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The Secretary
Standing Committee on Public Accounts
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601



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Dear Madam

INQUIRY INTO ADMINISTRATIVE PROCESSES USED FOR STRATEGIC PROJECTS IN THE TERRITORY.

The ACT Division of the Planning Institute of Australia (PIA ACT) appreciates the opportunity to make a submission to this Inquiry into the Auditor-General's Report No. 7 of 2008: *Proposal for a gas fired power station and data centre site selection process*.

The Planning Institute of Australia (PIA) is the only National association representing professional town planners throughout Australia. The Institute has a total membership of approximately 4,700. The ACT Division of PIA represents the profession at the local level and to this end the Consultant Planners Group (CPG) is a subcommittee of the ACT Division, representing practising consultant planners.

The following submission was prepared by the CPG at the request of the ACT Division Committee.

Preamble

We understand the Terms of Reference for the Inquiry are: the administrative processes used for the consideration and facilitation of strategic projects in the Australian Capital Territory. This PIA submission takes the view that the term should be addressed on the basis of how to move forward in the next 30 years of strategic planning in the ACT.

Previous Inquiries into the Strategic planning of the ACT

The planning of Canberra and the governance arrangements for the ACT planning system are an issue of National importance to PIA. The Federal Government inquired into these processes in its review of the National Capital Authority (NCA) in 2007. In response to that Inquiry PIA submitted that:

- The ACT Planning and Land Authority should maintain a role as the manager of development assessment on Territory Land under the Territory Plan.
- The National Capital Authority should manage the strategic overview of planning the Nation's capital.
- The Territory Plan and the National Capital Plan should be integrated to form one plan with the National Capital Plan providing strategy and the Territory Plan providing development control.

To date the Federal Government is yet to act on any of its responses to last year's Senate Inquiry into the role of the National Capital Authority and PIA understands that funding of the NCA remains static along with infrastructure investment in the Griffin Legacy projects that form part of the strategic planning for Canberra.

PIA ACT acknowledges the Commonwealth Government role in establishing and maintaining the National Capital Plan and the Metropolitan Plan for Canberra's urban and non urban areas and its role in Strategic Planning policy. This strategic plan for Canberra and the Territory has remained largely unaltered since the ACT was granted Self Government in 1989.

PIA ACT also acknowledges the ACT Government Canberra Spatial Plan 2004¹ goes some way towards setting out a strategic direction for the future growth of Canberra however it is an incomplete work and is disaggregated from the Sustainable Transport Plan 2004 or infrastructure planning.

PIA ACT notes that the Territory Plan 2008 is not a strategic plan and that chapter 6 of the Planning and Development Act 2007 specifically provides for a Planning Strategy to be prepared.

PIA National Policy Statements

PIA has a national policy statement position with regard to urban growth management that sets out the underpinnings of what is considered as good practice for strategic planning and this policy paper is appended for your information.

Strategic planning

The strategic allocation of a spatial framework for the future development and long term planning for Canberra involves multiple and cross agency planning. A key component to managing the sustainability of Canberra is through Urban Growth Management (UGM) to facilitate an attractive, affordable, sustainable, well-serviced community with access to employment opportunities.

In the absence of Federal Government action it falls to the ACT Government to be clear about the full range of planning tools and how they operate and interact to manage growth of urban areas and the interrelationship of the urban and non-urban areas of the ACT. There also needs to be articulation of how these tools will be used in the future. The tools should be used in conjunction with a vision or clear picture of the desired outcomes, with a publicly available set of guiding principles."²

The elements of a good strategic planning system include:

- Transparency of process as well as access to the information used in determining the outcomes;
- A consultative approach in preparation and review of strategies;
- Appropriate timeframes around short, medium and long term outcomes;
- Sound governance with clarity of roles for all players involved especially the Government agencies and Ministers (a whole of government approach is central to achieving this);

¹ The plan was updated in 2008.

² National Policy statement Urban Growth management , Planning Institute Australia, December 2007

- Cross border integration into the local strategies to ensure consistency between government (Local, State and Federal);
- Implementation strategy to convert policies to action and incorporation into statutory documents (the Territory plan), and linked to budgets (infrastructure and asset management plans) etc;
- Integration of key strategic elements: transport, development, social housing, infrastructure plan etc;
- Regular review and on going monitoring of outcomes linked to performance indicators.

Inquiry Response

This submission from the PIA ACT Division Consultant Planners Group (CPG) seeks to encourage the ACT Government, through this inquiry process, to take up the role of strategic planning for the ACT and combine the disparate service line and departmental functions to form an integrated strategic planning unit to streamline the administration of the planning system through connected decision making between the strategic planning units of Territory and Municipal Services, Chief Ministers Department, the ACT Planning and Land Authority and The Land Development Agency.

It is the view of the CPG that without a Planning Strategy to guide the future sustainable growth of the ACT, the Government and development industry are likely to revisit the difficulties experienced with recent major development proposals. Once a strategy is in place only then will issues of administration and facilitation be able to be managed effectively.

CPG also supports the exercise of Ministerial call in powers, for example with the Tuggeranong Data Centre proposal. We encourage the Minister to utilise this power where an ACT Government project for the Territory and on unleased Territory land has a defined public good outcome.

To this end our submission moves from the macro (of the strategy) to also encompass micro management issues that we suggest may facilitate positive effects and the Government may wish to investigate further.

Governance

With the above in mind and in the wake of successive functional reviews, it is the view of PIA CPG that the ACT Government must now consider how best to manage strategic planning in the ACT.

With regard to the Auditor General report, a consistent theme is the cross jurisdictional interest of various Government departments and their involvement, and potential to confuse policy positions that relate to a single strategic project.

The ACT governance structures are periodically reviewed for functional efficiencies in service delivery however these arrangements seldom stay settled for more than two years. This constant churn of functions and staff in turn engenders a culture of short term objective decision making and difficulty in commitment to long term objectives. This culture erodes confidence in the strategic planning capacity of government agencies and in particular the ACT Planning and Land Authority (ACTPLA).

The Planning and Development Act 2007 (the Planning Act) exacerbates this situation by requirement for the ACTPLA to focus on the short term framework of the Ministerial Statement of Planning intent³.

The CPG has reviewed governance arrangements⁴ and it is apparent that much of the strategic planning function is external to ACTPLA. It is mostly located within the Chief Ministers Department (CMD) which in addition to its overview and role of government land sales within the Land Development Agency suggests that strategic planning may best be carried out by the one agency not actually tasked with the job.

The CPG makes the following observations on current governance arrangements with regard to capacity to carry out strategic planning and facilitating projects of territory significance.

1.1 - CMD managing Strategic Planning

The role of the Chief Ministers Department in major project facilitation, economic development, land supply and infrastructure strategy appears to override ACTPLA's strategic planning capacity.

It is noted that currently the Planning Act tasks ACTPLA with only the preparation of the Territory Plan however the requirement to prepare a Planning Strategy rests with the government⁵. The Planning Act also envisages that the planning strategy is a high level strategic planning tool from which the Territory plan derives its policy direction.

The CMD also has responsibility for high level intergovernmental relations and can provide a conduit between the interests of the Commonwealth agencies and NSW departments and the Territory government strategic planning. In recognising the utility of bringing together the intergovernmental relations role with the strategic planning role and existing functions of the CMD, CPG recommends that the Planning Strategy be a role and function of the CMD.

Recommendation 1.

That the Government directs the preparation of the ACT Planning Strategy and tasks the Chief Ministers Department with this function and responsibility for managing the interdepartmental and intergovernmental negotiations to achieve the outcome.

1.2 - ACTPLA managing Development

ACTPLA is at its most effective as a development assessment agency where it focuses primarily on ensuring that the strategic vision is realised through the adherence to the Territory Plan and utilisation of the Code Assessable development framework set out in the Planning Act and through building and construction compliance. It has further input through the preparation of leases and interpreting compliance with the Territory Plan and in managing the Environmental Impact Statement (EIS) process. All of these functions impact on decision making for proponents of strategic development.

Recommendation 2

ACTPLA retain management of the Territory Plan and development approval processes.

³ Planning and Development Act 2008, Section 16

⁴ Based on the Ministerial responsibilities – seventh Assembly Administrative Arrangements 2008 (No 2) dated 10 November 2008.

⁵ Planning and Development Act 2008, Section 105

1.3 - Territory and Municipal Services managing infrastructure delivery

The multiple roles of the Department of Territory and Municipal Services (TAMS) in sustainable transport planning and management of public infrastructure, along with facilitation of heritage and environmental protection and parks management, ensures that the Department has a significant role in determining any strategic planning outcome. This agency needs to be better equipped and resourced to provide the necessary inputs to preparing a planning strategy along with the infrastructure to support it.

Recommendation 3:

The Planning Strategy must be the basis for prioritisation of infrastructure investment and underpin budget allocations from a Whole of Government perspective.

Conclusions and Recommendations

The ACT Government has an opportunity to undertake preparation of the Planning Strategy for the ACT, consistent with the Planning and Development Act 2007 that can address the ACT region's strategic needs. The Planning strategy provides the base line from which major projects can be directed and budgetary provision can be aligned with infrastructure provision.

The role of the Chief Ministers Department in overseeing whole of government and cross jurisdictional (the Commonwealth and NSW governments) relations provides an opportunity to better integrate strategic planning initiatives with the objectives of these other tiers of government.

The current fragmentation of urban planning and development responsibilities brings to mind the situation in the 1950's which led to the formation of the National Capital Development Commission, to provide the vision and leadership to create a great capital city. While the Commonwealth decides how to participate in the planning and development of Canberra, the same level of commitment is now required from the ACT Government to allow Canberra to respond to the great challenges of climate change and to produce a truly sustainable city.

Specific CPG recommendations:

Recommendation 1

That the Government direct the preparation of the ACT Planning Strategy and task the Chief Ministers Department with this function and responsibility for managing the interdepartmental and intergovernmental negotiations to achieve the outcome.

Recommendation 2

ACTPLA retain management of the Territory Plan and development approval processes.

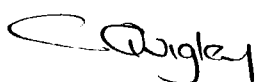
Recommendation 3

The Planning Strategy must be the basis for prioritisation of infrastructure investment and underpin budget allocations from a Whole of Government perspective.

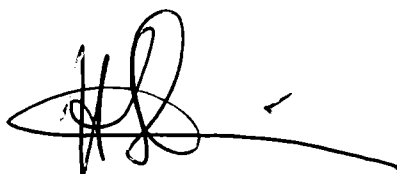
Matters for further Investigation

- Remove the separation of EIS and DA processes and consider an EIS and Development Approval as one application and approval process.
- That a major project of public good carried out by the ACT Government, for the ACT Government on unleased Territory Land be identified as Exempt Development only if and subject to the requirement that it has completed the EIS process.
- That where a scoping exercise is underway and a resultant change in the project is required or identified that the scoping exercise not be required to restart from the beginning but be administered as a variation of the scope.
- That a timeframe be established within which the ACTPLA must respond to a request for scoping.
- That the Territory Plan Zone Development Table lists of Prohibited Development be assessed for risk and that the lists be reduced so that discretionary uses, that are either considered as able to or have potential to occur within the zone, be moved to the impact track.
- That facilitation and administration of the consultation processes for the EIS and subsequent DA be aligned as one.

Yours faithfully



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Consultant Planners Group
Planning Institute of Australia (ACT Div)



Hamish Sinclair
Acting Division President
Planning Institute of Australia (ACT Div)

Urban Growth Management

Statement 10 | December 2007



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PIA POSITION

Long term planning for cities and towns including housing, infrastructure, employment, and social services is central to effective Urban Growth Management (UGM) and essential for establishing attractive, affordable, sustainable, well-served communities with access to employment opportunities.

UGM is the application of planning tools in a coordinated manner to guide development of cities and towns towards desired patterns of growth.

There is a need for wide consideration in the relevant jurisdictions of the whole process and the tools of UGM to ensure that all necessary components are in place to deliver effective UGM and the resultant livable, sustainable towns and cities.

The PIA is concerned that there is not a robust and coordinated Federal Government engagement in urban development issues to facilitate better UGM outcomes throughout Australia. This is of particular significance given the substantial dependence of the Australian economy on efficient and sustainable cities for positive economic development and the increasing recognition of the potential environmental impacts of urban development.

Governments need to be clear about the full range of planning tools and how they operate and interact to manage growth of urban areas. There also needs to be articulation of how these tools will be used in the future. The tools should be used in conjunction with a vision or clear picture of the desired outcomes, with a publicly available set of guiding principles.

The planning tools will be likely to include many of the following: planning strategies (for example Melbourne 2030, South East Queensland Regional Plan and the Planning Strategy for Metropolitan Adelaide); urban containment boundaries; planning ordinances / zoning; land banking; sequencing of land release; delivery of infrastructure such as public transport and community facilities; transport planning; and collaborative strategic planning and master planning (for districts and local areas).

PIA ADVOCATES THE FOLLOWING ACTION ON UGM:

Federal Government recognition of the importance of cities to economic and community well-being including through providing greater leadership and support for UGM and in particular promotion of successful UGM models.

All jurisdictions to adopt coordinated approaches to UGM that include the following features:

1. Establishing clear visions for the development of cities and towns with sustainability indicators and incorporation of community engagement that may include approaches such as scenario planning.
2. Adoption of a set of guiding principles (such as those outlined above) to include consideration of the following:
 - Integration of transport and especially public transport
 - Sustainable economic development and employment
 - Access to affordable housing, choice of housing and sustainable design
 - Impacts of changes in demographics
 - Greater focus on coordinated inner and middle suburban redevelopment
 - Minimisation of the need for expansion of urban areas through better use of land in existing urban areas and at the urban fringe
 - Improved use of natural resources and reduction of the ecological footprint
 - Developing vibrant mixed use communities
 - Coordination of development and sequencing of land release with social and physical infrastructure delivery
 - Spatial design and land use mix to minimize greenhouse gas emissions
 - Addressing the impacts of climate change on urban development

Ensuring the availability, coordination and effectiveness of a set of UGM tools to include elements such as:

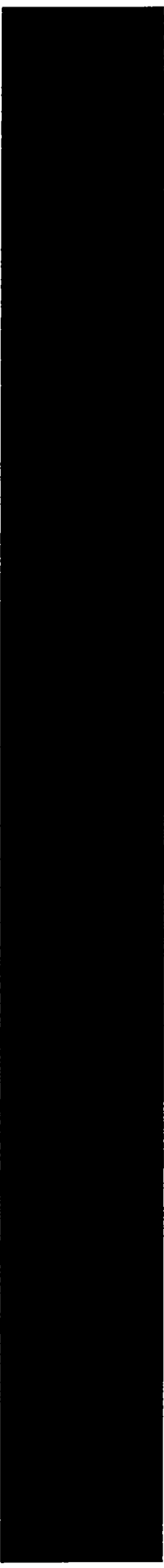
- effective strategic and spatial planning processes embodied in legislation
 - urban containment boundaries to reinforce the need for careful consideration of urban expansion
 - effective connection between strategic planning processes and implementation mechanisms such as zoning and land use policy
 - mechanisms enabling the coordination and sequencing of land release with social and physical infrastructure delivery (possibly including growth area authorities)
 - land banking and land assembly mechanisms (ie government or private sector land ownership in key areas to improve growth management)
 - integrated land use and transport planning
3. More empirical research on UGM including urban regeneration and related planning matters.
 4. Improved dissemination of research and community information to aid better understanding of UGM issues.

POLICY PRINCIPLES

Any pattern of urban growth has social, economic and environmental implications that need to be considered and balanced in deciding the most desirable urban growth solution.

It is important to underpin UGM and the use of the planning tools with a series of integrated principles. The following are considered to be a useful starting point:

- Minimising the environmental footprint of urban areas through careful site selection, minimising land area and the environmental impact of development within the urban area.
- Aligning transport systems (and in particular maximising integration of public transport) and land use to optimise accessibility in a well connected network, reduce car dependency and promote alternative travel modes (walking and cycling).
- Considering housing affordability in ensuring adequate land supply, sequencing of development, and availability and choice of various forms of housing.
- Ensuring availability of accessible employment and potential for new employment opportunities in establishing new urban development.
- Providing opportunities for compact and mixed forms of development in existing urban areas to ensure good use of existing services and facilities, while maximising access to, and improving economic viability of public transport.
- Ensuring that the provision of key infrastructure and community services is coordinated with the delivery and sequencing of land release, particularly at the urban fringe.
- Considering the potential role of land-banking on the urban fringe or in growth areas, and land assembly in inner and middle suburbs, to ensure an adequate supply of available land in appropriate locations that can sequentially be made available for development.
- Ensuring public benefit from changes in zoning that enable development at the fringe and through enabling more intense development in established areas.
- Avoiding development on land that is suitable for agricultural use, by giving greater weight to the need for retention of such land in close proximity to our cities and towns.
- Considering carefully, in the context of metropolitan cities, an appropriate mix between compact infill / regeneration and development at the fringe or growth corridors where appropriate, or alternatively development in other locations.
- Ensuring clear policies are in place to promote quality buildings and urban spaces.
- Ensuring measurement tools are in place, including regular review and reporting mechanisms.



THIS POSITION STATEMENT DERIVES FROM:

PIA SA Draft Urban Growth Management Policy, 2007

PIA Sustainable Communities Policy, 2006

PIA National Report Card, 2006 & 2007

PIA Qld Draft Policy Position on Urban Consolidation, 2007