

# Development Plan Amendment

By the Minister

## ADELAIDE (CITY) DEVELOPMENT PLAN

### City of Adelaide Minor Amendments Development Plan Amendment

*For Approval*

Declared by the Minister for Planning to be an approved amendment under Section 26 (8), of the *Development Act 1993*

.....  
Signature

.....  
Date of Gazette



**Government of South Australia**  
Department of Planning,  
Transport and Infrastructure



## Approval DPA

### Background

The City of Adelaide Minor Amendments Development Plan Amendment (DPA) by the Minister amends the Adelaide (City) Development Plan.

This DPA was undertaken as a DPA process B, which included:

- An Initiation Document agreed on 3 July 2019
- A DPA released for concurrent agency, council and public consultation from 25 July 2019 to 19 September 2019
- The DPA was brought in on Interim Operation at the same time it was released for public and council consultation (25 July 2019).
- A Public Meeting conducted by the State Planning Commission (the Commission) Public Meeting Subcommittee (the Subcommittee) on 3 October 2019.

### Consultation

A total of five public submissions, one council submission and six agency submissions were received in relation to the DPA during the consultation period. Two verbal submissions were made at the Public Meeting.

### Approval Stage

Based on a review of all submissions and the recommendations of the Commission, the following key changes have been made to the Amendment:

- Improved policy expression regarding design of over-height buildings, their relationship with the context of the local area and public benefits
- Review of stand-alone criteria to ensure that the object of the criterion is of a nature and design to stand independently of additional requirements – as is considered the case for heritage items
- No change to the minimum number of criteria required, despite amendments to the amendments to the range of design-based criteria available
- Replacement of individual criteria seeking specific sustainability attributes to an overarching criteria that seeks a high standard of sustainability over and above that of standard developments.



## Amendment Instructions Table

**Name of Local Government Area:** City of Adelaide

**Name of Development Plan:** Adelaide (City) Development Plan

**Name of DPA:** City of Adelaide Minor Amendments DPA

*The following amendment instructions (at the time of drafting) relate to the Adelaide (City) Development Plan consolidated on 25 July 2019.*

*Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

### Amendment instructions

To give effect to the amendments authorised for Interim Operation on 25 July 2019, except where varied as follows:

- Section 29(2)(a), 29(2)(b)(i) and 29(2)(b)(ii) Amendments – [consolidated 26 September 2019]

Amendment Instruction	Method of Change	Detail what in the Development Plan is to be amended, replaced, deleted or inserted.  If applicable, detail what material is to be inserted and where. Use attachments for large bodies of material.	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> <li>• Amend</li> <li>• Replace</li> <li>• Delete</li> <li>• Insert</li> </ul>			

### COUNCIL WIDE / GENERAL SECTION PROVISIONS (including figures and illustrations contained in the text)

Amendments required (Yes/No): **No**

### ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)

Amendments required (Yes/No): **Yes**

#### Capital City Zone

1.	Replace	PDC 21 with the contents of <b>Attachment A.</b>	N	N
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### TABLES

Amendments required (Yes/No): **No**

### MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps, Policy Area & Precinct Maps)

Amendments required (Yes/No): **No**



ATTACHMENT A

**Replacement Principle of Development Control 21**





## Building Height

- 21** Development should not exceed the maximum building height shown in Concept Plan [Figures CC/1 and 2](#) unless notwithstanding its height, it positively responds to the context that forms the desired future character of the locality, achieves the desired outcomes of the Zone or Policy Area and the envisaged city form expressed in Concept Plan [Figures CC/1 and 2](#), and
- a) if the development incorporates the retention, conservation and reuse of a building which is a listed heritage place such that it maintains its heritage values or an existing built form and fabric that contributes positively to the desired character of the local area; or
  - b) only if:
    - (i) at least four of the following are provided:
      - (1) the development provides an orderly transition up to an existing taller building or prescribed maximum building height in an adjacent Zone, or Policy Area or building height area on Concept Plan [Figures CC/1 and 2](#);
      - (2) high quality open space that is universally accessible and is directly connected to, and well integrated with, public realm areas of the street;
      - (3) high quality, safe and secure, universally accessible pedestrian linkages that connect through the development site to the surrounding pedestrian network
      - (4) higher amenity through provision of private open space in excess of minimum requirements by 25% for at least 50% of dwellings
      - (5) no on-site carparking;
      - (6) active frontages are located on at least 75% of the ground floor street fronts of the building
      - (7) the building has frontage to a public road that abuts the Adelaide Park Lands;
      - (8) At least 15 per cent of dwellings are affordable housing;
      - (9) the impact on adjacent properties is no greater than a building of the maximum height on Concept Plan [Figures CC/1 and 2](#) in relation to sunlight access and overlooking; and
    - (ii) The building is designed to provide measures that provides for a substantial additional gain in sustainability.



# Development Plan Amendment

By the Minister

## ADELAIDE (CITY) DEVELOPMENT PLAN

### City of Adelaide Minor Amendments Development Plan Amendment

### Executive Summary and Analysis

*Public Consultation Version (on interim  
operation from 25 July 2019)*



Government of South Australia

Department of Planning,  
Transport and Infrastructure



# Development Plan Amendment

By the Minister

## Adelaide (City) Development Plan

### **City of Adelaide Minor Amendments Development Plan Amendment**

*Executive Summary and Analysis*

*For Consultation*



Government of South Australia

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Transport and Infrastructure

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## THE AMENDMENT

## DEVELOPMENT PLAN AMENDMENT SUMMARY

### INTRODUCTION

The Minister for Planning has released the City of Adelaide Minor Amendments Development Plan Amendment (DPA) for consultation.

The DPA proposes changes to a recently introduced policy that guides over-height development in the Capital City Zone of the Adelaide (City) Development Plan to remove ambiguity and improve application of design and sustainability measures, providing greater certainty for prospective developments.

*This Summary is for information only and does not form part of the formal Amendment to the Development Plan.*

### HAVE YOUR SAY

**The Development Plan Amendment (DPA) is on consultation for eight weeks.**

**Submissions are due by 5.00pm, Thursday 19 September 2019.**

**The Chair, State Planning Commission, c/- Department of Planning, Transport and Infrastructure:**

- **by post: GPO Box 1815, Adelaide SA 5001, or**
- **by website: [www.saplanningportal.sa.gov.au/en/consultation](http://www.saplanningportal.sa.gov.au/en/consultation)**

The State Planning Commission has been established to act as the state's principal planning advisory and development body. The Commission will provide advice to the Minister on the DPA.

The Commission will hold a public meeting on **3 October 2019**, where a submission indicates that a person wishes to be heard.

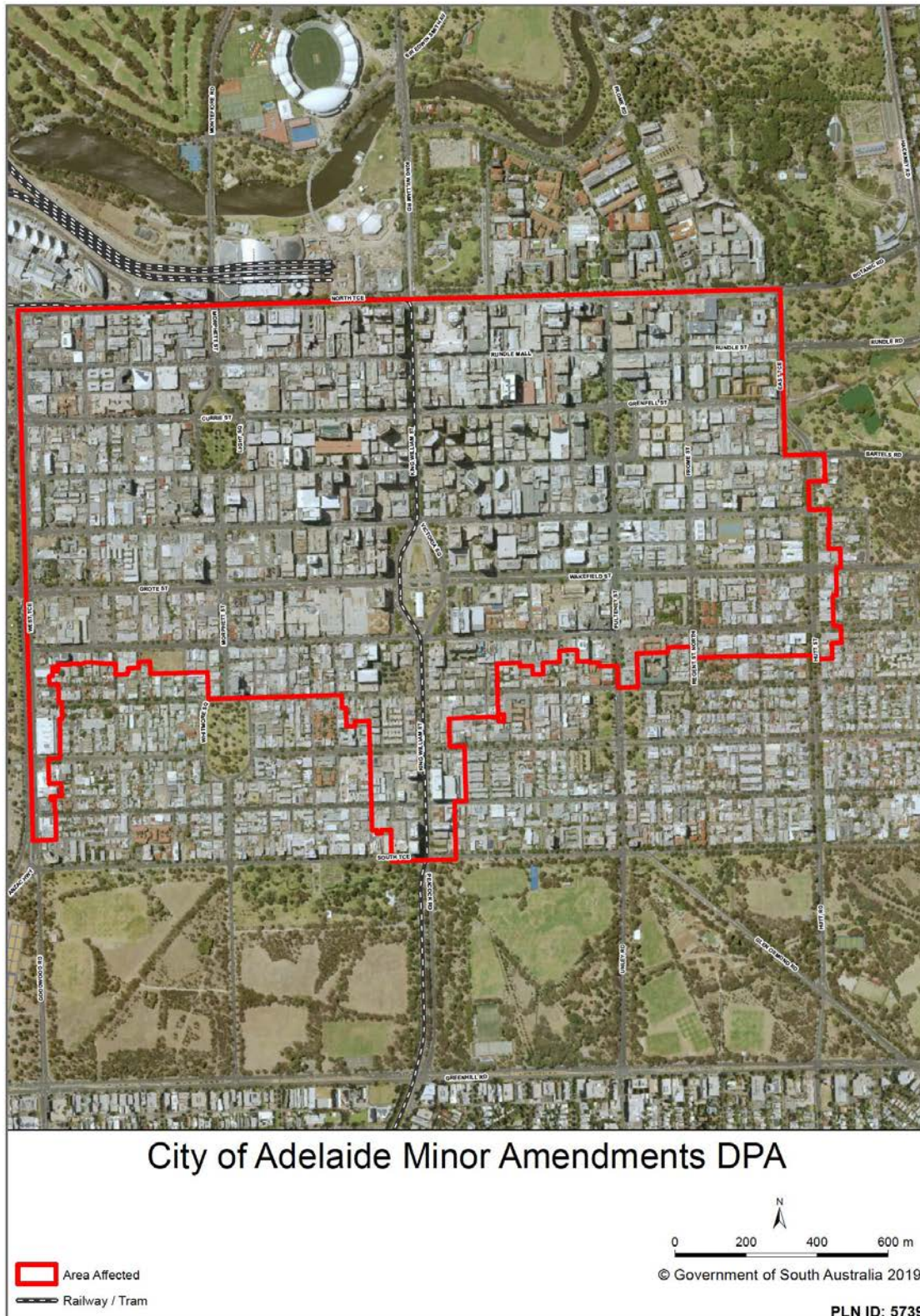
For further information, you can contact the Department for Planning, Transport and Infrastructure on

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## THE AREA AFFECTED BY POLICY CHANGE

The area affected by this DPA relates to land located within the Capital City Zone of the Adelaide (City) Development Plan as shown in **Figure 1** below, which encompasses a significant portion of the Adelaide City square mile.

Figure 1 – Area affected





## WHY WE ARE CHANGING PLANNING POLICY

Investment in the Adelaide City centre is important to the state's economy, and it therefore important that investor confidence is maintained.

In 2018 alone, the State Commission Assessment Panel (SCAP) approved over \$700 million worth of development in the City of Adelaide. This excludes developments under \$10 million that were assessed by the Adelaide City Council.

Over-height policy provisions introduced in the Capital City Zone in 2012 and later reviewed in 2017 have resulted in some ambiguity and confusion in relation to their application to developments that exceed prescribed building heights in the zone. Testing of these provisions through the development assessment process has also suggested that the policies are complex and lack some clarity and practicality, making them difficult to achieve, particularly in regard to sustainable design measures.

This review of planning polices, and in particular Principle of Development Control 21 of the Capital City Zone which contains these over-height provisions, therefore provides an opportunity to provide greater policy clarity while also strengthening and clarifying policies to encourage better and more practical design and sustainability measures for over-height developments in the zone.

This is important to ensure ongoing investment certainty in the City and supports the goals in *The 30-Year Plan for Greater Adelaide 2017* to reinforce and enhance Adelaide's reputation as a liveable and vibrant place and strengthen the Adelaide City centre's role as the pre-eminent cultural, entertainment, tourism and economic focus of Greater Adelaide and the state. It also supports commitments in the 30-Year Plan to make the Adelaide CBD carbon neutral and act as a showcase for the uptake of renewable and clean technologies, building on Adelaide's reputation as a clean, green, prosperous and vibrancy city.

## SUMMARY OF THE POLICY CHANGES

The DPA is proposing to make changes to the Adelaide (City) Development Plan by amending Principle of Development Control 21 of the Capital City Zone to:

- remove ambiguity and improve policy expression in relation to building heights in the Zone, including where over-height development may be contemplated,
- ensure that proposals for over-height development have appropriate regard to local context and are sympathetic to desired character and city form,
- refine design and sustainability policy measures to ensure their practical application to over-height development proposals in the Zone, while ensuring higher standards of design and sustainability and a greater contribution to the public realm than for proposals that are within prescribed height limits
- elevate the provision of affordable housing and the retention, conservation and re-use of heritage buildings and important character elements as standalone incentives to achieving over-height development.

### LEGISLATIVE REQUIREMENTS

The DPA has been prepared in accordance with requirements of the *Development Act 1993* (Act) and the *Development Regulations 2008*. The Act provides the legislative framework for undertaking amendments to a Development Plan. The Act allows either the relevant council or, under prescribed circumstances, the Minister for Planning to amend a Development Plan.

In this case, the Minister is undertaking the amendment because the matter is considered to be of significant social, economic or environmental importance under section 24(1)(g) of the *Development Act 1993*.

This DPA has also been brought in on interim operation pursuant to section 28(1) of the *Development Act 1993*. Interim operation means that the policies being proposed in this DPA will apply for 12 months. It is

used when the Minister considers that the immediate application of the policy changes is necessary in the interests of orderly and proper development.

Prior to the preparation of this DPA, the Minister received advice from a person or persons holding prescribed qualifications pursuant to section 26(3) of the *Development Act 1993*.

## ANALYSIS

### 1 BACKGROUND

The City of Adelaide is the primary focus of economic development and social investment for South Australia and the State's principle centre for employment, recreation, entertainment, facilities and services. It is also the focal point for Greater Adelaide's public transport network.

Reflective of this, planning policies seek to maximise opportunities for higher residential densities and mixed use development, through encouraging taller, denser buildings and a greater range of land uses and residential accommodation options than that generally found elsewhere across Greater Adelaide and the State.

There is therefore a critical need to ensure that planning processes and procedures which underpin significant development investment in the City provide certainty, order and efficiency, and support the growth of our community.

Necessarily, the planning system is designed to be flexible and responsive to community requirements and demands and issues that arise as policies are tested through the assessment of development applications.

#### 1.1 Capital City Development Plan Amendment

In 2012, the Adelaide (City) Development Plan was comprehensively updated through the *Capital City Development Plan Amendment* (DPA), which amended a suite of policies aimed at removing restrictive barriers, improving design, and further supporting mixed use outcomes (ie. residential plus commercial activities such as shops, cafes, restaurants, offices, etc) for new development. Policy changes introduced through the DPA have been highly effective in supporting growth and infill in the City centre, helping to increase its population and supporting economic activity and vibrancy.

Notably, the Capital City DPA created a new Capital City Zone that merged the previous Mixed Use and Central Business Area zones as a focus for growth and high-rise development, including significant employment, cultural, education, entertainment and retail land uses supported by an increase in City residents. Among other things, the DPA increased guideline building heights in key areas of the City and clarified desired building heights across the Zone, including provisions to ensure that buildings exceeding these heights remain compatible with the overall desired city form.

These amendments were also supported by the introduction of a pre-lodgement and Design Review process for development in the City valued over \$10 million to be assessed by a single planning authority – the former Development Assessment Commission (now the State Commission Assessment Panel). Design Review is now an essential part of the planning process within the City of Adelaide.

For further information on the current Design Review process visit [www.odasa.sa.gov.au](http://www.odasa.sa.gov.au).

#### 1.2 Capital City Policy Review (Design Quality) Development Plan Amendment

The *Capital City Policy Review (Design Quality) Development Plan Amendment* (DPA), which was approved by the Minister for Planning in 2017, further reviewed and updated policies introduced by the Capital City DPA to reinforce design quality for new development based on feedback from development assessment and Design Review processes.

This included further reviewing the 'over-height' provisions introduced for the Capital City Zone by the previous DPA, resulting in the introduction of a greater range of quality design and sustainability requirements (linked with the carbon neutral Adelaide initiative) for over-height development in comparison to developments that are within prescribed height limits.

Further testing of these provisions has, however, revealed that there is a need to provide better clarity regarding the intent and application of this policy to over-height development proposals in the zone.

This testing has also suggested that achieving all of the sustainable design elements in this policy is not often practical. Therefore, there is a need to further refine these elements to ensure they can be practically achieved for over-height and significant city developments, while showcasing exemplary building performance.

## 2 THE STRATEGIC CONTEXT AND POLICY DIRECTIONS

The Strategies and Plans that are most pertinent to the planning policy amendments proposed by this DPA are summarised below.

Additional information about the South Australian Planning system and links to relevant key strategic and demographic documents can also be found at <http://saplanningportal.sa.gov.au/home>.

### 2.1 Consistency with The 30-Year Plan for Greater Adelaide

The Planning Strategy presents current State Government policy for development in South Australia based on key economic, social and environmental imperatives. It seeks to guide and coordinate State Government activity in the construction and provision of services and infrastructure. It also indicates directions for future development to the community, the private sector and local government.

*The 30-Year Plan for Greater Adelaide 2017* (the Plan) is the relevant volume of the Planning Strategy for South Australia and applies to the area affected by this DPA. The Plan specifically recognises the Adelaide City centre as the heart of the State's civic, cultural and commercial life - and aims to have more people living, working, visiting and investing in the City. It also aims to create liveable, vibrant, sustainable and accessible places in the City as a key competitive advantage for attracting and retaining talented people and investment.

The Plan identifies 6 targets, underpinned by a range of policies that will help measure progress on delivering a new urban form and how Greater Adelaide will become a more liveable, sustainable and competitive place. These are:

1. Containing our urban footprint and protecting our resources
2. More ways to get around
3. Getting active
4. Walkable neighbourhoods
5. A green liveable city
6. Greater housing choice.

More specifically, the following targets of the Plan are supported by the DPA:

- 85% of all new housing in metropolitan Adelaide will be built in established urban areas
- 60% of all new housing in metropolitan Adelaide will be built within close proximity to quality public transport (rail, tram, O-Bahn and bus) by 2045
- Increase the share of work trips made by active transport modes in Inner, Middle and Outer Adelaide by 30% by 2045
- Increase the percentage of residents living in walkable neighbourhoods in Inner, Middle and Outer Metropolitan Adelaide by 25% by 2045
- Increase housing choice by 25% to meet changing household needs in Greater Adelaide by 2045.

#### **Implications for this DPA**

The DPA will contribute to the above targets of the Plan by providing greater policy clarity regarding significant developments in the Adelaide City centre and therefore continuing to:

- support high-density infill development in the Adelaide City centre, thereby limiting our urban footprint and protecting our resources, and enhancing the viability and use of the City's upgraded public transport and pedestrian/cycling networks; and
- strengthen the built form of the City, with greater design expectations for taller buildings including the promotion of green infrastructure and energy efficiency.

The Plan also contains a number of policies that relate specifically to the Adelaide City Centre that are considered relevant to this DPA. These are discussed below:

- P13** *Strengthen the primacy of the Adelaide City centre as the cultural, entertainment, tourism and economic focus of Greater Adelaide. Enhance its role as the centre for peak legal, financial and banking services, specialty health and medical services, higher education, the arts, and high-quality specialty retailers*
- P14** *Strengthen the overall built form of the city, which is characterised by a grid pattern of streets and squares, contrasting with the open space of the Park Lands*
- P15** *Deliver an overall city form that expresses taller buildings within the centre, lower buildings towards the southern residential precincts and some additional height along the terraces and around the four city squares*
- P16** *Reinforce key city boulevards, such as King William, Grote and Wakefield streets through taller, contemporary buildings that create a sense of entry and frame these important streets*
- P17** *Reinforce the special character of the main streets of Gouger, Hindley, Rundle and Hutt Streets through contextual design responses that increase activity and vibrancy while also preserving the elements that make these places special*
- P19** *Reinforce the inner and outer built form edge of the Park Land terraces by encouraging quality medium to high-rise mixed-use developments that increase the diversity of housing while also contributing to, and activating, the public realm*
- P21** *Increase the amount and diversity of residential accommodation in the city to support a variety of household types for a wide range of age and income groups, including students, professionals and the ageing*
- P22** *Sustain the heritage, character and scale of valued residential precincts (including North Adelaide and the south-east and south-west corners) with contextually appropriate development that contributes to the needs of our growing population and provides services to the community*
- P24** *Enhance the city's street network to support the intensity and complexity of people movement, business and community activity, to provide great 'people places' befitting Adelaide's heart.*

#### **Implications for this DPA**

Through providing greater policy clarity in relation to building heights and where over-height development may be appropriate, the DPA seeks to further enhance investment in significant developments in the Adelaide City Centre, strengthening its primacy and role as the economic and cultural centre of Greater Adelaide. This includes investment in high-density residential development to support population growth and a range of accommodation options.

The DPA will also seek to ensure that over-height development is consistent with the anticipated city form in terms of providing an appropriate transition in building heights and contributes positively to local character and the public realm, including activating streets and enhancing the City's pedestrian and movement networks.

In addition to the above, the Plan also states that the Adelaide City will become carbon neutral and act as a showcase for the uptake of renewable and clean technologies, building on Adelaide's reputation as a clean, green and vibrant city. The following policies are considered relevant to the DPA in this regard:

- P108** *Promote green infrastructure (including green roofs, vertical gardens and water sensitive design) in higher density and mixed-use development to assist with urban cooling, reduce building energy use and improve biodiversity.*
- P113** *Promote energy efficiency, the use of renewable energy sources and neighbourhood level alternative energy supplies and storage in new development to reduce energy costs and carbon footprint.*

#### **Implications for this DPA**

The DPA proposes to build on existing policies that seek to encourage exceptional environmental building performance for over-height development in the Adelaide City centre through integration of a range of practical sustainable design measures, including living walls/roofs and the provision of greater levels of natural light and ventilation and communal and private open space than would be required for other developments.

This will contribute to aims to create a carbon neutral city and provide opportunities to showcase sustainable design in City buildings. The Carbon Neutral Adelaide initiative is discussed further below.

## 2.2. Carbon Neutral Adelaide

Building on the principles and directions of *The 30-Year Plan for Greater Adelaide*, the government partnered with the Adelaide City Council to establish Adelaide as the world's first carbon neutral city.

In November 2015, the partnership released a joint statement titled *Carbon Neutral Adelaide – A shared vision for the world's first carbon neutral city* which sets out its shared vision and framework for action on how the partnership intends to make Adelaide carbon neutral. The vision statement identified the following six areas of focus for implementation:

- Building partnerships and encourage community action
- Investing in energy efficiency and renewables in the city
- Transforming the way we travel
- Reducing emissions from waste
- Investing in large scale renewables across the State
- Identifying offset opportunities to reduce emissions and deliver economic return.

An Action Plan was developed in 2016 titled *Carbon Neutral Adelaide Action Plan 2016-2021*, which includes a series of more detailed actions linked to key strategies. Key strategies and actions relating to planning policy include the following:

- Encouraging energy efficient and adaptive re-use of commercial buildings, including supporting the adaptive reuse of under-utilised and heritage listed buildings
- Supporting community uptake of efficiency technologies, including providing incentives and reducing cost barriers to improving energy efficiency, fostering design leadership in energy efficiency and case managing energy generation within significant development sites
- Utilising regulatory levers to encourage energy efficiency uptake, including supporting improvements to the National Construction Code to increase performance standards for residential and commercial buildings, and facilitating an energy hierarchy in the built form (eg. through low carbon design and construction measures and passive design)
- Reducing climate impacts in city streetscapes, including a plan to increase city greening through trees, gardens, plantings, greenwalls and green or cool roofs
- Promoting energy efficient government and council buildings, including partnering with industry to promote and showcase the advantages of high performance buildings
- Reducing single-occupancy vehicle use and developing integrated cycling and walking networks
- Increasing the transport advantages of city and apartment living, including facilitating a shift to sustainable transport modes and reduced private car ownership through measures such as:
  - encouraging design innovation for electric and autonomous vehicle technology
  - reducing onsite parking requirements where alternatives such as car share and cycling are available
  - application of end of trip facilities and bicycle parking standards in new developments
  - designing for comfortable pedestrian environments

- reducing emissions from solid waste, including enhancing the performance of waste and recycling systems in new developments.

While implementation of a number of these actions will be considered as part of the implementation of *Planning, Development and Infrastructure Act 2016* (PDI Act), the Capital City Policy Review (Design Quality) DPA discussed in the background in section 1.2 above supported the carbon neutral vision for Adelaide by introducing new planning policy measures to encourage sustainability features in building design and configuration, including higher standards for over-height development in the Capital City Zone.

#### Implications for this DPA

The DPA will further review the practicality of applying the sustainability measures introduced by the Capital City Policy Review (Design Quality) DPA to support the Carbon Neutral Adelaide initiative based on testing and application through the development assessment and Design Review processes.

### 2.3. Integrated Transport and Land Use Plan for South Australia (2015)

The *Integrated Transport and Land Use Plan* (ITLUP) provides comprehensive actions and directions for land use, infrastructure and transport over the next 30 years. The focus is on connecting people to places and business to markets through three goals of:

- Healthy, safe, affordable, connected communities
- A strong, diverse and growing economy
- Thriving natural and built environments.

The ITLUP seeks to build on the directions set by *The 30-Year Plan for Greater Adelaide* through aligning and shifting transport planning and investment towards supporting a change in the nature of Adelaide's urban form – focused among other things on containing the growth of the wider metropolitan area and encouraging higher density development in the Adelaide City centre.

The Adelaide City centre and area affected by this DPA is located within an area identified in ITLUP as 'Inner Adelaide'. Key directions for Inner Adelaide are:

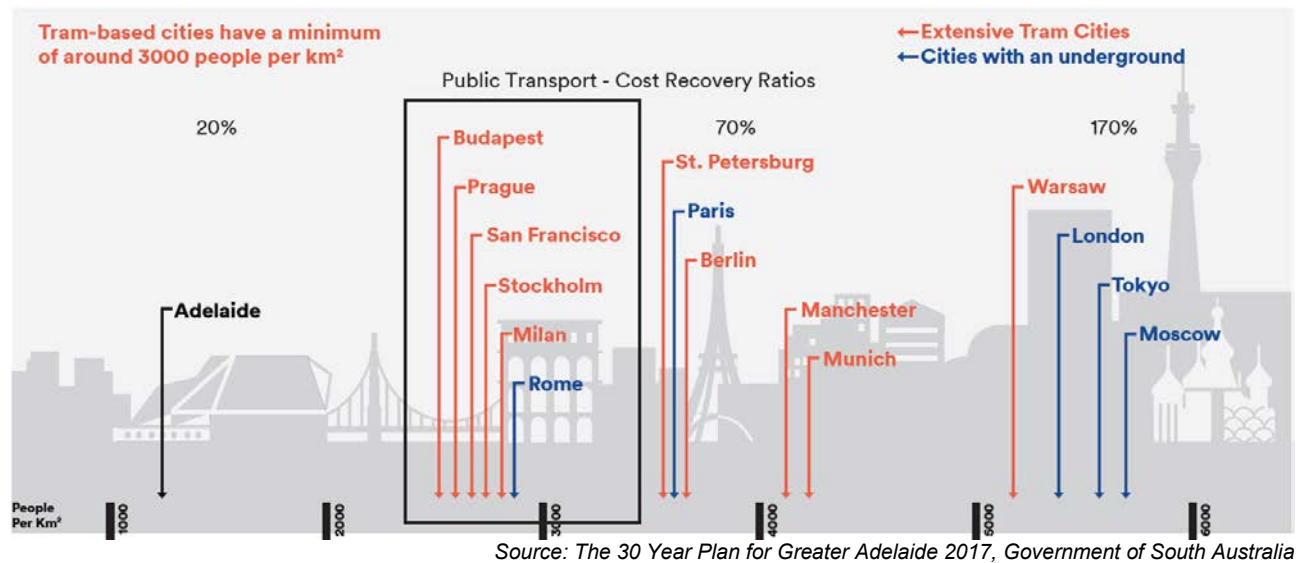
- A sharper focus on inner Adelaide to boost the central city as a creative, lively and energetic area where more people want to live and businesses want to locate
- Making bold choices – bringing a network of tram networks back to Adelaide, called AdeLINK and refocusing our transport system to support and actively encourage mixed-use medium density, vibrant communities and business growth in inner and middle urban areas.

In ITLUP, trams have a key role in developing inner Adelaide as a vibrant city that attracts new residents and business investment. Accessibility to public transport and population densities are generally interrelated and can influence the demand and usage of public transport and success in reducing car dependency, particularly for inner areas.

As can be seen in **Figure 2**, cities with better light rail and higher public transport use than Adelaide generally have a population density of at least 3000 people per square kilometre. In comparison, Adelaide's average population density is less than 1500 people per square kilometre.

Therefore, to make quality transport more viable and cost effective, it is important that population density be increased along these strategic tram corridors – including within the Adelaide City centre.

Figure 2 – Population density – comparison of overseas cities



### Implications for this DPA

The DPA seeks to provide greater policy clarity in relation to building heights within the city, including for higher density mixed use and residential buildings, thereby providing greater investment certainty and encouraging increased population densities in the Adelaide City centre to ensure the viability of our improved transport systems.

### 2.4. Related Development Plan Amendments

Consideration has been given to the following Development Plan Amendments that are currently also being undertaken. This includes consideration of Council led DPAs and other DPAs being conducted by the Minister for Planning.

- **Adelaide City Council Development Plan Amendments**

There are currently no active Council DPAs that are relevant to the area affected by this DPA.

- **Development Plan Amendments by the Minister for Planning**

While there are no current Ministerial DPAs that would impact on the area affected, the DPA has considered both the *Capital City DPA* that was approved and Gazetted on 25 October 2012 and the more recent *Capital City Policy Review (Design Quality) DPA* that was approved and Gazetted on 30 May 2017.

The initial Capital City DPA introduced the Capital City Zone as a focus for growth and high-rise development. The DPA also increased guidelines building heights for key areas of the Zone and included provisions to ensure that buildings exceeding these heights remain compatible with the overall desired City form. The more recent Capital City Policy Review (Design Quality) DPA further reviewed these 'over-height' provisions based on development assessment and Design Review processes that occurred following approval of the Capital City DPA, including introducing requirements for sustainable design measures.

This DPA seeks to provide additional policy clarity regarding over-height provisions to remove ambiguity, improve the practical application of design and sustainability measures and provide greater certainty for prospective developments while supporting strategic objectives for a carbon neutral Adelaide.

### 2.5. Planning Reform and the Planning and Design Code

A new planning system is currently being introduced into South Australia. The new *Planning, Development and Infrastructure Act 2016* is being introduced in stages.



The Planning and Design Code is the cornerstone of the new planning system. It consolidates the planning rules contained in South Australia's 72 Development Plans into one rulebook. In this regard, the Adelaide (City) Development Plan will be superseded by the new Planning and Design Code in the middle of 2020.

Existing zones in the current Development Plans will be transitioned to the equivalent zone in the Planning and Design Code. Refer to the SA Planning Portal at [www.saplanningportal.sa.gov.au](http://www.saplanningportal.sa.gov.au) for more information.

### 3 INVESTIGATIONS UNDERTAKEN TO INFORM THIS DPA

#### 3.1. Capital City Zone

The Capital City Zone was established in 2012 following approval of the Capital City DPA, which amalgamated the previous Mixed Use and Central Business Area zones.

Significantly, the zone is intended to be the economic and cultural focus of the State and encourages development of a range of employment, community, educational, tourism and entertainment facilities, while also encouraging increased residential growth to complement these uses and experiences and increase the vibrancy of the City.

High-scale development is specifically envisaged in the zone to reinforce its economic, cultural and State significance. Consistent with *The 30-Year Plan for Greater Adelaide*, the zone generally anticipates taller buildings within the more central locations and some additional height along West, North and East terraces, with lower buildings anticipated along the northern end of Hutt Street and southern end of West Terrace to provide a transition to the southern residential areas, historic conservation areas and character precincts.

The Capital City Zone also contains two distinct policy areas, which are shown in **Figure 3** and discussed below:

##### **Central Business Policy Area**

The Central Business Policy Area 13 generally encompasses the CBD and primary commercial and business areas east and west of King William Street and is the State's pre-eminent economic, government and cultural hub where the most intense form of development is anticipated.

The objectives for the policy area primarily seek to create a concentration of employment, governance, entertainment and residential land uses (including student accommodation) as well as other support uses such as educational, hospitality and tourist accommodation that are of a high standard of design and appearance and integrate well with the public realm.

##### **Mainstreet Policy Area**

The Mainstreet Policy Area 14 generally encompasses the mainstreet precincts of Rundle Street, Rundle Mall, Hindley Street and Gouger/Grote Street.

The policy area encourages development of a vibrant mixture of land uses, including retail, restaurants, cafes and licensed premises that contribute to both day and evening economies and are appropriately managed to ensure activation and a positive contribution to the character of these precincts.

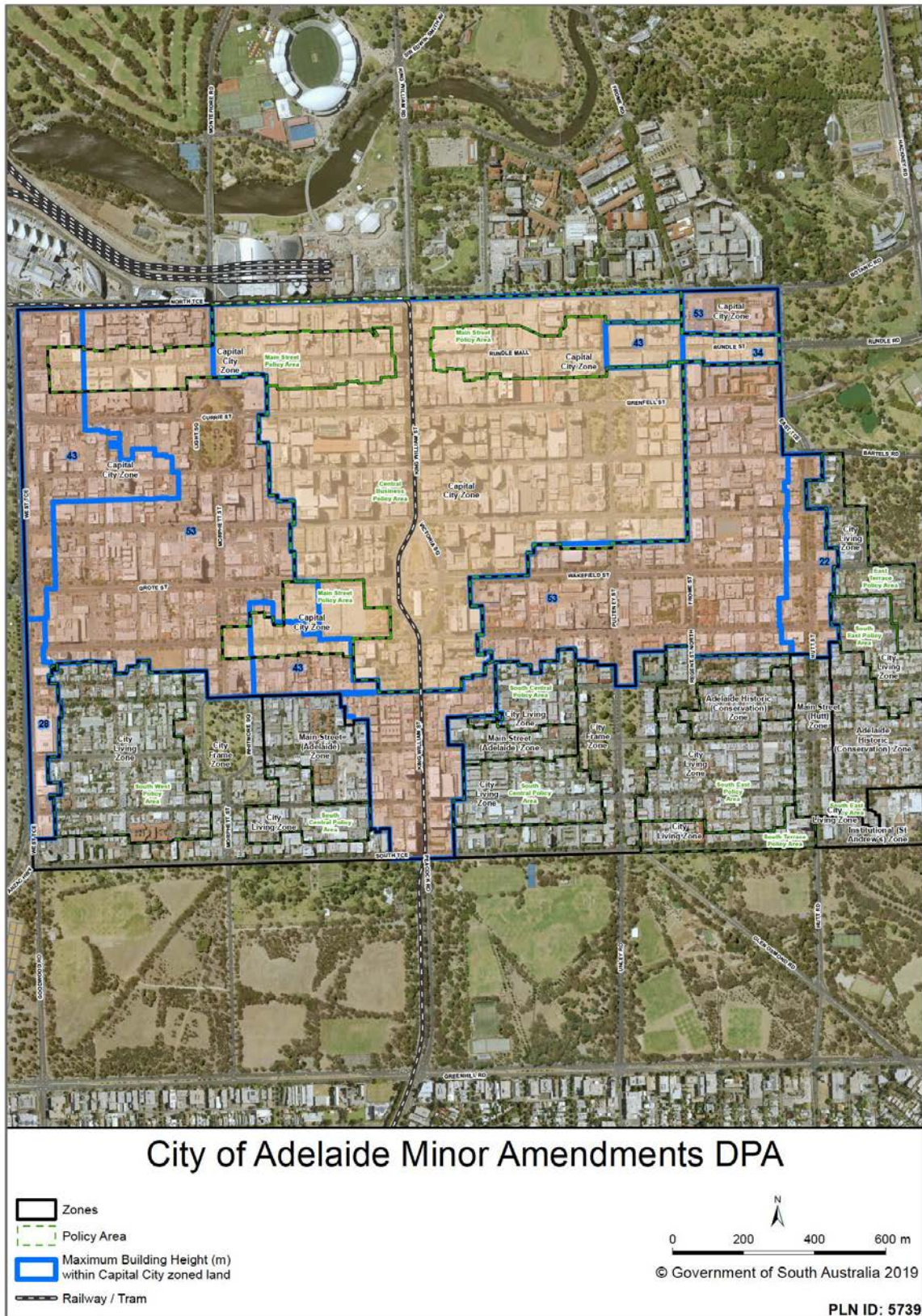
Policies also require that lower building levels are designed to ensure activation, vibrancy and maintain a high pedestrian environment at a human scale, while upper levels of buildings are recessed to maintain a sense of spaciousness and openness to the sky. Non-residential uses are encouraged at ground level to activate streets with residential development above.

Importantly, the Capital City Zone seeks to ensure that new development will achieve a high quality of design to ensure that new buildings are contextual, durable, inclusive, sustainable and amenable.

#### Building heights

Maximum building heights applying in the Capital City Zone are prescribed on Concept Plans (*Building Heights Concept Plans Fig CC/1 and Fig CC/2*) in the Adelaide (City) Development Plan. These building heights are also shown on **Figure 3** below.

Figure 3 – Policy areas and maximum building heights - Capital City Zone



Notably, there are no prescribed maximum building heights within the Central Business Policy Area although policies seek to ensure that buildings are of a height that ensures airport operational safety is not adversely affected, which is a critical consideration in the Capital City Zone. Airport building heights are prescribed

separately via an Overlay map in the Adelaide (City) Development Plan and any proposed development that would exceed these heights must be referred to the Federal Government via Adelaide Airport Limited.

Further, while maximum building heights apply to some areas within the Mainstreet Policy Area where a lower scale of development is envisaged to provide a transition to areas with a direct interface with low-rise residential development or where a main street character is sought, there are also no prescribed maximum height limits for the eastern portion of Hindley Street (east of Morphett Street), Rundle Mall and on some sites located adjacent Victoria Square in the Gouger/Grote Street precinct that lie adjacent the Central Business Policy Area. Again, building heights default to airport height restrictions as the ceiling for these areas.

Existing over-height policy provisions

Notwithstanding the maximum building heights prescribed for various areas of the Capital City Zone, the policy provisions of the zone also include allowance for buildings to exceed these heights under certain circumstances. This includes where taller buildings complement the intended character and anticipated city form, while achieving higher standards of design and sustainability and contributing significantly to the public realm.

The purpose and intent of introducing these 'over-height' provisions is to allow appropriate consideration of developments that are proposed to exceed any height restrictions otherwise set out in the Development Plan.

Key over-height provisions of the Capital City Zone include the following:

**'Over-height' Principles of Development Control – Capital City Zone**

- 16** *Development that exceeds the maximum building height shown in Concept Plan [Figures CC/1 and 2](#), and meets the relevant quantitative provisions should demonstrate a significantly higher standard of design outcome in relation to qualitative policy provisions including site configuration that acknowledges and responds to the desired future character of an area but that also responds to adjacent conditions (including any special qualities of a locality), pedestrian and cyclist amenity, activation, sustainability, and public realm and streetscape contribution.*
- 21** *Development should not exceed the maximum building height shown in Concept Plan [Figures CC/1 and 2](#) unless;*
- (a) *it is demonstrated that the development complements the context (having regard to adjacent built form and desired character of the locality) and anticipated city form in Concept Plan [Figures CC/1 and 2](#), and*
- (b) *only if:*
- (i) *at least two of the following features are provided:*
- (1) *the development provides an orderly transition up to an existing taller building or prescribed maximum building height in an adjoining Zone or Policy Area;*
  - (2) *the development incorporates the retention, conservation and reuse of a building which is a listed heritage place;*
  - (3) *high quality universally accessible open space that is directly connected to, and well integrated with, public realm areas of the street;*
  - (4) *universally accessible, safe and secure pedestrian linkages that connect through the development site as part of the cities pedestrian network on [Map Adel/1 \(Overlay 2A\)](#);*
  - (5) *on site car parking does not exceed a rate of 0.5 spaces per dwelling, car parking areas are adaptable to future uses or all car parking is provided underground;*
  - (6) *residential, office or any other actively occupied use is located on all of the street facing side of the building, with any above ground car parking located behind;*
  - (7) *a range of dwelling types that includes at least 10% of 3+ bedroom apartments;*
  - (8) *more than 15 per cent of dwellings as affordable housing.*
- (ii) *plus all of the following sustainable design measures are provided:*
- (1) *a rooftop garden covering a majority of the available roof area supported by services that ensure ongoing maintenance;*
  - (2) *a greenroof, or greenwalls / façades supported by services that ensure ongoing maintenance;*
  - (3) *innovative external shading devices on all of the western side of a street facing façade; and*
  - (4) *higher amenity through provision of private open space in excess of minimum requirements, access to natural light and ventilation to all habitable spaces and common circulation areas.*
- 25** *Parts of a development that exceed the prescribed maximum building height shown on Concept Plan [Figures CC/1 and 2](#) that are directly adjacent to the City Living, Main Street (Adelaide) or the Adelaide*

*Historic (Conservation) Zone boundaries should be designed to minimise visual impacts on sensitive uses in the adjoining zones and to maintain the established or desired future character of the area. This may be achieved through a number of techniques such as additional setback, avoiding tall sheer walls, centrally locating taller elements, providing variation of light and shadow through articulation to provide a sense of depth and create visual interest, and the like.*

While over-height provisions were introduced into the Capital City Zone in 2012 as part of the Capital City DPA, the Capital City Policy Review (Design Quality) DPA further amended these provisions to encourage higher quality designs and the integration of a comprehensive suite of sustainable design measures, as now expressed in PDC 21 above. This policy has been, and continues to be, an important consideration in significant development proposals for the Capital City Zone and allows appropriate flexibility to encourage quality design and sustainability outcomes over restrictive building height and form standards.

The wording of PDC 21 of the Capital City Zone was subject to a number of revisions during the course of the Capital City Policy Review (Design Quality) DPA process, including from consultation through to final approval of the DPA and its consolidation into the Adelaide (City) Development Plan on 30 May 2017.

At the time of consolidation, the wording of PDC 21 was as follows:

Principle of Development Control 21 - Adelaide (City) Development Plan as consolidated on 30 May 2017

*Development should not exceed the maximum building height shown in Concept Plan [Figures CC/1 and 2](#) unless;*

- (a) it is demonstrated that the development reinforces the anticipated city form in Concept Plan [Figures CC/1 and 2, and](#)*
- (b) only if:*
  - (i) at least two of the following features are provided:*
    - (1) the development provides an orderly transition up to an existing taller building or prescribed maximum building height in an adjoining Zone or Policy Area;*
    - (2) the development incorporates the retention, conservation and reuse of a building which is a listed heritage place;*
    - (3) high quality universally accessible open space that is directly connected to, and well integrated with, public realm areas of the street;*
    - (4) universally accessible, safe and secure pedestrian linkages that connect through the development site as part of the cities pedestrian network on Map [Adel/1 \(Overlay 2A\)](#);*
    - (5) on site car parking does not exceed a rate of 0.5 spaces per dwelling, car parking areas are adaptable to future uses or all car parking is provided underground;*
    - (6) residential, office or any other actively occupied use is located on all of the street facing side of the building, with any above ground car parking located behind;*
    - (7) a range of dwelling types that includes at least 10% of 3+ bedroom apartments;*
    - (8) more than 15 per cent of dwellings as affordable housing.*
  - (ii) plus all of the following sustainable design measures are provided:*
    - (1) a rooftop garden covering a majority of the available roof area supported by services that ensure ongoing maintenance;*
    - (2) a greenroof, or greenwalls / façades supported by services that ensure ongoing maintenance;*
    - (3) innovative external shading devices on all of the western side of a street facing façade; and*
    - (4) higher amenity through provision of private open space in excess of minimum requirements, access to natural light and ventilation to all habitable spaces and common circulation areas.*

### 3.2. Policy testing and Section 29 Amendment

Following further testing of the above policy provisions through subsequent development assessment processes, however, it became evident that these provisions (in particular part (a) of the policy) were incongruous with the purpose and intent of having over-height provisions in the Capital City Zone.

More specifically, the use of the word “reinforce” and reference to the relevant concept plan resulted in some confusion regarding the ability to allow for over-height developments despite the intended purpose of these

provisions. This resulted in issues with the clarity and practicality of applying this policy to over height development applications in the zone.

Consequently, the wording of PDC 21 in the Adelaide (City) Development Plan was amended on 19 December 2017 under section 29 of the *Development Act 1993* to clarify and reinforce the intent and purpose of this policy. Section 29(2)(b)(ii) of the Development Act specifically allows the Minister to correct errors or inconsistencies in the Development Plan without a formal DPA process. Correcting this error was considered particularly important to ensure greater clarity for prospective developments given the significant role of the Capital City Zone in both Adelaide and the State.

The wording of the policy was specifically amended as follows to better clarify policy intent (deleted words are shown as strikethrough and amended wording is shown in 'red' text):

Section 29 Amendment – Principle of Development Control 21

*Development should not exceed the maximum building height shown in Concept Plan [Figures CC/1 and 2](#) unless;*

*(a) it is demonstrated that the development ~~reinforces~~ **complements the context (having regard to adjacent built form and desired character of the locality)** and anticipated city form in Concept Plan [Figures CC/1 and 2](#), and*

*(b) only if:*

*(i) at least two of the following features are provided:*

- (1) the development provides an orderly transition up to an existing taller building or prescribed maximum building height in an adjoining Zone or Policy Area;*
- (2) the development incorporates the retention, conservation and reuse of a building which is a listed heritage place;*
- (3) high quality universally accessible open space that is directly connected to, and well integrated with, public realm areas of the street;*
- (4) universally accessible, safe and secure pedestrian linkages that connect through the development site as part of the cities pedestrian network on [Map Adel/1 \(Overlay 2A\)](#);*
- (5) on site car parking does not exceed a rate of 0.5 spaces per dwelling, car parking areas are adaptable to future uses or all car parking is provided underground;*
- (6) residential, office or any other actively occupied use is located on all of the street facing side of the building, with any above ground car parking located behind;*
- (7) a range of dwelling types that includes at least 10% of 3+ bedroom apartments;*
- (8) more than 15 per cent of dwellings as affordable housing.*

*(ii) plus all of the following sustainable design measures are provided:*

- (1) a rooftop garden covering a majority of the available roof area supported by services that ensure ongoing maintenance;*
- (2) a greenroof, or greenwalls / façades supported by services that ensure ongoing maintenance;*
- (3) innovative external shading devices on all of the western side of a street facing façade; and*
- (4) higher amenity through provision of private open space in excess of minimum requirements, access to natural light and ventilation to all habitable spaces and common circulation areas.*

Notwithstanding the corrections made above to PDC 21 of the Capital City Zone in the Adelaide (City) Development Plan to better clarify and reinforce its intent, the use of section 29 to correct this policy has been challenged.

Further, application of the policy through subsequent development assessment processes has also raised issues regarding its practicality, particularly in terms of the ability for proposals and certain land use types to achieve all of the sustainable design measures stipulated in the policy.

### Implications for policy

This DPA proposes to amend the wording of Principle of Development Control 21 through a formal process under section 26 of the *Development Act 1993* to remove ambiguity and provide greater clarity of policy intent in relation to over-height development in the Capital City Zone, while also refining the range of design and sustainability measures required for over-height development to ensure they remain practical and achievable and that such developments continue to showcase sustainability and contribute significantly to the public realm. Key issues and proposed policy changes are discussed further below.

### 3.3. Proposed changes to over-height policy provisions

#### 3.3.1 Desired character and city form (PDC 21 part (a))

Despite changes made to PDC 21 under section 29 of the *Development Act 1993* and in particular part (a) of the policy, further changes are proposed to better clarify the intent of the policy based on feedback from DPTI development assessment staff.

This includes ensuring that over-height development considers both positive character (rather than existing context) and desired character as expressed in the Desired Character statements for the Capital City Zone and its respective policy areas.

These changes also aim to better clarify anticipated city form elements included on Concept Plan Figures CC/1 and 2, in particular desired transitions in building height across the Capital City Zone to prevent isolated taller buildings and reinforcement of the city's key boulevards, terraces and mainstreets.

Amendments proposed to part (a) as part of this DPA are shown below (deleted words are shown as strikethrough and amended wording is shown in 'red' text):

#### Context - PDC 21 part (a)

- (a) it has regard to ~~is demonstrated that the development complements~~ the context that forms the positive character of the locality and is sympathetic to the ~~(having regard to adjacent built form and~~ desired character of the ~~locality)~~ Zone or Policy Area and the anticipated city form expressed in Concept Plan [Figures CC/1 and 2](#), and

#### 3.3.2 Design and sustainability provisions (PDC 21 part (b))

As it is currently expressed, PDC 21 of the Capital City Zone currently requires proposals for over-height development to meet at least two (out of eight) optional quality design features as well as a comprehensive suite of sustainable design measures, including integration of rooftop gardens, greenwalls/facades, innovative shading devices and higher levels of private open space to that required for other developments within the zone.

As noted above, these design and sustainability measures have been included in the policy to ensure that over-height development proposals appropriately achieve higher standards of design and sustainability and a greater contribution to the public realm than for proposals that are within prescribed height limits, as reinforced in PDC 16 of the Capital City Zone. They essentially act as incentives to achieving over-height development in the zone where these broader aims and higher standards can be met.

Feedback received from the assessment of development applications and Design Review for over-height development has, however, confirmed that while it is important for significant developments to achieve these higher standards and contribute significantly to the public realm, it is not often practical or feasible for proposals to achieve certain prescribed design features in part (b)(i) of the policy and importantly, all of the required sustainable design measures included in part (b)(ii) of the policy.

These measures can also present significant upfront and ongoing costs to development depending on their scale, function and future maintenance needs. Quantitative expectations in relation to design elements such

as private open space provision and integration of actively occupied land uses are also unclear. These issues are discussed further below.

### **3.3.2.1 Design features**

In relation to achieving the design elements in part (b)(i) of the current policy, the location and siting of a proposed development and nature of any existing buildings on the site (ie. heritage listed or not) will directly influence its ability to achieve design elements (1), (2) and (4).

In addition, the nature of the proposed land use (eg. residential versus non-residential uses such as an office or hotel) will also directly influence whether the development can achieve design elements (7) and (8), which focus only on residential development outcomes.

Some of these design features, in particular conservation and reuse of heritage buildings and provision of affordable housing, could also carry greater weight as an incentive for over-height development. This is discussed further below.

#### Retention, conservation or re-use of a heritage place

Part (b)(i)(2) of the policy currently encourages opportunities for conservation and re-use of heritage buildings as an incentive for proponents of over-height developments to strengthen the protection of heritage assets in the City. As noted above, this option is restricted to sites where a listed State or Local heritage place exists.

There are examples, however, of other built form and urban elements that do not have heritage protection but contribute significantly to local character and a sense of place – and are therefore worthy of retention, conservation or re-use as part of new development proposals.

It is therefore considered appropriate to expand part (2) of the policy to capture these additional elements and ensure that local fabric is recognised, retained and enhanced.

It is also considered appropriate to elevate this particular requirement as a standalone option within PDC 21 given the important contribution that heritage assets and other significant local elements can make to the urban environment and local character – and to acknowledge greater design challenges for over-height development to meet this requirement.

#### Affordable housing

The *30-Year Plan for Greater Adelaide* sets a target of 15 percent affordable housing being included for developments (where creating over twenty dwellings) and growth areas. The Adelaide (City) Development Plan also includes an Affordable Housing Overlay, which encourages the provision of affordable housing in significant new residential and mixed-use developments to achieve the affordable housing targets of the 30-Year Plan in designated areas of the City. This includes the whole of the Capital City Zone.

Given the importance of encouraging greater provision of affordable housing in the City, the Development Plan also provides a number of dispensations for developments that provide affordable housing products. This includes excluding application of a range of quantifiable provisions in the Plan relating to elements such as minimum site area and coverage, setbacks, private open space, plot ratio and building height to the affordable housing component. Notwithstanding these policy incentives, however, their success in attracting affordable housing in new development projects in the City has been varied.

Part (b)(i)(8) therefore currently provides an incentive for over-height development to exceed the 15 percent affordable housing target in the 30-Year Plan. Given the need to encourage greater levels of affordable housing in the City and noting that it will only apply to over-height developments comprising residential or mixed use outcomes, it is also considered appropriate to elevate this particular option as a standalone incentive.

Proposed changes to both the affordable housing and heritage conservation/re-use options are shown below (deleted words are shown as strikethrough and amended wording is shown in 'red' text):

New PDC 21 part (b) and (c) – Heritage/Character and Affordable Housing as standalone options

- (b) *if the development incorporates the retention, conservation and reuse of a building which is a listed heritage place or an existing built form and fabric that contributes positively to the character of the local area; or*
- (c) *more than 15 per cent of dwellings are affordable housing; or*

Proposed changes to other options included in PDC 21 Part (b)(i) are discussed further below.

#### Option (1) – orderly height transitions

Part (1) of the policy currently provides an opportunity for over-height development proposals where they provide an orderly transition in height up to an existing taller building or prescribed maximum heights in an adjoining zone or policy area. The intent of this policy is to prevent the creation of isolated taller buildings and stark juxtapositions in building heights, ensuring that overall city form is maintained.

Use of the term ‘adjoining’ in this policy in relation to prescribed heights in another zone or policy area is not clearly understood and could result in isolated taller buildings being developed in the Capital City Zone (for example, where a proposed over-height development is located a significant distance from another zone or policy area, which may still be considered adjoining).

Reference to an ‘adjacent’ zone or policy area is therefore considered more appropriate given that adjacent land is better defined and understood in the *Development Act 1993*, referring to land that either abuts other land or is no more than 60 metres from the other land where separated by a road, reserve, or similar.

In addition to this, Concept Plan Figures CC/1 and CC/2 in the Adelaide (City) Development Plan currently identify a number of areas across the Capital City Zone where a prescribed maximum building height applies. This ensures an appropriate transition of building heights across the zone in accordance with anticipated form of the City, but can also disadvantage sites that lie immediately adjacent to an area where a greater building height is prescribed and an appropriate transition can still be achieved.

Therefore, in addition to allowing over-height development where it transitions up to the prescribed maximum building height in an adjacent zone or policy area, it is also considered reasonable and appropriate to provide allowance for over-height development where it provides an orderly transition up to an adjacent area on Concept Plan Figures CC/1 and CC/2 where taller buildings may be anticipated.

#### Option (3) – public open space

Part (3) of the policy currently provides an incentive for over-height development where it makes a significant contribution to the public realm through provision of publicly accessible and connected open space. Retention of this option is considered appropriate to support other over-height provisions in the Capital City Zone that seek higher design standards and, importantly, greater public realm benefits from over-height development.

#### Option (4) – pedestrian linkages and connections

Part (4) of the policy also provides an incentive for over-height development to be permeable and provide for pedestrian connections and movement through sites, contributing to access and walkability in the City. As it is currently expressed, this limits these connections to development sites that link to the City’s primary pedestrian area identified on an overlay map in the Adelaide (City) Development Plan (Map Adel/1 (Overlay 2A)).

Notably, the primary pedestrian area focuses on the central part or core of the Capital City Zone, which is predominantly located in the Central Business Policy Area and where there are no prescribed building heights – meaning that more peripheral areas of the zone toward East and West terraces in particular are not captured by the policy.

It is therefore considered appropriate to remove reference to the primary pedestrian area overlay in the policy to enable wider application across the Capital City Zone and, importantly, to also encompass areas where prescribed maximum building heights apply, with an emphasis on ensuring these connections are developed to a high standard and accessible to all people.



#### Option (5) – on-site car parking

The Carbon Neutral Adelaide initiative seeks to reduce onsite parking requirements for new developments in favour of alternatives such as car sharing and cycling. Through its Smart Move strategy, the Adelaide City Council has also committed to continually review requirements for private car parking provision in new developments to ensure they support a shift towards more sustainable and active modes of travel.

Maximum car parking requirements have been introduced in the primary pedestrian area of the Capital City Zone for residential development and serviced apartments. Policies also encourage the provision of bicycle parking in new developments in the City.

Therefore, while part (5) of the policy currently provides an option to limit on-site car parking for over-height proposals involving residential development (no more than 0.5 spaces per dwelling), it is considered more appropriate to discourage the provision on-site parking for these developments to minimise impacts on the City's road network and encourage more sustainable travel, consistent with these strategies.

#### Option (6) – actively occupied uses

Part (6) of the policy currently encourages development of actively occupied uses (eg. residential and offices) on street frontages with any associated car parking located behind these uses to encourage activation of streets and public areas, and provide greater levels of passive surveillance.

As it is currently expressed, however, there is no clear guidance as to how much of the street frontage should be occupied by these active uses to achieve these aims. PDC 5 of the Mainstreet Policy Area of the Capital City Zone also seeks at least 70% of the ground level street frontage as a non-residential use to encourage activation.

It is therefore proposed to amend part (6) to include a quantitative value to clarify expectations regarding how much of the street frontage of a building above ground level should be developed by actively occupied uses.

#### Option (7) – dwelling types

The option expressed in part (7) that seeks a certain proportion of 3+ bedroom dwellings is considered clear, practical and appropriate. Consequently, no changes are proposed to this option as part of this DPA.

#### Other options

##### *Development adjacent to the Park Lands*

The *30-Year Plan for Greater Adelaide* envisages that Metropolitan Adelaide will be one to three storeys, complemented by four to six storeys along key transport boulevards that connect the city to the suburbs. It also clarifies areas where taller buildings and high-rise development are envisioned, including the Adelaide CBD and, importantly, parts of the edges of the Park Lands frame.

Within the Adelaide City centre, the Capital City Zone generally encompasses areas adjacent the western Park Lands and parts of the eastern and southern Park Lands.

The majority of the southern Park Lands are framed by the City Frame Zone, which among other things seeks to create a strong edge to the Park Lands and generally contemplates buildings of between 29-36 storeys. Notwithstanding these height requirements, however, the City Frame Zone also includes policy provisions to enable more intensive development on catalyst sites (ie. sites greater than 1500 square metres, which may include one or more allotments) to activate and strengthen the city frame.

Similar to policies in the Capital City Zone for over-height development, the policy provisions of the City Frame Zone specifically contemplate that development on catalyst sites will exemplify quality and contemporary design that is generally greater in height, or intensity, than its surroundings while carefully managing the interface with sensitive uses, including in the City Living Zone.

It is therefore considered appropriate to allow consideration of over-height development proposals in the Capital City Zone also where they are located adjacent, and provide a strong edge to, the Park Lands frame.

### *Access to sunlight and visual privacy*

Managing interface impacts such as access to sunlight for adjacent developments and maintaining visual privacy is a key challenge in the design and assessment of over-height development proposals by their very nature.

Through careful design, however, these issues can be effectively addressed and managed so that their overall impact on adjacent properties is no greater than a building of the maximum height prescribed for a particular area in the Capital City Zone. It is therefore considered appropriate to also allow consideration of over-height development where they can be designed to achieve this.

Based on the discussions above, and noting the proposed elevation of the affordable housing and heritage/character elements as standalone incentives for over-height development, the following changes are therefore proposed to the range of other optional design elements in PDC 21(b)(i) (deleted words are shown as strikethrough and amended wording is shown in 'red' text):

Design feature options for over-height development – PDC 21 part (b)(i)

- (1) *the development provides an orderly transition up to an existing taller building or prescribed maximum building height in an adjoining Zone, ~~or Policy Area~~ or building height area on Concept Plan [Figures CC/1 and 2](#);*
- ~~(2) the development incorporates the retention, conservation and reuse of a building which is a listed heritage place;~~
- (2) *high quality open space that is universally accessible and is directly connected to, and well integrated with, public realm areas of the street;*
- (3) *high quality, safe and secure, universally accessible pedestrian linkages that connect through the development site as part of the cities pedestrian network on [Map Adel/1 \(Overlay 2A\)](#);*
- (4) ~~on site car parking does not exceed a rate of 0.5 spaces per dwelling, car parking areas are adaptable to future uses or no on site carparking is provided;~~
- (5) ~~residential, office or any other actively~~ *active occupied uses is are located on all at least 75% of the public street frontages facing side of the building, with any above ground car parking located behind;*
- (6) *a range of dwelling types that includes at least 10% of 3+ bedroom apartments;*
- (7) *the building has frontage to a public road that abuts the Adelaide Parklands;*
- ~~(8) more than 15 per cent of dwellings as affordable housing.~~
- (8) *the impact on adjacent properties is no greater than a building of the maximum height on Concept Plan [Figures CC/1 and 2](#) in relation to sunlight access and overlooking; and*

### **3.3.2.2 Sustainable design measures**

As identified above, there are practicality issues in applying the comprehensive suite of sustainable design measures in PDC 21 part (b)(ii) to all over-height development proposals. Key issues and proposed changes in relation to the application of these measures are discussed below.

#### Parts (1) and (2) – rooftop gardens, greenroofs and greenwalls

With regard to the sustainable design measures in part (b)(ii) of the policy, incorporating modern sustainability elements such as rooftop gardens and greenroofs / greenwalls may not be practical or feasible in all instances and can often depend on the scale and dimensions of the site, required services (including use of and access to water) and orientation and access to sunlight vital to sustaining growing conditions. Such measures can also impact on the ability of a development to incorporate other sustainability elements such as roof-mounted solar photovoltaic cells for on-site energy generation.

There is also some question as to what constitutes a 'greenwall' or 'greenroof', which are not defined in the *Development Act 1993* or its Regulations, and whether a rooftop garden referred to in part (1) of the policy is in fact the same as a greenroof referred to in part (2).

Notwithstanding any distinction, the focus should be on creating communal landscaped open areas and living landscaped surfaces that are appropriately scaled to the building and needs of future occupants to showcase these elements, soften the overall appearance of taller buildings, and assist in urban cooling and reduction of urban heat islands.

It is also appropriate to provide proponents of over-height developments the opportunity to integrate solar photovoltaic cells for on-site energy generation as an alternative to a greenroof or rooftop garden, particularly where the height of the development (and access to sunlight for solar photovoltaic cells) is unlikely to be impacted by shading from adjacent development.

#### Part (3) – innovative shading devices

The orientation of a proposed building and its relationship to adjacent development can influence the need to incorporate external shading devices on the western side of a street facing façade as required by part (3) of the policy. For example, a larger, taller building located on the western side of an adjacent narrow street may significantly shade a proposed development, negating the need for such devices.

Therefore, while incorporating these devices may be required in certain circumstances, the focus should be on including passive design elements that form an integral part of a building's design to address internal comfort and promote reduced energy use.

#### Part (4) – private open space

While part (4) of the policy seeks provision of private open space in over-height developments in excess of the minimum requirements for other forms of development to achieve higher levels of amenity, there is currently no guidance in relation to how much additional open space is expected to be provided. This has potential to result in an under-provision of private open space relative to the scale of a proposed building and needs of its occupants.

It is therefore appropriate to better clarify these expectations through providing a quantitative base minimum level of private open space for over-height development proposals, providing further certainty for proponents.

Based on the above discussions, the following changes are therefore proposed to the range of sustainable design measures in PDC 21(b)(ii) (deleted words are shown as strikethrough and amended wording is shown in 'red' text):

Sustainable design measures for over-height development – PDC 21 part (b)(ii)

- (1) ~~a rooftop garden covering a majority of the available roof area~~ communal useable garden integrated with the design of the building that cover the majority of a rooftop area supported by services that ensure ongoing maintenance;
- (2) ~~a greenroof, or greenwalls / façades~~ living landscaped vertical surfaces of at least 50m<sup>2</sup> supported by services that ensure ongoing maintenance;
- (3) ~~innovative external shading devices on all of the western side of a street facing façade~~ passive heating and cooling design elements including solar shading integrated into the whole building;
- (4) higher amenity through provision of private open space in excess of minimum requirements by 25% for at least 50% of dwellings, access to natural light and ventilation to all habitable spaces and the majority of common circulation areas;
- (5) solar photovoltaic cells on the majority of the available roof area, supported by services that ensure ongoing maintenance.

### **Mandatory or optional measures?**

Given potential issues in applying the full range of sustainability measures in part (b)(ii) of PDC 21 to all over-height development proposals and need to allow some flexibility for innovation, it is considered more practical to require over-height proposals to achieve an appropriate selection of these measures, similar to application of the design features in part (b)(i) of the policy.

Requirements for over-height development proposals to achieve more than 50% (ie. at least 3 out of 5) of the sustainable design measures based on the amendments and additional measures proposed above is therefore considered more practical while still requiring greater levels of sustainability compared to other developments within prescribed height limits, and aligning with higher standards for over-height development anticipated in other provisions in the Capital City Zone.

This will also provide flexibility for developments to innovate and implement other sustainability elements not reflected in PDC 21, including other means of on-site power generation (eg. wind), waste reduction and other passive design elements to achieve greater environmental building performance. There is also growing expectation for developments across Australia's cities, including in Adelaide, to achieve greater environmental building performance through application of rating schemes such as NABERS<sup>1</sup> and Green Star<sup>2</sup>, and planning policies should complement use of these ratings for new development by encouraging design innovation to achieve higher performance standards.

Balanced with this and given the range of, and proposed changes to, optional design features in part (b)(i) discussed above, it is also considered practical to require proposals for over-height development to achieve a greater number of these design features than is currently required. This will complement proposed changes to the sustainability measures and ensure that over-height developments achieve higher standards of design and contribution to the public realm.

## 4 SUMMARY OF RECOMMENDED POLICY CHANGES

Based on the investigations and proposed policy directions above, the DPA proposes to amend PDC 21 of the Capital City Zone of the Adelaide (City) Development Plan to remove ambiguity and improve policy expression regarding expectations for over-height development in the zone, and ensure the practical application of design and sustainability measures through:

- amending part (a) of the policy to ensure that proposals for over-height development have appropriate regard to positive local context and are sympathetic to desired character and city form, including a transition of building heights
- amending part (b) of the policy to refine design and sustainability policy measures to improve policy expression and ensure their practical application to over-height development proposals in the zone, while ensuring higher standards of design and sustainability and a greater contribution to the public realm than for proposals that are within prescribed height limits
- elevating the provision of affordable housing and the retention, conservation and re-use of heritage buildings and important character elements as standalone incentives to achieving over-height development.

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<sup>1</sup> NABERS refers to the National Australian Built Environment Rating System and uses a 6-star rating measure a building's energy efficiency, carbon emissions, as well as the water consumed, the waste produced and compare it to similar buildings. It uses a 6-star rating system where a 5-star rated building is considered excellent, while a 6-star rated building is considered market leading.

<sup>2</sup> Green Star is another sustainability rating system developed by the Green Building Council of Australia. It also uses a 6-star rating system where a 4-star rating is considered best practice, a 5-star rating demonstrates Australian excellence and a 6-star rating is considered world leadership.

## 5 STATEMENT OF STATUTORY COMPLIANCE

### 5.1 Section 26 of the Development Act 1993

Section 26 of the Development Act 1993 prescribes that the DPA must assess the extent to which the proposed amendment:

- (a) accords with the Planning Strategy
- (b) accords with other parts of the Development Plan
- (c) complements the policies in the Development Plans for adjoining areas
- (d) satisfies the requirements prescribed by the Regulations.

### 5.2 Accords with the Planning Strategy

Relevant policies and targets from the Planning Strategy – *The 30 Year Plan for Greater Adelaide* are summarised in section 2.1 of this document. It is the intent of the DPA to support the achievement of the Planning Strategy policies and targets.

### 5.3 Accords with other parts of the Development Plan

The policies proposed in this DPA are consistent with the format, content and structure of the Adelaide (City) Development Plan.

### 5.4 Complements the policies in the Development Plans for adjoining areas

The policies proposed in this DPA will not affect the Development Plans for adjoining areas.

### 5.5 Satisfies the requirements prescribed by the Regulations

The requirements for public consultation (Regulation 11) and the public meeting (Regulation 12) associated with this DPA will be met.



## 6 REFERENCES/BIBLIOGRAPHY

- **ADELAIDE (CITY) DEVELOPMENT PLAN**, Government of South Australia, Consolidated 7 June 2018
- **CAPITAL CITY POLICY REVIEW (DESIGN QUALITY) DEVELOPMENT PLAN AMENDMENT – FOR CONSULTATION**, Government of South Australia, September 2016
- **CARBON NEUTRAL ADELAIDE – A SHARED VISION FOR THE WORLD’S FIRST CARBON NEUTRAL CITY**, Adelaide City Council and the Government of South Australia, November 2015
- **CARBON NEUTRAL ADELAIDE ACTION PLAN 2016-2021**, Adelaide City Council and the Government of South Australia, 2016
- **CARBON NEUTRAL STRATEGY 2015-2025 ADELAIDE, SOUTH AUSTRALIA**, Adelaide City Council, 2015
- **SMART MOVE STRATEGY 2012 – 2022**, Adelaide City Council, 2012
- **THE 30-YEAR PLAN FOR GREATER ADELAIDE 2017**, Department of Planning, Transport and Infrastructure, Government of South Australia 2017





# Development Plan Amendment

By the Minister

## Adelaide (City) Development Plan

### **City of Adelaide Minor Amendments Development Plan Amendment**

#### The Amendment – for Consultation

Declared by the Minister responsible for the administration of the Development Act 1993 to come into operation on an interim basis pursuant to Section 28, of the *Development Act 1993*.

.....  
Minister's Signature

Date .....



Government of South Australia  
Department of Planning,  
Transport and Infrastructure

Amendment Instructions Table				
<b>Name of Local Government Area:</b> City of Adelaide				
<b>Name of Development Plan:</b> Adelaide (City) Development Plan				
<b>Name of DPA:</b> City of Adelaide Minor Amendments DPA				
<p><b><i>The following amendment instructions (at the time of drafting) relate to the Adelaide (City) Development Plan consolidated on 7 June 2018.</i></b></p> <p><b><i>Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.</i></b></p>				
Amendment Instruction Number	Method of Change	Detail what in the Development Plan is to be amended, replaced, deleted or inserted.  If applicable, detail what material is to be inserted and where. Use attachments for large bodies of material.	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
<b>COUNCIL WIDE / GENERAL SECTION PROVISIONS (including figures and illustrations contained in the text)</b>				
Amendments required: <b>No</b>				
<b>ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)</b>				
Amendments required: <b>Yes</b>				
<b>Capital City Zone</b>				
2.	Replace	PDC 21 with the contents of <b>Attachment A.</b>	N	N
<b>TABLES</b>				
Amendments required: <b>No</b>				
<b>MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps, Policy Area &amp; Precinct Maps)</b>				
Amendments required: <b>No</b>				



**Replacement Principle of Development Control 21**

## Building Height

- 21** Development should not exceed the maximum building height shown in Concept Plan [Figures CC/1 and 2](#) unless notwithstanding its height it has regard to the context that forms the positive character of the locality and is sympathetic to the desired character of the Zone or Policy Area and the anticipated city form expressed in Concept Plan [Figures CC/1 and 2](#), and
- (b) if the development incorporates the retention, conservation and reuse of a building which is a listed heritage place or an existing built form and fabric that contributes positively to the character of the local area; or
  - (c) more than 15 % of dwellings are affordable housing; or
  - (d) only if:
    - (i) at least three of the following are provided:
      - (1) the development provides an orderly transition up to an existing taller building or prescribed maximum building height in an adjacent Zone, Policy Area or building height area on Concept Plan [Figures CC/1 and 2](#);
      - (2) high quality open space that is universally accessible and is directly connected to, and well integrated with, public realm areas of the street;
      - (3) high quality, safe and secure, universally accessible pedestrian linkages that connect through the development site;
      - (4) no on site car parking is provided;
      - (5) active uses are located on at least 75% of the public street frontages of the building, with any above ground car parking located behind;
      - (6) a range of dwelling types that includes at least 10% of 3+ bedroom apartments;
      - (7) the building is adjacent to the Park Lands;
      - (8) The impact on adjacent properties is no greater than a building of the maximum height on Concept Plan [Figures CC/1 and 2](#) in relation to sunlight access and overlooking, and
    - (ii) at least three of the following sustainable design measures are provided:
      - (1) a communal useable garden integrated with the design of the building that covers the majority of a rooftop area supported by services that ensure ongoing maintenance;
      - (2) living landscaped vertical surfaces of at least 50m<sup>2</sup> supported by services that ensure ongoing maintenance;
      - (3) passive heating and cooling design elements including solar shading integrated into the building;
      - (4) higher amenity through provision of private open space in excess of minimum requirements by 25% for at least 50% of dwellings;
      - (5) solar photovoltaic cells on the majority of the available roof area, supported by services that ensure ongoing maintenance.