



CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE

Agenda and Reports

for the meeting on

Tuesday, 5 August 2025

at 6.00 pm

in the Colonel Light Room, Adelaide Town Hall

Our Adelaide.
Bold.
Aspirational.
Innovative.

CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE
Meeting Agenda, Tuesday, 5 August 2025, at 6.00 pm

Members – The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith
Deputy Lord Mayor, Councillor Martin (Chair)
Councillors Abrahamzadeh, Couros, Davis, Giles, Dr Siebentritt and Snape

Agenda

Item	Pages
1. Acknowledgement of Country	
At the opening of the City Planning, Development and Business Affairs Committee meeting, the Chair will state:	
‘Council acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.	
And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.’	
2. Apologies and Leave of Absence	
Nil	
3. Confirmation of Minutes - 1/7/2025	
That the Minutes of the meeting of the City Planning, Development and Business Affairs held on 1 July 2025, be taken as read and be confirmed as an accurate record of proceedings.	
View public 1 July 2025 Minutes.	
4. Declaration of Conflict of Interest	
5. Deputations	
6. Workshops	
6.1 Waste Code Amendment	4 - 17
7. Reports for Recommendation to Council	
7.1 Update on the World Heritage Listing for the Adelaide Park Lands and Rural Settlement Landscapes	18 - 38
7.2 City of Adelaide Technical Code Amendment (Performance Assessed Pathway)	39 - 61
8. Reports for Noting	
Nil	
9. Exclusion of the Public	62 - 66
In accordance with sections 90(2), (3) and (7) of the <i>Local Government Act 1999</i> (SA) the City Planning, Development and Business Affairs will consider whether to discuss in confidence the reports contained within section 10 and 11 of this Agenda.	
10. Confidential Workshops	
10.1 Performance on Waste and Resource Recovery (PWRR) Tool [S90(3) (b)]	67 - 81

11.	Confidential Reports for Recommendation to Council	
11.1	West Franklin Stage 2 Update [S90(3) (h), (i)]	82 - 89
11.2	20th Century Local Heritage – Investigations Report [S90(3) (m)]	90 - 568
12.	Closure	

Waste Management Code Amendment

Strategic Alignment - Our Environment

Tuesday, 5 August 2025

City Planning, Development and Business Affairs Committee

Presenter: Sarah Gilmour, Associate Director Park Lands, Policy & Sustainability

Public

PURPOSE OF WORKSHOP

The purpose of the workshop is to present the findings of the investigations into the waste management planning policies in the State Government's Planning and Design Code and seek Council Member feedback prior to preparing the draft Waste Management Update Code Amendment (the Code Amendment) for Council's endorsement for consultation.

The Code Amendment is in line with the City of Adelaide Strategic Plan – Our Environment which seeks to provide progressive waste management and resource recovery services, partner with the community to divert more waste from landfill and increase diversion from landfill for residential kerbside waste from 50% (2020) to 80% by 2030.

The Code Amendment progresses Policy 7.2 from the City Plan. Adelaide 2036 – Lead Changes to the Planning and Design Code to embed sustainable design principles into housing design, enhance energy and resource efficiency and improve affordability through life cycle and running costs.

Code Amendment Process

Council endorsed a request to the Minister for Planning to Initiate the Code Amendment on 12 November 2024. The Minister for Planning has yet to endorse the Code Amendment. The steps in the Code Amendment process are as follows:



Draft Policy

The Code Amendment seeks to:

- Improve waste management practices within multi-unit residential developments through improved waste separation and reduced contamination of waste streams
- Achieve City of Adelaide and State Government resource recovery targets
- improve street presentation through the reduction of bins presented to the kerb.

The City of Adelaide engaged MasterPlan and Rawtec to review existing waste management policies in the Planning and Design Code and prepare a draft policy approach.

Investigations have included preliminary engagement with Green Industries SA (GISA) and the Office for Design and Architecture SA (ODASA).

Draft policies have been developed into a Waste Management Overlay that could apply to the Capital City Zone, City Living Zone, City Main Street Zone and Business Neighbourhood Zone in the City of Adelaide. A map showing the area affected is provided in [Link 1](#).

Policy in the Overlay proposes to address building design requirements to ensure the adequate provision of spaces for the storage and management of waste.

Draft policies have been road tested using previous development applications to inform further refinement. An extract of this assessment is provided in [Link 2](#).

Prior to public consultation, targeted stakeholder consultation will be undertaken to inform the final Code Amendment policies.

Following the workshop, and subject to approval by the Minister for Planning of Council's 'Proposal to Initiate', a report will be presented to the 7 October 2025 meeting of the City Planning, Development and Business Affairs Committee and Council seeking a decision on the draft Code Amendment for the purposes of public consultation.

KEY QUESTIONS

What are Council Members' views on the policy changes proposed for inclusion in the Waste Management Code Amendment?

What are Council Members' views on the proposed engagement approach for the Waste Management Code Amendment?

DATA AND SUPPORTING INFORMATION

Link 1 – [Area Affected by the proposed Code Amendment](#)

Link 2 - [Review of existing waste management policies in the Planning and Design Code](#)

- END OF REPORT -

Our Environment

Workshop: Waste Management Code Amendment

Proposed policy and engagement approach

David Bills, Manager Low Carbon and Circular Economy

Sarah Gilmour, Associate Director Park Lands Policy & Sustainability

Iliia Houridis, Director City Shaping

Waste Management Code Amendment

Key Questions



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What are Council Members' views on the proposed engagement approach for the Waste Management Code Amendment?

Purpose

The purpose of the workshop is to:

- Present the findings of the investigations into the waste management planning policies in the State Government's Planning and Design Code
- Seek Council Member feedback prior to preparing the draft Waste Management Update Code Amendment (the Code Amendment) for Council's endorsement for consultation

Strategic Plan 2024-2028 Alignment

- Provide progressive waste management and resource recovery services
- Partner with the community to divert more waste from landfill
- Increase diversion from landfill for residential kerbside waste from 50% (2020) to 80% by 2030

Waste Management Code Amendment

Investigations undertaken



- The Code Amendment seeks to:
 - Improve waste management practices within multi-unit residential developments through improved waste separation and reduced contamination of waste streams
 - Achieve City of Adelaide and State Government resource recovery targets
 - Improve street presentation through the reduction of bins presented to the kerb
- The City of Adelaide engaged MasterPlan and Rawtec to review existing waste management policies in the Planning and Design Code and prepare a draft policy approach
- Investigations have included preliminary engagement with Green Industries SA (GISA) and the Office for Design and Architecture SA (ODASA)
- Draft policies have been road tested using previous development applications to inform further refinement
- Prior to public consultation, targeted stakeholder consultation will be undertaken to inform the final Code Amendment policies.

Waste Management Code Amendment

Proposed Policy Changes



The Code Amendment proposes to introduce a **new Waste Management Overlay**

The Overlay would apply to the Capital City Zone, City Living Zone, City Main Street Zone and Business Neighbourhood Zone in the City of Adelaide.

Policy in the Overlay proposes to address building design requirements to ensure the adequate provision of spaces for the storage and management of waste, including:

- Waste Streams
- Dwelling Space
- Storage Area Space
- Storage Area Access
- Storage Area Security
- Distance to Collection Point
- Mixed Use Development
- System Design

Policies recommendations have been guided by the design measures in the GISA Best Practice Guide for Waste Management 2014*

Waste Management Code Amendment

Area Affected

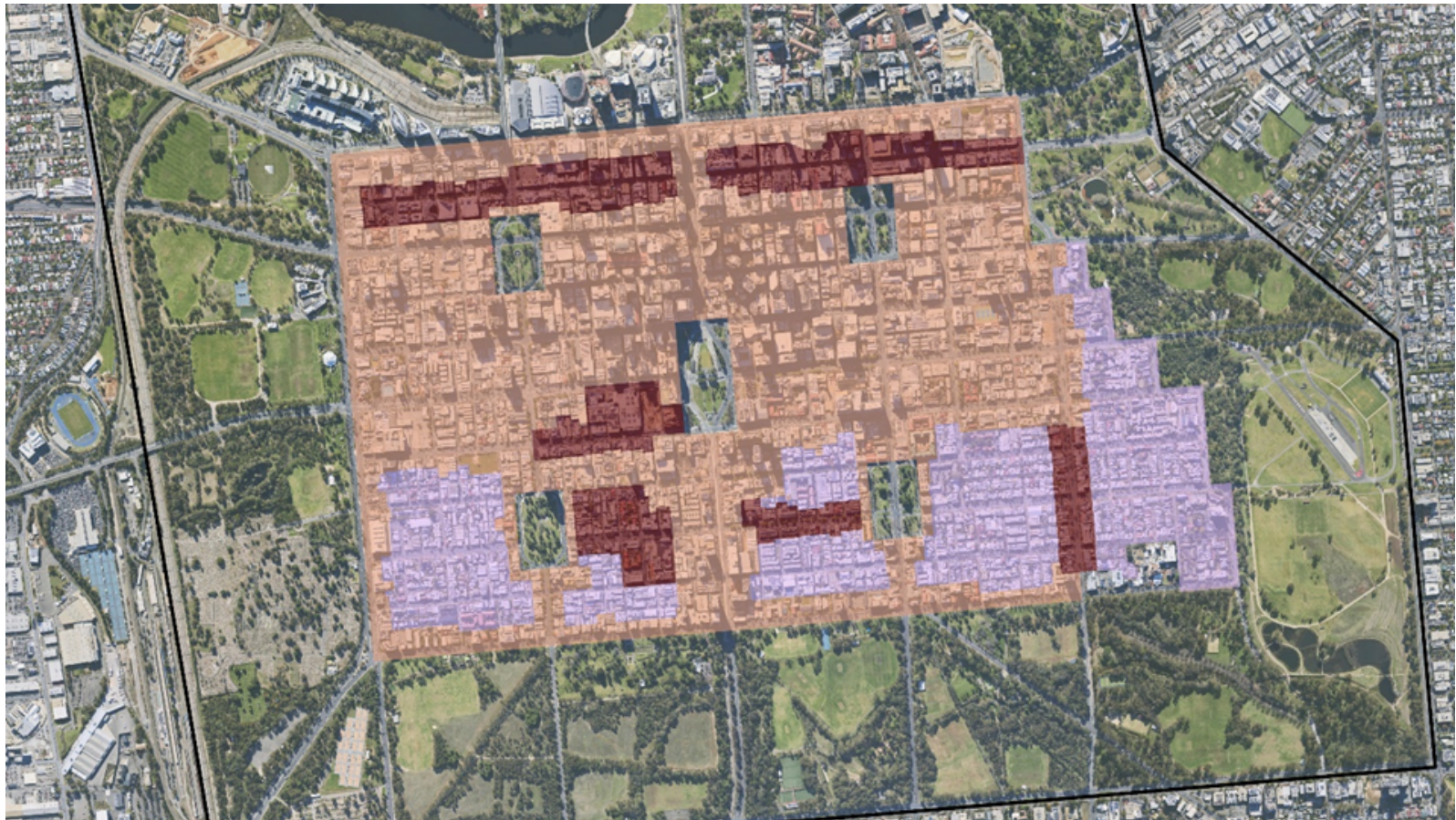


- Capital City Zone
- City Living Zone
- City Main Street Zone
- Business Neighbourhood Zone
- City Plan LGA



Waste Management Code Amendment

Area Affected



-  Capital City Zone
-  City Living Zone
-  City Main Street Zone
-  Business Neighbourhood Zone
-  City Plan LGA



City Plan - Greener and Cooler City – Strategy 7 – New Housing Models

- Policy 7.2 - Lead changes to the Planning and Design Code to embed sustainable design principles into housing design, enhance energy and resource efficiency and improve affordability through life cycle and running costs

Greater Adelaide Regional Plan - Waste and Resource Recovery – Long-term strategic objectives

- Promote best practice waste management (including segregated collection systems) in residential, commercial, industrial and mixed-use developments to support resource recovery activities
- Promote circular economy principles in the planning system to support Greater Adelaide's transition to a circular built environment
- **Actions**
Update the Better Practice Guide – Waste Management for Residential and Mixed-Use Developments to guide the design of waste management systems for multi-unit residential and mixed-use developments.

The steps in the Code Amendment process follow:



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The Proposal to Initiate the Waste Management Code Amendment was endorsed by Council on 12 November 2024 and submitted to the Minister for Planning on 3 December 2024.

The Minister for Planning decides whether a Code Amendment is initiated and if it is adopted after consultation.

Waste Management Code Amendment

Community Engagement Approach



The engagement objectives are to:

- Obtain local knowledge and perspective to inform content of the Code Amendment
- Raise awareness of the Code Amendment, including information on the proposal policy changes and the areas to which the changes will be applied
- Encourage the community and stakeholders to ask questions to understand how the Code Amendment might impact them

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Engagement activities:

- Preliminary engagement with key targeted stakeholders both internal and external
- Direct engagement with key representative bodies
- Broad community engagement through:
 - Public notices via social media and Council newsletters
 - Notice on SA Planning Portal
 - Public consultation on Our Adelaide page during consultation period

KEY QUESTION

What are Council Members' views on the policy changes proposed for inclusion in the Waste Management Code Amendment?

KEY QUESTION

What are Council Members' views on the proposed engagement approach for the Waste Management Code Amendment?

August 2025

Review and update Code Amendment policies to reflect feedback received through this workshop

August-September 2025

Undertake targeted stakeholder engagement on draft Code Amendment

October 2025

Present the draft Code Amendment to Council for endorsement for public engagement

** The above dates are subject to approval by the Minister for Planning of the CoA's 'Proposal to Initiate'.

Update on the World Heritage Listing for the Adelaide Park Lands and Rural Settlement Landscapes

Strategic Alignment - Our Environment

Public

Tuesday, 5 August 2025

City Planning, Development and Business Affairs Committee

Program Contact:

Sarah Gilmour, Associate Director Park Lands, Policy & Sustainability

Approving Officer:

Iliia Houridis, Director City Shaping

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on the progress of the World Heritage Bid Tentative List Submission for *Adelaide and its Rural Settlement Landscapes* (Tentative List Submission) since the Council decision on 12 March 2024, where the City of Adelaide elected to lead and fund the preparation of the Tentative List Submission ([Link 1](#)).

Preparation of the draft Tentative List Submission commenced in 2022 with the support of expert heritage consultants Duncan Marshall AM and Dr Jane Lennon AM (**Attachment A**). The draft has been prepared in accordance with the UNESCO World Heritage listing process.

The UNESCO World Heritage listing process involves multiple stages with the Tentative List Submission the first step in the process. To be included on Australia's Tentative List, a Tentative List Submission must have the support of the State and Federal Governments and Consent from Traditional Owners through the UNESCO Free, Prior and Informed Consent process (FPIC).

In relation to the latter, UNESCO requires that 'parties shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before including the sites on their Tentative List'.

The draft Tentative List Submission as contained in **Attachment A** reflects the format and length of the final Submission, with refinements to content of the draft Submission to be made following engagement processes.

The draft is substantially complete with the following tasks required prior to submission to the State Government:

- Review, amend and approve the portions of the Tentative List Submission relating to Aboriginal and Torres Strait Islander history by First Nations communities.
- Engage with and receive Consent to lodge the Tentative List Submission from the Aboriginal and Torres Strait Islander communities whose lands may one day form part of the World Heritage property.

Administration has undertaken a rigorous review of best practice for engaging with Aboriginal and Torres Strait Islander communities regarding the FPIC process as required by UNESCO for World Heritage consideration.

The World Heritage bid for Adelaide and its Rural Settlement Landscape (World Heritage bid) is identified as a measure of success in the City of Adelaide Strategic Plan 2024-2028. World Heritage listing has been a long-term ambition of the City of Adelaide and is identified in the Council's Heritage Strategy 2021-2036 – *Heritage: Our Future*.

The World Heritage bid is an objective, initiative and measure of success in the Kadaltilla / Adelaide Park Lands Authority Strategic Plan 2023-2028, including obtaining State Government support for World Heritage listing submission by 2026. The Kadaltilla / Adelaide Park Lands Authority (Kadaltilla) is a subsidiary of the City of Adelaide and meets monthly. Kadaltilla requested a standing item on their Agenda to consider progress with the World Heritage bid.

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. Receives the draft World Heritage Tentative List Submission in Attachment A to Item 7.1 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 5 August 2025.
 2. Notes that through the engagement with First Nations people under the principles of Free, Prior and Informed Consent required by UNESCO, an indication was provided that Consent for the World Heritage Bid Tentative List Submission may require a longer timeframe for relationship building which may result in the project timeframe for submission being February 2027 rather than February 2026.
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Environment Achieve World Heritage listing of our Park Lands, and protect their national heritage listing status and pursue State Heritage listing to strengthen protections.
Policy	As an action identified in the Heritage Strategy 2021-2036, the World Heritage listing of Adelaide and its rural settlement landscapes seeks to landmark the site and protect the area for future generations to enjoy and appreciate.
Consultation	The City of Adelaide has been working closely with the State Government, other local government bid partners, the Federal Government and Kadatilla / Adelaide Park Lands Authority for several years. Following a Council decision on 12 March 2024, the City of Adelaide has elected to lead and fund the preparation of the Tentative List Submission. Work has commenced on Aboriginal engagement and Free, Prior, and Informed Consent (FPIC) processes with the support of SA Native Title Services (SANTS). The Kaurna Yerta Aboriginal Corporation (KYAC) has indicated a lead role in the FPIC process for the World Heritage Bid and has provided early Consent for the project.
Resource	Not as a result of this report
Risk / Legal / Legislative	The World Heritage listing process is contingent on Aboriginal and Torres Strait Islander's Consent through the FPIC process. The City of Adelaide has commenced consultation and Consent processes. In the circumstance that Traditional Owners do not Consent to the Tentative List Submission, the Submission will not be accepted by the Australian Government for consideration.
Opportunities	Opportunities created through World Heritage listing include: <ul style="list-style-type: none"> • Improved understanding and recognition of the significance of Adelaide and its rural settlement landscapes • Global profile and cultural tourism business and international investment attraction • Creating a shared narrative about Aboriginal and Torres Strait Islander culture and history that aligns with colonial settlement and promotes Reconciliation. • Greater levels of protection.
25/26 Budget Allocation	The 2025/26 Annual Business Plan and Budget adopted on 24 June 2025 includes a strategic project allocation of \$178,000 for the World Heritage project.
Proposed 26/27 Budget Allocation	A funding allocation in 2026/27 will be subject to the City of Adelaide's Annual Business Plan and Budget processes.
Life of Project, Service, Initiative or (Expectancy of) Asset	The World Heritage bid process is complex and lengthy. The first step of achieving a Tentative Listing is expected to take 3-4 years. The City of Adelaide has been working to accelerate the Tentative Listing for completion by 2025 to enable submission by February 2026. Early engagement with Traditional Owners for Consent indicates that a 2027 submission timeframe may be required, rather than the 2026 timeframe, to enable relationship building with First Nations involved in the Tentative List Submission.
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

<p>Other Funding Sources</p>	<p>The Mount Lofty Consortium (the Consortium) has noted that there is approximately \$60,000 remaining in a fund set up by the Consortium to contribute towards the ongoing development of the World Heritage bid. Until there is clarity in the World Heritage Governance arrangements, this funding is being retained by the Consortium (Adelaide Hills Council).</p> <p>There is no external funding source currently committed or allocated to the project. Funding opportunities will be identified in the process and sought from partners.</p> <p>On 21 March 2025, the City of Adelaide made an application under the Federal Government’s First Nations Heritage Grants Program Round 2 for a project to update the National Heritage Values of the Adelaide Park Lands and City Layout to include Kaurna heritage values. If successful, this work will inform the World Heritage Bid (post Tentative List Submission) and strengthen National Heritage protections for Aboriginal and Torres Strait Islander heritage. Successful applicants were due to be announced in June 2025 but were unknown at the time this report was prepared.</p>
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DISCUSSION

Purpose

1. The purpose of this report is to provide an update on the progress of the World Heritage Bid Tentative List Submission for Adelaide and its Rural Settlement Landscapes since the Council decision on 12 March 2024, where the City of Adelaide elected to lead and fund the preparation of the Tentative List Submission ([Link 1](#)).

Tentative List Submission

2. The UNESCO World Heritage listing process involves multiple stages with the Tentative List Submission the first step in the process.
3. The steps to prepare the Tentative List Submission include:
 - 3.1. Prepare a draft Tentative List Submission
 - 3.2. Incorporate Aboriginal knowledge and Consent processes
 - 3.3. Finalise the Tentative List Submission
 - 3.4. Seek State and Federal Environment Minister Agreement to the Tentative List Submission
 - 3.5. Formal State and Federal Government support for the Tentative List Submission
 - 3.6. The Federal Government submits the Tentative List Submission document to the World Heritage Centre for inclusion in Australia's World Heritage Tentative List.
4. To be included on Australia's Tentative List, a Tentative List Submission must have the support of the State and Federal Governments and Consent from Traditional Owners.
5. In relation to the latter, UNESCO requires that 'parties shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before including the sites on their Tentative List'.
6. The draft Tentative List Submission prepared by expert heritage consultants Duncan Marshall AM and Dr Jane Lennon AM as contained in **Attachment A** reflects the format and length of the final Submission, with refinements to content of the draft Submission to be made following engagement processes.
7. The draft Tentative List Submission is substantially complete with the following tasks required prior to submission to the State Government:
 - 7.1. Review, amend and approve the portions relating to Aboriginal and Torres Strait Islander history by these communities.
 - 7.2. Engage with and receive Consent to lodge the Tentative List Submission from the Aboriginal and Torres Strait Islander communities whose lands may one day form part of the World Heritage property.

Aboriginal and Torres Strait Islander Engagement and Free, Prior and Informed Consent

8. Administration has undertaken a rigorous review of best practice for engaging with Aboriginal and Torres Strait Islander communities regarding the process of Free, Prior and Informed Consent (FPIC) as required by UNESCO for World Heritage consideration.
9. FPIC is a process and methodology for undertaking early consultation and engagement to facilitate understanding and Consent from Aboriginal and Torres Strait Islander Peoples for proposed actions affecting their lands and communities.
10. The UNESCO World Heritage listing process provides clear direction that FPIC must be demonstrated for all stages of the World Heritage Project.
11. The process must be free from coercion and allow the time and resources to enable traditional decision-making by the Aboriginal and Torres Strait Islander communities.
12. Administration has engaged SA Native Title Services (SANTS) to facilitate engagement with Aboriginal and Torres Strait Islander communities.
13. This engagement is also being informed by the City of Adelaide's work with Deloitte/Yamagigu Consulting to develop an Aboriginal Engagement Framework for City of Adelaide processes.
14. On 17 June 2025, SANTS, on behalf of the City of Adelaide, facilitated an information session with representatives of Aboriginal communities within the identified World Heritage Bid areas including:
 - 14.1. Kurna Yerta Aboriginal Corporation (KYAC)

- 14.2. First Peoples of the River Murray and Mallee #2
- 14.3. Ngadjuri Nation Aboriginal Corporation
- 14.4. Ngarrindjeri Aboriginal Corporation
- 14.5. Peramangk Aboriginal Corporation
- 14.6. River Murray and Mallee Aboriginal Corporation.
15. Narungga Nation Aboriginal Corporation was invited to attend the information session however was unavailable.
16. The session was attended in part by members of the Administration to provide an overview of the project including a briefing from Duncan Marshall AM on the global context of UNESCO World Heritage and FPIC as it relates to World Heritage.
17. SANTS facilitated a closed session with First Nations representatives to discuss the information received. It is understood that from this session:
 - 17.1. First Nations representatives will discuss the project within their communities as a precursor to larger workshops for the broader communities focussing on truth-telling and reconciliation.
 - 17.2. Attendance by Administration has been requested at the initial community sessions which will require travel to the regions by the project team.
 - 17.3. Broader community works are tentatively being planned to occur in August - September 2025 pending the availability of First Nations communities.
 - 17.4. Early indications from the engagement are that the timeframe for Consent, if it is to be provided, may result in the Tentative List Submission being made in February 2027 rather than February 2026 to provide a longer timeframe for relationship building.
18. Administration has commenced, with SANTS' anthropologist, an early review of the Tentative List Submission with a view to incorporating feedback from First Nations engagement sessions as it is made available.

Next Steps

19. Next steps for the project are summarised as follows:
 - 19.1. The City of Adelaide has allocated \$178,000 to the World Heritage Project in the 2025/26 Annual Business Plan and Budget adopted by Council on 24 June 2025.
 - 19.2. Administration has reviewed resourcing and is commencing recruitment for a World Heritage Project Officer to assist with promotion, engagement and project management of the World Heritage Bid Tentative List Submission in 2025/26.
 - 19.3. Administration is working with SANTS to receive the feedback from the information session with First Nations People and to plan further engagements.
 - 19.4. Administration is planning a series of correspondences including to:
 - 19.4.1. Confirm State and Federal Government in-principle support for the World Heritage bid and Tentative List Submission contingent on Aboriginal and Torres Strait Islander Consent.
 - 19.4.2. Update local governments that are party to the Tentative List Submission part of the World Heritage bid project.
 - 19.4.3. Inform local government areas where the City of Adelaide with the support of SANTS, is working with First Nations communities.
 - 19.5. Administration is continuing to progress work to refine research and attribute mapping undertaken through the heritage internship project for the purpose of clarifying the areas that may one day form part of the World Heritage area.

DATA AND SUPPORTING INFORMATION

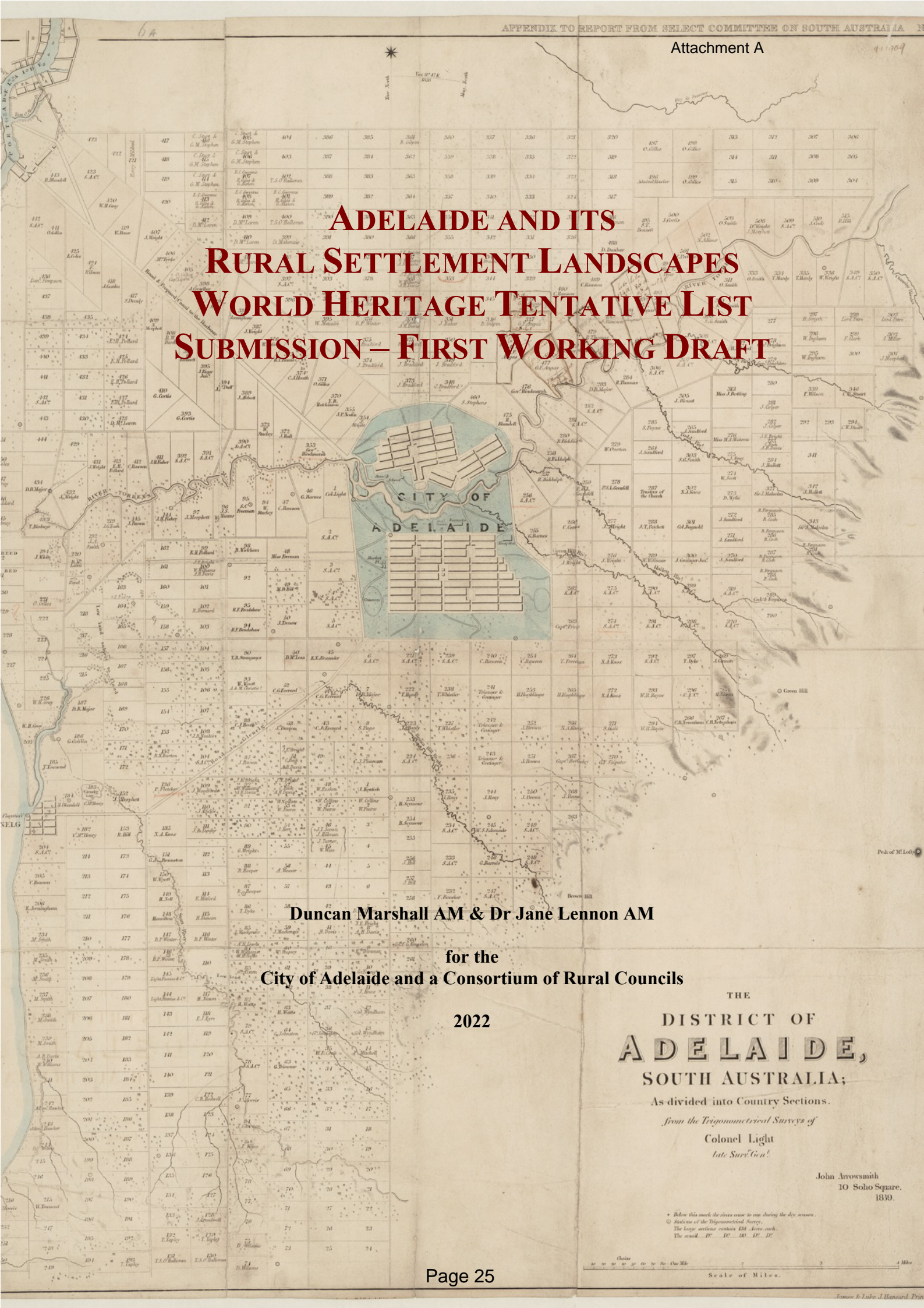
Link 1 – [Agenda – City Planning, Development and Business Affairs Committee – Tuesday, 5 March 2024](#)

ATTACHMENTS

Attachment A – Draft Tentative List Submission

- END OF REPORT -

ADELAIDE AND ITS RURAL SETTLEMENT LANDSCAPES WORLD HERITAGE TENTATIVE LIST SUBMISSION - FIRST WORKING DRAFT



Duncan Marshall AM & Dr Jane Lennon AM

for the City of Adelaide and a Consortium of Rural Councils

2022

THE DISTRICT OF ADELAIDE, SOUTH AUSTRALIA;

As divided into Country Sections.

from the Trigonometrical Surveys of

Colonel Light
late Surv. Genl.

John Arrowsmith
10 Soho Square,
1839.

* Refer this mark, the cross, to one in use during the dry season.
© Station of the Trigonometrical Survey.
The large sections contain 64 Acres each.
The small 10'' 10'' 10'' 10'' 10''

CONTENTS

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Appendix A: Tentative List Format	9



1. INTRODUCTION

The City of Adelaide and a consortium of rural Councils are engaged on a project to explore and develop a World Heritage nomination for parts of South Australia which reflect the early European settlement story of the state. Following considerable research about the Mount Lofty Ranges, several expert reviews were undertaken to consider the World Heritage potential, initially of the rural landscapes and later of the city of Adelaide itself, potentially in conjunction with the rural landscapes.

These expert reviews in 2019 and 2020 did find World Heritage potential.

As part of a project to make progress towards a World Heritage nomination, the Councils commissioned this report to provide a first working draft of the Tentative List submission for Adelaide and its Rural Settlement Landscapes. Such a submission is a formal pre-condition under the *World Heritage Convention* before a nomination can be submitted.

This draft submission requires further development and consultations before it is ready for lodgement, which must be undertaken by and with the agreement of the Commonwealth. The tasks are outlined in the *Adelaide and Rural Settlement Landscapes World Heritage Report* (Marshall 2021).

Of particular note, this draft should be developed with the input, advice and agreement of the Aboriginal community whose lands are potentially associated with a future nomination.

The consultants who prepared this report are Duncan Marshall AM and Dr Jane Lennon AM.

2. TENTATIVE LIST SUBMISSION – FIRST WORKING DRAFT

In the following text there are a number of notes related to the further development of the submission, indicated by the use of square brackets.



STATE PARTY: Australia

DATE OF SUBMISSION: [To be completed]

Submission prepared by: [To be completed]

Name:

Address:

Institution:

E-mail:

Fax:

Telephone:

Name of Property: Adelaide and its Rural Settlement Landscapes [Provisional name to be confirmed]

State, Province or Region: South Australia

Latitude and Longitude, or UTM coordinates: 34° 55' 43.06" South, 138° 36' 0.16" East

DESCRIPTION:

History

[The following text relating to the history of Aboriginal people should be subject to review, input, advice and agreement of the Aboriginal community associated with the land which might be included in any future nomination.]

The lands of what became South Australia were settled first by Aboriginal people from around 49,000 years BP. These people lived, camped, hunted, fished and practised agriculture and land management in this landscape which was modified by these practices. The landscape was also intimately connected to the cultural life of the Aboriginal people. This complex settlement continued up to and through the 19th century CE and the period of European colonisation.

Adelaide and its Rural Settlement Landscapes are connected to the long history of major European migrations from about 1500 CE to 1914 CE. These migrations followed the Age of Discovery when European sea-faring nations explored distant regions and “discovered” and claimed “new” lands. Of course, in the case of South Australia, these lands were well-known to Aboriginal people for millennia. The substantial free and unfree European



migrations led to colonisation and settlement, and the scale of migrations accelerated in the early modern period. These forces dramatically re-shaped the world and are major themes of global history which had both negative and positive consequences.

The British colonisation of South Australia that started in 1836 was part of the European great migrations, and is associated with the theme of free migration. In particular, this colonisation was quite distinctive as an outstanding example of systemic colonisation, influenced by the ideas of Edward Wakefield and a group of English reformers, the Philosophical Radicals. . Numerous aspects of the colonial settlement were planned and organised, including the selection of colonists and funding for the enterprise. The physical form of the urban and rural settlement was also carefully planned, building on the history of British colonial planning.

The colonisation was also founded with principles intended to be respectful to the original inhabitants of the land, the Aboriginal people. However, in practice these principles rapidly failed and led to large-scale dispossession, deaths, disease, some loss of culture and many other terrible outcomes.

The European colony was developed over time and grew, building on the pre-existing Aboriginal landscape. This included the capital, Adelaide, and the surrounding rural agricultural areas. There were periods of growth and good seasons, along with periods of economic difficulties, and the colony also gradually developed representative government, self-government, and ultimately it joined the federation of other colonies to form the Commonwealth of Australia.

The property, including the early Adelaide plan, is of potential Outstanding Universal Value as exceptional evidence of the Wakefield systematic colonisation model, an important and influential model in the history of European free migration and colonial settlement. It is the most complete realisation of British colonial settlement planning in the world, and/or a major achievement of such colonial planning.

Aboriginal people and their culture have survived in Adelaide and the surrounding rural areas despite the major and negative impacts of colonisation. There are determined efforts to revive and reinforce culture and its passage to younger generations. In addition, small gestures of recognition have been achieved in more recent times, such as through native title determinations and the use of Aboriginal place names.

Description

Adelaide and its Rural Settlement Landscapes is a serial property focused on concentrated and contained settlement in the city of Adelaide and the associated surviving rural landscapes. The city and early European settlement was focused on the coastal plain between St Vincent Gulf and the Mount Lofty Ranges. In a short time, settlement extended into the well-watered ranges.

The pre-existing Aboriginal landscape is still evident through a range of features including the siting of the city of Adelaide, as well as transport routes through the landscape. There are also surviving reserves reflecting the early but practically limited recognition of Aboriginal ownership of country.

The city comprises the extant 1837 formal town plan with its wide streets laid out in geometric, grid-iron form, public squares, and a physical distinction between town and

country by an encircling green belt of park lands. The plan also has features reflecting a design response to topography and natural qualities. The city also includes a number of colonial buildings and their grounds, some within the park lands, others arranged within the town plan.

The rural landscapes extended to the north and south of the city, and into the adjacent hills to the east. However, suburban development around the city has eroded the original and closer landscapes, and now the surviving rural landscapes are more remote from the city. These landscapes include a framework of Preliminary Districts and Special Surveys with surveyed towns and villages and 80 acre farm units (sections), including those with surviving original farmhouses, rural buildings and agricultural uses. There are also examples of adaptation of the land settlement by different cultural groups (eg. Hufendorfer settlements of German immigrants).

Throughout the property there is a diversity of places of religious worship and other cultural places reflecting religious/cultural freedom (eg. related to German, Austrian and Polish Lutherans, Jesuits and Catholic migrants).

Justification of Outstanding Universal Value:

Criterion (ii) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design

Adelaide and its Rural Settlement Landscapes is the outstanding example of the 19th century Wakefield systematic colonisation model for the creation of a viable settler community based on free migration and a progressive society. Within the context of the major European migrations from about 1500 CE to 1914 CE, it was a radical and influential departure from the prevailing Atlantic and forced migrations, and was the first example of systematic colonisation.

The property was the powerful model for the development of new colonial societies in several other countries from the 19th century. Based on an ideal model developed in the United Kingdom, the rural landscapes also demonstrate the vital adaptation of the model to the pre-existing Aboriginal landscape, and the real and local conditions of the recipient colony, including significant adaptation by immigrants of different cultural groups within the overall settlement enterprise.

As the planned capital of the colonial society, expressing a key aspect of Systematic Colonisation, the Adelaide plan of 1837 reflects an important interchange given the influence of British colonial town planning in this period of major European colonisation. British colonial activities were a major global theme in the period from the late sixteenth century through to the mid twentieth century, and variously encompassed substantial territory in North America, Africa, India and Australia. Town planning was a key part of this colonisation and settlement, and model town plans evolved and guided British settlers. Adelaide's plan was strongly influenced by the evolved model, and it is the most complete realisation of the colonial town planning model.

In addition, the Adelaide plan was to influence the development of hundreds of smaller towns in South Australia, as well as colonial towns in New Zealand.

The Adelaide plan is also of significance in the history of town planning because of its influence on the founding ideas of the Garden City movement.

Criterion (iv) be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history

Adelaide and its Rural Settlement Landscapes is the outstanding example of the implementation of the 19th century Wakefield systematic colonisation model, which in part took advantage of the pre-existing Aboriginal managed landscape. Key features of the model included land sales synchronised to subsidise immigration of free settlers/labour for the colony, the recruitment of younger families as ideal settlers, concentrated settlement, 80 acre farm units (sections), and broader utopian principles such as religious freedom.

This model is reflected in the city and rural landscapes and marks an important change in the period of major European migrations and associated colonisation towards a progressive society and free migration to the far-distant lands of Australia. The property is the original and most enduring expression of systematic colonisation.

The Adelaide plan as part of systematic colonisation is also the outstanding example of the British colonial town planning model developed during the period of European colonialism. This was a major historical period which grew out of the Age of Discovery and saw European powers establish colonial settlements throughout many parts of the world. This period re-shaped world history and its consequences are still substantial and evident.

British colonialism was a very substantial part of this history from the late sixteenth century. Town planning was part of this colonisation and settlement, and model town plans evolved and guided British settlers. Adelaide's plan was strongly influenced by the evolved model, and it is the most complete realisation and a grand example of the colonial town planning model. It includes key features such as concentrated settlement, land rights allocated in a combination of town and country lots, the town planned and laid out in advance of settlement, wide streets laid out in geometric, grid-iron form, a settlement area of about one square mile, public squares, standard-sized rectangular plots, spacious in comparison with those in British towns of the time, some plots reserved for public purposes (including major public buildings reinforcing the plan), and a physical distinction between town and country by an encircling green belt of park lands.

Another important feature of the Adelaide plan is its distinctive response to the topography and natural qualities of its location, reflecting early environmental planning.

Criterion (vi) be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria)

Adelaide and its Rural Settlement Landscapes is the supreme realisation of the transformational shift in European colonisation in the period from about 1500 CE to 1914 CE. The unprecedented colonisation strategy was based on a progressive political/economic model which evolved from the Enlightenment and championed free settlement and the abolition of slavery, assisted free migration, free markets, gender equality, the secret ballot, religious tolerance and Indigenous rights, in order to create a secular, self-

governing, democratic and modern society. However, in practice these utopian ideals were in some cases not fully realised, and some proved a failure, especially in the case of Aboriginal peoples.

The property and its associated ideas were highly influential in the creation of other new colonial societies in the period, and these ideas have become central to the concept of modern democratic societies.

The Adelaide plan is directly and tangibly associated with ideas arising from the Philosophical Radicals in Britain during the nineteenth century. With links to the Enlightenment which preceded it, the Philosophical Radicals advanced Jeremy Bentham’s utilitarian philosophy which defined the maximisation of happiness as the moral standard for action. The Philosophical Radicals and their ideas were a prominent in Britain and also influential in other parts of the world.

The social and economic planning for the new colony in South Australia which derived from the Philosophical Radicals was coupled with rural as well as urban planning, and a range of features in the Adelaide plan are the tangible expression of their ideas, in particular the provision of open spaces/squares and parklands.

Criteria met:

(i)	(ii) ✓	(iii)	(iv) ✓	(v)	(vi) ✓	(vii)	(viii)	(ix)	(x)
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Statements of authenticity and/or integrity:

Statement of Authenticity

The property is the truthful and credible evidence of the Wakefield systematic colonisation model and British colonial settlement planning related to its form and design, material and substance, use and function, and location and setting.

Statement of Integrity

While the boundaries of the property are yet to be decided, the property has the potential to contain all of the surviving attributes necessary to express its value and be of sufficient size.

The property has been and is still subject to development pressures, including the possibility of additional structures in the Adelaide park lands, and potential encroachment or inappropriate development in the rural landscapes. Climate change may also be a pressure, especially on the rural areas and traditional agricultural activities.

Comparison with other similar properties:

There are several contexts considered for the comparative analysis:

- systematic colonisation, especially those related to the Wakefield Model;
- European colonial planned towns, in particular those derived from Britain;
- European free migration following the Age of Discovery; and
- post-Enlightenment attempts to create a model society.

In the case of Wakefield systematic colonisation, examples have been considered from Australia (two properties – Australind (1840) and Darwin (1863)) and New Zealand (15 properties – Wellington (1840), Wanganui (1840), New Plymouth/Taranaki (1841), Nelson (1841), Port Chalmers (1846), Otago (1848), Dunedin (1848), Christchurch (1850), Canterbury (1850), Invercargill (1853), Alexandra (1860s), Clyde (1860s), Cromwell (1860s), Gore (1862) and Hamilton (1863)).

The New Zealand examples arose from the efforts of the New Zealand Company which had a chequered history of systematic colonisation. Of these, Canterbury appears to provide the best evidence of systematic colonisation, although the originally planned eight settlements is now only two, and the detailed settlement plans no longer remain even if the regional planning is still recognisable. Many other examples generally resulted only in town plans without the rural landscapes. In summary, either the original Wakefieldian rural settlement proposals in New Zealand no longer remain physically intact or were never actually developed.

The Wakefield model was also influential in various ways in a range of other countries (Brazil, Canada, France, Jamaica, South Africa, Sri Lanka and the USA). However, it is not clear if there was any associated physical expression in the landscape, similar or otherwise to systematic colonisation in South Australia.

With regard to colonial town planning, other key examples appear to include Savannah, Philadelphia and Charleston in the USA, and new towns in Upper Canada. Of particular note is the case of Lunenburg in Canada which is on the World Heritage List. This town appears to have very close similarities to the values and attributes of Adelaide, it is much earlier and the built form appears to be more intact. However, the property does not include the associated rural landscape.

Examples of European free migration have been considered from a range of countries (Argentina and Brazil, Bolivia, Canada, Denmark, Dominican Republic, Malaysia, Paraguay and the USA). In a number of cases these examples reflect a version of systematic colonisation, such as the Jesuit Missions of the Chiquitos (Bolivia). In this case, the theoretical basis for the colonisation seems to display significant differences to the South Australian example, such as the evangelising objective. This property is also comprised of buildings and architectural ensembles, it does not have a landscape dimension or embrace rural enterprise. The other examples also display substantial differences with the South Australian example.

Properties reflecting post-Enlightenment attempts to create a model society have been considered from Germany, Netherlands and Belgium and the United Kingdom (Garden Kingdom of Dessau-Wörlitz (18th century), Colonies of Benevolence (1818), New Lanark (1786), Old and New Towns of Edinburgh (1767-1850), Saltaire (1853) and Port Sunlight (1888)). However, in all cases these examples do not relate to migration, and many are not related to rural enterprise.

In summary:

- Adelaide and its rural settlement landscapes is outstanding evidence of the nineteenth century Wakefield systematic colonisation model, combining a planned approach to colonisation in both the urban and rural areas;
- Adelaide is the most complete realization/a grand example/a major achievement of the colonial town planning model. With parklands framing and encasing urban spaces, the city layout is designed to take full advantage of the topography, an

important innovation for the time. Adelaide has all the essential elements of the 'grand model', distinguished by encircling parklands and internal public squares, preserved largely intact;

- most of the Adelaide plan's elements were not novel but their arrangement on the ground was an inspired response to site and opportunity, and represented the culmination of the whole colonial planning movement of the time;
- with a grid street pattern, systemic provision of town squares, and defining parkland, Adelaide combined numerous physical planning ideas and innovations of the colonial era; and
- Adelaide was itself to be a prototype for the development of other 'parkland towns' in Australia and New Zealand.

APPENDIX A: TENTATIVE LIST FORMAT



TENTATIVE LIST SUBMISSION FORMAT

STATE PARTY:

Submission prepared by:

Name:

Address:

Institution:

DATE OF SUBMISSION:

E-mail:

Fax:

Telephone:

Name of Property:

State, Province or Region:

Latitude and Longitude, or UTM coordinates:

DESCRIPTION:

Justification of Outstanding Universal Value:

(Preliminary identification of the values of the property which merit inscription on the World Heritage List)

Criteria met [see Paragraph 77 of the Operational Guidelines]:

(Please tick the box corresponding to the proposed criteria and justify the use of each below)

(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)	(ix)	(x)
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Statements of authenticity and/or integrity [see Paragraphs 78-95 of the *Operational Guidelines*]:

Comparison with other similar properties:

(The comparison should outline similarities with other properties on the World Heritage List or not, and the reasons that make the property stand out)

- The Tentative List submission format is available from the UNESCO World Heritage Centre and at the following Web address: <http://whc.unesco.org/en/tentativelists>
- Further guidance on the preparation of Tentative Lists can be found in Paragraphs 62-67 of the Operational Guidelines.
- An example of a completed Tentative List submission format can be found at the following Web address: <http://whc.unesco.org/en/tentativelists>
- All Tentative Lists submitted by States Parties are available at the following Web address: <http://whc.unesco.org/en/tentativelists>
- The original signed version of the completed Tentative List submission format should be sent in English or French to: UNESCO World Heritage Centre, 7 place de Fontenoy, 75352 Paris 07 SP, France



- States Parties are encouraged to also submit this information in electronic format (diskette or CD-Rom) or by e-mail to wh-tentativelists@unesco.org



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:

Sarah Gilmour, Associate
Director Park Lands, Policy &
Sustainability

Approving Officer:

Ilia Houridis, Director City
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.
-

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 -

**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	<p>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:</p> <ul style="list-style-type: none">• Improving the decision-making process through clarification, consistency and interpretation of policy.
Planning Merits	<p>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.</p>
Matters of Significance	<p>The Code Amendment will need to consider:</p> <ul style="list-style-type: none">• 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	<p>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.</p> <p>The following matters have been identified as examples for inclusion in the Code Amendment:</p> <p>Envisaged Uses</p> <p>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.</p> <p>Policy linkages</p> <p>Review relevant policies assigned to various types of development to ensure appropriate policies consistently apply across similar types of zones.</p> <p>General review of policies</p> <p>Review and amend any policies to improve clarity, efficiency and address any unintended outcomes. In particular,</p> <ul style="list-style-type: none"> Refining the language and framework around Concept Plans and other policies to improve clarity, consistency, and ease of interpretation for stakeholders.

	<ul style="list-style-type: none"> • Reviewing existing policies to identify and correct any unforeseen impacts or outcomes that may have arisen since the Code's introduction. <p>Concept Plans</p> <p>Review and amend any concept plans to improve clarity, remove any inconsistencies or ambiguities.</p>
--	---

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
<p>SPP1: Integrated Planning</p> <p>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</p>	<p><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></p>
<p>SPP2: Design Quality</p> <p>2.1 Promote best practice in the design of buildings, places and the public realm by applying the principles of Good Design.</p> <p>2.6 Maximise opportunities for the Principles of Good Design and community engagement to inform future policy creation and improve design outcomes.</p> <p>2.7 Promote a culture of good design to foster creative thinking, innovation and effective design</p>	<p><i>The Code Amendment promotes best practice via minor and technical amendments to performance-based outcomes.</i></p> <p><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></p>

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

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
<p>Outcome 2: Liveable, accessible and inclusive communities</p> <p><u>Long-term strategic objectives</u></p> <p>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.</p> <p>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</p>	<p><i>The Code Amendment will help achieving this Outcome via minor and technical amendments to performance-based outcomes.</i></p> <p><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></p>

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
Environmental Design.	
<p>Outcome 3: A strong economy built on a smarter, cleaner future</p> <p>Long-term strategic objectives</p> <p>1. Provide sufficient land supply for employment generating uses that supports economic growth and productivity.</p> <p>2. Support expansion and clustering of key economic growth areas.</p> <p>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.</p>	<p><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></p>
<p>Outcome 6: Coordinated delivery of land use and infrastructure planning</p> <p><u>Coordination and delivery</u></p> <p><u>Long-term strategic objectives</u></p> <p>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.</p>	<p><i>The Code Amendment will improve the decision-making process through clarification, consistency and interpretation of policy.</i></p>

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
<p>City of Adelaide Strategic Plan 2024–2028</p> <p>Our Places: Interesting purposeful and safe.</p> <p><u>Outcome</u></p>	<p><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></p>

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.	
<p>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.</p>	<p><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></p>

DRAFT

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
<p><i>Infrastructure</i></p> <ul style="list-style-type: none"> • Road infrastructure • Civil infrastructure • Corridor infrastructure 	<p>Analysis and identification of:</p> <ul style="list-style-type: none"> • 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.
<p><i>Service Infrastructure</i></p> <ul style="list-style-type: none"> • Water supply • Waste water disposal • Stormwater management • Electricity • Gas • Telecommunications 	<p>Details of connections / availability / capacity of service infrastructure</p> <ul style="list-style-type: none"> • existing; and • anticipated <p>Identification of required infrastructure upgrades or details of alternative solutions if known or requiring further investigation.</p>	Not Applicable to this Code Amendment.
<p><i>Cultural and Heritage Significance</i></p>	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>	<p>Current and Proposed</p> <ul style="list-style-type: none"> • Zone • Overlays • TNVs • Concept plan 	<p>The City of Adelaide has been monitoring the Code and its operation since its implementation, informed by practitioners' use of it.</p> <p>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.</p> <p>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.</p>
<i>Yield</i>	<p>Where applicable, anticipated:</p> <ul style="list-style-type: none"> • allotment numbers (approx.) • employment created (approx.) 	Not Applicable to this Code Amendment.
<i>Hazard Risk</i>	<p>Analysis of relevant overlays and site conditions including:</p> <ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> proximity to existing waste lagoons, quarry, land fill etc 	
<i>Constraints and Interface</i>	<p>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:</p> <ul style="list-style-type: none"> 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.	<p>Ongoing.</p> <p>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</p>

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.	<p>The Code Amendment Proponent uses the PlanSA Portal to inform the community about the Code Amendment, including:</p> <ul style="list-style-type: none"> • 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

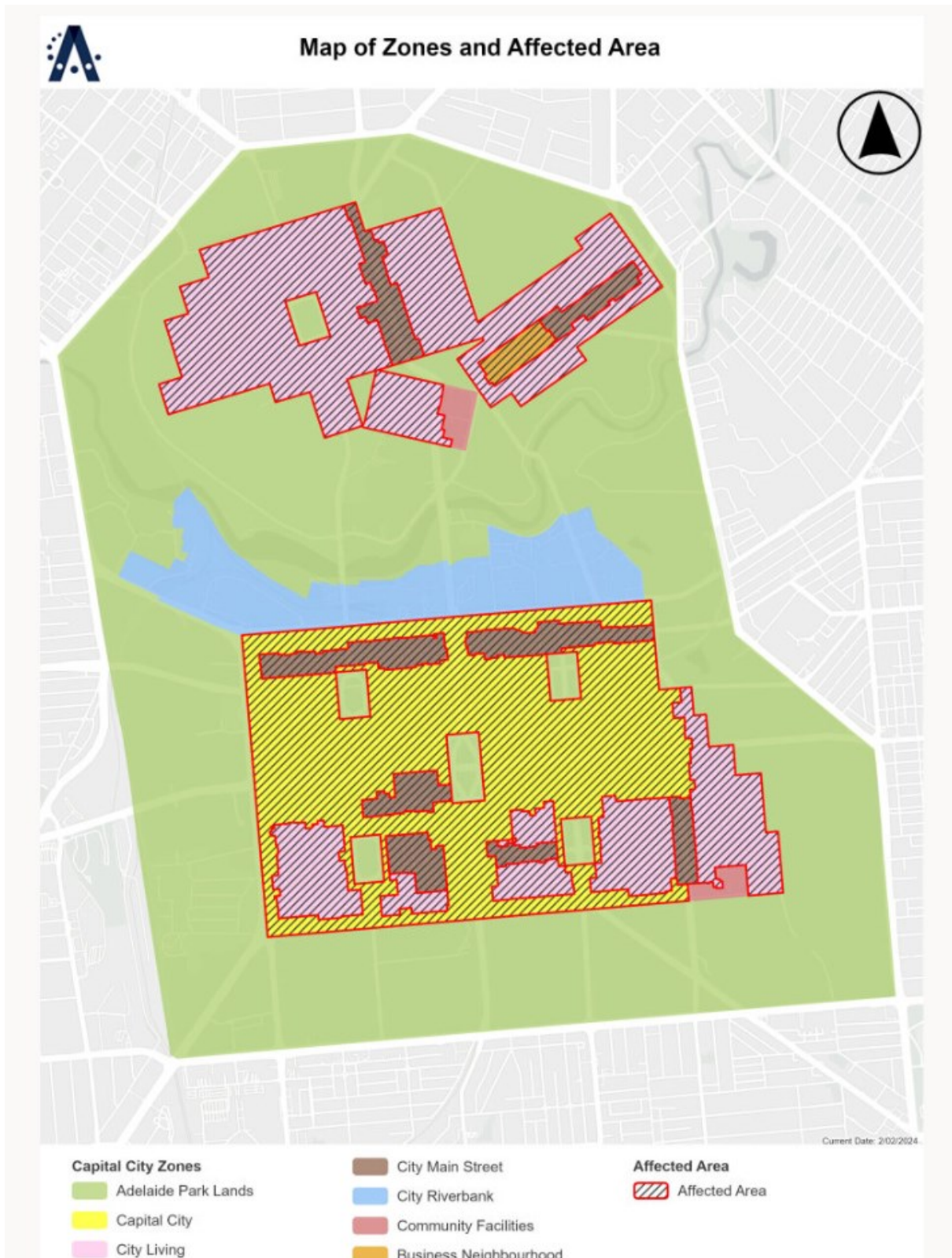
Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act.

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.

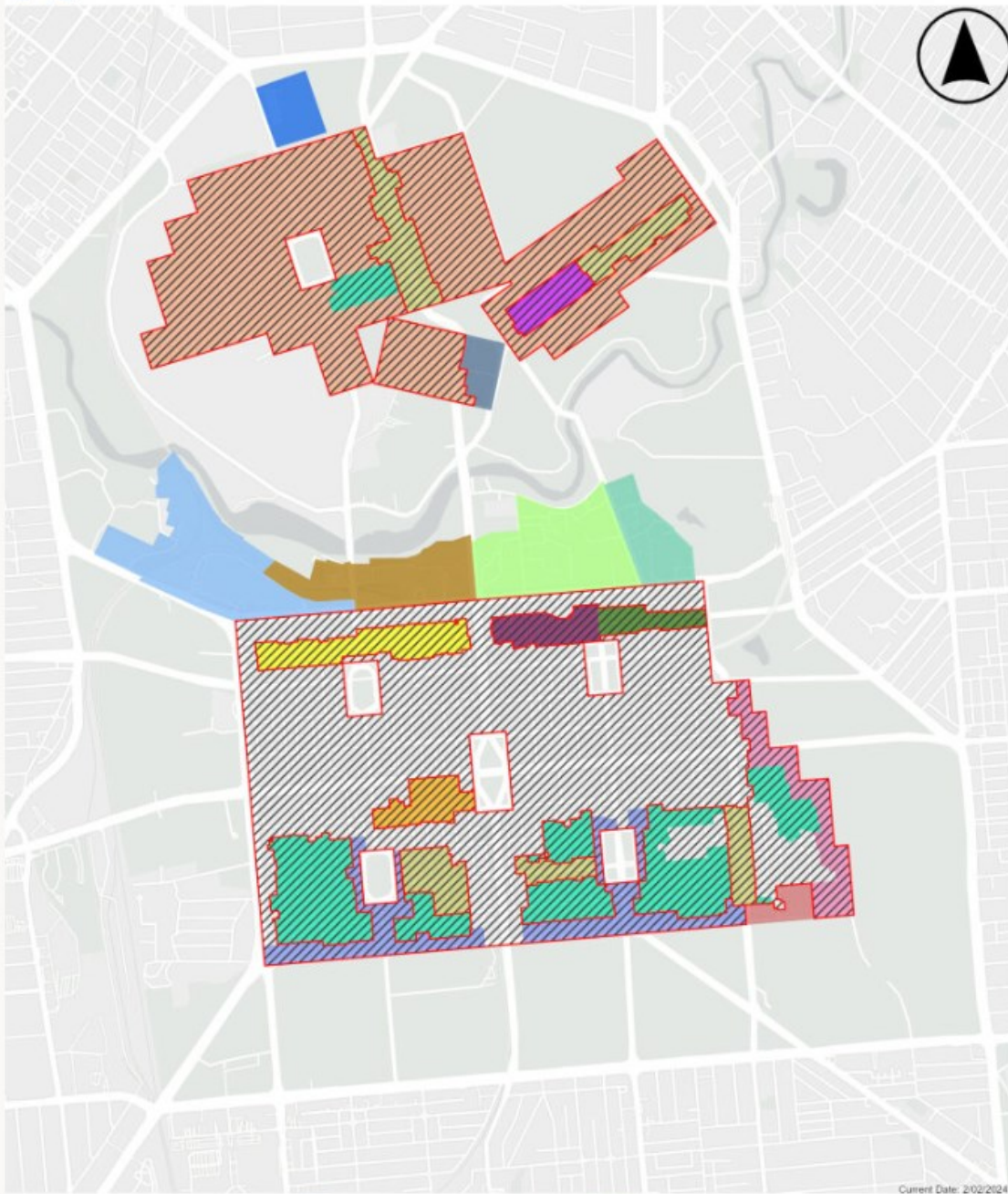
ATTACHMENT A

Map of Affected Area





Map of Subzones and Affected Area



Current Date: 2/02/2024

Capital City Subzones

- Adelaide Aquatic Centre
- City Frame
- City High Street
- Cultural Institutions
- East Terrace

Entertainment

- Gouger and Grote Street
- Health
- Hindley Street
- Innovation
- Medium-High Intensity

Melbourne Street West

- North Adelaide Low Intensity
- Rundle Mall
- Rundle Street
- St Andrews Hospital Precinct
- WCH and Memorial Hospital Precinct

Affected Area

- Affected Area

Exclusion of the Public

Tuesday, 5 August 2025

City Planning,
Development and Business
Affairs Committee

Program Contact:

Anthony Spartalis, Chief
Operating Officer

Approving Officer:

Michael Sedgman, Chief
Executive Officer

Public

EXECUTIVE SUMMARY

Section 90(2) of the *Local Government Act 1999 (SA)* (the Act), states that a Council may order that the public be excluded from attendance at a meeting if the Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in section 90(3) of the Act.

It is the recommendation of the Chief Executive Officer that the public be excluded from this City Planning, Development and Business Affairs Committee meeting for the consideration of information and matters contained in the Agenda.

For the following workshop seeking consideration in confidence

- 10.1** Performance on Waste and Resource Recovery (PWRR) Tool [section 90(3) (b) of the Act]

For the following Chief Executive Officer's Report seeking consideration in confidence

- 11.1** West Franklin Stage 2 Update [section 90(3) (h) & (i) of the Act]
- 11.2** 20th Century Local Heritage – Investigations Report [section 90(3) (m) of the Act]

The Order to Exclude for Items 10.1, 11.1 and 11.2:

1. Identifies the information and matters (grounds) from section 90(3) of the Act utilised to request consideration in confidence.
2. Identifies the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public.
3. In addition, identifies for the following grounds – section 90(3) (b), (d) or (j) of the Act - how information open to the public would be contrary to the public interest.

ORDER TO EXCLUDE FOR ITEM 10.1

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE:

1. Having taken into account the relevant consideration contained in section 90(3) (b) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the City Planning, Development and Business Affairs Committee dated 5 August 2025 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 10.1 [Performance on Waste and Resource Recovery (PWRR) Tool] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting business.

Public Interest

City Planning, Development and Business Affairs Committee – Agenda – Tuesday, 5 August 2025

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in release of information prior to the finalisation of 'commercial in confidence' negotiation with the proponent and a competitor receiving the information to the detriment of the proponent who supplied information at this point in time, may materially and adversely affect the financial viability of the proponent for any future projects and because the disclosure of Council's commercial position may severely prejudice Council's ability to discuss/participate or influence a proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Planning, Development and Business Affairs Committee dated 5 August 2025 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 10.1 [Performance on Waste and Resource Recovery (PWRR) Tool] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) of the Act.

ORDER TO EXCLUDE FOR ITEM 11.1

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE:

1. Having taken into account the relevant consideration contained in section 90(3) (h) & (i) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the City Planning, Development and Business Affairs Committee dated 5 August 2025 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 11.1 [West Franklin Stage 2 Update] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is confidential because it considers actual litigation and contains detailed legal advice for Council's consideration.

The disclosure of information in this report could reasonably prejudice Council in its decision-making process in relation to the next phase of the legal proceedings.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Planning, Development and Business Affairs Committee dated 5 August 2025 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 11.1 [West Franklin Stage 2 Update] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (h) & (i) of the Act.

ORDER TO EXCLUDE FOR ITEM 11.2

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE:

1. Having taken into account the relevant consideration contained in section 90(3) (m) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the City Planning, Development and Business Affairs Committee dated 5 August 2025 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 11.2 [20th Century Local Heritage – Investigations Report] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is confidential as the material presented contains information regarding potential new Local Heritage Places to be included in a future draft Code Amendment that is not appropriate to be made public prior to the commencement of public engagement, due to the identification of individual properties in the draft Code Amendment.

The disclosure of information in this report could reasonably breach confidentiality of information prior to public engagement of the draft Code Amendment.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Planning, Development and Business Affairs Committee dated 5 August 2025 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 11.2 [20th Century Local Heritage – Investigations Report] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (m) of the Act.
-

DISCUSSION

1. Section 90(1) of the *Local Government Act 1999 (SA)* (the Act) directs that a meeting of Council must be conducted in a place open to the public.
2. Section 90(2) of the Act, states that a Council may order that the public be excluded from attendance at a meeting if Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in section 90(3) of the Act.
3. Section 90(3) of the Act prescribes the information and matters that a Council may order that the public be excluded from.
4. Section 90(4) of the Act, advises that in considering whether an order should be made to exclude the public under section 90(2) of the Act, it is irrelevant that discussion of a matter in public may -
 - (a) *cause embarrassment to the council or council committee concerned, or to members or employees of the council; or*
 - (b) *cause a loss of confidence in the council or council committee; or*
 - (c) *involve discussion of a matter that is controversial within the council area; or*
 - (d) *make the council susceptible to adverse criticism.*
5. Section 90(7) of the Act requires that an order to exclude the public:
 - 5.1 Identify the information and matters (grounds) from section 90(3) of the Act utilised to request consideration in confidence.
 - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public.
 - 5.3 In addition identify for the following grounds – section 90(3) (b), (d) or (j) of the Act - how information open to the public would be contrary to the public interest.
6. Section 83(5) of the Act has been utilised to identify in the Agenda and on the Report for the meeting, that the following reports are submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 10.1 – Performance on Waste and Resource Recovery (PWRR) Tool
 - 6.1.1 Is not subject to an existing Confidentiality Order.
 - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (b) of the Act
 - (b) information the disclosure of which—
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest;
 - 6.2 Information contained in Item 11.1 – West Franklin Stage 2 Update
 - 6.2.1 Is not subject to an existing Confidentiality Order.
 - 6.2.2 The grounds utilised to request consideration in confidence is section 90(3) (h) & (i) of the Act
 - (h) legal advice.
 - (i) information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.
 - 6.3 Information contained in Item 11.2 – 20th Century Local Heritage – Investigations Report
 - 6.3.1 Is not subject to an existing Confidentiality Order.
 - 6.3.2 The grounds utilised to request consideration in confidence is section 90(3) (m) of the Act
 - (m) information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the *Planning, Development and Infrastructure Act 2016 (SA)* before the draft instrument or amendment is released for public consultation under that Act.

ATTACHMENTS

Nil

- END OF REPORT -

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