

PROPOSAL TO INITIATE AN AMENDMENT TO THE PLANNING AND DESIGN CODE

City of Adelaide Technical Code Amendment (Performance Assessed Pathway)

By the City of Adelaide(*the Proponent*)

(Signature Required)

City of Adelaide (*the Proponent*)

Date: **XXX 2025**

This Proposal to Initiate document together with conditions specified by the Minister for Planning forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*. By signing this Proposal to Initiate, the Proponent acknowledges and agrees that this Proposal to Initiate, and any supporting documents may be published on the PlanSA portal by the Department for Housing and Urban Development (the Department).

(Signature Required)

MINISTER FOR PLANNING

Date:

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1. INTRODUCTION

The Proponent is proposing to initiate an amendment (the Code Amendment) to the Planning and Design Code (the Code) as it relates to land located within the City of Adelaide on Kaurna Country (the Affected Area).

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment.

The Proponent acknowledges that the Minister may specify conditions on approving this Proposal to Initiate, under section 73(5) of the Act. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.

1.1. Planning Merit Statement

Strategic Alignment	The proposed Code Amendment is consistent with the broader strategic intent in the State Planning Policies, the Greater Adelaide Regional Plan, and the City of Adelaide City Plan - Adelaide 2036. The proposed Code Amendment will align with strategic policy outcomes including, but not limited to: Improving the decision-making process through clarification, consistency and interpretation of policy.
Planning Merits	The Code Amendment is required to improve policy clarity, interpretation and consistency for Performance Assessed Development within the City of Adelaide. The Code Amendment aims to introduce and refine policy to address identified gaps, unintended policy consequences, emerging trends and contemporary planning values.
Matters of Significance	The Code Amendment will need to consider: Impact of planning policies

1.2. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.2.1. The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- 1.2.2. The Proponent declares that it has not and does not intend to enter into an agreement with a third party for the recovery of costs incurred in relation to the Code Amendment under section 73(9) of the Act. If the Proponent does enter into such an agreement, the Proponent will notify the Department for Trade and Investment (the Department) prior to finalising the Engagement Report under section 73(7).
- 1.2.3. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:
 - (a) Kenneth Chan, Team Leader City Policy and Heritage
 - (b) Email: k.chan@cityofadelaide.com.au
 - (c) Phone: 8203 7203
- 1.2.4. The Proponent intends to undertake the Code Amendment by
 - (a) Utilising professional expertise of employees of the Proponent including:
Darshi Gohel – Policy Planner

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to amend the Code for the Affected Area, being the land within the City of Adelaide as shown in the map in **Attachment A**.

The Affected Area is on Kaurna Country.

2.2. Scope of Proposed Code Amendment

Current policy	The Planning and Design Code as it applies to the City of Adelaide.
Amendment outline	The objective of the Code Amendment is to make minor and technical amendments that improve policy clarity, efficiency and consistency for Performance Assessed Development within the City of Adelaide..
Intended policy	The Code Amendment will be focussed on minor and technical amendments to the Code. It is not the intent of the Code Amendment to make changes to policy that would affect the underlying intent. The following matters have been identified as examples for inclusion in the Code Amendment: Envisaged Uses Review Table 3 – Applicable Policies for Performance Assessed Development to ensure all uses listed as envisaged within the relevant Zone or Subzone are included within Table 3. Policy linkages Review relevant policies assigned to various types of development to ensure appropriate policies consistently apply across similar types of zones. General review of policies Review and amend any policies to improve clarity, efficiency and address any unintended outcomes. In particular, Refining the language and framework around Concept Plans and other policies to improve clarity, consistency, and ease of interpretation for stakeholders.

	• Reviewing existing policies to identify and correct any unforeseen impacts or outcomes that may have arisen since the Code's introduction. Concept Plans Review and amend any concept plans to improve clarity, remove any inconsistencies or ambiguities.
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The technical review will continue through the investigations and preparation of the Code Amendment. This may reveal additional issues for consideration that haven't been raised so far. If additional issues of a comparable technical nature (i.e. do not involve a substantial change in policy position and would assist in clarity and understanding of Code policy more generally) are identified during the investigations and preparation of the Code Amendment, they can be considered within the scope of this initiation and are suitable for inclusion. It is noted that the investigations may also reveal that some of the issues identified are better addressed via a separate Code Amendment.

2.3. Rationale for the Code Amendment

Since the introduction of the Planning and Design Code in 2021, the City of Adelaide has undertaken a thorough and ongoing review process. This review has been designed to assess the performance of the Code, monitor its effectiveness, and identify where refinements may be required to enhance its capacity to deliver high-quality urban outcomes.

The proposed Code Amendment aims to 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 and aim to improve consistency, clarify policy interpretation and address policy gaps to respond to contemporary planning values and emerging trends.

This Code Amendment will primarily focus on:

- **Improving Policy Clarity and Interpretation:** Refining policies to ensure clear, consistent application and easier interpretation for all stakeholders.
- **Enhancing Consistency and Alignment:** Adjusting policies to improve alignment with drafting principles, ensuring policies are applied consistently between Zones
- **Linkages Improvements:** Addressing gaps by including missing or additional policies to better reflect the evolving needs of the City.
- **Addressing Unintended Policy Consequences:** Identifying and correcting any unforeseen impacts or issues that have arisen since the Code's introduction.

The City of Adelaide remains committed to regular reviews of the Code to ensure that it continues to deliver quality development outcomes. This Amendment will support these ongoing improvements.

3. STRATEGIC PLANNING OUTCOMES

3.1. Alignment with State Planning Policies

The State Planning Policies (SPPs) set out the state's overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.

The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seek to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
SPP1: Integrated Planning To apply the principles of integrated planning to shape cities and regions in a way that enhances our liveability, economic prosperity and sustainable future. In particular, the principle for: balanced decision-making – Decision-making that considers multiple perspectives with streets and public open spaces	<i>The scope of the Code Amendment is not anticipated to substantially change policy positions. However, there will be improvements made in the decision-making process through better clarity, consistency and interpretation of policy.</i>
SPP2: Design Quality 2.1 Promote best practice in the design of buildings, places and the public realm by applying the principles of Good Design. 2.6 Maximise opportunities for the Principles of Good Design and community engagement to inform future policy creation and improve design outcomes. 2.7 Promote a culture of good design to foster creative thinking, innovation and effective design	<i>The Code Amendment promotes best practice via minor and technical amendments to performance-based outcomes.</i> <i>It is envisaged that there will be an overall improvement in the Code through enhancements of policy expression and greater consistency in language.</i>

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
processes within the planning industry, built environment professions and general public.	
SPP 9: Employment Lands 9.10 Strengthen the primacy of the Adelaide city centre as the cultural, entertainment, tourism and economic focus of South Australia. 9.11 Encourage the development of integrated employment and residential mixed-use precincts where conflicts between uses can be managed.	<i>The Code Amendment will review policies within Adelaide City Centre to clarify the envisaged uses within the City and strengthen the primacy of the City as the cultural, entertainment, tourism and economic focus of South Australia.</i>

3.2. Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long-term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The Code Amendment aligns with a number of the priorities and targets in the Greater Adelaide Regional Plan as outlined below.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
Outcome 2: Liveable, accessible and inclusive communities <u>Long-term strategic objectives</u> 2. Recognise and protect Adelaide Park Lands as historically, culturally and environmentally significant while providing a range of recreation and sport facilities for the community. 6. Promote best practice in access and inclusion planning in the design of buildings, public realm, open space and sport and recreation facilities by applying the principles of Universal Design, Crime Prevention Through	<i>The Code Amendment will help achieving this Outcome via minor and technical amendments to performance-based outcomes.</i> <i>It is envisaged that there will be an overall improvement in the Code through enhancements of policy expression and greater consistency in language.</i>

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
Environmental Design.	
Outcome 3: A strong economy built on a smarter, cleaner future Long-term strategic objectives 1. Provide sufficient land supply for employment generating uses that supports economic growth and productivity. 2. Support expansion and clustering of key economic growth areas. 5. Develop integrated employment and residential mixed-use precincts where conflicts between land uses can be appropriately managed and a net community benefit can be achieved.	<i>The Code Amendment will review policies within Adelaide City to clarify the envisaged uses within the City and strengthen the primacy of the City as the cultural, entertainment, tourism and economic focus of South Australia.</i>
Outcome 6: Coordinated delivery of land use and infrastructure planning <u>Coordination and delivery</u> <u>Long-term strategic objectives</u> 2. Provide clear governance and reporting frameworks that strengthen the relationship between urban growth and infrastructure planning and that deliver coordinated and consistent decision-making.	<i>The Code Amendment will improve the decision-making process through clarification, consistency and interpretation of policy.</i>

3.3. Alignment with Other Relevant Documents

Additional documents may relate to the broader land use intent within the scope of this proposed Code Amendment (or directly to the Affected Area) and therefore are identified for consideration in the preparation of the Code Amendment.

The following table identifies other documents relevant to the proposed Code Amendment:

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
City of Adelaide Strategic Plan 2024–2028 Our Places: Interesting purposeful and safe. <u>Outcome</u>	<i>The Code Amendment is envisaged to refine policies where appropriate to support development that meets the changing needs of the City of Adelaide's Community and City.</i>

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
Encourage bold, interesting and purposeful development that supports the changing needs of our community and city.	
City Plan – Adelaide 2036 7.10 Lead Changes to the Planning and Design Code to facilitate development that improves the relationship between buildings and public spaces and the interface with neighbours.	<i>The Code Amendment is anticipated to enhance clarity, consistency and interpretation of policy. In doing so it aims to facilitate development that improves the interface between buildings and public spaces.</i>

4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Completed and Proposed

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment, as well as those which are ongoing and those that are proposed to be undertaken should the Minister agree to Initiate the Code Amendment.

Practice Direction 2 – Preparation and Amendment of Designated Instruments identifies those investigations that are mandatory for all Code Amendments. If mandatory investigations have not been completed to date, the proponent must commit to undertaking these as part of the Code Amendment process.

Mandatory Investigations		
Scope of investigations	High-level details	Status and summary
Infrastructure - Road infrastructure - Civil infrastructure - Corridor infrastructure	Analysis and identification of: - The existing capacity of local road networks and access. - Potential hazards such as gas pipelines and electricity easements. - Foreseeable upgrades required to the road corridor or drainage. - Future investigation requirements.	Not Applicable to this Code Amendment.
Service Infrastructure - Water supply - Waste water disposal - Stormwater management - Electricity - Gas - Telecommunications	Details of connections / availability / capacity of service infrastructure - existing; and - anticipated Identification of required infrastructure upgrades or details of alternative solutions if known or requiring further investigation.	Not Applicable to this Code Amendment.
Cultural and Heritage Significance	Complete search of the Register of Aboriginal Sites and Objects (Taa-wika)	Not Applicable to this Code Amendment.

Mandatory Investigations		
Scope of investigations	High-level details	Status and summary
<i>Code Policy</i>	Current and Proposed • Zone • Overlays • TNVs • Concept plan	The City of Adelaide has been monitoring the Code and its operation since its implementation, informed by practitioners' use of it. The ongoing review and analysis of its policies seeks to identify any unintended outcomes of policies, missing policy linkages, policy gaps and the responsiveness of the Code to contemporary planning matters and emerging trends within the City of Adelaide. The review has primarily informed the Code Amendment and its scope. The Code Amendment seeks to address issues identified in the review, with a focus on minor and technical issues that do not change the Code's intent.
<i>Yield</i>	Where applicable, anticipated: • allotment numbers (approx.) • employment created (approx.)	Not Applicable to this Code Amendment.
<i>Hazard Risk</i>	Analysis of relevant overlays and site conditions including: • a Preliminary Site Investigation to identify and mitigate any potential historic site contamination issues	Not Applicable to this Code Amendment.

Mandatory Investigations		
Scope of investigations	High-level details	Status and summary
	proximity to existing waste lagoons, quarry, land fill etc	
<i>Constraints and Interface</i>	Identify the extent to which there are social, economic, land use, built form or environmental features that present a barrier to the outcomes sought. Such as analysis of: - proximity to airfields and flightpaths and areas of environmental significance (such as conservation zones, major waterways, catchment areas, coastal habitat, native vegetation, significant fauna species). - potential interface issues (such as adjoining and proposed land use, built form, heritage and the like).	Not Applicable to this Code Amendment.
Additional Investigations (not mandatory)		
Scope of investigations	High-level details	Status and summary
Review of the Adelaide (City) Development Plan	A significant number of policies, Zones and Subzones were transitioned from the Adelaide (City) Development Plan into the Planning and Design Code. A review of the Development Plan has identified where policies have not been carried over in full, or not at all.	Ongoing. The review has identified where policies have not been carried over in full or not at all and may be impacting the clarity, interpretation of policies within the Code and built form outcomes. It is recommended that where policies have ambiguity, they be reviewed to ensure

Mandatory Investigations		
Scope of investigations	High-level details	Status and summary
		the intended outcomes are achieved.
Analysis of Code policies and relevance to strategic goals (GARP, City of Adelaide Strategic Plan, and City of Adelaide City Plan – Adelaide 2036)	Analysis of Code policies, assessing relevance to the relevant GARP Outcomes, City of Adelaide Strategic Plan and City Plan – Adelaide 2036.	Ongoing.

4.2. Engagement already undertaken

In addition, the following engagement has also occurred on the proposed Code Amendment:

- Planning Land Use Services
- City of Adelaide Development Assessment Team
- City of Adelaide Planning System Implementation Review Community Survey (January 2023)

A summary of outcomes or matters raised through engagement already undertaken is as follows:

- Scope of the Code Amendment – support the objective that focuses on making minor and technical amendments that improve clarity, efficiency and consistency in relation to Performance Assessed Development..
- Certainty – creation and adherence to policy limits (specifically height and heritage value), clear rules for assessment of variations to development applications, and reduced frequency of Code Amendments.
- Assessment Authorities – greater transparency in decision-making and for assessment authorities to be accountable for decisions.

4.3. Further engagement proposed

In addition to the engagement already undertaken and identified above, the table below outlines what additional engagement will be undertaken to support the Code Amendment.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
Letters to owners and occupiers of properties within any Concept Plans if proposed to be amended	Advising the potential impact of the proposed Code Amendment on their properties, and providing an opportunity to comment on the proposed outcomes of the Code Amendment.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
Information on Council's website (including providing a link to the Code Amendment page on the PlanSA Portal).	Advising general public of proposed changes
Letters to Government Agencies	Provide an opportunity for Government Agencies to comment on the proposed outcomes of the Code Amendment and respond to any issues of consistency or otherwise to State agency policy positions.
Letters to representative industry and community groups such as LGA (SA), Property Council (SA), UDIA (SA), local trader and main street groups, residents and ratepayer groups.	Inform interested stakeholders about the Code Amendment. This will allow for identification of any specific issues or positions from the range of interests represented by the groups, along with their level of support (or otherwise) for the proposed policy framework.
Letters to adjoining Councils and Local MPs.	Provide an opportunity for adjoining Councils and/or local MPs to comment on the proposed policy change and to consider broader impacts on their respective community and/or constituents.
Local Government Association	Inform the LGA to ensure awareness of Council's proposed Code Amendment.
Notification and survey on Council's website and links through Council's social media to the broader community.	Broad community consultation to provide an opportunity for any interested community members to be aware of the proposed Code Amendment and make comment on the proposed outcomes of the Code Amendment. This engagement will clearly state what is and isn't in scope for the Code Amendment.
Information placed on PlanSA Portal to inform the community of the Code Amendment, its proposals and its progress.	The Code Amendment Proponent uses the PlanSA Portal to inform the community about the Code Amendment, including: • Provide the proponent's contact information. • Provide information on how the community can contribute to the Code Amendment. • Inform the community of the Code Amendment's progress. • Provide relevant documentation assigned to each stage, such as the engagement plan, fact sheets and the Code Amendment that allows the community to access the relevant documentation when needed and be informed about the Code Amendment process. • Finalised Code Amendment. • Summary of the Code Amendment's engagement, which includes how engagement did or did not alter the Code Amendment (and a copy of the Engagement Plan).

5. CODE AMENDMENT PROCESS

5.1. Engagement Plan

The Code Amendment process will occur in accordance with the Community Engagement Charter and *Practice Direction 2 – Preparation and Amendment of Designated Instruments*.

The Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory engagement requirements (which may be in addition to the engagement outlined in this Proposal to Initiate):

- If the Code Amendment has a specific impact on one or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the Planning, Development and Infrastructure (General) Regulations 2017, to:
 - the owners or occupiers of the land
 - owners or occupiers of each piece of adjacent land.
- Engagement must also occur with any person or body specified by the State Planning Commission (the Commission) under section 73(6)(e) of the Act.

5.2. Engagement Report

Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act.

The Designated Entity must ensure that a copy of the Engagement Report is furnished with the Minister and also published on the PlanSA portal in accordance with Practice Direction 2.

The Engagement Plan and the Engagement Report will also be considered by the Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the engagement undertaken on the Code Amendment and any other information considered relevant by the Commission.

ATTACHMENT A

Map of Affected Area



