

Planning System Implementation Review

Preamble

We support appropriate development.

We care about where we live and the community we are part of.

For those of us lucky to have a choice where we live, we often chose our home because of the appeal of the location.

It might be near the city, next door to family or friends, in the bush, close to a good school, near work, close to the beach, close to cultural facilities.

We might also choose where we live for other desirable features other than location. It might be a leafy neighbourhood, sheltered in a valley, vibrant and brimming with shops and people, full of diverse people, have good views, in a quiet and low-rise suburb, and so on.

When we moved from Sydney's inner west to North Adelaide, we were won over by the amenity of the area we were renting in. Walking distance to cafes and the city, yet low rise (few places more than three stories) and generally residential and quiet, almost village-like. Not that dissimilar to inner Sydney suburbs where heritage terraces and semi-detached houses are prized and renovated.

We invested in the area, not just our financial investment in property but also an investment in the community making many friends among the neighbours. We had a general expectation that the place we invested in would retain the amenity, whilst anticipating some changes over time.

The city of Adelaide felt like a perfect mix of metropolis (most of the big companies are here but in lower rise buildings) and country town, like where I grew up in Victoria. It is the capital of a State, yet I could get a park out the front of the town hall to pay my dog registration.

For the first six years living here all development in the area seemed to be in keeping with its context, and we were not worried about the infill development happening around us.

Then a year or so ago we noticed it started changing.

Suddenly there was an eight-storey building approved for development on Melbourne Street amongst 1-4 storey buildings. Who would let this happen?

After 18 years living in Sydney and ten in Melbourne, I appreciated what made Adelaide unique. At around 1 million people, it felt like it was a city designed for people, liveable, and at a human scale. Not too big, not too little. Now that uniqueness is being lost.

Summary of recommendations

Planning system

- Ensure development actually aligns to stated goals and objectives of development plans and policies and what is envisaged in the zone
- Provide greater certainty regarding development within zones reducing the potential for variations to what is envisaged
- Stop enabling the inclusion of affordable housing and catalyst policies allowing exceptions to the development envisaged

Notification

- Agree in principle with the statement
 - that development which is envisaged in the zone should not be subject to notification; except where either acceptable standards of built form or intensity are exceeded, and/or the development is likely to result in substantial impacts on the amenity of adjacent dwellings located on land in another zone
- However this assumes that development proposed is as envisaged within the zone, whereas there are increasingly many cases where applications are for development not envisaged, these developments are being approved, and there is limited opportunity to influence these

Planning and Design Code

- Melbourne Street East and West Subzones
 - Reduce max height to 3-4 storeys as it was in 2014 to align better to the village character of the street and adjacent heritage zones
- Increase size of catalyst sites to at least 10000 sqm
- Remove loophole that allows developers to exceed Code expectations when including affordable housing

Heritage

- Encourage preservation of historic properties that are not heritage listed and at risk of demolition, to retain character of neighbourhoods and reduce environmental impacts due to the use of new construction materials when the existing building is structurally sound and potentially of higher quality than its replacement
- Allow development of heritage properties so they can be modernised and re-purposed in keeping with their essential character

Trees (and Open Space)

- Ensure development does not result in loss of existing tree canopy making areas vulnerable to extreme heat, which impacts on liveability, walkability and overall viability of streets
- Ensure development has sufficient open space for planting of new trees, and gardens for growing food (urban agriculture)

Infill

- Encourage quality development and good design that is in keeping with the context of the neighbourhood, and retains amenity for the existing residents
- Consider design options other than just high rise

ePlanning Portal

- Ensure there is clarity regarding the status of a development application
- Ensure there is transparency regarding the owner of land being developed
- Ensure it is clear which applications a representation can be made about, as many applications are for information only

A number of case studies of development along Melbourne Street, North Adelaide are presented below.

Case study – Botten and Bowser 69-71 Melbourne St

Key points

- This development of 8 storeys is out of keeping with the rest of Melbourne Street East which has a maximum of 4 storeys
- The breach of the Code, which envisages a maximum of 6 storeys, is due to the developer including affordable housing
- Melbourne Street East is not a wide street given only one lane each way and the development overshadows the street and if replicated will reduce light and create a canyon effect
- Further development along Melbourne Street East should not exceed the outcomes envisaged in the Code
- A Code amendment should change the Melbourne Street East Subzone to a maximum height of 4 storeys more in keeping with the village like character of the area, and the low rise residential areas adjacent to Melbourne Street

Case study – 254 Melbourne Street

Key points

- The ePlanning Portal does not provide sufficient description of the proposed development when applications are first published
- The status of a development on the ePlanning Portal is not always clear

Background

Development application (ID 22004927) related to a development at 254 Melbourne Street, running through to Old Street, comprising 9 dwellings, an office, shop, basement parking and a roof terrace.

No plans or details were available for the proposed development.

The status of the development was not clear for several months.

Eventually the development application was withdrawn with no explanation.

Discussion

The lack of plans and details available on the portal meant that it was hard to know whether or not the proposed development might be something of concern or within expectations.

The local community were particularly concerned about the following possible impacts on the amenity of the area, and the elements which make this part of North Adelaide liveable:

- Loss of city views, especially from Stanley Street and Brougham Place
- Loss of open space, leading to increased heat from additional built structures
- Increased density leading to noise pollution, parking and traffic issues.

We had to check the portal every week to see if more information was available.

During this time we felt quite anxious about the proposed development and whether or not we might need to sell and move, or whether the development would be in keeping with the neighbourhood.

This anxiety was particularly heightened because the proposed development at 266 Melbourne Street (DA/174/2021), the construction of the eight storey development (Botten and Bowser) at 69-71 Melbourne Street, and the approval of 15 storey development at 88 O'Connell Street, raised our concerns that:

- Desired and performance outcomes of the new Planning and Design Code seem to be able to be ignored by developers, and decision authorities
- We can no longer trust the planning and development process, nor community consultation as part of the process, which leaves little opportunity for residents who have bought into and invested in the area to have a say or influence the future of our neighbourhood
- The current Business Neighbourhood Zone and Melbourne Street West Subzones are not sufficient to protect the primarily low-rise residential and heritage character of the area.

Case Study - 266 Melbourne Street

Key points

- The development application was made by Future Urban, with the owner of the property not transparent (evidently a developer from Sydney)
- One of the Directors of Future Urban is an independent member of the Council Assessment Panel, although did not vote on this specific application
- When built this will be the tallest building at this end of Melbourne Street, a storey higher than Ronald McDonald House and the other three storey buildings in the streetscape
- The proposal did not comply with the desired character of a low to medium density, high quality residential living environment
- The development was recommended by City of Adelaide planners and approved by Council Assessment Panel despite many significant variations from the Code
- Planners and approvers should seek to realise desired outcomes of zones
- The Council recommendation and approval to demolish the historic 1870s house was inconsistent with the Council's own Melbourne Street Master Plan that sought to celebrate local and heritage character

Background

Development Application DA/174/2021 regarding proposed development at 266 Melbourne Street, North Adelaide was lodged on 17 March 2021 prior to implementation of the Planning and Design Code on 19 March 2021. It was therefore lodged under the *Development Act 1993* and subject to the Development Plan Adelaide (City) Consolidated 30 April 2020.

The Stanley West Policy Area 10 and North Adelaide Historic (Conservation) Zone are adjacent to the Mixed Use (Melbourne West) Zone in which the development was planned.

The development will run through to Old Street. Old Street is classified by Adelaide City Council as a small street or laneway and comprises mostly garages, car parks and is dotted with small cottages and townhouses built at the rear of heritage properties where residential gardens once existed. It has a village-like feel, comprising low rise buildings, lots of landscaped open space, and extensive connections between residents, and between residents and local businesses.

The use of the lane by many trucks servicing St Ann's College causes noise pollution and has resulted in damage to Council-owned and private property. The expansion of St Ann's College is also causing noise issues for the neighbourhood.

Discussion

City of Adelaide planners supported this development despite the following variations to the Code:

- The amount of landscaped open space (14.5%) was less than the minimum of 20% that should be provided (as required by DPC 10 of the Zone), and considerably less than the existing open space on the site

- Minimum private open space requirements for three dwellings not achieved
- The set-backs from Old Street (at boundary on ground level, 3.6 metres at second and third floor levels) are not sufficient to respect the character of the adjacent North Adelaide Historic (Conservation) Zone, especially the single storey cottage at 98 Old Street immediately opposite the development (as required by DPC 13 of the Zone)
- The set-backs from Melbourne Street above two storeys (3.5 metres on both the second and third floors) are not sufficient, and should incorporate a greater setback than the prevailing 6 to 10 metre set-backs, in order to emphasise the landfall from Stanley Street to Melbourne Street (as required by DPC 12 of the Zone)
- Unprecedented large form on south side of Old Street, not adequately respecting the character of the low scale local heritage property opposite, creating a dichotomy of scale at the zone interface
- Limited housing choice as all 15 flats are two bedroom
- The proposed development does not maximise solar access to dwellings and communal open space on the northern façade (as required by DPC 51)
- 9 of the 15 units will rely on a void / light well as a primary source of daylight for living rooms, and 6 of the 15 units will rely on an indented light well to provide natural light into bedrooms and ensuites (in contravention of DPC 55)
- The proposed development does not provide satisfactory external outlook from living rooms of 6 of the 15 units, which instead look to an internal light well / void, and therefore does not provide an appropriate level of amenity for future occupiers (as required by DPC 73 and DPC 74)
- More than half (8 of 15) of the two bedroom apartments have approx 27% less private open space (8 instead of 11 square metres) than required (in contravention of DPC 59 of the Zone). Whilst communal open space can mitigate this, it appears only residents of Units 3 and 4 will have access to the communal open space, not all residents.
- Private open spaces do not appear to have a minimum dimension of 2 metres in 10 of 15 apartments (in contravention of DPC 61)
- The proposed development does not minimise potential overlooking of habitable rooms of an adjacent property (98 Old Street) (in contravention of DPC 66)
- The proposed development does not satisfactorily establish a compatible scale, bulk and setbacks to the local heritage listed cottage at 98 Old Street (as required by DPC 162)
- The proposed development does not match the building levels and storey heights of the adjacent cottage at 98 Old Street (as required by DPC 165)
- Entrance not oriented toward the street, creating potential safety concern
- The proposed development does not provide adequate car parking to meet anticipated demand (in accordance with DPC 253 and Table Adel/7), and there is already limited on-street parking available in the area

Council also supported demolition of the historic 1870s house on the site, which was recommended as a local heritage place in 2004 but never listed. This is despite Council's own Melbourne Street Master Plan recommending that the **local and heritage character should be celebrated.**

BEFORE

Figure 7.1 *Photo of site from Melbourne Street*



AFTER



Case Study – Heritage

Key points

- Historic properties that are not heritage listed can still add character to a neighbourhood
- Demolition of quality buildings has an environmental impact, as quality building materials (stone, bricks, timbers, slate, etc) are destroyed and sent to landfill whilst new construction materials are required for the replacement building

Discussion

Melbourne Street West has a number of quality historic properties which are not heritage listed and are being used as medical suites or student accommodation. All of these properties, and others, are a risk of demolition, removing the connection of the street and neighbourhood to its history.

222-230 Melbourne Street	
266 Melbourne Street	
278 Melbourne Street	

288 Melbourne Street



Case Study – Infill

Key points

- There are alternatives to infill than just high rise – see image below (based on Rogers) – which shows the same number of dwellings on a block in 3 configurations
- There have been good examples of infill development in the Melbourne Street part of North Adelaide over the past few years, which respect the character and context of the area

Background

Good examples of infill development in the Melbourne Street area include:

- 236-240 Melbourne Street – two three storey townhouses with roof top terraces which respect the heritage listed Nyroca House behind
- 232-234 Melbourne Street - Fox Real Estate.
- 61 and 63 Old Street behind Fox Real Estate (2 two storey townhouses)
- 198 Melbourne Street and 2 two storey townhouses at rear at 33 & 35 Old Street
- 282 Melbourne Street – a block of 8 quality apartments, 3 storey to Melbourne Street and 2 storey to Old Street with plenty of open space, and landscaping ensuring natural light and ventilation for residents

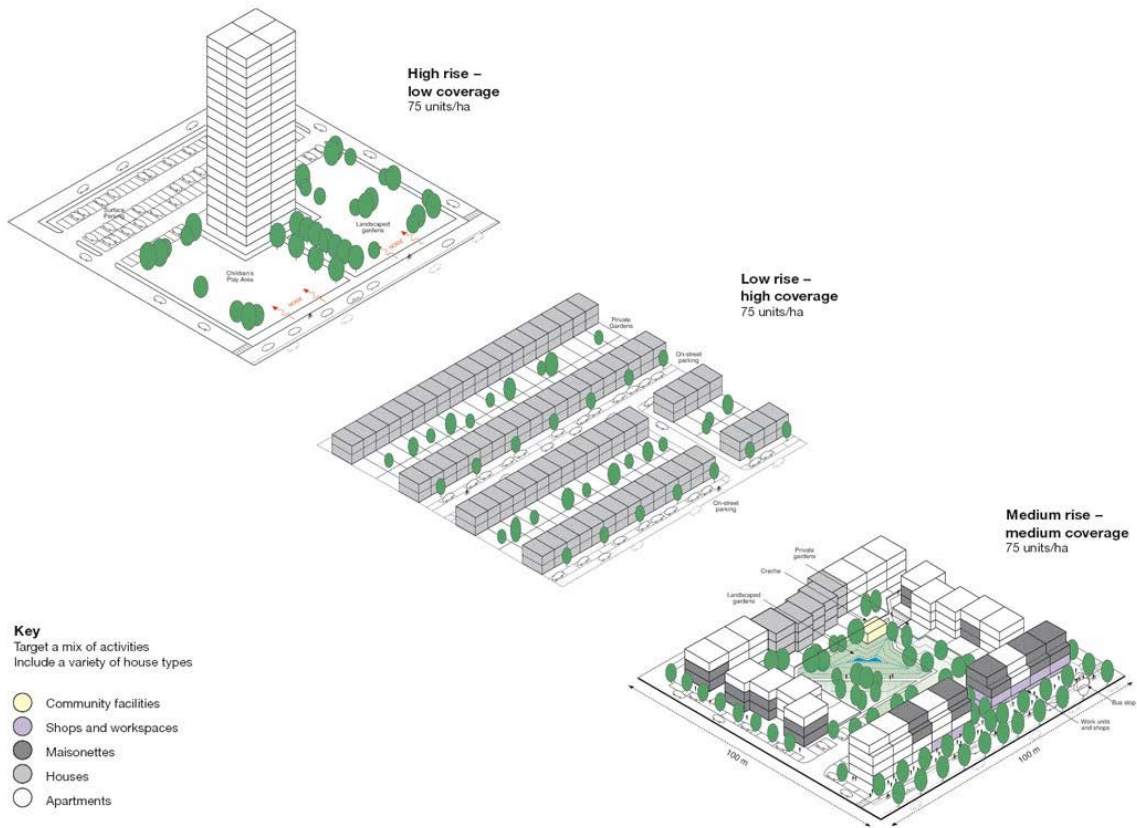
Discussion

In low rise residential areas like North Adelaide the type of infill should be applicable to the context of the area.

Building high rise in the middle of one and two storey buildings is not good urban planning and does not accord to good design principles.

High rise options for infill should be limited to the CBD and large sites, such as Bowden, where this makes sense as the site was previously industrial and not residential.

Other infill options should be considered in other areas, and many examples of the types of appropriate infill have previously been provided to councils and the State Government as part of design studies, such as the ‘missing middle’ strategy proposed by Damien Madigan in the People and Neighbourhoods Policy Discussion Paper 2019.



It is clear that the perimeter block option, bottom left of the sequence, offers the greatest variety of types of buildings, functions and a good balance between height and non built-up surface area (the Barcelona model).

<https://urbiumetorbi.wordpress.com/2015/07/10/building-typologies-and-density-by-richard-rogers/>

Case Study – Catalyst sites Melbourne street

Key points

- Catalyst sites are intended to assist transformation of an area
- There are about 11 catalyst sites along Melbourne Street, which is too many for a local neighbourhood area
- Catalyst sites should be a minimum of 10000 sqm

Background

Catalyst site policies were introduced into the Adelaide (City) Development Plan in 2012 through the Capital City Development Plan Amendment. They can be made up of either a single allotment or amalgamated allotments. The total site area must be 1,500m² or more.

Catalyst sites provide opportunities for integrated developments on large sites in certain zones and provide opportunities to increase the residential population of the City. Sites will be generally developed for housing, but may include a small amount of non-residential development such as cafes, restaurants or small scale shops.

Catalyst site provisions allow development on larger sites to be higher than would normally be allowed in each Zone. They are therefore likely to have a higher density than on surrounding sites.

Development of catalyst sites should

- exemplify quality and contemporary design,
- be carefully integrated with non-residential development,
- manage the interface with adjacent residential zones with regard to intensity of use, overshadowing, massing, building proportions, overlooking, noise and traffic in order to minimise impact on residential amenity. Within a residential type zone, the interface is with adjacent residential 'development' (not 'zones')
- be of a scale that responds to its context, particularly the nature of adjacent land uses and interface treatments will be required to address impacts on sensitive uses.

Discussion

A City of Adelaide character analysis of the Melbourne Street East and West Zones in September 2012 showed there were about 11 catalyst sites along Melbourne Street. This analysis identified that catalyst sites designed to assist transformation might lead to a change in character.

When the general person thinks of catalyst sites they would think of sites like Bowden.

Instead, 2 ordinary house blocks joined together, such as 262-264 Melbourne Street currently for sale, can create a catalyst site and has been advertised to developers on this basis. This does not make sense.

Catalyst sites should be a minimum of 10000 sqm and separate from existing low-rise residential areas.