

# TAMMY FRANKS.

## Member of Legislative Council

Expert Panel  
GPO Box 1815  
Adelaide SA 5001

Email: [DTI.PlanningReview@sa.gov.au](mailto:DTI.PlanningReview@sa.gov.au)

Friday, 16 December 2022

Dear Expert Panel Members,

**RE: Submission – Review of the *Planning, Development and Infrastructure Act 2016* and the  
Planning and Design Code  
Tree Policy – Native Vegetation**

Thank you for the opportunity to comment on reforms to the South Australian Planning System. As the Greens SA portfolio holder for Climate, Environment and Water, I am eager to make a submission for this review and bring to your attention an area of the South Australian planning laws which are failing to address the necessary requirements for environmental protections and transparency in the planning and design process.

I will be specifically addressing feedback question number two: *are there any other issues connecting native vegetation and planning policy?*

**Issues connecting native vegetation and planning policy**

On the Southern tip of the Eyre Peninsula, a corner of pristine wilderness known as Whalers Way is under threat by a start-up space company, called Southern Launch. While we advocate for space in our State, and don't deny the importance of this sector growth, Southern Launch has sought to progress plans to turn Whalers Way, a heritage listed area and conservation zone, into an industrial experimental rocket launching facility.

Major developments, such as that of the Whalers Way Orbital Launch Complex (**WWOLC**) should be subject to rigorous planning procedures. However, WWOLC makes it apparent that while we have a space industries sector strategy for our State, our existing planning laws and regulations are ill-equipped to facilitate such a strategy in a way that is transparent and fair, particularly when it comes to contentious cases of environmental protections, land use, and development.

The majority of the proposed launch site is located within the Conservation Zone and is also subject to various Overlays within the Planning and Design Code. When Southern Launch's planning consultant MasterPlan submitted the Development Application for a 'test campaign' on 23 April 2021, it was to:

PARLIAMENT HOUSE, NORTH TERRACE, ADELAIDE SA 5000  
[FRANKS.OFFICE@PARLIAMENT.SA.GOV.AU](mailto:FRANKS.OFFICE@PARLIAMENT.SA.GOV.AU)  
[WWW.TAMMYFRANKS.ORG.AU](http://WWW.TAMMYFRANKS.ORG.AU)  
8237 9296



*"Obtain empirical data in respect to two key aspects:*

- *Empirical noise and vibration data for rocket launches at this site; and*
- *Observational data on the behavioural effect on local fauna species during launch events"*

The Planning and Design Code lists the 'desired outcome' for a Conservation Zone as *"the conservation and enhancement of the natural environment and natural ecological processes for their ability to reduce the effects of climate change, for their historical, scientific, landscape, habitat, biodiversity, carbon storage and cultural values and provision of opportunities for the public to experience these through low-impact recreational and tourism development."*

The State Commission Assessment Panel granted an erroneous planning consent based on information in the application report. The planning consent was granted on the basis of gathering empirical and observational data, however Southern Launch proceeded to use their planning permissions to launch experimental rockets. This has included the four unsuccessful launches by Southern Launch between September 2021 and December 2022, plagued by bad weather conditions, system failures, fuel leaks and the rocket catching on fire.

The Government has failed to act on identifying and zoning suitable land for commercial rocket launch facilities and other space-related development in South Australia. This is a major failure of the planning system and is the root of the problem in adequately protecting Whaler's Way. As South Australia does not currently have any definition or mention of rocket launch facilities in any of our planning and environmental laws and regulations, one would therefore assume that the greatest care and precautionary principle would be taken in finding a site for such a project.

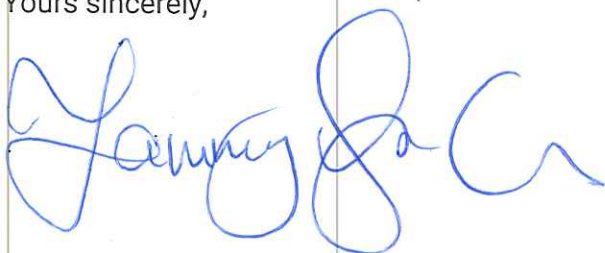
This absence of a proper zone for rocket launching that should have been appropriately identified in the Planning and Design Code, has resulted in the exposure of flaws in the planning process.

In order to sustainably grow the space industry in South Australia, our planning and design laws and regulations need to address the environmental impacts of this work to not only protect the plethora of fragile flora and fauna in our state, but also to meet the growing demands of our space sector.

We call for the Panel and the Minister for Planning address these planning shortfalls in their review.

Thank you for your consideration of this submission. If there is anything in this submission you would like to discuss, please do not hesitate to contact me on 8237 9296.

Yours sincerely,



**Tammy Franks MLC**