

Clearing native vegetation for a new dwelling or building

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South Australia's native vegetation is protected by the *Native Vegetation Act 1991* and the *Native Vegetation Regulations 2017*. **Regulation 12, Schedule 1; clause 33** allows for clearance of native vegetation for a new dwelling, building or structure ancillary to a building.

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 a new dwelling or building, approval must be granted by the Native Vegetation Council (NVC). Please note, development approval under the *Planning, Development and Infrastructure Act 2016* (PDI Act) is also required, see 'Consider other Acts' below.

Exclusions

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

- undertaken in connection with a [residential subdivision](#); or
- clearance that would conflict with previous vegetation clearance conditions of approval.

Building within Protected Areas

Please note that you cannot clear native vegetation 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.

How to apply

Step 1: Consider the location

Any proposed development should seek to avoid or minimise potential impacts on native vegetation through the application of the [mitigation hierarchy](#). This requires that clearance of native vegetation must first be avoided or, where it can't be avoided, it must be minimised.

Potential impacts on native vegetation from development relate to more than just the footprint of the dwelling or structure. When seeking to avoid or minimise impacts, consideration must also be given to any clearance required for a driveway / CFS turnaround area, garage or shed, water tanks, power, sewer and water infrastructure, bushfire protection buffers and operational area of construction machinery (see building envelope example).

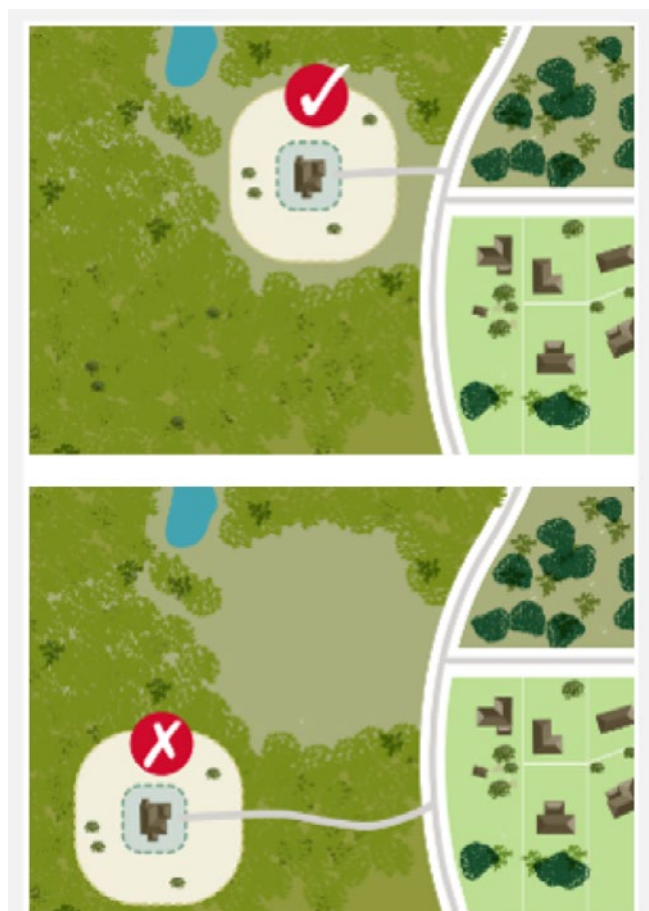
As a minimum, where possible, any building or structure should be positioned at least 20m from native vegetation to allow for an appropriate fuel reduced zone around the building. The required fuel reduced zone may be greater and will be subject to CFS requirements. For further advice, the CFS provide a development assessment service via das@cfs.sa.gov.au

Clearance of native vegetation may not be approved if a suitable (already cleared) site is available on the land. If no such site exists, you should pursue practical alternatives to clearing. These may include considering an area containing the least significant native vegetation, or an area which results in the least amount of clearance.

Important: early engagement with the Native Vegetation

Branch is highly recommended. Proponents are encouraged to discuss proposals early in the planning process i.e. prior to purchasing any land, preparing plans, submitting development applications, entering into agreements or submitting applications to the Native Vegetation Branch. Advice can be provided in relation to the nature and location of development, suitability of the proposal and application process, identifying and addressing any potential issues.

Building Envelope Example



- What are the clearance implications of locating the dwelling in a specific location?
- Are the CFS clearance requirements in the defendable zone?
- Is vegetation loss being avoided where possible?
- Building envelope should be of size to accommodate all expected ancillary residential development, ie. shed and swimming pool.
- Will the proposed access arrangements for an all-weather surface result in clearance of native vegetation?
- Are effluent envelopes needed and if so, located to avoid adverse impacts to native plants.

Source: Guidelines for Planning in Bushfire Prone areas, WAFC, Version 1.3 December 2017

Step 2: Assessment pathway

A risk assessment against set criteria is required to determine the significance of the proposed clearance and the approval pathway for your project. Your clearance will fall into one of four categories (Level 1 to Level 4), indicated in the [risk assessment fact sheet](#).

All levels of clearance require you to engage an [NVC Accredited Consultant](#). The Accredited Consultant will be able to assist in ensuring that the Principles of Clearance (matters that must be addressed when applying to undertake clearance of native vegetation) and mitigation hierarchy are considered, particularly in relation to identifying areas with the least amount or lowest quality of native vegetation.

The Accredited Consultant will prepare a Data Report in relation to the proposed development, including an assessment of all the vegetation clearance required, the value of the vegetation and habitat it provides and measures taken to avoid and minimise clearance.

Step 3: Determine Significant Environmental Benefit (SEB)

An SEB is a means of offsetting the impacts of approved clearance and is either in the form of a payment into the Native Vegetation Fund, or via on-ground works. Level 1 applications are subject to a \$500 payment into the Native Vegetation Fund. Upon completion of the vegetation assessment for applications Level 2-4, the Accredited Consultant will inform you of the SEB required for the proposed clearance.

There are a range of options available for achieving an SEB, including purchasing credits or engaging someone else to undertake works on your behalf. Further information is available at: [How to offset a clearance](#).

The likely costs associated with an SEB increases with the scale and significance of the clearance. These costs should be considered early in the planning process to ensure they can be accommodated by the development.

Step 4: Submit Application

All applications can be lodged through the online portal: apps.environment.sa.gov.au/nvmu/

Note: the Accredited Consultant is able to submit the application on your behalf.

Should clearance not be considered minimised or not meet the requirements of the Regulation, then you may be asked to reconsider your proposal or face risk of refusal.

Please allow up to 10 weeks for a decision.

What happens next?

If the clearance proposal adequately addresses the relevant Principles of Clearance and mitigation hierarchy, a Decision Notification letter and Plan will be sent to the applicant. This letter will provide further advice and may include conditions. After reviewing the Decision Notification, you must sign this document and send it to the Native Vegetation Branch. If clearance consent is granted, an invoice for the SEB will then be issued to you.



Credit: Stock Above / Shutterstock.com

Maintenance around an existing building

To enable ongoing maintenance of the dwelling or building, you can clear native vegetation within 10m of the building, however please consider if there are other practical alternatives to clearing. You can remove overhanging limbs or whole trees if absolutely necessary. You do not need approval to carry out this clearance. You can clear for maintenance purposes on land with a Heritage Agreement or Management Agreement.

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](#).

For more information

Native Vegetation Branch

Department for Environment and Water
T (08) 8303 9777 E nvc@sa.gov.au

www.environment.sa.gov.au/nativevegetation

Clearing for fire prevention

For fire prevention purposes, you can clear the understory up to 20m from a dwelling without approval. However if you propose to clear large trees within 20m of a building, you will need to seek approval from the SA Country Fire Service. For further information, please refer to fire prevention around dwellings.

Consider other Acts

Approval to remove vegetation does not give you consent under other Acts, such as the PDI Act. Please be aware that to establish a dwelling or building, a development approval is required under the PDI Act. To confirm the assessment pathway and development application requirements, contact the Relevant Authority (i.e. Local Council or State Planning Commission).

A report will need to be submitted with the development application which addresses the proposed clearance of native vegetation and the relevant provisions of the [Planning and Design Code](#), specifically the Native Vegetation Overlay and / or State Significant Native Vegetation Areas Overlay.

As part of the development assessment process, Level 3 and 4 applications located within the Native Vegetation Overlay will be formally referred to the NVC to assess the potential impacts of the development on native vegetation. Similarly, Level 2-4 applications, within the State Significant Native Vegetation Overlay, will be referred to the NVC. The NVC has powers to impose conditions or direct the Relevant Authority to refuse the application during this process.

It is important to note that both development approval (issued by the Relevant Authority) and clearance approval (issued by the NVC) are required before any clearance can occur. It is recommended that landowners lodge their clearance proposal with the NVC at the same time as they lodge their development application with the Relevant Authority.



Credit: Jodie Johnson / Shutterstock.com