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14 September 2026

Hon Emily Bourke MLC
Minister for Climate, Environment and Water
Emailed: Minister.Bourke@sa.gov.au

Dear Minister Bourke

Biodiversity Act: Draft Regulations (statutory bodies)

I write in relation to the public consultation released on the YourSAy website on the Biodiversity Act: Draft Regulations (statutory bodies)¹.

On behalf of South Australia's local government sector, LGA has a longstanding interest in biodiversity and native vegetation matters. We recognise that ongoing biodiversity decline threatens the sustainability and prosperity of our regions and that a balanced, sophisticated approach to conservation is needed to support thriving and resilient communities.

I take this opportunity to thank officers from the Department for Environment and Water (DEW) for their ongoing engagement with LGA throughout the implementation of the *Biodiversity Act 2025* (the Act). LGA acknowledges the complexity of this transition and the shared commitment to developing a regulatory framework that delivers on the Act's objectives in a practical way.

LGA makes the following submission on the draft Biodiversity Regulations 2026 (the Draft Regulations)². The issues raised are consistent with LGA's previous submission³ on the Biodiversity Bill exposure draft prior to the passage of the Act.

Clearance Assessment Committee

The Draft Regulations appropriately recognise the value of urban and regional planning expertise on the Clearance Assessment Committee (CAC) through Regulation 5(2)(a)(i)⁴.

We consider that planning expertise should not be regarded as a substitute for local government expertise. While councils undertake important planning functions, they also bring broader experience in community development, open space and reserve management,

¹ [Biodiversity Act: Draft Regulations \(statutory bodies\) | YourSAy](#)

² [Biodiversity Regulations 2026](#) (draft)

³ [Biodiversity Bill - exposure draft - LGA submission - February 2025](#)

⁴ [Biodiversity Regulations 2026](#) (draft)

environmental stewardship, infrastructure delivery, and balancing environmental, social and economic outcomes at the local level. These perspectives are distinct from, while complementary to, technical planning expertise and can make an important contribution to protecting and enhancing biodiversity.

The Act already recognises local government as a key partner in biodiversity governance through the inclusion of an LGA nominee on the Biodiversity Council. Given the CAC's role in making decisions with significant implications for communities and councils, the Draft Regulations should also explicitly recognise local government experience as a desired skill set for CAC membership.

Recognising this expertise separately would support more balanced, informed and implementable decision making by CAC.

Recommendation

LGA recommends an amendment to Draft Regulation 5(2)(a) to include skills and expertise specifically in local government as a standalone requirement.

Funds

LGA notes that the Act and Draft Regulations provide for an appropriation from the Native Vegetation Fund to the Biodiversity Administration Fund. Regardless of the funding mechanism adopted, strong transparency and accountability in the collection, management and expenditure of biodiversity related funds is essential.

Therefore, LGA continues to support and advocate for regular public reporting on fund revenues, allocations and expenditure, including clear differentiation between administrative costs and investment in direct on ground biodiversity outcomes. Reporting should demonstrate how, where and for what purpose funds are spent, providing confidence that contributions are delivering tangible biodiversity benefits across South Australia.

While LGA notes the proposed appropriation, it is disappointing that funding arrangements to support implementation and administration of the new framework were not settled at the time the Biodiversity Bill was considered and passed by Parliament. Establishing funding arrangements as part of legislative development provides greater certainty regarding the resourcing and delivery of ongoing regulatory and administrative functions.

Recommendation

LGA recommends that the State Government continue to strengthen reporting, transparency and accountability measures relating to the collection and expenditure of statutory funds.

Helping local government build stronger communities.

Priority should be given to maximising investment in tangible on ground actions that protect, restore and enhance biodiversity across South Australia.

Conclusion

LGA looks forward to ongoing collaboration with the State Government on the development of the remaining regulations and supporting instruments under the Act, including:

- Further regulations under the Act
- The State Biodiversity Plan
- The Significant Environmental Benefits Policy
- Roadside and rail corridor vegetation management

This collaboration will be important to ensure effective implementation of the new framework and positive biodiversity outcomes across South Australia.

Yours sincerely



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