Biodiversity Assessment & Approval Pathways for non-IDA Councils

Activity requires

Council approval **

Where the BOS applies,

discounted offsets

require OEH concurrence





Version 3 - October 2018

Native vegetation

Note: Native vegetation is defined under Part 5A, Division 1 Section S60B of the LLS Act

Non-native vegetation

require authorisation by

Vegetation SEPP if Council

or NVP is satisfied that

this exemption applies **

A BC licence may be required

PART 4 LOCAL DEVELOPMENT PATHWAY PART 5 ACTIVITY / ISEPP PATHWAY **LLS ACT PATHWAY VEGETATION SEPP PATHWAY** Is the clearing associated Clearing is regulated by the Vegetation SEPP Is the clearing associated Is the vegetation to be cleared with an activity that with a development that outside the Sydney Metropolitan Does an exemption apply under the Vegetation SEPP? requires development consent requires assessment under Area or Newcastle LGA, and 1. Is the vegetation dead or dying and NOT habitat for native animals? OR 2. Is the vegetation a risk to human life or property? **OR** under Part 4 of the EP&A Act? Part 5 of the EP&A Act? within a Rural Zone (except RU5) Do the special transitional provisions for RAMA clearing apply? or a Deferred Matter zone? Is the proposed development likely What is the land classification as described **NATIVE AND** Is the proposed activity likely **NON-NATIVE NATIVE VEGETATION** to have any biodiversity impacts on the Native Vegetation Regulatory Map **NON-NATIVE** to have any biodiversity impacts **VEGETATION** (clearing and/or prescribed) on (NVR Map)? Does the clearing exceed the **VEGETATION** (clearing and/or prescribed) on threatened species and/or TECs? Biodiversity Offset Scheme (BOS) threatened species and/or TECs? Threshold triggers? Category 1 Category 2 1. Located on the Biodiversity Values Map Located in a declared Area of Outstanding (Exempt) **Regulated Land** 1. Located on the BV Map* OR (BV Map)* OR Biodiversity Value (AOBV) OR Unregulated 2. Exceeds area clearing threshold 2. Exceeds area clearing threshold OR Lands 2. Are the impacts considered Significant? Are the impacts considered Significant? (apply Test of Significance - 5 part test) (apply Test of Significance - 5 part test) N N N Is the proposed clearing **BOS** applies Does the Council have a vegetation authorised under a Accredited clearing permit system in their Continue **BOS** applies **Land Management** Assessor must Development Control Plan (DCP)? Development Accredited Assessor (native vegetation) prepare a BDAR **Application** must prepare a BDAR Code? *** (DA) process Prepare Opt into Continue a Species BOS with Council with Council N **Environmental Impact** Accredited Are the proposed **Assessment Statement** Assessor impacts likely to (SIS) must process Is the vegetation to be be Serious and **BOS** applies prepare a cleared prescribed in the DCP? Irreversible (SAII)? BDAR N Clearing is **Clearing** is Clearing Clearing does not **Activity**

requires OEH

concurrence

prior to

Council

approval **

DA requires

Council approval **

Where the BOS

applies, discounted

offsets require

OEH concurrence

DA can NOT

be approved

Council MUST

refuse the DA

permitted under

the LLS Act **

A Biodiversity

Conservation (BC)

licence may

be required

Clearing does not

require authorisation by

Vegetation SEPP **

A BC licence may

be required

A clearing

permit is

required

from

Council

requires

approval from

the Native

Vegetation

Panel

(NVP)

permitted and

must be

undertaken

in accordance

with AA or code

requirements **