

**KANGAROO ISLAND COUNCIL**

**APPLICATION FOR PERMISSION TO INSTALL A FENCE ADJOINING A ROAD RESERVE**

The *Kangaroo Island Council Roadside Vegetation Management Plan 2007* details conditions for removal of native vegetation on road sides when constructing a boundary fence. The relevant section of the plan is attached for your information.

Does the construction of the fence require the removal of Native Vegetation Yes    No  
If no permission is not required if the new fence follows the surveyed boundary or inside the property.

**Applicant:**

Name: .....

Telephone: ..... Fax: .....

Postal Address:  
.....  
.....

**Property location:**

House No: ..... Lot No: ..... Section No: .....  
Hundred of: ..... Road:.....  
Township: .....

Attach a sketch of your entire property showing the following-  
Location of the new fence

Do you plan to move the fence inside you're your property boundary, please note the information attached? Yes    No

If so how far? 0m 1m 2m 3m >3m

**Signature of Applicant:** ..... **Date:** .....

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Return Form to:  
Kangaroo Island Council  
PO Box 121  
Kingscote SA 5223  
Fax- 8553 0251

Date received: .....  
Recommendation: .....  
.....  
.....

Officer: .....

## KANGAROO ISLAND ROADSIDE VEGETATION MANAGEMENT PLAN 2007

### 5.8 FENCING

Landholders wishing to clear roadside vegetation for the construction and replacement of boundary fencing are required to obtain permission from Council to undertake this activity if clearance is to occur on the roadside of the property boundary. The removal of vegetation for the construction of a boundary fence can have a major impact on the biodiversity values of a road reserve.

One hectare is equal to 1m by 10km or 2m by 5km or 3m by 3.5km, there is therefore a large amount of fencing required to loose one hectare of land. If the fenceline is moved inside the property boundary the property will remain under the ownership of the landholder.

KINRB currently provides a range of financial incentives for moving fence lines upto 30 meters inside the property boundary. Landholders can apply for funding to offset the cost of construction of the fence.

Appendix 6 provides the application form required for permission to clear roadside vegetation along a fence line.

Appendix 9 provides the Native Vegetation Council Fact sheet "Clearance of Native Vegetation along Fencelines"

**Objective:** Ensure biodiversity of roadside vegetation is not decreased by the construction of boundary fencing

**Actions:**

- Permission to clear 1m on the roadside of surveyed boundary fence will be provided
- *Phytophthora* hygiene practices must be undertaken at all times
- Vegetation must be pushed onto the property owners land. Large mounds of soil and vegetation are not to be left in the roadside vegetation
- Ploughing and grading of the roadside vegetation will not be permitted
- Council shall not accept responsibility for any damages or claims resulting from the construction of the fence, and any damage to services from any causes whatsoever.
- Council Officers will ensure permission is sought from Council to clear native vegetation for the construction of a boundary fence. If approval has not been received the matter will be referred to a *Native Vegetation Act* Authorised Officer.

## Clearance of Native Vegetation along Fencelines

### Clearance along fencelines on Private Land (see below for clearance along fencelines in road reserves)

Unless covered by the *Native Vegetation Regulations 2003*, the clearance of native vegetation requires the consent of the Native Vegetation Council (NVC).

Regulation 5(1)(s) provides that landholders may, without requiring consent of the NVC, clear a strip of native vegetation up to five metres in width adjacent to and to provide **access for fence maintenance or construction**. The regulation is limited to the following circumstance:

- a) The purpose of the fence must be for controlling access by people or the movement of animals.
- b) Where the clearance is for a **new** fence within the property boundary, the regulation only applies if there is no practical alternative to siting the fence that would involve less or no clearance.
- c) The regulation also does not provide an automatic right to clear a five metre strip along a fence – whether within a property or on a property boundary. If the existence of native vegetation within five metres of the fence does not impede reasonable access to the fence (for maintenance or construction) the regulation does not apply.
- d) The regulation applies to native vegetation protected under a Heritage Agreement, provided that the proposed fencing works are consistent with the terms of the Heritage Agreement.
- e) This regulation does not extend to native vegetation growing on road reserves. The rules relating to roadside are explained on page 2.

Regulation 5(1)(s) reads:

*Pursuant to section 27(1)(b) of the [Native Vegetation] Act, native vegetation may, subject to any other Act or law to the contrary, be cleared —*

*if the clearance is for the purpose of providing a strip of cleared land of not more than 5 metres in width on either side or both sides of an existing fence or of a fence in the course of construction to provide access for the purpose of maintaining or establishing the fence and—*

- (i) the fence is reasonably required to control access by people or the movement of animals; and*
- (ii) the clearance is required to give reasonable access to the fence and is limited to the extent reasonably required to achieve that access; and*
- (iii) there is no other practicable alternative (including, in the case of a new fence, to the position of the fence) that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared,*

*(and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement but does not apply to vegetation on a road reserve);*

**Subject to the above, a landholder does not require NVC consent to clear native vegetation along fencelines on private land (see ‘consultation and approval requirements’ section below).**

## Clearance on Property Boundaries Involving Road Reserves (Roadsides) (see above for clearance along fencelines in private land)

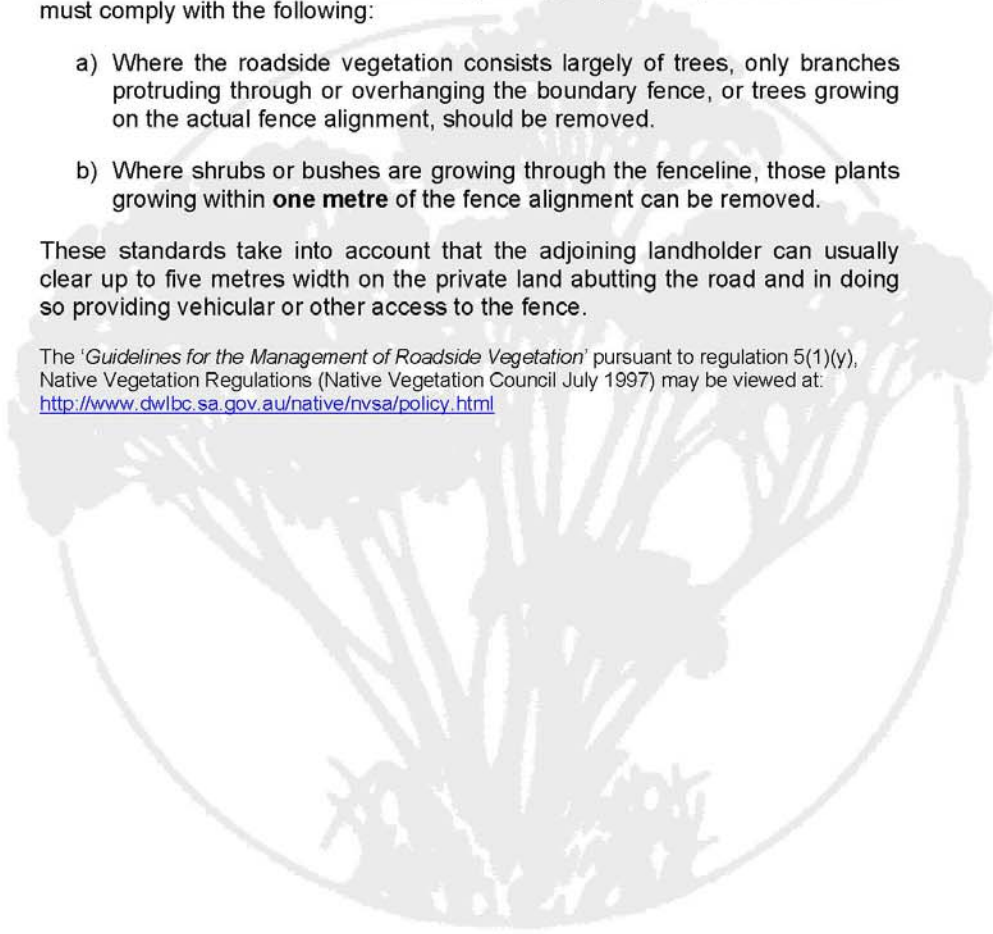
Clearance of native vegetation on roadsides can occur provided it is in accordance with an NVC approved Roadside Vegetation Management Plan prepared by the local council or guidelines prepared and approved by the NVC. The following advice has been prepared consistent with the NVC's roadside guidelines:

A landholder who wishes to clear native vegetation on a road reserve, to enable construction or maintenance of a boundary fence, requires local council consent as the 'owner' of the road reserve. In granting any consent, the local council must comply with the following:

- a) Where the roadside vegetation consists largely of trees, only branches protruding through or overhanging the boundary fence, or trees growing on the actual fence alignment, should be removed.
- b) Where shrubs or bushes are growing through the fenceline, those plants growing within **one metre** of the fence alignment can be removed.

These standards take into account that the adjoining landholder can usually clear up to five metres width on the private land abutting the road and in doing so providing vehicular or other access to the fence.

The 'Guidelines for the Management of Roadside Vegetation' pursuant to regulation 5(1)(y), Native Vegetation Regulations (Native Vegetation Council July 1997) may be viewed at: <http://www.dwlbc.sa.gov.au/native/nvsa/policy.html>



## Consultation and Approval Requirements

The consent of the NVC is required for any native vegetation clearance along fencelines which exceeds the above standards. Landholders who wish to seek approval to clear beyond these standards should consult with the NVC Secretariat (details below). Landholders should also consult with the local council where clearance of roadside vegetation is required.

## Voluntary options to minimise clearance in roadsides

Landholders needing to replace boundary fences are encouraged to consider the option of relocating new fencing a few metres into their properties so as to minimise the potential impacts on roadside vegetation, while at the same time potentially reducing construction costs. Adopting this approach may have the following advantages:

- no need to remove the old fence
- no need to cut back existing stands of native vegetation
- minimising disturbance to roadside vegetation, which is important habitat for many native bird species and other native animals
- some protection for the fence in the advent of a wildfire – if the intervening land is maintained as a fuel-break
- maintenance costs may be reduced (less damage to the new fence from protruding branches etc)

In considering this option, a landholder will need to determine whether the advantages of relocating the fenceline offset the reduction in paddock area. The reduction in paddock area is likely to be quite small, for example, moving one kilometre of fencing in by three metres reduces the 'fenced in' area by 0.3 ha (or  $\frac{3}{4}$  of an acre). In many cases this narrow strip may be subject to competition from the roots of the adjacent vegetation. Retention of the old fence provides an ongoing marker for the property boundary, while the cleared strip between the old and the new fence can be maintained clear of any regrowth to minimise the impacts on the new fence.



### Trees Directly within the Alignment of the Fence

The Regulations allow the removal of trees that are directly within the alignment of a fenceline. However as the photos below show, there are alternatives to removing the trees that may be worth considering. Note: this approach may not be appropriate for smaller trees and an effort should be made to avoid structural roots when placing the post hole for the strut next to the tree.



Photographs showing a simple strut arrangement that allows a fence to deviate for a short distance around a tree. Wires are not attached to the tree minimising potential damage to the tree.



The same strut arrangement seen from the side. The strut holding the wires away from the tree is directly behind the tree. The wires are in place but can't be seen due to the light at the time the photo was taken.

### Contact Details

The Native Vegetation Council Secretariat, Department of Water, Land and Biodiversity Conservation can be contacted as follows:

**Telephone (08) 8124 4753**

**Facsimile (08) 8124 4745**

**Postal Address: GPO Box 2834 ADELAIDE 5001**

**Street Address: 1 Richmond Road, Keswick 5035**



Native Vegetation Council



Government  
of South Australia