



Agenda Report for Decision

Meeting Date: 24 August 2023

Item Name	Code Amendment Initiation Advice to the Minister – Festival Plaza Code Amendment
Presenters	Jason Bailey, Daniel Clapp and Andrew Mitchell
Purpose of Report	Decision
Item Number	4.2
Strategic Plan Reference	4. Discharging Statutory Obligations
Work Plan Reference	4.2 Advise the Minister on Code Amendments
Confidential Item (Y/N)	Not Confidential (Release Delayed) – to be released following final decision by the Minister on initiation of the Code Amendment, anticipated [include date].
Related Decisions	N/A

Recommendation

It is recommended that the Commission resolves to:

1. Approve the designation of this item as Not Confidential (Release Delayed). To be released following the final decision by the Minister for Planning (the Minister) on initiation of the Code Amendment – anticipated September 2023.
2. Advise the Minister for Planning (the Minister) that it:
 - 1.1 Recommends the approval of the initiation of the Festival Code Amendment under section 73(2)(b)(i) of the *Planning, Development and Infrastructure Act 2016* (the Act) with no conditions specified.
 - 1.2 Recommends that the Chief Executive of the Department for Trade and Investment 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:
 - a. Renewal SA
 - b. Festival Plaza Committee
 - c. Department for Environment and Water, Heritage SA
 - d. Department for Infrastructure and Transport
 - e. Office for Design and Architecture SA

- f. Adelaide Park Lands Authority
 - g. Adelaide Park Lands Preservation Association
 - h. Kaurna Yerta Aboriginal Corporation
 - i. Adelaide Airport Limited
 - j. State Members of Parliament for the electorates in which the proposed Code Amendment applies.
4. 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 and 3**);
 5. Approve the advice to the Minister as provided (**Attachment 4**); and
 6. Authorise the Chair to finalise any minor amendments to the advice and attachments.

Background

Section 73(2)(b)(i) of the Act provides that a proposal to amend the Planning and Design Code (the Code) may be initiated by the Chief Executive with the approval of the Minister, acting on the advice of the Commission. The Commission's role includes the following matters:

- Undertaking a strategic assessment against the State Planning Policies and *The 30-Year Plan for Greater Adelaide* and providing advice to the Minister
- Specifying any person or body that must be consulted by the designated entity pursuant to section 73(6)(e) of the Act
- Specifying 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 therefore is to provide the Commission with advice to the Minister in relation to the initiation proposal submitted by the Chief Executive (**Attachment 1**).

Discussion

Scope of the Amendment

The affected area is shown in Figure 1 below. Detailed discussion is provided in the advice to the Minister in **Attachment 4**.

Figure 1 – Affected Area



Planning and Design Code Zoning

The Affected Area is in the City Riverbank Zone.

The following Overlays apply to the land:

- Aircraft Noise Exposure (ANEF 20)
- Airport Building Heights (Regulated) (*All structures over 90, 100 and 110 metres*),
- Building Near Airfields
- Design
- Heritage Adjacency
- Local Heritage
- State Heritage
- Hazards (Flooding – Evidence Required)
- Noise and Air Emissions
- Prescribed Wells Area
- Regulated and Significant Trees

The land surrounding the affected area is within the Capital City Zone to the immediate south, and the Adelaide Park Lands Zone to the west, north and east.

Advice to the Minister for Planning

The attached advice to the Minister (**Attachment 4**) sets out the statutory and procedural elements that must be considered as part of the initiation of a Code Amendment.

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

Renewal SA, as the leading landowner in the Riverbank Precinct, has requested that the Chief Executive of the Department for Trade and Investment review planning policy currently applying to the Festival Plaza area of the precinct to consider whether the current policy framework enables the highest and best possible use and maximisation of public benefit. This includes consideration of whether the existing City Riverbank Zone and Entertainment Subzone is clear in its built form allowances, will achieve design excellence, adequately considers the relationship with Parliament House, and maximises Festival Plaza's potential and achieves the State Government's vision of the site being a world-class hub for the arts, culture, tourism, and entertainment.

The Code Amendment will seek to address the following five '[place principles](#)' to ensure that the future vision for Festival Plaza is realised:

- Principle 1: A compelling destination.
- Principle 2: The heart of the Riverbank.
- Principle 3: Event-ready space.
- Principle 4: Dynamic and evolving place.
- Principle 5: Distinctive place.

The five '[place principles](#)' were developed by the former Riverbank Authority to guide any future concept design / development of the plaza.

Procedural matters

The Proposal to Initiate meets all procedural requirements, as detailed in the attached advice to the Minister (**Attachment 4**).

Conditions proposed and items specified

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 4**).

Attachments:

1. Proposal to Initiate – Festival Plaza Code Amendment #20494708
2. Draft Approval letter to the Chief Executive of the Department for Trade and Investment with conditions #20544969
3. Draft Approval letter to the City of Adelaide with conditions #20544684
4. Commission advice to the Minister #20261693

Prepared by: Andrew Mitchell

Endorsed by: Jason Bailey

Date: 17 August 2023

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

Festival Plaza Code Amendment

By the Chief Executive



_____ (Signature Required)

CHIEF EXECUTIVE, DEPARTMENT FOR TRADE AND INVESTMENT

Date: 25/07/2023

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*.

_____ (Signature Required)

MINISTER FOR PLANNING

Date:

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Attachment A – Affected Area

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1. INTRODUCTION

The Chief Executive seeks to amend the Planning and Design Code (the Code) pursuant to section 73(2)(b) of the *Planning, Development, and Infrastructure Act 2016* (the Act). 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.

The Chief Executive is the 'designated entity' responsible for conducting this Code Amendment process and is required to undertake consultation in accordance with the Community Engagement Charter and make final recommendations to the Minister for Planning (the Minister) prior to consideration whether to adopt (with or without amendments) or decline the Code Amendment.

1.1. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(2)(b) of the Act, the Chief Executive will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1. The Chief Executive acknowledges responsibility for undertaking the Code Amendment in accordance with the requirements of the Act.
- 1.1.2. The Chief Executive intends to undertake the Code Amendment by:
 - a) Engaging with relevant State Government agencies and local governments, and
 - b) Utilising professional expertise of employees of the Department including:
 - professional planning staff
 - communications staff
 - mapping and spatial data expert staff
 - ePlanning staff responsible for the management and operation of the Code.

1.2. Rationale for the Code Amendment

The future development of the Adelaide Riverbank, in particular the Festival Plaza precinct and its immediate environs (the precinct), is of social and economic significance to the State. The future vision of the government is to develop the precinct into a unique, world-class hub for the arts, culture, tourism, entertainment and employment.

The following five 'place principles' were developed by the former Riverbank Authority to ensure the vision for Festival Plaza is reflected in any concept designs or future development of the precinct:

- Principle 1: A compelling destination.

- Principle 2: The heart of the Riverbank.
- Principle 3: Event-ready space.
- Principle 4: Dynamic and evolving place.
- Principle 5: Distinctive place.

A Code Amendment that reviews the planning policy framework applying to the precinct to ensure that development can respond to these principles is warranted. This includes a review of the land use mix that is contemplated, to enable development of land uses that complement key institutions to bring people to the precinct.

The precinct has recently seen several significant infrastructure upgrades including the redevelopment of its public plaza (along with a new five level underground car park), the new SkyCity Casino building, Festival Centre and environs enhancements, a new northern entrance to the Railway Station concourse and, more recently, the development of the 29 storey ‘One Festival Tower’ which is nearing completion adjacent to Parliament House.

The next stage of development to complete renewal of the precinct is a proposed three (3) storey retail building adjacent the One Festival Tower. Whether this 3-storey building is the highest and best use for the precinct’s remaining development site requires review.

Renewal SA, as the leading landowner in the Riverbank Precinct, has requested that the Chief Executive of the Department for Trade and Investment (the State’s key planning agency) review planning policy currently applying to the precinct to consider whether it enables highest and best possible use and maximisation of public benefit.

In this context, the Code Amendment will ensure that the planning policy currently applying to the precinct is clear in its built form allowances, will achieve design excellence, considers the relationship with Parliament House and maximises the plaza’s potential and can achieve the state government’s vision for the site being a world-class hub for the arts, culture, tourism, and entertainment.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to consider those parts of the Riverbank Precinct between the Adelaide Railway Station / Sky City Casino, the Adelaide Festival Centre, Parliament / Old Parliament House, and the eastern side of King William Road (identified in the Affected Area in **Attachment A**). A particular focus will be given to the Festival Plaza Precinct, as shown in the map in **Attachment A**.

2.2. Scope of Proposed Code Amendment

<p>Current Policy</p>	<p>The subject land is in the City Riverbank Zone of the Planning and Design Code (Attachment B). The Entertainment Subzone also applies to the subject land within the City Riverbank Zone (Attachment C).</p>
<p>Amendment Outline</p>	<p>The Code Amendment seeks to review planning policy applying to the Riverbank Precinct in the Affected Area to ensure the Planning and Design</p>

	Code suitably aligns with future strategic land use and is capable of delivering desired built form outcomes.
Intended Policy	<p>Subject to investigations, the Code Amendment is anticipated to include:</p> <ul style="list-style-type: none"> • A review of planning policy applying to the Festival Plaza area. • Consideration of any policy refinement to better reflect pedestrian connectivity through / into the Festival Plaza Precinct (including from land adjacent to the affected area), particularly in relation to any new building adjacent the One Festival Tower. • Review policy in the City Riverbank Zone within the Affected Area to make any consequential changes or refinements.

3. STRATEGIC ALIGNMENT

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. 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 proposed Code Amendment will be aligned with and seek to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p>SPP9 – Employment Lands</p> <p>To provide sufficient land supply for employment generating uses that supports economic growth and productivity</p>	
<p>SPP9: Employment Lands</p> <p>9.1 Support the expansion and clustering of key economic growth areas including health; education; tourism; energy and resources; primary industry; defence; and knowledge and creative industries.</p> <p>9.10 Strengthen the primacy of the Adelaide city centre as the cultural, entertainment, tourism and economic focus of South Australia.</p>	<p>The proposed changes to support the future development of the Festival Plaza will further reinforce the precinct as the State’s leading entertainment and cultural precinct as well as a world-class hub for the arts, culture, tourism, and entertainment.</p> <p>The proposed changes to support the future development of the Festival Plaza will further reinforce the precinct as the State’s leading entertainment and cultural precinct as well as a world-class hub for the arts, culture, tourism, and entertainment.</p>

3.2. Alignment with Regional Plans

Directions set out in Regional Plans provide a long-term vision and set out 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 (2017 Update) volume of the Planning Strategy (which has transitioned to a Regional Plan under the Act) is relevant to this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<p><i>30-Year Plan for Greater Adelaide (2017 Update)</i></p> <p>Policy Theme: Adelaide City centre</p> <p>P.20 Continue to develop the Riverbank Precinct as a world-renowned health, sporting, educational and biomedical precinct with strong connections to the city centre while reinforcing North Terrace as a premier cultural boulevard with a new</p>	<p>The Code Amendment will seek to ensure policy in the Code provides clearer guidance in achieving excellent design outcomes for Festival Plaza by delivering a precinct which addresses the following five ‘place principles’ developed by the former Riverbank Authority to ensure that the future vision for this area is realised:</p> <ul style="list-style-type: none"> • Principle 1: A compelling destination.

<p>vibrant public plaza that will be the heart of entertainment and cultural events.</p>	<ul style="list-style-type: none"> • Principle 2: The heart of the Riverbank. • Principle 3: Event-ready space. • Principle 4: Dynamic and evolving place. • Principle 5: Distinctive place.
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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
<p>Greater Riverbank Precinct Implementation Plan (2013)</p>	<p>In 2013 Renewal SA commissioned the development of a vision for the Riverbank (the Riverbank Plan formerly known as the Greater Riverbank Implementation Plan) providing a long-term program for the revitalisation of the Riverbank.</p> <p>The plan sets to link up and enhance existing key sites within the Riverbank and create new attractions and facilities.</p> <p>The plan identified three distinct precincts with their own character including the Core Entertainment Precinct which provides for a new Festival Plaza where the focus will be on tourism, entertainment, cultural celebrations and meeting space.</p>	<p>The plan focuses on improving east / west and north / south connections through the Festival Plaza Precinct as well as on improving public realm through retention of important visual links and creating an activated and revitalised public place.</p>
<p>Adelaide Riverbank Precinct, Public Realm Concept Design Report (2015)</p>	<p>The Public Realm Concept Design Report (the Design Report) informed the redevelopment of Festival Plaza (the Plaza) which commenced in 2016 with the demolition of the Hajek Plaza</p>	<p>The Design Report has addressed the future public and private investment / development of the Plaza by seeking to:</p> <ul style="list-style-type: none"> • Reinstate the ceremonial axis of the Plaza;

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
	<p>and Adelaide Festival Centre (AFC) car park and its replacement with a new five level below ground car park, a new retail and office development, expansion of the SkyCity Casino, refurbishment of the AFC, and reinstatement of the Plaza as a new public square.</p>	<ul style="list-style-type: none"> • Reconnect the centre to the Plaza; • Enhance the centres connection to Elder Park and the River; and • Revitalise the northern promenade.
<p>Adelaide Riverbank Precinct, Public Realm, Design Development Report (2016)</p>	<p>The Public Realm Design Development Report (the Development Report) represented the continued refinement of the Adelaide Riverbank Precinct Festival Plaza Public Realm Design proposal.</p> <p>The Development Report does not duplicate the Design report but provides a record of the evolution of the guiding principles, site analysis and conceptual design response behind the Festival Plaza redevelopment.</p>	<p>Elements of the Design Report were extracted and included in the Development Report to assist and guide the following five separate but integrated development projects in the Precinct which have been developed in stages since 2016:</p> <ul style="list-style-type: none"> • AFC refurbishment; • Walker Corporation underground car park and tower one development • Sky City Casino expansion project; and • Adelaide Train station entry grade separation.
<p>Riverbank Shared Use Pathway Connectivity Study (2017)</p>	<p>In 2017, Renewal SA engaged InfraPlan to undertake a detailed study into the connectivity of the shared path network within the Adelaide Riverbank Precinct.</p> <p>The core objective was to enable a shared path network that is safe, continuous, legible and responsive to evolving strategic directions.</p>	<p>The recommendations of the study focused on achieving implementable solutions that enhance the already extensive path network.</p> <p>One key deliverable of the Study was the development of a Path Hierarchy to be used by Renewal SA in prioritising any upgrades to existing infrastructure as well as developing a framework for a future wayfinding strategy.</p> <p>Infrastructure and lighting upgrades were also concept designed and costed to sit</p>

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
		within the prioritised recommendations.

4.2. Further Investigations Proposed

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

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Review of relevant strategic plans/master plans	A detailed review of outcomes envisaged for Festival Plaza by relevant strategic plans and master plans, and whether policy contained in the Planning and Design Code is a barrier to realisation of these, will be undertaken.
Strategic Land Use Analysis	Strategic land use analysis including consideration of current land uses, the Festival Plaza 'place principles', articulation of the return public benefit and the significant civic value of the precinct that may be facilitated by the Code Amendment.
Visual Impact Analysis	The outcomes of any proposed policy changes for the affected area will need to be considered carefully in the context of maintaining any views of and from Parliament House and other key heritage place settings and buildings in the precinct.
Built Form Analysis	Investigations into site constraints such as relationship with adjacent heritage places, sight lines from prominent locations, proximity to the River Torrens and the like, to determine if existing built form policy requires amending.
Connectivity Analysis	Consideration will be given regarding the impacts of policy changes on access, pedestrian/cycling connectivity and wayfinding issues in the precinct.
Infrastructure Analysis	<p>The capacity of infrastructure supporting use of Festival Plaza and the broader Riverbank precinct will be considered to identify any constraints to highest and best possible use.</p> <p>The impact of potential policy changes on road, rail operations, utilities and any additional infrastructure will also be considered.</p>

<p>Broader review of the Planning and Design Code</p>	<p>Consideration will be given to Planning and Design Code policy applying to land surrounding the Festival Plaza, particularly the Capital City Zone, to determine whether there are any gaps in existing policy which would hinder the future vision of this space.</p>
<p>Cultural Heritage Site Analysis</p>	<p>Investigations will need to identify both Aboriginal and European heritage relevant to the affected area, and any implications for planning policy in the Code Amendment.</p>
<p>Assessment against the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</p>	<p>The Commonwealth Department of Agriculture, Water, and the Environment (DAWE) will need to be consulted on the Code Amendment as DAWE is the agency responsible for administering the EPBC Act.</p> <p>The EPBC Act currently applies to the area affected by the Code Amendment as it forms part of the Adelaide Park Lands, which is included as a place in the National Heritage List and is therefore protected as a Matter of National Environmental Significance.</p> <p>The EPBC Act is unlikely to be triggered by any rezoning or policy change through this Code Amendment but may need to be considered for any development which is consequential to the Code Amendment process.</p>

4.3. Engagement Already Undertaken

Previous engagement has been undertaken on the Riverbank Precinct over a period of several years, with a series of master planning processes and Development Plan Amendments / Code Amendments initiated or completed over the area which have all involved detailed engagement.

In 2011 the vision for the riverbank was updated through the release of the 2011 Riverbank Master Plan which focused on the revitalisation of Adelaide’s core Riverbank Precinct.

This was followed in 2013 by key zoning changes (through a Development Plan Amendment process) to allow for the construction and renewal of health, research and entertainment facilities and infrastructure along the Torrens Riverbank. These changes have resulted in the new Royal Adelaide Hospital, SAHMRI building, Adelaide Festival Plaza redevelopment and Lot Fourteen.

The most recent Code Amendment for the precinct was the Riverbank Precinct Code Amendment completed in 2022 which sought to progress initiatives of state significance including the development of the new Women’s and Children’s Hospital and expansion of the Adelaide Botanic High School.

Reviewing the policies that guide development in the Festival Plaza Precinct will ensure that they continue to align with the strategic vision for the area.

Renewal SA as the key government agency with an interest in land in the Riverbank Precinct (and landowner of Festival Plaza) has also been the subject of preliminary engagement to determine the final scope of this amendment.

4.4. Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the table below outlines the 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
Notification and meeting with landowners within the affected area and neighbouring landowners	Identify the potential impact of the proposed Code Amendment on land within the affected area, and on neighbouring land.
Community consultation	Broader community consultation to provide an opportunity for any interested community members to comment on the proposed outcomes of the Code Amendment.
Consultation with any person or body specified by the Commission under section 73(6)(e) of the Act.	The Engagement Plan will outline the specific method and nature of consultation.

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* (Practice Direction 2)

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):

- Given the proposal is specifically relevant to a particular Council (where Council did not initiate the proposal), the Adelaide City Council must be consulted;
- Given the Code Amendment has a specific impact on one 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; and
- 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 the Minister is furnished with a copy of the Engagement Report and that the Engagement Report is published on the SA Planning 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 Code Amendment is intended to be undertaken in line with the timeframe outlined **Attachment D**.

ATTACHMENT A

Affected Area



ATTACHMENT B

Affected Area - Current Zoning

Current Planning and Design Code: City Riverbank Zone (CR)



ATTACHMENT C

Affected Area - Current Subzone

Current Planning and Design Code City Riverbank Subzone: Entertainment (Ent)



ATTACHMENT D

Timetable for Code Amendment

Step	Responsibility	Timeframe
Approval of the Proposal to Initiate		
Proposal to Initiate agreed to by the Minister with advice from the State Planning Commission	Chief Executive (as Designated Entity)	2 weeks
Preparation of the Code Amendment		
Engagement Plan prepared Code Amendment Report prepared Pre-consultation with Commonwealth Department of Agriculture, Water and the Environment, Festival Plaza Committee, State Heritage (DEW), ODASA and Renewal SA Amendment Instructions prepared	Designated Entity	18 weeks
Preparation of Amendment Instructions and Mapping and provides to relevant Government Agencies	DTI	1 week
Preparation of Materials for Consultation	Designated Entity	Informed by Engagement Plan
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Engagement Plan	DTI/PLUS on behalf of the Commission	Informed by the Engagement Plan
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared	DTI/PLUS on behalf of the Commission	4 weeks
Commission consider and approve report to the Minister <i>Timeframe will be put on hold if further information is required, or if there are unresolved issues</i>	DTI	4 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	DTI	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	DTI	8 weeks



TO: MINISTER FOR PLANNING

RE: PROPOSAL TO INITIATE THE FESTIVAL PLAZA CODE AMENDMENT BY THE CHIEF EXECUTIVE – FOR INITIATION

PURPOSE

To recommend that you approve, with conditions, the Proposal to Initiate the Festival Plaza Code Amendment (the Proposal).

BACKGROUND

Section 73(2)(b)(i) of the *Planning, Development, and Infrastructure Act 2016* (Act) provides that a proposal to amend a designated instrument may be initiated by a Chief Executive with your approval, acting on the advice of the State Planning Commission (the Commission).

The Chief Executive of the Department for Trade and Investment has lodged a Proposal to Initiate a Festival Plaza Code Amendment to amend the Planning and Design Code (the Code) as it relates to the Affected Area (**Attachment 1**).

The Commission considered the Proposal to Initiate at its meeting of 24 August 2023 and resolved to support the Code Amendment, subject to conditions.

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 review policy applying those parts of the Riverbank Precinct (the Precinct) between the Adelaide Railway Station / Sky City Casino, the Adelaide Festival Centre, Parliament / Old Parliament House, and the eastern side of King William Road (identified as the 'Affected Area' in Figure 1 below).

The investigations will confirm the precise extent of the Affected Area.

#20261693

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Figure 1 – Affected Area



Planning and Design Code Zoning

The Affected Area is in the City Riverbank Zone. The following Overlays apply to the land:

- Aircraft Noise Exposure (ANEF 20)
- Airport Building Heights (Regulated) (*All structures over 90, 100 and 110 metres*),
- Building Near Airfields
- Design
- Heritage Adjacency
- Local Heritage
- State Heritage
- Hazards (Flooding – Evidence Required)
- Noise and Air Emissions
- Prescribed Wells Area
- Regulated and Significant Trees

The land surrounding the affected area is within the Capital City Zone to the immediate south, and the Adelaide Park Lands Zone to the west, north and east.

The Proposal will primarily focus on reviewing policy applying to the Festival Plaza area of the Precinct. Recognising the State Government’s vision of this area being a world-class hub for the arts, culture, tourism, and entertainment, the review will aim to ensure that policy is clear in its built form allowances, will achieve design excellence, considers the relationship with Parliament House and thereby maximises Festival Plaza’s potential.

Renewal SA, as the leading landowner in the Riverbank Precinct, has requested that the Chief Executive of the Department for Trade and Investment undertake the policy review.

The Commission is generally supportive of the outcomes of the Proposal.

Strategic Considerations

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

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

Strategic Advice

Festival Plaza has recently seen several significant infrastructure upgrades including the redevelopment of the ground level plaza (along with a new five level underground car park), the new SkyCity Casino building, Festival Centre and environs enhancements, a new northern entrance to the Railway Station concourse and, more recently, the development of the 29 storey ‘One Festival Tower’ which is nearing completion adjacent to Parliament House.

Policy applying to the affected area, particularly the City Riverbank Zone, Entertainment Subzone as it applies to the Festival Plaza area, is longstanding (its origins lie in the 2013 *Riverbank Health and Entertainment Areas Development Plan Amendment*). It therefore

may not provide contemporary guidance for future development that takes account of recent developments. A review of this policy that seeks to ensure that contemporary guidance is consistent with and will further the State Government's vision for the Precinct site being a world-class hub for the arts, culture, tourism, and entertainment, is warranted.

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. As such a number of conditions are recommended by the Commission as set out below.

Information Requirements

In accordance with *Practice Direction 2 – Preparation of Amendment of Designated Instruments*, the mandatory information requirements have been met and therefore the Proposal is of a suitable form to be considered by you.

Consistent with 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)* (the Regional Plan).

This assessment is provided in **Appendix A**. A more detailed analysis is also located in the Proposal to Initiate. In summary, the Proposal to Initiate is consistent with the SPPs and Regional Plan.

Designated Entity

The Chief Executive of the Department for Trade and Investment is proposed to be the Designated Entity and conduct the Code Amendment processes, pursuant to section 73(2)(b)(i) of the Act.

The Commission supports the Chief Executive being the Designated Entity in this instance. The documentation should, however, be prepared by a suitably qualified person to ensure statutory procedures and good planning outcomes are addressed.

Investigations to support the Amendment

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

The Commission considers these investigations to be suitable to inform the Code Amendment, and no other investigations are specified under section 73(6)(f) of the Act.

Application of the Code

The Proposal seeks to review and amend the Planning and Design Code as it applies to the Festival Plaza area of the Riverbank Precinct to ensure that the policy suitably aligns with future strategic land use opportunities and can deliver desired built form outcomes consistent with five 'place principles' which have been applied to the plaza.

The Code Amendment will achieve this by:

- considering and possibly refining policy articulating built form allowances
- considering and possibly refining policy articulating pedestrian connectivity through / into the Festival Plaza Precinct (including from land adjacent to the affected area), particularly in relation to any new building adjacent the One Festival Tower.
- Reviewing the City Riverbank Zone within the Affected Area to determine if any consequential changes or minor refinements may be required.

Engagement

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.

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):

- Renewal SA
- Festival Plaza Committee
- Department for Environment and Water, Heritage SA
- Department for Infrastructure and Transport
- Office for Design and Architecture SA
- Adelaide Park Lands Authority
- Adelaide Park Lands Preservation Association
- Kurna Yerta Aboriginal Corporation
- Adelaide Airport Limited
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

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

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

It will be important that the Code Amendment and any associated engagement documents be clearly identified as not constituting a development application.

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
2. Note that the State Planning Commission agrees that there is strategic justification for the Code Amendment arising from existing Code policy being longstanding with elements of ambiguity and therefore warrants review to ensure it provides contemporary guidance regarding future development of the Festival Plaza precinct. NOTED
3. 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
 - Renewal SA
 - Festival Plaza Committee
 - Department for Environment and Water, Heritage SA
 - Department for Infrastructure and Transport
 - Office for Design and Architecture SA
 - Adelaide Park Lands Authority
 - Adelaide Park Lands Preservation Association
 - Kaurna Yerta Aboriginal Corporation

- Adelaide Airport Limited
- State Members of Parliament for the electorate in which the proposed Code Amendment applies.

4. Approve Initiation of the Festival Plaza Code Amendment under section 73(2)(b)(i) of the Act, subject to the following conditions (under section 73(5) of the Act):

APPROVED / NOT APPROVED

a) 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 Festival Plaza Code Amendment on the basis that the Chief Executive of the Department for Trade and Investment 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 Code Amendment (**Attachment 1**).

AGREED / NOT AGREED

7. Agree to sign the attached letters advising of your approval and conditions to:

AGREED / NOT AGREED

- a) The Chief Executive of the Department for Trade and Investment (**Attachment 2**) and
- b) The City of Adelaide (**Attachment 3**).

NICK CHAMPION MP
/ / 2023



Craig Holden
CHAIR, STATE PLANNING COMMISSION
30 / 08 /2023

Attachments:

1. Proposal to Initiate (#20494708)
2. Letter to the Chief Executive of the Department for Trade and Investment (#20544969)
3. Letter to the City of Adelaide (#20544684)

Appendices:

- A. Assessment against the State Planning Policies and Regional Plan (#20261725)

Contact: Jason Bailey

Tel No: [REDACTED]