



Department of **Biodiversity,
Conservation and Attractions**

Guidance note – section 45 Ministerial authorisation for modification of an occurrence of a threatened ecological community

Biodiversity Conservation Act 2016

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1. Introduction

The purpose of this guidance note is to assist any person who proposes to take an action affecting land that may impact an occurrence of a threatened ecological community, to decide whether they should submit an application for an authorisation to modify a threatened ecological community under the [Biodiversity Conservation Act 2016](#) (BC Act), and to provide information on the assessment and approval process.

The Minister for Environment may list an ecological community as threatened under section 27 of the BC Act. The effect of this listing is to provide special protection to the ecological community. Subject to some limited exemptions, the effect of section 48 is that a person must not 'modify' an occurrence of a threatened ecological community unless the person is authorised under section 45. Upon conviction, a court may impose significant penalties (up to \$500,000 for individuals and \$2.5 million for bodies corporate) where a threatened ecological community is modified without an authorisation.

An application for authorisation to modify a threatened ecological community must be made on the form [Application to the Minister for authorisation under section 45 of the Biodiversity Conservation Act 2016](#).

This guidance note outlines a self-assessment process, including principles, to assist in deciding whether an authorisation to modify an occurrence of a threatened ecological community may be required. Appendix 1 provides further assistance for specific industry sectors.

2. What are threatened ecological communities?

An ecological community is a naturally occurring group of plants, animals and other organisms interacting in a unique habitat. Non-biotic natural components of an ecological community may include soil type or substrate, and surface and subterranean water flows.

The complex range of interactions between the component species and their habitat provides an important level of biological diversity in addition to genetic and species biodiversity.

Threatened ecological communities are ecological communities listed in the following categories under Part 2, Division 2 of the BC Act:

- critically endangered, or
- endangered, or
- vulnerable.

Ecological communities listed as threatened under the BC Act may differ from those listed in other states or territories, or under Commonwealth legislation. This is due to the different status of ecological communities in the different parts of Australia.



3. What is an occurrence?

The department considers that an occurrence of a threatened ecological community is a discrete example of an ecological community separated from other examples of the same community by more than 20 metres with, for example: a different ecological community, a sealed or unsealed road, a building, a water body (for terrestrial communities), or a terrestrial body (for aquatic communities).

An occurrence may extend over contiguous areas of different land tenure.

By ensuring that every discrete occurrence is recognised and recorded, future changes in status can be readily monitored.

4. What is 'modification'?

'Modify', in relation to an occurrence of a threatened ecological community, is defined by section 44 of the BC Act, and means:

*to take **action** that results in -*

- (a) the modification of the occurrence of the threatened ecological community to such an extent that the occurrence is unlikely to recover:
 - (i) its species composition or structure; or*
 - (ii) its species composition and structure; or**
- (b) the destruction of the occurrence of the threatened ecological community.*

Modification results from an impact on an occurrence of a threatened ecological community that will result in the permanent loss of biotic, abiotic or structural value of that occurrence. Whether or not an action is likely to modify an occurrence of a threatened ecological community depends upon the sensitivity of the ecosystem that is impacted and upon the intensity, duration, magnitude and geographic extent of the impacts. All of these factors should be considered when determining whether an action is likely to modify a threatened ecological community.

The following information is intended to provide general guidance on the types of actions that require authorisation. These actions are not intended to provide an exhaustive or definitive list of actions requiring authorisation.

Modification of an occurrence of a threatened ecological community is likely to occur by:

- clearing of a portion of an area of native vegetation in which an occurrence of a threatened ecological community is present
- clearing of native vegetation or substrate that is habitat necessary for the maintenance of an occurrence of a threatened ecological community
- diversion or extraction of a proportion of the source of the surface or groundwater required to maintain an occurrence of a wetland threatened ecological community
- pollution of the groundwater or surface water required to maintain an occurrence of a wetland threatened ecological community.



An action is likely to modify an occurrence of a threatened ecological community if it is likely it will have one or more of the following direct or indirect consequences, including:

- a reduction in the extent of an occurrence of a threatened ecological community, as measured by:
 - the area of the occurrence destroyed relative to the size of other occurrences of the threatened ecological community, or
 - the proportion of the occurrence of the threatened ecological community to be destroyed is significant or
 - the remaining area of the occurrence of the threatened ecological community will not retain the structure and composition that it had prior to the action.
- an impact to areas of habitat important to the survival of an occurrence of an ecological community that will lead to a change in composition or structure of the occurrence of the ecological community.
- disruption to the biological, physical or chemical processes that support an occurrence of a threatened ecological community that result in changes to species composition or structure of the occurrence of the ecological community, for example by:
 - fragmentation or greatly increased fragmentation of an occurrence of a threatened ecological community, for example by clearing vegetation for roads, infrastructure or transmission lines, that can be demonstrated will result in changes to species composition or structure, or
 - modification or destruction of abiotic (non-living) factors (such as water, nutrients, or substrate) necessary for the survival of an occurrence of a threatened ecological community, such as significant reduction of groundwater levels, or alteration of surface water drainage patterns, or removal of peat substrate in a peat-based wetland system, or
 - disruption of gene flow to, or within, an occurrence of a threatened ecological community causing a decline in, or loss of, functionally important species
- changes in the ecological community structure, for example through regular burning, or flora or fauna harvesting
- reduction in the quality or integrity of an occurrence of a threatened ecological community that can be demonstrated will result in changes to species composition or structure, by:
 - facilitating a major incursion or increase of invasive species that compete with or otherwise impact key species in the occurrence of the ecological community, or
 - causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which that will kill or inhibit the growth of important component species in an occurrence of the ecological community, or
 - introducing significant amplification of dieback disease caused by *Phytophthora* species, or other disease species, in an occurrence of a sensitive threatened ecological community, or
 - interfering with the recovery of an occurrence of a threatened ecological community.



5. What is an action?

There is no definition of 'action' in the BC Act.

The Department of Biodiversity, Conservation and Attractions (DBCA) considers actions would include, but not be limited to: clearing of vegetation as defined under the *Environmental Protection Act 1986*; earthworks; impoundment, extraction and diversion of water; land management activities; agricultural activities; aquaculture; research activities; construction, expansion, alteration or demolition of buildings, structures, infrastructure or facilities; industrial processes; mineral and petroleum resource exploration and extraction; storage or transport of hazardous materials; and waste disposal.

Actions encompass site preparation and development, operation and maintenance, and closure and completion stages of a project, as well as alterations or modifications to existing infrastructure.

An action may have both beneficial and adverse impacts on an ecological community. However, only adverse impacts on threatened ecological communities are relevant when determining whether an authorisation to modify a threatened ecological community is required under the BC Act.

6. When is modification likely?

This guidance note is intended to assist you in undertaking a self-assessment to decide whether your action is likely to modify an occurrence of a threatened ecological community. Your self-assessment should be as objective as possible and based on sufficient information to make an informed judgement.

The particular facts and circumstances of a proposed action need to be taken into account in determining whether the proposed action is likely to modify an occurrence of a threatened ecological community. The general test for modification is whether an impact is likely to destroy or to permanently alter the species composition and/or the structure of the occurrence of the threatened ecological community.

When assessing the likelihood of an action causing modification of an ecological community, applicants should consider whether the proposed action will directly or indirectly affect the composition and/or the structure of the ecological community or could result in its destruction. Actions that can directly affect composition or structure include: vegetation clearing, construction of infrastructure, road construction, stock grazing, and use of herbicides. Actions that can indirectly affect composition or structure include alteration of fire regimes and water flows.

Actions that directly or indirectly affect the composition and/or structure of an ecological community can be permanent or temporary. For example, communities may be able to recover their composition after a fire, while clearing and construction may result in permanent destruction. For temporary modification, consideration of mitigating factors is required.



If the likely outcome of the action is not known with certainty or the potential impacts on a threatened ecological community are serious or irreversible, then an authorisation should be sought. Lack of knowledge about a threatened ecological community or the action's impact on it, cannot be used as reasons not to seek an authorisation.

If you complete a self-assessment and you are still unsure whether the action you propose to take is likely to result in modification of an occurrence of a threatened ecological community then you should refer the proposed action to the department for advice on whether an authorisation is required under the BC Act. This may be done by referring an application to the department for preliminary assessment.

For advice on actions that may modify a threatened ecological community, you may contact the department's threatened ecological community specialists at DBCA by emailing SpeciesandCommunities@dbca.wa.gov.au.

To decide whether an authorisation to modify an occurrence of a threatened ecological community is required, the following questions should be considered.

6.1 Are there any threatened ecological communities located in the area of the proposed action?

It is the applicant's responsibility to determine whether there are any threatened ecological communities, or other significant environmental values, present at the site where an action is proposed. Any occurrences of threatened ecological communities adjacent to, nearby, downgradient, or downstream from the immediate location of the action that may be impacted should also be considered.

The [current list of threatened ecological communities](#) is available on the department's website.

The DBCA Species and Communities Program provides a service to assist applicants to ascertain whether there are any known occurrences of threatened ecological communities (and threatened species) at a particular location. Information about threatened ecological community [database searches](#), including what information should be supplied in an email request, is available on the department's website.

The results of a database search are a guide only to whether occurrences of threatened ecological communities may occur at a site, as the data are dependent on whether there have been prior surveys of the location. The database results should therefore not be regarded as definitive. Surveys in the area where an action is proposed should be considered to verify the results of a database search.

When planning a survey, it should be noted that some species in a threatened ecological community may only be detectable at certain times of the year. Surveys should therefore be timed appropriately and undertaken by suitably qualified persons. Refer to [Technical Guidance - Flora and Vegetation Surveys for Environmental Impact Assessment](#), and [Technical Guidance - Subterranean fauna surveys for environmental impact assessment](#) by the Environmental Protection Authority for guidance regarding appropriate levels of expertise for surveys.



The document [Methods for survey and identification of Western Australian threatened ecological communities \(Version 4.1\)](#) provides further details for each threatened ecological community.

6.2 Considering the broadest scope of the proposed action, is there potential for it to have an impact on an occurrence of a threatened ecological community?

If there is an occurrence of a threatened ecological community in the vicinity of the proposed action, you need to consider whether the action might modify all or any part of it. The proposed action needs to be evaluated for its potential to directly or indirectly cause impacts that may result in:

- a permanent loss of species that distinguish or characterise the community
- change to the structure of the whole or part of an occurrence, or
- destruction of the whole or part of an occurrence of a threatened ecological community.

The proposed action should be considered at its broadest possible scope. Using all available information, the following characteristics of the proposed activity should be considered when assessing consequence:

- the timing, duration and frequency of the event
- the magnitude and nature of the event's impacts
- the susceptibility of the affected community to the particular event, and
- the geographic overlap of the activity with the assessed community.

If the action consists of a series of activities or a number of related activities, you should consider the impacts of each activity, and then consider the combined impacts of those activities.

It is important to consider impacts are those that only occur due to the event taking place. Examples of impacts include intentional modification of an ecological community; accidental modification; habitat damage; changes to hydrological regimes or ecosystem functions; introduction of weeds, disease or predators as a result of the activity.

The sectoral information contained in Appendix 1 includes some examples of when the department considers there might be an impact.

6.3 Are there any proposed measures to avoid or reduce impacts on the occurrence of the threatened ecological community?

It is important to consider the potential environmental impacts of the proposed action early in the planning stage. Careful planning of the action can avoid or reduce the likelihood that an occurrence of a threatened ecological community will be modified. Where practicable it is best to avoid impacts. If impacts cannot be avoided, then they should be minimised or mitigated as much as possible.



You should consider impacts on occurrences of a threatened ecological community in relation, although not limited to these issues:

- site selection and the location of structures or activities on the selected site
- the design of any structures or infrastructure
- the timing of the action or its component activities.

To reduce the risk that an occurrence of a threatened ecological community may be modified as the result of an action, or to mitigate the impacts of an action, the habitat surrounding the community may require protection. This could be achieved by designating a buffer to protect the occurrence from deleterious impacts to ecological processes and functions within adjacent habitats. Buffers should ideally be determined on a case-by-case basis as they relate to the specific characteristics of the threatened ecological community being protected and the surrounding land uses and condition. For example, occurrences of threatened ecological communities that rely on a supply of surface water will require a suitable buffer to ensure that water levels and quality in the surface water catchments for those communities are maintained.

The level of certainty that measures will be effective in reducing the level of impact below the requirement for an authorisation for modification should be evaluated. It should not be assumed that modification is unlikely to occur because of management or mitigation measures, unless the effectiveness of those measures is well established (for example, through demonstrated application, studies or surveys) and there is a high degree of certainty about how the impacts will be avoided or the extent to which they will be reduced.

When deciding whether a proposed action is likely to modify an occurrence of a threatened ecological community, you should consider only the adverse impacts that the action is likely to have. Beneficial impacts cannot be offset against adverse impacts. For example, a new residential area may have both beneficial and adverse impacts on the environment; however, only the adverse impacts are relevant when determining whether authorisation is required. If a project does require authorisation, beneficial impacts are considered during the formal assessment process.

7. How to obtain an authorisation

An action will require authorisation if the action modifies, will modify, or is likely to modify any occurrence of a threatened ecological community listed under the BC Act.

To obtain an authorisation to modify a threatened ecological community requires submission of an [Application to the Minister for authorisation under section 45 of the Biodiversity Conservation Act 2016](#) to DBCA.

The application must identify the person proposing to take the action and include a brief description of the proposed action(s), the location of the action(s), the extent and condition of the occurrence of the threatened ecological community, the nature and extent of potential impacts on the occurrence of the threatened ecological community, avoidance or impact reduction options and any proposed mitigation measures. A preliminary assessment of the application by DBCA will be made to ensure the application contains



all the required information. Clarification and/or amendments from proponent will be made where necessary.

The application will be formally assessed by the Minister's delegate in DBCA. An authorisation to modify an occurrence of a threatened ecological community will be granted by the Minister or the Minister's delegate under section 45 of the BC Act. An authorisation may be granted subject to conditions. Under section 46, these conditions may include requirements imposed for the purpose of mitigating or offsetting the impact that the proposed activity is likely to have on the total known occurrences of the relevant community and on relevant habitat.

The application, assessment and authorisation processes are outlined in more detail later in this guidance note.

8. Assessing whether an action is likely to modify an occurrence of a threatened ecological community

An action does not require approval under the BC Act if it has been made exempt under section 271 of the Act.

8.1 Bushfire mitigation

On 15 October 2021, the *Biodiversity Conservation (Exemptions) Amendment Order 2021* (Amendment Order) was published in the Government Gazette. The Amendment Order exempts landowners and occupiers who are undertaking specified bushfire mitigation activities on land that is not managed by the department from the requirement for an authorisation to modify a threatened ecological community under section 45 of the BC Act under certain conditions. For more information on this exemption, visit the [fire information notes page](#) of the department's website.

8.2 Pre-existing approvals

The *Biodiversity Conservation (Exemptions) Order 2018* provides an exemption from the requirement for an authorisation to modify a threatened ecological community under section 45 of the BC Act, if as at 1 January 2019 the action was already authorised by a licence, permit or other authority issued under a written law or State agreement¹ and the activity is carried out in accordance with any conditions that the authorising authority applied. Please refer to the *Biodiversity Conservation (Exemptions) Order* published in the *Government Gazette* on 21 December 2018.

¹ 'State agreement' is defined in the BC Act as 'an agreement to which the State is a party and which is authorised, ratified or approved by a written law'.



9. The application, assessment and authorisation process

9.1 Application process

If after undertaking a self-assessment you conclude that your action is likely to modify an occurrence of a threatened ecological community, or if you are unsure, you should complete and submit an [Application to the Minister for authorisation under section 45 of the Biodiversity Conservation Act 2016](#) to DBCA. Substantial penalties apply for modifying an occurrence of a threatened ecological community without authorisation.

After receiving an application, the Minister's delegate will decide whether the action is likely to modify an occurrence of a threatened ecological community.

- If it is determined that the action is likely to modify an occurrence of a threatened ecological community, the application will be assessed.
- If it is determined that the action will not modify a threatened ecological community, DBCA will advise the applicant that the action does not require authorisation².

Applicants will generally be provided with a decision on whether an action requires authorisation within 28 business days of the department receiving all relevant information. Where authorisation decisions are required under other legislation including that administered by Departments of Water and Environmental Regulation; Planning, Lands and Heritage; Mines and Industrial Regulation, proponents should continue to liaise with the relevant departments².

9.2 Assessment and authorisation process

An application for authorisation to modify a threatened ecological community must be submitted on the form [Application to the Minister for authorisation under section 45 of the Biodiversity Conservation Act 2016](#). The application must contain sufficient details for assessment of the likely impact on the occurrence. It should include the area of impact of the action and describe the viability of the remaining extent of occurrence.

An application to modify a threatened ecological community should describe the measures that will be taken to avoid or minimise impacts on the threatened ecological community.

The assessment will recognise that each threatened ecological community has different biotic and abiotic characteristics and risks profiles, and each action will have different impact profiles. Consequently, each assessment will be specific to the proposed action. The Minister or his delegate decides whether to authorise the action, and what conditions (if any) to impose.

Under section 46(2) of the BC Act, the Minister can impose a condition or conditions on the authorisation to mitigate or offset the impact an action is likely to have on the total known occurrences of the threatened ecological community. In addition to conditions that

² Regardless of whether approval is required under the BC Act, separate environmental assessment and approval may also be required under Commonwealth and/or other Western Australian legislation, e.g., Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, *Environmental Protection Act 1986*, *Planning and Development Act 2005*.



reduce the level of impact on the affected ecological community occurrence, conditions may also require the applicant to:

- make a monetary contribution towards the purchase of land of conservation value
- transfer, lease or otherwise dispose of land of conservation value to a specified person (including the CEO of the department)
- exchange land of conservation value for other land
- enter into an agreement in respect of land of conservation value for the purpose of conserving and protecting the relevant community or relevant habitat
- take specified measures on land of conservation value for the purpose of conserving and protecting the relevant community or relevant habitat
- provide equipment, facilities, resources or services to assist in the conservation and protection of the relevant community or relevant habitat
- conduct or fund surveys, studies or research in relation to the relevant community or relevant habitat
- prepare and implement, or fund the preparation and implementation of, plans or schemes for the conservation or protection of the relevant community or relevant habitat
- do anything else that is prescribed (noting that the *Biodiversity Conservation Regulations 2018* have not prescribed any additional requirements).

10. Further information on listed threatened ecological communities

Find out more about listed threatened ecological communities, biodiversity management programmes, recovery plans and interim recovery plans on the [threatened ecological communities](#) page of the department's website.



Appendix 1 – Information for industry sectors

The information below provides more detailed assistance in relation to whether, and in what circumstances, some selected sectoral activities are generally likely to modify an occurrence of a threatened ecological community. The guidance notes are not definitive and due to specific threatened ecological community vulnerabilities and impact profile of activities, may not apply in all circumstances.

The examples in this appendix should be read in conjunction with other information in this guidance note and should not be taken to be conclusive.

This information applies to the following sectoral activities:

- urban development
- local government
- mineral exploration,
- marine activities, and
- farming and grazing.

Urban development

Repairing, maintaining, or making alterations to **commercial and domestic buildings and properties** would generally not be expected to modify an occurrence of a threatened ecological community.

Repairing and maintaining existing distribution infrastructure for **utilities for power, water and sewage** would not normally be expected to modify an occurrence of a threatened ecological community, unless there is a substantial expansion or modification of these utilities.

Establishing a **new subdivision** in an existing suburb, with established infrastructure designed to manage environmental impacts near a threatened ecological community would generally not be expected to modify an occurrence of a threatened ecological community.

By contrast, establishing a **new subdivision** in the vicinity of a threatened ecological community is likely to modify an occurrence of a threatened ecological community if it involves extensive vegetation clearing, clearing riparian vegetation, modifying the flow of water to or within a wetland threatened ecological community or if it will result in significant discharges of pollutants into the wetland.

Building a house on land in an existing subdivision in the vicinity of a threatened ecological community would not normally be expected to modify an occurrence of a threatened ecological community.

Proposed urban development for a **housing subdivision or an industrial estate** on an area which contains a threatened ecological community, is likely to result in the modification of an occurrence of a threatened ecological community and authorisation should be sought from the Minister.



Local government

Maintaining existing facilities such as visitor centres and roadside facilities would not be expected to modify an occurrence of a threatened ecological community.

Routine vegetation management to maintain existing roads in or adjacent to a threatened ecological community, would not normally be expected to modify an occurrence of a threatened ecological community.

A proposed **new road** that would require extensive clearing of native vegetation that contains a threatened ecological community is likely to modify an occurrence of a threatened ecological community and authorisation should be sought.

Where **road verge maintenance** is carried out regularly (for example, every one or two years) it would not be expected to modify an occurrence of a threatened ecological community.

Widening an existing road would not normally be expected to modify an occurrence of a threatened ecological community where the road verge has previously been cleared or the vegetation beside the road has been heavily modified. However, if road widening would require removing substantial areas of native vegetation that contain an occurrence of a threatened ecological community, it is likely to modify an occurrence of a threatened ecological community and authorisation should be sought.

Mineral exploration and mining activity

Terrestrial exploration

Surface geological mapping that involves examining rock outcrops and exposures, and which may involve the taking of small samples, would not normally be expected to modify an occurrence of a threatened ecological community.

Surface geochemical sampling, using both regular grid pattern (but not cleared grid lines) and irregular pattern methods to collect small samples, would not normally be expected to modify an occurrence of a threatened ecological community.

Surface geophysical surveys including airborne surveys, gravity, magnetic and electromagnetic surveys, would not normally be expected to modify an occurrence of a threatened ecological community.

Other geophysical surveys that include seismic surveys would not normally be expected to modify an occurrence of a threatened ecological community. An action involving seismic surveys (shot hole method or vibroseis) may modify an occurrence of a threatened ecological community if, for example, it is likely to damage habitat important to the survival of a cave-dwelling threatened ecological community.

All exploratory drilling (including new field, wildcat, and appraisal drilling, auger, rotary air blast (RAB), open hole percussion, reverse circulation (RC), diamond drilling and wide diameter drilling), including the construction of drill pads, would not be expected to modify



an occurrence of a threatened ecological community where the discharges, emissions and waste from the drilling are contained and managed in an environmentally sensitive manner. Such an action may modify an occurrence of a threatened ecological community where, for example, it adversely impacts on habitat, including where the spacing of cleared grid lines is going to result in the clearing of a significant proportion of an occurrence of a threatened ecological community.

Costeaming and trenching (small scale) would not be expected to modify an occurrence of a threatened ecological community where small trenches are excavated using hand tools. However, an action involving costeaming and trenching (small scale) may modify an occurrence of a threatened ecological community where, for example, it has significant adverse impacts on habitat.

Costeaming and trenching (large scale), surface bulk sampling (such as establishing a trial pit, sinking shafts or driving decline tunnels deep into the target) and underground exploration and development (such as underground sampling, drilling and mine construction): whether or not these exploration activities are likely to modify an occurrence of a threatened ecological community will depend upon the particular facts and circumstances of the proposed activity. It is necessary to refer to other information in this guidance note to assist in determining when an action is likely to modify an occurrence of a threatened ecological community. For example, if surface bulk sampling occurs in an area that is not in or near an occurrence of a threatened ecological community, and if it is not damaging the habitat of an occurrence of a threatened ecological community, then the proposed exploration activity is not likely to modify an occurrence of a threatened ecological community. However, if the proposed activity will result in major pollution of an occurrence of a threatened ecological community, or clear a large area or proportion of the occurrence, then it is likely to modify an occurrence of a threatened ecological community.

Offshore exploration

Aerial surveys and diving for samples would not normally be expected to modify an occurrence of a threatened ecological community.

Marine activities

Small scale infrastructure projects such as new jetties within an existing port would not normally be expected to modify an occurrence of a threatened ecological community.

Large scale infrastructure projects such as a large pontoon, new aquaculture proposals, construction of a jetty, or a tourist facility (for example, a marina) in or near a threatened ecological community may modify an occurrence of a threatened ecological community.

Expansion of an existing port which requires land reclamation or spoil disposal in or near an occurrence of a threatened ecological community, or which involves modifying an area of important habitat for a threatened ecological community, is likely to modify an occurrence of a threatened ecological community.



Construction of a new port in a threatened ecological community is likely to modify an occurrence of a threatened ecological community.

Dredging of a new shipping channel through a threatened ecological community, or which involves clearing an area of important habitat for an occurrence of a threatened ecological community, is likely to modify an occurrence of a threatened ecological community.

Dredging to maintain existing navigational channels would not normally be expected to have a significant impact on an occurrence of a threatened ecological community where the activity is undertaken as part of normal operations and the disposal of spoil is not in an area of an occurrence of a threatened ecological community.

Farming and grazing

Ongoing farming or grazing where the activities are already legally approved, for example, existing cropping or pastoral activities would not normally be expected to modify an occurrence of a threatened ecological community.

Long-term, continuing or routine activities such as normal farm practices, property maintenance, weed or pest control, or usual track or road maintenance activities would also not normally be expected to modify an occurrence of a threatened ecological community.

Major changes to cropping or grazing regimes such as significant increases in grazing intensity or clearing vegetation for the purposes of cropping within a substantial proportion of the occurrence of a threatened ecological community are likely to modify an occurrence of a threatened ecological community.

Diverting significant volumes of water in a water dependent threatened ecological community, for example, for use by stock, is likely to modify an occurrence of a threatened ecological community.