

Parallel Session F

Planning & Policy Development for Creative Communities

**Empowering Community through
Poverty Reduction Programmes:
Confirmation of Determinants**

Puziah AHMAD, Dasimah OMAR & Noor Rahamah ABU BAKAR F-003

**Enhancing Creativity in Planning:
Dynamic Visioning as a Catalyst for Change**

Louis ALBRECHTS F-012

**The Bandung Creative City Movement:
An Exploration of the Social and Spatial Implications
of Policy Transfer**

Kristin ANDERSON, Dan COHEN, Alexis KANE-SPEER,
Michael NOBLE & Morgan SKOWRONSKI F-022

**Land-Use Regulation: A Key Factor in the Relationship
between Creative Communities and Place-Making**

Teguh U. ATMOKO F-032

**Strategy of Urban Upgrading in Informal Settlements
by Transforming Spatial Experiences of Urban Poor**

Paulus BAWOLE F-037

Urban Redevelopment for Creative Community of Binong Jati

Yenny T. DWININGSIH, Dian ROSNAWATI, Andi Tenri DIO,
Nunik HASRIYANTI & MEDTRY F-045

**Recovering Shrinking Core City
through Urban Revitalization Projects**

Evawani ELLISA F-053

**Low-Income Society's Preference on Living Place
in Creative Industry Area of Shirts
and Screen-Printing, Bandung**

Lulut INDRIANINGRUM, Indrabakti SANGALANG & Ayu P.P. LESTARI F-063

Creativity as a Means for Urban Survival
Miya IRAWATI & Wicaksono SAROSA F-071

Addressing Creative Planning Imperatives
Rodney JENSEN F-076

A Cradle for Creativity
Miel KARTHAUS & Martijn DE GIER F-084

**Cultural-Based Economic Activities and Transformation
of Tebet, South Jakarta**
Wita SIMATUPANG F-093

**Transformation vs Living Heritage:
Value Space Regeneration for George Town City**
Robert SITORUS, Sibarani SOFIAN & Chris YOSHII F-100

**Commodification and Nationalization
of Land Matters across the *Nusantara*: The Case of Bali**
G. Ayu. M. SUARTIKA F-111

**Thirdspace, Urban Informality and Creative Communities:
Redefining Café in Contemporary Bandung**
Ahmad Rida SOEMARDI & Dhian DAMAJANI F-123

ADDRESSING CREATIVE PLANNING IMPERATIVES

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ABSTRACT

The nature of planning, both real and perceived has changed greatly since the Second World War from “macro architecture” or land use management, to addressing far more complex and intractable imperatives, such as facilitating creative industries, sustainability and place making.

Planners with any degree of idealism, assume that these important issues are an important justification for their being, whether or not the mechanisms under which they operate provide them with the tools and the powers to accomplish much more than rhetoric and empty motherhood statements of intent.

The notion of facilitating creative industries is a prime example of where planning is essentially powerless to implement change under the traditional land use zoning based statutory mechanisms of planning. These are still relied on in Australia as the primary tool of planning, and in many other western countries. But in the liberal/democratic economy such as Australia, planning occurs or remains subject to a complex interplay of governmental, institutional and private pressures. Such pressures and competing objectives greatly complicate the goal of achieving substantive improvements in the places where the public live and work and relax. Such important goals cannot be appropriately addressed under a simplistic planning system focussing on land use management.

This paper looks at why it is important for planning to become more involved in the higher level concerns of contemporary society, focusing on the facilitation of creative industries. An assessment is made of possible ways that this might be accomplished under the current planning system addressing the significant barriers which are likely to emerge particularly to any “facilitation” policy either by the state or local planning authority.

Finally, this paper presents some general conclusions as to how the planning system will need to be re-cast if its future role is to change and adapt to the broader contemporary issues surrounding the creation of better places.

INTRODUCTION AND BACKGROUND

In the State of New South Wales, Australia, planning practice has gone through a series of evolutionary steps in recent times designed to facilitate and streamline processing procedures, but forgetting the over-arching purpose of planning to achieve better outcomes in the urban environment - physically socially and economically.

There is a considerable divergence between the goals of the state government to streamline the preparation of statutory plans, the concerns of the community to address such issues as global warming and affordable housing and the ideals of the planning profession to make meaningful and objectively demonstrable improvements in the urban environment.

The Government under a standard “template” or formatting system for new statutory plans aims to create a more uniform regulatory

environment for future development and adaptation. A principle concern currently is to speed up the processing of development applications (the bulk of which despite being low cost improvements as opposed to major developments occupy disproportionate amounts of staff resources and take an inordinate time to reach a final determination).

The public is relatively well informed about environmental matters and immensely concerned about the protection of private amenities in existing centres. They tend to play an extremely conservative role when it comes to assessing development on the one hand, but on the other, hold ever increasing expectations for environmental and urban design improvements as well as better access to facilities and services including particularly - better public transport.

The planning profession acts as an interface between the government, the public the institutions and developers in attempting to play a meaningful role in urban planning and management. Strictly speaking, the NSW Planning and Assessment Act limits their role and responsibilities to “the orderly and economic development of land” despite contemporary planning at least in theory aiming for many areas well outside these narrow confines.

The Act and its subordinate instruments and the policies and development management documents used by the planning authorities at the local government level are essentially legalistic and prescriptive in nature. They present a variety of standards and objectives for testing development, but they are almost silent when it comes to promoting or facilitating better development or places.

In summary, despite being a relatively advanced and sophisticated country, the Australian planning system has failed to keep pace with current imperatives particularly those associated with the environment, social well being and the complex economic forces which ultimately form a prime determinant of progress in urban environments and standard of living.

For the planning profession, there is widespread recognition of this critical state of affairs, there are calls for the NSW Environmental Planning and Assessment Act to be abandoned and replaced and for planning to be given the mechanisms and powers to achieve meaningful urban improvements. How successful they will be in spearheading serious reform remains open to question since many in the profession are limited in their freedom to speak out or essentially compromised by their role as agents for private interests, and frequently associated with development that is strongly contrary to the public interest.

Similarly, neither the Commonwealth Government nor the State Governments have a good record either of understanding or of implementing planning reforms. In NSW the Minister for Planning has been largely focussed on the interests of private developers (particularly the ones who are significant contributors of funds to the Labor Party) in his push for streamlining the regulatory and processing systems. Similarly, there is an inadequate understanding important matters such as cultural heritage and a sledge-hammer approach to pushing through systemic changes without sufficient concern for long term and negative side-effects.

THE POTENTIAL ROLE OF PLANNING

Few nowadays would argue with the need to efficiently and constructively regulate the growth and development of the urban environment.

Historically the need for planning in NSW as in other countries emerged from practical concerns for safety and public health and resulted in basic standards for building forming the basis of early building legislation. For example, the threat of fire and rat borne pestilence in 19th Century Housing led to the promulgation of laws to ensure better fire safety, better separation between houses, provision of sanitary facilities and minimum room sizes. These initially simple building regulations were gradually added to, with a new layer of broader planning requirements for lot sizes and siting restrictions including the now ubiquitous land zones which aimed to compartment similar land use activities into separate and segregated areas.

The land use zoning system in Australia still remains the primary mechanism for planning at both a statutory and policy level for management of existing and new development. Despite widespread calls in the profession for reforming this simplistic approach to planning In NSW, changes have recently been made which many would argue put the clock back by 50 years.

In short, the recently adopted “planning template” has as its main aims to simplify and standardise planning use definitions as well as the numerous variations of zones which have evolved throughout the State since the second world war. All Councils in NSW are currently re-jigging their local government area wide plans under this new system.

What this reform has not done is to adequately face the future world in which issues facing our cities are very different from those which led to the original building regulations of the late 19th Century.

Catastrophic environmental changes which are intensifying as a result of poor urban planning are a prime example of the need for planning to assume new and expanded responsibilities. While there are many areas of concern which transcend simple land use planning, this paper will concentrate on three very significant ones: urban sustainability, urban design and place planning. The facilitation of creative industries forms an important sub-set of place planning and will be discussed further below. Each of these three major concerns spans a variety of social economic and physical characteristics, not readily measurable or susceptible to current planning control or policy with its narrow focus on land management. But changing the approach to planing control and management particularly in terms of the above imperatives is undoubtedly the key to achieving the longer term survival and success of our urban centres.

SUSTAINABILITY, URBAN DESIGN AND PLACE PLANNING

Because of space limitations simple definitions have been formulated here to clarify the intended meaning of these terms.

Sustainability so far as it relates to development is fundamentally about minimising resource inputs, minimising waste outputs and pollution and increasing efficiency in the use and activities associated with development (particularly energy use, water and other service provisions).

In seeking to achieve greater sustainability, one obvious change in the approach to urban planning is the recognition that far greater priority must be given to public transport over personal transport. Similarly, it follows that the development pattern should be more intense and more transit focussed. At the site or building level, the greater efficiency of building stock in terms of energy use and water use will greatly reduce the extent of growth in demand for these important resources.

An increasingly growing possibility is that advanced telecommunications can significantly reduce the need for travel and face to face meetings, consequently offering greater potential for decentralisation of over large urban agglomerations such as Sydney and Jakarta.

Urban design is a process of integrating all relevant development factors into the design and construction of places, particularly new places, with special regard for the public domain/realm and the impact that new development will have on the public domain/realm. Traditionally, the province of architect planners, many products of urban design have focussed on the new development at the expense of the public domain and the space around it. There is a growing recognition that more appropriate urban design has not only to give equal balance to the private and public domain, but also to consider important aspects of the economy and social environment. It is the recognition of these interrelated factors which has given strong impetus for the concept of Place Planning to replace traditional land use planning.

PLACE PLANNING

Place planning is firstly an objective of planning for better, more vital, more attractive places to live, work and recreate in, and secondly to define planning policies and measures to engender such attributes into the urban design and planning processes. There is a close nexus between urban design and place planning, although under the prevailing approaches of architect-focussed to urban design, the places which emerge have rarely achieved the criteria of attractiveness or vitality which they may have set out to achieve or claimed to have attained.

In the context of Sydney, a lone local government planning authority, Warringah Council, out of the 40 or so for the whole metropolitan area, chose to follow the path of Place Planning about 10 years ago. The process involved subdividing the particular local government area into many discrete areas, each having an identifiable and integrated character composed of natural and man made features. For each of these so-called “localities” unique planning policies and character statements were prepared to strengthen the desired future character of the locality for future development.

The resultant scheme can be said to have been a significant planning reform, although in the author's opinion, the “Desired future character” statements have not gone far enough in providing clear proactive policy guidance as opposed to the same old prescriptive and land use focussed approaches of the past.

While the Warringah system undoubtedly has led to better development than might otherwise have occurred, it will shortly be replaced by the standard template now required by the State Government and return full circle to the land use zoning system it replaced.

CREATIVE INDUSTRIES

As mentioned before, the facilitation and establishment of creative industries forms an important sub-set of place planning and may fundamentally provide a hidden economic key to place vitality, transcending the simple or surface physical or spatial character of place. Creative industries, as advocated by Florida and others frequently do not actually have much to do with creative activity in the traditional sense of the word: encompassing writing, visual and performing arts, music sculpture and the like. But rather, the word “creative” has an economic connotation of successful, cutting edge, youthful, and a capacity to make a substantive contribution to the local economy.

The film industry is frequently chosen by commentators as one indicator of a creative economy and this admittedly is one example that is most clearly connected with culture and creativity.

In the way that the term is used there seems to be little doubt that the factors which sustain creative industries also engender more vital and attractive places. Paradoxically such places do not necessarily have to look attractive or well designed (a primary concern of urban design architects with concern for space and surface treatment).

Barriers to encouraging creative industries under the NSW planning system

Before putting forward a new model for facilitating new development policies such as the encouragement of creative industries, it is worthwhile reflecting on the current impact that governance has on the effectiveness of planning. The observations here refer again to the State of NSW but undoubtedly will have parallels in many other countries.

Within NSW there are numerous government portfolios, which in theory could be connected with planning, each having separate Ministers and associated bureaucracies employing thousands of government servants. The separate portfolios include: Roads, Transport, Infrastructure, Law (Attorney General), Planning, Energy, Regional Development, Climate Change and Environment, Housing, and Local Government. For an outsider this would appear to be an extraordinary, and chaotic system more devised to put elected members on chairs than to ensure integrated governmental activities in the built environment.

Of course, inter departmental committees are set up to overcome the need for liaison, but with separate powers and political imperatives it is difficult to imagine complex plans or policies ever achieving much more than the lowest common political denominator.

In NSW many would argue that the real pit-face for planning (partly because of the above disintegrated form of state management) lies at the local government level and this is almost certainly true for the bulk of housing and commercial development in the different Council areas. It is not true, however, when it comes to transport, infrastructure and utility services, the responsibility for which all lie with the respective State Departments.

What this means in practice is that it is virtually impossible for local planning authorities to arrive at a strategic plan which deals with much more than land management - despite the obvious and vital nexus between land management and many of the above areas of responsibility.

Accepting the generally agreed importance of creative industries in making places more successful and attractive, a planning system based on land management is at best an indirect method and at worst a positive hindrance to stimulating the market.

Supposing that a particular local authority in NSW were of a mind to promote creative industries within its area, it would first have to decide what zoning to apply. As previously mentioned, NSW now offers limited zoning choices subject to its template. Some possible zonings under this new system might include the "Mixed Use" B4 zone or "Business Park" B7 zone.

See: <http://www.legislation.nsw.gov.au/fullhtml/inforce/epi+155a+2006+FIRST+0+N?>

But the highly variable nature of uses that come under the description of "creative industries" in reality range from artists studios, performance space, offices, light industrial and assembly establishments and many other possibilities that would not necessarily fit in under the zoning template that has been applied.

Similarly, assuming a particular enterprise would generally meet zoning parameters, it could possibly fall foul of other mandatory requirements or standards such as car parking, landscaping, or servicing intended for conventional commercial or light industrial development. Indeed past experience in NSW has shown that the so called "high tech" industries (which could well correspond to the creative industries) lie in the margin between commercial and industrial activity and can sometimes be particularly problematic when attempting to qualify for planning consent because of definitional problems.

Overriding all the above, is the fact that such land management mechanisms are mainly designed to provide a framework on which to refuse unsatisfactory applications - that is an application that does not meet all the stated criteria of the zone in question. What this mechanism does not do is to encourage or invite new creative industries to locate in the particular area.

Councils might decide that certain creative industries deserve preferential treatment under the existing planning systems but would open themselves up to charges of conflict of interest or corruption from objectors in the community or from disgruntled competitors. This is all the more the case if the development proposal is to be sited on land owned by the particular consent authority.

Similar precedents for this have also occurred at State Government level where a recently introduced system of removing large scale development (above A\$ 1.0 million) from the normal consent responsibility of the local authority, has opened the Minister for Planning and Development to calls that he should appear before the Independent Commission of Corruption (ICAC) in recent cases where his involvement has verged too far into advocacy.

If the existing systems of planning administration are quite unsuited to encouraging the creative industries, one simple answer might be to abandon planning altogether, and turn to economic or fiscal incentives instead. In NSW the options to enter into such schemes by Local Councils are

somewhat limited and more logically become the responsibility of State or Commonwealth Government.

As regards the film industry, former Australian Governments have provided significant tax benefits for film production and Australia briefly entered a halcyon period of a booming film industry during the '70s. Similarly, the NSW Government has more recently encouraged and subsidised the establishment of the extensive Fox Studio film production complex, close to the inner city, and after recent re-election, undertaken to reduce or streamline the onerous charges levied by many authorities for on location shooting.

In other countries such as Mainland China's Shanghai and the United Arab Emirate's (UAE) City of Dubai, so called "enterprise zones" have been established with a general relaxation of the normal controls which might otherwise discourage or prohibit business entrepreneurs and foreigners alike from gaining a foothold in that country.

It can be seen that in a general sense however, that such economic measures could have a quite marginal impact on locational decisions for a particular enterprise. At best they are blunt instruments and quite unsuited to targeting particular areas or regions for integrated and sustained growth in creative industries.

Solutions

From the above discussion it is obvious that despite the idealism of planners to play a major part in addressing key contemporary issues of urban and regional development, the system in NSW Australia is fraught with hurdles and barriers to progress. Planners are indeed one of the most impotent professions when it comes to actually moving forward.

In the context of Australia, the separation of powers between National and State Governments as enshrined in the Constitution must ultimately be reviewed. It is an administrative arrangement which is divisive on important national issues such as global warming, river catchment management, environmental management and national planning. The various state governments squabble over resources and frequently seem incapable of putting the common good of the country before parochial concerns. However, given the conservatism of our society it seems implausible that this basic division of powers will change in the author's lifetime.

Failing that, the issues which have been raised in this paper require a rethink of the current make up of the planning consent authorities both at the state level and beneath the current state administration level.

Starting at the State level, it is obvious that strategic planning on a metropolitan or regional level requires appropriate integration of roles and powers. Cabinet Ministers and portfolios should be consolidated and rationalised to achieve this fundamental reform. As a stop-gap measure, Ministers from related portfolios should be ready to delegate their planning responsibilities to one, or at most two, out of the Cabinet team. Similarly there is a fundamental need for restructuring state offices and empowering managers to integrate a variety of environmental disciplines.

Fundamentally, the many aspects of planning administration require a series of regional authorities with delegated powers over transport, utilities, the environment, social facilities and strategic planning. This in turn leads to the abandonment of the multiplicity of small consent authorities which are currently the general pattern in Australia. Within NSW, this process has occurred to a limited extent under voluntary "mergers" of some Councils but there remain approximately 40 Councils in Sydney with consent powers. It is not a system which can ever lead to effective strategic planning or policy improvement.

The other fundamental need is for the enabling planning legislation to be re-cast with a greater planning policy focus (including environmental, economic and social policies) and a much better integration with the land use and amenity concerns of the community.

These notions have been summarised in the diagram overleaf. New enabling legislation overrides all existing laws which impinge on planning and the environment. The bureaucratic structure is relatively simple, there would be a high level of delegation to the multi disciplinary development control unit. Controversial matters would be delegated to a professional panel of independent experts.

Many aspects of this system are not new and have precedent in Australia for being far more capable of achieving better plans and better places. For example, the planning of Canberra was accomplished under a similar model for many decades with obvious effectiveness by the National Capital Development Commission (NCDC). Similarly, the use of expert panels has been grudgingly adopted by some local authorities in NSW, again with obvious benefits.

CONCLUSIONS

Planners and urban designers frequently lose sight of the fundamental goals of planning and see their plans as ends in themselves - forgetting that they encapsulate abstract notions which few outside the profession ever fully understand well enough to endorse or to reject. Plans are slow behemoths to conceive, to agree and to implement. The sad reality is that planners often move on to fresh pastures and never see the effects of their work on a developing city with the long lead time from a new plan to the ultimate changes it will have on urban fabric.

Plans made on the basis of optimistic assumptions and visionary drawings of some futuristic environment never end up quite as envisaged by the designer. Inevitably market forces, legislative and institutional intervention move the whole structure away from the original intention. The best planners and designers can hope for is to establish a model robust enough to adapt to change flexibly and responsively.

The possibility of dealing with places as a whole, encouraging creative industries, and other pro-active social and economic policies becomes a practical and achievable goal given a more regional focus, a streamlining of bureaucratic and political powers and fundamentally new legislation as advocated in this paper.

ONE MINISTER REPORTS TO CABINET

*SERIES OF PLANNING REGIONS WITH ENABLING LEGISLATION
MINIMUM POPULATION 150,000*

EXECUTIVE/BOARD
AND CEO

PROFESSIONAL
REFERENCE PANELS

MULTI DISCIPLINARY
DEVELOPMENT AND
POLICY EXECUTIVE

PLANNING POLICIES

DEVELOPMENT AND
ENVIRONMENT
MANAGEMENT

REGULATION
AND
ENFORCEMENT

Figure 1. Proposed Bureaucratic Reform for Planning Administration

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