



NATIVE
VEGETATION
AUTHORITY

Native Vegetation Management

in South Australia



The Government
of South Australia

Foreword


There is widespread agreement within the community about the need to conserve areas of native vegetation.

In recent years the South Australian Government has initiated a number of programmes for the retention and re-establishment of native vegetation in the agricultural regions of the State. In 1980 it introduced a Heritage Agreement Scheme. Under this Scheme, which was a new approach to bushland protection in Australia, landowners were encouraged to enter into Heritage Agreements to retain and manage important areas of native vegetation on their land through the provision of selected financial incentives.

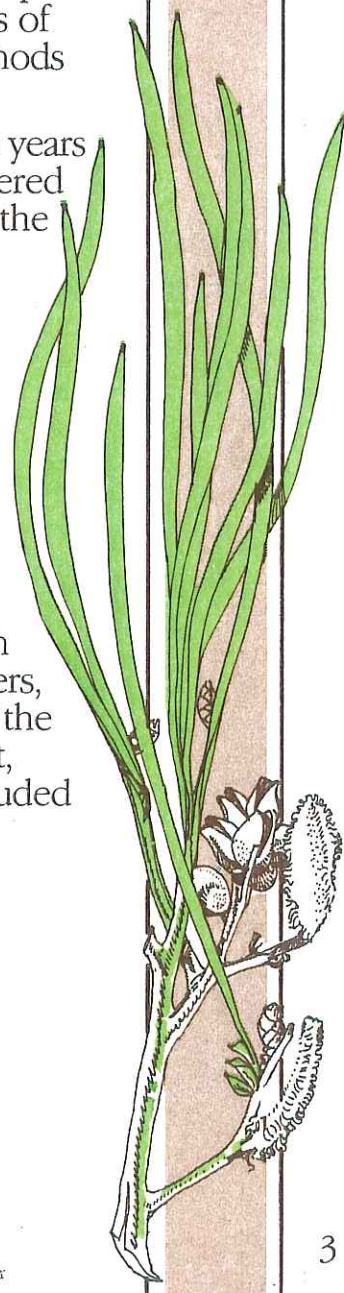
During 1981 a Revegetation Scheme was implemented to develop techniques to encourage natural regeneration of degraded areas of native vegetation and to facilitate the use of direct seeding methods for the revegetation of denuded areas.

The response to the Heritage Agreement Scheme in its first two years of operation was heartening. However, the Government considered that the Scheme, on its own, was not fully effective in reducing the continuing rate of land clearance. Consequently, in May 1983, regulations under the Planning Act were introduced to control vegetation clearance. After eighteen months of operation the Government held a series of discussions with the United Farmers and Stockowners of South Australia Inc. which culminated in the drafting of a Native Vegetation Management Act. The new Act not only controls the clearance of native vegetation, but extends the Heritage Agreement Scheme by providing additional financial incentives for the management of significant bushland areas.

South Australia has taken an important initiative which will, with goodwill and co-operation between Government and landowners, result in the long-term protection and management of much of the remaining vegetation. In a State with relatively little native forest, woodland and scrub remaining, such an initiative will be applauded by future generations.

A black and white portrait of Don Hopgood, a man with dark hair, wearing a suit and tie, looking directly at the camera.

Don Hopgood
Don Hopgood
DEPUTY PREMIER AND
MINISTER FOR ENVIRONMENT AND PLANNING



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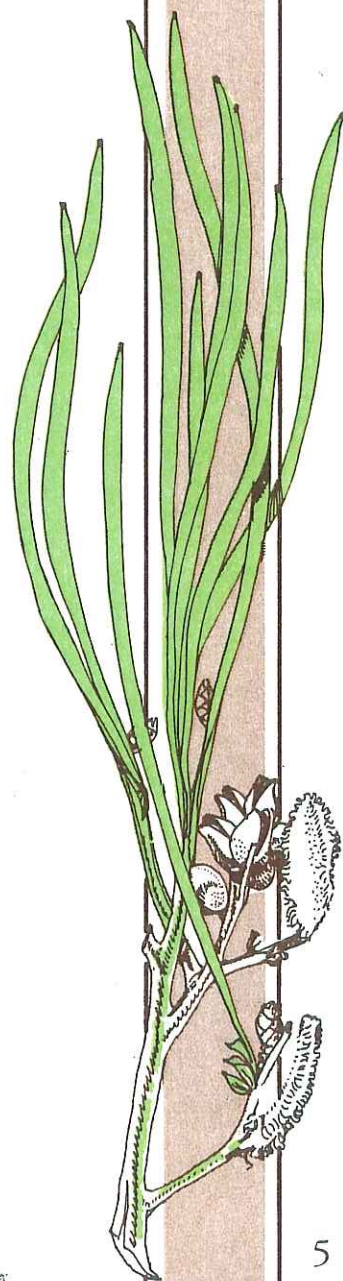


Introduction

Native vegetation management in South Australia's agricultural and pastoral districts is now subject to new legislation. Controls on clearance and assistance for management of areas of native vegetation are provided for under a Native Vegetation Management Act, 1985. Vegetation clearance is no longer prescribed as a development under the Planning Act.

Under the new Act, a Native Vegetation Authority will consider applications to clear native vegetation and will make recommendations to the Minister for Environment and Planning for the provision of management assistance.

This booklet has been prepared to answer general questions relating to native vegetation management. Should you have any further enquiries regarding the provisions of the new Act, please contact the Native Vegetation Authority, G.P.O. Box 667, Adelaide, 5001 or telephone 216 7777.



Need for Native Vegetation Management

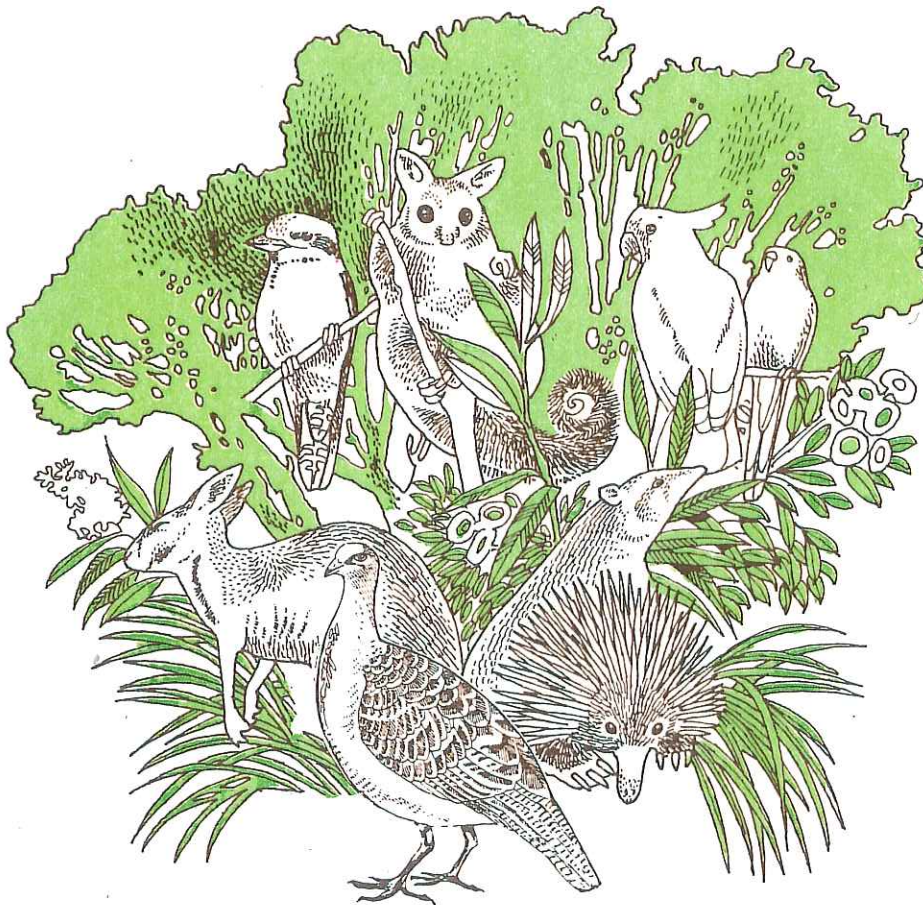
Why is native vegetation management necessary?

Native vegetation in the agricultural regions of South Australia is a declining resource of increasing value to the whole community. Over 80 per cent of the vegetation which occurred in these regions before European settlement has now been cleared — a far greater extent than any other State of Australia.

Without management of much of the remaining vegetation, continued clearance will inevitably lead to an impoverished landscape. Already, the extent of clearance has resulted in a disastrous loss of wildlife habitat.

Almost a third of the mammal species which once occurred in South Australia are now locally extinct and in some areas the loss has been much higher. Loss of habitat has been the principal cause of this dramatic decline.

The aim of the legislation is to ensure that a reasonable balance is achieved between the respective needs of agriculture and conservation.

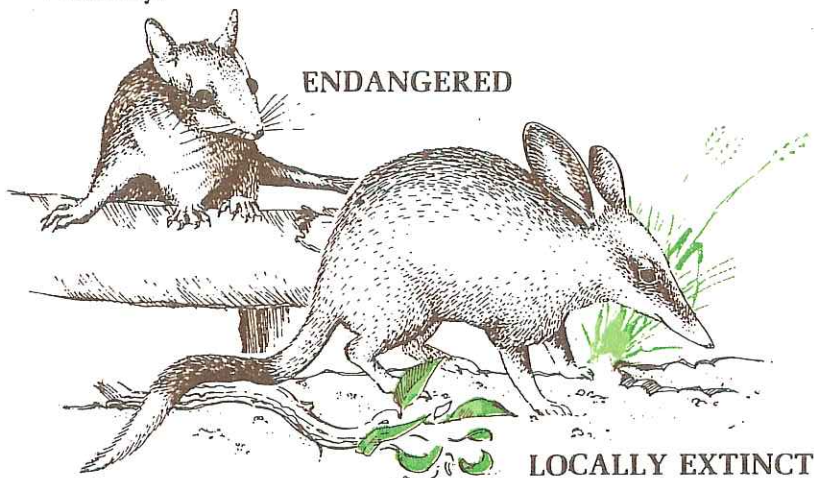


Why isn't the State parks system adequate?

The parks and reserves system cannot stand on its own. Off-park conservation is an essential complement to the reserve system.

Many of the reserves — even the larger ones — are becoming more and more isolated, island-like remnants in a “sea” of cleared agricultural land. There is a need to retain areas of native vegetation in the agricultural regions as corridors or stepping stones of natural habitat between reserves to allow the movement of wildlife from one area to another.

An analogy may be drawn with farming: when faced with inbreeding, or a sudden loss of stock through some natural disaster, a farmer's reaction is to introduce new stock. Our parks and reserves require a similar mix and interchange of genetic material to maintain their long-term viability.



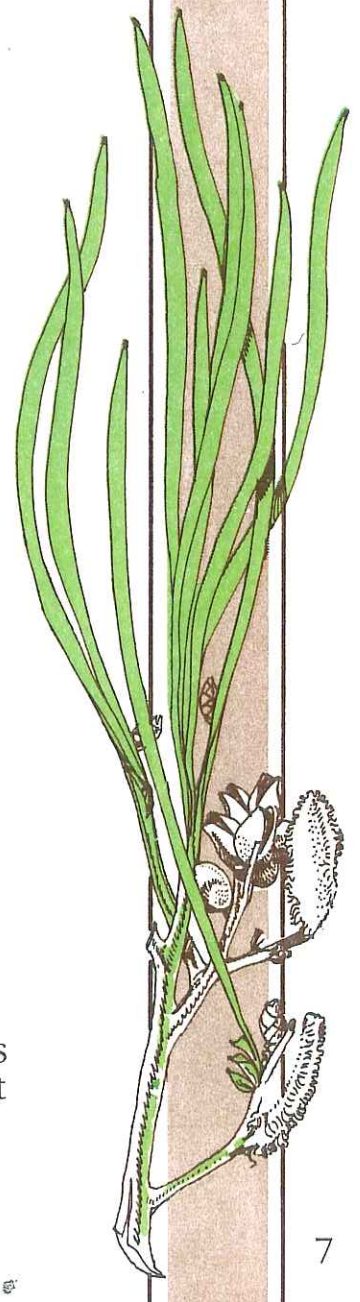
Why hasn't the voluntary Heritage Agreement Scheme been adequate?

As a means of encouraging vegetation retention, the Scheme has not been adequate, on its own, and controls on the clearance of vegetation have been necessary.

However, the Scheme will continue as a means of supporting the long-term management of significant vegetation areas (see page 10).

Will areas still be acquired for the parks system?

Yes. However, acquisition is expensive, both in terms of initial cost and ongoing management expenses and must therefore be selective and apply only to the most important areas. Retention of this irreplaceable resource is a responsibility which goes beyond government and must be accepted by the whole community as a necessary part of land management practice.



The Native Vegetation Authority

The Native Vegetation Management Act establishes a new Authority to administer native vegetation management outside the State-owned parks and reserves system in South Australia.

What are the functions of the Native Vegetation Authority?

The Authority's principal functions are:

- (a) to advise the Minister on —
 - (i) proposed heritage agreements (including terms relating to financial assistance in the management of land);
 - (ii) payments that the Minister should make on areas refused clearance approval (that are subject to a Heritage Agreement); and
 - (iii) payments that the Minister should make in special circumstances.

and

- (b) to assess clearance applications.

Who are the members of the Native Vegetation Authority?

The Authority consists of 5 members:

- (a) the Chairman of the South Australian Planning Commission;
- (b) a person nominated by the United Farmers and Stockowners of South Australia Inc.;
- (c) a person nominated by the Nature Conservation Society of South Australia Inc.;
- (d) a person with experience in conservation of native vegetation nominated by the Minister for Environment and Planning; and
- (e) a person with knowledge of agricultural land management nominated by the Minister for Environment and Planning.

The Native Vegetation Advisory Committee

The Act also formalises an existing Native Vegetation Advisory Committee to provide broadly based advice to the Minister on native vegetation management.

What are the Native Vegetation Advisory Committee's functions?

The Committee may:

- (a) advise the Minister on the retention and management of areas of native vegetation or the planting of native vegetation in cleared areas;
- (b) make recommendations on regulations that should be made under the Act; and
- (c) advise the Advisory Committee on Planning as to the effect of Supplementary Development Plans on the preservation and management of native vegetation.

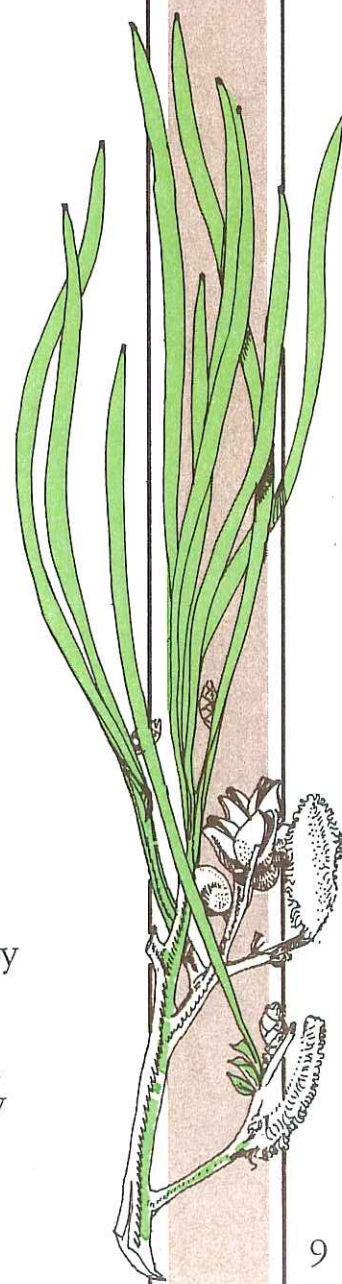
Who are the members of the Native Vegetation Advisory Committee?

The Committee consists of 8 members appointed by the Governor:

- (a) one is a person with extensive experience in local government;
- (b) three are people with extensive knowledge of, and experience in, agriculture, land management or rural affairs;
- (c) two are people with extensive experience in the conservation of flora and fauna or in re-afforestation;
- (d) one is a person with extensive knowledge of forestry and of botany or ecology;
- (e) one is a person with extensive experience in the use of native vegetation in relation to hydrological management.

Will the Native Vegetation Management Act be reviewed?

Yes. In addition to periodic review and advice provided by the Advisory Committee, it is proposed to establish a working party comprising representatives of the Department of Environment and Planning and the United Farmers and Stockowners of South Australia Inc. to review the Act at the end of its first year of operation.



Heritage Agreement Scheme

In 1980 the State Government introduced a Heritage Agreement Scheme which was designed to assist landowners to retain and protect areas of native vegetation on their properties.

The incentives offered under the Scheme included relief of council rate payment, fencing subsidies and management advice.

What has been the response to the Scheme?

By August 1985, 485 applications had been received and a total of 189 areas met the criteria for approval to enter into a Heritage Agreement.

How does the Heritage Agreement Scheme work?

A landowner signs an Agreement with the Minister, or an authority approved by the State Government, on the management measures necessary to retain, protect or enhance the value of the native vegetation involved. The Agreement does not affect land ownership, this remains with the property owner.



The Agreement may be expressed to run for a fixed term or to last in perpetuity, and as such will bind future landowners. This ensures that the intention of the Agreement is not adversely affected by a change in ownership of the land.

Should the Heritage Agreement, however, be in conflict with the terms of a mortgage or other interest registered before the Agreement is made, then the prior interest will not be bound by the terms of the Heritage Agreement. Conflict is not anticipated, for the philosophy of a Heritage Agreement to preserve, conserve and maintain an area of land, should be acceptable to a mortgagee.

The Scheme relies for its success on the co-operation of South Australian landowners.

What forms of assistance will be given to landowners?

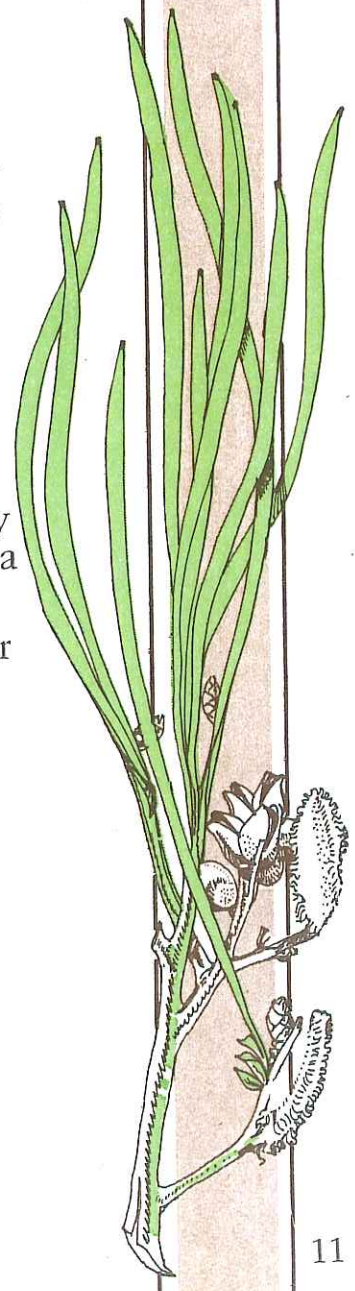
Assistance that may be available includes:

- (a) cost of fencing Heritage Agreement areas where required;
- (b) management advice and assistance on request; and
- (c) releasing of the landowner from the obligation to pay rates (including council rates) and taxes in relation to the Heritage Agreement area. This release will take effect from the commencement of the second rating year after the date of the agreement.

Will assistance be given with management of a Heritage Agreement area (for example, weed and pest control)?

A landowner may apply to the Native Vegetation Authority for financial assistance in the management of land under a Heritage Agreement.

The Authority will make recommendations to the Minister regarding appropriate assistance.



Will State and Local Government rates and taxes be payable on Heritage Agreement areas?

No. Such charges will be waived — unless the land is used for primary production or forms part of a dwelling or curtilage.

Who will pay for fencing Heritage Agreement areas?

It will be the Minister's responsibility to pay for and arrange for the fencing of Heritage Agreement areas. In view of the high cost involved, fencing will be undertaken on a priority basis over a number of years.

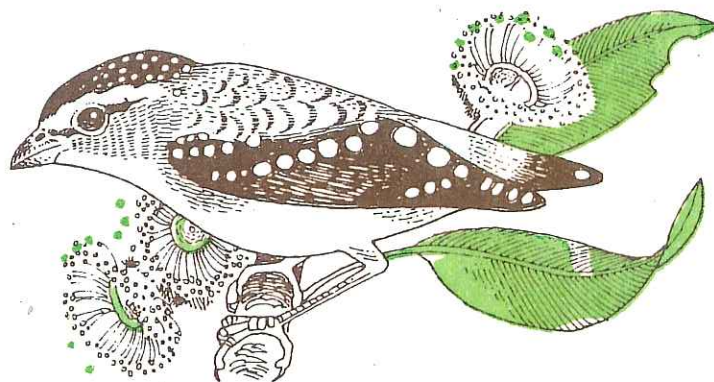
The landowner will be responsible for normal maintenance of such fences. The Minister will be responsible for replacement of fencing.

Will the Minister indemnify the landowner from any public liability action on land involved in a Heritage Agreement?

Public access is not provided for unless both parties agree to it. Where provided, an appropriate form of indemnity will be arranged.

Can a current holder of a Heritage Agreement or a person who has not received a refusal to clear land make application for payment under Section 27(1) of the Act (see page 19).

The Minister may, on the recommendation of the Authority, make additional payments to current Heritage Agreement holders.



What are the conditions of a Heritage Agreement?

The standard clauses and conditions of a Heritage Agreement are given in Appendix I. Variations from the standard may be adopted where agreed to by both parties.

Will grazing be allowed in a Heritage Agreement area?

Grazing may only be allowed with the approval of the Minister (or delegated authority). The sensitivity of the vegetation to grazing and the intensity and duration will be taken into account; for example, subject to the above, one could expect approval to be given for utilizing an area for off-shears shelter during a cold snap.

Can an area not suitable for agricultural production be included in a Heritage Agreement area?

Yes. Management assistance (including fencing) may be provided for such areas.

Who can take advantage of the Scheme?

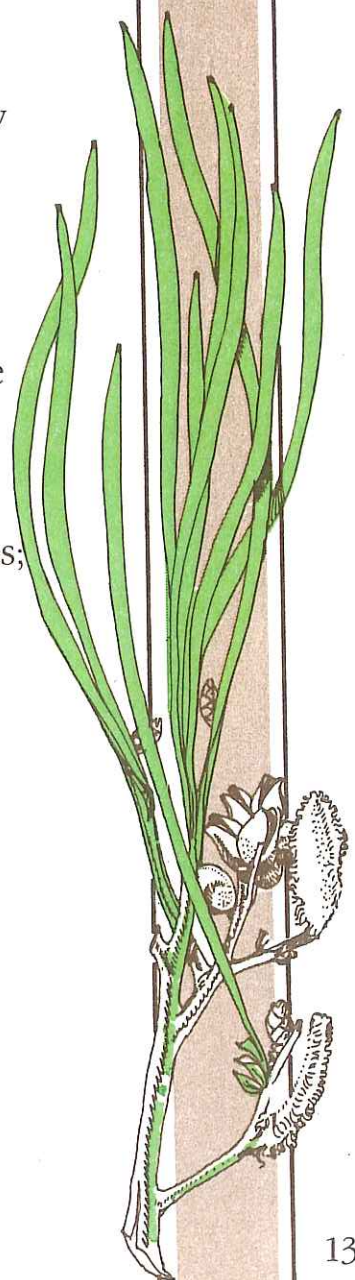
Anyone with an area of native vegetation on their property can apply to enter into a Heritage Agreement. The area does not have to have been refused consent to clear. To find out how to apply — see page 24.

How will an area be assessed?

Landowners who have areas of native vegetation refused clearance approval are automatically entitled to a Heritage Agreement. Other areas will be assessed for their conservation significance.

Criteria that will be taken into account include:

- presence of rare or endangered plant and animal species;
- size and shape of an area;
- number and rarity of plant associations;
- presence of weeds and pests; and
- degree of disturbance by grazing of livestock.



Control of Clearance of Native Vegetation

What are the controls on vegetation clearance?

Vegetation clearance requires the consent of the Native Vegetation Authority. The Authority may give consent with or without conditions or may refuse consent.

What is meant by clearance?

Clearance in relation to native vegetation means:

- (a) the killing or destruction of native vegetation;
- (b) the removal of native vegetation;
- (c) the severing of branches, limbs, stems or trunks of native vegetation; and
- (d) any other substantial damage to native vegetation.

Do the controls apply to the whole State?

The controls apply to those parts of the State referred to as the agricultural and pastoral regions. Areas not subject to the controls are certain metropolitan council areas where no significant areas of native vegetation remain. If in doubt, contact the Native Vegetation Authority on 216 7777.

Is roadside vegetation covered by the controls?

Yes. However, it is possible for councils to be exempted from the provisions of the Act, in which case those councils would have virtually the same day-to-day jurisdiction as they have had in the past. It is proposed to exempt councils which work within the spirit of guidelines issued by the Roadside Vegetation Committee.



Exemptions from the Controls

Is consent required in every instance, or are there circumstances where clearance can continue at a landowner's discretion?

A number of acts and activities that would constitute clearance of native vegetation, but are considered reasonable or necessary and would normally receive the consent of the Authority, are exempt from these controls.

What are the current exemptions?

Included with this booklet is a copy of the exemptions current at the time of publication.

It should be noted that the exemptions may change over a period of time. Accordingly, landowners should check with the Authority prior to commencing clearing operations. A summary of the current exemptions is as follows.

Native vegetation may be cleared where:

- (a) it occurs in Metropolitan Adelaide — excluding the Hills Face Zone and Mt Lofty Ranges;
- (b) clearance is required by an Act or regulation;
- (c) clearance is incidental to the lawful erection of a building;
- (d) clearance is incidental to minor works of the Crown;
- (e) it is minor and incidental to the construction of a dam;
- (f) it is situated on an allotment that is not greater than 0.25 hectares in size on which a building is situated;
- (g) it is situated within 20 metres of a dwelling;
- (h) clearance is required in an emergency or a potentially dangerous situation;
- (i) clearance is by burning for fuel reduction purposes provided that such burning is carried out in accordance with directions provided by the Minister.
- (j) it is to be used by the landowner for domestic fencing timber or firewood;
- (k) clearance is necessary to establish fence-lines, fire-breaks and tracks;

