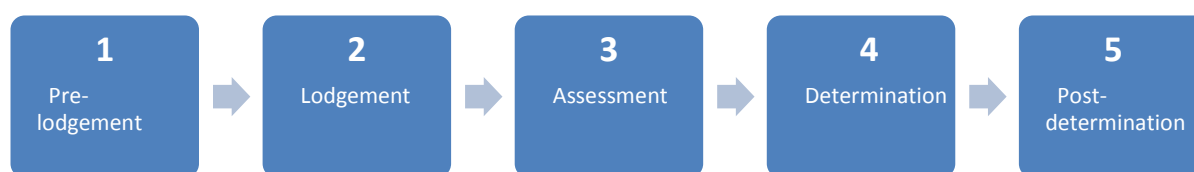


Native Vegetation Panel: Application Process

Native vegetation clearing applications made in accordance with Division 6, Part 5A of the *Local Land Services Act 2013* (LLS Act 2013), or Part 4 of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP), require approval from the Native Vegetation Panel. The Native Vegetation Panel application process has five stages and is summarised below.



Step 1 – Pre-lodgement and Application Development

Pre-lodgement meeting

Prior to lodging an application to the Native Vegetation Panel, it is recommended that all prospective applicants attend a pre-lodgement meeting with Local Land Services (LLS). At this meeting the proposed clearing can be discussed, and advice can be given regarding the information required to be submitted with the application. Providing the Native Vegetation Panel with an assessment-ready application, including all essential information will assist in avoiding any delays in the process, saving time and resources.

Application Development

Every application must contain a comprehensive description of the proposal and meet all legislative requirements. It is recommended that applications are prepared by a suitably qualified and experienced person(s). This will include a BAM accredited assessor. The Native Vegetation Panel will refer to Section 60ZF of the LLS Act for Division 6 applications or Clause 14 for Vegetation SEPP applications when assessing the application, so applicants are to ensure their team addresses these matters when completing the application.

Step 2 – Lodgement

Applications must be submitted to the Native Vegetation Panel via LLS prior to any native vegetation clearing being undertaken. Retrospective applications will not be accepted by the Native Vegetation Panel. Lodgement can be over the counter at a LLS Regional Office or by email at info@nvp.nsw.gov.au and must include relevant legislative reports, fees and application form.

Step 3 – Assessment

All properly made applications must be formally assessed by the Native Vegetation Panel. As part of the assessment the Native Vegetation Panel must consider the environmental, social and economic impacts of the proposed clearing (in accordance with the principles of ecologically sustainable development) having regard to the purpose for which the land is to be used after it is cleared. The assessment process will include public notification, consultation and site inspections.



Step 4 – Determination

The Native Vegetation Panel is required to determine the application within 90 days of being duly made. However, if insufficient information is provided with the initial application, the Native Vegetation Panel may decide to “stop the clock” to request further information from the applicant.

Application Outcomes

There are two possible outcomes for an application to clear native vegetation. Applications can be granted approval with conditions, or refused with reasons provided. The Native Vegetation Panel must refuse to grant approval if the Panel is of the opinion that the proposed clearing of native vegetation is likely to have serious and irreversible impacts on biodiversity values.

What can I do if I don't like the Panel's decision?

If you wish to make changes to your approved plans (or the conditions), you can submit an application for a Modification of Consent (under section 60ZI of the LLS Act or clause 16 for Vegetation SEPP applications). If the application varies too much from the original approval a new application must be lodged. If the application is refused (or granted with unacceptable conditions), an applicant may commence an appeal to the Land and Environment Court. Applicants have six months to lodge an appeal following determination.

Step 5 – Post-Determination

Before you can start work

An approval by the Native Vegetation Panel does not authorise the clearing of native vegetation until all obligations under the approval, including retiring biodiversity credits, have been fulfilled. You will also be required to obtain any other licences or approvals required under other legislation.

During vegetation removal works

As landowner, your role is to manage the vegetation clearing operations and meet all the terms and conditions of your approval. Enforcement action can be commenced if vegetation removal is not undertaken in accordance with the approval, this may lead to penalties and delays with the project.

Further Information

If you have any questions or you are not sure if you require Native Vegetation Panel approval, please contact the LLS Division 6 Team by email info@nvp.nsw.gov.au or contact the Team through an LLS Regional Services Officer in your LLS Regional Office. For further information about the Native Vegetation Panel refer to www.nvp.nsw.gov.au.