River Murray flooding and native vegetation

Photo credit: Department for Environment and Water

Purpose

In response to the flooding which occurred during summer 2022/23, it is expected that clearance of native vegetation may be required in the reinstatement of infrastructure, access tracks and levee system removal. Such clearance needs to comply with the requirements of the *Native Vegetation Act 1991*.

The purpose of this fact sheet is to clarify the extent of clearance which can occur without approval (i.e. an exemption under the *Native Vegetation Regulations 2017* is available) or when approval is required prior to clearance occurring.

If you are unclear of which process to follow, please contact the Native Vegetation Branch.

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.

If you're unsure whether there is native vegetation present on the site, you can seek advice from the Native Vegetation Branch.

Can I replace a fence?

Yes, you can undertake necessary clearance to allow access to maintain an existing fence to a maximum width of 5 metres total (2.5 metres either side of fence) or to a maximum width of 1 metre onto a road reserve, with permission from the local council. For more information see our *Fences fact sheet*.

You can also realign a fence provided you are doing it in a way that reduces the amount of new clearance. If you are establishing a new fence which requires clearance, you need to *notify the NVC*.

Can I replace a vehicle track?

Yes, you can clear to maintain a vehicle track of no more than 5 metres wide that provides access on your property. If you are establishing a new vehicle track, you need to *notify the NVC*.

Can I remove a dead tree?

Please be aware that many of the trees impacted by the flood will recover. Where there is no immediate safety risk to

people and property, these trees should be retained.

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*.

Unstable or unhealthy trees

Where trees appear unstable or in poor health as a result of the flood, an Arborist Report is required to be submitted to the NVC under Regulation 8(6) if clearance is proposed. The report must detail the tree condition, structural defects, failure potential, likely impacts (people, property or infrastructure) and overall risk profile.

Maintenance of existing infrastructure

You can clear vegetation incidental to the repair or maintenance of infrastructure, or where the maintenance work is on behalf of the Crown.

Infrastructure is defined as:

- the equipment, structures, works and other facilities used in or in connection with the supply of water or electricity, gas or other forms of energy; the provision of telecommunications; or the drainage, removal or treatment of wastewater or sewage

- roads and their supporting structures or works

- jetties, wharfs, ports

- flood mitigation works

Clearance can occur in the vicinity of that which was previously lawfully cleared in relation to the construction, repair or maintenance of the infrastructure.

Clearance must only be of plants or parts of plants that have grown or regrown since the previous lawful clearance.

What if I want to clear vegetation to construct or expand infrastructure?

To clear vegetation to construct or expand infrastructure, you must apply to clear. For more information see our *Infrastructure fact sheet*.

Maintenance around an existing building

Except the removal of branches and limbs that overhang the building, you cannot clear to maintain a building if it is located within the River Murray Floodplain Protection Area found on *SA Property and Planning Atlas*.

Temporary accommodation

Please be aware that while a recent amendment to the planning legislation allows the construction of temporary accommodation and certain types of storage facilities without the need for an up-front development approval, where clearance is proposed for temporary accommodation, approval may still be required from the NVC.

For people displaced from their homes who are seeking to establish temporary accommodation which would require native vegetation clearance, please contact the Native Vegetation Branch.

For information on the *Planning, Development and Infrastructure (General) (Urgent Temporary Accommodation) Amendment Regulations 2022*, please contact PlanSA or visit the *PlanSA website*.

What about temporary levees?

Temporary levees which were constructed or installed prior to or during the floods occurring need to be removed completely when floodwaters have receded.

Ensure the levee is carefully removed to natural ground level and avoid any unnecessary impacts to surrounding native vegetation e.g. stockpiling of excess material.

Emergency works pathways

Where clearance is required under one of the following pieces of legislation, subject to the provisions and directions of the specific Act, clearance does not require further approval under the *Native Vegetation Act 1991*:

1. Clearance undertaken by or at the direction of an officer of SASES under the *Fire and Emergency Services Act 2005* (section 118).

2. Where an emergency is declared under the *Emergency Management Act 2004*, clearance is permitted by the State Coordinator or an authorised officer acting under section 25 of the Act.

Other considerations

It is important that any activity occurring along the River Murray does not adversely impact on cultural sites that are of high value to First Nations peoples and their communities.

For more information

Native Vegetation Branch

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