

Planning Reform – The missing link in regional development

Professor David Adams
Social Inclusion Commissioner Tasmania

October 2010

A Short History of Planning

- Planning has many threads....land use, statutory, urban, strategic, social etc...with lots of territoriality
- Land use planning traditionally about land assemblage for development purposes....primary focus on wealth generation
- Since the late 60's five new ideas have gained prominence
 - (1) Environmental sustainability
 - (2) Social cohesion
 - (3) Cities, city competitiveness and liveability (includes the population debates)
 - (4) Civic engagement in planning
 - (5) Subsidiarity in both directions...'Commonwealth creep'
- Variously picked up in the planning profession (e.g. the new urbanism; smart growth; the new regionalism etc)

The consequences of bad land use planning

- Much social exclusion in Australia is linked to poor land use planning decisions in the 1950's which created green-fields housing sites on the peri urban fringes of cities (driven by low housing costs) but which were disconnected from the resource networks that make life meaningful, productive and happy....

Planning Issues are about the authoritative allocation of values and therefore essentially political

- The **goals** of land use planning and the **instruments** and the **impacts** are all contested
- Our new parliaments are an expression of this
- Land use planning mechanisms often become the pointy end in the absence of institutional clarity of purpose - a default 'sense making machine'
- Regulatory and compliance based mechanisms are not suitable for this

Ideal Type Planning

1. Agreed vision (what communities and governments express..invariably now economic, social and environmental sustainability)
2. Set of principles and goals (front end of legislation)
3. Bunch of objectives (legislation)
4. Action plan/ implementation (planning schemes/regulations)

But of course this isn't real....

Paradox of democracy

- Democracy (and land) are organised around places (electorates) but not much else nowadays....
 - Services/functions (e.g. health, education, sport and recreation)
 - Industries/economy (e.g. tourism, DED, Infrastructure)
 - Banks and finance (e.g. DTF)
 - Policy advice and co-ordination (e.g. DPAC)
 - Issues (e.g. climate change)
 - People (e.g. Youth)
- BUT...strategy/legislation in all these areas can have land use implications**

Three views on Strategy and Planning Schemes

1. Include all strategy (i.e. planning schemes as a mix of 'legislation and regulation')
2. Summarise strategy as land use related objectives but don't include it (i.e. schemes as regulation but with links to 'legislation' via 'objectives')
3. Exclude strategy – planning schemes **apply** strategy not **interpret** it (i.e. schemes as 'regulation')

The Very Basic Structure of Planning Schemes

1. Zones – broad uses for land
 2. Schedules – types of developments in zones
 3. Standards - specifications for developments
- Overlays...important themes which influence 1-3

Tasmania- some policy guidance from government

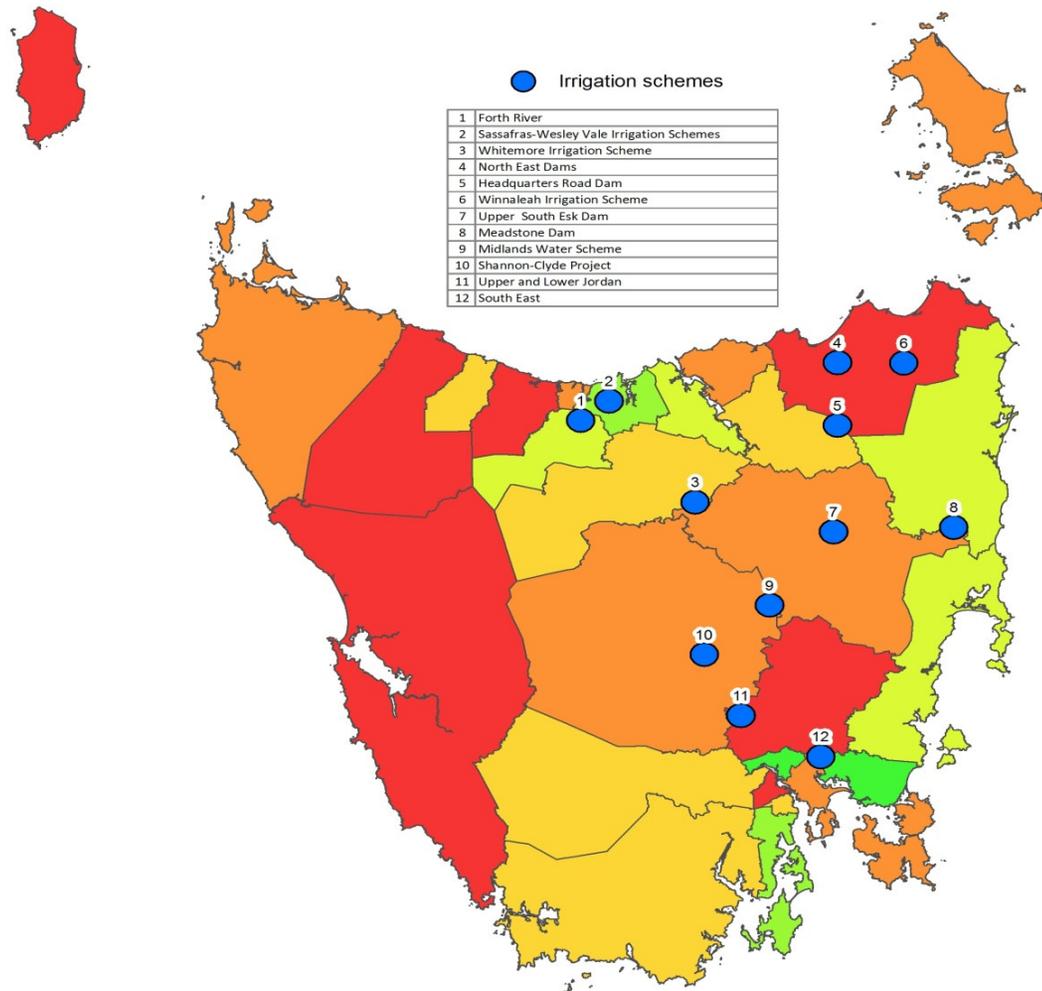
Some specific 'State Policies' (3) a few specific ones (6) and lots of legislation (100's) but few that sort the big issues at the level of zones and or developments.

Which shifts considerable responsibility to the instruments and processes of planning schemes

Social Inclusion as an example...

- Supportive networks – productive, consumption, civic and personal matter to wealth generation and wellbeing
- land use and design/built form significantly shape network capability
- E.g. walkability; universal design; community and open spaces; affordable housing
- So how does/should this influence planning schemes....

Projected Population Growth by LGA 2007-2032 and Irrigation Schemes, Tasmania



● Irrigation schemes

| | |
|----|--|
| 1 | Forth River |
| 2 | Sassafras-Wesley Vale Irrigation Schemes |
| 3 | Whitemore Irrigation Scheme |
| 4 | North East Dams |
| 5 | Headquarters Road Dam |
| 6 | Winnaleah Irrigation Scheme |
| 7 | Upper South Esk Dam |
| 8 | Meadstone Dam |
| 9 | Midlands Water Scheme |
| 10 | Shannon-Clyde Project |
| 11 | Upper and Lower Jordan |
| 12 | South East |

Projected population growth 2007-2032 per cent

- negative growth (projected decline)
- 0.1% - 10.0%
- 10.1% - 20.0%
- 20.1% - 30.0%
- 30.1% - 40.0%
- greater than 40%



Source: Population Projections by LGA 2007-2032, Medium Series, Demographic Change Advisory Council. Projections are illustrations of how the population would change over time if certain assumptions were to hold true for the period of projection. As such, the projections are not predictions or forecasts and should be considered in the context of the assumptions on which they are based. More information on the assumptions can be found at www.dcac.tas.gov.au

Irrigation data sourced from Tasmanian Irrigation Development Board, *Tasmanian Water Development Projects* brochure, released 23 April 2009

Objectives of the Resource Planning and Management System

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
 - (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
 - (c) to encourage public involvement in resource management and planning; and
 - (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
 - (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.
2. In clause 1(a), "**sustainable development**" means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –
- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
 - (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

Principles of the Resource Planning and Management System

- **Inter-generational equity:** Resource use decisions should be made taking into account the needs of future generations. In short, the long-term rather than the short-term view prevails;
- **Conservation of biodiversity:** This requires that we maintain species and genetic diversity;
- **Precautionary approach:** Decisions should err on the side of caution where there is uncertainty surrounding the potential impact upon the environment;
- **Social equity:** The private use or development of resources must consider the wider social costs;
- **Efficiency:** Resources must be used efficiently; and
- **Community participation:** The community should be involved in establishing the parameters for the use and development of resources.

Objectives of The Planning Process (LUPA)

- (a)** to require sound strategic planning and co-ordinated action by State and local government; and
- (b)** to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and
- (c)** to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and
- (d)** to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and
- (e)** to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and
- (f)** to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and
- (g)** to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and
- (h)** to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and
- (i)** to provide a planning framework which fully considers land capability.

Two propositions

- Notwithstanding an array of legislation and policies (commonwealth, state and local) which may be internally and functionally coherent, the cumulative place based value creation(s) are often essentially contested
- Planning Schemes become the instruments and sites where the contests are re-assembled and reinterpreted (within a contorted legalistic compliance framework)

Ways of organising planning schemes

- Local government boundaries (29 in Tas)
- Catchments/bio systems (9 + 2 in Tas)
- Geography
- Industrial clusters
- Cities and other settlement types
- Regions (about 3 in Tas...)
- Institutional boundaries
 - Which matter most?

What developers seek from the planning process

- Simplicity
- Certainty
- Timeliness
- Minimise transaction costs
- Reduce risk of appeals

What communities seek from the planning process

- To be respected in the process
- To have a say on matters that could impact on their lives and that the more material the likely impact the more the say
- To have due process followed

Subsidiarity

- Duck Reach Hydro Electricity Scheme...powering Launceston in the 1890's (local council issue)
- State Electricity grid... 1950's (state issue)
- National energy grid...1990's (commonwealth issue)
- Global network....? (global governance issue)

Some factors are pushing towards greater national approaches to planning, others are pushing to wards more regional and local significance (eg integrated local transport systems). Many issues have both a distinctive local, regional and national focus (eg city competitiveness).

And in a global energy crisis we might re-open Duck Reach....

Future of Land Use Planning is about collaborative not regulatory approaches

- Currently a rather passive system of 'notifications'
- Early engagement prior to a Development Application can give a pulse reading.
- Projects of Regional Significance....use elected members of councils as a Citizens Assembly?
- Important that the contested values outside of planning expertise (eg social inclusion) are incorporated.

Projects of Regional Significance

The Commission assesses a project of regional significance under the *Land Use Planning and Approvals Act 1993*. The Minister may declare a project of regional significance if it:

- has regional planning significance;
- requires high-level assessment; or
- would have a significant environmental impact.

A project would have regional planning significance if it was likely to make a significant economic or social contribution to a region, or the project is large enough to significantly affect regional infrastructure.

A project would meet the high-level assessment criterion if it was beyond the ability of the planning authority, which would usually assess an application, to adequately assess the project.

And the point is....

- With numerous regional land use planning reforms underway and renewed interest in 'regions' there is an opportunity to sort some of these issues and 'construct advantage'.
- Regions that build a constructed advantage are more productive, sustainable and have higher levels of social inclusion
- The dynamic that builds that advantage is collaborative and active...new forms of land use planning are a key platform
- Regions linked to bio-catchments are the key to future land use planning