State planning instruments program

Policy paper

Presentation of the policy positioning for proposed program for state planning instruments under the *Sustainable Planning Act 2009*
State planning instruments program

Policy paper

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Objectives

To develop a state planning instruments program that reflects the planning reform agenda and provides an effective and robust system to ensure the state’s interests are appropriately represented in land use planning and development.

Planning reform agenda

The current planning reform agenda, articulated in Planning for a Prosperous Queensland: A reform agenda for planning and development in the Smart State (August 2007) seeks to improve Queensland’s land use planning and development framework to offer a more streamlined, efficient and effective system.

The following recommendations from Planning for a Prosperous Queensland form the basis of this report:

- make state planning instruments (state planning policy (SPP), regional plans, a state planning regulatory provision and standard planning scheme provisions) the only way of expressing state interests
- streamline the process for making SPPs including removing the requirement for one of the two stages of public consultation
- impose a time limit of 10 years on the life of a SPP (thereby aligning with review periods for regional plans) requiring periodic review and remaking
- legislate to better identify and strengthen the mechanism to create ‘temporary SPPs’ for situations where there is an urgent need to express or protect a state interest
- develop and implement an SPP program in consultation with other agencies.

Planning for a Prosperous Queensland also recommends that, in future, all Integrated Planning Act 1997 (IPA)/Integrated Development Assessment System (IDAS) related state policies be made as state planning instruments (primarily SPPs), rather than the proliferation of current laws and policies.

State planning instrument program

To meet these commitments, it is proposed that a comprehensive state planning instrument program be developed that encompasses:

- A clearly articulated policy position—through both the policy position articulated in this report and in a legislative amendment in the Sustainable Planning Act 2009.
- A structured whole of government approach to identification, development and delivery of state planning instruments—the state planning instruments program.
- A package of tools to assist state government agencies to identify and progress relevant state interests within the structured program—the guideline.

Fundamental to this program is the establishment of roles and responsibilities, particularly the lead role of Department of Infrastructure and Planning (DIP) in driving and delivering the program and ensuring the effectiveness and efficiency of the instruments in the state’s planning framework.
Issue analysis

Types of state planning instruments

Queensland’s current planning framework, through the Sustainable Planning Act 2009, offers four types of state planning instruments:

- state planning policy (SPP)
- regional plan
- state planning regulatory provision (SPRP)
- standard planning scheme provisions, known as the Queensland Planning Provisions (QPP).

SPPs articulate single matters of state interest and specify outcomes for land use planning and development for that particular matter for the whole or part of the state. A SPP may consist of a strategic policy outlining the state’s position in relation to a given interest, as well as provide technical detail (for example, a code) which provides guidance for implementation in planning schemes or for development assessment. SPPs are required to be reflected by local governments in their planning schemes. When not reflected in a planning scheme, regard must be had to the SPP in development assessment.

SPPs are a vehicle for the government to express a policy on the development implications of a key issue. That position can then be interpreted into particular geographic areas and balanced with other state interests by regional plans and local planning schemes.

Planning at a regional level is articulated through regional plans. These integrate and balance a range of state interests spatially for a region, thereby providing the necessary context for local level planning and development assessment. In particular, regional plans reflect and balance SPPs as they provide an agreed spatial expression of the state interests addressed by those SPPs at the regional level. They offer an important linkage or connection between the state level interest and its reflection at a local level.

SPPs and SPRPs complement regional plans and standard planning scheme provisions to provide a suite of tools that can meet the state’s policy needs in differing situations and circumstances. They also provide specific codes or standards which can alleviate confusion when interpreting these instruments at the local level.

QPP are a standard set of planning scheme provisions to be adopted by local governments to ensure consistency of key elements (e.g. definitions) across local government planning schemes. QPP only have effect in development assessment, when new planning schemes are made using the provisions. Therefore another instrument may be necessary to complement the QPP.
Temporary state planning instruments

Planning for a Prosperous Queensland includes a commitment to better identify and strengthen the temporary SPP mechanism for situations where there is an urgent need to express or protect a state interest. Under the Sustainable Planning Act 2009, the Planning Minister has the capacity to make other state instruments as temporary instruments to protect or give effect to a state interest.

The Sustainable Planning Act 2009 provides for temporary SPPs. Temporary SPPs can only be made where there is an urgent need to express or protect a state interest.

Issues relevant to state planning instrument program development

At a strategic level, the program needs to enable effective instrument development but also enable the policy outcomes of other portfolios to be achieved through the planning framework. This gives rise to issues about roles and responsibilities between DIP (responsible for the planning framework and the achievement of good planning outcomes for the state) and other state agencies who are seeking to achieve their own policy outcomes through planning. This raises inherent tensions between the appropriate balancing of portfolio or sectoral interests that planning seeks to achieve and the primacy sought by other portfolios for their own interests.

A lead role for DIP, which seeks high-quality planning outcomes as its primary goal, offers the most objective leadership possible, and minimises the potential for the inappropriate distortion of the framework towards or against particular interests.

The primacy of the Planning Minister in strategic decision-making under the program including presentation of the program to Cabinet, reinforces this goal and is the strength of the program. Furthering a partnership and collaborative cross-government approach, and recognising the dual policy role of the instruments (planning policy and the specific non-planning policy), partner ministers have joint responsibility for signing off individual instruments.

In consultation about these reforms, state agencies have raised two key concerns:

- whether the process for making state planning instruments, particularly SPPs, will be responsive enough to allow them to keep their policy framework up to date
- what transitional arrangements will be created to ensure current laws and policies can continue to be used and/or be converted efficiently to state planning instruments.

A range of issues relevant to the state planning interests have also been identified during the planning reform processes, and have been considered in the development of the proposed SPI program, including:

- inconsistency in instrument development process and approach
- transparency and clarity of state interests
- clarity of relationships between planning instruments that express or reflect state interests
- relationships between relevant state agencies and the role of the planning agency
- capacity and resourcing within state agencies to identify, develop, implement and administer state planning interests and instruments.
Consultation undertaken with state agencies provided valuable input and direction for the development of the proposed SPI program. Key themes identified through this process included:

- Acknowledgement of a need for more structured planning for development and implementation of SPPs to better manage the number and type of instruments being developed, and the impact and interrelatedness of these.
- Acknowledgement of the resourcing commitment required across agencies for development, ongoing implementation and management of SPPs.
- Identification of the importance of a policy and whole of government program-based approach to guide development of state planning instruments at a strategic policy level, and facilitate multiple agency interests.
- Expression of a desire for a more consistent process and mechanisms for development and implementation of state planning instruments through a strategic framework that offers standardised approaches such as templates and clear statutory guidelines.
- Recognition of the importance of incorporating evaluation mechanisms, including systems and processes for monitoring and measuring planning outcomes, to determine the impact and effectiveness of state planning instruments.

The proposed model was circulated to state agencies to gain specific feedback on program elements. The program specific considerations related to a number of matters including:

- Ensuring government process in relation to identifying state interests, Cabinet endorsement and implementation allowed the state to respond to issues in an effective and efficient manner.
- Recognition of resourcing involved in development and management of state planning instruments, as well as providing appropriate mechanisms to support resourcing through access to budget and clear development and implementation strategies.
- Articulating the importance of the role of a cross-government reference group in providing strategic and collaborative input into state interests and priorities across agencies.
- Clarification of the role of the planning agency in leading development of planning-related state interests, as well as advising, facilitating and supporting agencies in identification, development and implementation of other state interests which can be addressed through land use planning and development outcomes.

Instrument development process and approach

Queensland has progressively identified the need for, and subsequently introduced, further state planning instruments. SPPs were a feature of the Integrated Planning Act (IPA) when the legislation was introduced in 1997. The process for making them was prescriptive and was included in schedule 4 of IPA. Regional plans were then introduced in 2004, and SPRPs followed in 2007. The processes for making these later instruments also developed, moving towards more performance-based, relatively simple processes that were established more prominently in the body of IPA (rather than a schedule).
Consequently, IPA was inconsistent in the processes for making different state planning instruments that canvass prescriptive and more performance-based processes. The *Sustainable Planning Act 2009* addresses this inconsistency by providing a single, streamlined and performance-based process for making state planning instruments.

**Strategic framework approach**

SPP preparation has sometimes been considered reactive, responding to a particular issue as the need arises, rather than reflecting a planned and endorsed framework or strategic approach to prioritised state interests in land use planning and development. A formal ongoing SPI program addresses this concern by offering the structured opportunity to drive the development of a suite of planning policies based on prioritised state interests, in an informed, strategic and whole of government manner.

The state has a broad range of interests which can impact on, and be affected by, land-use strategies and development policies. An informed whole of government approach proposed under the SPI program offers a structured framework for progressing state interests as well as greater consistency, accountability and visibility in the way the state interests are expressed. This will ensure clarity of policy position and meet expectations of stakeholders.

As part of the framework, the relationship between each of the state planning instruments needs to be clear and consistent to ensure the state's interests are properly considered in plan making or development assessment. Limiting expression of state interests to state planning instruments within that framework will clarify for stakeholders what the relevant state interests are, will make them overtly and readily accessible and reduce the complexity of relationships between all the relevant instruments.

Through a thorough issue analysis, as proposed under the SPI program, the state can comprehensively explore its policy position. This analysis will then inform the critical enquiry of which state planning instrument (or combination of instruments) will most effectively address the state interest. The manner in which the state articulates its state level interests offers greater certainty to industry, local government and communities about the outcomes the state seeks to achieve through land use planning and development decisions. It also allows a focus on development-related issues posed by the particular state interest, rather than having the matter mixed with those that have no relevance for land-use planning and development.

**Implementation and resourcing**

State planning instruments require resourcing for development as well as ongoing implementation and administration responsibilities. The proposed SPI program approach enables better management of specific resourcing requirements through development of a regular and formal identification, endorsement and review process for state interests. Annual presentation for government consideration enables review of the whole of government resourcing implications of pursuing its proposed state level planning interest.

Planning and management of state planning instruments can also be more efficiently managed by development of implementation plans as proposed by the SPI program. This includes articulating referral triggers, evaluation and monitoring frameworks, conflict resolution systems (for conflicting state planning instruments at a development approval level) and resource requirements).
Policies require regular review to ensure they are contemporary, current and relevant. Imposing a ‘life’ on an SPP and embedding an evaluation framework as part of an implementation plan, as proposed under the SPI program, will ensure policies remain current and effective.

State interests can be reflected in overlays, zones and planning scheme provisions. The transparency and understanding of state interests and how these can be effectively incorporated in planning schemes would be enhanced through spatial representation and mapping to be pursued under the SPI program approach.

**Benefits**

The benefits of making state planning instruments are:

- It provides better choice for agencies to reflect identified state interests through a range of instruments to achieve good planning outcomes.
- The flexibility of a performance-based as opposed to a prescriptive approach means there is more potential to adopt innovative best practice approaches to community engagement, and land-use planning and development.
- A single streamlined process will be clearer for users, and reduce the potential for procedural failure and legal challenges.
- The simplified and streamlined process will improve efficiencies and allow for more responsive and strategic measures to be undertaken.
- Greater emphasis on analysis and evaluation in the pre-development and implementation stages will provide opportunity for better whole of government coordination of state interests.
Proposed establishment of a state planning instruments program

Planning for a Prosperous Queensland recommends a SPI program be developed and implemented in consultation with other agencies. The report also recommends that state planning instruments (SPPs, regional plans, SPRPs and the QPPs) are to be the only way of expressing state interests. Consequently, under the Sustainable Planning Act 2009, there is a suite of four state level instruments to articulate state interests. The Sustainable Planning Act 2009 therefore provides a single, streamlined and performance-based process for making state level planning instruments. As such, it is proposed that a central SPI program be implemented to establish an ongoing planning policy-making agenda of government to articulate specific state interests in land use planning and development matters.

The proposed SPI program outlines a process for state agencies to articulate identified interests and examine relevant issues. It provides a clear guide for state agencies to determine which planning instrument (or combination of instruments) can best define the policy interest and also enable consideration of implementation and ongoing administration resulting from adoption of this instrument. Under the proposed SPI program, state agencies are offered greater flexibility within a structured strategic framework. This is based on a range of tools that can be explored to best maximise the desired planning outcomes and a policy-lead approach to decision-making.

Governance arrangements have been clearly identified, along with key roles and responsibilities. Fundamental to the program’s success are:

- the Planning Minister’s ultimate responsibility for all outcomes to be achieved under the program (with some of these in partnership with colleague Ministers)
- DIP’s lead status in driving and delivering the program
- the whole of government approach delivered through a senior cross-agency advisory group
- the establishment of interdepartmental committees for each instrument developed to ensure comprehensive cross-government identification and consideration of issues.

Guidelines for state agencies in utilising SPPs and SPRPs describe a step by step process to assist in the development and implementation of these instruments. A number of tools have also been developed including templates for SPPs, implementation plans and issue analysis which provide prompts and guides to promote thorough planning, development and implementation of state planning instruments.

While developing the SPI program, consideration has also been given to streamlining government and administrative process to create a simpler, more efficient process. This includes development of an annual forward timetable for development of state planning instruments to enable better planning and management across government and from a whole of government perspective. The timetable focuses on resourcing, funding and consideration of implementation commitments. There is also a focus on monitoring and evaluation as a key component of implementation to allow state agencies to better gauge whether an SPP or SPRP is achieving the desired outcomes.
Transition process

In developing a SPI program, it is acknowledged there is a need to consider current practices and how these can be incorporated into a new program environment. Transitional arrangements will be implemented which allow state agencies to continue using their existing policy frameworks in development assessment while transitioning to the new arrangements.

Transitional arrangements are in place as part of the SPI program which provides for transitioning policies which reflect state interests into the new framework.