Australian Capital Territory

Utilities (Technical Regulation) (Electricity Powerline Vegetation Management Code) Approval 2018

Disallowable instrument DI2018–207

made under the

Utilities (Technical Regulation) Act 2014, section 14 (Technical codes—approval)

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1 Name of instrument

This instrument is the *Utilities (Technical Regulation) (Electricity Powerline Vegetation Management Code) Approval 2018*.

2 Commencement

This instrument commences on the day after its notification day.

3 Approval

I approve the ACT Electricity Powerline Vegetation Management Code 2018 (the Code) as set out in the schedule.

4 Public access

The Code is available for inspection upon request by the public between 8:30 am and 4:30 pm, from Monday to Friday except for public holidays, at Access Canberra, South Building, Dame Pattie Menzies House, 16 Challis Street Dickson ACT. Copies of the Australian Standards incorporated in the Code can also be made available upon request.

Electronic copies of the Code are available on the Access Canberra website at https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/2203/~/water-and-energy-utilities-technical-regulation. No charge will apply.

Shane Rattenbury MLA
Minister for Climate Change and Sustainability
25 June 2018

Electricity Powerline Vegetation Management Code 2018

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1 APPLICATION AND PURPOSE OF THIS CODE

1.1 Technical Codes

The *Electricity (Powerline Vegetation Management) Code 2018* (the Code) is a Technical Code made under part 3 of the *Utilities (Technical Regulation) Act 2014* (the Act).

1.2 Mandatory consultation on draft Code

Section 13 of the Act requires the Technical Regulator to give a copy of a draft technical code to:

(1) if the draft technical code is for protecting the environment – the Conservator of Flora and Fauna (conservator); and

(2) the Independent Competition and Regulatory Commission (ICRC); and

(3) each regulated utility providing services that are likely to be regulated under the draft code.

A draft of this code was provided to the conservator, the ICRC and Evoenergy as the regulated electricity distribution utility.

1.3 Utility to comply with Technical Codes

Under section 14 of the Act, the Minister may approve a technical code as recommended by the Technical Regulator. A regulated utility commits an offence under section 16 of the Act if the regulated utility fails to comply with a requirement of the technical code.

1.4 Application

(1) This Code applies to the responsible utility under section 41D of the Act. The responsible utility is the electricity distribution utility licensed under the *Utilities Act 2000*.

(2) This code does not apply to the Streetlight Network, which is a Territory Network under the *Utilities Act 2000.*

2 PURPOSE

The Code provides technical requirements for a responsible utility under section 41D of the Act when managing the clearance of vegetation near powerlines.

The primary purpose of vegetation management near aerial lines is to reduce the risk of fire and outages caused by trees and other vegetation coming into contact with the lines or associated infrastructure. This includes electric cables and poles, service lines, powerpoles which may have streetlights connected, conductors, any apparatus connected in conjunction with the conductor for the purpose of transmitting, distributing or supplying electricity. Under the legislation, the responsible utility is responsible for clearing vegetation from aerial lines on unleased Territory land; rural leased land; and national land under agreement with the Commonwealth.

The Code requires the responsible utility to:

(1) establish a Vegetation Management (Bushfire and Environmental) Works Plan (Works Plan) to protect the environment and the public from fires originating from their electricity assets through contact with vegetation, or faults that cause vegetation

to ignite; and to outline how the responsible utility will consider and mitigate the environmental impact of any clearance work they intend to undertake. The Works Plan only applies to non-urban land due to its high bushfire risk and environmental factors influencing tree pruning in areas such as reserves and national parks. Therefore, additional oversight from the conservator is necessary to review these considerations. A Works Plan is not required for the urban area due to the modified natural environment and lower risk of bushfire;

(2) reduce the visual impact of trimming of trees, particularly amenity trees in the urban area, through appropriate planning and tree pruning practices; and

(3) promote the healthy growth of trees around aerial lines and support structures through appropriate planning; consideration of appropriate tree location and species; and sympathetic tree pruning practices.

3 ACCREDITATION OF VEGETATION MANAGEMENT CONTRACTORS

3.1 Accreditation

Vegetation Management Contractors engaged by the responsible utility to clear vegetation from aerial lines under section 41D must be qualified at Certificate III in Arboriculture or higher within the Australian Qualification Framework and be accredited as Tree Surgeons by the responsible utility to undertake work in the vicinity of electricity assets at the appropriate level for the voltage of the aerial lines they are working near.

3.2 Publication of accreditation policies

The responsible utility must prepare and publish on its website its accreditation policies relating to engagement of Vegetation Management Contractors to undertake vegetation management work and provide details of each Vegetation Management Contractor's qualifications and registration on request.

3.3 Evidence of accreditation

Vegetation Management Contractors undertaking work under section 41D must have their Accredited Tree Surgeon identification card with them when they are carrying out work in accordance with section 41D. This card must be shown to anyone, including members of the public, upon request.

4 REQUIREMENTS FOR MANAGING VEGETATION NEAR AERIAL POWERLINES – NON-URBAN UNLEASED TERRITORY LAND AND RURAL LEASED LAND

4.1 Pruning requirements

(1) This section contains guidance about pruning practices and requirements for the responsible utility to comply with when undertaking tree pruning near aerial lines. This section applies to all trees and vegetation on non-urban unleased Territory land and rural leased land for which the utility is responsible. Under the legislation, any work carried out under this section must be reasonably necessary for the clearance of vegetation near an aerial line.

(2) All pruning must comply with AS4373 Pruning of Amenity Trees.

4.1.1 Trees to retain their natural form

The natural form and branching habit of individual tree species must be considered and retained wherever possible. If pruning a tree to achieve minimum clearance distances and cater for regrowth will result in the tree losing its distinctive appearance or appearing disfigured, the utility must prune as close as reasonably possible to the minimum clearance distance only, without allowing the tree to be too close to an aerial line as worked out in the table at section 41D of the Act, and return at more frequent intervals to maintain adequate clearance distances. (i.e. some trees may require less pruning, more frequently).

4.1.2 Specific pruning requirements

(1) Trees must be pruned by:

a) a vegetation management contractor qualified at Certificate III in Arboriculture or higher; or

b) an employee of the responsible utility qualified at Certificate III in Arboriculture or higher; or

c) an employee of the responsible utility who has successfully completed the following units (or equivalent) through a registered training organisation:

i. UETTDRVC30A – Coordinate vegetation control operations

ii. UETTDRVC29A – Control vegetation whilst performing line work

under the direct supervision of an employee qualified at Certificate III in Arboriculture or higher.

d) in the case of emergency rectification work, employees with other minimum accreditation requirements as required by the responsible utility regarding working in the vicinity of electrical assets.

(2) Reduction pruning must be undertaken in accordance with AS4373. Reduction pruning does not include lopping or topping.

(3) No more than 30% of the total canopy volume is to be removed in any one pruning event.

(4) Unacceptable practices listed in AS4373 must not be used.

(5) Trees must not be destabilised.

4.1.3 Recycling of vegetative material

(1) All prunings, branches and other material generated by the responsible utility maintaining vegetation on public land must be made safe upon completion of work and either chipped on site or removed as soon as practicable.

(2) Areas where mulch or chip may be dropped will be specified by the Territory Contract Manager if required, although there is no obligation for the contractor to make this material available to the Territory and they may dispose of this material subject to 4.1.3(3) below.

(3) No tree maintenance by-products generated during the delivery of line clearance works are to be transferred to landfill sites inside or outside the ACT.

(4) Any cut vegetation within nature reserves or unleased Territory land managed by the Parks and Conservation Service may be left onsite in a manner that does not represent a fire or work health and safety risk unless otherwise directed by the Parks and Conservation Service.

4.2 Vegetation Management (Bushfire and Environmental) Works Plan

The responsible utility must develop, document and implement a Vegetation Management (Bushfire and Environmental) Works Plan (Works Plan). The Works Plan must consider the long-term risk of fire and outages posed by aerial lines on non-urban land, including rural leased land, either through contact with vegetation or faults arising from these assets.

4.2.1 Alternative options to be included in Works Plan

(1) The Works Plan must include alternative long-term measures for reducing the risk of ignitions and bushfires caused by vegetation near aerial lines that are more environmentally sustainable than trimming in excess of minimum clearance distances, including technical modifications. A technical justification for the proposed measures including an assessment of any other options considered must be included in the Works Plan. The Works Plan must demonstrate which alternative options have been considered and sufficient reasons for their adoption/non-adoption.

(2) The responsible utility must prioritise areas of the network that they deem to be of high bushfire risk.

(3) The responsible utility must provide specific reasoning and details of how environmental concerns will be managed, including but not limited to weed and pathogen spread; degradation of wildlife connectivity and changes to local hydrology, soil structure and microclimates.

(4) The responsible utility must include a five year implementation schedule for the planned alternative long-term measures for reducing bushfire risks.

4.2.2 Works Plan inclusions

(1) The Works Plan must include proposed activities for a one to three year period, commencing at the start of a financial year. The Works Plan must address any potential environmental impacts and must be submitted to the Technical Regulator for approval prior to implementation – see 4.2.4 below.

(2) **Map of affected areas.** The Works Plan must include a map of the areas of the ACT showing the location of the aerial lines that are proposed to be affected under the Works Plan through application of alternative solutions, asset relocation, vegetation clearing or any other method of risk reduction. The map must also show sites of environmental significance, for example the location or habitat of any listed species or communities or any known rare or threatened plants.

The plan may propose any of the following activities:

(3) **Vegetation clearing by hand or mechanical means.** Where the responsible utility considers it appropriate to continue to prune vegetation as a bushfire mitigation measure either in accordance with, or in excess of minimum clearance distances, it may propose continuance of this practice in the Works Plan. The responsible utility may propose additional clearances that are reasonably necessary around the base of powerpoles, allowing for regrowth or reduction of overhanging branches.

(4) **Asset modification.** Where vegetation has significant value under relevant legislation, the responsible utility must demonstrate which technical options have been considered to prevent ignitions caused by vegetation near aerial lines. Options include, but are not limited to, covered conductor, aerial bundled cable and fault finding technology.

(5) **Asset relocation.** Where vegetation has significant value under relevant legislation, the responsible utility may propose relocation of assets to prevent ignitions.

(6) **Tree removal/replacement.** Where vegetation does not have significant value under relevant legislation, the responsible utility may propose tree removal and/or replacement options in the Works Plan. This would require the responsible utility to provide an evidence-based recommendation for the relevant Government landholder to fund the removal/replacement options should they be approved in the Works Plan.

(7) **Access and prevention of site contamination.** The Works Plan must include details of the access required, machinery to be used and measures to reduce the risk of weed and pathogen spread during the course of the work.

4.2.3 Mandatory consultation on Works Plan

The responsible utility must consult with the conservator on the potential environmental impacts of proposed vegetation clearance work during development of the Works Plan. The responsible utility may also consult with any other relevant stakeholder or agency either as identified by the responsible utility or as recommended by the conservator.

4.2.4 Approval of Works Plan

The responsible utility must submit a draft Works Plan to the Technical Regulator for approval. The draft Works Plan must be endorsed by the conservator on environmental issues.

Following advice from the conservator, the Technical Regulator must either:

(1) approve the Works Plan; or
(2) approve the Works Plan with conditions. Conditions may be appropriate through application of the *Nature Conservation Act 2014,* or other relevant legislation; or
(3) partially approve the Works Plan; or
(4) refuse to approve the Works Plan due to inconsistency with the *Nature Conservation Act 2014*, or other relevant legislation; or
(5) Seek further information to ensure compliance with this Code and other relevant legislation.

A decision on the Works Plan must be made within 30 working days from the date an acceptable submission is given to the Technical Regulator. If no decision is made within this time, the plan will be deemed unconditionally approved.

A decision by the Technical Regulator to approve a Works Plan means that the Technical Regulator is satisfied based on the evidence provided by the regulated utility that a Works Plan submission meets the requirements for compliance with the Code. Approval and acceptance does not imply that the Technical Regulator is approving or endorsing the details of a Works Plan submission as being fit for purpose. Responsibility for the content of the Works Plan remains at all times with the responsible utility.

4.2.5 Works Plan updates

Upon becoming aware of any change to activities proposed in the Works Plan, the responsible utility must, as soon as reasonably practicable, review the Works Plan and submit a revised plan to the Technical Regulator for approval.

4.2.6 Publication of Works Plan and revised Works Plan

As soon as practicable after the Works Plan is approved by the Technical Regulator either in full, with conditions, partially, or deemed approved, the responsible utility must make publicly available on its website a published version of the approved Works Plan.

4.3 Compliance reporting and audits

(1) The Technical Regulator or the conservator may request compliance reports from the responsible utility to ensure compliance with an approved Works Plan.

(2) The Technical Regulator may undertake audits of the responsible utility against an approved Works Plan and request copies of audits initiated by the responsible utility. Audits may be initiated at the request of the conservator.

5 REQUIREMENTS FOR MANAGING VEGETATION NEAR AERIAL POWERLINES – URBAN UNLEASED TERRITORY LAND

5.1 General

(1) This section contains guidance about pruning practices and requirements for the responsible utility to comply with when undertaking tree pruning near aerial lines. This section applies to all trees and vegetation on all urban unleased Territory land for which the utility is responsible. Any work carried out under this section must be reasonably necessary for the clearance of vegetation near an aerial line.

(2) All pruning must comply with AS4373 Pruning of Amenity Trees.

5.2 Trees to retain their natural form

The natural form and branching habit of individual tree species must be considered and retained wherever possible. If pruning a tree to achieve minimum clearance distances and cater for regrowth will result in the tree losing its distinctive appearance or appearing disfigured, the utility must prune as close as reasonably possible to the minimum clearance distance only, without allowing the tree to be too close to an aerial line as worked out in the table at section 41D of the Act, and return at more frequent intervals to maintain adequate clearance distances. (i.e. some trees may require less pruning, more frequently).

5.3 Specific pruning requirements

(1) Trees must be pruned by:

a) a vegetation management contractor qualified at Certificate III in Arboriculture or higher; or

b) an employee of the responsible utility qualified at Certificate III in Arboriculture or higher; or

c) an employee of the responsible utility who has successfully completed the following units (or equivalent) through a registered training organisation:

i. UETTDRVC30A – Coordinate vegetation control operations

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under the direct supervision of an employee qualified at Certificate III in Arboriculture or higher.

d) in the case of emergency rectification work, employees with other minimum accreditation requirements as required by the responsible utility regarding working in the vicinity of electrical assets.

(2) Reduction pruning must be undertaken in accordance with AS4373. Reduction pruning does not include lopping or topping.

(3) No more than 30% of the total canopy volume is to be removed in any one pruning event.

(4) Unacceptable practices listed in AS4373 must not be used.

(5) Trees must not be destabilised.

5.4 Recycling of vegetative material

(1) All prunings, branches and other material generated by the responsible utility maintaining vegetation on public land must be made safe upon completion of work and either chipped on site or removed as soon as practicable.

(2) Areas where mulch or chip may be dropped will be specified by the Territory Contract Manager if required, although there is no obligation for the contractor to make this material available to the Territory and they may dispose of this material subject to 5.4(3) below.

(3) No tree maintenance by-products generated during the delivery of line clearance works are to be transferred to landfill sites inside or outside the ACT.

(4) Any cut vegetation within nature reserves or unleased Territory Land managed by the Parks and Conservation Service may be left onsite in a manner that does not represent a fire or work health and safety risk unless otherwise directed by the Parks and Conservation Service.

5.5 Compliance with Transport Canberra and City Services (TCCS) requirements

The regulated utility must consult with TCCS regarding the Works Plan and the application of relevant standards. If training material is developed by TCCS to help facilitate compliance with this Code, the responsible utility must ensure any employee or Vegetation Management Contractor engaged by them to undertake vegetation clearance work undertake the training as soon as reasonably practicable.

6 INTERACTION WITH OTHER LEGISLATION

6.1 Urban leased land (urban backyards)

The responsible utility is not responsible for vegetation management on urban leased land. The lessee is responsible for ensuring vegetation does not encroach within minimum clearance distances, as provided in section 25 of the *Utility Networks (Public Safety) Regulation 2001.*

6.2 Urban public land (parks, nature strips)

The responsible utility is responsible for managing vegetation near aerial lines on urban unleased land (urban public land). The ACT Government, TCCS, is responsible for overall management of trees on urban public land for any purpose other than maintaining clearance distances around aerial lines.

6.3 Tree Protection Act 2005

Under the *Tree Protection Act 2005*, part 3, it is an offence to damage a protected tree (or do prohibited groundwork in the tree's protection zone) unless the damage or groundwork is

allowed under that Act. Section 19 of the *Tree Protection Act 2005* contains exceptions to offences relating to damaging trees where the work is done under relevant sections of the *Utilities (Technical Regulation) Act 2014*. Application may be made to the conservator for approval of a tree damaging activity or prohibited groundwork (including in urgent circumstances).

6.4 Nature Conservation Act 2014

All pruning works must be in accordance with the requirements of the *Nature Conservation Act 2014* particularly where such work may interfere with active nesting sites. Where interference with an active nesting site is required the responsible utility must be authorised to do so under the *Nature Conservation Act 2014.*

6.5 National Land

In accordance with section 41B of the *Utilities (Technical Regulation) Act 2014* the responsible utility must have an agreement in place with Commonwealth land-holders of national land in order to undertake vegetation clearance work.

6.6 Bushfire Abatement Zone (BAZ)

The application of this code does not diminish any requirement for Bushfire Operational Plans to be prepared by the responsible utility or ACT Government agencies under section 78 of the *Emergencies Act 2004*.

6.7 References to Australian Standards

Under section 14(2) of the Act, Australian Standards incorporated in this Code are applied as in force from time to time. Section 47(6) of the Legislation Act does not apply to Australian Standards applied, adopted or incorporated under the Code. This means that Australian Standards are not required to be notified to the Legislation Register due to copyright issues.

Australian Standards are available to view at the National Library of Australia. To further assist with public access, the Utilities Technical Regulation team within Access Canberra has copies of any standards referred to in the Code available to the public to view at the Directorate's offices upon request. Members of the public will be given viewing access to a hard copy version of the relevant standard at the Directorate's offices.

DICTIONARY

1) **aerial line** - see the *Utilities (Technical Regulation) Act 2014*, section 41C, means an aerial cable, aerial conductor or aerial service line
2) **built-up urban area** has the same meaning as the built-up urban area for the purposes of the *Tree Protection Act 2005* section 7: Territory land excluding broadacre, hills, ridges and buffers, forestry, river corridors, rural and water features
3) **conservator** – means the Conservator of Flora and Fauna appointed under the *Nature Conservation Act 2014*
4) **lopping –** see AS4373 Pruning of Amenity Trees, means the practice of cutting branches or stems between branch unions or internodes
5) **non-urban land** means land outside the built-up area of the ACT to which the Non-Urban Zones of the Territory Plan apply. It includes those areas which are designated nature reserves, national parks as well as rural leased land
6) **reduction pruning** – see AS4373 Pruning of Amenity Trees, means the removal of

the ends of branches to lower internal lateral branches or stems in order to reduce the height and/or spread of the tree

7) **relevant legislation** for this code includes the *Nature Conservation Act 2014* and the *Planning and Development Act 2007*

8) **responsible utility** – *see section 1.4(1)*

9) **rural lease** - see the *Planning and Development Act 2007,* section 234, means a lease granted for rural purposes or purposes including rural purposes

10) **rural leased land** means land over which a *rural lease* has been granted

11) **Technical Regulator** – means the Technical Regulator appointed under the *Utilities (Technical Regulation) Act 2014.*

12) **topping** – see AS4373 Pruning of Amenity Trees, means reducing the height of a tree through the process of lopping

13) **unleased territory land** means land managed by Transport Canberra and City Services (TCCS) or another ACT Government directorate

14) **urban land** means land within the built-up urban area

15) **utility** – see the *Utilities Act 2000*, Dictionary, means a person licensed to provide a utility service

16) **Vegetation Management Contractor** means an individual who holds a Certificate III in Arboriculture in the Australian Qualification Framework and is accredited by the responsible utility to work in the vicinity of electricity assets.