Whole-plant sustainable management plan 2023–2027

For commercial harvest, salvage and propagation of protected whole plants in New South Wales

Department of Planning and Environment

NSW GOVERNMENT

Cover photo: *Xanthorrhoea media*, known as grass tree or Gulgadya in the Cadigal language Rosie Nicolai/DPE

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BC Act	NSW *Biodiversity Conservation Act 2016*
BC Regulation	NSW Biodiversity Conservation Regulation 2017
CFMP	NSW *Cut-flower sustainable management plan: Protected and threatened plants in the cut-flower industry*
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
DCCEEW	Commonwealth Department of Climate Change, Energy, the Environment and Water
DPE	NSW Department of Planning and Environment
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999* (Cth)
FPL	forest products licence
LLS Act	NSW *Local Land Services Act 2013*
LENS	List of Exempt Native Specimens Instrument 2001 made under subsection 303DB(1) of the EPBC Act; also the list itself
NPW Act	NSW *National Parks and Wildlife Act 1974*
NPWS	NSW National Parks and Wildlife Service
PBR Act	*Plant Breeder's Rights Act 1994* (Cth)
PNF	private native forestry
WTMP	Wildlife Trade Management Plan

2023–2027 plan update

This *Whole-plant sustainable management plan for the commercial harvest, salvage and propagation of protected whole plants in NSW 2023–2027* provides minor updates only to the *Whole plant sustainable management plan 2018–2022 for the commercial harvest, salvage and propagation of protected whole plants*.

The 2022–2027 Plan has been exhibited for public consultation in accordance with *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and updated based on submissions received.

For reference, the Foreword from the 2018–2022 Plan appears in Appendix L.

Key changes from the 2018–2022 Plan are outlined below.

Threatened species

Threatened species are listed in Schedule 1 of the NSW *Biodiversity Conservation Act 2016* (BC Act). Protected species are listed under Schedule 6 of the BC Act.

Some threatened species occur as protected in Schedule 6, which may have allowed them to be harvested from the wild.

This 2023–2027 Plan makes an amendment and clarifies the intent of the BC Act so that threatened plant species are only available to the commercial native plant industry as grower-only products.

Licence fee for each licence application

The 2018–2022 Plan allowed for only one licence application fee to be charged for multiple licences by a single applicant.

The BC Act allows additional fees to be charged where the cost of determining a licence application exceeds the standard fee. In the case of multiple licences, this 2023–2027 Plan amends that previous provision and now requires that a standard licence application fee is levied for each growing, harvesting and site approval activity.

1. Introduction

While the proportion of protected plants sourced from artificially propagated sources is rising, many protected plants are still collected from the wild. For many species, this poses little threat to their ongoing conservation. However, for some species in high demand, such as grass trees (*Xanthorrhoea* species), wild harvest is of concern due to potential overharvesting and illegal collection from the wild.

Harvesting plants from the wild can pose risks to both the long-term conservation of in situ native and viable plant populations, as well as ancillary damage to the actual harvest sites. Some of these risks and impacts include:

- removal of soil, nutrients, biomass and animal habitat
- introduction of pathogens and weeds
- reduction in genetic and age class diversity within harvested populations
- introduction of threats to non-target species or populations through habitat modification
- decreased reproduction or recruitment of species through the removal of plant reproductive parts
- modification of abiotic (non-living) factors that influence a species or population.

Illegal harvesting practices can also reduce the viability of legitimate harvesters in the industry, compromising plant quality and undermining consumer confidence in native plant products.

As the lead environmental agency in NSW, the Department of Planning and Environment works with industry, other agencies and the community to protect and manage the commercial use of whole protected native plants through licensing and other credible regulatory tools.

The Department of Planning and Environment issues licences under the BC Act to persons seeking to harvest or grow whole protected plants for commercial purposes.

This management plan refines and consolidates the existing licensing framework to deliver on 2 objectives: first, that regulation is targeted toward species at risk from unsustainable harvesting and, second, that best practice management is applied consistently across NSW.

This plan describes the legislative framework, including:

- how it fulfils Australian Government requirements for a wildlife trade management plan (section 3)
- the types of licences that can be issued for the harvest and cultivation of plants and how and where they may operate (section 4)
- the factors governing the placement of protected whole plants into Schedule 6 of the BC Act and how they apply to each licence type (section 5)
- an outline of all the detailed operational matters that need to be taken into consideration by licensees (appendices).

The plan is an educational resource designed to raise awareness among industry stakeholders and the broader community of the range of issues affecting the management and conservation of protected and threatened plant species that are used commercially.

Fundamental to this plan's success is correctly identifying any species being traded. Licensees, Department of Planning and Environment staff and the broader industry are encouraged to seek professional assistance in identifying any plants subject to this plan.

Throughout this plan the nomenclature is consistent with that published on the PlantNET website, NSW FloraOnline, and is current at the date of publication.

This 2023–2027 Plan supersedes the *Whole plant sustainable management plan for the commercial harvest, salvage and propagation of protected whole plants in NSW 2018–22*, as the wildlife trade management plan that was approved by the Australian Government in 2018.

2. Objectives

The objectives of this 2023–2027 Plan are to:

- establish a risk-based framework of regulation that focuses effort on higher-frisk activities and reduces or removes the regulatory burden on low-risk activities or industries
- provide guidance to Department of Planning and Environment staff, people working in the whole-plant industry and the public about the management protocols for harvesting, storing, propagating and selling protected whole plants
- manage the sustainable harvest of protected whole-plant species by landowners for commercial use, where the species, age or size classes are not readily available in cultivation
- manage the commercial use of whole plants obtained from sustainable harvest and salvage situations, where the species are not available in cultivation, and limit the commercial use of salvage material where equivalent material is available in cultivation
- provide protocols for collecting and using the seeds from protected plants for commercial purposes
- facilitate the reuse of vegetation resources within development approvals
- support the transition to artificial propagation of protected plant species, thereby maintaining wild populations of high-value products and reducing long-term incremental loss
- provide guidelines and protocols which allow sustainable commercial use of protected whole plants
- support research by providing access to data collected through the licensing system
- establish a management regime in NSW that complies with the Australian Government requirements for a wildlife trade management plan (WTMP) and an artificial propagation program.

3. Legislative framework

3.1 Commonwealth legislation

3.1.1 *Environment Protection and Biodiversity Conservation Act 1999*

The EPBC Act provides for the establishment of management arrangements for the protection, conservation and management of a plant or animal under a WTMP where there is commercial harvesting of native species. Approval of a WTMP is given by the federal minister responsible for the environment and this is published in the Commonwealth *Gazette*. A WTMP can be developed by a state government or by other means under section 303FO or 303FP of the EPBC Act. Species or products sourced under these plans and programs are eligible for an export permit.

All international exports of Australian native plants require an export permit unless the specimens being exported are on the list of exempt native specimens (LENS) (see the 'Australian native plants and animals' page on the DCCEEW website for the LENS). To be eligible for an export permit for Australian native wildlife or wildlife products, a person or company must be able to demonstrate that their products have been legally sourced and produced from an approved operation, such as those covered under an approved wildlife trade management plan.

This 2023–2027 Plan meets the EPBC Act requirements for a WTMP and the proposed regime for BC Act grower licences meets the requirements for an artificial propagation program. This management plan is designed to meet the requirements of a WTMP under section 303FO of the EPBC Act and applies to the commercial harvest and export of wild harvested and propagated plants listed in Schedule 6 of the BC Act.

The licensing regime relating to grower licences under the BC Act is also designed to meet the requirements of an approved artificial propagation program under section 303FL of the EPBC Act. This means that plants listed in Appendix I of CITES or as threatened under the EPBC Act may be exported commercially, under permit from DCCEEW, by grower licensees.

3.1.2 *Plant Breeder's Rights Act 1994*

The *Plant Breeder's Rights Act 1994* (PBR Act) allows Australia-wide proprietary rights to be granted to breeders of new varieties or cultivars of plants and fungi.

Plant breeder's rights (PBR) are exclusive commercial rights for a registered variety of plants; they are a form of intellectual property.

A licence under this 2023–2027 Plan will not be required for growing plant material that has been accepted under the PBR Act. However, it will be the responsibility of the applicant to demonstrate the status of PBR Act material. It is an offence under this Act to use material without the approval of the owner of the property. It is also an offence for anyone to claim PBR Act protection when they do not have such protection.

3.2 NSW legislation

3.2.1 *Biodiversity Conservation Act 2016*

The BC Act sets out the regulatory framework for native plant licensing in NSW, including whole plants, cut flowers and seeds.

Under the BC Act, it is an offence to pick and deal in (including buying, selling, possessing, trading and importing or exporting) plants that are threatened species, or protected plants, unless it is authorised by an exemption in the Act or Biodiversity

Conservation Regulation 2017 (BC Regulation), or authorised under a licence issued by the Department of Planning and Environment.

Threatened species are listed in Schedule 1 of the BC Act and protected plants are listed in Schedule 6 of the BC Act. Schedule 6 is divided into plants used in the cut-flower industry (Part 1) and whole plants (Part 2).

Under the BC Act, there are no restrictions on picking or dealing in (buying, selling, possessing, trading and importing or exporting) plants not listed in Schedules 1 or 6.

Under clause 2.31 of the BC Regulation, the Department of Planning and Environment may prepare management plans for commercial use of protected plants to ensure both their sustainable use and the preservation of wild populations. When preparing a management plan, the following matters must be taken into consideration:

- ecology of the species
- sustainability of the proposed management regime
- Aboriginal cultural practices in relation to the species
- whether limits need to be placed on the number of licences that may be granted for a commercial activity if a licence is required for that activity
- whether it is necessary to monitor the commercial activity
- any other matters that the Environment Agency Head considers relevant.

3.2.2 *Local Land Services Act 2013*

The *Local Land Services Act 2013* (LLS Act) regulates the management and use of freehold lands in NSW with regard to native vegetation and natural resource use within the principles of ecologically sustainable development. For the purposes of the 2023–2027 Plan, the LLS Act has 2 functions:

Part 5(a) Native vegetation

Part 5 (a) of the LLS Act sets out the regulatory framework for the management and protection of native vegetation on rural lands. The land management framework categorises land into exempt, regulated and excluded which then specifies the native vegetation clearing activities that can be undertaken as allowable activities without approval, in accordance with a code of practice or with development approval.

Part 5(b) Private native forestry

Part 5(b) of the LLS Act regulates private native forestry (PNF) activities. Forestry operations for the purposes of the LLS Act allow forest products to be harvested where those products are defined as products of trees or other vegetation (non-timber) that are of economic value.

Section 60 (ZS) defines land where PNF activities cannot occur and therefore the wild harvest, approved harvest and seed harvest on those same lands will not be approved under this 2023–2027 Plan.

3.2.3 *Forestry Act 2012*

The Forestry Act provides for timber harvesting on Crown-timber lands, including state forests and timber reserves, and on private land in accordance with PNF plans and private property vegetation management plans.

This 2023–2027 Plan provides for the commercial harvesting of whole protected plants and threatened species in state and private native forests.

Harvesting of whole plants in state forests requires both a **forest products licence** (FPL) and an **approved harvest licence** from the Department of Planning and Environment.

The approved harvester applicant is required to first obtain the FPL from the NSW Forestry Corporation and provide a written copy of that approval to the Department of Planning and Environment.

Harvesting of seeds also requires a concurrent approval and licensing under the Forestry Act and the BC Act. A seed harvester will require a FPL issued from the NSW Forestry Corporation and a seed harvester licence from the Department of Planning and Environment.

3.2.4 *Plantations and Reafforestation Act 1999*

Under the *Plantations and Reafforestation Act 1999*, plantations with an area over 30 hectares, or with environmental plantings which exceed the exempted area of 30 hectares, require approval from the Department of Industry.

The harvest of whole protected plants in timber plantations may be regulated under this plan.

3.2.5 *Environmental Planning and Assessment Act 1979*

The *Environmental Planning and Assessment Act 1979* (EP&A Act) regulates planning and development in NSW.

Approvals for development activities that permit impacts on native vegetation such as clearing or habitat modification (such as land clearing or mining) may also allow for salvage operations. The salvage of plant material at a development site approved under the EP&A Act may occur where the salvage harvest is part of the development consent conditions.

Where plant salvage operations are not part of the development consent, applications for a salvage harvest licence alongside an approved development consent can be made to the Department of Planning and Environment and are covered by this 2023–2027 Plan.

The EP&A Act allows for other planning instruments to be prepared, such as State Environmental Planning Policies and Local Environmental Plans, that also set out a development approval process for certain types of development. Specifically, for the purpose of this 2022–2027 Plan:

- horticultural activities may be authorised and regulated under Local Environment Plans and, in this case, growers need to contact their local council to ensure their activities are permissible before applying for a plant licence
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) provides protection for urban vegetation as opposed to rural lands, which are covered under the LLS Act. This Policy allows local councils to approve native vegetation clearing, and therefore a salvage harvest licence may also be approved for these sites. Applications for a salvage harvest licence within an approved development needs to be made to the Department of Planning and Environment and the regulatory process is covered by this 2023–2027 Plan.

3.2.6 *Western Lands Act 1901*

Holders of leases under this Act may have additional restrictions placed on growing and/or picking native vegetation on their lands.

3.3 Penalties

The BC Act has significantly increased penalties for offences relating to protected and threatened native plants. The maximum penalties for the BC Act offences of picking or selling plants that are threatened species and protected plants are:

- for threatened species, other than vulnerable species: $330,000 for individuals, $1,650,000 for corporations and/or imprisonment for 2 years
- for vulnerable species: $88,000 for individuals or $440,000 for corporations
- for protected plants: $22,000 for individuals or $110,000 for corporations. The BC Act also provides that additional penalties may apply to these offences, including:
  - an additional daily penalty of up to 10% of the maximum penalty for each day the offence continues
  - an additional penalty of up to 10% of the maximum penalty for each whole plant to which the offence relates. These offences may also be dealt with by penalty notices (on-the-spot fines).

In addition to monetary penalties, offenders may be required by the Department of Planning and Environment to undertake specified remediation work. The BC Act also provides that the Department of Planning and Environment may cancel or suspend licences and enables the licensee to appeal to the Land and Environment Court. The BC Regulation applies penalties for non-compliance with requirements relating to the tagging of protected plants and the keeping or production of records relating to dealing in protected plants. The maximum penalty is $5,500.*

*Penalty figures are correct at the time of publication and may change.

4. Policy and administrative framework

4.1 Licensing for whole plants

This plan regulates the commercial use of whole protected and threatened plant species under 4 licence types.

There are 4 categories of licence, with 3 relating to harvesting activities from naturally occurring wild stands, known as wild harvest, approved harvest and seed harvest. The fourth category applies to artificially propagating or cultivating protected whole plants, known as a grower licence.

The licensing requirements only apply to the primary source of the plant or plant material. Individuals or businesses that buy and on-sell protected whole plants are not subject to the requirements of this 2023–2027 Plan, and do not need a licence. However, they must be able to demonstrate that plants and plant material have been legally obtained, from a plant licence holder, and that any tagging provisions are applied.

Protected plants are listed in Schedule 6, Part 1 (cut flowers) and Schedule 6, Part 2 (whole plants) of the BC Act. Threatened species are listed in Schedule 1 of the BC Act.

There will be no wild harvest or approved harvest licences issued for whole plants that are listed in both Schedule 6 and Schedule 1.

Those whole plants, parts of plants and seeds that are threatened species or parts of threatened ecological communities are only available to the commercial industry from propagated and cultivated sources or the specific deal in conditions of a scientific licence. Grower-only licences will be issued and with evidence that the primary material was lawfully obtained.

Harvesting from threatened ecological communities (listed in Schedule 2 of the BC Act) or an area of outstanding biodiversity (as declared by the BC Act) is only permitted under a salvage harvest licence, scientific licence or other approved licence.

Table 1 Biodiversity conservation licence types by groups in Part 2, Schedule 6

Part 2 group	Licence type
Group 1	Wild harvester, approved harvester and grower licence
Group 2	Approved harvester and grower licence
Group 3	Approved harvester (salvage only) and grower licence
Group 4	Grower licence only
Group 5	Grower licence only – special requirements

4.1.1 Wild harvester licence

A **wild harvester licence** authorises the owner of private property or land (or freehold land) to undertake sustainable harvesting of protected plants from naturally occurring stands of native vegetation on their property.

Only species in Part 1, Group 1, Schedule 6 may be taken under this licence type (see section 5.1). Tagging (see section 4.8) and record-keeping requirements (see section 4.10) will apply.

Licence application requirements for wild harvester licences are outlined in Appendix B. Harvest site controls and stockpile site control requirements are outlined in Appendices D and E, respectively.

A wild harvest licence will not permit harvesting of any plants from areas of outstanding biodiversity value or from threatened ecological communities, nor will the harvesting of any threatened species from the naturally occurring stands of native vegetation be permitted.

NSW National Parks and Wildlife Service (NPWS) plant tags are required for all species harvested from the wild.

4.1.2 Approved harvester licence

An **approved harvester licence** permits harvesting from naturally occurring stands of native plants on land not owned by the licensee, or for owners of private property to harvest from Part 2 Groups 2 and 3.

It falls into 2 categories – 'sustainable harvest' and 'salvage harvest'.

Applicants for this licence type are required to demonstrate a minimum level of experience, equipment and facilities before a licence will be issued. Once an approved harvester licence has been issued, the licensee must apply for separate site approval licence for the sites on which harvest is proposed. A single approved harvester licence may cover harvest at multiple sites and under both 'sustainable' and 'salvage' situations.

A landowner may apply for this licence to harvest species in Groups 1, 2 or 3 of Part 2 of Schedule 6. This distinction is required to demonstrate higher levels of experience and expertise necessary to harvest species in these groups.

Detailed information on licence application requirements and procedures is provided in Appendix C. Harvest site and stockpile site controls must be provided with licence applications as indicated in Appendices D and E, respectively. Tagging (see section 4.8) and record-keeping requirements (see section 4.10) will apply.

4.1.3 Sustainable harvest licence

An approved harvester may sustainably harvest protected whole plants from naturally occurring wild stands of native vegetation. This 2023–2027 Plan defines sustainable harvest as harvesting at a rate which allows the population of the target species to persist indefinitely.

Sustainable harvest operations act as an incentive for landowners to maintain vegetation on their property or properties. Sustainable harvesting is only permitted when the plant species proposed for extraction are not readily replaced by cultivated material and the likely impacts on the harvest site are assessed as acceptable or can be mitigated.

The **sustainable harvest licence** is restricted to species in Groups 1 and 2 of Part 2, Schedule 6. As stated, the harvest site, stockpile site and transport controls must be provided with the licence application.

Applicants seeking a site approval licence to undertake sustainable harvest must demonstrate in their application that the proposed harvest is, or is likely to be, sustainable for each species. This requirement will apply only to the initial application. However, where a licensee reapplies for land under a previous application, the Department of Planning and Environment may request additional information to aid its assessment process.

Applicants for this licence type are required to demonstrate a minimum level of experience, equipment and facilities.

A sustainable harvest licence will not permit harvesting of any plants from areas of outstanding biodiversity value or from threatened ecological communities, nor will the harvesting of any threatened species from the naturally occurring stands of native vegetation be permitted.

4.1.4 Salvage harvest licence

Approved harvesters may salvage certain protected plants where construction, mining, forestry or infrastructure development will result in their destruction. The plants of interest to salvage operators in this context are usually those offering a financial return.

A **salvage harvest licence** will only apply to an approved development under the EP&A Act. It will not be considered for activities that are deemed 'exempt development'. Salvage harvesting does not limit or mitigate land-clearing impacts.

For forestry operations, salvage will only be permitted from that area of an approved plantation that is currently being harvested (see section 4.5.5).

Only protected whole plants in Groups 1 to 3 of Part 2, Schedule 6 can be the subject of salvage harvest. Also, restrictions apply to the size class of plant that can be harvested (see Appendix K for further detail). Unharvested products of an unsuitable size class will be either destroyed or left to decompose onsite. Otherwise they may be reused onsite as part of site-specific revegetation works or landscaping where appropriate. These restrictions aim to support a transition to cultivated material by reducing access to cheaper salvaged material where equivalent material is commercially cultivated.

Allowable activities under Part 5A of the LLS Act do not qualify for salvage harvest. An application to harvest protected plants from areas subject to allowable activities will be considered as sustainable harvest and all applicable restrictions will apply.

The clearing of native vegetation authorised or approved under the LLS Act (and unexpired property vegetation plans made under the former *Native Vegetation Act 2003*) does not provide an explicit defence to selling protected or threatened native plants.

Harvesting protected or threatened native plants for sale must therefore be undertaken with a biodiversity conservation licence issued under the BC Act and only activities authorised under the *Cut-flower sustainable management plan 2023–2027: Protected and threatened plants in the cut-flower industry* (the CFMP) and this plan are permitted.

The Department of Planning and Environment encourages consent authorities to incorporate the reuse and salvage of onsite vegetation resources into planning approvals that propose clearing or modifying native vegetation. This may include the onsite reuse of protected plants that cannot be utilised commercially under this plan, the reuse of non-protected species or collecting local seed and other propagules prior to clearing.

4.1.5 Site approval licence

A **site approval licence** is required for sustainable and salvage harvest operations on land not owned by the harvest licence applicant.

Detailed information on licence application requirements, the approval process, licence conditions and management procedures are contained Appendix C.

Applicants for a site approval licence to undertake sustainable harvesting must demonstrate in their application that the proposed harvest is, or is likely to be, sustainable for each species. This requirement will apply only to the initial application. However, where a licensee reapplies for land under a previous application, the

Department of Planning and Environment may request additional information to aid its assessment process.

Granting of specific site approvals will be at the discretion of the Department of Planning and Environment, which may also approve, refuse or otherwise limit the number of plants that may be taken from any sustainable harvest or salvage area.

Plant tags are required for all species harvested from the wild. The quantity of plant tags allocated to a site approval licence will be determined upon assessment of the application.

4.1.6 Seed harvester licence

A **seed harvester licence** is required for the harvest of seeds and spores from naturally occurring wild protected plants listed in Parts 1 and 2, Schedule 6 of the BC Act. Application requirements for a seed harvester licence are provided in Appendix F.

Harvesting seed for sale from material in cultivation (see section 4.5.7) will be licensed under a grower licence. A grower licence is required to grow and propagate plants in order to harvest seed or spores for sale.

The seed harvest licence can be issued for any species in any part of Schedule 6 except for individually listed threatened species. Harvest from threatened ecological communities or areas of outstanding biodiversity values may only be undertaken in a salvage situation (see Appendix F).

However, individual licences may have limits or restrictions imposed on the species and quantities that may be harvested. Collection of vegetative material, e.g. cuttings or plant divisions, is not permitted under this type of licence as the impacts from these actions are significantly greater than from seed collection.

Collecting other vegetative material, such as cuttings or plant divisions, is not permitted under the seed harvesting licence.

Seed and spore harvesting is not permitted from areas of outstanding biodiversity value or threatened ecological communities unless approved in a salvage situation.

A seed harvester licence for use in the commercial plant industry will not be issued for seed harvesting from national parks and reserved lands under the NSW *National Parks and Wildlife Act 1974* (NPW Act).

Seed harvesting from national parks and reserved lands under the NPW Act may only be considered for authorisation under a scientific licence and where the seeds:

- assist in establishing a commercial crop or identified variants of existing crops, where plant propagules are not available or are very limited from other land tenure sources, and where the establishment of a cultivated population can contribute to the conservation of the species
- are the only viable source of seed material and the seed or propagated plants are to be used for ecological rehabilitation projects on NPWS estate or on lands surrounding and adjacent to the NPWS estate
- are for research purposes.

4.2 Grower licence

A **grower licence** is required to grow, cultivate and artificially propagate protected and threatened plants for the purpose of sale. Grower licences may permit the propagation and sale of threatened species. The application requirements and procedures for a grower licence are explained in Appendix G. Tag requirements may apply (see section 4.8).

Growers may access propagating material from several sources via other licensing provisions under this 2023–2027 Plan.

The licensing requirements only apply to the primary source of the plant or plant material. Individuals or businesses that buy and on-sell protected whole plants are not subject to the requirements of this Plan, and do not need a licence. However, they must be able to demonstrate that plants and plant material have been legally and obtained, from a plant licence holder, and that any tagging provisions are applied.

Growers fall into distinct sectors within the industry, such as tube-stock and production nurseries, and societies, species interest groups and small-scale hobby growers. The management requirements for each differ slightly to balance the needs of different licensees. A summary of these sectors is described in the following sections.

The plan recognises that some businesses may overlap between the sectors described below. Only a single grower licence will be required where the business undertakes growing activities across more than one of these sectors.

4.2.1 Tube-stock nurseries

Tube-stock nurseries propagate a range of protected plants with seed obtained from seed merchants or wild stands. Despite some questions about the source of seed material, this sector supports sustainable use of material through low-impact methods. Products are generally sold in tubes or similarly small size classes.

Growers must be able to demonstrate that primary material is legally identified and acquired, as per the provisions of other sections in this plan and the CFMP 2023–2027. This type of operation supports sustainable use principles of low-impact methods.

4.2.2 Production nurseries

Most plants in production nurseries are propagated but some may ‘grow on’ smaller-sized wild harvested or salvaged material. Nurseries producing protected plants tend to specialise in specific taxa such as orchids, palms, ferns and, increasingly, high-risk plants such as *Xanthorrhoea* species.

4.2.3 Societies and special interest groups

Picking of protected whole plants for non-commercial hobby purposes has a specific defence in the BC Act under section 2.8(l).

Societies and special interest groups may possess and trade protected plants between members and small-scale growers without the requirement for a licence when:

- the trade occurs at a society meeting at their nominal meeting venue, or between members of the society at any time; and
- the material has been obtained according to this 2023–2027 Plan; or
- the material is lawfully in the possession of the person supplying it.

Societies and special interest groups will require a grower licence to sell to the public. They may apply for a grower licence to sell plants donated by members for sale at shows and other society events. A society may produce a grower tag and must record the source of all donated material. Where the material is purchased from licensed growers for sale at society events, it should already be tagged.

4.2.4 Small-scale growers and hobbyists

Without limiting the application of sections 4.2.1 to 4.2.3, individuals who propagate and sell protected native plants to the public, or to wholesalers or retail outlets, require a grower licence. Likewise, hobbyists who sell protected native plants at local markets or

fairs will also require a grower's licence and relevant plant tags will also be required. Both small growers and hobbyists will be subject to the licence conditions and tagging provisions outlined in this 2023–2027 Plan.

An individual who grows protected plants and threatened species as a leisure activity, and is not a professional operation, not a member of a plant society and does not intend to sell plants, does not need a grower's licence. However, in doing so, the primary source materials need to be legally identified and acquired as per the requirements of the BC Act and BC Regulation, as well as other sections of this 2023–2027 Plan and the CFMP 2023–2027.

4.3 Traditional use of whole protected plants

Aboriginal people have traditional knowledge of native plants, population dynamics, vegetation communities and ecosystems which extends to specific use/s, sustainable use and broad management of wild native plants. Land management and nursery practices may be informed and improved through collaboration, cooperation and applying traditional knowledge.

Section 2.8(k) of the BC Act provides an exemption for Aboriginal people to harvest plants and parts of plants from certain lands, and have, in their possession, protected native plants for domestic purposes.

This exemption does not extend to the commercial use of protected whole plants or plant parts.

4.4 Commercial harvest for bush tucker and other purposes

There are many circumstances other than those included in this plan and the CFMP that utilise protected native plants for commercial purposes, such as bush tucker production and paperbark harvesting. To ensure the long-term sustainability of these industries, the Department of Planning and Environment encourages establishing plantations of these materials.

These industries are not regulated by this plan except where the intention is to collect seed material from protected native plants from the wild to either:

- establish a bush-tucker crop in cultivation
- supplement an existing crop by collecting material for propagation.

4.5 Location of harvest

The extraction of whole protected plants for commercial purposes is permissible from a range of land tenures. However, specific limitations on harvesting may apply to each of these tenures and in locations where species or habitat of high conservation significance is known to occur.

4.5.1 Private land

Most plant material is harvested from private land.

Owners of private lands may apply for a wild harvest licence (for Schedule 6, Part 2, Group 1 plants) or approved harvest licence (for Schedule 6, Part 2, Group 2 and 3 plants).

Non-owners of private land may apply for an approved harvest licence (for Schedule 6, Part 2, Groups 1, 2 and 3). Applicants must obtain written permission from the

landowner before lodging their licence application. A site approval licence is required for non-landowners.

4.5.2 National park estate

Harvesting native plants is not permitted in national parks and any other lands reserved under the NPW Act. As such, wild harvester, approved harvester or seed harvester licences will not be issued for protected lands within the NPWS managed estate.

However, a scientific licence under the BC Act may be issued in certain circumstances to harvest seed or other propagation material for scientific, conservation or restoration purposes. Additional conditions outside of the 2023–2027 Plan will apply.

4.5.3 State forests

Harvesting native plants from state forests requires both an **approved harvester licence** from the NPWS and a **forest products licence** from the Forestry Corporation of NSW.

Applicants must provide a written approval or supply a copy of the forest products licence from the Forestry Corporation. A statement to demonstrate the proposed harvest operation is sustainable, and list target species and quantities from the Forestry Corporation is also required. The Department of Planning and Environment may impose additional requirements on the harvest operation approved under the forest products licence.

The forest products licence may require Forestry Corporation tags for harvested plants. Where this is specified, the tagging requirements outlined in this 2023–2027 Plan will also apply.

Seed may also be harvested from state forests under a **seed harvester licence** from the NPWS and **forest products licence** from the Forestry Corporation of NSW. As with harvesting plants, applicants need written approval or to supply a copy of their forest products licence and a statement to demonstrate the proposed harvest operation is sustainable.

4.5.4 Other public land

For leased public land, applicants must obtain written permission from the lessee before applying for a licence. For unleased land, applicants must obtain permission from the authority responsible for the land. Authorities may impose access restrictions or limit the use of native plants on land that they manage.

4.5.5 Private forestry operations

Where protected native plants colonise an approved plantation, harvesting of the plants will be licensed according to this plan. The Department of Planning and Environment will set harvest rates for approved plantations except during salvage operations. Harvest will not be permitted from buffer zones or specified exclusion areas, such as habitat areas, drainage lines or streams as described in the *Plantations and Reafforestation Act 1999.* During selective logging only those plants directly impacted will be available for harvest.

4.5.6 Fruit orchards or precious timber production

Protected and threatened plant species, predominantly epiphytes, can colonise trees in some agricultural production settings such as macadamia and avocado orchards. Where such colonisation has occurred on crop or timber trees and, where the species may be harvested under either a wild harvest or approved harvest licence, the Department of

Planning and Environment may issue a licence. In such cases, the department may choose not to impose harvest limits.

Protected plants and threatened plant species, predominantly epiphytes, can colonise trees in agricultural production settings such as macadamia and avocado orchards.

4.5.7 Seed orchards

The term 'seed orchard' refers to the cultivation of plant material to produce seed for a specified purpose. This practice is well established in the forestry industry and is becoming more widespread to produce seed for revegetation and rehabilitation projects.

The material to establish a seed orchard must be lawfully sourced within the provisions of the seed harvest licence as outlined in the Plan.

As the species used in seed orchards may be derived from threatened species, areas of outstanding biodiversity value or threatened ecological communities, seed orchards, once established, will be licensed under the grower provisions in this plan.

4.5.8 Areas of outstanding biodiversity diversity values and threatened ecological communities

Harvesting native plants for commercial use is not permitted from areas of outstanding biodiversity diversity value that are declared under the BC Act.

Harvesting native plants is not permitted from habitat areas containing threatened animal and plant species.

Harvesting native plants for commercial use from threatened ecological communities (as listed in Schedule 2 of the BC Act) is only permitted if the proposed harvest is a salvage operation.

4.5.9 Threatened species

Applicants are responsible for determining the presence or likely presence of threatened species at the proposed site.

This plan does not permit the commercial harvest of threatened species from the wild. Threatened species may only be picked from the wild to establish artificial propagation programs and only if the applicant meets the licence requirements for a threatened species licence or a scientific licence under the BC Act. See also section 4.9.

4.6 Sourcing seeds and other propagating material

This management plan permits sourcing seeds and other propagating material from various land tenures. Restrictions or exclusions may apply in some situations.

On land other than the NPWS estate, a seed harvester licence can be issued for species in both Part 1 and Part 2 of Schedule 6, excluding threatened species as identified earlier in section 4.5.

A seed harvester licence will not be issued for seed harvesting from land managed under the NPW Act. Harvest of seed material from the NPWS estate may be considered for authorisation under a scientific licence, with the concurrent approval of the relevant NPWS area manager, and in situations where:

- it assists in establishing a commercial crop, or identified variants of existing crops, and where propagules are not available, or are very limited from other sources, and where the establishment of a cultivated population contributes to the conservation of the species

- the NPWS estate is the only, or most appropriate, source of seed material and the seed is to be used for planting activities in, surrounding or adjacent to the NPWS estate
- the collection is for legitimate research purposes.

4.7 Managing harvest impacts

The harvest of whole protected native plants from the wild can impose some risk to the harvest site and local populations of target and non-target species. Licensees need to be aware of these risks and set up management practices that reduce the potential impacts. Key elements of a damage mitigation strategy are described below.

4.7.1 Maximising survivorship

Plants which are harvested incorrectly often die. Digging up or otherwise harvesting a plant places it under considerable stress by potentially damaging the root system, trunk and/or foliage. Changes to watering and fertilising regimes, altered drainage and soil conditions can also affect the plant.

This 2023–2027 Plan specifies minimum holding periods for some harvested materials, harvest and stockpile site requirements and product specifications to maximise post-harvest survival. See Appendices D and E for more information.

4.7.2 Population estimates

Population estimates are required to assess and monitor the sustainability of harvest licences/operations. Applications for a wild harvester licence or an approved harvester site approval must include an estimate of the target species population at each proposed harvest site. A harvest plan must be included with the application which describes the condition of the site, including access points, and the capacity of the population to recover from harvesting.

Wild harvest and sustainable harvest licensees must maintain a map of the harvest area, including each site, that identifies each harvest event. This will form part of the monitoring process to manage harvest effort and intensity over time. Further information is provided in Appendix J.

4.7.3 Setting harvest levels

Restricting the number of plants that can be harvested limits the impact of harvesting and helps ensure the sustainability of the harvest activities.

The Department of Planning and Environment may restrict the number of plants that can be harvested. This may include imposing quotas or setting licence conditions. Restrictions may be varied according to criteria such as rainfall, effects of fire, number of licence renewals, impacts on non-target species and on the overall ecosystem, and/or other land use considerations. The department may also set a lower rate of harvest for new or renewing licensees. In some circumstances, there may be a ban on harvesting a species for a specified period or from a specified area.

Minimum population thresholds apply for wild harvesting, particularly where there is doubt about the sustainability of harvesting or the proposed level of harvest. The following criteria may be used for guidance when setting harvest levels:

- harvest no more than 10% of the available population of approved size classes for Group 1 species
- where available and appropriate, national harvest guidelines will apply

- harvest no more than 1% of the available population of an approved size class (see Appendix K) for Group 2 species
- all individuals of an approved size class for species in Groups 1, 2 or 3 may be available for salvage harvesting (see Appendix K).

The Department of Planning and Environment may further restrict harvest rates where the current rates impact or are likely to impact on the sustainability of the target product.

4.7.4 No multiple licences per site

This plan seeks to manage the intensity of wild harvesting at a site. To this effect, a single site approval licence for a harvest operation will be issued for a specified harvest site within any 5-year period. This does not limit the renewal of an existing licence but precludes additional licences being issued, other than a grower licence.

For example, if a wild harvester licence has been issued for a species in Part 2, Group 1, a site approval licence will not be issued for the same site and species within 5 years.

Only one site approval licence will be issued with a sustainable harvest licence for a species at a specified harvest site in any 5-year period, unless the quota for the site approval was below the sustainable harvest level or was not filled. In these cases, additional site approvals may be granted to allow the harvest of the remainder of the quota.

Should the wild or sustainable harvest area be later approved for salvage harvest, the wild harvester or sustainable harvest licence will cease to have effect over that section of the site subject to the clearing works. The salvage harvest will be subject to the size class limitations in Appendix K.

Should the land subject to **wild harvest licence** be sold, the licence is not transferable. Should the new owners wish to harvest or grow protected plants, a new licence application will be required and it will be assessed on its merits. Any new licences issued will be limited to the same or lesser activities as permitted under the previous licence.

Should the land subject to an **approved harvester** is sold, harvesting must cease until the approved harvester can demonstrate written permission from the new owner. Where this is done within 6 months of the date of sale, no new site approval fees will apply. Any notifications outside this period will be subject to a new site approval application and associated fees.

A grower licence may be issued in conjunction with any wild harvest or approved harvester licence on the same property.

4.7.5 Hygiene management

The wild harvest of plants may facilitate the transfer of weeds or pathogens between localities. For example, some taxa such as grass trees (*Xanthorrhoea* species) are susceptible to *Phytophthora*, a contagious and damaging soil-borne infection. The sustainability of harvesting will be jeopardised should a site become infected and landowners and licensees should report all possible outbreaks.

Precautions such as cleaning tools and washing shoes between visits to different sites must be taken, particularly for approved harvesters who often work and travel between different areas.

The Department of Planning and Environment will not issue a licence, and may cancel existing licences, for sites affected by pathogens or weeds where such invasions are

likely to have significant conservation impacts. Further information on hygiene procedures is provided in Appendices D and E.

4.8 Whole-plant tagging requirements

Under the BC Regulation it is an offence to contravene a requirement of a licence to affix tags to a protected plant.

This plan requires plant species at high conservation risk, in high demand or at significant risk of illegal harvest to have tags attached.

Tagging is a useful way to ensure continuity of lawful possession throughout the supply chain, from harvest site to end user, particularly when they are on-sold many times. The use of tags eliminates the need for all parties in the supply chain to be licensed. Tags also identify legally sourced plants, making it easier for consumers to preferentially select cultivated specimens.

Tags attached legally to protected plants from interstate are recognised under this plan.

Sellers should ensure that suppliers (whether in NSW or elsewhere) are appropriately licensed and that products comply with the tagging requirements set down in a relevant plant management plan.

Two types of tags referred to as 'NPWS tags' and 'grower tags' are specified in this plan and their use will vary according to licence type and species.

4.8.1 NPWS tags

These are prefixed and numbered tags produced by the Department of Planning and Environment that enable plants to be traced to both a specific licence and harvest site. Each NPWS tag will include the NPWS logo and a brief description of plant origin or species and a unique numerical identifier.

NPWS tags are required for all plants acquired from wild harvester and approved harvester licences. Tags will be issued for the number of plants approved either in bulk on licence approval and payment or periodically on request throughout the licence period. Tags will be issued directly to licensees or an approved nominee. These must be signed for on receipt by the licensee. Alternatively, tags may be sent to licensees via registered mail. The licensee will be responsible for postage costs should tags be delivered via registered post.

NPWS tags are single use and must be attached to individual plants at the harvest site or managed in such a way that tags are immediately allocated to harvested plants. Transporting harvested plants that are not appropriately tagged is a breach of licence conditions. NPWS tags must not be cut down or modified. They must be permanently attached, as issued, in a manner appropriate for the product. This might be done using staples, nails or string. Alternatively, if the tag design allows it, loop the tag around the product.

If plants that are tagged are lost or die at any time prior to sale, the tags must not be reused on replacement plants. Lost or damaged tags may be replaced if the Department of Planning and Environment is provided with both satisfactory evidence for their replacement and any damaged ones that remain. Replacement tags must be paid for by the licensee.

The Department of Planning and Environment will charge a fee for each tag. NPWS tags for most products will be charged at cost-recovery rates only.

The current fee is approximately 20 cents* per tag. These fees are current at the time of publication but may alter in the future.

For medium- to high-risk plants, such as those species listed in Schedule 6, Part 2, Groups 2 to 3, a premium fee on tags may be charged. This is to provide additional incentive to reduce levels of wild harvest and to encourage the use of material grown from cultivated sources. The proposed tag fee for these premium species is likely to be set at $3 to $5* per plant.

Tags are only issued for the term of a licence. If tags are not used within the term of the licence, they must be either returned to the Department of Planning and Environment or destroyed, and a record of the tag numbers noted.

Unused tags from an expired licence may be reallocated by the Department of Planning and Environment on renewal of the licence. The department may charge a fee to cover costs of tag production but will not charge an additional processing fee.

Licensees must report which tags were used and the survivorship status of the harvested plants to the Department of Planning and Environment.

*These figures are correct at the time of publication and may change.

NPWS tags for grower licences

Persons with a grower licence may require an NPWS tag for some plants such as *Xanthorrhoea*; however, this will not apply to all size classes of plant (see Appendix K).

A grower licensee may choose to use NPWS tags for their products, including those species and size classes where it is not mandatory. These tags will be produced on request and will be charged at cost recovery rates.

4.8.2 Grower tags

All growers will be required to attach a grower tag to any plant they produce under their licence that is intended to be publicly displayed or offered for retail sale. In circumstances where certain species reach prescribed size classes in artificial production, such as described above for *Xanthorrhoea* species, an NPWS tag will be required.

Grower tags may take the form of a sticker, label or sleeve and must be attached to the plant or container directly. They must have sufficient information to trace the product to its origin, for example, the species' scientific name with the term 'plantation grown' and the supplier's name.

If possible, it is recommended that grower tags comply with the National Plant Labelling Guidelines produced by the Nursery and Garden Industry Australia, but they may be attached separately if required.

Grower tags must not be placed on a plant harvested under an approved harvester or wild harvester licence.

Where a (secondary) licensed grower purchases juvenile plants (such as *Asplenium* species seedlings or orchids in flasks) from another (primary) licensed grower with the intent of dividing and/or growing the material to a saleable size, the secondary grower must ensure each new individual plant is appropriately tagged prior to being displayed or offered for retail sale.

In circumstances where licensed growers are selling protected plants in batches to the wholesale or landscape sectors and it is not practicable to tag individual plants, the grower must provide adequate records to the buyer containing the same information as required on a grower tag (for example, the species' scientific name, 'plantation grown'

and supplier name). This is particularly relevant when batches of protected plants may be on-sold many times.

4.8.3 Tags for plant hybrids

Because plant species have been intentionally hybridised, many recognised varieties and cultivars have been developed that are now registered under the PBR Act. Many hybrids cannot be readily distinguished from the parent stock until flowering occurs, making identification of hybrids very difficult without flowering parts.

For this reason, in the absence of a reliable method to identify hybrid plants, licensing and associated grower tags are required for protected plant hybrids. Grower tags must include the word 'hybrid' and identify the parent material.

However, material that has been accepted under the PBR Act will not be subject to tagging or licensing requirements under the BC Act. It is the licensee's responsibility to demonstrate the status of varieties under the PBR Act, should an exemption be required.

4.9 Monitoring requirements for wild harvesters and approved harvesters

Wild harvesters and approved harvesters (excluding salvage sites) must establish monitoring plots to help them monitor harvest sustainability. All licensees, excluding growers, must provide harvest data to the Department of Planning and Environment which can be analysed to monitor harvesting levels. Specific requirements are provided in Appendices D and E.

Licensees must clearly identify the locations where harvest is undertaken. This may be achieved by either:

- establishing a clearly defined photographic monitoring point at wild harvest and approved harvest sites (excluding salvage harvest sites). The photo point must be permanently marked with the licence number and clearly identified on the site plan submitted with the licence application
- providing accurate (+/– 10 m) geographical coordinates of harvest sites. The boundaries of harvest sites must also be mapped and provided to the Department of Planning and Environment when harvest return sheets are submitted.

4.10 Record-keeping requirements

Record-keeping assists in monitoring harvest rates and supports consumer confidence in legally harvested products. It also provides clear, accurate data on where, when, what and how much is being harvested.

The Department of Planning and Environment will maintain a database of all wild harvest and grower licences issued, including details of plant species, numbers picked and grown, and inspections. This information will be used to report to DCCEEW on how this management plan is implemented and will also inform future management decisions.

All licensees are required to maintain and submit harvest return sheets upon the expiration on their licence. These must be made available for inspection on request and must be sent annually to the Department of Planning and Environment in an electronic format. No new licences or renewals will be granted until all documentation is returned.

Reports on the implementation of this management plan will be provided to DCCEEW and published on the Department of Planning and Environment website. Records

provided to the Department of Planning and Environment by licensees will remain confidential. However, aggregated data will be made publicly available. Records may also be analysed to monitor overall harvesting levels.

Special reports to DCCEEW will include any changes to:

- the schedules of protected or threatened species
- legislation relating to the picking of wild-growing and cultivated protected or threatened plants
- requirements for the issue of licences, authorities and related matters such as tagging.

A monitoring report will be submitted to DCCEEW as required by the EPBC Act approval for the WTMP. The report will be submitted on expiration of this plan, and will include details of:

- implementation of this plan
- harvest quotas and the data on which they were based
- the number of licences issued and the level of harvesting
- statistics showing the number and type of offences detected, and action taken.

4.10.1 Wild and approved harvest returns

Wild harvester and approved harvester licensees must complete both a harvest site condition sheet and a harvest return sheet.

- Harvest return sheets must include information for each day of harvest, including:
  - the date and site of the harvest, including the time spent onsite
  - the number of plants harvested (and their relevant size classes, if appropriate)
  - the NPWS tag numbers allocated to the plants from the site
  - any other relevant comments, including product-specific requirements. Copies of these forms will be available on the Department of Planning and Environment website.

Approved harvesters must also maintain records for each plant at the stockpile site which detail the location of harvest and the time since harvest.

Details of NPWS tags used or lost must also be forwarded to the Department of Planning and Environment annually or as requested by an authorised officer.

4.10.2 Grower returns

Grower licensees must complete a harvest return sheet and maintain records of the source of all propagating material. The harvest return sheet must include:

- the date and site of the harvest(s)
- the number of plants harvested (and their relevant size classes, if appropriate)
- the NPWS tag numbers allocated to the plants from the site (if appropriate)
- any other relevant comments, including product-specific requirements.

4.11 Licence fees

Licence fees vary depending on the cost incurred by the Department of Planning and Environment to assess, regulate and monitor the various licensed activities. A schedule of fees is published on the department's 'Apply for a whole-plant licence' webpage. Section 2.12 of the BC Act provides for licence fees to be applied, which are then determined by clause 2.28 of the BC Regulation. The standard application fee for licences within the protected plant regulatory framework is $30.00* per application.

The BC Act allows the Department of Planning and Environment to impose additional reasonable fees if the cost of determining an application for a licence exceeds the standard application fee. Additional costs incurred can be associated with assessing, regulating and monitoring licensing activities.

The Department of Planning and Environment will determine reasonable fees in accordance with a methodology published on the NSW Environment website and which does not exceed the additional reasonable costs of determining that application.

Applicants seeking licences to undertake multiple activities at the same location will be required to pay each licence fee.

*This figure is correct at the time of publication and may change.

4.12 Public listing of licensees on the Department of Planning and Environment website

The BC Act requires that a public register of all biodiversity conservation licences issued under the Act will be published on the Department of Planning and Environment website. This register will not include any personal information or information about the location of harvesting activities.

To assist the public and nurseries in sourcing legally harvested and grown protected plants, licensees may request their details be included in a listing on the Department of Planning and Environment website.

4.13 Importing and exporting protected plants

The Department of Planning and Environment is not directly involved in approving the international trade of plant products; however, as this plan meets the requirements of the EPBC Act for both a WTMP and artificial propagation programs, the materials produced under NSW licences may be eligible for international trade.

Under the BC Regulation (clause 2.19), the interstate import and export of protected plants does not require a licence, as long as the plants are lawfully sourced and comply with any applicable tagging requirements.

5. Management protocols

5.1 Managing risk through plant groups in Schedule 6, Part 2

Protected native whole plants are listed in Part 2, Schedule 6 of the BC Act. Those plants groups are subject to different regulatory requirements depending on their risk from unsustainable harvest practices.

The schedule and groupings are dynamic. Over time, species may be included or removed, or existing species moved between groups.

Plants in higher numbered groups are considered to be at greater risk of illegal harvest or overharvest or are of greater conservation concern. The strategy of grouping plants according to risk enables the Department of Planning and Environment to better direct compliance and regulation activities to those species where illegal harvest operations may impact on the conservation of these species in the wild.

A description of each group on the schedule and the requirements for commercially harvesting component species is described in the following sections.

5.1.1 Part 2, Group 1

Plants in this group are those known to be harvested from the wild to support current market demand, are relatively fast growing and commercial sales are, in part, supplemented by cultivated material.

Harvesting and post-harvest management of these species is considered to be relatively simple and survivorship of harvested material is reported to be high. Overall, these species are considered to be at low to moderate risk from unsustainable management practices. However, harvesting should be monitored to ensure that it is sustainable.

Plants currently listed in this group include various fern, elkhorn and staghorn species.

The requirements to commercially harvest or grow any species in Part 2, Group 1 are:

- a wild harvester, approved harvester or grower licence will be required
- harvest site protocols apply for wild harvester and approved harvester licensees
- the Department of Planning and Environment may impose restrictions on the quantities that can be harvested, except for material produced under a grower licence
- NPWS tags must be applied to all wild harvest and approved harvest products
- grower tags must be applied to grower products when plants are offered or displayed for retail sale
- a DCCEEW export permit will be required (unless the species is in the LENS).

5.1.2 Part 2, Group 2

Plants in this group are known to be harvested from the wild to support current market demand. They are slow growing and are only just beginning to be supplemented by cultivated material. Harvesting and post-harvest management can be difficult. Survivorship of harvested material can be low when not undertaken by experienced harvesters. These species are considered to be at risk from overharvesting. Strict harvest limits will be imposed for extractive licences.

Plants currently listed in this group are grass trees (*Xanthorrhoea* species) and cycads.

The requirements to commercially harvest or grow any species in Part 2, Group 2 are:

- only approved harvester or grower licences will be issued for species in this group to ensure product quality and survivorship
- harvest site and stockpile site control requirements must be complied with for harvester licences (see Appendices D and E)
- the Department of Planning and Environment may impose restrictions on the quantities that can be harvested, except for material produced under a grower licence (see Appendices H and K)
- NPWS tags are required for wild harvested plant products
- grower tags must be used for grower products when plants are offered or displayed for retail sale
- a DCCEEW export permit will be required (unless the species is in the LENS).

5.1.3 Part 2, Group 3

Plants in this group are known to be harvested from the wild to support current market demand. These products are slow growing and they are unlikely to be directly supplemented by cultivated material. Harvesting and post-harvest management can be difficult, and survivorship of harvested material can be low when not undertaken by experienced harvesters.

Part 2, Group 3 currently includes palms (*Arecaceae* family), all species of *pandanus*, the king fern and some orchid species.

The requirements to commercially harvest or grow any species in Part 2, Group 3 are:

- only approved harvest (salvage only) or grower licences will be issued for species in this group
- harvest site and stockpile site control requirements must be complied with for wild and approved harvester licences (see Appendices D and E)
- the Department of Planning and Environment may impose restrictions on the quantities that can be harvested, except for material produced under a grower licence
- NPWS tags are required for approved harvester (salvage-only) products
- grower tags to be used for grower products when plants are individually offered or displayed for retail sale
- a DCCEEW export permit will be required (unless the species is in the LENS).

5.1.4 Part 2, Group 4

Plants in this group are those species that are well established in cultivation but where the cultivated material is not readily discernible from wild harvested material and the species maybe subject to illegal wild harvest. This currently includes NSW endemic orchids (*Orchidaceae*) other than those individually listed in Part 2, Group 3.

The requirements to cultivate any species in Part 2, Group 4 are provided in Appendix I and summarised here:

- only a grower licence will be issued for species in this group
- no production limits will be imposed
- grower tags are to be used for this group when plants are individually offered or displayed for retail sale

- a DCCEEW export permit will be required (unless the species is in the LENS).

5.1.5 Part 2, Group 5

Plants in this group include those that are identified as having special requirements. The group currently has only one species, the Wollemi pine (*Wollemia nobilis*), but in future may include other listed threatened species or other species that are of particular concern to other jurisdictions.

To support the conservation of species within this group, the Department of Planning and Environment may impose specific restrictions or tagging requirements on these products, such as these:

- only a grower licence will be issued for species in this group
- grower tags are to be used for this group when plants are individually offered or displayed for retail sale
- no production limits will be imposed
- a DCCEEW export permit will be required (unless the species is in the DCCEEW LENS).

5.2 Education

All relevant forms, procedures and fact sheets supporting the plan's implementation will be available via the Department of Planning and Environment website.

A targeted education strategy will be prepared in consultation with stakeholders to deliver information to those involved in the whole-plant industry. This includes government agencies, harvesters, growers, wholesalers, retailers and the broader community. It will raise awareness of the legislative and management requirements outlined in this plan, reinforce the impacts of illegal harvesting and identify species at high risk of exploitation.

Information will be delivered via direct contact, presentations at conferences or meetings and fact sheets. The Department of Planning and Environment will engage with the industry to help develop guidance material where they can assist with industry compliance. The department will work with industry associations to help them advise their respective industry sectors of the changes and likely impacts.

5.2.1 Foster cooperation

The Department of Planning and Environment encourages the whole-plant industry to be self-sustaining and self-regulating through improved awareness of biodiversity and ecological sustainability. To this effect, the department will encourage and develop partnerships with the industry to promote the use of cultivated or sustainably harvested products. Members of the public and the industry at large will be encouraged to report suspected illegal plant sales to the department.

5.3 Compliance

Compliance is essential to preserve wild plant populations, promote the use of cultivated and sustainably harvested material and support legitimate operators. The Department of Planning and Environment uses a risk management approach to focus an independent regulatory function on high conservation value native plants, while allowing for industry self-regulation of lessor conservation risk native plant species. The effectiveness of the framework to manage conservation risk, preserve wild plant populations and provide for a viable native plant industry depends on regulatory compliance, enforcement and cooperation.

Compliance is enhanced by fostering industry collaboration through regular communication and encouraging collaboration and cooperation from industry stakeholders and the public in reporting suspected unlawful activities.

There is a close link between education, effective licensing and compliance in controlling commercial and commercial not-for-profit harvesting. Monitoring and regulation are designed to ensure legislative compliance, and investigations are necessary to prevent illegally produced plants entering commercial and industry sectors.

Industry developed and supported best practice is an important strategy alongside government regulation. The Department of Planning and Environment encourages the industry to be self-sustaining and self-regulating through improved awareness of biodiversity and ecological sustainability.

The Department of Planning and Environment will encourage and develop partnerships with the industry to promote the use of cultivated or sustainably harvested products.

5.3.1 Property inspections

The Department of Planning and Environment will inspect properties, harvest locations and processing areas that are the subject of wild harvester, approved harvester and site approval licence applications to verify the availability of target species.

There can be random inspections of harvest locations, processing areas and properties to ensure harvesting complies with licence conditions, site management, sustainability assessment, stockpile management and monitoring programs as outlined in this 2023–2027 Plan.

All records kept by licensees must be supplied on request and made available for onsite inspections.

Department of Planning and Environment officers will report on random inspections of wholesale and retail outlets, and any investigations of tagged and untagged plants.

A summary of all inspections will be provided to the Department of Planning and Environment and included in the monitoring report submitted to DCCEEW upon expiration of this Plan.

5.3.2 Monitoring tag use

The Department of Planning and Environment will monitor the use of tags to ensure compliance with the native plant licensing framework. Industry is encouraged to self-regulate and educate operators where non-compliance is suspected. The department will follow up reports of protected plant species displayed or offered for retail sale without the appropriate tags attached. Breaches of the legislation, licence conditions or the requirements of this 2023–2027 Plan will be investigated.

5.4 Research

Research programs, outcomes and recommendations will be used by the Department of Planning and Environment and industry stakeholders to inform management strategies and implement adaptations and revisions of this 2023–2027 Plan.

The Department of Planning and Environment will encourage and foster research that:

- monitors long-term impacts on populations of target taxa
- identifies species and community changes associated with harvesting
- investigates strategies for improving post-harvest survival by modifying harvest practices, post-harvest handling and consumer education.

The Department of Planning and Environment will encourage the whole-plant industry to:

- introduce feedback and monitoring systems to examine post-harvest survival of target species through to the consumer
- invest in ex situ propagation to encourage a shift from harvesting wild plants to grower cultivation.

5.5 Review of the plan

This 2023–2027 Plan will be reviewed at least every 4 years in line with EPBC Act requirements as an approved wildlife trade management plan, as directed by the agency head of the DCCEEW, or as significant changes arise with the native plant industry or legislative reform.

To facilitate consistency with other Australian states and territories, national codes or guidelines will be incorporated into the review where required.

It is intended that the Department of Planning and Environment will undertake a comprehensive review of the native plants licensing framework during the operational period of this Plan. The review will correlate with review of the BC Act currently being undertaken as well as other reform packages for the commercial use of wildlife and ecological restoration works.

6. More information

- Apply for a whole-plant licence
- Australian native plants and animals, DCCEEW website – LENS
- Guide to monitoring ecological restoration projects [PDF 1.2MB] – Environmental Trust
- Guide to photo monitoring of ecological restoration projects funded by the NSW Environmental Trust [PDF 353KB]
- National Plant Labelling Guidelines [PDF 276KB]
- PlantNET – NSW FloraOnline
- Protected native plant licences
- Whole plant sustainable management plan 2018–22 for the commercial harvest, salvage and propagation of protected whole plants [PDF 540KB]

Glossary

Approved harvester	A person licensed under the BC Act approved to undertake sustainable or salvage harvest of whole protected plants on private property or other land not owned by the person being licensed
Artificially propagated, artificial propagation and/or propagated ex situ	A plant grown from seeds, cuttings, callus tissue, spores or other propagules under controlled conditions. The resulting plant is cultivated in soil or pots of growing media
Australian Plant Name Index	The Australian Plant Name Index is a tool for the botanical community that deals with plant names and their usage in the scientific literature, whether as a current name or synonym. For a listing of currently accepted scientific names for the Australian vascular flora, use the Australian Plant Census
Australian Plant Census	List of currently accepted scientific names for the Australian vascular flora
Authorised officer	A person authorised by the Environment Agency Head to exercise the powers of an authorised officer under the BC Act
Bare root	The condition of the root ball (or equivalent) of plants. When referring to species such as grass trees and tree ferns, 'bare root' refers to transporting plants that are not in a pot or other container. At harvest, the minimum necessary volume of soil and root material must be removed to ensure the plant's survival. For orchids, 'bare root' refers to plants sold that are not attached to and/or growing on a growing medium such as a tree-fern slab or pot
Biodiversity conservation licence	A biodiversity conservation licence provides a person with a defence to the BC Act to harvest (pick) and sell (deal in) protected native plants. Licence types include growers, wild harvest, approved harvest and seed harvest licences
CFMP	The *Cut-flower sustainable management plan 2023–2027: Protected and threatened plants in the cut flower industry.* This plan provides management framework for the commercial use of cut flowers listed in Part 1 of Schedule 6 of the BC Act
Club	A club, society or formal group (incorporated or otherwise) involved in growing protected native plants as a hobby and who may, from time to time, sell protected plants
Commercial	Concerned with or engaged in trading, buying and selling goods and services for monetary value and earning profits for company, business or individual owners
Commercial not-for-profit	Concerned with or engaged in trading, buying and selling goods and services not to earn profit for company, business or individual owners. A not-for-profit organisation may be incorporated and/or tax exempt, and monies earnt are used to pursue objectives and keep the organisation viable
Cultivate	To plant, tend, harvest or improve plants
Cultivar	A plant variety that has been produced in cultivation by selective breeding
Cut flower	Any plant part that is sold in the commercial cut-flower industry, including flowers, stems, foliage, fruit and seed heads

Destroy and destruction	The destruction of the plant with no subsequent use of the plant or its parts
Deal in	To 'deal in' protected plants is an offence under section 2.5 of the BC Act without a biodiversity conservation licence. Deal in includes buy, sell, posses, trade and import/export
Environment Agency Head	Chief Executive Officer of the NSW Government department administering the BC Act
Extractive use	Either a wild harvester or approved harvester licence, where the plant material in trade is sourced from the wild
Grower and growing	A person, a company or an incorporated organisation licensed under the NSW *Biodiversity Conservation Act 2016* who propagates, cultivates or harvests material from artificial sources, protected or threatened native plants on land that they own or occupy. A grower may be either the landowner or occupier of land on which the growing activities are licensed
Harvest and harvesting	Extraction of plants for horticulture, chemical collection, food production, or any other purposes involving the use of whole plant or parts of plants from naturally occurring wild stands of vegetation. It encompasses whole plants or plant parts removed by wild harvesters, approved harvesters, researchers and Indigenous persons for domestic use
In the wild and from the wild	In relation to native plants, an independent state of natural liberty
Local NPWS office	The Department of Planning and Environment office responsible for regulating and administering native plant licensing and compliance activities under the BC Act
Native plant	Any tree, shrub, fern, creeper, vine, palm or plant that is native to Australia, and includes the flower and any other part thereof
Pick	To 'pick' protected plants is an offence under section 2.2 of the BC Act without a biodiversity conservation licence. Pick means to gather, take, cut, remove from the ground, destroy, poison, crush or injure the plant or any part of the plant
Plant parts	Parts of a plant which are collected for purposes other than propagation, such as for cut foliage or cut flowers
Pot	A container in which plants may be grown and offered for sale, which contains growing media suitable for the species. A pot may include but not be limited to pots, bags, cells, punnets, flasks, tubes or tubs. For epiphytes or lithophytes, a pot may be a slab, board or other appropriate substrate to which the plant is attached
Private land	Freehold land that is owned by a person or company and is not in public ownership managed by federal, state or local government; or land that is leased, held under licence or permit from a person, company or the Crown under a tenure that grants an exclusive right of occupancy, or which is in the course of alienation by the Crown under any Act
Productive use	A grower licence or material produced under a grower licence where the source of the material in trade is not from the wild
Propagate	See artificially propagated
Propagule	Any part of a plant capable of forming a new individual when separated from the original plant
Protected plant	A species or other taxon listed in Schedule 6 of the BC Act

Salvage	Removal of plants from an area that is being, or is to be, altered by an approved urban and rural development, forestry activity, mining or infrastructure development, where the plants would otherwise be destroyed
Seed	For the purposes of this plan, this includes a fertilised ovule produced by a seed plant and the asexual reproductive cell produced by the sporophyte phase of ferns and other non-seed plants. A seed does not include vegetative propagules such as cuttings or division
Seed harvester	A person, company licensed under the BC Act to harvest seeds from protected plants for the purpose of dealing in the seeds
Sell	As defined in the BC Act, includes to advertise or hold out as being prepared to sell plants, and to deliver or receive plants for the purpose of their sale
Site	A single property held under an individual title or a specific parcel of land managed by a public authority (i.e. a specific state forest is a single site but may include several picking locations; while several state forests with different names, even though they may adjoin are regarded as separate titles). A single private property with multiple adjoining parcels of uniquely identifiable portions and titles is regarded as separate sites
Taxon (plural taxa)	Any living thing described by a genus name or any other name or description. Taxonomic units are formatted in a nested hierarchy (i.e. variety or cultivar, species, genus, family, order, class, phylum and kingdom)
Threatened ecological community	An assemblage of species occupying a particular area as listed in Schedule 2 of the BC Act
Threatened species	A species listed in Schedule 1 of the BC Act
Whole plant	Whole plant and parts of plant
Wild harvest	Any harvest from naturally occurring wild stands of protected or threatened plants under the BC Act on land of which the licensee is the owner
Wild harvester	A person or company, licensed under the BC Act to harvest from naturally occurring wild stands of native vegetation on land owned by the licensed person or company
WTMP	Wildlife Trade Management Plan declared and approved under the Commonwealth EPBC Act

Appendix A: Schedule 6 – Protected plants

It is recognised that some individually listed threatened species are traded in the native plant industry, and may appear as both threatened and protected plants. Picking and harvesting threatened plant species from the wild is not permitted under a wild harvest or approved harvester licence. Threatened species will only be available to the whole-plant and cut-flower industry as grower-only products and regulated under a grower licence.

Part 2: Whole plants

Scientific name	Common name(s)
Group 1	**Wild harvester, approved harvester and grower licence**
Asplenium australasicum	Bird's nest fern
Asplenium polyodon	Sickle spleenwort, mare's tail fern
Asplenium harmanii	Fern
Cyathea species	Tree ferns
Dicksonia species	Tree ferns
Platycerium species native to NSW	Elkhorn and staghorn ferns
Group 2	**Approved harvester and grower licence**
Xanthorrhoea species	Grass trees
Zamiaceae native to NSW	Cycads
Group 3	**Approved harvester (salvage only) and grower licence**
Arecaceae native to NSW	Palms
Cymbidium suave	Snake orchid
Dendrobium aemulum	Ironbark orchid, white feather orchid
Dendrobium gracilicaule	
Dendrobium linguiforme	Tongue orchid
Dendrobium speciosum var. *hillii*	King orchid, rock lily, tar-beri
Oberonia complanata	
Oberonia titania	
Pandanus species native to NSW	Pandanus
Taeniophyllum muelleri	
Todea barbara	King fern
Group 4	**Grower licence only**
Orchidaceae native to NSW	Orchids unless otherwise listed
Group 5	**Grower licence only – special requirements**
Wollemia nobilis	Wollemi pine

With the exception of seed harvester licences, Part 1 of Schedule 6 of the BC Act is not relevant to the whole-plant industry, so it is not reproduced in this plan. For guidance for harvest of cut flowers please refer to the CFMP.

Subject to approval of this plan, Schedule 6, Part 2 of the BC Act may be amended to align with the schedule set out above.

Appendix B: Wild harvester licence application requirements

A wild harvester licence may be issued under section 2.11 of the *Biodiversity Conservation Act 2016* (BC Act) to the freehold owner of a property to harvest from naturally occurring stands of native plants on their property.

The licence may permit the harvest of species listed in Part 2, Group 1 of Schedule 6 only. If an property owner seeks to harvest plants from Groups 2 and 3, an approved harvest licence application must be made.

No threatened species (species listed under Schedule 1 of the BC Act) may be taken under a wild harvest licence and no harvest is permitted from areas of outstanding biodiversity value or threatened ecological communities.

Applications must be lodged through the local NPWS area office that oversees the proposed harvest location. Applicants for a wild harvester licence must provide or be able to demonstrate the following at the time of application:

1. Confirmation of the applicant's status as the private property or freehold landowner.
2. Nominate any other person/s working on the harvest activity.
3. Outline the harvest site controls and management procedures (as described in Appendix D).
4. Maps that:
   - indicate the general locality area of the harvest site
   - identify the specific location of the harvest site showing discrete harvest blocks within the site and the location of plants to be harvested.
5. Ability to identify the target plants to the species level.
6. Capacity to undertake population assessments (as outlined Appendix J).
7. A count of the target species (and size classes where required) present in each harvest block.
8. A description of the landscape and native vegetation type of the harvest site and its general locality.
9. A list of any threatened species that may occur in the harvest location.
10. A declaration that the harvest site is not an area of outstanding biodiversity value nor listed threatened ecological community.
11. The licence fee for the application.

Where plants are sold directly to the public, the Department of Planning and Environment recommends providing purchasers with post-planting care sheets.

Department of Planning and Environment officers may undertake an inspection of the harvest site prior to issuing the wild harvest licence. Applicants may also be directed to relevant guidelines, best practice or any other industry standards.

Wild harvest licence applications can be downloaded from the 'Protected native plant licences' webpage.

Appendix C: Approved harvester licence and site approval licence application requirements

An approved harvester licence may be issued under section 2.11 of BC Act where the applicant intends to harvest plant material from natural stands of native plants:

- on land not owned by the applicant
- on land owned by the applicant for plants from Groups 2 and 3
- where a minimum level of experience, infrastructure and equipment, and holding facilities can be demonstrated.

There are 2 types of approved harvest licence:

- sustainable harvest licence
- salvage harvest licence.

Once authorised, approved harvester licensees are required to seek an individual site approval licence for each salvage or sustainable harvest location. Site approval licences may be issued for either sustainable harvest or salvage harvest (but not both from a single location). Written permission is required from the landowner before an approved harvester site approval can be issued.

Sustainable harvest licence permits harvesting of plant species in Part 2, Groups 1 and 2 of Schedule 6.

Harvesting plants listed in Part 2, Group 3 may be approved as a salvage harvest licence.

Applicants for both sustainable and salvage harvester licences must demonstrate or supply the following requirements at the time of application:

- a current Australian Business Number (ABN)
- contact details and evidence of approval for the landowner
- maps and/or site layout plan that:
  - indicate the general locality area of the harvest site
  - identify the specific location of the harvest site, showing discrete harvest blocks within the site and the location of plants to be harvested
  - identify the stockpile site as an address or location
- a description of the landscape and native vegetation type of the harvest site
- summary of experience and expertise in harvesting of the target species and any relevant (formal) qualifications
- demonstrated ability to identify the target material to species level
- demonstrated capacity to undertake population assessments (Appendix J)
- outline the procedures for harvest site control and management procedures (Appendix D) and stockpile site controls management (Appendix E)
- documented quality assurance procedures to maximise survival of harvested material.

Hygiene

- Hygiene procedures must be developed and documented for all equipment, machinery, tools and personnel involved.
- A copy of the hygiene procedures must be submitted with the harvest licence application.
- Hygiene procedures must include, but are not limited to:
  - cleaning of vehicles, machinery, hand tools and any other equipment used in the collection and storage of harvested plants or parts of plants
  - contact tools and equipment must be cleaned prior to accessing and leaving the harvest site
  - supply, maintenance and cleaning of industry-recommended personal protective equipment (such as clothing, gloves and footwear)
  - nominating designated wash-down sites and areas
  - a record sheet for recording all hygiene procedures
  - any other relevant processes to maintain best-practice hygiene standards.
- Hygiene procedures must be implemented by all parties authorised on the harvest licence; they must be carried out at all sites associated with the harvest activities (e.g. collection, stockpile and transport) and will apply to others associated with harvest activity or activities.
- The hygiene procedures document must be made available to any landowner on whose property harvest activities may be undertaken.
- The hygiene procedures document must be made available to an authorised officer upon request.
- Records of cleaning and hygiene activities must be kept and made available on request to an authorised officer. This requirement does not apply to wild harvester licences unless third parties are assisting with the harvest activity.
- Approved harvester licensee must nominate a dedicated site (nominally the stockpile site) where suitable cleaning and wash-down facilities are available.

Sustainable harvest

The following additional information must be supplied with a sustainable harvest licence application:

- written confirmation from the landowner and, where necessary, the consent authority approving the salvage operation
- a copy of the final/approved development consent or other approval for the land-clearing operation
- a map or maps identifying the general location and footprint/extent of the land-clearing operation
- the total number and size classes of species targeted by the salvage operation
- other required information as identified in the harvest site controls (Appendix D)
- the relevant fee for the application
- fees for any tags required must be paid prior to tags being issued.

Salvage harvest

The following additional information must be supplied with a salvage harvest licence application:

- written confirmation from the landowner and, where necessary, the consent authority approving the salvage operation
- a copy of the approved development consent or other approval for the land-clearing operation
- a map or maps identifying the general location and footprint/extent of the land-clearing operation
- the total number and size classes of species targeted by the salvage operation
- other required information as identified in the harvest site controls (Appendix D)
- the relevant fee for the application
- fees for any tags required must be paid prior to tags being issued.

Site approval licences

Site approval licences are required for both approved sustainable and salvage harvest licences.

Requirements to be submitted with an application for the site approval licence are:

1. Sustainable harvest:
    a. map identifying:
        – access from the nearest town, including geographical information (latitude and longitude or grid reference
        – general and specific location of the harvest
        – the harvest blocks to be used
    b. a count of the species, including sizes and classes, present in each harvest block
2. Salvage harvest:
    a. map identifying:
        – access from the nearest town, including geographical information (latitude and longitude or grid reference)
        – the location and footprint size/extent of the approved land-clearing operation
    b. copy of the approved development consent or other authorised approval consent for the land clearing operation
    c. the total number and size classes of the species to be targeted by the salvage operation.

Granting of specific site approvals will be at the discretion of the local NPWS area office, which may also approve, refuse or otherwise limit the number of plants that may be taken from any sustainable harvest or salvage area.

Where plants are sold directly to the public, the Department of Planning and Environment recommends providing purchasers with post-planting care sheets. All licensees must produce a copy of their licence at the request of an authorised officer.

Approved harvester licence applications can be downloaded from the ‘Protected native plant licences’ webpage.

Appendix D: Harvest site controls

All applicants for wild harvester and approved harvester licences (sustainable and salvage) must develop, document and implement a series of controls, which may be subject to inspection and approval by an authorised officer. It is the licensee's responsibility to ensure that any named parties operating under the licence are aware of, and comply with, these requirements.

These controls are described below.

Hygiene

- Hygiene procedures must be developed and documented for all equipment, machinery, tools and personnel involved.
- A copy of the hygiene procedures must be submitted with any harvest licence application.
- Hygiene procedures must include but not be limited to:
  - cleaning of vehicles, machinery, hand tools and any other equipment used in the collection and storage of harvested plants or parts of plants
  - contact tools and equipment must be cleaned prior to accessing and leaving the harvest site
  - supply, maintenance and cleaning of industry-recommended personal protective equipment (such as clothing, gloves and footwear)
  - nominating designated wash-down sites and areas
  - a record sheet for recording all hygiene procedures
  - any other relevant processes to maintain best-practice hygiene standards.
- Documented hygiene procedures must be carried by, or be available to, all parties authorised under the licence at all harvest sites, and must be made available to any landowner on whose property harvest activities may be undertaken.
- Documented hygiene procedures must be made available to an authorised officer on request.
- All contact tools and equipment must be cleaned prior to accessing and leaving the harvest site.
- Records of cleaning and hygiene activities must be kept and made available on request to an authorised officer. (This requirement does not apply to wild harvester licensees unless third parties are assisting with the harvest activity.)
- Approved harvester licensees must nominate a dedicated site (nominally the stockpile site) where suitable cleaning and wash-down facilities are available.

Harvest, handling and transport

- Documented procedures must be prepared which detail the methods of harvest site selection, harvest and transport for each of the proposed harvest species.
- These procedures must be submitted with the application form and include, but are not limited to:
  - harvest site selection (site access, abundance of target species and other factors such as weed invasion or fire in the harvest site, etc.)

  - method for determining appropriate harvest rate to ensure compliance with the plan (see Appendix J)
  - harvest target selection (size class, health, etc.)
  - pre-harvest treatment (foliage removal, site preparation)
  - extraction procedures
  - strategies for reducing incidental site damage
  - preparation for and transport of the harvested material
  - quality control systems
  - a site map identifying the location of the handling and loading areas and proposed access trails
  - any other factors which the applicant considers relevant.
- All efforts must be made to minimise disturbance to avoid ancillary damage to the harvest site and non-target vegetation.
- Clearing vegetation to construct trails or roads must not be undertaken to support harvest activities without permission from the property owner, and an appropriate approval permit/licence. Any material damaged through such activities can only be harvested under a salvage approval (see Appendix C).
- Harvested material must not be potted with soil from the harvest site. Plants must be transported 'bare rooted' but should be covered in suitable materials to minimise transpiration.
- At harvest the minimum necessary volume of soil and root material must be removed to ensure plant survival.
- All harvested material must be tagged before transporting it from the harvest site. If tagging at the harvest site is neither possible or practical, tags must be allocated to that harvested material and a record-keeping system must support this. Any record-keeping system must be documented and submitted at the time of application.
- Tags must be attached directly to the plant for all species except epiphytes, where tags must be attached to the board or substrate. For tag details see section 4.8.

Record keeping

- A harvest return must be completed for each day of harvesting. It must include:
  - the date and site of the harvest, including the time spent onsite
  - the number of plants harvested (and their relevant size classes, if appropriate)
  - the tag numbers allocated to the plants from the site
  - any other relevant comments, including product-specific requirements.
- Harvest return sheets can be downloaded from the 'Protected native plant licences' webpage.
- Harvest return sheets must be made available to the authorised officer for inspection on request.
- Harvest returns must be sent annually to the Department of Planning and Environment in an electronic format.
- No new licences, renewals or site approvals will be granted until all documentation is returned.

- Licensees must also maintain records of plants at the stockpile site which detail the location of harvest and the time since harvest (refer also to Appendix E). Where plants are sold directly to the public, the Department of Planning and Environment recommends providing purchasers with post-planting care sheets.

Monitoring plots

- The boundaries of harvest blocks, sites and areas need to be identified (using geographical coordinates, if possible) and permanently marked, located on the map/site layout plan and submitted with the harvest licence application.
- Harvesters (excluding salvage harvest sites) must establish and implement a monitoring program to manage, maintain and measure whether a harvest operation is sustainable.
- Monitoring programs can use photo points or plots. The NSW Environmental Trust *Guide to monitoring ecological restoration projects* contains useful and easy to use information for setting up a monitoring program.
- Harvesters must identify the monitoring photo points or plots on the site map and/or layout plan that is submitted with the harvester licence application.
- Photo monitoring will show broad-scale changes in vegetation and target species in the harvest block, for each harvest site:
  - select locations to set up fixed photo points which will remain for the duration of the harvest
  - permanently mark those locations with star-pickets or stakes and record the geographical coordinates; this will be the location/s where the photos are taken
  - label each location with a reference number, date and the harvest licence number
  - while standing at the star-picket take a series of photos staring due north and moving left to right in a panoramic sequence
  - record field data notes and observations such as number of target species, age class of target species, number of juvenile plants or seeds of the target species, growth/life cycle of plants, weeds or any other disturbance (e.g. fire or tree fall)
  - photos need to be taken prior to harvest operation and at the completion of the harvest licence term or yearly
  - prepare a report using the photos, description of the licensed harvest activity, dominate vegetation (trees, shrubs and understorey layers), and observations and other relevant comments.
- The monitoring report needs to be submitted with the harvest returns prior to issuing any new licences, renewal or site approvals.

Tools for assessing population and harvest numbers are outlined in Appendix J.

Appendix E: Stockpile site controls

Poor post-harvest management can lead to low plant survivorship when plants are on-sold. This increases the demand for additional plants and undermines consumer confidence.

Licensees must therefore implement stockpile site controls to manage post-harvest survivorship of plants harvested. It is the licensee's responsibility to ensure any named parties operating under the licence are aware of, and comply with, these requirements. Stockpile sites may be subject to inspection by Department of Planning and Environment officers.

Stockpile site requirements

- All licensees harvesting plants under an approved harvester licence must transport products to a designated stockpile site for post-harvest care.
- All stockpile facilities and care procedures must be documented and submitted as part of an approved harvester application.
- Plants must be maintained at the stockpile site for a period of not less than 30 days, or as specified under individual species requirements.
- The stockpile site must meet the minimum requirements for maintaining the products in care until plants are eligible for sale. This may include pest control, irrigation, shade or other protection structures.
- A stockpile site must be made available on request for inspection and auditing by authorised officers.
- Harvested plants in Groups 2 and 3 must be sorted and stored in groups according to the site they were harvested from until eligible for sale.
- For harvested plants in Groups 2 or 3, signage or labelling must be installed at the stockpile site, identifying the harvest site from which the stockpiled plants were harvested.
- NPWS tags cannot be reused (see section 4.8.1).
- Unused tags and tags attached to plants that subsequently died must be destroyed or returned to the Department of Planning and Environment.

Documentation and reporting requirements

- An applicant for an approved harvester licence must supply documented evidence with their application of stockpile site facilities, including, but not limited to:
  - the location and size of the stockpile site
  - water and irrigation infrastructure
  - potting and other facilities available at the stockpile site to adequately support the harvested plants.
- An authorised officer may inspect the nominated stockpile site prior to any licence being issued.
- An applicant for an approved harvester licence must document and submit with their application the procedures for post-harvest management of harvested material. These procedures must include, but are not limited to:

  - potting procedures, including attachment of epiphytes to substrates where applicable
  - irrigation regimes
  - fertiliser regimes
  - procedures to manage weeds and soil-borne pathogens such as *Phytophthora*
  - survivorship monitoring procedures.
- An annual report must be provided to the Department of Planning and Environment indicating the tag numbers used and the survivorship status of the harvested plants.
- A harvest site conditions sheet must be completed once for each site and returned to the Department of Planning and Environment. This sheet includes information on biophysical factors such as slope, aspect, soil type and the amount of time that has elapsed since the last fire.

Appendix F: Seed harvester licence application requirements

A seed harvester licence may be issued under section 2.11 of the *Biodiversity Conservation Act 2016* (BC Act) to pick and sell seeds or spores of any species in Part 1 or Part 2 of Schedule 6.

Applications for a seed harvester licence must include or demonstrate the following:

- a current Australian Business Number (ABN)
- written confirmation from the landowner agreeing to the harvest, and proof of ownership of the land
- maps that:
  - indicate the general locality area of the harvest site
  - identify the specific location of the harvest site, showing discrete harvest blocks within the site and the location of plants to be harvested
- ability to identify the target material to species level
- the species and proposed quantities of seeds of protected plants to be harvested
- a list of any threatened species that may occur in the harvest area
- a declaration that the proposed harvest site is neither an area of outstanding biodiversity value nor a currently listed threatened ecological community
- all other information requested on the application form
- the relevant fee for the application.

Applicants seeking to harvest seed from **salvage situations** must provide the following additional information:

- contact details for the landowner/manager
- written confirmation from the landowner and the consent authority, approving the salvage operation
- a copy of the final/approved development application or other consent for the land-clearing operation.

The Department of Planning and Environment may restrict or limit the species and quantities that may be harvested under the licence.

During the licence term, a seed harvester licensee may request additional sites be included under the licence. The information outlined above will be required for each additional site.

Licence applications can be downloaded from the ‘Protected native plant licences’ webpage.

Appendix G: Grower licence application requirements

A grower licence may be issued under section 2.11 of the *Biodiversity Conservation Act 2016* (BC Act) for propagating and selling artificially cultivated/propagated species listed in all groups of Part 2 of Schedule 6, which includes both protected and threatened species.

In some cases, non-threatened species are restricted to grower licences to facilitate a move away from wild harvest where evidence suggests there are impacts on wild populations.

Applicants for a grower licence must provide or demonstrate the following at the time of application:

- the primary material used for propagation was legally obtained as per the BC Act
- the species and proposed quantities of the protected plants to be grown. Note that no harvest levels will be set for grower licences
- a copy of the 'grower tag' or details of the tagging method to be used (see section 4.8.2)
- growers of *Xanthorrhoea* species must be able to demonstrate compliance with the requirements of this management plan that relate to growing grass trees (Appendix H)
- orchid growers must be able to demonstrate compliance with the requirements of this management plan that relate to orchid growing (Appendix I)
- all other information requested on the application form
- the relevant fee for the application.

Growers must keep a copy of their licence at the property where the plants are grown.

Where the grower licensee has a retail or wholesale outlet, a copy of the licence must be available on request by an authorised officer. The Department of Planning and Environment recommends that the licence be displayed at the point of sale.

Requests for additional species to be grown under licence can be made during the licence term. Although harvest levels may not be set for grower licences, substantial changes to the proposed quantities licensed should also be submitted to the Department of Planning and Environment.

Upon expiry of a grower licence, the Department of Planning and Environment will endeavour to issue licence renewal notices; however, the onus lies with the licensee to ensure licences are renewed.

Appendix H: Genus *Xanthorrhoea*

The grass tree family *Xanthorrhoeaceae* is endemic to Australia. It contains a single genus, *Xanthorrhoea*; 18 are known to occur in NSW. The main species harvested in NSW are *X. australis, X. glauca* and *X. johnsonii*. Other species are likely to be harvested from time to time due to misidentification.

No species are currently listed under Schedule 1 of the *Biodiversity Conservation Act 2016* (BC Act). However, grass trees form part of 12 threatened ecological communities (TECs) in NSW. Harvesting whole plants from TECs is not permitted under this plan. There are 2 species listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999,* neither of which naturally occurs in NSW.

Grass trees are renowned for their slow growth, and plant height for arborescent species has a direct correlation to plant age (Borsboom 2005[1]). Published growth rates vary considerably between species and the most commonly harvested individuals (trunk heights between 50 cm and 100 cm) are likely to be at least 56 years old, ranging up to at least 113 years old for the larger plants based on an average growth rate of 8.8 mm per annum (Borsboom 2005).

For the purposes of this management plan, calculations of plant age for arborescent species are made at 8.8 mm per annum.

The introduction of wild harvest of grass trees from 20 cm in this plan is intended as a temporary measure as stock in artificial propagation matures. The size classes available for ongoing wild harvest will be subject to monitoring and review, with the intention to phase out wild harvest of smaller sizes, as equivalent grower-produced material becomes available.

General requirements

The requirements for harvesting and growing *Xanthorrhoea* species are as follows:

- All whole-plant harvesting of *Xanthorrhoea* species under this plan must be undertaken by an approved harvester.
- Identify the target plants to at least species level (or subspecies level, where appropriate).
- Population assessments for harvest estimates must count individuals within the following size classes for arborescent species:
  - non-trunked plant (class 1)
  - plants with a trunk height or length less than 20 cm (class 2)
  - plants with a trunk height or length between 20 and 100 cm (class 3)
  - plants with a trunk height or length between 100 and 200 cm (class 4)
  - plants with a trunk height or length greater than 200 cm (class 5).
- Plants are to be measured from the top of the root ball to the ‘flat’ of the crown.

[1] Borsboom A (2005) Xanthorrhoea*: A review of current knowledge with a focus on* X. johnsonii *and* X. latifolia*, two Queensland protected plants-in-trade*, Environment Protection Agency (Queensland), Brisbane.

- All harvested material must have the foliage removed at the harvest site. Foliage must be cut to a length not greater than 150 mm. Cut foliage must be left at the harvest site.
- Plants must be maintained at the stockpile site for a minimum of 120 days.
- Plants cannot be removed from the stockpile site 'bare rooted'.
- Plants cannot be moved from the stockpile site or sold, until foliage regrowth of 500 mm has occurred (over and above the minimum holding period of 120 days).
- For wild harvest and salvage, a minimum survivorship of 85% at the stockpile site must be demonstrated. Failure to meet this benchmark will be sufficient grounds for cancellation or non-renewal of a licence.
- All material harvested from the wild must be tagged with NPWS tags.
- All *Xanthorrhoea* species whole plants must be sold in a pot, including growing media.
- All plant material which has a trunk and is produced under any licence, including a grower licence, must have NPWS tags.

Sustainable harvest

The following specific requirements apply to sustainably harvesting *Xanthorrhoea* species:

- Must demonstrate a minimum population of 10,000 plants on the property to undertake any harvest.
- Must demonstrate recruitment of plants is occurring to undertake harvest.
- Must provide count of individuals in size classes to support the recruitment statement.
- Sustainable harvest is only permitted for plants in size classes 3 and 4.
- NPWS tag premium will be charged for plants in size class 4.
- Harvest rates will be set according to section 4.7.3 and Appendix J.
- Harvesting is not permitted from rocky terrain as survivorship of material harvested from these situations has been shown to be poor. However, plants within rocky terrain may be included within the overall population and site assessment to establish sustainable harvest rates.
- The applicant is responsible for ensuring that any other approvals are obtained.

Salvage harvest

The following specific requirements apply to *Xanthorrhoea* species harvested under a salvage licence:

- The Department of Planning and Environment may require salvage plants to be specifically identifiable using salvage-specific tags or similar methods.
- For salvage harvest, only plants in size classes 3 to 5 may be harvested.
- NPWS tag premium will be charged for plants in size class 4 and 5 (plants over 1 m).

Grower production

The following specific requirements apply to *Xanthorrhoea* species grown in artificial cultivation:

- Grower licensees may produce plants in all size classes. As sales are most likely in size classes 1 to 2, material in size classes larger than these should be carefully examined due to the possibility that wild harvested material may be passed off as ‘grown’.
- Foliage length requirements do not apply to products produced under a grower licence.
- All material produced under a grower licence must have a grower tag that meets the requirement set out in section 4.8.2.
- All material with a trunk produced under a grower licence must also have an NPWS tag in addition to a grower tag.

Appendix I: Family Orchidaceae

Orchidaceae is one of the largest known plant families, with up to 35,000 species recognised worldwide. There are over 600 recognised species in Australia and over 450 in NSW, including naturally occurring hybrids.

Orchids can generally be divided into 2 broad groups: epiphytes (those that grow on trees, rocks or in tree hollows, including climbing species) and terrestrials (those that grow on or in the ground). There are approximately 74 species of epiphyte and 390 species of terrestrial orchid in NSW. Many have very restricted geographical ranges and 60 species are listed as threatened under Schedule 1 of the *Biodiversity Conservation Act 2016* (BC Act).

Harvesting and propagating orchids is an established part of the whole-plant industry. The majority of trade focuses on the epiphytes which are renowned for their beautiful flowers. Terrestrial orchids are seldom seen in trade outside of specialist orchid clubs and societies.

While cultivation techniques exist for most orchids, effort is mainly focused on epiphytes with the largest flowers or best perfume. Other species have primarily been supplied through wild harvest, and there is strong anecdotal evidence of significantly reduced populations and local extinctions. Since many of these species can be readily propagated there is little justification for continuing wild harvest.

The Department of Planning and Environment supports a transition to propagated material through ending wild harvest for all orchids that can be cultivated. All species are restricted to grower licences except for those few epiphytes listed in Part 2, Group 3 (see details below).

The requirements for harvesting and/or growing orchids are described below.

Salvage harvest

- Orchid species listed in Part 2, Group 3 may be harvested from the wild by approved harvesters in salvage situations only.
- Approved harvesters must ensure the assessment of the population is sufficient to cover the harvest proposed.
- All products must be tagged with NPWS tags. Harvested material cannot be divided and must be tagged as harvested; the Department of Planning and Environment will not support the subsequent division of material.
- Plants cannot be offered for sale without being established on growing media. Specifically, plants cannot be offered for sale in a ‘bare root’ form.
- Plants must be sold with a tag attached to each item as harvested, e.g. per stump or log for *Cymbidium suave*.
- For the purposes of tagging requirements for *Dendrobium aemulum*, *D. gracilicaule* and *D. speciosum* var. *hillii*, a ‘plant’ is considered to be a cluster of not more than 10 pseudobulbs.
- For the purposes of tagging requirements for *Dendrobium linguiforme,* a ‘plant’ is considered to be a cluster of not more than 3 leads.
- For other species, a ‘plant’ will be considered to be a single plant or cluster of not more than 20 pseudobulbs.

- Stockpile site requirements apply and plants may not be on-sold for 120 days following harvest.
- The applicant is responsible for ensuring that any other approvals are obtained, such as the landowner's permission.

Grower production

- Growers producing orchids (in any group) must be able to demonstrate that the species is being cultivated.
- Vegetative division is acceptable, but divided plants must meet the following requirements:
  - plants cannot be offered for sale without being established on growing media; that is, plants cannot be offered for sale in a 'bare root' form (this does not apply to material sold in flasks or similar containers)
  - plants cannot be offered for sale attached to an 'endemic' growing media. Selling plants on lengths of branch or other substrate, which can clearly be identified as collected from the wild, is prohibited.

Societies and special interest groups

Societies require a licence to sell plant material to the public. Societies may apply for a single licence to cover material donated by their members for sale to the public at shows and other events. Where this is the case, the society may produce a 'grower tag'. It will also be necessary for the society to maintain records of the source of all donated material.

Where the material is purchased from other licensed growers for sale at club events, the material should already be tagged according to this plan. Where sales are directed to the public and/or not at the nominal club venue, the material must be produced under a grower licence and tagged according to this plan.

Appendix J: Tools for assessing plant population and harvest numbers

Effective data collection provides a basis for monitoring populations and adapting management practices to ensure harvesting whole native plants is sustainable.

Determining a sustainable rate of harvest also relies on reliable population dynamics such as fecundity, structure and growth rate.

Determining the number of plants per acre or hectare

Refer to Table 2 below to step through the calculation. In this example the harvester proposes to harvest whole plants from 4.8 hectares (referred to as the harvest block).

Step 1: Determine the harvest area

Use a map to determine the total harvesting area.

Step 2: Establish at least 4 plots

The Department of Planning and Environment recommends choosing 4 20 m × 20 m (400 m^2) plots to represent the proposed harvest area. Mark each plot using tent pegs, star pickets, tape or similar means.

Step 3: Establish the number of plants per hectare or acre

In each 20 m × 20 m plot record the number of plants (N) proposed for harvest (column 2).

To determine the number of plants per hectare (10,000 m^2), multiply the number of plants (N) in each plot by 25 (column 3). Therefore plants per hectare = N × 25.

To determine the number of plants per acre (one hectare is 2.47 acres), multiply the number of plants per plot by 10.1. Therefore plants per acre = N × 10.1

Step 4: Calculate the average number of plants per hectare or area

Add the number of plants per hectare for each plot, e.g. 275 + 350 + 150 +300 = 1,075.

Divide this by the total number of plots (e.g. 1,075 ÷ 4 = 268). Thus the average number of plants per hectare is 268.

Step 5: Calculate the total number of plants available for harvest from the site

Multiply the average number of plants per hectare by the known harvest area to estimate the total plant population available for harvest (e.g. 268 plants per hectare × 4.8 hectares).

In this example table, the applicant proposes to harvest from an area of 4.8 hectares, giving a population available for harvest of 286 plants (268 plants per hectare × 4.8 hectares).

Table 2 Example record of plants in the harvest block

Plot # (20 m × 20 m)	Plants per plot (P)	Plants per hectare (N × 25)	Comments
1	11	275	
2	14	350	
3	6	150	Mostly young plants
4	12	300	
Total	43	1,075 (in 4 hectares)	268 plants per hectare

NB: Figures have been rounded to whole numbers.

Conversion to acres

Use Table 3 to calculate the number of plants per acre or hectare.

For a 20 m × 20 m (400 m^2) plot, multiply the number of plants by the number corresponding to the harvest area.

Table 3 Conversion values

Harvest area (acres)	Multiply the number of plants in 400 m^2 plots by
1.0	10.1
0.5	5.1
0.25	2.5
0.125	1.3

Harvest area (hectares)	Multiply the number of plants in 400 m^2 plots by
1.0	25.0
0.5	12.5
0.25	6.25
0.125	3.125

Rotational harvesting

The 2023–2027 Plan allows for the collection of plants from naturally occurring wild stands of native vegetation, where those desired plants are not available in cultivation. A key objective of the Plan is to ensure that harvesting activities are undertaken in a sustainable manner to ensure the long-term conservation of protected plants and maintain a viable native plant industry. Rotational harvesting is a method that is recommended that helps to minimise collection impacts, improve ecological sustainability and continue a viable industry.

Incorporating rotational harvesting allows native vegetation surrounding harvest location, blocks and sites to recover and improves the long-term sustainability of harvest operations by ensuring that annual flowering, seed production, recruitment and growth can occur.

Harvest rates are set for each collection area based on the population estimate per area. Plant harvesting will only occur from one collection area per year. Rotating the collection from area 1 to area 2, and so forth over consecutive years, reduces harvest impacts.

Dividing the harvest block into smaller harvest collection areas allows a finer scale of population estimate to be achieved. For each collection area repeat the steps 1 to 5 above. This will help account for plant density across a property.

Table 4 Rotational harvesting block divided into 5 collection areas

Harvest block				
Area 1	**Area 2**	**Area 3**	**Area 4**	**Area 5**
Area harvested in **first** harvest year	Area harvested in **second** harvest year	Area harvested in **third** harvest year	Area harvested in **fourth** harvest year	Area harvested in **fifth** harvest year

Appendix K: Plant size classes relevant for plant tagging and population assessments

NPWS tags applicable for grower licences

Whole plants and parts of plants produced under a grower licence must be tagged with a plant tag, as either a grower or NPWS tag.

Where plants produced under a grower licence may be confused with material sourced under a wild or approved harvest licence, growers must attach an NPWS tag to their products.

Certain species produced under a grower licence will require an NPWS tag when sold in sizes larger than those specified below.

Table 5 Grower-produced material that requires an NPWS tag

Scientific name	Common name	Minimum plant sizes requiring NPWS tags
Cyathea species	Tree ferns	300 mm trunk height
Dicksonia species	Tree ferns	300 mm trunk height
Livistona australis	Cabbage tree palm	300 mm pot
Platycerium species native to NSW	Elkhorn and staghorn	300–400 mm shield/root ball
Xanthorrhoea species	Grass trees	200 mm trunk height
Zamiaceae native to NSW	Cycads	140 mm pot

Size classes for inclusion in population assessments

When an applicant for a wild harvester or approved harvester licence is undertaking a population assessment, the following size classes must be used to determine the population size and size distribution.

Dicksonia and *Cyathea* species

- Plants with a trunk height or length less than 30 cm (class 1)
- Plants with a trunk height or length 30–50 cm (class 2)
- Plants with a trunk height or length 50–100 cm (class 3)
- Plants with a trunk height or length 100–150 cm (class 4)
- Plants with a trunk height or length greater than 150 cm (class 5)

Livistona australis

- Non-trunked plant with less than 10 leaves (class 1)
- Non-trunked plant with more than 10 leaves (class 2)
- Plants with a trunk height or length less than 100 cm (class 3)
- Plants with a trunk height or length 100–200 cm (class 4)
- Plants with a trunk height or length greater than 200 cm (class 5)

Macrozamia species

- Non-trunked plant with less than 10 leaves (class 1)
- Non-trunked plant with more than 10 leaves (class 2)
- Plants with a trunk height or length less than 30 cm (class 3)
- Plants with a trunk height or length 30–50 cm (class 4)
- Plants with a trunk height or length greater than 50 cm (class 5)

Xanthorrhoea species

- Non-trunked plant (class 1)
- Plants with a trunk height or length less than 20 cm (class 2)
- Plants with a trunk height or length 20–100 cm (class 3)
- Plants with a trunk height or length 100–200 cm (class 4)
- Plants with a trunk height or length greater than 200 cm (class 5)

Size classes and licence types

The following table sets out which size classes may be harvested under each of the identified harvest situations. All class sizes may be produced under a grower licence.

Table 6 Size classes applicable to wild and approved harvester licences

Plant genera	Licence type		
	Wild harvest	Sustainable harvest	Salvage
Dicksonia/Cyathea	Classes 2–3	Classes 2–3	Classes 4–5
Livistona	Nil	Nil	Classes 3–5
Macrozamia	Nil	Classes 2–4	Class 5
Xanthorrhoea	Nil	Classes 3–4	Classes 3–5

Appendix L: Foreword from the 2018–2022 Plan

This appendix contains the Foreword from the *Whole Plant Sustainable Management Plan: For the commercial harvest, salvage and propagation of protected whole plants 2018–2022* and is reproduced here to keep track of amendments and previous versions.

Foreword

This *Whole Plant Sustainable Management Plan 2018–22* is intended to replace the *Commercial harvest, salvage and propagation of protected whole plants – Sustainable management plan 2013–17*.

The 2018–2022 plan has been exhibited for public consultation in accordance with the *Biodiversity Conservation Act 2016* (NSW) and *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) and updated based on submissions received.

Key changes from the 2013–17 Plan are outlined below.

New legislation

References to the *Biodiversity Conservation Act 2016* and Biodiversity Conservation Regulation 2017 have been inserted in place of references to former legislation, including the *National Parks and Wildlife Act 1974* and *Threatened Species Conservation Act 1995*.

No multiple licences per site

The 2013–17 plan provided multiple licences would not be issued for the same site within any 5-year period. The 2018–22 plan has clarified this requirement to allow new or renewed licences to be issued for a particular site in cases where the sustainable harvest level for the site has not been exceeded (see section 4.12.4).

Xanthorrhoea size classes

The class sizes for *Xanthorrhoea* have been revised to include sustainable harvest of plants between 20 cm and 2 m.

Existing requirements for population assessments and determining harvest levels will apply to ensure harvesting of plants is sustainable (see Appendices H and K).

In addition, the minimum pot size limit for plants propagated under a grower licence that require National Parks and Wildlife Service (NPWS) tags has been updated to refer only to plants above the 20 cm trunk height requirement (see Appendix J).

Increased protection for orchid species (section 5.1.2 and Appendices A and I)

As foreshadowed in the 2013–17 plan, several orchid species have been moved from Group 2 (approved harvest – sustainable) to Group 3 (only approved harvest – salvage).

Requirement for grower tags

The 2018–22 plan retains the requirement for all plants cultivated under a grower licence to be traced to legal source throughout the supply chain.

This has been refined so that grower tags must be attached to individual plants when offered or displayed for retail sale. However, when plants are being sold in batches (wholesale or to on-sellers within the industry), evidence of their legal source may be provided to the buyer rather than individually tagging each plant.