

Clearing native vegetation for Infrastructure

South Australia's native vegetation is protected by the Native Vegetation Act 1991 and the Native Vegetation Regulations 2017. **Regulation 12, Schedule 1; clause 34** allows for clearance of native vegetation for the construction or expansion of infrastructure and associated services.

What is Native Vegetation?

Native vegetation is defined as all naturally-occurring local native plants, ranging from small ground covers and native grasses to large trees, and including aquatic species. Plants may be part of a community or isolated, such as single trees in pasture. Some dead trees providing habitat for nationally threatened species are also protected under native vegetation legislation. For further guidance, please see the [Dead Trees Fact Sheet](#).

If you're unsure of whether there is native vegetation present on the site, you can seek advice from your region's [Landscape Board](#), a local ecologist or provide information to the Native Vegetation Branch for confirmation.

It is important to note that clearance is any activity that might damage or destroy native vegetation, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal of trunks or branches (eg. overhanging branches), and the ripping of roots for installation of infrastructure such as pipes and cables.



Do I need approval?

In order to clear native vegetation to establish new infrastructure, approval must be granted by the Native Vegetation Council (NVC). Please note, where applicable, a development approval under the *Planning, Development and Infrastructure Act 2016* (PDI Act) may also be required.

What activities are included?

Regulation 12, Schedule 1, clause 34 applies to clearance activities for infrastructure including:

- Water supply;
- Electricity, gas or supply of other forms of energy;
- Telecommunications;
- Waste water or sewage;
- Roads and their supporting structures;
- Ports, wharfs, jetties, shipping channels;
- Railways, trams and busways;
- Airstrips; and
- Flood mitigation works and public reservoirs.

Please note that you cannot clear native vegetation where there is a Heritage Agreement or Management Agreement on the land, unless there are exclusion zones identified within a Heritage Agreement. [NatureMaps](#) provides information on where Agreements exist on the land.

What if the infrastructure is existing?

To repair or maintain existing infrastructure, you are able to clear native vegetation in the vicinity of the structure that is being repaired or maintained under Regulation 8, Schedule 1; clause 2. Clearance must only be of plants (or pruning of plants) which have grown or regrown since the previous lawful clearance for the construction, repair or maintenance of the infrastructure. Any clearance is only permitted to the extent that is necessary. This Regulation does not apply where infrastructure is being upgraded, replaced or substantially altered.

How to apply

Step 1: Clarify your activity

Ensure your project is within the parameters of the activities listed above. Ensure your planned activity addresses the [mitigation hierarchy](#) to avoid and minimise clearance and rehabilitate or restore, following clearance. Consider if there are other practical alternatives to clearing (including no clearance) or clearing within less significant areas.

Where a development might impact a large or significant area of native vegetation, or if you are unclear if the proposal meets the requirements of the regulations, early consultation with the Native Vegetation Branch is encouraged.

Step 2: Assessment pathway

A risk assessment against set criteria is required to determine the significance of the proposed clearance and the approval pathway for your project. Your clearance will fall into one of four categories (Level 1 to Level 4), indicated in the [risk assessment fact sheet](#).

Where a development application is not required (contact the Relevant Authority eg. Local Council for confirmation), and the clearance risk level is considered a Level 1, the following information is to be submitted to the NVC for assessment:

- measures taken to avoid and minimise the proposed clearance;
- number and size of any scattered trees to be cleared;
- size of vegetation patch to be cleared;
- any previous clearance history; and
- photographs of the site.

Where a development application is required to be submitted to the Relevant Authority, regardless of risk level, this must be accompanied by a Data Report prepared by a [NVC Accredited Consultant](#).

The Accredited Consultant will be able to assist in ensuring that the Principles of Clearance (matters that must be addressed when applying to undertake clearance of native vegetation) and mitigation hierarchy are considered, particularly in relation to identifying areas with the least amount or lowest quality of native vegetation.

The Accredited Consultant will prepare a report in relation to the proposed development, including an assessment of all the vegetation clearance required, the value of the vegetation and habitat it provides and measures taken to avoid and minimise clearance.

Step 3: Determine Significant Environmental Benefit (SEB)

An SEB is a means of offsetting the impacts of approved clearance and is either in the form of a payment into the Native Vegetation Fund, or via on-ground works. Level 1 applications are subject to a \$500 payment into the Native Vegetation Fund. Upon completion of the vegetation assessment for applications Level 2-4, the Accredited Consultant will inform you of the SEB required for the proposed clearance.

There are a range of options available for achieving an SEB, including purchasing credits or engaging someone else to undertake works on your behalf. Further information is available at [How to offset a clearance](#).

The likely costs associated with an SEB increases with the scale and significance of the clearance. These costs should be considered early in the planning process to ensure they can be accommodated by the development.

Step 4: Submit Application

All applications can be lodged through the online portal: apps.environment.sa.gov.au/nvmu/

Note: the Accredited Consultant is able to submit the application on your behalf.

What happens next?

If the clearance proposal meets the Regulation criteria, a Decision Notification letter and Plan will be sent to the applicant. This letter will provide further advice and may include conditions. After reviewing the Decision Notification, you must sign this document and send it to the Native Vegetation Branch. If clearance consent is granted, an invoice for the SEB will then be issued to you.

What if my project does not fit the listed activities?

If your proposed clearance does not meet the requirements of this regulation, or [another regulation](#), you can submit a [clearance application](#) under Section 28 of the *Native Vegetation Act 1991*.

Consider other Acts

Approval to remove vegetation does not give you consent under other Acts, such as the PDI Act. Please be aware that a development approval may be required under the PDI Act. To confirm the assessment pathway and development application requirements, contact the Relevant Authority (i.e. Local Council or State Planning Commission).

A report will need to be submitted with the development application which addresses the proposed clearance of native vegetation and the relevant provisions of the [Planning and Design Code](#), specifically the Native Vegetation Overlay and / or State Significant Native Vegetation Areas Overlay.

As part of the development assessment process, Level 3 and 4 applications located within the Native Vegetation Overlay will be formally referred to the NVC to assess the potential impacts of the development on native vegetation. Similarly, Level 2-4 applications, within the State Significant Native Vegetation Overlay, will be referred to the NVC. The NVC has powers to impose conditions or direct the Relevant Authority to refuse the application during this process.

It is important to note that both development approval (issued by the Relevant Authority) and clearance approval (issued by the NVC) are required before any clearance can occur. It is recommended that landowners lodge their clearance proposal with the NVC at the same time as they lodge their development application with the Relevant Authority.

For more information

Native Vegetation Branch

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