

Festival Plaza Code Amendment Consultation Submission

Strategic Alignment - Our Places

Public

Tuesday, 5 November 2024
**City Planning, Development
and Business Affairs
Committee**

Program Contact:

Sarah Gilmour, Associate
Director Park Lands, Policy &
Sustainability

Approving Officer:

Ilia Houridis, Director City
Shaping

EXECUTIVE SUMMARY

The purpose of this report is to seek endorsement of a submission to the Chief Executive of the State Government Department for Housing and Urban Development on the Festival Plaza Code Amendment (the Code Amendment) that is on interim operation and open for consultation until 24 October 2024 ([Link 1](#)).

The City of Adelaide has notified Planning and Land Use Services that Council's formal submission will be made following the Council decision on 12 November 2024.

The Code Amendment proposes to amend the City Riverbank Zone and Entertainment Subzone to facilitate the redevelopment of Festival Plaza. The Code Amendment removes existing building height restrictions and includes a new Concept Plan to guide the location of new buildings in relation to Parliament House and the Adelaide Festival Centre.

The City of Adelaide's draft submission includes consideration of the National Heritage Management Plan and impacts on the National Heritage Listed Parliament House, Adelaide Park Lands and City Layout, outcomes identified in the City Plan, and public spaces.

The City of Adelaide's submission is also informed by the submission on the Code Amendment by the Kadaltilla / Adelaide Park Lands Authority endorsed at its meeting held on 24 October 2024.

Based on the above considerations the draft submission does not support the Code Amendment and recommends the following changes to mitigate development impacts, and show greater regard for State Planning Policy 2 – Design Quality and State Planning Policy 7 – Cultural Heritage, if the State Government chooses to proceed with the Code Amendment:

- Reduce the maximum building height to less than the height of the 29 level Festival Tower 1.
 - Increase the setbacks from Parliament House to increase visibility to the State Heritage Place and retain valuable public space.
 - Emphasise public realm outcomes including canopy and greening, pedestrian wayfinding and connectivity, and street-level design to make a positive contribution to its setting, disability access, and safe night-time use for an area of the city that interfaces with cultural institutions, festivals and events.
 - Provide an exemplar architectural response in built form noting the position any future new buildings to Parliament House and the Adelaide Festival Centre and the view of the city and its skyline from Adelaide Oval and Elder Park, incorporate principles of ecologically sustainable development, including a fully electric development, and open-ground plane that improves surveillance to the laneways to the north and west of Parliament House for greater alignment with State Planning Policy 2 – Design Quality.
 - Identify views to the Adelaide Park Lands on the Concept Plan.
 - Identify the building heights in the policy as well as on the Concept Plan (currently indicated as 40 levels).
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RECOMMENDATION

The following recommendation will be presented to Council on 12 November 2024 for consideration

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Endorses the submission to the Chief Executive Officer of the Department for Housing and Urban Development on the Festival Plaza Code Amendment as contained in Attachment A of Item 7.3 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 5 November 2024.
 2. Authorises the Chief Executive Officer, or delegate, to make minor technical or typographical amendments to the submission on the Festival Plaza Code Amendment as contained in Attachment A of Item 7.3 on the Agenda for the meeting of the City Planning, Development and Business Affairs Committee held on 5 November 2024 for the purposes of finalising and lodging the submission.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Places Encourage bold, interesting and purposeful development
Policy	The recommendation proposed in this report aligns with the City Plan – Adelaide 2036, National Heritage Management Plan for the Adelaide Park Lands and City Layout, and draft Adelaide Park Lands Management Strategy – Towards 2036.
Consultation	This report responds to a consultation process being undertaken by the Chief Executive Officer of the State Government Department for Housing and Urban Development in relation to a State-led amendment to the Planning and Design Code (Code Amendment).
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	To align Planning and Design Code policies with Council policy relating to the Adelaide Park Lands, National Heritage Management Plan and City Plan.
24/25 Budget Allocation	Not as a result of this report
Proposed 25/26 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The Code Amendment commenced operation on an interim basis on 12 September 2024. The policies proposed in the Code Amendment apply for 12 months from the date of commencement or until they are adopted (or otherwise) by the Minister for Planning.
24/25 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Background

1. The State Government has prepared a Code Amendment to revise planning policy applying to Festival Plaza within the City Riverbank Zone of the State Government’s Planning and Design Code. The Code Amendment is referred to as the Festival Plaza Code Amendment.
2. A submission to the Code Amendment is being made as part of the City of Adelaide’s Code Amendment program which includes Code Amendments led by Council and submission to relevant State-led Code Amendments.
3. The Code Amendment is open for consultation until 24 October 2024. The City of Adelaide has notified Planning and Land Use Services that Council’s formal submission will be made following the Council decision on 12 November 2024.
4. The Code Amendment commenced operation on an interim basis on 12 September 2024. The policies proposed in the Code Amendment apply for 12 months from the date of commencement or until they are adopted (or otherwise) by the Minister for Planning.
5. The Affected Area is within the Entertainment Subzone of the City Riverbank Zone. The Subzone currently allows buildings of unlimited height, subject to buildings taller than 20 levels being of exemplary design and not located adjacent to the River Torrens / Karrawirra Pari.
6. The Code Amendment seeks to remove the ‘deemed to satisfy’ height of 20 levels and introduces a new Concept Plan to guide the location of new built-form relative to Parliament House and the Adelaide Festival Centre with a nominated height of 40 building levels.
7. The Entertainment Subzone currently seeks a prominent, vibrant and safe public plaza that provides a focal point for the Riverbank precinct and is supported by a vibrant mix of land uses that encourage use by city workers, residents, families, students, youth, children and tourists.
8. The area affected by the Code Amendment and the proposed Concept Plan are reproduced from the consultation documents below:



Figure 2: Affected Area Festival Plaza Code Amendment



9. The Code Amendment has been approved for early commencement to prevent development applications contrary to its intent from being lodged while the policy changes are being consulted.
10. The Code Amendment states the rationale for the amendment is to ensure that the policy in the Entertainment Subzone is consistent with and supports the State Government’s vision for the Riverbank Precinct and Festival Plaza Redevelopment Project.

11. The Code Amendment does not consider specific proposed developments but would provide building height and design guidance for any future development in Festival Plaza as part of the Festival Plaza Redevelopment Project by the State Government.
12. Whilst a formal development application has not been submitted, in April 2024 the Premier announced that *“A sleek, modern 38-storey high-rise tower is set to be built in Festival Plaza, with significant additional public space - bringing in thousands of visitors and workers and more than \$1 billion in annual economic activity.”*
13. A draft submission on the Code Amendment has been prepared (**Attachment A**) based on relevant Council plans and investigations as detailed below and is also informed by the submission prepared by Kadaltilla / Adelaide Park Lands Authority.

City Plan – Adelaide 2036

14. Council endorsed its City Plan – Adelaide 2036 on 10 September 2024.
15. The Festival Plaza is within the North Terrace Local Area of the City Plan which is envisaged as the cultural, institutional and governance heart of South Australia.
16. Development of the scale facilitated through the Code Amendment is not envisaged within this Local Area, with growth primarily anticipated on the south side of North Terrace.
17. Key place principles include:
 - 17.1. Public spaces are accessible and well-defined with active and visually permeable frontages to create a sense of address, destination and identity at pedestrian level particularly on the northern side of North Terrace west of King William Street.
 - 17.2. Retain the prominent views of the significant National Heritage and State Heritage Places.
 - 17.3. High quality contemporary and innovative architecture that is respectful of the local area’s Heritage Places, Adelaide Park Lands character and civic uses.
 - 17.4. On the northern side of North Terrace, where there are long range views from North Adelaide, Montefiore Road, Memorial Drive, Adelaide Oval and North Terrace, buildings should be designed to address all frontages and be viewed from all sides with open spaces between adjoining buildings.
 - 17.5. Leverage significant investment into the northern side of North Terrace to reinforce its role as the premier cultural and institutional boulevard. This includes prioritising pedestrian amenity and safety to take advantage of the significant and growing event infrastructure including to:
 - 17.5.1. Regenerate the existing carpark under the southern plaza along Festival Drive to address its structural and functional deficiencies and reinforce its sense of safety for public use as a high-quality space to help reinforce the area as an entertainment hub.
18. Strategy 8 – Designing for Urban Life, Diversity and Density of the City Plan, introduces the city-wide place principle to transition height around heritage built-form interfaces to ensure that new developments respect and complement existing architectural character.
19. The view analysis in the Code Amendment suggests a taller building height for Tower 2 will demonstrate clustering with Tower 1 when viewed from the footbridge. The City of Adelaide submits the second tower should respond to the dominant height of Tower 1 rather than being the dominant height.

National Heritage Values

20. The National Heritage Management Plan for the Adelaide Park Lands and City Layout (NHMP) identifies:
 - 20.1. The Adelaide Park Lands and City Layout as highly sensitive to new developments within or adjacent to the National Heritage Place, and inappropriately designed developments threaten its conservation values.
 - 20.2. The Adelaide Park Lands’ views and vistas as important elements of the appreciation, understanding and enjoyment of the National Heritage Values, and are often affected by inappropriate development within or adjacent the boundary of the heritage place.
 - 20.3. The 2020 *Adelaide Park Lands Building Design Guidelines* as a guide for all building development in the Adelaide Park Lands as they establish expectations for design quality.
21. The City of Adelaide submits that the Code Amendment will unreasonably impact the National Heritage Values of the place relating to views and vistas and compromises the juxtaposition between the city and the Adelaide Park Lands that form part of the Listing.

22. The City of Adelaide supports the State Government's intent to refer the Code Amendment to the Federal Department of Climate Change, Energy, the Environment and Water (DCCEEW) as the agency responsible for administering the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth).
 - 22.1. The City of Adelaide encourages the DCCEEW to consider the impact of the policy changes on the National Heritage Listed items, including Old and New Parliament House and the Adelaide Park Lands and City Layout, as well as the cumulative impact of development affecting the Adelaide Park Lands on the National Listing.
 - 22.2. The City of Adelaide acknowledges that State Heritage Buildings (such as Parliament House) will be referred to the Minister responsible for the *Heritage Places Act 1993* (SA).
23. The City of Adelaide has committed to pursuing World Heritage inscription for Adelaide and its Rural Settlement Landscapes. The Code Amendment (and the development it pre-empts) reduces the integrity of the potential World Heritage attributes of the Adelaide Park Lands and City Layout, with implications for the feasibility of attaining World Heritage status.

Adelaide Park Lands Management Strategy

24. The draft Adelaide Park Lands Management Strategy (APLMS) was approved by Kadaltilla / Adelaide Park Lands Authority on 24 October 2024 and is being referred to the Council and the Minister for Planning for approval.
25. Development of the scale facilitated through the proposed policy changes in the Code Amendment is not envisaged in the Riverbank Precinct of the APLMS.
26. The Code Amendment has not considered the *Adelaide Park Lands Act 2005* (SA), regarding development within the Adelaide Park Lands, particularly an assessment against the statutory principles relating to the public benefit of the Adelaide Park Lands.

Kadaltilla / Adelaide Park Lands Authority Submission

27. The submission endorsed by Kadaltilla / Adelaide Park Lands Authority on 24 October 2024 ([Link 2](#)) identified the following key matters:
 - 27.1. Alignment with the Principles of the *Adelaide Park Lands Act 2005* (SA) and the Adelaide Park Lands Management Strategy.
 - 27.2. Protection of the National Heritage Values and referral under the *Environment Protection, Biodiversity Conservation Act 1999* (Commonwealth).
 - 27.3. Achievement of the principles of good planning as set out in the Planning, Development and Infrastructure Act 2016 (SA) and State Planning Policies (SPP), including SPP 1 – Integrated Planning, SPP 2 – Design Quality, and SPP 7 – Cultural Heritage.

Draft Submission

28. A draft submission is provided as **Attachment A – Submission on the Festival Plaza Code Amendment**.
29. Given that the outcomes facilitated by the Code Amendment are not envisaged by the City Plan or the APLMS and the potential impacts on the National Heritage Values, the Code Amendment is not supported in its current form.
30. The draft submission outlines the reasons for not supporting the Code Amendment based on the above and recommends further consideration of the City Plan, draft APLMS and NHMP if the Code Amendment proceeds, including seeking amendments to:
 - 30.1. Reduce the maximum building height to less than the height of the 29 level Festival Tower 1.
 - 30.2. Increase the setbacks from Parliament House to increase visibility to the State Heritage Place and retain valuable public space.
 - 30.3. Emphasise public realm outcomes including canopy and greening, pedestrian wayfinding and connectivity, and street-level design to make a positive contribution to its setting, disability access, and safe night-time use for an area of the city that interfaces with cultural institutions, festivals and events.
 - 30.4. Provide an exemplar architectural response in built form noting the position any future new buildings to Parliament House and the Adelaide Festival Centre and the view of the city and its skyline from Adelaide Oval and Elder Park, incorporate principles of ecologically sustainable development, including a fully electric development, and open-ground plane that improves surveillance to the laneways to the north and west of Parliament House for greater alignment with State Planning Policy 2 – Design Quality.

- 30.5. Identify views to the Adelaide Park Lands on the Concept Plan.
- 30.6. Identify the building heights in the policy as well as on the Concept Plan (currently indicated as 40 levels).
- 31. The draft submission aligns with the submission on the Greater Adelaide Regional Plan (GARP) (see separate Agenda Item) that seeks to incorporate the strategies of City Plan and strengthen recognition and policy protection for the Adelaide Park Lands.

DATA AND SUPPORTING INFORMATION

Link 1 – [Festival Plaza Code Amendment](#)

Link 2 – Kadaltilla / Adelaide Park Lands Authority – Submission on the Festival Plaza Code Amendment

ATTACHMENTS

Attachment A – Submission on the Festival Plaza Code Amendment

- END OF REPORT -