

Comment on Proposed Reforms to the SA Planning System

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Summary

This is a generalised critique of the Recommendations for Planning Reforms for the SA Planning System.

The main points made against the proposed reforms are that:

- They fail to appreciate and build on the strengths of the existing SA system.
- They propose a range of changes based, not on improving a system that is well in advance of those of other States, but rather importing into SA a range of mechanisms and policy directions based on failed practices in NSW and Victoria. These were practices that, three decades ago, the Dunstan era reforms to the planning system largely removed.
- That as a consequence, the virtues of the SA system would be damaged rather than further improved
- The recommendations focus largely on efficient production of standard urban products, rather than on how to ensure development in SA achieves outcomes such as improved urban design and reduced water and energy use. Indeed the recommendations which would reinforce standard single use zoning and standard, from the lot boundary, codes, would merely duplicate past patterns of urban development in SA, which are wasteful of water, land and energy and led to inequitable poorly designed urban development.
- The paper supporting the recommendations talks about climate change, but apart from some unrealistic proposals for TODs many of the recommendations will work against energy efficiency.
- A 25 year end-state land use plan for Adelaide is not needed and, indeed, would be dangerous as it would make decisions on the future which do not need to be made at this time.

In addition to these and other criticisms, a series of counter recommendations are made which build on the strengths of the SA system and are directed at achieving better urban design and less water and energy use, as well as efficiency gains. Effectiveness can be enhanced as well as efficiency. A strategic approach to planning is recommended, one that does not mortgage the future by making the unnecessary and unrealistic decisions inherent in a 25 year end-state plan.

Introduction

While there are a few recommendations one could support, the whole package is disappointing.

There is little to suggest that the consultants understood the SA system, or the particular planning challenges facing SA.

Instead of building on the SA model, which is considered by many to be Australian best practice (not that that gives any grounds for complacency), we have a package of backward-looking proposals that appears to be based on Victorian and NSW practices, most of which have been major policy failures.

The recommendations also appear to have been influenced by the efforts of the property industry over the last few years to streamline the giving of development approvals. All the emphasis has been on improving the production process; virtually nothing has been said about the nature of the products – the nature of the resultant environment. Indeed, I argue that the nature of the efficiency efforts by the property industry have undermined the effectiveness of the country's planning systems, with the quality of our cities and towns declining. The major task is to provide sustainable, economic and equitable new development, not just to make marginal improvements to production processing times.

In support of the developer's approach, magic figures are often produced alleging massive productivity savings. In deregulation studies I have done I have been called on to produce figures for such savings. I know just what dodgy assumptions are behind these PR numbers.

Instead of dealing with the recommendations seriatim, which might wrongly suggest some acceptance of the general thrust of the policies, I will describe first what I think are the planning challenges facing SA, then summarise the particular virtues of the SA system and suggest the ways that the State can build on those virtues rather than discard them as recommended by the consultants.

It is vital that SA continues to lead Australia in new ways of achieving more sustainable development as well as the protection of the unique built and natural environments of the State. There is absolutely no reason why SA should now revert to the mistakes of the past and to the wrong approaches taken by other States. Instead it should continue to show the way, as it did under Dunstan's Government.

The Planning Challenges Facing SA

The lack of water and the need to reduce the use of carbon are the two major challenges for SA. Attention must continue to be paid to fixing the serious social and economic disparities in Adelaide stemming from the poor planning policies of the past. And the government must ensure that it does not revert to those poor policies, as could be the case if the recommendations were implemented.

The economic and environmental outlooks for SA, while better than in the 1970s and 80s, are still not assured. The State must ensure that such money as there is for infrastructure is put to supporting the State's economic future, rather than having to be used to patch up unsustainable and inefficient growth patterns and social mistakes.

It is difficult to think of a pattern of urban development less suited to the water and carbon challenges of today than that of present-day Adelaide. Yet what the consultants apparently have proposed would see, not only a continuation of that pattern, but its exacerbation.

Adelaide, a city of some one million people, now stretches over 70 kms in length with high car ownership rates and car usage being required for most trips.

The standard suburban design with the widespread detached house development, which is favoured by the planning system, is based on an urban design that came from the green and well-watered Home Counties of England.

The reasons for the pervasive nature of this type of development are complex. The standard land use zoning used by the planning system encourages the public to think that good planning is the separation of land uses, which generates the maximum need to travel. Standard land use zoning and standard (from the lot boundary) siting codes, suggest that the best housing design is a standard, as large as possible, project house, placed on a standard sized, pre-subdivided, cleared and benched parcel of land.

What the consultants are proposing, with their recommendations supporting a return to a fixed number of standard single land use zones and standard siting codes for detached houses and other standard urban products, will further entrench a form of development that necessarily wastes land and increases the demand for water and the need for travel by the motor car.

Rather than reinforce the past, the challenge is to encourage a new paradigm in urban design; one directed at making the most effective and efficient use of land, reducing the demand for water and encouraging development designed to reduce the need to travel, especially by car.

Instead of again elevating single use zoning and standard State-wide codes to the high point of planning techniques, SA should be building on a planning system that was designed to encourage well designed accessible development that respected unique qualities of the many places and ecosystems that make up the State.

Unlike any other State, SA has a system of planning that is over 50% there in terms of encouraging a new direction. Instead of building on what is there, in their ignorance, the consultants appear to have thrown away what has been achieved and restore the past and its failed policies. My plea is, rather than go backwards, finish the job that we started under Dunstan but were not able to complete.

The SA Planning System

Under the Dunstan regime a number of fundamental changes to the then planning practices were pursued. Unfortunately the task was not fully completed, although staff in the Department did continue to pursue some aspects of the reforms, mainly through a number of the provisions of the Development Act of 1983. What was achieved included:

Distinguished between urban management and development control

As urban managers, in order to restrain an increasingly inequitable city, a number of policy reforms were pursued, especially in the way the housing assistance was delivered. This stopped, in effect, bribing the poor to live on the fringes of the city and started to infill a number of areas where there were declining populations

and often cheaper houses. For example, instead of the Housing Trust continuing to create social problems north of Elizabeth, the development of the higher amenity Golden Grove with its wider social mix was encouraged. Achieving these changes required much more than merely changing the planning controls that applied.

Managed the areas of the State actively

Area Managers were appointed to take responsibility for every region of the State. Instead of merely writing and administering controls, departmental officers facilitated development and engaged the community and local government in seeking a wide range of solutions to planning issues. For example, multi-use centres were negotiated with complex land swaps and some, not enough, joint use of facilities. This was a pro-active approach, in contrast to the necessarily negative role of development control. (in this respect, despite the neo-liberal terminology, I was pleased to see the recommendation for the appointment of customer service officers.)

Devised an urban strategic planning and staging process instead of preparing an end state plan

Instead of a new end-state Planners' plan for Metro Adelaide, which was being prepared, but which realistic population projections did not require in the 1970s, a more strategic approach was adopted.

The Development Program was a sophisticated demographic forecasting model and a land supply and capital works budgeting process that provided a model for several other Australian cities. This work substantially reduced the call on public capital funds through rationalising the works programs of the various agencies. Importantly, the process allowed major investment decisions to be judged against a range of long-term options and information and forecasts current at the times of those decisions. (This strategic planning approach should be contrasted with the consultants' proposal for a 25-year end state plan for Adelaide, which would unnecessarily close options down. More about this will be said below.)

Devised a planning administration system that is the basis of the DAF recommendations

The SA Development Act provided for:

- An Act for a development control system rather than a planning system (On the grounds that, while you don't need legislation to do strategic planning, you do if you are going to affect people's development rights.)
- A single integrated document of development controls for each parcel of land
- A requirement that any amendment to that document had to specifically amend the document
- A single track for amending the document
- A single track, via the relevant council, to lodging an application for consent to do development (Thereby maintaining councils as the primary public body responsible for the outcomes of development.)

- The concept of a graduation of information to accompany applications and decision bodies depending on the nature of the proposed development
- The ability for a decision-maker to make a decision assuming the quantitative matters dealt with in a certificate or expert advice is correct

Few other States have systems with these best practice elements. NSW, for example, has multiple documents, multiple tracks, no identified accountable body for outcomes and a highly corrupt system. The SA Government should be make certain that any 'reforms' brought in from other systems, including corrupt behaviour, are not allowed to undermine what has been achieved.

Stopped the implementation of standard land use zoning and siting controls throughout the State and substituted more place-focused controls.

The program of the Planning administration before the Dunstan era was to produce strategic planning documents for every region of the State and then 'implement' them by imposing standard single use zoning controls supported by standard design codes. Doing what, in effect, the present consultants are now proposing.

The zoning regulations for Metro Adelaide were largely in place by the 1970s. Much of the resultant development was poorly designed and co-ordinated. Notwithstanding the evidence of this failure, the State's planners were then busy imposing standard zoning and siting controls over all the country towns and the rural areas.

In many of the unique country towns, which are such important social and tourist assets for SA, the effect of these standard controls, over time, would have been to have destroyed their particular urban design characters, many of which reflected different ethnic settlement patterns – Barossa, Handoff, Burra, Robe and many others. New development would have been typical 'be anywhere' designs. In the main streets, for example, the standard retail zoning controls required any redeveloped site to have parking out front, as is the case with so many of the suburban shopping centres in Adelaide. The traditional qualities of the country towns would have been ruined as traditional, to the footpath, buildings disappeared, their place being taken by large areas of tarmac. The same would have applied if the standard project homes on cleared and benched lots had been encouraged.

The answer was not to create 'heritage areas' and protect them, thereby giving the message that the rest did not matter, but to recognise that *every place* is important, as it is to the people who live there. In accordance with this view, the implementation of the Standard Model Country Zoning Controls was stopped and a new place focused approach was taken.

This explains the unique nature of the SA planning controls, which are largely formulated using a *place format* rather than a *land use zone* format. The objectives are contained in the *Statements of Desired Character* for each place rather than meaningless *Objectives of the Zones*. (I note that someone has recently included 'heritage area' zone provisions in the legislation. This is a

typical example of some, no doubt well-meaning, person not understanding and, indeed, undermining the virtues of the SA planning system.)

By using a place format for most of the controls it was possible to create a 'single document' record out of what was then a proliferating number of statutory documents. (If the standard land use zone is the primary format document then necessarily there will be layers of control documents.) In turn, this enabled the integration of all the controls applying to a place to be centrally integrated into a single digital record accessible on line by a property identifier. To maintain the single document approach the legislation states that any amendment must 'specifically amend' that single document and that a decision maker cannot have regard to other than the single document and any adopted technical codes in making decisions.

These changes not only have protected many of the unique qualities of SA from inappropriate development, it has allowed SA to avoid the inefficient proliferation of layers of control documents and vague criteria that bedevil other States, especially NSW, where a parcel of land can be subject to controls contained in tens of layered, unintegrated and scattered controls. Even Victoria, the first to go back to the past and reinforce standard land use zoning, finds that decision-makers are grappling with layers of policy and non-statutory control documents that try to provide some contextual criteria. As a consequence, appeals are bogged down with endless arguments about the meaning and relationships of those documents.

I totally disagree with the consultant's unsupported by evidence statement that standard land use zoning is 'best practice',

The main failure of the SA reforms was that the land use zone control remained a separate layer of documentation, although, thankfully, the statutory maps are presented as separate places rather than a coloured single land use-zoning map. It was my intention that the place-formatted controls include the specific land uses that were permitted or prohibited in each place. This would have facilitated greater flexibility in the design of places as specific performance controls could be directed at managing the operation of uses that, in standard single use zoning systems, are usually prohibited because they may become incompatible. That is, more mixed uses would be possible. Unfortunately the old guard of English trained planners managed to retain the layer of land use zones.

The argument against place specific land use controls and in favour of standard single use zoning (as proposed by the consultants), nowadays mainly comes from the providers of standard urban products such as project homes, chain retailers and fast food operators. They want to be able to locate their standard designs anywhere where there are appropriate standard land use zones, placed on standard lots in accordance with standard set backs from the boundaries of the lot with any required parking being located on-site. They do not want to be mucked around by governments and communities wanting specific designs that relate to the specific natural or built environment of particular places.

In the last 60 years most Australian cities and towns have grown largely using the control system preferred by the makers of standard urban products. The resultant

urban design is a sprawling low density featureless sameness that leads to the need to travel between separated land uses, that demands the destruction of the natural environment in order to create the cleared flat benches required to accommodate the standard products, that wastes land and water with the strips of useless land left by standard set backs from front and side boundaries and that makes the creation of excellent places impossible because each building is isolated in a sea of parking.

Detached house zones are really *subdivide first, build second* developments. Although these are the least designed and most formulaic environments, Planners, with their land use zoning system, present them as the ideal ('Residential A Zone'). In fact, the more 'medium density' zones, or, more correctly, zones where the *build first and subdivide second* process is required, are potentially better designed as, rather than building within standard set backs to the lot boundary, the important design issues are the relationships of buildings to buildings and buildings to the specific environment.

Ideally the control system should not distinguish between detached and other types of housing. Rather it should concentrate on achieving the good design and environmental performance of housing. It should require the buildings to be designed in relationship to one another and their specific environments, rather than individual lot boundaries. In this way land can be efficiently used rather than wasted in useless strips created by standard set backs from standard lot boundaries. Rather than being merely something for building design, water and energy efficiency could be fundamental objectives for design and siting judgments and densities could be increased without doing away with back yards. This system would greatly free up developers to offer products that achieve real environmental planning objectives and attract different market segments.

The SA planning system is well placed to go down this path. It does not mean that the efficient production methods of project house builders need suffer, or that the consent process should be more difficult as it tends to be at present. It just means a different control and production process that combines efficiency and cost effectiveness with good environmental and urban design. Standard zones and codes for standard set backs from the boundary will not achieve this.

The consultants' policy approach

I have dealt with the recommendations for a limited number of standard, mainly single use zones and standard from the boundary codes.

There are a couple of other policy positions with which I disagree:

The 25-Year Metro Plan

A Predict and Provide Planning Technique

A population forecast is made and an estimate is made of the population in say 25 years time. Taking the standard, non-strategic, '*predict and provide* approach, the population is converted into households, converted again into low density, medium

density and high density living and then land sufficient to accommodate that population is identified with a map being produced identifying the areas earmarked for future development.

The following things are wrong with this approach:

It is not strategic planning

A predict and provide planning exercise is typical of an output silo organization, such as the traditional planning department. The *outcomes* identified are mere platitudes and the plan is really about the production of the Department's traditional *output*, which is land use zoning, rather than whatever is required to achieve desired outcomes.

A proper strategic plan would identify, say, water conservation and the reduction of carbon as key objectives. The planning body would then identify what needed to be done to achieve those objectives. Certainly it would not be the production of a 25 year land use zoning plan based on a 2008 predict and provide exercise and 2008 standard zoning and codes instruments.

In the 1970s, a strategic approach to planning Adelaide saw the dumping of the crude predict and provide exercise that was then underway and instead, for example, there was a concentration on such things as rewriting the CW/State Housing Agreement. This Agreement mandated a pricing policy that, in effect, required the Housing Trust to build on cheap land on the fringe. We also made a complex set of changes to the way the State Bank provided home purchase assistance so as to get rid of the tie between assistance and the building a new house. These things had to be done to achieve the objective of a more socially inclusive city in the future. Had we not done these things the case for zoning more fringe land and continuing to role out the social disasters the Housing Trust and the first homebuyers project builders would have remained and the social capital problems of Adelaide today would have been exacerbated.

A strategic approach to planning leads to doing *whatever it takes* to achieve the objectives. A 25-year planning exercise leads to a misleading 25 year zoning plan, accompanied by platitudes about the real issues.

It's a one-off process

Generally these types of plans are prepared by a group of experts who are especially collected for the purpose and then are disbanded once it is completed. The planning process is seen as a one-off exercise, to be done and published. Once published, the area or system is assumed to have been planned and it need not happen again until some number of years later when another major effort is mounted to produce another coloured zoning plan.

Little community involvement

Generally there is little community ownership in such plans. The logic of the planning process is lineal. Once having reached a preferred end state plan, the

practice of putting it out on exhibition and receiving submissions is designed to encourage, not productive participation, but rather a negative response only from those with a problem with what is proposed. Usually these are the property owners whose land looks to have suffered a wipeout rather than a windfall. The experience in Sydney is that the disgruntled land owners are accommodated and little rural or vegetation land is retained.

Closes down options before they have to be

End state planning closes down options before they have to be. Being an end-state plan, a particular future has to be chosen out of the range of possibilities. Publication of the end-state plan will ensure that the land identified for development will obtain 'future urban' values and that the land will be acquired for development by developers. Attempts to retain some land as rural or natural land in private ownership fail as the potential losers successfully lobby government to include their land in the future urban zoning.

A long-term end-state plan ensures decisions are taken with less than optimal information. Land is developed notwithstanding the later appreciation of environmental, social and economic issues would have left it as rural.

A classic example of this is the 1980s development of Seaford. The 1950s end-state plan for Adelaide identified the land as *future urban*. Public developers land banked it. In the 1970s it was clear that it would be silly to develop the land. It would be expensive to provide decent road or public transport. Any community was likely to be isolated socially and economically. Crossing the Onkaparinga River with large-scale urban development would inevitably lead to the development of the Southern Vales, the rural use of which is such an asset to the SA economy and society. Better to fix the River as an identifiable urban boundary.

But having been prematurely and wrongly identified as 'future development' it was developed and was a financial, economic and social failure as predicted. The threat to the Southern Vales has been heightened, with the area likely to be identified for more development in any future 25-year plan.

Instead of preparing a long-term end-state plan, the better process is one where decisions are not finalised until the last possible date. This then allows each major strategic decision to be based on a judgement of how that decision will cope if *any one* of the full range of possible futures actually eventuates. There is no need to produce a 25-year zoning plan and make a whole lot of decisions prematurely.

Plans not tested in reality

End state plans may fail to be tested by reality, as the program of implementation is not included in the form of a detailed list of what needs to be done 'tomorrow', and the next day, together with the nature of the administration and budgets to ensure that those actions indeed occur. The plan is a snap shot of a single future, rather than a path to start going along and to be kept constantly under review as things happen, or don't happen.

Where end state plans do have an implementation chapter, it is likely to be a list of what other agencies 'ought' to be doing. Merely listing what others 'ought' to do in the future does not allow the reader to assess whether those 'oughts' are likely to be fulfilled, and what is the consequence for the end state plan if the oughts are not achieved. There were plenty of 'oughts' in the recent Sydney Plan that already have been abandoned.

Difficult to assess performance

Having been identified for development, land will be brought by land bankers, the rural use will wind down and the land bankers will press government to allow development, regardless of the need, justifying the development on the grounds that rural use is now uneconomic, given the change in land values brought about by the plan. As the objective of the plan was merely to provide for what was predicted, and as the land will be developed, at whatever densities, the plan will be declared a success, regardless of the social, environmental or economic outcomes.

Political Capital in the Product

An end state planning exercise is usually major effort for a planning department and its Minister. It produces a very public policy output.

The special one-off nature of the exercise may result in more political spin being imposed on the result than is healthy for policy purposes.

Bad news and difficulties about the future may be hidden in unrealistic 'ought' statements. In a low population growth scenario, unrealistic forecasts of growth may be demanded by spin-doctors, leading to unrealistic expectations and wasted public expenditure by public agencies.

There have been examples of this in SA. In the late 1960's an official planning document was produced that predicted Adelaide would reach 1.3 million by 2000. Monarto and other wasteful expenditures were the result. The 1.3 million figure was essentially politically driven, rather than the product of a competent and realistic exercise of demographic and economic forecasting. I have some concerns that the proposed 25 year plan will lead to the same unrealistic results. It will be an expression of hope rather than a realistic instrument of strategy.

The Centres And Corridors Redevelopment

The recommendations about transit oriented development and higher densities along the arterials again reflect NSW and Victorian fashions.

Much effort went into maintaining the central role of the City square mile in the life of Metro Adelaide. There is still an immense amount of low density development in the City and close by that could be redeveloped to house many households, especially those who want to trade off suburban living for the excellent facilities the City provides.

Also most of the suburban centres are just big box monopoly shopping centres; they are not places.

With significant expenditure it may be possible to redesign these wastelands into multi-use residential/business places but the risks are such that one would not make it a centrepiece of policy.

The higher density along arterials policy in Sydney is already coming under fire as environmental concerns about noise and air pollution suggest those strips along three lane highways are not great living environments.

Private Certifiers

The recommendations also suggest having private certifiers issue complying certificates not to government but to those that pay them. This again is the path that NSW has taken and it is a complete failure.

By giving the certificate to government the market rewards good certifiers. Where this is not the case the market tends to reward dodgy certifiers. NSW has recently introduced extensive additional discipline provisions in an attempt to better regulate a system that can never work, given that the regulated pays the regulator.

What should be done

People are always complaining about planning control systems. Sometimes the complaints are justified. Sometimes it is because the system is too transparent and too difficult to corruptly manipulate. Naturally there are people wanting to manipulate the system to make a windfall gain by getting much more development than the controls allow and the vendor assumed possible when the land was sold. Certainty for vendors and flexibility for purchasers is what they want and they blame the system when they don't get it.

One needs to guard against concentrating on time taken to make decisions and ignoring the quality of the resultant development which is going to be round for hundreds of years

There *are* reforms that should be made to achieve the things that were not completed with the Dunstan era reforms.

I recommend the following:

Integrate land use controls into place/parcel formats

The rationale for this has already been discussed. It would get rid of one layer of controls and potentially provide much greater flexibility of land uses, encouraging performance controls over activities, rather than blanket prohibitions.

Needless to say this recommendation is completely contrary to the mindless adoption of the failed and rigid Victorian/NSW standard single use zones. The so-called information advantages of standard zones are outweighed by the provision of

integrated up-to-date parcel formatted controls on line. Of course there should be standard definitions for such land use controls, as there are.

Complete the digitisation of the parcel based planning information system

SA has the great advantage of a single essentially place/parcel formatted system on line and referenced to a parcel number. It needs now to place on that system the information about consents, applications, orders, etc, so as enquirers can obtain an authoritative record of the controls and consents applying to every parcel of land in the State. After all, the terms of a consent are just a more specific set of development controls than those contained in the Development Plan.

SA can build on its Torrens traditions to create what will probably be the world's first parcel formatted digital planning control record. The potentials for sensitive land management and expanding mixed uses are enormous.

Get rid of the concept of 'heritage areas'

A brief examination of the legislation does not disclose what are the consequences of these listings. As I said above, they undermine the concept behind the SA system, which is that all places are important and can potentially have contextual controls. (Contextual controls do not need to be conservation controls as the Desired Character Statement could envisage a significantly changed future. The City of Adelaide has had contextual controls for over thirty-five years and a great deal of fundamental change has occurred.)

Heritage areas are needed if there are standard land use zones and standard codes. Only a limited number of special areas can have good design – everywhere else will cope with the standard 'everywhere looks the same' design. This is why the consultants said that in heritage areas standard codes would not apply. Standard zones will still apply apparently. This is a typical NSW approach, where, it should be noted, the government recently said that there would be no more heritage areas listed.

Under Dunstan we fought to ensure that the heritage listed buildings be controlled under the Development Act and not the separate Heritage Act. At the time we had been working with country town councillors to get them to value each of their towns as unique places. If, as was proposed, heritage was confined to a few buildings in the main streets and a committee in Adelaide controlled these, this effort would have been wasted.

The same issue arises with heritage areas. 'If it is not listed it doesn't matter' is the unfortunate message. Instead of a heritage area zoning, the Future Character Statement need merely require that new development reflect the existing qualities. If the actual building cannot be demolished then it can be listed.

Reduce the words in the controls

I have only partially followed the work done on the reform of the Development Plans. My impression is that they have become far too wordy and there are too many lists of

matters for consideration. A strict approach to words should be used. If the statement does not affect development rights in some real manner it does not need to be there.

I suspect many words have crept in from the regular review Development Plans that the Act requires. Most places change very little. If you ask a consultant to do a review, chances are that they will not come back and recommend no change. Often useless words are added to justify the consultant's fee. (Unfortunately too many consultants are not prepared to leave well alone.)

Word discipline needs to be imposed on DPs. Perhaps a blanket 30% reduction should be demanded.

Get rid of subdivision control where building and works designs are controlled and use densities (dwellings per hectare) rather than minimum lot sizes for density controls

This is how the City of Adelaide controlled development and it provided much greater flexibility in design and production sequencing than does the subdivide first, build second system. Subdivision control plays little part in Britain and certainly only buildings are controlled in much of Europe. Planning by subdivision is a particular and crude colonial relic that can have unintended consequences. (Such as the policy of increasing lot sizes to reduce restrain rural living settlements, which merely ensures that rural living houses are on bigger lots and even more land is lost to rural production.)

The reason why subdivision control was introduced in the City apart from, I suspect, the workings of a tidy centralist mind, was because smart developers were applying for buildings on the backyards of lots when that space had been part of a previous density controlled development.

This can be a problem, but it is easily solved if the digital cadastral record recommended above is implemented. The previous consent would be part of the record of controls applying to the site and would be clearly available to any purchaser, applicant or controller.

None of all this is to disallow the standard lot subdivision and the project home located on the cleared lot with the use of an approved code. (Why does it have to be a standard code for everyone?) If developers want to provide this low level product, and the environment on which they want to put them is flat and essentially treeless, then fine. But the system must allow a good design result to be provided as easily and cheaply as a bad design result. At the moment it doesn't, which is one reason why new suburbs are too often badly designed.

Recognise that controls for new development are of a different nature to controls managing additions and redevelopment in existing areas.

The fetish for standardisation of codes leads to trying to design codes and systems that do quite different jobs. Managing the public interest in large scale new development is different from managing the relationships between neighbours in

existing areas. One is essentially a production management task. The other is an arbitral role of finding a fair balance between different interests.

The recommended place/parcel approach overcomes the problems that the other 'everything is the same' States have in finding a standard control and process that will do both tasks.

'Rezoning becomes new places'

The beauty of the place formatted control system is that a new development area becomes a new place zone. This allows a change in the existing controls and the approval of a specific development that can have as detailed (the incorporation of a standard or specific code) or loose a set of controls as are needed. With the inclusion of the terms of a consent into the cadastral record, the distinction between DP controls and the detail of a consent becomes largely irrelevant.

This reform would encourage developers to market developments designed for the place and the times, rather than being required to use standard zones and standard codes resulting in same as last time, be anywhere development.

Do whatever is necessary to make government charges and taxes product neutral

A pre-subdivided lot has stamp duty and cash flow advantages given that stamp duty is on the land value only and the land can be sold before the house is erected. If house and land products are provided they should have stamp duty charged on the land value only. And the cash flow problems could be alleviated somewhat if a lot can be subdivided off and a title obtained without delay, as soon as, say, the foundations have been laid. These issues should be part of the Henry Taxation Review.

Restore the urban management approach adopted in the Dunstan period

The pro-active management of the Dunstan era has been completely lost to the management of a statutory planning system. The urban management approach should be restored.

There should be a clear separation between the outcome focused, area management roles and the operation of the statutory system. Outcome managers cannot also prepare development assessments, as there is a conflict of roles between the *do whatever it takes* role and the *fair process* role of development assessment. The design of the DAC as a body separate from the Minister available to make State level decisions reflected this separation. The staff need also to be separated.

Do not undertake a 25-year land use plan

Rather an on-going strategic management approach should be taken, based on clear and relevant strategic objectives. In doing this work, it may be necessary to identify some areas for future, but probably not too distant future, development, but only if the downsides of that action can be carefully managed.

The questions to ask and answer are:

- What do we want to achieve? (A sustainable economy, less water and energy use, equity, retention of natural areas and farmlands, efficient use of capital, etc, etc.)
- What stands in the way of us achieving it?
- What approach should we take to take advantage of the strengths and deal with the weaknesses, etc
- And finally, as a reality check, what actions do we need to take, who has to take them and by when?

This type of planning is not end state but is on-going and tied into the Budget process.

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