

Procedure to rely on the Road safety exemption in planning schemes



August 2018

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APPROVAL

This *Procedure to rely on the Road safety exemption in planning schemes* is approved by the Secretary to the Department of Environment, Land, Water and Planning (DELWP). It enables road authorities that have written agreement from the Secretary to DELWP to rely on the *Road safety exemption* without needing a planning permit to remove, destroy or lop native vegetation, providing all works comply with this procedure.

Approved on the 30 day of August 2018



John Bradley
Secretary to the Department of Environment, Land, Water and Planning

ACCESS TO THE ROAD SAFETY EXEMPTION IN OCAL PLANNING SCHEMES

Any public authority or municipal council (road authority) seeking access to the *Road safety exemption* in local planning schemes must obtain written agreement from the Secretary to DELWP. Written agreement will require that road authorities comply with the *Procedure to rely on the Road safety exemption in planning schemes*.

Where works relying on the *Road safety exemption* occur on land under an overlay the road authority (if not also the responsible authority) must notify the responsible authority before beginning low impact construction works or road safety projects.

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1 Introduction

Victoria's existing road network enables the delivery of an essential transport service across Victoria. Victoria's residents, businesses and visitors rely on the road network for travel, and transportation of goods.

It is essential that the road network operates in a safe and efficient manner. Road authorities have a legal responsibility to ensure the network is operating safely and efficiently.

Roadsides often contain native vegetation that contributes to Victoria's biodiversity. Native vegetation within the road network may be the only native vegetation remaining in a landscape, providing connection between fragmented and otherwise isolated patches of native vegetation. In some cases, native vegetation within roadsides is considered critical habitat for the survival of threatened flora and fauna.

Native vegetation helps stabilise road infrastructure by reducing erosion. It also provides buffers and filter strips that can reduce sediment entering waterways. In addition to environmental values, this native vegetation may also provide aesthetic and cultural value.

1.1 Legislative framework

In Victoria, native vegetation removal is regulated under the *Planning and Environment Act 1987* through local planning schemes. A permit is usually required to remove, destroy or lop native vegetation unless an exemption applies.

The following clauses within local planning schemes contain a *Road safety* exemption:

- 42.01 - Environmental significance overlay
- 42.02 - Vegetation protection overlay
- 42.03 - Significant landscape overlay
- 44.01 - Erosion management overlay
- 44.02 - Salinity management overlay
- 52.16 - Native vegetation precinct plan
- 52.17 - Native vegetation

Clauses 52.16 and 52.17 apply to **native** vegetation. The *Road safety* exemption states:

- The requirement to obtain a permit does not apply to:
 - Native vegetation removed, destroyed or lopped to the minimum extent necessary by, or on behalf of a public authority or municipal council

to maintain the safe and efficient function of an existing road in accordance with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

Within the overlay clauses (42.01, 42.02, 42.03, 44.01, 44.02), the *Road safety* exemption states:

- The requirement to obtain a permit does not apply to:
 - Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

The exemption in the overlay clauses applies to **all** (native and non-native) vegetation. There is a requirement that the road authority (if not also the responsible authority) notifies the relevant responsible authority before vegetation is removed for low impact construction works or road safety projects on land where these overlays apply.

Removal of native (or non-native) vegetation under any other relevant exemption

This *Procedure to rely on the road safety exemption in planning schemes* does not apply to native (or non-native) vegetation removal that is exempt from a planning permit due to another relevant exemption in these clauses. However, the principles of avoid and minimise should be applied.

Public authorities and municipal councils (road authorities) must ensure native vegetation removal complies with other legislation, including:

- *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) (EPBC Act)
- *Flora and Fauna Guarantee Act 1988* (FFG Act)
- *Catchment and Land Protection Act 1994*
- *Environment Effects Act 1978*
- *Wildlife Act 1975*
- *Aboriginal Heritage Act 2006*
- *Heritage Act 1995*
- *Planning and Environment Act 1987* (Permits may still be required for overlays not listed above).

Road authorities using this *Procedure to rely on the road safety exemption in planning schemes* (Road safety exemption procedure) should be familiar with the following publications available on the DELWP website, which support the implementation of the native vegetation removal regulations:

- *Guidelines for the removal, destruction or lopping of native vegetation* (Guidelines)
- *Applicant's guide – applications to remove, destroy or lop native vegetation* (Applicant's Guide)
- *Assessor's handbook – applications to remove, destroy or lop native vegetation* (Assessor's Handbook).

1.2 Procedure purpose

This Road safety exemption procedure outlines the requirements that road authorities must comply with if they have written agreement from the Secretary to DELWP to access the *Road safety exemption* under the local planning scheme clauses listed in section 1.1 above. This Road safety exemption procedure replaces the following:

- *DSE-DOT Approach to the planning permit (under the Victoria Planning Provisions) to remove, destroy or lop native vegetation to maintain the safe and efficient function of roads and railways*
- *DSE-Local government approach to the planning permit exemption (under the Victoria Planning Provisions) to remove, destroy or lop native vegetation to maintain the safe and efficient function of existing public roads.*

This Road safety exemption procedure only applies to roads under the direct management of the road authority with written agreement from the Secretary to access the *Road safety exemption*. It exempts the requirement for a planning permit to remove native and non-native vegetation when removal is to the minimum extent necessary, and in accordance with this Road safety exemption procedure.

This Road safety exemption procedure enables native vegetation to be removed for:

- defined maintenance activities without requiring native vegetation offsets
- defined low impact construction works and road safety projects, where the removal is assessed and offset in accordance with the Guidelines.

This Road safety exemption procedure also enables non-native vegetation to be removed for defined

maintenance, low impact construction, and road safety projects when removal is to the minimum extent necessary.

Native vegetation removal for purposes not defined or described in this Road safety exemption procedure cannot rely on the *Road safety exemption* and planning approvals are required as applicable.

1.3 Monitoring Evaluation Reporting

This Road safety exemption procedure will be published on the DELWP website along with a list of road authorities that have written agreement from the Secretary to DELWP to access the exemption.

DELWP Native vegetation regulation will use information provided by road authorities to prepare an annual report on the native vegetation removed for low impact construction works and road safety projects.

DELWP Native vegetation regulation will review this Road safety exemption procedure one year after its commencement, and periodically thereafter. This Road safety exemption procedure and the written agreement from the Secretary to DELWP will be amended as required.

1.4 Compliance

The road authority is responsible for complying with this Road safety exemption procedure once written agreement has been provided by the Secretary.

DELWP regions are responsible for endorsing low impact construction and road safety proposals, and for ensuring compliance with requirements.

If a dispute arises concerning the implementation of this Road safety exemption procedure, the road authority and DELWP regions will attempt to resolve the matter at an operational level. Disputes that cannot be resolved at an operational level must be elevated to senior management (Director level equivalent), supported as required by the relevant policy teams from each organisation for resolution.

Breaches by the road authority may lead to the withdrawal, suspension or variation of the written agreement to access the *Road safety exemption*.

Unauthorised removal of native vegetation is addressed under the *Planning and Environment Act 1987*.

2 Road safety exemption procedure requirements

There are two parts to this Road safety exemption procedure, with different requirements. The two parts are:

- maintenance
- low impact construction and road safety.

Road authorities must determine if proposed activities are maintenance, low impact construction works or road safety projects, and if native vegetation will be removed as a result.

Road authorities must ensure full compliance with all relevant requirements. Appendix 1 provides a quick guide to help ensure the correct application of this Road safety exemption procedure.

2.1 Maintenance

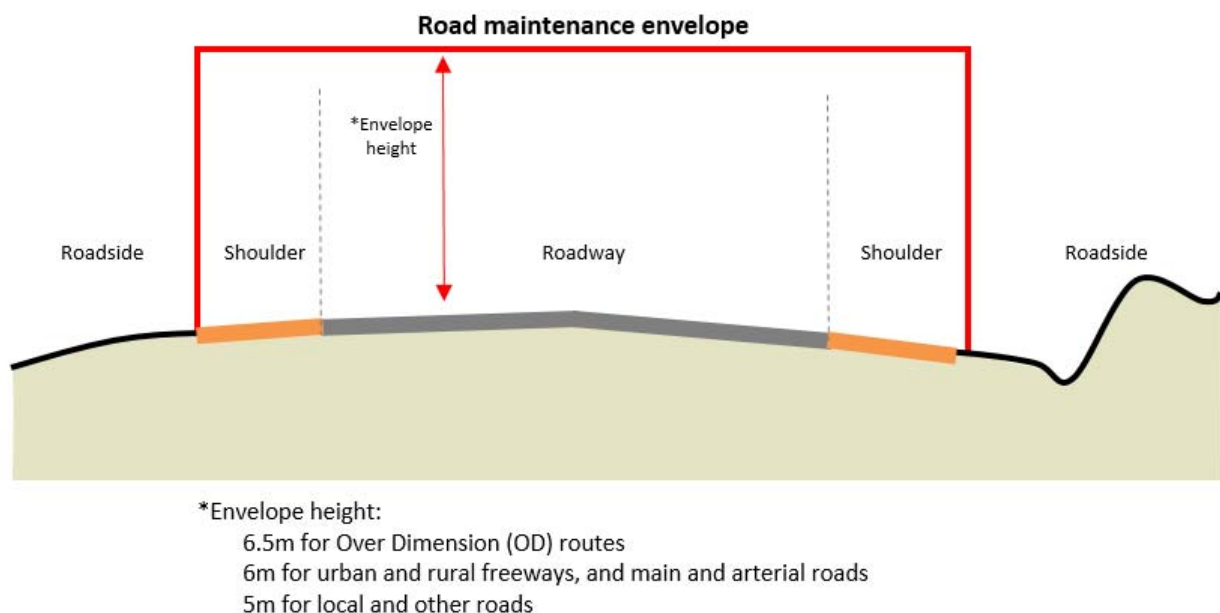
Vegetation (native and non-native) removal for maintenance must be to the minimum extent necessary. Native vegetation offsets are not required when vegetation is removed for maintenance.

Maintenance:

- May require the removal or disturbance of vegetation that has re-established, or is encroaching on existing roads, road infrastructure, road-related infrastructure, and ancillary areas.
- May be unique or periodic, but is generally considered routine and on-going.

- Prevents deterioration, and conserves the state of an existing road, road infrastructure, road-related infrastructure, and an ancillary area as near as possible to its original constructed state.
- Includes vegetation removal from areas that were previously offset under Victoria's native vegetation regulations. Evidence must be retained to confirm this.
- Includes vegetation (excluding large native canopy trees) removal to:
 - maintain existing road infrastructure, road-related infrastructure, and ancillary areas as defined in the *Road Management Act 2004* or *Road Safety Act 1986*
 - maintain existing sight lines
 - control pest animals and weeds.
- Includes lopping or pruning of trees, provided no more than 1/3 of the foliage of each individual tree is lopped or pruned.
- Includes any vegetation removal (including the lopping of overhanging branches from trees) from within the **Road maintenance envelope**. The road maintenance envelope extends over the roadway and shoulder as defined in the *Road Management Act 2004* and includes a vertical clearance height as detailed in Figure 1.

Figure 1: Road maintenance envelop



Mature native vegetation on road infrastructure

In some cases, road infrastructure within the road formation is not easily discernible and may include regenerated mature native vegetation. Many roads were constructed decades ago, and vegetation within the road formation may be considered significant, especially when maintenance in the area is not regular or routine.

Removal of mature native vegetation from within the road formation may be regarded as construction. Before this vegetation is removed, the road authority must consult with DELWP regions to confirm whether its removal should be considered maintenance, or construction.

If considered maintenance, the extent and purpose of this mature native vegetation removal should be recorded by DELWP and the road authority.

Maintenance does not include:

- expansion of an existing road, road infrastructure, road-related infrastructure or ancillary areas
- creation of a new road, road infrastructure, road-related infrastructure or ancillary area
- removal of large trees (unless the large tree is within the Road maintenance envelope).

2.1.1 Maintenance requirements

Removal of vegetation for maintenance must comply with these requirements.

Avoid and minimise native vegetation removal

Road authorities must avoid native vegetation removal where practical. Any native vegetation removal must be to the minimum extent necessary. Opportunities to avoid and minimise impacts on native vegetation are best considered when planning and developing maintenance regimes.

Protect native vegetation to be retained

Native vegetation that will be retained within or adjacent to the maintenance area that is at risk of unintentional impact must be protected during the maintenance activity. The road authority's standard operational processes must implement measures to avoid adverse impacts.

Record maintenance activities

Road authorities should keep records of maintenance activities (location, actions etc.) for auditing purposes. This information may assist when reviewing the Road safety exemption procedure.

Consultation with DELWP and offsets are not required.

2.1.2 Maintenance best practice

When native vegetation is removed for maintenance, the road authority should consider the following as best practice.

Minimisation

Internal review should occur to identify opportunities for minimisation. This is especially important for maintenance programs that involve the removal of native vegetation along long lengths of roads, or through known areas of biodiversity significance.

Internal planning and review processes can use DELWP biodiversity information such as Victoria's Biodiversity Atlas records and species maps to help identify biodiversity values. DELWP regions may be able to assist as needed.

The planning and review process should also identify and consider potential impacts to matters listed under the FFG Act and EPBC Act.

Compensation

Voluntarily enhancing biodiversity values including revegetation, restoration or rehabilitation works are encouraged to compensate impacts from native vegetation removal.

2.2 Low impact construction works and road safety projects

Vegetation (native and non-native) removal for low impact construction works and road safety projects must be to the minimum extent necessary. The requirements detailed below must be complied with. Native vegetation offsets are required when native vegetation is removed for low impact construction works and road safety projects.

Low impact construction works are defined as works that require the removal of less than 0.5 hectares of native vegetation that are done to enhance the safe and efficient function of an existing road.

Construction works (excluding road safety projects) that require native vegetation removal of 0.5 hectares or more are not covered by this Road safety exemption procedure. These works require a planning permit.

Road safety projects are projects funded entirely by one, or a combination of the programs listed

below. All road safety projects are covered by this Road safety exemption procedure irrespective of the amount of native vegetation removal. Safety programs are:

- Safe System Road Infrastructure Program (SSRIP)
- Towards Zero
- Motorcycle Safety Levy
- Federal Blackspot.

2.2.1 Low impact construction works and road safety project requirements

Removal of native vegetation for low impact construction works and road safety projects must comply with these requirements.

Identify the native vegetation to be removed

Native vegetation removal must be identified in accordance with the Guidelines. Consider the extent of any patch of native vegetation and any scattered tree. Also consider past removal from previous project stages, and assumed loss of native vegetation as detailed in the Guidelines, and listed below:

- vehicle access and impacts of construction activities
- need for ongoing access
- changes to hydrology
- compaction and excavation
- impacts to tree protection zones in accordance with the *Australian standard 4970-2009 Protection of trees on development sites* (AS 4970-2009). If more than 10% of a TPZ is impacted, an arborist is required to determine whether the impact will have a significant impact on the survival of the tree.

Native vegetation removal tool

DELWP's Native Vegetation removal tool helps applicants comply with the Guidelines. It is available at <https://nvim.delwp.vic.gov.au/>. Proposed native vegetation removal is identified and mapped in this online tool. The Native vegetation removal tool will generate a *Native vegetation removal report* and a shapefile of the area of native vegetation to be removed.

Native vegetation removal report – No offsets

If the *Native vegetation removal report* states that no offsets are required, only the avoid and minimise requirement must be complied with. The report should be filed for future reference.

Avoid and minimise

Native vegetation removal must be avoided whenever possible. Impacts to native vegetation that cannot be avoided must be to the minimum extent necessary. Context sensitive design must be considered and applied in the planning and design of low impact construction works and road safety projects. This ensures the final design fully considers avoiding and minimising adverse impacts on existing biodiversity values.

Opportunities to avoid and minimise impacts should focus on biodiversity values identified in the *Native vegetation removal report* and specifically focus on the areas with higher values. Table 1 describes biodiversity values that may be impacted in each assessment pathway.

Table 1 – Biodiversity values

Assessment pathway	Biodiversity values to consider when avoiding and minimising impacts
Basic	Native vegetation extent Native vegetation condition Strategic biodiversity value
Intermediate	As for basic, and; Large trees Sensitive wetlands and coastal areas Endangered ecological vegetation classes
Detailed	As for basic and intermediate, and; Habitat for Victoria's rare and threatened species

An avoid and minimise statement that describes how impacts on biodiversity values were avoided and minimised must be included in the endorsement form. Opportunities to avoid and minimise impacts should be discussed with biodiversity experts as described in the following section. If avoid and minimise is not possible this must be explained in the statement.

Consult

Notify local council

During the planning of works, the road authority (when not also the responsible authority) must notify the local council when native vegetation removal will occur on land affected by a planning overlay listed in Section 1.1.

Local council cannot object to the proposed vegetation removal when undertaken in accordance with this procedure. Notifying council provides an opportunity to discuss or better consider any relevant community concerns.

Consult with biodiversity experts

The assessment pathway identified in the *Native vegetation removal report* will determine who the road authority must consult with about impacts on biodiversity values. Table 2 details the requirements. Consultation must be done as early as possible in the project planning stage to help minimise impacts on biodiversity values and inform final designs.

Consultation with DELWP regions may help:

- verify the extent of native vegetation removal
- identify opportunities to avoid and minimise impacts on biodiversity values
- identify required offsets
- develop mitigation measures for construction (if deemed necessary)
- identify other legislative requirements.

Table 2 – Consultation

Assessment pathway	Consult with
Basic	Road authority's internal experts
Intermediate	Road authority's internal experts
Detailed	DELWP regions

When consulting with DELWP regions, the following will help determine if an on-site meeting, or additional assessment time is needed:

- the type of activity (low impact construction works or road safety project)
- the *Native vegetation removal report*
- size and complexity of the project
- the statement of how impacts have been, or can be avoided or minimised and if there is an opportunity to consider context sensitive design.

Effective, early consultation will ensure timely endorsement once the project is formally submitted to the DELWP region. Early consultation also identifies any offset availability issues and provides time for solutions to be investigated.

Final design and assessment pathway

Once the project design is finalised, the final extent of native vegetation to be removed must be mapped to determine the assessment pathway and next steps.

Basic and Intermediate Assessment Pathway

The NVIM native vegetation removal tool will produce a *Native vegetation removal report* that includes biodiversity impact information and offset requirements. If preferred, a site assessment can be done to replace modelled condition score and mapped ecological vegetation class (EVC). Attach this report to the *Exempt Project Endorsement Form*.

Detailed Assessment Pathway

A site assessment is not required when less than 0.5 ha of native vegetation will be removed, modelled condition scores can be used. If preferred, a site assessment can be done to replace modelled condition score.

A site assessment is required when 0.5 ha or more of native vegetation will be removed. A copy of the site assessment must be included as an attachment to the *Exempt Project Endorsement Form*.

In this assessment pathway a shapefile of the proposed native vegetation removal must be created and submitted to DELWP at EnSymNVRtool.support@delwp.vic.gov.au.

DELWP will provide a *Native vegetation removal report* that includes biodiversity impact information and offset requirements. Attach this report to the *Exempt Project Endorsement Form*.

Exempt Project Endorsement Form

This form must be completed and submitted to the relevant DELWP region. The form is included in Appendix 2. All information is mandatory:

- contact details
- topographical and land information
- avoid and minimise statement
- recent photographs of native vegetation proposed for removal
- *Native vegetation removal report*
- offset statement that demonstrates a compliant offset can be secured.

Project endorsement

Before native vegetation is removed, the road authority must seek endorsement from the DELWP region that the native vegetation removal can proceed under the *Road safety* exemption and that it meets the requirements of this Road safety exemption procedure.

Once a complete *Exempt Project Endorsement Form* has been received, the DELWP region will usually provide a written response within 15 working days. If more time is required to complete the assessment, DELWP will discuss and then advise the road authority of the extended time. If a site assessment has been included this will be reviewed by the DELWP region during this time.

All required information must be included with the *Exempt Project Endorsement Form* before DELWP will review it.

DELWP's response will be in the form of a letter that:

- advises that further information is required before assessment can occur and/or specifies the extended assessment timeframe
- confirms the works/project can proceed under the *Road safety* exemption and that the requirements of this Road safety exemption procedure have been met and may include a requirement for mitigation measures
- states the works/project does not meet the requirements of this Road safety exemption procedure or do not fit under the *Road safety* exemption and that a planning permit is required.

If a response from DELWP is not received within the 15-working day time frame, or time extension as notified, the road authority can consider the project

endorsed and proceed with the native vegetation removal.

The extent of native vegetation removal that has been endorsed will be recorded by DELWP and included in annual reporting.

Offset

Native vegetation removed for low impact construction works and road safety projects must be offset in accordance with the Guidelines, with consideration of the following special arrangements:

- evidence of the secured offsets (allocated credit extract or executed first party offset agreement) for all the endorsed projects for the financial year must be provided to the relevant DELWP region annually by the 30 September.

This arrangement is in place to enable offset requirements for several small projects to be combined and offset at a larger more strategic offset site.

DELWP will record the offset evidence provided by the road authority and include this in annual reporting.

Appendix 1 – Quick Reference

Does the Road safety exemption procedure apply?

1. Will native vegetation be removed?

- No – Do not apply this Road safety exemption procedure
- Yes – Proceed to Question 2

2. Is the native vegetation removal exempt under an exemption other than the *Road safety exemption*?

- Yes – Apply avoid and minimise principle, and comply with relevant exemption requirements
- No – Proceed to Question 3

3. Is the native vegetation removal for maintenance?

- Yes – Apply the Road safety exemption procedure – maintenance requirements
- No – Proceed to Question 4

4. Is native vegetation removal for low impact construction works (<0.5 ha), or for a road safety project?

- Yes – Apply the Road safety exemption procedure – low impact construction & road safety project requirements
- No – Apply for a planning permit or other approval to remove native vegetation

Process guide

Maintenance requirements	Timing
1. Avoid and minimise	→ Early in development of maintenance regime
2. Protect retained vegetation (if required)	→ Before any native vegetation removal starts
3. Document or record	→ As per road authority's processes

Low impact construction works & road safety project requirements	Timing
1. Identify proposed native vegetation to be removed – Native vegetation removal report (preliminary)	→ Early in project planning
2. Avoid and minimise impacts and consult with internal biodiversity experts, or DELWP Remember: Notify local council when removal is from land covered by a planning overlay	→ Early in project planning, and as soon as potential impacts are identified
3. Map final native vegetation removal based on final design – Native vegetation removal report (final)	→ Once project's final design is known
4. Submit required information to DELWP for endorsement	→ Once Exempt Project Endorsement Form is completed
5. Protect retained vegetation (if required)	→ Before any native vegetation removal starts
6. Secure offset	→ Before September 30

Appendix 2 – Exempt Project Endorsement Form

Exempt Project Endorsement Form

For the removal of native vegetation for low impact construction works and road safety projects in accordance with the *Procedure to rely on the road safety exemption in planning schemes*.

1. Contact details

Road authority	E.G. - Better Road Outcomes	
Project type	Low impact construction works	Read safety project
Project contact	Name	E.G. - Brad Wilson
	Phone	E.G. - (03) 1234 5678
	Email	E.G. - Brad.wilson@betterroadoutcomes.com.au
DELWP consultation (if Detailed assessment pathway)	E.G. - Roger Green	
Native vegetation report ID	E.G. - 350-20180502-003	

The information below must be filled out in the relevant sections, unless this information has been included in the *Native vegetation removal report* generated by NVIM, and attached to this form.

2. Topographical and land formation

Describe any topographical or land features in the works area. This includes ridges, crests and hilltops, drainage lines, wetlands and waterways, steep slopes, low lying areas, saline discharge areas and areas of existing erosion.

E.G. – The road reserve slopes gradually from north to south, with a steep batter running away from the road. There is a drainage line running beneath the road, through the road reserve and draining into a wetland area in the adjacent property.

3. Avoid and minimise statement

Describe why you cannot avoid the removal of native vegetation and what you have done to minimise impacts from removing native vegetation. This can be done by locating your works in areas where there is no native vegetation or in areas where the biodiversity value of the native vegetation is lower.

E.G. – All avoid and minimise opportunities have been at a site based (project) level. Opportunities are limited as the road widening project must be undertaken along the existing road. Retaining walls have been used to narrow the base of the batter by 2 metres.

4. Offset statement

Describe how you intend to secure the required offset. This may be by purchasing the offset, or by establishing a new first party offset. Offsets must be secured prior to 30 September.

E.G. – Our organisation manages an “Offset Bank”. The General habitat units, with the appropriate offset attributes are available from offset site BB-xxxx. An allocated credit extract will be provided to DELWP before 30 September 2018.

5. Attachments

Attach the following information:

- Native vegetation removal report
- Site assessment report (for removal of 0.5 hectares or more)
- Recent photographs which demonstrate current condition and type of native vegetation.

Glossary

Ancillary area – Has the same meaning as defined in the *Road Management Act 2004*.

Assumed loss – Indirect loss of native vegetation. For example, encroachment into tree protection zones, losses from changes to water flows and shading.

Biodiversity value – Values of native vegetation considered in the Guidelines that relate to biodiversity including extent of native vegetation, large trees, native vegetation condition, ecological vegetation class, sensitive wetlands and coastal areas, strategic biodiversity value, and habitat for rare or threatened species.

Existing road – A built road which is currently in use and operated by a road authority.

Extent of native vegetation – The area of land covered by a patch and/or a scattered tree, measured in hectares.

Footprint – The surface area of a road, road infrastructure, and road related infrastructure, including the area required to maintain it in its current state of condition.

Habitat hectare assessment – An assessment of native vegetation to determine its condition, extent (in hectares), Ecological Vegetation Class (EVC) and bioregional conservation status. The assessment must be completed by an accredited native vegetation assessor following methodology described in the Vegetation Quality Assessment Manual, Version 1.3 (or its successor) and updated in the Assessor's handbook.

Large tree – A native canopy tree with a Diameter at Breast Height (DBH) greater than or equal to the large tree benchmark for the relevant bioregional EVC. A large tree can be either a large scattered tree or a large tree contained within a patch.

Low impact construction works – Any road project not classified as maintenance, and where the extent of native vegetation removal is less than 0.5 hectares.

Native vegetation – Native vegetation is defined in Clause 72 of the Victorian Planning Provisions and all local planning schemes as 'plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses'.

No net loss – An outcome where the gain in biodiversity value (the offset) is equivalent to the loss in biodiversity value from the removal of native vegetation.

Patch – A patch of native vegetation is:

- an area of vegetation where at least 25 per cent of the total perennial understorey plant cover is native, or
- any area with three or more native canopy trees where the drip line of each tree touches the drip line of at least one other tree, forming a continuous canopy, or
- any mapped wetland included in the *Current wetlands* map, available in DELWP systems and tools.

Road related infrastructure – Has the same meaning as defined in the *Road Management Act 2004*.

Road authority – A person or body specified in or under section 37 of the *Road Management Act 2004*.

Road infrastructure – Has the same meaning as defined in the *Road Management Act 2004*, or *Road Safety Act 1986* as applicable.

Road safety project – A road project which has received its funding from a specified program designed to address a particular road safety concern by reducing risk.

Roadside – Means any land that is within the boundaries of a road (other than shoulders of the road) which is not a roadway or a pathway and includes the land on which any vehicle crossing or pathway which connects from a roadway or pathway on a road to other land has been constructed (*Road Management Act 2004*).

Roadway – Means:

- in the case of a public road, the area of the public road that is open to or used by members of the public and is developed by a road authority, for the driving or riding of motor vehicles;

- in the case of any other road, the area of the road within the meaning of road in section 3(1) of the road safety Act 1986

but does not include a driveway providing access to the public road or other road from adjoining land (*Road Management Act 2004*).

Road maintenance envelope – Is the area covered by and above the roadway and shoulder. The height of the road maintenance envelope depends on the class of road as depicted in Figure 1.

Scattered tree – A native canopy tree that does not form part of a patch.

Shoulder – Means the cleared area, whether or not constructed or sealed, next to the roadway that provides clearance between the roadway and the roadside but does not include any area that is not in the road reserve (*Road Management Act 2004*).

Site assessment report – Must be completed by an accredited native vegetation assessor and include:

- A habitat hectare assessment of any patches of native vegetation, including the condition, extent (in hectares), EVC and bioregional conservation status.
- The location, number, circumference (in centimetres measured at 1.3 metres above ground level) and species of large trees within patches.
- The location, number, circumference (in centimetres measured at 1.3 metres above ground level) and species of scattered trees.

Unauthorised removal – The removal of native vegetation without planning approval, or in accordance with a native vegetation removal exemption.

