

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

1 Walkerville Terrace, Gilberton

By Pierce Matthews Pty Ltd, Buckingham Arms Hotel Pty Ltd, GBS Café Pty Ltd (formerly Home Supplies Pty Ltd) and Seymews Nominees Pty Ltd (*the Proponent*)



(Signature Required)

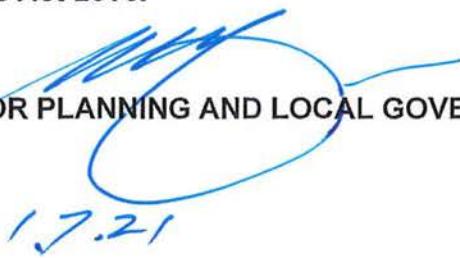
Andrew Kemp
Chief Executive Officer
Pierce Matthews Pty Ltd

Date: 10 May 2021

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*.

MINISTER FOR PLANNING AND LOCAL GOVERNMENT

Date:


17.21

1. INTRODUCTION.....	3
1.1. Designated Entity for Undertaking the Code Amendment.....	3
1.2. Rationale for the Code Amendment.....	4
2. SCOPE OF THE CODE AMENDMENT	6
2.1. Affected Area	6
2.2. Scope of Proposed Code Amendment	8
3. STRATEGIC ALIGNMENT.....	9
3.1. Alignment with State Planning Policies.....	9
3.2. Alignment with Regional Plans.....	10
3.3. Alignment with Other Relevant Documents	13
4. INVESTIGATIONS AND ENGAGEMENT	16
4.1. Investigations Already Undertaken.....	16
4.2. Further Investigations Proposed.....	20
4.3. Engagement Already Undertaken.....	21
4.4. Further Engagement Proposed.....	22
5. CODE AMENDMENT PROCESS	23
5.1. Engagement Plan.....	23
5.2. Engagement Report.....	24
5.3. Code Amendment Timetable.....	24

1. INTRODUCTION

In accordance with Section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* (the ‘Act’), Pierce Matthews Pty Ltd, Buckingham Arms Hotel Pty Ltd, GBS Café Pty Ltd and Seymews Nominees Pty Ltd (the ‘Proponent’) seeks the approval of the Minister for Planning (the ‘Minister’) to initiate an amendment to the Planning and Design Code (the ‘Code Amendment’) as it relates to land at 1 Walkerville Terrace, Gilberton (the ‘Affected Area’).

Commonly known as the Buckingham Arms Hotel, the Affected Area has been identified within the Government of South Australia’s Inner Rim Metro Structure Plan as a strategic site which forms a key element of the proposed ‘City Gateway (Robe Terrace)’ where a more intense form of development and increased streetscape activity is anticipated. The development outcome sought by the Inner Rim Metro Structure Plan is unlikely to be achieved under the current Local Activity Centre Zone within the Planning and Design Code which seeks a maximum building height of three (3) storeys.

Prior to the introduction of the Planning and Design Code, the Affected Area was proposed to be rezoned via a privately funded Development Plan Amendment (DPA) initiated by the Town of Walkerville. The DPA sought to introduce a policy framework which facilitates sensitive infill development in the form of medium density housing, supported by complementary non-residential land uses. However, the Town of Walkerville subsequently withdrew its support for the DPA due to concerns that the proposed policy framework (as expressed in the then draft Planning and Design Code) contemplated building heights and setbacks that did not align with the Council’s desired outcome for the Affected Area.

This Proposal to Initiate an Amendment to the Planning and Design Code (‘Proposal to Initiate’) provides details in relation to the scope of the Code Amendment. It also identifies the relevant strategic and policy considerations, the nature of investigations to be carried out and other information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

The Proponent requests that the Minister grant it approval under Section 73(2)(b) of the Act on the basis that it (i.e., the Proponent) will conduct the processes specified in Section 73 of the Act.

We confirm that the Proponent has a legal interest in the whole of the Affected Area as identified in Section 2.1 of this document.

The Proponent acknowledges that, under section 73(5) of the Act, the Minister may specify conditions on approving this Proposal to Initiate. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.

1.1. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1. The Proponent acknowledges that it will be responsible for undertaking the Code Amendment process in accordance with the requirements of the Act.
- 1.1.2. The Proponent declares that it has not and does not intend to enter into an agreement with a third party for the recovery of costs incurred in relation to the Code Amendment under section 73(9) of the Act. If the Proponent does

enter into such an agreement, the Proponent will notify the Department prior to finalising the Engagement Report under section 73(7).

- 1.1.3. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:
 - a) Richard Dwyer – Managing Director, Ekistics Planning & Design (Accredited Professional – Level 1)
 - b) Email: rdwyer@ekistics.com.au
 - c) Phone: 08 7231 0286
- 1.1.4. The Proponent intends to utilise the services of Ekistics Planning and Design ('Ekistics') to assist it in undertaking the Code Amendment. Ekistics is a specialist planning consultancy comprised of a team of Accredited Professionals with significant experience in the preparation of planning policy as well as land use investigations and community engagement. The Code Amendment process will be undertaken by planning practitioners who have qualifications and experience that is equivalent to a Accredited Professional – Planning Level 1
- 1.1.5. Either Ekistics or a separate independent community engagement specialist (to be confirmed) will be engaged to undertake required community engagement in accordance with Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument and the Community Engagement Charter. Required community engagement will be undertaken by specialist community engagement or planning practitioners who have qualifications and experience that is equivalent to an Accredited Professional – Planning Level 1. Required community engagement would be undertaken under the general direction of Richard Dwyer at Ekistics Planning and Design Pty Ltd.
- 1.1.6. The Proponent acknowledges that the Minister may, under section 73(4)(b) of the Act, determine that the Chief Executive of the Department will be the Designated Entity responsible for undertaking the Code Amendment. In this case, the Proponent acknowledges and agrees that the Chief Executive may charge the Proponent the reasonable costs incurred by the Chief Executive in conducting the Code Amendment process in accordance with Section 73 of the Act.

1.2. Rationale for the Code Amendment

The Affected Area is currently located within the Local Activity Centre Zone as expressed in the Planning and Design Code. However, the Affected Area has been identified as a strategic 'gateway' site by key State and Local Government planning strategies. This reflects its location on a major intersection, at the entrance to the Council area and on the edge of the Adelaide Park Lands. Therefore, it follows that the planning policies guiding future development in the Zone should reflect its 'gateway' status.

Despite its strategic location, the Local Activity Centre Zone only seeks shops, offices, business, health and community facilities that are small in scale. While residential development is contemplated in the Zone, it can only occur where it does not prejudice the operation of retail, office, or community facilities and services related activity within the zone. Given that there is currently no retail activity in the Local Activity Centre Zone, this restriction on residential development is considered to be restrictive and unnecessary.

Further, the Local Activity Centre Zone contains a maximum building height of three (3) levels which places a significant and unwarranted constraint on development that does not reflect the strategic 'gateway' location of the site.

Noting the existing restrictions placed on development by the Local Activity Centre Zone, the Proponent wishes to progress a Code Amendment for the Affected Area to facilitate a form of development which is more in keeping with the designation of the area as a strategic 'gateway' site. Comprising an area of approximately 6,200m² with frontages of approximately 105 metres to Walkerville Terrace and 120 metres to Northcote Terrace, the Buckingham Arms Hotel and associated car parking represents the major land parcel and dominant use in this portion of the Local Activity Centre Zone. Accordingly, the Code Amendment represents a unique opportunity to facilitate sensitive infill development which responds to the context of this large, consolidated site adjacent high frequency public transport corridors.

More specifically, the Code Amendment is intended to facilitate a mixed-use development outcome to accommodate medium density housing amongst other non-residential uses. For example, possible development options could include housing for the aged and/or a nursing home, and suitable non-residential development.

Importantly, the Affected Area includes the Local Heritage listed Buckingham Arms Hotel. However, this listing is limited to the:

'External Form, materials and detailing of the hotel. Excludes later additions and alterations'.

Therefore, an opportunity exists to retain the heritage fabric of the original Buckingham Arms Hotel while still allowing substantial redevelopment to occur within or in the area presently occupied by the more recent additions, and the broader site.

In summary, the purpose of the Code Amendment is to investigate policy amendments to facilitate sensitive infill development in the form of medium density housing, and suitable non-residential uses, which is compatible with the context and character of the locality, as well as the external heritage fabric of the original Buckingham Arms Hotel.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The Affected Area 1 is located at 1 Walkerville Terrace, Walkerville (see Figure 1) and comprises eleven (11) contiguous Certificates of Title as follows:

- Allotments 1 and 2, Volume 5611 Folio 691;
- Allotments 3 and 9, Volume 5878 Folio 617;
- Allotment 4, Volume 5879 Folio 724;
- Allotment 5, Volume 5219 Folio 297;
- Allotment 6, Volume 5164 Folio 460;
- Allotment 56, Volume 5782 Folio 220;
- Allotment 57, Volume 5878 Folio 618;
- Allotment comprising pieces 58 and 59, Volume 5952 Folio 326;
- Allotment 59, Volume 5878 Folio 620;
- Allotment 62, Volume 5782 Folio 735; and
- Allotment 60, Volume 5878 Folio 606.

Figure 1: Affected Area



The Affected Area comprises the Buckingham Arms Hotel which is a two-storey building located on the corner of Walkerville Terrace and Northcote Terrace. A substantial at-grade car parking area is located at the rear of the hotel with vehicular access provided to both Walkerville Terrace and Northcote Terrace. An ancillary storage building is also located in the car park to the north of the hotel.

The Affected Area adjoins a consulting room to the north and residential development in the form of single-storey residential flat buildings to the north-east.

To the north-west of the Affected Area, on the opposite side of Northcote Terrace, are four (4) land parcels which are presently occupied by *Assured Home Loans*; *Impressions Photography Studio*; and two (2) single storey detached residential dwellings.

To the south-east of the Affected Area, on the opposite side of Walkerville Terrace, are two (2) land parcels occupied by the SA Water *Gilberton Pump Station*.

As illustrated in *Figure 2*, the Zone arrangements surrounding the Affected Area comprise:

- To the west of the Affected Area is the *Established Neighbourhood Zone* and majority of that area includes the *Medindie Historic Area Statement (Walk2) Overlay* (Town of Walkerville).
- To the north of the Affected Area is the *Established Neighbourhood Zone* (Town of Walkerville).
- To the east of the Affected Area is the *Established Neighbourhood Zone* and majority of that area includes the *Gilberton South Historic Area Statement (Walk5) Overlay* and the *Gilberton North Historic Area Statement (Walk4) Overlay* (Town of Walkerville).
- To the south of the Affected Area is *Adelaide Park Lands Zone* (City of Adelaide).

Figure 2: Current Zoning



2.2. Scope of Proposed Code Amendment

The Code Amendment proposes to introduce a policy framework which will facilitate sensitive infill development in the form of medium rise housing, supported by complementary non-residential uses, that is compatible with the context and character of the locality. More specifically, it is intended that the Code Amendment will:

- Replace the existing Local Activity Centre Zone covering the Affected Area with the Urban Corridor (Living) Zone;
- Introduce a policy framework which will enable a desired development outcome as follows:
 - A medium net residential density in the order of 35-70 dwellings per hectare;
 - Maximum building heights of 5 to 6 levels;
 - An ‘incentive’ policy, which would allow for taller buildings, where the development delivers specified and measurable performance outcomes; and
 - No minimum setbacks from Northcote Terrace, Walkerville Terrace and Robe Terrace to encourage activation of the streetscape.

Current Policy	The Affected Area is wholly located in the Local Activity Centre Zone The following Technical and Numerical Variations apply to the Affected Area: <ul style="list-style-type: none">• Maximum Building Height (Levels) (<i>Maximum building height is 3 levels</i>) The following Overlays apply to the Affected Area: <ul style="list-style-type: none">• Aircraft Noise Exposure (ANEF 20)• Airport Building Heights (Regulated) (<i>All structures over 110 metres</i>)• Advertising Near Signalised Intersections• Future Road Widening• Heritage Adjacency• Hazards (Flooding General)• Local Heritage Place• Major Urban Transport Routes• Prescribed Wells Area• Regulated Trees• Traffic Generating Development
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Amendment Outline	The overall objective for the Code Amendment is to introduce a policy framework which will facilitate the creation of a mixed use area with a strong residential focus that provides a diverse range of medium density housing options primarily in multi-level medium rise buildings and/or by compatible non-residential land uses oriented towards primary road corridors.
Intended Policy	<p>The Code Amendment intends to replace the existing Local Activity Centre Zone with the Urban Corridor (Living) Zone while also ensuring that the Technical Numerical Variations allow for future development which:</p> <ul style="list-style-type: none"> • Achieves a medium net residential density of approximately 35-70 dwellings per hectare. • Consists of buildings of up to 5-6 levels in height; and • Is sited on the Northcote Terrace and Walkerville Terrace frontages to encourage streetscape activation.

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 Code Amendment should be initiated because it aligns with or seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<ul style="list-style-type: none"> • SPP 1 – Integrated Planning: Integrated planning coordinates the strategic use of land with 	The Code Amendment will be consistent with the key policy directions proposed by the State Planning Policies. By facilitating opportunities for residential and non-residential development

<p>the necessary services and infrastructure.</p> <ul style="list-style-type: none"> • <i>SPP 2 – Design Quality:</i> Good design improves the way our buildings, streets and places function, making them more sustainable, more accessible, safer and healthier. • <i>SPP 3 – Adaptive Reuse:</i> Adaptive reuse of buildings, sites and places can have cultural, social, economic and environmental benefits. It can rejuvenate neighbourhoods and strengthen a sense of place and familiarity with the surrounding environment. • <i>SPP 6 - Housing Supply and Diversity:</i> Our planning system must enable the sufficient and timely supply of land and a variety of housing choices at appropriate locations. • <i>SPP 11 – Strategic Transport Infrastructure:</i> The economic and social prosperity of South Australia relies on a transport system that is safe, integrated, coordinated, dependable and sustainable. 	<p>in this strategic location, adjacent high frequency public transport, services and open spaces will aid in the creation of a vibrant and walkable community and support a shift towards more sustainable and active transport modes.</p> <p>The desire for increased density for development within an established urban context requires emphasis on good design outcomes and the Code Amendment seeks to ensure sufficient policy coverage is provided to deliver quality and contemporary design outcomes for the development of the Affected Area.</p> <p>The Code Amendment will also facilitate opportunities for the potential adaptive reuse of a Local Heritage Place (the Buckingham Arms Hotel), while offering opportunities to rejuvenate the Gilberton neighbourhood.</p>
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3.2. Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

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

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
Transit Corridors, growth areas and activity centres	
P1. Deliver a more compact urban form by locating the majority of Greater Adelaide's urban growth within existing built-up areas by increasing density at strategic locations close to public transport	The Code Amendment will facilitate increased housing density and a mix of development within the existing built-up area close to public transport.
P4. Ensure that the bulk of new residential development in Greater Adelaide is low to medium rise with high rise limited to the CBD, parts of the Park Lands frame, significant urban boulevards, and other strategic locations where the interface with lower rise areas can be managed.	The Code Amendment will facilitate medium density development and medium-rise building heights at a strategic 'gateway' location, with interface building heights managed via existing policies within the Planning and Design Code.
P5. Encourage medium rise development along key transport corridors, within activity centres and in urban renewal areas that support public transport use.	The Code Amendment will encourage medium-rise development along key transport corridors which will support public transport use.
A4. Rezone strategic sites to unlock infill growth opportunities that directly support public transport infrastructure investment.	The Affected Area has been identified as strategic 'gateway' site and the Code Amendment will unlock infill growth opportunities which will support public transport.
Design Quality	
P25. Encourage urban renewal projects that take an all-inclusive approach to development by including streetscapes, public realm, public art and infrastructure that supports the community	By unlocking the potential for further development within the Affected Area, the Code Amendment will encourage upgrades to the streetscape and public realm.

and responds to climate change.	
P29. Encourage development that positively contributes to the public realm by ensuring compatibility with its surrounding context and provides active interfaces with streets and public open spaces.	By encouraging a wider range of development including higher density housing and suitable non-residential development, the Code Amendment will encourage greater activation of the streetscape.
P32. Encourage higher density housing to include plantable space for trees and other vegetation where possible.	The Code Amendment will encourage the provision of landscape within future development.
A16. Ensure that the local area planning process adequately address interface issues in the local context and identify appropriate locations for: <ul style="list-style-type: none"> • medium and high rise buildings • sensitive infill in areas of protection and areas of heritage value • where there should be minimum and maximum height limits. 	The Code Amendment will utilise existing Planning and Design Code policies to manage the building height interface with surrounding residential areas.
Heritage	
P33. Recognise the value that communities place on heritage and ensure that new development is implemented sensitively and respectfully.	The Code Amendment will recognise the value of the existing Buckingham Arms Hotel (Local Heritage Place) and will utilise existing Planning and Design Code Policies to ensure new development is implemented sensitively and respectfully alongside the Local Heritage Place.
P34. Ensure heritage places and areas of heritage value are appropriately identified and their conservation promoted.	The Code Amendment will appropriately identify the exterior of the original portion of the Buckingham Arms Hotel as a Local Heritage Place.
P35. Encourage the innovative and sustainable	The Code Amendment will ensure that development is respectful of the Buckingham Arms Hotel (Local

reuse of heritage places and older building stock in a way that encourages activity and entices people to visit.	Heritage Place) and, where appropriate, encourages the sustainable reuse of the building to encourage activity and entice visitors.
Housing mix, affordability and competitiveness	
P36. Increase housing supply near jobs, services and public transport to improve affordability and provide opportunities for people to reduce their transport costs	The Code Amendment will support increased housing supply close to main roads and public transport services, as well as in proximity to the Adelaide CBD and the Walkerville 'Town Centre'.
P37. Facilitate a diverse range of housing types and tenures (including affordable housing) through increased policy flexibility in residential and mixed-use areas, including: <ul style="list-style-type: none"> • ancillary dwellings such as granny flats, laneway and mews housing • dependent accommodation such as nursing homes • assisted living accommodation • aged-specific accommodation such as retirement villages • small lot housing types • in-fill housing and renewal opportunities. 	The Code Amendment will facilitate options for a diverse range of housing within an urban infill setting.

3.3. Alignment with Other Relevant Documents

Additional documents may relate to the broader land use intent within the scope of this proposed Code Amendment (or directly to the Affected Area) and therefore are identified for consideration in the preparation of the Code Amendment.

For example, the preparation of Structure Plans is a central part of implementing the '30 Year Plan for Greater Adelaide'. Structure Plans are intended to spatially

represent the objectives for a particular area and detail the range and location of land uses, including activity centres, transit corridors and new growth areas.

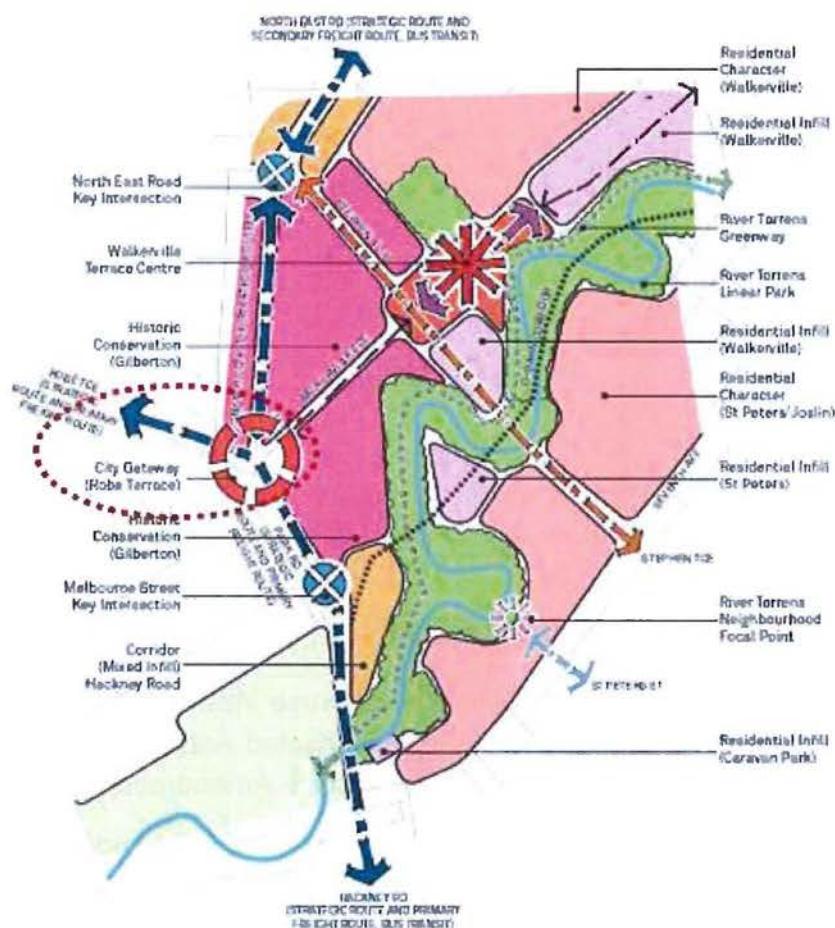
In September 2012, the former Department of Planning, Transport and Infrastructure (DPTI) prepared the Inner Metro Rim Structure Plan which is applicable to the Affected Area. The Structure Plan acknowledges that the inner metropolitan rim is one of the areas where higher density, mixed-use developments within 800 metres of activity centres and mass transit corridors will provide opportunities for people to access local services, recreation and shopping within an easy walk from their home.

As illustrated in Figure 3 over page, the Structure Plan specifically identifies the Affected Area as a proposed 'City Gateway (Robe Terrace)'.

The Code Amendment supports the intent of the Inner Metro Rim Structure Plan which identified specific 'actions' for 'City Gateway (Robe Terrace)' as follows:

- Develop the intersection at Northcote Terrace as a gateway to the city with an increased concentration of activity, quality-built form and public realm, and achieve greater engagement with the Park Lands.
- Encourage commercial and home office use at the street level with residential above (4-6 storeys).
- Promote strong built form and parking provision at the rear for new infill development.

Figure 3: Inner Metro Rim Structure Plan – Sector Plan 02_Medinidie-St Peters



2020-2024 Living in the Town of Walkerville: a strategic community plan

The '2020-2024 Living in the Town of Walkerville: a strategic community plan' (the 'Community Plan') focusses on seven key pillars which are supported by their own 'objectives' and 'desired outcomes' and which are intended to build a resilient Township for future generations. Importantly, the Community Plan seeks to facilitate the creation of a "A liveable, cohesive, safe, active and sustainable township".

The Code Amendment will assist to achieve the vision of the Community Plan by unlocking the development potential of a key site at the entrance to the Council area which will activate the streetscape and provide additional accommodation options for the local community.

A Connected Community – The Town of Walkerville Urban Masterplan (2020)

The Urban Masterplan provides a vision and direction for the future development of Walkerville over a 30 to 50-year period. It outlines a range of opportunities, directions and options that aim to reinforce, reinvigorate and regenerate the town's urban fabric, increase urban density and create an attractive and vibrant environment for the community of Walkerville.

The Code Amendment aligns with several key Objectives and Outcomes of the Masterplan as follows:

Objectives

- *Progress the urban character of Walkerville, while recognising its unique history and culture*
- *Increase pedestrian movement and safety, and create an accessible and connected community*
- *Stimulate and encourage retail and economic growth potential*
- *Develop identifiable gateways and entrances into Walkerville*

Outcomes

- *An increased residential density to the southern edge of the Council areas that represents a gross density of 23-45 dwelling per hectare*
- *Wide range of dwelling types to meet the anticipated population growth, demographic changes over the next 30 years, fostering the idea of 'cradle to grave' communities*
- *Improved Streetscapes including stormwater collection, amenity and biodiversity*
- *Creation of a dynamic urban realm that is focussed on creating a sustainable well connected community*

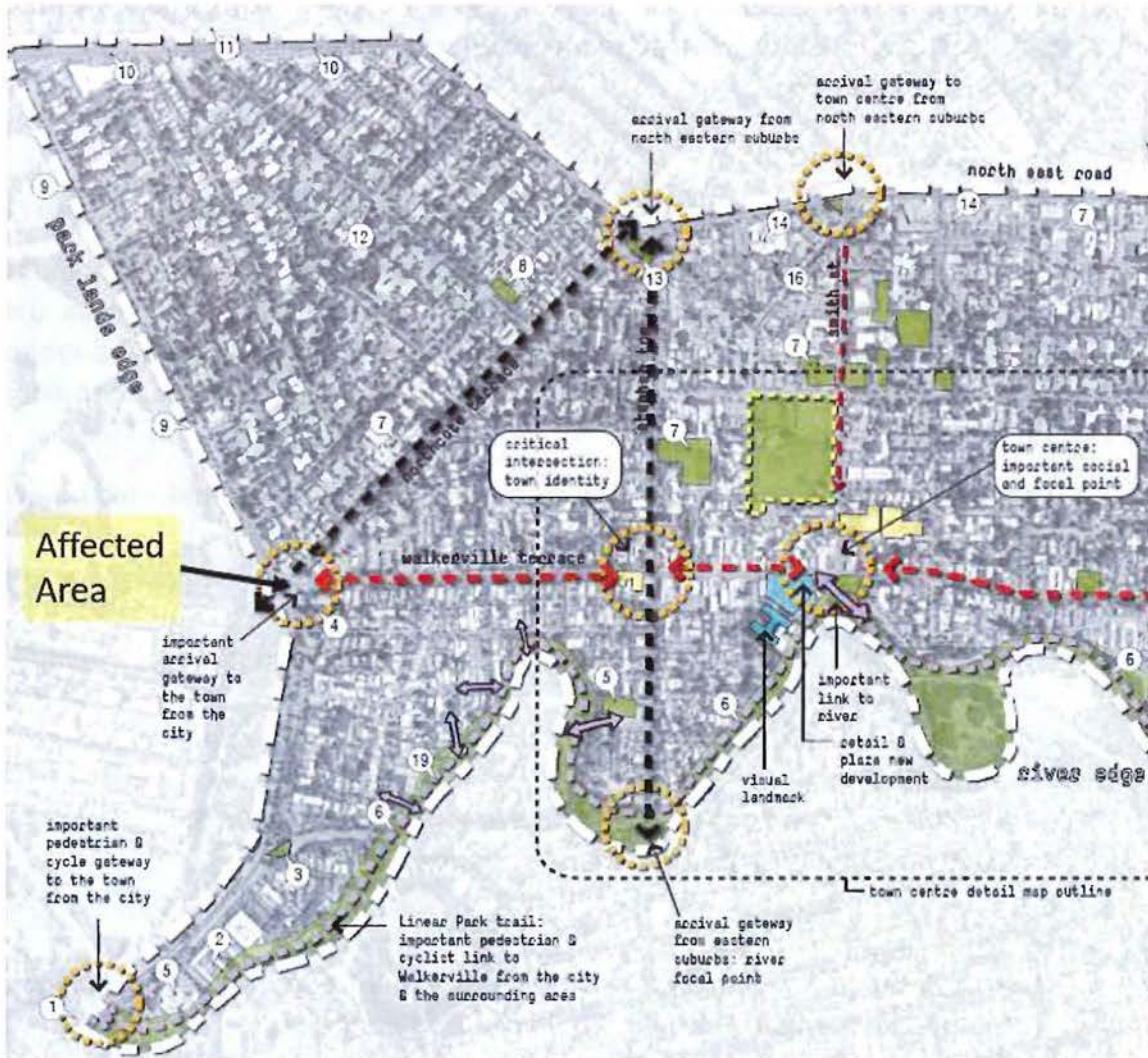
Further, the Masterplan identified a number of Structure Plans to guide future policy and urban design initiatives over a 30-40-year period.

In particular, and as illustrated in Figure 4 over page, the 'Community Spaces and Place Structure Plan' (2010-2015) identifies the Affected Area as an 'important arrival

gateway to the town from the city', to be delivered as a key action of the Structure Plan.

The Code Amendment will assist with the delivery of this key action and facilitate development of the Affected Area as a key 'gateway', as well as supporting opportunities for increased residential densities, housing choice and a revitalised urban realm.

Figure 4: Urban Masterplan – 'Gateway' Recognition of Affected Area



4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Already Undertaken

A range of detailed investigations have already been undertaken in relation to the proposed rezoning of the Affected Area (and other land). These investigations formed part of the previous Privately Funded Local Centre Zone Development Plan Amendment which was initiated by the Town of Walkerville. In summary, these investigations included:

- A contextual analysis;
- A review of the desired urban form and densities;
- A review of potential Zones;
- Heritage considerations;
- Transport investigations;
- A review of infrastructure and servicing;
- Consideration of the interface / integration with surrounding land;
- Consider of the performance of buildings;
- A review of mature trees; and
- Consideration of waste management.

In particular, the Table below provides a summary of the key outcomes from the Transport Investigations as well as the Infrastructure and Servicing Investigations.

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
Transport Investigations	<p>GTA Consultants were engaged to undertake transport investigations associated with potential future development of the Affected Area.</p> <p>Specifically, GTA considered:</p> <ul style="list-style-type: none"> • Existing traffic and parking conditions surrounding the Affected Area • Vehicular access arrangements to/from the Affected Area • Traffic generation characteristics associated with future development of the Affected Area • Likely impacts on the surrounding road network • Appropriate parking provision to support future development of the Affected Area 	<p>GTA recommend the following access principles to support future development of the Affected Area:</p> <ul style="list-style-type: none"> • Access points should be located as far as possible from the Walkerville Terrace / Northcote Terrace intersection, to deliver improved road safety outcomes and minimize traffic impacts at the intersection. • Recommended Access 'Zones' for the Affected Area should be established. • Future access to the Affected Area can be accommodated via Northcote Terrace and/or Walkerville Terrace, and given its location, there are no anticipated sight line issues of concern. • The specific location of access points should be considered at the Development Application phase, and will require consideration of existing roadside infrastructure (e.g. stobie poles, underground services, bus stops etc.). • The impact of right turn movements on through traffic at

		<p>the access points and methods to manage safety and efficiency of the road network, including the provision of left in and left out movements on Northcote Terrace should also be considered at the Development Application phase.</p> <ul style="list-style-type: none"> • The design of waste collection should be considered at the Development Application phase. Options would include Council waste collection (i.e. from the roadside) or via private contractor (i.e. onsite). This will depend on the actual size/scale of future development. Where onsite collection occurs, private waste vehicles should be able to enter and exit the site in a forward direction. • Safe and accessible pedestrian and cyclist connections should be provided into each site, and future car parking areas should allow cyclists to store bicycles in an appropriately located and secured area. • As the intersection of Northcote Terrace / Walkerville Terrace already provides signalised pedestrian crossing facilities across all major 'road arms' (capable of being used by both pedestrians and cyclists), the provision of additional pedestrian and cyclist crossing facilities adjacent the site is not considered necessary.
Infrastructure and Servicing Investigations	Greenhill Engineering ('Greenhill') were engaged to prepare preliminary advice in relation to existing infrastructure available to service the Affected Area.	<p>As expected within an urban infill setting, key infrastructure services are available to the Affected Area. As way of conclusion, Greenhill noted:</p> <p><i>'...there are no infrastructure constraints that would prevent the</i></p>

	<p>The Greenhill investigations included the following considerations:</p> <ul style="list-style-type: none"> • The nature and approximate location of existing infrastructure informed by a Dial-Before-You-Dig (DBYD) enquiry and liaison with relevant service authorities. • Anticipated servicing requirements associated with future development. • Preliminary stormwater drainage modelling and water sensitive urban design (WSUD) principles required to support future development. • Any substantial constraints that existing infrastructure may have upon future development. 	<p><i>sites being re-zoned from Local Centre Zone to Urban Corridor Zone (or similar), or that would significantly constrain the future development of each site.</i></p> <p>As the final form of development has not yet been determined, further discussions will be required with relevant service providers (including SAPN; SA Water; Council; APA Group and NBN Co.) during the detailed design phase of any future development application.</p> <p>Should it be determined during the detailed design/development application phase for future development, that infrastructure upgrades are required, the relevant service authority may seek developer contributions to fund these upgrades.</p> <p>The Development Plan currently contains several policies that guide the provision of service infrastructure, primarily General Section policies within the Infrastructure and Land Division modules.</p> <p>On this basis, no additional Development Plan policies are considered necessary for these matters.</p>
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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 support the Code Amendment.

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Updated Traffic Investigations	<p>The updated Traffic Investigations will investigate:</p> <ul style="list-style-type: none">• Existing traffic and parking conditions surrounding the Affected Area• Vehicular access arrangements to/from the Affected Area• Traffic generation characteristics associated with future development of the Affected Area• Likely impacts on the surrounding road network• Appropriate parking provision to support future development of the Affected Area
Updated Infrastructure and Servicing Investigations	<p>The updated Infrastructure and Servicing Investigations will identify any relevant considerations that may have changed since the previous investigation including:</p> <ul style="list-style-type: none">• The nature and approximate location of existing infrastructure.• Anticipated servicing requirements associated with future development.• Preliminary stormwater drainage modelling and water sensitive urban design (WSUD) principles required to support future development.• Any substantial constraints that existing infrastructure may have upon future development.
Interface Investigations	<p>Additional interface investigations will be undertaken including the suitability of existing Planning and Design Code Policy to successfully manage and address:</p> <ul style="list-style-type: none">• The design, character and visual appearance of buildings• The bulk, scale and visual impact of buildings• Building heights at street (eye) level• Building heights and setbacks in relation to surrounding land• Interface impacts including visual privacy, access to sunlight / overshadowing and acoustic privacy.

4.3. Engagement Already Undertaken

For some time now, the Proponent has engaged with the Town of Walkerville (the ‘Council’) in relation to the potential rezoning of the Affected Area. Importantly, this included the preparation of the privately funded Local Centre Zone Review Development Plan Amendment (DPA) which was drafted in consultation with the Council. As noted previously, while the Council was initially supportive of the DPA, this support was subsequently withdrawn due to the Council’s concerns about the proposed policy framework which was based on the incoming Planning and Design Code.

Phase 3 of the Planning and Design Code was enacted on 19 March 2021 and a meeting was subsequently held on 12 April 2021 with the Proponent and Council administration. Based on this meeting, it is understood that the Council administration remain generally supportive of an amendment to the Planning and Design Code as it relates to the Affected Area given its prominent location at the ‘gateway’ to the Council area.

Following the meeting with the Council, the Proponent (via Ekistics Planning and Design) wrote to the Council to advise that a Proposal to Initiate a Code Amendment will be submitted for the Affected Area and to advise that further engagement with the Council will occur during the preparation of the Code Amendment.

By letter dated 3 May 2021, the Council’s General Manager Planning, Environment & Regulatory Services (Andreea Caddy) advised that the Council supports the Proponent’s intent to rezone the Affected Area. This support is based on the Council’s acknowledgement that the existing Local Activity Centre Zone does not reflect the strategic direction provided by the State Government’s Inner Metro Rim Structure Plan which seeks a more intense level of development while also increasing streetscape activity.

These letters are appended in Attachment ‘C’.

Further, it is also noted that, during the preparation of the previous Local Centre Zone Review DPA, preliminary consultation was undertaken with the former Department of Planning Transport and Infrastructure (DPTI) in relation to the potential impacts of the rezoning on the surrounding road network. A summary of the preliminary consultation with DPTI is provided below:

- Opportunities for right turn movements into the Affected Area should be assessed (at the development application stage) to ensure they do not impact on through traffic movements along Northcote Terrace.
- Left in/out to and from the Affected Area may be the most appropriate outcome for Northcote Terrace from a road network perspective, and this could be controlled through provision of a central raised median.
- Future development should consider provision of parking access from both Walkerville Terrace and Northcote Terrace. This would allow for the better distribution of traffic flows to and from the site.

- On-street parking restrictions within the vicinity of each site should be considered at the development application stage to improve sight distance from the access points.
- A traffic impact assessment should be completed at the development application stage, which should include traffic modelling of the adjacent signalised intersection at Walkerville Terrace / Northcote Terrace.
- A review of the Metropolitan Adelaide Road Widening Plan indicates a road widening requirement for the Northcote Terrace / Walkerville Terrace / Robe Terrace intersection. Some upgrade works were completed in 2019 and there are no further short to medium term upgrades planned at present. This may be subject to change in the future and should be further assessed at the development application stage.

The Proponent has also discussed the proposed Code Amendment with the owners of land at 14 Northcote Terrace, Gilberton (currently occupied by Rose Family Chiropractic) which is also located within the Local Activity Centre Zone and adjoins the Affected Area to the north. This included:

- Email correspondence from the Proponent dated 16 March 2021 to establish the appropriate contact for the adjoining land owners;
- Liaison by the Proponent with Rebecca Rose (daughter of land owner Robert Rose) regarding a possible Code Amendment (rezoning); and
- Written email correspondence between the Proponent and Rebecca Rose dated 18 March 2021, 25 March 2021 and 26 March 2021 discussing possible implications of a Code Amendment (rezoning) including the possibility of a commercial transaction (sale of land) between parties amongst other matters.

Based on these discussions, it is understood that the adjoining owners at 14 Northcote Terrace, Gilberton do not have a firm opinion in relation to the proposed Code Amendment – i.e. they neither support nor oppose the Code Amendment. Notwithstanding, the adjoining owner did state that the Rose Family Chiropractic consulting rooms currently rely on the Buckingham Arms carpark for their practice and have done so for many years. Concern was raised by the adjoining owner that the consulting business may suffer if the Buckingham Arms Hotel was sold or redeveloped following a Code Amendment (rezoning), as they would not be able to rely on carparking on the Buckingham Arms site. It is noted that there is currently no Right of Way, deed or formal agreement in place enabling Rose Family Chiropractic to access or utilise the Buckingham Arms site for staff or customer car parking.

4.4. Further Engagement Proposed

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

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
Town of Walkerville	Additional engagement will be undertaken with the Town of Walkerville in relation to the Code Amendment
Neighbouring land owners	<p>The Proponent will comply with the Community Engagement Charter for the purposes of consultation in relation to the Code Amendment process. Also, if the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Proponent will comply with Regulation 20 of the <i>Planning, Development and Infrastructure (General) Regulations 2017</i>, by giving notice to:</p> <ul style="list-style-type: none"> • the owners or occupiers of the land; and • owners or occupiers of each piece of adjacent land
Relevant Government Agencies and service providers such as DIT, SA Water, SA Power Networks etc	Advice from relevant Government Agencies and service providers will be sought to determine and address the impact that the Code Amendment may have on surrounding infrastructure and services.

5. CODE AMENDMENT PROCESS

5.1. Engagement Plan

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

The Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate a Code Amendment):

- The Local Government Association must be notified in writing of the proposed Code Amendment;
- If the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance

with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:

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

ATTACHMENT A

Map of Affected Area



ATTACHMENT B
Timetable for Code Amendment by Proponent

Step	Responsibility	Timeframe
Approval of the Proposal to Initiate		
Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission	AGD	2 weeks (<i>includes lodgement and allocation + referral to Government Agencies within the first week</i>)
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary)	AGD, Relevant Government Agencies	+ 2 weeks
Consideration of Proposal to Initiate and advice to the Minister	Commission (Delegate)	3 weeks
	Commission	+ 3 weeks
Proposal to Initiate agreed to by the Minister	Minister	2 weeks
Preparation of the Code Amendment		
Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared The Drafting instructions and draft mapping provided to AGD	Designated Entity	6 weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes	AGD	1 week
Preparation of Materials for Consultation	Designated Entity	
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan	Designated Entity	
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD	Designated Entity	2 weeks
Assess the amendment and engagement. Prepare report to the Commission or delegate <i>Timeframe will be put on hold if further information is required, or if there are unresolved issues</i>	AGD	4 weeks
Consideration of Advice	Commission (Delegate)	2 weeks (<i>includes 1 week to process through Minister's office</i>)
	Commission	+ 3 weeks

Step	Responsibility	Timeframe
Decision Process		
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	3 weeks
Implementing the Amendment (operation of the Code Amendment)		
Go- Live- Publish on the PlanSA Portal	AGD	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	AGD	8 weeks

ATTACHMENT C

**Letter sent to the Town of Walkerville by the Proponent's Representative and Response
Received from the Town of Walkerville**

13 April 2021

REF No.: 00567-005

The Chief Executive
Town of Walkerville
PO Box 55, Walkerville SA 5081

By email: kchristol@walkerville.sa.gov.au

Dear Ms Cristol,

RE: THE BUCKINGHAM ARMS HOTEL - PROPOSER INITIATED CODE AMENDMENT

We write to you on behalf of Pierce Matthews Pty. Ltd. advising of their intention to seek the approval of the Minister for Planning and Local Government (the 'Minister') to initiate an amendment to the Planning and Design Code (the 'Code Amendment') as it relates to land at 1 Walkerville Terrace, Gilberton which is commonly known as the Buckingham Arms Hotel.

As discussed at our recent meeting held on Monday 12 April 2021 with Andreea Caddy and Carly Walker, we confirm that Pierce Matthews Pty. Ltd. (the 'Proposer') intends to seek an amendment to the Code in accordance with Section 73(2)(b)(vii) of the *Planning, Development and Infrastructure Act 2016* (the 'Act'). The purpose of the Code Amendment is to facilitate development in the form of medium-rise housing and suitable non-residential uses up to a building height in the order of six (6) storeys. Subject to required further detailed analysis, investigations and consultation, this may possibly be achieved via the introduction of the 'Urban Corridor (Living) Zone' (or similar) from the Planning and Design Code (version 2021.4 – dated 8 April 2021).

The Buckingham Arms Hotel site is located at 1 Walkerville Terrace, Walkerville and comprises eleven (11) contiguous Certificates of Title as follows:

1. Allotments 1 and 2, Volume 5611 Folio 691;
2. Allotments 3 and 9, Volume 5878 Folio 617;
3. Allotment 4, Volume 5879 Folio 724;
4. Allotment 5, Volume 5219 Folio 297;
5. Allotment 6, Volume 5164 Folio 460;
6. Allotment 56, Volume 5782 Folio 220;
7. Allotment 57, Volume 5878 Folio 618;
8. Allotment 58 and 59, Volume 5952 Folio 326;
9. Allotment 59, Volume 5878 Folio 620;

Def: E-KIS-TICS [noun] : The Science of Human Settlements ...

10. Allotment 62, Volume 5782 Folio 735; and
11. Allotment 60, Volume 5878 Folio 606.

The Buckingham Arms site has been identified within the Government of South Australia's Inner Rim Metro Structure Plan as a strategic site which forms a key element of the proposed 'City Gateway (Robe Terrace)' where a more intense form of development and increased streetscape activity is anticipated. The development outcome sought by the Inner Rim Metro Structure Plan is unlikely to be achieved under the current 'Local Activity Centre Zone' within the Planning and Design Code which seeks a maximum building height in the order of three (3) storeys.

As you are aware, prior to the introduction of the Planning and Design Code, land including the Buckingham Arms site, was proposed to be rezoned via a privately funded Development Plan Amendment (DPA) initiated by the Town of Walkerville. The DPA sought to introduce a policy framework to facilitate sensitive infill development in the form of medium density housing with complementary non-residential land uses. However, the Town of Walkerville subsequently withdrew its support for the DPA due to concerns that the proposed policy framework (as expressed in the then draft Planning and Design Code) contemplated building heights and setbacks that did not align with the Council's desired outcome for the Affected Area.

If initiated by the Minister (after receiving advice from the State Planning Commission) it is anticipated that in accordance with Section 73(4)(a) of the Act, Pierce Matthews Pty. Ltd. would be the 'Designated Entity' responsible for undertaking the Code Amendment process. Importantly, it is anticipated that the scope of the proposed Code Amendment will not include the creation of new planning rules and will be limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Planning and Design Code.

Further, pending the direction of the Minister, engagement on the proposed Code Amendment would be undertaken by either the Designated Entity or the Chief Executive of the Attorney Generals Department in accordance with the Community Engagement Charter. It is noted that in accordance with Section 44(6) of the Act, consultation in writing must be undertaken with the Town of Walkerville. In accordance with Section 73(6)(d) of the Act, consultation in writing must also be undertaken with owners or occupiers of the land and adjacent land in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

As you are aware, pursuant to Section 73 of the PDI Act, and *Practice Direction 2: Preparation and Amendment of a Designated Instrument*, to initiate a Code Amendment the proponent must first provide a proposal to the Commission. The proposal, otherwise known as a 'Statement of Justification', must cover a number of items including demonstration that the proponent has discussed the proposal with the relevant Council.

Accordingly, to supplement our proponent-initiated request to initiate a Code Amendment for this land, we seek confirmation that the proponent has discussed the proposal with Council's Administration and that Council's administration do not object to the proponent seeking to initiate a Code Amendment to rezone the land.

Importantly, confirmation that Council administration have discussed the proposed rezoning with the proponent and do not object to the initiation of a Code Amendment does not constitute a form of advocacy for the rezoning nor does it imply that Council will ultimately support the rezoning of the land. It is recognised that if/when a Code Amendment is initiated, detailed investigations will be undertaken including preparation of the Code amendment and associated drafting instructions for Code policy that is proposed to be introduced to the land. As discussed above, community consultation and engagement will also occur (in accordance with an agreed engagement plan), which would include consultation with the Town of Walkerville. Through this process Council administration and elected representatives could form an opinion and position on the proposed Code Amendment, informed by the detailed investigations and selected policy framework proposed to apply to the land.

We thank you in anticipation of your confirmation of our discussions with Council's administration in relation to this Code Amendment and to confirmation that Council administration do not object to the 'initiation' of a Code Amendment to commence investigations to rezone this land.

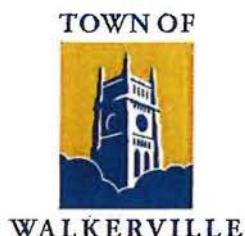
Please don't hesitate to contact the undersigned direct on (08) 7231 0286 or direct on 0402 344 401 should you have any questions or queries or should you wish to discuss this matter further.

Yours Sincerely



Richard Dwyer
Managing Director

cc *Andreea Caddy, Group Manager Planning, Environment & Regulatory Services, Town of Walkerville*
Andrew Kemp, Group General Manager, Matthews Hospitality



The Corporation of the Town of Walkerville

ABN 49 190 949 882

66 Walkerville Terrace, Gilberton SA 5081

PO Box 55, Walkerville SA 5081

Record No: OLT202147868

File Number: 3.65.1.2

Contact Officer: Andreea Caddy, Group Manager PERS

Telephone: (08) 8342 7100

Facsimile: (08) 8269 7820

Email: walkerville@walkerville.sa.gov.au

www.walkerville.sa.gov.au

3 May 2021

Ekistics Planning & Design
Level 1/16 Vardon Ave,
Adelaide SA 5000

Via Email: rdwyer@ekistics.com.au

Dear Richard,

Re: The Buckingham Arms Hotel - Proponent Initiated Code Amendment

I refer to your written correspondence dated 13 April 2021, as a derivative summary to our meeting dated 12 April 2021. Your client, Andrew Kemp c/o Matthews Group and Carly Walker, Town of Walkerville Senior Planner were also present.

It is acknowledged that the intention of Pierce Matthews Pty. Ltd. is to initiate an amendment to the Planning and Design Code (P & D Code) as it relates to 1 Walkerville Terrace, Gilberton (commonly referred to as the Buckingham Arms Hotel site).

I acknowledge and duly note our collective attempt to instigate, support and progress a Developer Funded DPA prior to 19 March 2021 P & D Code live date. I also note that a number of variables impacting on Council's confidence to proceed to public consultation affected the course of the Developer Funded DPA. To this end, Council understands and supports the Matthews Group intent to re-instigate the investigations for the site, under the now operational P & D Code.

Council concurs with the Ekistics position that the site has been identified within the South Australian Government's Inner Rim Structure Plan, as a strategic site forming a key element of the proposed 'City Gateway' (Robe Terrace) and as such, a more intense level of development and increase in streetscape activity is sought. Council further concurs that the current 'Local Activity Centre Zone' permitting three (3) storeys within the P & D Code is not an ideal policy fit to enable such aspirational built form, as outlined and sought in the Inner Rim Structure Plan.

To this end, the intent to re-zone the site to a more appropriate policy suite that enables such potential is also supported by Council. It is important to note that the previous collective attempts of Council and the Matthews Group to enable a rezoning commensurate with the site's potential were stalled by the then draft P & D Code's uncertain building heights and setbacks. The height and setback concerns were to the detriment of the original attempt for rezoning, as Council's position sought a maximum of five (5) storey development with specific setbacks.

As the Matthews Group is not proposing to create a new set of planning rules, the Code Amendment is understood to be limited to the spatial application of the Urban Corridor (Living) Zone, with the associated overlays, and the technical and numerical variations provided for under the published P & D Code.

In accordance with S73 of the *Planning, Development and Infrastructure Act 2016 (PDI Act 2016)*, you wrote to the Town of Walkerville to request confirmation that Ekistics, in its capacity as planning consultant on behalf of the Matthews Group has discussed the proposal with Council's Administration and that Council's Administration do not object to the proponent seeking to initiate a Code Amendment to rezone the land.

I can confirm that our discussions to date reflect your willingness to engage and disclose your client's intent, approach and reservations. I attest that all communication has been undertaken in good faith and in an attempt to achieve a process that is reflective of your client's aspired vision for the site, as balanced by the Town of Walkerville Elected Member body views.

In discussing the proposed rezoning with you and your client, Council Administration has acknowledged that by not introducing new planning policies and instead utilising existing policy for a "best fit" approach to achieve the site's potential, the P & D Code policies considered are limited by the offering of either three (3), four (4), six (6) or eight (8) levels (building height). To this end, Council understands that the Matthews Group's sought yield is one that fits most comfortably within the six (6) category. While Council's decision to support re-zoning on the site was capped at a strict five (5) storey maximum height and specific setback limitations, Administration acknowledges this type of tailored policy approach is not envisaged or facilitated by the P & D Code.

Notwithstanding, confirmation that your client via yourself has engaged with us on the terms of this Code Amendment. Council does not object to a Code Amendment on this site, however await a more formal consultation process in order to consider the detailed investigations and Code policy further. Council emphasises that this willingness to engage is not a form of advocacy for this specific rezoning.

I trust the above is sufficient for your needs to progress this Code Amendment process. Please do not hesitate to contact the undersigned in the event you require further information.

Yours sincerely



Andreea Caddy
Group Manager Planning, Environment & Regulatory Services

