

Significantly disturbed or modified test under the Local Land Services Act 2013

NUMBER	Significantly disturbed or modified test 2017	VERSION	1.0
AUTHORISED BY	Director, Policy and Science, Sustainable Land Management	AUTHORISED DATE	20/10/2017
ISSUED BY	Group Director, Sustainable Land Management, LLS	EFFECTIVE DATE	20/10/2017

Policy Statement

The aim of this policy is to provide guidance on whether land containing grasslands or non-woody vegetation has been *significantly disturbed or modified* for purposes of assessing land categorisation under the *Local Land Services Act 2013* (LLS Act) and *Local Land Services Regulation 2014* (LLS Reg).

Context

Part 5A Division 1 s60J (2) of the *Local Land Services Act 2013* (LLSA Act) states that: 'Native vegetation that comprises grasslands or other non-woody vegetation is taken to have been cleared if the native vegetation was significantly disturbed or modified'.

Cl 114 of the *Local Land Services Regulation 2014* (LLS Regulation) states that 'Native vegetation that comprises grasslands or other non-woody vegetation is taken to have been significantly disturbed or modified only if:

- (a) there has been a detectable variation (from information obtained from aerial or satellite imagery) in the structure or composition, or both, of non-woody vegetation, and
- (b) that variation is consistent with management of pasture or crops for agricultural purposes, and
- (c) that variation has been sustained for at least 12 months on more than one occasion before the commencement of Part 5A of the Act, and
- (d) that variation has not been caused only by grazing on the land, and
- (e) that variation occurred (from information obtained from aerial or satellite imagery) between 1 January 1990 and the date of commencement of Part 5A of the Act.

Clear guidance is needed so that LLS can assist landholders to determine whether grasslands have been significantly disturbed or modified.

Scope

This policy applies to areas of the State to which the *LLS Act* is in effect.

Policy Position

For the purpose of LLS Act the following land management activities unlikely to significantly disturb or modify groundcover:

- the introduction of pasture species that are non-persistent at that location, eg sub-clover or native pastures/seeds,
- oversowing involving minimal soil disturbance, eg by broadcasting or by direct drilling,
- efficient use of fertilisers (see guidance material in *Fertiliser for Pastures*),
- sustainable grazing (see guidance material in *Sustainable land management practices for graziers in the Tablelands and Southern Highlands of NSW*),

- fire management, eg mosaic burning,
- target or spot application of herbicides to manage non-native species.

Roles and responsibilities

LLS has responsibility for ensuring landholders apply the Land Management framework consistent with the LLS Act.

Policy Products

LLS will provide landholders with *LLS Fact Sheet - Assessing native groundcover*

Legislation

Local Land Services Act 2013

Related policies

OEH Factsheet - Using the Native Vegetation Regulation 2013 Self-Assessable Codes - Assessing groundcover

Revision history

Version	Date issued	Notes	By
1	20/10/2017	N/A	Group Director

Review date

This policy will be reviewed in 6 months.

Contact

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