



State Environmental Planning Policy (Vegetation)

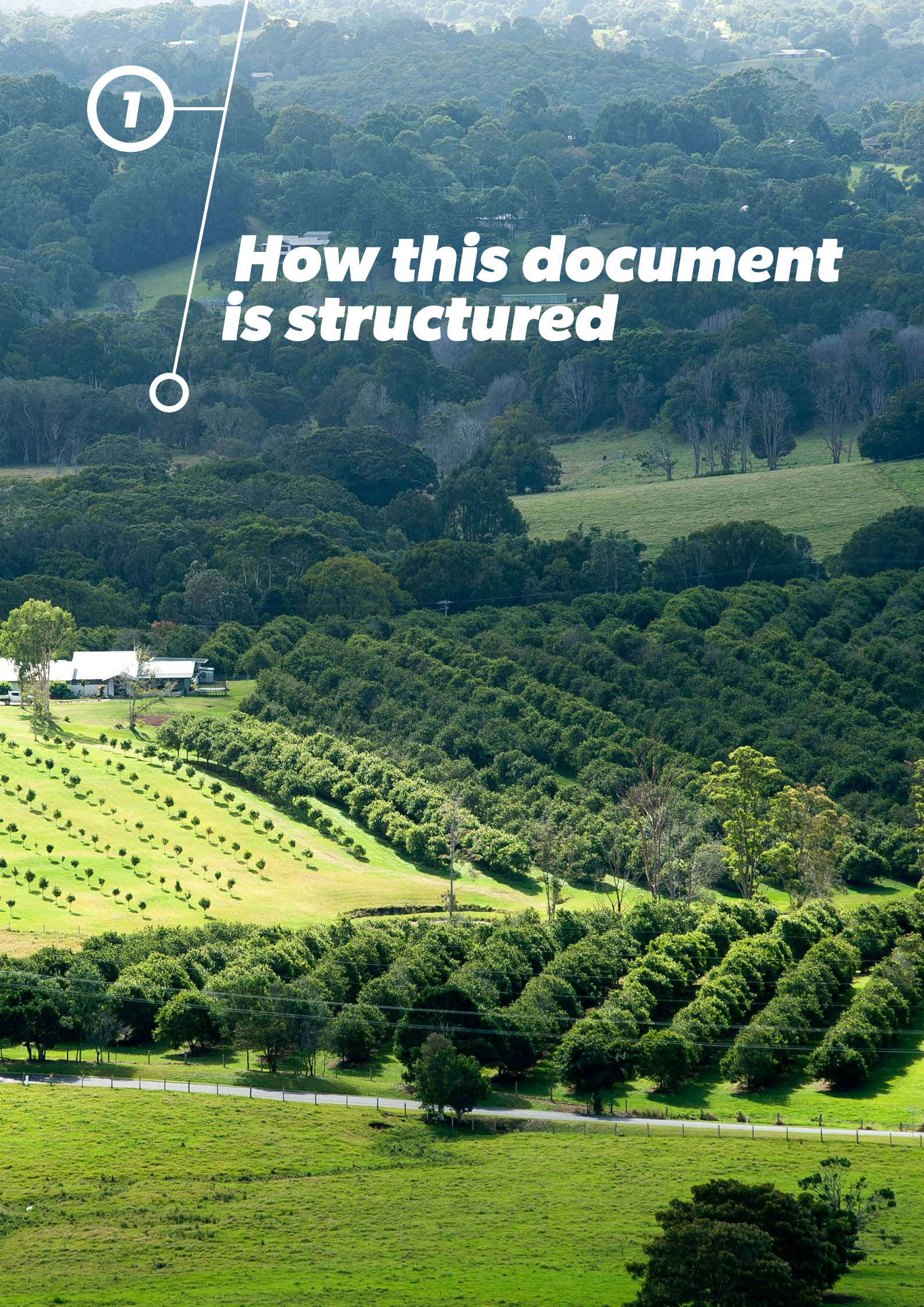
*Explanation of Intended Effect
May 2017*



Planning &
Environment

1

How this document is structured



This EIE has two parts:

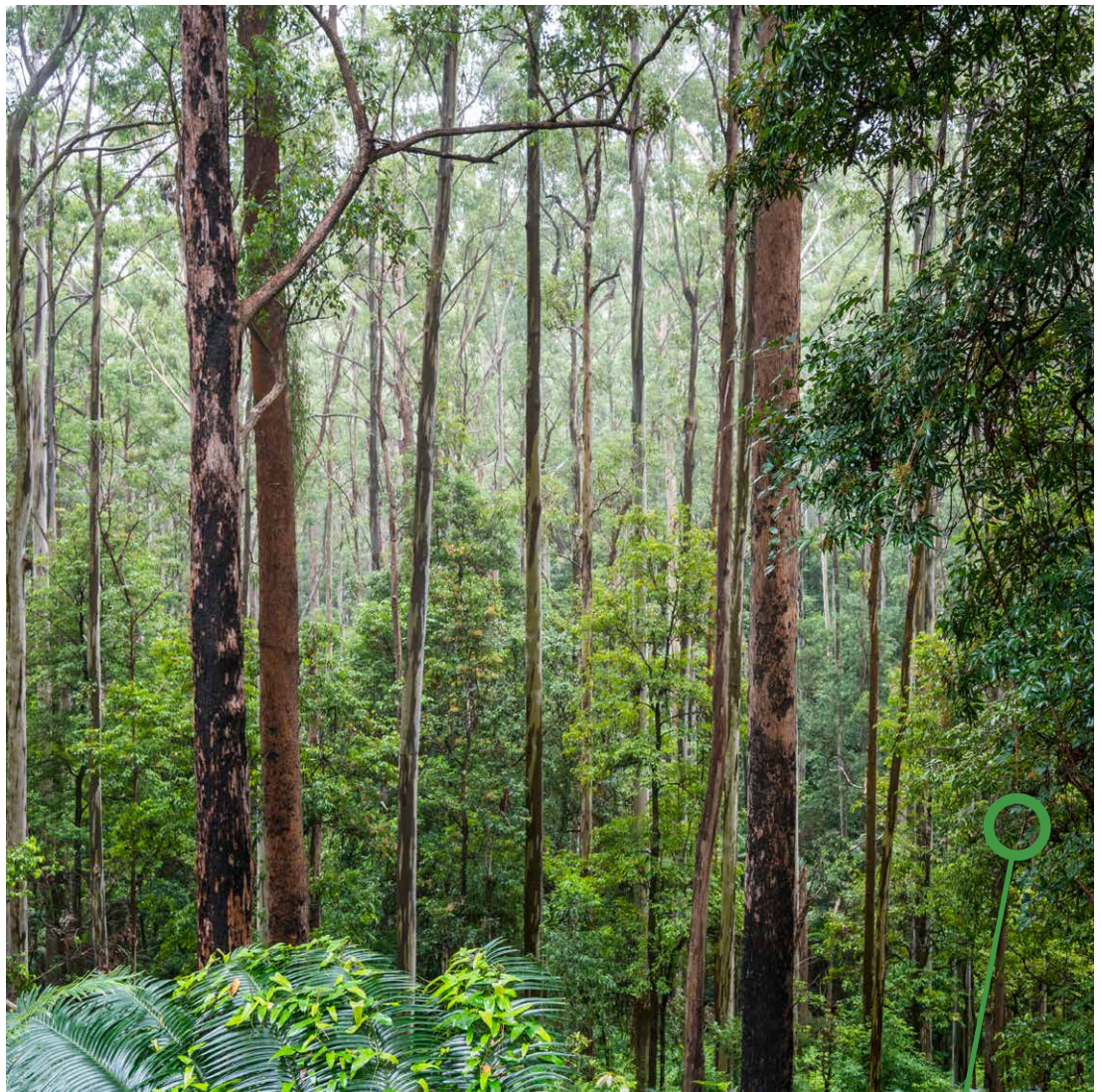
Part A: The NSW land management and biodiversity conservation reforms

This section gives an overview of the NSW land management and biodiversity conservation reforms and outlines the key components of the land use planning system that regulate the clearing of vegetation in NSW.

Part B: Proposed Vegetation SEPP

This section explains the proposed Vegetation SEPP's context and policy objectives. It also describes how the various parts of the proposed SEPP will work and what they seek to achieve.

The public is invited to comment on all matters covered in this document. Part B also includes specific questions to encourage community feedback on different possible ways of implementing the policy.



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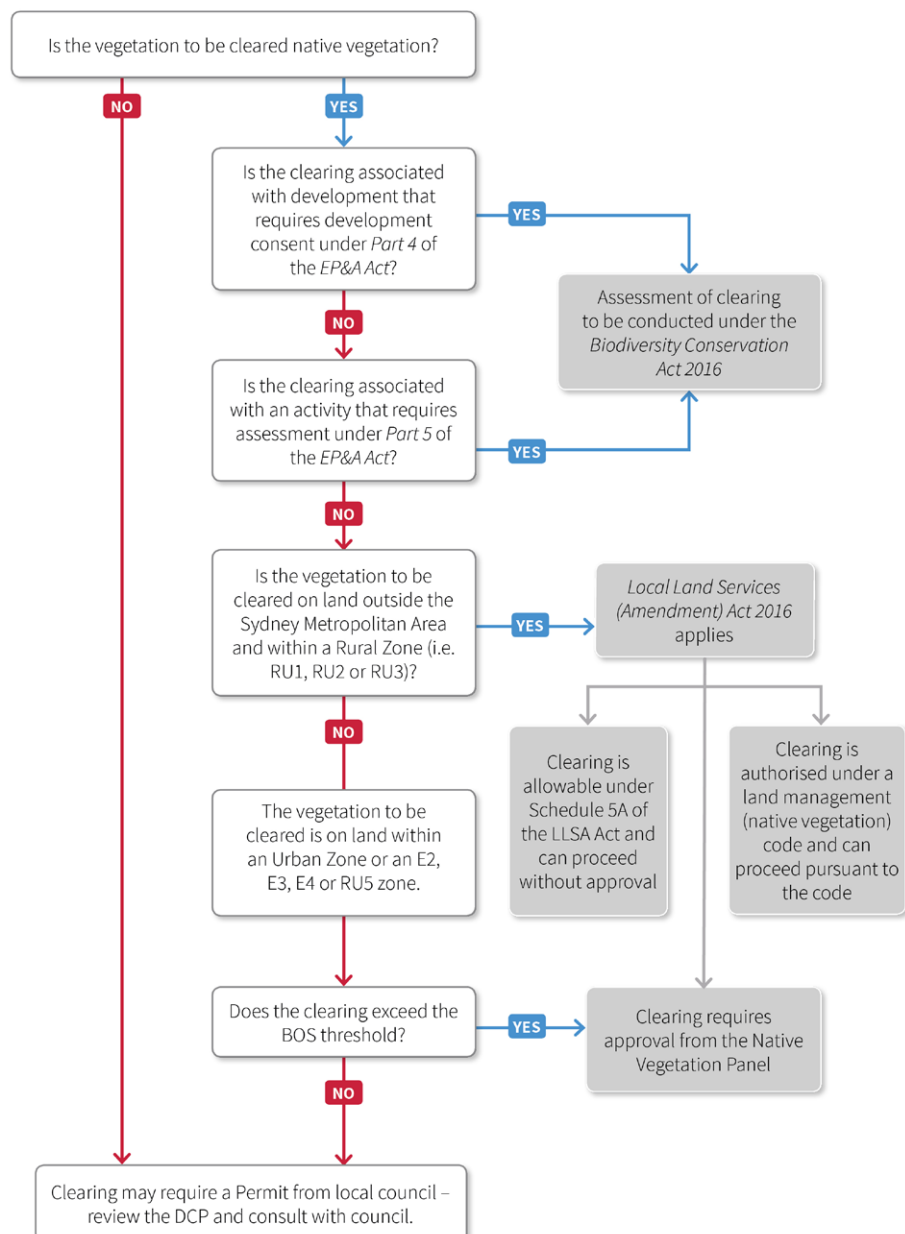
Relationship with the biodiversity conservation framework



The Vegetation SEPP will apply to clearing vegetation on land in urban areas and on land in environmental zones. If development consent is not required for the clearing, the Vegetation SEPP requires that clearing that is above the Biodiversity Offset Scheme (BOS) threshold be approved by the Native Vegetation Panel constituted under the Local Land Services Act 2016 (LLSA). For clearing that is below the BOS threshold, the SEPP enables councils to regulate clearing of native vegetation

(and any non-native vegetation identified in a DCP) through a permit system.

The flow-chart below illustrates the approval pathways for clearing vegetation in urban and other non-rural areas. This flow-chart shows the links between the State Environmental Planning Policy (Vegetation) (Proposed Vegetation SEPP) and other key aspects of the new land management and biodiversity conservation framework.



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Part A: The urban vegetation context



The land management and biodiversity conservation reforms

The legislative and policy framework for biodiversity conservation and native vegetation management in NSW has been under review for a number of years, resulting in the Biodiversity Conservation Act 2016 and the LLSA.

These new legislative instruments will change the regulatory framework for clearing native vegetation and protecting threatened species, ecological communities and their habitats across NSW.

The relationship between this legislation and the existing planning framework is as follows:

- The Biodiversity Conservation Act will regulate any development proposal that requires development consent under the EP&A Act to make sure it assesses potential impacts on biodiversity, including impacts on threatened species, ecological communities and their habitats. In support of its biodiversity impact assessment and approval function, the Biodiversity Conservation Act will introduce a new biodiversity assessment method (BAM), a new biodiversity offset scheme (BOS) and an expanded biodiversity certification program. It will also establish a biodiversity conservation trust.
- The LLSA Act will deal with clearing native vegetation that does not require development consent (generally associated with extensive agriculture) on land where the Native Vegetation Regulatory Map

applies – that is, on rural zoned land as opposed to urban areas or land zoned for environmental protection and/or management.

To support this new legislation, new regulations and policies will be introduced, including the new Vegetation SEPP.

This document explains how the proposed Vegetation SEPP will regulate the clearing of vegetation in urban areas and environmental conservation/management zones, where the clearing does not otherwise require development consent under the EP&A Act.

The Vegetation SEPP will promote the conservation of local and regional biodiversity and provide a consistent approach to regulating native vegetation in urban areas and environmental conservation and environmental management zones.

The importance of conserving biodiversity in urban areas and on land where there is important biodiversity

NSW is home to significant amounts of wildlife, natural environments and productive land. Native trees and plants are vital for environmental health, native animals, agriculture and protecting soil and water.

In addition to supporting biodiversity, native vegetation is an important part of the natural heritage of urban areas. Communities also value it for its aesthetic, recreational, educational and scientific value.

The role of land use planning in protecting biodiversity

Land use planning has a crucial role in protecting native vegetation.

The proposed Vegetation SEPP will form part of NSW's land use planning framework. Below is a summary of the land use planning system's components that relate to vegetation in urban areas and land zoned for environmental protection and/or management.

Land use planning instrument	Description
<i>Environmental Planning and Assessment Act 1979</i>	<p>The EP&A Act is the legislative umbrella for land use planning in NSW. It provides for environmental planning instruments to be created that establish planning controls for developing and using land that contains trees or other vegetation and for protecting the land's environmental, aesthetic and scientific values.</p> <p>The Act also provides for determining development applications (under Part 4) and assessing 'activities' (under Part 5) and state significant infrastructure (under Part 5.1). It makes sure assessments of proposals consider appropriate matters such as those proposals' impacts on biodiversity values.</p> <p>The Act's objects recognise the importance of native vegetation by including a provision to encourage environmental protection, including the protection and conservation of native animals, plants, threatened species, populations, ecological communities and their habitats.</p> <p>The Biodiversity Act sets out the biodiversity assessment requirements for any development or activity that requires assessment or approval under the EP&A Act. The two Acts therefore operate together to regulate native vegetation clearing on any land in the state if it is associated with development that requires planning approval.</p>
Local planning directions	<p>Under the EP&A Act, the Minister is able to issue local planning directions (often called 'Section 117 directions') to direct a planning authority in making an LEP.</p> <p>When considering a council's draft LEP, the Department of Planning and Environment uses a gateway process to ensure the strategic merit of a specific change to zoning or development controls is considered. This process includes a requirement for councils to demonstrate how they have prepared their planning proposal for the new LEP (or LEP amendment) consistent with any relevant local planning directions.</p> <p>One of these directions requires that any planning proposal include provisions to protect and conserve environmentally sensitive areas. In addition to this, any planning proposal for land zoned for environmental protection in an LEP must not reduce the environmental protection standards that apply to that land.</p> <p>Introducing the biodiversity conservation legislation and the Vegetation SEPP will not change the Section 117 directions.</p>



Vegetation SEPP	<p>The Vegetation SEPP will form part of the framework for vegetation clearing and will be the primary environmental planning instrument regulating native vegetation clearing in urban and other non-rural zones, including environmental protection zones.</p> <p>The SEPP will regulate clearing that does not require development consent. It will provide that approval must be obtained for clearing of native vegetation that exceeds the BOS threshold.</p>
Regional plans	<p>Regional plans are developed so communities can set the course for their future needs at a regional scale.</p> <p>Regional plans focus on strategic planning for housing, economic development, jobs growth, the natural environment and centres for shopping, entertainment and dining.</p>
Local environmental plans and development control plans	<p>LEPs guide planning decisions for local government areas. They do this through zoning and development controls that provide a framework for the way land can be used. They are key planning tools that shape communities and ensure local development is undertaken appropriately.</p> <p>LEPs, and amendments to them, begin with a planning proposal prepared (in most cases) by the local council. The planning proposal will include an explanation of the intended effect of the new LEP (or LEP amendment). The Department of Planning and Environment then assesses the planning proposal. This is called the 'Gateway' process.</p> <p>Community consultation is an essential part of the process and the relevant planning authority, usually the local council, will exhibit the planning proposal for community feedback and review all submissions before making the new LEP (or LEP amendment).</p> <p>If the Minister for Planning or their delegate approves the new LEP (or LEP amendment), it becomes final and is published on the NSW legislation website and becomes law.</p> <p>The proposed Vegetation SEPP will repeal Clauses 5.9 and 5.9AA of the Standard Instrument LEP, which relate to tree preservation. These clauses will be replaced with the Vegetation SEPP's new regulations for clearing vegetation in urban and other non-rural areas.</p> <p>DCPs often provide extra detail about managing vegetation and issues regarding development control and assessment. The proposed SEPP will enable councils to prepare DCPs that set out when someone needs a permit for land clearing or tree removal, when that land clearing or tree removal does not exceed the BOS threshold.</p>

The biodiversity offset scheme

The Biodiversity Conservation Act requires proponents to carry out a BAM assessment of native vegetation clearing if it exceeds certain thresholds (BOS threshold, explained below) established under the Act. Accredited assessors will carry out these assessments and the Minister for the Environment will establish the accreditation scheme.

The BAM has been established to assess the impacts that loss of native vegetation could have on biodiversity values and to calculate gains in biodiversity values if native vegetation is conserved under a biodiversity stewardship agreement. These losses and gains are measured in biodiversity credits. The biodiversity offset scheme established under the Act includes rules that govern how biodiversity credits can be traded, and how biodiversity offset obligations under a development consent may be varied to ensure that the biodiversity offset scheme delivers positive conservation outcomes.

Approval pathways for clearing

The Biodiversity Conservation Act, the LLSA Act and the Vegetation SEPP work together to create a framework for the regulation of clearing of native vegetation. The framework establishes different regulatory pathways for clearing that requires consent under an EPI, and for clearing that does not require consent. However, regardless of the regulatory pathway the biodiversity offset scheme will apply to all clearing that exceeds the clearing thresholds established for the scheme.

Development consent for clearing of native vegetation is required where the clearing is carried out to enable a use of land or other development for which development consent is required under an EPI. In addition, some EPIs require development consent for clearing of native vegetation even if no other use of land or other development is proposed.

Where development consent is required for clearing of native vegetation, the Biodiversity Conservation Act requires that a BAM assessment must be carried out to determine the impact of the clearing on biodiversity values. If development consent is to be granted, the consent authority must impose a condition in the consent that requires the proponent to purchase and retire biodiversity credits to offset the biodiversity impacts of the clearing.

If development consent is not required for clearing of native vegetation, the new legislative framework provides two approval pathways for the clearing, depending on whether or not the relevant land is identified on the Native Vegetation Regulatory Map made under the LLSA Act, or is otherwise in an urban zone or environmental zone.

For clearing of native vegetation on urban land and land zoned for environmental conservation/management, a BAM assessment and approval by the Native Vegetation Panel established under the LLSA Act is required if:

- development consent is not required for the clearing under an EPI;
- no statutory exemption applies to the proposed clearing; and

- the clearing exceeds the BOS threshold that will be established under the Biodiversity Conservation Regulation 2017.

The Native Vegetation Panel may delegate its approval role for clearing in urban areas and on land zoned for environmental conservation/management to the relevant Council. The Native Vegetation Panel, or Council when the Panel's role has been delegated, must impose a biodiversity offset obligation as part of any approval issued for the clearing.

For clearing of land identified by the Native Vegetation Regulatory Map made under the LLSA Act, a BAM assessment and approval by the Native Vegetation Panel established under the LLSA Act is required if:

- development consent is not required for the clearing;
- no statutory exemption applies to the proposed clearing; and
- the clearing cannot otherwise be carried out under a clearing Code made under the LLS Act.

Clearing of land identified by the Native Vegetation Regulatory map is usually associated with extensive

agriculture, which can be carried out without development consent in all rural use zones. The Native Vegetation Panel must impose a biodiversity offset obligation as part of any approval issued for the clearing of land identified by the Native Vegetation Regulatory Map. It is not intended that the Native Vegetation Panel should delegate its approval functions to Councils in relation to approvals for clearing of vegetation on land identified on the Native Vegetation Regulatory Map.

Proposed BOS threshold

The BOS threshold will be set out in the Biodiversity Conservation Regulation 2017. A BAM assessment will be required in for clearing where development consent is required, or for any clearing on urban land or of land in environmental zones, if:

- the area of clearing of native vegetation exceeds spatial thresholds set out in the Biodiversity Conservation Regulation 2017; and/or
- the clearing (of any type of vegetation) is in an area mapped as including sensitive biodiversity values.

The proposed spatial thresholds for the area cleared depend on the minimum lot size applicable for the relevant land specified in the LEP that applies to the land. If the LEP does not specify a

minimum lot size for the land, the actual size of the lot on which the clearing takes place will be the applicable minimum lot size.

The proposed spatial thresholds are:

Minimum lot size	Proposed area of clearing
Less than 1 hectare	0.25 hectares or more
Less than 2 hectares	0.5 hectares or more
2 to 39 hectares	0.5 hectares or more
40 – 9999 hectares	1 hectare or more
1000 hectares or more	2 hectares or more

Current planning controls for clearing vegetation

Note: There are various ways some aspects of the SEPP could be implemented. We have included specific questions throughout the following sections to seek your opinions on these different options.

At present, Clauses 5.9 and 5.9AA of the Standard Instrument LEP regulate the clearing of vegetation by enabling a council to make a DCP that identifies which vegetation is protected in its local government area.

Clause 5.9 states that development consent or a permit granted by a council may be required for removing a prescribed tree. Clause 5.9AA permits vegetation that is not prescribed by a DCP to be cleared without development consent.

When the Vegetation SEPP is made, it will repeal Clauses 5.9 and 5.9AA of the Standard Instrument LEP and will also repeal these clauses in any LEP that has been prepared in accordance with it. However, the effect of clause

5.9 and 5.9AA will be continued in the Vegetation SEPP so that councils will continue to regulate the clearing by identifying vegetation for which a clearing permit is required.

Clause 5.10 of the Standard Instrument LEP will not be repealed. As a consequence Councils will continue to identify in their DCPs where permits or development consent is required for actions that will impact trees or vegetation that are heritage items or are within heritage conservation areas.



QUESTION:

Is the grant of development consent appropriate for clearing of heritage vegetation?

Or would a permit be an equally effective mechanism for regulating heritage vegetation?

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Part B: Proposed Vegetation SEPP



The new Vegetation SEPP is being developed as part of the government's land management and biodiversity conservation reforms. More information about these reforms can be found at www.landmanagement.nsw.gov.au. The Vegetation SEPP is intended to help protect vegetation in urban areas in environmental zones in order to conserve local and regional biodiversity.

Vegetation SEPP objectives

The proposed Vegetation SEPP's objectives are to:

- provide a consistent approach to clearing native vegetation in urban areas and land zoned for environmental protection and/or management in NSW
- protect native vegetation in these areas in order to conserve local and regional biodiversity
- ensure the biodiversity offset scheme applies to all native vegetation clearing that exceeds the BOS threshold in these areas, regardless of whether development consent is required for the clearing
- help establish a more robust scheme, regulated by a DCP, under which councils can issue permits to clear vegetation (including permits that are subject to conditions).

The Vegetation SEPP's policy objectives are consistent with the overall land management and biodiversity conservation reforms and provisions in the EP&A Act.

Explanation of provisions

The proposed Vegetation SEPP has a number of key elements that are detailed below.

Land to which the Vegetation SEPP will apply

The Vegetation SEPP will apply to the following land.

Land within the following Sydney metropolitan local government areas:

- Blacktown
- Botany Bay
- Burwood
- Camden
- Campbelltown
- Canada Bay
- Canterbury-Bankstown
- City of Parramatta
- Cumberland
- Fairfield
- Georges River
- Hawkesbury
- Hornsby
- Hunters Hill
- Inner West
- Ku-ring-gai
- Lane Cove
- Liverpool
- Mosman
- Newcastle
- Northern Beaches
- North Sydney

- Penrith
- Randwick
- Rockdale
- Ryde
- Strathfield
- Sutherland Shire
- Sydney
- The Hills Shire
- Waverley
- Willoughby
- Woollahra

Land in any other NSW local government area that is zoned for the following purposes under an environmental planning instrument:

- RU5 Village
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- R5 Large Lot Residential
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- B7 Business Park
- B8 Metropolitan Centre
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial

- IN4 Working Waterfront
- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist
- RE1 Public Recreation
- RE2 Private Recreation
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- W3 Working Waterways

Land in any NSW local government area that is zoned:

- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living

In addition, the Vegetation SEPP will provide that the Secretary of the Department of Planning and Environment may apply the Vegetation SEPP to land that has not yet been zoned under the Standard Instrument LEP if the principal objective of the land's development or zoning controls is for urban purposes or for environmental conservation and/or management.

Clearing that does not require planning approval

The Vegetation SEPP will provide an assessment pathway for clearing of native vegetation on urban land and land in environmental zones that does not require development consent. The BOS threshold will be used to identify when a BAM assessment is required for this kind of clearing.

QUESTION:

Do you think that all clearing of native vegetation on land in urban areas land in environmental zones should require development consent if it exceeds the BAM thresholds?

The Vegetation SEPP will establish two approval pathways for clearing that does not require development consent:

Pathway 1 – Clearing above the BOS threshold

Under the proposed Vegetation SEPP, clearing that exceeds the BOS threshold but does not require development consent will require approval by the Native Vegetation Panel under the LLSA Act.

As well as the considerations set out in the LLSA Act, the Native Vegetation Panel (or the Council with delegated authority to approve the clearing) will also be required to consider any biodiversity, heritage or amenity considerations set out in an applicable DCP.



QUESTION:

What involvement do you think councils should have in assessing clearing applications above the BOS threshold?

For example, they could be notified of clearing applications, asked to review or comment on applications, or the role of the Native Vegetation Panel could be delegated to Councils.

Pathway 2 – Clearing below the BAM threshold

Clearing below the BAM threshold that does not require development consent will be regulated by local councils under the DCP that applies to the relevant land.

Councils will continue to identify in their DCPs the vegetation for which a clearing permit is required. It is proposed that the Vegetation SEPP will provide a more robust scheme for the issue of clearing permits, including the ability to issue permits subject to conditions that regulate extent, nature or other aspects of the clearing.

Clearing below the BOS threshold that is not explicitly regulated in a DCP will be exempt from permit requirements, although development consent may be required for the clearing if it is incidental or ancillary to a land use that requires development consent, or because development consent is required for clearing of that particular vegetation (for example, vegetation mapped under SEPP 14 or SEPP 26).

Existing DCPs that prescribe vegetation for the purposes of Clause 5.9 will continue to have effect until new DCPs are developed for the purpose of the Vegetation SEPP.

Clearing non-native trees or vegetation

The biodiversity offset scheme does not apply to non-native trees or vegetation. However, a council may regulate the removal of non-native trees or vegetation for aesthetic or cultural reasons. A council's DCP will set out whether a permit is required to remove non-native trees or vegetation. Again, the proposed framework for regulating this vegetation under the new SEPP is similar to that already in place for tree preservation under Clause 5.9 of the Standard Instrument LEP.

Requirements for permit applications

The Vegetation SEPP will set out the criteria for granting clearing permits, including the administrative requirements for the permit process such as:

- the requirement for proponents to submit a permit application in a form chosen by the council
- councils' ability to charge fees for permit applications
- a requirement for councils to determine permit applications within 28 days.

Clearing exemptions under the SEPP

It is proposed that the Vegetation SEPP will exempt the following types of clearing or activities from any requirements to obtain approval from the Native Vegetation Panel under the LLSA Act or permit requirements arising from a Council's DCP that may otherwise exist:



QUESTION:

What guidance do councils require about the ways the Vegetation SEPP might change DCPs?

- (a) Clearing of vegetation that the Council determines poses a risk to human life or property.
- (b) Clearing of vegetation that comprises trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916.
- (c) Plants declared to be noxious weeds under the Noxious Weeds Act 1993.
- (d) In respect of coastal wetlands mapped under SEPP 14 – Coastal Wetlands, those activities listed in clause 7(4) of SEPP 14.
- (e) In respect of littoral rainforests mapped under SEPP 26 – Littoral Rainforests, those activities listed in clause 7(5) of SEPP 26.



QUESTION:

Do councils think that the Vegetation SEPP should provide mandatory exemptions for any other types of clearing?

For example, the Native Vegetation Act 2003 allowed councils to permit clearing for routine agricultural management activities without the need for a Property Vegetation Plan, development consent or permit. Should the Vegetation SEPP provide that all councils should allow this type of clearing if it is below the BAM threshold?

Application of other state environmental planning policies

If clearing is regulated by another SEPP, those other clearing controls will prevail if there is any inconsistency with the provisions in the proposed Vegetation SEPP.

For example, Schedule 3 of the State Environmental Planning Policy (State Significant Precincts) 2005 sets out controls relating to tree preservation for certain state significant precincts. The State Environmental Planning Policy (Exempt and Complying Codes) 2008

also includes provisions that regulate clearing of vegetation on land to which the Vegetation SEPP will also apply.

State significant infrastructure

The Vegetation SEPP will clarify that where an activity (as defined under Part 5 of the EP&A Act) will significantly affect the environment only because it will significantly affect threatened species, the activity will not be declared state significant infrastructure under the State Environmental Planning Policy (State and Regional Development) 2011.

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Terms and abbreviations used in this document



Term or abbreviation	Full name or explanation																										
NSW	New South Wales																										
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> . The EP&A Act sets out the laws under which planning in NSW takes place. The Minister responsible for the Act is the Minister for Planning.																										
Biodiversity Conservation Act	<i>Biodiversity Conservation Act 2016</i> . The Biodiversity Act requires developers to offset impacts of development on biodiversity values by purchasing and retiring biodiversity offset credits.																										
LLSA Act	<i>Local Land Services (Amendment) Act 2016</i> . In 2016 an amendment to the <i>Local Land Services Act 2013</i> was passed to create a new legislative framework for clearing of native vegetation on rural land. Codes made under the <i>Local Land Services (Amendment) Act 2016</i> will indicate rural land where native vegetation clearing can occur without approval, and where landholders need to seek approval for their clearing from the Native Vegetation Panel.																										
EPI	Environmental Planning Instrument. EPIs are statutory land use plans that are made in accordance with provisions of Part 3 of the EP&A Act. EPIs include LEPs, SEPPs, Regional Plans and District Plans.																										
LEP	Local Environmental Plan (LEP). LEPs guide planning decisions for local government areas. They do this through zoning and development controls, which provide a framework for the way land can be used. LEPs are the main planning tool to shape the future of communities and also ensure local development is done appropriately.																										
DCP	Development Control Plan (DCP). DCPs provide detailed planning and design guidelines to support the planning controls in the LEP. LEPs and DCPs are prepared by councils.																										
Urban land	<p>Land in the Sydney Metropolitan Area (excluding Wollondilly and Blue Mountains Local Government Areas) and zoned for urban purposes as follows:</p> <table> <tr> <td>RU5 Village</td><td>IN1 General Industrial</td></tr> <tr> <td>R1 General Residential</td><td>IN2 Light Industrial</td></tr> <tr> <td>R2 Low Density Residential</td><td>IN3 Heavy Industrial</td></tr> <tr> <td>R3 Medium Density Residential</td><td>IN4 Working Waterfront</td></tr> <tr> <td>R4 High Density Residential</td><td>SP1 Special Activities</td></tr> <tr> <td>B1 Neighbourhood Centre</td><td>SP2 Infrastructure</td></tr> <tr> <td>B2 Local Centre</td><td>SP3 Tourist</td></tr> <tr> <td>B3 Commercial Core</td><td>RE1 Public Recreation</td></tr> <tr> <td>B4 Mixed Use</td><td>RE2 Private Recreation</td></tr> <tr> <td>B5 Business Development</td><td>E2 Environmental Conservation</td></tr> <tr> <td>B6 Enterprise Corridor</td><td>E3 Environmental Management</td></tr> <tr> <td>B7 Business Park</td><td>E4 Environmental Living</td></tr> <tr> <td>B8 Metropolitan Centre</td><td>W3 Working Waterways</td></tr> </table>	RU5 Village	IN1 General Industrial	R1 General Residential	IN2 Light Industrial	R2 Low Density Residential	IN3 Heavy Industrial	R3 Medium Density Residential	IN4 Working Waterfront	R4 High Density Residential	SP1 Special Activities	B1 Neighbourhood Centre	SP2 Infrastructure	B2 Local Centre	SP3 Tourist	B3 Commercial Core	RE1 Public Recreation	B4 Mixed Use	RE2 Private Recreation	B5 Business Development	E2 Environmental Conservation	B6 Enterprise Corridor	E3 Environmental Management	B7 Business Park	E4 Environmental Living	B8 Metropolitan Centre	W3 Working Waterways
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B5 Business Development	E2 Environmental Conservation																										
B6 Enterprise Corridor	E3 Environmental Management																										
B7 Business Park	E4 Environmental Living																										
B8 Metropolitan Centre	W3 Working Waterways																										

<i>Environmental zones</i>	Land zoned for environmental conservation (E2), environmental management (E3) and environmental living (E4) under the Standard Instrument LEP
<i>Minimum lot size</i>	An LEP may specify a minimum lot size for development within a particular zone or area.
<i>Clearing</i>	For the purposes of this document, 'clearing' means clearing of native vegetation on land in urban areas or on land zoned for environmental protection and/or management, unless it is clearly stated otherwise (such as where clearing non-native vegetation is discussed).
<i>Standard Instrument LEP</i>	LEPs made in accordance with the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> . The Standard Instrument program commenced in 2006 to create a common format and content for LEPs. All Councils in NSW now have a comprehensive Standard Instrument LEP in place.
<i>SEPP</i>	<i>State Environmental Planning Policy</i> . SEPPs can specify planning controls for certain areas and/or types of development. SEPPs can also identify <ul style="list-style-type: none"> the development assessment system that applies to developments (e.g. whether a development is State significant); and the type of environmental assessment that is required (e.g. whether an environmental impact statement is required).
<i>Section 117 Direction</i>	The EP&A Act provides that the Minister for Planning may issue directions to Councils and other planning authorities to exercise their functions in a certain way, or in a certain timeframe. The Minister has issued a number of s 117 Directions to Councils in relation to the preparation of new LEPs. The directions cover the following categories: <ul style="list-style-type: none"> employment and resources environment and heritage housing, infrastructure and urban development hazard and risk regional planning local plan making.
<i>Development consent</i>	Development consent is a consent to carry out development issued in accordance with the provisions of Part 4 of the EP&A Act.
<i>Permit</i>	The Vegetation SEPP will provide that a Council may require a permit for clearing for which development consent is not required. Any requirement to obtain a permit from Council for clearing will be set out in a DCP that applies to the relevant land.
<i>EIE</i>	Explanation of Intended Effect – before a new environmental planning instrument such as an LEP or SEPP is made, the EP&A Act requires the relevant planning to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument.
<i>Vegetation SEPP</i>	Proposed <i>State Environmental Planning Policy (Vegetation) 2017</i>

BOS	Biodiversity Offset Scheme. The Biodiversity Offsets Scheme will help to compensate for potential impacts on biodiversity from development. For example, if an area of native vegetation needs to be cleared for development to proceed, another area of native vegetation can be permanently protected, enhanced and managed.
BAM	Biodiversity Assessment Method is a new scientific method that will calculate the number and class of the biodiversity credits which, if retired, will offset residual impacts on biodiversity values. The BAM will also be used to calculate the number and class of the biodiversity credits generated by land conserved under a stewardship agreement.
BOS threshold	Spatial thresholds (including total area of clearing of native vegetation and/or land mapped as containing sensitive biodiversity values) that will trigger the requirement for a BAM assessment.
Biodiversity Stewardship	The Biodiversity Act establishes the circumstances in which landowners may enter into a Biodiversity Stewardship Agreement with the Minister for the Environment. Land reserved under a Biodiversity Stewardship Agreement will generate biodiversity credits that may then be sold to developers to acquit the developer's obligation under a development consent to purchase and retire biodiversity credits.
Biodiversity credits (and class of credits)	<p>Biodiversity credits will be created by biodiversity stewardship agreements and are likely to consist of two primary classes of credits:</p> <ul style="list-style-type: none"> • Ecosystem credits –these credits represent species that can be predicted to be present by the type and condition of the vegetation identified at the proposed site and habitat surrogates; • Species credits – these credits pertain to threatened species that cannot be predicted to be present by the vegetation present at the site and habitat surrogates, but could nevertheless be present because the site contains suitable features for the species.
Retire (biodiversity credits)	The <i>Biodiversity Conservation Act 2016</i> requires developers to offset the impact of clearing of native vegetation that exceeds the BAM thresholds by purchasing and retiring biodiversity the number and type of biodiversity credits specified in a relevant planning approval (offset obligation). A developer may satisfy their offset obligation by making a payment into the Biodiversity Conservation Fund or by purchasing biodiversity credits directly from the market.
Native Vegetation Panel	The Native Vegetation Panel is the approval authority for clearing that requires approval under the LLS Act. Under the Vegetation SEPP, the Native Vegetation Panel is also specified as the approval authority for clearing of native vegetation that exceeds the BAM thresholds, if development consent is not otherwise required for that clearing under a relevant EPI.



Have your say

This EIE is available on the Department of Planning and Environment website:

www.planning.nsw.gov.au/vegetationSEPP

You can make a submission online here:

www.landmanagement.nsw.gov.au/haveyoursay

Or you can write to:

Land Management and Biodiversity Conservation Reforms Office

PO Box A290, Sydney South NSW 1232

Submissions are invited up to 21 June 2017

We will publish your submission unless you tell us not to. Published submissions will usually include your name and the name of any organisation on whose behalf you may be writing. We will remove contact details such as email addresses, postal addresses and telephone numbers. At our discretion we may not publish certain submissions (or parts of submissions) due to our assessment of length, content, appropriateness or confidentiality

