

GOOD CITIZENSHIP AND PLAN IMPLEMENTATION

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Local planning instruments or schemes are reportedly complex and difficult for the general community to navigate, interpret and apply to development application proposals. This complexity of navigation, interpretation and application raises the question about the legitimacy of the deliberative democratic process and the conditions under which a “good citizen” might participate in notifiable development assessment scenarios where submissions from the general community are sought. The value of plan implementation through development assessment as a tool for agonistic engagement in a pluralist democracy is often overlooked in favour of consensus seeking plan-making and indeed relegated to a lesser valued, procedural, bureaucratic process. The academic literature supports the notion that development assessment is the planning process through which the community most actively and passionately interact with plans. It also suggests that communities are more likely to engage with site specific processes that impact directly upon them rather than abstract and remote planning policy processes. Using a case study approach this paper will use content and discourse analysis tools to ascertain the complexity of language used in an Australian planning scheme. The study will also map the processes and steps involved for a non-planner to navigate and apply the planning scheme to a development application in order to lodge a properly made submission. It is anticipated that the paper will determine the complexity of language and process contained within a planning scheme and if such language and processes may place the planner in a position of ‘expert’ to reinforce a power relationship between professional planners and the community in plan implementation.

1. Introduction

Good citizenship in plan implementation relies on concepts of the public good and the protection of individual rights and freedoms. The liberal view tells us that citizenship is the capacity for each person to form, revise and rationally pursue his/her definition of the good while civic republicanism places a much stronger emphasis on the notion of the public good before individual interests. Of course in a pluralistic society a modern democratic political community can never organise around one single idea of the common good and that strong participation should not be done at the cost of sacrificing individual liberty (Cohen, 1989; Mouffe, 2013, 2014; Mouffe, Featherstone, & Painter, 2013) Exercising a statutory right to make a submission against a development proposal within a legal framework is one element of how “good citizenship” is defined for the purpose of this discussion. This paper will explore what conditions must be met in the plan implementation process for “good citizenship”.

In order to create more value for community engagement in the development assessment process in Australia, we need to better understand how local planning schemes are perceived by members of a community in terms of ease of navigation, interpretation and application to development proposals. We know little about how the implementation of local planning schemes are communicated to members of the community by the planning profession in terms of complexity of language and process, power relationships and how this impacts upon an individual’s ability to engage in the development assessment process (Head, 2007; Healey, 2009).

1.1 *Relevance and objectives*

The relevance of this paper will be to identify what are the barriers to “good citizenship” in the plan implementation process are with a focus on complexity of language and process mapping the knowledge and skills required to successfully lodge a submission against a notifiable development application in Queensland with a case study approach. The result will be an understanding of what do citizens “need to know” in order to be “good citizens” in the plan implementation process.

2. **Background**

2.1 *Development Assessment as Plan Implementation*

Much of the literature and professional practice rhetoric associated with pro-growth agendas relegate development assessment to procedural bureaucratic process with little substance. Conflicts over site-specific proposals are relegated to a lesser value (McClymont, 2011). Development assessment processes are often referred to as the “poor cousin” of plan –making driven by time and efficiency imperatives that reinforce process rather than substance promoting communities visions, values and aspirations (McClymont, 2011). It is the view expressed in this paper that development assessment is much more than just a process as it presents a critical opportunity to road-test and review policy and strategies formed during the plan making phase. It is this opportunity to promote the concept of plan implementation rather than development assessment in an attempt to raise the status and perceived value of that activity.

Findings from the Australian Productivity Commission in 2011 into Performance Benchmarking of Australian Business Regulation : Planning, Zoning and Development Assessment concluded that:

Planning, zoning and development assessment address how society allocates land use, ranging from broad allocations for urban uses to ensuring development applications comply with plans and plan amendments. The task is complicated and is becoming more so, as a growing number of issues and policy agendas impact on land-use considerations....These different and complex planning systems are difficult for businesses and citizens to navigate. They lack transparency, create uncertainty for users and regulators and impose significant compliance burdens, especially for businesses which operate across state and territory boundaries (Commission, 2011).

The challenge for the profession of planning is to be seen as valuable, legitimate and trustworthy by the public (Laurian, 2009; Lord & Tewdwr-Jones, 2012; Stein & Harper, 2003). This pursuit is at the heart of communicative and collaborative planning theory and a focus in planning theory is that this can be achieved by consensus building and public participation in planning processes (Allmendinger, Tewdwr-Jones, & Morphet, 2003; Huxley & Yiftachel, 2000; Mark Tewdwr-Jones, 1995).

Many authors have identified a gap in the literature dealing with development assessment or plan implementation scenarios. The focus in the academic planning literature is on forward planning and policy making and development control tends to be under-researched and under-reported (Friedmann, 1998; Weston & Weston, 2013).

The academic literature also supports the notion that development assessment is the planning process through which most of the community interact with planning. It also suggests that communities are more likely to engage with site specific processes that impact directly upon them rather than abstract and remote planning policy processes (McClymont, 2011; Van Herzele, 2004; Weston & Weston, 2013).

2.2 *Complexity of professional communication and language*

There is some evidence in the literature that supports the notion that the community of non-planners perceive the development assessment system and the profession of planning as purposefully excluding them from planning decisions by the complexity of language used (MacCallum, 2012; Weston & Weston, 2013). Successful communication relies on it being open, fair and inclusive according to Davies or for validity, communication should be based on truth, rightfulness and truthfulness according to Habermas. The academic literature suggests that planners communicate poorly using jargon, acronyms and rhetoric that is complex and exclusive. There may be various reasons that explain this complexity (Métral, 2007). Campbell and Marshall (2005), see it 'as a mechanism used by planners to enhance the social distance between practitioners and the public' (Campbell & Marshall, 1999; Fox-Rogers & Murphy, 2014; Hoch, 1984). The language of rationalism attempts to place the planner in a position of 'expert' and to reinforce the power relationship between planners and the community (Meves, 2013). This paper will research the complexity of communication and processes involved in plan implementation and what impact this may have on the communities' ability to participate and engage in the democratic process of plan implementation (Hopkins, 2010).

2.3 *The importance of community engagement in plan implementation*

The value of development assessment as a tool for agonistic engagement in a pluralist democracy is often overlooked. Much of the literature focusses on plan-making rather than plan implementing as the ideal opportunity for communities to engage in planning and determine the future of their communities in a collaborative and consensus seeking manner. Indeed most of the literature and rhetoric associated with pro-growth agendas relegate development assessment to procedural bureaucratic process with little substance and conflicts over site-specific proposals to a lesser value (Forester, 1987; McClymont, 2011).

Many reform agendas for planning, as is the case with the Planning Reform Queensland, focus on forward planning to engage the community in strategic planning with liberal notions of consensus while development assessment process reform is driven by time and efficiency imperatives that reinforce process rather than substance promoting communities visions, values and aspirations (Forester, 1984; McClymont, 2011).

There is a small but growing source of literature that argues against this approach from Chantal Mouffe's agonism theory. Mouffe's notion of the political dismisses the claims of communicative planning that consensus is the way forward by posing the argument that disagreement is an integral part of the democratic process and site-specific development assessment conflict is more likely to engage, ignite or energise community interest in planning matters than a distant, generalised and conceptual forward planning discussion (McClymont, 2011). This research will be based on the idea that the adversarial nature of the development assessment system legitimises opposition and is a valuable opportunity for communities to voice different interpretations and views in a democracy (Inch, 2014; Kiisel, 2013). This research also draws on the idea that communities are more likely to engage with more passion when the issues being considered are site-specific and tangible (Anderson, 2008).

The Australian Productivity Commission also concludes that:

While community engagement, at the strategic planning stage and where structure planning is required, is crucial to improve outcomes and the perceived openness and fairness of the process, it is unlikely to resolve most of the specific concerns of individuals or community groups who oppose a particular development 'on their doorstep'. Many community members will not engage with the planning process at higher levels and will only focus on plans that directly affect them or when a proposal is sufficiently concrete to enable its potential impact to be recognised — often at the specific development application stage. This does not reduce

the case for early community engagement but indicates that good practice requires significant engagement through all stages (Commission, 2011).

This research will respond to the lowly status and general lack of conversation about development assessment in academic literature. This research will look to further the conversation about the value of plan implementation in terms other than the “discourse of delay” or a negative administrative task undertaken by low skilled bureaucracy (McClymont, 2011). The value of debate and disagreement at the plan implementation stage is that as Booth contends “that the acceptability of strategy is only really tested in its application in detail” (Booth, 2007)

3. Conceptual Framework

The discipline and subject areas that form the interpretive framework for this research is based on social science and social justice theories of communicative planning theory, discourse theory, agonist theory and deliberative democracy theory (Creswell, 2012).

3.1 Communicative planning theory

Communicative planning theory was first introduced by John Forester in the nineteen eighties, relying on the works of Jurgen Habermas. The theory includes processes involving dialogue, deliberation or collaboration with the aim to achieve consensus. The original intentions of communicative planning theorists was ‘to spread political responsibility, engagement and action’ and to move ‘toward the renewal of structurally sensitive, practically engaged, ethically and politically critical planning theory and practice’ (Forester, 1989, 1993, 1994, 1999, 2012; Healey, 2012; Huxley, 2000; Huxley & Yiftachel, 2000; M. Tewdwr-Jones & Allmendinger, 1998).

3.2 Deliberative democracy theory

The term deliberative democracy was first used by Joseph Bessette in the nineteen eighties. The theory is based on the idea that deliberation is critical for decision making in a democracy. The theory seeks to overcome distortions of power, from economic wealth or interest group support, in decision-making by authentic deliberation by the community and elected representatives. Deliberation also aims for a rational consensus (Forester, 1999; Hearfield & Dollery, 2009; Moote, McClaran, & Chickering, 1997; Tore Sager, 2002, 2006; Tore. Sager, 2013).

3.3 Agonistic planning theory

Mouffe describes agonistic planning as a deconstructivist approach that recognises the authority of the principles of freedom and equality for all. Agonism focusses on disagreement rather than reaching consensus as an important element of democracy and that the effects of power are intrinsic in rational communication. Agonism can be defined as the irreconcilable disagreement over interpretation and meaning of plans and policies however all parties accept the rights of others to express an opinion (Hillier, 2003; Hillier & Gunder, 2003; McClymont, 2011; Pløger, 2004). It contends that conflict is permanent and necessary for effective democracy. Conversely the theory sees consensus building as silencing conflict to the detriment of democracy (O’Leary, 2006).

3.4 *Discourse theory*

Michel Foucault describes discourse theory as a social constructivist approach where systems of thoughts made up of ideas, attitudes, courses of action, beliefs and practices systematically construct the subjects and the worlds of which they speak. Foucault speaks to the role of discourse in the broader social processes of legitimacy and power. Foucauldian discourse analysis attempts to explain how society is shaped by language which in turn reflects existing power relationships (Fischler, 2000; Flyvbjerg, 1998, 2002; Pløger, 2008).

It is the connections between how we communicate planning in an effort to either empower or disempower the masses or the few to exercise their rights to contribute to decision making about site-specific development that links these theories to this research.

4. **Methodology**

A case study approach has been used to identify a single case of a statutory planning instrument to identify and understand issues of complexity and knowledge required to navigate, interpret and apply the material contained within. The methods used to gather data will be a content analysis used in conjunction with readability formulae to determine the complexity of language used in the chosen planning instrument and compare that to the education profile of the community gained from the 2011 census data. A process mapping methodology will also be employed to document what knowledge is required to be able to navigate, interpret and apply the provisions of the local planning instrument in the statutory planning framework relevant to the case study locality

4.1 *The Case*

The paper will use the Toowoomba Regional Planning Scheme as a case study in the context of the Integrated Development Assessment System (IDAS) as prescribed by the Sustainable Planning Act (SPA) (2009) in Queensland, Australia. The case has been chosen as it is a recently gazetted scheme in 2010 prepared under the Queensland Planning Provisions (QPP) which provides a template scheme for consistency across that State.

4.2 *The Sustainable Planning Act 2009 and the Integrated Development Assessment System*

A submission is a written comment about a development application made by any interested member of the community (for example, person, group or organisation) about a development application.

A submission may:

- object to all or part of the development, and/or
- support all or part of the application.

A submission may be made in relation to either the impact assessable parts of a development application, or the code assessable parts, if it is an application that is required to be publicly notified. A submission that is received by the assessment manager in the first three stages of the integrated development assessment system (IDAS) forms part of the common material for the development application and therefore must be considered by the assessment manager when assessing the application.(Q. S. Government)

4.3 *Readability Indices*

The Gunning Fog Readability Index will be used to measure reading difficulty rather than reading ease. The Gunning Fog Index counts words and divides by the number of sentences to find an average sentence length. Rather than counting syllables as compared to Flesch's Reading Ease and Human

Interest Formula Gunning's method counts the number of long words with three or more syllables. All proper nouns, verbs in which the third syllable is an -ed or -es and compound words made from two short words like *workable* are excluded. To apply the formula the author will use Readability-Score software programmes that take the average sentence length and add it to the number of long words per 100 words and then multiply the total by 0.4. The resulting score is roughly equivalent to the grade level of difficulty. A score of 12 for example indicates that an average high-school senior should be able to read the material. In practice, no general-audience newspaper or magazine would rate above 12 on the Gunning Fog Index. Time magazine rates 11, Readers Digest scores about 5 and comic books score 6.

To overcome some of the limitations identified in the literature with computerised readability indices the approach was to take an average across several sections of the material, to use several different readability formulas and several different software programmes. This enabled a range of readability scores to be produced providing more confidence in the results. Other determinants outside the scope of this paper may include legibility, motivation of the reader, learnability of the text, usability, relationship among words, sentences and sentence parts and the level of abstraction of the reader by the material (Hiebert, 2011).

The sections of the Toowoomba Regional Planning Scheme to be analysed include:

- a. Strategic outcomes statement for settlement pattern
- b. Intent of residential zone statement
- c. Provisions for residential amenity
- d. Suite of commercial use definitions (T. R. Council, 2012)

The selection of content to be analysed represents a sample from each section of the planning scheme that would need to be considered to navigate, interpret and apply the provisions. The selection also represents common provisions that may be used in later research to compare planning schemes in various locations. The online site readability-score.com will be used to produce overall readability scores. A grade level (based on the USA education system) is equivalent to the number of years of education a person has had. Scores over 22 should generally be taken to mean post-graduate level text ("Readability score,").

5. Results

Table 1 Grade level by readability indices for Toowoomba Regional Council planning scheme text

Toowoomba Regional Planning Scheme section		Content	Gunning Fog Index	Flesch's Reading Ease and Human Interest Index	Coleman Liau Index	Automated readability Index	SMOG Index	Average Grade Level
a. Strategic outcomes statement for settlement pattern (1-3)		(1) Open space, both natural and managed, is an intrinsic feature of the whole Region. From becalmed suburban tree-lined boulevards to the majestic Toowoomba escarpment and the numerous and extensive State Forests and National Parks, the Toowoomba Regional Council area is infused with a broad spectrum of parks, gardens, reserves and bushland that underlines its Toowoomba Garden City status.	17.5	15.6	17.5	18	14	<u>16.5</u>
Text Statistics								
Character Count	1,158							
Syllable Count	369							
Word Count	205	(2) Settlement opportunities range from a multitude of diverse vibrant rural towns to the highly urbanised forms within Toowoomba City and its suburbs and interspaced with the significant rural townships of Clifton, Crows Nest, Highfields, Millmerran, Oakey and Pittsworth. These settlements are interspaced by extensive areas of natural bushland and rural production, providing a strong sense of identity through their individual local character and built form responses. It is the intent of this plan that these towns remain viable places in perpetuity.						
Sentence Count	8							
Characters per Word	5.6							
Syllables per Word	1.8							
Words per Sentence	25.6							
		(3) Toowoomba Regional Council area has a network of strong and dynamic towns. These towns support and service the needs and aspirations of the local communities and provide central place functions for their adjacent agricultural, manufacturing, Defence and extractive and mining industries. Population growth is directed towards the existing network of urban areas and towns rather than dispersed population growth throughout the rural area.						
b. Purpose of residential zone statement		1) The purpose of the Low Density Residential Zone code is to provide for predominantly dwelling houses supported by community uses and small-scale services and facilities that cater for local residents.	24.4	20.7	13.6	18.2	23.1	<u>20</u>
Text Statistics								
Character Count	420	The amenity and lifestyle of residents in the Low Density Residential Zone is conserved while providing mechanisms to promote and implement a mix of housing forms at a density appropriate to each locality and providing a mix of small scale uses that service the day to day needs only of local residents.						
Syllable Count	142							
Word Count	84							
Sentence Count	2							
Characters per Word	5.0							
Syllables per Word	1.7							
Words per Sentence	42.0							
c. Provisions for residential amenity		PO4 The height of a dwelling does not unduly:	7.6	4.6	7.5	1.5	5.7	<u>5.4</u>
Text Statistics		(a) overshadow adjoining dwellings; and						
Character Count	609	(b) obstruct the outlook from adjoining lots.						
Syllable Count	220	AO4.1 For lot slopes:						
Word Count	154	(a) up to 15%, the building height is not more than 8.5 metres; and						
Sentence Count	18	(b) of 15% or more, the building height is not more than 10 metres.						
Characters per Word	4.0							

Syllables per Word	1.4	PO5 Dwellings are sited and designed to provide adequate visual privacy for neighbours.							
Words per Sentence	8.6	AO5.1 Where the distance separating a window or balcony of a dwelling from the side or rear boundary is less than 1.5 metres; (a) a permanent window and a balcony has a window/balcony screen extending across the line of sight from the sill to at least 1.5 metres above the adjacent floor level; or (b) a window has a sill height more than 1.5 metres above the adjacent floor level; or (c) a window has obscure glazing below 1.5 metres							
d. Suite of commercial use definitions		Office Premises used for an administrative, secretarial or management service or the practice of a profession, where no goods or materials are made, sold or hired and where the principal activity provides for one or more of the following: · business or professional advice; · service of goods that are not physically on the premises; and · office based administrative functions of an organisation.	13.7	10.3	15.3	10.9	9.9		12
Text Statistics									
Character Count	708	shop Premises used for the display, sale or hire of goods or the provision of personal services or betting to the public.							
Syllable Count	228	Hairdresser, liquor store, department store, discount department store, discount variety stores, betting agencies, supermarket, corner store							
Word Count	134	Adult shop, Food and Drink Outlet, Showroom, Market shopping centre							
Sentence Count	9	Premises comprising two or more individual tenancies that is comprised primarily of shops, and that function as an integrated complex.							
Characters per Word	5.3								
Syllables per Word	1.7								
Words per Sentence	14.9								

5.1 Readability as a function of complexity of level of assessment

The results from the readability data indicate that the higher order Strategic Outcomes and Purpose of zone statements require 16.5 and 20 years of education respectively while the lower order mechanics of the scheme including development standards and definitions require 5.4 and 12 years respectively. This would appear to be consistent with the concepts of the SPA that impact assessable development is more complex with greater levels of discretion and interpretation required to the performance based planning scheme. This does have implications for community engagement in the development assessment process when we consider that it is only those impact assessable applications that call up the higher order provisions of the scheme that are notifiable and in which individuals can participate by lodging submissions. For active citizenship to occur then a pre-requisite education level is required.

5.2 Readability implications for community education profile

This readability data was then compared with the levels of education of community members in the Toowoomba region to indicate the impact on a citizen's ability to effectively understand, navigate and interpret the content of the scheme in order to make a submission against an impact assessable application. Only 2.5% of the population would have the years of education prescribed by the readability scores to understand and interpret the Strategic Outcome statements in the planning scheme.

Persons with post school qualification – Percentage of the population aged 15 years and over (%)	51.6
Persons with post school qualifications – Postgraduate degree (%)	2.5
Persons with post school qualifications – Graduate Diploma, Graduate Certificate (%)	1.4
Persons with post school qualifications – Bachelor Degree (%)	10.8
Persons with post school qualifications – Advanced Diploma or Diploma (%)	7.1
Persons with post school qualifications – Certificate (%)	19.7
Persons with post school qualifications- Inadequately described, not stated	10

Figure 1 Toowoomba Region Persons with Post School Qualifications (ABS, 2011)

This data when combined with the process mapping showing the steps required to navigate, understand and apply the planning scheme within the Integrated Development Assessment System indicates a high level of implied knowledge and skills. The figure below maps the step by step process involved in being able to lodge an effective submission to a development application under the Toowoomba Regional Planning Scheme and the Sustainable Planning Act 2009.

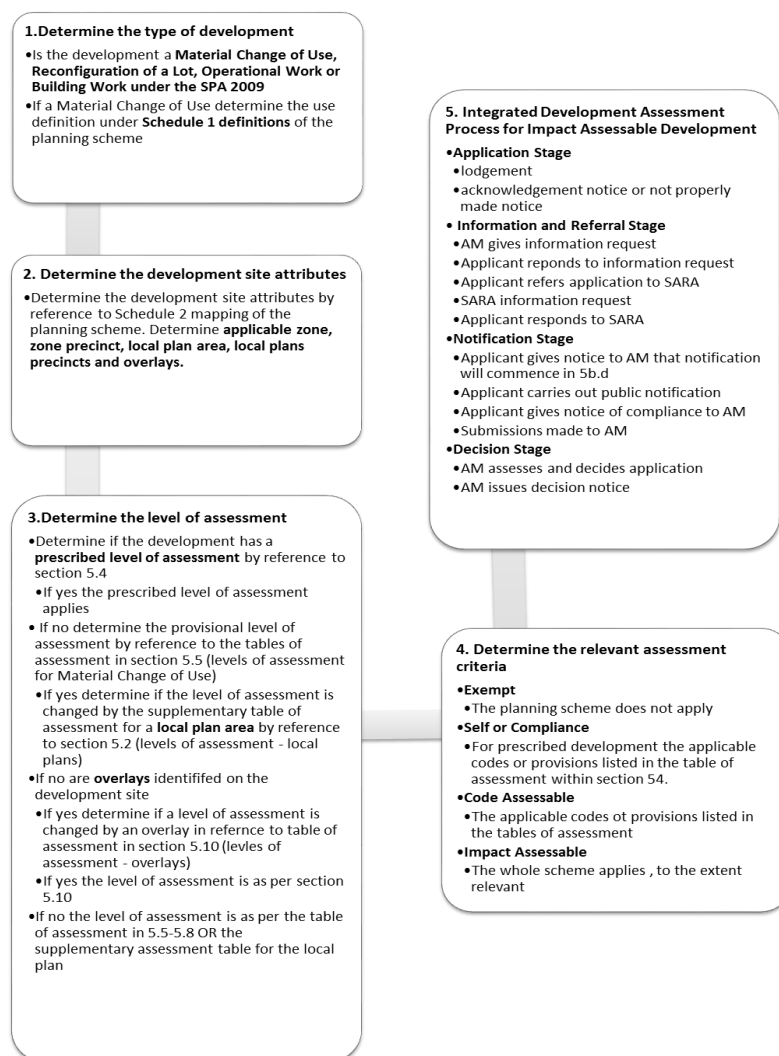


Figure 2 Planning Scheme navigation process and Integrated Development Assessment System for Impact Assessable development application adapted. (S. C. R. Council, 2014)(Q. Government, 2009)

The process clearly involves many steps that rely on implied knowledge that the non-planner wishing to make a submission about a development application in their local area would need substantial time to gain that additional knowledge and skills.

6. Conclusions

The data does indicate that the levels of readability of the local planning scheme requires post-graduate level education and is well above the industry standards in terms of newspapers, magazines and other common forms of written communication. This does have significant impacts on how easily a member of the public can contribute to debate and discussions about development applications within a legislative timeframe. Added to that complexity is the process of navigating the planning scheme and applying that to a statutory assessment system. Further research will analyse the implied knowledge required by each step shown in Figure 2 in order to navigate, understand and apply the planning scheme in the legislative context to a development application.

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