

BRIGALOW REGROWTH AND THE EPBC ACT

This note is for Queensland purposes only

The Brigalow ecological community, 'Brigalow (*Acacia harpophylla* dominant and co-dominant)', was listed as a threatened (endangered) ecological community under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 4 April 2001.

In Queensland, the Brigalow ecological community that has been listed under the EPBC Act is defined by reference to 16 regional ecosystems, all of which are listed as 'endangered' under the Queensland *Vegetation Management Act 1999*. These 16 ecosystems are listed at the end of this document.

The Brigalow ecological community was listed as a nationally endangered ecological community because it has declined to approximately 10% of its former area. That is, around 90% of the original extent of the Brigalow ecological community has been destroyed or severely degraded.

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

As a result of the listing, an activity that is likely to have a significant impact on the listed Brigalow ecological community will need to be referred to the Commonwealth Minister for the Environment for assessment and approval. There are some limited exceptions, which are discussed below.

The listing of the Brigalow ecological community did not distinguish between remnant and regrowth Brigalow. Because remnant vegetation in the Brigalow ecological community is protected under Queensland legislation, the purpose of this note is to provide guidance on the application of the EPBC Act to the clearing of regrowth Brigalow. The application of the EPBC Act to remnant Brigalow is not discussed, as the clearing of remnant Brigalow is prohibited by Queensland legislation.

Clearing of Regrowth Brigalow

Summary

In summary, a proposal to clear regrowth Brigalow should be referred for approval under the EPBC Act where:

- (a) clearing of the regrowth Brigalow requires a permit under Queensland legislation (for example, because it is in a declared area of high conservation); or
- (b) the regrowth Brigalow is more than 15 years old.

Regrowth Brigalow that is regulated under Queensland legislation

Whether the clearing of Brigalow regrowth is regulated under Queensland legislation (such as the *Vegetation Management Act 1999* or the *Nature Conservation Act 1992*) will depend upon where it is done and the purpose for which it is done. For further information on the position of regrowth Brigalow under the *Vegetation Management Act 1999*, farmers should consult A Guide to Vegetation Management Policy in Queensland, produced by the Queensland Department of Natural Resources and Mines.

The clearing of an area of Brigalow regrowth must be referred under the EPBC Act if it will require a permit under Queensland legislation. For example, if it is in a declared area of high conservation value under the *Vegetation Management Act 1999* or if it involves the taking of a species protected





under the Queensland *Nature Conservation Act 1992*. This requirement applies irrespective of the age of the Brigalow regrowth.

Regrowth Brigalow that is not regulated by Queensland legislation

Brigalow regrowth is part of the Brigalow ecological community listed under the EPBC Act only if it retains the species composition and structural elements typical of that found in undisturbed areas of the listed Brigalow ecological community.

Brigalow regrowth is not considered part of the Brigalow ecological community that is listed under the EPBC Act if it is of poor quality. An activity that affects Brigalow regrowth of poor quality is, therefore, not subject to the EPBC Act.

In general, areas that have been cleared within the past 15 years will not have regained the structure and species composition typical of remnant Brigalow and, therefore, will **not** qualify as the listed Brigalow ecological community.

Accordingly, clearing of Brigalow regrowth that is less than 15 years old **does not** need to be referred for assessment and approval under the EPBC Act.

For further assistance in applying these guidelines and determining whether you need to refer a proposed action for decision, contact Environment Australia's Community Information Unit on **1800 803 772** or by email at: **ciu@ea.gov.au**. Information is also available at: **<http://www.ea.gov.au/epbc>**

Information about how to make a referral and copies of referral forms are also available from Environment Australia.

List of Queensland Regional Ecosystems

In Queensland, the ecological community 'Brigalow (*Acacia harpophylla* dominant and co-dominant)' is defined to include the following units:

- *Casuarina cristata* +/- *Acacia harpophylla* on clay plains (6.4.2)
- *Acacia harpophylla* and/or *Casuarina cristata* on alluvial plains (11.3.1)
- *Acacia harpophylla* and/or *Casuarina cristata* shrubby open forest on Cainozoic clay plains (11.4.3)
- Open forest of *Eucalyptus populnea* with *Acacia harpophylla* and/or *Casuarina cristata* on Cainozoic clay plains (11.4.7)
- Open forest of *Eucalyptus cambageana* with *Acacia harpophylla* or *A. argyrodendron* on Cainozoic clay plains (11.4.8)
- *Acacia harpophylla* shrubby open forest with *Terminalia oblongata* on Cainozoic clay plains (11.4.9)
- *Eucalyptus populnea* or *E. pilligaensis*, *Acacia harpophylla*, *Casuarina cristata* open forest on margins of Cainozoic clay plains (11.4.10)
- *Acacia harpophylla* and/or *Casuarina cristata* open forest in depressions on Cainozoic sand plains/remnant surfaces (11.5.16)
- *Acacia harpophylla*-*Eucalyptus cambageana* open forest on Cainozoic fine-grained sedimentary rocks (11.9.1)
- *Acacia harpophylla* and/or *Casuarina cristata* open forest on Cainozoic fine-grained sedimentary rocks (11.9.5)
- *Acacia melvillei* +/- *A. harpophylla* open forest on Cainozoic fine-grained sedimentary rocks (11.9.6)
- *Acacia harpophylla* open forest on deformed and metamorphosed sediments and interbedded volcanics (11.11.14)
- *Acacia harpophylla* open forest on igneous rocks; colluvial lower slopes (11.12.21)
- *Acacia harpophylla* open forest on Cainozoic igneous rocks (12.8.23)
- *Acacia harpophylla* open forest on sedimentary rocks (12.9-10.6)
- *Acacia harpophylla* open forest on Mesozoic to Proterozoic igneous rocks (12.12.26)