What is a development plan amendment?

Development plans contain the planning controls that guide what can and cannot be developed in council areas. Planning authorities use these planning controls to assess new development proposals.

A development plan amendment (DPA) is a document that describes proposed changes to a development plan.

DPAs must be prepared according to certain processes set out by legislation (the Development Act 1993 and associated Regulations). DPAs may be undertaken by councils or, under circumstances identified in section 24 of the Act, by the Minister for Planning. This DPA has been prepared by the Minister and is known as a Ministerial DPA.

Proposed planning changes for public consultation

The Minister for Planning has proposed a development plan amendment (DPA) to stimulate economic diversity and development in prime retail and commercial areas within Greater Adelaide.

The Existing Activity Centres Policy Review DPA proposes changes to the planning policies used in the assessment of development proposals in ‘activity centres’ such as commercial and retail centres, shopping strips, business precincts, high streets and town centres. The changes are intended to support greater business opportunities, flexibility, competition and certainty.

The DPA affects suburban and regional areas of Greater Adelaide and all 25 development plans in the region, excluding the City of Adelaide.
What changes are being proposed?

Commercial and retail centres, shopping strips, business precincts, high streets and town centres are referred to by Planners as ‘activity centres’. They are places:

- where people visit to buy clothes, food and other consumables
- that offer services and advice from professionals and tradespeople such as hairdressers, tax accountants, travel consultants, medical practitioners and others
- that provide opportunities for employment and enable people to gain experiences and develop skills and knowledge
- where businesses innovate, compete and invest
- that are inviting, vibrant and encourage people and businesses to congregate and socialise.

This DPA proposes changes to existing ‘centre’, ‘shopping’, ‘business’ and ‘mixed use’ zones that will:

- modify zone, policy area, and/or precinct provisions to ensure that any floor space requirements are used only as a guide when assessing development proposals, rather than maximum or minimum thresholds
- remove criteria that make shops, offices and consulting rooms a non-complying form of development (such as through floor space ‘caps’), and so support a consistent merit-based assessment path for new developments across Greater Adelaide
- introduce complying development requirements that promote adaptive re-use of existing buildings for consulting rooms, offices and shops, allowing businesses to adapt to changes in population, community preferences and market conditions
- change business and shopping zones and precincts to ensure development proposals are subject to Category 1 or 2 Public Notification requirements, in line with established requirements for centre zones under the Development Regulations 2008
- introduce more consistent off-street parking requirements for development located near high-frequency public transport routes, interchanges and stations, supporting land-use change in areas expected to contribute to strategic growth targets set by the South Australian Planning Strategy.

Background

Planning policies used in the assessment of development proposals in activity centres, specifically retail development, were introduced into development plans more than 30 years ago. They introduced the concept of a ‘hierarchy’ of centres and sought to limit retail and commercial development outside a few designated centre zones.

Subsequent planning policy reviews systematically prohibited ‘out-of-zone’ shopping development with the aim of supporting policy directions at the time, aiding the provision of public transport services and promoting the agglomeration of other services and facilities to meet the needs of the community as the metropolitan area expanded.

These policy initiatives have influenced land-use practices and policy directions for three decades.

The 30-Year Plan for Greater Adelaide promotes the State Government’s long-term vision to boost population and housing growth within established built-up areas and limit new development in urban fringe locations. This vision influences how services and facilities, including jobs and transport network improvements, might be distributed.

In addition, the Commonwealth Government has recommended that State and Territory governments should seek to ensure activity centre zoning is as broad as possible and that land-use requirements facilitate retail activity and reduce business uncertainty.

Excessive oversight of business practices and activities can discourage investment, reduce local services, cause business opportunities to be lost to other Australian states and territories, unintentionally create less competitive environments (with potentially higher costs to consumers), and make businesses less able to compete with other forms of commerce, including online services and sales.
The challenges facing business activities, particularly retailing, have been the subject of several recent studies and inquiries by the Australian Government. In its April 2011 Research Report on Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments, the Productivity Commission observed:

**Competition restrictions in retail markets are evident in all states and territories**

In March 2015 the Australian Competition Policy Review acknowledged the role of planning and zoning in restricting growth and preventing new entrants in the supermarket sector. It suggests that:

**Removing barriers to entry and other regulatory barriers would strengthen competition in the supermarket sector**

It is essential that activity centres, which are central to social and business endeavours, are adaptable and resilient and can meet the challenges of increasingly competitive and innovative regional, national and international markets.

The changes proposed by this DPA represent an initial step towards generating new opportunities for business and retail activities in key urban and township areas, creating jobs and ensuring the community has access to the services and facilities it wants.

In February 2015 the Department of Planning, Transport and Infrastructure released the draft Principles for Activity Centres and Activity Centre Uses (available on the webpage for this DPA – go to www.sa.gov.au/planning/ministerialdpas) and invited comment from local government and peak industry bodies on which matters should guide activity centre and retail policy reforms. The document includes sample policy directions to be considered when preparing future amendments to development plans.

The feedback recognises the need for a comprehensive review, although there are likely to be differences of opinion when it comes to the detailed policy outcomes, particularly when expanding opportunities for business in locations outside the existing network of centres.

This DPA provides an opportunity to consider detailed amendments to the land-use criteria used to assess development proposals in existing activity centres. The changes seek to allow incumbent businesses, entrepreneurs and investors to more confidently move forward with plans to expand their operations, relocate to or add additional services in these areas.

A second DPA will consider measures that improve opportunities to expand businesses, either as an extension to a centre’s services or on new sites in appropriate locations.

**Want to know more?**

You can view the DPA document online at: www.sa.gov.au/planning/ministerialdpas

You can view the Development Plans online at: www.sa.gov.au/developmentplans

To view these documents in hard copy contact the Department of Planning, Transport and Infrastructure on 08 7109 7007 or your local council.

**How to have your say**

Consultation on Ministerial DPAs is managed by the Development Policy Advisory Committee (DPAC), an independent statutory committee which provides advice to the Minister on planning and development issues.

As part of the consultation process, you may:

- comment on the DPA by making a written submission to the committee, and
- attend a public meeting if you wish to be heard by the committee or raise any matter not previously raised in your written submission.
Public consultation period
The proposed DPA is under consultation for eight weeks from 27 August 2015 to 21 October 2015.

Making written submissions
You can make a written submission on the DPA anytime before the closing date, which is 5pm on 21 October 2015.
Submissions should be marked Activity Centres DPA and sent to:
The Presiding Member, DPAC, c/- Department of Planning, Transport and Infrastructure:
• by post: GPO Box 1815, Adelaide SA 5001, or
• by email: dpac@sa.gov.au, or
• by fax: 08 8303 0627.
Please clearly indicate on your written submission if you wish to be heard at the public meeting.

Viewing submissions
All submissions received from the public are public documents and will be made available for viewing from the closing date until the conclusion of the public meeting at:
• www.sa.gov.au/planning/ministerialdpas and
• the offices of the Department of Planning, Transport and Infrastructure, Level 5, 136 North Terrace, Adelaide, during office hours.
Please note: The posting of submissions on sa.gov.au may be undertaken progressively over a day or more if a large number of submissions are received.

Public meetings
DPAC has scheduled three public meetings as follows:
• Wednesday 4 November 2015 at 7pm in Adelaide Rooms 1 & 2, The Playford Hotel, 120 North Terrace, Adelaide
• Thursday 5 November 2015 at 7pm in the Governor Phillip Function Room, St Francis Winery, 14 Bridge Street, Reynella
• Tuesday 10 November 2015 at 7pm in the Playford Civic Centre, Function Room 1, 10 Playford Boulevard, Elizabeth

Public meetings provide an opportunity for anyone to be heard by the committee or to verbally raise any matter not previously raised in their written submission.

Please note: DPAC may not hold any public meetings if no one requests to be heard. Please check the status of meetings on www.dpac.sa.gov.au or www.sa.gov.au/planning/ministerialdpas before the scheduled meeting dates.

What happens next?
Following the consultation process, DPAC prepares a report for the Minister on the matters raised during the consultation.
The Minister then considers the matters and makes a decision to either:
• approve the DPA (as released for consultation), or
• approve the DPA with changes, or
• not approve the DPA.

If the Minister approves the DPA, notice is given in the South Australian Government Gazette and the development plan is amended.
All approved DPAs must be reviewed by the State Parliament’s Environment, Resources and Development Committee (ERDC). The ERDC may request the Minister to consider changes as a result. Notice of any subsequent change is made in the Gazette and the development plan is amended.