

Heritage Agreement Policy and Guideline

Engagement Report



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**Government
of South Australia**
Department for
Environment and Water



Native Vegetation Council

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Introduction

A Heritage Agreement is a permanent and legally binding contract placed on a property's title to protect an area of native vegetation. The contract is formed between a land owner and the Minister responsible for the *Native Vegetation Act 1991* (the Act). The Native Vegetation Council (NVC) is an advisory body to the Minister. According to Section 23(5) of the Act, the Minister must not enter into, vary or terminate a Heritage Agreement without first consulting and obtaining the approval of the NVC.

Heritage Agreements have been a means to protect and restore native vegetation on private land since the 1980s. There are over 1600 Heritage Agreements in South Australia. More than 2800 landholders have already agreed to ensure the long-term protection of 1.85 million hectares of the state's native vegetation.

Under the Growing Nature Policy, the Malinauskas Government committed to undertake a "Review of the Structure of Heritage Agreements". In accordance with the Election commitment, a review of Heritage Agreements, the structure and permissible activities was undertaken. The scope of the review included the following:

- The intent of Heritage Agreements as set out in the Native Vegetation Act
- The existing structure of Heritage Agreements
- The structure in relation to identified issues or comments
- Key findings of the review

The review highlighted that clarity and communication is required to build understanding and capacity for existing and aspiring Heritage Agreement owners. To address this the review has recommended a policy as the best instrument for ensuring clarity and consistency. A further recommendation was to release a guideline relating to applying for financial incentives.

The purpose of the policy is to provide:

- a framework for consistent decision-making for new Heritage Agreements;
- an outline of the principles that guide the NVC in incentivising, approving, varying, or terminating a Heritage Agreement;
- clarity on the permitted activities within a Heritage Agreement; and
- an outline of the available financial assistance.

The intent of the guideline is to assist Heritage Agreement owners when applying for financial assistance by:

- setting out the matters that must be addressed in an application for funding; and
- clarifying the NVC's considerations when appraising applications.

Summary of engagement

The draft Policy, Guidelines and supporting information were released for public consultation on YourSAy from Tuesday 2 November 2022 to Friday 16 December 2022 (6 weeks). Key stakeholders were also engaged directly during the public consultation period.

Engagement methods

Letters were sent to all Landscape Boards across the State, peak bodies and key Non-Government Organisations. Community groups, interested parties and individuals were invited to provide comment via YourSAy (survey and online forum) or provide written submissions directly to the Native Vegetation Council.

The public consultation was also promoted via a media release issued by the Minister for Climate, Environment and Water, DEW websites, newsletters and social media.

Engagement outcomes

Submissions were received from respondents across the State in all Landscape Regions except South Australian Arid Lands and Alinytjara Wilurana (Appendix 1). A total of 29 responses were received from government agencies, non-government organisations, local government and individuals, which includes comments received through the open forum mechanism on the YourSA website and general comments made through the survey responses. 9 responses to a survey on the YourSAy website were received (Appendix 2).

Of the 28 submissions, half were received via the open forum mechanism of the YourSA website.

Feedback	Responses (#)
YourSAy survey	9 respondents
YourSAy open forum	13 respondents
Written submissions	13 submissions, including organisations listed below
Meetings	Primary Producers South Australia Conservation Council South Australia
Other	1 internal departmental officer provided feedback

The organisations who responded with comments on the draft policy and guideline are listed in Table 2.

Table 2. List of organisations (i.e. not individuals) contributing comments to the draft policy and guideline

Organisation
Australian Land Conservation Alliance
Association of Mining and Exploration Companies
Bush Heritage Australia
Nature Conservation Society of South Australia
Primary Producers SA
Trees for Life
Eyre Peninsula Landscape Board
Murraylands and Riverland Landscape Board
Hills and Fleurieu Landscape Board

Submissions and comments

The comments and proposed amendments received are outlined in Table 3. Three requests for extensions were granted. In total 29 responses were received. As a result of the submissions received, amendment to the Policy and Guidelines have been made. The following table provides a summary of the comments or suggested amendments received and the corresponding response.

Table 3: Summary of submissions and comments and corresponding responses

Theme	Summary of comment	Response accepted	Response
'Heritage Agreement Policy' comments			
Definitions	<ul style="list-style-type: none"> • Amend the Policy to use definitions of key terms: <ul style="list-style-type: none"> ○ "land" / "owner of land" (instead of property / landholder) to be consistent with the wider SA legislative framework and facilitate greater understanding of the HA Policy. For example, section 23 of the <i>Native Vegetation Act 1997 (SA)</i> the Minister may enter into a HA with the 'owner of land'. The Term/phrase 'owner of land' is defined in section 3(b) of that Act to include 'the lessee of land held under a Crown lease'. ○ For example, "a Heritage Agreement is a permanent and legally binding contract placed on a property's land title to protect an area of native vegetation." 	Yes	Policy and Guideline amended.
Purpose	<ul style="list-style-type: none"> • The Purpose should expressly include the following additional statements; <ol style="list-style-type: none"> i. This Policy provides all owners of land with information regarding the manner in which the NVC will implement the Act; and ii. This Policy will guide the creation of a public register of HAs in South Australia. <p>A free, publicly available register of HAs would engender public confidence in the Act, HA Policy framework and system of conservation protection. All owners of land would have to give</p> 	Noted	The intent of the Policy is to articulate the incentivising, approving, varying, or terminating of Heritage Agreements. The Act is the mechanism which requires the Native Vegetation Council to keep a register of all heritage agreements, available for public inspection. Due to the personal nature of the details held on the register, public release of the information will be given thorough and separate consideration.

	express consent to the personal information and data disclosed on any such public register.		
Establishing a HA	<ul style="list-style-type: none"> Suggested wording amendment (dot point 1, page 2): Add sub-point c. of any size where it abuts an existing Heritage Agreement or other protected area (such as a reserve under the National Parks and Wildlife Act); and/or where it has been nominated by a Government department, body or authority, including local or Federal government. 	Yes	Policy amended.
	<ul style="list-style-type: none"> Suggested wording amendment (dot points 1 and 2, page 2): To provide more flexibility in terms of acceptable sizes of HAs, include "as a guide". 	Yes	Policy amended.
	<ul style="list-style-type: none"> Suggested wording amendment (dot point 2, page 2): Native vegetation covers most of the area proposed for inclusion, or where a portion lacks native vegetation cover, that portion is less than a third of the total area and it will be subject to revegetation restoration. i.e. other techniques including weeding can permit regeneration of native species. Is there a definition of revegetation that should encompass this option? 	No	The Policy has not been amended as revegetation is the term utilised within the Act.
	<ul style="list-style-type: none"> Suggested wording amendment (dot point 4 (page 2). Concerns regarding how the bar is set and suggest another justification: 4. protecting existing habitat for climate change/refuge (regardless of connectivity/existing clearance rates) The rewards of "not paying rates on that portion of their land" is fairly small compared to the possible benefits for the environment, particularly with the increased need for vegetation cover under climate change. 	Yes	Policy amended to include "protecting existing habitat for climate change / refuge".
	<ul style="list-style-type: none"> Suggested wording amendment (dot point 2, page 3), two respondents provided the following options: 2. The revegetation has been established, where appropriate, from locally sourced seeds or specimens. The NVC will 	Partial	The threshold to protect revegetation activities is articulated in the <i>Native Vegetation Act 1991</i> . Specifically, section 23 of the Act states that the Minister may enter into a Heritage Agreement:

	<p>permit plants established from seed or cuttings sourced from appropriate drier climates relative to the area being revegetated to enable the plants to be resilient to climate change, but they should still be from within the same general geographic region. The NVC may choose to refer to appropriate climate change modelling when making any assessment.</p> <ul style="list-style-type: none"> • 2. The revegetation has been established, where appropriate, from locally sourced seeds or specimens. The NVC will permit plants established from seed or cuttings sourced from appropriate drier climates relative to the area being revegetated to enable the plants to be resilient to climate change, but they should be from similar ecosystems still be from within the same general geographic region. The NVC may choose to refer to appropriate climate change modelling when making any assessment. • The requirement for locally sourced seeds etc is a limited view of re-vegetation efforts. There are many examples of significant habitat value in plantings that are not local in any way, however they are Australian native species. We would expect these plantings also have the capacity to be protected by a HA. Perhaps evidence of the habitat value could be collected to provide justification. 		<p><i>where the land has been re-vegetated with plants of one or more species indigenous to the local area</i></p> <p>However, the Policy has been partly amended:</p> <p>The revegetation has been established from locally sourced seeds or specimens. The NVC will permit plants established from seed or cuttings sourced from climates relative to the area being revegetated to enable the plants to be resilient to climate change, but they should still be from within the same general geographic region. The NVC may choose to refer to appropriate climate change modelling when making any assessment.</p>
	<ul style="list-style-type: none"> • Is the reference to "the same geographic region" defined? It is open to interpretation which may be beneficial for flexibility. 	Noted	The term "geographic region" is taken to mean the commonly understood words.
	<ul style="list-style-type: none"> • Consider other instruments that better match the aspirations of landholders for protecting revegetation (page 3) 	Noted	The Review of Heritage Agreements document (page 3) discusses options for protecting revegetation in greater detail.
Permitted activities	<ul style="list-style-type: none"> • Clarification in the Policy is needed regarding listing examples of the range of potential Permitted Activities that might be included in a HA. • Keep open minded about permitted activities e.g. education at a small impact cost. 	Noted	The generally permitted activities are listed within the Policy.
	<ul style="list-style-type: none"> • Giving consent for activities such as revegetation as part of an application for financial assistance or for entering into an HA would save on resourcing. 	Noted	Revegetation is identified as an activity that is generally permitted in the Policy and would be dealt with in the same application when establishing the HA.
	<ul style="list-style-type: none"> • "Revegetation in areas lacking native vegetation cover, where natural regeneration may be limited..." 	Yes	Sentence order rearranged.

<p>This could be interpreted that it is not permitted to add layers/missing species where there is some native vegetation present. The end of the sentence implies that this is not the case, thus the language could be improved to make it clear that adding missing structural elements or key species is allowed even in areas of existing native vegetation.</p>		
<ul style="list-style-type: none"> • Suggested wording amendment (dot point 1, page 3): • “should consist of local species consistent with the expectations.... allowing species from drier climates 	Yes	Policy amended to make reference to species from drier climates.
<ul style="list-style-type: none"> • Respondent queried the reference to clearance to establish camping and caravan sites being within the HA or exclusion zone - presumably this should only be allowed within the exclusion zone, not within the HA itself? 	Yes	Correct, these activities should be located wholly within an exclusion zone.
<ul style="list-style-type: none"> • Regarding bee-keeping (dot point 3 (page 4), it should be noted that feral bees have an impact on native vegetation through pollination of invasive weeds. HA Policy should encourage landholders to phase out pre-existing bee-keeping activities and explicitly prevent any new activities. <p>Suggested amendment (dot point 3, page 4): 3. Bee-keeping may be allowed to continue within a Heritage Agreement area in a manner and at a level consistent with the existing use at the time the agreement was established. Prior to finalising a Heritage Agreement, the landowner is required to provide information relating to the location and number of existing bee hive sites and the location of existing tracks to be used for bee-keeping.</p>	No	This has been retained as it only related to circumstances where bee keeping was a pre-existing activity, therefore it is expected that such activities will phase out over time.
<ul style="list-style-type: none"> • Suggested amendment (dot point 4, page 4): <p>Management of over-abundant native animals if it is specifically for the purpose of improving or maintaining the condition of the vegetation within the Heritage Agreement, and it is undertaken in accordance with a destruction permit issued under the <i>National Parks and Wildlife Act 1972</i>. Commercial harvest of kangaroos should be considered if it is a viable option for the site.</p>	Partial	Amendments made to recognise that commercial harvesting might be appropriate in some circumstances.

Suggest that the permitted activity of managing over-abundant kangaroos should include commercial shooters.		
<ul style="list-style-type: none"> Permitted activities should involve ecological and cultural burning. 	Yes	Policy amended to include burning activities where a Management Plan has been approved by the NVC.
<ul style="list-style-type: none"> Incentive programs (dot point 5, page 4) should be explored for more current and emerging opportunities and how they may interact with new or existing HAs. 	Noted	Carbon farming and biodiversity markets are two examples. The wording of the Policy allows for all activities associated with incentive programs to be permitted, providing the ecological and conservation values will be enhanced.
<ul style="list-style-type: none"> The status of HA vegetation for trading in carbon and biodiversity markets is unclear 	Noted	There are no limitations contained within Heritage Agreements or within the Act that would prevent the land being used for carbon farming and biodiversity markets activities. However, these schemes may have requirements that land subject to a Heritage Agreement may not meet. Further information should be sought from the Australian Government's Emission Reduction Fund regarding eligibility requirements under the schemes they administer.
<ul style="list-style-type: none"> Suggested amendment (under activities that impact on ecological values (page 4)): List horse riding, as this can be a very detrimental particularly due to potential for weed invasion from seeds in faeces. 	Yes	Policy amended.
<ul style="list-style-type: none"> Restrictions on management can diminish biodiversity and fire risk, pest and weed control outcomes. 	Noted	It is considered that an appropriate range of management actions are permitted within a HA, subject to the necessary approvals.
<ul style="list-style-type: none"> Respondent does not support statement regarding greater flexibility provided in relation to HAs established voluntarily. This is a confusing and inconsistent policy position and should be removed. The HA should be protected regardless of the process of establishment. 	Noted	<p>This reference has been included on account that the establishment of a HA voluntarily has occurred with the intent to focus on protecting vegetation and as such any request to undertake an activity which is not generally supported, is likely intended to minimise impact to vegetation to the greatest extent.</p> <p>In comparison, the requirement to establish a HA as a result of clearance (e.g. condition of consent, court order etc) has stemmed from a formal requirement and allowing flexibility in this context may not be appropriately managed.</p>
<ul style="list-style-type: none"> Suggested wording amendment: 	Yes	Policy amended.

Varying or terminating a HA	<p>3. Substantively and negatively compromise the reputation or integrity of Heritage Agreements within the South Australian community.</p>		
	<ul style="list-style-type: none"> Respondent does not support dot point 3 (page 5) regarding moving an exclusion zone if it provides a positive or neutral impact. Amend Policy so that moving an exclusion zone is subject to the same conditions as seeking an exclusion zone after a HA has been established: ‘Moving an exclusion zone would only be supported where the new exclusion zone would meet the requirements of an exclusion zone set out in relation to the establishment of a Heritage Agreement’. 	Noted	<p>Policy not amended as the original wording in the Policy achieves the suggestion outcome. Varying a HA requires assessment of:</p> <ul style="list-style-type: none"> the impact on native vegetation, including land uses; and whether it compromises the required outcomes associated with establishing a HA.
Incentivising Heritage Agreements	<ul style="list-style-type: none"> Suggested amendment (dot point 1, page 6) regarding typical activities and costs funded: 1. Fencing to exclude stock and kangaroos. 	Partial	Policy amended to recognise that management of native herbivores may be appropriate for funding purposes.
	<ul style="list-style-type: none"> Suggested amendment (added dot point, page 6) regarding typical activities and costs funded: 6. Contractor fees associated with vegetation monitoring. 	Yes	Policy amended.
Revegetation	<ul style="list-style-type: none"> Regarding revegetation criteria identified, given the current status of climate change impacts, threatened species loss etc, the bar for assessment of revegetation should not be too high. 	Noted	The criteria identified in the Policy reflect some of the legislative requirements in section 23(1)(b) of the Act.
	<ul style="list-style-type: none"> Remnant vegetation protection is paramount for functioning ecosystems and the prevention of loss of species. The complex interactions between species, structure and soil health cannot be replicated through revegetation, no matter how well it is constructed. To put the two types of vegetation (remnant and revegetated) under the same terminology does not highlight the immense importance of remnant vegetation. This implies that the two are of equal ecological benefit / interchangeable which the respondent considered false and potentially dangerous. There is a need to protect revegetation, however including this vegetation type in the HA scheme is not a suitable way to achieve this, unless a tiered system is established. 	Noted	The HA Policy references revegetation in the Act (section 23(1)(b)) and allows the Minister to enter into a HA where the subject land contains native vegetation which warrants preservation or enhancement <u>or</u> where the land has been revegetated to represent a naturally occurring community and meets the specified criteria.
Fencing	<ul style="list-style-type: none"> To provide certainty for land owners, HA documents should state more definitively that the Government will pay for fire damaged fences. 	Noted	The Policy states that fencing may be fund by the NVC (subject to available funds). However, responsibility to maintain fences is that of the owner of the land.

Dams	<ul style="list-style-type: none"> Existing 'ex-farm' dams are regularly present on HAs and provide a water point which exacerbates over grazing. Prior to a HA being signed, a policy is needed to address dams. 	Yes	<p>The Policy has been amended to include the following under the section 'Establishing a Heritage Agreement':</p> <p>The NVC will also assess if the Heritage Agreement:</p> <ol style="list-style-type: none"> Has been managed to reduce weed species, pest animals and is water points have / will be decommissions to ensure the HA is in the optimal position for protection.
Mining activities	<ul style="list-style-type: none"> Suggest the current variation / termination process is maintained. A Mining Lease may be granted over a HA, however the Policy states a variation / termination of a HA (e.g. to enable mining activity) is limited to exceptional circumstances. This is considered to introduce an unnecessary cost and time impost which does not consider mineral exploration and the mining industry's regulatory framework. 	No	Mining activities can occur within a HA without terminating or varying a HA, as such it would not add additional cost or time.
	<ul style="list-style-type: none"> There is a lack of protection of HAs from mining exploration. The Mining Act does not provide any protection of HAs. Request to amend the Policy to provide protection of HAs from mining activities. 	Noted	This is a matter addressed by legislation, not policy.
	<ul style="list-style-type: none"> Investigate inclusion of a provision for a category for HAs which are exempt from any future clearance or degrading activities such as mining or grazing. 	Noted	This is a matter addressed by legislation, not policy.
Working relationships	<p>Several respondents provided feedback on this matter:</p> <ul style="list-style-type: none"> The Policy should reflect a stronger focus on improving working relationships between the Department and HA land owners, particularly farmers who own HAs. The Policy could have a stronger focus on the people who are central to the HA system. There are many people and environmental NGOs that are pulling in the same direction – let's work with each other to protect more biodiversity. Greater communication between NVC, Local Councils and HA land owners to clarify where HAs are present. Engagement with HA land owners is extremely important, however current engagement is not particularly effective in increasing involvement. Try different methods to see what works. 	Yes	<p>The relationships between Government, HA land owners and NGOs are integral to the successful execution of Heritage Agreements.</p> <p>Through the forthcoming Native Vegetation Heritage Agreement Grant, HA owners will have improved access to land management advice, site visits, assistance with grants, training and networking events.</p> <p>Amendment to the Policy is not required as the intent of the Policy is to provide guidance to the NVC and departmental staff with delegated authority to assist in administering the Act as it relates to Heritage Agreements. Further development of working relationships will be undertaken at a Native Vegetation Branch operational level.</p>

Costs to landholders	<ul style="list-style-type: none"> The respondent understands there are some costs relating to the establishment of a HA, but what are the costs associated with supporting the HA? Traditionally these costs have fallen on the land owner not the State. Suggested that it is better to be clear from the outset that there are no guarantees of 'support' be able to be provided by government. This should not be a reason to not proceed with the protection of a HA. Insufficient support for management and HA owners who are expending private resources to deliver public benefit. 	Noted	The structure of HAs seeks to maintain and enhance the condition of vegetation by establishing a mechanism to provide technical and financial assistance to landholders. Financial assistance is provided at the discretion of the Minister and NVC.
Penalties	<ul style="list-style-type: none"> Policy should address penalties for unmanaged land/reserve areas (Councils included). 	Noted	Where Heritage Agreements are entered into voluntarily to protect native vegetation, penalties may be counterproductive. Rather, it is acknowledged that the successful execution of Heritage Agreements is contingent on relationships with HA land owners. Further development of working relationships will be undertaken at a Native Vegetation Branch operational level.
General	<ul style="list-style-type: none"> The Policy is vague and broad – the decision-making and accountability is what matters. The process needs a cost-effective and independent avenue for appealing / reviewing decisions. 	Noted	The Policy aims to clarify the decision-making process.
	<ul style="list-style-type: none"> Respondent identified significant delays in expanding an existing HA. 	Noted	The establishment of a Policy is designed to assist in streamlining decision-making.
	<ul style="list-style-type: none"> Respondent asked if there was a policy before the draft? If yes, outline the changes. If not, how did the program function? 	Noted	<p>The Native Vegetation Act has been utilised as the guiding framework for establishing and registering Heritage Agreements to date.</p> <p>The Policy aims to clarify decision-making, permitted activities, varying or terminating an agreement and incentivising agreements.</p>
<i>'Guideline – Applications for financial assistance' comments</i>			
Grant applications	<ul style="list-style-type: none"> Process should be streamlined, transparent and fair e.g. greater parameters, anticipated decision timeframes, identify appropriate levels of funding. Making decisions on grant applications in a timely manner is crucial. For example, the NVC taking 6 months to consider an application means the work could not be completed in Spring. 	Noted	<p>The Policy outlines the following parameters:</p> <ul style="list-style-type: none"> establishing a HA which activities are / are not permitted varying an agreement circumstances where a HA may be terminated <p>The department endeavours to streamline decision-making processes on grant applications. Timeframes may vary</p>

		depending on the grant program delivery model, scale of grants and the source of funding. Given this, the Guideline has not been amended to reflect anticipated timeframes.
		Funding levels for grant rounds will be specified at the time of the public release of tender documentation.
	<ul style="list-style-type: none"> Use plain English, at the moment the application process is skewed towards those with an environmental degree / ecology background. This may be a disincentive to those without the required background. 	Noted
	<ul style="list-style-type: none"> Guideline is very general so for HA land owners without previous experience in applying for grants, greater detail with clear and specific examples are needed along with support to complete applications. 	
	<ul style="list-style-type: none"> Make allowances for linguistically-diverse applicants. 	
	<ul style="list-style-type: none"> It is not explicit how applications need to be submitted. Provide a basic application form to guide land owners. 	Yes
	<ul style="list-style-type: none"> Clarify who the decision-makers will be. 	Yes
	<ul style="list-style-type: none"> Provide feedback where HA applicants don't meet the criteria e.g. other resources / services available. 	Yes
NVC Considerations	<ul style="list-style-type: none"> Priority for assessing applications should be that it is best for the area or what area has the highest need to be revegetation – not value for money. 	Noted
	<ul style="list-style-type: none"> “Where the money being granted from the NV Fund was paid into the Fund in associated with clearance, whether the proposal complies with the NVC’s Policy for SEB”: <ul style="list-style-type: none"> This appears to be inconsistent with the reluctance for SEB payments to be able to be used on HAs where additionality can be proven. The limitation on the use of funding derived from land clearing needs to be reconsidered and not restricted to new HAs within the region the land clearing fee was paid. 	No
	<ul style="list-style-type: none"> The Guideline should clarify what is deemed a ‘priority’ for conservation efforts. 	Noted
		The Policy and Guideline are technical statutory documents, however an expression of interest form has been prepared to assist with comprehension for all potential applicants.
		In terms of providing tailored support for grant applications, Heritage Agreement Officers will provide this support and will work with land owners to develop a Works Plan that can form the basis of a grant.
		Additional explanatory documents can also be prepared.
		An application form has been prepared and will be released to the public.
		The Guideline has been amended.
		This suggestion relates to administering the policy and will be undertaken by the Native Vegetation Branch.
		Value for money is one consideration among many to be considered by the NVC, including biodiversity and conservation outcomes.
		Additionality is critical to achieve the necessary outcomes relating to an offsetting program. The use of SEB funds on existing HA areas is unlikely to provide sufficient additionality to be justified in most instances.
		The conservation priorities will be informed by Departmental science experts. The priorities for each grant round may vary depending on geographical region, amount of remaining native

		vegetation, threatened species conservation efforts and the Minister's priorities.
	<ul style="list-style-type: none"> Guideline section on "NVC Consideration" (page 3) should be edited to explicitly align with page 2 of the Policy 	Noted The requirements in the Policy to establish a HA are distinct from the NVC's considerations about how to award funding as the requirement to establish a HA have already been met and not relevant to funding considerations. For this reason, the suggested amendment has not be included in the Guideline.
	<ul style="list-style-type: none"> Guideline should explicitly align with page 2 of the Heritage Agreement Policy and new dot point added: If the proposal provides for connectivity within the landscape and for the movement of native animals. 	Yes Guideline amended to include an additional dot point under NVC Considerations.
Funding	<ul style="list-style-type: none"> Multiple respondents indicated that funding and assistance should focus on the following: <ul style="list-style-type: none"> Managing over-grazing and dam works to breach or lower dam walls Controlling pest plant and animals – funding should not be permitted until control has occurred Assisting landholders to change the land from its current use (i.e. grazing) to conservation, or Assisting landholders to undertake significant biodiversity improvement and assist the long term management and sustainability of the site. 	Yes In the Guideline under NVC Considerations, an additional dot point has been included: <ul style="list-style-type: none"> If the control of pest plants and animals, including decommissioning of water points, has been undertaken to maintain the Heritage Agreement In the Guideline under NVC Considerations, an additional dot point has been included: <ul style="list-style-type: none"> If the proposal seeks to undertake works to change the land from its current use (i.e. grazing) to conservation In the Guideline under NVC Considerations, an additional dot point has been included: <ul style="list-style-type: none"> If the proposal seeks to undertake significant biodiversity improvements to assist in the long term management and sustainability of the site.
	<ul style="list-style-type: none"> The understorey, and not focus on tree planting given the conducive regeneration conditions in Adelaide Hills and Mallee regions 	Noted The NVC Considerations for funding need to broad enough to suit various sites across all regions of the State. Limiting the Guideline to funding focused on understorey works may not be appropriate in some locations.
	<ul style="list-style-type: none"> Effective allocation towards priorities to achieve real onground change. Native grasslands are the most critically endangered ecosystem in the State and targeted promotion and protection should be in the Policy and Guideline. 	Noted The priorities will be informed by Departmental science experts. The priorities for each grant round may vary depending on geographical region, amount of remaining native vegetation, threatened species conservation efforts and the Minister's priorities.
	<ul style="list-style-type: none"> Respondents support grants over multiple years and / or multi-contiguous parcels that ensure activities (e.g. pest and weed 	Yes Multi-year funding is supported to sustain funded efforts. The forthcoming Native Vegetation Heritage Agreement Grant

	<p>control) can be planned for maximum impact. At a community level, funded projects are more efficient and effective.</p> <ul style="list-style-type: none"> Respondent strongly supports the need for funding to be provided to HA land owners, including multi-year grants that ensure activities (e.g. pest and weed control) can be planned for maximum impact. 		Program will enable multi-year funding and grants spanning multiple Heritage Agreements.
	<ul style="list-style-type: none"> For all funded projects with the intent to improve vegetation condition. It is essential that condition monitoring should be undertaken at the start and end to demonstrate environmental gain, especially to balance the funds stemming from clearance. 	Yes	Monitoring to evaluate the actions taken and outcomes achieved is a requirement of applicant's applying for funding.
	<ul style="list-style-type: none"> For all funded projects with the intent to improve vegetation condition. It is essential that condition monitoring should be undertaken at the start and end to demonstrate environmental gain, especially to balance the funds stemming from clearance. 	Yes	Monitoring to evaluate the actions taken and outcomes achieved is a requirement of applicant's applying for funding.
Information required in an application	<ul style="list-style-type: none"> The Policy is not useful for prospective applications as there is no indication of the quantum of funding available or timing. For example, the Policy states 'the amount of information provided should be proportional to the scale of assistance being applied for'. 	Noted	The funding amount and timing are subject to availability and at the discretion of the Minister. Further information and associated application forms will be available in relation to particular funding opportunities.
	<ul style="list-style-type: none"> Suggested amendment (number 3, new dot point added, page 2): <p>Other ecological restoration activities, such as ecological burning – size of the area to be burnt, proposed date of the burn, ecological objective, pre-burn weed control, post-burn weed control and who will manage and conduct the burn.</p>	Yes	Guideline amended. Burning for ecological purposes is supported on Heritage Agreements.
Process	<ul style="list-style-type: none"> Guideline unclear if there will be structured invitations at the beginning of grant rounds. Is the intent for HA land owners to make ad hoc applications for assistance? Guideline should clarify whether it applies to program or grant funding rounds or unsolicited applications. 	Noted	The Guideline is intended to be able to be utilised for grants stemming from either the Native Vegetation Fund or Ministerial funding. The intent of the forthcoming Native Vegetation Heritage Agreement Grant Program is that an expression of interest will be released, after which time a Heritage Agreement Officer will be in contact to discuss the potential Heritage Agreement and arrange a site visit. Funding is provided at the discretion of the Minister and NVC.
Other assistance	<ul style="list-style-type: none"> Guideline should clarify non-financial assistance that may be sought by application under section 24(1) of the NV Act. 	Noted	Non-financial assistance, in the form of technical advice, does not require an application. All other assistance sought is required to be itemised within an application for funding.

'A Review of Heritage Agreements' comments

Rate relief and land values	<p>Several respondents raised concerns about rate relief; individual circumstances and comments are summarised below:</p> <ul style="list-style-type: none"> • The discount on rates is minimal: <i>We are supposed to only pay rates on the 1 acre house block in the middle of the HA. That 1 acre is valued at >80% of what we paid for the entire 200 acre block. Put differently, the other 199 acres of HA is only valued at \$100k.</i> • The respondent clarified that they didn't think this was the intent of the NV Act, and would appreciate any work to fix this issue. • The root cause of rates not being remitted should be addressed. There is no appropriate classification for HA exclusion zones other than 'Vacant Land'. A new category for valuing exclusion zones is needed. • The respondent's HA does not appear to be recognised by the Valuer-General or the Local Council so rate reduction has not been noticed. • The respondent's rates are higher than if a primary production farm was being run. Currently the HA (and exclusion area) is rated as Vacant Land / best possible use which is a house so there is no rate reduction. • Regarding the following statement in the Review: <i>Where exclusion areas are greater than 1 ha, the land valuation has been based on the sites best potential land use (residential) and not its actual land use (keeping tools, camping and conservation)</i>, the Valuer-General's officer has confirmed to the respondent that the exclusion zone opens the possibility of shedding and a dwelling (subject to approvals). The marker for a property with this potential may not vary dramatically in value between 0.3ha and 2ha excluded and the resultant value will not vary significantly. Once larger areas of land transition from being part of a HA, the lift in marker value and assessed value will rise more significantly. • For HA land owners who are not local a storage shed is required for management. If there is a section which is exempt for this shed, the Valuer-General values this area as a 'house block' and 	Yes	Section 23A(2)(e) of the Act allows for the remission of taxes and rates within a HA, but does not stipulate how that will occur. This matter will require separate resolution, outside the Policy framework.
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	<p>most Councils will apply a full rate for a potential residence, negating any incentive provided by rate relief.</p> <ul style="list-style-type: none"> • There is a penalty for entering into a HA prior to creating the excluded house site – owners are not able to use the existing HA protection to offset the clearance associated with the house site. Respondent would discourage entering into a HA until the perverse incentive is addressed. Suggestion to provide HA land owners with lifetime offset value. • Policy should clarify that, even though a HA has been established and registered on title, it is the relevant Local Council who decides the rate concessions. • Regarding section 23A(2)(f and g), if it is only in some cases that there is a significant decrease in value of land when a HA is applied, then this should be stated up front to prospective HA landholders to avoid disappointment. Note the similarity of this to the rates and taxes incentive – both limited in some circumstances by market land values. • For primary producers, having a HA is a financial burden given the rates and taxes. • Reduce financial disincentives. • Information relating to rates and taxes could be reiterated more than once to potential HA land owners during contact with the Department. 		
Funding models	<ul style="list-style-type: none"> • Capitalise a fund or bolster the Native Vegetation Fund for sustainable returns for ongoing financial support of HA land owners. This would provide a stronger long-term approach than the current model of funding which is uncertain long-term. Models includes Biodiversity Conservation Trust (NSW) and Trust for Nature (VIC). • Until the Fund is resolved, ongoing pragmatic budget appropriations to support HA land owners are required. • A transparent, at-scale, model is required. The review does not provide useful information for current or future HA land owners. • Respondent flagged the opportunity to consider developing an enhanced HA process, similar to the Special Wildlife Reserve model recently created in Queensland. This would enable the Government and / or NGOs to leverage significant philanthropic investment. 	Noted	The Native Vegetation Fund is restricted to the income streams identified within the Act. Regarding capitalisation and alternative funding models, these may be considered by the NVC, with approval of the Minister, but will be resolved separate to the publication of the Policy and Guideline.

	<ul style="list-style-type: none"> • Respondents agreed with the statement in the Review document: <i>There is a need for the NVC to seek and support new and sustainable sources of funds and provide reliable funding for HA land owners.</i> • Develop a plan for securing additional investment in HA management. • Explore market-based approach for as a mechanism. 		
Pastoral lease eligibility	<ul style="list-style-type: none"> • Several respondents suggested HAs should be permitted on pastoral leases and, where possible, managed under the usual HA process. • In the Review of Heritage Agreements document, 'eligibility' for a HA is cited as a key concern that should be addressed by this Policy. Specifically, the eligibility of landholders who own land that is the subject of a Pastoral Lease under the <i>Pastoral Land Management & Conservation Act 1987 (SA)</i> to obtain a HA. • Where the purpose of a Pastoral Lease has been expressly endorsed by the Pastoral Lands Board to be 'for conservation purposes', there can be no doubt as to the eligibility of a Pastoral Lease – for Conservation Purposes satisfying the eligibility criteria for land and owner of land for a HA and facilitating the best conservation outcome and further the Objects of the Act. 	Noted	<p>Eligibility for financial assistance is clarified in the Guideline. Applicants must be the owner of the land or by someone authorized to act on their behalf.</p> <p>The NVC notes the importance of amendments to the Pastoral Act to facilitate the establishment of HAs on pastoral land. This suggestion will be separately pursued.</p>
Revegetation process	<ul style="list-style-type: none"> • Regarding the option of having the revegetation declared as native vegetation under the Act (Section 23E and 23F), is there a policy and process in place to do this? We are of the understanding that this has not been done before. 	Noted	There is an existing process for having revegetation declared as native vegetation via an application form, supported by an information sheet and criteria for assessing applications, available on the Department's website. To date, this option has been pursued by land owners.
	<ul style="list-style-type: none"> • The draft Policy precludes revegetation. There is an appetite in the community to ensure investments of time and money into revegetation are protected in perpetuity. Legislative reform may be required to achieve this. • Support for the approach of incorporating revegetation, however additional options are required to protect revegetation. 	Noted	The Act stipulates that the Minister can enter into a Heritage Agreement with a land owner if the area of land nominated has been revegetated with species indigenous to the local area that represent a naturally occurring community, and the Minister considers the vegetation warrants preservation and enhancement.
Offsetting vegetation clearance	<ul style="list-style-type: none"> • Further clarity is required in regards to offsets and HAs. It appears this is not a legislative issue, but a branch policy issue. We agree that some additionality should be met by offsets, in some cases it is very easy to prove these are met within HAs and are appropriate options. 	No	Additionality is critical to achieve the necessary outcomes relating to an offsetting program. The use of SEB funds on existing HA areas is unlikely to provide sufficient additionality to be justified in most instances.

	<ul style="list-style-type: none"> • A further conflicting issue is the known use of clearance funds for HA support. Potentially two sets of rules which isn't sufficiently transparent. 		
Monitoring and inspections	<ul style="list-style-type: none"> • Providing extra resources are provided, respondent agrees with Possible Change: <i>Support and undertake improved assessment, monitoring and review of vegetation and native fauna habitat with Heritage Agreements to enable analysis and reporting on the success of Heritage Agreements or areas of possible improvements.</i> • More than half of the HAs are a result of land clearance agreements which are no longer of value as farmers view the areas as stock shelter areas. HAs should be inspected (e.g. 5 yearly) and the rules enforced. • The level of monitoring and reporting should be beneficial to the land owner. • Supporting documents and resources to assist HA land owners in developing management plans. • Monitoring needs to be focussed on the right elements. 	Noted	The forthcoming Native Vegetation Heritage Agreement Grant Program builds on the success of a previous pilot program and will provide increased support to Heritage Agreement owners. Heritage Agreement owners will have improved access to land management advice, site visits, assistance with grants, training and networking events.
Criteria to assess HA applications	<ul style="list-style-type: none"> • Very pleased to see that revegetation can at least be protected by applying to have the revegetation declared as 'native vegetation' under the Act sections 23E and 23F. • On first assessment, two areas can appear to have low native species count. However, a latent seed bank under blackberries could be a better option for management to focus on, rather than revegetating a degraded area. • Keep focussed on biodiversity conservation. Small areas can provide extensions to larger areas which would be excluded based on identified size requirements. 	Noted	Native vegetation, including revegetation, is generally eligible for formal protection under a HA where it contains sufficient conservation values. It is considered that ensuring these criteria are met is important to ensure HAs are meaningful. Areas that are degraded, very young or proposed revegetation may be appropriate for inclusion into a HA at a later point in time, after an appropriate level of management has been undertaken to bring them up to an acceptable standard.
Resourcing	<ul style="list-style-type: none"> • I think a step up in applications through provision of more easily accessible information will require more resourcing within the Native Vegetation Branch. 	Noted	Through the forthcoming Native Vegetation Heritage Agreement Grant Program, Heritage Agreement Officers, employed by the Department for Environment and Water or another organisation, will provide more support, land management advice, site visits and assistance with grants.
Availability of support and financial assistance	<ul style="list-style-type: none"> • Funding assistance for ongoing management of Heritage Agreements, as determined through management planning, has provided a tremendous boost to conservation activities in the respondent's HA. • On-ground management is time-consuming, difficult and expensive and outside help inspires continued landholder and 	Noted	The forthcoming Native Vegetation Heritage Agreement Grant Program builds on the success of a previous pilot program and will provide increased support to Heritage Agreement owners. Heritage Agreement owners will have improved access to land

	<p>volunteer efforts and is one of the most appropriate ways to reward a landholder for putting land under a HA.</p> <ul style="list-style-type: none"> • These incentives are good for landholder relationships with the Department, the Minister and the government, as well as having very positive environmental benefits on private land. 		<p>management advice, site visits, assistance with grants, training and networking events.</p> <p>Heritage Agreement Officers will provide tailored support and will work with land owners to develop a Works Plan.</p>
Permanent nature of HAs	<ul style="list-style-type: none"> • Respondent supports that there is no change to the permanent nature of HAs. Land owners invest in purchasing land because they are comfortable that putting it under a HA will provide protection in perpetuity, no matter what happens after the fact. • The perpetual nature of HAs is one of its principal values and remains a very important means of protecting native vegetation on private land. 	Noted	Agreed.
Effectiveness of HAs	<ul style="list-style-type: none"> • Respondent agreed with the issue identified that biodiversity benefits in HAs is unknown. • Biodiversity conservation should be the primary test for whether the HA Policy is working. • Respondent agrees that improved monitoring can be beneficial, but in particular if it is used to inform on ground actions and priorities, not for sitting on shelves. • The mere nature of protecting land from development is a conservation outcome and it encourages investment in land covered in native veg for the guarantee that they can conserve it in perpetuity. • Support for the need for improved assessment, monitoring and review of vegetation and habitat. 	Noted	<p>Agreed that there has been a lack of ongoing and repeated biological assessments and surveys of land subject to Heritage Agreements. This limits the information that is available to enable improvements to the Heritage Agreement program.</p> <p>It is envisaged that grant applications for ecological monitoring which manage and improve biodiversity would be supported.</p> <p>The Guideline clarifies that monitoring will be required to be included in the Management Plan to enable an evaluation of the actions taken and outcome achieved.</p>
Inhibitors for establishing a HA	<ul style="list-style-type: none"> • Respondents agreed with the statement that the NVC <i>"should support and contribute to any amendment to the Pastoral Act so that it adequately supports the establishment of HAs on land in the Pastoral estate."</i> • Invest in understanding the inhibitors to establishing new HAs. 	Noted	The NVC agrees on the importance of amendments to the Pastoral Act to facilitate the establishment of HAs on pastoral land. This suggestion will be separately pursued.
Efficiency and ease of applying for HAs	<ul style="list-style-type: none"> • Expedite administration processes. 	Noted	Process improvements to make the application process quicker and easier will be considered.
Scope of review	<p>Comments received related to the scope of the review:</p> <ul style="list-style-type: none"> • Too narrow and focussed too exclusively on current legislation and policy settings. 	Noted	The review considered the intent of HAs as set out in the Act, the existing structure, other protection options, identified issues and comments received and interstate comparisons.

	<ul style="list-style-type: none"> Minimal consideration of alternative options for achieving enduring conservation outcomes, specifically more comprehensive review of interstate models. Should have considered the motivations and barriers to private land conservation. Could have explored if tax incentives remain an important level. A Terms of reference should have been developed. Views of key stakeholders, including First Nations, should have been included in the review. Carbon and biodiversity markets discussion did not assess where the tools could compliment or conflict and should have included a comparison of current opportunities. The history of HAs did not consider how this impacts on the present operation of HAs. The age of the program means working with inter-generational change is needed. Consideration of re-launching the program (e.g. name change) to better reflect the purpose to raise the profile and reflect the contemporary desire of government to work with landholders to achieve conservation outcomes. Encourage a more expansive review to focus on best practice approaches to nature covenants. 		
Other protection options	<ul style="list-style-type: none"> Are Management Agreements under Section 25D of the Act in perpetuity too? 	NA	Yes, refer section 25D(3) of the Act.
General	<ul style="list-style-type: none"> Support for all recommendations within the Review. 	Noted	No amendments made to the Policy or Guideline.
Consultation and engagement comments			
Consultation with HA land owners	<ul style="list-style-type: none"> Several respondents raised queries about how the consultation phase was communicated as HA land owners were not contacted about the Policy and Guideline consultation. Respondents felt HA land owners should have been contacted directly about the Policy and Guidelines. 	Noted	<p>The communication strategy involved:</p> <ul style="list-style-type: none"> Minister for Climate, Environment and Water released a media release at the beginning of consultation; Letters / email to Landscape Boards and Peak bodies; Meetings with Peak bodies; Social media release; Publication on NVC website; and YourSAy public consultation hub.
General engagement	<ul style="list-style-type: none"> More open accessible consultation (technical and practical) provided to ensure consistent management methods/outcomes are achieved. 	Noted	In the forthcoming Heritage Agreement owners will now have improved access to land management advice, site visits, assistance with grants, training and networking events.

	<ul style="list-style-type: none"> Invest in engagement and communication with HA owners on the Act and HA provisions 		
Other comments			
Heritage Agreement owners	<ul style="list-style-type: none"> Landholders who are protecting biodiversity must be recognised, thanked and valued. Suggest profiling HA land owners to tell their story and encourage others to do the same. Establish a network of HA land owners to exchange ideas, practices and learn from one another and ensure HA work is not done in isolation. 	Noted	The suggestion to establish a network or share HA owner stories is recognised as a positive outcome. In the forthcoming Native Vegetation Heritage Agreement Grant Program, Heritage Agreement owners will now have improved access to land management advice, site visits, assistance with grants, training and networking events.
Targeting new HAs	<ul style="list-style-type: none"> Proactive targeting of remnant vegetation worthy of protection should be within the remit of DEW. Many HA properties abut native vegetation on adjacent properties. Develop a strategy to ensure property owners are approached and offered the option to protect vegetation under a HA to establish contiguous biodiversity patches at a landscape level. If resources or capacity are limited in DEW, this task could be undertaken by the environmental NGO sector. Department should work with local government and community to expand the HA register, including local government owned land. 	Noted	<p>Targeting new HAs is a recommendation which will be suggested to the NVC to consider as part of their Functions under the Native Vegetation Act.</p> <p>Through the forthcoming Native Vegetation Heritage Agreement Grant Program, Heritage Agreement Officers, employed by the Department for Environment and Water or another organisation, will provide more support, land management advice, site visits and assistance with grants. This is anticipated to promote Heritage Agreements in the wider community and raise the profile to expand the network.</p>
Threats to Heritage Agreements	<ul style="list-style-type: none"> Greatest threat is grazing from over abundant kangaroos, deer, goats and other feral animals. Revegetation is counterproductive if animal numbers are uncontrolled, especially in pastoral rangelands. 	Yes	<p>In the Guideline under Proposed management actions, an additional dot point has been included:</p> <ul style="list-style-type: none"> “Establishment of HA – undertake weed and / or over-abundant animal control to transition from the existing land use to conservation. Undertake significant biodiversity improvements to assist in the long term management and sustainability of the site.”
	<ul style="list-style-type: none"> Allowing native vegetation to be grazed by stock diminishes the health of HAs unless strictly monitored. Grazing pressure is at high levels due to over abundant native herbivores and pest animals, so I see little ecological benefit for this concession, and significant concerns. If vegetation age structure needs to be modified, ecological burning would be a more appropriate tool to use than stock grazing. 	Noted	Stock grazing is identified in the Policy as an activity which is generally not supported.

Other policies, programs or legislation	<ul style="list-style-type: none"> • Respondents indicated that 'Revitalising Private Conservation in SA' was a positive initiative and model and the successes of the program (e.g. an engaging, supportive and responsive team responding to landholders in a timely and effective manner) should not be lost. • Revitalising Private Conservation in SA should be continued yearly to build on projects or strategies. 	Noted	The forthcoming Native Vegetation Heritage Agreement Grant Program builds on the success of a previous pilot program and will provide increased support to Heritage Agreement owners. Heritage Agreement owners will now have improved access to land management advice, site visits, assistance with grants, training and networking events.
	<ul style="list-style-type: none"> • Revegetation policy needed for number, species and spacing. 	Noted	If required, this will be resolved separate to the HA Policy and Guideline.
	<ul style="list-style-type: none"> • The <i>Native Vegetation Regulations 2017</i> exemptions and Mitigation Hierarchy effectiveness need reviewing 	Noted	If required, this will be considered in a legislative review process.
Management Plans	<ul style="list-style-type: none"> • Landholders are looking for a clearer way to support conservation, the development of a management plan is another requirement which complicates and possibly discourages HA applications. • Helpful tool by HA land owners need to be supported to complete these. 	Noted	<p>The preparation of Management plans allows significant management issues to be addressed.</p> <p>Funding to develop a management plan is indented as a cost that is typically funded by the NVC via grant application.</p>
General comments	<ul style="list-style-type: none"> • Respondent found everything ok in the Policy. • Appreciation of the Government for undertaking the review and recognising the importance of HAs for biodiversity protection. • Grants from several organisations have been game changers for weed control. • If the Department's staff are experts at working with, supporting and motivating people, the plant/animal ambitions might be more easily achieved. • Reintroduce the role of (former) NRM officers to provide support, advice, monitoring. • Local Councils demand a firebreak around HA areas or risk a fine. • Would welcome any concessions to assist in maintaining and preserving HAs. • Considering the high rate of cleared land, and species extinctions in SA, the importance of private conservation cannot be overstated. • Targeting and consistent support for private landholders to prevent biodiversity loss through weed control and habitat. 	Noted	No amendments made to the Policy or Guideline.

Next steps

Finalising the Heritage Agreement Policy and Guideline – Applications (including consulting further on some proposed changes) is expected to take until mid-2023, after which time the Policy and Guideline will take effect.

Appendix 1 – Respondent information

Note: 29 responses were received in total, including survey responses and written submissions / comments. Not all questions were answered in all responses. Where provided, data was also collected from the written submissions for contribution to the demographics within Figures 1 and 2. Multiple responses were provided to the question ‘What is your relationship to Heritage Agreements?’.

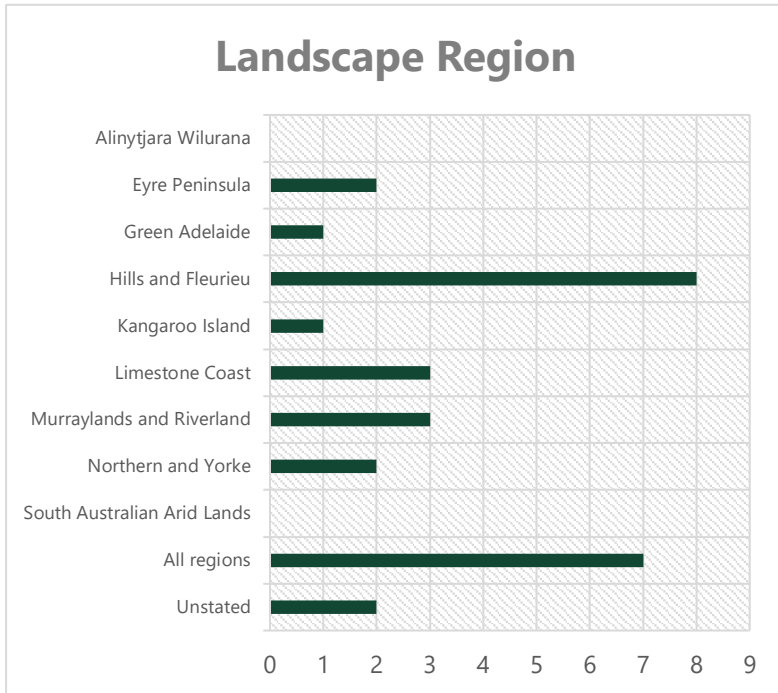


Figure 1: Submitters by Landscape Region

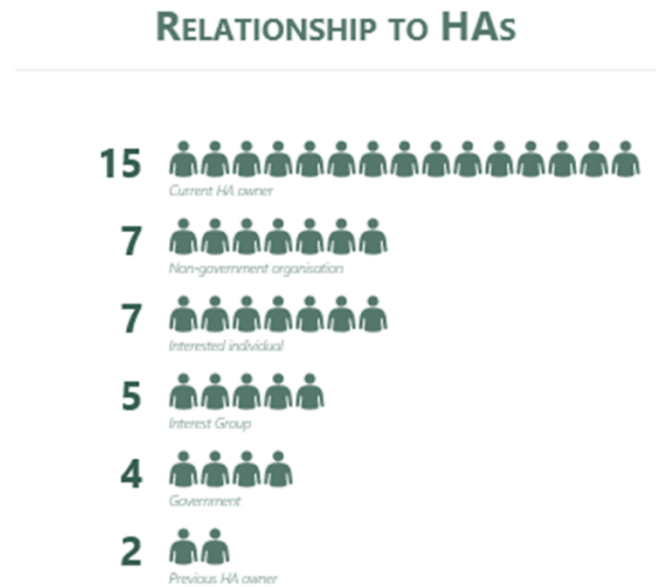


Figure 2: Submitter’s relationship to Heritage Agreements

Appendix 2 – Results to YourSAy survey

Note: 9 responses were received in total from the YourSAy survey.

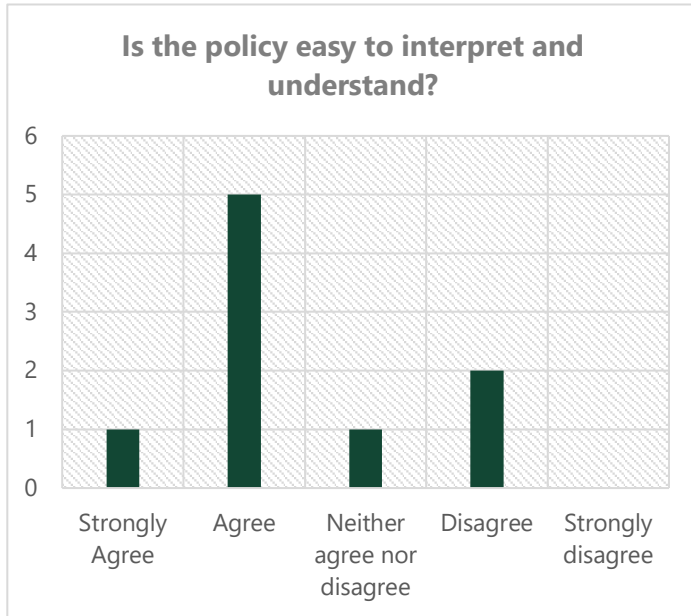


Figure 3 'Is the draft policy easy to interpret and understand?'

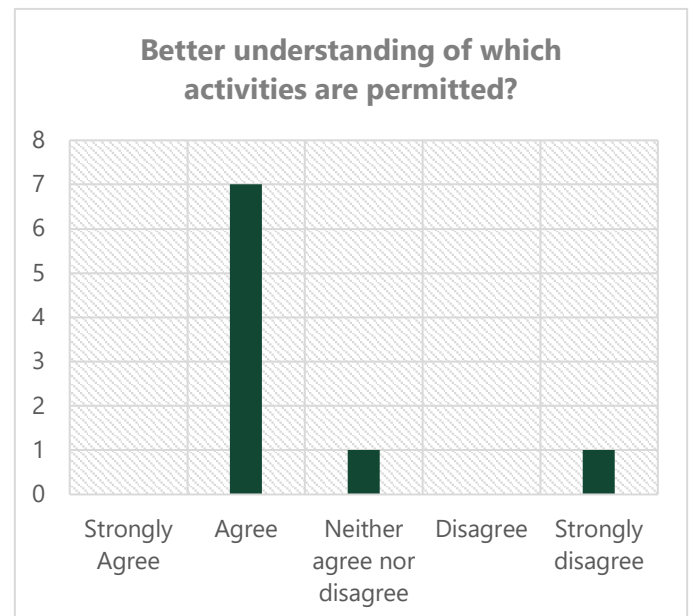


Figure 4: 'After reading the draft policy, do you have a better understanding of which activities are permitted on Heritage Agreement sites and which are generally not supported?'

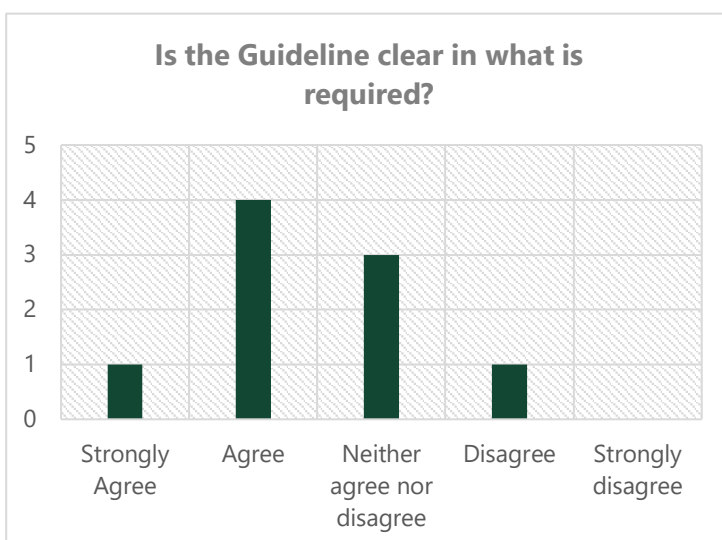


Figure 5: 'Is the draft guideline clear in what information is required when applying for financial assistance?'

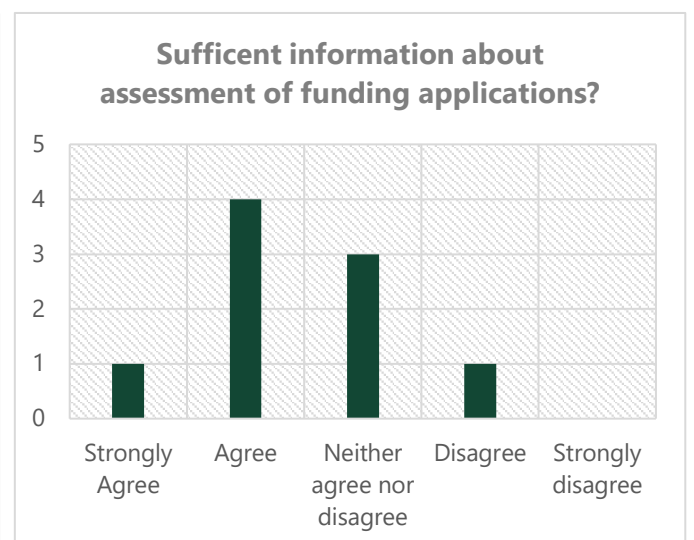


Figure 6: 'Does the draft guideline provide sufficient information about what the NVC will consider when assessing financial assistance applications?'

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