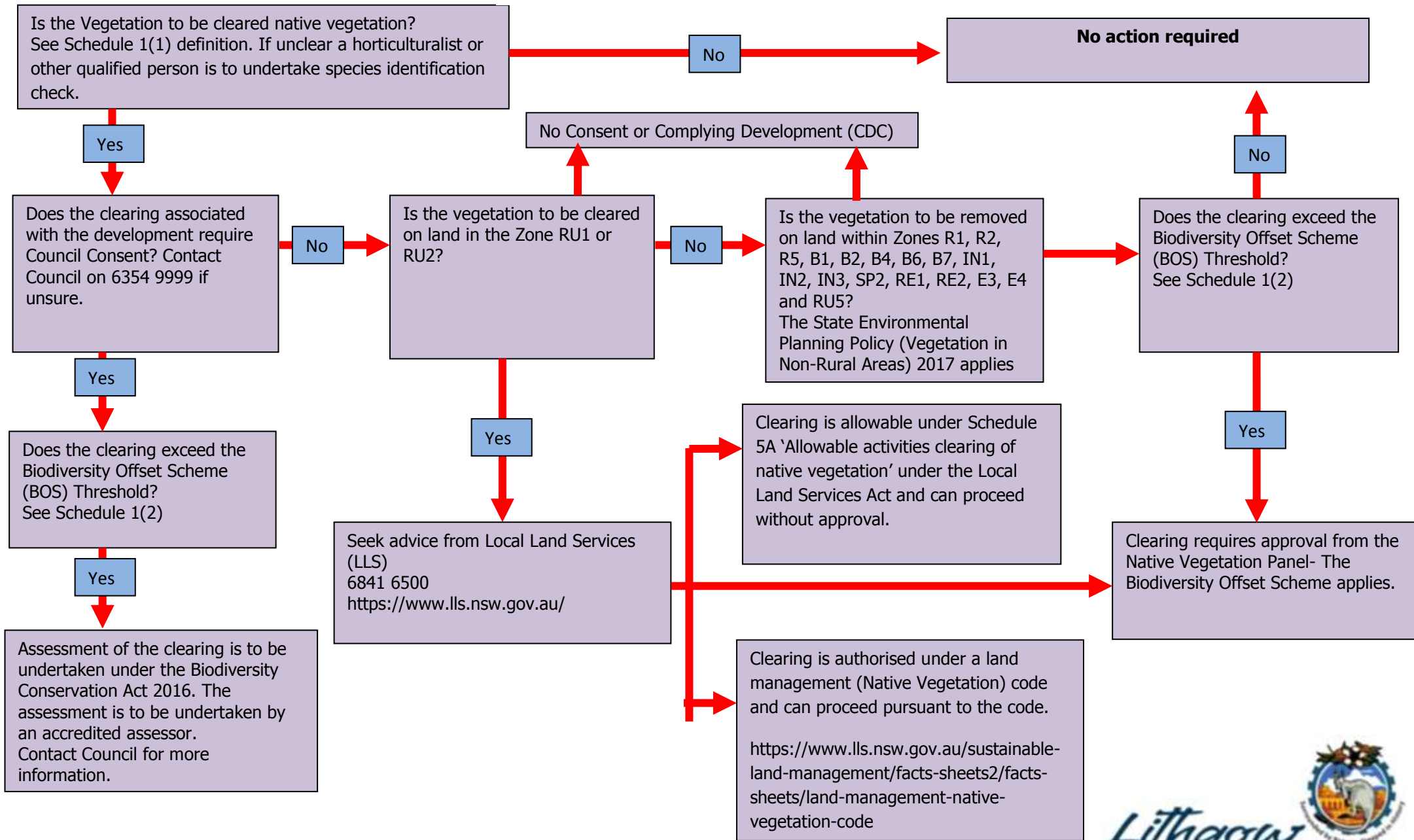


Biodiversity Assessment & Approval Pathways



Schedule 1-Native Vegetation Assessment

1. Local Land Services (LLS) Act Definition

60B Meaning of “native vegetation”

(1) For the purposes of this Part, native vegetation means any of the following types of plants native to New South Wales:

- (a) trees (including any sapling or shrub or any scrub),
- (b) understorey plants,
- (c) groundcover (being any type of herbaceous vegetation),
- (d) plants occurring in a wetland.

(2) A plant is native to New South Wales if it was established in New South Wales before European settlement. The regulations may authorise conclusive presumptions to be made of the species of plants native to New South Wales by adopting any relevant classification in an official database of plants that is publicly accessible.

(3) For the purposes of this Part, native vegetation extends to a plant that is dead or that is not native to New South Wales if:

- (a) the plant is situated on land that is shown on the native vegetation regulatory map as category 2-vulnerable regulated land, and
- (b) it would be native vegetation for the purposes of this Part if it were native to New South Wales.

(4) For the purposes of this Part, native vegetation does not extend to marine vegetation (being mangroves, seagrasses or any other species of plant that at any time in its life cycle must inhabit water other than fresh water). A declaration under section 14.7 of the [Biodiversity Conservation Act 2016](#) that specified vegetation is or is not marine vegetation also has effect for the purposes of this Part.

60C Meaning of “clearing” native vegetation

For the purposes of this Part, clearing native vegetation means any one or more of the following:

- (a) cutting down, felling, uprooting, thinning or otherwise removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking or burning native vegetation.



2. Biodiversity Offset Scheme (BOS) Thresholds

If one of either a), b) or c) below apply, then the clearing and/or the development are captured by the Biodiversity Offset Scheme (BOS).

a) Area Criteria-Sect 6 of the Biodiversity Conservation Regulations

When calculating clearing all activities is to be included, for example; building area, fencing, driveways, APZ's and all other associated clearing requirements.

Minimum Lot Size on Council's LEP 2014 Lot Size Map (smallest lot size applies if multiple lots are included)	Threshold for clearing Native Vegetation BAM and offset scheme will apply
Less than 1ha	0.25ha or more
1ha to less than 40ha	0.5ha or more
40ha and less than 1000ha	1ha or more
1000ha or greater	2ha or more

Note: If there is no MLS on Lot Size Map under LEP2014, then the actual size of the allotment is applied.

If the development meets these thresholds then it is captured by BOS.

b) Biodiversity Values Map

If the proposed development has any of the proposals within the biodiversity values map then the development is captured under BOS.

See the following link to the map:

<https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>

c) Assessment of Significance

Any Development Application or REF should have some level of assessment of significance in relation to flora and fauna. As a guide the Terrestrial Biodiversity overlay of LEP2014 could be utilise to dictate if a full 5 Part Test (Flora and Fauna Assessment) under the Section 7.3 of BC Act will be required. If it is determined that the application will have a significant impact on flora and fauna, then the development is captured under BOS.

