

Native Vegetation and Conservation Encroachment Policy

Procedure Number: To be allocated

Responsible Department(s): Open Space

Other Relevant Policies:

Alteration and occupation of public roads (INF-06)
Enforcement (GOV-10)
Order Making Policy (GOV-15)
Tree Management Policy ENV-04

Other Relevant Procedure(s):

Alteration of a Public Road (I&O-001)

Procedures superseded by this procedure

Nil

Adopted/Approved by:

Council

Date of Adoption/Approval

28/10/2025

Effective From:

29/10/2025

Next Review:

No later than 28/10/2029 or as required by legislation or changed circumstances

Version Control

Version:	Effect Date:	Description of Changes:	Approver:
1.0	29/10/2025	New Policy	Council - Res 362/25

Native Vegetation and Conservation Encroachment Policy

1. INTRODUCTION

- 1.1 The policy provides Adelaide Hills Council (Council) with principles and guidelines for the protection of native vegetation and land of conservation value on Local Government land and roads when considering proposed activities that may impact them
- 1.2 Adelaide Hills Council is responsible for care and maintenance of over 400 community land parcels containing around 357 hectares of native vegetation and 1,046km of roads, including 433 Native Vegetation Marker System (NVMS) sites as well as 165km of unformed public roads and roadside vegetation, together containing approximately 819 hectares of native vegetation.
- 1.3 This native vegetation is predominantly remnant, occurring within the Mount Lofty Ranges biodiversity hotspot, playing a pivotal role in providing and connecting habitat for numerous native plant and wildlife species, including threatened and declining species, and providing ecosystem services to the greater Adelaide region.
- 1.4 Council is entrusted to manage these areas for the benefit of the community, maintaining equity and fairness in use and enjoyment of local government land and roads as well as the natural ecological values of the land.
- 1.5 Habitat loss and fragmentation is listed as a key threatening process for native species, including many threatened and declining species, yet native vegetation and land of conservation value is regularly impacted by activities such as clearing, grazing, landscaping, fencing, dumping, vehicle access, construction, increasing private property size by alienating Council lands and roads from the public and non-compliant development. These impacts have a cumulative effect that should be considered in decision making.
- 1.6 The policy will outline when and how Council shall act:
 - to proactively prevent damage to native vegetation and encroachments on land managed for conservation purposes
 - in response to damage to native vegetation and encroachments on land managed for conservation purposes.

2. OBJECTIVES

The objective of this policy is to provide Council with the principles and guidelines to:

- Protect native vegetation and Council land and roads of conservation value from damaging activities

Native Vegetation and Conservation Encroachment Policy

- Develop educational, procedural and regulatory initiatives to protect native vegetation and land of conservation value, including development application, permit and lease processes
- Embed an impact assessment tool into Council processes and procedures for assessing permit applications and leases and guide regulatory responses to damaging activities
- Enable consistent decision making in relation to the various functions, duties and powers available to the Council in respect to native vegetation contained in the Local Government Act 1999.

3. DEFINITIONS

- 3.1 **“Alienation”** means an area that is making public land physically inaccessible to the public or misleads the public into believing it is not public land through signage, built structures or landscaping continuous to adjacent private properties. (such as being entirely surrounded by private land, being fenced from public access).
- 3.2 **“Biodiversity hotspot”** regions containing high levels of species diversity, many endemic species (species not found anywhere else in the world) and a significant number of threatened or endangered species under threat due to habitat loss or degradation caused by human activity.
- 3.3 **“Biodiversity Register”** is a register maintained by Council to document biodiversity assets and works on Council land.
- 3.4 **“Clearance”** means the removal or destruction, by any means, of native vegetation on an area of land, other than the removal or destruction of a weed and includes the selective removal of a species of plant, a group of species of plants, a storey or group of storeys in whole or in part.
- 3.5 **“Conservation value”** even if an area of land does not have high quality native vegetation on it, it may still have a high conservation value due to hosting a threatened species, future restoration value or acting as a buffer zone to the area of high quality native vegetation. Buffer zones have value in preventing weedy incursion, or use as a fuel reduction zone, to prevent that fuel reduction zone moving further into the reserve.
- 3.6 **“Damaging activities”** includes all activities that damage the integrity of the land or native vegetation at the location, including clearing native vegetation, polluting the land or watercourse with rubbish, liquids, construction materials, inundating vegetation with water, crushing native vegetation with machinery or recreational equipment, smothering native vegetation with mulch, digging up soil and land, gold panning (prospecting), removing rocks and fallen timber.

Native Vegetation and Conservation Encroachment Policy

- 3.7. **“Ecosystem services”** the goods and services provided by ecosystems that directly or indirectly benefit humans, including but not limited to oxygen production, air and water filtration, dust and water attenuation, pollination, carbon sequestration, climate regulation, cultural and health benefits.
- 3.8. **“Encroachment”** means an activity on Local Government Land, made and unmade roads requiring permission, (as specified in Adelaide Hills Council Local Government Land By-law 2018 No.3) or alteration and occupation of public roads where permission has not been granted, including but not limited to built structures, alteration to vegetation or soil, stockpiling, vehicle or machinery access, dumping, timber harvesting and water management.
- 3.9. **“Encroachment Register”** means a register/database maintained by Council to document all reports and incidents of encroachment and all records relating to the encroachment.
- 3.10. **“Historic encroachment”** means encroachments that have occurred in the past.
- 3.11. **“Local Government Land”** means all land owned by a council or under a council’s care control and management other than roads, including riparian land adjacent to watercourses and waterways.
- 3.12. **“Native vegetation”** includes all vegetation native to South Australia, including dead trees and fallen limbs, as leaving these in situ are vital for providing habitat and supporting symbiotic fungi associations.
- 3.13. **“Native Vegetation Marker System or NVMS”** is a detailed register of ecological values of designated sites across the district, helping to protect approximately 420 kilometres of native vegetation in Council road reserves. The start and end of each site is marked with a blue sign with a yellow leaf symbol displaying a unique number, which relates back to the register.
- 3.14. **“Road”** means a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes a bridge, viaduct, subway, alley, laneway, walkway or unformed public road.
- 3.15. **“The Greater Adelaide region”** as defined by the South Australian Government, encompasses a large area surrounding the city of Adelaide, stretching from Cape Jervis in the south to Murray Bridge in the east and the Barossa Valley in the north
- 3.16. **“Unformed Public Road”** is one that is legally established but not formally constructed with a bitumen sealed surface or constructed to the standard of an unsealed road and which is under the care and control of Council. These can be dirt style tracks that are used

Native Vegetation and Conservation Encroachment Policy

to access private property, form part of a trail network, or contain remnant native vegetation and managed for conservation purposes.

- 3.17. **“Water attenuation”** slowing down and reducing the peak flow rates of rainfall runoff

4. SCOPE

- 4.1 The policy applies to Council land and roads which contain native vegetation or are managed for conservation value.
- 4.2 The policy does not apply to activities undertaken entirely on private land.
- 4.3 The policy applies to activities that have occurred in the past or could occur in the future.
- 4.4 The policy will identify proactive measures for preventing damage to native vegetation.
- 4.5 The policy does not override legislation that relates to activities such as clearance of native vegetation, discharge to a watercourse or construction.
- 4.6 The policy provides a framework for assessing permit and lease applications and determining operational and regulatory responses.
- 4.7 The policy will be implemented through Council strategies, plans, processes and procedures affecting native vegetation management and lands of conservation value, such as S221 and reserve access permit applications, leases, by-laws, regulatory and development application processes and procedures.

5. GUIDING PRINCIPLES

- 5.1. Native vegetation, particularly remnant, is a highly valuable Council asset that should be retained, conserved and protected for the habitat it offers native species, including threatened and declining species, the ecosystem services it provides to the greater Adelaide region and the unique and desirable character it gives the Adelaide Hills region.
- 5.2. Prevention is preferable to remediation and is to be prioritised. To this end Council will continuously review its processes and procedures to identify points of opportunity to prevent damage to native vegetation or encroachments onto land of conservation value before they happen, primarily through permit applications, leases and the development application process.

Native Vegetation and Conservation Encroachment Policy

- 5.3. All activities undertaken by an individual or organisation on Local Government land or roads require a permit. Damage to native vegetation and land of conservation value can occur through a range of activities, and has cumulative impacts. Applications for developments, permits and leases need to be assessed by staff with the relevant skills to identify potential risks and set conditions that will prevent such damage.
- 5.4. An impact assessment tool will determine an impact score which will be used to assess and define conditions for permits and leases for applications that may impact native vegetation and land or roads of conservation value.
- 5.5. When unauthorised activities result in damage to native vegetation or alienation of Local Government land or road reserves managed for conservation purposes, Council will act to hold the individual or organisation who caused the impact accountable and aim to recover the condition of the vegetation or area of land of conservation value.
- 5.6. Council recognises that damage to native vegetation and encroachments may occur accidentally or intentionally, and that prevention and voluntary compliance are preferred methods for protecting native vegetation and land of conservation value.
- 5.7. Council's regulatory response to unauthorised vegetation damaging activities or encroachments will be guided by an impact assessment tool which takes into account the level of impact of the damaging activity.
- 5.8. Where Council staff are aware that other legislation applies, staff will report the activity to the relevant statutory authority, however Council will not solely rely on other authorities to act when Council has authority to prevent or respond to damaging activities.

6. POLICY STATEMENT

- 6.1. Council is committed to implementing a strategic, consistent and comprehensive approach to preventing and managing impacts to native vegetation and local government land or roads of conservation value through:
 - 6.1.1. Community education - education for residents, landholders and the community to increase knowledge about the ecological values and responsible interaction with local government land and roads, as well as rights and responsibilities in relation to local government land and roads.
 - 6.1.2. Proactive management - assessing impacts to native vegetation and lands or roads of conservation value to either reject or set conditions for permits and leases, or provide advisory notes regarding other relevant legislation and approvals on development applications.

Native Vegetation and Conservation Encroachment Policy

- 6.1.3. Process improvement - identifying opportunities within existing and new procedures or processes where damage to native vegetation or land or roads of conservation value could be prevented with the appropriate interventions or management, and detailing within the relevant procedure or process how it will be done.
- 6.1.4. Encroachment Register - for Council to document the occurrence of encroachments onto lands of conservation value to enable monitoring the management actions for each of these cases.
- 6.1.5. Operational and regulatory response: Council response to damage to native vegetation or land of conservation value will be enacted as soon as practicably possible after the event, and be directed by:
- 6.1.5.1. an impact assessment tool, which will attribute a score to the level of actual or proposed impact
 - 6.1.5.2. compliance with relevant legislation and Australian standards; and
 - 6.1.5.3. the level of voluntary compliance undertaken by the relevant individual or organisation.
- 6.1.6. Biodiversity Strategy – periodic review of the Strategy to outline how Council will protect, enhance, restore and connect habitat
- 6.2. In the event of negative impacts to native vegetation on local government land, Council reserves the right to undertake or manage remediation itself and recover associated costs from the relevant individual or organisation.
- 6.3. Council will support the achievement of the objects of this policy through appropriate funding allocations through the usual annual business planning and budget setting processes and budget reviews where necessary.
- 6.4. Council will manage historic encroachments on a case by case basis, owing to potential changes in land ownership, changes in legislation and policies and old or informal agreements made with property occupiers at the time.

7. DELEGATION

- 7.1 The Chief Executive Officer has the delegation to:
- Approve, amend and review any procedures that shall be consistent with this Policy; and
 - Make any legislative, formatting, nomenclature or other minor changes to the Policy during the period of its currency.

Native Vegetation and Conservation Encroachment Policy

8. AVAILABILITY OF THE POLICY

- 8.1 This Policy will be available via the Council's website www.ahc.sa.gov.au.