



COMMUNITY LEGAL CENTRES SA Inc.

BUSHFIRE COMMUNITY LEGAL PROJECT

Clearance of Native Vegetation ('NV') Under *Native Vegetation Regulations 2017* ('NVR')
CLEARANCE OF NATIVE VEGETATION ON A ROAD RESERVE FOR:
A FENCE or ACCESS POINT 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 some of the ways NV can legally be manually cleared from road reserves on KI under the <i>NVR</i>. This document does not apply to clearance 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 may 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>To Interfere with the Land</p> <p>Under the <i>Local Government Act 1999</i>, <i>NVR</i> & <i>NVC's Guide</i>, it is an offence to clear any vegetation (or erect structures) on road reserves without the consent of your Local Council.</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>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 NVR. Contact us to see what your other options might be.</p>	<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 at Regulation 5 of <i>NVR</i>: Avoidance, Minimisation, Rehabilitation/Restoration & Offset.</p>	<p>Applying to KI Council</p> <p>Send a written request to KI Council, asking their consent to clear NV on a Road Reserve (in accordance with the activities on Page 2). Include the following info:</p> <ul style="list-style-type: none"> • Applicant name and contact; • Address of proposed clearance; • If NV needs to be removed; • A sketch of the entire property, showing the location of the fence; • If you intend on moving the fence inside your property (i.e. away from the boundary) and how far inside? 	<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>NVC's 'Guideline for Managing Roadside NV'</p> <p>"NVC's Guide" sets out how Local Council's and State Government can clear NV on roadsides and rail crossings. Currently on KI, all clearance of NV on road reserves must be per NVC's Guide.</p> <p>Road Reserve = land set aside for a public road, extending from one property boundary to another on the other side.</p>	<p>kicouncil@kicouncil.sa.gov.au PO Box 121 KINGSCOTE SA 5223</p>	<p>Produced in Collaboration with the Flinders Legal Centre</p>

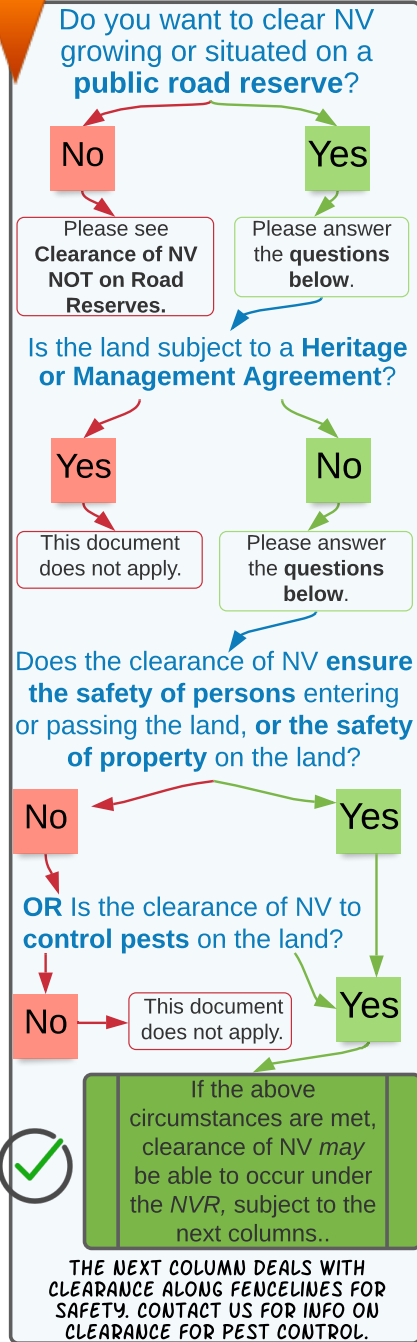


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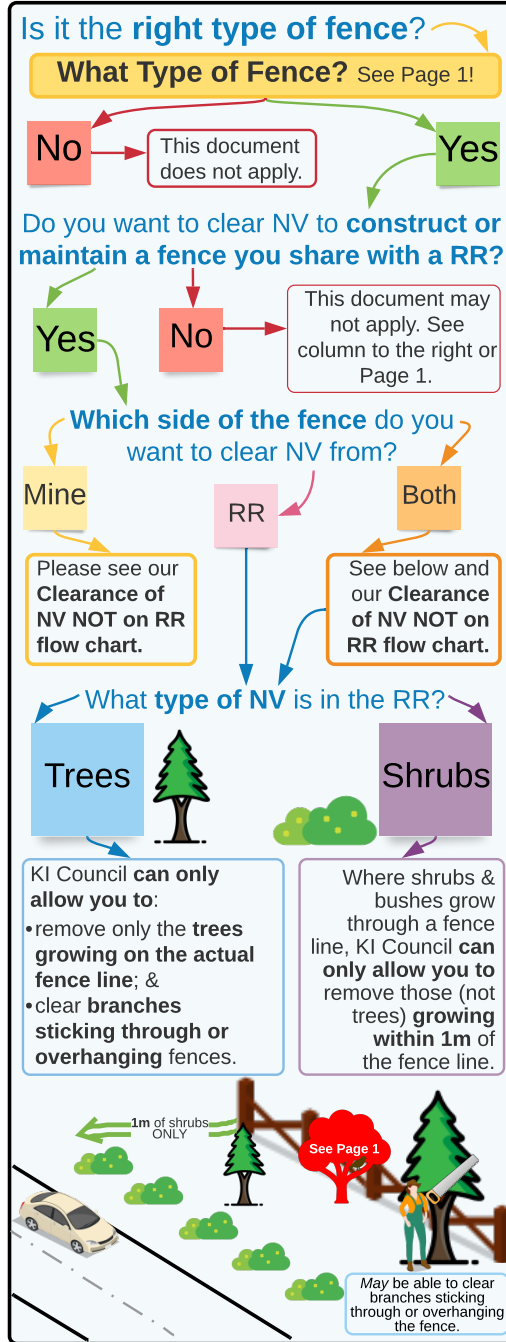
Clearance of NV ON/ALONG a Road Reserve ('RR') for a Fence or Access Point on KI

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

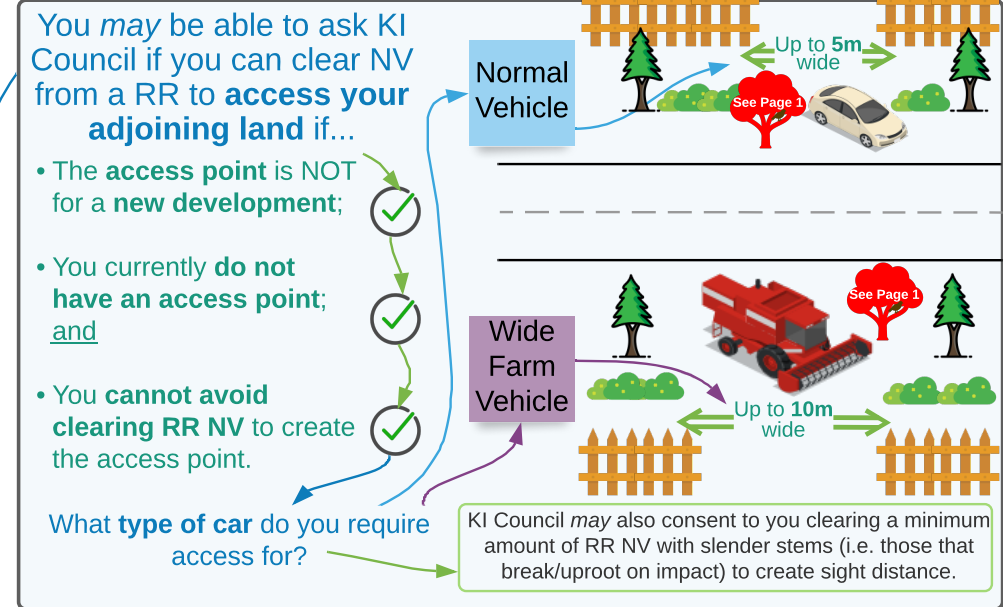
START HERE...



FENCES ON RR...



ACCESS POINT...



KI COUNCIL CONSENT

You can't do these activities without KI Council's consent. See Page 1 to learn how!

Ask KI Council for Consent.

If you want more NV to be cleared from RR than what KI Council can allow, KI Council will need to apply to the NVC for NVC's consent.

They might suggest you bring the boundary fence 3 to 5m into your property, or install a strut for the fence to deviate around a tree. If so, see **Clearance of NV NOT on Road Reserves.**

FYI... This type of Clearance along fencelines may act as a firebreak. If you think a larger firebreak is needed on the RR, contact KI Council. If they agree, they will need to apply to CFS for approval.

Community Legal Centres South Australia

Scan/Photograph QR Code for More Info!

FINISH!

If you have made it this far (and KI Council (or NVC) has consented), then you can clear NV on a RR ONLY in accordance with the terms of the consent received.

There are other circumstances where NV on a RR might be able to be removed. **Contact us** for more info!

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