

Mark Parnell MLC
Parliamentary Leader, SA Greens
Parliament House
Adelaide SA 5000

June 16, 2017

Re: Environment, Resources and Development Committee (ERDC) Biodiversity Report

Dear Mark,

We are writing in response to the report from the ERDC Biodiversity Inquiry which was tabled in Parliament in March 2017. As you are aware, the purpose of the Inquiry was to investigate the regulatory and policy framework to determine whether it appropriately supports terrestrial and marine ecological processes, biodiversity values and abates species extinction.

One of the key findings of the report was that South Australia's legislation requires a major overhaul if it is to provide greater protection for biodiversity. These reforms are necessary to assist in addressing ongoing declines in the condition and extent of native vegetation and biodiversity which have been reported in successive State of the Environment Reports over the past two decades. Fundamental changes need to be made to the way we conserve, protect and enhance what remains of our precious native vegetation and the biodiversity it contains if we are to maintain our economic, environmental, cultural and social wellbeing. A strong legislative framework will underpin these efforts.

Specifically there are currently more than twenty pieces of relevant legislation which results in a fragmented approach to biodiversity conservation. There is a need to modernise and integrate our legislation to facilitate a landscape approach to biodiversity conservation which is capable of responding to current threats such as rural land use and urban planning and emerging threats such as climate change. As noted in the report existing legislation fails to properly consider biodiversity protection and does not even cover all of South Australia's biota. Importantly, a number of taxonomic groups, such as native fish, invertebrates and fungi along with threatened ecological communities are currently excluded from the legislative framework.

From our perspective, although some existing South Australian environmental legislation (such as the *Wilderness Act* and the *Marine Parks Act*) are some of the strongest in Australia, there are other pieces of legislation (such as *Native Vegetation Act* and *National Parks & Wildlife Act*) that require major amendment to ensure they achieve better outcomes for biodiversity than they do at present. Of particular concern to the conservation sector is the ongoing clearance of native vegetation through various permitted activities and exemptions under the *Native Vegetation Act* and Regulations that continues to contribute significantly to biodiversity decline, land degradation and loss of ecosystem service across the State. In large parts of the agricultural areas more than 75 percent the original native vegetation has been cleared since European settlement with less than 12 percent remaining

in some regions such as the Fleurieu Peninsula. Much of what remains is highly fragmented and in poor condition. This will only be exacerbated with the impacts of climate change.

A further key concern is the failure of the planning system to adequately take into account biodiversity considerations. For example, recent information obtained from the City of Unley regarding approved clearance of significant and regulated trees has advised that in the five months, from 15 August 2016 to 15 January 2017, 20 approvals have been issued. This approximates to one tree per week and, given that there are only 500 or so trees on the register for this Council area and most of these occur on private land, all these important features of the landscape within Adelaide's surrounds could well disappear within 10 years. The City of Unley staff and Mayor claim that there is little they can do to prevent the loss of significant and regulated trees as their role is limited to following through on policies and legislation set by Government. This provides just one example of poor planning decisions that are failing to protect remnant native vegetation with more than 6,500 significant and regulated trees approved for removal across the State between 2011 and 2016 based on Native Vegetation Council Annual Reports.

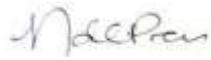
The lack of systematic, state wide biodiversity monitoring on both public and privately managed land is also a significant issue. Without such information it is impossible to gain accurate measures of the status of biodiversity indicators or reliable tracking of trends in response to ongoing management and land use. Although the NRM Report Card framework currently being developed by DEWNR is a step in the right direction, much more is required if we are to truly value and protect the State's natural assets that underpin the economy, health and wellbeing of all South Australians.

An allied issue is resourcing for compliance with environmental legislation such as the *National Parks & Wildlife Act*, *Native Vegetation Act* and *Natural Resource Management Act*. This is an area of ongoing underfunding, a situation that is unlikely to improve with ongoing budget and staff reductions across DEWNR. Despite legislative controls to prevent adverse impacts on biodiversity, many threatened species and ecological communities continue to decline due to human activity. Current penalties need to be substantially increased and a wider range of compliance tools implemented across both the public and private all sectors to prevent adverse impacts on threatened species, populations, ecological communities and their critical habitat. Any amendments to improve these Acts in terms of biodiversity conservation outcomes will be pointless without adequate resources to administer them.

Finally a most important matter is that existing legislation needs amendment to ensure it is not at odds with other government policies such as the State Strategic Plan, State NRM Plan, Conserving Nature 2012-2020, Healthy Parks Healthy People, Climate Change Adaptation Framework and Regional NRM Plans, which all extoll the benefits of nature and native vegetation as a "public good" providing benefits to society and the State's economy.

We are seeking the support of all members of Parliament to implement the Report's recommendations as a matter of the highest priority. We urge further serious consideration of this issue for the future benefit of all South Australians and their environment.

Yours sincerely,



Nicki de Preu
Conservation Ecologist

Nature Conservation Society of South
Australia



Melissa Ballantyne
Coordinator/Principal Solicitor

Environmental Defenders Office (SA) Inc.



Craig Wilkins
Chief Executive
Conservation Council SA



Peter Owen
Director
The Wilderness Society

