

DIT:Planning Reform Submissions

From: Janet Scott [REDACTED]
Sent: Friday, 18 December 2020 4:54 PM
To: DIT:Planning Reform Submissions
Subject: Planning submission from Janet Scott on the second consultation for Phase 3 Code.
Attachments: Janet Scott Submission on second consultation of Phase 3 planning code.pdf

[REDACTED] [REDACTED]

Hi team Planning SA

this is my personal submission on the updates for Phase 3 Code.

In summary - as best I can tell you have completely ignored my first submission. The only changes I can detect are a reference to "historic values" instead of "heritage values" in the landscape / street scape component of the State Heritage Area Overlay.

We still need a requirement for the people preparing the planning rules for Colonel Light Gardens and other State Heritage Areas to have an understanding of why each area is listed, or to follow best practice in gathering the appropriate information and people together to create planning rules that preserve a heritage area. The current best practice is described in a document called Australia ICOMOS Burra Charter, 2013 (the Burra Charter) process.

<https://australia.icomos.org/publications/burra-charter-practice-notes/>

Janet Scott
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Submission on The planning code Phase 3 second consultation period.
by Janet Scott, [REDACTED], Colonel Light Gardens
Phone [REDACTED]

1. Summary

I want the Australia ICOMOS Burra Charter, 2013 (the Burra Charter) process, or a legally mandated copy of it to be required to be followed in the preparation of any statutory documents to be used in assessing planning applications for State Heritage places and areas.

<https://australia.icomos.org/publications/burra-charter-practice-notes/>

State Heritage Areas should not be included in the Phase 3 go live until each area has a proper management plan that Planning Authorities and Heritage SA can use in assessing planning applications and to decide what is and isn't development.

2. Clarity

I want it to be clear what the process is for making planning assessment documents (code) statutory and what the process for changing these documents are, and if they refer to other documents that are not created by Heritage SA or equivalent – whether the instructions they refer to are also made mandatory by being referenced in the statutory instrument. And they should not be called guidelines – because that implies that they are optional. The requirements for protecting heritage of a place or area should be clear and mandatory.

The planning process is still completely opaque. According to the Heritage SA guidelines for CLG that are on consultation now – Heritage SA staff will be doing the Planning Assessment for CLG. But when I asked Planning SA who would be doing the assessment – they said that they would be, and when I asked what rules they would use to assess development in CLG – they did not know.

3. Predictability, Certainty, and Consistency

I want there to be clear change control on any documentation used to assess development in CLG

4. The Burra Charter Process.

One of the key principles of the Burra Charter Process is to understand the significance of a place or area, before a management plan or planning rules are written. Nobody has done this in enough detail for planning rules. The Statement of Significance mentions the Garden City Movement as an important part of CLG and it is significant but never explains what this is so that the relevant elements might be preserved. There needs to be detail included in any planning rules and the people applying the planning rules need to understand it too.

4. Mistakes

There is also still no requirement for Heritage SA to understand and document the heritage values of a State Heritage Area – it is clear they still have no idea what the Garden City Movement means. One of the key principles of the Garden City Movement is that residential areas have harmony and beauty and no jarring notes. All the recent extensions have massive jarring notes that Heritage SA advised residents to make. They do not understand that building work that fits in with the surrounding development is important to the harmony of the area and advise to do the opposite. It's like tacking some death metal music to the end of a folk song. Ugly and jarring not beautiful and

harmonious. The Garden City Movement was very specific in how Harmony and Beauty was to be achieved.

There have been some small changes to the State Heritage Area Overlay that have only introduced more errors. Confusing “Historic Values” with “Heritage Values” in the tree section. Also slums might be part of our history but we do not want to preserve them as heritage.

The new “Established Neighbourhood Zone” is not appropriate for CLG. It should have its own zone and separate instructions for residential in the 1000 homes area, the older area at the Northern end, for shops, schools, churches, streetscapes and open spaces. The proposed Heritage SA guidelines do not include any instructions for Open Spaces and Street scapes and instead refer to the Colonel Light Gardens Conservation Management Plan (CLGCMP) which is not a statutory document (it says so on the front) and is in desperate need of an update based on the latest of the Garden City documentation found since it was written and to reflect climate change in the selection of tree species for avenues.

This is an extract from the new Guidelines prepared by Heritage SA without using the Burra Charter Process. Each Open Space has a different purpose, and there should be specific guidelines for each one. And if the statutory document refers to another document – is that second document now statutory too? Mitcham Council says it isn't and the CLGCMP needs an update anyway.

f) Open space parks/ reserves

The public reserves and parks of Colonel Light Gardens are important open spaces, reflecting the garden suburb ideals of the era and are a key part of the heritage characteristics of the suburb. The reserves provided public access and active and passive recreation opportunities for residents.



Public parks are to be maintained as open, recreational spaces as designated in the early planning of the suburb. Green spaces, trees and landscape vistas should be maintained.

Refer *Colonel Light Gardens Conservation Management Plan (2005)* for guidance on works within each park.

Retention of the original configuration of these reserves is required. Reserves at street corners and intersections should be strengthened by appropriate planting and irrigation.

Refer *Colonel Light Gardens Conservation Management Plan (2005)* for guidance on infrastructure and planting works within each reserve.

Detailed provisions regarding public land infrastructure are included in the *Colonel Light Gardens Conservation Management Plan (2005)*.

Utility infrastructure and services should be installed within the utility laneways.

Power lines and stobie poles are not acceptable.

g) Public realm reserves

An important aspect of the original plan for Colonel Light Gardens was the allocation of small public realm reserves. The establishment of internal reserves for communal purposes were characteristic of the garden suburb movement.

h) Services and infrastructure

Deep drain sewerage, water and gas mains were installed underground when the suburb was first established, ensuring the suburban landscape was not visually blighted by cables and exposed services. Rear laneways were planned to incorporate services, allowing extensive landscaping to be planned for streets.

Every page of the document contains mistakes and shows a lack of understanding of the components of the Heritage Significance Statement for Colonel Light Gardens.

5. Understanding the Changes in the Planning System

Most of the problems I pointed out in my first submission have not been addressed. It is still impossible to figure out what the new planning rules are for Colonel Light Gardens (CLG) and what the changes will be for places like Hawthorn and Westbourne Park. There are a large number of beautiful old buildings there that are not protected but people buy because they like the current look and feel and allowing development of modern two story squared off flat roofed buildings devalues the surrounding homes. They look ugly and out of place. I would refer you back to my original submission and suggest you start again.

6. Accountability

There is still no transparency and accountability in the new planning assessment system from how Heritage SA write their guidelines, how they get used and how the planning code is used to assess plans. There is no way to know what development is going on – there is no right of appeal when inappropriate development is done. There is no system to hold Heritage SA or Mitcham Council to account when they do the wrong thing unless one happens to have \$500K to take them to court, and then they may still ignore the judge's ruling (based on what happened with Charles Sturt vs Coastal Ecology).

I want there to be a process for accountability that is affordable to ordinary citizens when we see damage to our Heritage. We should be able to check planning applications are preserving our Heritage Values before the mistakes get built in. Having extensions look completely different to the original building that they are attached to – is against the Garden City Movement principles of Harmony and Beauty and no Jarring Notes, harmony of architecture not disharmony which is advocated by the Heritage Architects at Heritage SA. They say “Garden City Movement” but they do not understand what the components of that are or how to preserve them.

7. Broken Promises

Promises in the State Planning Commission Fact Sheet for Heritage and Character have been broken.

The development plan principles for CLG have not been included in the Code. There is a very vague statement in the Desired Outcome for a State Heritage Area which refers to documents published by Heritage SA (or equivalent). It does not state what happens when documents created by Heritage SA refer to documents created by Mitcham Council such as the Colonel Light Gardens Conservation Management Plan (CLG CMP) – does that mean that Mitcham Council is now required to comply with the CLG CMP? This is not clear.

None of the other promises are being kept. The planning code is now twice as long as before – it includes weird sub zones for places like Rundle Mall and yet there is no specific zone or overlay or planning instructions for Colonel Light Gardens that someone trying to design an extension or install solar panels can follow.

8 Timing

Given the Heritage SA guidelines were only made available for consultation on 2nd December 2020 – I have not had enough time to see how they fit within the code or ask the right people how they work. As best I can tell there is no change control or requirement to have public consultation or follow a process like the Burra Charter in creating them. Heritage SA can change them any time they want to anything they want. And there is a problem with them referring to documents that they have not published which are not covered by the Planning Code.

There is not enough time between the end of the CLG Heritage Guidelines consultation period 1st Feb 2021 for them to be updated and corrected before Phase 3 goes “live” on 19th Feb 2021. CLG and State Heritage items should be excluded from Phase 3 until there are appropriate management documents for assessing planning applications created according to the Burra Charter Process.

9. Risks of Slow assessment leading to automatic Approvals.

The new planning system was supposed to be consistent, clear, quicker, simpler and more equitable. It might be quicker because if a planning application is not assessed quick enough it will be automatically passed.

This is hugely risky in any heritage area – because Heritage SA do not have sufficient appropriate skilled resources available to assess anything quickly. Most of their people who review planning applications now – are only part time and cause considerable delay in the planning process.

10 Conclusion

Going ahead with the planning code in its current form is going to cause considerable damage to Heritage and Character Areas in South Australia.

In other areas – it is going to make for some unpleasant surprises for residents when unexpected development happens next door to them and there will be no opportunity for them to stop it under the current system.

The idea of saying they had plenty of opportunity for people of South Australia to have their say now in the “Consultations” is unfair because most people have had no idea what the changes are, or that there is a process of change underway, or how to make a submission. For those of us who do know – our contributions have been largely ignored.

The Community Engagement Charter has not been met at all. The promises made have not been kept. Many people will be upset by the changes included in this system and the lack of accountability within it.

A one size fits all plan will never be appropriate – people live where they live because of the character of each area. To take this away from the local people of each area for the benefit of big property developers is unfair to most people who live in South Australia.