

Information Sheet

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



Lotus australis
Photographer, Paul Black

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Published by the Department of Primary Industries Water and Environment, Nature Conservation Branch

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1. What are permits?

A permit is a legal document that gives authority for a person (including incorporated bodies) or persons to undertake certain activities, that are otherwise legally not allowed under certain conditions.

In respect to native flora, permits are one way to help manage and conserve protected and reserved native plant species and plant communities while still allowing for certain activities to take place under conditions which limit the adverse impact on the species or its community.

Permits also help the State to retain ownership of its valuable native plant resources for the benefit of Tasmanians.

1.1 What is the meaning of 'take'?

Taking native flora by definition, for species listed on the *Threatened Species Protection Act 1995* includes, kill, catch, damage and collect (section 3) of any listed plant, plant part or product (such as seed, foliage, roots, bark, sap etc.) And by definition under the *Nature Conservation Act 2002* and *the National Parks and Reserves Management Act 2002* includes destroy, damage or interfere with a native plant, plant part or product.

2. When is a permit required to 'take' native flora?

Currently in Tasmania it is, under certain circumstances, illegal to 'take' Native Flora without a permit and/or other forms of approvals or licenses. If you have reason to want to 'take' native flora in Tasmania you must, before undertaking such an activity, first check whether you require some form of approval.

Currently a permit is required from the Tasmanian State Government to 'take':

- native plant species' listed as endangered, vulnerable or rare under the *Threatened Species Protection Act 1995*. In this case a permit is required regardless of the land tenure. Permits are also required for trading, keeping or processing (section 51) of any listed plant, plant part or product. A current list of species protected by the *Threatened Species Protection Act 1995* is available from the Threatened Species Unit (see list of contacts page 7), or through the Department of Primary Industries, Water and Environment's web site (see list of contacts page 7).
- any native plant species listed on the regulations of *the Nature Conservation Act 2002*. In this case the permit is required for all land tenures, unless stated otherwise in the regulations. Currently there are no flora species protected by the regulations under this Act.

- any native plant species from public lands managed by the State Government. This includes National Parks, State Reserves, Game Reserves, Nature Recreation Areas, Conservation Areas, Regional Reserves, Historic Sites, Public Reserves under the *Crowns Lands Act 1976*, State Forests and Forest Reserves under the *Forestry Act 1920* and all other Crown land that does not currently have reserve status under the *National Parks and Reserves Management Act 2002*.
- any native plant species from Private Sanctuaries and Private Nature Reserves which have been declared under the *Nature Conservation Act 2002* , if you are not the owner of that land.

The "Permit Application Form to Apply for the 'Taking' of Native Flora" must be filled out and sent to an assessment officer in the Nature Conservation Branch (see list of contacts page7). The Application Form and "Guidelines for Permit Applications for the 'Taking' of Native Flora" are available from the Nature Conservation Branch or alternatively, and can be downloaded from the Department of Primary Industries, Water and the Environments web site (www.dpiwe.tas.gov.au).

3. Do you require other permits, approvals and/or licenses?

Additional permits, approvals and/or licenses may also be required before proceeding. The responsibility to obtain these lies with the applicant. Please check if you require a permit, license or some other form of approval to:

- access any property

- Permits issued under the *Threatened Species Protection Act 1995* and the *Nature Conservation Act 2000*, the *National Parks and Reserves Management Act 2002* and the *Crowns Lands Act 1976* only authorise the '**taking**' of the target species. It does not give authority to access any land and undertake that activity without permission from the land manager/owner/s.
- You **must** ensure that you have permission from private land-holders and/or land managers and land management authorities (such as Councils, Forestry District Managers 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 prior to entering and undertaking the activity allowed by the Permit in National Parks and Reserves and other Crown lands.

- commercially harvest native plant species

- The commercial harvesting of native plant species on non-reserved Crown lands in Tasmania requires a license under the *Crown Lands Act 1976* from Crown land services Branch, DPIWE (See list of contacts page 7).
- The commercial harvesting of native plant species on lands reserved under the *National Parks and Reserves Act 2002* also requires a business license from the Parks and Wildlife Service, Department of Tourism, Parks, Heritage and the Arts. (see list of contacts page 8).
- The harvesting of wood (including firewood) from an area greater than 1 hectare or in excess 100 tonnes of timber (whichever is the lesser) per year requires a certified Forest Practices Plan approved by the Tasmanian Forest Practices Board, regardless of land tenure (see list of contacts page 7).
- The harvesting of tree ferns (*Dicksonia antarctica*) is also now regulated through the forest practices system and requires approvals from the Forest Practices Board. For further information contact the Forest Practices Board (see list of contacts page 7).
- The harvesting of any native vegetation on State or public lands managed by other managing authorities such as HEC, Forestry, Local Councils etc requires permission from those authorities. Please contact them for details regarding their permitting processes (see list of contacts page 7).

- remove or clear native vegetation

- to clear native forests, which includes any woody vegetation that has a potential height of 5m or more from areas greater than 1 hectare or 100 tonnes of timber (whichever is the lesser) per year requires a certified Forest Practices Plan, regardless of tenure.
- to clear any woody native vegetation which has the potential height of 5 meters or more from defined vulnerable land which is land that
 - is within stream side reserves,
 - contains threatened species
 - contains vulnerable karst (limestone) soils
 - contains areas of forest reserved from harvesting under a current or expired Forest Practices Plan.
 - Has steep slopes
 - Has very high soil erodibility

- To clear native vegetation (forest or non-forest) to establish a forest plantation
- To clear any non-forest vegetation that is classed as endangered, vulnerable or rare according to TASVEG classifications that are within an area covered by a Forest Practices Plan. A list of the vegetation types and their classifications can be found on Department of Primary Industries, Water and Environment's Web-Site (see list of contacts page 7)

All of the above require a certified Forest Practices Plan. For further details contact the Forest Practices Board (see list of contacts page 7).

- **Please Note:** The above also applies to proposals such as sub-divisions, farm dams etc. where clearing is proposed. This currently does not include proposals where clearing or removal of trees is required for public roads, gas pipelines, power line easements, public safety or maintenance of infrastructure.

In addition some Councils **may** require a permit to clear native vegetation (forest and/or non-forest) from areas of greater than 1 Ha. Contact your local Council for details (see list of contacts page 7).

- take native plant species from areas of private land protected by a Conservation Covenant declared under the *Nature Conservation Act 2002* or a part 5 agreement established under the *Land Use Planning and Approvals Act 1993*.

Before taking any native flora species from private land check that the area is not protected by a Conservation Covenant or part 5 agreement. Such Covenants and agreements have conditions for the management of the specified nature conservation values in the area that are legally binding and may prohibit the taking of native flora from the area without the authorisation of a delegated officer.

- undertake any activity that will impact on a matter of National Environmental Significance.

- threatened native plant species and threatened plant communities listed on the Commonwealth *Environment Protection and Conservation Biodiversity Act. 1999* or potential habitat of those species are a matter of National Environmental Significance. Any '**taking**' from species or communities listed on this Act requires referral to and approval from the Commonwealth Government before such an action or activity can proceed. For further information contact Environment Australia (see list of contacts page 7).

- export out of Australia, on a commercial or non-commercial basis, native plant species or their parts or products (such as seed, roots, leaves, bark, flowers,)

- To export any native plant, their parts or products will require a permit from Environment Australia (see list of contacts page 7). Additional restrictions may apply to any native plant listed on CITES, or not included in the exempt list under the *Environment Protection and Biodiversity Conservation Act 1999*. These lists can be accessed from the Environment Australia web site (see list of contacts page 7)
- controls under the *Quarantine Act 1908* may also apply. For further information contact the Australian Quarantine and Inspection Service (see list of contacts page 7).

Please Note: Fees and/or royalties may also apply for some of these permits, licenses and approvals. Please check with the relevant organisation as to what these are at the time of application or referral.

4. When is a permit not required to 'take' native flora ?

A permit **may not be required** under the *Threatened Species Protection Act 1995* to 'take' an endangered, rare or vulnerable species:

- **for areas covered by a certified Forest Practices Plan.**

The Forest Practices Code requires that special values such as threatened flora are identified, protected and managed in areas where wood harvesting or forest clearing is to occur and acts as the permit to 'take' in this case. The Threatened Species Unit retains the right to require a separate permit.

- **to 'take', keep or process a specimen of a listed native plant from a domestic garden.**

A Permit is currently **not required to 'take'** a native plant species **from private land:**

- for a native plant species or community which is not protected by either *the Threatened Species Protection Act 1995*, by the regulations under the *Nature Conservation Act 2002* or the *Environmental Protection and Biodiversity Conservation Act 1999*
- that is not a Private Sanctuary, Private Nature Reserve or protected by a Conservation Covenant as declared under the *Nature Conservation Act 2002* or protected by a part 5 agreement under the *Land Use Planning and Approvals Act 1993* or other controls on clearing native vegetation imposed by the a local Council

- that does not involve clearing of native vegetation from land for which a certified Forest Practices Plan is required
- does not involve the harvesting of the Tree fern (*Dicksonia antarctica*)

Please refer to information provided on page 5 if you are intending to export any native plant product taken from Private Land.

Contact

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: 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
<http://www.dpiwe.tas.gov.au/inter.nsf/Home/1?Open>

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 Guidelines 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 Permit Applications for the 'Taking' of Native Flora

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

Field Guidelines for Taking Native Plants from the Wild

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>

e-mail address anpc@anbg.gov.au