

# Draft Planning and Design Code – Phase Consultation

**Submission**

**November 2019**

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## Introduction

The Local Government Association of South Australia (LGA) welcomes the opportunity to provide a response to the Draft Planning and Development Code (the draft Code) released for public consultation in October 2019.

The LGA is a membership association representing the State's 68 councils. The LGA's mission is to provide leadership support, representation and advocacy on behalf of South Australian councils, for the benefit of the community.

The LGA acknowledges the enormity of the task being undertaken by the State Government, the State Planning Commission (SPC) and the Department, Planning, Transport and Infrastructure (DPTI) in driving this significant reform of the States planning system through the introduction of the *Planning, Development and Infrastructure Act 2016*, the Planning and Design Code and online planning lodgement and assessment system.

The LGA also acknowledges the support provided to both the LGA and local government by both the SPC and DPTI, through the regular joint briefing sessions held with the LGA, the provision of a DPTI Liaison Officer embedded within the LGA and the recent visits by members of the SPC to Phase 2 councils. The LGA firmly believes that the implementation of the new planning system and the adoption of the Planning and Design Code will only be successful through a close partnership and collaboration between the State Government and its agencies and local government.

## Background

From the beginning of the planning reform process, the LGA has proactively participated at every opportunity to provide comment, feedback and advice to inform development of the new planning system.

The LGA has based its participation and responses having regard to South Australia's Expert Panel (The Panel) on Planning Reform report '*The Planning System We Want*', the Panel's Vision '*to ensure that South Australia has an effective, efficient and enabling planning system*' and the 5 Guiding Principles established by the Panel against which the reforms could be assessed against, these being:

1. Partnerships and Participation
2. Integration and Coordination
3. Design and Place
4. Renewal and Resilience
5. Performance and Professionalism

The LGA took a similar approach when the LGA Board endorsed 13 Planning Reform Objectives. The following table provides a summary of the relationship between the Expert Panel's Guiding Principles and the LGA Planning Reform Objectives and the LGA's current view as to whether the Goal or Guiding Principles of the Expert Panel are being successfully achieved in the development of the draft Code.

<b>Expert Panels Guiding Principles</b>	<b>LGA Planning Reform Objectives</b>	<b>LGA's Assessment of the Planning Reform Program and draft Planning and Design Code against the Guiding Principles</b>
<p><b>Partnerships and Participation</b></p> <p>An easily understood planning system that establishes constructive engagement between users and decision-makers</p>	<p>Opportunities for public participation in the planning system are clear, with an emphasis on influencing outcomes at the strategic planning and policy development stages.</p> <p>Council Members have a high level of engagement and influence in the development of local planning policy, which is used to make objective decisions about development outcomes.</p>	<p>It is acknowledged that a Community Engagement Charter has been adopted which contains 5 Principles of Engagement. The Charter recognises that communities should be meaningfully involved in the decision making that affect them.</p> <p>The LGA is of the view that the current engagement process on the draft Code has not fully enabled constructive engagement with either local government or local communities and council members have not been provided with the opportunity to be engaged and to influence the local policy content within the Code.</p> <p>The LGA and many Phase 2 councils have expressed concern about the insufficient period of time provided to consider the substantial and complex draft Code and prepare a comprehensive, robust and professional response by the consultation early closing date of 29 November (a period of only 8 weeks).</p> <p>Local government seeks greater involvement in finalising the new planning system and for communities to be genuinely engaged in the development of the system and the relevant circumstances in the decision making that occur within it.</p>
<p><b>Integration and Coordination</b></p> <p>A planning system that enables an integrated approach to both high-level priorities and local policy and decision delivery.</p>	<p>Local Government works with the State Government to develop and implement an overarching planning strategy and to ensure that all major state and local policy documents are consistent with the strategy and with each other.</p>	<p>The LGA acknowledges the development and adoption of the State Planning Policies. In its feedback on the Policies, the LGA highlighted a number of policy conflicts and queries about how these policies would translate to the Planning and Design Code.</p>

	<p>Planning policies and processes are underpinned by triple bottom line thinking, which balances the State's economic, environmental and social interests.</p> <p>Local Government has primary responsibility for developing and updating the local elements of planning policy and the assessment of local impacts of all development proposals.</p>	<p>This included how the Principles of Good Design are to be measured and incorporated into the Planning and Design Code and the lack of recognition of Contributory Items within Local Heritage areas and the management of conflicts between urban infill and existing stormwater infrastructure.</p> <p>It is the LGA's understanding based on advice received from councils that DPTI and the Commission have been primarily responsible for the development of the draft Code. Councils were provided with the opportunity to identify important local policy content, however much of this local policy has not been translated into the draft Code.</p> <p>While local government supports greater policy consistency, the best planning decisions are made when policy is developed and applied in the context of the local area. There needs to be greater scope within the Code for sensible local policy content that will facilitate good planning outcomes.</p>
<p><b>Design and Place</b></p> <p>A planning system that supports the creation of places, townships and neighbourhoods that fit the needs of the people who live and work in them now and in the future.</p>	<p>The system promotes excellence in urban and built form which improves the health and wellbeing of communities. This is underpinned by decision makers having a high level of planning and design competency.</p>	<p>Councils and the community have an expectation that the Planning and Design Code will significantly lift the bar in terms of the quality of design outcomes being achieved through the planning system.</p> <p>Good design and placemaking must be a central objective of the Code and must be enforceable in the assessment process.</p> <p>The LGA was supportive of the <i>Design Guidelines- Design Quality and Housing Choice</i>, prepared by the Office for Design and Architecture and the Principles of Good Design included within the Guidelines.</p> <p>To be effective, these Guideline and Principles need to translate into the Planning and Design Code to enable them to form part of the assessment process.</p> <p>The LGA is undertaking more detailed investigations of the extent to which expectations about better design will</p>

		be met through the Code, which will be included in the LGA's Phase 3 Submission.
<p><b>Renewal and Resilience</b></p> <p>A planning system able to respond and adapt to current and future challenges through innovation and the implementation of sustainable practices.</p>	<p>Planning policy can be updated quickly and efficiently, with amendments that are not seriously at variance with the Planning Strategy taking no more than six months to be finalised from the date of lodgement</p>	<p>The LGA supports the 'digital by default' approach to new planning processes. However, as yet local government has not had the opportunity to access the online planning system which is a key foundation of this principle.</p>
<p><b>Performance and Professionalism</b></p> <p>A planning system that is consistent, transparent, navigable, efficient and adaptable, that supports clear-decision making and encourages and facilitates investment.</p>	<p>Policies and processes are clear and consistent, resulting in equity, fairness and certainty.</p> <p>The pathways to development are clear and uncomplicated, with the level of assessment required matched to the level of risk of impact associated with a development.</p> <p>The development assessment process is robust but is more efficient through the removal of red tape.</p>	<p>The LGA is of the view that consultation on the draft Code should have commenced when the online system was completed and operational to enable live testing and to provide practitioners and the community with an understanding of the how the draft Code will operate in an online environment.</p> <p>The current consultation on a paper based draft Code is difficult to navigate and understand and does not support a high degree of transparency.</p> <p>It is also the LGA's understanding that while it was envisaged that the system would be simpler, the approach with Overlays and Technical Variations adds a further degree of complexity to the system for practitioners and the community</p> <p>Local Government maintains its support for an efficient planning system that avoids unnecessary red tape, however aspects of the new system introduce grey areas that risk the process of applying for development approval becoming more confusing, costly and time consuming. Greater certainty is needed for developers, councils and communities.</p>
	<p>The appeal and review process is timely and cost effective and compliance and procedural matters are principally resolved through a non-judicial process.</p>	<p>While a new planning system was intended to increase certainty, in considering how the Draft Code might apply in practice, councils have found policies difficult to interpret.</p> <p>This creates the risk that the Code will be interpreted differently at the individual development application assessment level, and through the Environment,</p>

		Resources and Development Court should the Code be implemented in its current form.
	Decision making at all stages of planning is transparent and decision makers are held accountable for their performance by introducing fair and reasonable performance measures	The LGA acknowledges that performance measures will be developed and put in place. The LGA in its submission on the Performance Indicators Discussion Paper, dated October 2018 expressed disappointment that the system is only proposed initially to capture basic development assessment data, when the opportunity exists to establish a system to capture a range of data to inform the development of future policy and drive the planning system based on strategic objectives.
	There is accountability in the planning policy amendment process through the introduction of performance measures and transparency through the introduction of an online 'tracking' system	As above.

In addition to the 5 principles established by the Panel the LGA also reinforces its position in relation to local heritage and in particular the retention of Contributory Items within the draft Code.

At the LGA AGM on 31 October 2019, the meeting resolved to:

1. Reinforce local government's position that all Heritage and Historic Conservation Zones and Contributory Items should be transitioned into the first generation of the Planning and Design Code; and
2. Outline the following concerns local government has with the State government proposed approach to transitioning Contributory Items to local heritage places:
  - a. The requirement to use the *'Heritage in Transition – Practitioners Guide'* dated August 2019, which is considered flawed, contrary to the Burra charter, undermines the legislative criteria and will have the effect of greatly limiting the number of places which meet the criteria;
  - b. The requirements for all statutory consultation associated with Local Heritage Development Plan Amendments to have been completed by 30 June 2020; and
  - c. The costly heritage assessment, investigations and preparation of the DPA needing to be finalized by December 2020.

The preservation and protection of local heritage and character is paramount to many councils and their local communities, particularly where those councils have worked with their communities to include local heritage items, conservation zones and Contributory Items within their Development Plans.

The LGA has regularly expressed concern through the reform and implementation process, as heard from our members, about key aspects of the reform process including fragmented community and stakeholder engagement (particularly engagement with councils), lack of rigor and analysis in policy development, short and always changing timeframes, and the absence of a clear plan to achieve the adoption of the Planning and Design Code by July 2020.

Ultimately, councils have been concerned about the risk of poor planning outcomes, and the potential for South Australian communities to lose the highly valued amenity of their streets and suburbs.

It is the LGA's current view that the draft Code and consultation process undertaken have not achieved the Goal and Principles established by the Expert Panel or the planning reform objectives of the local government sector.

The LGA and councils are eager to work with the State Government to ensure that South Australians have a fit for purpose planning system that reflects community values and takes the state forward. We hope that the submissions of the LGA and councils will be taken on board and used to improve the draft Code.

## Recommendations

1. The LGA understands that the Minister for Planning has reconvened the Expert Panel to consider Local Heritage matters including Contributory Items. The LGA recommends that the Expert Panel be asked to assess the current reform approach, the draft Code and consultation approach against the Expert Panel's Goal and Principles and provide advice to the Minister on improvements to the current approach.
2. That the State Planning Commission work collaboratively with local government to address the errors, omissions and inconsistencies identified in the draft Code prior to implementation.

3. That all existing Conservation Zones and Contributory Items be transitioned into the first generation of the Planning and Design Code, with corresponding demolition and design controls.

## Detailed response to Draft Planning and Design Code

### Positive aspects

Councils have identified the following positive aspects of the Draft Code:

- The consistent structure between Code modules, which follows a logical format
- Land use and administrative definitions in the Code are improved. Many are clear and easy to understand, are drafted in plain English, define a large number of terms which are not defined under the Development Act and incorporate inclusions and exclusions and helpful illustrations. A number could be refined and more added to further aid clarity of regularly used terms. It is a further benefit that these definitions are provided within the Code, which makes it easier for them to be updated over time compared to definitions provided in the Act.
- Removal of the non-complying category provides for more flexibility to approve certain development where it is appropriate
- Stated basis for restricted development
- Consistent minimum lot sizes in Rural Zones is positive for most rural councils, more certainty for community and builders
- General policy content for WSUD, urban greening/green cover, pollution reduction targets

### Best Practice Policy Outcomes

Several aspects of the draft Code do not reflect best practice planning policy. Four main issues contribute to this:

1. The draft Code has entirely excluded large amounts of existing considered, effective policy and policy tools successfully applied under current Development Plans.
2. While consistency is supported, the draft Code has adopted an oversimplified, one size fits all approach without local nuance or policy detail to appropriately guide and support positive development outcomes.
3. The draft Code's naming of zones, and spatial allocation of those zones (on which councils were not consulted) has drastically changed planning controls in many areas, and if implemented, has potential to drastically change the landscape of those areas.
4. The draft Code contains numerous errors, omissions, and instances of imprecise language that compromise the effective application of policy.

## Loss of Policy

Local Government had initially understood that the first iteration of the Planning and Design Code would be a “like for like” transition of existing Development Plans, with existing policy re-presented in the format of the new Code. It was subsequently stated that the only material variation from current policy would be limited to issues canvassed in the Discussion Papers released by the State Planning Commission and Department of Planning, Transport and Infrastructure (DPTI).

This has not occurred, with many councils set to lose significant policy detail, as well as highly effective policy tools such as concept and structure plans. Much of this lost content has been developed and refined over many years and represents a significant investment of both public money and the time and expertise of councils and state government, as well as the goodwill of communities and stakeholders involved in the policy development process.

While the LGA supports simplified and streamlined planning policy, the policy must retain the ability to fulfil its core purpose of delivering good planning outcomes. Oversimplified policy runs the risk of creating less certainty and less efficiency in the system, notwithstanding negative impacts on the ground. In contrast, the draft Code has taken a “one size fits all” approach that loses the ability to respond to local context and lacks the detail to facilitate positive development and achieve strategic planning aims around built form, streetscape, placemaking and land use.

While it has been suggested that the Code amendment process could resolve some of these concerns in the future, there is no understanding amongst councils of how future amendments will be prioritised or assessed. Councils fear the ‘overnight’ loss of years of robust policy development, which may take many years more to be reintroduced, if at all. Once policy is removed it is a challenge to then re-introduce it.

## Examples

Specific examples of where important and effective policy in current Development Plans that has been excluded from the Draft Code include:

- Concept plans for greenfield development areas and rural towns that reflect a long-term growth strategy to guide decision making, or in established brown field areas critical identification of crucial future strategic infrastructure and development form to guide proper and orderly planning outcomes. The absence of these types of concept plans reduces councils' ability to plan strategically for development and communicate with developers and the community.
- Policy to manage the visual impact of horticultural netting covers used in primary production, especially on scenic routes important for amenity, character and tourism value.
- An award-winning land division policy for Country Living that effectively manages complex land use issues in the Greater Adelaide food bowl.
- Important policy differentiation between land division and boundary alignment in Rural Zones
- Policies across the state relating to a hierarchy of commercial centres that address commercial activity and land use interface. For example, in the City of Burnside, under the Draft Code local precinct Dulwich Village (Local Centre Zone) is treated the same as the Burnside Village Shopping Centre (District Centre Zone), with development of up to 6 storeys.
- In many council residential areas, under the Draft Code in the replacement generic Neighbourhood Zones, 'shops' are envisaged uses and may be up to 1,000 square metres on merit in locations where they would be non-complying (not allowed) in many cases under the current Development Plan.
- In the Adelaide Parklands 11 Policy Areas have been consolidated to 2 subzones with no clear evidence base for the rationalisation.

Additional examples will be provided by councils in their individual submissions on the draft Code.

## Recommendations

To address the issues described, the LGA suggest the following opportunities to amend the Draft Code:

- Inclusion of Desired Character Statements for all areas as a supplementary element of the Code. These could be contained in a compendium indexed by suburb or spatial area, eg other used approaches like Heritage Statements, Technical Numerical Variations, or in a concept plan.
- Include existing effective policy in the Code, specifically policies relating to significant trees, acid sulphate soils, flooding and other hazards amongst others. Use the existing precise wording where legal precedents have already been established rather than introduce new wording and challenges.
- Retain important geographically specific policy in Development Plans in new subzones
- Introduce locally relevant policy commentary (e.g. area statements) on heritage – in the Draft Code there is no policy to guide the application of the overlay

- Identify current Contributory Items in the Historic Area Overlay – an extension of policy criteria application to locality for development certainty and streamlining process
- Include a Scenic Routes overlay with supporting policy to manage visual impact

## Errors, Omissions and Inconsistencies

Local government's previous concerns around short timeframes, constrained policy development processes, and a lack of consultation are borne out in the errors, inconsistencies, and grey areas identified in the draft Code.

A lack of engagement with councils is evident in the way new zones in the draft Code have been spatially applied to local areas. This fundamental element of the draft Code requires urgent revision to ensure zoning is appropriate to the current context and envisaged future use.

Errors in the draft Code include inaccurate cross-references, missing tables, and blank tables. While showing the draft Code is not ready for implementation, these oversights are easily fixed.

Of greater concern to councils is the lack of evidence of strategic analysis in the policy decisions reflected in the draft Code, the lack of robust policy detail that enables quality development outcomes, and the level of uncertainty introduced by the general, non-specific nature of many policies.

With a lack of guiding detail, numerous policies are almost without effect, containing no direction around what does or does not constitute the intent the policy seeks, or in other words, tools to assess an application on its merits.

These policy flaws create the risk that best practice planning and development outcomes will not be achieved and it is the LGA's view that improvements must be made before the Code is put into operation.

Examples of errors and omissions are included in Appendix 1.

## Recommendations

To address the issues described, the LGA suggest the following opportunities to amend the draft Code:

- Revisit where zones are spatially applied in the Draft Code, applying a consistent approach and more refined approach in collaboration with local government.
- Expand significantly on policy against which non-residential land uses are assessed. Under the Draft Code there is limited opportunity to refuse any land uses or built form that has not been envisaged. This increases the risk of inappropriate development within sensitive locations.
- Include WSUD provisions relevant to land division in the Land Division module of the Code and move those not relevant to land division to the Land Use/Design General Policy modules. Apply these requirements to all land uses not just residential. Include policy to trigger WSUD requirements in the Traffic and Car Park General Policy module.
- Ensure where a performance standard is to be applied (e.g. WSUD) it is noted in all modules necessary to capture the issue.
- Include a reference to the Wastewater Code to ensure allotments are developable with provision for appropriate onsite wastewater treatment

- Replace the Peri-Urban Zone with the Rural Zone which is more appropriate for working primary production areas such as the Barossa Valley and Mount Lofty Ranges with associated overlays such as the Mount Lofty Ranges Catchment (Area 2) and Character Preservation District Overlay. In this regard it is noted that a DPTI-driven working group several years ago supported a Rural Zone/Watershed Overlay combination for the portions of the watershed within Mount Barker District Council.
- Include appropriate subzone policy where Technical and Numerical Variations (TNVs) do not adequately address the more nuanced development outcomes sought in particular localities or precincts
- Include an additional zone that accommodates site-specific structure planned major development to support existing projects in the first instance
- Provide more guidance for Tourism Accommodation applications in all zones where it is envisaged

## Hazards and Climate Change

The LGA supports the provisions within the draft Code that seek to address climate change through good design, for example WSUD and urban greening principles. While the Draft Code makes some provision for urban greening and reduction in Urban Heat Island effect, for some councils the draft Code has taken policy backwards in terms of managing hazards through development assessment, with flood and bushfire being the main concerns.

The need for accurate and relevant risk mapping is reinforced in State Planning Policy 15 - Natural Hazards, which requires that planning policies identify and minimise the risk to people, property and the environment from exposure to natural hazards. The draft Code lacks relevant mapping or refers to outdated flood mapping in the metropolitan and regional areas of the State, creating real risks of inappropriate development being approved as 'Deemed to Satisfy'. In any event, the only applicable policy to mitigate flood risk is clearance above Top of Kerb in the street, which is problematic if there is no kerb or the site is below the street level.

In addition, coastal hazard risk minimisation policy does not apply to land outside of the Coastal Areas Overlay, e.g. Port Pirie, Fisherman Bay. This is particularly concerning with respect to flood hazard risks. Existing flood hazard policy (e.g. Development Plan General Section provisions and building site and floor level requirements at zone level), should be transitioned.

Airport Noise Overlay and Building Near Airfields Overlay Policy and general protections for the Airport are inadequate and undo previous improvements to the assessment of development near and/or affected by an Airport and its operations. The removal of reference to the AS2021 without including the up-to-date ANEF contour means that assessment outcomes will not be 'like for like' compared to the current system.

The LGA will undertake further assessment of provisions relating to hazards and climate change as part of its Phase 3 submission.

## Recommendations

- Include policy mechanisms to enable current hazard mapping and data to be used in development assessment
- Include effective and practical policy to manage identified hazards

## Process Issues

In applying the draft Code to routine development applications, councils have identified that assessment and public notification can be more onerous under the Code than is currently the case.

In some instances, Accepted Development is made more difficult through the Overlay exclusion list in Table 1 of each Zone. For example, a carport which is currently Building Rules Only is now performance assessed because in the draft Code Zone, being in the Character Area Overlay or Native Vegetation Overlay moves the carport from being Accepted or Deemed to Satisfy to Performance Assessed. The current Schedule 1A framework as a result is less onerous than the Accepted Development pathway proposed.

Additionally, many types of development will fall into “All other Code Assessed Development” which means hundreds of policies must be reviewed to see which apply.

Public notification of non-envisaged and/or potential neighbor affecting development is supported as necessary good practice. However, there appears to be an imbalance between the requirement to notify various minor developments and the ability for more significant developments to proceed with no notification.

While perhaps inadvertently capturing more minor development, the Draft Code reduces notification requirements for more significant development with much greater potential for impact – for example a two storey dwelling in a residential area, or a building of up to 8 storeys in an Urban Corridor Zone, regardless of the currently existing built form in the locality.

## Recommendations

- Conduct thorough road-testing of the Draft Code in collaboration with councils to address practical implications of policies
- In collaboration with local government address the numerous grey areas in notification triggers and clearly establish and express rules around what is notified
- Provide more time for such review and proper critical ‘road testing’ before adoption of the draft Code Phase 2 and 3.

## Conclusion

The LGA considers that further significant work is required to ensure that the Planning and Design Code is in a form suitable for adoption and operation.

The LGA and its members are also concerned with the current time frame for the adoption of Phase 2 of the draft Code noting that the eplanning solution has yet to be finalised and tested. As a result, local government staff (planning, building and administration) have not had the opportunity to view or test the system.

The LGA considers that a comprehensive testing and training program needs to be prepared in collaboration with local government and that live testing and training occur for a minimum four-month period in early 2020 to ensure that local government is proficient in its use of the systems and errors, omissions and inconsistencies have been resolved.

Local government is willing to work in close collaboration with the State Planning Commission and DPTI to address the many policy omissions, errors and inconsistencies identified during the consultation process. We want to be a part of the process to ensure that the draft Code provides for the outcomes that local communities seek to ensure they have liveable towns and neighbourhoods. Local government should be involved in the decision-making process to address the concerns identified, rather than being informed of the decision being made.

To enable this to occur the LGA is of the view that the adoption of the Planning and Design Code for Phase 2 councils should be deferred and aligned with the adoption of Phase 3 councils. This deferral would enable the State Planning Commission and DPTI to work in close collaboration with councils to resolve the many policy omissions, errors and inconsistencies identified. It would also give communities more time to absorb the detail of the policy changes before they are being applied in the development assessment process.

# Appendix 1

## Examples of errors and omissions

Centres and Shops	Comment	Recommended Solution
<p>The Code is inconsistent in its approach to assessment criteria for commercial and retail developments.</p>	<p>In some Zones where commercial and retail development is envisaged (for example the City Living Zone, Capital City Zone1, Community Facilities Zone, Master-planned Suburban Neighbourhood Zone and Residential Neighbourhood Zone), there is an absence of deemed-to-satisfy and/or performance assessed criteria. This will create difficulties for the assessment of retail and commercial development.</p> <p>In many Zones floor area restrictions for shops are provided. The same level of restriction is not provided for other commercial developments such as offices or consulting rooms.</p>	<p>While the need to limit the size and intensity of certain commercial and retail developments within certain Zones is recognised, using a floor area maximum to achieve this can be overly restrictive and discourage the conversion of existing buildings to commercial and retail land uses.</p> <p>Rather than a floor area maximum, Zones such as the Business Neighbourhood Zone, Employment Zone, Rural Horticulture Zone, Suburban Employment Zone, Urban Corridor (Boulevard) Zone, Urban Corridor (Business) Zone, Urban Corridor (Living) Zone, Urban Neighbourhood Zone, Urban Renewal Neighbourhood Zone could provide detailed assessment provisions to guide the appropriate size of commercial and retail development.</p> <p>Alternatively, assessment criteria could be included that provides for greater allowances where an existing building is proposed to be used for a commercial or retail use. Or an overlay could be provided that demonstrates a hierarchy for commercial and retail development in the State.</p>
<p>There are discrepancies between the deemed-to-satisfy criteria, restricted development criteria and performance assessed criteria in the Code, in relation to the size (i.e. gross leasable floor area) of certain commercial and retail development.</p>	<p>There is an absence of assessment policy for the appropriate size of a bulky goods outlet or a shop, ancillary to an industry use within the Employment Zone.</p> <p>The difference between the maximum gross leasable floor area for restricted shops being 1,000m<sup>2</sup> and, DTS/DPF 3.1 which provides a maximum gross leasable floor area for a shop of 500m<sup>2</sup>.</p>	<p>Where a discrepancy between the gross leasable floor area for restricted development and deemed-to-satisfy criteria exists in a Zone, additional assessment policy should be provided that specifies circumstances and factors to be considered for development that exceeds a DTS/DPF maximum floor area</p>
<p>There is no procedural (i.e. notification) table in the Suburban Employment Zone and Urban Activity Zone.</p>	<p>It is not clear whether this is an intentional omission or whether the table has been omitted in error.</p>	<p>Clarify</p>
<p>The Interface Between Land Uses General Provisions apply to commercial and retail developments,</p>	<p>DTS/DPF 2.1 includes acceptable hours of operation between Monday-Friday and Saturday, but does not include any hours for Sunday.</p>	<p>Clarify</p>

largely for the purpose of assessing hours of operation.		
<b>Primary Industry</b>		
There is limited policy objectives and intent expressed within the Rural Zones and the Peri-Urban Zone themselves.	The Zones are heavily reliant upon General Module Policy and area-specific Overlays.	Refer to previous comments regarding naming convention of the Peri- Urban Zone  Each of the Zones would benefit from additional policy statements which differentiate between each Zone and the general modules, to assist in the interpretation of each Zone.
In the notification tables for each Zone, performance assessed development where “the site of the development is adjacent to land in a different zone” must be notified.	This appears to be an overly onerous requirement where the proposed development is primary industry in nature and the adjacent zone is another form of Rural Zone or the Peri-Urban Zone.	An appropriate exclusion to the notification “trigger” should be considered to avoid needless notification of low impact developments.
Where notification tables list “detached dwelling”, the “trigger” is incomplete.		Drafting error must be reviewed and resolved



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