



Agenda Report for Decision

Meeting Date: 23 June 2022

Item Name	Code Amendment Initiation Advice to the Minister for Planning – Proposal to Initiate the 107 Port Road, Thebarton (Thebarton Brewery Precinct) Code Amendment
Presenters	Paul Bennett, Jason Bailey and Nadia Gencarelli
Purpose of Report	Decision
Item Number	4.1
Strategic Plan Reference	5. Discharging Statutory Obligations
Work Plan Reference	5.2 Advise the Minister on Code Amendments
Confidentiality	Not Confidential (Release Delayed). To be released following final decision by the Minister for Planning on initiation of the Code Amendment. Anticipated by 15 July 2022
Related Decisions	N/A

Recommendation

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of this item as Not Confidential (Release Delayed), with the meeting papers for the item to be released following final decision by the Minister for Planning (the Minister) on initiation of the Code Amendment. Anticipated by July 2022.
2. Advise the Minister that it:
 - 2.1 Recommends the approval of the 107 Port Road, Thebarton (Thebarton Brewery Precinct) Code Amendment under section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* (the Act), subject to the following conditions applied under section 73(5)(b) of the Act:
 - a) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays or technical and numerical variations provided for under the published Planning and Design Code (the Code) (on the date the Amendment is released for consultation).
 - b) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.
 - 2.2 Recommends that the Lion-Beer, Spirits & Wine Pty Ltd be the Designated Entity responsible for undertaking the Code Amendment process.

3. Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:
 - City of Charles Sturt
 - City of Adelaide
 - Department for Infrastructure and Transport
 - Environment Protection Authority
 - SA Housing Authority
 - Department for Environment and Water
 - Renewal SA
 - Kaurna Yerta Aboriginal Corporation
 - Adelaide Airport Limited
 - Utility providers, including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
 - State Members of Parliament for the electorates in which the proposed Code Amendment applies.
4. Not specify further investigations or information requirements pursuant to section 73(6)(f) of the Act in addition to that outlined in the Proposal to Initiate.
5. Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (**Attachment 1**) and approval letters with conditions (**Attachment 2**).
6. Approve and authorise the Chair of the Commission to sign the advice to the Minister as provided in **Attachment 3**.
7. Authorise the Chair to finalise any minor amendments to the advice and attachments as required.

Background

Section 73(2)(b)(vii) of the Act provides that a proposal to amend the Code may be initiated by a person who has an interest in the relevant land with the approval of the Minister, acting on the advice of the Commission, in relation to the following matters:

- Strategic assessment against the State Planning Policies and *The 30-Year Plan for Greater Adelaide: 2017 Update*.
- Any person or body that must be consulted by the Designated Entity, pursuant to section 73(6)(e) of the Act
- Any investigations to be carried out or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The purpose of this report is therefore to provide the Commission with advice to be provided to the Minister in relation to the Proposal to Initiate submitted by the Lion-Beer, Spirits & Wine Pty Ltd (**Attachment 1**).

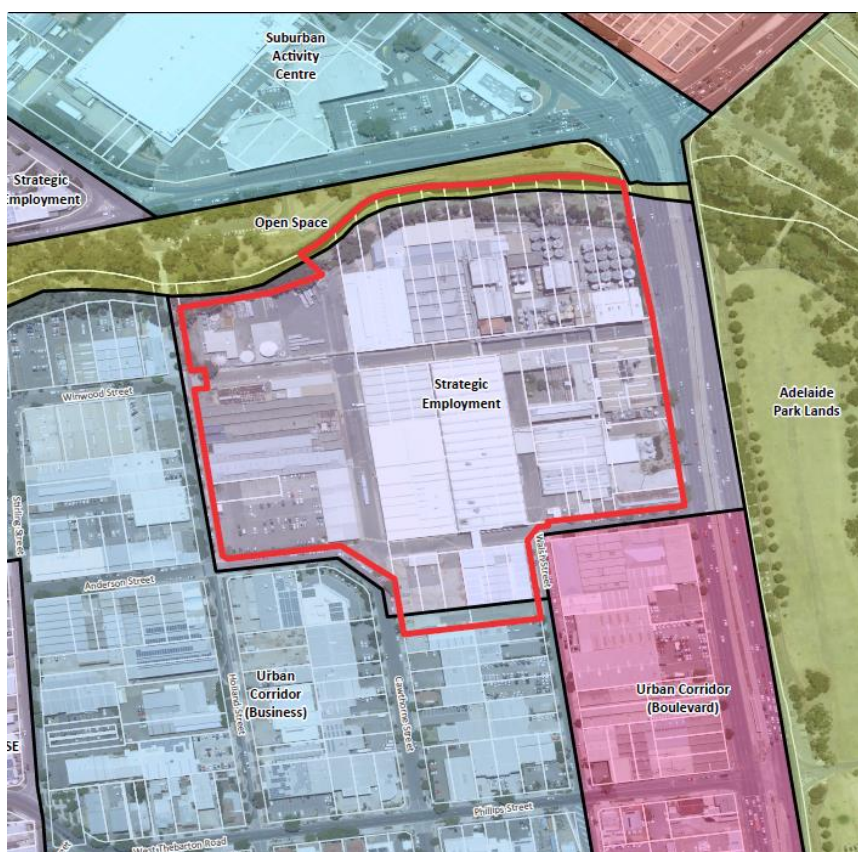
Procedural matters regarding the Commission's role are provided in **Attachments 4 and 5**.

Discussion

Scope of the Amendment

The Proposal to Initiate seeks to rezone approximately 8.4 hectares of land in Thebarton from the Strategic Employment Zone, Urban Corridor (Business) Zone and Open Space Zone to either the Urban Corridor (Boulevard) Zone or Urban Neighbourhood Zone (or similar Neighbourhood-type Zone), with investigations to inform the most appropriate zoning. The Open Space Zone is proposed to be extended over the riverbank area. Subject to further investigations, a 'Main Street' or 'Retail' Subzone may also be proposed to provide a focus for retail, commercial and entertainment facilities, along with appropriate overlays and Technical and Numeric Variation changes. The introduction of a concept plan is also sought.

The affected area and current zoning are shown in the figure below.



Planning and Design Code Zoning

The affected area is located within the Strategic Employment Zone, Urban Corridor (Business) Zone and the Open Space Zone.

The following Overlays apply to the land:

- Aircraft Noise Exposure – ANEF 20
- Airport Building Heights (Regulated) Overlay (All structures over 15 metres)
- Advertising Near Signalised Intersections Overlay
- Affordable Housing Overlay
- Buildings Near Airfields Overlay
- Design Overlay
- Future Road Widening Overlay
- Hazards (Flooding) Overlay
- Heritage Adjacency
- Hazards (Flooding – Evidence Required) Overlay
- Key Railway Crossings Overlay
- Local Heritage Place Overlay
- Major Urban Transport Routes Overlay
- Noise and Air Emissions Overlay
- Native Vegetation Overlay
- Prescribed Watercourses Overlay
- Prescribed Wells Area Overlay
- Regulated and Significant Tree Overlay
- State Heritage Place Overlay
- Traffic Generating Development Overlay
- Water Resources Overlay.

Land surrounding the affected area is within Urban Corridor (Business) Zone, Urban Corridor (Boulevard) Zone and the Open Space Zone.

Detailed discussion is provided in the advice to the Minister in **Attachment 3**.

Advice to the Minister

The attached advice to the Minister sets out the statutory and procedural elements that must be considered as part of the initiation of a Code Amendment (**Attachment 3**).

The advice recommends that the Minister approve the initiation of the Code Amendment for the following reasons and subject to conditions (as set out below).

Strategic considerations

The Proposal seeks to rezone the former Lion 'West End' Brewery for the purposes of medium- to high-rise residential development along with supportive retail and commercial uses. The brewery ceased operating in June 2021 and is currently being decommissioned. The affected area is a key strategic inner metro site with tram, walking and cycling linkages. The proposal strongly aligns to *The 30-Year Plan for Greater Adelaide: 2017 Update* which encourages medium-high density development on the edge of the Adelaide Park Lands. The rezoning will also facilitate the retention and repurposing of existing Heritage Places. Given the strong linkages to strategic planning documents, the proposed rezoning is considered appropriate.

Further strategic considerations and discussion are provided in **Attachment 3**.

Procedural considerations

The Proposal to Initiate meets all procedural requirements, as detailed in the attached advice to the Minister (**Attachment 3**).

Conditions proposed and items specified

A number of conditions have been recommended to be specified by the Minister, pursuant to sections 73(5)(b) of the Act. In addition, it has been recommended that the Commission specify persons or bodies to be consulted with by the Designated Entity under section 73(6)(e) of the Act, as outlined in the advice to the Minister (**Attachment 3**).

Attachments:

1. Proposal to Initiate the 107 Port Road, Thebarton (Thebarton Brewery Precinct) Code Amendment (#18629068).
2. Draft approval letters to:
 - a) The Proponent (#18675300)
 - b) The City of West Torrens (#18675295).
3. State Planning Commission Advice to the Minister (#18666213).
4. Procedural matters for the State Planning Commission (#18667303).
5. Process Flowchart – Code Amendments Initiated by Proponents (#18667324).

Prepared by: Belinda Monier

Endorsed by: Jason Bailey

Date: 10 June 2022

**PROPOSAL TO INITIATE AN AMENDMENT
TO THE PLANNING & DESIGN CODE**

**107, Port Road, Thebarton
(Thebarton Brewery Precinct)
Code Amendment**

**By *Lion-Beer, Spirits & Wine Pty Ltd (the
Proponent)***

Irene Bell

_____ (Signature Required)

**Irene Bell
Supply Chain Solutions Director
*Lion-Beer, Spirits & Wine Pty Ltd (the Proponent)***

Date: 27 April 2022 | 4:40 PM AEST

This Proposal to Initiate document together with conditions specified by the Minister 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 Attorney General's Department.

MINISTER FOR PLANNING

Date:

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1. INTRODUCTION

The Proponent is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land located at 107 Port Road, Thebarton (the Affected Area).

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

The Proponent is the registered proprietor and occupier of the land, Lion-Beer, Spirits & Wine Pty Ltd (ACN: 008 596 370) who is the registered proprietor for the whole of the Affected Area.

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. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

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. 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:

- 1.1.1. The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- 1.1.2. 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 prior to finalising the Engagement Report under section 73(7).
- 1.1.3. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:
 - (a) Zoë Garnaut – Associate, Ekistics Planning & Design (Accredited Professional – Level 1)
 - (b) Email: zgarnaut@ekistics.com.au
 - (c) Phone: 08 7231 0286
- 1.1.4. The Proponent intends to utilise the services of Ekistics Planning and Design Pty Ltd. ('Ekistics') to assist it in undertaking the Code Amendment. Ekistics is a specialist planning consultancy comprising a team of Accredited Professionals with significant experience in the preparation of planning policy as well as land use investigations and community engagement. The Code Amendment process will be undertaken by planning practitioners who have qualifications and experience that is equivalent to an Accredited Professional – Planning Level 1.
- 1.1.5. Either Ekistics or a separate independent community engagement specialist (to be confirmed) will be engaged to undertake required community engagement in

accordance with *'Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument'* and the Community Engagement Charter. Required community engagement will be undertaken by a fully accredited IAP2 specialist with extensive skills and experience in community engagement. Required community engagement would be undertaken under the general direction of Zoë Garnaut at Ekistics Planning and Design Pty Ltd.

The Proponent acknowledges that the Minister may, under section 73(4)(b) of the Act, determine that the Chief Executive of the Department will be the Designated Entity responsible for undertaking the Code Amendment. In this case, the Proponent acknowledges and agrees that they will be required to pay the reasonable costs of the Chief Executive in undertaking the Code Amendment.

1.2. Rationale for the Code Amendment

The Affected Area is currently located in a combination of the Strategic Employment Zone, Urban Corridor (Business) Zone and the Open Space Zone as expressed in the Planning and Design Code. However, the Affected Area presents as a key strategic site within the September 2012, *Inner Metro Rim Structure Plan* produced by the former Department of Planning, Infrastructure and Transport (DPTI).

The Affected Area wholly comprises the former Lion 'West End' Brewery. In October 2020 Lion announced the future closure of brewery operations as of June 2021. The Affected Area is currently in the progress of being decommissioned.

The Code Amendment seeks to facilitate a policy framework that provides the opportunity for a combination of low rise (1-2 storey), medium rise (3-6 storey) and high rise (over 7 storey) built form with predominately medium to high density housing along with supportive retail and commercial land uses.

The Affected Area is currently located predominately within the 'Strategic Employment Zone' with the southern most two (2) allotments located within the 'Urban Corridor (Business) Zone'. The northern tip of the Affected Area is located within the 'Open Space Zone' (adjacent the *Karrawirra Parri / River Torrens*). The 'Strategic Employment Zone' primarily seek to reinforce the previous use of the site for *"a range of industrial, logistical, warehousing, storage, research and training uses that are employment-generating"* (Zone DO1). The portion of the Affected Area located within the 'Strategic Employment Zone' has a maximum height Technical Numeric Variation (TNV) of 12 metres.

The River Torrens (West) Sector Plan of the *Inner Metro Rim Structure Plan* depicts the Affected Area as a *"Mixed Infill Corridor area that will strengthen the city edge with high quality public realms and built form and increased densities"*. The Plan envisages that this will be facilitated by *"high density mixed-use development as key components of the city edge, with activated commercial uses at street level and office and residential accommodation above in the order of 6-10 storeys."*

Noting the existing limitations placed on development by the existing 'Strategic Employment Zone' and to a lesser extent the 'Urban Corridor (Business) Zone', the Proponent wishes to progress a Code Amendment for the Affected Area to investigate policy amendments that will facilitate a compatible mix of medium to high density residential development in a combination of low rise (1-2 storey), medium rise (3-6 storey) and high rise (over 7 storey)

built form along with non-residential uses including commercial, entertainment, small scale retail & food and beverage land uses (supermarket less than 2,000sqm).

Accordingly, the Code Amendment represents an opportunity to facilitate development of the site that aligns with both the *Inner Metro Rim Structure Plan*. The Code Amendment will facilitate a diverse choice in inner metro housing in a vibrant precinct that celebrates its heritage fabric and unique history.

The Affected Area is ideally situated fronting the *Karrawirra Parri*/River Torrens and offers the opportunity to extend the Linear Park Trail through the Affected Area, providing key walking and cycling linkages to the Adelaide Parklands and Adelaide CBD beyond.

Importantly, the Code Amendment will help facilitate a once in a generation opportunity to transform almost eight (8) hectares of aging industrial stock into a unique world-class lifestyle precinct. The Code Amendment will assist in the facilitation of redevelopment of the precinct that aims to:

- Unlock riverfront open space;
- Provide connectivity to the Adelaide Parklands to the East;
- Offer a diverse range of public spaces to the community;
- Celebrate and offer the opportunity for adaptive reuse of heritage assets;
- Capitalise on the exposure and visibility to Port Road;
- Provide greater community connectivity to the *Karrawirra Parri*/ River Torrens; and
- Create a dynamic and vibrant precinct that caters for all daily needs within walking distance.

2. SCOPE OF THE CODE AMENDMENT

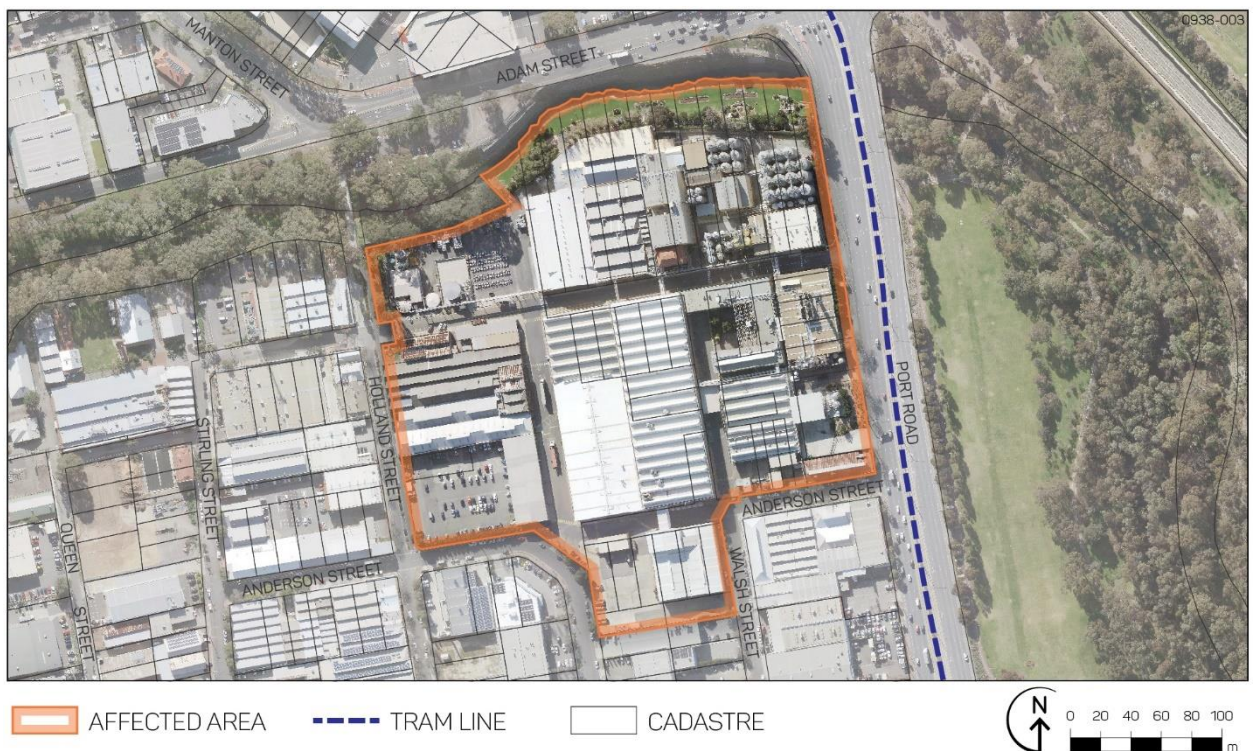
2.1. Affected Area

The proposal seeks to amend the Code for the Affected Area, being the land at 107 Port Road, Thebarton (Refer to **Figure 2.1** and **Attachment A**) and more particularly described in the following Certificates of Title:

1. Certificate of Title Volume 5136 Folio 31 (Allotment 291 in Deposited Plan 1038);
2. Certificate of Title Volume 5136 Folio 31 (Allotment 300 in Deposited Plan 1038);
3. Certificate of Title Volume 5136 Folio 31 (Allotment 301 in Deposited Plan 1038);
4. Certificate of Title Volume 5136 Folio 31 (Allotment 302 in Deposited Plan 1038);
5. Certificate of Title Volume 5136 Folio 32 (Allotment 374 in Deposited Plan 1038);
6. Certificate of Title Volume 5136 Folio 32 (Allotment 375 in Deposited Plan 1038);
7. Certificate of Title Volume 5136 Folio 32 (Allotment 376 in Deposited Plan 1038);
8. Certificate of Title Volume 5137 Folio 147 (Allotment 370 in Deposited Plan 1038);
9. Certificate of Title Volume 5137 Folio 205 (Allotment 838 in Deposited Plan 1038);
10. Certificate of Title Volume 5137 Folio 362 (Allotment 357 in Deposited Plan 1038);
11. Certificate of Title Volume 5137 Folio 364 (Allotment 372 in Deposited Plan 1038);
12. Certificate of Title Volume 5137 Folio 364 (Allotment 373 in Deposited Plan 1038);
13. Certificate of Title Volume 5137 Folio 365 (Allotment 378 in Deposited Plan 1038);
14. Certificate of Title Volume 5137 Folio 365 (Allotment 379 in Deposited Plan 1038);
15. Certificate of Title Volume 5137 Folio 366 (Allotment 371 in Deposited Plan 1038);
16. Certificate of Title Volume 5137 Folio 367 (Allotment 369 in Deposited Plan 1038);
17. Certificate of Title Volume 5137 Folio 421 (Allotment 19 in Filed Plan 103763);
18. Certificate of Title Volume 5138 Folio 95 (Allotment 17 in Filed Plan 103763);
19. Certificate of Title Volume 5138 Folio 99 (Allotment 18 in Filed Plan 103763);
20. Certificate of Title Volume 5138 Folio 158 (Allotment 390 in Deposited Plan 1038);
21. Certificate of Title Volume 5138 Folio 158 (Allotment 391 in Deposited Plan 1038);
22. Certificate of Title Volume 5138 Folio 158 (Allotment 386 in Deposited Plan 1038);
23. Certificate of Title Volume 5138 Folio 158 (Allotment 387 in Deposited Plan 1038);
24. Certificate of Title Volume 5138 Folio 158 (Allotment 388 in Deposited Plan 1038);
25. Certificate of Title Volume 5138 Folio 158 (Allotment 389 in Deposited Plan 1038);
26. Certificate of Title Volume 5139 Folio 905 (Allotment 102 in Filed Plan 27007);
27. Certificate of Title Volume 5470 Folio 172 (Allotment 101 in Filed Plan 7980);
28. Certificate of Title Volume 5753 Folio 623 (Allotment 101 in Filed Plan 27007);
29. Certificate of Title Volume 5798 Folio 419 (Allotment 290 in Deposited Plan 1038);
30. Certificate of Title Volume 5798 Folio 420 (Allotment 303 in Deposited Plan 1038);
31. Certificate of Title Volume 5798 Folio 421 (Allotment 304 in Deposited Plan 1038);
32. Certificate of Title Volume 5798 Folio 422 (Allotment 305 in Deposited Plan 1038);
33. Certificate of Title Volume 5841 Folio 222 (Allotment 101 in Deposited Plan 55990);
34. Certificate of Title Volume 5841 Folio 223 (Allotment 102 in Deposited Plan 55990);

35. Certificate of Title Volume 5841 Folio 224 (Allotment 103 in Deposited Plan 55990);
36. Certificate of Title Volume 5841 Folio 225 (Allotment 377 in Deposited Plan 1038);
37. Certificate of Title Volume 5850 Folio 595 (Allotment 50 in Filed Plan 218486);
38. Certificate of Title Volume 5941 Folio 298 (Allotment 2 in Deposited Plan 64225);
39. Certificate of Title Volume 6064 Folio 472 (Allotment 31 in Deposited Plan 82670);
40. Certificate of Title Volume 6064 Folio 474 (Allotment 381 in Deposited Plan 1038);
41. Certificate of Title Volume 6064 Folio 474 (Allotment 382 in Deposited Plan 1038);
42. Certificate of Title Volume 6137 Folio 685 (Allotment 2 in Filed Plan 103751);
43. Certificate of Title Volume 6137 Folio 684 (Allotment 384 in Deposited Plan 1038);
44. Certificate of Title Volume 6137 Folio 684 (Allotment 385 in Deposited Plan 1038);
45. Certificate of Title Volume 5137 Folio 361 (Allotment 358 in Deposited Plan 1038);
46. Certificate of Title Volume 5137 Folio 363 (Allotment 353 in Deposited Plan 1038) and
47. Certificate of Title Volume 6222 Folio 836 (Allotment 27 in Filed Plan 103769).

Figure 2.1: Affected Area



Since 1886, the Affected Area has contained brewing operations when it commenced as the Torrenside Brewery. The firm became Clarke, Ware and Company in 1898 and in the same year the business was sold to the Walkerville Cooperative Brewery Limited who moved to this Thebarton site from Walkerville. The South Australian Brewing Company acquired the brewery from the Walkerville Brewery Company in 1938. It was renamed the Nathan Brewery at that time and then changed to the Southwark Brewery in 1949 and ultimately West End Brewery.

The Affected Area fronts Port Road, Anderson Street, Walsh Street, Cawthorne Street, Holland Street and the *Karrawirra Parri* (the River Torrens) in Thebarton. The site has a total

land holding of approximately 8.6 ha in area with a frontage to Port Road of approximately 265 metres.

The site is currently occupied by buildings, plant, equipment and carparking which are being progressively decommissioned.

There are a number of State and Local Heritage Places within the Affected Area (refer to **Figure 2.2**) as follows:

Provisionally Listed State Heritage Places:

- The **remains of 'Theberton Hall'** (former cottage of Colonel William Light) (including an underground room, underground tank and well – pending an archaeological survey of the site) (*SHP 26527*);
 - » Certificate of Title Volume 5941 and Folio 298.

State Heritage Places:

- **Plaque: Commemorating 'Theberton Cottage'** (the home of Colonel William Light) (Object) (*SHP 26527-01*) - Attached to the wall of warehouse facing Walsh Street (Formerly Cawthorne Street);
 - » Certificate of Title Volume 5941 and Folio 298.
- **Copper Kettle Walkerville Brewhouse Tower** (Object) (*SHP 26528*)
 - » Certificate of Title Volume 6064 Folio 474, allotment 381 in Deposited Plan 1038;
 - » Certificate of Title Volume 6064 Folio 474, allotment 382 in Deposited Plan 1038; and
 - » Certificate of Title Volume 6064 Folio 472, allotment 31 in Deposited Plan 82670.
- **Former Walkerville Brewhouse Tower** (*SHP 26528*) with associated historic **Copper Kettle** (Object); and
 - » Certificate of Title Volume 5138 and Folio 158; and
 - » Certificate of Title Volume 6137 and Folio 685
- **The Southwark Brewery Gardens** (*SHP 26531*) (former West End Brewery Garden (Former SABC Co Brewery Garden);
 - » Certificate of Title Volume 5941 Folio 298;
 - » Certificate of Title Volume 5138 Folio 158;
 - » Certificate of Title Volume 5137 Folio 205;
 - » Certificate of Title Volume 6137 Folio 685;
 - » Certificate of Title Volume 6064 Folio 474;
 - » Certificate of Title Volume 6137 Folio 684; and
 - » Certificate of Title Volume 6064 Folio 472.

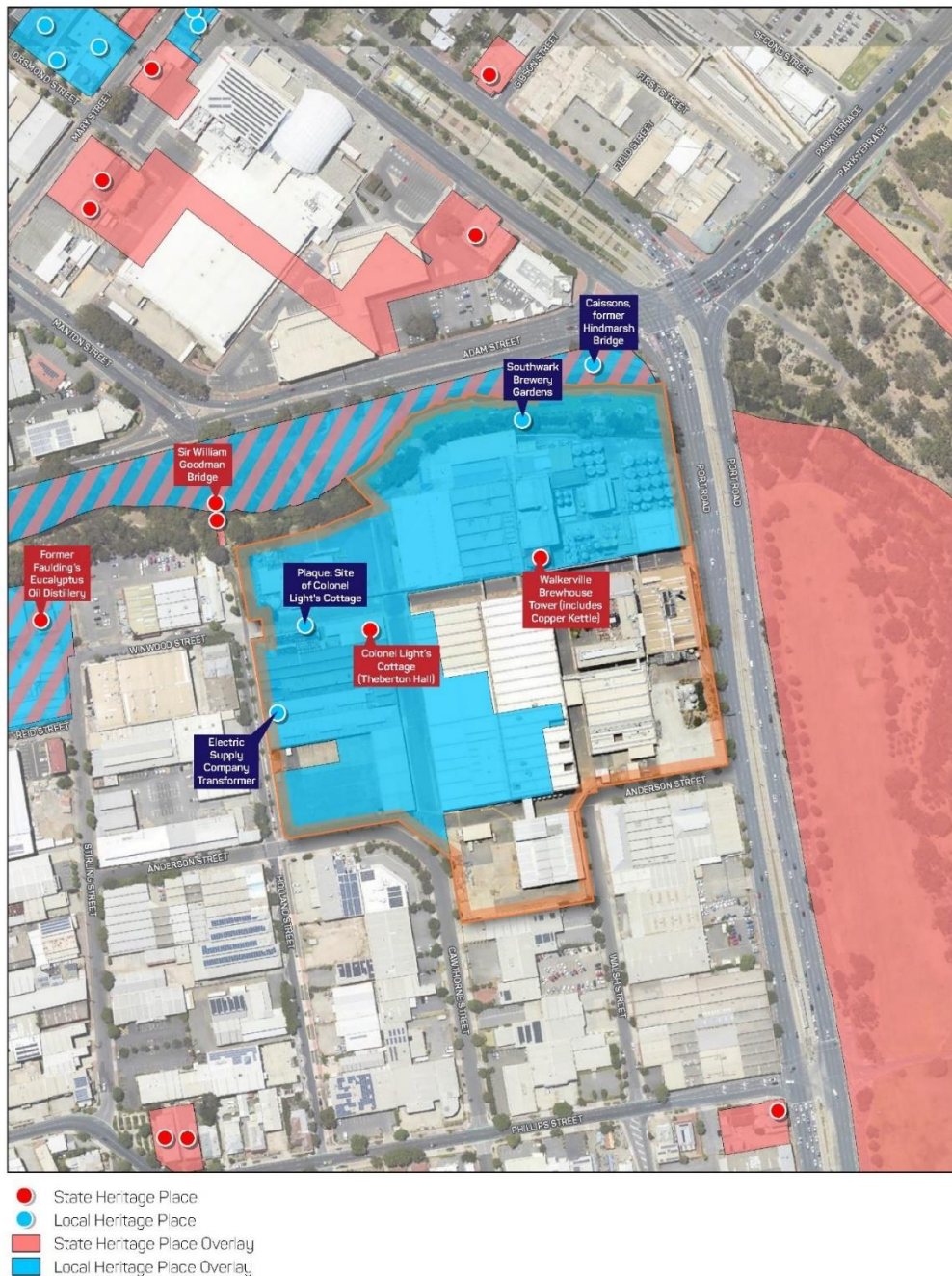
Local Heritage Places

- **Electric Supply Company Transformer** (External form, details and materials of building housing transformer). The Transformer Building was recently submitted to the South Australian Heritage Council for a provisional listing assessment, however it was rejected and has remained as a Local Heritage Place.

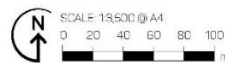
The Affected Area is located adjacent the **Caissons Bridge** (Former Hindmarsh Bridge) which is a Local Heritage Place registered within the City of Charles Sturt.

The Affected Area is also located adjacent the **Sir William Goodman Bridge** (Formerly 'Holland Street Bridge') which is a recognised State Heritage Place. Further west of the Area (west of Stirling Street) is the **Faulding's Eucalyptus oil distillery** which is also a State Heritage Place.

Figure 2- Existing State and Local Heritage Places and Overlays



HERITAGE PLACES
Thebarton Code Amendment



ekistics

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Port Road to the east of the Area accommodates six (6) lanes travelling in a northerly direction and three (3) lanes travelling in a southerly direction with the carriageway separated by a central median and dual light-rail (tram) tracks. Port Road is classified as a State

Maintained Road and is under the care and control of the Department for Infrastructure and Transport (DIT).

The Entertainment Centre Tram station is located to the north of the Area, over Adam Street and offers a free tram service to the Adelaide Central Business District.

Anderson Street, Walsh Street, Holland Street and Cawthorne Street are all local Roads and are under the care and responsibility of the local Council, the City of West Torrens.

To the immediate north of the Affected Area is the *Karrawirra Parri* (River Torrens) and the West End Brewery Riverbank which is famous for the West End Brewery Christmas Riverbank display(State Heritage Place). Further north, over Adam Street is the Adelaide Entertainment Centre. The Governor Hindmarsh Hotel, famous as a local live music venue (The Gov) is located to the north, over Port Road. To the north-east is Bowden Village, the State government's first higher density urban infill project.

South of the Affected Area is a predominantly mixed-use service and industrial precinct with the former University of Adelaide Thebarton Campus (Research Park) located to the west of the site, over Holland Street. It is noted that the Affected Area forms part of and adjoins the Thebarton Technology Hub Master Plan. This Master Plan envisages a staged revitalisation of the urban realm to *"provide the physical framework for the economic and social development of the hub, attracting knowledge and new business to the hub and improving amenity for both the precinct and broader community."*

It is also acknowledged that the former Adelaide University land holding is also in the process of being redeveloped, with a draft River Torrens (*Karrawirra Parri*) Schematic Structure Plan having been developed by the new owners. This Structure Plan envisages medium density apartments and townhouses interspread with retail and commercial development.

The structure plan also references the Thebarton Hub Master Plan, in particular strengthening green linkages to the River Torrens (*Karrawirra Parri*) and east-west linkages particularly along Winwood Street.

To the east of the site, over Port Road, is the John E Brown Park which forms part of the Adelaide Park Lands.

As illustrated in **Figure 3**, the Zone arrangement surrounding the Affected Area comprise:

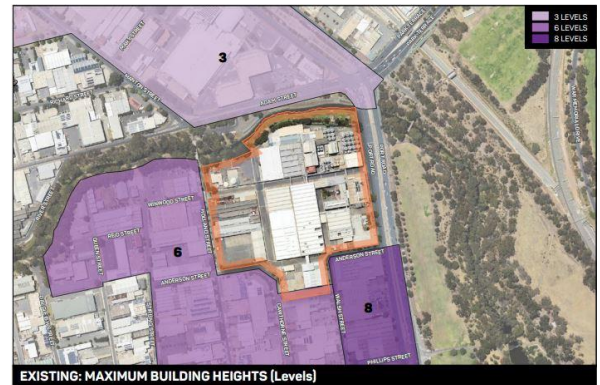
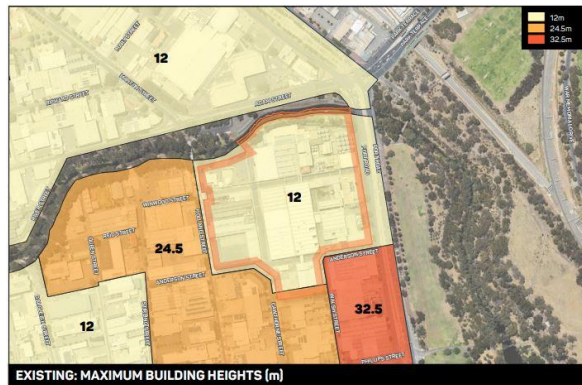
- To the north-east of the Affected Area over Park Terrace and Port Road, land is located within the 'Urban Neighbourhood Zone';
- To the north of the Affected Area, over Adam Street land is located within the 'Suburban Activity Centre Zone';
- To the east of the Affected Area, over Port Road, land is located within the 'Adelaide Park Lands Zone';
- To the south, fronting Port Road, land is located within the 'Urban Corridor (Boulevard) Zone';

- To the south-west immediately adjoining the affected Area and over Cawthorne Steet and Holland Street, land is located within the 'Urban Corridor (Business) Zone'

Figure 3: Current Zoning



Figure 4: Current Technical Numeric Variations (TNVs) Building Height and Levels



2.2. Scope of Proposed Code Amendment

Site – 107 Port Road, Thebarton

Current Policy¹	<p>The Affected Area is located within the following Zones:</p> <ul style="list-style-type: none"> • Strategic Employment Zone • Urban Corridor (Business) Zone • Open Space Zone <p>The following Overlays apply over the entire Affected Area:</p> <ul style="list-style-type: none"> • Aircraft Noise Exposure – ANEF 20 • Airport Building Heights (Regulated) Overlay (All structures over 15 metres) • Advertising Near Signalised Intersections Overlay • Affordable Housing Overlay • Buildings Near Airfields Overlay • Design Overlay • Future Road Widening Overlay • Hazards (Flooding) Overlay • Heritage Adjacency • Hazards (Flooding – Evidence Required) Overlay • Key Railway Crossings Overlay • Local Heritage Place Overlay • Major Urban Transport Routes Overlay • Noise and Air Emissions Overlay • Native Vegetation Overlay • Prescribed Watercourses Overlay • Prescribed Wells Area Overlay • Regulated and Significant Tree Overlay • State Heritage Place Overlay • Traffic Generating Development Overlay • Water Resources Overlay <p>The following Technical and Numeric Variations (TNV) apply over portions of the Affected Area:</p> <ul style="list-style-type: none"> • Maximum building Height (Metres) (Maximum building height is 12m)
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	<ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 24.5m) • Maximum Building Height (Levels) (Maximum building height is 6 levels) • Minimum Primary Street Setback (Minimum primary street setback is 3m) • Building Envelope (Development should be constructed within a building envelope provided by a 30 degree plane, measured 3m above natural ground at the boundary of an allotment)
<p>Amendment Outline</p>	<p>The overall objective for the Code Amendment is to introduce a policy framework which will facilitate the creation of a dynamic and vibrant mixed-use precinct that will accommodate a compatible mix of medium to high density residential development along with commercial, entertainment, retail, food and beverage land uses. It is envisaged that the introduced policy framework will facilitate a full spectrum of facilities and amenities required for typical day-to day urban life through a combination of low rise (1-2 storey), medium rise (3-6 storey) and high rise (over 7 storey) built form.</p> <p>The policy framework aims to make better use of the site's proximity to the Linear Park Trail and public transport with a focus on walkable neighbourhoods.</p>
<p>Intended Policy</p>	<p>The Code Amendment intends to replace part or all of the existing 'Strategic Employment Zone' and all of the 'Urban Corridor (Business) Zone' within the Affected Area with either the 'Urban Corridor (Boulevard) Zone' or 'Urban Neighbourhood Zone' (or similar neighbourhood type zone) with investigations to be undertaken which will inform the most appropriate zoning.</p> <p>It is possible that either a 'Main Street' or 'Retail' Subzone may be required to provide a focus for retail, commercial and entertainment facilities. This is subject to further investigations of likely demand for a range of facilities.</p> <p>The Code Amendment also intends to replace part of the existing 'Strategic Employment Zone' adjacent the River Torrens (Karrawirra Parri) with the 'Open Space Zone'. The Code Amendment will investigate the spatial application of the Native Vegetation Overlay with the Open Space Zone.</p> <p>No removal of existing overlays is sought, however the proposal will investigate the broader (and/or varied) spatial application of some Overlays over the Affected Area (such as the 'Affordable</p>

Housing Overlay', the 'Design Overlay', the 'Noise and Air Emissions Overlay', 'Major Urban Transport Routes Overlay', 'Future Road Widening Overlay, the 'Airport Building Heights (Regulated) (All structures over 15 metres) Overlay') as well as the application of the 'Urban Tree Canopies Overlay' over the Affected Area.

The 'Local Heritage Place Overlay' and 'State Heritage Place Overlay' currently covers the western and northern portion of the Affected Area. Given the 'Plaque: Commemorating *Theberton Cottage*' was a Local Heritage Place and is now provisionally listed as a State Heritage Place and the provisional listing of the remains of *Theberton Hall* (former cottage of Colonel William Light) is also now provisionally listed as a State Heritage Place, the spatial application of the Local Heritage Place Overlay and State Heritage Place Overlay may also be amended. The spatial application of the 'Local Heritage Place Overlay' and 'State Heritage Place Overlay' may also be amended to better reflect an appropriate curtilage around these listed places, subject to proposed detailed heritage investigations.

It is also possible that the Interface Management Overlay will be applied over a portion of the whole of the Affected Area and will be informed by the investigations of surrounding land uses and any buffering/ separation requirements.

It is envisaged that a 'Concept Plan' will be developed for the Affected Area which will be informed by the investigations to be undertaken.

It is also possible that a maximum building heights Technical and Numeric Variation (TNV) will be spatially applied at varying levels across the Affected Area.

Zones

- Urban Corridor (Boulevard) Zone; or
- Urban Neighbourhood Zone (or similar neighbourhood type zone) and
- Open Space Zone.

Sub-Zone

- Main Street or Retail Subzone (or a similar subzone as may be relevant)

Overlays

- Aircraft Noise Exposure – ANEF 20
- Airport Building Heights (Regulated) Overlay (All structures over 15 metres)
- Advertising Near Signalised Intersections Overlay

	<ul style="list-style-type: none">• Affordable Housing Overlay• Buildings Near Airfields Overlay• Design Overlay• Future Road Widening Overlay• Hazards (Flooding) Overlay• Heritage Adjacency• Hazards (Flooding – Evidence Required) Overlay• Key Railway Crossings Overlay• Local Heritage Place Overlay• State Heritage Place Overlay• Major Urban Transport Routes Overlay• Noise and Air Emissions Overlay• Native Vegetation Overlay• Prescribed Watercourses Overlay• Prescribed Wells Area Overlay• Regulated and Significant Tree Overlay• State Heritage Place Overlay• Traffic Generating Development Overlay• Urban Tree Canopy Overlay• Water Resources Overlay <p>Technical and Numeric Variations</p> <ul style="list-style-type: none">• Maximum building heights will be identified through local variation as Technical and Numeric Variations (TNVs) following consideration of the findings of the investigations.• Building Interface Height TNV following consideration of the findings of the investigations.• Concept Plan
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3. STRATEGIC PLANNING OUTCOMES

Proposed Code Amendments occur within a state, regional and local strategic setting, which includes:

- State Planning Policies (SPPs)
- Regional Plans
- Other relevant strategic documents.

3.1. Summary of Strategic Planning Outcomes

The key strategic planning considerations are summarised as follows:

- The current zoning (Strategic Employment Zone) reflects the site's historic use as a Brewery;
- The Affected Area is ideally situated adjoining a State Maintained Road (Port Road) and within easy walking distance of light rail (tram) on Port Road, fixed rail (outer Harbour and Grange lines), high frequency public transport services along Port Road, Adam Street and West Thebarton Road;
- The Affected Area adjoins the *Karrawirra Parri*/River Torrens with its associated Linear Park Trail and recreation areas;
- The Affected Area is located in a Strategic Infill site on a key Inner-Rim Corridor (Port Road) adjoining the Adelaide Park Lands;
- The Affected Area has historically accommodated potentially contaminating activities, and will require a Preliminary Site Investigation (and potentially a Detailed Site Investigation) to facilitate future development, particularly for sensitive land uses;
- The Affected Area is well serviced by existing infrastructure including potable water, sewer, stormwater, electrical, gas and telecommunications;
- Given the above, it is considered an opportune time to investigate and determine an appropriate suite of future zone(s), policies, overlays and technical variations which will ideally facilitate economic and well-planned residential and mixed-use redevelopment of the Affected Area over time.

3.2. 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 seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>SPP 1 – Integrated Planning</p> <p><i>Policy 1.1 – An adequate supply of land (well serviced)</i></p>	<p>In accordance with SPP1, the Code Amendment will facilitate orderly development</p>

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p><i>by infrastructure) is available that can accommodate housing and employment growth over the relevant forecast period.</i></p> <p><i>Policy 1.7 – Regenerate neighbourhoods to improve the quality and diversity of housing in appropriate locations supported by infrastructure, services and facilities.</i></p> <p><i>Policy 1.8 – Mixed-use development around activity centres, public transport nodes and strategic transit corridors to encourage greater use of active transport options such as public transport, walking and cycling.</i></p>	<p>of a well serviced dynamic and vibrant mixed use precinct.</p> <p>Subject to detailed investigations, the Affected Area is capable of being service by existing infrastructure.</p> <p>Population growth for the City for West Torrens increased by 1.3% compared to 0.98% for Western Adelaide in the 2016 Census Period. Medium and high-density housing represented 37% of the housing stock in West Torrens compared to 26% for Greater Adelaide. This represents a need for medium and high-density infill housing within the Council Area.²</p> <p>The Code Amendment will seek to facilitate a range of low rise (1-2 storey), medium rise (3-6 storey) and high rise (over 7 storey) built form to accommodate medium to high density residential living options. The Amendment will facilitate a policy frame work which provides the opportunity for a range of housing options including apartments, small lot housing and town houses.</p> <p>The proposed policy frame work will also facilitate mixed use development to allow provision for a small to mid-sized supermarket, small-scale shops and other complimentary commercial and retail uses, to meet the needs of the surrounding growing community whilst also capturing passing trade and commuters on Port Road. Locating retail and commercial land uses within a walkable distance of residents promotes healthy, active lifestyle for residence whilst reducing reliance on private vehicles.</p>
<p>SPP 2: Design Quality</p> <p><i>Good design improves the way our buildings, streets and places function, making them more sustainable, more accessible, safer and healthier. The integration</i></p>	<p>The Code Amendment proposes to incorporate a concept plan, and provide design guidance to built form with focus on streetscape activation and high quality buildings, particularly at key gateway sites from Port Road and the Linear Park Trail into the Precinct.</p>

² 2022, City of West Torrens and Id Informed Decisions, West Torrens Community Profile.

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p><i>of design within the planning system encourages creative solutions to complex social, economic and environmental challenges including those arising from our changing settlement patterns.</i></p>	<p>The Code Amendment will facilitate opportunities for the potential adaptive reuse of State and Local Heritage Places.</p>
<p>SSP 4 – Biodiversity</p> <p><i>Policy 4.4 - Enhance the biodiversity of urban areas and townships through a connected and diverse network of green infrastructure systems along streetscapes, major watercourses, linear parks, open space, the coast and other strategic locations.</i></p> <p><i>Policy 4.6 - Encourage nature-based tourism and recreation that is compatible with, and at an appropriate scale for, conserving the natural values of that landscape.</i></p>	<p>The Code Amendment will facilitate greater linkages through the Area to the Liner Park Trail, enhancing open space connection and recreational opportunities to this existing asset.</p> <p>The promotion of green -infrastructure and water sensitive urban design (WSUD) techniques throughout the Area will be facilitated by the Code Amendment.</p> <p>The Regulated and Significant Trees Overlay will continue to apply to the Affected Area and it is proposed to investigate the application of the Urban Trees Canopy Overlay as part of the Code Amendment. The Affected Area currently contains a large impervious surface, the Code Amendment will facilitate greater urban tree canopy and soft landscaping across the Affected Area, thereby reducing the urban heat load.</p> <p>The Code Amendment investigations will address any potential water quality implications of future development on the <i>Karrawirra Parri/River Torrens</i>.</p>
<p>SPP 6 – Housing Supply and Diversity</p> <p><i>Policy 6.3 - Develop healthy neighbourhoods that include diverse housing options; enable access to local shops, community facilities and infrastructure; promote active travel and public transport use; and provide quality open space, recreation and sporting facilities.</i></p>	<p>As outlined above and visually depicted in Attachment A, the site is well-served by high frequency public transport (light rail/tram, fixed rail and bus) services.</p> <p>The policy framework will facilitate a range of housing options to cater for differing lifestyle options. The policy framework will encourage a vibrant mixed use precinct, with residents able to walk/cycle to new local shops, entertainment facilities and commercial premises.</p> <p>The Code Amendment will apply the Affordable Housing Overlay to the Affected Area. Accordingly,</p>

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p><i>Policy 6.5 – Locate higher density residential and mixed-use development in strategic centres and transport corridor catchments to achieve the densities required to support the economic viability of these locations and the public transport services.</i></p> <p><i>Policy 6.6 – A diverse range of housing types within residential areas that provide choice for different household types, life stages and lifestyle choices.</i></p> <p><i>Policy 6.8 – Ensure a minimum 15% of new housing in all significant developments that meets the criteria for affordable housing.</i></p>	<p>the Code Amendment would support the policy objective for the provision of affordable housing.</p>
<p>SPP 9: Employment Lands</p> <p><i>Providing a suitable supply of land for employment uses is critical to support job growth and the economic prosperity of the communities. The planning system needs to support the diversification of our economy and remove barriers to innovation. It is critical that the right signals are sent to the market to attract interest, investment and tourism opportunities across South Australia.</i></p>	<p>The Code Amendment fundamentally seeks to unlock new commercial and boutique retail opportunities, in a new convenient mixed-use precinct on the Affected Area.</p> <p>By facilitating a range of retail, food and beverage, entertainment and commercial land uses, new residents will be provided with a convenient, walkable precinct, with a policy framework that ensure the scale of offerings does not impact on the centres hierarchy of the Suburban Activity Centre Zones on Port Road in Hindmarsh and the ‘Brickworks Marketplace’ in Torrensville.</p>
<p>SPP 11: Strategic Transport Infrastructure</p> <p><i>To integrate land use policies with existing and future transport infrastructure, services and functions</i></p>	<p>The Code Amendment creates the opportunity for a convenient and walkable mixed use precinct and reduces the reliance on private transport.</p> <p>The Code Amendment would support the creation of new green corridors and shared path linkages to</p>

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p><i>to preserve and enhance safe, efficient and reliable connectivity for people and business.</i></p>	<p>the Linear Park Trail and Adelaide Parklands and beyond.</p> <p>The Affected Area is ideally situated to capitalise on existing light rail (tram), high frequency bus and Outer Harbour and Grange train lines which are all located within walking distance of the Affected Area.</p>
<p>SPP 14 – Water Security and Quality</p> <p><i>Policy 14.2 - Protect and recognise water supply catchments, including:</i></p> <ul style="list-style-type: none"> • <i>Water Protection Areas under the Environment Protection Act 1993 (including those located in the Mount Lofty Ranges, South East and River Murray)</i> • <i>The River Murray Protection Areas under the River Murray Act 2003</i> • <i>Prescribed water resources and wells under the Natural Resources Management Act 2004.</i> <p><i>Policy 14.6 -Improve the alignment between urban water management and planning by adopting an integrated water management approach.</i></p>	<p>The Code Amendment will recognise the Affected Area’s inclusion of the <i>Karrawirra Parri/River Torrens</i> and seeks to protect and enhance this natural resource within the ‘Open Space Zone’.</p> <p>The Native Vegetation Overlay, Prescribed Watercourse Overlay, Water Resources Overlay and Prescribed Wells Overlay will also continue to be applied over portions the Affected Area in line with investigations to be undertaken.</p>
<p>SPP - 16 – Emissions and Hazardous Activities</p> <p><i>Policy 16.2 – Assess and manage risks posed by known or potential</i></p>	<p>The Code Amendment will include the necessary environmental investigations to identify any potentially contaminating activities and inform an appropriate zone, policy and remediation responses.</p>

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<i>site contamination to enable the safe development and use of land.</i>	

3.3. 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 30-Year Plan for Greater Adelaide volume of the Planning Strategy is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
Transit Corridors, growth areas and activity centres	
P1. Deliver a more compact urban form by locating the majority of Greater Adelaide's urban growth within existing built-up areas by increasing density at strategic locations close to public transport. (Map 2)	The Affected Area is ideally located on a key corridor (Port Road) along the inner rim of the Adelaide CBD. The Code Amendment will facilitate a policy framework to provide medium to high density residential development at this strategic gateway location.
P2. Increase residential and mixed-use development in the walking catchment of: <ul style="list-style-type: none"> ○ Strategic activity centres ○ Appropriate transit corridors ○ Strategic railway stations. 	The Code Amendment will facilitate a policy framework to encourage development of a vibrant and dynamic mixed use precinct along the Port Road transit corridor that includes high frequency bus and tram services and that is within walking distance of the Outer Harbour and Grange train lines.
P4. Ensure that the bulk of new residential development in Greater Adelaide is low to medium rise with high rise limited to the CBD, parts of the Park Lands frame, significant urban boulevards, and other strategic locations where the interface with lower rise areas can be managed.	As envisaged by the 2012 DPTI <i>Inner Rim Structure Plan</i> , the Affected Area is located on a strategic boulevard location in which high rise built form is envisaged. The Code Amendment will facilitate a policy framework that encourages an appropriate transition in scale from low-rise (1-2 storey), medium rise (3-6 storey) and high rise (over 7 storey) built form on the Park Lands frame.
P5. Encourage medium rise development along key transport corridors, within activity centres and in	

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
urban renewal areas that support public transport use.	
P8. Provide retail and other services outside designated activity centres where they will contribute to the principles of accessibility, a transit-focused and connected city. High quality urban design, and economic growth and competitiveness.	The Code Amendment proposes to investigate policies that envisages mix-use development including supportive retail and commercial land uses with active frontages and increase activity at an important gateway location.
Design Quality	
P25. Encourage urban renewal projects that take an all-inclusive approach to development by including streetscapes, public realm, public art and infrastructure that supports the community and responds to climate change.	<p>The Code Amendment proposes to investigate the inclusion of policy that encourages connected movement networks and green infrastructure with an emphasis on enhancing connectivity to the Linear Park Trail to the north and the Thebarton Technology Hub Precinct to the West.</p> <p>The Code Amendment seeks to facilitate a policy framework that encourages the celebration of the site's industrial and brewing history within the public realm.</p>
P26. Develop and promote a distinctive and innovative range of building typologies for residential housing which responds to metropolitan Adelaide's changing housing needs, reflects its character and climate, and provides a diversity of price points	The Code Amendment proposes to investigate the inclusion of policy that encourages a range of housing products which response to changing housing needs.
P28. Promote permeable, safe, attractive, accessible and connected movement networks (streets, paths, trails and greenways) in new growth areas and infill redevelopment areas that incorporate green infrastructure.	By encouraging non-residential activity within the Affected Area, the Code Amendment seeks to promote walkability and vibrancy for local residents and links the future development with existing streets, paths and trails.
P29. Encourage development that positively contributes to the public realm by ensuring compatibility with its	The Code Amendment will encourage development that makes a positive contribution

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
surrounding context and provides active interfaces with streets and public open spaces.	to the streetscape and public spaces through active frontages and 'shop-top' housing.
<p>A16. Ensure that the local area planning process adequately address interface issues in the local context and identify appropriate locations for:</p> <ul style="list-style-type: none"> • medium and high rise buildings • sensitive infill in areas of protection and areas of heritage value • where there should be minimum and maximum height limits 	<p>The Code Amendment will utilise existing Planning and Design Code policies as well as Technical Numeric Variations (TNVs) to provide an orderly transition in height over the Area.</p> <p>A Concept Plan will be developed along with Code policy to protect and celebrate Heritage Places within the Affected Area and maximize vistas to spaces and places from outside the Affected Area.</p>
Housing mix, affordability and competitiveness	
P36. Increase housing supply near jobs, services and public transport to improve affordability and provide opportunities for people to reduce their transport costs.	The Code Amendment will facilitate a mixed use precinct over the Affected Area, with policy aimed to encourage employment and entertainment facilities in harmony with residential development in a walkable neighbourhood.
<p>P37. Facilitate a diverse range of housing types and tenures (including affordable housing) through increased policy flexibility in residential and mixed-use areas including:</p> <ul style="list-style-type: none"> ○ ancillary dwellings such as granny flats, laneway and mews housing ○ dependent accommodation such as nursing homes ○ assisted living accommodation ○ aged-specific accommodation such as retirement villages ○ small lot housing types ○ in-fill housing and renewal opportunities. 	The Code Amendment will facilitate options for a diverse range of housing within an urban infill setting.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p>P45. Promote affordable housing in well located areas close to public transport and which offers a housing mix (type and tenure) and quality- built form that is well integrated into the community.</p>	<p>Subject to further investigations, the Code Amendment proposes to apply to the 'Affordable Housing Overlay' to the entirety of the Affected Area (with the exception of the proposed Open Space Zone), thereby facilitating the creation of affordable housing and housing diversity.</p>
<p>P46. Ensure an adequate land supply is available to accommodate housing and employment growth over the longer term (at least a 15 year supply).</p>	<p>The Code Amendment will enable the release of additional land to support the City of West Torren's projected population growth of 1.35%³.</p>
<p>T5. Urban green cover is increased by 20% in metropolitan Adelaide by 2045</p>	<p>The Code Amendment will investigate the application of the 'Urban Tree Canopy Overlay' to the Affected Area (with the exception of the Open Space Zone). The Affected Area currently comprises a high percentage of impervious hard paved surfaces, the Code Amendment will facilitate additional urban tree canopy and soft landscaping over the Area.</p>
<p>Health, wellbeing and inclusion</p>	
<p>P47. Plan future suburbs and regenerate and renew existing ones to be healthy neighbourhoods that include:</p> <ul style="list-style-type: none"> • diverse housing options that support affordability • access to local shops, community services and facilities • access to fresh food and a range of food services • safe cycling and pedestrian friendly streets that are tree-lined for comfort and amenity 	<p>The Code Amendment will facilitate a mixed use precent over the Affected Area, and provide healthy active lifestyles to future residents through improved walkability and provision of convenience based retail and service orientated land uses.</p>

³ City of West Torrens, Community Profile, 2016

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<ul style="list-style-type: none"> • diverse areas of quality public open space (including local parks, community gardens and playgrounds) • sporting and recreation facilities • walkable connections to public transport and community infrastructure. 	
<p>P48. Create greenways in transit corridors, along major watercourse linear parks, the coast and other strategic locations to provide walking and cycling linkages.</p>	<p>The Code Amendment proposes to investigate the inclusion of policy that encourages connected movement networks and green infrastructure with an emphasis on enhancing connectivity Linear Park Trail.</p>
<p>P50. Provide diverse areas of quality public open space in neighbourhoods (especially in higher density areas) such as local parks, community gardens, playgrounds, greenways and sporting facilities to encourage active lifestyles and support access to nature within our urban environment</p>	<p>The Code Amendment enables the creation of a policy framework which supports the provision of high-quality public open space that is accessible to the local community. Portion of the site adjacent <i>Karrawirra Parri</i> (the River Torrens) is proposed to be included within the 'Open Space Zone'.</p>
<p>P53. Encourage the integration of green infrastructure in the public and private realms to support positive physical, mental and social health outcomes.</p>	
<p>The economy and jobs</p>	
<p>P56. Ensure there are suitable land supplies for the retail, commercial and industrial sectors.</p>	<p>The Code Amendment proposes policy that envisages mix-use development including supporting retail and commercial land uses to service the proposed residential uses and provide potential employment opportunities.</p> <p>The likely zone provisions facilitated by the Amendment will enable a range of existing and new residential and non-residential land uses to co-exist within a mixed-use environment.</p>

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
Transport	
P77. Ensure that new housing (and other sensitive land uses) permitted in locations adjacent to airports and under flight paths or near major transport routes (road, rail and tram) mitigates the impact of noise and air emissions.	Subject to further investigations, the Code Amendment will continue to apply the 'Aircraft Noise Exposure -ANEF20 Overlay' and would investigate application of the 'Noise and Air Emissions Overlay' over the Affected Area (with the exception of the proposed 'Open Space Zone')'.
P78. Improve, prioritise and extend walking and cycling infrastructure by providing safe, universally accessible and convenient connections to activity centres, open space and public transport	The Code Amendment will provide opportunities to improve shared path infrastructure through and adjacent to the Affected Area (including the <i>Karrawirra Parri / River Torrens</i> waterfront, Adelaide Park Lands and Linear Park Trail) as well as improved connections to public transport services.
Open Space, Sport and Recreation	
P104. <i>Investigate opportunities to increase the amount and/or quality of public open space provision in areas of low open space provision and areas of increasing population growth</i>	The proposed Code Amendment is aligned with Council's " <i>Theberton Technology Hub Master Plan, 2013</i> " which seeks to strengthen east-west green linkages through the Precinct and significantly improve public accessibility to the <i>Karrawirra Parri / River Torrens</i> waterfront and Linear Park Trail.
Water	
P115. Incorporate water-sensitive urban design in new developments to manage water quality, water quantity and water use efficiency and to support public stormwater systems.	The Code Amendment proposes to investigate stormwater management to inform the adoption of policies including the consideration of stormwater management systems and Water Sensitive Urban Design Techniques for future development proposals specific to the Affected Area.
P117. Increase the provision of stormwater infrastructure (including water sensitive urban design) to manage and reduce the impacts of: <ul style="list-style-type: none"> ○ run-off from infill development 	

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<ul style="list-style-type: none"> ○ urban flooding from increased short-duration intense rainfall events associated with climate change ○ pollution from roads and other developed areas. 	

3.4. 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 West Torrens Community Plan 2030</p>	<p>The City of West Torrens Community Plan 2030 is the Council’s key strategic plan that determines the key priorities for the next 10 years. The Plan outlines five key focus areas of community life, built environment, environment and sustainability, prosperity and organisational strength.</p> <p>Under the ‘<i>Built environment</i>’ focus area, the Plan seeks to ensure “<i>housing, urban development and infrastructure contribute to attractive and safe neighbourhoods, and how we travel in and beyond our area.</i>”</p> <p>The ‘<i>Prosperity</i>’ focus area the Plan “<i>supports jobs, businesses and industries to generate local economic growth and activity.</i>”</p> <p>With the ‘<i>Community life</i>’ focus area of the Plan “<i>supports diversity, health and well-being, community cohesion and connections and create opportunities to learn and enjoy the local area.</i>”</p> <p>The Code Amendment will facilitate a mixed use development over the Affected Area with a policy framework that encourages an diverse, attractive and safe, walkable neighbourhood.</p>

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
<p>City of West Torrens and BioInnovation SA – Thebarton Technology Hub Master Plan, 2013</p>	<p>The Thebarton Technology Hub precinct is bounded by the River Torrens Linear Park to the North, Port Road to the East, West Thebarton Road/ Phillip Street to the South and South Road to the West.</p> <p>The Master Plan Study Area is broken down into three (3) distinct Precincts being the ‘West End Brewery Precinct’, the ‘University of Adelaide Thebarton Campus Precinct’ and the ‘Bioscience Precinct.’</p> <p>The Master Plan recognises the ‘walkable scale’ of the study area and seeks improved east-west connections to improve connectivity of the Thebarton Technology Hub Community.</p> <p>The Master Plan seeks to increase access to the River Torrens Linear Park Trail and vista to the <i>Karrawirra Parri</i>/River Torrens at the end of each street be maximised.</p> <p>The Plan also seeks that the industrial character of remnant buildings and heritage fabric throughout the precinct be retained where possible, with open or frame views to heritage building and site landmarks to promote cultural and historic character of the precinct.</p> <p>The Code Amend will facilitate a policy frame work and Concept Plan that seeks to provide the envisioned green east/west linkages and connection to the River Torrens Linear Park Trail through the Affected Area. The Code Amendment will facilitate a policy framework that preserves and celebrates the Affected Area’s unique heritage.</p>
<p>City of West Torrens Economic Development Plan 2020-2025</p>	<p>The City of West Torrens Economic Development Plan (EDP) 2025 provides leadership and direction that facilitates new investment and fosters employment growth within West Torrens. The EDP identifies five (5) key economic strategic focus areas as follows:</p> <p>Strategy 1: A Thriving Business environment;</p> <p>Strategy 2. A vibrant city</p>

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
	<p>Strategy 3: Innovation and digital evolution</p> <p>Strategy 4: Regional collaboration</p> <p>Strategy 5: Adelaide Airport Aerotropolis.</p> <p>Under ‘Strategy 1: A thriving business environment’ the EDP encourages residents and workers to “<i>Be Local</i>” in their communities. That is, to create a whole connection with the local business sector that adds to community well-being, while contributing to economic resilience.’</p> <p>”Under Strategy 2: A vibrant city’ the EDP long term strategy is to ‘<i>foster a vibrant and inviting city</i>’ with key initiatives to ‘<i>increase the amount of green infrastructure within the city, investigate ‘main street’ opportunities in the city and ‘identify and cultivate investment sectors for the old Adelaide University Site, the Coca Cola Amatil and West End Brewery sites at Thebarton.</i>”</p> <p>The Code Amendment will facilitate a policy framework to encourage a dynamic and vibrant mixed use precinct over the Affected Area which will encourage the ‘Be Local’ philosophy sought by the EDP.</p>
<p>City of West Torrens – Transportation for the next Generation 2025</p>	<p>The City of West Torrens Transport Strategy Report, September 2009 recognises the significant growth in the traffic though the combination of new developments, the proximity to the CBD and coast and major transport hubs The Plan considers the future traffic and parking demands on the arterial and local road networks over the next 20 years and importantly, it identifies strategies that the City could implement to maintain good accessibility, provide a safe road network, maintain a high level of amenity for residents and a high level of parking opportunity throughout the City.</p> <p>The plan identifies Phillips Street as a key freight route however acknowledges that it is not gazetted for B Doubles. Port Road is identified as a gazetted B Double route and key freight route. The Code Amendment will include traffic investigations to ensure that future development over the Affected</p>

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
	<p>Area will not adversely impact these key freight routes.</p> <p>Holland Street is identified as a local north-south collector road, with West -Thebarton Road and Phillips Street identified as major east-west collector roads within the Plan. The Code Amendment will include traffic investigations to ascertain the impact of future development over the Affected Area on the local road network.</p> <p>The Plan also identifies three (3) major shared use paths being the River Torrens Linear Park, Westside Bikeway and Reece Jennings bikeway. The Plan identifies these shared use paths as a significant recreation network for the community and should be extended and maintained to promote walking and cycling. The Code Amendment will include investigations and a Concept Plan to provide increase access to the River Torrens Linear Park.</p>
<p>City of West Torrens – Open Space and Public Place Plan – September 2013</p>	<p>The Open Space and Public Place Plan acknowledges the City of West Torrens’s central location and proximity to the coast will inevitably lead to population growth and infill development. The Plan therefore aims to deliver the Community Plan’s aspirations to provide open space and public places which not only improve the built and natural environments but also creates opportunities for a healthy community life.</p> <p>The plan seeks to reinforce the Torrens Linear Park and Westside Bikeway greenways which provide east to west connectivity and the opportunity to link open space to important destinations and facilities. The plan envisages that this will be achieved through the use of bicycle lanes, pedestrian crossings and clear directional signage, which establish ‘all accessible pathways’ that form part of a consistent and legible network.</p> <p>The re-establishment of biodiversity throughout urban areas is listed as a priority in the Plan.</p> <p>One of the barriers identified by the plan is the segmentation of private land, administrative</p>

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
	<p>boundaries or transport corridors separating the residential population from access to open space, and inhibiting connections between open space.</p> <p>The Plan acknowledges that currently the open space network within the City of West Torrens does not meet many of the standards in terms of supply or distribution, with the situation likely to be exacerbated by the anticipated population growth over the next 30 years. Action 2.2.8 of the Plan seeks to establish a 'Memorandum of Understanding' (MOU) between the City of West Torrens and the City of Adelaide to improve access from West Torrens over the road and rail barriers to the Adelaide Park Lands and Bonython Park.</p> <p>Action 3.2.1 of the plan also envisages a working partnership between the City of West Torrens, City of Charles Sturt, the City of Adelaide and the State Government to continue to implement the 'River Torrens Linear Park Management Plan', while also establishing and reinforcing a series of 'destination' play spaces, natural habitats and other recreation opportunities at regular intervals along the Linear Park.</p> <p>The Code Amendment will undertake an analysis of the existing open space network surrounding the Affected Area and provide a Concept Plan outlining anticipated future open space areas, in particular improving linkages to the River Torrens Linear Park and Adelaide Parklands over Port Road.</p> <p>The plan identifies opportunities to maximise public place and place making particularly along streets and road corridors which can lead to vibrancy and diversity.</p> <p>The Code Amendment will facilitate a policy framework to deliver future public spaces which encourage more pedestrian activity and active street life, whilst also expressing the Affected Area's unique heritage.</p>
AdaptWest in Action 2019-2022	The 'AdaptWest Climate Change Adaptation Plan' was developed by the City of Charles Sturt, Port

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
	<p>Adelaide-Enfield and West Torrens, identifies the real and specific implications of climate change.</p> <p>Importantly to this Code Amendment, the plan identifies the regional priorities of:</p> <ul style="list-style-type: none"> • Enhancing open and green spaces to cool our urban environment; • Managing stormwater to protect and enhance where we live and work; • Building strong and connected communities; • Preparing our businesses and industry to be aware and resilient; and • Increasing the resiliency of transport and essential services. <p>The Code Amendment will investigate the adoption of a policy framework to enhance urban tree coverage over the Affected Area and promote a diverse mixed use community.</p>

4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Already Undertaken

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment.

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
Preliminary Environmental (Contamination) Assessment (DBD Environmental)	Preliminary analysis of: <ul style="list-style-type: none"> • Previous Preliminary Site Investigations (PSI), Sample Analysis Quality Plan (SAQP) and Detailed Site Investigations (DSI) • Provide advice and assessment for remediation options over the Affected Area. 	<ul style="list-style-type: none"> • The current site conditions indicate that there is soil and soil vapour contamination present at the site from historical activities. However, there is currently no risk to human health and the environment; • Soil vapour contamination is limited in extent and considered to be associated with the areas impacted by contaminated soils and subsurface drainage features. • Soil remediation at the site will greatly benefit any residual soil vapour located along the southern and western boundaries. • The building design requirements for the new development are likely to require the excavation of geotechnically unsuitable soils (typically fill material) to accommodate future footings and slabs.

4.2. Further Investigations Proposed

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

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Traffic Impact Assessment	<p>Identify the impact of the proposed Code Amendment on the road, pedestrian and bicycle networks and review:</p> <ul style="list-style-type: none"> ○ Existing traffic and parking conditions surrounding the Affected Area; ○ Vehicular access arrangements to/from the Affected Area; ○ Traffic generation characteristics associated with the potential future development of the Affected Area; ○ Likely impacts on the surrounding road network; ○ The scope and timing of road upgrades required to support future development (if any); and ○ Appropriate parking provision to support future development of the Affected Area. <p>Undertake an assessment of internal road design and access to encourage walking and cycling linkages from within the Affected Area to the River Torrens Linear Park, the Adjoining Adelaide Parklands and surrounding street network.</p> <p>Confirm suitability of the general Code Policy framework to ensure effective management of Transport, Access and Parking in the 'Affected Area' including the 'General Development Policies 'Transport Access and Parking'.</p> <p>Confirm suitability of adoption of the following Code Traffic and Transport Overlays and confirm their suitability to ensure effective management of Transport, Access and Parking in the 'Affected Area':</p> <ul style="list-style-type: none"> ○ Traffic Generating Development Overlay; ○ Major Urban Transport Routes Overlay; ○ Future Road Widening Overlay; and ○ Advertising Near Signalised Intersections Overlay.
Interface Assessment	<p>Identify and provide an assessment of:</p> <ul style="list-style-type: none"> ○ Existing and potential land uses, including noise impact investigations and the spatial application of the existing

	<p>‘Noise and Air Emissions Overlay’ and ‘Aircraft Noise Exposure – ANEF 20 Overlay’ as well as any requirement to apply the ‘Interface Management Overlay;’</p> <ul style="list-style-type: none"> ○ Visual impact of higher built form on adjacent land uses, the public realm and the River Torrens Linear Park; and ○ EPA Licenced activities in the locality (including any buffering / separation requirements).
<p>Land use and retail analysis and assessment</p>	<p>Identify and provide an assessment of retail floor area and catchments within the locality and implications for the proposed Code Amendment in terms of suitable retail floor area provision within the Affected Area.</p> <p>Identify and review the effects and implications of a reduction in employment land on existing supply levels.</p> <p>Analysis of housing supply and demand, including analysis of housing demand, trends and dwelling typologies.</p> <p>Review the potential employment benefits associated with the proposed Code Amendment.</p>
<p>Stormwater Investigations</p>	<p>Undertake stormwater management investigations including:</p> <ul style="list-style-type: none"> • Capacity of existing stormwater system and future stormwater management requirements (including stormwater detention / retention and WSUD) to accommodate anticipated future development (this should also include ability to discharge stormwater to River Torrens/Karrawirra Parri); • Review impacts and implication of potential site flooding (refer to ‘Hazards (Flooding – Evidence Required) ‘ Overlay of the P&D Code) • Review impacts on Water Quality including Water Sensitive Urban Design (WSUD) <p>Confirm suitability of general Code Policy framework to ensure effective management of stormwater in the ‘Affected Area’ including:</p> <ul style="list-style-type: none"> • General Development Policies – ‘Design in Urban Areas’ - “Water Sensitive Design”; • General Development Policies – ‘Design in Urban Areas’ –“Group Dwellings, Residential Flat Buildings and Battle axe Development” – “Water Sensitive Urban Design”;

	<ul style="list-style-type: none"> • General Development Policies – ‘Design in Urban Areas’ –“All non-residential Development’- ‘Water Sensitive Design’.
Infrastructure Services	<p>Identify the capacity of existing service infrastructure networks and analyse the impact of the proposed Code Amendments on existing network and scope and timing of any network upgrades required to support future development (if any). Service infrastructure networks to be investigated will include:</p> <ul style="list-style-type: none"> • SA Water (for potable water, recycled water and sewer); • SA Power Networks (for electricity); • APA Group (for gas reticulation); and • National Broadband Network (NBN) (for telecommunications).
Environmental (Contamination) Assessment	<p>Additional environmental investigations will be undertaken on the site (taking into account known site contamination) to determine remediation works required to make the Affected Area suitable for future residential uses (and the other envisaged land uses).</p> <p>The additional investigations will involve the completion of interim audit advice by an Environment Protection Authority (EPA) Accredited Site Contamination Auditor to demonstrate the appropriateness (or otherwise) of the land for sensitive land uses.</p>
Open Space	<p>To identify the location and composition of existing surrounding public open space and to determine the requirements and need for public open space within the Affected Area.</p>
Heritage Assessment	<p>To determine the potential implications of the Code Amendment on the existing State and Local Heritage Places located within the Affected Area including the spatial application of the existing State Heritage Place Overlay and Local Heritage Place Overlay.</p>
Cultural Heritage Investigations	<p>Identify any known Aboriginal sites and objects that may be located wither with the Affected Area or immediately adjoining the Affected Area and the propensity for the Affected Area to contain potential aboriginal sites or objects (including possible cultural heritage consultation and management - if/where required).</p>

Urban Design	Analysis of the Affected Area in terms of orientation, physical features and important vistas and preferred built form that may inform a 'Concept Plan'.
Preliminary Tree & Vegetation Assessment	<p>To identify the location and health of any Regulated or Significant Trees on the Affected Area or adjacent land and consideration of applying the Urban Tree Canopy Overlay.</p> <p>Determine the location of any protected vegetation under the <i>Environment Protection and Biodiversity Conservation Act (EPBC) Act 1999</i> (noting that the adjoining Adelaide Park lands are listed as an item of national environmental significance under the Act), as well identify any native vegetation under the <i>Native Vegetation Act 1991</i> that may exist along the River Torrens (Karrawirra Parri) and consideration of the spatial application of the existing Native Vegetation Overlay.</p>
GIS mapping	<p>To analyse the extent of existing residential development, commercial development, zoning, land uses and topography within the immediate and broader locality.</p> <p>Preparation of a 'Concept Plan' for inclusion in Part 12 of the Planning and Design Code.</p>
Flightpath Building Height Limitations (Aerospace)	<p>Review and consider flightpath building height limitation implications for the subject land and the spatial application of the existing '<i>Airport Building Heights (Regulated) Overlay (All structures over 15 metres Overlay)</i>'.</p> <p>Review and if appropriate replace the '<i>Airport Building Heights (Regulated) Overlay (All structures over 15 metres) Overlay</i>', in consultation with the relevant Airport Operator (Adelaide Airport), to reflect appropriate building height limitations and manage the potential impacts of future buildings on the operational and safety requirements of aircraft landing areas.</p>
Code Policy	<p>Recommendations on the most appropriate zone(s) and overlays and specific policies (eg. Technical Numerical Variations) to apply over the Affected Area (including their spatial application) based on the outcomes of the investigations utilising the planning policies contained in the South Australian Planning and Design Code.</p> <p>Specific Overlays to consider include but, are not limited to the 'Affordable Housing Overlay', 'Design Overlay', 'Noise and Air Emissions Overlay', 'Major Urban Transport Routes Overlay',</p>

	'Future Road Widening Overlay' Interface Management Overlay and the Urban Tree Canopy Overlay.
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4.3. Engagement Already Undertaken

High level discussions with the City of West Torrens have been undertaken relating to:

- The decommissioning of the existing brewery;
- Heritage places;
- The Christmas Lights display in the Brewery Gardens; and
- Potential future development opportunities and constraints over the Affected Area.

In accordance with Practice Direction 2, the City of West Torrens has also been consulted on the Proposal to Initiate a Code Amendment. In summary, the following matters were raised by the Council in relation to the Proponent Initiated Code Amendment:

City of West Torrens Response to Intent to Initiate a Code Amendment (22 March 2022)

Correspondence was issued to the City of West Torrens on 1 March 2022 (refer to **Attachment C**) seeking:

- Confirmation that Council administration do not object to the 'initiation' of a Code Amendment;
- Feedback from Council's administration on the nature of investigations that are proposed to be undertaken in association with this Code Amendment including any additional investigations or analysis that may be recommended by Council in support of the proposed Code Amendment.
- Council's advice on any existing investigations, strategies or reports that may have already been undertaken by Council (or that are proposed or scheduled to be undertaken by Council) that should be taken into consideration when initiating and preparing the proposed Code Amendment.

Council Administration responded on the 22 March 2022 acknowledging correspondence of the Proponent to initiate a Code Amendment over the Affected Area (refer to **Attachment C**). This correspondence acknowledged the investigations proposed to be undertaken by the proponent and the opportunity for Council to identify areas that may require further investigations to aid in the proposed rezoning.

Council recommended investigations to inform the Code Amendment relating to:

- Traffic Management
- Access
- Parking
- Walking and Cycling:
- Stormwater and WSUD
- Integrated Planning
- Strategic Transport Infrastructure
- Design Quality
- Adaptive Reuse
- Biodiversity
- Climate Change

- Housing Supply and Diversity
- Energy
- Water Security and Quality
- Natural Hazards
- Emissions and Hazardous Activities

4.4. 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
<ul style="list-style-type: none"> ○ <i>Pre-consultation briefing to the Kaurna Yerta Aboriginal Corporation (KYAC) in a format that is appropriate to that group;</i> ○ <i>Liaison with relevant agencies and Traditional Owners to identify potential sites or cultural heritage themes of importance;</i> ○ <i>Walkover workshop with KYAC nominated cultural heritage personnel;</i> ○ <i>Pre-consultation briefing to City of West Torrens staff and Elected members;</i> ○ <i>6-week consultation process on a draft Code Amendment.</i> ○ <i>A copy of the Code Amendment in the Plan SA Portal, City of West Torrens and other online locations;</i> ○ <i>Online survey;</i> ○ <i>Fact sheet, incorporating FAQs;</i> ○ <i>A notice in the Advertiser/ West and Beaches Newspaper and Council's Talking Points magazine.</i> ○ <i>A written notice to all property owners and occupiers within the Affected Area and other adjacent property owners and occupiers, Elected Members and Members of Parliament, key stakeholders and groups, utilities, the Cities of Adelaide and Charles Sturt and service providers inviting them to review and comment on the draft policy.</i> ○ <i>Poster promotion of information session and survey to be placed at key locations;</i> 	<p><i>The broad intent of the engagement process will be to:</i></p> <ul style="list-style-type: none"> ○ <i>Alert attention to the draft Code Amendment, its scope and intent.</i> ○ <i>Highlight any specific issues identified during the drafting process.</i> ○ <i>Provide details on the Code Amendment process and opportunities for input/comment.</i> ○ <i>Provide information on how to seek further information.</i>

<ul style="list-style-type: none">○ <i>Subject to agreement of the City of West Torrens, copies of draft Code Amendment and information brochure to be made available at Council offices and libraries.;</i>○ <i>Two (2) public 'drop in' sessions, at which any interested person may appear to discuss the proposed amendment.</i>○ <i>Meetings/briefings/interviews with key stakeholders</i>	
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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 – Consultation on the Preparation or Amendment of a Designated Instrument.

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 consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate):

- the Local Government Association must be notified in writing of the proposed Code Amendment
- if the Code Amendment has a specific impact on 1 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
- consultation must also occur with any person or body specified by the State Planning 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 on the Minister and also published on the PlanSA portal. This will occur in accordance with Practice Direction 2.

The Engagement Plan and the Engagement Report will also be considered by the State Planning 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 consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

5.3. Code Amendment Timetable

The Proponent (where it is also the Designated Entity) commits to undertaking the Code Amendment in line with the timeframe outlined Attachment B. If a timeframe is exceeded (or expected to be exceeded) the Proponent agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.

ATTACHMENT A

Figure 1.1 Affected Area

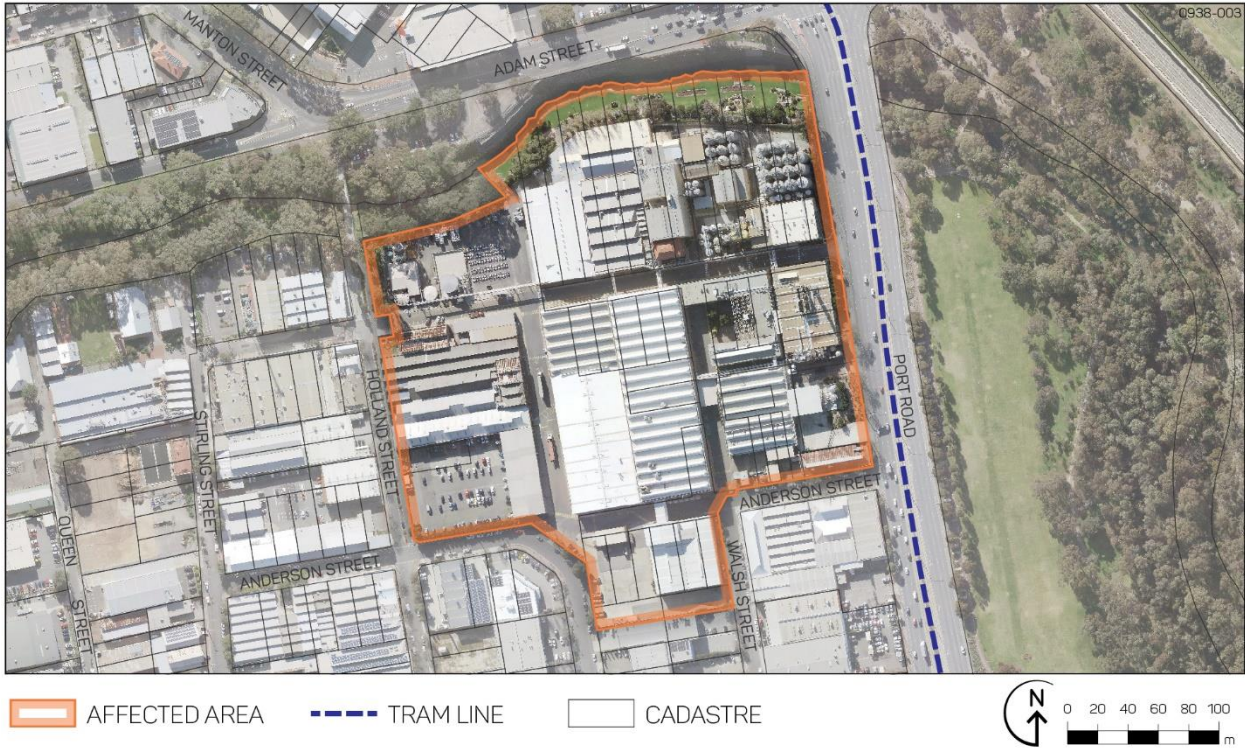


Figure 1.2 – Existing Zoning



Figure 1.3 – Existing Maximum Building Heights (m)

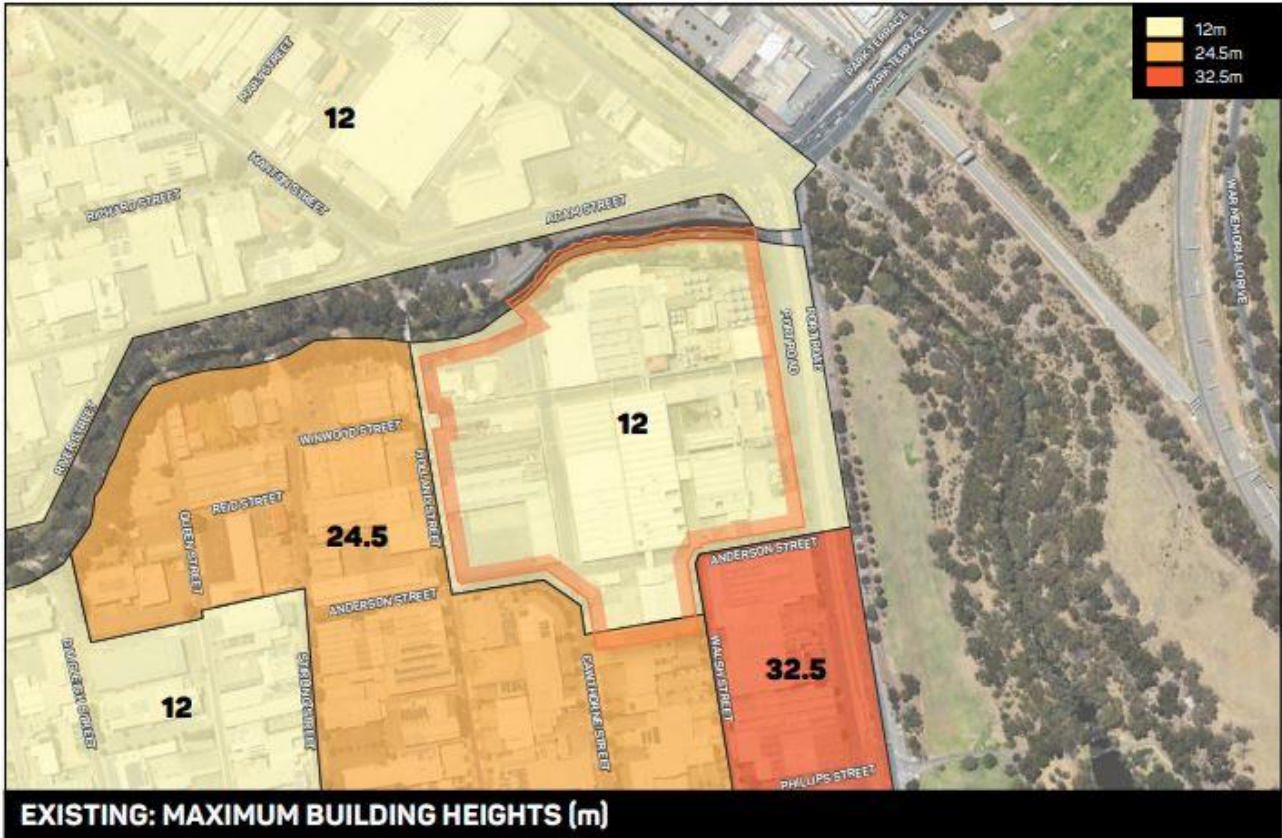


Figure 1.4 – Existing Maximum Building Heights (levels)

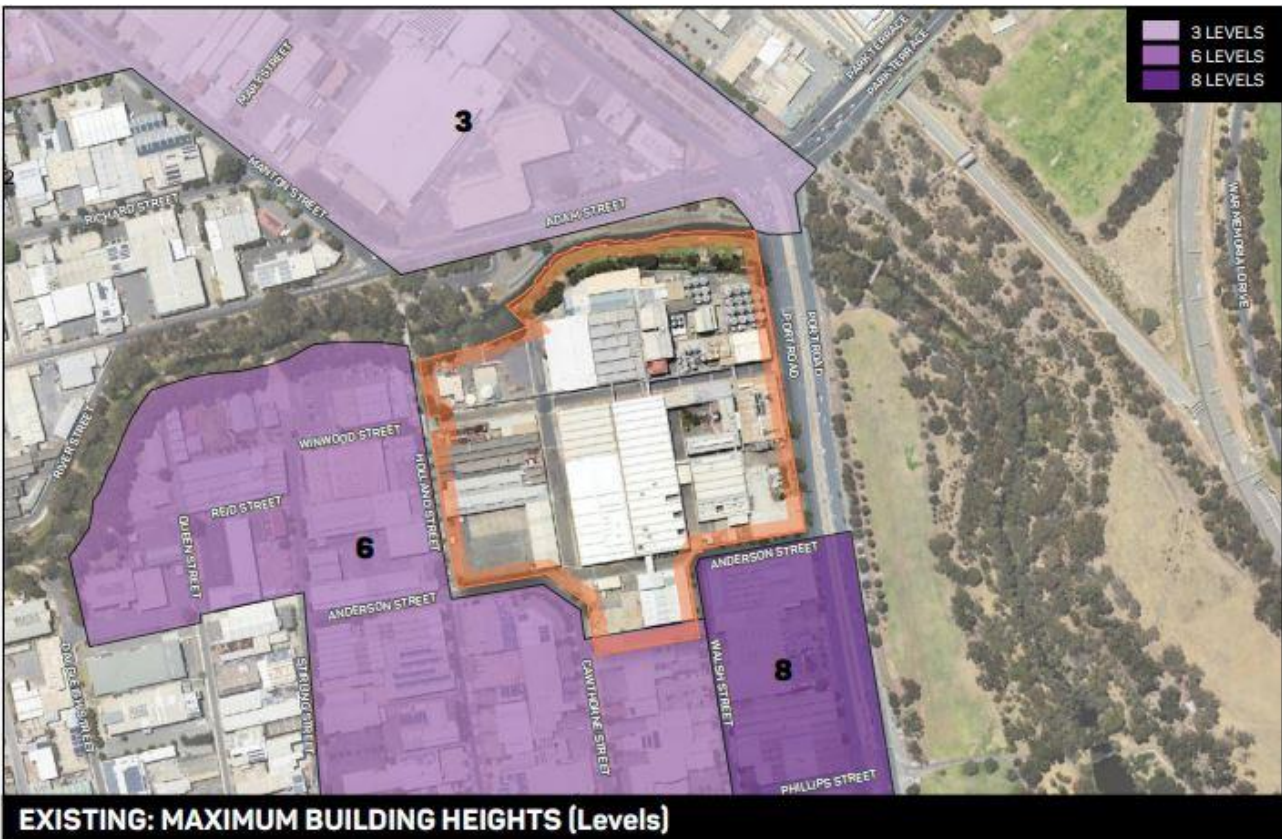
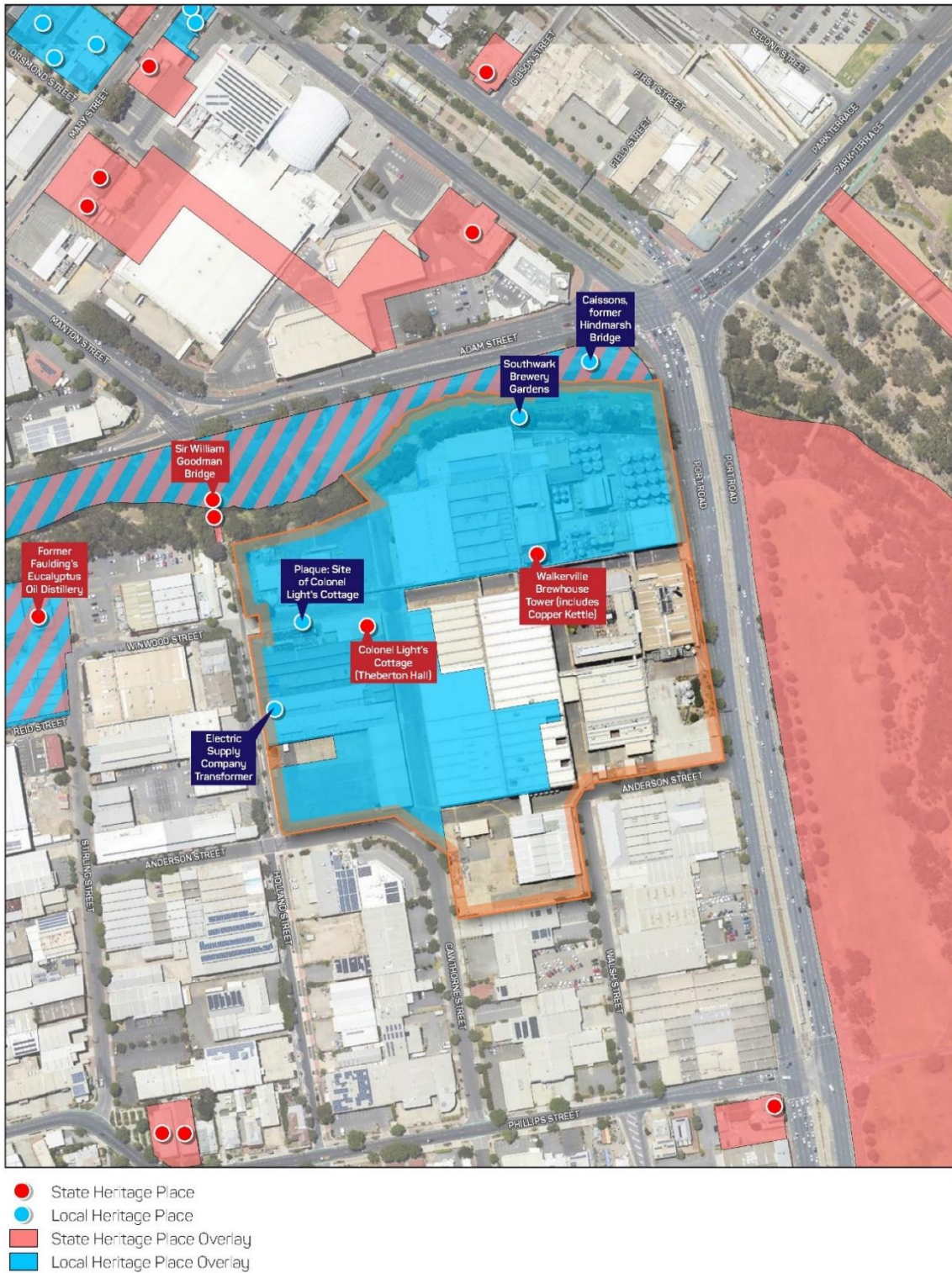


Figure 1.5 – Existing Heritage Places and Overlays



HERITAGE PLACES
Thebarton Code Amendment



09/02/2022 12:16:03

Figure 1.6 -Existing Land Use Composition



Figure 1.7 – Topography

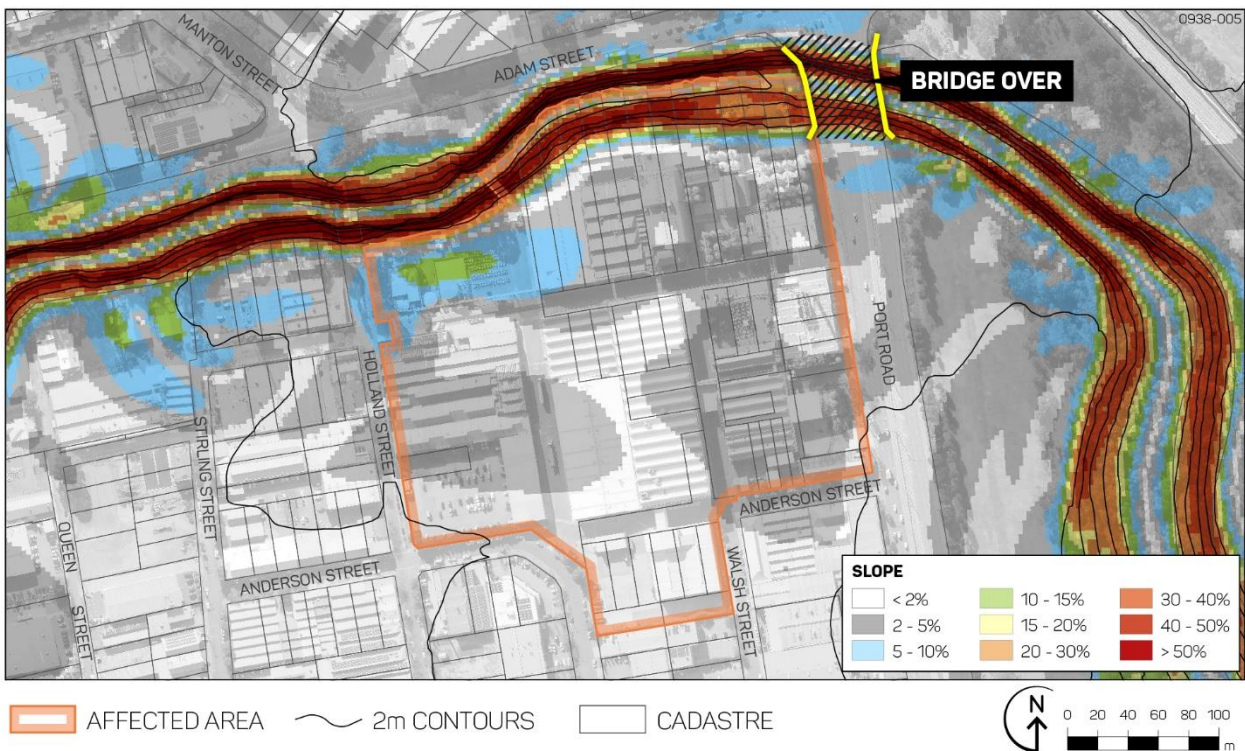


Figure 1.8 – Affected Area and surrounds images



ATTACHMENT B

Timetable for Code Amendment by Proponent

Step	Responsibility	Timeframes
Approval of the Proposal to Initiate		
Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission.	AGD	2 weeks <i>(includes lodgement and allocation + referral to Government Agencies within the first week)</i>
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary).	AGD, Relevant Government Agencies	+ 2 weeks
Consideration of Proposal to Initiate and advice to the Minister.	Commission (Delegate)	3 weeks
	Commission	+ 3 weeks
Proposal to Initiate agreed to by the Minister	Minister	2 weeks
Preparation of the Code Amendment		
Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared. The Drafting instructions and draft mapping provided to AGD.	Designated Entity	2 weeks
		12-16 weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes.	AGD	1 week
Preparation of Materials for Consultation.	Designated Entity	2 weeks
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan .	Designated Entity	8 to 12 weeks estimated 21 weeks from Initiation (noting may be subject to change pending finalisation of Engagement Plan based on the volume and complexity of submissions received)
Consideration of Engagement and Finalisation of Amendments		

Step	Responsibility	Timeframes
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD.	Designated Entity	4 weeks
Assess the amendment and engagement. Prepare report to the Commission or delegate Timeframe will be put on hold if further information is required, or if there are unresolved issues.	AGD	4 weeks
Consideration of Advice	Commission (Delegate)	2 weeks <i>(includes 1 week to process through Minister's office)</i>
	Commission	+ 3 weeks
Decision Process		
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	3 weeks
Implementing the Amendment (operation of the Code Amendment)		
Go- Live- Publish on the PlanSA portal	AGD	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	AGD	8 weeks

ATTACHMENT C

Preliminary Engagement with City of West Torrens

Zoe Garnaut

From: Caitlin Rorke-Wickins <crorke-wickins@wtcc.sa.gov.au>
Sent: Tuesday, 22 March 2022 8:32 AM
To: Zoe Garnaut
Cc: Sue Curran
Subject: RE: Notification of Intent to Initiate a Code Amendment - Thebarton Brewery Precinct
Attachments: Letter to Luke Sawyer_West End Brewery Christmas Light Display_6.10.21.docx (A2795857).pdf; Christmas display 10m path (002).pdf

Dear Zoe,

Thank you for providing council with letter dated 1 March 2022 which provides notification of intent to initiate a Code amendment. The letter provides confirmation of investigations proposed to be undertaken and the opportunity to identify areas that may require further investigations to aide in the proposed rezoning sought at 107 Port Road, Thebarton. The letter provided identified that a traffic impact statement would be undertaken, following a review of the previous advice provided by Administration it is sought that confirmation be provided that the following points will be considered in the ensuing investigations:

Traffic management

- Impacts on the capacity/safety of the following existing intersections needs to be assessed via Sidra Model / Aimsun Model:
 - Philips St / Port Road (State Government controlled intersection)
 - Walsh Street / Philips Street (treatment upgrade may be required)
 - Cawthorne Street / Philips Street (treatment upgrade may be required)
 - Holland Street / West Thebarton Road (treatment upgrade may be required)
 - Stirling Street / West Thebarton Road
 - Queen Street / West Thebarton Road
- Through traffic to the site needs to be contained within Philips Street and Port Road.
- Traffic and parking impact on Reid Street, Stirling Street and Queen Street should be identified and assessed.
- This development has major and complex impacts on DIT controlled roads and tramline, subsequently DIT may request for an AIMSUN traffic modelling. AIMSUN is a microsimulation model that identifies where traffic congestion may occur as a result of new traffic demand from a major development, such as this. The model also have the capability to develop road upgrade options to mitigate the forecast traffic queues/congestion.

Noting, only DIT can request for AIMSUN modelling because DIT can supply base model numbers for the modelling.

Access

- Arterial road access is currently proposed via left in/left out on Port Road on Winwood Street and Anderson Street.
**The nearest right in / right out of the site can only be achieved through Philips St/Port Road signalised intersection due to the existing tramline. From previous proposed major developments in the area, it is already known that there are capacity concerns over this signal controlled intersection.*
- Consideration could be given to approaching DIT in relation to the potential of a signalised access in alignment with Anderson Ave, which not only address the improvement of right in/right out access, but also connectivity between the development and the Parklands.
- Will Holland Street, Albert Street and Parker Street be used as a southern direction thoroughfare?
- The current road layout proposal has a connection of Winwood Street through the development site to the existing intersection of Holland Street and Winwood Street. Council does not want to see this connection being made from a vehicle movement perspective. Winwood Street through the development site is highlighted as a major greening corridor and a major pedestrian centric corridor,

these elements are supported and believed would be enhanced through the road disconnection at this point. From a pedestrian movement and green space connection perspective, open and strong linkage to the Holland Street and Winwood Street intersection would still be provided for.

- The administration seeks no or limited direct access (crossing places) to Holland Street for the section of the development site bounding Holland Street , in an endeavour to preserve the existing character of Holland Street as much as is practical.

Parking

- A Car parking plan and considerations for allocation and distribution to be provided to show sufficient on site and on street parking.
- In relation to the provision of traditional on-street parking allowances, rather than locating this constantly distributed along road corridors, consideration could be given to the provision of this in nodes (on public land) along the roads to minimise the over whelming presence of cars and make these corridors more people friendly.

Likewise, confirmation is sought that the following points previously raised will also be investigated:

Walking and cycling

- Philips Street and the River Torrens trail are key bike direct network, bordering this development. As part of this development it is essential that a shared use path is constructed on the south side of River Torrens between Holland Street and the Outer Harbor Greenway, next to Port Road to service the walking and cycling needs from this development. This facility must be provided by the developer as part of this development.
- The administration seeks no or limited direct access (crossing places) to Holland Street for the section of the development site bounding Holland Street , in an endeavour to preserve the existing character of Holland Street as much as is practical.

Stormwater and WSUD

- The location of the development on the banks of the River Torrens lends to a high profile consideration of the management of stormwater from the site entering the river.
- A Master Planning exercise for the management of stormwater which is generate from the site and runs through the site should be included within the general master planning of the overall development.
- There would be standard expectation from Council in relation to the improvement of stormwater quality of any discharge from the site, and measures implements to minimise the volume and rate of flow leaving the site. These measures and expectations being independent of the existing characteristics of the site.
- It is believed that there may be some existing stormwater management measures within the site which may be able to be retained and as such contribute to the stormwater management requirements moving forward.
- As has been observed in recent Council works along Holland Street, Council has a strong commitment to the utilisation of WSUD measures within new and upgrade stormwater networks in this area.
- Active and Passive re-use of stormwater is also strongly encourage within developments of this nature.

On review of the Code Amendment Investigations Table prepared by AGD and earlier response provided by Administration, the following investigations are highlighted for consideration in this Code amendment. Some of these highlighted below appear to be identified in part by Ekistics, however clarification that the studies Ekistics have identified will be addressed more fully is sought:

Integrated Planning

- Investigate the capacity of existing social infrastructure to meet expected demand and where gaps are identified allocate suitable land to meet anticipated requirements.

- Investigate and allocate suitable land for public open space in order to meet projected demand, including for public infrastructure, such as drainage reserves and easements and for environmental conservation purposes (e.g. retreat areas, corridors and species protection).
- Investigate the demand and supply for the public open space in the locality.
- Undertake a review of the general topography of the affected area to determine its appropriateness for development and/or required policy responses. Note: *With specific consideration to usable open space*
- Consideration of spatial application of Open Space Zone and both Hazards (Flooding) and Hazards (Flooding Evidence Required) overlays to ensure that they are applied appropriately and respond to envisaged land uses that will be supported by re-zoning. Consideration of views, vistas and landscape impact from both River Torrens and Adelaide Parkland should be considered in tandem with consideration of application of Open Space Zone and any proposed zone over the affected area

Strategic Transport Infrastructure

- Investigate and identify whether the proposed development can be supported by existing public transport networks and develop policies which support their use across the development.
- Investigate and identify internal networks for buses, cycling and pedestrians that will encourage a reduced dependency on motor vehicles and provide a high level of connectivity.

Design Quality

- Demonstrate efforts to include best practice in the design of the development concept both privately owned land and the public realm, including anticipated design outcomes, proximity and integration with mixed use precincts, heritage and/or character areas, proximity to open space and landscaped areas. Inclusion of a landscaping study to determine impact of future development on open landscape and character evident from the River Torrens, to determine adequate buffer to protect both character and watercourse.
- Demonstrate how the proposed policy framework will encourage building design and formats that are durable, adaptive and relate to the public realm.
- Demonstrate how the proposed policy framework will encourage a public realm design that is attractive, accessible, and functional and supports greenspace and plantings.

Adaptive Reuse

- Respond to, and elaborate on, how (and if) the rezoning provides greater opportunities for historical buildings to be repurposed, adapted and reused. Note: *this maybe captured within the Heritage Impact Assessment.*

Biodiversity

- Undertake a Significant Tree/Regulated Tree survey and investigate and identify options for retaining the maximum number of Significant/Regulated trees, for example, allocating them in reserves including road reserves. Note: *Retention of trees where possible and may be captured through the aboriginal and native vegetation assessment.*
- Investigate and identify areas of natural or landscape significance (including areas of natural heritage significance) and develop an appropriate policy framework to ensure their ongoing protection from inappropriate and incompatible development. Note: *maybe picked up during the investigations of future impact of development on the Karrawirra Pari/River Torrens. This is also briefly touched upon under Design Quality e.g. Inclusion of a landscaping study to determine impact of future development on open landscape and character evident from the River Torrens, to determine adequate buffer to protect both character and watercourse.*

Climate Change

- Illustrate how the proposed Code Amendment will promote:
 - Good design for public spaces
 - Facilitation of climate smart buildings

- Mitigation through water sensitive urban design, green infrastructure and landscaping an adequate response to risk from extreme heat events and rising temperatures
- Promotion of green infrastructure and technologies, reducing dependency and reliance on carbon-based energy supplies
- Enhancement and protection of areas of biodiversity and maximisation of carbon storage.
- Greening and tree enhancing canopies in urban settings.

Note: this is briefly touched upon in part in Ekistics letter dated 1 March 2022.

Housing Supply and Diversity

- Undertake a detailed analysis of residential land supply and demand, including demands and trends concerning land and housing products.
- Provide an impact assessment of the rezoning on productivity of the land and adjoining lands, sensitive environmental assets and places of high landscape value.
- Investigate the potential to provide for a range of innovative housing types (including aged and adaptable housing) and the provision of 15% affordable housing.

Energy

- Undertake a comprehensive infrastructure analysis that identifies all potential utility infrastructure issues that will have to be addressed in any subsequent development, and provide a strategy which offers a funding solution for each of these issues.
- Determine the nature and capacity of existing utility infrastructure services available to the affected area and identify any augmentation/upgrade works which may be necessary to facilitate the proposal.

Note: this is briefly touched upon in part in Ekistics letter dated 1 March 2022

Water Security and Quality

- Determine the potential risk to water quality arising from the proposed development and establish an appropriate policy response which ensures that the quality of water is not lessened by the development.
- Investigate the capacity of the existing water supply network to support the proposed rezoning and identify any augmentation/upgrade works which might be necessary to facilitate the proposal

Note: this is briefly touched upon in part in Ekistics letter dated 1 March 2022

Natural Hazards

- Undertake floodplain mapping investigations to identify areas affected by ARI 1 in 100 flood events and review existing and proposed zones and desired land uses to ensure they are appropriate to the level of flood hazard.

Note: this is briefly touched upon in part in Ekistics letter dated 1 March 2022

Emissions and Hazardous Activities

- Assess the acoustic environment to determine its suitability for residential development having regard to current and anticipated future vehicle traffic on major freight routes, railway (freight and passenger) corridor and any other potential noise generating activities. Assess the suitability of applying the Minister's Noise Specification.
- Undertake an analysis of potential groundwater contamination, as well as an analysis of the potential for new development to impact on groundwater supplies.

Note: this is briefly touched upon in part in Ekistics letter dated 1 March 2022, and parts of the site are identified as having the Major Urban Transport Route overlay applied

Lastly, your attention is turned to the Christmas display. In particular, there are two attachments included in this email:

1. Letter dated 6 October 2021 to Lion regarding in principle support to take ownership and commence responsibility of the Christmas display in 2022 subject to points a-d, and

2. Drawing of the required area for installing the Christmas display on the brewery site, which highlights:
 - The crane area is required to install and remove the display from the grounds.
 - The assembly area is required to assemble the display prior to installation.
 - It was originally thought that the display could be placed from the north side of the River Torrens, however after further discussions with crane services I was advised that the batter of the river bank was not sufficient to place a crane with the capability of placing the display.
 - Additional path length past the loading areas to Holland Street are for maintenance access for the garden beds.

Please give me a call if you would like to discuss further.

Kind regards,

Caitlin Rorke-Wickins
Senior Land Use Policy Planner
City Of West Torrens
165 Sir Donald Bradman Drive

Phone: 08 8416 6207

Email: crorke-wickins@wtcc.sa.gov.au

From: Zoe Garnaut
Sent: Tuesday, 1 March 2022 12:08 PM
To: scurran@wtcc.sa.gov.au
Cc: crorke-wickings@wtcc.sa.gov.au
Subject: FW: Notification of Intent to Initiate a Code Amendment - Thebarton Brewery Precinct

Hi Sue,

Thanks for getting back to me so quickly. I look forward to working with you and Caitlin on this key strategic site Code Amendment.

I have spoken with Belinda Monier from AGD-PLUS this morning who has advised that Code Control Group are currently meeting each Wednesday morning and have availability on their agenda from next week and also for remainder of March (I expect the caretaker period may have given them a bit of capacity). Given the current Covid restrictions the Code Control Group is only meeting external parties via video conference.

Does next Wednesday work for you and Caitlin?

Kind regards,

Zoë Garnaut
Associate

ekistics

3/431 King William Street, Adelaide SA 5000

P 08 7231 0286

M 0411 805 528

e zgarnaut@ekistics.com.au

w ekistics.com.au

Please note my office hours are Tuesdays, Wednesdays and Thursdays

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From: Sue Curran <scurran@wtcc.sa.gov.au>
Sent: Tuesday, 1 March 2022 11:58 AM
To: Zoe Garnaut <zgarnaut@ekistics.com.au>
Subject: FW: Notification of Intent to Initiate a Code Amendment - Thebarton Brewery Precinct

You don't often get email from scurran@wtcc.sa.gov.au. [Learn why this is important](#)

Good morning Zoe

Hannah has passed on your email re the initiation of a Code Amendment. This process falls under my department rather than Hannah's so I would be grateful if you could forward future correspondence on this to me. We will liaise with Hannah on the process. In terms of a meeting with AGD, I would like to also include Caitlin Rorke-Wickins who is our Senior Land Use Planner and has had some experience with the Code Amendment process. Perhaps let me know when AGD are available as I know they can be difficult to get time with and then we can try to work around availability.

Have a great day.

Regards

Sue

From: Zoe Garnaut <zgarnaut@ekistics.com.au>
Sent: Tuesday, 1 March 2022 11:01 AM
To: Hannah Bateman <HBateman@wtcc.sa.gov.au>
Cc: Mark Daniel <mark.daniel@propertybeyond.com.au>; Lee Gallagher <lee.gallagher@lionco.com>
Subject: Notification of Intent to Initiate a Code Amendment - Thebarton Brewery Precinct

Good morning Hannah,

Please find attached a notification of intent to initiate proponent Code Amendment over the Thebarton Brewery Precinct (107 Port Road, Thebarton) as previously discussed.

It would be appreciated if we could receive Council Administration feedback in relation to the investigations proposed for the Code Amendment, recognising that Council Administration has previously indicated support for a Proponent Initiated Code Amendment over the Affected Area.

We are also looking to co-ordinate a preliminary meeting with the Attorney General's Department- Planning Land Use Services (AGD-PLUS) Code Control Group for early March. Could you please advise of your availability for such a meeting?

Hannah, please do not hesitate to contact me on 0411 805 528 if you wish to discuss any aspect of the attached notification letter.

Kind regards,

Zoë Garnaut
Associate



3/431 King William Street, Adelaide SA 5000

P 08 7231 0286

M 0411 805 528

e zgarnaut@ekistics.com.au

W ekistics.com.au

Please note my office hours are Tuesdays, Wednesdays and Thursdays

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TO: MINISTER FOR PLANNING

RE: PROPOSAL TO INITIATE THE 107 PORT ROAD, THEBARTON (THEBARTON BREWERY PRECINCT) CODE AMENDMENT BY LION-BEER, SPIRITS & WINE PTY LTD

PURPOSE

To recommend that you approve, with conditions, the Proposal to Initiate the 107 Port Road, Thebarton (Thebarton Brewery Precinct) Code Amendment (the Proposal).

BACKGROUND

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act) provides:

73 – Preparation and amendment

(2) A proposal to amend a designated instrument may be initiated by—

(b) with the approval of the Minister, acting on the advice of the Commission—

(vii) in relation to the Planning and Design Code or a design standard— a person who has an interest in land and who is seeking to alter the way in which the Planning and Design Code or a design standard affects that land.

Lion-Beer, Spirits & Wine Pty Ltd has lodged a Proposal to Initiate the the 107 Port Road, Thebarton (Thebarton Brewery Precinct) Code Amendment to amend the Planning and Design Code (the Code) as it relates to the affected area (**Attachment 1**).

The State Planning Commission (the Commission) considered the Proposal to Initiate at its meeting of 23 June 2022 and resolved to support the Code Amendment, subject to conditions.

A summary of the roles and responsibilities for you and the Commission in regard to the Code Amendment is provided in **Appendix A**.

A flowchart of the Code Amendment process is provided in **Appendix B**.

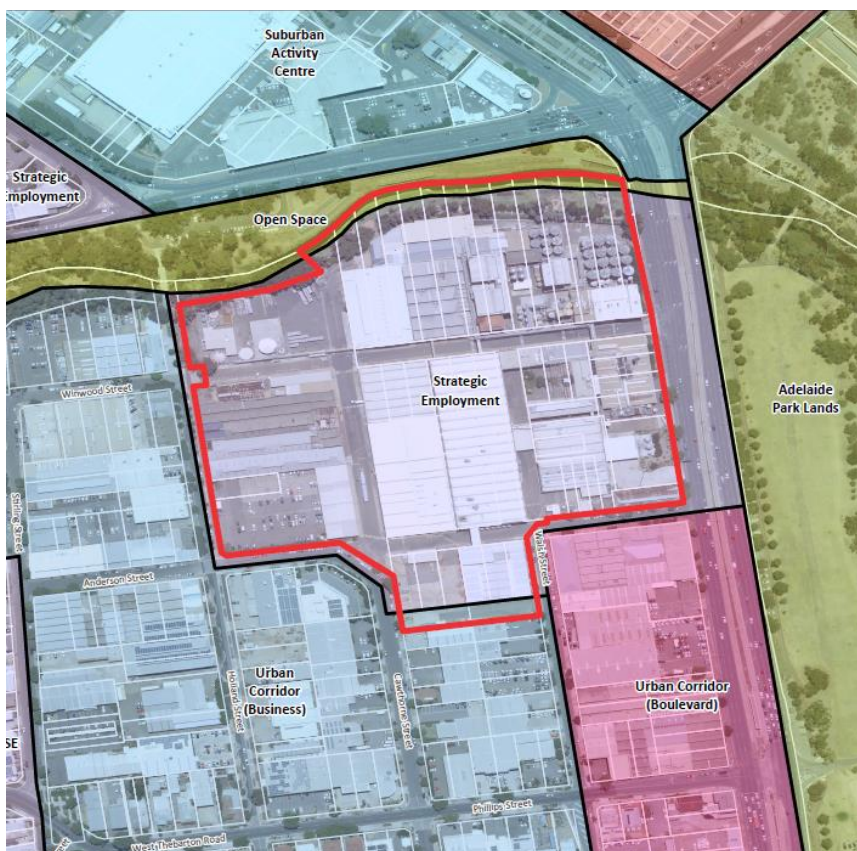
DISCUSSION

The following sets out the strategic, policy and procedural considerations in relation to the Proposal to Initiate, including conditions that are recommended should you agree to initiate the Code Amendment.

Proposal

The Proposal seeks to rezone approximately 8.4 hectares of land in Thebarton from the Strategic Employment Zone, Urban Corridor (Business) Zone and Open Space Zone to either the Urban Corridor (Boulevard) Zone or Urban Neighbourhood Zone (or similar Neighbourhood-type Zone), with investigations to inform the most appropriate zoning. The Open Space Zone is proposed to be extended over the riverbank area. Subject to further investigations, a 'Main Street' or 'Retail' Subzone may also be proposed to provide a focus for retail, commercial and entertainment facilities, along with appropriate overlays and Technical and Numeric Variation (TNV) changes. The introduction of a concept plan is also sought.

The affected area and current zoning are shown in the figure below.



Planning and Design Code Zoning

The affected area is located within the Strategic Employment Zone, Urban Corridor (Business) Zone and the Open Space Zone.

The following Overlays apply to the land:

- Aircraft Noise Exposure – ANEF 20
- Airport Building Heights (Regulated) Overlay (All structures over 15 metres)
- Advertising Near Signalised Intersections Overlay
- Affordable Housing Overlay
- Buildings Near Airfields Overlay
- Design Overlay
- Future Road Widening Overlay
- Hazards (Flooding) Overlay
- Heritage Adjacency
- Hazards (Flooding – Evidence Required) Overlay
- Key Railway Crossings Overlay
- Local Heritage Place Overlay
- Major Urban Transport Routes Overlay
- Noise and Air Emissions Overlay
- Native Vegetation Overlay
- Prescribed Watercourses Overlay
- Prescribed Wells Area Overlay
- Regulated and Significant Tree Overlay
- State Heritage Place Overlay
- Traffic Generating Development Overlay
- Water Resources Overlay.

Land surrounding the affected area is within Urban Corridor (Business) Zone, Urban Corridor (Boulevard) Zone and the Open Space Zone.

Strategic considerations

The following sets out the strategic considerations relating to this Proposal and rationale for the Commission recommending support for the Code Amendment.

More details of the Commission's strategic priorities are provided in **Appendix C**.

An assessment against the State Planning Policies (SPPs) and relevant Regional Plan are provided in **Appendix D**.

Strategic advice

The Proposal seeks to rezone the former Lion 'West End' Brewery for the purposes of medium- to high-rise residential development along with supportive retail and commercial uses. The brewery ceased operating in June 2021 and is currently being decommissioned. The affected area is a key strategic inner metro site with tram, walking and cycling linkages. The proposal strongly aligns to *The 30-Year Plan for Greater Adelaide: 2017 Update* which encourages medium-high density development on the edge of the Adelaide Park Lands. The rezoning will also facilitate the retention and repurposing of existing Heritage Places. Given the strong linkages to strategic planning documents, the proposed rezoning is considered appropriate.

Residential land supply

The subject land is located within the Adelaide West Region of the Greater Adelaide Planning Region (GAPR). Noting this, the recently completed Land Supply Reports (LSRs) for Greater Adelaide indicate the following:

- Part 2 (Urban Infill) indicates the Adelaide West region is estimated to accommodate an additional 21,700 (medium) to 33,700 (high) people between 2020-2030.
- To accommodate this growth, it is estimated an additional 10,600 (medium) to 15,700 (high) dwellings will be required.
- The region accommodates a significant amount of general infill development, particularly in places such as Seaton; however, there is minimal short-medium general infill opportunity within the immediate area.
- The region also accommodates a range of strategic infill sites including the AAMI stadium redevelopment, Bowden and Port Adelaide (Dock One and Fletchers Slip). These developments are at various stages.
- As these developments are completed over the next few years, there is minimal strategic infill supply identified within the 'pipeline', especially within close proximity to the affected area.

Land use characteristics

The affected area is predominantly flat and most of the existing industrial buildings are currently being demolished. The northern boundary of the site contains the famous West End Brewery Christmas Riverbank display. Further north is the Entertainment Centre, Governor Hindmarsh Hotel and Bowden Village. To the south and west of the site is the University of Adelaide Thebarton Campus (Research Park) which is currently being redeveloped, the Thebarton Technology Hub, and industrial and mixed land uses.

The Adelaide Park Lands, including Bonython Park, are located to the east of the affected area.

Transport and access

The affected area is ideally located less than two kilometres from the Adelaide CBD and O'Connell Street, North Adelaide, and has excellent walking and cycling linkages, including the River Torrens (Karrawirra Parri) Linear Park, which runs along the northern boundary of the site.

The site is very well serviced by public transport with bus routes along Port Road, West Thebarton Road/Phillips Street and Adam Street and the Entertainment Centre to Glenelg tram, with tram stops less than 300 metres away to the north and south. This tram provides a free service between the Entertainment Centre and the Adelaide CBD.

The affected area has a frontage to Port Road (a State Maintained Road) of approximately 265 metres which provides good access to the site, including a right turn facility on Port Road at Phillips Street. Vehicular access is also provided via the local road network on Anderson Street, Walsh Street, Holland Street and Cawthorne Street. A number of private roads exist within the affected area and it is understood that there is an intention to formalise these during the development phase.

A Traffic Impact Assessment is proposed to be undertaken as part of the Code Amendment process.

Services and infrastructure

Existing stormwater and utility connections exist over the affected area. Investigations will be undertaken to identify the capacity of the existing infrastructure networks and any upgrades that may need to occur to support the anticipated future development. This includes investigation into water, electricity, gas, National Broadband Network (NBN) and stormwater.

Site Contamination

Preliminary Site Investigations have been undertaken which indicate that soil and soil vapour contamination is present. There is, however, currently no risk to human health and the environment. Further investigations are proposed to determine the necessary remediation works required to make the land suitable for more sensitive uses. This will include the completion of interim audit advice by an Environment Protection Authority (EPA) Accredited Site Contamination Auditor.

Heritage

There are a number of State and Local Heritage Places within the affected area. These include:

- Plaque Commemorating 'Thebarton Cottage' (the home of Colonel William Light) – State Heritage.
- Copper Kettle Walkerville Brewhouse Tower – State Heritage.
- Former Walkerville Brewhouse Tower with associated historic Copper Kettle – State Heritage.
- The Southwark Brewery Gardens – State Heritage.

- Electric Supply Company Transformer – Local Heritage.
- The remains of ‘Thebarton Hall’ (former cottage of Colonel William Light) – provisionally listed State Heritage Place.

There are also three Heritage Places that are adjacent or nearby to the affected area. These are:

- Caissons Bridge (Former Hindmarsh Bridge) – Local Heritage.
- Sir William Goodman Bridge (Formerly ‘Holland Street Bridge’) – State Heritage.
- Faulding’s Eucalyptus oil distillery – State Heritage.

The Code Amendment will facilitate opportunities for the potential adaptive reuse of State and Local Heritage Places.

Procedural considerations

The following sets out the key procedural considerations that satisfy the legislative requirements. Pursuant to section 73(5) of the Act, approval for a Proposal to Initiate may be given on conditions prescribed by the regulations (there are none at this time) or as specified by you, as Minister for Planning. As such, a number of conditions are recommended by the Commission as set out below.

Information requirements

Practice Direction 2 – Preparation of Amendment of Designated Instruments outlines the information requirements for a Proposal to Initiate (**Appendix E**).

The mandatory information requirements have been met and therefore the Proposal to Initiate is of a suitable form to be considered by you.

Consistent with the State Planning Policies and Regional Plan

The Code must be consistent with the principles of the SPPs and should be consistent with the directions of the relevant Regional Plan, which, in this instance, is *The 30-Year Plan for Greater Adelaide: 2017 Update*. This assessment is provided in the appendices.

A more detailed analysis is also located in the Proposal to Initiate (**Attachment 1**).

In summary, the Proposal to Initiate is considered to be consistent with the SPPs and Regional Plan.

Designated Entity

As this proposal is by a private proponent, under section 73(4) of the Act, you may decide to enable the Proponent to be the Designated Entity and conduct the Code Amendment processes, or alternatively, you can give the Chief Executive of the Department the responsibility for undertaking the processes.

The documentation should, however, be prepared by a suitably qualified person to ensure statutory procedures and good planning outcomes are addressed.

Recommendation(s)

- That Lion-Beer, Spirits & Wine Pty Ltd be the Designated Entity responsible for undertaking the Code Amendment process.
- The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

Investigations to support the Amendment

The investigations undertaken to date are outlined in the Proposal to Initiate (**Attachment 1**).

The Proponent has identified further investigations to support the Code Amendment, including:

- Traffic Impact Assessment
- Interface Assessment
- Land Use and Retail Analysis and Assessment
- Stormwater Investigations
- Infrastructure Services
- Environmental (Contamination) Assessment
- Open Space
- Heritage Assessment
- Cultural Heritage Investigations, including identification of any Aboriginal Heritage sites/objects
- Urban Design
- Preliminary Tree and Vegetation Assessment
- GIS mapping
- Flightpath Building Height Limitations (aerospace)
- Code Policy.

The Commission would like to reinforce the position that land in the northern section of the affected area be contributed to public space to realise a highly useable and high amenity recreational linear corridor on the southern bank. The Commission is also keen to see built form massing along the Port Road boundary of the affected area, maximising use of the public transport and existing open space linkages, as well as promoting good urban design outcomes along that road frontage. At grade car parking along this frontage should be avoided.

Recommendation(s)

That the following further investigations be undertaken by the Designated Entity, in addition to those outlined in the Proposal to Initiate, under section 73(6)(f) of the Act:

- An examination of the extent of land on the southern bank of the River Torrens / Karrawirra Parri that should be contributed to public space to realise a highly useable and high amenity recreational linear corridor on the southern bank (noting that no land currently zoned for open space should be zoned for urban development).
- Consideration of policy (including, potentially, use of a concept plan) that will realise built form massing (of no less than four building levels above natural ground level) along the Port Road frontage of the area affected and avoid at grade car parking (or similar) along this frontage.

Application of the Code

The Proposal seeks to rezone land from the Strategic Employment Zone, Urban Corridor (Business) Zone and Open Space Zone to either the Urban Corridor (Boulevard) Zone or Urban Neighbourhood Zone (or similar Neighbourhood-type Zone), with the possible inclusion of a 'Main Street' or 'Retail' Subzone. The Open Space Zone may also be extended. Consideration will also be given to applying building height and interface TNVs as proposed following investigations. Removal/adjustment of some existing TNVs will be required and a concept plan will be introduced.

Recommendation(s)

That a condition be placed on the Proposal to Initiate that limits the scope of the proposed Code Amendment to exclude the creation of new planning rules, and to be limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Code (on the date the Amendment is released for consultation).

Consultation

The Proponent has undertaken preliminary consultation with the City of West Torrens who have identified areas that may require further investigations. These suggestions have been incorporated into the proposed investigations in the Proposal to Initiate.

In accordance with the Community Engagement Charter, the Designated Entity is required to prepare an Engagement Plan that will outline how, when and with whom it engages with regarding the proposed Code Amendment. Consultation is scheduled to commence in October 2022.

The Commission has determined to specify the following further persons or bodies that the Designated Entity must consult with in relation to the proposed Code Amendment, as permitted under section 73(6)(e) of the Act:

- City of Charles Sturt
- City of Adelaide
- Department for Infrastructure and Transport
- Environment Protection Authority
- SA Housing Authority
- Department for Environment and Water
- Renewal SA
- Kurna Yerta Aboriginal Corporation
- Adelaide Airport Limited
- Utility providers, including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

In addition, in accordance with sections 44(6) and 73(6)(d) of the Act, the consultation must be undertaken with:

- The City of West Torrens
- Owners or occupiers of the land and adjacent land in accordance with the *Planning, Development and Infrastructure (General) Regulations 2017*.

Recommendation(s)

Advise the Designated Entity of the required consultation with the entities and bodies specified by the Commission.

RECOMMENDATIONS

It is recommended that you:

1. Note the advice of the State Planning Commission provided to you as required under section 73(2)(b) of the Act. NOTED / NOT NOTED

2. Note that the State Planning Commission has, under section 73(6)(e) of the Act, specified that the Designated Entity must consult with the following nominated individuals and entities, and advise the Designated Entity accordingly: NOTED / NOT NOTED
 - City of Charles Sturt
 - City of Adelaide
 - Department for Infrastructure and Transport
 - Environment Protection Authority
 - SA Housing Authority
 - Department for Environment and Water
 - Renewal SA
 - Kurna Yerta Aboriginal Corporation
 - Adelaide Airport Limited
 - Utility providers, including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
 - State Members of Parliament for the electorates in which the proposed Code Amendment applies.

3. Note that the State Planning Commission has, under section 73(6)(f) of the Act, resolved to specify the following further investigations to those outlined in the Proposal to Initiate, and advise the Designated Entity accordingly: NOTED / NOT NOTED
 - An examination of the extent of land on the southern bank of the River Torrens / Karrawirra Parri that should be contributed to public space to realise a highly useable and high amenity recreational linear corridor on the southern bank (noting that no land currently zoned for open space should be zoned for urban development).

- Consideration of policy (including, potentially, use of a concept plan) that will realise built form massing (of no less than four building levels above natural ground level) along the Port Road frontage of the area affected and avoid at grade car parking (or similar) along this frontage.
4. Approve initiation under section 73(2)(b) of the Act, subject to the following conditions, under section 73(5) of the Act:
- APPROVED / NOT APPROVED
- a) The scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Planning and Design Code (on the date the Amendment is released for consultation).
 - b) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.
5. Under section 73(4)(a) of the Act, approve the initiation of the Code Amendment on the basis that Lion-Beer, Spirits & Wine Pty Ltd will undertake the Code Amendment processes (as the Designated Entity) required under the Act.
- APPROVED / NOT APPROVED
6. Agree to sign the Proposal to Initiate the 107 Port Road, Thebarton (Thebarton Brewery Precinct) Code Amendment (**Attachment 1**).
- AGREED / NOT AGREED
7. Agree to sign the attached letters to the Proponent (**Attachment 2**) and the City of West Torrens (**Attachment 3**) advising of your approval and conditions.
- AGREED / NOT AGREED



CRAIG HOLDEN
Chair, State Planning Commission
28 / 06 / 2022

NICK CHAMPION MP
/ / 2022

Attachments:

1. Proposal to Initiate the 107 Port Road, Thebarton (Thebarton Brewery Precinct) Code Amendment (#18629068).
2. Suggested letter to the Lion-Beer, Spirits & Wine Pty Ltd (#18675300).
3. Suggested letter to the City of West Torrens (#18675295).

Appendices:

- A. Summary of Roles and Responsibilities in the Code Amendment Process (#18678730).
- B. Process Flowchart – Code Amendments Initiated by Proponents (#18667324).
- C. State Planning Commission’s Strategic Priorities (#18678696).
- D. Assessment against the State Planning Policies and Regional Plan (#18678632).
- E. Extract from *Practice Direction 2 – Preparation and Amendment of Designated Instruments* (#18678734).

Contact: Jason Bailey
Tel No: 0439 995 006

Procedural Matters for the State Planning Commission (the Commission)

The Commission's role at Initiation, when the Commission is not the Proponent, is to:

- Provide advice to the Minister for their consideration in making a decision on initiation pursuant to section 73(2)(b) of the Act.
- Specify any person or body the Designated Entity must consult with under section 73(6)(e) of the Act, noting that the designated entity will also need to prepare an engagement plan in accordance with the Community Engagement Charter prior to consultation.
- Specify any investigations to be carried out and/or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The importance of the initiation process is two-fold:

- Firstly, it enables proposals considered to be significantly at odds with the State Planning Policies (SPPs) and relevant Regional Plan to be refused early in the process, minimising risk. This is because the decision to proceed is based on an assessment against these documents.

To that end, the Commission may also advise the Minister on how the proposal fits with its stated priorities, including:

- Technical amendments that enhance the operation of the Code.
- Bushfire policy in response to the Royal Commission and improved bushfire mapping data.
- Support land supply, including infill, master planned neighbourhoods and growth areas consistent with the Growth Management Programme.
- Support economic clusters such as agribusiness and value adding, defence industries, energy and resources, health and medical industries and knowledge and creative industries.
- Provide state-wide strategic benefit such as protection against environmental hazards.
- Secondly, the initiation process is the point at which the scope of the Code Amendment process, investigations and information requirements and the amendments are determined. This provides clarity and certainty for the proponents.

Approval of the Proposal to Initiate may be given on conditions prescribed by the regulations (there are none at this time) or as specified by the Minister. As such, conditions have been recommended by the Commission, to be made by the Minister.

The Commission has previously determined that (where possible) Code Amendments should be prepared and led by proponents themselves for the first 12 months following implementation of the Phase Three Code.

Code Amendments Initiated by Proponents

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*

