

FACT SHEET

Clearing native vegetation for Tourism Accommodation

South Australia's native vegetation is protected by the *Native Vegetation Act 1991* and the *Native Vegetation Regulations 2017*.

What is Native Vegetation?

Native vegetation is defined as all naturally-occurring local native plants, ranging from small ground covers and native grasses to large trees, and including aquatic species. Plants may be part of a community or isolated, such as single trees in pasture. Some dead trees providing habitat for nationally threatened species are also protected under native vegetation legislation. For further guidance, please see the [Dead Trees Fact Sheet](#).

If you're unsure of whether there is native vegetation present on the site, you can seek advice from your region's [Landscape Board](#), a local ecologist or provide information to the Native Vegetation Branch for confirmation.

Clearing Native Vegetation to establish Tourism Accommodation

In order to clear native vegetation to establish tourism accommodation, approval must be granted by the Native Vegetation Council (NVC).

Cabins, Eco-huts, Hotels, B&Bs

Clearance for cabins, eco-huts, hotels, bed & breakfast establishments and associated infrastructure, will be considered under **Regulation 12 Schedule 1, Clause 33 – New Dwelling or Building** of the *Native Vegetation Regulations 2017*.

To be considered a dwelling or building, the structure needs to be either:

- used as a self-contained residence; or
- permanently fixed to land so that it cannot be moved without dismantling or destroying it; or
- a transportable building permanently connected to a sewage system or septic tank.

Below is an illustration of a building which would be considered under the Regulation.



Glamping tents

For the purpose of clearing native vegetation to construct permanent or semi-permanent tents for glamping, including tent pads, raised platforms and facilities, these are generally not considered buildings. Clearance to establish these activities will be considered through a **Clearance Application under Section 28** of the *Native Vegetation Act 1991*. Below is an illustration of a building which would be considered under Section 28.



Clearance versus Regulation application

The key difference between **clearance applications** (eg. for glamping tents) and regulation applications (eg. for cabins) is how 'substantially intact' vegetation is considered.

The NVC is not able to approve clearance applications, where the clearance of vegetation is considered 'substantially intact'. These are areas of vegetation that have not been degraded by human activities in the last 20 years and are generally represented by areas of vegetation in good condition and need to be assessed by an Accredited Consultant. Therefore, it is important to note that clearance for glamping tents and pads is generally not permitted in areas of better quality vegetation.

However, when cabins and huts are assessed through a **Regulation application**, clearance for buildings can potentially be approved in substantially intact vegetation. Approval will only be granted if the [mitigation hierarchy](#) has been applied i.e. an applicant can demonstrate that the clearance cannot be avoided or further minimised.

Generally, tourism accommodation locations have high scenic amenity or are located in secluded areas of dense native vegetation. While it is acknowledged these are key elements in selecting sites, the NVC's primary consideration is the impact of the proposed clearance on native vegetation.

Therefore, in order for the NVC to be able to approve clearance; the larger the area of clearance, the better quality of vegetation being impacted or the presence of threatened species or associated habitat, the greater justification is required.

How to apply

Step 1: Consider the location

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

Potential impacts on native vegetation from tourism accommodation relate to more than just the footprint of the building or structure. When seeking to avoid and minimise impacts, consideration must also be given to any clearance required for access, related services and infrastructure (electricity and water), fire protections and building maintenance (see building envelope example below).

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

Building envelope example



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

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

If a suitable site (no native vegetation present) is available on the land, but is not pursued, clearance may potentially be refused (example illustration below). If no such site exists, the landowner should pursue practical alternatives to clearing.

These may include considering an area containing the least significant native vegetation, or an area which results in the least amount of clearance.

Please note that you cannot clear native vegetation where there is a Heritage Agreement or Management Agreement on the land, unless there are exclusion zones identified within a Heritage Agreement. [NatureMaps](#) provides information on where Agreements exist on the land.

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

Step 2: Vegetation Assessment

[Engage a Native Vegetation Accredited Consultant](#)

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

The Accredited Consultant will prepare a report in relation to the proposed development, including an assessment of all the vegetation clearance required i.e. buildings, driveways, water tanks, septic systems and CFS buffer requirements. The report will also address the other requirements of the Regulation, on which the Accredited Consultant may query you.

Step 3: Determine Significant Environmental Benefit (SEB)

An SEB is a means of offsetting the impacts of approved clearance and is either in the form of a payment into the Native Vegetation Fund, or via on-ground works. Upon completion of the vegetation assessment, the Accredited Consultant will inform you of the SEB required for the proposed clearance. There are a range of options available for achieving an SEB, including purchasing credits or engaging someone else to undertake works on your behalf. The options are outlined in the following link:

[How to offset a clearance.](#)

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

Step 4: Submit Application

Once the Consultant's report has been finalised, it will then be submitted to the NVC for consideration.

Note: a draft report can be submitted to the branch for preliminary review and pre-lodgement advice.

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

Please allow up to 10 weeks for a decision.

How do I lodge an application?

Online portal: apps.environment.sa.gov.au/nvmu/

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

Consider other Acts

Approval to remove vegetation does not give you consent under other Acts, such as the *Planning, Development and Infrastructure Act 2016* (PDI Act). Please be aware that to establish a tourism accommodation facility, a development approval is required under the PDI Act. Tourism accommodation is envisaged in certain areas (eg. Visitor Experience Subzone) and is restricted in other areas. To confirm the assessment pathway and development application requirements, contact the Relevant Authority (i.e. Local Council or State Planning Commission).

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

As part of the development assessment process, applications for [Level 3 and 4 clearance](#) will be formally referred to the NVC to assess the potential impacts of the development on native vegetation. The NVC has direction powers to impose conditions or refuse the application during this process.

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

For more information

Native Vegetation Branch

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www.environment.sa.gov.au/nativevegetation