



From: Grey Box Community Group Inc.

18 February 2025

To: Minister Susan Close

Re: Draft Biodiversity Act

Dear Minister Close,

Thank you for the opportunity for the Grey Box Community Group (GBCG) to comment on the draft Biodiversity Bill 2025. We strongly support protecting and recovering South Australia's biodiversity. Stronger nature laws are critical for preventing further destruction of biodiversity and providing a framework for the scaling up of effective restoration.

Our group focuses on protecting and restoring an endangered ecosystem local to the Adelaide Hills: Grey Box Grassy Woodlands. To do this we raise awareness among the community by organizing a plant sale and actively protecting and restoring areas containing the remains of this unique ecosystem.

There are several elements of the draft legislation that provide positive steps forward; these are outlined below along with our recommendations for improvements.

While the draft Bill provides some improvements to biodiversity protections, it does not go nearly far enough ***to protect, restore and enhance biodiversity such that there is an improvement in the state of biodiversity at all scales*** – a key Object of the draft legislation.

Areas of support and recommendations for improvement

- The creation of a Biodiversity Council; however, this should have stronger powers, namely the ability to create Significant Environmental Benefit (SEB) policy and recommend funding requirements for the Biodiversity and Action Plans
- The requirement for a Biodiversity Plan underpinned by spatial prioritization. We urge the establishment of a funding mechanism to deliver the biodiversity plan and incentivize private land conservation through a Conservation Trust and recommended funding allocation to implement the Plan.
- Introduction of provisions for listing threatened ecological communities and critical habitat; however, while we welcome additions, the Minister should be compelled to declare these rather than it being discretionary.
- Protection for native plantings, however we recommend this be introduced at **10 years** (not 20); a time-frame within most plantings are well established and providing habitat benefits. There is significant public and private investment in native plantings; these revegetation areas provide increasingly important resilience to climate change impacts

on ecosystems and productive systems.

- improved recognition and value placed on First Nations cultures; formal engagement in a way that is respectful; and integrating First Nations knowledge into decision making on biodiversity
- The establishment of a Biodiversity Register to improve public understanding and information sharing.
- the right of community involvement through third party standing for civil enforcement of breaches of the Act
- tougher penalties for breaches of the Act
- Requiring native vegetation clearance applications to reference the mitigation hierarchy; however, we are very concerned there has been no reform to the SEB process to ensure a much stronger requirement for nature positive outcomes.
- Protection of native vegetation, in particular trees in proximity of prescribed buildings (Sch2, P2, D2-4: maximum clearance of 3m)

How the legislation needs to be strengthened

- Ensure **primacy** for this legislation vis-vis other legislation; to ensure real protection for nature; not the ability for protection to be subordinate to other Acts where there is conflict. Primacy is absolutely critical to the success of this legislation.
- Ensure that advice and decisions are evidence based, transparent, and supported by the scientific committee. The Minister's discretion or views should therefore be removed from the decision-making process. This includes:
 - the appointment of Biodiversity Council and Native Plant Clearance Assessment Committee members. These should be chosen by the minister from a list of nominees provided by various relevant peak bodies, such as the Conservation Council of SA, the Herbarium, the Science Centre of the SA Museum
 - the listing of critical habitats and threatened ecological communities and critical habitat. This should automatically follow the Scientific Committee's recommendation.
 - the incorporation of critical habitat into the land-use planning system, as envisaged by Section 83 (i.e. the Minister must, not may, include information relating to critical habitat)
- For listing of threatened ecological communities and species the Act should include proactive & systematic listing, in addition to the proposed public nomination process. This could be achieved through inserting a clause requiring
 - an audit of relevant Action Plans for given taxonomic groups (such as birds) and short-range endemic species,
 - the establishment of expert working groups for key taxa and establishing a requirement for regular review of lists, including a requirement that the Minister

must keep lists up-to-date,

- timeframes for each part of decision-making process so decisions cannot take an undue period to complete, or be delayed indefinitely, and
 - a requirement that the Minister *must* make an Action Plan for each entity (unless there is a clear reason not to, as recommended by the Scientific Committee), and *must* implement the Plan
- Establish a clear mechanism for **funding** either its administration, or its implementation (for example, of Action Plans) or the large-scale ecological restoration that we know is necessary to improve the state of biodiversity,
There is a critical shortfall of investment in South Australian nature repair. Funds must be committed to scaling up private land conservation, expanding and ensuring the climate resilience of our protected area estate and the regeneration of ecosystems and habitats.
 - This Act must therefore establish the ability for the Minister responsible to refuse specific individual, proposed actions that will have an **unacceptable impact** on biodiversity that may be received and considered through other decision-making systems, such as land-use planning.
 - provide for a definition of what an “unacceptable impact” of development proposals on biodiversity would be.

We also strongly recommend

- retaining the current NV Act definition of plant species that are indigenous to SA and enable a ‘positive list’ of non-SA native plants that provide net ecological value. This could create significant new work for programs like Bush For Life and Friends of Groups.
- The timeframe for protection of native plantings be 10 years
- Regarding Sch2, P2, D2-19(a) and 20(1)(a)-Fire Hazard Reduction:
The paragraph should be amended to reflect the differences in land parcels in high fire danger areas between properties for primary production within rural council areas versus residential properties of metropolitan/peri-urban council areas. Because the clearance of vegetation of up to 20m even under Chief Officer approval of residential property in peri-urban high fire danger location could result in the clearance of all native vegetation across the property because it either falls within 20m of prescribed building or 5m of a fence. Over time, this will see the almost complete loss of native vegetation, even significant trees in high fire danger peri-urban areas, creating significant biodiversity loss, as well as amenity and ecological services that this native vegetation provides to the peri-urban landscape. Examples of the latter are reduced wind speed and greater rainfall, and reduced fire speed, cooler local environs against heat island effect, presence of native animals and birds, and finally but not least significant physical and mental health effects.

Therefore, we recommend that:

- Both paragraphs 19(a) and 20(1)(a) be amended to the same definition as in paragraph 20(1)(c), that they only apply to 'a property that is in the area of a rural council and is used principally for primary production
 - That additional paragraphs in D2-19 and 20 be added that for peri-urban locations there be no maximum clearance limit of 20m, but the limit is as per D2-4 of only 3m of a prescribed building and of only 1m for a boundary fence.
 - An additional paragraph is added to D2-20(1) that Chief Officer approval for an area to be cleared greater than 3m but no more than 10m is on a case-by-case basis in accordance with an approved bushfire management plan and listing of P6 threatened species, ecological communities and entities.
- Sch2, P2, D2-7 Clearance under Electricity Act 1996
- We recommend that D2-7 be updated to allow for the planting of local endemic species when the same species have perished or been removed to mitigate a risk to the safety of persons and property as per Sch2, P2, D18. This should particularly apply to species etc. listed as threatened as per P6. With subsequent reference and changes to the planting regulations as provisioned of the Water Industry Regulations 2012 and the Electricity (Principles of Vegetation Clearance) Regulations 2021. Without this change the council verge can no longer be a place of endemic biodiversity with all the losses that it entails. And if electricity assets are deemed to be at risk, then Action Plans for the protection of threatened biodiversity as per P6, D4 and 5 should be enacted such as the undergrounding of services. This would also reduce the risk of those electricity services to wind damage, falling trees, bushfire (and possible cause of) and on-going vegetation maintenance around those services.
- Regarding Native Vegetation Regulations 2017 Schedule 1, part 1 Division 1, point 5, that the ruling relating to historical management of grazing by livestock be retained. This will ensure that no additional native vegetation will be exposed to the permanent degradation that results from grazing. Most of our grey box grassy woodlands have become permanently degraded to grazing. The small remnants need to be protected by law. Removing the rules relating to historical management provides open slather for additional grazing. Many extant patches of the endangered grey box grassy woodlands have become permanently degraded though grazing, and the legislation should put an urgent halt to this, not enable further damage.

On behalf of the Grey Box Community group Inc., I thank you for the opportunity for the GBCG to comment on this bold and necessary piece of legislation for South Australia,

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