

ADELAIDE (CITY) DEVELOPMENT PLAN

**ADELAIDE OVAL FOOTBRIDGE DEVELOPMENT
PLAN AMENDMENT**

**SUMMARY OF CONSULTATION AND
RECOMMENDED AMENDMENTS REPORT FOR
THE MINISTER FOR PLANNING**

**BY THE DEVELOPMENT POLICY ADVISORY
COMMITTEE**

1. INTRODUCTION

This report provides an account of the consultation process and the matters raised during the Public Consultation period, in respect to the draft Adelaide Oval Footbridge Development Plan Amendment.

2. CONSULTATION

Consultation process

Statutory consultation with State Government Agencies and the public was undertaken in accordance with the Development Plan Amendment process B and in accordance with Section 26 of the *Development Act 1993*.

The consultation period commenced on 24 January 2013 and concluded on 20 March 2013.

A list of the agencies and persons who were advised of the draft Development Plan Amendment, are included in **Attachment A**.

Public notification

A notice was published in The Advertiser on 24 January 2013.

Copies of statutory and other public notification documents are included in **Attachment B**.

The draft Development Plan Amendment was placed on display at the Department of Planning, Transport and Infrastructure's office (North Terrace, Adelaide) and was made available at City of Adelaide offices, Colonel Light Centre, 25 Pirie Street, Adelaide.

3. SUBMISSIONS

Public submissions

Eighteen (18) public submissions were received. The main issues/comments which have been raised in the submissions are set out below:

- Financial costs associated with the construction of the footbridge and its ongoing maintenance
- Footbridge considered unnecessary infrastructure
- Removal of some 70 significant and regulated trees
- Concerns with the consultation process, including use of interim operation concurrent with the assessment of a proposal to construct the footbridge
- Perceived intent for commercialisation of public areas and realms
- Impacts of the footbridge on the appearance of the area and on the riverfront vista
- Confusion about the area affected map contained in the analysis section of the Development Plan Amendment – as it covers a wider area than that which will accommodate the footbridge development
- Original design of the footbridge (subject to community consultation in 2012) has not been used resulting in a design which will result in the closure of War Memorial Drive on game days – thereby potentially impeding emergency access to nearby hospitals
- The proposed footbridge will not necessarily relieve both the City and Victoria bridges from intensive pedestrian traffic due to public transport (other than rail)
- The outcomes of the Development Plan Amendment are pre-determined as its primary intent is to facilitate a major development

- Amendment to non-complying development list to remove i.e. '*Building work involving the demolition of a State Heritage place*' – inadvertently applying to other heritage places, not only the Festival Centre and Plaza

A summary of each submission is contained in **Attachment C**.

Council submission

One (1) submission has also been received from the City of Adelaide. The main issues/comments which have been raised in the submission are set out below:

- General support for the intent of the Development Plan Amendment to provide a suitable policy basis for the development of a footbridge connecting the upgraded Adelaide Oval with the Adelaide Festival Centre and Adelaide Railway Station.
- Concerns about the removal of non-complying development controls in the Residential (Institutional) Zone as they apply to demolition of State Heritage Places. This is viewed as being unnecessary for the construction of the footbridge and goes beyond the stated scope of the Development Plan Amendment by affecting other State Heritage Places in the affected area.

A summary of the submission is contained in **Attachment C**.

State Government Agency submissions

Nine (9) responses were received from State Government Agencies. The main issues/comments which have been raised in the submissions are set out below:

- Renewal SA, the South Australian Tourism Commission, the Environment Protection Authority and the Transport Services section of the Department of Planning, Transport and Infrastructure are all generally supportive of the Development Plan Amendment, particularly in the broader context of the development of the Riverbank Precinct.
- The Department of Environment Water and Natural Resources (DEWNR) and the South Australian Heritage Council have identified concerns about the removal of the listing '*Building work involving the demolition of a State Heritage Place*' from the non-complying list within the Institutional (Riverbank) Zone. They consider that this amendment will have wider implications by affecting other heritage places in the zone and will change the public notification category for such demolition from Category 3 (with third party appeal rights) to Category 1 (no notification required).
- DEWNR offered suggestions about strengthening the Desired Character Statement and Principle of Development Control 12 (a) of the Institutional (Riverbank) Zone to ensure existing native vegetation is offered protection as the area affected by the zone is not classified as Metropolitan Open Space and is not subject to the *Native Vegetation Act 1991*.

A summary of each submission is contained in **Attachment D**.

Referral of the Development Plan Amendment to the Minister for Sustainability, Environment and Conservation

In accordance with Section 24(2) of the *Development Act 1993* you referred a copy of the Adelaide Oval Footbridge Development Plan Amendment to the Honourable Ian Hunter MLC, Minister for Sustainability, Environment and Conservation on 24 January 2013.

While supporting the general intent of the Development Plan Amendment to enable the construction of the footbridge, the Minister has indicated that he does not support the removal of Principle of Development Control 25(b) 'Building Work involving the demolition of a State Heritage Place' from the non-complying list in the Institutional (Riverbank) Zone. The Minister advises that this change will not only impact on the Adelaide Festival Centre but also impact on three other State Heritage Places in the zone thereby reducing their current level of protection.

To address the above matters, the Minister has recommended that the Development Plan Amendment be amended to either:

1. Reinstate Principle of Development Control 25(b) but provide an exception for the section of the Adelaide Festival Centre impacted by the Adelaide Oval Footbridge; or
2. Include an additional Council-wide principle of development control from the current Heritage general policy module in the South Australian Planning Policy Library which talks about the retention of State Heritage Places unless that portion to be removed is excluded from the listing or the structural condition of the place warrants it.

Public access to submissions about the Development Plan Amendment

Copies of all public submissions were made available for public review from 20 March 2013 to 9 April 2013 at the Department of Planning, Transport and Infrastructure's office or website at www.sa.gov.au

4. PUBLIC MEETING

Public Meeting

Six (6) requests were received from the public to be heard in support of their submissions:

	Member of Public / Council / Representative	Submission Number
1.	Darian Hiles	P07
2.	Peter Smith, CEO, City of Adelaide	P012
3.	Ed Briedis, Chairman, North Adelaide Society Inc.	P013
4.	Tom Matthews, President, Adelaide Park Lands Preservation Association, Inc.	P015
5.	Ian Gilfillan, President, Adelaide Park Lands Preservation Association Inc.	P016
6.	Kelly Henderson	P017

A Public Meeting was held on 9 April 2013 at the Mercure Grosvenor Hotel, North Terrace, Adelaide.

Mr Ed Briedis, Chairman of the North Adelaide Society and Mr Ian Gilfillan, President of the Adelaide Park Lands Preservation Association both of who indicated that they wished to speak did not attend the public hearing.

Ms Kelly Henderson spoke on behalf of the Adelaide Park Lands Preservation Association (as a member) and also independently.

Ms Rachel Sanderson MP, Member for Adelaide, had not advised that she wanted to speak at the public hearing, but did give a verbal submission.

5. DISCUSSION

Most of the submissions received in relation to the draft Development Plan Amendment sought the reinstatement of the reference to *'building work involving the demolition of a State Heritage Place'* in the list of non-complying forms of development in the Institutional (Riverbank) Zone.

It is understood that this policy was removed through the interim operation of this Development Plan Amendment to ensure that a pedestrian footbridge and its associated works (involving the State heritage listed Festival Centre and Plaza) would be a 'merit' form of development in the zone.

This proposed amendment has the potential to affect the level of protection offered to other State Heritage Places located within the zone (including Parliament House, the Adelaide Railway Station and Old Parliament House).

DPAC considers that reinstatement of the non-complying listing (subject to further refinement to accommodate the footbridge development) is reasonable and would limit the extent of the proposed changes to the area of the proposed footbridge only – thereby retaining the additional level of protection for the other State Heritage Places.

It is therefore recommended that such an amendment be made to the non-complying list but with an exclusion made to account for the Adelaide Oval Footbridge and associated works. This would be consistent with the advice provided by the Minister for Sustainability, Environment and Conservation, the South Australian Heritage Council, the Department of Environment, Water and Natural Resources and the City of Adelaide on the Development Plan Amendment.

The suggested changes to the non-complying listing are detailed in the recommendations following.

The following comments are made in respect to several other important aspects associated with the draft Development Plan Amendment.

Interim Operation

A number of submissions have raised concerns regarding the use of interim operation for the draft Adelaide Oval Footbridge Development Plan Amendment. In this respect, a number of submissions have stated that the use of interim operation in this instance was inappropriate. Most comments of this nature were made in the context of a development application for the footbridge having been lodged, assessed and approved prior to the closing date for submissions on the Development Plan Amendment.

The granting of interim operation to draft Plans can give rise to concerns regarding process. Whilst the intent in this instance is to create a supportive zoning and policy framework to permit the development of a footbridge across the Torrens Lake, given that a development application has already been lodged and approved before the final Development Plan Amendment is authorised, the merits (or otherwise) of the new policy framework may have been distracted in this process.

Concerns about financial expenditure, commercial focus and provision of unnecessary infrastructure

Many of the comments received on the Development Plan Amendment have objected to it on the basis of one or all of the following issues:

- Financial costs associated with the construction of the footbridge and its ongoing maintenance
- Footbridge is unnecessary infrastructure
- Perceived intent for commercialisation of public areas and realms

While the above concerns are noted, such issues go beyond the scope of the Development Plan Amendment. Many of the decisions concerning the above matters were made prior to the initiation of the Development Plan Amendment and were the subject of the normal Parliamentary approval processes and relevant feasibility / design investigations.

In terms of the commercialisation of the precinct, these concerns appear to be based on analysis in the Development Plan Amendment which provided an overview of the associated (but relevant) Riverbank Master Plan and Implementation strategy process. This information was provided in the Development Plan Amendment for context only and will not be delivered by this Development Plan Amendment.

Renewal SA is currently undertaking further community and stakeholder consultation on a Precinct Plan for the area. Any opportunities for further development of the Precinct are therefore likely to be considered as part of this process.

Bias in the Development Plan Amendment process

Some of the submissions received on the Development Plan Amendment indicated that they thought that the Development Plan Amendment was largely pre-determined / biased towards development and had been prepared in the absence of broader consultation with the local community.

In terms of prior consultation on the footbridge, DPAC is aware that the City of Adelaide and the Department of Planning, Transport and Infrastructure both undertook consultation on the design and location of the proposed footbridge in mid 2012. In particular, the City of Adelaide prepared a multi-channel consultation strategy which targeted its community for feedback on the proposed development.

6. RECOMMENDED AMENDMENTS FOLLOWING CONSULTATION

Based on a review of all the representations and comments received, the Development Policy Advisory Committee has resolved to recommend the following:

Institutional (Riverbank) Zone

(1) Reinstate Principle 25(b) (Non-complying development) as amended below:

(b) Building work involving the demolition of a State Heritage Place except;

(i) In relation to the establishment of a pedestrian footbridge between the north and south banks of the Torrens Lake, including:

- *Construction and associated infrastructure works (plant and equipment facilities)*
- *Integrated plaza areas and landscaping*
- *Bistro and office facilities integrated with the pedestrian footbridge and Adelaide Festival Centre, within the area represented on Figure I/1.*

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Mario Barone FPIA
PRESIDING MEMBER
DEVELOPMENT POLICY ADVISORY COMMITTEE

Date: *30 May 2013*

LIST OF ATTACHMENTS

Attachment A:

List of State Government Agencies and persons who were advised of the Development Plan Amendment

Attachment B:

Copies of statutory and other public notification documents

Attachment C:

Summary of public and council submissions

Attachment D:

Summary of State Government Agency submissions