

2 November 2016

The Hon John Rau MP
Minister for Planning
Government of South Australia
GPO Box 464
ADELAIDE SA 5001

Capital City Policy Review (Design Quality) DPA Amendment


Dear Minister,

Thank you for the opportunity to provide comment on the State Government's *Capital City Policy Review (Design Quality) DPA Amendment*. The Property Council of Australia is supportive of moves to ensure that Adelaide as our capital city is an interesting, visually appealing and cohesive place to live and do business.

We believe that it is important to ensure that quality design, sustainability and attractive public spaces are central to planning reforms.

The Property Council supports many aspects of the DPA Amendment, including (but not limited to) the following:

- The inclusion of sustainable design features under Principle of Development Control 19:b(ii), requiring buildings that exceed the maximum building heights in the specified areas to have at least one sustainable design feature;
- The relaxation of on-site bicycle parking provisions in certain situations; and,
- A focus on ensuring the character of our mainstreets – especially Rundle Street – are maintained.

However, we believe that there are a number of proposed amendments that require more detail and clarity to ensure that developers have a firm understanding of what is required of them in order to comply with the design standards.

Streetscapes

The Property Council agrees with the proposals within the DPA Amendment to refine the existing policy relating to streetscapes. It is important for streets within our CBD to encourage greater integration between offices, commercial outlets, residential developments and car parks, and design is a key element in achieving greater interaction between these distinct but complementary sectors.

The Property Council believes, however, that the Government must provide more detail around 'screening' for multi-level car park developments. PDC 260 (d) & (e) state:

(d) on a corner site with two major street frontages, be set back from the major street frontages, with commercial or other non-car park floor space in front of and screening the car parking building...

*(e) on a site with only one major street frontage, **include screening so that any car parking is not visible from the public realm either day or night**, and detailed to complement neighbouring buildings in a manner consistent with desired character in the relevant Zone and Policy Area...*

To contextualise this, we cite the multi-level car park at 50 Flinders Street, CBD. The developer has used tinted glass to shield from pedestrians and others the transparent view of parked cars. Although the silhouette of vehicles can be determined, they are effectively hidden by the dark windows. All things considered, a desirable outcome.

However, the Government must clarify whether the proposed addition of 'screening' for multi-level car parks would mean that future external structures would need to be affixed to these street-frontage windows regardless of tinting or other glass treatments. Further, the Property Council believes that more information on the kind of screenings that are appropriate should be provided to allow for a more informed recommendation to be made. As an example, would street-art or design features that do not fit the technical definition of an affixed screen be acceptable?

The Property Council would also like to make it clear that the onerous requirement for above-ground car parking on corner sites to be sleeved by commercial or non-car-park floor space may constrain the space available to the point that development becomes unviable. As you would appreciate, this might act as a handbrake on development activity and hinder the ability to regenerate stock. These requirements would particularly highly constrain smaller corner sites which may be utilised as residential apartment projects. Such projects require on-site parking to increase the attractiveness of the offering to buyers and to make them marketable to tenants. Sites within the Adelaide CBD tend to be narrow and deep, which could constrain a developer's ability to meet these requirements.

Further, there needs to be some clarification regarding a proposed development and when it should subscribe to an existing built form, as required by *Capital City Zone Principle of Development Control 11*, where it states:

Buildings should be designed to include a podium/street wall height and upper level setback (in the order of 3-6 metres) that:

*(a) (i) **relates to the scale and context of adjoining built form...***

The Government must clarify whether developers would be required to adhere to the neighbouring scale and context of an existing built form, even if that built form is out of scale or context with the rest of the street. To contextualise this, we cite multiple buildings located on Pirie Street that were built in the 1970s and 1980s that both overshadow existing heritage facades and are out of context with the streetscape. This seems at odds with the original intent

of the Development Plan which was to look towards the future built environment and to imagine an Adelaide CBD that was not unnecessarily constrained by the past. Further:

Preface, Page 6: embracing the city's historic origins and valued historic places and character while at the same time encouraging the development of innovative and creative contemporary buildings and places.

The Property Council encourages the Government to investigate a delineation between what is and what is not acceptable built form to inform neighbouring developments.

Subjectivity

If the Government is serious about encouraging and streamlining development within the Adelaide CBD, it is important that red tape is not just reduced, but slashed. Property Council members are concerned that some elements of the proposed DPA Amendment are highly subjective. Such subjectivity could cause confusion in the planning process, add lengthy delays to projects and leave new development proposals at the mercy of the personal taste of the government architect, whomever that may be at the time.

To contextualise this, we cite the proposed new above-height interface policy which contains language that may be considered unclear, confusing and/or subjective:

[Capital City Zone]

Xx 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 Zone boundary should be:

(a) designed, or additionally setback sufficiently from the zone boundary, so that building mass and overshadowing impacts on sensitive uses in the adjoining City Living Zone are not materially increased compared to allowable development below the Zone's prescribed maximum building height shown on Concept Plan Figures CC/1 and 2;

Therefore, it follows that the Government must clarify what constitutes a 'sensitive use' or a 'material increase.'

The Property Council strongly asserts that planning reform should create certainty rather than doubt for developers around design elements. If this is not the case, then one possible consequence is a reduction in development activity.

The Property Council encourages the Government to revisit the language employed throughout the DPA Amendment to ensure that it is not 'open to interpretation' in a way that could hinder rather than facilitate the growth and maturation of our CBD building stock.

Height restrictions and the parklands

The Property Council is sympathetic to the will within Government and the community to protect our parklands as an asset for future generations; however, we also believe that planning

restrictions surrounding the parklands could be relaxed to encourage development along some of our major arterials. To contextualise this, we cite East Terrace, West Terrace and South Terrace, which are ideally suited to buildings above the current prescribed maximum building height that could take advantage of the desire of consumers for parkland and city views.

Much like New York's Central Park, the Property Council can see great potential in 'green lighting' some development that would maximise views for residents and commercial office building tenants, without impacting on the use or facility of the parklands. To restrict buildings to 'moderate' heights with parkland frontage, we believe, is a wasted opportunity to bring new business, residents and atmosphere into the East End retail precinct along roads like Dequetteville Terrace, Hutt Street and East Terrace.

The proposed amendment 19(c) creates a pyramid style height profile from the Central Business Policy Area outwards, which – if relaxed – could allow for above height development along the parklands and therefore contribute to a Central Park skyline. It states:

(c) In which case development should still be generally compatible with the overall desired city form, comprising the tallest buildings in the Central Business Policy Area, then decreasing in scale to a more moderate height towards East and West Terraces, and sensitive to the character of main streets.

The inclusion of this intent to force city development into a 'pyramidal' form is not practical given the location of existing and approved buildings within the prescribed areas. The Property Council also finds 19(c) to be at odds with the Capital City DPA which sought to reinforce the city edge and the Parklands in keeping with the clear desire in the 30 Year Plan for development that capitalises on city and parkland views.

The below images serve to demonstrate the opportunity presented by development with complementary parkland views:





Central Park occupies an area of 340 hectares, while the Adelaide parklands covers an area of 930 hectares combined, meaning we boast the largest urban park system in Australia. It must be noted that there are 8.9 million visits to Adelaide's parklands per year and with "an increasing need for healthier, more balanced living, the Adelaide parklands provide a rich diversity of space, supporting sports, events and informal recreation."¹

¹ Adelaide City Council: <http://www.adelaideparklands.com.au/parks-and-squares/>
propertycouncil.com.au |  @propertycouncil

As the Government would appreciate, high quality development with parkland views would deliver obvious residential benefits, but could also attract headquartered offices at a time when South Australia desperately needs demand.

Considering Adelaide boasts the largest urban park system in Australia and was the only Australian region to be named in Lonely Planet's top five destinations in the world for 2017, this proposal has considerable merit to build on this growing international reputation.

The Property Council encourages the Government to relax this proposed amendment to allow development to maximise valuable city views and revitalise flagging retail precincts.

Recommendations:

- More detail provided on the requirement for 'screening' of multi-level car park developments;
- Some clarification regarding a proposed development and when it should subscribe to existing built form requirements;
- Take steps to ensure that red tape is not just reduced, but slashed in the proposed DPA Amendment;
- Clarify some elements of the proposed DPA Amendment that could be considered highly subjective; and,
- Relax height restrictions on main arterial roads that border Adelaide's parklands, to contribute to a Central Park style skyline.

If you or your Departmental officials have any questions in relation to this submission, please don't hesitate to contact my office on 8236 0900.

Yours sincerely



Daniel Gannon | SA Executive Director