

Draft Assessment Improvements Code Amendment

About the proposed changes

The South Australian Government is proposing a series of technical amendments to [South Australia's Planning and Design Code](#) (the Code). The amendments are an opportunity to improve the Code's general performance, interpretation and consistency.

Areas of focus in the draft Assessment Improvements Code Amendment include:

- improvements to the rules of interpretation in response to recent case law
- improvements to land use and administrative definitions
- review of heritage referrals
- review of demolition policy in the Local Heritage Place Overlay
- review of language and policy consistency
- ensuring policies are reasonable and practical
- review of car parking for major open spaces.

The amendments implement some of the Expert Panel recommendations from the [Planning System Implementation Review](#) supported by the state government. Others have been informed by feedback provided by local council, planning industry professionals and other users of the Code.

The changes build upon the [Miscellaneous Technical Enhancement Code Amendment](#), which came into operation on 1 June 2023. This Code Amendment was similarly focused on addressing technical and operational elements within the Code, as opposed to changing policy intent or outcomes.

Feedback was invited on the draft Code Amendment over 13 weeks, from Tuesday 10 December 2024 to Tuesday 11 March 2025.

What we heard

A total of 138 submissions were received from the community, councils, industry and government agencies. These submissions have been reviewed and the feedback received covers a wide range of areas that will be considered in finalising the draft Code Amendment.

The most frequently commented on areas were:

- proposed changes to the Code's Rules of Interpretation aimed at clarifying the circumstances under which cadastre updates and overlay spatial amendments can be made under section 71(e) of the *Planning, Development and Infrastructure Act 2016*
- proposed changes to the Code's Rules of Interpretation aimed at clarifying how Technical and Numeric Variations (TNVs) are to be interpreted when undertaking performance assessments
- circumstances under which a Code policy may be amended to reflect an Australian Standard taking account of the level of community consultation that is undertaken in relation to the creation and / or updating of Australian Standards
- amendments to administrative terms and land use definitions, with further requests for additional definitions to be included in the Code
- the proposed removal of the requirement for a covered car parking space in association with a new dwelling
- proposed policy amendments relating to noise mitigation measures for swimming pool filtration systems, with comments suggesting a definition be added for 'solid acoustic structure'
- strengthened policies aimed at preventing neglect leading to the deterioration of local heritage places
- car parking rates for open spaces, with some suggesting the need for a Practice Direction to provide additional guidance and other comments noting that car parks shouldn't be provided at the expense of open space.

Areas of concern/issues identified from the feedback received includes:

- proposed changes to Rules of Interpretation regarding application of relevant policies to Performance Assessed classes of development is at odds with case law and suggestion that further improvements are needed to make sure all relevant policy is identified
- support for further guidance regarding the assessment of Community Title land divisions
- the impact of removing the Water Resources Overlay exclusion on assessments of developments within 20 metres of a water course.

Whilst not part of the draft Code Amendment released for community engagement, 82 submissions out of 138 raised specific concerns about small-lot rural land division within the Barossa and McLaren Vale character preservation districts. Most of these submissions suggested that amendments to the Code were necessary to better align guidance for the division of rural land with the objectives of the respective character preservation acts.

Engagement activities

The following engagement activities provided opportunities for the community and stakeholders to gather further information and provide feedback on the draft Code Amendment:

- online information sessions, one in each month of the consultation (December, January, February), aimed at industry, council and government, with anyone able to attend (there were 58 attendees across these sessions)
- information about the draft Code Amendment and consultation was delivered at online Policy Forums in December 2024 and February 2025, which are attended by planning practitioners across industry and government (255 people were invited to attend these)
- PlanSA website and online submission form/emails to submissions and PlanSA inboxes: 123 responses were received, mostly from councils, state agencies and industry
- YourSAy consultation website, survey and question tools: 12 survey responses were submitted and 3 questions.

These engagement activities were promoted through PlanSA, State Planning Commission and YourSAy social media, Planning Ahead e-news, YourSAy e-news, as well as letters sent directly to local councils, state government agencies and industry stakeholders.

Next steps

All feedback is being collated and considered in greater detail in preparing an update to the draft Code Amendment to be submitted to the Minister for Planning.

An engagement report is being prepared, which includes a summary of written submissions and feedback received, how these were considered, and proposed updates to the draft Code Amendment released for consultation. Once complete, this report will be provided to the Minister with the updated Code Amendment for a decision.

The engagement report, along with the outcome of the Code Amendment and any further updates, will be published on the YourSAy and PlanSA consultation pages.

More information

Contact: PlanSA
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Visit YourSAy: yoursay.sa.gov.au/assessment-improvements
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