

# Farming activities and native vegetation

South Australia's native vegetation is protected by the *Native Vegetation Act 1991* and the *Native Vegetation Regulations 2017*. There are several Regulations relevant to carrying out existing farming activities or establishing new infrastructure or practices.

## 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](#). Landholders are encouraged to leave any dead trees where possible, especially trees with hollows, as these also provide valuable habitat for other native fauna.

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.

## What is clearing?

It is important to note that clearance is any activity that might damage or destroy native vegetation, including:

- cutting down, burning, poisoning or removing plants
- removing branches, limbs, stems or trunks
- slashing understorey
- draining and reclaiming wetlands
- burning native vegetation
- changing grazing practices
- any other activity likely to damage native vegetation.

## What is the mitigation hierarchy?

Under the Native Vegetation Regulations 2017 (the Regulations), there is a requirement that all clearance is avoided where possible, or where it's not possible, clearance must be minimised to the greatest possible extent. Therefore, when undertaking any clearance under the Regulations, clearance is only permitted to the extent that is absolutely required to achieve the intended outcome.

Any activities 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.

## Maintaining farming and agriculture practices

Landholders may clear native vegetation, providing that the clearance is limited to maintaining the existing use of the land over the last 10 years and you have a Management Plan approved by the Native Vegetation Council (NVC).

For example, clearance is generally limited to burning, slashing or rolling of regrowth vegetation grown within 10 years on land used for commercial agriculture or primary production. Further details are available:

- [Process and permitted activities](#)
- [Management Plan requirements](#)

## Grazing practices

You can undertake ongoing grazing practices on areas containing native vegetation. Ongoing grazing practices means that the practices have not changed over the past 10 years in terms of the area grazed, manner, rate and stock species. Grazing practices are to maintain and protect the value of the native vegetation and must not permanently degrade or remove the vegetation.

Any changes to the grazing area, manner or species requires a Management Plan to be approved by the NVC. Further details are available:

- [Ongoing grazing practices, permitted activities and exclusions](#)
- [Changing stock species guidance](#)



Figure 1: Ongoing grazing

## Fencing

You can clear vegetation to allow access to maintain an existing fence or establish a new fence. Clearance is permitted up to 5m within your property from the boundary fence or up to 5m that covers both sides of an internal fence, but must be limited to the extent required to provide access. Permission must be granted by the relevant Local Council or landholder if clearance is proposed on land adjoining your property eg. road reserve.

Clearance for a new fence requires [notification to the NVC](#).

For more details on new fences, maintenance and existing fence lines the **Fences Fact Sheet** provides illustrated examples and practical solutions.

## Vehicle tracks

Clearance can occur without NVC approval when a new vehicle track is established, however the NVC must be notified and there are limitations on what can be cleared. Maintenance of existing tracks can occur without approval or notification providing the track meets the criteria. See **Vehicle Tracks Fact Sheet** for further details and practical solutions.

You will need NVC approval to clear vegetation to establish or widen a track that is more than 5m wide if it is reasonably required to provide access for large commercial vehicles with at least 4 wheels. For more information on this specific activity [More information is available here](#).



Figure 2: Vehicle track <5m wide

## Dams

To clear vegetation to construct a new dam or expand an existing dam, an approval from the NVC is required. In a pastoral area this will be assessed under the Regulations, however in an agricultural area a clearance application will be required and assessed under the Act. [More information is available here](#).

You can clear vegetation so that you can repair or maintain an existing dam's structure and integrity. Clearance is limited to vegetation that has regrown subsequent to the construction or earlier maintenance of the dam. This includes removing regrowth that may compromise the structure of the dam wall and to remove built-up sediment. [More information is available here](#).



## Can I clear regrowth?

You can clear native vegetation that has regrown if it was lawfully cleared within the past 5 years and the land will be used for the same purpose as during the past 5 years.

Clearance is only permitted to the extent of the previous lawful clearance. [For more information click here](#).

## What about stubble burning?

During the proclaimed Fire Danger Season, landholders intending to burn stubble must obtain a permit from their Local Council. Landholders intending to burn stubble are required to comply with the requirements of the *Fire and Emergency Services Act 2005*.

To protect scattered paddock trees and remnant vegetation, recommended procedures have been included in the **Stubble Burning Fact Sheet**, collaboratively prepared by Primary Producers SA and the Local Government Association, NVC and CFS.



## Can I collect firewood?

You can collect firewood for domestic use on your land and in a way that allows for regrowth of cleared vegetation. You can collect up to 6m<sup>3</sup> of firewood. Please note that this limit includes any unburnt firewood collected during the previous 2 years, meaning you may only store 6m<sup>3</sup> at any one time.

Firewood must only be collected from plants with a stem diameter of 20cm or less at a height of 30cm from the base of the plant. Firewood must be cut >30cm from the base of the plant. This allows the plant to regrow.

Please note, you cannot collect firewood in the following circumstances:

- where a Heritage Agreement or SEB Area is in place;
- roadside, rail corridor or railway reserve;
- vegetation previously established as a condition of consent under the *Native Vegetation Act 1991* or Regulations.

## Plant and pest animal control

You can clear vegetation to control declared plants and animals under the *Landscape South Australia Act 2019* where it is not possible to control them without clearing native vegetation. Damage to native vegetation should be avoided where possible and clearing must be undertaken in accordance with the [Guidelines](#). No approval is required, but you must [notify the NVC](#).

## Clearance for other activities

Many of the activities described above are able to be considered under specific Regulation for those activities. However, a clearance application, assessed under the *Native Vegetation Act 1991*, must be submitted for the following activities which result in permanent clearance:

- scattered trees for centre pivots
- scattered trees for farm purposes, other than those activities listed above in the regulations
- cropping purposes
- vineyards or horticulture activities
- permanently removing regrowth that is more than 5 years old
- brushcutting

[More information is available here.](#)

## Things to keep in mind:

### Protected Areas

There are limitations about clearance for some activities or practices where they are proposed on land with a Heritage Agreement. Similarly, where an on-ground offset (Significant Environmental Benefit Area (SEB Area)) has been established, clearance in these areas is also limited. Please contact the Native Vegetation Branch if you have further questions.

### Planted vegetation

Vegetation that has been planted is not covered under the *Native Vegetation Act 1991* and does not require approval to be removed, unless it was intentionally sown or planted by a person in compliance with a condition imposed by the NVC or under any other Act or has been planted with NVC funds (eg. SEB Area).

### Consider other Acts

Please note, where applicable, a development approval under the *Planning, Development and Infrastructure Act 2016* (PDI Act) may also be required.

## For more information

### Native Vegetation Branch

Department for Environment and Water  
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[www.environment.sa.gov.au/nativevegetation](http://www.environment.sa.gov.au/nativevegetation)