04 Growing Up, Growing Out

18 Throwing Shade: Overshadowing in a planning law context

The official publication of the Planning Institute of Australia (SA Division) Volume 1, 2017

SA Planner, volume 1, 2017 sponsor.
Sponsor Welcome

By David Altmann, RPIA

As Eddie McGuire would say, “what a big week month it has been in footy planning”!

Congratulations to those appointed to the State Planning Commission. We wish them well with the enormous task ahead when enacting the various elements of the new planning system through the Planning, Development and Infrastructure Act (the PDI Act).

There has been a range of recent developments as it relates to the PDI Act with the DPTI advising of the 1 October 2017 date for the establishment of new Council Assessment Panels, Regional Assessment Panels and appointment of Assessment Managers. The DPTI has also released draft Regulations, Meeting Procedures and Code of Conduct for the operation and function of Assessment Panels.

No doubt there will be a range of other announcements shortly as more parts of the PDI Act are turned on.

As mentioned by PIA President Kym Pryde and others on many occasions, we will all need to chip in with a combined effort right across the sector to assist with the transition to the new planning system.

Anyway, enough about the PDI Act and Planning Reforms, as there are a range of more detailed articles in this edition for your digestion.

In closing, Development Answers is approaching 10 years as key sponsor of SA Planner – as a small business this is something we are very proud of.

Keep well and make sure you barrack for the right team....

David Altmann RPIA
Managing Director
Development Answers Pty Ltd
Contents

Sponsor Welcome 02
Growing Up, Growing Out 04
President’s Column 06
Q&A with Wendy Bell 08
Opinion Piece 10
Beyond Technology 12
The Evolution of Smart Cities 12
Successful Placemaking 14
An interview with John McInerney LFPIA 16
Throwing Shade: Overshadowing in a planning law context 18
Celebrating the achievements of Australian Planning 20
Announcement of the South Australian Planning Commission 23
Environment and Planning – File notes 24
PIA Fellows honoured on Queen’s Birthday 25
New Act, new objects, new purpose? 26
VALE Rebekah Kuehn 28
SAYP Committee Update 29

SA Planner Submissions:
If you are interested in making a submission in the next edition of SA Planner, please forward details to Jodi Mavrinac, Jodi.mavrinac@planning.org.au
Growing Up, Growing Out –
A Call to Arms for the Planning Profession

Michael Davis MPIA
Vice President – SA Division
Planning Institute of Australia

The theme of the PIA National Congress 2017 held recently in Sydney was ‘Growing Up, Growing Out’. I was inspired by my colleagues from across the country and the world over two packed days. But I was also disappointed with South Australia’s collective impact upon the Congress.

It was this combination of inspiration and disappointment, mixed with a lack of sleep, too much coffee (and espresso martinis) and a dearth of in-flight entertainment, which compelled me to pull out my laptop on the flight home and start writing. It had dawned on me that the SA Division Committee of PIA, our South Australian membership, and the broader planning profession in our State needs to ‘Grow Up’ and ‘Grow Out’.

By ‘Grow Up’, I mean that we need to recognise that for too long we have been quiet and compliant as the planning profession has been regulated to the sidelines and bullied into submission by more powerful and politically aligned stakeholders in planning and the built environment. And by ‘Grow Out’, I mean that planning needs to expand its influence and leadership in the built environment.

Much like the quiet adolescent in the school yard who has yet to find their voice and assert themselves, we have allowed ourselves to be bullied; the planning profession is portrayed as blockers, resistant to progress and the masters of red tape. Notwithstanding this, we have quietly complied and kept on with the business of planning our communities, facilitating development and engaging with stakeholders to improve our urban and regional places. We have often thought this to be enough.

This is not to downplay the efforts of many members and non-members alike who advocate for good planning principles and apply them in the practice of urban and regional planning every day. There are many of you who have been champions of technical excellence, diligent research and principled planning outcomes of benefit for current and future generations.

However, by far the most common question or concern put to me by PIA members, and those in the profession who are contemplating membership, is: what is PIA doing about the reputation of the planning profession? The underlying concern is always about how PIA is representing them and therefore the benefits of membership.

PIA is making great strides nationally, leading conversations about managing population growth, regional planning, new communities and the infrastructure needs of our big cities. It is engaging with decision makers and building alliances with other professional institutes and representative bodies. And it is also rolling out reforms to improve the competency and professionalism of planners. There are Registered Planners already amongst you.

In South Australia though, perhaps constrained by the nature of professional life in this State, planners (and PIA) historically have failed to accept the reality that we need to be political beings. Prathima Manohar sparked this thought in me when she spoke at the Congress of the need for planners to recognise planning is political and that we need to be strategic, build alliances and collaborate to influence decision makers and deliver lasting, positive change.

The SA Division of PIA is committed to advocating on behalf of our members and the planning profession in this State. We have been working behind the scenes to build our influence, our connections and our impact. However, there is more to be done and I encourage you to contact a member of the SA Division Committee, Emma de Jager or Jodi Mavrinac if you have ideas on how we can grow our voice, or you wish to contribute further.

You can also help by continuing to push bold planning ideas in your daily practice, be thought leaders in your workplaces and outspoken advocates of improving the lives of South Australians through good planning.

At Congress Rahul Mehrotra argued that planning has lost its speculative edge. South Australia’s poor showing at the National Awards for Planning Excellence in the past few years suggests this might be so for us. And our colleagues in landscape architecture have assumed the mantle of custodians of design, planning and management of the natural and built environment. They are leading the charge, speculating on the future of our cities and proffering engaging solutions. As a result, they have raised the profile of their profession and are considered thought leaders, often to the detriment of our own.

We can all be champions of the planning profession and the best way to do so is to provide innovative solutions to the problems facing our state and to ensure...
that you are included in the discussions on the reforms and projects that impact upon the built environment. Planning will grow its influence through the collective impact of you all in your professional lives. Quiet, bullied adolescents often grow up to become successful, outspoken and assertive adults, shaped by their experiences in the schoolyard. It is time that the planning profession grew up and found its collective voice in this state. It is time we grew out and expanded our influence. This is particularly important now given the State Government is delivering reforms to the planning system that will have a profound impact upon all planning practitioners and those who interface with the planning system. There is great opportunity for our profession in the reform, we need to embrace it.

I am committed to this task. I ask you to join me.

Michael Davis MPIA
Vice President – SA Division
Planning Institute of Australia

Michael is Principal Planner – Transport Advisory at AECOM, a global multi-disciplinary consulting firm with expertise in Design + Planning, Environment and Civil Infrastructure. This expertise is brought together for integrated delivery in their Cities portfolio.

Michael has more than 15 years’ experience, including 11 in strategic planning roles in State Government.

---

Nominations are now open

About the Awards
The annual PIA Awards for Planning Excellence demonstrate leading practice, leadership and achievement in planning and the planning profession. The Awards recognise excellence and showcase leading practice across a range of planning disciplines and sectors. Leadership in planning, particularly in the face of adversity, is acknowledged and applauded. In all, the Awards are a chance to celebrate, recognise and reward outstanding planning and planners.

As a national program the Awards commence at the state and territory level seeking out the best of planning in each jurisdiction. Following judgement and recognition at a local awards ceremony, the winners of the appropriate categories in the state and territory Awards are elevated to the national stage. The best on offer from each state and territory are judged at a national level, culminating in the National Awards for Planning Excellence ceremony which acknowledges the best of planning and planners that Australia has to offer.

Key Dates
22 May Nominations Open
7 August Nominations Close
17 November Awards Presentation Ceremony

For more information
www.planning.org.au/awards/sa 08 8337 8816
sa@planning.org.au
President’s Column

By Kym Pryde RPIA

was an enlightening discussion about their view on PIA and the profession. Following the meeting there was a series of emails which I felt it was fair I summarised for members.

We (PIA) are keen to be engaged with the conversation on the reforms as we believe that the profession should have a voice, and a consistent voice. However, it should be acknowledged that PIA is not a mouthpiece for the Minister, and whilst we support many of the reforms (including the and policy agenda), it is incumbent on PIA, as the representative body of the planning profession, to constructively critique policy, governance and processes where it is appropriate to do so, especially where we see that good planning is potentially being compromised. In this respect, we are particularly concerned with the almost sole focus on economic development in the reform process to the seeming detriment of social and environmental values. PIA has always held that short-term goals of economic development in isolation can often lead to poor urban development, social and environmental outcomes that ultimately have poor long-term economic outcomes.

PIA supports the Minister’s emphasis on design is encouraging, as well as and the commitment to engagement and the development of the Charter of Community Participation. But the view that planners are currently ill equipped to contribute in this space is disappointing and unfounded. Many professional planners and members of PIA are at the forefront of design thinking and engagement practice. And as a profession we are committed to good engagement with the community. Perhaps more importantly, our professional experiences mean we understand when engagement should be occurring through the system and where the best outcomes can be achieved by aligning engagement tools and procedural steps. Having experienced planning practitioners on the Practitioners Panel will be particularly important to prepare the Charter that you outlined.

PIA does not share your dismay regarding the state of the planning profession, but acknowledges that there is room for improvement. This improvement cannot be done in isolation but with true collaboration and support between DPTI, PIA and the wider profession. The National reforms that PIA is rolling out through the Registered Planner program will assist with this. We believe that it would be more constructive if you, effectively as South Australia’s ‘chief planner’, were a champion of the planning profession in this State and not just a champion of the reform agenda of the State Government. To this end, PIA notes the lack of South Australia representation at the Heads of Planning meeting held in Sydney a few weeks ago. This is the second time in two years that SA has been absent.

There have been further and more recent conversations than this however this email, I thought, was important to share. PIA is advocating in the space. In order to be effective we need to be supported by the profession but we also need to be heard and influential – at times a fine line. The PIA Executive team and myself have been working to move forward, create alliances and build influence within DPTI and more broadly.

We have had subsequent conversations with DPTI and as late as early June we have been engaging on the Community Engagement Charter, the Planning and Design Code and the 30-Year Plan implementation; along with being invited to attend the Road Show workshops currently being undertaken.

There is much happening in this space stay tuned – through PIA and also the Planning Portal (if you haven’t subscribed to the newsletter it’s a must. All announce-able are tuned – through PIA and also the Planning Portal (if you haven’t subscribed to the newsletter it’s a must. All announce-able are communicated through this). Rest assured however we will continue to also keep you informed.

“ In order to be effective we need to be supported by the profession but we also need to be heard and influential – at times a fine line.
Ministerial Advisory Committees appointed

Congratulations to PIA members who have been appointed

The membership of each of the Advisory Committees are as follows:

Local Government Advisory Committee

- Ms Hannah Bateman MPIA
- Mr Michael Lange
- Mr Leith McEvoy MPIA
- Ms Sally Roberts MPIA CPP
- Mr Matthew Romaine MPIA
- Mr Ryan Viney MPIA
- Mr Greg Waller MPIA (Fellow)
- Mr Chris Zafiropoulos MPIA CPP

Development Industry Advisory Committee

- Mr Scott Ferris
- Ms Rebecca Thomas MPIA
- Mr Ian Marker
- Ms Rebecca Hayes
- Mr Morry Canala
- Mr Enzo Zito

Community Participation & Sustainability Advisory Committee

- Mr Thomas Matthews
- Mr Warwick Keates
- Ms Nicole Halsey RPIA
- Ms Tuesday Udell
- Ms Sarah Hill
- Mr Luke Farr
- Ms Emily Jenke
- Mr Phil Donaldson
- Mr David Homburg

The membership of the three Ministerial Advisory Committees prescribed under the Planning, Development and Infrastructure Act 2016 has now been finalised.

The membership of three advisory committees aimed at providing advice to the Minister for Planning in relation to the effects of the implementation of the Planning, Development and Infrastructure Act 2016 on the Local Government sector, development industry and community and sustainability representatives has been formalised.

Nominations for each of the three statutory committees were sought last year from the Local Government Association and various development industry and community bodies to ensure the views and opinions of a wide range of interest groups were captured through this process.
Q & A with Wendy Bell
MPIA (Life Fellow)
Hon President PIA SA 1990 and 1991

Wendy, thank you for allowing SA Planner to interview you for this edition. You have had a remarkable career in Planning, and are a PIA Life Fellow, can you tell us a little about your background?

I was born in Oxford, England just after the Second World War and at the age of 6 came to Australia where my father had secured a job in the Northern Territory as Resident Geologist. We arrived in Adelaide in 1952 and caught the then steam train Ghan to Alice Springs where we lived for several years before moving to Darwin. We used to come to Adelaide for holidays by the beach and eventually left the Northern Territory travelling first by Ghan number 2 to Adelaide and then by car to Sydney. I recall that at the time, Elizabeth was just being developed and Lake Burley Griffin in Canberra was being formed.

In Sydney I went to Hornsby Girl's High School where I was particularly interested in Art and Geography. My interest in Art and having a very supportive Father, led to my starting an Architecture Degree at the age of 16 at the University of NSW and finishing 5 years later at 21.

Many may not know this, but you were originally an architect, and worked overseas for several years, in fact, that when you lived in London, you worked for Ove Arup, the firm that built the Sydney Opera House, that must have been exciting, did you have much involvement with the project?

When I graduated from Architecture women were generally not welcome in architectural practices in Sydney, but I was lucky to get a position as an Architect in the large Architectural practice of Peddle Thorp and Walker, preparing working drawings for a large Sydney Hospital. This was at the time of the construction of the Opera House and we used to go on site visits as students and eventually attended a large rally in the Sydney Town Hall where Utzon spoke about his experience that led to his sacking. It was a very sad time.

In the 1960s and 70s many architects went to Europe or Canada to pursue their careers in Architecture or take up Planning and after two years working in Sydney I caught an ocean liner to London where I lived and worked for several years. I had many opportunities for work and chose to join Arup Associates, a multi-disciplinary practice under the umbrella of the Ove Arup Partnership, the engineering arm of which was doing the structural design of the Sydney Opera House at the time. I did not have any involvement in the design of the Opera House but worked on other projects with the Engineers who were translating Utzon’s design ideas into structures, while the architectural design was being led by Utzon’s office in Sydney. I worked on the design of University Buildings in Cambridge and in 1970 prepared the working drawings for the office of Penguin Books at Heathrow, a building that is still there. It was fascinating to design a building opposite the Heathrow runway requiring windows that achieved a massive sound reduction. Australian architects were valued in the UK as we were generally well trained in architectural drawing, unlike our British counterparts, and well before CAD.

Did the company realise at the time, what an icon they were creating for Australia?

There seemed to be an awareness that it was a very innovative and progressive design.

When did you make the decision to jump over to the ‘dark side’ and become a planner?

During my architecture course we did Town Planning as a subject and the seeds were sown.

After several years working as an Architect in Sydney and London, I soon became more interested in the broader community setting of buildings although building design has remained a keen interest of mine. Some of my Australian friends were doing post graduate courses in Town Planning at Edinburgh University which was renowned for its planning courses, established by Percy Johnston Marshall. I started a post graduate planning course at Herriott Watt University in Edinburgh in 1970.

Over the course of your career, you have worked in a variety of roles across many sectors of planning, state government, local government and of course continue to run a successful consultancy business today. Do you feel it is important to have a cross section of experience as a planner?

During my career I have largely worked in the private sector, although much of my work has been in public policy work such as housing, social infrastructure planning, recreation planning and urban design of the public realm. I was fortunate to start work as a planner in the policy areas of recreation and social planning, and became aware of the need to do more than prepare ‘paper Plans’. Consulting with community groups in the British New Town made me realise that these plans did not always meet community needs. This early contact with members of the community was the start of my broadening view of planning.

I think it is helpful to have a background in more than one discipline and planners can gain from having other fields of experience or study. I was fortunate to have had experience working on Federal government projects at a state and regional level and consulting with and eventually working for local government in South Australia, where I spent some time...
working as Principal Planner for the City of Charles Sturt and Manager of Urban Design and City Development at the City of Adelaide. Working in various states also helped me to appreciate just how good the South Australian planning system is. I set up an office in Brisbane where the rapid growth was calling for consultants with experience in Social and Recreational Planning and Social Impact Assessment. In my near retirement I am now focussing on cycle planning in Australia and am drawing on all my previous experience.

What was your first planning job?

My first planning job was in the Scottish New Town of Livingston not far from Edinburgh, where I worked part time while doing a post graduate Town and Country Planning course at Heriot Watt University in Edinburgh. I worked in Livingston for 6 years and during that time, planned recreational facilities as part of the overall structure planning and then led the Landscape Architecture team responsible for the planning and design of all open spaces. I recently returned to Livingston and was amazed to see how the landscape has matured, with forest of beautiful trees and shrubs planted in the early 1970s. I returned to Australia in 1976 to the Albury Wodonga Growth Centre where my late husband had gained the Principal Planner role. As one of the model growth centres being planned by the ‘Whitlam’ Government, there were opportunities to work for the Growth Centre Development Corporation which had a similar role to that of the British New Town Development Corporation where I had previously worked. I was soon commissioned to prepare the Livingston Recreation Plan as a consultant and I then took up a position of the Director of the Regional Council for Social Development, another ‘Whitlam’ initiative to promote social and community wellbeing. This brought me more in contact with the wider community and I started to realise how important it was to engage with the community. This led to my lasting interest in the social aspects of planning and urban design. My first job in Adelaide was with the late Brian Turner, a highly respected and successful planner whose practice was to eventually become MasterPlan. After a year working there, I established my planning practice, Bell Planning Associates.

You are highly regarded for your work, especially in Social Planning, do you find that having a background in architecture has been an advantage in the way that you perceive and handle projects?

Working as an Architect in a multi-disciplinary practice in London provided a good background in working on projects. Each new project had a team of Architects, Landscape Architects, and Engineers working together in one office. This approach was unlike most others at the time and even today, where it is usual for Project Managers to lead groups of consultants.

What do you attribute your continued success to over the years?

I have found that taking on challenges that seem insurmountable at the time has given me a range of experiences and being humble in acknowledging that many professions and the community contribute to planning and design has broadened my knowledge. I was also clear about what my goals were as new fields emerged. For example I decided in the mid 1990s to pursue projects in urban design which was an emerging field at the time and in which my architectural background was valued and of benefit. My small planning practice had to diversify, work interstate and overseas to gain the best experience in the various components of the planning field that I chose to work in.

What would you highlight as one of your greatest achievements in your career to date?

With the involvement of a network of interested planners I helped establish the former Social Planning Chapter of PIA which was one of the Chapters of planning specialisation highlighting the various dimensions of the planning profession.

A few years back you were interviewed as part of the “Planning Education Foundation, Oral History Project, in that interview, you mention that working overseas was fabulous as there was no discrimination or equality issues for women in those days – did you find that was the case here in Australia?

When working in the UK in the late 1960s and 70s I found little gender inequality, although I was one of two of the first female Architects (both Australian) employed by Arup Associates. This was in contrast to Australia at the time, where few architectural firms were willing to employ female Architects. When moving to Adelaide in the early 1980s the then Royal Australian Planning Institute (RAPI) was concerned about how few women were participating in the profession and as a RAPI Committee member at the time, led research in the subject. We interviewed over 120 women graduates from the University of South Australia and found many reasons why this was the case. We found that the range of activities run by RAPI favoured males and were at times that did not suit many women who were more likely to be the carers of children.

It is great to see today that more young women are forging a career in the built environment sector, were there many women in the industry when you were starting out?

In 1963 when I started my Architectural studies, there were 3 women out of a total of over 100 students starting the course, and of the 40 who eventually graduated in 1967 I was the only female.

On March 8th, we celebrated International Women’s Day, and PIA along with AILA, DIA, AIA and NAWIC held a breakfast event and had a positive conversation around workplace equality for women in the built environment sector. Do you think Australia and in particular, South Australia is moving in the right direction with equality in the workplace?

It is heartening to see that there are more young women entering planning courses, although I do not have any up to date information on what proportion of them graduate. In my experience in Adelaide, there has been a significant number of women planners who have senior planning roles in private and public practice and some have gone on to become Chief Executives in State and Local Government. My sense is that there is now much less gender discrimination in the profession and PIA’s work in developing the Social Planning Chapter helped with this.

What do you think would be a positive step forward in addressing gender equality in the workplace?

I think leadership training programs that affirmatively identify women for future leaders would help. PIA (SA Division) could play a role in promoting this in association with DPTI.
South Australia is currently going through a lot of change, today and over the next several years with the Planning Reforms, what do you think the biggest challenge facing planners will be during the next ten years?

I am concerned that all the good work that occurred in the 1980s and 90s in the social and community aspects of planning such as housing needs assessment, social infrastructure planning, social impact assessment, designing for safety and access, and community engagement and more recently in Active Travel Planning will not be given the priority that is needed in a climate where many decision makers see planning as facilitating development at all costs.

You were President of PIA SA in 1990 and 1991, involved with the Planning Education Foundation (PEF), mentor young planners through the PIA SAYP Mentoring Program and have been involved with the Planning Institute for many years, how important do you feel it is to belong and be actively involved with a professional Institute like PIA?

All planners should participate in the Planning Institute in order to keep up to date with changes in planning, to network with colleagues and to continue to increase knowledge and skills throughout their career.

Working closely with the South Australia Young Planners (SAYP), I see many talented and enthusiastic Graduates eager to make their mark in the planning profession, It’s a tough job market currently for them, what advice do you give them?

Be willing to move to regional areas, other states or other countries to get experience and to gain knowledge in different planning practices. There are currently jobs available but often in rural and regional areas. There are many who are willing to help young graduates with interview techniques and assist in exploring opportunities.

Finally Wendy, can you complete this sentence, Planning matters because…..

It influences many aspects of the life of communities and can make a difference to whether there is fairness and equity in urban and regional areas.

*The Planning Education Foundation (PEF) created and compiled an important collection of oral histories that go part way in telling the story of planning in South Australia and wider from the 1970 onwards.

The recordings of the histories are available on the PIA SA Web page https://www.planning.org.au/sacontent/history and via the State Library of South Australia.

South Australia is a beautiful and environmentally diverse State. I love our pristine beaches, the awe-inspiring flinders ranges, the stands of river red gums through the Adelaide Hills and River Lands and the pink evening light which blankets the Barossa Valley in autumn reminds me often that it’s a pretty special place to live in.

Since arriving in Adelaide from Melbourne nearly 10 years ago, I have noted a serious lack of policy strength and legislative teeth governing the preservation of the State’s environmental assets. Often debate regarding the application of the Native Vegetation Act 1991 is commandeered by legal views which trumps expert environmental opinion. In comparison to many other Australian states, there is a distinct shortage of legislative mechanisms available currently to protect the assets that make this State so gorgeous.

It is concerning that recent planning reforms may have missed a great opportunity to review and improve the environmental planning mechanisms.
that currently exist. The bigger concern however is the lack of education on display in recent planning graduates who have not been taught basic land management practices as part of their undergraduate degree, and possess no practical understanding of how to apply Development Plan policies to achieve conservation objectives. This would not be as concerning to me if there were not such high levels of delegation given to junior planners within local government, without in my experience, sufficient internal checks and balances in the reporting of decision making.

Current natural resource management based policies with the Better Development Plan (BDP) templates outline great conservation and bio-diversity objectives, but unfortunately, there is insufficient on ground detail to support this. Additionally, the exemptions in the Native Vegetation Regulations 2017, are still so broad you can drive a truck through them. If you want to build a house in the middle of habitat link with high probability of rare plant species being present, most likely triggered by the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), you can: without the need for further approval by the Vegetation Council. How many planners are equipped to know whether the area of vegetation to be cleared is an ‘intact stratum’ or not?! How many planners are given basic plant ID skills? How many local governments in SA have a team of qualified ecologists or environmental planners who can act as an internal referral?

I understand that there are practical resourcing issues and that there is a need to provide flexibility within the performance based planning controls in order to attract and maintain investment. I have no difficulty with this concept. I do however have difficulty understanding why the liveability test does not involve adequate preservation of what actually contributes to making SA great; its landscape.

How do we ensure that future growth areas and sensitive coastal environments are not incrementally eroded through political intervention when real development pressure arrives because low to middle income families decide that they can’t sustain the cost of living in the eastern states’ and that Adelaide is not actually that boring? I ask this question having witnessed it first hand with the rubber band that is an Urban Growth Boundary in Melbourne.

I believe that a sturdy planning system which gives clarity to developers, Council’s, the community and to be frank planners themselves, is a fundamental tool in ensuring economic growth. Creating stronger environmental protections, which are easy to interpret, does not have to be to the detriment of attracting investment. The target is liveability.

There is an opportunity within the impending Design Code to create performance based environmental policies. Current Development Plan’s contain many motherhood policy objectives that are often so broad that planners are often not equipped to apply them practically and do not hold much statutory weight on appeal.

There are a number of other tangible improvements that I believe would ensure better conservation outcomes for South Adelaide, with the planning system being in my opinion, the most effective on ground tool to protect the states’ significant environmental assets.

- Stronger wording and policy justification needed in zones and local policy areas, and state policy.
- Improved education of planners at University and through ongoing professional development, which includes an awareness of EPBC Act, understanding basic plant ID, vegetation classes, land management practices within the relevant region and urban ecology.
- Developing an Overlay template within a State standard suite of Overlays that Council’s, both urban and rural, can use to protect areas of environmental value. These areas should have a policy backbone by way of local ecological studies which includes details of important habitat links, local flora and fauna, vegetation classes and species likely to be found which are listed under the EPBC Act.
- Rewording of both Native Vegetation Act 1991 and Native Vegetation Regulations 2017
- Improve external and internal referral development assessment triggers by better utilising the Vegetation Council, the Department of Environment, Water and Natural Resources and providing Council’s with suitably qualified environment staff. This includes internal referral advice on achieving Ecologically Sustainable Development objectives in both urban and rural areas.
- Regularly update the aerial photography on Location SA Map Viewer, in rural areas in particular, in order to ensure that there is current photographic information available for enforcement and monitoring purposes.

It is possible to equip planners by giving them statutory mechanisms which enables better conservation outcomes. These policies do not have to be worded in such a way as to limit opportunities but rather provide a policy design brief that includes the protection of known environmental assets. Good design includes a responsiveness to an individual site’s characteristics and often great architecture is borne out of an understanding of constraints.

If South Australia can design a planning system in such a way to ensure the adequate conservation of our environmental assets we will stand as exemplars for the rest of the Country for balancing the preservation of the states’ natural beauty with attracting and maintaining investment opportunities.

Elinor Walker MPIA
Director, ESD Planning and Design
Beyond technology:

The evolution of Smart Cities

Practice Words Guillermo Umana
The concept of Smart Cities is becoming increasingly vague, to the point that it is defined differently by almost every author who writes about it. Despite its definitional ambiguity, this concept is now front and centre of the debate about the future of Australian cities. Are Smart Cities just about technology?

The concept of Smart Cities was developed in the mid-1990s to describe cities that were leveraging information and communication technology (ICT) to foster economic growth.1 For years it simply referred to cities that embraced technology to increase efficiencies, bring down costs and generate value-added jobs. In Australia, the concept has evolved and broadened to the point that it is now used to talk about housing affordability, healthy environments, connectivity, 30-minute cities, value capture and City Deals, amongst other things. Smart Cities has almost become a synonym for best-practice urban planning.

The release of the federal government’s Smart Cities Plan in 2016 placed the concept at the forefront of the debate about the future of our cities. The plan refers to Smart Cities as cities that embrace smart investment, smart policy and smart technology.2 The Smart Cities and Suburbs Program, created alongside the plan, encourages the delivery of innovative projects to improve the liveability, productivity and sustainability of cities and towns across Australia.3 This triple-bottom-line (social, environmental and economic) approach means that efficiency and economic growth are no longer the only objectives of Smart Cities. The well-established concept of Sustainable Development may offer an umbrella under which Smart Cities can flourish. At the end of the day, Smart Cities should be about ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’4 a definition which we are all familiar and likely to agree with.

Smart Cities and Strategic Planning
The concept of Smart Cities has evolved alongside Greater Sydney’s regional and district plans. When ‘A Plan for Growing Sydney’ was launched in 2014, Smart Cities were not yet front and centre of the debate. This is evident as the plan only mentions the word ‘smart’ once to refer to Sydney being at the forefront of the digital economy.5 More recently, the broader definition of Smart Cities has been embraced by the Greater Sydney Commission’s draft District Plans, which refer to smart strategic planning as a pathway to reducing carbon emissions, protecting our heritage, creating jobs and delivering infrastructure that meets the needs of a sustainable 21st Century city.

In NSW, Smart Cities can help achieve the objectives of the Environmental Planning and Assessment Act (EP&A Act) 1979 like never before. For example, encouraging the provision and maintenance of affordable housing for people with a disability can be achieved by implementing Smart City concepts, such as universal housing design and assistive technologies. However, this is only possible if the right policies are in place. Such policies should prevent one-size-fits-all technologies by making technological innovation a people-led (rather than technology-led) process.

Beyond Technology
Cities can only reach their full potential when they become healthier places to live. A wide range of technologies are now available to build healthier cities based on real-time data. These include app-based detection of infrastructure hazards, traffic sensors to prevent accidents and low-carbon street lighting, to mention just a few. However, it is important to remember that cities are not just a network of infrastructure and devices (or an internetofthings). Disadvantaged groups are at risk of becoming further marginalised by technology, if their needs are not considered as part of its delivery.6 It is now well-agreed that simply building ICT-based applications is not sufficient to improve our cities’ quality of life. It is clear that Smart Cities are not just about embracing technology. They are also about intelligent solutions to well-established problems, increased participation in the planning system and evidence-based analysis to support decision-making.

As long as we understand that technology is not an end in itself, Smart Cities will become a pathway to a more sustainable future.

This article originally appeared in New Planner (June, 2017) – the journal of the New South Wales planning profession – published by the Planning Institute of Australia.

Footnotes:
2. Australian Department of the Prime Minister and Cabinet (2016), Smart Cities Plan.
5. NSW Department of Planning and Environment (2014), A Plan for Growing Sydney, pp. 56.
Successful placemaking: the strategic use of culture, arts, tourism and events

Sunny Lee, Chris Krolikowski, Ruth Rentschler & Sam Huang

Placemaking as a planning approach is not new, but the increasing expertise developed in this field continues to create opportunities for connecting places with communities, leading to stronger place identities and greater economic sustainability. As an approach to planning centred on creating places of meaning and engagement, placemaking is critical to revitalising local precincts and mainstreets. It empowers communities and boosts economic, social and environmental returns while making the best use of the space and existing physical and social characteristics. Whilst there are many approaches through which placemaking can be implemented, increasing use of culture, arts, tourism and events as a placemaking strategy for urban public places has been evident around the globe.

Considering that culture, arts, tourism and events are important contributors to placemaking of precincts and mainstreets in Australia, it is surprising that the impact of these emerging industries (e.g., negative, positive, economic, social, and temporary and long-lived) has not attracted due attention. Our recent research develops a better understanding of placemaking through specific arts, cultural, tourism and events strategies, which have been used in key precincts and mainstreets of metropolitan Adelaide. Twenty in-depth interviews were conducted with 28 representatives from 10 local councils and 10 business associations who were responsible for the development and management of precincts and mainstreets in metropolitan Adelaide.

The results of these interviews highlight that local governments and business associations employ placemaking strategies mainly to achieve economic development, community development, urban regeneration, and place identity building and branding as well as creating experiences for interaction. This result is highly consistent with past studies investigating placemaking. When it comes to the significance of arts, culture and events in employed placemaking strategies, it was evident that these were found to provide an opportunity for local councils and business associations to stimulate economic development by fostering exposure of local businesses, showcasing what the place has to offer, providing vibrancy and attention and increasing foot traffic. As it was found in the study, places with strong and positive identity can attract certain groups of people that fit well to its community and local businesses. As such, arts, culture and events are useful in creating a new place identity, repositioning or enhancing the existing image by encouraging people to engage with the place in a certain way and participating in events. Somewhat connected with the changes in place identity and image, the study found that arts, culture and events can assist in altering the use of and the behaviour in the place by encouraging desirable forms of behaviour and creating a unique place ambience. By changing the use and behaviour of the users in the place, and making it more interesting and engaging, the experience in a place can be improved for all users, and a place can become more attractive to community and to tourists, therefore boosting regeneration. Finally, stronger community engagement can be achieved through employing arts, culture and events as it develops community networks of relationships, enabling community to function effectively and building social capital.

In order to use arts, culture and events effectively for placemaking and to achieve specific objectives of individual precincts and mainstreets, a more strategic approach is required for successful and sustainable outcomes. For events, in particular, which are the most common placemaking tool, a number of key factors play a role in the successful use of events in placemaking. The two most important and frequently mentioned issues were: 1) the need for local community support through meeting local needs, and 2) the need for active engagement with stakeholders, for example community leaders, business associations, local governments, sponsors and property owners. Other factors identified were: 3) the need for a good fit with the place, for example a good fit with existing user groups, facilities and infrastructure, the image and brand of the place, and the management vision for the place; 4) strategic event concepts which can deliver the experiences which can serve as a catalyst for change in the use of the place and enhance a relationship between users and the place; and 5) a holistic placemaking plan in which events and other non-event activities are designated as a portfolio to create synergy among the activities, and optimise and sustain outcomes. These represent necessary bases for using events successfully for placemaking.

The two areas which were found to
be less commonly practiced and need improvement are long-term impact evaluation and tourism. Immediate impacts of placemaking activities, such as the number of visitors attending an event, are important to determine success and are currently well assessed; however, long-term impact studies should also be performed to examine the long-term impacts, for instance, any changes in the perception of the place and new patterns of use of the place. Although long-term impacts are challenging to measure, they are the ultimate goal of placemaking.

From the broader perspective, our study results point to the limited acknowledgement of the importance of tourism in placemaking strategies of local councils and business associations. Tourism, as evidenced in other Australian cities, is a powerful tool in revitalising urban spaces, serving as a catalyst for economic activity. On a policy level, these opportunities are now well acknowledged by the South Australian government; however, our study shows that tourism was duly recognised in placemaking efforts of many local councils. With predicted increase in international and domestic arrivals to South Australia, there is an immense opportunity, for developing unique urban-based experiences that reflect the identity of local precincts and their communities. This potential extends beyond commonly established tourism attractions and includes experiences centred on food, festivals, or the specific place ambience that is engendered by the arts and cultural vibrancy of the place. Given, the persisting economic pressures and destabilising effect of digital disruption, an inclusion of the tourism perspective in precincts’ placemaking strategies may offer a viable option for the future development of these spaces. Bridging the policy-implementation divide, by including tourism in the broad planning considerations, more visitors can be attracted to urban precincts and mainstreets, and so can be further development opportunities. This in turn will nurture more vibrant, healthy and economically steady communities.

The report providing an overview of the findings can be found at http://unisabusinessschool.edu.au/docs/Activating-Adelaides-Precincts.

A. Sunny Lee, PhD, is a Senior Lecturer in Event and Tourism Management in the School of Management, and a member of the Centre for Tourism and Leisure Management at University of South Australia. Her research interests focus on the event management and impacts, and the strategic use of events for community and destination development.

B. Chris Krolikowski, PhD, is a lecturer in tourism management at the UniSA Business School. His interests include destination management, urban regeneration, placemaking and the tourist experience of urban space.

C. Ruth Rentschler OAM (BA Hons Melbourne PhD Monash) is Professor Arts & Cultural Leadership, University of South Australia. She has worked for over 20 years in arts and events conducting projects with government on arts and events. She has received various honours and awards, such as Vice-Chancellor’s Award for Community Service and an Order of Australia for services to education, the arts and the community.

D. Songshan (Sam) Huang, PhD, is a research professor in tourism and services marketing in the School of Business and Law at Edith Cowan University. He obtained his PhD in Tourism Management from the Hong Kong Polytechnic University. His research interests include tourist behaviour, destination marketing, tour guiding, and various Chinese tourism and hospitality issues.
John has had an illustrious career which included being the City Planner and Manager at the City of Sydney (1991-1996), prior to which he was Manager City Planning and Development at the City of Melbourne (1985-1991). John has served on many panels and committees, including as Chairman of the National Capital Planning and Land Council (2003-2006) and Inaugural Commissioner of Land and Planning, ACT Government (1997-2003).

He was also Deputy Lord Mayor of the City of Sydney from 2004 to 2005. PIA recently sat down with John to discuss his career and his thoughts on the current state of planning in Australia.

What inspired you to become a planner?
Well, I initially graduated as an architect. But I realised, while working overseas after my graduation, that I was more interested in the spaces between the buildings, and the way people used those spaces, than I was in the buildings themselves.

That inspired me to then take a course in town planning. I’d saved up a bit of money by working as an architect-planner in North Africa, and so I was able to take off for a full year and study. I undertook a Graduate Diploma at the London Polytechnic, an intensive evening and day course that I completed in a little over a year while living in London.

What is your career highlight to date?
In one sense, the highlight of my career was becoming the City Planner for Sydney in 1991. But in another sense, in a more personal sense, becoming a Councillor and Deputy Lord Mayor of the city was a wider highlight. It goes from being purely about ‘career’ to the whole question of community involvement and the future of the city of Sydney.

Speaking of Sydney, what are the key opportunities and/or challenges you see for Sydney currently?
The separation or segregation of people into two different areas, which is becoming characteristic of Sydney and also of Melbourne. Those who get more and more while the poor are being pushed further out with longer commutes. Frankly, the inner city and surrounding suburbs have become the domain of the rich, effectively blocked off from incursions by those who can’t afford to buy in. A result of this is that people who are residing in one area never meet the people from other areas, from other walks of life. This goes totally against a fundamental understanding of good town planning, a key objective of which is achieving mixed communities – and I mean “mixed” in socio-economic terms, racial terms, every term that you can think of. The traditional ideal of a mixed community – which was a characteristic of Australian neighbourhoods in the early part of the century – is now rapidly disappearing, and ultimately that leads to social dysfunction and bad planning solutions. I think that’s the #1 issue.

Of course, all this reflects the need to provide affordable housing and social housing. It all goes back to that objective of achieving mixed communities throughout the metropolitan area. That we are failing in this regard is largely a failure of courage – planners need to stand up for these ideals and bring them back to the forefront in discussions.

What city/cities internationally do you think we could learn from in Australia?
It’s perhaps surprising, but New York remains one of the great cities of the world that we can learn from. It has a requirement, I believe, that 20% of all new housing is affordable and social. It provides plenty of alternative means of transport, such as bike lanes and pedestrian solutions. It has living communities that are very mixed. Yes it’s New York and there are some exceptions – along Fifth Avenue, opposite the park, it’s hard to buy in for under $20 million – but immediately behind those very rich areas, within walking distance, you can find relatively affordable housing. So yes, New York is still the most sustainable city in America because of the great use of public transport as well as walking to move people around.

A theory that I put forward about 15 years ago was the idea of Sydney as a city of villages. When I was elected as councillor I came in with this theory – turning Sydney into a city of villages, and the prime determinant of that was...
achieving a mixed community. The other prime determinant, old-fashioned as it may be, was making a community walkable, meaning that you could get to the local centre from your home on foot. Canberra was based on this model of being able to walk to the local shops and the school. However the problem with Canberra, we’ve since realised, is that while it had this sound idea of walkable neighbourhood planning, it also wanted to make it easy for the motorcar. You can’t really do both – the distances become too great when you cater to the motor car. So what we’re after here in Sydney is limiting the use of the motor car in the city and increasing walkability.

What do you wish other people knew about planning?

I think it’s a problem with the profession, that we don’t speak out enough about issues such as those I’ve just talked about. Apart from the occasional learned journals, it’s hard to get a sense of independent thinking from the profession. Instead planning has become subject to the demands of big business – which means developers in this case – and big government, which in some ways is almost as bad now because it’s pushing for the exploitation of resources at the expense of sustainability. Somehow the profession has become regarded as a hand-maiden to the big end of town, including government, rather than as an independent and legitimate voice in its own right. People need to know that planning does have its own rich body of knowledge and ideals that are worth standing up for. And planners themselves need to be the ones to do this, to stand up for and represent good planning.

Complete this sentence for us – “Planning matters because…”

Planning matters because no other profession attempts to solve all the problems of our urban societies.
The Court considered that no aspect of the design, nor the siting of the proposed development, sought to minimise the impact of the overshadowing to a satisfactory level. Those impacts included the amount of shadow cast upon the land and buildings, as well as the duration of time that the elements remained in the shade.

Interestingly the Court noted that whilst an offer to purchase a gas booster system for the neighbour was an attempt to minimise the impact of the overshadowing on the adjacent dwelling, in the context of the overshadowing generated by the proposal, it was not enough to sway the balance of the proposal in the applicant’s favour.

As a consequence of the overshadowing issues, together with a number of other shortcomings, the proposed development was refused by the Court.

Whilst it isn’t clear whether overshadowing on its own will be a sufficient reason to justify refusal of a proposed development, this matter is nevertheless interesting in that the Court has clearly given weight to the impact of the proposed development on solar hot water systems and roof top PV solar panels.

Duncan Soang  
Partner – Mellor Olsson  
dfoeng@mellorolsson.com.au  

Anthony Kelly  
Partner – Mellor Olsson  
akelly@mellorolsson.com.au

If you have a solar hot water system, then you will know how difficult it can be to get enough sunlight for hot water during the middle of winter, which is somewhat ironic given that winter is usually when you will want hot water the most!

The issue of access to sunlight for solar panels raises an important question in a planning law context: what weight should be given to the impact of a proposed development on solar panels of an adjoining development.

In [2016] SAERDC 32 this issue was considered.  

This case involved an appeal against a decision made by the Adelaide City Council to refuse development plan consent to an application for a four level residential flat building containing six dwellings, which was to be located on the land at 61 Russell Street, Adelaide.

At the time of the application, the land contained only one single-storey building with a setback of 7m from the Russell Street frontage and a 4.2m high parapet wall, which surrounded the building. It was unclear what the land had been used for previously.

There were a number of issues considered by the Court on appeal, including overshadowing; exceeding the maximum plot ratio; whether the proposed development accorded with the desired character statement for the zone; and whether the proposed development was out of character with the built form in the locality.

A particular concern raised in the matter was the impact the proposed development would have in overshadowing a solar hot water system and roof top PV solar panels located on the adjoining property.

If the proposed development were to proceed, on the 22nd of June it would result in the solar hot water system being in full shadow between 9:00 am and 3:00 pm and the majority of the PV panels being in shadow between 9:00 am and 1:15 pm and all of them being in shadow from 1:15 pm onwards.

There were a number of provisions of the Development Plan dealing with overshadowing, including the standard provision regarding maintaining two hours of solar access on 22 June to habitable rooms and a portion of private open space.

Of importance in this instance was Objective 33, which required buildings to be designed so as to, amongst other things, ‘minimise micro-climatic and solar access impacts on land or other buildings’ and Principle 119, which required development to be designed and sited so as to ‘minimise micro-climatic and solar access impact on adjacent land or buildings’.

In considering the issue of overshadowing, the Court noted that the duration of overshadowing on the days/months either side of 22 June was a relevant consideration in assessing whether overshadowing had been minimised to an acceptable level.

The Court determined that the extent of the overshadowing of the solar elements on the adjoining property was not in accordance with the outcomes sought by the provisions of the Development Plan.
PIA SA upcoming events

**JULY 4**
Draft Residential Guidelines SA
Joint Industry Conversation

*In brief*
We invite you to join us on Tuesday 4 July for a joint industry discussion on the draft Residential Guidelines open for comment until July 25.

This forum provides an opportunity for a cross-industry discussion on the various elements of the draft guidelines and a broader conversation on how to ensure high-quality design outcomes in South Australia.

This event is a joint initiative between PIA, AILA and AIA

*DATE:* Tuesday 4 July 2017  
*VENUE:* Brickworks Design Studio - Ground Floor, 70 Hindmarsh Square, Adelaide  
*TIME:* 4.30pm for a 5.00pm start (join us for some drinks and nibbles), Event to conclude approx 6.30pm  
*COST:* $15.00 (drinks and nibbles provided)

[Book online](#)

**AUGUST 17TH**
Professional Edge: Developing Effective Interactions and Communications

Recognising your strengths and weaknesses in your working style is essential to developing professional interactions and effective communication skills. In this session, you will discover more about your working style and how this influences your professional interactions.

*SESSION PRESENTERS:*
Janet Christie – J Squared Advisory  
Michael Davis – Senior Planner, AECOM

*EVENT DETAILS*
*TIME:*
Registration - 3.15pm, Start - 3.30pm - 5.30pm Finish  
*VENUE: TBA*  
*PRICE:*
PIA Members - $65.00  
PIA Graduates/Students - $35.00  
Non Members - $90.00

[Book and read more](#)

**SEPTEMBER 20**
Advancing Smarter Cities: The Planning Imperative

*In focus*
While technology companies are developing smart cities tools and technologies at an accelerated pace, planning organisations and cities are still challenged to find effective ways of embracing technology and data analytics to address the public interest and respond to the community’s aspirations. Can technology companies work more closely with cities and planning firms to engage in the rapid pace of technological advancement? Can the voice of the city, and community, be an integral part of technology industries? Are we keeping up with the digital transformation of the planning process?

*DATE:* Thursday 3rd August  
*TIME:* Registration – 8.30am, Start 9.00am, Finish 12.30pm  
*VENUE:* Stamford Plaza Adelaide, Crystal Room, 150 North Terrace, Adelaide  
*PRICE:* PIA Members - $125.00, Non-Members - $200.00

[Read more](#)

**AUGUST 4**
SAYP Quiz Night

Join in the fun - grab your mates to make a table of 8 and have a fun night out!

The 2017 SAYP Quiz Night complete with a professional Quiz Master is a night of laughter and antics - you just never know what will happen! Loads of laughs, with door and game prizes along the way.

- BYO Food and drink
- Bookings for tables of eight or individual seats can be made
- Bookings online

*DATE:* Friday 4th August  
*TIME:*
Registration – 6.30pm, Start 7.00pm -- 11pm Finish  
*VENUE:* St Ignatius Parish Hall - 137 William Street, Norwood  
*PRICE:*
PIA Students/Graduates - $15.00, PIA Members - $20.00, Non Members - $35.00, Table of 8 - $120.00

[View flyer](#)  
[Book online](#)
SYDNEY, 3 MAY 2017 – The Planning Institute of Australia has held its 2017 National Awards for Planning Excellence Ceremony, awarding people and projects from around Australia for outstanding achievements in planning.

Queensland and Victoria received the highest number of Awards, totalling 4 each, with New South Wales and Western Australia totalling 3 and 2 respectively.

PIA President Brendan Nelson RPIA said the standard of nominations in 2017 was outstanding.

“The calibre of the people and projects nominated for this year’s Awards makes for a very heartening appraisal of the state of Australian planning. It was also fantastic to see every State and Territory represented in the large pool of nominations.”

The Planner of the Year Award went to Queensland planner Kate Isles. Having overseen several key resilience-building projects in her State, Kate was recognised for “her immense passion for planning, her dedication to excellence and her genuine desire to make a difference to Queensland’s communities.”

The Young Planner of the Year Award went to Victorian planning graduate Brighid Sammon, who was praised for her exceptionally strong commitment to planning through her proactive advocacy, networking and public speaking.

Another Victorian, renowned economist Terry Rawnsley, was announced as the 2017 Planning Champion, in recognition for his contribution to drawing media attention to planning issues and highlighting the importance of planning to Australia’s knowledge economy.

Sydney’s celebrated Goods Line received both the Great Place Award and a Commendation in the From Plan to Place category.

PIA’s National President, Brendan Nelson RPIA, said that these achievements bode well for a challenging future.

“The years and decades to come will bring significant challenges for Australia’s cities, but it is evident that our urban and regional planners are up to the task. As demonstrated by this year’s many impressive award nominations, the planning profession is embracing and utilising collaborative approaches as well as the latest technology to deliver great outcomes for our communities.”

The annual PIA National Awards for Planning Excellence start at State/Territory level with winners from each going on to be judged at the national level.
Planner of the Year
Winner: Kate Isles MPIA QLD
Commendation: Alan March MPIA, VIC

Young Planner of the Year
Winner: Brighid Sammon PIA (Assoc.), VIC
Commendation: Dean Hosking MPIA NSW

Planning Champion
Winner: Terry Rawnsley

Cutting Edge Research and Teaching
Winner: Renewing the Compact City NSW City Futures Research Centre, UNSW
Winner: Mastering the Art of Planning – 100 Stories from Urban Planning Practice Robin King-Cullen RPIA (Life Fellow) QLD
Commendation: Movie Towns and Sitcom Suburbs: Building Hollywood’s Ideal Communities (VIC) Dr Stephen Rowley MPIA, RMIT University VIC

From Plan to Place
Winner: Monash University Clayton Campus Masterplan
MGS Architects Masterplanners with Monash University and the Monash Design Consortium VIC
Commendation: The Goods Line ASPECT Studios, Property NSW, CHROFI, Gartner Rose NSW

Hard Won Victory
Winner: Planning for Future Flood Risks: Marks Point and Belmont South Local Adaptation Plan
Lake Macquarie City Council NSW
Commendation: Connecting Greater Bendigo: Integrated transport and land use strategy
City of Greater Bendigo VIC

Best Planning Ideas – Large Project
Winner: Moreton Bay Region University Precinct
Moreton Bay Regional Council QLD
Commendation: Melton Dry Stone Wall Study and Amendment
Melton City Council VIC

Improving Planning Processes & Practices
Winner: Implementing Bushfire and Biodiversity Controls
Shire of Mundaring Planning and Environment Team WA
Commendation: Gold Coast Flora & Fauna Database City of Gold Coast QLD

Public Engagement & Community Planning
Winner: Camping with Custodians - Imintji Community Tourism Western Australia and Imintji Aboriginal Community WA
Commendation: Ginninderry (ACT) Land Development Agency and Riverview Developments ACT

Great Place
Winner: The Goods Line ASPECT Studios, Property NSW, CHROFI, Gartner Rose NSW
Commendation: Mary Street Piazza City of Vincent, Place Laboratory, and Le Grove Landscaping WA

Outstanding Student Project
Winner: Exploring the Virtual City - Immersive Public Participation using VR headsets
Richard Barry PIA (Assoc.) NSW
Commendation: Mismatch of Housing: Adequacy of Housing for the Population Benjamin Wollinski PIA (Assoc.) SA
Commendation: The Walkability Planning Support System. An evidence-based tool to design healthy communities Dr Claire Boulange VIC

Best Planning Ideas – Small Project
Winner: Tropical Urbanism – Cairns City Image Study
Cairns Regional Council, Tract Consultants, Follent, Peddle Thorp, CA Architects, Total Project Group Architects QLD
Winner: City Road Master Plan
City of Melbourne VIC
Celebrating the achievements of Australian planning
Announcement of the South Australian Planning Commission

In May 2017, the South Australian Government announced six members that will compose the South Australian Planning Commission.

The Commissions Chairperson, Mr Tim Anderson QC was appointed in May, 2017, by the Governor, on the recommendation of the Minister for Planning, the Hon John Rau MP. The Commission also includes Ms Sally Smith, Department of Planning, Transport and Infrastructure, as ex officio. Ms Smith's role will be to assist the Commission in its administration of the Planning, Development and Infrastructure Act 2016.

Commission Members share expertise across a broad range of disciplines that span the planning sector to ensure they have the knowledge and representation to make informed decisions. These areas include:

- Planning, urban design or architecture;
- Economics, commerce or finance;
- Development or building construction;
- The provision or management of infrastructure or transport systems;
- Social or environmental policy or science; and
- Local Government, public administration or law.

The South Australian Planning Commission include:

Mr Tim Anderson QC
Chairperson

Mr Anderson's significant experience in the legal profession and his professional integrity provides a solid foundation for the operation of the inaugural South Australian Planning Commission.

Ms Sally Smith
Ex officio
Ms Sally Smith, Department of Planning, Transport and Infrastructure, as ex officio.

Mr Matt Davis - Member

Matt is a highly awarded architect and urban designer with a rare combination of experience in private practice, academia and government. He has had key leadership roles shaping significant projects and urban strategies and is a strong advocate for the value of design in the planning and development industry. Matt is a Director of Davis + Davis Architects, a member of the Capital City Design Review Panel, and a Strategic Design Advisor to the Office of the NSW Government Architect.

Ms Janet Finlay
Member

Janet is a non-executive director and business adviser with more than 25 years' experience in advising companies on commercial, tax and related accounting issues. She is highly regarded for her ability to analyse complex information, identify critical commercial issues and find practical solutions. Janet is a member of the State Libraries Board, South Australia and a director of tax specialist advisory firm, Leveque Consulting Pty Ltd.

Mr Michael Lennon
Member

Michael’s 25-year international career in housing, planning and urban development includes a position as CEO of the Glasgow Housing Association, where he oversaw the largest housing stock transfer in Europe. Prior to this he was the first CEO of Housing New Zealand Corporation.

Ms Fairlie Delbridge
Member

A leader in the commercial property development sector, Fairlie is the former General Manager of Strategy and Innovation with Renewal SA where she was responsible for the development and implementation of innovative, sustainable and creative strategies around the supply and regeneration of the state’s $12 billion social housing portfolio. She is currently co-Deputy Chair of Scotch College Adelaide’s Council of Governors, a former non-executive Director of Unity Housing and a current Board member of Junction Australia.

Mr Allan Holmes
Member

Allan possesses a wide range of strategic, organisational and analytical skills. He has a long background in government departments, with particular expertise in environmental matters including water and natural resources. Allan has extensive board experience serving in both the public and philanthropic sectors. He has a keen interest in developing and improving the performance of organisations, and is a skilled communicator.

Ms Sally Smith
Ex officio

Sally has worked as a planner for 20 years in SA, Qld and NSW across policy, assessment and strategy. While starting her career in Local Government and private consultancy she has worked in State Government for the last 15 years. Sally is the General Manager of Planning and Development at DPTI and has the privilege of overseeing implementation of the new planning system, as well as ensuring the current system continues to function effectively as we transition from old to new. Sally is passionate about fostering a Planning Department that collaborates with Local Government, the development sector and listens to the community about building healthy and connected neighbourhoods.

In 2008, Michael established and began the growth of Housing Choices Australia, where he has been Managing Director since 2014.
The recent ERD Court decision in Marko Nominees Pty Ltd v DAC & Petaine (SA) Pty Ltd [2017] SAERDC 14 involved an appeal against the categorisation of a variation application. The judgment contains strong reminders about the proper process to follow when categorising variation applications, and the importance of recording the reasons for such decisions.

In Marko Nominees the applicant applied to vary an existing development authorisation granted by the Development Assessment Commission ("DAC") for a mixed use building ("Existing Application"). The Existing Application had been processed as a Category 2 development.

A variation application ("Variation Application") was subsequently lodged with the DAC for a number of changes, including a change of use of the ground floor from shop to office and a small increase in the height of one side of the building.

The assessing officer, acting under delegation, determined the Variation Application to be for a Category 1 development and granted it Development Plan consent.

The assessing officer did not make a record of the reasons for his decision as to category at the time of that decision. However, subsequent records indicated that the decision was made because, in the officer’s opinion, the variations were of a relatively minor nature and would not further exacerbate any of the issues which had been raised by representors when considering the Existing Application.

An adjoining landowner appealed the DAC’s categorisation of the Variation Application. The appeal was upheld by the Court on the basis that the DAC’s decision as to category was not properly made. In arriving at this decision, the Court was critical of both the lack of record keeping, and the decision-making process, of the assessing officer.

Record keeping

In relation to the officer’s failure to make a contemporaneous record of the reasons for his decision that the Variation Application was for a Category 1 development, the Court held that this was a “common deficit” in the current era of computer, rather than paper, files and records.

In the absence of such a record, the Court was unable to determine the reasons upon which the decision had been made. The Court made it clear that it is desirable to create a “reliable, contemporary record of the decision-making process”.

In this regard, the judgement serves as a reminder to all Council officers making decisions under delegation to make a brief record (in the nature of a file note) of the reasons for decision at the time the decision is made and keep it on the relevant file for future reference.

Categorisation of variation applications

The Court held that the reasons which were subsequently given by the assessing officer for his determination of the category of the Variation Application did not reflect the basis upon which a development may be designated to a category under the Development Plan or the Development Regulations 2008 ("Regulations").

The reasoning of the assessing officer appeared to apply Clause 2(g) of Schedule 9 of the Regulations. However, the subsequent reasons given by the assessing officer did not identify that he had formed the two requisite opinions to designate a development as Category 1 under this Clause, being that the variations are of a minor nature only and that they will not unreasonably impact on the owners or occupiers of land in the locality of the site.

The Court held that in processing the Variation Application, the assessing officer should have considered each of the variations proposed and determined which public notification category each fell into by reference to the Development Plan and Clause 2(g) of Schedule 9 of the Regulations, forming the two requisite opinions in relation to each element. It said that he should then have considered the proposed variation as a whole, taking into account the public notification category for each element (with the usual result, that unless the Variation Application as a whole changed the nature of the development the subject of the original consent, the development proposed on the application would be assigned to the highest category assigned to one or more of the elements).

The Court concluded that the decision as to categorisation had not been properly made, and that it should be set aside.

The Court then proceeded (at the request of the parties) to determine the correct category to which the development proposed in the Variation Application should be assigned. It held that the correct category was Category 1. On this basis, it declined to vary or reverse the DAC’s decision as to category, despite the errors in its decision-making process.

For more specific information on any of the material contained in this article please contact Michael Ashforth on +61 8 8210 1230 or mashforth@normans.com.au, or Joanna Clare on +61 8 8217 1368 or jclare@normans.com.au.
DEVELOPMENTS IN PLANNING REFORM

This month has seen a number of developments in the arrangements for new assessment panels under the Planning, Development and Infrastructure Act 2016 (PDI Act). Advice from DPTI is that the relevant sections of the PDI Act will commence operation on 1 August 2017, meaning that from 1 August, councils will be able to either:

- appoint one (or more) Council Assessment Panels (CAP) for their areas; or
- become a member of one (or more) Regional Assessment Panels (RAP). At this stage, a RAP will only be able to be appointed by the Minister at the request of the participating councils. DPTI have advised that all requests to establish RAPs must be made by 1 September 2017.

1 October 2017 will then be designated as the date on and from which these newly established panels will be taken to be a relevant authority (in place of a DAP or a RDAP) under the Development Act 1993.

ASSESSMENT MANAGERS

Upon appointment of a CAP, the CEO of the council must appoint an Assessment Manager to that panel (Section 87(d)(ii) of the PDI Act). The role of an Assessment Manager will be broader than that of a public officer under the Development Act. However, it will be prudent for the CEO to review the delegations of a proposed Assessment Manager to ensure that no additional delegations are necessary.

MEETING PROCEDURES FOR PANELS

The PDI Act requires that the procedures of CAPs comply with any regulations which have been made, and contemplates that procedures of RAPs may be determined by the Minister. This month, draft Planning, Development and Infrastructure (General) (Assessment Panel) Variation Regulations 2017 (Regulations) which include provisions relating to meeting procedures for CAPs have been released, as have draft Assessment Panel Procedures for RAPs (Minister’s Procedures).

The draft Regulations and Minister’s Procedures establish procedures for public access to meetings; minutes and documents; a quorum; voting; and the validity of proceedings. In all material respects, these procedures mirror each other and the equivalent procedures currently prescribed in Sections 34 and 56A of the Development Act. Outside of these matters (and the provisions of Sections 83 and 84 of the PDI Act), each panel will be at liberty to establish its own additional procedures.

CODE OF CONDUCT FOR PANEL MEMBERS

A draft Code of Conduct (Draft Code) which will apply to members of all panels established under the PDI Act has also been released.

The key differences from the Existing Code include:

- a greater focus on overarching principles of panel members acting in the public interest; acting with integrity; and making decisions in a reasonable, fair and appropriate manner;
- simplification of the conflict of interest provisions to mirror those in Sections 34(7) and 56A(7) of the Development Act;
- the removal of the requirement to disclose a perceived conflict of interest, but the inclusion of new requirements that panel members be mindful of any perception of bias, and to not seek or accept gifts or benefits; and
- new requirements that panel members “take all reasonable steps to obtain all relevant facts and information when making a decision” and ensure decisions are “supported by adequate documentation”.

The process for making complaints about and investigating breaches of the Draft Code have been moved to the Regulations, and the State Planning Commission has been appointed as the body to which complaints are to be made. Complaints will also need to be verified by a statutory declaration, which appears aimed at minimising the making of frivolous, vexatious or false complaints.

For more specific information on any of the material contained in this article please contact Joanna Clare on +61 8 8217 1368 or jclare@normans.com.au.

PIA Fellows honoured on Queen’s Birthday

PIA would look to heartily congratulate Helen Gibson and John Sheehan, both Fellows of the Institute, for receiving Queen’s Birthday Honours (AM) this year. Helen Gibson was recognised “for significant service to planning and environment law in Victoria, and as a role model for women in the profession.”

Professor John Sheehan was recognised “for significant service to the real estate and property planning sectors, to professional institutes, and to educational and legal bodies.”

Congratulations to both and thank you for your service!
Much has occurred as a result of the first stage of the implementation of the PDI Act which officially commenced on 1 April 2017; the SA Planning Portal is online, Tim Anderson QC was appointed as the first Chairman of the State Planning Commission, the environment and food productions areas are in operation and the 30-year Plan for Greater Adelaide, which will have the status of a regional plan under the PDI Act, has been published.

New Act, new objects, new purpose?
Examining the objects, planning principles and general responsibilities of the Planning, Development and Infrastructure Act 2016.

Councils across the State have lodged expressions of interest for the Infrastructure Scheme and Regional Planning Board pilot projects launched by DPTI, with the latter being particularly popular amongst rural and regional councils.

Further to all of the above, councils across the State are preparing for 1 October 2017, when the transition to new Council Assessment Panels and Regional Assessment Panels will occur.

In the rush to lodge EOIs, to view new resources and planning documents and to ensure that new governance structures are in place, it is easy to overlook Part 2 of the PDI Act, which is presently in force. This part contains the objects of the PDI Act as well as new duties imposed upon councils, planners, other decision makers and applicants for development authorisation which clearly express the manner in which the PDI Act is to be administered.

The objects of the PDI Act are contained within section 12. The purpose of this section is to outline the underlying purpose of legislation and to set out principles which assist in the interpretation of the more detailed provisions of the legislation. Whenever a legal dispute arises in the interpretation of legislation, the Courts will interpret the legislation in a manner which promotes the purpose or object of the legislation as expressed in the objects section.
Section 12(1) of the PDI Act expresses a very clear and principled purpose for our new planning system:

12(1) The primary object of this Act is to support and enhance the State’s liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations, and reflect the diversity, of the State’s communities by creating an effective, efficient and enabling planning system, linked with other laws, that –

(a) promotes and facilitates development, and the integrated delivery and management of infrastructure and public spaces and facilities, consistent with planning principles and policies; and
(b) provides a scheme for community participation in relation to the initiation and development of planning policies and strategies.

Section 13 contains an express obligation upon any person or body involved in the administration of the Act to “have regard to, and seek to further, the objects of the Act”. This obligation is of no concern; it merely, expressly, reflects the importance of the objects and the fact that the Courts will interpret the Act in the manner which best accords with its objects.

Section 14 is a novel provision. For the first time in South Australia, we have a detailed set of planning principles which are designed to expressly guide the development of the new State Planning Policies, Regional Plans and the Planning and Design Code. These principles include:

- long term focus principles;
- urban renewal principles;
- high-quality design principles;
- activation and liveability principles;
- sustainability principles;
- investment facilitation principles; and
- integrated delivery principles.

This fact that these principles are included in the PDI Act reflects a clear intention by our present Government to ensure that their intentions for our new planning system which are reflected in these principles are adhered to for the life of this Act, no matter who is in Government at a particular point in time.

Of particular interest to myself as a local government planning lawyer is section 15 of the PDI Act which prescribes general duties imposed upon decision-makers and developers in their activities under the Act. Further, these duties give rise to the ability for the Minister to set service benchmarks for planners and other persons engaging in the planning system.

It is important to note that these duties do not create substantive rights or liabilities – i.e. they cannot be used as grounds for legal action or appeals. However, these duties and the related benchmarks are expressed as being capable of leading to “action being taken on account of a breach of a code of conduct or professional standard that applies in relation to a person or body”. Just how far these duties and their related benchmarks go remains to be seen, however their scope is certainly broad enough to allow for Ministerial oversight of the planning profession.

As a final note, section 16 of the PDI Act requires local government to develop and implement policies that are consistent with schemes established by the PDI Act. A failure to comply with this obligation gives rise to the ability for the State Planning Commission to furnish the Minister with reports on such failures. Given that the Minister will have the ability, from 1 October 2017, to appoint local assessment panels for councils, it is imperative that local government planners are keeping abreast of new policies and announcements on the SA Planning Portal so that the activities of their council are not inconsistent with DPTI policies and procedures.

Part 2 of the PDI Act is truly innovative and clearly sets the “tone” for our new planning system. I encourage every planning professional to become familiar with these provisions as they will have a great impact on planning practice in South Australia into the future.

Victoria Shute, Lawyer
Kelleyd Jones
vshute@kelleydjones.com.au

We are delighted that Jay Weatherill, the Premier of South Australia, has agreed to speak on Day 1 of SOAC and to open the conference. Details of other key presenters confirmed so far can be found on the SOAC website.

There was an excellent response to the call for abstracts, with about 250 received by the due date. These have now been reviewed and authors were notified of the outcome in early May. The deadline for submitting full papers is 10 JULY 2017.

The website also now contains an outline program for SOAC as well as registration fees and details of events in and around the main conference. New information is being added all the time so please check the website regularly at http://soac2017.com.au/

We look forward to seeing you in Adelaide in November!
On Friday 19 May 2017 I unfortunately learned of the unexpected passing of the previous day of Rebekah Kuehn, my current client and former colleague. It was a sad day for me, as it was for many others in the South Australian planning community, when I learned of her death; I was shocked that someone so young and passionate had gone too soon.

Only two months ago Rebekah and I were manning a community engagement stall as part of a pop-up community event held by the City of Holdfast Bay. We were there to hear from the community on their thoughts on the future of Jetty Road, but we had time to talk about another council project we were working on, her new role, and planning and life in general. I know that she was enjoying her time at Holdfast Bay; she felt part of a supportive team and enjoyed the new challenges being presented.

To better portray Rebekah as a planner, and more importantly as a person, I reached out to Warwick Deller-Coombs, Rebekah's manager at Holdfast Bay, Janine Lennon, her former manager at the City of West Torrens and her friend Cate Moore. All have kindly provided the following information about Rebekah, which gives greater justice to her than I could alone.

Prior to undertaking a Masters in Urban and Regional Planning at the University of South Australia, Rebekah worked as a youth officer. Even after commencing work as a professional planner, she continued to work with disadvantaged youth on the weekends, demonstrating her strong commitment to issues relating to social and economic injustice.

More evidence of Rebekah's selfless and caring nature is provided by her extensive stints as a volunteer aid worker in Timor-Leste. Whilst a particularly bad battle with dengue fever brought her home from Timor-Leste earlier than expected, she continued to support and assist the East Timorese community here in Adelaide.

Rebekah also spent much of her time raising funds and awareness in Australia for organisations like the Alola Foundation and more recently the Many Threads Project. She always seemed to have something on the go and gave up a lot of her own time to make sure events for fundraising and awareness were successful. Womadelaide will miss her regular stall selling crafts to raise money for the East Timorese.

It was her experiences in Timor-Leste that inspired Rebekah to become an urban and regional planner. Her observations about how basic infrastructure provisions are often not considered in the absence of effective planning, and how difficult it is to retrofit a community with water and sewer infrastructure after development has occurred, sparked Rebekah's passion for “getting it right, from the start”. This focus saw Rebekah move from a role in development assessment at the City of West Torrens to a role in strategy and policy development, where she could ensure that strategies and policies were correct from the start and guide better development outcomes. I understand that Rebekah's long term aim was to work in foreign development; with her caring nature she no doubt would have done very well in such a role.

In her professional life Rebekah was just as committed to the issues relating to social and economic injustice. She regularly talked to friends gained during study, through membership of PIA and meeting at SAYP events about how they could improve the lives of others through the work they did.

Rebekah had worked in development assessment at the City of West Torrens from 2008 to early 2017, during which time she undertook two and a half year secondment to the DPA Unit in the Department of Planning, Transport and Infrastructure. At West Torrens, she worked with Janine, with whom she had studied and roomed with during a trip to Malaysia in 2005.

For the past three months Rebekah had worked in the strategic planning team at the City of Holdfast Bay. She was refining the Council’s Housing and Lifestyle Strategy and involved in the Jetty Road Master Plan. Despite being there for a short time, she had demonstrated to her co-workers that she had a passion for worthy social outcomes and a good eye for detail.

Cate fondly speaks of Rebekah's great sense of silliness and adventure. She shared her delight of funny goat videos and unusual street art with her friends. She loved the experience of travel and easily collected friends as she went. She loved children and talked of much cherished moments with her friends’ kids in Australia and Timor-Leste.

Rebekah was an intelligent young woman struck down in the prime of her life and will be very much missed by many people. The planning profession is poorer for her passing.

Our condolences go out to her family, friends and colleagues. May she rest in peace.

Michael Davis MPIA
Contributions from:
Warwick Deller-Coombs
Janine Lennon MPIA
Cate Moore
SAYP Committee Update

By Ken Severin, PIA (Affiliate)

It might be cold outside, but the clichés are starting to heat up at SAYP. Our events calendar is also heating up with our recent Planners at the Pub event held at the cosy Kings Head. Following the PIA Planning Reform Update - Part 2, we were inspired by our guest presenter Donna Ferretti on the importance of having a strong Young Planners network and the continuous need for us to help bring about positive change and social justice. Many thanks to Donna for your time.

July will bring a similar themed event, but with a northern twist. We will be hosting our Platform event in Gawler, encouraging our northern and regional planners to gain access and network with our friendly planning squad. Details of the event are being finalised, so stay tuned to our Facebook page and the PIA SA events page to discover more.

Quiz Night is back on Friday August 4, so grab your colleagues, Uni buddies or random affiliates and put a table together. If last year’s event is anything to go by, there will be copious amount of fun and outlandish activities had by all. Registrations are open, so get in quick as we are expecting this to be a popular night. Thank you to our returning sponsor, Norman Waterhouse Lawyers, for ensuring that this year’s event will be a cracker. And remember, what happens at Quiz Night, stays at Quiz Night.... well, at least until our next SYAP update!

Our 2016/17 Mentoring Program also wrapped up recently with a Market to Riverbank walking tour. Hosted by Renewal SA, our tour incorporated the City Makers and Festival Centre redevelopment programs which included exclusive on-site access to see first-hand the work that is going on behind the scenes (and behind the bunting). Special thanks to Renewal SA for you time and expertise on the day. Our night was capped off with a refreshing beverage and pizzas at 2KW, courtesy of our Mentoring Program sponsor, Kelledy Jones Lawyers. Thank you again to Victoria Shute and the team at Kelledy Jones for your continued support of the development of our Young Planners. The great news is we are doing it all over again with our 2017/18 Mentoring Program which begins shortly. Thank you to all who have registered their interest, especially to the Mentors who are willing to give up their time, knowledge and advice for our emerging Young Planners.

Have any feedback or suggestions for us at SAYP?

Please feel free to shoot us an email or send us a Facebook message. We’re always keen to hear from you and welcome constructive comments on how we can better serve the needs of our Young Planners in South Australia.

Great news is we are doing it all over again with our 2017/18 Mentoring Program which begins shortly. Thank you to all who have registered their interest.