

02-03-2025



Biodiversity Coordination Unit

Department for Environment and Water
GPO BOX 1047
Adelaide SA 5001

biodiversityact@sa.gov.au

Submission on the Biodiversity Bill 2025.

I wish to provide feedback on two aspects of the proposed Biodiversity Act.

This submission is not confidential. All non- confidential submissions should be published.

There are two aspects of concern, one regarding a future expansion of South Australia's electricity demands and the second concern is about the proposal to change the approval requirements for prescription burning.

South Australia's Electricity expansion.

South Australia's renewable electricity expansion is supported up to a point, but only with proper disclosure of the extent of biodiversity impacts and a commitment to plan and locate the expansion in a way that minimises environmental impact. Given the Governments plans for hydrogen and support to change the Whyalla steelworks to an electric arc furnace, there will be a major increase in the states demand for electricity and this has not been disclosed in an open and transparent manner for the relative production scenarios.

Should the Whyalla Steel works continue and switch to an electric arc furnace, then even to produce the recent production rate of 1 million tonnes of steel per year it would require 4.1 TWh per year to produce hydrogen for the reduction process to produce green iron, and 5.4 TWh for the electric arc furnace to produce green steel. That would be 50% of South Australia's electricity consumption required again which is a large increase that will require careful planning to minimise environmental impacts.

However, the State Government has suggested that up to 1.8 million tonnes of hydrogen could be produced in the in South Australia by 2030. This was always a questionable claim and is now further delayed because State Government's Hydrogen Power Plant (with a capacity that may have been as little as 3000 tonnes hydrogen per years is deferred. However, for 1.8 million tonnes of hydrogen to be produced, and if 80% of this is to be green hydrogen (the state government narrative focus), then this would cause an increase of South

Australia's electricity consumption from around 20 TWh per year up to 100TWh¹ per year, which is a staggering amount. This would not be powered by surplus day time solar as the increased demand is so high, it would require five times as much electricity as the state currently consumes.

I do not see anything in proposals to date that would prevent a massive increase in causing up to 1000 square kilometres of impacts to native vegetation if from solar power, and still huge areas of land impacts with a combination of wind and solar.

Until the State Government releases its Energy White Paper with plausible scenarios for hydrogen production, green steel production and electricity demand, it is not actually known whether the Biodiversity Act would make any difference to steer development onto degraded grazing land or whether it would be proposed on large areas of native vegetation including open chenopod woodlands and grasslands, or whether development will be clustered near existing power lines and substations regardless of native vegetation and habitat at a frightening scale.

Prescription burning approval pathways

The second proposed change is suggested to remove the CFS approval pathway for prescription burning presented for reducing risks to life and property.

Under the Native Vegetation Regulations 2017, the approval pathways are segregated so that approvals are required for burning based on specific reasons that should be properly assessed by different entities and senior authorised officers. These pathways for authorisation include:

PATHWAY 1: Manager Fire and Flood DEW for activities that are exempt from notification under Part 1

Part 1—General (regulation 8)
Division 1—Permitted clearance where notification not required
1—Vegetation within 10 metres of existing building
2—Maintenance of infrastructure
4—Clearance under the <i>Electricity Act 1996</i> or <i>Emergency Management Act 2004</i>
8—Cultural activities
12—Cultana training area
15—Plant and animal control
16—Native vegetation causing natural resource management problems

¹ 1,800,000 tonnes divided by 55 tonnes per MWh electricity required multiplied by 80% (renewable hydrogen percentage) = ~80 TWh.

PATHWAY 2: Part 2—CFS approval—fire hazard reduction (It is this approval pathway that the legislation would extinguish).

Part 2—CFS approval—fire hazard reduction

Part 2—CFS approval—fire hazard reduction

Division 1—Fire hazard reduction 1 (regulation 9(1))

17 Fire prevention and control

18 Clearance for the purposes of the *Fire and Emergency Services Act 2005*

Division 2—Fire hazard reduction 2 (regulation 9(2))

19 Fire prevention and control (large trees)

20 Fuel reduction

21 Fuel breaks

22 Fire access tracks

Please note:

10—Approval by Chief Officer

- (1) The Chief Officer of SACFS must not grant an approval under this Division unless the Chief Officer is satisfied that the clearance of native vegetation is reasonably required or appropriate for the purpose of fire prevention or control.
- (2) In considering whether to grant an approval under this Division, the Chief Officer of SACFS must have regard to—
 - (a) any applicable bushfire management plan; and
 - (b) any standards made or approved by the Council for the purposes of this

Division 1—Fire hazard reduction 1 (regulation 9(1))

17—Fire prevention and control

- (1) Clearance of vegetation that is growing or is situated within 20 metres of a dwelling (other than vegetation consisting of a tree that has a trunk circumference (measured at a point 1 metre above the base of the tree) of 2 metres or more).
- (2) Clearance of vegetation that is growing or is situated along an existing fence-line to establish or maintain a fuel break where the total width of the fuel break does not exceed 5 metres.
- (3) Clearance of vegetation otherwise authorised by, and carried out in compliance with, a bushfire management plan applying to the area in which the vegetation is growing or is situated.

18 - Clearance for the purposes of the <i>Fire and Emergency Services Act</i>
Division 2—Fire hazard reduction 2 (regulation 9(2))
19 Fire prevention and control (large trees)
20 Fuel reduction
21 Fuel breaks
22 Fire access tracks

PATHWAY 3: The Native Vegetation Management Unit when seeking approval for activities that are not covered by NVC Regulations Part 1

Part 3—Management plans—vegetation management (regulation 11)
25—Ecological restoration and management of vegetation

DISCUSSION

The CFS approvals are required for prescription burning that is not covered by an authorisation by the Native Vegetation Council under approval Pathway#3 being Part 3 Section 25. However, DEW claim that they have blanket approval for the prescription burn program as a whole from the Native Vegetation Council and appear to seek approval from the CFS only for burns that are not ecological burns not part of a Bushfire Management Plan.

It is understood that the CFS receive a list of burns and approve the list with minimal information on the reasons for the burning. (arguably this is in contravention of Section 10)

Of the burns that are meant to be part of a Bushfire Management Plan, and are not ecological burns approved by the Native Vegetation Council the clear objectives for the burn should be to maintain fuel loads in zones

- Asset Protection Zones (A) (life & Property)
- Bushfire Buffer Zones (B) Life and Property)
- Strategic Fuel Reduction Zones (S) (life & Property or to reduce risks to environmental assets)

Where it is all going wrong

- DEW burn large areas of land that are not A, B or S zones without approval including:
 - Many prescription burns include large areas of native vegetation in Conservation areas mis-represented as an A, B or S burn. Sometimes there is as little as one or 2% land being in an A or B zone, yet the whole burn is classified as an A or B zone. When challenged DEW will sometimes claim that this is to burn *to or from* a break, but for many burns that is just not correct.
 - DEW burn anywhere in the landscape claiming that it is a Landscape Protection Burn. This is a nonsense objective that was originally described in the Ecological Guidelines for Prescription Burning in South Australia as one

of several ecological objectives (and should therefore require NVC approval) but has become a wildcard for DEW to burn any area so that they can achieve burning of areas to say they are burning to protect life and property as a whole. The Landscape Protection burns should have ceased altogether when the Fire Management Zone Standard and Guidance for Use 2020 was established. This zoning standard clearly describes the type of fire management that is appropriate in each of the following zones and the “Landscape Protection” justification is not even in the document:

- Asset Protection Zone (A-zone)
- Bushfire Buffer Zone (B-zone)
- Strategic Fuel Management Zone (S-zone)
- Conservation Zones (C-zones)
- Exclusion Zones (X-zone)
- Area of high risk identified by Planning Risk Zones is another focus of the DEW in its Burning on Private Land Program. These burns integrated with the State Bushfire Plan or Zone Standard and should all be approved by the CFS. It is not clear that they are being approved by the CFS or are just treated as being part of the DEW burn program for which blanket approval by the NVC is claimed.
- DEW Prescription burning policies and procedures are not public. This is particularly a problem where DEW procedures conflict with published documents such as the State Zoning Standard and Ecological Guidelines for Prescription Burning. DEW appear to enjoy having blanket approval for their burn program and procedures even where these may contradict official public documents.
- The way that DEW claim that their burns are prescribed is an insult to South Australians when burns do not align with clear standards and guidelines on what is required to align with burning prescriptions.

The major concerns about the current prescription burning program include that there is no adequate justification for each burn and no responsible approval process for the vast majority of burns. The NVC is not approving burns in conservation and native vegetation areas that they should be properly assessing and CFS typically have inadequate information to ensure that when they are approving burns, it is being done in accordance with Division 3, Section 10 of the Regulations.

DEW really just do what they want and there is no real transparency or accurate disclosure of burning objectives. Should there be an incident which causes major harm to life and property caused by a DEW prescription burn, I would argue that there is a high risk that an audit of records would reveal that a burn may not be properly authorised.

EXTREME CONCERN ABOUT THE PROPOSED CHANGE TO PRESCRIPTION BURNING AUTHORITY

Noting that the current system is already broken, handing more power to DEW to do whatever they like without proper checking of each burn and without the publication of accurate burning objectives is not the answer. What is required is more scrutiny to confirm that burning is best place to protect life and property in A, B and S zones that will best protect human settlements, and clear justification that prescription burning for conservation objectives is clearly described as such and justified.

In particular the following issues are identified

Division 7—Safety and fire prevention

16—Clearance under Emergency Management Act Clearance of native plants by the State Co-ordinator **or an authorised officer acting under section 25** of the Emergency Management Act 2004.

If the situation arises where a DEW is proposing burns, and a DEW employee is approving burns as an authorised officer that would be an inherent conflict of interest

17—Clearance for purposes of Fire and Emergency Services Act 2005 Clearance of native plants undertaken by or in accordance with a direction or determination of

- (a) an officer of SAMFS exercising a power conferred under section 42 of the Fire and Emergency Services Act 2005; or
- (b) an officer of SACFS exercising a power conferred under section 82 or 97 of the Fire and Emergency Services Act 2005; or
- (c) an officer of SASES exercising a power conferred under section 118 of the Fire and Emergency Services Act 2005.

The proposed legislation does not adequately describe the standards that should be applied when approving burns. This must be more than approving a list with inadequate detail and objectives.

10—Approval by Chief Officer

This section lacks a clear description of the level of detail that the CFS Officer should be considering. The standard of this information must be clearly prescribed so that it does not simply end up as a list that the Chief Officer is signing off on, based on trust that someone else has done the right thing.

RECOMMENDATIONS

1. It is strongly recommended that the change to bushfire burn authorisations is not rushed through without a proper assessment and reform the current issues in the broken system.
2. There needs to be an adequate independent assessment of all burns by a party that is not the same party proposing the burns. If this does not happen then the changes proposed through the proposed Biodiversity Act should simply state that

“DEW Can burn whatever they want, whenever they want for any reason justified by ambiguous nonsense objectives that don’t align with zoning of ecological guidance documents and blanket approvals of the program rather than any true assessment of each proposed burn.”

At least that would be honest.

3. In regard to CFS Authorisation under Division 3 Part 10, the following information should be provided to the Chief Officer for each burn so that it is even possible for the chief officer to comply with their obligations:

If authorized by and carried out in accordance with a bushfire management plan, select the appropriate Bushfire Management Zone and burning objective.

OBJECTIVES FOR BURNING IN BMAPS, GUIDED BY THE STATE ZONING STANDARD ARE LIMITED TO:

Life and Property Objectives
A zone (life & Property)
B zone (life & Property)
S zone (life & Property)
Area of high risk identified by community in a BMA Plan. (Not yet recognised as this is not integrated with the State Bushfire Plan or Zone Standard
Environment and ecological objectives
A zone (Conservation)
B zone (Conservation)
S zone (Conservation)
Weed Management
Threatened species/communities management
Habitat vegetation management
Age class management
If the CFS is to authorise a burn under another clause that is not part of a bushfire Management Plan, then full disclosure of the objective and section of the Act or Regulations is required

4. DEW should not be able to provide any form of blanket approval for the Prescription burn program as a whole, without:
 - Minimum disclosure standards and burning objectives published for each burn
 - Verification that burning objectives for each burn (including all areas within a burn) align with South Australia's Fire Management Zone Standard and Guidance for Use and Ecological Guidelines for prescription burning.

I would be happy to discuss any aspect of this submission.

Yours sincerely

[Redacted Signature]

[Redacted Contact Information]