[redacted]

[redacted]

**Subject:** City of Marion - Biodiversity Act

[redacted]

[redacted]

[redacted]

Dear Biodiversity Act consultation,
Unfortunately we have run out of time to make a full endorsed submission as part of this consultation. We have however had several staff fill out the survey.
For reference, I have also provided some specific information regarding application of the Native Vegetation Act in the City of Marion which was previously endorsed by our counil. Whilst some of this information is now out of date, the general principle that the Native Vegetation Act provides little to no protection for our most important biodiversity sites still applies. Biodiversity sites along the coastline and through river corridors is particularly important in this context and would support better regional biodiversity initiatives. We have also raised similar issues during consultation on the Greater Adelaide Regional Plan.
Regards,
Rebecca

**Rebecca Neumann**
**Unit Mgr Environmental Sustainability | City of Marion**
[redacted] | PO Box 21 Park Holme SA 5043

CITY OF MARION

*The City of Marion acknowledges we are situated on the traditional lands of the Kaurna people and recognises the Kaurna peo*
*Ngadlu tampendi Kaurna meyunna yaitya mattanya yaintya yerta*

CITY OF MARION

Parliamentary Officer
Natural Resources Committee
GPO Box 572
ADELAIDE SA 5000
NRC.Assembly@parliament.sa.gov.au

PO Box 21, Oaklands Park
South Australia 5046

245 Sturt Road, Sturt
South Australia 5047

T (08) 8375 6600
F (08) 8375 6699
E council@marion.sa.gov.au

1 July 2021

Dear Parliamentary Officer,

I am writing regarding the current Review of the *Native Vegetation Act 1991* (the NV Act) by the Natural Resources Committee of the Parliament of South Australia.

The City of Marion has considered the application of the NV Act within the council boundaries as part of our response to the South Australian Planning and Design Code (P&D Code) and following proposed amendments to the *Native Vegetation Regulations 2017* in July 2020.

In summary, the application of the NV Act in the City of Marion is patchy and confusing representing the administrative history of the former "Metropolitan Open Space System Zone" and "Hills Face Zone" and not reflecting the actual conservation values of native vegetation in our region.

Following a resolution at the General Council meeting on 25 August 2020, the City of Marion has requested the Minister for Environment and Water consider applying the NV Act to **all areas south of Seacombe Road plus the Sturt River open space corridor**, subject to further consultation with the local community.

For consideration as part of the current parliamentary inquiry, please find further detail on this position in the enclosed correspondence from the City of Marion to the Minister for Environment and Water dated 26 August 2020.

If you require further information on this matter, please contact Rebecca Neumann, Senior Environmental Planner rebecca.neumann@marion.sa.gov.au.

Sincerely,

Tony Lines

General Manager, City Services

**Enclosure:** Letter to David Speirs Minister for Environment and Water dated 26 August 2020

26 August 2020

CITY OF MARION

David Speirs MP
Minister for Environment and Water
Office of the Minister for Environment and Water
GPO Box 1047
ADELAIDE SA 5001
Email: minister.speirs@sa.gov.au

PO Box 21, Oaklands Park
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Dear David Minister Speirs,

I write in response to your letter dated 25 July 2020 regarding proposed amendments to the *Native Vegetation Regulations 2017* due to interaction with the *Draft Planning and Design Code*.

Following agreement from your department contact Mr Adam Schutz to submit our response on 26 August 2020, Council considered this matter at the General Council meeting on 25 August 2020.

Council resolved to support your proposal in principle to amend the Native Vegetation Regulations in order to maintain the current extent of the Native Vegetation Act. The two areas in the City of Marion noted to be affected by this change were:

1. Field River Valley
2. The former O'Halloran Hill Recreation Park (now part of Glenthorne National Park)

Council also considered an analysis of biodiversity sites in the City of Marion and changes to native vegetation protection under the *Draft Planning and Design Code* and proposed changes to *Native Vegetation Regulations 2017* (see Table 1 enclosure to this letter).

The analysis highlights that the protection of the Native Vegetation Act does not reflect the actual conservation value of our Council area with areas of low /unknown priority protected and other highly significant areas unprotected. Some key unprotected sites include:

- Remnants of Sturt River corridor particularly around Oaklands Wetland and Warriparinga Wetland
- Glenthorne Farm
- Hallett Cove and Marino Conservation Parks
- Marion Coast Park
- Waterfall Creek reserves
- Hallett Headland Reserve

The analysis also highlights, that there are some areas where application of the Native Vegetation Areas Overlay and State Significant Native Vegetation Areas Overlay remains ambiguous / unclear, potentially making future assessments confusing under the Planning and Design Code

CITY OF MARION

In order to better reflect actual biodiversity conservation values and provide better clarity with where the Native Vegetation Act applies, Council therefore also resolved to request you to consider applying the Native Vegetation Act 1991 **to all areas south of Seacombe Road plus the Sturt River open space corridor**, subject to you seeking further consultation with the local community.

We believe that if you are planning to amend the Native Vegetation Regulations already, then expansion to cover the Sturt River corridor and all areas south of Seacombe Road would provide better outcomes for our community because:

- It will reduce ambiguity around where the Native Vegetation Act currently applies, particularly around its interaction with the Planning and Design Code.
- It will ensure current high priority biodiversity sites listed in Council's Remnant Native Vegetation Plan are covered by the Native Vegetation Act.
- Seacombe Road represents a clear administrative boundary that aligns clearly with the council boundary to the east and west.
- It will only impact land owners that currently have native vegetation on their properties.
- There is an ongoing decline of native vegetation on private land, particularly along the coastline. This is a significant loss for our community that cannot be easily reversed.
- The application of the Native Vegetation Act over the whole of Glenthorne National Park precinct recognises the value of the broader precinct and further supports consistent, integrated management across landholders.
- The application of the Native Vegetation Act over the Sturt River corridor aligns with past directions around native vegetation protection through the Sturt Linear Park and protects precious remaining vegetation in this otherwise suburban area.

Given the interaction of this proposal with the Planning and Design Code, a copy of this letter is also made to Vickie Chapman MP, Minister for Planning and Local Government.

We look forward to hearing back from you regarding this request.

For further information about this response, please contact Rebecca Neumann, Senior Environmental Planner rebecca.neumann@marion.sa.gov.au / (08) 8375 6624.

Sincerely,

**Adrian Skull**
Chief Executive Officer

Enclosure: *Table 1. Analysis of biodiversity sites in the City of Marion and changes to native vegetation protection under the Draft Planning and Design Code and proposed changes to the Native Vegetation Regulations 2017.*

CC: Vickie Chapman MP, Minister for Planning and Local Government

Table 1. Analysis of biodiversity sites in the City of Marion and changes to native vegetation protection under the *Draft Planning and Design Code* and proposed changes to the *Native Vegetation Regulations 2017*

| Ref. | **Is this a priority biodiversity site for our region?**<br><br>➢ Yes (green) / unknown<br>➢ Ownership<br>➢ Current zoning in CoM Development Plan | **Does *Native Vegetation Act 1991* currently apply?**<br><br>Yes/No (green/pink) | **Will *Native Vegetation Act 1991* apply when the Planning and Design Code is implemented?** (based on public draft information)<br>Yes/No (green/pink)<br>➢ Proposed zoning<br>➢ Overlays that may provide additional vegetation protection | **Would the Native Vegetation Act 1991 apply with the Minister's proposed changes?**<br><br>Yes/No (green/pink) | **Further comments about this location...** |
|---|---|---|---|---|---|
| 1 | **Glenthorne National Park** (former O'Halloran Hill Recreation Park area)<br><br>a) Yes<br>b) State (DEW)<br>c) Hills Face Zone | Yes | No<br>➢ Conservation Zone | Yes | **Significant biodiversity**<br><br>Now formally part of Glenthorne National Park and declared as a reserve under the *National Parks and Wildlife Act 1972*.<br><br>As Hills Face Zone where the *National Parks and Wildlife Act 1972* applies, this area would be changed to Conservation Zone under the P&D Code and therefore the NV Act would be removed.<br><br>If the NV Regulations are changed as per the Minister's proposal, then the P&D Code suggests that the State Significant Native Vegetation Areas Overlay would be added to this area, however this is not clear on public consultation material.<br><br>This overlay would also technically include a 50m buffer outside of this area that will include some private residential land and Council land. It is unclear how this buffer would be applied<br><br>City of Marion has been required to seek approval from the Native Vegetation Council for clearance of native vegetation for both the Southern Soccer facility and the SW BMX site. |

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| | | | | | Approval has been granted and Council will pay into the Native Vegetation Fund.<br><br>Other triggers of the Native Vegetation Act within O'Halloran Hill Recreation Park have been due to the southern expressway developments and clearances for the water pipeline to the Adelaide Desalination Plant. Offset plantings also exist within this area. |
| 2 | **Glenthorne National Park** (former Glenthorne Farm site)<br><br>a) Yes (transitioning)<br>b) State (DEW)<br>c) Rural Zone B / Primary Production | No | No<br>➢ Primary Production | No | **Significant biodiversity**<br>Some areas of significant biodiversity – most of the site has been historically grazed and is undergoing restoration.<br><br>Now formally part of Glenthorne National Park and declared as a reserve under the *National Parks and Wildlife Act 1972*.<br><br>As a National Park, the Draft Planning and Design Code suggests that the State Significant Vegetation Overlay would apply, however recent advice from Department for Environment and Water suggests that as the NV Act would not apply at this location and there would be no vegetation overlay.<br><br>Was formerly flagged to become MOSS (and therefore to be protected under NV Act) as part of Park Lands 2036 Strategy and the MOSS Study Area. |
| 3 | **Field River Valley and Sheidow Creek**<br><br>a) Yes<br>b) Private (various) and City of Marion<br>c) MOSS Zone | Yes | No<br>➢ Open Space Zone<br>➢ Native Vegetation Areas Overlay | Yes | **Significant biodiversity**<br><br>This is a key biodiversity corridor in the south of Council with known species of conservation significance.<br><br>As an area of MOSS Zone, this area is proposed by the Minister to be included in the review of the NV Regulations. |

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| | | | | | Any vegetation in this location falling within the City of Onkaparinga will have NV Act protection regardless of Planning and Design Code since the NV Act applies to the whole City of Onkaparinga. |
| 4 | **Trott Park Creek line**<br>a) Yes<br>b) City of Marion<br>c) Open Space | No | No<br>➢ Recreation Zone<br>➢ No overlays related to biodiversity | No | **Significant biodiversity**<br><br>Important link from hills face to the coast, restoration process is underway, also links up with native vegetation corridor east of expressway (Erin Court Reserve and Old Hallett Bridge Reserve)<br><br>High levels of community engagement through the Friends of Upper Field River<br><br>Was formerly flagged to become MOSS (and therefore to be protected under NV Act ) as part of Park Lands 2036 Strategy and the MOSS Study Area. |
| 5 | **Nari Reserve**<br><br>a) Yes<br>b) City of Marion<br>c) Hills Face Zone | Yes | Yes<br>➢ Hills Face Zone<br>➢ Native Vegetation Areas Overlay | Yes | **Significant biodiversity**<br><br>Priority revegetation site for Council that is identified as a strategy biodiversity link within the broader Glenthorne National Park precinct. |
| 6 | **Marion Golf Park (part)**<br>a) Unknown<br>b) Private / City of Marion<br>c) Hills Face Zone (part) | Yes | Yes<br>➢ Hills Face Zone<br>➢ Native Vegetation Areas Overlay | Yes | This site is of unknown biodiversity value and has not been identified as a priority biodiversity site within the City of Marion Remnant Vegetation Plan. |

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| 7 | **Part of Seaview Downs residential area (south-western hills flank)**<br>Various lots areas around: Arkaba Street, Morphett Rd (part), Gulfview Rd, Fowler St (part), Jade Ct, Greenfield Street (part)<br>a) Residential biodiversity value unknown<br>b) Private / Council streets<br>c) Hills Face Zone | Yes | Yes<br>➢ Hills Face Zone<br>➢ Native Vegetation Areas Overlay | Yes | The residential areas covered by Hills Face Zone have unknown biodiversity value however they are expected to be low.<br><br>Morphett Road Reserve is a priority biodiversity site for City of Marion only part of which is included within this area of Hills Face Zone.<br><br>Previous attempts have been made by City of Marion to remove Hills Face Zone from this location due to it covering a residential area. |
| 8 | **Linwood Quarry Buffer**<br>a) Unknown<br>b) Private<br>c) Hills Face Zone | Yes | Yes<br>➢ Hills Face Zone<br>➢ Native Vegetation Areas Overlay | Yes | Biodiversity value unknown by Council however Council has supported verge planting along Perry Barr Road as an offset from the expansion of Linwood Quarry.<br><br>Some areas subject to mining / extraction. |
| 9 | **The "Sheep Paddock", Lonsdale Road, Marino**<br>a) Unknown<br>b) Private<br>c) Hills Face Zone | Yes | Yes<br>➢ Hills Face Zone<br>➢ Native Vegetation Areas Overlay | Yes | Biodiversity value unknown by Council however expected to be low due to sheep grazing. |

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| **10** | **Hallett Cove and Marino Conservation Parks**<br>a) Yes<br>b) State (DEW)<br>c) Conservation | No | No<br>➢ Conservation Zone<br>➢ State Significant Native Vegetation Areas Overlay (?)<br>➢ Coastal Areas Overlay (part) | No | **Highly significant biodiversity**<br><br>Protected areas under the *National Parks and Wildlife Act 1972*<br><br>As State Conservation Parks where the NV Act would not apply, recent advice from DEW is that the State Significant Native Vegetation Areas Overlay would NOT apply (this advice differs from the current information presented on the State Government's Plan SA map viewer). |
| **11** | **Trumara Rd, Marino (part)**<br>Irongrass community<br>a) Yes<br>b) Private / residential<br>c) Residential | No | No<br>➢ General Neighbourhood<br>➢ No overlays related to biodiversity | No | **Highly significant biodiversity**<br><br>This location contains a small community of nationally protected irongrass grassland and during residential subdivision triggered further assessment through the national *Environment Protection and Biodiversity Conservation Act 1999*. Certain conditions have been placed on how residential development occurs in this area. |
| **12** | **Waterfall Creek**<br>Council reserves from Aroona Avenue to Glade Crescent, Capella Drive, Lighthouse Drive, Glade Crescent. Creek leads to Hallett Cove Conservation Park<br>a) Yes<br>b) City of Marion<br>c) Open Space | No | No<br>➢ Recreation Zone<br>➢ No overlays related to biodiversity | No | **Significant biodiversity**<br>Important link from hills face to the coast, restoration process is underway. Links to Hallett Cove Conservation Park.<br><br>High level of community involvement through Bush for Life sites.<br><br>Was formerly flagged to become MOSS (and therefore to be protected under NV Act) as part of Park Lands 2036 Strategy and the MOSS Study Area. |

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| 13 | **Marion Coast Park** including coastal gullies<br>a) Yes<br>b) City of Marion care and control<br>c) Coastal Open Space | No | No<br>➢ Conservation Zone / General Neighbourhood Zone<br>➢ Coastal Areas Overlay (part) | No | **Significant biodiversity**<br>Several high priority sites identified in the Marion Remnant Native Vegetation Management Plan<br><br>Was formerly flagged to become MOSS (and therefore to be protected under NV Act) as part of Park Lands 2036 Strategy and the MOSS Study Area. |
| 14 | **Native vegetation on private residential land in the coast.**<br>a) Yes (some unknown)<br>b) Residential<br>c) Residential | No | No<br>➢ General Neighbourhood Zone | No | **Significant biodiversity**<br>Several areas of private residential land with significant biodiversity (particularly gullies). Some species of conservation significance known to occur at these sites.<br><br>Very little protection is offered to biodiversity in these locations. |
| 15 | **Field River Mouth**<br>Osprey Court & Cormorant Drive Reserve<br>a) Yes<br>b) City of Marion<br>c) Coastal Open Space | No | No<br>➢ Open Space Zone / General Neighbourhood Zone<br>➢ Coastal Areas Overlay (part) | No | **Significant biodiversity site**<br>Contains rare and nationally threatened species<br><br>High levels of community engagement through the Friends of Lower Field River. |
| 16 | **Hallett Headland Reserve**<br>a) Yes<br>b) City of Marion<br>c) Coastal Conservation | No | No<br>➢ Conservation Zone<br>➢ Coastal Areas Overlay (part) | No | **Highly significant biodiversity**<br><br>Location contains several species of known local, regional and state conservation significance.<br><br>High priority sites identified in the Marion Remnant Native Vegetation Management Plan<br><br>Recognised as a high priority biodiversity site in the state government's *Metropolitan and Northern Coastal Action Plan* (MANCAP)<br><br>Was formerly flagged to become MOSS (and therefore to be protected under NV Act) as part of Park Lands 2036 Strategy and the MOSS Study Area. |

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| | | | | | Fencing is being investigated to further protect biodiversity value. |
| 17 | **Former Adelaide Development Company land (western portion)**<br>a) Yes<br>b) City of Marion<br>c) Coastal Conservation | No | No<br>➢ Open Space Zone | No | **Significant biodiversity**<br><br>Currently receiving restoration following recent accidental clearance of significant vegetation. Council is now investigating fencing for additional protection. |
| 18 | **Sturt River Corridor**<br>Sturt Linear Park, Warriparinga Wetland, Oaklands Wetland<br>a) Yes<br>b) City of Marion / SA Water / others<br>c) Various | No | No<br>➢ Various - Open Space Zone / Recreation Zone / General Neighbourhood | No | **Significant biodiversity**<br>High priority sites identified in the Marion Remnant Native Vegetation Management Plan including Warriparinga Creekline and Oaklands Wetland and Oaklands Estate Reserve.<br><br>Was formerly flagged to become MOSS (and therefore to be protected under NV Act) as part of Park Lands 2036 Strategy and the MOSS Study Area. |