



Expert Panel on Planning Reform 'Ideas for Reform': Independent commentary on proposed reform ideas

CENTRE FOR
HOUSING, URBAN AND
REGIONAL PLANNING



THE UNIVERSITY
of ADELAIDE

Gerti Szili, Charmaine Thredgold and Andrew Beer

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Gerti Szili, Charmaine Thredgold and Andrew Beer, The Centre for Housing, Urban and Regional Planning, The University of Adelaide

Introduction

The Centre for Housing, urban and Regional Planning (CHURP) has been engaged by the Local Government Association of South Australia (LGASA) to provide Independent Commentary on the reform proposals put forward by the Expert Panel on Planning Reform. The Expert Panel on Planning Reform’s *Ideas for Reform* report has 27 suggestions on how to create a new, more efficient and citizen-engaged South Australian planning system.

Planning and urban development is an important part of the work and interests of Local Governments and the LGASA will be consulting with Councils throughout August and September 2014. We understand that it will respond to the Panel with a sector-wide position.

Local Government is a key stakeholder in the planning system; but Local Governments acknowledge that Councils are not the only users of the planning system. In developing responses to the Panel’s ideas for reform, the LGASA is keen to keep an open mind about the overall effectiveness of the reform proposals. This report provides an independent commentary on the Expert Panel on Planning Reform’s *Ideas for Reform* report, with a particular focus on governance and decision making structures.

This commentary includes analysis of the Panel’s ideas in terms of how well they satisfy the planning reform objectives endorsed by the LGASA Board. The LGASA Board requirements for a reformed planning system are shown in Appendix 1. This report presents a ‘score card’ on how the LGASA Board objectives are satisfied by the Expert Panel’s reform ideas. The LGASA’s aspirations for reform in planning are entirely commendable – it seeks a system that is more accessible, integrated, accountable and locally-involved. However, the match between LGASA aspirations and the recommendations of the Expert Panel is imperfect because the former focuses on outcomes while the latter addresses process issues. That is, the recommendations of the Expert Panel have the potential to deliver the objectives set out by the LGASA but do not offer certainty.

The report briefly discusses whether the proposed structures will result in a more cost effective use of public resources and includes commentary about how development outcomes might be improved in a tangible way.

The report is also mindful of the fact that the Panel’s report suggests their ideas should not be treated as a series of individual proposals; rather they are a package of integrated reforms. Therefore, there are elements of all proposed reform ideas captured in this assessment. However, our report focusses especially upon, and provides a more detailed commentary about, the combined effectiveness of the following reform ideas:

Reform 1 – Establish a state planning commission

Reform 2 – Create a network of regional planning boards

Reform 5 – Make the role of parliament more meaningful and effective

Reform 6 – Establish a single framework for state directions

Reform 7 – Reshape planning documents on a regional basis

Reform 11 – Make changing plans easy, quick and transparent

Reform 15 – Take the next steps towards independent professional assessment

Reform 23 – Create tools for infrastructure funding and delivery

Reform 26 – Adopt a rigorous performance monitoring approach

Reform 27 – Pursue cultural change and improved practice across the system

Overall we conclude that the proposals put forward in *Ideas for Reform* are commendable and worthy of further debate and consideration for implementation. They reflect current trends in other jurisdictions around Australia, they represent a sea-change in the practice and implementation of land use planning and development control – acknowledging that incremental change is unlikely to deliver real benefits, and they establish a new mechanism for individuals and communities to engage with the planning process. We rate the principles outlined in *Ideas for Reform* very highly – scoring **7.5 out of 10**.

The process of introducing fundamental change into a planning system is never straightforward and should be undertaken as a series of staged conversations. *Ideas for Reform* sets out the principles that should guide the new planning system but inevitably does not address many of the very important practical questions around how reform will be introduced, how some of the new structures – such as regional planning boards – will be created, and how the role of Local Governments in the new system will be organised and enacted. These are important issues that will ultimately determine how accountable the new system will be to local communities, how well planning will reflect the aspirations of broader society and implementation will also be significant in determining the efficiency of planning in South Australia relative to other jurisdictions. Poor implementation has the capacity to undermine even the most promising of ideas and principles, and we note that several of the recommendations put forward by the Panel can only receive qualified support until the practical details and administrative arrangements have been finalised. The issue of cost, and which tier of government pays for which function, are not addressed. This is a major gap.

Background

South Australia's current planning legislation has been in place for more than two decades – since the *2020 Vision Planning Review* in 1992 which resulted in the current *Development Act 1993*. In 2008 the Planning and Development Review Steering Committee focussed on red tape reduction in the planning system and made 50 recommendations to government, but little legislative change. One of the most substantial recommendations of the Review Steering Committee was to focus on strategic planning and developing regional plans for Adelaide and non-metropolitan areas. *The 30-Year Plan for Greater Adelaide* was published in 2010 and was received with mixed views. Controversy around urban growth areas remains. The current reform process addresses both strategic issues – urban renewal and design – as well as improvements to process, integration, participation and efficiencies.

Most Australian state authorities have embarked upon planning reform agendas in response to challenges and local pressures and interests (Goodman et al, 2013). As noted by the Productivity Commission (2011, p xxii) “state and territory planning systems have also been subject to rolling reforms which are often not fully implemented or evaluated before being replaced with further reforms”. However unlike other state governments, South Australia's reform process is not driven by recently elected Liberal/National Party state governments. The Expert Panel on Planning Reform has put forward a number of significant reform ideas and proposals designed to build “an effective, efficient and enabling planning system that will meet the current and future needs of this state and its people” (South Australia's Expert Panel, 2014, p 6). In broad terms the Expert Panel has suggested 27 reforms across 5 key areas: roles, responsibilities and participation; plans and plan-making; development pathways and processes; place-making, urban renewal and infrastructure; and alignment, delivery and culture.

Key issues identified by the LGASA

The LGASA canvassed a wide range of issues reported by Councils based on experiences with the SA planning system. Some of the most common issues include:

- Redefining the relationship between state and Local Government to a genuine partnership;

- Devolving role of Local Government in both policy setting and assessment, and the corresponding difficulty communities have in participating in local decision making;
- The lack of clear and genuine community participation which leaves communities feeling frustrated and lacking trust in the planning system;
- Inefficient process for updating policy and zoning;
- The review of Council Development Assessment Panels is needed;
- Integration between planning documents and other state and Local Government strategies and policies is required;
- Pursuit of economic goals is often seen to outweigh environmental and social objectives, including ‘red tape reduction’ initiatives which often result in a ‘watering down’ of the system; and,
- A clear infrastructure funding and provision model needed (Local Government Association of South Australia 2014b, p 2).

To guide the Expert Panel on Planning Reform in addressing these issues, the LGASA Board provided the Panel with 13 key Planning Reform Objectives (see Appendix 1). These objectives were used as a guide in assessing to what extent the Panel’s Ideas for Reform aligns with the objectives of the LGASA Board. Most assessments are based on the limited detail provided in the *Our Ideas for Reform* report and provide some commentary for the LGASA to consider.

Methodology

The key elements of our method are:

- A desktop review of other planning reform processes in Australia;
- A limited review of the evidence on the effectiveness and cost of SA’s planning system;
- A review of LGASA documents on this topic, including submissions to the review; and,
- A review of some documents produced by individual Councils on this topic.

We have used ‘dashboard’ indicators or scorecards for the 13 objectives specified by the LGASA Board. The indicators range from ‘excellent’ where the planning reform proposal is strongly aligned with the LGASA Board objectives, to ‘poor’ where the planning reform is not aligned with the LGASA Board’s objectives. However, without the detail of how the Expert Panel’s ideas for reform will be implemented, if adopted, in our opinion the Expert Panel’s suggested planning reforms satisfies all of the LGASA Board objectives to some degree.

Indicator legend



Excellent



Very good



Good



Satisfactory



Poor

Table 1: Commentary of how well the planning reform ideas align with LGASA Board objectives

Ideas for Reform Commentary

How well the planning reform ideas align with LGASA Board objectives

Reform 1 - Establish a state planning commission

This Reform, to establish an independent state planning commission formed as a statutory body with membership derived from a network of representative Councils and professionals transferred from existing state departments of planning and other relevant urban agencies has the potential to satisfy the objectives listed by the LGASA Board. Broadly speaking, the objectives will be underpinned by the key benefits suggested for this Reform, including, but not limited to:

- Overcoming the existing fractured process of governance arrangements;
- Fostering an apolitical planning environment
- Legitimizing representation of stakeholders, including community;
- Streamlining and co-ordinating policy with process and evaluation (Gleeson et al, 2012); and,
- Enabling effective decision-making in a more complex world (Forster 2006).

According to Gleeson et al (2010), such a representational governance model shares similarities with the composition and functioning of the Greater Vancouver Regional District (GVRD). The GVRD is a recent international exemplar of successful metropolitan management which has balanced targeted compact and transit oriented development, with a high level of democratic legitimation (Hutton 2011). In Australia, both the Melbourne Metropolitan Board of Works (MMBW) and the Western Australian Planning Commission (WAPC) have been positively evaluated for their contribution for effective planning outcomes. For example, the MMBW achieved relative success in developing metropolitan strategy and a principal development control scheme for Melbourne. Critically, it operated at arm’s length from the government and delegated some planning scheme powers to its constituent municipalities (Gleeson et al, 2012). More recently, the establishment of the WAPC centralised planning power and responsibility for delivering strategic policy directions in Western Australia (Buxton et al, 2012). Thus, the creation of a state planning commission in South Australia would lead to land use planning and land-use implementation strategies that would holistically guide the State’s long-term urban settlement and economic development.



Reform 1 satisfies the following LGASA Board objectives (linkages to other reforms are shown in brackets): A1; A3; I5; I6; A9; A10; A11; L12; L13 (R2; R5; R6; R7; R11; R27).

A key step in meeting the LGASA Board objectives is the formation of a state planning commission to administer statutory documents including the state planning directions (R6). The establishment of an independent statutory body would provide a clear and consistent set of policies and processes, while providing greater clarity for development pathways. Triple bottom line thinking is satisfied through independent membership comprised of delegates with professional expertise (social, economic and environmental), including “an independent chair... and community standing together with senior officials from government agencies” (South Australia’s Expert Panel, 2014, p 32).

This Reform has the potential to create clear, uncomplicated and consistent dialogue between Local and State Government in the development and implementation of policy. Representative membership will enable Local Governments to enhance neighbourhood and locality planning (Gleeson et al, 2010). Its independence will depoliticise the planning process, and potentially increase Local Government involvement. For example, the commission would take leadership in state strategic directions, thus freeing local Councils to pursue localised planning solutions (Gleeson 2006; Gleeson et al, 2012). In terms of satisfying the underlying tenet of cost effectiveness purported by the LGASA Board, this Reform should fulfil the requirement by subsuming existing statutory bodies (South Australia’s Expert Panel, 2014, p 35). However, the overall success of the Reform in meeting the objectives of LGASA is ultimately contingent on funding, as well as the level of leadership and accountability to the Commission’s constituents.

Reform 2 - Create a network of Regional Planning Boards

The Expert Panel has proposed the establishment of regional planning boards as a mechanism for providing greater strategic engagement at the sub-state level, while also maintaining greater coherence in the delivery of state planning commission (Reform 1) enunciated objectives.

The move to establish regional planning boards can be welcomed on a number of levels:

- current arrangements struggle to maintain strategic planning documents that keep pace with change, especially change outside metropolitan Adelaide;
- greater local or regional input into the formulation of local and regional strategies (Reform 7) is to be welcomed; and,
- there may be efficiencies generated for smaller Councils outside metropolitan Adelaide in having a regional focus to planning and development processes.

There are a number of open questions about the proposal to establish Regional Planning Boards and these will need to be resolved in the near future:

- What is the forecast cost of the Regional Planning Boards and where will the resources be found to meet these potential additional charges?
- How will the members of the regional planning boards be appointed, and what is the scope for Local Government involvement?
- What will be the balance of responsibilities between Local Governments and regional planning boards?
- Will the establishment of regional planning boards and devolving powers from North Terrace lead to the relocation of staff to regions?
- What measures will be put in place to ensure non-metropolitan Regional Planning Boards are adequately resourced?



Reform 2 satisfies the following LGASA Board objectives (linkages to other reforms are shown in brackets): I5; I6; I7; A10.

Local Governments should have a higher level of engagement with the regional planning boards than they currently enjoy with DPAC and DAC. Several Thinkers in Residence and the Local Excellence Expert Panel have identified the potential of regionalising metropolitan Adelaide. The 2008 Planning and Development Review Steering Committee also sought to establish regional planning authorities. There is scope for regional planning boards to be a vehicle for the establishment of a genuine partnership between Local Governments and the State Government in planning and development. This opportunity should not be ignored by either tier of government.

Membership of the regional planning committees in Western Australia includes both state and Local Government representatives along with a community member and specialists appointed by the WAPC, for example business, regional development and/or Aboriginal interests.

There is some concern that the establishment of regional planning boards will reduce the scope and actuality of community engagement with planning issues. This could further erode trust in the planning system. The proposed charter of citizen participation with respect to planning also does not guarantee genuine consultation and engagement with the community by regional planning boards. Indeed, such Boards could pass on such responsibilities to Local Governments who have also been disempowered from direct control of planning outcomes.

Reform 5 - Make the role of parliament more meaningful and effective

This Reform makes a case that parliamentary scrutiny around strategic plans and state-wide planning policy instruments be reframed (Reform 1; Reform 6) (South Australia's Expert Panel, 2014, p 46). Under this Reform, parliamentary scrutiny should move from examining individual rezoning changes to a more focussed role as a pre-eminent governance institution (Gleeson et al, 2010). That is, parliamentary oversight would best function when focussed on "regional and state-wide issues" (South Australia's Expert Panel, 2014, p 47; see also Buxton et al 2012; Gleeson et al, 2010). Thus, parliament would perform the executive role of overseeing long-term strategic visions with a focus on:



Reform 5 satisfies to the following LGASA Board objectives (linkages to other reforms are shown in brackets): A1; A3; A4; I5; I6; A10; A11; L13 (R2; R5; R6; R7; R11; R27).

The LGASA Board recognise that currently, the Minister's powers are "too broad, with insufficient transparency and accountability measures" (Local Government

<ul style="list-style-type: none"> • state planning policies; • strategic planning; and, • system-wide zoning rules (Reform 27). <p>It is proposed that this realignment would bring the “right level of scrutiny to these system-wide and direction-setting documents” (South Australia’s Expert Panel, 2014, p 47).</p> <p>The establishment of a state planning commission (Reform 1) could also assist in making the role of parliament more meaningful and effective by facilitating a long-term strategic vision and reducing the likelihood of planning decisions beholden to the short-term political cycle.</p> <p>Parliamentary engagement on the development of key strategic documents should also come earlier, rather than being left at the end of the process or once a scheme has come into operation (Parnell 2013; (South Australia’s Expert Panel, 2014). It is purported that this will improve the efficacy of engagement with state elected representatives overall (Reform 1; Reform 2; Reform 11, Reform 27).</p>	<p>Association of South Australia, 2014a, p 5). Particular issues to arise include:</p> <ul style="list-style-type: none"> • an absence of criteria for the declaration of Major Projects; • liberal use of interim development plan controls; and, • partial access to investigations underpinning Ministerial DPAs. <p>To mitigate these issues, the LGASA supports greater parliamentary oversight of state planning codes and regional planning schemes (R7) and more independence in Local Government's decision-making (Local Government Association of South Australia, 2014a, p 5).</p> <p>Rather than the current fractured and disparate assembly of vested interests (Local Government Association of South Australia, 2014a, p 4), R5 realigns the role of parliament to the strategic advisory role to enable better policy design. However, the overall success of this Reform in meeting the LGASA Board objectives (particularly I6, L12, L13) is dependent first on the implementation of broader structural changes such as those proposed by Reforms 1, 2 and 6 (Gleeson et al, 2010; 2012).</p>
<p>Reform 6 - Establish a single framework for state directions</p> <p>The state planning commission (Reform 1) would oversee a suite of statutory documents including the ‘state planning directions’, which would replace the objectives in the current SA Planning Strategy. The state planning directions would become a single point-of-reference for other State Government strategic plans or policies, and provide guidance to regional planning boards (Reform 2) in developing strategic plans. High-level targets and policies would be included in the state planning directions which could be supported by guidelines.</p> <p>Local Governments would implement the state planning directions through local and regional planning documents (regional strategies, development plans and structure plans) and would be able to initiate local changes to the regional planning scheme (Reform 7).</p> <p>While the state planning commission would retain oversight of the state planning directions, Local Governments would retain the ability to initiate local amendments and the direction of the regional planning scheme.</p>	<div data-bbox="1601 694 1803 805" data-label="Image"> </div> <p>Reform 6 satisfies the following LGASA Board objectives (linkages to other reforms are shown in brackets): A1; A2 (R3); A4; I5; I6; I7; A8 (R6 + R23).</p> <p>Reform ideas provide clear roles in decision making which should result in consistent policies and integration between planning documents and other State and Local Government strategies and policies. The state planning directions should replace layers of documents. Integration and updating needs to be seamless, for example through an e-planning solution (R25). The Productivity Commission’s benchmarking of planning systems in Australia highlighted the need to not only improve governance, transparency, accountability and efficiency in the planning system; but that an essential ingredient to resolve conflicting objectives must be the creation of city spatial strategic plans (Productivity Commission, 2011 p xii). Elected officials will concentrate on high level strategy and policy rather than focus on administrative tasks (R15), but it is unclear how Councils will be involved in setting state planning directions.</p>

Reform 7 - Reshape planning documents on a regional basis

Regional planning schemes, comprising two volumes (regional planning strategy and development plan), will be developed and maintained by regional planning boards (Reform 2), with oversight and direction through the state planning commission (Reform 1). The schemes will be supported by a rolling implementation plan linked to government budget processes. Over time further volumes covering infrastructure and environmental issues could be included in the scheme.

Structure plans will be used to deal with sub-regional and cross-regional issues.

Councils retain the ability to initiate local changes.

The Minister can also amend regional planning schemes (if there is a pressing need), and will sign-off on the schemes to ensure alignment with state policies and funding, under parliamentary scrutiny (Reform 5).

Changes can also include consequential changes from planning strategy to the development plan.

Legislation should be rationalised to allow regional planning strategies to incorporate all aspects of urban development (Reform 24).

The reshaping of planning documents on a regional basis is a logical – and perhaps necessary – outcome of the proposal to establish regional planning boards (Reform 2). We note that regional plans are already prepared at a strategic level, although maintaining their currency appears to be an issue.

The development of regional plans would need to be adequately resourced by the State Government and Local Governments would experience additional costs as they adjusted their documentation and plans to the new regional priorities. In the long term, however, this approach should generate benefits for Local Governments and communities.

The formation and implementation of regional plans could be an avenue for the removal of other state-government documentation and, potentially, other government regulation of the development process.



Reform 7 satisfies the following LGASA Board objectives (linkages to other reforms are shown in brackets): A1; I5; I6; A10.

We note that the development of regional plans could be an important vehicle for the integration of planning documents with other state – and indeed Federal – government documents. Ideally the regional plans would be granted some priority within State Government administrative arrangements. Local Governments could notice significant efficiencies in the removal of overlap and duplication in public-sector documentation and agenda setting.

The regional planning schemes should provide access to rules and regulations in a consistent and clear format rather than the current 72 separate development plans across South Australian Councils. As mentioned above, the integration and updating of regional planning schemes needs to be seamless, and undertaken through an e-planning solution (R25). This would make the process of updating schemes more timely.

Local communities would need to be actively engaged in the process of establishing the new regional plans. The Expert Panel notes that there will be ‘strong’ consultation with Councils and communities in the preparation of the draft regional planning strategy (South Australia’s Expert Panel, 2014, p 57). Local Governments will need to ensure there is true engagement with their communities (R3) from the beginning of the planning process to ensure development is informed by community opinions and preferences. Community engagement should not be limited to consultation on a draft strategic plan. This should achieve better community buy-in for plans and their amendments (Productivity Commission 2010, p xlv), and subsequent development as it occurs.

Local Councils should have more influence over strategic planning regionally (including translating state targets on the ground locally) and therefore, their communities should be provided with opportunities to have a substantial voice in translating strategy into local policies for their neighbourhoods.

Reform 11 - Make changing plans easy, quick and transparent

The Expert Panel believes a one page initiation document for a rezoning program will simplify and speed the rezoning process. Under this reform rezoning could be undertaken by: government agencies; infrastructure providers; land-owners; Councils; regional planning boards and the Minister.

The rezoning initiator will prepare an engagement plan (consistent with charter of citizen participation (Reform 3)) as well as the development plan amendment.

Clear timeframes on all levels of government (Reform 26) at each stage of the rezoning process.

Interim operation will focus on preventing adverse outcomes – precluding rather than enabling development.

Regional planning boards (Reform 2) will be the decision-maker for Council rezoning proposals. The state planning commission (Reform 1) will approve rezoning proposals initiated by regional planning boards. The Minister will retain a call-in power, but this should be limited due to the state planning code (Reform 8).



Reform 11 satisfies the following LGASA Board objectives (linkages to other reforms are shown in brackets): A1; A2; I5; I6; A8; A9; A10; A11 (R26).

A consistent process for updating policy and zoning through e-planning (R8) would enable the simultaneous updating of policy in all development plans, as required. This streamlining would provide efficiencies. With regard to objectives LI12 and LI13, the responsibility for initiating rezoning and updating development plans would transfer to a wider audience. But the state planning code (R8) should provide clear and consistent rules for initiators and decision-makers, thus minimising delays.

Note the sharing of authorisation is not specified by the Expert Panel but it is noted as being between the state planning commission and regional planning boards for other initiators (South Australia's Expert Panel, 2014, p 71).

Reform 15 - Take the next steps towards independent professional assessment

The Expert Panel proposes that the planning system in South Australia moves towards the independent professional assessment of development proposals. It notes that there are precedents in both other spheres of government activity, as well as in closely related domains, such as building control. This issue is made more complex by the Expert Panel's enunciated ambition to move away from prescriptive planning guidelines, to more flexible approaches, including 'form based' assessments.

We note that the move to professional assessment may have benefits for the economy as a whole – through faster response times – and could generate cost-savings to control authorities including Local Governments. However, more detail is needed before such initiatives could be embraced by either the building and development sector or by Local Governments. There is an open question about how this proposal relates to other regulatory environments, including those state-based institutions to whom development proposals need to be referred. Ideally, any independent professional assessment would encompass these policy domains also.



Reform 15 satisfies the following LGASA Board objectives (linkages to other reforms are shown in brackets): A3; A9.

Moving to independent professional assessment of planning and/or development proposals is a worthwhile initiative. However, implementation needs to be mindful of two factors:

- The need to include State Government agencies that sit alongside the formal planning system in the move to professional accreditation; and,
- The need to ensure public accountability and engagement with planning outcomes. Professional assessment and accreditation of proposals should not be an avenue for reduced community engagement. It is important that communities retain their capacity to influence the nature of the places and regions in which they live.

Reform 23 - Create tools for infrastructure funding and delivery

This Reform will develop a framework to govern the planning, integration, funding and delivery of infrastructure, to specify design standards and to align planning and urban design outcomes (Reform 9).

The Expert Panel recommends a review of infrastructure legislation for public realm management (Reform 21) and a consolidation of environmental and infrastructure legislation (Reform 24) which would integrate the approach to planning and delivery of infrastructure.

Included within the legislation would be mechanisms to identify infrastructure needs and triggers as part of regional planning schemes (Reform 7) and a link to infrastructure provision to State and Local Government budget processes. Government oversight and coordination would be required, and levies / bonds would be linked to the infrastructure required.

Infrastructure financing and funding (Reform 22) should be dealt with separately and include consideration of levies (including improvement levies (Reform 20)) and bonds. There should be standard and clear criteria for statutory augmentation charges, and design standards should be specified for necessary infrastructure.



Reform 23 satisfies the following LGASA Board objectives (linkages to other reforms are shown in brackets): A1; I5; A8; A9.

Clear process for augmentation charges will save negotiation times, and levies/bonds and improvement districts will ensure infrastructure is funded. Local Governments need to ensure 'infrastructure funding and delivery' includes on-going maintenance and management of infrastructure assets – if they are the responsible authority. Clear criteria are needed for differential costs in locations to prevent perverse cross subsidies, and to ensure "public and private investment is shared to ensure equality of opportunity" (Gleeson 2006, p 177). Further evidence is needed into responsible body for oversight and coordination of infrastructure – the government (as suggested by the Expert Panel) or the state planning commission or a co-ordinator general (R17) or infrastructure authority? Local Governments will require further detail on how funding would be redistributed if the reform proposal is adopted.

Reform 26 - Adopt a rigorous performance monitoring approach

The Expert Panel proposes the development of a performance monitoring framework for the planning system. It suggests that this framework should incorporate both qualitative and quantitative performance measures, as it does not seek to reduce the planning process to a simple set of numbers. The performance monitoring approach has a secondary objective of reinforcing the intention of embedding quality design (Reform 9) into the planning framework.

We note that the New South Wales Government publishes data for each Local Government on the time taken for development approvals. Such data could be seen to take an overly reductionist perspective to planning, but on balance, such information must be considered useful for both governments and the broader public. The overwhelming majority of Local Governments across South Australia embrace performance monitoring in their current activities and welcome the introduction of the development of appropriate and well-conceived indicators.

A number of issues stand out from the proposed performance monitoring approach:

- At what scale will the assessment be undertaken? Given the overall thrust of the Expert Panel's proposals we would suggest that regional-scale assessment of performance would be most appropriate, however, there would also be scope to assess state-wide performance and



Reform 26 satisfies to the following LGASA Board objectives (linkages to other reforms are shown in brackets): A8; A11.

Reform 26 does not relate directly to any of the key priorities identified by the LGASA Board and its constituents. Ideally, the performance monitoring would address these challenges, especially given that Local Governments – and the communities they represent – are an important constituency for planning reform efforts. However, the positive ranking awarded this measure is an acknowledgement that it is an important initiative and one that should be welcomed by Local Governments across the state and the community generally. We endorse the idea that effective governments are open, transparent and accountable, and the publication of this data adds to the perception and reality of a more responsive system of public administration and planning.

We rate this initiative as very good, and simply hold back on a higher rating due

<p>achievement at the scale of individual Local Governments.</p> <ul style="list-style-type: none"> • Performance monitoring would need to include state government agencies, especially those with referral powers. • Performance monitoring would also need to encompass the use of call-in powers by the Minister. • Regular updates will need to be undertaken, potentially on an annual or bi-annual basis. This may carry a substantial cost, and this is an issue not addressed by the Expert Panel. 	<p>to the need for more detail on some of the questions we have identified.</p>
<p>Reform 27 - Pursue cultural change and improved practice across the system</p> <p>The Expert Panel have recognised that the establishment of a state planning commission (Reform 1) would play an integral role in facilitating cultural change and improved practice across the planning system (South Australia’s Expert Panel, 2014, p 132). It is proposed that the commission would appoint a ‘coordinator of planning excellence’ to facilitate this work. The formation and delivery of a ‘code of planning excellence’ would be initiated as part of this Reform whereby a charter for customer service is formed.</p> <p>As outlined in Reform 1, the commission would work closely with Local Government, the public service, professional organisations and the education sector to pursue planning excellence. Other noted responsibilities of the commission include:</p> <ul style="list-style-type: none"> • responsibility to issue practice notes and guidelines to provide direction across the whole system; • powers to enable measures for professional accreditation and training; and, • a complaints-handling process should be established within the statutory framework under the state planning commission and supported by administratively. <p>The final point is particularly pertinent as it will enable the planning commission to respond to complaints in an apolitical environment (South Australia’s Expert Panel, 2013).</p>	<div data-bbox="1601 331 1803 443" data-label="Image"> </div> <p>Reform 27 satisfies the following LGASA Board objectives (linkages to other reforms are shown in brackets): A2; I6; I7; A11 (R1).</p> <p>The key to improving practice and instilling cultural change closely links this proposal to R1. The coordination of responsibility and power for effective and consistent resolution of issues as they arise through a state planning commission could precipitate the broad changes required by the LGASA Board. For example, <i>Integration</i> and the promotion of excellence underpinned by decision-makers who possess high levels of planning competency would be a notable outcome of this Reform (see also R1). <i>Accountability</i> and a “customer-focussed culture” (South Australia’s Expert Panel, 2013, p 105) would also be fostered through an apolitical complaints handling process and possible linkages to e-planning technologies. However, the level of success in meeting the LGASA Board objectives overall is contingent on the availability of resources. It is also essential that the rules and power are commensurate with the responsibilities of a state planning commission (R1).</p>

Other Issues

The charter of citizen participation (Reform 3) should enable community engagement throughout the planning process and therefore make progress towards providing certainty (Reforms 12-19). Leading engagement practices at the plan-making stage (Reform 7) as well as convening mediation conferences (Reform 14) can be costly. Incentives for Councils’ to take a proactive approach to community engagement will be important for Local Governments (South Australia’s Expert Panel, 2014, p 41). It remains unclear in many of the reforms what level of citizen participation will be undertaken and how community views will be regarded. We note the Expert Panel’s comment that communities need to recognise “the limits to engagement and its influence on decision-making” (South Australia’s Expert Panel, 2014, p 43). As the Productivity Commission (2011 p xxxviii) advises, “good practice requires significant engagement through all stages”. A civic conversation and debate is required early in the planning process and must be accompanied by access to the entire evidence base underpinning the state planning directions (Reform 6). Other than informing residents

about a development, it is unclear what purpose the notices about development to be attached to properties (Reform 14) will have. It remains an information exercise and not an opportunity for citizens to provide feedback on the proposed development – unless it is intended as an early notification with some opportunity to influence development proposals.

We noted that the Expert Panel does not provide any guidance on how these reforms will be funded. The regional planning boards (Reform 2) are likely to represent an additional set of public sector outlays, and Local Governments across South Australia are not in a position to fund these new agencies. There would be considerable merit in the development of some estimates of the cost savings potentially available to Local Governments as a result of the introduction of this new planning system, and modelling of the potential impacts on the South Australian economy overall. The Expert Panel noted that land use planning is fundamental to economic growth and is a fundamental driver of competitiveness, but has failed to quantify the level and distribution of these benefits.

While a smooth development assessment is in everyone's interest, Local Governments will need to ensure the costs and benefits of the reformed system are workable and do not result in cost shifting. We note, for example, that under the proposals some mediation conferences would occur within Local Governments rather than take place within the jurisdiction of the Environment, Resources and Development Court. Such mediation events can be expensive and Local Government is not in a position to support these additional costs.

Conclusion and recommendations

There can be no doubt that the South Australian Planning System is overdue for review and potential reform. The recommendations of the Expert Panel on Planning Review (2014) are to be commended for being thorough, wide-ranging and responsive to a range of community and industry concerns. They provide an excellent starting point for a wider community dialogue around these issues. We acknowledge also that many of their recommendations have been suggested previously by others, including Thinkers in Residence, which suggests that the case for change is strong, if not overwhelming. Local Governments across South Australia should welcome the outcomes of the 2014 Review and acknowledge these recommendations as an opportunity to start a dialogue with both the State Government and the broader community. It is important that the eventual outcomes of the Review are both fair to the Local Governments with respect to the costs arising from change, and reflective of the aspirations of all South Australians.

It is important to acknowledge that the recommendations of the Expert Panel are **likely** to fundamentally reshape the relationship between Local Governments and the planning process. While the detail remains uncertain, it is probable that under these proposals Local Government will move from direct participation in planning at the local level to a more indirect role. Moreover, this role is likely to focus on engaging with their communities and ensuring that their voice is heard, rather than implementation and control.

The recommendations of the Expert Panel will have the greatest benefits for all South Australians if they are implemented in a way that maximises the scope for community engagement, while also delivering greater efficiencies in public administration. There is the potential for these recommendations to deliver better outcomes for all South Australians through the removal of un-necessary and time consuming regulation and the stripping away of duplication in government agencies. If the reforms are accepted Councils will work with regional planning boards (Councils will also have membership on the boards) to:

- Coordinate regional planning functions;
- Deliver government policy directions;

- Develop engagement plans consistent with charter for planning processes eg Sol or DPA;
- Implement state planning directions through local and regional planning documents;
- Initiate local changes to regional planning scheme;
- Propose precinct area to state planning commission or through regional planning board;
- Convene mediation conferences; and,
- Provide recommendations on development proposals to the regional assessment panel.

In South Australia’s case, new legislation is required urgently to manage an increasingly complex urban system undergoing change and renewal, while needing to remain adaptable and become resilient. The leading idea for reform from the Expert Panel is that of establishing a state planning commission in an attempt to depoliticise planning decisions, and to regionalise planning strategy, policy and decision-making. Other Australian jurisdictions have questioned the role of the minister in, on one hand, day-to-day planning decision-making and, on the other, Ministerial involvement in state wide strategic direction setting. One notable example is Victoria’s Ministerial Advisory Committee’s support for minimising “the politics and politicking between inter-governance” (Goodman, 2013). On balance it would seem the Expert Panel on Planning Reform has listened to people and endeavoured to hear and respond as best as it can. It has acknowledged the many competing interests inherent in contemporary urban and regional planning. Should the ideas for reforms be accepted, it is expected they will not only cut red tape to stimulate development investment, but will develop and provide the process required for implementation of the vision of the people of South Australia. However, it should be remembered – the devil is in the detail ...

We understand the Expert Panel on Planning Reform is looking to Local Governments and the LGASA to implement change, and its wide ranging selection of ideas for planning reform provides an opportunity not to be missed to make detailed recommendations to the Panel. To assist the LGASA’s response we suggest the following:

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| Recommendation 1 | The LGASA should have input into the appointment of state planning commissioners. |
| Recommendation 2 | Local Governments should have equal representation on the regional planning boards, and ensure Council contributions to the regional planning boards leads to overall cost savings. |
| Recommendation 3 | The LGASA should ensure the State Government enters into genuine dialogue about resourcing the regional planning boards. |
| Recommendation 4 | Local Governments should provide input into the development of the charter of citizen participation. |
| Recommendation 5 | The State Government should work with Local Government on the move to independent professional assessment of uncontested development. |
| Recommendation 6 | The LGASA should support the proposal to develop new mechanisms for infrastructure identification, funding and delivery. It should also ensure Local Governments are part of the negotiation and coordination of equitably funded infrastructure |
| Recommendation 7 | The LGASA should ensure the performance monitoring and evaluation criteria for the SA planning system, including regional planning boards, are identified early. |

Appendix 1: LGA Board objectives

Accessible

- A1 Policies and processes are clear and consistent, resulting in equity, fairness and certainty.
- A2 Opportunities for public participation in the planning system are clear, with an emphasis on influencing outcomes at the strategic planning and policy development stages.
- A3 The pathways to development are clear and uncomplicated, with the level of assessment required matched to the level of risk of impact associated with a development.
- A4 The appeal and review process is timely and cost effective, and compliance and procedural matters are principally resolved through a non-judicial process.

Integrated

- I5 Planning policies and processes are underpinned by triple bottom line thinking, which balances the State's economic, environmental and social interests.
- I6 Local Government works with the State Government to develop and implement an overarching planning strategy and to ensure that all major state and local policy documents are consistent with the strategy and with each other.
- I7 The system promotes excellence in urban and built form which improves the health and wellbeing of communities. This is underpinned by decision makers having a high level of planning and design competency.

Accountable

- A8 Decision making at all stages of planning is transparent and decision makers are held accountable for their performance by introducing fair and reasonable performance measures.
- A9 The development assessment process is robust, but is more efficient through the removal of red tape.
- A10 Planning policy can be updated quickly and efficiently, with amendments that are not seriously at variance with the Planning Strategy taking no more than 6 months to be finalised from the date of lodgement.
- A11 There is accountability in the planning policy amendment process through the introduction of performance measures and transparency through the introduction of an online 'tracking' system.

Local Involvement

- L112 Local Government has primary responsibility for developing and updating the local elements of planning policy and the assessment of local impacts of all development proposals.
- L113 Elected Members have a high level of engagement and influence in the development of local planning policy, which is used to make objective decisions about development outcomes.

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**Centre for Housing, Urban and
Regional Planning (CHURP)**

The University of Adelaide

North Terrace

Adelaide SA 5005

Email: churp@adelaide.edu.au

Phone: +61 (8) 8313 3304

Web: www.adelaide.edu.au/churp