



# **Mid Murray Council**

## **Roadside Vegetation Management Plan 2023-2028**



**The Mid Murray Council (Council) Roadside Vegetation Management Plan 2023–2028 has been developed to provide clear guidance on roadside vegetation protection and management. Council’s Elected Members, Management and Staff have had input into the development of the Plan. The Mid Murray community, Native Vegetation Council and other stakeholders have also been consulted during the plan development.**

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# 1. Introduction and Background

## 1.1. Roadside Vegetation

The roadside is defined as the strip of land between the road formation and the boundary of the road reserve which is usually also the boundary of the adjacent property. Roadside vegetation includes any vegetation growing on roadsides and unmade road reserves; this includes native vegetation of conservation value and vegetation dominated by introduced species.

Indigenous or 'native' vegetation found on road reserves in South Australia, represents remnants of pre-European settlement vegetation. These important biological assets often have significant conservation value, as much of the native vegetation within the agricultural region of the state has been removed or highly disturbed.

In some areas, roadsides support virtually the only remaining example of the original vegetation.

There are three broad benefits of preserving native vegetation on roadsides. They are:

<u>Conservation Benefits</u>	<u>Functional Benefits</u>	<u>Social Benefits</u>
<ul style="list-style-type: none"><li>• Contains remnants of the original vegetation</li><li>• Can support populations of rare or threatened native flora</li><li>• Provides important habitat for native fauna, including reptiles and invertebrates</li><li>• Can form an important habitat corridor linking blocks of native vegetation</li><li>• May provide unique genetic reference areas for sourcing seed for revegetation and regeneration projects.</li></ul>	<ul style="list-style-type: none"><li>• Helps to lower local water tables that may affect the road formation and pavement</li><li>• Acts as an effective low cost form of weed control by preventing the establishment of weeds</li><li>• Generally less fire-prone than introduced vegetation</li><li>• Can provide valuable shelter for livestock and crops in adjacent agricultural land</li><li>• Helps define curves, creating a safer driving environment</li><li>• Reduces the velocity of water runoff, in turn reducing scour and erosion of batters and embankments</li></ul>	<ul style="list-style-type: none"><li>• Provides amenity value to the general landscape</li><li>• Contributes to driver alertness and road safety</li><li>• Often contains flora contributing to the natural character and tourist appeal of a district</li><li>• Remnants provide an historical reminder of the vegetation across the landscape prior to settlement</li></ul>

Native bushland is an efficient, self-sustaining system, and after any ground disturbance, it may take a number of years to return to a stable state. Major disturbance can unbalance the system (e.g. through serious weed infestation) and cause long-term damage. In many instances, inappropriate management activities can set up the next round of maintenance problems.

Low-impact management of roadside vegetation, for example, is an integral part of efficient and effective maintenance of roads. The vegetation cannot be considered independently of the soil and water that support it, and these in turn cannot be considered in isolation of the pavement. Good roadside management practices can generate potential savings in Mid Murray Council's road maintenance budget.

## 1.2. Legal Protection of Native Vegetation on Roadsides

For the reasons discussed above, native vegetation is protected in South Australia under both the *Local Government Act 1999* and the *Native Vegetation Act 1991*. The clearance of native vegetation, including that along roadsides, is controlled under the *Native Vegetation Act 1991* and previously the Guide to Exemptions under the *Native Vegetation Regulations 2003* and “*Guidelines for the Management of Roadside Vegetation*” (NVC, 2012), which have been revoked and replaced by the *Native Vegetation Regulations 2017*. The primary aim of the regulation change was to streamline and simplify the process of vegetation clearance including the circumstances in which native vegetation may be cleared without the need for specific consent from the Native Vegetation Council (NVC). In dealing with the clearance of native vegetation, the regulations provide a mechanism to assist in the day to day management of a property. However, the management of roadside vegetation under the revised regulations are further explained in *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation, Under Native Vegetation Regulation 11(23)* by the Native Vegetation Council (NVC) (2020).

These guidelines comply with Section 25 of the *Native Vegetation Act 1991*, which relates to the management of native vegetation. Specifically, these guidelines have been developed under *Part 3, Division 4, Regulation 11(23)* to allow the clearance of vegetation that is growing or situated on a road reserve or rail corridor for the purpose of:

- a. ensuring the safety of persons entering or passing the land; or
- b. controlling pests on the land

Under this regulation, clearing vegetation can only occur if:

- i. the clearance complies with these guidelines; or
- ii. the clearance complies with a Roadside Management Plan prepared by the Local Council or the Department of Infrastructure & Transport (DIT) and approved by the Native Vegetation Council; and
- iii. the clearance meets all the other requirements of Regulation 11.

This regulation allows for the Mid Murray Council, or someone acting on behalf of the Council, where the clearance complies with a Roadside Vegetation Management Plan (RVMP) that has been approved by the NVC, and guidelines issued by the NVC (outlined in *Guidelines for the Management of Roadside Vegetation and Regrowth Vegetation*), to clear vegetation from roadsides.

### **Other statutes relevant to the protection of native fauna and management of roadside vegetation include:**

- Under the *Local Government Act 1999* (Section 221), Mid Murray Council has the authority to regulate the planting, removal of or interference with, any roadside vegetation, including dead timber.
- The *National Parks and Wildlife Act 1972*, which prohibits the removal of native vegetation without a permit from reserves, wilderness protection zones, Crown land, and public land or forest reserves in SA.
- The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides the strongest protection for listed species of threatened indigenous plants and animals and important habitats. Any action having a significant effect on these requires assessment and Commonwealth approval.
- The *Natural Resources Management Act 2004*, which promotes sustainable and integrated management of the state’s natural resources.



One significant change in the updated regulations is that the management of native vegetation regrowth on roadsides has been extended to allow clearance of regrowth vegetation of up to 20 years of age, whereas previously only regrowth of up to 5 years was permitted. This change allows local councils to manage the immediate regrowth (1m into verge) along their roadsides without requiring any approval, while allowing clearance of regrowth further from the road (2-3m) through an approval process (*Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation, Under Native Vegetation Regulation 11(23) Native Vegetation Council, 2020, page 4*).

### **1.3 Purpose of this Roadside Vegetation Management Plan**

While the safe movement of the travelling public is a key requirement of roads, Mid Murray Council has a responsibility to maintain adequate levels of safety and efficiency for drivers on Council owned roads. Mid Murray Council recognises that they also have a responsibility to retain and protect roadside vegetation wherever possible, as road reserves have become increasingly important for conservation reasons due to the removal of vegetation from adjoining land.

Under the new regulations, a Roadside Vegetation Management Plan can:

- allow for the management of vegetation that has regrown within the past 20 years in the area that was cleared when the road was constructed;
- remove the need for case-by-case consultation associated with ongoing or broadly applicable activities, as long as sufficient detail is provided in the plan;
- outline the ecological value of roadside native vegetation in the local council area, such as what plant associations are present, their conservation significance and quality, the location of any threatened species, and the distribution of weed species of significance; and
- promote protection of roadside native vegetation from direct damage, such as roadworks, by:
  - Including processes and procedures like codes of practice, guidelines, fact sheets
  - sourcing roadside vegetation surveys, vegetation mapping, various databases
  - utilisation of Geographic Information Systems (GIS) and roadside markers for the entire region, OR, on a case-by-case basis council staff, local experts or Department for Environment and Water (DEW) staff can provide advice on the vegetation.

This Roadside Vegetation Management Plan:

- sets clear policies and guidelines for activities affecting roadsides;
- identifies threats, and provides a consistent, integrated approach to managing roadside vegetation including protection from these threats;
- improves the Council's community relations and their profile as an environmental manager;
- outlines how environmental impacts can be reduced and presents opportunities for environmental enhancement;
- reduces potential Council liabilities; and
- provides a means for Mid Murray Council to demonstrate due diligence in its responsibility to protect and maintain native vegetation on roadsides.

However, this Roadside Vegetation Management Plan is not:

- a means of avoiding liability if native vegetation clearance offences do occur;
- an appropriate mechanism to obtain environmental approval for large road construction works;
- an approval for clearing remnant native vegetation;
- an approval for all roadside vegetation clearing;
- or a mechanism to obtain approval for bushfire prevention works; or
- a stand-alone document in isolation to other management structures and controls over activities that occur in road reserves for which the Mid Murray Council has jurisdiction.

## 1.4 Description of the Local Council Region

The district has a total 3,600 kilometres of used roads and almost as much of un-made road reserves. The majority of these (3,064km) are local roads managed by the Mid Murray Council. The remaining 535 kilometres are the responsibility of the Department for Infrastructure & Transport (DIT). The Mid Murray Council has a responsibility to ensure that roads not only provide for the safe movement of traffic, but also reflect community expectations for their wider use.

The original range of vegetation types are still represented within the Council boundaries but have largely been reduced to scattered remnant stands. The dominant vegetation communities in the district are: *Eucalyptus camaldulensis*, River Red Gum and *Eucalyptus largiflorens*, Black Box along the River Murray floodplain, low mallee that occupies the majority of the highland including open *Myoporum platycarpum* woodlands, Sugarwood and low chenopod shrublands, saltbush, to the north with Black Oak woodlands, *Casuarina pauper*. Towards the eastern hills there is *Eucalyptus odorata*, Peppermint Box mixed with *Allocasuarina verticillata*, She-oak with *Lomandra effusa*, Irongrass grasslands.

There is currently 281,155ha (44.84%) of native vegetation remaining in the Mid Murray Council region. Native vegetation cover is greatest in the north where the average annual rainfall is less, preventing many land activities that lead to significant vegetation removal/disturbance. Undulating lands to the south have been extensively cleared due mainly to the slightly higher rainfall which is more suited to agricultural use.

## 1.5 Roadside Markers

The Mid Murray Council promotes protection of roadside native vegetation from direct damage by including roadside markers to provide extra protection to areas of roadside significance. Roadside markers have been installed throughout the region and usually containing plant species that are rare to the region. The marker system data base is held by the Council and used to assist in the guidance of road maintenance and other works in the region. A public brochure is available on the Mid Murray Council website at [www.mid-murray.sa.gov.au/council/reports-and-documents/roadside-vegetation-management-plan](http://www.mid-murray.sa.gov.au/council/reports-and-documents/roadside-vegetation-management-plan) outlining the purpose of these markers.

## 1.6 Procedure to Manage Roadworks

Before all works are undertaken, reference to the Mid Murray Council's Roadside Vegetation Plan is required. If the proposed works require clearance of native vegetation that does not meet specified criteria under this plan refer to the following procedures:

- If the site has been assessed and the proposed works will impact native vegetation beyond the approved clearance envelope specified in the plan, seek advice from the Native Vegetation Branch via ([nvc@sa.gov.au](mailto:nvc@sa.gov.au)) (Department for Environment and Water (DEW)). Advice will be provided whether an application to the Native Vegetation Council (NVC) is required along with the application process.
- If the proposed site has not been assessed and vegetation is unknown the area must be surveyed by the local council with the assistance of a person with specific qualifications, which include:
  - tertiary qualifications in botany (or a related field)
  - 10 years' experience in a related area
  - demonstrated knowledge in plant identification.

## 1.7 Mitigation Hierarchy

Prior to any clearance, activities need to consider the 'Mitigation Hierarchy', a fundamental principle of the *Native Vegetation Regulations 2017*. It has four requirements:

1. **Avoidance** – Measures must be taken to avoid clearing native vegetation wherever possible.
2. **Minimisation** – If clearing native vegetation cannot be avoided, measures must be taken to minimise the duration, intensity and extent of impacts of the clearance on biological diversity as much as possible (whether the impact is direct, indirect or cumulative).
3. **Rehabilitation or restoration** – If clearing native vegetation cannot be avoided or minimised, measures must be taken to rehabilitate ecosystems that have been degraded, and to restore ecosystems that have been destroyed, as a result of the clearance.
4. **Offset** – Any adverse impact on native vegetation or ecosystems that cannot be avoided or minimised must be offset by the achievement of a significant environmental benefit that outweighs that impact.

## 1.8 Record keeping and compliance with the regulations

To ensure compliance with the guidelines, local councils are required to take 'before and after' photos of any clearance, with an appropriate scale to indicate and document the clearance. This will allow auditing of the works undertaken and provide evidence of compliance if any concerns are received from the public.

Due to the changes outlined in the new regulations, the following are the operating requirements that apply to all roadside vegetation management. In addition to this, Management of Roadside Vegetation, Framework for Public Safety and Other Activities Relating to Roadside Vegetation, such as Pest Control & Management of Fence Lines all have additional requirements which are outlined in this plan in the appropriate section.



## 1.9 Operating Requirements

All roadside vegetation management must be undertaken in accordance with these requirements:

1. Where clearance is restricted to regrowth vegetation only, clearing any vegetation that is more than 20 years old will require an application to the NVC.
2. Use the most low-impact methods possible for the given activity. Ensure works cause minimal ground disturbance, cut cleanly rather than breaking branches, and use low-impact methods like slashing, trimming, mowing, mulching or rolling.
3. Limit the use of herbicides to spraying around roadside furniture and for selective weed control.
4. Ensure graders and other high-impact machinery do not intrude beyond the existing carriageway width, as grading a little further each time can have significant impact over several years and identifying specific machinery turn around points to limit site impact.
5. Position mitre drains in areas devoid of native vegetation (unless clearance approval is given).
6. Ensure where practical that drains do not deposit sediment into native vegetation, waterways or neighbouring private land.
7. Minimise soil disturbance and general intrusion beyond the designated carriageway, as disturbance encourages weeds that compete with native species, leading to potential increases in maintenance costs. More specifically:
  - a. Parking or turning machinery must be at a limited number of designated sites that do not have native vegetation.
  - b. Materials must be stockpiled at a limited number of designated sites that do not have native vegetation;
  - c. Equipment must be cleaned on-site before moving to other sites. This is particularly important where machinery is operating in weed-infested or infected areas (e.g. land affected by Branched Broomrape);
  - d. Any required tree-trimming must be performed in accordance with recognised arboriculture standards.
  - e. Any debris from trimming operations must not be deposited on or among other native vegetation and must be disposed of in a manner that does not affect native vegetation, unless it is useful as habitat for wildlife, or is scattered sparsely among the remaining vegetation.
8. Threatened plant species on roadsides must be mapped, and roadworks at those sites must be carefully planned to avoid any impact to those plants. It is recommended that best-practice training is undertaken by staff and contractors.
9. Retain native vegetation, including dead timber, wherever possible and integrate it into revegetation programs. Care must be taken to preserve areas of native grasses, which can be difficult to distinguish from exotic grasses.
10. Wherever possible, clear exotic vegetation or undertake proposed works on already cleared land in preference to clearing native roadside vegetation.
11. Start works with clean machinery in areas of less degraded vegetation and work towards the more degraded sites.

This will help to prevent spreading weeds and, in turn, reduce ongoing maintenance.  
(*Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation 2020*, page 9).

## 2. Management of Roadside Vegetation

This section includes the Primary Clearance envelope, Secondary Clearance envelope, Verge Clearance and New Roadwork Clearance.

### 2.1 Primary Clearance Envelope

#### 2.11 Operating requirements

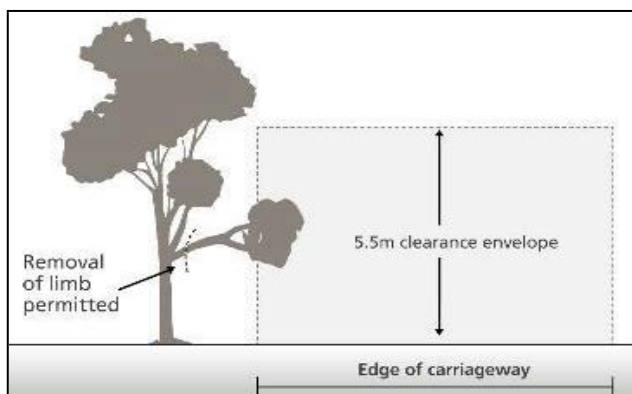
Within the primary clearance envelope:

1. Vegetation clearance is required to allow for legal-height vehicles (i.e. vehicles measuring 4.6m in height or less) to pass along the full width of the carriageway. To allow for regrowth between pruning and sagging of branches caused by wet or windy conditions, a clearance height of up to 5.5m must be maintained within the primary clearance envelope.
2. For sealed roads, the primary clearance envelope of up to 5.5m is to be measured from the edge of the shoulder, which represents the edge of the carriageway.
3. For unsealed roads, the primary clearance envelope of up to 5.5m is to be measured from the edge of the grader line, which is taken to be the edge of the carriageway. Grading must be kept to the pre-existing width.
4. Any regrowth native vegetation may be cleared within the carriageway where it extends into the primary clearance envelope. In addition, limbs extending into the primary clearance envelope can be trimmed back to the trunk or major limb in a manner to ensure the health of the tree is maintained (see Figure 1). Removal to the base is not permitted.

(*Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation 2020*, p11.) Any clearance proposed here is not meant to imply or establish safety standards.

#### 2.111 Consultation and approval procedures for the primary clearance envelope

No approval or consultation with the Native Vegetation Council is required for clearance within the primary clearance envelope.



**Figure 1:** Clearance of vegetation within primary clearance envelope up to 5.5m high:

- a. (left-hand side) removal of limbs hanging into primary clearance envelope.
- b. (right-hand side) example of possible clearance within the primary envelope. *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation 2019* page 11.



**Figure 2:** Clearance of vegetation within primary clearance envelope up to 5.5m high:

- a. (left-hand side) removal of limbs hanging into primary clearance envelope.
- b. (right-hand side) example of possible clearance within the primary envelope. *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation 2019* page 11.

Images from *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation* page 11

## 2.2 Secondary Clearance Envelopes

The secondary clearance envelope refers to the area surrounding roadside furniture, to allow for sufficient sight lines for road users. The envelope encompasses the vegetation that has regrown and impacts the ability to see upcoming traffic, signs, and roadside furniture. This also includes managing regrowth to maintain guardrails. Vegetation in this envelope can only be cleared to how it was when the road was constructed, or the roadside furniture was installed (i.e., only vegetation that has grown or regrown in areas previously lawfully cleared for the construction, installation or maintenance of the road or associated infrastructure may be cleared).

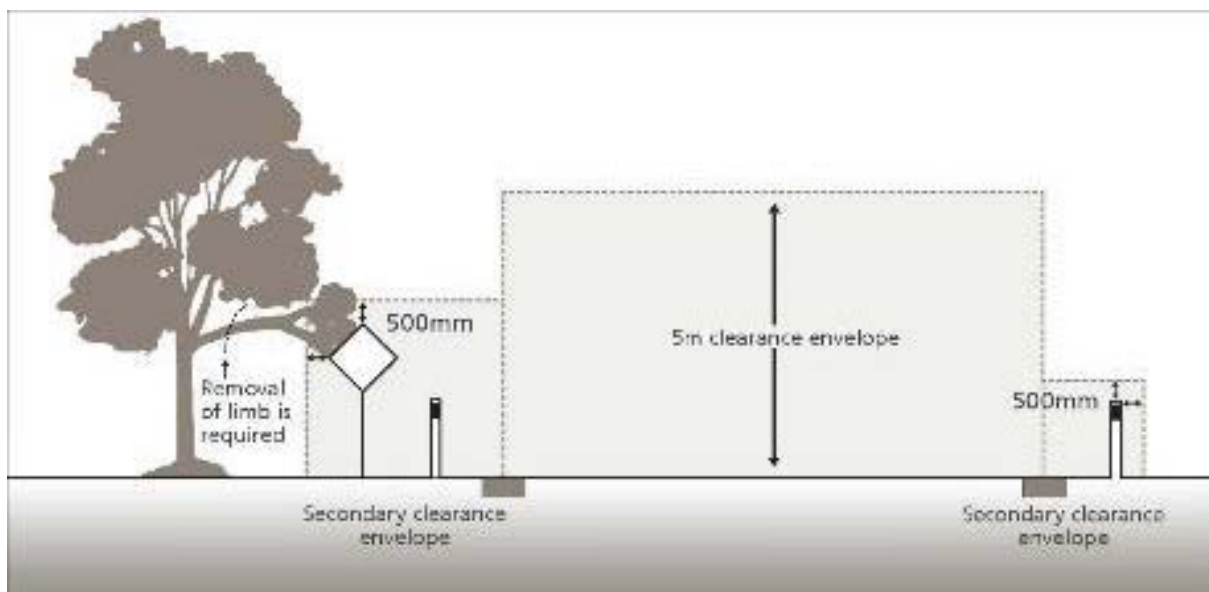
In addition to the Operating Requirements listed on Page 10 of the *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation 2020*, specific requirements apply for secondary clearance envelopes.

### 2.21 Operating Requirements

Within the secondary clearance envelope:

1. Regrowth vegetation growing up to 500mm around existing roadside furniture (**Figure 3**) can be cleared.
2. Regrowth vegetation growing on the approach side of signs and road delineation markers can be cleared to ensure these signs and markers are clearly visible from a distance equivalent to the stopping sight distance for the speed environment of the road according to Austroad standards (**Figure 3**).
3. At road intersections, existing verge clearance can be maintained on corners for safe sight distance according to Austroad Guidelines.
4. To maintain mitre and longitudinal drains, existing clearance can be maintained. Ensure clearance is confined to the original extent of the drain and that cleared debris is not pushed into native vegetation within the natural ground surface.

Note: Vegetation that is up to 20 years old can now be cleared but older vegetation would require assessment under NVC guidelines/approval. Large trees cannot be removed after the installation of roadside furniture, such as guardrails, without NVC approval.



**Figure 3:** Clearance envelopes.

Image from *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation* page 12

## **2.22 Consultation and Approval Procedures for Secondary Clearance Envelope**

No approval or consultation with the Native Vegetation Council is required for clearance within the secondary clearance envelope.

## **2.3 Verge Clearance**

It may be necessary for Mid Murray Council to undertake vegetation clearance within the verge beyond what is permitted in the primary and secondary envelopes due to fast-growing native vegetation within particular roadsides. In these cases, Council may need to manage the verge vegetation that they had previously cleared which has regrown. Up to 1m into the verge requires no clearance approval. Whereas clearance of 2-3m requires Native Vegetation Council (NVC) approval (refer to Section 3 Verge Clearance from page 13 to 18 of the *NVC Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation 2020*).

## **2.31 Operating Requirements**

Within the verge:

1. As for all roadside clearance only regrowth vegetation less than 20 years old that has previously been cleared as part of roadside maintenance (determined from Roadside survey, local council works records, by the size of the trees in the regrowth, or by comparing aerial images of various dates) can be cleared.
2. Clearance must use the most low-impact methods possible for the given activity. Ensure works cause minimal ground disturbance, cut cleanly rather than breaking branches, and use low-impact methods like slashing, trimming, mulching and mowing. (Note: high-impact methods include any activity that disturbs the soil or results in plants being uprooted, such as the use of graders or bulldozers). Retain native vegetation at a minimum height of 10cm above ground-level. Any regrowth trees with a trunk circumference greater than 10cm should be removed by poisoning or cut and stump-grind only, rather than heavy machinery.
3. Clearance can only be conducted within a maximum width of 2m - 3m (measured from the edge of the carriageway) subject to speed environment and Councils adopted service levels, but:
  - a) must be confined to a maximum width of 1m in areas of high vegetation significance, like intact mallee.
  - b) must be confined to a maximum width of 2m in vegetation with moderate conservation significance.

For vegetation significance categories, refer to “*Table 1 - Roadside Vegetation Quality Categories, page 14 of the NVC Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation, 2020*.”

## **2.32 Consultation and Approval Procedures**

Clearance of vegetation greater than 1m into the verge from the edge of the carriageway first requires an assessment to be undertaken by the local council with the assistance of a person with specific qualifications, which include:

- tertiary qualifications in botany (or a related field)
- 10 years’ experience in a related area
- demonstrated knowledge in plant identification.

For vegetation assessment requirements refer to “4. Assessment requirements, page 15 of the NVC Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation, 2020”.

Consultation with the Native Vegetation Council is required if the width of the verge is unclear.

Clearance can occur without the approval of the Native Vegetation Council if undertaken in accordance with the requirements of this section <1m into verge.

Where approval is required, local council are required to complete and submit the Annual Works form contained in Appendix 1 to the Native Vegetation Branch.

## **2.4 New Roadworks Clearance**

The Mid Murray Council sometimes needs to undertake road works which involves clearance of native vegetation beyond management works outlined in this plan. New road works, may include:

- construction of new roads along previously undeveloped road reserves;
- widening or realignment of existing roads and intersections;
- new borrow-pits, new drains, new stockpile sites;
- upgrading as a result of changes in land use patterns across a region; or
- new infrastructure.

### **Process**

- Consult with the Native Vegetation Branch via ([nvc@sa.gov.au](mailto:nvc@sa.gov.au)) on whether an application to the NVC is required along with the application process.
- The Mitigation Hierarchy Criteria needs to be addressed to avoid or minimise clearance as outlined in Section 1.7 (page 8) of this plan.
- Clearance approval may also require a significant environmental benefit (SEB) to offset the clearance.

## **2.41 Road Construction**

Once approval has been obtained from the NVC, the Mid Murray Council will minimise the impact of construction on vegetation by abiding by the following guidelines in addition to previously listed operating requirements applying to all Roadside Vegetation Management:

- subject to the approval conditions, clearly identify and mark with stakes or tape any significant or protected vegetation, habitat areas and sensitive areas prior to the commencement of works.
- always stay within the construction zone
- limit vegetation removal to that approved by the NVC
- materials for construction works to be taken from disease and declared weed free sites
- only use the appropriate type and minimum size of machinery for the job
- chip light material from tree removal and use as mulch to spread local seed
- if there is no alternative to burning, do not burn close to desirable vegetation
- strip and stock-pile topsoil from areas of good vegetation (reuse as soon as possible)



- avoid “cleaning-up” vegetation after construction (retain stumps, dead wood and understorey where possible)
- if unsure about any environmental controls, contact the site coordinator.

#### **2.42 Consultation and Approval Procedures**

Approval is required from the Native Vegetation Council for new road works which involve clearance of native vegetation beyond management works outlined in this plan.

### 3. Framework for Public Safety

The purpose of this Public Safety Framework is to provide guidance about when to apply for clearance of frangible vegetation and non-frangible vegetation on roadsides, intersections and rail crossings.

Frangible vegetation – plants with slender stems which give way break or uproot on impact (i.e. vegetation that can typically bend).

Non-frangible native vegetation – plants species with a stem diameter (at maturity) of 100mm or greater with rigid, large or sturdy stems that will not readily break, bend or crush upon impact by a typical passenger vehicle, and could be expected to inflict significant damage to the vehicle and possibly cause injury to vehicle occupants (i.e. vegetation that cannot bend). Stem diameter is measured at a height of 1m above natural ground.

For the framework to apply, the Council can clear non-frangible native vegetation within specified distances along sealed and unsealed roads and at rail crossings, intersections and curves with written approval from the Native Vegetation Council. It is a requirement that the road authority, as far as practicable, addresses the *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation*, Mitigation Hierarchy page 9, to avoid or minimise the impacts that any proposed actions may have on biodiversity or native vegetation. Clearance can then be approved without the need for a SEB (significant environmental benefit.).

Some activities may also require approval under other legislation, for example the *Development Act 1993* and the *Environment Protection and Biodiversity Conservation Act 1999*.

The public safety framework does not apply to any clearance associated with new road works as outlined in Section 2.4 of this plan.

The framework for Public Safety includes three categories:

Category 1 – Sight distance line/triangles at road intersections and rail crossings.

Category 2 – Clearance adjacent to the edge of a travelled-way.

Category 3 – Clearance beyond Category 1 and 2 zones.

#### 3.1 Category 1 – Sight distance line/triangles at road intersections and rail crossings

This Category refers to both frangible and non-frangible native vegetation to address an existing risk to public safety along road intersections and rail crossings.

##### **Sight Triangles at Road Intersections and Rail Crossings – Category 1**

- Both frangible and non-frangible native vegetation, if need be, can be cleared for the establishment of safe sight lines at road intersections and rail crossings.
- Clearance must be consistent with clearance guidelines outlined in *Austroad Guide to Road Design: Part 4: Intersections and Crossings-General 2009*, and *Australian Standard – Manual of uniform traffic control devices (AS 1742.7– 2007)*, Part 7: Railway Crossings. No SEB is required.
- All proposed clearance of roadside native vegetation under public safety, *Native Vegetation Regulation 11(23)*, must be undertaken in accordance with written approval from the NVC and must comply with the *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation*, Part 2: Framework for Public Safety, the Application of *Regulation 11(23)* for Clearance Along Roads, Intersections and at Rail Crossings for Public Safety Purposes.

- The clearance of non-frangible native vegetation along sight-lines should be limited to targeted removal.
- Depending upon the type of vegetation/biodiversity present within the sight triangle, trimming of understorey frangible native vegetation (if required) should be limited to a height that sustainably maintains the understory and not cleared down to bare earth.

### Road Curves

- For road curves, the amount of clearance will be determined on a case-by-case basis and, where practicable, only non-frangible plants impeding visibility will be removed using cut or cut and swab.
- Low growing species and ground covers should be retained.
- These clearance zones should be maintained by trimming, slashing and rolling that minimise soil disturbance.
- Avoid grading or bulldozing.

## 3.2 Category 2 – Clearance adjacent to the edge of a travelled-way

This Category refers to the area where non-frangible native vegetation can be cleared adjacent to the edge of the travelled way for sealed roads, or adjacent to the edge of the grader line as defined in local councils' infrastructure plans for unsealed roads. It applies differently to the following situations:

Category 2 (Sealed –  $\leq 80$  km/h)

Category 2 (Sealed –  $> 80$  km/h)

Category 2 (Unsealed)

This section outlines what can be done to manage non frangible native vegetation to protect public safety along sealed and unsealed roads based on set widths from the edge of a travelled way.

- On sealed roads with a speed design of equal to or less than 80kms/hr, up to 2 metres of non-frangible native vegetation can be reduced, modified or removed from the edge of travelled way for the purpose of public safety.
- For sealed roads with a speed design greater than 80kms, up to 3 metres of non-frangible native vegetation can be reduced, modified or removed from the edge of travelled way is applicable for the purpose of public safety (**Table 1** below).
- Clearance of frangible vegetation in Category 2 situations must have clearance approval from the NVC.

Clearance from NVC of frangible vegetation requires that:

- a road safety issue can be demonstrated;
- Mitigation Hierarchy on page 9 of the *Guidelines for the Management of Roadside Native Vegetation and Regrowth* Vegetation have been considered to minimise impacts on biodiversity or native vegetation; and
- other road safety options have been considered as opposed to clearance.

<b>Speed limit (km/hr)</b>	<b>Category 2 zone widths adjacent to the edge of travelled way</b>
≤80 km	2m
>80 km	3m

**Table 1:** Sealed roads - Category 2 zone clearance widths

### **Unsealed Roads – Category 2**

- On unsealed roads, up to 2m either side of the defined travelled way can be cleared of non-frangible native vegetation for the purpose for public safety. No offset is required.
- Clearance of frangible vegetation requires clearance approval from the NVC, with an offset possibly required, as this vegetation should not impact public safety.
- The clearance level is capped at a total width including the travelled way itself of up to 12m.
- The road authority will need to demonstrate that it has considered the NAMO principles (see Abbreviations on page 24) to avoid or minimise the impacts that any proposed actions may have on biodiversity or native vegetation.
- The road authority must show it has considered other safety improvement options as opposed to clearance.

### **3.3 Category 3 – Clearance beyond Category 1 and 2 zones**

Category 3 is the native vegetation beyond the Category 1 and 2 zones. Clearance of non-frangible native vegetation in Category 3 area, or less than 6 non-frangible scattered trees, or less than 0.5 hectares of canopy area of non-frangible vegetation, will require the road authority to justify clearance for public safety purposes.

Applies to trees that present a danger of falling, or if a limb or some other part of the plant is in danger of falling, causing a risk to people or property. Any application in relation to this provision will be considered against the requirements of Native Vegetation Regulation 8(6) – Safety of Persons and property.

Any proposed clearance in this area will require written approval from an NVC authorised delegate acting on recommendations by the Native Vegetation Assessment Panel (NVAP).

	Category 1	Category 2	Category 3
	Sight distance Line/triangles at intersection and rail crossings	Clearance adjacent to edge of travelled way	Clearance beyond category 1 and 2 zones
Justification	Consideration must be given to: Mitigation Hierarchy and other safety improvement options to be detailed in the application form		
Clearance that can be applied for	Clearance of both <b>frangible</b> and <b>non-frangible</b> native vegetation (if required) for the establishment of safe sight lines at road intersections and rail crossings. Clearance must be consistent with clearance guidelines outlined in <i>Austroads Guide to Road Design: Part 4: intersections and Crossings-General 2009</i> , and as 17427-2007 <i>Manual of uniform traffic control device, Part 7: Railway Crossings</i> .	<b>Sealed roads</b> Removal of non-frangible native vegetation: <ul style="list-style-type: none"> <li>• <math>\leq 80\text{km/hr}</math> = up to 2m from edge of travelled – way</li> <li>• <math>\geq 80\text{km/hr}</math> up to 3m from the edge of the travelled – way</li> </ul> <b>Unsealed roads</b> <ul style="list-style-type: none"> <li>• Up to 2m either side of the edge of the grader line, capped at a total width including the travelled – way itself of up to 12m</li> </ul>	Areas or activities beyond the scope of Category 1 and Category 2 but still present as a public safety concern AND Applies only to safety treatments which result in clearing: <ul style="list-style-type: none"> <li>➢ Less than 6 non-<b>frangible</b> scattered trees</li> <li>➢ Less than 0.5 hectares canopy area of non-frangible vegetation</li> </ul> AND Applies to trees that present a danger of falling, or if a limb or some other part of the plant is in danger of falling, causing a risk to people or property Note: the Native Vegetation Council will consider matters that do not meet the above criteria on a case-by-case basis, should sufficient justification be provided.
Application	<b>Complete application form to the NVC</b>		
Written approval	<b>Clearance approved by the Native Vegetation Council or a Delegate</b>		

**Table 2:** Parameters defining Categories 1, 2 and 3 clearance requirements under the public safety framework within the *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation* page 22.

For full content and application forms refer to the Framework for Public Safety (Part 2, page 19 -22 and Appendix 2) of the “*Native Vegetation Council Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation (2020)*”.

## **4. Other Activities**

### **4.1 Clearance for access to adjoining land**

From time-to-time clearance of roadside vegetation may be required to provide access or improve access to private properties (e.g. new driveways). For rural areas, a primary producer may need new access to a paddock, possibly to cater for wide farm machinery. In other situations (e.g. semi-urban) it may be normal vehicular access to a residential allotment. The following issues are of concern:

- the safety of the access user needs to be the primary consideration.
- Minimisation of the loss of native vegetation through the construction of property access points.

Where clearance of native vegetation is unavoidable, the following standards should not be exceeded:

- For normal and primary vehicle access: 5m wide plus minimum clearance of frangible vegetation for sight distance along the road reserve.
- For wider farm vehicles: 10m wide access plus minimum clearance of frangible vegetation for sight distance along the road reserve. Only primary access requests will be assessed under Section 221 of the *Local Government Act (1999)*.
- For supplementary access points that do not require development approval, the land owner must seek approval under *Regulation 12(34)*.

If rare or threatened plant species are present, reasonable care should be taken to protect them. If necessary, contact the Native Vegetation Branch for advice. Care must be taken to avoid areas of native grassland and plant communities of conservation significance.

These guidelines do not apply to clearance required to establish access for a new development or use (e.g. associated with a new house site) or where an existing access point available. In these circumstances, an application under *Regulation 12(34)* infrastructure is required.

### **4.12 Consultation and Approval Procedures**

Clearance of roadside vegetation to provide access to adjoining land requires the consent of the local council, under Section 221 of the *Local Government Act (1999)* or approval under the *Development Act (1993)*. In addition, approval is needed from the Native Vegetation Council for any proposed clearance of native vegetation for access that exceeds the above standards including along fence lines or along areas of significant vegetation. Approval will only be granted once permission for clearance has been obtained by the Native Vegetation Council. Evidence of this must be provided to Council along with the Section 221 Permit Application form. Any unauthorised clearance will be referred by Council staff to the Native Vegetation Branch (DEW).

### **4.13 Clearance methods**

- Low impact methods of clearance (e.g. minimal ground disturbance, cutting cleanly rather than breaking branches) should only be used when clearing vegetation according to these standards.
- Cleared vegetation is to be removed from the site and not left on the road reserve, so as to minimise disturbance to the remaining vegetation (unless considered habitat features, e.g. hollow logs, or if small amounts, material may be left on site if it is spread widely and not allowed to form a pile, and is not considered to increase the amount of combustible material significantly).



## 4.2 Fence Line Clearance

Landholders who wish to clear native vegetation on a road reserve to enable construction or maintenance of a boundary fence require local council consent.

In granting any consent, the local council must comply with the following requirements:

- Where the roadside vegetation consists largely of trees, only branches protruding through or overhanging the fence, or trees growing on the actual fence alignment, should be removed.
- Where shrubs or bushes are growing through the fence line, those plants growing within 1m of the fence alignment can be removed.
- If rare or threatened plant species (*National Parks and Wildlife Act 1972* schedules or the *Environment Protection and Biodiversity Conservation Act 1999*) are present, reasonable care should be taken to protect them. If necessary, contact the Native Vegetation Council for advice.
- Encourage landholders to take alternative approaches for erecting fences that minimises clearance of roadside native vegetation.

These requirements take into account that the adjoining landholder can usually clear up to 5m in width on the land abutting the road, allowing for vehicular access to the fence (refer to *Regulation 8(14) – Fences*).

NOTE: this does not provide an automatic right to clear a 5m strip along a fence. If vegetation on an adjacent property is located within 5m, but does not impede reasonable access to the fence, the regulation cannot be used to clear that vegetation.

### 4.21 Consultation and Approval Procedures

Clearance approval is required for any native vegetation clearance along fence lines that exceeds the above standards. Consultation with the Native Vegetation Council should occur through the local Council. Note:

- in many areas, landholders are relocating new fencing 3m to 5m into their properties to conserve roadside vegetation and reduce construction costs. This is strongly supported.
- An alternative to removing trees in line with the property boundary may include constructing a simple strut arrangement that allows a fence to deviate a short distance around a tree. Wires are not attached directly to the tree, minimising potential damage to the tree (Figure 4, page 22).
- Greater fence line clearance within the road reserve may be justified in some districts which have high bushfire risk (Clearance associated with firebreaks and fuel reduction within the road reserve require approval from the CFS Chief Officer).
- Any unauthorised clearance will be referred by Council staff to the Native Vegetation Management Branch.

### 4.22 Clearance methods

- Low impact methods of clearance (e.g. minimal ground disturbance, cutting cleanly rather than breaking branches) should only be used when clearing vegetation.
- Cleared vegetation is to be removed from the site and not left on the road reserve, so as to minimise disturbance to the remaining vegetation (unless considered habitat features, e.g., hollow logs, or if small amounts, material may be left on site if it is spread widely).

and not allowed to form a pile, and is not considered to increase the amount of combustible material significantly).



**Image:** A simple strut arrangement that allows a fence to deviate a short distance around a tree. Wires are not attached directly to the tree, thus minimising potential damage to the tree.



**Figure 4:** examples of fence lines to accommodate large trees.  
The same strut arrangement seen from the side. The strut holding the wires away from the tree is directly behind the trunk. The wires are in place but cannot be seen due to the light at the time the photo was taken.

### 4.3 Pest Plant and Animal Control

Pest plants and pest animals are commonly known as 'weeds' and 'feral' animals. They can invade rural land or natural habitats and because of their characteristics and/or location they can cause economic, ecological, physical, or aesthetic problems, often with significant potential impacts on local and regional biodiversity. Pest plants and animals can be categorised as those that require control under legislation (i.e. declared species) and those that, while still damaging, are not considered significant enough to warrant legislative control at this stage.

The control of declared species on roadsides falls under the jurisdiction of the regional Landscape Boards SA under the *Landscape South Australia Act 2019*. Landholders are responsible for the control of pest species on their land and all Regional Landscape Boards have the responsibility to control declared pest plants or pest animals on road reserves.

Within some local council areas, landholders may be required to contribute to the control of pests on adjacent roadsides. Where landholders opt to control the pests on adjacent roadsides, they must seek approval of the Landscape Board and the local council. Local councils can only give consent if they are acting in accord with the *Landscape South Australia Act 2019* and have the relevant approvals or exemptions regarding clearance.

#### 4.31 Consultation and Approval Procedures

Clearance approval is required where a proposed animal or plant control program is likely to cause significant damage to native roadside vegetation.

'Significant' in this context includes:

- ripping of warrens where native vegetation will be affected,
- non-selective spraying in mixed weeds/native vegetation,
- burning of native vegetation to assist pest control.

It does not include minor damage, such as removal of branches to gain access to pests.

The Native Vegetation Branch is able to determine whether the proposed clearance is of a sufficiently significant nature to warrant referral on to the Native Vegetation Council for decision.

In districts where there are serious problems with roadside pest control, local councils and Regional Landscape Boards are encouraged to develop overall management strategies in consultation with the Native Vegetation Branch. This can avoid the need for consultation with the Native Vegetation Branch on a case-by-case basis. This approach has been adopted in several local council areas.

Where pest control works are planned that could affect roadside native vegetation, the local authorised officer should be the first point of contact. The need for consultation with the Native Vegetation Branch can then be determined.

### 4.4 Revegetation on Roadsides

The Mid Murray Council is supportive of revegetation programs within the Council region and recognises the ecological and aesthetic importance of restoring, maintaining, and enhancing roadside native vegetation as areas of habitat for wildlife, to increase the biological diversity and seed stock of the area, and to create linkages for wildlife movement.

Other recognised benefits include improving the amenity of an area, reducing the risk of soil erosion, and possibly reducing the risk of fire through appropriate fire management practices.

#### **4.41 Consultation and Approval Procedures**

It is essential (and a legal requirement) that the permission of the Mid Murray Council be obtained for roadside revegetation programs.

Planned revegetation programs will be conducted under Council's authorisation and will incorporate other Council maintenance policies aimed at minimising soil disturbance and associated weed establishment, control of introduced plants and animals, and restrict grazing or development along roadside areas in the district.

Proposals for restoration and revegetation must also take into account the existing vegetation, particularly areas of native grassland which may never have had an overstorey. Consultation with the Native Vegetation Branch is required where revegetation is to occur within areas of existing vegetation.

Any unauthorised clearance of road reserve native vegetation caused by activities will be referred by Council staff to the Native Vegetation Branch (DEW) for further investigation.

## 5. References

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- ARRB Transport Research (2001) *Environmental Practices for Rural Sealed and Unsealed Roads*.
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- Austroroads publications dealing with Road design:  
<http://www.onlinepublications.austroroads.com.au/script/ICSDocBrowse.asp?Code=99.AR.RD&StdType=Austroroads>
- Berwick M (1998). *National Local Government Biodiversity Strategy*. Australian Local Government Association in conjunction with Biological Diversity Advisory Council.
- Gov. of SA (2005). *South Australia: Guidelines for state government agencies, firebreak and fire access tracks*. Government of South Australia, Australia.
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- Local Government Association (1994). *Managing Unsealed Roads in South Australia*.
- Mid Murray Council (2014) *Mid Murray Council Roadside Vegetation Management Plan 2014-2019*, Mid Murray Council, SA
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- Transport SA *Environmental Code of Practice for Road Maintenance*.
- Transport SA (1997) *Environmental Code of Practice for Construction: Road, Bridge and Marine Facilities*.
- Woodward-Clyde (2000) *Study to Aid the Development of a Remnant Roadside Vegetation Management Strategy for the Mid Murray Council*. Project No. A9600506/2 AGC Woodward-Clyde Pty Ltd.

## 6. Abbreviations & Definitions

### Abbreviations

<b>DEW</b>	Department for Environment and Water
<b>LGA</b>	Local Government Association
<b>NAMO</b>	N – Ensure no loss, A – Avoid clearance M – Minimise the impacts of clearance, O – Offsetting any clearance  (Framework for the Clearance of Native Vegetation under Regulation 5(1) (1b)-Public Safety for Rail Crossings, Road Intersections and Roadsides. Oct 2012 Native Vegetation Council)
<b>NRM</b>	Natural Resources Management
<b>NVAP</b>	Native Vegetation Assessment Panel
<b>NVBMU</b>	Native Vegetation and Biodiversity Management Unit
<b>NVC</b>	Native Vegetation Council as established by the <i>Native Vegetation Act 1991</i> .
<b>RVMP</b>	Roadside Vegetation Management Plan

### Definitions

<b>Clearance (from the <i>Native Vegetation Act 1991</i>)</b>	<ul style="list-style-type: none"> <li>the killing, destruction or removal of native vegetation</li> <li>the severing of branches, limbs, stems or trunks of native vegetation</li> <li>the burning of native vegetation</li> <li>any other substantial damage to native vegetation, and includes the draining or flooding of land</li> </ul>
<b>Clearance Envelope</b>	<p>The area required to be clear of vegetation for the safe passage of legal height vehicles across the full width of the traffic lanes</p> <p>[<i>Secondary clearance envelopes</i> are further areas required to be kept clear of vegetation for adequate visibility of other traffic, signs and other roadside furniture].</p>
<b>Mid Murray Council</b>	Local Government body constituted under the <i>Local Government Act 1999</i> .
<b>Droving or Movement of Stock</b>	Moving stock, usually cattle or sheep, from one place to another by driving them slowly on foot along roadways or stock routes.



<b>Grazing of Stock</b>	Using a particular area for grazing rather than for movement of livestock.
<b>Indigenous (or Native) Vegetation</b>	Local (naturally established) native vegetation species of the type occurring prior to European settlement in this district.
<b>Minor Clearance</b>	The pruning of native vegetation is acceptable provided that it is kept to a minimum and does not result in the death of the plant(s) involved
<b>Natural Regeneration</b>	New growth of indigenous native plants from seed or sucker growth.
<b>Native Vegetation (adapted from the <i>Native Vegetation Act 1991</i>). This definition does not represent the full legal wording of this term – see the <i>Native Vegetation Act 1991</i> for the exact wording.</b>	<p>Any plant or plants of a species indigenous to South Australia, including a plant or plants growing in or under waters of the sea, but does not include:</p> <ul style="list-style-type: none"> <li>(a) a plant or part of a plant that is dead unless the plant, or part of the plant, is of a class declared by regulation to be included in this definition, or</li> <li>(b) plants intentionally sown or planted by a person, except where the planting was undertaken in compliance with a condition imposed by the Native Vegetation Council (or the Native vegetation Authority under the 1985 vegetation clearance legislation), or in accordance with an order of the court under the <i>Native Vegetation Act 1991</i>(or the 1985 clearance legislation)</li> </ul> <p>In this context native vegetation does include dead trees of a species indigenous to South Australia if:</p> <ul style="list-style-type: none"> <li>(a) the trunk circumference (measured at a point 300mm above the base of the tree) (i) in the case of a tree located on Kangaroo Island – 1 metre or more, or (ii) in any other case – 2 metres or more), and</li> <li>(b) the tree provides or has the potential to provide, or is a part of a group of trees or other plants (whether alive or dead) that provides, or has the potential to provide, a habitat for animals of a listed threatened species under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</li> </ul>
<b>Remnant Vegetation</b>	Surviving indigenous vegetation
<b>Road</b>	Road as defined under the <i>Road Transport Act 1961</i> ; i.e. road = reserve.
<b>Roadway (or Carriageway)</b>	That portion of the road devoted particularly to the use of vehicles, inclusive of shoulders and auxiliary lanes.
<b>Road Reserve</b>	The total strip of land reserved for transportation purposes from fence line to fence line or boundary to boundary if unfenced. The road reserve includes the roadside.

<b>Roadside Vegetation</b>	Any vegetation growing on roadsides. This includes native vegetation of conservation value and vegetation dominated by introduced species.
<b>Road Shoulder</b>	The area on a sealed road between the roadway (carriageway) and the road verge
<b>Road Verge</b>	That portion of the formation not covered by the carriageway or the footpath.
<b>Significant</b>	Attributed to features of special value including vegetation, landscapes and cultural heritage.
<b>Significant Environmental Benefit</b>	<p>The <i>Native Vegetation Act 1991</i> includes provisions requiring the clearance of native vegetation to be offset by an environmental gain, referred to by the legislation as a 'Significant Environmental Benefit' (SEB).</p> <p>The rationale for an SEB offset recognises that clearance of native vegetation will result in the loss (even temporary) of habitat, biodiversity and/or other environmental values, in a landscape that has already been significantly modified by human settlement.</p> <p>The SEB provides a mechanism to minimise that loss by managing, restoring or re-establishing areas of native vegetation that result in a better outcome for the environment.</p>
<b>Table Drain</b>	The side drain of a road adjacent to the shoulder, having its invert lower than the pavement base and being part of the formation.
<b>Threatened Species</b>	Indigenous flora and fauna under threat of extinction (usually categorised to level of threat as: rare, threatened, vulnerable or endangered).
<b>Traffic Lane</b>	A portion of the carriageway allocated for the use of a single line of vehicles.
<b>Travelled Way</b>	That portion of a carriageway ordinarily assigned to moving traffic, and exclusive of shoulders and parking lanes.
<b>Unused Road Reserve</b>	A road that has been gazetted under the <i>Crown Lands Act 1929</i> where it is not used for public traffic.
<b>Vegetation</b>	Any living or dead plant material (trees, shrubs, groundcovers including herbs; grasses; reeds, rushes and other aquatic species).
<b>Weeds</b>	A plant species not indigenous to the area and which invades endemic vegetation.

## 7. Appendices

### Appendix 1 Summary of State Legislation Relating to Roadside Management

The following (Commonwealth) Parliament Acts and Government policies are relevant to road maintenance activities for the protection and management of roadside vegetation. Electronic copies of State and Federal legislation can be found at <http://www.austlii.edu.au/> and <https://www.legislation.sa.gov.au/>

<b><i>Aboriginal Heritage Act 1988</i></b>
<b><i>Agricultural and Veterinary Products (Control of Use) Act 2002</i></b>
<b><i>Controlled Substances Act 1984</i></b>
<b><i>Crown Lands Act 1929</i></b>
<b><i>Dangerous Substances Act 1979</i></b>
<b><i>Environment Protection Act 1993</i></b>
<b><i>Environment Protection and Biodiversity Conservation Act 1999</i></b>
<b><i>Fire and Emergency Services Act 2005</i></b>
<b><i>Heritage Places Act 1993</i></b>
<b><i>Landscape South Australia Act 2019</i></b>
<b><i>National Parks and Wildlife Act 1972</i></b>
<b><i>Native Vegetation Act 1991</i></b>
<b><i>Native Vegetation Regulations 2017</i></b>