (e.g. a Class 1b or 3 rather than a 1a);
- differences in needs for amenities such as car parking, storage and private open space.

Due to these factors, short term accommodation and permanent occupation should not always be viewed as interchangeable. Code policies could articulate where short term accommodation is anticipated and provide guidelines for assessing change of use applications. The Code should also provide a distinct land use definition for ‘domestic’ short term accommodation (e.g. Airbnb) as opposed to ‘commercial’ short term accommodation (e.g. motel) as these land uses may be appropriate in different zones.

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<tr>
<td><strong>What will be the emerging industry impacts of e-Commerce and how should these be managed by the Code?</strong></td>
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</table>

Please refer to Sub-Theme 2.3 Discussion Question.