Development for the purpose of road infrastructure in NSW is assessed by the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Division 14 of the State Environmental Planning Policy - Infrastructure (ISEPP). The purpose of this diagram is to guide Councils in determining whether road works undertaken by Council affecting roadside vegetation or other features are classified as exempt development or require an environmental assessment in accordance with Part 4 and Part 5 of the EP&A Act.

### EP&A Act Assessment Process for road infrastructure works by Council

#### STEP 1 - Is the development listed as exempt under section 97 (Exempt Development) of the ISEPP?

Some works such as emergency works to protect a road or road infrastructure facilities, or works that involve upgrading or maintenance of vegetation (such as weed spraying, slashing and pruning) that does not involve construction works and involves the replacement (if any) of existing materials with similar materials are listed as exempt.


#### STEP 2 - Does the work also meet section 20 (General requirements for exempt development) of the ISEPP?

To be exempt development, the development (among others):
- must be carried out in accordance with all relevant requirements of the Blue Book (erosion and sediment control)
- if it is likely to affect a state or local heritage item or heritage conservation area, must involve no more than minimal impact on the heritage significance of the item or area.
- must not involve the pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.

#### STEP 3 - Are the works having a minimal environmental impact?

According to Note 1 of Division 4 of Part 2 of the ISEPP, exempt development may be carried out without the need for consent or approval if the works are:
- of minimal environmental impact
- not carried out in critical habitat identified under the *Fisheries Management Act 1994* or an area of outstanding biodiversity value under the *Threatened Species Conservation Act 1995*
- not carried out in a wilderness area, identified under the *Wilderness Act 1987*

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**Exempt Development**

Under section 76 of the EP&A Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or assessment under Part 5 of the Act.

However according to Note 2 of Division 4 of Part 2 of the ISEPP other legislative requirements for approval, licences, permits and authorities still apply.