



# Clearance associated with Ecological Purposes

Native Vegetation Council Guideline under Regulation 11(25) of the *Native Vegetation Regulations 2017* | 1 July 2017

## BACKGROUND

While native vegetation in South Australia is protected under the *Native Vegetation Act 1991* (the Act), there are situations where activities that will preserve or enhance ecological processes in line with the intent of the Act require removal or trimming of native vegetation. This is allowed under the Act through compliance with regulation 11(25) and the following guideline.

## PURPOSE OF THIS GUIDELINE

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

Under the *Native Vegetation Act 1991* and *regulation 11(25)*, clearance of native vegetation for the preservation or enhancement of ecological processes **may** occur provided:

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

This guideline applies to **the clearance of native vegetation to be carried out for the preservation or enhancement of ecological processes** in areas protected by the *Native Vegetation Act 1991*. The purpose of this guideline is to inform landowners and land managers about the information that must be considered and included in the preparation of a Management Plan for carrying out and monitoring the effects of the clearance.

Clearance of native vegetation under this regulation must include approval of the landowner, and where relevant, the regional Natural Resources Management Board and other relevant organisations. It should also take into account the requirements of other legislation including the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act).

## REGULATION 11(25): Ecological restoration and management of vegetation

This regulation covers situations where clearance can be undertaken for the purpose of conserving, managing or restoring native species, native vegetation or ecological processes.

Examples of clearance under this regulation include:

- clearance to provide access for works that preserve or enhance ecological processes;
- grazing to reduce weeds and improve native understorey diversity and extent;
- clearance of increaser species that are dominating landscapes to the detriment of habitat or the original understorey species;
- installation of regulators to manipulate wetland water levels to improve biodiversity; and
- burning to regenerate old stands of vegetation or maintain habitat for threatened species (see Guideline for clearance associated with ecological prescribed burning for additional requirements).

### **This Guideline is not for bushfire protection works:**

- If an ecological burn is to be carried out this regulation should be read in conjunction with **the Guideline for Clearance associated with Ecological Prescribed Burning (under regulation 11(25))** which provides extra detail required before carrying out an ecological burn. Visit [www.environment.sa.gov.au/nativevegetation](http://www.environment.sa.gov.au/nativevegetation).

This regulation allows landowners to establish and work in accordance with a Management Plan that describes the clearance activities and a program to monitor the effects of clearance as a means of enhancing or preserving biological diversity.

This regulation also applies to vegetation growing or situated on land covered under a Heritage Agreement or a Management Agreement.

## YOU WILL NEED TO DEVELOP A MANAGEMENT PLAN IN LINE WITH NVC REQUIREMENTS

The following information is a summary of what needs to be considered when planning for clearance associated with ecological purposes. The applicant may choose to seek ecological expertise (at their cost) for the preparation of a Management Plan. Additional information and advice on preparing a Management Plan can be sought from DEWNR Natural Resources staff or the NVC's Accredited Consultants.

### **What you need to include in the Management Plan**

- 1. Purpose of clearance for conserving, managing or restoring native species, native vegetation or ecological processes**
  - An explanation of how ecological processes will be preserved or enhanced by vegetation clearance.
  - Goals and supporting actions that are **SMART**
    - Specific** – target a specific area for improvement.
    - Measurable** – quantify or at least suggest an indicator of progress.
    - Agreed upon** – ensure actions are acceptable to stakeholders.
    - Realistic** – state what results can realistically be achieved, given available resources.
    - Time-bound** — specify when the result(s) can be achieved.
  - Supporting research if available.

## 2. Property information

- Brief description of the property
- Landowner, manager and/or lessee details
- Aerial plan
- Information on physical attributes past history and current land use relevant to planning and conducting of the clearance

## 3. Vegetation assessment

Include the following information:

- species to be cleared; and / or
- identify any species or communities to be cleared that are listed under the *Environment Protection and Biodiversity Conservation Act 1999* (including Conservation Advices) (Cth), the *National Parks & Wildlife Act 1972* (SA) or appropriate Recovery Plans
- location and extent of clearance
- other on-ground survey information if relevant
- if proposed works are a subset of larger works identified in a broader Management Plan, supply that plan; and
- ecological expertise of person/company planning and carrying out the works.

## 4. Risk management

The ecological risks need to be identified, assessed and managed. Risks could include weed infestation, adverse impacts to off-target species, risks to threatened species populations and vegetation communities, pests, soil pathogens *such as* Phytophthora, and impacts to soil and water.

A landowner should be able to demonstrate how they have adhered to the **Mitigation Hierarchy** as part of preparing a Management Plan. For more information on the Mitigation Hierarchy visit <http://www.environment.sa.gov.au/managing-natural-resources/native-vegetation/clearing/mitigation-hierarchy>.

## 5. Monitoring requirements

A Management Plan will only be approved where it includes a monitoring component adequate to measure and/or report on changes to vegetation and ecological processes resulting from clearing native vegetation and associated activities, and allows for adaptive management (minimum of five years).

## 6. Check 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 that landowners need to be aware of and abide by may include:

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|--|---|
| • National Parks and Wildlife Act 1972 (SA)  | • Aboriginal Heritage Act 1988 (SA)                                     |
| • Natural Resources Management Act 2004 (SA) | • Water Resources Act 1997 (SA)   |
| • Fire and Emergency Services Act 2005 (SA)  | • River Murray Act 2003 (SA)  |
| • Local Government Act 1999 (SA)             | • Environmental Protection and Biodiversity Conservation Act 1999 (Cth) |
| • Development Act 1993 (SA)                  |   |

## 7. Natural Resources Management (NRM) Board consultation

It is recommended that applicants liaise with the regional DEWNR staff for relevant biodiversity and landscape context information. Evidence of consultation with the relevant NRM Board should be provided, together with any issues raised by that Board.

## APPROVAL

The Management Plan should be lodged with the Native Vegetation Council for approval.

No on ground works that involve the clearance of native vegetation can occur before approval is granted.

Any approval is for the purpose specified and in the area specified in the Management Plan. Clearance outside of the area(s) approved would be considered a breach of the *Native Vegetation Act 1991*.

In granting approval under regulation 11(25) the NVC is approving compliance with the *Native Vegetation Act 1991* **only** and this approval is based on compliance with all other necessary approvals. The applicant is responsible for ensuring compliance with other legislation.

**Note:** If the lodgement of the Management Plan is to be undertaken by a person other than the owner or crown lessee, written permission and authorization is required from the owner(s) or crown lessees to be provided before the application will be processed.

To read more about this and other Regulations and their application refer to the Guide to the Native Vegetation Regulations 2017, which is available at [www.environment.sa.gov.au/nativevegetation](http://www.environment.sa.gov.au/nativevegetation).

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

**Any loss or damage that occurs as a result of the clearance activities is at the risk and liability of the landowner.**

### Ongoing requirements after approval

- Annual written reports to the NVC for a minimum of five years including monitoring outcomes;
- A post-clearance report to the NVC that details activity including the area(s) cleared with dates; and
- If reporting is required for another party, the NVC may consider its appropriateness for our reporting requirements.

## USEFUL REFERENCE SITES

- **Native Vegetation Council**

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

- **Natural Resources Management**

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

- **Commonwealth Department of the Environment (for EPBC Act matters)**

[www.environment.gov.au/epbc/index.html](http://www.environment.gov.au/epbc/index.html)

- **Department of Environment, Water and Natural Resources - Threatened Species and Ecological Communities and Wetlands pages**

[www.environment.sa.gov.au/managing-natural-resources/](http://www.environment.sa.gov.au/managing-natural-resources/)

## LODGING A MANAGEMENT PLAN

For information contact the Native Vegetation Branch, DEWNR: phone 8303 9777

**The proposed Management Plan, together with supporting information, should be:**

**posted to:** Native Vegetation Council,  
GPO Box 1047, ADELAIDE SA 5001 or

**emailed to:** [nvc@sa.gov.au](mailto:nvc@sa.gov.au) or

**faxed to:** (08) 8303 9780

**There is no application fee for lodgement of this Management Plan nor is there a requirement for a Significant Environmental Benefit offset**

## For more information

**Native Vegetation Branch**  
Department of Environment,  
Water and Natural Resources

**T** (08) 8303 9777

**E** [nvc@sa.gov.au](mailto:nvc@sa.gov.au)

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