FOREST PRACTICES CODE 2020 - PROPOSED AMENDMENTS

PART A2.1 Scope

Add the following dot points

- Part D4A of this Code applies to the planning and conduct of forest practices for a Regional Forest Agreement forestry operation that may have an impact on an EPBC Act listed threatened species or ecological community or a listed migratory species as listed from time to time (referred to as Relevant Protected Matters).

PART A2.2 Structure

Add the following dot point

- Part D4A of this Code includes ‘standards’ as well as ‘general principles’ and ‘operational approach’. Standards address the planning and conduct of forest practices. Specifications of forest practices in an FPP or a relevant variation to a certified FPP must be in accordance with the standards to be certified.

PART A3.1 Strategic Planning

Add the following dot point after second dot point

- The Duty of Care provisions of this Code do not remove, limit or replace any requirement of Part D4A, including the standards set out in that part to:
    - obtain and use appropriate data and information
    - adequately assess impacts on Relevant Protected Matters
    - apply the mitigation hierarchy
    - prevent Unacceptable Impacts
    - undertake community engagement
    - offset any Residual Significant Impact so that the forest practices pass the Net Gain test.

PART D Duty of Care

Add the following dot point

- The Duty of Care provisions in this Part do not remove, limit or replace any requirement of Part D4A, including the standards set out in that Part.

PART D4.3 Listed threatened species and communities

Operational approach

- Change all references from “Procedures for the management of threatened species under the forest practices system” to “Procedures for the management of threatened species and Relevant Protected Matters under the forest practices system”.

DRAFT

Add the following dot point

- Part D4A of this Code applies to the planning and conduct of forest practices for a Regional Forest Agreement forestry operation that may impact an EPBC Act listed threatened species or ecological community or a listed migratory species.

PART D4A Relevant Protected Matters

D4A.1 Purpose

- Part D4A forms part of the arrangements under which forest practices are assessed and approved in accordance with an approval bilateral agreement made under section 45 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- Management measures directed at Relevant Protected Matters are intended to be specifications for the purposes of section 18(2) of the *Forest Practices Act 1985*.
- This Part sets the standards and requirements for the planning and conduct of forest practices that may impact Relevant Protected Matters so that those forest practices:
    - identify, assess and manage actual and potential impacts on Relevant Protected Matters D4A.4
    - apply the mitigation hierarchy to avoid, mitigate, repair impacts D4A.5
    - consider Conservation Planning Documents D4A.6
    - not have Unacceptable Impacts on Relevant Protected Matters D4A.7
    - meet offset requirements and pass the Net Gain test where Residual Significant Impacts remain after avoidance, mitigation and repair measures have been applied D4A.8
    - identify and use the best available data, information and knowledge relevant to decision-making D4A.9
    - provide for proportionate and effective consultation with communities D4A.10
- Relevant Protected Matters considered under this Part D4A are the following Matters of National Environmental Significance (MNES), as listed from time to time under the EPBC Act:
    - Nationally listed threatened species
    - Nationally listed threatened ecological communities
    - Nationally listed migratory species.
- This Part also requires the disclosure of estimated greenhouse gas emissions D4A.11.

D4A.2 Application

- This Part applies to:
    - the planning, design and conduct of forest practices, including the development of an FPP for a Regional Forest Agreement (RFA) forestry operation that may have an impact on a Relevant Protected Matter
    - a relevant variation, being a variation of a certified FPP for an RFA forestry operation that may have an impact on a Relevant Protected Matter (including a variation of a kind addressed in D4A.3: ‘Forest Practices Plans certified before the commencement of this Part of the Code’), other than a variation that does not alter, or involve, impacts on a Relevant Protected Matter

DRAFT

- This Part does not apply to:
    - forest practices that are not a RFA forestry operation
    - a forest practice that may have a significant impact on a EPBC Act listed National Heritage place, World Heritage area, Commonwealth land or Ramsar wetland.
- Forest practices for which this Part does not apply may need to be referred to the National Environmental Protection Agency for a decision on whether the proposed operation requires assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

D4A.3 FPP certification decisions and supporting information

- Whether a FPP meets the requirements of this Part is a matter to be considered by the certifying Forest Practices Officer or the FPA in deciding whether to certify or vary the plan, in accordance with the Forest Practices System delegation policy, the Forest Practices System policy on certification and variation decisions, and the directions of the Chief Forest Practices Officer relevant to this Part.
- Specifications of forest practices in an FPP or a relevant variation to a certified FPP must be in accordance with the standards in this Part to be certified.

Forest Practices Plans certified before the commencement of this Part of the Code

- A FPP certified before the date on which the accreditation decision under the approval bilateral agreement takes effect that will be implemented after that date, and that may have an impact on a Relevant Protected Matter, must be reviewed against this Part D4A before the relevant forest practices are undertaken, and varied or remade as necessary to comply with it.
- A FPP that is covered by a transitional determination made under a bilateral agreement made under Part 5 of the *Environment Protection and Biodiversity Conservation Act 1999* is taken, for the purposes of this Code, to comply with the requirements specified in that transitional determination during the period of its operation.

Interactions with the Nature Conservation Act 2002

- Where section 44(8) of the Nature Conservation Act 2002 applies to the certification of a FPP the plan and any forest practices may require separate approval under the *Environment Protection and Biodiversity Conservation Act 1999*.
- This Part continues to apply for the purposes of identifying and assessing impacts on Relevant Protected Matters, however any approval required under the *Environment Protection and Biodiversity Conservation Act 1999* must be obtained separately from the Commonwealth.

Use of management prescriptions and planning tools

- Approved management prescriptions, planning tools and assessment tools developed in accordance with the Agreed Procedures support compliance with this Part but may not in every case be sufficient to achieve it. After applying them, the person preparing the FPP

or variation must consider whether the requirements of this Part are met or whether additional measures are needed.

- Additional information, surveys or specialist advice must be obtained if a management prescription, planning tool or assessment tool:
    - is not available for the Relevant Protected Matter concerned
    - cannot practically be applied to the proposed forest practice
    - is otherwise insufficient to meet the requirements of this Part, including where it does not yet reflect a relevant Conservation Planning Document or more recent information.
- Prior to a certification or variation decision, the FPO or FPA will consider whether proposed management prescriptions, planning tools and assessment tools developed in accordance with the Agreed Procedures and detailed in the impact assessment report support compliance with this Part of the Code, including currency with the most recent version of the Agreed Procedures and any subsequent Conservation Planning Document.

D4A.4 Adequate Assessment of Impacts

Standard

- The planning of forest practices will be informed by an adequate assessment of impacts on each Relevant Protected Matter consistent with the general principles and operational approach.

General Principles

- An adequate assessment of impacts on Relevant Protected Matters must:
    - be based on the best available information and evidence in accordance with D4A.9
    - identify and assess actual and potential impacts on Relevant Protected Matters
    - consider the nature, extent, severity and context of impacts, including cumulative impacts and other relevant stressors
    - be proportionate to the level of risk to the Relevant Protected Matter
    - apply the mitigation hierarchy in accordance with D4A.5 and assess the anticipated effectiveness of the proposed management measures
    - provide sufficient information to determine whether Residual Significant Impacts would occur
    - provide sufficient information to determine whether Unacceptable Impacts would occur (see D4A.7)
    - consider Conservation Planning Documents and includes any additional information or advice in accordance with D4A.6
    - incorporates, where necessary, changes in response to community engagement undertaken in accordance with D4A.10
    - support transparent, evidence-based and accountable decision-making under this part of the Code.

Operational approach

- An Impact Assessment must be conducted for each Relevant Protected Matter, including:

DRAFT

  - desk-top and field assessments to identify all Relevant Protected Matters that may be actually or potentially impacted by the proposed forestry operation
  - consideration of direct, indirect and cumulative impacts, relevant threatening processes, and the level of uncertainty associated with available information
  - consulting the Forest Practices System management instruments and planning tools to determine, for each Relevant Protected Matter, the appropriate management measures to be included in the FPP
  - consideration of whether the management measures are appropriate to the site-specific location of forest practices
  - collection of additional information, surveys or specialist advice where a management recommendation, planning tool or assessment tool:
    - is not available (e.g. not yet developed for a particular species),
    - cannot be practically applied, or
    - is otherwise insufficient (e.g. because the prescription or tool does not represent the most recent relevant information such as a Conservation Planning Document not already considered in the development of the Forest Practices System management instruments and planning tools, or because there are specific features of the proposed forestry operation that make the prescription or tool inappropriate or inadequate).
- Where the impact assessment identifies an Unacceptable Impact or a Residual Significant Impact on a Relevant Protected Matter, advice must be sought from the FPA on:
  - options to avoid an Unacceptable Impact in accordance with D4A.7 of this Part
  - options to offset a Residual Significant Impact in accordance with the Forest Practices System Offset Policy and D4A.8 of this Part.
- A draft Impact Assessment Report will be prepared for each FPP or relevant variation and must:
  - identify each Relevant Protected Matter
  - identify all actual and potential impacts on each Relevant Protected Matter
  - consider the nature, extent and severity of the impacts of each Relevant Protected Matter
  - address the context of impacts including threats and combined stressors
  - provide sufficient information to determine:
    - whether potential impacts are Significant Impacts
    - whether a Residual Significant Impact remains following application of the Mitigation Hierarchy and include the nature, extent and scale of any Residual Significant Impact
    - whether an Unacceptable Impact will occur D4A.7.
  - set out the evidence on which the impact assessment is based having regard to:
    - appropriate data and information D4A.9
    - the currency and suitability of existing management prescriptions and planning tools including consideration of a Conservation Planning Documents
    - the need for any additional information such as surveys or specialist advice
  - be proportionate to the risk to the Relevant Protected Matter, with a higher evidentiary standard where the risk is high
  - considers Conservation Planning Documents and includes any additional information or advice in accordance with D4A.6
  - include any advice from the FPA on Unacceptable Impacts in accordance with requirements set out in D4A.7.

DRAFT

- The planning and development of the FPP will be informed by the Impact Assessment Report.
- The final Impact Assessment Report will be developed after and informed by community engagement D4A.10 and included in the FPP application
- The Impact Assessment Report must contain sufficient information to enable the FPO or FPA to determine when making the certification or variation decision whether the requirements of this Adequate Assessment of Impacts Part have been met, with the level of evidence proportionate to the risk to the Relevant Protected Matter.

D4A.5 Mitigation Hierarchy

Standard

- Forest practices must be planned and conducted so as to apply all reasonably practicable avoidance, mitigation and (where relevant) repair measures consistent with the general principles and operational approach.

General principles

- The mitigation hierarchy must be applied in the order of:
    - avoidance;
    - mitigation;
    - repair (if relevant); and
    - compensation/offsets only in the instance where a Residual Significant Impact remains.
- Impacts that cannot reasonably be avoided must be minimised through all reasonably practicable mitigation measures.
- Impacts that cannot reasonably be avoided or mitigated must be repaired, where reasonably practicable.
- Repair measures should only be relied upon where:
    - the damage is temporary;
    - the impact can be repaired within a timeframe relevant for the Relevant Protected Matter;
    - the repair measure will reduce the impact; and
    - the repair measure is feasible in the long term and likely to be effective.
- Offsets may only be considered after avoidance, mitigation and repair measures have been exhausted.

Operational approach

- The mitigation hierarchy must be considered and applied in sequence: avoid, then mitigate, then (if relevant) repair, then compensate any Residual Significant Impact.
- Repair measures can only be used where the damage is temporary, can be repaired within a relevant timeframe, the repair reduces the impact, and it is feasible in the long term.
- Application of the mitigation hierarchy must be documented in the Impact Assessment Report.
- Measures to avoid impacts on Relevant Protected Matters at the FPP scale may include, but are not limited to
    - reserve design
    - coupe redesign

DRAFT

  - exclusion zones
  - streamside reserves
  - wildlife habitat strips
  - wildlife habitat clumps
  - timing restrictions
  - habitat buffers.

- Measures to mitigate impacts on Relevant Protected Matters at the FPP scale may include, but are not limited to:
  - adapted silviculture
  - buffers
  - retention prescriptions
  - habitat management
  - operational restrictions
  - seasonal restrictions
  - machinery exclusion requirements
  - species-specific management requirements.

- Repair measures for Relevant Protected Matters may include:
  - rehabilitation
  - restoration
  - revegetation
  - remediation
  - rectification.

- Where offsets for Residual Significant Impact need to be considered, after avoidance, mitigation and repair measures have been applied, the Forest Practices System Offset Policy and must be applied, in accordance with D4A.8 of this Part.

D4A.6 Conservation Planning Documents

Standard

- Forest practices that may impact Relevant Protected Matters must be planned and conducted so as not to be inconsistent with relevant Conservation Planning Documents consistent with the general principles and operational approach.

General Principle

- Conservation Planning Documents must be considered in the development of Forest Practices Plans.
- Forest Practices Plans must be not inconsistent with Conservation Planning Documents.

Operational approach

- In accordance with the Agreed Procedures, the requirements of relevant Conservation Planning Documents will be incorporated into Forest Practices System management prescriptions and planning tools, and relevant documents which have not yet been incorporated will be identified by the FPA.

- Additional information or specialist advice must be obtained where a Conservation Planning Document is not yet reflected in Forest Practices System management prescriptions and planning tools. Any additional information or specialist advice received must be recorded in the Impact Assessment Report.

DRAFT

D4A.7 Unacceptable Impacts

Standard

- Forest practices must be planned and conducted so as to prevent Unacceptable Impacts on Relevant Protected Matters consistent with the general principles and operational approach.

General Principles

- The Duty of Care provision of the Code does not limit the measures required to avoid an Unacceptable Impact.
- An Unacceptable Impact cannot be compensated through an offset or any other compensatory measure.
- Where an Unacceptable Impact on a Relevant Protected Matter cannot be prevented by modification, the forest practice causing it will not be conducted.

Operational approach

- An impact assessment must be conducted in accordance with D4A.4 and the mitigation hierarchy applied in accordance with D4A.5 to determine whether a proposed forest practice may result in an Unacceptable Impact on a Relevant Protected Matter:
    - where an impact assessment identifies that a proposed forest practice may result in an Unacceptable Impact on a for Relevant Protected Matter advice must be sought from the FPA on whether the planned forest practices can be modified to prevent an Unacceptable Impact
    - if the Unacceptable Impact cannot be prevented, the forest practice must not be conducted.

D4A.8 Net Gain and Offsets

Standard

- Forest practices with a Residual Significant Impact on one or more Relevant Protected Matters must not begin until, for each such Residual Significant Impact, an offset that will compensate for that impact to a net gain has been approved and registered by the FPA under the Offsets Policy, secured, and the management of the offset has commenced.

General Principles

- A forest practice resulting in a Residual Significant Impact on Relevant Protected Matters must not proceed unless the Residual Significant Impact is compensated in a manner that passes the Net Gain test.
- Environmental offsets are used only where a Residual Significant Impact remains after application of the mitigation hierarchy.
- Offsets proposed to compensate for the Residual Significant Impact must be approved in accordance with the Offsets Policy.
- Offsets must not be used to compensate for an Unacceptable Impact D4A.7.
- FPPs with a Residual Significant Impact must only be certified by the FPA.
- Offsets must not be used for a Relevant Protected Matter prescribed by regulations made for the purposes of section 134(3AC) of the EPBC Act.

DRAFT

Operational approach

- Where an impact assessment identifies a Residual Significant Impact on a Relevant Protected Matter:
    - the FPP must include offset proposals sufficient to compensate for each Residual Significant Impact to pass the net gain test
    - the applicant must seek advice from the FPA in developing the offset proposals before publishing the draft FPP
    - offset proposals may include a new offset or a draw down on a registered advanced offset, or a combination of both.
- Where the FPP includes one or more proposed new offsets the FPP must provide that forest practices giving rise to each Residual Significant Impact will not proceed until any offset proposed in the FPP has been approved and registered by the FPA in accordance with the Offsets Policy secured, and management of the offset activity has commenced.
- For each proposed new offset, the FPP must set out, details of the offset including
    - the entry of the offset on the FPA's offset register
    - the Residual Significant Impact for which the offset is compensating
    - the offset activity proposed to be undertaken
    - the location of the proposed offset activity
    - the outcomes to be achieved
    - the period for which the outcomes must be maintained (the maintenance period)
    - how the offset will be secured.
- Where the FPP includes one or more proposed new offsets, the FPP must be in effect for at least the longest maintenance period of those offsets, with the forest practices causing the impact authorised only during a defined operational phase. After that phase, the FPP remains in effect only for the offset activities and obligations.
- Where the application for an FPP includes a proposal to draw down on a registered advanced offset the FPP must provide that forest practices giving rise to each Residual Significant Impact must not proceed until the FPA has approved the draw down of the registered advanced offset and recorded the offset in the FPA offset register consistent with the Offsets Policy.
- Where an offset is met by a draw down on a registered advanced offset, the FPP must identify the advanced offset's register entry, the residual significant impact it compensates and the extent of the draw down.

D4A.9 Data and Information

Standard

- The planning of forest practices will be informed by the best available and most relevant data consistent with the general principles and operational approach.

General Principles

- Information relied on in the development or variation of a FPP, including an impact assessment report under D4A.4, must:
    - adequately and with suitable accuracy, reflect and describe the context of the Relevant Protected Matters
    - be reliable and sufficiently described to enable informed use, including its sources, assumptions and limitations
    - be internally consistent in the practices, formats, structures and measurements applied to enable ease of comparison

DRAFT

- be collected, managed and provided in a way that promotes reuse with minimal additional effort, where practicable
- be collected, managed and used responsibly to minimise harm, protect rights and privacy, including the location of sensitive species and, where possible, incorporate cultural values.

Operational approach

- Data and information relied upon must be collected, documented, provided and retained in accordance with the guidance published by the FPA.

D4A.10 Community Engagement

Standard

- The planning of forest practices must be informed by the community engagement consistent with the general principles and operational approach.

General principles

- Forest practices to which this Part applies are informed by community engagement undertaken consistent with the Forest Practices System Community Engagement Protocol before an application for consideration of certification or relevant variation of a FPP is made.

Operational approach

- Community engagement must be undertaken in accordance with the Forest Practices System Community Engagement Protocol.
- Submissions received as part of the engagement and that are relevant to the management of Relevant Protected Matters must be considered, responded to and captured in an engagement record.

D4A.11 Greenhouse Gas Emissions Disclosure

Standard

- Estimated Scope 1 and 2 greenhouse gas emissions associated with forest practices must be disclosed consistent with the general principles and operational approach.

General principles

- Scope 1 and Scope 2 greenhouse gas emissions associated with each forest operation must be disclosed as either:
  - a reasonable estimate of emissions or
  - a statement that scope 1 and scope 2 emissions are below 100,000 t CO_2-e per forest operation.

Operational approach

- Estimated emissions or an emissions statement must be disclosed in the Forest Practices Plan (as certified or varied) alongside the method for arriving at the estimate or statement.

DRAFT

- Where the estimated emissions from the forest operation are greater than 100,000 t CO_2-e for either scope 1 or scope 2 emissions a report in relation to the forest operation must be provided to the FPA and Commonwealth and must include:
    - a reasonable estimate of the Greenhouse gas emissions for the forest operation
    - the strategies and measures the applicant will implement to manage those emissions
    - how those strategies and measures are consistent with the laws and relevant government policies of the Commonwealth.
- Emissions estimates must be prepared using the method provided for under the Environment Protection and Biodiversity Conservation Regulations 2025 (Cth). If no relevant method is prescribed under those Regulations, then:
    - a methodology approved by the FPA having regard to relevant Commonwealth greenhouse gas accounting methodologies; or
    - where applicable, a methodology prescribed under Commonwealth legislation.

GLOSSARY DEFINITIONS APPLICABLE ONLY TO PART D4A

Certification or Variation Decision

The consideration made by a FPO or FPA on receipt of the application for an FPP or variation. This includes the decision to certify or vary the FPP application, to not certify or vary or to require amendment to the application.

Community Engagement Protocol

Community Engagement Protocol means the Community Engagement Protocol at Appendix 8 to this Code, which establishes the requirements and procedures for community engagement.

Conservation Planning Documents

An approved recovery plan, a threat abatement plan, a protection statement, an approved conservation advice, a designated environmental instrument, a bioregional guidance plan, a bioregional plan, or a ruling under the EPBC Act.

Critical Habitat

Habitat is critical habitat for a listed threatened species or listed threatened ecological community if the habitat is necessary for one or more of the following:

- activities such as foraging, breeding, roosting or dispersal;
- the long - term maintenance of the species or ecological community (including maintenance essential to its survival);
- the maintenance of genetic diversity and long - term evolutionary development;
- the reintroduction of populations or the recovery of the species or ecological community.

and includes habitat listed on the Register of critical habitat under the EPBC Act.

Forestry Operations

For the purposes of the definition of RFA Forestry Operations, forestry operations has the meaning given to that term by the Regional Forest Agreement between the Commonwealth and Tasmania

Impact

An event or circumstance that is

- a direct consequence of the forest operation; or
- an indirect consequence where the forest operation is a substantial cause of the event or circumstance.

For an indirect consequence that results from another person's action, a forest operation is a substantial cause only where that action is facilitated to a major extent by the forest operation and both the action and the consequence are within the contemplation of the person conducting the forest operation or are reasonably foreseeable.

Irreplaceable Habitat

Habitat for a Relevant Protected Matter that is irreplaceable for a species or ecological community if, whether biologically, physically or technically, it is impossible to reverse damage to the habitat, or impossible to restore, recreate or replace the habitat:

(a) in a relevant timeframe and location; and

(b) with the function (including the complexity and scale) necessary to support the viability of the species or community.

Management Measures

The action, requirements, prescriptions, restrictions or other controls included in, or applying to, a FPP to avoid, mitigate or repair or compensate for or otherwise manage potential significant impacts on a Relevant Protected Matter.

Management Instruments

Management instruments for forestry operations are the tools, systems, and mechanisms used to plan, implement, monitor, and control forest management activities.

Matters of National Environmental Significance (MNES)

MNES are the matters protected by Part 3 of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Passes the Net Gain test

Has the same meaning as section 527K of the Environment Protection and Biodiversity Conservation Act 1999**.**

RFA forestry operation

RFA forest operations are forestry operations, including native forest and plantation operations, carried out within the areas covered by the Regional Forest Agreement between the Commonwealth and Tasmania.

Relevant Protected Matters

For the purpose of this Part D4A includes the following Matters of National Environmental Significance (MNES) Nationally listed threatened species, Nationally listed ecological communities and Nationally listed migratory species.

Residual Significant Impact

DRAFT

An impact that a forest operation will have or is likely to have on a Relevant Protected Matter is a ***Residual Significant Impact*** on the matter if all of the following apply:

(a) the impact is significant;

(b) the impact will not be avoided, mitigated or repaired in the course of taking the forest practice;

(c) the impact will not be avoided, mitigated or repaired in the course of complying with management measures in the FPP.

Scope 1 Greenhouse Gas Emissions

The release of greenhouse gas into the atmosphere is a scope 1 greenhouse gas emission of a forestry operation if it is a direct result of taking the action. For example, the direct greenhouse gas emissions generated by a forest operation from sources owned or controlled by the forestry operation, including fuel combustion in harvesting and haulage equipment, on-site power generation, and any operational burning activities, expressed as tonnes of carbon dioxide equivalent (t CO_2-e).

Scope 2 Greenhouse Gas Emissions

The release of greenhouse gas into the atmosphere is a scope 2 greenhouse gas emission of a forestry operation if it is a direct result of any activity that: (a) generates electricity, heating, cooling or steam that is used or disposed of by the taking of the action; but (b) does not form part of the forestry operation. For example, the indirect greenhouse gas emissions associated with the purchase and consumption of electricity used in carrying out activity associated with a forest operation.

Seriously impair

A significant impact of an action seriously impairs something if, compared to the action not being taken, the impact results in an impairment or alteration of the thing that is of a severe nature and extent (having regard to the nature, intensity, duration, magnitude, geographic extent and context of the impact).

Significant Impact

An impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts.

Unacceptable Impact

Unacceptable Impact means an impact on a Relevant Protected Matter that meets the criteria prescribed for an Unacceptable Impact under the *Environment Protection and Biodiversity Conservation Act 1999*, having regard to the category of Relevant Protected Matter affected as per the following table.

Matter Protected	Unacceptable Impact
A listed threatened species in the extinct in the wild category	A significant impact that seriously impairs the viability of the listed threatened species.

A listed threatened species in the critically endangered, endangered and vulnerable categories	A significant impact that: (a) seriously impairs the viability of the listed threatened species; or (b) causes serious damage to critical habitat of the listed threatened species where the habitat is irreplaceable and necessary for the listed threatened species to remain viable in the wild.
A listed threatened ecological community	A significant impact that: (a) seriously impairs the viability of the listed threatened ecological community; or (b) causes serious damage to critical habitat of the listed threatened ecological community where the habitat is irreplaceable and necessary for the listed threatened ecological community to remain viable in the wild.
A listed migratory species	A significant impact that: (a) seriously impairs the viability of the listed migratory species; or (b) causes serious damage to habitat of the listed migratory species where the habitat is irreplaceable and necessary for the listed threatened migratory to remain viable in the wild.

DRAFT