

Extract from Hansard

Wednesday 13 May 2020

**Planning, Development
and Infrastructure
(Restricted Development)
Amendment Bill –
Introduction and First
Reading**

Page 1117-1119



**The Hon. A. PICCOLO (Light)
(10:33):** I move:

That this bill be now read a second time.

I rise to introduce this bill to protect the heritage of North Adelaide. Allowing encroaching, incremental developments may undermine the heritage of North Adelaide. That is what the Planning and Design Code currently allows. This bill is borne out of the clumsy and poorly managed rollout of the Planning and Design Code by the Marshall Liberal government. This bill proposes to amend both the Planning, Development and Infrastructure Act 2016 and the Development Act 1993, which is applicable for development applications in metropolitan council areas until 1 July 2020.

The purpose of this bill specifically seeks to amend both acts so that development applications which

propose to expand the footprint of large colleges and institutions in the North Adelaide Historic Conservation Zone would be categorised as restricted developments under the Planning, Development and Infrastructure Act 2016, and noncompliant developments under the Development Act 1993.

Both development assessment categories include extensive public notification requirements as well as public submission and appeal rights. The large colleges and institutions of major concern to residents include Calvary Hospital, Helping Hand Aged Care, Lincoln College, St Anne's College, St Dominic's Priory College and St Mark's College.

In terms of background to this bill, these large colleges and institutions were incorrectly, in my opinion, granted this development potential through the policy

contained in the North Adelaide Large Institutions and Colleges Development Plan (DPA) gazetted on 30 May 2017. The DPA explicitly granted large colleges and institutions inside this zone the ability to expand their premises to any other allotment also inside the zone, defined as 'directly associated', by applying an exception to the development applications which would otherwise be considered noncompliant developments, according to the City of Adelaide development plan.

The ability of large colleges and institutions to expand in this manner has raised significant concerns within the City of Adelaide and has led to the establishment of the local resident action group, known as Friends and Residents of North Adelaide. I would like to thank the members of FARONA, including Valdis Dunis, who have been most helpful in organising public meetings and increasing the understanding of the issues in this community. FARONA was formed in May 2018 in response to the first announced proposed demolition of 306 Ward Street, near Calvary Hospital, which is a grand 1855 home set in beautiful gardens with huge trees. More than 750 people have signed a petition to save this particular home.

In terms of the Calvary Hospital example, the ongoing development application process, pursued by the Calvary Hospital to expand their premises to a non-abutting allotment on 306 Ward Street, North Adelaide, has focused council and community concern about this issue. The proposed development includes a single-storey hospital ward (27 beds) and

a 112-space basement car park. This development application is before the State Commission Assessment Panel.

A special meeting of the City of Adelaide council held on 2 July 2019 resolved, in summary, that the administration recommends the following points are provided to SCAP as council's category 2 representation: expansion of institutional use beyond site boundaries and the council opposes the expansion of Calvary Hospital beyond its original site boundaries as depicted on the Calvary Hospital concept plan. The desired character for the Hill Street policy area acknowledges the presence of Calvary Hospital and its importance in meeting community needs. It also acknowledges that there will be future needs, but these should not be at the expense of 'reinforcing the heritage values and amenity of the policy area'.

The expansion of Calvary Hospital beyond its current boundaries will diminish the residential character of North Adelaide and run the risk of the predominantly residential character of North Adelaide being eroded, and this would set quite a significant precedent in that historical conservation zone area. Consultation with the City of Adelaide was actually undertaken. Consultation with the City of Adelaide revealed that in mid-2019, according to the City of Adelaide, there were 156 properties under threat from this footprint creep from 11 institutions. I will repeat that, Mr Speaker, because I think it is very important to note. There are 156 properties under threat from this footprint creep which can occur in this locality.

There is risk that the area may become a precinct dominated by a few large colleges and institutions. At the moment, there is essentially a residential area, an historic conservation zone, with a number of large institutions which should remain there. I should also emphasise that they are and should be allowed to inspire the development within the existing footprint. I have no—

The Hon. S.K. Knoll: Considering that they were there first.

The Hon. A. PICCOLO: I have no issue with these—

The Hon. S.K. Knoll: I cannot believe you are going down this line.

The SPEAKER: The Minister for Planning will be called to order if this heckling continues.

The Hon. A. PICCOLO: Mr Speaker, I have no issue with these institutions being able to develop within the existing footprint and nor does the City of Adelaide. In fact, both the City of Adelaide residents and the opposition agree that some further intensification plus height should be allowed. The Right Hon. Sandy Verschoor, Lord Mayor of Adelaide, has advised, through consultation, that she is willing to support the expansion of the existing premises of these large colleges and institutions through increased building heights but not expanded footprints—up but not out. That is the message residents have out there; they are happy to go up but not out.

The City of Adelaide has sought to amend the DPA, but to date the Minister for Planning, the member for Schubert, has refused to

pursue this option, arguing that a legal challenge to a section 29 ministerial revision of another DPA has prevented him from doing so.

At a 7 July 2019 meeting with the community organised by Labor, the Labor leader, the member for Croydon, and I were pleased to host about 60 people, including members of FARONA. I would like to thank everyone who attended this forum to express their views and those who have contacted me since to share their frustrations and concerns.

I would also like to mention the Protect our Heritage Alliance, led by Professor Warren Jones, which has been advocating for greater protections to be applied to heritage and character dwellings, including the transfer of contributory items in the Planning and Design Code.

The Hon. S.K. Knoll: Of which there are none in North Adelaide.

The SPEAKER: Order!

The Hon. S.K. Knoll: Or Adelaide.

The Hon. A. PICCOLO: I did not say that. If the minister actually listened, I didn't actually say that. The minister is not good at listening, so it is not that unusual. He should listen to the passengers on the Gawler line. I can tell you his name is very popular amongst the people on the Gawler line at the moment. I would also like to mention the Protect our Heritage Alliance, led by Professor Warren Jones, which has been advocating for greater protections to be applied to heritage and character dwellings, including the transfer of contributory items in the Planning and Design Code.

I also commend the Protect our Heritage Alliance for their petition delivered to Parliament House on 30 April. They obtained more than 14,000 signatures and it is the second biggest petition presented to parliament in terms of signatories. Thousands of South Australians are concerned about heritage protection, including in my own council area, the Town of Gawler, which has now embarked on a very expensive process to get some contributory items upgraded to local heritage places at the cost of hundreds of thousands of dollars to ratepayers, which is a cost that has been put on this council and the ratepayers by the Marshall Liberal government. This cost would not have occurred for these ratepayers had it not been for a decision by the current government.

Once again, the Planning and Design Code is creating unforeseen consequences. Impacts have not been carefully thought through by the Marshall government and all the time the minister sits on his hands making excuses. He is ignoring the threats to heritage and the streetscape currently presented by the policy content of the Planning and Design Code. He says he needs to sit and wait for the outcome of a court case on section 26. There is no need to wait. There is no legal impediment to wait.

The draft code will replace the Adelaide (City) Development Plan and, by extension, the North Adelaide Large Institutions and Colleges Development Plan Amendment. The draft code includes provisions characterising development applications that seek to expand the footprint of large colleges and institutions into sites not abutting their character

allotments as restricted developments under the Planning, Development and Infrastructure Act 2016.

However, because the draft code does not propose to limit the expansion of large colleges and institutions beyond their existing footprints, the draft code does not restrict their expansion into abutting areas. The heritage of North Adelaide is at risk. The current character of North Adelaide in this historic conservation zone is essentially of residential character and amenity, with a number of institutions included in that. If we allow the Planning and Design Code to go ahead in its current form and if the minister continues to sit on his hands and take no action, then what will happen is that the character of the area will change to institutions with a few heritage character places.

It will be on this minister's head that the character of this area will change and, as I said, there is no legal impediment to acting now. Unfortunately, he chooses not to act and the member for Adelaide has also chosen not to act. She has followed her minister blindly down an alley that leads to nowhere except the destruction of the character of this locality. That is why Labor has prepared this bill, which better reflects the policy objectives of the City of Adelaide and protects the heritage of North Adelaide for residents.

The story that the minister and the member for Adelaide have peddled in the community regarding the current act is not actually bought by the residents in the community anymore. They understand that there is a way around this problem and that the minister is choosing

not to act because he is acting for interests other than the interests of the residents in this locality.

We have listened to the people and, as a result of that, we have introduced a bill. We have consulted with the city and that is why we have introduced the bill. Labor now calls on the Marshall Liberal government to support the bill to protect the heritage and amenity of North Adelaide and its residents. With these comments, I commend the bill to the house.

Debate adjourned on motion of Dr Harvey.