



## Agenda Report for Decision

Meeting Date: 3 February 2022

<b>Item Name</b>	Riverbank Precinct Code Amendment – Report for the Environment, Resources and Development Committee of Parliament
<b>Presenters</b>	Brett Steiner, Jason Bailey and Rhiannon Hardy
<b>Purpose of Report</b>	Decision
<b>Item Number</b>	3.7
<b>Strategic Plan Reference</b>	5. Discharging Statutory Obligations
<b>Work Plan Reference</b>	5.2 Advise the Minister on Code Amendments
<b>Confidentiality</b>	Not Confidential (Release Delayed). To be released following final decision by the Environment, Resources and Development Committee on the Code Amendment
<b>Related Decisions</b>	<ul style="list-style-type: none"><li>• 24 June 2021 – Item 3.2 – Code Amendment Initiation – Riverbank Precinct Code Amendment</li><li>• 25 November 2021 – Item 3.2 – Advice to the Minister for Planning and Local Government – Riverbank Precinct Code Amendment</li><li>• 30 November 2021 – Circular Resolution No. 17 – Advice to the Minister for Planning and Local Government – Riverbank Precinct Code Amendment – Circular Resolution</li></ul>

### Recommendation

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

1. Approve the designation of this item and attachments as Not Confidential (Release Delayed). To be released following final decision of the Environment, Resources and Development Committee (the Committee) of Parliament on the Riverbank Precinct Code Amendment (the Code Amendment).
2. Note that under section 74(2) of the *Planning, Development and Infrastructure Act 2016* (the Act) the Minister for Planning and Local Government (the Minister) must refer the Code Amendment to the Committee within 28 days of it coming into effect.
3. Note the Code Amendment referred to the Committee must be accompanied by a report prepared by the Commission that sets out the matters provided for in section 74(3) of the Act.
4. Approve and authorise the Chair of the Commission to make any minor editorial and technical amendments and to sign the report addressed to the Committee on the Code Amendment (**Attachment 5**).

5. Approve and authorise the Chair to sign the Minute at **Attachment 6** providing the report on the Code Amendment to the Minister, who will subsequently refer the Commission's report to the Committee under section 74(3) of the Act.

## Background

On 16 November 2021, the Chief Executive of the Attorney-General's Department (the Department) approved the Engagement Report and furnished a copy to the former Minister, the Hon Vickie Chapman MP, pursuant to section 73(7) of the Act (**Attachment 1**).

On 18 November 2021, the former Minister consulted the Commission, pursuant to section 73(10)(a) of the Act, as she was of the view that the matter was significant. The Commission's advice is provided at **Attachment 2**.

On 16 December 2021, the current Minister adopted the Amendment with alterations which reflected the Commission's advice (**Attachment 3**). At this time, the Minister requested that the Commission provide a report on the Amendment for review by the Committee (**Attachment 4**).

The Amendment was given effect through publication on the SA Planning Portal (i.e. consolidated into the online Planning and Design Code) on 20 January 2022.

Under section 74(2) of the Act, the Minister must, within 28 days of an amendment to a designated instrument taking effect, refer the amendment to the Committee for parliamentary scrutiny. Therefore, the Amendment needs to be referred to the Committee by 17 February 2022.

## Discussion

Section 74(3) of the Act provides that referral of the Code Amendment to the Committee must be accompanied by a report prepared by the Commission that sets out:

- (a) the reason for the designated instrument; and
- (b) information about the consultation that was undertaken in the preparation of the designated instrument; and
- (c) any other material considered relevant by the Commission; and
- (d) any other information or material prescribed by the regulations.

A report to satisfy this section of the Act has been prepared for the Commission's consideration (**Attachment 5**). It is noted that the various regulations under the Act do not currently prescribe a requirement that certain information or material form part of this report.

A minute providing the Commission's report to the Minister for referral to the Committee has been prepared for approval and signing (**Attachment 6**).

## Next steps

Upon receiving the Code Amendment, section 74(4) of the Act requires the Committee to:

- (a) resolve that it does not object to the designated instrument;
- (b) resolve to suggest amendments to the designated instrument; or
- (c) resolve to object to the designated instrument.

Section 74 prescribes steps to be taken in the event of the Committee resolving to suggest alterations to the Amendment. In particular, the Committee must consult with any council(s) to which a suggested alteration is relevant.

Under section 74(10) of the Act, if the Minister wishes to proceed with an amendment suggested by the Committee, the Minister must consult with the Commission before making such amendment. If the Minister determines not to proceed with any amendments suggested by the Committee, the Committee may resolve to object to the amendment, and in this case copies of the Amendment must be laid before both Houses of Parliament and may be subject to disallowance.

Following the referral, it is likely that representatives from the Department will be called upon to appear before the Committee to respond to members' questions.

**Attachments:**

1. Engagement Report – Riverbank Precinct Code Amendment (#18155719).
2. Letter from the Commission to the Minister regarding the Code Amendment, 7 December 2021 (#18114811).
3. Approved Riverbank Precinct Code Amendment – 16 December 2021 (#18165306).
4. Letter from the Minister to the Commission – Request for a report on the Code Amendment for review by the Committee, 16 December 2021 (#18176472).
5. Report from the Commission to the Committee on the Code Amendment (#18171420).
6. Minute from the Commission to the Minister – Report to the Committee on the Code Amendment (#18176173).

Prepared by: Rhiannon Hardy

---

Endorsed by: Brett Steiner

---

Date: 19 January 2022

---

18011398



7 December 2021

Level 5, 50 Flinders Street  
Adelaide SA 5000

GPO Box 1815  
Adelaide SA 5001

08 7109 7466  
saplanningcommission@sa.gov.au

Hon Josh Teague MP  
Minister for Planning and Local Government

By email: [AttorneyGeneral@sa.gov.au](mailto:AttorneyGeneral@sa.gov.au)

Dear Minister

### **Riverbank Precinct Code Amendment by the Chief Executive, Attorney-General's Department**

On 18 November 2021, the former Minister for Planning and Local Government, the Hon Vickie Chapman MP, wrote to the State Planning Commission (the Commission) regarding the Riverbank Precinct Code Amendment (the Code Amendment) by the Chief Executive of the Attorney-General's Department (the Designated Entity) pursuant to section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The Commission has reviewed the Engagement Plan and Engagement Report prepared for the Code Amendment and has considered the changes proposed by the Chief Executive in response to the engagement feedback.

The Commission is of the view that any amendment to planning policy which may impact on the Adelaide Park Lands (the Park Lands) should be carefully considered. The Park Lands have a rich history, both as a cultural site and gathering place for the Kaurna people, and more recently, as an example of early planning innovation. This has provided Adelaide with one of the world's great urban parklands and the legacy of having the world's first and only planned city in a park.

In addition to the rich history and cultural significance, the Park Lands also provide important environmental, amenity and health benefits to Adelaide's centre. Therefore, serious consideration should be given to retention of Park Lands wherever possible, including options to maximise the retention of green space.

The Commission appreciates that striking the right balance between establishing the Riverbank as a world-renowned health, entertainment, sporting, educational and biomedical precinct while also protecting the Park Lands for recreation and open space is challenging. There is no doubt that investment in the Riverbank over the last decade has provided significant public benefit and has supported public participation in recreation, arts, cultural and sporting events. It has also played a critical role in supporting significant investment and growth in the State in key industries such as tourism, biomedical research, space, defence and technology.

The Commission also appreciates that feedback received through the engagement process demonstrates that some people are looking to the Code Amendment to safeguard against decisions about land management, investment and tenure. While these matters cannot be addressed through the Planning and Design Code (the Code), the Commission has had regard to the broader goals for the Park Lands that have been expressed by the City of Adelaide and the Adelaide Park Lands Authority (APLA) relating to land management and tenure, such as the goal of avoiding overall increases in the built form footprint. In this context, the role of the Code Amendment is to provide an assessment framework for built form proposals, but not to seek to govern land tenure, land management, or to trade off built form footprint changes across different areas.

To assist you in considering these complex matters, the Commission provides the following further advice for your consideration.

Firstly, the Commission supports a number of amendments proposed by the Chief Executive in response to engagement feedback. In particular:

- The introduction of a concept plan that will improve pedestrian and cyclist connections between the Park Lands, Riverbank and Adelaide CBD, and clarify expected building heights for development north of Gaol Road.
- New policy in the Entertainment Subzone to encourage active ground level land uses and design techniques to achieve greater activation along the Riverbank, improving safety and encouraging public use.
- Greater recognition of Kaurna culture through additional policy to recognise the Indigenous connection to country and removal of key cultural sites, such as Pinky Flat, from the proposed Amendment.
- Removal of the Riverbank Subzone from the proposed Amendment so there is no change to policy along the River Torrens waterfront.

The Commission supports the ambition for expansion of the entertainment precinct in a way that activates the River Torrens' waterfront and provides greater opportunities for underutilised land. The Commission appreciates that proposed policy in the Entertainment Subzone seeks 'a transition in scale down from North Terrace to the river' and 'complements the scale of development on the eastern side of Montefiore Road'.

However, the Commission is of the view that the Code Amendment should go further to protect the natural waterfront environment along the River Torrens by encouraging future building footprints to develop further south, ensuring suitable transition to the natural environment of the River Torrens and enabling use of the airspace above the railway.

The Commission recommends that the Minister consider additional changes to the Amendment that address the following matters:

1. Ensure development maintains a setback from the River Torrens to maintain the natural waterfront edge and its walking/cycling connections, linking into the waterfront setting to the east. It is recommended this is achieved by either:

- a) Reducing the northern extent of the proposed City Riverbank Zone and Entertainment Subzone (i.e. leaving lot 201 in the Adelaide Park Lands Zone); or
  - b) Amending proposed 'Concept Plan 125 – City Riverbank – West' to clearly nominate the green corridor adjacent the River Torrens as landscaping or open space.
2. Encourage additional opportunities to utilise the airspace over the railway by expanding the Entertainment Subzone south over the railway yards (replacing the current Health Subzone).

The Commission is supportive of amendments to the Code to facilitate the new Women's and Children's Hospital (nWCH), particularly those which strengthen pedestrian/cyclist connections throughout the precinct and in to Bonython Park. It is also important that the design response respects the heritage values of the Old Adelaide Gaol and Thebarton Police Barracks. This should be done in a manner which maximises the retention of green space within the health and bio-medical precinct.

Currently, these sites have a high proportion of hardstand and provide limited community access. Adaptive reuse of these sites has the potential to improve community access to the Park Lands and increase green space providing those future uses are carefully considered and well designed.

The Health Subzone should define the types of land uses which are appropriate in the subzone to support health-related land uses, particularly when considering the adaptive reuse potential of the Old Adelaide Gaol and Thebarton Police Barracks.

Following a request from SA Health, the Commission understands that the extent of the Health Subzone/City Riverbank Zone shown in the Chief Executive's Engagement Report may lead to a small portion of the car park structure associated with the nWCH encroaching into the Adelaide Park Lands Zone. The Commission supports amendment to address this matter, providing more flexibility for the nWCH as the design response evolves, and to enable a more positive interface with the Adelaide Park Lands, stronger relationship to the State heritage listed Old Adelaide Gaol, and improved pedestrian connectivity.

Accordingly, the Commission recommends that the Minister also considers the following amendments:

3. Increase the proportion of land identified for green space by:
  - a) Altering the proposed 'Concept Plan 125 – City Riverbank – West' to nominate green space around the Old Adelaide Gaol (e.g. land west of the railway line and north of Gaol Road nominated as landscaping or open space, except where currently covered by buildings); or
  - b) Reducing the northern and eastern extent of the proposed City Riverbank Zone and Health Subzone (e.g. leaving the northern and eastern portions of section 549 in the Adelaide Park Lands Zone that currently comprise green space).

4. Realign the zone/subzone boundary of the City Riverbank Zone/Health Subzone between the Thebarton Police Barracks and the Old Adelaide Gaol (and undertake any consequential amendments to Concept Plan 125) to be perpendicular with the northern boundary of the Barracks instead of angled, to provide more flexibility for the nWCH as the design response evolves.

Finally, the Commission recommends that the Minister consider changes that more clearly protect the green space around the pedestrian link between Frome Road and the Adelaide Botanic Gardens:

5. Amend 'Concept Plan 85 – City Riverbank – Innovation' to nominate land surrounding and south of the Frome Road – Adelaide Botanic Gardens Open Space Link as part of the Adelaide Park Lands Trail.

In relation to procedural matters, the Commission has formed the view that the engagement undertaken by the Chief Executive complied with the principles, performance outcomes and mandatory requirements of the Community Engagement Charter, and other requirements identified in the Act and *Practice Direction – 2 Preparation and Amendment of Designated Instruments*.

The Commission is also satisfied that the changes proposed to the Code Amendment in response to feedback received through the engagement process demonstrates an appropriate balance between addressing the concerns raised while providing for the key strategic outcomes of the Code Amendment to be realised, subject to the recommendations described above.

If you would like any further information, or wish to discuss this matter in person, please do not hesitate to contact me via mobile on [REDACTED]. I trust this information is of assistance in your deliberations.

Yours sincerely



**Craig Holden**  
Chair

The Hon Josh Teague MP



Government  
of South Australia

Minister for Planning  
and Local Government

GPO Exchange  
10 Franklin Street  
Adelaide SA 5000

GPO Box 464  
Adelaide SA 5001  
DX 336

Tel 08 8207 1723  
Fax 08 8207 1736

2021/06852/01

Mr Craig Holden  
Chairperson  
State Planning Commission

By email: [saplanningcommission@sa.gov.au](mailto:saplanningcommission@sa.gov.au)

Dear Mr Holden

I refer to the Riverbank Precinct Code Amendment (the Code Amendment), which the State Planning Commission (the Commission) provided advice to me on 7 December 2021.

I have considered the issues raised during the consultation period, the recommendations in the Chief Executive's Engagement Report, as well as the advice of the Commission.

I advise that, under section 73(10)(d) of the *Planning, Development and Infrastructure Act 2016* (the Act), I have adopted the Code Amendment with alterations in accordance with the attached amendment instructions. I wish to thank the Commission for your advice and note that changes recommended have largely been adopted.

The Code Amendment will come into effect when consolidated into the online Planning and Design Code and published on the PlanSA Portal:

[https://code.plan.sa.gov.au/home/browse\\_the\\_planning\\_and\\_design\\_code?code=browse](https://code.plan.sa.gov.au/home/browse_the_planning_and_design_code?code=browse), which is anticipated to occur in January 2022.

A copy of the Engagement Report, the Commission's advice, the Code Amendment, as well as a brochure summarising the key changes in response to consultation, will be available to view on the PlanSA Portal at: [https://plan.sa.gov.au/have\\_your\\_say/general\\_consultations](https://plan.sa.gov.au/have_your_say/general_consultations) from Saturday, 18 December 2021.

I am confident that the final form of the Code Amendment has given serious consideration to the retention of Park Lands wherever possible, including options to maximise the retention of green space, and strikes the right balance between establishing the Riverbank as a world-renowned health, entertainment, sporting, educational and biomedical precinct while also protecting the Park Lands for recreation and open space.

In accordance with the Act, I now respectfully request that the Commission provide me with a report on the Code Amendment for review by the Environment Resources and Development Committee of Parliament (Committee) in accordance with section 74 of the Act. I am required to provide this to the Committee within 28 days of the amendment taking effect.

Yours sincerely

A handwritten signature in blue ink that reads 'Josh Teague'.

Hon Josh Teague MP  
Minister for Planning and Local Government

Thank you for your valuable  
assistance.

16 / 12 / 2021



4 February 2022

Level 5, 50 Flinders Street  
Adelaide SA 5000GPO Box 1815  
Adelaide SA 500108 7109 7466  
saplanningcommission@sa.gov.au

Mr Nick McBride  
Presiding Member  
Environment, Resources and Development Committee  
Parliament of South Australia

By email: [ERDC.Assembly@parliament.sa.gov.au](mailto:ERDC.Assembly@parliament.sa.gov.au)

Dear Presiding Member

## **State Planning Commission Report on the Riverbank Precinct Code Amendment by the Chief Executive of the Attorney-General's Department**

### **1. INTRODUCTION**

The Riverbank Precinct Code Amendment (the Code Amendment) sought to ensure the zoning and policy in the Adelaide Riverbank Precinct was appropriate and provided the strategic framework to guide future development.

This report has been prepared following the adoption of the Code Amendment (**Attachment 1**), and in accordance with section 74(3) of the *Planning, Development and Infrastructure Act 2016* (the Act). This report sets out the reasons for the Code Amendment and information about the consultation undertaken in the preparation of the Code Amendment.

### **2. BACKGROUND**

The Act enables Code Amendments to be initiated and led by a wide range of entities. In this instance, the Code Amendment was initiated on 17 May 2021 pursuant to section 73(2)(b)(i) of the Act, with the Chief Executive of the Attorney-General's Department acting as the Designated Entity responsible for undertaking the Code Amendment.

### **3. DISCUSSION**

#### **3.1 Reason for the Designated Instrument**

The Planning and Design Code (the Code) is a statutory instrument established under section 65 of the Act for the purposes of providing the planning 'rules' for development assessment and related matters within South Australia. Changes to the Code can be undertaken via a Code Amendment pursuant to section 73 of the Act.

The Code Amendment sought to ensure future development in the Adelaide Riverbank Precinct, such as the new Women's and Children's Hospital (nWCH), is well-managed, consistent and in keeping with the surrounding areas. The proposed changes also sought to ensure the Riverbank Precinct's sporting, health, cultural, environmental and educational facilities are easy to access and well connected.

The Code Amendment sought to achieve the following:

- Rezone land in the affected area to respond to strategic land use investigations and a review of existing established land uses.
- Rezone land west of the City Riverbank Zone Health Subzone, including the Thebarton Police Barracks and old Adelaide Gaol, to accommodate health and biomedical-related facilities and services.
- Rezone land north-east of the Royal Adelaide Hospital to accommodate entertainment land uses.
- Consider policy refinement to better reflect pedestrian connectivity through/into the precincts (including from land adjacent to the affected area), particularly in relation to the nWCH and Riverbank Arena.
- Review policy to ensure that the built form interface of the Entertainment Precinct with the Adelaide Park Lands achieves a high amenity and that the North Terrace public realm is of high quality.
- Refine built form policy in the area in front of the InterContinental Hotel down to North Terrace to facilitate low scale development.
- Review the City Riverbank Zone's Innovation Subzone to ensure it achieves the land use and built form outcomes in the Lot Fourteen Master Plan.
- Review policy in the City Riverbank Zone and Adelaide Park Lands Zone within the affected area to make any consequential changes or refinements.

The approved Code Amendment has been implemented into the Code as follows:

- Spatially apply the City Riverbank Zone (in place of the Adelaide Park Lands Zone) to the affected area bounded by the blue line in 'Attachment 1 - Map A: Amended Zones – Health' of the Code Amendment (**Attachment 1**).
- Spatially apply the Health Subzone to the affected area bounded by the blue line in 'Attachment 1 - Map B: Amended Subzones – Health' of the Code Amendment (**Attachment 1**).
- Spatially apply the City Riverbank Zone (in place of the Adelaide Park Lands Zone) to the affected area bounded by the blue line in 'Attachment 2 - Map C: Amended Zones – Entertainment' of the Code Amendment (**Attachment 1**).
- Spatially apply the Entertainment Subzone (in place of the Health Subzone (in part)) to the affected area bounded by the blue line in 'Attachment 2 - Map D: Amended Subzones – Entertainment' of the Code Amendment (**Attachment 1**).

- Spatially apply the City Riverbank Zone (in place of the Adelaide Park Lands Zone) to the affected area bounded by the blue line in ‘Attachment 3 - Map E: Amended Zones – Innovation’ of the Code Amendment (**Attachment 1**).
- Spatially apply the Innovation Subzone (in place of the Cultural Institutions Subzone (in part)) to the affected area bounded by the blue line in ‘Attachment 3 - Map F: Amended Subzones – Innovation’ of the Code Amendment (**Attachment 1**).
- In Part 12 – Concept Plans, under the section relating to Adelaide City, insert immediately after ‘Concept Plan 85 – City Riverbank’, new ‘Concept Plan 125 – City Riverbank – West’ contained in ‘Attachment 4 - Map G: New Concept Plan’ of the Code Amendment (**Attachment 1**). Spatially apply Concept Plan 125 – City Riverbank – West accordingly within the Concept Plan – Technical and Numeric Variations Layer of the South Australian Property and Planning Atlas (SAPPA).
- In Part 12 – Concept Plans, under the section relating to Adelaide City, replace existing ‘Concept Plan 85 – City Riverbank’ with amended ‘Concept Plan 85 – City Riverbank – Innovation’ contained in ‘Attachment 5 - Map H: Amended Concept Plan’ of the Code Amendment (**Attachment 1**). Spatially apply Concept Plan 85 – City Riverbank – Innovation accordingly within the Concept Plan – Technical and Numeric Variations Layer of the SAPPA.
- In Part 2 – Zones and Subzones, amend the Adelaide Park Lands Zone in accordance with the tracked changes shown in ‘Attachment 6’ of the Code Amendment (**Attachment 1**).
- In Part 2 – Zones and Subzones, amend the City Riverbank Zone and associated subzones in accordance with the tracked changes shown in ‘Attachment 7’ of the Code Amendment (**Attachment 1**).

The relevant Code policy, policy changes, and mapping changes are provided in a copy of the Code Amendment at **Attachment 1** for your reference.

### 3.2 Consultation

#### 3.2.1 Information about consultation undertaken

The following details the key information about the consultation that was undertaken in the preparation of the Code Amendment:

Public consultation dates:	Wednesday 15 September 2021 until Wednesday 27 October 2021 (six weeks).
Preliminary engagement:	An initial meeting was held with senior staff from the City of Adelaide (the Council) on 27 July 2021 to discuss the Code Amendment, investigations undertaken and planned consultation. Council staff were sent consultation material prior to formal consultation commencing.
Consultation events:	Information drop-in sessions for public/local residents/local businesses were offered across two days, as detailed below:

	<p><u>Tuesday 12 October 2021</u></p> <ul style="list-style-type: none"> <li>• Session 1 – 4-4.45pm</li> <li>• Session 2 – 5-5.45pm</li> <li>• Session 3 – 6-6.45pm</li> <li>• Session 4 – 7-7.45pm</li> </ul> <p>Included 22 attendees across the four sessions.</p> <p><u>Wednesday 13 October 2021</u></p> <ul style="list-style-type: none"> <li>• Session 1 – 2-2.45pm</li> <li>• Session 2 – 3-3.45pm</li> <li>• Session 3 – 4-4.45pm</li> <li>• Session 4 – 5-5.45pm</li> </ul> <p>Included 14 attendees across the four sessions.</p>
<p>Methods of notification:</p>	<p>The following people and organisations were contacted in writing and invited to provide a submission on the proposed Code Amendment:</p> <ul style="list-style-type: none"> <li>• Letter/email sent to directly affected or adjoining landowners/leaseholders (approximately 200 letters) in the following precincts subject to rezoning:             <ul style="list-style-type: none"> <li>○ Precinct 1 – SAPOL/Kate Cocks Park/Old Adelaide Gaol rezoning area</li> <li>○ Precinct 2 – Proposed Riverbank Arena rezoning area</li> <li>○ Precinct 3 – Adelaide Botanic High School rezoning area.</li> </ul> </li> <li>• Letters were sent to the following individuals/groups:             <ul style="list-style-type: none"> <li>○ General interest stakeholders</li> <li>○ High interest stakeholders</li> <li>○ Traditional Owners (Kurna Yerta Aboriginal Corporation)</li> <li>○ City of Adelaide (Lord Mayor)</li> <li>○ State Member for Adelaide (Hon Rachel Sanderson MP)</li> <li>○ State agencies (various)</li> <li>○ Ministers of relevant State agencies (various)</li> <li>○ Former Minister for Planning and Local Government (Hon Vickie Chapman MP).</li> </ul> </li> </ul> <p>Briefings to key individuals/groups:</p> <ul style="list-style-type: none"> <li>• Adelaide Park Lands Authority – 26 August 2021</li> <li>• City of Adelaide – 21 September 2021</li> <li>• Riverbank Entertainment Precinct Advisory Group – 7 October 2021</li> <li>• Commonwealth Department of Agriculture, Water and the Environment (responsible for the <i>Environment Protection and Biodiversity Conservation Act 1999</i>) – 18 October 2021</li> <li>• Aboriginal Affairs and Reconciliation, Department of the Premier and Cabinet – 20 October 2021</li> <li>• Reconciliation Committee of the City of Adelaide – 21 October 2021</li> <li>• RAWsa – 1 November 2021</li> </ul>

	<ul style="list-style-type: none"> <li>• Kaurna Yerta Aboriginal Corporation RNTBC – 3 November 2021.</li> </ul>
<p>Other engagement methods:</p>	<ul style="list-style-type: none"> <li>• Code Amendment documentation and supporting information publicly available online for the duration of the consultation period on the PlanSA portal and YourSAy consultation website, which were also the primary locations for information and submitting feedback.</li> <li>• A news article and web banner promoting the consultation were published on the landing page of the PlanSA website, providing greater visibility.</li> <li>• PlanSA Facebook and Attorney-General’s Department Twitter social media platforms used to promote the engagement opportunity and encourage feedback throughout the consultation period.</li> <li>• An article promoting the engagement opportunity included in the 7 October 2021 edition of the <i>Planning Ahead</i> Newsletter.</li> <li>• The Code Amendment (including supporting investigations), brochure, engagement plan, frequently asked questions document and mapping showing proposed zone and subzone changes were made available at the following places:             <ul style="list-style-type: none"> <li>○ Planning and Land Use Services, Attorney-General’s Department, Level 5, 50 Flinders Street, Adelaide</li> <li>○ City of Adelaide Customer Service Centre, 45 Pirie Street, Adelaide</li> <li>○ Various City of Adelaide libraries and local community centres</li> <li>○ Information sessions held during the engagement</li> <li>○ Electronically on the PlanSA website: <a href="https://plan.sa.gov.au/en/code_amendments">https://plan.sa.gov.au/en/code_amendments</a>.</li> </ul> </li> <li>• The PlanSA Service Desk contact details were provided throughout the consultation period and the public and stakeholders were invited to make contact if they had enquires or wished to set up a meeting to discuss the proposal. 21 enquiries were received.</li> </ul>
<p>Number of submissions received:</p>	<p>661.</p>
<p>Key feedback themes:</p>	<ul style="list-style-type: none"> <li>• Concern about development on the park lands generally – 87 per cent.</li> <li>• Concern about environmental impacts on the park lands – 62 per cent.</li> <li>• Concern about impacts on sites of European heritage value – 46 per cent.</li> <li>• Concern about arena site and/or Helen Mayo Park – 13 per cent.</li> <li>• Concern about the process or scope of the Code Amendment – eight per cent.</li> <li>• Concern about impact on sites of Kaurna cultural value or importance – eight per cent.</li> </ul>

	<ul style="list-style-type: none"> <li>• Neutral comments/suggested alternatives – eight per cent.</li> <li>• Concern about nWCH (new hospital site) – seven per cent.</li> <li>• Concern about Pinky Flat site – six per cent.</li> <li>• Concern about impacts on infrastructure/public access – six per cent.</li> <li>• Concern about nWCH (associated car park site) – five per cent.</li> <li>• Positive comments/supportive of nWCH – two per cent.</li> <li>• Positive comments/supportive of proposal generally – two per cent.</li> <li>• Concern about olive groves impact (Kate Cocks Park site) – two per cent.</li> <li>• Positive comments/supportive of developing an underutilised site – one per cent.</li> <li>• Concern about Botanic High School site (or land just south) – one per cent.</li> <li>• Positive comments/supportive of Arena – one per cent.</li> </ul>
<p>Changes in response to engagement:</p>	<ul style="list-style-type: none"> <li>• Remove the Riverbank Subzone from the Adelaide Park Lands Zone; no change to the area around the Torrens Riverbank between the Torrens Weir and Kintore Avenue.</li> <li>• Retain the olive grove in Kate Cocks Park within the Adelaide Park Lands Zone; reduce the extent of proposed expanded Health Subzone.</li> <li>• Retain land to the west of the Old Adelaide Gaol within the Adelaide Park Lands Zone; reduce the extent of the proposed expanded Health Subzone.</li> <li>• Retain portion of Helen Mayo Park within the Adelaide Park Lands Zone; reduce the extent of proposed expanded Entertainment Subzone.</li> <li>• Reduce the northern extent of the Innovation Subzone to align with the current built form of Adelaide Botanic High School.</li> <li>• Insert new policy in the City Riverbank Zone to ensure new development recognises the Karrawirra Pari/Riverbank precinct as a place of gathering and significance for traditional indigenous custodians.</li> <li>• Insert new 'Concept Plan 125 – City Riverbank Zone - West' into Part 12 of the Code which sets out maximum building heights in the Health Subzone west of the railway line, and pedestrian and cyclist connections which should be maintained and established throughout the health and entertainment precincts – Refer to Concept Plan in Attachment 5 of the Code Amendment (<b>Attachment 1</b>).</li> <li>• Delete “serviced apartments” from Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) 1.1 of the City Riverbank Zone.</li> <li>• Expand Performance Outcome (PO) 1.1 of the City Riverbank Zone to make clear that the Riverbank</li> </ul>

	<p>Precinct envisages community, commercial and employment generating land uses (not residential).</p> <ul style="list-style-type: none"> <li>• Delete PO 1.2 from the City Riverbank Zone’s Entertainment Subzone.</li> <li>• Insert additional policy in the Entertainment Subzone requiring the activation of the ground level of buildings – in particular, any development that has a frontage to the River Torrens/Karrawirra Pari.</li> <li>• Change the subzone over the Helen Mayo North Building and Helen Mayo South Building from Cultural Institutions to Innovation Subzone.</li> <li>• Amend Concept Plan 85 – City Riverbank Zone to include the Helen Mayo North and South building and rename to ‘Concept Plan 85 – City Riverbank Zone – Innovation’.</li> <li>• Amend policy regarding adaptive reuse of the Old Adelaide Gaol and Thebarton Police Barracks in the Health Subzone to anticipate tourism and community land uses within these buildings, not just health-related land uses.</li> </ul>
--	--

A copy of the Engagement Plan is provided at **Attachment 2**. Further details about the consultation undertaken are set out the Designated Entity’s Engagement Report (**Attachment 3**).

### 3.2.2 Local Members

Hon Rachael Sanderson MP – Member for Adelaide (State) was consulted on the Code Amendment and provided a written submission.

### **3.3 Other Considerations**

The Minister for Planning and Local Government (the Minister) sought advice on the Code Amendment from the State Planning Commission (the Commission) under section 73(10)(a) of the Act as the matter was considered to be significant.

The Commission’s advice on the Code Amendment is provided in **Attachment 4**.

Pursuant to section 73(10)(d) of the Act, the Minister then resolved to make the following alterations to the Code Amendment furnished by the Designated Entity under section 73(7) of the Act, as informed by consultation with the Commission:

- Amend proposed ‘Concept Plan 125 – City Riverbank – West’ to nominate the green corridor adjacent the River Torrens as landscape/open space.
- Expand the Entertainment Subzone further south over the railway yards (replacing the current Health Subzone).
- Alter proposed ‘Concept Plan 125 – City Riverbank – West’ to nominate landscape/open space around the Old Adelaide Gaol.

- Realign the zone/subzone boundary of the City Riverbank Zone/Health Subzone between the Thebarton Police Barracks and the Old Adelaide Gaol (and undertake consequential amendments to Concept Plan 125) to be perpendicular with the northern boundary of the Barracks instead of angled.
- Amend 'Concept Plan 85 – City Riverbank – Innovation' to nominate land surrounding and south of the Frome Road – Adelaide Botanic Gardens Open Space Link as part of the Adelaide Park Lands Trail.

The Commission notes that substantial changes were made to the Code Amendment since originally released for consultation in September 2021. These changes are detailed and illustrated in the Amendment Snapshot in **Attachment 5**.

#### 4. SUMMARY

On 16 December 2021, the Minister adopted the Code Amendment, with the alterations described in part 3.3 of this report.

The Code Amendment was adopted into the Code upon its publication on the SA Planning Portal on 20 January 2022.

The Commission now provides this report to the Environment, Resources and Development Committee for consideration, in accordance with section 74(3) of the Act.

Should you have any questions in relation to the Code Amendment, please do not hesitate to contact Ms Kate Southcott, Senior Governance Officer, Planning and Land Use Services, Attorney-General's Department, on [REDACTED] or via email at:

[REDACTED]

Yours sincerely



**Craig Holden**  
Chair

- Att
1. Riverbank Precinct Code Amendment (#18165306)
  2. Engagement Plan – Riverbank Precinct Code Amendment (#17642151)
  3. Engagement Report – Riverbank Precinct Code Amendment (#18155719)
  4. State Planning Commission's advice – Riverbank Precinct Code Amendment (#18114811)
  5. Amendment Snapshot (#18162427)





**TO: MINISTER FOR PLANNING AND LOCAL GOVERNMENT**

**RE: REPORT TO THE ENVIRONMENT, RESOURCES AND DEVELOPMENT  
COMMITTEE OF PARLIAMENT OF SOUTH AUSTRALIA – RIVERBANK  
PRECINCT CODE AMENDMENT**

## **PURPOSE**

To provide a report by the State Planning Commission (the Commission) for you to forward to the Environment, Resources and Development Committee (the Committee) of Parliament regarding the Riverbank Precinct Code Amendment (the Code Amendment) by the Chief Executive of the Attorney-General's Department (the Designated Entity).

## **BACKGROUND**

On 16 December 2021, you resolved to adopt the Code Amendment pursuant to section 73(10) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The Code Amendment came into effect pursuant to section 73(12)(b) of the Act upon its publication on the SA Planning Portal on 20 January 2022.

As Minister for Planning and Local Government, you are now required to refer the Code Amendment to the Committee. Such referral must be accompanied by a report prepared by the Commission on the Code Amendment, in accordance with section 74 of the Act:

### ***74—Parliamentary scrutiny***

- (2) *The Minister must, within 28 days after a designated instrument takes effect, refer the designated instrument to the ERD Committee.*
- (3) *A designated instrument referred under this section must be accompanied by a report prepared by the Commission that sets out—*
  - (a) *the reason for the designated instrument; and*
  - (b) *information about the consultation that was undertaken in the preparation of the designated instrument; and*
  - (c) *any other material considered relevant by the Commission; and*
  - (d) *any other information or material prescribed by the regulations.*

## **DISCUSSION**

Please find attached the report which outlines the reasons for the Code Amendment and information about the consultation that was undertaken in its preparation (**Attachment 1**). A cover letter to accompany the report is provided at **Attachment 2**.

A copy of the Code Amendment is provided at **Attachment 3**.

Given the Code Amendment was given effect on 20 January 2022, you are required to forward the report to the Committee by **17 February 2022**.

**RECOMMENDATIONS**

1. Note the report of the State Planning Commission provided to you regarding the Riverbank Precinct Code Amendment, pursuant to section 74(2) of the *Planning, Development and Infrastructure Act 2016* (**Attachment 1**).
2. Agree to sign the letter provided at **Attachment 2** and forward it to the Environment, Resources and Development Committee with a copy of the State Planning Commission's report (**Attachment 1**) by 17 February 2022, pursuant to section 74 of the *Planning, Development and Infrastructure Act 2016*.

NOTED / NOT NOTED

AGREED / NOT AGREED



**Craig Holden**  
Chair, State Planning Commission

4 February 2022

---

**JOSH TEAGUE MP**  
/ / 2022

**Attachments:**

1. Commission's report on the Riverbank Precinct Code Amendment (#18171420).
2. Suggested cover letter to the Committee on the Riverbank Precinct Code Amendment (#18177521).
3. Riverbank Precinct Code Amendment, signed by the Minister 16 December 2021 (#18165306).

Contact: Jason Bailey  
Tel No: [REDACTED]