



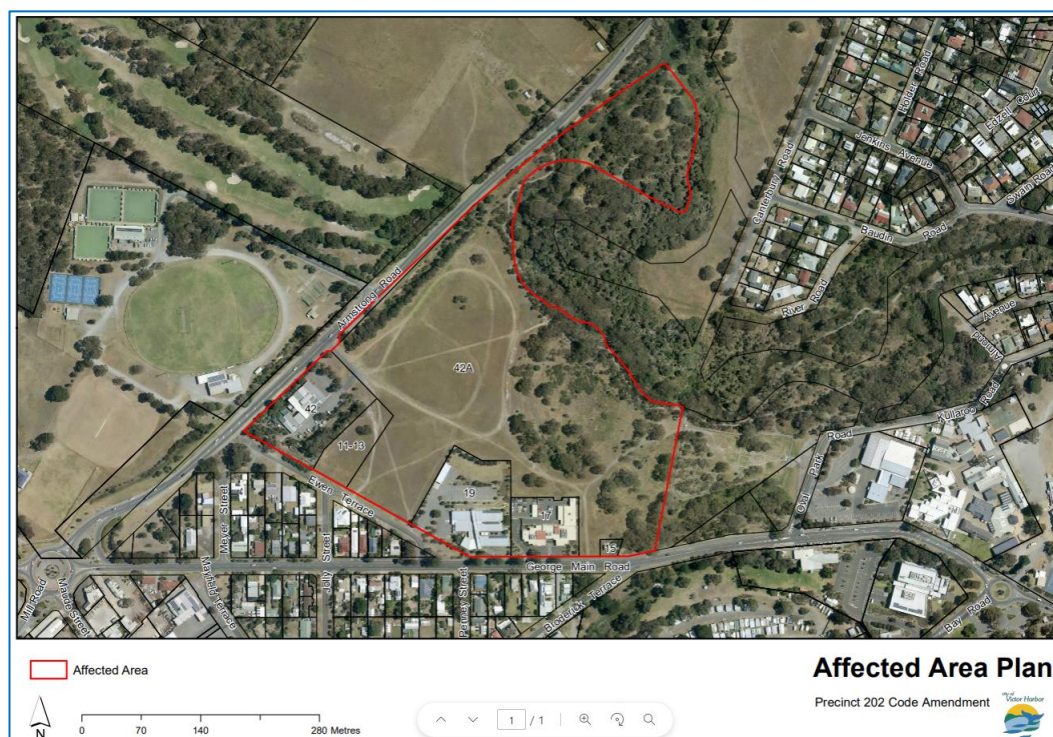
Precinct 202 Code Amendment ENGAGEMENT SUMMARY

1. Introduction

The purpose of this engagement summary is to provide an overview of the community engagement undertaken in relation to the Precinct 202 Code Amendment. It outlines a summary of the consultation activities that were undertaken, the feedback gathered and a response to issues raised.

2. Background

The Code Amendment seeks the rezoning of the Affected Area, refer below, from Business Neighbourhood to Community Facilities, as the current zoning does not envisage or support the facilities anticipated for, or currently existing within, the Affected Area. It also proposes the application of a Concept Plan to the Affected Area that defines areas of high ecological value, walking trails and water courses. This, along with the retention of existing overlays, will mitigate the effects of development on existing vegetation and the river corridor. The Affected Area comprises around 142,000 square metres and is bounds by three Council owned roads (Armstrong Road, George Main Road, Ewen Terrace) and the Inman River.





In accordance with Council's Proposal to Initiate the Precinct 202 Code Amendment as agreed by the Minister for Planning in July 2024, the draft Code Amendment proposed to rezone the area to enable Council to develop a community sport and recreation precinct (the Precinct) on Lot 202 within the Affected Area.

Council has been planning the delivery of the Precinct for many years in response to the demands and pressures of a growing community and region, it is proposed to include indoor and outdoor recreation, as well as other key community infrastructure. Most recently, Council has been focusing its efforts on the development of the Precinct on Lot 202, which sits within the Affected Area.

Whilst the delivery, operational models and scope of the Precinct are still being considered, the current zoning does not allow for the development of indoor recreational facilities in any form.

Similarly, the State Government owns the adjoining Lot 201 which has been set aside for a future State Emergency Services and Sea Rescue Service facility, which is also not allowed for in the current zoning.

There are other existing uses within the Affected Area that are not envisaged within the current zoning, namely a community centre, tertiary education facility and police station / courthouse. Whilst they are existing land uses, the Code Amendment will rectify this anomaly and provide for a contiguous and orderly land use zone within the Affected Area.

The engagement process for the Precinct 202 Code Amendment was undertaken over a four (4) week period from Friday, 8 November to Friday, 6 December 2024.

3. Engagement Objectives

The engagement objectives were to:

- Share information with the public about the Code Amendment
- To provide easy to understand written and graphic materials that explain the proposed rezoning
- Create an understanding of the reasons for the Code Amendment
- Ensure that all affected and interested stakeholders have the ability to provide input
- Understand the views of the stakeholders
- Inform and improve the quality of the policy within the Code Amendment
- Close the loop by informing members of the community who participate in the engagement process of the outcomes of the consultation and the final decision
- Comply with the Planning, Development and Infrastructure Act 2016 (PDI Act) and the Community Engagement Charter



4. Engagement Activities

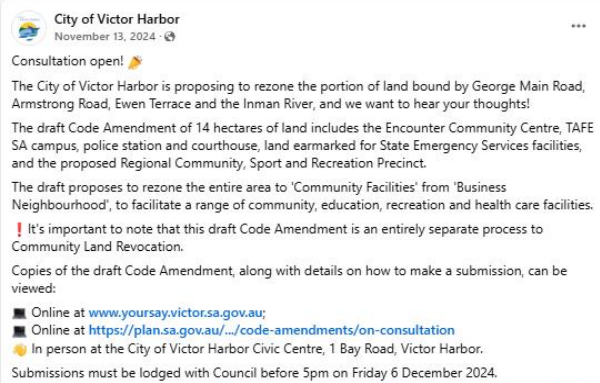
The engagement approach for this Code Amendment was designed in order to provide a variety of ways for information to be accessed and feedback provided. This is summarised below:

- A notice published in the Fleurieu Sun newspaper on Thursday, 7 November 2024 announcing the commencement of the consultation process.
- A copy of the draft Code Amendment, investigations, engagement plan, fact sheet and frequently asked questions included on the SA Planning Portal, as well as a link to the SA Planning Portal to make an online submission. Other information on the SA Planning Portal included the proposal to initiate, Letter from Minister (approval to initiate) and affected area map.
- Information provided on Council's Your Say Victor Harbor website with information about the Code Amendment Consultation and including a range of documentation including a copy of the draft Code Amendment, investigations, engagement plan, fact sheet and frequently asked questions. There was also a link provided directly to the SA Planning Portal to enable people to make online submissions.
- Hard copy information relating to the draft Code Amendment available for inspection at the City of Victor Harbor Civic Centre including the draft Code Amendment, investigations, engagement plan, fact sheet and frequently asked questions.
- Direct letter send to landowners affected by the proposed changes, surrounding landowners, government agencies and the Ngarrindjeri Aboriginal Corporation.
- Fact Sheet and Frequently Asked Questions documents prepared outlining what is proposed in the draft Code Amendment and how interested persons can comment.
- A public drop-in session held at the City of Victor Harbor Public Library on Thursday, 14 November 2024 to answer questions and explain the consultation process.
- Consultation opportunity shared via Council's social media and e-newsletters.

A copy of the endorsed engagement plan is provided at **Attachment 1**.

5. Engagement Outcomes

The following is an outline of the engagement outcomes during the consultation period:

Activity	Timing	Outcome
PlanSA Portal	Friday, 8 November 2024 to Friday, 6 December 2024	11 written submissions were received via PlanSA
Council's 'Your Say' Website	Friday, 8 November 2024 to Friday, 6 December 2024	8 written submissions were sent directly to Council.
Direct Letters	Friday, 8 November 2024	66 letters sent to identified stakeholders with information relating to the draft Code Amendment and how to make submissions during the consultation period.
Community Drop-in Session	Thursday, 14 November 2024	Six (6) people attended the community drop-in session. It was evident there was confusion regarding the connection of the Code Amendment to the previously consulted community land revocation.
Facebook Post	Tuesday, 13 November 2024	 City of Victor Harbor November 13, 2024 · 🌐 Consultation open! 📢 The City of Victor Harbor is proposing to rezone the portion of land bound by George Main Road, Armstrong Road, Ewen Terrace and the Inman River, and we want to hear your thoughts! The draft Code Amendment of 14 hectares of land includes the Encounter Community Centre, TAFE SA campus, police station and courthouse, land earmarked for State Emergency Services facilities, and the proposed Regional Community, Sport and Recreation Precinct. The draft proposes to rezone the entire area to 'Community Facilities' from 'Business Neighbourhood', to facilitate a range of community, education, recreation and health care facilities. ! It's important to note that this draft Code Amendment is an entirely separate process to Community Land Revocation. Copies of the draft Code Amendment, along with details on how to make a submission, can be viewed: - Online at www.yoursay.victor.sa.gov.au; - Online at https://plan.sa.gov.au/.../code-amendments/on-consultation - In person at the City of Victor Harbor Civic Centre, 1 Bay Road, Victor Harbor. Submissions must be lodged with Council before 5pm on Friday 6 December 2024. Post reach: 1,227
Foyer Displays	Friday, 8 November	N/A

2024 Public Notice – Fleurieu Sun Newspaper Thursday, 7 November 2024	 Have Your Say: Precinct 202 - Code Amendment The City of Victor Harbor is proposing to rezone land in Victor Harbor to enable the development of key community facilities. The affected area consists of approximately 14 hectares of land that is zoned Business Neighbourhood and is bound by George Main Road, Armstrong Road, Ewen Terrace and the Inman River. The draft Code Amendment proposes: - to rezone the entire affected area to 'Community Facilities', which seeks to facilitate a range of community, education, recreation and health care facilities. - to apply a Concept Plan over the Affected Area, which seeks to protect areas of high ecological value from development. Land within the affected area forms part of both state and local government strategic land holdings earmarked for future community facilities development that are not supported under the current zoning. This includes the proposed Regional Community, Sport and Recreation Precinct (the Precinct) and State Emergency Service facilities. Victor Harbor and the surrounding region has experienced sustained growth in population, and further growth is expected as more families move to the region. There is a shortage of adequate facilities to support current and expected growth across the southern Fleurieu region and consequently significant investment in community infrastructure is required, evidenced by a demand analysis that highlights the need for regional facilities. Both the Precinct and improved emergency services facilities aim to take a significant step to addressing this gap. Additionally, the proposed Code Amendment aligns with the existing uses of all remaining lots within the Affected Area, namely the Encounter Community Centre, TAFE SA campus, police station and courthouse. This rezoning will implement key targets of the 30-Year Plan for Greater Adelaide by providing opportunity for the development of community, sport and recreation facilities in key areas that promote health, wellbeing and inclusion. Council has prepared a draft Code Amendment in accordance with the <i>Planning, Development and Infrastructure Act 2016</i> and associated regulations. The draft Code Amendment is available for viewing online at www.yoursayvictor.sa.gov.au or at the Civic Centre (1 Bay Road, Victor Harbor). Copies of the draft Code Amendment, along with details on how to make a submission, can be viewed: - Online at www.yoursayvictor.sa.gov.au; - Online at https://plan.sa.gov.au/your-say/code-amendments/on-consultation - In person at the City of Victor Harbor Civic Centre, 1 Bay Road, Victor Harbor. Submissions must be lodged with Council before 5pm on Friday 6 December 2024. For more information, please contact the City of Victor Harbor on (08) 8551 0500 or localgov@victor.sa.gov.au. Victoria Mackirdy, Chief Executive Officer
Advertisement – Fleurieu Sun Newspaper Thursday, 14 November 2024	YOUR QUESTIONS ANSWERED Precinct 202 Code Amendment To enable the development of key community facilities in Victor Harbor, the City of Victor Harbor is proposing to rezone a portion of land bound by George Main Road, Armstrong Road, Ewen Terrace and the Inman River. The proposed 14 hectares of land includes the Encounter Community Centre, TAFE SA campus, police station and courthouse, land earmarked for State Emergency Services facilities, and the proposed Regional Community, Sport and Recreation Precinct site. This FAQ aims to explain more about the proposed Code Amendment. What is a Code Amendment? The Planning and Design Code contains the planning rules and policies that guide what can be developed in South Australia. Planning authorities, such as councils, use those planning rules to assess development proposals. A Code Amendment is a proposal to change the policies, rules or mapping within the Code, which can change the way future developments are assessed. This is sometimes referred to as rezoning. Code Amendments must be prepared according to processes set out by legislation. What does the Precinct 202 Code Amendment propose? The Precinct 202 Code Amendment rezones a section of land bound by George Main Road, Armstrong Road, Ewen Terrace and the Inman River. A map outlining the affected area is provided below. The draft Code Amendment proposes: - to rezone the entire affected area to 'Community Facilities' from 'Business Neighbourhood' to facilitate the development of a regional community, education, recreation and health care facilities; - to apply a Concept Plan over the area which seeks to protect areas of high ecological value from development. Why is the Code Amendment required? This Code Amendment proposal is essentially filling an anomaly that was created with the transition from the Victor Harbor Development Plan to the state-wide Planning and Design Code.  Affected Area Plan which was highlighted as a requirement when Council purchased Lot 202 Armstrong Road from the SA Government. The proposed Community Facilities zone is consistent with existing and proposed uses of the affected area such as: - education - community facilities - regional and recreation facilities - educational facilities - emergency services - health care. The Community Facilities zone is not subject to both existing and future uses for the time within the affected area. What is the difference between a 'Community Facilities' zone and a 'Business Neighbourhood' zone? A Community Facilities zone allows for a variety of community, or cultural, recreational and healthcare facilities. A Business Neighbourhood Zone allows for a variety of housing and commercial uses, along with compatible or development generating land uses. How were areas of high ecological value determined? Council commissioned Ecological Solutions to assess the Flora and Fauna values within the affected area. Does this proposed Code Amendment relate to the Community Land Reversion proposal? No, this Code Amendment is required to develop community facilities on the land, with or without the land being classified as community land. The zone in which any future development is proposed to be constructed or managed also does not affect the requirements for zoning. Where can I find out more detail about the proposed Code Amendment? The proposed Code Amendment and supporting information is available for viewing at the City of Victor Harbor Civic Centre (1 Bay Road, Victor Harbor) or at www.yoursayvictor.sa.gov.au How can I have my say on the proposal? Submissions relating to the Code Amendment proposal must be lodged by 5pm on Friday, 6 December 2024. - Online via www.yoursayvictor.sa.gov.au - By email to localgov@victor.sa.gov.au - By post to City of Victor Harbor, PO Box 11, Victor Harbor SA 5211 - In person at the Civic Centre.

GOING TO THE PEOPLE

MICHAEL SIMMONS

The land off Armstrong Road has been a hot topic in 2024 with the process of the Sport and Recreation Precinct continuing.

Lot 202 Armstrong Road is earmarked for a baseball stadium (four courts), childcare centre and a tavern and is currently before the Minister for Local Government Joe Seakins for the land to be returned from community to commercial to enable the developers to negotiate a longer lease than 42 years.

The City of Victor Harbor is now going back to the community on a separate issue involving the land, which includes established sites.

To enable the development of key community facilities in Victor Harbor, the City of Victor Harbor is proposing to release the portion of land bound by George Main Road, Armstrong Road, Bowen Terrace and the Indian River.

The 14 hectares of land includes the Encounter Community Centre, TAFE SA campus, police station and courthouse, land earmarked for State Emergency Services facilities and the proposed Regional Community, Sport and Recreation Precinct.

The draft Code Amendment proposes to rezone the entire affected area to 'Community Facilities' from 'Business Neighbourhood', to facilitate a range of community, education, recreation and health care facilities and to apply a Concept Plan over the area, which seeks to protect regions of high ecological value from development.

The Community Facilities Zone differs from the current zone of Business Neighbourhood as it will allow for a variety of community, educational, recreational and healthcare facilities.

Business Neighbourhood zoning accommodates a variety of housing types, along with compatible employment generating land uses.

■ CONTINUED ON PAGE 7

'Anomaly' being fixed

MICHAEL SIMMONS

From page 1

City of Victor Harbor Chief Executive Officer Victoria Mackinlay said it should be noted that a Code Amendment is a different process to Community Land Reversion.

"It is worth reiterating that this Code Amendment proposal has nothing to do with the Community Land Reversion. They are separate processes," Ms Mackinlay said.

"This proposed Code Amendment is a planning function, aiming to bring uniformity across the affected area which includes existing community services and planned future community infrastructure."

"Land Reversion refers only to land under council's management and involves removal of community land classification if it is determined that such protection is no longer in the community's long-term interest. This is a completely separate process from a Code Amendment."

"This Code Amendment proposal is essentially being an anomaly that was created with the transition from the Development Plan to the Planning and Design Code and is consistent with the intent for Lot 202 Armstrong Road highlighted by council when it purchased the land from the SA Government."

Mayor Maira Jenkins said the Precinct 202 Code Amendment was necessary for the delivery of a community sports and recreation facility.

"The current zoning does not support the development of future community facilities," Dr Jenkins said.

"To deliver our Victor Harbor community a much-needed sports and recreation facility, whether via a Public Private Partnership or council directly, a Code Amendment is essential."

Victor Harbor and the surrounding region has experienced sustained growth in population and further growth is expected as more families move to the region.

At Lot 202 Armstrong Road are President of the Great Southern Amateur Baseball Association Gary Chese and Victor Harbor councillor Carlos Quintana. (Michael Simmons)



There is a shortage of adequate facilities to support current and expected growth across the Southern Victoria region and consequently significant investment in community infrastructure is required, evidenced by a demand analysis that highlights the need for regional facilities.

Both the Precinct and improved emergency services facilities aim to take a significant step in addressing this gap.

A Code Amendment has been prepared in accordance with the legislation set out in the Planning, Development and Infrastructure Act 2010.

The City of Victor Harbor is consulting and seeking feedback on the proposed changes to the Planning and Design Code.

Copies of the draft Code Amendment, along with details on how to make a submission, can be viewed - Online at www.victoria.gov.au or online at <https://plan.victoria.gov.au> or your city code amendment consultation - in person at the City of Victor Harbor Civic Centre, 1 Bay Road, Victor Harbor.

Submissions must be lodged with Council before 10pm on Friday, December 6, 2024.

For more information, contact the City of Victor Harbor on 0851 8500 or local@gvictoria.vic.gov.au.

Council said the Minister was still considering whether to approve the initial rezoning of the land at 202 Armstrong Road, which was lodged earlier this year.

A State Government spokesperson said "the Minister has received a request from the council for this proposal and is considering it in respect to his responsibilities under the Local Government Act".

A copy of engagement materials is provided at **Attachment 2**.

6. Submissions Received

During the consultation period from Friday, 8 November 2024 to Friday, 6 December 2024, a total of 18 submissions were received. A late submission received from the Department of Infrastructure and Transport dated 24 December 2024.

A total of 19 submissions were received. 11 responses were submitted through the PlanSA Portal and 8 responses were submitted directly to the Council. A copy of the full submissions is provided at **Attachment 3**.

6.1 General Overview of Submissions

We asked the community if they were supportive of the proposed Code Amendment - Precinct 202.

- 9 out of the 19 responses were supportive.
- 7 out of the 19 responses were unclear with concerns relating directly to specifics regarding Council's Sport and Recreation Precinct project not the code amendment.
- 1 out the 19 responses specifically related to a property located within the affected area.

Evaluation of Statement	Yes	No
Q. Do you support the Code Amendment - Precinct 202?	47.368%	52.63%

6.2 Response and Recommendations to Submissions Received

The following table outlines all written submissions received during the engagement process including a summary of the feedback, Council's response to the feedback and any proposed changes to the draft Code Amendment as a result of the feedback received.

Submission	Respondent	Summary of submission	City of Victor Harbor Response	Proposed changes to the Code Amendment
1	Marianne Kuiper-Linley	- The identity of the potential partners Council is negotiating with to deliver the Community, Sport and Recreation Precinct has not been disclosed. - The long-term (99+ year) duration of this potential investment.	Concerns relate to Council's Sport and Recreation Precinct project not the Code Amendment.	Nil
2	Steven Robertson	- Opposition to a 99-year lease for a private developer to build a tavern. - No local sporting club wants or can afford a proposed stadium. - Objection to additional debt for Victor Harbor ratepayers, questioning the \$10M Council contribution. - Call for an end to the re-zoning and the overall precinct plan. - Suggestion to re-examine modest proposals for a new gym. - Opposition to private developers competing with existing pubs and clubs. - The plan is a poor idea overall.	Concerns relate to Council's Sport and Recreation Precinct project not the Code Amendment.	Nil
3	Pat Walsh	No licensed premises in the proposed sport	The undesired uses are not envisaged in the proposed zone	Nil

		and education precinct and no pokies or gambling facilities.		
4	Shirley Leane	Victor Harbor needs more community facilities, and this is a good site for them.	Support for proposal noted	Nil
5	Maxine Drummond	- Enough areas for sport but need more accessible walking areas - Rates are the high and should be put to use of all – not just sports.	Concerns in part relate to Council's Sport and Recreation Precinct project not the Code Amendment. Council research studies and subsequent strategies identify a number of gaps and shortfall in sporting facilities for Victor Harbor.	Nil
6	Michael and Geraldine Rosser	Full agreement with what is proposed.	Support for proposal noted	Nil
7	Richard Wallman	- Ratepayers cannot afford this concept under current economic conditions. - Suggest revisiting the idea in the future, but only as a sporting ground. - Strong opposition to a long-term lease. - No need for a tavern or a crèche. - Project cost is excessive. - Preference for engaging a local builder to benefit the area and support local employment.	Concerns relate to Council's Sport and Recreation Precinct project not the Code Amendment.	Nil
8	Jann and Glenn Aldridge	Advocating for the area to remain green space.	While open space forms a substantial component of the plans for the site, the intent of the rezone is to also make provision for much needed sport and child care facilities.	Nil
9	Jann and Glenn Aldridge	Advocating for the area to remain green space.	While open space forms a substantial component of the plans for the site, the intent of the rezone is to also make provision for much needed sport and child care facilities.	Nil

10	Luke Hosking	- Does not support what is currently proposed for the site. - Considers that there is a need for bigger general sporting facilities and rezoning may be required in the future.	Concerns predominantly relate to Council's Sport and Recreation Precinct project not the Code Amendment. Council's research and strategy support the need for expanded sporting facilities and the current rezone proposal will support this.	Nil
11	Carol Bennetta	Does not support what is currently proposed for the site.	Objection relates to Council's Sport and Recreation Precinct and by extension the Code Amendment. No reasons are outlined.	Nil
12	Nicholas Hayles	Full support for proposed as it supports a growing population with needed much facilities while also protecting ecological value. Proposed zoning fits with the current land uses.	Support for proposal noted	Nil
13	Stephen Schild	Supports the Code Amendment but conditional to restriction of certain types of land uses.	The undesired uses noted as conditions for support in this submission are not envisaged by the proposed zone.	Nil
14	Chris Tridgell	Opposition to the proposed concept for the Sport and Recreation Precinct. No confidence in Council's ability to be transparent, honest or capable; and is wasting money and not listening to the community.	Concerns relate to Council's Sport and Recreation Precinct project not the Code Amendment.	Nil
15	Department for Environment and Water	- Pleased to see planned retention of areas of ecological value for open space and passive recreation. - Submission provides insights and advice in support of ecological value components. - Encourages Council to consider entering into a Heritage Agreement over the SEB Area 2001_2094 portion of the site to enable a State Significant Native Vegetation Areas Overlay to	The Code Amendment proposes to retain all current overlays associated with the land, inclusive of the Native Vegetation overlay. Council's desire to preserve ecological values of the site would be further reinforced through entering a Heritage Agreement over the portion of the Significant Environmental Benefit (SEB) Area 2001_2094 that overlaps with the Affected Area and the Code Amendment and subsequently seeking a State Significant Native Vegetation Areas Overlay to apply. Given the more expansive footprint of the SEB beyond the Affected Area, it is considered appropriate to explore a Heritage Agreement and	Nil

		apply	overlay process more holistically and seeking any changes through a process separate to this Code Amendment.	
16	Plenary	- This firm acts for Plenary Group (Plenary) and Plenary Justice (SA) Pty Ltd. Plenary is a global private sector investment company whose core business is the development and management of public infrastructure. - Plenary Justice (SA) Pty Ltd (one of the Plenary Group of companies), is the registered proprietor of the land at 17 George Main Road, Victor Harbor (Plenary Land). Plenary's land is one of the eight allotments located within the Code Amendment Affected Area, and as such Plenary is directly affected by the Code Amendment. - We write on behalf of Plenary to object to the proposed Precinct 202 Code Amendment (Precinct 202 CA). - For the reasons that follow, Plenary opposes the Precinct 202 CA, particularly insofar as it applies to its Land. - The initiation proposal and associated community engagement plan, as approved, incorrectly assert that all allotments in the Affected Area are owned either by the Council, State Government or utility service providers. The Engagement Plan (uploaded to portal on 8 November 2024) identifies SA Police (SAPOL) as the owner of the Plenary Land and a key stakeholder together with the other owners of land within the Affected Area. The landowners it identifies are described as key stakeholders whose views and ideas should be considered in the Code Amendment. Plenary is not identified as a landowner by the Proposal documentation or the Engagement Plan.	Noted Noted Noted Noted Incorrect land ownership reference in CA initiation document is acknowledged. Page 11 of Precinct 202 Code Amendment (for consultation) and page 11 Precinct 202 Code Amendment Engagement Plan) both identify 'Plenary Justice (SA)' as land owner. Whilst not specifically listed as a key stakeholder in the Engagement Plan as the land owner Plenary Justice was specifically issued with an invitation to respond to the consultation and, for the purpose of consultation was treated as a key stakeholder.	While there are many aspects of the objection submission that the Council does not agree with, it does agree that exclusion of the Plenary land from the Affected Area, while not particularly tidy in an orderly land-use zoning sense (theoretically), would make no material difference to the more immediate land use objectives for the precinct and would not diminish the practical ability for these to be achieved. Therefore, amendment of the Affected Area to exclude the Plenary land is recommended as a pragmatic resolution to the objection.

		- The proposed Code Amendment is fundamentally flawed in that its' rationale assumes that all of the land within the Affected Area is owned by either the Council, the State Government or utility providers and that the land within that area is to be used long-term for community facilities. It wrongly asserts that the Amendment is aligned with the interests of all landowners. Clearly, this is not the case. - Plenary is not a government entity or a utility provider, and its' interests are not aligned with the proposed Amendment. There is an obvious incompatibility in identifying privately owned land for public use. - The planning policy direction change being considered will have the effect of sterilising the Land from future private enterprise or development. Further, the policy change will substantially affect the value of the Land. - Further, the community engagement plan for the Precinct 202 CA is flawed in that it has not properly identified Plenary's interest in the Affected Area and does not afford Plenary an appropriate level of engagement in the Code Amendment process having regard to its key stakeholder interest.	While there is an assumption that the proposed Code Amendment would be in the interests of all landowners based on their current uses, the purpose of consultation is, in part, to test the assumption and obtain an understanding as to what the public, including the key stakeholders, think about the proposal. Thus, it is not considered that the error in ownership of the police station and courthouse renders the proposed Code Amendment fundamentally flawed. The submission from Plenary has served a helpful purpose in correcting this assumption. Noted, however, acknowledging Plenary's objection to this, it is not considered that the proposed code amendment is incompatible with uses that could be achieved on privately owned land. The proposed Community Facilities Zone provides for a range of uses compatible with and appropriate for privately owned land. Acknowledging Plenary's objection, the proposed Community Facilities Zone doesn't sterilise the land from private enterprise or use. A range of uses are anticipated for the zone that could be delivered by private enterprise on privately owned land. Speculation as to land value is considered unfounded. The change in zone and the anticipated land uses could well increase adjoining land values. This appears based on an assumption that Council wouldn't be prepared to engage further with Plenary. The direct consultation approach taken by Council with Plenary has served a helpful purpose in identifying the error Council has made in ownership in the initiation document, and enables Council to fully consider the impact concerns to guide decision making.	
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		- Given this fundamental misunderstanding of Plenary's interest in the Land, Plenary has no faith or confidence in the engagement process. The Engagement Plan is ill-informed and fundamentally flawed. It fails to meet the requirements of the Community Engagement Charter. - Plenary is a leading private sector long-term investor, developer and manager of public infrastructure, specialising in Public Private Partnerships for precinct development. Plenary has a portfolio of 87 projects worth more than \$73 billion across Australia, North America, the Middle East and the United Kingdom. - To be clear Plenary is not a government owned entity. - The Land was sold by the State Government to Plenary in 2006 and is held through Plenary's South Australian asset holding company, Plenary Justice (SA) Pty Ltd. The Land forms part of the South Australian Regional Police Station and Courts project which was the first PPP in South Australia. Plenary designed, built, financed and maintains the police station and courthouse on the Land in accordance with the PPP agreement. - Plenary does not wish to restrict the possible uses of the Land pursuant to the proposed CF Zone as this will detrimentally impact the development potential of the Land and correspondingly, the value of its asset. It is	It is considered the error highlighted by the Plenary submission does not render the Engagement Plan fundamentally flawed. The direct engagement with Plenary as a key stakeholder meets the principles of the Community Engagement Charter and has proven to be helpful in correcting Council's understanding of Plenary Justice as a private entity and also in highlighting the concerns Plenary has around the proposed changes. This enables fully informed decision making by Council in determining next steps. Noted Noted Acknowledged, noting that Plenary Justice would have understood and accepted in this PPP the commercial enterprise reality that the zoning of the land at that time was Recreation Zone, significantly impeding private enterprise and land use opportunities, far more so than both the current zone and proposed zone. Noted, and acknowledged that the mix of potential uses for the land under the proposed zone changes. Subsequent land value impacts are speculative. Acknowledging that it is not desirable by the land owner, it is not considered inappropriate to rezone	
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		wholly inappropriate to re-zone privately owned land for community purposes. - The draft Code Amendment (initiated by the City of Victor Harbor Precinct 202 CA on 18 April 2024) proposes the re-zoning of eight allotments (Affected Area) all currently comprised in the Business Neighbourhood Zone (BN Zone) to the Community Facilities Zone (CF Zone). - The BN Zone envisages “Housing and accommodation types appropriate to the locality complemented by shops, offices, consulting rooms and other non-residential uses that do not materially impact residential amenity”¹ including community facilities, consulting rooms, dwellings, offices, residential flat buildings and shops. - The CF Zone envisages “Development [that] is associated with or ancillary to the provision of community, educational, recreational and / or health care services”² including cemeteries, child care facilities, community facilities, consulting rooms, educational facilities, emergency services facilities, health care facilities, hospitals, indoor recreation facilities, libraries, offices associated with a community service, places of worship, recreational areas, and shops. - The critical difference is that the new zoning does not envisage any kind of residential development (e.g. dwellings and residential flat buildings) as is the case under the current zoning. Further, it is zoning that is designed for public use. It is plainly the case, that for so long as land is in private ownership there will be a conflict and incompatibility with it being	privately owned land (subject to the appropriate investigations and process) for use that can occur on privately owned land, such as those anticipated in a Community Facilities Zone. Correct Correct Correct This is a difference in the zoning, but not necessarily the critical difference in Council’s view. If by ‘public use’ Plenary considers that the types of land uses included in the Community Facilities Zone serves the public, then it is agreed that the zone is designed for public use. However, this does not render it incompatible with private ownership. A number of the included land uses can (and are) delivered by private enterprise and/or	
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		zoned for public or community uses. - Plenary understands that the Council has initiated the Precinct 202 CA to facilitate the development of a sports and recreation precinct on its land at 42A Armstrong Road, Victor Harbor. The State of South Australia owns Lot 201 Armstrong Road, Victor Harbor and also seeks to develop that land with State Emergency Services and/or Sea Rescue Service facilities pursuant to the new zoning. - Having regard to the comparison between the current zoning and the proposed zoning the Code Amendment is not necessary for the Council to develop its land with a sports and recreation facility. - Under the current Code policies within the BN Zone, the development of community facilities is an expressly envisaged form of development. It is simply not true to say that the proposed development of land within the Affected Area in the manner outlined in the Code Amendment cannot be undertaken under the current zone policies. - The overall intent of the BN Zone speaks to enabling community facilities and other non-residential development that can peacefully co-exist alongside residential development without impacting residential amenity. It is, of	private entities and/or private land owners. Correct The zone comparison undertaken by Plenary in paragraphs 17 and 18 don't appear to take into consideration the definition of Community facility as a land uses, which clearly excludes: Educational facility; Place of worship; Child care facility; Indoor recreation facility. It is Council's view that the current zone does not support the sport and recreation centre nor the child care centre as proposed land uses for the affected area A number of the proposed uses are not an envisaged form of development within the current zone, either by exception in the inclusions table or by exception in the definition 'Community facility' definition. It may be that, in isolation, any one of the anticipated land uses could achieve development consent through the available assessment pathways (more specifically Code Assessed - Performance Assessed and/or Impact Assessed – Restricted), however, the scale would suggest a Code Assessment is considered an appropriate approach, with Plan SA staff in agreement with such an approach. Agreed. The circumstances in this case are such that the number of non-aligned land uses and scale weighted consideration in favour of a Code Amendment.	
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		course, well understood that Code policies do not need to expressly identify all forms of development that might be permissible within a Zone, although some forms of development expressly envisaged may be identified as deemed-to-satisfy development. The fact that some forms of development are expressly identified as DTS for a zone does not preclude the approval of other forms of development that meet the performance outcomes for the Zone. • A sports and recreation facility is clearly a form of development which can be approved under the current zoning, whilst leaving policies in place that will facilitate other compatible forms of development including residential uses. • The same can be said of the emergency services facilities proposed by the State Government on Lot 201 Armstrong Road. Such uses do not conflict with the desired outcomes, provisions and overall intent of the BN Zone. • Contrary to the stated rationale for the Code Amendment, the rezoning is not necessary to facilitate the development of land for the uses outlined in the Precinct 202 CA. • Further, the proposed re-zoning of the Land should not be regarded as “rectifying an anomaly” because it cannot be assumed that all of the land in the Affected Area will, or is intended to be, retained in use as a community facility. • Whilst the proposed zoning provisions will	The clarity with which this appears to Plenary is not shared by Council given the exclusion of Indoor recreation facility and Child care facility from the Community facility land use definition. Agreed in isolation to other desired development for the affected area. The number of proposed uses and scale, along with subsequent community perception has guided Council’s approach to this, deeming a rezone to be an appropriate action in the circumstances Council considers the scale and extent of land uses such that a Code Amendment is an appropriate approach for Precinct 202 This reference is made on the basis that all the land uses within the Affected Area are community benefit type uses that are more reflective of a Community Facilities Zone as opposed to the current zoning. It is difficult to ascertain what any landowner may intend to do now or in the future in terms of land use aspirations. The consultation process has helped Council to become informed of such things. This is previously addressed.	
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		more fully focus on community facilities, the current zone provisions also envisage and facilitate such uses. The Precinct 202 CA is not necessary to facilitate the proposed development of the Council and State Government land. - Plenary does not agree with or support the rationale of the Precinct 202 CA, particularly insofar as it applies to its' Land. - If, notwithstanding the above submission, the re-zoning is considered by the Council to be necessary or desirable to better accommodate the development of the Council and State Government-owned land within the Affected Area, Plenary's Land should be excluded from the Affected Area and retained as the current BN Zone. - The following facts are compelling in support of the exclusion of Plenary's Land: - the Land is not owned by the State Government and is not earmarked for ongoing use as a police station and court beyond the next ten years. - the Land was sold by the State Government into private ownership. For so long as the Land is in private ownership there will be a conflict and incompatibility with it being zoned for public use. It would be wholly inappropriate in the circumstances for the State to approve the rezoning the land (effectively sterilising it from development for private enterprise and devaluing it by this process) in these circumstances. - in failing to identify the nature of Plenary as a private organisation, the Council has	Noted Noted. The achievement of the desired planning outcomes for the Affected Area is not compromised by the removal of Plenary's land from the proposed Code Amendment This fact is accepted and the Plenary response to consultation has yielded helpful information about the land. The selling of the land by State Government into private ownership is accepted as a fact, however, it isn't accepted that this is in conflict and incompatible with the proposed zoning. Sterilisation of the land for private enterprise development isn't factual and land value comments are speculative. Assumptions made associated with current and future land use possibilities in the Affected Area were not unreasonable for Council to make, particularly noting that Plenary purchased and developed its land in a very restrictive zone, utilising s49 of the Development Act to achieve the current outcomes on the land. The Code Amendment will likely alter options, a number of which are entirely appropriate for privately owned land. Some options may be more	
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		made incorrect assumptions about how Plenary – as an owner of land within the Affected Area - might want or be able to use the land and has not considered the true impact of what is proposed. - the proposed Code Amendment will restrict Plenary's options for the Land in a manner that is not appropriate for privately owned land. The value of the Land as an asset that may potentially be open for other uses currently envisaged in the BN Zone will be significantly diminished by the proposed re-zoning. - The exclusion of Plenary's Land from the Code Amendment would have no detrimental effect on the proposed re-zoning of the balance of the land within the Affected Area. The uses currently envisaged for the BN Zone can co-exist harmoniously with the proposed community facility uses proposed on the balance of the land in the Affected Area (as is proven by the current zoning provisions which already accommodate community facilities). - Accordingly, excluding the Land from the re-zoning will resolve Plenary's objections to the Code Amendment without disturbing or preventing the proposed Code Amendment over the balance of the Affected Area. - Section 44 of the Planning, Development and Infrastructure Act 2016 (PDI Act) requires the State Planning Commission to establish and maintain the Community Engagement Charter (Charter) which sets out the requirements for public consultation on particular changes in planning policy under the PDI Act. - Section 73(6)(b) of the PDI Act requires the Council to comply with the Charter in relation	restrictive while other options open up the development potential (for instance child care facility). Agreed, although, as noted in responses to paragraph 24, the current zone does not envisage indoor recreation centres, child care centres or emergency services. Noted Noted Noted	
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		to Precinct 202 CA. This is also reflected in the terms of Practice Direction 2 – Preparation and Amendment of Designated Instruments, where clause 5 requires the preparation of a community engagement plan in accordance with the Charter. • In order to comply with the Charter, the Engagement Plan must incorporate the key engagement principles, namely that the engagement with the public is genuine, inclusive and respectful, fit for purpose, informed and transparent. • The Council's Engagement Plan dated 8 November 2024 identifies SA Police as a stakeholder in the project (see page 11) and "Plenary Justice SA" as an owner of a parcel within the Affected Area. It is apparent from the comments about SA Police's needs as a Stakeholder in that table that the Council has incorrectly identified SA Police as the landowner. It can only be assumed, therefore, that the Council has made an assumption that "Plenary Justice SA" is a government-owned asset holding entity. • Plainly, Plenary is not a government-owned entity, and it cannot be assumed that the use of the Land will simply continue to be a police station and courthouse indefinitely into the future. • Plenary has a unique and significant interest in the effects of Precinct 202 CA as compared to the other landowners within the Affected Area. This interest should have been identified by the Council and accounted for in the course of designing appropriate consultation under the Charter. • The Council has failed to properly identified	Noted Noted and as previously acknowledged Noted, although not an unreasonable assumption given the zoning and statutory circumstances under which the land was initially developed by Plenary for a police station and courthouse It is not considered that Plenary's interest in its own land somehow transcends that of other land owners. The consultation was appropriate, met the principles of the Engagement Charter and has served the process well in enabling the submission from Plenary and the subsequent informed consideration by Council. Incorrect	
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		who Plenary is and the nature of its interest in the Land. The Engagement Plan is not sensitive to the significant impact that Plenary will experience above the other affected land owners (being State Government, the Council and service providers). The consultation being undertaken is consequently ill-informed, not fit for purpose, and therefore not genuine as is required by the Charter. • Plenary has no faith in the engagement process and no confidence that its views and interests in the Code Amendment will be heard and taken into account. • In circumstances where the proposed rezoning of the Land will have a significant impact on the Plenary and the proposed rezoning has never been foreshadowed or discussed with Plenary prior to it receiving notice of the draft Code Amendment the process for public consultation must be appropriately tailored and targeted to achieve meaningful community and key stakeholder engagement. The current public consultation undertaken across only a four-week period is insufficient to be a genuine and fit for purpose engagement pursuant to the Charter in the circumstances. • Notably, a failure to comply with the Charter in undertaking a Code Amendment gives rise to a right of action to parties affected by the failure. • In these circumstances, if Precinct 202 CA is adopted without any further engagement initiatives pursuant to the Charter, such a decision is open to legal challenge on the basis that procedural fairness has not been afforded nor has there been compliance with the Charter, where it is strictly required under	Noted, although this assumption by Plenary is considered unfounded. The initial error in land ownership is acknowledged. The Engagement Plan was tailored and appropriately targeting key stakeholders for engagement, inclusive of Plenary. This was undertaken by direct letter which has in turn yielded valuable information to help inform Council's subsequent actions. Notwithstanding, Council is open to feed back about its engagement and consultation activities and will, as provided for in the Engagement Plan and in accordance with the principles of the Engagement Charter, conduct 'close the loop' actions to receive feedback from all participants. Noted Noted, although Council disagrees that procedural fairness has not been afforded and contends that it has been compliant with the Engagement Charter to date, and it intends to continue the process in accordance with requirements.	
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		the PDI Act. - Plenary reserves all its legal rights in respect of the failures in the initiation of the Code Amendment and engagement process. - Plenary opposes the Precinct 202 CA insofar as it applies to its Land. - Plenary does not agree with or support the rationale of the Precinct 202 CA, particularly insofar as it applies to the Land. - In the circumstances, it is clear that the Precinct 202 CA is not required for the Council and the State Government to redevelop its land within the Affected Area. In any event, there would be no detriment to the remaining landowners in the Affected Area if Plenary's Land is excluded from the Affected Area should Precinct 202 CA proceed to be adopted. - The Council has made fundamental errors in the course of identifying the relevant interests in the Affected Area and in designing an appropriate community engagement plan. - We urge the Council to reconsider the policy change in respect of Plenary's Land. - Should the Precinct 202 CA be adopted now without any further engagement with Plenary, it remains open to legal challenge in the clear absence of procedural fairness and compliance with the Charter.	Noted, although Council disagrees with the 'failures' assertion. Noted Noted The Plenary submission hasn't clearly established the Precinct 202 CA is not required for the Council. It is agreed, however, that exclusion of the Plenary land from the Affected Area would be of no detriment to the remaining landowners. An error was made in ascribing ownership to an allotment within the Affected Area. The Engagement Plan appropriately enabled the identification of this through the directly targeted consultation with a key stakeholder in Plenary Justice. Noted Noted	
17	Environment Protection Authority	Submission outlines requirements to be considered as part of the Development Application when applicable, including site	Noted. No further action required for purpose of Code Amendment	Nil

		contamination investigations, stormwater management and wastewater management.		
18	Lance Librandi	• Loss of Flexibility in Land Use • Community Perception and Reputational Risks • Environmental and Social Concerns • Insufficient Long-Term Vision • Offers suggestions for alternative actions	While the Code Amendment would reduce available land for housing and some employment generating activities, studies associated with Council's recent Urban Growth Management Strategy work indicate many years of zoned land for housing supply currently exists in the Council area; and planning for more beyond that will continue following the completion of the UGMS and the release of the State Government's Greater Adelaide Regional Plan. Concurrently Council's sport and recreation related strategies identify a need for increased and improved sporting facilities to support immediate needs as well as future growth. This places a higher priority on the subject land for uses supported by a Community Facilities Zone. The Code Amendment is a necessary step after many years of planning and consultation for a Sport and Recreation Precinct. It is acknowledged that some in the community do not support the project. There is also a strong community expectation for the delivery of the types of facilities the proposed zone will support. The proposed amendment retains the environmental overlays to help protect and promote ecological value. There are a number of uses anticipated by the rezone that are not supported in the current zone (including Indoor recreation facility, Child care facility and Emergency services facility)	Nil
19	Department for Infrastructure and Transport	• Supports the Code Amendment with respect to traffic management aspects. Recommends that the proposed access points on Ewen Terrace and Armstrong Road be identified in the Concept Plan along with a potential upgrade of	Recommendations regarding additions to Concept Plan agreed for the purpose of the Sports and Recreation site specific development Concept Plan. This would not translate into the proposed Code Amendment Concept Plan, which serves a	Nil. Nil.



		the George Main/Ewen Terrace junction. Advice provided on further specifics that would need to be addressed in a future development application	different purpose as it is focused on the ecological value categories. Development Application related advice noted	
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7. Evaluation of Engagement

<To be completed following Council's formal consideration of submissions>

8. Conclusion

The consultation yielded 15 submissions from the general public. The majority of these were more focused on objection to the model for development, delivery and ongoing management of a Sports and Recreation Facility and related uses that Council is investigating for Lot 202. Whilst these concerns and objections are acknowledged, the intent of the proposed Code Amendment is to provide for a zone that enables the type of community facility land uses anticipated for the precinct. It isn't a control mechanism to determine how (commercially) or by whom such uses might be developed or managed. This would be in the hands of the land owners through other processes. Subsequently, these submissions did not trigger any recommended changes to the proposed Code Amendment.

The 3 government agency submission that were received predominantly focussed on helpful insights and advice more related to development specific aspects. Helpful suggestions from the Department of Infrastructure and Transport around clarification of more site specific traffic access points and potential intersection upgrades have assisted in informing and updating site specific development concept plans (in relation to the proposed Sports and Recreation Facility land) but are not considered necessary inclusion in the Code Amendment Concept Plan for the Affected Area. Likewise, a suggestion from the Department of Environment and Water regarding a Heritage Agreement and State Significant Native Vegetation Areas Overlay is valuable. However, as the Significant Environmental Benefit Area is more extensive along the Inman River corridor, it is considered more prudent and holistic to address this under a separate policy amendment process rather than the Precinct 202 Code Amendment.

A significant stakeholder (land owner) submission assisted in correcting an error in ownership understanding within the documentation that in turn triggered reconsideration of the desirable land use potential for that portion of the Affected Area. In acknowledging that the current uses of the land or any future uses that may be envisaged under the current zone wouldn't impact the viability of the proposed Code amendment for the balance of the Affected Area, it has been considered appropriate to remove this parcel from the Affected Area.

With respect to evaluation of the engagement ...<To be completed following Council's formal consideration of submissions>

9. Attachments

Attachment 1 – Copy of Endorsed Engagement Plan

Attachment 2 – Engagement Materials

Attachment 3 – Copy of Submissions Received