

18 February 2025

Biodiversity Coordination Unit
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To Whom It May Concern,

The District Council of Streaky Bay (Council) acknowledges the South Australian Government's initiative in developing a **Biodiversity Act**, recognising the importance of a dedicated framework for the protection and restoration of native flora, fauna, and ecosystems. However, there are several concerns regarding the lack of explicit **Local Government representation on the Biodiversity Council**, potential cost-shifting impacts, inconsistencies in clearance provisions, and uncertainty in interaction with existing environmental and planning legislation.

1. Local Government Representation on the Biodiversity Council The draft Bill does not currently provide for specific **Local Government representation on the Biodiversity Council**, unlike the existing structures under the **Native Vegetation Board** and **Coast Protection Board**. Local Government plays a critical role in environmental management at the community level, balancing conservation efforts with urban development and infrastructure needs.

Given this, **Local Government should be explicitly represented on the Biodiversity Council** to ensure decision-making reflects the unique challenges and responsibilities councils face in biodiversity management.

2. Cost Shifting and Role of Authorised Officers The draft Act risks shifting enforcement responsibilities to **Local Government** by allowing **Local Government Officers** to become authorised officers under the Act. However, councils already operate with **limited resources** and do not have the financial or personnel capacity to take on additional regulatory and enforcement responsibilities without adequate funding from the State Government.

To prevent further financial strain on councils, Local Government recommends that:

- There be no mandatory requirement for **Local Government Officers** to act as authorised officers.
- The State Government provides full financial and training support for councils that opt-in to enforcement roles.

3. Inconsistent Clearance Provisions for Local Government The draft Act provides exemptions for clearance activities related to critical infrastructure and road construction for the Commissioner of Highways, yet no similar exemptions are afforded to **Local Government**.



Local Government plays a key role in delivering the State Government's Housing Roadmap, including the provision of key service infrastructure and road construction to support housing growth. The lack of clearance exemptions for Local Government creates unnecessary administrative and financial burdens on councils, which rely on community funding.

To address this inconsistency, Council requests that equivalent exemptions be extended to Local Government for critical infrastructure and road construction.

4. Interaction with PlanSA Referral System and Development Processes The introduction of four separate councils under the Act raises concerns about how it will integrate with the existing PlanSA referral system. During stakeholder webinars, it was indicated that in some cases, separate applications would be required for vegetation clearance. This creates uncertainty regarding:

- How applicants will be informed of these additional requirements.
- The impact on regional areas, where clearance impact studies may require specialist expertise from outside the region, leading to significant cost implications for development.

Council requests clarification on the referral process, including how it will be communicated to applicants and how cost burdens will be addressed for regional areas.

5. Duplication of Responsibilities with the Coast Protection Act The Draft Biodiversity Act supersedes the Native Vegetation Act, yet the Coast Protection Act remains unchanged. The Coast Protection Board's responsibilities include erosion control, pollution mitigation, coastline restoration, and management of coastal ecosystems, many of which overlap with the objectives of the proposed Biodiversity Act.

This appears to create a duplication of responsibilities, leading to potential confusion and inefficiencies. Local Government seeks clarity on the relationship between the Biodiversity Act and the Coast Protection Act, particularly in relation to referral clearances and decision-making responsibilities.

6. Provisions for Biosecurity-Related Clearances The draft Act does not clearly outline exemptions for biosecurity-related clearance activities. Effective biosecurity management requires timely clearance of invasive species, control of pest plants and animals, and responses to biosecurity threats. The absence of explicit provisions for biosecurity clearances raises concerns about potential legal and administrative barriers to essential land management activities.

Council requests clear guidelines on biosecurity-related clearance exemptions within the Biodiversity Act to ensure councils can undertake necessary biosecurity work without undue regulatory delays.

Local Government supports the overarching goal of the Biodiversity Act but has significant concerns about representation, cost implications, legislative overlaps, and administrative burdens. To ensure the Act is effective and practical for all levels of government, Local Government recommends:

1. Inclusion of Local Government representation on the Biodiversity Council.
2. No mandatory cost shifting to councils through the authorised officer framework.
3. Equivalent clearance exemptions for Local Government as provided to the Commissioner of Highways.
4. Clarification on the interaction with the PlanSA referral system and development processes.
5. Review of the Coast Protection Act to reduce duplication and streamline responsibilities.
6. Explicit provisions for biosecurity-related clearances.



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Local Government looks forward to further consultation and discussion to ensure the Biodiversity Act effectively balances environmental conservation with practical implementation at the community level.

If you have any further questions, please contact the undersigned on [REDACTED]

Yours sincerely,

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