

Limestone Coast Landscape Board

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[REDACTED]

Biodiversity Coordination Unit
Department of Environment and Water
GPO Box 1047
Adelaide, SA 5001

28 February 2025

Dear Sir/Madam

Re: Draft Biodiversity Bill feedback

Thank you for the opportunity to provide feedback on the draft Biodiversity Bill for South Australia. Our organisation has reviewed the draft Bill and Explanatory Guide. While the Limestone Coast Landscape Board (LC Landscape Board) did not contribute to the joint Landscape Boards' draft Biodiversity Bill feedback, a draft has been reviewed and LC Landscape Board is supportive of its content.

LC Landscape Board has outlined the following key recommendations, concerns, comments and questions below.

The LC Landscape Board is supportive of the purpose of the act and the goals it aims to achieve, as well as the guiding principles for administering the act. They align to our Regional Landscape Priority of "Conserving and enhancing our region's biodiversity, and Section 25(1)(a) of the South Australian Landscape Act 2019 that outlines the function of landscape boards to *facilitate integrated landscape management and biodiversity conservation*. LC Landscape Board will remain part of further consultation through the development of the Act.

Definition for 'native vegetation' meaning any plant indigenous to Australia can be protected

The LC Landscape Board strongly values the importance of native vegetation and is supportive of the revised definition meaning any plant indigenous to Australia. However, concern exists that enforcing protection across all native plants indigenous to Australia will inhibit the necessary requirement of controlling native plants that exist as weeds in certain landscapes.

Species indigenous to other states such as Coastal-Tea Tree (*Leptospermum laevigatum*) are of significant environmental concern throughout our management region and controlling them is vital to prevent encroachment of native species indigenous to the regions. This example extends to plants indigenous to South Australia such as Coastal Wattle (*Acacia sophorae*) which becomes fast spreading and invasive away from coastal environments in our region, requiring control. The explanatory guide makes reference that this concern can be addressed in the Landscape Act or Biodiversity Bill regulations but it is unclear how this will work in practice.

Should protection be applied to all plants indigenous to Australia, the LC Landscape Board recommends a clear exemption list based on consultation with the regulatory pest plant and animal bodies in each region of the state.

Changes To the Landscape Act

Page 34 of the draft Biodiversity Bill Explanatory Guide states that “It is proposed to require the minister responsible for administering the Landscape South Australia Act 2019 to obtain the concurrence of the minister responsible for administering the Biodiversity Act in making a declaratory notice requiring the control of native animals or plants.” This suggests native plants not be categorised as a pest on the current gazettal list, with each species needing its own notice. If this is the case, it poses challenges and inefficiencies in undertaking critical control of species such as those outlined above.

This change may may cause some confusion with section 25(1)(i) of the Landscape Act which states that a function of the Landscape Boards is “(i) to assist in the management of any native animals that adversely affect the natural or built environments, people or primary production or other industries, or to facilitate action to mitigate or manage the impact of those native animals, by—

- (i) supporting educational initiatives; or
- (ii) identifying or promoting mechanisms to increase the capacity of people to implement programs to manage the native animals; or
- (iii) supporting other steps or action to improve the management of native animals; or
- (iv) providing information about the management of native animals in these circumstances; or
- (v) taking any other action prescribed by the regulations;

LC Landscape Board has identified that points (i)-(v) lack clarity and have made construction of recommendations around managing native animals a challenge. The review of the Biodiversity Bill and Landscape Act may be an opportunity to review these points.

Dingoes

LC Landscape Board is concerned that under the draft Biodiversity Bill dingoes are classed as a native animal subject to exemptions, which are reliant on the Landscape Act. The Landscape Act and Dog Fence Act state that dingoes must be controlled. However, the Landscape Act also states that we cannot make any declarations about native animals S185(3), which is contradictory if the Biodiversity Bill classes Dingo as a native animal across the whole state. This requires clarification through either the Biodiversity Bill or the Landscape Act.

Threatened species, threatened ecological communities and other ecological entities

LC Landscape Board is supportive of the creation of a single list for threatened species and a single list of threatened ecological communities, each of these lists will contain both state and national categories. This will provide clarity and assist in decision making for priority actions to protect threatened species in the region.

LC Landscape Board is supportive of the minister declaring critical habitat in areas that contribute significantly to the conservation of a threatened species, threatened ecological community or other listed ecological entity, and the resulting offences for disturbance. There are many areas of critical habitat in the Limestone Coast region that support the 7 priority threatened species that reside in the region. LC Landscape Board would like to ensure that the requirements for critical habitat allow for the inclusion of caves and beaches, as well as wetlands and areas of terrestrial vegetation.

LC Landscape Board would like to see scope for the inclusion of sub-categories of habitat to be considered critical habitat, for example, individual scattered River Red Gums (*Eucalyptus camaldulensis*) provide critical habitat for the South-eastern Red-tailed Black Cockatoo (*Calyptorhynchus banksii graptogyne*) but are on a trajectory to disappear from the region within decades. These trees seem to receive little protection from the native vegetation clearance application process. This extends too dead trees of the same species, which are seemingly poorly valued because they are no longer alive, despite the important habitat they create.

LC Landscape Board supports the development of action plans by the minister for the protection and recovery of a threatened species, threatened ecological community or listed ecological entity. Currently, national recovery groups/teams and organisations such as Birdlife Australia prepare actions plans for species and regions. LC Landscape Board would encourage endorsement of these plans by the minister, in addition to the creation of new

plans where applicable. Additional funding to organisations to deliver action plans would greatly assist in their execution.

Biodiversity and Conservation Agreements

Subject to understanding their conditions, LC Landscape Board supports addition of more flexible Biodiversity Agreements that may encourage more landholders to take part due to the less intimidating commitment of landholders. However, in the interest of keeping it simpler for landholders, is there an option for the more flexible conditions to be included as part of the existing Heritage Agreement program, rather than creating an additional one?

There are 318 Heritage Agreements in the Limestone Coast region, and LC Landscape Board supports these agreements as an important way to protect and maintain critical habitat throughout the landscape. LC Landscape Board employs a Project Officer to deliver the Native Vegetation Heritage Agreement Grant Program in the region. The program has had a strong uptake, increasing interest in creating new Heritage Agreements, and better managing existing ones. Heritage Agreements are well recognised and understood in the region, and there is some concern that a change in name to Biodiversity Agreements may hinder the understanding of the Agreements or frustrate landholders, especially during the current Native Vegetation Heritage Agreement Grant Program.

Enforcement

LC Landscape Board is supportive of reparation orders and enforceable undertaking to rectify damage caused from a breach of the Biodiversity Act. LC Landscape Board is also supportive of increased and more wide-spread penalties for those in breach of the Act, which may help to more strongly deter individuals and organisations from breaching the Act. However, such enforcement requires resourcing, and LC Landscape Board is interested to understand how this will be resourced and funded, and the extent to which compliance responsibility will be passed on to landscape boards.

LC Landscape Board is supportive of civil enforcement of the Biodiversity Bill. Clarification is sought around the process of carrying out civil enforcement. For example, if a third party applies to the Environment, Resources and Development Court, who is responsible for the legal fees? Do they have any legal protections? Can they access the Department of Environment and Water's legal team or do they require their own?

Regulated Clearance Area

LC Landscape Board is supportive of native vegetation clearance application removing requirements to avoid and minimise impacts and instead require application of the mitigation hierarchy guideline which will contain this detail. However, in reviewing clearance

applications, it is often noticed that no avoidance or impact minimalisation has taken place, in many cases this section is left blank on the paperwork. LC Landscape Board would like to see mandatory consideration of impact avoidance and minimisation on all native vegetation clearance applications before being processed, otherwise the mitigation hierarchy is irrelevant in the application process.

Thank you again for the opportunity to provide feedback on the draft Biodiversity Bill for South Australia. LC Landscape Board supports the framework for the regular review of this Bill and looks forward to being part of the continuing process.

Yours sincerely

A large black rectangular box redacting the signature of the General Manager.

General Manager