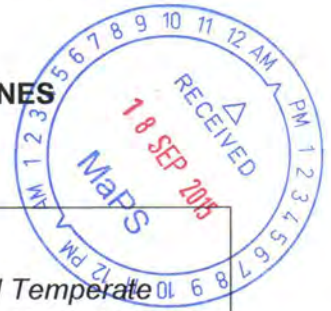


To: Minister (for decision)

**EXTENSIONS FOR THREE ECOLOGICAL COMMUNITY DECISION DEADLINES**

Timing: before **30 September 2015** (statutory deadline).



**Recommendations:**

1. Approve an extension to the deadline for your listing decision on the *Natural Temperate Grassland of the South Eastern Highlands and New England Tablelands*, to 15 March 2016.

Approved / Not approved

2. Approve an extension, as requested by the Threatened Species Scientific Committee, to the deadline for the *Poplar/bimble box grassy woodland on alluvial plains* ecological community assessment, to 31 October 2016.

Approved / Not approved

3. Approve an extension, as requested by the Threatened Species Scientific Committee, to the deadline for *the community of estuarine species dependent on salt-wedge estuaries of southern Australia* ecological community assessment, to 30 September 2017.

Approved / Not approved

4. Sign the attached letter to the Chair of the Threatened Species Scientific Committee agreeing to the extension of assessment periods.

Signed / Not signed

Minister:

Date:

Comments:

**Key Points:**

1. Following a listing review in 2013-14, the Threatened Species Scientific Committee (the Committee) recommended that you add the *Natural Temperate Grassland of the South Eastern Highlands and New England Tablelands* to the critically endangered category of the list of ecological communities under the EPBC Act. This would replace a similar ecological community, *Natural Temperate Grassland of the Southern Tablelands of NSW and the Australian Capital Territory*, listed as an endangered ecological community in 2000.
2. The review updated threat information and recommended listing a broader ecological community, including adding small areas around the South Eastern Highlands and in the New England Tablelands. It also recommended the use of condition thresholds that would mean that the most degraded areas within the existing southern extent of the ecological community no longer trigger a referral (there have been 44 referrals to date, mostly for windfarms and residential development around Canberra; no referrals for agriculture). The review also produced the first Conservation Advice for this ecological community, noting that there is a national Recovery Plan in place but it will expire (sunset) on 1 April 2016.

3. After considering the listing brief (**MS14-002489**) for the *Natural Temperate Grassland of the South Eastern Highlands and New England Tablelands*, you requested an extension to your listing decision to 30 September 2015 (MS14-003182). This extension was to allow the Department to explore finer scale mapping, develop a comprehensive information guide and continue consultation with key stakeholders, such as the National Farmers' Federation and NSW Office of Environment and Heritage. However, the Department requires additional time to complete the finer scale mapping.
4. The Department recommends extending your listing decision to 15 March 2016 to allow the Department to obtain further survey data to inform mapping, and to continue consultation with key stakeholders. Your approval by 15 March 2016 would mean that an approved Conservation Advice would be published and have regulatory effect prior to the sunseting date for the existing national Recovery Plan.
5. The Committee also requests extensions to the assessment deadlines for two ecological communities: the *Poplar/bimble box grassy woodland on alluvial plains*; and *The community of estuarine species dependent on salt-wedge estuaries of southern Australia*.
6. An extension is required for the *Poplar/bimble box grassy woodland* ecological community to allow further time to undertake consultation and finalise the conservation advice. The request is to extend the deadline for the assessment from 31 October 2015 to 31 October 2016.
7. An extension is required for the *salt-wedge estuaries* ecological community to allow adequate time for technical analysis, and to undertake expert and public consultation. The request is to extend the deadline for the assessment from 30 September 2015 to 30 September 2017.
8. These two deadlines are for draft Conservation Advice, incorporating the Committee's listing advice, to be received by you. You will then have 90 business days to make listing decisions.
9. Your statutory obligations for approving extensions to your listing decision timeframe and the Committee's assessment period are at **Attachment A**. A draft letter to the Committee is at **Attachment B**.
10. A notice relating to the three extensions will be published on the Department's website, should you agree to the extensions. The Department will also notify key stakeholders.

Geoff Richardson  
 Assistant Secretary  
 Protected Species and Communities Branch  
 Wildlife, Heritage and Marine Division  
 Ph: 02 6274 2531 Mob: s22  
 16 September 2015

Contact Officer: s22  
 Ecological Communities Section  
 Ph: 02 6s22  
 Mob: s22

#### ATTACHMENTS

- A: Statutory obligations of the Minister for the Environment for approving extensions to listing assessment and decision timeframes
- B: Letter to the Chair of the Threatened Species Scientific Committee, agreeing to extension of assessment periods

## STATUTORY OBLIGATIONS OF THE MINISTER UNDER THE EPBC ACT

### for approving an extension to an assessment period for Threatened Ecological Communities

#### Subdivision AA - The nomination and listing process

##### 194N Scientific Committee to assess items on finalised priority assessment list and give assessments to Minister

(1) In relation to each item included in the finalised priority assessment list for an assessment period for a Subdivision A List, the Scientific Committee must (by the time required by section 194P):

- (a) make a written assessment of:
  - (i) whether the item is eligible for inclusion in the Subdivision A List; and
  - (ii) if the Subdivision A List is the list referred to in section 178 or 181—the category of that List in which the item is eligible to be included; and
- (b) give to the Minister:
  - (i) the written assessment (or a copy of it); and
  - (ii) a copy of the comments referred to in paragraphs (2)(a) and (b) (whether or not they have all been taken into account under subsection (2)).

(2) In making an assessment in relation to an item, the Scientific Committee, subject to subsections (3) and (4):

- (a) must take into account the comments the Committee receives in response to the notice under subsection 194M(1) in relation to the item; and
- (b) may seek, and have regard to, information or advice from any source.

(3) The Scientific Committee is not required to take a comment referred to in paragraph (2)(a) into account if:

- (a) the Committee does not receive the comment until after the cut-off date specified in the notice under subsection 194M(1) in relation to the item; or
- (b) the Committee considers that regulations referred to in paragraph 194M(4)(b) have not been complied with in relation to the comment.

(4) In making an assessment, the only matters the Scientific Committee may consider are matters relating to:

- (a) whether the item is eligible for inclusion in the Subdivision A List; or
- (b) the effect that including the item in that List could have on the survival of the native species or ecological community concerned.

##### 194P Time by which assessments to be provided to Minister

(1) Subsection 194N(1) must be complied with, in relation to an item included in the finalised priority assessment list for an assessment period for a Subdivision A List, by the assessment completion time specified in the finalised priority assessment list for the item, or by that time as extended under this section.

(2) The Scientific Committee may request the Minister to extend the assessment completion time (or that time as previously extended) if the Committee considers that it needs more time to make the assessment.

(3) The Minister may, in response to a request under subsection (2), extend the assessment completion time (or that time as previously extended) by such period (if any) as the Minister considers appropriate. However, the total length of all extensions of the assessment completion time must not be more than 5 years.

(4) An extension under subsection (3) must be made in writing.

(5) If the Minister grants an extension under this section, the Minister must publish particulars of the extension in a way that the Minister considers appropriate.

## **194Q Decision about inclusion of an item in the Subdivision A List**

*Minister to decide whether or not to include item*

(1) After receiving from the Scientific Committee an assessment under section 194N of an item, the Minister must:

- (a) include the item in the Subdivision A List concerned; or
- (b) in writing, decide not to include the item in the Subdivision A List concerned.

Note 1: Under this subsection the Minister can transfer an item already on a Subdivision A List to a different category in the List (see subsection 194B(1)).

Note 2: Sections 186, 187 and 188 contain rules about including items in a Subdivision A List.

(2) If, under subsection (1), the Minister transfers an item to a category of the Subdivision A List, the Minister must at the same time delete the item from the category in which it was included before the transfer.

(3) Subject to subsection (4), the Minister must comply with subsection (1) within 90 business days after the day on which the Minister receives the assessment.

(4) The Minister may, in writing, extend or further extend the period for complying with subsection (1).

(5) Particulars of an extension or further extension under subsection (4) must be published on the internet and in any other way required by regulations.

(6) For the purpose of deciding what action to take under subsection (1) in relation to the item:

- (a) the Minister must have regard to:
  - (i) the Scientific Committee's assessment of the item; and
  - (ii) the comments (if any), a copy of which were given to the Minister under subsection 194N(1) with the assessment; and
- (b) the Minister may seek, and have regard to, information or advice from any source.



**The Hon Greg Hunt MP**  
**Minister for the Environment**

MS15-002199

Professor Helene Marsh  
Chair  
Threatened Species Scientific Committee  
c/- Species Information and Policy Section  
Department of the Environment  
GPO Box 787  
CANBERRA ACT 2601

17 SEP 2015

Dear Professor Marsh

A handwritten signature in blue ink, appearing to read 'Helene', written over the name 'Dear Professor Marsh'.

I am writing regarding the Threatened Species Scientific Committee's request to extend the period for assessing the following two ecological communities for possible listing as threatened under the *Environment Protection and Biodiversity Conservation Act 1999*:

- The community of estuarine species dependent on salt-wedge estuaries of southern Australia – statutory completion date 30 September 2015, and
- Poplar/bimble box grassy woodland on alluvial plains – statutory completion date 31 October 2015.

As the Committee requested, I have agreed to extend the assessment period for the salt-wedge estuaries ecological community to 30 September 2017 and the Poplar/bimble box woodland ecological community to 31 October 2016.

Additionally, following the Committee's assessment of the Natural Temperate Grassland of the South Eastern Highlands and New England Tablelands, I have decided to extend the deadline for my listing decision to 15 March 2016. This follows my previous extension to 30 September 2015. This further extension is to allow the Department of the Environment to complete finer-scale mapping and continue consultation with key stakeholders.

Yours sincerely

A large, stylized handwritten signature in blue ink, written over the words 'Yours sincerely'.

Greg Hunt

PDR: MS16-001158



Copy to:

To: Minister (for decision)

Secretary  
Mr Thompson  
Ms Evans  
Mr Knudson  
Mr Heferen  
Ms Goodwin  
Mr Sullivan  
Mr Oxley

**REQUEST TO EXTEND THE LISTING ASSESSMENT TIMEFRAMES FOR TWO ECOLOGICAL COMMUNITIES**

**Timing:** Before 25 November 2016 – to inform nominators of extensions in a timely way

**Recommendations:**

1. Agree to the extension of the assessment deadlines, as requested by the Threatened Species Scientific Committee, for the *Poplar/bimble box grassy woodland on alluvial plains* ecological community to 28 April 2017, and the *Casuarina glauca (Swamp Oak) Coastal Floodplain Forest* ecological community to 31 October 2017.

Agreed / Not agreed

2. Sign the letter to the Threatened Species Scientific Committee at Attachment B.

Signed / Not signed

Minister:

Comments:



Date:

5/12/16

|  |                  |  |                              |
|--|------------------|--|------------------------------|
| <b>Clearing Officer:</b><br>Sent: 24/10/2016 | Geoff Richardson | Assistant Secretary,<br>Wildlife Heritage and<br>Marine Division | Ph: 02 6274 2531<br>Mob: s22 |
| Contact Officer:                             | s22              | Director, Ecological<br>Communities Section                      | Ph: 0<br>Mob: s22            |

**Key Points:**

1. The Threatened Species Scientific Committee (the Committee) is currently assessing two nominated ecological communities for listing as threatened under the *Environment Protection and Biodiversity Conservation Act 1991*. The two nominated ecological communities are the *Poplar/bimble box grassy woodland on alluvial plains* and the *Casuarina glauca (Swamp Oak) Coastal Floodplain Forest*.
2. The Committee requests extensions to the assessment deadlines for each ecological community: to 28 April 2017 for the *Poplar Box* ecological community, and to 31 October 2017 for the *Casuarina glauca* ecological community. The extensions are to allow adequate time to undertake further consultation and finalise the assessments.
3. The deadline is for the Committee's recommendations on the outcome of the assessments to be received by you. You will then have 90 business days to make a decision on whether to list the ecological communities as threatened un the EPBC Act.

4. Your statutory obligations for approving extensions to your listing decision timeframes and the Committee's assessment period are at **Attachment A**. A draft letter to the Committee is at **Attachment B**.
5. The Department agrees with the Committee's view that more time is required to prepare the listing assessments for both ecological communities and to allow time for an extensive public consultation period, given the wide range of interest groups, particularly for the Poplar Box Grassy Woodland on Alluvial Plains.

#### **Sensitivities and Handling**

6. A notice relating to these extensions will be published on the Department's website, should you agree.
7. The Department will also notify the nominator. The Department does not expect this decision to be contentious.

#### **Consultation: YES**

8. Threatened Species Scientific Committee.

#### **ATTACHMENTS**

- A:** Statutory obligations for the Minister for the Environment to approve extensions to listing assessment and decision timeframes
- B:** Letter to the Chair of the Threatened Species Scientific Committee, agreeing to the requested extensions of assessment timeframes

## STATUTORY OBLIGATIONS OF THE MINISTER UNDER THE EPBC ACT

### for approving an extension to an assessment period for Threatened Ecological Communities

#### Subdivision AA - The nomination and listing process

##### 194M Scientific Committee to invite comments on items in finalised priority assessment list

- (1) In relation to each item included in the finalised priority assessment list for an assessment period for a Subdivision A List, the Scientific Committee must publish a notice inviting people to make comments on the item.
- (2) The Scientific Committee may, under subsection (1), publish a single notice relating to all of the items on the finalised priority assessment list, or may publish a number of separate notices, each of which relates to one or more of the items.
- (3) A notice under subsection (1), in relation to an item or items:
  - (a) must be published in accordance with the regulations referred to in paragraph (4)(a); and
  - (b) must identify the item or items to which the notice relates; and
  - (c) if the Subdivision A List is the list referred to in section 178 or 181—must identify the category of the Subdivision A List in which the item or items are proposed to be included; and
  - (d) must invite people to make comments, to the Scientific Committee, setting out:
    - (i) if the Subdivision A List is the list referred to in section 178 or 181—views about whether the item or items are eligible for inclusion in that category of the Subdivision A List; and
    - (ii) if the Subdivision A List is the list referred to in section 183—views whether the item or items are eligible for inclusion in the Subdivision A List; and
    - (iii) reasons supporting those views; and
  - (e) must specify the date (the cut-off date) by which comments must be received, which must be at least 30 business days after the notice has been published as required by paragraph (a); and
  - (f) must specify, or refer to, the manner and form requirements that, under regulations referred to in paragraph (4)(b), apply to making comments; and
  - (g) may also invite people to comment on other matters that the Scientific Committee considers appropriate; and
  - (h) may also include any other information that the Scientific Committee considers appropriate.
- (4) The regulations must provide for the following:
  - (a) how a notice under subsection (1) is to be published;
  - (b) the manner and form for making comments.

##### 194N Scientific Committee to assess items on finalised priority assessment list and give assessments to Minister

- (1) In relation to each item included in the finalised priority assessment list for an assessment period for a Subdivision A List, the Scientific Committee must (by the time required by section 194P):
  - (a) make a written assessment of:
    - (i) whether the item is eligible for inclusion in the Subdivision A List; and
    - (ii) if the Subdivision A List is the list referred to in section 178 or 181—the category of that List in which the item is eligible to be included; and
  - (b) give to the Minister:
    - (i) the written assessment (or a copy of it); and
    - (ii) a copy of the comments referred to in paragraphs (2)(a) and (b) (whether or not they have all been taken into account under subsection (2)).
- (2) In making an assessment in relation to an item, the Scientific Committee, subject to subsections (3) and (4):
  - (a) must take into account the comments the Committee receives in response to the notice under subsection 194M(1) in relation to the item; and
  - (b) may seek, and have regard to, information or advice from any source.



- (3) The Scientific Committee is not required to take a comment referred to in paragraph (2)(a) into account if:
- (a) the Committee does not receive the comment until after the cut-off date specified in the notice under subsection 194M(1) in relation to the item; or
  - (b) the Committee considers that regulations referred to in paragraph 194M(4)(b) have not been complied with in relation to the comment.
- (4) In making an assessment, the only matters the Scientific Committee may consider are matters relating to:
- (a) whether the item is eligible for inclusion in the Subdivision A List; or
  - (b) the effect that including the item in that List could have on the survival of the native species or ecological community concerned.

#### **194P Time by which assessments to be provided to Minister**

- (1) Subsection 194N(1) must be complied with, in relation to an item included in the finalised priority assessment list for an assessment period for a Subdivision A List, by the assessment completion time specified in the finalised priority assessment list for the item, or by that time as extended under this section.
- (2) The Scientific Committee may request the Minister to extend the assessment completion time (or that time as previously extended) if the Committee considers that it needs more time to make the assessment.
- (3) The Minister may, in response to a request under subsection (2), extend the assessment completion time (or that time as previously extended) by such period (if any) as the Minister considers appropriate. However, the total length of all extensions of the assessment completion time must not be more than 5 years.
- (4) An extension under subsection (3) must be made in writing.
- (5) If the Minister grants an extension under this section, the Minister must publish particulars of the extension in a way that the Minister considers appropriate.

#### **194Q Decision about inclusion of an item in the Subdivision A List**

##### *Minister to decide whether or not to include item*

- (1) After receiving from the Scientific Committee an assessment under section 194N of an item, the Minister must:
- (a) include the item in the Subdivision A List concerned; or
  - (b) in writing, decide not to include the item in the Subdivision A List concerned.
- Note 1: Under this subsection the Minister can transfer an item already on a Subdivision A List to a different category in the List (see subsection 194B(1)).
- Note 2: Sections 186, 187 and 188 contain rules about including items in a Subdivision A List.
- (2) If, under subsection (1), the Minister transfers an item to a category of the Subdivision A List, the Minister must at the same time delete the item from the category in which it was included before the transfer.
- (3) Subject to subsection (4), the Minister must comply with subsection (1) within 90 business days after the day on which the Minister receives the assessment.
- (4) The Minister may, in writing, extend or further extend the period for complying with subsection (1).
- (5) Particulars of an extension or further extension under subsection (4) must be published on the internet and in any other way required by regulations.
- (6) For the purpose of deciding what action to take under subsection (1) in relation to the item:
- (a) the Minister must have regard to:
    - (i) the Scientific Committee's assessment of the item; and
    - (ii) the comments (if any), a copy of which were given to the Minister under subsection 194N(1) with the assessment; and
  - (b) the Minister may seek, and have regard to, information or advice from any source.



**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**

MS16-001158

Professor Helene Marsh  
Chair  
Threatened Species Scientific Committee  
C/- Species Information and Policy Section  
Department of the Environment and Energy  
GPO Box 787  
CANBERRA ACT 2601

15 DEC 2016

Dear Professor Marsh

I am writing regarding the Threatened Species Scientific Committee's request to extend the period for assessing the following two ecological communities for possible listing as threatened under the *Environment Protection and Biodiversity Conservation Act 1999*:

- Poplar/bimble box grassy woodland on alluvial plains
- *Casuarina glauca* (Swamp Oak) Coastal Floodplain Forest

I have accepted the Committee's request to extend the assessment period for the Poplar/bimble box woodland ecological community to 28 April 2017 and the *Casuarina glauca* (Swamp Oak) Coastal Floodplain Forest ecological community to 31 October 2017. I look forward to receiving the finalised conservation advices for these ecological communities.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'JF', written over a light blue horizontal line.

JOSH FRYDENBERG

Copy to:

To: Minister for the Environment and Energy (For Decision)

Secretary  
Mr Knudson  
Mr Papps  
Ms Jonasson  
Mr Tregurtha

**AMENDMENT TO THE EPBC ACT LIST OF THREATENED ECOLOGICAL COMMUNITIES TO PROTECT THE POPLAR BOX GRASSY WOODLAND ON ALLUVIAL PLAINS**

Chief of Staff  
**s22**

Timing: 4 September 2017 – statutory timeframe.



**Recommendations:**

1. That you consider the Threatened Species Scientific Committee's (the Committee) advice (**Attachment B**) and public submissions (**Attachment D**); and agree with the Committee's recommendation to amend the list of threatened ecological communities under the *Environment Protection and Biodiversity Conservation Act 1999* by including the Poplar Box Grassy Woodland on Alluvial Plains in the endangered category.

**Agreed / Not agreed**

2. That you approve the advice from the Committee (**Attachment B**) as the Approved Conservation Advice for the Poplar Box Grassy Woodland on Alluvial Plains ecological community.

**Approved / Not approved**

3. That you agree to the Committee's recommendation not to have a Recovery Plan.

**Agreed / Not agreed**

4. That you sign the Legislative Instrument at **Attachment E** to give effect to your decision; approve the Explanatory Statement for the Instrument at **Attachment F**; and sign the letters to key stakeholders at **Attachment G**.

**Approved and Signed / Not signed**

Minister:

Date: 23/10/17

Comments:

Under s194(4) of the EPBC Act I am entering the  
hire force for my conservation of this logging advice  
from 4 Sep 17 to 3 March 18 to allow me appropriately

|   |                  |   |                              |
|---|------------------|---|------------------------------|
| <b>Clearing Officer:</b><br>Sent: 8/08/2017 | Geoff Richardson | Assistant Secretary - Protected Species and Communities Branch/<br>Biodiversity Conservation Division | Ph: 02 6274 2531<br>Mob: s22 |
| Contact Officer:                            | s22              | Director, Ecological Communities Section  | Ph: 0<br>Mob: s22            |

consider  
He lity  
advise  
the public  
Comments  
received  
on the  
Ecological  
Community

**Key Points:**

1. The Threatened Species Scientific Committee concluded the "Poplar Box Grassy Woodland on Alluvial Plains" meets the criteria for listing as a nationally endangered ecological community. This is because it has declined by about 77% in area (4.3 million hectares lost) and remaining patches are now smaller and more disconnected, scattered on inland floodplains in NSW and Queensland (see maps at **Attachment C**).

2. In addition, there is an ongoing severe loss of integrity through invasion by weeds, loss of native understorey plant diversity and fauna (particularly mammals and birds) and various other threats. The Committee's conclusion is that without further national conservation efforts the ecological community will continue to decline until it is extinct at the broad scale, together with regional extinctions of many of its species and loss of the services it provides.
3. The ecological community encompasses five regional ecosystems that are recognised as threatened under Queensland legislation. Although recognised as threatened in NSW, the ecological community is not currently listed under NSW laws.
4. In summary, national listing would: raise awareness of the ecological community; have it taken into consideration in planning and approving major new infrastructure works that may have a significant impact on it; and importantly, make it a target for investment in research and to assist landholders and community groups to restore it.
5. Public consultation on the ecological community was undertaken in accordance with the EPBC Act. A summary of consultation and copies of submissions are at **Attachment D**. Thirteen submissions were received. Ten indicated support for the proposed listing as 'Endangered'. A current letter campaign is also consistent with the positive responses received in seeking support for listing these woodlands because they provide important, but disappearing, habitat for listed native fauna, notably koalas, bridled nailtail wallabies, and Threatened Species Strategy priorities such as the swift parrot and bilby.
6. Three responses from farmer groups raised concerns due to a perception of a burden to farming. However, other similar ecological community listings in the region, such as Coolibah Black Box Woodlands (in 2011) have had no regulatory impact on farmers. This is due to EPBC Act exemptions for routine and ongoing activities and a focus on regulating larger, more intact remnants that are impacted by major new projects, such as large mining and infrastructure works. State native vegetation laws regulate clearance of woodlands on farms and thus substantially reduce the need for EPBC Act referrals. In addition, there are currently around 500 nationally-funded projects targeted at listed ecological communities, most of which are working with farmers against common threats to farming and biodiversity such as weeds, invasive animal and erosion control. Therefore, if listed the Department will work with farmer groups to improve understanding of the listing and the EPBC Act in general, and to help them explore opportunities, including through a specific Poplar Box factsheet for farmers (similar to **Attachment A**).
7. The mining and energy sectors have not raised concerns with a potential listing. They are already experienced with other threatened ecological communities in the region and at offsetting any significant impacts when seeking project approvals.
8. Your statutory obligations for amending the list of threatened ecological communities are at **Attachment H**. You must consider the Committee's advice and public submissions received. Your decision must only be based on whether the ecological community meets the criteria for listing as threatened, and the effect listing may have on its future survival. Social and economic factors can only be properly considered at a later project approval stage, on a case-by-case basis.

9. The Committee recommends that no recovery plan be prepared for the ecological community at this time (**Attachment B**, page 43) because priority actions are already adequately set out in the Conservation Advice.
10. Additional information about the opportunities and implications of listing the ecological community is at **Attachment I**.

**Consultation:**

11. In addition to external consultation with experts and the public, the Environment Standards, Biodiversity Conservation, Science, Parks Australia and Domestic Emissions Reduction divisions, and the Commonwealth Environmental Water Office were consulted.

**Attachments**

- A:** Draft factsheet for farmers on listing benefits, opportunities and implications
- B:** Draft Conservation Advice endorsed by the Threatened Species Scientific Committee
- C:** Indicative distribution maps of the ecological community
- D:** Consultation on the listing assessment
  - D1: Summary of consultation
  - D2: Copies of public submissions
- E:** Legislative instrument
- F:** Explanatory statement for the legislative instrument
- G:** Letters to key stakeholders
- H:** Statutory obligations
- I:** Additional background information



## POPLAR BOX GRASSY WOODLANDS ON ALLUVIAL PLAINS

### GUIDE FOR FARMERS (DRAFT)

The Poplar Box Grassy Woodland is found inland of the Great Dividing Range from southern NSW into central Queensland. They now mainly occur as scattered remnants on former and current floodplain country, much of it on private land outside of national parks, and also many important remnants in roadside reserves and travelling stock routes.

These woodlands are more than 76% cleared across NSW and Queensland, with over 4.3 million ha lost. Many remaining patches are smaller and more disconnected, invaded by weeds, have lost large habitat trees and lost diversity of plants and animals. The remaining patches in good condition are now nationally protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as an endangered ecological community.



**Poplar box grassy woodland on alluvial plains *Eucalyptus* near Dalby Queensland.**

Left: good quality patch with intact grassy understorey. Right: poor quality patch with low native and high weed understorey cover. The listing will only include the good quality patch on the left. *Photo credit: Left - Rosemary Purdie, Right - Anthony Hoffman Department of the Environment and Energy.*

#### What does national protection mean for farmers and graziers?

National protection does not stop farmers from continuing to do what they have been doing on their land. In many cases, supportive farming practices have helped to keep the remaining native grassy woodlands in good condition. National listing of ecological communities is not about stopping farm business, but it helps protect Australia's unique plants and animals from the range of threats that many of them face, so in some cases new activities or changes in land use may need Australian Government approval.

If you have the protected poplar box grassy woodland on your property and want to substantially change the way you use your land—for example, develop or clear your property—you may need Australian Government approval. Only activities likely to have a significant impact on high quality areas of poplar box grassy woodland need approval. In some cases, approval may require using alternative ways to carry out the proposed activity to reduce the impacts on the protected ecological community. Before you make any changes to the way you use your land that could result in irreversible or long-term loss of the protected ecological community, it is best that you first check with the Department of the Environment and Energy to see whether approval is needed. See contact details below.

Farmers who have the protected ecological community on their property may also be eligible for funding to manage, protect or restore remnants through Australian Government's natural resource management programs, such as National Landcare. Talk with your local NRM agency for more advice on funding opportunities.

## What and where is the poplar box grassy woodland?

A map showing the likely distribution of the ecological community is available at [insert link](#).

The poplar box grassy woodland ranges from near Leeton in southern New South Wales to Colinsville in central Queensland. The woodland now mainly occurs as scattered remnants on ancient and more recent alluvial soils. The woodland is sometimes found close to ephemeral watercourses and depressions. Remnant patches that retain a diverse native grassy groundlayer and a variety of wildflowers have very high conservation value and are 'rare jewels' within the now fragmented rural landscape.

The main tree species in the canopy of the woodland is poplar box (*Eucalyptus populnea*). Other trees you might find include white cypress pine (*Callitris glaucophylla*), belah (*Casuarina cristata*), coolabah (*Eucalyptus coolabah*), black box (*Eucalyptus largiflorens*), silver-leaved ironbark (*Eucalyptus melanophloia*), inland grey box (*Eucalyptus microcarpa*) and narrow-leaved grey box (*Eucalyptus pilligaensis*).

Medium to tall shrubs are typically absent to sparse in most areas of this ecological community, or may occasionally form clumps. Shrubs that may be present include bitter bark, berrigan, budda, currant bush, lignum, nitre goosefoot, thorny saltbush, warrior bush, western rosewood, native orange and wilga.

The composition of the ground layer will vary depending on past and present grazing pressure, as well as the drought and water regime. The native species present in the ground layer may include:

- Grasses such as mulga Mitchell grass, native millet, native oatgrass, neverfail, Queensland bluegrass, common spike rush and Warrego grass;
- Herbs such as Australian carrot, common nardoo, drumsticks, New Zealand spinach, pigweed and warrigal greens; and
- Occasionally patchy or scattered shrubs, particularly during droughts when hardy plants such as chenopods become more prevalent.

## Why is it important to protect this native woodland?

The woodland provides benefits to land productivity, people and the environment. They are vital habitat for many plants and animals, including threatened swift parrots and koalas, but just as importantly, other species that provide ecosystem services. For example, woodland birds and insectivorous bats can help to control pest insects that attack nearby crops or plantations. In addition, keeping woodland vegetation intact, or replanting it, helps to minimise serious erosion and salinity problems, preventing the loss of valuable topsoil from farmlands. The ecological community also protects stock from strong winds and temperature extremes.

## How do I know if the protected poplar box grassy woodland is on my property?

Patches of the poplar box grassy woodland are only protected where they are in relatively good condition, have a tree canopy cover that is at least 10 per cent and have the following attributes:

A minimum patch size of **1 hectares (2.5 acres)** applies where:

- A high quality native understorey remains – i.e. no more than 30% total vegetation cover of exotic plant species.
- At least 30 different native plant species are in the ground layer of the patch.

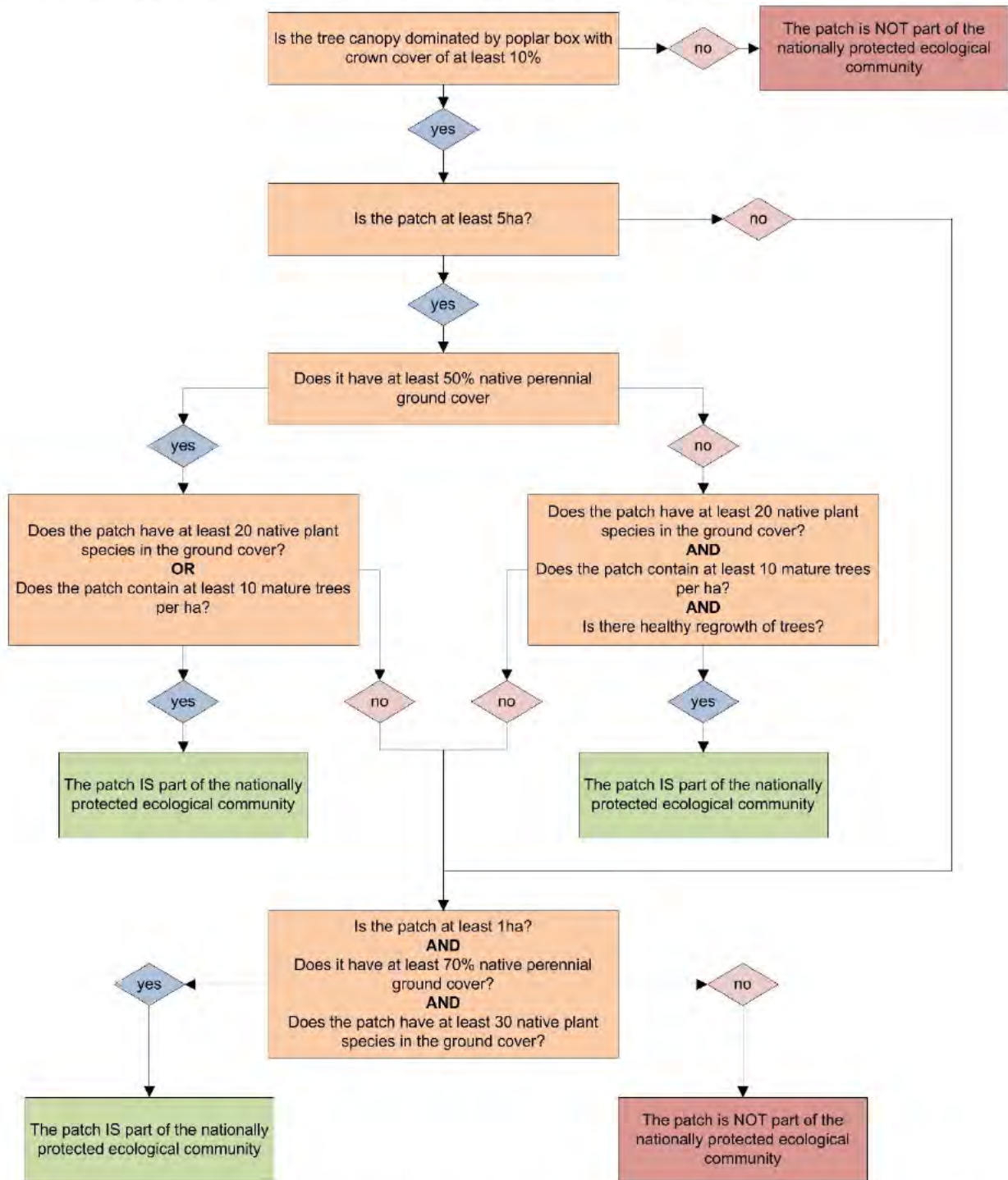
A minimum patch size of **5 hectares (12.5 acres)** applies where:

- At least 20 different native plant species are in the ground layer of the patch AND
- At least 10 mature trees per hectare. Mature trees have a diameter at breast height of 30 cm or more, and often contain hollows AND
- Evidence of healthy regrowth of trees e.g. seedlings or saplings.

For patches that occur as roadside verges, a minimum patch width of 10 metres applies and must meet any of the exotic plant species understorey cover / presence of mature trees criteria, above.

Shelterbelts and windbreaks on farms, and narrow road verges, will usually be too small or too degraded to form part of the ecological community. Most patches left on farms, and many roadsides will fall outside the proposed listing.

The diagram below sets out the minimum condition thresholds in more detail.



Woodlands that do not meet these criteria are not protected by national environment law. But they may still be protected under state regulations.

### How does protection of the Poplar Box Grassy Woodland affect my farming activities?

This ecological community was officially protected under national environment law on XXXX 2017. Lawful activities that began before the EPBC Act came into effect on 16 July 2000 can continue without further Australian Government approval. If your activity began in the period between the start of the EPBC Act and protection of the ecological community, or you are proposing to commence a new activity that may have a



significant impact on the ecological community, then it is best to check if approval is required by contacting the Department of the Environment and Energy.

### *What routine farming activities do not need approval?*

Farming activities that are unlikely to have a significant impact on the poplar box grassy woodland include:

- maintaining existing fence lines, roads, access tracks or firebreaks
- maintaining farm gardens and orchards
- removing individual trees for safety reasons
- installing new fences
- moving farm vehicles and machinery
- replacing and maintaining sheds, yards and other farm buildings
- protecting and maintaining natural or lawfully established pastures
- maintaining existing grazing regimes (type of livestock, stocking rates and timing of grazing)
- controlling weeds (hand and minor ground machinery)
- doing minor firebreaks and routine burn-offs at appropriate times of year (for example, avoid peak flowering season).

### *What farming activities might need approval?*

Any activities that are likely to have a significant, irreversible or long-term detrimental impact on the ecological community may need Australian Government approval. These include:

- permanently clearing areas of the protected ecological community
- permanently converting areas of the ecological community to cropping, or clearing understorey vegetation through cropping, excessive grazing or other methods
- substantially changing grazing management, weed control or fertiliser use
- fertilising, irrigating, or sowing exotic pasture species in areas of the ecological community in a way that significantly degrades it
- expanding farming activities into previously undisturbed patches of the ecological community
- new or altered burning regimes.

### *Do I need approval to manage regrowth?*

In most cases, management of regrowth will not need Australian Government approval. Some regrowth is protected within the definition of the poplar box grassy woodland, given it is an important functional stage of its regeneration.

Management of regrowth may need approval where:

- management of the regrowth requires a permit under Queensland/New South Wales legislation (for example, because it is in a declared area of high conservation)
- the regrowth occurred before 1 January 1990.

### *Some specific examples of activities that may or may not require approval*

#### *Erecting a new house/shed or other farm infrastructure*

In most cases, activities of this type are unlikely to have a significant impact on the grassy woodlands and derived native grasslands, especially when existing sites are used.

#### *Installing a firebreak around the perimeter of a rural property*

Building firebreaks and maintenance for rural asset protection purposes are unlikely to have a significant impact. An exception might be when establishing new firebreaks through a patch of the protected ecological community known to have high conservation values (for example, high number of native species, or important patches that connect to other native vegetation).

#### *Cultivating existing firebreaks (previously mown or grazed)*

If the protected ecological community is present in the firebreak, then changing from a maintenance regime of mowing or grazing to cultivating or grading is likely to result in the permanent loss of the protected ecological community, and may need approval if the affected area is larger than one hectare (2.5 acres).

### *Emergency grading, slashing or clearing during a bushfire emergency*

While emergency works with a significant impact on the ecological community (or other nationally protected matters) may be subject to national environment law, the Australian Government will not seek to enforce the law if the impacts are a consequence of a genuine emergency. But the Australian Government would expect reasonable efforts to rehabilitate the ecological community as far as practicable.

### *Grazing in roadside reserves or stock reserves*

While roadside and stock reserves may support the ecological community, grazing under permit (if required) is not likely to have a significant impact, assuming it is done at a sustainable frequency and rate.

### *Weed control*

Weed control is unlikely to be significant if done as part of the normal farming business, and using farm machinery without permanent damage or degradation to the ecological community.

### *Road maintenance works next to my property*

These works, normally done by local government, may need assessment and approval under national environment law, but councils are responsible for considering whether that is the case. Works undertaken in a way that is not likely to have a significant impact on the ecological community will not need national approval.

### *Building and maintaining stormwater drains, including when flooding threatens access to or within a property*

Ongoing maintenance of existing drains would not typically require approval. Building new drains will not need approval if the works will not impact on the protected ecological community. Building large-scale drainage networks (with a view to draining lands and improving productivity) may need approval if the drainage works will result in significant damage or loss of patches of the ecological community.

## Where can I get more information?

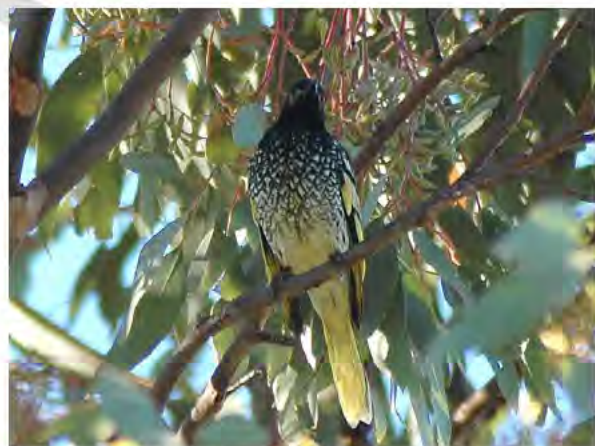
More information on this ecological community, its condition thresholds, threats and priority conservation actions is contained in the Conservation Advice for this ecological community at: [INSERT LINK](#).

### Link to Dept contact details

Advice about Australian Government environmental funding programs (e.g. National Landcare, Emissions Reduction Fund) can be found online at:

<http://www.environment.gov.au/about-us/grants-funding>

### Link to NRM contact details



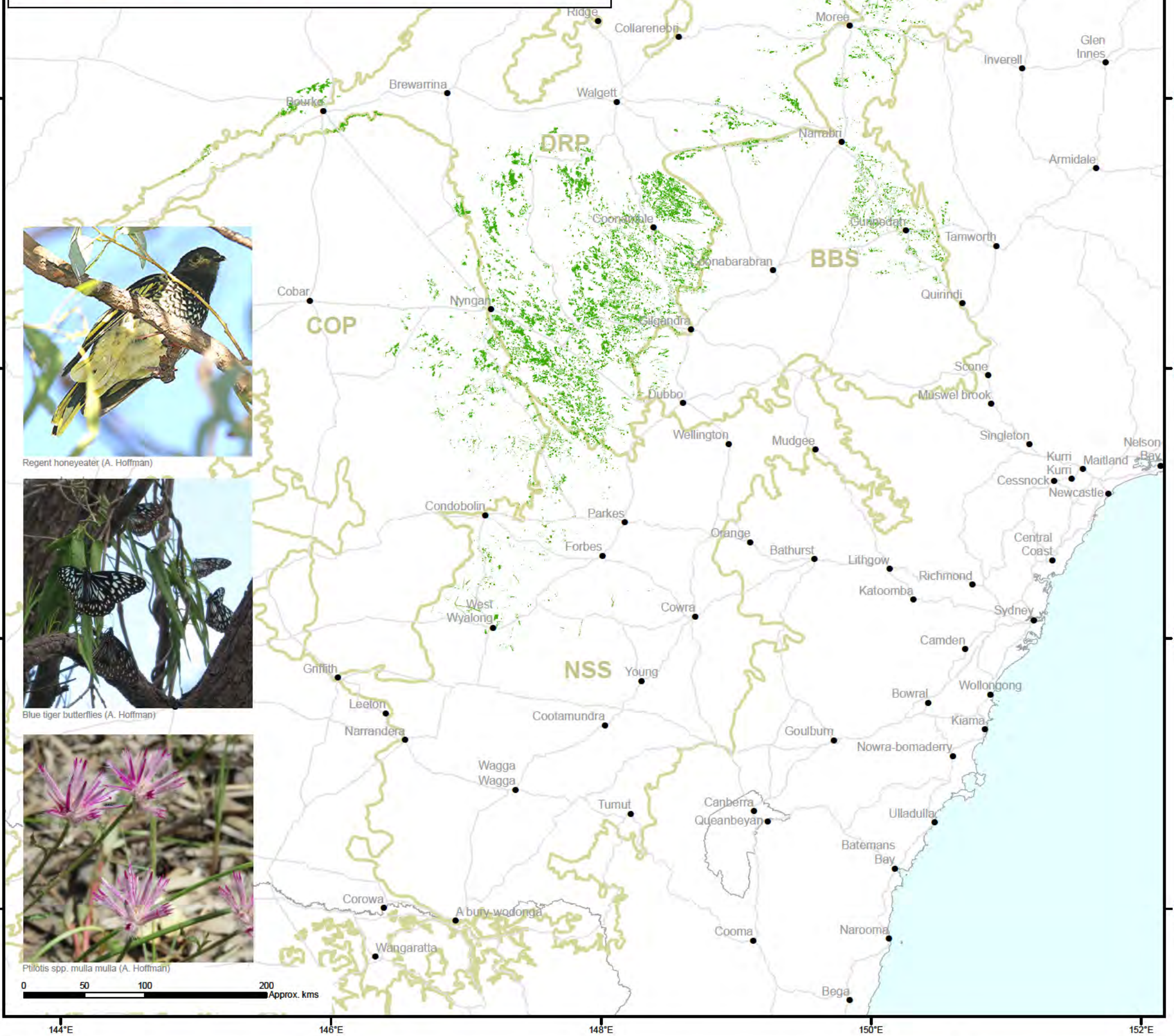
Protecting the poplar box grassy woodland will help protect habitat for iconic and/or threatened animals, such as the koala (left) and regent honeyeater (right).

Photo credits: Left - Dan Lunney (Department of the Environment and Energy); Right - Stuart Harris (Canberra Ornithological Group).

The Poplar Box Grassy Woodland is highly fragmented across most of its range. Overall, 77% of the woodland has been lost to date.

This map represents likely occurrences of the ecological community. Please note - At this resolution and scale many of the data points blend together to give an artificial impression of larger intact areas than actually remain.

Minimum condition thresholds help determine when a patch is considered too degraded to be protected as a 'matter of national environmental significance' under the EPBC Act, and are detailed in the Conservation Advice.



## Poplar box grassy woodland on alluvial plains ecological community - NSW

### Legend

- Poplar Box grassy woodland on alluvial plains ecological community - likely to occur
- IBRA boundaries



Source:  
Locality 1:10,000,000 © Commonwealth of Australia (Geoscience Australia) 2003.  
Roads 1:10,000,000, © Commonwealth of Australia (Geoscience Australia) 2003.  
Coastline and State borders 1:250,000 © Commonwealth of Australia (Geoscience Australia) 2006.  
Interim Biogeographic Regionalisation for Australia (IBRA) Bioregions, 1:250,000, contributed by State/Territory nature and conservation agencies, SEWPac, version 7, 2012.  
Datasets used from:  
NSW DEH Vegetation Information System.

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 containing herein. The map has been collated from a range of sources, with data at various resolutions. Data used are assumed to be correct as received from the data suppliers.

Produced by:  
ERIN (Environmental Resources Information Network)  
Department of the Environment and Energy  
Australian Government  
Date mapped: August 2017  
© Commonwealth of Australia, 2017.  
Projection: Geographic  
Datum: GDA 1994  
1:3,500,000

146°E 148°E 150°E 152°E

20°S 22°S 24°S 26°S 28°S

20°S 22°S 24°S 26°S 28°S

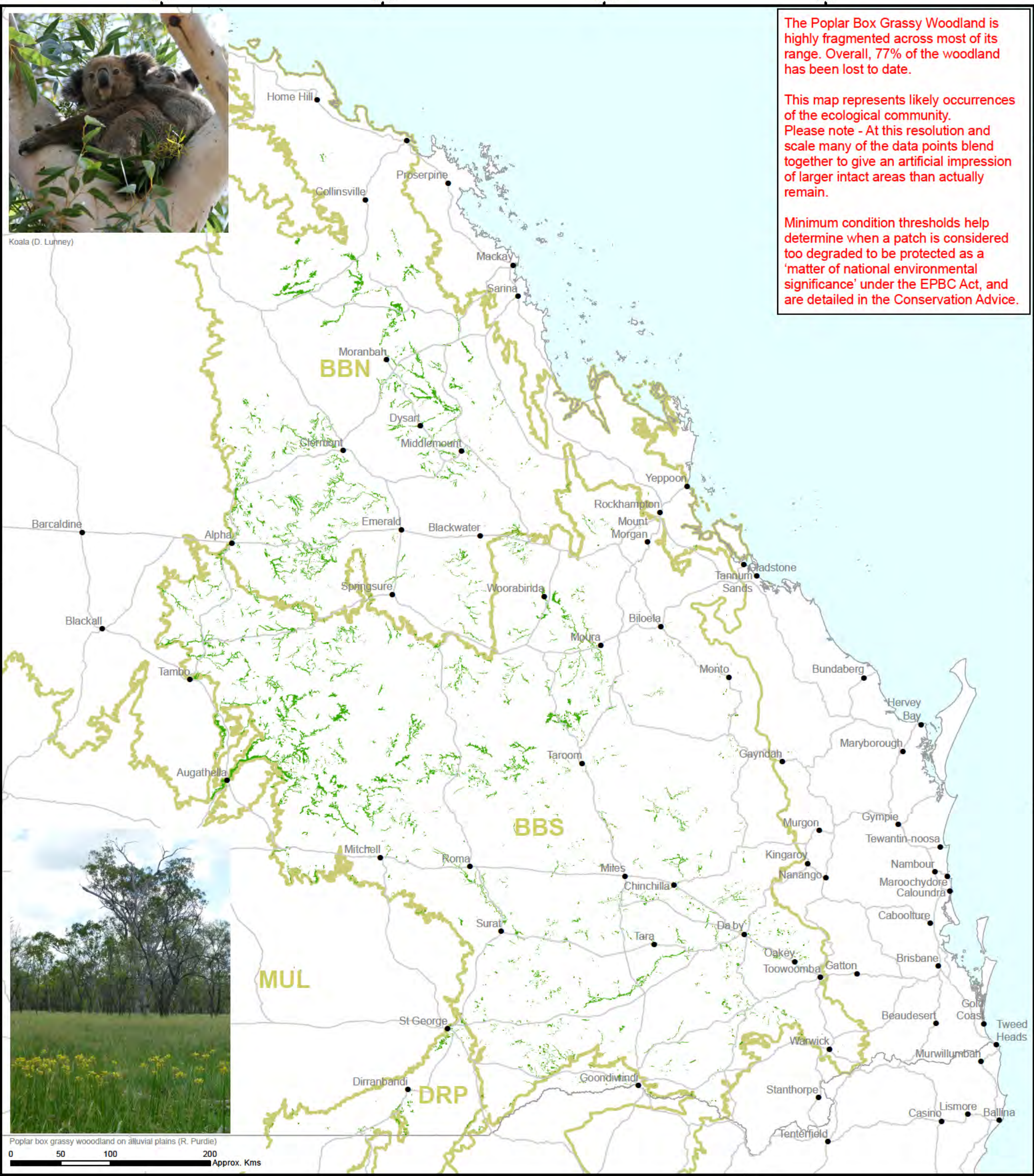


Koala (D. Lunney)

The Poplar Box Grassy Woodland is highly fragmented across most of its range. Overall, 77% of the woodland has been lost to date.

This map represents likely occurrences of the ecological community. Please note - At this resolution and scale many of the data points blend together to give an artificial impression of larger intact areas than actually remain.

Minimum condition thresholds help determine when a patch is considered too degraded to be protected as a 'matter of national environmental significance' under the EPBC Act, and are detailed in the Conservation Advice.



Poplar box grassy woodland on alluvial plains (R. Purdie)

# Poplar box grassy woodland on alluvial plains ecological community - Qld

## Legend

- Poplar Box grassy woodland on alluvial plains ecological community - Likely to occur
- IBRA regions



Method:  
Mapped existing with greater than 50% Qld REs (1):  
11.3.2; 11.3.17; 11.4.7; 11.4.12 and 12.3.10.

Source:  
Locality 1:10,000,000 © Commonwealth of Australia (Geoscience Australia) 2003.  
Roads 1:10,000,000, © Commonwealth of Australia (Geoscience Australia) 2003.  
Coastline and State borders 1:250,000 © Commonwealth of Australia (Geoscience Australia) 2006.  
Interim Biogeographic Regionalisation for Australia (IBRA) Bioregions, 1:250,000, contributed by State/Territory nature and conservation agencies, SEWPaC, version 7, 2012.  
(1) Queensland Herbarium (2013) Biodiversity Status of 2011 Remnant Regional Ecosystems of Queensland, Version 8.0 (November 2013) (Department of Science, Information Technology, Innovation and the Arts: Brisbane).

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 containing herein. The map has been collated from a range of sources, with data at various resolutions. Data used are assumed to be correct as received from the data suppliers.

Produced by:  
ERIN (Environmental Resources Information Network)  
Department of the Environment and Energy  
Australian Government  
Mapping date: August 2017  
© Commonwealth of Australia, 2017

Projection: Geographic  
Datum: GDA 1994  
1:3,800,000

## POPLAR BOX GRASSY WOODLAND ON ALLUVIAL PLAINS ECOLOGICAL COMMUNITY

### Summary of consultation undertaken

#### Consultation process

Expert and public consultation about the potential listing of the *Poplar Box Grassy Woodland on Alluvial Plains* were undertaken as required under the EPBC Act. The consultation process was as follows.

- A technical workshop with key experts familiar with this ecological community.
  - Technical workshops are an initial consultation step that helps clarify what species assemblages should be included in an ecological community and what evidence is available for a scientific assessment.
  - Panel discussions for this assessment were held at a workshop during February 2015 at the offices of the Condamine Alliance - Conservation Farmers Incorporated in Toowoomba Queensland. The experts who attended came from a range of agencies and are identified in Table 1, below. Two members of the Threatened Species Scientific Committee also attended the workshop and chaired the panel discussions. Representatives from the National Farmers' Federation and NSW Farmers' Association were invited. The NSW Farmers representative was unable to attend but kept informed.
  - A field trip was included as part of the workshop to look at several sites of the ecological community of variable condition on farms and public land.
  - There was ongoing contact with experts since the workshop. A document based on the outcomes of the workshop was circulated to workshop participants. Several experts provided clarifications and additional information throughout the assessment.
- Public consultation with a wide range of targeted stakeholders.
  - Key individuals and organisations were notified by email about the opportunity to comment on draft documents.
  - They were also asked to forward the invitation to comment through their networks and newsletters. Some groups published notifications about the consultation in their news bulletins to public subscribers.
  - Documents were made available for comment on the Department's website from 20 January 2017 to 10 March 2017. Stakeholders who contacted the department seeking an extension, were given extra time to prepare a submission.
  - The main document released for consultation was a complete draft Conservation Advice that proposed the ecological community merits listing as Endangered, and cited supporting evidence.
  - A short, illustrated Guide to Consultation was released with the Conservation Advice. The Guide used plain language aimed at landholders to explain key points about what was proposed to be listed and what the implications of potential listing would be for landholders. The National Farmers Federation was invited to provide comment on the draft guide prior to consultation, and responded that they considered it appropriate for landholders.
  - No media enquiries about the ecological community assessment were received during the consultation.

The draft Conservation Advice was revised to incorporate any relevant comments, information and editorial suggestions received from consultation. Copies of submissions received were forwarded to the Threatened Species Scientific Committee, along with the revised conservation advice, in 2017.

### **Key outcomes from public consultation**

A total of 13 submissions were received during the public comment period for the *Poplar Box Grassy Woodland on Alluvial Plains* (summarised in [Table 1](#); copies of relevant submissions provided in [Attachment D2](#)).

- Ten respondents provided information relevant to the listing assessment or acknowledged the ecological community was highly threatened and required protection. Of these, five responses expressly indicated support for listing the ecological community.
- Three submissions, from the National Farmers' Federation, NSW Farmers' Association and NSW Irrigators' Council explicitly state they do not support listing. Their primary concerns related to the perception of duplicated regulations and additional burden to farmers. The Department is addressing these concerns through further consultation with these groups and developing appropriate information products.
- No concerns were raised by the mining or energy sectors, or by local councils.

**Table 1. Targeted public consultation**

| Group  | Organisation   | Individual | Summary of contribution to consultation  |
|--------|--|------------|--|
| Expert | Consultant (formerly Royal Botanic Gardens Sydney)                 | S47F       | <b>Supported</b> listing the ecological community and agreed it merits endangered status. Attended Technical Workshop.<br>Provided technical feedback on the description, extent, fauna and threats impacting the ecological community, which was incorporated into the Conservation Advice. |
| Expert | Qld Dept of Science, Information Technology and Innovation (DSITI) |            | Attended Technical Workshop.<br>Provided feedback on the description, extent and threats impacting the ecological community, which was incorporated into the Conservation Advice.  |
| Expert | Royal Botanic Gardens Sydney                                       |            | No concerns raised.  |
|        | NSW Office of Environment and Heritage (OEH)                       |            | Provided technical advice on NSW extent.   |
| Expert | Consultant   |            | Provided technical advice on extent.   |
| Expert | Qld Dept of Science, Information Technology and Innovation (DSITI) |            | Provided feedback on the description, extent and threats impacting the ecological community, which was incorporated into the Conservation Advice.  |
| Expert | Qld Dept of Science, Information Technology and Innovation (DSITI) |            | Attended Technical Workshop.<br>Provided feedback on the description, extent and threats impacting the ecological community. Information incorporated into conservation advice.  |
| Expert | Consultant   |            | Provided technical advice on extent.   |
| Expert | Consultant   |            | <b>Supported</b> listing the ecological community. Provided technical advice. Comments and edits incorporated into conservation advice.  |
| Expert | Qld Murray-Darling Committee Toowoomba NRM                         |            | No concerns raised.  |
| Expert | Consultant   |            | Attended Technical Workshop.   |
| Expert | NSW Office of Environment and Heritage (OEH)                       |            | Provided technical advice on NSW extent.   |
| Expert | NSW Office of Environment and Heritage (OEH)                       |            | Provided technical advice on NSW extent.   |
| Expert | NSW Office of Environment and Heritage (OEH)                       |            | No concerns raised.  |

| Group                   | Organisation   | Individual | Summary of contribution to consultation   |
|-------------------------|--|------------|---|
| Expert                  | NSW Office of Environment and Heritage (OEH)           | s47F       | Provided technical advice on NSW extent.  |
| Expert                  | Royal Botanic Gardens Sydney                           |            | No concerns raised.   |
| Expert                  | Consultant   |            | Attended Technical Workshop. Provided technical advice. Comments and edits incorporated into conservation advice. |
| Expert                  | Local Land Services - Gilgandra                        |            | Provided technical advice. Comments and edits incorporated into conservation advice.                              |
| Expert                  | NSW Office of Environment and Heritage (OEH)           |            | Provided technical advice. Comments and edits incorporated into conservation advice.                              |
| Expert                  | NSW Office of Environment and Heritage (OEH)           |            | No concerns raised.   |
| Expert                  | Qld Murray-Darling Committee Toowoomba NRM             |            | Attended Technical Workshop.  |
| Expert                  | Condamine Alliance - Conservation Farmers Incorporated |            | Attended Technical Workshop.  |
| Expert                  | Consultant (formerly Qld Herbarium)                    |            | Provided technical advice on extent.  |
| National agency         | Federal Dept of Agriculture, fisheries and Forestry    |            | No concerns raised.   |
| National agency         | National Landcare Advisory Committee                   |            | No concerns raised.   |
| NSW                     |  |            |   |
| Indigenous organisation | Anaiwan Local Aboriginal Land Council                  |            | No concerns raised.   |
| Indigenous organisation | Ashford Local Aboriginal Land Council                  |            | No concerns raised.   |
| Indigenous organisation | Baradine Local Aboriginal Land Council                 |            | No concerns raised.   |
| Indigenous organisation | Bathurst Local Aboriginal Land Council                 |            | No concerns raised.   |
| Indigenous organisation | Brewarrina Local Aboriginal Land Council               |            | No concerns raised.   |
| Indigenous organisation | Collarenebri Local Aboriginal Land Council             |            | No concerns raised.   |



| <b>Group</b>            | <b>Organisation</b>                               | <b>Individual</b> | <b>Summary of contribution to consultation</b> |
|-------------------------|---|-------------------|--|
| Indigenous organisation | Condobolin Local Aboriginal Land Council          |                   | No concerns raised                             |
| Indigenous organisation | Coonabarabran Local Aboriginal Land Council       |                   | No concerns raised.                            |
| Indigenous organisation | Coonamble Local Aboriginal Land Council           |                   | No concerns raised.                            |
| Indigenous organisation | Cowra Local Aboriginal Land Council               |                   | No concerns raised.                            |
| Indigenous organisation | Dubbo Local Aboriginal Land Council               |                   | No concerns raised.                            |
| Indigenous organisation | Gilgandra Local Aboriginal Land Council           |                   | No concerns raised.                            |
| Indigenous organisation | Leeton and District Local Aboriginal Land Council |                   | No concerns raised.                            |
| Indigenous organisation | Lightning Ridge Local Aboriginal Land Council     |                   | No concerns raised.                            |
| Indigenous organisation | Moree Local Aboriginal Land Council               |                   | No concerns raised.                            |
| Indigenous organisation | Mungindi Local Aboriginal Land Council            |                   | No concerns raised.                            |
| Indigenous organisation | Murrawari Local Aboriginal Land Council           |                   | No concerns raised.                            |
| Indigenous organisation | Murrin Bridge Local Aboriginal Land Council       |                   | No concerns raised.                            |
| Indigenous organisation | Narrabri Local Aboriginal Land Council            |                   | No concerns raised.                            |
| Indigenous organisation | Nulla Nulla Local Aboriginal Land Council         |                   | No concerns raised.                            |
| Indigenous organisation | Nungaroo Local Aboriginal Land Council            |                   | No concerns raised.                            |
| Indigenous organisation | Nyngan Local Aboriginal Land Council              |                   | No concerns raised.                            |

| <b>Group</b>            | <b>Organisation</b>                            | <b>Individual</b> | <b>Summary of contribution to consultation</b> |
|-------------------------|--|-------------------|--|
| Indigenous organisation | Orange Local Aboriginal Land Council           |                   | No concerns raised.                            |
| Indigenous organisation | Peak Hill Local Aboriginal Land Council        |                   | No concerns raised.                            |
| Indigenous organisation | Pilliga Local Aboriginal Land Council          |                   | No concerns raised.                            |
| Indigenous organisation | Red Chief Local Aboriginal Land Council        |                   | No concerns raised.                            |
| Indigenous organisation | Tamworth Local Aboriginal Land Council         |                   | No concerns raised.                            |
| Indigenous organisation | Toomelah Local Aboriginal Land Council         |                   | No concerns raised.                            |
| Indigenous organisation | Trangie Local Aboriginal Land Council          |                   | No concerns raised.                            |
| Indigenous organisation | Wagga Wagga Local Aboriginal Land Council      |                   | No concerns raised.                            |
| Indigenous organisation | Walgett Local Aboriginal Land Council          |                   | No concerns raised.                            |
| Indigenous organisation | Walhallow Local Aboriginal Land Council        |                   | No concerns raised.                            |
| Indigenous organisation | Warren Macquarie Local Aboriginal Land Council |                   | No concerns raised.                            |
| Indigenous organisation | Wee Waa Local Aboriginal Land Council          |                   | No concerns raised.                            |
| Indigenous organisation | Weilwan Local Aboriginal Land Council          |                   | No concerns raised.                            |
| Indigenous organisation | Wellington Local Aboriginal Land Council       |                   | No concerns raised.                            |
| Indigenous organisation | West Wyalong Local Aboriginal Land Council     |                   | No concerns raised.                            |
| Indigenous organisation | Wilcannia Local Aboriginal Land Council        |                   | No concerns raised.                            |

| <b>Group</b>            | <b>Organisation</b>                                | <b>Individual</b> | <b>Summary of contribution to consultation</b> |
|-------------------------|--|-------------------|--|
| Indigenous organisation | Young Local Aboriginal Land Council                |                   | No concerns raised.                            |
| <i>Queensland</i>       |  |                   |  |
| Indigenous organisation | Barada Barna Aboriginal Corporation RNTBC          | S47F              | No concerns raised.                            |
| Indigenous organisation | Birriah Aboriginal Corporation RNTBC               |                   | No concerns raised.                            |
| Indigenous organisation | Bulganunna Aboriginal Corporation RNTBC            |                   | No concerns raised.                            |
| Indigenous organisation | Gangali Narra Widi Aboriginal Corporation RNTBC    |                   | No concerns raised.                            |
| Indigenous organisation | Goondaloo Aboriginal Corporation (RNTBC)           |                   | No concerns raised.                            |
| Indigenous organisation | Gunggari Native Title Aboriginal Corporation RNTBC |                   | No concerns raised.                            |
| Indigenous organisation | Kooma Aboriginal Corporation RNTBC                 |                   | No concerns raised.                            |
| Indigenous organisation | Queensland South Native Title Services             |                   | No concerns raised.                            |
| Indigenous organisation | Wardingarri Aboriginal Corporation RNTBC           |                   | No concerns raised.                            |
| Indigenous organisation | Wulli Wulli Nation Aboriginal Corporation RNTBC    |                   | No concerns raised.                            |
| Indigenous organisation | Wangan and Jagalingou Family Council               |                   | No concerns raised.                            |
| <i>NSW</i>              |  |                   |  |
| Local Govt Authority    | Bourke Shire Council                               |                   | No concerns raised.                            |
| Local Govt Authority    | Coonamble Shire Council                            |                   | No concerns raised.                            |
| Local Govt Authority    | Cowra Shire Council                                |                   | No concerns raised.                            |
| Local Govt Authority    | Dubbo City Council                                 |                   | No concerns raised.                            |

| <b>Group</b>         | <b>Organisation</b>                | <b>Individual</b> | <b>Summary of contribution to consultation</b> |
|----------------------|------------------------------------|-------------------|--|
| Local Govt Authority | Gilgandra Shire Council            |                   | No concerns raised.                            |
| Local Govt Authority | Griffith City Council              |                   | No concerns raised.                            |
| Local Govt Authority | Gunnedah Shire Council             |                   | No concerns raised.                            |
| Local Govt Authority | Hilltops Council                   |                   | No concerns raised.                            |
| Local Govt Authority | Leeton Shire Council               |                   | No concerns raised.                            |
| Local Govt Authority | Moree Plains Shire Council         |                   | No concerns raised.                            |
| Local Govt Authority | Narrabri Shire Council             |                   | No concerns raised.                            |
| Local Govt Authority | Orange City Council                |                   | No concerns raised.                            |
| Local Govt Authority | Parkes Shire Council               |                   | No concerns raised.                            |
| Local Govt Authority | Tamworth Regional Council          |                   | No concerns raised.                            |
| Local Govt Authority | Walgett Shire Council              |                   | No concerns raised.                            |
| Local Govt Authority | Wellington Council                 |                   | No concerns raised.                            |
| <i>Queensland</i>    |                                    |                   |  |
| Local Govt Authority | Balonne Shire Council              |                   | No concerns raised.                            |
| Local Govt Authority | Banana Shire Council               |                   | No concerns raised.                            |
| Local Govt Authority | Barcaldine Regional Council        |                   | No concerns raised.                            |
| Local Govt Authority | Blackall-Tambo Regional Council    |                   | No concerns raised.                            |
| Local Govt Authority | Central Highlands Regional Council |                   | No concerns raised.                            |
| Local Govt Authority | Goondiwindi Regional Council       |                   | No concerns raised.                            |
| Local Govt Authority | Isaac Regional Council             |                   | No concerns raised.                            |
| Local Govt Authority | Mackay Regional Council            |                   | No concerns raised.                            |
| Local Govt Authority | Maranoa Regional Council           |                   | No concerns raised.                            |
| Local Govt Authority | Murweh Shire Council               |                   | No concerns raised.                            |
| Local Govt Authority | North Burnett Regional Council     |                   | No concerns raised.                            |
| Local Govt Authority | Paroo Shire Council                |                   | No concerns raised.                            |
| Local Govt Authority | Rockhampton Regional Council       |                   | No concerns raised.                            |
| Local Govt Authority | South Burnett Regional Council     |                   | No concerns raised.                            |

| Group   | Organisation   | Individual | Summary of contribution to consultation   |
|---|--|------------|---|
| Local Govt Authority                            | Southern Downs Regional Council  |            | No concerns raised.   |
| Local Govt Authority                            | Toowoomba Regional Council   |            | No concerns raised.   |
| Local Govt Authority                            | Western Downs Regional Council   |            | No concerns raised.   |
| Local Govt Authority                            | Whitsunday Regional Council  |            | No concerns raised.   |
| Local Govt Authority                            | Woorabinda Aboriginal Shire Council  |            | No concerns raised.   |
| <i>Non-Govt Organisation</i>                    |  |            |   |
| Non-Govt Organisation                           | Australian Conservation Foundation   |            | No concerns raised.   |
| Non-Govt Organisation                           | Australian Network for Plant Conservation  |            | No concerns raised.   |
| Non-Govt Organisation                           | Birdlife Australia   |            | No concerns raised.   |
| Non-Govt Organisation                           | Bush Heritage Australia  |            | No concerns raised.   |
| Non-Govt Organisation                           | Greening Australia (Tasmania)  |            | No concerns raised.   |
| Non-Govt Organisation                           | Humane Society International<br><br>(Nominated this ecological community for assessment in 2015) |            | <b>Supported</b> listing the ecological community and agreed it merits endangered status. Proposed minimum patch size thresholds be reduced from 5ha to 2ha.<br><br>Comments noted. The highest quality patches have a 1ha minimum size threshold. The 5ha lower quality patch category is consistent with the Coolibah-Black box woodlands listing with similar geographical distribution and threats. |
| Non-Govt Organisation                           | International Fund for Animal Welfare  |            | No concerns raised.   |
| Non-Govt Organisation                           | Nature Conservation Council  |            | No concerns raised.   |
| Non-Govt Organisation                           | Wentworth Group of Concerned Scientists  |            | No concerns raised.   |
| Non-Govt Organisation                           | World Wildlife Fund  |            | No concerns raised.   |
| <i>Natural Resource Management (NRM) Groups</i> |  |            |   |
| Landcare  | National Landcare Network  |            | No concerns raised.   |
| Landcare  | National Landcare Advisory Committee   |            | No concerns raised.   |

S47F

| Group                         | Organisation   | Individual | Summary of contribution to consultation   |
|-------------------------------|--|------------|---|
| Landcare                      | NRM Officer - Brisbane   | s47F       | No concerns raised.   |
| <i>NSW</i>                    |  |            |   |
| Landcare                      | Landcare NSW   |            | No concerns raised.   |
| Landcare                      | Central West Lachlan Landcare Inc  |            | No concerns raised.   |
| Landcare                      | Lachlan Landcare   |            | No concerns raised.   |
| Landcare                      | Mid Lachlan Landcare   |            | No concerns raised.   |
| Landcare                      | Mid Macquarie Landcare   | s47F       | No concerns raised.   |
| Landcare                      | Murrumbidgee Landcare  |            | No concerns raised.   |
| Landcare                      | Murrumbidgee Landcare  |            | No concerns raised.   |
| Local Landcare Services - NSW |  |            | No concerns raised.   |
| Local Landcare Services       | Central Tablelands   | s47F       | No concerns raised.   |
| Local Landcare Services       | Central West Local Land Services   |            | No concerns raised.   |
| Local Landcare Services       | Central West Local Land Services   |            | No concerns raised.   |
| Local Landcare Services       | Northern Tablelands Local Land Services  |            | No concerns raised.   |
| Local Landcare Services       | Riverina Local Land Services   |            | No concerns raised.   |
| <i>Queensland</i>             |  |            |   |
| NRM                           | Border Rivers Maranoa Balonne Queensland Murray-Darling Committee Incorporated |            | No concerns raised.   |
| NRM                           | Burnett Mary Regional Group  | s47F       | <b>Supported</b> listing the ecological community. Comment noted.   |
| NRM                           | Burdekin Dry - NQ Dry Tropics  |            | No concerns raised.   |
| NRM                           | Condamine Alliance - Conservation Farmers Incorporated                         |            | <b>Supported</b> listing the ecological community. Provided further information on processes for the formation of river terraces, the ecological community in the Darling Downs region, and on threats. Proposed that condition criteria be weighted to better recognise patches with listed threatened |

| <b>Group</b>       | <b>Organisation</b>                            | <b>Individual</b> | <b>Summary of contribution to consultation</b>  |
|--------------------|--|-------------------|---|
|                    |  |                   | species or good connectivity. Information noted and incorporated into the conservation advice. The presence of threatened species and connectivity of remnants are noted as additional factors to take into account for site surveys. |
| NRM                | Fitzroy Basin Association Incorporated         |                   | No concerns raised.   |
| NRM                | Mackay Whitsunday                              |                   | No concerns raised.   |
| NRM                | Reef Catchments Mackay Whitsunday Incorporated |                   | No concerns raised.   |
| NRM                | South West NRM Ltd                             |                   | No concerns raised.   |
| Primary industries | Agforce Main office                            |                   | No concerns raised.   |
| Primary industries | Agforce South East                             |                   | No concerns raised.   |
| Primary industries | Agforce Southern Inland                        |                   | No concerns raised.   |
| Primary industries | Cattle Council of Australia                    |                   | No concerns raised.   |
| Primary industries | Cotton Australia                               | s47F              | No concerns raised.   |
| Primary industries | Graincorp                                      |                   | No concerns raised.   |
| Primary industries | Grain Growers                                  | s47F              | No concerns raised.   |
| Primary industries | Grains Research and Development Corporation    |                   | No concerns raised.   |
| Primary industries | Meat and Livestock Australia                   |                   | No concerns raised.   |
| Primary Industries | Minerals Council of Australia                  |                   | No concerns raised.   |

| Group              | Organisation                | Individual | Summary of contribution to consultation  |
|--------------------|-----------------------------|------------|--|
| Primary Industries | National Farmers Federation | S47F       | <b>Did not support</b> the listing. Repeated concerns from the submission by the NSW Farmers' Association and NSW Irrigators' Council which indicated various concerns over potential listing.   |
| Primary industries | National Irrigators Council |            | Follow up phone call with Steve Whan in March 2017 indicated he would let the Department know of any concerns; none received.  |
| Primary industries | NSW Farmers' Association    |            | <p><b>Did not support</b> the listing.</p> <p>Comment: The NSW Farmers' Association considers EPBC listings are unnecessary duplication of state processes.</p> <p>Response: The EPBC Act is not a vegetation management law, which already exist at the State level. Rather, National listings are intended to protect key elements of Australia's nature and heritage identified as being nationally significant and to fund management and restoration activities. State native vegetation regulations cover all native vegetation, while national ecological community listings complement state vegetation laws by providing specific protection to select Australian species and ecosystem functions that are at most risk of extinction.</p> <p>Comment: Farmers have little understanding of EPBC requirements.</p> <p>Response: If listed, the Department would encourage the NSW Farmers' Association and National Farmers' Federation to assist in drafting and distributing a farmers' information guide which would be aimed at explaining how to identify the ecological community and the implications of listing in plain language.</p> <p>Comment: It is unclear what a listing would achieve.</p> <p>Response: The purpose of listing ecological communities is to improve awareness of, protect and restore the most threatened ecosystems in Australia. EPBC listed ecological communities are taken into account during major new developments (most likely large mining and infrastructure projects); and encourage and target conservation efforts, including through Australian government programs directed to farmer and other community groups such as the National Landcare Program.</p> |



| Group              | Organisation                                       | Individual | Summary of contribution to consultation   |
|--------------------|--|------------|---|
|                    |  |            | <p>Comment: There was limited information and no quantified assessment about the extent, distribution and quality of the ecological community.</p> <p>Response: This assessment was undertaken using the best available data from state agencies, scientific literature, and advice received from consultation. All relevant information has been presented with sources. Estimates of extent and distribution across the range of the ecological community are available, as detailed in the conservation advice. The description was clarified and has been presented as simply as possible, given the complex nature of most ecological communities.</p> |
|                    | NSW Irrigators' Council                            | s47F       | <b>Did not support</b> the listing. Similar considerations to the NSW Farmers' Association were expressed.  |
| Primary industries | NSW Minerals Council                               |            | <p>Provided constructive feedback on how to clarify certain issues in the conservation advice. For instance, how native species diversity is to be measured, clearer definitions of dominance and co-dominance, improving the condition thresholds, and consistency between the conservation advice and information guide.</p> <p>The conservation advice was revised and clarified in line with the useful suggestions received. To help with these matters if listed, the final version of the Information Guide will be updated to be consistent with the final approved Conservation Advice.</p>  |
| Primary industries | Queensland Farmers Federation                      |            | No concerns raised.   |
| Primary industries | Queensland Resources Council                       |            | No concerns raised.   |
| <i>NSW</i>         |  |            |   |
| State agency       | Dept Planning and Environment                      | s47F       | No concerns raised.   |
| State agency       | Dept Planning and Environment – North coast Region |            | No concerns raised.   |
| State agency       | Dept Planning and Environment – Western Region     |            | No concerns raised.   |
| State agency       | Dept Planning and Environment – Crown Land         |            | No concerns raised.   |

| <b>Group</b>      | <b>Organisation</b>   | <b>Individual</b> | <b>Summary of contribution to consultation</b>   |
|-------------------|---|-------------------|--|
| State agency      | Dept Planning and Environment – Infrastructure                      |                   | No concerns raised.  |
| State agency      | Dept Planning and Environment - Mining                              |                   | No concerns raised.  |
| State agency      | Department of Planning and Infrastructure - Mining                  |                   | No concerns raised.  |
| State agency      | Dept Primary Industry - Agriculture                                 |                   | No concerns raised.  |
| State agency      | Dept Primary Industry - Invasive plants and animals                 |                   | No concerns raised.  |
| State agency      | Dept Primary Industry - Lands                                       |                   | No concerns raised.  |
| State agency      | NSW Scientific committee  | s47F              | Advised on NSW key threatening process listings relevant to the ecological community. Information incorporated into conservation advice. |
| <i>Queensland</i> |   |                   |  |
| State agency      | Department of Agriculture and Fisheries                             |                   | No concerns raised.  |
| State agency      | Department of Infrastructure, local government and planning         |                   | No concerns raised.  |
| State agency      | Department of Natural Resources and Mines - Travelling Stock Routes | s47F              | No concerns raised.  |
| State agency      | Department of Natural Resources and Mines – Vegetation Management   |                   | No concerns raised.  |
| State agency      | Department of State Development                                     |                   | No concerns raised.  |



**Commonwealth of Australia**

**Amendment to the list of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 of the *Environment Protection and Biodiversity Conservation Act 1999* (EC141)**

I, JOSH FRYDENBERG, Minister for the Environment and Energy, pursuant to paragraph 184(1)(a) of the *Environment Protection and Biodiversity Conservation Act 1999*, hereby amend the list referred to in section 181 of that Act by:

including in the list in the **endangered** category

**Poplar Box Grassy Woodland on Alluvial Plains ecological community**

as described in the Schedule to this instrument.

Dated this.....day of.....2017

JOSH FRYDENBERG  
Minister for the Environment and Energy

## SCHEDULE

### **Poplar Box Grassy Woodland on Alluvial Plains**

The Poplar Box Grassy Woodland on Alluvial Plains ecological community occurs inland of the Great Dividing Range from southern New South Wales to central Queensland. It is known to occur within the Brigalow Belt North, Brigalow Belt South, Cobar Penneplain, Darling Riverine Plains, NSW South Western Slopes and Riverina IBRA bioregions (Interim Biogeographical Regionalisation of Australia version 7, at the time of listing).

The ecological community typically occurs on palaeo and recent depositional soils in flat terrain, and occasionally along watercourses in undulating country. The woodland is mainly associated with active and relictual depositional plains and flats including back plains, higher terraces, levees along rivers and stagnant alluvial plain landscapes. It is sometimes found in close proximity to ephemeral watercourses and depressions.

The structure of the ecological community varies from grassy open woodland to grassy woodland and, occasionally as open forest.

The canopy is dominated by *Eucalyptus populnea* (poplar box or bimble box). Other tree species may occasionally occur in the tree canopy, including *Callitris glaucophylla* (white cypress pine), *Casuarina cristata* (belah), *Eucalyptus coolibah* (coolibah), *E. largiflorens* (black box) and *E. melanophloia* (silver-leaved ironbark). Emergent taller trees may occasionally include *E. microcarpa* (inland grey box) and *E. woollsiana* (narrow-leaved grey box).

Tall shrubs and small trees are mostly absent to sparse in the understorey. When present, they may include scattered occurrences of *Acacia aneura* (mulga), *Alectryon oleifolius* subsp. *canescens* (western rosewood), *Apophyllum anomalum* (warrior bush), *Atalaya hemiglauca* (whitewood), *Capparis mitchellii* (wild orange), *Eremophila mitchellii* (budda) and *Geijera parviflora* (wilga).

The ground layer is typically open, low and dominated by a variety of grasses and other herbs. Grasses typically present include: *Aristida* spp. (wiregrass), *Bothriochloa* spp. (red grass), *Dichanthium* spp. (bluegrass), *Heteropogon* sp. and *Themeda* sp. (kangaroo grass). At sites prone to occasional inundation, sedges and rushes such as *Carex inversa* (knob grass), *Eleocharis plana* (flat spike-sedge) and *Juncus* spp. may be more abundant, and the fern, *Marsilea drummondii* (nardoo), may occur.

Seasonal herbs that may be present include: *Bulbine alata* (bulbine lily), *Brachyscome dentata* (lobed-seed daisy), *Einadia nutans* (climbing saltbush), *Erodium crinitum* (blue crowfoot), *Oxalis chnoodes* (wood-sorrell) and *Wahlenbergia* spp. (bluebells). Low shrubs may also be present, sometimes as localised patches, and typically include the chenopods: *Enchylaena tomentosa* (ruby saltbush), *Maireana* spp. (fissure weeds), *Rhagodia spinescens* (thorny saltbush), *Sclerolaena birchii* (galvanized burr) and *Sclerolaena muricata* (black roly poly). During drought, the cover of grasses and herbs may decline, leaving low chenopod shrubs as the most conspicuous ground layer plants.

The ecological community includes a variety of fauna species, including nationally threatened species such as *Anthochaera phrygia* (regent honeyeater), *Grantiella picta* (painted honeyeater), *Nyctophilus geoffroyi* (lesser long-eared bat), *Onychogalea fraenata* (bridled nailtail wallaby) and *Phascolarctos cinereus* (koala).

## EXPLANATORY STATEMENT

### *Environment Protection and Biodiversity Conservation Act 1999*

#### **Instrument under section 184(1)(a)**

##### **(Issued under the Authority of the Minister for the Environment and Energy)**

The *Environment Protection and Biodiversity Conservation Act 1999* (the Act) places certain obligations on the Commonwealth to protect and conserve threatened ecological communities.

The purpose of this instrument is to amend the list of threatened ecological communities under section 181 of the Act in accordance with paragraph 184(1)(a) of the Act by including in the list in the critically endangered category:

- **Poplar Box Grassy Woodland on Alluvial Plains**

as recommended by the Threatened Species Scientific Committee (the Committee), having regard to the definition of threatened ecological communities under subsections 182(1) and (2) of the Act.

The Committee concluded that the **Poplar Box Grassy Woodland on Alluvial Plains** ecological community met the criteria specified in Division 7.1 of the *Environment Protection and Biodiversity Conservation Regulations 2000*, as follows:

- Criterion 1 as **endangered** because it has undergone a severe decline in geographic extent;
- Criterion 4 as **endangered** because the reduction in integrity across most of its geographic distribution is severe, as indicated by severe degradation of the community, and that regeneration is unlikely in the near future.
- Criterion 5 as **vulnerable** because its rate of continuing detrimental change is substantial as indicated by the degree of ongoing degradation or disruption of community processes.

On the basis of the assessment and advice of the Committee, I am satisfied that this ecological community is eligible to be included in the **endangered** category. In deciding to include it in the list, I only considered matters that relate to whether the ecological community is eligible to be included in that category, and the effect that including the ecological community in that category could have on the survival of the ecological community.

Consultation to amend the list of threatened ecological communities under the Act to include the ecological community was undertaken before the legislative instrument was made in accordance with the process outlined in Part 13, Division 1, Subdivision AA of the Act. A draft assessment was placed on public exhibition, and public comments were sought as required by the Act. Parties with relevant expertise were directly consulted regarding their views. All public submissions received were forwarded to the Committee and to me for consideration.

This instrument is a legislative instrument for the purposes of the *Legislation Act 2003*.

The instrument commenced on the day after it was registered on the Federal Register of Legislation.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **Amendment to the list of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 of the *Environment Protection and Biodiversity Conservation Act 1999***

**(EC141)**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Legislative Instrument**

The purpose of this Instrument is to amend the *Environment Protection and Biodiversity Conservation Act 1999* list of threatened ecological communities by including the ‘Poplar Box Grassy Woodland on Alluvial Plains’ ecological community in the endangered category of the list.

The Poplar Box Grassy Woodland on Alluvial Plains ecological community has been included in the endangered category of the list because it met the criteria whereby: it has undergone a severe decline in geographic extent; and its geographic distribution is very restricted and the nature of its distribution makes it likely that the action of a threatening process could cause it to be lost in the near future; and the reduction in integrity across most of its range is severe as indicated by degradation of the community and regeneration is unlikely in the immediate future.

#### **Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

#### **Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**Minister for the Environment and Energy**



**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**

MS17-000721

Professor Helene Marsh  
Chair  
Threatened Species Scientific Committee  
c/- Secretariat, Species Information and Policy Section  
Department of the Environment and Energy  
GPO Box 787  
CANBERRA ACT 2601

Dear Chair

Thank you for the Threatened Species Scientific Committee's advice concerning the addition of 'Poplar Box Grassy Woodland on Alluvial Plains' to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) list of threatened ecological communities.

I have considered the Committee's advice, plus public submissions received, and have amended the EPBC Act by including the 'Poplar Box Grassy Woodland on Alluvial Plains' in the endangered category. As per the Committee's recommendation, a national recovery plan will not be prepared for this ecological community at this time. This is because listing will help to increase awareness regarding protection of the ecological community and the Conservation Advice provides sufficient direction to take the ecological community into account during major new developments that may impact upon it, and to guide research and recovery actions.

I would like to thank the Committee for its contribution to the identification and protection of nationally threatened ecological communities. I look forward to receiving the Committee's future advice.

Yours sincerely

JOSH FRYDENBERG



**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**





**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**

MS17-000721

The Hon Gabrielle Upton MLA  
Minister for Environment, Local Government and Heritage  
GPO Box 5341  
SYDNEY NSW 2000

Dear Minister

I am writing to advise you that I have decided to list 'Poplar Box Grassy Woodland on Alluvial Plains' as an endangered ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The intent of national listing is that the species and ecosystem functions within the most threatened ecological communities in Australia are taken into account during major new developments and that they receive priority support for conservation efforts.

In making my decision, I considered the advice provided to me by the Threatened Species Scientific Committee, as well as public submissions received. Officers from your department provided important expert input during the assessment and I am grateful for their assistance.

The Conservation Advice for this ecological community is available at: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>. This Advice provides detailed information about the ecological community, including a description, analysis of threats, and priority actions for its recovery. This will help inform environmental decision making about the ecological community, particularly land-use planning and regulatory approvals. Listing should also encourage potential opportunities for recovery funding under Australian Government initiatives such as National Landcare.

If your Department has any queries about this ecological community the contact in the Department of the Environment and Energy is Mr Matthew White, Director, Ecological Communities Section: phone 02 6274 2317; email: [matthew.white@environment.gov.au](mailto:matthew.white@environment.gov.au).

Yours sincerely

JOSH FRYDENBERG



**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**



**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**

MS17-000721

The Hon Dr Steven Miles MLA  
Minister for Environment and Heritage Protection  
GPO Box 2454  
BRISBANE QLD 4001

Dear Minister

I am writing to advise you that I have decided to list 'Poplar Box Grassy Woodland on Alluvial Plains' as an endangered ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The intent of national listing is that the species and ecosystem functions within the most threatened ecological communities in Australia are taken into account during major new developments and that they receive priority support for conservation efforts.

In making my decision, I considered the advice provided to me by the Threatened Species Scientific Committee, as well as public submissions received. Officers from your department provided important expert input during the assessment and I am grateful for their assistance.

The Conservation Advice for this ecological community is available at:  
<http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>. This Advice provides detailed information about the ecological community, including a description, analysis of threats, and priority actions for its recovery. This will help inform environmental decision making about the ecological community, particularly land-use planning and regulatory approvals. Listing should also encourage potential opportunities for recovery funding under Australian Government initiatives such as National Landcare.

If your Department has any queries about this ecological community the contact in the Department of the Environment and Energy is Mr Matthew White, Director, Ecological Communities Section: phone 02 6274 2317; email: [matthew.white@environment.gov.au](mailto:matthew.white@environment.gov.au).

Yours sincerely

JOSH FRYDENBERG



**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**

MS17-000721

s11c

Humane Society International  
PO Box 439  
AVALON NSW 2107

Dear Mr Quartermain

I am writing to thank you for your nomination and advise you that I have decided to list the 'Poplar Box Grassy Woodland on Alluvial Plains' as an endangered ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The intent of listing is that the species and ecosystem functions within the most threatened ecological communities in Australia are taken into account during major new developments and that they receive priority support for conservation efforts.

In making the listing decision, I considered advice provided to me by the Threatened Species Scientific Committee, as well as public submissions received.

The Conservation Advice for this ecological community is available at: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>. The Advice provides detailed information about the ecological community, including a description, analysis of threats, and priority actions for its recovery. This will help inform environmental decision making about the ecological community, particularly land-use planning and regulatory approvals. Listing should also encourage potential opportunities for recovery funding under Australian Government initiatives such as National Landcare.

If you have any queries about this ecological community the contact in the Department of the Environment and Energy is Mr Matthew White, Director, Ecological Communities Section: phone 02 6274 2317; email: [matthew.white@environment.gov.au](mailto:matthew.white@environment.gov.au).

Yours sincerely

JOSH FRYDENBERG

## STATUTORY OBLIGATIONS OF THE MINISTER UNDER THE EPBC ACT for Amending the List of Threatened Ecological Communities

### Subdivision AA—The nomination and listing process

#### 194A Simplified outline

The following is a simplified outline of this Subdivision:

This Subdivision sets out the usual process for including an item in a list referred to in section 178 [listing of threatened species], 181 [listing of threatened ecological communities] or 183 [listing of key threatening processes], or transferring an item from one category in one of those lists to another category in the list.

The usual process involves an annual cycle that revolves around 12-month periods known as assessment periods. The Minister determines the start of the first assessment period (see section 194C).

The usual process involves the following steps for each assessment period for a list:

- (a) the Minister may determine conservation themes (this step is optional) (see section 194D);
- (b) the Minister invites people to nominate items for inclusion in the list referred to in section 178, 181 or 183, and gives the nominations to the Scientific Committee (see sections 194E and 194F);
- (c) the Scientific Committee prepares, and gives to the Minister, a list of items (which will mostly be items that have been nominated) that it thinks should be assessed (see sections 194G to 194J);
- (d) the Minister finalises the list of items that are to be assessed (see sections 194K and 194L);
- (e) the Scientific Committee invites people to make comments about the item in the finalised list (see section 194M);
- (f) the Scientific Committee assesses the item in the finalised list, and gives the assessments to the Minister (see sections 194N and 194P);
- (g) the Minister decides whether an item that has been assessed should be included in the list referred to in section 178, 181 or 183 (see section 194Q).

The steps mentioned in paragraphs (a) to (d) will generally be completed before the start of the assessment period.

### **Obligations of the Minister**

#### **181 Listing of threatened ecological communities**

- (1) The **Minister** must, by instrument published in the *Gazette*, establish a list of threatened ecological communities divided into the following categories:
  - (a) critically endangered;
  - (b) endangered;
  - (c) vulnerable.

- (2) Subject to subsection (3), the **Minister** must not include an ecological community in a particular category of the list, as first established, unless satisfied that the ecological community is eligible to be included in that category when the list is first published.
- (3) The list, as first established, must contain only the ecological communities listed in Schedule 2 to the *Endangered Species Protection Act 1992* immediately before the commencement of this Act, and they must be listed in the endangered category.
- (4) If the **Minister** is satisfied that an ecological community included in the endangered category of the list, as first established under subsection (3), is not eligible to be included in that or any other category, or is eligible to be included in another category, the **Minister** must, within 6 months after the commencement of this Act, amend the list accordingly in accordance with this Subdivision.
- (5) An instrument (other than an instrument establishing the list mentioned in subsection (3)) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

[ For s182, see “Criteria for amending the list of ecological communities” on the penultimate page of this document]

#### **184 Minister may amend lists**

- (1) Subject to this Subdivision, the **Minister** may, by legislative instrument, amend a list referred to in section 178, 181 or 183 by:
  - (a) including items in the list in accordance with Subdivision AA; or
  - (aa) including items in the list in accordance with subsection 186(3), (4) or (5); or
  - (b) deleting items from the list; or
  - (c) in the case of the list referred to in section 178 or 181—transferring items from one category in the list to another category in the list in accordance with Subdivision AA; or
  - (d) correcting an inaccuracy or updating the name of a listed threatened species or listed threatened ecological community.
- (2) Part 6 of the *Legislative Instruments Act 2003* does not apply to an instrument made under subsection (1).

#### **187 Amending list of ecological communities**

##### *Including ecological communities in a category*

- (1) The **Minister** must not include (whether as a result of a transfer or otherwise) an ecological community in a particular category unless satisfied that the ecological community is eligible to be included in that category.
- (2) In deciding whether to include an ecological community in a particular category (whether as a result of a transfer or otherwise), the only matters the **Minister** may consider are matters relating to:
  - (a) whether the ecological community is eligible to be included in that category; or
  - (b) the effect that including the ecological community in that category could have on the survival of the ecological community.

## **194N Scientific Committee to assess items on finalised priority assessment list and give assessments to Minister**

- (1) In relation to each item included in the finalised priority assessment list for an assessment period for a Subdivision A List, the Scientific Committee must (by the time required by section 194P):
  - (a) make a written assessment of:
    - (i) whether the item is eligible for inclusion in the Subdivision A List; and
    - (ii) if the Subdivision A List is the list referred to in section 178 or 181—the category of that List in which the item is eligible to be included; and
  - (b) give to the **Minister**:
    - (i) the written assessment (or a copy of it); and
    - (ii) a copy of the comments referred to in paragraphs (2)(a) and (b) (whether or not they have all been taken into account under subsection (2)).
- (2) In making an assessment in relation to a place, the Scientific Committee, subject to subsections (3) and (4):
  - (a) must take into account the comments the Committee receives in response to the notice under subsection 194M(1) in relation to the item; and
  - (b) may seek, and have regard to, information or advice from any source.
- (3) The Scientific Committee is not required to take a comment referred to in paragraph (2)(a) into account if:
  - (a) the Committee does not receive the comment until after the cut-off date specified in the notice under subsection 194M(1) in relation to the item; or
  - (b) the Committee considers that regulations referred to in paragraph 194M(4)(b) have not been complied with in relation to the comment.
- (4) In making an assessment, the only matters the Scientific Committee may consider are matters relating to:
  - (a) whether the item is eligible for inclusion in the Subdivision A List; or
  - (b) the effect that including the item in that List could have on the survival of the native species or ecological community concerned.

## **194Q Decision about inclusion of an item in the Subdivision A List**

*Minister to decide whether or not to include item*

- (1) After receiving from the Scientific Committee an assessment under section 194N of an item, the **Minister** must:
  - (a) include the item in the Subdivision A List concerned; or
  - (b) in writing, decide not to include the item in the Subdivision A List concerned.

Note 1: Under this subsection the **Minister** can transfer an item already on a Subdivision A List to a different category in the List (see subsection 194B(1)).

Note 2: Sections 186, 187 and 188 contain rules about including items in a Subdivision A List.

- (3) Subject to subsection (4), the **Minister** must comply with subsection (1) within **90 business days** after the day on which the **Minister** receives the assessment.
- (4) The **Minister** may, in writing, extend or further extend the period for complying with subsection (1).

- (5) Particulars of an extension or further extension under subsection (4) must be published on the Internet and in any other way required by regulations.
- (6) For the purpose of deciding what action to take under subsection (1) in relation to the item:
  - (a) the **Minister** must have regard to:
    - (i) the Scientific Committee's assessment of the item; and
    - (ii) the comments (if any), a copy of which were given to the **Minister** under subsection 194N(1) with the assessment; and
  - (b) the **Minister** may seek, and have regard to, information or advice from any source.

*Additional requirements if Minister decides to include place<sup>1</sup>*

- (7) If the **Minister** includes the item in the Subdivision A List, he or she must, within a reasonable time:
  - (a) if the item was nominated by a person in response to a notice under subsection 194E(1)—advise the person that the item has been included in the Subdivision A List; and
  - (b) publish a copy of the instrument referred to in paragraph (1)(a) on the Internet; and
  - (c) publish a copy or summary of that instrument in accordance with any other requirements specified in the regulations.

*Additional requirements if Minister decides not to include item*

- (8) If the **Minister** decides not to include the item in the Subdivision A List, the **Minister** must, within **10 business days** after making the decision:
  - (a) publish the decision on the Internet; and
  - (b) if the item was nominated by a person in response to a notice under subsection 194E(1)—advise the person of the decision, and of the reasons for the decision.

## **266B Approved conservation advice for listed threatened species and listed threatened ecological communities**

*Minister to ensure there is approved conservation advice*

- (1) The **Minister** must ensure that there is approved conservation advice for each listed threatened species (except one that is extinct or that is a conservation dependent species), and each listed threatened ecological community, at all times while the species or community continues to be listed.
- (2) For this purpose, *approved conservation advice* is a document, approved in writing by the **Minister** (and as changed from time to time in accordance with subsection (3)), that contains:
  - (a) a statement that sets out:
    - (i) the grounds on which the species or community is eligible to be included in the category in which it is listed; and
    - (ii) the main factors that are the cause of it being so eligible; and
  - (b) either:
    - (i) information about what could appropriately be done to stop the decline of, or support the recovery of, the species or community; or
    - (ii) a statement to the effect that there is nothing that could appropriately be done to stop the decline of, or support the recovery of, the species or community.

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<sup>1</sup> 23/09/2010 - The use of the word "place" here, instead of "item", appears to be a typographical error.



*Changing approved conservation advice*

- (3) The **Minister** may, in writing, approve changes to approved conservation advice.

*Consultation with Scientific Committee*

- (4) If the **Minister** proposes to approve a document as approved conservation advice, the **Minister** must consult the Scientific Committee about the document, unless its content is substantially the same as material that the Committee has previously provided to the **Minister**.
- (5) If the **Minister** proposes to approve a change to approved conservation advice, the **Minister** must consult the Scientific Committee about the change, unless the change is substantially the same as a change that the Scientific Committee has previously advised the **Minister** should be made.

*Publication requirements*

- (6) If the **Minister** approves a document as approved conservation advice, the **Minister** must:
- (a) within 10 days of the approval of the document, publish the approved conservation advice on the Internet; and
  - (b) comply with any other publication requirements of the regulations.
- (7) If the **Minister** approves a change to approved conservation advice, the **Minister** must:
- (a) within 10 days of the approval of the change, publish the advice, as changed, on the Internet; and
  - (b) comply with any other publication requirements of the regulations.

*Instruments of approval are not legislative instruments*

- (8) An instrument of approval under subsection (2) or (3) is not a legislative instrument.

## **269AA Decision whether to have a recovery plan**

*Minister has an initial obligation and then a discretion*

- (1) The **Minister** must decide whether to have a recovery plan for a listed threatened species (except one that is extinct or that is a conservation dependent species) or a listed threatened ecological community within 90 days after the species or community becomes listed. The **Minister** may, at any other time, decide whether to have a recovery plan for the species or community.
- (2) In this section:
- (a) the decision that the **Minister** is required by subsection (1) to make in relation to the species or community within the 90 day period referred to in that subsection is the ***initial recovery plan decision***; and
  - (b) any subsequent decision that the Minister makes under subsection (1) in relation to the species or community is a ***subsequent recovery plan decision***.

*Making the initial recovery plan decision*

- (3) In making the initial recovery plan decision, the **Minister** must have regard to the recommendation (the ***initial recommendation***) made by the Scientific Committee as mentioned in paragraph 189(1A)(c) in relation to the species or community.

*Making a subsequent recovery plan decision (unless subsection (5) applies)*

- (4) In making a subsequent recovery plan decision in relation to the species or community, other than a decision to which subsection (5) applies:
- (a) the **Minister** must have regard to the initial recommendation in relation to the species or community; and
  - (b) the **Minister** must have regard to any advice subsequently provided to the **Minister** by the Scientific Committee about whether there should be a recovery plan for the species or community.

*Changing from a decision to have a recovery plan to a decision not to have a recovery plan—additional requirements*

- (5) If, at a time when a decision to have a recovery plan for the species or community is in force (whether or not the plan has yet been made), the **Minister** is proposing to make a subsequent recovery plan decision that there should not be a recovery plan for the species or community:
- (a) the **Minister** must ask the Scientific Committee for advice relating to the proposed decision; and
  - (b) the **Minister** must publish a notice inviting comments on the proposed decision in accordance with subsection (7); and
  - (c) the **Minister** must, in deciding whether to make the proposed decision, take account of:
    - (i) any advice provided by the Scientific Committee in relation to the proposed decision; and
    - (ii) subject to subsection (6), the comments the **Minister** receives in response to the notice referred to in paragraph (b).
- (6) The **Minister** is not required to take a comment referred to in subparagraph (5)(c)(ii) into account if:
- (a) the **Minister** does not receive the comment until after the cut-off date specified in the notice under paragraph (5)(b); or
  - (b) the **Minister** considers that regulations referred to in paragraph (8)(b) have not been complied with in relation to the comment.
- (7) The notice referred to in paragraph (5)(b):
- (a) must be published in accordance with the regulations referred to in paragraph (8)(a); and
  - (b) must set out the decision the **Minister** proposed to make; and
  - (c) must invite people to make comments, to the Minister, about the proposed decision; and
  - (d) must specify the date (the *cut-off date*) by which comments must be received, which must be at least 30 business days after the notice has been published as required by paragraph (a); and
  - (e) must specify, or refer to, the manner and form requirements that, under regulations referred to in paragraph (8)(b), apply to making comments; and
  - (f) may also include any other information that the **Minister** considers appropriate.
- (8) The regulations must provide for the following:
- (a) how a notice referred to in paragraph (5)(b) is to be published;
  - (b) the manner and form for making comments.

### *General publication requirements*

- (9) The **Minister** must publish the following:
- (a) the **Minister's** initial recovery plan decision, and the reasons for it;
  - (b) each subsequent recovery plan decision (if any), and the reasons for it.

The regulations may specify how the publication is to be made. Subject to any such regulations, the publication must be made in a way that the Minister considers appropriate.

Note: This subsection must be complied with, even if the **Minister** has already published notice of the proposed decision in accordance with subsections (5) and (7).

### *Decisions not legislative instruments*

- (10) An instrument making a decision under subsection (1) is not a legislative instrument.

## **518 Non-compliance with time limits**

- (1) Anything done by the Commonwealth, the **Minister** or the Secretary under this Act or the regulations is not invalid merely because it was not done within the period required by this Act or the regulations.
- (2) If, during a financial year, one or more things required to be done under this Act or the regulations were not done within the period required by this Act or the regulations, the **Minister** must:
  - (a) cause to be prepared a statement setting out the reasons why each of those things was not done within the period required by this Act or the regulations; and
  - (b) cause a copy of the statement to be laid before each House of the Parliament as soon as practicable after the end of the financial year.
- (3) Subsection (1) does not reduce or remove an obligation under this Act or the regulations to do a thing within a particular period.

## **Criteria for amending the list of ecological communities**

### **182 Critically endangered, endangered and vulnerable communities**

- (1) An ecological community is eligible to be included in the *critically endangered* category at a particular time if, at that time, it is facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with the prescribed criteria.
- (2) An ecological community is eligible to be included in the *endangered* category at a particular time if, at that time:
  - (a) it is not critically endangered; and
  - (b) it is facing a very high risk of extinction in the wild in the near future, as determined in accordance with the prescribed criteria.
- (3) An ecological community is eligible to be included in the *vulnerable* category at a particular time if, at that time:
  - (a) it is not critically endangered nor endangered; and
  - (b) it is facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with the prescribed criteria.

**Regulation 7.02** Criteria for listing threatened ecological communities

For section 182 of the Act, an ecological community is in the critically endangered, endangered or vulnerable category if it meets any of the criteria for the category mentioned in the following table:

| Item | Criterion  | Category                                    |                                   |   |
|------|--|---|-----------------------------------|---|
|      |  | Critically endangered                       | Endangered                        | Vulnerable                                    |
| 1    | Its decline in geographic distribution is:   | very severe                                 | severe                            | substantial                                   |
| 2    | Its geographic distribution is:<br>and the nature of its distribution makes it likely that the action of a threatening process could cause it to be lost in:   | very restricted<br>the immediate future     | restricted<br>the near future     | limited<br>the medium-term future             |
| 3    | For a population of a native species that is likely to play a major role in the community, there is a:<br><br>to the extent that restoration of the community is not likely to be possible in:             | very severe decline<br>the immediate future | severe decline<br>the near future | substantial decline<br>the medium-term future |
| 4    | The reduction in its integrity across most of its geographic distribution is:<br><br>as indicated by degradation of the community or its habitat, or disruption of important community processes, that is: | very severe<br>very severe                  | severe<br>severe                  | substantial<br>substantial                    |
| 5    | Its rate of continuing detrimental change is:<br>as indicated by:  | very severe                                 | severe                            | substantial                                   |
|      | (a) a rate of continuing decline in its geographic distribution, or a population of a native species that is believed to play a major role in the community, that is:                                      | very severe                                 | severe                            | serious                                       |
|      | or   |   |                                   |   |
|      | (b) intensification, across most of its geographic distribution, in degradation, or disruption of important community processes, that is:  | very severe                                 | severe                            | serious                                       |
| 6    | A quantitative analysis shows that its probability of extinction, or extreme degradation over all of its geographic distribution, is:  | at least 50% in the immediate future        | at least 20% in the near future   | at least 10% in the medium-term future        |

*Note* The Scientific Committee is to advise the **Minister** on the amendment and updating of the list of critically endangered, endangered or vulnerable ecological communities — see Act, paragraph 503 (b).

## FURTHER INFORMATION ON THE *POPLAR BOX GRASSY WOODLAND ON ALLUVIAL PLAINS* ECOLOGICAL COMMUNITY

The Threatened Species Scientific Committee (the Committee) provided its advice on this ecological community assessment to you on 28 April 2017. You have 90 business days after receipt of the Committee's advice to make a listing decision about amending the list of threatened ecological communities. The deadline for your decision is 4 September 2017.

The relevant EPBC Act provisions for decisions to amend the list of threatened ecological communities are collated at **Attachment H**.

In making your decision whether to list the *Poplar Box Grassy Woodland on Alluvial Plains* ecological community, the EPBC Act sets out the only two matters you may take into consideration:

- 1) Whether the ecological community is eligible to be included in a particular category.  
The Conservation Advice from the Committee provides clear, thorough evidence for why the ecological community merits listing and the appropriate category, as summarised below.
- 2) The effect that including the ecological community in that category could have on its survival.  
Listing confers various benefits upon the ecological community that are explained below.

### Whether the ecological community is eligible to be included in a particular category

#### Background to the assessment

**Key message:** *This ecological community has undergone a thorough scientific assessment and is known to face a number of ongoing threats.*

- Ecological community listings often refer to kinds of vegetation, for instance a particular type of woodland, grassland or rainforest, but can also apply to other species assemblages, for example cave, wetland or marine systems. The *Poplar Box Grassy Woodland on Alluvial Plains* ecological community is a kind of grassy eucalypt woodland that was formerly extensive on the inland floodplains of NSW and Queensland, west of the Great Dividing Range.
- The ecological community was publicly nominated in 2013.
- It has undergone a rigorous scientific assessment that included: a technical workshop and contact with experts and land managers familiar with the ecological community; comprehensive collation of scientific literature and management knowledge; and public consultation undertaken in accordance with the EPBC Act (see **Attachment D**).
- The key threats to the ecological community include: clearing and fragmentation of remnants; ongoing spread of weeds and feral animals; inappropriate fire regimes; and altered hydrology and water flows, including increased removal of groundwater reserves. Climate change is likely to compound these threats. Much of the inland plains where the ecological community occurs was heavily cleared for agriculture in the past, and now is impacted in some areas by large-scale mining and gas exploration and development, especially access roads to coal-seam gas wells.
- Remnants mostly persist on roadsides, Travelling stock routes and reserves, and farms, where they provide vital shelterbelts for stock and refuges for native fauna such as parrots, other woodland birds and wallabies.
- The landscapes of the inland plains include other vegetation types and native species listed as nationally threatened and familiar to farmers, for instance Coolibah-Black Box Woodlands and koalas.

### Conclusions on eligibility

**Key message:** *The independent Threatened Species Scientific Committee found the ecological community is eligible for listing as nationally Endangered.*

- The EPBC Act prescribes six listing criteria. At least one criterion must be met to enable listing. If multiple criteria are met, the conservation status is the highest category triggered.
- The Committee concluded the ecological community met two of the six listing eligibility criteria as Endangered.
  - Criterion 1 - The ecological community is estimated to have had an original extent of about 5.6 million ha and a current extent of about 1.3 million ha, across its entire range. This indicates a severe decline of about 77%, and equates to loss of about 4.3 million hectares.
  - Criterion 4 - Past and ongoing clearing has resulted in severe fragmentation with fewer large remnants remaining intact. The remaining smaller patches are more disconnected and susceptible to significant ongoing threats. These include invasion by serious weeds such as blackberries and lippia, inappropriate fire and grazing regimes, and associated changes to vegetation structure and species diversity, including loss of fauna. These have collectively led to a severe reduction in community integrity. Changes to natural vegetation structure, especially a decline of large old trees with hollows that provide vital faunal habitat, limits recovery of integrity in the near future.
- A third listing criterion (Criterion 5) was triggered as Vulnerable based on evidence of high rates of clearing of the ecological community over the past two decades. The nature of development pressures in the region where the ecological community occurs indicates a likelihood of longer-term, landscape-level impacts to the ecological community.

### **The effect that including the ecological community in that category could have on its survival.**

#### Purpose of national ecological community listings

**Key message:** *The recognition and listing of ecological communities like Poplar Box as threatened fosters landscape-scale conservation, particularly on farms, road reserves and travelling stock reserves. It raises public awareness and recognises particular types of native bush remnants as special; leads to more research and mapping; helps protect significant impacts to ecosystem services and habitat for multiple threatened species, as well as species not yet assessed as meeting threatened criteria; and importantly encourages support to landholders who want to manage threats and rehabilitate threatened landscapes. It also complements national parks and natural heritage, but without locking up land permanently.*

- Australia is a world leader in the conservation of threatened ecological communities and is building a comprehensive national list. The national list focuses on elements of our landscape that are most threatened and require active protection and conservation effort to ensure their continued survival. It complements protection in national parks and natural heritage areas that focus on preserving the more intact and iconic elements of Australian landscapes.
- Listing ecological communities helps protect assemblages of species that are collectively threatened, as well as the ecosystem functions, services and habitats for all native species that inhabit the community. Each individual community listing often includes habitats for multiple threatened species, leading to efficiencies in conservation effort.
- There are currently 77 nationally listed threatened ecological communities, represented in all Australian states and territories. This includes many EPBC Act-listed woodlands in rural areas of New South Wales and Queensland, but Poplar Box woodlands is the key gap on the inland plains.

- Listing an ecological community under national law has several purposes.
  - It ensures the national list has integrity in properly representing all highly threatened ecosystems in Australia.
  - It raises public awareness of newly listed ecosystems, their key threats, and the priority conservation actions that can be taken by groups or individuals.
  - It guides further research to improve understanding of how the ecological community functions, and how best to manage the threats and restore it.
  - It supports landholders and local communities to manage threats and to restore habitat and natural functions through national environmental programs. Restoration of listed ecological communities has been a priority in previous funding rounds and contributed to improved condition of sites and better wildlife corridors across the landscape.
  - Listed items become ‘matters of national environmental significance’ that trigger the protection provisions of the EPBC Act. This only applies to ecological communities listed as Endangered and Critically endangered; items listed as Vulnerable do not trigger the EPBC Act. However, EPBC Act protection generally applies to major projects, such as new mines, extensive roadworks or large housing/infrastructure development, that are most likely to cause extensive and significant damage.
- A Conservation Advice is prepared and published for each new listing with input from on-ground experts and key stakeholders. Each advice compiles considerable information about the ecological community, including guidance on what the community is, what the priority conservation actions are, and the key research gaps. This information feeds into key Government programs, such as National Landcare and the National Environmental Science Programme research hubs.

#### Benefits of listing the *Poplar Box Grassy Woodland on Alluvial Plains*

**Key message:** *Listing the Poplar Box Grassy Woodlands will help raise the public profile of these woodlands. The Department’s main emphasis in listing is to foster support to landholders who have these remnants through environmental funding programs that target recovery of threatened species and ecological communities. This listing will also protect a landscape that does not receive recognition or protection across its entire extent; for instance it is not listed as threatened in NSW.*

- The *Poplar Box Grassy Woodland on Alluvial Plains* ecological community is a key gap in the national list of ecological communities. It is representative of grassy floodplain woodlands that were formerly extensive across the ‘sheep-wheat belt’ of inland NSW and Queensland.
- Listing the *Poplar Box Grassy Woodland on Alluvial Plains* ecological community as Endangered will help raise awareness among landholders about this community. Should this community be listed, the Department will contact key stakeholders and provide information (e.g. factsheets) to help raise awareness about the ecological community.
- NRM groups and landholders will be made aware of opportunities to access available funding from national environmental schemes, such as National Landcare. The intent is to provide support to people who need help to mitigate key threats and undertake restoration of vegetation remnants that contain this and related threatened ecological communities.
- Listing the *Poplar Box Grassy Woodland on Alluvial Plains* ecological community helps protect not only this community but also any threatened (or migratory) native species and the ecosystem services associated with it (e.g. shelter for stock; erosion control; pollination services).

- The ecological community provides vital habitat for at least 14 animal and seven plant species listed as nationally or state-threatened species in Queensland or NSW. They include iconic species such as the koala, greater bilby, regent honeyeater and swift parrot. The latter three species are priorities in the Threatened Species Strategy.
- The ecological community provides a range of ecosystem services to society and nature. They include: maintaining clean air and water and healthy soils, maintaining natural water tables in the region; reduction or control of erosion and salinity; shelter for stock; facilitation of pollination (poplar box is recognised by NSW DPI as a high pollen provider); regulation of pest insects; and storage of carbon. These services benefit many farmers and regional towns.
- National listing enhances the protection of items recognised as threatened at a State or regional level. The *Poplar Box Grassy Woodland on Alluvial Plains* ecological community encompasses five regional ecosystems that are recognised as threatened under Queensland legislation. Although threatened in NSW, the ecological community currently is not formally recognised under NSW laws.

Potential regulatory impacts of listing the *Poplar Box Grassy Woodland on Alluvial Plains*

**Key message:** *Ecological communities listed as Endangered or Critically endangered become 'Matters of 'of National Environmental Significance'. If listed, the Poplar Box Grassy Woodlands will be taken into account for future EPBC referrals. In practice, regulation will focus on significant impacts due to large, major projects, e.g. new mines, large infrastructure works. The EPBC Act is designed to have minor impact to farmers and local businesses because most of their actions are exempt or not significant. Recent experience confirms very few EPBC referrals come from the agriculture sector, despite several other broad-scale communities and numerous threatened species listed in the region over the previous decade.*

- Actions that may cause significant adverse impacts to a nationally listed ecological community or other Matter of National Environmental Significance should be referred to and approved by the Federal Environment Minister. Referrals aim to identify if there is likely to be a significant damaging impact to an ecological community early in the planning process, so they can be avoided, where possible, or mitigated or offset if impact is unavoidable.
- The EPBC Act mainly applies to large, major projects as these are most likely to cause significant adverse impacts. The groups who will most likely need to take account of listed ecological communities are: developers of major projects, such as major mine and gas works, and relevant state and local government authorities responsible for planning, infrastructure and development.
- The EPBC Act is intended to have minimal impact upon the agriculture sector and small business. This is due to a number of reasons.
  - Most extensive clearing for agriculture in the 'sheep-wheat belt' inland of the Great Dividing Range occurred in the past. Most remaining patches have been set aside as wind or shelter breaks or for amenity. Native vegetation clearing on farms that is generally minor in nature will not be regulated by the EPBC Act (it may or may not be regulated by state regulations).
  - The EPBC Act has exemptions for continuing use and prior authorisation that allow ongoing activities, e.g. routine farming and Local Council road maintenance, or actions already approved to continue.
  - Most activities on farms and local businesses are carried out in line with laws and guidelines covering native vegetation and typically are not large enough to be considered a significant impact and do not require referral under national environment law.



- Nationally listed ecological communities usually have condition thresholds that identify when a patch of an ecological community is too degraded to merit consideration for potentially significant impacts. Patches that are too small and/or degraded, such as paddock trees, windbreaks, or other small stands on farms or roadsides that are very disturbed or weedy, are excluded from a listed ecological community, and any actions do not need to be referred. In effect, it limits protection to the more intact and larger patches of an ecological community.
- This applies to direct impacts on a patch (e.g. clearing), as well as indirect damage from nearby actions, for instance disrupting natural water flows that causes a normally dry site to flood or a natural wetland to dry out. Any new action likely to have a significant impact upon a threatened ecological community must be referred for EPBC Act assessment and approval. This is most likely to happen due to new major, large developments, such as infrastructure works, larger housing developments or mines.
- Woodland and forest listings in the same region, such as Weeping Myall Woodlands or Coolibah-Black Box Woodlands have resulted in no referrals from the agricultural sector. Major developments that have been referred were allowed to proceed.
- Also, since 1 July 2015, six ecological communities have been listed, including broadscale woodlands in southwestern Western Australia. Each of these listings did not lead to more referrals from the agricultural sector though some have resulted in referrals for major new urban and infrastructure (e.g. roadwork) developments.
- The Department works with proponents to try and ensure that referred actions can proceed where appropriate measures to protect any threatened ecological community or species are put in place. For example, a new road may be approved subject to a condition for minor route changes to avoid a significant impact to high quality remnants of a threatened ecological community. Offsets are another measure that may be used where significant impacts are unavoidable.
- If a landowner does have good quality occurrences of the ecological community on their property it indicates that their land management practices have supported the conservation of the ecological community. A continuation of sustainable land management practices are encouraged through Australian Government NRM programs and regional NRM bodies or Local Land Services (often co-funded by the Australian Government).

#### Changes to vegetation management laws in NSW.

**Key message:** *NSW is changing its native vegetation management laws to give farmers more certainty over what they can and cannot clear. This is causing some confusion about EPBC Act responsibilities. This challenge can be managed by improved communication and there is a major opportunity coinciding with this listing at present because NSW Local Land Services have agreed to increase communication about the EPBC Act.*

- The NSW Government is introducing new vegetation management laws. These laws intend to provide maps and information to farmers and land managers that identify what vegetation can be cleared or retained at a property level.
- NSW is currently boosting its regional Local Land Services offices with local support staff who can talk directly with farmers about the new NSW laws and provide on-farm advice about protecting high quality native vegetation.
- Key issues with regard to new NSW laws and listing of the Poplar Box Grassy Woodland are:
  - Poplar Box Woodlands are not currently listed as threatened in NSW. This does not mean it is not threatened but reflects that it has not been assessed under the NSW system yet.

- The NSW laws allow for clearing of invasive native scrub – dense stands of regenerating native species, often following disturbance such as flood or fire. Poplar Box communities may include invasive native scrub in some circumstances. However, this applies more to shrubby forms of Poplar Box Woodland that are not part of the ecological community proposed for listing, which must have a high quality grassy and herbaceous understorey. Regrowth of Poplar Box trees can also continue to be grazed or cleared under EPBC Act continuing-use exemptions, which is consistent with the new NSW rules.
- The NSW laws will allow for clearing of very narrow remnants without further consideration. This is also consistent with the proposed national listing because condition thresholds rule out very narrow remnants on the basis of size and condition thresholds.
- The Department last met with NSW Local Land Services on 21 July 2017 to discuss interaction between the new state laws and the EPBC Act and the potential listing of Poplar Box was discussed. NSW Local Land Services is looking at adopting condition thresholds based on national ecological community listings and is willing to work with the Department to help communicate new national listings and general EPBC issues to landholders. If listed, the draft Farmers Factsheet (**Attachment A**) will be finalised in consultation with, and distributed through, NSW Local Land Services.

### How the Department will manage a new listing

***Key messages:** If listed, the Department will engage with key stakeholders and provide resources to raise public awareness of the new listing. The Department's environmental assessments staff will promptly be notified once a decision is made so the ecological community can be taken into account for any active and new EPBC referrals. NRM groups will be contacted so that environmental funding programs, like National Landcare, and property vegetation plans can take account of it.*

- If you agree to list this ecological community in the Endangered category, the Department will continue to liaise with stakeholders to ensure that the listing is understood and that protection and recovery efforts are effective.
- The ecological community will be taken into account in future EPBC referrals where large and high quality patches of the ecological community have been identified to be present. Advice about where to obtain further information and any obligations under the EPBC Act will be communicated.
  - In particular, key stakeholders such as State agencies, Landcare groups, local governments and NRM groups/Local Land Services will be notified. Information will be provided to help people understand the ecological community and raise awareness of funding opportunities to support conservation projects.
  - The Department will provide online resources on the Department's website to accompany the listing. For instance, it will publish the Approved Conservation Advice, an illustrated information guides for farmers (and general public), and a map showing the indicative distribution of the ecological community.
  - The Department's online Protected Matters Search Tool and Environmental Matters Mapping Application will be updated to inform proponents if a new ecological community is likely to be present in their region.
- The Department also provides advice about Australia's threatened ecological communities, EPBC Act referral and assessment processes, and funding opportunities through its Community Information Unit (free-call 1800 803 772). As mentioned above, the Department is also working with NSW Local Land Services to help their officers to talk to landholders about EPBC Act matters and/or pass on enquiries to the Department as needed.



MC17-019152  
EDO NSW  
ABN 72 002 880 864  
Level 5, 263 Clarence Street  
Sydney NSW 2000 AUSTRALIA  
E: edonsw@edonsw.org.au  
W: www.edonsw.org.au  
T: + 612 9262 6989  
F: + 612 9264 2414

29 September 2017

The Hon Josh Frydenberg MP  
Minister for the Environment and Energy  
Parliament House  
CANBERRA ACT 2600

By post and email: Josh.Frydenberg.MP@aph.gov.au

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| Min No: MC   | BCD  |
| Division:  | Encl:  |
| DLO: <i>M</i>                                      | Date: 6.10.17  |
| RECEIVED - 6 OCT 2017                              | Environment and Energy Minister  |
| <input checked="" type="checkbox"/> Covering Brief | <input type="checkbox"/> Departmental Reply                            |
| <input checked="" type="checkbox"/> Minister Reply | <input type="checkbox"/> Appropriate Action                            |
| <input type="checkbox"/> CoS/Adviser Reply         | <input type="checkbox"/> For Information                               |
| <input type="checkbox"/> Refer to                  | <input type="checkbox"/> Campaign <input type="checkbox"/> Advice/Asst |

Dear Minister,

**URGENT**

**Nomination for Threatened Ecological Communities: Environment Protection and Biodiversity Conservation Act 1999 (Cth).**

We act for Humane Society International (HSI).

1. On 27 March 2013 our client nominated the *Poplar/Bimble Box Grassy Woodland on Alluvial Plains* (the nomination) for inclusion on the list of Threatened Ecological Communities (TEC) under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act).
2. The nomination, completed in accordance with regulation 7.05 of the *Environment Protection and Biodiversity Conservation Regulation 2000* (Regulations), is enclosed for your convenience.
3. The nomination was included on the Final Priority Assessment List for the assessment period commencing 1 October 2013. The Threatened Species Scientific Committee (the TSSC) was to provide its advice to you by 31 October 2015. This deadline was extended on two occasions, with the final assessment deadline being 28 April 2017.
4. On an unspecified date the TSSC published its' draft conservation advice (including listing advice) for the nomination in accordance with section 266B of the EPBC Act. The advice noted that the nomination was eligible for threatened listing as follows:
  - i. endangered under criterion 1, being decline in geographic distribution;
  - ii. endangered under criterion 4, being reduction in community integrity; and
  - iii. vulnerable under criterion 5, being rate of continuing detrimental change.
5. In accordance with section 194M, the TSSC published a notice inviting people to make comments on the nomination, the period for which closed on 10 March 2017. The TSSC were then to assess the items on the finalised priority

assessment list and give the assessments to you by the deadline, being 28 April 2017.

6. After receiving the assessment from the TSSC, you were required to make a decision as to the nomination within 90 days in accordance with section 194Q(3) of the EPBC Act, being on or about 1 September 2017. It would appear that no extensions have been granted and that the time for making a decision has accordingly now expired.
7. Given that a total of 109 days have now elapsed, we are instructed to seek an explanation from you as to why no decision has been made as to the inclusion of the nomination on the TEC list within the statutory timeframe.
8. We thank you for your attention to this matter, and seek a response within two weeks of today's date, being by **13 October 2017**.

Yours sincerely,  
**EDO NSW**



s11c  
Solicitor

Enclosure: HSI EPBC TEC Nomination dated 27 March 2013

Our Ref: 1725229



**Australian Government**

**Department of Sustainability, Environment, Water, Population and Communities**

## **Threatened Ecological Community Nomination Form 2013 Assessment Period**

Use this form to nominate or change the listed status of an ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)

| <b>Section 1 - Nominator Details</b>  |                              |
|---|------------------------------|
| Note: Nominator details are subject to the provision of the <i>Privacy Act 1988</i> and will not be divulged to third parties if advice regarding the nomination is sought from such parties. |                              |
| Full Name   | s11c                         |
| Organisation or Company name  | Humane Society International |
| Postal address  | PO Box 432, Avalon NSW 2107  |
| Email   | s11c                         |
| Phone   | s11c                         |
| Fax   | s11c                         |
| I declare that the information in this nomination form and any attachments is true and correct to the best of my knowledge.   |                              |
| Signature (Or insert electronic signature)  | s11c                         |
| Date signed   | March 27, 2013               |

| <b>Section 2 - Eligibility for Listing</b>   |  |
|--|--|
| Name of the ecological community   | Poplar / Bimble Box Grassy Woodland on Alluvial Plains   |
| Listing Category for which the ecological community is nominated under the EPBC Act  |  |
| Current listing category (Please check box)  | <input type="checkbox"/> Critically endangered<br><input type="checkbox"/> Endangered<br><input type="checkbox"/> Vulnerable<br><input checked="" type="checkbox"/> None – not listed  |
| Proposed listing category (Please check box)   | <input type="checkbox"/> Critically endangered<br><input checked="" type="checkbox"/> Endangered<br><input type="checkbox"/> Vulnerable  |
| Select one or more of the following criteria under which the community is nominated for EPBC Act listing. (Please check box). For further details on these criteria please refer to the Guidelines to this form. The information you provide in Section 5 should support the criteria you select here. | <input checked="" type="checkbox"/> Criterion 1 – Decline in geographic distribution<br><input type="checkbox"/> Criterion 2 – Small geographic distribution coupled with demonstrable threat<br><input type="checkbox"/> Criterion 3 – Loss or decline of functionally important species<br><input checked="" type="checkbox"/> Criterion 4 – Reduction in community integrity<br><input checked="" type="checkbox"/> Criterion 5 – Rate of continuing detrimental change<br><input type="checkbox"/> Criterion 6 – Quantitative analysis showing probability of extinction |

### Section 3 – Description, Condition, Threats & Recovery

Please answer all the questions, providing references where applicable. If no or insufficient information exists to answer a question, in accordance with the *EPBC Regulations 2000*, you must indicate this instead of leaving the question blank.

The answers may be provided within this form, with attachments as required, or in a separate document. If the nomination is provided in a separate document you must provide: all contact details requested in Section 1 including the signed declaration; a completed summary of eligibility (Section 2) and ensure that responses clearly indicate which question number they refer to.

#### Conservation Theme

##### 1. Does the nomination meet any of the conservation themes selected for this assessment period?

No specified 'conservation theme' has been established for this assessment period.

#### Classification

By nominating a broader community, you will enable the Committee to consider the national extent and condition of the community and determine the limits of the listed ecological community.

##### 2. What is the name of the ecological community?

Note any other names that have been used recently, including where different names apply within different jurisdictions. For example, is it known by separate names in different States or regions?

Poplar / Bimble Box Grassy Woodland on Alluvial Plains.

Poplar / Bimble Box Grassy Woodland is found throughout NSW and Qld, on western plains of the central and northern wheat belt. In NSW this community is confined to the Darling Riverine Plains Bioregion, northern section of the South-western Slopes Bioregion, and Brigalow Belt South Bioregion. In Qld this community is confined to the North and South Brigalow Belt Bioregion, western section of the South Eastern Queensland Bioregion, and eastern section of the Mulga Lands Bioregion.

##### 3. What authorities/surveys/studies support or use the name?

Poplar Box communities within eastern Australia were first classified by Beeston *et al.* (1980) in Queensland and NSW. Sattler and Williams (1999) define the Poplar Box Communities under the Queensland Regional Ecosystem Classification framework or Regional Ecosystem Description Database (REDD). Studies conducted by Sivertson & Metcalfe (1995, 2003) and Benson *et al.* (2006, 2008, 2010), define the Poplar Box communities within the NSW via the Vegetation Classification & Assessment (VCA) Database.

Based on the NSW VCA Classification Database, the following community ID descriptions are relevant to the nominated community:

- VCA ID56 - Poplar Box - Belah woodland on clay-loam soils on alluvial plains of north-central NSW

- VCA ID244 - Poplar Box grassy woodland on alluvial clay-loam soils mainly in the temperate (hot summer) climate zone of central NSW (wheatbelt)

Based on the QLD REDD Classification Database, the following RE community descriptions are relevant to the nominated community:

- 11.3.17 – Eucalyptus populnea woodland with A. harpophylla and/or C. Cristata on alluvial plains
- 11.3.2 – Eucalyptus populnea woodland on alluvial plains
- 11.4.7 – Eucalyptus populnea with A. harpophylla and/or C. cristata open-forest to woodland on Cainozoic clay plains
- 11.4.10 - Eucalyptus populnea or E. woollsiana, A. harpophylla, C. cristata open-forest to woodland on margins of Cainozoic clay plains
- 11.4.12 – Eucalyptus populnea woodland on Cainozoic clay plains
- 11.8.15 - Eucalyptus brownii or Eucalyptus populnea woodland on Cainozoic igneous rocks
- 11.9.7 – Eucalyptus populnea woodland with a distinct shrubby layer
- 11.9.7a - Eucalyptus populnea, Eremophila mitchellii shrubby woodland on fine-grained sedimentary rocks
- 11.9.10 - Eucalyptus populnea, Acacia harpophylla open-forest on fine-grained sedimentary rocks
- 12.12.26a - Eucalyptus populnea woodland on Mesozoic to Proterozoic igneous rocks
- 6.4.3 – Eucalyptus populnea, C. cristata or A. harpophylla woodland on clay plains
- 6.5.3 – Eucalyptus populnea, Acacia aneura +/- Eremophila mitchellii woodland within A. aneura communities
- 6.5.3a - Eucalyptus populnea +/- E. melanophloia +/- Callitris glaucophylla woodland

**4. How does the nominated ecological community relate to other ecological communities that occur nearby or that may be similar to it? Does it intergrade with any other ecological communities and, if so, what are they and how wide are the intergradation zones? Please describe how you might distinguish the ecological community in areas where there is overlap (also see Description section below).**

Poplar / Bimble Box Grassy Woodland mostly occurs on alluvial plains which have fertile clay loam to loam to loamy sand soils, often on slight rises above the plain. Along drainage lines, which have more clayey soil, Poplar Box often co-dominates with Belah (community ID56 in Benson *et al.* 2006). It has significant floristic and structural variation depending on land use history (clearing regrowth, grazing) (Benson *et al.* 2006, 2010).

The following communities, within Queensland and NSW, intergrade with Poplar / Bimble Box Grassy Woodland at certain points in the landscape where changes in landform, soils and geology occur.

In NSW on less fertile sandier soils, Poplar / Bimble Box Grassy Woodland grades into a shrubby Poplar Box woodland (communities ID98 and ID397), as described in Benson *et al.* (2010). To the south-west in the Cobar Peneplain, the community grades into Western Grey Box-Poplar Box-White Cypress Pine woodlands (community ID82 in Benson *et al.* 2006), where



it is a co-dominant species with Inland Grey Box. The community grades into Belah woodland (community ID55 in Benson *et al.* 2006) on heavier soils and often in areas of drainage. To the east on the Liverpool Plains with black earth soils it grades into Poplar Box-Plains Grass (community ID101 in Benson *et al.* 2006), which is part of the Liverpool Plains cracking soil TEC.

Within the Brigalow Belt in Queensland this community grades into *Eucalyptus conica* woodland (RE ID 11.3.2b), and Palustrine wetland comprising *Eucalyptus camaldulensis* woodland in seasonally inundated drainage depressions (RE ID 11.3.2c). Within the South-east Queensland Bioregion this community grades into *Acacia harpophylla* open-forest to woodland (RE ID 12.3.10a) where minor areas of cracking clay soils prevail, and *Acacia harpophylla* open forest (12.12.26) on Mesozoic to Proterozoic igneous rocks. Within the Mulga Lands Bioregion this community grades into *Casuarina cristata* +/- *Acacia harpophylla* open forest (RE ID 6.4.2) on flat to gently undulating Cainozoic clay plains.

#### Legal Status

**5. What is its current level of protection under Australian State/Territory Government legislation? Please record whether there is an existing State listing for all or part of the nominated ecological community, its listing category (e.g. critically endangered, vulnerable) and its title. If not listed as threatened, is there any other form of protection under State/Territory legislation?**

In NSW Poplar / Bimble Box Grassy Woodland is not currently listed as an Endangered Ecological Community under the Threatened Species Conservation Act 1995. However the Humane Society International (HSI) has recently submitted an EEC nomination to the NSW Scientific Committee for VCA ID56 - Poplar Box - Belah woodland, and VCA ID244 - Poplar Box grassy woodland.

In Queensland the biodiversity status of ecological communities are listed under the Vegetation Management Regulation 2000. The QLD Regional Ecosystems for inclusion in this nomination, as referred to in Section 3, are listed as follows:

- 11.3.17 – Endangered
- 11.3.2 – Of Concern
- 11.4.7 – Endangered
- 11.4.10 - Endangered
- 11.4.12 – Endangered
- 11.8.15 - Endangered
- 11.9.7 – Of Concern
- 11.9.7a – Of Concern
- 11.9.10 - Endangered
- 12.12.26 - Endangered
- 6.4.3 – Endangered
- 6.5.3 – Of Concern
- 6.5.3a – Of Concern

## Description

**6. List the main features that distinguish this ecological community from all other ecological communities?** Characteristic (or diagnostic) features can be biological (e.g. taxa or taxonomic groups of plants and animals characteristic to the community; a type of vegetation or other biotic structure), or associated non-biological landscape characteristics (e.g. soil type or substrate, habitat feature, hydrological feature). Please limit your answer to those features that are specific to the ecological community and **can be used to distinguish it from other ecological communities**.

Generally the nominated community is a woodland that occurs on alluvial plains, dominated by *Eucalyptus populnea*, and in many cases this community as a distinct lack of mid-storey shrub layer with the lower stratum dominated by perennial grasses and forbes.

However the distribution of this community occurs over a large area within a number of bioregions in NSW and Queensland. As a result the biological structure and composition can vary significantly, as it grades into a range of other Poplar Box communities in adjoining regions and on different soils. In addition the vegetation community classification systems between NSW and Queensland differ significantly. Therefore it is particularly difficult to define this community as a whole between NSW and Queensland Bioregions. Consultation was undertaken with John Benson (Senior Ecologist at the Sydney RBG), and Bruce Wilson (Science Leader in Ecosystem Survey & Mapping at the Queensland Herbarium), for advice regarding the national extent of the nominated community.

John Benson provided advice that the NSW Poplar Box communities VCA ID 244 & 56, as nominated for inclusion under the TSC Act by HSI, are most likely equivalent to Queensland RE 11.3.17 community from the Brigalow Belt bioregion. His assessment of the additional communities for nomination, referred to in Sections 3 & 5, was that communities on infertile soils such as rocky or deep sandy soils should not be included as they show a greater extent remaining, and are at less risk of clearing due to grazing and cropping. Bruce Wilson was also consulted regarding this assessment, and agreed that communities on infertile rocky or sandy soils should be excluded.

For the purposes of this assessment, a description of diagnostic features is provided for each state, based on advice from the above specialists, and the current NSW and Queensland community IDs.

In NSW the nominated ecological community is dominated by Poplar Box (*Eucalyptus populnea* subsp. *bimbil*) in a tall to mid-high woodland. Other tree species commonly found in association include Belah (*Casuarina cristata*), White Cypress Pine (*Callitris glaucophylla*), Western Grey Box (*Eucalyptus microcarpa*), Whitewood (*Atalaya hemiglauca*) and Western Rosewood (*Alectryon oleifolius*). The shrub layer may either be absent or sparse containing *Geijera parviflora*, *Eremophila mitchellii*, and *Apophyllum anomalum*, with mid-dense to sparse ground cover including low shrubs, sedges, forbs although is dominated by a wide array of grasses (plant communities IDs 244 and 56 in Benson *et al.* 2006, 2010). The community mainly occurs on clay-loam soils on flats in alluvial plain and stagnant alluvial plain landscapes. Along drainage lines which have more clayey soil Poplar Box often co-dominates with Belah (community ID56 in Benson *et al.* 2006).

In Queensland the nominated community is dominated by *Eucalyptus populnea*, forming a distinct but discontinuous canopy (15-18m high). *Eucalyptus populnea* alone may form the canopy at a density of 25-75 trees/ha, or *Acacia harpophylla* and/or *Casuarina cristata* may be part of the canopy. Most frequently, *A. harpophylla* predominates a lower tree layer (8-14m high). A moderately dense, tall shrub layer is usually present, and dominated by species such as *Eremophila mitchellii*, *Geijera parviflora*, *Acacia melvillei* (Darling Downs), *Alectryon oleifolius* and *Acacia pendula*. Localised areas may be dominated by *Acacia harpophylla* or other understory species. A sparse to open, low shrub layer is frequently present. The ground layer is usually sparse, and composed of grasses most frequently *Bothriochloa decipiens*, *Aristida ramosa*, *Enteropogon acicularis* and *Paspalidium* spp. with *Chloris ventricosa*, *Eragrostis lacunaria*, *Aristida jerichoensis*, *Paspalidium constrictum*, and *Tripogon loliiformis* on scalded areas. Occurs on back plains, levees and terraces formed on Quaternary alluvial deposits. Soils are generally deep texture contrast with thin sandy surfaces (community RE 11.3.17 in Qld REDD Database 2013).

Descriptions for the other Qld RE variants of the nominated community, as mentioned in Sections 3 & 5, is contained in the spreadsheet within Appendix A.

**7. Give a description of the biological components of the ecological community.** For instance, what species of plants and animals commonly occur in the community; what is the typical vegetation structure (if relevant).

Characteristic vegetation contained in this community includes:

NSW

|                               |  |
|-------------------------------|--|
| <b>Trees</b>                  | <i>Eucalyptus populnea</i> subsp. <i>bimbil</i> ; <i>Casuarina cristata</i> ; <i>Callitris glaucophylla</i> , <i>Eucalyptus microcarpa</i> ; <i>Atalaya hemiglauca</i> , <i>Alectryon oleifolius</i> subsp. <i>Canescens</i> .   |
| <b>Shrubs/Vines/Epiphytes</b> | <i>Geijera parviflora</i> ; <i>Eremophila mitchellii</i> ; <i>Apophyllum anomalum</i> ; <i>Rhagodia spinescens</i> ; <i>Maireana microphylla</i> ; <i>Maireana decalvans</i> .   |
| <b>Ground cover</b>           | <i>Sclerolaena birchii</i> ; <i>Enteropogon acicularis</i> ; <i>Chloris truncata</i> ; <i>Austrostipa scabra</i> subsp. <i>scabra</i> ; <i>Boerhavia dominii</i> ; <i>Sclerolaena muricata sens lat.</i> ; <i>Sporobolus caroli</i> ; <i>Austrodanthonia fulva</i> ; <i>Austrodanthonia setacea</i> ; <i>Marsilea drummondii</i> ; <i>Sida corrugata</i> ; <i>Walwhalleya proluta</i> ; <i>Carex inversa</i> ; <i>Alternanthera denticulata</i> ; <i>Eleocharis plana</i> ; <i>Dichondra repens</i> ; <i>Austrostipa verticillata</i> ; <i>Aristida ramosa</i> ; <i>Oxalis perennans</i> ; <i>Einadia nutans</i> subsp. <i>nutans</i> ; <i>Calotis cuneifolia</i> ; <i>Elymus scaber</i> var. <i>scaber</i> ; <i>Eragrostis parvifolia</i> ; <i>Vittadinia dissecta</i> var. <i>hirta</i> ; <i>Portulaca oleracea</i> ; <i>Eremophila debilis</i> ; <i>Rostellularia adscendens</i> subsp. <i>adscendens</i> ; <i>Eragrostis lacunaria</i> ; <i>Eragrostis cilianensis</i> ; |

|  |   |
|--|---|
|  | <i>Tragus australianus; Iseilema membranaceum; Pasapalidium jubiflorum; Paspalidium caespitosum; Solanum esuriale; Centipeda thespidioides; Calotis lappulacea; Maireana enchylaenoides; Rumex brownii; Juncus aridicola; Juncus subsecundus.</i> |
|--|---|

Qld

|                               |  |
|-------------------------------|--|
| <b>Trees</b>                  | <i>Eucalyptus populnea subsp. bimbil; Casuarina cristata; Eucalyptus brownii; Corymbia dallachiana; Corymbia clarksoniana; Corymbia terminalis; Eucalyptus cambageana; Eucalyptus platyphylla; Eucalyptus melanophloia; Acacia harpophylla; Eucalyptus crebra; Eucalyptus chloroclada; Angophora leiocarpa; Allocasuarina luehmannii; Callitris glaucophylla; Alstonia constricta; Eucalyptus camaldulensis; Eucalyptus tereticornis; Eucalyptus woollsiana; Eucalyptus moluccana; Eucalyptus microcarpa; Eucalyptus chloroclada</i> |
| <b>Shrubs/Vines/Epiphytes</b> | <i>Pimelea microcephala; Eremophila mitchellii; Geijera parviflora; Alectryon oleifolius; Acacia pendula; Acacia salicina; Lysiphyllum carronii; Cassia brewsteri; Acacia excelsa; Acacia harpophylla; Casuarina cristata; Ventilago viminalis; Archidendropsis basaltica; Carissa ovata; Erythroxylum australe; Capparis lasiantha; Atalaya hemiglauca; Psydrax oleifolia; Eremophila deserti; Eremophila bignoniiflora; Eremophila gilesii</i>   |
| <b>Ground cover</b>           | <i>Bothriochloa decipiens; Aristida ramosa; Aristida calycina var. praealta; Enteropogon acicularis; Paspalidium distans; Chloris ventricose; Chloris pectinata; Eragrostis lacunaria; Aristida jerichoensis; Paspalidium constrictum; Tripogon loliiformis; Triraphis mollis; Eragrostis lacunaria; Themeda triandra; Aristida inaequiglumis; Dichanthium sericeum; Panicum decompositum; Panicum gracile; Solanum ellipticum; Chloris pectinata</i>  |

**8. Give a description of the associated non-biological landscape/seascape characteristics or components of the ecological community.** For instance, what is the typical landscape/seascape in which the community occurs? Note if it is associated with a particular soil type or substrate; what major climatic variables drive the distribution of the ecological community (e.g. rainfall). Note particular altitudes or geographic coordinates (e.g. latitudes).

As outlined in Section 6, the community mainly occurs on depositional landscapes such as alluvial plains and stagnant alluvial plain landscapes, on substrates such as clay-loam soils on flats, loamy sand on slight rises above the plain, and more clayey soil in and along drainage lines (Benson *et al.* 2006).

**9. Provide information on the ecological processes by which the biological and non-biological components interact (where known).**

The Poplar Box woodland communities included in this nomination, which occur on the western plains of NSW and Queensland, are generally in areas of depositional alluvial landscapes, such as alluvial fans derived from Tertiary and Quaternary sediments. Geological landforms such as rock outcrops are largely absent from these landscapes as bedrock is generally buried under sheets of deep alluvium (NSW NPWS 2003). Due to the deep alluvial soils present in these landscapes, these areas are considered highly productive, and are highly utilised for cropping agriculture.

Climate varies within the bioregional areas where this community occurs, ranging from temperate to semi-arid.

**10. Does the ecological community show any consistent regional or other variation across its national extent, such as characteristic differences in species composition or structure? If so, please describe these.**

The distribution of this community occurs over a large area, within a number of bioregions and climate zones in NSW and Queensland, and therefore varies in composition and structure across its national extent. The extent of this structural variation can be seen from the community descriptions contained within Sections 4 & 7, and Appendix A.

**11. Does the ecological community provide habitat for any listed threatened species and/or endemic species? If so, please note the species and whether the species is listed on State/Territory and/or national lists and the nature of its dependence on the ecological community.**

This community is known to provide habitat for the following species listed as threatened species listed under the Qld Nature Conservation Act (as identified in the REDD database community descriptions), and NSW Threatened Species Conservation Act (as identified in the NSW VIS Database community data for IDs 56 and 244). National listings for these species under the Environmental Protection & Biodiversity Conservation Act are also included.

| Species                    | Qld NCA    | NSW TSCA | National EPBCA |
|----------------------------|------------|----------|----------------|
| <b>Flora</b>               |            |          |                |
| <i>Acacia curranii</i>     | Vulnerable |          | Vulnerable     |
| <i>Acacia lauta</i>        | Vulnerable |          | Vulnerable     |
| <i>Lomandra teres</i>      | Vulnerable |          |                |
| <i>Homopholis belsonii</i> | Endangered |          | Vulnerable     |

|  |                                       |                       |            |
|--|---------------------------------------|-----------------------|------------|
| <i>Diuris tricolour</i>                    |                                       | Vulnerable            |            |
| <i>Dichanthium setosum</i>                 |                                       | Vulnerable            |            |
| <i>Swainsona murrayana</i>                 |                                       | Vulnerable            |            |
| <i>Digitaria porrecta</i>                  |                                       | Endangered            |            |
| <i>Lepidium aschersonii</i>                |                                       | Vulnerable            |            |
| <b>Fauna</b>                               |                                       |                       |            |
| <i>Ninox connivens</i>                     |                                       | Vulnerable            |            |
| <i>Ardeotis australis</i>                  |                                       | Endangered            |            |
| <i>Lophoictinia isura</i>                  | Near Threatened                       | Vulnerable            |            |
| <i>Phascolarctos cinereus</i>              | Vulnerable (only in SE Qld Bioregion) | Vulnerable            | Vulnerable |
| <i>Calyptorhynchus lathami</i>             |                                       | Vulnerable            |            |
| <i>Ardeotis australis</i>                  |                                       | Endangered            |            |
| <i>Melithreptus gularis gularis</i>        |                                       | Vulnerable            |            |
| <i>Climacteris picumnus</i>                |                                       | Vulnerable            |            |
| <i>Burhinus grallarius</i>                 |                                       | Endangered            |            |
| <i>Stagonopleura guttata</i>               |                                       | Vulnerable            |            |
| <i>Miniopterus schreibersii oceanensis</i> |                                       | Vulnerable            |            |
| <i>Anomalopus mackayi</i>                  |                                       | Endangered            | Vulnerable |
| <i>Scoteanax rueppellii</i>                |                                       | Vulnerable            |            |
| <i>Falco hypoleucos</i>                    |                                       | Endangered            |            |
| <i>Pomatostomus temporalis temporalis</i>  |                                       | Vulnerable            |            |
| <i>Melanodryas cucullata cucullata</i>     |                                       | Vulnerable            |            |
| <i>Chalinolobus picatus</i>                |                                       | Vulnerable            |            |
| <i>Tyto novaehollandiae</i>                |                                       | Vulnerable            |            |
| <i>Grantiella picta</i>                    |                                       | Vulnerable            |            |
| <i>Lophochroa leadbeateri</i>              |                                       | Vulnerable            |            |
| <i>Calyptorhynchus banksii samueli</i>     |                                       | Vulnerable            |            |
| <i>Anthochaera phrygia</i>                 |                                       | Critically Endangered | Endangered |
| <i>Aepyprymnus rufescens</i>               |                                       | Vulnerable            |            |
| <i>Crinia sloanei</i>                      |                                       | Vulnerable            |            |
| <i>Petaurus norfolcensis</i>               |                                       | Vulnerable            |            |
| <i>Sminthopsis macroura</i>                |                                       | Vulnerable            |            |
| <i>Lathamus discolor</i>                   |                                       | Endangered            | Endangered |
| <i>Neophema pulchella</i>                  |                                       | Vulnerable            |            |
| <i>Polytelis swainsonii</i>                |                                       | Vulnerable            | Vulnerable |

**12. Identify major studies on the ecological community (authors, dates, name of study and publishing details where relevant).**

No specific studies have been undertaken on the nominated community. However the classification and conservation status of remnant woody vegetation communities, including Poplar Box communities on NSW and Qld western plains, have been assessed in the following reports:

Sivertson & Metcalfe (1995). Natural vegetation of the southern wheat-belt (Forbes and Cargelligo 1:250 000 map sheets), *Cunninghamia* 4(1).

Sivertson & Metcalfe (2003). Natural vegetation of the New South Wales Wheat-belt (Cobar-Nyngan-Gilgandra, Nymagee-Narromine-Dubbo 1:250 000 vegetation sheets), *Cunninghamia* 8(2).

Benson *et al.* (2006). New South Wales Vegetation Classification and Assessment: Part 1 Plant communities of the NSW Western Plains, *Cunninghamia* 9(3).

Benson *et al.* (2008). New South Wales Vegetation Classification and Assessment: Part 2 Plant communities of the NSW South-western Slopes Bioregion and update of NSW Western Plains plant communities, Version 2 of the NSWVCA database, *Cunninghamia* 10(4).

Benson *et al.* (2010) New South Wales Vegetation classification and Assessment: Part 3 Plant communities of the NSW Brigalow Belt South, Nandewar and west New England Bioregions and update of NSW Western Plains and South-western Slopes plant communities, Version 3 of the NSWVCA database, *Cunninghamia* 11(4).

Sattler and Williams (1999). *The Conservation Status of Queensland's Bioregional Ecosystems*, Environmental Protection Agency, Queensland Government.

### Distribution

**13. Describe the national distribution in Australia. If possible, include appropriate bioregions (see the Guidelines) where the ecological community occurs. Attach or provide any maps showing its distribution (this is required by the EPBC Regulations 2000) with details of the source of the maps, or explain how they were created and the datasets used.**

The following table describes the national distribution of the nominated community within NSW and Queensland, at the sub-regional scale:

| Community ID | Bioregion  | Sub-region  | CMA   | LGA   |
|--------------|--|---|---|---|
| <b>NSW</b>   |  |   |   |   |
| 56           | Cobar Penepplain (1-30%); NSW South-western Slopes (1-30%); Darling Riverine Plains (30-70%); Brigalow Belt South (1-30%); | Bogan-Macquarie (1-30%); Northern Outwash (1-30%); Warrambool-Moonie (1-30%); Lower Slopes (1-30%); Nymagee (1-30%); Castlereagh-Barwon (30-70%); Pilliga Outwash (1-30%) | Central West (1-30%); Namoi (1-30%); Lachlan (1-30%); Western (1-30%); Border Rivers/Gwydir (1-30%) | Lachlan (1-30%); Walgett (1-30%); Moree Plains (1-30%); Warren (1-30%); Narromine (1-30%); Dubbo (1-30%); Bogan (1-30%) |
| 244          | Brigalow Belt South (1-30%);   | Bogan-Macquarie (1-30%); Northern   | Central West (1-30%);   | Lachlan (1-30%); Walgett (1-30%);   |

|            |  |   |   |   |
|------------|--|---|---|---|
|            | Darling Riverine Plains (30-70%); NSW South-western Slopes (1-30%) | Outwash (1-30%); Lachlan Plains (1-30%); Lower Slopes (1-30%); Castlereagh-Barwon (30-70%); Pilliga Outwash (1-30%)   | Namoi (1-30%); Lachlan (1-30%); Western (1-30%); Border Rivers/Gwydir (1-30%) | Moree Plains (1-30%); Inverell (1-30%); Warrumbungle (1-30%); Warren (1-30%); Narromine (1-30%) |
| <b>QLD</b> |  |   |   |   |
| 11.3.17    | Brigalow Belt (Mulga Lands)  | 13, 15, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37<br>(6.1)   |   |   |
| 11.3.2     | Brigalow Belt (Mulga Lands)  | 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38<br>(6.1, 6.2, 6.4) |   |   |
| 11.4.7     | Brigalow Belt (Mulga Lands)  | 8, 10, 11, 13, 15, 21, 23, 24, 26, 28, 29, 30, 33, 34, 35, 36<br>(6.1, 6.2)   |   |   |
| 11.4.10    | Brigalow Belt  | 27, 29, 30, 31, 32, 33, 36  |   |   |
| 11.4.12    | Brigalow Belt (Mulga Lands)  | 7, 15, 26, 27, 29, 30, 31, 32, 33, 34<br>(6.2)  |   |   |
| 11.8.15    | Brigalow Belt  | 6, 10, 31   |   |   |
| 11.9.7     | Brigalow Belt (Mulga Lands)  | 6, 10, 11, 12, 15, 16, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 31, 32, 33<br>(6.4, 6.5)   |   |   |
| 11.9.10    | Brigalow Belt (Mulga Lands) (SE Qld)                               | 2, 6, 7, 15, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 34<br>(6.1, 6.2)<br>(12.5)   |   |   |
| 12.12.26   | South East Qld   | 5, 6, 7   |   |   |
| 6.4.3      | Mulga Lands (Brigalow Belt)  | 1, 2, 3, 4<br>(11.26, 11.35, 11.37)   |   |   |
| 6.5.3      | Mulga Lands (Brigalow Belt)  | 1, 2, 3, 4, 5, 6, 8, 11<br>(11.26, 11.29, 11.37)  |   |   |

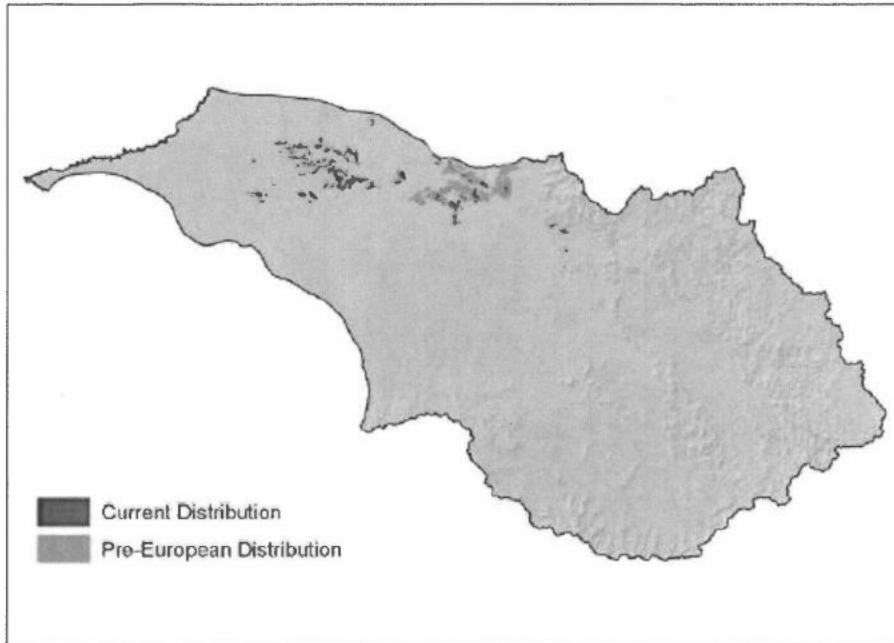
NSW figures derived from VIS Classification Database and Benson *et al.* (2006)

QLD figures derived from REDD Database RE v.7, Sub-region v.5 (2009)

Maps for Regional Vegetation Communities (RVC) within the Namoi Catchment have been developed (<http://www.namoi.cma.nsw.gov.au/416845.html>), RVC 22 corresponding to the NSW VCA Vegetation types of the nominated ecological community (ID 56 and ID 244).



**RVC 22 - Poplar Box - Belah woodlands, VCA types (ID 56 and ID 244)**



See Appendix 1 for a bioregional map of Queensland, showing the location of the North and South Brigalow Belt Bioregion, western section of the South Eastern Queensland Bioregion, and eastern section of the Mulga Lands Bioregion - the bioregions where the nominated ecological community is confined in Queensland.

Location maps for the relevant NSW bioregions can be found at the following URLs, however mapping specific to the nominated ecological community could not be located by the nominator:

- Darling Riverine Plains Bioregion - <http://www.environment.nsw.gov.au/resources/nature/DarlingRiverinePlainsMapsLocation.pdf>
- South-western Slopes Bioregion - <http://www.environment.nsw.gov.au/resources/nature/NSWSouthWesternSlopesMapsLocation.pdf>
- Brigalow Belt South Bioregion - <http://www.environment.nsw.gov.au/resources/nature/BrigalowBeltSouthMapsLocation.pdf>

**14. What is the national distribution (in ha) for the ecological community? For answers to parts a, b, c & d: please identify whether any values represent extent of occurrence or area of occupancy (as described in the Guidelines); provide details of the source(s) for the estimates and explain how they were calculated and the datasets used.**

**14 a. What is the current distribution (in ha)?**

| Community ID | Distribution (ha) |
|--------------|-------------------|
| <b>NSW</b>   |                   |
| 56           | 100000            |
| 244          | 400000            |
| <b>QLD</b>   |                   |
| 11.3.17      | 35985             |
| 11.3.2       | 520349            |
| 11.4.7       | 20384             |

|              |                |
|--------------|----------------|
| 11.4.10      | 6461           |
| 11.4.12      | 7462           |
| 11.8.15      | 1703           |
| 11.9.7       | 109270         |
| 11.9.10      | 82524          |
| 12.12.26     | 1073           |
| 6.4.3        | 39951          |
| 6.5.3        | 197929         |
| <b>Total</b> | <b>1523091</b> |

NSW figures derived from VIS Classification Database and Benson *et al.* (2006)  
 QLD figures derived from REDD Database RE v.7, Sub-region v.5 (2009)

**14 b. What is the pre-European extent or its former known extent (in ha)?**

| Community ID | Distribution (ha) |
|--------------|-------------------|
| <b>NSW</b>   |                   |
| 56           | 450000            |
| 244          | 1500000           |
| <b>QLD</b>   |                   |
| 11.3.17      | 264435            |
| 11.3.2       | 1938971           |
| 11.4.7       | 209741            |
| 11.4.10      | 63123             |
| 11.4.12      | 69925             |
| 11.8.15      | 11189             |
| 11.9.7       | 514028            |
| 11.9.10      | 493625            |
| 12.12.26     | 9333              |
| 6.4.3        | 302680            |
| 6.5.3        | 629044            |
| <b>Total</b> | <b>6456094</b>    |

NSW figures derived from VIS Classification Database and Benson *et al.* (2006)  
 QLD figures derived from REDD Database RE v.7, Sub-region v.5 (2009)

**14 c. What is the estimated percentage decline of the ecological community?**

| Community ID | % Decline since pre-European extent |
|--------------|-------------------------------------|
| <b>NSW</b>   |                                     |
| 56           | 75                                  |
| 244          |                                     |
| <b>QLD</b>   |                                     |
| 11.3.17      | 77.3                                |
| 11.3.2       |                                     |
| 11.4.7       |                                     |
| 11.4.10      |                                     |
| 11.4.12      |                                     |
| 11.8.15      |                                     |
| 11.9.7       |                                     |
| 11.9.10      |                                     |
| 12.12.26     |                                     |
| 6.4.3        |                                     |

|         |    |
|---------|----|
| 6.5.3   |    |
| Overall | 76 |

NSW figures derived from VIS Classification Database and Benson *et al.* (2006)

QLD figures derived from REDD Database RE v.7, Sub-region v.5 (2009)

#### 14 d. What data are there to indicate future changes in distribution may occur?

In NSW Grassy *Eucalyptus* box woodlands in the eastern part of the Western Plains, including in the NSW wheatbelt, are generally poorly represented in protected areas. They have been substantially cleared and most are exposed to a number of threatening processes, in particular grazing or cropping. This includes the nominated Poplar Box communities IDs 56 and 244 (Benson 2006). Studies by Bedward (2001) state that clearing due to grazing and opportunistic cropping has resulted in a significant decline in woody native vegetation in this area. For example, in 1985, about 27% of the Moree region was covered with native woody vegetation but 17% of this was cleared by 2000 representing a clearing rate of 1.1% per year. If this rate is extrapolated into the future it implies that most native vegetation would be removed on private land in the NSW wheatbelt within seven decades unless clearing is checked. Benson *et al.* (2006) estimates the pre-European extent of the nominated community (VCA IDs 56 and 244) to have been approximately 1,950,000 ha  $\pm$  30%, while the current extent is estimated to be approximately 500,000 ha  $\pm$  30%. This represents a reduction of approximately 1,450,000 ha or ~75% of the original extent of the community.

Similarly in Queensland, clearing rate calculations of the nominated communities between pre-clearing extents and current extent mapping (conducted between 1997 and 2009), indicates that only 23% of the nominated communities remnant extent remains as of 2009. The total percentage of the nominated community cleared since 1997 and 2009 is 19% (See Appendix B or details).

The estimate of decline nationally is approximately 76% since European settlement. Although clearing rates have dropped in recent times, due to the introduction of new legislation such as the Native Vegetation Conservation Act 1998 and Native Vegetation Act 2003, these communities are still highly fragmented and continue to be impacted by edge effects such as weed invasion. For example studies by Bedward *et al.* (2001), show the median remnant area and perimeter to area ratio of woody vegetation in the northern NSW wheatbelt is being successively reduced to smaller and more exposed fragments, with the percentage of remnant areas of 100 ha or less is increasing.

**15. Is the ecological community considered to be naturally rare or restricted, based on its original (e.g. pre-European) distribution?** An ecological community is considered to be naturally restricted if it has a pre-European area of occupancy that is less than 10 000 ha or a pre-European extent of occurrence that is less than 100 000 ha (refer to the Guidelines).

No, the nominated community would not be considered naturally rare or restricted under this criteria.

### Patch size

**16. What is the typical size (in ha) for a patch of the ecological community (if known)?** Explain how it was calculated and the datasets that are used. Relevant data includes the average patch size, the proportion of patches that are certain sizes, particularly proportions below 10 ha and below 100 ha, but also below 1 ha and above 100 ha (for example).

Sufficient information is not available to give an accurate indication of patch size in ha.

**17. Quantify the smallest percentage or area required for a patch of the ecological community to be considered viable.** This refers to the minimum size of a remnant that can remain viable without active management. It may be determined through the requirements for dominant native species, level of species diversity, or the nature of invasive weeds.

In NSW the nominated community currently occurs in fragmented small stands with less than 30% extent remaining, giving them a high edge to area ratio. This high edge to area ratio means that it is particularly susceptible to edge effects such as weed invasion. Stands below this threshold are likely to be highly degraded and require active management to facilitate regeneration.

Sufficient information is not available to give an accurate indication of viable patch size in the nominated Queensland communities.

### Functionality

**18. Is the present distribution of the ecological community severely fragmented? If so, what are likely causes of fragmentation? If fragmentation is a natural or positive characteristic of this ecological community, please explain this and state the reason.** Severely fragmented refers to the situation in which increased extinction risk to the ecological community results from most remnants being found in small and relatively isolated patches.

As referred to in Section 17, in NSW human induced activities such as stock grazing and land clearing for crops have caused this community to become highly fragmented, with the fragments being in small stands with less than 30% extent remaining, giving them a high edge to area ratio. This high edge to area ratio means that it is particularly susceptible to disturbances and the invasion of weeds. Typical weed species include *Lycium ferocissimum*, *Rapistrum rugosum*, *Lolium rigidum*, *Medicago polymorpha*, *Sisymbrium irio*, *Conyza bonariensis*, *Trifolium glomeratum*, *Trifolium angustifolium*, *Hypochaeris radicata*, *Cirsium vulgare*, *Medicago minima*, *Hordeum leporinum*, *Vulpia myuros* and *Malva parviflora* (Benson *et al.* 2006, 2010).

Overall, the community is in poor condition due to the substantial alterations that it has sustained in both its species composition and structure since European settlement. However, the community has sufficient biota remaining to facilitate natural regeneration if the causal factors, such as grazing, and their secondary impacts are removed allowing dynamic processes to resume (Benson *et al.* 2006, 2010).

Benson *et al.* (2006, 2010) states that the remaining small remnants of this community should be protected from further land clearing under various catchment plans and securing long-term property agreements for specific sites. Incentive payments to improve the condition of the remnants and to encourage regrowth would help restore this community.

Sufficient information is not available to give clear indication of functionality within the nominated Queensland communities. However functionality issues within Queensland communities would be similar to those mentioned above for NSW, as rate of clearance is similar, and threats to the community are unlikely to change significantly between states.

**19. Has there been a loss or decline of functionally important species?** This refers to native species that are critically important in the processes that sustain or play a major role in the ecological community and whose removal has the potential to precipitate change in community structure or function sufficient to undermine the overall community's viability.

Specific information is not available on functionally important species within the nominated community. Fragmentation and simplification of the community due to grazing, cropping and weed invasion are identified as contributing to the decline. Broad acre clearing for cropping in the past has resulted in whole species assemblages from the community being removed from the landscape, including the soil seed bank. Clearing for improved pasture in the past has removed the large numbers of species from the community, fragmenting the canopy, introducing exotics, and only leaving palatable remnant groundcovers and the soil seed bank.

**19 a. If yes, which species are affected?**

See above.

**19 b. How are the species functionally important and to what extent have they declined?**

See above.

**Reduction in community integrity**

**20. Please describe any processes that have resulted in a reduction in integrity and the consequences of these processes, e.g. loss of understorey in a woodland. Include any available information on the rate of these changes.**

This recognizes that an ecological community can be threatened with extinction through on-going modifications that do not necessarily lead to total destruction of all elements of the community. Changes in integrity can be measured by comparison with a benchmark state that reflects as closely as possible the natural condition of the community with respect to the composition and arrangement of its abiotic and biotic elements and the processes that sustain them. Please provide a description of the benchmark state where available. For further information please refer to the Guidelines.

The principal threat to this community is land clearing for crops, with ~1,450,000 ha being cleared in NSW since European settlement (Benson *et al.* 2010). Out of the remaining 500,000 ha approximately 615 ha is protected nature reserves in NSW, increasing the threat of further clearing. Land clearing has been shown to result in increases of salinity, soil erosion, chemical soil composition, nutrient enrichment from run off and the disruption of essential ecological services (Harrington *et al.* 1979, Tunstall and Webb 1981, Cox *et al.* 2001, Benson *et al.* 2006). Most of the community that remains is highly fragmented, leading to further threats of over grazing and invasive exotic species (Cox *et al.* 2001).

The grazing pressure of livestock is a significant threat to this community. Grazing has been associated with a reduction of native plants both through ingestion and trampling, increases in soil erosion, soil compaction which alters the hydrology of the area, chemical soil composition, alteration of in nutrient concentrations due to fecal matter, a decrease in seedling establishment and an increase in exotic species establishing (Harrington *et al.* 1979, Tunstall and Webb 1981, Yates *et al.* 2000). Some sites are dominated by weed species including those listed for plant community IDs 244 and 56 in Benson *et al.* (2006, 2010).

Benson *et al.* (2006, 2010) also lists dryland cropping, soil erosion, water sheet erosion, firewood collection, and woody shrub (native) invasion as additional threats to this community that would reduce its integrity. Considering the fragmented nature of this community, with added the biotic and abiotic stressors mentioned above, the medium to long term persistence of these woodlands in the landscape is uncertain (Sivertson & Metcalfe 2003).

### **Survey and Monitoring**

**21. Has the ecological community been reasonably well surveyed?** Provide an overview of surveys to date and the likelihood of the ecological community's current known distribution and/or patch size being its actual distribution (consider area of occupancy and area of extent, including any data on number and size of patches).

Work by Sivertson and Metcalfe (1995, 2003) forms the basis of vegetation mapping of the NSW wheatbelt (containing VCA IDs 56 & 244), within the Brigalow Belt, Darling Riverine Plains, Cobar Peneplain, and NSW South Western Slopes Bioregions. They also describe the biotic and abiotic factors that determine the distribution of Poplar Box communities in detail. Work by Benson (2006, 2008, 2010) forms a continuation of the mapping and classification work undertaken by Sivertson and Metcalfe, and provides further information on the classification of the nominated NSW communities and their extent within NSW bioregions at a sub-regional level.

Work by Sattler and Williams (1999) and Accad *et al.* (2012) provides similar information for the nominated Queensland communities.

**22. Where possible, please indicate areas that haven't been surveyed but may add to the information required in determining the community's overall viability and quality.**

Further survey work would be required below the sub-regional level to gather additional information on community viability and quality, such as minimum patch size for viability, and quality of patches based on level of degradation (weed invasion, salinity, feral animals etc.)

**23. Is there an ongoing monitoring program? If so, please describe the extent and length of the program.**

No ongoing monitoring program is currently in effect, or proposed for this community

#### **Condition Classes and Thresholds**

**24. Do you think condition classes/thresholds apply to this ecological community? If not, give reasons.** The Committee recognises that ecological communities can exist in various condition states. In reaching its decision the Committee uses condition classes and/or thresholds to determine the patches which are included or excluded from the listed ecological community (see the Guidelines for details of the process of determining condition classes).

Community condition benchmarks for the NSW communities (IDs 56 & 244) in terms of vegetation structure, is outlined in the VIS Classification Database, and attached in Appendix C. As mentioned above in Section 22, further survey work would be required to gather information to determine classes/thresholds for viability and quality.

**25. If so, how much of the community would you describe as in relatively good condition, i.e. likely to persist into the long-term with minimal management?**

Sufficient information is not available to accurately determine the proportion of the community that is in good condition.

**26. What features or variables do you consider to be most valuable for identifying a patch of the ecological community in relatively good condition?** Variables for establishing the highest condition class may include: patch size; connectivity; native plant species composition; diversity and cover (for example in overstorey; mid-shrub and/or understorey layers); recognised faunal values; and cover of weeds or other invasive species.

- Large patch size with direct linkages to other patches
- Small perimeter to area ratio with absence of significant disturbance within or surrounding the patch
- Low level of weed invasion
- High species diversity and cover (canopy & ground)
- Presence of threatened species
- High presence of habitat features such as hollow bearing trees, hollow ground logs

**27. How much of the community would you describe as in relatively medium condition, i.e. likely to persist into the long-term future with management?**

Sufficient information is not available to accurately determine the proportion of the community that is in medium condition.

**28. Please describe how you would identify areas in medium condition using one or a combination of indicators such as species diversity, structure, remnant size, cover of weeds or other invasive species, etc.**

- Moderate patch size with some linkages to other patches
- Moderate perimeter to area ratio with moderate disturbance within the patch
- Moderate level of weed invasion
- Moderate species diversity and cover (canopy & ground)
- Moderate presence of habitat features such as hollow bearing trees, hollow ground logs

**29. How much of the community would you describe as in relatively poor condition, i.e. unlikely to be recoverable with active management?**

Sufficient information is not available to accurately determine the proportion of the community that is in poor condition.

**30. Please describe how you would identify area in poor condition using one or a combination of indicators such as species diversity, structure, remnant size, cover of weeds or other invasive species, etc.**

- Small patch size with no linkages to other patches
- High perimeter to area ratio with a high level of disturbance within the patch
- High level of weed invasion
- Low species diversity and sparse canopy / ground cover
- Low presence of habitat features such as hollow bearing trees, hollow ground logs

### **Threats**

Note: If you plan to identify climate change as a threat to the ecological community, please refer to Appendix 2 of the Guidelines for information on how this should be addressed.

**31. Identify PAST threats to the ecological community indicating whether they are *actual* or *potential*. For each threat describe:**

**31 a. How and where it impacts on this ecological community.**

#### **Land clearing for agriculture (grazing / cropping / pasture improvement)**

- Reduces the extent of the community in the landscape
- Increases fragmentation leading to reduction in viability of community patches, and increase in patch perimeter to area ratio



- Increases in soil erosion and salinity due to the removal of vegetation cover and irrigation, leading to dieback of native species

#### **Over grazing and cropping impacts**

- Stock / ferals trampling and grazing native species, leading to a reduction in species diversity
- Livestock and cropping fertilisers causing nutrient enrichment in soils, leading to an increase in exotic species establishing

#### **Weed invasion**

- Reduces native species diversity due to increased competition and vigorous growth of weed species
- Restricts the establishment, recruitment, and regeneration of species within the community

**31 b. What its effects have been so far.** Indicate whether they are known or suspected; provide supporting information or research.

The threats referred to above, have historically occurred over the last 50 years with the advent of irrigation and broad acre cropping. Dramatic declines in woody vegetation within the NSW northern wheatbelt were evident between the 1970s and 1980s, with lower but still substantial declines in the 1980s and 1990s (Cox *et al.* 2001). While the level of large scale clearing has been restricted in recent times due to the introduction of improved land/vegetation management policies (e.g. the abolishment of broad scale clearing in Qld 2006), minor clearing (non-remnant) and the other threats mentioned above will continue to occur and place pressure on this community.

**31 c. What its expected effects are in the future.** Include or reference supporting research or information.

While the clearing of remnant vegetation is now more restricted under state policies, the issue that still remains is the fragmented nature of remnant vegetation in the landscape. The remaining fragmented patches of the nominated community are now at a greater risk to further degradation from other, more cumulative impacts, such as weed invasion and edge effects from agriculture (minor clearing, grazing, irrigation etc.). For example without suitable management, population declines and extinctions would be expected to continue long after clearing had occurred, possibly for several centuries, as a result of these continuing cumulative impacts (Cox *et al.* 2001).

**31 d. Is the threat only suspected? Give Details.**

No, the threats are actual, refer to Sections 31 b & c above.

**31 e. Does the threat only affect certain patches? Give Details.**

No, due to the large extent of agricultural activities throughout the NSW and Queensland wheatbelt and plains, the threats apply to all patches within the nominated community.

**32. Identify CURRENT threats to the ecological community indicating whether they are *actual* or *potential*. For each threat describe:**

**32 a. How and where it impacts on this ecological community.**

The PAST threats referred to in Section 31 still currently apply to this community.

**32 b. What its effects have been so far.** Indicate whether they are known or suspected; provide supporting information or research.

Refer to Section 31b above.

**32 c. What its expected effects are in the future.** Include or reference supporting research or information.

Refer to Section 31c above.

**32 d. Is the threat only suspected? Give Details.**

Refer to Section 31d above.

**32 e. Does the threat only affect certain patches? Give Details.**

Refer to Section 31e above.

**33. Identify FUTURE threats to the ecological community indicating whether they are *actual* or *potential*. For each threat describe:**

**33 a. How and where it impacts on this ecological community.**

The threats referred to in Section 31 are likely to continue into the future, unless additional management practices or policies are implemented.

**33 b. What its effects have been so far.** Indicate whether they are known or suspected; provide supporting information or research.

Refer to Section 31b above.

**33 c. What its expected effects are in the future.** Include or reference supporting research or information.

Refer to Section 31c above.

**33 d. Is the threat only suspected? Give Details.**

Refer to Section 31d above.

**33 e. Does the threat only affect certain patches? Give Details.**

Refer to Section 31e above.

**34. Identify any natural catastrophic event/s, explain its likely impact and indicate the likelihood of it occurring (e.g. a drought/cyclone in the area every 100 years). Catastrophic events are those with a low predictability that are likely to severely affect the ecological community.**

- Major drought causing dieback in the community resulting in reduction in species diversity, this would most likely by a 1:100 year event.
- Major flooding causing dieback in the community and resulting in future changes to community composition, this would most likely by a 1:100 year event.
- Major wild fire resulting in destruction of existing patches. Due to the fragmented nature of this community and generally sparse vegetation structure, this is unlikely to occur over a large scale within the community.

**35. Identify and explain any additional biological characteristics particular to the community or species within it that are threatening to its survival (e.g. low genetic diversity). Identify and explain any models addressing survival or particular features.**

No additional biological characteristics are relevant to the nominated community.

**35 a. How does it respond to disturbance?**

This would depend on the patch size, condition, and connectivity to other remnants. Depending on the surrounding land use, larger patches with good connectivity would generally be more resilient, with less weed invasion, and recover more quickly.

**35 b. How long does it take to regenerate and/or recover?**

Not entirely known, but a significant time would be required for regeneration of this community as it is dependent upon the species remaining dormant in the soil seedbank, and accessibility to other remnants from which re-seeding can occur. In the absence of significant weed invasion, grasses and groundcovers may regenerate quickly. However regeneration of canopy species would take a significant timeframe.

**Threat Abatement and Recovery**

**36. Identify key management documentation available for the ecological community, e.g. recovery plans, conservation plans, threat abatement plans or site specific management plans (e.g. for a reserve).**

No specific documentation is available for this community regarding threat abatement and recovery. However the NSW VIS database provides basic information on recovery planning for each community ID.

**37. Give an overview of how threats are being abated/could be abated and other recovery actions underway/proposed. Identify who is undertaking these activities and how successful the activities have been to date.**

Recovery planning recommendations contained in the NSW VIS database for community IDs 56 and 244, provide the following recommendations:

56

- Requires greater protection under catchment management plans
- Requires better sampling under property agreements

244

- Limit further clearing of this community under various catchment management plans
- Encourage regrowth and improvement of condition of remnants through incentive payments
- Secure long term property agreements over some sites

**38. What portion of the current extent of the ecological community is protected in a reserve set aside for conservation purposes?**

| Community ID | Represented in Reserve | Plan of Management | Proportion in Reserve (ha) |
|--------------|------------------------|--------------------|----------------------------|
| <b>NSW</b>   |                        |                    |                            |
| 56           | Boomi West NR          | PoM 2003           | 10                         |
|              | Gamilaroi NR           | PoM 2004           | 4                          |
|              | Boomi NR               | PoM 2003           | 5                          |
|              | Killarney SCA          | -                  | 20                         |
|              | Macquarie Marshes NR   | PoM 1993           | 200                        |
|              | Bobbiwaa SCA           | -                  | 50                         |
|              | Boronga NR             | PoM 2003           | 10                         |
| 244          | Boomi West NR          | PoM 2003           | 54                         |
|              | Budelah NR             | PoM 2010           | 22                         |
|              | Boronga NR             | PoM 2003           | 20                         |
|              | Boomi NR               | PoM 2003           | 30                         |
|              | Midkin NR              | PoM 2005           | 190                        |
| Sub-total    |                        |                    | 615                        |
| <b>QLD</b>   |                        |                    |                            |
| 11.3.17      | Carnarvon NP           | MP 2005            | 380                        |
|              | Culgoa Floodplain NP   | MP 1998            |                            |
| 11.3.2       | Carnarvon NP           | MP 2005            | 6322                       |
|              | Expedition NP          | -                  |                            |
|              | Chesterton Range NP    | -                  |                            |

|          |                               |              |                                       |
|----------|-------------------------------|--------------|---------------------------------------|
|          | Homevale NP                   | -            |                                       |
|          | Tregole NP                    | MP 1998      |                                       |
|          | Nuga Nuga NP                  | -            |                                       |
|          | Isla Gorge NP                 | -            |                                       |
|          | Blackdown Tableland NP        | -            |                                       |
|          | Alton NP                      | -            |                                       |
|          | Narrien Range NP              | MP 2011      |                                       |
|          | Dipperu NP (Scientific)       | MP 2011      | 130                                   |
|          | Taunton NP (Scientific)       | MP 2011      |                                       |
|          | Epping Forest NP (Scientific) | MP 2011      |                                       |
|          | Dawson River CP               | -            | 50                                    |
|          | Carraba CP                    | -            |                                       |
|          | Homevale CP                   | -            |                                       |
|          | Lake Broadwater CP            | -            |                                       |
|          | Expedition RR                 | -            | 1645                                  |
|          | Homevale RR                   | -            |                                       |
|          | Bouldercombe Gorge RR         | -            |                                       |
| 11.4.7   | Erringibba NP                 | -            | 209                                   |
|          | Humbolt NP                    | -            |                                       |
|          | Alton NP                      | -            |                                       |
| 11.4.10  | Southwood NP                  | MP 1998      | 1606                                  |
|          | Bendidee NP                   | -            |                                       |
| 11.4.12  | No Representation             | NA           | -                                     |
| 11.8.15  | No Representation             | NA           | -                                     |
| 11.9.7   | Carnarvon NP                  | MP 2005      | 650                                   |
| 11.9.10  | Carnarvon NP                  | MP 2005      | 48                                    |
|          | Tregole NP                    | MP 1998      |                                       |
|          | Chesterton Range NP           | -            |                                       |
|          | Homevale NP                   | -            |                                       |
|          | Morven CP                     | -            | 6166                                  |
| 12.12.26 | NP                            | ?            | 349                                   |
| 6.4.3    | Thrushton NP                  | -            | 120                                   |
|          | Narkoola NP                   | -            |                                       |
|          | Narkoola NP (Recovery)        | -            | 4                                     |
| 6.5.3    | Thrushton NP                  | -            | 8579                                  |
|          | Narkoola NP                   | -            |                                       |
|          | Culgoa Floodplain NP          | MP 1998      |                                       |
|          | Tregole NP                    | MP 1998      |                                       |
|          | Narkoola NP (Recovery)        | -            | 581                                   |
|          |                               | Sub-total    | 26839                                 |
|          |                               | <b>Total</b> | <b>27454 (1.8% of current extent)</b> |

NR – Nature Reserve  
 SCA – State Conservation Area  
 NP – National Park  
 CP – Conservation Park  
 RR – Resources Reserve

NSW figures derived from VIS Classification Database and Benson *et al.* (2006)  
 QLD figures derived from REDD Database RE v.7, Sub-region v.5 (2009)

**38 a. Which of these reserves are actively managed?**

While parts of these National Parks may be actively managed, no information has been located indicating that the nominated ecological community receives any active management.

**38 b. Give details including the name of the reserves, and the extent the ecological community is protected within these reserves and whether the reserves are permanent.**

Refer to Section 38 for details on names of reserves and extent of the nominated community contained within them.

In NSW:

- Protection under National Parks is permanent.
- Protection under Nature Reserves is permanent.
- Protection under State Conservation Areas aims to conserve significant or representative ecosystems, however mineral and petroleum exploration may be permitted within SCAs. The status of SCAs is reviewed every 5 years to determine if they should be listed as a National Park or Nature Reserve.

In Qld

- Protection under National Parks and Conservation Parks is permanent.
- Resources Reserves are similar to NSW SCAs in that mineral and petroleum exploration may be permitted.

**38 c. Note which, if any, reserves have management plans and if they are being implemented.**

See table above in Section 38.

**39. Give locations of sites for proposed management, preferably that have been identified in recovery plans and key sites considered to demonstrate those remnants of highest quality and/or most under threat.**

Insufficient information available to clearly identify which remnants within the nominated community should be prioritised for active management. Refer to management plans mentioned in Section 38 table for any management actions that may be relevant to the nominated community.

**40. Give details of recovery actions that are or could be carried out at the local and regional level, e.g. develop and implement management plan for the control of specific weed species (regional), undertake weeding of known sites (local).**

In addition to the recovery planning measures referred to Section 37, the following actions could be undertaken at a local and regional level.

- Weed control on patch edges, targeting particularly invasive or noxious weeds

- Implement buffer zones for regeneration to improve patch perimeter to area ratio and resilience
- Active regeneration works to form linkages between patches and broader vegetation corridors, to improve diversity and fauna movement between patches

**41. Is there an existing support network for the ecological community that facilitates recovery? e.g. an active Landcare group, Conservation Management Network.**

No specific support networks to the nominated community were identified. However throughout NSW and Queensland programs such as Landcare and Land for Wildlife are active in combining the resources of volunteers, local government, catchment management authorities, and private landholders to restore biodiversity values on public and private land. With appropriate information and support these groups provide a potential starting point for such a network.

**42. Describe methods for identifying the ecological community including when to conduct surveys, e.g. season, time of day, weather conditions; length, intensity and pattern of search effort; and limitations and expert acceptance; recommended methods; survey-effort guide. Include references.**

No specific ID methods would be required for identifying this community. Vegetation mapping and classification information on the nominated community, from the NSW VIS database and Queensland REDD database, should be sufficient to identify this community in the field.

**43. Are there other any aspects relating to the survival of this ecological community that you would like to address?**

No additional aspects relating to the survival of this ecological community need to be addressed.

## **Section 4 - Indigenous Cultural Significance**

**44. Is the ecological community, or key species within the ecological community, known to have cultural significance to Indigenous groups within the Australian jurisdiction? If so, to which Indigenous groups? In addition, please provide information on the nature of this significance.**

Due to the distribution of the nominated community covering a large area throughout NSW and Queensland, Indigenous Cultural Significance has not been assessed as part of this nomination. Assessment of cultural significance within areas containing the nominated community would need to be assessed on a case-by-case basis.

## **Section 5 - Justification for this nomination**

In order for the nomination to be considered further, one or more of the following criteria needs to be fulfilled and substantiated. A clear case for why the ecological community is eligible for listing under the criteria is required, including evidence as to how it meets the requirements for listing under a particular listing category, e.g. 'David et al. (1999) finding of 95% decline in geographic distribution suggests it should be listed as critically endangered'.

At least one criterion must trigger the thresholds of a listing category as indicated in the TSSC Guidelines, but the nomination does not need to be eligible for listing under all six criteria. Criteria may be of different levels of listing category e.g. Criterion 1 – critically endangered and Criterion 3 – vulnerable.

**45 Provide data that demonstrates why the ecological community meets at least one of the following criteria for the nominated listing category. This data may already have been provided in previous sections. Please refer to the data again and demonstrate how it specifically meets at least one of the following criteria. Advice on how to interpret the listing criteria is provided in the Guidelines.**

### **Criterion 1: Decline in geographic distribution.**

As discussed in Section 14 (a-c) the nominated community has suffered a substantial decline in geographic distribution since European settlement, due to grazing and cropping within fertile alluvial plains. The community is estimated to have declined by approximately 76% nationally, since European settlement, with substantial declines occurring between the 1970s and 1980s, and to a slightly lesser degree in the 1990s.

### **Criterion 2: Small geographic distribution coupled with demonstrable threat.**

Even though the nominated community is distributed over a large area throughout NSW and Queensland, it has been heavily cleared for agriculture and only occupies isolated patches in the landscape, with few large areas of significant remnants left. As a result the remaining patches are highly fragmented, with a high edge to area ratio, making them susceptible to secondary threats, other than major clearing, that further reduce the integrity of remnants.

### **Criterion 3: Loss or decline of functionally important species.**

As discussed in Sections 18 and 19 the community is in poor condition due to the substantial alterations that it has sustained in both its species composition and structure since European settlement. Major impacts on this community, such as broad acre clearing, have resulted in large numbers of species being removed from the landscape reducing functionality of remnants. Information is not available on the loss of specific functionally important species, as past and current impacts target the community as a whole.

### **Criterion 4: Reduction in community integrity.**



As discussed in Section 19, clearing has been and still is the major threat to this community, which entirely removes species from the landscape and severely disrupts essential ecological services. For example only 1.8% of the nominated community is protected within conservation reserves, and approximately 84% occurring on private land in Queensland. Therefore the majority of the community is still under threat from further clearing. The resulting fragments of the community after clearing are in turn placed at greater risk to secondary impacts from livestock, weed invasion, irrigation, soil erosion etc.

**Criterion 5: Rate of continuing detrimental change.**

As discussed in Section 14d and above in Criterion 4, the majority of the nominated community occurs on private land, and is poorly represented in protected areas. Even with current policies in place that regulate the extent of vegetation clearing on private land, without listing this community under threatened species legislation, or active management to conserve this community on private land, the extent of this community will continue to decline.

**Criterion 6: Quantitative analysis showing probability of extinction.**

No data is available to address this criterion.

## Section 6 - References

Note: The opinion of appropriate scientific experts may be cited (with their approval) in support of a nomination. If this is done the names of the experts, their qualifications and full contact details must also be provided in the reference list below. Harvard style of referencing is preferred.

### 44. Please provide copies of key documentation/references used in the nomination.

Accad, A; Neldner, V.J; Wilson, B. A; and Niehus, R.E. (2012) *Remnant Vegetation in Queensland. Analysis of remnant vegetation 1997-2009, including regional ecosystem information*, Queensland Department of Science, Information Technology, Innovation and the Arts: Brisbane.

Benson *et al.* (2006). *New South Wales Vegetation Classification and Assessment: Part 1 Plant communities of the NSW Western Plains*, Cunninghamia Vol. 9(3).

Benson *et al.* (2008). *New South Wales Vegetation Classification and Assessment: Part 2 Plant communities of the NSW South-western Slopes Bioregion and update of NSW Western Plains plant communities, Version 2 of the NSWVCA database*, Cunninghamia Vol. 10(4).

Benson *et al.* (2010) *New South Wales Vegetation classification and Assessment: Part 3 Plant communities of the NSW Brigalow Belt South, Nandewar and west New England Bioregions and update of NSW Western Plains and South-western Slopes plant communities, Version 3 of the NSWVCA database*, Cunninghamia Vol. 11(4).

NSW National Parks and Wildlife Service (2003) *The Bioregions of New South Wales: their biodiversity, conservation and history*, NSW National Parks and Wildlife Service, Hurstville.

NSW VIS Classification 2.1 <http://www.environment.nsw.gov.au/NSWVCA20PRapp/default.aspx>  
Accessed March 2013

Queensland REDD Database V.6.1 & 7.1 (2013)  
[http://www.ehp.qld.gov.au/ecosystems/biodiversity/regional-ecosystems/how\\_to\\_download\\_redd.html](http://www.ehp.qld.gov.au/ecosystems/biodiversity/regional-ecosystems/how_to_download_redd.html)  
Accessed March 2013

Sattler and Williams (1999). *The Conservation Status of Queensland's Bioregional Ecosystems*, Environmental Protection Agency, Queensland Government.

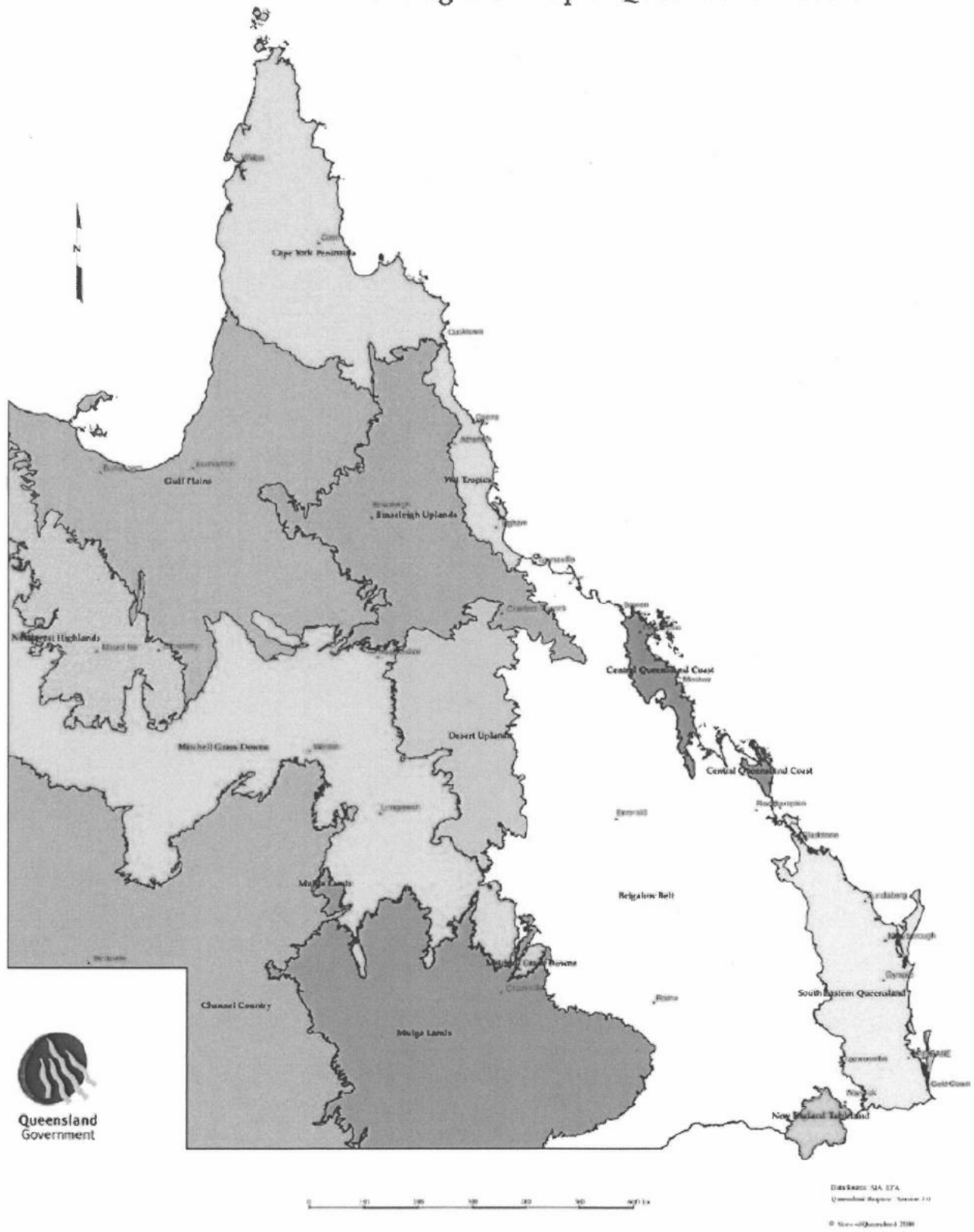
Sivertson & Metcalfe (1995). *Natural vegetation of the southern wheat-belt (Forbes and Cargelligo 1:250 000 map sheets)*, Cunninghamia Vol. 4(1).

Sivertson & Metcalfe (2003). *Natural vegetation of the New South Wales Wheat-belt (Cobar-Nyngan-Gilgandra, Nymagee-Narromine-Dubbo 1:250 000 vegetation sheets)*, Cunninghamia Vol. 8(2).

### 45. Has this document been reviewed and/or have relevant experts been consulted? If so, indicate by whom and provide their contact details.

This nomination was prepared by ecologist Tim Mouton, with significant input from Bruce Wilson from the Queensland Herbarium and John Benson from the Royal Botanic Gardens and Domain Trust. Humane Society International staff reviewed the nomination prior to submission.

### Bioregional Map of Queensland V0001.





**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**

MC17-019152

s11c

EDO NSW  
5/263 Clarence Street  
SYDNEY NSW 2000

07 NOV 2017

Dear s11c

Thank you for your correspondence concerning the nomination of the Poplar Box Grassy Woodland on Alluvial Plains for inclusion on the list of threatened ecological communities under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

With regard to the potential listing of the Poplar Box Grassy Woodland on Alluvial Plains ecological community as threatened under the EPBC Act, I can confirm that the Threatened Species Scientific Committee has completed their assessment and provided me with their advice. To allow me to appropriately consider the listing advice and the public comments received, I have deferred my decision on whether or not to list this community until 3 March 2018. These particulars have been published on the Department's website at <http://www.environment.gov.au/biodiversity/threatened/nominations/extensions>.

With regard to your comment about other threatened species listings in 2017, I am pleased to inform you that on 15 August 2017 I amended the list of threatened species to:

- list *Argynnis hyperbius inconstans* (Australian Fritillary) as Critically Endangered;
- list *Grevillea bracteosa howatharra* as Critically Endangered;
- list *Phascogale tapoatafa kimberleyensis* (Kimberley brush-tailed phascogale) as Vulnerable; and
- transfer *Hypotaenidia sylvestris* (Lord Howe Woodhen) from Vulnerable to Endangered.

You can view the complete list of changes made since the commencement of the Act by date of Gazette on the Department's website at <http://www.environment.gov.au/cgi-bin/sprat/public/publiclistchanges.pl>.

Thank you for raising this matter with me.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J Frydenberg', written over a horizontal line.

JOSH FRYDENBERG

# s22

---

**From:** s47F [redacted]@nff.org.au  
**Sent:** Friday, 10 March 2017 4:55 PM  
**To:** EPBC Nominations <EPBCNOM@environment.gov.au>  
**Subject:** Poplar Box Grassy Woodland on Alluvial Plains ecological community

To whom it may concern:

Please find attached the National Farmers' Federation submission regarding the invitation for public comment on a national listing assessment of the Poplar Box Grassy Woodland on Alluvial Plains ecological community.

Thank you,

s47F

Policy Officer – Natural Resource Management | National Farmers' Federation | T (02) s47F |

Locked Bag 9 Kingston ACT 2604 | 14 Brisbane Avenue, Barton ACT

s47F @nff.org.au | [www.nff.org.au](http://www.nff.org.au) | [@NationalFarmers](https://twitter.com/NationalFarmers)



Australian Farmers - Leaderboard - Green



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<http://www.mailguard.com.au/mg>



10 March 2017

s22

Director, Ecological Communities Section  
Department of the Environment and Energy  
GPO Box 787  
Canberra ACT 2601

Email: [epbc.nominations@environment.gov.au](mailto:epbc.nominations@environment.gov.au)

Dear s22

**Re: Invitation for public comment on a national listing assessment – Poplar Box Grassy Woodland on Alluvial Plains Ecological Community**

The National Farmers' Federation (NFF) thanks you for the opportunity to make comment on the national listing assessment of the Poplar Box Grassy Woodland on Alluvial Plains Ecological Community (herein the EC).

The NFF is the peak national body representing farmers and, more broadly, agriculture across Australia. The NFF's membership comprises of all Australia's major agricultural commodities. Operating under a federated structure, individual farmers join their respective state farm organisation and/or national commodity council. These organisations collectively form the NFF.

The information available for public consultation does not provide any quantified assessment of the extent, distribution and quality of the EC. Indeed, it highlights that additional ground-truthing and mapping is required to better understand the full range, size and distribution and verify if a particular site meets the required key diagnostic characteristics and minimum condition thresholds to be the described ecological community.

Ultimately, the cost of ground-truthing will fall on the landholder, who will be required to seek to determine if approval is required for any new activity that could significantly impact upon larger, good quality patches of woodland.

Based on the information provided, in NFF's view, it is highly unlikely that an individual farmer would be able to assess their responsibilities under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). A very broad ranging definition, lack of clarity in spatial distribution and complex diagnostic characteristics makes it difficult to determine if the landholder has the EC. Methods to determine condition thresholds are complex, and guidance materials as to whether proposed new actions are likely to have a significant impact are weak. Assuming awareness of the possibility of the EPBC Act applying, to fully understand their responsibilities, a farmer would have to commission expensive expert advice and ultimately refer a proposed activity to receive certainty. This process is expensive and cumbersome.

Appendix A does not adequately analyse the ongoing risks to the EC from stated threats such as land clearing. Rather than present evidence of continued or anticipated clearing of the EC for agricultural purposes the consultation material refers only to clearing that has historically occurred. Further, the

consultation materials note that there is no specific information on which to assess the rate of continuing detrimental change. In NFF's view, this is not sufficiently robust to warrant listing.

NFF takes this opportunity to echo the calls of our members, NSW Farmers' on the importance of proactive investment in restoring and improving native habitats, whether they be on private or public lands – rather than adopt the regulatory focused approach that is triggered by an EPBC listing.

We would be more than happy to discuss this matter in further detail if you require. In the first instance, please contact Manager of NRM Policy s47F [REDACTED] or s47F [REDACTED]

Yours sincerely



**Chief Executive Officer**

# s22 - material irrelevant to scope

---

**From:** s47F [redacted] [@nswfarmers.org.au](mailto:[redacted]@nswfarmers.org.au)  
**Sent:** Friday, 10 March 2017 3:20 PM  
**To:** EPBC Nominations <[EPBCNOM@environment.gov.au](mailto:EPBCNOM@environment.gov.au)>  
**Cc:** s47F [redacted] [@nswfarmers.org.au](mailto:[redacted]@nswfarmers.org.au)>  
**Subject:** NSW Farmers' Association Box Poplar EC Listing Submission

Dear Sir/Madam

Please find attached NSW Farmers' Association's submission regarding the proposed listing of Poplar Box Grassy Woodland on Alluvial Plains as a threatened ecological community.

Kind regards

**s47F**

NSW Farmers | Policy Advisor – Environment

T: s47F [redacted] [d@nswfarmers.org.au](mailto:[redacted]@nswfarmers.org.au) | [www.nswfarmers.org.au](http://www.nswfarmers.org.au)

F4LR.jpg





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If you have received this email in error, please immediately advise the sender by return email and delete the message from your system. The NSW Farmers' Association respects your privacy. Our privacy policy can be accessed from our [web site](#).

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s22

10 March 2017

Ecological Communities Section  
Protected Species and Communities Branch, Wildlife, Heritage and Marine Division  
Department of Environment and Energy  
GPO Box 787  
Canberra ACT 2601

Dear s22

**Re: Invitation for public comment on a national listing assessment – Poplar Box Grassy Woodland on Alluvial Plains Ecological Community.**

NSW Farmers appreciates the opportunity to respond to the Department of Environment and Energy's invitation for public comment on a national listing assessment regarding Poplar Box Grassy Woodland on Alluvial Plains Ecological Community.

NSW Farmers is Australia's largest state farming body, representing the majority of commercial farm businesses in NSW, ranging from broad acre, meat, dairy, wool and grain producers, to more specialised producers in the horticulture, egg, pork, oyster and goat industries. There are more than 48,266 farm businesses in NSW, employing 65,716 people and contributing \$24,563 million to the NSW economy per annum. Responsible and considered management of the environment in regional NSW is fundamental to the success of NSW farming enterprises, and the families who own and operate them.

NSW Farmers opposes the proposed listing. It is an unnecessary duplication of state environmental regulation, and will place an unfair burden on primary producers as well as restrict what would otherwise be sustainable land management practices. NSW Farmers does not support the EPBC listing process, and it is not clear how or where the farming community's input is considered throughout this process.

It is imperative that there is alignment of Federal and State legislation. Farmers cannot be expected to wade through complex layers of conflicted Acts and regulations to determine if they are acting lawfully or not.

The NSW Government has recently reformed its biodiversity and native vegetation management laws (to commence on July 1<sup>st</sup> this year). NSW Farmers has long been pushing for reform to vegetation management, to restore the balance between conservation of certain species and the costs borne by farmers to provide that conservation for the community. There are many other aspects of our policy position also, such as the perverse environmental outcomes that occur when conservation laws are over-reaching. Whilst it is very much the very early stages of this reform, and there are many issues that are yet to be resolved, the reform is supposed to be a re-balance after twenty years of



recognised unfair and ineffective policy arrangements. The Federal Department listing process undermines the purpose and intent of these much needed changes.

The material provided for public consultation on the Poplar Box Grassy Woodland on Alluvial Plains ecological communities provided very limited information and no quantified assessment about the extent, distribution and quality of the ecological community. No information is available as to which threats are particularly relevant to particular areas.

The draft advice notes that the Poplar Box Grassy Woodland is estimated to have declined by at least 76% due to clearance, mainly in the past, for agricultural and pastoral activities. There is not however, any assessment or evidence of continued clearing threats, drawing into question whether or not this is actually a threat. Further there is no consideration of the important aspects of the 'remaining patches' that are further degraded/impacted by invasive pest plants and animals, nor how the proposed listing would ultimately improve this outcome. There is no information about what the listing would achieve or aims to achieve.

NSW Farmers also notes that the draft advice encourages landholders to "seek advice" to determine if approval is required for any new activity that could significantly impact upon larger, good quality patches of woodland. It seems unlikely that a landholder would be able to complete an impact assessment by themselves. NSW Farmers is of the view that advice available to landholders is often expensive or otherwise limited and the general lack of guidance materials pertaining to whether proposed new actions are likely to have a significant impact are severely lacking. Farmers in general have very little knowledge of the EPBC requirements.

It is not reasonable to expect landholders to simply be aware of this information particularly when there is a significantly large and complex web of regulation and policy at a state level. It is furthermore burdensome when considering that farmers meet the costs of upholding federal listing requirements for no compensation or even recognition. We believe there are far better ways to improve and conserve significant ecological communities in Australia, one example would be working with the State Governments' biodiversity trust (or equivalent for each state) which recognises and compensates landholders for their environmental stewardship activities. As on-the-ground environmentalists and business owners who rely on healthy and functioning ecosystems, our members believe far better environmental outcomes can be secured through this pathway.

NSW Farmers is aware that listing under the EPBC Act triggers regulation of activities and consistent with the Commonwealth Government's commitment to better regulation, a comprehensive consideration of available

**NSW Farmers' Association**



options, including non-regulatory options, and our strong recommendation is that at the very least, an impact assessment should be conducted prior to formal listing.

We would be happy to meet with the Department of Environment and Energy regarding the proposed national listing assessment of Poplar Box Grassy Woodland on Alluvial Plains Ecological Community to further discuss the practical implications of such a listing on the farmers of NSW, and also our alternative options as indicated above that we believe would assist the Federal Government to contribute proactively to a better environment for NSW.

Our Policy Director – Environment, s47F on (02) s47F is the most appropriate contact for this item.

Yours faithfully

s47F

**Chair of the NSW Farmers Association Conservation and Resource Management Committee**

# s22 - material irrelevant to scope

---

**From:** s47F [redacted]@nswic.org.au  
**Sent:** Tuesday, 7 March 2017 3:59 PM  
**To:** EPBC Nominations <EPBCNOM@environment.gov.au>  
**Cc:** s47F [redacted]@nswic.org.au  
**Subject:** NSWIC Submission – National Listing Assessment (Poplar Box Grassy Woodland on Alluvial Plains Economical Community)

Dear s22 [redacted]

Re: **NSWIC Submission – National Listing Assessment (Poplar Box Grassy Woodland on Alluvial Plains Economical Community)**

Please find attached the submission of the NSW Irrigators' Council to the National Listing Assessment.

We would appreciate if you can confirm receipt of our submission.

Kind Regards,

**s47F**

**NSW Irrigators' Council**

PO Box R1437

Royal Exchange NSW 1225

Tel: 02 s47F [redacted]

Mobile:

[www.nswic.org.au](http://www.nswic.org.au)

Level 9, 15-17 Young Street, SYDNEY

7 March 2017

Ecological Communities Section

c/o s22

Protected Species and Communities Branch, Wildlife, Heritage and Marine Division

Department of Environment and Energy

GPO Box 787

CANBERRA ACT 2601

Dear s22,

**RE: Public comment – National Listing Assessment (Poplar Box Grassy Woodland on Alluvial Plains Economical Community)**

The NSW Irrigators' Council (NSWIC) appreciates the opportunity to provide comments to the national listing assessment for the Poplar Box Grassy Woodland on Alluvial Plain Ecological Community.

NSWIC represents irrigators and the irrigation industry. The Council has 25 member organisations which include valley water user associations, food and fibre producers, irrigation corporations and commodity groups from the rice, cotton, dairy and horticultural industries. The Council supports the development and growth of sustainable irrigated agriculture and as such, we will concentrate our response on those aspects of the assessment that could impede on food and fibre production in NSW.

In broad, NSWIC would like to express its concerns about the proposed listing of the Poplar Box Grassy Woodland, as we believe it unnecessarily duplicates existing state based environmental regulation and further imposes an additional operational burden on food and fibre producers in NSW

For that reason, NSWIC supports the submission made by the NSW Farmers' Association highlighting a range of issues that warrant further investigation by the Threatened Specific Scientific Committee before a listing should be considered. NSWIC strongly urges the Committee to assess the implications of the proposed listing on food and fibre production in NSW, including the potential impediments on existing land and water management practices in the State. We are particularly concerned by the lack of information provided about the ecological communities, including its extent, distribution and quality compared to an ecological benchmark.

Sincerely,

s47F

Policy Manager  
NSW Irrigators' Council

Copy to:

To: Minister (For Decision)

Secretary  
Mr Knudson  
Mr Papps  
Ms Jonasson  
Mr Tregurtha

Chief of Staff  
s22

**AMENDMENT TO THE EPBC ACT LIST OF THREATENED ECOLOGICAL COMMUNITIES TO PROTECT THE TASMANIAN FORESTS AND WOODLANDS DOMINATED BY BLACK GUM OR BROOKERS GUM**



**Timing:** 1 December 2017 – to allow time to register the listing instrument within the 90 business day statutory timeframe and for it to become a potential target under National Landscape Phase 2

**Recommendations:**

1. That you consider the advice from the Threatened Species Scientific Committee (**Attachment B**) and public submissions (**Attachment D**), and agree with the Committee's recommendation to amend the list of threatened ecological communities by including 'Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)' in the critically endangered category.

Agreed / Not agreed

2. That you approve the advice from the Committee (**Attachment B**) as the Approved Conservation Advice for the ecological community.

Approved / Not approved

3. That you agree to the Committee's recommendation not to have a Recovery Plan.

Agreed / Not agreed

4. That you sign the Legislative Instrument at **Attachment E** to give effect to your decision; approve the Explanatory Statement for the Instrument at **Attachment F**; and sign the letters to key stakeholders at **Attachment G**.

Approved and Signed / Not signed

Minister: *Under s194(4) of the EPBC Act* Date: *5/12/17*

Comments: *I am extending the timeframe for my consideration of this listing advice from 5 Dec 17 to 4 June 2018*

|                                       |                  |   |                              |
|---------------------------------------|------------------|---|------------------------------|
| Clearing Officer:<br>Sent: 10/11/2017 | Geoff Richardson | Assistant Secretary - Protected Species and Communities Branch/<br>Biodiversity Conservation Division | Ph: 02 6274 2531<br>Mob: s22 |
| Contact Officer:                      | s22              | Director, Ecological Communities Section  | Ph: 0:<br>Mob: s22           |

**Key Points:**

1. Your statutory obligations for amending the list of threatened ecological communities are at **Attachment H**. You must consider the Committee's advice and public submissions received. Your decision must only be based on whether the ecological community meets the criteria for listing as threatened, and the effect listing may have on its future survival.

*to allow me to appropriately consider the listing advice and public comments received*

2. If listed, social and economic factors must be considered on a case-by-case basis for any projects that may require EPBC Act approval due to impacts on these forests.
3. The Threatened Species Scientific Committee concluded the 'Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)' met the criteria for listing as a nationally critically endangered ecological community. It has declined by about 90% in extent (200,000 hectares lost; see map at **Attachment C**), making it one of the most threatened ecosystems in Tasmania.
4. It was formerly extensive across northern and eastern Tasmania but the remaining patches are now more disconnected and face a severe loss of integrity because of invasion by weeds, loss of many native plant and animal species, and other threats. The Committee's conclusion is that without further national conservation efforts the ecological community will continue to decline until it is extinct at the broad scale, together with ongoing localised extinctions of many of its species and loss of the services it provides.
5. The national ecological community encompasses two vegetation communities that are recognised as threatened under Tasmanian legislation.
6. A national listing has benefits such as: raising public awareness of the ecological community; ensuring it is properly considered when planning and approving major new infrastructure works that may have a significant impact on it; and importantly, a funding target for investment in research and to help landholders and community groups maintain and restore patches on private properties.
7. Public consultation on the ecological community was undertaken in accordance with the EPBC Act. A summary of consultation and copies of submissions are at **Attachment D**. Nineteen submissions were received. Nine indicated support for the proposed listing as 'Critically endangered'. A number of responses provided information or comments pertinent to the listing assessment but did not formally state a position on the listing. One response, from the Tasmanian Farmers and Graziers Association (TFGA), did not support listing and raised concerns, mainly a perception of more regulation for farmers.
8. No concerns have been raised by other development sectors that are more likely to need to trigger referrals (e.g. roads, mining, local Government). They are experienced with threatened species in the region and at offsetting any significant impacts when seeking project approvals. State forestry and NRM agencies expressed support for a proposed listing, including submissions from Forestry Tasmania (whom noted "the listing may lead to the improved management of the community state-wide") and the Forestry Practices Authority ("the proposed listing is consistent with the current recommended management under the forest practices system and there would be essentially no change").
9. The Committee recommends that no recovery plan be prepared for the ecological community at this time (**Attachment B**, page 26) because listing plus implementation of priority actions as set out in the Conservation Advice should prevent extinction.
10. Under s194Q(4), you may extend the 90-business day period for making your decision. This must be made in writing with particulars of the extension published on the Internet. The deadline for either a listing to be in place or an extension decision is by 5 December 2017. A listing decision by 1 December would allow the ecological community to be registered and for it to be a target from the beginning of National Landcare Phase 2.



## Sensitivities and Handling

11. The Department responded to the Tasmanian Farmers and Graziers Association's (TFGA's) concerns by letter and met with them to discuss their concerns at their Launceston office. After the EPBC Act consultation period had ended, representations were also received raising the TFGA concerns:
  - The Hon. Jeremy Rockliff, Tasmanian Deputy Premier and Minister for Primary Industries and Water, to whom you replied (MC17-012094 and MC17-017785)
  - Senator Jonathon Duniam, Senator for Tasmania, to whom you replied (MC17-012733)
  - The Hon. Guy Barnett, Tasmanian Minister for Resources, who you met with on 10 August to discuss several matters, including the proposed listing (MB17-000406).
12. The key messages, as used in meetings and letter replies to date, are below:
  - Under the EPBC Act, decisions on listing are made only on the basis of protecting species and ecological communities from extinction. However, socio-economic circumstances are taken into account when approving individual projects.
  - Over the past decade, various forest and woodland ecological communities have been listed under the EPBC Act in all major agricultural regions of Australia, and all other states, except in Tasmania. To date, for each of these woodlands and forests, listing has resulted in more Australian Government funding opportunities for landowners, increased research, and nil or very minor additional regulation of the agriculture sector.
  - The main reason for only minor regulatory impact on farmers is because of EPBC Act exemptions for routine and ongoing farming activities. The Act focuses on regulating larger, more intact remnants that are most commonly impacted by major new infrastructure works.
  - State native vegetation laws regulate most clearance of threatened woodlands on farms and thus substantially reduce the need for EPBC Act referrals.
  - Because listing ecological communities recognises them as nationally significant under Commonwealth law, it opens them up to more opportunities for on-farm funding. There are currently around 500 nationally-funded projects targeted at listed ecological communities, most of which are working with farmers against common threats to farming and the environment such as weeds, invasive animal and soil loss/erosion control.
  - Improving the condition of nationally listed ecological communities on private land is currently proposed as a key outcome of the next phase of the National Landcare Program, currently open for consultation (see: [www.nrm.gov.au](http://www.nrm.gov.au)).
13. If listed the Department will work with farmer groups to improve understanding of the listing and the EPBC Act in general, and to help them explore funding opportunities, including through a special farmer factsheet (draft at **Attachment A**).
14. Additional information about the opportunities and implications of listing the ecological community is at **Attachment I**. This includes a table of funding benefits and negligible regulatory consequences of listing other woodlands in rural regions in the past decade.

**Consultation: YES**

In addition to external consultation with experts and the public, the Environment Standards, Science, Parks Australia and Domestic Emissions Reduction divisions, and the Commonwealth Environmental Water Office were consulted.

**Attachments**

- A:** Draft guide for farmers on listing benefits, opportunities and implications
- B:** Draft Conservation Advice endorsed by the Scientific Committee
- C:** Indicative distribution map of the ecological community
- D:** Consultation on the listing assessment
  - D1: Summary of consultation;
  - D2: Copies of public submissions received
  - D3: Submission from The Environment Association
- E:** Legislative instrument
- F:** Explanatory statement for the legislative instrument
- G:** Letters to key stakeholders
- H:** Statutory obligations
- I:** Further information



## **FARMERS' GUIDE TO THE TASMANIAN FORESTS AND WOODLANDS DOMINATED BY BLACK GUM OR BROOKERS GUM (*EUCALYPTUS OVATA* / *E. BROOKERIANA*)**

The *Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum* is a type of eucalypt forest community limited to Tasmania that is now protected under the national environment law.

The key national environment law is formally known as the *Environment Protection and Biodiversity Conservation Act 1999*, or EPBC Act. It aims to protect Matters of National Environmental Significance, such as internationally recognised World Heritage and Ramsar wetland sites, and nationally threatened species and ecological communities in danger of further decline.

The *Tasmanian Black Gum or Brookers Gum Forest* was found to be eligible for listing as **critically endangered**. About 90%, or over 200,000 hectares, has been cleared. Many remaining patches are now smaller, more disconnected, invaded by weeds, and have lost large habitat trees and the diversity of native plants and animals. But many good quality remnants still remain on private lands due to good stewardship by farmers.



**Forests and woodlands dominated by *Eucalyptus ovata* (black gum) near Hobart, Tasmania.** Left: good quality patch with native shrubby understorey. Right: good quality patch with native grass/sedge understorey. *Photo credit: John Vranjic, Department of the Environment and Energy.*

### What are the protected Tasmanian forests and woodlands, and where are they found?

The *Tasmanian Black Gum or Brookers Gum Forest* are distinguished by having Black Gum (*Eucalyptus ovata*) and/or Brookers Gum (*Eucalyptus brookeriana*) as the most common tree species in the canopy. It must retain a mostly native understorey, which can be variable from shrubby to sedgy or grassy, depending on the landscape position of the patch.

- Other tree species may occur in the canopy but not as commonly as Black Gum or Brookers Gum.

The forest mostly occurs on the northern slopes and eastern parts of Tasmania, including King Island. They are typically associated with poorly draining wet sites, such as lowland flats, lower slopes, gullies or seepage slopes.

- Many remnants lie outside of Tasmania's National Parks and World Heritage Areas, so aren't formally protected.
- The patches in the map below shows where the Tasmanian Black Gum or Brookers Gum Forest is most likely to be found in Tasmania.

**[Map to be inserted here – See MS17-001392 Attachment C]**

## What does national protection mean for farmers and graziers?

The national environment law is not a vegetation management law.

It has been designed to only protect Matters of National Environmental Significance from significant impacts, while avoiding unnecessary impacts on farmers and agriculture.

National environment law is about protecting Australia's unique plants, animals and landscapes that have been demonstrated to be nationally threatened. Many of the threats to conservation also affect agricultural production (like weeds), so managing them also benefits farmers.

National listing of threatened ecological communities is not about stopping farm business and won't affect farmers from continuing to do what they have been doing on their land. There are good reasons why many farmers won't be greatly affected by listing the forests.

- The threatened forest is now uncommon, so many farms won't have patches on their properties.
- Condition thresholds exclude very degraded sites from national protection. This means protection focuses on patches that remain in good condition – those that are more intact, larger, or connected to a larger remnant of native vegetation.
- The national environment law has generous exemptions for long-term and routine activities, as well as actions that were previously approved. National listings won't affect farmers from continuing to do what they have been doing on their land for many years. And if clearing was referred because of swift parrot or other threatened species habitat, for instance, and approved, then it can continue regardless of whether the forest is present and gets listed.
- Finally, only activities likely to have a significant detrimental impact on the threatened forests will need approval. Significant impacts are most likely to occur when the patch is very high quality or has some other conservation priority, for instance. These are most likely to survive into the future or to respond to restoration works or retain their diversity of native plants and provide habitats for native animals, especially threatened species such as swift parrots, quolls and the Tasmanian devil.
- If you have these protected forests on your property and want to undertake major developments or extensive clearance of the ecological community or immediately adjacent lands, you may need Australian Government approval. But in many such cases, you are more likely to get approval if you plan the proposed activity to avoid or minimise impacts on the protected ecological community. Before you make any changes to the way you use your land that could result in irreversible or long-term loss of the protected ecological community, it is best that you first check with the Department of the Environment and Energy to see whether approval is needed. See contact details below.
- Supportive farming practices have helped to keep these and other patches of native vegetation in good condition. However, some new activities or changes in land use may need Australian Government approval if they are likely to significantly affect a listed species or community.
- Farmers who have the protected ecological community on their property may also be eligible for funding to manage, protect or restore remnants through Australian Government's natural resource management programs, such as National Landcare. Talk with your local NRM agency for more advice on funding opportunities.

## Why is it important to protect these native forests?

The *Tasmanian Black Gum* or *Brookers Gum Forest* provides benefits to land productivity and people, as well as the environment. They are vital habitat for many plants and animals, including threatened swift parrots, quolls and the Tasmanian devil. Just as importantly, they are home to other species that provide ecosystem services. For example, forest birds and insectivorous bats can pollinate flowers and help to control pest insects that attack nearby crops or plantations. In addition, keeping forest vegetation intact, or replanting it, helps to minimise serious erosion and salinity problems, preventing loss of valuable topsoil from farmlands. Patches of forest also protect stock from winds and temperature extremes.

## How do I know if the protected forest is on my property?

Patches of *Tasmanian Black Gum* or *Brookers Gum Forest* are only EPBC Act protected if they meet the national description and remain in relatively good condition.

Patches must be dominated by black gum (*Eucalyptus ovata*) and/or Brookers gum (*E. brookeriana*); have a tree canopy with a crown cover of 5% or more with a minimum height of 5 metres for the dominant trees, and retain an understorey of mostly native plant species.

The condition criteria require minimum patch sizes of **half a hectare** for higher quality patches or **2 hectares** for good quality patches. The degree of quality is determined by a combination of:

- How much perennial weed cover occurs in the forest understorey (it must be at least 50% of the total vegetation cover);
- Whether important habitat trees are present (higher quality patches have at least 4 indigenous trees per hectare that have hollows and/or are large [ $>60\text{cm}$  diameter at breast height]).
- Whether the patch is connected to a larger remnant of native vegetation (the total size must be at least 2 hectares);
- A good diversity of native understorey plant species remains (15 species per 0.5 ha below a black gum canopy or 8 species per 0.5 ha below a Brookers gum canopy).

Forests that do not meet the minimum condition are not protected by national environment law (but you need to check if State laws might still apply). Isolated paddock trees, shelterbelts and windbreaks on farms, and narrow road verges, will usually be too small or too degraded to form part of the ecological community. So, many small patches left on farms and roadsides fall outside the nationally protected ecological community.

Even the presence of good condition patches does not necessarily mean an action will have a significant impact. Meeting the description and minimum condition only confirms if the protected forest is present. You can plan to avoid or mitigate impacts to the forest, as far as possible, or seek advice whether an action is exempt or could be acceptable. An impact is more likely to be significant where it unavoidably affects very large, best quality habitats. It is highly likely these would also trigger for species impacts.

## **How does protection of the *Tasmanian Black Gum or Brookers Gum Forest* affect my farming activities?**

Lawful activities that began before the EPBC Act came into effect on 16 July 2000 can continue without further Australian Government approval. If your activity began in the period between the start of the EPBC Act and protection of the ecological community, or you are proposing to commence a new activity that may have a significant impact on the ecological community, then it is best to check if approval is required by contacting the Department of the Environment and Energy.

### ***What routine farming activities do not need approval?***

Farming activities unlikely to have a significant impact on the *Tasmanian Black Gum or Brookers Gum Forest* include:

- maintaining existing fence lines, roads, access tracks, firebreaks or dams
- maintaining farm gardens and orchards
- removing individual trees for safety reasons
- installing new fences
- moving farm vehicles and machinery
- replacing and maintaining sheds, yards and other farm buildings
- protecting and maintaining natural or lawfully established pastures
- maintaining existing grazing regimes (type of livestock, stocking rates and timing of grazing)
- controlling weeds using routine methods with minimal non-target impacts
- doing minor firebreaks and routine burn-offs at appropriate times of year.

### ***What farming activities might need approval?***

Any activities that are likely to have a significant, irreversible or long-term detrimental impact on the ecological community may need Australian Government approval. These include:

- permanently clearing large and high quality areas of the protected ecological community, for instance for new cropping, or new improved pastures
- substantially changing and intensifying grazing management or fertiliser use, including expanding such activities into previously undisturbed patches of the ecological community
- building large new dams or flooding sites where good quality remnants occur
- carrying new or different weed control methods that may have significant non-target impacts
- new or altered burning regimes.

## ***Some specific examples of activities that may or may not require approval***

### *I want to build a new house/shed or other farm infrastructure*

In most cases, activities of this type are unlikely to have a significant impact on the protected forest, especially when existing sites are used.

### *I need to do essential weed control*

Weed control is unlikely to be significant if done as part of the normal farming business, and using machinery without permanent damage or degradation to the ecological community.

### *What if I need to do emergency grading, slashing or clearing during a bushfire or other emergency?*

Protecting lives and property is paramount during emergencies. The Australian Government will not enforce the national environment law if there are any impacts to protected matters as a consequence of a genuine emergency. But the Australian Government could expect reasonable efforts to rehabilitate the ecological community as far as practicable.

### *I want to build a new dam or maintain an existing dam*

Ongoing maintenance of existing dams and drains would not require approval because they are existing approved structures. Building new dams or drains also will not need approval if they avoid, or otherwise do not impact on the protected forest, for instance by being situated in degraded land or non-threatened vegetation. Small farm dams well below the minimum patch size (0.5 hectare) also may not require approval. However, large-scale dams, drainage networks and irrigation schemes may need approval if they result in significant damage or loss of patches of the ecological community.

### *I want to install a new firebreak around the perimeter of a rural property*

Building firebreaks and maintenance for rural asset protection purposes is essential for managing emergency situations. This is unlikely to have a significant impact. The only exception might be if a wide new firebreak is planned through a patch of the protected ecological community known to have high conservation values.

### *I want to maintain existing firebreaks but change how I do it*

If the protected ecological community is present in an existing firebreak, then you can continue to maintain the firebreak, as previously. However, if you want to change the maintenance regime, say from mowing or grazing to grading, and this is likely to result in some permanent loss of the protected ecological community, then you may need to seek advice on whether you would need approval. Any damage involving a large, high quality area is likely to need approval first.

### *Road maintenance works next to my property*

These works, normally done by local government, may need assessment and approval under national environment law, but councils are responsible for considering whether that is the case. Works undertaken in a way that is not likely to have a significant impact on the ecological community will not need national approval.

## **Where can I get more information?**

More information on this ecological community, its condition thresholds, threats and priority conservation actions is contained in the Conservation Advice for this ecological community at:

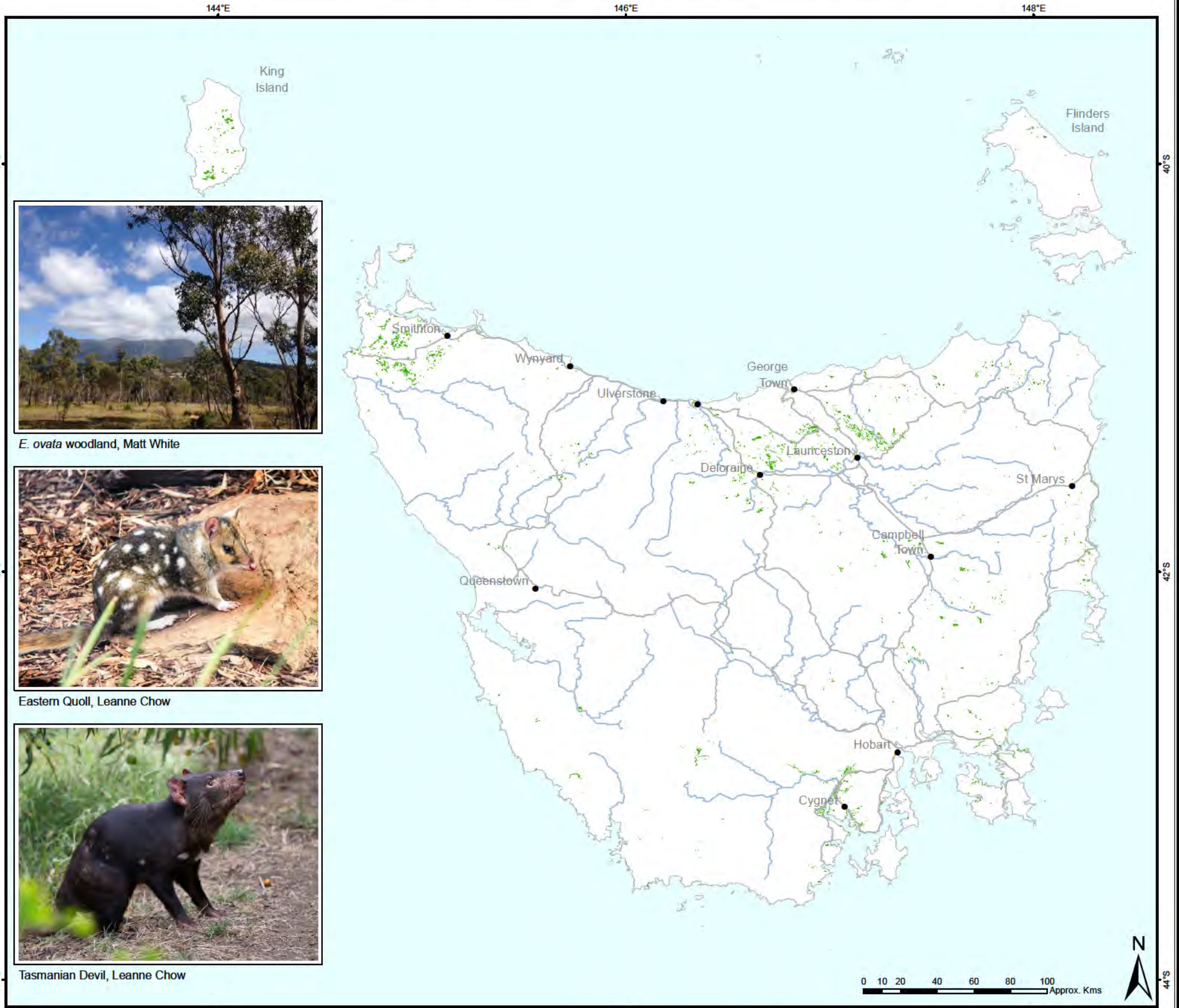
**[INSERT LINK & Dept contact details](#)**

Advice about Australian Government environmental funding programs (e.g. National Landcare, Emissions Reduction Fund) can be found online at:

<http://www.environment.gov.au/about-us/grants-funding>



# Tasmanian forests and woodlands dominated by black gum or Brookers gum (*Eucalyptus ovata* / *E. brookeriana*)



## Legend

- Ecological community likely to occur
- Major roads
- Major drainage



**This map represents likely occurrences of the ecological community. Please note - At this resolution and scale many of the data points blend together to give an artificial impression of larger intact areas than actually remain. Minimum condition thresholds help determine when a patch is considered too degraded to be protected as a 'matter of national environmental significance' under the EPBC Act, and are detailed in the Conservation Advice.**

**Method:**  
Mapped map units 'DOV', 'DOW', and 'WBR' from (1).

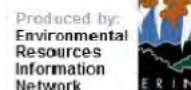
**Source:**  
Localities 1:5,000,000, © Commonwealth of Australia, Geoscience Australia, 2004.  
Roads 1:10,000,000, © Commonwealth of Australia, Geoscience Australia, 2003.  
Drainage 1:5,000,000, © Commonwealth of Australia, Geoscience Australia, 2004.  
Coastline and State borders 1:250,000 © Commonwealth of Australia, Geoscience Australia, 2006.

(1) TASVEG 3.0, Tas. DPIWPE, 2013.

**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 containing herein. The map has been collated from a range of sources, with data at various resolutions. Data used are assumed to be correct as received from the data suppliers.

**Produced by:**  
ERIN (Environmental Resources Information Network)  
Department of the Environment and Energy  
Australian Government  
Date mapped: November 2017  
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Projection: Geographic  
Datum: GDA 1994  
1:2,300,000



**Australian Government**  
Department of the Environment and Energy

**Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*) Ecological Community**

**SUMMARY OF CONSULTATION UNDERTAKEN**

**Consultation process**

Expert and public consultation about the potential listing of the *Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum* were undertaken as required under the EPBC Act. The consultation process was as follows.

- A technical workshop with key experts familiar with this ecological community.
  - Technical workshops are an initial consultation step that helps clarify what species assemblages should be included in an ecological community, what evidence is available for a scientific assessment, and what are the priority actions for recovery.
  - Panel discussions for this assessment were held during October 2015 at the offices of the Tasmanian Department of Primary Industries, Parks, Water and Environment in Hobart. The experts who attended came from a range of agencies and are identified in Table 1, below. Two members of the Threatened Species Scientific Committee (Dr Sue McIntyre and Dr David Keith) attended the workshop and chaired the panel discussions.
  - A field trip with experts to look at several sites of the ecological community was included as part of the workshop.
  - There was ongoing contact with experts since the workshop. A draft description of the ecological community based on the outcomes of the workshop was circulated to workshop participants in December 2015 for their comment prior to public consultation. Several experts provided clarifications and additional information throughout the assessment.
- Public consultation with a wide range of targeted stakeholders.
  - Key individuals and organisations were notified by email about the opportunity to comment on draft documents.
  - They were also asked to forward the invitation to comment through their networks and newsletters. Some groups published notifications about the consultation in their news bulletins to public subscribers and on social media.
  - Indigenous groups were notified via tailored emails and by telephone calls from an Indigenous officer employed by the Ecological Communities Section.
  - Documents were made available for comment on the Department's website from 14 November 2016 to 27 January 2017. This meets the statutory requirement for a minimum 30 day consultation period. Stakeholders who contacted the department seeking an extension were given extra time to respond.
  - The main document released for consultation was a complete draft Conservation Advice that proposed the ecological community merits listing as Critically Endangered, and cited supporting evidence.
  - A short, illustrated Guide to Consultation was released with the Conservation Advice. The Guide used plain language aimed at landholders to explain key points about what was proposed to be listed and what the implications of potential listing would be for landholders. The National Farmers Federation was invited to provide comment on the draft

guide prior to consultation, and responded that they considered it appropriate for landholders.

- Departmental social media about the ecological community also was released at the start of public consultation.
- No media enquiries about this assessment were received during the consultation.

The draft Conservation Advice was revised to incorporate any relevant comments, information and editorial suggestions received from consultation. Copies of submissions received were forwarded to the Threatened Species Scientific Committee, along with the revised conservation advice, in 2017.

### **Key outcomes from public consultation**

A total of 19 submissions were received during the statutory consultation period for the *Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum* (summarised in Table 1; copies of relevant submissions provided in Attachments D2 and D3).

- Nine responses expressly indicated support for listing the ecological community. They were:
  - Aboriginal Land Council of Tasmania
  - Forestry Tasmania
  - Humane Society International
  - Kingborough Council
  - North East Bioregional Network
  - NRM South
  - Tasmanian Land Conservancy
  - The Environment Association
  - Upper Meander Catchment Landcare Group
- One response expressly did not support listing the ecological community, from the Tasmanian Farmers and Graziers Association (TFGA). Their primary concern related to the perception of duplicated regulations and additional burden to farmers. The Department has responded to the TFGA about their concerns, noting that the EPBC Act has mechanisms to minimise regulatory burden, and that similar ecological community listings in other rural regions have lead to funding opportunities rather than regulation.
- The remaining responses did not explicitly state their position but did provide some comment or information. The tenor of some of these responses is consistent with acknowledging that the ecological community is facing threats and requires ongoing protection; i.e. they can be considered supportive of listing, in principle.
- Five respondents formally indicated they would not provide a submission despite being invited to do so. These included: TasWater, the Tasmanian Department of Justice, and Tasmanian Department of State Growth (responsible for State Roads). These notifications are identified in Table 1 and included with the copies of submissions received.

The Minister received official correspondence from two Tasmanian parliamentarians after the consultation period formally closed: the Hon. Jeremy Rockliff (Tasmanian Deputy Premier and Minister for Primary Industries and Water; MC17-012094); and Senator Jonathon Duniam (Senator for Tasmania; MC17-012733). Both letters expressed concerns about the proposed listing from their constituents, similar to those by the TFGA. Replies to both letters signed by the Minister have been sent.

**Table 1. Targeted public consultation: individuals and organisations directly contacted for comment**

| Group          | Organisation  | Individual | Summary of contribution to consultation<br>Blank entry = no response received.   |
|----------------|---|------------|--|
| Expert         | University of Tasmania  | S47F       |  |
| Expert         | ecological consultant; formerly FPA   |            | Attended Technical Workshop.<br>Provided feedback on the draft description of the ecological community.<br>The information was incorporated into the Conservation Advice.  |
| Expert         | University of Tasmania  |            | Informed he was unable to make detailed comment. However, he noted that <i>E. ovata</i> forests are in dire straits due to extensive clearing.<br>Response was noted.  |
| Expert         | Landcare Tasmania (Executive Officer); Natural Resource Planning (ecological consultants) |            | Attended Technical Workshop.<br>Provided data from unpublished report about the pre-European extent of the community.<br>The information was incorporated into the Conservation Advice.  |
| Expert         | North-Barker Associates (ecological consultants)  |            | Attended Technical Workshop.<br>Provided feedback on draft description and data on weed occurrence in their surveys of the community.<br>The information was incorporated into the Conservation Advice.  |
| Expert         | NRM Insights (ecological consultants)   |            | Advised she was not providing a submission.  |
| Expert         | Swift Parrot Recovery Team  |            | One researcher queried whether the team should make a submission but none was received despite reminders.  |
| Expert         | EcoTas (ecological consultants)   |            |  |
| Expert         | University of Tasmania  |            |  |
| Federal agency | Federal Dept of Agriculture and Water   |            | Submission noted the potential listing and recommended ongoing assistance to landholders through NRM networks to help with identification services, landcare funding opportunities and understanding exemptions to the EPBC Act.<br>Provided editorial comments regarding the Tasmanian Regional Forest Agreement that were incorporated into the Conservation Advice. |
| Federal agency | Federal NRM Facilitator (Vic./Tas.)-Environment   |            |  |

| Group                   | Organisation                              | Individual | Summary of contribution to consultation<br>Blank entry = no response received.  |
|-------------------------|---|------------|---|
| Indigenous organisation | Aboriginal Land Council of Tasmania       | s47F       | <b>Supported listing the ecological community.</b> Commented on the value of the ecological community to Indigenous cultures in Tasmania. The information was incorporated into the Conservation Advice.  |
| Indigenous organisation | Tasmanian Aboriginal Centre               |            |   |
| Indigenous organisation | Tasmanian Aboriginal Land and Sea Council |            |   |
| Local Govt Authority    | Break O'Day Council                       |            |   |
| Local Govt Authority    | Central Coast Council                     |            |   |
| Local Govt Authority    | Central Highlands Council                 |            |   |
| Local Govt Authority    | Circular Head Council                     |            |   |
| Local Govt Authority    | Clarence City Council                     |            |   |
| Local Govt Authority    | Derwent Valley Council                    |            |   |
| Local Govt Authority    | Devonport City Council                    |            |   |
| Local Govt Authority    | Dorset Council                            |            |   |
| Local Govt Authority    | Flinders Council                          |            |   |
| Local Govt Authority    | George Town Council                       |            |   |
| Local Govt Authority    | Glamorgan-Spring Bay Council              |            |   |
| Local Govt Authority    | Glenorchy City Council                    |            |   |
| Local Govt Authority    | Hobart City Council                       |            |   |
| Local Govt Authority    | Huon Valley Council                       |            |   |
| Local Govt Authority    | Kentish Council                           |            |   |
| Local Govt Authority    | King Island Council                       |            |   |
| Local Govt Authority    | Kingborough Council                       | s47F       | Attended Technical Workshop.<br><b>Supported listing the ecological community</b> and agreed it merits critically endangered status. Provided editorial comments on role of local government in protecting the community that were incorporated into the Conservation Advice. |
| Local Govt Authority    | Latrobe Council                           |            |   |
| Local Govt Authority    | Launceston City                           |            |   |

| <b>Group</b>          | <b>Organisation</b>                       | <b>Individual</b> | <b>Summary of contribution to consultation</b><br><b>Blank entry = no response received.</b>   |
|-----------------------|---|-------------------|--|
| Local Govt Authority  | Meander Valley Council                    |                   |  |
| Local Govt Authority  | Northern Midlands Council                 |                   |  |
| Local Govt Authority  | Sorell Council                            |                   |  |
| Local Govt Authority  | Southern Midlands Council                 |                   |  |
| Local Govt Authority  | Tasman Council                            |                   |  |
| Local Govt Authority  | Waratah-Wynyard Council                   |                   |  |
| Local Govt Authority  | West Coast Council                        |                   |  |
| Local Govt Authority  | West Tamar Council                        |                   |  |
| Non-Govt Organisation | Australian Network for Plant Conservation |                   |  |
| Non-Govt Organisation | Birdlife Australia                        | s47F              |  |
| Non-Govt Organisation | Birdlife Tasmania                         |                   |  |
| Non-Govt Organisation | Bush Heritage Australia                   |                   |  |
| Non-Govt Organisation | Greening Australia (Tasmania)             |                   |  |
| Non-Govt Organisation | Humane Society International              | s47F              | <b>Supported listing the ecological community</b> and agreed it merits critically endangered status. Recommended the minimum patch size be reduced from two to one hectare. Response noted.  |
| Non-Govt Organisation | Landcare Tasmania Inc                     |                   |  |
| Non-Govt Organisation | Markets for Change                        |                   |  |
| Non-Govt Organisation | North East Bioregional Network            |                   | <b>Supported listing the ecological community.</b> Provided detailed comments on various aspects of the Conservation Advice, especially threats and recovery actions, based upon their on-ground knowledge. Comments were incorporated into the Conservation advice or noted, as relevant. |
| Non-Govt Organisation | Tasmanian Conservation Trust              |                   |  |
| Non-Govt Organisation | Tasmanian Field Naturalists Club          |                   |  |
| Non-Govt Organisation | Tasmanian Land Conservancy                | s47F              | Attended Technical Workshop (M. Taylor).   |

| Group                 | Organisation                            | Individual | Summary of contribution to consultation<br><b>Blank entry = no response received.</b>  |
|-----------------------|---|------------|--|
|                       |   |            | <p><b>Supported listing the ecological community</b> but were not providing further comment due to their involvement in the nomination and workshop (S. Bryant).</p> <p>Noted that destruction of understorey but leaving tree canopy intact was an important issue affecting health of the community. This was noted in the Conservation Advice and information guide (A. Povey).</p> |
| Non-Govt Organisation | Tasmanian Minerals and Energy Council   |            |  |
| Non-Govt Organisation | The Environment Association             | s47F       | <p><b>Supported listing the ecological community</b> and agreed it merits critically endangered status. Provided a detailed submission with separate confidential and public parts, and a large number of attached documents. Comments were incorporated into the Conservation advice or noted, as relevant.</p>   |
| Non-Govt Organisation | Understorey Network                     |            |  |
| Non-Govt Organisation | Wentworth Group of Concerned Scientists |            |  |
| Non-Govt Organisation | WWF                                     | s47F       |  |
| NRM                   | Cradle Coast NRM                        |            |  |
| NRM                   | NRM King Island                         |            |  |
| NRM                   | NRM North                               | s47F       | <p>Attended Technical Workshop.</p> <p>Officers from the Department met with NRM North on 2 Aug 2017 to update them about the listing and discuss the implications and potential to recover the ecological community.</p>  |
| NRM                   | NRM South                               | s47F       | <p>Attended Technical Workshop (M Wright).</p> <p><b>Supported listing the ecological community.</b> Noted the value of condition thresholds that recognise patches impacted by weeds. Response noted.</p>   |
| Primary industries    | Forestry Tasmania                       | s47F       | <p><b>Supported listing the ecological community</b>, as it could lead to improved management of the community. If the Forest Practices System was sufficient for an EPBC environmental impact assessment, then forestry practices may already comply. Response noted.</p>   |

| Group              | Organisation                                       | Individual | Summary of contribution to consultation<br>Blank entry = no response received.  |
|--------------------|--|------------|---|
| Primary Industries | National Farmers Federation                        | s47F       |   |
| Primary Industries | Tasmanian Farmers and Graziers Association         |            | <b>Did NOT support listing the ecological community.</b> The submission by the TFGA pointed out various concerns over potential listing. The Department responded to the TFGA about the concerns raised.<br><br>Officers from the Department met with the TFGA in Launceston on 3 Aug 2017 to discuss their concerns over the listing. Potential benefits were noted, including government programs to support landholders who want to restore native remnants or key threatened species habitat. |
| Primary Industries | Tasmanian Irrigation                               | s47F       |   |
| Primary Industries | TasWater   |            | Advised that TasWater would not be providing a submission.  |
| Public comment     | Landholder, Upper Meander Catchment Landcare Group |            | <b>Supporting listing the ecological community.</b> Expressed concerns that the community is not being adequately protected under State laws.   |
| Public comment     |  |            | Provided submission about impacts on Tasmanian vegetation; specifically pointed out climate change as a key threat, and the problems with existing State management and laws not protecting the environment.  |
| Public comment     | Environmental Defenders Office (Tasmania)          |            | Provided submission urging a recovery plan should be prepared to enforce protection of the community.   |
| State agency       | Environment Protection Authority                   |            |   |
| State agency       | Forest Practices Authority                         |            | Attended Technical Workshop (Anne Chuter, Tim Leaman)<br>Provided comment in regard to FPA practices coordinated by several FPA ecologists. (Dr Sarah Munks). Noted that the Conservation Advice is consistent with the current recommended management of the ecological community under the forest practices system and that it provides clear guidance on identifying patches captured under the EPBC Act.  |
| State agency       | Mineral Resources Tasmania                         |            |   |
| State agency       | Private Forests Tasmania                           |            |   |
| State agency       | Tasmanian Dept of Justice                          | s47F       | Advised they were not providing a submission.   |
| State agency       | Tasmanian Dept of State Growth                     |            | Advised they (including State Roads) were not providing a submission.   |



| Group        | Organisation   | Individual | Summary of contribution to consultation<br><b>Blank entry = no response received.</b>   |
|--------------|--|------------|---|
| State agency | Tasmanian Dept of Primary Industries, Parks, Water and Environment | s47F       | Attended Technical Workshop. Provided advice on Indigenous contacts and comments on the Conservation Advice. Provided updated TASVEG descriptions and suggested editorial changes to the text. Comments were incorporated into the Conservation Advice. |
| State agency | Tasmanian DPIPWE - AgriGrowth                                      |            |   |
| State agency | Tasmanian DPIPWE - Parks and Wildlife Service                      |            |   |
| State agency | Tasmanian DPIPWE - Regional Water Managers                         | s47F       |   |
| State agency | Tasmanian Fire Service   |            |   |
| State agency | Tasmanian Planning Commission                                      |            |   |



**Commonwealth of Australia**

**Amendment to the list of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 of the *Environment Protection and Biodiversity Conservation Act 1999* (EC77)**

I, JOSH FRYDENBERG, Minister for the Environment and Energy, pursuant to paragraphs 184(1)(a) of the *Environment Protection and Biodiversity Conservation Act 1999*, hereby amend the list referred to in section 181 of that Act by:

including in the list in the **critically endangered** category:

**Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum  
(*Eucalyptus ovata* / *E. brookeriana*) ecological community**

as described in the Schedule to this instrument.

Dated this.....day of.....201

JOSH FRYDENBERG  
Minister for the Environment and Energy

## SCHEDULE

### **Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)**

The Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*) ecological community is limited to Tasmania, including the Bass Strait islands, generally in the north and east of Tasmania. The ecological community is typically associated with sites that are poorly draining and wet, such as lowland flats, lower slopes, gullies or seepage slopes.

The structure of the vegetation varies from open woodland to sclerophyll forest. A tree canopy is present in which the minimum solid crown cover is 5% or more and the dominant trees have a minimum height of 5 metres or more. The tree canopy is dominated to co-dominated by *Eucalyptus ovata* (black gum) and/or *E. brookeriana* (Brookers gum), including hybrids of *E. ovata* or *E. brookeriana* with other eucalypt species. Other tree species may be present in the canopy but are never dominant in their own right.

The understorey below *E. ovata* trees typically comprises a range of native shrubs and sedges, while the understorey below *E. brookeriana* typically has a range of broad-leaved shrubs and ferns and may include some rainforest elements. Some minor variants of *E. ovata* woodlands develop as a low, open canopy with a native heathy understorey (e.g. on more infertile near-coastal sites) or as an open woodland over native grassland (e.g. on fertile soils in the Midlands region).

The ecological community provides habitat for a variety of fauna species, including nationally threatened species such as the swift parrot (*Lathamus discolor*) and eastern quoll (*Dasyurus viverrinus*).

## EXPLANATORY STATEMENT

### *Environment Protection and Biodiversity Conservation Act 1999*

#### **Instrument under section 184(1)(a), (b)**

##### **(Issued under the Authority of the Minister for the Environment and Energy)**

The *Environment Protection and Biodiversity Conservation Act 1999* (the Act) places certain obligations on the Commonwealth to protect and conserve threatened ecological communities.

The purpose of this instrument is to amend the list of threatened ecological communities under section 181 of the Act in accordance with paragraph 184(1)(a) of the Act by including in the list in the critically endangered category:

#### **Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)**

as recommended by the Threatened Species Scientific Committee (the Committee), having regard to the definition of critically endangered and vulnerable ecological communities under subsections 182(1) and (3) of the Act.

The Committee concluded that the **Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)** ecological community met the criteria specified in Division 7.1 of the *Environment Protection and Biodiversity Conservation Regulations 2000*, as follows:

- Criterion 1 as **critically endangered** because it has undergone a very severe decline in geographic extent;
- Criterion 2 as **endangered** because its geographic distribution is restricted and the nature of its distribution makes it likely that the action of a threatening process could cause it to be lost in the near future;
- Criterion 4 as **endangered** because the reduction in integrity across most of its range is severe as indicated by degradation of the community and regeneration is unlikely in the immediate future.

On the basis of the assessment and advice of the Committee, I am satisfied that the **Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)** ecological community is eligible to be included in the **critically endangered** category. In deciding to include it in the list, I only considered matters that relate to whether the ecological community is eligible to be included in that category, and the effect that including the ecological community in that category could have on the survival of the ecological community.

Consultation to amend the list of threatened ecological communities under the Act to include and delete these ecological communities was undertaken before the legislative instrument was made in accordance with the process outlined in Part 13, Division 1, Subdivision AA of the Act. A draft assessment was placed on public exhibition, and public comments were sought as required by the Act. Parties with relevant expertise were directly consulted regarding their views. All public submissions received were forwarded to the Committee and to me for consideration.

This instrument is a legislative instrument for the purposes of the *Legislation Act 2003*.

The instrument will commence on the day after it is registered on the Federal Register of Legislation.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **Amendment to the list of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 of the *Environment Protection and Biodiversity Conservation Act 1999***

**(EC77)**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Legislative Instrument**

The purpose of this Instrument is to amend the *Environment Protection and Biodiversity Conservation Act 1999* list of threatened ecological communities by including the ‘Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)’ ecological community in the critically endangered category of the list.

The ‘Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)’ ecological community has been included in the critically endangered category of the list because it met the criterion whereby it has undergone a very severe decline in geographic extent. In addition, its geographic distribution is very restricted and the nature of its distribution makes it likely that the action of a threatening process could cause it to be lost in the near future; and the reduction in integrity across most of its range is severe as indicated by degradation of the community and regeneration is unlikely in the immediate future.

#### **Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

#### **Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**Minister for the Environment and Energy**



**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**

MS17-001392

Professor Helene Marsh  
Chair  
Threatened Species Scientific Committee  
c/- Secretariat, Species Information and Policy Section  
Department of the Environment and Energy  
GPO Box 787  
CANBERRA ACT 2601

Dear Chair

Thank you for the Threatened Species Scientific Committee's advice concerning the addition of 'Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)' to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) list of threatened ecological communities.

I have considered the Committee's advice, plus public submissions received, and have amended the EPBC Act by including the 'Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)' in the critically endangered category. As per the Committee's recommendation, a national recovery plan will not be prepared for this ecological community at this time. This is because listing will help to increase awareness regarding protection of the ecological community and the Conservation Advice provides sufficient direction to take the ecological community into account during major new developments that may impact upon it, and to guide research and recovery actions.

I would like to thank the Committee for its contribution to the identification and protection of nationally threatened ecological communities. I look forward to receiving the Committee's future advice.

Yours sincerely

JOSH FRYDENBERG





**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**

MS17-001392

The Hon. Matthew Groom MP  
Minister for Environment and Parks  
Level 10, 15 Murray St  
HOBART TAS. 7000

Dear Minister

I am writing to advise you that I have decided to list the 'Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)' as a critically endangered ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The intent of national listing is that the species and ecosystem functions within the most threatened ecological communities in Australia receive priority attention by supporting landholders with their conservation efforts; and ensuring they are taken into account when planning for major new developments.

In making my decision, I considered the advice provided to me by the independent Threatened Species Scientific Committee, as well as public submissions received. Officers from your department provided important expert input during the assessment and I am grateful for their assistance.

The Conservation Advice for this ecological community is available at: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>. This Advice provides detailed information about the ecological community, including a description, analysis of threats, and priority actions for its recovery. This will help inform environmental decision making about the ecological community, particularly in land-use planning and for any regulatory approvals. Listing also encourages potential opportunities for recovery funding under Australian Government initiatives such as National Landcare.

If your Department has any queries about this ecological community the contact in the Department of the Environment and Energy is Mr Matthew White, Director, Ecological Communities Section: phone 02 6274 2317; email: [matthew.white@environment.gov.au](mailto:matthew.white@environment.gov.au).

Yours sincerely

JOSH FRYDENBERG







**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**

MS17-001392

The Hon. Jeremy Rockliff MP  
Minister for Primary Industries and Water  
Level 10, 15 Murray St  
HOBART TAS. 7000

Dear Minister

I am writing to advise you that I have decided to list the 'Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)' as a critically endangered ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The intent of national listing is that the species and ecosystem functions within the most threatened ecological communities in Australia receive priority attention by supporting landholders with their conservation efforts; and ensuring they are taken into account when planning for major new developments.

In making my decision, I considered the advice provided to me by the independent Threatened Species Scientific Committee, as well as public submissions received. Officers from your department provided important expert input during the assessment and I am grateful for their assistance.

The Conservation Advice for this ecological community is available at: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>. This Advice provides detailed information about the ecological community, including a description, analysis of threats, and priority actions for its recovery. This will help inform environmental decision making about the ecological community, particularly in land-use planning and for any regulatory approvals. Listing also encourages potential opportunities for recovery funding under Australian Government initiatives such as National Landcare.

If your Department has any queries about this ecological community the contact in the Department of the Environment and Energy is Mr Matthew White, Director, Ecological Communities Section: phone 02 6274 2317; email: [matthew.white@environment.gov.au](mailto:matthew.white@environment.gov.au).

Yours sincerely

JOSH FRYDENBERG





**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**

MS17-001392

s11c

Humane Society International  
PO Box 439  
AVALON NSW 2107

Dear Mr Quartermain

I am writing to thank you for your nomination and advise you that I have decided to list the ‘Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*)’ as a critically endangered ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The intent of national listing is that the species and ecosystem functions within the most threatened ecological communities in Australia receive priority attention by supporting landholders with their conservation efforts; and ensuring they are taken into account when planning for major new developments.

In making the listing decision, I considered advice provided to me by the independent Threatened Species Scientific Committee, as well as public submissions received.

The Conservation Advice for this ecological community is available at: <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>. This Advice provides detailed information about the ecological community, including a description, analysis of threats, and priority actions for its recovery. This will help inform environmental decision making about the ecological community, particularly in land-use planning and for any regulatory approvals. Listing also encourages potential opportunities for recovery funding under Australian Government initiatives such as National Landcare.

If you have any queries about this ecological community the contact in the Department of the Environment and Energy is Mr Matthew White, Director, Ecological Communities Section: phone 02 6274 2317; email: [matthew.white@environment.gov.au](mailto:matthew.white@environment.gov.au).

Yours sincerely

JOSH FRYDENBERG

**FURTHER INFORMATION ON THE TASMANIAN FORESTS AND WOODLANDS  
DOMINATED BY BLACK GUM OR BROOKERS GUM (*EUCALYPTUS OVATA* / *E.  
BROOKERIANA*) ECOLOGICAL COMMUNITY**

The Threatened Species Scientific Committee (the Committee) provided its advice on this ecological community assessment to you on 28 July 2017. You have 90 business days after receipt of the Committee's advice to make a listing decision about amending the list of threatened ecological communities. The deadline for your decision, including any request to extend this deadline, is 5 December 2017.

- The EPBC Act allows you to extend the deadline for making your decision. This must be made in writing, for instance by annotations on the cover brief. Particulars of any extension must be published on the Internet.

The relevant EPBC Act provisions for decisions to amend the list of threatened ecological communities are collated at **Attachment H**.

The EPBC Act sets out the only two matters you may take into consideration in making your decision whether to list the *Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (Eucalyptus ovata / E. brookeriana)* ecological community:

- 1) Whether the ecological community is eligible to be included in a particular category.  
The Conservation Advice from the Committee provides clear, thorough evidence for why the ecological community merits listing and the appropriate category, as summarised below.
- 2) The effect that including the ecological community in that category could have on its survival.  
Listing confers various benefits upon the ecological community that are explained below.

**Whether the ecological community is eligible to be included in a particular category**

Background to the assessment

**Key message:** *This ecological community has undergone a thorough scientific assessment and is known to face several ongoing threats.*

- The *Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum* ecological community is a kind of eucalypt woodland to forest that was formerly more common across northern and eastern Tasmania.
  - Remnants are mostly associated with poorly draining, damp sites, such as lowland flats, lower slopes, gullies or seepage slopes. Those remnants that persist on farms are useful for: protecting riparian corridors from erosion; maintaining a clean water supply; and providing shelterbelts for stock and refuges for native fauna; among other key functions.
  - The forests also provide habitat for several nationally threatened species, including iconic species such as the Tasmanian devil and spotted quoll.
  - The ecological community was publicly nominated and accepted for assessment in 2013.
- It has since undergone a rigorous scientific assessment that included: a technical workshop and contact with experts and land managers familiar with the ecological community; comprehensive collation of scientific literature and management knowledge; and public consultation undertaken in accordance with the EPBC Act (see **Attachment D**).

- Departmental officers met with the Tasmanian Farmers and Graziers Association (TFGA) to discuss their concerns over the potential listing. The TFGA was the only stakeholder group to express concerns. The Department noted that many farming activities will be exempt under the EPBC Act and support measures for landholders could be available, for instance through National Landcare.

### Conclusions on eligibility

**Key message:** *The independent Threatened Species Scientific Committee found the ecological community is eligible for listing as nationally Critically endangered.*

- The EPBC Act prescribes six listing eligibility criteria. At least one criterion must be met to enable listing. If multiple criteria are met, the conservation status is the highest category met.
- The Committee identified the key threats to the ecological community to include: clearing and fragmentation of remnants; ongoing spread of weeds and feral animals; inappropriate fire regimes; and altered hydrology and water flows, including conversion to dams. Climate change is likely to compound these threats. Much of the historical clearing of the ecological community was for agriculture but presently occurs due to development and infrastructure.
- The Committee concluded the ecological community met one listing criterion as Critically endangered.
  - Criterion 1 – Decline in geographic distribution. The available evidence shows the Tasmanian Black Gum – Brookers Gum Forest has undergone a very severe decline in extent of at least 90%. This is sufficient to be eligible for listing as critically endangered.
- Another two listing criteria were assessed as meeting the Endangered category.
  - Criterion 2 – Limited geographic distribution coupled with demonstrable threat. The majority of patches are small, under 10 hectares in size, and there are ongoing threats that continue to impact on the community. Smaller patches are more vulnerable to such impacts and likely to become further degraded.
  - Criterion 4 – Reduction in community integrity. A number of features indicate a severe decline in community integrity has occurred, including: an increasingly fragmented distribution; the proximity of highly modified landscapes surrounding many patches; a loss of old growth trees, often with hollows as key habitat features, that take decades to replenish; a high degree of weed invasion; and impacts from recent fires (planned and wild). These features affect not only the quality of a site, but also functions such as capability to regenerate after disturbance.

### **The effect that including the ecological community in that category could have on its survival.**

#### Purpose of national ecological community listings

**Key message:** *A key goal of listing is to build a comprehensive and representative national list of threatened communities to prioritise conservation efforts. The recognition and listing of ecological communities as threatened fosters landscape-scale conservation, particularly outside of formal conservation areas. It complements national parks and natural heritage, but without locking up land permanently. Listing communities can protect habitats for multiple threatened species, resulting in conservation efficiencies. As listing protects entire species assemblages, including those not yet threatened, it can also help to prevent species from declining and becoming listed in the future.*

- Australia is a world leader in the conservation of threatened ecological communities and is building one of the most comprehensive national lists. The national list focuses on elements of our landscape that are most threatened and require active protection and conservation effort to ensure their continued survival. It complements protection in national parks and natural heritage areas that focus on preserving the more intact and iconic elements of Australian landscapes.
- The national list of threatened ecological communities aims to build awareness of all highly threatened ecosystems in Australia, with clear guidance on what the item is, why it is threatened, and what actions now will prevent it from being extinct in the future.
- Listing ecological communities helps protect assemblages of species that are collectively threatened, as well as the ecosystem functions, services and habitats for all native species that inhabit the community. Each individual community listing often includes habitats for multiple threatened species, leading to efficiencies in conservation effort. As the listed species assemblages also include species not yet threatened, the landscape-scale protection afforded by community listings will help to prevent species from becoming threatened over the long-term.
- There are currently 77 nationally listed threatened ecological communities, represented in all Australian states and territories. This includes several EPBC Act-listed forests and woodlands across mainland Australia, especially the sheep/wheat belt of the eastern inland plains and the Western Australian wheatbelt.
- However, no forest and woodland communities are currently listed as a matter of national environmental significance from Tasmania. The Tasmanian Black Gum – Brookers Gum Forest is recognised as among the most threatened communities within Tasmania, and is representative of forests and woodlands associated with damp sites. It therefore represents a key gap on the national list of ecological communities.

#### Benefits of listing the *Tasmanian Black Gum – Brookers Gum Forest*

**Key message:** *Listing the Tasmanian Black Gum – Brookers Gum Forest will help raise its public profile beyond its current State recognition, by acknowledging these native bush remnants are nationally significant and under threat. Listing can lead to further research and mapping and protection against any significant impacts to their survival and function. Many ecological communities provide key ecosystem services such as preventing loss of soil and maintaining clean water. A key emphasis of listing is to foster support to landholders who have these remnants through national environmental funding programs that target recovery of threatened species and ecological communities, and the management of threats that impact upon both biodiversity and production.*

- A Conservation Advice is published for each new listing with input from on-ground experts and key stakeholders. Each advice compiles considerable information about the ecological community, including guidance on what the community is, what the priority conservation actions are, and the key research gaps. This information feeds into key Government programs, such as National Landcare and the National Environmental Science Programme research hubs.
- Listing the *Tasmanian Black Gum – Brookers Gum Forest* ecological community as Critically endangered will help raise awareness among landholders about this community. Should this community be listed, the Department will contact key stakeholders and provide information (e.g. factsheets) to help raise awareness about the ecological community.
- NRM groups and landholders will be made aware of opportunities to access available funding from national environmental schemes, such as National Landcare. The intent is to provide support to people who need help to mitigate key threats and undertake restoration of vegetation remnants that contain this and related threatened ecological communities.

- Listing the *Tasmanian Black Gum – Brookers Gum Forest* ecological community helps protect not only this community but also any threatened (or migratory) native species and the ecosystem services associated with it (e.g. shelter for stock; erosion control; pollination services).
  - The ecological community provides vital habitat for at least 30 animal and 32 plant species listed as nationally threatened. They include iconic species such as the Tasmanian devil and quolls, as well as several species of ground orchids. The swift parrot is also a priority species in the Threatened Species Strategy and black gum is noted as one of the key resource trees that helps maintain its population.
  - The ecological community provides a range of ecosystem services to society and nature. They include: maintaining clean air and water and healthy soils, maintaining natural water tables in the region; reduction or control of erosion and salinity; shelter for stock; facilitation of pollination; regulation of pest insects; and storage of carbon. These services benefit many farmers and regional towns.
- National listing enhances the protection of items recognised as threatened at a State or regional level. The *Tasmanian Black Gum – Brookers Gum Forest* ecological community encompasses two related vegetation communities that are recognised as threatened under Tasmanian legislation.
  - Despite concerns about duplication of Federal and State laws, the intent of national listing is to enhance and promote recovery of items that merit protection as a Matter of National Environmental Significance. The reality is the *Tasmanian Black Gum – Brookers Gum Forest* remains Critically endangered and provides key habitat for species also recognised to be Critically endangered. A national listing would therefore support the Tasmania listings by directing Federal resources to help Tasmanian agencies and people with its recovery.
- In short, listing an ecological community under national law has key benefits.
  - It raises public awareness of newly listed ecosystems and their key threats;
  - It guides further research to improve our understanding about the ecological community and its best-practice management.
  - It supports landholders and local communities, who want to restore it and manage threats, through targeted national environmental programs.
  - Listed items become ‘matters of national environmental significance’ that trigger the protection provisions of the EPBC Act [explained further in the next section].

#### Potential regulatory impacts of listing the *Tasmanian Black Gum – Brookers Gum Forest*

**Key message:** *Ecological communities listed as Endangered or Critically endangered become ‘Matters of ‘of National Environmental Significance’. If listed, the ecological community will be taken into account for future EPBC referrals. In practice, regulation focuses on significant impacts due to large, major projects, e.g. new mines, large infrastructure works. The EPBC Act is designed to have minor impact to farmers and local businesses because most of their actions are exempt or not significant. Recent experience confirms very few EPBC referrals come from the agriculture sector, despite other ecological communities and threatened species listed in a similar region over the previous decade. Many potentially significant impacts can simply be avoided or mitigated through good planning.*



- Actions that may cause significant adverse impacts to a nationally listed ecological community or other Matter of National Environmental Significance should be referred to and approved by the Federal Environment Minister. Referrals aim to identify if there is likely to be a significant damaging impact to an ecological community early in the planning process, so they can be avoided where possible, or mitigated, or offset if impact is unavoidable.
- Only those ecological communities listed as Endangered and Critically endangered become Matters of National Environmental Significance. Items listed as Vulnerable do not trigger the EPBC Act. As the *Tasmanian Black Gum – Brookers Gum Forest* is eligible for listing as Critically endangered, it would be a Matter of National Environmental Significance, if listed.
- The EPBC Act focuses on large, major projects as these are most likely to cause significant adverse impacts. The groups who will most likely need to take account of listed ecological communities are: developers of major projects, such as major mine and gas works, and relevant state and local government authorities responsible for planning, infrastructure and development.
- The EPBC Act is intended to have minimal impact upon the agriculture sector and small business. This is due to a number of reasons.
  - The *Tasmanian Black Gum – Brookers Gum Forest* is Critically endangered and very severely reduced in extent. It simply won't be present on many farms.
  - Nationally listed ecological communities usually have condition thresholds that identify when a patch of an ecological community is too degraded to merit consideration for potentially significant impacts. The proposed listing will exclude patches that are too small (generally less than 2 hectares if moderate quality and half a hectare if high quality) or degraded (or instance if most of the understorey cover comprises weeds). In effect, it limits protection to the more intact, larger patches of an ecological community and means actions on sites defined as too degraded clearly do not need to be referred.
  - The EPBC Act has exemptions for continuing use and prior authorisation that allow ongoing activities, e.g. routine farming and Local Council road maintenance, or actions already approved, to continue. This covers most existing farm activities.
  - Most activities on farms and local businesses are carried out in line with laws and guidelines covering native vegetation and typically are not large enough to be considered a significant impact. So, native vegetation clearing on farms that is generally minor in nature will not be regulated by the EPBC Act and would not need to be referred.
  - Most extensive clearing for agriculture across northern and eastern Tasmania has already occurred in the past. The national environmental law is not concerned about past actions, only new activities. Some remaining patches are set aside as wind or shelter breaks or for amenity to protect riparian and wetland corridors and landholders are encouraged to retain these as part of good land management. As many patches on farms are degraded, most actions involving them won't need to be referred anyway.
- Only new actions likely to have a significant impact upon a threatened ecological community need to be referred for EPBC Act assessment and approval. This is most likely to happen for major, large developments, such as infrastructure works, larger housing developments or mines.
  - A significant impact may be direct (e.g. clearing) or indirect from nearby actions (e.g. disrupting natural water flows that causes a normally dry site to flood or a naturally wet area to dry out).

- Referral for approval does not mean an action will be stopped. In many cases, permission is given with no conditions, if it is properly planned. This can be done by avoiding or mitigating potentially significant impacts to listed items that are present. No actions have been prevented outright in recent years.
- Many actions that address threats, such as weed management or maintenance of fire breaks, would not need to be referred because they are either exempt (if an ongoing activity) or unlikely to be a significant impact (if undertaken properly with minimal impact to native vegetation). In fact, the proper application of threat management techniques is likely to benefit both conservation and production.
- Experience with other listings has shown there have been few referrals generally from the agricultural sector.
  - Since 1 July 2015, six ecological communities have been listed, including broad scale woodlands in southwestern Western Australia. Each of these listings did not lead to more referrals from the agricultural sector though some have resulted in referrals for major new urban and infrastructure (e.g. roadwork) developments.
  - This also applies for six key eucalypt woodlands listed as threatened since 2006 and scattered across rural Australia. Details of these are summarised in Table 1, and highlights there have been very few referrals and compliance cases involving the agriculture sector. Some listed woodland communities were targets for funding through Australian Government NRM programs to help landholders undertake recovery and conservation works.
  - With regard to Tasmania, the Lowland Native Grasslands of Tasmania was listed as Critically endangered in 2009 and has triggered few referrals. Most referred projects involved major irrigation schemes or energy projects; none were from the agricultural sector. All projects referred were approved to proceed.
- The Department works with proponents to try and ensure that referred actions can proceed where appropriate measures to protect any threatened ecological community or species are put in place. For example, a new dam may be approved subject to planning or a condition that it avoids good quality patches of the listed forest, or impacts only a minor, degraded patch to avoid significant impact. Offsets are another measure that may be used where significant impacts are unavoidable.
- If a landowner does have good quality occurrences of the ecological community on their property it indicates that their land management practices have supported the conservation of the ecological community. A continuation of sustainable land management practices are encouraged through Australian Government NRM programs and regional NRM bodies or Local Land Services (often co-funded by the Australian Government).

**Table 1.** EPBC Referral and compliance actions, and Australian Government environmental funding targeted to key eucalypt woodlands listed as nationally threatened under the EPBC Act.

| Details of EPBC-listed eucalypt woodlands in rural areas.     |             |  | Species likely to use TEC as habitat |  | Indicative No. of EPBC referrals within range of TEC (16 July 2000 - 7 Aug 2017) |   |   | Compliance                         | Australian Government funding   |
|---|-------------|--|--------------------------------------|--|--|---|---|------------------------------------|---|
| Name of woodland TEC; Jurisdictions                           | Year listed | Estimated Area lost (ha) and % decline * | a) No. of EPBC-listed species        | b) Threatened Species Strategy targets           | a) Total referrals.  | b) No. classified as "agriculture" sector | c) No. classified as "agriculture" & with TEC present | Rural sector EPBC Act enforcements | Examples of key national funding since listing  |
| <a href="#">Box Gum Grassy Woodland</a> (ACT, NSW, Qld, Vic.) | 2006        | 4,595,000 (92%)                          | 26                                   | Swift parrot; Plains wanderer; Regent honeyeater | 908  | 4   | 0   | 0                                  | <p>\$111,854,972 - Environmental Stewardship Program - 221 farmers in NSW and Queensland</p> <p>A key target of \$millions provided as regional Landcare and other grants.</p> <p>\$804,439 - 20 Million Trees Program Round 2</p> <p>\$90,000 - Threatened Species Recovery Fund (2017).</p> |
| <a href="#">Peppermint Box Grassy Woodland</a> (SA)           | 2007        | 885,000 (98%)                            | 6                                    | Silver daisy-bush                                | 34   | 0   | 0   | 0                                  | <p>\$4,738,182 - Environmental Stewardship Program - 17 farmers</p> <p>A key target of \$millions provided as regional Landcare and other grants.</p>   |

| Details of EPBC-listed eucalypt woodlands in rural areas.   |             |  | Species likely to use TEC as habitat |   | Indicative No. of EPBC referrals within range of TEC (16 July 2000 - 7 Aug 2017) |   |   | Compliance                         | Australian Government funding  |
|---|-------------|--|--------------------------------------|---|--|---|---|------------------------------------|--|
| Name of woodland TEC; Jurisdictions                         | Year listed | Estimated Area lost (ha) and % decline * | a) No. of EPBC-listed species        | b) Threatened Species Strategy targets  | a) Total referrals.  | b) No. classified as "agriculture" sector | c) No. classified as "agriculture" & with TEC present | Rural sector EPBC Act enforcements | Examples of key national funding since listing   |
| <a href="#">Grey Box Grassy Woodlands</a> (NSW, SA, Vic.)   | 2010        | 3,007,000 (85%)                          | 30                                   | Silver daisy-bush;<br>Malleefowl;<br>Regent honeyeater;<br>Red-tailed black-cockatoo;<br>Swift parrot | 248  | 1   | 0   | 1<br>(Property near Melbourne)     | \$99,601 - 20 Million Trees<br>A key target of \$millions provided as regional Landcare & other grants.<br>\$20,000 - Landcare 25th Anniversary Grants (2014-15) |
| <a href="#">Coolibah - Black Box Woodlands</a> (NSW, Qld)   | 2011        | 2,494,000 (65%)                          | 9                                    | None  | 246  | 0   | 0   | 0                                  | A key target of \$millions provided as regional Landcare and other grants.   |
| <a href="#">Eyre Peninsula Blue Gum Woodland</a> (SA)       | 2013        | 30,700 (91%)                             | 6                                    | None  | 2  | 0   | 0   | 0                                  | A key target of \$millions provided as regional Landcare and other grants.   |
| <a href="#">Eucalypt Woodlands of the WA Wheatbelt</a> (WA) | 2015        | 5,238,000 (85%)                          | 87                                   | Malleefowl;<br>Numbat;<br>Western quoll;<br>Woylie  | 10   | 1   | 0   | 0                                  | A good target for future funding rounds of the National Landcare Programme.  |

\* Note that the conservation status of these woodlands is not just based on area lost; it typically is related to the degradation and loss of function and biodiversity in remaining remnants due to a variety of threats across the full range e.g. loss of connectivity; loss of diversity of flora and fauna; increase in weeds and feral animals.

### Discussions with the Tasmanian Farmers and Graziers Association

The Department's discussions with the Tasmanian Farmers and Graziers Association noted these particular issues of concern to farmers about the *Tasmanian Black Gum – Brookers Gum Forest*.

- Perceived duplication of laws, leading to additional regulatory burden.
  - Existing State laws concern vegetation management, some of which is recognised as threatened in Tasmania. The EPBC Act, however, is not a vegetation management law but concerns protecting identified Matters of National Environmental Significance. The emphasis of national law is on protecting these threatened matters, with the Department promoting support to landholders through environmental funding programs over regulation. As noted above, there are features built into national environmental law to minimise impacts on farmers.
- Perceived unfairness to farmers given new agricultural actions are subject to referral while all forestry consistent with the Regional Forest Agreement (RFA) is exempt.
  - There is a blanket exemption for all RFA activities, but there also are generous exemptions to farmers. Only those actions that are new or a substantial change in practice, and likely to have a significant impact upon a listed ecological community or species need to be referred for approval. Many farm actions are likely to be at too small a scale to constitute significant impact. Even where this is not the case, good planning could mitigate the significance of actions, or approval is likely to be given with appropriate conditions.
- Listing will not stop farmers from developing new croplands or building more farm dams.
  - The habitat for the *Tasmanian Black Gum – Brookers Gum Forest* is likely to coincide with areas where farm dams are likely to be built. However, there are ways to build dams that would avoid or mitigate significant impacts. For instance: build dams in non-threatened vegetation, where possible, or in more degraded, poor quality sites; dams that are smaller than the minimum patch size thresholds (0.5 ha for high quality or 2 ha for good quality), including impacts of building the dam do not need to be referred. However, larger dams and irrigation schemes will need to be referred; but this is the case now because they already trigger other listed matters such as threatened species.

### **How the Department will manage a new listing**

**Key messages:** *If listed, the Department will engage with key stakeholders and provide resources to raise public awareness of the new listing. The Department's environmental assessments staff will take it into account for any active and new EPBC referrals. NRM groups will be contacted so that environmental funding programs, like National Landcare, can take account of it.*

- If you agree to list this ecological community in the Critically endangered category, the Department will continue to liaise with stakeholders to ensure that the listing is understood and that protection and recovery efforts are effective.
- The ecological community will be taken into account in future EPBC referrals where large and high quality patches of the ecological community have been identified to be present. Advice about where to obtain further information and any obligations under the EPBC Act will be communicated.
  - In particular, key stakeholders such as Tasmanian state government agencies, Landcare groups, local governments, NRM groups and the Tasmanian Farmers and Graziers Association will be notified. An information guide will be provided to these groups, and the wider public, to help them understand the ecological community and raise awareness of

funding opportunities to support conservation projects. These groups will be encouraged to disseminate the guides through their networks and newsletters.

- The Department will provide online resources on the Department's website to accompany the listing. For instance, it will publish the Approved Conservation Advice, the illustrated information guide for farmers (and general public), and a map showing the indicative distribution of the ecological community.
- The Department's online Protected Matters Search Tool and Environmental Matters Mapping Application will be updated to inform proponents if a new ecological community is likely to be present in their region.
- The Department also provides advice about Australia's threatened ecological communities, EPBC Act referral and assessment processes, and funding opportunities through its Community Information Unit (free-call 1800 803 772).
- Over the past 17 years, various forest and woodland ecological communities have been listed under the EPBC Act, in all major agricultural regions of Australia except in Tasmania. To date, for each of these woodlands and forests, listing has resulted in more Australian Government funding opportunities for landowners, increased research, and nil or very minor additional regulation of the agriculture sector. Because listing ecological communities recognises them as nationally significant under Commonwealth law, it opens them up to more opportunities for on-farm funding to address common threats to agriculture and the environment, such as invasive species and soil degradation. Improving the condition of nationally listed ecological communities on private land is currently proposed as a key outcome of the next phase of the National Landcare Program, currently open for consultation.
- Listing will give Tasmanian landholders more opportunity to access national funding that has previously been mostly available to landholders with woodlands and forests on the mainland.

The Hon Josh Frydenberg MP  
Minister for the Environment and Energy  
Parliament House  
CANBERRA ACT 2600

Dear Minister

The Threatened Species Scientific Committee has finalised its recommendation for listing as outlined in the draft Conservation Advice for the '*Tasmanian Forests and Woodlands dominated by black gum or Brookers gum (Eucalyptus ovata / E. brookeriana)*' ecological community.

This ecological community was placed on the 2013 Finalised Priority Assessment List and the Committee is required by the EPBC Act to provide its advice and public submissions received on the ecological community to you by 28 July 2017. The advice and public submissions received were considered by the Committee at its 68th meeting in June 2017. The Committee recommends that the ecological community merits listing in the **critically endangered** category.

The Committee's recommended Conservation Advice is at [Attachment 1](#) and the consolidated copies of submissions received from public consultation are at [Attachment 2](#).

Yours sincerely



Helene Marsh FAA FTSE  
Distinguished Professor  
Chair

20 July 2017

To: Minister (for decision)

**ASSESSMENT TIMEFRAME EXTENSIONS FOR SIX PLANTS AND ONE ECOLOGICAL COMMUNITY ON THE 2013 FINAL PRIORITY ASSESSMENT LIST**

**s22**

**Recommendations:**

1. **s22 - material irrelevant to scope**

2.

3. That you agree to extend the Threatened Species Scientific Committee's time for assessment of 'Eucalyptus ovata woodland and forest in Tasmania' ecological community from 30 April 2015 to 30 April 2016.

Minister:

Comments:

Agreed / Not agreed

Date:

24:8:2014

**Key Points:**

4. This brief seeks your agreement to extend the statutory deadlines for the Threatened Species Scientific Committee (the Committee) to provide its advice to you on the assessments of six plants and one ecological community for listing as threatened under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

5.

**s22**



6.

s22

7. Similarly, the Committee has requested that the assessment time for the ecological community '*Eucalyptus ovata* woodland and forest in Tasmania' be extended from 30 April 2015 to 30 April 2016 to provide for appropriate time to consider this assessment with current Committee and department resources. This ecological community was a public nomination and public consultation has not yet been initiated.
8. The department supports these requests and hereby provides these to you in writing on behalf of the Committee as required by s194P(4). These items are not currently listed under the EPBC Act. There are no expected sensitivities to these extensions, which are considered to be routine management. Further information about these items is at **Attachment A**.
9. You may extend the Committee's assessment completion time for an item by any period you think appropriate in response to a request from the Committee (s194P(3)). Relevant sections of the EPBC Act regarding the Committee's assessment timeframes and extensions are provided at **Attachment B**.
10. Should you agree to the requested extensions, the relevant amendments will be made to the dates for the assessments on the Final Priority Assessment List and information provided on the department's webpage on 'Extensions to EPBC Act listing assessment and decision timeframes'.

Geoff Richardson  
Assistant Secretary  
Protected Species and Policy Section  
Ph: 02 6274 2531  
Mob: s22  
11 August 2014

Contact Officer: s22  
Terrestrial Species Conservation Section  
Ph: 0 s22  
Mob: s22

## ATTACHMENTS

- A: Further information on items proposed for extension
- B: Sections of the EPBC Act relative to changing Committee assessment completion time

| Item | Current EPBC Act listing status | State location | State listing status | Comments |
|------|---------------------------------|----------------|----------------------|----------|
|------|---------------------------------|----------------|----------------------|----------|

s22 - material irrelevant to scope

# s22

|   |               |     |  |   |
|---|---------------|-----|--|---|
| <i>Eucalyptus ovata</i><br>woodland and forest<br>in Tasmania<br>ecological community | Not<br>listed | TAS | Listed – Threatened<br>under the <i>Nature<br/>Conservation Act 2002</i> | The nominated ecological community is a type of eucalypt<br>forest and woodland considered to be limited to Tasmania,<br>although its relationship to mainland <i>E. ovata</i> communities<br>will require investigation. The nominated ecological<br>community faces significant ongoing threats from clearing<br>and weeds. |
|---|---------------|-----|--|---|

**STATUTORY OBLIGATIONS OF THE MINISTER UNDER THE EPBC ACT  
FOR AMENDING THE LIST OF THREATENED SPECIES, ECOLOGICAL  
COMMUNITIES AND KEY THREATENING PROCESS – AND TIME BY WHICH  
ASSESSMENT TO BE PROVIDED TO THE MINISTER**

**Relevant Excerpts of the EPBC Act**

**178 Listing of threatened species**

- (1) The Minister must, by instrument published in the *Gazette*, establish a list of threatened species divided into the following categories:
  - (a) extinct;
  - (b) extinct in the wild;
  - (c) critically endangered;
  - (d) endangered;
  - (e) vulnerable;
  - (f) conservation dependent.
- (2) The list, as first established, must contain only the species contained in Schedule 1 to the *Endangered Species Protection Act 1992*, as in force immediately before the commencement of this Act.
- (3) The Minister must include:
  - (a) in the extinct category of the list, as first established, only the species mentioned in subsection (2) that were listed as presumed extinct; and
  - (b) in the endangered category of the list, as first established, only the native species mentioned in subsection (2) that were listed as endangered; and
  - (c) in the vulnerable category of the list, as first established, only the species mentioned in subsection (2) that were listed as vulnerable.
- (4) If the Minister is satisfied that a species included in the list, as first established, in:
  - (a) the extinct category; or
  - (b) the endangered category; or
  - (c) the vulnerable category;is not eligible to be included in that or any other category, or is eligible to be, or under subsection 186(3), (4) or (5) can be, included in another category, the Minister must, within 6 months after the commencement of this Act, amend the list accordingly in accordance with this Subdivision.

**181 Listing of threatened ecological communities**

- (1) The Minister must, by instrument published in the *Gazette*, establish a list of threatened ecological communities divided into the following categories:
  - (a) critically endangered;
  - (b) endangered
  - (c) vulnerable.
- (2) Subject to subsection (3), the Minister must not include an ecological community in a particular category of the list, as first established, unless satisfied that the

ecological community is eligible to be included in that category when the list is first published.

- (3) The list, as first established, must contain only the ecological communities listed in Schedule 2 to the *Endangered Species Protection Act 1992* immediately before commencement of this Act, and they must be listed in the endangered category.
- (4) If the Minister is satisfied that an ecological community included in the endangered category of the list, as first established under subsection (3), is not eligible to be included in that or any other category, or is eligible to be included in another category, the Minister must, within 6 months after the commencement of this Act, amend the list accordingly in accordance with this Subdivision.
- (5) An instrument (other than an instrument establishing the list mentioned in subsection (3)) is a disallowable instrument for the purposes of section 46A of the *Act Interpretation Act 1901*.

### **183 Listing of key threatening processes**

- (1) The Minister must, by instrument published in the *Gazette*, establish a list of threatened processes that are key threatening processes.
- (2) The list, as first established, must contain only the key threatening processes contained in Schedule 3 to the *Endangered Species Protection Act 1992*, as in force immediately before the commencement of this Act.

### **184 Minister may amend lists**

- (1) Subject to this Subdivision, the **Minister** may, by legislative instrument, amend a list referred to in section 178, 181 or 183 by:
  - (a) including items in the list in accordance with Subdivision AA; or
  - (aa) including items in the list in accordance with subsection 186(3), (4) or (5); or
  - (b) deleting items from the list; or
  - (c) in the case of the list referred to in section 178 or 181—transferring items from one category in the list to another category in the list in accordance with Subdivision AA; or
  - (d) correcting an inaccuracy or updating the name of a listed threatened species or listed threatened ecological community.
- (2) Part 6 of the *Legislative Instruments Act 2003* does not apply to an instrument made under subsection (1).

### **186 Amending list of threatened native species**

#### *Including native species in a category*

- (1) Subject to subsections (3), (4) and (5), the Minister must not include (whether as a result of a transfer or otherwise) a native species in a particular category unless satisfied that the native species is eligible to be included in that category.
- (2) In deciding whether to include a native species in a particular category (whether as a result of a transfer or otherwise), the only matters the Minister may consider are matters relating to:
  - (a) whether the native species is eligible to be included in that category; or

- (b) the effect that including the native species in that category could have on the survival of the native species.

### **187 Amending list of ecological communities**

#### *Including ecological communities in a category*

- (1) The Minister must not include (whether as a result of a transfer or otherwise) and ecological community in a particular category unless satisfied that the ecological community is eligible to be included in that category.
- (2) In deciding whether to include an ecological community in a particular category (whether as a result of a transfer or otherwise), the only matters the Minister may consider are matters relating to:
  - (a) whether the ecological community is eligible to be included in that category; or
  - (b) the effect that including the ecological community in that category could have on the survival of the ecological community.

### **188 Amending list of key threatening processes**

- (1) The Minister must not add a threatening process to the list unless satisfied that it is eligible to be treated as a key threatening process.
- (2) The Minister must not delete a threatening process from the list unless satisfied that it is no longer eligible to be treated as a key threatening process.
- (3) A process is a threatening process if it threatens, or may threaten, the survival, abundance or evolutionary development of a native species or ecological community,
- (4) A threatening process is eligible to be treated as a key threatening process if:
  - (a) it could cause a native species or an ecological community to become eligible for listing in any category, other than conservation dependent.
  - (b) it could cause a listed threatened species or a listed ecological community to become eligible to be listed in another category representing a higher degree of endangerment; or
  - (c) it adversely affects 2 or more listed threatened species (other than conservation dependent species) or 2 or more listed threatened ecological communities

### **189 Minister must consider advice from Scientific Committee**

- (1) In deciding whether to make an amendment covered by paragraph 184(1)(aa), (b) or (d), the Minister must, in accordance with the regulations (if any), obtain and consider advice from the Scientific Committee on the proposed amendment.
- (1A) Subsection (1) has effect subject to section 192.
- (1B) If advice from the Scientific Committee for the purposes of subsection (1) is to the effect that a particular native species, or a particular ecological community, is eligible to be included in the relevant list in a particular category, the advice must also contain:
  - (a) a statement that sets out:
    - (i) the grounds on which the species or community is eligible to be included in the category; and
    - (ii) the main factors that are the cause of it being so eligible; and

- (b) either:
    - (i) information about what could appropriately be done to stop the decline of, or support the recovery of, the species or community; or
    - (ii) a statement to the effect that there is nothing that could appropriately be done to stop the decline of, or support the recovery of, the species or community; and
  - (c) a recommendation on the question whether there should be a recovery plan for the species or community.
- (2) In preparing advice under subsection (1), the Scientific Committee may obtain advice from a person with expertise relevant to the subject matter of the proposed amendment.
- (3) In preparing advice for a proposed amendment to delete an item:
- (a) included in a category of a list referred to in section 178 or 181; and
  - (b) that had not been included in that category in accordance with subsection 186(3), (4) or (5);
- the only matters the Scientific Committee may consider are matters relating to:
- (c) the survival of the native species or ecological community concerned; or
  - (d) the effect that the inclusion in the list of the native species or ecological community concerned is having, or could have, on the survival of that native species or ecological community.

#### **194N Scientific Committee to assess items on finalised priority assessment list and give assessments to Minister**

- (1) In relation to each item included in the finalised priority assessment list for an assessment period for a Subdivision A List, the Scientific Committee must (by the time required by section 194P):
- (a) make a written assessment of:
    - (i) whether the item is eligible for inclusion in the Subdivision A List; and
    - (ii) if the Subdivision A List is the list referred to in section 178 or 181—the category of that List in which the item is eligible to be included; and
  - (b) give to the **Minister**:
    - (i) the written assessment (or a copy of it); and
    - (ii) a copy of the comments referred to in paragraphs (2)(a) and (b) (whether or not they have all been taken into account under subsection (2)).
- (2) In making an assessment in relation to a place, the Scientific Committee, subject to subsections (3) and (4):
- (a) must take into account the comments the Committee receives in response to the notice under subsection 194M(1) in relation to the item; and
  - (b) may seek, and have regard to, information or advice from any source.
- (3) The Scientific Committee is not required to take a comment referred to in paragraph (2)(a) into account if:
- (a) the Committee does not receive the comment until after the cut-off date specified in the notice under subsection 194M(1) in relation to the item; or
  - (b) the Committee considers that regulations referred to in paragraph 194M(4)(b) have not been complied with in relation to the comment.

- (4) In making an assessment, the only matters the Scientific Committee may consider are matters relating to:
  - (a) whether the item is eligible for inclusion in the Subdivision A List; or
  - (b) the effect that including the item in that List could have on the survival of the native species or ecological community concerned.

#### **194P Time by which assessments to be provided to Minister**

- (1) Subsection 194N(1) must be complied with, in relation to an item included in the finalised priority assessment list for an assessment period for a Subdivision A list, by the assessment completion time specified in the finalised priority assessment list for the item, or by that time as extended under this section.
- (2) The Scientific Committee may request the Minister to extend the assessment completion time (or that time as previously extended) if the Committee considers that it needs more time to make the assessment.
- (3) The Minister may, in response to a request under subsection (2), extend the assessment completion time (or that time as previously extended) by such period (if any) as the Minister considers appropriate. However, the total length of all extensions of the assessment completion time must not be more than 5 years.
- (4) An extension under subsection (3) must be made in writing.
- (5) If the Minister grants an extension under this section, the Minister must publish particulars of the extension in a way that the Minister considers appropriate.

#### **194Q Decision about inclusion of an item in the Subdivision A List**

*Minister to decide whether or not to include item*

- (1) After receiving from the Scientific Committee an assessment under section 194N of an item, the **Minister** must:
  - (a) include the item in the Subdivision A List concerned; or
  - (b) in writing, decide not to include the item in the Subdivision A List concerned.

Note 1: Under this subsection the **Minister** can transfer an item already on a Subdivision A List to a different category in the List (see subsection 194B(1)).

Note 2: Sections 186, 187 and 188 contain rules about including items in a Subdivision A List.
- (2) If, under subsection (1), the Minister transfers an item to a category of the Subdivision A List, the Minister must at the same time delete the item from the category in which it was included before the transfer.
- (3) Subject to subsection (4), the **Minister** must comply with subsection (1) within **90 business days** after the day on which the **Minister** receives the assessment.
- (4) The **Minister** may, in writing, extend or further extend the period for complying with subsection (1).
- (5) Particulars of an extension or further extension under subsection (4) must be published on the Internet and in any other way required by regulations.
- (6) For the purpose of deciding what action to take under subsection (1) in relation to the item:
  - (a) the **Minister** must have regard to:
    - (i) the Scientific Committee's assessment of the item; and
    - (ii) the comments (if any), a copy of which were given to the **Minister** under subsection 194N(1) with the assessment; and



- (b) the **Minister** may seek, and have regard to, information or advice from any source.

*Additional requirements if Minister decides to include place*

- (7) If the **Minister** includes the item in the Subdivision A List, he or she must, within a reasonable time:
  - (a) if the item was nominated by a person in response to a notice under subsection 194E(1)—advise the person that the item has been included in the Subdivision A List; and
  - (b) publish a copy of the instrument referred to in paragraph (1)(a) on the Internet; and
  - (c) publish a copy or summary of that instrument in accordance with any other requirements specified in the regulations.

*Additional requirements if Minister decides not to include item*

- (8) If the **Minister** decides not to include the item in the Subdivision A List, the **Minister** must, within **10 business days** after making the decision:
  - (a) publish the decision on the Internet; and
  - (b) if the item was nominated by a person in response to a notice under subsection 194E(1)—advise the person of the decision, and of the reasons for the decision.

## **518 Non-compliance with time limits**

- (1) Anything done by the Commonwealth, the **Minister** or the Secretary under this Act or the regulations is not invalid merely because it was not done within the period required by this Act or the regulations.
- (2) If, during a financial year, one or more things required to be done under this Act or the regulations were not done within the period required by this Act or the regulations, the **Minister** must:
  - (a) cause to be prepared a statement setting out the reasons why each of those things was not done within the period required by this Act or the regulations; and
  - (b) cause a copy of the statement to be laid before each House of the Parliament as soon as practicable after the end of the financial year.
- (3) Subsection (1) does not reduce or remove an obligation under this Act or the regulations to do a thing within a particular period.

To: Minister for the Environment (For Decision)

**AMENDMENT TO THE EPBC ACT LIST OF ECOLOGICAL COMMUNITIES TO PROTECT THE WARKWORTH SANDS WOODLAND AND AN EXTENSION REQUEST FOR ANOTHER ECOLOGICAL COMMUNITY ASSESSMENT**

**s22**

**Recommendations:**

1. **s22 - material irrelevant to scope**

2.

3.

4.

5.

6. That you agree to extend the Committee's timeframe for the assessment of the '*Eucalyptus ovata* forest and woodland in Tasmania' ecological community until 31 December 2016.

Minister:

Comments:

Agreed / Not agreed

Date:

2 May 2016

**Key Points:**

**s22**

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# s22

# s22

## ***Extension of assessment timeframe - Eucalyptus ovata forest and woodland in Tasmania***

17. The Committee is unable to meet the assessment completion timeframe for *Eucalyptus ovata* forest and woodland in Tasmania of 30 April 2016. The Committee needs to gather more supporting evidence to finalise the definition and assessment against criteria, and undertake further consultation on the assessment. The Committee has requested an extension to the completion timeframe for this assessment until 31 December 2016.
18. Upon request by the Committee, you may extend the assessment completion timeframe for an item up to a period of 5yrs (s194P(3)). If you agree to this extension request, in line with standard practice, reasons for the extension will be published on the Departments website.
19. There are no major stakeholder concerns anticipated if the extension is approved.

Geoff Richardson  
Assistant Secretary, Protected Species and  
Communities  
Wildlife, Heritage and Marine Division  
Ph: 02 6274 2531  
Mob: s22  
7 April 2016

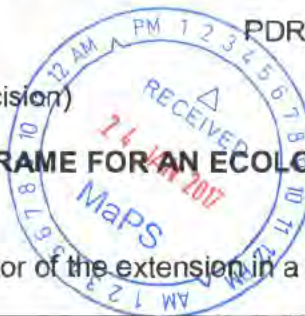
Contact Officer: s22  
Ecological Communities Section  
Ph: 0  
Mob: s22

Copy to:  
Secretary  
Mr Knudson  
Mr Oxley  
Chief of Staff  
**s22**

To: Minister for the Environment and Energy (For Decision)

**REQUEST TO EXTEND THE ASSESSMENT TIMEFRAME FOR AN ECOLOGICAL COMMUNITY LISTING ASSESSMENT**

Timing: Before 17 February 2017 – to inform nominator of the extension in a timely way



**Recommendations:**

1. That you agree to the extension of the assessment deadline, as requested by the Threatened Species Scientific Committee, for the *Eucalyptus ovata woodland and forest in Tasmania* ecological community, to 28 July 2017.

Agreed / Not agreed

2. That you sign the letter to the Threatened Species Scientific Committee at Attachment A.

Signed / Not signed

Minister:   
Comments:

Date: 18/1/17

|                                       |                  |  |                                      |
|---------------------------------------|------------------|--|--------------------------------------|
| Clearing Officer:<br>Sent: 21/12/2016 | Geoff Richardson | Assistant Secretary,<br>Wildlife Heritage and<br>Marine Division | Ph: 02 6274 2531<br>Mob: <b>s22</b>  |
| Contact Officer:                      | <b>s22</b>       | Director, Ecological<br>Communities<br>Section                   | Ph: 0: <b>s22</b><br>Mob: <b>s22</b> |

**Key Points:**

1. The Threatened Species Scientific Committee (the Committee) is currently assessing the *Eucalyptus ovata woodland and forest in Tasmania* ecological community, which was nominated for listing as threatened under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
2. The Committee requests an extension to the assessment deadline for this ecological community to 28 July 2017. The extension allows for adequate time for consultation and to finalise the assessment.
3. A public consultation period for the assessment of the ecological community commenced on 14 November 2016 and is scheduled to end on 27 January 2017. The draft conservation advice recommends that the ecological community may be eligible for listing as critically endangered, based on evidence that it has declined by at least 90 per cent.

4. Section 194P of the EPBC Act provides for the Committee to request extensions to listing assessment deadlines, up to a maximum period of five years. The new assessment deadline for this ecological community is well within the five year maximum.
5. The deadline is for the Committee's recommendations on the outcome of the assessment to be received by you. There will then be 90 business days within which the ecological community must be listed under the EPBC Act if you make a decision to list it as threatened (based on the Committee's advice).
6. A draft letter to the Committee replying to the request for extension is at **Attachment A**.
7. The Department agrees with the Committee's view that more time is required to prepare the listing assessment for this ecological community. It will allow more time for consultation, given the wide range of interest groups, and to assess any new information received from submissions.

### **Sensitivities and Handling**

8. A notice relating to this extension will be published on the Department's website. The Department will also directly notify the nominator.
9. The Department does not expect this decision to be contentious.

### **Consultation:**

10. Threatened Species Scientific Committee.

### **Attachments**

- A:** Letter to the Chair of the Threatened Species Scientific Committee, agreeing to the requested extension of the assessment timeframe.



**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**

MS16-002298

18 JAN 2017

Professor Helene Marsh  
Chair  
Threatened Species Scientific Committee  
C/- Species Information and Policy Section  
Department of the Environment and Energy  
GPO Box 787  
CANBERRA ACT 2601

Dear Professor Marsh

I am writing regarding the Threatened Species Scientific Committee's request to extend the period for assessing the following ecological community for potential listing as threatened under the *Environment Protection and Biodiversity Conservation Act 1999*:

- *Eucalyptus ovata* woodland and forest in Tasmania

I have accepted the Committee's request to extend the assessment period for the *Eucalyptus ovata* woodland and forest in Tasmania ecological community to 28 July 2017. I look forward to receiving final advice from the Committee for this ecological community.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'J. Frydenberg'.

JOSH FRYDENBERG

Copy to

To: Minister for the Environment and Energy (For Information)

Secretary  
Mr Papps  
Ms Jonasson

**MEETING WITH GUY BARNETT TASMANIAN MINISTER FOR RESOURCES**

Chief of Staff  
s22

**Timing:** For meeting on Thursday 10 August 2017 at 5.45pm.

**Recommendation:**

1. That you note the contents in preparation for your meeting.

**Noted / Please discuss**

**Minister:**

Date:

|   |                  |  |                              |
|---|------------------|--|------------------------------|
| <b>Clearing Officer:</b><br>Sent:9/8/17 | Geoff Richardson | Assistant Secretary,<br>Protected Species and<br>Communities / BCD | Ph: 02 6274 2531<br>Mob: s22 |
| Contact Officer:                        | s22              | Director, Ecological<br>Communities Section                        | Ph: 0 s22<br>Mob: s22        |

**Meeting with:** The Hon. Guy Barnett, Tasmanian Minister for Resources.

**Prior meetings:**

**Proposed note taker:**

**What we want:** Note that the Department is working with the proponents of the s22 and the Tasmanian government towards an appropriate assessment outcome.

Provide an update on the assessment of the Tasmanian Black Gum/Brookers Gum Forests ecological community, emphasising that listings are not a significant burden on farmers and in fact they often give landowners access to Australian Government funding programs for recovery and threat abatement works that benefits both the environment and production.

**What they want:** To raise (i) s22, and (ii) the Tasmanian Farmers and Graziers Association's concerns that listing the Tasmanian Black Gum/Brookers Gum Forests as a nationally threatened ecological community could be a burden on farmers.

**Attachment**

- A:** Further Background on the listing assessment



# s22 - material irrelevant to scope

## *Tasmanian Farmers and Grazier's Association Concerns about potential EPBC Listing*

5. The Threatened Species Scientific Committee last week recommended that the *Tasmanian Black Gum / Brookers Gum Forests and Woodlands ecological community* merits national listing as critically endangered. It has declined by about 90% or 200,000 hectares and remaining patches are being impacted by threats such as invasive species. The proposed national ecological community is comprised of two ecological communities recognised as threatened by the state.
6. Your decision is due in December on whether the woodlands merit listing as threatened based on the listing criteria under the EPBC Act. In making the decision, the advice of the Committee plus public submissions will be considered, including submissions from the Tasmanian Farmers and Graziers Association, Forestry Tasmania and the Forest Practices Authority.
7. Clearing of the ecological community for forestry and agriculture mostly occurred in the past. Most remnants on agricultural lands are now small. While many patches are likely to be set aside as shelter breaks or to protect waterways and farmland from erosion, some remnants may still be removed for farm dams or irrigation.
8. The EPBC Act has exemptions for most agriculture and forestry actions that allows their business to continue. Activities in line with Tasmanian Regional Forest Agreement are exempt and EPBC regulation for activities by farmers is very rare – two to three referrals per year Australia wide for major activities that may significantly impact on ecological communities.
9. A listing would support efforts to rehabilitate remnants and manage threats common to agriculture and the environment, like erosion, weeds and feral pests. In the past, national listing of many similar woodlands in other rural areas of Australia has led to support for landholders through Government funding programs.

**Consultation: YES**

A draft assessment for the ecological community was released for public consultation from November 2016 to January 2017. Public consultation involved a wide range of stakeholders, who were invited to comment and asked to forward notification of the consultation through their networks, newsletters and bulletins.

Groups contacted included key experts on the community, Tasmanian State agencies, NRM bodies, local councils, conservation groups, Indigenous organisations, and forestry, irrigation, mining, landcare and agriculture organisations. Forestry, conservation and landcare groups were generally supportive of listing.

The Department met most recently with the Tasmanian Farmers and Graziers Association last week. They are the only key group that expressed concerns about the proposed listing. The TFGA noted that if the woodlands were listed, farmers should receive support to help them protect them on their properties.

The Forestry Tasmania submission noted: “the listing of the community may lead to improvement of the management of the community state-wide”

The Forest Practices Authority submission noted: “the proposed listing is consistent with the current recommended management under the forest practices system and there would essentially be no change”.

## Further Background

### *EPBC Listing Assessment for the Tasmanian Black Gum / Brookers Gum Forests and Woodlands ecological community*

- The EPBC Act has generous exemptions for forestry undertaken in line with a Regional Forests Agreement, and for routine farming and business actions. These will allow the majority of farm and forestry actions to go ahead without regulation.
- Routine farming practices that have been ongoing for some time, for example grazing, weed control or property maintenance, are exempt from the EPBC Act. Condition thresholds for each listing also specifically exclude small and degraded patches that are typical on the farms that have the ecological community.
- The focus of the EPBC Act is on significant impacts, which mostly occur from major development projects, e.g. infrastructure, housing subdivisions, likely to impact on larger and more intact patches. Therefore, minor changes to land management are unlikely to be significant enough to require consideration under national environment law. For instance, this is the main reason there have been no EPBC Act project referrals by farmers for activities on individual properties related to the national listing of the Lowland Native Grassland of Tasmania in 2009.
- These forests provide habitats for key threatened species such as the swift parrot and Tasmanian devil. This means many projects also need to be referred to consider threatened species triggers.
- These forests also are recognised as threatened under Tasmanian law. Tasmania has vegetation clearance laws that protect State-listed vegetation communities to some degree from certain activities. These operate through the *Forest Practices Code* and requires a Forest Practices Plan be developed and certified before any clearing can proceed.
- Public consultation for this listing assessment involved a wide range of stakeholders, who were invited to comment and asked to forward notification of the consultation through their networks, newsletters and bulletins. Groups contacted included key experts on the community, Tasmanian State agencies, NRM bodies, local councils, conservation groups, Indigenous organisations, and forestry, irrigation, mining, landcare and agriculture organisations. Forestry, conservation and landcare groups were generally supportive of listing. Concerns were raised only by the Tasmanian Farmers and Graziers Association, who also lobbied State Ministers.
- The Department last met with the TFGA in Launceston on 3<sup>rd</sup> August to discuss their concerns. The TFGA gained a better understanding of the listing and EPBC Act through that meeting, but would like funding support for farmers to protect and restore the ecological community.

s22

**From:** Frydenberg, Josh (MP) <Josh.Frydenberg.MP@aph.gov.au>  
**Sent:** Thursday, 4 May 2017 11:17 AM  
**To:** MinisterialCorrespondence  
**Cc:** s22  
**Subject:** FW: LETTER - Hon Josh Frydenberg from Hon Jeremy Rockliff MP  
**Attachments:** LETTER ~ by Black gum or Brookers gum as critically endangered under the Commonwealth Environment and Biodiversity Conservation Act 1999.pdf

**Categories:** Min Frydenberg Reply

ESD

s22

Office of the Hon Josh Frydenberg MP  
Federal Member for Kooyong | Minister for the Environment and Energy

Electorate Office | 695 Burke Road, Camberwell VIC 3124 | t: 03 9882 3677 Parliament House Office | M1:17,  
Parliament House, Canberra ACT 2600 | t: 02 s22

e:s22@aph.gov.au | w: www.joshfrydenberg.com.au

-----Original Message-----

**From:** The Deputy Premier (DPaC) [mailto:deputypremier@dpac.tas.gov.au]  
**Sent:** Thursday, 4 May 2017 9:18 AM  
**To:** Frydenberg, Josh (MP)  
**Subject:** LETTER - Hon Josh Frydenberg from Hon Jeremy Rockliff MP

Dear Minister

Please see attached correspondence sent on behalf of the Tasmanian Minister for Primary Industries and Water, Jeremy Rockliff MP.

Regards

s22

Executive Assistant  
Office of the Deputy Premier, the Hon Jeremy Rockliff MP

Minister for Education and Training  
Minister for Primary Industries and Water  
Minister for Racing  
Level 10, 15 Murray Street HOBART TAS 7000  
Phone: (03) 6165 7754

[www.premier.tas.gov.au](http://www.premier.tas.gov.au)

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Deputy Premier  
Minister for Education and Training  
Minister for Primary Industries and Water  
Minister for Racing

Level 10 15 Murray Street HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Ph: +61 3 6165 7754  
Email: [Jeremy.Rockliff@dpac.tas.gov.au](mailto:Jeremy.Rockliff@dpac.tas.gov.au)



- 3 MAY 2017

The Honourable Josh Frydenberg, MP  
Minister for the Environment and Energy  
PO Box 6022  
House of Representatives  
Parliament House  
CANBERRA ACT 2600

Dear Minister <sup>Josh</sup>

I refer to the (proposed listing of 'Tasmanian forests and woodlands dominated by Black gum or Brookers gum') (*Eucalyptus ovata* / *E. brookeriana*) as critically endangered under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

I am concerned that the proposed listing will simply add unnecessary additional regulation, red tape and costs to farmers and the Tasmanian agricultural sector whilst not providing any substantive environmental benefits to warrant such an intervention. The agricultural and food sector in Tasmania is diverse and a significant contributor to Tasmania's economy, especially in regional areas. The Tasmanian Government also has a target to grow the agricultural sector tenfold to \$10 billion per year by 2050. To achieve this target requires a regulatory system that supports the sustainable growth and competitiveness of the sector.

With this in mind the Australian and Tasmanian Governments have and are jointly investing with farmers into a new \$500 million network of sustainable irrigation schemes to grow agricultural output, jobs and regional economies. It would also be counterproductive if this proposal were to unnecessarily impact on that program either directly or indirectly.

Importantly, Tasmania has in place a comprehensive regulatory framework to manage clearance and conversion of native vegetation and forestry operations. Almost 90 percent of the area covered by *E. ovata* / *E. Brookeriana* communities contains vegetation already listed as threatened ecological communities under Tasmania's *Nature Conservation Act 2002*. Under Tasmanian law, any land use activity (forestry and non-forestry) that has the potential to impact on these threatened communities is regulated through the Forest Practices System. This already provides a robust mechanism of protection for threatened communities.

It is recognised that about 2,500 ha of the ecological community, as defined by the proposal, are not listed as threatened under Tasmanian legislation. These non-listed communities make up only a small proportion of the overall community included in the Commonwealth description and may not adequately represent the community composition, condition or ecological values the Commonwealth is aiming to protect. Furthermore, proponents of non-forestry activities within these non-listed ecological communities already need to consider any potential impacts under the EPBC Act.

The potential regulatory duplication is not aligned with the shared Commonwealth and State interest to reduce duplication and red tape. Noting the existing regulatory burden on primary producers, the proposed Commonwealth listing has significant implications for the Tasmanian agricultural sector, including duplicated regulation and additional regulatory effort and cost for proponents of non-forestry activities, such as clearing for agriculture or water development.

I consider that the socio-economic implications need to be considered against the likely limited additional environmental benefit from the proposed Commonwealth listing of these ecological communities, which are already adequately protected and regulated under Tasmanian legislation.

I have similarly written to the Hon Barnaby Joyce, Deputy Prime Minister and Senator Jonathon Duniam. I would welcome the opportunity to discuss this matter further with you.

Yours sincerely



Jeremy Rockliff MP  
Deputy Premier  
Minister for Primary Industries and Water






**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**

The Hon Jeremy Rockliff MP  
Deputy Premier  
Minister for Primary Industries and Water  
GPO Box 123  
HOBART TAS 7001

MC17-012094

06 JUL 2017

Dear Deputy Premier 

I acknowledge your letter expressing concern about the assessment of the *'Tasmanian forests and woodlands dominated by Black gum or Brookers gum'* for potential listing as threatened under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

This assessment is still being finalised by the independent Threatened Species Scientific Committee. Your letter has been passed on to the Committee, for consideration alongside submissions received during public consultation earlier this year. One other submission expressed similar concern, but most submissions supported listing, including those from state forestry and natural resource agencies. Forestry Tasmania noted that "the listing may lead to the improved management of the community state-wide". The Forestry Practices Association said "the proposed listing is consistent with the current recommended management under the forest practices system and there would be essentially no change". Several state agencies provided input during the assessment process and I thank them for aiding a thorough process.

The Department of the Environment and Energy has prepared a draft factsheet for farmers and other landholders to help explain the implications and opportunities around ecological community listings. The factsheet, which I have enclosed as a draft for your information, addresses the key concerns raised. This includes the negligible or minor regulatory impact for individual landholders and the agriculture sector of ecological community listings. It also explains how all actions related to the Lower South Esk and Arthurs Pipeline irrigation schemes, and related on farm water access and use, have already been approved under the EPBC Act and would be unaffected by any new listing.

I will receive the Committee's recommendation on eligibility for listing, and submissions from the public by 28 July 2017. Under the EPBC Act, my listing decision must only consider the ecological community's eligibility against listing criteria, and the effect listing could have on its future survival.

I appreciate your strong interest in this matter and will keep you informed.

Yours sincerely



JOSH FRYDENBERG

Enc





## THE TASMANIAN BLACK GUM – BROOKERS GUM (*Eucalyptus ovata* – *E. brookeriana*) FORESTS AND WOODLANDS

The national Threatened Species Scientific Committee is reviewing information to examine how threatened these forests and woodlands are. If they are listed under national environmental law as a threatened ecological community, they may be eligible for protection from significant impacts, and land managers may apply for the Australian Government's National Landcare funding to look after them.



*Eucalyptus ovata* forests and woodlands near Hobart. Left: good quality patch with intact shrubby understorey. Right: poor quality patch with low native understorey cover. The listing will only include the good quality patch on the left. Photo credits: Department of the Environment and Energy.

### KEY QUESTIONS FOR RURAL LANDHOLDERS

#### Where are these forests located?

The black gum – Brookers gum forests are limited to Tasmania, mostly as scattered remnants across northern and eastern Tasmania, including the Midlands region and Bass Strait islands, especially King Island. Black gum (*Eucalyptus ovata*) and Brookers gum (*E. brookeriana*) are closely related species that look very similar and have a similar function in areas where they occur. The forests are associated with lowland landscapes, often on poorly draining soils and sites that are wet or seasonally waterlogged. Black gum mostly occurs in northern and eastern Tasmania, while Brookers gum is most common in north-western Tasmania.

#### Are these forests likely to be considered nationally threatened?

Yes. The Tasmanian Government regards both *Eucalyptus brookeriana* wet forests and *Eucalyptus ovata* forests and woodlands as threatened native vegetation communities at the state level.

Available information shows the Tasmanian black gum and Brookers gum forests have collectively declined in extent by about 90%, with over 200,000 ha lost. Many remaining patches are reduced in

size and affected by threats such as weeds and loss of large habitat trees but they still continue to provide vital habitat and services.

If national listing occurs, it would recognise that together the remaining forests and woodlands form an ecological community (community of flora and fauna) of national significance. There are 77 ecological communities currently listed as nationally significant across Australia, including 5 in Tasmania, and many listed across rural areas in other states such as the "Box-Gum Grassy Woodlands" in Queensland, NSW and Victoria and the "Eucalyptus Woodlands of the Western Australian Wheatbelt".

### **What is the purpose of national listing?**

If nothing changes, threatened ecological communities may become extinct in the future, generally through a combination of loss of area, native species composition and natural functions. In other words, it is likely that few or no good condition areas will remain over the long term. However, remnants can still retain important natural values and the potential to provide more habitat and ecosystem services if threats are eliminated or managed to reduce their impacts and/or if degraded areas are restored. Hence, national listing aims for three main outcomes:

- national recognition that helps raise awareness of the ecological community, the key threats and the priority actions needed to combat threats;
- consideration of significant impacts to the ecological community during the environmental assessment of major new developments under the national *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act); and
- areas with the ecological community can become a priority for recovery and management of threats to both the environment and farming, such as invasive species control and replanting to mitigate salinity and erosion. This particularly occurs through Australian Government programs such as National Landcare and 20 Million Trees and through the regional Natural Resource Management network currently funded by both the Australian and state governments.

### **When will a decision on listing as nationally threatened happen?**

The independent Threatened Species Scientific Committee is due to forward its recommendations on the eligibility for listing of the Tasmanian black gum and Brookers gum forests to the Federal Minister for the Environment and Energy by 28 July 2017. The Minister then has 90 business days in which to make a listing decision.

Under national environment law, the listing decision must only consider the forest's eligibility against the listing criteria, and the effect listing could have on its future survival. The listing decision will be published on the Department's website and key groups will be notified. While listing decisions are based on science, if the ecological community is listed, socio-economic matters must be taken into account when considering national approval of any referred action that may have a significant impact on the listed ecological community.

### **Why is it important to keep protecting forests and woodlands such as these?**

There are many reasons why it's important to keep what's left of this ecological community, and to restore it. These native forests and woodlands provide benefits to the environment, to land productivity and to people. They provide vital habitat for many plants and animals, including at least 74 nationally listed threatened species such as the swift parrot, eastern barred bandicoot and the eastern quoll. They offer protection to stock from strong winds and temperature extremes.

This particular type of forest is not well represented in conservation reserves, so occurrences on private land are critical to maintain or enhance habitat for wildlife, including in-between reserves.

Forest birds and bats help to control pest insects that attack nearby crops or plantations. Keeping intact forest vegetation and replanting also helps to minimise serious erosion problems, preventing the loss of valuable topsoil from farmlands and salinity problems. People also are attracted to the beauty and experience of these natural systems, encouraging local tourism.



Listing the forests as threatened will help protect habitat for iconic Tasmanian animals, such as the Tasmanian devil (left) and Eastern quoll (right). *Photo credits – Leanne Chow.*

### **Can I get any assistance if the forests are listed and are on my property?**

Yes, if other grant project requirements are met. There are currently about 500 active natural resource management projects across Australia that are receiving Australian Government funding targeted at nationally listed ecological communities, many of them on farms. Recovery and threat management projects for threatened ecological communities are eligible for funding from Australian Government environment programs such as Landcare. Projects often deal with common threats to the environment and agricultural productivity such as weeds and pest animals, as well as on-farm revegetation work. Programs such as the 20 Million Trees initiative can help plant trees and shrubs to counter threats such as erosion and salinity. Talk with your local NRM agency for more advice on funding opportunities.

### **Won't a listing just put more burden on farmers and duplicate state regulations?**

No, it shouldn't. The EPBC Act is not a vegetation or forestry management law. These already exist in Tasmania. National listing of ecological communities complements, rather than duplicates, existing Tasmanian regulation, by enhancing the existing protection of those ecosystems and species recognised as being the most threatened across Australia.

Some farmers may already have nationally threatened species present on their farms or in nearby bush, such as swift parrots, quolls or Tasmanian devils. Having these species present means the trigger for national environment law is already present, regardless of what forests occur. There are many nationally threatened and migratory species that occur within or near the *Tasmanian black gum* or *Brookers gum* forests that already require EPBC Act consideration in their own right. Listing the ecological community would help identify and protect the best habitat in these areas.

The EPBC Act also was designed to have, and has historically had, minor regulatory impact on individual landholders and agriculture generally - for several reasons:

- Many farmers won't have the threatened ecological community present on their farm.
- The EPBC Act has exemptions for continuing use and prior authorisation that allows regular farming and business activities to continue, including most activities by individual farmers. For example, farmers can continue to do property maintenance, pest control, and usual ongoing grazing and cropping, including expansion into non-threatened forests and small or degraded patches of black gum-Brookers gum forests. Clearing that has previously been approved also can continue.
- Nationally listed ecological communities have "minimum condition" thresholds that focus protection on patches that are larger and in good condition. This means small or degraded stands, like windbreaks, are not part of the listing. For example, the proposed forest listing only applies to

patches that retain a mostly native understorey and are more than half a hectare (5,000 m<sup>2</sup> or 1¼ acres) of high quality vegetation, or more than 2 hectares (5 acres) of good quality.

- Most national level environment assessments are for large urban development, mining and other major infrastructure projects. That's because national approval is only needed if the impact may be significant. And that typically applies to projects involving a large amount of clearing or degradation, or loss of considerable species habitat or populations. Most activities of individual landholders are unlikely to have a significant impact on ecological communities, and thus do not require referral and approval under the EPBC Act.

In the event a farmer does want to clear a very large and high quality patch of forest, the main requirement is to refer the proposal for national approval under the EPBC Act, as well as to the Forest Practices Authority. The same information to get approval through a Forest Practices Plan in Tasmania is likely to be needed for national approval.

While there has been considerable progress in developing the national list of threatened ecological communities in Australia, the number of referrals from the agriculture sector has remained consistently low. In the past five years, Australia-wide there have been only about one EPBC Act referral per year for agricultural actions that were triggered fully or in part by the presence of ecological communities. Further, no actions (farming or otherwise) have been rejected due to the presence of ecological communities, although some have had conditions applied to minimise impact.

Conversely, hundreds of farmers have benefitted from Australian Government funding targeted at nationally listed ecological communities. Grants have been primarily to address threats to both farming and the environment, such as erosion, weeds and feral animals.

### **What happened after the listing of Lowland Native Grasslands of Tasmania?**

The *Lowland Native Grasslands of Tasmania* community was listed as nationally threatened in June 2009. Despite this, there have been no referrals to date for agricultural actions related to that ecological community. Yet, adverse impacts on the grasslands were avoided altogether during planning and implementation of the Midlands Irrigation Scheme. Landholders and community groups were, and continue to be, eligible to receive funding to help conserve the grasslands.

### **What would be the consequences for irrigation schemes?**

A Midlands Irrigation Scheme was approved in 2011 following a strategic assessment under the EPBC Act. It considered any impacts on matters of national environmental significance in the area at the time, including the listed grasslands. All actions related to the Lower South Esk and Arthurs Pipeline irrigation schemes, and the related on farm water access and use have subsequently been approved. These actions would be unaffected by any new forest listing.

There are many similar listings of threatened grassland, woodland and forest communities across Australia, yet no actions from any sector have been rejected outright due to threatened species and communities listed the EPBC Act. However, some major developments have had conditions applied to minimise the chance of unplanned or excessive impacts.

Some large irrigation projects may require EPBC Act approval if a significant impact is likely.

### **In summary - how might national protection affect farmers and land managers?**

1. **National protection would only apply to new actions likely to cause significant damage** to patches of these forests that remain in good condition. Routine farming actions are exempt under national environment law.
2. Most importantly, **national listings help raise awareness and encourage funding**, for instance through Landcare, to deal with common threats to the environment and productivity, such as weeds and salinity, as well as on-farm restoration work.

FOI 171214  
Document 17



MU7-012733

# SENATOR JONATHON DUNIAM

Liberal Senator for **Tasmania**

V18 MU7-012733

Hon Josh Frydenberg MP  
Minister for Environment and Energy  
Parliament House  
CANBERRA ACT 2600

Division: *WAIM* Link: \_\_\_\_\_  
 Date: *18/5*  
 RECEIVED 18 MAY 2017  
 Copy Brief  
 *Media Reply*  
 Copy to Media  
 Refer to: \_\_\_\_\_



Dear Minister

*Josh*

I have received a number of representations with respect to the proposed listing of 'Tasmanian forests and woodlands' dominated by Black gum or Brookers gum (*Eucalyptus ovata* | *E. brookeriana*) as critically endangered under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

In particular I share the concerns of the Tasmanian Farmers and Graziers Association. I also share the view of the Tasmanian Minister for Primary Industries and Water, the Hon Jeremy Rockliff MP, that the socio-economic implications need to be considered against the likely limited additional environmental benefit from the proposed Commonwealth listing of these ecological communities, which are already adequately protected and regulated under Tasmanian legislation.

The existing regulatory burden on primary producers, the proposed Commonwealth listing has significant implications for the Tasmanian agricultural sector, which is a key pillar of the Tasmanian economy, with an annual farm gate value of \$1.44 billion dollars in 2014/15 growing by 6% on the previous year. The proposed listing also has the potential of duplicated regulation and additional regulator efforts and cost for proponents of non-forestry activities, such as clearing for agriculture.

Please note I have also written in similar terms to the Deputy Prime Minister, the Hon Barnaby Joyce MP.

I would appreciate any assistance you are able to provide on this matter. I note the assessment was due for completion by 31 December 2016 but was extended to mid-2017 to allow for consultation and finalisation of the assessment.

Offices conveniently located at

**Devonport | North Hobart | New Norfolk | St Helens**

PO Box 603, Devonport TAS 7310 1300 134 495 (local call) (03) 6424 5960

Senator.Duniam@aph.gov.au SenatorDuniam

I look forward to your reply and would be happy to speak to you directly on this matter.

Yours sincerely



Senator Jonathon Duniam  
**Liberal Senator for Tasmania**

12 May 2017



**THE HON JOSH FRYDENBERG MP**  
**MINISTER FOR THE ENVIRONMENT AND ENERGY**

MC17-012733

Senator Jonathon Duniam  
Senator for Tasmania  
PO Box 603  
DEVONPORT TAS 7310

06 JUL 2017

Dear Senator Duniam

I refer to your letter expressing concern about the assessment of the *Tasmanian forests and woodlands dominated by Black gum or Brookers gum* for potential listing as threatened under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

This assessment is still being finalised by the independent Threatened Species Scientific Committee. Your letter will be considered along with all submissions received during public consultation earlier this year. One other submission expressed similar concern, but most submissions supported listing, including those from state forestry and natural resource agencies. Forestry Tasmania noted that “the listing may lead to the improved management of the community state-wide”. The Forestry Practices Association said “the proposed listing is consistent with the current recommended management under the forest practices system and there would be essentially no change”.

The Department of the Environment and Energy has prepared a draft factsheet for farmers and other landholders to help explain the implications and opportunities around ecological community listings. The factsheet, which I have enclosed as a draft for your information, addresses the key concerns raised. This includes the negligible or minor regulatory impact for individual landholders and the agriculture sector of ecological community listings. It also explains how all actions related to the Lower South Esk and Arthurs Pipeline irrigation schemes, and related on farm water access and use, have already been approved under the EPBC Act and would be unaffected by any new listing.

I will receive the Committee’s recommendation on eligibility for listing, and submissions from the public by 28 July 2017. Under the EPBC Act, my listing decision must only consider the ecological community’s eligibility against listing criteria, and the effect listing could have on its future survival.

I appreciate your interest in this matter and will keep you informed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Josh Frydenberg', with a stylized flourish at the end.

JOSH FRYDENBERG

Enc



## THE TASMANIAN BLACK GUM – BROOKERS GUM (*Eucalyptus ovata* – *E. brookeriana*) FORESTS AND WOODLANDS

The national Threatened Species Scientific Committee is reviewing information to examine how threatened these forests and woodlands are. If they are listed under national environmental law as a threatened ecological community, they may be eligible for protection from significant impacts, and land managers may apply for the Australian Government's National Landcare funding to look after them.



*Eucalyptus ovata* forests and woodlands near Hobart. Left: good quality patch with intact shrubby understorey. Right: poor quality patch with low native understorey cover. The listing will only include the good quality patch on the left. Photo credits: Department of the Environment and Energy.

### KEY QUESTIONS FOR RURAL LANDHOLDERS

#### Where are these forests located?

The black gum – Brookers gum forests are limited to Tasmania, mostly as scattered remnants across northern and eastern Tasmania, including the Midlands region and Bass Strait islands, especially King Island. Black gum (*Eucalyptus ovata*) and Brookers gum (*E. brookeriana*) are closely related species that look very similar and have a similar function in areas where they occur. The forests are associated with lowland landscapes, often on poorly draining soils and sites that are wet or seasonally waterlogged. Black gum mostly occurs in northern and eastern Tasmania, while Brookers gum is most common in north-western Tasmania.

#### Are these forests likely to be considered nationally threatened?

Yes. The Tasmanian Government regards both *Eucalyptus brookeriana* wet forests and *Eucalyptus ovata* forests and woodlands as threatened native vegetation communities at the state level.

Available information shows the Tasmanian black gum and Brookers gum forests have collectively declined in extent by about 90%, with over 200,000 ha lost. Many remaining patches are reduced in



size and affected by threats such as weeds and loss of large habitat trees but they still continue to provide vital habitat and services.

If national listing occurs, it would recognise that together the remaining forests and woodlands form an ecological community (community of flora and fauna) of national significance. There are 77 ecological communities currently listed as nationally significant across Australia, including 5 in Tasmania, and many listed across rural areas in other states such as the "Box-Gum Grassy Woodlands" in Queensland, NSW and Victoria and the "Eucalyptus Woodlands of the Western Australian Wheatbelt".

### **What is the purpose of national listing?**

If nothing changes, threatened ecological communities may become extinct in the future, generally through a combination of loss of area, native species composition and natural functions. In other words, it is likely that few or no good condition areas will remain over the long term. However, remnants can still retain important natural values and the potential to provide more habitat and ecosystem services if threats are eliminated or managed to reduce their impacts and/or if degraded areas are restored. Hence, national listing aims for three main outcomes:

- national recognition that helps raise awareness of the ecological community, the key threats and the priority actions needed to combat threats;
- consideration of significant impacts to the ecological community during the environmental assessment of major new developments under the national *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act); and
- areas with the ecological community can become a priority for recovery and management of threats to both the environment and farming, such as invasive species control and replanting to mitigate salinity and erosion. This particularly occurs through Australian Government programs such as National Landcare and 20 Million Trees and through the regional Natural Resource Management network currently funded by both the Australian and state governments.

### **When will a decision on listing as nationally threatened happen?**

The independent Threatened Species Scientific Committee is due to forward its recommendations on the eligibility for listing of the Tasmanian black gum and Brookers gum forests to the Federal Minister for the Environment and Energy by 28 July 2017. The Minister then has 90 business days in which to make a listing decision.

Under national environment law, the listing decision must only consider the forest's eligibility against the listing criteria, and the effect listing could have on its future survival. The listing decision will be published on the Department's website and key groups will be notified. While listing decisions are based on science, if the ecological community is listed, socio-economic matters must be taken into account when considering national approval of any referred action that may have a significant impact on the listed ecological community.

### **Why is it important to keep protecting forests and woodlands such as these?**

There are many reasons why it's important to keep what's left of this ecological community, and to restore it. These native forests and woodlands provide benefits to the environment, to land productivity and to people. They provide vital habitat for many plants and animals, including at least 74 nationally listed threatened species such as the swift parrot, eastern barred bandicoot and the eastern quoll. They offer protection to stock from strong winds and temperature extremes.

This particular type of forest is not well represented in conservation reserves, so occurrences on private land are critical to maintain or enhance habitat for wildlife, including in-between reserves.

Forest birds and bats help to control pest insects that attack nearby crops or plantations. Keeping intact forest vegetation and replanting also helps to minimise serious erosion problems, preventing the loss of valuable topsoil from farmlands and salinity problems. People also are attracted to the beauty and experience of these natural systems, encouraging local tourism.



Listing the forests as threatened will help protect habitat for iconic Tasmanian animals, such as the Tasmanian devil (left) and Eastern quoll (right). *Photo credits – Leanne Chow.*

### **Can I get any assistance if the forests are listed and are on my property?**

Yes, if other grant project requirements are met. There are currently about 500 active natural resource management projects across Australia that are receiving Australian Government funding targeted at nationally listed ecological communities, many of them on farms. Recovery and threat management projects for threatened ecological communities are eligible for funding from Australian Government environment programs such as Landcare. Projects often deal with common threats to the environment and agricultural productivity such as weeds and pest animals, as well as on-farm revegetation work. Programs such as the 20 Million Trees initiative can help plant trees and shrubs to counter threats such as erosion and salinity. Talk with your local NRM agency for more advice on funding opportunities.

### **Won't a listing just put more burden on farmers and duplicate state regulations?**

No, it shouldn't. The EPBC Act is not a vegetation or forestry management law. These already exist in Tasmania. National listing of ecological communities complements, rather than duplicates, existing Tasmanian regulation, by enhancing the existing protection of those ecosystems and species recognised as being the most threatened across Australia.

Some farmers may already have nationally threatened species present on their farms or in nearby bush, such as swift parrots, quolls or Tasmanian devils. Having these species present means the trigger for national environment law is already present, regardless of what forests occur. There are many nationally threatened and migratory species that occur within or near the *Tasmanian black gum or Brookers gum forests* that already require EPBC Act consideration in their own right. Listing the ecological community would help identify and protect the best habitat in these areas.

The EPBC Act also was designed to have, and has historically had, minor regulatory impact on individual landholders and agriculture generally - for several reasons:

- Many farmers won't have the threatened ecological community present on their farm.
- The EPBC Act has exemptions for continuing use and prior authorisation that allows regular farming and business activities to continue, including most activities by individual farmers. For example, farmers can continue to do property maintenance, pest control, and usual ongoing grazing and cropping, including expansion into non-threatened forests and small or degraded patches of black gum-Brookers gum forests. Clearing that has previously been approved also can continue.
- Nationally listed ecological communities have "minimum condition" thresholds that focus protection on patches that are larger and in good condition. This means small or degraded stands, like windbreaks, are not part of the listing. For example, the proposed forest listing only applies to

patches that retain a mostly native understorey and are more than half a hectare (5,000 m<sup>2</sup> or 1¼ acres) of high quality vegetation, or more than 2 hectares (5 acres) of good quality.

- Most national level environment assessments are for large urban development, mining and other major infrastructure projects. That's because national approval is only needed if the impact may be significant. And that typically applies to projects involving a large amount of clearing or degradation, or loss of considerable species habitat or populations. Most activities of individual landholders are unlikely to have a significant impact on ecological communities, and thus do not require referral and approval under the EPBC Act.

In the event a farmer does want to clear a very large and high quality patch of forest, the main requirement is to refer the proposal for national approval under the EPBC Act, as well as to the Forest Practices Authority. The same information to get approval through a Forest Practices Plan in Tasmania is likely to be needed for national approval.

While there has been considerable progress in developing the national list of threatened ecological communities in Australia, the number of referrals from the agriculture sector has remained consistently low. In the past five years, Australia-wide there have been only about one EPBC Act referral per year for agricultural actions that were triggered fully or in part by the presence of ecological communities. Further, no actions (farming or otherwise) have been rejected due to the presence of ecological communities, although some have had conditions applied to minimise impact.

Conversely, hundreds of farmers have benefitted from Australian Government funding targeted at nationally listed ecological communities. Grants have been primarily to address threats to both farming and the environment, such as erosion, weeds and feral animals.

### **What happened after the listing of Lowland Native Grasslands of Tasmania?**

The *Lowland Native Grasslands of Tasmania* community was listed as nationally threatened in June 2009. Despite this, there have been no referrals to date for agricultural actions related to that ecological community. Yet, adverse impacts on the grasslands were avoided altogether during planning and implementation of the Midlands Irrigation Scheme. Landholders and community groups were, and continue to be, eligible to receive funding to help conserve the grasslands.

### **What would be the consequences for irrigation schemes?**

A Midlands Irrigation Scheme was approved in 2011 following a strategic assessment under the EPBC Act. It considered any impacts on matters of national environmental significance in the area at the time, including the listed grasslands. All actions related to the Lower South Esk and Arthurs Pipeline irrigation schemes, and the related on farm water access and use have subsequently been approved. These actions would be unaffected by any new forest listing.

There are many similar listings of threatened grassland, woodland and forest communities across Australia, yet no actions from any sector have been rejected outright due to threatened species and communities listed the EPBC Act. However, some major developments have had conditions applied to minimise the chance of unplanned or excessive impacts.

Some large irrigation projects may require EPBC Act approval if a significant impact is likely.

### **In summary - how might national protection affect farmers and land managers?**

1. **National protection would only apply to new actions likely to cause significant damage** to patches of these forests that remain in good condition. Routine farming actions are exempt under national environment law.

2. Most importantly, **national listings help raise awareness and encourage funding**, for instance through Landcare, to deal with common threats to the environment and productivity, such as weeds and salinity, as well as on-farm restoration work.

s22

**From:** s22  
**Sent:** Friday, 8 September 2017 3:02 PM  
**To:** MinisterialCorrespondence  
**Subject:** FW: DIRECT REPLY - Hon Josh Frydenberg MP from Hon Jeremy Rockliff MP in reply to letter of 6 July 2017 regarding the potential listing of Tasmanian forests and woodlands dominated by Black gum

**Attachments:** DIRECT REPLY - Hon Josh Frydenberg MP from Hon Jeremy Rockliff MP in reply to letter of 6 July 2017 regarding the potential listing of ~ H719163.PDF

**Categories:** Min Frydenberg Reply

(VIP-)

For Min reply.  
Cheers N

ESD

s22

t: (02) 6277 s22 @environment.gov.au

-----Original Message-----

**From:** s22 @dpac.tas.gov.au]  
**Sent:** Wednesday, 6 September 2017 3:03 PM  
**To:** Josh Frydenberg (Shared) <Josh.Frydenberg@environment.gov.au>  
**Subject:** DIRECT REPLY - Hon Josh Frydenberg MP from Hon Jeremy Rockliff MP in reply to letter of 6 July 2017 regarding the potential listing of Tasmanian forests and woodlands dominated by Black gum

Dear Minister

Please see attached correspondence sent on behalf of the Tasmanian Minister for Primary Industries and Water, Jeremy Rockliff MP.

Regards

s22

Executive Assistant  
Office of the Deputy Premier, the Hon Jeremy Rockliff MP

Minister for Education and Training  
Minister for Primary Industries and Water Minister for Racing Level 10, 15 Murray Street HOBART TAS 7000  
Phone: (03) s22

www.premier.tas.gov.au

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Deputy Premier  
Minister for Education and Training  
Minister for Primary Industries and Water  
Minister for Racing

Level 10 15 Murray Street HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Ph: +61 3 6165 7754  
Email: [jeremy.rockliff@dpactas.gov.au](mailto:jeremy.rockliff@dpactas.gov.au)



The Honourable Josh Frydenberg, MP  
Minister for the Environment and Energy  
House of Representatives  
Parliament House  
PO Box 6022  
CANBERRA ACT 2600

Email: [josh.frydenberg.mp@aph.gov.au](mailto:josh.frydenberg.mp@aph.gov.au)

Dear Minister 

I refer to your letter of 6 July 2017 in response to the concerns I raised regarding the (potential listing of 'Tasmanian forests and woodlands dominated by Black gum or Brookers gum (*Eucalyptus ovata* / *E. brookeriana*)' as critically endangered under the) Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

I understand from your letter that you will have already received the Commonwealth Threatened Species Scientific Committee recommendation on eligibility for listing and you are currently in the process of making a listing decision. The purpose of this letter is to reiterate the issues that I previously raised, which were not directly addressed in your response, relating to duplication of state regulation, increased red tape, impacts on farm development and activities on private land, and the concern that listing this community will cause in the farming community whilst not providing any substantive additional environmental benefits.

The proposed Commonwealth listing will introduce regulatory duplication for non-forestry activities, such as clearance for agriculture, which are predominantly undertaken on private land, as proponents may need to seek Commonwealth approval under the EPBC Act in addition to State approvals under the Tasmanian Forest Practices System, including for activities exempt or approved under Tasmanian legislation.

The concerns I raised about impacts on farm development are not limited to formal Tasmanian Irrigation schemes, which have limited spatial coverage through EPBC Act Strategic Assessments, but relate to farm irrigation and farm water development more generally. The communities proposed for listing are often areas suitable for farm dam development. While exemptions apply under the EPBC Act for continuing uses or actions with prior authorisation, these exemptions do not include expansion, enlargement or intensification of activities or new farm dams. Commonwealth approvals may also be required for these activities in addition to State approvals, or where State exemptions apply.

I note that the submissions referred to in your letter most likely represent interests contained to commercial forestry and forestry on public lands, whereas my concerns relate primarily to impacts that listing the communities will have on private farmland and farm development, as described above. This concern was also reiterated recently by the Tasmanian Farmers and Graziers Association in the Tasmanian Country Newspaper of 18 August along with their concerns about the Commonwealth's process and consultation with farmers on this proposed listing.

The draft Fact Sheet provided with your letter states the Tasmanian Government regards both communities as threatened native vegetation at the state level. However, the Commonwealth definition of *E. ovata forest and woodland* uses slightly different criteria to those used in Tasmania, meaning that the proposed Commonwealth definition and the way vegetation communities are identified and mapped in Tasmania are not aligned. The listing could therefore increase the regulatory burden and cost of compliance for private land owners undertaking non-forestry activities, creating ongoing uncertainty, when the vegetation values the Commonwealth appears to be aiming to protect are already represented under Tasmanian legislation.



The draft Fact Sheet identifies the regulatory duplication that is of concern, stating that "In the event a farmer does want to clear a very large and high quality patch of forest, the main requirement is to refer the proposal for national approval under the EPBC Act, as well as to the Forest Practices Authority" (page 4). It goes on to state that the information requirements for the national approval would be the same as for a Forest Practices Plan required under Tasmanian legislation. This contradicts the earlier assertion on page 3 that "National listing of ecological communities complements, rather than duplicates, existing Tasmanian regulation".

There are numerous references in the Fact Sheet to the availability of support for landowners where these communities may be present through national programs. Whilst I am advised the 20 Million Trees initiative will be available over the coming years, opportunities for Tasmanian farmers who are potentially impacted by this proposed, or other listings, to access Commonwealth funding may be overstated given the uncertainty regarding how the broader National Landcare Program funding will be allocated in future and the funding arrangements that may apply.

The Prime Minister recently joined the Tasmanian Premier to announce a new 20-year Tasmanian Regional Forest Agreement, which serves to protect the natural environment and avoid regulatory duplication, whilst promoting certainty in the forestry industry. I request that a similar level of consideration be extended to our farmers and private farmland, and reiterate that there is already a robust mechanism for protection for threatened communities under Tasmanian legislation and Forest Practices System.

I trust that you will consider the information provided in this letter as part of your listing decision.

Yours sincerely



Jeremy Rockliff MP  
Deputy Premier  
Minister for Primary Industries and Water

CC Hon Barnaby Joyce, Deputy Prime Minister  
Jonathon Duniam, Senator for Tasmania

MC17-021703

s47F

REEDY MARSH 7304

Phone: s47F

Email: @antmail.com.au

6<sup>th</sup> December 2017

Hon Josh Frydenberg MP  
Minister for the Environment and Energy  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

Min No: MC *BCD*

Division: *M* Link: *Link*

DLO: *M* Date: *12-11-17*

RECEIVED 12 DEC 2017 Environment and Energy Minister

Covering Brief  Departmental Reply

Minister Reply  Appropriate Action

CoS/Adviser Reply  For Information

Refer to:  Campaign  Advice/Min

*Link*  
*MC17-021525*  
*MC17-011006*

Enclosed Letter and its enclosures originally attempted to be sent by email but that was thwarted.

Subsequently by Post



**A Matter of National Significance**

Dear Minister

I am writing obo 'The Undersigned Signatories From the Reedy Marsh Environmental Living Zone' (listed in the enclosed letter) to enclose a letter which a number of people, residents and owners of covenanted properties (mostly created under RFA programs) wrote to Dr Peter Volker the Chief Forest Practices Officer of the Forest Practices Authority dated the 2<sup>nd</sup> December 2017. You may recall Dr Volker used to work for Senator Colbeck.

I, as the coordinator of the enclosed letter found, when I attempted to email to your published and long recognised email address, that you no longer allowed the email address to receive emails but have instituted some arcane system which does not work for situations such as this one. Thus this posted package of material and this cover letter of explanation sent to your Ministerial office.

By the way: This enclosed letter is not some sort of campaign, as apparently your Ministerial website ostensibly caters for such matters, but rather it is a neighbourhood objection and complaint. There are of course almost no satisfactory ways of resolving conflict in the community on behalf of the environment over logging in Tasmania under a revised and extended Regional Forest Agreement.

You will see from the enclosed letter titled: 'Community Objection to Proposed Forest Practices On Private Land owned by Demasa Pty Ltd (PID 3300973) in Larcombes Road Reedy Marsh', that it lists a substantial number of Commonwealth Listed Species and Communities.

Indeed one ecological community : 'Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (Eucalyptus ovata / E. brookeriana) Ecological Community, Originally termed Eucalyptus ovata Forest and Woodland in Tasmania' is currently being processed for listing as Critically Endangered, and rightly so too. It should have happened



20 years ago, were the Commonwealth Department adequately resourced and empowered to do its job. Perhaps there was indeed some other impediment.

I understand the Listing of the aforesaid ecological community may be one of the causes of the wave of logging of the E ovata forest, at the present time, in Tasmania. A disgrace of course. Are you aware of the strategic destruction, at this time, prior to listing, of this particular form of habitat being habitat for the Critically Endangered (Comm) Swift Parrot?

I seek to be advised by your office an update regarding of the progress of the Listing please and any role you think you may have to protect the species mentioned in our enclosed letter. I regard the matter as urgent. It is an urgent priority that the Ecological Community be listed please.

Finally I wish to signal I will likely be writing to you again regarding EPBC obligations over this forestry matter, as the impacts would undoubtedly affect more than one matter of National Significance.

I look forward to your reply. By all means use my email address especially if it saves you some inconvenience.

Yours sincerely,

A large grey rectangular box redacting the signature. The text 's47F' is printed in large, bold, black font across the box.

s47F

**Notice of Intent to Conduct Forest Practices  
under the Forest Practices Act 1985**

(Notice to local government and to landholders within 100m of the proposed forest practices)

**PROPOSED OPERATION: Forest harvesting and reforestation\***

This notice serves as formal advice that it is proposed to conduct forest practices related to forest harvesting and clearing on the land identified below. The proposed operations will be subject to a plan prepared in accordance with the Forest Practices Code. The plan will be certified by a Forest Practices Officer appointed by the Forest Practices Board prior to the commencement of operations.

The proposed operations will be located in the Larcombes Rd area (grid reference 475180/5412220 on the Parkham 1:25,000 map sheet - map extract attached showing the location of the proposed operations) The subject land is Private Property and a Private timber reserve owned by Demasa P/L. The land is situated within the Meander Valley Municipality.

The current land use for this area is native forest. It is proposed that approximately 46 ha will be harvested using ground-based logging equipment and regenerated to native forest.

Environmental and cultural values will be evaluated during the planning process for the proposed operation in accordance with the Forest Practices Code, including consultation with specialists where necessary. The following values will be assessed: flora; fauna; geomorphology; soil and water; cultural heritage; and visual landscape. Where necessary, special provisions to protect these values will be detailed in the forest practices plan.

It is expected that the proposed operations will commence on 1/12/17

**If you have any queries in relation to the proposed operations please contact Greg Williams on 0409792989.**

This notice was issued by:

Greg Williams  
29/10/16  
on behalf of Demasa P/L



|  |   |
|--|---|
| Min No: MC                                 | BCD   |
| Division:                                  | Link:   |
| DLO: <i>M</i>                              | Date: 12.11.17  |
| RECEIVED 12 DEC 2017                       | Environment and Energy Minister                                       |
| <input type="checkbox"/> Covering Brief    | <input checked="" type="checkbox"/> Departmental Reply                |
| <input type="checkbox"/> Minister Reply    | <input checked="" type="checkbox"/> Appropriate Action                |
| <input type="checkbox"/> CoS/Adviser Reply | <input type="checkbox"/> For Information                              |
| <input type="checkbox"/> Refer to:.....    | <input type="checkbox"/> Campaign <input type="checkbox"/> Advice/Min |



The Undersigned Signatories  
From the Reedy Marsh Environmental Living Zone.  
As per addresses and signatures below.  
Larcombes Road  
REEDY MARSH 7304  
TASMANIA

2nd December 2017

Dr Peter Volker  
Chief Forest Practices Officer  
Forest Practices Authority  
30 Patrick St  
Hobart TAS 7000  
By email to: s47F [redacted]@fpa.tas.gov.au

CC: Mr John Ramsay, Chair, Board of the Forest Practices Authority: By email to: s47F [redacted]@jrassociates.com.au  
CC: Mr Aaron Youd, Demasa Pty Ltd. By email to: s47F [redacted]@gmail.com  
CC: Mr Martin Gill, General Manager, Meander Valley Council. By email to: s47F [redacted]@mvc.tas.gov.au  
CC: Threatened Species Commissioner. By email to: [ThreatenedSpeciesCommissioner@environment.gov.au](mailto:ThreatenedSpeciesCommissioner@environment.gov.au)  
CC: Minister for the Environment, Hon Josh Frydenberg: By email: [Josh.Frydenberg.MP@aph.gov.au](mailto:Josh.Frydenberg.MP@aph.gov.au)  
CC: Shadow Spokesperson on The Environment, Hon Tony Burke MP: By email: [tony.burke.mp@aph.gov.au](mailto:tony.burke.mp@aph.gov.au)  
CC: Mr Andrew Wilkie, MP: By email to: [andrew.wilkie.mp@aph.gov.au](mailto:andrew.wilkie.mp@aph.gov.au)  
CC: Mr Will Hodgeman, Premier of Tasmania: By email to: [will.hodgeman@parliament.tas.gov.au](mailto:will.hodgeman@parliament.tas.gov.au)  
CC: Ms Rebecca White Leader of the Opposition: By email to: [rebecca.white@parliament.tas.gov.au](mailto:rebecca.white@parliament.tas.gov.au)  
CC: Ms Cassy O'Connor, Leader of the Greens: By email to: [cassy.o'connor@parliament.tas.gov.au](mailto:cassy.o'connor@parliament.tas.gov.au)

### **Community Objection to Proposed Forest Practices**

#### **On Private Land owned by Demasa Pty Ltd (PID 3300973) in Larcombes Road Reedy Marsh**

Dear Dr Volker,

We, the undersigned, from properties within the Environmental Living Zone (ELZ) at Reedy Marsh, write to express our complete opposition to proposed forestry practices regarding the Property, PID 3300973, CT 229894/1, which adjoins the Environmental Living Zone (ELZ).

We understand the landowner is Demasa Pty Ltd, of 36 Weston Street, Deloraine, in Tasmania. Mr Aaron Youd would appear to be the Director of Demasa. It is noted Mr Youd does not live on the subject land.

The undersigned to this objection have a range of reasons for opposing the proposed forestry operation. These, in a preliminary sense, are broadly expressed below.

#### **Notice of Intent Issues and Deficiencies**

In early in November 2017, two of the adjoining neighbours in the ELZ received a "Notice of Intent to Conduct Forest Practices under the Forest Practices Act 1985" issued by Greg Williams (*obo of Demasa P/L*) (**Enclosed**) - who stated that proposed forestry operations were expected to commence on "1st December 2017".

The October 2016 dated Notice of Intent advises that 46 Ha of forest on the subject land is proposed to be industrially logged, almost certainly in a near clearfell sense (according to the Tasmanian Forestry Commission's silvicultural manuals).

The Notice map shows this would include logging of very aesthetically attractive forest adjoining Larcombes Rd. Also included are part of three boundaries which adjoin the Reedy Marsh Conservation Area, a boundary onto s47F [redacted] Private (covenant) Forest Reserve and a

Objection to CFPO from Reedy Marsh ELZ residents - concerning proposed forestry on PID 3300973.

boundary onto s47F Private (covenant) Forest Reserve. The landscape context of this land has the highest conservation credentials.

Unfortunately, the Notice of Intent (including the map) is deficient, meeting no standards including the Forest Practices Authority (FPA) Guidelines. In the Notice, Mr Williams gives no address, either for his operation, or Demasa's. It does not detail Mr Williams' role. We only have his claim that he is either the agent or nominee of Demasa. Can you please confirm whether the Mr Williams of MOB 0409 792 989 is a Forest Practices Officer, under the Forest Practices Act?

Does the FPA consider that a Notice such as this, with so little contact detail, is adequate? It has no Property ID, no Certificate of title, no street address - the list goes on. However the purpose of this part of the letter is not to critique the whole of the Notice of Intent but rather an introductory complaint about this substandard Notice. The quality of the Notice is relevant, because it needs to be fair and reasonable.

Nearby residents are still no clearer as to the details of what is proposed, and whether genuine concerns we have about the impacts of the proposed forestry practices would, or even could, be addressed. It is a ridiculous situation when the forestry operation is proposed to commence on the 1<sup>st</sup> December 2017 yet as of the 2<sup>nd</sup> December 2017 no Forest Practices Plan has been circulated.

This letter seeks to protect both our existing amenity and our democratic rights to a reasonable and fair process. Seemingly, the proposed operation does not yet exist under the Forest Practices Act 1985. We would welcome a right of appeal.

### **Private Timber Reserve Aspects**

We are aware that the land is a Private Timber Reserve under the Forest Practices Act. It is also noted and criticised there is no land use planning at the local government level for forestry operations on Private Timber Reserves in Tasmania.

The broader community, including Meander Valley Council, opposed and appealed the whole of the Private Timber Reserve (PTR1698) application by the previous owners, Mr and Mrs Porter. The strength of the opposition to the PTR and the issues so diverse and extensive caused the hearing before the Forest Practices Tribunal to continue for 17 days. After the deficient decision of the Forest Practices Tribunal, one of the residents appealed to the Supreme Court on private grounds but the veracity of the decision on public interest grounds was never tested in Court.

### **Forestry Illegality and Complaints - Ongoing**

Further, the Reedy Marsh community has complained about proposed and actual forestry operations on the subject land for a period of some 16 or so years. There have been several breaches and disciplinary actions and illegalities exposed. There will be a mounting file within the Forest Practices Authority over this important private land and the natural values it contains. There is no social license for a forestry operation here.

We once again take the first step of opposing the proposed and most likely, already planned forestry operation.

### **Local Government Residential Zoning**

Meander Valley Council, in 2013, zoned our adjoining land to the category of Environmental Living Zone (ELZ). Significantly, for over 80% of the area, the zone is delineated and enhanced by private covenanted land, protected under the Nature Conservation Act and mostly adjoining the public reserve, The Reedy Marsh Conservation Area.

### **Impacts Claimed**

The proposed forestry operation would have a significant impact on both the threatened and endangered species as well as the vegetation communities present on the subject land. It should not have to be our role to identify species and vegetation communities but, on this occasion and in

general, we have limited confidence that without thorough survey work, including a preliminary list of the species, important conservation issues will be overlooked.

We are well aware that the *E. ovata* forest is being uplisted now by the Commonwealth under the EPBC Act to the status of 'Critically Endangered'. We think there may be an industry campaign to log the *E. ovata* forest in northern Tasmania, before it is Listed by the Commonwealth Minister for Environment as Critically Endangered, under the Act.

### **Natural Values – Vulnerable Vegetation Communities and Listed Species**

The list of threatened and endangered species (at the State and/or Commonwealth level) and the vegetation communities, either mapped, known, present on the land, or expected to be so, is extensive:

#### Vegetation Communities:

- **Inland *E. amygdalina* – *E. viminalis* – *E. pauciflora* on Cainozoic deposits** (Vulnerable) (no adequate data for the region but identified by botanist Fred Duncan of the FPA) (Vulnerable Land under FP regulations)
- **Dry *E. obliqua* forest.** (Has suffered a 15.7% decline since 1996)
- **Shrubby *E. ovata* – *E. viminalis* forest** (Threatened (TAS) and in the process of being listed as Critically Endangered under EPBC) (Also known as Eucalyptus ovata Forest and Woodland). (But not the current name for the ecological community under EPBC.) (Identified on the land by botanist Fred Duncan of the FPA) (Vulnerable Land under FP regulations)
- ***E. pauciflora* forest on Jurassic dolerite** (Resident Andrew Ricketts thinks this is present but not mapped) (No adequate data for Woolnorth Bioregion) NB FPA still using IBRA IV, so we have too.
- ***E. pauciflora* forest on sediments** (No adequate data for Woolnorth Bioregion)
- ***E. viminalis* / *E. ovata* / *E. amygdalina* / *E. obliqua* damp sclerophyll forest** (Listed as Depleted when in old growth condition) (may also contain *E. delegatensis* and *E. dalrympleana*).
- ***E. rodwayi* forest** (Very little in the Woolnorth Bioregion, expect this is not mapped on the subject land) (Most of the *E. rodwayi* is probably outside of the FPP Notice area, is of high value regionally and at this altitude is significant – 100% required.) (No adequate regional data but identified by botanist Fred Duncan of the FPA)
- **Wetlands.** There may be some wetlands. (Vulnerable Land under FP regulations) Certainly a significant part of the subject land is mapped as flood prone in the MVC Planning Scheme.

#### Listed Species:

1. The Listed Species the **Spotted Tailed Quoll** (*Dasyurus maculatus maculatus*) has been observed entering and leaving the subject on many occasions. There is footage. *Dasyurus maculatus maculatus* is both a State (Rare) and Commonwealth Listed Species (as Vulnerable).
2. It is clear that the subject land is high quality **Tasmanian Devil** (*Sarcophilus harrisii*) habitat. There is footage of their presence. *Sarcophilus harrisii* is both a State (Endangered) and Commonwealth Listed (Endangered) Species. The land has geology and geomorphology suited to den construction.

3. The area is resident to several **Wedge Tailed Eagles** (*Aquila audax fleayi*) (including pairs) who use the subject land as foraging habitat. Sometimes three Eagles are seen over the land. The Reedy Marsh district has several nests nearby. It has been observed the subject land is a refuge for this species during inclement weather. *Aquila audax fleayi* is both a State (Endangered) and Commonwealth Listed (Endangered) Species.
4. The **Grey Goshawk** (*Accipiter novaehollandiae*) has been sighted on the subject land. There is an amount of Grey Goshawk habitat on the subject land. Listed as (Endangered) under the Tasmanian Threatened Species Protection Act 1995.
5. Several residents have observed **Swift Parrots** (*Lathamus discolor*) entering the subject land. The Swift Parrot is now Critically Endangered under the EPBC Act. The FPA's prescription for the Swift Parrot is completely inadequate. There has been a long claimed presence of the Swift Parrot in Reedy Marsh, including by Ornithologist, Ms Sarah Lloyd. Supporting material can be provided. It is known the Parrot (*Lathamus discolor*) uses and forages on *E. ovata* flowers.
6. **The Masked Owl** (*Tyto novaehollandiae castanops*) has recently been sighted on Larcombes Rd within 100 metres of the subject land. FPA prescriptions for the Owl are inadequate. It is likely that Masked Owl nest/s would be on the land. *Tyto novaehollandiae castanops* is Listed both at the State (Endangered) and Commonwealth (Vulnerable) level.
7. The land contains habitat for the **Eastern Barred Bandicoot** (*Perameles gunnii gunnii*). A Listed Commonwealth species – status: (Vulnerable).
8. The land contains habitat for the **Tasmanian Bettong**, a RFA Priority Species.
9. The land contains good habitat for Land Burrowing Crayfish (*Engaeus* spp) and may indeed contain **Engaeus granulatus**. The Central North Burrowing Crayfish is listed as endangered under the Tasmanian Threatened Species Protection Act 1995 and listed as Endangered under the EPBC Act.
10. The land contains good habitat for the Listed species the **Green and Gold Frog** (*Litoria raniformis*). A Listed State (Vulnerable) and Commonwealth species – status: (Vulnerable).

There may well be other Threatened Species present including some Rare Listed plants.

We claim that logging the subject land would not meet any sustainability test including: *"The stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfil, now and in the future, relevant ecological, economic and social functions, at local, national, and global levels, and that does not cause damage to other ecosystems."* (Source FPC 2016)

### **Threat to Amenity and Land Values**

We know it is highly likely that the amenity of all the Larcombes Rd residents in the ELZ would be significantly degraded and diminished were the proposed logging to proceed. Further, the desirability of the adjoining area, as Environmental Living Zone, would be significantly adversely impacted.

The proposed forestry would be likely to adversely affect the value of all of our real estate, our lifestyle and the amenity of our property here.

### **Call to Protect Subject Land and Pay Compensation to Owner/s**

We call upon The Board of the Forest Practices Authority to conserve the natural parts of Demasa's property, PID 3300973, through the Forest Practices Act 1985 and the Nature Conservation Act. The Tasmanian Government has the legislative tools available to conserve the critical elements of Tasmania's natural estate, even when they are in private ownership.

### Other Requests of the FPA

In particular, we also seek the following:

- Confirmation whether the Forest Practices Plan (FPP) exists and its certification status.
- That the FPP remains uncertified whilst The Board of the FPA makes any conservation referral under the Nature Conservation Act.
- Copy of the FPP.
- Copies of any expert FPA reports produced during investigation of this proposed forestry matter at any time. NB From the Notice: *"The following values will be assessed: flora; fauna; geomorphology; soil and water; cultural heritage; and visual landscape."*

### In Conclusion

This proposed forestry operation, over high conservation forest (on land PID: 3300973), adjoining our long standing residential area - several residents have lived here for some decades - threatens significant harm to our local amenity and would probably adversely affect all our residential property values, making the area less attractive and less desirable thereby almost certainly devaluing our land.

We would, if Demasa continues with the proposed forestry practices, strongly and publicly make the case for this land to be conserved.

In the event a certified FPP is finalised we wish to reserve the right to pursue all remedies, take all necessary action to protect ourselves, our amenity and our properties from the destructive impacts of any logging. We would also likely seek to have any FPP deficiencies dealt with by way of a Revocation.

As you can see, there is a range of public interest issues as well as our bona fide amenity issues. The proposed forestry operation adjoins The Reedy Marsh Environmental Living Zone, which is comprised of in perpetuity covenanted properties (see Enclosed MVC mapping). Both the amenity and contribution to Australia's National Reserve System is important, as well as having a part of three boundaries with the Reedy Marsh Conservation Area, a secure RFA Reserve within Meander Valley Council's Environment Management Zone.

This proposed forestry operation should be cancelled for both social and environmental reasons.

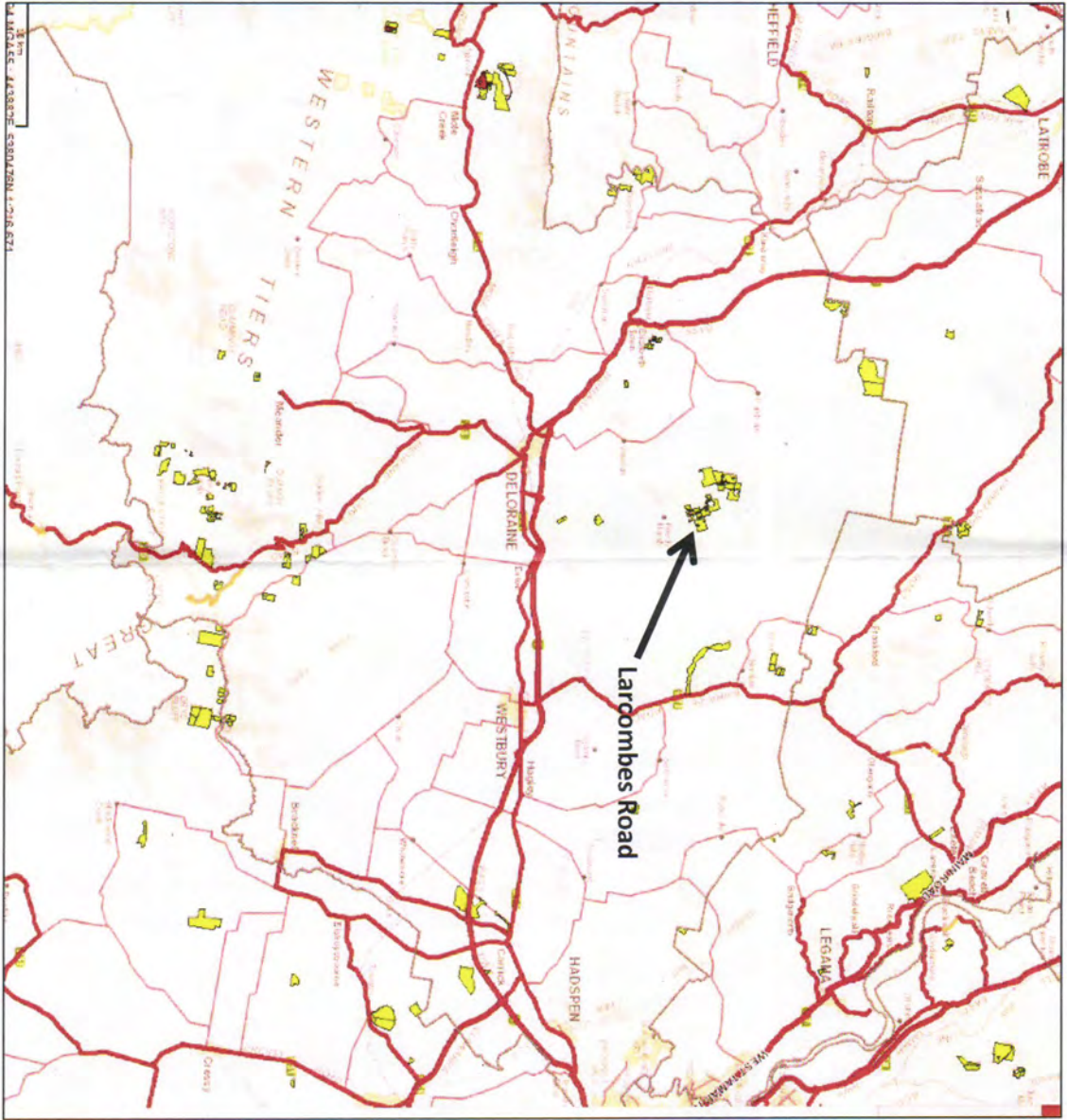
We, the undersigned, seek your immediate and transparent action, as well as an early reply, addressed to each of the signatories at their address below, as a priority please.

Yours sincerely,

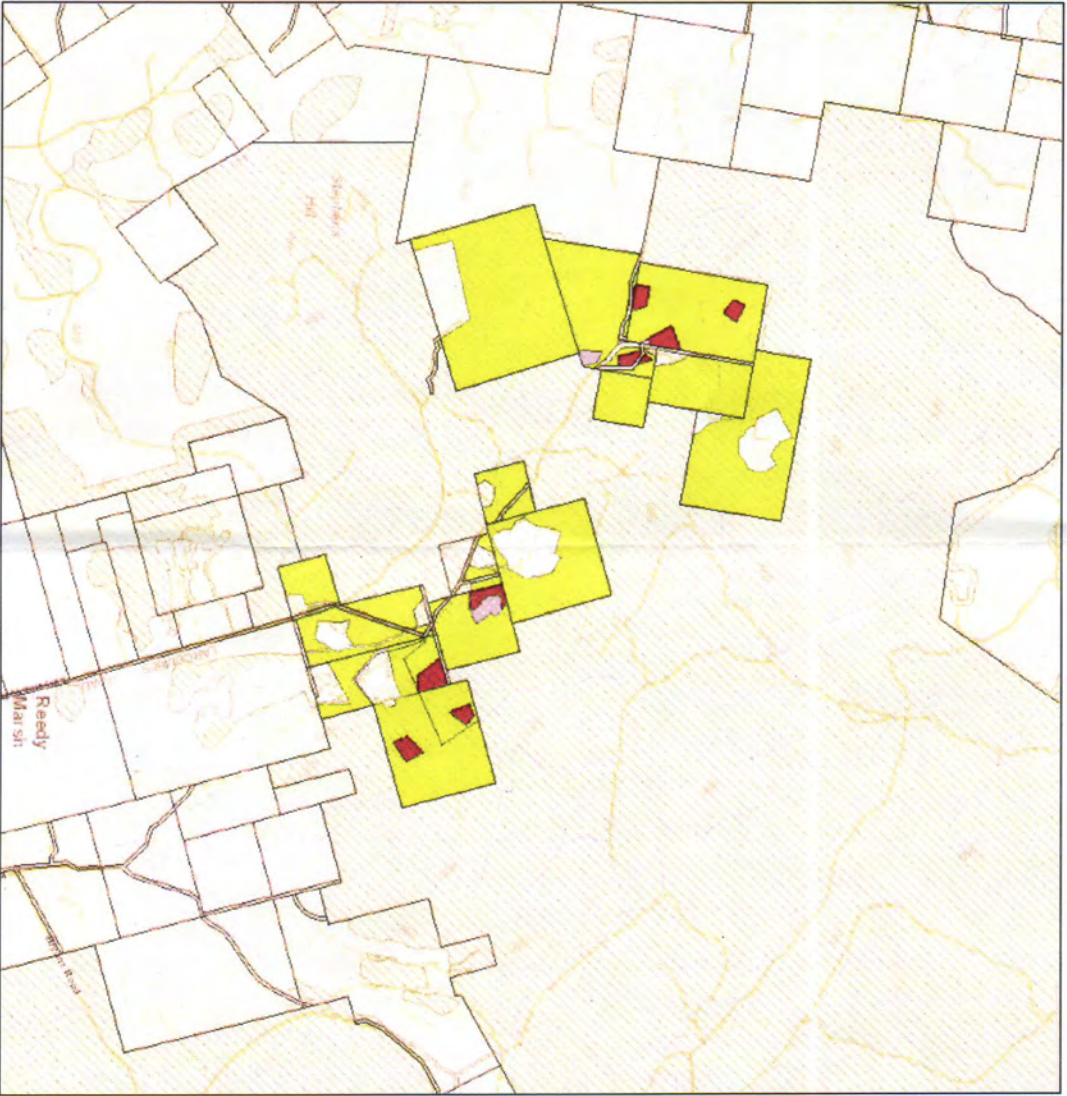




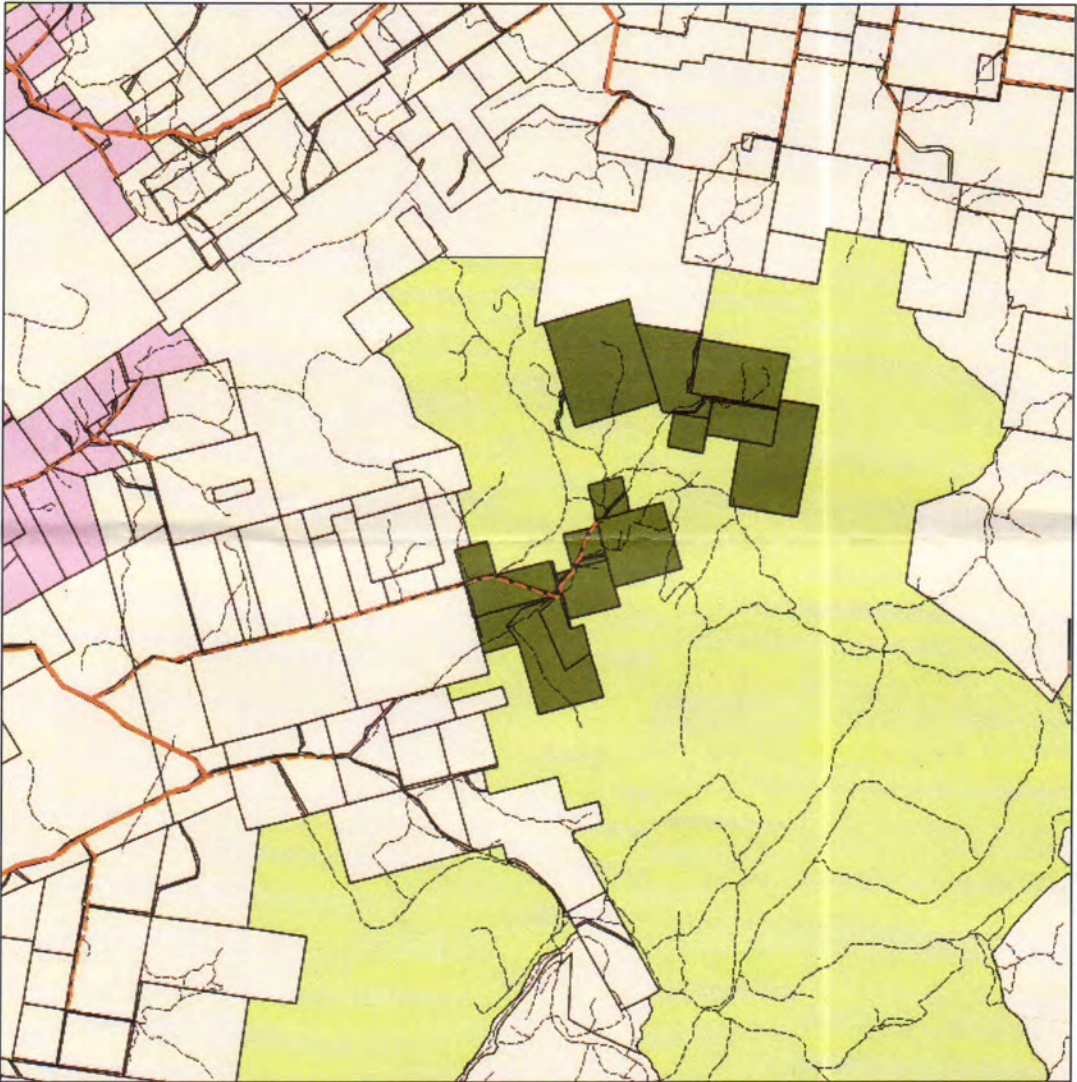
**S47F**



Conservation Covenants – Larcombes Road



Meander Valley Interim Planning Scheme 2013 – Current Zoning



s22

**From:** EPBC Nominations  
**Sent:** Monday, 30 January 2017 8:08 AM  
**To:** s22  
**Subject:** FW: TFGA E. ovata and E. brookeriana submission [SEC=UNCLASSIFIED]  
**Attachments:** TFGA E. ovata E. brookeriana submission.doc

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**From:** s47F @tfga.com.au]  
**Sent:** Friday, 27 January 2017 4:09 PM  
**To:** EPBC Nominations <EPBCNOM@environment.gov.au>  
**Cc:** s47F @tfga.com.au>  
**Subject:** TFGA E. ovata and E. brookeriana submission

To whom it may concern,

Please find attached the TFGA's submission on the Tasmanian forests and woodlands dominated by black gum or Brookers gum (*Eucalyptus ovata* / *E. brookeriana*).

If you have any questions, please don't hesitate to contact the TFGA office.

Regards,

s47F  
Tasmanian Farmers & Graziers Association  
Policy Officer  
Cnr Cimitiere & Charles Streets  
Launceston TAS 7250

p.  
f. s47F  
m.  
e.



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## TASMANIAN FARMERS & GRAZIERS ASSOCIATION

The Director  
Ecological Communities Section  
Department of the Environment and Energy  
Canberra ACT 2601

Email: [epbc.nominations@environment.gov.au](mailto:epbc.nominations@environment.gov.au)

### **TFGA Submission – Tasmanian forests and woodlands dominated by black gum or Brookers gum (*Eucalyptus ovata* / *E. brookeriana*)**

The Tasmanian Farmers and Graziers Association (TFGA) is the leading representative body for Tasmanian primary producers. TFGA members are responsible for generating approximately 80% of the value created by the Tasmanian agricultural sector.

The TFGA appreciates the opportunity to make comment on the draft Conservation Advice in regards to the Tasmanian forests and woodlands dominated by black gum or Brookers gum (*Eucalyptus ovata* / *E. brookeriana*).

The agriculture sector by its very nature faces complex and shifting challenges many of which have a detrimental impact on a farms viability. However, by far the most significant cost impost and challenge is the regulatory burden placed on Tasmanian farms, of which environmental regulation constitutes a significant component.

The TFGA acknowledges that there is a need for some environmental regulation. Regulation sets a minimum level of performance that is required to meet community standards and expectations. However, it is critically important that environmental regulation is appropriately targeted, clearly communicated, stakeholders are consulted and any restrictions are minimised to ensure that our competitiveness is not limited and we avoid perverse outcomes.

The current process of listing matters of significance allows the regulatory reach of this legislation to continue to grow with little likelihood of there being any reductions without a major overhaul of the Act. Listings of significant matters need to be contemporary and relevant, failure to do so exacerbates a culture of distrust and noncompliance.

There is an implicit assumption in the EPBC that threatened species and/or ecological communities can and should be protected, no matter the cost or the consequences. Recent scientific debate suggests that this assumption requires much more rigorous testing; and it is important to recognise that such aspirations are not always desirable or attainable.

Following the TFGAs evaluation of the draft Conservation Advice and additional internal research, the TFGA has the following issues to outline:

- The draft Conservation Advice asserts that the ecological community that includes both *Eucalyptus ovata* and *E. brookeriana* are limited to Tasmania; however, these species are found in reasonably large numbers on the mainland of Australia, through South Australia, Victoria and New South Wales.
- Given the current level of protection given to the two species under the Forest Practices Act (FPA) and the Threatened Species Conservation Act the TFGA sees no reason to add an additional regulatory layer of protection. This is undesirable to the agricultural sector in particular, as it adds additional red tape to obtaining clearance and conversion permits.
- Given the significant percentage of the Tasmanian land mass that is already reserved, further reservation at this level appears excessive, particularly in light of the existing legislative protections for these species.
- The ecological community in question, if listed under the EPBC act, would restrict private landholders from accessing natural areas ideal for agricultural dams.
- The draft Conservation Advice appears to be flawed and a number of assertions are questionable. One major key issue is that the document appears contradictory to other sources as well as itself.
- The TFGA is concerned about the veracity of the assessment in part due to section C7 Nationally-listed key threatening processes. This section outlines several threats that are not present in Tasmania, and if preventative measures were undertaken, will never effect Tasmania and could result in perverse outcomes.
- We understand that there was no consultation with the state government or stakeholders regarding this public nomination.
- There is a clear understanding that private land is not covered under RFA exemptions which would leave private landholders at a distinct disadvantage to industrial forestry operators thereby producing an unbalanced operating environment.
- Recent changes to the state planning scheme adds a further layer of protection with the Natural Assets Code (NAC) now being incorporated in the agricultural zone.
- The management of public land is also vital to the ecology of Tasmania. However, the management practices that would be implemented to mitigate risks and hazards on and between public land, buffer zones and private land is not made clear in the draft Conservation Advice.
- Finally the continued expectation that private landholders will continue to carry the cost of so called ‘community expectations’ is not sustainable and the agricultural sector in Tasmania will not countenance any further reservation by whatever means without appropriate and adequate financial compensation.

The TFGA believes that this ecological community should not be listed under the EPBC Act as the draft Conservation Advice lacks rigor, adequate protection already exists and further regulation is contrary to the articulated policies of both the current State and Federal governments.

Please contact the TFGA if you require any further information.

Yours sincerely

**s47F**

**Peter Skillern**  
Chief Executive Officer  
27<sup>th</sup> January 2016