What does legislation about Fleurieu Peninsula Swamps mean to me?

What legislation is important if I have a swamp?

Fleurieu Peninsula (FP) swamps are threatened ecological communities listed as critically endangered under the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999. If you own a FP swamp you may choose to improve and protect it. However, you cannot clear a Fleurieu Peninsula swamp without approval.

In many instances conducting protective or restorative works on your property to aid threatened species or communities can also benefit you. For example, revegetating your FP swamp with local species can help maintain local biodiversity, improve water quality and reduce the impact of flash floods.

There are two main pieces of legislation that protect FP swamps: the EPBC Act 1999 and the South Australian Native Vegetation Act 1991. You will need to consider this legislation if you wish to change land use or clear native vegetation.

Removing native vegetation, slashing, burning, and changes to grazing regimes or land use are all actions that may require approval from the SA Native Vegetation Council.

The SA Natural Resources Management Act 2004 regulates water affecting activities and the control of declared plants. Both activities may affect swamps and swamp management.

EPBC Act and FP Swamps

The EPBC Act is the Australian Government’s central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places.

The EPBC Act has provisions that allow the continuation of land use that was occurring immediately before the commencement of the EPBC Act on 16 July 2000. For example, farmers who were cropping or grazing land prior to 16 July 2000 can continue to do so at the same rate, even if new species or ecological communities are listed that occur on their land.

Further details on how this may affect you as a landholder can be found on the Environment Australia website at http://www.ea.gov.au/epbc or by contacting Environment Australia’s Community Information Unit on 1800 803 772.
What is the Native Vegetation Act and how does it affect me?
In South Australia, most native vegetation is protected by the Native Vegetation Act 1991 (the Act) and the associated Native Vegetation Regulations 2003 (the Regulations).

This legislation outlines the management of native vegetation on private and public land in South Australia. These laws are to promote the conservation and regeneration of native vegetation and also seek to ensure personal and public safety.

The Act established the Native Vegetation Council (NVC) – an independent body appointed by the Governor of South Australia. The NVC is responsible for making decisions about a wide range of matters concerning native vegetation in South Australia, including whether to approve native vegetation clearance via some of the Regulations. Regulations are exemptions to the Act, they provide a mechanism (once certain criteria are met) to clear native vegetation without a formal clearance application or an associated offset needing to be created.

Similar to the provisions of the EPBC Act 1999, grazing of native vegetation by domestic stock may continue (sometimes under an approved NVC management plan) provided that the type and rate of grazing remains the same as over the previous 10 years and does not permanently degrade the vegetation. Regulations under the NV Act 1991 allow for a change in domestic stock type and rate of grazing, provided that there is an NVC-approved management plan being followed.

For specific advice about native vegetation regulations associated with agriculture contact the NVC Secretariat on (08) 8303 9777 or email nvc@sa.gov.au

Can I change the grazing in my swamps?
NVC approval is required if you wish to change your land use to an activity that has not occurred continuously on your property within the past 10 years. Approval is also required if you wish to intensify an activity that has occurred within a FP swamp within the last 10 years, e.g. increase stocking rates, expansion of a slashing area.

You may also need to obtain NVC approval if any new or intensified activities are likely to have a significant impact on the FP swamp ecological community. These activities include, but are not restricted to, grazing, clearing and draining.

Further information can be found at http://www.environment.sa.gov.au/managing-natural-resources/Native_vegetation

Disclaimer
This guide is not a substitute for proper legal advice. The legislation changes regularly and some details have been omitted in order to provide a brief overview. Contact the appropriate Government.