

# Native trees in burnt areas

## Frequently asked questions

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.



Native vegetation in South Australia is adapted to bushfires and will generally recover after being burnt. Trees and other native vegetation may appear dead after fire, but resprouting and reshooting will generally be observable within months. Therefore burnt vegetation is important habitat and remains protected under the Native Vegetation Act. Standing dead and fallen trees also provide an important habitat for wildlife and should be retained wherever possible. However, some burnt vegetation may be structurally unsound and present a risk to safety of people and property or may impede access and bushfire recovery. Where clearance is required, there are a range of circumstances in which it is permitted:

- 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 burnt, but regenerating from the base, dead limbs can be pruned.
- Trees within 10m of a house or building that is impeding access or posing a safety risk associated with the building, then the limbs (or whole tree if necessary) can be removed.
- Native vegetation can be removed to allow for the repair or replacing fences and access tracks.
- If a tree is posing a safety risk to people and property, a plant health expert or arborist can provide a report to the Native Vegetation Council to seek approval for its removal.

## Notes

- Some dead trees are protected by the Native Vegetation Act (see Q4)
- Any dead tree removal or pruning of dead limbs in road reserves requires local council approval.
- If there is uncertainty please take a picture of the tree and seek clarification from the regional NRM authority.

This factsheet provides further information on the importance and management of burnt native vegetation in South Australia.

### Q1: What is native vegetation?

**A:** Native vegetation includes all naturally occurring local native plants including trees, shrubs, grasses and herbs (e.g. lilies and orchids). Native vegetation also includes dead trees in certain circumstances (see Q4).

Native vegetation is protected in South Australia by the *Native Vegetation Act 1991* and cannot be cleared without approval or in accordance with an exemption under the Act.

Vegetation that has been planted is generally not covered by the Act.

### Q2: Can I clear burnt native vegetation?

**A:** Native vegetation that has been burnt will generally regrow or regenerate and therefore is still protected by the Native Vegetation Act. Clearance can only occur with approval or in accordance with an exemption (see Q5 and Q6 for relevant exemptions).

Burnt native vegetation that is regenerating is **not** considered regrowth. Therefore the vegetation cannot be cleared under the exemption that allows for the clearance of regrowth that is less than 5 years in age.

### Q3: Do burnt or dead native trees have any value?

**A:** Dead or burnt native trees or plants provide habitat for a variety of native animals, particularly the hollows they provide.

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

### Q4: Can I remove dead native trees?

**A:** Dead trees are still protected by the Native Vegetation Act under certain circumstances. This depends on the circumference of the tree (measured at 300mm above the ground) and the region it is located in. This includes the following;

*Dead trees with hollows with a trunk circumference of **1m** or more in the following regions;*

- **All of Kangaroo Island**

*Dead trees with hollows with a trunk circumference of **2m** or more in the following regions;*

- **South East** (south of Bordertown and East of Lucindale)
- **River Murray** (on the River Murray flood plain upstream of Swan Reach)
- **River Murray and to the north** – (north of Swan Reach and south and east of Yunta)
- **States north west** – (west of Coober Pedy and north of Tarcoola)

Further details and maps can be found on the following factsheet on 'Dead Plants' –

<https://www.environment.sa.gov.au/topics/native-vegetation/clearing>.

If a dead tree does not meet this criteria, then it is not protected by the Native Vegetation Act and can be removed.

However, 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. Burnt trees that do not present an immediate risk to people or property should be retained for at least six months to allow for reshoooting to occur before determining that the tree is dead.

Even if a tree is dead and is not protected by the Native Vegetation Act, it still provides important habitat and should be retained wherever possible, particularly within paddocks.

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



### Q5: Can I remove dead trees road reserves?

**A:** Any removal of native vegetation on road reserves can only occur with the consent of the local Council and all works must be consistent with Native Vegetation Council approved Guidelines for Roadside Native Vegetation and local council roadside vegetation management plans. The Guidelines can be found at the following site -

<https://www.environment.sa.gov.au/topics/native-vegetation/clearing/roadside-rail-corridor-or-railway-crossing>.

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).

**Q6: Can I remove burnt native vegetation that could pose a safety risk or inhibit access?**

**A:** There are a range of situations in which clearance of dead and burnt native vegetation is permitted. These include the following:

**Clearance around a house or building**

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.

Further information can be found at the following site - <https://www.environment.sa.gov.au/managing-natural-resources/native-vegetation/clearing/around-an-existing-building-or-dwelling>.

**Clearance of trees posing a safety risk**

If a tree poses a risk of damage to property and personal injury, then removing native trees (limbs or whole plant) may be 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.

The Native Vegetation Council has list of arborists who have completed training in relation to the Native Vegetation Regulations and can prepare the appropriate report –

<https://www.environment.sa.gov.au/topics/native-vegetation/accredited-consultants>.

Further information can be found at the following site - <https://www.environment.sa.gov.au/topics/native-vegetation/clearing/safety>.

**Clearance to maintain, repair or replace a fence**

Removal of vegetation is permitted for the purposes of maintaining or replacing fences that have been damaged due to fire. Clearance is permitted up to 5m wide for internal fences, or 5m either side for a property boundary fence (only 1m into a road reserve – see Q5). Clearance is only permitted if it is required to provide reasonable access. Further information can be found at the following site -

<https://www.environment.sa.gov.au/topics/native-vegetation/clearing/fences>.

**Clearance to maintain or establish access tracks**

Removal of vegetation is permitted for the purposes of maintaining, repairing or replacing access tracks. Clearance is permitted up to 5m wide for a vehicle access track. Further information can be found at the following site -

<https://www.environment.sa.gov.au/topics/native-vegetation/clearing/vehicle-track>.

**Q7: Can I clear burnt trees in my paddock**

**A:** Many of these trees will reshoot and will recover post fire. Where these trees do not present an immediate risk to people and property, they should be retained.

If the tree does pose a safety risk, then a report from a plant health expert will need to be obtained and provided to the Native Vegetation Council for approval (refer to Q6).

**Q8: Can I clear native vegetation for property preparedness**

**A:** The Native Vegetation Regulations allow for the clearance of vegetation in range of circumstances for fire hazard reduction and property preparedness. This includes for clearance around dwellings, fire access tracks, fire breaks and fuel reduction.

Further information can be found at the following site - <https://www.environment.sa.gov.au/topics/native-vegetation/clearing/fire-prevention>.

- <https://www.environment.sa.gov.au/topics/native-vegetation/clearing/fire-hazard-reduction>.

## For more information

**Native Vegetation Branch**

Department for Environment and Water

T (08) 8303 9777

E [nvc@sa.gov.au](mailto:nvc@sa.gov.au)

[environment.sa.gov.au/topics/native-vegetation/clearing](https://www.environment.sa.gov.au/topics/native-vegetation/clearing)