CITY OF ADELAIDE

Kaurna Country
25 Pirie Street, Adelaide
GPO Box 2252 Adelaide
South Australia 5001

T +61 (08) 8203 7203
F +61 (08) 8203 7575
W cityofadelaide.com.au

ABN 20 903 762 572

Enquiries: [redacted]
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Biodiversity Coordination Unit
Department for Environment and Water
GPO BOX 1047
Adelaide SA 5001

The City of Adelaide welcomes the opportunity to provide input into the proposed *Biodiversity Act (SA)* via submission to the Department for Environment and Water's Developing a Biodiversity Act for South Australia Discussion Paper.

The submission below outlines an administrative response from the City of Adelaide. Administration will seek to progress the draft legislation to Council for consideration upon release of the draft for consultation.

The City of Adelaide Administration (the Administration) supports the intent communicated through the discussion paper, for the new legislation to halt and reduce the rate of decline of biodiversity in South Australia and notes the importance that new legislation is complementary to existing legislations and does not create unintended administrative burden or legislative complexity.

The City of Adelaide has an ongoing commitment to the enhancement and protection of biodiversity within the Adelaide Park Lands and increasing urban biodiversity.

This submission responds to the ten topics contained in the discussion paper, as follows:

1. Biodiversity and South Australia's First Nations people
2. Avoiding impacts
3. Transparent decision-making
4. Threats to biodiversity
5. Assessing the risk of extinction
6. Biodiversity planning and reporting
7. The benefits of information
8. Achieving 30 by 30
9. Biodiversity – a shared responsibility
10. Consequences of doing the wrong thing.

Topic 1 – Biodiversity and South Australia's First Nations people

Increasing involvement of First Nations South Australians in biodiversity matters and respecting their perspectives

The City of Adelaide strongly supports meaningful involvement of First Nations South Australians in biodiversity matters and management. This aligns with the City of Adelaide's draft Integrated Climate Strategy (ICS). The ICS sets a vision for a resilient, protected, and sustainable city where people can live, work, study and play, and adapt to changes in the climate that bring social and economic opportunity and disruption. Included within a goal of the draft Climate Strategy is to *listen deeply and learn from Kaurna people who have cared for Country for thousands of years – to learn from their spiritual and cultural knowledge and connection with the landscape*.

The City of Adelaide supports the proposed framework for hearing and incorporating First Nations peoples perspectives about biodiversity. We encourage the State Government to extend this involvement to co-design

and co-leading biodiversity management. The City of Adelaide and State Government worked with First Nations people to demonstrate the use of firestick farming in the Adelaide Park Lands which has the potential to become an ongoing cultural burn program.

The City of Adelaide is committed to improving our relationship and strengthening our partnership with Kaurna Miyurna which will be an ongoing feature of the City of Adelaide's eleventh Reconciliation Action Plan 2024-2027 in development. The City of Adelaide has funded and is recruiting for a Kaurna Ranger for the Adelaide Park Lands. The role will include a focus on managing Adelaide Park Lands biodiversity with a Kaurna perspective on Caring for Country.

In the interest of building on existing efforts and relationships, the Biodiversity Act must receive the support of First Nations people and recognise their enduring relationship with the land.

Topic 2 – Avoiding impacts

Promoting avoidance and minimisation of impacts to biodiversity

The City of Adelaide supports the mitigation hierarchy for biodiversity management that seeks to avoid loss and impacts to biodiversity when decisions are made regarding changes in land use.

There is strong alignment of Topic 2 in the discussion paper with State Planning Policy 4 – Biodiversity, under the *Planning, Development and Infrastructure Act 2016 (SA)*. The City of Adelaide supports a framework that enables the use of existing statutory instruments to protect biodiversity such as the Regional Plan for Greater Adelaide and the Planning and Design Code.

The City of Adelaide has set a population target of 50,000 people by 2036 and supports limiting growth in outer metropolitan areas to conserve biodiversity and productive landscapes. Administration is developing the City of Adelaide City Plan – Adelaide 2036, which will inform the Regional Plan for Greater Adelaide and growth of the city centre. This work is being progressed in consultation with State Government, through Planning and Land Use Services. Council's endorsed Housing Strategy – Investing in our Housing Future, seeks, among other community benefits, to unlock housing supply and demand in the City of Adelaide.

The Adelaide Park Lands is a vital component for supporting residential growth. Its open/green space is included in growth planning of the City of Adelaide but also the growth planning of inner metropolitan councils. The City of Adelaide supports a new legislative framework for biodiversity that has strong emphasis on the importance of park systems as well as urban biodiversity.

It is important that any 'make-good' or offset-type provisions in the proposed new Act that would facilitate actions that impact biodiversity must be seen as a last resort. This may be done by ensuring the wording in the Act calls for evidence of attempts to avoid impacts which are proportional to the proposed impact. There is also an opportunity to recognise that some areas or biodiversity values cannot be replaced or left in a better state if impacted, in which case any impact must be avoided. In these situations, the Act could have the power to reject the proposal or action that would cause this damage.

Topic 3 – Transparent decision making

Ensuring awareness of outcomes

The City of Adelaide strongly supports open and transparent decision-making processes. Demonstrating evidence in decision-making and ensuring this information is available to the public strengthens trust and confidence and enables the public to hold decision-makers to account, leading to better outcomes. The City of Adelaide acknowledges the importance and advantages of sharing data between state and local governments, universities, institutional, industry and community groups for evidence-based decisions.

The City of Adelaide is developing the City Plan as an innovative tool to enable data-led decision making. We have strong relationships and processes in place with Kadaltilla (Adelaide Park Lands Authority) and State Government agencies to ensure evidence base decision making for the Adelaide Park Lands.

The legislation could identify and close the gap in what is defined as a *Controlled Action* or what are considered *Protected Matters*, under the *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)*, for the protection of areas like the Adelaide Park Lands.

The legislation provides an opportunity to put in place mandatory reporting and disclosure on impacts or actions taken to repair biodiversity once they occur. This could mean impacts to biodiversity and actions taken to repair biodiversity are learnt from and/or avoided. A reporting framework with clear obligations for stakeholders could help participants/incumbents to meet the obligations for mandatory reporting.

Topic 4 – Threats to biodiversity

Recognising threats to biodiversity decline and improving our management of them

Currently, the City of Adelaide is required to mitigate threats to species or ecological communities listed as having conservation significance (eg Threatened, Endangered) on recognised lists. To avoid over-burdening or confusing stakeholders, it is important that there is a mechanism in place to simplify obligations, like the *Avoidance of duplication of procedures* provision of the *Environment Protection Act 1993 (SA)*.

The City of Adelaide supports the development of a framework for the identification of biodiversity threats. We have identified the three major threats to native biodiversity and ecological communities as:

1. **Impacts to flora and fauna:** eg pests, weeds, disease, wrong species composition and/or structure for local wildlife, pollution, lack of connectivity (including waterways: weirs)

The primary threats to vegetation remnants in the Adelaide Park Lands are weeds competing with local native plants and changing the structure, composition and function of the vegetation. Remnant grasslands are highly susceptible to invasion by non-native grasses (eg turf grasses).

Declines of bird populations in the Adelaide Park Lands are well documented. Likely causes include changes to the distribution and abundance of plant species, and changes to vegetation structure, especially the removal of understorey and mid-storey species. The native bird Noisy Miner (*Manorina melanocephala*) is in high numbers in the Adelaide Park Lands and particularly aggressive towards small native birds resulting in population reduction.

The River Torrens / Karrawirra Pari is a highly modified catchment, and the Torrens Lake is an artificial lake. Flowing through the heart of the city, the river and lake have exceptionally high social and economic value for the community. Apart from hosting abundant plant and animal life, the waterway supports social and economic activity, including sporting clubs, bars, restaurants, arts and cultural events, commerce, hospitals, universities and daily visitors.

The primary threats are pollution (dissolved and suspended), riverbank alterations, barriers to movement (weirs), lack of habitat and food, over-predation, competition with introduced species. The Torrens Weir is the main impact on fish and turtle passage within the catchment.

The City of Adelaide seeks improved governance of the River Torrens and is providing input to SA Water and the Department for Environment and Water on the Water Resilience Strategy for SA. Governance of the river system and its catchment is a complex challenge and must include local governments within the catchment.

2. **Climate change:** warmer, drier and more extreme weather conditions are expected to have an impact on the survival of native species.

Climate change poses a significant threat to the City's ecological systems. Warmer and drier conditions are expected to impact the survival and recruitment of many native species. The condition of remnant vegetation and habitats may decline, and the structure and composition of vegetation communities is expected to change. The selection of plants for planting programs will have to consider these changing conditions. Climate change is also expected to exacerbate some existing threats; for example, some plants and animals will benefit from the changed conditions and become invasive.

3. **Multiple use setting:** pressure from competing land use (eg sport, festivals, paths) can create challenges for management towards enhancing biodiversity values.

The Adelaide Park Lands and city environment are highly diverse landscapes and include contested space for a variety of uses. A method for evaluating and growing biodiversity in complement to other uses is required to provide confidence that South Australia will continue to protect biodiversity values and communicate approaches for the complementarity of land uses currently envisaged and enjoyed across the Adelaide Park Lands.

Topic 5 – Assessing the risk of extinction

Improving understanding of extinction risk and implementing mitigation measures

The City of Adelaide supports both streamlining the listing and review process for threatened species and greater representation from a wider variety of species (eg invertebrates, fungi). This could build confidence in using existing lists.

Partnerships with the scientific community, including through our universities and research institutions are supported. Requirements for a monitoring and evaluation program can be established through the proposed legislation and directly supports the intent of Topic 3.

It is important to require investigation and reporting on the causes of biodiversity decline. City of Adelaide anticipates this will form a component of State of the Environment reporting undertaken for South Australia under the *Environment Protection Act 1993 (SA)*. Reporting could require measures to be identified that prevent similar decline happening again. If extinction occurs, the Act could go further and include penalties or obligations for causing/contributing to species extinction through avoidable actions.

Topic 6 – Biodiversity planning and reporting

Supporting state level planning for biodiversity priorities

The City of Adelaide provides in principle support for development of a state-wide biodiversity plan. It will be important to strike a balance between having a strong, clear, over-arching direction and protecting the requirements of the enormous diversity of natural systems in South Australia.

The Act could specify requirements and provide a framework for reporting for different key stakeholders (eg councils). Existing reporting for the State of the Environment Report, required under the *Environment Protection Act 1993 (SA*) could be linked to or complementary to the reporting proposed in this topic. If done correctly, it will avoid duplication of effort and ensure regular target reporting that could greatly improve our knowledge of South Australian biodiversity and identify any trends.

Topic 7 – The benefits of information

Better data collection, collation, interpretation and dissemination

The City of Adelaide strongly supports that evidence-based biodiversity-related policy is written using high-quality and publicly accessible information.

The requirement for gathering biodiversity data could ensure consistency across the state, which would increase confidence in available data. Requirements for data collection could be done in collaboration with leading research bodies across the state (eg universities) to ensure alignment with existing protocols and widespread uptake of data sharing. The City of Adelaide recognises the opportunity through the $8 million BioData SA project to progress Topic 7.

Data collection should encourage new biodiversity exploration and research including the introduction of standards. Standards could assist in the development and implementation of biodiversity programs that harness citizen science approaches and/or the involvement of the South Australian volunteer community.

Topic 8 – Achieving 30 by 30

Exploring new and different ways to protect nature

The City of Adelaide supports the Australian Government's commitment to the global '30 by 30' target, which calls for the protection of 30% of the Earth's lands, oceans, coastal areas, and inland waters by 2030.

The protection and restoration of under-represented habitats and ecosystems and the connectivity between these areas remain a core aim of biodiversity management in the City of Adelaide. For many years the City of Adelaide has focused its biodiversity conservation efforts in six locations known as key biodiversity areas (KBAs) and a Community Education Hub. In total, these areas make up 15% (114 hectares) of the Adelaide Park Lands under the care and control of Council. Council is currently undertaking a comprehensive biodiversity survey of the Adelaide Park Lands to establish a comprehensive baseline of species, vegetation communities, and habitats to inform decision-making, guide management actions, and evaluate success.

Concurrently to the Biodiversity Study, Council is consulting on a draft Integrated Climate Strategy 2030 (the Strategy). One of the five goals of the Strategy is to ensure that the City of Adelaide continues to be 'A city where nature thrives'. A priority of the Strategy is to prioritise the enhancement and protection of Biodiversity, native grasslands and woodlands within the Adelaide Park Lands. The new Act could enhance protection of these sites which currently have no legislative protection.

The City of Adelaide supports ambitious targets; the Act could provide for a resourced program of implementation for such targets. Incentives may encourage landowners to pursue biodiversity focused goals and enable partnerships and access to biodiversity values that are not under the care and control of the state (or councils).

Topic 9 – Biodiversity – a shared responsibility

Ensuring we all pay attention to and care for nature

The City of Adelaide concurs that the responsibility for looking after biodiversity rests with all South Australians. Making biodiversity conservation everyone's responsibility requires a range of measures, including legislative reform, improved management of threats and greater community involvement.

The involvement of the community will be an essential part of any biodiversity conservation strategy. Community engagement and participation is increasingly important for biodiversity conservation, especially given the growing role of volunteers to support works on public land as well as the voluntary conservation efforts of private landholders. The expanding role of volunteers reinforces that biodiversity conservation is everyone's business.

Members of the Adelaide community make important contributions to the protection of biodiversity in the Adelaide Park Lands. There are more than 150 regular community volunteers who currently manage several priority remnant vegetation sites and have successfully undertaken substantial areas of revegetation.

Biodiversity volunteering achieves multiple outcomes. Volunteers benefit from gaining knowledge and skills in a range of activities, such as bush care techniques, revegetation, nursery activities, monitoring, and plant and bird identification. The City of Adelaide benefits from the availability of a skilled and committed community workforce to jointly deliver priority outcomes in the Adelaide Park Lands.

Topic 10 – Consequences of doing the wrong thing

Introducing stronger penalties and more options for enforcement

The City of Adelaide supports alignment with states that have appropriate penalties for biodiversity harm, and more tailored responses to offences that encourage resolution which may be critical in achieving biodiversity restoration (ie criminal and civil penalties).

Further clarification is required as to the relationship of the Act with the existing provisions of the *Environment Protection Act 1993 (SA),* and whether reforms are better placed in existing legislations and with State Government departments tailored to environmental protection and compliance.

The City of Adelaide provides in principle support for extending the category of parties that may bring legal proceedings in biodiversity cases. This could create better results for biodiversity and empower community and environmental groups; it could also supplement government enforcement efforts.

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Summary

The City of Adelaide supports the intent and implementation of a legislative framework that facilitates the protection and enhancement of the state's biodiversity values.

The approach of the proposed Act aligns with the City of Adelaide's goals and priorities relating to biodiversity management, and protection, including:

- Increasing collaboration with Kaurna Miyurna
- Increasing assessment and monitoring of biodiversity
- Improving storage of and access to biodiversity data
- Raising the profile of biodiversity in the planning and approval process
- Regulating and increasing reporting of matters relating to biodiversity
- Integrating and aligning policy with national and international standards.

Recognising the value of biodiversity, promoting a sense of shared responsibility in its ongoing protection and addressing the current and future challenges facing biodiversity is essential. In the context of a rapidly changing climate, we must ensure our native species and natural places are sustained into the future.

The City of Adelaide welcomes the opportunity to be involved in the legislative process for a new Biodiversity Act.

For more information about this submission, please contact [redacted] Manager Park Lands & Sustainability [redacted]

Submission by

City of Adelaide