

# Guide to using the necessary environmental clearing code

Accepted Development Vegetation Clearing Code  
Necessary Environmental Clearing

Effective 7 February 2020

CS8267

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# About this guide

This guide has been developed to help landholders operate under the Accepted Development Vegetation Clearing Code: Necessary Environmental Clearing (NEC code). It refers to the *Vegetation Management Act 1999* and the *Planning Act 2016*, which jointly regulate the clearing of native vegetation in Queensland.

The guide is not intended to be exhaustive. It only deals with operating under the NEC code. It provides supplementary information, and is designed to be read in conjunction with the NEC code, and with the *General guide to accepted development vegetation clearing codes* which provides information about the notification process, landholder obligations, and technical information that applies to all codes.

Landholders are also encouraged to familiarise themselves with the local, state and federal Acts and Regulations that apply to their operations.

## Common abbreviations used in this document

- VM Act = *Vegetation Management Act 1999*
- Code = accepted development vegetation clearing code
- DNRME = Department of Natural Resources, Mines and Energy
- NEC code = Accepted Development Vegetation Clearing Code: Necessary Environmental Clearing
- RE = regional ecosystem
- All terms in this guide have the meaning provided in the fodder code or the [Vegetation Management Act 1999](#).

## Further information

For more information:

- call **135 VEG (135 834)**
- email [vegetation@dnrme.qld.gov.au](mailto:vegetation@dnrme.qld.gov.au)
- or search 'Vegetation Management' on [www.qld.gov.au](http://www.qld.gov.au).


## Links to other documents

[Accepted development vegetation clearing codes](#)

[General guide to accepted development vegetation clearing codes](#)

# Necessary environmental clearing

The current Accepted Development Vegetation Clearing Code: Necessary Environmental Clearing (NEC code) became effective on 7 February 2020. This replaces the Necessary environmental clearing code dated 21 June 2019.

 *Previous notifications (since 21 June 2019) continue to be valid and allow clearing under the NEC code. You can continue to clear for the area already notified, however, you must comply with the requirements of the new code. You can also apply for a development approval to undertake necessary environmental clearing under the Planning Act 2016.*

If you intend to conduct necessary environmental clearing on your property using the NEC code, you must notify DNRME before clearing and meet the requirements of the code. If you have already notified DNRME (since 21 June 2019) you do not need to renotify unless you want to do additional clearing to that already notified, or the notification has expired.

## Scope

The NEC code applies to clearing within a category B area, category C area or category R area on the regulated vegetation management map.

Clearing is only permitted by the NEC code where it is for one of the following purposes:


- Land restoration
- Flood preparation
- Contaminant removal
- Channel diversion (category C area and category R areas only)

Refer to the NEC code for more information on applicable activities, vegetation categories and land tenures.


## Other options for necessary environmental clearing

Certain necessary environmental clearing activities qualify as [exempt clearing work](#) where you can clear without a notification or approval under the vegetation management framework. For example:

- In an area for which a disaster situation declaration has been made and the clearing is necessary to prevent or minimize loss of life, or illness or injury to humans; property loss or damage; or damage to the environmental. Clearing under the exemption must be carried out during the period starting when the disaster situation declaration was made, and ending on the later of the following days—
  - the day that is 1 year after the day on which the disaster situation declaration was made
  - another day decided by the chief executive by notice.

 *You can find information on [clearing before and after a natural disaster](#) on the Queensland government website.*

- Where it is necessary to remediate contaminated land recorded in the environmental management register or contaminated land register.

 *The Environmental Management Register and Contaminated Land Register are available on the [land registers](#) page of the Queensland Government website.*

- Where necessary to remove or reduce the imminent risk that the vegetation poses of serious personal injury or damage to infrastructure<sup>1</sup>.

**TIP** *Before notifying and clearing under this code, check whether your clearing qualifies as [exempt clearing works](#) under the *Planning Regulation 2017*. If the clearing is exempt, you do not need to notify.*

**TIP** *Clearing which is exempt under vegetation management laws may still require approval under other local, State or Commonwealth government laws or local government planning schemes. You are encouraged to check with agencies listed in Appendix 1 of the NEC code.*

If your intended clearing does not qualify as exempt clearing work or if the code does not apply to your proposed clearing (for example, you don't plan to rehabilitate the cleared area), you may be able to apply for a [development approval](#) under the *Planning Act 2016*. Development approvals are free for necessary environmental clearing (other than for channel diversion) and can be used for one of the following purposes:

- Removing contaminants from land
- Diverting a channel or stream
- Redirecting the flow of water for a section of a stream
- Restoring the ecological and environmental condition of land
- Preparing for a likely natural disaster to minimise or avoid impacts on infrastructure and human life

Alternatively, where there is an [area management plan](#) made for the purpose of necessary environmental clearing, and it covers the relevant lot/s, you may notify under that AMP.

## NEC code requirements

### Notifications

If your intended necessary environmental clearing activity applies to the NEC code rather than another clearing option, you must notify DNRME of your intention to clear under the code.

When notifying you will need to select your clearing purpose (contaminant removal, flood preparation, land restoration or channel diversion) and category / categories of vegetation. The area limit for each clearing purpose is determined by the clearing limits in section 4.2 of the code.

If you are clearing for land restoration, contaminant removal or channel diversion the clearing limit will be determined by the structure category (i.e. very sparse, sparse, mid-dense, dense or grassland) of the regional ecosystem (RE) you are intending to clear. You can find out the structure category of your RE by downloading a Vegetation Management property report for your property or viewing your property on the Queensland Globe (online). For more information on mapping and regional ecosystems see the [General guide to accepted development vegetation clearing codes](#).

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<sup>1</sup> 'Imminent risk' means the risk is likely to happen at any moment. Clearing under this code provides for situations which do not involve an imminent risk but where there are risks involved with taking no action.

For example, if you are intending to clear for land restoration in a category B area that is a sparse regional ecosystem then the notification area limit will be two hectares.

**TIP** *Not all clearing activities can be notified online. You will need to submit a hard-copy notification if you are clearing on a road or in a boundary watercourse under the code. [Hard-copy notification forms](#) are available online or from any local DNRME office.*

**TIP** *If you need to undertake additional clearing under this code, you must conduct a self-audit of the areas you have already cleared under the code, and lodge another notification.*

## Exchange areas

Exchange areas are a mechanism similar to environmental offsets. The intent of exchange areas are to return / achieve a permanent environmental outcome to compensate the impact of the clearing. This involves the exchange area being legally secured and managed under a plan to ensure the exchange area delivers an equivalent conservation or biodiversity benefit. Exchange areas are required under the code when clearing above specified limits for contaminant removal or channel diversion in category C areas or category R areas.

An exchange area must be legally secured prior to clearing for contaminant removal above the limits in Table 1 of the NEC code, or above 0.5 hectares within the riparian protection zones in Table 2 of the NEC code.

Exchange areas are required when clearing for channel diversion above the specified width limits in Table 1 of the NEC code.

In both cases you will need to provide the exchange area reference number when notifying. For information about how to secure an exchange area refer to the [General guide to accepted development vegetation clearing codes](#).

### Exchange area requirement recommendation

Before undertaking clearing that requires legally securing an exchange area, it is recommended that independent legal and financial advice is obtained regarding the impact of any subsequent certification of a property map of assessable vegetation (PMAV) or declared area (voluntary).

## Exchange areas and koala habitat (SEQ only)

If you intend to conduct clearing in a koala habitat area you may require a development approval for interfering with koala habitat. That development approval may require an environmental offset as a condition of approval (a koala offset). You do not need to provide an exchange area for your proposed clearing where it is required under the NEC code if a koala offset has already been provided for clearing that same area.

For more information on the koala regulations see the [General guide to accepted development vegetation clearing codes](#) or contact the Department of Environment and Science on the details below.



*Department of Environment and Science – Koala protection*

*E: [SEQKoalaStrategy@des.qld.gov.au](mailto:SEQKoalaStrategy@des.qld.gov.au)*

*W: <https://environment.des.qld.gov.au/wildlife/animals/living-with/koalas>*

*P 13 QGOV (13 74 68)*

## Compliance requirements

Clearing under the NEC code is only permitted where there are risks involved with taking no action. Regardless of whether you are intending to clear for land restoration, flood preparation, contaminant removal or channel diversion, the issue must be identified through pre-clearing photographs and GPS coordinates. This is to demonstrate the severity and risk involved.

If clearing is required to provide access for any of these clearing purposes, make sure you also take photos and GPS coordinates identifying the vegetation you intend on clearing to provide the access.

## Clearing limits

Clearing for all purposes is only permitted to what is reasonable. This requires you to consider the extent of the issue, and the surrounding terrain.

Below are some examples of where clearing is **not** reasonable, based on the above factors.

- Clearing a one kilometre access track to remove a few old tires under the contaminant removal purpose is not reasonable given the minor extent of the issue. The tires could be hand removed without clearing any vegetation.
- Clearing on a steep slope to restore the land where the clearing may exacerbate the erosion issue.

In contrast, below are some examples of where clearing is considered reasonable, based on the above factors.

- Clearing an area of land for land restoration that is highly degraded due to soil erosion and instability, and poses a risk to landscape integrity, and the area can be stabilised through rehabilitation.
- Clearing in a category C area for channel diversion where a watercourse is transporting water through a contaminated or highly eroded area and channel diversion is needed to mitigate this risk.

Clearing limits for each clearing purpose are outlined in the relevant sections below.

## Clearing for land restoration

There are a range of degradation problems that affect land in Queensland. Land restoration activities aim to restore the ecological and environmental functions of the land by supporting the improvement of the land condition.

Land restoration under the NEC code involves remediating the land degradation issues outlined in Table 1 below through preparation, stabilisation and rehabilitation of the affected area to restore it to its natural state (i.e. before the degradation occurred).



**Table 1: Land degradation issues**

Land degradation issue	Definition	Activity example	Guidance material
Soil erosion and instability	The occurrence of gully erosion greater than 30 centimetres in depth, landslips, a scarp, soil scalding or stream bank slumping.	<ul style="list-style-type: none"> <li>rehabilitating scalded areas (i.e. scalding can occur when wind and water erosion removes the top soil and exposes saline or sodic soils)</li> <li>erosion and sediment control works, including rehabilitation of banks and gullies</li> </ul>	See <a href="#">General guide to accepted development vegetation clearing codes</a> for further explanation of soil erosion and instability.
A salinity expression area	An area containing more than one of the following salinity indicators: <ul style="list-style-type: none"> <li>Plant species tolerant of saline conditions, shallow water tables or poor drainage (waterlogging)</li> <li>Wet areas in lower parts of the landscape or bare soil (soil scalding)</li> <li>Dieback of larger trees in low, wetter parts of the landscape (outside drought conditions or the effects of fire)</li> <li>Salt accumulations on the surface</li> <li>Areas of shallow groundwater</li> </ul>	<ul style="list-style-type: none"> <li>rehabilitating degraded areas such as those that have salinity exposed</li> </ul>	See <a href="#">General guide to accepted development vegetation clearing codes</a> for information on identifying salinity areas.
Acid sulfate soils	Soils, sediments or other materials containing iron sulphides and/or acidity generated by their breakdown.	<ul style="list-style-type: none"> <li>rehabilitating degraded areas such as those that have acid sulphate soils exposed</li> </ul>	See <a href="#">General guide to accepted development vegetation clearing codes</a> for information on acid sulfate soils.

Land restoration is only permitted where the land degradation issue is threatening, or will threaten human health, land productivity, landscape integrity, ecosystem structure and function, habitat for protected wildlife or infrastructure condition.

Most land degradation issues will need to be identified on-ground. Supporting information on the RE ecosystem structures and protected wildlife habitat on your lot is provided in the Vegetation Management property report. You can download a [Vegetation Management property report](#) for your lot and plan on the Queensland government website.

**TIP** *You will need to identify your land degradation issue and vegetation preventing land restoration through pre-clearing photographs and GPS coordinates.*

## Clearing limits for land restoration

Clearing limits for land restoration in the NEC code are determined by the vegetation structure category of the RE, and is restricted to clearing of 0.5 hectare within riparian protection zones in category B areas. The limits for each structure category is outlined in column two of Table 1 in the NEC code, and the riparian protection zones are listed in Table 2 of the NEC code.

Riparian protection zones are buffers from the defining banks of watercourses, drainage features and wetlands designed to protect riparian habitat, landscape connectivity, and water quality. Clearing within riparian protection zones should only be undertaken if absolutely necessary, and extra care should be taken to minimise disturbance in riparian ecosystems.

Clearing for land restoration cannot be conducted using a chain or cable linked between two machines. However, other mechanical clearing methods such as a single dozer with a blade may be permitted in the circumstances where all requirements of the NEC code can be met by using the clearing method.

All clearing must meet the vegetation retention requirements outlined in section 4.3 of the NEC code. See further information below.

Once clearing and the associated land restoration has occurred, the cleared area must be rehabilitated in accordance with section 4.5 of the NEC code.

## Clearing for flood preparation


Flood preparation means removing obstacles in a waterway prone to flooding that are likely to exacerbate the impacts of a flood by impeding water flow. These obstacles will generally be the vegetation itself, or silt and debris covered by vegetation within the defining bank of a watercourse or drainage feature. The accumulation of silt and debris may also increase the risk of future flood events and their associated impacts.

Flood preparation activities permitted under the code include the removal of trees in a watercourse that are directly contributing to the accumulation of silt or debris which is leading to flooding.

**TIP** *The vegetation causing the increased flood risk or preventing flood preparation will need to be identified through pre-clearing photographs and GPS coordinates.*

Flood preparation is used to reduce the likelihood or impacts of a flood. However, in order to clear for flood preparation, the area must have had previous flood events that have threatened human health, land productivity or infrastructure condition.

**TIP** *Keep records of damage caused by previous flood events and historic climate information to demonstrate the risk of flooding in the area.*

 *Flood mapping information is available to assist you in preparing for flood events on the [FloodCheck online map](#).*

## Clearing limits for flood preparation

Clearing for flood preparation is only permitted where it is reasonable and necessary given the extent of the issue and surrounding terrain and within the defining banks of a watercourse or drainage feature. The [General guide to accepted development vegetation clearing codes](#) provides information on how to identify these areas.

The clearing limit for flood preparation is 100 square metres and is only permitted by hand felling, which means felling individual shrubs and trees using a hand tool (e.g. chain or hand saw).

**TIP** *You may need a riverine protection permit to clear native vegetation for flood preparation. Find out more on the [riverine protection permits](#) page or by contacting your [DNRME office](#).*

All clearing must meet the vegetation retention requirements outlined in section 4.3 of the NEC code. See further information below.

Once clearing and the associated land restoration has occurred, the cleared area must be rehabilitated in accordance with section 4.5 of the NEC code.

## Clearing for contaminant removal

Contaminants pose a variety of risks to human health and the environment. The intention of the NEC code is to allow the clearing of vegetation where it is necessary to remove contaminants from the land. For the purposes of the NEC code a contaminant includes a gas, liquid, solid or energy source located in an area where it does not belong.

Removing a contaminant may be done in a variety of ways, and the removal method is not prescribed by the NEC code. The NEC code only allows for the clearing of vegetation that is preventing contaminant removal. Some examples include:

- clearing pads for equipment (e.g. excavators) to work safely at the site to remove the contaminant
- clearing to remove the contaminant from the ground and returning the sight to the required condition.

Clearing for contaminant removal is only permitted when the contaminant is threatening, or will likely threaten:

- human or animal health
- land productivity
- landscape integrity
- ecosystem structure and function
- habitat for protected wildlife
- infrastructure condition.

**TIP** *The contaminant and the vegetation preventing contaminant removal must be identified through pre-clearing photographs and GPS coordinates.*

## Clearing limits for contaminant removal

Clearing limits for contaminant removal are determined by the vegetation structure category of the RE, and restrict clearing to 0.5 hectares within riparian protection zones<sup>2</sup>. The limits for each structure category is outlined in column two of Table 1 in the NEC code, and the riparian protection zones are listed in Table 2 of the NEC code.

However, clearing can occur above these specified limits in category C areas and category R areas if an exchange area is legally secured before clearing commences. For more information on legally securing an exchange area see the [General guide to accepted development vegetation clearing codes](#).

Clearing for contaminant removal cannot be conducted using a chain or cable linked between two machines. However, other mechanical clearing methods such as a single dozer with a blade may be

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<sup>2</sup> Riparian protection zones are buffers from the defining banks of watercourses, drainage features and wetlands designed to protect riparian habitat, landscape connectivity, and water quality. Clearing within riparian protection zones should only be undertaken if absolutely necessary, and extra care should be taken to minimise disturbance in riparian ecosystems.

permitted in the circumstances where all requirements of the NEC code can be met by using the clearing method.

All clearing must meet the vegetation retention requirements outlined in section 4.3 of the NEC code. See further information below.

Once clearing and the associated land restoration has occurred, the cleared area must be rehabilitated in accordance with section 4.5 of the NEC code.

## Clearing for channel diversion

Channel diversion allows for clearing of native vegetation that is necessary to divert a channel by destroying part of an original channel, and creating a new channel that replicates the natural form of the original channel. The new diverted channel re-directs the flow of water, until it re-joins with the original channel at a point downstream.

A watercourse or drainage feature may require diversion for one of the below reasons.

- In its present location it is no longer functioning, or will no longer function in the future.
- There is a high likelihood that remaining in its current location will lead to, or is leading to, an adverse environmental outcome.

### The new channel

Channel diversion must occur in a way that replicates the existing watercourse or drainage feature. This means that the new channel must be constructed to mirror the physical form of the original channel including:

- watercourse width, length and curvature
- depth, grade and bank slope
- substrate type such as gravel or sand
- riparian vegetation.

The new channel must also be vegetated with species typically found in the existing watercourse or drainage feature. The regional ecosystem description database (REDD) describes the species typical of each RE. If you are unsure about the species on your property, contact DNRME on **135 VEG (135 834)**.

**TIP** *The Queensland Herbarium also provides plant identification services, information and advice on Queensland's plant species and vegetation. You can contact the Queensland Herbarium on (07) 3199 7699.*

### Avoid and minimise

Clearing for channel diversion is not permitted in category B areas under the NEC code. Whilst clearing can occur in category C areas and category R areas, it must occur only when clearing cannot reasonably be located in a category X area or existing cleared area. Clearing must also avoid, and if avoidance is not possible, minimise to the greatest extent possible, clearing of essential habitat, habitat trees, immature koala habitat trees and koala habitat areas. See the [General guide to accepted development vegetation clearing codes](#) for more information on avoid and minimise requirements.

**TIP** For more information on Koala habitat protections see the [General guide to accepted development vegetation clearing codes](#) or contact the Department of Environment and Science.

**W:** <https://environment.des.qld.gov.au/wildlife/koalas/>

**E:** [SEQKoalaStrategy@des.qld.gov.au](mailto:SEQKoalaStrategy@des.qld.gov.au)

**P:** 13 QGOV (13 74 68)

## Riverine protection permits

Approvals may be required under the *Water Act 2000* for interfering with, or diverting regulated watercourses, which deal with the practical aspects of diverting and constructing a new watercourse. The code is primarily concerned with impacts of clearing native vegetation associated with diverting a channel so it is recommended that you check if a riverine protection permit is required.

**TIP** Find out more on the [riverine protection permits](#) page or by contacting your [DNRME office](#).

## Clearing limits for channel diversion

Clearing limits for channel diversion are determined by the vegetation structure category of the RE (dense and mid-dense, sparse and very sparse, grassland). The limits for each structure category is outlined in column three of Table 1 in the NEC code. Clearing can occur above these specified limits if an exchange area is legally secured before clearing commences. For more information on legally securing an exchange area see the [General guide to accepted development vegetation clearing codes](#).

Clearing for channel diversion cannot be conducted using a chain or cable linked between two machines. However, other mechanical clearing methods such as a single dozer with a blade may be permitted in the circumstances where all requirements of the NEC code can be met by using the clearing method.

Clearing in a Category C area or Category R area that is a koala habitat area may be regulated by the koala protection framework. If your proposed clearing is for the diversion of a section or a watercourse or drainage feature (in a way that replicates the section) in a category C area and the cleared area is more than 500m<sup>2</sup>, it is recommended that you seek further information from the Department of Environment and Science on whether your proposed clearing is regulated by the koala protection framework and what further actions to take.

**TIP** For more information on Koala habitat protections see the [General guide to accepted development vegetation clearing codes](#)

**TIP** For more information on the regulatory framework for koala conservation, go to

[environment.des.qld.gov.au/wildlife/koalas/](https://environment.des.qld.gov.au/wildlife/koalas/) or contact the Department of Environment and Science:

**E:** [SEQKoalaStrategy@des.qld.gov.au](mailto:SEQKoalaStrategy@des.qld.gov.au)

**P:** 13 QGOV (13 74 68)

All clearing must meet the vegetation retention requirements outlined in section 4.3 of the NEC code. See further information below.

**TIP** *Once clearing and the associated works has occurred, the cleared area must be rehabilitated in accordance with section 4.5 of the NEC code. You will need to take pre-clearing photographs and GPS coordinates that show:*

- *the section of the watercourse or drainage feature requiring diversion*
- *the vegetation which needs to be cleared to allow for the diversion.*

## Clearing for access

You can clear native vegetation if it is necessary to provide access for land restoration, flood preparation, contaminant removal or channel diversion. Clearing for access is limited to 10 metres in width and prohibits any access clearing within 10 metres of the defining bank of a waterbody, unless it is to provide necessary access across the area.

Clearing for access must only be undertaken to the extent it is necessary. For example, if there is already sufficient access into the clearing site, clearing another access track is not considered necessary.

All clearing must meet the vegetation retention requirements outlined in section 4.3 of the NEC code. See further information below.

Once clearing and the associated land restoration has occurred, the cleared area must be rehabilitated in accordance with section 4.5 of the NEC code.

## Vegetation retention requirements

Clearing under the NEC code must retain all mature trees and habitat trees. The only circumstances where this requirement does not apply is when retention prevents land restoration, contaminant removal or flood preparation; or where retention of a dead habitat tree poses a safety risk.

### Land restoration

A mature tree or habitat tree may be removed where it is preventing other land restoration activities permitted by the NEC code (this does not apply to an area degraded by scalding or a salinity expression area). For example, if a mature tree is preventing the rehabilitation of eroded land it may be removed.

### Contaminant removal

A mature tree or habitat tree may be removed where it prevents the removal of contaminants. If the contaminant can be removed safely by clearing other vegetation (i.e. immature trees) that is preventing contaminant removal then mature trees and habitat trees should be retained.

### Mature trees and habitat trees


When clearing you must make sure that no debris is pushed up against the trunks of mature or habitat trees because this can result in the death of the tree. Clearing must not damage these trees in any way.

### Dead habitat trees

A dead habitat trees can only be cleared if its retention poses a safety risk. Dead habitat trees provide important protection for hollow-dwelling fauna and must be left standing in all other circumstances.


## How to identify mature trees and habitat trees

The NEC code provides definitions and characteristics of mature trees and habitat trees. To identify mature trees measure their trunk diameter at 1.3 metres above the ground. To identify habitat trees you will need to observe the presence of certain characteristics, for example, any visible hollows at least two metres above the base of the tree.

 *For more information on habitat trees, watch the [video on identifying habitat trees](#).*

## How to identify immature trees

An immature tree is any native woody vegetation (other than a mature tree or habitat tree) that is two metres or more in height. Identifying immature trees requires that you firstly identify mature trees and habitat trees (as described above). All other trees two or more metres in height are immature trees.

 *It is important to be able to identify immature trees when clearing so that you know which trees can be cleared and which must be retained.*

## Soil and water quality protections

Soil and water quality protections are covered in section 4.4 of the NEC code. Please see the [General guide to accepted development vegetation clearing codes](#) for further information on protections for soil and water quality.

## Rehabilitation requirements

Rehabilitation requirements apply to all clearing under the NEC code, including clearing for access. After clearing, the area affected must be rehabilitated in accordance with section 4.5 of the NEC code. Where clearing involves clearing of immature koala habitat trees in a koala habitat area (SEQ lots only), the code requires the area to be managed in a way that will support natural regeneration of the number of immature koala habitat trees cleared.

For channel diversion, the rehabilitation requirements apply to both the original channel and the diverted channel.

For further information and guidance about how to achieve the required rehabilitation outcomes, refer to the [General guide to accepted development vegetation clearing codes](#).

## Wetlands, watercourses and drainage features

In some cases the NEC code applies additional restrictions to clearing in or near wetlands, watercourses or drainage features. For further information on wetlands, watercourses and drainage features refer to the [General guide to accepted development vegetation clearing codes](#).