

8 October 2019

## Local Land Services Response:

### Inquiry into the Local Land Services Amendment (Critically Endangered Ecological Communities) Regulation 2019 and Local Land Services Amendment (Allowable Activities) Regulation 2019

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#### **Transcript Question**

1. Say an officer goes out to a landholder's property to assess an application. What happens if the LLS officer says that it is viable, it is a good functioning CEEC, grassy woodland, approval is not given? Are there avenues for the landholder to appeal that decision?

#### **Answer**

Should a landholder disagree with an LLS viability assessment, the relevant LLS on-ground officer will discuss the concerns with the landholder and seek to address these.

Should this not be possible and the landholder continues to disagree with the LLS assessment, there are several escalation points within LLS that can review the initial assessment. This includes escalation to team leaders and relevant senior executives within LLS, who can review the assessments and provide guidance back to the on-ground officer. LLS also has specific scientific and technical capabilities that can be utilised to assess viability assessments undertaken by LLS on-ground staff.

To date, a landholder has not challenged an LLS viability assessment.

Should the landholder continue to disagree with the LLS assessment, the landholder could appeal the decision to the NSW Land and Environment Court. However, to date, this option has never been exercised by a landholder.

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## Transcript Question

2.

**Ms CATE FAEHRMANN:** Just to go down into that a little bit more, because that is the particulars of my question, really. If someone wants to challenge or appeal a decision by an officer, either internally or externally, there are avenues to do that? You are saying that is the—I think you said "delegate", that they have got delegated powers to assess. So somebody—

**Mr WITHERDIN:** Yes, in terms of the assessment approvals.

**Ms CATE FAEHRMANN:** —their direct manager, for example, reviews that assessment?

**Mr WITHERDIN:** It is not the direct manager. In terms of that internal independent process, that assessment happens through a central team that is a step removed. It is off in another area of the business. That ensures a really robust approach to this.

**Ms CATE FAEHRMANN:** Hang on. I still need to get that answer about the complaints—that is all. Then I am done for a bit. What is the avenue for people appealing a decision to approve and allow clearing?

**Mr WITHERDIN:** I will take the detail of that on notice, if that is okay, because I just have not had experience with that actually happening.

## Answer

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