

Upper Spencer Gulf Regional Planning Arrangements

Report to Whyalla, Port Augusta, Port Pirie Councils – February 2016

Purpose:

To investigate establishment of a regional assessment panel and joint planning board for the Upper Spencer Gulf.

Background:

Current Arrangements - Development Assessment

At a local level, each Council currently has its own development assessment panel.

Pt Augusta DAP has seven members comprising four independent members and three Councillors. Members are paid \$300 per meeting attended, \$350 for the presiding member.

Whyalla has a panel of five, with three independent members and two Councillors, paid \$80 per hour.

Pt Pirie's panel comprises four independent members and three Councillors. Independent members receive \$300 per meeting, the presiding member, \$500 per meeting and elected members \$100 per meeting.

The three Councils have similar processes for managing assessment lodgement, processing and seeking expert advice through internal and external referrals. Essentially, the processes and practices being followed by each Council are very consistent, with differences being nuanced rather than material.

Both Whyalla and Port Pirie utilise SynergySoft software whilst Port Augusta utilises Authority software. Generally the software packages work efficiently, however may not be utilised to their full potential in terms of managing application workflows.

Delegations to staff for decision making on applications are similar at all three Councils, albeit slightly more restrictive in respect of land division applications at Port Augusta.

The time and resource commitment of Development Assessment Panel decision making is relatively low among all three Councils, with an average of three to four meetings per year, ranging from as little as one and a maximum of eight meetings annually over recent years. All three Councils only convene meetings when there was an item for the Development Assessment Panel to consider. A typical item load at a DAP meeting would be one to two items, with more items than this being an exceptional circumstance.

Pros and Cons of Current Arrangements

The current assessment panel arrangements that includes ability for elected council member involvement provides direct community representation and local knowledge.

Local control of panel membership and remuneration and flexibility around meeting scheduling are also benefits of current arrangements.

There is also the ability for local panel members to undertake site visits as part of their review of the application in their own time, prior to a panel meeting.

Whilst the current local DAP arrangements are working relatively well, there are a number of challenges and improvements that could be alleviated through a more collaborative, regional approach across the three Councils.

The ability to appoint suitably qualified and experienced independent members and chairs to local DAPs is a constant challenge, with the task of finding independent members who meet the experience requirements proving harder as the distance from metropolitan Adelaide increases. Ensuring local panels have access to regular training updates and are appropriately informed enough to make sound assessments on every occasion can also be difficult.

In addition, despite the benefit of elected members with local knowledge, this situation does give rise to conflicts of interest which reduces the number of panel members available to deliberate on applications

and can raise perceptions of influence in the community. This is exacerbated where DAP meetings are held 'in camera', rather than considering the merit of an application in public.

The efficiency and cost of holding panel meetings for only one or two items is not always ideal and the small number of items per panel meeting can also lead to unnecessary and non-proportional discussion about minor matters.

More broadly, due to the limited resources within each Council, informal development and planning enquires, received by telephone, email and over the counter are a considerable workload for Council staff resources, both planning and administrative and can limit ability to complete substantive work processing development applications. Different approaches exist across the three Councils in respect to the management of such enquiries, with different focus over the extent of advice provided by administrative and planning staff.

Current Arrangements - State Planning Strategy

At the heart of the planning system is the South Australian Planning Strategy. Made up of a series of volumes covering every administrative region of the state, the Planning Strategy establishes the key directions for future land use and envisaged development of each region, with the more detailed planning policy intended to align with these directions. It is effectively through this strategy to policy linkage that the assessment of individual development proposals is envisaged to bring into effect the desired future development of a region or area within a region.

Currently the three Upper Spencer Gulf Councils sit across three different Planning Strategy volumes. Port Augusta within the Far North, Port Pirie in the Mid North and Whyalla in the Eyre Peninsula planning region. Two Councils (Port Augusta, Whyalla) have converted.

At a policy level, the Whyalla Development Plan has been converted to the South Australian Planning Policy Library format but Port Augusta and Port Pirie have not.

This increases duplication of resources and hampers the ability to take a more strategic view of development across the three cities, which have strong commonality in industry, land-use and community. This is further exacerbated with the three cities serviced by three different Regional Development Australia boards and key natural resources such as the Spencer Gulf coast and marine environment being managed through two different NRM boards (Whyalla – Eyre Peninsula NRM; Pt Pirie and Pt Augusta - Northern & Yorke NRM board).

Drivers for Change - Strategic and Legislative Context

State Planning Reforms - Legislative Change

Longer term, opportunities are emerging for a more collaborative and strategic approach to land-use and regional planning through the state planning reforms.

The new Planning, Development and Infrastructure Bill was introduced to Parliament in September 2015, passing the House of Assembly, with amendments, in mid-November 2015 and now being considered by the Legislative Council.

The bill updates the Development Act 1993 and provides a planning system to regulate development, provide rules for the design, construction and use of buildings and other initiatives to facilitate the development of infrastructure, facilities and environments that will benefit the community.

There are numerous amendments being considered, including many changes sought by local government to ensure local control of development planning is maintained.

Once finalised, it is expected to be around 12-18 months before the new Act comes into full effect – realistically, implementation is unlikely before 2017/18.

Of particular relevance regionally, the bill provides for a "Planning Agreement" to be established with a council(s) and other entities across a defined area, and a "Joint Planning Board" to administer this agreement.

The Joint Planning Board would have between 3 and 7 members, a formal constitution and agreement by members about staffing and financial support arrangements.

A key role of the Planning Board will be development of the regional plan which would include a long-term vision for the region, the integration of land use, transport, infrastructure and the public realm, any relevant structure or master plans and recommendations about the application and operation of the Planning and Design Code in the region. The regional plan would supersede current volumes of the State Planning Strategy.

For areas where a planning agreement and joint planning board have not been pro-actively established locally, the Minister will be responsible for preparing the regional plan.

A Joint Planning Board may also appoint an assessment panel(s) of up to five members who are accredited professionals, with members of State Parliament or a local Council not eligible. The membership, composition, remuneration, management, meeting logistics would be determined by the board.

The Joint Planning Board would be responsible for arranging the staffing and other resourcing support required for the operation of the panel along with costs and other liabilities associated with the activities of the panel.

This would include appointment of an assessment manager who is an accredited professional (and may be a Council employee) with authority under the Act, who would manage staff and operations of the panel and provide advice to the panel.

Masterplan Report

The Upper Spencer Gulf Planning and Development Framework Feasibility project, commissioned by the City of Whyalla with support from the LGA Research and Development Scheme, reviewed current planning policy and investigated options for regional resource-sharing across the three cities including joint formulation of planning policy and the establishment of a regional Development Assessment Panel.

The report concluded that opportunities exist for the Councils, their staff and the communities to benefit from increased collaboration and sharing of knowledge and skills between the three organisations.

Upper Spencer Gulf Model Planning Report

This report was prepared by Dr Donna Ferretti on behalf of the Upper Spencer Gulf Common Purpose Group and the Commonwealth funded 'Regional Sustainability Project'.

The report highlighted issues associated with the three Upper Spencer Gulf Councils sitting across three different planning regions and three different volumes of the state planning strategy, including increased duplication of resources and a hampered ability to take a more strategic view of land-use, infrastructure and industry development across the region.

The report recognised potential for the imminent reform of the South Australian planning system – particularly the proposed regional planning arrangements – to deliver better planning outcomes and improve coordination and efficiencies in environmental management, economic development and infrastructure provision in the Upper Spencer Gulf.

Five recommendations to improve strategic approach to land use and improve planning practice were provided:

1. Amend existing State Government boundaries to create a single Upper Spencer Gulf planning region and land use plan, with a single development zoning plan and development assessment panel.
2. Formalise arrangements for consistent implementation of planning policy.
3. Greater collaboration with NRM boards and Coast Protection Board to undertake mapping of areas particularly susceptible to sea level rise and important conservation areas to be protected.
4. Establish formal mechanisms to increase sharing and rotation of planning resources and collaboration amongst local government planners across the USG region.
5. Establish regular capacity-building and professional development sessions for USG planners, development assessment panel members, State Government agencies and technical experts to improve consistency of interpretation and application of planning policy and strategic land use planning objectives across the region.

Upper Spencer Gulf/Whyalla/Alinta Taskforces

Whilst not directly related to development planning, Councils in the region are acutely aware of the current economic situation across the Upper Spencer Gulf and the numerous short-term, crisis-driven committees established by Government in response to this.

The clear lack of coordination across Government and lack of engagement with Councils and other local stakeholders further emphasises the critical need for a regional body with some statutory authority to build collaboration and focus attention on the future opportunities and needs of the three cities over the long term.

A joint planning board that focuses on the long term vision for the three cities, sets out a strategic approach to land use, transport, infrastructure and the public realm, integrates economic, environmental and community priorities - and which has a legislative basis - has considerable merit to support the future growth and sustainability of the Upper Spencer Gulf.

Conclusion and Recommendation

Taking the current legislative reforms, economic crisis and recommendations from the Masterplan and Ferretti reports into account, there is little doubt that a timely opportunity exists for the three Upper Spencer Gulf Councils to reconsider their approach to planning and development.

There is also little doubt that the options available to the Councils are either to take a pro-active approach to reform and move to establish their own regional arrangements, or be subject to arbitrary decisions by the Department.

Whilst there is some uncertainty over many details of the planning bill, the concept of regional planning arrangements, including enabling provisions designed to facilitate and encourage regional collaboration on planning issues are not contentious. These provisions will support pilot initiatives and, more generally, promote collaborative approaches on planning issues.

Both Government and the Local Government Association are currently supporting several groupings of Councils to explore and trial various options for regional planning arrangements.

Engaging with this process as a 'pilot' provides an ideal opportunity for a 'no regrets' investigation into how a regional assessment panel and potentially longer term, a Joint Planning Board, could work best for the Upper Spencer Gulf.

It is therefore proposed that a detailed investigation and options for further consideration by the three Councils be prepared, with this work to be supported through Spencer Gulf Cities.

Recommendation:

1: That the Port Pirie, Whyalla and Port Augusta Councils agree in principle to investigate the establishment of a Regional Assessment Panel and Joint Planning Board.

2: Subject to adoption of recommendation 1 by all parties that the USGCPG present a report to the member councils that sets out the elements and resourcing requirements to establish and operate a Regional Assessment Panel and Joint Planning Board for Port Pirie, Whyalla and Port Augusta Councils for endorsement.