

Principles of Clearance of Native Vegetation

Native Vegetation Council Information Sheet No.10

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BACKGROUND

In most areas of South Australia, native vegetation is protected by the *Native Vegetation Act 1991* (The Act) and the associated *Native Vegetation Regulations 2003* (the Regulations). Under the Act **native vegetation** includes all naturally occurring local native plants, from small ground covers and native grasses to large trees. It includes aquatic plants, as well as some categories of dead trees, and may be part of a community or isolated, such as single trees in pastures.

Vegetation that has been planted is not generally covered by the Act, except where it has been planted as a condition of a clearance approval, where it is subject to legal agreement, or where the Native Vegetation Council (NVC) has agreed to a request from a landowner for planted vegetation to be protected by legislation.

Schedule 1 of the Act contains the **Principles of Clearance**, which the NVC must consider when making any decisions. The Principles relate to the impacts of clearance on species diversity, habitat, rare and vulnerable plants, remnant vegetation, wetlands, soil erosion and flooding.

When assessing applications for clearance consent, the NVC can only grant such consent in situations where the proposed clearance is not at variance with the Principles of Clearance. The NVC will take into consideration the advice of other bodies such as the regional Natural Resources Management Board and Local Council.

SCHEDULE 1 – PRINCIPLES OF CLEARANCE OF NATIVE VEGETATION

1. Principles of clearance of native vegetation

Native vegetation should not be cleared if, in the opinion of the Council –

- (a) it comprises a high level of diversity of plant species; or
- (b) it has significance as a habitat for wildlife; or
- (c) it includes plants of a rare, vulnerable or endangered species; or
- (d) the vegetation comprises the whole, or a part, of a plant community that is rare, vulnerable or endangered; or
- (e) it is significant as a remnant of vegetation in an area which has been extensively cleared; or
- (f) it is growing in, or in association with, a wetland environment; or
- (g) it contributes significantly to the amenity of the area in which it is growing or is situated; or
- (h) the clearance of the vegetation is likely to contribute to soil erosion or salinity in an area in which appreciable erosion or salinisation has already occurred or, where such erosion or salinisation has not yet occurred, the clearance of the vegetation is likely to cause appreciable soil erosion or salinity; or
- (i) the clearance of the vegetation is likely to cause deterioration in the quality of surface or underground water; or
- (j) the clearance of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding; or
- (k) –
 - (i) after clearance the land will be used for a particular purpose; and
 - (ii) the regional NRM board for the NRM region where the land is situated has, as part of its NRM plan under the *Natural Resources Management Act 2004*, assessed –
 - (A) the capability and preferred uses of the land; and
 - (B) the condition of the land; and
 - (iii) according to that assessment the use of the land for that purpose cannot be sustained; or
- (l) the clearance of the vegetation would cause significant harm to the River Murray within the meaning of the *River Murray Act 2003*; or
- (m) the clearance of vegetation would cause significant harm to the Adelaide Dolphin Sanctuary.

2. Interpretation

In this schedule, unless the contrary intention appears –

endangered species means a species of plant for the time being appearing in Part 2 of Schedule 7 of the *National Parks and Wildlife Act 1972*;

plant community means plants of a species indigenous to South Australia growing in association with one another and forming a group that is distinct from other plant communities;

rare species means a species of plant for the time being appearing in Part 2 of Schedule 9 of the *National Parks and Wildlife Act 1972*;

vulnerable species means a species of plant for the time being appearing in Part 2 of Schedule 8 of the *National Parks and Wildlife Act 1972*;

wildlife has the same meaning as in the *National Parks and Wildlife Act 1972*.

FURTHER INFORMATION

For further information about native vegetation in South Australia, including advice about native vegetation legislation and clearance, contact the NVC Secretariat on 8303 9777 or email nvc@sa.gov.au.

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Native Vegetation Council



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of South Australia