



Office of Environment and Heritage

Site Approval Licence – Whole Protected Plants

Biodiversity Conservation Act 2016

Example licence conditions

1. Unless stated otherwise, words and expressions used in this licence have the same meaning as those set out in the *Biodiversity Conservation Act 2016* (BC Act).
2. In this licence:
 - a. 'licensee' means the person named as the licensee and persons working on behalf of the licensee
 - b. 'OEH' means the Office of Environment and Heritage, Department of Planning and Environment
 - c. 'NPWS' means the National Parks and Wildlife Service
 - d. 'WPMP' means *Whole Plant Sustainable Management Plan 2018–22: commercial harvest, salvage and propagation of protected whole plants*.
3. An approved harvester must hold both a valid approved harvester licence and a valid site approval licence before any harvest may be undertaken.
4. Licensees must comply with all licence requirements as documented in the WPMP, as amended or replaced from time to time.
5. Approved harvester licensees are not authorised to harvest threatened species or harvest from threatened ecological communities, except where approved as a salvage operation.
6. The licensee shall only pick protected plants on the land specified and described on the licence.
7. The licensee must only pick the species of protected plants and in quantities up to those specified in the licence.
8. The licensee must confirm the identification of the species they intend to pick. Where this is in doubt the species should be formally identified through a recognised authority such as the NSW Herbarium.
9. Harvested plants must be stored at the stockpile site located on the land specified on the approved harvester licence of the licensee.
10. The licensee must keep a copy of the licence either on their person or within their immediate possession while picking.
11. The licensee and any person named on this licence must, on request, produce the licence to an authorised officer or any owner, occupier or lessees of the land specified on the licence.
12. The licensee must produce the licence to all persons who buy or receive protected or threatened plant parts from the licensee.
13. NPWS tags must be attached to all material harvested under an approved harvester licence.
14. Plants that require tagging must be tagged on the land specified on the licence prior to being transported, or tags immediately allocated to harvested plants.
15. Any place where plants are picked, stored or processed are to be made available for inspection upon request by an authorised officer.
16. Receipts for protected native or threatened plant sales must be kept for a minimum period of two years. The licensee must make these receipts available for inspection upon request by an authorised officer.
17. Harvest returns must be submitted no later than one month after the expiry date of this licence or as requested by an authorised officer.

18. The licensee agrees to indemnify, and keep indemnified, the Crown in right of NSW (OEH), the NSW Minister for the Environment administering the BC Act, the Director General, and their employees, agents and contractors, in the absence of any wilful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from:

- any damage or destruction to any real or personal property
- injury suffered or sustained (including death) by any persons arising out of or in connection with the activities undertaken pursuant to this licence.

19. Licences cannot be transferred.

Note: If the harvest site is within **state forests**, the licence is to be accompanied by and used in conjunction with a Forest Products Licence granted by the Forestry Corporation of NSW under the *Forestry Act 2012*.

Under Section 2.14 of the BC Act it is an offence to contravene or fail to comply with a condition of this licence.

EXAMPLE