



# 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. This factsheet provides guidance for landholders who intend to clear native vegetation on rural land but do not meet the requirements of Allowable Activities or the *Land Management (Native Vegetation) Code 2018* (the Code). You can 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

Your application must meet the following criteria:

1. The land must comprise or include category 2-regulated land.
2. You must be clearing vegetation for a purpose that does not require development approval, State significant infrastructure approval, or approval under Part 5 of the *Environmental Planning and Assessment Act 1979*.
3. Your 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. Your application must also 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, salinisation, 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 determines applications for approval to clear native vegetation under Division 6 of Part 5A of the Act.

The Panel was established in July 2018 and consists of three members:

1. The Chairperson, who is 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 approve any application it believes 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.

Want to know more?

We're here to help

**Find us online:** [lls.nsw.gov.au](https://lls.nsw.gov.au)

You'll find other land management resources including fact sheets

**Call us:** 1 300 795 299 and ask for an officer to advise you on land management

**Email us:** [slm.info@lls.nsw.gov.au](mailto:slm.info@lls.nsw.gov.au)

**See us:** drop into your nearest Local Land Services office



**Local Land Services**

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To contact the Native Vegetation Panel :

[info@nvp.nsw.gov.au](mailto:info@nvp.nsw.gov.au)

1300 795 299

To find out more about the Panel:

[www.nvp.nsw.gov.au](http://www.nvp.nsw.gov.au)

Contact the Office of Environment and Heritage on 13 15 55 or email [info@environment.nsw.gov.au](mailto: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 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.

