

# Clearing native vegetation for fences

South Australia's native vegetation is protected by the *Native Vegetation Act 1991* and the *Native Vegetation Regulations 2017*. **Regulation 8, Schedule 1; clause 14** allows for a limited strip of native vegetation to be cleared on either or both sides of an existing fence or to provide construction access in the course of establishing or maintaining a fence. A fence is defined as consisting of posts and wire fixed permanently to land and designed for the purpose of controlling access by people or the movement of animals.

## 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.

It is important to note that clearance is any activity that might damage or destroy native vegetation, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal of trunks or branches (eg. overhanging branches), and the ripping of roots for installation of infrastructure such as pipes and cables.

## What can I clear?

Clearance is limited to the following circumstances:

- the fence is required to control access by people or movement of animals;
- reasonable access to the fence is required and is limited to the extent required to achieve access only;
- there is no other practical alternative resulting in no clearance, less clearance, clearance of less significant vegetation or more degraded vegetation;
- the clearance strip is no more than 5m in width where the fence is located on the property boundary. In practice, this may appear as illustrated in Figure 1. Landowner permission is required to be obtained where clearance is proposed on adjoining land (regulated under separate legislation).

- the clearance strip is no more than 5m in width where within the property i.e. 2m one side and 3m on the other (refer Figure 2);
- a maximum of 1 metre into a road or rail reserve with permission from the landholder e.g. local council (refer 'Clearing on properties adjoining a road reserve' below).

Clearance is permissible where a Heritage Agreement or Management Agreement applies to the land, however approval from the Minister for Climate, Environment and Water is required. [NatureMaps](#) provides information on where Agreements exist on the land.

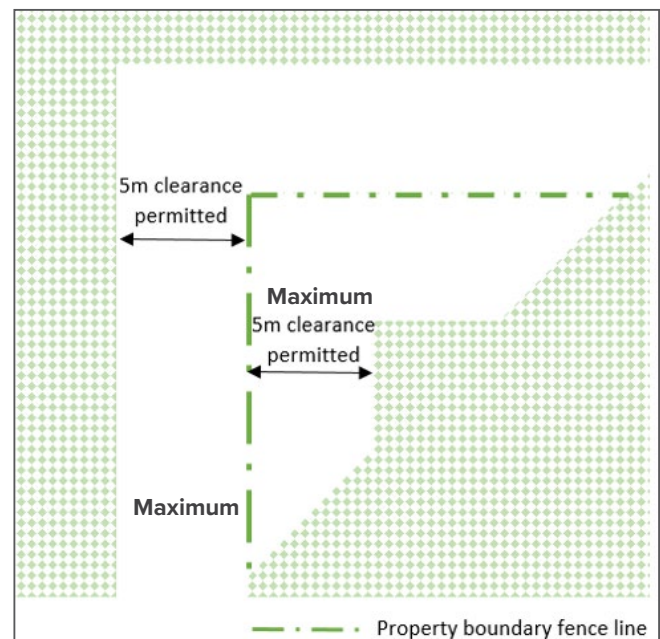


Figure 1: Clearance on property boundaries to the extent necessary to provide access for construction or maintenance

## What if the fence is existing?

You can clear native vegetation to repair or maintain an existing fence providing it meets the criteria listed above.

In the instance where a new fence is required to be installed to replace an existing fence, please consider positioning the new fence, setback from the original fence line. This arrangement allows a cleared area to be maintained (free of regrowth) which minimises impacts on the new fence and limits impacts on roadside native vegetation (refer Figure 3).

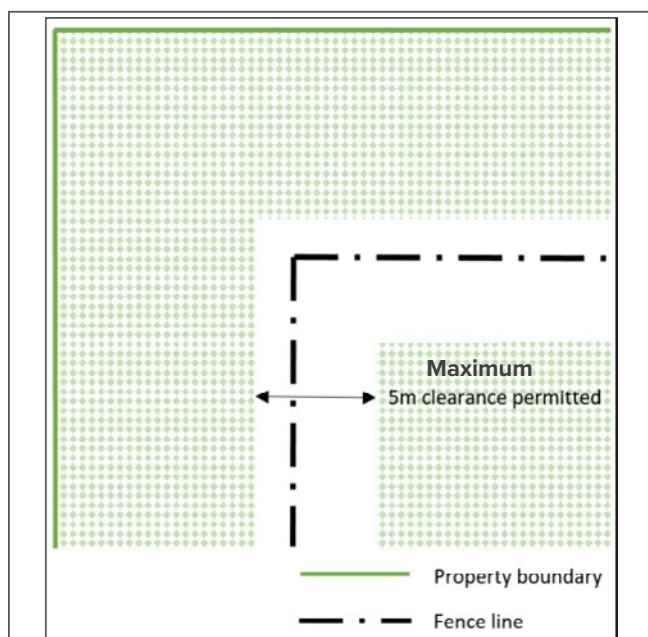


Figure 2: Clearance within a property to the extent necessary to provide access for construction or maintenance

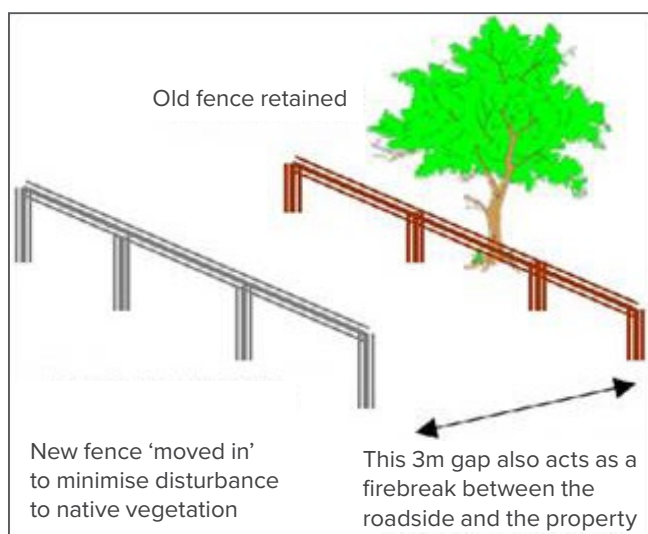


Figure 3: Setback fencing arrangement

## Exclusions

This Regulation does not apply to clearance in the following circumstances:

- vegetation for a fence line fuel break;
- vegetation on a road reserve (clarified above and within [NVC Guidelines for Roadside Vegetation Management](#));
- undertaken in connection with a residential subdivision; or
- established in accordance with a condition of clearance consent.

## Process for clearance

Prior to clearing, undertake the following steps:

**Step 1:** Self-assess that the proposed clearing is within the parameters of Regulation 8, Schedule 1; clause 14 as described under 'What can I clear'.

**Step 2:** Consider the alignment of the fence and if there are practical alternatives to clearing eg. Not clearing or clearing less significant / more degraded vegetation. Where avoidance is not practicable, minimising the impact on native vegetation should be considered. For example, consider locating the fence in an area of least significant native vegetation, or an area which results in the least amount of clearance.

**Step 3:** [Notify the NVC](#) (applies for new fences only), providing details of the applicant, property, rationale, alternatives considered, map, photographs and written landowner permission.

## What happens next?

If the clearance proposal meets the Regulation criteria, a Regulation Notification letter and Plan will be sent to the applicant. This letter will provide further advice and may include conditions.

## Clearing on properties adjoining a road reserve

Please be aware that under the *Local Government Act 1999*, any removal or pruning of roadside vegetation requires consent from the local council. In considering the consent, the local council must comply with these requirements:

- where the roadside vegetation consists largely of trees, only the following should be removed –
  - branches protruding through or overhanging the fence;
  - trees growing on the actual fence alignment;
- where shrubs or bushes are growing through the fenceline, only those plants growing within 1m of the fence alignment can be removed (refer Figure 4).

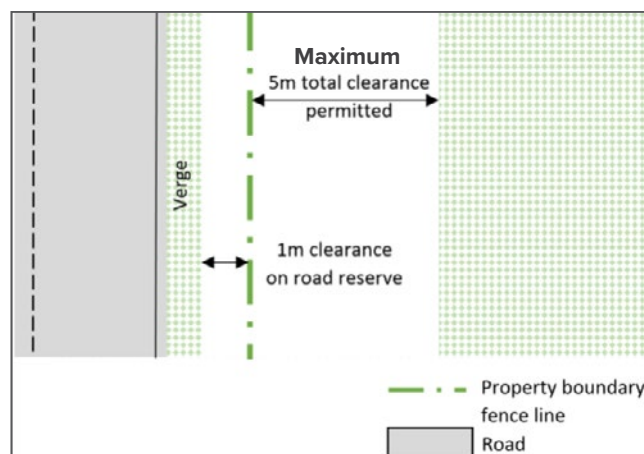


Figure 4: Roadside clearance



## Clearance of large trees

Clearance is only permitted where vegetation inhibits access for construction or maintenance of the fence. Large trees, particularly when they are scattered in otherwise cleared paddocks, do not inhibit access, even when located within 5m of an existing or proposed fence. Therefore, unless the trees occur within the alignment of the fenceline, and that alignment cannot be varied (e.g. property boundaries), then large trees should not be removed under this regulation.

## Fencing near trees on property boundaries

Where trees are located in line with the property boundary, these may be cleared in accordance with Regulation 8, Schedule 1; clause 14. However, Figures 5 and 6 provide alternative solutions to removing the trees which may be worth considering. Where smaller trees are present, effort should be made to avoid structural roots when located posts.

## What if my activity doesn't fit this description?

If your proposed clearance does not meet the requirements of this regulation, or [another regulation](#), you can submit a [clearance application](#) under Section 28 of the *Native Vegetation Act 1991*.

## 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  
T (08) 8303 9777 E [nvc@sa.gov.au](mailto:nvc@sa.gov.au)

[www.environment.sa.gov.au/nativevegetation](http://www.environment.sa.gov.au/nativevegetation)



Figure 5: Fencing near trees



A simple strut arrangement that allows a fence to deviate a short distance around a tree, thus minimising potential damage to the tree.



The same strut arrangement seen from the side. The strut holding the wires are in place, but cannot be seen due to the light at the time the photo was taken.

Figure 6: Fence alignment options around trees