Sustainability at the Australian local government level: Is there room for Strategic Environmental Assessment (SEA)?

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Abstract: Recent calls in Australia have addressed the need for better integration of planning processes. The consequent effort made by government has been, and still is, reshaping the way urban and regional planning and sustainability are managed. Focusing on planning practices at the local and regional levels, we investigate how environmental sustainability is pursued from an institutional perspective. Specifically, we analyse the way that planning in Australian cities aims to achieve sustainable strategies and reflect on the relationship with 'Strategic Environmental Assessment'.

This paper has four goals. First, sustainable planning practices at the local and regional levels are analysed considering the legislative and organizational frameworks of each state. The goal is to identify through an analysis of planning documents how much discretion is given to local councils to address sustainable strategies. Second, we focus on two regional and four cities in Queensland, to outline strengths and weaknesses of current legislative and practical frameworks. We use analytical criteria from the SEA literature to investigate these plans in more detail. Third, we examine the relationship between strategic and statutory plans, to see how sustainability is actually implemented. Finally we compare emerging issues about sustainable planning in Australia with countries overseas with different planning and SEA traditions. Considering that SEA is evolving and there are considerable international experiences, we offer recommendations on how Australia might achieve a more integrated and sustainable approach to planning.

1 Introduction

Australian legislation for sustainability assessment has been developed at the national and state levels and has become a key part of the urban and regional planning system. Calls to make the planning system more sustainable in recent decades (Dalal-Clayton & Sadler, 2014) through specific policies on sustainable development (Commonwealth of Australia, 2011) has resulted in a growing proliferation of policies and legislation across all Australian states and territories. Despite this, or perhaps because of it, practitioners and institutions are increasingly arguing for planning reforms (PIA, COAG). In its 2013 report, the Planning Institute of Australia (PIA) identified potential improvements towards an all-inclusive planning system, not relying anymore on individual compartments with the potential to achieve sub-optimal outcomes (PIA, 2013). The COAG Reform Council in 2009 called for planning system reforms and identified nine criteria to consider for 'capital city strategic planning systems'. This gave rise to what the PIA later identified as the need for improved regional planning and governance and new systems of regional governance to support regional plans, improved partnerships between state and local governments, and a re-framing of the national planning context.

As the PIA position statement (PIA, 2013) and the COAG National Urban Policy (Commonwealth of Australia, 2011) both stress, sustainable development at the local level is affected by 'tiering' between government levels and by existing assessment measures. Vertical tiering refers to the relationship and conformity between local plans, policies, and programs (PPPs) and decisions made at the national and state levels that influence regional and local planning schemes and 'horizontal' tiering considers the conformity across plans at the same institutional level (Arts *et al.,* 2014).

In Australia, methods of sustainability assessment measure the compliance between local plan actions and overarching strategies. Reflecting on these processes implies referring to the way that SEA, namely the application of sustainability assessments to plans, policies and programs, is currently shaped by legislation and guidance (Schijf, 2011). From this perspective, the capacity of SEA to measure this conformity depends on governance structures and institutional frameworks, the organizations conducting SEA, and the documents guiding SEA (Partidário & Wilson, 2011). We have selected some case studies to illustrate whether regional and local planning in Australia relies on

public administrations' virtuous behaviour or on a tiered and organized system and we compare this against an Italian regional case which provides an example of how sustainability assessments could be developed at the regional scale in Queensland.

2 The role of the national and state level addressing urban and regional planning sustainability

In Australia sustainability is addressed through: 1) the assessment of specific plans, policies, and programs (PPPs) and; 2) the identification of national goals to be considered in state, regional and local planning schemes, such as the Environment Protection and Biodiversity Conservation Regulations (Australian Government, 2000). The use of strategic environmental assessments to evaluate PPPs is required by the Environment Protection and Biodiversity Conservation Act (Australian Government, 1999) and the National Environment Protection Council Act (Australian Government, 1994). Although recent applications of SEA have evaluated PPPs for water and fire management, urban planning, mining and fisheries, most SEAs have been developed in situations where the PPP directly impacts valuable environmental areas of national significance. If the PPP does not directly impact on these quality environments, the Federal Environment Ministry does not require an SEA as part of the planning process, however it can be used voluntarily to avoid the assessment of the single actions constituting the PPP itself, after its SEA approval.

Similarly at the State level, legislation defines forms of sustainability assessment and policies for sustainable development. A comparison of two studies recently developed on this topic, by Marsden & Ashe (2006) and Tan & Artist (2013) shows that SEA has positively evolved, despite the fragmented relationships between local, regional and state government. To understand the role of sustainability assessments and the relationships between levels of governance, we need to consider 'how' sustainability is addressed in state and local planning. State governments set environmental standards, goals, protocols and guidelines to foster sustainable planning choices (e.g. New South Wales Protection of the Environment Policies). In some cases, environmental agencies (e.g. Victoria Environment Protection Authority, Environmental Protection Agency) evaluate the impacts of proposed policies in terms of social, economic, and environmental consequences. In terms of planning schemes, some states have integrated forms of sustainable planning, such as New South Wales where regional and local plans have to be developed with specific sections outlining environmental impacts.

Though local plans should developed based on national and state guidelines, procedures for compliance assessment have only been legislated in a few states. In Victoria, the link between land use and strategic planning (is made explicit by legislation through the Victoria Planning and Environment Act (Victorian Government,1987) , as it is in Southern Australia, where local plans are reviewed by the Minister and an advisory committee to check for compliance with state policies on land use, referring to the 1993 Development Act (Southern Australia Government, 1993). In Western Australia the local plans are developed following state guidelines, thus allowing state to assess compliance of local plans with state directives. PPPs likely to have strategic impacts are analysed by the Western Australian Environmental Protection Authority through a preliminary procedure, to understand if the plan requires a full assessment or an informal one. A similar deputy body is the Tasmanian Resource Planning and Development Commission, asked to run the compliance certification between local plans and state objectives. Finally the Northern Territory, monitors local plans against the contents of the Territory developed Regional Management Plans.

Queensland is an interesting case because until 2006 the state did not have any form of strategic assessment at the statutory level. The only other state in this situation was South Australia (Marsden & Ashe, 2006). After several attempts to organize and reform the planning system (Steele and Dodson, 2014), in 2009 the Queensland Sustainable Planning Act -SPA (Queensland Government, 2009)- introduced a process to validate local planning instruments. This allowed the Minister to determine whether these instruments consider the purpose of the SPA, if the key elements of State Planning Instruments (SPIs) are appropriately reflected, and how state interests would be adversely affected by the proposed planning scheme. Despite this structured attempt, recent reforms have changed Queensland's legislative framework, and the current situation is unclear.

3 Sustainability at the regional and local level: the case of Queensland

To analyse regional and local planning in Queensland in more depth we examine two regional plans: SEQ Regional Plan (Queensland Department of Infrastructure and Planning, 2009) and the Far North Queensland Regional Plan (Queensland Department of Infrastructure and Planning, 2009) and four local plans: Brisbane – the state capital; Gold Coast -- the second most populous city; Cairns -- located amongst two World Heritage areas; and Toowoomba -- a smaller hinterland city. We analysed these plans against criteria describing basic features of environmental assessment for urban and regional plans, policies, and programs (among the others, Fischer, 2007; Marsden & Ashe, 2006; Thérivel *et al.*, 2009). These criteria were identified considering comparative studies on SEA legislation at international level, referring to key issues outlined in the institutional and academic literature detailed in a previous study by Baresi et al. (2014). These criteria basically refer to:

- procedures of strategic assessment, within or beside the PPP process;
- contents of overarching PPPs, plan's performance indicators;
- compliance with overarching plans' indicators;
- definition of parameters about resources consumption;
- requirements of PPP alternatives;
- consultation of socio/economic and environmental competent bodies;
- organization of monitoring; and
- mitigation measures of PPP impacts.

Regional Plans

The main role of regional planning, as the link between state strategies and local use of resources, is to provide statutory guidance for land use and economic development (Department of Infrastructure, Local Government and Planning, 2015). The plans we examined mapped land use as 'urban footprint', 'rural living area', or 'regional landscape and rural production area'. For each category, a broad set of objectives, land use policies and aligned strategies are provided as support to local councils, detailed in explicit Desired Regional Outcomes (DROs). In operational terms, few targets are defined for local planning, except for the number of dwellings to be built by 2031 (SEQ Plan). Apart from a few limited references to natural resources, these two regional plans do not propose quantitative sustainable development targets for local plans but refer to state policies and other regional tools as the National Resource Management plans. The related NRM plans (the SEQ NRM plan and the Wet Tropics NRM plan) present wide sets of targets to be followed and achieved for many natural components (air, water, etc), even referring to desirable thresholds met in the past decades before the worsening of the ecosystem's condition.

In developing the regional planning scheme organizations and institutions belonging to "all levels of government and key community groups" (FNQ regional plan, p.6) participate, including the Regional NRM body. While participation by diverse stakeholders this might suggest that a range of different land use design scenarios and other perspectives on how regional development could be structured, neither the SEQ nor the FNQ regional plan refer to the definition and comparison of plan's alternatives. These plans also lack reference to performance indicators to measure the way that the plans' actions will comply with the defined strategies. Concerning indicators, the FNQ plan generically states that they "will be developed", without referring to any timeline or external document, whereas the SEQ plan refers to 'State of Region Baseline Report', 'State of Region Technical Report', and 'State of Region Sustainability Indicators Baseline Review', which were last drafted for the superseded SEQ plan (South East Queensland Regional Plan 2005-2026). The same SEQ 2005-2026 plan (Queensland Department of Infrastructure and Planning, 2005) appears more detailed than the current one in the definition of sustainability criteria, as benchmarking indicators were identified to assess the plan's contents not only before its implementation, but also after its development within dedicated monitoring phases.

Measuring plan performance in meeting its goals and the goals of state planning policies is made difficult by these uncertain conditions. While implementation guidelines are available for both the FNQ Plan and the SEQ Plan, there is no reference to indicators and thresholds against which to measure plan performance. Similarly, the Growth Management Annual Plan, a tool designed to periodically assess the SEQ regional plan's implementation, is currently focused on the development of dwellings and industrial areas and lacks any reference to natural resource management.

In the end, these regional plans focus mainly on land use policies. The FNQ and SEQ Plans are identified by the Queensland Department of Environment and Heritage Protection as relevant to planning scheme development and amendment, in terms of planning guidelines. However, they don't provide any guidance on ways to achieve sustainable planning in an operational way, despite their statutory function. Since the regional plans relies "on current desired environmental outcomes contained in FNQ local government planning schemes as well as other state and local government plans, policies and strategies" (FNQ Plan, p.6), the local government plans are consequently analysed to understand how sustainability is effectively pursued and measured.

Local plans

The four cities considered outlined similar contents and ways to address sustainability. This is due to Queensland's Planning Provisions (Department of State Development, Infrastructure and Planning, 2014), the document released in June 2014 to set standard planning scheme provisions made by the Minister for Planning according to the contents of the Sustainable Planning Act 2009. In all cases, specific planning scheme policies were developed about themes such as air quality, water management, heritage planning, and landscape design. Except for these strategic policies, the local plans we examined sporadically identify indicators and parameters to consider for sustainable forms of planning. These primarily related to urban development, identifying the number of dwellings to be built in each urban area, rather than natural resource consumption. Though current plans lack indicators and parameters to address sustainability in local planning, the superseded planning scheme of some cities (e.g. Gold coast) explicitly stated performance indicators for measuring the effectiveness of the Planning Scheme in meeting the related Desired Environmental Outcomes (DEOs) belonging to the ecological, economic, and social area as stated in the Gold Coast Planning Scheme (Gold Coast City Council, 2003). The new plans contain no reference to the previous tables of indicators identified to foster sustainable planning, suggesting that there is a problem with the direction planning legislation is taking in Queensland. This is the consequence of the change in legislation from the Integrated Planning Act 1997 to the Sustainable Planning Act 2009 (England, 2010), as in the former the 'performance indicators' were required as 'key elements of planning schemes', together with an eventual benchmark development sequence, whereas in the latter this concept completely disappeared.

While the evolution of Queensland's planning legislation appears to have negatively affected the role of indicators and parameters, the SPA 2009 appears to have improved requirements for State Departmental assessment of plans. The Statutory guideline 04/14 (Department of State Development, Infrastructure and Planning, 2014) requires that a specific part of making local plans is the 'state interest review', when the Minister considers the plans contents against: i) the purpose of the SPA 2009; ii) reflects state, regional and local dimensions of matters detailed in the SPA; iii) the contents of Standard Planning Scheme Provisions (SPSP); iv) the relevant State planning instrument, regional plan or State Planning Policies (SPP). The Minister has the possibility to stop, recommend a modification, or directly modify the local plan in order to make it compatible with the overarching planning system. This procedure is the most relevant form of assessment required in the Queensland planning legislation, though its nature is closest to a verification of the plan's external coherence (with overarching plans and policies), rather than an environmental assessment of plan's actions.

The analysis of the four local plans suggests that Queensland's planning framework is focused on the shape of human settlements, rather than the estimating resource exploitation. This finding is supported by the Integrated Development Assessment System (IDAS) and the 2009 SPA. Under this system Development projects are assessed against the criteria set by the regional and local plan. The local plan identifies areas and districts with specific features, stating the kind of interventions that can be developed according to the plan's strategies. However, the main focus is on: 1) the number and features of the dwellings that can be built; 2) compatible land uses compatible; and 3) infrastructure. Extended evaluations are limited to cases of proposed projects that directly involve environmentally sensitive areas. Apart from this, the main goal of IDAS is to verify compliance between the development projects and the set of local strategies and regional land use.

In conclusion, the Queensland system is focused on tiering forms of planning between state plans and local ones, passing through regional schemes, rather than developing forms of inter-level environmental assessment. The evaluation of PPPs sustainability by institutions or bodies at higher levels in Queensland is lacking (with the exception of the SEAs, developed at national level). Instead the state legislation is focused on the compliance between the contents of local planning schemes

and the overarching ones, in a scenario only partially involving the use of indicators and quantitative thresholds to measure sustainable development. Accordingly, the involvement of agencies, organizations and authorities with social, economic and environmental competences focuses on the definition of common strategies rather than on the quantification of plan's environmental resources exploitation. The same identification of mandatory planning schemes' review, introduced by the 2009 SPA, doesn't quote any environmental impact, outlining how the process should focus on assessing the way that the plan's strategic outcomes have been met.

Implementing sustainable strategies: the (missing) link between strategic and statutory contents of plans, policies and programs

The analyses of the four local plans found a missing link between the sustainable development goals stressed at the strategic level and the actions undertaken with statutory tools. Most of the local plans' contents focus on residential development, thus, the statutory planning scheme is developed around this focus. The SEQ Plan is indeed focused on residential development, as the basic way to refer to the land use maps. In the end, what is currently missing is the way that strategic actions are translated in measurable ways at the statutory level, to be finalised with tangible actions. In case the estimation of dwellings' number to be built in each district is the result of broader analyses that involve the consumption of resources per capita, this is not stated in any way in the legislation or in the planning documents analysed.

4. The comparison with other sustainability assessment frameworks

The previous analysis has outlined the features of Queensland's system that could be altered to make development more sustainable, contrasting with more efficacy the observed decline in sustainability outcomes (Department of the Environment and heritage Protection, 2011). First, the national, state, and regional levels have been examined to identify the extent to which the overarching legislation influences sustainable local planning. The main issues affecting sustainability in Queensland are shown in Table 1.

Table 1.
Issues affecting the pursuit of sustainability at the local level in Queensland

	Influence of overarching levels (State, SEQ and FNQ Regions)	**Local level**
Sustainability Assessment	Lack of mandatory sustainability assessment for local plans, unless impacting on valuable areas	Existing forms of assessment, though limited to dwelling development
Sustainability Measurement	Limited identification of indicators and thresholds to respect, basically coming from state policies and Acts	Absence of performance indicators to measure the compliance between strategies and actions
Participation in the process	Involvement of many organizations/agencies with the related planning schemes, mostly without statutory powers (e.g. NRM plans)	Lack of PPP alternatives, though stakeholders' participation is guaranteed
Monitoring PPP outcomes	Reference to mandatory planning schemes' review (2009 SPA), thwarted by lack of guidelines	No guidelines to review the sustainability of plan outcomes
Tiering	Subjective evaluation, from the Minister, about the compliance between state, regional and local PPPs	Limited role of regional tools in driving sustainable development at the local scale (except from land use classification)

We argue that improving the link between city councils and the state at the regional level would help to improve how sustainability is addressed and assessed at different planning levels for four reasons. The first is the strong influence that local councils have in the development process of QLD regional plans, which might imply a certain dependence of the statutory overarching tool, and the local plans that are should be compliant to it. Second, the regional plans we analysed lack statutory guidance, apart from the land use classification and the reference to dwellings development. In terms of sustainability, these documents lack the identification of parameters and performance indicators that were instead outlined in the superseded plans, at least in the SEQ case. Neither the development of

plan's guidelines, specifically drafted on issues like 'biodiversity', are containing detailed reference to indicators and thresholds to consider, focusing these documents mainly on the strategies to adopt. Third, despite that the procedure of plan making involves relevant stakeholders, the consideration of the potential support coming from organizations with environmental competences appears limited in terms of contents. For instance, the NRM structures and the CSIRO (Dalal-Clayton & Sadler, 2014, p.340) could be involved to define in measurable ways if sustainability is effectively pursued in local plans. Fourth, the lack of sustainability appraisals, except for cases where elements of national interest are impacted, raises the issue of how to measure local plans' performance in achieving strategic goals set by national and state legislation.

This process of re-framing Queensland's regional planning, aiming for better integration of sustainability assessments within planning, can benefit from a comparison with similar international experiences. Hypothesizing the development of mandatory sustainability assessment for Queensland PPPs, the European Union (EU) is a relevant case study. The EU involves multiple levels of decision making, including an institutional level over the state one, and SEA has had a consolidated role as sustainability assessment procedure since the early 2000s (Directive 2001/42 EC, UNECE Protocol 2003). Within the EU Italy is a comparable case because its regions have strong autonomy in defining their own sustainability assessment systems to comply with European and national directives and Lombardia is one of the regions with the highest level of SEA implementation (Baresi *et al.*, 2014). The comparison between Lombardia and Queensland outlines the benefits that the latter planning system could achieve by adopting a framework featured by a relevant role of regional institutions, through a planning reform that goes beyond the introduction of mandatory SEA in Australia for local plans (Table 2).

Table 2.
A comparison of Region Lombardia (Italy) Scenario and a future proposed Queensland Scenario

	Region Lombardia Scenario	**Queensland regions (SEQ, FNQ, etc.) hypothetical Scenario**
Sustainability Assessment	SEA procedures established by regional authorities; Local councils are required to develop SEA for new urban plans	Change of SEA status from voluntary to mandatory for PPPs at regional and local levels, according to 'screening' guidelines
Sustainability Measurement	Local PPPs have to comply with resource management outlined by overarching legislation, with parameters stated for specific components (e.g. air pollution, land use consumption)	Definition of indicators and thresholds for resource consumption, within regional plans, to be considered when drafting PPPs at regional and local level
Participation in the process	Regional bodies with specific competences have to be consulted during the SEA development (e.g. ARPA, ASL); Public participation allowed by regional law	Designation of agencies with specific competences to be consulted while drafting regional and local plans (e.g. NRM groups, CSIRO, etc.)
Monitoring PPP outcomes	Sets of indicators used to develop periodic monitoring of PPP impact on the environment	Selection of performance indicators to assess regional and local PPPs impact on the environment
Tiering	Regional/provincial plans indicating constraints to consider at local level; Regional/provincial authorities assess local SEAs compliance with overarching PPPs	Minister or regional bodies required to assess the SEA developed at regional and local level, in terms of compliance with overarching PPPs

The Italian case is significant in terms of how regional bodies act to address local planning towards sustainable development and managing SEA processes. It appears feasible to develop the elements previously identified within the current Queensland planning legislative and institutional frameworks, however some issues would inevitably arise along the path. For example, Queensland should note the recent failure in England to institutionalise a regional planning system which lasted approximately one decade (Baker & Wong, 2013). In Queensland case, the reframing of regional authorities' competences could be developed without introducing ad hoc modifications of the current institutional framework, as in some cases (e.g. SEQ) the development of mandatory SEA procedures could be linked to ongoing processes towards statutory models of collaboration between state and local

governments (Abbott, 2012). This would learn from the flaws that drove the English experiment to failure, not sacrificing the flexibility of current planning procedures for a potential "over-reliance on data and technical analysis"(Baker & Wong, 2013, p.92), but instead linking this technical dimension with the attainment of strategic purposes.

In terms of connection between institutions with political/organizational and scientific functions,Queensland's planning system has forms of collaborative governance, as is the English one, with NRM organizations that are partially involved in the planning process. However, the potential of these organizations has not been fully utilized, as they could be better involved with reference to their competences about resource management indicators (one of the main issues outlined in Table 1 and 2). Furthermore, other organizations could be involved in the process, gaining an active and explicitly defined role within SEAs development, such as the Commonwealth Scientific and Industrial Research Organisation (CSIRO) which could contribute setting management indicators. This step would guarantee support to planning bodies in addressing environmental issues, similar to what is done in Lombardia by the Regional Agency for the Protection of the Environment (ARPA) and the Local Health Agency (ASL). An example of how sustainability indicators are currently utilised in Australia can be found in the corporate evaluation of public bodies' strategies and actions (Supplementary Environmental Indicators Report 2013-2014, Department of the Environment).

Organisations such as the NRM Groups and CSIRO could be involved in helping to define: 1) relevant indicators and support councils, not exclusively in drafting SEAs; and 2) regional scenarios on resource management (Dalal-Clayton & Sadler, 2014), broadening the contents of previous Regional Frameworks for Growth Management, towards an effective integration of these documents within the regional plans. Since mandatory SEA for all regional and local PPPs would increase the number of procedures that the Minister would be asked to assess, two potential issues would have to be addressed. The first is the need for 'screening' guidelines separating the PPPs effectively impacting on the environment from other ones. The second is the need to institutionalise an agency to evaluate SEA impacts, following the Lombardia example.

5. Conclusion

In Australia and specifically in Queensland, sustainability is addressed as a strategic goal rather than by the establishment of indicators to measure the resource consumption of human settlements. An independent review of the EPBC Act (Commonwealth of Australia, 2009) outlined how strategic assessments should be used in a wider way because of their capacity to ameliorate the impacts on the environment and to increase regulatory efficiency. The application of SEA has proven to be effective at the urban scale, being utilised in Melbourne's 2030 Plan (Early, 2008) highlighting how SEA can be an effective and reliable method for assessment through clear legislation and guidelines for its application. As a consequence, the introduction of mandatory regimes of SEA in spatial planning depend on the definition of effective legislation and operative guidelines, so to increase the stakeholders 'ownership' of this tool (Stoeglehner, 2010). In terms of legislation, the current state framework is partially set for a broader use of SEA, since the competences of the assessing authority (the Minister) are detailed in existing documents (e.g. QLD Statutory guideline 04/14). In a planning system basically oriented to EIA of development projects, sustainable development can be achieved by shifting SEA from its present use on "national environmental protection measures and fisheries management" (Stoeglehner *et al.*, 2010, p.406) to a broader spectrum of PPPs as is the case in the European Union.

Queensland seems ready for the application of mandatory SEA to local planning to involve, existing organizations with relevant environmental skills in a structured way. The potential exists for Queensland to reverse the trend that saw PPPs performance indicators disappearing in planning documents, and to begin rethinking the way that sustainable use of resources is assessed by local and regional plans.

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