

Ecological Prescribed Burning under Regulation 11(25)

Native Vegetation Council Guideline under Regulation 11(25) of the *Native Vegetation Regulations 2017* | 1 July 2017

BACKGROUND

The *Native Vegetation Act 1991* prevents the clearance of native vegetation other than through approval by the Native Vegetation Council (NVC) or in accordance with *Native Vegetation Regulations 2017*. The definition of clearance under the Native Vegetation Act includes any activity that might damage or destroy native vegetation; including burning.

Under *Regulation 11(25)*, clearance of native vegetation for the preservation or enhancement of ecological processes **may** occur provided:

- the landowner has prepared a management plan that complies with this guideline;
- the management plan has been approved by the NVC; and
- the clearance is undertaken in accordance with that management plan.



PURPOSE OF THIS GUIDELINE

The purpose of this guideline is to inform landowners and land managers of the process and the information to be considered, when applying for consent to clear native vegetation for an ecological burn in areas protected by the *Native Vegetation Act 1991*.

An 'ecological burn' is the burning of native vegetation for the preservation or enhancement of ecological processes only.

FIRE IN THE LANDSCAPE

Fire is a natural event that has initiated changes and shaped the Australian landscape over time. Fire also initiates important ecological processes within ecosystems that shape relationships between indigenous plants, animals (flora and fauna) and their environment. For example, some plants may only germinate and grow in the years immediately after fire.

Plants and animals are adapted to certain fire regimes. A fire regime is comprised of fire frequency and interval, season, intensity and scale of the fire. An 'inappropriate fire regime' is one that is outside the pattern of fire to which a species or habitat is adapted e.g. the fire frequency might be too high meaning a plant doesn't have time to grow and set seed before the next fire.

A FURTHER GUIDELINE IS AVAILABLE

The Department for Environment & Water (DEW) has Ecological Fire Management Guidelines for **Biodiversity Management** of fire prone vegetation types within the agricultural districts of South Australia. The Guidelines are an important resource for land managers planning to undertake an ecological prescribed burn and covers topics that need to be addressed in your management plan. It is highly recommended they are consulted prior to considering lodging a management plan.

The guidelines are available from the following DEW Web page: <https://www.environment.sa.gov.au/topics/fire-management/fire-science/ecological-strategies-and-guidelines>

THIS GUIDELINE IS NOT FOR BUSHFIRE SAFETY WORKS TO PROTECT LIFE AND PROPERTY

If the aim of the burn or associated clearance is for bushfire protection works, the following regulations are applicable:

- *Regulation 9(2)(19) Fire prevention and control (large trees), or*
- *Regulation 9(2)(20) fuel reduction, or*
- *Regulation 9(2)(21) fuel breaks, or*
- *Regulation 9(2)(22) Fire access tracks*

To read more about these and other regulations and their application refer to *Guide to the Native Vegetation Regulations 2017*, which is available at: www.environment.sa.gov.au/nativevegetation ('Managing Native Vegetation' page).

REGULATION 11(25)

Native Vegetation Regulation 11(25) 'Ecological restoration and management of vegetation' covers situations where management of native vegetation to conserve, manage or restore native species involves clearance activities.

For example, clearance may include the application of fire (ecological prescribed burning) as a tool to:

- manage habitats for threatened or non-threatened plant and animal species or ecological communities
- aid native vegetation regeneration and weed control programs, and or
- create a diversity of vegetation age-classes that may lessen the impacts of extensive bushfires across the landscape.

YOU WILL NEED TO DEVELOP A MANAGEMENT PLAN IN LINE WITH NVC REQUIREMENTS

The following information is a summary of what you need to consider when planning for an ecological burn. No fee is required to lodge the Management Plan with the NVC under this Regulation. However the applicant (at their cost) may need to seek ecological expertise (accredited consultant) to prepare the plan.

What you need to address in your management plan

Early planning and criteria you need to address in your plan:

- Outline the proposed objective(s) of the burn (what are the planned ecological outcomes?).
- Vegetation type and species response to fire, consider landscape-scale integrated management of species and habitats.

- Refer to the *Ecological Fire Management Guidelines for Native Vegetation in South Australia* (DEWNR 2013) for biodiversity management of fire prone vegetation types within the agricultural districts of the South Australia. <https://www.environment.sa.gov.au/topics/fire-management/fire-science/ecological-strategies-and-guidelines>
- How and why the burn will achieve the proposed objective – why is fire the best or required management option?
- Cultural Prescribed Burning - consider scientific or traditional/cultural history references that are relevant to the intended outcome.
- Climatic - proposed season for the burn, seasonal annual rainfall forecasts e.g. prevailing drought.
- Environmental and built assets - possible impacts of the burn on and beyond the property.
- Logistics - location and size of the proposed burn including firebreaks to contain the fire (burn prescriptions expertise essential); and support to carry out the burn (experienced personnel and support equipment to carry out the burn safely is essential).

b. Use Aerial Photography to show property information

Document the following Information and show on an aerial plan/s:

- Ownership and location details.
- Property assets (includes built, agricultural and environmental).
- Land use (is the land currently grazed by stock? or protected under Heritage Agreement or Land Management Agreement?).
- Fire and disturbance history (access fire mapping through nature maps via www.naturemaps.sa.gov.au)
- Location and size of the proposed burn and firebreaks.

c. Baseline Biological Site Information

Information required under this section can be mainly collated from the on-ground site survey and biological database searches as listed below. Include the following in your plan:

- Compile vegetation descriptions, flora and fauna lists (include both indigenous and introduced species) from an on-ground survey and from the Nature Maps database (www.naturemaps.sa.gov.au)
- Include conservation ratings (conservation ratings indicate the level of threat (if any) to animal and plant number and/or distribution). Information about threatened species and conservation ratings is available on the DEW website as listed below
- Seek advice from the DEW Regional Ecologist and Regional Natural Resources Officer on management of native vegetation, conservation status of species and plant communities and pest species
- Map locations of pest plant and animal infestations
- Provide a landscape description of the site and area
- Compile biological information from the DEW website to add to the on ground survey information at:

The DEW 'Science Information Link'

(http://www.environment.sa.gov.au/Science/Information_data/Biological_databases_of_South_Australia/Information_haring) provides access to 'Biological databases of SA', including:

- Threatened species and ecological communities information can be accessed from the following DEW link: http://www.environment.sa.gov.au/managing-natural-resources/Plants_Animals/Threatened_species_ecological_communities

- For information on 'matters of national environmental significance', including 'nationally threatened species and ecological communities' go to: www.environment.gov.au/epbc/index.html

d. Monitoring program

The NVC will not approve the management plan if it does not provide for monitoring the effects of the clearance. For the purpose of this guideline, a monitoring program includes assessing the effects of the burn in relation to the ecological objective(s) outlined in the plan.

The applicant is required to:

- Include a monitoring program overview in the management plan, for annual monitoring of burn sites, including post fire weed and pest control and management and level of regeneration
- Provide an annual report for a minimum of three years on the monitoring outcomes, and
- Provide a post-fire report (within 28 days) to the NVC that details information such as type of fire and actual area burnt.

e. Risk management – ecological

Ecological risks must be considered, assessed and managed. For example the prescribed burn may:

- Be more extensive than planned
- Result in adverse impacts to off-target species (including threatened species and ecological communities)
- Require post fire management of pest plant and animal species
- Increase the spread of soil pathogens such as Phytophthora
- Impact on natural resources (i.e. soil & water) and result in air quality impacts across the landscape.
- Include an Environmental Risk Assessment Table.

f. Risk management – life, built and cultural assets

Fire carries a risk to life and human assets. Careful consideration of what life and assets will or could be impacted (if fire exceeds its proposed coverage) is essential. Fences, for example, may be damaged during a fire. Provide supporting information to demonstrate that these risks have been considered and addressed.

Note: It is not the role of the NVC or DEW to advise on the actual life and property risks, nor how to manage those risks. Careful planning is required to minimise the risk of a fire spreading beyond the planned burn area. Include any relevant South Australian Country Fire Service (SA CFS) notification, input, approvals and/or support.

Submit a burn plan to the SA CFS for noting / approval as determined by the Regional SA CFS Prevention Officer.

g. Check other legislation

Consider whether the activity might trigger the application of other legislation, as NVC approval within this guideline is applicable to the Native Vegetation Act 1991 only.

Other legislation may include:

- *Aboriginal Heritage Act 1988*
- *Development Act 1993*
- *Environment Protection Act 1993*
- *River Murray Act 2003*
- *Fire and Emergency Services Act 2005*
- *Local Government Act 1999*
- *National Parks and Wildlife Act 1972*
- *Natural Resources Management Act 2004*
- *Environmental Protection and Biodiversity Conservation Act 1999* (Cwth)

PROCESSING AND CONDITIONS OF APPROVAL

If approval is given, it should be noted that the approval is for the purpose specified and in the area specified. Clearance, including by burning, in areas outside of the area(s) approved would be an actionable breach of the *Native Vegetation Act 1991*.

In receiving approval under *Regulation 11(25)*, it should be noted that the NVC is approving compliance with the *Native Vegetation Act 1991* **only** and this approval is based on compliance with all other necessary approvals. It is up to the applicant to ensure compliance with any other applicable legislation.

Note: If the preparation of the plan and the carrying out of the works will be undertaken by a person other than the landowner, permission and a signature is required from the landowner(s) at the time of lodging the plan with the NVC.

LODGING A MANAGEMENT PLAN

No fee is required for clearance under *Regulation 11(25)*.

For advice and information contact the Native Vegetation Branch, DEW: phone 8303 9777

The Management Plan, together with supporting information, can be sent to the Native Vegetation Council via:
GPO Box 1047 ADELAIDE SA 5001 or **nvc@sa.gov.au**

USEFUL REFERENCE SITES

DEW website links:

Native Vegetation Council:

www.environment.sa.gov.au/nativevegetation

DEW Fire Management:

<https://www.environment.sa.gov.au/topics/fire-management/bushfire-risk-and-recovery>

- Environmental Impacts of Fire
- Fire and Biodiversity: A natural part of our landscape
- Overall Fuel Hazard Guide for South Australia
- Prescribed Burning: Using fire to manage our parks

[www.environment.sa.gov.au/firemanagement/Fire Management Maps](http://www.environment.sa.gov.au/firemanagement/Fire_Management_Maps)

DEW Plants and Animals:

[www.environment.sa.gov.au/managing-natural-resources/Plants Animals/Threatened species ecological communities/Conservation status of threatened species](http://www.environment.sa.gov.au/managing-natural-resources/Plants_Animals/Threatened_species_ecological_communities/Conservation_status_of_threatened_species)

Website Addresses for Other Agencies

SA Country Fire Service

www.cfs.sa.gov.au

Natural Resources Management

www.nrm.sa.gov.au

Commonwealth Department for Sustainability, Environment, Water, People and Conservation (for EPBC Act)

www.environment.gov.au/epbc/index.html

For more information

Native Vegetation Branch

Department for Environment and Water

T (08) 8303 9777

E email nvc@sa.gov.au

www.environment.sa.gov.au/nativevegetation