



THE NORTH ADELAIDE SOCIETY Inc.

POST OFFICE BOX 60, NORTH ADELAIDE, SOUTH AUSTRALIA 5006

“The responsible voice of North Adelaide”

Newsletter Number 201

December 2021

NEWSLETTER

CHRISTMAS CHEER TO ALL

Yes, it's that time of year – Christmas! Glad tidings to all!

Those who were able to make our Christmas Gathering at the Community Centre made the most of much mirth, merriment, and mutual mutterings well into the night.

A good time had by the 50 or more who enjoyed the bonhomie, savoured the sustenance and shared conversations.



A big thank you to those who helped make the evening happen: to Cr. Moran and Pat for their fluid donation, to Robyn Wilkinson for putting the food together, to those who set up and packed up, and of course to the Covid Marshall and those who served the food and drink. **Thanks also** to the Hon. Rachel Sanderson MP, Candidate Lucy Hood and Crs Anne Moran and Phil Martin for making the time during what is a family, community, and sociably busy time.

Yes, we've had challenges.

A second year of Covid has kept personal distancing to the fore. But it has brought us closer together through consideration and neighbourliness for each other, most obviously by the ever present battle for the future of the character, scale, history, and heritage of where we live.

The same cannot be said for the **hapless ruling bloc in the Adelaide City Council**. The hallmark of this Council is **community betrayal**: 16 level high rise! Unbelievable. Then the utter disregard of consultation during the **lip-service representation review** with their proposal to chop North Ward in half and squash South Ward to create a 'gerrymander' Central Ward. Most recently, Adelaide's **iconic Park Lands** are proposed **to be** yet further **alienated** with barely a squeak from its Council custodians. Shameful and sad.

But I digress, 'tis the season to be jolly.

A big callout to Crs Anne Moran & Phil Martin for asking questions and not being cowered; that's active democracy.

May you, your family and friends, your neighbours, and all who enjoy this community, its character, heritage, and life, have a safe, enjoyable festive season.

Be well, stay well, good cheer to you all!

Kind regards,

Elbert and the Committee (Geoff, David, Ingrid, Susan, Sandy, Tessa, and Anne)

Questions of Planning?

Things change and that's a given.

Who benefits, who loses, can all benefit?

Who decides by what governance?

What of the **values** of community, character, heritage, and the ecology of life and living?

Does the planning system give equal voice and equal hearing to all?

Why does the system give 14 days to those who may wish to make representations yet permits months or weeks of preparation and pre-lodgement discussions for an applicant? Are some more equal than others?

Why is it that people who seek to participate in planning processes – YourSay is supposed to be OurSay – have first to learn the complexities of the system, then for their local interest, may be howled down, accused of 'activism', or get legal letters?

How is it that land zoned in O'Connell and Melbourne Streets for up to 3 building levels or 9 metres is rezoned in March 2012 by a Minister for Planning to double that: 6 storeys and 22 metres, and an indecipherably vague 'catalyst principle'?

How in the blink of an eye does an elected body like the Adelaide City Council, that has a regulatory role in planning, step on the lives of local ratepayers by secretly say yes to a trio of concrete and glass towers of which the tallest will rise to 16 levels? They had no electoral or community mandate to go above 8 storeys maximum.

Seriously? Is this good governance? NO.

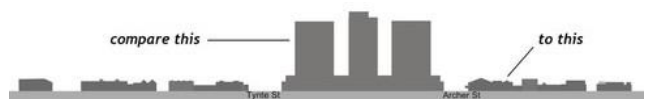
Little wonder there is a **growing anger and groundswell amongst many local community groups and associations** that all is not well in planning and development. That expression has in the last 10 years lost substance and meaning and is seen by many as an oxymoron.

Surely that can't be productive for city environs steeped in the history of Col. Light.

The last decade has seen Light's vision for the residential areas of a planned city set to become mere shadows of their former self, character crushed by cataclysm.

Reform, repair, and re-balancing of planning is in the electoral air. Time for policies to bring communities into planning to enhance character and provide real rights to all.

Monolithic High Rise on O'Connell Street



Illustrative of the street profile



Indicative of how three towers at 62-100 O'Connell Street will rise high above and dominate their surroundings.

The Adelaide City Council's contracted developer has **lodged a new application** for their development on O'Connell Street under the new Planning and Design Code.

3 towers of 14 & 16 levels high.

The prevailing height along O'Connell Street is 2-3 levels.

What do you think? Does towering high rise concrete and glass with an almost 'block-wide' concrete podium add or detract from the character, heritage and built form of its locality (incl. adjacent residential zone)?

Planning, Development & Infrastructure Act 2016 - Notice under section 107(3)(a)(ii)

Proposed Development

62-100 O'CONNELL ST NORTH ADELAIDE SA
5006

APPLICANT	NATURE OF DEVELOPMENT
88 O'CONNELL PTY LTD C/- Future Urban	Construction of a mixed-use building with podium, terraces and three towers (1 x 16 levels and 2 x 14 levels all with basement levels) comprising dwellings, offices, shops, restaurants, consulting rooms, personal or domestic services establishments, indoor recreation facilities, swimming pools, terraces and associated amenities, basement car parking, loading and servicing facilities
APPLICATION NUMBER 21033028	

VIEW THE PLANS AND HAVE YOUR SAY ON THE APPLICATION
www.plan.sa.gov.au/en/public_notices
MAKE A REPRESENTATION
Up until 11:59pm on the 09-12-2021

FOR MORE INFORMATION
CONTACT
PlanSA

PHONE
1800 752 664

EMAIL
PlanSA@sa.gov.au

It is an offence to damage, destroy, obscure or remove this notice. Penalties apply.

Have your say by 9 December.

For example, the new Planning and Design Code says:

*“Buildings fronting the main streets are designed to **reinforce the prevailing datum heights and parapet levels of the street** through articulated facades ...”.*
(Performance Outcome 2.2)

*“Buildings fronting the main street are complemented by **contextual new development** that provides a visually interesting built form, **positively contributes to the existing and desired character** and provides a safe, active and **intimate human scale** ...”.*
(Performance Outcome 2.3(b))

Public and North Adelaide Society meetings did not support the previous proposal of 13 and 15 storeys. It is also clear from those meetings that **the community feels utterly betrayed by this City Council’s conduct**.

This new almost identical application for development approval for three towers of 14 and 16 levels is double (200% of) the 8 storeys endorsed by the previous Council.

Betrayal by this City Council is not a planning principle. But there is no doubt that this City Council is ‘part and parcel’ of, and partnering, this egregious proposal.

You are **entitled to submit** a representation to PlanSA about this application.

You can **make your views known** about the impact of the extraordinary height and overbearing mass of these towers both within the O’Connell Street zone but also on the adjacent residential historic conservation zone. You can **express your views about whether they contribute or detract** from the predominantly low rise 2-3 storied street and the historical and heritage character of the locality (incl. the adjacent zone).

Copy and paste the following **link** into your internet browser to submit a representation.

https://plan.sa.gov.au/have_your_say/notified_developments/current_notified_developments/submission?aid=1504

Included with this newsletter is information about a representation to be made by The North Adelaide Society Inc. about the application. It will provide you with information about the sorts of issues of concern, which you can **adapt or adopt as you wish** in expressing your views.

Planning, Development, and Infrastructure Act 2016 (by Geoff Goode)

The Society considers the PDI Act, in conjunction with the Planning and Design Code, to be the **major threat to the protection of heritage built form and character in North Adelaide**, both existing and proposed in the future.

The changes to third party appeal rights, for proposed development classified as “Performance Assessed Development”, where plans are at serious variance with that which would be allowed under the Code, is an **extreme cause of concern** for the Society and should be for all residents and local communities in North Adelaide.

Performance assessed development would be in the same class as the former Category 3 classification under the former Adelaide (City) Development Plan. Now the Act allows the proponent or developer, the right to appeal the judgement of the panel or commission. A limit of 14 days applies in such a way that automatic approval will occur if the panel or commission fails to decide whether to approve.

These provisions place **immense power in the hands of developers and denies residents**, be they adjacent to the proposed development or in the general neighbourhood **and local communities**, any right of appeal, except through the courts, which is prohibitively expensive.

The matter of **an unfair Act will remain an issue of complaint** to our Members of Parliament until third party rights are restored, and the ridiculous time limit removed. It is incredulous that what has for so long been taken for granted and accepted as “natural justice”, can be removed with barely a pen stroke by those elected to represent the people most affected by this unjustness of the Act.

The Minister for Planning and Local Government, and our local Member, Honourable Rachel Sanderson MP, need to **reform the Act** to provide substantive appeal rights to adjacent and nearby landowners, occupiers, and community groups; and remove appeal rights granted only to the developer. Development cannot be solely in the hands of the ‘development industry’. **People should have rights too**.

The fact that so-called 'catalyst site principles' remain in effect under the new Planning and Design Code, with the same unhelpful provisions as were in the Adelaide (City) Development Plan, means the concerns about the PDI Act also apply.

That **catalyst site principles** apply outside of CBD zones and can be applied within what are predominantly low or medium rise residential localities is **planning anathema**.

Not only is the concept of a catalyst site principle **devoid of planning certainty**, but it also **lacks clarity of intent** and scope of application. This vague uncertain principle should be **removed** from the Code.

As a matter of urgency, the Planning and Design Code should be amended to remove the Catalyst Site provisions. Alternatively, they should be removed from all planning zones in North Adelaide. The integrity of the North Adelaide Heritage (Conservation) Zone and Main Street zones should not be subjected to such a **hopelessly vague, uncertain**, and unproductive regressive notion that **grossly detracts from sensible planning** for communities and their future.

The Minister for Planning and Local Government, and the Member for Adelaide, Honourable Rachel Sanderson MP, should work together so that so-called 'catalyst site principles' are removed from all zones in North Adelaide – that would be progress.

Despite **overwhelming support for a minimal change option** during not two but three extensive consultation processes, this Team Adelaide voting bloc used its numbers on the Adelaide City Council to have the change that they themselves wanted. Why is that not surprising?

After the first public consultation closed, the consultants produced a "Response to Options Paper" (June 2021). The **clear response was for: "Three Wards (as close as practicable to the existing) plus the Lord Mayor"** (the **minimal change option**).

Consequently, the consultants identified the structure as 3 wards as close as practicable to existing, and minor realignment of the boundary between Central and South.

They identified two representation proposals: 9 elected members comprised: Lord Mayor elected by the community, 8 ward councillors (2 North, 3 Central, 3 South) and no area councillors; or 12 elected members as per the above plus 3 area councillors. The review legislation provides for going to the second (final) consultation. Instead, Team Adelaide used their numbers to decide otherwise.

A **behind closed doors "CEO Briefing ... [was] held ... to discuss *alternate modelling proposals submitted by Council Members ... an 'All Area' model and an 'adapted' three Ward model.*"** A special ACC meeting (6 July) was attended by Lord Mayor Verschoor and elected Councillors Couros, Donovan, Hou, Hyde, Knoll, and Mackie – mostly the so-called "Team Adelaide". Cr. Hyde moved, Cr. Couros seconded, that a "new Options Paper" be developed "*taking into consideration further modelling proposals presented by Members, for presentation to Council on 13 July 2021*".

Despite two further consultation processes, both of which supported the minimal change to ward boundaries and area councillors, the **model selected was the one favoured by the Team Adelaide bloc. Astonishing.**

LM Verschoor's **City Council** is becoming renowned for its **disregard** – is contempt too strong? – for the content and outcome of **community consultation** processes.

62-100 O'Connell Street

We support development that connects with its community and locality up to a maximum of 8 storeys (endorsed by the community and the previous City Council).

We have lost confidence in consultation by this City Council.

We do not support 13 & 15 storeys.

We SAY that the State Planning Commission should REFUSE 14 & 16 levels.

YOU may wish to submit YOUR SAY about the new 14 & 16 level application.

https://plan.sa.gov.au/have_your_say/notified_developments/current_notified_developments/submission?aid=1504

Instead of the overwhelmingly supported minimal change to ward boundaries, this is the shape of what LM Verschoor's City Council sent to the Electoral Commissioner.



This is effectively the option developed and supported by Team Adelaide and the Lord Mayor. It has a 'boot-shaped' central ward with 3 ward councillors, a bifurcated north ward and a quashed south ward each with 1 councillor, plus 5 area councillors and a LM.

Not in living memory have we seen a City Council conduct itself with such unseemly contempt for consultation, and disregard for largely residential communities and the character of each of the wards and the city.

If you want to see the extent to which your individual representations, and those of representative associations, were discounted, diminished or denigrated, have a look at the online record (copy this and paste into your internet browser: <https://www.youtube.com/watch?v=DfmkOQnz3bU> – item commences at 57:00mins).

The North Adelaide Society Inc has lodged a detailed and extensive **complaint** with the Electoral Commissioner, as have community associations concerned with South Ward.

The complaint addresses what is submitted to be the gross extent to which the City Council has departed from, and failed to have due regard to, the legislative process and criteria applicable to the representation review process.

This whole process as conducted by this City Council is **worthy of Ministerial intervention and investigation**, albeit this City Council is betting that won't happen.

North Adelaide needs *your* help.

A 'David and Goliath Battle' to retain the low and medium rise character of North Adelaide has started in the Environment, Resources and Development Court.

This is the only time in 30+ years that residents have themselves taken proceedings about a development application on this site.

It's a big undertaking. It seems to be having an effect.

The Council's preferred developer has lodged a new application even before the court case has been heard; and is now busy delivering letters.

The Council made its decisions in secret in gross disregard of its previously endorsed public position. Its preferred developer lodged its plans without any prior consultation with the affected community. Community concern is unsurprising.

It's been a weird and regressive process that has led to foreseeable and avoidable consternation.

Your help is needed please. Contact Elbert – thanks.

The North Adelaide Society Inc. (Est. 1970)

A responsible voice on matters affecting the overall character and development of North Adelaide and encouraging the interest of residents in civic affairs.

- Improve North Adelaide as a desirable residential area without destroying its unique character.
- Encourage the growth of population in North Adelaide in residential buildings of quality.
- Encourage the retention and maintenance of buildings of historical and aesthetic value.
- Encourage the upgrading of shopping facilities, with due regard to the interests of existing traders.
- Prevent the dissection of residential areas by major roads.
- Prevent the removal of trees where not absolutely necessary and encourage the planting of new trees.
- Work for the replacement of overhead wiring by underground wiring.
- Secure guarantees of residential zoning for a fixed period.
- Reduce pollution in the area in all its forms.
- Work for the maintenance of adequate standards of space and off-street parking facilities in all future buildings both residential and commercial.
- Encourage awareness among primary, secondary, and tertiary students of environmental problems by sponsoring essays, articles, seminars, and prizes.

Note: If you received this in your letterbox, please: send your email address to David Fox, Secretary, dfox@dfoxca.net

Have your say by this Thursday 9 December before 11.59pm.

What do you think?

Does towering high rise concrete and glass with an almost 'block-wide' concrete podium add or detract from the character, heritage and built form of its locality (incl. adjacent residential zone)?

The prevailing height along O'Connell Street is 2-3 levels.

The prevailing height of the adjacent residential "City Living Zone" is 2-3 levels.

Planning, Development & Infrastructure Act 2016 - Notice under section 107(3)(a)(ii)

Proposed Development

62-100 O'CONNELL ST NORTH ADELAIDE SA 5006




<p>APPLICANT</p> <p>88 OCONNELL PTY LTD C/- Future Urban</p> <p>APPLICATION NUMBER</p> <p>21033028</p>	<p>NATURE OF DEVELOPMENT</p> <p>Construction of a mixed-use building with podium, terraces and three towers (1 x 16 levels and 2 x 14 levels all with basement levels) comprising dwellings, offices, shops, restaurants, consulting rooms, personal or domestic services establishments, indoor recreation facilities, swimming pools, terraces and associated amenities, basement car parking, loading and servicing facilities</p>
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VIEW THE PLANS AND HAVE YOUR SAY ON THE APPLICATION

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You can lodge your views electronically.

Click on the following hyperlink:

https://plan.sa.gov.au/have_your_say/notified_developments/current_notified_developments/submission?aid=1504

There is a limit of 4000 characters (less than 500 words), but you can attach documents. Hence, you can put your comments on a separate document (incl. your name and the Application Number 21033028) and then upload your document(s).

Your views are important.

They need to relate to the **new code**, which uses "desired outcomes" and "performance outcomes".

On the next page are some issues and references to "outcomes" to consider.

You can adapt, adopt or add to as you wish in expressing your views.

The North Adelaide Society Inc. will be making its submission based on the following.

The “Proposed Development” (Application No. 21033028) at 62-100 O’Connell Street, North Adelaide (**the application**) for mixed use development with three towers of 14 & 16 levels and a podium that extends for much of the block, is OPPOSED.

The application SHOULD BE REFUSED on the following basis.

1. Seriously excessive and overbearing bulk, mass, and scale of the proposed buildings in relation to the locality, the scale of which does not respond to its context, including the nature of adjacent land uses and the interface with, and impacts on, sensitive uses (eg. residential, school, and small scale business or commercial activities).
2. Seriously excessive heights of the proposed buildings do not respond at all to the scale of existing built form in the locality, both in relation to adjacent and nearby buildings along O’Connell Street and in relation to buildings in the adjacent City Living Zone.
3. The architectural features and design of the proposed buildings do not complement the existing built form of the locality, in particular O’Connell, Tynte and Archer Streets, and the built form heritage buildings and residential dwellings in the adjacent City Living Zone.
4. The mix of land uses do not create activity overlooking the street at ground level and the first floor; the building design does not create the appearance of narrow frontages and enhance visual interest and does not include above street level structures, architectural detailing and ornamentation that contribute to the rich visual texture of O’Connell Street.
5. The proposed palette of materials is not typical of, or complementary to, the existing built form of this locality.
6. The proposal does not incorporate best practice principles of environmentally sustainable development, particularly in relation to stormwater and grey water management, resource use, energy efficiency, and utilisation of vegetation and landscaping.
7. The interface with the City Living Zone is not managed to minimise impacts on residential amenity in respect of intensity of use, overshadowing, massing, building proportions and traffic, including on-street carparking.

NOTE: you can add to these 7, or put them into your own words. E.g., consider how you might feel walking on the west side of O’Connell and looking east: all you see from the street is a huge, block-long tall mass of concrete and glass buildings, rising far higher and dominating everything else.

Applicable Outcomes Not Met

The “**outcomes**” (“desired” and “performance”) that are **not met** in relation to the above are as follows.

City High Street Subzone – Outcomes not met

- DO 2 Development along a city high street that contributes to an intimate public realm with active streets.
- DO 3 Integrated developments on catalyst sites to assist in the transformation of a locality and facilitate an increase in the residential population of the City, while also activating the public realm and creating a vibrant main street feel.
- PO 2.2 Buildings fronting the main streets are designed to reinforce the prevailing datum heights and parapet levels of the street through articulated facades that provide a clear distinction between levels above and below the prevailing datum line.
- PO 2.3 Buildings fronting the main street are: ... (b) complemented by contextual new development that provides a visually interesting built form, positively contributes to the existing and desired character and provides a safe, active and intimate human scale and (c) maintain the rhythm and visually continuity of verandahs, awnings, parapets and facade lines and other architectural details at podium level.
- PO 4.2 Development on catalyst sites designed to manage the interface with the City Living Zone with regard to intensity of use, overshadowing, massing, building proportions and traffic to minimise impacts on residential amenity.
- PO 4.3 Catalyst sites contribute to the vibrancy of the main street through building designs that:
 - (a) include a mix of land uses that create activity and overlooking of the street, particularly at the ground level and the first floor;
 - (b) create the appearance of narrow frontages and enhance visual interest;
 - (c) are vertically massed; and

(d) include above street level fenestration, balconies, parapets, architectural detailing and ornamentation which contribute to the rich visual texture.

- PO 4.4 The scale of development on catalyst sites respond to its context, particularly the nature of adjacent land uses and the interface treatments required to address impacts on sensitive uses.

City Main Street Zone – Outcomes not met

- DO 2 The built form positively contributes to:
 - (a) a streetscape that is visually interesting at human-scale, comprising articulated buildings with a high level of fenestration and balconies oriented towards the street
 - (b) a finegrain public realm comprising buildings with active frontages that are designed to reinforce the street rhythm and intimate character, that consider the facades, articulation and massing of existing buildings and any spaces between them, and provide narrow tenancy footprints at ground level.
- PO 2.1 Buildings are: (b) designed to include a podium/street wall and upper level setback that responds to local context, including the scale and context of adjacent built form, to ensure a cohesive and consistent streetscape and positively contribute to a sense of enclosure ...
- PO 2.2 Buildings and structures are designed to complement and respond to the established fine grained main street character by:
 - (a) ensuring the verandah profile, and materials of construction are consistent with and positively respond to adjacent traditional main street buildings
 - (b) complementing the traditional shop-front elements, such as narrow buildings and tenancy footprints, with frequently repeated frontages, and clear-glazed narrow shop front displays above raised display levels [base stall boards] and recessed entries.
- PO 2.6 Development that reinforces the main street as important pedestrian promenades and vibrant places.

Planning and Design Code

The new Planning and Design Code is based on assessing a development application against the “outcomes” expressed in the Code.

A multi-storey development application is subject to performance assessed development. The application is assessed against the performance outcomes that apply to the particular site.

It is far from tried and tested in this State.

But it is the system in place.

Please consider using it.

Also, when you lodge a submission, you will also be asked if you wish to make an oral presentation.

May I suggest that you indicate “Yes” for making an oral presentation – that you wish to be heard.

If when the time comes for oral presentations, you would like someone to do it on your behalf, that can be arranged.

Together, we can work to support each other and the character of the community of North Adelaide.

Stay well during the Festive Season.

Kind regards,

Elbert and the Committee