

17<sup>th</sup> February 2025

Dear Minister Close,

**RE: Submission on the draft Biodiversity Bill 2025**

Native vegetation in the Northern and Yorke region of South Australia is being cleared at an unacceptable rate, resulting in an ever-increasing risk of extinction for many of our native plants and animals. This is in direct contradiction to the sentiment portrayed by the Federal Government and the Government of South Australia and is undermining the significant public and private investment in revegetation and restoration projects around our region. Legislation to strengthen protections of South Australia's unique biodiversity is therefore, extremely welcome and urgently needed.

In my position as the [REDACTED]

I am pleased to provide the below comments on the draft Biodiversity Bill 2025.

**Priority Concerns**

- 1) The specified circumstances listed in Part 4, Division 3, Clause 12 (page 41) details that the clearing of native vegetation for the purpose of roads, houses, buildings, dams or pathways will be approved under this legislation as long as the project has been approved under the Planning, Development and Infrastructure (PDI) Act 2016, even if no significant environmental benefit can be generated. This section therefore, is clearly outlining that the PDI Act will take primacy over the Biodiversity Bill 2025. *This directly contradicts and undermines the objects and principles of the Biodiversity Bill. If the PDI Act is allowed primacy over the Biodiversity Bill, then this piece of legislation will be completely ineffective at protecting South Australia's biodiversity.*

It is critical that this section is amended to state that the Biodiversity Bill has primacy over the PDI Act, which would then ensure that applications proposing the clearance of native plants are assessed based on the level of harm that they will cause to biodiversity, as intended by this legislation.

- 2) The statements in Part 2, Clause 11 and 11.2e (page 23) provide opportunity for projects that will cause unavoidable and significant harm to biodiversity to still be approved. It is critical that the Act outlines a threshold past which harm to biodiversity is unacceptable regardless of the mitigation strategies that have been put in place to get to that point or the feasibility of these measures. *If mitigation measures are unfeasible or not effective enough, then the project must not be allowed to go ahead.* These comments also apply to Part 4, Division 3, Clause 50.3, 6b and 7b (page 40) and Part 4, Division 3, Clause 52.1c (page 43).

Recent clearing of native vegetation in South Australia has been occurring in contempt of existing protections and safeguards, such as National Park or Heritage Agreement designations. It is therefore, very important that the Biodiversity Bill outlines certain 'no-go zones' within which project proposals that cause harm to biodiversity will not, under any circumstance, be approved. This should include projects impacting on threatened ecological communities, threatened species, National Parks, Heritage Agreements,

Indigenous Protected Areas and others. This will not only ensure that these important areas and species are protected but will also reduce the time and public funds spent on reviewing applications that should not be approved.

- 3) While I support Clause 13 in Part 3, Division 1 (page 25) preventing the administration of this Act from delegation to the two listed ministers, I strongly believe there are a number of other ministers that have interests that conflict with the objects and principles of the Biodiversity Bill and should not be given responsibility to administer it. These additional ministers are:
  - The Minister for Infrastructure and Transport,
  - The Minister for Housing and Urban Development,
  - The Minister for Energy (as a separate consideration to the Minister administering a mining Act),
  - The Minister for Forest Industries,
  - The Minister for Primary Industries and Regional Development, and
  - The Minister for Industry, Innovation and Science (noting that currently this portfolio is also held by the Minister for Climate, Environment and Water).
- 4) Referring to Part 3, Division 3, Subdivision 1, Clause 36.3h (page 33), payment to the Biodiversity Restoration Fund (or any other fund) is not an appropriate alternative to achieving a significant environmental benefit. *It is very important that this legislation does not make exemptions that allow the destruction or degradation of biodiversity for the right price.*

### **Additional Concerns**

- 1) The importance of climate change resilience and adaptation is highlighted in the Objects and Principles of the Act (page 22). This sentiment is however, notably absent from the rest of the Act. *It is absolutely critical that the cumulative and exacerbatory impacts of climate change are considered when reviewing applications that will affect biodiversity.* Impacts of the project alone may not be significant enough to result in mitigation actions or the rejection of an application, however when climate change is considered this may significantly change the level of risk associated with the project.

For example, a project that proposes to clear 20 hectares of mangrove forest from the coastline of Price on the Yorke Peninsula may be approved as it is deemed to be likely to have a relatively small impact on mangrove populations in South Australia. However, mangrove forests play a vital role in mitigating the risk of coastal inundation from storm surges and sea level rise. Therefore, clearing this area of mangroves would significantly increase the risk of coastal flooding in the low elevation township of Price. This example highlights the need to consider both the impact that biodiversity clearance can have on the level of risk associated with certain climate change hazards, and the important ecosystem services that certain native species and communities offer to humans. These factors are independent of whether those species or communities are particularly

threatened or sensitive and therefore could be overlooked when considering an application.

- 2) The regulated acts and activities listed in Part 4, Division 1, Clause 42 (page 36) should be expanded to also include those that will cause habitat degradation resulting in the landscape being uninhabitable by native plants and/or animals. For example, projects that will exacerbate issues such as soil salinity, erosion and water table depth, all of which are becoming increasingly concerning in the Northern and Yorke region. The cumulative nature of these impacts with the effects of climate change must also be considered as outlined above.
- 3) It is unclear how the regulated clearance areas listed in Schedule 1 (page 119) were identified. They appear to be very Adelaide-centric and do not take into account council areas that are:
  - Rapidly growing (e.g., Adelaide Plains – fastest growing regional local government area in Australia),
  - Home to endangered native species and communities on both public and private lands (e.g., iron grass grasslands and pygmy blue tongue lizards in the Regional Council of Goyder), or
  - Home to townships at high risk of climate change impacts which would be exacerbated by the clearance of native vegetation on public and private lands (e.g., Fisherman's Bay in Barunga West Council and Port Wakefield in Wakefield Regional Council).

Please feel free to contact me if you would like clarification on any of the above comments.

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