

South Australia

## **Native Vegetation Regulations 2003**

under the *Native Vegetation Act 1991*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Native Vegetation Regulations 2003*.

#### **3—Interpretation**

In these regulations, unless the contrary intention appears—  
*Act* means the *Native Vegetation Act 1991*;

**building** means a building or structure that is permanently fixed to land so that it cannot be moved without dismantling or destroying it and—

- (a) includes a transportable building if the building is connected to a sewage system or a septic tank and then is not moved after it is first connected to that sewage system or septic tank; but
- (b) does not include a building or structure erected or placed on land in contravention of the *Development Act 1993* or a corresponding previous enactment;

**business day** means any day except Saturday, Sunday or a public holiday;

**country** has the same meaning as in the *Fire and Emergency Services Act 2005*;

**Development Plan** means a Development Plan under the *Development Act 1993*;

**dwelling** means a building or part of a building used as a self-contained residence;

**fence** means a fence consisting of posts and wire fixed permanently to land and designed for the purpose of controlling access by people or the movement of animals;

**fire-control purposes**—these are purposes associated with preventing or controlling the spread of fires or potential fires;

**infrastructure** means—

- (a) the infrastructure, 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 waste water or sewage; or
- (b) roads and their supporting structures or works; or
- (c) ports, wharfs, jetties, railways, trams and busways;

**Mining Act** means the *Mining Act 1971*, the *Opal Mining Act 1995*, the *Petroleum Act 2000*, the *Offshore Minerals Act 2000* or the *Roxby Downs (Indenture Ratification) Act 1982*;

**private mine** means land declared under the *Mining Act 1971* to be a private mine;

**River Murray Floodplain Area** means the River Murray Protection Area so designated under regulation 4 of the *River Murray Regulations 2003*;

**SACFS** means the South Australian Country Fire Service;

**township of Robe** means the area shown as the township of Robe in the Development Plan that applies to that area of the State.

### 3A—Definition of native vegetation—dead plants

For the purposes of paragraph (a) of the definition of **native vegetation** in section 3(1) of the Act, the class of plants, or parts of plants, comprising trees of a species indigenous to South Australia—

- (a) that have a trunk circumference (measured at a point 300 millimetres above the base of the tree) of—
  - (i) in the case of a tree located on Kangaroo Island—1 metre or more; or
  - (ii) in any other case—2 metres or more; and

- (b) that provide or have the potential to provide, or are a part of a group of trees or other plants (whether alive or dead) that provide or have the potential to provide, a habitat for animals of a listed threatened species under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,

is declared to be included in that definition.

## Part 2—Exemptions from clearance controls under Act

### 4—Application of Part

Exemptions under this Part do not extend to native vegetation growing or situated on land that is subject to a heritage agreement under the Act or a heritage agreement that was entered into in compliance with a condition of consent to clear native vegetation under the repealed Act unless the paragraph setting out the exemption explicitly extends its operation to that vegetation.

### 5—Exemptions—general

- (1) Pursuant to section 27(1)(b) of the Act, native vegetation may, subject to any other Act or law to the contrary, be cleared—
- (a) if it is proposed to erect a building that is a dwelling or a structure or other facility that is ancillary to a dwelling and—
- (i) any development authorisation for the erection of the dwelling or structure or other facility required by or under the *Development Act 1993* has been obtained; and
- (ii) either—
- (A) the vegetation—
- does not comprise or form part of a stratum of native vegetation that is substantially intact; and
  - except where the dwelling is within a residential or township zone under the relevant Development Plan, does not include vegetation of the genus *Eucalyptus* with a stem diameter at 300 millimetres above the ground of 200 millimetres or more, or other vegetation with a stem diameter at the lowest point of the stem above ground level of 100 millimetres or more; or
- (B) —
- the Council is satisfied (on the basis of information provided to the Council by the person seeking the benefit of this paragraph and such other information as the Council thinks fit) that, after taking into account the need to preserve biological diversity and taking into account the needs of the owner of the land, the proposed site for the building is the most suitable that is available; and

- the Council is satisfied (on the basis of information provided to the Council by the person seeking the benefit of this paragraph and such other information as the Council thinks fit) that there is no other practicable alternative that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared; and
  - the clearance is undertaken in accordance with a management plan that has been approved by the Council and that, after taking into account the full extent of clearance that is to be undertaken on the relevant land, results in a significant environmental benefit on the property where the building is to be situated, or the owner of the land (or a person acting on his or her behalf) has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the Act;
- (ab) if it is proposed to divide land for use for residential purposes (after taking into account the construction of roads and other infrastructure) and—
- (i) any development authorisation for the division of the land and for the use of land for residential purposes under the *Development Act 1993* has been obtained; and
  - (ii) —
    - (A) the Council is satisfied (on the basis of information provided to the Council by the person seeking the benefit of this paragraph and such other information as the Council thinks fit) that, after taking into account the need to preserve biological diversity and taking into account the needs of the owner of the land, the clearance will be limited to clearance reasonably required to erect 1 dwelling, and any structure or other facility that would be reasonably expected to be ancillary to the dwelling, on each allotment to be created by the division; and

- (B) the Council is satisfied (on the basis of information provided to the Council by the person seeking the benefit of this paragraph and such other information as the Council thinks fit) that there is no other practicable alternative that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared; and
  - (C) the clearance is undertaken in accordance with a management plan that has been approved by the Council and, after taking into account the full nature and extent of clearance that is to be undertaken on the relevant land and any commitments that have been made with respect to the establishment, restoration or maintenance of native vegetation, the Council is satisfied that there will be a significant environmental benefit on the land being divided or within the same region of the State, or the owner of the land (or a person acting on his or her behalf) has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made a payment into the Fund or, if the Council is satisfied that it is appropriate in the circumstances, agreed to make a payment into the Fund, of an amount considered by the Council to be sufficient to achieve a significant environmental benefit which outweighs the value of retaining the vegetation;
- (b) if it is proposed to erect a building or a structure or other facility that is ancillary to a building, other than a dwelling or a structure or other facility that is ancillary to a dwelling, and—
- (i) any development authorisation for the erection of the building or structure or other facility required by or under the *Development Act 1993* has been obtained; and
  - (ii) the vegetation—
    - (A) does not comprise or form part of a stratum of native vegetation that is substantially intact; and
    - (B) except where the building is within a tourist accommodation, business, centre, commerce, commercial, industrial, industry or office zone under the relevant Development Plan, does not include vegetation of the genus *Eucalyptus* with a stem diameter at 300 millimetres above the ground of 200 millimetres or more, or other vegetation with a stem diameter at the lowest point of the stem above ground level of 100 millimetres or more;
- (c) if—
- (i) the clearance is incidental to a proposed development to which section 48 of the *Development Act 1993* applies; and

- (ii) an environmental impact statement, public environmental report or development report, and an Assessment Report, relating to the development have been prepared under that Act; and
  - (iii) the Minister responsible for the administration of the *Development Act 1993* referred the environmental impact statement, public environmental report or development report to the Native Vegetation Council for comment and report and—
    - (A) the Council provided comments which were included (wholly or substantially) in the relevant Assessment Report; or
    - (B) the Council failed to provide comments within 8 weeks after receiving the Minister's invitation for comment and report; and
  - (iv) the Governor has granted his or her consent to the proposed development under section 48 of the *Development Act 1993*; and
  - (v) the clearance is undertaken in accordance with that consent; and
  - (vi) the clearance is undertaken in accordance with a management plan that has been approved by the Council that results in a significant environmental benefit on the property where the development is being undertaken, or the owner of the land (or a person acting on his or her behalf) has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the Act;
- (d) if—
- (i) —
    - (A) the clearance is incidental to the construction or expansion of a building or infrastructure and the Minister has, by instrument in writing, declared that he or she is satisfied that the clearance is in the public interest; or
    - (B) the clearance is required in connection with the provision of infrastructure or services to a building or proposed building, or to any place; and
  - (ii) any development authorisation required by or under the *Development Act 1993* has been obtained; and
  - (iii) the Council is satisfied (on the basis of information provided to the Council by the person seeking the benefit of this paragraph and such other information as the Council thinks fit) that, after taking into account the need to preserve biological diversity and the nature and purposes of any proposed building or infrastructure that is yet to be constructed, the proposed site of the building or infrastructure is the most suitable that is available; and

- (iv) the Council is satisfied (on the basis of information provided to the Council by the person seeking the benefit of this paragraph and such other information as the Council thinks fit) that there is no other practicable alternative that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared; and
- (v) the clearance is undertaken in accordance with a standard operating procedure determined or approved by the Council for the purposes of this provision or a management plan that has been approved by the Council, and either—
- (A) there will be a significant environmental benefit on the property where the clearance is being undertaken or within the same region of the State; or
- (B) either—
- the owner of the land (or a person acting on his or her behalf); or
  - a person connected with the construction or expansion of the building or infrastructure, or the provision of the infrastructure or services (as the case requires),
- has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the Act;
- (da) if—
- (i) the clearance is incidental to proposed development to be undertaken on land; and
- (ii) any development authorisation required by or under the *Development Act 1993* has been obtained; and
- (iii) the Council is satisfied (on the basis of information provided to the Council by the person seeking the benefit of this paragraph and such other information as the Council thinks fit)—
- (A) that the vegetation is not significant (including by taking into account the scale or nature of surrounding vegetation and relevant guidelines prepared and published by the Council); and
- (B) that there is no other practicable alternative that would involve no clearance or the clearance of less vegetation; and

- (iv) the clearance is undertaken in accordance with a management plan that has been approved by the Council that results in a significant environmental benefit on the property where the relevant development is to be undertaken, or the owner of the land (or a person acting on his or her behalf) has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the Act;
- (e) if—
  - (i) the clearance is incidental to the repair or maintenance work of the Crown; and
  - (ii) the person undertaking the clearance—
    - (A) has given at least 10 business days notice in writing outlining the proposed clearance to a person who has the care, control or management of the land before commencing the clearance (unless the land is under the care, control or management of the Crown); or
    - (B) is acting in accordance with a standard operating procedure determined or approved by the Council for the purposes of this provision; or
    - (C) is acting in a situation of urgency that requires action without delay; and
  - (iii) the person undertaking the clearance complies with any guidelines relating to the protection of native vegetation from the spread of plant diseases or noxious weeds, or from unnecessary damage during the performance of any work, prepared by the Council in accordance with section 25 of the Act,

(and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);

- (f) if—
  - (i) —
    - (A) the clearance is being undertaken as part of the duty of an electricity entity under Part 5 of the *Electricity Act 1996*; or
    - (B) the clearance is incidental to any repair or maintenance work of an electricity entity within the meaning of the *Electricity Act 1996*; and
  - (ii) the person undertaking the clearance—
    - (A) is acting in accordance with the principles of vegetation clearance under the *Electricity Act 1996*; or

- (B) has given at least 10 business days notice in writing outlining the proposed clearance to a person who has the care, control or management of the land before commencing the clearance (unless the land is under the care, control or management of the electricity entity); or
  - (C) is acting in accordance with a standard operating procedure determined or approved by the Council for the purposes of this provision; or
  - (D) is acting in a situation of urgency that requires action without delay; and
- (iii) the person undertaking the clearance complies with any guidelines relating to the protection of native vegetation from the spread of plant diseases or noxious weeds, or from unnecessary damage during the performance of any work, prepared by the Council in accordance with section 25 of the Act,
- (and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);
- (g) if—
- (i) the clearance is incidental to the repair or maintenance of any infrastructure; and
  - (ii) the person undertaking the clearance—
    - (A) has given at least 10 business days notice in writing outlining the proposed clearance to a person who has the care, control or management of the land before commencing the clearance (unless the land is under the care, control or management of the person who is responsible for the infrastructure); or
    - (B) in acting in accordance with a standard operating procedure determined or approved by the Council for the purposes of this provision; or
    - (C) is acting in a situation of urgency that requires action without delay; and
  - (iii) the person undertaking the clearance complies with any guidelines relating to the protection of native vegetation from the spread of plant diseases or noxious weeds, or from unnecessary damage during the performance of any work, prepared by the Council in accordance with section 25 of the Act,
- (and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);
- (h) if—
- (i) the clearance is incidental to work being undertaken by or on behalf of the Commissioner of Highways; and

- (ii) except where the clearance is incidental to repair or maintenance work, there is no other practicable alternative that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared; and
- (iii) either—
  - (A) the clearance is undertaken in accordance with a standard operating procedure determined or approved by the Council for the purposes of this provision or a management plan that has been approved by the Council, and either there will be a significant environmental benefit at the site of the relevant work or within the same region of the State, or the Commissioner of Highways or another person undertaking the work has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the Act; or
  - (B) the clearance is incidental to repair or maintenance work and the person undertaking the clearance—
    - has given at least 10 business days notice in writing outlining the proposed clearance to a person who has the care, control or management of the land before commencing the clearance (unless the land is under the care, control or management of the Commissioner of Highways); or
    - is acting in accordance with a standard operating procedure determined or approved by the Council for the purposes of this provision; or
    - is acting in a situation of urgency that requires action without delay; and
- (iv) the person undertaking the clearance complies with any guidelines relating to the protection of native vegetation from the spread of plant diseases or noxious weeds, or from unnecessary damage during the performance of any work, prepared by the Council in accordance with section 25 of the Act;
- (i) if the clearance is incidental to the repair or maintenance of an existing dam;
- (j) if—
  - (i) the clearance is incidental to the lawful construction of a new dam that will cover—
    - (A) in areas designated by the Council, by notice in the Gazette, for the purposes of this provision—less than 500 square metres in surface area when full;

- (B) in other areas of the State—less than 200 square metres in surface area when full; and
  - (ii) the vegetation to be cleared comprises trees with a stem diameter at the lowest point on the stem above ground level of 150 millimetres or more; and
  - (iii) the land on which the vegetation is situated has been cleared of all other native vegetation and has been maintained during the immediately preceding 5 years for cultivation or pasture; and
  - (iv) the vegetation is not of a class specified in Schedule 1; and
  - (v) in the case of a dam within the ambit of subparagraph (i)(A) that will cover 200 square metres or more in surface area when full—the Council is satisfied (on the basis of information provided to the Council by the person seeking the benefit of this paragraph and such other information as the Council thinks fit) that, after taking into account the need to preserve biological diversity and taking into account the needs of the owner of the land, the site of the dam is the most suitable that is available;
- (ja) if—
  - (i) the clearance is incidental to the lawful construction or expansion of a dam on pastoral land (as defined in section 3(1) of the Act); and
  - (ii) the vegetation is not of a class specified in Schedule 1; and
  - (iii) the Council is satisfied (on the basis of information provided to the Council by the person seeking the benefit of this paragraph and such other information as the Council thinks fit) that, after taking into account the need to preserve biological diversity and taking into account the needs of the owner of the land, the site for the dam is the most suitable that is available; and
  - (iv) the Council is satisfied (on the basis of information provided to the Council by the person seeking the benefit of this paragraph and such other information as the Council thinks fit) that there is no other practicable alternative that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared; and
  - (v) the clearance is undertaken in accordance with a management plan that has been approved by the Council and that results in a significant environmental benefit on the relevant property, or the owner of the land (or a person acting on his or her behalf) has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the Act;
- (k) if the vegetation is growing or situated—

- (i) not more than 20 metres from a prescribed building; or
- (ii) not more than 5 metres from a prescribed structure;

**Note—**

The clearance of native vegetation under this paragraph is limited by regulation 6(1).

- (l) if—
  - (i) a plant comprising native vegetation exceeds 2 metres in height; and
  - (ii) there is a danger that the plant will fall over or a limb or some other part of the plant will fall from it because of disease, wind damage or any other cause; and
  - (iii) there is a real risk of personal injury or damage to property if that occurs; and
  - (iv) it is not reasonably practicable to avoid the risk by avoiding the vicinity in which the plant is growing or is situated; and
  - (v) the state of the plant has been assessed by a person with expertise in the area of plant health, or by any other person acting in an emergency situation or in any other situation that gives rise to an immediate risk of personal injury or damage to property; and
  - (vi) the clearance is confined to removing the limb or other part of the plant causing the danger and only extends to destroying the plant if that is necessary to remove the existing danger,

(and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);

- (la) if—
  - (i) the clearance involves the limb of a plant that is overhanging a building; and
  - (ii) the clearance is confined to removing the limb (or a part of the limb to any point up to the trunk of the plant),

(and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);

- (lb) if—
  - (a) the clearance of the vegetation is necessary to protect public safety; and
  - (b) the clearance is undertaken in accordance with a written approval of a person or body authorised by the Minister, by notice in the Gazette, for the purpose of this paragraph,

(and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);

- (p) by the State Co-ordinator or an authorised officer acting under section 15 of the *State Disaster Act 1980* (and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);

- (q) if—
- (i) the clearance is solely for the purpose of providing firewood for use by the owner of the land on which the vegetation was growing or was situated for the purpose of domestic heating or cooking; and
  - (ii) the quantity of firewood provided by the clearance when aggregated with the quantity of firewood (if any) previously provided by clearance under this paragraph (or a previous corresponding paragraph) and not yet burnt does not exceed 6 cubic metres when calculated over the immediately preceding period of 2 years; and
  - (iii) the vegetation has a stem diameter at 300 millimetres from the base of the plant of 200 millimetres or less; and
  - (iv) in the case of living vegetation—the clearance does not kill the vegetation, does not prevent regrowth, and is undertaken at least 300 millimetres above the base of the plant; and
  - (v) either—
    - (A) the vegetation is not of a class specified in Schedule 1; or
    - (B) the clearance complies with guidelines prepared by the Council for the purposes of this provision;
- (r) if—
- (i) the clearance is solely for the purpose of—
    - (A) providing fence posts for the construction of permanent fencing on the land on which the vegetation was growing or was situated (or on other land owned by the owner of the land on which the vegetation was growing or was situated) for the purpose of controlling access by people or the movement of animals and is consistent with practices undertaken on the land over the immediately preceding period of 25 years; or
    - (B) repairing an existing fence on the land on which the vegetation was growing or was situated (or on the other land owned by the owner of the land on which the vegetation was growing or was situated) for the purpose of controlling access by people or the movement of animals; and
  - (ii) the quantity of fence posts provided by the clearance when aggregated with the quantity of fence posts (if any) previously provided by clearance under this paragraph (or a previous corresponding paragraph) and not yet used does not exceed the quantity required by the plans the owner has when the clearance occurs for the construction of fencing on his or her land in the period of 2 years from the time of clearance; and
  - (iii) the vegetation has a stem diameter at 300 millimetres from the base of the plant of 200 millimetres or less; and
  - (iv) in the case of living vegetation—

- (A) the vegetation was growing on land subject to a pastoral lease under the *Pastoral Land Management and Conservation Act 1989* the terms of which explicitly provide that vegetation on the land may be cleared for the sole purpose of providing fence posts; or
- (B) the clearance does not kill the vegetation, does not prevent regrowth and is undertaken at least 300 millimetres above the base of the plant; and
- (v) the clearance has been undertaken in accordance with a management plan that has been approved by the Council; and
- (vi) either—
  - (A) the vegetation is not of a class specified in Schedule 1; or
  - (B) the clearance complies with guidelines prepared by the Council for the purposes of this provision;
- (s) if the clearance is for the purpose of providing a strip of cleared land of not more than 5 metres in width on either side or both sides of an existing fence or of a fence in the course of construction to provide access for the purpose of maintaining or establishing the fence and—
  - (i) the fence is reasonably required to control access by people or the movement of animals; and
  - (ii) the clearance is required to give reasonable access to the fence and is limited to the extent reasonably required to achieve that access; and
  - (iii) there is no other practicable alternative (including, in the case of a new fence, to the position of the fence) that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared,

(and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement but does not apply to vegetation on a road reserve);

- (t) if the clearance is for the purpose of establishing or maintaining an existing track that is not more than 5 metres in width for use by vehicles having at least 4 wheels and—
  - (i) the track is reasonably required to provide access; and
  - (ii) the clearance is limited to the extent reasonably required to achieve the relevant purpose; and
  - (iii) there is no other practicable alternative (including, in the case of a new track, to the position of the track) that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared,

(but this paragraph does not apply to vegetation on a road reserve);

- (u) if the clearance is for the purpose of establishing or maintaining a walking track that is not more than 1 metre in width and—
  - (i) the track is used, or is genuinely expected to be used, by pedestrians; and
  - (ii) there is no other practicable alternative (including, in the case of a new track, to the position of the track) that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared; and
  - (iii) the person undertaking the clearance complies with any guidelines determined or approved by the Council for the purposes of this provision,(but this paragraph does not apply to vegetation on a road reserve);
- (y) by, or on behalf of, a local council if—
  - (i) the vegetation is growing on a road reserve in the area of the council; and
  - (ii) the person undertaking the clearance complies with a management plan relating to the clearance prepared by the local council and approved by the Council or, if no such plan has been prepared and approved, with any guidelines prepared by the Council in accordance with section 25 of the Act relating to the clearance;
- (zb) if the clearance comprises the taking of—
  - (i) a specimen; or
  - (ii) a cutting for propagation; or
  - (iii) such part of a plant as is required in order to obtain the seeds of the plant,and does not cause substantial damage to the plant;
- (zc) if—
  - (i) the clearance is incidental to exploratory operations authorised under the *Mining Act 1971* or the *Petroleum Act 2000*; and
  - (ii) the clearance is undertaken in accordance with accepted industry environmental management practices for facilitating the regrowth of native vegetation, recognised by the Council for the purposes of this subparagraph; and
  - (iii) there is no other practicable alternative that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared,(and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);

(zd) if—

- (i) the clearance is incidental to operations authorised under a Mining Act; and
- (ii) —
  - (A) in the case of operations authorised under a Mining Act (other than the *Petroleum Act 2000*), the clearance is undertaken in accordance with a management plan under that Act and the Council has signified that, as a result of work undertaken in accordance with that plan, there will be a significant environmental benefit on the site of the operations or within the same region of the State, or the person undertaking the operations has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the Act; and
  - (B) in the case of operations authorised under the *Petroleum Act 2000*, the clearance is undertaken in accordance with a statement of environmental objectives under that Act and the Council has signified that, as a result of work undertaken in accordance with that statement, there will be a significant environmental benefit at the site of the operations or within the same region of the State, or the person undertaking the operations has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the Act,

(and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);

(zda) if—

- (i) the clearance is incidental to operations authorised before 25 August 2003 under a Mining Act; and
- (ii) the clearance—
  - (A) is clearance that is envisaged or authorised by or under a program or approval under the relevant Act; or
  - (B) is clearance that would reasonably be expected to have been required under the authorisation under the relevant Act taking into account the circumstances that existed immediately before 25 August 2003;

- (ze) if the clearance is incidental to mining operations at a private mine at which mining operations have not been discontinued for a period exceeding 12 months at any time after 21 November 1984 (and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);
- (zf) if—
  - (i) the land on which the vegetation is situated has been used for cultivation, pasture or forestry within 5 years immediately before the proposed clearance occurs; and
  - (ii) the clearance is necessary to maintain the land so that it can continue to be used for cultivation, pasture or forestry to the extent to which it had been used for that purpose within the immediately preceding 5 years; and
  - (iii) the vegetation to be cleared consists only of plants or parts of plants that have grown or have regrown in the immediately preceding 5 years; and
  - (iv) either—
    - (A) the vegetation has a stem diameter at the lowest point on the stem above ground level of 150 millimetres or less; or
    - (B) the vegetation is of the genus *Xanthorrhoea*;
- (zfa) if—
  - (i) the vegetation to be cleared consists of plants that have regrown over a period of time after previous clearance undertaken in accordance with the provisions of the Act or these regulations; and
  - (ii) the land on which the vegetation is situated has been consistently used for agricultural purposes as part of a commercial enterprise since the land was lawfully cleared; and
  - (iii) the clearance is undertaken in accordance with a management plan that has been approved by the Council;
- (zfb) if—
  - (i) the Council is satisfied (on the basis of information provided to the Council by the person seeking the benefit of this paragraph and such other information as the Council thinks fit)—
    - (A) that the vegetation to be cleared is situated on land that has been the subject of regional land degradation processes over a period of time and consists of plants that have grown on the land due to those processes; and
    - (B) that the land on which the vegetation is situated is being used, or has previously been used, for agricultural purposes but that use has been reduced or discontinued (as the case may be) due to the degradation; and
    - (C) that the clearance is being undertaken so as to enable the land to be used for agricultural purposes; and

- (ii) the clearance is undertaken in accordance with a management plan that has been approved by the Council;
- (zg) if—
- (i) the native vegetation to be cleared comprises plants that are used, or are to be used, for grazing by domestic animals; and
  - (ii) the purpose of the clearance is to maintain the value of the native vegetation for the purpose of pasture; and
  - (iii) the clearance is in accordance with practices used during the previous 10 years on the land on which the vegetation is growing for the purpose of maintaining pasture; and
  - (iv) the clearance is undertaken in accordance with a management plan that has been prepared by, or on behalf of, the owner of the land on which the vegetation is growing or by the soil conservation board for the soil conservation district in which the land is situated and has been approved by the Council;
- (zh) by grazing domestic stock on land in a manner and at a rate that will not cause permanent degradation of the native vegetation on the land but only if—
- (i) the manner and rate of grazing is consistent with the manner in which, and the rate at which, the land has been grazed by domestic stock of the same species during the previous 10 years; or
  - (ii) —
    - (A) the owner of the land has prepared a management plan that applies to grazing of vegetation on the land by the relevant species of animal; and
    - (B) the owner of the land has satisfied the Council that the management plan complies with guidelines that have been prepared by the Council in accordance with section 25 of the Act; and
    - (C) the Council has given its approval to the management plan and, where the land on which the vegetation is growing is pastoral land, the Pastoral Board has also given its approval to the management plan; and
    - (D) the grazing occurs in accordance with the management plan;
- (zi) if the purposes of the clearance is to preserve or enhance ecological processes and—
- (i) —
    - (A) the owner of the land has prepared a management plan that provides for monitoring the effects of the clearance; and
    - (B) the owner of the land has satisfied the Council that the management plan complies with guidelines that have been prepared by the Council in accordance with section 25 of the Act; and

- (C) the Council has given its approval to the management plan;  
and
- (D) the clearance is undertaken in accordance with the  
management plan; or
- (ii) the clearance is undertaken in accordance with guidelines that apply  
to the clearance that have been prepared by the Council in  
accordance with section 25 of the Act,  
(and the operation of this paragraph extends to vegetation on land that is  
subject to a heritage agreement);
- (zj) if the vegetation is causing land management problems because it is  
detrimentally affecting other native vegetation, or is growing on land  
previously cleared of native vegetation, and—
  - (i) —
    - (A) the owner of the land has prepared a management plan  
relating to the proposed clearance; and
    - (B) the owner of the land has satisfied the Council that the  
management plan complies with guidelines that have been  
prepared by the Council in accordance with section 25 of the  
Act; and
    - (C) the Council has given its approval to the management plan;  
and
    - (D) the clearance is undertaken in accordance with the  
management plan; or
  - (ii) the clearance is undertaken in accordance with guidelines that have  
been prepared by the Council in accordance with section 25 of the  
Act;
- (zk) if—
  - (i) it is not reasonably practicable to comply with an obligation under  
the *Natural Resources Management Act 2004* to destroy or control  
animals or plants without at the same time destroying, damaging or  
otherwise clearing native vegetation; and
  - (ii) the person undertaking the clearance complies with guidelines  
relating to the clearance prepared by the Council in accordance with  
section 25 of the Act,  
(and the operation of this paragraph extends to vegetation on land that is  
subject to a heritage agreement but does not apply to vegetation on a road  
reserve);
- (zl) if—
  - (i) the land on which the vegetation is situated is in the County of  
Cardwell or within the hundreds of Stirling, Willalooka, Duffield,  
Landseer, Peacock, Marcollat, Minecrow, Woolumbool, Townsend,  
Lochaber, Murrabinna, Spence or Joyce; and
  - (ii) the clearance is to provide cleared land—

- (A) for the purposes of the construction or maintenance of water management works within the meaning of the *South Eastern Water Conservation and Drainage Act 1992* by, or on behalf of, the South Eastern Water Conservation and Drainage Board pursuant to section 34 of that Act; or
  - (B) for the purposes of the implementation of the Project under the *Upper South East Dryland Salinity and Flood Management Act 2002* by, or on behalf of, the relevant Minister under that Act; and
  - (iii) the Board, the relevant Minister or a person acting on behalf of the Board or that Minister has prepared a management plan in relation to the clearance of the vegetation and the Native Vegetation Council has given its approval to the plan; and
  - (iv) the clearance is undertaken in accordance with the management plan;
- (zm) if—
- (i) the land on which the vegetation is situated is in the County of Flinders or Robinson; and
  - (ii) the clearance is necessary to preserve or augment an underground water supply of a city or town; and
  - (iii) the clearance has been requested by the local council; and
  - (iv) the owner of the land or the person who has the care, control and management of the land has prepared a management plan in relation to the clearance of the vegetation and the Native Vegetation Council has given its approval to the plan; and
  - (v) the clearance is undertaken in accordance with the management plan;
- (zn) if—
- (i) the land on which the vegetation is situated is in the Cultana Training Area; and
  - (ii) the clearance is carried out by or on behalf of, or with the authority or permission of, the Commonwealth Department of Defence or an arm of the Australian Defence Force.
- (1a) For the purposes of subregulation (1)(d), **infrastructure** includes, unless the contrary intention appears—
- (a) flood mitigation works;
  - (b) an airstrip;
  - (c) a shipping channel.
- (1b) For the purposes of subregulation (1)(da), the Council must ensure that guidelines are prepared in accordance with the procedures that apply to guidelines under section 25 of the Act.
- (2) A notice authorising a person for the purposes of subregulation (1)(lb) may be of general application or vary in its application according to prescribed factors.

- (3) The Minister may, by subsequent notice in the Gazette, vary or revoke a notice under subregulation (1)(b).
- (7) The Council may, by notice in the Gazette, declare that subparagraph (ii) of paragraph (v) of subregulation (1) applies in relation to an area of a mallee scrub community identified in the notice and may, by subsequent notice in the Gazette, vary or revoke such a declaration.
- (7a) To avoid doubt, subregulation (1)(zc), (zd) and (zda) does not apply in relation to mining operations at a private mine.
- (8) A management plan under subregulation (1)(zfa) must make express provision for a review of the operation of the management plan to be conducted from time to time.
- (9) The Council must, in considering whether the requirements of subregulation (1)(zfb)(i) have been satisfied in a particular case, seek and consider the advice of the regional NRM board for the NRM region where the relevant land is situated.
- (10) The Council may, in determining whether there is a practicable alternative to a particular course of action under consideration under this regulation, take into account the cost of any alternative.
- (11) For the purposes of this regulation (and without limiting any other provision), the Council may—
  - (a) require a person seeking the benefit of this regulation for a particular purpose to provide to the Council such information as the Council may reasonably require to determine the matter;
  - (b) direct that any information to be provided to the Council be in a form determined by the Council (after consulting with any relevant person as the Council thinks fit);
  - (c) direct that a person comply with any other requirement determined by the Council (including a requirement as to the form or content of any plan or other document).
- (12) In this regulation—

**Building Code** has the same meaning as in the *Development Act 1993*;

**Cultana Training Area** means the land comprised by the following:

  - (a) the Allotment comprising Pieces 81, 82 and 83 in Deposited Plan 85852 Out of Hundreds (Port Augusta);
  - (b) Allotment 6 in Deposited Plan 88907 Hundred of Handyside County of Manchester and Out of Hundreds (Port Augusta);
  - (c) Sections 4, 13, 14 and 15, Hundred of Jenkins County of Manchester;
  - (d) Allotment 7 in Deposited Plan 29397 Out of Hundreds (Port Augusta);
  - (e) the Allotment comprising the Pieces 8, 9, 10 and 11 in Deposited Plan 29397 Out of Hundreds (Port Augusta);
  - (f) Allotment 68 in Deposited Plan 85851 Hundred of Cultana County of York;
  - (g) Allotment 72 in Deposited Plan 85851 Hundred of Cultana County of York;

- (h) the Allotment comprising Pieces 30, 31 and 32 in Deposited Plan 85850 Out of Hundreds (Whyalla), Out of Hundreds (Port Augusta) and Hundred of Cultana County of York;
- (i) Allotment 67 in Deposited Plan 93251, Hundred of Cultana County of York and Out of Hundreds (Port Augusta);

**prescribed building** means—

- (a) a building within the meaning of the *Development Act 1993* (other than a Class 7A or 10B building under the *Building Code*) that is permanently fixed to land; and
- (b) a building of a kind contemplated by paragraph (a) that is in the course of construction if the foundations, a concrete slab or other footings have been completed; and
- (c) any other building or structure of a class declared by the Minister by notice in the Gazette to be included in the ambit of this definition,

but does not include any building or structure of a class declared by the Minister by notice in the Gazette to be excluded from the ambit of this definition;

**prescribed structure** means—

- (a) a structure that is permanently fixed to land and used for, or in relation to, 1 or more of the following purposes:
  - (i) primary production;
  - (ii) the housing or feeding of animals;
  - (iii) the storage of fodder;
  - (iv) the storage of vehicles or vessels;
  - (v) any other purpose declared by the Minister by notice in the Gazette to be included within the ambit of this paragraph; and
- (b) any other structure of a class declared by the Minister by notice in the Gazette to be included within the ambit of this definition,

but does not include—

- (c) a prescribed building; and
- (d) any structure of a class declared by the Minister by notice in the Gazette to be excluded from the ambit of this definition.

- (13) The Minister may, by subsequent notice in the Gazette, vary or revoke a notice under subregulation (12).

## **5A—Exemptions—fire prevention and control**

- (1) Pursuant to section 27(1)(b) of the Act and subject to these regulations, native vegetation may be cleared in the following circumstances (being circumstances in which the clearance is for a purpose related to fire prevention or control):
  - (a) if—
    - (i) the vegetation is growing or situated—
      - (A) more than 20 metres from a prescribed building; or

- (B) more than 5 metres from a prescribed structure; and
- (ii) the clearance is undertaken in accordance with the written approval of the Chief Officer of SACFS;
- (b) if—
  - (i) the purpose of the clearance is to reduce combustible material on land; and
  - (ii) the clearance—
    - (A) is required or authorised by, and undertaken in accordance with, a bushfire prevention plan; or
    - (B) is undertaken in accordance with the written approval of the Chief Officer of SACFS; or
    - (C) in the case of a clearance in a reserve constituted under the *National Parks and Wildlife Act 1972* or in a wilderness protection zone or area constituted under the *Wilderness Protection Act 1992*—the clearance is undertaken in accordance with a standard operating procedure determined or approved by the Council for the purposes of this subsubparagraph; or
    - (D) in the case of a clearance on any other land of a class declared by the Minister by notice in the Gazette to be a class of land to which this subsubparagraph applies—the clearance is undertaken in accordance with a standard operating procedure determined or approved by the Council for the purposes of this subsubparagraph;
- (c) if the clearance is undertaken by, or in accordance with a direction or determination of—
  - (i) an officer of SAMFS exercising a power conferred under section 42 of the *Fire and Emergency Services Act 2005*; or
  - (ii) an officer of SACFS exercising a power conferred under section 82 or 97 of the *Fire and Emergency Services Act 2005*; or
  - (iii) a responsible authority (within the meaning of section 83 of the *Fire and Emergency Services Act 2005*) exercising a power under that section; or
  - (iv) an officer of SASES exercising a power conferred under section 118 of the *Fire and Emergency Services Act 2005*;
- (d) if—
  - (i) the clearance is for the purpose of establishing or maintaining a fire access track; and
  - (ii) is undertaken in accordance with the written approval of the Chief Officer of SACFS;
- (e) if—
  - (i) the clearance is for a fuel break that is—

- (A) along an existing fence-line; or
  - (B) on the boundary between land owned by different persons, where part or all of the proposed fuel break is in an area of a mallee scrub community that is the subject of a declaration by the Council under subregulation (7) that is in force; or
  - (C) on a property situated in the area of a rural council and that is used principally for primary production; or
  - (D) required or authorised by a bushfire prevention plan; and
- (ii) the clearance complies with the following provisions:
- (A) in the case of fuel break along an existing fence-line—the total width of the fuel break must not exceed 5 metres;
  - (B) in the case of fuel break on the boundary between land owned by different persons in an area of a mallee scrub community (being an area that is the subject of a declaration under subregulation (7))—the total width of the fuel break must not exceed 7.5 metres;
  - (C) in the case of a fuel break on a property situated in the area of a rural council used principally for primary production—
    - the total width of the fuel break must not exceed 20 metres; and
    - the clearance must be required by or authorised under a bushfire prevention plan, or undertaken in accordance with the written approval of the Chief Officer of SACFS;
  - (D) in any case—the clearance is undertaken in accordance with a bushfire prevention plan applying to the area in which the vegetation is growing or situated;
- (f) if the clearance is otherwise required or authorised by, and is carried out in accordance with, a bushfire prevention plan applying to the area in which the vegetation is growing or situated.
- (2) However, subregulation (1)(e) does not authorise the clearance of native vegetation for a fuel break if any point of the proposed fuel break would be within 200 metres of any land—
- (a) that is sufficiently clear of vegetation so as to constitute a fuel break (other than a fuel break that runs approximately at right-angles to the proposed fuel break); and
  - (b) that provides comparable protection to the proposed fire break.

**Note—**

This subregulation does not prevent a person from applying to the Council for consent to clear such a fire break.

- (3) For the purposes of subregulation (2)(a), in determining whether a proposed fuel break is within 200 metres from any land that is sufficiently clear of vegetation so as to constitute a fuel break, the following matters are not to be taken into account:
- (a) whether or not the land is a fuel break cleared under this regulation or a previous provision of these regulations;
  - (b) whether or not the land is owned by the same person or different persons.
- (4) In granting an approval for the purposes of this regulation, the Chief Officer of SACFS—
- (a) may only grant the approval if he or she is satisfied that the clearance is reasonably required or appropriate for the purpose of fire prevention or control; and
  - (b) must have regard to any relevant bushfire prevention plan; and
  - (c) must have regard to any guidelines specified by the Minister for the purposes of this subregulation.
- (5) The operation of this regulation extends to vegetation on land that is subject to a heritage agreement.
- (6) Nothing in this regulation authorises the clearance of native vegetation if such clearance would be contrary to any other Act or law.
- (7) The Council may, by notice in the Gazette, declare that subregulation (1)(e)(i)(B) applies in relation to an area of a mallee scrub community identified in the notice and may, by subsequent notice in the Gazette, vary or revoke such a declaration.
- (8) In this regulation—

***bushfire prevention plan*** means a plan for bushfire prevention prepared by a district bushfire prevention committee under the *Fire and Emergency Services Act 2005*, as in force from time to time;

***fire access track*** means a track (not exceeding 15 metres in width) constructed for use by vehicles undertaking firefighting activities;

***firefighting*** has the same meaning as in the *Fire and Emergency Services Act 2005*;

***prescribed building*** has the same meaning as in regulation 5;

***prescribed structure*** has the same meaning as in regulation 5;

***rural council*** has the same meaning as in the *Fire and Emergency Services Act 2005*.

## 6—Restrictions on clearance of native vegetation

- (1) Native vegetation may not be cleared pursuant to regulation 5(1)(k)—
- (a) if the vegetation—
    - (i) consists of a tree that has a trunk circumference (measured at a point 300 millimetres above the base of the tree) of 2 metres or more; and
    - (ii) is situated within the 1956 flood plain of the River Murray, other than where the vegetation is within the area of a city or township; or
  - (b) in any circumstances declared by the Minister, by notice in the Gazette, to be included in the ambit of this subregulation.

- (1a) The Minister may, by subsequent notice in the Gazette, vary or revoke a notice under subregulation (1)(b).
- (2) Native vegetation may not be cleared pursuant to regulation 5(1)(a), (ab), (b), (j), (q), (r), (s), (t) or (u) if—
  - (a) the clearance would be contrary to the requirements of a condition attached to a consent to clearance granted by the Council under the Act or by the Native Vegetation Authority under the repealed Act or of an order of a court under the Act or the repealed Act; or
  - (b) the vegetation was sown or planted in compliance with a condition attached to a consent to clearance granted by the Council under the Act or by the Native Vegetation Authority under the repealed Act or in compliance with an order of a court under the Act or the repealed Act.
- (2a) Native vegetation may not be cleared pursuant to regulation 5(1)(t) or (u) if the vegetation is situated within the River Murray Floodplain Area.
- (3) In this regulation—

*township* has the same meaning as in the *Local Government Act 1999*.

## **Part 3—Application for consent**

### **8—Application for consent**

- (1) For the purposes of section 28(3)(b)(iia) of the Act, the prescribed number of copies is 1.
- (2) For the purposes of section 28(3)(b)(iii) of the Act, the prescribed fee is \$545 plus the fee referred to in subregulation (3).
- (3) The fee payable by an applicant for consent to clear native vegetation for the preparation of the report referred to in section 28(3)(b)(iia) of the Act is the Minister's estimate of the reasonable cost of preparing a report of that kind determined after consultation with the Council.
- (4) The Council may remit payment of, or refund, the whole, or part, of a fee payable or paid in relation to an application (including a fee for a report under section 28(3)(b)(iia) of the Act).
- (5) For the purposes of section 28(5) of the Act, any agency, instrumentality, person or body approved by the Council as an entity that may prepare a report of the relevant kind is specified.

## **Part 4—Miscellaneous**

### **10—Interest**

- (1) Interest accrues from the end of the period referred to in section 31D(4)(a) or 31E(6)(a) of the Act at the prime bank rate for the relevant financial year.
- (2) Interest accrues on unpaid interest at 6 monthly intervals from the end of the period referred to in subregulation (1).

(3) In this regulation—

*prime bank rate* for a particular financial year means the corporate loan reference rate applied by the Commonwealth Bank of Australia for corporate lending on the first trading day of the Bank in that financial year.

### **11—Prescribed form (section 33C(8) of Act)**

For the purposes of section 33C(8) of the Act, the form set out in Schedule 2 is prescribed.

### **12—Service of notices**

Notice may be served under the Act on a land owner—

- (a) personally; or
- (b) by posting it to the land owner at the address of the land owner last known to the person or body serving the notice.

### **13—The Fund**

- (1) Money standing to the credit of the Fund on account of a payment into the Fund under Part 2 of these regulations must, as far as practicable, be used—
  - (a) to establish or regenerate native vegetation on land that is within the same region of the State as the land that is to be cleared by virtue of the exemption under that Part and that has been selected by the Council for that purpose after having regard to the Regional Biodiversity Plan or Plans (if any) approved by the Minister that apply within that region; and
  - (b) to preserve and maintain that vegetation once established or reinstated.
- (2) Other money standing to the credit of the Fund may be used or made available for any costs associated with research, promotional activities, investigations or other activities that, in the opinion of the Minister, will further the objects of the Act.

## **Schedule 1—Specified species of vegetation for the purposes of regulation 5(1)**

River red gum

*Eucalyptus camaldulensis*

## Schedule 2—Notice under section 33C(8) of Act

*Native Vegetation Act 1991*

### Notice of information relating to a warrant

**NOTE:** Section 33C of the *Native Vegetation Act 1991* provides for the issuing and execution of a warrant in various cases. A warrant has been issued under the Act and the following information is provided in relation to this matter:

1. The name of authorised officer executing the warrant is:

**This person is an authorised officer under the *Native Vegetation Act 1991*.**

2. This warrant was issued by the following magistrate:

3. This warrant was issued on

at     a.m./p.m.

4. The warrant authorises the following course of action:

- A warrant expires at the expiration of 1 month from the date of its issue.
- A person may be guilty of an offence if he or she fails to comply with a requirement under the Act or hinders an authorised officer in the lawful exercise of a power under the Act. The maximum penalty for an offence is \$5 000. (A person is not required to answer any question if to do so might incriminate the person or make the person liable to a criminal penalty.)

.....  
(Authorised officer executing warrant)

.....  
(Date)

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Native Vegetation Regulations 2003* revoked the following:

*Native Vegetation Regulations 1991*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2003	173	<i>Gazette 21.8.2003 p3282</i>	25.8.2003: r 2
2003	227	<i>Gazette 13.11.2003 p4055</i>	13.11.2003: r 2
2003	234	<i>Gazette 20.11.2003 p4239</i>	24.11.2003: r 2
2005	60	<i>Gazette 26.5.2005 p1416</i>	1.7.2005: r 2
2005	154	<i>Gazette 30.6.2005 p2239</i>	Pt 6 (r 11)—1.7.2005: r 2
2006	25	<i>Gazette 9.2.2006 p523</i>	9.2.2006: r 2
2006	86	<i>Gazette 15.6.2006 p1717</i>	1.7.2006: r 2
2007	26	<i>Gazette 29.3.2007 p949</i>	29.3.2007: r 2
2007	163	<i>Gazette 7.6.2007 p2572</i>	1.7.2007: r 2
2008	124	<i>Gazette 5.6.2008 p2113</i>	1.7.2008: r 2
2008	279	<i>Gazette 30.10.2008 p5009</i>	30.10.2008: r 2
2009	130	<i>Gazette 4.6.2009 p2591</i>	1.7.2009: r 2
2009	234	<i>Gazette 10.9.2009 p4412</i>	10.9.2009: r 2
2010	79	<i>Gazette 10.6.2010 p2754</i>	1.7.2010: r 2
2011	71	<i>Gazette 9.6.2011 p2092</i>	1.7.2011: r 2
2012	76	<i>Gazette 31.5.2012 p2324</i>	1.7.2012: r 2
2013	69	<i>Gazette 6.6.2013 p2149</i>	1.7.2013: r 2
2014	175	<i>Gazette 19.6.2014 p2749</i>	1.7.2014: r 2
<b>2014</b>	<b>185</b>	<b><i>Gazette 26.6.2014 p3038</i></b>	<b>26.6.2014: r 2</b>

## Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>24.11.2003</i>
r 3		
<i>C.F.S.</i>	<i>deleted by 25/2006 r 4(1)</i>	<i>9.2.2006</i>
country	varied by 25/2006 r 4(2)	9.2.2006
Mining Act	inserted by 279/2008 r 4	30.10.2008
River Murray Floodplain Area	inserted by 234/2003 r 4	24.11.2003
SACFS	inserted by 25/2006 r 4(3)	9.2.2006
r 3A	inserted by 234/2009 r 4	10.9.2009
Pt 2		
r 5		
r 5(1)	varied by 227/2003 r 4	13.11.2003
	varied by 154/2005 r 11(1) and (2)	1.7.2005
	varied by 25/2006 r 5(1)—(23)	9.2.2006
	varied by 26/2007 r 4	29.3.2007
	varied by 279/2008 r 5(1)—(4)	30.10.2008
	(ka) deleted by 234/2009 r 5(1)	10.9.2009
	varied by 234/2009 r 5(1), (2), (6)	10.9.2009
	(m), (n), (o) deleted by 234/2009 5(3)	10.9.2009
	(v), (w), (x) deleted by 234/2009 r 5(4)	10.9.2009
	(z), (za) deleted by 234/2009 r 5(5)	10.9.2009
	<b>varied by 185/2014 r 4(1)</b>	<b>26.6.2014</b>
r 5(1a) and (1b)	inserted by 25/2006 r 5(24)	9.2.2006
<i>r 5(1c)</i>	<i>inserted by 25/2006 r 5(24)</i>	<i>9.2.2006</i>
	<i>deleted by 234/2009 r 5(7)</i>	<i>10.9.2009</i>
r 5(2)	varied by 234/2003 r 5(1)	24.11.2003
	substituted by 234/2009 r 5(7)	10.9.2009
<i>r 5(2a)</i>	<i>inserted by 234/2003 r 5(2)</i>	<i>24.11.2003</i>
	<i>deleted by 234/2009 r 5(7)</i>	<i>10.9.2009</i>
r 5(3)	substituted by 234/2009 r 5(7)	10.9.2009
<i>r 5(4)—(6)</i>	<i>deleted by 234/2009 r 5(7)</i>	<i>10.9.2009</i>
r 5(7a)	inserted by 279/2008 r 5(5)	30.10.2008
r 5(8)—(11)	inserted by 25/2006 r 5(25)	9.2.2006
r 5(12)	inserted by 234/2009 r 5(8)	10.9.2009
<b>Cultana Training Area</b>	<b>inserted by 185/2014 r 4(2)</b>	<b>26.6.2014</b>
r 5(13)	inserted by 234/2009 r 5(8)	10.9.2009

r 5A	inserted by 234/2009 r 6	10.9.2009
r 6		
r 6(1)	substituted by 234/2009 r 7(1)	10.9.2009
r 6(1a)	inserted by 234/2009 r 7(1)	10.9.2009
r 6(2)	varied by 26/2007 r 5	29.3.2007
	varied by 234/2009 r 7(2)	10.9.2009
r 6(2a)	inserted by 234/2003 r 6	24.11.2003
r 7	<i>deleted by 234/2009 r 8</i>	<i>10.9.2009</i>
Pt 3		
r 8		
r 8(2)	varied by 60/2005 r 4	1.7.2005
	varied by 86/2006 r 4	1.7.2006
	varied by 163/2007 r 4	1.7.2007
	varied by 124/2008 r 4	1.7.2008
	varied by 130/2009 r 4	1.7.2009
	varied by 79/2010 r 4	1.7.2010
	varied by 71/2011 r 4	1.7.2011
	varied by 76/2012 r 4	1.7.2012
	varied by 69/2013 r 4	1.7.2013
	varied by 175/2014 r 4	1.7.2014—not incorporated
Pt 4		
<i>r 9 before deletion by     234/2009</i>		
<i>native vegetation</i>	<i>varied by 25/2006 r 6</i>	<i>9.2.2006</i>
r 9	<i>deleted by 234/2009 r 9</i>	<i>10.9.2009</i>
r 13		
r 13(1)	r 13 redesignated as r 13(1) by 25/2006 r 7	9.2.2006
r 13(2)	inserted by 25/2006 r 7	9.2.2006
r 14	<i>omitted under the Legislation Revision and     Publication Act 2002</i>	<i>24.11.2003</i>

## Historical versions

24.11.2003  
1.7.2005  
9.2.2006  
1.7.2006  
29.3.2007  
1.7.2007  
1.7.2008  
30.10.2008  
1.7.2009  
10.9.2009  
1.7.2010

1.7.2011

1.7.2012

1.7.2013