

# Protected Plants

## Introduction

Date:

Location:



**TIMBER**  
QUEENSLAND

# Protected Plants Agenda

## Topics

- Protected Plants
- TQ Protected Plants Information Guide
  - What is a protected plant?
  - Legislation
  - What do you need to do?
  - What the document covers?
  - Decision Tree
  - What is PPHRA?
  - Process of undertaking operations
  - Clearing vs non- clearing
  - Native Timber Exemptions
  - Flora surveys

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# Protected Plants

## What is a Protected Plant?

- Under QLD Legislation, protected plants are:
  - Native
  - Plants including, trees, shrubs, flowers, and grasses
  - Plants are identified as:
    - Plants in the WILD or
    - Plants in TIMBER PLANTATIONS
- These plants are protected as they are listed under QLD Legislation (Nature Conservation Act and Protected Plants Regulations) as:
  - Extinct, extinct in the wild, critically endangered, endangered, vulnerable, near threatened OR
    - CEEVNT Species
  - Special least concern and least concern
    - Often listed due to harvesting pressure, because of commercial value or special traits

# Protected Plants

## What is a Protected Plant?

CEEVNT



*Rhodamnia rubescens* (CE)



*Macrozamia pauli-guilelmi* (E)



*Cadellia pentastylis* (V)



*Bertya pedicellata* (NT)



Orchids



Cycads



Some ferns



*Brachychiton* spp.

Special/  
Least  
Concern  
Species



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We build Queensland

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# Protected Plants Legislation

## *Nature Conservation Act 1992*

- Lists species status specific to Queensland under the codes:
  - Extinct
  - Extinct in the wild
  - Critically endangered
  - Endangered
  - Vulnerable
  - Near threatened
  - Special least concern
  - Least concern.

## *Nature Conservation (Plants) Regulation 2020 (The Regulations)*

- Legislation that regulates activities in Queensland.
- Provides a protected plants framework and identifies exemptions and allowable activities.
- Categorises two types of *plants*:
  - Plants in the wild and
  - Plants in timber plantations

## *Flora survey guidelines - protected plants*

- Outlines steps for undertaking flora surveys.

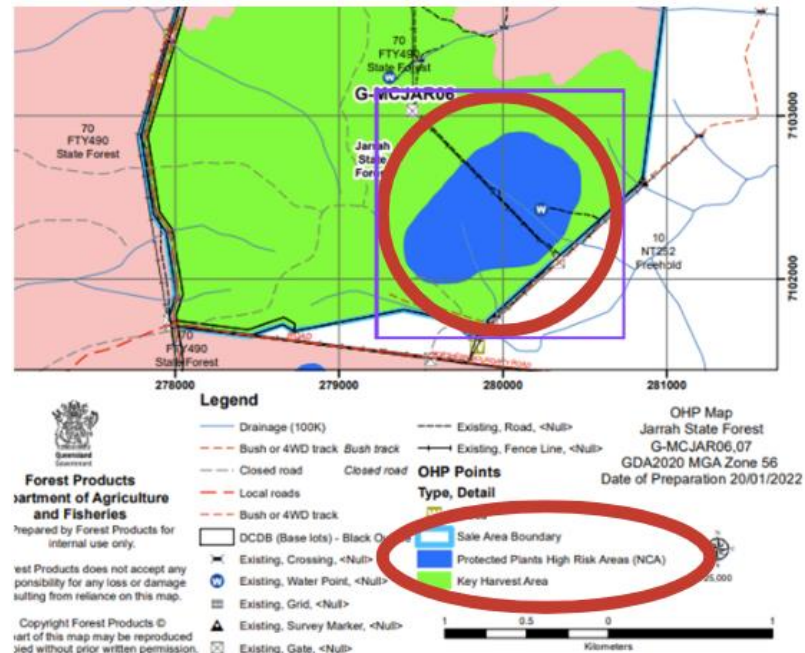


# Protected Plants Contractual Documents

Department of Agriculture and Fisheries (Forestry) [DAF] develop contractual documents for native forest operations on state-owned land, including:

- Sales Permit.
  - States adhering to the OHP and relevant legislation
- Operational Harvesting Plan (OHP).
  - Shows PPHRA (if present) and additional measures if required
- Species Management Profiles (SMP).
  - Additional measures to protect listed plants

The documents detail the activities to occur and legislative requirements, including identifying PPHRAs.



# Protected Plants PPHRA

A Protected Plants High Risk Area (PPHRA) is an area:

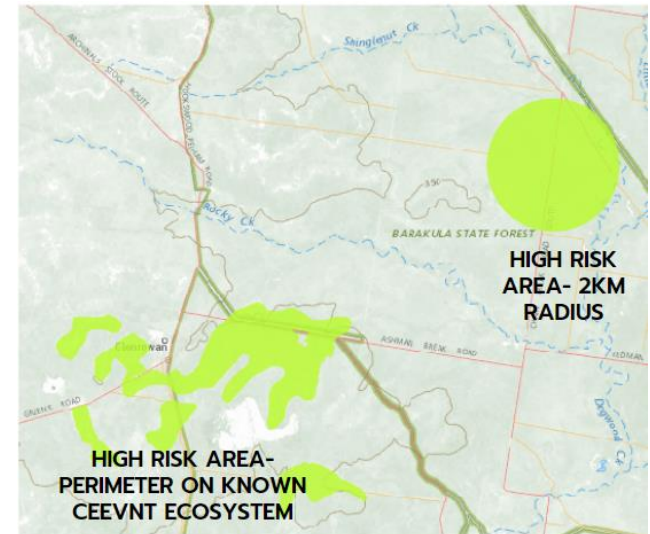
- With a validated record of threatened plants or near threatened protected plants (CEEVNT) or
- Species listed as special concern due to harvest pressure, commercial value and special traits.

PPHRA are also referred to as:

- Flora Survey Trigger Map (usually shown in green)
- High Risk Areas
- Blue Triggers (historically shown in blue)

PPHRA can be demonstrated as:

- **2km radius** around the validated protected plant or
- If the area has had a flora survey completed or is known within an ecosystem, then in some cases may be different **shape or exactly where the species is located**.



# Protected Plants Industry's Role

## Role

- Adhere to legislation
- Adhere to contractual documents
- Implement measures and actions to protect plants

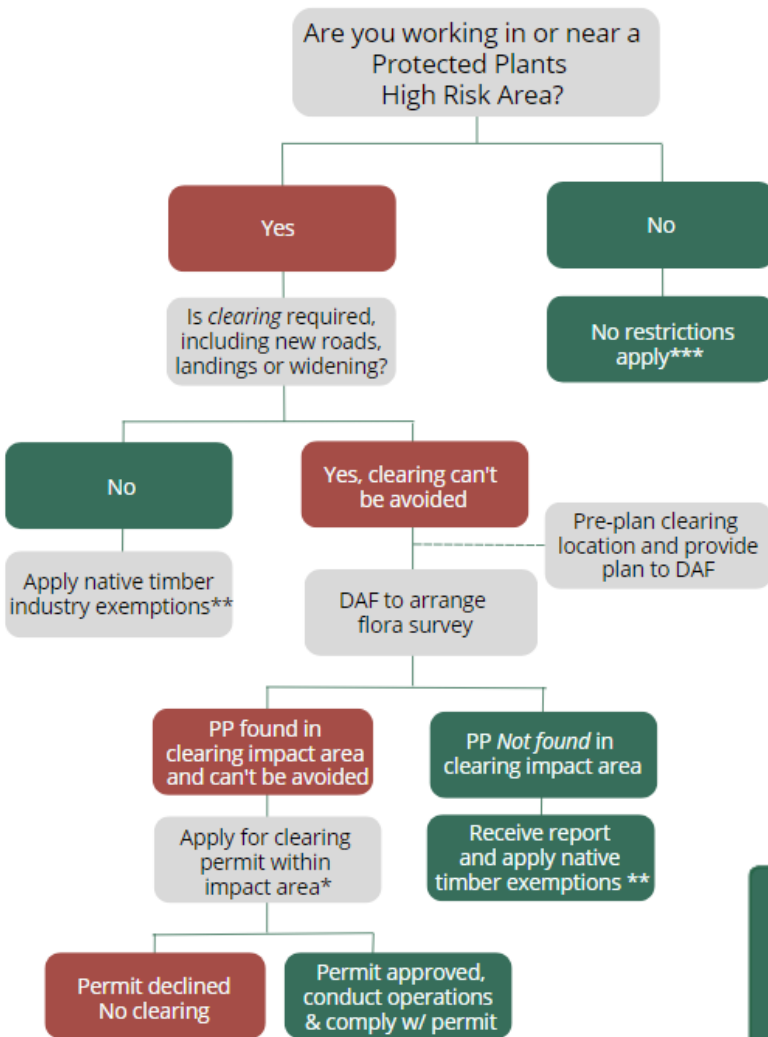
## To help.... Refer to the **Protected Plants Information Guide**

1. What is a protected plant high risk area?
2. How to understand and identify if "clearing" is required.
3. Permitted and exempt activities in native forest operations, including walkover techniques.
4. How to know when a flora survey is required.
5. The role of Department of Agriculture and Fisheries (Forestry) [DAF] in managing protected plants in forest operations.
6. The relevant protected plants documentation that permittees and operators must apply when working in state-owned native forests.
7. Note: This Protected Plants Information Guide is designed for STATE-OWNED land forest operations, not private operations.



## Protected Plants Decision Tree

Refer to this chart when conducting forest operations.



# Protected Plants Decision Tree

- Follow the TQ decision tree to help you follow the required legislation

- Follow the decision tree to understand what you need to do when working near protected plants.
- View the guides on the following pages to better understand each step.
- Always document your decision-making process and any advice you have received.
- \* It is unlikely this process will be supported by DAF, due to time and complexity. Other options would be explored first.
- \*\* DAF to submit exempt clearing notification to DES.
- \*\*\* Unless a plant is found, and is therefore 'known'.
- Note: Additional requirements are required when a CEEVNT species is known but not occurring within a PPHRA or if protected under EPBC Act.

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# Protected Plants

## Step 1

Are you working in or near a PPHRA?

### Protected Plants High Risk Area

- Refer to your OHP map to determine if there is a PPHRA

Remember a PPHRA is an area:

- With a validated record of threatened plants or near threatened protected plants (CEEVNT) or
- Where CEEVNT plants are likely to be present
- Species listed as special concern due to harvest pressure, commercial value and special traits.

A protected plants can be referred to as:

- Flora Survey Trigger Maps
- High Risk Areas and
- Blue Triggers

# Protected Plants

## Step 2

Is clearing required? (including new or widening of roads and landings?)

### What is clearing?

To **protected plants legislation**, clearing means "*taking (e.g. removing or destroying) native plants from where they are growing*".

- In native forest specific activities, clearing includes conducting the following activities within a PPHRA:
  - Establishing new roads and tracks.
  - Establishing new landings.
  - Widening infrastructure (roads, tracks, landings) from their original and existing footprint.
  - Felling non-commercial timber.

**These activities are not permitted in PPHRA without conducting a flora survey**

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# Protected Plants

## Step 2

Is clearing required? (including new or widening of roads and landings?)

### How can we avoid clearing?

- Use existing infrastructure and footprint.
- Applying the forestry exemptions (refer future slides).
- Understand your site, ensure you have pre-planned and know where existing infrastructure is (roads, landings, etc).

### How do I know if I am clearing?

- If you are unsure, always ask for assistance from DAF and refer to the Protected Plants Information Guide, and listed legislation.

### Refer to other information

#### Protected Plant Fact Sheet

- [https://www.qld.gov.au/\\_data/assets/pdf\\_file/0020/104258/protected-plant-clearing-fact-sheet.pdf](https://www.qld.gov.au/_data/assets/pdf_file/0020/104258/protected-plant-clearing-fact-sheet.pdf)

#### Clearing and Protected Plants

- <https://www.qld.gov.au/environment/plants-animals/plants/protected-plants/clearing/agriculture-primary-industries-sector>

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# Protected Plants

## Step 2a

### Where clearing is NOT required: Apply Native Timber Exemptions

Department of Environment and Science (DES) have identified a range of exempt activities that are not classified as clearing and can be undertaken in Protected Plants High Risk Areas (PPHRA or blue trigger) during the forest operation.

Process to apply native timber exemptions:

- Permittee/contractor/operator to identify exemptions to apply
- Notify DAF
- Ensure decisions are recorded

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# Protected Plants

## Step 2a

### Where clearing is NOT required: Apply Native Timber Exemptions

Exempt activities within PPHRA are interpreted as:

1. Felling commercial timber
2. Using **walkover technique** (refer to next slide) within PPHRA to:
  - Fell timber trees
  - Snig and extract commercial logs
3. Incidental damage when driving vehicles off tracks
4. Routine maintenance of infrastructure within the existing footprint, including roads and landings
5. Follow up drainage and deactivation of roads and snig tracks
6. Multiple snig passes (most cases)
7. Re-clearing (previously cleared under a permit in the last 10 years)
8. Fire management (with permission)
  - Fire safety including firebreaks to protect infrastructure
  - Fuel hazard reduction burns. authorised under *Fire and Rescue Act 1990*
9. Danger reduction

[Protected plants legislation and the native timber industry | Environment, land and water | Queensland Government \(www.qld.gov.au\)](http://www.qld.gov.au)

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# Protected Plants

## Step 2a

Where clearing is NOT required: Apply Native Timber Exemptions

Exempt activities within PPHRA are.....

Can you remember three exempt activities???

[Protected plants legislation and the native timber industry | Environment, land and water | Queensland Government \(www.qld.gov.au\)](http://www.qld.gov.au)

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# Protected Plants

## Step 2a

### Where clearing is NOT required: Apply Native Timber Exemption

#### Walkover Technique

- Walking machines through plants in the wild is determined as **incidental damage** and not directed at damaging the plants, even if there is a PPHRA present
- The **walkover technique** includes walking machines to commercially fell timber, and snigging and/or extracting commercial logs on existing tracks and avoiding disturbance



#### Not compliant with the walkover technique

- Widening existing landings, tracks and roads.
  - Widening the below existing landing would NOT comply with the walkover technique
- Deliberately pushing over vegetation.
- Deliberate disturbance to *known* protected plants.



# Protected Plants

## Step 2b

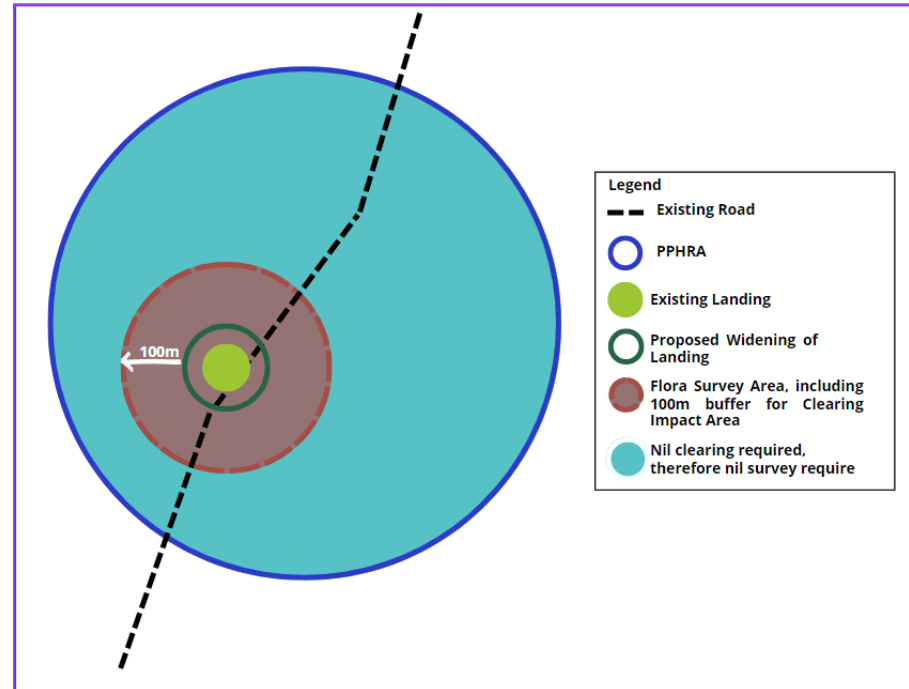
### Where clearing is required: Request a Flora Survey

#### Clearing Impact Area

- The clearing impact area is defined as the exact area to be cleared within the PPHRA, plus an additional 100m buffer zone.

#### Flora Survey

- A flora survey is triggered when clearing is to occur within a PPHRA. The flora survey is undertaken within the area to be cleared within the PPHRA and the surrounding clearing impact area when clearing cannot be avoided, and no native forestry exemptions apply.
- Flora surveys aim to identify whether protected plants are present within the PPHRA and clearing impact area.



# Protected Plants

## Step 2b

Where clearing is required: Request a Flora Survey

### Flora Survey

- A flora survey is conducted in accordance with the Flora Survey Guidelines, which also identify specific controls-
  - A suitably qualified person must complete the flora survey, typically a botanist or ecologist. (See section 4.2.1).
  - Identify the flora survey method.

[https://www.qld.gov.au/\\_data/assets/pdf\\_file/0028/99901/gl-wl-pp-flora-survey.pdf](https://www.qld.gov.au/_data/assets/pdf_file/0028/99901/gl-wl-pp-flora-survey.pdf)



# Protected Plants

## Step 2c

Where clearing is required: Request a Flora Survey (DAFs Role)

### DAF's Role

- Prepare the OHP map and determine if there is a PPHRA
- Assist with identifying existing infrastructure and already cleared areas
- If clearing is required
  - Organise and conduct a flora survey
  - Provide guidance on future steps after the flora survey is completed, whether not found or found
  - Conduct inspections on operations to ensure activities are compliant
  - Prepare an Impact Management Plan and permit report

If clearing is required, then the then the permittee and operator need to discuss with DAF the process going forward.

Note – a flora survey is only required on the area that needs to be cleared – refer to scenarios on the next slide

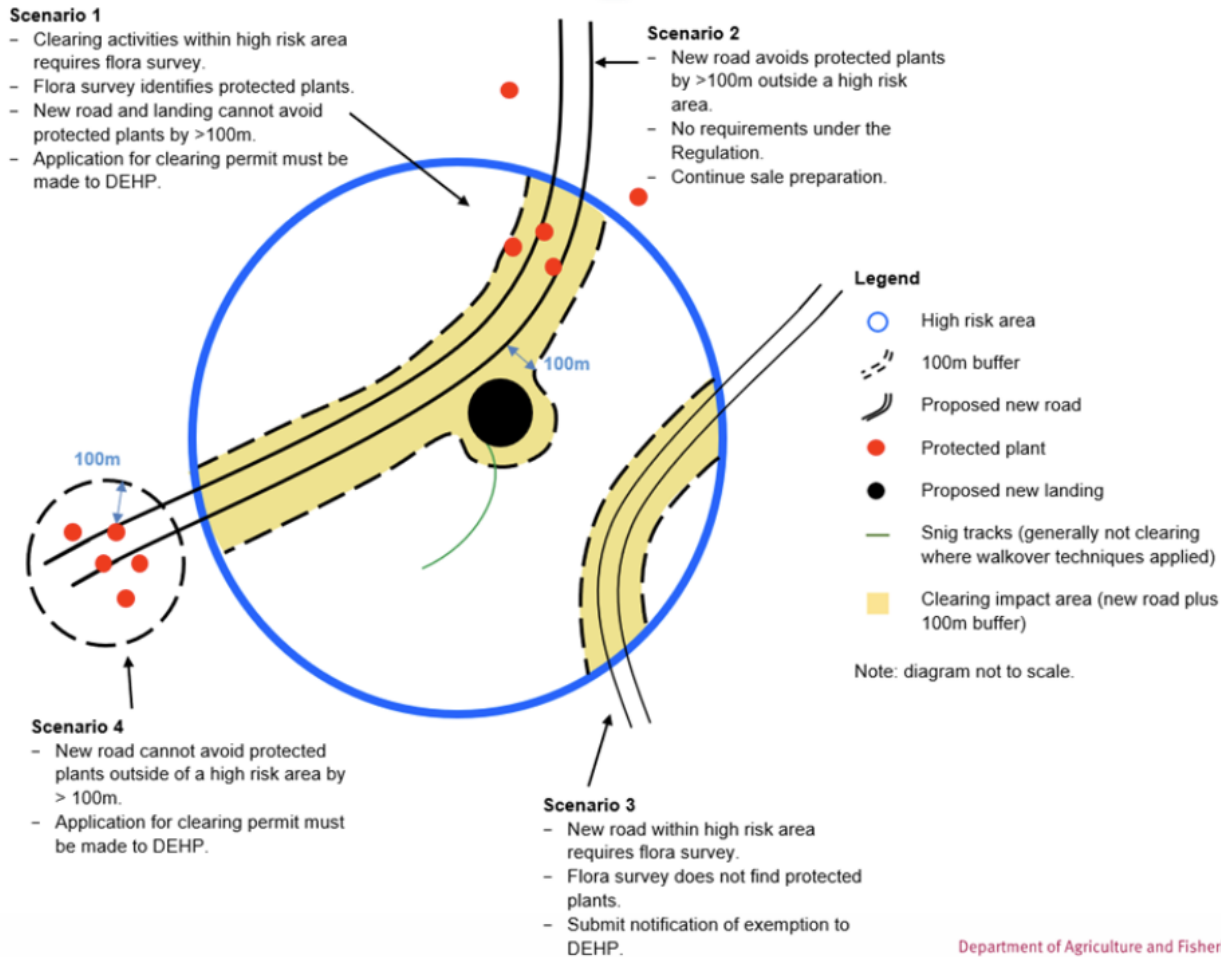
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# Protected Plants

## Step 2c

Where clearing is required: Request a Flora Survey (DAFs Role)



# Protected Plants

## Step 2c

### Where clearing is required: Request a Flora Survey (DAFs Role)

If clearing is required, then the permittee and operator need to discuss with DAF the process going forward

To prepare for working with DAF, it is useful to:

- Conduct pre-planning:
  - Review OHP and if there is any PPHRA
  - Early site inspections
  - Locate existing infrastructure and will this infrastructure be wide enough, long enough etc
  - Requirement for a flora survey is identified early
- A map or another method of showing the area that requires clearing
- Decision making process to show that avoided clearing has been assessed.
- A site visit may be required prior to conducting the flora survey with a DAF representative (FRIC)

DAF require notice to be able to help us!

Please ensure you conduct the groundwork, and provide them with a case

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# Protected Plants

## Step 3

If protected plants are found/not found during the flora survey

If clearing is required, and DAF have been contacted to conduct a flora survey and the

**Flora Survey results show the protected plants are:**

### Not Found

- If a protected plant is not found within the clearing impact area, DAF will advise DES and clearing can proceed within 7 days and no later than 12 months after the survey is complete.
- Conduct forest operations with usual vigilance for potential CEEVNT flora.

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# Protected Plants

## Step 3

### If protected plants are found/not found during the flora survey

If clearing is required, and DAF have been contacted to conduct a flora survey and the

**Flora Survey results show the protected plants are:**

### Found

- If protected plants **are found** during the flora survey and clearing cannot be avoided, further actions are required.
- DAF will need to apply for a **protected plant removal permit and develop a Impact Management Plan**; or an exclusion may be enacted and the activities will **not** be able to occur within the PPHRA.
- If\* DAF do complete a removal permit and IMP and it is **approved**, clearing activities must occur within one year. If the permit is **declined**, clearing must not occur.
  - \*DAF is unlikely to chose this direction, due to the complexity and time required





# Protected Plants

## Additional Comments

- Caution must still be applied when conducting operations within the area
- Additional actions may be required if the species is listed under the EPBC Act
  - Requirements and exemptions for protected plants under the Nature Conservation Act 1992(Qld) are not enough to cover our obligations when a species is also protected under the Environment Protection and Biodiversity Conservation Act 1999 (Cwth)
- Document all decisions and approvals with DAF
- Conduct forest operations with usual vigilance for potential CEEVNT flora
- All Species Management Profiles and Community Information Profiles need to be applied along with Protected Plants management