

Native trees in burnt areas

Frequently asked questions | May 2018

Native vegetation in South Australia is protected by the *Native Vegetation Act 1991* (the Act) and the *Native Vegetation Regulations 2017*. The legislation sets out the process required before any clearance of native vegetation can proceed.



Summary

- If the tree is not native or has been planted it can be removed (check with an arborist, local council or NRM authority if you are unsure).
- If the tree is native and is dead (burnt inside and out and structurally damaged), regardless of height, the tree can be removed, unless it meets criteria outlined in Q1 (see next page). However many native trees look dead and will regenerate, in which case approval will be required to remove it.
- If the tree is burnt, but regenerating from the base, dead limbs can be pruned.
- Any dead tree removal or pruning of dead limbs in road reserves requires local council approval.
- Native vegetation which is impeding access may be cleared up to a maximum of 1 m from a fence-line towards the road for the installation and maintenance of a boundary fence along a road reserve, **with local council approval.**
- If the tree is native and within 10 m of a house or building and is impeding access or posing a safety risk associated with the building, the limbs (or whole tree if necessary) can be removed.
- For any other unburnt native tree, greater than 2 m in height that is posing a safety risk, a plant health expert or arborist can provide a report to the Native Vegetation Council to seek approval for its removal.
- If there is uncertainty please take a picture of the tree and seek clarification from the regional NRM authority.

Q1: What is native vegetation?

A: Native vegetation includes all naturally occurring local native plants. Dead trees are classified as native vegetation where:

- they comprise trees of a species indigenous to South Australia with a trunk circumference of 2 metres or more (1 m or more on Kangaroo Island); **AND**
- they provide or have the potential to provide habitat for animals of a listed threatened species under the *Environment Protection and Biodiversity Conservation Act 1999*.

Where the composition of the native vegetation has been altered from bushfire, it is still classified as native vegetation and includes regrowth and newly colonising stands of indigenous species.

Vegetation that has been planted is generally not covered by the Act, except under particular circumstances.

Q2: Do burnt or dead native trees have any value?

A: Dead or burnt native trees or plants provide essential habitat for a variety of native animals in hollows and decaying wood for vertebrates, invertebrates and microbial species.

They are important to the functioning of ecosystems, provide protection for germinating and recovering vegetation and stabilise soils against erosion.

Therefore, the removal of dead wood can have a range of environmental consequences.

Q3: Can I remove burnt or dead native trees?

A: Dead trees can be removed in situations where it does not meet the description of native vegetation as defined and protected under the Act.

Many burnt native trees may look dead but will regenerate after fire, typically through the emergence of new shoots from the base. If this is the case, pruning dead limbs can be done as long as this does not permanently damage the living part of the tree.

Care should also be taken, when pruning, to minimise the disturbance and impacts on surrounding recovering native vegetation.

Q4: Can I remove dead trees from creek and road reserve areas?

A: Protecting burnt native vegetation, within creek and road reserves, is vital for the post fire recovery of flora and fauna. Dead trees can be removed around a creek line or road reserve provided each one does not meet the description of a dead tree defined and protected as native vegetation.

All works in the road reserve must be consistent with Native Vegetation Council approved *Guidelines for the*



The removal of dead trees/plants or pruning of dead limbs along roadsides requires the consent of the local council.

management of roadsides and local council roadside vegetation management plans.

To minimise long-term impacts when removing burnt timber and vegetation from a road reserve, avoid activities such as use of heavy machinery and stockpiling of cleared vegetation, which can result in soil compaction, weed infestation and impacts on biodiversity values.

With permission from the local council, a boundary fence can be installed or maintained along a road reserve with clearance of native vegetation of up to a maximum of 1 m onto the road reserve (excluding large trees).

Note, removing dead trees within a watercourse may require a permit from the regional NRM authority.

Q5: Can I remove a native tree or plant that may not be dead but could pose a safety risk?

A: Removing native vegetation (limbs or whole plant), greater than 2 m in height, to avoid the risk of damage to property and personal injury is permitted. The landowner is required to obtain a written report from a suitably qualified plant health expert, which will require approval by the Native Vegetation Council.

Trimming of branches or possibly removal of the tree is allowed if the tree is within 10 m of a house or building. Removal must be for the purpose of maintaining the building such as to remove branches that are weak and appear likely to fall on the building.

For more information

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