

## Exemptions for Protected Vegetation Overlay

(Biodiversity Overlay Code)

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

Further information is available on council's website - [Part 13 Biodiversity Overlay Code](#).

### **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)

**NOTE: *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.

### **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. construction and maintenance of a farm track, fence and shed on site
2. maintenance of crops
3. slashing of grass
4. harvesting of crops
5. maintenance of pasture and cleared land areas
6. pruning, felling and clearing of orchard vegetation species
7. surveying purposes
8. collection of firewood for non-commercial purposes
9. removal of an *exotic weed*
10. removal of *undesirable plant species* (Refer end of document for list)
11. 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 vegetation management plan* prepared and approved in accordance with Local

Law No. 10 (Vegetation Management)<sup>1</sup>;

- d) 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;
- e) clearing in accordance with a development approval;
- f) clearing on a category 1 lot, where —
  - 1. the vegetation is within three (3) metres of an existing building or structure; and
  - 2. the clearing is *reasonably necessary* for access to the building or 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;
- g) clearing on a category 2 or 3 lot, where —
  - 1. the vegetation is within ten (10) metres of an existing building or structure; and
  - 2. the clearing is *reasonably necessary* for access to the building or 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 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 structure; and
  - 2. the clearing is *reasonably necessary* for the control of fire risk to the building or structure; and
  - 3. the vegetation is not otherwise required to be retained in accordance with a development approval;
- i) clearing vegetation within the path of a utility service;
- j) 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*;

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<sup>1</sup> Copies of property vegetation management plans can be obtained from the Noosa Council offices

- k) the clearing is 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 the Natural Resources Overlay maps;
  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*;
  7. vegetation in an area that has been cleared in contravention of a local law including the *former local law*;
- l) clearing on land in the Agricultural Land Conservation Area (ALCA) identified on the Natural Resources Overlay maps;
- m) clearing in the course of a *fire management activity* (use of fire for wild fire risk management);
- n) clearing in the course of a *forest practice* (same meaning in *Sustainable Planning Act 2009*);
- o) clearing in accordance with a permit under the *former local law*.

**Undesirable Plant Species:**

<b>Botanical Name</b>	<b>Common Name</b>
<i>Agave sp.</i>	
<i>Ageratum housanianum</i>	Billygoat Weed
<i>Anredera cordifolia*</i>	Madiera Vine
<i>Aristolochia durior*</i>	Dutchman's Pipe
<i>Aristolochia elegans*</i>	
<i>Aristolochia macrophylla*</i>	
<i>Asparagus africanus*</i>	Climbing Asparagus Fern
<i>Asparagus plumose*</i>	Climbing Asparagus Fern
<i>Asparagus aethiopicus var. Sprengeri*</i>	Basket Asparagus Fern
<i>Baccarus halimifolia</i>	Groundsel
<i>Bambusa spp</i>	Bamboo all varieties
<i>Bougainvillea spp</i>	Bougainvillea
<i>Buddleja madagascariensis</i>	Buddleja
<i>Bryophyllum spp*</i>	Mother of Millions
<i>Cabomba caroliniana</i> (aquatic)	Cabomba
<i>Callisia fragrans</i>	Purple succulent
<i>Cabomba caroliniana</i>	Cabomba, Fanwort
<i>Canna indica</i>	
<i>Cardiospermum grandiflorum*</i>	Balloon Vine
<i>Cassia obtusifolia</i>	Sicklepod
<i>Celtis sinensis</i>	Chinese Elm
<i>Cinnamomum champhora</i>	Camphor Laurel
<i>Coffea arabica</i>	Coffee
<i>Cortaderia silloana</i>	Pampas Grass
<i>Corymbia torelliana</i>	Cadaghi Gum
<i>Desmodium uncinatum</i>	Silver-leaved Desmodium
<i>Diospyros kaki</i>	Persimmon Tree
<i>Duranta repens</i>	Butterfly Bush
<i>Egeria densa</i> (aquatic)	Dense waterweed
<i>Eichhornia crassipes</i> (aquatic)	Water hyacinth
<i>Elodea canadensis</i> (aquatic)	Elodea
<i>Eriobotrya japonica</i>	Loquat
<i>Erythrina crista-galli</i>	Coral tree
<b>Botanical Name</b>	<b>Common Name</b>
<i>Eugenia uniflora</i>	Brazilian cherry

<i>Euphorbia cyathophora</i>	Dwarf Poinsettia
<i>Ficus benjamina</i>	Weeping fig
<i>Ficus elastica</i>	Rubber Tree
<i>Fraxinus griffithi</i>	Himalayan Ash
<i>Fraxinus ornus</i>	Ash
<i>Gloriosa superba*</i>	Glory Lily
<i>Gomphocarpus physocarpus</i>	Balloon Cotton
<i>Hygrophila costata</i>	Hygrophila
<i>Impatiens sp.</i>	Balsam
<i>Ipomoea acuminata*</i>	
<i>Ipomoea cirica*</i>	Mile a Minute
<i>Ipomoea indica*</i>	Morning Glory
<i>Jacaranda mimosiflora</i>	Jacaranda
<i>Koelreuteria elegans</i>	Golden Rain Tree
<i>Lantana camara</i>	Lantana
<i>Lantana montevidensis</i>	Creeping Lantana
<i>Leucaena spp</i>	Leucaena
<i>Ligustrum lucidum</i>	Broad Leaf Privet
<i>Ligustrum sinense</i>	Small Leaf Privet
<i>Lonicera japonica*</i>	Honeysuckle
<i>Macfadyena unguis-cati*</i>	Cats Claw Creeper
<i>Macroptilium atropurpureum</i>	Siratro
<i>Macrotyloma axillare</i>	Archer axillaries
<i>Murraya paniculata</i>	Mock Orange
<i>Nephrolepis cordifolia</i>	Fishbone Fern
<i>Ochna serrulata</i>	Ochna
<i>Passiflora spp*</i>	Passionfruit vines
<i>Paulownia tomentose</i>	Paulownia
<i>Pereskia aculeate</i>	Leaf cactus
<i>Phyla canescens</i>	Lippia, Condamine couch
<i>Pinus spp</i>	Exotic pine trees
<i>Pistia stratioides</i> (aquatic)	Water lettuce
<i>Pyrostegia venusta</i>	Orange trumpet vine

**Botanical Name**

**Common Name**

<i>Radermachera sinica</i>	Asian Bell Tree
<i>Rhapiolepis indica</i>	Indian Hawthorn
<i>Salvinia molesta</i> (aquatic)	Salvinia
<i>Sansevieria trifasciata</i>	Mother in Laws Tongue

*Schefflera actinophylla*

*Schinus molle*

*Schinus terebinthifolia*

*Senna pendula* var. *glabra*

*Senna floribunda*

*Spathodea campanulata* (

*Sphagneticola trilobata*\*

*Sporobolus* spp.

*Syagrus romanzoffiana*

*Tecoma stans*

*Tipuana tipu*

*Tithonia diversifolia*

*Thunbergia alata*\*

*Thunbergia grandiflora*

*Tradescantia fluminense*\*

*Zebrina pendula*

Umbrella Tree

Pepper Tree

Broad Leaf Pepper Tree

Easter Cassia

Winter Cassia

African Tulip Tree

Singapore Daisy

Giant Rat's Tail Grass

Cocos Palm

Yellow Bells

Tipuana

Japanese Sunflower

Black-eyed Susan

Blue thunbergia

Wandering Jew

Wandering Jew

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And all declared weeds

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