

Government of South Australia

# South Australian Multiple Land Use Framework



[www.yoursay.sa.gov.au](http://www.yoursay.sa.gov.au)



Government  
of South Australia

# A message from the Premier of South Australia



Although South Australia has an abundance of land, it must be used soundly if it is to remain a source of sustainable social, environmental and economic value.

In recent years, land access has become more challenging due to competing interests and the fast-changing nature of the State's economy.

In order for us to properly balance those interests and build long-term wealth for the common good, the State Government has produced this inaugural *South Australian Multiple Land Use Framework*.

The document contains 11 guiding principles designed to inform community consultation and decision-making, and it outlines the legislative context in which we must all operate.

It encourages the consideration of multiple land use where appropriate, and it recognises the importance of land ownership and the need for timely engagement with landowners, communities and organisations.

Crucially, the *Framework* promises to help us pursue and achieve a number of areas set down in the State's 10 *Economic Priorities*, including:

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

I commend the *Framework* to all citizens who wish for the State to both prosper and sustainably manage the natural assets that make ours a wonderful place to live.

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

Jay Weatherill

**PREMIER**

## Background to the *Framework*

South Australia is a pioneer of multiple and sequential land use outcomes across a variety of land uses, including our multiple use regional reserves and marine park systems and success in opening the Woomera Prohibited Area. For many of these differing land uses access to land is critical to South Australia's long-term sustainability and international competitiveness. Collaboration and shared commitment are key to sustaining and diversifying rural and regional economies.

Following stakeholder engagement on *South Australian Multiple Land Use Framework* in late 2015, 58 submissions were received from individuals, community organisations, local councils, State and Commonwealth government departments and boards, agricultural bodies/groups, conservation and land management organisations, Aboriginal Corporations, Councils or representatives of First Nations, mining companies, industry bodies/organisations, State MPs and a tourism council.

A cross-agency Reference Group prepared three reports, which summarised submission comments and addressed stakeholders' key comments and concerns. The '*What we heard*', '*Submission Recommendations and Response to Comments*' and '*Response to South East Submission*' Reports are available to download from the yourSAy website ([yoursay.sa.gov.au/decisions/yoursay-engagements-south-australia-s-multiple-land-use-framework/outcome](https://yoursay.sa.gov.au/decisions/yoursay-engagements-south-australia-s-multiple-land-use-framework/outcome)). The *Framework* has been amended based on submission recommendations.

The openness and transparency encouraged by the *Framework* on land use and land use change issues across State government agencies, local and regional communities and key community, farming, business and industry stakeholders will achieve greater certainty for our State, the environment, landowners and our communities.

The *Framework* can be used by anyone who is involved in multiple land use projects and assists regulators, decision makers and individuals by providing:

- clear direction on the importance of considering multiple land uses at the early stage of a project.
- tools and general policy direction to assist regulators, decision makers and individuals to improve stakeholder engagement (see 'guiding principles' and 'key engagement mechanisms').

The *Framework* is tailored to South Australia and is more comprehensive than the National Multiple Land Use Framework. It is preferred that the *Framework's* guiding principles and key engagement mechanisms are used for South Australian land use and land use change projects.

## Land use in South Australia

South Australia is home to 1.685 million people; approximately 380,000 people live outside of Greater Adelaide (ABS, 2014 data). South Australia's Strategic Plan<sup>1</sup> seeks to increase South Australia's population to 2 million people by 2027, including increasing the number of people living outside of Greater Adelaide by 20,000 people by 2020.

Land use in South Australia is varied and includes recreation, conservation, agriculture, fisheries, aquaculture, forestry, biodiversity, minerals and energy exploration, renewable energy production, housing, defence, tourism, manufacturing and infrastructure, to name just a few. Land ownership, environmental protection, native title and Aboriginal and non-Aboriginal heritage are all important considerations.

All of these land uses are valuable and contribute environmentally, socially and/or economically to the State - South Australia's wealth has been built by natural assets and these natural assets underpin our long-term prosperity. South Australia's regions have built a strong economic base in areas such as mining, tourism and premium food and wine. Today, our regions contribute more than \$20 billion to our State's economy and produce more than 50 per cent of overseas exports.

### Protected areas

The total area of protected land (i.e. land proclaimed or reserved for conservation purposes) within onshore South Australia is 210,991 km<sup>2</sup> (21.5%). A further 45% of state marine waters (26,936 km<sup>2</sup>) is located within 19 marine parks declared by South Australian Government in 2009 (DEWNR, 2016). Protected areas in South Australia provide for the conservation of natural and historical features, continued cultural, spiritual and traditional use by the relevant Aboriginal group, the conservation of flora and fauna, tourism, recreation, recreational and commercial fishing (in the case of marine parks) and, in some parks and reserves, pastoral production and mineral and petroleum exploration and production.

### Native Title land

There are 14 Native Title consent determinations and 25 registered claims in process that cover approximately 69% of South Australia. Native title rights and interests may include rights to live on the area, access the area for traditional purposes, like camping or to do ceremonies, visit and protect important sites, hunt, fish and gather food or traditional resources like water, wood and ochre and teach law and custom on country. Native title may vary according to the rights of other people and may exist alongside other rights (called 'co-existence').

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<sup>1</sup> [saplan.org.au/targets](http://saplan.org.au/targets)

## **Anangu Pitjantjatjara Yankunytjatjara and Maralinga Tjarutja lands**

The Anangu Pitjantjatjara Yankunytjatjara and Maralinga Tjarutja regions are located in the far northwest and far west respectively of South Australia and together consist of approximately 206,000 km<sup>2</sup> of land (or 20.9% of the State). The land is owned freehold and managed under the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1983* and *Maralinga Tjarutja Land Rights Act 1984*.

## **Aboriginal Lands Trust land**

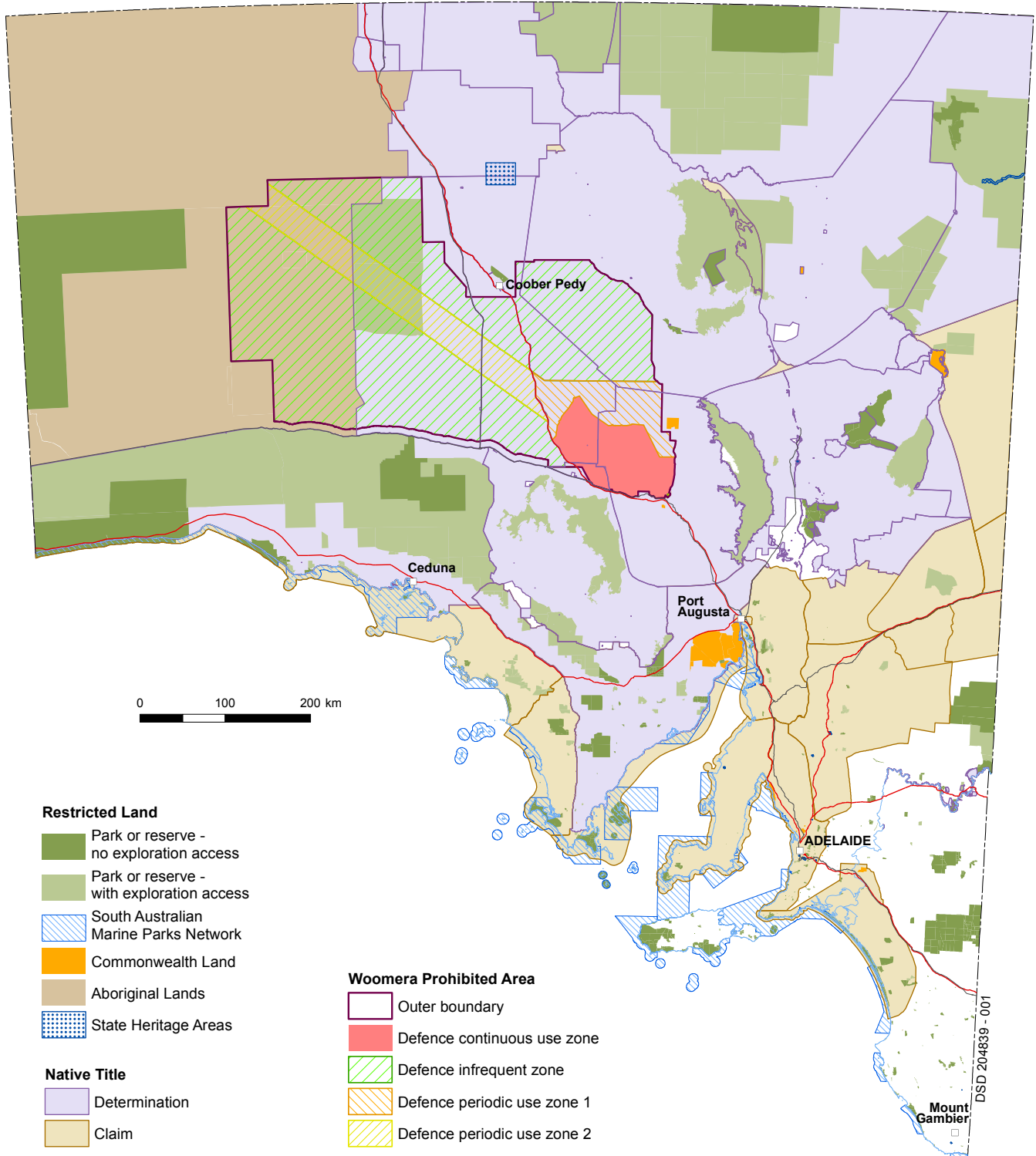
The Aboriginal Lands Trust holds title to 64 properties comprising of well over 5,000 km<sup>2</sup> of land in South Australia. The core functions of the Trust are to hold, manage and administer land. The Trust meets these responsibilities by organising the leasing of land to communities and managing natural resource management programs.

*The State Government is committed to strengthening its relationship with Aboriginal South Australians and has undertaken development of new policy and legislative frameworks that recognise both the indivisible connection of Aboriginal people to land and sea, and the enduring cultural authority and right of Aboriginal South Australians to be involved in decisions that affect Aboriginal people. The State Government will continue to engage with Aboriginal stakeholders with regard to land, as is currently required. However, proper engagement with the Framework is intended to enable all stakeholders to have more effective discussions regarding land use. This presents significant increased opportunity for Aboriginal people to ensure employment, business and other outcomes are brought into discussions early and are properly considered. Importantly, individual members of the community will determine the extent they wish to be involved in these processes.*

## **Defence land**

South Australia is of primary importance to the Commonwealth Department of Defence's strategic and operational defence activities. The Department of Defence has significant land holdings (approximately 124,150 km<sup>2</sup>) and associated infrastructure throughout South Australia including the Woomera Range Complex, Cultana Training Area, Murray Bridge Training Area and significant establishments in the Greater Adelaide area including the Edinburgh Defence Precinct, Keswick Barracks and Woodside Barracks (Defence, 2016).

Figure 1 shows all South Australian protected areas, Defence land, Native Title claims and determinations and land owned by the Aboriginal Lands Trust and the Anangu Pitjantjatjara Yankunytjatjara (APY) and Maralinga Tjarutja people.



**Figure 1** South Australian protected areas (land and marine), Defence land, Native Title claims and determinations and land owned by the Aboriginal Lands Trust and the Anangu Pitjantjatjara Yankunytjatjara (APY) and Maralinga Tjarutja people

## Pastoral land

Rangeland pastoral properties make up around 43% of South Australia's land mass. This land is of great economic value, has important cultural and ecological significance, and is home to many rare and endangered native species (DEWNR, 2016). Multiple land use is common practice on pastoral properties.

## Farming, commercial fisheries and aquaculture

During the 2015/16 growing season, South Australian farmers produced 7,171,700 tonnes of crops over 3,885,400 hectares (38,854 km<sup>2</sup>) of the State<sup>2</sup>. Livestock production, which includes meat and eggs, generated \$4.6 billion in revenue for South Australia in 2014-15 (PIRSA website, 2016). The wild catch and aquaculture industries produced approximately 60,000 tonnes of seafood in 2014-15, generating revenue of \$876 million. South Australia has an estimated 76,000 hectares under vine. In 2014-15, the industry produced more than 730,000 tonnes of grapes valued at \$470 million<sup>3</sup>. The South Australian food and wine industry is worth over \$18.2 billion and accounts for 46% of South Australia's total merchandise exports<sup>4</sup>.

2 [www.pir.sa.gov.au/\\_\\_data/assets/pdf\\_file/0005/279122/PIRSA\\_Crop\\_and\\_Pasture\\_Report\\_July\\_2016.pdf](http://www.pir.sa.gov.au/__data/assets/pdf_file/0005/279122/PIRSA_Crop_and_Pasture_Report_July_2016.pdf)

3 [www.pir.sa.gov.au/\\_\\_data/assets/pdf\\_file/0009/272880/PIRSA\\_Agriculture\\_Food\\_and\\_Wine\\_in\\_SA\\_April\\_2016\\_vFLR.pdf](http://www.pir.sa.gov.au/__data/assets/pdf_file/0009/272880/PIRSA_Agriculture_Food_and_Wine_in_SA_April_2016_vFLR.pdf)

4 [www.pir.sa.gov.au/\\_\\_data/assets/pdf\\_file/0020/271208/SA\\_Food\\_and\\_Wine\\_Key\\_Messages\\_Fast\\_Facts.pdf](http://www.pir.sa.gov.au/__data/assets/pdf_file/0020/271208/SA_Food_and_Wine_Key_Messages_Fast_Facts.pdf)



## Plantation forests

South Australia has about 1,881 km<sup>2</sup> of plantation forests, managed by the State Government and commercial forestry operations. The sector directly and indirectly produces more than \$2.8 billion of economic activity for the State annually. In addition, about 200 000 people visit the State's forest reserves for recreation each year to do everything from camping and hiking to bike and horse riding, adding to the tourism opportunities in the regions<sup>5</sup>.

## Drinking water supply catchments

In South Australia, various water providers rely on either ground- or surface water runoff, which they capture through bores or reservoirs or take directly from the River Murray. SA Water, the major water supplier for the state, provides drinking water to around 1.5 million customers in South Australia. Most of its primary source waters (~80%) are delivered from natural surface- and groundwater systems. To ensure safe and clean water supplies to all rural and urban communities in South Australia, SA Water manages around 76,000 hectares of land which form a water quality protection buffer around the State's main surface water (reservoir) and groundwater catchments. The promotion of protection and maintenance of its natural catchments as far as practically possible, forms an essential component of SA Water's supply strategy, to ultimately maximise the treatment services that the natural environment provides. SA Water is also a strong promoter of and contributor to the broader social and economic benefit of the State and, whilst safeguarding water supply, considers alternative developments on a case-by-case basis.

5 [www.pir.sa.gov.au/forestry](http://www.pir.sa.gov.au/forestry)



## Prescribed underground resources (aquifers)

Water is a precious resource. There is a limit to how much is available for use on an ongoing basis, and so it is important to provide certainty to current and future users of water, particularly to those whose livelihoods depend on it. In South Australia important water resources are protected and managed by being 'prescribed' under the *Natural Resources Management Act 2004*. Once prescribed a water allocation plan is prepared for the resource, which provides certainty to water users and gives consideration to the environment, social and economical needs. There are 19 prescribed water allocation plans in South Australia and 17 of these areas incorporate prescribed aquifers (groundwater).

## Exploration and mining

Mineral and energy resources are the property of the Crown and are managed by the State Government on behalf of all South Australians. There are currently 720 mineral and 51 petroleum exploration licences covering 47.6% of South Australian land and State waters (SARIG, 2016). Less than 1% of the State is currently under mineral and petroleum production tenements (SARIG, 2016). Mineral exports accounted for 29% of total State exports for 2015 and production was valued at \$5.4 billion<sup>6</sup>. Together, mining and agriculture comprise 74% of South Australia's exports, underscoring the continued importance of supporting our regional communities.

6 [www.minerals.statedevelopment.sa.gov.au/exploration/mineral\\_exploration\\_in\\_south\\_australia](http://www.minerals.statedevelopment.sa.gov.au/exploration/mineral_exploration_in_south_australia)



## Tourism

South Australia's visitor economy is worth \$5.9 billion in the 12 months to June 2016, a growth of 11.4% of the previous year. This was driven by very strong growth in the international sector (\$944 million) up 22% on the previous year, and with growth to interstate, intrastate and domestic day trip markets. Over 60% of visits in South Australia involved our regions; there were 6.5 million overnight visits to South Australia in this period, and 3.9 million of these involved Regional South Australia.

## Renewables

South Australia's significant installed capacity in renewables has translated into investment to the State of \$6.6 billion to date, with some \$2.4 billion, or 40%, of this occurring in regional areas<sup>7</sup>. As of December 2016, South Australia currently hosts 35% of the nation's installed wind capacity with a total of 1,473 MW over 16 sites.

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7 [www.renewablesa.sa.gov.au/](http://www.renewablesa.sa.gov.au/)



## Laws around access to land and sustainable land management

There are a number of South Australian and Commonwealth Acts that incorporate principles of sustainable land management and land access for a wide range of land uses. Key legislation include the:

- *Aboriginal Heritage Act 1988*
- *Adelaide Dolphin Sanctuary Act 2005*
- *Coast Protection Act 1972*
- *Crown Lands Management Act 2009*
- *Defence Act 1903 (Cwlth)*
- *Environment Protection Act 1993*
- *Environment, Protection and Biodiversity Conservation Act 1999 (Cwlth)*
- *Heritage Places Act 1993*
- *Marine Parks Act 2007*
- *Mining Act 1971*
- *National Parks and Wildlife Act 1972*
- *Native Title Act 1993 (Cwlth)*
- *Native Vegetation Act 1991*
- *Natural Resources Management Act 2004*
- *Opal Mining Act 1995*
- *Pastoral Land Management and Conservation Act 1989*
- *Petroleum and Geothermal Energy Act 2001*
- *Planning, Development and Infrastructure Act 2016*
- *River Murray Act 2003*
- *Water Industry Act 2012*
- *Wilderness Protection Act 1992*

Each of these Acts have consultation or engagement requirements but the Acts do not always describe *how* regulators and relevant individuals should appropriately engage with landowners and other relevant stakeholders. The Government recognises the need for there to be a general engagement framework relating to land use that encourages best practice engagement, and provides guidance to Government when making decisions about changes to land use.

### Example

A natural resources management (NRM) board has responsibility for preparing a comprehensive regional NRM plan that is the principal document guiding natural resources management in the Board's region. The NRM plans are prepared in accordance with the requirements of the *Natural Resources Management Act 2004*.

An NRM plan is developed by the NRM Board in consultation with regional communities and key stakeholders including local government and industry groups. The *Natural Resources Management Act 2004* requires that a NRM Board undertake an extensive community engagement and consultation process which must include inviting the public to make written submissions and attend public meetings. A NRM Board is required to prepare a report for the Minister on the outcomes of the community engagement process.

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 *Planning, Development and Infrastructure Act 2016* mandates that a Community Engagement Charter (the Charter) be prepared, which aims to ensure that appropriate community engagement occurs during the preparation and amendment of planning instruments under that Act or any incidence where public participation is required or requested by the Minister (through the Planning Commission). Planning instruments also include the State Planning Policies, Regional Plans, the Planning and Design Code and the Design Standards. The Charter will also be used for consultation purposes for Infrastructure Schemes.

Instruments can be prepared by the Minister for Planning, State Planning Commission or a Joint Planning Board. Amendments to Instruments can be undertaken by the Minister or by a range of other designated entities with the approval of the Minister.

The Charter does not apply to development assessment processes, where consultation requirements are set out in the Act and Regulations. Where appropriate, the *Framework* can be used to complement consultation requirements set out in the Act and Regulations. The *Framework* will not over-ride statutory engagement requirements or consultation/notification processes, nor will there be a trigger in the planning system for the *Framework's* use.



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.



## Facts

*Better Together* uses the International Association for Public Participation (IAP2) spectrum (Inform; Consult; Involve; Collaborate; Empower) as its basis for engagement.

*Better Together* also promotes six principles of good engagement, namely: 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.

The *Framework* builds on these principles of good engagement.

## Purpose 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.

We want the *Framework* to:

- provide government, community, landowners, 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 land above underground aquifers<sup>8</sup>.
- support a shared commitment to multiple and sequential land use that considers existing legitimate land uses and environmental, social, regional and economic impacts.

<sup>8</sup> Although aquifers are an integral part of many land use systems and need to be considered in any land use or land use change proposal, access rights to aquifers (and surface water areas) are subject to existing arrangements in the relevant natural resource management and water allocation plans; access rights to aquifers (and surface water areas) are not impacted by this *Framework*.

- 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.

Notwithstanding, it is acknowledged 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 may be appropriate in some cases (refer to the 'Best use of assets' and 'Equity' guiding principles on pages 15 and 17).

## How is the Framework applied?

Regulators will continue to work with the community, farmers, landowners, industry groups, environmental groups, local, State and Commonwealth government, traditional owners, including Aboriginal landholding bodies, native title holders and claimants, other Aboriginal organisations and any other relevant stakeholders to ensure that statutory obligations are met, stakeholders are appropriately engaged, and environmental, social, regional and economic matters are adequately considered.

The *Framework* has been designed to operate within established regulatory and policy frameworks and apply to a range of land use and land use change projects in South Australia (both at property and landscape level), regardless of their size or the potential for land use conflict. The guiding principles and key engagement mechanisms are not mandatory but the *Framework* is a guide and commitment by the State Government to work towards best-practice engagement for land use and land use change projects.

Decision makers and stakeholders 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. This may require changes to engagement procedures and processes to align with the guiding principles and key engagement mechanisms of the *Framework*. However, the *Framework* is consistent with the State Government's *Better Together: principles of engagement* <http://bettertogether.sa.gov.au/principles-of-engagement> and the Reforming Democracy: Deciding, Designing and Delivering Together Policy <http://bettertogether.sa.gov.au/reforming-democracy>, both of which describe the State Government's best practice commitments.

Ultimately, the appropriateness of the land use will be determined through stakeholder engagement and relevant legislative and policy triggers.

For any project relating to land use or land use change, it is the responsibility of regulators, 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 relevant stakeholders 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.

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 landowners, communities and stakeholders. The Department of State Development will in cooperation with other agencies monitor and evaluate the rollout of the *Framework* and review the *Framework* at regular intervals.

The guiding principles (page 14-18) that follow outline the key activities required to achieve multiple and sequential land use outcomes. The key engagement mechanisms (page 20-24) build on the *Framework's* leading practice guiding principles and *Better Together's* principles of good engagement. Case studies describing where and how the principles of multiple and sequential land use have been successfully applied can also be downloaded from the yourSAy website.



## Guiding principles

The following guiding principles aim to represent a leading practice approach for anyone involved in stakeholder engagement or decision making. Further advice on how to achieve these guiding principles is outlined in the key engagement mechanisms section of this *Framework* and in the information booklet on the yourSAy website.

### 1. Accountability



Ensure that landowners and all relevant stakeholders<sup>9</sup> are genuinely engaged on land use change proposals.

Ensure landowners' rights are respected.

Provide clear accountability and governance around the decision-making processes.

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.

Include clear and concise information on the social, cultural, regional, environmental and economic 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.

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 regulator/s, ensure that compliance and enforcement procedures relevant to the project occur as appropriate and the outcomes of the compliance procedure are made publically available as per the applicable legislation and regulations.

Ensure that accountability is not compromised if processes are streamlined.

<sup>9</sup> The terms 'landowners' and 'stakeholders' encompass anyone who is affected by a proposed land use (whether directly or indirectly) and may include the community, farmers, landowners, industry groups, business groups, mining companies, environmental groups, local, State and Commonwealth government, traditional owners, including Aboriginal landholding bodies, native title holders and claimants, other Aboriginal organisations and any other relevant stakeholders

## 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.

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.

Consider how competing land uses will be evaluated in terms of their social, regional, environmental and economic benefit, noting that environmental benefits may be measured in economic or social terms.

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.

## 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.

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.

## 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.

## 5. Efficient processes



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

## 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.

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<sup>10</sup>.

<sup>10</sup> Refer to the Department of Planning, Transport and Infrastructure's website <[www.dpti.sa.gov.au/planning/planning\\_reform](http://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](http://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.

## 7. Equity



Recognise and respect the legal rights and interests of existing landowners.

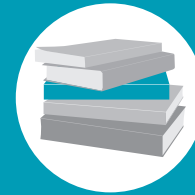
Land use decision making will strive for fair dealings with landowners and all other parties, recognising that not all land uses can be accommodated when determining multiple and sequential land use outcomes.

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.

Decisions about competing land uses will be made available through existing engagement and legislative processes.

## 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.

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, regional, environmental and economic 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.

## 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 co-existence.

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.

## 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.

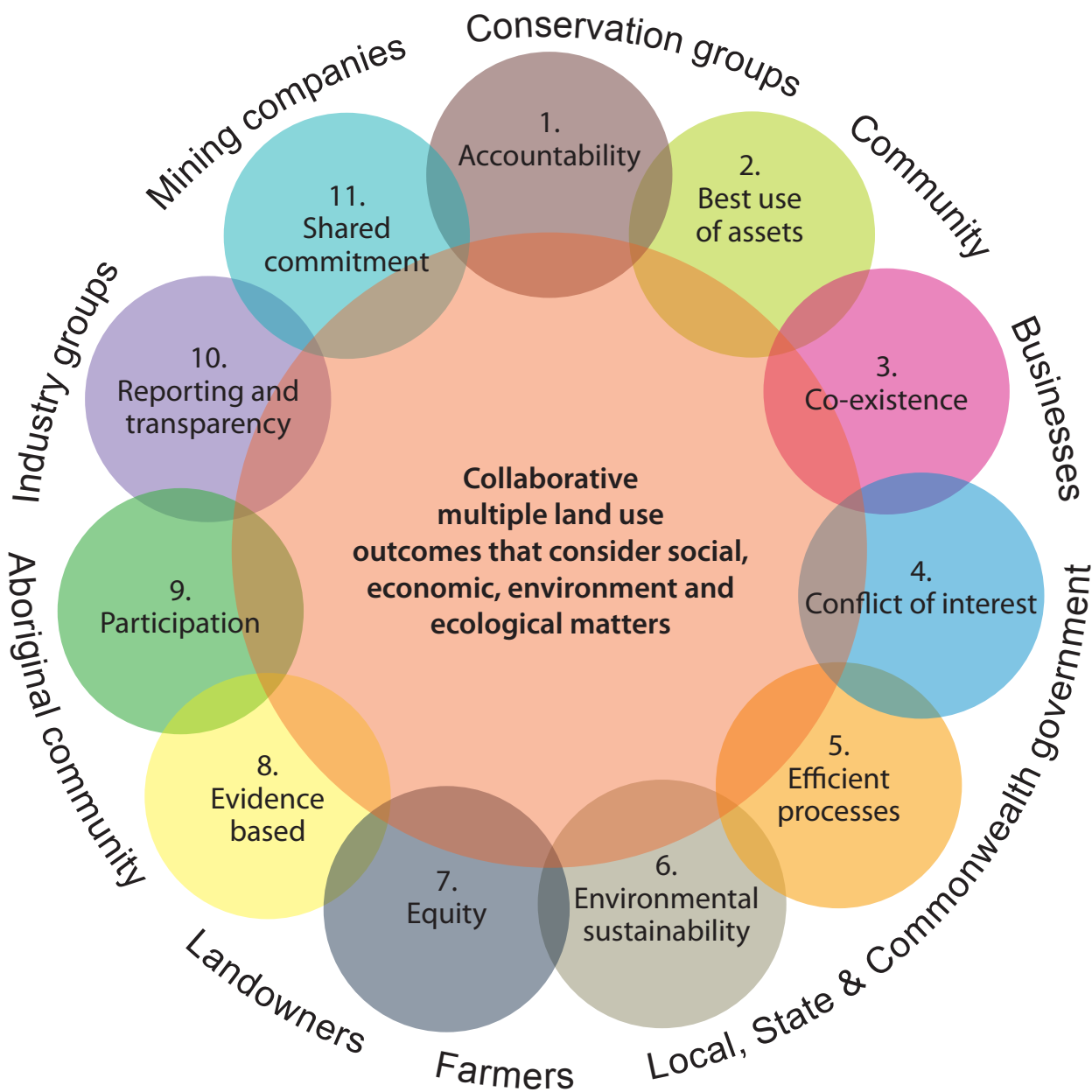
## 11. Shared commitment



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



Figure 2 outlines the key stakeholder groups, guiding principles and the aim of the *Framework* (i.e. collaborative multiple land use outcomes that consider social, economic, environment and ecological matters).



Aboriginal community include landholding authorities, traditional owners, native title groups, community councils and any other Aboriginal organisations

**Figure 2** The Framework's aim, guiding principles and key stakeholder groups

## Key engagement mechanisms

Effective engagement is underpinned by a commitment to establish relationships and involves building understanding, connections, capacity, trust and promoting dialogue. Engagement is a two-way process and should be respectful. It is an integral component of policy and program development, service design and delivery processes. Effective engagement is an ongoing process: the key to good engagement is enabling people who want to participate the opportunities to do so.

The key engagement mechanisms build on the *Framework's* leading practice guiding principles, which aim to improve the relationships between landowners, communities, government and stakeholders<sup>11</sup> and ensure that everyone has the opportunity to be involved in decisions that matter to them by encouraging clear, transparent and respectful engagement that recognise peoples' concerns.

The six principles of good engagement described in *Better Together* form the cornerstone of this *Framework*. Each of the key engagement mechanisms include suggestions on how to achieve them; these are outlined under the relevant Better Together principles that follow.

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<sup>11</sup> The terms 'landowners' and 'stakeholders' encompass anyone who is affected by a proposed land use (whether directly or indirectly) and may include the community, farmers, landowners, industry groups, business groups, mining companies, environmental groups, local, State and Commonwealth government, traditional owners, including Aboriginal landholding bodies, native title holders and claimants, other Aboriginal organisations and any other relevant stakeholders.





## Better Together Principle 1.

*We know why we are engaging and we communicate this clearly*

### Key engagement mechanisms

- **Recognise** the benefits of engaging with landowners, communities and key stakeholders. Engagement allows new ideas to be developed, reduces the risk of future issues with the proposal and potentially improves the bottom line for both enterprises.
  - Build relationships, capacity and knowledge before making key decisions about the proposal.
- **Recognise and respect the interests of existing landowners.**
  - Listen to people's concerns and be responsive.
  - Build trust by being clear, open and transparent.
  - Deliver on promises.
- **Identify which part of the IAP2<sup>12</sup> spectrum (Inform; Consult; Involve; Collaborate; Empower) the engagement process will use.**
  - 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 vision for the proposal is clear and accounts for existing landowners and uses as well as future land uses.
  - It is important that landowners, communities and stakeholders are aware of what is proposed and what impacts may occur.
  - Provide detailed and consistent information about the proposal.
  - Adapt the proposal where possible.



## Better Together Principle 2.

*We know who to engage*

### Key engagement mechanisms

- **Identify** key landowners (i.e. know who owns and has a legal interest in the land), communities and stakeholders.
  - Identify and where possible, understand community issues, interests, aspirations and concerns to better define what matters most to the community.
  - Conduct Lands Title Office searches to determine land ownership.
  - 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). [Although these approaches take time and commitment, the benefits can be long-lasting].
  - Identify individuals and contacts who are representative of their group to ensure the appropriate people are involved in the engagement at the right times.
  - Review and update the stakeholder list regularly.
- Key stakeholder groups may include directly affected landowners and community, adjacent landowners and community, government regulators, special needs groups, civic organisations, community based organisations, environmental groups and NRM boards, other advocacy groups, industry groups, MPs and emergency services.

<sup>12</sup> International Association for Public Participation ([www.iap2.org.au/home](http://www.iap2.org.au/home)).



## Better Together Principle 3.

*We know the background and history*

### Key engagement mechanisms

- **Understand** how landowners, community members and stakeholders connect with the land in question and the history of the land (including the surrounding area).
  - 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.
  - Seek advice from the local council, relevant government agencies and community.
  - Encourage co-ownership of the proposal and involvement of the community where possible.
  - Demonstrate active listening skills and be sensitive to the concerns of landowners, community members and stakeholders.
- **Consider** the social, regional, environmental and economic impacts (which include the health and long standing viability of present businesses and enterprises) of any change in land use on existing and future South Australians.
  - Seek people with the appropriate skill-sets to prepare reports on potential impacts.
  - Report back to the community regularly.
- **Consider** how competing land uses will be evaluated in terms of their social, regional, environmental and economic benefit, noting that environmental benefits may be measured in economic or social terms.
  - Work closely with the community in the evaluation of these benefits.
  - Adapt the proposal where possible.

- **Consider** providing information from other multiple and sequential land use decisions to landowners, community members and stakeholders and apply to other initiatives where possible.
  - Contact the local council and relevant government agencies for advice on recent projects in the region.
  - Conduct desktop research and seek advice from individuals and organisations who have conducted similar projects.
  - Incorporate learnings wherever possible.



## Better Together Principle 4.

*We begin early*

### Key engagement mechanisms

- **Engage** early and genuinely with landowners potentially affected by the proposal, community members and stakeholders and develop collaborative partnerships and capacity (i.e. community leadership).
  - Ensure engagement process is appropriate for the relevant community and is adaptive to the needs of the landowners, community members and stakeholder representatives.
  - Consider whether the timing is convenient to allow adequate landowner, community and stakeholder representation.
  - 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.
  - Make information available during engagement processes and be accessible to landowners, communities and stakeholders.



## Better Together Principle 5.

*We are genuine*

### Key engagement mechanisms

- **Consider** using skilled practitioners to undertake community engagement so that engagement is conducted in a successful and meaningful way.
  - **Advise** landowners, communities and stakeholders how their input will be considered in the decision making process.
    - 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.
    - Clearly articulate what is negotiable and what is not negotiable in the engagement process. Give reasons for the decisions.
    - Set and agree on realistic expectations early in the process.
  - **Allow** sufficient engagement opportunities, consistent with current legislation, to allow landowners, the community and stakeholders the best opportunity to provide input into the engagement process.
    - Clearly define lines of communication and consider two-way engagement where possible.
    - Acknowledge and respect the diversity of landowners, communities and stakeholders.
    - Respect the culture and heritage of local communities.
    - 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.
- Accept the different agendas of communities and stakeholders and try to ensure that dominant groups are not the only voices heard.
  - Be responsive – feedback provides opportunities to improve the proposal and increase awareness of the proposal.
- **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.
  - Use independent expert advice where appropriate.
- **Inform** landowners, communities and stakeholders where appropriate of the existence of arbitration processes within existing legislation so all parties are aware of their rights from the outset of negotiations on land use change.
- **Incorporate the use of best practice risk-based approaches based on best available science, evidence and sustainable development principles.**
- **Use the best scientific methodologies to determine the social, regional, economic and environmental benefits to the State (consistent with current legislation).**
  - 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.
  - 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.
  - Use independent expert advice where appropriate.

## Better Together Principle 5. cont.

*We are genuine*

- **Ensure** assessment processes are transparent, consistent and account for multiple and sequential land use and where possible, consider a whole of landscape approach and cumulative effects of land use change.
  - Make information easily accessible.
  - Allow sufficient time for feedback.
  - Recognise, respect and accommodate changes to timeframes where necessary.
  - Maintain engagement throughout the life of the proposal.
- **Make** relevant reports and results of relevant monitoring and evaluation accessible to landowners, communities and stakeholders in a timely manner.
  - Report regularly, accurately and promptly on the progress of a proposal.
  - Document decisions and outcomes of meetings with landowners, communities and stakeholders.
  - Incorporate amendments to the proposal wherever possible.
- **Demonstrate** a strong culture of service excellence, trust, accountability and professional integrity when engaging with landowners, communities and stakeholders or assessing land use change projects.
  - Acknowledge and respond to landowner, community and stakeholder concerns.
  - Treat people fairly and without discrimination.
  - Respect legal, ethical, and human rights.
  - Be honest, even when the news is not good.
  - Value and support legitimate community reference groups.
  - Recognise that a collaborative approach does not always mean that everyone agrees about everything, but aim to find and nurture common ground.



## Better Together Principle 6.

*We are creative, relevant and engaging*

### Key engagement mechanisms

- **Make** the reason for engagement clear and communicate in a creative and engaging manner.
- **Provide** engagements that are innovative and allow landowners, communities and stakeholders to provide feedback as the proposal progresses.
  - Provide clear, well informed and fit for purpose information.
  - Deliver information in a culturally appropriate manner.
  - 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.
- **Provide** opportunities for landowners, communities and stakeholders and the media to be informed and share information about proposed changes to land access.
- **Seek** agreements and outcomes that harness innovative and flexible solutions.
  - Clearly outline the trade-offs that might be required to facilitate the best current and possible future land uses.
- **Consider** flexibility of multiple land uses on the same property by all parties in order to maximise co-existence and minimise interruptions to existing enterprises (e.g. consider shared benefits and the long term plans for a property, including whether infrastructure for one activity can be designed and located for the benefit of the landowner or other parties).

## Frequently asked questions

### **Q** Where in South Australia does this *Framework* apply?

**A** The *Framework* can be applied throughout South Australia including land under State marine waters, underground aquifers (including surface water areas) and 'airspace' to protect runway approach and air traffic control site lines.

### **Q** What are the next steps now that the *Framework* has been published?

**A** Anyone involved in land use change projects will be encouraged to review the *Framework* and ensure that their engagement processes are consistent with the guiding principles and key engagement mechanisms of the *Framework*. This may require changes to engagement procedures and processes to align with the guiding principles and key engagement mechanisms of the *Framework*. However, the *Framework* is consistent with the State Government's *Better Together: principles of engagement* and the Reforming Democracy: Deciding, Designing and Delivering Together Policy both of which describe the State Government's best practice commitments.

The *Framework* is available to download from [yoursay.sa.gov.au/decisions/yoursay-engagements-south-australia-s-multiple-land-use-framework/outcome](https://yoursay.sa.gov.au/decisions/yoursay-engagements-south-australia-s-multiple-land-use-framework/outcome).

The Department of State Development will in cooperation with other agencies monitor and evaluate the rollout of the *Framework* and review the *Framework* at regular intervals.

### **Q** How will the *Framework* be used?

**A** The *Framework* has been designed to operate within established regulatory and policy frameworks and apply to a range of land use and land use change projects in South Australia, regardless of their size or the potential for land use conflict. The guiding principles and key engagement mechanisms are not mandatory but the *Framework* is a guide and commitment by the State Government to work towards best-practice engagement for land use and land use change projects.

The *Framework* will not affect access rights to aquifers or surface water areas; existing arrangements in the relevant natural resource management and water allocation plans still apply.

**Q How does the *Framework* fit in with the current State Government planning reforms?**

**A** The *Framework* is consistent with *Better Together* and builds on the principles of good engagement. The *Framework* is also 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. Although the *Framework* will not apply to the preparation and amendment of statutory instruments under the *Planning, Development and Infrastructure Act 2016* such as State Planning Policies, Regional Plans, the Planning and Design Code and Design Standards, the *Framework* can be used to complement consultation requirements for development assessment processes set out in the Act and Regulations. Refer to the 'Laws around access to land and sustainable management' section in the *Framework* for further information.

**Q I live in metropolitan Adelaide – does this *Framework* impact on me?**

**A** A change of land use in the metropolitan area requires planning consent, and must comply with the relevant development plan (once prepared and implemented, development plans will be replaced by the Planning and Design Code under the *Planning, Development and Infrastructure Act 2016*). For further information, please refer to the Department of Planning, Transport and Infrastructure's website <[www.dpti.sa.gov.au/planning/planning\\_reform](http://www.dpti.sa.gov.au/planning/planning_reform)>.

**Q Does 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 still apply.

**Q Does the *Framework* change how I do business?**

**A** The *Framework* does not require any additional approvals or changes to existing permits or approvals under current State and Commonwealth legislation. The *Framework* encourages better stakeholder engagement on issues relating to multiple land use and land use change.

**Q Does the *Framework* change how I currently deal with State Government agencies?**

**A** You will continue to engage with regulators, but the *Framework* encourages decision makers to engage early, genuinely, fully and respectfully with land users on relevant land use change projects. The *Framework* will not alter any legislation or planning documents nor will it alter existing land rights.

**Q Why doesn't the *Framework* incorporate conflict resolution, arbitration processes or compensation matters?**

**A** Conflict resolution, arbitration processes and compensation matters are dealt with in relevant State and Commonwealth Acts of Parliament and as a result are not included in the *Framework*.

**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 *Better Together* and this *Framework* be considered, where appropriate.

## 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 any 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.

**Ecology.** All the fauna and flora that depend on or contribute to the health and well-being of the relevant parcel of land.

**Environment.** Includes land, air, water (including both surface and underground water and sea water), organisms, ecosystems, native fauna and other features or elements of the natural environment, buildings, structures and other forms of infrastructure, cultural artefacts, existing or permissible land use, public health, safety or amenity as well as the geological heritage values or aesthetic or cultural values of an area.

**Equitable consideration.** The concept of allowing all individuals who have an interest in the proposal (including the landowner and surrounding landowners) the opportunity to have their views considered.

**Farmer.** A person who owns who manages a farm (agricultural enterprise) and grows crops or raises livestock.

**Government.** The South Australian Government or its agencies.

**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.

**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).

**Key stakeholder.** See 'Stakeholder'.

**Land.** Any area within South Australia, including underground aquifers and the land under State marine waters. For the purposes of the *Framework*, also includes 'airspace' to protect runway approach and air traffic control site lines.

**Landowner.** A person who holds a registered estate or interest in the land conferring a right to immediate possession of the land, holds native title in the land, is lawfully in occupation of the land or has the care, control or management of the land.

**Landscape.** The features of an area of land, the landforms and how they integrate with natural or man-made features.

**Legitimate land use.** The lawful or valid use and management of land.

**Multiple land use.** Where land is used for different purposes simultaneously and sustainably. 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 Aboriginal people have rights and interests to their land that come from their traditional laws and customs. Native title can co-exist with non-Aboriginal proprietary rights and in some cases different Aboriginal 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.

**Stakeholder.** People who are organised under the banner of a defined group or organisation, often providing representation to a broader group, e.g. Business SA, a local environmental group or anyone who is affected by the proposed land use (whether directly or indirectly) is deemed to be a stakeholder for the purposes of the *Framework*.

**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. The *Framework* acknowledges that not all land uses can be accommodated, 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.

**Traditional owner.** In relation to land, means an Aboriginal person who has, in accordance with Aboriginal tradition, social, economic and spiritual affiliations with, and responsibilities for, the lands or any part of them.

**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.

**Whole of landscape approach.** The consideration of management of multiple land uses, both natural and built, in an integrated manner across a wide area (e.g. region), rather than considering each parcel of land in isolation.

## CONTACT

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