Section 73(10) of the Planning, Development and Infrastructure Act 2016

# Adelaide Aquatic Centre Code Amendment

By the Chief Executive, Department for Infrastructure and Transport

## THE AMENDMENT

Adopted by:

Hon Zoe Bettison

Minister for Tourism

As Delegate for the Minister for Planning

9,6,23

## Adelaide Aquatic Centre Code Amendment

#### Preamble

The amendment instructions below reflect the proposed changes to the Planning and Design Code (the Code) as outlined in the Draft Code Amendment released for public consultation. Changes were made to the Draft Amendment by the Designated Entity as a result of public consultation (outlined in the Engagement Report furnished to the Minister for Planning by the Designated Entity under section 73(7) of the *Planning*, *Development and Infrastructure Act 2016* [the Act]) as follows:

- Amendment to the Concept Plan and Adelaide Aquatic Centre Sub Zone boundary to:
  - Amend the potential area within which the new Adelaide Aquatic Centre can be sited by:
    - Introducing a 50-metre setback from Barton Terrace West (measured from back of kerb to main face of the building)
    - Removing the 'Indicative Adelaide Aquatic Centre Site' hatching from the car park area and increasing the set back to Jeffcott Street.
  - Identify the future Adelaide Park Lands Trail connection.
  - Identify Avenue Tree Planting for protection located along the diagonal path that runs from O'Connell Street to the southeast corner of the existing Adelaide Aquatic Centre.
  - Extend the car park boundary to the east.
  - Identify key biodiversity areas for protection along O'Connell Street.
  - Extend the Adelaide Aquatic Centre Sub Zone boundary to the east by six metres to allow for a
    design response that creates a visually appealing and functional entrance to the new Adelaide
    Aquatic Centre.
- Amendment to the Adelaide Aquatic Centre Sub Zone policy provisions to include:
  - No net loss of Park Lands and protection of heritage values
    - Revise Desired Outcome of the Sub Zone to strengthen references to the National Heritage Values of the Adelaide Park Lands.
    - Introduce a new policy into the Sub Zone requiring buildings to be fit for purpose while minimising the building footprint on the landscape and open setting of the Adelaide Park Lands.
  - Land use
    - Revise Performance Outcome 1.6 and renumber to P.O 1.4 of the Sub Zone to more specifically seek the return of the existing Adelaide Aquatic Centre to Park Lands, including reinstatement of multipurpose ovals (soccer/cricket) for outdoor passive and active recreation, sport and /or ancillary uses.
    - Remove from DTS/DPF 1.1 land uses that are already listed in the Park Lands Zone to avoid confusion that these uses are specifically envisaged in the Sub Zone (e.g. Special Events).
       Also remove gymnasium which technically falls under the definition of indoor recreation facility.
    - Revise DTS/DPF 1.3 to require offices, consulting rooms and creche facilities to be under the main roof and subordinate to an indoor recreation facility that accommodates swimming, recreation and wellness facilities. Further, limit shops not under the main roof to 50m2.
  - Design and siting
    - Include additional policies within the Sub Zone to address design and siting, including stronger references to the landscaped setting and avenue tree planting along key pedestrian and cyclist pathways.

- Car parking
  - Amend Performance Outcome 1.4 and renumber to P.O 1.10 of the Sub Zone to require development to minimise the extent as well as the general impact of car parking.
- Accepted Development
  - Reduce the scope of essential infrastructure that is accepted development.
  - Add accepted assessment criteria to temporary development related to construction activities.

The amendment instructions below reflect these changes.

#### **Amendment Instructions**

The following amendment instructions (at the time of drafting) relate to the Planning and Design Code, version 2023.5 published on 30 March 2023. Where amendments to the Planning and Design Code have been published after this date, consequential changes to the following amendment instructions will be made as necessary to give effect to this Code Amendment. The Minister specifies under section 73(12)(c) of the Act that this Code Amendment will take effect on the day that it is deployed into both the electronic Planning and Design Code and the South Australian Property and Planning Atlas.

#### Instructions

Amend the Code as follows:

- Spatially apply the Adelaide Park Lands Zone to the 'area affected' bounded by the blue line in Map A
  contained in Attachment A.
- 2. Spatially apply the Adelaide Aquatic Centre Sub Zone (within the Adelaide Park Lands Zone) to the 'area affected' bounded by the blue line in **Map B** contained in **Attachment B**.
- 3. In Part 12 Concept Plans, under the section relating to Adelaide City, insert new 'Concept Plan 132 Adelaide Aquatic Centre' contained in Attachment C.
- 4. Spatially apply **Concept Plan 132 Adelaide Aquatic Centre** to the 'Concept Plan Boundary' bounded by the blue line contained in **Attachment D** within the Concept Plan Technical & Numeric Variations Layer of the SA Property and Planning Atlas.
- 5. In Part 2 Zones and Sub Zones, amend the Adelaide Park Lands Zone in accordance with the tracked changes shown in **Attachment E**.
- 6. In Part 2 Zones and Sub Zones, introduce the Adelaide Aquatic Centre Sub Zone to the Adelaide Park Lands Zone in accordance with the tracked changes shown in **Attachment F**.
- 7. In Part 2 Zones and Sub Zones, within the Adelaide Park Lands Zone, amend Table 3 Applicable Policies for Performance Assessed Development for 'shop' by including the following policy linkages:
  - a. Adelaide Aquatic Centre Subzone [Land Use and Intensity]: PO 1.3, 1.4
  - b. Adelaide Aquatic Centre Subzone [Design and Siting]: PO 2.1, 2.2, 2.3, 2.4
  - c. Adelaide Aquatic Centre Subzone [Car Parking]: PO 3.1, 3.2.
- 8. In Part 13 Table of Amendments, update the publication date, Code version number, amendment type and summary of amendments within the 'Table of Planning and Design Code Amendments' to reflect the publication of this Code Amendment.

ATTACHMENT A

Map A – Proposed Adelaide Park Lands Zone

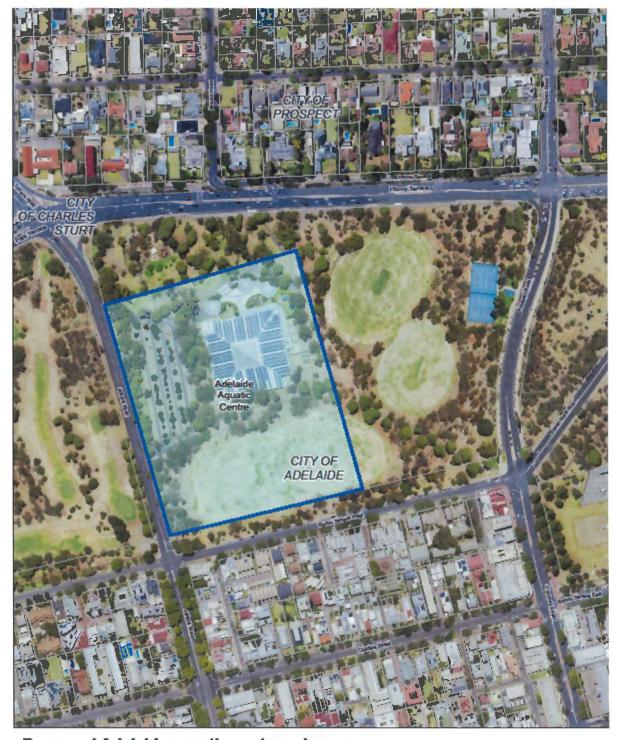


#### Proposed Adelaide park lands zone



Attachment B

Map B – Adelaide Aquatic Centre Sub Zone

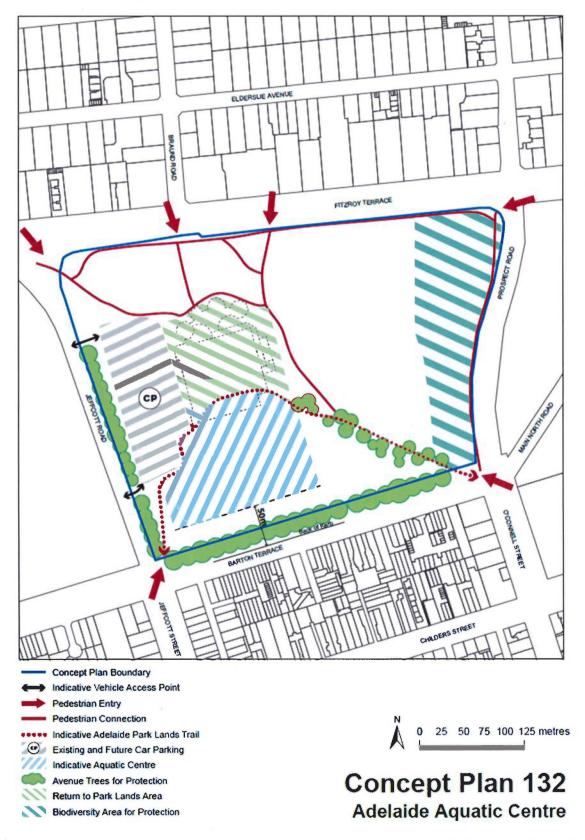


#### Proposed Adelaide aquatic centre subzone



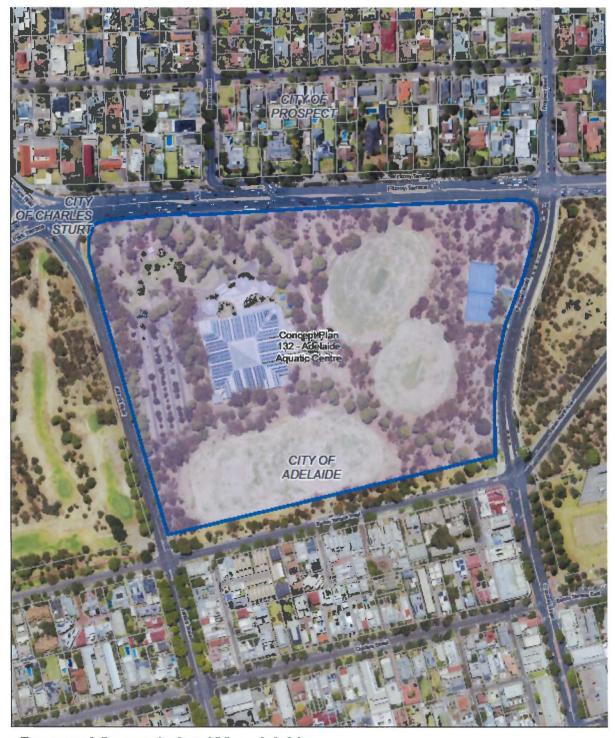
ATTACHMENT C

Map C – Adelaide Aquatic Centre Concept Plan



ATTACHMENT D

Map D – Adelaide Aquatic Centre Concept Plan TNV Boundary



Proposed Concept plan 132 - adelaide aquatic centre technical numerical variation



# ATTACHMENT E Adelaide Park Lands Zone

# Part 2 - Zones and Sub Zones

## Adelaide Park Lands Zone

Note: Green is new text, Red is deleted text

### **Assessment Provisions (AP)**

#### **Desired Outcome (DO)**

Desired Outcome			
DO 1	A unique publicly accessible and well connected open space system, including the formal city squares, that creates a distinctive landscaped park setting for the City of Adelaide.		
DO 2	A range of passive and active recreational activities with a high-level of amenity, including a safe and connected walking and cycling network, natural areas, sporting fields and club facilities, formal cultural gardens, public artwork and passive recreation areas, as well as opportunities to support a variety of temporary events, such as festivals, concerts and sporting events.		

# Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use a	and Intensity
PO 1.1  A diverse range of open space, recreation and sporting activities.	DTS/DPF 1.1  Development comprises one or more of the following:  1. Advertisement 2. Conservation work 3. Outbuilding associated with open space maintenance 4. Recreation area 5. Shop 6. Special events 7. Sporting field or club facility

	8. Structures associated with a public facility such as bike and vehicle parking, picnic / barbeque area, shelter and toilet.
PO 1.2  Shops in appropriate areas of the Adelaide Park Lands:  1. provide a range of goods and services for the users of activities in the Adelaide Park Lands and where such goods and services are not otherwise conveniently located and 2. positively contribute to Adelaide Park Lands activation and setting without being visually prominent.	DTS/DPF 1.2  Shops (other than in the Adelaide Aquatic Centre Sub Zone):  1. are ancillary to a recreational use, club, sporting facility 2. do not exceed 50m² in gross leasable floor space and 3. do not increase the building footprint.
PO 1.3  Community, cultural, tourism, shop or licensed premises located adjacent to the southern bank of the River Torrens between Montefiore Road and King William Road.	DTS/DPF 1.3  None are applicable.
PO 1.4  Community, cultural and tourism uses in association with the Torrens Training Depot and Parade Ground.	DTS/DPF 1.4  None are applicable.
PO 1.5  Special events in suitable locations and recreation uses of a temporary or transient nature limiting their impacts on the open and natural character of the Adelaide Park Lands.	DTS/DPF 1.5  None are applicable.
PO 1.6  The adaptive reuse of existing buildings to improve the design quality and appearance of the building, minimise the need to increase the building footprint and positively contribute to the cultural value, amenity and activation of the Adelaide Park Lands.	DTS/DPF 1.6  None are applicable.
PO 1.7  Other than in the Adelaide Centre Sub Zone, new buildings seek to minimise the building footprint on the landscaped and open setting of the Adelaide Park Lands and should only be considered where:	DTS/DPF 1.7  None are applicable.

the development is the replacement of an existing building and does not increase the overall building footprint 2. the building design is contextual and of high-quality so that it complements its setting when viewed from all perspectives 3. provides complementary recreation, sporting or tourism facilities that could not otherwise have been provided in the zone and the building is designed to be multipurpose and can be used by more than one user group. PO 1.8 The redevelopment of existing buildings and structures within the following sites in a way that is ancillary and complementary to existing uses including: 1. Adelaide Oval 2. Memorial Drive tennis precinctformal sport related facilities 3. Torrens Lake - boating facilities 4. Adelaide High School - education and related facilities 5. National Wine Centre - tourism related facilities within the

#### DTS/DPF 1.8

None are applicable.

#### PO 1.9

Development at the Adelaide Aquatic Centre site consolidates and replaces existing buildings with recreational sporting clubrooms, facilities and associated administrative functions.

services facilities 11. Victoria Park Grandstand.

restaurants

existing site boundaries

restaurants, function facilities and passive recreation facilities 7. Adelaide Zoo - a range of tourism and visitor related facilities that add to the zoo as a key city attraction 8. Golf Course - club facilities and

9. West Terrace Cemetery - chapel, visitor and interpretative centre and operational facilities 10. North Adelaide Train Station - rail

6. Adelaide Botanic Garden -

#### DTS/DPF 1.9

None are applicable.

PO 1.9

**DTS/DPF 1.90** 

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None are applicable.
nd Character
DTS/DPF 2.1
None are applicable.
DTS/DPF 2.2
None are applicable.
DTS/DPF 2.3  None are applicable.
DTS/DPF 2.4
None are applicable.
andscape Character
DTS/DPF 3.1  None are applicable.
DTS/DPF 3.2

Development recognises the Park Land's National Heritage Values.	None are applicable.
PO 3.3  Development maintains the visual distinction between the predominantly open landscape character of the Adelaide Park Lands and the built-form of adjacent Zones.	DTS/DPF 3.3  None are applicable.
PO 3.4  Development contributes to the return of	DTS/DPF 3.4
alienated land to Adelaide Park Lands where practical.	None are applicable.
PO 3.5	DTS/DPF 3.5
Development sensitive to native biodiversity which incorporates ways to protect and improve biodiversity through its design and siting.	None are applicable.
PO 3.6  Development enhances natural creek channels	DTS/DPF 3.6
and watercourses as a major landscape and stormwater management feature.	None are applicable.
	sements
PO 4.1  Permanent advertisements or advertising hoardings only provide interpretive information or directions relating to features and facilities within the Adelaide Park Lands.	DTS/DPF 4.1-  None are applicable.
PO 4.2  Temporary advertisements relating to a local event of a religious, educational, cultural, social or recreational character or to an event of a political character limited in size and number which do not detract from the open and natural character of the zone.	Advertisements:  1. not exceeding 2m² on a building or site 2. not displayed more than 1 month prior to the event and 1 week after the event concludes except for an advertisement that relates to a federal, state or local government election and 3. do not:  1. move or flash 2. reflect light so as to be an undue distraction to motorists 3. use internal lighting or 4. principally advertise brands or products.
Movement, acc	ess and parking

PO 5.1	DTS/DPF 5.1
Development does not restrict public access to land within the zone and ensures the Adelaide Park Lands are universally accessible.	None are applicable.
PO 5.2	
Car parking in the Zone is limited to serving activities within the Adelaide Park Lands, and located close to existing road networks to minimise impact on the Adelaide Park Lands character.	DTS/DPF 5.2  None are applicable.
PO 5.3	
Other than in the Adelaide Aquatic Centre Sub Zone, additional car parking is avoided by utilising on street parking or shared parking areas, locating close to walking and cycling infrastructure, utilising the existing road network and other such means.	DTS/DPF 5.3  None are applicable.
PO 5.4	DTS/DPF 5.4
Public vehicle access limited to existing roads.	None are applicable.
Fer	icing
Fencing is open so that Adelaide Park Lands character is maintained, and maintains public access.	DTS/DPF 6.1  None are applicable.
Conce	pt Plans
	DTS/DPF 7.1
	The site of the development is wholly located outside any relevant Concept Plan boundary. The following Concept Plans are relevant:  Description
PO 7.1	Description
Development is compatible with the outcomes	Concept Plan 79 - Primary Pedestrian Area
sought by any relevant Concept Plan contained within Part 12 - Concept Plans of the Planning and Design Code to support the orderly development of land through staging of development and provision of infrastructure.	Concept Plan 125 - City Riverbank - West
	Concept Plan xx – Adelaide Aquatic Centre
	In relation to DTS/DPF 7.1, in instances where:
	one or more Concept Plan is returned, refer to Part 12 - Concept Plans in the Planning and Design Code to determine if a Concept Plan is relevant to the site of

	the proposed development. Note: multiple concept plans may be relevant. 2. in instances where 'no value' is returned, there is no relevant concept plan and DTS/DPF 7.1 is met.
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## **Table 1 - Accepted Development Classification**

The following table identifies Classes of Development that are classified as Accepted Development subject to meeting the Accepted Development Classification Criteria.

Class of Development	Accepted Development Classification Criteria
Essential Infrastructure	The development does not include health, education or community facilities, police, justice or emergency services facilities.
Fence and retaining wall structure Except where any of the following apply:  Coastal Areas Overlay Hazards (Flooding) Overlay Local Heritage Place Overlay State Heritage Area Overlay State Heritage Place Overlay	<ol> <li>The retaining wall retains a difference in ground levels not exceeding 1.5 metres (measured from the lower of the 2 adjoining finished ground levels.</li> <li>The total combined height of the fence and retaining wall structure is less than 3.3 metres in height (measured from the lower of the 2 adjoining finished ground levels)</li> <li>The structure is located behind the building line of the associated dwelling and any dwelling on adjoining land.</li> <li>The structure is not located on a secondary street boundary.</li> <li>The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas</li> </ol>
Internal building work	There will be no increase in the total floor
Except where any of the following apply:	area of the building
<ul> <li>Local Heritage Place Overlay</li> <li>State Heritage Area Overlay</li> <li>State Heritage Place Overlay</li> </ul>	<ol> <li>Other than where located within the Historic Area Overlay there will be no alteration to the external appearance of the building to any significant degree</li> <li>There will be no alteration to the external appearance of the building where located within the Historic Area Overlay.</li> </ol>
Partial demolition of a building or structure	None
Except where any of the following apply:	
<ul> <li>Historic Area Overlay</li> <li>Local Heritage Place Overlay</li> <li>State Heritage Place Overlay</li> <li>State Heritage Place Overlay</li> </ul>	

#### Shade sail

Except where any of the following apply:

- Future Local Road Widening Overlay
- Future Road Widening Overlay
- Historic Area Overlay
- Local Heritage Place Overlay
- State Heritage Area Overlay
- State Heritage Place Overlay

- 1. The development will not be contrary to the regulations prescribed for the purposes of section 86 of the *Electricity Act* 1996
- 2. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system
- Shade sail consists of permeable material
- 4. The total area of the sail does not exceed 40m<sup>2</sup>
- 5. No part of the shade sail will be:
  - 3m above ground or floor level (depending on where it is situated) at any place within 900mm of a boundary of the allotment
  - 2. 5m above ground or floor level (depending on where it is situated) within any other part of the allotment
- 6. Primary street setback at least as far back as the building line of the building to which it is ancillary
- If any part of the sail will be situated on a boundary of the allotment, the length of sail along a boundary does not exceed 8m
- 8. In a case where any part of the sail or a supporting structure will be situated on a side boundary of the allotment the length of the sail and any such supporting structure together with all relevant walls or structures located along the boundary will not exceed 45% of the length of the boundary
- 9. Does not involve the clearance of native vegetation
- 10. The development will not be located within the extents of the River Murray 1956 Flood Level as delineated by the SA Property and Planning Atlas.

# Solar photovoltaic panels (roof mounted) Except where any of the following apply:

- Local Heritage Place Overlay
- State Heritage Area Overlay
- State Heritage Place Overlay
- 1. The development will not be contrary to the regulations prescribed for the purposes of section 86 of the *Electricity Act* 1996
- 2. Panels are installed parallel to the roof of a building and with the underside surface of the panel not being more than 100mm above the surface of the roof
- 3. Panels and associated components do not overhang any part of the roof
- Does not apply to system with a generating capacity of more than 5MW that is to be connected to the State's power system
- If the building is in a Historic Area Overlay-no part of the system, when

	installed, will be able to be seen by a person standing at ground level in a public street.
Stormwater infrastructure within the Adelaide Aquatic Centre Sub Zone.	
Temporary public service depot Except where any of the following apply:  Hazards (Flooding) Overlay Local Heritage Place Overlay Major Urban Transport Routes Overlay State Heritage Place Overlay Traffic Generating Development Overlay Urban Transport Routes Overlay	<ol> <li>Occupies land for no longer than 3 months</li> <li>Ensures litter and water are contained on site</li> <li>Provides temporary security fencing around the perimeter of the site.</li> </ol>
Temporary buildings and structures within the Adelaide Aquatic Centre Sub Zone.	The development is related to construction activities.     The development includes one or more of the following:          a) site offices          b) gantries          c) temporary fencing          d) hoarding and scaffolding          e) other temporary construction related buildings or structure.
Temporary car parking facilities within the Adelaide Aquatic Centre Sub Zone.	The development provides temporary car parking during construction or demolition works using existing entry and exit points (or entry and exit points with a valid planning consent).
Water tank (underground) Except where any of the following apply:	The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or waste control system
<ul> <li>Coastal Areas Overlay</li> <li>Hazards (Acid Sulfate Soils) Overlay</li> <li>Ramsar Wetlands Overlay</li> </ul>	The tank (including any associated pump) is located wholly below the level of the ground
	Does not involve the clearance of native vegetation.

## Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

#### Interpretation

Notification tables exclude the classes of development listed in Column A from notification provided that they do not fall within a corresponding exclusion prescribed in Column B.

Where a development or an element of a development falls within more than one class of development listed in Column A, it will be excluded from notification if it is excluded (in its entirety) under any of those classes of development. It need not be excluded under all applicable classes of development.

Where a development involves multiple performance assessed elements, all performance assessed elements will require notification (regardless of whether one or more elements are excluded in the applicable notification table) unless every performance assessed element of the application is excluded in the applicable notification table, in which case the application will not require notification.

H	Class of Development	Exceptions
	(Column A)	(Column B)
1.	Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2.	Any kind of development where the site of the development is <b>not</b> adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.	<ol> <li>Except any of the following:</li> <li>the demolition of a State or Local Heritage Place</li> <li>the demolition of a building (except an ancillary building) in a Historic Area Overlay.</li> </ol>

2. Any development involving any of the None specified. following (or of any combination of any of the following): 1. advertisement 2. conservation work 3. fence 4. internal building work 5. outbuilding associated with open space maintenance 6. recreation area 7. retaining wall 8. shade sail 9. solar photovoltaic panels (roof mounted) 10. special events 11. sporting field or club facility 12. structures associated with a public facility such as bike and vehicle parking, picnic / barbeque area, shelter and toilet 13. temporary public service depot 14. water tank. 1. Demolition. Except any of the following: 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay. 1. Shop. Except shop that does not satisfy Adelaide Park Lands Zone DTS/DPF 1.2.

#### Placement of Notices - Exemptions for Performance Assessed Development

None specified.

#### Placement of Notices - Exemptions for Restricted Development

None specified.

# ATTACHMENT F Adelaide Aquatic Centre Sub Zone

## **Adelaide Aquatic Centre Sub Zone**

#### **Assessment Provisions (AP)**

#### **Desired Outcome (DO)**

Desired Outcome		
DO 1	A recreation precinct that is a destination for quality leisure, recreation, health and wellness, and sport.	
DO 2 Exemplary buildings that are respectful of the National Heritage Values Adelaide Park Lands.		

# Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use a	and Intensity
PO 1.1	DTS/DPF 1.1
A range of open space, recreation and/or sport facilities.	Development comprises one or more of the following (which are additional to those development types listed in DTS/DPF 1.1 of the Adelaide Park Lands Zone):  Consulting room Office Indoor recreation facility Lighting Swimming pool.
PO 1.2	DTS/DPF 1.2
An indoor recreation facility accommodating swimming, recreation and wellness facilities.	None are applicable.
PO 1.3	DTS/DPF 1.3
Non-recreation land uses are subordinate to the principal recreational use of the land.	Offices, consulting rooms or creche facilities are under the main roof of and subordinate to an indoor recreation facility.  Shops:

PO 1.4  Redevelop the Return to Park Lands Area, as shown on Concept Plan X, for multipurpose ovals (soccer/cricket) and outdoor passive and active recreation, sport and /or ancillary uses.	Are ancillary to a recreational use, club or sporting facility and do not exceed 50m2 in gross leasable floor space; or     Under the main roof of an indoor recreation facility that accommodates swimming, recreation and wellness facilities.   DTS/DPF 1.4  None are applicable.
Design and Siting	
PO 2.1  Buildings are fit for purpose while minimising the building footprint on the landscaped and open setting of the Adelaide Park Lands.	None are applicable.
PO 2.2  Buildings are designed to be viewed from all	DTS/DPF 2.2  None are applicable.
perspectives and have strong connections to land within the surrounding precinct.	попе аге аррисавіе.
PO 2.3	DTS/DPF 2.3
Development is responsive to and is enhanced by its landscape setting.	None are applicable.
PO 2.4	DTS/DPF 2.4
Provide tree planting along key pedestrian and cycle pathways to enhance amenity and legibility.	None are applicable.
Car Parking	
PO 3.1	DTS/DPF 3.1
Provide adequate on-site car parking taking into account the availability of on-street parking, public transport access, walking and cycling	None are applicable.

connections, and the availability of shared parking arrangements.	
PO 3.2	DTS/DPF 3.2
Minimise the extent and impact of car parking on the Adelaide Park Lands through landscaping and other design strategies.	None are applicable.