Biodiversity Assessment & Approval Pathways for non-IDA Councils





Native vegetation

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

Non-native vegetation

NON-NATIVE

VEGETATION

PART 4 LOCAL DEVELOPMENT PATHWAY

Is the clearing associated with a development that requires development consent under Part 4 of the EP&A Act?



Is the proposed development likely to have any biodiversity impacts (clearing and/or prescribed) on threatened species and/or TECs?

- 1. Located on the Biodiversity Values Map (BV Map)* OR
- 2. Exceeds area clearing threshold **OR**
- 3. Are the impacts considered Significant? (apply Test of Significance - 5 part test)



BOS applies **Accredited Assessor** must prepare a BDAR

Are the proposed impacts likely to be Serious and

Irreversible (SAII)?





PART 5 ACTIVITY / ISEPP PATHWAY

Is the clearing associated with an activity that requires assessment under Part 5 of the EP&A Act?



Is the proposed activity likely to have any biodiversity impacts (clearing and/or prescribed) on threatened species and/or TECs?

- Located in a declared Area of Outstanding Biodiversity Value (AOBV) OR
- 2. Are the impacts considered Significant? (apply Test of Significance - 5 part test)



Prepare a Species **Impact Statement** (SIS)

Activity



BDAR

Continue with Council **Environmental** Assessment process

N

LLS ACT PATHWAY

Is the vegetation to be cleared outside the Sydney Metropolitan Area or Newcastle LGA, and within a Rural Zone (except RU5) or a Deferred Matter zone?



What is the land classification as described on the Native Vegetation Regulatory Map (NVR Map)?

Category 1 (Exempt) **Unregulated** Lands

Category 2 **Regulated Land** Is the proposed clearing an allowable activity (AA)?





Is the proposed clearing authorised under a **Land Management** (native vegetation) Code? ***





BOS applies Accredited Assesso must prepare a **BDAR**

VEGETATION SEPP PATHWAY

Clearing is regulated by the Vegetation SEPP

Does an exemption apply under the Vegetation SEPP?

1. Is the vegetation dead or dying and NOT habitat for native animals? **OR**

NON-NATIVE

VEGETATION

- 2. Is the vegetation a risk to human life or property? **OR**
- Do the special transitional provisions for RAMA clearing apply?



NATIVE VEGETATION

Does the clearing exceed the **Biodiversity Offset Scheme (BOS)** Threshold triggers?

- 1. Located on the BV Map* OR
- 2. Exceeds area clearing threshold



BOS applies



Accredited Assessor must prepare a BDAR **Does the Council have a vegetation** clearing permit system in their **Development Control Plan (DCP)?**



Is the vegetation to be cleared prescribed in the DCP?





DA can NOT be approved

Council MUST refuse the DA

DA requires Council approval ** Where the BOS

N

Continue

Development

Application

(DA) process

with Council

applies, discounted offsets require **OEH** concurrence

requires OEH concurrence prior to Council approval **

Activity requires Council approval ** Where the BOS applies, discounted offsets require OEH concurrence

Clearing is permitted under the LLS Act **

A Biodiversity Conservation (BC) licence may be required

Clearing is permitted and must be undertaken in accordance with AA or code requirements **

Clearing requires approval from the Native Vegetation **Panel** (NVP)

A clearing permit is required from Council

Clearing does not require authorisation by Vegetation SEPP ** A BC licence may be required

Clearing does not require authorisation by Vegetation SEPP if Council or NVP is satisfied that this exemption applies ** A BC licence may be required

**Note: Other legislative requirements must be considered

***Note: Clearing of non-native vegetation on Category 2 Vulnerable Lands is regulated by the LLS Act