

Native Vegetation Management Unit

Native Vegetation Post Fire Recovery

Frequently Asked Questions

Native Vegetation Information Sheet 47

March 2014

1. What is native vegetation?

Native vegetation includes all naturally occurring local native plants, from small groundcovers and native grasses to large trees. It also includes marine/fresh water vegetation and certain dead trees (see below). Plants may be part of a bushland community or single trees in pasture.

Vegetation that has been planted is generally not covered by the *Native Vegetation Act 1991*, except in particular circumstances. Detail on what is considered native vegetation is available from the [native vegetation website](#).

Where the composition of the native vegetation has been altered from bushfire, other natural disasters or the structure modified, the vegetation is still classified as native vegetation. This includes regrowth and newly colonising stands of indigenous species.

2. Are native dead trees/plants considered to be native vegetation under the *Native Vegetation Act 1991*?

Native dead trees/plants provide essential habitat for a wide variety of native animals in hollows and decaying wood for a wide variety of vertebrates, invertebrates and microbial species. They are important to the functioning of ecosystems. The removal of dead wood anywhere can have a range of environmental consequences, including the loss of habitat, disruption of ecosystem processes and soil erosion or bank destabilisation.

Dead trees/plants can be removed in most situations provided it does not meet the description of a dead tree that is defined and protected as 'native vegetation' (see below). In some situations there may be a justification for dead tree removal. The removal of dead trees and logs should be prioritised on a case by case basis where there is a demonstrated need. For instance post fire actions may include the strategic removal of identified areas of dead logs and trees that may have little impact on biodiversity and habitat values.

A 'dead plant' is deemed native vegetation under the *Native Vegetation Regulations 2003*, Regulation 3A, where:

The circumference of the trunk of the tree at 300 mm from the base of the tree is;

- in the case of a tree located on Kangaroo Island – 1 metre or more;
- in any other case – 2 metres or more; and
- the tree provides or has potential to provide, or is part of a group of trees or other plants (whether alive or dead) that provides, or has potential to provide, a habitat for animals of a listed threatened species under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

This **definition only applies** to trees that are of a species indigenous to South Australia and occur naturally or have been planted in accordance with the Act, **and then only to trees that provide, or have the potential to provide, habitat for threatened species as listed under the Commonwealth's EPBC Act.**

Clearance of a dead tree/plant that is defined and protected as 'native vegetation' may only occur through an appropriate exemption under a Regulation or by [application](#) to the Native Vegetation Council for consideration and approval.

Further information: Look for the 'Dead trees as native vegetation' Information Sheet under 'Specific species and circumstances' at:

http://www.environment.sa.gov.au/managing-natural-resources/Native_vegetation/Managing_native_vegetation/Clearance_guidelines#specific

3. Can I remove dead trees/plants from creek and road reserve areas?

Protection of burnt native vegetation within creek and road reserves is vital to enable good post fire recovery of flora and fauna. Dead trees/plants can be removed around a creek line or road reserve provided it does not meet the description of a dead tree that is defined and protected as 'native vegetation' (refer to Q2). However the removal of dead trees/plants from roadsides requires the consent of the Local Council. Water course activities need to be notified to local NRM staff such as the On Ground Works Coordinator for marine and estuaries to determine compatibility with their management plans. Approvals may be required under other legislation. If in doubt about these requirements, consultation with the relevant authority is recommended.

Within the Road Safety Clearance Envelope (and in line with DPTI's Standard Operating Procedure).

All works in the road reserve must be consistent with Native Vegetation Council approved Guidelines for the Management of Roadsides, Local Council Roadside Vegetation Management plans or Standard Operating Procedures.

To minimise long term impacts when removing burnt timber and vegetation from within the road safety clearance envelope, avoid activities such as use of heavy machinery and stockpiling of cleared vegetation within the road reserve ([applies to contractors and public entering the area to collect timber](#)), disturbance can result in:

- compaction
- irreversible impacts to vegetation condition from weed infestation
- loss of biodiversity including impacts to threatened species and ecological communities (conservation rating includes Regional, State and National).

Outside of the Road Safety Clearance Envelope

Retaining dead trees/plants beyond the safety clearance envelope is vital to enable good regeneration as it protects:

- seed and seedlings in the ash bed
- protects soil from erosion (water and wind), and
- remaining trees and logs provide important refuge habitats for reptiles, mammals, birds and insects.

Further information: Contact the Native Vegetation Management Unit on 8303 9777

4. Can I remove a native tree/plant that may not be dead but could pose a safety risk?

Any native trees that have a chance of recovery from the fire should not be cut down unless they pose a safety hazard. Native Vegetation may take several years to recover after a bushfire and will change in composition over time. For example River Red Gums in Reedy Creek (South East) have been recorded to re-sprout after several years if conditions have been unfavourable.

A certified arborist in most cases can determine which trees have a chance of survival; but when in doubt, wait and see if your trees will recover. Even an arborist may not be able to tell if a tree will survive.

Regulation 5(1)(l) – Clearance for avoiding the risk of damage to property and personal injury permits **reasonable clearance for safety** reasons, both personal and property. This regulation covers native vegetation greater than 2 metres in height and is essentially designed to protect people or property from trees or tree branches that are likely to fall. For example, trimming of branches or possibly removal of the tree would be allowed if the tree is close to a house or other building and has branches that are weak and appear likely to fall on the building. Removal of the whole tree would be considered to be 'reasonable' where the whole tree was unsafe. However, the regulation would not be applicable if it was reasonably practical for a person to avoid being within the vicinity of the tree. For example, it would not be reasonable for a tree to be removed if it was located in the middle of a paddock and people chose to take advantage of the tree's shade.

The above regulation also applies to land covered under a Heritage Agreement

Landowners seeking to clear native trees considered to be unsafe **must** obtain advice from a suitably qualified expert. Where clearance is undertaken in an emergency, it is suggested that a photographic record be taken of the situation.

Further information: Contact the Native Vegetation Management Unit on 8303 9777

5. What are the rules around grazing in areas of burnt native vegetation?

Please note that for bushfire affected areas the same legislative requirements remain for managing all native vegetation as before the fire.

Further information: Look for the 'Existing Regulations dealing with Agriculture' Information Sheet under 'Agriculture' located at:

http://www.environment.sa.gov.au/managing-natural-resources/Native_vegetation/Managing_native_vegetation/Clearance_guidelines#specific

6. My fences have been burnt, what rules are there around maintenance and construction of a fence?

Under regulation 5(1)(s) 'Clearance for Fence lines' - native vegetation may be cleared up to five (5) metres in total on either side of a fence to provide access for maintenance or construction provided that; the fence controls access by people or animals; there is no practical alternative fence location that would involve less clearance; and that any vegetation that does not impede reasonable access to the fence is retained. The regulation does not provide an

automatic right to clear a five metre strip along a fence. This regulation (exemption) does **not** apply to the clearance of native vegetation on road reserves, but **does** apply to land under a Heritage Agreement.

Road reserves

The care and maintenance of road reserves is the responsibility of the Local Council. Prior to undertaking any works in a road reserve including any clearance of native vegetation for the installation and/or maintenance of a boundary fence, permission from the Local Council is required. If approval is granted, then clearance up to a maximum of 1 metre may be undertaken for the installation and maintenance of a boundary fence.

Further information: Look for the 'FAQ-Clearance of Native Vegetation along Fence lines' Information Sheet at: <http://www.environment.sa.gov.au/files/76cd4acf-0300-4485-9393-9efa00f8bcc5/con-nv-faq-fencelines.pdf>

7. There is stockpiled timber; can it be used for firewood?

The clearing of and stockpiling of dead native vegetation such as fallen trees/branches from road sides and properties due to recent bushfires can be used as firewood under the *Native Vegetation Act 1991*, however other approvals may be required under other authorities. Please note that any cutting of live timber requires the consent of Local Council and in most situations also clearance consent under the *Native Vegetation Act 1991*.

Further information: Contact the Native Vegetation Management Unit on 8303 9777 or look for the 'Dead trees as native vegetation' Information Sheet under 'Specific species and circumstances' at: http://www.environment.sa.gov.au/managing-natural-resources/Native_vegetation/Managing_native_vegetation/Clearance_guidelines#specific

8. Should I be undertaking revegetation in the areas of burnt native vegetation?

Native Vegetation may take several years to recover and will change in composition over time. Any revegetation within protected areas under the Native vegetation Act (i.e. Heritage Agreements) will in most situations require approval for this activity.

In some situations the planting of native vegetation or direct seeding may be required to stabilise soils and assist with the natural process of regeneration.

There are many local indigenous nurseries that may be able to provide indigenous seed stock, advice and assistance with seed collection. Contact [State Flora](#) for details.

In addition, Non-Government Organisations such as [Greening Australia](#) and [Trees For Life](#) operate commercial and non-profit seed banks and native plant nurseries, and can also help with seed collection, identification and supply services.

Further information: For general advice on revegetation, contact your relevant [NRM Board](#).

For advice on revegetation within protected areas under the Native vegetation Act (i.e. Heritage Agreements) please contact the Native Vegetation Management Unit on 8303 9777.

Other Legislation to be considered

Natural Resources management Act 2004

Local Government Act 1999

Environment Protection Act 1993

Environmental Protection and Biodiversity Conservation Act 1999 (Cwth)

Fire and Emergency Services Act 2005

National Parks and Wildlife Act 1972

FURTHER INFORMATION

For all Emergency Bushfire Management and Prevention/Fire Mitigation – Contact the South Australian Country Fire Service (SA CFS). http://www.cfs.sa.gov.au/site/prepare_act_survive_2012/home.jsp

The authority to approve native vegetation clearance for all emergency bushfire management and prevention/mitigation works lies with the SA CFS.

If what you're planning to do is not covered by the native vegetation approval process, the SA CFS will refer the matter to the Native Vegetation Council for approval.

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

www.environment.sa.gov.au/nativevegetation



Native Vegetation Council



Government
of South Australia