

# Review of the Flora Survey Guidelines - Protected Plants

## Background

The protected plants framework underwent changes in early 2014 to deliver a simplified process. The changes to the framework included the introduction of the Flora Survey Guidelines - Protected Plants (the Guidelines).

The Guidelines outline when and how a flora survey must be conducted to comply with the protected plants legislative framework for clearing protected plants.

The Queensland Government committed to conduct a review of the Guideline after six months of operation.

## Aim

The aim of the review is to gauge the effectiveness and extent of use of the Guidelines and to make improvements after six months in operation. This survey is an opportunity for users of the Guidelines to provide input into the review.

The review will:

*Clarify any areas of ambiguity, address omissions and correct errors.*

*Review components that are impractical or onerous to complete.*

*Make operational improvements for assessment/compliance processes.*

*Determine the extent of use and the effectiveness of the Guidelines.*

*Note that the review does not include review of the changes that were made to the Nature Conservation Act 1992, the Nature Conservation (Wildlife Management) Regulation 2006 or the overall intent of the protected plants framework.*

## Providing feedback

The following sections have been prepared to provide feedback on the Guidelines. Feedback can be provided in two parts:

*questions about the use of the Guidelines; and*

*a response template that can be used to suggest improvements to existing sections of the Guidelines.*

## About You

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Which sector best describes you/your organisation?

- Land/property development
- Consultant (ie conducting field surveys)
- Other. Please describe:

How familiar are you with the protected plants framework that commenced in 2014?

- Not familiar
- Somewhat familiar
- Very familiar

## Use of the Flora Survey Guidelines

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How familiar are you with the Flora Survey Guidelines?

- Not familiar
- Somewhat familiar
- Very familiar

How often do you refer to the Guidelines?

- Never
- Occasionally
- Most times I conduct a flora survey
- Every time I conduct a flora survey

Other/Comments:

Why do you refer to the Guidelines?

- When I have a specific question
- When I can't find the answer anywhere else
- For complicated flora surveys
- To confirm the flora survey will comply with requirements

Other/Comments:

To reflect on the methodology when writing fee proposals.

Do you seek clarification from the Queensland Government on the requirements for a flora survey after consulting the Guidelines?

- No
- Yes - occasionally
- Yes - frequently

If yes, why do you need to seek clarification?

- Information is not included in the Guidelines
- Information in the Guidelines is not easy to understand

Other/Comments:

I have confirmed information in the guideline on three occasions (with varying degrees of success), as follows:

- to ask if I could submit a CV for EHP to keep on file to avoid having to attach a CV to every report I write. The answer was no and there is no plan for this in the future.
- to confirm my interpretation of when surveys and permits are required. I wanted to confirm if a permit for clearing was required even if the survey was conducted and no threatened species were located. I was told that permits were required in the blue areas on the map and that flora surveys had to be conducted in all areas (white and blue). I contested this answer (as it is clearly incorrect) and was told that that is what the person on the information hotline had been told to say. I also had to wait three days for this answer. I think this is an artefact of having only one person to answer queries that come into the hotline for the whole of Queensland DEHP, especially during a time of many legislative changes.
- to confirm if the flora survey report should still contain general mitigation measures for clearing of vegetation, even in the absence of threatened flora species. I received no clear answer on this either and so my flora survey reports always contain general mitigation measures (regardless of findings), which I think is the most appropriate way to address the situation.

### **Additional Comments**

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Is any information missing from the Guidelines that should be included to help you comply with the protected plants framework?

I have had situations where a site has come up in the Flora Survey trigger map, but no records of threatened flora species are apparent in the Wildlife Online searches and no-one could offer any explanation or further detail on what the species/s might be. It makes it difficult to determine appropriate survey timing, appropriate habitat to be targeted and actually search for a threatened species if you don't know what you are looking for. I suppose the location of the species may have been hidden from public access due to its collectability. Perhaps the guideline could address the appropriate action to take in this situation.

Are any requirements impractical or have a negative impact?

Timed meander method - On some sites conducting the survey in each habitat type in accordance with the guidelines can lead to under representation. For instance, sometimes I will fulfil the requirements for survey (where no new species has been recorded for 30 minutes), but there is still a lot of the area that has not been covered. I often continue a targeted search into these areas to ensure adequate coverage and that I am satisfied that I have made the best effort to find the species. The recommended rate of survey is handy as a guide and perhaps a minimum requirement. I think if there recent records nearby and appropriate habitat on site, but the timed meander survey yields no results - then additional effort should be spent at least until a thorough search of areas subject to a direct impact from clearing have been searched. I acknowledge, however, that this is very difficult to implement when some development footprints may span > 100's ha.

Flora survey trigger map - The map leads to over representation in developed coastal areas and under representation in undeveloped / lesser developed inland locations. In some instances the map picks up small blocks in residential / industrial areas where there is clearly no appropriate habitat for the threatened species. The threatened flora species record may be in nearby bushland / park or be pre-development. In these situations, perhaps a simple habitat assessment and structural vegetation assessment with photographs is enough to provide to DEHP (as opposed to a complete flora survey and report in accordance with the guideline, which often costs 'one-off' or 'mum & dad developers' money with no great benefit to anyone).

In other situations, where development is scarce (and threatened species are therefore more likely) there is no requirement for survey due to a lack of historic records. The lack of records in these areas reflects a lack of survey effort, rather than an absence of threatened flora species. This leads to un-permitted clearing of threatened species and decline in populations, which is contrary to the aim of the NC Act. Perhaps there should be a different type of trigger on the map (another coloured layer) for relatively undeveloped areas where there is a lack of data - this may trigger a different flora survey methodology.

Can you suggest any improvements to the Flora Survey Guidelines?

Refinement of the triggers for survey, to exclude highly developed sites from the current trigger map and include more remote sites where no surveys have been conducted previously (perhaps as another colour/map overlay).

If a trigger survey map is used it should be updated annually to include new records that are added to the Wildlife Online database

Registration or storage of CV's for suitably qualified professionals able to conduct surveys to avoid provision of CV's with every report.

More (well trained and knowledgeable) staff to answer phone queries.

**Suggestions for improving existing sections of the Guidelines**

Section Number/Title	Comment	Suggested Alternative

*Thank you for your participation.*

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Other/Comments:

Why do you refer to the Guidelines?

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- When I can't find the answer anywhere else
- For complicated flora surveys
- To confirm the flora survey will comply with requirements

Other/Comments:

Do you seek clarification from the Queensland Government on the requirements for a flora survey after consulting the Guidelines?

- No
- Yes - occasionally
- Yes - frequently

If yes, why do you need to seek clarification?

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- Information is not included in the Guidelines
- Information in the Guidelines is not easy to understand

Other/Comments:

Ensuring development activity is compliant, as an insurance. Not compliance is not usually picked up in a DEHP inspection, but is often complaint driven by neighbours or other concerned parties affected by a development.

### **Additional Comments**

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Is any information missing from the Guidelines that should be included to help you comply with the protected plants framework?

The Guideline specifies plants in this case and animals under 'licences and permits', yet makes no mention of Fungi. Obviously fungi are not plants, but are often symbiotic with in association with plants. What is the situation with regard to fungi? Are any protected?

Are any requirements impractical or have a negative impact?

The Survey 'timing' recommendations are very broad, frustrating for developers and fraught with possibility for error on several species.

Can you suggest any improvements to the Flora Survey Guidelines?

The specific needs of the agricultural and primary industry sector have attempted to be incorporated into the new framework, with clearing permit exemptions and concessions now included into critical land management activities.

Existing infrastructure (e.g. buildings, watering points, vehicle tracks) is exempt from requiring a clearing permit. This could be open to abuse.

Re-clearing exemptions are also in place for existing plantation management activities and cropping activities, which is a frustration in other states (egVic)



# Review of the Code of Practice (for the harvest and use of protected plants)

## Background

The protected plants framework underwent changes in early 2014 to deliver a simplified process. This involved changes to the Code of Practice.

The Code of Practice supports the protected plants legislative framework to manage threats to protected plants in Queensland.

The Queensland Government committed to conduct a review of the Code of Practice after six months of operation.

## Aim

The aim of the review is to gauge the effectiveness and extent of use of the Code of Practice and to make improvements after six months in operation. This survey is an opportunity for users of the Code of Practice to provide input into the review.

The review will:

*Clarify any areas of confusion, address omissions and correct errors.*

*Review components that are impractical or onerous to complete.*

*Make improvements to the assessment and compliance process.*

*Determine the extent of use and the effectiveness of the Code of Practice.*

*Note that the review does not include review of the changes that were made to the Nature Conservation Act 1992, the Nature Conservation (Wildlife Management) Regulation 2006 or the overall intent of the protected plants framework.*

## Providing feedback

The following short survey has been prepared to obtain feedback on the Code of Practice. Feedback can be provided in two parts:

*Questions about the use of the Code of Practice; and*

*A response template that can be used to suggest improvements to existing sections of the Code of Practice.*

## About You

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Which category best describes you/your organisation?

- Native plant growing/selling (nursery etc)
- Native plant harvesting
- Trade
- Private
- Other. Please describe: Agricultural Management Operations and Consultancy

How familiar are you with the protected plants legislative framework that commenced in 2014?

- Not familiar
- Somewhat familiar
- Very familiar

## Use of the Code of Practice

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How familiar are you with the Code of Practice?

- Not familiar
- Somewhat familiar
- Very familiar

How often do you refer to the Code of Practice?

- Never
- Occasionally
- Most times I undertake an authorised activity (ie harvesting, growing and trade activities for protected plants)
- Every time I undertake an authorised activity

Other/Comments:

Whenever commencing the planning phases of Agricultural development projects, either in zoned agricultural areas without previous development or areas that have remained undeveloped for some time. When required in the development plan by council or other rural authority.

Why do you refer to the Code of Practice?

- When I have a specific question
- When I can't find the answer anywhere else
- To check authorised activities will be compliant with the protected plants framework

Other/Comments:

Type here

Do you seek clarification from the Queensland Government on the harvest and use of protected plants after consulting the Code of Practice?

- No
- Yes - occasionally
- Yes - frequently

If yes, why do you need to seek clarification?

- Information is not included in the Code of Practice
- Information in the Code of Practice is not easy to understand

Other/Comments:

Type here

## Additional Comments

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Is any information missing from the Code of Practice that should be included to help you comply with the protected plants framework?

Type here

Are any requirements impractical or have a negative impact?

The requirement in a revegetation project that seed and plant material of targeted native species need to be locally endemic and that only such seed or plant material is to be used. This can cause unnecessary delays if seasonality for collection is incorrect. Negative impacts occur where non-natives appear to be preferred in such situations to non-endemic natives. Very strange?

Can you suggest any improvements to the Code of Practice?

As an Agriculturalist, searching the DEHP website for The Code of Practice for the Harvest and Use of Protected plants, the actual code of practice is hard to find.

The trace: Qld Govt> Department of Environment and Heritage Protection>Home>Topics>Management and regulation>Compliance and enforcement>Codes of practice will lead to the following options:

- Industry codes of practice
- Nature conservation codes of practice
- Codes of environmental compliance

However none of these options refer to a Code of Practice for the Harvest and Use of Protected Plants.

However the trace Home>Topics>Licences and permits>Plants and animals>Protected plants leads to the following options:

- Clearing
- Harvesting and growing
- Trade
- Assessment guidelines
- When is a protected plant 'in the wild'?

The Code of Practice for the Harvest and Use of Protected Plants appears as a .pdf document

I suggest that to avoid confusion in referring to and using the site that the entries and reference to the Protected Plants COP are appropriately cross referenced.



