27 February 2024
Our ref: 6100193

Biodiversity Coordination Unit
Department for Environment and Water
biodiversityact@sa.gov.au

Dear Sir/Madam

The City of Onkaparinga welcomes the opportunity to contribute to the State Government's development of a new Biodiversity Act for South Australia. We also commend the involvement of Tim Jarvis in the development of this legislation and acknowledge his experience, leadership and commitment to environmental principles.

Please find enclosed our submission, which was approved by the Council of the City of Onkaparinga on 20 February 2024.

About City of Onkaparinga

The City of Onkaparinga is the largest metropolitan local government by population in South Australia. Our 178,500+ residents represent 10 per cent of the state's population. Located on the southern urban fringe of the Greater Adelaide area, we span urban centres, low and medium density suburbs, rural areas and townships.

Our diverse and varied landscapes include 31km of coastline, beaches and coastal dune areas, riparian waterways, wetlands, arable land, and national and conservation parks. They incorporate important biodiversity sites such as the Onkaparinga River National Park, Sturt Gorge Recreation Park, Aldinga Conservation Park and Washpool, and Adelaide hills face.

Nature and the environment are consistently identified as matters of critical importance to our community. In our Community Plan 2030, ensuring 'our region's natural environment is thriving' is a key result area (KRA) for council and 'champion(ing) our environment, reinforcing its strengths, regenerating its losses and protecting its vulnerabilities' is a key outcome under this KRA. Recent engagement conducted in the development of our next Community Plan shows that our community believes their natural environment is the 'best thing about living in Onkaparinga' and that environmental issues are key priority areas for council to continue to focus on in the future.

The City of Onkaparinga continues to advocate for the environment, including through our submissions to the 2018 review of natural resources management arrangements, Planning System Implementation Review (2022), Parliamentary Inquiry into the Urban Forest, Independent Review of the *Landscape South Australia Act 2019*, and Draft Hills and Fleurieu Regional Pest Plant and Animal Strategy (2023).

We also engage directly with state and federal Members of Parliament on matters such as vegetation management standards, invasive pest plant and animal species, bushfire management resourcing and funding for biodiversity in our state.

Summary of Key Points

The development of a new Biodiversity Act is a welcome step for protecting, managing and restoring our natural environment. A new Act must constitute a strong foundation for positive action to reverse biodiversity decline, have precedence over other relevant Acts to ensure biodiversity protection is prioritised, establish a robust compliance and enforcement framework, and be supported by appropriate investment in the agencies and programs that will deliver on its objectives.

Our key points for consideration in the development of the new legislation are summarised below:

- The ambitions of a new Biodiversity Act will not be successfully realised without an initial assessment of the current condition and value of biodiversity as a whole, and current funding and management arrangements, in addition to and alongside the measures outlined in the discussion paper. The Act should help to strengthen partnership approaches across multiple stakeholders which is critical to successful outcomes.
- State funding for biodiversity initiatives must be commensurate with the scale of the problem and sufficient to meet the goals, targets, and aspirations of legislative frameworks. Current state funding arrangements remain worryingly inadequate for the scale of work required and are insufficient to stop, let alone reverse, declining environmental trends.
- Protected areas on state government land should set the benchmark for best practice biodiversity management and be a model for other land holders to follow. Additional resourcing for national parks must be made an urgent priority after years of underfunding.
- Responsible agencies must be adequately resourced to implement and enforce a new Act and to perform their mandated functions effectively, with current funding deficits addressed.
- The Act needs to clearly identify the scope of its definition of biodiversity and cover a broad spectrum of animals and plants including land, riparian, freshwater and marine environments. Greater clarity is required as to whether this will extend to insects and other organisms that make up the broad extent of an ecological community, as well as trees and vegetation in the urban landscape, which are critical habitat for local wildlife species and fundamental to ensuring the ongoing presence of pollinators.
- We welcome and encourage a strategic approach to gathering data and mapping this for baseline purposes. Mapping of biodiversity data and ecosystems at a regional level and standardised mapping for ongoing local data management and monitoring will be critical to delivering real change.
- Listing of threatened species, key threats and threatening processes, and priority pests and diseases, is critical to strategic biodiversity management for the state.
- We support the aim for the Biodiversity Act to bring together elements of other existing Acts in relation to conservation and biodiversity. The new Act should seek to align the goals of other existing Acts to ensure that biodiversity protection is consistently afforded high priority across all relevant legislation. The future and ongoing role of related Acts needs to be clear and biodiversity protection across Acts must not be weakened by any changes.
- Specific consideration must be given to how the Biodiversity Act could inform and direct the *Planning, Development and Infrastructure Act 2016* (PDI Act) to improve biodiversity protection, such as dedicated protection for areas of ‘outstanding biodiversity value’ or those that are ‘significantly threatened’.

- Consideration should be given to adopting a biodiversity net gain (BNG) approach for development like that used in the United Kingdom (UK).
- There should be a requirement for the development of recovery or management plans once threatened species are identified/listed and a timeframe for when this should occur.
- Options should be considered for various landowner stewardship approaches to provide greater flexibility and encourage greater involvement in conservation across land tenures.

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

Council welcomes the state government's commitment to direct engagement with First Nations peoples in the development of the Biodiversity Act. We are pleased that their knowledge will be considered and incorporated into the drafting of legislative frameworks and biodiversity management, which we consider fundamental to achieving best practice environmental outcomes.

Topic 2 –Avoiding impacts

The City of Onkaparinga:

- **agrees that decisions to change land use, need to prioritise biodiversity conservation**
- **agrees with the proposed mitigation hierarchy, noting avoidance is always the first preference with enforcement options, accounting, and reporting requirement to be implemented where other methods are approved**
- **agrees for a requirement for all actions to leave biodiversity in a measurably better state than it was before and that this must be measured, reported on and verified**
- **suggests that a consistent approach to measuring biodiversity and impacts needs to be developed and universally applied**
- **strongly emphasises that legislative review, alignment and funding will be required to realise this.**

The importance of prioritising avoidance and minimisation of impacts to biodiversity cannot be overstated, as is the need for appropriate regulation in this regard. It is widely recognised that inadequate and/or inaccurate information provided in support of a development or project can result in greater impacts on biodiversity than necessary. A new Act should require the provision of sufficient evidence relating to avoidance and minimisation measures, to specified standards, to ensure that impacts to biodiversity have been appropriately considered and addressed.

This will require consistent agreement, methodology and approach to measuring biodiversity and the impacts (potential and real) of development and other actions. Such an approach will need to be evidence-based, quantifiable and connect with a larger scale catchment or ecosystem value.

Council supports the proposals in the discussion paper around providing evidence 'justifying how avoidance and minimisation have first been addressed' and 'actions impacting on biodiversity must leave it in a better state' but highlight that these principles require a solid data baseline and methodology to adequately measure against. In essence, this is about quantifying and establishing the inherent value of natural assets and applying consistency in how decisions are made that

integrate the value of biodiversity. It is impossible to understand what actions need to be avoided, and to evaluate the impact of actions taken, without this.

There needs to be acknowledgement of the difference between direct impacts to a specific local area versus impacts on ecosystems services which can result from multiple, ongoing, or accumulated impacts. This is not currently measured. As a result, removal of vegetation that may be deemed as being 'small', or having a minor impact, needs to be assessed in a broader context. A strategic approach, similar to that taken for canopy cover and recognition of how each tree fits into overall local and state canopy cover targets, should be adopted.

It is important to ensure any offsets required can achieve the same level of ecosystem services provided by existing vegetation/habitats, which in some instances may be impossible to replicate or take decades to achieve.

We suggest that identifying existing natural assets on developments should be included in the Biodiversity Act. Guidelines should also be developed for identifying and assessing potential impacts from development and establishing a process or threshold to assist this.

We note that the United Kingdom has introduced biodiversity net gain (BNG) into developments as a way of not only minimising the impacts to biodiversity from development but helping to increase it from what it was and applying a value to biodiversity and habitat. This approach would reinforce the mitigation hierarchy outlined in the discussion paper. While the BNG approach does incorporate an offset component, this is considered as part of the mitigation hierarchy and offsets are also assigned a spatial risk penalty subject to the distance from the development site. It also helps to quantify the value of natural assets (Biodiversity Net Gain for local authorities).

Regardless of the approach taken, it will be important to ensure that any ecosystem assessments or reports are undertaken by appropriately qualified parties, using established criteria that can be validated through an agreed, evidence-based methodology and measures.

Legislative review and alignment

A strategic and coordinated approach is required to reverse the current critical decline of biodiversity within South Australia. In addition to prioritising avoidance and minimisation of impacts to biodiversity, a new Biodiversity Act should seek to align the goals of existing environmental acts to ensure that biodiversity protection is consistently afforded high priority across all relevant legislation. Importantly, the Biodiversity Act should provide overarching direction in relation to other legislation that can have a negative impact on biodiversity, and make clear the future and ongoing role of related Acts.

As outlined in the report of the South Australian Parliamentary Inquiry into Biodiversity (2017):

> "A good legislative policy and framework sends strong and clear messages. To do this, all elements of the framework pull together towards a common goal".

For this reason, a review of existing environmental and associated Acts needs to be undertaken alongside the development of a new Act to ensure any negative impacts are minimised. Care will need to be taken to ensure that the provisions of existing Acts that are intended to protect the environment are not weakened in this process.

A review should identify how relevant Acts interact, with a view to integrate and enhance biodiversity goals across the state to ensure objectives are achieved. It should also address current systemic shortcomings, including any identified in the report of the South Australian Parliamentary Inquiry into Biodiversity, that have not yet been addressed.

We provide the following information for consideration:

- It is important that the strategic biodiversity approach mentioned above accounts for different land use, zoning and land ownership, now and into the future. For example, amendments to zoning to remove permitted land uses in sensitive areas where unacceptable impacts are likely to occur on species or ecological communities.
- The relationship of a new Biodiversity Act with the *Planning, Development and Infrastructure Act 2016* (PDI Act) is critical, as development is one of the key activities that has the potential to impact biodiversity objectives. It is suggested that once baseline mapping and an associated biodiversity strategy is established, this is reflected in an appropriate Overlay in the Planning and Design Code together with triggers for referrals to relevant agencies. This will require careful consideration due to the timeframes associated with ecological field survey requirements, which will potentially conflict with assessment timelines under the Code/PDI Act.
- South Australia's PDI Act has a Biodiversity Policy and this could be strengthened and reviewed as part of the new Biodiversity Act. In New South Wales, the *Biodiversity and Conservation Act 2016* sets out areas that are deemed to have 'outstanding biodiversity value'. Provisions in that Act preclude certain activities from occurring and direct how that state's *Environmental Planning and Assessment Act 1979* (equivalent to our PDI Act) will work in these areas. (We note that, while NSW will provide some guidance, the relationship between biodiversity objectives and development has become overly complicated in recent years in that state and there may be lessons we can adopt from this.)
- Alternatively, a new state Biodiversity Act could contain provisions that direct areas where development cannot occur or should be limited. For example, the Act could mandate that a process be put in place for a development that is likely to affect threatened and highly threatened species. Or it could require a trigger for specific assessments to be undertaken according to ecosystem impacts. There are opportunities for this to be included in the planning system, but this would need to be undertaken in a manner that affords biodiversity high priority, ensures impacts on biodiversity are avoided or minimised, and incorporates established measures.
- Another option is to include areas identified to be 'outstanding biodiversity areas' and 'threatened areas' in a revised Metropolitan Open Space System (MOSS) as part of a review of the PDI Act with biodiversity and ecosystem data currently being developed by BioData SA used as part of the ecosystem assessments.
- A new Biodiversity Act could empower the *Native Vegetation Act 1991* to afford a greater emphasis on ecosystem values in its assessment considerations.
- A recent discussion paper for the Greater Adelaide regional Plan (GARP) referenced the potential to identify areas with national or state environmental significance, new regional open space connections and biodiversity corridors. Our submission to the GARP highlighted that while higher level planning has some good intent in relation to biodiversity, there remains a disconnect between strategies and their implementation tools (the Planning and Design Code).

- There is a need for statewide catchment management planning to incorporate biodiversity values.

A new Biodiversity Act must constitute a strong foundation for on-ground meaningful interpretation and positive action to protect, manage and restore our natural environment. It will need to be supported by appropriate regulations and other mechanisms that ensure consistent interpretation and application across legislation, with sufficient flexibility to adapt to changing environmental conditions.

Topic 3 – Transparent decision-making

The City of Onkaparinga:

- **agrees with the Act requiring state government to create and maintain a public register of decisions made that impact biodiversity to ensure transparency and accountability**
- **agrees with reporting requirements for disclosure of impacts to biodiversity and actions taken to repair it**
- **agrees with regular assessment and evaluation of environmental decision-making**
- **agrees that there should be greater definition and clarity around ecologically sustainable development (ESD) principles and greater weighting for same in decision-making**
- **believes a new Biodiversity Act should align with and reinforce Taskforce on Nature-related Financial Disclosures (TNFD) principles.**

There must be transparency and accountability for all environmental decisions, with the reasons for decisions disclosed publicly. We support the goals of the recently released Taskforce on Nature-related Financial Disclosures (TNFD) and believe a new Biodiversity Act should align with and reinforce the disclosure recommendations and guidance for organisations to report and act on evolving nature-related dependencies, impacts, risks and opportunities. The TNFD is consistent with the Task Force on Climate-related Financial Disclosures (TCFD), the International Sustainability Standards Board (ISSB) and the Kunming-Montreal Global Biodiversity Framework. The City of Onkaparinga has already aligned our climate risk disclosure practices with the TCFD.

Topic 4 – Threats to biodiversity

The City of Onkaparinga:

- **agrees with including provisions for recognition of threats to biodiversity to bring us in line with other jurisdictions including the *Environment Protection and Biodiversity Conservation Act 1999***
- **agrees with the development of a mechanism to identify and list key threats**
- **suggests a centralised regional mapping system needs to be developed and maintained by the state government for identified priority threats**
- **agrees with more action being taken to counter these threats and with introducing reporting requirements, but stresses new obligations must be considered in the context of stakeholder impact and resourcing**
- **agrees new laws must enable quick action to be taken where emerging threats are identified.**

A more proactive approach is required for managing existing and potential threats to biodiversity.

A new Biodiversity Act needs to provide a mechanism to identify and list key threats and threatening processes across the state. This should include weeds and other pests (animals and diseases), as well as the impacts of land clearance and climate change, which are considered a high threat to biodiversity.

We suggest that the impacts on biodiversity of overabundant native species, such as Little Corellas, also be assessed and addressed. The Natural Resources Committee Inquiry into Management of Overabundant and Pest Species (2019) provides some recommendations around how regulatory and policy frameworks could be improved to manage this issue.

The Biodiversity Act must support the development of strategies, research and legislative frameworks to address threats to biodiversity. It could also provide direction on when action is required for managing threats or weed species and ensure collaboration between relevant departments, including PIRSA.

The Act should provide for a centralised regional mapping system developed and maintained by the state government for identified priority threats. Such a mapping system would need to be adaptable to ensure appropriate management and monitoring of problems and issues as they arise. Similar to what has been undertaken for urban greening and heat mapping (coordinated by Green Adelaide), weeds and pests need to be mapped across the state in a consistent manner with information made easily accessible. This would need to be coordinated across state government departments including PIRSA and local governments who already have some data.

Identification and mapping of priority pests and threats would ensure that the location of threats is known and would facilitate the development of guidance around how and when to respond to them. It would also help to focus the finite resources of state and local governments and ensure a more coordinated approach in addressing such threats. A coordinated pest plant and animal control plan could be established based on this data, with dedicated funding to address key priorities.

Investment in further research would assist in better understanding how threats interact, and the impacts of climate change and other compounding issues.

We note the discussion paper's consideration of statutory obligations for actions to address threats to biodiversity and mandatory reporting requirements. While we support these concepts in-principle, we suggest that careful consideration needs to be given as to the resourcing implications of this for stakeholders, particularly non-government ones. We suggest state government supports will be required to achieve this in practice.

Topic 5 – Assessing the risk of extinction

The City of Onkaparinga:

- **agrees with a scientific committee being established in South Australia for listing of threatened species to bring us in line with other states but stresses the importance of this committee having a broad range of skills and representation from a variety of organisations including**

NGOs, academia and other stakeholders of relevance to ensure a balanced and robust assessment and process

- **agrees that clear definitions, particularly of 'species', should be included in the Act**
- **agrees the Act needs to establish a formal process for listing, assessment and review, including a nomination process, public consultation and feedback on changes, noting this process must genuinely support and enable the addition of appropriate species to the list**
- **agrees the Act requires a definition of criteria to ensure consistency and transparency in listing assessment in line with other jurisdictions, noting this must support the listing of appropriate species and not act as an impediment to doing so**
- **agrees that the Act needs to include obligation to monitor, report on or implement actions for listed species**.

While we welcome the establishment of a scientific committee, we highlight the need for a lead department or body to coordinate and provide oversight of all entities operating within the legislative framework (further discussed in topic 6, below). This is necessary to ensure that the activities of responsible entities are collectively delivering on and achieving the objectives of legislative frameworks.

We support the intention for the Act to establish a requirement to examine and report on the causes and actions that contribute to a new extinction. However, we would like the Act to also require the impacts of the extinction on the broader ecosystem (if known) to be reported.

We support the list being a streamlined and agile living document that is updated frequently and encourage adequate resourcing to enable this. We note that the current regional listing is not legislated and would benefit from being aligned with national requirements. A new list could help to provide more adaptable information for management and planning by including state and regional threatened species information in the context of the ecosystem services.

While we strongly support the listing of threatened species, we are concerned about a lack of clarity in several key areas about the utility of the list and how this information will be used. More information is required about how listed species will be assessed and prioritised within and against other threatened species. For example, some species of bandicoots are currently listed as 'endangered' while other species are considered as 'vulnerable' or of 'least concern'. Greater clarity on how animal species are prioritised, and which are considered 'more important' and why, should be provided and form part of the listing process.

The implications of species being listed as threatened for land managers and their responsibilities will need to be made clear, as will how the list, process and listing of species relate to habitat and ecological impacts. This will assist with prioritising conservation activities by landholders with limited resources.

We also seek greater understanding of how the list and the information it contains will translate into meaningful action and results. We suggest that a listing should trigger the requirement to develop a recovery or management plan, with the Act (or Regulations) to determine the timeframe for this to occur (for example, within two years). It could also require the allocation of appropriate resourcing to implement the plan or collaboration with landholders to implement a plan, and monitor and evaluate plan outcomes.

We suggest the list could also be used within the legislative framework to inform how development can or cannot occur for areas known to contain threatened species.

Topic 6 – Biodiversity planning and reporting

The City of Onkaparinga:

- **agrees with the creation of a mandated statewide biodiversity plan or strategy where measurable targets are set and regularly reported on**
- **agrees the legislation should detail the matters a statewide biodiversity plan must address and what must be reported on, and suggest it should delineate agency responsibility for same**
- **agrees it should also require other legislation or processes to consider or take into account the plan and its priorities**
- **agrees a statewide plan should provide greater focus and effective reporting to drive necessary action**
- **suggests consideration be given to the formation of an overarching biodiversity body to lead statewide biodiversity efforts.**

The City of Onkaparinga has consistently highlighted the need for an appropriate central authority or body to be responsible for ensuring a consistent, cross-boundary approach to environmental matters. A new legislative framework should identify an overarching coordinating and regulatory authority and clearly delineate the obligations of agencies afforded responsibilities under its auspices.

Given that the gravity and scale of the biodiversity crisis are now clearly understood and acknowledged, where lead responsibility for tackling the crisis might sit best needs to be considered.

We suggest consideration be given to the formation of an overarching biodiversity body to lead statewide biodiversity efforts. This could be situated within an appropriate government department, such as DEW, and comprise representatives from across departments and the scientific community. Such arrangement would support strategic planning and adaptiveness and provide a level of independence to work across departments in recognition of the level of integration that will be required to deliver meaningful biodiversity outcomes.

By way of example, we highlight the Board of Zero Waste SA, which was established under the *Zero Waste Act 2004* and was afforded powers to establish committees and subcommittees to advise and assist Zero Waste SA in the performance of its functions. We recognise that, were a biodiversity body to be created, consideration of its governance arrangements, resourcing and implementation for best effect and use of resources would be critical to its success.

We have also long called for responsible agencies to provide reporting of their activities and the success of their programs against set measurable targets. Given this, we strongly support the mandating of measurable targets that are regularly reported on within a statewide biodiversity plan or strategy. These must be ambitious if we are to reverse the significant and ongoing biodiversity decline occurring in South Australia.

We suggest that reporting requirements include quantifiable success metrics and targets consistent with a Monitoring, Evaluation, Reporting and Improvement (MERI) framework. This would assist to:

- enhance the consistency and quality of gathered data
- support reflective analysis to improve biodiversity initiatives and ensure set goals and objectives are achieved
- effectively communicate the effectiveness of biodiversity program management at both regional and state levels
- enable allocation of appropriate funding to stakeholders and local governments to achieve targets
- establish financial accountability and meet reporting obligations associated with biodiversity programs and initiatives.

Accurate reporting relies on reliable data. While there is currently a broad range of local datasets for sites and species across the state, there are large gaps in data for many areas at a regional and state level, plus limited knowledge of ecosystem values. This impacts confidence in reporting status and reported trends in biodiversity. Improving how we measure and monitor biodiversity across the state supports better decision-making regarding biodiversity strategies and facilitates measurement of their outcomes.

Legislated monitoring should establish measures and criteria for consistent datasets, developed in conjunction with stakeholders who currently have some of this data. It should include ways to measure and monitor:

- high level ecosystems
- catchment scale creek and river systems
- biodiversity condition at a more regional level
- state and regional threatened species
- priority state and regional pests and disease.

The information should be provided spatially, similar to available canopy and heat mapping data. This could potentially be incorporated into the BioData SA project or other accessible public mapping systems.

We also support statewide plans and strategies being regularly reviewed and updated. In our view, a new Act should be founded upon principles of adaptive management, thereby allowing it to be dynamic and responsive to the evolving impacts of climate change.

Topic 7 – The benefits of information

The City of Onkaparinga:

- **supports the formation of BioData SA and commends the state government on this initiative**
- **agrees that a robust information base and evidence-based decision-making are essential to the effectiveness of the Act**

- **agrees that the Act must not add complexity to information sharing processes**
- **agrees with measurable targets and goals as part of planning processes, with effective monitoring programs.**

To achieve statewide biodiversity outcomes, there must be a consistent approach to biodiversity data collection and management throughout the metropolitan area and across regions. This would promote greater accountability, allow progress to be measured, and evaluate the effectiveness of biodiversity programs over time. The establishment of a central repository in South Australia would support this.

Government-led data collection should include, as a minimum:

- urban heat indices (areas of extreme heat, tree canopy, vegetation, water etc)
- climate risk and hazard data including flood mapping, coastal risks (inundation, erosion, cliff stability etc), bushfire risks etc
- weed mapping and monitoring at a regional level
- pest animal mapping and monitoring at a regional level
- ecological linkages including wildlife corridors and connectivity zones
- soil, water and vegetation condition
- ecosystem values/biodiversity condition at a regional level
- vulnerable species
- legislated protected areas.

We consider that monitoring pest plant and animal populations across the landscape using spatial technology will be critical to achieving biodiversity outcomes. The integration of pest spatial layers and data analysis would enable assessment of the efficacy of pest control programs in support of biodiversity targets.

We would also like to see data collected and represented across all land tenures and be made available to the public. Public access to a central pest distribution data source would help raise landholder awareness and guide strategic pest control at property and landscape levels. Public access to all data would support community education campaigns, enable land holders to undertake assessments and make informed decisions relating to their land holdings, and enable implementation of proactive biodiversity initiatives in identified areas of most need.

We note the discussion paper's consideration of establishing DEW as the responsible government agency for the management of our state's biodiversity information. As discussed in topic 6, we suggest consideration be given to the formulation of an overarching biodiversity body to lead statewide biodiversity efforts, including information collection and management.

We further note the discussion paper's consideration of developing policy that describes requirements for the collection, collation, interpretation and dissemination of biodiversity information. We suggest that, where these requirements are to be leveraged outside of state government bodies, they will need to be accompanied by commensurate funding arrangements to support stakeholders to meet any obligations imposed.

Topic 8 – Achieving 30 by 30

The City of Onkaparinga:

- **supports '30 by 30' principles and Australia's commitment to achieving them**
- **agrees with increasing the network of land managed for conservation purposes**
- **agrees with providing incentives for stakeholders to conserve and recover biodiversity**
- **emphasises the need to protect and restore biodiversity**
- **calls for additional funding for biodiversity initiatives, noting current funding arrangements are insufficient to address the scale of the problem.**

A fundamental shift in our approach to conservation investment will be critical to achieving '30 by 30' targets.

State Government Land

From a landscape ecosystem perspective, it is our view that protected areas on state government land should set the benchmark for best practice biodiversity management in our state and be a model for other land holders to follow. Due to a lack of funding, they currently are not.

It is critical that additional resourcing for conservation and restoration works in national parks be made an urgent priority after years of underfunding, which we have seen impact our community's collective effort to achieve landscape scale conservation and resilience outcomes.

It is our view that funding announcements relating to Environment, Heritage and Sustainability made in the State Budget 2023-24 are insufficient to stop, let alone reverse, declining environmental trends. Current state funding arrangements remain worryingly inadequate for the scale of work required in our national parks. Budget targets fail to address the significant on-the-ground conservation work required across our national parks.

We welcome the budget's $98.8 million total investment program this financial year for the Department for Environment and Water, including $8 million over four years towards the establishment of BioData SA. However, we see little direct funding for biodiversity and restoration projects under either new or existing projects. Indeed, budget funding for 'Parks Renewal Investment' is just $2 million in 2023-24.

We acknowledge the more than $25 million budget funding allocated to the Parks 2025 strategy in 2023-24. However, the majority of this funding is targeted towards upgrades and improvements to existing park facilities and infrastructure, rather than on-the-ground projects; just $3.3 million over four years (then $2 million annually) is allocated for 'statewide park renewal' under the strategy.

The Parks 2025 strategy appears to be founded upon a principle of maximising the economic return of national parks and relying on tourism operators, and the revenue generated by their activities, for investment in conservation programs. While we understand this rationale, we contend that the current focus on investing in the establishment of infrastructure to support this approach comes at the expense of funding fundamental work such as biodiversity and restoration projects.

This fails to properly appreciate the widespread benefits afforded by the preservation of ecosystems within our reserve system. Ecosystems play a vital role in our region's economic wellbeing by providing essential functions such as water purification and regulation, carbon sequestration and pollination support for industries including agriculture, viticulture, fisheries and tourism.

We also have concerns that current recruitment targets for park rangers in South Australia fail to meet the demands of managing our national parks. While the recruitment of five new Aboriginal rangers for work in SA's protected areas is a positive first step, the employment of additional park rangers is essential. The budget goal of 143 park rangers in 2023-24 represents only a one-position increase from 2021-22, raising concerns about the effective management of our expanding protected areas. The situation is exacerbated by inadequate funding for landscape boards, which are not equipped to deal with the challenges facing our national parks.

A reduction in the number of landscape board district officers and community volunteer staff has contributed to a greater reliance on National Parks and Wildlife Service (NPWS) staff to coordinate volunteer activities in national parks. This demanding and time-consuming task requires specialised skill sets and knowledge, and appropriate resourcing.

More funding for on-the-ground biodiversity and restoration programs must be committed if we are to realise the ambitions of a new Biodiversity Act and our ’30 by 30’ commitment. We cannot rely on private operators and volunteer groups to achieve our nation’s conservation and biodiversity ambitions.

Opportunities for Private Land

Stewardship agreements and programs are a recognised and well used mechanism that have been established to support biodiversity management and conservation on private land. It is acknowledged that providing a variety of mechanisms to encourage private management and improve protection across the range of different landholders is important. This was highlighted in the South Australian Parliamentary Inquiry Report into Biodiversity and has been adopted by the NSW State Government as part of the development of their Biodiversity legislation. Such mechanisms are in addition to the current Heritage agreements available.

The *Biodiversity Conservation Act 2016* (NSW) provides for a variety of agreements to support conservation activities across different landowners including:

- Biodiversity Stewardship agreements
- Conservation agreements
- Wildlife refuge agreements.

There are differences in the level of permanency of the protection afforded across these agreements, however the provision of a variety of options helps improve conservation efforts across the board. Agreements also work best when they enable access to supporting funding and resources. Funding for agreements could ideally be guided and prioritised through mapping and measuring mechanisms suggested in the data management section.

We recommend that a review be undertaken to ascertain the effectiveness of different models of agreements that could be implemented with private landholders in our state. This information could then be evaluated to determine which models might be best suited to the South Australian context.

Topic 9 – Biodiversity - a shared responsibility

The City of Onkaparinga:

- **agrees that a 'biodiversity duty of care' and legal obligations for duty of care to the environment should be included in the Act**
- **agrees that these should be tied to relevant administrative powers and civil penalties.**

We agree that biodiversity is a shared responsibility. Given this, biodiversity initiatives require a strategic, coordinated and collaborative 'whole of landscape' approach that involves engagement with traditional, private and public landowners and that encompasses cross-boundary regional programs.

We provide our experience with pest plant and animal control by way of example. As highlighted in our submission to the Independent Review of the *Landscape South Australia Act 2019*, under current arrangements, councils and other landholders largely act in isolation in controlling pest animal and plant species on their land. Our experience suggests that this disparate approach, unsupported by surrounding landholder involvement and state coordination, is largely ineffectual and fails to eradicate pest animal and plant species in the longer term. The same approach to biodiversity will yield the same lack of results.

Engaging land holders and land managers, and understanding their capacity to act, will be pivotal to the success of biodiversity initiatives. Education campaigns for land managers about the new 'biodiversity duty of care' will need to be developed, and information on the associated guidelines and regulations widely disseminated. Land managers are more likely to behave proactively if provided with appropriate education, as well as incentive funding. Conversely, a lack of education and funding support will act as an impediment to embedding a new duty of care requirement and implementing biodiversity initiatives.

So too will a lack of enforcement and penalties for non-compliance with the legislation. An effective, empowered compliance program will be critical to successful biodiversity outcomes, particularly against actors who have an understanding of their responsibilities, and the resources to comply, but elect to act inappropriately. Compliance serves as a deterrent and reinforces the importance of safeguarding biodiversity in accordance with legislation.

We remain a strong advocate for collaborative decision-making within a context of wider state planning that involves all stakeholders, including First Nations peoples, private individuals, community groups, private and public land holders and the various levels of government. The views of relevant stakeholders must be sought and considered early in decision-making processes.

Topic 10 – Consequences of doing the wrong thing

The City of Onkaparinga:

- **agrees with consistency in enforcement provisions across legislative frameworks**
- **agrees with much higher penalties for offences to align with other jurisdictions, noting that higher penalties for offences against animals have received broad support in the community (state review of the *Animal Welfare Act 1985*)**
- **supports a contemporary risk-based approach to enforcement actions**
- **supports civil options to allow third parties to bring proceedings in the public interest to supplement government enforcement efforts.**

As noted earlier, it is council's position that an effective, empowered compliance program is necessary to achieve successful biodiversity outcomes. Compliance serves as a deterrent and reinforces the importance of safeguarding biodiversity in accordance with legislation.

That said, penalties for non-compliance should be flexible but clear and provide a variety of measures commensurate with the activity and impact. It is preferable that enforcement options include provisions such as orders (stop work etc) or directions to provide greater capacity for responsive action in the first instance, if possible, and opportunity to avoid negative impacts to biodiversity from occurring.

Compliance measures should also include penalties that are sufficient to act as a disincentive, as well as fines or prosecution if required. The level of penalties should align with other legislation in South Australia and interstate.

Definitions of types of impact should be included in the Act to prevent ambiguity when assessing offences, for example quantifying 'significant impact'.

Other actions required in addition to a new Biodiversity Act

Baseline ecological assessment and review of funding/management arrangements

The City of Onkaparinga commends the government for acknowledging the state of crisis that biodiversity around the world is in and the gravity of the threat to biodiversity in our state. We support the goals identified for a state Biodiversity Act and intentions for the new legislation as outlined in the discussion paper. We agree with the supporting information and justifications for action provided in the FAQs document.

However, we contend that the ambitions of a new Biodiversity Act will not be successfully realised without an initial assessment of the current condition and value of biodiversity as a whole at a regional level, and current funding and management arrangements, in addition to and alongside the measures outlined in the discussion paper.

As noted in the discussion paper, habitat loss and fragmentation continue to occur. Inappropriate grazing practices, altered fire regimes, the impacts of climate change, and invasive plant and animals represent ongoing threats to biodiversity in our state. At the local level, we are already

seeing certain pest and declared weed species becoming entrenched in our city despite our targeted efforts on this front.

State-led action is necessary to address these issues and needs to commence with:

- An assessment of the ecological condition of our landscape with immediate action taken, including allocating resources to develop ecological restoration plans for identified priority areas or critically endangered species and implementing on-the-ground interventions.
- A baseline Ecosystem Services valuation of the state government reserve system to quantify the value of the services they provide, including the economic benefits provided via essential functions performed such as water purification and regulation; carbon sequestration; support for fisheries, tourism and other industries; and pollination support for industries including agriculture and viticulture.
- A detailed review of current biodiversity management and funding arrangements and a significant increase in operational budgets to ensure NPWS and Landscape Board staff are adequately resourced to perform essential park management duties and landscape conservation efforts.

We are confident that such action would attract widespread community support and serve as a catalyst for increased private conservation efforts beyond park boundaries and public land. It would also position the Government of South Australia as a national leader in tackling biodiversity challenges and at the forefront of a 'shared responsibility' approach to biodiversity in our state.

Metropolitan Adelaide biodiversity protection

Whilst the *Native Vegetation Act 1991* applies to the whole of the City of Onkaparinga, we are aware metropolitan areas immediately north of our boundary may have inconsistent native vegetation protection based on administrative legacies from Hills Face Zone and the former Metropolitan Open Space System. The current application of the Native Vegetation Act in these areas in many cases does not reflect biodiversity priority.

We would like to see improved protection and connectivity of native vegetation from our council area towards metropolitan Adelaide. This is particularly important along the coastal zone, through the Sturt River corridor and along the southern foothills.

We are aware that the City of Marion, with whom we collaborate closely, has been advocating for better native vegetation protection in these areas for many years and we echo and support these calls.

Other information for consideration

The timing and timeframe for this consultation period have proved difficult. The consultation period of 6 December 2023 to 14 February 2024 is a relatively short timeframe in the context of local government processes. It is also an inconvenient time of year for most corporate organisations, many of which observe a Christmas stand down period.

Timeframes for submissions and grant applications across state and federal portfolios remain an enduring difficulty for local government. We recommend that future consultation timeframes be

more generous to allow for local government processes. This is a matter that the City of Onkaparinga continues to flag as a recurring issue. Engagement with our local government counterparts confirms that this represents a challenge for many councils.

Concluding remarks

Ongoing biodiversity decline threatens the sustainability of our region and the prosperity of our communities. We can no longer afford to overlook the gradual deterioration of our invaluable ecosystems and the essential services they provide.

The challenges we face will only increase with the escalating impact of climate change. Urgent action is needed. The development of a new Biodiversity Act provides the opportunity to ensure that appropriate action is taken as a priority. We must act now to safeguard our environment for the future and for the generations to come.

Thank you again for the opportunity to provide this submission.

Yours sincerely



Moira Were AM
Mayor