

## Exemptions for Protected Vegetation Overlay

Vegetation is protected on all freehold land over the Shire so a permit to clear is required unless an exemption applies.

Further information is available on council's website - [Biodiversity, Waterways and Wetlands Overlay Code](#)

### **Definitions:**

#### **4 categories of properties:**

**Category 1:** Lots up to 0.3 H (urban lots generally)

**Category 2:** lots between 0.3 and up to 2 H

**Category 3:** Lots equal or greater than 2H

**Category 4:** Lots with a Property Vegetation Management Plan (e.g. Farm Forestry)

**reasonably necessary** means vegetation clearing for a particular purpose where there is no alternative way of achieving the purpose that is prudent and feasible and that would avoid clearing or significantly reduce the extent of vegetation clearing.

**vegetation:** means a tree, plant or organism of vegetable origin (whether living or dead) but does not include a plant declared as a pest under the Land Protection (Pest and Stock Route Management) Act 2002 or a weed or undesirable plant species, or plant species identified in a pest management plan adopted by Noosa Shire Council.


**Clearing:** means destruction of vegetation or interference with its natural growth, by—


1. cutting down, or
2. cutting or tearing branches, stems or roots, topping, pruning or lopping as per Australian Standard AS 4373-2007 - Pruning or Amenity Trees; or
3. poisoning, including contamination; or
4. releasing oil, petroleum, paint, cement, mortar or other deleterious substances to a root zone; or
5. ringbarking; or
6. scar barking; or
7. fixing any object into living tissue or surrounding trunk or branches that may destroy or seriously affect the vegetation; or
8. using any tree climbing spikes in healthy trees that may destroy or seriously affect the vegetation, other than in accordance with AS 4373-1996; or
9. damaging a root zone by compaction, excavation or filling in a way that may destroy or seriously affect the vegetation; or
10. attaching guy rope, cable or other contrivances that may destroy or seriously affect the vegetation; or
11. uprooting or displacing that may destroy or seriously affect the vegetation but not including destroying standing vegetation by stock

### **Exemptions (NO PERMIT): (Any doubts please check with Council (07) 5329 6500)**

***exempt clearing*** means—

- a) clearing which is a *property maintenance activity*;  
property maintenance activity means clearing protected vegetation which is reasonably necessary for property maintenance including the following—
  1. maintenance of an existing farm track and existing farm shed
  2. construction of a farm track and farm shed on site for agricultural purposes, where located outside the riparian buffer area

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3. construction of a new fence for a width of 5 metres either side the fence line, where outside a riparian buffer area
  4. maintenance of crops
  5. slashing of grass
  6. harvesting of crops
  7. maintenance of pasture and cleared land areas
  8. pruning, felling and clearing of orchard vegetation species
  9. surveying purposes
  10. collection of firewood for non-commercial purposes
  11. removal of a pest plant species
  12. any other maintenance activity specified in a property vegetation management plan\*.
- b) clearing which is *reasonably necessary* for emergency access or work or is immediately required in response to an accident or emergency;
  - c) clearing on a category 4 lot identified as exempt clearing for a property
  - d) vegetation management plan prepared and approved in accordance with Local Law No. 10 (Vegetation Management);
  - e) clearing which is reasonably necessary for carrying out work that is —
    1. authorised or required under an Act, regulation or local law; or
    2. specified in a notice given by the local government or another regulatory authority;
  - f) clearing in accordance with a development approval;
  - g) clearing on a category 1 lot, where —
    1. the vegetation is within three (3) metres of an existing building or class 10 structure; and
    2. the clearing is *reasonably necessary* for access to the building or class 10 structure or has been approved in a landscape plan; and
    3. the vegetation is not otherwise required to be retained in accordance with a development approval;
  - h) clearing on a category 2 or 3 lot, where —
    1. the vegetation is within ten (10) metres of an existing building or class 10 structure; and
    2. the clearing is *reasonably necessary* for access to the building or class 10 structure or has been approved in a landscape plan; and
    3. the vegetation is not otherwise required to be retained in accordance with a development approval;
  - i) clearing on a category 3 or 4 lot greater than ten (10) hectares in area, where —
    1. the vegetation is within 30 metres of a building or within ten (10) metres of a class 10 structure; and
    2. the clearing is *reasonably necessary* for the control of fire risk to the building or class 10 structure; and
    3. the vegetation is not otherwise required to be retained in accordance with a development approval;

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- j) clearing vegetation within the path of a utility service;
  - k) clearing on a category 1, 2 or 3 lot, where the clearing —
    1. is pruning of native vegetation for the purpose of tree maintenance or hazard management; and
    2. results in no more than 20% loss of the live canopy volume of a tree within a 12-month period; and
    3. does not involve *lopping* or *topping*;
  - l) clearing on a category 1, 2 or 3 lot, where the clearing is to vegetation that is *regrowth* - any *vegetation* that is less than seven (7) years of age:
    - other than the following —
      1. vegetation in an area identified as a landslide hazard area on a [Landslide Hazard Overlay](#) map;
      2. vegetation which is an endangered, vulnerable and near threatened plant as defined by the *Nature Conservation (Wildlife) Regulation 2006*;
      3. vegetation which is critically endangered or vulnerable flora as defined by the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*;
      4. *heathland*;
      5. *riparian vegetation*;
      6. vegetation in a critical habitat under the Natural Conservation Act 1992;
      7. vegetation in an area that has been cleared in contravention of a local law including the *former local law*;
  - m) clearing on land that is identified as an agricultural land conservation area identified on the [Strategic Framework Map 2 \(Economy and Employment\)](#);
  - n) clearing in the course of a *fire management activity* (use of fire for wild fire risk management);
  - o) clearing in the course of a *forest practice* (same meaning in *Planning Act 2016*);

\*property vegetation management plans were made under the former local law for vegetation management on a lot and expire once ownership of the lot changes.

**Editor's Note**—Section 20A of Schedule 6 of the *Planning Regulation 2017* provides exemptions for firebreaks or fire management lines. Operational works for necessary firebreaks or fire management lines is accepted development, subject to requirements specified in Section 20A.



## SC6.3.5 Undesirable Plant Species

- (1) There are a number of plants that should not be planted due to their undesirable characteristics. Such characteristics include:
- (a) invasive habits
  - (b) potential to become bushland weeds
  - (c) uncontrollable growth characteristics
  - (d) environmental impact on other native species
  - (e) maintenance difficulty
  - (f) displacement of natural landscape character
- (2) **Listed below in Table SC6.3.5.1** are species that are not acceptable for inclusion in landscape plans that require Council approval, and their use elsewhere is discouraged. Those species marked with an asterisk (\*) are highly invasive through vegetative reproduction and rampant growth habit. They should be removed where possible and should NEVER be disposed of as garden waste in bushland.

**Table SC6.3.5.1 Undesirable Plant Species**

Botanical Name	Common Name
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Botanical Name	Common Name
Agave spp	
Anredera cordifolia*	Madeira Vine
Arecastrum romanzoffianum	Cocos Palm
Aristolochia durior*	Dutchman's Pipe
Aristolochia elegans*	
Aristolochia macrophylla* Exotic species of Aristolochia is poisonous to the Richmond Birdwing butterflies	Bamboo all varieties
Bambusa spp	Bougainvillea
Bougainvillea spp	Buddleja
Buddleja madagascariensis	Mother of Millions
Bryophyllum spp*	Purple succulent
Callisia fragrans	
Canna indica	Balloon Vine
Cardiospermum grandiflorum*	Sicklepod
Cassia obtusifolia	Chinese Elm
Celtis sinensis	Camphor Laurel
Cinnamomum camphora	Pampas Grass
Cortaderia silloana	Cadaghi Gum
Corymbia torelliana	Persimmon Tree
Diospyros kaki	Butterfly Bush
Duranta repens	Dwarf Poinsettia
Euphorbia cyathophora	Rubber Tree
Ficus elastica	Himalayan Ash
Fraxinus griffithi	Glory Lily
Gloriosa superba*	Balsam
Impatiens walleriana	
Ipomoea acuminata*	Mile a Minute
Ipomoea cairica*	Morning Glory
Ipomoea indica*	Golden Rain Tree
Koelreuteria elegans	Lantana
Lantana camara	Creeping Lantana
Lantana montevidensis	Leucaena
Leucaena spp	Broad Leaf Privet
Ligustrum lucidum	Small Leaf Privet
Ligustrum sinense	Honeysuckle
Lonicera japonica*	Cats Claw Creeper
Macfadyena unguis-cati*	Mock Orange
Murraya exotica	Fishbone Fern
Nephrolepis cordifolia	Ochna
Ochna serrulata	Corky Passion Vine
Passiflora suberosa*	Exotic pine trees
Pinus spp	Asparagus Fern
Protoasparagus afticanus*	Asparagus Fern
Protasparagus densiflorus*	Climbing Asparagus Fern
Protasparagus plumosus*	Asian Bell Tree
Radermachera sinica	Indian Hawthorn
Rhapiolepis indica	Mother in Laws Tongue
Sansevieria trifasciata	Umbrella Tree
Schefflera actinophylla	Pepper Tree
Schinus molle	Broad Leaf Pepper Tree
Schinus terebinthifolia	Easter Cassia
Senna coluteoides	Winter Cassia
Senna floribunda	African Tulip Tree
Spathodea campanulata (fallen flowers are a hazard to pedestrians in paved areas)	Yellow Bells
Tecoma stans	Japanese Sunflower
Tithonia diversifolia	Black-eyed Susan
Thunbergia alata*	Wandering Jew
	Singapore Daisy



Botanical Name	Common Name
Tradescantia albiflora* Wedelia trilobata* Zebrina pendula	Wandering Jew
And all declared noxious weeds	