

South Australian **Multiple Land Use Framework**

APPLICATION OF
THE FRAMEWORK'S
GUIDING PRINCIPLES

Information Booklet



www.yoursay.sa.gov.au



Government
of South Australia



Background

This information booklet has been prepared to assist key stakeholders to understand how the 11 guiding principles of the *South Australian Multiple Land Use Framework* may apply to them.

This information booklet complements the *South Australian Multiple Land Use Framework*, which was released in February 2017 and is published on the yourSAy website (<http://yoursay.sa.gov.au/decisions/yoursay-engagements-south-australia-s-multiple-land-use-framework/about>) along with relevant case studies on multiple and sequential land use.

What is the South Australian Multiple Land Use Framework?

The *South Australian Multiple Land Use Framework* (the *Framework*) outlines South Australia's general policy on land use and land use change. The *Framework* has been designed to operate within established regulatory and policy frameworks and provides guidance on how best to engage with stakeholders on land use change projects.

The *Framework* is consistent with many of the principles found in State policies, planning documents and Ministerial Guidelines; the *Framework* does not replace these, nor does it alter existing land rights or override existing legislation.

Importantly, the *Framework* is not intended to duplicate existing or future engagement requirements but provides clarity around the Government's expectations of best practice engagement for land use and land use change. Used in conjunction with existing regulatory processes, the *Framework* is another tool to ensure better engagement on land use change projects.

The *Framework* describes the many different stakeholder groups and the importance of these individual groups to the State. However, for the purpose of this information booklet:

- 'community members' means Aboriginal community groups and organisations (including landholding authorities, traditional owners, native title groups, community councils and any other Aboriginal organisations), community and environmental groups and organisations, farmers, landholders and anybody living in a community or potentially affected by the proposed multiple land use.
- 'businesses' means business and industry groups, agricultural peak bodies and groups (including aquaculture and fishing industries), regional development authorities, exploration, mining, petroleum, geothermal energy and renewable energy companies and any other business or company related to the proposed project.
- 'regulators' means any local, state or Commonwealth agency charged with making a land use decision consistent with the relevant state and Commonwealth legislation.

Aim of the Framework

The *Framework* seeks to increase transparency and consistency in decision making to encourage consideration of multiple and sequential land use and enable more effective and targeted engagement with communities on land use change.

The aim of the *Framework* is to ensure that:

- landowners and land users are recognised and have the opportunity to be engaged early, genuinely, fully and respectfully.
- the interests of multiple land users are recognised and genuinely considered within existing legislative making processes.
- engagements are innovative and allow stakeholders to add value to the process as the conversation of multiple land use progresses.
- decision making processes are transparent and allow for equitable consideration of land use proposals.
- the needs of the economy are balanced with the long-term management of our natural resources.

Regulators, businesses and community members are encouraged to consider the *Framework* and incorporate the guiding principles and key engagement mechanisms into engagement processes for land use and land use change projects.

Key responsibilities

For any project relating to land use or land use change, it is the responsibility of regulators, business project managers, consultants and contractors to ensure that:

- all relevant landowners and stakeholders are identified.
- any legislative requirements for stakeholder engagement are adhered to.
- the guiding principles and key engagement mechanisms of the *Framework* are also met.

To achieve this, regulators and businesses will aim to:

- acknowledge the importance of land ownership and the need to genuinely engage with landowners and all relevant stakeholders.
- collaboratively plan and develop multiple and sequential land use outcomes that seek to maximise the benefits from current and future social, regional, economic or environmental land use interests.
- encourage the view generally that multiple land use is desirable, positive and in the best interests of South Australia and its people.

Guiding principles and suggestions for application

The six principles of good engagement described in the *State Government's Better Together: principles of engagement* (<http://yoursay.sa.gov.au/better-together>) form the cornerstone of the *Framework*.

These six principles are:

- We know why we are engaging and we communicate this clearly.
- We know who to engage.
- We know the background and history.
- We begin early.
- We are genuine.
- We are creative, relevant and engaging.

A number of key engagement mechanisms sit under each of the *Better Together* principles. The key engagement mechanisms build on the *Framework's* leading practice guiding principles and provide further guidance on how to achieve good engagement outcomes in line with the *Framework's* guiding principles (<http://yoursay.sa.gov.au/decisions/yoursay-engagements-south-australia-s-multiple-land-use-framework/about>).

The *Framework's* 11 guiding principles, outlined on pages 4-11 of this information booklet aim to represent a leading practice approach for anyone involved in stakeholder engagement or decision making. Although community members are a valuable part of the equation, the majority of the *Framework's* guiding principles relate to what the community should expect from a multiple or sequential land use proposal (i.e. how regulators and business or industry interests should appropriately engage with community members and relevant stakeholders).

The section that follows outlines the *Framework's* guiding principles and identifies which stakeholder groups should consider using these principles to ensure better engagement on land use and land use change projects.

On pages 12-16 of this information booklet, suggestions are provided (using the *Framework's* key engagement mechanisms and other good engagement principles aligned with the six principles of good engagement described in *Better Together*) on how the guiding principles could be applied to achieve the *Framework's* aim. Like the *Framework's* guiding principles, these suggestions are not intended to be prescriptive but merely provide clarity around the Government's expectations to achieve best practice engagement for land use and land use change. Community members, businesses and regulators may also wish to consider using other leading practice engagement mechanisms in conjunction with the *Framework* and this information booklet to assist in achieving best practice engagement.

1. Accountability



- Ensure that landowners and all relevant stakeholders are genuinely engaged on land use change proposals.
- Ensure landowners' rights are respected.
- Provide clear accountability and governance around the decision making processes.
- Include clear and concise information on the social, cultural, economic, regional and environmental changes that are likely to occur as a result of the proposed land use change.
- Inform landowners, communities and stakeholders where appropriate of the existence of arbitration processes within existing legislation so everyone is aware of their rights from the start of negotiations about land use change.
- Ensure that accountability is not compromised if processes are streamlined.

Application

Depending on the nature of the project, the relevant businesses and regulators are encouraged to apply these principles. Community members should expect to see these principles demonstrated throughout the life of the project.

- Ensure that government assessment processes are transparent, consistent and consider a whole of landscape approach, possible multiple and sequential land use and cumulative effects of land use change (including adjacent land use change) where possible as well as related issues such as water, Aboriginal and non-Aboriginal heritage and cultural values.
- To support confidence in the decision-maker, ensure that assessment processes clearly identify those who are responsible for the planning, assessment, approvals, monitoring and compliance processes.
- To maintain confidence in the regulators, ensure that compliance and enforcement procedures relevant to the project occur as appropriate and the outcomes of the compliance procedure are made publicly available as per the applicable legislation and regulations.

Application

Depending on the nature of the project, regulators and in some case cases relevant businesses are encouraged are apply these principles. Community members should expect to see these principles demonstrated throughout the life of the project.

2. Best use of assets



- Maximise the benefits for South Australians from current and potential social/cultural, economic, regional, environmental, Aboriginal and non-Aboriginal heritage, public and private assets.
- Consider the needs of both current and future South Australians with regards to land use change.
- Consider how competing land uses will be evaluated in terms of their economic, regional, social and environmental benefit, noting that environmental benefits may be measured in economic or social terms.

Application

Depending on the nature of the project, the relevant businesses and regulators are encouraged to apply these principles. Community members should expect to see these principles demonstrated throughout the life of the project.

- For any land use proposal, ensure the social, regional, environmental and economic matters (which include the health and long standing viability of present businesses and enterprises) are adequately considered as per the applicable legislation and regulations.

Application

Regulators are encouraged to apply this principle. Businesses and community members should expect to see this principle demonstrated throughout the life of the project.

- Acknowledge that not all land uses can be accommodated when determining multiple and sequential land use outcomes and that after full consideration of all factors, single land use (which may include preservation of the land in its natural state) may be appropriate in some cases.

Application

Depending on the nature of the project, all stakeholders are encouraged to apply this principle.



3. Co-existence



- Recognise and respect the legal rights and interests of existing landowners.
- Ensure early assessment of the need for buffers or other interface management measures when land use change is proposed.

Application

Depending on the nature of the project, the relevant businesses and regulators are encouraged to apply these principles. Community members should expect to see these principles demonstrated throughout the life of the project.

- Acknowledge that other land users may have an interest in the same parcel of land.
- Consider ways in which different land uses may complement each other.
- Recognise that there are some areas where multiple land use may be inappropriate due to their unique species assemblages, conservation significance, primary production, heritage value or other factor.

Application

Depending on the nature of the project, all stakeholders are encouraged to apply these principles.

4. Conflict of interest



- All regulators will abide by the Code of Ethics for the South Australian Public Sector and the *Public Sector Act 2009*.
- Regulators involved in decision making will ensure a strong culture of service excellence, trust, impartiality, accountability and professional integrity when assessing land use change proposals.
- It is acknowledged that judicial review, the Ombudsman (South Australia) and Independent Commissioner Against Corruption (South Australia) and the Office for Public Integrity are safeguards against conflict of interest, misconduct, maladministration and corruption.

Application

Regulators are encouraged to apply these principles. Businesses and community members should expect to see these principles demonstrated throughout the life of the project.

5. Efficient processes



- Ensure that where processes to reduce unnecessary red-tape and duplication are streamlined, landowner rights and overarching accountability are not compromised.

Application

Depending on the nature of the project, the relevant businesses and regulators are encouraged to apply this principle. Community members should expect to see this principle demonstrated throughout the life of the project.

6. Environmental sustainability



- Recognise that the smart and environmentally sustainable use of land is vital to our State's long term prosperity.
- Recognise that the natural environment provides a prime driver in ensuring sustainable land use in South Australia and should be considered as a factor in assessing multiple land use decisions.

Application

Depending on the nature of the project, all stakeholders are encouraged to apply these principles.

- Consider the relevant regional natural resources management plan, water allocation plan (if applicable), park management plan (if applicable), regional plans under the *Planning, Development and Infrastructure Act 2016* (if applicable) and South Australia's Climate Change Strategy 2015-2050 to ensure consistency with those plans.

Application

Depending on the nature of the project, the relevant businesses and regulators are encouraged to apply this principle. Community members should expect to see this principle demonstrated throughout the life of the project.



7. Equity



- Recognise and respect the legal rights and interests of existing landowners.
- Land use decision making will strive for fair dealings with landowners and all other parties, recognising that not all land uses can be accommodated when determining multiple and sequential land use outcomes.
- Decisions about competing land uses will be made available through existing engagement and legislative processes.

Application

Depending on the nature of the project, the relevant businesses and regulators are encouraged to apply these principles. Community members should expect to see these principles demonstrated throughout the life of the project.

- Outcomes will be sought that harness innovative and flexible solutions but clearly outline the trade-offs that might be required to facilitate the best current and possible future land uses.
- A balance will be sought wherever possible to create a win-win situation for landowners, communities and stakeholders.

Application

Depending on the nature of the project, all stakeholders are encouraged to apply these principles.



8. Evidence based



- Provide opportunities for landowners, communities and stakeholders to identify and share information on potential issues and opportunities for multiple and sequential land use outcomes.

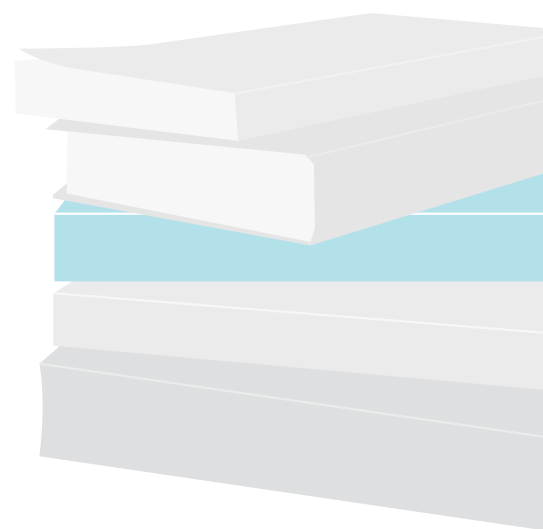
Application

Depending on the nature of the project, all stakeholders are encouraged to apply this principle.

- To protect the public interest, use best practice risk-based approaches (i.e. the consideration of the probability of an adverse impact occurring and the consequence of that event) based on best available science, evidence and sustainable development principles.
- Consistent with current legislation, use best practice scientific methodologies to determine the social, economic and environmental benefits to the State.
- Where possible and appropriate, due consideration should be given to a whole of landscape approach for the relevant proposal and the cumulative impacts of that change.
- Consider where relevant, the State Government's Regional Impact Assessment Statement (RIAS) policy and guidelines and the preparation of a RIAS where the proposal involves significant changes to Government services, including the introduction of new services that may impact on one or more regional areas.

Application

Depending on the nature of the project, the relevant businesses and regulators are encouraged to apply these principles. Community members should expect to see these principles demonstrated throughout the life of the project.



9. Participation of all stakeholders



- Ensure that landowners, communities and stakeholders who are directly or indirectly affected by land use decisions are engaged early, genuinely, fully and respectfully to identify issues, opportunities and solutions for multiple land use and potential coexistence.

Application

Depending on the nature of the project, all stakeholders are encouraged to apply this principle.

- Consistent with current legislation, ensure that an agreed and reasonable timeframe is provided for engagement.
- Ensure there is clarity about the role of all stakeholders (including landowners and communities) in the engagement and decision making process.
- To ensure engagement is conducted in a successful and meaningful way, consider using skilled practitioners to undertake stakeholder engagement.
- Ensure engagements are innovative and allow landowners, communities and stakeholders to provide feedback as the proposal progresses.

Application

Depending on the nature of the project, the relevant businesses and regulators are encouraged to apply these principles. Community members should expect to see these principles demonstrated throughout the life of the project.

10. Reporting and transparency



- Regulators are obligated to release certain documents and data as per State and Commonwealth legislation and make information available on decision making through engagement with stakeholders.
- For the purposes of reporting and transparency, regulators should consider the release of reports, data and other relevant documents wherever possible.

Application

Regulators are encouraged to apply these principles. Businesses and community members should expect to see these principles demonstrated throughout the life of the project.

11. Shared commitment



- Acknowledge that government, landowners, communities and stakeholders recognise the benefits of collaborating to develop innovative multiple and sequential land use options.

Application

Depending on the nature of the project, all stakeholders are encouraged to apply this principle.



Suggestions on how the *Framework's* guiding principles could be applied to achieve best practice engagement outcomes for land use and land use change¹:

- Get to know the community through various means (e.g. mailed or telephone surveys, information sessions, tailored forums, reference groups, community workshops, community consultative committees, community updates, open house, public meetings or hearings, one on one briefings, field trips, field days, community partnerships or sponsorship).
- Conduct research (e.g. media, internet or social networking forums) into the region and the community regarding any previous projects or engagement activities in the community.
- Identify and where possible, understand community issues, interests, aspirations and concerns to better define what matters most to the community.
- Seek advice from the local council, relevant government agencies and community.
- Conduct desktop research and seek advice from individuals and organisations who have conducted similar projects.
- Conduct Lands Title Office searches to determine land ownership.
- Contact the relevant government agencies for advice on recent projects in the region.
- Refer to the Department of Planning, Transport and Infrastructure's website <www.dpti.sa.gov.au/planning/planning_reform> for further information on regional plans under the *Planning, Development and Infrastructure Act 2016* and the Department of Environment, Water and Natural Resources' website <www.environment.sa.gov.au> for information on NRM and water allocation plans, park management plans and South Australia's Climate Change Strategy 2015-2050.
- Accept the different agendas of communities and stakeholders and try to ensure that dominant groups are not the only voices heard.
- Identify individuals and contacts who are representative of their group to ensure the appropriate people are involved in the engagement at the right times.

¹ Community members, businesses and regulators may also wish to consider using other leading practice engagement mechanisms in conjunction with the Framework and this information booklet to assist in achieving best practice engagement.

- Value and support legitimate community reference groups.
- Advise landowners, communities and stakeholders which part of the IAP2 spectrum will be used and ensure that all engagement is consistent with the proposed level of engagement.
- Ensure the engagement process is appropriate for the relevant community and is adaptive to the needs of the landowners, community members and stakeholder representatives.
- Acknowledge and respect the diversity of landowners, communities and stakeholders.
- Treat people fairly and without discrimination.
- Respect legal, ethical, and human rights.
- Respect the culture and heritage of local communities.
- Deliver information in a culturally appropriate manner.
- Provide appropriate systems so that minorities and other marginalised groups have equitable and culturally appropriate ways to engage. This will allow groups that may be under-represented or hard to reach the ability to take part in engagement activities.
- Review and update the stakeholder list regularly.
- Clearly define lines of communication and consider two-way engagement where possible.
- Recognise that a collaborative approach does not always mean that everyone agrees about everything, but aim to find and nurture common ground.
- Be open about the nature of the engagement process and make it clear from the beginning what decisions are outside the scope of the process.
- Advise landowners, communities and stakeholders how their input will be considered in the decision making process.
- Ensure the vision for the proposal is clear and accounts for existing landowners and uses as well as future land uses.
- Clearly articulate what is negotiable and what is not negotiable in the engagement process. Give reasons for the decisions.
- Use independent expert advice where appropriate.
- Consider using skilled practitioners to undertake community engagement so that engagement is conducted in a successful and meaningful way.

- Set and agree on realistic expectations early in the process.
- Allow enough time for landowner, community and stakeholder issues to be raised and addressed, establish clear and realistic timeframes for input and make any critical deadlines and timeframes clear.
- Provide information in a form that is understandable by the target audience and in a way that genuinely assists people to understand and make informed decisions.
- Make information easily accessible.
- Consider information on the social, regional, cultural, economic and environmental changes that are likely to occur as a result of the proposed land use change and make the information available to landowners, communities and stakeholders in an easily clear, concise and easily understood format.
- Acknowledge the importance of the natural and built environment within the scope of the project and ensure that the project adequately considers these values (noting that these values may mean that single use is appropriate for that parcel of land).
- Seek people with the appropriate skill-sets to prepare reports on potential impacts.
- Make information available during engagement processes and be accessible to landowners, communities and stakeholders.
- Ensure that the relevant legislative processes, project contacts, timelines and compliance responsibilities are documented and available to the public.
- Ensure decision making processes are transparent and follow the relevant legislative processes.
- Build relationships, capacity and knowledge before making key decisions about the proposal.
- Encourage co-ownership of the proposal and involvement of the community where possible.
- Work closely with the community in the evaluation of any identified benefits.
- Clearly outline the trade-offs that might be required to facilitate the best current and possible future land uses.
- Use a range of techniques that will encourage participants to be involved in the proposal and provide opportunities for them to express their concerns.

- Provide opportunities for landowner, communities and stakeholders to ask questions, to seek clarification of information provided and to contribute their own experiences and information.
- Demonstrate active listening skills and be sensitive to the concerns of landowners, community members and stakeholders; be responsive to those concerns.
- Acknowledge and respond to landowner, community and stakeholder concerns.
- Be honest, even when the news is not good.
- Be responsive – feedback provides opportunities to improve the proposal and increase awareness of the proposal.
- Build trust by being clear, open and transparent.
- Deliver on promises.
- Allow sufficient time for feedback.
- Recognise, respect and accommodate changes to timeframes where necessary.
- Consider providing information from other multiple and sequential land use decisions to landowners, community members and stakeholders and apply to other initiatives where possible.
- Provide detailed and consistent information about the proposal.
- Incorporate amendments or adapt the proposal where possible.
- Incorporate learnings wherever possible.
- Report regularly, accurately and promptly on the progress of a proposal.
- Document decisions and outcomes of meetings with landowners, communities and stakeholders.
- Provide information and analysis (where appropriate) that is technically, or scientifically sound and relevant, and make information and analysis easily accessible and helpful to the engagement process.
- Maintain engagement throughout the life of the proposal.
- Abide by the relevant Code of Conduct.

- Public sector employees will:
 - not at any time act in a manner that a reasonable person would view as bringing them, the agency in which they work, the public sector, or Government into disrepute; or that is otherwise improper or disgraceful.
 - comply with a lawful and reasonable direction given to them as an employee by a person with authority to give such direction.
 - at all times treat other persons with respect and courtesy.
 - not be absent from duty without authority or proper explanation or excuse.
 - be diligent in the discharge of their role and duties and not act in a way that is negligent.
 - avoid actual or potential conflicts of interest.
 - ensure their personal or financial interests do not influence or interfere with the performance of their role. They will ensure the interests of family members, friends or associates (as defined in the *Public Sector (Honesty and Accountability) Act 1995*) do not influence the performance by them of their duties and/or their role as a public sector employee.
 - disclose in writing to their chief executive or agency head any actual or potential conflicts of interest at the earliest available opportunity and comply with any lawful and reasonable direction issued by a person with authority to issue such direction to resolve the conflict or potential conflict, including written direction by a relevant authority pursuant to the *Public Sector (Honesty and Accountability) Act 1995*.

CONTACT

T: +61 8 8 8463 3317

E: DSD.MultipleLandUseFramework@sa.gov.au

yoursay.sa.gov.au/decisions/yoursay-engagements-south-australia-s-multiple-land-use-Framework/outcome

