

The New Logan Planning Scheme: Size Does Matter

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ABSTRACT

Creating a planning scheme that is simple, clear, concise, robust and meets community expectations is no small task. You need to think big to deliver a refined product. You need quantities of courage and fortitude to deliver something that will not please everyone. And you need to consider the small things to be able to communicate to a large audience and to use the process as an opportunity to educate and advocate for the longer term. In essence it takes:

- Vision – an understanding of the big picture, where you want to be and what you want to achieve;
- Leadership – a leader with the ability and authority to drive the process, supported by a small drafting team and a wide range of advisors;
- Policy – a clear understanding of what you want and where you want it, and the ability to express this in the form of a single principle rather than a multitude of scenarios;
- Art and Science – the right balance of creativity and analysis, evidence and intuition, and discretion and defined parameters;
- Simplicity – through the use of plain language, by saying things once, by only regulating where you need to, by having fewer overlays and codes, and by having less words and more pictures;
- The State – because it writes the rules of the game and while you should fight the good fight, you also need to work with what you have and use what will always be an imperfect system and framework to your best advantage.

This paper will give an insider's view, sizing up the new draft Logan Planning Scheme and its contribution to the game of tomes.

INTRODUCTION

At Logan we believe size does matter. But in creating planning schemes, it seems that smaller is harder. It is harder to create a simple, concise, well integrated, refined, and robust planning scheme that still meets community expectations, and the expectations of key stakeholders, particularly the State. Creating a voluminous, repetitive, inconsistent, layered and unnecessary detailed planning scheme would be much easier. The new Logan Planning Scheme aspires to be the former and is successful in many ways. However, there is still more to be done. With more work and refinement it may grow smaller, simpler, and clearer, and be more effective in achieving its objectives. To achieve this requires vision, leadership, policy, art and science, simplicity, and the State. This paper provides an overview of the new Logan City, the key

drivers and parts of the new scheme, and some insights from the Logan experience regarding the critical measures to deliver effective planning schemes.

LOGAN CITY

The new Logan City is big. In 2008, following local government reform, the 'old', predominantly urban Logan City, was joined by the rural, rural residential and 'new city' areas of the northern part of the 'old' Beaudesert, and the key urban and rural areas from north-eastern Gold Coast. The agglomeration of these parts created a new local authority area spanning approximately 950km² with a population now in excess of 300,000 people. It is the fifth largest local government in Australia by population. The projected population is to be over 420,000 people by 2031. Local government reform created an opportunity for the new Council to plan on a grander scale and for the new Logan City to be more than the sum of its historic parts.

A NEW SCHEME

A new planning scheme is warranted. The new Council is operating under three different planning schemes, each with their own idiosyncrasies. This is both administratively burdensome and leads to inconsistent development outcomes across the city. Creating a single new planning scheme provides the opportunity to create a new spatial vision for the new city, supported by consistent and up to date city wide policy. Further, a new scheme could be simpler and more user friendly, it could give greater flexibility, facilitate performance based assessment, and take a risk based approach to regulating development. These were some of the key objectives of the new scheme.

THE JOURNEY

The gestation for the new scheme has been long. It began in 2009 following local government reform. In 2009 and 2010 much of the background policy work was done. This included technical reports and studies as well as workshops and stakeholder input. There were also a number of local planning projects that informed the scheme, which were completed at various times from 2009 to 2012. In 2010 a population model was run, to inform the priority infrastructure plan, and drafting began. The drafting process itself took various twists and turns along the journey, along with various versions of the Queensland Planning Provisions (QPP). Throughout this process there were workshops with councillors, consultation with professional and industry advisory groups, planning and legal reviews, and 'road testing'.

In April 2012 the draft planning scheme was sent to the State for the first State interest review. Following comments from the State, a comprehensively revised scheme was sent to the State in September 2013. The draft Logan Planning Scheme 2014 was publicly advertised from 3 February 2014 to 30 April 2014. Submissions are now being considered. It is hoped that the scheme is adopted by the New Year.

THE DOCUMENT

The draft planning scheme that was released for public consultation is consistent with the Queensland Planning Provisions version 3. It has all the usual components including:

- a strategic framework (33 pages);
- a priority infrastructure plan (44 pages);

- tables of assessment (179 pages);
- zones, including 14 zones incorporating 37 precincts (114 pages);
- local plans, including 9 local plans incorporating 33 precincts (181 pages);
- overlays, including 12 overlays (37 pages); and
- development codes, including 3 state-wide codes, 7 use codes, and 6 development codes (76 pages).

Strategic Framework

The Strategic framework provides the overall vision and city wide policy for the scheme. It seeks to articulate the key planning principles to guide growth, and provide a 'head of power' to all other provisions in the scheme. The essence of the strategic framework is in the 'strategic outcomes' and the 'specific outcomes'. Together, they provide the overall planning policy framework for the city. For example, for the centres policy, the strategic outcomes establish the hierarchy of centres for the city¹. The specific outcomes then articulate the policy for each type of centre for the hierarchy, and the specific intent for each of the larger centres². The specific outcomes also articulate the 'out of centre' test; a multi criteria, performance based test for 'new and expanded centres'³. The strategic framework seeks to focus on key planning principles. Some might say, in parts, it is too specific⁴. However, it is intended to provide a policy framework against which any development proposal in the city could be assessed on its merits.

Priority Infrastructure Plan

The inclusion of a PIP with the planning scheme created new challenges. The PIP provides what it needs to regarding planning assumptions, the priority infrastructure area, desired standards of service, and plans for trunk infrastructure for the city. Obviously there is lot of detailed work required to develop this. It is based on assumptions regarding where growth is planned and how an areas will develop. So delivering the PIP at the same time as the rest of the planning scheme means this detailed work needs to be done concurrently with everything else. This effectively compelled decisions to be made on preferred zoning and other detailed matters, to inform the PIP modelling, before the strategic framework and city wide policy was settled. While this also enables an iterative process of reviewing the relationship of proposed land uses and infrastructure, it places significant demands on the sequencing of land use and infrastructure decisions.

Tables of Assessment

The tables of assessment are the second largest component of the planning scheme. They may seem unnecessarily long. However, tables of assessment do not necessarily need to be

¹ Section 3.5.1(1)

² Principal centres, major centres, district centres, local centres, neighbourhood centres, and specialised centres.

³ Section 3.5.8.1

⁴ For example, 3.5.3.1(5) provides that, 'Shailer Park [a major centre] is: ... (c) distinctive by providing: (i) no further retail uses or activities on the site of the Logan Hyperdome Shopping Centre...'

read all together. The key is being able to find the information you need. In that context, in the drafting process, it was decided to 'expand' the tables to make them easier to interpret. However, the tables of assessment are still complex and, as currently drafted, may lead to uncertainty and confusion.

The level of assessment for development can be determined or changed through the zone, local plan and overlay tables of assessment. For self-assessable development the relevant codes also need to be examined. This is all common practice now. However, the practice of identifying 'changes' in the overlay tables, which seems to stem from the QPP⁵, adds to the complexity. In some cases, determining compliance with relevant acceptable solutions can be quite involved. Further, there are extensive qualifications in the tables. In particular, impact assessment is often triggered where a prescribed building height, or a prescribed quantum of uses in a centre, or a prescribed density for an area is exceeded. There are sound and deliberate policy intentions behind these decisions. However the result is a more involved, complex, and in some cases uncertain process for determining whether an application is required, and what process it needs to follow.

Zones

The zones are the primary organising layer of the scheme. The scheme seeks to have a minimum number of zones and precincts. Further, to reduce the number of codes, use provisions are integrated with zone codes wherever practicable. This has resulted in a smaller number of relatively concise zone codes that integrate relevant use and general development provisions. However, there are some instances where integration could have gone further. There are a large number of low density type precincts; there are six precincts under the Low Density Residential Zone and four precincts under the Rural Residential Zone. In some cases the differences between them are small. For example, the Acreage Precinct in the Low Density Residential Zone has a minimum lot size of 5,000sqm, while the Park Residential Precinct in the Rural Residential Zone has a minimum lot size of 4,000sqm. This suggests there remain some historic based variations in the scheme that stem from integrating three schemes into one.

Local Plans

Local plans are used to provide specific local area based policy, where this cannot be practically achieved through the zones. They are generally provided in centres and areas where more detailed local area planning has been conducted. They focus on design and place making and seek to utilise figures, diagrams and illustrations wherever possible to succinctly communicate the intended design outcomes. The local plans are quite long and detailed. However, it is intended that the local plans consolidate, to the extent possible, the provisions for the particular areas. Throughout the plan making process there was much discussion with the State regarding the interrelationship of zones and local plans. The State would not allow precincts to coincide in both zones and local plans; the local plans are longer and more detailed because of this. Further, many of the local plans are based on non-statutory local plans or planning studies that were undertaken by different people at different times. Some took different approaches regarding density and setbacks. Again, there appear to be some details and variations in the local plans based on history and circumstance rather than deliberate policy decisions to differentiate the character of particular areas.

⁵ Queensland Planning Provisions version 3.0, section 5.10 Levels of assessment - Overlays

Overlays

There have been deliberate measures to seek to reduce the number of overlays and integrate them into relevant zone provisions. For example, there is no good quality agricultural land overlay; the relevant maps and provisions have been included in the Rural Zone Code⁶. However, this integration was not always practical. The overlay codes generally are succinct and based on good evidence. However, they often trigger assessable development. There has been a deliberate effort to reduce levels of assessment through self-assessment. However, some acceptable solutions effectively require a technical assessment to demonstrate that a criterion is met. For example, for self-assessable development subject to the bushfire hazard overlay code to remain self-assessable it must be, 'on a site that a bushfire hazard assessment prepared in accordance with the methodology in Appendix 3 of SPP Guidelines 1/03 determines is of low bushfire hazard.' This may lead to uncertainty and in some cases require significant work to demonstrate compliance with acceptable solutions to maintain self-assessment. In some cases, it might be cheaper and easier to lodge a development application than to comply with the acceptable solution.

THE CRITICAL MEASURES

Overall the draft scheme has made significant progress in achieving its objectives. Further, it has received favourable feedback including:

'...commends Council for its efforts in combining sections of the former Gold Coast, Beaudesert and Logan planning schemes, and adequately reconciling conflicts to create a single, consistent Scheme for the city...'

'...the Scheme is easy to read, with clearly written provisions and signposts distributed throughout to assist reader navigation...'

'...the Zones are logical and clear, and their function as the primary assessment tool is strongly supported...'

'...the limited use of Overlays is supported, as is the use of Level One Zones from the Queensland Planning Provisions, which means there are no unnecessary codes in the document...'

It is also clear that a lot more work and refinement is needed to meet the aspirations of the scheme. However, this can be achieved over time. On reflecting on the Logan experience, the key elements to delivering an effective planning scheme are, a previously alluded to: vision; leadership; policy; art and science; simplicity; and the State.

Vision – 'the big picture and long term view'

You have to know where you are going to have any chance of getting there. A planning scheme needs a vision for both the development outcomes sought, and the type of document the scheme will be.

The vision for Logan city is provided in the strategic framework. Overall the strategic framework succinctly provides clear direction on what is sought in the city. The strategic intent summarises

⁶ Section 6.2.12.3.1, PO9

it in about a page. Key policy objectives are to sustainably develop the city by transforming the current network of car dominated, retail dominated centres into a diverse and interrelated network of urban places connected by high quality public transport. Further, a diverse range of housing and increased density is to be provided in and around centres and areas of good public transport accessibility. However, there is nothing particularly 'revolutionary' about it. The strategic framework reflects the South East Queensland Regional Plan and relevant State policy. It reflects the specific policy work that was done for particular local areas such as for Park Ridge and Bahrs Scrub. However, it also reflects that there was little spatial analysis of the new Logan City, and its potential, in developing policy for the scheme. As a result, there are no bold ideas or unifying statements. It is a collection of sound policy principles. There is an opportunity, going forward, to revisit the vision for the city. There is an opportunity to create bolder city wide policy, based on a spatial analysis of the new Logan City. Further, there is an opportunity to continue to refine and implement the vision for the scheme, as a statutory instrument, to be simple, concise, user friendly and performance based. This should inform all amendments to the scheme. The goal, over time, should be for the scheme to become smaller, clearer, and more effective. Size does matter.

Leadership – 'many advisers, few drafters, one leader'

In developing an effective plan that achieves the vision, the single most important aspect is leadership. A leader is required who has the necessary skills, experience and authority to drive, coordinate, and manage the process, to make decisions and effectively engage with decision makers to achieve the intent of the project.

The development of the draft Logan scheme had excellent project management early in the process. However, it lacked effective leadership. Gant charts and procedures are useless without someone driving the project and making decisions. Further, early in the process, the drafting of the scheme itself was too broadly spread. A scheme needs to be informed by the widest variety of interests and areas of expertise. However, formulating clear policy and crafting an effective planning instrument requires a small and highly skilled core team, led by one person with the vision, skill, and authority to lead it and make the hard and bold decisions necessary.

The scheme was well led and managed in the second half of the project, which enabled the delivery of the draft scheme for consultation. However, with effective leadership from the beginning, decisions could have been made early to facilitate a more visionary, simpler, unified and robust planning scheme that better meets the expectations of the community and relevant stakeholders. Leadership should continue, once the scheme is adopted, to refine the scheme over time with clear direction and purpose.

Policy – 'one firm step before the other'

It may be trite to state that policy should be developed and resolved before the scheme is drafted, but it does not always occur. Further, policy needs to be effectively integrated and simply expressed throughout the document.

For the draft scheme, policy integration has been a long and winding road. There was substantive policy work done to inform the new Logan Planning Scheme. Retail and employment studies were prepared, and there were numerous workshops and working groups. However, in some cases, there was a substantive disjoint between this work and the drafting of

the planning scheme. The key step of translating the broad and sometimes esoteric policy intentions into clear strategies that direct the philosophy and drafting of the scheme was neglected. Time was also a factor. Actions were done concurrently to meet deadlines. The majority of the initial zoning decisions were made in early 2010 to inform the development of the priority infrastructure plan. This was well before the strategic framework was settled. Initial decisions regarding zones, codes and overlays were made almost independently of each other. Unsurprisingly, this led to disaggregation and conflict in the various scheme elements. Much has been done over the past two years to refine and integrate the scheme. But there are some remnants. This work would have been unnecessary if the policy and drafting strategy was resolved early.

Further, the extensive hierarchy of provisions in the QPP can make articulating policy more complex than it needs to be. The QPP requires provisions at various levels. The strategic framework must provide a strategic intent, themes, and strategic outcomes, and may provide elements, specific outcomes, and land use strategies⁷. Further, codes must have a purpose, including a mandatory purpose and a local government purpose and 'statements of overall outcomes describing how the purpose of the code will be achieved.'⁸ They may also have performance outcomes to achieve the overall outcomes, and may have acceptable outcomes to demonstrate how to meet the performance outcomes. While there are now fewer mandatory components of the QPP⁹, this extensive hierarchy of provisions raises a question of how you can effectively express a policy position at a multitude of levels at varying degrees of specificity.

In numerous cases throughout the scheme there are the same provisions in the acceptable solutions, performance outcomes and overall outcomes. This type of repetition seems to be attributed to the extensive hierarchy of provisions in the QPP scheme and an intent to make particular provisions 'stronger' by putting them higher in the hierarchy. At best this leads to poor and repetitive drafting. At worst it potentially leads to the stifling of innovation and performance based planning by virtue of a preoccupation with the mechanics of the hierarchy of scheme provisions.

Clear policy needs to inform the drafting of the scheme. The drafting of the scheme should express policy in a clear and simple manner, without the need for repetition.

Art and Science – 'balancing numbers and intangibles'

Planning is an art and a science. Both need to be embraced and balanced.

For the Logan scheme there is science, or an evidence base, in city wide studies such as for retail and employment, the extensive technical information and modelling to inform the constraints mapping and overlays, and the various local planning studies for particular areas. However, determining matters of density, design and amenity, among others, at a city wide level was an art. Further, balancing competing interests regarding urban growth and environmental values is an art. It takes discretion and intuition. It means making decisions that not everyone will like and not being able to identify a report that gives you the answer. Taking a purely

⁷ QPP Part 3

⁸ QPP section 9.1

⁹ Previous versions of the QPP used throughout the drafting process required all components

evidence based approach can just lead to layering more facts one upon the other. It does not necessarily lead to good development outcomes. Good outcomes often require balance, and embracing the intangibles. Further, decisions should be informed by the best available facts and evidence.

There is little documentation of the rationale of many decisions that were made for the scheme. They are the product of the variety of factors that influence policy and decision making. The lack of documented rationale may make the interpretation of the scheme more difficult and less certain than if the factual and policy basis of the provisions were documented. However, there is an opportunity to build this information over time. Continuing to document the rationale behind decision making and embracing the art and science of planning can allow for more streamlined, consistent and visionary policy to be implemented effectively.

Simplicity – ‘it takes more to get less’

Everyone wants planning schemes to be simpler. They are too long, too complex, have too many layers, and repeat too many things. There are too many words in them. The draft scheme aspires to be a simple scheme. But it is not easy to achieve. It takes more work to clarify and resolve matters up front, so they can be expressed simply, clearly and directly.

The planning scheme seeks to be concise, minimise layers, use simple language, use visual diagrams where possible, and regulate simply. Measures have been taken to ensure policy is integrated from the strategic framework through to the relevant outcomes of the codes. Consideration has been given to consolidating and integrating provisions between relevant zone, local plan and use codes to minimise repetition and conflict and promote consistency in policy content. However, in some cases the scheme has been made more complex, often as an unintended consequence of good intentions. For example, the triggers for determining the assessment category in the development assessment tables can be complex and lead to uncertainty. This is evidenced in the triggers for density in the development assessment table. The trigger relies on calculating the ‘net density’ based on the ‘net developable area’ of a site. The net developable area is defined to mean ‘the area of land available for development’¹⁰. As drafted, this effectively requires an assessment of the development potential of the site before the density is known. This would potentially lead to great uncertainty at lodgement and through the development application process. While intended to provide a more equitable basis to calculating density, those few provisions could have significant consequences for the clarity and useability of the scheme.

Making planning schemes simple is not easy. The key is to do as much work as possible up front, make necessary trade-offs to maintain a clear position, and continue to refine the details over time.

The State – ‘play the long game’

The State writes the rules of the game. Unfortunately, the rules seem to change so often that players spend more time learning the rules than playing the game. This makes it difficult for the

¹⁰ Net developable area means, ‘the area of land available for development. It does not include land that cannot be developed due to constraints such as acid sulphate soils, conservation land, flood affected land or steep slope.

players to hone their skills and become champions. More time should be spent focussed on developing skills and playing the game, rather than learning and adapting to changing rules.

Throughout the plan making process Logan sought to have a QPP compliant scheme and worked close with the State to achieve this. However, in practice, this meant that the scheme was continually drafted and redrafted to meet the changing requirements of the QPP. Some requirements that were fiercely debated, and reluctantly agreed to, are now no longer relevant or required. All the time and energy that was spent by Council officers reviewing, trialling, debating, and anticipating changes to the QPP was time not spent developing good policy and drafting it in an effective way. The irony is that the QPP was supposed to fix this to allow local governments to focus on planning policy and not planning scheme mechanics. Further, local governments went through this experience last time; it is still unclear why the State's *Integrated Planning Act 1997* plan making guidelines were not used as the basis of the QPP. In many respects, Logan would have been better to set the QPP aside and focus on developing a sounds scheme, well drafted, based on sound principles. It could have then made any necessary changes to make it 'QPP compliant' when it really had to.

CONCLUSION

No planning scheme will be perfect; the new Logan Planning Scheme is no exception. But it is a solid beginning. The key is to continue to refine it over time to meet its key objectives. To achieve that requires:

- Vision – having a clear vision of what you want;
- Leadership – having one person to lead the process bravely and boldly;
- Policy – developing clear policy, expressing it clearly, and integrating it throughout all the components of the scheme;
- Art and science – finding the right balance between evidence and intuition in decision making;
- Simplicity – continually making it simpler and easier;
- The State – working with the State and its requirements in a practical way, focusing on the end game.

Size does matter, and smaller may be harder. But it could make a big difference in the game of tomes.