

## **Biodiversity & Vegetation Protection**

### **Vegetation clearing**

Noosa is renowned for its attractive vegetated surrounds and high biodiversity. The biodiversity values on public and private lands across the Shire are an important part of the quality of life and natural character that people living and visiting the Shire enjoy. They provide for quality nature-based visitor experiences, a point of difference for investment, help attract people to visit and do business here and underpin the Noosa economy.

The vegetated character of iconic and visually prominent areas around Noosa Heads, Noosa River, Eastern Beaches and scenic rural areas is a key drawcard for investors and tourists and is an inherent part of locals' wellbeing and way of life.

While the Biodiversity Overlay seeks to identify and protect important remnant vegetation areas and riparian areas along waterways, it does not provide any mechanism for assessing clearing requests for vegetation located outside the Biodiversity Overlay mapped areas. Many of the values described above, relate to areas outside the Biodiversity Overlay. Proposed amendments to the Biodiversity Overlay Code would allow for Council to continue offering a free, simple and quick (5 day turnaround) process for assessing tree clearing proposals as was the case under the expired Temporary Local Planning Instrument (Vegetation Protection Overlay) (TLPI).

The amendments incorporate vegetation protection requirements into the Biodiversity Overlay from the expired TLPI. These amendments mean that tree clearing proposals that are not defined as 'exempt clearing' and that are to be undertaken outside the Biodiversity Overlay mapped areas would be assessed to determine whether they are reasonably necessary and whether they would adversely impact on scenic amenity, visual buffers, water catchment areas, ecologically important areas, riparian vegetation, or a person or industry reliant on maintaining the vegetation.

Currently under the Biodiversity Overlay, clearing within the mapped Biodiversity Overlay area can occur for the purposes of property maintenance activities (eg. construction of farm tracks, fences, sheds, maintenance of crops, orchards and pastures, survey purposes), pruning, emergency access, building a house, and where in accordance with a previous approval. These activities are defined as 'exempt clearing' and therefore do not need a development permit for Operational Works for vegetation clearing.

The proposed amendments to the Biodiversity Overlay would allow clearing for these same exempt activities and other types of clearing activities that are not exempt would be assessed against the Biodiversity Overlay Code as part of a development application.

## Other amendments to Biodiversity Overlay Code

Other amendments are also proposed to the Noosa Plan to increase the clarity of outcomes for ecologically important areas, koala habitat and open space connectivity. A number of related definitions are also proposed within the Biodiversity Overlay.

New administrative definitions are proposed in Part 2 - Interpretation to assist with interpreting the Biodiversity Overlay as follows:

**ecologically important areas** means—

- a) a natural *waterway* or *wetland*;
- b) *riparian vegetation*;
- c) an area of remnant or non-remnant native *vegetation* identified on a Biodiversity Overlay Map; or
- d) an area which otherwise—
  - i *contains or is likely habitat for scheduled species under the Nature Conservation (Wildlife) Regulation (Qld) 2006*;
  - ii *contains or is likely to contain listed threatened species and/or ecological communities, protected habitat or listed migratory species as defined by the Environmental Protection and Biodiversity Conservation (Cth) Act 1999*;
  - iii *contains a spring as defined under the Water Act (Qld) 2000*; or
  - iv *contains habitat for flora and/or fauna species of local ecological significance*.

**exotic weeds** means a species of plant occurring in an area outside its historical natural range and which has a negative impact for the environment or people.

Modification to the overall outcomes of the Biodiversity Overlay Code are proposed as well as new and amended specific outcomes and solutions relate to such matters as public access, edge effects, koala habitat, ecological linkages and vegetation clearing. A new Schedule 7 map of koala habitat areas has also be added reflecting latest SEQ Catchments koala habitat mapping. The specific outcomes and solutions proposed are reproduced below:

column 1 Specific outcomes	column 2 Probable solutions (if code assessable)
<b>Vegetation retention and conservation<sup>1</sup></b>	
<b><i>Environmental Protection Area &amp; Environmental Enhancement Area Vegetation &amp; Riparian Buffer Area</i></b> <b>Outcome 1:</b> Vegetation of <i>local origin</i> <sup>2</sup> on premises identified as— <ul style="list-style-type: none"> <li>a) Environmental Protection Area<sup>3</sup> or Riparian Buffer Area on the Biodiversity Overlay Maps OM1.1 to OM9.1, is retained and conserved in its present form or improved to ensure its ongoing contribution to the natural resources</li> </ul>	<b>Solution 1.1</b> An Ecological Assessment Report prepared in accordance with <i>Planning Scheme Policy 18 – Ecological Assessment Guidelines</i> demonstrates that the flora on the premises does not constitute Environmental Protection Area or Environmental Enhancement Area vegetation. <sup>5</sup> <b>OR</b>

<sup>1</sup> PSP18 *Ecological Assessment Guidelines* details information Council may require as part of an information request.

<sup>2</sup> *Local origin* is defined in the Dictionary (Part 2 Interpretation)

<sup>3</sup> Refer to Council's *Vegetation of Noosa Shire* study for further details on what constitutes Environmental Protection vegetation.

column 1 Specific outcomes	column 2 Probable solutions (if code assessable)
<p>and biological diversity of the Noosa Shire; and</p> <p>b) Environmental Enhancement Area<sup>4</sup> on Biodiversity Overlay Maps OM1.1 – OM9.1, is protected from the impacts of development by—</p> <ol style="list-style-type: none"> <li>avoiding edge effects;</li> <li>avoiding fragmentation; and</li> <li>maintaining vegetation in manageable and viable configurations.</li> </ol> <p>AND</p> <p><b>Outcome 2:</b> For the purpose of Reconfiguring a Lot new lots are only created where they minimise the fragmentation and maximise the retention of existing vegetation.</p> <p>Clearing vegetation only occurs where—</p> <ol style="list-style-type: none"> <li>no other suitable cleared or partially cleared area is available on the premises;</li> <li>the development minimises the total footprint within which all activities, buildings, structures, driveways and other works are contained; and</li> <li>the development is located in areas of low ecological value over other areas, to the greatest extent practicable.</li> </ol>	<p><b>Solution 1.2</b> Where constructing a <b>Detached House</b>; or <b>Community residence</b> <i>interference with vegetation</i> does not extend beyond—</p> <ol style="list-style-type: none"> <li>30m of a building or 10m of a structure on lots greater than 10ha; or</li> <li>10m of a building or structure on lots 10ha or less but more than 0.3ha; or</li> <li>3m of a building or structure on lots 0.3ha or less.</li> </ol> <p><b>S2.1</b> Where <i>clearing vegetation</i> on the premises is for the purpose of <b>Reconfiguring a Lot</b>—</p> <ol style="list-style-type: none"> <li>new boundaries to lots do not transect and fragment existing vegetation;</li> <li>new lots are created to allow for suitable <i>house site areas</i> or other future buildings and works to be located within existing cleared areas or areas of low ecological value; and</li> <li>building envelopes are designated for each lot.</li> </ol> <p><b>S3.1</b> No solution provided</p>
<p><b>Environmental Protection category</b> Vegetation that falls within the Environmental Protection category comprises regional ecosystems that possess at least one of the following environmental values or criteria—</p> <ul style="list-style-type: none"> <li>The regional conservation status under the <i>Queensland Vegetation Management Act 1999</i> is “Endangered”;</li> <li>It forms habitat for threatened or protected fauna species, as identified in <i>Vegetation of Noosa Shire</i>;</li> <li>It is ‘rare’ or naturally restricted regionally or locally, as identified in <i>Vegetation of Noosa Shire</i>; or</li> <li>The extent reserved within protected areas in Noosa is ‘low’, as identified in <i>Vegetation of Noosa Shire</i>.</li> </ul> <p><b>Environmental Enhancement category</b> Vegetation that falls within the Environmental Enhancement category comprises regional</p>	

<sup>5</sup> This solution does not apply to the Riparian Buffer Area.

<sup>4</sup> Refer to Council’s *Vegetation of Noosa Shire* study for further details on what constitutes Environmental Enhancement vegetation.

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<p>ecosystems that possess at least one of the following environmental values or criteria—</p> <ul style="list-style-type: none"> <li>• The regional conservation status under the Queensland Vegetation Management Act 1999 is “Of Concern”; or</li> <li>• The extent reserved within protected areas in Noosa is ‘medium’, as identified in <i>Vegetation of Noosa Shire</i>.</li> </ul>	
<p><b>Wetlands</b></p> <p>Wetlands are protected from removal or degradation and any adverse impacts on wetlands are prevented, minimised or mitigated by—</p> <ol style="list-style-type: none"> <li>a) maintaining adequate separation between the <i>wetland</i> and any adjacent development or use<sup>6</sup>;</li> <li>b) minimising any modification of the natural characteristics of the <i>wetland</i>, including the topography, surface and groundwater hydrology, water quality and flora and fauna species;</li> <li>c) preventing any new development within <i>wetlands</i>;</li> <li>d) minimising access to the <i>wetland</i>;</li> <li>e) minimising impacts associated with pest insect control and invasion by <i>undesirable plant species</i>; and</li> <li>f) providing for the rehabilitation and replanting of degraded wetlands.</li> </ol>	<p><b>S4.1</b> A minimum separation distance of 100m is provided between a <i>wetland</i> and any adjacent development or use.</p>
<p><b>Riparian Zones</b></p> <p>The biodiversity and ecosystem values of watercourses, drainage lines, wetlands and adjacent riparian zones are protected by—</p> <ol style="list-style-type: none"> <li>a) avoiding any new development in the riparian buffer area;</li> <li>b) retaining aquatic and terrestrial habitat in riparian zones;</li> <li>c) maintaining wildlife corridors along <i>watercourses</i> and <i>drainage lines</i> for native fauna movement;</li> <li>d) avoiding edge effects and incompatible uses in riparian zones;</li> <li>e) maintaining bank stability by minimising bank erosion and slumping;</li> <li>f) maintaining water quality by filtering sediments, nutrients and other pollutants; and</li> <li>g) removing <i>undesirable plant species</i> and replacing them with vegetation of <i>local origin</i>;</li> </ol>	<p><b>S5.1</b> No new development occurs on, or partly on, premises indicated as Riparian Buffer Area on Biodiversity Overlay Maps OM1.1 to OM9.1, except for—</p> <ol style="list-style-type: none"> <li>a) temporary use of the land; or</li> <li>b) infrastructure which provides access to a watercourse for recreational purposes;</li> </ol> <p>OR</p> <p><b>S5.2</b> Where constructing a <b>Detached house</b> or <b>Community residence</b> and on an allotment situated wholly within the Riparian Buffer Area,</p> <ol style="list-style-type: none"> <li>a) fronting the Noosa River – development is setback a minimum of 40m from mean high water spring or as otherwise prescribed by the Environmental Protection Agency’s Erosion Prone Area Maps;<sup>7</sup></li> <li>b) not fronting the Noosa River – development is located outside the <i>riparian zone</i> and setback a suitable distance from the watercourse having regard to the development constraints of the property and the need to protect environmental and riparian values;</li> </ol> <p>OR</p>

<sup>6</sup> The extent of separation will be determined from the size, values and vulnerability of the wetland, likely natural fluctuations, and the nature of potential threats to its integrity and functions.

<sup>7</sup> The Erosion Prone Area map for the Noosa River is reproduced in Schedule 5.

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	<p><b>S5.3</b> For <b>Animal husbandry</b> on premises in the Rural Zone—</p> <ul style="list-style-type: none"> <li>a) stock proof fencing is installed along <i>watercourses</i> at a distance of no less than 10m from the top of the bank;</li> <li>b) stock watering points are located no less than 15m away from the top of the bank of <i>watercourses</i>; and</li> <li>c) stock crossing points across <i>watercourses</i> are defined and controlled with stock proof fencing, to prevent stock from damaging <i>riparian vegetation</i> or banks to <i>watercourses</i>;</li> </ul> <p>OR</p> <p><b>S5.4</b> Recreational facilities (including playgrounds, pergolas, barbeques etc) are setback a minimum of 30m from the top of the bank of a <i>watercourse</i> and 10m from the top of the bank of a <i>drainage line</i>;</p> <p>OR</p> <p><b>S5.5</b> For <b>Forestry</b> uses the cultivated area is separated from <i>watercourses</i> by a distance not less than the distances identified below, measured from high water mark or the top of the bank, whichever is the greater distance—</p> <table> <tr> <th>Feature</th><th>Distance</th></tr> <tr> <td><i>Stream order 1 or 2</i></td><td>5 m</td></tr> <tr> <td><i>Stream order 3 or 4</i></td><td>10 m</td></tr> <tr> <td><i>Stream order greater than 4</i></td><td>20 m</td></tr> </table> <p>AND</p> <p><b>S5.6</b> Where <b>Forestry</b> is carried out on that part of premises indicated as Riparian Buffer Area and outside the separation distances specified in <b>S5.5</b>—</p> <ul style="list-style-type: none"> <li>a) species planted are <i>of local origin</i> and are harvested through <i>sustainable harvesting</i>; and</li> <li>b) any <i>undesirable plant species</i> are replaced by <i>vegetation of local origin</i>.</li> </ul>	Feature	Distance	<i>Stream order 1 or 2</i>	5 m	<i>Stream order 3 or 4</i>	10 m	<i>Stream order greater than 4</i>	20 m
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<p><b>Managing public access and edge effects</b></p> <p>Development on land adjacent to a waterway or wetland maintains an appropriate extent of public access to waterways and wetlands and minimises edge effects.</p>	<p><b>S6.1</b> Development adjacent to a waterway or wetland provides that—</p> <ul style="list-style-type: none"> <li>a) no new lots directly back onto the riparian area; and</li> <li>b) new public roads are located between the riparian buffer and the proposed development areas.</li> </ul>
<p><b>Koala Habitat Areas</b></p> <p>Development is designed, constructed and operated to—</p> <ul style="list-style-type: none"> <li>a) avoid adverse impacts on koalas and koala habitat;</li> <li>b) provide measures to assist the survival of koala populations in the area to mitigate any potential threats or risks to koalas;</li> <li>c) provide for safe and appropriate koala movement across the landscape; and</li> <li>d) provide for a net gain in mature and actively regenerating koala habitat.</li> </ul>	<p><b>S7.1</b> Development avoids removing and fragmenting koala habitat<sup>8</sup>.</p> <p><b>S7.2</b> Where clearing of non-juvenile koala habitat trees is unavoidable in an area shown as bushland habitat, high value rehabilitation habitat or medium value rehabilitation habitat on the map called 'Map of Values'<sup>9</sup>, such clearing is minimised and a biodiversity offset is provided in accordance with the Queensland Environmental Offset Policy.</p>
<p><b>Open space networks &amp; ecological linkages</b></p> <p>Open space networks and ecological linkages are maintained and enhanced to provide for safe movement of fauna and viable connectivity between ecologically important areas by protecting and replanting vegetation of local origin—</p> <ul style="list-style-type: none"> <li>a) along and around <i>watercourses</i>, wetlands, <i>drainage lines</i> and <i>ridgelines</i>; and</li> <li>b) as linkages between areas of remnant <i>vegetation</i>, including— <ul style="list-style-type: none"> <li>i. across property boundaries;</li> <li>ii. to areas of national park, conservation park, State forest or reserve; and</li> <li>iii. into adjoining local government areas.</li> </ul> </li> </ul>	<p><b>S8.1</b> <i>Vegetation</i> and ecological linkages are enhanced through revegetation, rehabilitation and vegetation maintenance in areas indicated in Schedule 5 on Map 4 - Open Space Networks in such a way as to—</p> <ul style="list-style-type: none"> <li>a) ensure protection of wildlife refuges;</li> <li>b) facilitate the dispersal and movement of native wildlife; and</li> <li>c) maintain vegetation in patches of the greatest possible size and with the smallest possible edge-to-area ratio.</li> </ul> <p>AND</p> <p><b>S8.2</b> Development is sited and designed to—</p> <ul style="list-style-type: none"> <li>a) maximise the ecological connectivity of vegetation within the site and to adjacent sites;</li> <li>b) to avoid creating physical barriers and safety hazards (such as roads, pedestrian access and in-stream structures) to the movement of fauna along and within the ecological linkage; and</li> <li>c) provide mitigation measures such as wildlife movement infrastructure, fauna exclusion and directional fencing, underpasses, overpasses and traffic calming devices, signage and lighting.</li> </ul>

<sup>8</sup> Koala Habitat Areas are shown on the Schedule 7 map.

<sup>9</sup> The Assessable Development Area Koala Habitat Values are mapped in the South East Queensland Koala Conservation State Planning Regulatory Provisions.

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<p><b>Scenic amenity</b></p> <p>The scenic amenity and vegetated character of the locality and its watercourses, drainage lines, sloping land and ridgelines is retained and enhanced; AND Vegetation which makes a positive contribution to the streetscape or major road network is retained.</p>	<p><b>S9.1 and S10.1</b> <i>Vegetation</i> is retained and enhanced—</p> <ul style="list-style-type: none"> <li>a) within 30m of prominent ridgelines and hillslopes;</li> <li>b) in gullies;</li> <li>c) along watercourses and drainage lines; and</li> <li>d) within 10m of road reserves.</li> </ul>
<p><b>Habitat trees</b></p> <p>Habitat trees (including dead trees) and recruitment habitat trees are protected for native fauna habitat, where practicable.</p>	<p><b>S11.1</b> No clearing of <i>koala habitat trees</i> greater than 4m in height or with a diameter greater than 100mm at 1.3m above the ground; AND <b>S11.2</b> No clearing of other <i>habitat trees</i> or <i>recruitment habitat trees</i>.</p>
<p><b>Lake Macdonald</b></p> <p>Vegetation within 400m of the full ponded water within Lake Macdonald is retained.</p>	<p>No solution provided.</p>
<p><b>Steep slopes</b></p> <p>Vegetation on steep slopes is retained and managed to avoid erosion and landslide and to protect natural resources and values.</p>	<p>No solution provided.</p>
<p><b>Engineering and site works</b></p> <p>Development is sited and designed to—</p> <ul style="list-style-type: none"> <li>a) provide adequate separation distance between the <i>vegetation</i> to be protected and the development to avoid disturbing, destabilising and deoxygenating any tree or altering the drainage;</li> <li>b) avoid traversing or fragmenting <i>vegetation</i> or habitats for significant flora or fauna species; and</li> <li>c) avoid creating barriers to faunal movement.</li> </ul>	<p><b>S14.1</b> Works, including roads, driveways, fences, sewer lines and other infrastructure—</p> <ul style="list-style-type: none"> <li>a) do not transect areas of <i>vegetation</i>; or</li> <li>b) are co-located within a combined utility corridor; and</li> <li>c) provide for fauna underpasses, speed reduction devices and associated fencing, lighting and warning signs, where appropriate;</li> </ul> <p>AND</p> <p><b>S14.2</b> Development within or adjacent to areas of <i>vegetation</i>, incorporate fauna friendly fences; AND</p> <p><b>S14.3</b> <i>Vegetation</i> is protected from interference resulting from clearing or construction activities by—</p> <ul style="list-style-type: none"> <li>a) clearly marking <i>vegetation</i> to be retained with flagging tape;</li> <li>b) installing protective fencing around the <i>dripline</i> of the vegetation and avoid filling and excavation in these fenced areas; and</li> <li>c) ensuring stock piling, storage and vehicle parking occur outside the identified vegetation areas;</li> </ul> <p>AND</p> <p><b>S14.4</b> Low impact construction techniques are used around <i>vegetation</i> to minimise interference with the <i>vegetation</i>.</p>
<p><b>Filling and excavation</b></p> <p>Vegetation is not adversely impacted upon by earthworks and changes to the hydrological regime, including changes to ground water levels, flooding levels, run-off and tidal hydraulics.</p>	<p>No solution provided.</p>

column 1 Specific outcomes	column 2 Probable solutions (if code assessable)
<b>Vegetation management</b>	
<p><b>Replanting and rehabilitation</b></p> <p>Development provides for ecologically important areas to be restored and enhanced through the following measures—</p> <ul style="list-style-type: none"> <li>a) siting <i>landscaped areas</i> to complement and enhance existing <i>vegetation</i>;</li> <li>b) removal of all species likely to displace native flora species or degrade fauna habitat;</li> <li>c) replanting and rehabilitating<sup>10</sup> degraded habitat; and</li> <li>d) replacing any vegetation removed with suitable replacement vegetation <i>of local origin</i>.</li> </ul>	<p><b>S16.1</b> Landscaping and rehabilitation complements and supports ecologically important habitats by—</p> <ul style="list-style-type: none"> <li>a) utilising native plants of <i>local origin</i>;</li> <li>b) utilising suitable plant species identified in PSP3 – Landscaping Plants and Guidelines;</li> <li>c) replicating adjacent remnant habitats, including understorey vegetation;</li> <li>d) creating or enhancing linkages between existing habitats;</li> <li>e) avoiding the use of <i>undesirable plant species</i> listed in Table 9.1 of PSP3 Landscaping Plants and Guidelines; and</li> <li>f) planting <i>riparian zones</i> to filter stormwater run-off and provide for wildlife habitat;</li> </ul> <p>AND</p> <p><b>S16.2</b> <i>Vegetation</i> removed is replaced with—</p> <ul style="list-style-type: none"> <li>a) plantings of equivalent area that replicate the floristic structure of the vegetation removed; or</li> <li>b) where this is not possible due to the characteristics of the site and the development, plantings twice the number of the removed trees and plants of local origin.</li> </ul>
<p><b>Fire management</b></p> <p>Fire management measures are adopted based on ecological principles, which—</p> <ul style="list-style-type: none"> <li>a) maintain and enhance biodiversity;</li> <li>b) minimise threat of fire to the natural environment, life and property; and</li> <li>c) provide for effective use and maintenance of <i>buildings and structures</i>.</li> </ul>	No solution provided

<sup>10</sup> Revegetation and rehabilitation works are to be carried out in accordance with an approved Revegetation and Rehabilitation Management Plan, as referred to in *PSP18 Ecological Assessment Guidelines*



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<p><b><i>Clearing protected vegetation in the protected vegetation overlay area</i></b></p> <p>Clearing protected vegetation does not involve—</p> <ul style="list-style-type: none"> <li>a) the removal of vegetation in <i>ecologically important areas</i>;</li> <li>b) removal of vegetation or habitat for fauna identified or referred to as requiring protection in State or Commonwealth legislation;</li> <li>c) removal of vegetation located on a prominent hillside, slope or ridgeline;</li> <li>d) vegetation within 400 metres of the full level of ponded water within Lake Macdonald;</li> <li>e) removal of <i>riparian vegetation</i>;</li> <li>f) vegetation which is or is capable of forming or contributing to a buffer between different land uses;</li> <li>g) vegetation which is or is capable of forming or contributing to a visual buffer or a buffer against pollution, light spillage or noise;</li> <li>h) vegetation which contributes to scenic amenity or landscape quality;</li> <li>i) vegetation the clearing of which may cause or contribute to erosion or slippage.</li> </ul>	<p>No solution provided</p>
<p>Clearing protected vegetation does not increase the likelihood of or result in adverse impacts on—</p> <ul style="list-style-type: none"> <li>a) remnant vegetation of <i>local origin</i>, classified as remnant of concern regional ecosystem or remnant endangered regional ecosystem or is vegetation located in a <i>wetland</i>;</li> <li>b) the diversity of flora or fauna species supported or likely to be supported by the vegetation community;</li> <li>c) a flora or fauna community or individual species which has conservation status in State or Commonwealth legislation;</li> <li>d) hydrology of an area or upon a hydrologically-sensitive plant community such as heathland, sedgeland, melaleuca forest or mangrove forest;</li> <li>e) a water catchment area or water quality;</li> <li>f) vegetation which has cultural heritage values;</li> <li>g) vegetation required to support, protect and maintain biodiversity values within the Noosa Shire, whether these be of local, regional, state or national significance;</li> <li>h) a person or industry reliant on maintaining the vegetation; or</li> <li>i) neighbouring land, scenic amenity and environmental values.</li> </ul>	<p>No solution provided</p>