

Biodiversity Coordination Unit
Department for Environment and Water
GPO BOX 1047
Adelaide SA 5001

VIA EMAIL: biodiversityact@sa.gov.au

Dear Sir/Madam,

PIA SA SUBMISSION – DRAFT BIODIVERSITY BILL 2025

PIA SA welcomes the opportunity to make a submission on the draft *Biodiversity Bill 2025*.

As the national peak body representing urban and regional planners, the Planning Institute of Australia (PIA) plays a crucial role in advocating for strategic, evidence-based planning that integrates economic growth, environmental sustainability, and social well-being.

PIA recognises that protecting the biodiversity of our environment as one of the most critical issues to adapting to changing climate. We also acknowledge that human activities are significantly impacting global ecosystems and that irreversible changes are already occurring.

PIA advocates to address these challenges through integrated and collaborative solutions.

PIA SA supports the Government's intent through this Bill to better protect our state's native animals and plants, building resilience to the effects of climate change, and to reduce red tape for development.

We offer the following feedback on the Draft *Biodiversity Bill 2025* for your consideration:

- Under the current legislative arrangement, there is a 'doubling up' on Development Application (DA) referrals under the *Planning, Development and Infrastructure Act 2016* and then clearance approval is also required under the current *Native Vegetation Act 1991*. This goes against the 'one-stop shop' approach of DA referral arrangements with other state agencies, and we suggest consideration be given through this reform on opportunities for streamlining consistent with the intent of this Bill to reduce red tape;
- Proposed Section 15 of the Act requires the Minister to consult with the Conservation Council, Local Government Association of South Australia, Primary Producers SA and the Premiers Climate Change Council (and any other entity the Minister things fit) on appointments to the Biodiversity Council. We suggest this list be expanded to ensure broad consultation is specified across social, economic and environmental considerations; and
- The Bill expands the protection of native plants to include protection of all plants indigenous to Australia (not only South Australia) and

intentionally sown or planted native plants that are more than 20 years old. Whilst expanding the protection for native plants is supported, we suggest further clarity and guidance will be required, particularly around determining if intentionally sown or planted native plants are older than 20 years and subject to protection under this Bill.

We also bring to attention a number of matters around the current practices and procedures that present opportunities for improvement:

- Confusion with the DA process where it involves Regulated and Significant trees and when there is overlap with also being native vegetation, for which approvals are required in different circumstances;
- Understanding what is regarded as native vegetation needing clearance approval, including when exemptions are applicable as part of existing or proposed development, CFS clearance requirements, etc.;
- Assumptions that native vegetation will be cleared in the vicinity of proposed development, despite arborist advice that it can be retained. Retention could often be reinforced by conditions of approval, Building Envelope Plans and/or Land Management Agreements (LMAs). We suggest that there the ability to enter into an LMA could be extended beyond the Minister for Planning to include the Minister for Climate, Environment and Water;
- Cost and availability of accredited consultants to advise on native vegetation and clearance proposals, and differences of opinion with Native Vegetation Council (NVC) staff;
- High cost and onerous obligations for on-ground significant environmental benefit offsets, being a disincentive and favouring a monetary payment in-lieu; and
- Developer/landowner perspectives of onerous and uncertain assessment paths for clearance applications relating to development anticipated in the Planning & Design Code. An example is a Master Planned Neighbourhood Zone outside of Metropolitan Adelaide with a Native Vegetation Overlay that could potentially be replaced by the Regulated and Significant Tree Overlay. Alternatively, Code Amendments could better identify areas of native vegetation that the NVC desires to retain and zone those areas as Conservation or similar.

This Bill has broad implications for the protection of biodiversity and the land uses, and its successful implementation relies on significant detail that is not yet available for comment in this consultation period.

PIA looks forward to the opportunity to work with the State Government to continue to shape the development and implementation of the new Act.

Yours sincerely,

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VICE PRESIDENT, SA DIVISION

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