National Competition Policy – Bilateral Schedule

FEDERATION FUNDING AGREEMENT – AFFORDABLE HOUSING, COMMUNITY SERVICES AND OTHER

Table 1: Formalities and operation of schedule

Parties	Commonwealth South Australia
Duration	This Schedule is expected to expire on 31 December 2034.
Purpose	This Schedule will support the delivery of the National Competition Policy multilateral Schedule. It contains South Australia's Jurisdiction-Specific Reform Plan that details how South Australia will deliver the Objectives and Performance Requirements of the multilateral Schedule.

Estimated financial contributions

Table 1 **($ million)**		**% of maximum funding allocation**	**Maximum funding allocation ($ million)**
Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition			
Output 1	Performance milestone 1	0%	0.0
	Performance milestone 2	20%	3.23
Output 2	Performance milestone 1	0%	0.0
	Performance milestone 2	16%	2.584
Output 3	Performance milestone 1	0%	0.0
	Performance milestone 2	24.38%	3.937
Output 4	Performance milestone 1	0%	0.0
	Performance milestone 2	22.5%	3.634
Estimated total budget			**13.384**

Table 2

($ million)	**2026-2027**	**2027-2028**	**2028-2029**	**2029-2030**	**2030-2031**	**Total**
Estimated total budget	**0.670**	**12.714**	**0.0**	**0.0**	**0.0**	**13.384**
Less estimated National Partnership Payments	0.670	12.714	0.0	0.0	0.0	13.384
South Australia	0.0	0.0	0.0	0.0	0.0	0.0

[Indicative estimated value per year based on information provided by South Australia in Table 2]
2026-27: 10.1% of Planning and Zoning, Project 4, 7.7% of Planning and Zoning, Project 3
2027-28: 100% of Planning and Zoning, Projects 1 & 2 with the completion of South Australia's material additional reforms as per Clause 44; 92.3% of Planning and Zoning, Project 3; 89.9% of Project 4.

Table 2: Performance requirements		Delivery Mechanism		
Output	**Performance Milestones**	**Implementation approach**	**Delivery date**	**Dependencies**
Reform: Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition				
Project 1: Implement measures to limit anti- competitive objections to development	State and Territory Parties review their respective commercial zoning rules and planning requirements against Guidelines to identify how to achieve the Project 1 Output State and Territory Parties respectively implement reforms to limit anti-competitive objections to commercial development.	Satisfying section [Project 1; 1.a -b] of the Competition Reform Guidelines: Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition, anti-competitive objections to development are already limited under *Planning, Development and Infrastructure Act 2016* (PDI Act) as there are no public notification or objections process, or appeal rights, for Accepted or Deemed-to-Satisfy pathways in accordance with s104 and s106 of the PDI Act respectively. The PDI Act came into full operation on 19 March 2021This included the state-wide operation of the Planning and Design Code (the Code) that replaced all 72 local council development plans and was accompanied by the release of the PlanSA online portal to lodge and track development applications. The Code and related assessment procedures apply across the entirety of the state, replacing all previous local council development plans and associated assessment procedures for all development types (See Attachment C).	Delivered on 19 March 2021.	NA
Project 2: Remove anti-competitive considerations from planning, rezoning and development processes	State and Territory Parties review their respective planning, rezoning and development processes against Guidelines to identify how to achieve the Project 2 Output. State and Territory Parties implement	Satisfying section [Project 2; 1.a -e] of the Competition Reform Guidelines: Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition, the Code, which covers all aspects of all planning, zoning and development processes does not contain any of the anti-competitive considerations listed (see Attachment C):	Delivered on 19 March 2021.	NA

Table 2: Performance requirements		Delivery Mechanism		
Output	**Performance Milestones**	**Implementation approach**	**Delivery date**	**Dependencies**
	reforms to remove anti-competitive elements from their respective planning, rezoning and development processes in local government areas.	b) commercial viability of proposed development c) competition between individual businesses d) restriction on numbers of types of retail stores e) proximity restrictions on particular types of retail stores. With regard to *a) impact on viability of existing businesses (including loss of trade)*, under the Code, retail development located within an 'activity centre' generally does not need to consider the impact on the viability of other activity centres/other businesses. General Development Policies require that non-residential development outside activity centres does not diminish the role of activity centres within the locality, however, does not place any blanket prohibitions on this type of development occurring. Similarly, although some retail formats i.e. large-scale or bulky goods may exceed maximum envisaged floor area quantum or trigger a restricted development pathway through exceeding a floor area threshold, this typically requires more in-depth consideration of the impacts of such uses on adjacent development rather than prohibiting the proposal. The Code and South Australia's planning system in general does not prohibit any kind or class of development anywhere; rather it puts in place different performance assessment processes depending on the complexity of the development proposed.		
Project 3: In development control instruments, increase the number of purposes for which land can be used	State and Territory Parties review their development control instruments against Guidelines to identify how to achieve the Project 3 Output. State and Territory Parties in their respective development control instruments implement reforms to increase	In relation to section [Project 3; 1 & 2] of the Competition Reform Guidelines: Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition, South Australia has reviewed the planning system and has not identified blanket prohibitions (see Attachment C).		NA

Table 2: Performance requirements		Delivery Mechanism		
Output	**Performance Milestones**	**Implementation approach**	**Delivery date**	**Dependencies**
	the number of commercial purposes for which land can be used in local government areas.	In relation to section [Project 3; 3.a -c] of the Competition Reform Guidelines: Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition; South Australia has reviewed the planning system and identified an area where there is further scope to expand 'as-of right' commercial developments: 3;3;1 South Australia will establish Land Use Classes in the Code, which will link sections 4(6) and 66(2) in the PDI Act. Section 4 – *Change of use of land* stipulates the circumstances under which a change in the type, duration or intensity of a development activity is classed as a change in land use, including to state that a change of use is considered to not have occurred where minor, or where the use belongs to a particular class of land uses specified by the Code. In such instances, applications for development approval and any associated public notification would not be required. Section 66 – Key provisions about content of Code stipulates that the Code will include definitions of land use and establish land use classes. Whilst the Code currently contains land use definitions, land use classes have not been established. The establishment of land use classes will ensure that a change of use within a Land Use Class will not require a development application, expanding 'as-of-right' use of land for similar but different types of commercial	Establish Land Use Classes: 31/03/2028	

Table 2: Performance requirements		Delivery Mechanism		
Output	**Performance Milestones**	**Implementation approach**	**Delivery date**	**Dependencies**
		intensity. In relation to section [Project 3; 4.a -b] of the Competition Reform Guidelines: Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition, South Australia already has a limited suite of commercial ('Activity Centre') and industrial ('Employment') zones in the Code, which provide for a range of suitable mixed-use outcomes. South Australia will make further progress in this area by: 3;4;1 Introducing a new Zone for master planned mixed use communities, which will facilitate more flexibility in the approach to enabling a greater mix of uses than is currently enabled by the existing 3 highly consolidated commercial and industrial Zones. Although current master planned zones do allow for commercial activities to occur (rather than have blanket prohibitions), these Zones have a greater focus on residential development. As such, the scale of commercial uses is limited where located outside of centres to minimise impacts on residential development within the locality. The new master planned mixed use zone will facilitate a greater mix of uses including a range of commercial and employment activities. As an example of use: The Government of South Australia supports ExxonMobil's redevelopment of the former oil refinery site at Port Stanvac. There is a shared vision to deliver an ambitious master planned community,	New Zone for master planned mixed use communities: 31/12/2026	

Table 2: Performance requirements		Delivery Mechanism		
Output	**Performance Milestones**	**Implementation approach**	**Delivery date**	**Dependencies**
		which aims to include mixed uses, such as: • A range of industrial, logistical, warehousing, storage, research, and training land uses • Access to the Lonsdale Railway Station • Precincts that include shopping, business, entertainment, and recreation facilities • Approximately 3,600 new dwellings • Approximately 40-hectares of protected coastal land • Public beach access • Sporting fields A new Zone could comprehensively set the planning requirements to deliver a well-considered master planned outcome that supports diverse commercial activity on the Port Stanvac site. Once the new zone is included within the Code policy library, it will be possible for the zone to be spatially applied to other areas where this mix of land uses is anticipated via a Code Amendment process under s73 of the PDI Act. It is not intended that the zone will serve as a blanket replacement for areas currently within other master planned zones (see Attachment C for more detail). South Australia intends to implement reform actions that make material additional (MA) progress in delivering these Performance Requirements, in recognition of past progress made prior to signing the agreement fully satisfying [Project 3; 1 & 2] of the Competition Reform Guidelines: Liberalise and		

Table 2: Performance requirements		Delivery Mechanism		
Output	**Performance Milestones**	**Implementation approach**	**Delivery date**	**Dependencies**
		standardise commercial zoning rules.		
Project 4: Streamline criteria and processes for development assessment and rezoning	State and Territory Parties review their respective criteria and processes for development assessment and rezoning against Guidelines to identify how to achieve the Project 4 Output. State and Territory Parties implement reforms to streamline their respective criteria and processes for commercial development assessment and rezoning in local government areas.	In relation to section [Project 4; 2] of the Competition Reform Guidelines: Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition, South Australia has identified the following duplicate assessment process for removal: 4;2;1 South Australia will better align its tree policies under the *Planning, Development and Infrastructure Act 2016* and the *Native Vegetation Act 1991*, contingent on latter Act being absorbed into the proposed Biodiversity Bill. At present, there are two tree control regimes which apply in in certain parts of Greater Adelaide ("Regulated Trees" apply the PDI Act, applying to any part of Greater Adelaide where the "Regulated and Significant Tree Overlay" is spatially mapped in the South Australian Property & Planning Atlas [SAPPA]; and Native Vegetation identified under the *Native Vegetation Act 1991*, which applies anywhere the Native Vegetation Overlay or State Significant Native Vegetation Overlay is spatially mapped in the SAPPA – and overlap in many parts of the Adelaide Hills), that leads to confusion over which regime applies. Better alignment and clarity between the regimes is expected to reduce development application timeframes as authorities and applicants will have better understanding of the relevant assessment parameters.	Vegetation streamlining: 31/12/2027	The Biodiversity Bill becomes law in South Australia.

Table 2: Performance requirements		Delivery Mechanism		
Output	**Performance Milestones**	**Implementation approach**	**Delivery date**	**Dependencies**
		In relation to section [Project 4; 3] of the Competition Reform Guidelines: Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition, South Australia will implement the following reform to make as of right processes standard practice: 4;3;1 automate the approval of applications that are classed as Deemed-to-Satisfy through the inclusion of technical updates to the e-planning system which will enable automatic recognition and assessment of the Code's quantitative DTS provisions. Currently, the e-planning system allows for a streamlined application submission process, however it still requires a person to confirm it is accepted. The removal of the human element will fast-track the processing of Deemed-to-Satisfy applications. In relation to section [Project 4; 4 a-b] of the Competition Reform Guidelines: Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition, the Government of South Australia will implement the following reforms to streamline assessments: 4;4;1 Develop statewide Engineering Design Standards which will standardise design requirements. In effect, this will create a form of 'low risk' classification for compliant applications. In conjunction, South Australia will amend the *Planning, Development and*	DTS automation: 31/12/2027 Engineering Design Standards: 31/12/2026	

Table 2: Performance requirements		Delivery Mechanism		
Output	**Performance Milestones**	**Implementation approach**	**Delivery date**	**Dependencies**
		Infrastructure (General) Regulations 2017 to remove the need for Local Government / councils to give consent to the vesting of land where a development application to divide land complies with the Engineering Design Standards (amendments to regulations 3A, 80, new 26B and 85A). In addition, applications for the division of land into smaller allotments will be made permissible prior to the title being issued for the parent lot (Schedule 3). Together, these reforms are expected to create faster assessment of applications for greenfield developments, which include commercial uses.		
		4;4;2 Expand the Streamlined Code Amendment process to commercial rezonings. Currently this process is used for Code amendments which meet Regional Plans, includes mandatory documentation and investigations, is assessed to be 'simple' or 'moderate' in complexity. In its current application, it can reduce the timeframe for an 'initiation' decision by the Minister, which is typically 3-6 months (subject to many factors), down to 15 business days. More information is available at Streamlined proposal to initiate for private proponent code amendments - fact sheet (PDF, 228 KB)Its expansion to commercial rezonings is expected to similarly reduce timeframes.	Streamlined Code Amendment for commercial rezonings: 31/12/2027	
		4;4;3 Enhance the ePlanning system to deliver increased streamlined assessment opportunities. Currently, 72% of development applications in commercial or industrial zones	ePlanning enhancements:	

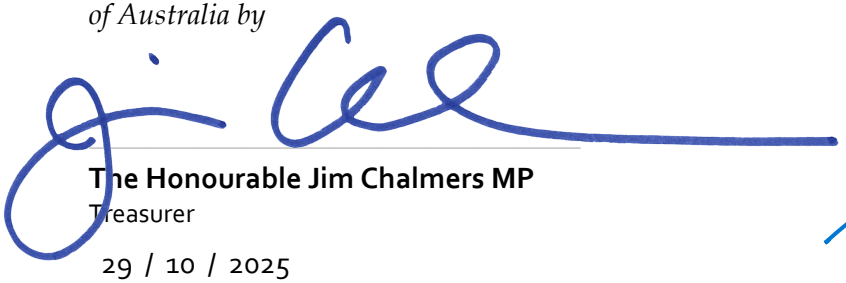
Table 2: Performance requirements		Delivery Mechanism		
Output	**Performance Milestones**	**Implementation approach**	**Delivery date**	**Dependencies**
		undergo a performance assessment process which can take between 20-70 business days. The Development Application Processing (DAP) system is used to lodge and manage all development applications within the State. The system records statistics regarding the number, type and location of development applications which provides insight as to how many developments are approved via streamlined assessment through the Accepted or Deemed to Satisfy assessment pathways, as opposed to a more onerous Performance Assessed pathway. The DAP system does not currently provide insight as to why a proposed development has defaulted to a Performance Assessed pathway in circumstances where a streamlined assessment pathway would have been available. Similarly, the system does not detail information regarding where a Relevant Authority has granted a minor variation, or the extent to which a variation exceeds development thresholds set by a deemed-to-satisfy requirement within the Code. Integration of policy analysis tools into the DAP system will highlight opportunities for policy improvements based on application data recorded by the DAP. This will provide insight as to which development thresholds are commonly not met, resulting in a proposal defaulting to performance assessment, as well as the level of variation from such thresholds considered acceptable by Relevant Authorities undertaking the assessment process for both performance	31/12/2027	

Table 2: Performance requirements		Delivery Mechanism		
Output	**Performance Milestones**	**Implementation approach**	**Delivery date**	**Dependencies**
		assessed and deemed-to-satisfy pathways. Such analysis will inform the establishment of clear development thresholds for a larger range of development types to significantly increase the number of commercial and industrial developments approved via the Accepted (no approval required) or Deemed to Satisfy (5 business days) streamlined assessment pathways. South Australia intends to implement reform actions that make material additional (MA) progress in delivering these Performance Requirements, in recognition of past progress made prior to signing the agreement fully satisfying [Project 1 and 2] of the Competition Reform Guidelines: Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition, by: MA;1 Establishing a new Coordinator General's Office to facilitate coordination across regulators to streamline approvals for significant projects and be a single point of contact for project proponents. For 'state development areas', the Coordinator General's Office is expected to perform regulatory pre-assessments ahead of the submission of a development application, fast tracking the approval process. This is expected to streamline the provision of enabling infrastructure for major developments, including strategic industrial activity. This is in keeping with Reform direction 4.1 from the Productivity Commission's research paper	Establish a Coordinator General's Office: 31/12/2027	

Table 2: Performance requirements		Delivery Mechanism		
Output	**Performance Milestones**	**Implementation approach**	**Delivery date**	**Dependencies**
		'Housing construction productivity: Can we fix it?', released in February 2025. Albeit the Productivity Commission's recommendation was for establishing coordination bodies for housing developments, the same logic also applies to commercial developments. MA;2 Amending the *Real Property Act 1886* to enable the electronic lodgement of division dealings. Due to legislative prohibitions in the *Real Property Act 1886*, all land division dealings must currently be processed manually with paper. This is in comparison to most other dealing types which are now able to be facilitated electronically through Electronic Lodgement Network Operators. Implementation of a digital solution is anticipated to save up to 12 weeks (or three months) in the processing of a land division from the initial plan stage to final completion and titles issue. As outlined above, commercial and industrial development is typically required to undergo performance assessment, which often takes between 20-70 days. This is in addition to the time required to process the initial land division application where the subdivision of land is required. The time savings gained through the digital solution will significantly reduce the overall approval process for these development types which can reduce holding costs for businesses and improve the financial viability of development activity.	Electronic lodgements of division dealings: 31/12/2027	

The Parties have confirmed their commitment to this schedule as follows:

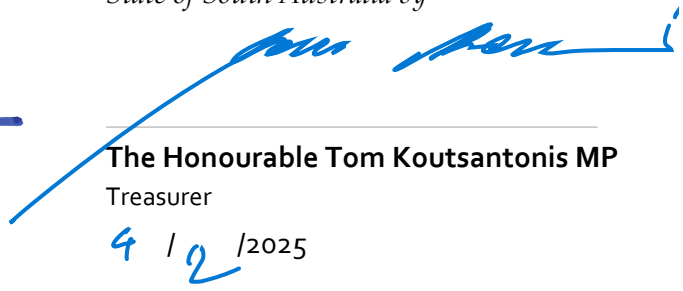
Signed *for and on behalf of the Commonwealth of Australia by*



The Honourable Jim Chalmers MP
Treasurer

29 / 10 / 2025

Signed *for and on behalf of the State of South Australia by*



The Honourable Tom Koutsantonis MP
Treasurer

4 / 12 /2025

Annexure A: Committed reforms requiring further consideration

Table 2: Performance requirements		Delivery Mechanism		
Output	**Performance Milestones**	**Implementation approach**	**Delivery date**	**Dependencies**
Project 3: In development control instruments, increase the number of purposes for which land can be used	State and Territory Parties review their development control instruments against Guidelines to identify how to achieve the Project 3 Output. State and Territory Parties in their respective development control instruments implement reforms to increase the number of commercial purposes for which land can be used in local government areas.	In relation [Project 3] of the Competition Reform Guidelines: Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition, South Australia will make material additional progress in this area by aiming to improve the delineation of activity centre (commercial/retail) zone boundaries in master planned areas subject to a review. At present, a flexible approach is provided by indicating the approximate location of activity centres on a Concept Plan in the Code, at the rezoning stage when specific zone boundary locations aren't known. Activity centre boundaries can then be confirmed through a Building Envelope Plan lodged at the land division stage, bringing in policy from an 'Emerging Activity Centre Subzone' in the Master Planned Neighbourhood Zone. However, this process is complex and not well understood; resulting in 'emerging' policies applying to master planned areas and their activity centres into the future once they are already completed. A new scheme will be investigated where a streamlined rezoning process is enabled to apply a suitable 'activity centre' zone in these master planned areas. This pathway would be available at the stage of land division once surveying/roads/infrastructure has been completed and boundaries are known with certainty. This approach would provide for flexibility in zone boundaries at the master planning/rezoning stage, with greater certainty at the implementation/construction stage by applying the right zone through a streamlined process, enabling the development of commercial	Review expected to be completed by 31/12/2028	N/A

		development into the future.		
Project 4: Streamline criteria and processes for development assessment and rezoning	State and Territory Parties review their respective criteria and processes for development assessment and rezoning against Guidelines to identify how to achieve the Project 4 Output. State and Territory Parties implement reforms to streamline their respective criteria and processes for commercial development assessment and rezoning in local government areas.	In relation to section [Project 4; 1] of the Competition Reform Guidelines: Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition, South Australia will review the following to identify opportunities to streamline outcomes and clarify policy objectives with the aim of ensuring no distortion to competition: 1) State Planning Commission review – review the Commission's role in the areas of: assessment of Impact Assessed developments, preparation of Ministerial Building Standards and Practice Directions, and other areas of interest. 2) Code Amendment process review – review the process with the aim of removing unnecessary steps and clarifying the role of Concept Plans and guidance materials. 3) *Urban Renewal Act 1995* Precinct review – review the requirement, governance and processes to establish and maintain Precincts. 4) Early Code Amendment process review - review opportunities to broaden and clarify instances of when early commencement can apply.	Reviews expected to be completed by 31/12/2027	N/A

Attachment C: Past progress made toward the Performance Requirements prior to the Commonwealth signing the FFA schedule.

[Project 1; 1.a -b] of the Competition Reform Guidelines: Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition

The PDI Act contains 4 classifications of development applications; Accepted, Deemed-to-Satisfy, Performance Assessed and Restricted.

There is no public notification or objections process, or appeal rights, for Accepted or Deemed-to-Satisfy pathways in accordance with s104 and s106 of the PDI Act respectively.

Performance Assessed involves an "on-merit" assessment. For 2024-2025, approximately 70% of all development applications underwent performance assessment. Performance Assessed developments may require a public notification period to notify adjacent landowners of the proposal, who are given an opportunity to lodge a representation to the relevant authority. To prevent anti-competitive objections, each Code Zone contains a Table which identifies classes of Performance Assessed development that are exempt from requiring notification – typically those with land use envisaged in the Zone and meet key policy requirements such as maximum building height requirements. These tables also include a clause which enables a relevant authority to consider whether a class of development which would otherwise require notification should not be notified on the basis that the development is minor in nature and would not have unreasonable impacts on owners or occupiers of land in the locality. A relevant authority is required to accept a representation, and provide it to an applicant for response, before making any decision. A relevant Authority may then choose to allow a representor to appear in person for their representation to be heard, if it is believed that this would aid the relevant authority to make a decision. Those who lodge a representation may have the opportunity to be heard by the relevant authority (usually the assessment panel), but do not have a right of appeal against the relevant authority's decision (see section 202 of the PDI Act for appeal rights).

Notification and appeals under the Code differ from the previous system under the former *Development Act 1993* and *Regulations 2008*, where merit development (similar to performance assessed under the Code) was separated into three notification categories:

Category 1 – no notification

Category 2 – notification of the owner or occupier of adjacent land and persons of a prescribed class

Category 3 – notification of the above, plus any other persons deemed to be directly affected by the proposal and the public generally.

Any person notified under Category 2 or 3 could make written representations to the relevant authority in relation to the granting or refusal of the planning consent, with Category 3 guaranteeing a right to personally appear before the authority to have their representation heard. In the case of Category 3 development, third parties also had right of appeal against a decision. The commencement of the PDI Act and the Code have substantially reduced the potential for anti-competitive representations to be made through removing a guaranteed right to appear before a relevant authority and entirely removed the potential for anti-competitive appeals for performance assessed development.

The Restricted Development pathway involves "on-merit" assessment, this requires consideration beyond that required for an assessment via the Performance Assessed pathway. The State Planning Commission acts as the relevant authority for all Restricted development, and in doing so determine whether or not the development will be assessed and, if so, whether planning consent will be granted. Although the Restricted development pathway is not a blanket prohibition of listed development types, the Commission may refuse to assess an application classified as Restricted.

Restricted development requires notification of the owner or occupier of adjacent land and persons of a prescribed class plus any other persons deemed to be directly affected by the proposal and the public generally. Third party appeal rights exist for people who make a representation in relation to a notified Restricted development.

The classification of development types as Restricted relies upon the following principles:

- **Principle 1:** Warrants assessment by the Commission to consider the strategic implications and impacts. For example, large-scale out-of-centre retail warrants State assessment as it may have a broader impact on the form and pattern of development across a region and could disrupt the role of activity centres in providing equitable and convenient access to shopping, administrative, cultural, entertainment and other facilities.

- **Principle 2:** Requires detailed investigations and assessment beyond that provided through a performance assessed pathway and may require consideration of other documents outside of the Code. For example, special industry has the potential to endanger or detrimentally affect the health of people and property and would therefore benefit from a more detailed assessment process.

[Project 2; 1. b-e] of the Competition Reform Guidelines: Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition

As noted in Table 2, the Code, which covers all aspects of all planning, zoning and development processes does not contain any of the anti-competitive considerations listed:

b) commercial viability of proposed development
c) competition between individual businesses
d) restriction on numbers of types of retail stores
e) proximity restrictions on particular types of retail stores.

Prior to the introduction of the Code, many former Council Development Plans contained specific policies which placed restrictions on the type, number or location of retail developments and set out requirements relating to commercial viability and competition with existing businesses. Council Development Plans which followed the *Better Development Plan* (BDP) format which was progressively introduced by the State Government throughout the early 2000s typically contained zone policy requiring that retail development should not hinder the development or function of any centre zone in line with centre hierarchy policy contained within these plans. Additionally, many Development Plans included additional Council-wide, or fine-grained locationally specific policies which placed limits on type, number and location of retail developments.

For example, Objective 10 of the Centres and Shops Council Wide policies within the former City of Unley Development Plan required that retail development be evaluated against “its locational and operational compatibility with existing shopping, business, commercial zones, or areas, including the nature of the goods and materials to be stocked”. Similarly Principle of Development Control (PDC) 11 of the Centres and Shops policies within this Development Plan required that out of centre retail development would, among other things, “result in the expansion of the total range of retail goods and services presently available to the community” and “result in a maintenance of retail employment in the area”.

Other examples of include the former City of Salisbury Development Plan, Commercial Zone Precinct 22, PDC 15, which required that "no additional retail development should occur within the precinct, except where it is a bulky goods outlet or replacing existing retail". The Mixed Use (Bulky Goods, Entertainment and Leisure) Zone within this Development Plan envisaged that "the zone will include the development of a single large floorplate shop with a floor area between 10 000 square metres and 15 000 square metres or thereabouts" and specified that "up to 45 percent of the total floor space of this tenancy may include the display and sale of foodstuffs".

Due to the focus on activity centre hierarchy throughout Development Plans Such limitations were even placed on retail development within activity centres and activity centre zones. PDC 8 of the Centres and Retail Development general policy of the former Port Adelaide Enfield Development Plan required that "Centre and retail development of a size and type that will not demonstrably impede the current and future commercial viability of a centre zone". The Neighbourhood Centre Zone of the Salisbury Development Plan even placed limits on leasable floor area within centres, including the requirement that "development at Montague Road, Pooraka should: (a) be comprised of retail, commercial, community and educational uses (b) not exceed a cumulative gross leasable floor area in the order of 2000 square metres for the entire centre". Outside of centres, further limits were often placed on the type of retail offerings available.

Unlike many former Development Plans, the Code does not place restrictions on the numbers of types of retail stores, proximity of retail development to other business or non-commercial uses, or seek to limit leasable floor area within centre zones. Rather, Code policy seeks to ensure that retail stores are of a scale or type that is appropriate when considering the envisaged local context of the Zone. For example, employment and rural type zones typically encourage retail ancillary to industrial or agricultural uses on the same allotment which primarily involve the sale of goods manufactured on site, or retail activity which aligns with and supports the activities primarily sought by the Zone. Similarly, neighbourhood type zones typically encourage retail development that supports the needs of the local community in terms of supporting vibrant, walkable communities with access to services whilst maintaining residential amenity. In some instances, certain retail uses such as bulky goods outlets may be listed as a type of retail development which is not encouraged within a zone due to local context i.e. within the Tourism Development Zone which primarily seeks a range of tourist accommodation and associated services and facilities that enhance visitor experiences and enjoyment. However, as noted above in relation to Project 1, the Code does not place blanket prohibitions on any type of retail development, rather a proposal would require performance assessment on its ability to meet the objectives of the Zone. At no point does the Code prohibit multiple retail stores of a given type being proposed within a given locality, nor does the Code place any proximity restrictions on the types of retail stores which can occur within a given location. Similarly, the Code does not require an assessment of the viability of the proposed development, nor consideration of competition between individual businesses.

[Project 3;1, 3;2 and 3;4] of the Competition Reform Guidelines: Liberalise and standardise commercial zoning rules and review planning requirements to ensure they do not distort competition

In relation to Project 3;1 and 3;2, the Code does not include blanket prohibitions on any form of development and is designed so that assessment is focussed on the impacts of a proposed use, including for Restricted forms of development, which are subject to assessment by the State Planning Commission. Zone policy within the Code lists non-exhaustive development types which are envisaged within a given Zone, which is further supported by specific assessment pathways, including designation of policies relevant to the assessment of such development types through Development Classification Tables within a given Zone. Accepted and Deemed-to-Satisfy Classification Tables denote which development types are as-of-right within a given Zone. Where a development type is not listed within any of the Development Classification Tables within a given Zone, the proposal will default to 'all other code assessed development', which is a form of performance assessment where the Relevant Authority may determine which relevant policies within the Code may form part of an assessment, as opposed to

undertaking an assessment against a pre-determined list of relevant provisions specified by the Classification Table. In this way, the Code enables consideration of any form of development to be proposed within any Zone, with the assessment to be based on development impacts. As noted previously, although certain development types may be designated as Restricted within a given Zone, the Restricted development pathway is not a blanket prohibition of listed development types, noting the Commission may refuse to assess an application classified as Restricted. The Justification for Restricted development can be generally ascertained through an understanding of the relevant Performance Outcomes and Desired Outcomes within a given Zone, i.e. where retail is classified as Restricted if it exceeds a particular floor area, this can be attributed to policies within the Zone which speak to the context of the zone, or the minimisation of impacts on the primary envisaged uses within the Zone, i.e. large floor area retail development within an established neighbourhood zone seeking to preserve historic character and development patterns. It should be further noted that the number of development types which are restricted are significantly limited under the Code when compared with former Development Plans, with many zones not listing any form of development as restricted. Conversely, former Council Development Plans included extensive lists of non-complying development types with no explanation of the public interest justification for the prohibition, and for which the relevant authority could refuse to assess the application. Often the types of development listed as non-complying had no relation to the type of development envisaged within the Zone or any relation to relevant thresholds where a higher order of assessment would be required, for example, the designation of an amusement machine centre within a Coastal Conservation Zone as non-complying.

In relation to Project 3;4, as noted above, the PDI Act requires that the rezoning of land is required to undergo a Code Amendment process in accordance with Section 73 of the Act, with public engagement to occur in accordance with the Community Engagement Charter. The replacement of existing Master Planned Zones with the proposed Master Planned Mixed Use Zone would similarly be required to undergo such a process, should that be considered. It should be noted that policy amendments to realise the rationalisation of commercial type zones would require a similar process. However, once introduced within the Code library, the proposed Master Planned Mixed Use Zone could be considered for application in any future master planned setting as appropriate via Code Amendment, including in such instances where a rezoning is sought for areas where the current master planned zones apply. As such, the proposed Zone would not be limited to the initial intended use case of supporting mixed use development at Port Stanvac. Further application of the proposed zone would be subject to investigation, however its use would be encouraged as a means of providing equitable access to employment, services and retail options within emerging master planned areas where a greater mix of uses is sought.

As it stands, the existing suite of master planned zones is applied to a range of local contexts, with many such locations having a focus on more traditional patterns of residential development within a newly established community, rather than seeking a high level of mixed use. It should be noted however, that the existing Master Planned Neighbourhood Zone contains an Emerging Activity Centre Subzone, which seeks to provide activity centres within master-planned communities that include a range of land uses to provide services at the local and neighbourhood level. An equivalent Subzone exists within the Master Planned Township Zone. In many instances, these subzones have been spatially applied to the full extent (e.g., throughout Munno Para, Angle Vale and Buckland Park within the City of Playford), or a large portion of the area (i.e. at Hackham within the City of Onkaparinga) to which the Master Planned Neighbourhood Zone applies. In this way, greater flexibility and scalability can be ensured regarding the development activity centres, allowing a greater mix of non-residential development including retail to be incorporated within master planned communities.