



South Australian Multiple Land Use Framework

For stakeholder engagement

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Government
of South Australia

A message from the Premier of South Australia



The smart and environmentally sustainable use of land is vital to our State's long-term prosperity, and the inaugural *South Australian Multiple Land Use Framework* can help us make the most of this asset now and for future generations.

The *Framework* recognises that all interested people, communities and organisations deserve a say in how land is used, that cooperation is vital, and that clear and accountable decision-making processes benefit the common good.

South Australia has always been a pioneer in this field, and the four case studies to follow – covering the management of both land and sea – show how we have balanced competing claims, encouraged coexistence and created certainty.

Also, the sections headed Guiding Principles and Key Engagement Mechanisms set down a solid foundation on which we can improve multiple land use and, so, foster greater wealth and opportunity.

Seen in a broader light, the *Framework* will assist us to pursue and achieve a number of goals set down in our State's 10 *Economic Priorities*, including:

- Priority 1 – unlocking the full potential of South Australia's resources, energy and renewable assets;
- Priority 2 – premium food and wine produced in our clean environment and exported to the world; and
- Priority 7 – South Australia – the best place to do business.

Because the State Government wants to produce a soundly based document, it will be conducting a period of widespread stakeholder engagement on the *Framework* in November-December 2015.

I invite all South Australians to have their say on this important area of public administration.

A handwritten signature in blue ink that reads "Jay Weatherill". The signature is written in a cursive, flowing style.

Jay Weatherill
PREMIER

Why we are creating a South Australian Multiple Land Use Framework

Land in South Australia includes recreation, agriculture, fisheries, aquaculture, forestry, biodiversity, minerals and energy exploration, renewable energy production, housing, defence, tourism and infrastructure. Important considerations in all of these land uses include issues such as environmental protection, native title and Aboriginal and European heritage.

On the national scale, gaining access to land to accommodate a wide range of legitimate land uses is becoming increasingly more challenging. In order to meet this challenge, the Council of Australian Governments' Energy Council developed and endorsed a National Multiple Land Use Framework which supports the ability of local and regional communities, governments and industry to maximise land use in a flexible, environmentally sustainable manner over time.

The South Australian Government is now seeking to establish a state-based multiple land use framework that aims to provide guidance to South Australians when developing options for current and future land use to maximise the net benefits of multiple forms of land use for present and future generations.

In 2013, Rural Solutions SA undertook targeted consultations with key South Australian Government land use regulators on the National Multiple Land Use Framework and the current multiple land use stance in South Australia. The outcome of these consultations has been the development of a multiple land use framework using a whole of government approach.

What do we want from a multiple land use framework?

The National Multiple Land Use Framework acknowledges that land use sectors can experience land use conflict according to their needs and strategic objectives. The National Framework seeks to facilitate a collaborative engagement approach to addressing these challenges.

While existing regulatory frameworks in South Australia require stakeholder engagement and fair compensation for land access and use, it is recognised that managing the differing interests in land use and changes in land use can be improved to adapt with our evolving economy and global challenges.

A South Australian Multiple Land Use Framework seeks to outline South Australia's commitment to applying leading practice engagement principles for government, community, business and industry when considering multiple land use interests in the decision-making process. It will position South Australia to capitalise on the opportunities from multiple land use access in a sustainable manner, ultimately delivering increased value and ensuring better outcomes for communities and landholders.

(Photo 100942)

Our vision

The aim of a South Australian Multiple Land Use Framework is to ensure that:

- the interests of multiple land users are recognised and genuinely considered within existing legislative making processes
- land users have the opportunity to be engaged early, genuinely, fully and respectfully
- decision-making processes are transparent and allow for equitable consideration of land use proposals.

We want the framework to:

- provide government, community, business and industry with a framework to effectively and efficiently address state land access and land use challenges, expectations and opportunities, including land under state marine waters and underground aquifers.
- support a shared commitment to multiple and sequential land use.
- ensure stakeholders are inclusively informed and engaged consistent with South Australia's *Better Together: principles of engagement*.
- provide a consistent approach across all state government agencies that complements established regulatory and policy frameworks relating to land use and land use change. A South Australian Multiple Land Use Framework will **not** alter existing land rights assigned under crown land, freehold or native title land or on pastoral leases.

How will this be achieved?

A South Australian Multiple Land Use Framework is designed to operate within established regulatory and policy frameworks; it will not alter existing land rights or override the government's planning reforms or review of planning legislation. Following stakeholder engagement, integration of comments and stakeholder feedback, Cabinet will be asked to endorse a South Australian Multiple Land Use Framework and make it publicly available. Decision makers and stakeholders will then be encouraged to consider the guiding principles and key engagement mechanisms for land use and land use change projects. This will build an accountable, efficient and participatory culture, where decision makers, businesses, industry and land use managers work continuously to improve their approaches to engaging communities and stakeholders.

Engaging people affected by land use and land use change projects results in better decisions and in turn drives better outcomes for our State and for our communities. Pages 10-13 of this booklet provide examples of where the principles of multiple land use and stakeholder engagement have been or are assisting decision makers manage projects with competing interests over the same parcel of land.

South Australian Multiple Land Use Framework

This framework has been prepared in line with the South Australian Government's Better Together principles of engagement. Better Together enables the government to make better decisions by bringing the voices of stakeholders into the issues that are relevant to them.

Desired outcome

The outcome sought by a South Australian Multiple Land Use Framework is to:

Maximise benefits to South Australians

- collaboratively plan and develop multiple and sequential land use outcomes that seek to maximise the benefits from current and future social, 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

The guiding principles of a South Australian Multiple Land Use Framework underpin key activities required to achieve multiple and sequential land use outcomes. The principles aim to represent a leading practice approach for government, Aboriginal groups, community, business and industry when considering multiple land use interests in the decision-making process.

- **Accountability.** Provide clear accountability and governance around the decision-making processes. Government assessment processes are transparent and consistent, account for multiple and sequential land use and cumulative effects of land use change (including adjacent land use change) and identify related issues such as water, European and Aboriginal heritage and cultural values. Clearly identify those who are responsible for the planning, assessment, approvals, monitoring and compliance processes to support confidence in the decision-maker.
- **Best use of assets.** Maximise the benefits from current and potential social/cultural, economic, environmental, European and Aboriginal heritage, public or private assets for South Australians.
- **Co-existence.** Recognise the interests of other interested land users and acknowledge and respect their intentions. Land use decision making will not exclude other potential uses without considering the benefits and consequences for other land users and the wider community.
- **Efficient processes.** Streamline processes to remove unnecessary red-tape and duplication. Use risk-based approaches based on best available science, evidence and sustainable development principles to protect the public interest.

We invite your ideas on how we can improve these guiding principles in order to achieve the vision and desired outcome of a South Australian Multiple Land Use Framework.

South Australian Multiple Land Use Framework

- **Evidence based.** Provide mechanisms and opportunities for community, businesses, industry and governments to identify and share information to identify potential issues and opportunities for multiple and sequential land use outcomes.
- **Equity.** Land use decision-making will strive for fair dealings with all parties, recognising that not all land uses can be accommodated when determining multiple and sequential land use outcomes. Outcomes will be sought that harness innovative and flexible solutions but clearly outline the trade-offs and potential compensation that might be required to facilitate the best current and possible future land uses.
- **Participation of all stakeholders.** Stakeholders directly affected by land use decisions are engaged early, genuinely, fully and respectfully to identify issues, opportunities and solutions for multiple land use and the potential for co-existence. There is clarity about the role of all stakeholders in decision-making.
- **Shared commitment.** The community, businesses, industry and the government recognise the benefits of collaborating to develop innovative multiple and sequential land use options.



Key engagement mechanisms

We would like your feedback on how these key engagement mechanisms could be improved.

Building on a South Australian Multiple Land Use Framework's leading practice guiding principles, the following key engagement mechanisms will be adopted:

- **Recognise** the benefits of collaborating with key stakeholders.
- **Identify** key stakeholders (i.e. know who has an interest).
- **Understand** how stakeholders connect with the land in question and the history of the land (including the surrounding area).
- **Engage** early and genuinely with key stakeholders and develop collaborative partnerships and capacity (i.e. community leadership).
- **Ensure:**
 - the reason for engagement is clear and is communicated in a creative and engaging manner (refer to *Better Together: principles for engagement*)
 - opportunities are provided for stakeholders and the media to be informed and share information about proposed changes to land access (e.g. through information sessions, tailored forums, workshops, reference groups, community consultative committees and/or other collaborative means)
 - the proposal is consistent with state regional planning processes
 - the vision for the proposal is clear and accounts for existing and future land uses
 - the use of risk-based approaches based on best available science, evidence and sustainable development principles
 - assessment processes are transparent, consistent and account for multiple and sequential land use and cumulative effects of land use change
 - results of relevant monitoring and evaluation are made accessible to stakeholders
 - information and learnings from other multiple and sequential land use decisions are shared with stakeholders and applied to other initiatives.
- **Seek** agreements and outcomes that harness innovative and flexible solutions.

Glossary

The following definitions relate specifically to a South Australian Multiple Land Use Framework and may have different meanings outside of this framework.

Aboriginal heritage. Aboriginal sites, objects and ancestral remains of significance to Aboriginal tradition, archaeology, anthropology and history protected under the *Aboriginal Heritage Act 1988*.

Approval. Refers to all assessment processes associated with land use (i.e. the whole life-cycle of a particular land use), from the relevant approvals, land use, monitoring and rehabilitation to the return of the land to its former use or the development of the land to an alternative land use.

Asset. A useful or valuable thing. From a land access perspective, may be considered a social, economic, environmental, heritage, public or private asset that is tangible (i.e. physical) or intangible (i.e. the 'value' of wilderness or the Aboriginal cultural landscape).

Benefit. Something that promotes or results in an advantage to an individual, group or population following a particular choice or action. May also be measured in economic terms (quantifiable in terms of money, such as revenue, net cash flow or net income) or referred to as a net triple bottom line benefit.

Business. Commercial activity or a person's regular occupation, profession, or trade.

Community. A group of individuals who live or work within or near a locality, village, town or city or who have an interest in the land or surrounds through a financial, spiritual or other attachment.

Government. The South Australian Government or agencies (Departments) or local councils.

Industry. Any activity relating to the carrying on of a business and may include activities such as agriculture, minerals and energy exploration or production, renewable energy production, defence or tourism.

South Australian Multiple Land Use Framework

Glossary

Interest. Something that concerns or involves an individual or stakeholder. An interest may involve ownership or perceived ownership (e.g. aesthetics of a particular site).

Land. Any area within South Australia, including underground aquifers and the land under state marine waters.

Multiple land use. Where land is used for different purposes simultaneously and sustainably with a view to maximise the benefits for all South Australians. The objective is to retain options for current and future use to maximise the net benefits of all forms of land use for present and future generations.

Native title. The recognition by Australian law that Indigenous people have rights and interests to their land that come from their traditional laws and customs. Native title can co-exist with non-Indigenous proprietary rights and in some cases different Indigenous groups can exercise their native title over the same land.

Sequential land use. Where land is used for different purposes but not at the same time. It may include a return to a former use or the development of an alternative land use.

State marine waters. The immediate onshore waters known officially as 'the coastal waters and waters within the limits of South Australia', which extends three nautical miles out from the low water along the coastline and also includes all waters within the Spencer Gulf and Gulf St Vincent.

Sustainable. Something that is able to be maintained at a certain rate or level, thereby supporting long-term ecological balance.

Underground aquifers. Aquifers are underground layers of rock that are saturated with water that can be brought to the surface through natural springs or by pumping.

(Photo 049173)

Case study

The following case studies are examples of where the principles of multiple and sequential land use are being successfully applied.

Woomera Prohibited Area

The Woomera Prohibited Area (WPA) is the traditional country of various Aboriginal groups and a legislatively designated defence practice area first established in 1947 for nuclear and other testing. Other activities and interests over the land include the township of Woomera, defence, mineral exploration, mining, transport, research, conservation, tourism, pastoral activities and Aboriginal cultural activities and places.

In 2010 a federal government review analysed the national security and economic interests in the WPA. Following extensive stakeholder input, significant concessions to the legislation were made. These included reducing the regulatory burden for Aboriginal people and pastoralist interests, allowing Maralinga Tjarutja land to be excised from the WPA for tourist operations and ensuring appropriate permitting, access and exclusion periods for the resources industry.

Federal Parliament passed the amended legislation in October 2014. The WPA was divided into zones according to the frequency of Defence use in different areas and a time sharing model is now used for the remainder of the WPA, allowing non-Defence users conditional access during certain periods of the year. Roads and rail through the WPA and the township of Woomera continue to have ongoing standing occupy and access permissions. The coexistence scheme is operating successfully and stakeholders will continue to be engaged through the WPA Board and ongoing review of the scheme.

Case study

Gawler Ranges National Park

Gawler Ranges National Park was established in 2002 through the purchase of former pastoral properties to protect diverse and relatively intact vegetation. Approved mineral and petroleum activities are also permitted in the park as part of the state's long standing policy of multiple access and use in state reserves. The park is co-managed by native title holders and government and guided by a co-management agreement and an Indigenous land use agreement.

The recently released Gawler Ranges National Park draft management plan is a key step in weaving the management objectives of traditional owners with that of government agencies. The draft plan highlights the challenge of ensuring multiple use activities meet the objectives of the park's proclamation and the protection of Aboriginal cultural values. Following consultation, the plan will be adopted subject to any native title rights or interests and provide direction for how the park will be managed for all users.



(Photo 40/23)

Case study

Wind Farm

The site of a proposed wind farm on farming land is also subject to exploration rights held by a mining company and a separate company's proposal for the development of a key mineral resource. Separate land access agreements had been entered into between various parties, adding to the complexities.

To meet one of the conditions of the development approval, the parties collaborated and developed a mining management plan. The plan supported good faith negotiations and land access protocols with all parties to allow for the co-existence of both land uses wherever possible. The wind farm was granted consent for the construction of up to 105 turbines (270 megawatts) on the site.

Through discussions between agencies and the relevant parties, there was an understanding of the issues and a genuine desire to work together for mutually satisfactory outcomes. Agencies have acknowledged the need to engage sooner and work collaboratively to develop solutions that are conducive to encouraging economic development for various industry sectors, while ensuring there are no negative impacts to land access and multiple land use principles.



(Photo 049181)

Case study

Integrated oceans management in Spencer Gulf

Spencer Gulf is becoming increasingly crowded, adding weight to the need for applying a multiple use framework to deal with competing or potentially conflicting interests. The Gulf supports a diverse array of economically important industries including expanding seafood production, mineral extraction, shipping, ports, popular recreational activities and marine parks.

A multiple use framework will provide the opportunity for Spencer Gulf to be a national leader in integrated oceans management – it currently has the research and industry stakeholder lead partnership through the Spencer Gulf Ecosystem and Development Initiative. A collaborative approach would provide all stakeholders with access to independent and credible information about Spencer Gulf opportunities so that informed decisions can be made.

(Photo 046885)

Frequently asked questions

Q Where in South Australia would this framework apply?

A The framework would apply throughout South Australia, including land under state marine waters and underground aquifers.

Q I live in metropolitan Adelaide – would this framework impact on me?

A This framework seeks to complement the state's planning legislation. A change of land use in the metropolitan area requires planning consent, usually from the local council, and must comply with the council development plan. For further information on current planning reforms, please refer to the Department of Planning, Transport and Infrastructure's website <www.dpti.sa.gov.au/planning/planning_reform>.

Q Will this framework allow people to come onto my land without my authority?

A No. Access to private or crown land can only be undertaken with the relevant authority. Current land access arrangements in state and Commonwealth legislation will still apply.

Q Will the framework change how I do business?

A The framework will not require any additional approvals or changes to existing permits or approvals under current state and Commonwealth legislation. The framework will encourage better stakeholder engagement on issues relating to multiple land use and land use change.

Q Will the framework change how I currently deal with state government agencies and local councils?

A You will continue to engage with existing agencies and local councils, but the framework will encourage decision makers to engage early, genuinely, fully and respectfully with land users on relevant land use change projects.

Frequently asked questions

Q How does the framework fit in with the current state government planning reforms?

A The framework is consistent with current state and Commonwealth legislation relating to land use as well as the recommendations of the state government appointed Expert Panel on Planning Reform's Report, The Planning System We Want. Details of the Planning, Development and Infrastructure Bill 2015 which the government has introduced to implement its response to the Expert Panel's recommendations are available at <www.dpti.sa.gov.au/planning/planning_reform>. The reform demonstrates the importance of multi-agency collaboration and stakeholder engagement to reduce duplication, policy conflict and ensure better planning outcomes.

Q Will legislation need to be changed to reflect this framework?

A While South Australian Acts of Parliament recognise the importance of stakeholder engagement, the framework provides guiding principles to maximise stakeholder engagement and collaboration and improve outcomes for South Australians. As Acts are reviewed, it is desirable that the concepts of stakeholder engagement and multiple land use outlined in this framework be considered, where appropriate.

Why we want you to be involved

Land in South Australia is used for a variety of economic, environmental and social purposes. Land access has also increasingly become more challenging due to competing interests and our evolving economy.

While existing regulatory frameworks in South Australia require stakeholder engagement and fair compensation, we recognise that managing the differing interests in land use, land access and changes to land use could be improved.

You can have your say on the content of a South Australian Multiple Land Use Framework through the 'yourSAy' website <yoursay.sa.gov.au> from 12 November 2015 until 18 December 2015.

With your help, a South Australian Multiple Land Use Framework will be a mechanism through which South Australia engages openly and transparently on land use and land access issues across state government agencies, local and regional communities and key community, business and industry stakeholders.

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