

Submission on The planning code Phase 3

by Janet Scott, [REDACTED] Colonel Light Gardens
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About me.

I have lived in Colonel Light Gardens (CLG) since 2007 and I also lived for many years in Canberra and before that in Adelaide on East Terrace – so I appreciate well designed suburbs and residential areas with big green belts and open spaces for residents to enjoy outdoor walking and recreation. I am also a fan of Charles C Reade as a person who worked to make a better healthier environment for humans and especially women to live in.

I am particularly concerned with Colonel Light Gardens as the best work of Charles C Reade, our first Town Planner. I chose to buy a home in Colonel Light Gardens because it is State Heritage Listed and townhouses should not be going up next door. I did not enjoy the infill that was happening in Campbelltown where I had been living. It caused traffic problems and problems with privacy and having many building sites at once was dusty and noisy. The new homes themselves were not well designed or constructed.

Planning Code – Broken Promises

The State Planning Fact Sheet for Heritage and Character says that State Heritage Areas... “*will transfer directly*” into the new planning code. The only part of our State Heritage Area that has been transferred is where it is geographically. Without the Development plan for CLG – the method for preserving the heritage has not been transferred. There are no equivalent instructions for developers, council and residents in CLG to use to preserve the heritage.

The State Planning Commission have said that Heritage SA will look after the development rules but Heritage SA does not have the necessary planning expertise or understanding of the Garden City Movement and a Garden Suburb in particular or how each element including the street layouts, the avenues, the houses, the parks, the separation of uses – dwellings separated from shops separated from schools separated from open shared spaces fits within the whole. The fundamental Aesthetic of Harmony and Beauty is not acknowledged in the new planning code at all.

Heritage SA’s document “Guidelines for Development in CLG” contains many errors and omissions and is not a substitute for the development plan.

The new Planning and Development act requires community engagement and the community to have a say but this has not happened either. Each council’s development plans are a reflection of what each community wants in their area. You cannot make a one size fits all to replace this and respect local community wishes. Engagement sessions held by DPTI have been one sided lectures by State Planning Staff and questions and disagreement from the community have been shut down.

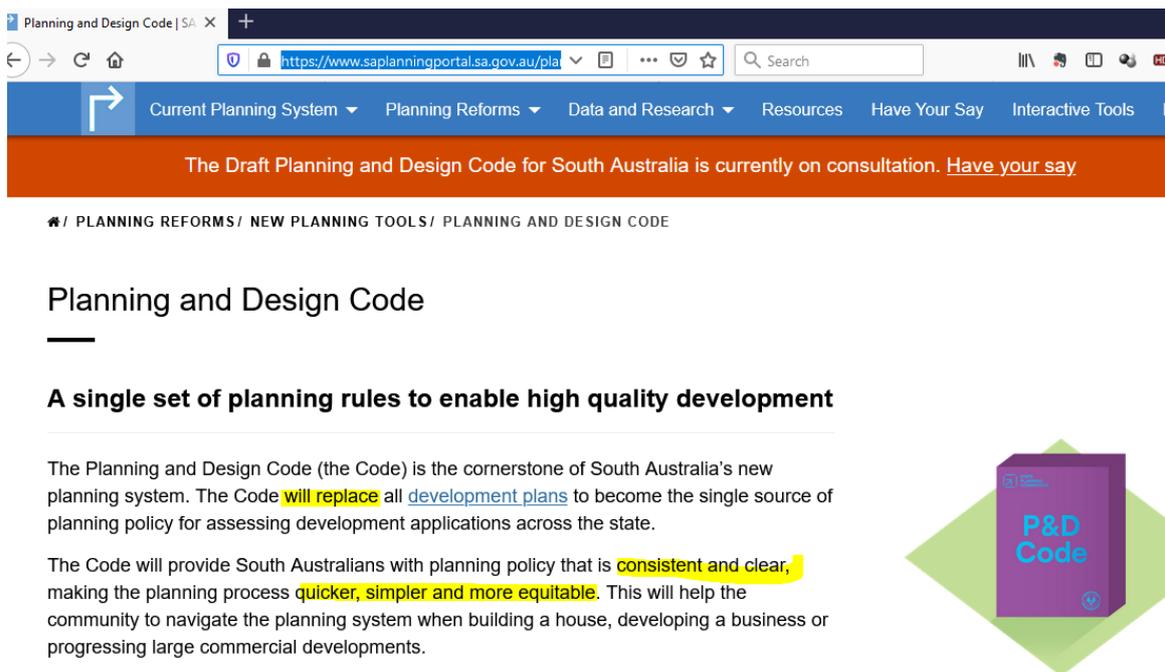
While residents in other Historic Areas have been informed by DPTI by letter that there are changes to the planning rules, the residents of Colonel Light Gardens have not received such a letter.

The letter that was sent out did not provide any clarity to what the rules are currently and how they are going to change. This seems more like a propaganda exercise designed to lull residents in to believing that there will not be change while the actual system allows change that will ruin the amenity of most of Adelaide's older suburbs. The reason people buy into these suburbs is for the character homes that even if they cannot afford one now – they want one in the future. But there is no protection under the new code – those homes will not be there in the future.

The serious lack of information, the failure to correct mistakes and missing detail in the State Heritage Area Overlay (which should not require “individual listings” in an area), the sudden surprise appearance in the Christmas Eve updates mentioning “State Heritage Area Statements” but not actually providing any makes the whole process look like it is being made up on the fly and not planned in consultation with people who have the right knowledge.

The planning portal website says that the new code will replace the development plans but it has not replaced the function or information contained in the development plan for CLG.

https://www.saplanningportal.sa.gov.au/planning_reforms/new_planning_tools/planning_and_design_code#Historic_Area_Statements



Planning and Design Code

A single set of planning rules to enable high quality development

The Planning and Design Code (the Code) is the cornerstone of South Australia's new planning system. The Code will replace all development plans to become the single source of planning policy for assessing development applications across the state.

The Code will provide South Australians with planning policy that is consistent and clear, making the planning process quicker, simpler and more equitable. This will help the community to navigate the planning system when building a house, developing a business or progressing large commercial developments.



The new code and eplanning system available for consultation missing the information contained in the development plan for CLG. It is not a replacement for the development plan. It is largely opaque, it is impossible even for skilled professionals to decipher any rules that apply to development anywhere but especially in State Heritage Areas – because all the relevant information has been removed but not replaced.

It's not quicker, or simpler or fairer. Most community members cannot afford planning lawyers to figure out what the rules are for building a home. It is difficult from the eplanning system to figure out what zone or overlay applies to any given place – especially in CLG and the Technical and Numerical Variations presented in the code do not have any reference that links the detail to the zone it applies to.

From page 2955 of the TNV – what is the minimum frontage really?

Part 6.5 Minimum Allotment Frontage Sizes

Minimum Allotment Frontage
Minimum frontage for a residential flat building is 15m
Minimum frontage for a group dwelling is 15m
Minimum frontage for a detached dwelling is 10m
Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 10m; row dwelling is 10m; group dwelling is 10m; residential flat building is 10m
Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 9m; row dwelling is 7m
Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 9m; row dwelling is 6m; group dwelling is 10m; residential flat building is 10m
Minimum frontage for a detached dwelling is 11m; semi-detached dwelling is 11m; row dwelling is 8m
Minimum frontage for a detached dwelling is 12m
Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 10m; row dwelling is 8m; group dwelling is 12m; residential flat building is 12m
Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 10m; group dwelling is 20m
Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 10m; row dwelling is 7m; group dwelling is 25m; residential flat building is 25m
Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 12m
Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 12m; row dwelling is 12m
Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 12m; row dwelling is 12m; group dwelling is 12m; residential flat building is 12m
Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 8m; row dwelling is

From the suburban neighbourhood zone, but it’s hard to tell, page 1512 there is no “minimum allotment size Technical and Numeric Variation Overlay” or variation on that theme in the code document provided and no clue where it might be.

Site Dimensions and Land Division

PO 2.1

Allotments/sites created for residential purposes are of suitable size and dimension and are compatible with the housing pattern consistent to the locality.

DTS/DPF 2.1

Where the allotment has a slope less than 12.5% (1-in-8), development accords with the following:

- n) site areas (or allotment areas in the case of land division) not less than the minimum allotment size specified in the *Minimum Allotment Size Technical and Numeric Variation Overlay*; and
- o) site frontages not less than the minimum allotment frontage specified in the *Minimum Allotment Frontage Technical and Numeric Variation Overlay*.

PO 2.2

Allotments/sites created for residential purposes are of suitable size and dimension to accommodate residential development that is sensitive to the topography of the locality.

DTS/DPF 2.2

Where the allotment has a slope equal to or greater than 12.5% (1-in-8), development accords with the greater of the following:

- (a) the site areas and site frontages specified in DTS/DPF 2.1; or

The new Planning and Development act requires community engagement and the community to have a say but this has not happened either. Each council area’s plans are a reflection of what each community wants in their area. You cannot make a one size fits all to replace this and respect local community wishes.

The structure of the planning code with zones and overlays and technical numerical variations that conflict with the zones and overlays, and regulations – is confusing and opaque..

Transparency and Accountability

We need a system where mistakes can be identified by the general public. We need to be able to view plans before they are built and refer the ones that do not seem to meet the heritage criteria to a Heritage Ombudsman. There needs to be a system for dealing with staff that make decisions without the necessary knowledge and without following the documentation that specifies how the heritage needs to be preserved.

In Colonel Light Gardens, each time the Development Plan or the CLG Conservation Management Plan is ignored, the heritage gets damaged. Both these documents need updating and strengthening and they are a good start but right now they are often ignored and the heritage suffers because of it.

The State Heritage Area Overlay

contains mistakes like

Land Division

PO 4.1

Land division creates allotments that:

(a) are **compatible** with the surrounding pattern of subdivision of the State Heritage Area;

and

(b) are of a dimension to accommodate new development that reinforces and is **compatible** with the heritage values of the State Heritage Area.

DTS 4.1

None are applicable.

Land division into new allotments is not appropriate in CLG as it goes against the original plan by Charles Reade for mixed block sizes and for ample gardens front and back. Words like “compatible” and “complementary” are too easily subverted and used to make developments that damage the heritage, in this case the social mix of large and small allotments and separation of residential areas from areas with other uses.

The State Heritage Area Overlay is very vague and uses a lot of words that are vague or open to wide interpretation like “compatible” or “complement” and contains no specific detail to any State Heritage Area. Each State Heritage Area is listed for unique reasons, it is not appropriate to lump an area heritage listed for its Town Planning properties with one that is heritage listed as a National Park or a historic mining area.

Heritage SA’s own guide to development in CLG does not adequately address all elements of CLG as a Model Garden Suburb, and does not show understanding of the Garden City Movement or the aesthetic elements described in the Development Plan. It also contains errors and conflicting information on subdivisions, fencing, and has information that directly conflicts with the original bylaws for development in CLG – weather board is not an appropriate material for extensions – it was only used decoratively as it was expensive and difficult to obtain. For the same reason we have stobie poles of iron and concrete – the homes in CLG did not have weatherboard lean tos or extensions. It was also important to Charles Reade that homes in CLG were well built and not cheap flimsy slum house constructs.

Planning needs to be open not opaque, for each site – it needs to be clear what rules apply.

Development in South Australia should primarily respect the communities where it is to occur. So plans that are community driven and access to development applications to ensure compliance is important. It should be straight forward for planning mistakes to be reported and corrected. But this is difficult if the planning applications are hidden under a very high cost pay wall by local council or State Government or not made available at all.

We should not find out that the heritage is being damaged by seeing the building in progress.

We should have a design document similar to Hampstead Gardens and we should have a Trust made up of residents and appropriate experts in Heritage Town Planning to manage and guide the preservation of CLG

<http://www.hgstrust.org/the-trust/the-trust.shtml>

Development Plan and Applications

The planning code does not make clear what a complying development in CLG might look like The development plan provided clear guidance on what is appropriate development in CLG. There is no information on what a developer or architect needs to design to meet the Heritage requirements in CLG

There is no document that defines the relevant heritage requirements – a good example of such is Hampstead Gardens Design Guidelines

<http://www.hgstrust.org/>

While the architecture for Hampstead Gardens is different to CLG, the garden suburb principles are much the same.

It's not clear what activity needs a development application in CLG and what does not need a development application because the heritage requirements have not been captured and summarised in terms that can be used to design new development and restoration. Without the development plan – there are no rules on what needs a planning application.

Public Realm and Private Realm.

Public realm – Mitcham council seems unaware that street scapes are an important element in a Garden Suburb and maintenance and restoration and use needs to support the heritage of CLG. One of the key elements of a garden suburb is that all the public infrastructure should look the same and not distract from the beauty of the houses and gardens.

All the recently installed kerbing, trees, signs, street lights in CLG have been random in design and shape, with no clear understanding of the Garden Suburb Principles of uniformity of infrastructure so it does not distract from the gardens.

State Heritage Area Overlay

The planning code phase 3 zones and other components refer to the State Heritage Area Overlay so often that it is impossible to do a search on that to find the actual overlay information.

The actual overlay contains no specific details that a developer could use to design an appropriate building or addition. It does not contain adequate information on how the public realm should be managed. There is no requirement for the documents that would define the appropriate information to be prepared. There is no requirement for the “Minister responsible for administering the Heritage Places Act” or their delegates to have the appropriate knowledge or write appropriate documentation that contains that knowledge of what development is appropriate. And this knowledge is not available in a useful form to the general public so they can know what is appropriate development.

The current development plan if the language is strengthened to use the word “must” a lot more than the word “should” might be a good start but it needs review and updating. It does contain what a developer might need to design a new dwelling or addition and it also contains what is required in the public realm. The main problem is that Mitcham Council and Heritage SA do not understand how each element of the development plan relates to elements of the Heritage and the requirements of a Garden Suburb Movement as described by Charles C Reade and customised for the Australian context (single story detached homes for example). So the authorities responsible for protecting the heritage have been damaging it each time they approve developments that don’t comply with any of the development plan principles. I am not talking about a few fudges, I am talking about development being approved that ignores it entirely.

At least we can see where things are going wrong by comparing what is being built with what the development plan specifies. This will be much more difficult for the general public without the development plan or equivalent document for CLG.

Perhaps we could have a State Heritage Area Zone – which is not underpinned by any of the other zones because that makes no sense in terms of preserving each area’s unique heritage. And we could have an Overlay for each State Heritage Area that describes what development is appropriate.

The Suburban Neighbourhood zone is not an appropriate base for CLG. It allows lots of development that would damage CLG heritage, for example: Subdivisions, two storey terrace houses, businesses in residential areas like child care centres, schools and consulting rooms without respecting the traffic design intended to reduce traffic around homes. It has too much site coverage allowed, and too much infill and the built scale specified is not appropriate. The buildings would be too big and we would lose the gardens that Charles C Reade described as extremely important for the health, and social life of residents.

For Colonel Light Gardens a Trust for managing development might be appropriate – similar to what is used in Hampstead Gardens London.

<http://www.hgstrust.org/the-trust/the-trust.shtml>

CLG needs a design document equivalent and as detailed as the one for Hampstead Gardens – one for private realm and one for public realm.

A checklist for the application so it includes all the information necessary to make an assessment should be required one that includes the site coverage. And the site coverage should be defined as total site area less permeable garden area as a percentage of total site area. And it should be about 60% Garden. It is very important for a Garden Suburb that the Gardens around the dwellings and around the suburb should be protected and preserved. It is not an appropriate area for infill. We should keep at least one suburb with the suburban block that is part of the history of the planning department. Why not protect the one that is State Heritage Listed.

Even London can manage this with all the pressure they have for infill. Surely South Australia can afford to preserve its own town planning history.

It is not clear from anything what zone Colonel Light Gardens is. It is not clear that several different zones apply and that while the State Heritage Area Overlay sits over the top of the zones – it has no specific details that could guide development. It's not clear that every development in CLG would be referred to Heritage SA (Or the minister for administering the Heritage Places Act). It's not clear what is so "minor" that it would not be referred.

It's not clear how the parks and shared open spaces would be managed. It's not clear how the suburb infrastructure and public realm would be managed.

There is no practice guideline for a State Heritage Area and it is specifically excluded from the Historic Area Guidelines. There are no State Heritage Area Statements. Despite asking – we have not been told who would be writing those.

Nobody at DPTI or Heritage SA have been able to tell me what the new rules are for CLG so it is difficult for me to provide any feedback apart from they are not there which is not ok.

When we compare the current Development Plan for CLG to its supposed replacement – the State Heritage Overlay – we lose all of our heritage objectives and description of what needs to be preserved and almost all of the rules that are intended to preserve it. Changing from rules that are largely ignored to no rules at all is not an improvement.

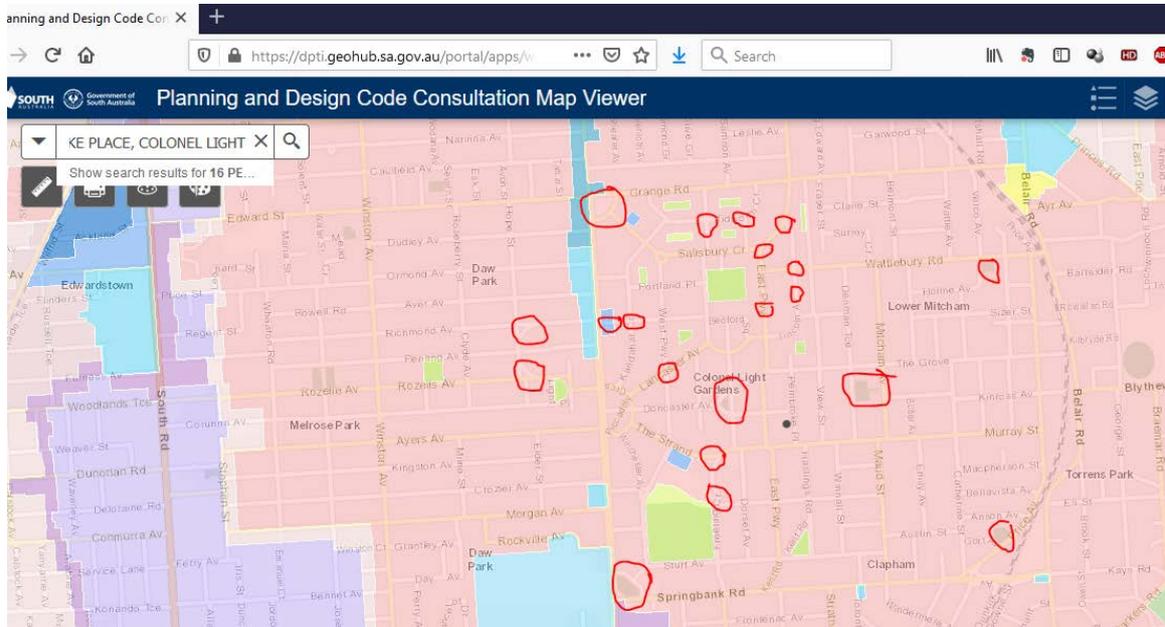
According to the Mitcham Council submission – CLG is in the "Suburban Neighbourhood Zone" but everything gets referred to the State Heritage Area Overlay and Minister for Heritage (Heritage SA). Except underground water tanks. A broken underground water tank like a swimming pool – in the wrong place has great opportunity to damage a dwelling or other heritage element. They both should be sited far away from homes.

It is not clear what zone might govern the street scapes, parks, open spaces and reserves, small shopping and school areas. Allowing child care centres, shops, consulting rooms and schools outside their originally planned places decided by Charles C Reade as SA's first town planner – is not appropriate.

E Planning errors

<https://dpti.geohub.sa.gov.au/portal/apps/webappviewer/index.html?id=5fcfc772bf7d4c279ad9bb11c15bf419>

The eplanning system being broken – provides no way to find out what the rules are in any part of Adelaide but especially Colonel Light Gardens



The red rings drawn on the map indicate where parks and street reserves are that are not acknowledged in the planning system but have special planning requirements. Some are quite large parks like Ludgate Circus on the corner Goodwood and Grange Rds and Oxford Circus Corner Springbank and Goodwood Roads. Note those are just the areas off the top of my head. There is another on the corner The Grove and East Parkway.

And our War Memorial Garden between Doncaster St and Broadway. More than 500 people gather there for the Anzac service but your map doesn't even know it's there let alone what is appropriate to be put there.

The dark pink means "Suburban Neighbourhood Zone" but this is not an appropriate zoning for Colonel Light Gardens State Heritage Area. It allows for changing land use and subdivisions and two story developments, none of which are appropriate for CLG. Confusingly – it has for almost? all things referral to the State Heritage Area Overlay but that has no rules about development.

I got the mapping system to tell me that the building height is yellow – but not what that means. And I have a degree in Computer Science and years of experience in the IT industry. It should not be completely opaque to me but it is. Even the old state atlas is more helpful in providing details on the area or site I ask for. But it doesn't know the zones and TNVs.

Burra Charter and National Heritage Regulations

There needs to be a requirement for a Burra Charter standard document to be prepared for the management of the heritage of CLG. Currently Heritage SA do not have such a document. This document needs to be prepared in consultation with people with understanding of the Garden City Movement and Heritage Town Planning – not just Heritage Architecture. There is a popular idea among Heritage Architects that new development should be as different as possible to existing which creates discord in the built environment with attention seeking distracting homes. But this is the opposite of a Garden Suburb requirement for “harmony and beauty”.

We want the consultation period to commence after the State Heritage Area Statement and Burra Charter Standard Management plan is produced and be for at least a month. We are concerned that residents of CLG have not received any letters about Historic Conservation Zones or State Heritage Areas.

We need the regional Heritage Advisors back. At Mitcham Council Simon Weidenhofer did a very good job of applying the development plan for CLG and maintaining the heritage.

We need the development plan back with updates to make the criteria clearer and mandatory not optional. Currently the development plan is being ignored entirely because it is full of “should be” instead of “must be” which allowed developers to avoid any kind of respect to the Heritage Values described by the Development plan for CLG. Heritage SA was not refusing stuff that did not comply even though they say that they do use the Development plan for managing Heritage in CLG – it was not clear by the developments they were stamping “no detriment to heritage”.

CLG and each State Heritage Area needs a conservation management plan prepared according to the Burra Charter process.

The South Australian Heritage Places Act needs to be updated to require that a management plan be prepared – that the significance of a place be identified, and a plan for managing it created including the community for whom it has significance and that the details of the source information and the document itself made available to the public and reviewed and updated if needed on a regular basis every few years.

The Heritage Places Act and Planning Design and Infrastructure act need amending to require heritage conservation and management documents that fully and clearly describe the heritage values that need to be preserved and how to do that.

These document needs to include the stake holders in the case of CLG the residents and heritage *planning* experts that understand the Garden City movement and are familiar with the aesthetic and amenity that it provides to residents. Otherwise this will be destroyed by discordant development favoured by Heritage Architects (make the new work as different as possible to the old) when the new work should blend in harmoniously with the original work.

The National Heritage Legislation and schedules included in the Federal “Environment Protection and Biodiversity Conservation Act 1999” has good detail on how this should be done in its section on Management Plans in volume 2.

<https://www.environment.gov.au/epbc/about/index.html>

Schedule 5a

sets out the requirements for a management plan of a Federal Heritage Area
http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_reg/epabcr2000697/sch5a.html

Schedule 5b

sets out the objectives for a management plan and including the community
http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_reg/epabcr2000697/sch5b.html

Currently there is no requirement for Heritage SA staff to understand or research the heritage significance of any of the State Heritage Areas and Heritage Architects do not have the necessary expertise in Town Planning, maintaining garden city streetscapes or park management for CLG.

We need a document to guide development that is directly equivalent to the current development plan but the language in it needs to be strengthened and some of the mistakes need to be repaired. The items stated in the State Heritage overlay like building heights and set backs are specified precisely in the Development plan. There is no equivalent document available at Heritage SA or accessible to owners of properties who want to improve or update them.

It needs to be made clear that the public land is part of the heritage and it needs to be maintained accordingly. The alienated internal reserves and street reserves need to be restored to the community and repaired.

The management of CLG should not be dependent on specific staff or consultants being available. The Garden City movement and CLG in particular is extremely well documented in reports to State Parliament and bylaws created by the first Garden Suburb Commissioner on what kind of development was appropriate. We should take advantage of this.

It would also be helpful if there were heritage advisors available as there used to be with local councils. Simon Wiedenhofer did a very good job.

Consultation

The consultation on the new planning code, has been very one directional – lectures from the State Planning Commission and no conversations.

Questions on how State Heritage and Colonel Light Gardens will be managed have taken over three months to get a response, and often the response does not acknowledge or address the question but merely repeats the empty promises on the DPTI website

I would hope that the details of how CLG heritage is to be managed will be created in consultation with the people with the relevant knowledge like Christine Garnaut, Rob Freestone, Philip Knight, Iris Iwanicki, Kate McDougall, and Simon Wiedenhofer.