



**NATIVE VEGETATION CODE OF PRACTICE**



**For the purposes of Clause 52.17 of the Victoria Planning Provisions**

**FEBRUARY 2011**

**The Code was approved by the Secretary of the Department of Sustainability and Environment on 17<sup>th</sup> March 2011.**



**NATIVE VEGETATION MANAGEMENT CODE OF PRACTICE**





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## 1. INTRODUCTION

### 1.1 Purpose of the Guidelines

The purpose of the Goulburn-Murray Water Native Vegetation Management Code of Practice (“the Code”) is to assist Goulburn-Murray Water (G-MW) to maintain and construct its utility assets in an efficient manner, while providing for appropriate management of native vegetation.

The Code provides the basis for an exemption from the need for a planning permit for the removal, destruction or lopping of vegetation under Clause 52.17 of the planning schemes where this Code operates, while ensuring the management and protection of native vegetation in accordance with Victoria’s Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).

### 1.2 Legal Framework

#### 1.2.1 Purpose of Clause 52.17

Clause 52.17 exists to protect and conserve native vegetation, to reduce the impacts of land and water degradation and to provide habitat for flora and fauna.

It sets out to achieve the following objectives:

- To avoid the removal of native vegetation.
- If the removal of native vegetation cannot be avoided, to minimise the removal of vegetation through appropriate planning and design.

- To appropriately offset the loss of native vegetation.

Under Clause 52.17 of the Victoria Planning Provisions (VPP), a planning permit is required to remove, destroy or lop native vegetation. The Table of Exemptions within Clause 52.17 provides that a permit is not required to remove, destroy or lop native vegetation to maintain or construct a utility installation in accordance with a code of practice approved by the Secretary of the Department for the Department of Sustainability and Environment (DSE) and incorporated into the planning scheme.

#### 1.2.2 Utility Installation

In the context of G-MW operations, a Utility installation (water-related infrastructure) is defined as land used to:

- Collect, treat, transmit, store or distribute water; or
- Collect, treat or dispose of storm or flood water, sewage or sullage.

The Code of Practice will apply to G-MW’s utility assets which comprise of channels, drains, dam structures and also regulators that operate within these major assets. G-MW buildings and depots do not constitute utility assets.

Although most of G-MW assets exist on already highly disturbed landscapes, G-MW acknowledges that in some instances,

remnant vegetation surrounding utility assets can potentially include biologically significant species and communities. The vegetation around utility assets can form part of a network or corridor of linkages between larger patches of vegetation, provide for population movement and dispersion, or nesting sites and food reserves for fauna.

G-MW has a wide-reaching operational boundary. Accordingly, the aggregate removal of native vegetation around utility assets can represent a significant loss of biodiversity value over time.

Vegetation can also pose a risk to utility assets if not appropriately maintained resulting in bank leakages and other impacts that undermine asset integrity. These impacts can potentially adversely affect operational requirements and G-MW's water customers.

G-MW will comply with the requirements of this code whilst fulfilling business obligations set in the *Water Act 1989* and G-MW's Statement of Obligations derived from the *Water Industry Act 1994*.

### 1.2.3 Scope

This Code has been endorsed by the Secretary of the DSE and formally incorporated into the Victoria Planning Provisions. It will operate in the following council planning schemes:

- Alpine
- Ballarat
- Benalla
- Buloke
- Campaspe
- Central Goldfields
- Gannawarra
- Greater Bendigo
- Greater Shepparton
- Hepburn
- Indigo
- Loddon
- Macedon Ranges
- Mansfield
- Mildura
- Mitchell
- Moira
- Moorabool
- Mount Alexander
- Murrindindi
- Pyrenees
- Strathbogrie
- Swan Hill
- Towong
- Wangaratta; and
- Wodonga

Works undertaken that breach the requirements of this Code of Practice (or for works undertaken which are not covered by the Code), for which a planning permit has not been obtained will be considered in contravention of the *Planning and Environment Act (1987)*.



## 2. THE EXEMPTION

### 2.1 The Amendment

An amendment to the planning schemes was made on 15th September 2008. This included an insertion of new and modified exemptions for native vegetation removal in Clause 52.17 of the Victoria Planning Provisions (VPP).

The Code is designed to give effect to the exemption that relates to works on maintaining and constructing utility installations.

### 2.2 The Exemption

Where the removal, destruction or lopping of vegetation is undertaken for the purpose of the maintenance or construction of a utility asset, G-MW is exempt from the need for a planning permit under Clause 52.17 of a planning scheme where the Code operates.

The key operational elements of this exemption are that:

- Exempt activities must relate to maintaining the safe and efficient function of utility assets
- Native vegetation removal should be to the minimum extent necessary
- The 'Principles' of the Code are followed
- All of the 'Requirements to be Met' specified under the Code are complied with.

### 2.3 Other Legislation and Permits

The exemption provided under the Code only relates to the requirement to obtain a planning permit under the Planning and Environment Act 1987. The Code does not override other flora, fauna and works planning permit requirements under the VPP, relevant planning schemes or obligations under other existing legislation that include (but are not limited to):

- *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*
- *Flora and Fauna Guarantee Act 1988 (Vic)*,
- *Wildlife Act 1975 (Vic)*
- *Aboriginal Heritage Act 2006 (Cth)*

It is therefore important for G-MW staff to remember that while an exemption may apply under the Code, other permits may still be required.

It is recommended that all relevant planning scheme requirements are identified early in the preparation of a work plan to avoid disruptions or delays in the normal course of work activities.

### 2.4 Planning Scheme Overlays

Planning scheme overlays can also be used by councils to regulate the removal, destruction or lopping of both native and



non-native vegetation. These overlays include:

- Environmental Significance Overlay (ESO, Clause 42.01)
- Vegetation Protection Overlay (VPO, Clause 42.02)
- Significant Landscape Overlay (LSO, Clause 42.03)
- Heritage Overlay (HO, Clause 43.01)
- Neighbourhood Character Overlay (NCO, Clause 43.05)
- Erosion Management Overlay (EMO, Clause 44.01)
- Salinity Management Overlay (SMO, Clause 44.02)
- Public Acquisition Overlay (PAO, Clause 45.01)

The planning permit requirements under these overlays are separate to the requirements under Clause 52.17. This means that if a G-MW Utility Asset or Asset Maintenance Zone (AMZ) is located on land in one of these overlays a planning permit may be required to remove, destroy or lop vegetation in accordance with this Code.

Where a planning permit is required to remove, destroy or lop vegetation under another provision of the VPP, the application must be lodged with the responsible authority, which is the local council for the area to which the planning scheme applies. Depending on the amount and type of native vegetation to be removed, destroyed or lopped, a permit

application may be referred to the Department of Sustainability and Environment for consideration.

### 2.5. Other Relevant Exemptions

A number of the other exemptions listed in Clause 52.17-6 can also be relevant to G-MW in individual cases. These exemptions include those related to:

- Regrowth
- Dead Vegetation (if less than 40cm in diameter at 1.3m from the ground)
- Weeds
- Planted vegetation
- Emergency works
- Fire protection
- Fences

Please refer to Clause 52.17-6 of the VPP for full details.





### 3. PRINCIPLES

This Code provides a streamlined approach to achieving best practice native vegetation management in the construction and maintenance of G-MW's Utility assets. In order to achieve this, works under this Code will adopt the 'avoid, minimise and offset' principles of the Net Gain approach under Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002):

#### **Principle 1. Avoid removal where practical**

The exemption under the Code will not apply where there is a practical opportunity for the works to avoid the removal, destruction or lopping of native vegetation. G-MW staff should therefore always carefully assess proposed works sites.

#### **Principle 2. Remove to minimum extent necessary**

If the removal of native vegetation cannot be avoided, the extent and impacts of removal of native vegetation will be minimised through the appropriate planning, design and carrying out of works. Efforts made to minimise the extent of native vegetation removal will need to be demonstrated by G-MW staff.

These requirements implement the first (avoid) and second steps (minimise) of the three step approach to native vegetation management.

#### **Principle 3. Implement appropriate offsets**

Identify appropriate offsetting options where actions to achieve commensurate gains should be considered. Under the Code, loss of native vegetation in association with construction activities will incur mandatory offsets. Loss of native vegetation in association with maintenance activities are not mandatory but will be volunteered.

Other key principles behind the operation of the Code include that G-MW, councils and DSE will practice the following:

#### **Principle 4. Collaboration**

Share information and collaborate in their work to seek consensus and ensure a common understanding of native vegetation policies.

#### **Principle 5. Timeliness**

Respond to issues in a timely manner.



## 4. APPLICATION OF THE CODE

### 4.1 Works Covered

Works are categorised by defined maintenance zones rather than by activity type. Works inside the G-MW Maintenance Asset Zones as depicted in **Appendix 1** are deemed 'Maintenance', works outside this zone are deemed 'Construction'. The Code will apply a different process and offset requirements based on whether the arranged work is defined as 'Maintenance' or 'Construction'.

### 4.2 Process for Exempt Works

This Code applies to the removal, destruction and lopping of native vegetation by G-MW and contractors operating on their behalf, in undertaking Construction and Maintenance activities.

The operation of the code is illustrated in **Figure 1** overleaf and operating conditions detailed in **Section 5**.

### 4.3 Trenchless Technologies

The scope of works covered in this Code may at times be undertaken under a work method that utilises Trenchless Technologies.

Any native vegetation removed in the maintenance of utility installations adopting such technology will attract the requirements for Construction Activities in **Section 5.2** if:

- more than 1/2 a hectare of native vegetation is removed; or
- more than 5 scattered trees greater than 40cm diameter at breast height (1.3m) are removed.

Where these thresholds are not triggered, the requirements for Maintenance Activities in **Section 5.1** will apply.

### 4.4 Notification

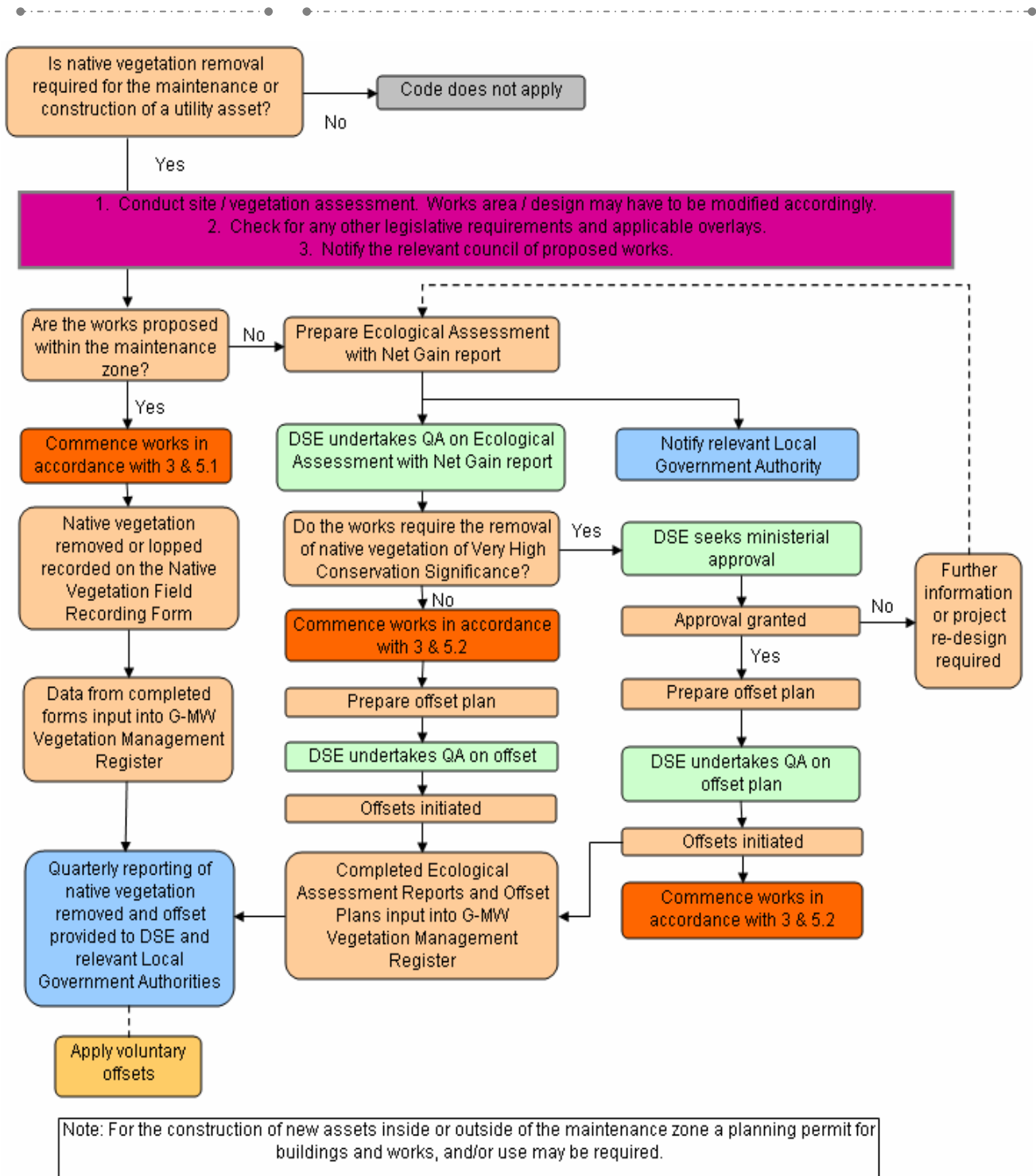
Post site-assessment, G-MW will notify the relevant council prior to any clearing involving the removal or destruction of native vegetation proposed under the exemption. The notification will involve contacting/emailing the relevant council officer (or manager) to notify of works. If the proposal is considered significant by council, they may provide timely advice to G-MW on how to ensure minimal impacts to biodiversity.

Strong and ongoing working relationships with councils will be crucial to the effective implementation of the Code.

Figure 1: Operation of G-MW Code of Practice for Native Vegetation Removal

“Maintenance” Process

“Construction” Process



## 5. REQUIREMENTS TO BE MET

### 5.1 Maintenance Activities

Maintenance Activities are defined as:

The repair, replacement and maintenance of existing Utility Assets and installation of new Utility Assets, within an Asset Maintenance Zone.

In order to be exempt from the planning permit requirement of Clause 52.17, maintenance activities must meet the following conditions:

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1 Conduct site assessment<sup>1</sup> - site access and all site activities must be designed to avoid removal or lopping of native vegetation.

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2 The removal of native vegetation must be to the minimum extent necessary within AMZs.

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3 Native vegetation removed or lopped must be recorded on the [Native Vegetation Field Recording Form](#)<sup>2</sup>, see **Appendix 2**<sup>3</sup>.

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4 Unnecessary disturbance to the understorey and soil during works must be avoided.

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5 Vehicle movements must be confined to already formed tracks where practicable to avoid damage or destruction of native vegetation.

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6 Logs and dead trees must be left on site unless it presents a safety hazard or if it undermines asset integrity. Logs can

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<sup>1</sup> Site assessments will be conducted by a suitably qualified professional.

<sup>2</sup> Information in the Field Recording form may be derived from the Site Assessment report.

<sup>3</sup> DSE's approved format for Vegetation Removal Form.

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also be relocated to the closest possible comparable EVC if practical.

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7 Materials must be stockpiled in already cleared areas, outside of the dripline of native trees and away from native shrubs and grasses.

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8 Data from completed forms must be input into Goulburn Murray Water's [Vegetation Management Register](#).

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9 The information recorded in the [Vegetation Management Register](#) will be reported to DSE and to the relevant Local Government Authority on a quarterly basis.

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### 5.2 Construction Activities

Construction activities are defined as:

The creation of a new Utility Asset on land outside an Asset Maintenance Zone or any works on an existing Utility Asset outside an Asset Maintenance Zone,

In order to be exempt from the planning permit requirement of Clause 52.17, construction activities must meet the following conditions:

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1 Conduct site assessment - site access and all site activities must be designed to avoid removal or lopping of native vegetation.

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2 The removal of native vegetation must be to the minimum extent necessary.

---

3 Materials must be stockpiled in already cleared areas, outside of the dripline of native trees and away from native shrubs and grasses.

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4 Unnecessary disturbance to the understorey and soil during works must

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	be avoided.		commencement of works.
5	Vehicle movements must be confined to already formed tracks where practicable to avoid damage or destruction of native vegetation.	13	DSE will provide copies of all approved Ecological Assessment with Net Gain Reports and Offsets Plans to the Relevant local Government Authority.
6	Logs and dead trees must be left on site unless it presents a safety hazard or if it undermines asset integrity. Logs can be relocated to the closest possible comparable EVC where practical.	14	Information contained in the approved Ecological Assessment with Net Gain Reports and Offset Plans will be recorded in G-MW's <b>Vegetation Management Register</b> .
7	An Ecological Assessment Report and a description of the proposed works, prepared in the prescribed form <sup>4</sup> will be lodged with and approved by DSE prior to the commencement of works.	15	The information recorded in the <b>Vegetation Management Register</b> will be reported to DSE and to the relevant Local Government Authority on a quarterly basis.
8	At the time of EAR lodgement with DSE, a description of the proposed works will be provided to the relevant Local Government Authority (Council).		
9	All offsets will be delivered in accordance with an Offset Plan prepared in the prescribed form <sup>5</sup> and approved by DSE.		
10	Offsets for the removal of very high conservation significance native vegetation will be initiated prior to the loss according to 5.3.4		
11	Offsets for the removal of native vegetation with a conservation significance other than very high must be initiated within 12 months of the loss according to 5.3.4		
12	DSE will review all Ecological Assessment with Net Gain Reports and Offset Plans and report back to G-MW within 28 days of receiving documentation before the		

### 5.3 Offsets

#### 5.3.1 Construction Offsets

Offsets will be provided in accordance with Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002) and the relevant Regional Native Vegetation Plan for all vegetation removed, destroyed or lopped in association with Construction activities.

#### 5.3.2 Maintenance Offsets

Voluntary offsets for Maintenance activities will apply (other than minor lopping i.e. less than 1/3 of foliage).

Trees under Maintenance offsets will be assessed by applying the relevant EVC benchmark and are to be conducted in accordance with regional and local native vegetation management objectives and strategies i.e. Native vegetation retention controls.

<sup>4</sup> DSE's approved format for Ecological Assessment with Net Gain report.

<sup>5</sup> DSE's approved template for Offset Plans.



Priority for offsets based on vegetation conservation significance may also be considered.

### 5.3.3 Guidance

The Framework summarised below outlines the available options to achieve offset requirements. G-MW will follow the sequence below to locate an offset:

1. Protect and manage, or establish vegetation on site or other G-MW land;
2. Search the Bush Broker register and other sources for a third-party offset;
3. Check suitable land purchase/surrender options with the relevant DSE region and Public Land Policy branch.

If these steps have been conducted and a complying third-party offset isn't available, further actions will be required:

1. Seek expressions of interest from landowners with relevant vegetation;
2. Check with DSE for suitable Crown land sites for rehabilitation. (NB not all public land can be used for offsets (See Table 4b of the Guide for Assessment of Referred Planning Permit Applications, available on the DSE website or the [Vegetation Management Register](#) ).

It is important that offsets are ongoing and secure. A range of operational documents have been developed by DSE to facilitate the calculation of offsets and the implementation of offset requirements in accordance with the Native Vegetation Framework. These documents are available from the DSE website or from the [Vegetation Management Register](#):

- Native Vegetation, Vegetation Gain Approach - Technical basis for calculating gains through improved native vegetation management and revegetation;
- Native Vegetation, Revegetation Planting Standards - Guidelines for establishing native vegetation for net gain accounting;
- Native Vegetation, Guide for assessment of referred planning permit applications.

### 5.3.4 Timing

Delays between clearing and mitigation may unnecessarily exacerbate the risk to environmental values during the 'transition' to recovery through offsets. To avoid such delays, a graded response may apply. This can range from formally initiated offsets prior to clearing taking place, to initiating offsets as soon as reasonably practicable after clearing has taken place.

In line with the Framework, the removal of native vegetation of Very High



conservation significance will require offsets to be initiated prior to the loss.

Where offsets are required for the removal of native vegetation that is of a conservation significance other than Very High, offsets are to be initiated within 12 months of the loss.

Voluntary offsets are to be initiated within 18 months of the loss (losses may be aggregated).

Note: weather conditions and climate may affect when plantings can occur.

#### **5.3.5 Location**

For statutory offsets, priority should be given to securing an approved offset within the same municipality as where the native vegetation loss occurred.

Voluntary offsets sites will be selected based on EVC and sites that can contribute to positive regional biodiversity outcomes.

#### **5.4 Internal Control & Support**

All the requirements outlined in this section will be supported and reinforced in G-MW's internal operational documents and guidelines for native vegetation management.

## 6. ROLES AND RESPONSIBILITIES

### 6.1 Internal

#### 6.1.1 Operational

G-MW Project Managers and Supervisors must:

- Ensure that all employees (and contractors) are informed of the requirements of this Code and other environmental legal obligations before undertaking any maintenance or construction activities
- Ensure that site assessments for planned works are conducted by a qualified professional
- Notify councils regarding proposed works that involve tree removal
- Upon lodging an Ecological Assessment and Net Gain Report and description of the proposed works with DSE, Goulburn Murray Water will provide a copy of this information to the relevant local Council(s).
- Prepare and submit Offset Plans as required.
- Complete or ensure completion of the [Field Recording Form](#) and submit to the Environmental staff.

#### 6.1.2 Administrative

G-MW staff responsible for implementation of this Code will:

- Be available for guidance with respect to the Code
- Develop and implement appropriate voluntary offset triggers

- Input field removal and offset data into the [Vegetation Management Register](#)
- Compile quarterly Net Gain reports to DSE for the first year of the Code's operation, annually thereafter
- Review, monitor (audit) and amend this Code as specified in Section 7
- Arrange and/or conduct appropriate and ongoing training program for staff and contractors on the operation of adherence to the Code, as required.

### 6.2 External

#### 6.2.1 State

DSE will:

- Review Ecological Assessment Reports with Net Gain and Offset Plans to ensure that native vegetation removal has been appropriately avoided and minimised, and validate their technical accuracy
- Report back to the G-MW Project Manager within 28 days of receipt of documentation, or if no response assume approval of plan
- Provide to the relevant council copies of all Ecological Assessment Reports with Net Gain and Offset Plans approved under this exemption
- Conduct field and operational compliance audits as required.





### **6.2.2 Local**

Council will:

- Respond or provide comment (or intention to comment) on the Ecological Assessment Reports with Net Gain to DSE within 10 working days
- Respond or provide comment (or intention to comment) on the notification of works to G-MW within 10 working days, or if no response assume approval of plan
- Be responsible for day-to-day monitoring of G-MW compliance to the Code.



7. MONITORING, REPORTING & REVIEW

Native vegetation removed or lopped as part of Maintenance and Construction Activities will be recorded by staff on the Native Vegetation Field Recording Form for input into Goulburn-Murray Water's Vegetation Management Register.

Monitoring will be undertaken using Goulburn-Murray Water's Environmental auditing program. Total native vegetation removed or lopped and offsets provided will be reported to DSE on a quarterly basis, see Table 1 for details. DSE may

request further information including Field Recording Forms, Ecological Assessment Reports with Net Gain and Offset Plans, or undertake site visits for the purpose of quality assurance.

The Code will be reviewed on a biennial basis with the first review scheduled two years after incorporation of this CoP. In particular this review will examine the frequency of reporting. A review may be initiated at any time by the Secretary for DSE.

Table 1: Format for annual reporting native vegetation removal and lopping to DSE

Activity	Reporting format	Justification
Maintenance – removal of native vegetation	Number of trees and diameter at 1.3m above the ground Number of shrubs Area (ha) of grasses Number of trees protected / recruited	In most cases G-MW Asset Maintenance Zones are highly disturbed areas with only scattered native vegetation present.
Maintenance – lopping of native trees	Number of trees	N/A
Construction – removal and lopping of native vegetation	Habitat hectares – loss Habitat hectares – offset Scattered trees - loss Scattered trees - offsets	Construction activities outside of the Asset Maintenance Zones has the potential to have a greater impact on native vegetation hence a more detailed assessment of losses and net gain offset will be provided in accordance with the Native Vegetation Management Framework.



## 8. DEFINITIONS & ACRONYMS

Asset Maintenance Zone	Minimum area required to maintain an existing Goulburn-Murray Water Utility Asset. The dimensions of an Asset Maintenance Zone are specified in Appendix 1.
Bioregional Conservation Status	A state-wide classification of the degree of depletion in the extent and/or quality of an Ecological Conservation Class (EVC) within a bioregion in comparison to the State's estimation of its pre-1750 extent and condition.
BushBroker	The Victorian Government's native vegetation credit trading system.
Construction	The creation of new Utility Assets on land not within the Asset Maintenance Zones, or any works on existing Utility Assets outside the Asset Maintenance Zones.
DSE	Department of Sustainability and Environment
EVC Benchmark	A standard vegetation-quality reference point relevant to the vegetation type that is applied in habitat hectare assessments. Represents the average characteristics of a mature and apparently long-undisturbed state of the same vegetation type.
Maintenance	The repair, replacement and maintenance of an existing Utility Asset, and installation of a new Utility Asset, within an Asset Maintenance Zone.
Minor Utility Installation	Land used for a utility installation comprising any of the following: <ul style="list-style-type: none"><li>a) sewerage or water mains;</li><li>b) storm or flood water drains or retarding basins;</li><li>d) gas mains providing gas directly to consumers;</li><li>e) power lines designed to operate at less than 220,000 volts;</li><li>f) a sewage treatment plant, and any associated disposal works, required to serve a neighbourhood;</li><li>g) a pumping station required to serve a neighbourhood;</li><li>or</li><li>h) an electrical sub-station designed to operate at nor more than 66,000 volts.</li></ul>



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Native Vegetation	Plants indigenous to Victoria, including tree, shrubs, herbs and grasses.
Remnant Vegetation	Native vegetation that has not been planted.
Utility Asset	An asset owned by Goulburn-Murray Water which falls within the definition of either a 'Utility installation' or 'Minor utility installation'.
Utility Installation	Land used: a) for telecommunications; b) to transmit or distribute gas, oil, or power; c) to collect, treat, transmit, store, or distribute water; or d) to collect, treat, or dispose of storm or flood water, sewage, or sillage.

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NOTE: Reference in this **font colour** indicates EMS documents (located on G-MW's intranet site) or a component of the EMS system.

**Appendix 1 - Asset Maintenance Zones**

Specifications of Asset Maintenance Zones set out below for three categories of Utility Assets. Refer to figures i, ii, iii & iv. Please note, Asset Maintenance Zones are subject to land tenure being with G-MW. Where G-MW is not the land manager, consent of the relevant land manager is required.

Figure	Work category	Maximum extent permitted
i	Channels (including access tracks)	Outside toe of channel bank plus 5 metres.
ii	Drains (including access tracks)	Top of cut plus 7 metres.
iii	Dams	Within storage: up to full supply level. Dam embankments: outside toe of embankment plus 10 metres.
iv	Pipelines	Centreline of pipe plus 5 metres.

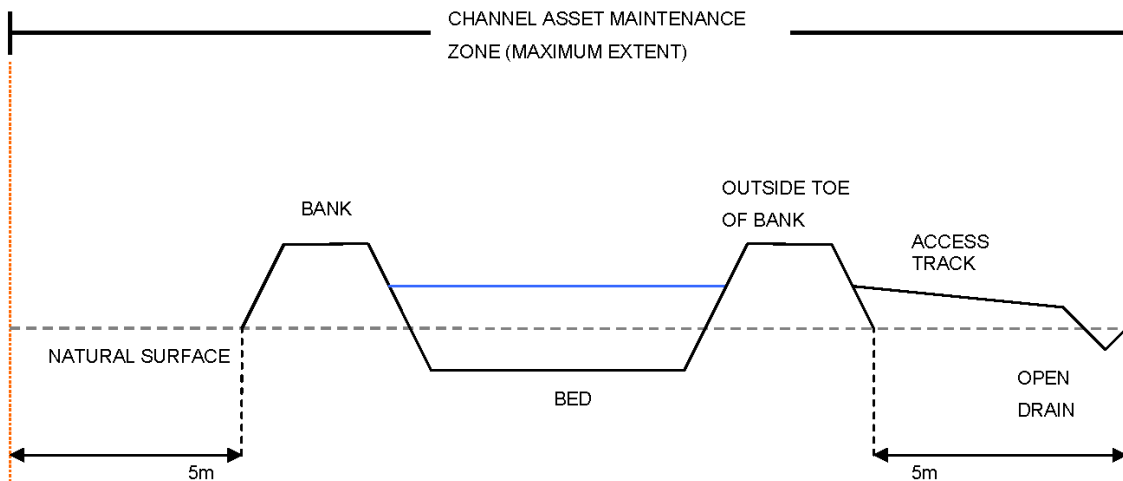


Figure i.

Channel Asset Maintenance Zone

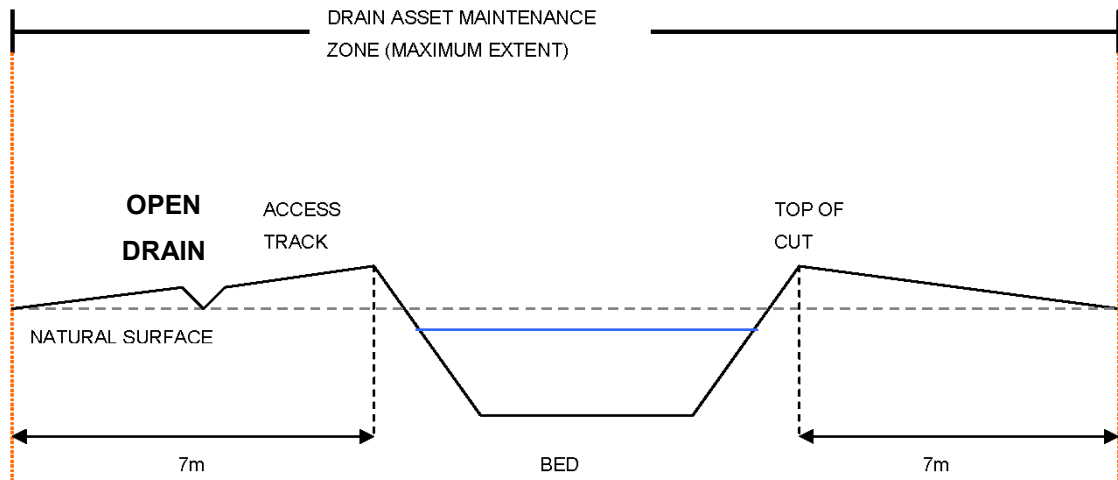


Figure ii.

**Drain Asset Maintenance Zone**

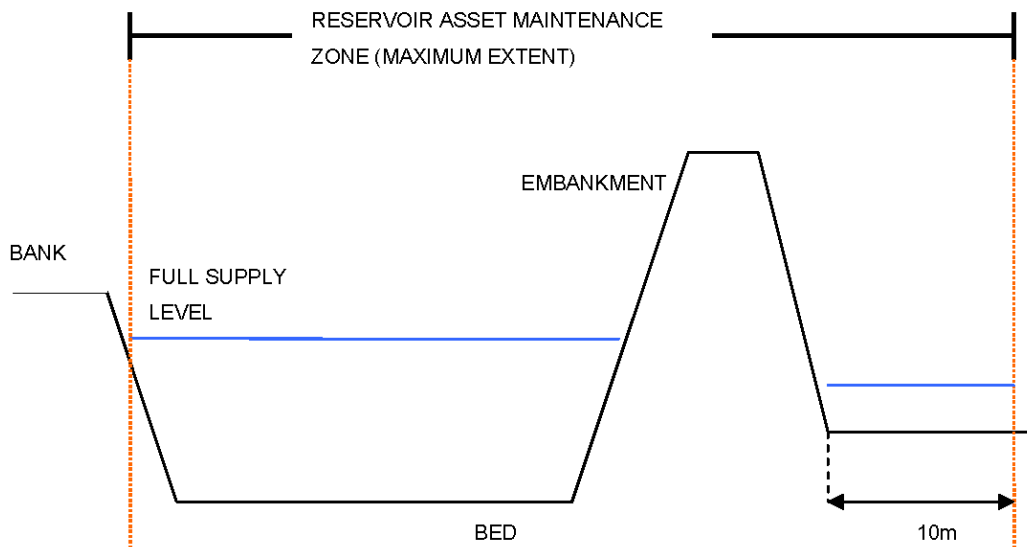


Figure iii.

**Reservoir Asset Maintenance Zone**

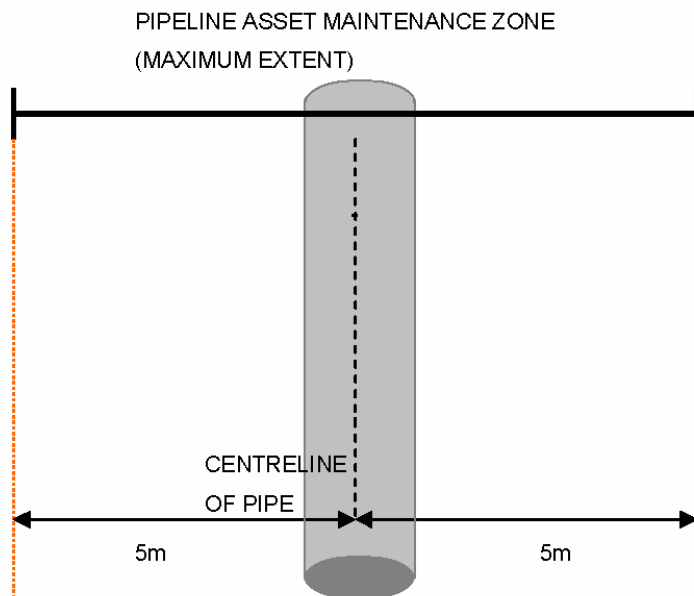


Figure iv.

Pipeline Asset Maintenance Zone



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**Appendix 2 - Vegetation Removal (Maintenance) - Low risk assessment form**

<b>Project</b>	<b>Name:</b>	
<b>Contact</b>	<b>Phone:</b>	

**Site ID / Job number:**

**Location of works and description of project [attach site plan]**

**Measures undertaken to avoid and minimise native vegetation removal**







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**Appendix 3 - Vegetation Removal (Construction) – High risk assessment form**

<b>Project</b>	<b>Name:</b>	
<b>Contact</b>	<b>Phone:</b>	

**Site ID / Job number:**

**Location of works and description of project [attach site plan]**

**Measures undertaken to avoid and minimise native vegetation removal**

**A completed Ecological Assessment with Net Gain report must be submitted with this form**