

Protection of Proposed Revegetation under Section 23F of the *Native Vegetation Act 1991*

Native Vegetation Council Information Sheet No. 50
September 2015

Background

The *Native Vegetation Act 1991* (the Act) provides for the protection of native planted species ("revegetation"). This information sheet concerns the protection of proposed revegetation that occurs outside a Heritage Agreement area and is part of an ongoing revegetation program. For information on protection of **completed** revegetation projects, please refer to [information sheet No. 49](#). For information on revegetation within a Heritage Agreement, please refer to [information sheet No. 51](#).

The Act provides that where proposed revegetation outside of a Heritage Agreement has sufficient value and is representative of the pre-European vegetation community, it can be declared to be 'native vegetation' as defined under the Act.

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. This protection extends to all future landholders.

What types of revegetation will be considered?

In most cases applications that include future revegetation proposals will only be considered if they are part of a current revegetation program, of which 50% of the total of existing and proposed plantings are already 5 years old. This minimum age requirement is to help ensure that the revegetation has a high likelihood of long-term survival. It must also be established that the revegetation is representative of the vegetation community that existed on the land prior to European settlement. Factors to be considered are plant species diversity, spacing and abundance of individual plant species, and whether representative species from each of the main plant structural layers are present, e.g. from the ground cover, shrub, twiners, and tree layer, as relevant.

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



Management Obligations and Incentives

Applications for protecting further revegetation (which is part of an existing revegetation project) must be accompanied by a management plan which aims to mimic the pre-European vegetation community. The management plan may be prepared in conjunction with regional natural resource staff and should include the following information:

- For each species, their planting 'pattern' needs to be described e.g. 'widely and randomly spaced individuals' or 'clusters of up to 10 individuals with each individual or small group being on average 10 – 50 m apart'; or 'irregularly spaced and shaped clusters of plants each of up to x m²'; and
- Estimates of projective foliage cover (PFC) for each structural layer, existing at the time of application, and predicted at plant maturity. PFC is the proportion of the ground covered by the vertical projection of foliage. The following table provides a guide of typical combined PFC for each main structural layer that could be expected in different vegetation types.

Table 1: Range of projective foliage cover for plant structural layers within broad benchmark structural formations.

Benchmark structural formation	% Projective foliage cover (PFC) range*		
	Ground Layer < 1m	Shrubs/Sedges > 1m	Trees incl. lower tree layer
Grassland	20 - 50	0 - 20	0 - 5
Woodland with prominent grassy/herbaceous understorey	10 - 50	5 - 40	10 - 30
Mallee (non-heath)	2 - 20	20 - 40	20 - 50
Mallee/Woodland heath (including mallee broombush)	2 - 20	30 - 60	10 - 70
Shrubland (wetland and non-wetland)	5 - 30	30 - 70	0 - 5
Woodland/Open Forest with sclerophyll shrub understorey	5 - 30	30 - 70	20 - 70

*PFC range based on comparable Ecological Vegetation Class benchmarks and Bushland Condition Monitoring benchmarks of the Nature Conservation Society of SA <http://www.ncssa.asn.au/books>

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Landowners are also required to fulfil management obligations that occur under existing legislation e.g. under the *Natural Resource Management Act 2004* where landholders are required to manage proclaimed pests and weeds.

Under the *Native Vegetation Act 1991*, applications approved under Section 23F of the Act may be eligible for fencing assistance.

Applications for existing revegetation that is not part of an ongoing program, or that can be spatially and/or descriptively delineated from future plantings, will be assessed under separate criteria ([refer to information sheet 49](#)) and a management plan is not required.

How long does the declaration (protection) last?

The declaration of revegetation as 'native plants' is ongoing and is transferred with the Land Title. Any naturally occurring progeny of the declared planted species is also subject to clearance controls under the Native Vegetation Act.

How is the approved 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 Land 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 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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