

28 February 2025

Biodiversity Coordination Unit

Department for Environment and Water

PO BOX 1047

Adelaide SA 5001

biodiversityact@sa.gov.au



Subject: Submission on the Draft Biodiversity Bill

Dear DEW Biodiversity Conservation Unit,

The City of Marion welcomes the opportunity to provide a submission on the *Biodiversity Bill* and strongly supports the South Australian Government's efforts to strengthen biodiversity protection across the state. As a council committed to environmental sustainability, we recognise the vital role biodiversity plays in sustaining healthy ecosystems, enhancing community well-being, and building resilience to climate change. Through our *Biodiversity Plan 2024-2029*, we have significantly increased investment in conservation initiatives, appointed dedicated Biodiversity Officers, and set a long-term vision to transform Marion into a biodiversity hotspot within metropolitan Adelaide. We are pleased to contribute our insights to ensure the Bill delivers meaningful, lasting outcomes for nature and our community.

Strengths of the Biodiversity Bill

The Biodiversity Bill presents a much-needed step forward in modernising South Australia's environmental protection framework. By consolidating existing legislation and introducing stronger protections, including tougher penalties for biodiversity harm and provisions for ecosystem restoration, the Bill acknowledges the urgent need to address biodiversity decline. The inclusion of a general duty to prevent non-trivial harm to biodiversity and the requirement for a State Biodiversity Plan are commendable initiatives that could lead to more proactive conservation measures. As are the proposed introductions of improved data collection, monitoring and public reporting standards, an area that is of particular interest to City of Marion in our leading approach to improved strategic asset management of trees and other natural assets.

Frustration Over the Exclusion of Metropolitan Adelaide

Despite these positive strides, it is deeply frustrating that native vegetation protection continues to be excluded from metropolitan Adelaide. The Bill largely focuses on regional and rural biodiversity, while neglecting the critical role that urban ecosystems play in conservation and the way people engage with nature. The Adelaide metropolitan area is home to numerous areas of threatened ecosystems, particularly in coastal areas,

The City of Marion acknowledges we are situated on the traditional lands of the Kaurna people and recognises the Kaurna people as the traditional custodians of the land.

river corridors, and the foothills—all of which provide critical habitat that should be formally recognised under the Act rather than having these vegetation communities excluded due to their metropolitan location. This is particularly important given the ambitious revegetation initiatives of many metropolitan councils in our efforts to green the City, provide climate resilience and build human-nature connections.

Urban biodiversity is essential to the development of a liveable and sustainable community. Green spaces, creek corridors, and coastal reserves act as refuges for native species, improve climate resilience, and enhance the well-being of residents. However, the exclusion of comprehensive vegetation protections in metropolitan Adelaide leaves these critical habitats vulnerable to ongoing urban expansion, infrastructure projects, and inadequate planning provisions.

Need for Stronger Metropolitan Biodiversity Commitments

To ensure a truly comprehensive approach to biodiversity protection, the Bill must explicitly integrate urban biodiversity conservation by:

1. Expanding Legal Protections for Urban Biodiversity

- Ensure the Act applies to native vegetation within metropolitan Adelaide.
- Define and protect critical habitats in the coastal areas, riverine corridors, and foothills under the Act, regardless of their metropolitan classification.
- Expand the existing provisions around protection of listed species in the metropolitan areas (currently in the NPW Act) to ensure that the habitat that these species occur within is also protected.
- Define a process to enable listing of a species as locally threatened within specified important areas (e.g. the Adelaide Metropolitan Area).
- Define what is deemed “a domestic garden” to avoid abuse of the term and any further ambiguity of coverage. For example, does a domestic garden include communal spaces, common driveway areas? What about within a rural or semi-rural context – is it an entire paddock around a house?

2. Incorporating Biodiversity into Urban Planning and Development

- Strengthen linkages with the *Planning, Development, and Infrastructure Act 2016* and Planning and Design Code to ensure biodiversity is prioritised in urban development approvals. This should ideally happen before the assessment of development applications and ensure that the proposed Regional Biodiversity Plan is aligned with the Greater Adelaide Regional Plan.

- Require mandatory biodiversity assessments for developments in critical habitats – which should include key parts of metropolitan Adelaide (see below).
- Ensure definition of dwelling includes recent and proposed forms for accommodation within the planning system which are habitable. This includes ancillary accommodation, co-located housing (proposed), co-living and supported accommodation.
- Ensure there is agreement on clearance zones for risk hazard reduction, noting the recent discussions around potential for a reduction from 20m to 10m (Schedule 2 – Part 19)
- There is potential for duplication of Regulated Tree regulations with the Biodiversity Act regulations via the inclusion of trees planted more than 20 years ago as “revegetation”. A referral trigger (with powers of direction) within the Code could avoid this.
- Ensure that relevant information on biodiversity is included through the South Australian Property Planning Atlas.

3. **Funding and Support for Urban Biodiversity Initiatives**

- Establish dedicated funding for biodiversity conservation projects within specified important areas (including metropolitan Adelaide).
- Support councils and community groups in restoring and managing urban biodiversity.

4. **Recognising and Protecting Critical Habitat in Urban Areas**

- The Bill's provisions for declaring "critical habitat" should explicitly include key ecological areas in the Adelaide metropolitan region due to their value in improving the way people understand and connect with nature.
- Ensure that biodiversity corridors and remnant vegetation in metropolitan areas receive formal recognition and legal safeguards.

South Australia has the opportunity to lead in biodiversity conservation, and with Adelaide being promoted internationally as a **National Park City**, this leadership must extend across our urban landscape. Many government and non-government organisations, across metropolitan Adelaide are working together to protect and restore biodiversity, but strong legislation is needed to support these efforts. The Biodiversity Bill should not reinforce the outdated notion that conservation stops at the urban fringe. Instead, it must recognise the vital role of people in metropolitan Adelaide in protecting biodiversity, with outstanding examples found in the City of Marion along our coastline, riverine corridors—particularly the Sturt and Field Rivers—and the southern foothills. Biodiversity protection must be embedded in our planning,

legislation, and community priorities to safeguard the ecosystems that define our city's character and liveability.

We appreciate the opportunity to provide this submission and strongly urge the government to extend biodiversity protections to urban environments to ensure Adelaide's biodiversity is safeguarded and enhanced for future generations.

This submission has been prepared by key staff in the City of Marion administration. It has not received formal council endorsement, however, does align with existing endorsed views of General Council around the need for better biodiversity protection laws in urban areas. For further comment, please contact [REDACTED] Unit Manager Environmental Sustainability [REDACTED]

Sincerely,

[REDACTED]

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