

South Australia

Native Vegetation Variation Regulations 2007

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 Variation Regulations 2007*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Native Vegetation Regulations 2003*

4—Variation of regulation 5—Exemptions

Regulation 5(1)—after paragraph (a) insert:

- (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;

5—Variation of regulation 6—Restrictions on clearance of native vegetation

Regulation 6(2)—after "(a)," insert:

(ab),

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 29 March 2007

No 26 of 2007

WBCS07/007