



Local Land
Services

Land Management Framework Options for Landholders

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Sustainable Land Management

Presentation will cover:

- What landholders can do with no Native Vegetation Regulatory Map
- Commonwealth EPBC Act considerations
- Three very common scenarios on Monaro

Native Vegetation Regulatory Map

Member for Monaro John Barilaro made the following announcement on 7 November '17:

“Minister for Primary Industries, Niall Blair said the Government will not be proceeding with the regulatory maps in native grassland dominant landscapes.”

“I think landholders will be satisfied by this outcome and we will continue to work with them to identify alternative approaches to managing native grasslands,” Mr Blair said.

Native Vegetation Regulatory Map

... so what can landholders do without a regulatory map for Monaro?

- Be aware of existing mapping layers in force:
 - **Category 2 – Vulnerable Land**
 - **Category 2 – Sensitive Land**
 - Excluded land (LLS Act doesn't apply)
- Be aware of transitional period arrangements

Native Vegetation Regulatory Map

Transitional arrangements until preparation of maps:

- Low conservation groundcover
 - Self assessed as >50% exotic (*Cat. 1 – Exempt Land*)
 - Self assessed as <50% exotic (*Cat. 2 – Regulated Land*)
 - Accredited assessment under ‘Interim Grasslands and other Groundcover Assessment method’ (iGGAM)
 - Low conservation groundcover (*Cat. 1 – Exempt Land*)
 - Mod. to high conservation groundcover (*Cat. 2 – Regulated Land*)
 - iGGAM is a specialist assessment methodology from OEH
- Self assessed grasslands (see next slide...)

Native Vegetation Regulatory Map

Transitional arrangements until preparation of maps:

- Grassland or other non-woody vegetation is considered as previously cleared (*Cat. 1 – Exempt land*) if significantly disturbed or modified, where:
 - Detectable variation - evidence of historic disturbance
 - Consistent with mgmnt of pasture or crops for ag. purposes
 - Sustained for more than 12mths, more than once pre Aug '17
 - Variation not due to grazing only
 - Variation occurred between 1st Jan '90 and 24th Aug '17
- What's 'detectable variation'? (see next slide...)

Native Vegetation Regulatory Map

Transitional arrangements until preparation of maps:

- What's 'detectable variation'?
 - From information obtained from aerial or satellite imagery
 - e.g. areas that were/are obviously under cultivation or improved pasture
 - Information obtained from other sources (legislation deliberately vague on what this might be), could be:
 - Spraying and sowing records (invoices, diary notes, farm records, etc.)
 - Paddock maps showing locations
 - Statutory declaration from previous owners
 - Previous groundcover assessments (e.g. under former NV Act)
 - Landholder required to keep supporting record and a map showing the areas where it applies for 5 years after clearing

Native Vegetation Regulatory Map

Transitional arrangements until preparation of maps summary:

- Low conservation groundcover
 - Self determined level of exotic
 - >50% exotic = **Cat. 1 – Exempt Land** (no approval required)
 - <50% exotic = **Cat. 2 – Regulated Land** (Codes & Allowable Activities)
 - iGGAM undertaken by an accredited assessor
 - Low conservation value = **Cat. 1 – Exempt Land** (no approval required)
 - Moderate to high conservation value = **Cat. 2 – Regulated Land** (Codes & Allowable Activities)
- Significantly disturbed or modified grasslands (non-woody)
 - Detectable variation = **Cat. 1 – Exempt Land** (no approval required)
 - No detectable variation = **Cat. 2 – Regulated Land** (Codes & Allowable Activities)

EPBC Act 1999

- The EPBC Act is Australia's national environmental law
- Administered by the Comm. Dpmnt of the Environment and Energy
- Protects matters of national environmental significance, including:
 - threatened plant and animal species
 - threatened ecological communities
 - migratory species
 - wetlands of international importance (Ramsar Wetlands)
 - world and national heritage properties
 - the Great Barrier Reef

EPBC Act 1999

You do not need to seek approval under EPBC Act for:

- **a routine land management activity** such as maintaining existing fence lines and fire breaks, managing weeds and pests
- **an ongoing activity that you commenced prior to July 2000**, such as cropping or grazing practices, as long as you are not expanding or intensifying that activity
- **an activity that received all the required environmental authorisations prior to July 2000** and those authorisations remains in force. For example, an environmental authorisation may be a state land clearing permit

EPBC Act 1999

You do need to seek approval under EPBC Act for:

- new, expanded or intensified agricultural development that is likely to have a **significant impact** on a nationally protected matter
- not all agricultural developments affecting nationally protected matters will have a significant impact and require approval

Significant Impact?

- A **significant impact** is something that can affect the long term health and survival of a protected matter
- Judged as impacts on whole populations, not impacts on individual members of a species. It is looked at on a case-by-case basis

EPBC Act – NTG listing

Natural Temperate Grassland (NTG) of the South Eastern Highlands

- Listed as a Critically Endangered Ecological Community under EPBC Act
- Needs to have certain characteristics to be considered the community:
 - Not derived from cleared woodland or forest - (secondary grassland)
 - Must be larger than 0.1 ha (20m x 50m)
 - May be defined by dominance (>50% cover) of certain grasses:
 - Kangaroo Grass, River Tussock or Curly Sedge – (Method A)
 - Or by >50% cover of native plant species and ...
 - the diversity of native plant species:
 - measured by number of non-grass herbs or
 - presence of certain (listed) indicator species or
 - floristic value score (FVS) calculation – (Method B)
 - Fairly flexible about the time of year when assessment can be undertaken
 - as long as most native plant species are visible
- If characteristics not present, then no EPBC referral necessary

Mapping, Codes & EPBC Act

Three Monaro scenarios to demonstrate mapping self determination, Code and Allowable applications

1. Old exotic pasture (pre-1990), re-colonised by native grasses
 - commonly Poa tussock and/or Speargrasses
 - desire to 'renovate' by removing natives to sow new exotic pasture

exotic pasture pre-1990 --> now native dominated --> sow exotic pasture

2. Native pasture (>50% native cover, meets LLS Act threshold) - being invaded by exotic perennials (African Lovegrass, Serrated Tussock, Chilean Needle Grass, etc.). Current weed management ineffective
 - desire to spray out paddock and sow exotic pasture

native grass >50% --> invasive perennial weeds --> sow exotic pasture

3. Low diversity native pasture (>50% native, limited diversity)
 - desire to spray out paddock and sow exotic pasture

native grass >50% --> sow exotic pasture

Scenario 1

exotic pasture pre-1990 --> now native dominated --> sow exotic pasture

1. Is the land regulated? (Category 2)

Low conservation groundcover?

*If <50% native cover --> **Category 1 – Exempt Land***

*If >50% native cover (moderate condition iGGAM) --> **Cat. 2 – Regulated Land***

Significantly disturbed or modified grasslands?

- *'Detectable variation' supported by historical imagery and paddock records* ✓
- *Consistent with management of pasture for agricultural purposes* ✓
- *Sustain >12mths on more than one occasion* ✓
- *Variation not due to grazing only* ✓
- *Variation between 1990 and 2017* ✗

Cat. 2 – Regulated Land - Code and Allowable Activities available

Scenario 1

exotic pasture pre-1990 --> now native dominated --> sow exotic pasture

2. Code options (LLS Act)

- *Continuing Use (Div. 3 Continuation of rotational activity undertaken prior to 1990)*
 - *No set aside required*
 - *Map change to **Cat. 1 – Exempt Land** if impact is on all vegetation strata present*
- *Equity (Div. 4 Removing native vegetation from regulated rural areas)*
 - *Set aside required (TEC like-for-like, 100% **Cat. 2**, 1:2 to 1:8 set aside ratio)*
 - *>10% **Cat. 2 – Regulated Land** on landholding*
 - *Map change to **Cat. 1 – Exempt Land***
- *Farm Planning (Div. 2 Removing native vegetation from regulated rural areas)*
 - *Set aside required (50% **Cat. 2**/50% **Cat. 1**, 1:1 to 1:4.5 set aside ratio)*
 - *>10% **Cat. 2 – Regulated Land** on landholding*
 - *Map change to **Cat. 1 – Exempt Land***

Continuing Use obvious choice given history

Scenario 1

exotic pasture pre-1990 --> now native dominated --> sow exotic pasture

3. *Environmental Protection & Biodiversity Conservation Act 1999* considerations

Routine land management activity such as maintaining infrastructure?



Ongoing activity that commenced prior to July 2000 with no intensification or expansion?



No further EPBC Act considerations required

Scenario 1

exotic pasture pre-1990 --> now native dominated --> sow exotic pasture

Summary

- Determined to be **Cat. 2 - Regulated Land** due to native grass dominance -> Code options available under LLS Act
- Continuing Use Code (rotational activity pre-1990) recognises historical use
 - Authorised via a LLS Certificate
 - Treatment area changed to **Cat. 1 – Excluded Land**
 - No set aside required
- No EPBC Act considerations, recognised as ongoing activity

Scenario 2

native pasture --> invasive perennial weeds --> sow exotic pasture

1. Is the land regulated? (Category 2)

Low conservation groundcover?

*If <50% native cover --> **Category 1 – Exempt Land***

*If >50% native cover (moderate condition iGGAM) --> **Cat. 2 – Regulated Land***

Significantly disturbed or modified grasslands?

- *'Detectable variation' supported by historical imagery and paddock records*
- *Consistent with management of pasture for agricultural purposes*
- *Sustain >12mths on more than one occasion*
- *Variation not due to grazing only*
- *Variation between 1990 and 2017*

Cat. 2 – Regulated Land - Code and Allowable Activities available



Scenario 2

native pasture --> invasive perennial weeds --> sow exotic pasture

2. Code options (LLS Act)

Code options

- *Equity (Div. 4 Removing native vegetation from regulated rural areas)*
 - *Set aside required (TEC like-for-like, 100% **Cat. 2**, 1:2 to 1:8 set aside ratio)*
 - *>10% Cat. 2 – Regulated Land on landholding*
 - *Map change to **Cat. 1 – Exempt Land***
- *Farm Planning (Div. 2 Removing native vegetation from regulated rural areas)*
 - *Set aside required (50% **Cat. 2**/50% **Cat. 1**), 1:1 to 1:4.5 set aside ratio)*
 - *>10% Cat. 2 – Regulated Land on landholding*
 - *Map change to **Cat. 1 – Exempt Land***


Equity likely best choice, but there's a decision needed between:


- **Higher set aside, but all on **Cat. 2** land; or**
- **Lower set aside, but using >50% **Cat. 1** land**


Scenario 2


native pasture --> invasive perennial weeds --> sow exotic pasture

3. *Environmental Protection & Biodiversity Conservation Act 1999* considerations

Routine land management activity such as maintaining infrastructure? 

Ongoing activity that commenced prior to July 2000 with no intensification or expansion? 

An activity that received all required environmental authorisation prior to July 2000? 

Will activity have a significant impact on a matter of national environmental significance (i.e. threatened species or ecological communities)? 

- *Yes -> referral, assessment, offset and approval requirements likely*
- *No -> referral, assessment, offset and approval requirements not required*

Call Commonwealth on 1800 803 772

- **Will activity impact on matter of national environmental significance?**
 - **If so, will the activity impact be a significant impact?**

Scenario 2

native pasture --> invasive perennial weed --> sow exotic pasture

Summary

- Determined to be **Cat. 2 - Regulated Land** due to native grass dominance -> Code options available under LLS Act
- Equity Code (rotational activity pre-1990) allows clearing of native vegetation with set aside
 - Authorised via a LLS Certificate
 - Treatment area changed to **Cat. 1 – Excluded Land**
 - Set aside required:
 - Landholding >40% Cat. 2 1:2 set aside (assuming no VEC/EECs)
 - Landholding 20-40% Cat. 2 1:3 set aside (assuming no VEC/EECs)
 - Landholding 10-20% Cat. 2 1:4 set aside (assuming no VEC/EECs)
- EPBC Act considerations, need to discuss proposed activity with Commonwealth Government

Scenario 3

Low diversity native pasture --> sow exotic pasture

1. Is the land regulated?

Low conservation groundcover?

*If <50% native cover --> **Category 1 – Exempt Land***

*If >50% native cover (moderate condition iGGAM) --> **Cat. 2 – Regulated Land***

Significantly disturbed or modified grasslands?

- *'Detectable variation' supported by historical imagery and paddock records*
- *Consistent with management of pasture for agricultural purposes*
- *Sustain >12mths on more than one occasion*
- *Variation not due to grazing only*
- *Variation between 1990 and 2017*



Cat. 2 – Regulated Land - Code and Allowable Activities available

Scenario 3

Low diversity native pasture --> sow exotic pasture

2. Code options (LLS Act)

Code options

- *Equity (Div. 4 Removing native vegetation from regulated rural areas)*
 - *Set aside required (TEC like-for-like, 100% **Cat. 2**, 1:2 to 1:8 set aside ratio)*
 - *>10% Cat. 2 – Regulated Land on landholding*
 - *Map change to **Cat. 1 – Exempt Land***
- *Farm Planning (Div. 2 Removing native vegetation from regulated rural areas)*
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 - *>10% Cat. 2 – Regulated Land on landholding*
 - *Map change to **Cat. 1 – Exempt Land***


Equity likely best choice, but there's a decision needed between:


- **Higher set aside, but all on **Cat. 2** land; or**
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Scenario 3


Low diversity native pasture --> sow exotic pasture

3. *Environmental Protection & Biodiversity Conservation Act 1999* considerations

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Call Commonwealth on 1800 803 772

- **Will activity impact on matter of national environmental significance?**
 - **If so, will the activity impact be a significant impact?**

End of presentation. Thanks