

Planning for Biodiversity: a critical analysis of biodiversity and planning law in South Australia

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Outline

- Traditional land use planning approach in South Australia
- Development Act – relevant provisions
- Linkages between development plans and other policies
- Biodiversity elements of current development plans
- Biodiversity and 30 Year Plan for Greater Adelaide
- From 30 Year Plan to reality – is it possible?

“planning” & “biodiversity”

- “biological diversity” – the variability among living organisms from all sources including, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part (UN Convention on Biological Diversity – Art.2)
- Focus on urban and rural land use planning under the Development Act, 1993
- Does current land use planning law and policy account for biodiversity?

Planning approaches in South Australia

- Light's grid plan for Adelaide-efficient and precise but no focus on biogeography of Adelaide plains
- Few remnants of original Adelaide Plains vegetation
- State wide -major vegetation modifications as consequence of farming/pastoral activity
- Planning policy and supporting legislation – primary focus on development and achieving social and economic goals
- Biodiversity considerations – of limited significance(possible exception-native vegetation)

Development Act and biodiversity

- Objects of the act include:
Provide for creation of Development Plans to:
 - (i) enhance proper conservation, use, development and management of land and buildings
 - (ii) facilitate sustainable development and protection of the environment
 - (iii) encourage management of natural and constructed environment in an ecologically sustainable manner (section 3)

Section 23-Development plans should promote Planning Strategy & may include planning or development objectives/principles:

- 1.re natural or constructed environment and ecologically sustainable development
- 2. management or conservation of land
- 3.management, conservation and use of natural and other resources, and
- 4.declaration of significant trees if important to the maintenance of biodiversity in local environment

Development Plans – linkages to other policies/management plans

- Natural Resources Management Act 2004-
Regional NRM plans– consistency sought
- Marine Parks Act, 2007-Marine park
management plan
- Native Vegetation Act –not linked!
- National Parks and Wildlife Act-not linked!
- River Murray Act, 2003-Objectives for a
Healthy River Murray
- Adelaide Dolphin Sanctuary Act, 2005
- Aquaculture Act, 2001

“Development”-broadly defined- includes:

- Building work
- Change in the use of land
- Land division
- Various works re State & local heritage places
- Tree damaging activity to significant tree
- Prescribed mining operations
- Prescribed earthworks

Testing point –at decision making stage

- All development requires approval(unless exempted)-s.32
- Development proposals must be assessed against relevant Development Plan provisions-s.33
- Biodiversity issues will be part of the assessment if Development Plan's provisions include objectives & principles on biodiversity

Development Plans

- No coordinated biodiversity policies across various plans cf. Policies on telecommunications, native vegetation, site contamination
- Ad hoc policy approach
- Elements of biodiversity protection in Development Plans' provisions on:
 - Native vegetation
 - Metropolitan open space system(MOSS)
 - Some coastal provisions

Development Plans cont.

- Biodiversity is not a key consideration in development assessment in SA
- Essentially a secondary issue
- No coherent & coordinated approach across all Development plans
- Reflects land use planning's traditional focus on built form and land use

30 year plan for Greater Adelaide– a change in approach?

- Will provide strategic directions and land use policies for incorporation into Development Plans
- Objective No. 3-driving sustainability, environmental protection and resilience to climate change
- Principal 12 – environmental protection, restoration and enhancement
- Principle 13 – natural resources management including “considering biodiversity and ecological integrity in land use decisions”

Biodiversity policies in 30 Year plan

- 1. Introduce clear hierarchy of environmental assets to be protected
- 2. Contain growth inside identified urban lands
- 3. Avoid, where possible, any impact on biodiversity. If impact, minimise and offset
- 4. Integrate environmental regulatory assessments with planning assessments
- 5. Develop structure plans for new growth areas – avoid impact on biodiversity

Biodiversity policies cont.

- 6. Enhance urban biodiversity of Metropolitan Adelaide (urban forests, water courses etc)
- 7. Create Greenways in transit corridors/major watercourses/coast
- 8. Establish coastal zones to protect biodiversity
- 9. Integrate coastal management requirements into Development Plans

From 30 year plan to reality – is it possible?

- 30 Year Plan is part of “The Planning Strategy”
- Cannot be taken into account in normal development assessment decisions
- Requires incorporation of biodiversity policies into Development Plans
- Comprehensive, coordinated ministerial amendment to all Development plans is required
- Alternatively, change statutory criteria against which development assessments are made eg. as in NSW Environmental Planning & Assessment Act 1979