

# HERITAGE AGREEMENT FREQUENTLY ASKED QUESTIONS (FAQ's)

September 2022

## What is a Heritage Agreement?

A Heritage Agreement is an agreement between a land owner and the Minister responsible for the *Native Vegetation Act 1991* (the Act), for the permanent protection of native plants and animals on private land.

## What are the benefits of having Heritage Agreement?

Heritage Agreements provide land owners with the certainty that the native vegetation on their land will be protected into the future, even if they no longer own the land. Depending on the agreement, land owners may also be eligible for:

- Incentives to protect and manage the land.
- Reduction in council rates for the portion of land under the agreement.
- Funding for fencing, weed and pest control, erosion control, the development of a management plan, revegetation, and other ecological restoration activities.

## How long does the application process take and what are the steps involved?

Dedicating land under a Heritage Agreement (HA) takes around 12 months and involves the following steps:

1. Land owner submits a quick [application form](#) online or as a hard copy.
2. The Native Vegetation Council (NVC) and Minister responsible for the *Native Vegetation Act* decide if they will enter into a HA.
3. The Native Vegetation Branch (Branch) work with the land owner to map the area and prepare agreement documentation.
4. If the agreement covers part of a land parcel, the Branch submits a plan to Land Services SA.
5. The Heritage Agreement is sent to the land owner, NVC and Minister for signature.
6. The Branch arranges for the signed agreement to be lodged on land title.
7. The Branch notifies the Office of the Valuer-General and council rates relief is applied in the second rating year.

## What information do I need to include in the application?

The quick Heritage Agreement [application form](#) includes the following information:

- Property location.
- Size of area.
- Importance or special features of the property i.e. vegetation type, threatened species (if known).

If you need help with an application, please contact the Native Vegetation Branch.

## Revegetation areas as Heritage Agreements

The NVC may consider Heritage Agreement applications for revegetation areas if the revegetation:

- has sufficient cover and structure of local plant species, that is likely to be self-sustaining,
- was established from locally sourced species,
- features reasonable representation of plant species and structural diversity reflecting a naturally occurring community.

## Heritage Agreement establishment costs

The Native Vegetation Council covers the costs associated with negotiating, drafting and registering a Heritage Agreement for agreements that are entered into voluntarily by a land owner.

Costs associated with the establishment of Heritage Agreements established as a result of clearance or compliance actions will not be covered by the NVC.

## Financial support for Heritage Agreement owners

As a Heritage Agreement owner you may be eligible for financial assistance in the form of grant funding from the Minister, when it is available. The current government has committed \$6 million between 2022 and 2026 to support HA owners. Up to date information about funding and grants can found on the Heritage Agreement web page ([www.environment.sa.gov.au/topics/native-vegetation/protecting-enhancing/heritage-agreements](http://www.environment.sa.gov.au/topics/native-vegetation/protecting-enhancing/heritage-agreements)).

Funding may also be available through other sources including local councils, Landscape Boards and other organisations.

## Reduction of rates, taxes and levies

As a Heritage Agreement owner, you can receive a reduction in council rates and certain taxes such as Land Tax and the Emergency Services Levy. The reduction in rates and tax apply to the part of the property under Heritage Agreement. We will notify the Office of the Valuer-General of your newly registered Heritage Agreement and begin in the second rating year, following the registration of the Heritage Agreement. For further information please contact the Office of the Valuer-General ([www.valuergeneral.sa.gov.au](http://www.valuergeneral.sa.gov.au)).

## Variation of termination of a Heritage Agreement

You may apply to vary or terminate a Heritage Agreement. Variations are used to support actions such as boundary re-alignments or the addition of exclusion zones for the purpose of building a residential dwelling. In accordance with the Act, the NVC can only support variations where there is no significant impact to native vegetation. For example requests to establish an exclusion zone in an area of native vegetation that is considered to have moderate to high biodiversity, is considered substantially intact or where clearance contravenes Schedule 1 – Principles of Clearance under the Act, cannot be approved in accordance with the NVC's requirements under the Act.

Termination of a HA is generally not supported by the NVC, other than in exceptional circumstances i.e. the land will be subject to a higher level of protection such as proclamation as a National Park under the *National Parks and Wildlife Act 1972*.

## Permitted activities within a Heritage Agreement area?

Heritage Agreements are dedicated for the conservation and protection of native vegetation and native fauna habitat.

Activities that do not impact the ecological values of the site are generally permitted, but some may require approval.

Please contact the Native Vegetation Branch to discuss.

## Prohibited activities within a Heritage Agreement

Activities that have potential to impact the ecological value of the Heritage Agreement are generally not supported. This includes:

- Removal of native vegetation
- Introduction of non-indigenous vegetation
- Grazing by livestock (unless an approved NVC management plan is in place)
- Activities that deteriorate water quality, flow or quantity – such as a dam

- Introduction of non-indigenous animals
- Removal of wood or timber – whether standing or fallen, dead or alive
- Removal or disturbance of rocks or soil, including cultivation
- Application of fertiliser
- Erection of buildings or other structures
- Recreational use of trail bikes and other vehicles

## Stock exclusion and fencing

To prevent stock from damaging the heritage agreement area you may need to erect and maintain a fence.

Fencing is the responsibility of the property owner, however assistance may be available from time to time and it is recommended you contact the Native Vegetation Branch to discuss what support may be available.

Grazing of stock in general, is not supported in a Heritage Agreement. If the purpose of the grazing is ecological, a grazing management plan that clearly demonstrates the intended benefits of grazing and how it will be sustainably managed will need to be submitted to the NVC for approval.

## Eco-cabins, glamping tents, transportable buildings (or similar type structure) within Heritage Agreements

If your Heritage Agreement features an 'exclusion zone' or your land includes areas that are not covered by the Heritage Agreement, then you may be able to construct a building. Exclusion zones are typically established at the same time as the Heritage Agreement. If you are wanting to vary your Heritage Agreement to include an exclusion zone, please talk to the Native Vegetation Branch in the first instance as there are specific requirements to enable this type of variation.

## Heritage Agreements and camping

Low impact camping is permitted within the Heritage Agreement area.

Any ecotourism activities or placement of caravans requires approval by the NVC.

## Can I clear vegetation within a Heritage Agreement area for bushfire prevention?

In accordance with the *Native Vegetation Regulations 2017*, you can clear native vegetation within 20 m of a dwelling for the purpose of bushfire prevention – except for large trees with a circumference greater than 2 m. Clearance beyond 20 m requires approval.

For further information please refer to <https://www.environment.sa.gov.au/topics/native-vegetation/clearing/fire-prevention>

## **Carbon farming and biodiversity markets (Commonwealth Emissions Reduction Fund initiatives)**

The activities associated with carbon farming or biodiversity credits (i.e. revegetation and pest control) often support the objectives of the Heritage Agreement and the initiatives can be complimentary. However, undertaking certain activities within a HA (i.e. revegetation) may require approval from the Minister.

The DEW is working with the Australian Government Department of Climate Change, Energy, the Environment and Water to ensure that there is capacity for State and Commonwealth requirements to be complementary to each other.

Further information will be available through the Australian Government Department of Climate Change, Energy, the Environment and Water as information

related to a biodiversity market and amendments to the existing carbon farming initiatives are confirmed.

<https://www.dcceew.gov.au/>

## **Heritage Agreement and offset credits in South Australia**

Offset credits in South Australia are referred to as Significant Environmental Benefit (SEB) credits under the Act. SEB credits are created through improving the protection and management of native vegetation. You may be able to generate SEB credits by protecting native vegetation through a Heritage Agreement and undertaking management activities.

Land that is covered by an existing Heritage Agreement is already protected and is therefore unlikely to generate SEB credit. Please talk to the Native Vegetation Branch about what may be possible for you.

### **More information**

Please contact the Native Vegetation Branch on

8303 9777 or [nvc.haprogram@sa.gov.au](mailto:nvc.haprogram@sa.gov.au)

[www.environment.sa.gov.au](http://www.environment.sa.gov.au)