

Protection of Existing Planted Native Species under Section 23E & 23H of the *Native Vegetation Act 1991*

Native Vegetation Council Information Sheet No. 49
September 2015

Background

Where the value of existing planted native vegetation (“revegetation”) is considered sufficient, the Native Vegetation Council may declare that it is “native vegetation” as defined by the *Native Vegetation Act 1991*. The Act provides incentives and assistance to landowners in relation to the preservation and enhancement of native vegetation; and controls the clearance of native vegetation. For example, if declared under the Act, the revegetation could not be removed by mechanical means, substantially damaged, burnt, or grazed at a greater intensity than current practices **unless** granted clearance consent or otherwise exempted under the Act.

For information on revegetation within a Heritage Agreement, refer to [information sheet 51](#).

What types of revegetation will be considered?

Before an application to protect revegetation can be considered, it must be established that the planted species were likely to have occurred on the land prior to European settlement AND have a high likelihood of continued survival. In most cases, the planted species are required to be 5 years old. Plantings 3 to 5 years old will be assessed on a case by case basis.

If the revegetation meets these above criteria, the approach recommended next is to determine ‘sufficient value’ against **one or more** of the ‘Principles of Clearance’ outlined in the Act. The Principles relate to the impacts of clearance on species diversity, habitat, rare and vulnerable plants, remnant vegetation, wetlands, soil erosion and flooding. For example where the revegetation is considered to have ‘high (native plant) species diversity’, then it may be declared to have protection under the Act. **It is only necessary that one principle of clearance apply to the revegetation.**

Plantings subject to a **Carbon Farming Initiative** are eligible to apply. The primary purpose of the revegetation, though, should be to provide native vegetation habitat. Information about the Principles can be most easily found in Information Sheet Number 10 via this link;
http://www.environment.sa.gov.au/managing-natural-resources/Native_vegetation/Managing_native_vegetation/Clearance_applications

Native Vegetation Management Unit, Department of Environment, Water and Natural Resources: GPO Box 1047 ADELAIDE 5001: phone 8303 9777:
email nvc@sa.gov.au

www.environment.sa.gov.au/nativevegetation





Established area of revegetation (foreground) of high habitat value as it forms a buffer zone to Warren Conservation Park

Management Obligations

For applications that involve no further revegetation, a formal management plan is not required. Landowners are required only to fulfil management obligations that occur under existing legislation e.g. under the *Natural Resource Management Act 2004*, landholders are required to manage proclaimed pests and weeds. Under the *Native Vegetation Act 1991*, management incentives are not currently available.

Applications that include *further* revegetation, are assessed under separate criteria within [information sheets 50](#) for those sites not under Heritage Agreement, or [information sheet 51](#) for those that are. A management plan will be required to ensure that the revegetation is representative of the former naturally occurring plant community.

How long does the declaration (protection) last?

The declaration of revegetation as ‘native plants’ is ongoing and noted against the Title. It is worth noting that any naturally occurring juveniles in and around the planted species are automatically subject to clearance controls under the Native Vegetation Act. This is because of the difficulty with knowing the actual seed source.

How is the protection registered?

Once the Native Vegetation Council has declared the revegetation under the Act, the landholder will be sent a Decision letter with an accompanying plan showing the area subject to the provisions of the *Native Vegetation Act 1991*. The declaration will be noted against the Title. This declaration will also be included in a Property Interest Report (PIR) provided by the South Australian Government.

In South Australia under Section 7 of the Land and Business (Sale and Conveyancing) Act 1994, the vendor of real estate property is obliged to provide the purchaser with this information.

How to Apply

Application forms can be downloaded from: [http://www.environment.sa.gov.au/managing-natural-resources/Native vegetation/Managing native vegetation](http://www.environment.sa.gov.au/managing-natural-resources/Native_vegetation/Managing_native_vegetation) and must be submitted using the Application form provided to:

Native Vegetation Management Unit
Department of Environment, Water and Natural Resources
GPO Box 1047, ADELAIDE 5001
Phone (08) 8303 9777
Email nvc@sa.gov.au

For any queries relating to revegetation of land, contact your local office of Natural Resource Management in the first instance.

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email nvc@sa.gov.au*