

## Colonel Light Gardens Residents Association Inc.



Established in 1974.

President: Janet Scott [REDACTED]

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I Love Colonel Light Gardens

<https://www.facebook.com/ColonelLightGardensResidentsAssociation>



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### Who we are

Colonel Light Gardens Residents Association (CLGRA) was founded in 1974 ahead of the handover of management of the suburb from the State Government Garden Suburb Commissioner to Mitcham Council. A large number of residents wanted to protect their suburb against ugly infill that was occurring in suburbs closer to Adelaide City and to protect the amenity for residents as a “Model Garden Suburb” of the Garden City Movement and work of Charles C Reade.

Residents initiated and drove the work to get the suburb State Heritage Listed in 2000. Residents still work to preserve the harmony, beauty and social amenity of the suburb.

Colonel Light Gardens (CLG) originally known as Mitcham Garden Suburb, was designed as a template or prototype suburb from which other suburbs in Adelaide could be designed by copying the principles that under pin CLG.

### Planning code and promises

The DPTI website on the new planning code says that development plans will be replaced by the new planning code. We were promised in the Historic Areas Fact sheet that State Heritage Areas would “transfer directly” into the new system. This has not been the case for State Heritage Areas in particular Colonel Light Gardens. The CLG development plan has been replaced effectively with nothing, no development rules or objectives specific to CLG at all.

The development plan was designed and intended to preserve Colonel Light Gardens as the Model Garden Suburb and best work of Charles Reade in consultation with Heritage Planning Experts like Christine Garnaut who wrote the book on Colonel Light Gardens.

The objectives and development principles intended to preserve the heritage of CLG and the origin and history of Town Planning in Adelaide have vanished under the new planning code.

We were promised repeatedly that the new planning code would be simpler but it is not. The only people that might benefit from a one size fits all planning code are developers

who are planning to build gigantic projects like 10 or more supermarkets or hardware stores or very large apartment developments or new housing estates. And people who can afford to do that can afford to hire planning consultants and lawyers to check the individual (council) area development plans.

The new Planning and Development and Infrastructure 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.

This is particularly true of State Heritage Areas – each has its own unique characteristics. And it's not all about Heritage Architecture. For Colonel Light Gardens, it is about the Garden City Movement and making harmony and beauty and an environment that promotes social interaction between neighbours and community spirit. It is about low density housing and shared open spaces for the enjoyment of residents.

The new code does not respect the plans of Charles C Reade or the layout he designed with dwellings, shops, schools separated, or the low density single storey houses with ample front and back yard space. He stated that back yards are important to human health in his "Revelation of Britain" collection of articles. According to the Mitcham Council (draft) submission on the code, the new code provides for multi storey and infill that would get rid of back yards especially on corner blocks.

Abandoning the development plan that was created as a management plan under the Heritage Places Act, and was designed in conjunction with experts like Christine Garnaut, who wrote "Colonel Light Gardens, A Model Suburb" is damaging the heritage of CLG.

## **Transparency and Fairness**

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.

It is not clear who will be assessing planning applications in State Heritage Areas, whether private certifiers will be allowed to do this or council planners or whether Heritage SA (delegates of the Minister for Heritage) will have to the whole thing – will they be provided the resources to do this? Will the people assessing applications in CLG be required to have an understanding of the Garden City Movement and how it applies to CLG in particular.

It is impossible to match up the Technical and Numerical Variations as presented in the code document with the relevant zone. The planning code document lacks headers that help identify which zone the page belongs to which makes navigation difficult if you arrived by search. The page breaks are not helpful to understanding information for example the map of CLG is on a separate page to the label of what the map is.

The eplanning system did not work at all.

## **Consultation on Development Applications, Appeals and Accountability.**

The new planning system limits appeals to the developer if they happen to be turned down. Nobody other than the developer can appeal a decision.

This leaves the system wide open to perceived corruption - especially in State Heritage Areas like CLG where the rules must be restrictive to preserve the heritage.

Once a development plan is approved - even if it does not meet any of the heritage criteria - the developer is exempt from compliance with the Heritage Places Act.

It is really important in a suburb where residential amenity is the key element of the heritage - that developers are required to build something that meets the plan for preservation of the heritage character. And that the people doing the approval are also accountable.

Ideally - the plans, layout on site and elevations are made available for public viewing so that accountability can happen before the development gets built or an existing building gets demolished.

There needs to be a corresponding system for the areas in the public realm. Considerable damage is being done to the avenues of trees, and the street infrastructure on a daily basis because Mitcham Council does not understand the heritage implications of random tree species and sizes in avenues and infrastructure that is not uniform.

We need an easy process for residents to report plans and work in CLG that are damaging to the heritage. There needs to be a clear and defining document of the rules for checking by anyone. A heritage police perhaps.

## State Heritage Area Overlay

The State Heritage Area Overlay contains mistakes like

Not respecting that everything in a heritage area is heritage listed. This suggests that trees and parks and other design features that are incorporated into the original layout of CLG need to be *individually* heritage listed and that the avenues of trees need to be *individually* heritage listed to be protected and all the parks, street reserves, internal reserves and shared open spaces in CLG need to be "*individually* heritage listed" this is a mistake. It needs to be fixed.

### Landscape Context and Streetscape Amenity

#### PO 5.1

**Individually heritage listed** trees, parks, historic gardens and memorial avenues within the State Heritage Area retained unless:

- (a) trees / plantings are, or have the potential to be, a danger to life or property; or
- (b) trees / plantings are significantly diseased and their life expectancy is short.

The State Heritage Area Overlay is very vague about what measures are appropriate to each State Heritage Area and there are no documents that replace the CLG development plan

It is completely inadequate as a document to guide developers in CLG.

## Development Plan

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”.

For example

*I Development should reinforce and complement the desired character and heritage value of the ‘Area’.*

needs to be written so it is clearer and less easy to avoid the intended result.

*I Development must reinforce, enhance and improve the desired character and heritage value of the ‘Area’.*

It should not be a race to make the most damaging development and the biggest ugliest attention seeking architectural statement which causes disharmony in the suburb, visually and socially.

## Eplanning

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

It is a nice idea but the implementation needs a specialist in major projects to get focus on what it is supposed to do and get it to do something useful.

## Burra Charter and National Heritage Regulations

There needs to be a requirement for a heritage management and conservation document to be prepared for each State Heritage Area. If this document was created and followed it would mean that the management of the State Heritage Area would be independent of the staff. Like a well designed and detailed recipe which does not need the chef that created it to be present to get a reliable result.

Best practice for the creation of such a document in an open and transparent way that includes the community that is concerned with the heritage and the people with the appropriate expertise – is called the “Burra Charter” after a mining town in the north of South Australia.

A copy of the Burra Charter can be found via the Heritage SA website.

<https://www.environment.sa.gov.au/topics/heritage/conserving-our-heritage/burra-charter>

There are similar guidelines for the creation of Management Plans in Chapter 5 of the Environment Protection and Biodiversity Conservation Act 1999 (volume 2), and the related schedules of the Australian Federal Government for management of National Heritage Areas.

This link sets out the requirements for a management plan of a National Heritage Area  
[http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_reg/epabcr2000697/sch5a.html](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_reg/epabcr2000697/sch5a.html)

This link sets out the principles and objectives for managing a National Heritage Area and including the community

[http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_reg/epabcr2000697/sch5b.html](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_reg/epabcr2000697/sch5b.html)

This is a brochure on how to do a management plan for a National Heritage Area

<https://www.environment.gov.au/system/files/pages/c507803c-90b6-456e-9da0-9bdf51b56084/files/working-together-management.pdf>

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

## **New Consultation and Community awareness letters**

We want a new consultation period to commence after the State Heritage Area Statement and Management plan prepared according to the Burra Charter process 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 would appreciate a table to be made available that compares our development rules and assessment process in the old and new planning systems.

At the moment this table looks like some detail on the heritage objectives and 50 planning principles in the old system (about 14 pages) and 5 very vague principles in the new system with no detail relating to the rules in CLG at all (about 4 pages).

It needs to be clear what the process will be for amending the system if it is clearly not working as intended and the Garden suburb heritage is being damaged further.

## **Conclusion**

Residents of Colonel Light Gardens have not had anything in the new code that is relevant to comment on. The missing detail of the development plan severely limits the opportunity for people and council wishing to do any work in CLG – to know how to do so and preserve the heritage.

Submission prepared by Janet Scott, President of the CLGRA, [REDACTED].