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Hon Josh Teague MP
Minister for Planning and Local Government

By email: 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 0417 878 364. I trust this information is of assistance in your deliberations.

Yours sincerely



Craig Holden
Chair