

Clearing native vegetation for vehicle tracks

South Australia's native vegetation is protected by the *Native Vegetation Act 1991* and the *Native Vegetation Regulations 2017*. **Regulation 8, Schedule 1; clause 13** allows for clearance of native vegetation for the establishment of vehicle tracks.

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 tracks for vehicles with at least 4 wheels, you do not need approval but you must notify the Native Vegetation Council (NVC).

What can I clear?

Clearance is limited to the following circumstances:

- reasonably required for access; and
- no more than 5m in width; and
- limited to the extent reasonably required to achieve the purpose of the track; and
- there are no other practical alternatives resulting in no clearance or less significant or more degraded vegetation clearance.

Clearing within protected areas

Please note that you cannot clear native vegetation to establish a new vehicle track 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 vehicle track is existing?

You can clear native vegetation to maintain an existing vehicle track providing it meets the criteria listed above. You can maintain an existing track where there is a Heritage Agreement or Management Agreement on the land.

Exclusions

This Regulation does not apply to clearance in the following circumstances:

- clearing to make a track for recreational use;
- clearing vegetation on a roadside, rail corridor or railway crossing;
- established in accordance with a condition of clearance consent;
- clearance required in relation to a proposed development; or
- undertaken in connection with a residential subdivision.



Process for clearance

Prior to clearing, undertake the following steps:

Step 1: Self-assess that the proposed clearing is within the parameters of Regulation 8, Schedule 1; clause 13 as described above.

Step 2: Consider if there are practical alternatives to clearing eg. Not clearing or clearing less significant / more degraded vegetation. Where avoidance is not practicable, consider locating the track in an area of least significant native vegetation, or an area which results in the least amount of clearance. For example, consider locating the track adjacent to an existing fence in order to utilise land already cleared for the construction and maintenance of the fence (refer Figure 1).

Step 3: [Notify the NVC](#) (for new vehicle tracks only), providing details of the applicant, property, description and rationale, alternatives considered, map, photographs and written landowner permission.



Figure 1: Vehicle track alignment option

What happens next?

If the clearance proposal meets the Regulation criteria, a Regulation Notification letter and Plan will be sent to the applicant. This letter will provide further advice and may include conditions.

What if my activity doesn't fit this description?

If your proposed clearance does not meet the requirements of this regulation, or [another regulation](#) such as clearance for residential subdivision (Regulation 12, Schedule 1; clause 35), you can submit a [clearance application](#) under Section 28 of the Act.

Consider other Acts

Please note, where applicable, a development approval under the *Planning, Development and Infrastructure Act 2016* (PDI Act) may also be required.



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For more information

Native Vegetation Branch

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