

# MAV Sector Submission: *Remaking the Electric Line Clearance Regulations*



February 2026



No one understands the challenges and opportunities facing Victoria in the 21st century better than local councils. From rapidly evolving technology to social changes, shifting economies to environmental pressures, our local communities and the governments that represent them—are at the forefront of multiple transformations happening simultaneously.

As the peak body for the Victorian local government sector, the Municipal Association of Victoria (MAV) offers councils a one-stop shop of services and support to help them serve their communities.



## **ACKNOWLEDGEMENT OF COUNTRY**

We acknowledge the traditional custodians of the land on which we live. We recognise their continuing connection to land, waters and culture and pay our respects to their Elders past and present.

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## Table of contents

|   |   |    |
|---|---|----|
| 1 | <i>Executive Summary</i> .....  | 3  |
|   | <i>MAV recommendations to government</i> .....                                    | 4  |
| 2 | <i>Introduction</i> .....   | 6  |
| 3 | <i>The Regulatory Impact Statement (RIS)</i> .....                                | 8  |
|   | <i>Evidence gaps in the RIS: why broader reform should proceed</i> .....          | 9  |
|   | <i>Align vegetation controls with network design</i> .....                        | 10 |
| 4 | <i>Proposed regulatory changes and the trials</i> .....                           | 12 |
|   | <i>MAV position on proposed trials</i> .....                                      | 13 |
|   | <i>MAV proposed trial design methodology</i> .....                                | 14 |
| 5 | <i>MAV proposed additional changes to the regulations and legislation</i> .....   | 17 |
|   | <i>Reinstate the Electric Line Clearance Consultative Committee (ELCCC)</i> ..... | 17 |
|   | <i>Unresolved cost and equity issues</i> .....                                    | 18 |

# 1 Executive Summary

This submission provides feedback to the Department of Energy, Environment and Climate Action's (DEECA) consultation on [Remaking the Electric Line Clearance Regulations](#).

MAV maintains that while the proposed 2026 changes are a step change in the right direction, the sector's long-standing concerns remain substantially unresolved. MAV's position is that the regulatory framework is overly prescriptive and disproportionate to the risks, especially in Low Bushfire Risk Areas (LBRA), which are mostly confined to urban areas and townships.

MAV opposes limiting this reform to regulator-approved trials. DEECA and Energy Safe Victoria (ESV) have not presented a clear evidence-based case for why broader reform cannot proceed. The proposed trial design is overly burdensome, lacks operational detail, and creates uncertain approval pathways that risk stifling innovation, and wasting council's finite and constrained resources.

We maintain that minimum line clearance distances be reduced to 300mm (down from 1000mm) in appropriate low-risk urban contexts. This includes span lengths up to 45 metres. Our position reflects the work undertaken by the now abolished Electric Line Clearance Consultative Committee (ELCCC).

Despite our objection to the trial proposal, should trials proceed our submission provides constructive recommendations. Our recommendations call for clear and consistent data standards, adequate resourcing, and regulatory processes that enable, rather than block, reform.

Finally, the level of cost to councils is disproportionate to the lack of control councils have in the design of the electricity network, as well as the impact on the street trees and canopy which are council assets and infrastructure. This is an equity imbalance remains unresolved. A modern framework must address risk, responsibility and state-wide environment and climate mitigation and adaptation goals.

Victoria needs a proportionate approach that protects safety while enabling climate resilience and urban greening. We know that urban canopy is critical habitat and a carbon sink, as well as public infrastructure. It reduces heat, supports biodiversity, lowers energy demand and improves public health. The proposed Regulations do not yet strike an appropriate balance.

*It is important to note that none of the recommendations proposed alter the existing requirements for safe approach distances for line clearance workers.*

This submission has been informed by Tree and Arboriculture officers from Victorian councils. MAV is grateful for their time and expertise put towards this Sector Submission. MAV also commends the council submissions put forward to the Victorian Government as part of the 2026 consultation process.

This submission was also guided by the now abolished ELCCC's June 2024 report to DEECA and ESV '[Electric Line Clearance Consultative Committee Recommendations for the Electricity Safety \(Electric Line Clearance\) Regulations 2020](#)'

## MAV recommendations to government

Based on science, incident data, as well as practical experience, the MAV makes the following recommendations to government that seek to reduce the amount of vegetation to be removed in several settings. We also seek to improve the oversight and governance arrangements of Victoria’s line clearance regulations.

If accepted, these recommendations have very real potential to provide significant community benefit without materially increasing the risk to the public or to those who work around powerlines.

These recommendations are also informed by the October 2025 MAV State Council, where councils supported a motion for the Municipal Association of Victoria (MAV) advocate to the Victorian Government for urgent reforms to better protect and grow urban tree canopy, including:

1. *Recognising the role of tree canopy in climate resilience, public health, biodiversity, and urban amenity in planning decisions*
2. *Revise Clause 55 (Townhouse and Low-rise Apartment code), any further redesigned built-form standards and codes, to align with the 30% tree canopy target now required in all planning schemes<sup>1</sup>*
3. *Moving away from broad vegetation clearance practices around powerlines in low bushfire-risk areas, where safety risk is low*
4. *Endorsing evidence-based minimum vegetation clearance (e.g. 30cm) where appropriate—such as in inner metropolitan Councils that are classed as Low Bushfire Risk Areas (LBRA)*
5. *Establishing statewide standards and targeted investment to support councils in retaining and expanding canopy cover through planning controls, infrastructure coordination, and local greening initiatives*

A similar motion from the May 2024 State Council similarly required MAV to call on the Victorian Government to:

1. *to amend the Electricity Safety (Electric Line Clearance) Regulations 2020, as part of the 2025 review, in order to retain trees and tree canopy and acknowledging most metropolitan municipalities and rural townships as a low bush fire risk area*
2. *for an immediate amnesty to save any low risk non-compliant trees near powerlines in metropolitan municipalities and rural townships of Victoria*
3. *consider funding support for bundling or undergrounding of powerlines and cross arm solutions when it plans for its 2024/2025 Victorian Budget*

## Recommendations

| Recommendation:  | Action:   |
|--|---|
| <b>1. Adopt a permanent reduction in clearance distances in low-risk urban areas</b> | <ol style="list-style-type: none"><li>a) Implement a statewide reduction to 300mm (down from 1000mm) in clearly defined low bushfire risk urban contexts</li><li>b) Align the Regulations with contemporary risk evidence and the majority position of the abolished Electric Line Clearance Consultative Committee (ELCCC)</li></ol> |

<sup>1</sup> We have already provided extensive evidence and submission related to planning reforms and tree canopy through MAV’s [Local Government Sector Submission - Reforming Victoria’s Planning System](#) and our [Submission to Legislative Council Select Committee Inquiry into Victorian Planning Provisions amendments VC257, VC267 and VC274](#).

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|   | <ul style="list-style-type: none"> <li>c) Recognise urban canopy as critical climate and community infrastructure within the regulatory framework</li> <li>d) Move from a prescriptive compliance model toward a modern, evidence-based, risk-proportionate framework</li> </ul>  |
| <p><b>2. Abandon or substantially redesign the proposed trial framework</b></p>       | <ul style="list-style-type: none"> <li>a) Do not limit reform to regulator-approved trials without a clear, published evidence base justifying the need for trials</li> <li>b) If trials proceed, simplify approval pathways and establish clear statutory timeframes and accountability for regulators and distribution businesses</li> <li>c) Ensure the trial process does not create unnecessary administrative or financial barriers to council participation</li> <li>d) Include an appeal and dispute resolution process</li> <li>e) Publish transparent criteria for trial design, risk assessment and success measures</li> <li>f) Develop consistent data collection methodologies to ensure findings are robust, comparable and publicly available</li> <li>g) Commit to using trial outcomes to inform timely regulatory reform</li> <li>h) Clearly outline the resources required for councils to undertake trials, including technical, legal and data management capacity</li> <li>i) Provide dedicated funding to support councils' participation and compliance</li> </ul> |
| <p><b>3. Reinstate the Electric Line Clearance Consultative Committee (ELCCC)</b></p> | <p>Re-establishing the ELCCC (or an equivalent statutory body) should include:</p> <ul style="list-style-type: none"> <li>a) Clear advisory functions to ESV and the Minister on Code preparation and regulatory amendments</li> <li>b) A mandated role in developing proposed trials before approval</li> <li>c) Annual public reporting on performance and systemic issues, including trial outcomes</li> <li>d) Formalised local government representation reflecting councils' operational and canopy management responsibilities</li> </ul>  |
| <p><b>4. Resolve cost and equity issues</b></p>                                       | <p>Introduce a formal, legislated cost-sharing model between the State, distribution businesses and local government that reflects the shared public safety, network reliability and community benefit outcomes, that:</p> <ul style="list-style-type: none"> <li>a) Provides ongoing, indexed state funding to cover the full efficient cost of compliance with the Electric Line Clearance Regulations, including inspection, pruning, auditing, reporting and emergency response activities</li> <li>b) Amend the regulatory and funding framework so that the costs of maintaining clearances for privately owned electricity infrastructure are recovered through the regulated energy system rather than municipal rates</li> <li>c) Reform the framework so that financial and legal risk sits with the party that controls network design, engineering standards and asset settings, including decisions that directly influence clearance requirements</li> </ul>  |

## 2 Introduction

The Municipal Association of Victoria (MAV) welcomes the opportunity to provide a submission in response to the regulatory impact statement (RIS) for the proposed *Electricity Safety (Electric Line Clearance) Regulations 2026* (“the regulations”).

The MAV is the peak representative and advocacy body for Victoria's 79 councils. Formed in 1879, the *Municipal Association Act 1907* appointed the MAV the official voice of local government in Victoria.

In late January, the MAV, in collaboration with the Department of Energy, Environment and Climate Action (DEECA) and Energy Safe Victoria (ESV), hosted a briefing session for councils on the proposed 2026 regulations. We appreciate and want to acknowledge DEECA and ESV's willingness to present and take questions at that briefing and after.

As ‘responsible persons’ under the *Electricity Safety Act 1998* and as key public land managers, local government is a critical stakeholder in relation to management of vegetation around powerlines. Just as the electricity network infrastructure is the distribution businesses’ asset, so too are street trees council and community assets.

Street trees offer a range of tangible and intangible benefits to the community, including shading and cooling in a warming climate, reduced stormwater runoff, habitat for local fauna, and carbon sequestration. In a climate crisis, the importance of these benefits only increases. Maintaining healthy and complete tree form and function is essential to local ecological habitats and biodiversity, and for neighbourhood amenity. It is pleasing that the RIS acknowledges the positive benefits of urban cooling and greening provided by the urban tree canopy. MAV supports these inclusions in the RIS.

MAV and councils also support the [Plan for Victoria's Action 12](#) which set's target of 30% urban tree canopy cover by 2050. The Victorian Government introduced Amendment VC289 (September 2025) to update the Victoria Planning Provisions (VPP) to include stronger protections for canopy trees, by requiring a planning permit to remove, destroy or lop a canopy tree if it is located within a residential zone. Many councils question whether meeting the 30% target is possible under these current regulations. In urban areas, there is a growing pressure on the public realm as the amount of open space available to canopy trees on private land declines. By allowing more canopy to be retained in urban areas, these Regulations would be contributing to state government-mandated objectives to increase tree canopy.

To be clear, MAV supports the Victorian Government's objectives for remaking the Regulations, which are:

- *to continue to support the reduction of likelihood of fires and other harms that can occur through electric lines and vegetation contact*
- *to continue to support safety and reliability of Victoria's electricity supply network*
- *to continue to provide detailed guidance to responsible persons on how to meet their requirements under the ES Act, including through the Code; and,*
- *to improve the current Regulations by making changes to:*
  - *better balance safety risks with environmental considerations*
  - *reduce unnecessary burden on responsible persons; and,*
  - *support future remakes to safely address the many environmental and amenity benefits of retaining tree canopy*

In supporting these objectives, MAV has been actively involved in policy and advocacy on getting the balance right for some time. This includes making submissions to the 2015 and 2020 regulations (which are required by legislation to be updated every 5 years). MAV was also an active member of the since-abolished Electric Line Clearance Consultative Committee (ELCCC), which was convened by the Energy Minister.

Through our work on the committee and with councils, it has been MAV's long-standing position:

- that councils do not agree with and do not accept that the Code prescribes appropriate clearances and management requirements for low voltage (LV) powerlines in Low Bushfire Risk Areas (LBRA)
- to propose changes to the Regulations and Code that achieve improved public health, amenity and environmental outcomes in LBRA
- to recognise the heightened risk associated with vegetation contact with high voltage (HV) powerlines in LBRA and agree that current distances are appropriate
- that councils recognise and agree that it is imperative that vegetation in high bushfire risk areas is managed in strict compliance with the Code
- to achieve a greater cost-sharing balance for clearance operations, which are currently fully borne by councils

In rural Victoria, excessive and highly damaging cutting of trees in townships by distribution businesses, and in particular by Powercor and Powercor contractors, continues to undermine efforts of councils to improve the amenity and appeal of their town centres. Councils report that distribution companies respond with indifference to their appeals to prune only to the minimum extent necessary to achieve compliance. Instead, cost considerations and a desire to operate two-, three- or even four-year pruning cycles drive decision making.

In metropolitan Melbourne in particular, there is a growing expectation and need to plant and protect trees on public land because of the shrinking availability of open space on private land. Councils and the community will not and should not have to accept unnecessary loss of vegetation.

For years local government has argued for a regulatory regime that balances safety, amenity and environmental considerations. In the view of councils and many in the community, the current regulations require excessive vegetation clearance around powerlines. It is an ongoing challenge that has not yet been addressed by DEECA in the current Electricity Safety (Electric Line Clearance) Regulations and the prescribed Code. This is unacceptable, particularly in the context of climate change and the increasingly recognised impacts of heat on human health and mortality.

The ELCCC's position was that the Regulations and the Code be updated to reduce clearance distances. The Committee advised that trimming to 300mm would be acceptable to the Victorian context, especially in LBRA. The government has now decided upon a different approach by introducing trials and related step changes.

### 3 The Regulatory Impact Statement (RIS)

MAV supports the RIS's acknowledgement of the climate and environmental challenges we now face, in the context of the cooling and greening benefits of urban canopy. We support inclusions relating to new government obligations under the *Climate Change Act 2017*. Further, MAV also acknowledges the social and health benefits and value of street trees and the urban canopy. Reference is made to the *Living Melbourne: Our Metropolitan Urban Forest* strategy, developed by The Nature Conservancy and Resilient Melbourne, enjoyed support from a range of endorsing partners, including the Victorian Government and councils. We also acknowledge that the RISs reference to the City of Melbourne's Urban Forest Strategy, noting:

*"...that in the City of Melbourne alone (covering only 0.4 per cent of metropolitan Melbourne), the estimated value of amenity benefits that its 70,000 trees provide is approximately \$700 million."*

Many other councils have tree canopy targets adopted into their planning schemes and council planning and infrastructure strategies. Councils have led ambitious strategic plans and policies to increase and improve their urban tree canopy. For example, City of Boroondara's [Tree Canopy Strategy 2024 – 2034](#) links their local policy to a 27% canopy cover to state settings like planning reform and the need to reform the Electric Line Clearance regulations. The City of Casey has recently invested in a 10-year 'Greening Casey Plan' to plant approximately 8,200 advanced trees, complemented by thousands of small tube stock plants towards meeting a 15% canopy cover over the next 10 years. These two examples barely touch the surface of council concern and ambition to grow biodiverse and healthy tree canopies.

Council ambition now must be met with state government ambition. MAV is disappointed that the regulations remain overly cautious.

Councils and the community will not and should not have to accept unnecessary loss of canopy vegetation, especially as the overdue understanding of the importance canopy in the public realm increases.

In failing to again recognise that the bushfire risk in many inner urban and township areas is negligible and easily mitigated through other levers, strict compliance with the regulations entails incurring unnecessary social and environmental, and financial, costs via unnecessary removal of canopy vegetation.

The RIS implies that trees in urban areas start bushfires. This is not the case. For rural Victoria, fires start outside of urban areas before being extinguished. If a bushfire makes it into a township, the level of clearing around a powerline will make very little, if any, difference. The loss of homes, businesses and infrastructure in that instance is a cascading effect from bushfires and ignition ahead of the front, not urban powerlines. Further, if there is a large fire event, the trees touching powerlines are not likely to have any impact on the spread or further ignition of fire, normally because the power has gone out long before the fire has come through.

## Evidence gaps in the RIS: why broader reform should proceed

MAV considers that the RIS does not justify limiting reduced clearance distances to a trial-only model.

Without disaggregated urban risk data and transparent modelling, the justification for restricting reform to regulator-approved trials remains weak. The RIS relies heavily on system-wide and precautionary data, rather than proportioned data. The RIS does not provide sufficient evidence to demonstrate that this reform must be confined to trials.

While the RIS presents statewide fire ignition statistics, high-level bushfire consequence modelling and general safety incident data, it does not provide context-specific evidence necessary to support a central claim: that a permanent reduction to 300mm clearance in low bushfire risk urban areas cannot safely proceed without trials.

What the RIS demonstrates, which MAV does not contest is:

- Electrical assets can be a source of bushfire ignition – as shown in Figure 1 of the RIS
- Vegetation contact poses safety and reliability risks across Victoria
- Trials could generate additional data

It is important to note that this incident data reflects the outcomes of existing vegetation management practices and not, as arguably implied by the RIS, the results of compliance with the Code. The reality is that unless trees are pruned excessively or removed altogether, growth into the prescribed minimum clearance distances is common. In our low bushfire risk areas in particular, non-compliance, especially around LV powerlines, is arguably standard practice.

The RIS focuses on bushfire risk and does not differentiate between the drastic level of bushfire risk between rural Hazardous Bushfire Risk Areas (HBRA) and urban LBRA. It overly relies on fire ignition data and broader fire incident statistics across Victoria, including contact issues in rural and remote areas that caused large, and truly devastating fires. However, this is a system-wide finding. It does not isolate urban, township and council-managed environments.

The RIS does not expand on the risk posed by extreme heat events to those in urban and township environments, which is now a greater risk than bushfires. [Victoria's Climate Science Report 2024](#) noted that since Federation until 2014, 825 people tragically died in bushfires. That number will have increased by several hundred lives lost since. However, recent research showed that heatwaves caused 1,009 deaths in Australia from 2016 to 2019, according to a new analysis led by researchers at Monash University<sup>2</sup>. That study also found that heat-related deaths are going under-reported. The RIS also fails to consider in detail the public health improvements that could be achieved through increased urban tree canopy, and how reduced clearances may improve urban heat island effects.

The data confirms that while risk exists, it does not quantify the marginal risk difference between, for example 1000mm and the sector's recommended 300mm

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<sup>2</sup> Xu, Z., Xu, R., Yang, Z., Huang, W., Muray, S., Guo, Y. and Li, S. (2025) Mapping heatwave-related mortality across 2288 local communities in Australia: a nationwide time-series analysis, *Environment International*, 203, <https://doi.org/10.1016/j.envint.2025.109747>

minimum in the urban and township canopy environments councils are managing. The RIS does not demonstrate:

- The quantified marginal risk difference between 1000mm and 300mm in low bushfire risk urban environments
- Disaggregated fire ignition and fault data specific to urban areas where councils manage vegetation
- Transparent modelling explaining why permanent reform in defined low-risk contexts would be unsafe
- Distributional analysis of who bears costs versus who benefits under the current and proposed frameworks

If trials are to proceed, the evidence base, methodology, resourcing and decision-making pathways must be transparently defined and publicly justified. Victoria's urban canopy is critical climate infrastructure. Regulatory settings must be grounded in proportionate, context-specific evidence, and not precautionary by default.

It therefore remains MAV's position that electric line clearance settings should reflect actual risk. This includes:

- Fire likelihood in dense bushfire-prone environments is materially different in highly urbanised and low-fuel metropolitan and township streetscapes
- Low bushfire risk urban areas are typically characterised by fragmented fuel types, sealed surfaces, rapid emergency response times, and limited capacity for fire spread
- A uniform 1000mm clearance standard does not differentiate between these contexts

A reduction to 300mm in clearly defined low-risk urban areas would align regulatory burden with actual consequence, likelihood with real and measurable improvements to canopy health and coverage, and less impact on council and community infrastructure.

### Align vegetation controls with network design

Vegetation management should not operate in isolation from network design. A proportionate, evidence-based regime must consider both.

The regulatory model continues to rely on vegetation clearance as the primary risk mitigation method. It does not integrate network designs that could be deployed by government and the distribution businesses.

Bushfire and fault risk is not solely related tree branch proximity. It is influenced by several factors, including but not limited to:

- line age and condition, protection settings and asset maintenance practices by the distribution companies
- conductor configuration and design
- wind behaviour and weather (lightning strike is the biggest cause of bushfire in Australia)

Engineering upgrades, including the installation of conductor spreaders and other separation technologies and new monitoring technologies, are part of the solution to improving the safety of our energy infrastructure. These sit within the responsibility of distribution network service providers and government, yet the regulatory burden for risk mitigation in urban areas rests mostly with councils through risk-adverse clearance distances.

A new, risk-based framework is required. One that explicitly recognises that fire ignition risk is shared across vegetation management and network design decisions. Where engineering and designs can demonstrably reduce line and branch contact or fault risk, clearance settings in clearly defined low bushfire risk urban areas could reflect this reduced risk profile.

The RIS does not provide a pathway to consider vegetation clearance in combination with network upgrades and investment. Nor does it assess whether broader network upgrades could enable permanent reform - rather than a trial-only approach - in urban contexts. This is a missed opportunity.

Just as electricity network infrastructure is the distribution businesses' asset to manage, upgrade and protect and make safe, so too are street trees council and community assets.

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| <p><b>RECOMMENDATION 1:</b></p> <p><b>Adopt a permanent reduction in clearance distances in low-risk urban areas</b></p> | <ul style="list-style-type: none"><li><b>a) Implement a statewide reduction to 300mm (down from 1000mm) in clearly defined low bushfire risk urban contexts</b></li><li><b>b) Align the Regulations with contemporary risk evidence and the majority position of the abolished Electric Line Clearance Consultative Committee (ELCCC)</b></li><li><b>c) Recognise urban canopy as critical climate and community infrastructure within the regulatory framework</b></li><li><b>d) Move from a prescriptive compliance model toward a modern, evidence-based, risk-proportionate framework</b></li></ul> |
|--|---|

## 4 Proposed regulatory changes and the trials

The RIS adopts a preferred approach at Option 3 (Targeted changes plus trial). This option includes as summarised:

1. **Minimum Clearance Space (MCS) exceptions – RIS chapter 3.3**  
Removing and changing the requirements to use an exception from a MCS to make it easier to attain an exemption from the clearance minimums

**MAV supports these changes in principle.**

2. **Electric Line Clearance Management plans (ELCMPs) – RIS chapter 3.3**  
Removing the requirement for annual ELCMPs, so that all ELCMPs are 5-year plans to demonstrate what a responsible person will do to make sure trees are compliant with the regulations.

**MAV supports these changes in principle, subject to more detail.**

3. **Significant trees & threatened fauna habitat – RIS chapter 3.3**  
Introducing a new requirement that responsible persons must keep detailed records if an indigenous or significant tree is pruned or removed to make an unsafe situation safe.

The RIS does not provide any direction on potential reporting methods. It also does not identify the potential resource drain a new reporting requirement will have on councils and distributors, as rural and regional local government areas have many thousands of indigenous trees.

There is no definition of what an 'unsafe' situation is.

**MAV supports these changes in principle, subject to more detail.**

4. **Editorial – RIS Chapter 3.3**  
Minor editorial changes to improve clarity.

**MAV supports these changes.**

5. **Penalties – RIS chapter 3.3**  
The proposed framework continues to operate under the offence and enforcement regime of the *Electricity Safety Act 1998 (Vic)*. While the RIS does not introduce a new standalone penalty schedule, councils remain exposed to significant statutory penalties for non-compliance.

[MAV's 2020 submission](#) explained, in detail, why rigid enforcement through penalties of Clause 3(1) is unacceptable. We maintain these concerns.

This approach comes with significant financial, environmental, aesthetic and political risk and cost, for local government, for the Victorian government and for the community. This is in the absence of incident data or other evidence to indicate that current practice for managing trees near LV in LBRA is unsafe.

## 6. Trials for reduced Minimum Clearance Spaces (MCS) – RIS chapter 3.4

The most significant step change is proposed introduction of changes to empower ESV as the regulator to allow councils to trial trimming trees to smaller distances between branches and power-lines.

The proposed trial regulations are broad, and do not specify:

- The reduced minimum clearance space distance(s)
- Types of electric line or class of electric line
- Size of area for a trial
- Duration of a trial
- Conditions of a trial e.g. reporting data/information

Approval of any trial, and its conditions, will rest with ESV as the regulator and will require approval from the distribution providers. The proposed regulations do not provide detail on the expectations and timeframes that the regulators and distributors will need to meet to approve and facilitate trials.

**MAV does not support the proposed trial framework. See reasons below.**

### MAV position on proposed trials

MAV calls for the government to abandon and or substantially redesign the proposed trials.

In lieu of an assured pathway to successful trials and a published research base justifying the need for trials as discussed in Section 3 of this submission, MAV cannot support the proposed pathway to reform through trials.

Councils already bear costs, whether direct or indirect, of vegetation management around electricity assets that are not their own. In addition to tree maintenance, councils also take the calls from residents concerned about excessive tree pruning. Introducing trials will impose new, unfunded regulatory experiment on councils by the state government. MAV also views the trials as a cost shift from the regulators and distribution networks to councils to implement the trials. These are circumstances unacceptable to MAV and the sector.

The RIS also proposes a complex pathway for trial approvals. The proposed pathway will no doubt add to council cost and officer time to navigate approvals and bespoke trial designs, in negotiation with ESV and distribution networks. The complexity is made worse by there being no certainty or statutory timeframes given to the regulator towards when a council can expect a clear and expected outcome.

The RIS fails to consider that councils will likely need to dedicate time, resources and funds towards design and operationalising trials, and partner with relevant distributors to undertake a trial. With no appeal mechanisms or statutory timeframes, success is uncertain and many councils could question the benefit of undertaking a trial, especially in their increasingly tight budgetary circumstances.

The level of authority distributors have over the trials is also cause for concern, and the need for their authority has not been justified. This adds to the uncertainty for councils can face major disagreements with distributors over pruning standards and

expectations. There is no clear framework for if a distributor withdraws their support for a trial.

The RIS also proposes a minimum 90 day timeframe for trial trees to be pruned back into compliance. This timeframe inadvertently sets a limit on the size of any individual trial, as otherwise councils risk infringements and enforcement if a trial is cancelled and they do not manage to prune the trees to standard compliance within 90 days.

It is also disappointing that the RIS also provides no detail or direction for councils to frame and design trials. Again, this is a cost shift to councils who will be required to invest time and resources into designing trials without clear regulations or an update to the Code to follow, and which provide safeguards. It is expected that councils will be looking for consistent approaches to developing:

- Trial baseline metrics
- Data collection methodology
- Any evaluation criteria
- Success thresholds
- Trial duration and exit pathways

Consistent approaches outlined under the regulations or guidance provided by DEECA and ESV will not only improve the quality and broad applicability of the data being collected, but will reduce risks and costs for councils and distributors who may decide to undertake a trial. If DEECA and ESV want councils and distributors to conduct safe, successful and useful trials, consistent approaches and reasonable statutory timelines and approvals are essential.

Reduced clearance requirements will mean reduced clearance costs to councils and distributors. However, the financial and resource costs to councils undertaking a trial are not clear. No further detail, including analysis, data or investigations into other ELC regulations has been made publicly available to enable scrutiny of the Government's proposed approach, including proposed trials.

Without further consideration and amendment to the RIS, regulations or the Code to consider the above concerns, MAV will not be able to support the trial option as proposed

### MAV proposed trial design methodology

MAV opposes limiting reform to regulator-approved trials. The proposed trial pathway presents real burdens to local councils as it lacks operational detail, and creates uncertain approval pathways. We therefore maintain that minimum line clearance distances be reduced to 300mm in appropriate low-risk urban contexts.

If the Victorian Government proceeds with a trial-based approach, the framework must be materially strengthened. MAV calls for transparent and genuinely implementable and safe trials that take us toward meaningful reform.

A trial framework can only be justified if it is proportionate to the actual risks in LBRA, properly resourced and directly linked to reform. Without these safeguards, the proposed model risks delaying necessary change while imposing additional administrative burden and regulatory exposure on councils.

MAV, Council Arboriculture Victoria (CAV) and Arboriculture Australia (AA) can be called upon to assist DEECA and ESV design and develop trial models that will be acceptable to councils. Ideally, the ELCCC should be re-established to do this work, as genuine partners and respected advisors to government.

For the purposes of this submission, and for MAV to engage with the Victorian Government on the matter, we propose the following as an appropriate, potential pathway forward to ensure successful trials for reduced MCS.

### **Clearly articulate the localised trial purpose**

The purpose of the trial must be explicitly defined. Trials should answer a clearly framed policy question, and defer reform. The Government needs to publish, and work with councils to develop:

- The specific risk uncertainties the trial seeks to resolve in the locality
- The modelling assumptions to address uncertainty
- The thresholds at which ongoing change would proceed

### **Establish a streamlined, time-bound approval pathway**

The current proposed approval structure is too uncertain. Trials must be accessible and predictable to encourage participation by councils and distributors alike, as partners to government and the regulators. A strengthened model should include:

- Establish a notification pathway - if certain criteria are met, a trial can proceed
- A single coordinated approval process (rather than multiple doors)
- Statutory decision timeframes for regulators and distribution businesses
- Clear criteria for approval or refusal, and how decisions are published
- Review opportunities where approval is unreasonably refused

### **Standardise data collection and evaluation**

A consistent or centralised evaluation framework should be developed prior to commencing any trial. Without a consistent methodology, trials risk producing fragmented or inconclusive evidence. If DEECA and ESV want the trials to be successful at collecting useful data to build a case for actual reform, this should include:

- Defined baseline data requirements
- Consistent methodology and ways to measure success (and failure) across trial sites
- Agreed performance indicators (e.g. fault rates, fire events, safety outcomes)
- That the size, duration and any consequences of faults or fires are recorded
- Public reporting of findings
- Pre-defined success criteria linked to promised change and ongoing reformed MCS

### **Provide dedicated funding and technical support**

Trials should not be unfunded regulatory experiments. Resourcing must reflect the fact that councils already bear full compliance costs. Resourcing investments should include:

- State funding to support council participation, or shared funding models between the state, councils and distributors
- Technical guidance and modelling support
- Shared data platforms

- Clarified cost-sharing arrangements where network engineering measures are relevant

### **Introduce safeguards**

Councils participating in regulator-approved trials must be protected from enforcement action where they act in accordance with approved parameters and reporting requirements. Clear statutory safeguard provisions would:

- Reduce legal risk
- Encourage innovation
- Provide certainty to councils and council insurers
- Provide reasonable timeframes for pruning trees if a trial was cancelled, that prioritises any trees that pose a higher risk

### **Commit to reform timelines**

Evidence gathering must lead to decision-making. Trials must not become open-ended. The Regulations should:

- Specify the duration of trials
- Commit to a formal review date
- Require the Victorian Government to determine and publish whether permanent reform will proceed within a defined timeframe

#### **RECOMMENDATION 2:**

**Abandon or substantially redesign the proposed trial framework**

- Do not limit reform to regulator-approved trials without a clear, published evidence base justifying the need for trials**
- If trials proceed, simplify approval pathways and establish clear statutory timeframes and accountability for regulators and distribution businesses**
- Ensure the trial process does not create unnecessary administrative or financial barriers to council participation**
- Include an appeal and dispute resolution process**
- Publish transparent criteria for trial design, risk assessment and success measures**
- Develop consistent data collection methodologies to ensure findings are robust, comparable and publicly available**
- Commit to using trial outcomes to inform timely regulatory reform**
- Clearly outline the resources required for councils to undertake trials, including technical, legal and data management capacity**
- Provide dedicated funding to support councils' participation and compliance**

## 5 MAV proposed additional changes to the regulations and legislation

We recommend that the 2026 regulations also incorporate the following changes:

### Reinstate the Electric Line Clearance Consultative Committee (ELCCC)

The process adopted for the consideration and preparation of the 2026 regulations has been disappointing and lacked transparency. It is also clear that there is limited, if any, support from local government for the introduction of trials, nor how trials should be undertaken.

The ELCCC, until it was abolished on 30 June 2025 by the *Energy and Land Legislation Amendment (Energy. Safety) Act 2025*, should have been retained to provide advice to government on the 2026 regulations, and beyond. MAV has previously called out governments for lacking genuine engagement on ELC reforms between 2015 to early 2019 when the Committee also did not exist.

Its functions were to provide advice to DEECA and ESV with regard to the preparation and maintenance of the Code; provide advice on any matter relating to the clearance of electric lines when requested so to do by ESV or the Minister; and report before 30 September each year to the Minister on the performance of its functions.

MAV is also disappointed that the abolition of the ELCCC is a lost opportunity and forum to bring DEECA and ESV as the policy designers and regulators together with councils and the distributors to work towards common goals, and share experiences and expertise.

Direct contact between local government and ESV in particular lacks under current arrangements. This is a gap MAV views could be bridged by re-convening the ELCCC.

From a local government perspective, many in the sector have noted that the abolition removed a dedicated, structured, transparent and accountable forum where councils could collectively test assumptions on clearance distances, engineering alternatives, and compliance costs before regulations were settled. In the example of the current consultation, the ELCCC could have provided expert advice to DEECA and ESV before going to public consultation on the trial model.

Greater local government representation on ELC matters is clearly needed. Likewise, given the increased understanding of the value and importance of trees in our urban and township areas, consideration must be given to reinstating the ELCCC.

*(see following page for relevant recommendation)*

**RECOMMENDATION 3:****Reinstate the Electric Line Clearance Consultative Committee (ELCCC)****Re-establishing the ELCCC (or an equivalent statutory body) should include:**

- a) Clear advisory functions to ESV and the Minister on Code preparation and regulatory amendments.**
- b) A mandated role in developing proposed trials before approval**
- c) Annual public reporting on performance and systemic issues, including trial outcomes**
- d) Formalised local government representation reflecting councils' operational and canopy management responsibilities**

**Unresolved cost and equity issues**

This submission has already cited that just as electricity network infrastructure is the distribution businesses' asset, so too are street trees council and community assets. Victoria's electric line clearance framework continues to impose a fundamentally inequitable and unresolved cost burden on local government. All while the call on maintaining, enhancing and increasingly urban canopy has been, and remains strong from Victorian communities.

In making this submission, MAV notes that metropolitan and many regional councils are required to fund the full cost of vegetation management to protect state-regulated electricity infrastructure and privately owned network assets, with no recurrent funding, cost-sharing mechanism, or alignment with council capacity to undertake the works.

MAV has frequently highlighted rising and volatile delivery costs are crowding out core local services and place the model on an unsustainable footing<sup>34</sup>.

The management of street trees to meet the regulations to protect another entity's infrastructure is a direct cross-subsidy from ratepayers to distributor companies. This is disproportionately felt by responsible regional and interface councils with extensive networks and constrained revenue bases. At the same time, councils carry the full financial, compliance and legal risk for a regime heavily influenced by network design and engineering settings outside their control, as outlined throughout our submission.

In other states and territories, line clearance largely sits with the distribution businesses as part of their core asset management and safety obligations. These are mostly funded through the regulated electricity system rather than rates. Costs can be shared with councils in some instances, like in New South Wales.

Without structural reform to cost allocation, the proposed regulatory changes do not address the central equity issue for the sector.

These are matters that a reestablished ELCCC or similar could address.

*(see following page for relevant recommendation)*

<sup>3</sup> Submission To Victorian Parliamentary Inquiry Into Local Government Funding And Services, June 2024  
[https://www.mav.asn.au/\\_data/assets/pdf\\_file/0005/42089/MAV-submission-parliamentary-inquiry-local-government-funding-and-service-delivery.pdf](https://www.mav.asn.au/_data/assets/pdf_file/0005/42089/MAV-submission-parliamentary-inquiry-local-government-funding-and-service-delivery.pdf)

<sup>4</sup> Submission To Parliamentary Inquiry Into Local Government Sustainability, June 2024  
[https://www.mav.asn.au/\\_data/assets/pdf\\_file/0003/35832/MAV-submission-Commonwealth-parliamentary-inquiry-into-local-government-sustainability.pdf](https://www.mav.asn.au/_data/assets/pdf_file/0003/35832/MAV-submission-Commonwealth-parliamentary-inquiry-into-local-government-sustainability.pdf)

**RECOMMENDATION 4:**

**Resolve cost and equity issues**

**Introduce a establish a formal, legislated cost-sharing model between the State, distribution businesses and local government that reflects the shared public safety, network reliability and community benefit outcomes, that:**

- d) Provides ongoing, indexed state funding to cover the full efficient cost of compliance with the Electric Line Clearance Regulations, including inspection, pruning, auditing, reporting and emergency response activities**
- e) Amend the regulatory and funding framework so that the costs of maintaining clearances for privately owned electricity infrastructure are recovered through the regulated energy system rather than municipal rates**
- f) Reform the framework so that financial and legal risk sits with the party that controls network design, engineering standards and asset settings, including decisions that directly influence clearance requirements**
- g) Commission an independent, transparent review comparing Victoria's model with other states to inform a fair and financially sustainable long-term funding and delivery framework**

MAV would be pleased to provide clarification on any information in this submission.  
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