



Agenda Report for Decision

Meeting Date: 23 June 2022

Item Name	Code Amendment Initiation Advice to the Minister for Planning – Proposal to Initiate the Goolwa Wharf Code Amendment
Presenters	Paul Bennett, Jason Bailey and Nadia Gencarelli
Purpose of Report	Decision
Item Number	4.2
Strategic Plan Reference	5. Discharging Statutory Obligations
Work Plan Reference	5.2 Advise the Minister on Code Amendments
Confidentiality	Not Confidential (Release Delayed). To be released following final decision by the Minister for Planning on initiation of the Code Amendment. Anticipated by August 2022
Related Decisions	N/A

Recommendation

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

1. Approve the designation of this item as Not Confidential (Release Delayed), with the meeting papers for this item to be released following final decision by the Minister for Planning (the Minister) on initiation of the Code Amendment. Anticipated by October 2022.
2. Advise the Minister that it:
 - 2.1 Recommends the approval of the Goolwa Wharf Code Amendment under section 73(2)(iv) of the *Planning, Development and Infrastructure Act 2016* (the Act), subject to the following conditions applied under section 73(5)(b) of the Act:
 - a) With the exception of the creation of a new subzone, the scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Planning and Design Code (on the date the Amendment is released for consultation).
 - b) The subzone will be drafted by the Code Drafting Team within Planning and Land Uses Services (PLUS) in discussion with the Designated Entity.
 - c) The Designated Entity must seek approval from the State Planning Commission prior to the commencement of public consultation on the draft Code Amendment.
 - d) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

- 2.2 Recommends that the Alexandrina Council be the Designated Entity responsible for undertaking the Code Amendment process.
3. Specify that the Designated Entity consults with the following nominated individuals and entities, under section 73(6)(e) of the Act:
- Ngarrindjeri people
 - Department for Infrastructure and Transport
 - Department for Environment and Water, State Heritage
 - Coast Protection Board
 - South Australian Tourism Commission
 - Utility providers, including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
 - State Members of Parliament for the electorates in which the proposed Code Amendment applies.
4. Specify the following further investigations or information requirements under section 73(6)(f) of the Act in addition to those outlined in the Proposal to Initiate:
- Explore the possible application of the Tourism Development Zone as an alternative to the existing Infrastructure (Ferry and Marina Facilities) Zone.
5. Recommend that the Minister approve the initiation of the Code Amendment by signing the Proposal to Initiate (**Attachment 1**) and approval letter with conditions (**Attachment 2**).
6. Approve and authorise the Chair of the Commission to sign the advice to the Minister as provided in **Attachment 3**.
7. Authorise the Chair to finalise any minor amendments to the advice and attachments as required.

Background

Section 73(2)(b)(iv) of the Act provides that a proposal to amend the Code may be initiated by a council with the approval of the Minister, acting on the advice of the Commission, in relation to the following matters:

- Strategic assessment against the State Planning Policies and *The 30-Year Plan for Greater Adelaide: 2017 Update*.
- Any person or body that must be consulted by the Designated Entity, pursuant to section 73(6)(e) of the Act
- Any investigations to be carried out or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The purpose of this report is therefore to provide the Commission with advice to be provided to the Minister in relation to the Proposal to Initiate submitted by the Alexandrina Council (**Attachment 1**).

Procedural matters regarding the Commission's role are provided in **Attachments 4** and **5**.

Discussion

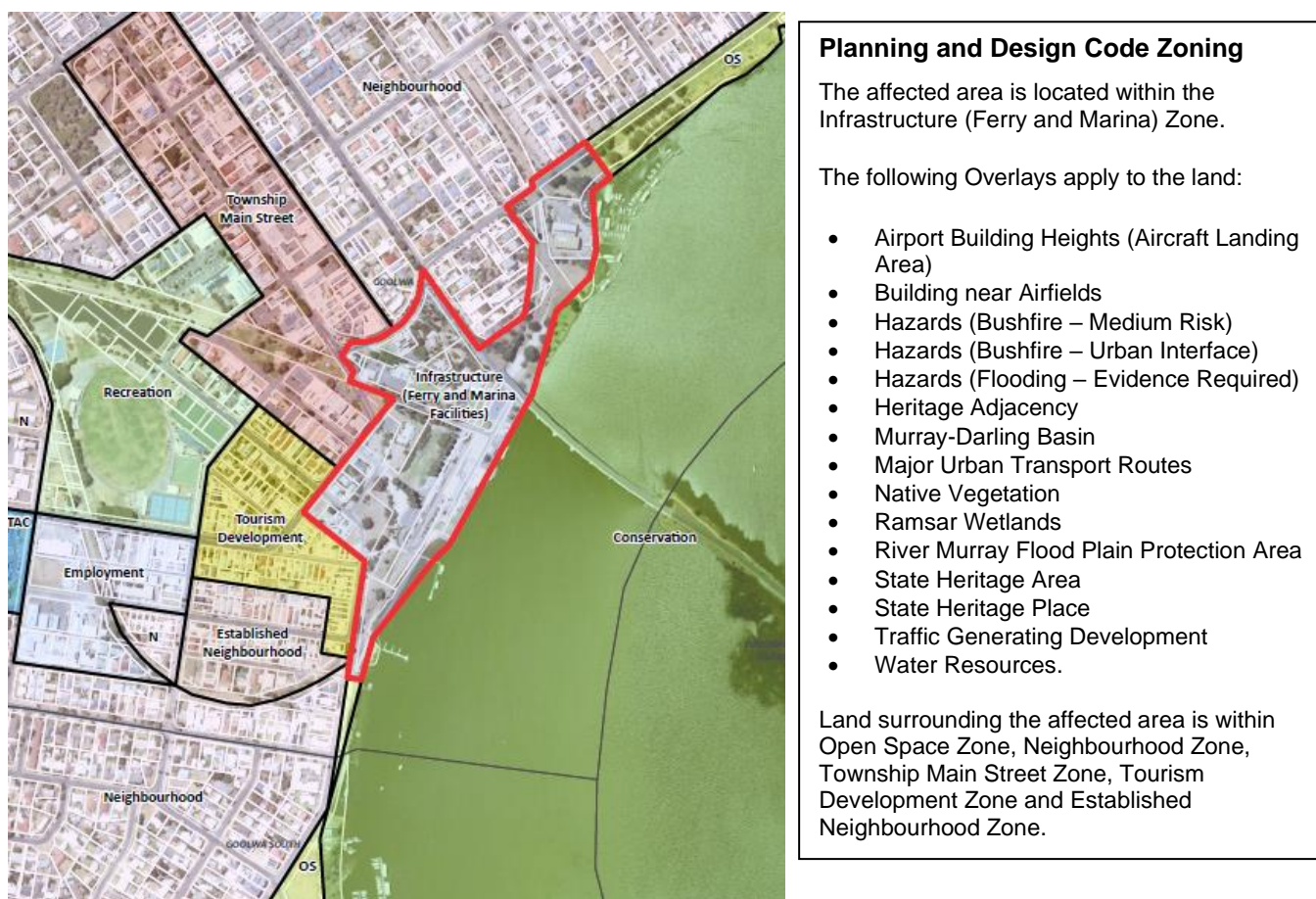
Scope of the Amendment

The Proposal seeks to apply a new subzone to land located within the Goolwa Wharf area of the Alexandrina Council, currently zoned Infrastructure (Ferry and Marina Facilities). The creation of a new subzone is intended to support location-specific outcomes for the Goolwa Wharf area associated with community, tourism and visitor-related activities related to the early steam railway, riverboat trade and Indigenous heritage.

The current Infrastructure (Ferry and Marina Facilities) Zone is considered insufficient in supporting and promoting the desired tourism and community facilities. Specifically, the zone promotes development (including recreational and tourist activities) in association with, or complementary to, marinas and passenger ferry services; however, there are no marina or ferry services in Goolwa. Of particular concern is the fact that several forms of development trigger notification if they are not in association with a marina or ferry terminal.

The Goolwa Wharf Precinct has been awarded Federal and State funding for a Revitalisation Project, with \$3.75 million in funding under the Australian Government's Building Better Regions Fund, and a State Government commitment of \$1.25 million. The Alexandrina Council has also pledged \$2.5 million to support the redevelopment of the wharf area. A total of \$7.5 million will support the upgrade or replacement of existing facilities, improve roads and paths, and communal event spaces.

The affected area and current zoning are shown in the figure below.



Detailed discussion is provided in the advice to the Minister in **Attachment 3**.

Advice to the Minister

The attached advice to the Minister sets out the statutory and procedural elements that must be considered as part of the initiation of a Code Amendment (**Attachment 3**).

The advice recommends that the Minister approve the initiation of the Code Amendment for the following reasons and subject to conditions (as set out below).

Strategic considerations

The Proposal seeks to apply a new Subzone to the Goolwa Wharf precinct over the Infrastructure (Ferry and Marina Facilities) Zone. The desired outcome for a new Subzone seeks to provide policies which recognise wharf, riverboat and railway facilities and associated development where relevant, as well as to provide additional envisaged land uses specific to the Goolwa Wharf area, such as restaurant, tourist accommodation, educational, cultural, entertainment and community facilities that are complementary but not tied to the rail or wharf.

The Goolwa Wharf area has a unique Indigenous and colonial history associated with the riverboat trade and early railways. The revitalisation of the historic precinct with a focus for tourism and visitors, cultural, entertainment and recreational facilities which showcase the Indigenous and colonial heritage will support the economic regeneration of the precinct. Further, the new Subzone will development underpinned by significant financial grants for the revitalisation and upgrade of the public realm in the Goolwa Wharf precinct.

The proposed subzone is therefore considered appropriate.

Further strategic considerations and discussion are provided in **Attachment 3**.

Procedural considerations

The Proposal to Initiate meets all procedural requirements, as detailed in the attached advice to the Minister (**Attachment 3**).

Conditions proposed and items specified

A number of conditions have been recommended to be specified by the Minister, pursuant to sections 73(5)(b) of the Act. In addition, it has been recommended that the Commission specify persons or bodies to be consulted with by the Designated Entity under section 73(6)(e) of the Act, as outlined in the advice to the Minister (**Attachment 3**).

Attachments:

1. Proposal to Initiate the Goolwa Wharf Code Amendment (#18206854).
2. Draft approval letter to the Alexandrina Council (#18273714).
3. State Planning Commission Advice to the Minister (#18758901).
4. Procedural matters for the State Planning Commission (#18273727).
5. Process Flowchart – Code Amendments Initiated by Proponents (#18273991).

Prepared by: Monika Matej

Endorsed by: Paul Bennett

Date: 10 June 2022

PROPOSAL TO INITIATE AN AMENDMENT TO THE PLANNING & DESIGN CODE

Goolwa Wharf Code Amendment

By the Alexandrina Council (the Proponent)



_____ (Signature Required)

Glenn Rappensberg, CEO Alexandrina Council (the Proponent)

Date: 24 December 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*.

_____ (Signature Required)

MINISTER FOR PLANNING

Date:

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1. INTRODUCTION

The Proponent is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land located at Goolwa Wharf, zoned *Infrastructure (Ferry and Marina Facilities)* (the Affected Area).

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The Proponent is the Council for the whole of the Affected Area.

This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

The Proponent acknowledges that the Minister may specify conditions on approving this Proposal to Initiate, under section 73(5) of the Act. 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 in accordance with the requirements Act.

1.1.2. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:

- a) Judith Urquhart MPIA CPP
- b) judith.urquhart@alexandrina.sa.gov.au
- c) 8555 7000

1.1.3. The Proponent intends to undertake the Code Amendment by:

- a) utilising professional expertise of employees of the Proponent including: Strategic and Policy Planners with many years of experience in researching and preparing DPAs and associated consultation, development assessment, and liaison with local Councils through the Planning and Design Code's consultation periods.

1.2. Rationale for the Code Amendment

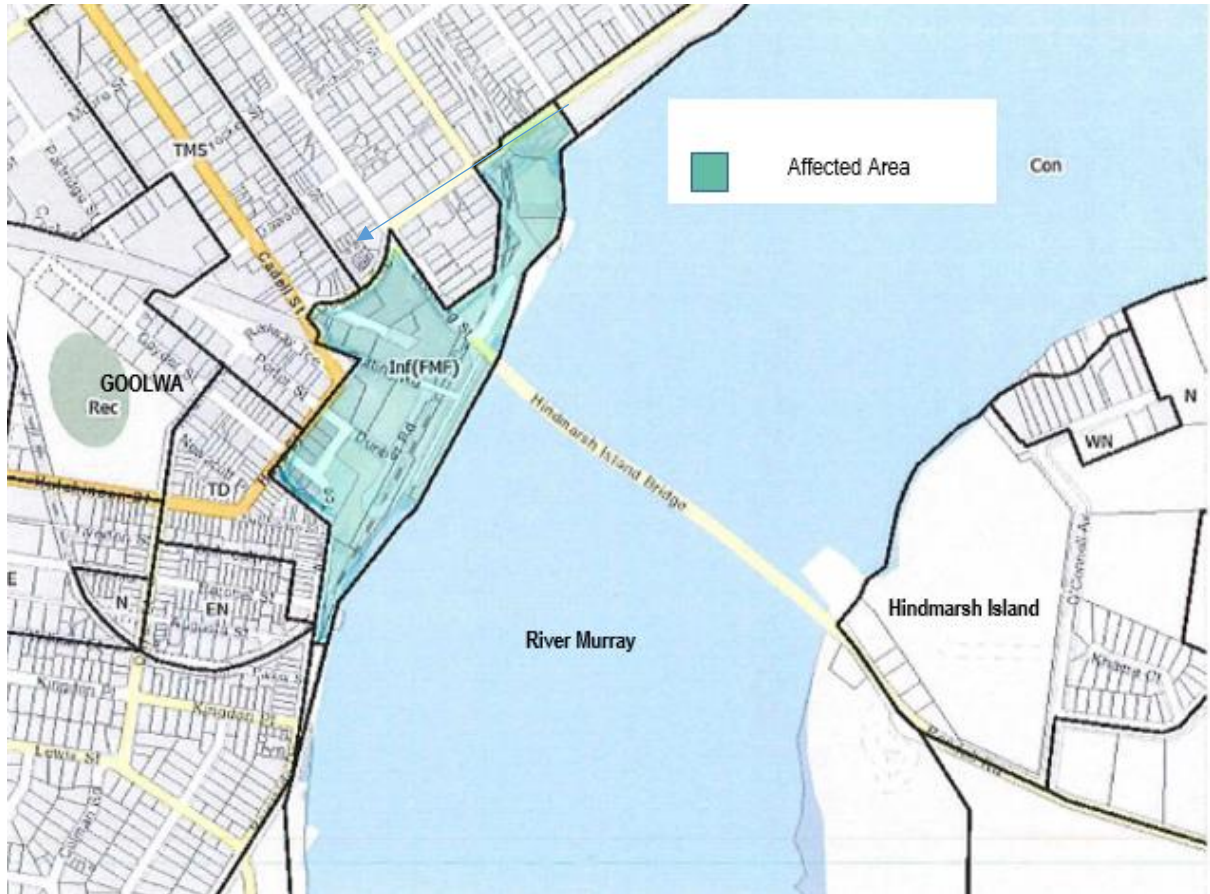
In March 2021 the Goolwa Wharf area transitioned from the Alexandrina Council Development Plan Open Space Zone, Policy Area 6 Goolwa Wharf and Surrounds, to the *Infrastructure (Ferry and Marina Facilities) Zone*. During both Planning and Design Code (the Code) consultation periods, Council submitted that the *Infrastructure (Ferry and Marina Facilities) Zone* was not suitable for Goolwa Wharf, principally as there is no ferry or marina at the Goolwa Wharf, and the zone did not address the focus in Goolwa for tourist, visitor and community activities.

The intent of Policy Area 6 was the revitalisation of the historic precinct as a focus for tourism and visitors, cultural, entertainment and recreational facilities, and showcasing indigenous and colonial heritage, particularly associated with the riverboat trade and early railways. It is considered that the *Infrastructure (Ferry and Marina Facilities) Zone* does not make it clear that this precinct is intended to be developed for these types of development in their own right, but rather the focus is on marina and passenger ferry services, neither of which exist at Goolwa Wharf.

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to amend the Code for the Affected Area, being the land within Alexandrina Council as shown in the map below.



The subject land fronts the River Murray and comprises a number of titles, most of which are owned by the Alexandrina Council, State Government Agencies and the Australian Railways Historical Society. It is characterised by infrastructure and industrial buildings associated with the early steam railway and riverboat trade, colonial administrative and residential buildings, and spaces and places associated with aboriginal culture and heritage. There is a small residential component in the western corner but apart from that the land is in public ownership.

2.2. Scope of Proposed Code Amendment

<p>Current Policy</p>	<p>All policies applying to the <i>Infrastructure (Ferry and Marina Facilities)</i> Zone and the following Overlays:</p> <ul style="list-style-type: none"> - Airport Building Heights (Aircraft Landing Area) - Building near Airfields - Hazards (Bushfire – Medium Risk) - Hazards (Bushfire – Urban Interface) - Hazards (Flooding – Evidence Required) - Heritage Adjacency - Murray-Darling Basin - Major Urban Transport Routes - Native Vegetation - Ramsar Wetlands - River Murray Flood Plain Protection Area
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	<ul style="list-style-type: none"> - State Heritage Area - State Heritage Place - Traffic Generating Development - Water Resources <p><i>Note: Overlays which apply to part of the zone only are mapped in Attachment A</i></p> <p>There are no Technical Numeric Variations (TNVs) applicable</p>
Amendment Outline	<p>The overall objective of the Code Amendment is to establish policy which reflects the intent of the previous Development Plan Policy Area 6 (Goolwa Wharf and Surrounds) by way of the creation of a Subzone. This will avoid the need to amend existing zone policies which have wider application in several parts of the state, and thereby avoid introducing policies which may have limited relevance in other locations with the same zoning.</p>
Intended Policy	<p>A new Subzone will be developed reflecting the uniqueness of Goolwa Wharf based on its early steam railway and riverboat trade and associated colonial administration, and indigenous heritage. The focus will be on providing for appropriate community, tourism and visitor-related activities showcasing this heritage and revitalising the precinct.</p> <p>There will be no changes to the zone.</p>

3. STRATEGIC PLANNING OUTCOMES

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. Summary of Strategic Planning Outcomes

The proposed Code Amendment aligns with the following Strategic planning outcomes:

- Planning Development and Infrastructure Act S.14 (c)
- State Planning Policy 3 Adaptive Reuse, and 7 Cultural Heritage
- The 30 Year Plan for Greater Adelaide, 2017 Update – Heritage and Tourism
- Alexandrina Council – Community Strategic Plan 2014 - 23

3.2. 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 the strategic planning outcomes sought to be achieved through the Code Amendment align with or seek to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
SPP 3 – Adaptive Reuse	<i>The adaptive reuse of existing buildings that enhance areas of cultural or heritage value, capitalise on exiting investment and/or contribute to vibrant and liveable places</i>

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<p>3.1 <i>Remove barriers and encourage innovative and adaptive reuse of underutilised buildings and places to inspire urban regeneration, stimulate our economy and unlock latent investment opportunities.</i></p>	<p>The Goolwa Wharf area is currently the subject of a significant grant of \$7.5 Million for the upgrading of open spaces, carparks and outdoor eating areas, landscaping, signage and shared paths, with a view to achieving the intent of the former policy area. A subzone which focusses on the tourism, visitor and community opportunities in the precinct would align more closely with the prudent use of these funds.</p>
<p>3.3 <i>Repurpose, adapt and reuse historical buildings and places that recognise and preserve our state's history.</i></p>	<p>A subzone focussing on the unique steam railway, riverboat trade and associated colonial buildings will provide opportunities for the revitalisation of heritage buildings and places which the zone alone does not, and give additional weight to the policies associated with the State Heritage Area Overlay.</p>
<p>SPP 7 – Cultural Heritage <i>To protect and conserve heritage places and areas for the benefit of our present and future generations.</i></p>	
<p>7.1 <i>The sensitive and respectful use of our culturally and historically significant places</i></p>	<p>As Goolwa Wharf has numerous colonial historic buildings, a subzone which identifies the importance of the steam railway and riverboat trade in the establishment of this heritage can assist in development which achieves sensitive re-use of these buildings.</p>
<p>7.4 <i>The appropriate conservation, continuing use, and as appropriate, adaptive reuse of our heritage places and heritage areas of value to the community.</i></p>	<p>Given the relatively large number of colonial heritage buildings in an iconic riverside location, their adaptive reuse for community activities and facilities would be enhanced by the introduction of a subzone which focusses on its colonial industrial heritage.</p>
<p>7.6 <i>The interpretation potential of heritage places and areas is enhanced to contribute to the economic and cultural sustainability of the state.</i></p>	<p>The unique historic qualities and strategic location of the Goolwa Wharf lend themselves to interpretation, with the potential to be funded by the current grant. A subzone detailing these qualities will help facilitate such enhancements.</p>

3.3. 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, 2017 Update of the Planning Strategy is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<i>Heritage</i>	
<p>P33 <i>Recognise the value that communities place on heritage and ensure that new development is implemented sensitively and respectfully.</i></p>	<p>By focussing on the unique qualities of the aboriginal and colonial heritage of the Goolwa Wharf precinct, sensitive revitalisation and redevelopment will be facilitated.</p>
<p>P35 <i>Encourage the innovative and sustainable reuse of heritage places and older building stock in a way that encourages activity and entices people to visit.</i></p>	<p>A subzone which identifies the unique heritage qualities of this precinct will allow for sensitive re-use and re-development, taking advantage of the significant funds currently available.</p>

<i>The economy and jobs - Tourism</i>	
<p>P63 Provide for sustainable tourism development across Greater Adelaide by:</p> <ul style="list-style-type: none"> ▪ protecting, enhancing and promoting the qualities that attract tourism and are of value to the whole community ▪ facilitating tourism-related developments such as restaurants, speciality retail, accommodation and other value adding activities. 	<p>Whilst the Infrastructure (Ferry and Marina facilities) Zone concentrates of development associated with ferries and marinas, a subzone will allow for development associated with aboriginal cultural heritage and the iconic steam railway and riverboat activities and associated colonial built heritage, in a unique riverside location on the edge of, and with links to the township.</p>

3.4. 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.

The following table identifies other documents relevant to the proposed Code Amendment:

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
<i>Planning Development and Infrastructure Act 2016 – Section 14 – Principles of good planning</i>	
<p><i>In seeking to further the objects of this Act, regard should be given to the following principles that relate to the planning system established by the Act (insofar as may be reasonably practicable and relevant in the circumstances):</i></p> <p>(c) <i>high-quality design principles</i> as follows:</p> <ul style="list-style-type: none"> (i) development should be designed to reflect local setting and context, to have a distinctive identity that responds to the existing character of its locality, and to strike a balance between built form, infrastructure and public realm; (ii) built form should be durable, designed to be adaptive (including in relation to the reuse of buildings or parts of buildings) and compatible with relevant public realm; (iii) public realm should be designed to be used, accessible, and appropriately landscaped and vegetated; (iv) built form and the public realm should be designed to be inclusive and accessible to people with differing needs and capabilities (including through the serious consideration of universal design practices); (v) cities and towns should be planned and designed to be well-connected in ways that facilitate the safe, secure and effective movement of people within and through them; 	<p>These principles have direct relevance to the improvements and enhancements envisaged by (previous) Policy Area 6 Goolwa Wharf and Surrounds. The precinct is unique in South Australia, and a subzone focussing on providing appropriate community, tourism and visitor-related activities and facilities based on the riverine location and reuse of colonial buildings would help achieve these principles,</p>
<i>Alexandrina Council – Community Strategic Plan 2014 - 23</i>	
<p>Activate our spaces Create welcoming, accessible public spaces around natural and built environments Identify and encourage lifestyle, heritage and visitor experiences</p>	<p>The creation of a subzone will better facilitate the application of a significant grant which focuses on the revitalisation</p>

	and upgrading of the public realm in the Goolwa Wharf precinct.
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4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Already Undertaken

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment.

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
Goolwa Wharf Precinct Revitalisation Project	Review and analysis of priority infrastructure and facility upgrades to take advantage of the Fleurieu Peninsula's flourishing tourism industry and boost economic activity, create new tourism products and support local employment.	<ul style="list-style-type: none"> - Goolwa Wharf Shed and Wharf upgrade - Historic Superintendent Cottage refurbishment - Signal Point Regional Arts and Culture Centre – roof and air-conditioning upgrade - Goolwa Visitor Information Centre restoration - Open air function space, shared paths, communal public areas and carpark extension - Wayfinding and WiFi installation

4.2. Further Investigations Proposed

In addition to the investigations already undertaken and identified above, the table below outlines what additional investigations 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
Analysis of existing subzones in the Planning and Design Code	Determine the appropriate level of detail and focus
Liaison with State Agency landowners and the Australian Railways Historical Society	Determine the alignment of a subzone with the future intentions of significant landowners in the precinct.
Liaison with the Goolwa Wharf Precinct Revitalisation Team	Ensure alignment of subzone policy with revitalisation works planned and in progress for the precinct.
Review of recent Goolwa Wharf Precinct Revitalisation public consultation	Ensure that the proposed sub-zone policies reflect the findings and outcomes of the public consultation and their inclusion in the final plans for the precinct.

4.3. Engagement Already Undertaken

As this Code Amendment is being instigated by Council, no previous consultation has been entered into.

4.4. Further Engagement Proposed

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
None identified over and above the Engagement Plan	

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.

Council 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):

- 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 (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 on 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.

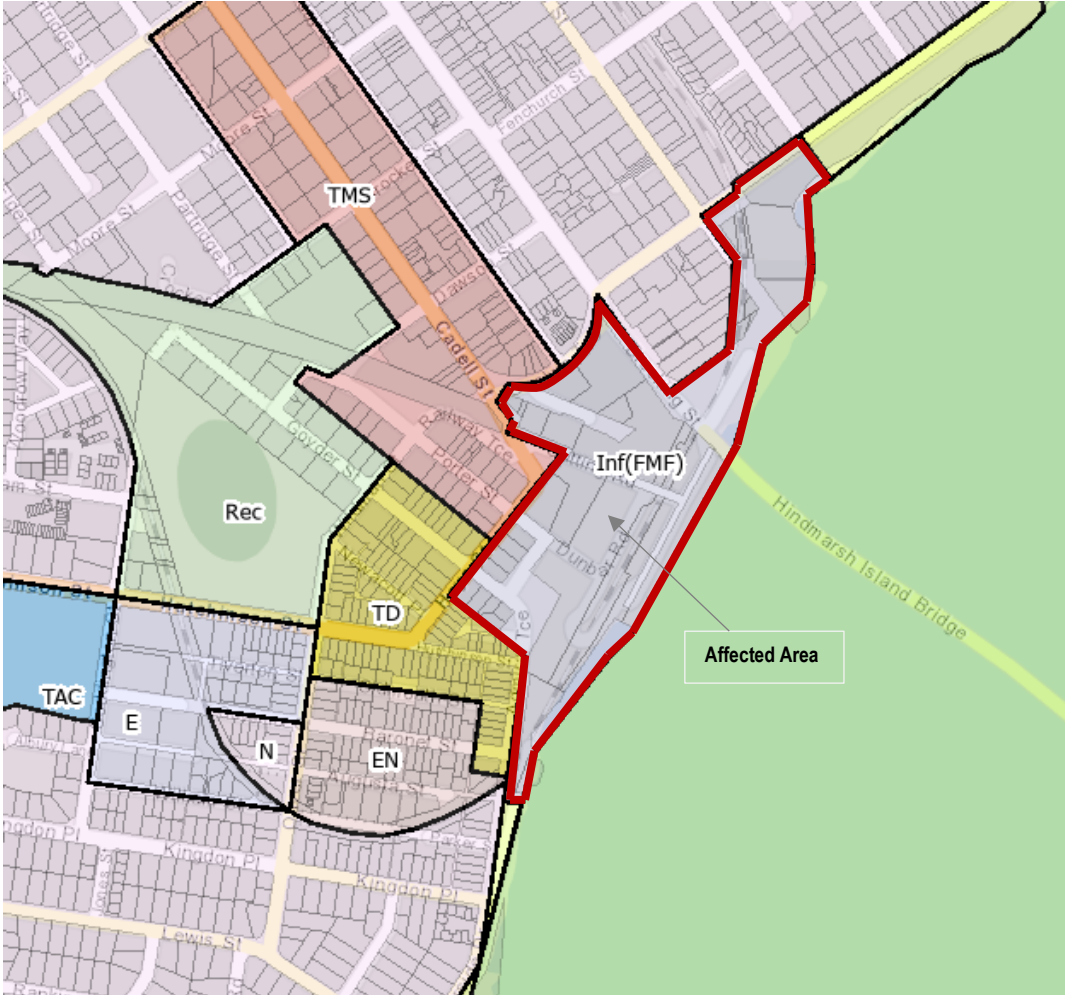
5.3. Code Amendment Timetable

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

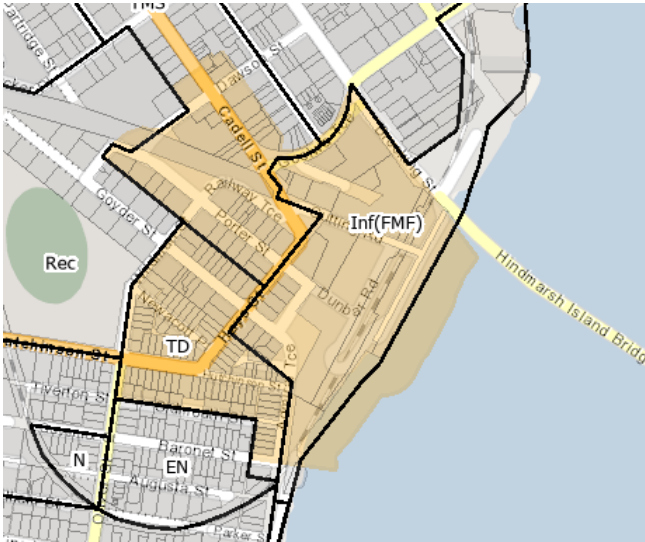
Map of Affected Area

Existing zones – Affected Area and adjoining

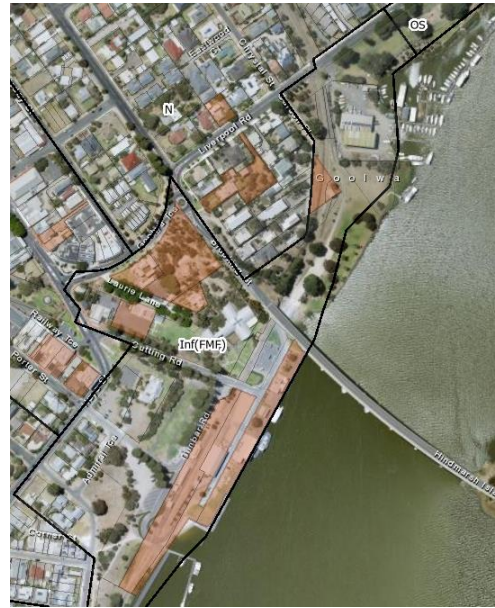


SELECTED OVERLAYS

State Heritage Area Overlay



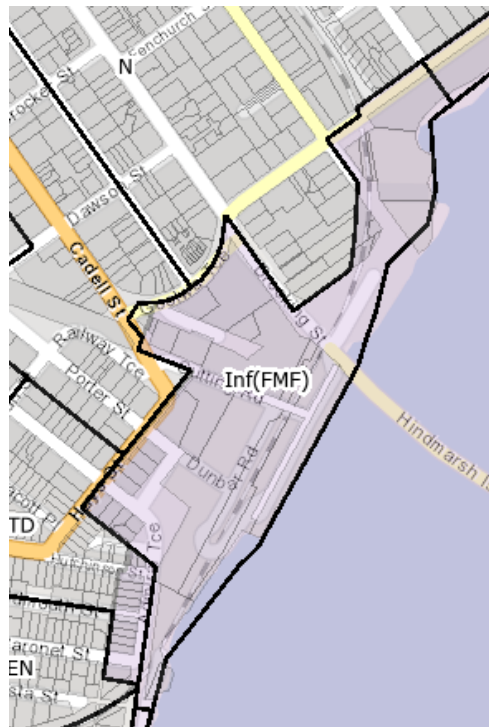
State Heritage Places



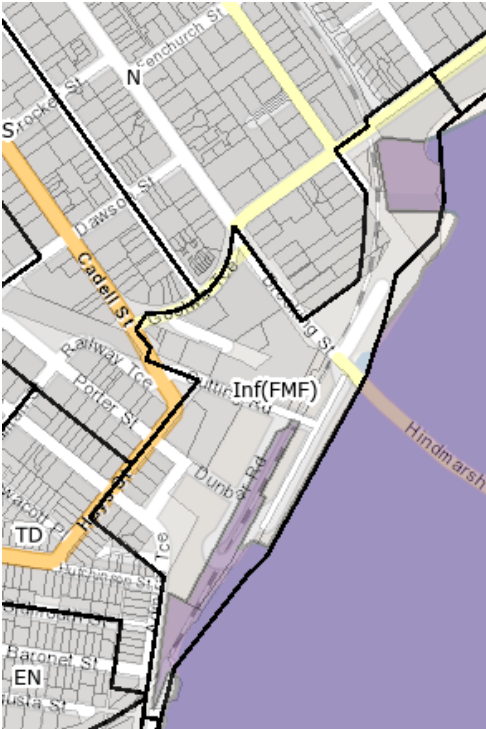
Heritage Adjacency



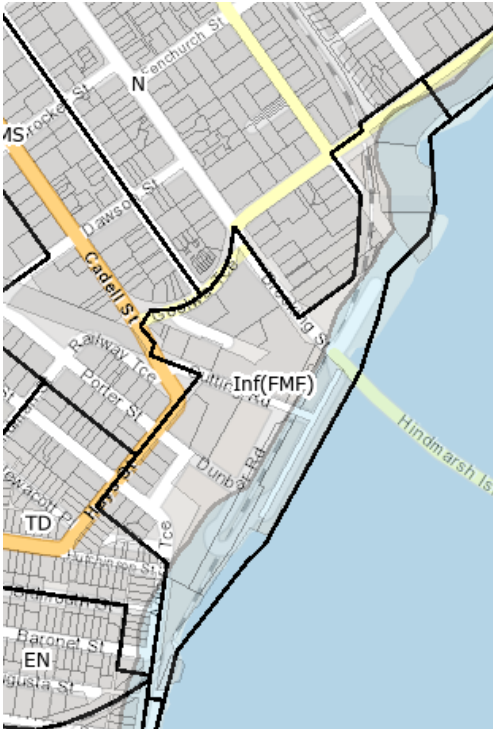
River Murray Flood Plain Protection Area



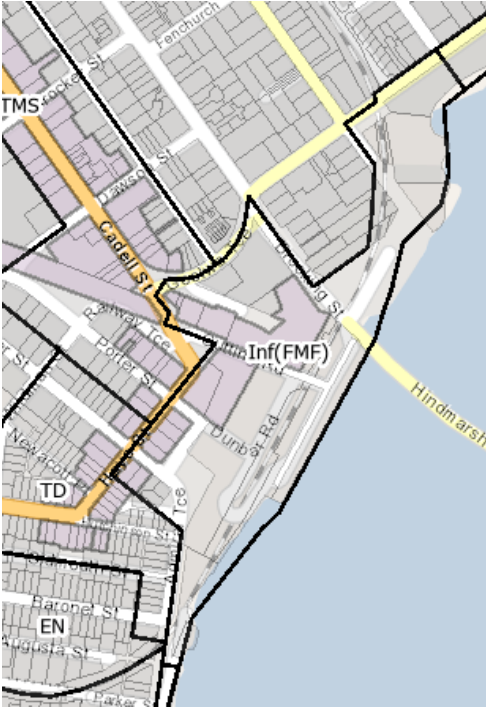
Ramsar Wetlands



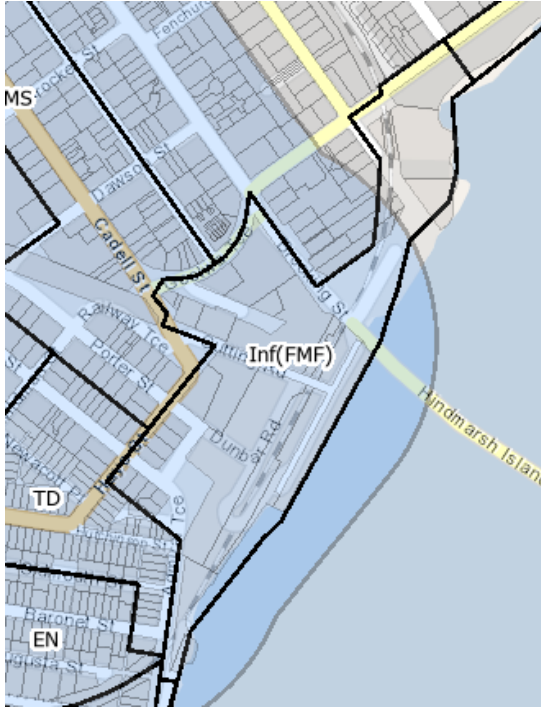
Water Resources



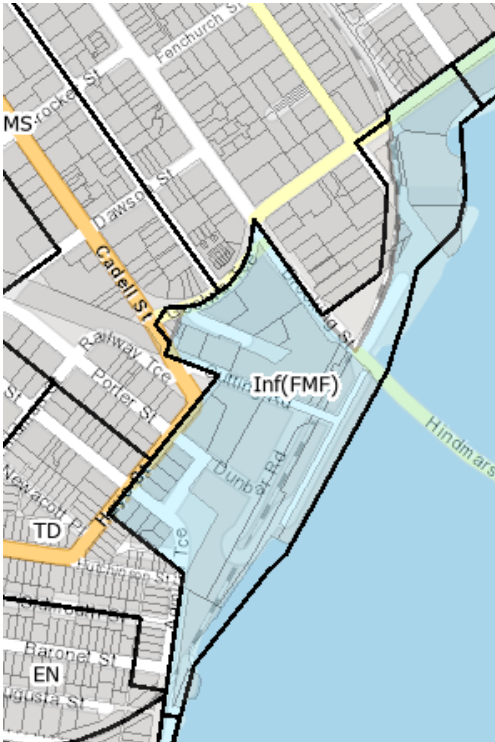
Major Urban Transport Routes



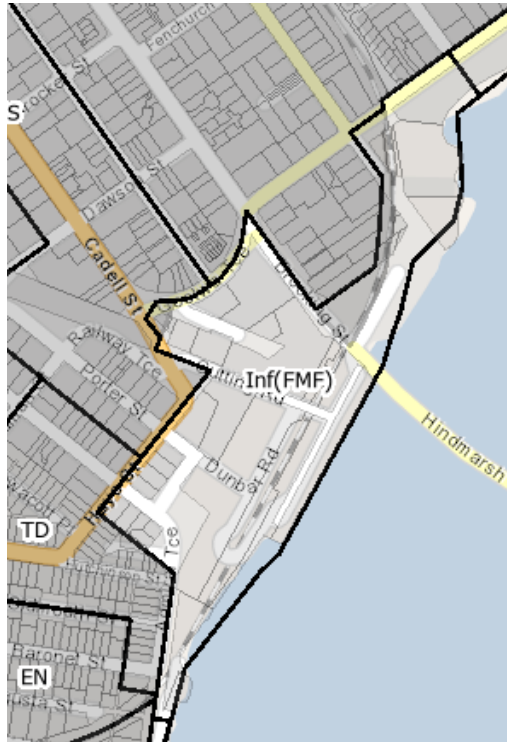
Traffic Generating Development



Hazards (Bushfire – Medium Risk)






Hazards (Bushfire – Urban Interface)



OWNERSHIP



Ownership

-  Alexandria Council
-  Government Departments & Australian Railways Historical Society
-  Private ownership

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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	12 weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes	AGD	1 week
Preparation of Materials for Consultation	Designated Entity	Will be informed by Engagement Plan]
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan	Designated Entity	Will be informed by Engagement Plan]
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD	Designated Entity	6 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
Decision Process		

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Step	Responsibility	Timeframe
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



TO: MINISTER FOR PLANNING

RE: PROPOSAL TO INITIATE THE GOOLWA WHARF CODE AMENDMENT BY THE ALEXANDRINA COUNCIL

PURPOSE

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

BACKGROUND

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act) provides:

73 – Preparation and amendment

(2) A proposal to amend a designated instrument may be initiated by—

(b) with the approval of the Minister, acting on the advice of the Commission—

(iv) a council.

The Alexandrina Council (the Proponent) has lodged a Proposal to Initiate the Goolwa Wharf Code Amendment to amend the Planning and Design Code (the Code) as it relates to the affected area (**Attachment 1**).

The State Planning Commission (the Commission) considered the Proposal to Initiate at its meeting of 23 June 2022 and resolved to support, subject to conditions.

A summary of the roles and responsibilities for you and the Commission in regard to the Code Amendment is provided in **Appendix A**.

A flowchart of the Code Amendment process is provided in **Appendix B**.

DISCUSSION

The following sets out the strategic, policy and procedural considerations in relation to the Proposal to Initiate, including conditions that are recommended should you agree to initiate the Code Amendment.

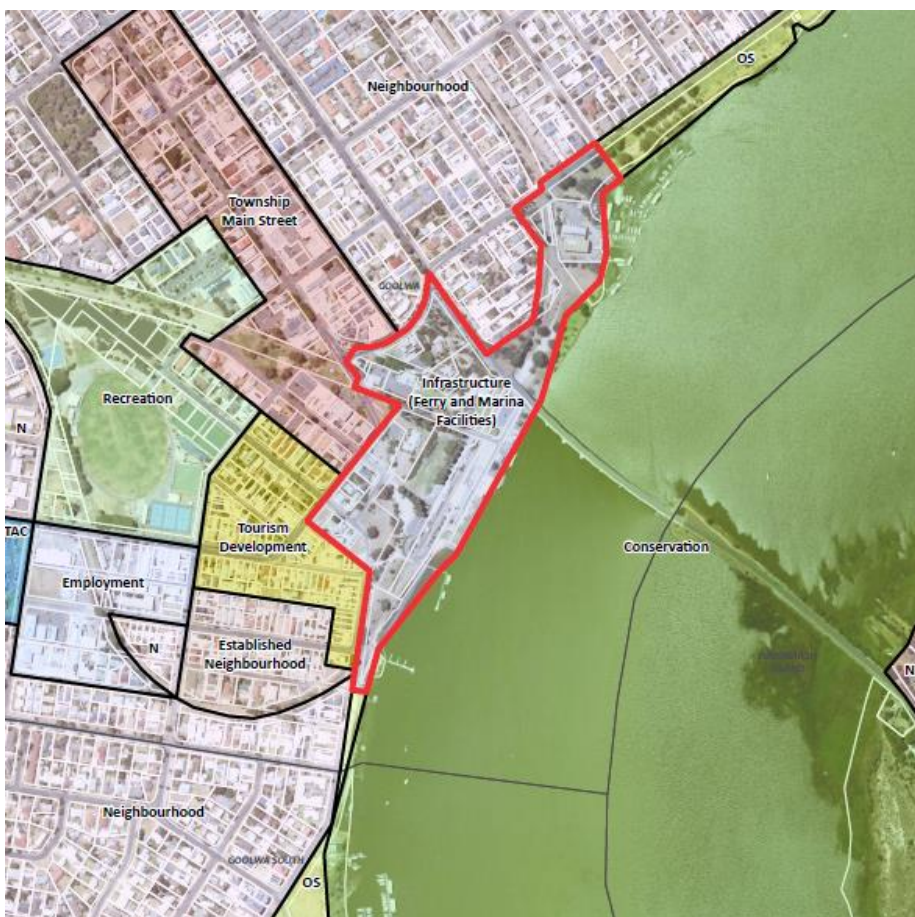
Proposal

The Proposal seeks to apply a new subzone to land located within the Goolwa Wharf area of the Alexandrina Council, currently zoned Infrastructure (Ferry and Marina Facilities). The creation of a new subzone is intended to support location-specific outcomes for the Goolwa Wharf area associated with community, tourism and visitor-related activities related to the early steam railway, riverboat trade and Indigenous heritage.

The current Infrastructure (Ferry and Marina Facilities) Zone is considered insufficient in supporting and promoting the desired tourism and community facilities. Specifically, the zone promotes development (including recreational and tourist activities) in association with, or complementary to, marinas and passenger ferry services; however, there are no marina or ferry services in Goolwa. Of particular concern is the fact that several forms of development trigger notification if they are not in association with a marina or ferry terminal.

The Goolwa Wharf Precinct has been awarded Federal and State funding for a Revitalisation Project, with \$3.75 million in funding under the Australian Government’s Building Better Regions Fund, and a State Government commitment of \$1.25 million. The Alexandrina Council has also pledged \$2.5 million to support the redevelopment of the wharf area. A total of \$7.5 million will support the upgrade or replacement of existing facilities; improve roads and paths and communal event spaces.

The affected area and current zoning are shown in the figure below.



Planning and Design Code Zoning

The affected area is located within the Infrastructure (Ferry and Marina) Zone.

The following Overlays apply to the land:

- Airport Building Heights (Aircraft Landing Area)
- Building near Airfields
- Hazards (Bushfire – Medium Risk)
- Hazards (Bushfire – Urban Interface)
- Hazards (Flooding – Evidence Required)
- Heritage Adjacency
- Murray-Darling Basin
- Major Urban Transport Routes
- Native Vegetation
- Ramsar Wetlands
- River Murray Flood Plain Protection Area
- State Heritage Area
- State Heritage Place
- Traffic Generating Development
- Water Resources.

Land surrounding the affected area is within Open Space Zone, Neighbourhood Zone, Township Main Street Zone, Tourism Development Zone and Established Neighbourhood Zone.

Strategic considerations

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

More details of the Commission’s strategic priorities are provided in **Appendix C**.

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

Strategic advice

The Proposal seeks to apply a new subzone to the Goolwa Wharf precinct over the current Infrastructure (Ferry and Marina Facilities) Zone to provide more specific outcomes pertaining to the revitalisation of the historic precinct, with a focus for tourism and visitors, cultural, entertainment and recreational facilities.

The proposed subzone is considered necessary by the Alexandrina Council to assist in facilitating desired development outcomes which positively contribute to the Goolwa Wharf area. The Proposal is considered to be consistent with the strategic intent of a number of the SPPs and *The 30-Year Plan for Greater Adelaide: 2017 Update* which are aligned with heritage and tourism principles, as well as the intent for adaptive reuse of existing buildings. Further, specific reasons are provided below:

- Additional policies will facilitate development underpinned by significant grant funding which focuses on the revitalisation and upgrade of the public realm in the Goolwa Wharf precinct.
- The *Alexandrina Council Community Strategic Plan 2014-2023* seeks to activate spaces; creating welcoming public spaces around natural and built environments and identify and encourage lifestyle, heritage, and visitor experiences.

Land use characteristics

The affected area fronts the River Murray and encompasses a number of land holdings owned by the Alexandrina Council, State Government agencies and the Australian Railway Historical Society. There are a number of small marinas located along the Goolwa riverbank. A grassed reserve, Jaralde Park, within the affected area is located north-west of the Wharf sheds and railway line and is utilised for community events. The reserve is lined with established Norfolk Island trees which also line Cutting Road leading to the Goolwa Visitor Information Centre and Soldiers Memorial.

Surrounding land to the north-west of the affected area is predominantly residential and is within the Tourist Development Zone. Other zones surrounding the affected area include the:

- Township Main Street Zone
- Neighbourhood Zone
- Established Neighbourhood Zone
- Open Space Zone to the north and south of the affected area.

There are a number of historic buildings in the immediate area which are utilised as local businesses or for tourism operations.

Transport and access

Vehicle and pedestrian access to the wharf area and riverfront is the subject of the Goolwa Wharf Precinct Revitalisation Project. The Revitalisation Project seeks to improve access for large vehicles, such as touring buses, caravans and trailers. Current parking in the area is ad hoc and often opportunistic. There are some shared walking and cycling pathways (the Encounter Bikeway) running along the riverfront in the Goolwa area which are more broadly connected to nearby towns. The Cockle Train is based at the Goolwa Depot and travels along the Goolwa river front wharf area and provides a tourism link between the coastal towns of Port Elliot and Victor Harbor.

Heritage

The affected area encompasses the State Heritage Area Overlay as well as State Heritage Places and Heritage Adjacency Overlays. State Heritage Places include the:

- Railway Goods Sheds located along the wharf's edge
- former Customs House
- former Railway Horse Stables
- former Railway Superintendent's House
- old Police Station and Court House
- the Old Chart Room.

The proposed Code Amendment will have regard to investigations already undertaken as part of the Goolwa Wharf Revitalisation Project pertaining to the restoration and refurbishment of these Heritage Places. The Historic Area Overlay applies to adjoining land to the west of the affected area, within the Established Neighbourhood Zone. Although the Historic Area Overlay is not directly applied to the affected area, it identifies historic, economic and social characteristics of the Goolwa Wharf precinct, highlighting its historic importance. The Alexandrina Council is of the view that the current extents of the State Heritage Area Overlay and Historic Area Overlay are sufficient, and no amendments are sought in this regard.

Procedural considerations

The following sets out the key procedural considerations that satisfy the legislative requirements. Pursuant to section 73(5) of the Act, approval for a Proposal to Initiate may be given on conditions prescribed by the regulations (there are none at this time) or as specified by you, as Minister for Planning. As such, a number of conditions are recommended by the Commission as set out below.

Information requirements

Practice Direction 2 – Preparation of Amendment of Designated Instruments outlines the information requirements for a Proposal to Initiate (**Appendix E**).

The mandatory information requirements have been met and therefore the Proposal is of a suitable form to be considered by you.

Consistent with the State Planning Policies and Regional Plan

The Code must be consistent with the principles of the SPPs and should be consistent with the directions of the relevant Regional Plan, which, in this instance, is *The 30-Year Plan for Greater Adelaide: 2017 Update*. This assessment is provided in the appendices. A more detailed analysis is also located in the Proposal to Initiate (**Attachment 1**).

In summary, the Proposal to Initiate is considered to be consistent with the SPPs and Regional Plan.

Designated Entity

As this proposal is by the Alexandrina Council (the Proponent), under section 73(4) of the Act, you may decide to enable the Proponent to be the Designated Entity and conduct the Code Amendment processes, or alternatively, you can give the Chief Executive of the Department the responsibility for undertaking the processes.

The documentation should, however, be prepared by a suitably qualified person to ensure statutory procedures and good planning outcomes are addressed.

Recommendation(s)

- That the Alexandrina Council be the Designated Entity responsible for undertaking the Code Amendment process.
- The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the Act.

Investigations to support the Amendment

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

The Proponent has identified further investigations to support the Code Amendment, including:

- Analysis of existing subzones in the Code.
- Liaison with State agency landowners and the Australian Railway Historical Society.
- Liaison with the Goolwa Wharf Precinct Revitalisation Team.
- Review of recent Goolwa Wharf Precinct Revitalisation public consultation.

It is acknowledged that the existing Infrastructure (Ferry and Marina) Zone is not currently a suitable fit for the location, and therefore, a subzone is warranted. However, given the tourism focus, it is suggested that the Tourism Development Zone may be more appropriate, albeit a subzone would still likely be required to enable the development of tourist facilities separate to tourist accommodation (currently the Tourism Development Zone requires such activities to be in association with accommodation, which is not the focus in Goolwa). It is therefore recommended that the Alexandrina Council give consideration to the possible application of the Tourism Development Zone (and new subzone), rather than retaining the Infrastructure (Ferry and Marina) Zone.

The Alexandrina Council should note, however, that any new subzone cannot specifically address the heritage aspects of the area as this is the role of the various Heritage Overlays. Should the Alexandrina Council consider additional heritage guidance necessary, then it would need to explore the expansion of the Historic Area Overlay (and relevant adjustments to the Historic Area Statement). Notwithstanding, it is noted that the Alexandrina Council has verbally advised Planning and Land Use Services (PLUS) that further amendments in this regard are not warranted.

Recommendation(s)

That the following further investigations be undertaken by the Designated Entity, in addition to that outlined in the Proposal to Initiate, under section 73(6)(f) of the Act:

- Explore the possible application of the Tourism Development Zone (and new subzone) as an alternative to the existing Infrastructure (Ferry and Marina) Zone.

Application of the Code

The Proposal seeks to apply a new subzone to land in the Infrastructure (Ferry and Marina Facilities) Zone to support the Goolwa Wharf revitalisation and development of tourist, community and educational facilities associated with Goolwa's unique heritage assets. It is noted that the State Heritage Place, State Heritage Area and Heritage Adjacency Overlays apply to the majority of the affected area.

As discussed above, it is considered that the creation of a new subzone is warranted in this instance to address unique local circumstances. To ensure that the new subzone follows the Code drafting principles, it is recommended that it be drafted by the Code Drafting Team within PLUS. Further changes to Code policy beyond this are not supported.

To further ensure compliance with the Code drafting principles, it is recommended that the Alexandrina Council seek the approval of the Commission prior to commencing community engagement.

Recommendation(s)

- The subzone will be drafted by the Code Drafting Team within Planning and Land Uses Services in discussion with the Designated Entity.
- That a condition be placed on the Proposal to Initiate that, with the exception of the development of a new subzone, limits the scope of the proposed Code Amendment to exclude the creation of new planning rules, and to be limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Code (on the date the Amendment is released for consultation).
- The Designated Entity must seek approval from the State Planning Commission prior to the commencement of community engagement on the draft Code Amendment.

Consultation

In accordance with the Community Engagement Charter, the Designated Entity is required to prepare an Engagement Plan that will outline how, when and with whom it engages with regarding the proposed Code Amendment. Consultation is scheduled to commence in October 2022, subject to approval from the Commission.

The Commission has determined to specify the following further persons or bodies that the Designated Entity must consult with in relation to the proposed Code Amendment, as permitted under section 73(6)(e) of the Act:

- Ngarrindjeri people
- Department for Infrastructure and Transport
- Department for Environment and Water, State Heritage
- Coast Protection Board
- South Australian Tourism Commission
- Utility providers, including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

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

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

Recommendation(s)

Advise the Designated Entity of the required consultation with the entities and bodies specified by the Commission.

RECOMMENDATIONS

It is recommended that you:

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <p>1. Note the advice of the State Planning Commission provided to you as required under section 73(2)(b) of the <i>Planning, Development and Infrastructure Act 2016</i>.</p> | <p>NOTED / NOT NOTED</p> |
| <p>2. Note that the State Planning Commission has, under section 73(6)(e) of the <i>Planning, Development and Infrastructure Act 2016</i>, specified that the Designated Entity must consult with the following nominated individuals and entities, and advise the Designated Entity accordingly:</p> <ul style="list-style-type: none"> • Ngarrindjeri people | <p>NOTED / NOT NOTED</p> |

- Department for Infrastructure and Transport
- Department for Environment and Water, State Heritage
- Coast Protection Board
- South Australian Tourism Commission
- Utility providers, including SA Power Networks, ElectraNet, APA Group, SA Water, Epic Energy, NBN, and other telecommunications providers
- State Members of Parliament for the electorates in which the proposed Code Amendment applies.

3. Note that the State Planning Commission has, under section 73(6)(f) of the *Planning, Development and Infrastructure Act 2016*, resolved to specify the following further investigations to that outlined in the Proposal to Initiate, and advise the Designated Entity accordingly:

NOTED / NOT NOTED

- Explore the possible application of the Tourism Development Zone as an alternative to the existing Infrastructure (Ferry and Marina Facilities) Zone.

4. Approve initiation under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*, subject to the following conditions, under section 73(5) of the *Planning, Development and Infrastructure Act 2016*:

APPROVED / NOT APPROVED

- a) With the exception of the creation of a new subzone, the scope of the proposed Code Amendment does not include the creation of new planning rules, and is limited to the spatial application of zones, subzones, overlays, or technical and numerical variations provided for under the published Planning and Design Code (on the date the Amendment is released for consultation).
- b) The subzone will be drafted by the Code Drafting Team within Planning and Land Uses Services in discussion with the Designated Entity.

- c) The Designated Entity must seek approval from the State Planning Commission prior to the commencement of community engagement on the draft Code Amendment.
- d) The Code Amendment is prepared by a person with qualifications and experience that is equivalent to an Accredited Professional—Planning Level 1 under the *Planning, Development and Infrastructure Act 2016*.

- 5. Under section 73(4)(a) of the *Planning, Development and Infrastructure Act 2016*, approve the initiation of the Code Amendment on the basis that the Alexandrina Council will undertake the Code Amendment processes (as the Designated Entity) required under the *Planning, Development and Infrastructure Act 2016*.
- 6. Agree to sign the Proposal to Initiate the Goolwa Wharf Code Amendment (**Attachment 1**).
- 7. Agree to sign the attached letter to the Alexandrina Council (**Attachment 2**) advising of your approval and conditions.

APPROVED / NOT APPROVED

AGREED / NOT AGREED

AGREED / NOT AGREED

NICK CHAMPION MP
/ / 2022



CRAIG HOLDEN
Chair, State Planning Commission
24 / 06 / 2022

Attachments:

- 1. Proposal to Initiate the Goolwa Wharf Code Amendment (#18206854).
- 2. Suggested letter to the Alexandrina Council (#18273714).

Appendices:

- A. Summary of Roles and Responsibilities in the Code Amendment Process (#18273973).
- B. Process Flowchart – Code Amendments Initiated by Proponents (#18273991).
- C. State Planning Commission’s Strategic Priorities (#18274016).
- D. Assessment against the State Planning Policies and Regional Plan (#18274048).
- E. Extract from *Practice Direction 2 – Preparation and Amendment of Designated Instruments* (#18274029).

Contact: Jason Bailey
Tel No: 0439 995 006

Procedural Matters for the State Planning Commission (the Commission)

The Commission's role at Initiation, when the Commission is not the Proponent, is to:

- Provide advice to the Minister for their consideration in making a decision on initiation pursuant to section 73(2)(b) of the Act.
- Specify any person or body the Designated Entity must consult with under section 73(6)(e) of the Act, noting that the designated entity will also need to prepare an engagement plan in accordance with the Community Engagement Charter prior to consultation.
- Specify any investigations to be carried out and/or information to be obtained by the Designated Entity, in accordance with section 73(6)(f) of the Act.

The importance of the initiation process is two-fold:

- Firstly, it enables proposals considered to be significantly at odds with the State Planning Policies (SPPs) and relevant Regional Plan to be refused early in the process, minimising risk. This is because the decision to proceed is based on an assessment against these documents.

To that end, the Commission may also advise the Minister on how the proposal fits with its stated priorities, including:

- Technical amendments that enhance the operation of the Code.
- Bushfire policy in response to the Royal Commission and improved bushfire mapping data.
- Support land supply, including infill, master planned neighbourhoods and growth areas consistent with the Growth Management Programme.
- Support economic clusters such as agribusiness and value adding, defence industries, energy and resources, health and medical industries and knowledge and creative industries.
- Provide state-wide strategic benefit such as protection against environmental hazards.
- Secondly, the initiation process is the point at which the scope of the Code Amendment process, investigations and information requirements and the amendments are determined. This provides clarity and certainty for the proponents.

Approval of the Proposal to Initiate may be given on conditions prescribed by the regulations (there are none at this time) or as specified by the Minister. As such, conditions have been recommended by the Commission, to be made by the Minister.

The Commission has previously determined that (where possible) Code Amendments should be prepared and led by proponents themselves for the first 12 months following implementation of the Phase Three Code.

Code Amendments Initiated by Proponents

Section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*

