

Biodiversity Coordination Unit
Department for Environment and Water
GPO BOX 1047
Adelaide SA 5001

biodiversityact@sa.gov.au

- To whom it may concern -

Re: Draft Biodiversity Bill Submission

Thank you for the opportunity to comment on the Draft Biodiversity Bill. On behalf of Tatiara District Council, I welcome the South Australian Government's commitment to better protect our state's unique and precious biodiversity.

I also welcome the proposed consolidation of existing legislation and creation of a clear and simple framework to enhance biodiversity protection and restoration.

Having considered the draft Bill, I would like to raise three points of concern:

Definition of 'native plant'

Adopting the definition for 'native plant' from *the National Parks and Wildlife Act 1972* (NPW Act), meaning any plant indigenous to Australia can be protected, is not supported.

The Bill's proposed definition of 'native plant' is intended to not only align with the NPW Act's definition and recognise the intrinsic value of all native Australian plants, but to enable the Bill to be responsive to a changing climate and the potential for interstate species to 'be appropriate for providing habitat in South Australia into the future'.

While the intent is commendable, the changed definition has the potential to be contrary to the intended protection of South Australia's biodiversity in practice.

As an example, in recent years, we have seen a significant increase of *Acacia saligna* in our district, in particular in the Sherwood Area following the 2018 fires.

Acacia saligna is currently regarded as an invasive native and can be removed. Under the draft Bill, it would be considered a protected 'native plant' and require a process of approval for removal.

The *Explanatory Guide for the Biodiversity Bill* states that the Bill includes mechanisms that would allow for the 'management of problematic native plants' and 'allows for regulations to prescribe certain species to be excluded from the operation of the Act'.

It is not readily apparent from the draft Bill what those mechanisms may be, nor is there certainty that any regulation excluding *Acacia saligna* from the operation of the Act will be drafted.

Extending the reach of protection to all native plants not only has the potential to be to the detriment of South Australian natives, but without straight forward and easily accessible mechanisms in place now, it appears to be contrary to the Bill's intent of creating a clear and simple framework for biodiversity protection.

Protection of planted native plants more than 20 years old

The new measure aimed at protecting planted native plants more than 20 years old is not supported.

The draft Bill recognises that once planted native plants are established, they provide valuable and measurable benefits to biodiversity and to society. The Bill aims to introduce new protections to make them subject to the same native plant clearance consent processes and exemptions as existing native plants.

While the Bill proposes certain exemptions, the protections would apply to planted native plants on public land managed by community groups and local government.

One such native plant is Eucalyptus cladocalyx. Sugar gums grew fast and formed good windbreaks and many communities planted them around their recreation areas and sporting fields.

Due to a combination of age and historic lopping/topping, today these sugar gums are often heavily branched and multi-stemmed, creating significant risk from falling branches. To address this risk, many of these trees will have to be removed from public areas in coming years. The cost of doing so in itself will be significant and in some instances may prove prohibitive, before any requirements for restoration or offsets are applied.

Extending the protection to all planted native plants more than 20 years old has the potential to create adverse outcomes for communities.

Principles of preservation of native plants

The Bill proposes that the NPCAC, in deciding whether to consent to an application to clear native vegetation, will be required to have regard to a set of '*principles of preservation of native plants*'.

These principles include that the native plants may have significance as habitat for protected animals or native plants, or contribute significantly to the amenity of the area in which they are growing or are situated.

Though these principles are supported in principle, balance needs to be achieved with developments of an essential nature.

Two examples may illustrate this point:

1. Bordertown Medical Hub

In 2012, in response to community need Council purchased land adjoining the local hospital from the state government for the express purpose of development for health services. At the time, the Crown Land Management Unit sought advice from the Native Vegetation Management Unit, who did not object to the proposed development.

It took many years and a significant amount of work to progress to a development proposal for a new medical hub.

In 2022, the Native Vegetation Council found the development to be at variance with the principles noted above and suggested *'exploring the potential of using cleared land around the existing hospital or land within Section 944 on the western side of the hospital, which appears largely to contain revegetation'* instead.

Section 944 is owned by the Crown, not Council, so the development could not simply be shifted. The significant delays and additional costs in working through alternatives and drawing up new designs, coupled with construction cost and interest rate increases during this time, ultimately led to the development proposal being abandoned, to the great detriment of a regional community with limited access to health and specialist services.

I note that under the draft Bill's proposed extension of protections to planted native plants, we would once again find ourselves in the same situation of development being at variance with the principles had we successfully pursued the acquisition of Section 944 from the Crown.

2. Bordertown Water Supply

In 2024, the Native Vegetation Council indicated its intent to refuse the clearance of a native tree for the construction of a potable water supply facility in Bordertown. The resulting redesign of the industrial estate development has again led to significant additional costs and time delays.

In both instances, it appears that more consideration should have been given to the essential nature of the developments proposed, while the impact on amenity and habitat/biodiversity were overstated.

The proposed medical hub was to be located in the middle of town with significant development all around, including a school, aged care, hospital and of course, the hospital's emergency department. The water supply facility was to be located in the middle of an industrial estate, with a wide range of transport and agri businesses.

Considering the many alternative areas of significant native vegetation in and around the town (Possum Park, Poocher Swamp, Recreation Lake to name a few), the environmental and amenity benefits from retaining the few trees in question were limited and far outweighed by the health, community and economic benefits resulting from improved provision of potable water and health services.

In closing, on behalf of Tatiara District Council I appreciate the opportunity to provide comment and look forward to a Bill that balances the protection of our unique biodiversity with our community's long term sustainability, protective measures with easily understood and applied processes.

I would be pleased to provide further information and can be contacted by email to [REDACTED] or mobile [REDACTED]

Yours faithfully,

[REDACTED]

[REDACTED]