



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

## **Code Amendment Comment Policy**

### **Council comments on private, other Council and State Government led Code Amendments**

|                        |   |
|------------------------|---|
| Approved by:           | Council                                       |
| Responsible Division:  | City Shaping, City Development                |
| First Issued/Approved: | June 2025                                     |
| Last Reviewed:         | New Policy                                    |
| Next Review Date:      | Within 12 months of the next Council election |

#### **1. Purpose**

The purpose of this policy is to outline the City of Salisbury's process regarding the review and feedback of external code amendments, when Council itself is not the proponent.

##### **1.1 Introduction to a Code Amendment**

The Planning and Design Code (the Code) established under the [Planning, Development and Infrastructure Act 2016](#) (the Act) provides policy for the assessment of development applications across the state.

The State Planning Commission (the SPC) is responsible for preparing and maintaining the Code. It is responsible for the standard set of overlays, zones and policies that apply across the state

The zones that apply to land can be amended through a 'code amendment' process. With approval of the Minister for Planning, a code amendment may be initiated by a range of entities (named under the Act as 'designated entities'), including:

- Private proponents – private proponents must have a legal interest in the land
- Councils – Local governments may rezone land within their boundaries
- State Government – including the State Planning Commission, Chief Executive of the Planning Department or other government agencies.

All designated entities are able to seek to change the spatial application of a zone or overlay within the Code with some local variations through technical numerical variations or concept plans. The State Planning Commission or Government Agencies are responsible for changing the policy within the zone.

To ensure that the City of Salisbury (Council) grows in an orderly, economic, social and sustainable manner, it is important that land is zoned appropriately to meet our community and economic growth needs.

Council supports code amendments that seek to improve the community's liveability, housing choices and economic prosperity.

Council seeks to work with external designated entities (also known as 'proponents') in a collaborative manner to minimise delay and unnecessary disruptions.

## **1.2 Code amendment engagement**

The code amendment process is prescribed under section 73 of the Act and supported by [Practice Direction 2 – Preparation and Amendment of Designated Instruments](#).

Once a code amendment is initiated by the Minister for Planning, the designated entity is responsible for preparing the necessary investigations and information as outlined in the initiation proposal.

Code amendments must be subject to engagement in accordance with the SPC's [Community Engagement Charter](#) (the Charter). Stakeholders, community members or any interested parties can review the code amendment proposal and provide submissions through the State Government's SA Planning Portal ([PlanSA](#)).

A mandatory requirement of the Charter is that the relevant Council must be directly consulted on a code amendment. The Charter does not prescribe the timeframe for engagement; however most proponents have adopted a consultation period of between four to eight weeks.

The Charter outlines a set of principles to meet when undertaking a code amendment engagement process, to ensure that they are:

- genuine
- inclusive and respectful
- fit-for-purpose

- informed and transparent
- reviewed and improved.

The designated entity is responsible for preparing a report on the engagement results and lodging the final amendment proposal with the Planning Department for assessment, and for forwarding to the Minister for Planning for a decision.

## 2. Scope

This policy applies to Council's comments on code amendments when it is not the proponent.

There are two opportunities for Council to provide comments:

- Feedback by the Chief Executive Officer at the initiation stage (see 5.1 of this policy)
- Feedback from Council at the engagement stage (See 5.2 of this policy). This policy outlines the process for the provision of these comments.

## 3. Legislative Requirements and Corporate Policy Context

- *Planning, Development and Infrastructure Act 2016* (the Act)
- [Planning, Development and Infrastructure \(General\) Regulations 2017](#)
- Practice Direction 2 – Preparation and Amendment of Designated Instruments
- Community Engagement Charter
- [Local Government Act 1999](#)
- [City Plan 2040](#)
  - Direction: A growing city that provides new opportunities
  - Foundation: Our city's growth is well planned and supported by the integrated delivery of infrastructure.

## 4. Interpretation/Definitions

- **Administration** – Staff employed by the City of Salisbury
- **Chief Executive of the Planning Department** – the head officer responsible for assisting the Minister for Planning in the administration of the Act
- **CEO** – the Chief Executive Officer of the City of Salisbury
- **Code** – the Planning and Design Code
- **Council** – the City of Salisbury as a whole
- **Designated Entity** – the entity that is preparing the code amendment and undertaking the engagement process
- **Elected Members** – the elected body of the City of Salisbury; also known as 'councillors' and including the Mayor
- **Private proponent** – a person/party/group who has interest in the land they are seeking to alter the way in which the Code affects the land

- **Planning Department** – the State Governmental department responsible for assisting the Minister in the administration of the Act (in this policy, the ‘Planning Department’ refers to the Department of Housing and Urban Development, and will similarly apply to other future renamed planning department(s) within the State Government)
- **Community Engagement Charter**- is prepared by the State Planning Commission under Section 44 of the Act. It sets out the engagement requirements for code amendments.
- **State Planning Policies** – Are prepared by the State Planning Commission under section 58 of the Act. They collectively set out the State’s overarching goal or requirements for the planning system. They are given effect through the Greater Adelaide Regional Plan and the Planning and Design Code.
- **Greater Adelaide Regional Plan**- is prepared by the State Planning Commission under section 64 of the Act to set out the urban growth and infrastructure plans for the next 15 to 30 years.

## 5. Policy Statements

### 5.1 Council’s role during the initiation stage

#### For private proponent initiation proposals

Council supports code amendments that seek to improve the community’s liveability, housing choices and economic prosperity.

Council seeks to work with designated entities/private proponents in a collaborative manner to minimise delay and unnecessary disruptions.

Prior to proponents initiating or investigating a code amendment, Council encourages that they meet with the Administration early for informal advice. This can:

- provide advice on actions or additional investigations required for the code amendment
- provide in-principle support or otherwise
- provide guidance on how to best engage with Council’s Elected Members and the community.

Once the private proponents are ready to lodge the proposal, in accordance with Practice Direction 2, a proposal to initiate by a private proponent is required to be referred to a Council for the CEO’s comment. A period of 15 business days is prescribed for the CEO to provide feedback.

At this stage, it is expected that a complete draft proposal consistent with the requirements of Practice Direction 2 and the template on PlanSA is provided to the CEO. It is important that the proposal incorporates all the envisaged investigations required to enable the code amendment, especially infrastructure requirements.

Given the 15 business days limitation, it is imperative that the proponents meet with the Administration early in the process to help shape the initiation proposal, to ensure alignment and expedite the feedback process. The Administration will use its best endeavours to encourage private proponents to engage with Council early and prior to preparing an initiation documentation.

On receipt of the initiation proposal, it will be referred to relevant departments of the Council for comment.

The role of comments at this stage is to:

- Advise whether the code amendment is consistent with Council's strategic directions
- Advise of any specific investigations and/or any infrastructure requirements that need to be considered as part of the code amendment
- Provide recommendations on the planned engagement process (including with Council).

Formal support or otherwise of the final code amendment is not given at this stage as this will be done once the detailed investigations are completed. However, in-principle support can be given to continue with the process.

The proposal to initiate will be assessed against the following criteria:

1. Consistency with the State Planning Policies, including the principles of good planning and the Greater Adelaide Regional Plan
2. Alignment with the Council's strategic directions, including the following documents:
  - a. City Plan 2040
  - b. Shaping Salisbury Strategy
  - c. Housing Strategy (when approved)
  - d. Strategic Growth Framework for Waterloo Corner and Bolivar Corridor
  - e. Council's strategic development projects.
3. Other current code amendments in the area
4. Detailed infrastructure requirements needed including social infrastructure to support the anticipated growth
5. Social, economic and/or environmental merits.

Alignment and consideration of the above will be outlined within the CEO's response.

If the proposal for rezoning is not consistent or not included with actions previously endorsed by Council in the criteria 2 above, the CEO's response (to be provided within the 15-business day period) will advise that a further letter will be sent following Elected Member's consideration of the matter.

Note that there is no formal requirement for the initiation process to be put on hold for any responses provided outside the 15 business days.

## Other initiation proposals

State Government agencies, the State Planning Commission and other Councils are not required to seek comments from Councils on code amendment proposals that they initiate.

However, often they consult informally when a rezoning is proposed within, or adjacent to the Council area.

### **5.2 Council's role during the engagement stage**

In accordance with section 44 of the Act, consultation on a code amendment must be done in accordance with the Community Engagement Charter and must include consultation with the relevant Council.

The role of Council during the consultation stage is to:

- review all the investigations in the proposal
- determine and provide advice about the proposal's consistencies with Council's strategies and plans
- consider the infrastructure provision implications of the proposal
- provide advice about any infrastructure deeds that may be required.

On receipt of a code amendment on consultation, the proposal will be referred to relevant departments of Council for feedback. They will be given two weeks to provide comments.

Because private proponents are encouraged to engage with the Administration during the preparation of investigations during the pre-initiation stage, it should be noted that the proposal should have already been informed by, and be consistent with Administration feedback.

The Administration's feedback is used to provide a draft submission for Elected Members' formal consideration at Council meetings. Council's meeting dates can be [found here](#).

### Engagement timeframes and Council's feedback

Engagement timeframes vary and fall usually in the range of four to eight weeks. The Administration will provide advice about engagement expectations at the initiation stage to encourage the proponent to give Council adequate time to consider the code amendment and obtain formal sign off from Elected Members at a Council meeting.

If the timeframe for consultation does not fit into Council's reporting schedule, the Administration will seek an extension of time. On occasions when extensions of time are not accepted by the proponent, Administration will provide the proponent with a draft submission during the consultation period, and provide the Council

endorsed submission after the closing date.

### 5.3 Technical code amendments by the State Government

From time to time, the State Government undertakes technical and minor amendments to the Code. These amendments generally address anomalies and interpretation issues and improvements to the assessment pathways within the Code, and are not considered strategic.

Comments on these code amendments will be prepared by the Administration and be signed off by the CEO.

### 5.4 Rezoning by adjoining Councils

Council usually gets directly consulted on draft code amendments that rezone land in an adjoining Council area. When this rezoning is located within 500m of the Council area the procedure outlined in 5.2 will be followed.

Rezoning that are further away from the Council area will be endorsed by the Chief Executive Officer, as comments usually relate to technical issues (Eg stormwater management).

## 6 Related Policies and Procedures

- [Private Proponent Planning and Design Code Amendment Policy](#)  
(provides instructions regarding Council preparing a Proponent-funded Code Amendment)

## 7 Approval and Change History

| Version | Approval Date | Approval By | Change |
|---------|---------------|-------------|--------|
| 1       | June 2025     | Council     |        |

## 8 Availability

- 8.1 The policy is available to be downloaded, free of charge, from Council's website [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)
- 8.2 The policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Salisbury Community Hub  
34 Church Street, Salisbury SA 5108  
Telephone: 8406 8222  
Email: [city@salisbury.sa.gov.au](mailto:city@salisbury.sa.gov.au)

## 9 Review

This policy will be reviewed within 12 months of a Council election or as dictated by legislation changes or changes to related Policies and Procedures, or as deemed necessary by Council.

### Further Information

For further information on this policy please contact:

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|----------------------|--|
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