



Mt Barker & District Residents' Association Inc.

For the Community

18 February 2025

Susan Close MP
Deputy Premier
Minister for Climate, Environment and Water
biodiversityact@sa.gov.au

Dear Minister

RE: Mt Barker & District Residents' Association Submission to the Draft Biodiversity Bill (SA)

The Mt Barker & District Residents' Association (MBDRA) appreciates the opportunity to provide feedback to the development of South Australia's new Biodiversity Bill.

The MBDRA prepared a submission to the draft Biodiversity Act in early 2024 and it is pleasing to note that some of those suggestions have been incorporated into the draft Bill.

Along with the Conservation Council of SA, Community Alliance SA (of which the MBDRA is a member) and many other groups and individuals, the MBDRA believes that protecting and recovering South Australia's biodiversity is critical to the future of humankind and future generations.

There is no better place which illustrates the challenges we face, in regards to land clearing, extinctions and the climate crisis, than what we are witnessing on a daily basis in Mount Barker and across the Adelaide Hills. This is particularly dire since the rezoning of 1300 hectares of agricultural land for housing in 2010.

The MBDRA supports the elements of this Bill that will deter wrongdoing, such as tougher penalties for breaches. It also supports improving transparency in environmental decision-making, with the establishment of a Biodiversity Register, and the right of community involvement through third party standing for civil enforcement of breaches of the Act. These are critical inclusions to the Bill.

However, there are sections of the Bill that need to be strengthened. This is essential if it is to achieve its intended objective of improving the state of South Australia's biodiversity. Our expectations in relation to biodiversity conservation is to have strong, enforced, and resourced nature laws that effectively protect and conserve native flora and fauna.



We highlight the following points of concern:

Ministerial power

The Bill as currently drafted, concentrates too much power into the hands of the Minister of the day. It should be amended to re-instate the role of the Conservation Council of SA and other peak bodies as nominating organisations for the Biodiversity Council, rather than members of the Biodiversity Council being direct Ministerial appointments. The MBDRA supports the Conservation Council's view that the Biodiversity Council should be responsible for developing the policy for "offsets" for subsequent Ministerial approval, rather than the Minister having sole responsibility for the policy, particularly given the high risk of political influence on the 'formula' for calculating payments in lieu of on ground "offsets".

Safeguard mechanisms

Adding appropriate safeguard mechanisms to prevent inappropriate development that would have an egregious negative impact on biodiversity, such as through an early "no" to clearly unacceptable proposals. This will necessitate primacy over other legislation, such as the Planning, Development and Infrastructure Act 2016. It must also set a limit on the use of the flawed mechanism of "offsets" to compensate for biodiversity loss from development by identifying a threshold of biodiversity loss beyond which no "offset" will be contemplated.

The philosophy of setting up a biodiversity market with SEBs and "biodiversity credits" should effectively be abandoned. Our vegetation generally has specialised regeneration requirements, is susceptible to weed invasion and extremely difficult to restore when damaged or cleared. It is not a replaceable commodity to which a price can be attached.

National Parks

Mining leases should not be allowed in areas such as National Parks which have been set aside for biodiversity conservation. This effectively provides no protection to areas of high-quality remnant native vegetation. Many of these areas have been given this status because they have rare or endangered flora and fauna occurring in them. There is no logic to this, and the MBDRA believes that allowing mining will enable future unwanted loss of biodiversity.

Native Vegetation Act/Legislation

It is disappointing to see that the Native Vegetation Legislation will remain largely unchanged in the new Bill. From our experience, provisions in existing legislation (especially the Native Vegetation Act and the Planning and Design Code) do not adequately protect biodiversity. Decisions inevitably favour development over conservation. Native vegetation is not truly valued, and this is evidenced by its ongoing removal, as approved by the Native Vegetation Council. The dollar amount required by developers to offset what they remove is woefully inadequate thus



providing no incentive for them to develop plans that incorporate native vegetation. The mitigation hierarchy is clearly not working.

Implementation and administration

The Bill must be accompanied by a commitment to fund both its implementation, including in relation to its administration as well as funds for the large-scale ecological restoration that will be required to build the resilience of our biodiversity into the future, particularly given the impacts of climate change. This includes the specific establishment of an independent statutory conservation trust, provisions for which need to be set out in the Bill itself.

Conclusion

Under the draft Bill's current provisions, decisions that lead to the decline of nature will continue to be made and support for the large-scale restoration of South Australia's biodiversity, that we know is required, is not guaranteed. Therefore, the draft Bill must be strengthened before it goes to Parliament.

The MBDRRA thanks you for this opportunity and looks forward to a strengthened Bill being sent to Parliament in 2025.

Kind regards

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