



City of
KINGSTON

***Electricity Safety (Electric Line Clearance)
Regulations 2020 Submission
March 2020***

INTRODUCTION

Kingston City Council welcomes the opportunity to provide a response to Energy Safe Victoria regarding the Electricity Safety (Electric Line Clearance) Regulations 2020. While Council supports the general direction of this document, there are a few areas that are of concern. Council notes there are some important improvements within the draft regulations including the change so that management plans no longer have to be available for inspection at the responsible persons primary place of business –only on their website. Also, Council notes the reference made to the *Living Melbourne: Our Metropolitan Urban Forest* strategy, which promotes the concept of increasing tree canopy across the Melbourne metropolitan area and supports the change of wording in the ELC Management Plans of ‘native’ to ‘indigenous to Victoria’.

Kingston agrees that safety is a priority which must be considered when developing regulations relating to vegetation and powerlines. Kingston supports responsible management of vegetation in relation to bushfires, electrocution and power outages. However, Council believes there needs to be a balance between safety, amenity and environmental considerations in the management of vegetation, particularly in LBRA which does not seem to be reflected in the draft regulations.

While it is agreed that Council should take a responsible approach to vegetation clearance regarding power lines, there seems to be a greater emphasis on enforcement and penalties in the draft regulations.

VEGETATION CLEARANCE

Kingston Council notes that the regulations appear cautious regarding the approach to setting minimum clearance distances for vegetation around low voltage (LV) powerlines in low bushfire risk areas (LBRA). To meet the required compliance with the regulations would involve Council incurring additional financial costs with questionable value. There would also be social and environmental costs due to excessive removal of vegetation. The reality is that this can result in non-compliance as the level of clearance required is difficult to maintain without increasing resources. Instead, Council believes a more realistic allowance for clearance is required for LBRA to ensure public safety but to also balance amenity considerations.

Council has adopted this position based on feedback from our Distribution Business (United Energy) which has consistently advised that they have had no incidents of outages due to Council trees over the last 5 years of the existing regulations. This is despite an ESV audit in 2019 which indicated there were numerous non-compliant trees within the inspected sites, requiring Council to redirect existing tree maintenance resources away from programmed works.

STRUCTURAL LIMBS

Although Kingston currently has an estimated 1,000 trees with structural limbs in the clearance space, as stated above, Kingston council has been advised by the relevant Distribution Business (United Energy) that there have been no outages in the network due to Council-owned and managed trees. There also haven't been any reports of fires or electrocutions relating to Council trees. As such, there seems to be a reasonable case to allow greater exceptions for these structural limbs.

Street trees offer a range of benefits including reduced stormwater runoff, shading and cooling, habitat for local fauna, and carbon sequestration. In a warming climate the value of these benefits will only increase.

Considering the data received by Council regarding outages, fires and electrocutions, the removal of the structural limbs or trees with structural limbs in the clearance space would have an unnecessary negative impact on Kingston's urban forest to the detriment of the local community. Council's preference is to allow many of the existing large limbs near uninsulated LV in LBRA to remain.

If the draft regulations remain, it is possible Kingston will have trees that are non-compliant and will be forced to remove large numbers of mature trees and structural branches. This will come at significant financial, environmental, aesthetic and political risk and cost, for local government and the community. This is in the absence of data or other evidence to confirm that current practice for LV in LBRA is unsafe.

ENFORCEMENT

The draft Electricity Safety (Electric Line Clearance) Regulations 2020 includes the ability for ESV to issue infringements up to \$45k (250 penalty points) per tree at their discretion for non-compliant trees. Previously ESV has taken a risk-based approach to enforcement action to date, the change to make any non-compliance an infringeable offence does raise concerns that ESV may change this approach with a focus on enforcement rather than working with Councils to achieve compliance.

If ESV was to enforce compliance, Council would need to undertake a combination of removal of structural branches, tree removal and pay the DB to install ABC which again adds costs to the community and impacts amenity. With tree removal often being the only option, this would also result in a further decline in tree canopy cover at a time when an increase in tree canopy is required.

This change appears to be intended to make it simpler for ESV to enforce compliance with the Code. Council is supportive of greater cooperation with ESV and the relevant Distribution Business not enforcement, to ensure there is a balance outcome of compliance and amenity.

SUMMARY

Kingston City Council acknowledges important improvements within the draft regulations and agrees that safety is a priority which must be considered when developing regulations relating to vegetation and powerlines. While Council supports responsible management of vegetation in relation to bushfires, electrocution and power outages this needs to be balanced with amenity and environmental considerations.

The draft regulations appear to have a cautious approach regarding the setting of minimum clearance distances for vegetation around low voltage (LV) powerlines in low bushfire risk areas (LBRA) and this is at odds with the feedback from our Distribution Business (United Energy) which has consistently advised that they have had no incidents of outages due to Council trees. The apparent increased focus on enforcement within the draft regulations appears to be intended to make it simpler for ESV to enforce compliance with the Code when a greater focus on cooperation with ESV and the relevant DB would ensure a better balance between compliance, environmental considerations and amenity.