



Australian Government
**Department of Agriculture,
Water and the Environment**



Government of South Australia
**Department of Primary Industries
and Regions**

State Specific Guideline For *South Australia*

This guideline has been prepared by the Australian Government and the Government of South Australia. It is intended to assist businesses who process raw logs grown in South Australia to better understand the regulatory frameworks covering the harvest of such logs in that jurisdiction. This information can be used to help the businesses satisfy their due diligence obligations, as set out in the *Illegal Logging Prohibition Act 2012* and associated *Illegal Logging Prohibition Regulation 2012*.

This guideline was co-endorsed by the Australian Government and the Government of South Australia on 27 April 2021.

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1. What is required under Australia's Illegal Logging Laws?

The *Illegal Logging Prohibition Act 2012* (the Act) seeks to 'reduce the harmful environmental, social, and economic impacts of illegal logging by restricting the importation and sale of illegally logged timber products in Australia'.

The Act makes it a criminal offence to process domestically grown raw logs that have been illegally logged. For the Act's purposes, 'illegally logged timber' is defined as timber 'harvested in contravention of laws in force in the place (whether or not in Australia) where the timber was harvested'.

The Act also requires 'processors' to actively assess and manage the risk that the raw logs may have been illegally harvested before processing them. This is known as undertaking 'due diligence', the specifics of which are set out in the *Illegal Logging Prohibition Regulation 2012* (the Regulation).

The due diligence requirements for processors includes the following key steps:

- Step 1:** Establish and maintain a due diligence system.
- Step 2:** Gather information about the raw log that is being processed
- Step 3:** Assess the risk (using one of the three methods outlined in the Regulation)
- Step 4:** Risk mitigation (if required)
- Step 5:** Keep records

Further information about the Regulation and the due diligence requirements is available at the Australian Government Department of Agriculture, Water and the Environment's website (www.agriculture.gov.au/illegallogging).

1.1 Who is a processor?

For the purposes of the Act, a processor is a person who processes Australian grown raw logs into something other than a raw log. This includes activities such as the processing of Australian grown raw logs into woodchips, sawnwood, pulp, or other timber products.

The Act also specifies that a processor also needs to be a constitutional corporation, or a person processing the raw logs:

- on behalf of a constitutional corporation, the Commonwealth, or a Commonwealth authority
- for trade with other countries or between Australian states or territories; or in a territory.

Entities which are not constitutional corporations include:

- state authorities not established as a body corporate
- partnerships
- un-incorporated associations or individuals.

2. How to use the State Specific Guideline (SSG)

This SSG is intended to assist a processor of raw logs grown in South Australia to comply with the Regulation's due diligence requirements.

In accordance with section 19 of the Regulation, a processor must gather information about the raw log they are seeking to process. This includes gathering the information or evidence outlined in this SSG.

The information listed in this SSG is not meant to be an exhaustive list of the evidence or documentation required to satisfy the Regulation's due diligence requirements.

The information gathered by applying this SSG, along with any other information gathered in accordance with the Regulation, needs to be assessed in accordance with the processes outlined in section 21 of the Regulation. This includes considering any other information that the processor knows, or ought reasonably to know, but is not contained in the SSG.

All data included in this document is the most current available at the time of publishing.

3. Scope of the SSG for South Australia

This SSG provides detailed information on the control of processing pathways for raw logs grown within South Australia and is intended to inform processors of what is considered legal timber within that jurisdiction. It is only applicable for logs that were harvested within South Australia.

Given the integrated nature of the plantation industry across the Green Triangle (the South-Eastern region of South Australia and South-West Victoria), the State Specific Guideline for South Australia should be read in conjunction with the State Specific Guideline for Victoria for timber and timber products sourced from this region.

The State Specific Guideline for Victoria is available on the Australian Department of Agriculture, Water and the Environment's website at agriculture.gov.au/illegallogging.

4. Overview of Forest Management in South Australia

There is no commercial harvesting of native forests in South Australia. Instead, South Australia's forest and wood products industry is entirely plantation-based, predominantly with the introduced species of *Pinus radiata* and *Eucalyptus globulus*.

Most plantations are independently certified and as such will generally constitute a low risk of non-compliance for processors under the Regulation. Nevertheless, all processors are required to comply with their regulatory due diligence requirements.

4.1 Plantation Resources

Approximately 166,800 hectares of plantation resources exist in South Australia, including 128,100 hectares of softwood and 38,500 hectares of hardwood.

Softwood plantations are mostly *Pinus radiata* and are generally managed over longer rotations of about 30 years for sawlogs, pulplogs and woodchip. The hardwood plantations are almost exclusively *Eucalyptus globulus* plantations and are generally managed over a short rotation of about 15 years for export pulplogs or woodchips.

South Australia's largest plantation area is in the Green Triangle region, in the State's south east. Other major regions for commercial plantations are Mount Lofty Ranges, the Mid-North and Kangaroo Island. [Figure 1](#) on the next page shows the locations and extent of these plantation areas. About 150,600 hectares (90%) of these plantations are owned privately, leaving 16,200 hectares (10%) under public ownership.

Most plantation harvesting in South Australia is certified under one of two schemes – Forest Stewardship Council (FSC) or the Programme for the Endorsement of Forest Certification (PEFC).

Major processing centres in South Australia's share of the Green Triangle region are located in Mount Gambier and surrounding areas. Other processors operate in Adelaide, the Mount Lofty Ranges, Mid North, and on Kangaroo Island.

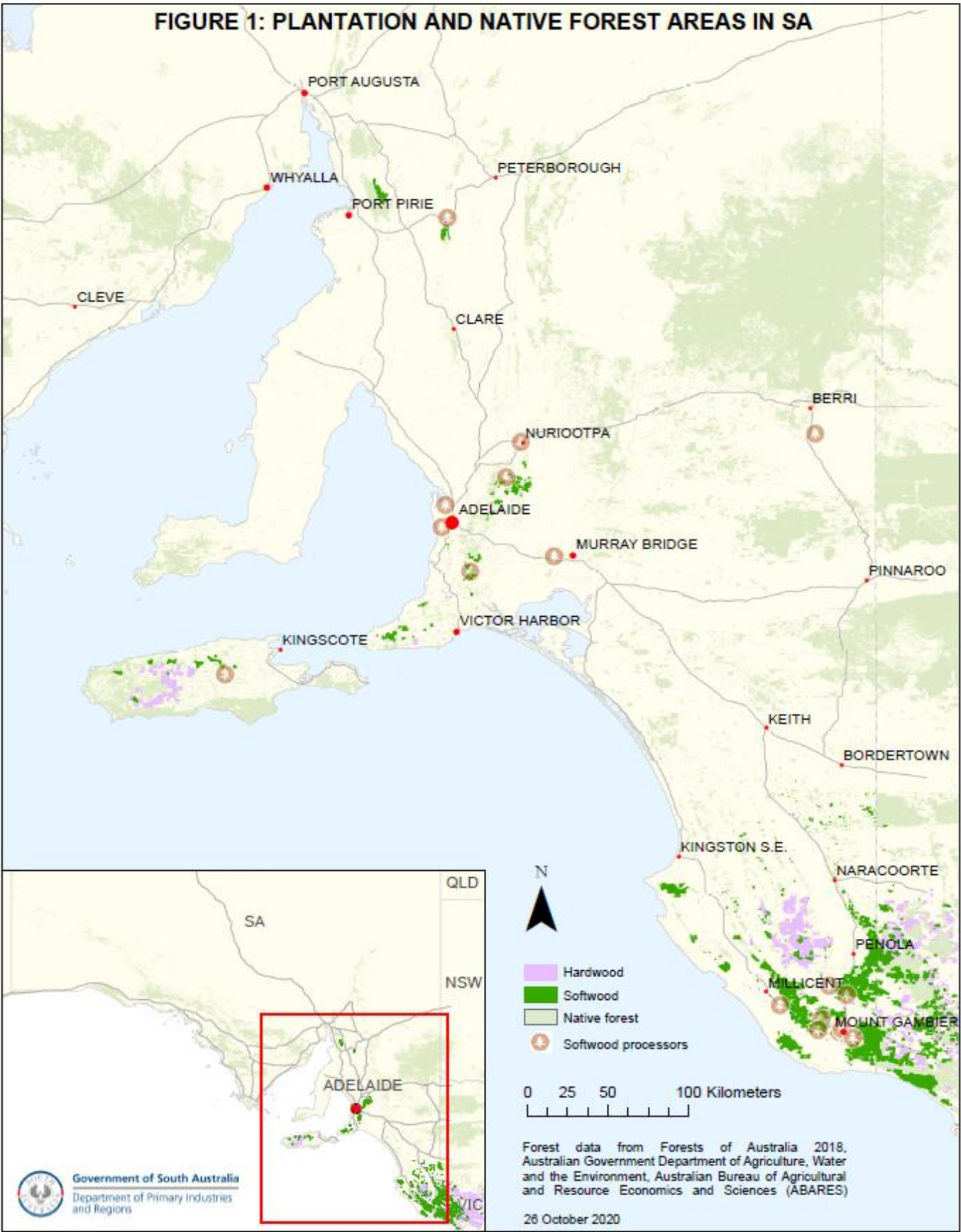
4.2 Native Vegetation

South Australia has about 4.9 million hectares of naturally occurring native forest, some of which is protected under the *Forestry Act 1950*, while all native vegetation is protected under the *Native Vegetation Act 1991* (NV Act) and the *Native Vegetation Regulations 2017* (NV Regulations) (see [Figure 1](#) for location and extent).

Of this, about 2.6 million hectares is also protected for biodiversity conservation including those proclaimed under the *National Parks and Wildlife Act 1972*, the *Wilderness Protection Act 1992* and the conservation reserves dedicated under the *Crown Land Management Act 2009*.

Commercial scale wood harvesting in native forests in South Australia is not permitted.

Figure 1: Plantation (softwood and hardwood) and native forest areas within SA.



5. Laws and regulations governing forestry in South Australia

This section outlines existing South Australian legislation relating to timber harvesting in South Australia. Laws relating to the establishment, management and harvesting of a plantation are outlined in the '*Guidelines for Plantation Forestry in South Australia 2009*' which is available on the Department of Primary Industries and Regions' website at pir.sa.gov.au/forestry.

5.1 Plantations

To provide flexibility in managing different forest assets as different forms of property, the [Forest Property Act 2000](#) (South Australia) facilitates commercial forestry development on private land through the provision of:

- Two types of **Forest Property Agreements**:
 - A **Forest Property (Vegetation) Agreement**, which separates the ownership of trees from the ownership of the land.
 - A **Forest Property (Carbon Rights) Agreement**, which separates the ownership of carbon rights from ownership of the trees.
- **Commercial Forest Plantation Licences**, which may secure a tree owner's 'right to harvest' a forest plantation, subject to conditions.

A Forest Property (Vegetation) Agreement transfers the ownership of forest vegetation from the owner of the land to another person without severance of the vegetation from the land. It may also specify actions relating to the establishment, management and harvesting of trees, and provide the tree owner with the right to enter the land for these purposes.

A Forest Property (Carbon Rights) Agreement transfers the ownership of carbon rights from the owner of the vegetation to another person. It may also specify actions relating to the establishment, management and harvesting of trees, and provide the tree owner with the right to enter the land for these purposes.

There is no requirement for Commercial Forest Plantation Licences in South Australia. However, to provide greater certainty into the future, a licence may be used to achieve harvest security. A Licence may be subject to conditions such as environmentally sustainable management practices, the payment of fees, and the provision of certain information to the Minister. For example, if a plantation was lawfully established but subsequent changes to laws might prevent it from being legally harvested, a Commercial Forest Plantation Licence would provide harvest security.

See the example of a **Commercial Forest Plantation Licence** at [Attachment B](#).

The [Local Government \(Forestry Reserves\) Act 1944](#) provides for the establishment and management of forests by municipal and district Councils. It permits Councils to sell or otherwise dispose of any timber or other products derived from forests established by them.

The [Forestry Act 1950](#) provides for the creation and management of State forest reserves. The South Australian Forestry Corporation has the control and management of every State forest reserve and may sell any trees or timber produced in these forests. Section 15 of the [Forestry Regulations 2013](#) states that a person must not, without lawful authority, remove a tree or wood from a forest reserve (including plantations).

For timber harvested from Council or State forest reserves, potential examples of a suitable authorisation to harvest include a permit or harvesting contract.

5.2 Native vegetation

In South Australia, native vegetation (including dead wood) is protected under the [Native Vegetation Act 1991](#) (NV Act) and the associated [Native Vegetation Regulations 2017](#) (NV Regulations).

Under this legislation, any clearance of or disturbance to native vegetation on public or private land (including harvesting) is prohibited. Clearance/harvesting of native wood is usually carried out for land management or development purposes rather than wood production.

In general, the clearance of a native species on an individual or broader scale within forest or woodland, requires approval from the Native Vegetation Council (NVC) through a formal application process. However, the NV Regulations do allow clearance to occur in certain defined circumstances, including:

- Regulation 8(9): Allows for the clearance of regrowth vegetation less than 5 years old on land used for forestry, in order to maintain that land use. No formal approval is required. However, it is recommended that the exemption be confirmed with a NVC Assessment officer prior to undertaking any clearance.
- Regulation 11(24): Allows for the clearance of regrowth vegetation greater than 5 years old. The land must have been consistently used for agricultural, forestry or farming practices within the last 10 years. To allow the existing use of the land to be maintained, impacts on native vegetation can occur but it must be done in a way that avoids permanent degradation or loss of native vegetation across the entire management area. The regulation allows for clearance of native vegetation where it will have the capacity to regrow and re-establish within the following 10 years.

See the **Native Vegetation Council Guideline** at [Attachment C](#) and the **Approval documentation from the Native Vegetation Council (example)** at [Attachment D](#).

In addition, within the *Forestry Act 1950*, section 9A establishes that it is the responsibility of the South Australian Forestry Corporation to ensure that no operations are undertaken on a native forest reserve that are inconsistent with the stated purpose of a native forest reserve. The reserves are generally established to ensure the conservation and management of land supporting native flora and fauna. Section 15 of the *Forestry Regulations 2013* also states a person must not, without lawful authority, remove a tree or wood from a forest reserve (including native forest reserves).

5.3 Regulated or Significant Trees

Additional to the general protections provided to all native vegetation under the [Native Vegetation Act 1991](#), the [Planning, Development and Infrastructure Act 2016](#) establishes a list of regulated and significant trees that are protected under the Act. Unless specified in the [Planning, Development and Infrastructure \(General\) Regulations 2017](#), these trees must not be damaged unless development approval has been granted by the relevant council.

- Regulated trees have a trunk with a circumference of two metres or more, or in the case of multiple trunks, have trunks with a total circumference of two metres or more and an average circumference of 625 millimetres or more, measured at a point one metre above natural ground level.
- Significant trees are regulated trees with a trunk circumference of three metres or more, or in the case of multiple trunks, have trunks with a total circumference of three metres or more and an average circumference of 625 millimetres or more, measured at a point one metre above natural ground level.

5.4 During harvesting

The [Aboriginal Heritage Act 1988](#) and [Heritage Places Act 1993](#) protect heritage values during harvesting operations. It is an offence to damage, disturb or interfere with sites or objects covered by this legislation without appropriate authorisation. Penalties apply.

Harvesting operators need to ensure they do not damage unselected trees. The *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017* protect native vegetation adjacent to and within a plantation from damage during the felling of plantation trees. If native vegetation is damaged, it may be considered illegal clearance which can attract fines and result in criminal proceedings.

Under the [National Parks and Wildlife Act 1972](#), endangered and vulnerable plants and animals are protected in areas adjacent to and within plantations during harvesting (plant and animal species are listed in Schedules 7, 8 and 9). Under this Act, harvesting operators need to ensure they do not impact on plants and animals in adjacent proclaimed parks and reserves or within plantations.

This list excludes South Australian legislation that is not directly relevant to log harvesting (e.g. *Road Traffic Act 1961*).

5.5 Voluntary Codes of Conduct/ Codes of Practice

The [Guidelines for Plantation Forestry in South Australia](#) (PIRSA, 2009) is also known as the Plantation Forestry Code of Practice in South Australia, and has been approved (June 2013) by the Commonwealth to satisfactorily protect environmental and heritage values (in accordance with the Export Control (Wood and Woodchips) Rules 2020 under the *Export control Act 2020*).

The South Australian and Victorian (Green Triangle) plantation forestry industry has developed a *Koala Management Policy for Plantation Harvest Operations (September 2013)*, and *Koala Management Guidelines for Plantation Harvest Operations (September 2013)*, the objective of which is to maintain koala welfare and minimise the risk of injury to koalas from forestry operations, mainly in *Eucalyptus globulus* (Tasmanian Blue Gum) plantations.

5.6 Other relevant laws that relate to legal timber

An additional law relating to legal timber is the [Native Title \(South Australia\) Act 1994](#), which provides a mechanism to determine Native Title. Native Title may confer legalities with regard to specific use of the land covered.

A Native Title determination recognises, under Australian law, the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. Native Title can be exclusive or non-exclusive. Exclusive Native Title determinations allow Native Title holders to control access to land. If harvesting occurs without this authority, it may be considered illegal.

6. Identifying legal raw logs from South Australia

This section provides information on possible methods to enable a processor to identify if logs harvested in South Australia have been done so legally.

A flow chart is included in [Figure 2](#), and a template to assist with the collection of due diligence information is provided in the **Due Diligence Template for Domestic Processors (example)** – see [Attachment A](#).

6.1 Plantations

With certification

The majority of the wood harvested in South Australia is currently certified under the Forest Stewardship Council (FSC) Australia or Responsible Wood/Programme for the Endorsement of Forest Certification (PEFC) schemes.

FSC Australia includes:

- FSC Australia forest stewardship standard.
- FSC chain of custody standard.

Responsible Wood includes:

- Sustainable forest management standard (AS 4708).
- Chain of custody standard (AS 4707).

A risk assessment for wood with FSC Australia and/or Responsible Wood certification may be carried out using the alternative “Timber Legality Framework” method prescribed in the *Illegal Logging Prohibition Regulation 2012*, instead of the State Specific Guidelines risk assessment method.

Further information on the Timber Legality Framework risk assessment method can be found at: www.agriculture.gov.au/forestry/policies/illegal-logging/processors/due-diligence#option-3a-timber-legality-framework.

For more information on the FSC Australia and Responsible Wood timber legality frameworks see au.fsc.org/en-au and <https://www.responsiblewood.org.au/>.

Without certification

A small proportion of South Australian logs provided to a processor may be from privately owned small growers or plantations that will not be certified. In this instance, the private grower may have a right to harvest through a **Commercial Forest Plantation Licence** issued under the Forest Property Act 2000, (see an example at [Attachment B](#)). However, this is not a mandatory process for private landowners who wish to harvest a commercial plantation, so a licence might not be available.

Processors should undertake their own risk assessment as per the Regulation if South Australian plantation logs are provided to the processor from either:

- a private grower without a commercial forest plantation licence; or
- a non-certified company (or from a non-certified location within a certified company); or
- without evidence the landholder has authority to give permission to harvest.

6.2 Native vegetation (non-plantation)

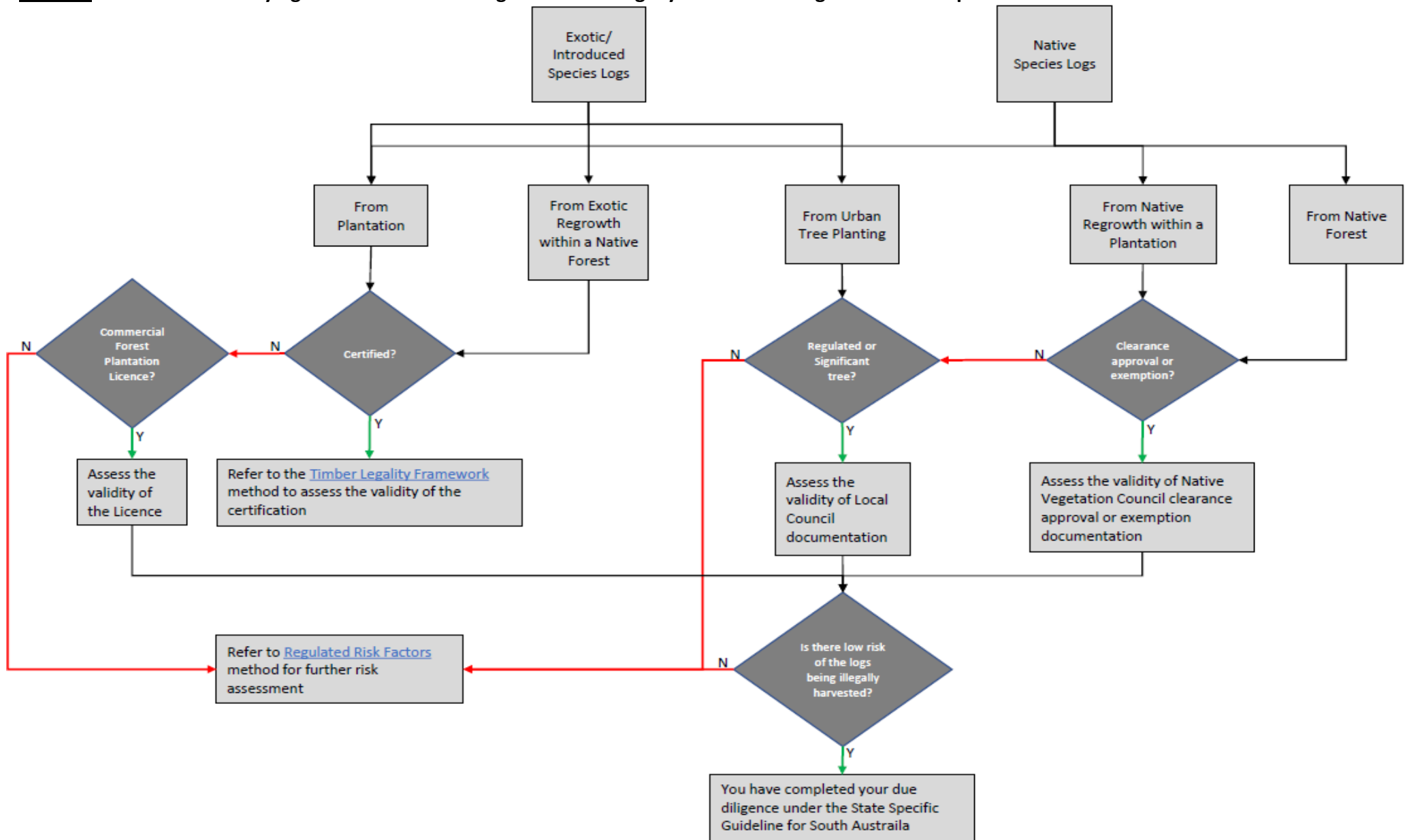
If logs are sourced from native vegetation (non-plantation), then a harvester is required to possess:

- clearance approval from the Native Vegetation Council (NVC) under the Native Vegetation Act 1991 (NV Act) to harvest the logs. Sections 27 and 29 of the NV Act set out the matters that the NVC must address when considering giving consent to an application. In particular, the NVC must not give consent to clearance of vegetation that contains a substantially intact stratum; and
- in some circumstances, the Minister responsible for the environment. For example, if the vegetation or land is subject to a heritage agreement under the Act (Under Section 27, subsection (5) of the NV Act).; or
- an exemption under one of the Native Vegetation Regulations to harvest/clear the native vegetation.

In the case of the clearance approval, it may be a requirement of the NVC under Section 30A of the NV Act that the native vegetation removed is marked or tagged. In this case, the processor may check that the marking or tagging is authorised and any tags are issued by the NVC. Alternatively a harvester may have written documents or a letter from the NVC approving the native vegetation clearance.

An example of an **Approval documentation from the Native Vegetation Council (example)** is included at [Attachment C](#).

Figure 2: Process of identifying if South Australian logs have been legally harvested using the SA State Specific Guidelines



7. Other relevant non-government resources

- FSC Australia (FSC certification): www.au.fsc.org/en-au
- Responsible Wood (PEFC certification): <https://www.responsiblewood.org.au/>

8. Who should I contact for further information?



Australian Government
**Department of Agriculture,
Water and the Environment**



Government of South Australia
**Department of Primary Industries
and Regions**

Australian Government

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Disclaimer

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This guideline and its associated quick reference guide is made available on the understanding that the Commonwealth of Australia is not providing professional advice. Before relying on this guideline or its associated quick reference guide, readers should obtain appropriate professional advice suitable to their particular circumstances.

Readers should also confirm that this is the most up-to-date available guideline by referring to the Department of Agriculture, Water and the Environment website.

Attachment A – Due Diligence Template for Domestic Processors (example)

Domestic Processor Details

Business name _____ ABN or ACN _____

Street address _____

Postal address _____

Person responsible for maintaining the system

Name _____ Position _____

Telephone number _____ Email _____

Supplier of raw logs

Public/Crown Land

1. Business name _____ ABN/ACN _____

Address _____ Phone _____

Species purchased _____ Quantity purchased (m³/tonnes) _____

Source (Please circle) Plantation/ Native regrowth/ Native forest/ Regulated or significant tree

Forest name (if applicable) _____ Forest certification number (if applicable) _____

Native Vegetation Council decision notification reference (if applicable) _____

Local Council regulated or significant tree approval reference (if applicable) _____

Private Land

2. Business name _____ ABN/ACN _____

Address _____ Phone _____

Species purchased _____ Quantity purchased (m³/tonnes) _____

Source (Please circle) Plantation/ Native regrowth/ Native forest/ Regulated or significant tree

Forest name (if applicable) _____ Forest Certification number (if applicable) _____

Native Vegetation Council decision notification reference (if applicable) _____

Local Council regulated or significant tree approval reference (if applicable) _____

Commercial Forest Plantation Licence number (if applicable) _____

Other evidence the landholder has authority to allow harvest _____

Delivery dockets supporting this information are maintained on site (please circle) Yes/ No

This information is in accordance with the State Specific Guidance for South Australia.

Signed _____

Date _____

Attachment B – Commercial Forest Plantation Licence (example)



Government
of South Australia

FOREST PROPERTY ACT 2000

SECTION 16

COMMERCIAL FOREST PLANTATION LICENCE

LICENCE NO. []

I, XXXXXXXXX Minister for Primary Industries and Regional Development, hereby pursuant to section 16 of the *Forest Property Act 2000* grant this Licence to the Licensee in respect of the Commercial Forest Plantation for the Term subject to the Conditions listed below.

Licensee

Name:

Address:

EXAMPLE

ABN:

Commercial Forest Plantation

[details of land on which commercial forest plantation established]

Term

[specify term]

Conditions

1. ...

[Execution clause] by **Minister for Primary Industries and Regional Development**

Dated:

Attachment C – Native Vegetation Council Guidelines



Clearance associated with the maintenance of existing agriculture, forestry or farming

Native Vegetation Council Guideline under Section 25 of the *Native Vegetation Act 1991* for regulation 11(24) of the *Native Vegetation Regulations 2017* | 13 February 2018

Purpose of this Guideline

The purpose of this Guideline is to inform landowners and land managers about the information that should be included in the preparation of a Management Plan for carrying out activities that impact native vegetation in the process of maintaining existing agriculture, forestry or farming practices that will not cause permanent degradation to the native vegetation management area.

Background

The *Native Vegetation Act 1991* (the Act) prevents the clearance of native vegetation other than through approval by the Native Vegetation Council (NVC) or in accordance with activities regulated in the *Native Vegetation Regulations 2017*.

Under the Act and regulation 11(24), clearance of native vegetation for the maintenance of existing agriculture, forestry or farming may occur provided:

- The landowner has prepared a Management Plan that complies with the criteria outlined in this Guideline;
- The Management Plan has been approved by the NVC; and
- The clearance is undertaken in accordance with the Management Plan.

This Guideline, prepared under section 25 of the Act, applies to the clearance of native vegetation to maintain existing agriculture, forestry or farming in areas protected by the *Native Vegetation Act 1991*.

Clearance of native vegetation under this regulation must include agreement between the landowner and the NVC, and where relevant the regional Natural Resources Management Board and other relevant organizations. It should also consider the requirements of other legislation.

Regulation 11(24)

Regulation 11(24) allows for native vegetation clearance and associated management of land in a way that allows native vegetation to regrow. The land must have been consistently used for agricultural, forestry or farming practices within the last 10 years. Impacts on native vegetation can occur to allow the existing use of the land to be maintained but must be done in a way that avoids permanent degradation or loss of native vegetation across the entire management area. The regulation allows for clearance of vegetation where the vegetation will have the capacity to regrow and re-establish within the following 10 years.

If landowners are unsure whether their situation may be applied under this regulation, they should seek advice from the Native Vegetation Branch on 8303 9777.

There are two other regulations that deal with related management issues including:

- Regulation 8(9) – Regrowth

This regulation is for clearance of vegetation to maintain the land for the purpose for which it was originally cleared within the last five (5) years.

- Regulation 11(26) – Grazing of Domestic Stock

This regulation is for clearance of vegetation by grazing domestic stock on land in a manner, and at a rate that is not consistent with the manner and rate of grazing during the previous 10 years. It must not cause permanent degradation of the native vegetation.

The following management situations are *examples* of situations not covered by the regulations and require a full clearance application under section 28 of the *Native Vegetation Act 1991*:

- if the proposed clearance permanently removes or degrades the vegetation;
- if the vegetation has returned to a largely undisturbed natural state;
- if a landowner wishes to expand (or change) the use of land that has *not* been consistently used for agriculture, forestry or primary production as part of a commercial enterprise over the last 10 years; or
- if a landowner wishes to clear land that was not lawfully cleared in the past.

Management Plan requirements

The following information summarises what needs to be provided in the Management Plan for it to be assessed against the requirements of the regulation.

You will need to include in your Management Plan:

a. Background information

- Landowner, property, location and details (as per Certificate of Title)
- Land use history
 - o Evidence that the land on which the vegetation is situated has been consistently used for agriculture, forestry or farming purposes as part of a commercial enterprise
 - o Information relating to the period of time passed since the last lawful clearance and the vegetation that has subsequently regrown

b. Site-specific information

- Location of proposed clearance (including aerial photograph and paddock plans)
- Description of the vegetation present (species, age, densities, regeneration), and extent to which the vegetation has returned to its natural state
- Identification of any species, ecological communities or sites of conservation significance
- Description of how the ongoing management will maintain the system without permanent loss of native vegetation occurring; and whether the vegetation clearance will be balanced by vegetation retention

Case study: Scattered regrowth mallee over introduced pasture grasses



This area has been consistently used for cropping and pasture since the 1970s. It contains regrowth (10 years old) of mallees (*E. yalensis*, *E. oleosa*, and *E. dumosa*) up to 3 metres high over scattered shrubs and grasses on grey calcareous sands. Most of the regrowth is about 3 years old. Ground cover is dominated (>80%) by introduced pasture grasses (oats, brome).

Proposed management:

Clearance of mallee regrowth will occur every 6-8 years using steel bars towed behind a tractor and periodic sowing of pasture species (oats, rye, medics).

**The case studies throughout this Guideline demonstrate situations where a Management Plan may apply. The proposed management strategies described are dependent on the landscape context and are examples only.*

c. Proposed management

The Management Plan should demonstrate how the proposed clearance will assist in maintaining the current land use and allowing for the regrowth of native vegetation.

- Description of the proposed management of the vegetation (describing what species or area is being managed, why it needs managing, and how it will be managed).

Scenario 1 example,

- Year 1-3: half of paddock thinned of Cutting Grass by 75% by burning; half left to regrow
- Year 4-6: apply treatment to opposite half of paddock; continue to alternate in 3-yearly cycles

Scenario 2 example,

- Yacca regrowth inhibiting access by increasingly large farm machinery – maintain access by thinning regrowth in strategic areas x, y and z while allowing continued regrowth over the remainder of the paddock
- A series of photographs to adequately illustrate the vegetation proposed to be managed
- Identification of native vegetation to be retained; areas to be revegetated or natural regeneration encouraged
- Description of risks to vegetation and fauna, and associated management of potential impacts of the clearance

d. Other legislation

Consider whether the activity might trigger the application of other legislation, as NVC approval within this Guideline is applicable only to the *Native Vegetation Act 1991*. Other legislation may include:

Environment Protection and Biodiversity Conservation Act 1999 (Cwth)

Existing Recovery Plans and relevant Conservation Advices for species and ecological communities with conservation significance

Pastoral Land Management and Conservation Act 1989

Natural Resources Management Act 2004

Regional Natural Resources Management Plans, Biodiversity plans or strategies

National Parks and Wildlife Act 1972

Aboriginal Heritage Act 1988

Water Resources Act 1997

e. Natural Resources Management (NRM) Board consultation

It is recommended that proponents liaise with the relevant NRM Board staff for relevant biodiversity and landscape context information. Evidence of consultation with the relevant NRM Board (<http://www.naturalresources.sa.gov.au/home>) should be provided, together with any concerns raised by that Board.

Who can prepare the Management Plan?

The Management Plan must contain sufficient information for the NVC to make a decision. Landowners may choose to develop the plan themselves or seek specialist assistance. For more complex situations and specialist advice, including a list of the NVC's Accredited Consultants (engaged by the proponent), land managers are encouraged to contact their local [Natural Resources Office](#).

Approval process

Approval is required from the NVC. If approval is given, it should be noted that the approval is only for the area specified in the approval. The clearance can only occur in accordance with the approved Management Plan. The NVC may approve a Management Plan subject to conditions.

Conditions could be directly related to the clearance; the method of clearance; monitoring the regrowth; or managing an area for vegetation to regenerate (including how that area will be encouraged to regrow (for example, by fencing, pest control, access restrictions)). Any clearance outside of the area(s) approved would be considered a breach of the *Native Vegetation Act 1991*. Management Plans must be reviewed, including site verification, every five (5) years, or as deemed appropriate.

In receiving approval under regulation 11(24), it should be noted that the NVC is approving compliance with the *Native Vegetation Act 1991*. In undertaking the activity, it is the proponent's responsibility to ensure compliance with any other relevant legislation.

If the lodgement of the Management Plan is to be undertaken by a person other than the landowner, written permission is required from the landowner to be provided to the NVC before the application will be processed.

To read more about the regulations and their application refer to the *Guide to the Native Vegetation Regulations 2017*, which is available on the DEWNR website <http://www.environment.sa.gov.au/managing-natural-resources/native-vegetation>.

Lodging a Management Plan

For more information contact your local Natural Resources Office or the Native Vegetation Branch, DEWNR.

The proposed Management Plan should be posted to:

- Native Vegetation Council, GPO Box 1047, Adelaide SA 5001, or
- Emailed to nvc@sa.gov.au, or
- Faxed to 08 8303 9780.

There is no application fee for lodgement of this Management Plan. There is no requirement for a Significant Environmental Benefit offset.

Guidelines issued in relation to the clearance or management of native vegetation are legally enforceable. Adhering to the Guidelines will ensure that there is no breach of the *Native Vegetation Act 1991*.

Case Study: Yaccas (*Xanthorrhoea caespitosa*) at mid to low density in pastured paddock



The area was cleared for pasture renovation approximately 30 years ago and has since been consistently grazed by sheep and cattle, with periodic rolling and burning of the Yaccas.

Proposed management:

Cultivation (ploughing) and rolling, to be repeated at 5-10 year intervals to allow pasture renovation (to sow improved lucerne, perennial grass and clover). Some level of Yacca regeneration is expected between renovation cycles.

Situations where a Management Plan for the maintenance of existing agriculture, forestry or farming *may* apply

A Management Plan for the maintenance of existing agriculture, forestry or farming is about the ongoing management of native vegetation regrowth. The Management Plan may apply to one or more paddocks, or an entire property. It may include a pasture renovation program, practical long-term strategies for regrowth and/or a mechanism allowing land managers to adopt management processes that may encourage the natural regeneration of native vegetation. It *may* also apply to situations where,

- Regrowth of native vegetation has, or may have, an impact on the ability to implement appropriate and effective land and vegetation management practices;
- Pasture renovation programs are based on a rotation of longer than five (5) years (beyond requirements of regrowth regulation 8(9)) and those programs will involve (by necessity) some clearance of native vegetation;
- Regrowth has reduced the existing extent of agricultural use of, or access to, previously cleared land and the landowner wishes to continue to use the land for agriculture;
- Regrowth has become established as a monoculture in previously cleared land, such as Yaccas (*Xanthorrhoea* species), cutting grass (*Gahnia* species) or bracken (*Pteridium esculentum*);
- Scattered regrowth on land where grazing has been consistent over less than ten (10) years;
- The regrowth is of mallee (*Eucalyptus* species) that has regenerated following an earlier lawful clearance action on land previously used for agriculture;
- A landowner is seeking to encourage the retention or re-establishment of additional areas of native vegetation on the property (such as the recruitment of additional trees), but wants to make a determination on the final areas to be retained over a longer period of time; or
- Harvesting and subsequent replanting of forestry that may require management of native vegetation during the harvesting, replanting and ongoing management process. Forestry rotations for harvesting greater than 10 year intervals can be considered by the NVC.

The Management Planning process aims to provide landowners with increased security for their long-term planning, and to reduce the costs of regrowth management. The NVC will assess each management plan on a case by case basis, and if the management is deemed to be of greater impact on the native vegetation causing it to permanently degrade, a full clearance application under section 28 of the *Native Vegetation Act 1991* will be required.

Case Study: Removal of scattered *Acacia victoriae* to improve pasture



Scattered regrowth (5-10 years old) of Elegant Wattle *Acacia victoriae*. The ground cover is dominated by native and introduced pastures, and includes bare scalded areas. The proposed clearance aims to prevent the area from becoming densely covered by *Acacia* plants and promoting growth of pasture grasses. Some retention of *Acacia victoriae* in areas that do not interfere with paddock management. Any ripping will occur parallel to watercourses to prevent water erosion.

Proposed management:

Removal of 150-200 scattered *Acacia victoriae* plants with front-end loader. Removed plants will be heaped and burnt. Cleared areas to be contour ripped and planted to improve pastures.

For more information

Native Vegetation Branch

Department of Environment,
Water and Natural Resources

T (08) 8303 9777

E nvc@sa.gov.au

www.environment.sa.gov.au/nativevegetation

Attachment D – Approval documentation from the Native Vegetation Council (example)

Native Vegetation Council



Reference: 2019/2xxx/xxx
Contact: Assessing Officer
Telephone: 8207 xxxx

81-95 Waymouth St
ADELAIDE SA 5000

GPO Box 1047
Adelaide SA 5001

Ph | 08 8303 9777

nvc@sa.gov.au

Date

Name
Address

cc: NRM Board, Local Council

DECISION NOTIFICATION Clearance Application – 2019/20xx/xxx

Dear Landowner,

I refer to your application to the Native Vegetation Council dated **Insert date 2019** for the clearance of native vegetation for **insert purpose**. The Native Vegetation Council considered your application in conjunction with a report from the Native Vegetation Branch, Department for Environment and Water and the **xxx** Natural Resources Management Board.

On the basis of the information presented, Council resolved to grant consent to your application subject to the conditions outlined in the attached Decision Notification. The consent remains valid for a maximum of two (2) years from the date of this Decision.

Please note that these conditions are an integral part of the consent and are legally binding under the *Native Vegetation Act 1991*. Any areas of existing native vegetation to be set aside or vegetation planted as a condition of this consent have the full protection of the Act.

Monitoring

The Native Vegetation Council has initiated a program of monitoring of conditions attached to any clearance consent. As part of this program you as the landowner may be contacted by an officer of Department for Environment and Water to arrange inspections.

Effect of Consent

Please note that the attached Decision Notification grants consent under the *Native Vegetation Act 1991* only and does not imply approval under any other legislation. It is the responsibility of the landowner to obtain all relevant approvals for any proposed development.

If you have any questions regarding your application or the proposed conditions please do not hesitate to contact the assessment officer referred to at the top of this letter.

Yours sincerely,

Insert name
Delegate
Native Vegetation Council



DECISION NOTIFICATION
Native Vegetation Act 1991

Landowner: Insert Landowner
Application Number: 2019/2xxx/xxx
Dated: xx/xx/2019
Parcel: Section xx, Allotment xx Plan xxx
HUNDRED of xxx

Note: In respect of the proposed clearance you are informed that the Native Vegetation Council makes this decision in accordance with the *Native Vegetation Act 1991* and accepts no responsibility to release the landowner from the requirements of the *Commonwealth Environment Protection & Biodiversity Conservation Act 1999*.

In respect of the proposed clearance, subject to the conditions listed below, you are informed that the Native Vegetation Council:

Approves/refuses clearance of xx ha in the area shown on the attached "Decision Plan" numbered 2019/2xxx/xxx for the purpose of xx.

CONDITIONS

1. Clearance is to be confined to the area shown on the attached Decision Plan numbered 2019/2xxx/xxx;
2. PRIOR to any clearance being undertaken the landowner must obtain, if necessary, an approval for a change in land use under the *Development Act 1993*;
3. PRIOR to any clearance being undertaken the landowner must obtain, if necessary, the relevant water allocation and irrigation licensing.
4. The landowner is to permanently set aside and actively manage x areas of native vegetation totalling xxx ha providing the minimum SEB points xxx in the attached Decision Plan numbered 2019/2xxx/xxx, for the growth of native vegetation and for no other purpose.
Note – the proposed SEB area provides an additional xxx SEB credits points.
5. The landowner must ensure that only native vegetation approved for clearance (refer to attached Decision Plan numbered 2019/2xxx/xxx) is cleared whether by the landowner or any other person undertaking clearance.
6. The landowner is to manage the set aside in accordance with the SEB management plan to permanently maintain that land for the purpose of growth of native vegetation and management of environmental threats and degrading processes. The SEB management requirements include:
 - (a) permanent exclusion of stock. Stock grazing may be permitted on occasions, but only if grazing is required for the sole purpose of ecological management and undertaken in accordance with an approved management plan;

- (b) where required, erect and maintain fences and gates in good stock proof condition at all times. Fencing to be completed prior to undertaking the clearance. (Note: Where the adjoining land is to be kept free of stock, no fencing is required unless grazing of the adjacent land is proposed);
- (c) undertaking an effective and ongoing weed and rabbit control program within the set-aside area to ensure the successful regeneration of native vegetation in the area;
- (d) not to erect, place or permit any structure or dwelling to be placed on the SEB area, other than approved signs;
- (e) not to permit the removal, introduction or disturbance of any soil, rocks or other minerals or the construction of dams other than those already existing on the SEB area;
- (f) not to allow any deterioration of in the natural state of flow, supply, quantity or quality of any body of water onto and from the SEB Area;
- (g) not to permit the removal of any standing or fallen timber;
- (h) no fertiliser application or artificial feeding;
- (i) no soil disturbance (beyond agreed management actions)
- (j) no cropping;
- (k) no dumping of rubbish, unwanted machinery or plant material
- (l) not to allow access to the set-aside area by any vehicles or machinery unless that access will assist in promoting growth or regeneration of native vegetation; and
- (m) to monitor the native vegetation for impacts by over abundant native fauna species (e.g. kangaroos) and undertake appropriate management of abundant native fauna when they are significantly impacting on the native vegetation;

[Points a-k are from 'Requirement 6 SEB management' in 'Policy for a Significant Environmental Benefit', section 'Requirements for establishing on ground SEB Areas', l & m are additional requirements]

7. Members of the Native Vegetation Council or a person who is an authorised officer under the *Native Vegetation Act 1991* may at a reasonable time enter the property of the landowner for the purpose of assessing and recording any matter relevant to this consent. A person undertaking such an assessment may be assisted by other suitable persons. Any such inspection will only be taken after there has been an attempt to contact the landowner; and
8. The landowner must adequately inform any prospective purchaser, lessee or occupier of the land affected by conditions in this consent, of the relevant conditions.

REASONS FOR DECISION

The above conditions are imposed on this consent to ensure that:-

1. the loss of biodiversity resulting from the clearance will be outweighed by establishing a set-aside area or payment to the Native Vegetation Fund.
2. clearance of native vegetation is limited to the area actually approved.
3. the clearance is subject to appropriate conditions to ensure effective monitoring and reporting.

Signed :Dated :('the Decision Date')

☐ PRESIDING MEMBER, NATIVE VEGETATION COUNCIL

☐ A/ PRESIDING MEMBER, NATIVE VEGETATION COUNCIL

☐ DELEGATE TO NATIVE VEGETATION COUNCIL

NOTES FOR APPLICANT

1. Subject to acceptance of the Native Vegetation Branch advice and suggested Conditions, any clearance authorised by a formal Notification must be completed within two (2) years of the date of the Notification, or a longer time as allowed by the Native Vegetation Council.
2. You will require a new consent before commencing or continuing the development if you are unable to satisfy the conditions of a consent.
3. If only partial clearance takes place, the conditions apply fully.
4. All areas set aside for revegetation or protection under a condition attached to a consent are protected in perpetuity under the *Native Vegetation Act 1991*. No clearance of native vegetation within these areas can occur without the consent of the Native Vegetation Council.
5. Please note that the native vegetation authorised for clearance under a Decision Notification may be a useful resource, as a source of seed for local revegetation projects, for woodcraft purposes or as firewood. Please consider notifying any local seed collection groups to offer them the opportunity of collecting seed at the time of clearance, and making any timber from the cleared trees available as firewood or for woodcraft.