

Guidelines

for Permit Applications for the ‘Taking’ of Native Flora

issued under the, *Threatened Species Protection Act 1995*, and/or the *National Parks and Reserves Management Act 2002* and/or the *Crown Lands Act 1976* and/or the *Nature Conservation Act 2002*



Eucalyptus. risdonii
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1. How to apply for a permit to 'take' native flora

To apply for a permit to 'take' native flora protected by the

- *Threatened Species Protection Act 1995* and/or
- *Nature Conservation Act 2002* and/or
- *National Parks and Reserve Management Act 2002* and/or
- *Crown Lands Act 1976*

you must fill out a '**Permit Application Form – To Apply for the 'Taking' of Native Flora**' and send it to the relevant officer in the Nature Conservation Branch of DPIWE. To obtain a form either contact the Nature Conservation Branch (see contact details page 9) and a form will be sent to you or alternatively the form can be downloaded from the Department of Primary Industries Water and Environment's web site (see list of contacts page 9).

Please Note. You may need to obtain additional authorities etc. to undertake the activity you are proposing. For example where State Forest is involved contact Forestry Tasmania (see list of contacts page 9).

2. How to fill out the application form

The process of applying and having your permit application assessed can be made much quicker and easier by ensuring you

- have a good reason for asking for a permit (refer to 'Field Guidelines for 'Taking' Native Flora out of the Wild' available on the Department of Primary Industries, Water and Environments web-site, see list of contacts page 8 & 9).
- provide the information required.

The following information has been provided to help you to quickly and accurately fill out the form and to provide those assessing the application with the information they require.

Please note it is not possible to assess or issue a permit without the information requested on the application form. Incorrect or incomplete information will cause delays in the assessment process.

*For the purposes of this application '**take**' includes destroy or damage a plant and take, destroy or damage any fruit, seeds, plant part or product.

2.1 Who is the permit for?

Permits are issued to individuals (including incorporated bodies). The individual/s named on the permit are the person/s (or incorporated body) who have been given legal authority to undertake the activity under certain conditions as set out in the permit.

The permit is only valid for the individual named on the permit.

If there are others involved in the activity with you they can be covered by your permit as long as a list of their full names is provided. These names will be included in a schedule to the permit. In this case the person to whom the permit has been issued is ultimately responsible for that permit and will be held accountable for any breaches of it.

- Please provide the name of the individual or the incorporated body (with the title and name of the head of the incorporated body) applying for the permit.
- If there are others who need to be covered by the permit please provide a list of their names and/or the names of any other contractors, organisations, groups etc who will be involved in the activity.

We need the contact details of the person applying for the permit in case we need to contact you in regard to any issues or further information required.

- If you are applying for the permit on behalf of someone else or on behalf of a large organisation, please provide the name of the person or the title of the head of the organisation and the name of the organisation/business undertaking the project for the contact details on the form. Please also send your name and contact details along with the permit application form.

It is also important to provide the address where the permit is to be posted. An original signed copy of the permit must be in the applicant's (and any co-holders') possession when **taking** and you **must** be able to produce it if requested by an authorised officer.

- Please provide the postal address. If the postal address is different to the contact address please also provide this.

2.2 What do you want to do and why?

To assess whether it is appropriate for a permit to be issued, information is required about why you wish to '**take**' the material. There needs to be a good reason for taking native flora particularly if this involves destructive procedures such as clearing sites for tracks or the removal of significant amounts of plant material from individual plants or plant populations etc.

- So we can assess your application please provide a short title that describes the activity you plan to undertake, for example, Extension Surveys for Assessment of Conservation Values on Private Land.

In some situations where a permit to take native flora is required, the proposed activity will also have been submitted for other assessment processes (eg council planning approvals,

Level 2 projects for approval under Environment and Planning Legislation, dam construction approvals etc). In this case, to ensure that permits issued under different Acts are not in conflict with each other and are issued to the applicant at similar times we need to be able to consult with the other assessing bodies. If this is the case:

- please provide the title of any document submitted for other assessment processes. Also state what assessment processes the project is going through, with whom and the assessment proposal number if known.

If the proposed activity is not written up as a report or other kind of document for example, a development application, project proposal form, dam application form, environmental effects statement etc., please write a brief description of your project outlining what the project is for, how you intend to undertake the activity and why it needs to be done that way. State any expert advice you have received to help justify your proposal

If a document already exists stating what the proposed activity is, for example a consultants report for road modifications impacting on a rare plant community, please provide a copy of the document and attach it instead of filling out this part of the application form.

If you require an extension to an existing permit where the only change in detail is the time period, contact the assessment officer before the expiry date, quote your existing permit number and indicate what the revised dates need to be and the reason the extension is required.

If your request is approved a new permit with the revised dates will be issued to you.

2.3 When do you want to ‘take’?

You need to indicate the period, (start date and end date), during which the activity is to be undertaken as the permit will only be issued for a specific period of time. Permits are usually only issued for up to a maximum period of one year. The permitted activity can only be carried out between the dates shown on the permit. The permit is not valid before the start date or once the end date has passed.

- please provide the start and end dates which cover the period during which you wish to ‘take’ native plant species protected by *the Threatened Species Protection Act 1995* this should also include the time that you will be keeping the material after collection, for example the time it takes to press and dry plant material before submission to the Herbarium.

2.4 What do you want to ‘take’?

The permit is only valid for the **taking** of the species listed on it. If you require a general collecting permit for all flora species as per the current Tasmanian Plant Census (*Buchanan*

A. M. (2002) *A Census of The Vascular Plants of Tasmania 4th edition.*) which is available from the Herbarium's web site, (see list of contacts page 8 & 9). To undertake general survey work you must be able to show that you are required to do this as part of you work and/or project requirements.

- Please provide a list of the Taxa (species) you want to take. If it is a large list attach it as a separate piece of paper to the application form.

Where genera or families are specified the permit will cover all species recognised for Tasmania in the relevant taxa and listed in the current Tasmanian Plant Census.

- check the status of the species you want to '**take**'. Are they protected? Check the most recent lists of species protected by legislation which can be accessed on the Department of Primary Industries, Water and Environment Web site or from the Threatened Species Unit (see contact details 8 & 9) and indicate this on your list.
- If you require a general collecting permit make a request for all species as per the current Tasmanian Plant and indicate whether or not this also includes protected species listed on the *Threatened Species Protection Act 1995*.

Depending on the activity and the reasons for it, limits will be placed on the amount of material that may be taken especially for protected species. So please ensure you are realistic about your request and keep to the minimum you require. Refer to Field Guidelines for Taking Native Flora Out of the Wild (See the list of other best practice guidelines on page 10).

- Please provide an account of the type and quantity of material you need to '**take**' of each species.

Use the following categories and examples as a guide

whole plants

includes collection of all of the above ground plant parts with or without roots
(eg. 2 whole plants of each *Taraxacum* species)

reproductive parts

includes flowers, seed, fruits
(eg. 20 g of *E. globulus* seed)

foliage

includes any part of the plant which undertakes photosynthesis
(eg. 2 kg of fresh *Xanthorrhoea australis* blades)

woody material

includes above ground parts such as stems, bark, cores etc
(eg. 1, 2x 10cm core from each of 20 Huon Pines)

underground parts

Includes roots, tubers, rhizomes, stolons, bulbs, etc
(eg. 6 *Pteridium esculentum* rhizomes equal to 4 g dry weight)

plant substance

Includes, resins, sap, oil

(eg. 20 g of dried resin from each of 5 *Xanthorrhoea australis* plants)

- For general collecting undertaken for Herbarium and survey work indicate what life stages and parts of plants are required for identification and how many multiples of each example is required to meet the collection requirements. Refer to Field Guidelines for taking Native Plants out of the Wild to ensure that you collect the right material in an appropriate manner (see other best practice guidelines listed on page 10).
- For applications requesting the destruction of species protected under the *Threatened Species Protection Act 1995* an estimate of the species population size, area occupied and distribution (eg clumped, scattered) must be supplied according to the attached proforma. Please include any mitigation measures that might be applied as a condition of the permit

2.5 Where do you want to 'take' from?

It is important to provide clear and accurate information about where you wish to 'take' from as the permit is only valid for the areas stated on it. General collecting permits covering, for example, multiple reserves/tenures and all native species, are only given if there is good reason for requiring such a broad ranging permit (for example you work in a Herbarium). In general permits are given for limited times and for specific locations.

- For general collecting/research permits for native plant species from land that you know is reserved you only need to name the Reserve/s you seek a permit to 'take' from.

The permit issued to you often needs to be issued under different Acts. Which one depends, in part, on the land tenure on which you will be **taking**. The permit is not valid unless it is issued under the correct Act and signed with the correct delegation for that Act. Thus it is vital to know what the land tenure is.

- For permit applications other than for general collecting/research within reserves (see previous point), please indicate the land tenure and attach a legible map and/or provide grid references. Preference is for the location to be indicated on a 1:25000 map sheet (enlarged, clear photocopies are ok as long as the map sheet name or number is written on it. (Please rewrite the easting and northing in if they are not visible on the enlargement) in conjunction with site maps (providing the scale if possible) if they exist, indicating which site map/s relate to the locations on the 1:25000 map/s. PIDs can also be supplied to indicate locations. Grid references, PIDs and updates on land tenures can be obtained from LIST (see list of contacts page 8 & 9). This information will enable us to check that all the location details provided are correct.

2.6 Where are you going to keep the material you have collected

You need a permit to keep material if you intend to do that after collecting it. If you intend to keep the material for any longer than a day after obtaining it the permit will need to also cover you for that.

- Please indicate what you will be doing with the material you have collected, where it will be held and for how long. For example, “within 3 months of collecting, the material will be pressed and lodged with the Herbarium, or cuttings of species x will be propagated and kept in the Green Valleys community glasshouse for 6 weeks”.

2.7 Risk assessment

In some cases you may be required to undertake a risk assessment of your activities by the authorities responsible for managing the land you will be undertaking your activity on. Please check with the land managers what these requirements are.

3. What happens with the application?

Submitting an application for a permit does not automatically mean a permit will be issued nor that all that is requested will be allowed. The Department retains the authority to reject any permit application and also to apply conditions to any permit issued.

Each permit application is assessed on a case by case basis guided by certain criteria. Copies of these criteria can be obtained on request from the officer who issues the permits.

The permit will be assessed and a decision made by the officer making the assessment as to whether the permit should or should not be issued. **Please allow four weeks for the issuing of permits.**

During that time the assessment officer may contact you concerning conditions to remedy or mitigate any adverse impacts on the target species.

For applications to take on reserved land, the permit will be sent to the Parks and Wildlife Service for approval and once approved by them the permit will also allow the activity to occur on the reserves named on the permit. However you are still required to notify the District Manager or relevant field office before entering reserved lands to undertake the activity.

If the request for a permit is refused you will be notified either by phone or in writing. If the request for a permit is granted it will be issued and an original signed copy posted to you.

The permit can be revoked at any time by an authorised officer.

There is no right of legal appeal in regard to decisions made about the issue or non- issue or revocation of these permits under the *Nature Conservation Act 2002*, *The Crown Lands Act 1976* or the *Threatened Species Protection Act 1995*. However there is a right of appeal for

administrative decisions such as the granting or refusal of permits under *the Judicial Review Act 2000* and *Magistrates Court (Administrative Appeals Division) Act 2001*. If you have any queries in these regard please contact the Nature Conservation Branch (see list of contacts page 8 & 9)

4. If I am issued with a permit what does it mean?

The permit issued to you is a legal document that allows you do undertake the activity outlined in the permit under certain conditions. The conditions are legal obligations and breaches of them may incur penalties such as revocation or a fine.

To ensure that you do not breach the permit and expose yourself to possible legal action, please read all the conditions carefully and fully comply with them.

This means that;

- the permit **must** have your name on it,
- you **must** carry the permit with you at all times when undertaking the activity which the permit allows you to legally do and produce it if requested by an authorised officer
- you **must** ensure you have any other permits, approvals or licenses required before you proceed and comply with them.
- you **must** ensure that you have permission from private land-holders and/or land managers and land management authorities (such as councils, Forestry District Mangers etc) before undertaking any activity allowed by the Permit issued to you in these areas.
- you **must** notify the relevant District Parks and Reserves Manager (list of contacts attached) prior to entering and undertaking the activity allowed by the permit in National Parks and Reserves under the *Nature Conservation Act 2002* and Crown lands not reserved under the *Nature Conservation Act 2002*
- you can only **'take'** during the period for which the permit is issued
- you can only **'take'** from the locations stated on the permit
- you can only **'take'** the species if it is named on the permit
- you can only **'take'** the amount and type of material stated on the permit
- you can only **use** the material for the purpose stated on the permit
- you **must** comply with all other conditions stated on the permit for example to provide a report on your activities, lodge specimens at the Tasmanian Herbarium, provide the Threatened Species Unit with data on listed species, undertake mitigation measures for example control of weeds, covenanting of areas which contain significant values, fencing , controlling stock access to native vegetation, undertaking hygiene measures and so on.

*To ensure that you employ proper techniques while **taking** the native plant material from the wild, and that your activities have minimal impact on the species and the site you are **taking** from, refer to Field Guidelines for Taking Native Plants out of the Wild (see list of best practice guidelines and contact details pages 8, 9 and 10).*

Contacts

Australian Quarantine & Inspection Service

Agriculture, Fisheries and Forestry - Australia
Edmund Barton Building
Broughton Street, Barton
GPO Box 858
Canberra ACT 2601
Ph +61 2 6272 3933

Web Address

<http://www.affa.gov.au/content/output.cfm?&OBJECTID=3E48F86-AA1A-11A1-B6300060B0AA00014>

Environment Australia

GPO Box 787
Canberra ACT 2601
Ph: +61 2 6274 1111

Web Addresses

Applications and Approvals for matters of environmental significance
<http://www.erin.gov.au/epbc/assessmentsapprovals/index.html>

Permits for undertaking activities on Commonwealth lands
<http://www.erin.gov.au/epbc/permits/index.html>

Permits to export or import Wildlife products
<http://www.ea.gov.au/biodiversity/trade-use/permits/>

List of Threatened Species on the Environment Protection and Biodiversity Conservation Act 1999
<http://www.ea.gov.au/biodiversity/threatened/species/index.html>

List of Threatened Ecological Communities on the Environment Protection and Biodiversity Conservation Act 1999
<http://www.ea.gov.au/biodiversity/threatened/communities/index.html>

Guidelines on referral of Matters of National Environmental Significance
<http://www.ea.gov.au/epbc/assessmentsapprovals/guidelines/index.html>

Forest Practices Board

30 Patrick Street
Hobart Tas. 7000
Forestry Tasmania
Ph (03) 6233 7966 Fax (03) 62337954
Email info@fpb.tas.gov.au

Web address

<http://www.fpb.tas.gov.au>

Forestry Tasmania

GPO Box 207,
Hobart, Tasmania - 7001,
Australia
Ph (03) 6233 8203 Fax: (03) 6233 8156

Email:

Forestry.Tasmania@forestrytas.com.au

Site administrator: David.Hinley@forestrytas.com.au

Web Address

<http://www.forestrytas.com.au/>

Hydro Tasmania

4 Elizabeth Street
GPO Box 355
HOBART TAS 7001
Ph: 1300 360 441 Fax: (03) 6230 5823

Email:
webmaster@hydro.com.au

Web Address
<http://www.hydro.com.au/>

Local Government contacts

Local Government Authority of Tasmania
GPO Box 1521
34 Patrick Street
Hobart Tasmania 7001
Ph 03 6233 5966 Fax 03 6233 5986

Email address admin@lgat.tas.gov.au

Web address <http://ingomar.lgat.tas.gov.au/>

Primary Industries, Water and Environment

134 Macquarie Street
(GPO Box 44),
Hobart Tas. 7001.

DPIWE Web Site <http://www.dpiwe.tas.gov.au>

For lists of threatened species,
follow the links to:
Nature of Tasmania/Threatened Species

For copies of the permit application form, and guidelines on When and How to apply follow go to
Permits & Forms

Botanist Threatened Species Unit or Botanist Vegetation Section,
Nature Conservation Branch,
Hobart Office: Macquarie Street
Ph. 03 62 33 6556, Fax 03 62 33 3477

Crown Land Services

Hobart Office Macquarie Street
ph. 03 6233 2997.

Email John.Toohy@dpiwe.tas.gov.au
Land Information Services

Web address
<http://www.thelist.tas.gov.au>

Tasmanian Herbarium

College Road
GPO Box 252-04
Sandy Bay
Hobart , Tasmania 7001

Ph (03) 6226 2635 Fax (03) 6226 7865

Email: herbarium@tmag.tas.gov.au

Web address
<http://www.tmag.tas.gov.au/Herbarium/Herbarium2.htm>

Tourism, Parks, Heritage and the Arts
- **Parks and Wildlife**

Web address
<http://www.parks.tas.gov.au>

Best Practice Guidelines

Germplasm Conservation Guidelines for Australia

Web address <http://www.anbg.gov.au/anpc/web.html>

e-mail address anpc@anbg.gov.au

FloraBank Model Code Of Practice for community-based collectors and suppliers of native plant seed

Web address <http://www.florabank.org.au>

FloraBank Guidelines 5. Seed Collection from Woody Plants for Local Revegetation

Web address <http://www.florabank.org.au>

FloraBank Guideline 6 Native Seed Collection Methods

Web address <http://www.florabank.org.au>

FloraBank Guidelines 7. Seed Production Areas for Woody Native Plants

Web address <http://www.florabank.org.au>

FloraBank Guidelines 10 Seed Collection Ranges for Revegetation

Web address <http://www.florabank.org.au>

Guidelines for Taking Native Plants from the Wild (under development)

Web address <http://www.dpiwe.tas.gov.au>

Guidelines for the Translocation of Threatened Plants in Australia

Web address <http://www.anbg.gov.au/anpc/web.html>

Email address anpc@anbg.gov.au

Information Sheet for Permits, Authorities and Other Licences Required to 'Take' Native Flora in Tasmania.

Web address <http://www.dpiwe.tas.gov.au>