

Native Vegetation Panel: Application Guide

Prior to lodging an application to the Native Vegetation Panel, it is recommended that the prospective applicant/s undertake a pre-lodgement meeting with Local Land Services (LLS). At the pre-lodgement meeting, the applicant can discuss the proposed clearing and obtain advice as to the level and type of information required to be submitted with the application. The following Guide should be read in conjunction with any specific written advice provided by LLS in response to the pre-lodgement meeting.

The application package should include:

- Application form and application fee
- Assessment Report, addressing:
 - Site description
 - Project description
 - Statutory requirements
 - Consultation and stakeholder engagement
 - Impact assessment
 - Environmental impacts, including Biodiversity Development Assessment Report
 - Economic impacts
 - Social impacts
 - Ecological Sustainable Development
 - Any other supporting information.

Application Form

A completed Application Form and all accompanying information is to be submitted electronically to the Native Vegetation Panel by email to info@nvp.nsw.gov.au. Hard copy applications can also be submitted at a regional LLS Office (refer to the LLS website for office locations). Please note all application material will be placed on public exhibition with the application.

Once LLS has verified that there is adequate information for the application to proceed, an application fee is required to be paid to progress the application.

Assessment Report

The level of detail provided in the assessment package is to:

- be proportionate to the nature and scale of the proposed native vegetation clearing and its potential environmental, social and economic impacts, and
- provide the Native Vegetation Panel sufficient information to make an informed decision.

General information

The following is a summary of general information required to be provided within the Assessment Report:

- an executive summary;
- description of the property location and context (location plan, Lot and Deposited Plan, street address).
- description of the subject landholding (e.g. existing environmental attributes, landscape features, current land uses, planning approvals, covenants/easements etc);
- description of surrounding land uses (such as agricultural, urban, bushland, water catchments etc);
- detailed description of the proposed vegetation clearing (including the area in hectares of the proposed clearing including native groundcover, method of clearing and vegetation removal, timing of the clearing works, recent

- photographs of existing vegetation including the location from which the photograph was taken, the reason for the clearing, why the location has been selected and any significant environmental values);
- details of any proposed staged clearing of native vegetation and for the corresponding staged retirement of the relevant number of biodiversity credits;
- details of the intended use of the land following the clearing;
- consideration of the statutory matters for consideration detailed within:
 - Section 60ZF of the *Local Land Services Act 2013*; or
 - Clause 14 of the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- project justification and consideration of alternatives - outlining the need for the project;
- identification of any Aboriginal cultural heritage sites, or Heritage items (non-aboriginal) in the locality;
- identification of cumulative impacts of the clearing on-site and in the region; and
- a full description of the measures proposed to mitigate any adverse effects of the proposal on the environment.

Proposed plan details

Plans submitted with the application are to be drawn to an appropriate scale for the subject landholding. They must clearly identify the subject lot, the area/s (in hectares) of proposed vegetation clearing and the subject plant community types. If staged land clearing is proposed, clearly define the area of each stage. Spatial information displayed on the plan(s) is to include at a minimum, aerial imagery, cadastral boundaries, watercourses, roads and existing structures (including dwellings), covenants/conservation agreements/easements etc, zonings under the Local Environmental Plan, and Native Vegetation Regulatory mapping details. In addition to the proposed plan/s provided in the Assessment Report, an electronic file of the proposed plan/s is to be submitted in the ArcGIS 'shapefile' format.

Environmental Impact

Biodiversity Development Assessment Report (BDAR)

All applications to the Native Vegetation Panel must be accompanied by a BDAR. The BDAR is only able to be prepared by a Biodiversity Assessment Method (BAM) Accredited Assessor. A complete list of BAM Accredited Assessors can be found at <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>. The Biodiversity Assessment Method is the assessment manual that outlines how an accredited person assesses impacts on biodiversity for the development site. The assessor documents the results of the biodiversity assessment in the BDAR. The BDAR also identifies how the proponent proposes to avoid and minimise impacts, any potential impact that could be characterised as serious and irreversible (according to specified principles) and the obligations required to offset the likely biodiversity impacts of the proposal, expressed in biodiversity credits.

Land, Soil and Water

Applicants will also need to examine the potential for the proposal to cause other environmental impacts and land degradation on the property and off-site. These impacts if not adequately avoided or minimised may impact on agricultural productivity and environmental values on the property and off-site. The application is to address the following matters when considering the potential impacts from the vegetation clearing:

- Soil erosion
- Salinization
- Acidification
- Landslip
- Flooding
- Pollution (e.g. chemical and nutrient export, contamination)
- Other adverse land or water impacts (e.g. surface water quality and groundwater quality, acid sulphate soils for coastal areas)

The Land, Soil and Water Assessment is to be prepared by a suitably qualified and experienced person(s).

Social Impact

A social impact is a consequence experienced by people due to changes from an activity, project or proposal. As a guide, social impacts can involve changes to people's way of life, health and wellbeing, community; culture (including shared values and connections to land and places), surroundings (including ecology and aesthetic values, amenity), and personal and property rights (including whether their economic livelihoods are affected).

Social Impact Assessment (SIA) is the process of identifying, predicting, evaluating and developing responses to the social impacts of a proposal. SIA is not a one-size-fits-all process. It needs to be proportionate and tailored to suit the project's context and the nature and scale of its impacts. For vegetation clearing applications to the Native Vegetation Panel, the SIA process is as follows:

1. **Step 1** – Initial review of potential impacts to determine the required assessment level. For all applications, a SIA Questionnaire is required to be completed. If no impacts are identified, no further social assessment is required. Proposals with only minor adverse impacts progress directly to Step 3 (NVP determination). For small scale, low-risk proposals, Step 1 and Step 3 may be the only assessment required.
2. **Step 2** – Completion of a Social Impact Assessment: only for proposals identified in Step 1 as having one or more significant positive or negative impacts. Assessments are to be prepared by a suitably qualified or experienced person/s.
3. **Step 3** – Proposal is modified where possible to avoid or minimise negative social impacts and/or increase positive social impacts. Determination by the Native Vegetation Panel which may include conditions which avoid, mitigate negative impacts and/or enhance positive impacts identified in Steps 1 or 2.

Economic Impact

The level of detailed provided for the proposal's economic impacts will vary according to the nature and scale of the proposal. The description of economic impacts is to be completed by a suitably qualified or experienced person/s. It must provide the Native Vegetation Panel with sufficient information on which to understand the expected economic impacts of the proposal. The economic impact assessment is to have regard to:

- on-farm and off-farm impacts (positive and negative, short term and long-term);
- costs of clearing and associated land, soil and water management works;
- change in gross margin in relation to proposed land use (it is recommended to use a Net Present Value tool as indicative guide only);
- direct and derived economic effects associated with the clearing works and from the subsequent operation of the farm;
- identify measures to manage any negative impacts and to capture the economic opportunities generated by the clearing proposal and consequential agricultural activity, and
- attribute economic weight/significance and prioritise those impacts.

It is recommended that the proposal also include a business plan, prepared by a suitably qualified or experienced person/s. The business plan should contain an analysis of financial information for the proposed agricultural operations, as well as past agricultural operations for comparison (where relevant).

Principles of Ecologically Sustainable Development

The assessment of the environmental, social and economic impacts of the proposed vegetation clearing is to be undertaken in accordance with the Principles of Ecologically Sustainable Development.

Other matters

Is Development Consent required for the intended use of the land?

The Native Vegetation Panel is only able to consider applications for native vegetation clearing where the intended land use is permissible without requiring Development Consent under Part 4 of the *Environmental Planning and Assessment Act 1979*. The Assessment Report is to include details of the intended use of the land including the applicable Local Environmental Plan land use category. Written confirmation from the relevant Local Government Authority that Development Consent is not required for the intended use of the land is to be provided.

Other approved vegetation clearing on the subject landholding not yet undertaken

The Native Vegetation Panel will take into consideration (without limitation) any other approvals or notifications regarding native vegetation clearing that have been duly authorised or notified but not yet carried out. The Assessment Report is to provide details if any approval or notification that is relevant to the proposed clearing area/landholding.

Environmental Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* is the Commonwealth Government's main environmental legislation which regulates matters of national environmental significance (e.g. threatened species, ecological communities).

You may need to obtain approval under the *Environment Protection and Biodiversity Conservation Act 1999* if your proposed clearing could have a significant impact on matters of national environmental significance.

Other relevant legislation and approvals

The Assessment Report should also note any other relevant approvals required or obtained under other legislation e.g. *Environmental Protection and Biodiversity Conservation Act 1999*, *Fisheries Management Act 1995*, *National Parks and Wildlife Act 1974*, *Water Management Act 2000*, *Protection of the Environment Operations Act 1997*.

Further Information

If you have any questions about this Guide please contact the LLS Division 6 Team by email info@nvp.nsw.gov.au or by contacting a LLS Regional Services Officer in your LLS Regional Office. For more information about the Native Vegetation Panel refer to www.nvp.nsw.gov.au. For more general information about the land management framework in NSW refer to www.landmanagement.nsw.gov.au or www.lls.nsw.gov.au.

Appendix 1

Government Level	Approval or Notification
Commonwealth	
Environment Protection and Biodiversity Conservation Act 1999	Approval under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> to significantly impact on Matters of National Significance
State	
Local Land Services Act 2013	Notification under the Land Management (Native Vegetation) Code 2018
	Voluntary Code Compliant Certificate under the Land Management (Native Vegetation) Code 2018
	Mandatory Code Compliant Certificate under the Land Management (Native Vegetation) Code 2018
	Approval under Part 5A, Division 6
	Private Native Forestry Plan
Native Vegetation Act 2003	Property Vegetation Plan under the repealed <i>Native Vegetation Act 2003</i>
	Code of Practice Notification under the repealed <i>Native Vegetation Act 2003</i> including: <ul style="list-style-type: none"> • Clearing of Paddock Trees in a Cultivation Area • Clearing of Invasive Native Species • Thinning of Native Vegetation
	Property Vegetation Plan for Native Forestry under the repealed <i>Native Vegetation Act 2003</i>
Native Vegetation Conservation Act 1997	Approval to clear native vegetation
State Environmental Planning Policy 46 – Protection and Management of Native Vegetation	Approval to clear native vegetation
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 201	Approval under Clause 14 of SEPP
Environmental Planning Assessment Act 1979	<ul style="list-style-type: none"> • Clearing authorised by a development consent under Part 4 • Clearing authorised by a state significant infrastructure approval under Part 5 • The clearing authorised by a transitional Part 3A project approval under Schedule 6A to the Act.
Local Land Services Act – Part 5A, Division 3 s600 (b-p)	Any clearing under this section or included within this table
Western Lands Act 1901/Crown Land Management Act 2016 (Western Lands Leases)	Approvals to cultivate land and any other related approvals/conditions under the legislation
Threatened Species Conservation Act 1995	Approved biodiversity certification area
Biodiversity Conservation Act 2016	Approved biodiversity certification area
Local Government	
Local Environment Plan (Development Control Plan), Heritage or Tree Preservation Order	<ul style="list-style-type: none"> • Development approval or consent • Approval to remove vegetation subject to Development Control Plan, Heritage or Tree Preservation Order