

# **Upper Spencer Gulf Model Planning Provisions**

April 2015

## **Acknowledgments**

This report is part of the Upper Spencer Gulf Regional Sustainability Planning Project which was supported through funding from the Australian Government's Sustainable Regional Development program

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## **Recommended Citation**

Ferretti D; 2015; Upper Spencer Gulf Model Planning Provisions

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# 1. Introduction

## 1.1 Project Background

The Central Local Government Region, received grant funding under the Australian Government's Sustainable Regional Development program on 29 July 2013 for the Upper Spencer Gulf Regional Sustainability Planning project.

The Sustainable Regional Development program is part of the Australian Government's *Sustainable Australia–Sustainable Communities strategy*. The focus of which is to ensure future population change is compatible with the economic, environmental, and social wellbeing of Australia.

The Upper Spencer Gulf Regional Sustainability Planning project facilitates the incorporation of sustainability into regional planning across the Upper Spencer Gulf (USG). The USG is defined as the three Local Government areas of Port Pirie, Port Augusta and Whyalla. The project recognises that despite the common purpose and strong links between the three cities of Whyalla, Port Augusta and Port Pirie, they fall into different planning, natural resource management and economic development regions.

The project also leverages the collaborative arrangement established in 2012 under the Memorandum of Understanding (MoU) between the three cities, and the Commonwealth and State Governments, to support a sustainable future for the USG. Activities of this project will be highly complementary and support several strategic objectives developed through the MoU, including:

- Maintaining the region's environmental value through adoption of broader strategic approaches to environmental protection (strategy 2.6)
- Building on the region's comparative advantage in renewable energy (4.6)
- Encouraging better understanding of the benefits of integrated planning, incorporating all spheres of government and industry in managing regional development in the USG (5.1)
- Integrating planning for mining related infrastructure, taking into account the needs of other industry sectors, environmental and community sustainability (5.2)

The *Upper Spencer Gulf Model Planning Provisions* report is one of four themes of the Regional Sustainability Planning project. It recommends draft planning provisions with the aim of assisting biodiversity conservation, climate change and hazard resilience and renewable energy outcomes in the region. The draft model planning provisions are based on key findings of the following three reports:

- *Regional Biodiversity Management Plan* prepared by Bronwyn M. Gillanders, Ayesha I. T. Tulloch and Simon Divecha.
- *Upper Spencer Gulf Renewable Energy Strategy* prepared by the Upper Spencer Gulf Common Purpose Group and University College London
- *Upper Spencer Gulf Climate Change and Hazard Reduction Strategy* prepared by Urban and Regional Planning Solutions (URPS).

## 1.2 A Changing Planning Context

In February 2013 the South Australian Government appointed an expert panel to lead a broad review of the South Australian Planning System, including:

- review all relevant legislation, governance and administrative arrangements related to planning and urban design;
- review the role and operation of all other legislation that impacts on the planning system;
- consult widely with the community, industry, councils and parliamentarians;
- undertake research and consider interstate and international planning systems.

The review recognised a number of delays, uncertainties, and inconsistencies across the planning system.

The Expert Panel's final report was presented to the Government on 12 December 2014 and set out 22 key recommendations. On 27 March 2015 the South Australian Minister for Planning released the Government's response to each of the recommendations and outlined a framework for implementing them. A bill to give effect to these recommendations is proposed to be introduced to Parliament in July 2015.

Of particular relevance to this report is the recommendation to create a network of regional planning boards across the state.

This recommendation recognises that an integrated approach will enhance outcomes in the State's country regions where there is an appetite to embrace this reform. Not only could this help deliver better planning outcomes, but also improve the work of the Government in relation to environmental and natural resource management, economic development and infrastructure provision.

Proposed changes to planning legislation will include enabling provisions designed to facilitate and encourage regional collaboration on planning issues. These provisions will support pilot initiatives and, more generally, promote collaborative approaches on planning issues.

The model planning provisions presented in this report recognise the potential for imminent reform of the planning system and the opportunity for the Upper Spencer Gulf region to engage with this in a pro-active manner as it applies to the strategic and policy components of the current planning system; namely:

- the South Australian Planning Strategy
- the South Australian Planning Policy Library (SAPPL)
- Development Plans for Whyalla, Port Augusta and Port Pirie.

## **2. Planning Provisions**

From the information presented in the foundational reports, there is significant potential for improved statutory planning to assist biodiversity conservation, climate change and hazard resilience, and renewable energy outcomes in the USG region. To facilitate this, the following sections discuss key features of the planning system and recommend change to give effect to improved planning policy and practice across the region.

### **2.1 Key Elements of the Planning System**

#### **2.1.1. Strategy**

At the heart of the planning system is the South Australian Planning Strategy. Made up of a series of volumes covering every region of the state, the Planning Strategy establishes the key directions for future land use change in each region, with the development of more detailed planning policy intended to align with these directions. It is effectively through this strategy to policy linkage that the assessment of individual development proposals is envisaged to bring into effect the desired future development of a region or area within a region.

Currently the three Upper Spencer Gulf Councils sit across three different Planning Strategy volumes. Port Augusta within the Far North, Port Pirie in the Mid North and Whyalla in the Eyre Peninsula planning region. This hampers ability of the three regional centres to take a more strategic view of land use across the USG region and to implement consistent planning policy for insertion into local Development Plans which recognise and optimise these commonalities. Re-aligning existing regional planning boundaries to enable the USG to develop a specific volume of the Planning Strategy (or Region Plan) that better reflects the sphere of influence intended for USG land use activities will assist in overcoming this.

#### **2.1.2. Policy**

While Development Plan policy across the three USG cities is reasonably consistent, there is some capacity to both enhance consistency and include more up-to-date planning policy in these Development Plans. The Whyalla Development Plan has been converted to the South Australian Planning Policy Library (SAPPL) format but the Port Pirie and Port Augusta Development Plans have not. The SAPPL format provides for consistency of policy across Development Plans, although the currency of the policy adopted via the SAPPL depends on which version has been adopted.

Leaving aside the technicalities of the conversion process, it would be desirable for all three cities to have consistent Development Plan policy through adoption of the most recent version of the SAPPL. This version contains policy addressing anticipated climate change impacts, although it would be necessary to include additional policy provisions for the USG cities which specifically address the various adaptation issues raised in the foundational reports.

A further consideration is the Expert Panel's recommended proposal relating to the way in which Development Plan policy is to be developed and adopted to enhance consistency and currency of policy in each region. In particular, the Expert Panel envisages formalising the SAPPL into a 'state-wide menu of planning rules' that can be more readily amended in response to changing circumstances with provision for 'local policy variations' to suit particular regional conditions (see Expert Panel on Planning Reform, 2014, pp.58-62). Such an approach to planning policy development would benefit to the USG.

### **2.1.3. Limitations**

It would be remiss to ignore the limits of the planning system in effecting the kind of policy changes needed to secure the sustainable future of the USG region.

Planning policy can only be applied to development defined as such in the Development Act and Regulations. There is no policy for non-development, which might include, for instance, provisions requiring roads or railways to be broken up in order to enable the inland movement of mangroves, seagrasses and saltmarsh in response to sea level rise. While the Expert Panel has recommended a revision of what constitutes development in the drafting of new planning legislation, there is no guarantee that this will accommodate all of the development changes sought through the Regional Sustainability Planning project.

Accordingly, it will be important for adaptation objectives to be included in the regional volume of the Planning Strategy to both highlight their importance in the future development of the USG and flag the need for appropriate policy to be developed to enable such adaptation.

## **2.2 Model Planning Provisions**

To give effect to the outcomes of the three strategies developed under the Upper Spencer Gulf Regional Sustainability Planning and to assist biodiversity conservation, climate change and hazard resilience and renewable energy outcomes in the region, the following changes to existing planning mechanisms in the USG region are recommended:

### **2.2.1. Regional Approach**

It is recommended the Upper Spencer Gulf Councils work with the South Australian Government to:

1. Develop a regional approach to planning which focuses on a single USG region and a single Region Plan as a volume of the South Australian Planning Strategy. This will require:
  - a. amending existing State Government administrative boundaries to create a single USG region;
  - b. creating a USG Regional Planning Board to represent the interests of the region and charged with the responsibility of developing the USG Region Plan;
  - c. developing a USG Region Plan as a volume of the Planning Strategy;
  - d. developing appropriate planning policy for inclusion in local Development Plans (or a single USG

- Development Plan covering the entire region);
  - e. appointing a USG Regional Development Assessment Panel to assess development proposals across the region.
2. Formalise arrangements for the ongoing development and implementation of planning policy that:
    - a. encourages and enables adaptation to climate change and mitigation of identified hazards
    - b. encourages and enables renewable energy development in designated industry zones
    - c. designates and conserves areas/corridors for the development of critical infrastructure supporting the USG's economic transition;
    - d. prioritises the protection of areas of high environmental and biodiversity value.
  3. Promote and encourage greater collaboration with NRM Boards and the Coast Protection Board to undertake mapping of areas particularly susceptible to sea level rise and important conservation areas that should be earmarked for protection.

### **2.2.2. Improved Planning Practices**

It is recommended the Upper Spencer Gulf Councils work with the South Australian Government to:

1. Establish formal mechanisms to increase sharing of planning resources and collaboration amongst local government planners across the USG region. Such mechanisms should include:
  - a. provision for collaboration with NRM practitioners to enhance understanding of the specific needs of ecosystem services in the region;
  - b. provision to enable the USG cities to undertake a regional Section 30 and Strategic Directions Report process;
  - c. provision to enable regular rotation of USG planners between development assessment and policy development roles.
2. Establish regular capacity-building and professional development sessions for USG planners, Development Assessment Panel members and related professionals to:
  - a. ensure the consistent interpretation and application of planning policy and strategic land use planning objectives across the USG;
  - b. exercise appropriate levels of flexibility in the assessment of development to promote the development of renewable energy technologies;
  - c. recognise the spatial significance of particular sites and locations, particularly on the coast, in the assessment of development;
  - d. improve the application of water sensitive urban design, energy efficiency, flood mitigation and better land management practices in responding to climate change impacts across the region.
3. Work collaboratively with State government planners to ensure the currency and suitability of planning policy for the USG region.

### 3. References

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