Catherine Hutchesson MP
MEMBER FOR WAITE

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Department for Environment and Water
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By email: biodiversityact@sa.gov.au

RE: Biodiversity Act Consultation

Dear whom it may concern

I write to provide a submission to the consultation for the *Biodiversity Act* on behalf of our community in the Waite electorate. I would firstly like to recognise the importance of this Act during the current biodiversity and climate crises and note the positive impact that improvements in this space will have on our State.

The environment, and particularly our native biodiversity, are among the top issues of concern for my electorate. These matters are raised frequently with me when I am out in our community. The importance of our native biodiversity is impossible to ignore throughout our area, whether through the beauty of the popular Belair National Park or its role in mitigating climate change.

However, many concerns are often raised with me about the current biodiversity decline (as confirmed once again in the SA State of the Environment Report 2023), along with ideas on areas where reforms can be made.

One of the areas of greatest concern for our community is native vegetation clearances of established trees for development. Whilst I acknowledge that rules in this area are set out in the *Native Vegetation Act*, the *Biodiversity Act discussion paper* references the potential for the Act to prioritise avoidance and minimisation to biodiversity. This principle is important for any development in environmentally sensitive areas such as the Mitcham Hills – whether large-scale or small-scale.

There have been instances of small-scale developments in our area, which I have been made aware of by constituents, where avoidance and minimisation could have occurred instead of clearance. Examples include the planned route of a driveway, dwelling placement on a property, and the scale of developments on ecologically significant properties.

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In some instances these examples might seem to lead to only small-scale clearance of vegetation and understory such as Acacias and Eucalypts. However, the cumulative opportunity cost of removal is significant with the negative impact on biodiversity such as a decline in woodland birds and insects and the foregone sequestration of carbon.

Grey Box *(Eucalyptus Microcarpa)* is one such plant that is much loved by our community and its clearance causes significant concern. Grey Box Grassy Woodlands are listed as Endangered under the EPBC Act, and we are lucky to have many of the last remaining Grey Box woodlands of Adelaide in our area. However, there have been several recent examples of clearance of Grey Box trees to make way for developments.

It is clear from discussions with our community that the current protections given to these Eucalypts do not meet community expectations and should be reformed to ensure that developments are ecologically sustainable. As South Australians we should have a duty of care to make sure that these trees, and their woodland communities, are not more vulnerable to extinction. This could mean ensuring their clearance by developers is more difficult.

Another area that has been raised with me for potential reform is the public register available for clearances. The *Biodiversity Act discussion paper* references the potential to mandate a public register to ensure decisions that impact biodiversity are disclosed. As this act aims to integrate the goals of other environmental acts such as the *Native Vegetation Act,* this could also be strengthened to include native vegetation clearances which significantly impact biodiversity. This would be important as it is currently difficult for the public to track native vegetation clearances. Extremely infrequent updates currently to the native vegetation clearance register mean it is hard for the public to check the legality of clearance activity which may have a profoundly negative impact on biodiversity.

The *Biodiversity Act discussion paper* also outlines the potential to grow schemes and incentives for landholders on conservation areas. I note the positive impact that Native Vegetation Heritage Agreements have had on native biodiversity in our community. This is especially true for the Bandicoot Superhighway Project comprising landholders in the Sturt Upper Reaches, some of whom are within my electorate. This project, supported by funding from the State Government through Heritage Agreements, has rehabilitated land and restored habitat for the Endangered Southern-Brown Bandicoot.

Our community would urge that the act include further options to increase incentives for landholders to manage their land for conservation purposes. It is case there are more landholders in the Mitcham Hills who would like to work together with Government and Landscape Boards to mitigate weeds and rehabilitate native flora and fauna on their land. They believe this could include additional financial assistance to landholders, as well as support for and other resources to aid biodiversity conservation and rehabilitation on land.

The *Biodiversity Act* could also address community concerns through ensuring that, where negative impacts to biodiversity are necessary, there is a proportionate cost applied to the developer. This could include reducing the use of the ‘easy option’ of offsets and encouraging planting and biodiversity enhancement instead. Additionally, illegal activities that result in negative impacts to biodiversity should be heavily penalised during the current biodiversity

crisis. The burden of proof in demonstrating that illegal activities have occurred, or duty of care has not been met, should be at a standard where those who do the wrong thing are more readily prosecuted.

The Mount Lofty Ranges are one of 15 biodiversity hotspots in Australia. It is important that our precious and declining biodiversity is protected and enhanced from small scale to large scale ecosystems. I hope that this submission based on feedback from our community in Waite can positively influence the creation of the *Biodiversity Act.*

If you would like to further discuss any of these matters, please contact my office by phone on 8278 5844, or by email to waite@parliament.sa.gov.au.

Kind regards



Catherine Hutchesson MP
Member for Waite

29 February 2024

CC. Hon. Susan Close MP, Deputy Premier, Minister for Climate, Environment and Water