

Native Vegetation Regulations 2003 vs 2017 exemptions		
2003 exemptions (reg 5 & 5A)	2017 equivalent (Sch 1)	Notes/changes
(a) New dwelling	(33) New building or dwelling	Authorisation must be subject to a condition that the clearance is to be undertaken in accordance a management plan or the person undertaking the clearance is to make a payment into the Native Vegetation Fund (and such other conditions as the Council thinks fit).
(ab) Residential subdivision	(35) Residential subdivision	Authorisation must be subject to a condition that the clearance is to be undertaken in accordance a management plan or the person undertaking the clearance is to make a payment into the Native Vegetation Fund (and such other conditions as the Council thinks fit).
(b) New building	(33)New building or dwelling	Authorisation must be subject to a condition that the clearance is to be undertaken in accordance a management plan or the person undertaking the clearance is to make a payment into the Native Vegetation Fund (and such other conditions as the Council thinks fit).
(c) Clearance incidental to major development	(27) Major projects	Carried over
(d) Incidental to building or infrastructure declared by Minister to be in the public interest	(34) Infrastructure	Authorisation must be subject to a condition that the clearance is to be undertaken in accordance a management plan or the person undertaking the clearance is to make a payment into the Native Vegetation Fund (and such other conditions as the Council thinks fit).

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(da) Incidental to proposed development	(33) New building or dwelling (34) Infrastructure	<p>This regulation not carried over in current form but arguably (largely) covered by (33) and (34). New clause (2) to (33)– clearance cannot be contrary to conditions of consent imposed.</p> <p>Authorisation must be subject to a condition that the clearance is to be undertaken in accordance a management plan or the person undertaking the clearance is to make a payment into the Native Vegetation Fund (and such other conditions as the Council thinks fit).</p>
(e) Incidental to repair or maintenance work of the Crown	(2) Maintenance of infrastructure	New conditions in 2(1)(b) - area must have been previously cleared.
(f) Clearance under the <i>Electricity Act 1996</i>	(4) Clearance under the <i>Electricity Act 1996</i> or <i>Emergency Act 2004</i>	Provision re principles of vegetation clearance under the <i>Electricity Act 1996</i> removed
(g) Incidental to repair or maintenance of infrastructure	(2) Maintenance of infrastructure	New conditions in 2(1)(b) - area to be cleared must have been previously cleared.
(h) Incidental to work undertaken by or on behalf of the Commissioner of Highways	(32) Works on behalf of Commissioner of Highways	No longer requirement that there be no practicable alternative that would involve no clearance or the clearance of vegetation that is less significant ((h)(ii))
(i) Incidental to repair or maintenance of dam	(3) Maintenance of dam	New requirements set out in 3(b) – the area must have been previously cleared and the vegetation to be cleared must consist only of vegetation that has

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		grown/regrown since earlier clearance.
(j) Construction of new dam	(38) New dam and expansion of dam	Clearance needs to be in accordance with written approval of the Council or standard operating procedure as determined by the Council.  Carries over conditions regarding management plans and SEBs.
(ja) Incidental to construction or expansion of a dam on pastoral land	(38) New dam and expansion of dam	As above
(k) Not more than 20 metres from a prescribed building or 5 metres from a prescribed structure	(1) Vegetation within 10 metres of existing building	Must be for the purpose of maintaining the building. Reduction in distance 20m → 10m
(l) Safety/risk	(6) Safety of persons and property	Person required to assess safety and health of plant must be a "plant health expert" (definition provided), and a report must be provided to council in non-emergency situations.
(la) Plants overhanging a building	(6) Safety of persons and property	This particular regulation has not been carried over in it's current form but is arguably covered by (2) (see above).  Must pose a real risk of personal injury or damage to property.
(lb) Clearance necessary to protect public safety	(6) Safety of persons and property	Not carried over but arguably covered by (2) (see above). No requirement for approval to be gazetted

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		or authorised by the Minister.
(p) Clearance by the State Co-ordinator or an authorised officer acting under s 15 of the <i>State Disaster Act 1980</i>	(6) Safety of persons and property	Not carried over but arguably covered by (2)
(q) Firewood	(10) Firewood	No change to bulk of exemption. New clause (2)(b) – clearance cannot be contrary to conditions of consent imposed.
(r) Fence posts	--	Not carried over. Fencing work covered by clause 14 – Fences.
(s) Construction of fence	(14) Fences	Must notify Council of the clearance but not in the case of clearance on one or both sides of an <i>existing fence</i> .
(t) Establishment or maintenance of a track no more than 5m wide	(13) Vehicle tracks	Must notify Council of the clearance but not in the case of clearance to maintain an <i>existing track</i> .
(u) Establishment or maintenance of a walking track not more than 1m in width	(7) Walking tracks	Reduced maximum width to 0.5m. Applies to private (not public) tracks (see reg 36 – Recreational tracks for public tracks)
(y) by or on behalf of a local council on a road reserve	(23) Roadside or rail corridor vegetation management	Not carried over in its particular form but covered by (23). Must be undertaken for the purpose of safety or pest control.
(zb) Taking of specimens	(11) Taking of seeds and specimens	Carried over. Clause now also applies to vegetation growing/situated on land subject to a heritage or

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		management agreement.
(zc) Incidental to exploratory operations under the <i>Mining Act 1971</i> or the <i>Petroleum Act 2000</i>	(29) Exploration	<p>No longer requirement that there be no other practicable alternative to the clearance.</p> <p>Clearance must be in accordance with industry standards developed and endorsed by the Council. If there are no applicable standards or if it is not possible to comply with them, the clearance must be in accordance with a management plan.</p> <p>Now also applies to vegetation growing/situated on land subject to a management agreement as well as a heritage agreement.</p>
(zd) Incidental to operations under a Mining Act	(28) Operations	Now also applies to vegetation growing/situated on land subject to a management agreement as well as a heritage agreement.
(zda) Incidental to operations authorised before 25 August 2003 under a Mining Act	(30) Mining operations approved before 2003	No change
(ze) Incidental to mining operations at a private mine continuing after 1984	(31) Mining operations at private mines	No change
(zf) clearance on land used for cultivation, pasture or forestry within 5 years immediately before proposed clearance occurs	(24) Maintenance of existing agriculture, forestry or farming	<p>Increase in preceding years requirement 5yrs→10yrs</p> <p>Clearance needs to be in accordance with a management plan or applicable guidelines adopted by the Council.</p>

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(zfa) Regrowth	(9) Regrowth	Vegetation must have been cleared lawfully within 5 years immediately before proposed clearance occurs.  No management plan required.
(zfb) clearance for agricultural purposes on land that has been subject to degradation	--	Not carried over
(zg) maintenance of value of native vegetation for pasture	(24) Maintenance of existing agriculture, forestry or farming	Not carried over in current form but arguably covered by (24)
(zh) grazing stock that will not cause permanent degradation of the native vegetation on the land	(5) Ongoing grazing practices	No notification requirement.  Alternative requirements at clause (ii) of current exemption no longer apply in new exemption → now covered by (26) – Grazing of domestic stock
(zi) preservation or enhancement of ecological processes	(25) Ecological restoration and management of vegetation	No change
(zj) clearance of vegetation causing land management problems	(24) Maintenance of existing agriculture, forestry or farming  (25) Ecological restoration and management of vegetation	Not carried over in current form but arguably covered by (24) and (25)
(zk) where it is not reasonably practicable to	(15) Plant and animal control	Must now notify the Council of the clearance.

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comply with an obligations under the <i>Natural Resource Management Act 2004</i> without clearance.		
(zl) Vegetation situated on land in the County of Cardwell or within the hundreds of Stirling, Willalooka (..and others)	--	Not carried over
(zm) Vegetation situated on land in the County of Flinders or Robinson	--	Not carried over
(zn) Vegetation situated in the Cultana Training Area	(12) Cultana Training Area	No change
(zo) Vegetation situated on land in the SA Motorsport Park	(Regulation 23)	No change
5A(1)(a) Vegetation situated more than 20m from a prescribed building or more than 5 metres from a prescribed structure	(17) Fire prevention and control	<p>“Prescribed building” → “dwelling”</p> <p>“Prescribed structure” → “fence”</p> <p>Where trees to be cleared have a circumference of 2m or more → covered by (19) – Fire prevention and control (large trees)</p>
5A(b) Reduction of combustible material on land	(20) Fuel reduction	<p>Clause (ii) C &amp; D not carried over (re clearance in reserves and clearance of land of a certain class, respectively).</p> <p>Must notify Council of clearance</p>

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5A(c) Clearance undertaken by or in accordance with direction or determination of various officers under the <i>Fire and Emergency Services Act 2005</i>	(18) Clearance for the purposes of the <i>Fire and Emergency Services Act 2005</i>	Removes clause (iii) re responsible authority ( <i>Fire and Emergency Services Act 2005</i> )
5A(d) Fire access track	(22) Fire access tracks	Now also applies to land subject to heritage agreement and management agreement. Definition for fire access track provided. Must notify Council of clearance
5A(e) Fuel breaks	(21) Fuel breaks	Shortened version carried over. All clearance must be undertaken in accordance with CFS approval and any applicable bushfire management plan.  Must notify council of clearance