

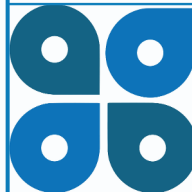


COMMUNITY LEGAL CENTRES SA Inc.

BUSHFIRE COMMUNITY LEGAL PROJECT

Clearance of Native Vegetation ('NV') Under *Native Vegetation Regulations 2017* ('NVR')

CLEARANCE OF NATIVE VEGETATION NOT ON A ROAD RESERVE TO:
 MAINTAIN OR ESTABLISH A FENCE on KANGAROO ISLAND ('KI')

INTRODUCTION	NVR REQUIREMENTS	NEIGHBOUR CONSENT	IMPORTANCE OF THE NV
<p>How to Use This Document</p> <p>This document provides a general overview of how you can legally manually clear NV on KI under the <i>NVR</i> for fences. This document does not apply to NV on Council Land (e.g. road side), other areas of South Australia, or clearance done by burning NV.</p> <p>Page 2 contains a series of questions for you to work through, to see if your proposed clearance of NV is allowed under this portion of the <i>NVR</i>.</p> <p>Additional matters and laws you need to think about are noted on this page. We strongly recommend contacting us for free legal advice on your specific circumstances before you start clearing!</p>	<p>Type of Fence</p> <p>This document only applies to a fence that is built with posts and wires. The fence also has to be:</p> <ul style="list-style-type: none"> • Permanently fixed on land; and • Designed to control access to land by people or the movement of animals. <p>Mitigation Hierarchy ("MH")</p> <p>Regulation 7 of <i>NVR</i> requires all applicants to have regard and give effect to the MH. The MH is in Regulation 5 of the <i>NVR</i>: Avoidance, Minimisation, Rehabilitation/Restoration & Offset.</p>	<p>For Access to the Land</p> <p>If the proposed clearance of NV relates to land which you do not own, you should always obtain the landowner's written consent for the clearance to occur (and for you, or your contractors, to access their land to clear the NV).</p> <p>In most cases it is illegal to proceed with the NV clearance without the landowner's consent to enter their land.</p> <p>If you can't obtain their consent, contact us for advice before clearing any NV on their land!</p>	<p>Threatened/Protected Species</p> <p>Both Commonwealth and State laws are in place to protect extinct, threatened, endangered, vulnerable, and rare plant and animal species. Under this legislation, it is an offence to impact (e.g. remove, damage) these species. Large fines and imprisonment can occur if breached.</p> <p>If you're unsure about the species of NV you want to clear, contact the KI Landscape Board, KI Council, or Native Vegetation Branch.</p> 
<p>What if This Doc Doesn't Apply?</p> <p>If your answer to a question on Page 2 results in "<i>This Document Does Not Apply</i>", it means your proposed clearance of NV cannot be done under this portion of the <i>NVR</i>. Contact us to see what your other options might be.</p>	<p>Notifying NVC</p> <p>An email must be sent to nvc@sa.gov.au before clearing NV. It must include:</p> <ul style="list-style-type: none"> • Landowner Information; • Written consent of Landowner if the Applicant wants to act on their behalf; • Applicant Information; • Property Details; • Reason for Clearance; • Other alternatives considered; • Map of clearance area & photos; • A description of the vegetation. 	<p>Fencing Laws</p> <p>The <i>Fences Act 1975</i> sets out a procedure you should follow if you want to legally erect, replace, or repair a fence to divide land and seek a financial contribution from your neighbour for the fencing work.</p> <p>If the adjoining or abutting land is owned or managed by Council or Government, this Act may not apply. Depending on the type of fence, you may need Development Approval.</p> <p>Contact us for specific advice beforehand!</p>	<p>Significant Trees</p> <p>Development Approval may be required to interfere with these types of trees. As at production of this document, there are no Regulated or Significant trees on Kangaroo Island under the <i>Planning, Development and Infrastructure Act 2016</i>.</p>  <p><i>Produced in Collaboration with the Flinders Legal Centre</i></p>

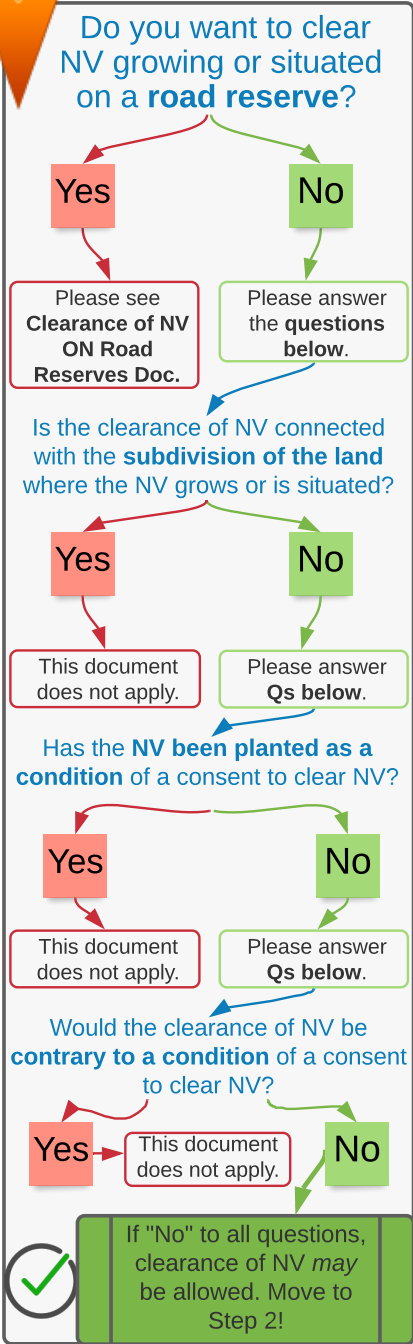


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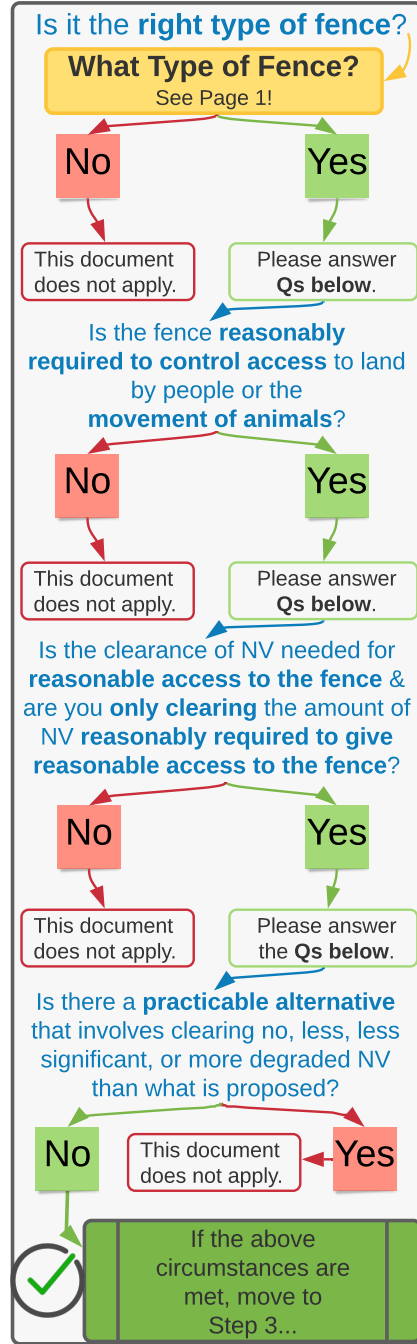
Clearance of NV NOT on a Road Reserve to Maintain or Establish a Fence on KI

This document is for general information purposes only and not legal advice. Please contact us for an appointment for free legal advice

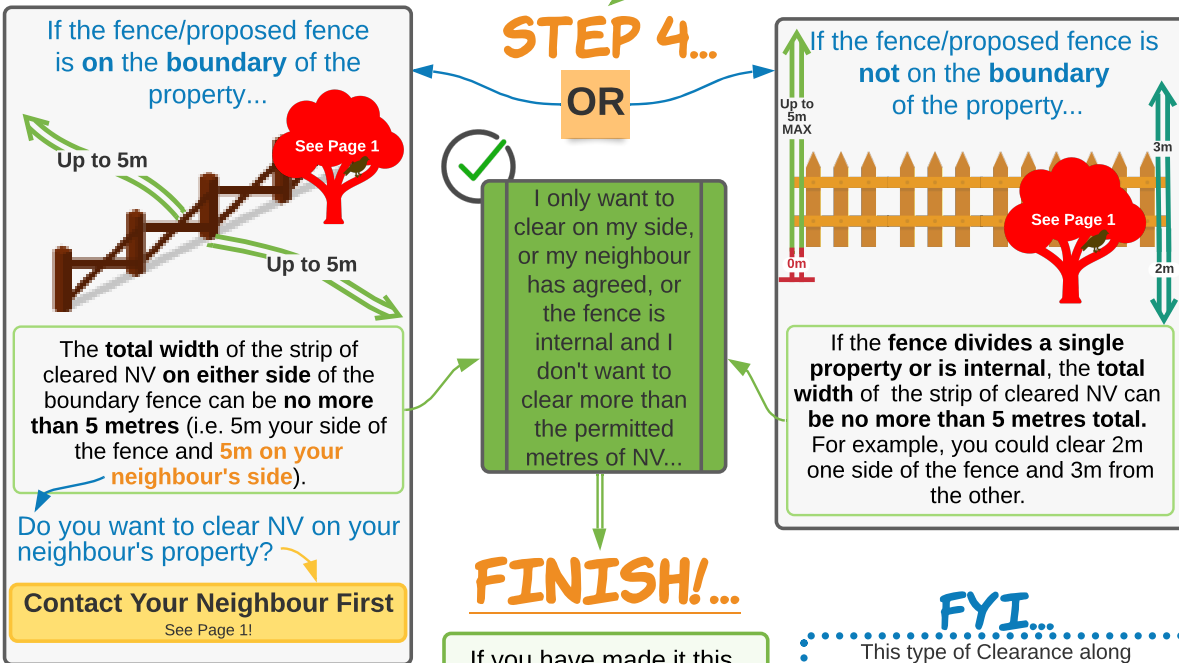
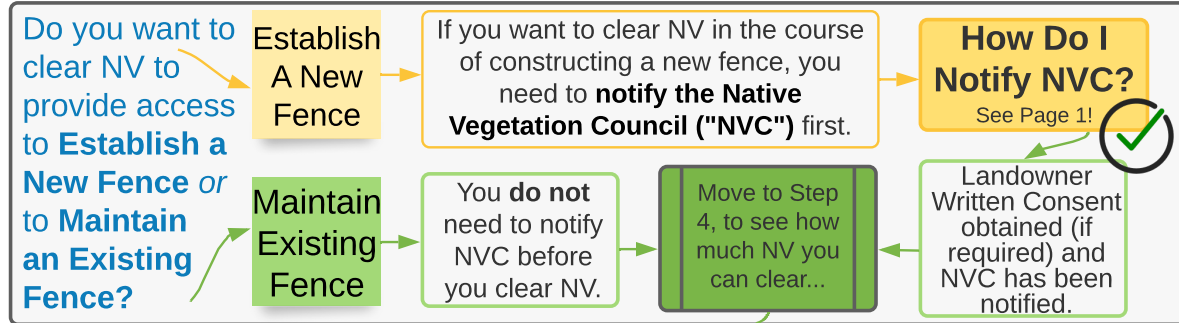
START HERE...



STEP 2...



STEP 3...



FINISH!...

If you have made it this far, you *can* clear a strip of NV to provide access to maintain or establish a fence under the NVR.

If possible, clear less than the permitted amount of NV if that will provide reasonable access to the fence!

FYI...

This type of Clearance along fencelines is also considered a "Firebreak". You *may* be able to apply to the CFS for CFS consent to create a wider firebreak for bushfire safety. **Contact us** for advice.

HOWEVER, you *may* need to consider other laws too. See Page 1 for more info!

