

Risk Assessment Fact Sheet

Under the *Native Vegetation Regulations 2017* | 21 June 2021

Certain clearance activities with a potential high or unknown level of risk of doing irreversible damage to biodiversity are required to undergo the risk assessment (Regulation 16).

Applications in this pathway require NVC approval and the delivery of a Significant Environmental Benefit (SEB) offset.

The aim is to ensure that assessment and approval processes are consistent with the Objects of the Act and are defensible, transparent and at a level commensurate with the level of risk.

What activities are included?

The risk assessment applies to the following activities (as defined in Schedule 1 of the Regulations):

- Highways
- New dwelling or building
- Infrastructure
- Residential subdivision
- Recreation track
- Commercial vehicle access track exceeding 5 metres
- New dam and expansion of a dam (pastoral areas)

What is the process?

There are four levels of risk, depending on the significance of the vegetation proposed to be cleared. Level 1 poses a very low risk to biodiversity, and Level 4 poses a high risk to biodiversity.

To assess the level of risk of a proposal, the Native Vegetation Council (NVC), through the Department of Environment, Water and Natural Resources (DEWNR), considers the:

1. size of the clearance (area of clearance or number of trees to be cleared)
2. presence of threatened species or communities (representing three of the 'Principles of Clearance' from the Act).

Criteria for assessing and approving applications are shown in the table over the page. The information that must be provided by the proponent, level of oversight, and obligations imposed, are proportionate to the likely impact on biodiversity of the clearance. Through this process, we can ensure the majority of our efforts are placed on activities that pose a high or medium risk to native vegetation.

SEB offset required

Level 1 applications are subject to a \$500 payment into the Native Vegetation Fund as part of the SEB requirement.

Level 2, 3 and 4 applications must undergo a vegetation assessment by an NVC Accredited Consultant, to determine the SEB area required, in compliance with the SEB Policy and Guide. They must also determine how the clearance will be offset:

- deliver an on-ground SEB on own property;
- apply to use SEB credit (own or off credit register);
- engage a third party to find an appropriate site on the proponent's behalf; or
- pay into the Native Vegetation Fund (if on-ground option is not available to the proponent).

What are the other pathways?

The risk assessment is one of four pathways for approval to clear under the *Native Vegetation Regulations 2017*. The others are:

1. Permitted clearance without conditions (self-assessed)
2. Fire hazard reduction (CFS approval required)
3. Vegetation management (NVC approval of a Management Plan required).

Guiding documents

To understand your obligations as a clearance proponent or an Accredited Consultant, refer to the following documents (access them on www.environment.sa.gov.au/nativevegetation):

- Native Vegetation Regulations 2017
- Guide to Native Vegetation Regulations 2017

For more information

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| | Agricultural (EP, GA, H&F, KI, LC, M&R and N&Y Landscape Management Regions plus Port Augusta city Council and the Flinders Ranges Council). | | Pastoral (SAAL and AW Landscape Management Regions excluding Port Augusta city Council and the Flinders Ranges Council). | | Escalating matters Clearance assessment will be raised to the next level if; | Approval |
|----------------|---|--------------------------|---|--------------------------|--|---------------------------------|
| | Patches - clearance | Trees - clearance | Patches - clearance | Trees - clearance | | |
| Level 1 | 0.05ha or less | 5 trees or less | 3ha or less | 5 trees or less | Clearance involves any trees with a trunk circumference measured at 1m above the ground of (for multi stemmed trees, measure the largest trunk/stem): <ul style="list-style-type: none"> - 50cm or more for Agricultural zone, or - 30cm or more for the Pastoral zone, or The site contains a listed species or contains threatened community under either the NP&W Act or EPBC Act | Delegation: NVB, DEM |
| Assessment | Field assessment (Accredited Consultant) – Bushland or Rangeland assessment method or Scattered tree assessment where associated with a Development Application. Where Development approval is not required, applicant may provide the information. | | | | | |
| SEB | \$500 payment into the Native Vegetation Fund | | | | | |
| Level 2 | >0.05 ha to 0.5ha | 6 - 20 trees | >3ha to 10 ha | 6 - 20 trees | The clearance is seriously at variance with Principle of Clearance 1(b), 1(c) or 1(d). | Delegation: NVB, DEM |
| Assessment | Field assessment (Accredited Consultant) – Bushland or Rangeland assessment method or Scattered tree assessment | | | | | |
| SEB | Determined as per SEB Policy and Guide | | | | | |
| Level 3 | Total Biodiversity Score of less than or equal to 250 | | Total Biodiversity Score of less than or equal to 2500 . | | The clearance is seriously at variance with Principle of Clearance 1(b), 1(c) or 1(d). | Delegation: NVB, DEM |
| Assessment | Field assessment (Accredited Consultant) - Bushland, Rangeland or Scattered tree assessment and a documented Fauna survey. | | | | | |
| SEB | Determined as per SEB Policy and Guide | | | | | |
| Level 4 | Total Biodiversity Score of greater than 250 | | Total Biodiversity Score of greater than 2500 | | | Delegation: NVAP, DEM |
| Assessment | Field assessment (Accredited Consultant) - Bushland, Rangeland or Scattered tree assessment and a documented Fauna Survey. Application made available to the public and referred to relevant agency or body for comment | | | | | |
| SEB | Determined as per SEB Policy and Guide | | | | | |