

Planning and Design Code Amendments

Strategic Alignment - Enabling Priorities

Public

Tuesday, 1 August 2023

**City Planning, Development
and Business Affairs
Committee**

Program Contact:

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Director Park Lands, Policy &
Sustainability

Approving Officer:

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Shaping

EXECUTIVE SUMMARY

This report seeks Council endorsement to progress two statutory Code Amendment Initiation requests to the Minister for Planning to amend the Planning and Design Code (P&DC), as follows:

1. City of Adelaide Historic Area Statements Update Code Amendment, and
2. City of Adelaide Adult Entertainment Premises Code Amendment.

The Planning and Design Code is the statutory instrument under the *Planning, Development and Infrastructure Act 2016 (PDI Act)* for development assessment in the City of Adelaide and across South Australia.

The proposed Code Amendments progress Council's submission to the Expert Panel on the State Planning Implementation Review endorsed in January 2023.

The following recommendation will be presented to Council on 8 August 2023 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 Historic Area Statements Update Code Amendment by the City of Adelaide in Attachment A to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.
2. Endorses the Proposal to Initiate an Amendment to the Planning and Design Code Adult Entertainment Premises Code Amendment by the City of Adelaide in Attachment B to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.
3. Notes the Program of Amendments to the Planning and Design Code in Attachment C to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.
4. Authorises the CEO to make amendments to finalise, issue and seek agreement with the Minister for Planning in relation to the initiation of Code Amendments in Attachments A and B to Item 4.2 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 1 August 2023.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities The program of policy amendments to the Planning and Design Code will support a cross section of Strategic Plan themes and objectives, as realised via development outcomes in the City of Adelaide.
Policy	The Code Amendments seek to amend planning policy contained in the State-wide Planning and Design Code.
Consultation	If the Minister for Planning agrees to initiate the Code Amendments, public consultation on the Code Amendments (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 Amendments seek 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 local heritage and Adult Entertainment Premises.
23/24 Budget Allocation	Not as a result of this report
Proposed 24/25 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Changes to planning policy in the Planning and Design Code is through a Code Amendment process.
23/24 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 Council endorsement to initiate two Code Amendments under Section 73 of the *Planning, Development and Infrastructure Act 2016*, as follows:
 - 1.1. Proposal to Initiate an Amendment to the Planning and Design Code - Historic Area Statements Update Code Amendment by the City of Adelaide (**Attachment A**).
 - 1.2. Proposal to Initiate an Amendment to the Planning and Design Code - Adult Entertainment Premises Code Amendment by the City of Adelaide (**Attachment B**).
2. Council approval is required to Initiate a Code Amendment as per the statutory Code Amendment process (Link 1 view [here](#)).
3. The proposed Code Amendments progress:
 - 3.1. Council's submission to the Expert Panel on the Planning System Implementation Review endorsed in January 2023 (Link 2 view [here](#)).
 - 3.2. Key development policy improvement priorities for the Planning and Design endorsed by Council in August 2021 (Link 3 view [here](#)).

Historic Area Statements Update

4. Council's submission to the Expert Panel on the Planning System Implementation Review recommended urgent update of City of Adelaide's Historic Area Statements to improve guidance for development assessment in historic areas.
5. On 17 March 2023, the Minister for Planning wrote to Councils supporting update of Historic Area Statements and Character Areas (City of Adelaide does not have the latter).
6. City of Adelaide has 14 areas where Historic Area Statements apply (Link 4 view [here](#)).
7. City of Adelaide's proposed Code Amendment for Historic Area Statements seeks to:
 - 7.1. Update existing Historic Area Statements to refine wording, including addition of necessary historical context.
 - 7.2. Identify representative buildings within existing Historic Areas which demonstrate historic features that can be referred to during a contextual design response for proposed development.
8. The Code Amendment does not include assessment of new Historic Areas or Character Areas.

Adult Entertainment Premises

9. City of Adelaide made submissions to the State Government in 2021, 2022 and 2023 seeking definitions and additional policy be included in the Planning and Design Code for Prescribed (Adult) Entertainment.
10. A State-wide Miscellaneous and Technical Enhancements Code Amendment was completed by the State Government on 1 June 2023 which introduces land use definitions for:
 - 10.1. Adult Entertainment Premises
 - 10.2. Adult Products and Service Premises.
11. City of Adelaide's proposed Code Amendment for Adult Entertainment Premises seeks to:
 - 11.1. Introduce development policy to guide assessment of such premises.
 - 11.2. Introduce policy that identifies locations in the City of Adelaide where Adult Entertainment Premises are suitable (or unsuitable).

Next Steps

12. The proposed Code Amendments form part of a comprehensive 24-month program of Code Amendments by City of Adelaide to improve development policy in the Planning and Design Code (**Attachment C**).
13. The Code Amendment program is designed to efficiently progress key issues-based amendments and enable meaningful public engagement on each issue.
14. Timing of the program is indicative as steps in the Code Amendment process are decisions for the State Government and not in Council's direct control.

15. In 2023/24 future proposals to Initiate a Code Amendment are planned for:
 - 15.1. Technical amendments and corrections to policy in the City of Adelaide (post-transition Miscellaneous amendment)
 - 15.2. Heritage amendments including State and local heritage and demolition control.
 - 15.3. Sustainability amendments including waste, EV charging, greening and climate ready policies.
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DATA AND SUPPORTING INFORMATION

Link 1 – Overview of Statutory Code Amendment Process

Link 2 – City of Adelaide Submission to the Planning System Implementation Review

Link 3 – Item 5.4 Planning and Design Code – Update and Future Priorities – 3 August 2021

Link 4 – Historic Areas in the City of Adelaide – Planning and Design Code

ATTACHMENTS

Attachment A – Proposal to Initiate an Amendment to the Planning and Design Code - Historic Area Statements Update Code Amendment by the City of Adelaide

Attachment B – Proposal to Initiate an Amendment to the Planning and Design Code - Adult Entertainment Premises Code Amendment by the City of Adelaide

Attachment C – Program of Amendments to the Planning and Design Code

- END OF REPORT -