

Approval for clearing native vegetation under Division 6 and the Native Vegetation Panel

The *Local Land Services Act 2013* provides a framework for clearing of native vegetation that does not require development consent (generally associated with extensive agriculture) on rural land in NSW.

Landholders who intend to clear native vegetation on rural land and who do not meet the requirements of Allowable Activities or the *Land Management (Native Vegetation) Code 2018* of the *Local Land Services Act 2013* may apply for a native vegetation clearing approval under Division 6 of Part 5A of the *Local Land Services Act 2013*.

Applications for clearing native vegetation

Applications for clearing approval must meet the following criteria:

1. The land must comprise or include category 2-regulated land.
2. The clearing of vegetation must be for a purpose that is permitted without development consent. Clearing cannot be for development that requires development consent, State significant infrastructure approval, or approval under Part 5 of the Environmental Planning and Assessment Act 1979.
3. The application must include a Biodiversity Development Assessment Report (BDAR) of the proposed clearing. This report must be developed by an accredited assessor using the Biodiversity Assessment Method.
4. The application must include an assessment of the impacts of the proposed clearing. This would include the social and economic impacts, as well as environmental impacts that are not addressed by the BDAR, such as soil erosion, salination, acidification or other adverse land or water impacts.

Native Vegetation Panel

The Native Vegetation Panel is an independent body established under the *Local Land Services Act 2013*. The Panel's function is to determine applications for approval to clear native vegetation under Division 6 of Part 5A of the Act.

The Panel will consist of three members:

1. the Chairperson, who will be a person with expertise in planning, public administration or social assessment,
2. a person with expertise in economics, agricultural economics or agricultural land production systems,
3. a person with expertise in ecology or the protection and conservation of biodiversity.

The Panel cannot grant approval to a proposal that, in the Panel's opinion, is likely to have serious and irreversible impacts on biodiversity values that would remain after any measures proposed to be taken to avoid or minimise that impact.

Did you know?

- Local Land Services has trained staff in your area ready to discuss how the land management and biodiversity reforms can help you?
- Local Land Services staff can also visit your property to better understand your goals and provide expert tailored advice.

Why not give us a call on 1300 778 080?

Contact the Office of Environment and Heritage for information on 13 15 55 or email info@environment.nsw.gov.au for information on:

- Biodiversity Assessment Method (BAM) and Biodiversity Development Assessment Report
- Accredited BAM assessors
- Information on Serious and Irreversible Impacts

How are applications assessed?

Applications will require an assessment of the environmental, social and economic impacts of the proposed clearing. They must also consider the purpose for which the land is to be used after it's cleared.

This includes considering:

- The likely impacts of the proposed clearing on biodiversity values, using the BAM.
- Identification of biodiversity credits which should be retired to offset the biodiversity impacts of the proposal
- Whether the clearing is likely to cause or increase soil erosion, salination, acidification, land slip, flooding, pollution or other adverse land and water impacts
- Any future clearing of native vegetation on the land that has been duly authorised or notified but not yet carried out.

Social and economic assessments including measures to avoid and mitigate any negative impacts of the proposed clearing will also be required as part of the application.

Approvals by the panel

The Native Vegetation Panel can grant approvals subject to conditions, including a requirement to retire biodiversity credits to offset the residual impact on biodiversity values as identified in the biodiversity development assessment report.

The Panel has to refuse applications if the proposal is likely to have a serious and irreversible impacts on biodiversity values.

Applicants will receive formal advice on the outcome of their application.

The Native Vegetation Panel may reduce or increase the number of biodiversity credits needed for a project, based on an assessment of the social, economic and environmental impacts of the proposed clearing.

When can clearing happen?

Clearing of native vegetation cannot be undertaken until formally approved by the Panel, and any obligation under the approval to retire biodiversity credits has been complied with.



Further information

To find out more about the native vegetation reforms and how they affect you, contact Local Land Services on 1300 778 080, email slm.info@lls.nsw.gov.au, visit www.lls.nsw.gov.au or call in to your nearest Local Land Services office.