

City of Adelaide Technical Code Amendment (Performance Assessed Pathway)

Strategic Alignment - Our Places

Public

Tuesday, 5 August 2025

City Planning, Development
and Business Affairs
Committee

Program Contact:

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Approving Officer:

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Shaping

EXECUTIVE SUMMARY

This report seeks endorsement to progress a statutory Proposal to Initiate request to the Minister for Planning to amend the State Government's Planning and Design Code (the Code) via a City of Adelaide Technical Code Amendment (Performance Assessed Pathway) to be referred to as (the Code Amendment) (**Attachment A**).

The current Code includes different assessment pathways for different types of development. The Performance Assessed Pathway applies to more complex developments that require a merit-based assessment against the Planning and Design Code and may involve public notification and/or referrals as part of their assessment.

The Code Amendment proposes minor and technical amendments to the Code to enhance built form outcomes in relation to Performance Assessed Development. It does not change policy intent of the Code but rather assists in improving policy clarity and interpretation in the decision-making process.

The Code Amendment is required to enhance and improve policy clarity, efficiency and consistency for Performance Assessed Development within the City of Adelaide. It aims to refine policy to address identified gaps, unintended policy consequences and emerging trends.

The Code Amendment proposal is led by City of Adelaide and is an identified priority in the City of Adelaide's Code Amendment Program ([Link 1](#)).

The Code is the statutory instrument under the *Planning, Development and Infrastructure Act 2016* (SA) for development assessment in the City of Adelaide and South Australia. The Code Amendment is being proposed as per the State Government's statutory Code Amendment process ([Link 2](#)).

Pending Council's decision, the '*Proposal to Initiate a Code Amendment*' will be finalised and submitted by the Chief Executive Officer to the Minister for Planning for approval to commence investigations and prepare the Code Amendment.

RECOMMENDATION

The following recommendation will be presented to Council on 12 August 2025 for consideration

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Endorses the Proposal to Initiate an Amendment to the Planning and Design Code – City of Adelaide Technical Code Amendment (Performance Assessed Pathway) as contained in Attachment A to Item 7.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 5 August 2025.
 2. Authorises the Chief Executive Officer to make amendments to finalise, issue and seek agreement with the Minister for Planning in relation to the initiation of the Proposal to Initiate an Amendment to the Planning and Design Code – City of Adelaide Technical Code Amendment (Performance Assessed Pathway) as contained in Attachment A to Item 7.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 5 August 2025.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Places Encourage bold, interesting and purposeful development that supports the changing needs of our community and city
Policy	The Code Amendment seeks to improve planning policy contained in the State Government's Planning and Design Code.
Consultation	If the Minister for Planning agrees to initiate the Code Amendment, public consultation on the Code Amendment (once drafted) will be required.
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	The Code Amendment seeks to improve planning policy contained in the Planning and Design Code to assist development assessment in the City of Adelaide, including greater certainty for residents and development proponents in relation to Performance Assessed Development.
25/26 Budget Allocation	The 2025/26 Annual Business Plan and Budget includes a strategic project allocation of \$100,000 for implementation of year 3 of the Planning and Design Code Amendment Program.
Proposed 26/27 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Improvements to planning policy in the Planning and Design Code are made through a Code Amendment process.
25/26 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Purpose

1. This report seeks endorsement to progress a statutory Proposal to Initiate request to the Minister for Planning to amend the State Government's Planning and Design Code (the Code) via a City of Adelaide Technical Code Amendment (Performance Assessed Pathway) (**Attachment A**).
2. The Code Amendment proposes minor and technical amendments to the Code to enhance built form outcomes in relation to Performance Assessed Development.
3. It does not change policy intent of the Code but rather assists in improving policy clarity and interpretation in the decision-making process.

Background

4. The Code Amendment is an identified priority in the City of Adelaide's Code Amendment Program (then referred to as the Post-Transition Miscellaneous Code Amendment), noted by Council in August 2023 ([Link 1](#)). The Code Amendment program includes:
 - 4.1. Code Amendments initiated by the City of Adelaide; and
 - 4.2. Response to Code Amendments initiated by the State Government and third parties.
5. The proposed Code Amendment is a City of Adelaide led Amendment.
6. The Code is the statutory instrument under the *Planning, Development and Infrastructure Act 2016* (SA). The Code Amendment is being proposed as per the State Government's statutory Code Amendment process ([Link 2](#)).
7. The figure below summarises the process and shows it is at the Proposal to Initiate phase:



Code Amendment Process

Scope of the Code Amendment

8. The Code Amendment seeks to:
 - 8.1. Make minor and technical changes to improve the Code's application within the City of Adelaide. These changes will enhance the performance of the Code in relation to Performance Assessed Development.
 - 8.2. Improve policy clarity and interpretation, addressing unintended policy consequences and improving policy linkages.
 - 8.3. Improve Performance Assessed Development outcomes by ensuring the Code reflects contemporary planning values and emerging trends.
9. The Code Amendment focuses on improvements to the Code that are of minor and technical nature, and addresses some of the issues that the City of Adelaide highlighted in its submissions to the State Government as part of the:
 - 9.1. State Government's Code implementation.
 - 9.2. State Government Miscellaneous Technical Enhancement Code Amendment.
 - 9.3. State Government Assessment Improvements Code Amendment.
 - 9.4. The Expert Panel's Planning System Implementation Review ([Link 3](#)).
10. The Code Amendment applies only to developments within the Performance Assessed pathway, with future Code Amendments planned for minor and technical changes in other assessment pathways.

11. Addressing technical amendments through a staged approach simplifies the technical content for public engagement, making the amendments easier to understand while ensuring they remain focused and efficient in addressing key technical issues.
12. The following matters have been identified as examples for inclusion in the Code Amendment:
 - 12.1. Envisaged uses:
 - 12.1.1. Ensure all uses listed as envisaged within the relevant Zone or Subzone are included in Table 3 – Applicable Policies for Performance Assessed Development.
 - 12.2. Policy linkages:
 - 12.2.1. Review relevant policies assigned to various types of development to ensure appropriate policies consistently apply across similar types of zones.
 - 12.3. General review of policies, such as:
 - 12.3.1. Refining the language and framework around Concept Plans and other policies to improve clarity, consistency, and ease of interpretation for stakeholders.
 - 12.4. Concept Plans:
 - 12.4.1. Review and amend any concept plans to improve clarity, remove any inconsistencies or ambiguities.

Next Steps

13. Pending the Council's decision, the Proposal to Initiate a Code Amendment will be finalised and submitted by the Chief Executive Officer to the Minister for Planning for approval to commence investigations and prepare a Code Amendment.
14. Pending approval by the Minister, the City of Adelaide will prepare the draft Code Amendment for public consultation.
15. A Council decision will be sought on the draft Code Amendment and consultation plan prior to its public release.

DATA AND SUPPORTING INFORMATION

Link 1 – [Planning and Design Code – Update and Future Priorities – August 2023](#)

Link 2 – [Overview of Statutory Code Amendment Process](#)

Link 3 – [Agenda – Council – Tuesday, 31 January 2023](#)

ATTACHMENTS

Attachment A – Proposal to Initiate – City of Adelaide Technical Code Amendment (Performance Assessed Pathway)

- END OF REPORT -