
ANNUAL REPORT

OF THE

NATIVE VEGETATION COUNCIL

2001/2002

Native Vegetation Council Annual Report 2001-2002

September 2002

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Biodiversity Assessment Services and Native Vegetation Council Secretariat,
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Copies of this report can be obtained from:
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Native Vegetation Council



Government
of South Australia

**To: The Honourable John Hill MP. and
Minister for Environment and Conservation.**

In accordance with the requirements of the Native Vegetation Act, 1991, I have pleasure in forwarding the Annual Report of the Native Vegetation Council on the administration of the Act for the year 2001-2002.

Highlights from the year include the allocation of \$934,000 from the Native Vegetation Fund to various projects working towards the protection, maintenance and enhancement of native vegetation in South Australia.

Council increased funding of its annual program of supporting native vegetation research, with a commitment of \$330,000 from the Native Vegetation Fund in 2001/02. A wide range of projects were supported, including research in to the devastating root fungus *Phytophthora cinnamomi*, and Mundulla Yellows disease.

\$500,000 was provided from the fund for the continuing program to fence Heritage Agreements. This year a total of 35 applications covering 1815 hectares of native vegetation were approved by the Native Vegetation Council for protection under Heritage Agreement.

Council maintained its program to support Heritage Agreement landholders in the management of their Heritage vegetation. An amount of \$84,000 was made available from the Native Vegetation fund for this purpose.

Since the inception of the fund in 1992, approximately \$8 million has been allocated to facilitate these and other initiatives of the Native Vegetation Council.

Council continued its series of visits to rural areas this year with a trip to the Barossa region. The visit involved a tour of areas identified through a project developed by the Barossa Catchment Group as potential sites for linking existing blocks of native vegetation. The project was undertaken with a view to improving biodiversity conservation on a landscape level in this heavily cleared area.

The following report provides a comprehensive overview of the activities of the Council for 2001/2002.

PETER DUNN
Presiding Member
Native Vegetation Council

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THE NATIVE VEGETATION ACT 1991

The Act

The *Native Vegetation Act, 1991* (the Act) was proclaimed on 18 April 1991. The Act replaced the *Native Vegetation Management Act, 1985*, and controls the clearance of native vegetation as well as having a number of initiatives to assist the conservation, management and research of native vegetation on lands outside the National Parks and Wildlife Service parks and reserves system. The major features of the Act are:

- the appointment of a seven-member Native Vegetation Council (the Council) which is responsible for decisions on clearance applications and for providing advice to the Minister responsible for the administration of the act on matters pertaining to the condition of native vegetation in the State,
- the provision of incentives and assistance to landholders in relation to the preservation, enhancement and management of native vegetation,
- the encouragement of research into the management of native vegetation,
- the encouragement of the re-establishment of native vegetation.

Major Provisions of the Act

The Act provides for the establishment of Heritage Agreements over areas of native vegetation, and the Council may recommend to the Minister that Heritage Agreements be entered into with landholders.

A Heritage Agreement is signed by the Minister and a landholder over a specified area of land. In general Heritage Agreements include the following provisions:

- (a) the owner maintains the land as an area dedicated to the conservation of native vegetation and native fauna on the land; and
- (b) the Minister releases the owner from payment of rates and taxes on that land and may construct fences to bound that land.

The landholder retains legal ownership of the land under a Heritage Agreement. A Heritage Agreement is registered on the title of the land and passes on to and is binding on any subsequent owners for the term of the agreement. Agreements are generally written in perpetuity.

The Act established the Native Vegetation Fund (the Fund), monies from which are available for management of Heritage Agreement areas, research into the preservation, enhancement and management of native vegetation and for encouraging the re-establishment of native vegetation on cleared land. Applications for financial assistance from holders of Heritage Agreements must be based on guidelines adopted by the Council. The Council may provide assistance subject to conditions, and usually requires a contribution, financial or 'in kind' from landholders to match the assistance provided.

An important part of the Act is the set of provisions relating to clearance applications lodged by landholders. In deciding whether to consent to an application to clear native vegetation, the Council must refer to a set of principles which are contained in Schedule 1 of the Act. In general the Council must not make a decision which is seriously at variance with these principles. The principles relate to the biological significance of the vegetation and whether clearance may cause or contribute to soil or water degradation. In its deliberations on clearance applications the Council also considers the practical aspects of farm management, and it may consent to clearance under specified conditions.

The Act provides for civil and summary enforcement proceedings for any infringement of the Act. Any penalties awarded by the court are paid into the Fund.

On 28 November 2001, the *Native Vegetation (Miscellaneous) Amendment Bill 2001* was passed by the House of Assembly. The State Election was called before the Bill could complete the parliamentary process and, in accordance with the Constitution, the Bill lapsed. The latest Bill largely follows the 2001 Bill, but includes changes that are consistent with this Government's policy to further improve protection for the State's native vegetation.

The Bill has now been developed over a period of more than three years and has involved detailed reviews of the Act and Regulations; a public

consultation period; and follow-up consultation with key interest groups (South Australian Farmers Federation, Conservation Council of SA, and the Local Government Association), the Council, and Members of Parliament.

The Bill if passed will formally end broadacre clearance in the State; provide that any clearance approval is conditional on a net environmental gain; significantly encourage revegetation; ensure that people proposing to clear land, finance the collection of data on which the Council needs to determine an application; provide a greater deterrent for unauthorised clearance; and improve the enforcement capability.

A revised Bill is being developed by the State Government for introduction to Parliament later this calendar year.

THE NATIVE VEGETATION COUNCIL

Membership

The Council consists of seven members knowledgeable about farming, ecology, soil conservation, local government and vegetation management matters.

The term of appointment for all Council members is for two years and will expire on 14 March 2003.

Each Council Member may have a deputy to act in his/her absence.

Presiding Member

Mr Henry Peter Kestel Dunn, *Nominee of the Minister for Environment and Heritage.*

No Deputy appointed

Members

Ms Mourilyan Frances Nicholls, *Nominee of the South Australian Farmers Federation.*

Ms Ali Ben Kahn, *Nominee of the Conservation Council of S.A.*

Mr Ivan Murray l'Anson,
Nominee of the Soil Conservation Council of S.A.

Mr Harry Alan Abrahams, *Nominee of the Commonwealth Minister for the Environment.*

Mr Graham Neil Smith, *Nominee of the Local Government Association Inc.*

Mr Allen Stott, *Nominee of the Minister for Environment and Heritage.*

Deputy Members

Mr Mark Dennis (Deputy to Nicholls).

Dr Andrew Barham Black, M.B., B.S., B.Med.Sc., F.R.A.C.P (Deputy to Kahn).

Ms Prudence Margaret Henschke (Deputy to l'Anson)

Mr Frank Bergersen (Deputy to Abrahams).

Mr William James Murray (Deputy to Smith.).

No deputy was appointed to either the Presiding Member or Nominee of the Minister for Environment and Heritage.

Secretary: Mr Bram Bishton (Until October 2001), and Mr Thomas Mowbray (Acting, Since November 2001)

Functions

The Council's principal functions are:

- to keep the condition of the native vegetation of the State under review;
- to advise the Minister about matters pertaining to the preservation and management of existing native vegetation, and the re-establishment of native vegetation;
- to determine applications for consent to clear native vegetation, and to determine the conditions under which consent may be granted;
- to encourage research into, and management of native vegetation;
- to administer the Fund.

Staffing

The Council is served by a Secretary, and as required, by officers of the Department for Environment and Heritage (DEH).

The numbers and expertise of departmental staff and contractors working on native vegetation issues are of critical importance to the Council, as it relies almost solely on the Department for administration and technical and scientific advice. The Council has appreciated the high level of service provided by Departmental staff, and believes that the present numbers of staff, with their wide range of skills, are necessary to allow the clearance/Heritage Agreement assessment program to continue.

Additional Matters

Equal Opportunity Programs

Reporting on this matter is contained in the DEH Annual Report 2001 – 2002.

Fraud

It is declared that there were no instances of fraud detected in the activities undertaken by the Council.

Occupational Health Welfare and Safety

Reporting on this matter is contained in the DEH Annual Report 2001 – 2002.

Consultants

Reporting on this matter is contained in the DEH Annual Report 2001 – 2002.

Other Matters

Overseas Travel

It is declared that no member of the Council has travelled overseas on the business of the Council during the reporting period.

Contractual Arrangements

The Council did not enter any contractual arrangements exceeding \$4 Million in value during the reporting period.

Account Payment Performance

DEH provides the administrative resources for processing account payments for the Council. Reporting on this matter is contained in the DEH Annual Report 2001 – 2002.

Disability Action Plans

Reporting on this matter is contained in the DEH Annual Report 2001 – 2002.

Energy Efficiency Action Plan Reports

Reporting on this matter is contained in the DEH Annual Report 2001 – 2002.

Freedom of Information

Reporting on this matter is contained in the DEH Annual Report 2001 – 2002.

ACTIVITIES OF THE COUNCIL

Meetings of the Council were convened ten times during the year (including two telephone conferences in response to urgent matters). Details of business undertaken by the Council are as follows:

Clearance Applications

96 clearance applications were determined (see summary below).

2 (12) applications for clearance were withdrawn by landholders or considered exempt upon assessment by the Biodiversity Assessment Services Section.

Landholder Representations

48 (72) persons/groups representing landholders, companies and various organisations made personal submissions to Council at its meetings in regard to clearance applications, management plans and general native vegetation issues.

Application for Funding

19 (11) funding applications for assistance to projects from the Fund were considered following a public call for applications for research projects.

15 projects previously supported by Council were finalised, and the final reports catalogued in the Native Vegetation Council Library.

\$934,000 was allocated to projects in 2001/02 (including \$500,000 for fencing of Heritage Agreement areas which was increased by a further \$550,000 from the Commonwealth Government under the Natural Heritage Trust). \$84,000 was allocated for the Heritage Agreement Grant Scheme which was increased by a further \$95,000 from the Commonwealth Government under the Natural Heritage Trust program).

Approximately \$8m has been allocated since the Fund commenced in 1992.

Heritage Agreements

35 (25) Heritage Agreement applications (voluntary) were determined (see summary below).

Management Plans

9 management plans for the ongoing and effective management of native vegetation were endorsed (including 1 Roadside Vegetation Management Plan).

General Business

109 (165) matters on a wide range of native vegetation issues under "General Business" were considered and appropriate action taken.

Conciliator Reports

7 (6) Conciliator reports were determined as requested by landholders dissatisfied with previous Council decisions on their respective clearance applications.

Having received reports from the Conciliator in accordance with the Act, the Council resolved to reaffirm its original decision on each occasion. These decisions were a result of the applications being for either intact blocks of native vegetation or scattered trees considered to have high habitat values.

Extensions of Time

2 (8) applications for an extension of time to complete or vary conditions imposed with

previous consent decisions of Council were determined.

1 (4) application for extension of time to complete clearances granted previously by the Council was determined.

Summary of Heritage Agreement Applications

35 (25) applications over 1815 hectares were recommended to the Minister to approve entering into a Heritage Agreement. (These do not include those agreements where the landholders were required to enter as a condition of consent for clearance).

Of this figure 9 application over 970 hectares were approved by DEH under delegation from the Council.

Clearance Issues – Comment

Since the enactment of the *Native Vegetation Management Act 1985*, and the *Native Vegetation Act, 1991*, South Australia has been recognised as a leader in limiting the clearance of native vegetation. This has had important consequences for the protection of biodiversity, for control over land degradation, including salinisation, and for contributing to Australia's obligations to limit greenhouse gas emissions.

With the exception of minor clearance allowed under the Act, the legal clearance of intact native vegetation with significant biodiversity cannot occur, it being considered to be at variance with the legislation. **It must be stressed that the clearance of "scrubland" means the clearance of very degraded areas containing only a limited number and diversity of plant species.**

Summary of Clearance Applications

(Note: for the following statistics, where areas are to be set aside for replanting or natural regeneration, the erection of fencing and exclusion of stock are included as standard conditions of consent.)

Overall Totals

1. For applications that have a high expectation for recovery and/or in time may maintain the status quo (brushcutting,

burning to promote native vegetation regeneration and research):

9 (4) applications were determined over 41 hectares.

Consent was granted to clearance over 2435 (41) hectares of scrubland subject to conditions as related in this report.

2. For applications which have no expectation for recovery:

87 (90) applications for development/management purposes were determined over 559 (983) hectares of scrubland and for 1992 (3066) trees over a canopy area of 104 (100) hectares.

Consent was granted to removal / modification of 109 (278) hectares of scrubland and for 933 (2396) trees over a canopy area of 48 (77) hectares.

Conditions to be met by landholders on these consents include:

- 82 (108) hectares of remnant vegetation to be placed under Heritage Agreement.
- 1042 (355) hectares of land to be permanently set aside for natural regeneration to complement naturally occurring vegetation.
- 5700 (17225) trees/shrubs to be planted to enhance existing vegetation.

The Council refused removal of 443 (705) hectares of scrubland and for 1059 (670) trees over a canopy area of 56 (23) hectares.

(**Note:** Clearance in accordance with these decisions would enable development of a total area of 4021 (4661) hectares.)

Details of Clearance Applications

(see also Appendix 1 for summary statistics)

4 (3) applications for brushcutting purposes were determined over 50 (40) hectares.

Consent was granted over 32 (40) hectares subject to general brushcutting conditions approved by the Council to ensure natural regeneration of plants cut.

2 (1) applications for research purposes were determined for 10 trees.

Consent was granted to clearance of 10 trees subject to general conditions and reports on the research findings being provided to the Council.

4 (2) applications for broadacre clearance were determined over 331 (37) hectares of scrubland and for 44 (234) trees over a canopy area of 8 hectares.

Consent was granted to removal of 64 (4) hectares of scrubland and for 23 (199) trees over a canopy area of 4 hectares.

Conditions to be met by landholders on these consents include:

- 715 (60) hectares of land to be permanently set aside for natural regeneration or revegetation to complement naturally occurring vegetation.

The Council refused removal of 267 (33) hectares of scrubland and for 21 (35) trees over a canopy area of 4 hectares.

(**Note:** Clearance in accordance with these decisions would enable development of a total area of 957 (350) hectares.)

2 (7) applications for commercial tree plantations were determined for 1211 (1337) trees over a canopy area of 60 (42) hectares.

Consent was granted to removal of 526 (1054) scattered trees over a canopy area of 26 (28) hectares.

Conditions to be met by landholders on these consents include:

- 110 (27) hectares of land to be permanently set aside and managed for the protection and enhancement of native vegetation.

The Council refused removal of 685 (283) trees over a canopy area of 34 (14) hectares.

(Note: Clearance in accordance with these decisions would enable development of a total area of 1585 (1431) hectares.)

14 (10) applications for roadside vegetation clearance were determined over 8 (4) hectares of scrubland and for 228 (48) trees over a canopy area of 11 (1) hectares.

Consent was granted to removal of 7 (4) hectares of scrubland and for 177 (48) trees over a canopy area of 8 (1) hectares.

Conditions to be met by landholders on these consents include:

- 72 (11) hectares of land to be permanently set aside for natural regeneration or revegetation to complement naturally occurring vegetation.
- 4210 (2555) trees / shrubs to be planted to enhance existing vegetation.

The Council refused removal of 1 hectare of scrubland and 51 trees over a canopy area of 3 hectares.

(Note: Clearance in accordance with these decisions would enable development of a total area of 22 hectares.)

5 (5) applications for on-farm management were determined over 158 (77) hectares of scrubland.

Consent was granted to removal of 16 (76) hectares of degraded scrubland.

Conditions to be met by landholders on these consents include:

- 40 (55) hectares of land to be permanently set aside for natural regeneration to complement naturally occurring vegetation.

The Council refused removal of 142 (1) hectares of scrubland.

(Note: Clearance in accordance with these decisions would enable development of a total area of 121 (140) hectares.)

6 (4) applications for fruit/nut/olive orchard purposes were determined over 8 (5) hectares of scrubland and for 4 (16) trees.

Consent was granted to removal of 3 (4) hectares of degraded scrubland.

Conditions to be met by landholders on these consents include:

- 11 (4) hectares of land to be permanently set aside for natural regeneration to complement naturally occurring vegetation.

The Council refused removal of 5 (1) hectares of scrubland and for 4 (16) trees.

(Note: Clearance in accordance with these decisions would enable development of a total area of 68 (5) hectares.)

5 (10) applications for irrigation purposes were determined for 159 (161) trees over a canopy area of 8 (8) hectares.

Consent was granted to removal of 60 (149) trees over a canopy area of 3 (7) hectares.

Conditions to be met by landholders on these consents include:

- 68 (0) hectares of remnant vegetation to be placed under Heritage Agreement.
- 11 (56) hectares of land to be permanently set aside for natural regeneration to complement naturally occurring vegetation.

- 250 (1980) trees/shrubs to be planted to enhance existing vegetation.

regeneration to complement naturally occurring vegetation.

The Council refused removal of 99 (33) trees over a canopy area of 5 (1) hectares.

(**Note:** Clearance in accordance with these decisions would enable development of a total area of 307 (1949) hectares.)

- 24 (20) applications for miscellaneous developments were determined over 17 (33) hectares of scrubland and for 79 (75) trees over a canopy area of 4 (1) hectares.

Miscellaneous developments include applications for clearance of scattered trees, clearance associated with dam construction, clearance for weed control, branch lopping and others.

Consent was granted to removal of 12 (33) hectares of scrubland and for 60 (75) trees over a canopy area of 3 (1) hectares.

Conditions to be met by landholders on these consents include:

- 30 (20) hectares of land to be permanently set aside for natural regeneration to complement naturally occurring vegetation.
- 90 (100) trees/shrubs to be planted to enhance existing vegetation.

(**Note:** Clearance in accordance with these decisions would enable development of a total area of 23 (38) hectares.)

- 4 (6) applications for fire protection/fuel reduction purposes to meet Country Fires Act 1989 requirements were determined over 2 (137) hectares of scrubland.

Consent was granted for clearance and/or modification by slashing or burning of 2 (137) hectares of scrubland.

Conditions to be met by landholders on these consents include:

- 3 (95) hectares of land to be permanently set aside for natural

- 23 (26) applications for vineyard development purposes were determined over 35 (355) hectares of scrubland and for 257 (1195) trees over a canopy area of 13 (39) hectares.

Consent was granted to removal of 12 (1) hectares of degraded scrubland and for 77 (871) trees over a canopy area of 4 (34) hectares.

Conditions to be met by landholders on these consents include:

- 3 (8) hectares of remnant vegetation to be placed under Heritage Agreement.
- 61 (33) hectares of land to be permanently set aside for natural regeneration to complement naturally occurring vegetation.
- 1150 (6055) trees/shrubs to be planted to enhance existing vegetation.

The Council refused removal of 23 (354) hectares of scrubland and for 180 (324) trees over a canopy area of 5 hectares.

(**Note:** Clearance in accordance with these decisions would enable development of a total area of 696 (737) hectares.)

- 3 applications for burning to promote native vegetation regeneration were determined over 2403 hectares.

Consent was granted for controlled burning of 2403 hectares of native vegetation.

Conditions to be met by landholders on these consents include a comprehensive monitoring and reporting program for the area burned.

(**Note:** areas burned under this consent are subject to conditions to ensure they fully regenerate with time.)

Policy Matters

During 2001/02 the Council continued to give attention to policies and procedures for native vegetation clearance applications.

Further refinements were made to conditions attached to consents granted to clear native vegetation. Of note was the inclusion of a condition allowing the Council to require the implementation of a structured revegetation program in the event of limited natural regeneration occurring within set-aside areas within 2 years of area being fenced. This condition was included with a view to improving the biodiversity values of land set-aside.

In response to increased incidences of mature eucalypt deaths resulting from mistletoe infestation in the Clare Valley, the Council approved a delegation to the Mistletoe Action Group – MAG (Clare) to approve a limited amount of mistletoe removal. The delegation required the MAG to set up photo-points to monitor the reaction of the trees pruned, and provide a report to the Native Vegetation Council Audit Sub-Committee for review.

Council's Review and Audit Sub-Committee continued to meet through the year to review decisions made by the Department for Environment and Heritage under delegated authority from Council. The Sub-Committee's work has been important in ensuring that decisions made are consistent and in line with Council policies.

Research

The Council increased funding of its annual program of supporting native vegetation research, with a commitment of \$330,000 from the Fund in 2001/02.

Several projects were funded, including a continued focus on the potentially devastating Mundulla Yellows disease. A total of \$71,000 was committed for mapping, monitoring, and research into molecular diagnostic techniques for the detection of the disease.

Over \$43,000 was contributed towards improving management of the devastating plant pathogen *Phytophthora cinnamomi*. Other funding was contributed from the Natural Heritage Trust, NPWSA, Adelaide Hills and Alexandrina Councils

and the CFS. In total over \$230,000 was committed to facilitate a training and awareness program, produce up to date mapping, undertake workshops and seminars, and undertake on-ground works including signage and washdown stations.

Funding of \$45,935 was contributed towards the development and implementation of a biological control strategy for the state's most invasive weed, Bridal Creeper.

\$40,000 was provided for the continued development of Pre-European vegetation mapping for the agricultural areas of SA.

\$11,000 was committed for a project to map weeds in the Mt Lofty Ranges. The project used satellite imagery and GIS techniques to improve the understanding of threats to native vegetation from weed species, and aid in the development of improved management techniques for their control.

Roadside Vegetation Management Plans

Council approved the Roadside Vegetation Management Plan for the Northern Areas Council and also provided funding of approximately \$40,000 to support the surveying and marking of significant areas of roadside vegetation in the Light Regional Council and on Eyre Peninsula.

The Council endorsed a proposal to develop 'Guidelines for the development of roadside vegetation management plans'. The project, expected to be completed by October 2002, was funded by Transport SA and developed in conjunction with the Local Government Association and the Mount Lofty Ranges Catchment Program. Once completed the document will act as a comprehensive guide to Local Councils in developing their individual Roadside vegetation Management Plans.

Extension Activities

Council maintained its program to support Heritage Agreement landholders in the management of their Heritage vegetation. An amount of \$84,000 was made available from the Fund for this purpose, supplemented by a further \$95,000 provided through the Natural Heritage Trust. Landowner contributions in the form of "in kind" works increase this figure further and form an essential component of the on-ground works.

This program has been critical in helping effective management of heritage areas.

The Council continued its series of visits to rural areas with a visit to the Barossa region. At a meeting held at the Lyndoch Library, the Council heard from speakers representing the Northern Adelaide and Barossa Catchment Water Management Board, and the Barossa Catchment Group. Discussion focused on a native vegetation management strategy for the area, and a project funded by the Council and undertaken by the Catchment Group to identify linkage options for native vegetation in the Barossa. The visit involved a tour of areas identified by the project as potential sites for linkage with a view to improving biodiversity conservation on a landscape level.

Compliance with the Native Vegetation Act

Investigators with the Investigations and Compliance Unit of National Parks and Wildlife South Australia are responsible for undertaking investigations into suspected breaches of the Act.

During 2001/2002, one hundred and fifty two (152) reports of alleged illegal native vegetation clearances were received and investigated by the unit. Table 1 shows the location of these clearances.

Table 1 – Information reports received by region

Region	Reports
Outback and The ranges	13
West	13
Murraylands	10
South-East	23
Adelaide, Yorke Mid North, Kangaroo Island regions	93
Total	152

Compared to the previous year, the number of information reports received during the year was higher (see table 2).

A number of these reports related to broad acre clearances, varying in size from 500 to 1,000 hectares. These broad acre clearances were reported to have occurred in the Murraylands region and the South East region.

Table 2 - Information reports received by region - Comparison between 1998 and 2002

Region	98/99	99/00	00/01	01/02
Outback and The ranges	2	2	8	13
West	6	10	3	13
Murraylands	35	19	16	10
South-East	9	32	17	23
Adelaide, Yorke Mid North, Kangaroo Island regions	69	78	76	93
Total	121	141	120	152

During the year the Investigations and Compliance unit conducted Operation “Crusoe”. The Operation involved the use of satellite imagery to detect variations in vegetation cover on Kangaroo Island, and consequently detect illegal clearances of native vegetation. The Investigation and Compliance unit used Kangaroo Island as a model for evaluating the new technology.

The Environmental and Geographic Information Division (EGI) at Netley developed a computer program to compare images taken between February 1996 and March 2001. The satellite imagery provides a resolution capable of detecting variations in vegetation cover over small areas (size of a house block). The comparison highlighted variations in vegetation cover using a number of filters.

Approximately twenty-one significant anomalies were detected and subsequently investigated. Four of the anomalies were as a result of recent fires on KI. The remaining anomalies are currently being checked with at least two alleged illegal clearances being identified to date. A further refinement of the “filter” program resulted in 144 anomalies being detected and some of these have been investigated.

A media campaign was used during the exercise, with articles appearing in the Advertiser and the local newspaper, and reports on radio. The investigations have resulted in 8 reports being submitted for prosecution. The cost for satellite imagery was in the order of \$9,000.

The number of matters submitted to the Legal Officer, Investigations and Compliance Unit was one hundred and seventeen (117). This is a significant increase compared to previous years 26 breach reports in 2000/2001 and 42 breach reports

in 1999/2000. Table 3 shows the location where these matters originated.

Table 3 - Matters received by the Legal Officer by region 2001 - 2002

Region	number
Outback	6
The Ranges	5
West	15
Murraylands	12
South-East	15
Adelaide	43
Yorke Mid North	9
Kangaroo Island	12
Total	117

Table 4 shows the adjudication results on matters that were referred to the Legal Officer, Investigations and Compliance.

Table 4 - Adjudication on matters received 1 July 2001 - 30 June 2002

	number
Prosecution	20
NFA	6
Warning Letters	21
Outstanding	17
Other matters under adjudication	8
Settled or in the process of negotiation including matters from 2001/2002	13
Total	85

Notices issued under section 31 of the Act were issued to thirty two (32) landowners that were allegedly undertaking illegal clearances. The service of these notices stopped the clearances from progressing. Legal action and negotiation are pending on these clearances.

The Council applied to the District Court for an order under section 31 of the Act in relation to the clearance of bluebush, redgums and acacia species at Baroota, near Port Pirie. This matter is still before the Court.

The Crown lodged an appeal in relation to two matters. The first appeal was against the penalty handed down in the Elizabeth Magistrates Court. A

potato growing company and its director from the Riverland pleaded not guilty for the clearance of 226 mature mallee trees at Overland Corner. They were found guilty with the director being fined \$1,000 and the company fined \$3,000. This matter is currently before the Court.

The second appeal related to a clearance of 38 bundles of Broombush in the Billiatt Conservation Park. The landowner was fined \$600 in the Berri Magistrates Court. The appeal has been heard and is reserved for decisions.

A vigneron from the Clare Valley appealed a Supreme Court decision on the issue of penalty. The defendant was originally fined \$100 for felling 11 trees. The Crown subsequently appealed this decision. The appeal was heard by the Honourable Justice Gray who allowed the appeal and imposed a fine of \$17,000. The defendant then appealed the Supreme Court decision on the issue of penalty. This appeal was conceded by the Crown and remitted to the Magistrate's Court for penalty. On 4 February 2002 in the Adelaide Magistrates Court, the defendant pleaded guilty and was fined \$2,000.

Eighteen persons or companies were prosecuted in the Magistrates Courts for breaches of section 26 of the Act and/or sections 47 and 48 of the *National Parks and Wildlife Act 1972* (take /possession of native plants). A total of \$19,200 in fines were issued.

Five matters are subject to negotiation in respect of revegetation proposals after convictions for the illegal clearance of native vegetation and if the negotiations are not satisfactory these matters will go to the District Court for revegetation orders.

There are twelve matters where negotiations are being held to or have been held with landowners to provide allow for appropriate revegetation of alleged illegal clearance under the direct control of the Council and several of the these matters are close to negotiated resolution which will provide for appropriate biodiversity gains.

One matter involving the proposed clearance of sea grass in the South East was satisfactorily resolved.

Two breaches of clearance consent are being actively pursued and others breaches of clearance consent are under investigation.

Table 5 Prosecution results – 2001/2002

(note these matters may have been initiated prior to the 2001/2002 calender year.

Location of clearance (Hundred)	Nature of clearance	Court	Result
Berri	Clearance of Roadside 0.2 hectare	Berri	\$1,200 fine & \$100 costs
Berri	Remnant Mallee scrub approx 9 trees	Berri	\$1,200 fine & \$100 costs
Eudunda	Mallee scrub	Berri	\$1,500 & \$100 costs
Berri	0.4 hectare remnant scrub	Berri	\$2,000 & \$100 costs
Kenton	10 mature eucalypts	Mount Barker	\$1,250 & \$100 costs
Kadina Bute	Roadside Clearance	Kadina	\$1,500 & \$100 costs
Waterloo Corner	8 mature redgums	Elizabeth	\$3,500 plus costs
Waterloo Corner	8 mature redgums	Elizabeth	withdrawn
Mudla Wirra	Roadside clearance	Elizabeth	\$450 & \$100 costs
Keith	6 bundles of broombush NPW Act offence	Naracoorte	\$350 good behaviour Bond
Billiatt	38 bundles of broombush NPW Act & NV offences	Berri	\$600 (subject to an appeal to the Supreme Court)
Billiatt	38 bundles of broombush NPW Act & NV offences	Berri	\$100 12 months good behaviour bond
Nangkita	Scrub 0.2 hectare	Christies Beach	2 years \$2000 bond with a condition that the native vegetation be protected and allowed to regrow.
Overland Corner	226 mature mallee trees	Elizabeth	Landowner fined \$1,000 and the company fined \$3,000. (subject to an appeal to the Supreme Court)
Clare	11 trees	Adelaide	\$2,000

Nine other matters are still before the Magistrates Courts.

FINANCIAL STATEMENT OF THE NATIVE VEGETATION FUND FOR THE YEAR ENDED 30 JUNE 2002

The Council is awaiting audited statements and they will be inserted once received.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENT

1. Objectives and Financial Arrangements

Objectives

The major objectives of the Fund is to facilitate payments relating to the administration of the Act, which includes providing payments for research, preservation, enhancement and management of native vegetation in South Australia and encouraging the re-establishment of native vegetation on land from which it has previously been cleared.

Financial Arrangements

The financial activities of the Fund are primarily conducted through an interest bearing deposit account with the Department of Treasury and Finance pursuant to Subsection 21(1) of the Public Finance and Audit Act, 1987.

The Fund has delegated certain functions to officers of the Department for Environment and Heritage (DEH), who provide technical and administrative support. The direct costs of providing these services are met by the Fund, however certain services and facilities are provided by DEH at no charge to the Fund. These services and facilities include the use of certain plant and equipment, office accommodation, salaries and wages and various administrative services.

2. Statement of Accounting Policy

The Financial Statement has been prepared on a cash basis and is in accordance with Treasurer's Instructions issued pursuant to the Public Finance and Audit Act, 1987.

3. Compensation and other payments to landholders comprised:

- compensation payments related to the repealed Native Vegetation Management Act, 1985
- in accordance with the Repeal and Transitional Provisions of the Native Vegetation Act, 1991;
- incentive payments under the Native Vegetation Act, 1991.

4. **The Auditors received no other benefit**



Appendix 1

Biodiversity - Native Vegetation Clearance

Native Vegetation Clearance Statistics 2001/2002

Type of Clearance	Number of clearance applications	Area (ha) of degraded native vegetation – <u>Consented</u> to clear	Area (ha) of scrubland – <u>Refused</u> to clear	Number of individual trees – <u>Consented</u> to clear	Canopy area (ha) of individual trees consented.	Number of individual trees – <u>Refused</u> to clear	Canopy area (ha) of individual trees refused.	Natural regeneration or revegetation as a condition of clearance (ha)**	Heritage Agreement (ha) as a condition of clearance	Potential Development area
Brushcutting	4	32	18	-	-	-	-	32	-	-
Woodcutting	0	-	-	-	-	-	-	-	-	-
Broadacre*1	4	64	267	23	4	21	4	715	-	957
Forestry (Commercial tree plantations)	2	-	-	526	26	685	34	110	-	1585
Roadside	14	7	1	177	8	51	3	72	-	22
Farm Management*2	5	16	142	-	-	-	-	40	-	121
Orchard (fruit, nuts, olives)	6	3	5	-	-	4	-	-	11	68
Irrigation	5	-	-	60	3	99	5	11	68	307
Change in Grazing regime	0	-	-	-	-	-	-	-	-	-
Miscellaneous developments*3	24	12	5	60	3	19	1	30	-	23
Fire protection	4	2	-	-	-	-	-	3	-	2
Vineyard	23	12	23	77	4	180	9	61	3	696
Research	2	-	-	10	-	-	-	-	-	240
Fire – regeneration aid	3	2403*4	-	-	-	-	-	2403	-	-
TOTAL	96	2551	461	933	48	1059	56	3477*5	82	4021

*1Broadacre clearance relates to the clearance of highly degraded native vegetation only.

*2Farm Management includes clearance associated with ongoing property management, eg. Access for farm machinery, erosion control works, clearance for control of vermin, and a number of other 'general' farm management issues.

*3Miscellaneous developments include applications for clearance of scattered trees, clearance for dam construction, clearance for weed control, branch lopping and others.

*4This figure consists of clearance by slashing or burning to promote the growth of species that require fire to germinate. Such clearance is subject to a comprehensive and ongoing monitoring program. The areas burned are expected to fully regenerate with time.

*5Of the area identified for regeneration or replanting (3477 ha) as a condition of consent, 1029ha is altered remnant vegetation identified for fencing and protection from grazing to complement naturally occurring vegetation and allow natural regeneration. An additional 5700 trees and associated plants are required for replanting over an area of approx. 45ha.



