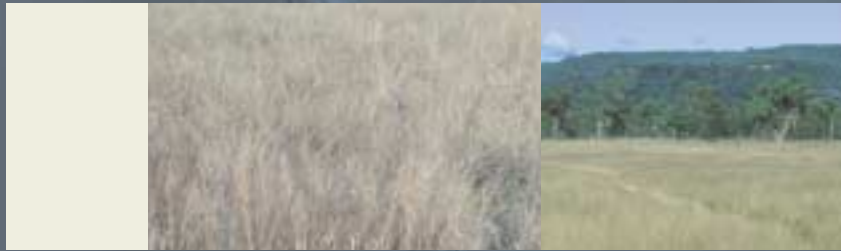


EPBC Act

Administrative Guidelines on Significance -
Supplement for the nationally endangered
Bluegrass ecological community August 2001





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Administrative Guidelines for determining whether a farming activity has, or will have, or is likely to have a significant impact on the nationally listed Bluegrass ecological community

INTRODUCTION

These guidelines have been prepared to assist land holders make decisions on whether their farming activities will be likely to have a significant impact on the nationally listed Bluegrass ecological community.

The Bluegrass ecological community, 'Bluegrass (*Dichanthium* spp.) dominant grasslands of the Brigalow Belt Bioregions (North and South)', was listed as a threatened (endangered) ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 4 April 2001.

The Bluegrass ecological community was eligible for listing as a nationally endangered ecological community because it has declined in distribution to approximately 10% of its former range. That is, over 90% of the original extent of the Bluegrass community has been destroyed or severely degraded. The remaining 10% continues to decline as a result of changes to species composition through clearing for cropping or improved pasture, weed invasion, total grazing pressure and the interaction of these with extreme climatic events.

The purpose of listing the Bluegrass ecological community under the EPBC Act is to help prevent its further decline and, ultimately, to assist community efforts toward the recovery of the community.

One of the results of this listing under the EPBC Act is that farming activities likely to have a significant impact on the listed Bluegrass ecological community will need to be assessed and approved by the Commonwealth Minister for the Environment.

However, approval is not needed for the lawful continuation of a use of land that was occurring prior to the Act commencing in July 2000 (see page 9).

In addition, Bluegrass grasslands that are currently in poor condition do not form part of the listed community and activities affecting these grasslands are not subject to the Act (further information is provided below).

There is a link between the listing under the EPBC Act and Queensland legislation. Within the Bluegrass ecological community, there are several plant species that are listed as protected under the *Queensland Nature Conservation Act 1992*. Accordingly, many activities that are likely to require approval under the EPBC Act are already regulated by Queensland legislation.

Subject to the exemption for the 'lawful continuation of a use of land', approval is required under the EPBC Act for an activity that is likely to have a significant impact on the listed Bluegrass community. To assist in deciding whether a proposed activity needs approval, these guidelines:

- indicate the areas where the Bluegrass ecological community occurs;
- assist with the identification of the Bluegrass ecological community and assessment of its condition to determine if it is part of the listed ecological community;
- identify activities exempt from the referral requirements in the EPBC Act; and
- provide examples of activities that may be likely to have a significant impact on the listed ecological community and therefore need consideration under the EPBC Act.

These guidelines are designed to provide a high degree of certainty for farmers by helping identify activities that need approval. However, these guidelines cannot anticipate every possible scenario that may arise.

If, after considering the guidelines, a farmer is uncertain about whether a particular activity needs approval under the EPBC Act, he or she

should refer the activity to the Commonwealth Minister for the Environment who must make a binding decision within 20 business days on whether the Act applies. In this way, the guidelines and the referral process provide a high degree of certainty for farmers in a timely manner.

ARE YOU AFFECTED BY THE LISTING OF THE BLUEGRASS ECOLOGICAL COMMUNITY?

There are three main steps in assessing whether your farming activities need to be referred to the Commonwealth Minister for assessment.

The first step is to assess whether the Bluegrass ecological community occurs on your property, and if it does, its condition.

The second step is to identify if your activity is exempt from the referral requirement in the EPBC Act.

The third step is to assess the likely impact of the farming activity on the listed ecological community.

Does the Bluegrass grassland community occur on your property?

If you are located outside the Brigalow Belt Bioregion (see Map 1) the grasslands on your property are not part of the listed Bluegrass ecological community.

If you are within the Brigalow Belt Bioregion you should check Map 1 which indicates where the Bluegrass ecological community is likely to occur.

If it appears that your property may contain the Bluegrass ecological community then you should look at more detailed maps. Hardcopy maps are held in regional offices of the Queensland Department of Natural Resources and Mines.

If these maps indicate your property is likely to contain the Bluegrass ecological community then you will need to verify the presence and assess the condition of the ecological community on the ground.

The listed Bluegrass ecological community is characterised by native grasses and can include trees as individuals or in clumps. Bluegrass dominates the ecological community, and includes Queensland Bluegrass *Dichanthium sericeum* and *D. queenslandicum*. Other native grasses that can occur include Mitchell Grass *Astrelba* spp. If trees are present, they are most likely to be Brigalow *Acacia harpophylla*, Mountain Coolabah or Gum-topped Box *Eucalyptus orgadophila*, Silver Ironbark *E. melanophloia* and/or Red Bloodwood *Corymbia erythrophloia*.

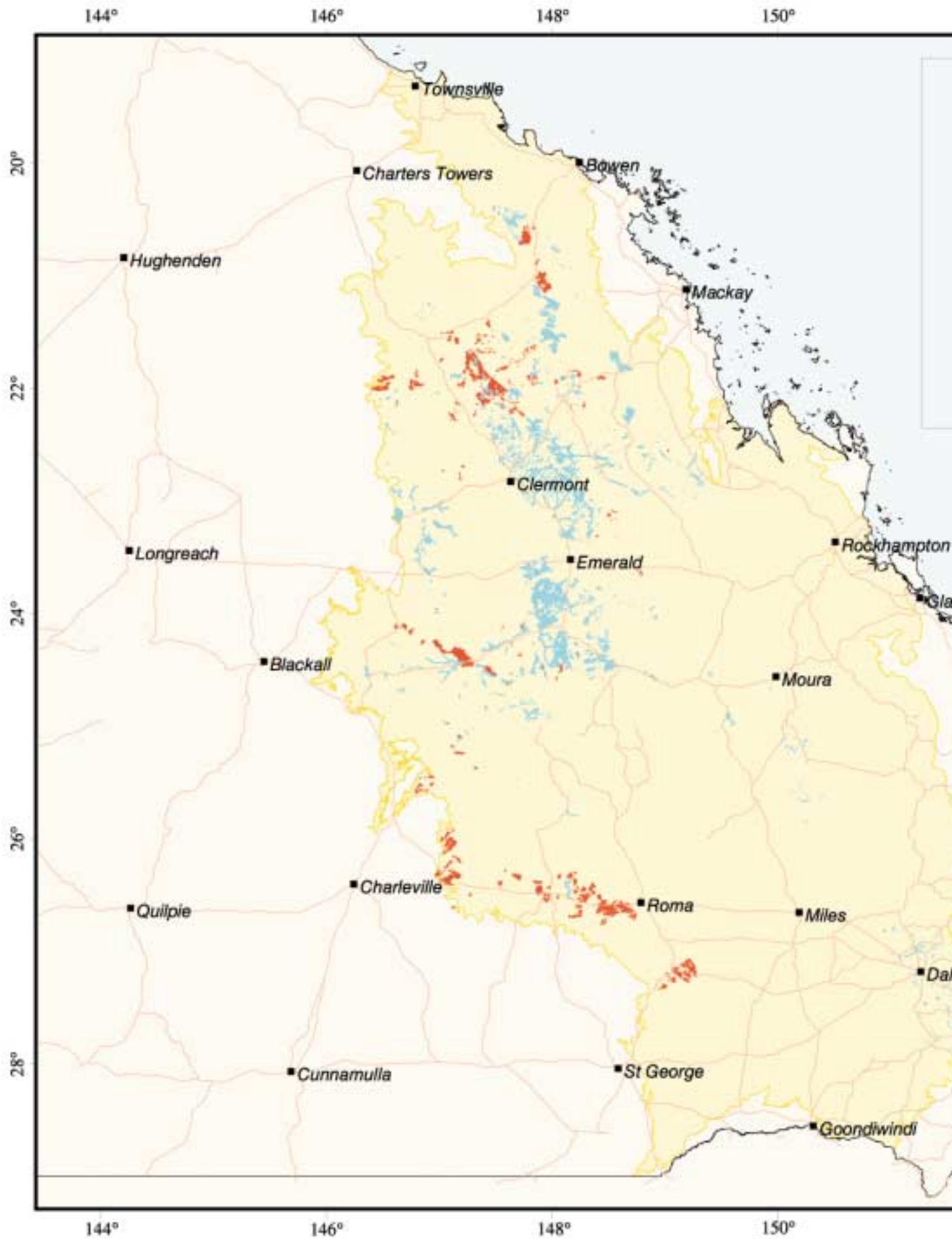


< Bluegrass ecological community in the Central Highlands, Queensland.

Dichanthium queenslandicum
(King Bluegrass) >



< *Astrebla squarossa*
(Mitchell grass)



Projection: Geographic
Spheroid: Australian National
Datum: Australian Geodetic 1984

1:5000000

152°

154°



20°

22°



24°

26°

28°

152°

154°



Bluegrass Ecological Community

Bluegrass (*Dichanthium* spp.) dominant grasslands of the Brigalow Belt Bioregions (North and South)

LEGEND

- Listed Bluegrass Ecological Community
- Unlisted Bluegrass Regional Ecosystems
- Major Roads
- Brigalow Bioregions

Note: The areas (polygons) of Bluegrass Ecological Community shown on this map will all contain the Bluegrass Ecological Community but may also have varying proportions of other communities intermixed with the Bluegrass Ecological Community.

For clarity, areas of the Bluegrass Ecological Community are size enhanced and appear, on this map, larger than they are.

Source:

Bluegrass (*Dichanthium* spp.) dominant grasslands of the Brigalow Belt Bioregions (North and South) from Environment Australia's Communities of National Environmental Significance database. The areas mapped include Regional Ecosystems Nos 11.8.11, 11.4.4, 11.3.21 and 11.9.12, as defined in Sattler, P. and Williams, R. (eds) (1999). *The Conservation of Queensland's Bioregional Ecosystems*, Qld EPA, and mapped by the Queensland Herbarium, EPA (Remnant Vegetation 1999).

The TOPO250K information in this product is Copyright(c) Commonwealth of Australia, AUSLIG, Australia's national mapping agency, 1997. The vegetation community information is Copyright (c) Queensland Government.

Caveat:

The information presented in this map has been provided by a range of groups and agencies. While every effort has been made to ensure accuracy and completeness, no guarantee is given, nor responsibility taken by the Commonwealth for errors or omissions, and the Commonwealth does not accept responsibility in respect of any information or advice given in relation to, or as a consequence of, anything contained herein.

The threatened Queensland Bluegrass Ecological Community is mapped for likelihood of occurrence. The map has been collated from a range of sources, with data at various resolutions. Data from the Queensland Herbarium, Queensland Environment Protection Agency is used with permission.

Data used are assumed to be correct as received from the data suppliers.

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Right: Parthenium >
Far right: Buffel Grass >>



What is the condition of the Bluegrass ecological community on your property?

Grasslands in poor condition do not form part of the listed Bluegrass ecological community and are not subject to the EPBC Act.

For Bluegrass ecological communities, those considered in poor condition would contain more than 50% weeds or exotic grasses and with the *Dichanthium* spp. occurring only as individual plants or in small clumps. If in doubt, landholders can readily quantify the proportion of exotic grasses present using methods outlined in the "Natural Resource Monitoring Guide" published by the Queensland Department of Natural Resources and Mines or the "Grasscheck" rangeland assessment manual published by the Queensland Department of Primary Industries. The two non-native species likely to be present in various Bluegrass ecological communities are Parthenium and Buffel Grass.

Past land practices that will have changed the condition of the Bluegrass ecological community include:

- irrigation resulting in a permanent change to the composition of the ecological community;
- regular seeding for pasture improvement resulting in a change to the structure of the community where introduced pasture grasses dominate;
- regular ploughing for cropping; and
- heavy grazing with poor recovery of native grasses.

It should be noted that some properties that have been grazed for many years without overgrazing retain the Bluegrass ecological community in good condition. In fact, some small ungrazed areas of Bluegrass which are no longer subject to natural regimes of burning and regeneration can have a lower plant species richness than other moderately grazed areas. A best practice grazing system as a component of a sustainable land management regime is compatible with the ongoing retention of the Bluegrass ecological community.

If you have the Bluegrass grassland community on your property – and if it is not in poor condition – then the grasslands on your property are part of the community listed under the EPBC Act. An action that is likely to have a significant impact on the Bluegrass grassland community on your property needs to be referred, and if necessary, approved, under the EPBC Act unless the activity is exempt.

Is your land use activity exempt from the referral requirements under the EPBC Act?

The next step is to consider whether a proposed activity is exempt from the referral requirements under the EPBC Act. If it is, the activity does not need to be referred to or approved by the Commonwealth Minister.

An activity is exempt from the referral under the EPBC Act if it is an action which is a 'lawful continuation' of a use of land that was occurring immediately before 16 July 2000 (when the EPBC Act commenced).



The continuation of many farming and associated land management activities that were occurring prior to 16 July 2000 will be a lawful continuation of a use of land. As such, these activities do not need to be referred under the EPBC Act.

Examples of such ongoing farming activities that will be considered a continuation of a use and so will not require referral under the EPBC Act include routine farm maintenance and management. For example:

- routine grazing;
- continued or periodic grazing on the Bluegrass ecological community (at similar intensities to those prior to 16 July 2000); and
- routine cyclical activities (spelled paddocks, drought fodder, rotations in land use etc).

Enlargement, expansion or intensification of use is not a 'continuation of use'. Examples of activities that will be regarded as an enlargement, expansion or intensification of use and so will not be exempt and therefore may require referral under the EPBC Act include:

- clearing or ploughing the listed Bluegrass ecological community for the purposes of cropping; and
- conversion of the listed Bluegrass ecological community to improved pastures, agroforestry or other tree planting activities.

An activity that was specifically authorised (eg, under a licence or permit) under Commonwealth or State law and for which no further authorisation was needed prior to 16 July 2000 is also exempt.

What is the likely impact of your land management activity on the Bluegrass ecological community?

If the proposed activity is not exempt, you need to consider whether or not it is likely to have a significant impact on the listed Bluegrass ecological community. If you think it is likely to have a significant impact, the proposed activity must be referred to the Commonwealth Minister.

The *EPBC Act Administrative Guidelines on Significance 2000* booklet describes formal criteria for identifying an activity that has, will have, or is likely to have a significant impact on a listed ecological community. Practical information on their application is provided below. If you wish to refer to these guidelines, they can be obtained from Environment Australia or found at: <http://www.ea.gov.au/epbc/assessapprov/referrals/significanceguide.html>

In general, activities resulting in the permanent loss of small areas of the listed Bluegrass ecological community, for example less than 20 hectares or less than 5% of the patch (whichever is the smaller), will not be significant.

Activities that result in a temporary and reversible impact on the condition of the listed Bluegrass ecological community also will generally not be significant. Similarly, activities over a large area that would result in only a minor, recoverable change to the listed ecological community will generally not be significant.

Most routine rural management purposes that are prescribed by the *Queensland Land Regulation 1995* would be considered as activities not likely to have a significant impact. Note that some of these activities might also be a continuation of a use occurring before 16 July 2000 and therefore not subject to the referral requirement in the EPBC Act in any case. Examples of the type of activities not likely to have a significant impact include:

- Controlled burns or prescribed fires;
- Slashing (eg. for firebreaks);
- Fencing having a width no more than the permitted distance under the *Queensland Land Regulation 1995*;
- Construction of sheds, farm buildings and yards;
- Maintenance of internal roads, equipment and dams etc;
- Maintenance of fence lines and firebreaks;
- Weed control (hand and ground machinery);
- Movements of farm vehicles and machinery;
- Minor dam construction and access tracks for stock;
- Maintaining farm gardens and orchards; and
- Grazing within sustainable land management regimes.

Activities that will result in the permanent loss of areas greater than 20ha or 5% of the patch (whichever is the smaller) of the listed Bluegrass ecological community constitute a significant impact. This includes the slow loss of the grassland or loss of its condition over a long period of time. Other significant impacts include fragmentation of large areas of the listed Bluegrass ecological community, the introduction of exotic grasses for pasture improvement, or activities contributing to the introduction of exotic species and weeds.

Specific examples of broadscale farming activities that will have a significant impact include:

- Ploughing and/or conversion of areas greater than 20ha or 5% of the patch (whichever is the smaller) of the listed Bluegrass ecological community (with good potential for re-generation) to other land uses such as cropping.
- Improving Bluegrass grasslands (through fertilising, irrigating, sowing exotic pastures) such that the listed Bluegrass ecological community (as indicated by the majority presence of native species) is lost.
- Intensifying grazing pressure such that the listed Bluegrass ecological community is likely to be degraded and will not recover without active intervention.

Activities that may be more difficult to assess in terms of their impacts include changes in farm management practices such as varying stocking rates, grazing practices and fire regimes. A decision on likely significance should be made taking into account the condition of the Bluegrass ecological community potentially affected, and the nature of impacts that may result from the activity (eg. whether any loss will be permanent or temporary, and the area of the Bluegrass ecological community affected).

Referral is not needed if the person considers that significant impacts are not likely, based on the application of these guidelines or if the activity is exempt on the basis that it is a lawful continuation of a use (see above). If uncertain, a referral should still be made and the Commonwealth Minister will decide within 20 business days whether the action will, or is likely to, have a significant impact.

WHAT HAPPENS ONCE YOU MAKE A REFERRAL?

The Commonwealth Minister is required to make a decision on whether an activity needs to be assessed and approved within 20 business days of receiving a referral. If the Minister's decision is that an action does not need approval, you will not contravene the EPBC Act if the activity is done in accordance with that decision.

If the Commonwealth Minister decides that an activity requires approval, then an environmental assessment of the likely impact of that activity on the listed Bluegrass ecological community must be carried out. After considering the environmental assessment, the Commonwealth Minister will decide whether to approve the action, and what conditions (if any) to impose.

The Commonwealth Minister must take into account social and economic factors in deciding whether to grant approval. In this way, the Act ensures that socio-economic factors are properly considered by the Minister when decisions are made affecting land use.

If you are unsure whether the activity that you are proposing will have a significant impact on the listed Bluegrass ecological community on your property, you should discuss the particular circumstances of your proposal with Environment Australia. If there is still doubt, a referral can be made at any time (before the activity commences) and you will be provided with a decision on whether or not approval under the EPBC Act is required. This decision must be made within 20 business days of the referral. If the Commonwealth Minister decides that approval is not needed, this decision confers legal certainty for the person proposing to undertake the activity. There is no application fee for making a referral.

Further information is available by contacting Environment Australia's Community Information Unit on 1800 803 772 or by email at: ciu@ea.gov.au. Information is also available at: <http://www.environment.gov.au/epbc>

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Environment Australia,
GPO Box 787, Canberra ACT 2601
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