

# Native Vegetation Council Guideline

## Ecological Prescribed Burning under *Regulation 5(1)(zi)*

### Native Vegetation Information Sheet No.29

February 2014

#### **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 2003*. The definition of clearance under the Native Vegetation Act includes any activity that might damage or destroy native vegetation; including burning.

Under *regulation 5(1)(zi)*, 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 of Environment, Water and Natural Resources (DEWNR) 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.



*Regeneration after an ecological prescribed burn on Kangaroo Island*



The guidelines are available from the following DEWNR Web page:

[http://www.environment.sa.gov.au/firemanagement/Fire\\_and\\_the\\_Environment/Ecological\\_fire\\_mgt\\_guidelines](http://www.environment.sa.gov.au/firemanagement/Fire_and_the_Environment/Ecological_fire_mgt_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 5(1)(k) Clearance around prescribed building or structure, or*
- *regulation 5A Clearance for fire prevention and control.*

To read more about these and other regulations and their application refer to *A Guide to the Exemptions under the Native Vegetation Regulations 2003*, which is available at: [www.environment.sa.gov.au/nativevegetation](http://www.environment.sa.gov.au/nativevegetation) ('Managing Native Vegetation' page).

### ***REGULATION 5(1)(zi)***

Native Vegetation Regulation 5(1)(zi) 'Clearance for preserving, Enhancing Ecological Processes' covers situations where management of native vegetation to preserve or enhance biological diversity 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 to prepare the plan.

### ***What you need to address in your management plan***

#### ***a. The purpose and planning of the Ecological Prescribed Burn***

A good planning approach includes having goals and supporting actions that are **SMART**:

- **Specific** – target a specific area for improvement.
- **Measurable** – quantify or at least suggest an indicator of progress.
- **Attainable** – set realistic goals for the level of skills.
- **Realistic** – state what results can realistically be achieved, taking into account the entire surrounding landscape and impact on wildlife habitat.
- **Time-bound** — specify when the burn and result(s) can be expected.

#### ***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.  
[http://www.environment.sa.gov.au/firemanagement/Fire\\_and\\_the\\_Environment/Ecological\\_fire\\_mgt\\_guidelines](http://www.environment.sa.gov.au/firemanagement/Fire_and_the_Environment/Ecological_fire_mgt_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](http://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](http://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 DEWNR website as listed below
- Seek advice from the DEWNR 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 DEWNR website to add to the on ground survey information at: [http://www.environment.sa.gov.au/Science/Information\\_data/Biological\\_databases\\_of\\_South\\_Australia/Information\\_sharing](http://www.environment.sa.gov.au/Science/Information_data/Biological_databases_of_South_Australia/Information_sharing)

The DEWNR 'Science Information Link' provides access to 'Biological databases of SA', including:

- Nature Maps for biological information for the area, including vegetation mapping
- Census of SA Plants, algae & fungi (includes conservation ratings)
- Census of SA Vertebrates (includes conservation ratings)
- Threatened species and ecological communities information can be accessed from the following DEWNR link: [http://www.environment.sa.gov.au/managing-natural-resources/Plants\\_Animals/Threatened\\_species\\_ecological\\_communities](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](http://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
- Provide an annual report for a minimum of five years on the monitoring outcomes, and
- Provide a post-fire report (within 7 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 DEWNR 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. This can be in the form of relevant Bushfire Management Plans; notification and consultation with neighbours; notification, input and approvals from local council; notification to insurers; and notification to persons/custodians of cultural assets.

**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:

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

#### ***h. Consultation with Regional Natural Resource Management (NRM)***

Liaise with the Regional NRM for relevant biodiversity and landscape context information. Note that the burn itself may require formal approval from the NRM Board as an activity.

**Provide a copy of consultation comments from the relevant Regional NRM when lodging your plan.**

#### ***i. Protected areas***

If the proposed burn is located within a protected area under State legislation (including Heritage Agreements protected under the *Native Vegetation Act 1991*) provide details, together with the provision of any management plan for that protected area. Also identify any protected areas within 10 kilometres of the proposed burn site, this mapping information can be accessed via Nature Maps at [www.naturemaps.sa.gov.au](http://www.naturemaps.sa.gov.au).

### **PROCESSING AND CONDITIONS OF APPROVAL**

Ecological burns are complex and a myriad of information is required to assess a management plan and accompanying information. Applicants should consider this when planning a burn.

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 5(1)(zi)*, 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.

**Any loss or damage that occurs as a result of the burn or associated pre or post fire activities is at the risk and liability of the landowner.**

While the NVC urges the appropriate consideration, logistical support and management for any burn, it is the responsibility of landowners to ensure that they take appropriate measures in conducting a burn including, but not confined to, following SA CFS advice and obtaining all relevant consents.

### **USEFUL REFERENCE SITES**

#### ***DEWNR website links:***

##### **Native Vegetation Council**

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

##### **DEWNR Fire Management**

[www.environment.sa.gov.au/firemanagement/Fire and the Environment](http://www.environment.sa.gov.au/firemanagement/Fire_and_the_Environment)

- 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)

##### **DEWNR 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](http://www.cfs.sa.gov.au)

[www.cfs.sa.gov.au/site/fire\\_restrictions/permit\\_information.jsp](http://www.cfs.sa.gov.au/site/fire_restrictions/permit_information.jsp)

**Local Government Association**

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

**Natural Resources Management**

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

**Department of Premier and Cabinet (Aboriginal Heritage)**

<http://dpc.sa.gov.au/aboriginal-affairs-and-reconciliation-division>

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

[www.environment.gov.au/epbc/index.html](http://www.environment.gov.au/epbc/index.html)

### **LODGING A MANAGEMENT PLAN**

No fee is required for clearance under *regulation 5 (1)(zi)*.

For advice and information contact the Native Vegetation Management Unit, DEWNR: phone 8303 9777

**The proposed Management Plan, together with supporting information, should be**

**posted to:** Native Vegetation Council, GPO Box 1047, ADELAIDE SA 5001

**or emailed to:** [nvc@sa.gov.au](mailto:nvc@sa.gov.au)

**or faxed to:** (08) 8303 9780

### **FURTHER INFORMATION**

Guidelines issued in relation to the clearance or management of native vegetation are legally enforceable. The guidelines set out methodologies for dealing with native vegetation in certain circumstances. Adhering to all guidelines will ensure that there is no breach of the *Native Vegetation Act 1991*.

*For specific information or advice contact the Native Vegetation Management Unit, Department Environment, Water and Natural Resources on (08) 8303 9777.*

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



Native Vegetation Council



Government  
of South Australia