Metropolitan Planning Reform Consultation

Workshop Summary

Prepared for   Local Government Association SA

Consultant Project Manager   Victoria Haupt, Associate
Suite 12/154 Fullarton Road
(cnr Alexandra Ave)
Rose Park, SA 5067
Tel: (08) 8333 7999
Email: victoria@urps.com.au
Website: www.urps.com.au

URPS

Contents

\\sbs\data\Synergy\Projects\2014\2014-0175 Metropolitan Planning Reform Consultation\Consultation\C008_V2_140910 Workshop

Summary.docx

1.0 Background

URPS was engaged by the Local Government Association South Australia (the LGA) to plan and facilitate two workshops with members of the Metropolitan Local Government Group (MLGG) in relation to the Expert Panel on Planning Reform's second report *Our Ideas for Reform*.

Members of the MLGG were invited to attend one of the following two workshops:

- Monday 18 August, 5.30pm to 7.30pm at the City of Marion; or

- Thursday 21 August, 5.30pm to 7.30pm at the City of Campbelltown.

The purpose of the workshops was to gather feedback to assist the LGA to form a submission to the Expert Panel's report, and also to engage MLGG members in a constructive discussion of the reform ideas that could support individual Councils in preparation of their own submissions.

This Workshop Summary documents the format and outcomes of the two workshops, and is intended to provide a resource for the LGA and Councils in their continuing engagement with the Planning Reform process.

A total of 62 participants attended the two workshops. Participants included a mix of staff, Elected Members and Development Assessment Panel members of the following Councils:

- Adelaide City Council
- Adelaide Hills Council
- Campbelltown City Council
- City of Burnside
- City of Charles Sturt
- City of Marion
- City of Mitcham
- City of Onkaparinga
- City of Playford
- City of Port Adelaide Enfield

- City of Prospect
- City of Salisbury
- City of Tea Tree Gully
- City of West Torrens
- Corporation of the Town of Walkerville
- District Council of Coober Pedy
- District Council of Mallala
- Light Regional Council
- The Barossa Council

2.0   Workshop method

The workshops required a format that could communicate key aspects of the 27 reforms set out in *Our Ideas for Reform*, and generate constructive reflection, discussion and feedback on reform ideas.

To achieve this, the workshop plan drew upon the Expert Panel's 5 areas of reform and key questions for feedback set out in their report:

Expert Panel's Areas for Reform	Expert Panel's key questions for feedback
Roles, responsibilities and participation **Plans and plan making;** **Development assessment pathways and processes** **Urban renewal, place-making and infrastructure** **Alignment, culture and delivery;**	• Which ideas are most workable and suitable? • How can specific ideas be improved or modified? • What costs, benefits or other implications should the panel consider? • What other reform ideas should be considered?

At each workshop, following introductory comments by a member of the Expert Panel, the following workshop activities were delivered for each of the 5 areas of reform:

Purpose	Activity
Information provision	• Facilitator presents an overview of key reform ideas under the topic area to the whole group
Testing reform ideas	• Participants use post its to respond individually to the following questions in relation to the topic area which are printed on posters up around the room: o Which reforms are suitable/workable? o How should specific reform ideas be improved or modified? o What are the costs, benefits and implications of reform ideas? o What other reform ideas should be considered? • As participants are completing and placing their post its, small group discussion occurs and participants can see others' feedback. Facilitators are group post-its thematically and identify points of agreement and potential tensions or conflicts in preparation for the next part of the activity
Exploring reform ideas and feedback	• Facilitator uses post it feedback and groupings/tensions as a basis for facilitated discussion with the whole group

3.0   Feedback on reform ideas

3.1.   Roles, responsibilities and participation

Reforms considered in the workshops
Reform 1:   Establish a State Planning Commission
Reform 2:   Create a network of Regional Planning Boards
Reform 3:   Enact a charter of citizen participation
Reform 4:   Allow for independent planning inquiries
Reform 5:   Make the role of parliament more meaningful and effective

3.1.1.   Reform 1: State Planning Commission

Workshop participants generally expressed qualified support for the State Planning Commission. Positive aspects of the reform were identified as:

- Reduced Ministerial powers;

- The opportunity to streamline and reduce bottlenecks in the Planning Department;

- A body having overall ownership of the planning system; and

- A body to unify the divergence in State agency views on planning matters.

Several participants were dubious as to whether the Minister and Department would be willing to delegate powers, and sought to clarify how the commission would be appointed and how its independence from the State Government would be achieved:

> *"If the commission is state funded and membership is largely representative of State Government agencies, is there a transparency/responsibility shift? Would this realistically change public perception?"*

There was also a question as to whether the commission would be more or less independent than the Development Assessment Commission (DAC) or Development Policy Advisory Committee (DPAC), given membership of those bodies is independent experts but the State Commission would include state agency representatives.

Clarity of purpose of the Commission was considered important to avoid "potential for another bureaucratic layer". It was also noted that the Commission should comprise "the right people, especially infrastructure expertise".

Overall participants expressed a preference for the commission to be genuinely independent, appropriately resourced, to have real powers and a clearly defined role, and that existing issues with coordination and "silos" within State Government be addressed for the commission to be effective.

It was suggested by participants that the Commission:

- Could play a role in mediating development assessment disputes to avoid a court process;

- Should play a role in infrastructure coordination and influence State priorities;

- Should report to parliament not the Minister for Planning;

- Should make all its advice public: and

- Should be required to show how input received in consultation has been addressed in decision making.

3.1.2. Reform 2: Regional Planning Boards

The concept of Regional Planning Boards generated a large volume of feedback from workshop participants. Views were mixed, including strong support, qualified support and opposition to the reform.

Comments in support included:

"Regional Boards are a good idea – particularly with regard to setting local/regional policy".

"Powers of regional boards to set strategy and approve DPAs is excellent."

"Agree – local development planning taken away from Minister. Better regional understanding of regional issues."

"Regional boards presents an opportunity for a holistic approach/strategy to a region. This is ideal and encourages a collaborative approach."

"In its essence working across boundaries is a good idea."

Some participants expressed concern that Regional Boards would be an additional layer of government and "red tape" that "takes resources from local government".

While the question was posed "Is the state big enough to justify regional boards? Especially Adelaide", many participants expressed concern in relation to how Local Government would be represented on a regional basis, fearing that a regional model "doesn't provide an avenue for understanding local needs and concerns" or "will remove or dilute capacity for Local Government input in policy and strategy".

Many comments related to the membership of the Boards, and what role Council Elected members would have:

"What does 'representation' on regional boards mean?"

"Will membership be representative of Councils or bring professional expertise?"

"Regional boards need to be instruments/agencies of regional collaboration between Councils – they should be constitutionally subordinate to Councils in the same way that COAG is subordinate to the sovereignty of the State's Regional Boards must be composed of Council representatives."

"Elected members need to be 50% of total and chosen by their Councils."

"Regional planning boards need local representation from member councils. Local knowledge is their expertise."

"Regional Boards will only be valued if they include Local Government Elected Members".

"All the region's Councils should be represented."

"Board members should be appointed by Local Government and supported by government agency staff."

"Councils need to work across boundaries. Regional Boards are a great way to enable this to occur. Council elected members need to be appointed to these boards as well as independent members."

The geographic aspects of Regional Boards also generated significant feedback:

"The geographic size of 'regions' will be logistically difficult – travel for Development Assessment Panel (DAP) members and representors; site visits; local knowledge; different circumstances need different skills (hills, rural, city, sea)".

"Boundaries of 3 metro regions needs to have logical boundary e.g. does Tea Tree Gully fit with central or north - has transport and industry links with both Campbelltown and Salisbury."

"Why are you not following the state's uniform regions? This gives 4 in the greater metro area."

"Which boundaries will be used for the regions? LGA? Health? SAPOL?"

"Metro Adelaide should be based on NRM Region. Recent adopted NRM plan has established 7 sub regions."

"Regional Planning Boards – give consideration to aligning with regional NRM Board boundaries, i.e. 8 planning regions."

"Be sure not to focus on 'boundaries' better to promote concept rather than lines on a map."

Other concerns relating to Regional Boards were:

- The cost and who would be responsible for funding and staffing of the Boards' functions (Local Government, ratepayers);

- Who bears liability for the Regional Board's decisions, and who the Boards are answerable to;

- How negotiation and coordination with State Government strategy would occur;

- Implementation, communication, and how cross regional issues would be managed;

- How the Boards would link with other regional bodies (environment, health, economic);

- How local, area specific identity, character and community aspirations can be recognised at regional level – "*planning should not be one size fits all*"; and

- Whether statutory powers would realistically be delegated to Regional Boards.

Suggestions raised in discussion of Regional Boards included:

"Use existing resources to fund working together regionally."

"Undertake a review and tidy up of administrative boundaries that is broader than planning system."

"Change the name as the terminology of "board" as better suited to business."

"Prefer amalgamation to regionalisation."

3.1.3. Reform 3: Charter of Citizen Participation

Workshop participants showed general support for the reform idea of a charter of citizen participation. Comments included the following: "*Charter of citizen participation excellent idea*" and "*Strongly support: Enact a charter of citizen participation – at the strategic/policy setting level*".

Participants however raised a number of questions and concerns as to how the charter would be implemented including:

- Who will "*control*" the charter and ensure standards are being adhered to amongst varying Council approaches;

- Who will evaluate its effectiveness;

- How implementation will be resourced;

- Whether the State Planning Commission would have the capacity to develop the "*myriad of processes*" the charter would require;

- How broad citizen participation would be achieved – "*not just the same voices*";

- How local residents and community members would "*have a say in planning decisions*";

- What the role of Elected Members "*who represent citizens*" would be.

Some participants expressed concern at the prospect of less citizen participation in "*minor*" matters, fearing this may result in more legal disputes.

It was also noted that community engagement adds time as well as demand for resources to planning processes.

Participants expressed that to be effective a charter should:

- Be meaningful and encourage genuine engagement between developers, regulators and citizens – "*Need to ensure that engagement is genuine and not a matter of just 'ticking a box'*";

- Involve citizens in the early stages of design, master planning, policy or strategy development;

- Adopt minimum standards for consultation;

- Ensure citizen participation is commensurate with the complexity of a development/issue; and

- Be adopted at regional level as consultation should occur regionally or locally.

One participant noted:

> "*Citizen participation will only work if there is an ongoing dialogue with the community about 'planning' challenges facing us. We need an educated community/engaged community on planning issues.*"

3.1.4. Reform 4: Independent inquiries

There was broad support amongst workshop participants for the concept of independent planning inquiries. Questions about this reform posed by participants related to who chairs the inquiries ("*who decides who is independent?*"), and to what aspects of the planning system independent inquiries would apply.

The need for a clear process to identify when an inquiry is required was identified, with one participant noting that in Victoria and Tasmania "*[independent panels] are required if opposing, submissions received to a DPA which can't be resolved by 'negotiation' at local level*".

3.1.5. Reform 5: Role of parliament

Few comments were recorded in relation to suggested changes to the role of parliament. One participant had the view that parliamentary scrutiny of Development Plan Amendments (DPAs) is necessary, and that while the

Environment, Resources and Development Committee has never disallowed a DPA *" it has needed to exert that threat to end up with decent DPA outcomes"* .

It was noted that while parliamentary involvement at a strategic level is a good idea, there are a number of decisions and variables in play between the strategy and the policy controls.

3.2. Plans and plan making

Reforms considered in the workshops
Reform 6:   Establish a single framework for state directions
Reform 7:   Reshape planning documents on a regional basis
Reform 8:   Enact a consistent state-wide menu of planning rules
Reform 9:   Build design into the way we plan
Reform 10:   Place heritage on renewed foundations
Reform 11:   Make changing plans easy, quick and transperant

3.2.1. Reform 6: State planning directions

The following comments were made in relation to state planning directions:

" Too much state control – do state driven directions override regional 'filters.' "

" How will these 'guide' rather than 'direct'?"

" State planning directions will need to accurately reflect other strategic documents."

3.2.2. Reform 7: Regional planning schemes

While some participants expressed support for regional planning schemes, others expressed concerns, generally around a potential loss of local involvement and consideration of local issues in strategy and policy.

Comments in support of the regional schemes related to:

- Regional rather than State Government control over planning strategies - *" Regional planning strategy is an excellent idea, as it gives regions agency in the development/visioning/strategy of their own areas"* ;

- The opportunity to make policy compatible/provide certainty across Council boundaries – "*it's easier and simpler to align strategies at regional level than at local level*";

- The opportunity to consolidate strategic and policy information in a single accessible document; and

- The opportunity to get the best outcomes across Greater Adelaide and the state.

Questions posed in relation to regional schemes related to:

- The size of boards and boundaries of regions and how this would be determined – once participant noted three metropolitan boards would be "*too big*", another that five boards in the metropolitan area "*may be too many*". It was suggested that "*community should have a say*" in definition of regions.

- Who will develop regional schemes (regional staff or Council staff) and how this will be funded;

- How quality of expertise at regional level will be maintained (the comment was made that currently expertise is high in Local Government and low in State Government);

- Who will approve regional schemes and managing conflicts with State directions or local Development Plans; and

- How Regional Development Plans and Council Developments Plans will work together.

Concerns with regional schemes focussed on two key issues. Firstly, their ability to address local issues:

"*Too much focus on regions – local character and identity must not be overlooked.*"

"*How do individual communities retain their character under a regional imperative?*"

"*Worried about fine grain of neighbourhoods being lost.*"

"*Local knowledge, lifestyle, amenity is not appreciated by others in the region – hard to capture in paperwork, will need to sell.*"

"*Heritage/local character and identity lost in character regional policies.*"

"*Regional development plans as well as local development plans – add unnecessary complexity, removes powers from local communities to plan for their local needs.*"

Secondly, the representation of Regional Boards and how this impacts regional schemes. Comments specific to Regional Boards are summarized in Section 3.1.2 above. Similar comments focusing on schemes included:

"*Maximise the input of Elected Members in developing planning policy in their local Council area.*"

" Danger that Councils decide to pass over responsibilities to Boards if they are not well represented – i.e. can become disenfranchised."

" Residents pay for regional assessment and policy development but can't influence it."

" Important to have regional and state representation on regional planning schemes – could consider mix of elected members and staff."

Other comments included:

" No need for regional planning policies – double the assessment and less quality of expertise/review at the regional level."

" Support notion of regional strategic planning – provide resources funding to support this to be a collaborative process enlisting local and state government rather than create new body with new providers."

3.2.3.   Reform 8: State-wide planning rules

A range of views were recorded in relation to state-wide planning rules.

Some participants welcomed a standard menu of planning rules, noting it would provide certainty, and that *" application is key – consistency/clarity important"*.

The majority of concerns related to what opportunities there would be for local involvement in development of the rules – *" What kind of local elected representation will there be?"*, *" How much local influence on state code?"*.

A number of participants questioned whether the notion of state-wide rules was consistent with an option for local variation:

" The current system is a uniform state wide Development Plan code – with local variations – and now we have 22,000 pages. Either we have local variation or we don't – hard to go half way."

" How much discretion would there be to tailor the 'menu' of planning rules to local realities. Discretion is essential, but will this just lead to proliferation (i.e. what we've got now)."

" Confusion about how this improves efficiency if 'Councils' still make local changes."

" One plan will not fit all Councils. All Councils differ as do areas within each Council."

" Too much State influence/control? How much will the citizen charter influence?"

3.2.4. Reform 9: Form based planning

Some workshop participants expressed support for a greater design focus in planning, however many had questions and concerns relating to how this could be achieved. Comments included:

" Design should and must have a greater role in assessment."

" Good idea; implementation always an issue. Can slow process down. Often create more uncertainty."

" Support design implementation – needs diagrams, illustrations and design guidelines."

" Will 'good' design be defined e.g. percentage of open space, character, safety etc?"

" Potential conflict between streamlining DA system and achieving good design outcomes."

The concept of form based zoning and development policy generated questions and feedback, specifically around how conflicts between land uses would be managed:

" Form doesn't cover all the aspects of a development and its impact on character."

" Form based zoning sounds dangerous."

" Land use and protection of amenity ... remains a key public concern. Perhaps form based assessment is more appropriately limited to mixed use areas."

" Needs tight regulations which cannot be overruled."

Participants raised questions of how a form based approach would consider impacts on streetscapes and adjoining properties, chemical/industrial usage or noise creating activities in mixed use areas, and early morning noise caused by deliveries to shops near homes.

One participant commented that *" Separation of land uses will still be important in building design into the way we plan so is there really any change in method? It may just cause confusion."*

3.2.5. Reform 10: Heritage reforms

There was support amongst participants for the ideas for reform relating to heritage, particularly for the consolidation of heritage registers and agencies to *" provide certainty and consistency across the community"*. Several participants noted that such changes would need to be adequately resourced to be successful.

Ideas for reform that caused concern amongst participants were:

- Removal of heritage zones and contributory items – "*This would be a very damaging step and would result in 'open slather' in existing character areas*";

- Private certification – "*private certification of heritage matters should not be allowed. What happens if they get it wrong? No ability to influence/change decisions*"; and

- Automatic rate discounts and tax reform:

  "*The council should have the right to do this (or not)*"

  "*What does heritage tax reform mean? Is this code for no rates to Council?*"

  "*Different rating for heritage buildings may be administratively cumbersome*"

  "*Heritage listed buildings can currently receive rate rebates etc yet not be maintained at all! How can assessment be made without extra costs so that only those who preserve their buildings are rewarded?*"

Other comments included:

  "*Improve by placing heritage listing, funding, register and management under the Heritage Act and assessment only under the Development Act.*"

  "*Don't really understand how it is that heritage will apply to things other than buildings.*"

  "*Support audit of local heritage places, through the capture of local historical knowledge appears challenging.*"

  "*Heritage must involve the local community.*"

  "*Link financial benefits of heritage to the performance of maintenance or upgrade work to heritage places. Could be managed by Council or Heritage agency.*"

3.2.6. Reform 11: Changing Development Plans

There was strong support amongst workshop participants the ideas proposed by Reform 11, particularly the simplified Statement of Intent (SOI), reduced timeframes/increased efficiency, and automatic updates to Development Plans.

Suggestions and comments in relation to making changing plans easy, quick and transparent primarily related to community involvement:

  "*How do we get community really involved?*"

  "*Don't underestimate the process of due process and time required to involve community. Support greater flexibility to change DPs more easily but not at the expense of proper consideration and local involvement which takes time and multiple opportunities for comment.*"

" SOI consultation prior to completion so no surprises when goes out for formal consultation"

" Allow local Councils to self-certify/approve if agreement reached at start e.g. if no submissions received then Council can approve."

3.2.7. Other ideas

Other comments and ideas from participants relating to plans and plan making included:

- Build in fees at various stages of DPA process for where a developer or individual will benefit e.g. initiation, submission review, and approval;

- Follow Victoria's lead with definitions being 'nested' and included in Victoria's planning provisions;

- Establish a process to make minor amendments to the Development Plan without the need to conduct a full DPA; and

- Prepare regional infrastructure plans with State agreement to enable development.

3.3. Development assessment pathways and processes

Reforms considered in the workshops
Reform 12:   Adopt clearer development pathways
Reform 13:   Provide for staged and negotiated assessment processes
Reform 14:   Improve consultation on assessment matters
Reform 15:   Take the next steps towards independent professional assessment
Reform 16:   Enhance the transparency of major project assessment
Reform 17:   Streamline assessment for essential infrastructure
Reform 18:   Make the approvals process more accessible
Reform 19:   Provide more effective enforcement options

3.3.1. Reform 12: Clearer development pathways

While some participants expressed support for the reform ideas for streamlining of development assessment – including 5 proposed development pathways, changes to

the definition of development, and changes to definitions of different kinds of development - many had questions and feedback.

 The following concerns were raised in response to proposals to increase 'complying' development and reduce development assessed 'on merit':

- How it could realistically work in the context of the complexity of planning issues, and given that the Residential Code *"has been a flop"* - *"need much more discussion of how number of merit matters are reduced"*, *"need a reality check about how much can be 'complying'"*;

- How reducing on merit applications would affect urban design outcomes;

- The *"direct and almost irreconcilable conflict between 'tick box' complying and emphasis on design – one is prescriptive, one is judgmental"*; and

- Challenges associated with defining exemptions from the definition of development.

It was further noted that Development Plans have historically had very little control over design detail, in contrast with prescriptive encumbrances applied by developers, and that a form based approach to complying development may avoid land use conflicts and provide better consideration of neighbouring impacts.

Participants suggested that:

- Terminology be changed to clarify the difference between the proposed merit and performance-based assessment pathways;

- *"'Must' and 'will' instead of 'can' and 'may'"* be used in policy to support self-assessment; and

- Whether change of use applications should be assessed by Council *"should be based on impact, i.e. change of use form shop to office will have limited impacts (operational during waking hours, less noisy activities, lower car park demand). However change of use from office to shop should require consent, given potential impacts."*

3.3.2. Reform 13: Staged and negotiated assessment

Several participants supported the notion of a staged assessment, with comments including *"sounds like a way of speeding up consent process"*, *"need to make this happen"* and *"good when it works properly – for applicant and authority"*.

Concerns raised in relation to the staged approach included:

- Risks of the process - *"applicants may rely on first stage approval for their development yet it may not be viable"*;

- Difficulties in legislating the process - *"Perhaps a more formalised role for reserved matters"*;

- Difficulties with the interface with building rules consent; and

- Concerns with abuse of the process – "*Staged consents can allow people to game the process and get approval for demolition before getting their development approved*".

3.3.3.   Reform 14: Improved consultation

Several of the reform ideas for improved consultation were well received by participants, including:

- Notification to affected properties;

- Encouragement of pre-lodgement neighbour consultation; and

- On site notification signage.

Questions and concerns with potential notification changes included:

- Vandalism of onsite notices;

- Neighbours and residents being intimidated or coerced by applicants;

- The expectation that Council staff will 'mediate' between parties could tend to an expectation that a compromise will be reached which is only feasible if aims of third parties are reasonable;

- Who hears representations – "*Representors need the opportunity to be heard*"; and

- Avenues available for residents to complain.

3.3.4.   Reform 15: Independent professional assessment

The idea of Regional DAPs made up of independent professionals received a large volume of contrasting feedback from participants. The key aspect of contrasting views was whether Elected Members should sit on the Regional DAPs.

Comments in favour of completely independent Regional DAPs included the following:

"Support accredited professionals in assessment process. In Local Government elected member roles should be at strategic planning level in setting strategic direction."

"Elected Members do not have an understanding of the planning requirements and do not make decisions on professional grounds."

"Minimise the influence of Elected Members in assessment. Maximise the input of Elected Members in developing planning policy in their local Council area."

Comments not in favour of completely independent Regional DAPs included the following:

" Regional DAP is only credible if the composition includes a mix of independents and elected members as is the case of Councils."

" Need for Elected Members who know local details/heritage/traffic conditions."

" Regional panels should have local elected representation – expertise is local knowledge."

" Opposed to panels being comprised of only accredited professionals (what professions?) – opposed to 'career' panel members without proper investment in the decisions being made – lack of accountability making it more difficult for new candidates to panels is not constructive, 'healthy' or in the interests of progressive decision-making."

" As an independent member (design professional) of a DAP – depend greatly upon Councillor members to value-add and contextualize the process."

" How do Council members set strategy and policy unless involved in assessment?"

" Loss of elected members on DAPs means a loss of democratic representation and local impact on planning."

" Why should a Council support financially a decision it has no influence over?"

Suggested alternatives included:

- Fully independent local DAPs;

- Regional DAPs with a mix of independent and elected members, with the independent members approved by the Minister *" to avoid 'stacking'"* ; and

- More than 50% or two thirds majority of Regional DAPs made up of Elected Members.

Workshop participants also expressed concern that the Regional DAPs was *" another layer of administration for planning assessment"* that would need to be funded by Councils, and that community/neighbours would need to be able to make representations to the Regional DAP.

It was also noted that currently a relatively small proportion of development applications are decided by DAPs, and the *" vast bulk of decisions are made in accordance with specified timeframes"* .

Other participants questioned where the planners who advise DAPs would be located - with Councils, State Government or the Regional Boards.

Workshop participants recorded the following comments in relation to the reform idea of expanding the role of private certifiers:

" If private certifiers take on a more expanded role, they should bear greater responsibility for enforcement and development outcomes. Auditing/reporting of decisions needs thought as to an ongoing review process."

" Private certification of planning takes decisions further away from Council and their residents. Where do residents go when they have a question or complaint about a planning matter?"

" There is limited accountability for planning certifiers. They do not need to maintain consistency in decision-making. They do not need to answer queries/complaints from residents. They may have regular clients. To achieve regular business, they cannot 'rock the boat'. The independency of Councils as a relevant authority is the best body to deal with planning matters."

3.3.5. Reform 16: Major project process

Participants expressed support for reform ideas relating to the major projects process, particularly greater transparency, clear criteria for major project status and regional assessment (*" closer to local issues"*).

Agreement was also noted to judicial review of major projects and Crown development, and bringing mining approvals into the planning system.

3.3.6. Reform 17: Streamlined essential infrastructure assessment

Comments recorded in relation to Reform 17 were that essential infrastructure provision needs to allow for local involvement, and that the definition of essential infrastructure should include open space and sport/recreation facilities.

3.3.7. Reform 18: Appeals process

The following questions and comments were recorded in relation to ideas for reform of the appeals process:

" Agree with award of costs, but this option is already in the Courts Act and never used."

" Agree limits on appeals but go too far and the civil courts take over to detriment of system."

" The appeals process needs to be seen as fair as well as quick."

" Pursue a civil and administrative tribunal option – less confrontational and encourages self-representation."

" Cost recovery measures through both enforcement and prosecution would be greatly supported."

" Is vexatious litigation a genuine problem?"

" Where do people take their complaints about the process? Where is the visibility?"

3.3.8. Reform 19: Enforcement

Ideas for reforms to enforcement matters received support from several participants, though it was noted that enforcement tools should be "*easy and cheap for Council to use*", that "*the line between development and civil concerns must be more carefully drawn if enforcement matters are expanded*" and that "*enforcement and compliance should include replacement and repair of Council infrastructure damaged as part of the development process*" to the satisfaction of Council.

3.3.9. Other ideas

Other ideas and comments noted in relation to development assessment pathways and processes were:

- Whether the financial capacity of proponents to undertake their development on former State Government sites can be considered to avoid "*degraded blighted, vandalised sites that sit there for years*"; and

- That a DAP decision is interpreted by the Courts as a Council decision, yet Council elected members have no ability to influence or direct the DAP; and

- The need for consideration of building rules issues.

3.4. Urban renewal, place-making and infrastructure

Reforms considered in the workshops
Reform 20: Reinforce precinct-based urban renewal
Reform 21: Allow for more effective provision of open space, parks and urban greenery
Reform 22: Provide incentives for urban renewal
Reform 23: Create new tools for infrastructure funding and delivery

3.4.1. Reform 20: Precinct- based urban renewal

A variety of views were recorded in response to reform ideas for precinct-based urban renewal. It was noted that:

- Creativity and innovation in Council led urban renewal is happening and should continue - "*don't need precinct authorities to make it happen*", "*Councils are responsible for engaging their communities, they should lead the process*"; and

- Local involvement in urban renewal is important:

" Precinct approach to urban renewal has strengths <u>but</u> the authority managing/approving needs to have good understanding of local needs/communities and relationship of precinct to adjoining community" ;

" Infill sites for urban renewal should not be planned in isolation to surrounding community" ;

" No mention of elected representatives in the urban renewal process."

One comment noted that it is *" good to see reform ideas having synergy with the current Urban Renewal Bill"* , but another suggested to *" hold off on this until current opportunities under existing recent legislation have been taken and reviewed"* .

One participant noted that *" poor co-ordination exists for lifecycle community needs planning, not just design and planning/housing - support urban renewal with social needs analysis underpinning structure plans so the schools, libraries etc. get remembered and planned for."* Another suggested *" taking a precinct, place based approach in partnership with different levels of government and private and community working together to reach an outcome"* .

3.4.2. Reform 21: Open space provision

While workshop participants expressed support for reform to open space provision, there were a range of views and ideas noted.

Some participants had the view the current 12.5% open space provision requirement is too high (*" it's about quality and location, not quantity"*), while others consider it to be too low, especially in the context of medium and high density development and where open space doubles as drainage reserve. It was suggested a state-wide standard may no longer be relevant as different Councils have different needs, particularly between metropolitan and regional areas.

Comments and suggestions relating to open space provision included:

- Specify open space areas required per head of population;

- Implement the 2% fund via developers to provide social infrastructure such as green space and community centres;

- Include provision of 'public spaces' in addition to 'open spaces' – *" These 'public spaces' could vary in size to quite small areas as places for people to feel safe and enjoy spending time in the public realm, particularly important with so many lone person households"* ;

- Capture space between buildings for public use; and

- Support metropolitan Councils to acquire land from State Government to redevelop into 'open space' in exchange for greater densities.

3.4.3. Reform 22: Incentivise urban renewal

A mix of views was recorded in relation to Reform 22. While there was support expressed for incentives for urban renewal to " *'up the ante' to enforce good government and environmental outcomes*" , the concept of a development bonus raised some concerns:

> " *Don't support 'development bonus' – if something is acceptable – zoning should say so – no justification to allow bad planning outcome because some compensation is added to a scheme.*"

One participant expressed opposition to incentives, suggesting penalties for long term non-use of land as an alternative.

3.4.4. Reform 23: Infrastructure funding and delivery

Several participants expressed support for a transparent legislative framework for infrastructure contributions, including social infrastructure.

It was noted that rezoning needs to take account of sporting and recreational needs, and that the social needs of a community need more co-ordination in urban renewal/infill projects. It was noted the social needs analysis is often left to Council, and social infrastructure ends up on " *pieces of land leftover for community use*" that do not facilitate the best outcomes for the community.

3.4.5. Other ideas

One participant suggested introducing a payment to a car park fund triggered by a change of use application. If land reverts to a previous use that has occurred in the last 10 years the payment is waived. Another suggested requiring streetscape upgrades in conjunction with new medium/high density infill development.

3.5. Alignment, culture and delivery

Reforms considered in the workshops
Reform 24:   Aim for seamless legislative interfaces
Reform 25:   Adopt an online approach to planning
Reform 26:   Adopt a rigorous performance monitoring approach
Reform 27:   Pursue cultural change and improved practice across the system

3.5.1. Reform 24: Legislative interface

One participant made comment that they agreed with Reform 24.

3.5.2.   Reform 25: Online approach to planning

Several participants expressed support for an online system, describing it as "*smart*", "*required*" and "*a great step forward*".

The issue of copyright ownership of uploaded material was raised. One participant noted that co-contribution to fund the system was a reason for local representation within new regional planning structures.

One participant suggested an online tool where you can click on your property on a map and see what planning policies apply.

3.5.3.   Reform 26: Performance monitoring

Several participants expressed support for performance monitoring, but noted that costs for consistent and useful monitoring are high, and resources would be required to implement effective performance monitoring. This was seen to potentially have a greater impact on regional Councils.

Comments included that there is "*no point making Council send in data if no one looks at it*", and "*performance monitoring within government needs careful annual reporting to parliament*".

3.5.4.   Reform 27: Culture change and improved practice

Comments recorded in relation to Reform 27 were that:

- More support for professional development and culture is required, as currently "*planners [are] not supported and looked down at*";

- While it is easy to focus on negatives and see planners as obstructive, planners advocate for a large number of "*silent customers*" potentially impacted by development;

- Pre-lodgement advice builds a positive culture and values planners' input. Indemnity for planning officers providing advice to applicants is essential, and the lack of it is creating inefficiencies and frustration.

- While culture change is very important, "*how will this occur through a central coordinator?*"; and

- A transparent complaints system will be costly.

3.5.5.   Other ideas

A participant suggested that scheduled fees relating to planning assessment need to be reviewed.